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SENATE—*Tuesday, May 27, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, Maker and Ruler of men, we commend this Nation to Thy continued guidance. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Rekindle in all the people a new reverence for Thy precepts, a true love of liberty, and an elevated patriotism. Enter our hearts, our homes, and all our institutions with Thy cleansing and purifying power. Be sovereign Lord of our inner life and thought, and of our words and deeds, that we may manifest the glory of Thine eternal kingdom.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 26, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Vice President laid before the Senate two messages from the President of the United States, submitting two nominations, which were referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

THE POSTAL SERVICE ACT OF 1969—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

Total reform of the Nation's postal system is absolutely essential.

The American people want dependable, reasonably priced mail service, and postal employees want the kind of advantages enjoyed by workers in other major industries. Neither goal can be achieved within the postal system we have today.

The Post Office is not keeping pace with the needs of our expanding population or the rightful aspirations of our postal workers.

Encumbered by obsolete facilities, inadequate capital, and outdated operation practices, the Post Office Department is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment. It is time for a change.

Two years ago, Lawrence F. O'Brien, then Postmaster General, recognized that the Post Office was in "a race with catastrophe," and made the bold proposal that the postal system be converted into a Government-owned corporation. As a result of Mr. O'Brien's recommendations, a Presidential Commission was established to make a searching study of our postal system. After considering all the alternatives, the Commission likewise recommended a Government corporation. Last January, President Johnson endorsed that recommendation in his State of the Union message.

One of my first actions as President was to direct Postmaster General Winton M. Blount to review that proposal and others. He has made his own first-hand study of the problems besetting the postal service, and after a careful analysis has reported to me that only a complete reorganization of the postal system can avert the steady deterioration of this vital public service.

I am convinced that such a reorganization is essential. The arguments are overwhelming and the support is bipartisan. Postal Reform is not a partisan political issue, it is an urgent national requirement.

CAREER OPPORTUNITIES AND WORKING CONDITIONS

For many years the postal worker walked a dead-end street. Promotions all too often were earned by the right political connections rather than by merit. This Administration has taken steps to eliminate political patronage in the selection of postal employees; but there is more—much more—that must be done.

Postal employees must be given a work environment comparable to that found in the finest American enterprises. Today, particularly in our larger cities, postal workers labor in crowded, dismal, old fashioned buildings that are little short of disgraceful. Health services, employee facilities, training programs and other benefits enjoyed by the worker in private industry and in other Federal agencies are, all too often, unavailable to the postal worker. In an age when machines do the heavy work for private companies, the postal worker still shoulders, literally, the burden of the Nation's mail. That mail fills more than a billion sacks a year; and the men and women who move those sacks need help.

Postal employees must have a voice in determining their conditions of employment. They must be given a stake in the quality of the service the Department provides the public; they must be given a reason for pride in themselves and in the job they do. The time for action is now.

HIGHER DEFICITS AND INCREASING RATES

During all but seventeen years since 1838, when deficit financing became a way of life for the Post Office, the postal system has cost more than it has earned.

In this fiscal year, the Department will drain over a billion dollars from the national treesury to cover the deficit incurred in operating the Post Office. Over the last decade, the tax money used to shore up the postal system has amounted to more than eight billion dollars. Almost twice that amount will be diverted from the Treasury in the next ten years if the practices of the past are continued. We must not let that happen.

The money to meet these huge postal deficits comes directly out of the taxpayer's pocket—regardless of how much he uses the mails. It is bad business, bad government, and bad politics to pour this kind of tax money into an inefficient postal service. Every taxpayer in the United States—as well as every user of the mails—has an important stake in seeing that the Federal Government institutes the kind of reform that is needed to give the nation a modern and well managed postal system. Without such a system Congress will either have to raise postage rates far above any level presently contemplated, or the taxpayers will have to shoulder the burden of paying postal deficits the like of which they have never seen before.

Neither alternative is acceptable. The nation simply cannot afford the cost of maintaining an inefficient postal system. The will of the Congress and the will of the people is clear. They want fast, dependable and low-cost mail service. They want an end to the continuing cycle of higher deficits and increasing rates.

QUALITY POSTAL SERVICE

The Post Office is a business that provides a vital service which its customers, like the customers of a private business,

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purchase directly. A well managed business provides dependable service; but complaints about the quality of postal service under existing procedures are widespread. While most mail ultimately arrives at its destination, there is no assurance that important mail will arrive on time; and late mail—whether a birthday card or a proxy statement—is often no better than lost mail.

Delays and breakdowns constantly threaten the mails. A complete breakdown in service did in fact occur in 1966 in one of our largest cities, causing severe economic damage and personal hardship. Similar breakdowns could occur at any time in many of our major post offices. A major modernization program is essential to insure against catastrophe in the Post Office.

A modern postal service will not mean fewer postal workers. Mail volume—tied as it is to economic activity—is growing at such a rate that there will be no cutback in postal jobs even with the most dramatic gains in postal efficiency. Without a modernized postal system, however, more than a quarter of a million new postal workers will be needed in the next decade simply to move the growing mountain of mail. The savings that can be realized by holding employment near present levels can and should mean more pay and increased benefits for the three quarters of a million men and women who will continue to work in the postal service.

OPPORTUNITY THROUGH REFORM

While the work of the Post Office is that of a business enterprise, its organization is that of a political department. Traditionally it has been run as a Cabinet agency of the United States Government—one in which politics has been as important as efficient mail delivery. Under the present system, those responsible for managing the postal service do not have the authority that the managers of any enterprise must have over prices, wages, location of facilities, transportation and procurement activities and personnel policy.

Changes in our society have resulted in changes in the function of the Post Office Department. The postal system must be given a non-political management structure consistent with the job the postal system has to perform as a supplier of vital services to the public. Times change, and now is the time for change in the postal system.

I am, therefore, sending to the Congress reform legislation entitled the Postal Service Act of 1969.

POSTAL SERVICE ACT OF 1969

The reform that I propose represents a basic and sweeping change in direction; the ills of the postal service cannot be cured by partial reform.

The Postal Service Act of 1969 provides for:

—Removal of the Post Office from the Cabinet;
—Creation of an independent Postal Service wholly owned by the Federal Government;
—New and extensive collective bargaining rights for postal employees;
—Bond financing for major improvements;
—A fair and orderly procedure for changing postal rates, subject to Congressional review;
—Regular reports to Congress to facilitate Congressional oversight of the postal system;
—A self-supporting postal system.

The new government-owned corporation will be known as the United States Postal Service. It will be administered by a nine-member board of directors selected without regard to political affiliation. Seven members of the board, including the chairman, will be appointed by the President with the advice and consent of the Senate. These seven members will select a full-time chief executive officer, who will join with the seven others to select a second full-time executive who will also serve on the board.

Employees will retain their Civil Service annuity rights, veterans preference, and other benefits.

The Postal Service is unique in character. Therefore, there will be, for the first time in history, true collective bargaining in the postal system. Postal employees in every part of the United States will be given a statutory right to negotiate directly with management over wages and working conditions. A fair and impartial mechanism—with provision for binding arbitration—will be established to resolve negotiating impasses and disputes arising under labor agreements.

For the first time, local management will have the authority to work with employees to improve local conditions. A modernization fund adequate to the needs of the service will be available. The postal worker will finally take his rightful place beside the worker in private industry.

The Postal Service will become entirely self-supporting, except for such subsidies as Congress may wish to provide for specific public service groups. The Postal Service, like the Tennessee Valley Authority and similar public authorities, will be able to issue bonds as a means of raising funds needed for expansion and modernization of postal facilities and other purposes.

Proposals for changes in classes of mail or postage rates will be heard by expert rate commissioners, who will be completely independent of operating management. The Board of the Postal Service will review determinations made by the Rate Commissioners on rate and classification questions, and the Presidentially appointed members of the board will be empowered to modify such determinations if they consider it in the public interest to do so.

Congress will have express authority to veto decisions on rate and classification questions.

The activities of the Postal Service will be subject to Congressional oversight, and the Act provides for regular reports to Congress. The Postal Service and the rules by which it operates can, of course, be changed by law at any time.

TOWARD POSTAL EXCELLENCE

Removing the postal system from politics and the Post Office Department from the Cabinet is a sweeping reform. Traditions die hard and traditional institutions are difficult to abandon. But tradition is no substitute for performance, and if our postal system is to meet the expanding needs of the 1970s, we must act now.

Legislation, by itself, will not move the mail. This must be done by the three-quarters of a million dedicated men and women who today wear the uniform of the postal service. They must be given the right tools—financial, managerial, technological—to do the job. The legislation I proposed today will provide those tools.

There is no Democratic or Republican way of delivering the mail. There is only the right way.

This legislation will let the postal service do its job the right way, and I strongly recommend that it be promptly considered and promptly enacted.

RICHARD NIXON.

THE WHITE HOUSE, *May 27, 1969*.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 278.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 278) to consent to the New Hampshire-Vermont Interstate School Compact, which was, strike out all after the enacting clause, and insert:

That the Congress consent to the New Hampshire-Vermont Interstate School Compact which is substantially as follows:

"NEW HAMPSHIRE-VERMONT INTERSTATE SCHOOL COMPACT

"ARTICLE I

"GENERAL PROVISIONS

"A. STATEMENT OF POLICY.—It is the purpose of this compact to increase the educational opportunity within the states of New Hampshire and Vermont by encouraging the formation of interstate school districts which will each be a natural social and economic region with adequate financial resources and a number of pupils sufficient to permit the efficient use of school facilities within the interstate district and to provide improved instruction. The state boards of education of New Hampshire and Vermont may formulate and adopt additional standards consistent with this purpose and with these standards; and the formation of any interstate school district and the adoption of its articles of agreement shall be subject to the approval of both state boards as hereinafter set forth.

"B. REQUIREMENT OF CONGRESSIONAL APPROVAL.—This compact shall not become effective until approved by the United States Congress.

"C. DEFINITIONS.—The terms used in this compact shall be construed as follows, un-

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less a different meaning is clearly apparent from the language or context:

"a. 'Interstate school district' and 'interstate district' shall mean a school district composed of one or more school districts located in the state of New Hampshire associated under this compact with one or more school districts located in the state of Vermont, and may include either the elementary schools, the secondary schools, or both.

"b. 'Member school district' and 'member district' shall mean a school district located either in New Hampshire or Vermont which is included within the boundaries of a proposed or established interstate school district. In the case of districts located in Vermont, it shall include city school districts, town school districts, union school districts and incorporated school districts. Where appropriate, the term 'member district clerk' shall refer to the clerk of the city in which a Vermont school district is located, the clerk of the town in which a Vermont town school district is located, or the clerk of an incorporated school district.

"c. 'Elementary school' shall mean a school which includes all grades from kindergarten or grade one through not less than grade six nor more than grade eight.

"d. 'Secondary school' shall mean a school which includes all grades beginning no lower than grade seven and no higher than grade twelve.

"e. 'Interstate board' shall refer to the board serving an interstate school district.

"f. 'New Hampshire board' shall refer to the New Hampshire state board of education.

"g. 'Vermont board' shall refer to the Vermont state board of education.

"h. 'Commissioner' shall refer to commissioner of education.

"i. Where joint action by both state boards is required, each state board shall deliberate and vote by its own majority, but shall separately reach the same result or take the same action as the other state board.

"j. The terms 'professional staff personnel' and 'instructional staff personnel' shall include superintendents, assistant superintendents, administrative assistants, principals, guidance counsellors, special education personnel, school nurses, therapists, teachers, and other certified personnel.

"k. The term 'warrant' or 'warning' to mean the same for both states.

"ARTICLE II

"PROCEDURE FOR FORMATION OF AN INTERSTATE SCHOOL DISTRICT

"A. Creation of Planning Committee.—The New Hampshire and Vermont commissioners of education shall have the power, acting jointly to constitute and discharge one or more interstate school district planning committees. Each such planning committee shall consist of at least two voters from each of a group of two or more neighboring member districts. One of the representatives from each member district shall be a member of its school board, whose term on the planning committee shall be concurrent with his term as a school board member. The term of each member of a planning committee who is not also a school board member shall expire on June thirtieth of the third year following his appointment. The existence of any planning committee may be terminated either by vote of a majority of its members or by joint action of the commissioners. In forming and appointing members to an interstate school district planning board, the commissioners shall consider and take into account recommendations and nominations made by school boards of member districts. No member of a planning committee shall be disqualified because he is at the same time a member of another planning board or committee created under the provisions of this compact or under any other provisions of law. Any existing informal interstate school planning committee may be reconstituted as a formal planning committee in accordance with the provisions hereof, and its previous deliberations adopted and ratified by the reorganized formal planning committee. Vacancies on a planning committee shall be filled by the commissioners acting jointly.

"B. Operating Procedures of Planning Committee.—Each interstate school district planning committee shall meet in the first instance at the call of any member, and shall organize by the election of a chairman and clerk-treasurer, each of whom shall be a resident of a different state. Subsequent meetings may be called by either officer of the committee. The members of the committee shall serve without pay. The member districts shall appropriate money on an equal basis at each annual meeting to meet the expenses of the committee, including the cost of publication and distribution of reports and advertising. From time to time the commissioners may add additional members and additional member districts to the committee, and may remove members and member districts from the committee. An interstate school district planning committee shall act by majority vote of its membership present and voting.

"C. Duties of Interstate School District Planning Committee.—It shall be the duty of an interstate school district planning committee, in consultation with the commissioners and the state departments of education: to study the advisability of establishing an interstate school district in accordance with the standards set forth in paragraph A of Article I of this compact, its organization, operation and control, and the advisability of constructing, maintaining and operating a school or schools to serve the needs of such interstate district; to estimate the construction and operating costs thereof; to investigate the methods of financing such school or schools, and any other matters pertaining to the organization and operation of an interstate school district; and to submit a report or reports of its findings and recommendations to the several member districts.

"D. Recommendations and Preparation of Articles of Agreement.—An interstate school district planning committee may recommend that an interstate school district composed of all the member districts represented by its membership, or any specified combination of such member districts, be established. If the planning committee does recommend the establishment of an interstate school district, it shall include in its report such recommendation, and shall also prepare and include in its report proposed articles of agreement for the proposed interstate school district, which shall be signed by at least a majority of the membership of the planning committee, which set forth the following:

"a. The name of the interstate school district.

"b. The member districts which shall be combined to form the proposed interstate school district.

"c. The number, composition, method of selection and terms of office of the interstate school board, provided that:

"(1) The interstate school board shall consist of an odd number of members, not less than five nor more than fifteen;

"(2) The terms of office shall not exceed three years;

"(3) Each member district shall be entitled to elect at least one member of the interstate school board. Each member district shall either vote separately at the interstate school district meeting by the use of a distinctive ballot, or shall choose its member or members at any other election at which school officials may be chosen;

"(4) The method of election shall provide for the filing of candidates in advance of election and for the use of a printed nonpartisan ballot;

"(5) Subject to the foregoing, provision may be made for the election of one or more members at large.

"d. The grades for which the interstate school district shall be responsible.

"e. The specific properties of member districts to be acquired initially by the interstate school district and the general location of any proposed new schools to be initially established or constructed by the interstate school district.

"f. The method of apportioning the operating expenses of the interstate school district among the several member districts, and the time and manner of payments of such shares.

"g. The indebtedness of any member district which the interstate district is to assume.

"h. The method of apportioning the capital expenses of the interstate school district among the several member districts, which need not be the same as the method of apportioning operating expenses, and the time and manner of payment of such shares. Capital expenses shall include the cost of acquiring land and buildings for school purposes; the construction, furnishing and equipping of school buildings and facilities; and the payment of the principal and interest of any indebtedness which is incurred to pay for the same.

"i. The manner in which state aid, available under the laws of either New Hampshire or Vermont, shall be allocated, unless otherwise expressly provided in this compact or by the laws making such aid available.

"j. The method by which the articles of agreement may be amended, which amendments may include the annexation of territory, or an increase or decrease in the number of grades for which the interstate district shall be responsible, provided that no amendment shall be effective until approved by both state boards in the same manner as required for approval of the original articles of agreement.

"k. The date of operating responsibility of the proposed interstate school district and a proposed program for the assumption of operating responsibility for education by the proposed interstate school district, and any school construction; which the interstate school district shall have the power to vary by vote as circumstances may require.

"l. Any other matters, not incompatible with law, which the interstate school district planning committee may consider appropriate to include in the articles of agreement, including, without limitation:

"(1) The method of allocating the cost of transportation between the interstate district and member districts;

"(2) The nomination of individual school directors to serve until the first annual meeting of the interstate school district.

"E. Hearings.—If the planning committee recommends the formation of an interstate school district, it shall hold at least one public hearing on its report and the proposed articles of agreement within the proposed interstate school district in New Hampshire, and at least one public hearing thereon within the proposed interstate school district in Vermont. The planning committee shall give such notice thereof as it may determine to be reasonable, provided that such notice shall include at least one publication in a newspaper of general circulation within the proposed interstate school district not less than fifteen days (not counting the date of publication and not counting the date of the hearing) before the date of the first hearing. Such hearings may be adjourned from time to time and from place to place. The planning committee may revise the proposed articles of agreement after the date of the

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hearings. It shall not be required to hold further hearings on the revised articles of agreement but may hold one or more further hearings after notice similar to that required for the first hearings if the planning committee in its sole discretion determines that the revisions are so substantial in nature as to require further presentation to the public before submission to the State boards of education.

"F. Approval by States Boards.—After the hearings a copy of the proposed articles of agreement, as revised, signed by a majority of the planning committee, shall be submitted by it to each state board. The state boards may (a) if they find that the articles of agreement are in accord with the standards set forth in this compact and in accordance with sound educational policy, approve the same as submitted, or (b) refer them back to the planning committee for further study. The planning committee may make additional revisions to the proposed articles of agreement to conform to the recommendations of the state boards. Further hearings on the proposed articles of agreement shall not be required unless ordered by the state boards in their discretion. In exercising such discretion, the state boards shall take into account whether or not the additional revisions are so substantial in nature as to require further presentation to the public. If both state boards find that the articles of agreement as further revised are in accord with the standards set forth in this compact and in accordance with sound educational policy, they shall approve the same. After approval by both state boards, each state board shall cause the articles of agreement to be submitted to the school boards of the several member districts in each state for acceptance by the member districts as provided in the following paragraph. At the same time, each state board shall designate the form of warrant, date, time, place, and period of voting for the special meeting of the member district to be held in accordance with the following paragraph.

"G. Adoption by Member Districts.—Upon receipt of written notice from the state board in its state of the approval of the articles of agreement by both state boards, the school board of each member district shall cause the articles of agreement to be filed with the member district clerk. Within ten days after receipt of such notice, the school board shall issue its warrant for a special meeting of the member district, the warrant to be in the form, and the meeting be held at the time and place and in the manner prescribed by the state board. No approval of the superior court shall be required for such special school district meeting in New Hampshire. Voting shall be with the use of the check list by a ballot substantially in the following form:

" 'Shall the school district accept the provisions of the New Hampshire-Vermont Interstate School Compact providing for the establishment of an interstate school district, together with the school districts of ---------- and ----------, etc., in accordance with the provisions of the proposed articles of agreement filed with the school district (town, city or incorporated school district) clerk?

" 'Yes (☐)   No (☐)'

"If the articles of agreement included the nomination of individual school directors, those nominated from each member district shall be included in the ballot and voted upon, such election to become effective upon the formation of an interstate school district.

"If a majority of the voters present and voting in a member district vote in the affirmative, the clerk for such member district shall forthwith send to the state board in its state a certified copy of the warrant, certificate of posting, and minutes of the meeting of the district. If the state boards of both states find that a majority of the voters present and voting in each member district have voted in favor of the establishment of the interstate school district, they shall issue a joint certificate to that effect; and such certificate shall be conclusive evidence of the lawful organization and formation of the interstate school district as of its date of issuance.

"H. Resubmission.—If the proposed articles of agreement are adopted by one or more of the member districts but rejected by one or more of the member districts, the state boards may resubmit them, in the same form as previously submitted, to the rejecting member districts, in which case the school boards thereof shall resubmit them to the voters in accordance with paragraph G of this article. An affirmative vote in accordance therewith shall have the same effect as though the articles of agreement had been adopted in the first instance. In the alternative, the state boards may either (a) discharge the planning committee, or (b) refer the articles of agreement back for further consideration to the same or a reconstituted planning committee, which shall have all of the powers and duties as the planning committee as originally constituted.

"ARTICLE III

"POWERS OF INTERSTATE SCHOOL DISTRICTS

"A. Powers.—Each interstate school district shall be a body corporate and politic, with power to:

"a. To acquire, construct, extend, improve, staff, operate, manage and govern public schools within its boundaries;

"b. To sue and be sued, subject to the limitations of liability hereinafter set forth;

"c. To have a seal and alter the same at pleasure;

"d. To adopt, maintain and amend bylaws not inconsistent with this compact, and the laws of the two states;

"e. To acquire by purchase, condemnation, lease or otherwise, real and personal property for the use of its schools;

"f. To enter into contracts and incur debts;

"g. To borrow money for the purposes hereinafter set forth, and to issue its bonds or notes therefor;

"h. To make contracts with and accept grants and aid from the United States, the state of New Hampshire, the state of Vermont, any agency or municipality thereof, and private corporations and individuals for the construction, maintenance, reconstruction, operation and financing of its schools; and to do any and all things necessary in order to avail itself of such aid and cooperation;

"i. To employ such assistants, agents, servants, and independent contractors as it shall deem necessary or desirable for its purposes; and

"j. To take any other action which is necessary or appropriate in order to exercise any of the foregoing powers.

"ARTICLE IV

"DISTRICT MEETINGS

"A. General.—Votes of the district shall be taken at a duly warned meeting held at any place in the district, at which all of the eligible legal voters of the member districts shall be entitled to vote, except as otherwise provided with respect to the election of directors.

"B. Eligibility of Voters.—Any resident who would be eligible to vote at a meeting of a member district being held at the same time, shall be eligible to vote at a meeting of the interstate district. The board of civil authority in each Vermont member district and the supervisors of the check list of each New Hampshire district shall respectively prepare a check list of eligible voters for each meeting of the interstate district in the same manner, and they shall have all the same powers and duties with respect to eligibility of voters in their districts as for a meeting of a member district.

"C. Warning of Meeting.—A meeting shall be warned by a warrant addressed to the residents of the interstate school district qualified to vote in district affairs, stating the time and place of the meeting and the subject matter of the business to be acted upon. The warrant shall be signed by the clerk and by a majority of the directors. Upon written application of ten or more voters in the district, presented to the directors or to one of them, at least twenty-five days before the day prescribed for an annual meeting, the directors shall insert in their warrant for such meeting any subject matter specified in such application.

"D. Posting and Publication of Warrant.—The directors shall cause an attested copy of the warrant to be posted at the place of meeting, and a like copy at a public place in each member district at least twenty days (not counting the date of posting and the date of meeting) before the date of the meeting. In addition, the directors shall cause the warrant to be advertised in a newspaper of general circulation on at least one occasion, such publication to occur at least ten days (not counting the date of publication and not counting the date of the meeting) before the date of the meeting. Although no further notice shall be required, the directors may give such further notice of the meeting as they in their discretion deem appropriate under the circumstances.

"E. Return of Warrant.—The warrant with a certificate thereon, verified by oath, stating the time and place when and where copies of the warrant were posted and published, shall be given to the clerk of the interstate school district at or before the time of the meeting, and shall be recorded by him in the records of the interstate school district.

"F. Organization Meeting.—The commissioners, acting jointly, shall fix a time and place for a special meeting of the qualified voters within the interstate school district for the purpose of organization, and shall prepare and issue the warrant for the meeting after consultation with the interstate school district planning board and the members-elect, if any, of the interstate school board of directors. Such meeting shall be held within sixty days after the date of issuance of the certificate of formation, unless the time is further extended by the joint action of the state boards. At the organization meeting the commissioner of education of the state where the meeting is held, or his designate, shall preside in the first instance, and the following business shall be transacted:

"a. A temporary moderator and temporary clerk shall be elected from among the qualified voters who shall serve until a moderator and clerk respectively have been elected and qualified.

"b. A moderator, a clerk, a treasurer, and three auditors shall be elected to serve until the next annual meeting and thereafter until their successors are elected and qualified. Unless previously elected, a board of school directors shall be elected to serve until their successors are elected and qualified.

"c. The date for the annual meeting shall be established.

"d. Provision shall be made for the payment of any organizational or other expense incurred on behalf of the district before the organization meeting, including the cost of architects, surveyors, contractors, attorneys, and educational or other consultants or experts.

"e. Any other business, the subject matter of which has been included in the warrant, and which the voters would have had power to transact at an annual meeting.

"G. Annual Meetings.—An annual meeting of the district shall be held between

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January fifteenth and June first of each year at such time as the interstate district may by vote determine. Once determined, the date of the annual meeting shall remain fixed until changed by vote of the interstate district at a subsequent annual or special meeting. At each annual meeting the following business shall be transacted:

"a. Necessary officers shall be elected.

"b. Money shall be appropriated for the support of the interstate district schools for the fiscal year beginning the following July first.

"c. Such other business as may properly come before the meeting.

"H. Special Meetings.—A special meeting of the district shall be held whenever, in the opinion of the directors, there is occasion therefor, or whenever written application shall have been made by five per centum or more of the voters (based on the check lists as prepared for the last preceding meeting) setting forth the subject matter upon which such action is desired. A special meeting may appropriate money without compliance with RSA 33:8 or RSA 197:3 which would otherwise require the approval of the New Hampshire superior court.

"I. Certification of Records.—The clerk of an interstate school district shall have the power to certify the record of the votes adopted at an interstate school district meeting to the respective commissioners and state boards and (where required) for filing with a secretary of state.

"J. Method of Voting at School District Meetings.—Voting at meetings of interstate school districts shall take place as follows:

"a. School directors.—A separate ballot shall be prepared for each member district, listing the candidates for interstate school director to represent such member district; and any candidates for interstate school director at large; and the voters of each member district shall register on a separate ballot their choice for the office of school director or directors. In the alternative, the articles of agreement may provide for the election of school directors by one or more of the member districts at an election otherwise held for the choice of school or other municipal officers.

"b. Other votes.—Except as otherwise provided in the articles of agreement or this compact, with respect to all other votes (1) the votes of the interstate school district shall vote as one body irrespective of the member districts in which they are resident, and (2) a simple majority of those present and voting at any duly warned meeting shall carry the vote. Voting for officers to be elected at any meeting, other than school directors, shall be by ballot or voice, as the interstate district may determine, either in its articles of agreement or by a vote of the meeting.

"ARTICLE V

"OFFICERS

"A. Officers: General.—The officers of an interstate school district shall be a board of school directors, a chairman of the board, a vice chairman of the board, a secretary of the board, a moderator, a clerk, a treasurer and three auditors. Except as otherwise specifically provided, they shall be eligible to take office immediately following their election; they shall serve until the next annual meeting of the interstate district and until their successors are elected and qualified. Each shall take oath for the faithful performance of his duties before the moderator, or a notary public or a justice of the peace of the state in which the oath is administered. Their compensation shall be fixed by vote of the district. No person shall be eligible to any district office unless he is a voter in the district. A custodian, school teacher, principal, superintendent or other employee of an interstate district acting as such shall not be eligible to hold office as a school director.

"B. Board of Directors.—

"a. How chosen.—Each member district shall be represented by at least one resident on the board of school directors of an interstate school district. A member district shall be entitled to such further representation on the interstate board of school directors as provided in the articles of agreement as amended from time to time. The articles of agreement as amended from time to time may provide for school directors at large, as above set forth. No person shall be disqualified to serve as a member of an interstate board because he is at the same time a member of the school board of a member district.

"b. Term.—Interstate school directors shall be elected for terms in accordance with the articles of agreement.

"c. Duties of board of directors.—The board of school directors of an interstate school district shall have and exercise all of the powers of the district not reserved herein to the voters of the district.

"d. Organization.—The clerk of the district shall warn a meeting of the board of school directors to be held within ten days following the date of the annual meeting, for the purpose of organizing the board, including the election of its officers.

"C. Chairman of the Board.—The chairman of the board of interstate school directors shall be elected by the interstate board from among its members at its first meeting following the annual meeting. The chairman shall preside at the meetings of the board and shall perform such other duties as the board may assign to him.

"D. Vice-Chairman of the Board of Directors.—The vice-chairman of the interstate board shall be elected in the same manner as the chairman. He shall represent a member district in a state other than that represented by the chairman. He shall preside in the absence of the chairman and shall perform such other duties as may be assigned to him by the interstate board.

"E. Secretary of the Board.—The Secretary of the interstate board shall be elected in the same manner as the chairman. Instead of electing one of its members, the interstate board may appoint the interstate district clerk to serve as secretary of the board in addition to his other duties. The secretary of the interstate board (or the interstate district clerk, if so appointed) shall keep the minutes of its meetings, shall certify its records, and perform such other duties as may be assigned to him by the board.

"F. Moderator.—The moderator shall preside at the district meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. He may prescribe rules of procedure; but such rules may be altered by the district. He may administer oaths to district officers in either state.

"G. Clerk.—The clerk shall keep a true record of all proceedings at each district meeting, shall certify its records, shall make an attested copy of any records of the district for any person upon request and tender of reasonable fees therefor, if so appointed, shall serve as secretary of the board of school directors, and shall perform such other duties as may be required by custom or law.

"H. Treasurer.—The treasurer shall have custody of all of the monies belonging to the district and shall pay out the same only upon the order of the interstate board. He shall keep a fair and accurate account of all sums received into and paid from the interstate district treasury, and at the close of each fiscal year he shall make a report to the interstate district, giving a particular account of all receipts and payments during the year. He shall furnish to the interstate directors, statements from his books and submit his books and vouchers to them and to the district auditors for examination whenever so requested. He shall make all returns called for by laws relating to school districts. Before entering on his duties, the treasurer shall give a bond with sufficient sureties and in such sum as the directors may require. The treasurer's term of office is from July 1 to the following June 30.

"I. Auditors.—At the organization meeting of the district, three auditors shall be chosen, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years. After the expiration of each original term, the successor shall be chosen for a three year term. At least one auditor shall be a resident of New Hampshire, and one auditor shall be a resident of Vermont. An interstate district may vote to employ a certified public accountant to assist the auditors in the performance of their duties. The auditors shall carefully examine the accounts of the treasurer and the directors at the close of each fiscal year, and at such other times whenever necessary, and report to the district whether the same are correctly cast and properly vouched.

"J. Superintendent.—The superintendent of schools shall be selected by a majority vote of the board of school directors of the interstate district with the approval of both commissioners.

"K. Vacancies.—Any vacancy among the elected officers of the district shall be filled by the interstate board until the next annual meeting of the district or other election, when a successor shall be elected to serve out the remainder of the unexpired term, if any. Until all vacancies on the interstate board are filled, the remaining members shall have full power to act.

"ARTICLE VI

"APPROPRIATION AND APPORTIONMENT OF FUNDS

"A. Budget.—Before each annual meeting, the interstate board shall prepare a report of expenditures for the preceding fiscal year, an estimate of expenditures for the current fiscal year, and a budget for the succeeding fiscal year.

"B. Appropriation.—The interstate board of directors shall present the budget report of the annual meeting. The interstate district shall appropriate a sum of money for the support of its schools and for the discharge of its obligations for the ensuing fiscal year.

"C. Apportionment of Appropriation.—Subject to the provisions of article VII hereof, the interstate board shall first apply against such appropriation any income to which the interstate district is entitled, and shall then apportion the balance among the member districts in accordance with one of the following formulas as determined by the articles of agreement as amended from time to time:

"a. All of such balance to be apportioned on the basis of the ratio that the fair market value of the taxable property in each member district bears to that of the entire interstate district; or

"b. All of such balance to be apportioned on the basis that the average daily resident membership for the preceding fiscal year of each member district bears to that of the average daily resident membership of the entire interstate school district; or

"c. A formula based on any combination of the foregoing factors. The term 'fair market value of taxable property' shall mean the last locally assessed valuation of a member district in New Hampshire, as last equalized by the New Hampshire state tax commission.

"The term 'fair market value of taxable property' shall mean the equalized grand list of a Vermont member district, as determined by the Vermont department of taxes.

"Such assessed valuation and grand list may be further adjusted (by elimination of certain types of taxable property from one or the other or otherwise) in accordance with the articles of agreement, in order that the fair market value of taxable property in each state shall be comparable.

"'Average daily resident membership' of

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the interstate district in the first instance shall be the sum of the average daily resident membership of the member districts in the grades involved for the preceding fiscal year where no students were enrolled in the interstate district schools for such preceding fiscal year.

"D. Share of New Hampshire Member District.—The interstate board shall certify the share of a New Hampshire member district of the total appropriation to the school board of each member district which shall add such sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district. The interstate district shall not set up its own capital reserve funds; but a New Hampshire member district may set up a capital reserve fund in accordance with RSA 35, to be turned over to the interstate district in payment of the New Hampshire member district's share of any anticipated obligations.

"E. Share of Vermont Member District.—The interstate board shall certify the share of a Vermont member district of the total appropriation to the school board of each member district which shall add sum to the amount appropriated by the member district itself for the ensuing year and raise such sum in the same manner as though the appropriation had been voted at a school district meeting of the member district.

"Article VII

"BORROWING

"A. Interstate District Indebtedness.—Indebtedness of an interstate district shall be a general obligation of the district and shall also be a joint and several general obligation of each member district, except that such obligations of the district and its member districts shall not be deemed indebtedness of any member district for the purposes of determining its borrowing capacity under New Hampshire or Vermont law. A member district which withdraws from an interstate district shall remain liable for indebtedness of the interstate district which is outstanding at the time of withdrawal and shall be responsible for paying its share of such indebtedness to the same extent as though it had not been withdrawn.

"B. Temporary Borrowing.—The interstate board may authorize the borrowing of money by the interstate district (1) in anticipation of payments of operating and capital expenses by the member districts to the interstate districts and (2) in anticipation of the issue of bonds or notes of the interstate district which have been authorized for the purpose of financing capital projects. Such temporary borrowing shall be evidenced by interest bearing or discounted notes of the interstate district. The amount of notes issued in any fiscal year in anticipation of expense payments shall not exceed the amount of such payments received by the interstate district in the preceding fiscal year. Notes issued under this paragraph shall be payable within one year in the case of notes under clause (1) and three years in the case of notes under clause (2) from their respective dates, but the principal of and interest on notes issued for a shorter period may be renewed or paid from time to time by the issue of other notes, provided that the period from the date of an original note to the maturity of any note issued to renew or pay the same debt shall not exceed the maximum period permitted for the original loan.

"C. Borrowing for Capital Projects.—An interstate district may incur debt and issue its bonds or notes to finance capital projects. Such projects may consist of the acquisition or improvement of land and buildings for school purposes, the construction, reconstruction, alteration, or enlargement of school buildings and related school facilities, the acquisition of equipment of a lasting character and the payment of judgments. No interstate district may authorize indebtedness in excess of ten percent of the total fair market value of taxable property in its member districts as defined in article VI of this compact. The primary obligation of the interstate district to pay indebtedness of member districts shall not be considered indebtedness of the interstate district for the purpose of determining its borrowing capacity under this paragraph. Bonds or notes issued under this paragraph shall mature in equal or diminishing installments of principal payable at least annually commencing no later than two years and ending not later than thirty years after their dates.

"D. Authorization Proceedings.—An interstate district shall authorize the incurring of debts to finance capital projects by a majority vote of the district passed at an annual or special district meeting. Such vote shall be taken by secret ballot after full opportunity for debate, and any such vote shall be subject to reconsideration and further action by the district at the same meeting or at an adjourned session thereof.

"E. Sale of Bonds and Notes.—Bonds and notes which have been authorized under this article may be issued from time to time and shall be sold at not less than par and accrued interest at public or private sale by the chairman of the school board and by the treasurer. Interstate district bonds and notes shall be signed by the said officers, except that either one of the two required signatures may be a facsimile. Subject to this compact and the authorizing vote, they shall be in such form, bear such rates of interest and mature at such times as the said officers may determine. Bonds shall, but notes need not, bear the seal of the interstate district, or a facsimile of such seal. Any bonds or notes of the interstate district which are properly executed by the said officers shall be valid and binding according to their terms notwithstanding that before the delivery thereof such officers may have ceased to be officers of the interstate district.

"F. Proceeds of Bonds.—Any accrued interest received upon delivery of bonds or notes of an interstate district shall be applied to the payment of the first interest which becomes due thereon. The other proceeds of the sale of such bonds or notes, other than temporary notes, including any premiums, may be temporarily invested by the interstate district pending their expenditure; and such proceeds, including any income derived from the temporary investment of such proceeds, shall be used to pay the costs of issuing and marketing the bonds or notes and to meet the operating expenses or capital expenses in accordance with the purposes for which the bonds or notes were issued or, by proceedings taken in the manner required for the authorization of such debt, for other purposes for which such debt could be incurred. No purchaser of any bonds or notes of an interstate district shall be responsible in any way to see to the application of the proceeds thereof.

"G. State Aid Programs.—As used in this paragraph the term 'initial aid' shall include New Hampshire and Vermont financial assistance with respect to a capital project, or the means of financing a capital project, which is available in connection with construction costs of a capital project or which is available at the time indebtedness is incurred to finance the project. Without limiting the generality of the foregoing definition, initial aid shall specifically include a New Hampshire state guarantee under RSA 195–B with respect to bonds or notes and Vermont construction aid under chapter 123 of 16 V.S.A. As used in this paragraph the term 'long-term aid' shall include New Hampshire and Vermont financial assistance which is payable periodically in relation to capital costs incurred by an interstate district. Without limiting the generality of the foregoing definition, long-term aid shall specifically include New Hampshire school building aid under RSA 198 and Vermont school building aid under chapter 123 of Title 16 V.S.A. For the purpose of applying for, receiving and expending initial aid and long-term aid an interstate district shall be deemed a native school district by each state, subject to the following provision. When an interstate district has appropriated money for a capital project, the amount appropriated shall be divided into a New Hampshire share and a Vermont share in accordance with the capital expense apportionment formula in the articles of agreement as though the total amount appropriated for the project was a capital expense requiring apportionment in the year the appropriation is made. New Hampshire initial aid shall be available with respect to the amount of the New Hampshire share as though it were authorized indebtedness of a New Hampshire cooperative school district. In the case of a state guarantee of interstate districts bonds or notes under RSA 195–B, the interstate district shall be eligible to apply for and receive an unconditional state guarantee with respect to an amount of its bonds or notes which does not exceed fifty per cent of the amount of the New Hampshire share as determined above. Vermont initial aid shall be available with respect to the amount of the Vermont share as though it were funds voted by a Vermont school district. Payments of Vermont initial aid shall be made to the interstate district, and the amount of any borrowing authorized to meet the appropriation for the capital project shall be reduced accordingly. New Hampshire and Vermont long-term aid shall be payable to the interstate district. The amounts of long-term aid in each year shall be based on the New Hampshire and Vermont shares of the amount of indebtedness of the interstate district which is payable in that year and which has been apportioned in accordance with the capital expense apportionment formula in the articles of agreement. The New Hampshire aid shall be payable at the rate of forty-five percent, if there are three or less New Hampshire members in the interstate district, and otherwise it shall be payable as though the New Hampshire members were a New Hampshire cooperative school district. New Hampshire and Vermont long-term aid shall be deducted from the total capital expenses for the fiscal year in which the long-term aid is payable, and the balance of such expenses shall be apportioned among the member districts. Notwithstanding the foregoing provisions, New Hampshire and Vermont may at any time change their state school aid programs that are in existence when this compact takes effect and may establish new programs, and any legislation for these purposes may specify how such programs shall be applied with respect to interstate districts.

"H. Tax Exemption.—Bonds and notes of an interstate school district shall be exempt from local property taxes in both states, and the interest or discount thereon and any profit derived from the disposition thereof shall be exempt from personal income taxes in both states.

"Article VIII

"TAKING OVER OF EXISTING PROPERTY

"A. Power To Acquire Property of Member District.—The articles of agreement, or an amendment thereof, may provide for the acquisition by an interstate district from a member district of all or a part of its existing plant and equipment.

"B. Valuation.—The articles of agreement, or the amendment, shall provide for the determination of the value of the property to be acquired in one or more of the following ways:

"a. A valuation set forth in the articles of agreement or the amendment.

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"b. By appraisal, in which case, one appraiser shall be appointed by each commissioner, and a third appraiser appointed by the first two appraisers.

"C. REIMBURSEMENT TO MEMBER DISTRICT.—The articles of agreement shall specify the method by which the member district shall be reimbursed by the interstate district for the property taken over, in one or more of the following ways:

"a. By one lump sum, appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"b. In installments over a period of not more than twenty years, each of which is appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"c. By an agreement to assume or reimburse the member district for all principal and interest on any outstanding indebtedness originally incurred by the member district to finance the acquisition and improvement of the property, each such installment to be appropriated, allocated, and raised by the interstate district in the same manner as an appropriation for operating expenses.

"The member district transferring the property shall have the same obligation to pay to the interstate district its share of the cost of such acquisition, but may offset its right to reimbursement.

"ARTICLE IX

"AMENDMENTS TO ARTICLES OF AGREEMENT

"A. Amendments to the articles of agreement may be adopted in the same manner provided for the adoption of the original articles of agreement, except that:

"a. Unless the amendment calls for the addition of a new member district, the functions of the planning committee shall be carried out by the interstate district board of directors.

"b. If the amendment proposes the addition of a new member district, the planning committee shall consist of all of the members of the interstate board and all of the members of the school board of the proposed new member district or districts. In such case the amendment shall be submitted to the voters at an interstate district meeting, at which an affirmative vote of two-thirds of those present and voting shall be required. The articles of agreement together with the proposed amendment shall be submitted to the voters of the proposed new member district at a meeting thereof, at which a simple majority of those present and voting shall be required.

"c. In all cases an amendment may be adopted on the part of an interstate district upon the affirmative vote of voters thereof at a meeting voting as one body. Except where the amendment proposes the admission of a new member district, a simple majority of those present and voting shall be required for adoption.

"d. No amendment to the articles of agreement may impair the rights of bond or note holders or the power of the interstate district to procure the means for their payment.

"ARTICLE X

"APPLICABILITY OF NEW HAMPSHIRE LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in New Hampshire, the provisions of New Hampshire law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. NEW HAMPSHIRE STATE AID.—A New Hampshire school district shall be entitled to receive an amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the New Hampshire member district, and as though the New Hampshire member district pupils attending the interstate school were attending a New Hampshire cooperative school district's school. The state aid shall be paid to the New Hampshire member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF THE NEW HAMPSHIRE MEMBER SCHOOL DISTRICT.—A New Hampshire member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The New Hampshire member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor, unless the indebtedness is specifically assumed in accordance with the articles of agreement. Any trust funds or capital reserve funds and any property not taken over by the interstate district shall be retained by the New Hampshire member district and held or disposed of according to law. If all of the schools in a member district are incorporated into an interstate district, then no annual meeting of the member district shall be required unless the members of the interstate board from the member district shall determine that there is occasion for such an annual meeting.

"D. SUIT AND SERVICE OF PROCESS IN NEW HAMPSHIRE.—The courts of New Hampshire shall have the same jurisdiction over the district as though a New Hampshire member district were a party instead of the interstate district. The service necessary to institute suit in New Hampshire shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who reside in New Hampshire, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in New Hampshire shall be considered an employee of a New Hampshire school district for the purpose of the New Hampshire teachers' retirement system, the New Hampshire state employees' retirement system, the New Hampshire workmen's compensation law and any other law relating to the regulation of employment or the provision of benefits for employees of New Hampshire school districts except as follows:

"1. A teacher in a New Hampshire member district may elect to remain a member of the New Hampshire teachers' retirement system, even though assigned to teach in an interstate school in Vermont.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of New Hampshire or the state of Vermont but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedure of the retirement systems; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

"ARTICLE XI

"APPLICABILITY OF VERMONT LAWS

"A. GENERAL SCHOOL LAWS.—With respect to the operation and maintenance of any school of the district located in Vermont, the provisions of Vermont law shall apply except as otherwise provided in this compact and except that the powers and duties of the school board shall be exercised and discharged by the interstate board and the powers and duties of the union superintendent shall be exercised and discharged by the interstate district superintendent.

"B. VERMONT STATE AID.—A Vermont school district shall be entitled to receive such amount of state aid for operating expenditures as though its share of the interstate district's expenses were the expenses of the Vermont member district, and as though the Vermont member district pupils attending the interstate schools were attending a Vermont union school district's schools. Such state aid shall be paid to the Vermont member school district to reduce the sums which would otherwise be required to be raised by taxation within the member district.

"C. CONTINUED EXISTENCE OF VERMONT MEMBER SCHOOL DISTRICT.—A Vermont member school district shall continue in existence, and shall have all of the powers and be subject to all of the obligations imposed by law and not herein delegated to the interstate district. If the interstate district incorporates only a part of the schools in the member school district, then the school board of the member school district shall continue in existence and it shall have all of the powers and be subject to all of the obligations imposed by law on it and not herein delegated to the district. However, if all of the schools in the member school district are incorporated into the interstate school district, then the member or members of the interstate board representing the member district shall have all of the powers and be subject to all of the obligations imposed by law on the members of a school board for the member district and not herein delegated to the interstate district. The Vermont member school district shall remain liable on its existing indebtedness; and the interstate school district shall not become liable therefor. Any trust funds and any property not taken over shall be retained by the Vermont member school district and held or disposed of according to law.

"D. SUIT AND SERVICE OF PROCESS IN VERMONT.—The courts of Vermont shall have the same jurisdiction over the districts as though a Vermont member district were a party instead of the interstate district. The service necessary to institute suit in Vermont shall be made on the district by leaving a copy of the writ or other proceedings in hand or at the last and usual place of abode of one of the directors who resides in Vermont, and by mailing a like copy to the clerk and to one other director by certified mail with return receipt requested.

"E. EMPLOYMENT.—Each employee of an interstate district assigned to a school located in Vermont shall be considered an employee of a Vermont school district for the purpose of the state teachers' retirement system of Vermont, the state employees' retirement system, the Vermont

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workmen's compensation law, and any other law relating to the regulation of employment or the provision of benefits for employees of Vermont school districts except as follows:

"1. A teacher in a Vermont member district may elect to remain a member of the state teachers' retirement system of Vermont, even though assigned to teach in an interstate school in New Hampshire.

"2. Employees of interstate districts designated as professional or instructional staff members, as defined in article I hereof, may elect to participate in the teachers' retirement system of either the state of Vermont or the state of New Hampshire but in no case will they participate in both retirement systems simultaneously.

"3. It shall be the duty of the superintendent in an interstate district to: (a) advise teachers and other professional staff employees contracted for the district about the terms of the contract and the policies and procedures of the retirement system; (b) see that each teacher or professional staff employee selects the retirement system of his choice at the time his contract is signed; (c) provide the commissioners of education in New Hampshire and in Vermont with the names and other pertinent information regarding each staff member under his jurisdiction so that each may be enrolled in the retirement system of his preference.

"ARTICLE XII

"ADOPTION OF COMPACT BY DRESDEN SCHOOL DISTRICT

"The Dresden School District, otherwise known as the Hanover-Norwich Interstate School District, authorized by New Hampshire laws of 1961, chapter 116, and by the laws of Vermont, is hereby authorized to adopt the provisions of this compact and to become an interstate school district within the meaning hereof, upon the following conditions and subject to the following limitations:

"a. Articles of agreement shall be prepared and signed by a majority of the directors of the interstate school district.

"b. The articles of agreement shall be submitted to an annual or special meeting of the Dresden district for adoption.

"c. An affirmative vote of two-thirds of those present and voting shall be required for adoption.

"d. Nothing contained therein, or in this compact, as it affects the Dresden School District shall affect adversely the rights of the holders of any bonds or other evidences of indebtedness then outstanding, or the rights of the district to procure the means for payment thereof previously authorized.

"e. The corporate existence of the Dresden School District shall not be terminated by such adoption of articles of amendment, but shall be deemed to be so amended that it shall thereafter be governed by the terms of this compact.

"ARTICLE XIII

"MISCELLANEOUS PROVISIONS

"A. Studies.—Insofar as practicable, the studies required by the laws of both states shall be offered in an interstate school district.

"B. Textbooks.—Textbooks and scholar's supplies shall be provided at the expense of the interstate district for pupils attending its schools.

"C. Transportation.—The allocation of the cost of transportation in an interstate school district, as between the interstate district and the member districts, shall be determined by the articles of agreement.

"D. Location of Schoolhouses.—In any case where a new schoolhouse or other school facility is to be constructed or acquired, the interstate board shall first determine whether it shall be located in New Hampshire or in Vermont. If it is to be located in New Hampshire, RSA 199, relating to schoolhouses, shall apply. If it is to be located in Vermont, the Vermont law relating to schoolhouses shall apply.

"E. Fiscal Year.—The fiscal year of each interstate district shall begin on July first of each year and end on June thirtieth of the following year.

"F. Immunity From Tort Liability.—Notwithstanding the fact that an interstate district may derive income from operating profit, fees, rentals, and other services, it shall be immune from suit and from liability for injury to persons or property and for other torts caused by it or its agents, servants, or independent contractors, except insofar as it may have undertaken such liability under RSA 281:7 relating to workmen's compensation, or RSA 412:3 relating to the procurement of liability insurance by a governmental agency and except insofar as it may have undertaken such liability under 21 V.S.A. Section 621 relating to workmen's compensation or 29 V.S.A. Section 1403 relating to the procurement of liability insurance by a governmental agency.

"G. Administrative Agreement Between Commissioners of Education.—The commissioners of education of New Hampshire and Vermont may enter into one or more administrative agreements prescribing the relationship between the interstate districts, member districts, and each of the two state departments of education, in which any conflicts between the two states in procedure, regulations, and administrative practices may be resolved.

"H. Amendment.—Neither state shall amend its legislation or any agreement authorized thereby without the consent of the other in such manner as to substantially adversely affect the rights of the other state or its people hereunder, or as to substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness then outstanding or the rights of an interstate school district to procure the means for payment thereof. Subject to the foregoing, any reference herein to other statutes of either state shall refer to such statute as it may be amended or revised from time to time.

"I. Separability.—If any of the provisions of this compact, or legislation enabling the same, shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this compact are declared to be severable.

"J. Inconsistency of Language.—The validity of this compact shall not be affected by any insubstantial differences in its form or language as adopted by the two states.

"ARTICLE XIV

"EFFECTIVE DATE

"This compact shall become effective when agreed to by the States of New Hampshire and Vermont and approved by the United States Congress."

"Sec. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by or concerning any school district created under the New Hampshire-Vermont Interstate School Compact as is deemed appropriate by the Congress or such committee."

Sec. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, MAY 29, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Thursday next.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMISSION ON BALANCED ECONOMIC DEVELOPMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of one unobjected to measure on the calendar, Calendar No. 191, Senate Joint Resolution 60.

The VICE PRESIDENT. The joint resolution will be stated by title.

The Legislative Clerk. The joint resolution (S.J. Res. 60) to establish a Commission on Balanced Economic Development.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 60

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

DECLARATION OF PURPOSE

Section 1. The Congress finds and declares that there is a need for more information and understanding concerning the means for achieving a better geographic and population balance in the economic development of the Nation. With a view to providing such information and understanding, it is the purpose of this joint resolution to establish a bipartisan commission to undertake a thorough study and analysis of current geographic trends in the economic development of the Nation, the causative factors influencing the same, the implications thereof in terms of the distribution of population the effect of governmental actions in shaping such trends, and the factors, private and public influencing the geographic location of industry and commerce and the movement of population as an aid to the formulation of policy at all levels of government.

ESTABLISHMENT OF COMMISSION

Sec. 2. (a) There is hereby established a commission to be known as the Commission on Balanced Economic Development (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty members to be appointed by the President as follows:

(1) Four members to be appointed from among residents of cities in the United States with a population of at least one million persons.

(2) Four members to be appointed from among residents of cities in the United States

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with a population of less than one million persons, but not less than one hundred thousand persons.

(3) Four members to be appointed from among residents of cities in the United States with a population of less than one hundred thousand persons, but not less than ten thousand persons.

(4) Four members to be appointed from among residents of towns, villages, and communities in the United States with a population of less than ten thousand persons.

(5) Four members to be appointed without regard to residence or political affiliation from among citizens of the United States who are specially qualified by training, experience, or knowledge in any field pertinent to the subject matter to be studied by the Commission.

(c) In the case of each class of four members described in clauses (1), (2), (3), and (4) of subsection (b), not more than half shall be members of the same political party.

(d) For the purposes of clauses (1), (2), (3), and (4) of subsection (b), the population of any city, town, village, or community in the United States shall be determined upon the basis of data contained in the current decennial census of population taken in the United States.

(e) The Commission shall elect a Chairman and a Vice Chairman from among its members.

(f) Eleven members of the Commission shall constitute a quorum.

(g) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

SEC. 3. The Commission shall undertake a thorough and objective study and investigation in furtherance of the purposes set forth in section 1. Such study and investigation shall include, without being limited to—

(1) an analysis and evaluation of the economic physical environmental, social, and political factors which affect the geographic location of industry and the movement of population;

(2) an analysis and evaluation of the economic, social, and political factors which are necessary in order for industries to operate efficiently outside the large urban centers or to operate and expand within the large urban centers without the creation of new economic and social problems;

(3) a consideration of the ways and means whereby the Federal Government might effectively encourage a more balanced industrial and economic growth throughout the Nation;

(4) an analysis and evaluation of the limits imposed upon population density in order for municipalities, or other political subdivisions, to provide necessary public services in the most efficient and effective manner;

(5) an analysis and evaluation of the effect on governmental efficiency generally of differing patterns and intensities of population concentration;

(6) an analysis and evaluation of the extent to which a better geographic balance in the economic development of the Nation serves the public interest;

(7) an analysis and evaluation of the role which State and local governments can and should play in promoting geographic balance in the economic development of a State or region; and

(8) an analysis and evaluation of practicable ways in which Federal expenditures can and should be managed so as to encourage a greater geographic balance in the economic development of the Nation.

(b) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than two years after the effective date of this joint resolution.

POWERS AND ADMINISTRATION PROVISIONS

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this joint resolution, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this joint resolution.

(c) The Commission may appoint such staff personnel as it deems necessary in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) The Commission may procure such temporary and intermittent services as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

COMPENSATION OF MEMBERS

SEC. 5. (a) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(b) Members of the Commission, other than those referred to in subsection (a), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

EXPENSES OF THE COMMISSION

SEC. 6. There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this joint resolution.

EXPIRATION OF THE COMMISSION

SEC. 7. The Commission shall cease to exist ninety days after the submission of its report.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–201), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Senate Joint Resolution 60 would establish a bipartisan Commission to undertake a thorough study and analysis of current geographic trends in the economic development of the Nation. This Commission would study the causative factors influencing these trends, the implications thereof in terms of the distribution of population, the movement of population, the physical environmental, social and political factors which affect the geographic location of industry and what action the government may take in shaping such trends, as well as the private and public factors influencing the geographic location of industry and commerce as an aid to the formation of policy at all levels of government.

MAKEUP OF COMMISSION

The Commission shall be bipartisan and be composed of 20 members to be appointed by the President as follows:

(1) Four members to be appointed from among residents of cities in the United States with a population of at least 1 million persons.

(2) Four members to be appointed from among residents of cities in the United States with a population of less than 1 million persons, but not less than 100,000 persons.

(3) Four members to be appointed from among residents of cities in the United States with a population of less than 100,000 persons, but not less than 10,000 persons.

(4) Four members to be appointed from among residents of towns, villages, and communities in the United States with a population of less than 10,000 persons.

(5) In addition, four members are to be appointed without regard to residence or political affiliation from among citizens of the United States who are specially qualified by training, experience, or knowledge in any field pertinent to the subject matter to be studied by the Commission.

Members appointed from the executive or legislative branch of the Federal Government shall receive no compensation.

Members appointed from outside the Federal Government shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties. All members will receive travel, subsistence, and other necessary expenses.

The Commission shall report its findings not later than 2 years after the effective date of the joint resolution and shall cease to exist 90 days after the submission of its report.

BACKGROUND INFORMATION

In 1967, the committee held hearings on a similar bill, Senate Joint Resolution 64, which was favorably reported, with amendments, and passed by the Senate. These amendments have been incorporated in the present bill. At that time it was pointed out that the intense concentration of population in a relatively few areas of the Nation, caused by heavy development of industries in limited sections of the country, has created critical problems of transportation, pollution, crime, housing shortages, water shortages, and an acute lack of recreation facilities.

On the other hand, many areas, many of them rural, are not participating in the industrial expansion and the general economic advancements experienced by the Nation as a whole. Many of these areas are losing population and are not keeping pace with our overall national growth.

The proposed Commission would study all the problems related to the disproportionate population trends and economic growth patterns and potentials and make recommendation for government policies and private industry practices designed to achieve a more coordinated and better balanced national growth.

Unless present trends are reversed, the problems of metropolitan areas will become more acute and the lagging economies of depressed areas of the country will be further aggravated.

A Commission on Balanced Economic Development will be charged with the responsibility of studying and reporting on the maldistribution of population and industry and to suggest methods for developing rural areas and for reshaping geographic trends. Such a concentrated study on the whole of the problem has never been undertaken.

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TASK FORCE REPORT ON ANTITRUST POLICY

Mr. DODD. Mr. President, because I know there is wide interest in the subject, and because it was printed in very limited quantity, I ask unanimous consent to have the President's Task Force Report on Antitrust Policy printed at this point in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TASK FORCE REPORT ON ANTITRUST POLICY

THE UNIVERSITY OF CHICAGO,
THE LAW SCHOOL,
Chicago, Ill., July 5, 1968.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On behalf of the Task Force on Antitrust Policy, I have the honor to submit our Report, together with additional statements representing the separate views of several members on portions of the Report.

The Task Force was appointed in December 1967, and was asked to report by approximately June 30th of this year. In accordance with the broad terms of reference given us, we have undertaken to identify the most important areas in which antitrust policy might be strengthened by new legislative or administrative measures.

We have made a number of recommendations that we believe would, if adopted, improve the effectiveness of the antitrust laws. In the time and with the resources available to us it has not been possible to examine all antitrust problems that merit attention or to conduct any significant new research. Our recommendations are based upon available studies, a substantial body of informed economic opinion, and our own background of study or experience in the antitrust field.

Our principal recommendations deal with concentrated industries, conglomerate mergers, the Robinson-Patman Act, certain aspects of patent licensing, and the improvement of economic data relevant to antitrust matters. We have not dealt specially with the drug industry, an item mentioned in the letter of appointment of the Task Force, but we believe that the changes recommended by us in the patent field would have significant beneficial effects in that industry.

Although we were not asked to propose specific legislation, we concluded that our recommendations would be most useful if subjected to the discipline of framing concrete legal principles and if submitted in that form. Accordingly our report is accompanied by a number of drafts of proposed statutory provisions giving effect to our recommendations.

I should like to take this opportunity to express my personal appreciation for the privilege of taking part in the deliberations of this group. The Task Force consisted of three practicing lawyers, three economists, and five professors of law, in addition to the chairman. Each member contributed substantially to the form and substance of our recommendations and the resulting Report is very much a joint product of the Task Force. Special commendation is due our Staff Director, Mr. S. Paul Posner, whose exceptionally able help contributed greatly to the work of the Task Force.

We hope the recommendations made in this Report will be useful to you and that our proposals for new laws may find their way into legislative proposals under this or a succeeding Administration.

Respectfully yours,

PHIL C. NEAL.

REPORT OF THE WHITE HOUSE TASK FORCE ON ANTITRUST POLICY, JULY 5, 1968

White House Task Force on Antitrust Policy: Phil C. Neal, Chairman; William F. Baxter; Robert H. Bork; Carl H. Fulda; William K. Jones; Dennis G. Lyons; Paul W. MacAvoy; James W. McKie; Lee E. Preston; James A. Rahl; George D. Reycraft; Richard E. Sherwood; and S. Paul Posner, Staff Director.

SUMMARY

1. *We recommend specific legislation on the subject of oligopolies, or highly concentrated industries.*

The purpose of such legislation would be to give enforcement authorities and courts a clear mandate to use established techniques of divestiture to reduce concentration in industries where monopoly power is shared by a few very large firms. Up to now such measures have been employed only in the rare instances where the monopolistic structure of an industry takes the form of a single firm with an overwhelming share of the market. Specific legislation dealing with entrenched oligopolies would rectify the most important deficiency in the present antitrust laws.

Effective antitrust laws must bring about both competitive behavior and competitive industry structure. In the long run, competitive structure is the more important since it creates conditions conducive to competitive behavior. Competitive structure and behavior are both essential to the basic concern of the antitrust laws—preservation of the self-regulating mechanism of the market, free from the restraints of private monopoly power on the one hand and government intervention or regulation on the other. In one important respect, the antitrust laws recognize the necessity for competitive market structures: the 1950 amendment to section 7 of the Clayton Act has effectively prevented many kinds of mergers which would bring about less competitive market structures. Our proposed remedy, which would deal with existing noncompetitive market structures, is a necessary complement to section 7.

Highly concentrated industries represent a significant segment of the American economy. Industries in which four or fewer firms account for more than 70% of output produce nearly 10% of the total value of manufactured products; industries in which four or fewer firms account for more than 50% of output produce nearly 24%. An impressive body of economic opinion and analysis supports the judgment that this degree of concentration precludes effective market competition and interferes with the optimum use of economic resources. Past experience strongly suggests that, in the absence of direct action, concentration is not likely to decline significantly.

While new legal approaches might be developed to reduce concentration under existing law—a result which should be encouraged—the history of antitrust enforcement and judicial interpretation do not justify primary reliance on this possibility. For this reason, we recommend a specific legislative remedy directed to the reduction of concentration. Our proposed Concentrated Industries Act, which appears in Appendix A to the Report, establishes criteria and procedures for the effective reduction of industrial concentration.

2. *We recommend additional legislation prohibiting mergers in which a very large firm acquires one of the leading firms in a concentrated industry.*

This legislation would supplement section 7 of the Clayton Act, which prohibits mergers which may tend substantially to lessen competition. The primary impact of the new legislation would be on diversification or "conglomerate" mergers. Under section 7 of the Clayton Act, such mergers may be prevented if adverse effects on competition can be anticipated. But the detection of such effects frequently depends on factual and theoretical judgments that are highly speculative. As a result, some mergers with potentially adverse effects on competition may escape attack and mergers which will not harm competition will be prohibited because the effects cannot readily be predicted. Because of the inherent limitations of the competitive standard of section 7, the recently published Merger Guidelines do little to resolve these difficulties.

Our proposed legislation would prevent some possibly anticompetitive mergers which might have gone unchallenged because of the difficulty of applying section 7 standards, and thus would act as an effective supplement to existing policy. In addition, the proposed legislation would have affirmative aspects in channeling merger activity into directions likely to increase competition. If large firms are prevented from acquiring leading firms in concentrated industries, they will seek other outlets for expansion which may be more likely to increase competition and decrease concentration.

This policy of deflecting conglomerate mergers into desirable channels is preferable to any rule that would limit mergers without regard to considerations of market structure. Although the number of conglomerate mergers has increased sharply in recent years, there is only a moderate tendency toward increase in the overall concentration of manufacturing assets in American industry. Nor does the present merger movement threaten to reduce the aggregate number and proportion of smaller firms. Remedial measures based on size alone would constitute a radical innovation in our antitrust policy and no rationale is available for determining the appropriate upper limit on the size to which a single firm may grow.

We therefore believe that restrictions on mergers should continue to be based on considerations related to competitive market structure. The policy we recommend would permit the continued growth of firms by diversification as well as by internal expansion but would, we believe, promote the development of more competitive market structures.

A draft of the Merger Act, implementing our recommendation, appears in Appendix B to the Report.

3. *We recommend a thorough revision of the Robinson-Patman Act to remove features that unduly restrict the free play of competitive forces.*

It has long been recognized that many aspects of the Robinson-Patman Act in its present form have serious anticompetitive effects. The course of enforcement and interpretation of the Act have in many instances aggravated those effects. In addition, the ambiguities and complexities of the statute as written have posed unusual difficulties of compliance. Experience with the Act and the extensive criticism to which it has been subjected provide the basis for a general revision that will make it consistent with the major aims of antitrust policy. In our view such a revision is long overdue.

The central purpose of the Robinson-Patman Act is to eliminate price discrimination that unduly favors national over local sellers or confers unjustified advantages on large purchasers merely because of their size. But not all price differentials represent discrimination and not all discrimination is undesirable. Some price discrimination does have anticompetitive effects. But in other cases price discrimination improves the functioning of the competitive system. A statute designed to restrict price discrimination should therefore be narrowly drawn, so that the important benefits of competition as evidenced in price differentials will not be lost in an excessive effort to curb limited instances of harm. Our proposed revision is intended to leave room for price behavior which is related to the improved functioning of the competitive system.

The Robinson-Patman Act contains several prohibitions supplementing the price-discrimination prohibition. These prohibitions should be repealed. They accomplish little that could not be accomplished by a properly drawn price-discrimination prohibition. In their present form, they often im-

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pair competition; they discourage legitimate transactions; and they promote irrational distinctions.

A proposed revision of the price-discrimination provisions of the Robinson-Patman Act appears in Appendix C to the Report.

4. *We recommend legislation to establish the principle that a patent which has been licensed to one person shall be made available to all other qualified applicants on equivalent terms.*

Patents are one of the principal sources of monopoly power, since they confer upon the patentee the right to exclude others from the field covered by the patent. An important goal of antitrust policy is to prevent the use of a patent by the patentee in collaboration with others to create a monopoly broader than the patent itself. That goal will be served by denying the patentee the right to confine use of the patent to a preferred group and requiring that if the patent is licensed it shall be open to competition in its application. Such a principle does not prevent the owner of a valid patent from fully exploiting the monopoly conferred by the patent. Our proposal does not fix or limit the royalty to be charged by the patentee, nor does it involve compulsory licensing. It merely requires that if the patentee chooses to license others rather than exploiting the patent himself he shall make such licenses available on nondiscriminatory terms to as many competitors as may desire it.

Supplementary provisions in our proposal would require the public filing of all patent license agreements and would bar enforcement of a patent against particular infringers if the patent owner has not taken reasonable steps to enforce the patent against others.

We believe that each of these measures has some independent value in deterring misuse of patents and that they could be adopted independently of the requirement of nonexclusive licensing.

5. *We recommend that steps be taken to improve the quality and availability of economic and financial data relevant to the formulation of antitrust policy, the enforcement of the antitrust laws, and the operation of competitive markets.*

Specifically, we recommend formation of a standing committee of representatives of the Census Bureau and other Government agencies which gather or use economic information to consider (1) improving the gathering and presentation of economic information within the statutory limits on disclosure of information on individual firms; (2) new interpretations of existing law or, eventually, new legislation to minimize restrictions on disclosure of types of information which are not highly sensitive from the point of view of individual firms but are of great value in the formulation of policy and the application of law; and (3) machinery for developing information on the competitive structure of relevant economic markets, because such markets do not necessarily coincide with census industry and product classifications. These recommendations could be implemented immediately, without new legislation or appropriations.

In addition, the role of financial information in the operation of competitive markets should be reflected in the formulation of financial reporting requirements by the Securities and Exchange Commission. These requirements are now imposed pursuant to the Securities Exchange Act of 1934, which is oriented to investor protection. We recommend that the Act be amended to recognize the role of financial information in the operation of a competitive economy, and to require that the SEC consult with antitrust enforcement agencies in formulating reporting requirements.

Pending adoption of this recommendation, the antitrust enforcement agencies should be requested to consider submitting recommendations to the SEC in connection with the current divisional reporting inquiry.

6. *We have a number of additional recommendations for further action or further study.*

These include advance notification of mergers and a reasonable statute of limitations on lawsuits attacking mergers; a limit on the duration of antitrust decrees; an examination of the effects of the income tax laws on merger activity and market concentration; a review of the extent to which competition may be substituted for regulation in the regulated industries; and the abolition of resale price maintenance.

I. INTRODUCTION

The antitrust laws reflect our Nation's strong commitment to economic freedom and the material benefits that flow from this freedom. The antitrust laws are based on the recognition that optimum use of economic resources and maximum choice and utility for consumers can best be obtained under competition. Moreover, they assume that the preservation of a large number and variety of decision-making units in the economy is important to ensure innovation, experimentation and continuous adaptation to new conditions. While consumer welfare is thus in the forefront of antitrust policy, important corollary values support the policy. Not only consumers, but those who control the factors of production—labor, capital and entrepreneurial ability—benefit when resources are permitted to move into the fields of greatest economic return; competition induces such movement and monopoly inhibits it. Antitrust policy also reflects a preference for private decision-making; a major value of competition is that it minimizes the necessity for direct Government intervention in the operation of business, whether by comprehensive regulation of the public utility type or by informal and sporadic interference such as price guidelines and other ad hoc measures.

The function of the antitrust laws in the pursuit of these goals is twofold: they are concerned both with preventing anticompetitive behavior and with preserving and promoting competitive market structures. Our Task Force has understood its assignment to be to examine the antitrust laws in broad perspective and consider ways in which they might be made more effective in this dual role.

In relation to the principal kinds of anticompetitive behavior, such as price-fixing, market division and other forms of collusive action among independent firms, we believe the present laws are generally adequate. Their effectiveness depends principally upon vigilance to provide sufficient enforcement resources and the vigorous use of enforcement power. We have identified three areas, however, in which modification of present laws would assist the effort to maximize competitive behavior. *First*, it is important to ensure that laws aimed at preserving competition do not themselves unduly restrict the free play of market forces. The Robinson-Patman Act in its present form has such effects and we recommend its revision to eliminate its anticompetitive tendencies. *Second*, patents are susceptible of being used to facilitate collusive arrangements in ways difficult to disentangle from legitimate exploitation of the patent monopoly. We recommend certain restrictions on patent licensing that are designed to discourage such use. *Third*, we share the view that the provisions of law permitting resale price maintenance encourage anticompetitive practices and we favor the repeal of these provisions.

Our consideration of the present state of the antitrust laws focuses to a considerable extent on problems of market structure. The principal laws presently concerned with competitive market structure are section 7 of the Clayton Act, dealing with mergers, and section 2 of the Sherman Act, which is addressed to cases of monopoly. We believe these laws can be made more effective by certain additional legislation on mergers and on oligopoly industries.

Market structure is an important concern of antitrust laws for two reasons. *First*, the more competitive a market structure (the larger the number of competitors and the smaller their market shares) the greater the difficulty of maintaining collusive behavior and the more easily such behavior can be detected. *Second*, in markets with a very few firms effects equivalent to those of collusion may occur even in the absence of collusion. In a market with numerous firms, each having a small share, no single firm by its action alone can exert a significant influence over price and thus output will be carried to the point where each seller's marginal cost equals the market price. This level of output is optimal from the point of view of the economy as a whole.

Under conditions of monopoly—with only a single seller in a market—the monopolist can increase his profits by restricting output and thus raising his price; accordingly, prices will tend to be above, and output correspondingly below, the optimum point. In an oligopoly market—one in which there is a small number of dominant sellers, each with a large market share—each must consider the effect of his output on the total market and the probable reactions of the other sellers to his decisions; the results of their combined decisions may approximate the profit-maximizing decisions of a monopolist. Not only does the small number of sellers facilitate agreement, but agreement in the ordinary sense may be unnecessary. Thus, phrases such as "price leadership" or "administered pricing" often do no more than describe behavior which is the inevitable result of structure. Under such conditions, it does not suffice for antitrust law to attempt to reach anticompetitive behavior; it cannot order the several firms to ignore each other's existence. The alternatives, other than accepting the undesirable economic consequences, are either regulation of price (and other decisions) or improving the competitive structure of the market.

We believe that the goals of antitrust policy require a choice wherever possible in favor of attempting to perfect the self-regulating mechanism of the market before turning to public control. It is for this reason that we favor steps that will increase the effectiveness of the antitrust laws in promoting competitive market structure. Such steps are desirable, not only because the problem of concentrated industries is significant in economic terms, but because the existence of such concentration is a continuing (and perhaps increasing) temptation for political intervention. In a special sense, therefore, our recommendations have preventive as well as corrective purposes.

In devising antitrust measures for such purposes, alternative techniques or approaches may be considered. Under one approach, general standards expressed in terms of broad policy goals require the trier of fact to make ad hoc judgments as to the relevant scope of inquiry in any case. The general effect of such an approach is to require consideration of a wide range of complex and difficult issues, some of them of marginal significance. Such issues may include economic issues which are beyond our present capacity to gather and evaluate economic information; they may include issues such as motive and and intent, which are both elusive and of marginal relevance to the central issue of market structure; and they may include an indirect measurement of competitive behavior or structure through an evaluation of performance, an approach requiring judgments more appropriate to regulation than to antitrust policy. Such an approach generally expands the scope and complexity of lawsuits and makes decisions less useful as precedents.

The other approach uses rules which are based on easily ascertainable criteria and avoids individualized consideration of complex factors which would be unlikely to

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affect the outcome. This approach simplifies litigation. More importantly, it provides businessmen and law enforcement officials with a better idea of what will be lawful and what will be unlawful.

The judgment of members of the Task Force is that it is virtually impossible to gather all the data relevant to any particular case, and even the best of judges could not properly take account of all such data. Therefore, we believe that carefully drawn rules yield results superior to highly general admonitions to weigh all relevant factors. Accordingly, our proposals generally rely on fairly closely articulated rules. They are drafted to reflect general economic experience and theory, and they make allowance for factors which may be significant in individual cases. But they do not call for proof of an exactness beyond the present limits of economic knowledge. Of necessity, they are predicated, not on rigorously proven theorems, but on a consensus of informed economic judgment which admittedly fragmentary economic knowledge tends to confirm.

II. OLIGOPOLY, OR CONCENTRATION IN PARTICULAR MARKETS

The evils of monopoly are well known and the antitrust policy of the United States has sought from its beginning to provide safeguards against them. But those evils are not confined to situations conforming to the literal meaning of monopoly, *i.e.*, an industry with but a single firm. In the years since the Sherman Act was adopted there has been growing recognition that monopoly is a matter of degree. A firm with less than 100% of the output of an industry may nevertheless have significant control over supply, and thus be in a position to impose on the economy the losses associated with monopoly: lower output, higher prices, artificial restraints on the movement of resources in the economy, and reduced pressure toward cost reduction and innovation. Likewise, a small number of firms dominating an industry may take a similar toll, either because the small number makes it easier to arrive at and police an agreement or because, without agreement, each will adopt patterns of behavior recognizing the common interest.

In general it may be said that the smaller the number of firms in an industry—at least where that number is very small or where a very small number is responsible for the overwhelming share of the industry's output—the greater the likelihood that the behavior of the industry will depart from the competitive norm.

These propositions have found general acceptance in economic literature in the past 25 or 30 years. They have also found recognition in the policy of the antitrust laws: a major aim of section 7 of the Clayton Act, as amended in 1950 and as interpreted by judicial decisions and the new Merger Guidelines, is not merely to prevent monopolies but also to prevent all combinations of business firms that significantly increase market concentration or reduce the number of firms in an industry.

Interpretation of the Sherman Act itself, however, has lagged behind these developments. Early cases involving giant firms emphasized the purposes and methods by which a firm was created as the basis of illegality, and looked for evidence of predatory or abusive exercise of power rather than the power of a firm or group of firms to control prices and output. Decisions affecting market concentration were confined to instances, such as the old *Standard Oil* and *American Tobacco* cases, where a single firm commanding nearly the entire market had been assembled by mergers of many previous competitors. Even such major combinations as United States Steel Corporation, United Shoe Machinery Company, and the International Harvester Company escaped condemnation by the Supreme Court. An important advance was registered when Judge Learned Hand announced in the *Alcoa* case that a single firm, not resulting from merger, might be guilty of "monopolizing" merely by acquiring a sufficiently large market share and retaining its market share over a substantial period of time, if that market share was not the inevitable result of economic forces. That holding adopted and extended Judge Hand's early insight, in the *Corn Products* case of 1916, that "it is the mere possession of an economic power, acquired by some form of combination, and capable, by its own variation in production, of changing and controlling price, that is illegal." The *United Shoe Machinery* decision of 1953 applied and reinforced the new doctrine represented by the *Alcoa* case. In both of those cases, however, the monopoly section of the Sherman Act was invoked against a single firm with a predominant share of the market. While Judge Hand had intimated that a share as low as 65% might suffice, no subsequent case has tested that proposition or explored the limits of the *Alcoa* doctrine. Nor has any case yet provided a basis for treating as illegal the shared monopoly power of several firms that together possess a predominant share of the market, absent proof of conspiracy among them.

Thus a gap in the law remains.[1] While section 7 of the Clayton Act provides strong protection against the growth of new concentrations of market power in most instances, existing law is inadequate to cope with old ones.

This gap is of major significance. Highly concentrated industries account for a large share of manufacturing activity in the United States. The following table shows the percentage of manufacturing shipments and of value added by manufacturing accounted for by four-digit industry groups and five-digit product classes in which the aggregate market share of the four firms with the largest market shares (the "four-firm concentration ratio") equalled or exceeded selected levels. These figures are based on 1963 Census figures, and on Census industry and product classifications. Census classifications do not necessarily reflect relevant markets; in general, the four-digit classifications are probably broader and the five-digit classifications are probably narrower than relevant product markets, so that, if only national markets are considered, figures for concentration with which we are concerned probably fall somewhere in between the two sets of figures shown in the table. If regional instead of national markets were considered, concentration figures would probably be considerably higher in many industries.

PERCENT OF MANUFACTURING SHIPMENTS AND VALUE ADDED BY MANUFACTURING IN 1963

4-firm concentration ratio equal to or greater than—	4-digit industries		5-digit product classes (percent of total manufacturing shipments)
	Percent of total manufacturing shipments	Percent of total value added by manufacturing	
90 percent	1.56	2.33	5.69
80 percent	2.95	3.59	10.53
70 percent	9.35	14.53	15.85
60 percent	13.47	19.98	22.55
50 percent	23.88	33.41	31.37

Source: Computed from "Concentration Ratios in Manufacturing Industry," 1963, tables 2, 3, and 4.

The highly concentrated industries reflected in this table include such major and basic industries as motor vehicles, flat glass, synthetic fibers, aircraft, organic chemicals, soap and detergents, and many others, as well as a host of smaller but nevertheless significant industries.

If competitive pressures could be relied on to erode concentration in the reasonably foreseeable future, the direct reduction of concentration would be less urgent. But concentration does not appear to erode over time; rather, the evidence indicates that it is remarkably stable. In those industries with value of shipments greater than $100 million and four-firm concentration ratios by value of shipments greater than 65% in 1963, average concentration ratios were stable or declined insignificantly—by less than half a percentage point. Even though section 7 of the Clayton Act has generally been effective in forestalling increases in concentration through mergers and by other means, the antitrust laws and economic forces have not brought about significant erosion of existing concentration. The problem is not one which will disappear with time.

The adverse effects of persistent concentration on output and price find some confirmation in various studies that have been made of return on capital in major industries. These studies have found a close association between high levels of concentration and persistently high rates of return on capital, particularly in those industries in which the largest four firms account for more than 60% of sales. High profit rates in individual firms or even in particular industries are of course consistent with competition. They may reflect innovation, exceptional efficiency, or growth in demand outrunning the expansion of supply. Above-average profits in a particular industry signal the need and provide the incentive for additional resources and expanded output in the industry, which in due time should return profits to a normal level. It is the persistence of high profits over extended time periods and over whole industries rather than in individual firms that suggests artificial restraints on output and the absence of fully effective competition. The correlation of evidence of this kind with the existence of very high levels of concentration appears to be significant.

We recognize the need for further refinement of economic evidence of this type and for additional knowledge, theoretical and empirical, about the behavior of oligopolistic industries. It would be less than candid to pretend that economic science has provided a complete or wholly satisfactory basis for public policy in this field. But public policy must often be made on the basis of imperfect knowledge, and the failure to adopt remedial measures is in itself the acceptance of a policy. The judgment of most of the members of the Task Force is that enough is known about the probable consequences of high concentration to warrant affirmative government action in the extreme instances of concentration. Moreover, as we have noted, such action does not require acceptance of a new premise for public policy. A conviction that concentration is undesirable underlies the present stringent policy toward horizontal mergers. The same premise supports a policy of attempting, within conservative limits, to improve the competitive structure of industries in which concentration is already high and apparently entrenched.

Endorsement of such a policy implies a judgment that the potential gains from reducing market shares and increasing the number of competitors in an industry will not be offset by losses in efficiency. We think there is little basis for believing that significant efficiencies of production are dependent on generally maintaining existing high levels of concentration.

There is little evidence that economies of scale require firms the size of the dominant firms in most industries that are highly concentrated. Evidence to the contrary is the fact that in most such industries very much smaller firms have survived in competition with the large firms. On the basis of studies covering a large number of industries Professor Stigler concluded that "In the manufacturing sector there are few industries in which the minimum efficient size of firm is as much as 5 per cent of the industry's output and concentration must be explained on other grounds." Stigler, The Theory of Price, p. 223 (3rd edition, 1966). Similarly, there is no evidence of any correlation between size or market concentration and research and development activities.

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[1] This gap has been recognized by noted authorities. See, *e.g.*, Kaysen & Turner, Antitrust Policy: An Economic and Legal Analysis, at 44 (1959); Stigler, *The Case Against Big Business*, Fortune (May 1952), reprinted in Mansfield, ed., Monopoly Power and Economic Performance, at 3 (1964); *cf.* Galbraith, The New Industrial State (1967).

The success of very large firms may, of course, be explained on the basis of efficiencies other than economies of scale, such as superior management talent or other unique resources. To the extent that such efficiencies exist, however, they may ordinarily be transferred and thus would not necessarily be lost by reorganization of the industry into a larger number of smaller units. The same is true of advantages that inhere in legal monopolies, such as an accumulation of patents. It must also be borne in mind that efficiencies belonging to or achieved by a firm with some degree of monopoly power may be reflected only in higher profits rather than lower prices. Reduction of concentration would increase the chance that such efficiencies would be passed on to consumers through competition; indeed, a net gain from the consumer standpoint might result even though some efficiencies were lost in the process of reducing concentration.

The statute we propose would, however, take account of possible adverse effects on efficiency resulting from divestiture by forbidding relief that a firm establishes would result in substantial loss of economies of scale. It would be expected that a court would consider, among other factors relevant on this issue, the minimum size that experience has indicated is necessary for survival in the industry.

For the foregoing reasons we conclude that remedies to reduce concentration should be made available as part of a comprehensive antitrust policy. To assist in translating that conclusion into workable legislation we have drafted in some detail a proposed statute embodying our views.[2] That statute, entitled the Concentrated Industries Act, is attached to this report as Appendix A. While we believe, as hereafter noted, that some relief against concentration might be obtained through new interpretations of the Sherman Act, we also think that a statute such as the one we propose has several distinct advantages over reliance on existing law: (1) it would provide a clear determination of legislative policy and establish clear criteria for the application of that policy; (2) it would establish appropriate special procedures; and (3) it would limit the policy to remedial ends.

The Act establishes clear criteria for its application. It applies only to those industries in which four or fewer firms have accounted for 70% or more of industries sales, and it provides for steps to reduce the mark shares of firms with 15% market shares in such industries. The Act contains other provisions to limit its application to industries which are of importance in the economy as a whole and in which concentration has been high and stable over considerable periods of time. The criteria laid down in the Act are designed to minimize the likelihood that output levels over a short period of time will affect the applicability of the Act. Moreover, even if the Act does apply, there are no penalties but only prospective relief. Thus, the possibility is minimized that corporations will resort to output-restricting strategies in order to avoid application of the Act.

The Act also lays the basis for defining relevant markets in terms that are more closely related to economic realities than are the definitions developed under existing antitrust laws. By and large, the Act limits the scope of inquiry to facts which are of relevance to its primary concern, the reduction of concentration, and which may be determined with reasonable precision. For these reasons, litigation under the Act should be relatively simple.

The Act establishes special procedures appropriate to the reduction of concentration. Under existing law, complex antitrust actions may be conducted by judges who have had little opportunity to become familiar with the kinds of questions involved, and who must rely on expert testimony offered by the parties. Expanding on the recently enacted provisions of 28 U.S.C. section 1407, the Act would establish a special panel of district judges and circuit judges to conduct deconcentration proceedings. In addition, it would enable the court to draw on the specialized knowledge and experience of its own economic experts. This feature of the Act should be of importance in arriving at appropriate market definitions. In addition, court appointed experts would assist in evaluating the probable effect of proposed decrees.

Finally, the Act is limited to prospective relief designed to reduce concentration. Unlike existing law, it makes no provision for criminal penalties or for private actions seeking treble damages. The absence of these collateral effects makes the Act a more appropriate tool for reducing concentration.

Those who support the proposed Concentrated Industries Act believe, in varying degrees, that more can be done about concentration than has been done under existing law. We recommend that the Attorney General be encouraged to develop appropriate approaches under existing law and to bring carefully selected cases to test those theories.

Under existing law, three statutory provisions might be brought to bear. Section 2 of the Sherman Act prohibits monopolization or attempts to monopolize any part of interstate or foreign commerce. Section 1 of the Sherman Act prohibits any contract, combination, or conspiracy in restraint of interstate or foreign commerce. Section 7 of the Clayton Act prohibits acquisitions which may tend substantially to lessen competition. While existing precedents and the history of antitrust enforcement do not justify widespread use of these statutes against concentrated industries, we believe that appropriate precedents might be developed which would be useful in some cases.

Courts may be reluctant to expand the scope of these statutes, because their application would expose defendants to criminal penalties and treble damage liability. Moreover, existing law does not readily lend itself to the establishment of sufficiently clear and workable criteria. While expanded enforcement efforts might make some inroads in reducing concentration, they would not preclude the need for new legislation.

III. CONGLOMERATES, OR LARGE DIVERSIFIED FIRMS

The initial mandate establishing the Task Force reflected concern with the current rate of merger activity, particularly diversification or "conglomerate" mergers. Current data confirm that the number and scale of mergers, and particularly of conglomerate mergers, have been accelerating rapidly and continue to accelerate. Individual firms have achieved spectacular growth in this way. There is no comparable trend toward reduction in corporate size through spinoffs of assets. The current rate and pattern of mergers is causing significant and apparently permanent changes in the structure of the economy, and the long-run impact of these changes cannot be readily foreseen.

A variety of legal and economic factors have contributed to the conglomerate merger movement. Relatively clear legal prohibitions on horizontal and vertical mergers, set forth in section 7 of the Clayton Act and recently articulated in the Antitrust Division's Merger Guidelines, have channeled merger activity away from these more traditional forms while leaving conglomerate mergers relatively free from antitrust restraints. Although the Merger Guidelines identify some types of conglomerate mergers as likely candidates for antitrust attack and some conglomerate mergers have been successfully attacked on antitrust grounds, the antitrust laws leave relatively wide latitude for conglomerate mergers. This latitude reflects the fact that existing knowledge provides little basis for forecasting adverse effects on competition that support application of the merger prohibition of section 7.

The economic forces encouraging conglomerate mergers are numerous and complex, and are not easy to identify in particular cases. These appear to include desire of owners of smaller firms to convert their holdings into more readily marketable securities; the desire of management of large firms for growth for its own sake, apart from or in addition to growth in profits; the opportunity to bring more efficient management personnel or techniques to smaller or less successful firms; the possibility of reducing costs or increasing sales by meshing product lines or processes or methods of distribution; the desire to diversify business activities and reduce risks; the possibility of using one firm's cash flows or credit in another firm with limited access to capital; the tax advantages of direct reinvestment of earnings by corporations instead of distribution to stockholders for reinvestment through the general capital market; and the opportunity for speculative gains through mergers that immediately increase the per-share earnings of the surviving firm.

Whatever the causes, it is clear that many conglomerate mergers are not explainable in terms of obvious efficiencies in intergrating the production or marketing facilities of the firms involved. The merger movement has contributed to and is furthered by a specialized "merger market" in business firms as such; merger candidates and independent experts actively seek out favorable opportunities to acquire or dispose of businesses through conglomerate mergers. The existence of such a market is not a sinister sympton; it merely emphasizes the volume and complexity of merger activity and its underlying causes. Indeed, an active merger market suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization. The existence of such a market may serve as a significant incentive for the establishment of smaller firms. It may partially overcome imperfections in the capital market which are not readily susceptible to other effective remedies. In many cases, merger activity may replace proxy fights as an effective means for changes in corporate control.

There are two types of possible antitrust objections to the current increase in merger activity: (1) mergers may have adverse effects on competitive structure and behavior in particular markets; (2) the volume and scope of merger activity may result in concentration of overall economic activity in a few large organizations and may substantially reduce the number of significant decision-making units within the economy.

As to the second point, the possibility that economic activity might become unduly concentrated in a few large firms would raise difficult and far-reaching questions of social policy. Fortunately, such a development is not now imminent. In spite of the high and increasing rate of merger activity, concentration of aggregate economic activity (which should not be confused with concentration in particular markets, referred to in part II of this Report) has changed only slowly over time. Preliminary FTC data show that the share of total corporate manufacturing assets held by the 100 largest manufacturing firms has grown from 45.8% in 1957 to 47.7% in 1967; the share of the 200 largest has increased from 55.0% to 58.7% in the same period. Mergers have contributed somewhat to this trend; indeed, if no mergers had occurred, the shares of the largest firms would have declined somewhat during parts of the period. Nevertheless, it is clear that mergers are not solely responsible for the continued growth of the largest units in the economy, and have accounted for only a minor portion of such growth. Indeed, among the largest firms, the net effect of mergers has been to expand the size of smaller large firms relative to the top few. Further, the merger movement does not seem likely to cause the disappearance of smaller firms. The numbers of manufacturing firms with assets of $5 million to $10 million, $10 million to $25 million, and $25 million to $50 million have remained steady or increased somewhat during the period of greatest merger activity. Indeed, the numbers of nonmanufacturing firms have increased significantly.

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[2] The idea of such legislation is not new, and our proposal was influenced by Kaysen & Turner, Antitrust Policy: An Economic and Legal Analysis, at 266–272 (1959). However, it differs from the Kaysen-Turner proposal in important respects.

In any event, the level of economy-wide concentration and numbers of firms that would be incompatible with the maintenance of a competitive market system is not known. Even very large firms may continue to grow as a result of desirable response to changing economic circumstances, and mergers—including conglomerate mergers—may result in important economic benefits. We are therefore not persuaded of the need to establish specific limits to the growth of large firms, either by merger or otherwise. Thus, we do not endorse the suggestion put forward at one time by Donald F. Turner, former Assistant Attorney General in charge of the Antitrust Division, that further expansion of larger firms by merger be prohibited.

Conglomerate mergers may affect competition in particular markets. Three possible types of anticompetitive effects of conglomerate mergers have been identified and are reflected in the new Merger Guidelines: (1) elimination of "potential competition" by a firm which, but for its acquisition of another firm, might have entered the latter firm's market in a way that would have increased competition in that market; (2) the creation of opportunities for "reciprocal dealing" relationships between the merged firm and other firms that may foreclose competitors of the conglomerate firm; and (3) the addition of large resources to a firm already dominant in a market, possibly insulating its position from erosion through competition.

The detection of these effects rests, in general, on factual and theoretical judgments that are more speculative than the findings usually relied upon in section 7 cases; but to the extent that specific effects can be clearly identified in individual merger cases, present law and enforcement policies appear adequate. There are, however, two dangers in basing conglomerate merger policy entirely on the case-by-case substantiation of specific anticompetitive effects:

1. These or similar objections to conglomerate mergers may be pressed beyond the point where they are well founded, perhaps because of quite different objections, such as fear of the growth of individual large firms or of concentration of assets in very large firms, which are not explicitly recognized in the merger prohibition. The existence of these different objections may also lead to other distortions; for example, market definitions may be distorted to treat a conglomerate merger as horizontal and therefore subject to a more easily established prohibition. Such distortions would result in uncertainties in enforcement and unfairness to those affected.

2. Potentially anticompetitive mergers may be allowed to proceed because economic theory and analytical foresight are inadequate to predict anticompetitive effects in specific cases, even though there may be good reason for believing that some classes of mergers, considered in the aggregate, are harmful to competition.

Because of these difficulties, and because the incentives that have produced the current conglomerate merger movement can and should be directed to increase competition, we propose a statutory prohibition to supplement the merger prohibition of section 7 of the Clayton Act. Such a prohibition should be clear and not rely on conjectural judgments of likely competitive effect in particular cases; it should prohibit or discourage mergers most likely to have anticompetitive consequences, and in doing so lessen reliance on extended and contrived interpretations of section 7; and it should seek to direct the force of conglomerate merger activity into channels that will improve competitive structure to the maximum extent possible.

We propose that this be accomplished by forbidding mergers between very large firms and other firms that are already leading firms in concentrated markets significant in the national economy. A draft of a proposed statute embodying this recommendation, together with explanatory notes, is attached to this Report as Appendix B.

Such a rule satisfies our criteria for a supplementary prohibition. Unlike the Merger Guidelines applicable to conglomerate mergers, which rely on the difficult and conjectural questions referred to above, the proposed rule would provide clear criteria based solely on data as to market shares and sales or assets. It would apply to a large number of conglomerate mergers which might be attacked under existing law or under the law which might be developed in suits brought in accordance with the Guidelines.[3] The existence of this simpler prohibition will lessen the pressure on enforcement agencies and courts to engage in the distorted extensions to which section 7 lends itself. At the same time, the simpler prohibition will make enforcement simpler, and will present some mergers which would have gone unchallenged under section 7 even though careful analysis or subsequent developments might have indicated a violation of section 7.

In addition to these negative aspects of discouraging anticompetitive mergers, the proposed rule would have affirmative aspects in that it would channel merger activity into directions likely to improve competition. The proposed rule rests on the assumption that if large firms are prevented from acquiring leading firms in concentrated industries, they will seek other outlets for expansion. If the rule is adopted, a large firm wishing to expand into a particular concentrated industry may acquire a small firm with a view to enlarging its capacity and market share, or it may construct wholly new facilities in the industry. Either of these alternative courses of action is more likely to increase competition and to decrease concentration in a concentrated industry than if the large firm simply acquired a leading firm in the industry and settled for maintaining or modestly increasing the market share of that firm.

As large firms become more diversified and more interested in further diversification, they become "potential entrants" into more and more industries. Although the probability that any one firm will enter any particular industry is extremely small, the probability that a substantial number of large diversified firms will enter a substantial number of concentrated industries is undoubtedly higher. The Guidelines and present enforcement based on the potential competition doctrine focus on the first probability alone, and must, therefore, be ineffectual or dependent on fictitious premises contrary to fact in many instances. If the potential competition doctrine under section 7 is expanded to the extent indicated by the Guidelines and current enforcement policy, such firms may well be disqualified from expanding by merger into many markets, including some in which they might make contributions of general benefit to the economy. These contributions might take the form of new technology and competitive innovation, reduced costs, or simply the introduction of new and forceful competitive pressures. Our proposal focuses on the second probability, that a substantial number of large diversified firms will enter a substantial number of concentrated industries, and is intended to channel the potential competition of large firms along lines that are conducive to reducing levels of concentration in the American economy.

Thus, the rule has both negative and affirmative aspects that tend to strengthen competition. Members of the Task Force who support this proposal assess somewhat differently the relative values of the negative and affirmative effects of the rule, depending on their differing judgments about the likelihood that mere size and superior financial resources will confer unwarranted advantages on an acquired firm. They are agreed, however, as to the net beneficial effect of such a rule. Since the rule would leave even a very large firm free to enter a new market by acquiring a going concern in the new market, it would preserve wide opportunity for diversification and for exploitation of efficiencies that may be inherent in conglomerate mergers.

IV. THE ROBINSON-PATMAN ACT

The Robinson-Patman Act has been the subject of extensive and well-earned criticism. Enacted in 1936 to tighten and supplement the price-discrimination prohibition in section 2 of the Clayton Act, the Robinson-Patman Act was intended to curb price discrimination that unduly favors national over local sellers and to protect independent merchants from unfair competition from large buyers obtaining the benefits of price discrimination.

Over the years, the Robinson-Patman Act has come to have unintended anticompetitive effects. The price-discrimination prohibition has discouraged types of price differentials which might have improved competition by lessening the rigidity of oligopoly pricing or by encouraging new entry:

1. In highly concentrated markets, prices may be rigid and a seller may hesitate to announce price reductions which would be met immediately by competitors, thus minimizing the seller's increase in sales. But he may be prepared to make concessions to make sales to particular buyers. Where such price reductions are sporadic and not part of a systematic pattern favoring large purchasers, they may be the first step toward more general price reductions.

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[3] In the interests of certainty, the proposed rule would apply whether or not a merger could be characterized as purely conglomerate. We have not given detailed consideration to vertical or horizontal mergers or to the Guidelines as applied to such mergers. However, our proposed rule appears unlikely to add significantly to existing prohibitions on horizontal mergers or vertical mergers, except in the case of a vertical merger involving a leading firm in an industry which is concentrated but which has not been extensively vertically integrated. We conclude that the benefits of certainty override any conjectural losses in efficiency.

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2. A new or potential entrant to a market may find it necessary to reduce prices below those of his competitors in particular cases in order to overcome the inertia of established trade relationships. But the prospective seller may be reluctant to do so if he must make corresponding reductions to all other purchasers, and he may decide not to enter.

The Robinson-Patman Act has impaired competition and the development of new methods of distribution in numerous other respects: by discouraging sellers from passing on cost savings to buyers, it has impaired experimentation with possibly more efficient methods of distribution integrating wholesale and retail functions; by requiring proportionally equal treatment in certain promotional practices, it has discouraged experimentation with price-cutting methods which are equivalent to desirable types of price differentials; by prohibiting sellers from paying brokerage to customers or their agents, it has erected an artificial protective barrier around independent brokers and inhibited integration of brokerage functions.

We conclude that the Robinson-Patman Act requires a major overhaul to make it consistent with the purposes of the antitrust laws. A suggested revision of the price discrimination provisions is set forth, together with explanatory comments, in Appendix C to this Report. We recommend that the other provisions of the Robinson-Patman Act be repealed.

In its present form, the Robinson-Patman Act contains three major prohibitions. Sections 2(a), (b) and (f) impose broad prohibitions on price discrimination in the sale of commodities. Sections 2(c), (d) and (e) establish prohibitions dealing with the payment of brokerage, payment to customers for services rendered by them, and the furnishing of services to customers. Section 3 imposes criminal prohibitions which partly overlap the civil prohibitions of section 2.

Many of the reasons for price discrimination are related to the improved functioning of the competitive system. Price discrimination has an adverse effect on competition only in exceptional cases. Therefore, a statute restricting price discrimination should be narrowly drawn, to avoid losing the important benefits of price discrimination in an excessive effort to curb limited harm.

Our proposed revision of the Act would make numerous changes in substance and in detail, and would eliminate many features of the present Act which forfeit the benefits of price discrimination in a competitive system. Two major changes are as follows:

1. Section 2(a) of the present law makes unlawful a discrimination which may "injure, destroy, or prevent competition with any person . . .," as well as a discrimination the effect of which "may be substantially to lessen competition or tend to create a monopoly. . . ." The reference to injury to competition with specific persons has focussed the attention of courts and enforcement authorities on the plight of individual competitors, and enforcement designed to preserve competitors is generally at odds with the working of a competitive system. The proper focus is the effect on competition in the market as a whole. Our proposed revision specifies in some detail the kinds of competitive effects which make a discrimination unlawful; in doing so, it narrows and clarifies the law and avoids misconceived protection of competitors as distinguished from competition. Among other changes, the proposed language requires in general that a discrimination be substantial in amount and persistent in duration. The language of the proposed Act is carefully tailored to avoid prohibiting those differentials which are manifestations of more effective competition.

2. Under present law, a price differential is not unlawful if it makes only due allowance for cost differences. Enforcement authorities and courts have required these cost differences to be shown with extreme exactitude. The proposed revision permits price differentials approximating actual cost differences or based on reasonable estimates of cost differences or based on a reasonable system of classification.

The proposed Act contains numerous other changes which are explained in detail in the comments to the Act.

The prohibitions of section 2(c), (d) and (e), unlike the basic price discrimination prohibition, do not depend on any showng of injury to competition and are not subject to the defense of cost-justification. We recommend that these sections be repealed, and that only such practices continue to be unlawful as are unlawful under the revised price discrimination provisions of section 2(a).

Section 2(a) has been interpreted to prohibit any payment of brokerage by a seller to a customer or to any agent of the customer, even though the customer has performed the services of a broker. Thus, the performance of brokerage services by customers has been penalized, even though it may be more efficient than the use of independent brokers. Section 2(c) has also been held to prohibit an independent broker from reducing the commission to be paid to him by the seller in order to enable the seller to offer a lower price to the buyer, thereby directly interfering with price competition at both the seller and the broker level.

Section 2(d) makes it unlawful for a seller to pay a customer for services or facilities furnished by the customer in connection with the processing or sale of any product manufactured or sold by the seller unless the payment is available on proportionally equal terms to all customers competing in the distribution of such product. Section 2(e) makes it unlawful for any seller to discriminate in favor of one customer against another customer by furnishing any services or facilities in connection with the processing or sale of commodity on terms not accorded to all customers on proportionally equal terms. These sections have been interpreted to require that some form of service or allowance be made available to every customer, even in cases where customers can be separated into distinct groups which are only marginally in competition with each other, and even if factors peculiar to a particular market make it difficult to furnish equivalent services to all customers.

The prohibitions in section 2(c), (d) and (e) were designed to prevent conduct which, in its more blatant forms, might be viewed as equivalent to price discrimination. Under our proposal, such conduct could still be challenged as price discrimination, subject to the same defenses as any other price discrimination. Because violations of these subsections are relatively easy to establish, they have attracted a disproportionate amount of enforcement activity and have had substantial anticompetitive effects, suppressing many legitimate transactions.

Section 3 of the Robinson-Patman Act establishes criminal penalties, but no private right of action, for three distinct offenses:

1. Knowingly entering into a sale transaction which discriminates against competitors of the purchaser;

2. Selling or contracting to sell goods in any part of the United States at prices lower than those exacted elsewhere in the United States, for the purpose of destroying competition or eliminating a competitor.

3. Selling or contracting to sell goods at unreasonably low prices for the purposes of destroying competition or eliminating a competitor.

The first prohibition very largely overlaps the basic price discrimination prohibition in sections 2(a) and (f) of the Robinson-Patman Act, but it differs in several important respects. Section 3 applies only to like quantities, has no requirement of competitive injury and is not subject to a cost justification defense. Even if a criminal penalty is justified for violation of the price discrimination prohibition, there is no justification for a criminal prohibition broader than the civil prohibition. We recommend that the criminal prohibition be dropped altogether.

The other two prohibitions of section 3 are designed to reach particular instances of predatory price cutting with adverse effects on competition in the seller's market. We have taken account of the purposes of these prohibitions, to the extent they are justified, and have reflected them in the basic price discrimination prohibition in the body of section 2 of the Robinson-Patman Act. We recommend that they be dropped from section 3, since there is no justification for a criminal prohibition inconsistent with or broader or less specific than the civil prohibition of section 2.[4]

V. THE PATENT LAWS

We recommend new legislation to curtail certain practices which, under color of the patent laws, undermine the purposes of the antitrust laws. Such legislation would not prevent the owner of a valid patent from fully exploiting the monopoly conferred by his patent, and it would not involve any changes in the structure of the patent law. A draft of such legislation and of comments is attached to this Report as Appendix D.

We recommend that, in general, a patent owner who has granted a license with respect to his patent must license all qualified applicants on equivalent terms. This proposal does not involve compulsory patent licensing. A patentee may decline to issue any licenses at all, or he may issue licenses in some fields of use and reserve to himself the practice of the patent in other fields.

Ordinarily, it is unnecessary for a patent owner to grant an exclusive license to obtain the full reward for his patent. A rational patent owner can exact the full monopoly reward of the invention by setting appropriate royalties, and that reward will be greatest if the patented invention is exploited under competitive conditions. The grant of an exclusive license to a single licensee or a small group of licensees generally puts the licensee or licensees in a position to exact a monopoly profit. In effect, the patent owner is sharing his monopoly profit with the licensees. This will generally be to the patent owner's advantage only if the patent is vulnerable or if the arrangement creates a monopoly broader than the patent.[5] That is, a patent licensing arrangement with limited membership may be nothing more than a device by which prices are fixed or markets shared.

These effects can be avoided by a requirement that, if a license has been granted, a license on the same terms must be made available to all qualified applicants. Then, a licensee will be unable to obtain more than a reasonable profit for his role in exploiting the patent. Our proposed remedy will not require that courts or administrative agencies determine what are reasonable royalties; royalties would continue to be bargained between patent owners and initial licensees. To the extent this proposal increases the number of licensees during the life of a patent, it may also result in more effective competition in the practice of the patent after expirations.

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[4] Dennis G. Lyons and George D. Reycraft believe that the latter two prohibitions of section 3 should not be repealed.

[5] In some few cases, the grant of an exclusive license may be a necessary inducement to the licensee to undertake the commercial risk of exploiting an innovation to an extent beyond the patent owner's financial capabilities. This possibility is reflected in the statute. See page D–13. Many members doubt that such cases will arise.

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We also recommend that copies of license agreements be filed with the Commissioner of Patents and be freely available to all, including antitrust enforcement officials. This provision is essential to effective operation of the nondiscriminatory licensing requirement, and it is similar to the requirement of existing law that interference settlements be filed. Even if the nondiscriminatory licensing requirement is not enacted, we recommend enactment of the filing requirement. Such a requirement would materially aid the enforcement of the antitrust laws to the extent they now apply to license agreements or might be interpreted to apply to license agreements in the future. No legitimate interest would be sacrificed by exposing such agreements to the light of day.

Finally, we recommend that a patent be unenforceable if the patent owner has not consistently taken reasonable steps to enforce his patent. This provision is necessary to avoid tacit or covert agreements not to enforce patents; such agreements would undermine the purposes of the nondiscriminatory licensing requirement and the filing requirement. The provision also has independent value, since it would recognize the obsolescence of patents which are of little commercial value or questionable validity and are not worth litigation, but which nevertheless serve to discourage entry into the field covered by the patent.[6]

VI. PROBLEMS OF INFORMATION

In the course of preparing this Report, we have been struck by the need for improved collection, organization and availability of financial and economic data. Such information plays several roles in antitrust law. *First,* it is essential in the formulation of antitrust policy. *Second,* it may be essential in the application of the antitrust laws, in facilitating observance of the law by businessmen and enforcement of the law by the government. *Third,* it may have an effect on the operation of competitive markets and thus have direct antitrust implications.

The formulation of economic policy requires a variety of financial and economic information. Such information may, for example, cast light on the competitive structure of industries, on the relation between prices and costs, on industry performance, on merger activity and plant construction, and on numerous other facts of obvious relevance in the formulation of economic and antitrust policy. Much of this information is already in the files of the Census Bureau. The Census Bureau operates under a statutory mandate not to disclose information with respect to individual firms, even if such information is not particularly sensitive or has already been made public in another form. The only way an individual researcher can have access to this information is by being sworn in as a Census employee and accepting the Census Bureau restrictions on disclosure of information; even government agencies attempting to obtain such information, such as the Federal Trade Commission, are subject to similar restrictions.

Current Census Bureau practice also requires that computer programming be done by Census Bureau personnel and that Census Bureau computers be used. Yet in contrast with its practice on population information, the Census Bureau has not established efficient procedures for furnishing specialized economic information to other government agencies. The result is that researchers and government agencies very often choose to forgo the benefits of Census Bureau information and to gather less detailed information by dissemination of questionnaires or to use public sources.

We recommend establishment of an interagency group consisting of representatives of the Census Bureau, Securities and Exchange Commission, Internal Revenue Service and other agencies which gather information; the Council of Economic Advisers, Federal Trade Commission, Justice Department and other agencies which use information; and the Office of Statistical Standards in the Bureau of the Budget. This group could also include experts from outside the government. The group would consider how, within the framework of existing restrictions on disclosure, information for policy-making and research may be made more readily accessible to policymakers and researchers. In addition, the group would assist the Census Bureau and other information-gathering agencies in setting up procedures and facilities, along the lines of those presently set up for population census information, for responding to requests for economic information.

The group would also consider the extent to which new interpretations of existing legislation and, eventually, new legislation are feasible and desirable to modify the effect of restrictions on disclosure. We recognize that the Census Bureau depends in large part on voluntary compliance with its reporting requirements, and that the assurance of confidentiality is an important ingredient in obtaining that compliance. Therefore, any modification of disclosure restrictions would be limited to those types of information which are highly significant for antitrust policy and either are not highly sensitive or are similar to other information which has been publicly disclosed.

The application of our legislative proposals as well as existing antitrust law, requires economic information such as market shares and sales in specific markets. Information prepared by the Census Bureau is based on industry and product classifications which do not necessarily coincide with relevant national and regional markets. We recommend that the interagency group recommended above establish procedures for developing and publishing information of antitrust significance, such as studies of important markets, including those in which deconcentration proceedings might be appropriate and those in which merger activity has been high. In many cases such information could be made available without disclosing information on industrial firms. The group also could coordinate and evaluate requests for information to the Census Bureau and other information-gathering agencies.

We recommend that the provisions of the Securities Exchange Act of 1934 authorizing the SEC to specify the details of financial reports "for the protection of investors and to ensure fair dealing" in the securities markets be expanded to recognize the impact of profit and loss information on the operation of competitive markets, and to require that the SEC issue regulations implementing these provisions after consulting with the Justice Department and the Federal Trade Commission. Pending adoption of this recommendation, the Justice Department and the Federal Trade Commission should be requested to consider submitting recommendations to the SEC, within the existing statutory framework, for regulations providing for disclosure of profit and loss information desirable from an antitrust viewpoint. Such recommendations should be submitted as soon as possible, since the SEC is currently considering divisional reporting requirements.

Information as to the profitability of operations in particular economic markets should be widely available to facilitate the operation of a competitive economy. Above-normal profits in an industry should attract investment by new entrants or additional investment by existing suppliers. Thus, in the long run, output will be brought up to the level optimum from the point of view of the economy as a whole. In addition, new entry into a market in response to profit opportunities may reduce concentration in that market. The availability to stockholders of information as to the profitability of particular operations of transactions might encourage closer scrutiny of the advisability of such operations and transactions. The availability of profit information may lessen any temptation for large or diversified firms to use their superior financial resources and staying power to drive smaller rivals out of business.

VII. ADDITIONAL RECOMMENDATIONS

1. Premerger notification and related matters

The Department of Justice and the Federal Trade Commission must presently rely primarily upon public sources of information in the enforcement of statutory prohibitions on mergers. We endorse proposals for mandatory premerger notification and have set forth a proposed statute in Appendix E. Under the proposed statute, the Attorney General would be empowered to make regulations, subject to certain restrictions designed to keep reporting from becoming too onerous. At the same time, we recommend a reasonable statute of limitations, such as ten years, on government actions against mergers. We oppose a requirement that actions be brought prior to consummation of mergers, since this might prove too much of a strain on enforcement resources. Such a requirement might also hamper legitimate mergers by encouraging enforcement authorities to bring actions which, upon more complete investigation, might not have been brought.

Our proposal, coupled with the clear standards of our proposed legislation to deal with mergers, would make it possible to resolve many merger actions prior to consummation of mergers. Under those standards, it would be possible to obtain preliminary injunctions in cases where mergers appeared to be unlawful.

2. Duration of decrees

Many decrees under the antitrust laws, including consent decrees, are of long or indifinite duration. The effects of these decrees may change with the passage of time. Such decrees may turn out to be ineffective or anticompetitive. We recommend a genearl provision limiting the duration of antitrust decrees, including consent decrees, to a relatively short period, such as ten years, but permitting the court to extend decrees in original or modified form for additional ten-year periods. Provisions along these lines are built into our proposed legislation to deal with concentrated markets and our proposed revision of the Robinson-Patman Act. A draft of suggested language is set forth in Appendix E to this Report.

3. Income tax laws

Some features of the income tax laws may have effects on market concentration or merger activity. We recommend that the income tax laws be reexamined to see whether these effects exist and whether they can be neutralized without significant harm to the purposes of the income tax laws.

The reorganization provisions of the Internal Revenue Code provide that, in certain kinds of acquisitions, the selling stockholders recognize no gain. The reorganization provisions, alone or in conjunction with other provisions of the tax laws, may provide significant incentives to stockholders to make their companies available for acquisition. On the other hand, there are offsetting disadvantages to the acquiring corporation, and the reorganization provisions may affect primarily the form rather than the number of acquisitions. The justification for and effect of these provisions deserve reconsideration in preparing a tax reform program.

Corporations and their stockholders are generally taxed separately, and stockholders are not taxed on earnings which are retained rather than distributed as dividends. The effect of this provision may be to channel investment funds through existing corporations rather than independent or new enterprises. Thus, corporations may grow larger than they otherwise would, and some of this expansion may serve to maintain or increase their market shares in industries in which they already have large market shares. In addition, this aspect of the law may encourage acquisitions for cash or acquisitions of corporations which will require the investment of additional capital.

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[6] We have not given detailed consideration to the desirability of permitting license restrictions on pricing, field of use or territories. Members of the Task Force have expressed varying views on different types of restrictions.

We recommend that the competitive effects of this feature of the tax laws be examined in preparing a tax reform program.

4. The antitrust laws and regulated industries

In the regulated sector of the economy, the bias of policy and its enforcement is overwhelmingly against competition. This bias manifests itself in more permissive policies toward mergers and exemption of mergers from antitrust standards; in restrictions on entry; and in regulation of minimum rates for the protection of competitors and competing industries, in addition to more traditional regulation of maximum rates for the protection of consumers. We believe that this bias is contrary to the public interest in many cases. We recommend further study of regulated industries to determine the extent to which competition and the competitive standards of the antitrust laws can be substituted for at least some aspects of regulation.

5. Resale price maintenance

The Miller-Tydings Act and the McGuire amendment to section 5(a) of the Federal Trade Commission exempt certain resale price maintenance arrangements from the antitrust laws where States have enacted so-called "fair trade" laws. The case against resale price maintenance has been made so often and persuasively that we think no further elaboration is necessary. We recommend repeal of antitrust exemptions for resale price maintenance.

APPENDIX A.—CONCENTRATED INDUSTRIES ACT

Section 1.—Reduction of Industrial Concentration.

(a) It shall be the duty of the Attorney General and the Federal Trade Commission to investigate the structure of markets which appear to be oligopoly industries.

(b) When, as a result of such investigation, the Attorney General determines that a market appears to be an oligopoly industry and that effective relief is likely to be available under this Act, he shall institute a proceeding in equity for the reduction of concentration, to which all firms which appear to be oligopoly firms in such oligopoly industry shall be made parties.

(c) The court shall enter a judgment determining whether one or more markets are oligopoly industries and, if so, which of the parties are oligopoly firms in such oligopoly industries. Any party to the proceeding may appeal such judgment directly to the Supreme Court.

(d) In order to provide an opportunity for voluntary steps looking toward reduction of concentration, no affirmative relief shall be ordered against such oligopoly firms for a period of one year following entry or affirmance of such judgment.

(e) After such one-year period, further proceedings shall be conducted and a decree entered providing such further relief as may be appropriate, in light of steps taken or initiated during the one-year period, to achieve, within a reasonable period of time not in excess of four years, a reduction of concentration such that the market share of each oligopoly firm in such oligopoly industry does not exceed 12%. Such decree may include provisions requiring a party (i) to modify its contractual relationships and/or methods of distribution; (ii) to grant licenses (which may, in the discretion of the court, provide for payment of royalties) under and/or dispose of any patents, technical information, copyrights and/or trademarks; and (iii) to divest itself of assets, whether or not such assets are used in an oligopoly industry, including tangible assets, cash, stock or securities (including securities in existing firms or firms to be informed), accounts receivable and such other obligations as are appropriate for the conduct of business. The decree may also make such other provisions and requires such other actions, not inconsistent with the purposes of this Act and the antitrust laws, as the court shall deem appropriate, including any provisions which would be appropriate in a decree pursuant to the antitrust laws. Such decree shall not require that a firm take any steps which such firm establishes would result in substantial loss of economies of scale.

(f) Any decree entered pursuant to subsection (e) may be appealed directly to the Supreme Court.

(g) Between four and five years after entry or affirmance of a decree pursuant to subsection (e) or a further decree pursuant to this subsection (g), proceedings shall be conducted to determine whether the decree has achieved the reduction of concentration referred to in subsection (e). If the court determines that it has not attained such end, it shall enter a further decree ordering additional steps to be taken. Such decree may be appealed directly to the Supreme Court.

(h) Any decree entered pursuant to this section 1 shall be subject to modification on the motion of any party according to the usual principles governing decrees in equity.

Section 2. Regulated Industries.

No action may be brought pursuant to section 1 of this Act with respect to any market which is subject to regulation under [specify federal regulatory statutes], unless, prior to the commencement of such action, a copy of the proposed complaint in such action shall have been furnished to the agency, commission, board or body vested with regulatory power pursuant to any of the Acts enumerated, and such agency, commission, board or body shall not have disapproved the commencement of such action within 90 days after receipt of such proposed complaint or shall have waived disapproval. No decree in any action pursuant to section 1 of this Act may require disvestiture of any assets used in any such regulated market, unless such agency, commission, board or body shall have been served with a copy of the proposed decree and shall not have objected thereto within 90 days after such service or shall have waived objection. No such disapproval or objection or the withholding or waiver thereof shall be considered to be either an adjudication or a rule-making proceeding for the purposes of the Administrative Procedure Act or any Act of Congress establishing procedural requirements for determinations by any agency, commission, board or body.

(b) No action may be brought pursuant to section 1 of this Act with respect to a market (i) in which maximum prices or rates are subject to direct public utility regulation by any state, municipal, District of Columbia or territorial agency, commission, board or other body, and (ii) which consists of the furnishing of electricity, gas, water or telephone services, without the consent of each such agency, commission, board or body.

Section 3. Procedure.

(a) All proceedings under this Act shall be conducted by the Special Antitrust Court established pursuant to subsection (b) of this section 3. Such proceedings shall be conducted in a judicial district or districts determined by the court or pursuant to rules established by the court.

(b) The Chief Justice shall designate not more than -------- circuit judges and district judges to serve on the Special Antitrust Court for purposes of a specified proceeding or proceedings or for such period or periods of time as may be specified by the Chief Justice. The Chief Justice shall designate one such judge as Chief Judge of the Special Antitrust Court. Proceedings under this Act shall be conducted by panels consisting of one or more judges of the Special Antitrust Court designated by the Chief Judge of the Special Antitrust Court or by a judge or judges designated by the Chief Justice for the purpose. Such proceedings shall be conducted pursuant to the Federal Rules of Civil Procedure in effect at the time, subject to such additional rules (which may supersede or supplement the Federal Rules of Civil Procedure) as shall be adopted by the Special Antitrust Court for the purposes of proceedings under this Act.

(c) In any proceeding under this Act, the Special Antitrust Court may designate one or more economists or other persons to serve as expert witnesses to be called by the court. Such witness or witnesses

(i) shall be furnished with all evidence introduced by any party;

(ii) may offer additional evidence subject to objection by any party;

(iii) shall offer analyses of the issues, with particular reference to relevant markets;

(iv) shall recommend appropriate provisions for decrees;

(v) shall be subject to cross-examination and rebuttal.

Section 4. Definitions.

As used in this Act

(a) The term "oligopoly industry" shall mean a market in which

(i) any four or fewer firms had an aggregate market share of 70% or more during at least seven of the ten and four of the most recent five base years; and

(ii) the average aggregate market share during the five most recent base years of the four firms with the largest average market shares during those base years amounted to at least 80% of the average aggregate market share of those same four firms during the five preceding base years, but shall not include any market in which the average aggregate sales of all firms during the five most recent base years declined by 20% or more from such average sales during the preceding five base years.

(b) The term "oligopoly firm" shall mean a firm engaged in commerce whose market share in an oligopoly industry during at least two of the three most recent base years exceeded 15%.

(c) The term "firm" shall include corporations and associations existing under or authorized by the laws of the United States, any of the Territories, any State, or any foreign country, and shall include any firm controlling, controlled by, or under common control with a firm.

(d) The term "market" shall mean a relevant economic market, appropriately defined with reference to geographic area (which may be the United States or another geographic area) and product or service, including sales within such market by firms located outside the geographic area, *provided* that aggregate sales in the market amounted to more than $500 million during each of at least four out of the five most recent base years.

(e) The term "market share" shall mean the proportion of a firm's sales in a relevant market to all sales in such market.

(f) The term "sales" shall mean annual gross sales, gross income, gross receipts, or, if no such amount is applicable, the corresponding amount, whichever is largest, as set forth in reports filed by a firm with the Securities and Exchange Commission pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934, or the largest such amount which would have been reported if section 13 or section 15(d) of the Securities Exchange Act of 1934 were applicable to require reporting by such firm for a base year of its gross sales, gross income, gross receipts, or a corresponding amount, in a market, and sales in a market shall include amounts which would have been reported but for the fact that goods or services were both produced and consumed by the same firm.

(g) The term "base year" shall mean one of the ten calendar years, the most recent of which ended more than six months and not more than eighteen months prior to the date on which any proceeding is instituted pursuant to subsection (b) of section 1 of this Act.

(h) The term "antitrust laws" shall mean the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, as amended, and section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

(i) The term "commerce" shall mean trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or places and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

Comments to Accompany Concentrated Industries Act

Section 1. Reduction of Industrial Concentration.

(a) The Attorney General and the Federal Trade Commission are under a duty to investigate market structures of lines of commerce which appear to be oligopoly industries. Since the Attorney General and the FTC do not have unlimited resources at their disposal, they would necessarily have discretion in establishing priorities. In exercising this discretion, it is assumed that they would first investigate those industries which are of most fundamental importance in the economy and in which concentrated market structure, not dictated by economies of scale, has had the most pronounced effect in producing market behavior at variance with competitive norms.

(b) Enforcement authority is vested solely in the Attorney General, but he would often proceed on the basis of an FTC investigation. This would require improved cooperation between the FTC and the Department of Justice.

(c) The first step in a proceeding under the Act is a determination of oligopoly firms and oligopoly industries. The sole questions for determination would be relevant markets and market shares.

(d) There is a mandatory one-year waiting period after a determination that an industry is an oligopoly industry and parties are oligopoly firms. The purpose of this waiting period is to permit an oligopoly firm to take or initiate steps to reduce its market share in a manner most advantageous to its stockholders. The Act imposes no penalties and, until entry of a decree pursuant to subsection (e), provides for no relief against oligopoly firms. Therefore, it is not expected to influence firms to reduce their market shares by simply restricting their output without disposing of assets. Artificial restriction of output would be undesirable from an economic point of view.

(e) After the waiting period, the court is to determine what steps are to be taken to reduce the four-firm concentration ratio below 50% and the market shares of individual firms below 12%. The statutory language recognizes that this objective will not always be feasible. In entering its decree, the court is to take account of steps taken or initiated during the waiting period. The decree may use a variety of techniques short of divestiture if they promise to bring about the desired reduction in market share. These steps would include the removal of such barriers to entry as contractual arrangements and patents. The Act does not specifically authorize the court simply to restrict output or advertising expenditures, since restrictions of this nature would come very close to direct regulation of business and would seldom produce desirable economic results. Such restrictions might, however, be used in unusual situations and would be justified by the general reference to provisions appropriate in an antitrust decree.

A decree cannot require a firm to take steps which would result in substantial loss of economies of scale. This provision would, for example, preclude divestiture reducing a firm below minimum efficient size or creating new entities below minimum efficient size. The burden of proof is on the firm, and the possible loss of economies is not a defense to the issuance of a judgment under subsection (c). Division of a single plan would ordinarily result in substantial loss of economies of scale, and the Act permits a firm to establish that a decree would result in a net loss of economies of scale beyond the plant level. Net loss of economies of scale beyond the plant level might be established directly or by considering the minimum size of viable competitors in an industry. Thus, the court would not ordinarily divide an oligopoly firm into firms smaller than that indicated by experience to be necessary to survival in the industry. We are not unaware of efficiencies other than economies of scale; other efficiencies will generally reflect scarce resources such as unique management talent. These resources may be transferred pursuant to a deconcentration decree without significant loss.

(f) This subsection provides for immediate Supreme Court review of a decree.

(g) This subsection provides for a mandatory "second look" every four to five years after the entry or affirmance of the original decree until concentration is reduced to the extent described in subsection (e). If relief granted in a decree has not had the desired effect, more drastic relief would generally be in order. This procedure is not unlike the procedure in a monopolization case under section 2 of the Sherman Act. See *United States* v. *United Shoe Machinery Corp.*, Supreme Court, May 20, 1968.

(h) A decree is subject to modification pursuant to usual equity principles. Thus, the "second look" provision of subsection (g) does not exclude additional modification of a decree.

Tariffs and import quotas often serve as an important barrier to entry and may serve to restrict the relevant market. If such barriers were dropped, competition would, in many cases, immediately improve. The Act contains no provisions for reducing or eliminating such barriers in oligopoly industries. Such a procedure might harm small firms as much as or more than oligopoly firms. The participation of courts in an area so closely linked to foreign affairs might be regarded as an inappropriate incursion on the powers of the executive and might upset delicate and sensitive trade and treaty relationships. But in establishing and negotiating tariffs and import quotas, it would clearly be appropriate for the President and Congress to take account of concentration in domestic industries.

Section 2. Regulated Industries.

In general, this section provides that an action may not be brought with respect to markets regulated under specified federal statutes. The decision as to which statutes to specify would reflect the fact that remedies under the Act are not limited to divestiture and might interfere with statutory regulatory patterns. The Act also excludes divestiture of part of the assets used by a public utility whose maximum rates are regulated by a State commission. A State could not exempt its industries from the Act by unusual expansion of the scope of public utility regulation. Our recommendation of this provision does not mean that we approve existing statutory provisions for exemption, but simply that we do not believe that the Act should be at cross-purposes with other statutes.

Section 3. Procedure.

Proceedings under the Act will require judges with special expertise, and this expertise is not likely to be acquired unless all litigation is directed to a small number of judges with special qualifications. There is ample precedent in 28 U.S.C. section 1407 for the use of specially selected judges to handle litigation no matter where it arises. The Act should be supplemented by amendments to title 28 to provide nation-wide service of process and to ensure that venue in the Special Antitrust Court will be proper.

Subsection (c) allows the use of court-appointed economic experts. In many cases, the Attorney General and the defendants may confine their arguments to those best supporting their position in particular cases. Impartial economic experts could present additional arguments, as well as helping the court to sift and evaluate arguments made by the parties.

Section 4. Definitions.

(a) The definition of "oligopoly industry" is limited to markets in which the four-firm concentration ratio has been both high and stable. The first clause of the definition requires that the concentration ratio have been at least 70% during four out of the five most recent base years and seven out of the ten base years. In the judgment of the members, this is a conservative figure, at the upper end of the range in which direct action to reduce concentration would be justified. The second clause excludes industries in which there have been substantial changes in the identity of the four largest firms. If the situation stabilizes, a proceeding may be brought at a later date. The language after the second clause excludes industries with declining sales. This reflects our views of the appropriate limits on the use of the remedies of the Act and of appropriate priorities in the use of enforcement resources. An industry which is presently not an oligopoly industry because of a sales decline may become an oligopoly industry later on if the decline in sales is arrested.

(b) An "oligopoly firm" is a firm with a market share in excess of 15% during at least two of the three most recent base years. Unless the top four firms have exactly 70% and there are only two other firms with exactly 15% each, there will not be more than five oligopoly firms in an oligopoly industry, and there will generally be four or fewer, depending on how market shares are distributed among the largest firms.

(c) The definition of "firm" is very similar to the definition of "person" in the Clayton Act. Unlike the Clayton Act term, it does not include individuals. It includes firms controlling, controlled by, or under common control with a firm. Thus, in determining whether a firm is an oligopoly firm, the market shares of its subsidiaries would be considered.

(d) The term "market" has been substituted for the Clayton Act term "line of commerce" in order to permit the court to make sound determinations free of the distortions which have arisen in some Clayton Act cases. In order to exclude extremely narrow market definitions and to restrict the operation of the Act to industries of substantial importance in the economy as a whole, the Act is limited to markets with annual sales of at least $500 million.

(e) A firm's "market share" is defined as its proportion of sales in a market.

(f) "Sales" are defined by reference to amounts which would be reported, pursuant to the Securities Exchange Act of 1934. Some elaboration is necessary, since the Securities Exchange Act does not, and even with addi-

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tional divisional reporting requirements would not, require reporting of sales in every conceivable market. Language is added at the end to indicate that the definition of sales is not limited to goods or services sold outside an enterprise. Thus, differences in the degree of vertical integration would not affect sales or market shares.

(g) There are ten "base years," determined by reference to the date a proceeding is instituted. The most recent base year will have ended at least six months prior to the date as of which figures must be known for the base year. This takes account of necessary delays in gathering and reporting figures.

(h) The term "antitrust laws" is used only in section 1(e), which permits the court to include in its decree any provisions which would be appropriate in a decree pursuant to the antitrust laws. For this purpose, the antitrust laws include the Sherman Act and section 7 of the Clayton Act, but do not include section 2 of the Robinson-Patman Act and various miscellaneous antitrust laws referred to in the Clayton Act definition of the same term.

(i) "Commerce" is defined substantially in the same terms as in the Clayton Act, and is designed to exhaust congressional power under the Commerce Clause.

APPENDIX B.—MERGER ACT

Section 1. Prohibited Acquisitions.

(a) No large firm shall directly or indirectly merge with, combine with, or acquire any equity security in any leading firm or directly or indirectly acquire all or substantially all the assets used by a leading firm in any market in which it is a leading firm.

(b) No leading firm shall directly or indirectly merge with, combine with, or acquire any equity security in any large firm or directly or indirectly acquire all the assets of a large firm or a part thereof sufficient to constitute a large firm.

(c) This section shall not apply to firms acquiring any equity security solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, control of firms in which any equity security is acquired. Nor shall anything contained in this section prevent firms from causing the formation of subsidiary firms for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary firms.

(d) If any acquisition is approved by any federal agency, commission, board or other body, such approval shall result in total or qualified exemption of such acquisition from this Act to the same extent such approval results in exemption from section 7 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended.

Section 2. Definitions

As used in this Act

(a) The term "large firm" shall mean a firm engaged in commerce which, giving effect to any acquisition or other transaction referred to in section 1 of this Act and all acquisitions or other such transactions completed at or prior to the effective date of such acquisition or other transaction,

(i) had or would have had sales which exceeded $500 million during the most recent base year, or

(ii) had or would have had assets which exceeded $250 million at the end of the most recent base year.

(b) The term "leading firm" shall mean a firm engaged in any market in which its market share was more than 10% during the least two base years, and in which the aggregate market share of any four or fewer firms during the same two base years was more than 50% *provided* that the term "leading firm" shall not include a firm whose market share during the same two base years was not among the four largest in such market.

(c) The term "firm" shall include corporations and associations existing under or authorized by the laws of the United States, any of the Territories, any State, or any foreign country, and shall include any firm controlling, controlled by, or under common control with a firm.

(d) The term "market" shall mean a relevant economic market, appropriately defined with reference to geographical area (which may be the United States or another geographic area) and product or service, including sales within such market by firms located outside the geographic area, *provided* that aggregate sales in the market amounted to more than $100 million during each of at least two base years.

(e) The term "market share" shall mean the proportion of a firm's sales in a relevant market to all sales in such market.

(f) The term "sales" shall mean annual gross sales, gross income, gross receipts, or, if no such amount is applicable, the corresponding amount, whichever is largest, as set forth in reports filed by a firm with the Securities and Exchange Commission pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934, or the largest such amount which would have been reported if section 13 or section 15(d) of the Securities Exchange Act were applicable to require reporting by such firm for a base year of its gross sales, gross income, gross receipts, or a corresponding amount in a market, and sales in a market shall include amounts which would have been so reported but for the fact that goods or services were both produced and consumed by the same firm.

(g) The term "assets" shall mean assets or a corresponding amount as set forth in reports filed by a firm with the Securities and Exchange Commission pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934, or assets or a corresponding amount which would have been reported if section 13 or section 15(d) of the Securities Exchange Act were applicable to require reporting by such firm.

(h) The term "base year" shall mean one of the three calendar years, the most recent of which ended more than six months and not more than eighteen months prior to the date of an acquisition or other transaction referred to in section 1 of this Act.

(i) The term "commerce" shall mean trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States.

Section 3. Injunctive Relief in Private Actions.

Any person or firm shall be entitled to sue for and have injunctive relief, in any court of the United States having jurisdiction over the parties, against threatened loss or damage by a threatened violation of section 1 of this Act, when and under the same conditions and principles as injunctive relief against threatened conduct that will cause loss or damage is granted by courts of equity, under the rules governing such proceedings; and upon the execution of proper bond against damages for an injunction improvidently granted and a showing that the danger of irreparable loss or damage is immediate, a preliminary injunction may issue.

Section 4. **Enforcement.**

Authority to enforce compliance with section 1 of this Act is vested in the Attorney General.

Comments to accompany Merger Act

Section 1. Prohibited Acquisitions.

(a) The first prohibition applies to acquisitions by large firms, as defined in section 2(a), of leading firms, as defined in section 2(b). An acquisition by a large firm of any equity security in a leading firm is prohibited unless it comes within the investment exception in section 1(c). Equity securities include, for example, common stock and convertible securities. An acquisition by a large firm of assets of a leading firm is prohibited only if it involves all or substantially all the assets used by the leading firm in any market in which it is a leading firm. An acquisition of a lesser amount of assets used by a leading firm in such a market would reduce the leading firm's market share. Since the purpose of the Act is to prevent increases in concentration or to reduce concentration in the markets in which leading firms operate, such acquisitions are not prohibited.

(b) The second prohibition applies to acquisitions by leading firms of large firms. The asset acquisition prohibition differs from the corresponding language in subsection (a) to reflect the fact that acquisition of assets by a leading firm will not reduce its market share. However, the Act does not prohibit a leading firm from acquiring a part of the assets of a large firm not sufficient to constitute a large firm. This kind of acquisition would be substantially equivalent, in economic terms, to a merger of a leading firm with a subsidiary, not itself a large firm, spun off from a large firm. Such a merger does not fall within the purposes of the Act.

The Act supplements and does not replace section 7 of the Clayton Act and sections 1 and 2 of the Sherman Act as applied to mergers. Although the Act is intended to apply primarily to conglomerate mergers, as distinguished from horizontal or vertical mergers, it is not limited to conglomerate mergers. The Act would add very little to existing law governing horizontal mergers, since section 7 has been interpreted to prohibit any horizontal mergers which would significantly increase the market share of a firm which already has a significant market share. The rules governing vertical acquisitions under section 7 are not clearly defined. Their import is probably that a merger is unlawful if one firm involves in the acquisition has a significant market share in a relatively concentrated market and the acquisition, together with other vertical integration in the same industry, would result in substantial foreclosure of competing firms from a market supplying or purchasing from the concentrated industry. In many cases, vertical acquisitions which might be attacked under section 7 would in any case be unlawful under section 1(a) or 1(b) of this Act, so that the need for particularly contrived applications of vertical acquisition doctrines would be minimized. As noted in the Report, the Act may in some cases prevent vertical acquisitions which are not unlawful under section 7. See page III–11.

The Act would apply primarily to conglomerate mergers. Under existing law, a conglomerate merger may be attacked if the effect may be substantially to lessen competition. As more fully discussed in the text of the Report, such attacks have been predicated primarily on the likelihood of reciprocal dealings and on the loss of potential competition. While the members of the Task Force differ in their appraisal of these doctrines, they agree that, in their more extended applications, they introduced many elements of uncertainty and unpredictability relatively concentrated market and the acquisition, together with other vertical integration in the same industry, would result in substantial foreclosure of competing firms from a market supplying or purchasing from the concentrated industry. In many cases,

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vertical acquisitions which might be attacked under section 7 would in any case be unlawful under sectioń 1(a) or 1(b) of this Act, so that the need for particularly contrived applications of vertical acquisition doctrines would be minimized. As noted in the Report, the Act may in some cases prevent vertical acquisitions which are not unlawful under section 7. See page III–11.

The Act would apply primarily to conglomerate mergers. Under existing law, a conglomerate merger may be attacked if the effect may be substantially to lessen competition. As more fully discussed in the text of the Report, such attacks have been predicated primarily on the likelihood of reciprocal dealing and on the loss of potential competition. While the members of the Task Force differ in their appraisal of these doctrines, they agree that, in their more extended applications, they introduce many elements of uncertainty and unpredictability into the law. The result is that many lawful mergers with potentially beneficial effects on competition may be discouraged, and that many unlawful mergers with adverse effects on competition may be consumated without attack because the lack of clear and precise standards places an excessive strain on enforcement resources and discourages voluntary compliance. It is believed that the clear prohibitions of section 1(a) and 1(b) would cover most cases which are the subject of legitimate attack under section 7 of the Clayton Act and sections 1 and 2 of the Sherman Act, and that most acquisitions not subject to attack under the proposed Act would have neutral or beneficial effects on competitive market structure. In those cases where acquisitions not subject to the proposed Act have anticompetitive effects, they will still be subject to attack under section 7 of the Clayton Act.

(c) This provision carries forward the substances of a provision, now in section 7 of the Clayton Act, which permits acquisitions of securities for the purpose of investment as distinguished from control. Since the Act does not require any showing of effect on competition, the section 7 references to competition have been omitted. The term "equity security" has been substituted for "stock" in section 7 to conform to the usage of sections 1(a) and 1(b). The term "equity security" is a familiar one, and is used in section 16(a) of the Securities Exchange Act of 1934. Some consideration was given to imposing a percentage limit on equity securities acquired for investment; since the language of section 7 has not given rise to any difficulty, it was felt undesirable to have substantially different standards under the two statutes.

(d) Regulatory approval of a merger results in immunity under the Act to the same extent as under section 7 of the Clayton Act. Although the standards for and effect of regulatory approval under some statutes may be subject to criticism, there is no reason why the effect of approval should differ under the Merger Act and under section 7 of the Clayton Act.

Section 2. Definitions.

(a) A "large firm" is a firm with annual sales in excess of $500 million or assets in excess of $250 million, in either case on a pro forma basis giving effect to acquisitions. In 1967, acquiring companies with assets of $250 million or more accounted for 59% of the assets of acquired manufacturing and mining companies with assets of $10 million or more. As the economy grows and the size of firms increase, it is anticipated that more and more firms will meet the definition of "large firm." In some cases, one or both firms in an acquisition may qualify both as a leading firm and a large firm.

(d) Regulatory approval of a merger results market share in a market in which the four largest firms have a 50% market share, but it does not include any firm which is not among the four firms with the largest market shares in such a market. As more fully described in the text of the Report, the Act is intended to apply to acquisitions by large firms or firms with significant market shares in relatively concentrated industries. Since the Act prevents future acquisitions, unlike the Concentration Act, which undoes existing concentration, a four-firm concentration ratio was picked which was at the lower end of the spectrum in which concentration leads to market performance departing from the competitive norm. It is not believed that the Act would have any significant adverse impact on investment opportunities, since it would permit a wide variety of forms of investment, including entry by internal expansion and entry by acquisition of a relatively small firm, followed by internal expansion.

(c). The definition of "firm" is similar to the definition of "person" in the Clayton Act. Unlike the Clayton Act term, it does not include individuals. It includes any person controlling, controlled by, or under common control with a firm. Thus, in determining whether a firm is a large firm or a leading firm, the assets or sales of its subsidiaries would be considered.

(d) The term "market" has been substituted for the Clayton Act term "line of commerce" in order to permit the court to make sound determinations free of the distortions which have arisen in some Clayton Act cases. In order to exclude extremely narrow market definitions the Act is limited to markets with annual sales of at least $100 million. As the economy grows, the minimum size limit will become of less and less importance.

(e) A firm's "market share" is defined as its proportion of sales in a market. The test is based on shipments rather than the more accurate but less readily available measure of value added. However, the definition of sales in the next subsection is designed to avoid serious distortions from use of this measure.

(f) "Sales" are defined by reference to amounts which would be reported pursuant to the Securities Exchange Act of 1934. Some elaboration is necessary since the Securities Exchange Act does not, and even with additional divisional reporting requirements would not, require reporting of sales in every conceivable market. Language is added at the end to indicate that, for purposes of determining sales in a particular market, the definition of sales is not limited to goods or services sold outside an enterprise. Thus, differences in the degree of vertical integration would not affect market shares.

(g) Like sales, "assets" are defined by reference to the Securities and Exchange Act of 1934.

(h) There are three "base years." The most recent base year will have ended at least six months prior to the date of an acquisition. This takes account of necessary delays in gathering and reporting figures.

(i) "Commerce" is defined substantially in the same terms as in the Clayton Act, and is designed to exhaust congressional power under the Commerce Clause.

Section 3. Injunctive Relief in Private Actions.

This provision is modeled on section 16 of the Clayton Act, but private parties may seek relief only prior to and not after completion of an acquisition. The Act is not one of the "antitrust laws" for which treble damage relief is available under the Clayton Act.

Section 4. Enforcement.

The Attorney General is authorized to enforce the Act. Title 28 of the United States Code should also be amended to cover venue, jurisdiction, and other details of procedure.

APPENDIX C. REVISION OF SECTIONS 2 (a), (b), AND (f) OF THE ROBINSON-PATMAN ACT

The attached revision of sections (2) (a), (b), and (f) of the Robinson-Patman Act is based on the following premises:

(1) There are many reasons for price discrimination and most of them are related to the improved functioning of the competitive system.

(2) It is possible for price discrimination to adversely affect competition, but such instances are exceptional.

(3) A statute designed to restrict price discrimination must therefore be narrowly drawn, so that the important benefits of price discrimination will not be lost in an excessive effort to curb limited instances of harm.

(4) Revision of the Robinson-Patman Act is preferable to its repeal, since repeal would not preclude the wholesale transfer of Robinson-Patman doctrine to sections 1 and 2 of the Sherman Act and section 5 of the Federal Trade Commission Act.

The proposed revision is divided into a number of subsections which are discussed seriatim.

Subsection (a) defines the jurisdictional scope of the law and, among other things, expands the scope of the statute to reach "the sale, lease, transfer or provision of any commodity or service," provided the latter are of "like grade and quality."

Subsection (b) defines the circumstances in which a discrimination may be found to have an adverse effect upon competition in the "primary" or "secondary" line, narrowing the scope of liability appreciably.

Subsection (c) carries forward the "meeting competition" defense of the present Act with a special provision to govern the situation where the price being met is an unlawful price.

Subsection (d) covers the "cost justification" defense of the present Act with some modifications. Among other things, the defense is liberalized by making allowance for approximations, estimates and reasonable classifications.

Subsection (e) includes the "changing conditions" defense of the present Act and makes explicit the present implied defense of "availability"—*i.e.*, a person cannot complain of discrimination if the lower price was equally available to him on reasonable terms.

Subsection (f) continues the Act's exemption for refusals to deal (with one minor qualification).

Subsection (g) carries forward, in substantially the same terms, the existing provision for buyer liability.

Subsection (h) deprives the Federal Trade Commission of authority to challenge discriminatory practices under section 5 of the Federal Trade Commission Act.

Subsection (i) imposes a time limitation on antidiscrimination orders.

"(a) That it shall be unlawful for any person in the course of commerce to discriminate, either directly or indirectly, in the exaction of consideration for the sale, lease, transfer or provision of any commodity or service where (i) the two or more transactions involved in the discrimination involve commodities or services of like grade and quality, (ii) such commodities or services are sold, leased, transferred or provided for use, consumption, or resale within the United States or any place under the jurisdiction of the United States, and (iii) the effect of the discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce."

Comment: Subsection (a) is the "jurisdictional" portion of the proposed revision. It removes a number of irrational limitations upon the scope of the present antidiscrimination law.

The Robinson-Patman Act is presently limited to *sales of commodities*. The revision covers the leasing or other transfer of commodities, as well as the provision of services.

The Robinson-Patman Act requires that the person granting the discrimination be "engaged in commerce"; that the discrimination occur "in the course of such commerce"; and that "either or any of the purchases involved in such discrimination [be] in commerce." Obviously, if the last require-

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ment is met, the first two also would be satisfied, so the section as it stands contains redundant requirements. In the proposed revision, the second requirement is retained and the other two are omitted. This gives the section a scope compatible with the Constitution and consistent with most other provisions of the antitrust laws.

The requirement of "like grade and quality" in the present Act is retained. This limitation sometimes produces irrational results, but it appears to be administratively necessary, particularly if the scope of the section is extended beyond commodities to services. For further discussion of the "like grade and quality" restriction, see the comment under subsection 2(e) of the proposed revision.

The proposed revision retains the "directly or indirectly" language of the Robinson-Patman Act and substitutes "exaction of consideration" for "price." This broad terminology is compatible with the extension of the scope of the provision to transactions in addition to sales of commodities; it also embraces the transactions formerly covered by sections 2(c), 2(d) and 2(e) of the Robinson-Patman Act, which are omitted in the proposed revision.

Like the present Act, the proposed revision applies only to discrimination among transactions in goods or services to be used within the United States. Discriminations between domestic and international transactions are governed by international treaties, such as the General Agreement on Tariffs and Trade, and by the Anti-Dumping Act.

The final qualifying clause, pertaining to anticompetitive effects, has been modified in the proposed revision. The scope of the modification is developed more fully in connection with subsection (b) of the proposed revision.

"(b) A discrimination shall be held to have the effect described in subsection (a) only where:

"(i) The recipient of the benefit of the discrimination is in competition with others not granted the same treatment, the discrimination is substantial in amount, and the discrimination is part of a pattern which systematically favors larger competitors over their smaller rivals; or

"(ii) The recipient of the benefit of the discrimination is in competition with others not granted the same treatment, the discrimination is substantial in amount, and the discrimination imminently threatens to eliminate from a line of commerce one or more competitors whose survival is significant to the maintenance of competition in that line of commerce; or

"(iii) The person granting the discrimination is in competition with others serving significantly more limited areas (territories or classes of customers which are relevant lines of commerce) the discrimination is restricted to one or more such limited areas (representing a small part of the total area served by the person granting the discrimination), the consideration exacted in such limited areas is less than the reasonably anticipated long-run average cost of serving those areas (including capital costs), and the discrimination imminently threatens to eliminate from such a limited area one or more competitors whose survival is significant to the maintenance of competition in that area.

Provided, however, that the survival of a competitor is not significant to the maintenance of competition where, in the line of commerce or area affected, the number of competitors remaining, or the ease with which new competitors may enter, indicates that effective competition will not be suppressed for an appreciable period of time."

Comment: The Robinson-Patman Act provides that a discrimination is unlawful where the effect "may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them." The proposed revision of subsection (a) retains the first part of the proviso—up to and including "line of commerce"—and deletes the remainder. The deleted language had two unfortunate consequences:

First, it tended to focus the attention of courts, and enforcement agencies upon the plight of individual competitors rather than the state of competition in the line of commerce affected. Efforts to preserve individual competitors sometimes seriously restricted the forces of competition.

Second, the deleted language applied, *inter alia*, to the preservation of competition with "customers" of "any person who . . . knowingly receives the benefit of [the] discrimination"—the so-called "tertiary line." This basis of liability suggested that a producer, granting a functional discount, might be obliged to police the resale prices of its distributors in order to assure that they did not undercut the producer in its sales to competitors of the distributors' customers. The proposed revision eliminates this perversion of antitrust policy.

These changes were achieved in subsection (a) of the proposed revision. The purpose of subsection (b) is to provide further assurance that the anti-discrimination law will not be employed to protect individual competitors at the expense of competition. It proceeds on the premise that price flexibility is an important aspect of competition, that discrimination is an important aspect of price flexibility, and that the benefits of price flexibility and discrimination should not be needlessly sacrificed.

Subsection (b)(i) codifies the holding in *FTC* v. *Morton Salt Co.*, 334 U.S. 37 (1948), applicable to situations where favored and disfavored buyers compete with one another—so-called "secondary line" cases. But that holding is restricted to its particular facts—a systematic pattern of price discrimination favoring large buyers over small. Where such a pattern exists, the discrimination—if substantial in amount—is likely to have harmful effects at the buyer level, in the long run if not the short. If the discrimination cannot be justified under one of the available defenses, it is unlikely that these harmful effects will be offset by any important beneficial consequences. And since the prohibition applies only to systematic patterns of price discrimination, this provision should produce no serious inroads on day-to-day price competition among sellers. There are a few Court of Appeals decisions which tend in the direction proposed. See *American Oil Co.* v. *FTC*, 325 F. 2d 101 (7th Cir. 1963), cert. denied, 377 U.S. 954 (1964); *Foremost Dairies, Inc.*, v. *FTC*, 348 F. 2d 674 (5th Cir. 1965).

Subsection (b)(ii) covers other instances of "secondary line" injury. Where the discrimination represents an *ad hoc* response to a particular competitive situation rather than a systematic pattern, a more stringent standard is made applicable. In order to foster and preserve flexibility in pricing, such discriminations are made unlawful only if (1) they imminently threaten to destroy one or more competitors, (2) the demise of such competitor(s) will significantly impair competition at the buyer level by leaving less than an adequate number of competitors at that level, and (3) entry of new competitors at the buyer level is not relatively easy. The emphasis here is on the state of competition at the buyer level rather than the preservation of individual buyers. This marks a radical departure from existing practice, which at times has based "secondary line" violations upon nothing more than substantial price differentials.

Subsection (b)(iii) deals with instances of "primary line" injury in similarly stringent fashion. Where the claim is that the discrimination is adversely affecting a competitor of the discriminator, there is the distinct possibility that the competitor is really seeking relief from competition. Accordingly, it is desirable that the scope of liability be narrowly circumscribed. This is accomplished by requiring that there be a significant disparity between the areas served by the discriminator and the smaller competitors; that the discrimination be limited to a small part of the discriminator's area of operation; that the lower price be less than reasonably anticipated long-run average costs; and that the discrimination threaten the imminent adverse effects upon competition described in connection with subsection (b)(ii). Among other things, this revision would clearly reverse the result in *Utah Pie Co.* v. *Continental Baking Co.*, 87 S. Ct. 1326 (1967).

In the case of the cost standard, consideration was given to suggesting that some variation of marginal costs be employed as the measure. This approach was rejected, despite its considerable appeal, because of the controversy it would assuredly arouse and the great confusion that would attend its definition and application. Instead, average costs (including capital costs) were employed in conjunction with two qualifications: (1) relevant costs are those reasonably to be anticipated, permitting some degree of experimentation; and (2) relevant costs are long-run costs, so that price reductions designed to build volume may be justified if the volume would bring costs down to price. A price which meets this standard is consistent with the goal of long-term efficiency and should not be held to be unlawful. Hopefully the other limitations on liability will obviate the need to examine costs in a great many instances.

No reference is made to "predatory intent," and none of the standards specified calls for a finding on the issue of "predatory intent." Interpretations of intent are particularly perilous in this area and, as illustrated by the *Utah Pie* case, the concept may be manipulated to support improper results.

"(c) It shall be a defense to a charge of discrimination that the lesser exaction of consideration was made in good faith to meet an equally low exaction of a competitor. The defense shall be allowed even though the equally low exaction of the competitor is unlawful, except in a suit seeking prospective relief against all or substantially all of the competitors practicing the discrimination; in the latter event, a discrimination otherwise unlawful may not be justified as meeting an equally low exaction of a competitor if the latter's exaction is unlawful."

Comment: The "meeting competition" defense is patterned after section 2(b) of the Robinson-Patman Act. The changes of language in the first sentence are for the sole purpose of conforming this subsection to the jurisdictional scope of subsection (a).

The remainder of subsection (c) is intended to deal with the difficult problems presented where a discrimination is sought to be justified by reliance on a competitive offer which is, or may be, unlawful. The existing law on this point is not wholly consistent. There is some suggestion that the competitive prices being met must be lawful, *FTC* v. *Staley Mfg. Co.*, 324 U.S. 746 (1945); or at least that the seller must not have knowledge of their illegality, *Standard Oil Co.* v. *Brown*, 238 F. 2d 54 (5th Cir. 1956). But *Callaway Mills Co.* v. *FTC*, 362 F. 2d 435 (5th Cir. 1966), allowed the meeting competition defense without regard to the apparent illegality of the competitive prices being set (evidently because the FTC had not passed on the issue). None of these solutions is entirely satisfactory.

If sellers are permitted to meet unlawful prices, without limitation, it may be impossible to remedy an industry-wide pattern of discrimination. The enforcement agencies would be compelled to identify the initiator of the pattern and this could well be an impossible task. Moreover, from the vantage point of obtaining prospective relief, the identity of the initiator is irrelevant.

On the other hand, if a seller is not permitted to meet unlawful prices, he is placed in an unenviable position. If the illegality of the competitive price is clear, the seller is precluded from competing effectively at a time when he is exposed to the worst kind of competitive assault; and presumably the unlawful competitive price will impair competition whether or not it is met by the seller. If the illegality of the competitive price is unclear, the seller must make a judgment as to its legality—which may be extremely difficult given the information available to the seller and the standard of legality applicable to the discrimination. Nor does it suffice to say that all doubts will be resolved in favor of the seller. For that merely raises the other horn of the dilemma, and poses a major obstacle to remedying widespread patterns of discrimination.

The proposed solution is to distinguish in terms of the relief sought. Where the only issue is prospective relief, all doubts will be resolved in favor of the prompt termination of the discriminatory pattern. By contrast, where damages are sought, the plaintiff will be obliged to track down the culprit whose initial unlawful discrimination is the ultimate cause of the plaintiff's difficulties.

The proposed revision also requires that the enforcement agency proceed against all or substantially all of the competitors practicing the discrimination if it wishes to avoid the "meeting competition" defense.

The proposed revision does not attempt to deal with other aspects of the "meeting competition" defense, in the hope and expectation that the Courts of Appeals will follow existing trends in removing encumbrances attached to the defense by a hostile Federal Trade Commission. See, for example:

Sunshine Biscuits, Inc. v. *FTC,* 306 F. 2d 48 (7th Cir. 1962) (rejecting FTC view that defense was available only for retaining old customers and was not applicable to obtaining new customers).

Forster Mfg. Co. v. *FTC,* 335 F. 2d 47 (1st Cir. 1964), cert. denied, 380 U.S. 906 (1965) (rejecting FTC position that seller must have "proof positive . . . of the amount of the competitive offers and the names of the bidders who made them").

Callaway Mills Co. v. *FTC,* 362 F. 2d 435 (5th Cir. 1966) (rejecting FTC position that seller could not meet competitor's "system" of price discrimination; several other limiting qualifications also were invalidated).

"(d) It shall be a defense to a charge of discrimination that the lesser exaction of consideration makes an appropriate allowance for differences in the cost of manufacture, distribution, sale, or delivery resulting from the differing methods or quantities involved in the transactions in question. An allowance is appropriate where the difference in consideration does not substantially exceed the difference in cost; where the difference in consideration does not exceed a reasonable estimate of the difference in cost; or where the difference in consideration is the result of a reasonable system of classifying transactions which is based on characteristics affecting cost of manufacture, distribution, sale or delivery, under which differences in consideration between classes approximate differences in cost. If a system of classification is held to be unlawful, the court or agency so ruling should indicate either (i) that the seller's customers are so similar in pertinent characteristics that no system of classification would be valid, or (ii) that a system of classification described by the court or agency may properly be employed in lieu of the one held to be unlawful.

Comment: The proposed revision makes a number of changes in the cost justification defense.

First, it includes differences in the cost of distribution among those which may justify a difference in the consideration exacted.

Second, it eliminates the power of the Federal Trade Commission to impose quantity limits upon price differentials justified by cost.

Third, it permits differences in consideration which make "appropriate" allowances for differences in cost. Appropriate allowances include those which (1) approximate the difference in consideration exacted; (2) are based on reasonable estimates; or (3) are based on a reasonable system of classification.

It is important that discrimination which reflect differences in cost be permitted. But if excessive exactitude is required in the proof of cost differences, sellers will be reluctant to charge different prices even though they reasonably believe that such price differences are justified by differences in cost. Moreover, it is vital that price differences be permitted as between different classes of transactions, for this is often the only practical means by which difference in costs may be translated into differences in prices. When a court or agency invalidates price differences based on classifications, it should be prepared to say either: (a) that all of the seller's customers are so similar to one another that no system of classification is permissible; or (b) that some defined system of classification may be used in place of the one held to be defective. See *FTC* v. *Standard Motor Products, Inc.,* 371 F. 2d 613 (2d Cir. 1967); *cf. United States* v. *Borden Co.,* 370 U.S. 460 (1962).

"(e) It shall be a defense to a charge of discrimination that the lesser exaction of consideration was in response to changing conditions affecting the market for or the marketability of the commodities or services involved, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned. A charge of discrimination also may be rebutted by proof that the lesser exaction of consideration was available, on reasonably practicable conditions, to the person or persons allegedly discriminated against."

Comment: The first sentence of subsection (e) carries forward the "changing conditions" defense from section 2(a) of the Robinson-Patman Act.

The second sentence of this subsection makes explicit a defense which is probably implicit in the present Act. See *Tri-Valley Packing Ass'n.* v. *FTC,* 329 F. 2d 694, 703–704 (9th Cir. 1964). If an alleged discrimination is available to both favored and disfavored buyers on reasonable grounds, and the latter choose not to take steps to obtain the benefit of the discrimination, the seller should not be held responsible. Thus, discounts for prompt payment are widely granted and have not been challenged as unlawful discriminations.

The defense of availability is important in another context. The jurisdictional scope of the proposed revision is limited to commodities or services of "like grade and quality". This is a vague concept and susceptible to broad or narrow interpretation by the courts and enforcement agencies. When in doubt, the seller can protect himself against an overly broad interpretation by offering the allegedly distinctive items to all customers on comparable terms. Under the proposed revision, such an offer would protect the seller against any charge based on "secondary line" injury and might prove to be of value in a "primary line" case as well. See *Borden Co.* v. *FTC,* 381 F. 2d 175 (5th Cir. 1967), on remand from 383 U.S. 637 (1966).

"(f) Nothing herein contained shall prevent any person from refusing to deal with any other person. *Provided, however,* that the offer to deal on discriminatory terms shall be treated as a completed transaction for the purpose of according relief under this section."

Comment: The first sentence of proposed subsection (f) is derived from section 2(b) of the Robinson-Patman Act: "nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade." The language is substantially modified to take account of the broadened jurisdictional scope of subsection (a). The reference to "restraint of trade" is omitted, since the Sherman Act provides a more appropriate frame of reference for such conduct.

The second sentence, which is a proviso to the first, is intended to remedy a possible jurisdictional defect in the present Act. Some courts have held that two completed transactions are required to constitute a violation, and it is possible that a buyer quoted a discriminatory high price may have to complete the transaction in order to have a right to relief. This requirement has no merit and is here expressly negatived. The seller's right to refuse to deal is maintained, since the proviso comes into play only where the seller chooses to quote terms to a prospective customer.

"(g) That it shall be unlawful for any person knowingly to induce or receive a discrimination which is prohibited by this section."

Comment: Subsection (g) of the proposed revision is based on section 2(f) of the Robinson-Patman Act. The language pertaining to commerce has been omitted as unnecessary. The discrimination induced or received must be "prohibited by this section", which means that the jurisdictional requirements of subsection (a), including the commerce requirement, must be met. This should suffice.

The "knowingly" requirement has been retained with the view that the buyer, in order to be charged with a violation, should have actual or constructive knowledge that he is the recipient of an illegal discrimination. See *Automatic Canteen Co.* v. *FTC,* 346 U.S. 61 (1953).

Even though the provision for buyer's liability has been retained in substantially its present form, the practical scope of the provision has been narrowed considerably. First, a violation by the buyer depends upon a showing that there has been a violation by the seller; and various revisions in the earlier subsections make it less likely that sellers will violate the section. Second, and more importantly, the revisions relative to seller liability make it more difficult to predict when a seller will be found to be in violation of the section and thus make it less likely that the buyer will have actual or constructive knowledge of those seller violations that actually occur. In effect, the buyer is liable only when he becomes a knowing accomplice to a clear violation by the seller.

Whether this constriction of buyer liability is desirable or not depends upon the view one takes of hard bargaining between seller and buyer. The proposed revision is based on the premise that such bargaining is generally desirable, and that the undesirable instances, where a buyer's bargaining power is pushed to extreme lengths, are the exceptions. The limited scope of buyer liability reflects this judgment, as well as the fact that most of the relevant information for distinguishing proper from improper justifications is more accessible to the seller than to the buyer.

"(h) Section 5 of the Federal Trade Commission Act shall not be held to prohibit any discrimination in the exaction of consideration for the sale, lease, transfer or provision

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of commodities or serivces, or the receipt of any such discrimination."

Comment: At various points in drafting the preceding provisions, limitations have been imposed on the scope of liability under the anti-discrimination law. These limitations reflected a variety of factors and a balancing of considerations pro and con. If, however, the Federal Trade Commission remains free to challenge discriminatory practices under section 5 of the Federal Trade Commission Act, it can overturn any judgment against liability in a particular case by the simple expedient of bringing suit under section 5. See *FTC* v. *Brown Shoe Co.,* 384 U.S. 316 (1966). Proposed subsection (h) eliminates this option.

"(i) Any order issued to enforce this section shall remain in effect for a limited time, stipulated at the time of entry and reasonably related to the nature of the violation. In no case shall an order remain in effect more than five years after the date of issue."

Comment: Cease and desist orders issued by the FTC, and injunctions issued by the courts, apparently can remain in effect in perpetuity, or at least until the party subject to their terms can secure their modification. In the case of pricing practices, this is an undesirable state of affairs. Violations of either kind of decree can subject the seller to severe penalties, and the decrees therefore inhibit flexibility in pricing. Presumably such inhibition was warranted at the time the order was entered, but there is no reason to believe that the order must remain in effect forever.

Proposed subsection (i) provides for the imposition of time limits, and sets five years as the maximum period of effectiveness for an antidiscrimination order.

APPENDIX D.—PROPOSED PATENT LEGISLATION

Filing of License Agreements

SECTION 1. (a) Every person who has granted a license with respect to any patent shall, within —— days, file with the Commissioner of Patents a copy of such license and the name and address of the person granting such license, unless a license substantially identical in all respects except the name of the licensee has been previously filed by such person with the Commissioner of Patents. The Commissioner of Patents shall promptly publish a list of such licenses and addresses, and shall make available copies of such licenses (deleting the names of licensees).

(b) If any license required by subsection (a) to be filed with respect to any patent is not timely filed, then (i) the owner of such patent may not, prior to filing such license, bring or maintain any action for infringement of such patent; (ii) the owner of such patent may not obtain any damages or injunctive or other relief with respect to any act of infringement of such patent occurring prior to the filing of such license; (iii) the owner of such patent may not collect any royalties or other consideration under any license with respect to such patent for the use or practice of such patent, and any person who has paid such royalties or other consideration may maintain an action in any court of competent jurisdiction for the recovery of such royalties or consideration or their value, together with the costs of maintaining such action (including reasonable counsel fees).

Failure To Enforce Patents

SEC. 2. In any action for infringement of a patent in which the defendant establishes that the owner of the patent knew of activities of a third person which the owner of the patent had reason to believe constituted an infringement of such patent in the same field and area of use as the defendant's alleged infringement, and that the owner of such patent has not taken diligent action reasonable in light of the commercial importance of the infringement and other circumstances to enforce the patent against such third person, no relief shall be allowed.

Nondiscriminatory Grant of Licenses

SEC. 3. (a) Except as provided in subsection (d) of this section 3, every person who has granted any license with respect to any patent shall, within 30 days of the receipt of a demand therefor from any person, grant to such person a license with respect to such patent, which license shall be neither more restrictive nor less favorable in any respect than any license previously issued by such person with respect to such patent; *provided, however,* that the obligations required to be performed by such person shall not include or reflect (i) the grant to the owner of the patent, by a person previously granted a license with respect to such patent, of a license with respect to any industrial property right; (ii) any performance or undertaking to the owner of the patent by a person previously granted a license with respect to such patent of any other obligation or undertaking that is uniquely within the capability of such person; (iii) any restriction which has the effect of making the prior license exclusive; or (iv) any obligation, performance, grant or undertaking in lieu of any of the foregoing; *provided, further,* that nothing herein shall affect the validity of any license or group of licenses requiring any of the foregoing obligations to be performed.

(b) Notwithstanding any provision to the contrary in any law or agreement, the enforceability or invalidity of a license with respect to any industrial property right or of any obligations therein which the owner of a patent could require to be performed by a qualified applicant shall not affect or be affected by the unenforceability or invalidity of any other such license.

(c) Notwithstanding any provision to the contrary in any license or agreement and notwithstanding any other provision of law, no license or agreement shall preclude the grant of subsequent licenses required by subsection (b) of this section 3 to be granted.

(d) A patent owner need not grant a license pursuant to subsection (a) of this section 3—

(i) to a person who, the patent owner establishes in an action pursuant to section 4, is not a qualified applicant because he may prove financially unable, or because of business reputation may prove unlikely, to comply with the terms of the license demanded; *provided, however,* that the court may order the license to be issued subject to such conditions as the court may find adequate to protect the financial interest of the patent owner;

(ii) with respect to any patent if the patent owner establishes, in a proceeding before the Federal Trade Commission, prior to the grant of any license with respect to such patent in the field of use and area which is the subject of such license, that the grant of an exclusive license or licenses in a field or fields of use and an area or areas is necessary in order to obtain commercial exploitation of the patent and will not tend substantially to lessen competition.

Action To Obtain License

SECTION 4. Any person who has demanded a license in accordance with the terms of section 3 and who has not received such a license within 30 days after serving such demand on the patent owner may enforce the rights created by this Act by suit in any court of competent jurisdiction. Pending the outcome of such suit, the patent owner may not obtain injunctive relief against such person with respect to any alleged infringement which would not be an infringement if such person had received the license demanded.

Definitions

SEC. 5. As used in this Act—

(a) the term "license" shall mean every license, assignment or agreement of any kind, expressed or implied, including a covenant not to sue or a settlement of litigation or interference proceedings, entered into or extended after the effective date of this Act or expiring after ——, 19—, by which a patentee, the original owner of any industrial property right, or anyone acquiring a patent or industrial property right in a transaction of the kind referred to in the second proviso to this subsection (a) directly or indirectly authorizes or permits another to make, use, sell or otherwise practise such patent or industrial property right or any invention embodied therein; *provided, however,* that the term "license" shall not include an implied license obtained by a person who purchases or leases or otherwise acquires a patented product from, or who manufactures a patented product for, a patent owner; and *provided, further,* that the term "license" shall not include any license, assignment, or agreement pursuant to which a patentee, original owner of an industrial property right or any transferee from either of them in a transaction of the kind referred to in this proviso transfers to another the entirety of such patentee's or owner's right, title and interest in any patent or industrial property right, including a transfer the consideration for which is measured in whole or in part by use of the patent.

(b) The term "industrial property right" shall mean any right with respect to any invention and the use thereof within the United States, whether or not such invention is subject to a patent.

(c) The term "patent" shall mean any United States patent, whether issued before or after the effective date of this Act.

(d) The term "person" or "persons" shall include corporations and associations existing under or authorized by the laws of the United States, any of the Territories, any State, or any foreign country, and shall include any person controlling, controlled by, or under common control with a person.

Comments to accompany proposed patent legislation

Section 1. Filing of License Agreements: (a) This provision implements our recommendation that patent licenses be filed, to expose possible antitrust violations to the light of day. There is legislative precedent for such a requirement in existing law, which requires that interference settlements be filed. Information filed should be adequate to permit antitrust enforcement authorities to determine whether additional information is needed. If so, it may be obtained pursuant to the Antitrust Civil Process Act.

If the patent law is revised along the lines of pending bills which provide for a pre-grant infringement remedy, references to patents should be expanded in section 1 and elsewhere in the Act to include patent applications with respect to which a pre-grant infringement remedy is available.

This provision should be enacted even if the other sections of the proposed patent legislation are not. In addition, it is a necessary adjunct to the nondiscriminatory licensing requirement of section 3.

(b) This subsection is designed to add effective sanctions to the filing requirement. The disabilities are intended to create sufficient financial risk so that patent owners will file on time. Criminal penalties are probably inappropriate in view of the somewhat openended definition of "license" and the possibilities of differences in interpretation of the filing requirement.

Section 2. Failure to Enforce Patents: This provision is designed to avoid concealed discrimination and circumvention of the filing requirement by failure to enforce patents against others. It does not require that an infringement action have been instituted against the third party, since it might be reasonable for the owner of the patent to settle without litigation. The introduction of

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a standard of reasonableness avoids requiring the patent owner to vindicate his patent by bringing action against infringements which are *de minimis*. In general, action to enforce a patent will be reasonable if the owner of the patent pursues one or more representative test cases in good faith and makes reasonable arrangements to notify other known infringers and to ensure that other alleged infringements will abide the result of such test cases.

This provision should be enacted even if the other sections of the proposed patent legislation are not. In addition, it is a necessary adjunct of the non-discriminatory licensing requirement of section 3 and a desirable adjunct of the filing requirement of section 1.

Section 3. Nondiscriminatory Grant of Licenses: (a) The requirement of nondiscriminatory licensing is intended to minimize the possibility that license agreements can confer a share of patent monopoly profits on licensees. In general, such an arrangement suggests that the patent is either legally vulnerable or not economically valuable. In such cases, patent licenses can serve to neutralize those who are most likely to launch a successful attack on the patent, and they may serve as a pretext for cartelization.

The applicant is entitled to a license "neither more restrictive nor less favorable in any respect than any license previously issued." This language would entitle the applicant to a license identical to any license previously issued. It would not entitle him to pick a favorable royalty provision from one license, a favorable field of use provision from another license, and so on.

Although a license may still be made in consideration of a cross-license, the first proviso establishes a strong incentive for granting separate licenses, each with a cash royalty. If a subsequent licensee were required to comply with provisions in the original license which, by their terms or otherwise, could be complied with only by the original licensee or a small group of licensees, the purpose of the Act in promoting open licensing (except as provided in the second exception in subsection (d)) might be frustrated. The three phases in this proviso are intended to exclude this possibility and to give the courts ample power to deal with unforeseeable types of provisions which have the effect of making licenses exclusive.

(b) The foregoing provisions might induce patent owners who would otherwise enter into cross-license agreements to license each other for cash royalties which are higher than they would ordinarily be but which are intended to be offsetting. The effect would be to exclude third parties entitled to licenses unless they were willing to pay inflated royalties. This provision is designed to increase the risks in establishing high but offsetting royalties. Since each license agreement may be enforced without regard to the enforceability of the other, a patent owner will hesitate to agree to royalties which are above the fair value of a patent but are intended to be offsetting.

(c) This provision is necessary to avoid exclusion of the operation of the Act by contract. It does not prevent a patentee from excluding his own practice of the patent.

(d) The first exception protects the patent owner from financially and otherwise irresponsible licensees. The second is analogous to the judicially created exception to section 3 of the Clayton Act for exclusive dealerships necessary to obtain dealers. For the patentee's own protection, as well as to avoid litigation, the question of such necessity must be determined before any license is granted in a particular field or area of use. Such necessity would arise only in cases where exploitation could not be obtained through conveyance of the patentee's entire interest for a consideration based on future use.

Section 4. Action to Obtain License: This section suspends the patent owner's injunctive remedy for infringement pending the resolution of an action to obtain a license. Thus, prolonged litigation will not frustrate the purpose of the Act.

Section 5. Definitions: (a) This definition of "license" is designed to be sufficiently broad to reach any agreement with respect to any patent or industrial property right, other than an agreement transferring the owner's entire interest. In that case, the statute would apply to any license granted by the transferee. Under this definition, a sublicense of a patent would not be a patent license, because the licensee granting sublicenses would be neither a patentee nor a transferee of the entire right, title and interest in a patent. Thus, a licensee could himself discriminate among sublicensees; their appropriate response would be to apply for direct licenses.

The definition is limited to licenses granted after the effective date of the Act. Therefore, the terms of licenses granted prior to the effective date of the Act need not be made freely available to all. If the Act had been in effect, a patent owner might not have granted a license, or might have granted a license on other terms.

The first proviso is designed to avoid interference with transactions which are not primarily licensing arrangements. The "including" phrase in the second proviso is designed to permit a patent owner to dispose of his patent to another in a better position to exploit it. An acquisition falling within the proviso might, however, be an asset acquisition within the meaning of section 7 of the Clayton Act or might be in violation of section 1 or section 2 of the Sherman Act.

(b) "Industrial property right" is a term broad enough to encompass patents, but is not limited to patents.

(c) Patents are restricted to United States patents. Unlike the license definition, which refers only to licenses granted after the effective date of the Act, the patent definition is not so restricted. There is no real problem of retroactivity, since it is not likely that knowledge that the Act would be passed would have influenced decisions to apply for or acquire a patent.

(d) The definition is similar to the definition of "firm" in the other proposed statutes. Since the Act rests on the patent power and not on the commerce power, it is not limited to persons engaged in interstate and foreign commerce.

APPENDIX E.—ADDITIONAL LEGISLATION

I. Amendment to Antitrust Civil Process Act to require premerger notification

Section 3 of the Antitrust Civil Process Act is amended by adding thereto a new subsection (g) which shall read as follows:

"(g) The Attorney General may by regulation require that any person or persons acquiring, or planning, proposing or agreeing to acquire, any other person or persons, or any person, or persons being acquired by, or planning, proposing or agreeing to be acquired by, any other person or persons, and any officer, director or partner of any such person, file with the Attorney General, at such time or times, not earlier than 30 days prior to the effective date of an acquisition, as shall be specified in such regulation, such documentary material and other information as shall be specified in such regulation; *provided, however,* that such regulation shall not impose any requirement which, by reason of subsection (3) of this section 3, could not be contained in a civil investigative demand."

Comment: This provision authorizes the Attorney General to adopt regulations establishing advance reporting requirements for mergers, and imposing responsibility for compliance on specified officers of firms involved in such mergers. Such reporting requirements will permit more efficient enforcement of the merger prohibitions in the antitrust laws and in merger legislation proposed in the Report. In many cases, particularly under legislation proposed in the Report, it should be possible to resolve merger actions before consummation of mergers, rather than unscrambling mergers after consummation. In order to prevent unduly burdensome requirements, the statute limits the timing of required reports to 30 days in advance of a merger, and it prevents the Attorney General from requiring any information privileged under the Antitrust Civil Process Act.

The regulations would probably not be as broad as the statute. For example, the formation of a subsidiary other than a joint venture would generally not be of antitrust significance. In addition, acquisitions involving a small acquiring or acquired firm should probably be excluded, as should most portfolio investments and some kinds of partial asset acquisitions.

II. Criminal provisions relating to premerger notification

Add the following section to title 18 of the United States Code:

"(a) Any person, or any officer, director or partner of any person, who willfully fails to file any report required to be filed by such person or officer, director or partner pursuant to regulation under authority of section 3(g) of the Antitrust Civil Process Act shall be fined not more than $------, or imprisoned not more than --------, or both. Such failure with respect to each day of failure to file shall constitute a separate offense.

(b) Any person, or any officer, director or partner of any person, who willfully files or causes to be filed any report required to be filed by such person or officer, director or partner pursuant to regulation under authority of section 3(g) of the Antitrust Civil Process Act, which report is false or incomplete in any substantial respect, shall be fined not more than $------ or imprisoned not more than ------, or both. Such failure with respect to each report shall constitute a separate offense."

Comment: This section implements the premerger notification requirement by imposing criminal penalties. Subsection (a) penalizes failure to file, and makes each day of failure to file a separate offense. Subsection (b) penalizes willfully filing false or incomplete reports. Under both subsections, officers, directors or partners made responsible for filing under the regulations would be criminally liable.

III. Amendments to Antitrust Civil Process Act to cover legislation proposed by task force

Section 2 of the Antitrust Civil Process Act hereby amended to read as follows:

"(a) The term "antitrust law" includes:

"* * * * *

"(3) The Merger Act;

"(4) The Concentrated Industries Act;

"(5) Any statute hereafter enacted by the Congress which prohibits, or makes available to the United States in any court of the United States any civil remedy with respect to (a) any restraint upon or monopolization of interstate or foreign trade or commerce, or (b) any unfair trade practice in or affecting such commerce;

"* * * * *

"(d) The term "antitrust violation" means any act or omission in violation of any antitrust law or any antitrust order, or any state of facts which would justify an investigation under section 1(a) or a judgment under section 1(c) of the Concentrated Industries Act;"

Comment: Paragraphs (3) and (4) are added to subsection (a) and subsection (d) is added to cover other legislation proposed in the Report. Paragraph (5) is identical to former paragraph (3).

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IV. Addition of section 4C to the Clayton Act

A new section 4C is added to the Clayton Act, to read as follows:

"Any action to enforce any cause of action arising by reason of violation of section 7 of an Act entitled "An Act To supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved Otcober 15, 1914, as amended, or section 1 of the Merger Act or by reason of an acquisition in violation of section 1 or section 2 of an Act entitled "An Act To protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, as amended, shall be forever barred unless commenced within ten years after the latest of the following dates: the date of such acquisition, the date of filing any report required to be filed with respect to such acquisition pursuant to regulation adopted under subsection (g) of section 3 of the Antitrust Civil Process Act or the effective date of this Act. No cause of action barred under existing law on the effective date of this Act shall be revived by this Act."

Comment: This provision imposes a ten-year statute of limitations for proceedings under section 7 of the Clayton Act, the proposed Merger Act, or acquisitions in violation of section 1 or 2 of the Sherman Act. It does not prevent consideration, in a monopolization action under section 2, of a time-barred merger not itself alleged to be unlawful but part of a pattern of monopolization. The provision does not require the Government to proceed prior to consummation of a merger. It provides a ten-year grace period for proceedings against mergers occurring prior to its effective date. The statutory period is tolled if a required premerger notification is late.

V. *Duration of antitrust decreases*

"Any order, decree, or injunction issued by the Federal Trade Commission or any court, by consent or otherwise, to enforce any of the antitrust laws (as defined in section 1 of the act entitled "An Act To supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended) or the Federal Trade Commission Act, shall remain in effect for a limited time reasonably related to the nature of the violation or threatened violation, and in no case shall an order, decree or injunction remain in effect more than ten years after the date of issue (or, in the case of an order, decree or injunction issued prior to the effective date of this Act, more than ten years after the effective date of this Act); *provided, however,* that upon appropriate motion made prior to the expiration of such limited time or ten-year period, the Federal Trade Commission or court which issued the order decree or injunction (including any extension thereof pursuant to this proviso) may extend the same in its original form or as modified for a further period of not more than ten years."

Comment: This provision is designed to minimize the possibility that changing conditions will render a decree obsolete, either because it is ineffective or because it is anticompetitive in effect. Since the proviso permits any number of ten-year extensions, the Federal Trade Commission or court will retain ample power to deal with situations which require an order of longer duration than ten years. Our proposed revision of the Robinson-Patman Act would limit decrees and orders under that Act to five years, with no provision for renewal.

APPENDIX F.—GLOSSARY

Acquisition: We use this term interchangeably with merger. It includes all forms of mergers and acquisitions, including statutory mergers and acquisitions of stocks or assets, whether for cash or securities or both.

Clayton Act: Enacted in 1914. Section 7, amended in 1950 by the Celler-Kefauver Act, prohibits mergers or acquisitions of stock or assets where the effect may be substantially to lessen competition or to tend to create a monopoly in any line of commerce in any section of the country. Other provisions include a prohibition on price discrimination (which, as amended, is referred to as the Robinson-Patman Act), prohibition on exclusive dealing and tying arrangements, and various procedural provisions (including a provision for private actions for violations of the antitrust laws).

Concentration ratio: The aggregate market share of the number of firms with respect to which the concentration ratio is computed, *e.g.*, four-firm concentration ratio.

Conglomerate: Refers to an acquisition which is neither vertical nor horizontal. Includes product extension and market extension mergers.

Digits: See SIC.

Four-digit product or industry: See SIC.

Horizontal: Refers to an acquisition involving competitors in the same market.

Market: A collection of buyers and sellers whose transactions determine the price of a commodity or service. The buyers or sellers, or both, may and do trade in various parts of the market, which may be accessible areas within which traders or commodities or services move, or accessible products whose prices exert a decisive influence upon the price of the commodity or service in question.

Market extension: Refers to a conglomerate merger involving two firms which produce goods which are identical or substitutable but are sold in different geographical markets.

Merger: We use this term interchangeably with acquisition. It includes all forms of mergers and acquisitions, including statutory mergers and acquisitions of stock or assets, whether for cash or securities or both.

Product extension: Refers to a conglomerate merger involving two firms which produce goods which are not identical or substitutable but may be related in methods of production or distribution.

Robinson-Patman Act: The price-discrimination law; originally section 2 of the Clayton Act.

Sherman Act: The first major antitrust law, enacted in 1890. Section 1 prohibits contracts, combinations and conspiracies in restraint of trade. Section 2 prohibits monopolization or attempts to monopolize.

SIC: The Standard Industrial Classification developed by the Bureau of the Budget for statistical purposes, and usually considered as including the Census product classification. Products or industries are classified by number. The number of digits in the classification is an indication of the detail of the classification. An example of a two-digit major industry group is Group 28, Chemicals and Allied Products. An example of a four-digit industry is 2841, Soap and other detergents, except specialty cleaners. An example of a five-digit product class is 28412, Soaps except specialty cleaners, bulk. An example of a seven-digit product is 28412 41, Scouring cleansers, with or without abrasives. These categories do not necessarily reflect relevant markets.

Vertical: Refers to an acquisition involving two firms in a supplier-customer relationship.

SEPARATE STATEMENT OF ROBERT H. BORK

The Task Force's major recommendations seem to me to rest on erroneous analysis and inadequate empirical investigations. Their net effect seems more likely to injure consumers than to aid them.

The Concentrated Industries Act

This statute proposes to break up the leading firms in "concentrated" industries on the theory that such industry structures cause noncompetitive pricing behavior. The evidence for this was certain studies which purported to show a correlation between industry concentration and profitability.

My objection to the proposed statute is that the studies relied upon are shaky and open to question and that the correlation, if it were shown to exist, would prove nothing. The latter point is by far the more important and I will discuss it along.

In judging whether it is worthwhile to break up a concentrated industry structure it is necessary to estimate whether more will be gained through the predicted end to noncompetitive pricing or lost through the destruction of industrial efficiency. When the structure has been created by recent merger or by predatory business practices, neither of which necessarily demonstrates efficiency, a policy of dissolution is intelligible. But those cases are taken care of respectively, by amended section 7 of the Clayton Act and section 2 of the Sherman Act. The proposed statute, therfore, would have its impact almost entirely upon industries in which concentration had evolved through the growth of the leading firms or through mergers that occurred years ago. Amended section 7 of the Clayton Act now enables the government to reach any merger within the past 18 years and as time goes on the proposed statute will apply almost entirely to firms that reached large size through internal growth.

The dissolution of such firms would be a disservice to consumers and to national strength. When firms grow to sizes that create concentration or when such a structure is created by merger and persists for many years, there is a very strong prima facie case that the firms' sizes are related to efficiency. By efficiency I mean "competitive effectiveness" within the bounds of the law, and competitive effectiveness means service to consumers. If the leading firms in a concentrated industry are restricting their output in order to obtain prices above the competitive level, their efficiencies must be sufficiently superior to that of all actual and potential rivals to offset that behavior. Were this not so, rivals would be enabled to expand their market shares because of the abnormally high prices and would thus deconcentrate the industry. Market rivalry thus automatically weighs the respective influences of efficiency and output restriction and arrives at the firm sizes and industry structures that serve consumers best. There is, therefore, no need for the proposed Concentrated Industries Act, and, in fact, its results would be detrimental.

THE MERGER ACT

The rationale of the Merger Act is that conglomerate acquisitions should be diverted from the leading firms in the industry in which the acquired firm operates to the smaller firms. This diversion of the efficiencies created by conglomerate mergers will, it is contended, benefit consumers by deconcentrating the industries involved.

This statute may easily be shown to be a prescription for decreasing the consumer benefits that conglomerate acquisitions are capable of creating. A conglomerate acquisition is not a way of creating monopoly power. It adds nothing to the market share of the acquired firm and any monopoly position that firm may already have will be paid for in the purchase price. The investment will provide only a competitive return unless the acquiring firm can bring efficiencies to the acquired firm. If this is so, the acquiring firm's choice of one firm in the industry rather than another as a merger partner must be dictated by considerations of efficiency potential. Thus, the statute will either shift the acquisition to a less preferred firm, causing a decrease in the efficiencies realized, or cause the abandonment of any plan to acquire a unit in that industry, causing a complete loss of expected efficiencies.

It is no answer to say the frustrated acquiring firm could achieve the same efficiencies by entering the market through growth. The same analysis as that above shows that the forced shift from acquisition to growth

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would impose a higher cost, which is a cost to society as well as to the firm. If the higher cost is prohibitive, all efficiencies expected from merger will be lost.

The preferences of firms contemplating conglomerate acquisitions can only be explained on grounds of differential efficiency. By frustrating this preference, the Merger Act, like the Concentrated Industries Act, operates on the principle that industrial fragmentation is to be preferred for its own sake to industrial efficiency. If we agree that antitrust is about consumer welfare, I cannot accept such a principle; indeed, I cannot even understand it.

The Patent Licensing Act

We have given too little attention to the patent field for me to be able to agree to the changes proposed. In particular, the proposal that a patentee who licenses one applicant must license all upon equal terms seems ill-advised. It assumes, without any theoretical or empirical support, that such a practice (even when there is no price, territory, or output restriction in the license) is a method of cartelization. It assumes further, contrary to what we know of analogous business contexts, that there are no valuable efficiencies in an exclusive dealing policy. Though we have not studied the matter sufficiently to permit a confident estimate either way, our present information suggests that this requirement is a mistake.

The revision of the Robinson-Patman Act

I sympathize with the attempt to make the Robinson-Patman Act a more rational statute, but three factors prevent me from agreeing whole-heartedly to this revision. *First*, the coverage of the Act ought not to be extended to services. *Second*, I doubt that the sections defining injury to competition will have the effect of substantially confining the enforcement agencies and the courts. *Third*, a number of us probably think that the entire Act should be repealed and I think we should say so.

The repeal of the Miller-Tydings and McGuire Acts

Contrary to the Task Force Report's wholly unsupported assertion, the case against resale price maintenance is not at all persuasive. From the consumer point of view, there is a case against resale price maintenance when it is no more than a cover for a dealer cartel, but there is a strong case for the practice when a manufacturer desires to use it to improve his dealers' performance. I would recommend federal legislation approving the latter form of resale price maintenance, whether or not a State Fair Trade law has been complied with, as entirely consistent with the purposes and the spirit of antitrust.

Other matters

I agree with the recommendations that a 10-year limit be set upon attempts to undo old mergers, that antitrust decrees be limited to 10 years duration (though I think the court should not have the power to renew the decrees for additional periods), and that the regulated industries should be studied with a view to substituting antitrust and market controls for regulation where possible. As to the other matters discussed, we have too little information to make recommendations. I know at least that I do.

SEPARATE STATEMENT OF PAUL W. MAC AVOY

I would like to offer some comparative reflections on the two major recommendations—the Concentrated Industries Act and the Merger Act.

The reason for drafting these Acts is that they move us toward establishing and preserving competitive conditions throughout the economy. There is necessarily some hesitancy in pursuit of such an aspiration, because there are costs imposed by radical new legislation in disrupting continuing institutions or dislocating resources. There may also be costs in the long run from operating at competitive but less than efficient scale. But these costs are overweighed by the benefits of reduced price-cost margins, increased efficiency and growth, that mark highly competitive industries. As I understand the argument, the *general* good overweighs *particular* losses.

The report on the Concentrated Industries Act makes this argument quite strongly. Economic evidence, from a large number of research articles and monographs on the relation of concentration to industry performance, provides a sound basis for predicting general effects from reducing industry concentration. The lack of evidence indicating general loss of efficiencies from deconcentration furnishes further strong support for this policy. There is substantial basis on which to conclude that "remedies to reduce concentration should be made available as part of a comprehensive antitrust policy." More work remains to be done to establish that oligopolies of four or five firms can be expected to restrict output and raise price under most or all market conditions, but the evidence presently available is strong enough to provide rationale for this legislation.

There does not seem to be a similar factual basis for the Merger Act. There is no set of research materials showing a relationship between concentration of general economic activity in conglomerates and anticompetitive behavior. This evidence is necessary if "the case" for new legislation is to be as comprehensive as that for the Concentrated Industries Act—if there is to be a general expectation of increased competition from changing the present patterns of conglomerate growth.

The lack of such evidence is not oversight. A thorough review of existing literature produces no such finding; some preliminary, extremely new material from Charles Berry at Princeton University may well establish the opposite case, or that the recent growth patterns of conglomerates—including patterns precluded by the proposed Act—have added to the competitiveness of industry structure. Another round of research may bring findings that substantiate the opposite; but these require a much higher level of economic research activity than now exists.

In place of factual support for the Merger Act, we have some very delicately worded assertions: "Potentially anticompetitive mergers may be allowed to proceed because economy theory and analytical foresight are inadequate to predict anticompetitive effects in specific cases. . . ." This is a problem of concern in all aspects of behavior of firms in private markets. I would propose, if it were to be taken seriously, that we move from a market economy to one of state regulation to minimize this risk. More serious is the fear that, without new legislation, the courts will extend existing law because of objections based on considerations other than effects on competition, leading to "distortions which would result in uncertainties in enforcement and unfairness to those affected."

The means for preventing such distortions is to pass a law not quite as bad as "free form" court interpretations; on this ground, the Merger Act surely qualifies, but it still may be second best to alternative legislation which better defines the problems and contrives means for solving it. That is to say that I do not think this Merger Act, while sufficient for preventing the court from acting unfairly, is necessarily the best means for doing so.

I would propose that a moratorium be put on both court decisions and legislation on conglomerates by the establishment of a Presidential Commission to inquire into the purpose and effects of conglomerate mergers. This commission would be made up of eminent lawyers and economists with the full time staff assistance necessary to carry out full-scale research into conglomerate activity. The form and content of the work done would have to be similar to recent investigations by government into the securities markets. They would analyze statistics and case studies that would provide authoritative bases for recommendations to Congress of new legislation. The process of preparing their report would raise the level of inquiry and the volume of evidence by its mere existence; the findings would be subject to the cross-examination of the experts in both economic and legal professions. They should be of the quality and range of those we had available to us on the behavior of oligopolies.

In retrospect, I have the feeling that the Task Force did well with problems on which documentation was available in some profusion. At least I am proud of my colleagues for their proposals in the Concentrated Industries Act, the revision of the Robinson-Patman Act, and the new patent legislation. But the device of the secret task force does not work well when there is no evidence. Personal impressions where no evidence exists are not enough to produce legislation that meets the needs of the economy.

SEPARATE STATEMENT OF RICHARD E. SHERWOOD

Procrustean is the most polite adjective I can find for the bulk of the Task Force report and recommendations. Mechanistic tests may be easy for enforcement agencies and courts to apply, but that is a feeble reason for abandoning the requirement of proof of actual or probable adverse competitive effects in concrete market situations as a predicate to remedies as drastic as dissolution, divestiture or compulsory patent licensing.

The Task Force has done no case studies on corporate concentration, conglomerate mergers or patent licensing, yet the report speaks as if there were a solid body of evidence in support of each of its recommendations. In my view, bigness is neither presumptively bad nor good; oligopoly is neither presumptively bad nor good; conglomerate mergers between large firms and leading firms are neither presumptively bad nor good; and single patent licenses are neither presumptively bad nor good. Each may, in actual market contexts, be appropriate for attack by the Justice Department or the Federal Trade Commission. But in the present state of economic and legal knowledge, the sweeping condemnation which the Task Force has accorded them appears to be rooted in dogmas I do not share. Moreover, the remedies which the Task Force would apply could have a potentially disruptive impact upon American economic life and growth in which potential mischief far outweighs demonstrable benefits.

(1) *Concentrated Industries.* The Task Force report proposes a statute which would place a blanket prohibition (together with a requirement of a substantial reduction of concentration in the direction of individual market shares of 12% or less) upon any market structure in which, for a prescribed period of years, four or fewer firms had an aggregate market share of 70% or more and industry sales exceeded $500,000,000. The proposed statute has no defenses (or discretion) except as to relief, and a firm could resist dissolution or divestiture only if it could demonstrate affirmatively that such remedies "would result in substantial loss of economies of scale," whatever that may mean.

I see no reason for imposing such a straitjacket on big business.[7] Rather, it is my view that the government now has the power to seek a panoply of equitable relief, on a "shared monopoly" theory under section 2 of the Sherman Act, against the dominant firms in any oligopoly industry where it believes that concentration has produced stagnant market behavior and where it believes that the proposed relief would result in more vigorous competition, lower prices, technological innovation and other benefits to consumers. If the Supreme Court were to refuse to apply section 2 to such a shared monopoly, I would then recommend that section 2 be amended or a new statute enacted empowering the government to proceed where oligopoly conditions have produced a substantial lessening of competition.

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[7] It would apply, for example, to industries as diverse as aircraft and cereal preparations, and to each oligopolist regardless of its profitability, market behavior, or increasing or decreasing market share.

As I see it, the difference between the Concentrated Industries Act and the selective approach I have sketched is the difference between a bludgeon and a scalpel.

(2) *Conglomerate Mergers.* The Task Force has recommended a statute which would prohibit flatly any acquisition by a large firm (a firm with $500 million in annual sales or $250 million in assets) of any "leading firm" (a firm with a market share greater than 10% in a market where four or fewer firms have 50% of the market and industry sales exceed $100 million). The Task Force has adduced no evidence that conglomerate mergers have resulted, in general (or in specific), in any lessening of competition in any industry. On the other hand, one certainly cannot say that conglomerate mergers are always procompetitive. Thus, again, the proposed statute tinkers, drastically and unecessarily, with an economic phenomenon which deserves neither sweeping condemnation nor uncritical approval.

In my view, section 7 of the Clayton Act (buttressed by section 1 of the Sherman Act) provides an adequate weapon to attack those conglomerate mergers which may have an adverse effect upon competition. For example, if it can be demonstrated that acquisition by a large firm of a leading firm would tend to impair the ability of other firms to compete or discourage independence entry into an industry, the Justice Department could and should appropriately attack the acquisition.

If, on the other hand, there is no evidence that the acquisition of a leading firm by a large firm will have any substantial adverse impact upon the industry in which the acquisition takes place, then there is no reason for banning the merger. In other words, enforcement agencies should be required to do their economic homework on conglomerate mergers, without benefit of per se rules.

(3) *Patent Licensing.* I agree with the changes recommended by the Task Force in patent licensing except for the requirement that a licensor, if it licenses anyone, must license everyone. Few of the members of the Task Force have had any experience in patent licensing or patent litigation. I certainly have not. There may be instances in which a refusal to license more than one company constitutes part of a scheme for market division, price fixing, or other anticompetitive behavior. But there may also be instances where a licensor, in the exercise of business judgment, has concluded that he will maximize exploitation of a patent (*i.e.*, the largest output of effort by those licensed) if a relatively few licensees participate in its exploitation. The draft statute would require of every patent license either (a) that the licensor be big enough so that it need not license anyone, (b) that the licensor sell the patent to someone who is big enough, or (c) that the licensor license everyone. Such tampering with corporate decision-making requires proof I have not seen.

(4) *Other Matters.*—(a) I agree with the proposed revision of the Robinson-Patman Act, though as a matter of technique I would urge that the Federal Trade Commission pursue powerful buyers with greater frequency then it has.

(b) I agree with the recommendations as to greater information being made available to antitrust enforcement agencies so that their decisions will be better informed.

(c) I agree with the recommendation as to premerger notification and setting a 10-year limit on attempts to undo old mergers.

(d) I agree that antitrust decrees should be limited to ten years in duration.

(e) I agree that the Miller-Tydings and McGuire Acts should be repealed so that state-sanctioned fair trade price-fixing would become unlawful.

One final note. The Task Force has been too kind to the enforcement agencies and to the courts. The Antitrust Division has shown limited imagination and strategic planning in its program for enforcement of the antitrust laws. And it has entered into a number of consent decrees (and obtained a number of litigated decrees) which have done little or nothing to remedy the evils against which they were fashioned. At least as much can be said of the Federal Trade Commission. As a result, cases have been brought that should never have been brought. And other cases have been brought in which the relief was irrelevant or absurd. The courts come off no better than the enforcement agencies. Many decisions may be justified in result but have been accompanied by opinions which are illogical or unintelligible. Other decisions have been both wrong and badly reasoned. Judicial bias against bigness in the Section 7 sector has resulted in a retreat from hard economic and legal analysis to the lotus-land of percentage tests.[8]

The performance of the courts, and in particular the Supreme Court, bespeaks the desirability of amending the Expediting Act so as to permit the Courts of Appeals to review, hopefully in depth, district court decisions. Such review may not be superior to Supreme Court review, but it cannot be more cursory, and the Supreme Court would continue to be available for ultimate discretionary review.

ROBERT PATRICELLI NAMED TO TOP POST IN HEW

Mr. DODD. Mr. President, yesterday, Secretary Robert H. Finch, of the Department of Health, Education, and Welfare, announced the appointment of Robert E. Patricelli as Deputy Assistant Secretary of Planning and Interdepartmental Affairs. Secretary Finch also said that Mr. Patricelli will also be his special assistant for Urban Affairs Council. Mr. Patricelli, according to Secretary Finch, will play a key role in the formulation of HEW policies on such programs as model cities, manpower training and providing social services.

Mr. President, I wish to commend Secretary Finch for making this appointment. Mr. Patricelli is an outstanding young man with a record of accomplishment that is hard to beat. I am extremely proud that Robert Patricelli is a native of Hartford, Conn., and the son of Mr. and Mrs. Leonard J. Patricelli. The senior Mr. Patricelli is president of Broadcast Plaza, Inc., operators of WTIC–TV and WTIC radio and is one of the most respected broadcast executives in America.

Prior to joining the Health, Education, and Welfare Department, Mr. Patricelli was minority counsel for the Senate Subcommittee on Employment, Manpower, and Poverty. While with the committee, he did extensive work on juvenile delinquency and manpower training programs. In September 1965, he was appointed a White House Fellow, one of 15 chosen from among 3,100 applicants. He spent the next year in the office of then Secretary of State Dean Rusk, where he handled special projects on Vietnam, congressional presentations, and departmental administration.

Mr. Patricelli graduated from Wesleyan University in 1961. He received his law degree from Harvard in 1965. He and his wife, Susan, have two children and reside in Woodacres, Md.

Mr. President, Robert Patricelli is a fine young man. He is the kind of man we need in government.

S. 2263—INTRODUCTION OF A BILL TO AMEND THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. DODD. Mr. President, last year Congress passed the Juvenile Delinquency Prevention and Control Act of 1968, the second major Federal law to combat youth crime passed in the last 8 years. At that time it was hailed as a major breakthrough in our efforts to help reduce the delinquency problem.

This act was the response of the Congress and the administration to a juvenile crime menace that had reached near critical proportions.

We passed it knowing that arrests of juveniles for serious crimes increased 60 percent from 1960 to 1967.

We passed it knowing that 40 percent of our juvenile population will have an arrest record in the next decade.

And we knew that 70 percent of all offenders were first arrested under the age of 25.

Most serious of all, we knew that young people under 18 years of age have shown the largest increase in the crime of murder of any age group. This increase has been 56 percent since the beginning of this decade.

These were some of the more compelling reasons the Congress passed this legislation and President Johnson signed it into law on August 1, 1968.

For my own part, I have been deeply involved with this act since its inception. Senator Kefauver and I introduced its predecessor in 1961.

I introduced the current act. I testified on it before the Labor and Public Welfare Committee. And I proposed several perfecting amendments to it. One of these amendments, which would provide for delinquencey programs in primary and secondary schools, was accepted on the floor of the Senate and is part of the law today.

I had high hopes for this act together with its other supporters in Congress.

Today, however, I am disappointed to say that this law has failed to prevent or control one single delinquent act.

The main reason for this is our failure to appropriate and release the money to put the act into operation. Congress was asked a modest $25 million for the first year of its operation. Of that amount, we authorized only $5 million. The President used $600,000 of that money to fund the Violence Commission. This left about $1.75 for each known delinquent in the country.

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[8] A lotus-land now codified in Mr. Turner's guidelines.

But the story gets worse, for even this small amount has yet to be made available to the States and localities as required under the provisions of this law.

Mr. President, if we continue in this vein, we will succeed in killing this legislation without having helped one juvenile delinquent. Then in a year or two we will rise up and denounce the law as ineffective, neglecting to realize that we ourselves made it unworkable.

As a first step, today I introduce a bill that will expedite distribution of the funds authorized for fiscal year 1969 to the States.

The act was intended to encourage States to develop centralized and comprehensive programs for juvenile delinquency prevention and control. Funds were made available for planning, for rehabilitation and prevention services and for other purposes.

Moneys were to be granted either to the States to be allocated to localities or nonprofit organizations through a central State agency, or directly to localities or nonprofit organizations.

There was a strong preference among some segments in Congress for making grants to State agencies under the so-called State plan.

Today, however, we find that in many cases the State plan has proven to be a liability rather than an asset.

This is because section 131 of the act provides that funding grants under the State plan can go only to local agencies and nonprofit organizations, and that these funds cannot be used for aiding programs or projects carried out by State agencies.

This is a serious handicap in those States that have accomplished a significant centralization of delinquency control services under State auspices.

I know that this is a serious handicap in my own State because Connecticut, which has a State-operated juvenile court system and correctional system, will be prevented from financially aiding these agencies. These two systems alone handle the bulk of the delinquents of Connecticut.

In these cases where the States have already extended State aid by operating what were formerly local delinquent control programs the State agencies now need the Federal aid that would have otherwise gone to local programs.

It is absurd to deny Federal aid to those very States that have been the most compliant with the objectives of the State plan as envisioned by its supporters in Congress.

To accomplish this purpose I offer my amendment to section 131(b)(1) of the act which will permit States to use funds for State as well as local programs and projects. This will in no way change any of the goals of the act and will in no way discriminate against local agencies in obtaining grants for their own programs under the act.

Mr. President, I ask that the following letters be printed in the Record at this point. They are from David R. Weinstein, deputy director of the Planning Committee on Criminal Administration for the State of Connecticut, and George B. Trubow, executive director of the Governor's Commission on Law Enforcement and the Administration of Justice for the State of Maryland. They outline the problems the States of Connecticut and Maryland are having in complying with the provisions of the Juvenile Delinquency Prevention and Control Act of 1968.

There being no objection, the letters were ordered to be printed in the Record, as follows:

State of Connecticut
Planning Committee on
Criminal Administration,
Hartford, Conn., May 6, 1969.

Hon. Thomas J. Dodd,
New Senate Office Building,
Washington, D.C.

Dear Senator Dodd: The Planning Committee on Criminal Administration has been designated by Governor Dempsey to administer the Juvenile Delinquency Prevention and Control Act of 1968. Several provisions of the Act have caused us great concern.

Under Section 132 of the Juvenile Delinquency Prevention and Control Act of 1968, until a state has submitted and had approved a comprehensive juvenile delinquency plan, the Secretary of HEW may make direct grants to state, local and private grantees. Following submission of the state plan and its approval by HEW, grants to state, local and private agencies can be made only through a single state agency designated for such purpose. If the state chooses to administer the funds available under the Act, it cannot, however, make grants to state agencies.

This anomalous situation arises because Section 131(b)(1) of the Act requires that the state comprehensive plan provide that federal funds must be used *solely* for projects and programs submitted by a community, municipal or other *local* public or private agency. Thus, if the state creates a comprehensive plan, it will be barred from using funds to assist *state* agencies and programs. It states such as Connecticut which have a state operated juvenile court system and state operated juvenile correctional centers, a substantial portion of the agencies which serve juvenile delinquents would be barred from receiving financial aid under the Act.

Further, Section 131(b)(14) requires that the state comprehensive plan provide assurance that the state will furnish at least one-half of the non-federal share of funds required to meet the cost of programs and projects aided under the state plan. This provision only applies if the state files a comprehensive plan. The state is penalized if it chooses to administer the distribution of federal funds for juvenile delinquency programs within the state.

As matters stand now, Connecticut cannot avail itself of the "block grant" approach without cutting off all state agencies from federal aid. The best information we have is that before June 30, 1969, each state will receive from HEW $50,000 for planning, action programs or a combination of the two. If Connecticut elects to use these funds to pursue the route of comprehensive planning for the control or prevention of juvenile delinquency, it will, if it is to protect the interests of state agencies, be forced to take the plan and put it in a drawer and use it only as a general guide.

We know of your continuing interest in the expansion and proper administration of juvenile delinquency programs and hope that you will take our thoughts into account when the present Act comes up for reconsideration.

Sincerely,

David R. Weinstein,
Deputy Director.

Executive Department,
State Office Building,
Baltimore, Md., May 13, 1969.

Mr. Walter J. Kenney, Jr.,
Counsel to Senate Juvenile Subcommittee,
Old Senate Office Building,
Washington, D.C.

Dear Mr. Kenney: Although the Juvenile Delinquency Prevention and Control Act of 1968 is a forward step in comprehensive planning and program implementation for the prevention, control and treatment of juvenile delinquency, Section 131 of the Act makes impossible any significant participation by the State of Maryland. The present language of that section provides for grants only to local public and non-profit agencies. In Maryland, almost every juvenile program or project is operated by the State Department of Juvenile Services. Maryland is a leader in unifying juvenile affairs programming at a State level, consistent with recommendations of acknowledged experts in the field.

So that Maryland can participate in the grant sections of the Juvenile Prevention and Control Act, the language of Section 131 should be amended to allow action grants to states agencies. Without such a provision the purposes of the Act will be frustrated in the State of Maryland.

Sincerely,

George B. Trubow,
Executive Director.

Mr. DODD. Mr. President, this situation exists in varying degrees in every State in the Nation and constitutes a serious flaw in the act, which my amendment will correct.

Mr. President, for one reason or another we have severely retarded and neglected this legislation. The moneys requested in the original bill were not nearly enough to attack the increasing rate of juvenile delinquency. The amount actually authorized was negligible, and the language of the bill has added to the difficulty of distributing even these meager funds.

I think we can ill afford to forego the benefits which could be achieved with this legislation. I think for the next fiscal year we will have to improve the funding under this act. And I think we may need other improvements as well. Today I merely ask that we improve the language of the bill to facilitate the funding of State programs for this fiscal year, the end of which is only a short month and a half away.

Mr. President, I urge swift and favorable consideration of this amendment.

I ask unanimous consent to have the text of the bill printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2263) to expand the participation by State agencies in programs authorized by the Juvenile Delinquency Prevention and Control Act of 1968, introduced by Mr. Dodd, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

XUM

S. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 131(b)(1) of the Juvenile Delinquency Prevention and Control Act of 1968 is amended by adding at the end thereof a colon and the following: "*Provided*, That the approval of programs or projects by the State agency, designated under subsection (a) of this section, to be carried out by it or by any other State agency shall be deemed an award of a grant to a local public agency, if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such project or program) that are fully equivalent to those otherwise required of local public agencies".

PUBLIC FINANCIAL DISCLOSURE BY CERTAIN PUBLIC OFFICIALS—AMENDMENT

AMENDMENT NO. 24

Mr. CASE. Mr. President, once again public confidence in the integrity of our Government has been shaken by reports reflecting on a top official of the Government, in this case a member of the Nation's highest tribunal and most revered institution, the U.S. Supreme Court. And, I believe, confidence will not be restored until Congress makes it mandatory for Supreme Court Justices and all other members of the Federal judiciary—as well as Members of Congress and high officials in the executive branch—to make full, regular, and most importantly, public reports on their income and financial activities.

On April 29 the Senator from Michigan (Mr. HART) and I introduced S. 1993—the Case-Hart bill—to require such disclosure by members of the legislative and executive branches. Joining us as cosponsors were Senators COOK, HATFIELD, JAVITS, MATHIAS, PROXMIRE, SAXBE, SPONG, and TYDINGS.

Today, on behalf of most of the same sponsors and Senators BELLMON, CHURCH, GOODELL, HARRIS, KENNEDY, MANSFIELD, MONDALE, MOSS, MUSKIE, PERCY, and SCOTT, I submit an amendment intended to be proposed by us jointly to S. 1993, to extend its provisions to the judicial branch.

Once considered an intolerable invasion of privacy, public financial disclosure is no longer a novelty. It has become almost routine for presidential candidates. For years now a goodly number of us in the Senate and the House of Representatives have voluntarily made such reports annually. This year, under rules adopted last year, each Member of the Senate and the House had to file both confidential and public reports concerning their income and "outside" activities.

But both Houses sharply limited the nature and scope of the public reports which in both cases are woefully inadequate. To many Members, let alone the public, they seemed like an exercise in hypocrisy.

They have served some purpose, however. To an extent, they have accustomed Members of Congress to the idea of public disclosure. And having dipped a toe into the water, Members will find, I believe, getting all the way in less painful than many have feared.

In the past, it has been argued that the protection of a disclosure requirement is neither needed nor appropriate for the judiciary. Generally speaking, it is true, I believe, that the bench by statute and tradition has maintained more careful standards of conduct than the other branches of Government. Instances of impropriety or corruption of Federal judges, although not unknown, have been relatively few.

Yet the very fact that the judiciary is removed from the political arena makes public disclosure a peculiarly appropriate safeguard of judicial integrity. For judges are traditionally expected to remain silent and make no direct response to criticism, although even the appearance of impropriety can do grievous damage to public trust in a vital element of our political system.

Elected officials can be turned out of office. Executive officials can be dismissed or otherwise disciplined. Federal judges alone are appointed for life. Though this is qualified by the constitutional limitations of "during good behaviour," the process of removal is rarely invoked.

In these circumstances I expect that many members of the Federal judiciary would not object, indeed many would welcome inclusion of the judicial branch, along with the executive and legislative branches, in the adoption of a full public financial disclosure statute. In this connection, it is worth noting that just a few days ago one of the Associate Justices of the U.S. Supreme Court called for full disclosure of sources of income.

No less than with the Congress, a cloud over the bench casts a shadow on not only the institution but all of its members. And, unlike Members of Congress, our Federal judges can hardly take to the hustings to dispel that shadow.

Full public disclosure of income and financial activities offers the same advantages to the Federal judiciary as to the legislative and executive arms of our Government.

Prime among them is its preventive thrust.

The knowledge that one's financial activities and interests will become known is the best possible "stop and think" signal—the surest way to sharpen awareness of any possible conflict of public and private interests.

Second, the requirement for full regular reports puts into the public domain the facts essential to maintain confidence in our court system. And it does so without impairing the independence of the judiciary or the traditional reticence of judges to speak out other than from the bench.

Finally, it will give the judiciary itself information on which, through the judicial conference or other appropriate means, it can take any steps that may be indicated to strengthen observance of the highest standards of judicial conduct.

I am encouraged by the renewed interest shown in the disclosure approach by both Members of Congress and the press. In the last Congress the Senate twice came within four votes of adopting a full disclosure rule for Senators and top Senate staff—and also candidates for the Senate. When I again introduced a disclosure bill a few weeks ago, I was delighted to have so many new Senators join our bipartisan group from prior years. With this amendment the bill covers all three branches of Government.

I hope and believe we can achieve passage this year. Its enactment would be the clearest possible evidence of congressional determination to assure that public office, whether legislative, executive, or judicial, is treated as a public trust.

Mr. President, I ask unanimous consent that at its next printing, the names of the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. CHURCH), the Senator from New York (Mr. GOODELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from California (Mr. MOSS), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCOTT) be added as cosponsors of our bill (S. 1993), to promote public confidence in the integrity of Congress and the executive branch.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent that at this point in the RECORD there be printed the text of the amendment submitted today, followed by the text of the bill (S. 1993), as it would read with the amendment; and, finally, I ask unanimous consent that there be printed in the RECORD a copy of a letter dated May 27, 1969, which I have received from the Senator from Illinois (Mr. PERCY) asking that he be added as a cosponsor of the Case-Hart bill.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred; and, without objection, the amendment, the bill as it would read with the proposed amendment incorporated in it, and the letter will be printed in the RECORD.

The amendment was referred to the Committee on Rules and Administration, as follows:

AMENDMENT NO. 24

On page 1, line 5, strike out the comma and insert in lieu thereof the following: "of the executive branch or any department or agency thereof, each judge or justice of a court of the United States,".

On page 1, line 6, strike out the words "executive or legislative", and insert in lieu thereof the words "legislative, executive, or judicial".

On page 4, line 18, strike out the words "executive or legislative", and insert in lieu thereof the words "legislative, executive, or judicial".

On page 5, between lines 9 and 10, insert the following new paragraph:

"(5) The term 'court of the United States' means each court so defined by section 451, title 28, United States Code, and each of the following courts: the District Court of the Virgin Islands, the District Court of Guam, the Tax Court of the United States, and the Court of Military Appeals."

Amend the title so as to read: "A Bill to promote public confidence in the legislative, executive, and judicial branches of the Government of the United States."

The bill (S. 1993) as amended, would read as follows:

XUM

S. 1993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each Member of the Senate and the House of Representatives (including the Resident Commissioner) each civil or military officer of the executive branch or any department or agency thereof, each judge or justice of a court of the United States, and each employee of the legislative, executive, or judicial branch of the Government of the United States or any department or agency thereof who is compensated at a rate in excess of $18,000 per annum shall file annually, and each individual who is a candidate of a political party in a general election for the office of Senator or Representative, or Resident Commissioner in the House of Representatives but who, at the time he becomes a candidate, does not occupy any such office, shall file within one month after he becomes a candidate for such office, with the Comptroller General a report containing a full and complete statement of—

(1) the amount and source of each item of income, each item of reimbursement for any expenditure, and each gift or aggregate of gifts from one source (other than gifts received from any relative or his spouse) received by him or by him and his spouse jointly during the preceding calendar year which exceeds $100 in amount or value; including any fee or other honorarium received by him for or in connection with the preparation or delivery of any speech or address, attendance at any convention or other assembly of individuals, or the preparation of any article or other composition for publication, and the monetary value of subsistence, entertainment, travel, and other facilities received by him in kind;

(2) the value of each asset held by him, or by him and his spouse jointly, and the amount of each liability owed by him, or by him and his spouse jointly, as of the close of the preceding calendar year;

(3) all dealings in securities or commodities by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction during the preceding calendar year; and

(4) all purchases and sales of real property or any interest therein by him, or by him and his spouse jointly, or by any person acting on his behalf or pursuant to his direction, during the preceding calendar year.

(b) Except as hereinbefore provided, reports required by this section (other than reports so required by candidates of political parties) shall be filed not later than April 30 of each year. In the case of any person who ceases, prior to such date in any year, to occupy the office or position the occupancy of which imposes upon him the reporting requirements contained in subsection (a) shall file such report on the last day he occupies such office or position, or on such later date, not more than three months after such last day, as the Comptroller General may prescribe.

(c) Reports required by this section shall be in such form and detail as the Comptroller General may prescribe. The Comptroller General may provide for the grouping of items of income, sources of income, assets, liabilities, dealings in securities or commodities, and purchases and sales of real property, when separate itemization is not feasible or is not necessary for an accurate disclosure of the income, net worth, dealing in securities and commodities, or purchases and sales of real property of any individual.

(d) Each report required by this section shall be made under penalty for perjury. Any person who willfully fails to file a report required by this section, or who knowingly and willfully files a false report under this section, shall be fined $2,000, or imprisoned for not more than five years, or both.

(e) All reports filed under this section shall be maintained by the Comptroller General as public records which, under such reasonable regulations as he shall prescribe, shall be available for inspection by members of the public.

(f) For the purposes of any report required by this section, an individual shall be considered to have been a Member of the Senate or House of Representatives, a Resident Commissioner, or an officer or employee of the legislative, executive, or judicial branch of the Government of the United States or any department or agency thereof, during any calendar year if he served in any such position for more than six months during such calendar year.

(g) As used in this section—

(1) The term "income" means gross income as defined in section 61 of the Internal Revenue Code of 1954.

(2) The term "security" means security as defined in section 2 of the Securities Act of 1933, as amended (15 U.S.C. 77b).

(3) The term "commodity" means commodity as defined in section 2 of the Commodity Exchange Act, as amended (7 U.S.C. 2).

(4) The term "dealings in securities or commodities" means any acquisition, holding, withholding, use, transfer, disposition, or other transaction involving any security or commodity.

(5) The term "court of the United States" means each court so defined by section 451, title 28, United States Code, and each of the following courts: the District Court of the Virgin Islands, the District Court of Guam, the Tax Court of the United States, and the Court of Military Appeals.

SEC. 2. Section 5 of the Administrative Procedure Act (5 U.S.C. 1004) is amended by inserting at the end thereof the following new subsection:

"(e) Communications to agency: All written communications and memorandums stating the circumstances, source, and substance of all oral communications made to the agency, or any officer or employee thereof, with respect to such case by any person who is not an officer or employee of the agency shall be made a part of the public record of such case. This subsection shall not apply to communications to any officer, employee, or agent of the agency engaged in the performance of investigative or prosecuting functions for the agency with respect to such case."

The letter presented by Mr. CASE is as follows:

U.S. SENATE,
COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., May 27, 1969.

Hon. CLIFFORD CASE,
Old Senate Office Building.

DEAR CLIFF: I am pleased to join in sponsoring your bill, S. 1993, as amended, to require full public disclosure of the personal financial interests of Members of Congress, candidates for Congress, top executive branch officials, and federal judges.

I believe that passage of this legislation would constitute an important step in maintaining public confidence in the integrity of federal officials in the legislative, executive, and judicial branches of government The bill has uniform applicability, rigid guidelines, and most important of all—it enhances the public's right to full knowledge of the outside interests and financial activities of federal officials as well as candidates for congress. It helps reduce the possibility that a federal official would confuse public and private interests.

It is my hope that the 91st Congress enacts this legislation, or a comparable comprehensive public disclosure bill.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. CASE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HART and Mr. SCOTT addressed the Chair.

Mr. CASE. Mr. President, I shall be glad to yield to the Senator from Pennsylvania, but first I would like to yield to the cosponsor of the bill, the Senator from Michigan (Mr. HART).

Mr. HART. Mr. President, public confidence in Government demands full disclosure of assets and income by all top Federal officials.

The Case-Hart bill, to which the Senator from New Jersey now offers the amendment, would require full annual disclosure of assets and income by all Federal officials making more than $18,000 annually.

Congress up to now has been seeking to placate public opinion with disclosure measures that really disclose very little. Most of the pertinent information that Senators must file is left safely in sealed envelopes.

So our financial affairs are "on file"—but on file in deep drawers, carefully locked. I fear that where we tried to look virtuous we only succeeded in looking mildly ridiculous.

Full disclosure—it must be understood—is not designed to catch people out, to discover wrongdoing, and to provide a way to prosecute it.

I do not expect it will have very much effect on the affairs of the men to whom it applies, although certainly all of them will feel compelled to scrutinize their dealings in advance with an eye as to how they will look in print.

The big asset to be gained here is the public's confidence in its Government. As that confidence diminishes, our ability to govern diminishes in proportion.

Today's public, Mr. President, is not slow to detect hypocrisy. And let us face it, the rules under which Congress operates today do deserve a degree of skepticism.

I have often heard the argument that Congress need not operate under disclosure rules as strict as we might require of other branches because there is an additional check at work in the legislative: the public's opportunity to vote us out of office periodically.

But is it fair to put forth that argument while being careful to see that the public is given very little information on which to base its judgment? I think not.

Clearly, public concern over the outside income of Federal judges should require—again for the reason of enhancing public confidence—inclusion of the judicial branch in the disclosure procedure.

I thank the Senator for yielding.

Mr. CASE. I thank the Senator from Michigan. Mr. President, to add a personal note, there is no one in the Senate with whom I would be more happy or proud to be associated than the Senator from Michigan.

Mr. President, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I wish to commend the distinguished Senator from New Jersey for bringing this matter to the attention of the Senate. I think it is salutary.

I mention that the committee of 11 of the judiciary branch is currently reported to be considering the matter of ethics, particularly as affecting the judiciary, but I assume it includes the possibility of disclosure requirements to be promulgated by the Supreme Court or by the judicial conference. If such ethical procedures are recommended by the courts and if they go this far, or perhaps further, then perhaps they will accomplish the purpose. But to keep public attention on this matter I think it desirable that we consider the bill proposed by the Senator from New Jersey. I have joined in sponsoring the measure because I think its purpose good, its intent wise, and its enactment—in this form or in the form of judicial direction, in one form or another—highly desirable.

I thank the Senator.

Mr. CASE. I thank the Senator from Pennsylvania.

Mr. CHURCH. Mr. President, first of all, I congratulate the Senator from New Jersey and the Senator from Michigan (Mr. HART) for the bill they introduce today. For some time now, I have believed that there should be a uniform disclosure requirement applicable to Members of Congress, to highly placed officers of the executive branch, and to the judiciary.

In the past, I have periodically made a voluntary disclosure of my own income and holdings, even though no such requirement has ever been imposed.

The time is long past due for this bill to be favorably considered and passed by the Senate.

I would appreciate it if the Senators responsible for introducing this legislation would permit me to join in cosponsorship of it, along with the other Senators named.

Mr. CASE. I am sure that the other cosponsors will have no objection, and of course I do not. We welcome the Senator from Idaho with open arms.

Mr. CHURCH. I thank the Senator very much.

Mr. CASE. Mr. President, I ask unanimous consent that the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of this bill and to be shown on all subsequent printings of the bill and any amendments.

The VICE PRESIDENT. Without objection, it is so ordered.

IDAHO NEWSPAPERS OPPOSE MINE IN WHITE CLOUDS REGION

Mr. CHURCH. Mr. President, my State of Idaho is richly endowed with natural beauty, but among its choicest diadems is a range of snow-capped mountains called the White Clouds. They are located in central Idaho, north of the famous Sun Valley resort, and their highest peak rises well above 11,000 feet. Often, even in summer, these lofty battlements are encircled by fleecy clouds—making their name most appropriate. Beneath them are fragrant evergreen forests and many small turquoise lakes. It is a roadless wilderness, a mecca for hikers, hunters, and fishermen, and is located on national forest land.

Recently, a mining company applied for permission to construct a road into a mining claim located in the heart of the area, looking eventually to the operation of an open-pit mine to extract molybdenum. This threat to the beauty and serenity of the White Clouds brought a quick reaction from thousands of Idahoans, who have vigorously protested the mining company's application.

Their views have been articulately reinforced by the newspapers of Idaho, many of which have come out in opposition. I ask unanimous consent, Mr. President, to have printed in the RECORD a number of these excellent editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Pocatello (Idaho) State Journal, May 14, 1969]

A MATTER OF VALUES

There are many compelling reasons wny Idaho should not permit the White Clouds mountain area to be despoiled by a molybdenum mine, and very few reasons why it should.

American Smelting and Refining Co. wants to develop the open pit mine, and the Forest Service held hearings at Boise and Idaho Falls to explore the matter.

Not surprisingly, a majority of those who attended the hearings opposed the mine. It would be located at the base of Castle Peak, in the heart of the relatively small White Clouds area about 40 miles north of Sun Valley.

There are dozens of small alpine lakes boasting excellent fishing, there is good hunting of goats and deer, and five access roads bring people within easy hiking distance. The area offers unusually fine opportunities for hiking, horseback riding, pack trips, climbing and photography. The number of persons visiting the area has climbed sharply in recent years. With demand soaring for quality outdoor recreation, recreation use of the White Clouds area may be expected to rise accordingly.

It appears unlikely that the area can be preserved in anything like its present form if the mine is developed, although Gov. Don Samuelson, who favors developing the mine, says coexistence is possible.

Richard Woodworth, Idaho Fish and Game director, says the high quality fishing in the area would be destroyed by mineral development. An open pit mine, from which 20,000 tons of mineral is taken daily and processed, with 99.5 per cent of it deposited in a waste pile or settling pond, would foul runoff water. The waste would grow at the rate of six million tons per year.

Molybdenum is not a strategic metal. It is a steel and iron alloy which is in abundant supply with 25 per cent of the U.S. production exported. New mines are being added elsewhere.

American Smelting and Refining spokesmen have estimated a payroll of 350 men, a total investment of $40 million and sizable tax contributions to Idaho and Custer County would result from the mine. Mine proponents also complain that minerals must be mined where they are found, and that wilderness proponents want to lock up millions of acres.

We doubt that many Idahoans would want to stop mining in most areas of the state. But areas such as the White Clouds are scarce and irreplaceable, with higher values for other purposes than mining.

The Forest Service, which is charged with administering the public lands involved in this case, announced in February of this year plans for an intensive study of the area to determine how it can best serve the needs of the American people. The study is expected to take two years, during which no change in the character of the area will be permitted. Minor projects tending to improve the recreation use of the area may be initiated, such as work on trails and installation of minimal sanitation facilities.

Prospecting and mineral development are authorized on most Federal lands, including national forests. Basic authorization originates from the General Mining Laws of 1872. The Forest Service, however, authorizes whether roads may be built into areas and prescribes standards.

There has been agitation in the wake of the White Clouds case to revise the 1872 mining laws, and such a revision would seem to be in order to recognize areas of special significance such as the White Clouds.

In the meantime, there should be no automobile roads into the area, and no disruptive molybdenum mine.

[From the Post-Register]

WHY CASTLE PEAK SHOULD NOT BE MINED

The Castle Peak mining venture in Central Idaho of the American Smelting and Mining Co. cannot be considered in the context of a standard mining claim in a standard forest area.

The White Cloud mountain area is simply not a standard area. It is one of Idaho's unique wilderness treasuries—which should not be lost for all time, as a pack-in or walk-in area, because of the company's projected road and mining operation in the heart of this lake-laced high country.

But some are trying to give this mining project a "business as usual" image—which it decidedly does not have.

What's wrong with a road and a mining operation in the White Clouds? R. J. Bruning, editor of the North Idaho Press, in Wallace, asks.

Mr. Bruning speaks from a setting which cared little about environmental balance in the course of its history . . . and the area shows it. Not that mining is not important to Idaho, mind you, because it is. But Mr. Bruning makes the mistake again of equating the White Clouds with any mining venture anywhere.

The trouble, Mr. Bruning, with a road into the heart of the White Clouds—which is not a large area—is that there are thousands of public roads in the forest but there are precious few areas like the White Clouds. As a matter of fact the current push by the lumbering industry is probably going to see a great many more roads opened up. If Mr. Bruning will sit down now and examine the roads into the national forests and on Bureau of Land Management land over the state, he cannot claim that the public is not served more than adequately in their quest for the forested back country.

But Mr. Bruning misses the big point—and that is the vital importance of preserving those fast disappearing wilderness-type areas which, although small percentagewise as compared against the road-served forested areas, is uniquely endowed for preservation.

This does not mean that the White Clouds are not or will not be used. The Frog Lake area is over-used now. And the Forest Service reported recently that it is considering controls on the time allowed for horses to be in the area because of the fragile ecology of the area as against the heavy use some areas are receiving. It will always be used by the hunters and fishermen, the stone hunters, the photography buffs, and the hikers who pack in or walk in . . . and increasing. But put a road into the area and an open pit mining operation (which we presume it will be), and something has been irretrievably lost.

Mr. Bruning should ask Idahoans—or those outside of Idaho who have visited it—what sort of value they place on the existing primitive area in Idaho. What would have happened by now to this spectacular country if the Forest Service was not wise enough to preserve it some 50 years ago. And can Mr. Bruning say that the Middle Fork of the Salmon River or the Salmon river country itself is not used? We would refer him to Forest Service statistics on last summer's number of boats and people who fished, hunted, boated and hiked in this area.

The Forest Service gave its own cue on the importance of the preservation factor of this area for recreation, when the regional office recently stated:

". . . Challis National Forest management plans developed prior to the recent mining exploration in the area do not call for development of roads. Under these plans, management emphasis is being given to the area's exceptionally high recreation values."

The Forest Service has kept the area roadless precisely for this purpose.

It should also be pointed out that the taxpayers are paying a big bill for the American Smelting and Mining Co. to irretrievably alter this area. The federal government pays 50 per cent of the mining exploration cost and 50 per cent of the road cost under its minerals incentive program. Fine. We should have a minerals incentive program. But does it have to have the tunnel vision of equating all areas with such unusual areas as the White Cloud? What is particularly questionable is indication by the mining company that it really is still exploring the value of the molybdenum in its White Cloud claim—and is having the taxpayers foot half of the bill to find out. The tragedy is that this "business as usual" attitude is being deployed in an area which, we are confident, Idahoans and the rest of the nation, once familiar with its offering, would want preserved.

And keep in mind, this country is exporting 25 per cent of its molybdenum production.

We hope Idahoans familiarize themselves with the issues involved in the Castle Peak mining venture. We are sure, then, that they will show up in decisive numbers at the Idaho Falls hearing this coming Saturday to protest it, and to ask the Forest Service to apply extraordinary authority to stop it.

[From the Idaho Sunday Statesman, May 11, 1969]

SACRIFICE IDAHO NEEDN'T MAKE

Some treasures—like classic paintings, historical cathedrals, literary classics, beautiful bays, or unusual mountain areas of lofty peaks and clear lakes—have exceptional value. Idaho has such treasure in the White Clouds mountain area northeast of Sun Valley.

Hearings the past two days have explored the question of whether the White Clouds should be opened to an open pit molybdenum mine, and to possible further mining developments. The record indicates that:

Idaho is not forced to accept mining in the White Clouds at this time.

The Forest Service should explore all other possible means of permitting further exploration and evaluation of the mining claims, rather than allowing a road into the area.

A Forest Service land management study of the area already commenced should be completed before any mining is allowed.

Both the state and the nation need to make some judgments about conflicts between mining and other uses in such exceptional areas as the White Clouds. Ways must be sought to protect the most magnificent achievements of nature, without preventing mining from doing its vital job.

Mining people have legitimate concern that too much land will be excluded from mining. The problem is to identify truly exceptional areas, other areas of lesser recreational and aesthetic value, and average areas.

Gov. Don Samuelson lent the prestige of his office to the mining proposal. The governor presented a good summary of the case for a mine in the White Clouds, but we can't agree with some of his assumptions or with his conclusion.

Governor Samuelson said that Idaho's need for economic development transcends other aspects. Spokesmen for American Smelting and Refining Co. estimated a payroll of 350 men, a total investment of $40 million and sizable tax contributions to Idaho and Custer County.

The fundamental issue is the quality of the White Clouds area versus the economics of a mine. People who have been there consider it one of the outstanding scenic and recreation areas of the nation. A mine there is not the same as a mine somewhere else in the Idaho mountains.

Governor Samuelson said that mining and recreation use can coexist. But it seems obvious that an open pit mine, from which 20,000 tons of material is taken daily and processed, with over 99.5 per cent of it deposited in a waste pile or settling pond, is going to have a tremendous impact. Such a waste deposit would grow at the rate of six million tons per year.

A similar molybdenum mine at Climax, Colo., has seen half a mountain removed and put into a settling pond that is measured in miles. Colorado's hikers, fishermen, campers, picnickers, hunters and seekers after scenic grandeur go elsewhere.

Dirctor Richard Woodworth of the Idaho Fish and Games Department said the high quality fishing in the lakes of the White Clouds area would be destroyed. He said full mineral development of the area would severely jeopardize fishing and other uses.

Ernest Day of the Idaho Wildlife Federation pointed out that the proposed road would open the White Clouds to other mineral exploration with heavy equipment. Once a road is built the question of the future of the White Clouds might be permanently determined.

American Smelting has conducted itself well, cooperating with the Forest Service to protect the ecology. Company representatives promised to be conscious of conservation practices. But the sheer dimensions of a molybdenum operaton, recovering less than one half of one per cent of millions of tons of ore, creates an immense obstacle to conservation.

Other mining exploration, and possible development, would have further impact—and could pose threats to the headwaters of the East Fork of the Salmon River.

Thousands of Idahoans enjoy outdoor recreation. Anyone who can walk and who can get away for a day or two can enjoy the White Clouds area. There are five access roads to bring people within easy hiking distance.

The area is relatively small, only eight by 10 miles. It has 54 lakes, and one of the few glaciers in Idaho.

Over the years a sizable percentage of the entire Idaho population can be expected to spend some time there—particularly in view of the publicity the area is receiving after being relatively unknown for years. It is close to Sun Valley and the Stanley Basin and a part of an extremely popular region of recreation use.

Its recreation value has already been recognized by the Forest Service, which has sought to protect its unusual qualities.

Unfortunately, the potential molybdenum discovery is within two miles of Castle Peak, the granddaddy of the White Cloud mountains. It would be wonderful if Idaho could have this mining development, and protect the quality of the White Clouds. It can't have both.

Molybdenum is a steel and iron alloy which contributes to the autos and airplanes that transport people. Increasingly people are using such vehicles for travel to recreation areas like Idaho. Recreation helps create the demand for molybdenum.

The metal is in abundant supply and 25 per cent of the U.S. production is exported. New mines are being added in Canada, the United States and South America. One mine in Colorado, to be opened in 1975, is expected to increase the present level of production by one half. It is not in an area of the quality of the White Clouds.

The big Climax mine in Colorado, with an ore body that is expected to last 30 to 40 years, is not being operated at full capacity. It is obvious that the nation does not presently need this particular mine. If production from this location should become vital in the future the ore would still be there.

The White Clouds are a higher quality area than much of that already included in or suggested for wilderness. It would be far better to have mining in some of those areas than in this particular location.

Present demand for minerals does not require Idaho to surrender the Salmon and St. Joe to dredging, or the White Clouds to open pit mining. The state could retain such exceptional areas, and still have a vital mining industry.

The mining people have a point—that designation of vast areas for non-mining use would seriously impair potentially vital mining needs. In identifying areas that should not be mined, emphasis must be placed on quality, rather than on acreage

Idaho should not lock up millions of acres from mining. But it ought to be able to protect a very few relatively small, exceptionally high quality areas as the White Clouds. Mining and recreation should learn to work together and neither should attempt to lay claim to every acre of mountain terrain in the state.

Mining people tend to say that all areas where minerals can be located should be held open for mining. That proposition should be amended to make an exception for the highest quality recreation areas, particularly when large acreages are not involved.

Testimony at the hearings that the mining industry is aware of growing interest in environmental quality was encouraging. Conservation practices, in exploration and operation, can mitigate the impact of mining on the environment. Spokesmen said the industry is aware of the pressures, has responded to them and will continue to respond.

The outlook for the nation, despite present social problems and unrest, is for a more affluent, automated society with more leisure time. No one could foresee the present attendance levels in Yellowstone and Teton Parks 30 or 40 years ago. What will 30 or 40 years bring to Idaho tourism?

Completion of the Lowman-Stanley highway will open the Stanley-Sun Valley area, which includes the White Clouds, to easier access from the Western side of the state. The problem in the future may be to keep use of areas like the White Clouds down to levels that will avoid destruction of their quality.

What will Idaho people have that other states don't have in years to come if they fail to guard against pollution of the air and water, and fail to protect their most awe-inspiring recreation areas?

Mining has not yet reached its prime nationally or in Idaho. But the state is not so desperate for dollars that it must be anxious to sacrifice the crown jewels of its natural heritage to relatively short term dollar benefits. Mines can be developed and payrolls can be created in other locations in Idaho, and will be. Idaho should be able to have its cake and eat it too, both protecting its highest quality recreation areas and developing its economy. As population grows and industry expands, the value of unique areas like the

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White Clouds to the people of the state will multiply.

[From the Messenger-Index, May 15, 1969]

White Clouds

It came as no surprise last Friday when Idaho Gov. Don Samuelson threw the weight of his support behind the American Smelting & Refining company plan to mine the White Clouds at the base of Castle peak—no surprise but nonetheless dismaying.

It is dismaying because the office of the Governor and the unquestioned integrity of Governor Samuelson combine to exert great influence on such a decision as now confronts the Forest Service, and on the thinking of the people of Idaho.

The Governor, of course, is very sincere in seeing the White Cloud issue without any emotionalism. For him, efficient business and industry are the guardians of all virtue. Anything that can or might advance the industrial development of the state is right. There is no place for any other value. And even though his obsession with applying "business principles" to the art of government has had very questionable success, the Governor's position in favor of American Smelting & Refining is wholly consistent and predictable.

But among some people there is appreciation for the very special and unique qualities of the White Clouds. A very small area, eight by ten miles, it has no equal anywhere in the United States—not in the Sawtooths, not in the Olympics, nowhere in Appalachia, not even in the Tetons—it is unmatched anywhere for the special quality of its beauty.

The White Clouds is far more rare than diamonds, more rewarding than the greatest factory or the tallest building, more spectacular than the Grand Canyon or the face of the moon. For it is one of those precious things, a special place where man can identify himself with his past and with his future.

And Castle Peak is at the very heart.

It is absolutely incompatible with an open pit molybdenum mine, and would not be even if survival of the nation was thought to depend upon it (there is no shortage of molybdenum).

The pertinent question now is whether the White Clouds, unspoiled, will still be there a thousand years from now.

Most people have seen the mountain of rubble, the barren settling pond of the old Deadwood mine that operated a few years during the World War II. This was an underground mine with a single portal.

Its mill capacity was 100 tons a day.

The proposed Castle Peak mine would be 20,000 tons a day, open pit!

Yes, for a while, it would yield some taxes to Custer county and to the state. For a moment in time it would employ some people, and it might make some big eastern company very rich.

But soon enough it would be stripped out and abandoned. The taxes would dry up, and the people would move elsewhere.

And the White Clouds would be gone forever.

Even the greater-than-molybdenum economic potential of future recreation would be gone for all time, for once such a precious area is roaded under the mineral entry laws, it can be crossed off the face of the earth as anything but an abandoned mine.

A hallmark of civilization is sensitivity to beauty, beauty that is not held accountable to earn a profit or to fill any other need, beauty that is revered for its own sake.

It is most dismaying at this fleeting moment in time that Idaho's Governor, busily wielding the tools of desecration and destruction, is so terribly uncivilized.

Especially so in the light of how very, very long the White Clouds have waited to serve some more noble purpose.

[From the Blackfoot (Idaho) News, May 12, 1969]

Let's Keep Idaho Glorious

It's a glorious experience to live in Idaho! Let it be May when the hills and mountains and mountain parks are swathed in green. Let it be July or August when hot sunshine and water sparkling in irrigation ditches or in cascades from pumping wells combine to produce bumper growths in alfalfa and potato fields. Let it be September or October when aspen and sumac and pine forests produce a panorama of breathtaking beauty.

These thoughts were in mind Saturday morning at the beginning of a drive to Bear Lake for a sailboat cruise on its brilliant blue waters.

Nearly everything, including a smooth cruise and return from Bear Lake by way of the Logan Canyon, then north through the Cache Valley to Preston and so home was calculated to create a day of cameo-like beauty that can never be forgotten.

There were, however, two situations that intruded some feeling of foreboding that our intermountain Eden could be lost.

The first was the cloud of smog, so similar that of Los Angeles, that hung over the city of Pocatello at an early hour of the day. The second was a cloud of similar pollution hovering over the valley a few miles further south in which Inkom is located.

Pocatello was blanketed by a gray cloud produced by the belching smokestacks of the J. R. Simplot and FMC phosphate-producing plants, outlined on the western horizon with their high rising columns of air pollutants. The Inkom valley air was polluted by the smokestack of a cement manufacturing firm.

Industry is needed in Idaho, but industry must not be permitted to foul the air and atmosphere or pollute the streams of Idaho.

It need not be that way. In the past, industry could destroy the quality of life in Wallace, Idaho or Butte, Mont., and it was accepted as a necessary condition of growth for the industry of the state.

It mattered not that the spoilers were enriched at the cost of impoverishment of forests, fields, farms and the creation of a new form of peasantry for the people who remained because of the investment of their lives in an environment that eventually became ruined.

As one drives Interstate Highway 15 over the hills east of Pocatello, one cannot help but consider that few cities of 30,000 or more persons are situated in an area of such natural beauty.

It is unlikely that the people of Pocatello will for much longer accept the rationalization advanced in the past that their smog has about it the smell of money. It just isn't working out that way. Pocatello citizens surely must be weighing the advantages of the fruit of increased industrial payrolls against the civic costs of polluted air, the increased expense of public education of the children of workers at the polluting plants, and the lack of increased property tax valuation due to sharp investment self interest displayed in the location of plants just outside the Bannock County line.

All of the people of Idaho have an interest in the conservation and protection of its splendid natural resources. When industry is permitted to become or remain a spoiler, another precedent for the primacy of industry's right to be free of responsibilty for the quality of life that results is established.

It is correct for those of us who understand what shambles uncontrolled exploitation of the land and air has created in other sections of the state and nation to question the desire of the American Smelting and Refining Company to open up a scenic section of central Idaho for strip mining.

For that reason I applaud the response of James Phelps of Pocatello at a hearing in Idaho Falls Saturday on the application of American Smelter and Refining for the strip-mining permit.

When Mr. Phelps asked Keith Whiting, supervisor for ASARCO for the northwest, about the percentage of values in the mining area, he was told by Whiting: "Frankly, I don't think it is any of your business."

This led Mr. Phelps to include within his later statement for the hearing record this remark:

"I submit it is my business and that of others. Mr. Whiting's answer indicated industry will only be so responsible as it is required to be."

Sad, but all too often it is true.

THE NEW CONSERVATION

Mr. CHURCH. Mr. President, on April 22, it was my pleasure to address the Pacific Northwest District Conference of the National Recreation and Park Association in Coeur d'Alene, Idaho.

In that speech, I called on American conservationists to expand the dimensions of their concern and look toward the concept of a new conservation, embracing nothing less than the goal of achieving a healthy and habitable environment for man.

I ask unanimous consent, Mr. President, that the text of my speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The New Conservation

More than 50 years ago, Theodore Roosevelt sounded the call which has since made conservation a moral imperative for all Americans who feel deeply about the protection and enhancement of the natural heritage of this country. "To skin and exhaust the land instead of using it to increase its usefulness," Roosevelt said, "will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed."

Roosevelt's warning has not gone wholly unheeded. Remarkable achievements have been made in the field of conservation—achievements of which we can all be proud.

In the past 50 years we have seen the enactment of legislation to provide for the regulated use of our land and water against the ravages of erosion, fire, flood, pestilence, crop diseases, and other enemies of man and his resources. We have seen the expansion of the National Forests and the National Park System, the creation of Wilderness Areas, the establishment of a Wild and Scenic Rivers System and a network of National Trails. And the ranks of dedicated conservationists have steadily grown.

Here in Idaho, we can draw satisfaction from the fact that the Wilderness Act insures that the future will not witness the ruination of our great primitive areas. The Wild Rivers Bill, which became law last year, provides Idaho with a major part of the initial Wild Rivers System, assuring us that long stretches of the Salmon and Clearwater Rivers, including the Selway and the Lochsa, will remain sparkling clear, free-flowing streams—among the finest of the unspoiled rivers left in America.

Yet, much remains to be done, even here in Idaho where—more than in any other state save Alaska—vast stretches of our natural inheritance still remain untarnished and untouched.

Further study is underway on the possible future inclusion in the Wild Rivers System of the main stem of the Salmon River, as well as parts of the St. Joe, the Bruneau, the Moyie and Priest Rivers. Beyond this, we must concern ourselves with the spreading pollution in the Snake River in Southern

Idaho, as well as the continuing corruption of Lake Coeur d'Alene itself. In the lofty Stanley Basin, Congress has yet to take final action on legislation to establish the Sawtooth Recreation Area—action I hope will be completed this year.

This is a brief sketch of some of the unfinished business in conservation as it affects Idaho. But tonight, I want to go beyond the immediate conservation targets in Idaho and focus instead upon the larger challenge which confronts the country as a whole.

At one time, conservation was a rather limited concept. Broadly speaking, it dealt with protection, preservation, and prudent management of natural resources—the soil, timber, water and wildlife—against the onslaught of heedless exploitation. The issues were clear-cut; the boundaries carefully laid out. In Teddy Roosevelt's day, the symbol of conservation was the forester, concerned primarily with the proper husbandry of timber resources endangered by those who stripped the forests bare, and left nothing but ugly, denuded land behind them. The second Roosevelt introduced the Civilian Conservation Corps, planting new trees and dealing with the waste caused to our forests by soil erosion and bug infestation. The 1950's witnessed the first great explosion in outdoor recreation, bringing with it the realization that a much more ambitious program was needed to accommodate the burgeoning pressures of our growing population, ever more mobile and affluent, searching for some escape from the congestion of city life. In the 1960's that program emerged, adding new National Parks, seashores, recreation areas, and expanded campgrounds. More important still, the establishment of the Land and Water Conservation Fund by Congress made federal matching funds available for the first time to stimulate the development of outdoor recreational facilities by city, county and state governments.

Today, however, conservation can no longer be considered a matter of simply protecting soil and timber resources, or creating new parks, or preserving wilderness, or protecting wildlife. These are all vital areas of concern, and will remain so in the future. But for conservationists true to their calling, there are new dimensions which we scarcely dreamed of a decade ago, stretching the scope of our endeavor far beyond anything known to the past. These are the horizons of a New Conservation.

Today we face the total task of achieving nothing less than a healthy and habitable environment for man. In this age of uncontrolled technological expansion, we have plundered our environment—the delicately-balanced blanket which Nature has wrapped so thinly around our planet within which all life depends—as though it were an unwreckable and inexhaustible resource.

Prime examples are the pesticides, herbicides and other poisons with which we are now filling our air, our water and our soil to such an alarming degree that Nature's balance may already be permanently upset. The chemists who synthesize these drugs act out of a naive belief that others will insure the safe application of their work. But all too often, the reputed investigations that there will be no ill-effects on the general population, or on animal life, turn out to be little but the wishful thinking of public relations men and advertising executives bent on selling their dangerous wares.

Today, some 600 million pounds of pesticides, herbicides, fungicides, rodenticides and fumigants are used annually in the United States—in other words, some three pounds for every man, woman, and child in our country. Last year the sale of these drugs increased by 10 per cent over the previous year and *by 1985 it is estimated that they will increase sixfold.*

Already, one acre in every ten in America is treated with an average of four pounds of pesticides annually.

Senator Gaylord Nelson, who has just introduced legislation to create a National Commission on Pesticides, has noted that "Through this massive, often unregulated use of highly toxic pesticides, every corner of the earth has been contaminated."

It is nearly impossible to know, let alone describe, the ultimate effect of these drugs on human and animal life. They reach the bloodstreams of every living organism through the soil, the air and the water. It is a never-ending cycle. Plant life is infected through the soil, passing in progressively larger concentrations to wildlife and people through the natural food chain. Lakes and streams accumulate concentrations of pesticides from natural water runoff as well as through direct spraying to kill such insects as flies and mosquitoes. Once in the water, pesticides are passed to plankton and other organic plants which in turn pass them to fish and into the atmosphere through evaporation. The atmosphere, in its cycle, returns the residue to earth both directly and through rainfall.

The consequences are foreboding.

In the Antarctic, where DDT has never been sprayed directly, penguins are showing traces in their blood.

In Alaska, the reindeer are in danger.

In the sea, the blue shell crab is being pushed to the point of no return.

In England, pesticides similar to DDT have been proved the cause of sterility in certain vanishing species of birds.

The Food and Drug Administration recently seized 28,000 pounds of Coho Salmon from Lake Michigan and found them to contain 19 parts per million of DDT and 0.3 (three-tenths) part per million of the drug Dieldrin (pronounced Deel-drin)—concentrations considered hazardous by both the FDA and the World Health Organization.

And, in the Soviet Union, scientists have discovered that workers exposed to DDT for a decade now show symptoms of serious disturbances of stomach and liver functions.

The potential list of such disturbing discoveries is nearly endless. Day after day, newspaper headlines record the accumulating evidence of the danger we face as a result of the new chemistry—from thalidomide, which left hundreds of crippled children in its wake a few years ago, to the killing of thousands of sheep in Utah last year as a result of careless Army experiments in chemical warfare.

These few examples should at least alert us to the work we have to do. In our headlong rush toward cures for specific maladies, insufficient attention has been given to their long-term consequences on our whole environment. Ernest Swift, in his book *Count Down to Survival*, has given us this warning: "Conservation is no longer a pleasant hobby; it is a matter of life and death."

Science has freed us from the drudgery of the past. Applied science has practically inundated us with merchandise. But has this been an unalloyed blessing? Perhaps Robert Hutchins, former president of Chicago University, may be partly right when he says: "Technological progress has merely provided us with more efficient means for going backward."

In our major cities, for example, the ease and convenience of life has steadily deteriorated. Commuters waste hours each day driving back and forth from their downtown office cells to split-level suburbia, imprisoned in their own automobiles. Is a man better off for having to endure bumper-to-bumper traffic on hot, clogged, exhaust-ridden thoroughfares than his forefather who toiled outdoors in the fields and the woods?

When the traffic snarl in Washington becomes unbearable, I often think of Henry David Thoreau and this passage from *Walden*:

"We need the tonic of wilderness, to wade sometimes in the marshes where the bittern and the meadowhen lurk, and hear the booming of the snipe . . ."

Yet, not only is the "tonic of wilderness" an unknown experience for most Americans, it becomes increasingly difficult for the average citizen to find any day-to-day relief from the depressing ugliness of our urban environment.

In 1968, the President's Council on Recreation and Natural Beauty released a publication entitled "From Sea to Shining Sea." The Council found that

"In pursuing survival and greater security, man has tampered with the careful balances in natural systems, sometimes with unintended consequences that endanger his security. He often overlooks the elaborate relations between predators and prey that exist in nature. Frequently, he has waged successful war against one species only to see the resulting unnatural gap filled by disastrous proliferation of another species.

"Man has learned to inoculate himself against deadly plagues, and diseases that once took a dreadful toll have been almost banished from the more advanced societies. Yet simultaneously there has been a tremendous increase in the diseases of urbanization and high pressure living . . . Man is a part of nature and cannot with impunity separate himself from the natural rhythms that have given him nurture during all his previous millennia on this planet . . .

"There are elements of tragedy in man's abuse of nature and of his own promise . . . But there is still opportunity to repair the damaged fabric of life if Americans begin to consider themselves part of the earth's interlocking, interdependent natural system. Americans who learned in the frontier era to 'conquer' nature now need to learn new techniques of cooperating with nature."

The Council felt there is hope that we can learn to "cooperate with nature." But if that hope is to become reality, the New Conservation must point the way toward redressing the imbalance which now exists between man and the whole of his environment.

I'd like you to consider tonight just a few of the areas in which the imbalance has reached crisis proportions.

WATER POLLUTION

Of all our natural resources, undoubtedly the most abused is water. So long as our streams, rivers and lakes could cope with ever-increasing loads of pollution, we were content to let them struggle along. Now, suddenly, the load is too much. We can literally smell the evidence all about us.

In the East, the Merrimack River is filthy brown, bubbling with nauseous gas.

The Hudson River has become an open sewer.

Parts of the Missouri River flow red with blood and offal from slaughter houses.

In the industrial Middle West, the waters are rusty with "pickle Liquor" from steel mills.

Detergent foam flows from taps in many cities.

The Potomac River winds its slimy way past the Nation's Capitol, corroding and despoiling waterside structures and boats.

The mighty Mississippi carries 500 millions tons of mud into the delta every year.

The sordid story is the same in many of our freshwater lakes. Lake Erie, for example, is now a huge chemical tank, reflecting the sky with a dull silver sheen. Oil, chemicals, trash and sewage float on its surface. Every day, 10 million people pump more than 18,000 tons of sewage, chemicals, and fertilizers into the lake, including an estimated daily dose of 150,000 pounds of phosphate. If the lake can be saved—and that remains a big "if"—the cost will run into the billions of dollars. The most optimistic forecast is 20 years for the lake to be flushed clean once all the rivers flowing into it are freed of contaminants.

Recently, Stewart Udall expressed his concern for the invading sickness and pollution

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that threaten our total environment. These are his words:

"Today we lead the world in wealth and power, but we also lead in the degradation of human habitat. We have the most cars, and the worst junkyards. We are the most mobile people on earth, and we endure the worst congestion. We produce the most energy, and breathe the foulest air. Our factories pour out the most enticing products, and our rivers carry the heaviest loads of pollution."

AIR POLLUTION

The second major element in the poisoning of our environment is the contamination we daily add to the atmosphere.

There is tragic irony in the sick joke, now making the rounds, of the man from Los Angeles who moved to Coeur d'Alene, but returned to his native city only a few weeks later. Asked why, he replied, "I don't like living in a city where I can't see what I'm breathing."

For more and more Americans, it is now literally possible to see the air they breathe, just as they can smell the water they drink.

Research has shown that "airsheds"—geographical area in the atmosphere similar to watersheds on the ground—have become increasingly polluted.

It is thought, for example, that pollution above Manhattan eventually finds its way into the atmosphere above Philadelphia.

In Los Angeles, three-and-a-half million motor vehicles pump contaminants from exhaust gasses into a relatively small coastal plain surrounded on three sides by mountains. The result is the infamous smog which infects Southern California.

But Los Angeles is not alone—far from it. Virtually every region of the country is now affected by a pollution problem which threatens the public health—from the steel mills near Chicago to the mines of Appalachia, from the pulp mills of the Northwest to the factories of Birmingham.

Air pollution is already a matter of life and death. A study conducted by Dr. Leonard Greenberg of the Albert Einstein College of Medicine revealed that the noxious smog which enveloped New York City during Thanksgiving was directly responsible for 168 deaths. Hundreds of others afflicted with respiratory ailments were hastened to the grave.

Yet we continue to turn out 10 million lethal, internal combustion engines each year to add to the problem. Cities continue to burn their trash and garbage in open pits. Industry continues to pump thousands of tons of solid waste into the atmosphere each year.

How much longer can we stand the toll? If we are insensitive to the actual deaths and the physical ailments inflicted upon our people, perhaps we will at least awaken to the huge monetary loss incurred. As the President's last message on conservation put it, the "economic toll for our neglect amounts to billions of dollars each year."

We have just begun to attack the problem of foul air. The Air Quality Act of 1967 is a start at the national level. But as Senator Edmund Muskie, author of the bill, admits, "Whether or not (this legislation) succeeds depends upon the degree of commitment and cooperation we get from state and local government, from industry, from the taxpayer, and from the citizen."

That means you and me.

NOISE POLLUTION TOO

One of the newer forms of pollution that diminishes the quality of our environment is noise, and it is potentially one of the most dangerous. For the past 30 years, noise levels have risen an estimated average of one decibel per year. Continued at this rate, noise may well outrank water and air pollution as a threat to human health within a short time.

Permanent hearing damage has been shown to result from a steady, overall sound above 95 decibels. Sustained and unpleasant noise is suspected of causing or aggravating many physical ailments, from insomnia to heart disease. The most common affliction attributed to noise is the nervous tension headache—a malady virtually unknown to man until this century.

Yet, jet aircraft daily subject millions of people to thunderous noise. We are currently in the process of producing a supersonic transport which will fly faster than sound—leaving sonic bursts in its wake. We've even conducted experiments in Oklahoma to determine if people can adapt to the fabricated thunder of planes regularly breaking the sound barrier.

RECREATION BOOM

This brings us back to open space and the demands upon it we can expect in the near future. What will we do with the hordes of tourists who will swarm into every nook and cranny of our countryside?

Our best planners anticipate that by 1975, water-based recreation needs will increase by 170 percent over what they were in 1960, and by 400 percent by the year 2000.

The demand for hunting lands will increase by 125 percent by 1975, 200 percent by 2000—and 90 percent of this activity will be on private land.

The demands for camping areas will increase by at least 160 percent by 1975 and by 250 percent by the year 2000.

In discussing this challenge, former Secretary of Agriculture Orville Freeman had this to say:

"Every year, 9 out of 10 Americans—some 175 million of us—are on the move in search of outdoor fun—places to picnic, swim, hunt, fish, play, or just to relax and enjoy the fresh air and sunshine. Great as the demand for such facilities already is, we expect it to *triple* by the end of this century."

While affirming his belief that the challenge can be met, Mr. Freeman warned. "There is one sure way to fail to meet it—that is by attempting to resolve the recreation challenge by itself. We cannot meet it piecemeal. We can adequately meet it only in the context of the total environmental challenge."

CONCLUSION

For the New Conservation, it is man himself who has become the endangered species on this capsule we call earth. Ours may well well be the only planet in all eternity on which life can be sustained. Yet we continue to pollute, and poison, and uglify and degrade the thin layer of soil, water and air on which our very existence depends.

Our eyes smart from nauseous gasses in the atmosphere. Our sense of smell is assaulted by the stench of poisoned rivers. Our ears have ceased to know the tranquility of silence.

We have perfected to the ultimate the art of killing—the thermonuclear arsenals of the world are the equivalent of 10,000 pounds of TNT against the temple of every human inhabitant on earth. But we know less than the ant about the art of living, in terms of planning an environment for survival.

David Brower of the Sierra Club has noted that all life on earth, from plankton to people, is "part of an incredibly complex interwoven blanket spread around the world. There is no losening of one thread in the blanket without changing the stress on every other thread, or worse, unraveling it."

But the rending of our life fabric goes on. If we are to mend it, we must begin now.

Conservation, indeed, has become a "matter of life and death."

SUCCESS OF APOLLO 10'S TRIP TO THE MOON

Mr. DODD. Mr. President, I have been privileged to be a member of the Aeronautical and Space Sciences Committee for 10 years, and believe I should note for the Record the great achievement of the brilliant, capable, and truly remarkable astronauts and the completion of their great mission around the moon.

I wish at the same time to pay high compliments to Dr. Paine and General Phillips and their colleagues in the NASA.

Mr. President, I was in Florida at the launching of Apollo 10. It was an awe-inspiring sight. The Vice President was there to grace the occasion with his presence. There was also a great gathering of scientists and important visitors.

I also wish to say this morning, however, Mr. President, that while this is a great accomplishment for the United States of America, NASA, and the Aeronautical and Space Sciences Committee, it is also a compliment to the chairman of the Aeronautical and Space Sciences Committee, the Senator from New Mexico (Mr. Anderson).

I think I should point out that we have done something more than complete a successful trip close to the moon. For I am confident that great benefits will accrue to mankind from this trip not only in the United States but also all over the world, benefits of all kinds, some as yet unknown and some already known.

Our space program has helped us to vastly improve our weather forecasting, our communications, and medical science.

The benefits of space research will help agriculture. They will help in understanding the many questions still unanswered regarding our own planet, as well as those about the moon and many other things, too.

I, as one Senator, say with deep feeling, thanks to those wonderful astronauts, thanks to Dr. Thomas O. Paine and his associates at NASA, and thanks to the American people for having made it possible for us to accomplish this mission.

Mr. President, I should like to make clear in the Record that we did this out in the open, without any secrecy, or behind closed doors.

I remember in the beginning, there was criticism in some high places and elsewhere because we were doing it all so openly. Some said, "Why must we do it that way, in front of the whole world? The Soviet Union is not showing us anything."

Our answer was, "That is the way to do it. Let us do it openly. Let the American people and others know what we are doing."

Mr. President, I think that is one of the best things we have done. The openness, the full publicity, is a great thing for us and for the world. I have an idea that the Soviet Union may have learned a lesson from it and they will be doing more of the same.

And this may yet prove to be the best return of all. For the world needs openness, politically and scientifically.

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AUTHORIZATION FOR COMMITTEES TO FILE REPORTS, AND FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES AND THE HOUSE OF REPRESENTATIVES, AND THE VICE PRESIDENT TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate from today until noon on Thursday next, all committees be authorized to file their reports, including any minority, individual, or additional views; and that during the same period the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that they may be appropriately referred; and that the Vice President be authorized to sign duly enrolled bills and joint resolutions.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2264—INTRODUCTION OF COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1969

Mr. YARBOROUGH. Mr. President, in January of this year, the preliminary findings of the national nutrition study, which sampled 1,000 preschool children in poverty areas of Texas, reported that:

Nearly one-half had not completed the DPT series for protection against diphtheria, whooping cough, and tetanus;

Only 43 percent had been protected against polio; 56 percent had not received smallpox inoculation; 61 percent had not received a measles injection.

Last year the Vaccination Assistance Act was allowed to lapse.

This year the situation will become more serious if the Department of Health, Education, and Welfare is successful in its plan to dismantle the tuberculosis control program.

Medical authorities point out that the immunization problem is susceptible to vigorous action. But if that action is to be effective, it is essential that we have national leadership and a national commitment to combat those communicable diseases that can be prevented or controlled.

The Senate will recall the experience in the case of poliomyelitis. When a vaccine became available, the Congress approved the Poliomyelitis Vaccine Assistance Act of 1955 and later extended it through June 30, 1957. This financial assistance was instrumental in dramatically reducing the incidence of polio in the United States. But the Federal aid was curtailed in 1957, and by 1960 it became apparent that polio would continue to take a needless toll in pockets of poverty. There were epidemics in Providence, Chicago, and Detroit. In May 1960, a special appropriation of $1 million was approved for the purchase of oral polio vaccine to be used to control epidemics. It was not until 1962 that it became apparent that continuing financial assistance was required and this led to the passage of the Vaccination Assistance Act of 1962. The act was extended for 3 additional years in 1965. The authority expired June 30, 1968, and the States are now spending the last of the funds that have been appropriated.

If the authority for financial assistance to combat polio is allowed to die, it is likely that we will have a repeat of our 1960 experience when we had to make a special appropriation of funds to control polio epidemics. Furthermore, the fact that only one-half of the preschool children in poverty areas are now vaccinated against polio is evidence enough that a straight extension of the Vaccination Assistance Act will not do the job.

German measles is another communicable disease that can be prevented with a vaccine. It is expected that a vaccine for German measles will be licensed in the very near future.

Each year about 50,000 cases of German measles are reported, although the actual incidence is estimated to be approximately 2.5 million. This is a disease that brings mild discomfort to children, but when transmitted to pregnant women, it carries with it risk of death, physical disability, and mental disorder to the unborn child. We are told that approximately 25 percent of the women who have German measles during the first trimester of pregnancy give birth to infants with severe congenital defects. During the 1964 epidemic, 20,000 children were born with congenital abnormalities. A major German measles epidemic is predicted for 1970–71, and it is estimated that there are now some 50 million children who need protection.

Still another communicable disease that can be controlled is tuberculosis. Control has been improving, but it is doubtful that this progress will continue under the 1970 budget amendments pertaining to tuberculosis control submitted by the Department of Health, Education, and Welfare. These budget amendments would eliminate $18 million in project grants for the control of tuberculosis and add $18 million in formula grants that States would be encouraged to use for the control of tuberculosis, venereal diseases and alcoholism. To further complicate the picture, the project grants for tuberculosis control were concentrated in States with the highest incidence of tuberculosis, but the formula grants by law must be allocated on the basis of population and financial need without regard to the extent of the tuberculosis problem. This revision in the allocation of funds will have a serious impact because the new active tuberculosis case rate ranges among the States from a low of 5.5 per 100,000 population to a high of 52 per 100,000. Many States with the most severe tuberculosis problem will lose substantial sums of money in the shift from tuberculosis project grants to formula or block grants.

Although it can be argued that all States need a certain minimum level of funding for the control of tuberculosis, the wide range in incidence rates for tuberculosis among the States makes it apparent that the Federal investment in combating this communicable disease should not be entirely allocated on the basis of population and financial need. The same principle applies with respect to venereal diseases. That is why the bill that I am introducing, the Communicable Disease Control Amendments of 1969, would give recognition to the geographical incidence of communicable diseases in the allocation of funds for their eradication.

This legislation would provide financial assistance to the States to prevent the introduction, transmission or spread of communicable diseases in the United States from foreign countries and from interstate and intrastate sources. Grants would be awarded by the Secretary of Health, Education, and Welfare to States and to political subdivisions of States, with the approval of the State health authority, to assist in financing communicable disease control programs. The grants would finance the purchase of vaccines or other agents for those population groups determined to be epidemiologically important to the control of communicable disease as well as payments for personnel and other program expenses needed for organization, promotion, surveillance and other epidemiological activities.

A most important feature of the legislation is the requirement that the project grants be awarded after the Secretary has given consideration to performance standards. For example, in the case of vaccinations the Secretary would take into account the actual number performed when making awards. Similarly, the number of tuberculosis cases under control would also be one important consideration in the awarding of funds.

If the Federal financial assistance for vaccinations against polio, diphtheria, measles and other diseases that can be prevented or controlled is abolished, we can expect needless suffering and death—a further widening of the health gap. Furthermore, if the funds for the control of tuberculosis are eliminated, we will further widen the health gap. When we have the medical knowledge to prevent illness, our only responsible course of action is to take the steps that are required to secure its application. In this case, the action that is required is the enactment of the Communicable Disease Control Amendments of 1969, which will authorize appropriations of $60 million in fiscal year 1970 and $75 million for each fiscal year thereafter.

Mr. President, I send to the desk the Communicable Disease Control Amendments of 1969 and ask that it be appropriately referred. I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2264) to amend the Public Health Service Act to provide authorization for grants for communicable disease control, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2264

Be it enacted by the Senate and House of Representatives of the United States of Amer-

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ica in Congress assembled, That this Act may be cited as the "Communicable Disease Control Amendments of 1969".

GRANTS FOR COMMUNICABLE DISEASE CONTROL

SEC. 2. Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by inserting at the end thereof the following new subsection:

"(e)(1) There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1970, and $75,000,000 for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, to enable the Secretary to make grants to States and, with the approval of the State health authority, to political subdivisions or instrumentalities of the States under this subsection. In the award of such grants the Secretary, in accordance with appropriate regulations, shall give consideration to the relative extent of the communicable disease problems and to the levels of performance in preventing and controlling such diseases.

Such grants may be used to pay that portion of the cost of communicable disease control programs which is reasonably attributable to (A) purchase of vaccines or other agents needed to protect those portions of the population determined to be epidemiologically important to the control or prevention of communicable diseases and (B) salaries and related expenses of additional State and local health personnel needed for planning, organizational, promotional, and other epidemiologic activities in connection with such programs, including studies to determine the communicable disease control needs of communities and the means of best meeting such needs and personnel and related expenses needed to maintain additional epidemiologic and laboratory surveillance occasioned by such programs.

"(2) For the purposes of this subsection—

"(A) a 'communicable disease control program' means a program which is designed and conducted so as to contribute to a nationwide effort aganist tuberculosis, venereal disease, rubella, measles, poliomyelitis, diphtheria, tetanus, whooping cough and other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance, and

"(B) the term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(3) Payments under this subsection may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments, or overpayments, in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this subsection.

"(4) The Secretary, at the request of a recipient of a grant under this subsection, may reduce the money grant to such recipient by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this subsection is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of paragraph (3) of the subsection, be deemed to have been paid to such agency.

"(5) Nothing in this subsection shall limit or otherwise restrict the use of funds which are granted to a State or to a political subdivision of a State under other provisions of this Act or other Federal law and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this subsection.

"(6) Under this subsection, the Secretary shall be required to submit an annual report on performance in preventing and controlling communicable diseases."

BIG THICKET SUBJECT OF NEW MUSICAL DRAMA

Mr. YARBOROUGH. Mr. President, the unique and natural beauty of the Big Thicket area in southeast Texas is well known to those of us who have long been acquainted with the region. Recently, interest in this wilderness area has gained national significance, and numerous influential organizations have taken a great interest in the preservation of the Big Thicket. The Izaak Walton League, the Sierra Club, the Wilderness Society, and some 24 Texas groups and organizations have publically endorsed my bill, S. 4, to establish a Big Thicket National Park in southeast Texas of not less than 100,000 acres.

Interest in the historical and natural values of the Big Thicket has now taken a new and different twist. On April 25 and 26, the world premiere of a new musical play entitled "The Big Thicket" was presented in Fort Worth, Tex. This play, set in the Big Thicket area just before the famous Battle of San Jacinto, recounts the efforts of the "Thicket folks" in the Texas fight for independence.

Mr. President, the Thursday, April 3, 1969, edition of the Kountze News published an article on "Why Thicket was Chosen for Musical." This article outlines the development of the play, and underscores once again the need to preserve this priceless part of our natural heritage.

I ask unanimous consent that the article from the Kountze News be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THICKET WAS CHOSEN FOR MUSICAL

Tom Booth, currently a member of the New York City Opera Company, composed the music for The Big Thicket in collaboration with the show's author, Don Shook.

For the past two summers he has been musical director of the Seagle Opera Colony in up-state New York.

Tom is no newcomer to the Fort Worth metro area. He spent two summers at Casa Manana as Assistant Musical Director.

His musical versatility is proven when he provided all the arrangements for the 26 piece orchestra which he will conduct at the two performances of The Big Thicket, April 25 and 26th. He received his B.A. degree in music from Trinity University at San Antonio, and his masters from T.C.U. He also has to his credit, two symphonic works which he composed and conducted for the San Antonio Symphony in 1961 and '63. His one act opera, "Gentlemen in Waiting" has been performed all over New York for the past two years.

The talented Tom Booth has been concert accompanist for three outstanding Metropolitan Opera Singers: Fort Worth's own William Walker, John Alexander, and Justino Diaz.

Finding a setting for a story that hasn't already been used again and again, is a difficult assignment. Author Don Shook chose the arresting background of the Big Thicket from legends and stories he had heard about this little known part of Texas.

The Big Thicket, which was once an area of over a million acres a hundred years ago stretching from Nacogdoches to Beaumont from the Sabine River to the Trinity River, has now shrunk to a mere 435,000 acres. This fascinating "little Amazon" is a botanical wonderland, a veritable garden of 2,000 classified trees, plants and shrubs. Among the hundreds of varieties of wild life are rare and exotic birds such as the practically extinct Ivory Billed Woodpecker.

The Thicket is a place of flora and fauna—sandy humus soil, low-lying mounds and many crawfish flats. A rainfall of 45'' to 50'' annually feeds the creeks and rivers and the numerous swamps, bogs, and baygalls. Longleaf pine dominates the area and along stream bottoms the valuable hardwoods are abundant. A unique loblolly pine changes color twice a year. Evergreen smilax canopies the treetops and the swamps of tupelo and bald cypress are surrounded by native rhododendrons, azaleas, and the wild camellias. Magnolias and bays tower above terrestrial orchids while wintergreen, bearberry, and scented myrtle trail underfoot. Even a stout heart finds himself intoxicated with the bizarre beauty of it all. Even in the 91 per cent density, a common cow pasture is as velvety green as a manicured golf course. Four of the five carnivorous plants of the world are native to this Fairyland of beauty.

You instinctively come to know that the Big Thicket boundaries are not clearly defined and fenced off. It is more. It is a state of mind. An eerie place where the only enemy an outsider would recognize would be the Goble Man who goes into the swamps after a hard day of scaring little children.

The real intrigue of this densely wooded underbrush bayou country is the strange habits of the people who have lived there since the days of the French. The early settlers came from the "old states": Tennessee, Kentucky, Carolinas, Alabama, Georgia, and Louisiana. The French love of beauty is as prominent as the Scot hatred of the Revenue Man and used to prompt the best "distill squeezin'" this side of the Kentucky hills.

Take a look at this wonderland: hound dogs and blowing horns, blackeye peas and hog jowl, Razor-back hogs and hickory nuts, light-bread and sweet milk, English walnuts and Irish potatoes, and firecrackers at Christmas. You see a gray silvered shack with bitter oranges and chinaberry trees near it. In the yard there is a bleached sweep of hard-packed earth, an iron washpot turned over near a round white spot on the ground where the suds have been emptied for years. The broomstick used to punch the clothes down is boiled to the color and smoothness of old ivory. Smell the fresh-made lye hominy and the lacquered cypress beams of the smokehouse and hear the sweet mouth of a coon dog when he trees.

You are now in the Big Thicket.

LABOR-MANAGEMENT COOPERATION SOLVES LABOR SHORTAGE; INDUSTRY AND LABOR FOOT BILL IN DRESSER INDUSTRIES CASE

Mr. YARBOROUGH. Mr. President, one of the most successful cooperative efforts between labor and management to solve their particular problems has recently come to my attention. This example of how a corporation can effectively help itself by helping others was a program of recruiting and training the disadvantaged unemployed, with the expert assistance of Mr. Paul Montemayor, international representative of the United Steelworkers' Union.

The corporation is Dresser Industries, Inc., which is headquartered in Dallas, Tex. Since the company is a member of "Plans for Progress" and an equal opportunity employer, it felt that a program to both create opportunities for disadvantaged citizens and meet the growing employment needs of the company could and should be designed. In the planning of such a program, Dresser personnel has worked closely with the Texas Employment Commission and the United Steelworkers' Union. The program was done without the assistance of Federal funds.

The city of Dallas enjoys almost full employment, with an unemployment rate of 1 percent, the lowest of America's 100 largest cities. Dresser, therefore, undertook to locate and recruit prospective employees from other areas with high unemployment where the need for more jobs was not being met locally. Laredo, San Antonio, and Corpus Christi were initially recommended by the Texas Employment Commission as areas with relatively high unemployment.

The first step is for company representatives to visit these areas prior to the actual scheduling of interviews, to meet and discuss the recruiting and training program with community leaders, especially Mexican American and Negro leaders since unemployment is highest among these groups. Arrangements are then made with the local offices of the Texas Employment Commission for prescreening and administering of mechanical aptitude tests for applicants.

The training program is advertised in the various media, although television has been found to be the most effective means of communicating with the unemployed. For example, Paul Montemayor arranged for several Dresser Co. representatives to appear on a popular local television show in Corpus Christi. This received a good response. Spot TV announcements are also used, telling about the training program and films are shown of the company operations. These announcements also included live appearances by Dresser representatives as well as local union leaders. Additional publicity is gained through representation to local organizations concerned with unemployment and to neighborhood centers who helped to organize meetings of their members and other interested persons.

After being tested, applicants who meet trainee qualifications are given medical examinations and interviewed by company representatives. Each applicant selected for training is asked to bring his wife or family to the local Texas Employment Commission office for a thorough explanation of the training program, and counseling regarding moving and relocation. The family counseling greatly contributes to the success of the program by extending to the applicant's entire family a full understanding of the implications of permanent relocation in Dallas.

A great effort is made to keep the trainee and his family together. Travel allowances are paid the trainee to defray the immediate expenses of coming to Dallas. Some difficulty has been experienced in locating housing for the trainees. However, Dresser provides assistance by scheduling training hours appropriately and helping in contacting real estate agents. The Texas Employment Commission also gives helpful information regarding apartment complexes and housing listings.

Labor Mobility Act funds helped to move a few of the new trainees. Because this program proved insufficient, Dresser adopted a method of advancing money for relocation expenses to trainees, with the funds to be repaid on a payroll deduction plan. Actual moving expenses for household goods are paid by the company to be reimbursed by the employee in the event his employment terminates before a 1-year period. If the employee remains for over a year his moving expenses are cancelled.

The actual training program begins with a week of classroom work. Basic math, blueprint reading, shop theory, safety factors, and precision instrument reading are included in the classroom study. Each trainee is assigned a working partner; one assuming the position of an operator while the other partner acts as an inspector. Both must work out each assigned problem and agree upon an answer within a specific given tolerance. The system of double checks helps to eliminate errors and sets work habits of confirming answers before taking action—a system used on the shop floor. The trainee leaves this portion of the training with the ability to speak and understand the vocabulary of a machine operator and is ready for training on actual machines. High learning performance is encouraged with job assignments being made in accordance with classroom grades. The highest job classification being filled by those with the highest grade averages. Dresser trainees have thus far received classifications on such advanced machinery as automatic lathes, mills, internal and external grinding machines and automatic screw and drill presses.

The second phase of the program is carried out as on-the-job training. It involves a coordinated effort from three men: the training coordinator keeping close watch upon the progress and problems of each trainee, the machine operator who is the actual trainer, and the department foreman. On the shop floor the men are trained for periods ranging from 3 weeks to 12 months, depending upon the complexity of assigned machines. Promotion is given on an individual basis as skill, knowledge, and production increases.

Thus far, 195 trainees have been recruited, of which a very encouraging 75 percent are still in Dresser employment.

The success which Dresser is finding with this program demonstrates that labor-management cooperation in employment can produce mutual benefits, even in areas of labor shortages.

TOWARD A MORE REALISTIC RECOGNITION POLICY

Mr. CRANSTON. Mr. President, I rise to introduce a resolution on behalf of myself and my esteemed colleague, the Senator from Vermont (Mr. AIKEN).

The final form of this resolution in part reflects reactions and views expressed to us in discussions held with the distinguished chairman of the Foreign Relations Committee, Senator FULBRIGHT, of Arkansas, with other majority and minority members of the committee, with the Secretary of State and other State Department officials, and with foreign affairs experts not presently in Government service.

The Senator from Vermont and I anticipate, hope for, and seek broad bipartisan support for our resolution.

We introduce it together as a symbol of the bipartisan nature of our common effort.

This resolution states, in effect, that recognition of a foreign government is done not to confer a compliment but to secure a convenience, and is intended not as an ineffective stamp of moral approval, but as a step designed to serve our national interest.

The resolution seeks to put U.S. recognition policy on a more rational basis. It would lead to a situation where it would be considerably simpler for us to establish useful channels of communications with others. We would be able, more easily than now, to exchange ambassadors with a new government when it came to power and demonstrated that it was capable of maintaining itself.

For the last 50 years, U.S. policy on the recognition or nonrecognition of foreign governments has had disastrous results.

At home, we have been a reasonably practical people, capable of relating our principles to the real world of diverse and competing forces—a world where civilization begins with tolerance and respect for the convictions of others.

But abroad, in our diplomatic relations, we have become all too prone to take self-righteous and moralistic positions unrelated to the realities of power in the world. Too often, we have chosen to judge other governments, instead of making hard choices about how to react to them, and how to deal with the real problems they create for us. And as we have grown to be an enormous world power, we have become increasingly tempted to impose our moralistic views on our neighbors—although our international responsibilities and our own security requirements do not really necessitate our acting as sheriff or ideological censor.

Increasingly, over the years, our moralistic views in foreign policy have found expression in our recognition policy. But the expression has been inadequate and ineffectual insofar as our national interest has been concerned.

The original American doctrine of recognition was quite simple. During the Jeffersonian era and up to the end of the 19th century, we used fairly objective tests in determining whether to recognize a new government. We merely ascertained whether or not it existed, and was capable of sustaining itself. This policy, reflecting a belief that we had no right to interfere in the internal affairs of other nations, was described in these words by Daniel Webster:

> From President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses the right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ.

Our recognition policy changed markedly during the late 1890's, when we opted for dollar diplomacy and demanded that new governments agree to respect the international obligations of their predecessors. Our principal purpose, in actuality, was to secure pledges from new governments that they would not interfere with the investments of American firms in their countries.

Two decades later, the dimension of democratic legitimacy was added to our recognition doctrine.

The fillip of moral self-righteousness has haunted us ever since. During the Mexican revolution, it led not only to nonrecognition of the Huerta regime, but to a dangerous and messy military intervention—an intervention which alienated the Mexican people and was completely counterproductive in terms of promoting democratic and constitutional legitimacy in Mexico. We escaped from this dilemma only when involvement in World War I turned our attentions to Europe.

Yet the processes we had set in motion soon sucked us into still another intervention in Latin America, an adventure summmarized succinctly by Ernst B. Haas of the University of California's Institute of International Studies, who rendered invaluable assistance to me on my initial research on this subject 3 years ago, in these words:

> In 1926, there occurred a disputed election in Nicaragua. The Conservative Party's candidate, Adolfo Diaz, appeared as the successor to a staunch friend of the Untied States, outgoing President Emiliano Chamorro. The opposition Liberal Party's candidate, Juan Sacasa, had close ties with the Mexican Government. His victory was interpreted by everybody as a victory for Mexican influence and interests in Central America over that of the United States. The disputed election led to civil strife, with Mexico recognizing the Sacasa forces as "the government" and the United States recognizing Diaz. In order to forestall a military victory by the Liberals, U.S. Marines were landed and fought to cement the power of the Diaz "government." The intervention, of course, lasted until 1933.

A classic example of the results of this policy of not recognizing a government of which we disapprove, followed by widening misunderstandings, deepening disputes, and military intervention, lies in the sequence of events that included our sending an expeditionary force into Russia after the Soviet revolution.

This move solved nothing, but it created deep suspicions in the Soviet Union which persist to this day.

From 1917 to 1933, we acted in accordance with the pretense that Russia had no government. It was argued that recognition would suggest that we approved of this violent, Marxist revolutionary ideology garrisoned in the Kremlin. The Communist regime somehow survived us when we intervened, and also survived us when we ignored its existence. In 1933, when we finally recognized the Soviet Union, all that we achieved was a compromise settlement of some financial claims dating back to the Czarist government.

Clearly, our policy of recognition based upon our approval, or disapproval, of a government has more than once drawn us on to military intervention.

Dangerously, our present recognition policy also often serves as a screen for avoiding real policy decisions. The fact is that a policy of non-recognition is really no policy at all. It substitutes rhetoric for substance. This was vividly illustrated in the Manchukuo case.

We refused to recognize the puppet regime in Manchuria in the 1930's, declaring that our refusal reflected our disapproval and disavowal of Japan's behavior. We failed, however, to make any firm decisions about how to deal with the reality of the Japanese aggression which created the regime. We really did nothing, while the smokescreen of morality hid the void in our policy.

And in the end the policy of nonrecognition is doomed to failure. It did not deter Japan. It did not isolate the Soviet Union. It has not isolated Red China. All too often, it has tended to isolate us as much as, or more than, it has isolated various regimes we have not approved. It has never really succeeded in bringing hostile regimes either down or to terms. Often, nonrecognition actually strengthens a regime it is supposed to weaken, causing the people to rally to the support of their government against the apparent threat posed by hostile foreign powers.

It has been singularly ineffective in moving Latin American juntas back towards constitutional democracy. In Latin America, Asia, and Africa, our nonrecognition policy has won us the scorn and enmity both of social reformers on the left, and of military dictatorships on the right.

It has consistently failed in Europe, too.

In 1945, we recognized Hungary's communist government. The State Department announced that Hungary had first given suitable guarantees of free and fair elections and the establishment of a truly democratic government. The elections are still to be held, and Hungary is still not democratic. We still recognize Hungary.

Over a rather predictable course of time, we generally recognize new governments if they last—not because of what they have done, but often in spite of what that have done. And our nonrecognition policy, generally, has no effect on whether or not they last, nor on what they do or do not do.

In recent years in Latin America, we have not tried to use recognition policy to protect business interests, as we did early in the century. However, we have frequently attempted to utilize recognition policy to demonstrate support for democracy, and to cause military juntas taking power through coups to set timetables for restoring constitutional government.

This approach has been substantially incorporated in international agreements that, in effect, set criteria for recognition. Unfortunately, the criteria are not only highly subjective but, in practice, they are ineffective and unenforceable.

The OAS Charter, for example, says in article V that the purposes of OAS can only be fulfilled if its member states are organized politically "on the basis of the effective exercise of representative democracy." There are now fewer constitutional democracies in Latin America than there were when OAS was created.

When a government is overthrown in Latin America, the other OAS members exchange views on these topics while one or more of them negotiate quietly with the new regime, seeking assurances that they will comply.

The record indicates—particularly in cases involving Argentina and Peru—that eventually we recognize a new government, no matter how unsuccessful the negotiations preceding exchange of ambassadors may have been, and regardless of whether the government came to power by force or fraud. And at the time of recognition, there is at least a tacit assumption—based on a 1965 OAS resolution—that the new regime has met the OAS test. So the military junta in question gets a kind of moral seal of approval—which may be totally undeserved—simply because moralistic issues have been injected into the equation.

The eminent and esteemed John Basset Moore, a noted American international lawyer who served as a member of the Permanent Court of International Justice, said in 1930:

> It has repeatedly been shown that a frown or scowl on the countenance of the United States is not a cure for revolutions . . .
>
> Not only does our recent departure keep us in an attitude of intervention in the domestic affairs of other countries, but it has indoctrinated our people in the preposterous and mischievous supposition that the recognition of a government implies approval of its constitution, its economic system, its attitude towards religion, and its general course of conduct. Not only is this supposition contrary to elementary principles of international law, which assure to each independent state the right to regulate its domestic affairs, but it is flagrantly at variance with the facts. It is, for instance, inconceivable that the government of the United States has at any time approved all the governments with which it held diplomatic relations. Even at the lowest ebb of our fortunes, I believe we should have resented such an imputation . . . I hold in review the motley procession: governments liberal and governments illiberal; governments free and governments unfree; governments honest, and governments corrupt; governments pacific and governments even aggressively warlike; empires, monarchies, and oligarchies; despotisms decked out as democracies, and tyrannies masquerading as republics—all representative of the motley world in which we live and with which we must do business.

Adoption by the Senate of a resolution clarifying the meaning of American recognition policy would not prevent us from consulting with Latin American nations under the OAS Charter. It would not prevent us from reserving the right

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to withhold recognition of any government anywhere on earth if we deemed it in our interest to do so. It would give our President and our Secretary of State greater liberty than they now possess to conduct our foreign policy in ways most conducive to international understanding and to national security.

There are few, if any, cases where our present policy of nonrecognition has succeeded either in moving another government to change its policies, or in isolating it from the world community. Even when promises have been extracted from a new regime in the course of negotiations preceding recognition, there has been no guarantee that the promises would be kept. They have been broken quite frequently, often soon after they were agreed to and ambassadors were exchanged. Bolivia's seizure of Standard Oil's properties in 1937, 1 year after recognition of a revolutionary military junta that had promised to respect international obligations, is but one of many, many sad examples. Yet violation of commitments has seldom caused suspension of diplomatic relations.

Nonrecognition leads to a lack of communication with the very people it is most important for us to talk to—those who would be our enemies. It is particularly important for governments to talk to each other when they disagree. It is when relations are most difficult that diplomacy is most needed.

All too many wars have occurred as a result of a lack of communication, and a consequent failure to calculate properly the intentions, determination, strengths, and weaknesses of a potential foe.

Recognition, of course, does not automatically improve communications, nor do diplomatic relations necessarily immediately follow an official statement that we are prepared to recognize a foreign government. The exchange of ambassadors is the final and formal act confirming recognition, and this act can be subject to negotiations. However, neither an expression of a willingness to recognize, nor the exchange of diplomatic representatives, should imply any moral judgment about the foreign government involved. Setting up an embassy in another country should mean only that we consider it to be to our advantage to establish and maintain effective channels of communication with the government on the other end, and to obtain at first hand as much information and intelligence as possible about the other country.

We have a hot line to Moscow simply because failure to communicate clearly with the Soviet Union in a moment of crisis could cause utter catastrophe. The hot line proved its worth in the Cuban missile crisis of 1962, but in that same situation our lack of communications with Cuba contributed to a situation that led to our closest brush yet with nuclear disaster. If we had an ambassador in Cuba now, the problem of dealing with airplane hijackers would not automatically be solved, but the task of dealing with it would certainly be facilitated.

Mainland China offers another example of a country where better communications and more accurate information would be to our advantage. Most U.S. officials and foreign policy experts will concede privately, if not publicly, that the present lack of more direct contact with China—the Warsaw talks are too irregular and too formalized to meet the need—seriously limits our ability to make accurate estimates of China's intentions in Southeast Asia. It badly injures the quality of information on which American policy is based in one of the most sensitive and dangerous parts of the world.

Yet many of these experts oppose recognition because it would be widely interpreted as implying approval. One of our Secretaries of State once said of Mainland China:

> It is one thing to recognize evil as a fact. It is another thing to take evil to one's breast and call it good. That explains our nonrecognition of the communist regime.

Our inability to estimate China's intentions accurately bears directly on our position in Vietnam. Under similar circumstances, we badly misjudged Chinese intentions in Korea a decade and a half ago. Perhaps we would have marched to the Yalu River even if we had been well informed—but the price we paid and the losses we suffered would have been far less if we had been prepared for China's violent reaction.

And what of developments inside China? Without our own representatives on the spot, we are dependent on second-hand reports the validity of which is hard to evaluate.

It is probable that Mainland China, and perhaps some other governments we do not presently recognize, would not be willing to enter into diplomatic relations with us today even if we offered to recognize them and to exchange representatives. Mao has already declared that recognition is "something to be negotiated," and China would almost surely insist that the status of Taiwan must first be worked out. We, for our part, would want to insure that our personnel in Peking would not be mistreated or become Chinese hostages.

Thus this may not be the time to recognize China. But if we now make plain that recognition means nothing concerning our judgment of the nature of any government anywhere, we shall have removed a very significant barrier that will otherwise stand in the way of recognition—even if a time comes when recognition would otherwise be negotiable and would clearly serve our national interest.

We have paid a high price for our present recognition policy. Over months or years we have been compelled to adjust to the reality of the existence of governments we have originally refused, on high moral grounds, to recognize. We have found it necessary to rationalize our eventual recognition when the price of noncommunication has become too high. During the intervening period, lack of communication has often clouded reality, and rational approaches to policy formulation have become far more difficult to attain.

I submit that the Senate has a unique opportunity—and a clear and present responsibility—to open the way to changing all this. By adopting this resolution, the Senate can begin the long-overdue process of placing our recognition policy on a more sensible basis, through a return to America's original recognition doctrine.

We are by nature an idealistic people, and this is all to the good. We cannot lose sight of the fact, however, that we are just one member of the world community, with finite resources. We cannot right all the injustices in the world. We cannot persist in our self-appointed role as the moral arbiter of other governments, a posture that puts us in the position of trespassing upon the sovereignty of other nations.

I believe it is essential that we take the step which this resolution represents.

I believe that we should generally seek to establish more open communications with all governments—a development which would serve both our national interest and the broader interest of peace and security for all mankind.

In order to move in this direction, we must make clear that neither recognition of a foreign government, nor the establishment of diplomatic relations with it, implies any judgment of it.

This by no means suggests that we should be equally friendly with all nations. Recognition will not necessarily lead to a policy of intimate cooperation and collaboration with a particular foreign government. There are values that we most certainly want to preserve, protect, and project in our foreign policy. But let us seek effective ways to do this, and let us abandon ineffective ways.

The evidence is overwhelming that our present policy of withholding recognition from governments of which we disapprove, and with whom our relations are particularly hostile, has failed totally to advance our values or to achieve any other of its most significant intended purposes. Indeed, nonrecognition makes it difficult for us to transmit our values and to state clearly our purposes. It deprives us of an opportunity to declare and discuss our policies and principles, and to measure more accurately the effectiveness of our actions. It prevents us not only from exerting influence, but from gaining insight.

More critically, it holds increasingly grave risks of war through misunderstanding in an age when atomic Armageddon is an ever-present danger.

I send the resolution to the desk for appropriate reference.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The resolution will be received and appropriately referred.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, I wish to commend the Senator from California for his initiative and foresight in submitting this resolution. It is very timely. Since the Senator comes from a State which I presume has the largest numbers of citizens of oriental descent, both Chinese and other far easteners, I think it is extremely appropriate for him to have been the sponsor of the resolution. I certainly feel that the principle

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which he is stating in the resolution is the correct one. At one time we followed that principle and we were sadly mistaken in departing from it.

As far as I am concerned, as chairman of the Committee on Foreign Relations, I will do my best to have hearings at an early opportunity. I assume the Senator from California will cooperate with the staff in arranging for an appropriately mutual time for such hearings.

I again commend the Senator.

Mr. CRANSTON. I most certainly will. I deeply appreciate the Senator's interest and support.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield to the Senator from Vermont. I deeply appreciate the work he has done on the matter.

Mr. AIKEN. Mr. President, I am glad to be a cosponsor of the resolution of the distinguished Senator from California, but I want it understood that, before making the decision, I talked with the State Department and found that, in their opinion, the resolution will not handicap their work in any way. In fact, they will continue to decide what countries to recognize. But there has been a growing impression around the country that perhaps we should not recognize countries unless we approve their form of government. Every week we get letters from people at home saying we ought to break relations with this country or that country, some because they have military governments and some because they have a socialistic or communistic form of government. The resolution makes it very clear that just because we recognize a country, it does not necessarily mean we approve its form of government or even the people who are in control of the government at that time.

One thing we do want to know before recognizing a government is that it is a government which is really in control of the country, where it has taken the leadership, or dictatorship, or whatever one wants to call it. But sometimes I think we have gone a little too far in telling some of the countries of the world what kind of government they should live under.

We are finding out it is very difficult to enforce that position, even if we were unwise enough to assume it. So I wish to say again that I am glad to cooperate with the Senator from California in offering this resolution. I know we will have good hearings before the Committee on Foreign Relations, and there may be some discussion on the floor.

But I reiterate that before going on the resolution, I made sure that it would not handicap the State Department in any way in carrying out our relations with other countries, or in formulating relations according to their usual practices—perhaps that is the way to put it.

Mr. CRANSTON. I thank the Senator for his instructive remarks and his cosponsorship, which mean very much.

Mr. AIKEN. May I add that it seems conceivable that this resolution could help the State Department in handling one or two problems which may very well come up in the foreseeable future.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield with pleasure to the Senator from Idaho.

Mr. CHURCH. I commend the Senator from California for introducing a sense-of-the-Senate resolution which makes a great deal of sense.

As the Senator will recall, the U.S. Government refused to recognize the Soviet Government following the October revolution in Russia and for many years thereafter. Our attitude toward recognition of the Russian Government was the same, during the 1920's and the early part of the 1930's, as our attitude has subsequently been toward recognition of the Communist government of China.

During those early years, a great Senator from my State, William E. Borah, was the only prominent man in public life, in either political party, to contest what was otherwise a uniformly upheld position of orthodoxy that because we objected so strenuously to communism, we must not to send an ambassador to represent us in Moscow.

Senator Borah in those days used to say, "If recognition is made to depend upon our approval or disapproval of a given foreign government, then there will be precious few foreign governments with which we can maintain relations."

He alone pointed up the hyprocrisy and inconsistency of that position. Ultimately, as Senators know, there came a President, Franklin D. Roosevelt, who also recognized that this was not a tenable position, nor one which served the real interests of the United States. He abandoned it, recognized the Soviet Union, and immediately afterward those who had conformed so long, including politicians, columnists and major newspapers of the country, commended the President for the self-evident wisdom of his decision.

For us to go through the same round again with respect to China certainly suggests that we find it hard to learn even from our own experience. So I commend the Senator from California for the action he has taken. The proposition set forth in this resolution is eminently sound; it is consistent with what, prior to 1917, had been the traditional practice in the United States and, indeed, the customary practice of other countries throughout the world. It should be good for us to face up to that proposition once again, and remind ourselves of it as we ponder our future relationship with the Chinese government. The Senator has taken a very sensible step today, and I extend to him my congratulations.

Mr. CRANSTON. I thank the Senator, whose knowledge of foreign affairs is great and whose support means a very great deal.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CRANSTON. I yield with pleasure to the Senator from Rhode Island.

Mr. PELL. Mr. President, I think this resolution of the Senator from California and the Senator from Vermont is an excellent one. To my mind, the policy that we as a Nation have followed in the past has been one, very often, of cutting off our nose to spite our face. We withhold recognition, or even just go through the preliminary step or the halfway step of withdrawing or not sending an ambassador to a country. What that means is that we simply lack the means of communication with a government of which we disapprove at the high level at which we should be communicating. It means we are either communicating through a charge d'affaires who cannot deal with the highest levels of the receiving country. Or, if we withdraw our mission entirely, we must communicate through a third country. I would think, when we have problems between ourselves and another nation, we would be much better off to have communication at the highest level available, rather than cutting off our direct lines of communication.

The most ridiculous path we have followed sometimes in the past is, not only to withdraw our Ambassador, but leave our aid mission. If we really wanted to express our disapproval, we would be much better off to withdraw our aid mission and leave our Ambassador.

I think other nations of the world have a simple, pragmatic approach to this problem. When a new government has secured the tacit acceptance of its people, it is then in de facto control and is recognized as such. I believe that it is high time that we, too, follow this simple approach.

To do so is not to establish a new precedent for America, for in our early days we did have this so-called traditional policy of recognition. We first departed from this policy a little more than a hundred years ago, during the Civil War, with Secretary of State Seward's statement that a new government must give formal evidence of support by its people. This trend was further continued by President Wilson's administration, which took the stand that recognition depended upon a country's agreed willingness to settle disputes by "pacific" means. In subsequent years we have fallen more and more into the habit of confusing recognition with approval.

At this time, I am convinced that it is in our national self-interest to return to our original concept of recognition, and to recognize that when a government controls its people, and is in de facto control, it ought to receive de jure recognition. This applies to rightwing governments as well as to leftwing governments. To my mind, for instance, in Greece today, a government of which we disapprove, we have no ambassador at all. And we should have an ambassador. When we send one there, I hope he will be a strong one. He should work emphatically, too, not be a general who would have a hard time dealing with the generals. Rather, it should be a strong-minded, tough, civilian-oriented person.

With any government in the world, whether we disapprove it because it is too far to the right or to the left for our tastes, we are better off having direct relations and open lines of communications. I hope this resolution will be agreed to.

I think in approving it, too, we should bear in mind that China is a special situation, and in no way consider that this

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resolution involved is designed to bear directly on or open the door to that problem. The problem of nonrecognition of China occurred many years ago, and many other elements have come in since to confuse the issue and make more difficult the solution to that problem.

This is a simple resolution, and I think it is essentially correct, in seeking to put us back into the same path most other nations have followed.

Again I commend the Senator from California.

Mr. CRANSTON. Mr. President, I thank the Senator from Rhode Island for his most helpful remarks. His interest and support are particularly significant, not only because of his service on the Committee on Foreign Relations, but also because of his experience, before that time, in the Foreign Service. I also appreciate his helpful closing remarks, and I wish to emphasize that this resolution by no means centers on the matter of China. There are other nations we do not presently recognize. There are many nations we now do recognize, the behavior of which we do not approve, nor the nature of their governments. Adoption of this resolution will not mean that immediate recognition of China will follow. There are various problems that must be dealt with and negotiated, I am certain, prior to the time that we can establish diplomatic relations with mainland China.

However, the adoption of the resolution will clear the air all over the world, and insofar as China is concerned, it will remove one obstacle that would still stand in the way of recognition, even if other obstacles are, in the course of time, removed, and even if the time comes when establishing diplomatic relations with China would clearly serve the interests of America in terms of our security, and serve the cause of peace.

The PRESIDING OFFICER. Is there further morning business?

SENATOR EDMUND S. MUSKIE URGES FEDERAL EDITORS ASSOCIATION TO REDUCE THE COMMUNICATIONS GAP

Mr. SPARKMAN. Mr. President, my good friend and colleague Senator EDMUND S. MUSKIE recently addressed the Federal Editors Association at its annual publications banquet.

The Senator from Maine made some very important points about the job of communicating the Federal Government's story to the people. One point I particularly want to call attention to is Senator MUSKIE's statement that Government information is attuned to the written word in an era when oral communications and visual images have gained the ascendency. I think there is much to be said for that point of view. Senator MUSKIE also notes that the volume of information has far exceeded the capacity of our information systems to absorb it. This statement also spotlights one of the problems we face in Federal Government.

The Federal Editors Association, the organization to which Senator MUSKIE delivered this speech, is a 6-year-old group of editors who work for the Federal Government. The organization is dedicated to improving the quality of written matter which comes out of Federal Government agencies. In an effort to stimulate interest in better writing, the Federal Editors Association annually conducts a publications contest. This year over 300 Government publications were entered in the contest and 36 winners were named in 11 different publications categories. This year's president is Grover C. Smith, who, incidentally, is my press secretary.

I submit Senator MUSKIE's speech for the very important message it carries for all of us in Government who are concerned about the problem of explaining to the people what their Government is doing and how it affects them now and in the future.

There being no objection, the speech, which was delivered to the Federal Editors Association Annual Publications Luncheon in Washington, D.C., on May 6, 1969, was ordered to be printed in the RECORD as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE

Federal editors are a tolerant lot. They must be to invite a contributor to the Congressional Record to speak on matters of editorial excellence.

As an example of man's capacity to convey the spoken word to the printed page in a short time, with minimum printing errors, the Record is a constant miracle. I can give it an "A" for production, but for reasons of personal privilege, I withhold judgment on its contents.

I recall Lincoln's description of the forensic ability of a colleague at the bar. "He can compress more words into a small idea than anyone I know."

As a communications specialist, I may be comparable to a lobbyist I once knew who called himself an "educational specialist."

In spite of these reservations, I think you and I have a lot in common.

We have much to say, and a limited time in which to say it.

We must deal with a public which is often suspicious of our motives.

And there are limitations on the imagination we can apply in the course of our official pronouncements. Too often there is little relationship between our medium and the message.

Government information is attuned to the written word in an era when oral communications and visual images have gained the ascendancy.

Facts, figures and events spill out at an unprecedented rate—aided and abetted by the techniques of electronic communications.

As a result, those charged with the responsibility for interpreting public business to the public must face increased competition for attention by reporters and editors and the general public. The volume of information has far exceeded the capacity of our information systems to absorb it.

Your efforts to improve your technical skills are important and heartening. We may be calling on Grover Smith to improve the transfer of skills from your offices to ours.

We all recognize the importance of going beyond the question of communication skills, however.

We live in a period of public skepticism about government. We are plagued by the gap between promise and performance, the confusion of multiple programs and overlapping agencies and the rush of events which outstrip our efforts to meet yesterday's crisis.

There is an underlying suspicion that governments do too much talking and too little working. I once heard that public relations is ten percent doing and ninety percent telling about it. That hits home for politicians and executive branch employees as well.

Young people have shocked us with their challenges to our institutions and our political philosophies. They have insisted that we "tell it like it is." I wince at their grammatical vagaries, but I must concede the accuracy of many of their criticisms.

In too many cases we have substituted rhetoric for action and cliches for substance.

We have made nouns into verbs, as if that would give motion and meaning to outmoded practices.

Precision in language is a direct reflection of the state of our minds.

Direct, cogent statements which produce meaningful responses from individual citizens reveal an understanding of the listener as well as a grasp of the writer's material.

In a crowded society, where the techniques of communication are versatile and astonishing, individual citizens are anxious because the words and the images are not addressed to their needs, or undermine their security.

If they cannot grasp the words and the images, if they cannot engage in a meaningful dialogue with the information givers, they will reject the information as irrelevant.

They are not unlike Eliza Dolittle who told her wordy suitor: "Don't talk of love . . . show me!"

This is happening in the ghetto, the suburbs and the rural areas.

It is happening because too many of us who are public spokesmen have been doing too much talking and not enough listening.

Last fall I learned that divided Americans could be brought together if they could be encouraged to listen to each other—not passively, but with understanding and a desire to reach common goals.

I learned that the complicated problems of our society could have meaning for individual citizens, if you took the time to relate them to the everyday concerns of men and women.

That is an advantage a politician can enjoy. His life is one of encounters with his constituencies. If he is responsive and relevant, his constituency responds.

You have a more difficult problem. Your relationship with the American public is through the medium of your words and the design of your publications. But I am convinced that you can reduce the communication gap, you can contribute to a restoration of trust and confidence, you can help make government the hope of its people—if your writing is readable, responsive and relevant.

Brief as I have been—for a Senator—I have taken too many words to make a point which I can make in less than ten: "Say what you mean—and mean what you say."

PREVENTIVE MEDICINE

Mr. MAGNUSON. Mr. President, two informative articles have recently come to my attention. They discuss a health issue of importance to all of us, preventive medicine. I feel strongly that our progress in combatting disease is dependent upon our progress in preventing disease, as well as in curing it.

Dr. George James, the dean of the Mount Sinai School of Medicine, and Jean Carper, the author, are both well versed in this subject and their observations deserve special attention. I ask unanimous consent that their articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

The Territory of Preventive Medicine

(By George James, M.D.; M.P.H.; dean of Mount Sinai School of Medicine; chairman of Board of Scientific Consultants, American Health Foundation)

Preventive medicine is not as fortunate as was the weather in Mark Twain's familiar statement. Not only are we doing very little about it, but we do not even talk about it very much!

This is curious, because the lesson of history is that hardly any disease of major significance has even been effectively controlled by attacking it only after symptoms have occurred. Why, therefore, this enormous enthusiasm for heroic surgery, coronary care units in hospitals and renal dialysis centers, concurrently with years of relative indifference to the curbing of cigarette smoking, the fluoridation of the public water supplies; the lowering of dietary saturated fats, the control of obesity and the detection and treatment of non-clinical hypertension, glaucoma, diabetes and carcinoma of the cervix?

Why have our Medicaid and Medicare laws been written so that a physician who wishes to be paid for anticipating clinical illness under these programs must use subterfuge? Why do these measures provide "deductibles" to discourage further the patient from seeking care, until the symptoms become unbearable because of pain or anxiety? We appear to have a double standard of scientific proof.

Even though the efficacy of a suggested therapy has not yet been completely proved, we try it in the treatment of symptomatic disease—because it is all we have, and the patient demands care. But we do not employ a preventive medicine technique until it has been completely proved—because we must not risk creating a demand for it, unless we are certain that it is entirely effective! For our major degenerative diseases this is a qualification that is rarely either met or capable of being met on the basis of evidence likely to be available within our lifetime.

PRAGMATIC MEASURES

Yet the treatment of symptomatic disease is getting increasingly out of touch with the control of disease. Note the following facts:

1. If all the Frenchmen who could benefit from the artificial kidney were to have it, this would require 80% of France's total social security funds.

2. Mike Kasperak, one of the first cardiac transplant patients, ran up a hospital and blood bill of $28,000 in about two-and-a-half weeks—a per diem cost well over $1,500 per day.

3. If barriers to the application of medical care to large masses of people were removed today, there would be an explosive increase in demand for care which our present health manpower could not possibly meet.

4. The highly trained chest surgeon can save only about one-fifteenth to one-twentieth of his patients with carcinoma of the lung.

5. Coronary heart disease is our leading cause of death by far, pulmonary emphysema is increasing rapidly in significance, cancer of the lung is still our leading cause of cancer death in males, cirrhosis of the liver has entered the list of the top ten killers and diabetes, despite the widespread availability of insulin, is still among these top ten causes of death.

WHERE HOPE LIES

Consideration of these facts points up the inadequacy of our present efforts at control through the use of clinical medicine alone. It is time for us to increase our use of the growing list of available techniques of preventive medicine. If the lesson of history still holds, then it must be primarily through this type of effort that ultimate success can be achieved.

We know that fluorides prevent more cavities than our dentists can fill and that polio vaccine prevents thousands of cases of crippling which our orthopedists and physiatrists could not effectively rehabilitate. There is good reason to believe that ending the cigarette smoking habit in this nation—if it could be done—would save more lives (300,000 a year) from such diseases as cancer and heart disease than all of our best surgeons and cardiologists, in fact all of our physicians, could hope to achieve by today's best techniques.

The quality of medical care must be measured by results—results in the control of disease—and not only by the amount of money spent and numbers of patients reached, hospitals built, medical specialty board examinations passed and doctors, dentists and nurses trained.

Great in number though our unused preventive techniques may be, they are still not as well proved, nor are they as effective in application or impact, as we would like. Research to discover new techniques must, therefore, remain a leading priority. Evaluation of available techniques runs a close second. Far too little of this kind of effort has been undertaken to date. It has not yet begun to compete with the vast programs of research and development in the realms of cardiac surgery, coronary care units, cancer chemotherapy and organ transplants.

Some mention of multiphasic screening also must be made. Without belaboring the extent of our knowledge about the ultimate significance of each particular finding, a case can still be made for screening, provided a quality follow-up program is carefully observed. We cannot ignore the presence of certain "abnormal" screening findings, but we should look on these as indications for further study and as part of the profile of the patient. The history of disease control is replete with instances where detection and diagnosis preceded the invention of effective therapy. We may not be able to cure what we find. But we can hardly cure, follow up, or otherwise study that of which we are not aware.

FITTING LIFE PRACTICES

Ideally, preventive medicine should be developed and engineered to fit smoothly into the normal life practices and motivation of the average citizen. We have done this superbly in our measures to provide pure water, milk and food. Only a little more controversial are measures such as fluoridation of the water and regulations relating to air pollution.

At another stage are the programs requiring discrete, intermittent effort, such as immunization for various communicable diseases. Finally we have the most difficult, which require constant awareness, habituation and reinforcement: those involving dietary control and routine medical surveillance. One of the aims of preventive medicine is to develop more routine and painless acceptance of such measures.

To all of these general principles and to many more in the field of preventive medicine, this new foundation is dedicated. As is the mission of all voluntary associations, it seeks to play its role as part of the public conscience to stimulate interest, development and research. It deserves our support.

Disease Prevention—Tomorrows's Best Hope

(By Jean Carper)

If the disease-death rates of 1900 had continued, this year nearly 400,000 Americans would die of tuberculosis, 280,000 of gastroenteritis, 80,000 of diphtheria, and 55,000 of poliomyelitis.

Instead, during 1969, about 6000 are expected to die of tuberculosis, 3000 of gastroenteritis, and fewer than 100 from diphtheria and polio combined. The primary reasons for this drastic improvement are taken for granted by most of us: inoculations, sanitation, early diagnosis through mass screening—in short, disease prevention.

Nearly all the great scourges of yesteryear—typhoid fever, smallpox, the plague—were wiped out, not by the creation of miracle cures that arrested progress of the diseases, but by vaccines and community health programs that prevented the diseases from getting started. Even today, in an era of dramatic medical cures such as heart transplants, artificial arteries, and sophisticated drugs, doctors agree that few diseases are eradicated by therapeutic miracles. In the words of Dr. George James, dean of the Mt. Sinai School of Medicine in New York City, "Only two major diseases in the United States today—appendicitis and lobar pneumonia in the young—are being controlled rather completely by the use of treatment alone."

The great killers and disablers of today are heart disease, cancer, stroke, accidents, diabetes, and mental diseases. Following the trends of history, will they too be erased only by preventing their occurrence? Most medical authorities think so. Although doctors both in practice and in laboratories are seeking cures to relieve misery and prolong life, their ultimate hope lies with prevention. This, notes one doctor, is "the only true cure."

By the time a disease is diagnosed, the patient may be beyond help. After lung cancer has been identified, for example, the average victim has only 13 months to live, despite the most brilliant surgery and care. One-third of the men with coronary heart disease die within four weeks after their first attack. Only half of the patients who receive costly kidney dialysis will live as long as five years. Damage from hypertension, arthritis, cancer, stroke, or rheumatic heart disease is often such that no known treatment can restore the victim to health. Similarly, infants born with defects due to infections, excessive x-rays, or the unwise use of drugs by the mother can never be completely rehabilitated. Even when partial cures are found, administering them becomes a staggering burden on society, resulting in ever-increasing loads on already overworked physicians and continually rising costs in health care.

"Treatment never equals prevention," says Dr. Theodore Cooper, director of the National Heart Institute. Recently, noted heart surgeon Dr. Michael DeBakey told a Washington, D.C., audience that heart transplants are a stop-gap measure, but that the real potential for conquering heart disease is in preventing it. Surely, as long as disease exists, patients must be given the best treatment medical science can provide. But treatment is not an end in itself. The goal of medicine is to make treatment unnecessary.

Although much more research is needed in most areas, present findings in prevention hold some exciting implications for the possible eradication of some of our most serious modern ailments. What is the current status of prevention? What is possible now, and what promises does the future hold? Here are some answers from leading medical authorities.

Infectious diseases: Among all types of diseases, infections probably are the easiest to prevent. Once the bacterial or viral agents are identified, there is at least the possibility that a vaccine can be manufactured to produce immunity. Today, vaccines for measles, smallpox, diphtheria, whooping cough, mumps, tetanus, and influenza are commonly used in this country, especially for children.

A vaccine against German measles (rubella) is being tested and may be licensed within the year. If contracted by women early in pregnancy, rubella can cause miscarriages and congenital defects. One new vaccine, which has proved 90 percent effective in tests, could virtually eliminate German measles in the future.

Within the next two years, a vaccine against the infectious disease that remains one of our biggest killers, pneumococcal

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pneumonia, may be on the market. A large-scale study of this bacterial pneumonia vaccine is now being conducted under grants from the National Institute of Allergy and Infectious Diseases. If susceptible persons can be inoculated against pneumonia, up to 25,000 deaths a year could be prevented.

Eventually, vaccines may be available against chicken pox, shingles, infectious hepatitis, mononucleosis, and venereal diseases. Work is progressing on developing an inoculation against syphilis.

However, the prospects for a vaccine against that troublesome disease that afflicts everyone, the common cold, are still quite dim. Much research is under way, but since colds are caused by many types of viruses, isolating the most common ones is difficult. A person conceivably could have a cold every year for 80 years, and a different virus might be responsible each time. Scientists hope to perfect more sophisticated techniques for developing a vaccine that would include the immunizing antigens from viruses causing the majority of cold symptoms. This would offer widespread but not absolute protection against colds.

One promising recent discovery is an experimental vaccine against streptococci which cause sort throats. The soreness itself may be more painful than serious, but if not treated immediately, the strep infection can lead to rheumatic fever and serious kidney disease. Such infections can be discovered through throat cultures and cured by penicillin before complications in the heart and kidneys develop. Prompt treatment of extreme sore throats is imperative today. In the future, a vaccine would prove even more reliable.

HEART DISEASES

In the last few years, massive research attacks have been launched against our number one killer, cardiovascular diseases (which cause about one million deaths every year). Although evidence on the precise causes and prevention of heart disease is mounting, there are still no definitive answers. According to Doctor Cooper of the National Heart Institute: "We have no real preventive against coronary artery disease. At best, we have a number of research investigations which have given clues which lead some people to advocate programs of prevention."

These clues come from studies which show relationships between heart attacks and obesity, high blood pressure, high cholesterol levels in the blood, lack of exercise, and high rates of cigarette smoking. On the basis of these findings, many doctors confronted with heart-attack patients or high-risk persons (middle-aged males who are overweight, heavy smokers, and sedentary) recommend exercise, diets low in animal fats and cholesterol, and elimination of cigarettes. This advice is an effort to avert the patient's headlong dash toward a heart attack. With our present knowledge, these are advisable precautions, says Doctor Cooper. But by no means is all the evidence in.

We know that people with high-cholesterol blood counts have heart attacks most frequently. It also is known that certain drugs and diets can reduce the amount of cholesterol in the blood. Does it necessarily follow that reducing the amount of blood cholesterol also reduces the chance of heart attacks? The experts aren't sure.

A number of men with high-cholesterol levels never have heart attacks, and some with low cholesterol do. The United States has one of the highest death rates in the world from cadiovascular disease; yet in Sweden, where the diet is rich in dairy foods containing fat and cholesterol, the heart-disease rate is one of the lowest in the world.

In a search for clinical information on the potential for reducing heart disease by reducing blood cholesterol, the National Institutes of Health is conducting a study of 8000 men who have had heart attacks. Four drugs known to reduce cholesterol will be tested. By 1974 we should know whether the men given the drugs actually do have fewer recurrent heart attacks. If so, we will have evidence that the drugs are valuable in preventing heart attacks and should be prescribed for high-risk patients. Still questions would remain: Were the attacks reduced because the cholesterol was lowered, or because of something else the drugs did? And if the drugs prove effective, should they be used as a wide-scale preventive on the general population? If the reduction of cholesterol proved to be a critical preventive should food manufacturers be persuaded to reduce the fat and cholesterol contents of their products? They now have the technology to do so.

These questions and many others are yet to be answered. Much basic research is necessary. "Mainly," says Doctor Cooper, "we need key information on the thrombotic phenomenon (clotting) which leads to heart attacks and on atherosclerosis, particularly as they are associated with each other."

In sum, we know enough now to try vigorously to prevent the progression of heart disease in high-risk patients. But we need more fundamental answers about the cause of cardiovascular disease before we can embark on a wholesale preventive program to eradicate this major killer and disabler.

Cancer: The outlook for preventing cancer—at least some forms—is brighter than many people think. Some authorities believe we are on the verge of a major breakthrough.

Essentially there are two approaches to preventing cancer. We can prevent known carcinogens (of which there are thousands, including smoke, radiation, and a long list of chemicals) from coming in contact with man. We can curtail smoking, clean up the air, offer better protection against radiation, and avoid the handling, breathing, and eating of certain harmful chemicals. Protective clothing against some carcinogenic chemicals in industry has made cancer of the skin and bladder relatively rare.

It is generally agreed that if people would stop smoking, the incidence of lung cancer (which now takes 55,000 lives a year) would drop drastically. Last year the per capita consumption of cigarettes did decline. Researchers also are attempting to develop a safer cigarette, with less tar yield. Such preventives, because they are immediately effective, should be religiously adopted. Still, because the list of known carcinogens is already long and growing constantly, many researchers despair that cancer will ever be conquered by keeping man isolated from cancer-producing agents.

Thus, a second tack toward combating cancer may hold more exciting possibilities. The premise of this approach is: If you can't eliminate all the carcinogens, perhaps you can make man resistant to their ravages—give him a certain amount of immunity. Before cancer can become deadly, a natural sequence of events must take place in the body. This may include penetration of a healthy cell, metabolic changes, and a dysfunction of the cell which causes it to reproduce wildly. If this progress could be blocked at any one of many points from the time the carcinogen enters the body until the time the tumor is formed, cancer could be prevented. In effect this would interfere with the mechanism that triggers the growth of the cancer.

It is probable that certain persons already have a kind of immunity to cancer. Perhaps they have certain inherent enzymes or hormones which, upon the invasion of the carcinogen, go into action, inhibiting the progression of events leading to the tumor. If such inhibitors could be identified, they could be supplied to cancer-prone persons. Research now is being conducted in this area. Animal experiments have indicated that massive doses of vitamin A halt the synthesis of certain cells—a necessary prelude to the formation of lung cancer.

The most dramatic speculation for rendering man immune to cancer centers on the theory that a virus may cause some cancers. The American Cancer Society agrees that it is no longer a question of *whether* cancer is caused by a virus, but only of *which* cancers are virus-caused. One theory is that a virus must be present in the body to predispose a person to develop cancer. Then when a carcinogen comes along, such as cigarette tar or other chemical, it somehow activates the virus, triggering the sequence of events leading to cancer. This would help explain why some heavy cigarette smokers develop cancer but others don't.

If a specific virus could be linked to a specific human cancer, a vaccine could be developed to immunize potential victims against the disease. However, if cancers are caused by many different viruses, inoculation against them all would be difficult. Nevertheless, according to Dr. Robert Huebner, director of the Viral Disease Laboratory at NIH, this does not mean the job would be impossible. "I have always thought," he says, "we would solve cancer before we would solve the common cold."

Stroke: A major obstacle to prevention of stroke is that instruments for detecting cerebrovascular disease are not sophisticated enough to identify potential stroke victims until the disease is relatively far advanced. Few people get medical attention until they exhibit symptoms such as momentary dizziness, tingling lips, or difficulty in speaking. At this stage, some degree of occlusion or hemorrhage usually has already occurred. If we are to conquer stroke, we must develop techniques of determining when the patient first starts going downhill, mentally, signifying that bleeding or a clot may be beginning, according to Dr. Murray Goldstein, associate director of the National Institute of Neurological Diseases and Stroke. "When we achieve that, we will get the first big breakthrough in prevention," he says.

In the meantime, there are good methods for preventing cerebrovascular disease from progressing into full-fledged, incapacitating strokes. On a broad scale, gradually reducing the blood pressure of those who suffer from hypertension significantly decreases the possibility of stroke. This can be accomplished with drugs. It is not yet known whether reducing the blood pressure of those moderately affected (with diastolic pressure of over 90 but below 110) also reduces chance of stroke. A study sponsored by NIH is under way to find out.

Strokes generally are caused in one of two ways. One is by hemorrhage resulting from rupture in a bloodvessel wall, often because of a congenital balloon-like weakness in the wall, called an aneurysm. The other is from a blockage of blood flow, often caused by a buildup of atherosclerotic plaques (fatty materials) in the arteries and subsequent blood clots.

An aneurysm may be located by the injection of a dye into the bloodstream. Severe strokes may be avoided either by surgery which removes the aneurysm, closing up the artery wall, or by plugging up the aneurysm. The accumulation of plaque and blood clots can be removed surgically if they are accessible, for example, in the neck artery. Anticoagulant drugs also retard development of clots.

As helpful as these methods are, the real issues are to prevent high blood pressure as a disease from developing and to stop the accumulation of plaque on blood-vessel walls. Such prospects do not seem imminent, for we do not know the cause of high blood pressure, or why the plaques form. There is evidence that cholesterol is implicated in the accumulation of plaque and that people with high-cholesterol levels have a greater degree of artherosclerosis and a greater proportion of strokes than normal persons.

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However, whether reducing cholesterol would reduce the chance of strokes has not been proven. More fundamental research is needed on stroke before large-scale preventive programs can be initiated or stroke-prone individuals clearly identified.

Diabetes: Diabetes is thought to be caused by a genetic predisposition found in about 20 percent of the population. Because the cause has not been determined positively, "we are not even close to preventing the disease," says Dr. Rachmel Cherner of Philadelphia's Albert Einstein Medical Center. "The best we are doing is trying to find and prevent complications of the disease, such as blindness, difficulties in pregnancy, vascular changes, heart attacks. If we can identify those people early who are predisposed to diabetes, we can modify the complications by the manipulation of drugs and diet," he states.

For example, drugs that accelerate the disposal of glucose in the body are now being tested on diabetic youngsters. Potential victims of diabetes are identified through diabetic history in the family, genetic "markers" (such as the presence of a substance called synalbumin), and glucose-tolerance tests. But doctors believe that more sensitive methods of detecting early diabetic tendencies must be developed.

Kidney disease: The causes of kidney disease vary. Hypertension, for instance, may cause kidney damage; thus, keeping blood pressure down is a preventive. Or gram-negative organisms may cause pyelonephritis, a disease that strikes pregnant women particularly. The progression of this, too, can be prevented if detected early through bacterial examinations of urine.

More mysterious is a prominent killer, glomerulonephritis (commonly called Bright's disease). It is thought that this disease often is caused by a malfunction of the body's immunological system. In some individuals the presence of bacteria is believed to cause an overreaction of the body's defense mechanism, producing an excess of antibodies which inexplicably attack the person's own kidney tissue. Much research is being done on ways to suppress this defense mechanism in sensitive individuals, perhaps by drugs.

ARTHRITIS

Causes have been found for less crippling forms of arthritis. Gout has been linked to an inherited metabolic disorder; osteoarthritis has been tied to heredity and mechanical wear and tear; Reiter's syndrome has been traced to a virus

There are two theories as to the cause of the number one crippler, rheumatoid arthritis: that it is brought on by an infection or that, for some reason (as in Bright's disease), the body's defense mechanism goes haywire and attacks its own connective tissues in joints. Although research is proceeding, the prevention of arthritis is a long way off.

ACCIDENTS

The prospects of making a dent in our tremendous accident toll—which takes 100,000 lives and causes 10 million injuries annually—are better than at any other time in history. Within the last five years, the approach to preventing accidents has changed radically. Although the traditional approach of trying to modify human behavior to make people safer is still vital, many authorities now believe it also is important to modify the environment by redesigning products so they are less likely to cause injury. For example, new automobiles are equipped with a host of safety devices designed to reduce injuries.

The potential for saving lives by redesigning other products is enormous. Glass doors could be made of tempered safety glass, preventing 100,000 accidents a year. Studies in Seattle and Canada show that drug containers equipped with a simple safety cap, costing less than a penny each, could cut child poisoning from drugs in half—from 250,000 to 125,000 a year. A device costing $2 could virtually eliminate the injury toll from wringer washing-machine accidents, which is still shockingly high—about 100,000 a year.

Research promises a reduction in the terrible toll of death and maiming from power lawn mowers—possibly by reducing the blade speed, perfecting rubber and plastic blades, or developing new reel mowers that would be much less harmful than rotary mowers. The fruits of research also could virtually eliminate the terrifying annual rate of 150,000 burn-accident victims (mostly children) from flammable clothing. Laboratories have produced cotton and a number of synthetic fabrics that are almost impossible to ignite. Such fabrics also could be used for mattress covers, draperies, carpets, and upholstery, preventing the all-too-common smoldering fires which claim thousands of lives.

According to William V. White, executive director of the National Commission on Product Safety (which is making a thorough study of dangerous products), accidents directly related to such products could be slashed in half within the next five years through redesign.

MENTAL DISEASES

Some recent shifts in emphasis have occurred in preventing mental diseases. But mental illness is probably the most difficult of all to prevent, for the causes are complex and undefined. A multiplicity of factors—including genetic and biochemical makeup, nature of childhood upbringing, and current stresses—may all play a part in the illness of a single individual.

Perhaps one of the most important new themes in preventing mental illness is called "crisis intervention." It is known that how one handles a crisis—such as the first day in kindergarten, the death of a parent, or a crushing defeat—may determine whether one develops mental illness later or actually becomes stronger as a result of the experience. Thus, government-sponsored programs have been set up in various areas to help people cope with their crises. For example, teachers have been instructed in how to individually counsel youngsters during the first days of school. Group sessions are held to train clergymen to handle persons stricken with grief.

Crisis therapy even may have implications for preventing physical disease. Research indicates that a crisis, producing feelings of helplessness and hopelessness, actually may trigger the onset of some diseases.

New discoveries of genetic-biochemical causes of mental illness also offer vast possibilities for prevention. Certain chemicals in excess have been found in the bodies of schizophrenics and manic depressives. It is not certain whether the diseases cause the overproduction of the chemicals or vice versa. Some schizophrenics have been successfully treated with drugs. Researchers are testing the theory that compounds of the chemical element lithium can prevent the manic-depressive cycle.

There is speculation that those who are so depressed they are about to commit suicide may produce extraordinary amounts of a certain steroid. Thus a biochemical test might be able to identify potential suicides. There is some evidence, too, that alcoholism may be related to chemical or vitamin deficiencies. The disclosure that several aggressive males have an extra Y chromosome also may have implications for identifying and treating such individuals before violence erupts.

The majority of mental-retardation cases have been linked to conditions such as infections, poor nutrition, or lack of physical and emotional stimulation.

But the prevention of mental diseases is difficult to pin down. As one authority points out, "The possibilities for prevention are as vast as our understanding of nutrition, infectious diseases, biochemistry, genetics, personal environment, family dynamics, social organizations—as vast as the functioning of human beings."

DENTAL DISEASES

Progress in preventive dentistry has been great. Dr. Seymour J. Kreshover, director of the National Institute of Dental Research, predicted in June 1968 that dental decay probably will be a thing of the past within 10 years. Good oral hygiene is important, of course, but authorities are convinced that the potential for long-term prevention of dental troubles lies with chemicals which make the teeth more resistant to decay. For several years we have known that fluoridation of drinking water cuts down the formation of decay in children by one-half to two-thirds. Yet 60 percent of the population in this country is still unprotected. New experiments show that application of fluoride gels and pastes directly on the teeth also may reduce cavities by 30 to 40 percent. The fluoride preparations can be applied at home or by a dentist.

A discovery of far-reaching significance is the isolation of certain bacteria which allow plaque (gummy bacterial deposits which, if not removed, harden into tartar) to form on the teeth. Plaque is a culprit on both decay and periodontal diseases. Thus, if such bacteria can be identified and killed, the dangerous plaque cannot stick to the teeth. Recent experiments have shown that feeding caries-infected hamsters an enzyme, called dextranase, almost totally prevents the adherence of plaque, and thus the formation of decay. Similar tests are planned for humans.

Since bacteria are necessary to plaque formation, researchers also have long sought a vaccine to kill the offending bacteria, immunizing the population against dental disease.

A mass attack on many diseases at once could be launched by cleaning up our environment. Air pollution may contribute to cancer, infections, and perhaps a host of other diseases; water pollution is incriminated in infections. Additives and pesticide residues in food may cause various types of bodily harm. Especially neglected in prevention are the miserable social conditions of crowded, rat-infested slums, which contribute greatly to infant mortality and the spread of disease. Amazingly, our infant mortality rate is higher than that of a number of other Western countries.

Some physicians strongly believe there is vast, untapped potential in "secondary prevention," that is, detecting disease in the early stages when it can still be treated successfully. One possibility exists in better mass screening for a number of diseases. Cancer of the uterus, for example, has declined 50 percent in the last 27 years, mainly because of the Pap smear test which detects early cancerous changes. At a medical center in Oakland, California, about 40,000 persons a year go through a series of computerized tests for a multitude of diseases. As more sophisticated instruments of detection are perfected, secondary prevention becomes even more practical.

To advise federal officials on public health and disease prevention, the government has established a committee of leaders in health, education, labor, and industry. Among the 18 members of this advisory group is Gerald Dorman, M.D., president-elect of the American Medical Association.

Prevention obviously won't confer immortality on man. But it can lessen human suffering, and, as an ancient Greek adage puts it, accomplish the prime goal of medicine: to "help patients die young—as late as possible".

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STRIKE BY HOSPITAL WORKERS IN SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, during recent weeks Charleston, S.C., has experienced regrettable community difficulties concerning the strike of the hospital workers of the Medical College. Obviously, this situation has caused grave concern among the citizens of Charleston. Local and State officials involved have exerted every possible means to prevent this situation from deteriorating to a point of no return. Charleston chief of police, John Conroy, has been foremost in executing intelligent and constructive efforts to maintain respect for law and order.

On May 20, 1969, the Charleston County Council adopted a resolution commending State and local officials and agencies for their leadership and efforts in establishing community understanding, designed to establish a mutually beneficial and successful end to this matter. Although every possible means is being exerted by State and local officials to solve these problems, it is regrettable that these local problems have been compounded by certain colleagues here in the U.S. Senate in an attempt to exert their influence on a local matter. I firmly believe that we diminish respect for the U.S. Congress and local government when we support influences that detract from the respect for local government. Local representatives responsible should be petitioned in an orderly and peaceful manner.

I join the Charleston County Council in their resolution and ask unanimous consent that this resolution be printed in its entirety in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY THE COUNTY COUNCIL OF CHARLESTON, S.C.

Whereas, the Charleston community has suffered traumatic and unwarranted strife and unrest foisted on its citizens by a small group of individuals, many of whom are unrelated to this area and interested only in their own self-seeking ends; and

Whereas, this group has overtly and covertly employed any and all means to achieve such ends irrespective of the consequences to the safety, health, welfare, and convenience of our citizens; and

Whereas, the acts of defiance, destruction, and lawlessness attendant with the presence of outside influence are abhorred by the loyal and thinking citizens of our community, who, shoulder to shoulder, have built and maintained its legacy over the years as a proud, fair, peaceful, and understanding community; and

Whereas, the resolute, unerring, and unfaltering support of our Governor, the Honorable Robert E. McNair, the State Law Enforcement Division under the direction of Chief J. P. Strom, the State Highway Patrol under the direction of Captain M. W. Cantrell, the National Guard under the direction of Colonel Charles Leath, the City Police Department under the direction of Chief John F. Conroy, the County Police Department under the direction of Chief Silas B. Welch, and all other involved public and private agencies have singularly and collectively produced a type of support and protection which has sustained, and will continue to sustain, this community to a successful and beneficial end in this matter; now, therefore

Be it resolved by the County Council of Charleston County, That the Governor and all other officials and agencies enforcing the law to protect the lives and property of our citizens and to maintain our community be commended for their exemplary performance of duty; and

Be it further resolved, That community-wide appreciation and commendation be extended to the County Hospital employees who have remained on the job and those newly hired for their untiring efforts and sense of loyalty in keeping the County Hospital and Emergency Room open to the unfortunate, sick, dying, injured, and indigent in our community; and

Be it further resolved, That the County Council of Charleston County hereby commends the law abiding white and Negro citizens who, in assisting law enforcement officials and governmental agencies in maintaining peace and tranquility in our community, have suffered violation of their rights and property; and

Be it further resolved, That County Council of Charleston County shall continue to work to bring our community back to normalcy; and

Be it further resolved, That a copy of this resolution be forwarded to the Governor and all other officials and a copy published in the local press.

CHARLESTON COUNTY COUNCIL.
J. Mitchell Graham, Chairman; John F. Seignious, Vice-Chairman; Claude W. Blanchard, Jr.; Miner W. Crosby, Jr.; W. Lloyd Fleming; Robert N. King; John P. O'Keefe; James J. Price, and Richard E. Seabrook, Jr.

THE SCANDAL OF BUILDING COSTS

Mr. WILLIAMS of Delaware. Mr. President, Time magazine for May 23, 1969, contains an article entitled "The Scandal of Building Costs."

The article calls attention to the alarming rate at which building costs are skyrocketing and points up the danger to our economy unless this inflationary trend is checked. This inflation is effecting homebuilding as well as commercial construction.

Inflation today is a real danger, and it is going to take the cooperation of Government, industry, and labor if it is to be checked.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SCANDAL OF BUILDING COSTS

Organized labor long ago acquired a stranglehold over the $85 billion construction industry. That power has not only led to an astronomic rise in building wages but has also enabled unions to load the nation's largest industry with archaic and inefficient methods of operation. As a result, construction costs are climbing so swiftly that they are complicating Washington's struggles to increase the supply of housing and restrain inflation. Last week George Romney, Secretary of Housing and Urban Development, challenged construction-union leaders to adopt reforms. His candor was greeted with boos, jeers and catcalls.

"I want to help you see yourselves as other see you," Romney told 3,000 delegates at a Washington conference of the A.F.L.-C.I.O. Building Trades Department. Then he reeled off the statistics of construction wage settlements which jumped from an average raise of 12.4c per hour in 1962 to 49.6c per hour last year. The unionists cheered wildly. Next the Secretary admonished them to relax apprenticeship restrictions that deny jobs to Negroes. They booed. When he urged building workers to increase their productivity, they booed again. He advised the unionists to end other practices that raise building costs. More boos.

Reddening but unruffled, Romney continued: "There is nothing more vulnerable than entrenched success. The demand for reform is growing. People are already talking about compulsory arbitration in the building trades."

LAGGING OUTPUT

Some of the reasons for such talk are obvious. The cost of housing construction jumped by 10% last year, more than the increase in any other item of family living expenses. Home-building costs went up at an annual rate of 12% during March, the latest month for which statistics have been compiled. At the same time, U.S. housing output has fallen seriously behind the nation's needs. Last year the U.S. built just under eight houses and apartments for every 1,000 people compared with 16 per 1,000 during 1950, the peak year. On a percapita basis, U.S. housing output has fallen from world leadership to a level below Western Europe, Japan and Russia.

WIDENING GAP

Including fringe benefits, the average union construction worker now gets paid $5.91 an hour; in big cities he makes more. Philadelphia carpenters recently won a 23% pay increase, to $6.85 per hour, to be followed by a further 21% raise next year. Omaha roofers will get a 57% increase over the next two years, and Miami laborers will get a 70% boost over three years. The widening gap between wage rates in construction and manufacturing increases the chances of industrial strikes. Last year construction wage settlements were more than 3½ times higher than those in oil, trucking and rubber, and five times the increases won by auto and cannery workers.

In fully unionized "contract construction"—factories, stores, high-rise apartments and highways, which account for two-thirds of the nation's annual building bill—labor takes its biggest bite. Employers have small incentive to resist union demands because they expect to pass on the entire cost to clients. Even when they try to hold the line at the bargaining table, the nation's 870,000 contractors are no match for the power of 3,000,000 building-trade workers, who are tightly organized into 10,000-odd locals by the A.F.L.-C.I.O.'s 18 craft unions. Most contractors are too small to operate efficiently and are so meagerly financed that a long strike can mean bankruptcy; striking workers merely move to high-paying jobs in other cities. Says Frank J. White Jr., executive vice president of the Associated General Contractors of Connecticut: "There is no collective bargaining in construction. They demand and we give."

CLOSED RANKS

Wages are high partly because of shortages of skilled craftsmen. Local unions deliberately restrict the number of their members. They keep tight control over apprenticeship programs (average length: four years) and force employers to recruit all their workers through union hiring halls. Unions defend their loftly pay and closed ranks by pointing to the seasonal nature of construction. Once convincing, such reasons are now losing their validity. In Chicago, for example, building-trades leaders admit that most of their members work at least 2,000 hours a year.

Another notorious source of needless construction costs is union opposition to prefabricated components. Contractors once thought that the 1959 Landrum-Griffin Act had barred such make-work practices as illegal boycotts of prefabricated parts. In a 1967 decision, however, the Supreme Court

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upheld a union's right to prevent the use of pre-fitted doors in order to preserve work traditionally done at the site. The ruling has caused wide repercussions. Plumbers refused to install prefabricated heating equipment at a Ford Motor Co. project until they first dismantled and reassembled all the piping at the plant site. A federal appeals court upheld the right of Manhattan sheet-metal workers to refuse to install an air-conditioning part purchased from a Milwaukee firm. The union insisted that the part be manufactured by its own members.

Although public construction constitutes one-third of the industry's total volume, Washington for years has exerted no pressure to keep labor's power from boosting the Government's building costs. The Nixon Administration recently acted to strengthen federal mediation machinery by centralizing efforts in Washington to solve construction disputes. But many contractors dismiss the move as trivial.

POOLED PROJECTS

In an interview last week with Time Associate Editor Gurney Breckenfeld, Romney laid out the dimensions of the difficulties and proposed some remedies. Said Romney: "We have got to tackle housing's cost problems right across the board—labor, land, money and materials."

Romney has been striving to introduce reforms that will cut costs and stimulate efficiency. His most ambitious effort, started earlier this month, is an attempt to reorganize both the Government's housing program and the industry that serves it. He insists that his plan can add between 250,000 and 350,000 units a year to U.S. housing starts, which are limping along at an annual rate of 1,500,000 and have been declining for three months. Named Operation Breakthrough, the plan calls for states and cities to pool their separate, federally subsidized projects into large-scale "mass markets." The Secretary hopes to attract giant corporations into housing construction and to wring economies from volume production. Localities would have to remove building codes, zoning and other barriers that fragment today's housing market, inhibit innovations and raise prices.

A.F.L.-C.I.O. President George Meany derides "people who build houses with their mouths." "Romney," he says, "has a fixation in his mind that you can turn out houses off a factory line like you turn out cars." But factory production of houses and room-sized components is an increasingly successful way to offset rising costs—in areas where unions and local laws allow such industrial methods to be used. U.S. Steel, Boise Cascade, National Homes, Guerdon Industries, Crane Co., Borg-Warner and many other firms have entered the field with ready-to-use rooms, baths or entire house sections.

OPENING UP

A considerable overhaul of labor policies molded by the Depression of the '30s is plainly in order. The most urgent need is for the building trades to open ranks and find room for more qualified young men, particularly Negro ghetto dwellers. Toward that end, union hiring halls might be abolished by law and discriminatory apprenticeship requirements sharply reduced. Regional bargaining, such as Ohio contractors have begun, should replace local negotiating.

In many ways, labor's naked show of arrogance toward George Romney reflects a confidence that there is no limit to a contractor's ability to pass on to consumers the soaring costs of construction. Sooner rather than later, the unions may find that they are on a collision course with an aroused public.

BLACK CAPITALISM: SEED MONEY IN GEORGIA

Much as businessmen talk about the need to help the poor, ghetto betterment projects often seem to generate more rhetoric than results. "Whenever the average businessman has done something, he has done it in a condescending spirit and at a distance, not in a face-to-face partnership," says Mills B. Lane, president of the Atlanta-based Citizens & Southern National Bank. "He likes to sit around and debate, then go write a check to some agency or other."

Lane decided that his bank, the biggest in the Deep South (assets: $1.5 billion), should become deeply involved in increasing home ownership and black capitalism in deprived areas. As a first step, he devised "the Georgia Plan," which starts with local cleanup drives and leads to high-risk improvement loans.

The plan is well under way in Savannah, where 40 impoverished Negroes have been helped to buy homes and 23 have received loans to begin or expand their own businesses. The bank has also mounted cleanup campaigns in the Negro neighborhoods of Valdosta and Albany, Ga., where thousands of blacks and whites together swept up and carted away hundreds of tons of junk. When the campaign was repeated in Savannah, some 30,000 people showed up to participate. Last week Lane introduced his plan to seven other Georgia cities, including Atlanta.

DISCOVERY IN JAMAICA

Until recently, Lane, 57, was a political conservative with segregationist sympathies. His dealing with non-U.S. blacks over the last two years, when he helped organize the Jamaica Citizens Bank (49% owned by Citizens & Southern), radically changed his outlook. Back in the U.S., he drove around the slums of his native Savannah and was appalled by what he saw. "It is high time," he said, "that we get around to emphasizing what a person is, not who he is."

The Georgia Plan permits loans even to people who can offer no security at all. To circumvent banking regulations that prohibit such lending, Citizens & Southern set up a subsidiary called Community Development Corp. and capitalized it at $1,000,000. CDC approves the risky loans and advances the down payment if a customer cannot. Then Citizens & Southern steps in with the balance, and the down payment is handled as part of the total loan. Normal interest rates are charged, but the terms can be adjusted so that the borrower can meet his installments, which are usually no more than the rent he used to pay to a landlord.

NO TO WHISKY

Business loans go only to those who show an ability to manage enterprises that promise to benefit the community. Thus CDC turned down applications for liquor stores and a hippie-trinket shop. Instead, it put Savannah's first Negro used-car dealer into business and financed dry-cleaning shops, groceries, beauty parlors, even a small firm that manufactures porches for mobile homes. Thus far, $1,000,000 has been distributed in loans ranging from $2,200 to $25,000. Another $1,000,000 went to the biggest slum landlord in Savannah, a Negro. The money will pay for the renovation of dilapidated houses.

Lane is prepared to lend $15 million in the poor neighborhoods and spend $1,000,000 a year in cleanup campaigns. He also intends to expand his program far beyond that by seeking such large depositors as the Ford Foundation and converting their money into high-risk loans. "Low-income people need money," says Lane, "and the banks have got to give it to them."

CHALLENGES TO THE DRUG INDUSTRY

Mr. MAGNUSON. Mr. President, it was my honor to attend the annual meeting of the Proprietary Association 2 weeks ago. It was a pleasure to hear the incisive remarks of both industry and Government representatives. President of the association and senior vice president of Richardson-Merrill, Inc., Hermon A. High, gave a well-informed commentary on the responsibilities of and challenges to the drug industry in this time of aroused consumerism. Commissioner Herbert L. Ley, Jr., of the Food and Drug Administration, illuminated the choice of Government-industry cooperation or conflict in the matter of drug regulation. Both speeches show a concern for the public interest and a flexibility in determining how best to serve it.

I ask unanimous consent that the speeches of Mr. High and Commissioner Ley be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

FREEDOM'S PRICE?

(Presented at the Proprietary Association, 88th annual meeting, May 11–14, 1969, The Greenbrier, White Sulphur Springs, West Virginia, by Hermon A. High, president, the Proprietary Association, senior vice president, Richardson-Merrell, Inc.)

Ladies and Gentlemen; Distinguished Guests:

This morning will be the third, and last time that I speak to our members and guests as head of this Association. And if someone here is saying, "Enough is enough," I assure you I heartily support the thought.

I want to speak briefly on some important phases of our business life which face our industry in this "year of the question." One of these pertains to the subject of our distinguished speaker, Senator Magnuson—the continued hue and cry, more vocal every day, for increased protection of the consuming public by the Federal Government. This wave of "consumerism" is a deep, integral part of our present day-to-day life which finds our everyday world in a swirl of change—in which all business is caught up, with our industry no exception.

How much of this present consumer movement is the fault of business' past mistakes—or past abuses in the market place—be they large or small? Regardless of where the blame, if any, lies, we are face to face with the problem; and the challenges it presents both to government and to industry.

For example, some significant recent developments are: (1) the attacks on the Federal Trade Commission by a task force of young law students, and their subsequent testimony before a Senate Sub-Committee; (2) new legislation urged in the Senate for the establishment of a Department of Consumer Affairs; and (3) the recent request of the Administration to the American Bar Association asking for the formation of a committee to study the activities of the Federal Trade Commission and to make recommendations to the President.

All of this—and additional pressures—could possibly turn into the biggest anti-business show in years. What can business do to meet the challenge?

Over 10 years ago, Dr. Theodore Levitt, distinguished Harvard Business School Professor said in the "Harvard Business Review," and I quote:

"In the end, business has only two responsibilities—to obey the elementary cannons of everyday face-to-face civility (honesty and good faith); and to seek material gain."

In the same publication—at a much later date—he added that a liberalized business posture can, and is, resulting from "The businessmen's recognition of the need to see the world from the consumer's viewpoint; not the producers."

Today, serious students of the consumer movement feel the consumer cause has prospered because it represents needs generated by the realities of the modern market place. We cannot ignore, as businessmen, this process of evolution in our society. We should not look to the law; or to the legislators; alone—for law is typically the reflection of change; and only rarely the initiator. Therefore, the need of all industry is to step back and take a realistic, albeit, painful look at current trends, and then decide what efforts can be made to adjust voluntarily to these trends.

Our answer for our industry must be strict self-discipline, because only this course has the possibility—theoretical as it may seem—of avoiding *external* imposition of possibly more harsh, and certainly more distasteful discipline. The only alternative—as I see it—is a continuous rear guard action; sniping away at the most obvious administrative procedural abuses of various government agencies, while the last vestiges of our freedom of action are gradually eroded. On net balance, we must examine the proposition that by lack of self-discipline we provide ample examples of abuse of public confidence—thereby adding fuel to the fire for the activists in the consumer movement, who after all are still a small minority and must rely on more and more general public support to achieve their ends. As a wise man once said, "The surest way to defeat is to continuously run on the track of the enemy." Probably here I should ask a question—Shouldn't we quit trying to stop the flood and concentrate on building the Ark?

This association, I can assure you, is making determined efforts to improve our performance, and our image, with both Government and the public. We are attempting to anticipate the needs and demands of both—and meet them voluntarily rather than under regulatory compulsion. In the past, we have often felt that the governmental agencies have been guilty at times of what might be termed as "bureaucratic overreach"; and in such cases our logical and reasonable position has been one of strong objection, and sometimes a consequent struggle in adversary proceedings.

Let me say that we much prefer the ideal combination of rational and fair governmental action to protect consumers where the need is real; put together with the voluntary efforts of our own industry. This approach can result in greatly increased confidence of consumers in our products. And we know that nothing rings the market place cash register like confidence.

This joint approach to increase the public's confidence in our advertising has just been brought into sharper focus by the Federal Trade Commission's issuance of proposed voluntary guidelines for the advertising of over-the-counter drugs.

These proposed guidelines are receiving our concerned attention. The General Counsel's office and the Legal Departments of our member companies are carefully studying them. Formal statements will be filed with the Commission in the near future and our membership will be kept informed.

The purpose of these guides is to assist the business community in complying with the Deceptive Practices Section of the Federal Trade Commission Act as it applies to the advertising of over-the-counter drugs. The guides are not designed *to make new law, and*—when finally drawn—*will not have that effect:* Rather, they will constitute an announcement of the Commission's policy and will be directed to informing us of the Commission's interpretation of its statute as it bears upon this important facet of our business.

Our first impression of these proposals has been that a number of the guides coincide with provisions of the Association's Code of Advertising. Generally, they appear to be an earnest attempt by the Commission to bring together principles and practices involved in FTC actions over the years . . . many of which result from litigated decisions either by the Commission or by the Federal courts.

Even so, they do—to some appreciable extent—add to the "ground rules" previously established in pertinent case law.

In the case of such guidelines it appears that it may be necessary for us to ask for certain clarifications and modifications of proposed language. Furthermore, the actual deletion of any guidelines that check out as unreasonable or impractical will be *vigorously examined* with the Commission.

But, in the main, the guidelines are in harmony with this Association's principle of adherence to both the law and the spirit of the Federal Trade Commission Act and with our effort to impress this precept upon our members. So, within such framework, we will try to deal practically with these proposals.

I think I should say that it was within that framework that our Code of Advertising Practices was formulated and that, from time to time, it has been revised. We are constantly calling the Code to the attention of our members and seeking their continuing cooperation.

This is an important time to give new evidence of our industry's willingness to meet changing needs in a rapidly changing political climate. I want to call your attention specifically to the first item in the Code: "Truth in advertising should apply to the printed and spoken word, pictures with sound, and to illustrative treatment." Let me pinpoint that by emphasizing that no claim should be made for any of our products which cannot be properly substantiated.

This is essential for us to bear in mind when working with our advertising agencies in the preparation of all of our advertising—particularly, on new products, and in changing any advertising claims on older products. With the present National Academy of Sciences and National Research Council Review of the effectiveness of over-the-counter drugs "in the works"—(we understand the panels have completed reports on approximately 400 o-t-c drugs)—our individual companies must be prepared to upgrade and supplement all cinical and scientific data which form the basis for labeling and advertising claims. If any of us do not have substantial evidence now—and heaven forbid—then we should immediately set about getting it.

As to our Advertising Code, we have had reasonable success with the implementation results to date. This does not mean to imply that everything is perfect, and that room for improvement does not exist. For example, our Board just yesterday approved another implementation step as regards our complaint procedures under the Code. This new step provides that any member of the Association can complain to the proper officers of the Association regarding the advertising of another member if, in his opinion, this advertising is in possible violation of the Code. Formerly, only competitors' complaints were referable to such officers.

The President, and other Officers of this Association, are charged with the responsibility of seeing that our voluntary Code of Advertising is revised as needed; and to see that proper implementation of the Code is carried out at all times. Many difficulties are inherent in any industry code of self-regulation—but this Association is pledged to continuously exert its best efforts to make ours as workable as possible, and we are pursuing that course of action today.

Another area of great importance to our general society today—and to this industry—is safety from accidents in the homes of America. Each year millions of accidents occur in and around our homes; resulting in injuries and personal tragedies—many to small children of tender age. A large number of such accidents are due to the accidental ingestion of many types of household products; naturally, including medicines.

Regardless of causation—be it human carelessness or ignorance—there can be no question as to the need for better safety measures in the home. Numerous educational efforts on the part of industry, government, and others to get messages across to parents, and adults in general, are now underway in an effort to stimulate the intelligent use, handling and storage of all household products with a potential for harm.

One organization—the Council on Family Health—has as its sole purpose the educational guidance of mothers—as the key figure in the home—in all aspects of home safety. This Council was pioneered, and sponsored by, member companies of this Association as a public service, and you will learn more about its important contributions to home safety later on today.

We continue to cooperate with the Government and the medical profession on all aspects of the accidental ingestion of medicines problem. At the present time, a significant pilot study on the technical aspects of various types of safety closures is being conducted under the auspices of a joint committee composed of physicians, public health specialists, F.D.A. officials and industry representatives. This study is being financed by this Association, although not in any way under our direction. Favorable results influencing better safety factors are certainly hoped for as a result of this comprehensive study.

There are many other interesting projects, and aspects, of your Association's activities that I will not talk about today since the more important of these will be covered at our early morning meeting tomorrow for all active members. I urge you to be present—our Washington Staff, under the extremely capable and energetic leadership of Jim Cope, has performed superbly this past year in behalf of all of us, and tomorrow morning's meeting will be informative and very helpful to all our active member companies.

In closing, I have a few final words in answer to our question of how we retain our freedom of action in our major business activities. The cold hard fact is that we are the ones—not the administrative agencies of the Government or the Congress—who should analyze our imperfections—be willing to recognize them—and voluntarily set about to correct them.

All that this requires is that we be realistic and self-enlightened in all of our business activities that touch on the consumer's real needs in this ever-growing field of self-medication, with its important role in the over-all national health program.

If we are, in my opinion, we can be fairly judged on the record—and so judged—this industry can live with a greater degree of freedom. But if we fail to meet our responsibilities, we stand to lose our independent freedom of action—our freedom of expression in our public advertising—and face possible unreasonable and harsher governmental controls. The last thing this drug industry wants is to be regulated like a public utility, and the path to such regulation is irresponsibility on our part. I think we should say to the Government, and to the millions of consumers who use our products, that we intend to pursue proper and responsible courses of action that will win, and hold, their confidence in us. This is the price we must be willing to pay for freedom. Thank you.

Cooperation or Conflict?

(Remarks by Herbert L. Ley, Jr., M.D., Commissioner of Food and Drugs, at the annual meeting of the Proprietary Association, White Sulphur Springs, W. Va., May 12, 1969)

I am delighted to be here today. You might even say I have a proprietary interest in discussing mutual problems with you. We both have much to gain in working out problems on a cooperative basis. And we both have much to lose if we find ourselves in a series of confrontations. The ultimate victim, of course, in the latter situation, is the people we both serve.

The Food and Drug Administration has always been committed to the concept of voluntary compliance as a prime mover in our efforts to achieve a maximum amount of protection for the American consumer.

We have long recognized our mandate not only to enforce the law, but to inform and assist the regulated industries as well.

As my predecessor, Dr. James L. Goddard, once put it, "What we are concerned with as administrators of the FDA law, is the wise and restrained use of power. This is good administration, good executive practice, good decision-making. It is more than just the procedures of enforcement."

There are those, however, who attack the concept of voluntary compliance as being unrealistic. Time has proved them wrong. As the late great Prime Minister of India, Nehru, said on December 4, 1961, to the World Council of Churches, "Most advocates of realism in this world are hopelessly unrealistic."

There is no doubt that most of you have recognized that what's good for the consumer is good for industry. I need only cite Mr. George Merck, one of the Nation's leading pharmaceutical manufacturers, who observed that, "Medicine is for the patient. It is not for the profits."

But I should like to point out that all is not beer and skittles. Despite the growing acceptance and understanding of a partnership between the FDA and industry to meet and serve the needs of the American people, there is one yardstick of error—one yardstick of how much we still must do before we can sit back and be smug. I am speaking of the amount of human error that still exists in your plants—error that results in failures as reflected in our much too large weekly recall list.

I don't want to go through a long laundry list of entries, but I will select just a few items during the first five months of this year—items such as 296,000 sodium salicylate tablets that were recalled for subpotency, 38,500 tablets of ammonium chloride that failed to meet USP dissolution standards, more than a half million cold capsules which were subpotent, and so on and so on.

The list could be as long as most speeches that begin with, "I only have a few words. . ." It is a list that should not exist. It is a list that we must join forces to eradicate. The alternative is not pleasant, as you know. A much happier option is constructive self improvement and the development and self imposition of standards by your association that would reduce the recognition of the members of your association on the FDA recall list to zero. As you know, this list is a public document but we have made no effort to give it publicity. On the basis of a recent speech by Ralph Nader, however, I would predict that it will be given much greater consumer news coverage in the future.

Another matter for our mutual attention arises from the FDA proposals based on the recommendations of the NAS/NRC efficacy review of drugs marketed between 1938, when only safety was required, and 1962, when the Kefauver-Harris amendments added the efficacy requirements to both over-the-counter and prescription drugs.

Under the Food, Drug, and Cosmetic Act, a medicine can be a "new drug" regardless of how long it has been on the market. The law says that the drug is "new" unless it is generally recognized by qualified experts as "safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling" and it has been used to a material extent and for a material time under such conditions. Regulations which we proposed last year, provide a procedural mechanism whereby firms can provide evidence that a drug is generally recognized as safe and effective.

There will, of course, be many changes other than the possible maturing of products out of the "new drug" category. Perhaps it would be well to review for you the procedures FDA has adopted for implementing the NAS/NRC recommendations because this task will certainly present one of the more important 1969 "questions" to which your program refers.

Of the roughly 3,700 drug formulations reviewed by Academy panels, about 400 are over-the-counter drugs. This does not include any so-called "me-too" preparations on the market which also will be affected by efficacy decisions.

We have completed basic work within our Bureau of Medicine on more than 200 of the reports covering over-the-counter drugs. Publication of these in the form of *Federal Register* announcements will be starting soon. Preparations which have already moved through the preliminary stage of our review include choleritics and anorectal agents; cathartics and antibiotic, antihistomic, and anti-fungal ointments; sun-screen agents; antimetic and analgesic agents; estrogen creams; iron preparations; anti-perspirants and deodorants, and anti-infective agents.

As you will recall, the Academy panels have classified drugs reviewed for efficacy into various categories—"effective," "probably effective," "possibly effective," and "ineffective." There are additional categories to cover those products that present unique problems and for drugs found ineffective as fixed combinations.

For those drugs found to be "effective," FDA's action may take the form of a simple announcement of that fact in the *Federal Register*. Needless to say, this is one area in which we can count upon industry's cooperation and concurrence.

For those drugs found "probably effective," we allow the manufacturers 12 months to provide additional data to support the claims in question. For those drugs found "possibly effective," we allow six months for the submission of additional data. For drugs ruled "ineffective," we allow 30 days for the submission of evidence to support labeling claims. This period must be added to the seven years that have elapsed since the passage of the Kefauver-Harris Amendments, which required the submission of "substantial evidence" for efficacy claims.

If manufacturers do not provide the required evidence of efficacy within the stipulated time period, FDA's next step is to initiate action to withdraw approval of the new drug application. This action, of course, also would affect any "me-too" products in the marketplace. When such action is proposed, manufacturers or other parties will have an opportunity for a public hearing if they so desire.

I am not going to tell you that you should not take full advantage of the procedures available to you in opposing any FDA action which you believe is inconsistent with the medical evidence available. But I would urge you not to use these procedures simply as a means of keeping on the market for one or two or three additional years a product which may be profitable, but which you know cannot be demonstrated to be effective for the claims made. This is one of the specific examples I had in mind in asking the question in the title of this talk: Cooperation or Conflict?

There is broad public support for the efficacy review and we have also had clear indications of impatience with any delay in putting these recommendations into practice. I do not think you would serve the best interests of your industry—and certainly not the public interest—in defending through drawn-out legal procedures any product which you know the medical evidence cannot support.

Most of the drugs included in the efficacy review, of course, fall into categories other than "ineffective." But you can anticipate that we will require labeling changes on many products and here again your willingness to work cooperatively to give your customers accurate, complete information will be tested repeatedly.

Such changes can be expected to have a significant impact on the way in which you present your products to the public. I am just as aware of that as you are. The Federal Trade Commission, which regulates the advertising of non-prescription drugs, has repeated in its newly proposed guidelines that advertising must be consistent with labeling. The FDA has established close liaison with FTC over the years and I assure you that we will cooperate fully in carrying out any labeling revisions growing out of the efficacy review. I can further assure you that the next month will reveal several major areas in which FDA–FTC cooperation will give you ample opportunity to react constructively.

The discussion of labeling brings us to another subject: implementation of the Fair Packaging and Labeling Act of 1966. As you know, we announced in March that the regulations to carry out the provisions of the Act as they affect over-the-counter drugs, cosmetics, and medical devices will become effective on December 31, 1969.

The drafting and promulgation of these regulations has been a difficult and time-consuming task. We originally had established an effective date of July 1, 1969, but because of the time required to evaluate and consider objections, we were not able to publish our decision on these until last March 6.

For this reason, we granted an additional six months so your companies and others would have time enough to bring product labels into compliance with the new requirements. There will be, no doubt, requests for extensions of time beyond the December effective date. I must tell you that we will be judging very critically the basis for such requests in view of the already postponed effective date.

We previously announced the criteria which food manufacturers would have to meet to obtain extensions for compliance with FPLA regulations. These also will apply for over-the-counter drugs. Briefly, the manufacturer must show us that he is asking for additional time because of extenuating circumstances beyond his control. If stocks of packages and labels are in compliance with the Food, Drug, and Cosmetic Act, if diligent efforts have been made to obtain packages and labeling in compliance with the new packaging regulations, if stocks presently on hand were not accumulated as the result of deliberate attempts to overstock—if all of these facts are true and the manufacturer still is unable to bring his labels into compliance by December 31, then we will give serious consideration to the reasons offered to support such an extension. But we do not anticipate that sound reasons for delay can be provided in more than a few instances. Too much time has already elapsed between the enactment of the Fair Packaging and Labeling Act and its full implementation.

There is yet another important matter which will occupy your attention in the coming months as it has occupied our attention for many months past. Many of you probably know that we are preparing revisions in Good Manufacturing Practices regulations for the drug industry. These will be published, I expect, within a few weeks.

Our goal in making these revisions is not to impose new rules on the industry simply to exercise our regulatory muscles. Rather, we want to write into the GMP regulations the results of our experience in monitoring manufacturing and quality control procedures. The GMP's are simply the rules that

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must be followed to manufacture products that comply witn the requirements of the Food, Drug, and Cosmetic Act.

As I said at the beginning of this talk, the FDA wants to do everything that we can to assist industry in achieving compliance with the requirements of the law and our regulations. We have no greater liking for product recalls than you do. The consumer is better protected through your prevention of errors in the plant than by our detection of errors after a product reaches the marketplace.

I do not fear conflict if conflict is necessary to carry out the consumer protection mandate which Congress has given to FDA. But I much prefer cooperation and I sincerely hope that the FDA can count on yours.

Thank you.

THE HEALTHIEST SPOT IN AMERICA

Mr. CURTIS. Mr. President, Holiday magazine for May contains an article which is of interest to everyone in the Nation. It is of particular importance to me because it involves my home county.

I refer to the article entitled "The Healthiest Spot in America." It is based on statistics and upon the research of a distinguished man who resides in a neighboring State.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE HEALTHIEST SPOT IN AMERICA: IS NOT THE BUSIEST, NOR THE HIPPEST, PRETTIEST OR EVEN THE PLEASANTEST PLACE; IT'S IN CENTRAL NEBRASKA, AND WHAT PEOPLE DO THERE IS LIVE LONGER THAN THE REST OF US

(By Joan Younger Dickison)

The healthiest place in the United States for a middle-aged white male is a stretch of Nebraska prairie south of the Platte River, but nobody knows why.

There amid tall, windswept grass, corn and cattle, the chances of a man's succumbing to heart disease, of being felled by a stroke, of wasting away with lung cancer or even being run over by a car between his forty-fourth and sixty-fifth birthday are about 30 percent less than they are anywhere in the United States as a whole.

It's super-super healthy in the villages and towns which lie in the valleys of Nebraska's so-called Big Blue and Little Blue rivers, but even in the bustling capital city of Lincoln (pop. 161,000) there are only half as many fatal coronaries in the adult white male population as there are in the slow-moving southern city of Augusta, Georgia (pop. 70,262). The Lincoln men are so healthy that their death rate from any cause whatsoever is only slightly higher than it is for heart and kidney disease alone in Scranton, Pennsylvania, even if Scranton is about the same size.

Any place in the Great Plains area, from Minnesota to western Texas, a man has a good chance of being around for his golden wedding anniversary, but he stands a better chance of enjoying it in this stretch of Nebraska—no matter whether he's poor or rich.

In short, south central Nebraska is a place where a man can expect to achieve his three score and ten, as the Bible says, in fine fettle and then a few happy years more.

These didactic statements, astounding and annoying although they may be to medicine men, non-Nebraskans and dissidents in general, are supported not only by government statistics run through computers but also by the careful thinking and testing of an earnest, cautious Public Health Service scholar who is a real-life middle-aged white male himself. For almost a dozen years Dr. Herbert I. Sauer has been analyzing local and national heart-disease death rates and with mounting fascination has become convinced that the geographic link with healthy longevity is genuine—and that Nebraska's forty-year-old record is its most cheerful proof.

"This is no statistical fluke," Dr. Sauer told me, generously passing out charts and reports in his office at the University of Missouri's new medical building. "We've checked the geographic variable against ethnic background, cigarette sales, in- and out-of-state migration, sex ratios, medical facilities, and we've sampled enough in depth to make sure we're not dealing with basic errors like carelessly filled out death certificates, guesses on age, inaccurate medical diagnoses, or errors in computation. Consistently, for forty years this stretch of Nebraska comes up smelling like a prairie rose."

Just what the geographic-health link is, however, remains an enigma.

"It could be something physical in the environment—some super-something in the soil, the air, the water," Sauer continued; "it could be something *not* in the environment, or it could be geocultural, that is, it could be the diet, the exercise, or the attitude towards life encouraged by the Great Plains geography in general and by this eleven-county stretch in Nebraska in particular. Or it may be a combination of things which is peculiar to this area. All we know for sure is a few things it isn't. There have been a lot of myths around for a century or more about hard water being healthier than soft—witness all the mineral salts—but we couldn't get any substantial correlations and suspended judgment. Another theory—big at Yale not long ago—was that an equable climate bred equable men, or men without hypertension, and that's obvious nonsense, for the Great Plains climate is full of extremes."

I came in late on Dr. Sauer's mystery but being something of an oddball thinker with a warm and friendly prejudice in favor of healthy middle-aged men I was involved from the moment I read his 1968 pamphlet and eager to try my luck in search of secret health agent number one. After studying the charts, the reports, and talking with Sauer and his ecological colleagues, I decided to try my own thing; a mixture of feminine intuition and on-the-spot noseyness to see if something visible in the style of Nebraskan life made it a veritable if unheralded spa of spas.

Well, now that I have been to Healthyville, I would like to be able to report that amid the tall, fragrant grass, life is tranquil and sweet, as rhythmic as nature itself, empty of strain and full of lean, strenuous men tilling the soil, herding the cattle and singing cheerfully *Oh Bury Me Not on the Lone Prairie* while back at the farmhouse their wives laugh tenderly and toss the salad greens for dinner.

But it's not that way at all.

It is true that your average Nebraskan male in the health belt rises as early as a Connecticut communter and sacks out after the late news which comes an hour earlier (at ten) out there than it does in the east. It is true that instead of driving the old bus to the station every morning, he drives the tractor or the reaper or the uphill plough around the place. It is true that instead of milling around through crowds of people he mills around among the cows or the pigs and if more than twenty people get together who are not relatives, it's either a party or a funeral. But the diet alone would drive any self-respecting cardiologist mad. These middle-aged white male Nebraskans are the heartiest eaters (no pun intended) I've ever seen, and have the sweet tooths of teenagers.

Take breakfast: fruit, eggs, hashbrowns or corncakes or both, ham or pork chops or bacon, or the works, and toast and coffee. *Plus* syrup on the corncakes, jam on the toast.

Lunch includes: thick slabs of beef or pork or ham or fried chicken, homefries or mashed-with-butter potatoes, and the vegetable in season—whipped squash when I was there since I'd just missed the sweet corn harvest. *Plus* a slice of apple pie with cheese *and*—I saw it, I ate it—cinnamon and sugar syrup overall.

Dinner alone would keep a pauper going for a week. It rolls on at six p.m. as if lunch had not been eaten a mere five hours ago: meat, two vegetables, dessert and coffee. Dessert may even be a little fancier than at lunch: one dandy new recipe for custard pudding I brought back mixes nuts, peaches, eggs, whipped cream and sugar, and is topped with gooseberry cordial.

Servings throughout are generous to the point of being startling. A real trencherman can eat a dozen ears of corn as a side dish alone.

Salad is not a staple dish in the homes. "We do eat a lot of apples though," one man told me, obviously thinking about the old adage that apples and doctors correlate in inverse ratio. Apples are sold at drugstores, at the cashiers' desks in the eating places and it is not uncommon to see a grown man walking down the street munching on a large Delicious.

The real snack of the Nebraskan day, however, is not an apple; it is a slice of pie or cake and cup of coffee taken after or during the 10 p.m. news. "It doesn't do for a man to go to bed on an empty stomach," was the dietary advice I gleaned from this experience.

What's unnerving about all this delightful eating is that it has so few bad results. Obesity is rare; while not skinny, the men are straight up and down and fit-looking and the women, although considerably more rounded than your chic New York matron, could at worst be only called plump.

There was an average amount of smoking. Even in places where there wasn't a phone booth, there were builtin cigarette machines. And the pipe clenched in the teeth etched itself into the country man's costume below a visored vinyl cap and above a blue jacket and blue Levi's.

Does the middle-aged healthbelt male drink? Some do, and some don't. There are cocktail lounges in all the hotels in Lincoln and they fill up during Walter Cronkite's news show—in full color at five-thirty CST—and empty out afterward. Bourbon is the favorite among the hard liquors but beer is more popular than anything and no one I could find had ever tried one well-advertised special: "The Black Martini—all the rage in the East." In the Czech areas beer was called *pevo* and I was told it was so well-liked that on Saturday nights some men even drank "too much for their own good."

Hunting with or without bourbon is big in Nebraska, and apparently it is how modern Nebraska man gets his exercise. The south central Nebraska farm (average size, 400 acres) hasn't been worked by hand or horse for forty years or more; this is where barbed wire was invented, bringing the doom of the cowboy round-up. It's been decades since any Nebraskan pitched hay with a fork or heaved corn with a shovel.

Hunting, however, is still strenuous stuff in the prairies. As one man said: "Hunting out here isn't like it is in the East. We don't use caddies. We track our own game and we carry it home ourselves." When I went to call on a doctor of some thirty years' experience in the area to see what he thought of hunting for health, unexpectedly, he skipped the medical and zeroed in fast on the spiritual values.

"It's our philosophy of life that supports us, not drugs or diets," he said. "We're God-fearing people, part of the Bible belt, but we're not fanatics. We believe in sharing each

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other's trouble and worries, but we're also independent thinkers."

It is quite possible to reason that since religious faith plays a role in fertility rates—among the communal Hudderites of South Dakota, for instance, the birth rate is three times what it is nationally—it may play a role in disease or mortality rates.

If anything of this sort is working its magic in this bit of prairie, however, I couldn't find it. There are lots of churches in south central Nebraska—Lutheran, Catholic, Methodist, Baptist, Latter-Day Saints, Jehovah's Witnesses, Christian Scientist, Seventh-Day Adventist among others—but no one religion prevails nor does any religious practice.

No one, of course, has to attend church to share his brother's problems. There was evidence on sharing both pro and con. On the pro side: In the lobby of the Cornhusker Hotel in Lincoln there was a kindly sign declaring: "Welcome! Eat and Rest where Food is Best." In Long's Bookstore Mr. Long himself collected Nebraskiana for me. In De Witt there were four men and one expert interested in the fact that the loose fan belt on my car had knocked out the generator. Near Hastings a farmer let me wade in the Little Blue just in case it might be truly a fountain of youth. In Surprise, the cemetery caretaker directed me to the oldest part of the cemetery, carefully cutting a path through the grass for me with his rotary so that I wouldn't get my shoes dirty. And all the people in the historical museums, homes and offices I met racked their brains or their files for anything which might help to explain the mystery of their healthy longevity.

On the other hand: I eavesdropped on one drugstore conversation between a woman and her sister about a son who had turned petty thief. "I just had to tell someone," she repeated tearfully. "I'm all pent up. If anyone finds out what he's done no one will ever speak to us again." Also on each parking meter in Lincoln there is a sign in big black letters: "LOCK YOUR CAR. REMOVE THE KEYS." In the telephone directory there is a list of 259 air-raid shelters. In the newspapers there are the usual stories of murder, rape, divorces, battles and impending danger, and on the radio it was announced repeatedly that the Optimist Club met weekly. "We're a highly literate state and we get as much bad news here as any place," one woman commented, "Maybe that's what's meant by sharing."

The doctor's suggestion that independence also helped was next on the list. Since it is another hard thing to test, I got mixed results. For instance: The records show one man in three over sixty-five is still in the labor force (that is, they are drawing wages) and that only a mere handful were living on Social Security. But checking the record in the field (literally) I found that most workers weren't even covered by Social Security because they were farmers and proprietors and a lot of people were pretty sore about it. A mixture of independence and dependence was also evidenced by the generally large number of youngsters leaving the farms for the larger towns because "there was nothing to do at home." But true-blue independence perhaps can be argued only from this lonely statistic: last year twenty-four divorces took place in Nebraska after thirty-five years or more of marriage.

There was still one more suggestion of the locals to be tested: a lack of hostility. At first glance, these Nebraskans seem to be a calm sort, not very loquacious, pleasant and even somewhat easygoing. There are few protestors at the University of Nebraska, and little long hair among the boys; and no one has seized anything since the days of the Indian wars, which were, admittedly, definitely on the hostile side. There are also no racial problems; Nebraska's Negroes constitute a mere 1.5 percent of the population and only one family kept Negro slaves—indeed, there was a period when Nebraska was called the nation's "white spot." Similarly, the battle of the sexes seems muted, although there was a resistance of some heat against woman's suffrage; and the current generation gap doesn't seem to bother most people very much—indeed, they seem to like it. But there's plenty of hostile weather.

Might the geographic-health link be Nebraska's weather? The weather is unpredictable, unkind and capable of incredible extremes—from 117° in the summer to twenty-nine degrees below in the winter—and as Willa Cather, a Red Cloud, Nebraska, girl, once wrote: "Winter lasts five months and spring but one." The weather also includes the whipping wind, blazing sun, tornadoes, droughts and hailstones in the early summer—Nebraska holds the national record for the largest hailstone ever entered in the record books: one and one half pounds.

Certainly the air is as smog-free and clear as a child's eyes and it is often so quiet that as Eugene McCarthy once said, "You can hear the cattle breathe." But that is on still days and they don't come often; as likely as not the whine of the wind drowns out even one's own breathing.

Grasshoppers smothered the area in the 1880's; droughts and dust storms nearly wrecked it in the 1930's; even in a good year there are only twenty inches of rain and if it doesn't come in the spring, when it's expected, it creates—all sorts of havoc. "I guess if you really want to know what's special about Nebraska," one farmer said thoughtfully, "you have to admit it's the weather. We've got more weather than just about anybody."

Cruel weather allegedly creates stress and frustration, which in turn encourage high blood pressure and heart disease. Strong winds age the skin and dry up the body fluids and encourage respiratory disease. Studies verifying these processes have been done in all the leading hospitals. So the question becomes: why do the middle-aged white males of south central Nebraska enjoy such good health while suffering such foul weather?

"It's our stock," one sturdy Swedish giant told me, puffing on his pipe. "Everyone knows pioneer stock is good stock." The truth is, however, that some pioneers were healthy and some were not and it is difficult to track the influence of the good versus the bad through the generations which have intervened. There are a great many Swedes in the northern part of the health belt; predominantly Czechs in the south and Germans and Irish scattered throughout. There has been intermarriage between these groups, and there were also some Danes, some English, a few Italians and some Norwegians who got melted into the Nebraskan stewpot too. The result is a statistical nightmare. But as Sauer himself had told me, "A great part of the country was settled by the same ethnic groups as was this part of Nebraska and so why aren't other areas just as healthy?"

I began looking in the cemeteries to see how the settlers in this stretch of Nebraska fared in the 19th Century—when the women died before the men and nobody lived much beyond fifty. These Nebraskans were different even then. For instance, in the Methodist-Baptist cemetery near Surprise—where one local reporter claims, "No one hardly ever dies"—the first grave was dug in 1882 and there were about 100 graves in all. Yet there were so many people there who had lived more than seventy years I stopped counting them and started looking for those who lived more than ninety years. I found two: 1848–1943, and 1839–1931, plus a handful of octogenarians. In the town itself (pop. 79) there was plenty of activity among the oldsters—including twice-a-month square dances and three television channels—but they claimed it was the slow pace and the relaxed atmosphere which kept them and their parents healthy. "It's a sort of corny Shangri-la," one eighty-four-year-old man said. "But it wasn't healthy for the buffalo."

"We Surprisers die only because we stop breathing," a genial old lady added solemnly, her eyes twinkling. "Otherwise . . ." I thought about the line on an old woman's grave I'd seen: "God knows she needed the rest," and decided there were no new clues for me here or anywhere.

The healthiest place in the United States is a stretch of corn and cattle country in south central Nebraska, but nobody knows why. Including me.

NEW YORK CITY BANS DDT IN PARKS

Mr. NELSON. Mr. President, the New York Times today reported that the city's director of horticulture, Carl J. Schiff, has banned the use of DDT spraying in city parks because it is dangerous.

After a 2-year experiment in using natural pest predators such as the ladybug and the praying mantis, the city has found that biological controls are just as effective and efficient as chemical posions in controlling insects—and are of no threat to the environment and human health.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

USE OF DDT SPRAY IS BANNED IN PARKS AFTER 2-YEAR TEST

Carl J. Schiff, the city's Director of Horticulture, said yesterday he would no longer permit the use of DDT spraying in city parks because it was "dangerous."

He made the statement in Riverside Park, at West 72d Street and Riverside Drive, in making an appraisal of a two-year experiment with the use of such natural pest predators as the lady bug and the praying mantis.

The experiment in using biological controls instead of chemical poisons was sponsored by conservationists.

The test area approved by the city was the area of Riverside Park from 72d Street to 96th Street. No chemical pesticides have been used in this area during the two-year period, to test whether the use of ladybugs and praying mantises was as efficient in fighting harmful bugs as the use of more expensive poisonous chemical sprays.

Mr. Schiff, who said he * * * had been skeptical about the biological-control project, said he could see "the handwriting on the wall because I am almost sure the State of New York will prohibit the use of such chemical poisons as DDT."

At a recent national convention of the Audubon Society in St. Louis, Dr. Barry Commoner, director of the Center for the Biology of Natural Systems at Washington University, reported that DDT has been barred in Sweden, Michigan and Arizona.

THE ARMED SERVICES PROCUREMENT ACT OF 1947 SHOULD BE REFORMED

Mr. HART. Mr. President, I wish to invite attention to an article entitled "The Armed Services Procurement Act of 1947 Should Be Reformed," written by Robert B. Hall, and published recently in the National Contract Management Journal. Mr. Hall is Assistant for Planning, Procurement Staff, Defense Division, General Accounting Office, and was

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a member of the staff which accompanied the Comptroller General of the United States, Elmer B. Staats, to the hearing on defense procurement which the Subcommittee on Antitrust and Monopoly held on June 21, 1968. Mr. Hall has informed me that the article grew out of that subcommittee hearing and that it would not have been written had the hearing not been held.

Mr. Hall received his degree of bachelor of science from the University of Louisville, later was designated C.P.A. and then attended the advanced management program of the Harvard Business School. He has been associated with the General Accounting Office for 15 years. He is a member of the Washington, D.C., chapter of the National Contract Management Association. The article was awarded first prize in the annual competition of the National Contract Management Journal.

Mr. Hall calls attention to the fact that the Armed Services Procurement Act gives primary recognition to only one method of procurement—formal advertising. But formal advertising has only limited application to defense and space activities. He points out it cannot be used for classified material, or where there are no fixed specifications, or to enlist specific sources whose existing know-how or facilities are crucial to the success of the procurement, or to obtain new knowledge or techniques in order to avoid early obsolescence, or to permit early start of procurement and great speed of delivery.

As Mr. Hall points out, his ideas are not new, since procurement literature of the past 10 to 15 years have emphasized the need for modernization of our procurement legislation. I believe Mr. Hall has performed a public service through his article. I ask unanimous consent that it be printed in the Record. I find his ideas stimulating, and I believe that other Senators will be challenged by a study of these ideas.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Armed Service Procurement Act of 1947 Should Be Reformed

(By Robert B. Hall)

(Note.—Robert B. Hall, Assistant for Planning, Procurement Staff, Defense Division, General Accounting Office. Mr. Hall received his degree of B.S. from the University of Louisville, later was designated CPA, and then attended the Advanced Management Program of the Harvard Business School. He has been associated with the General Accounting Office for 15 years. He is a member of the Washington Chapter, NCMA.)

The complexity of most military products is such that "formal advertisement" procedures simply cannot be made to work in the vast majority of cases. . . It is the substance, rather than the form, of competition which should be of principal concern to the Congress and the public.—Secretary of Defense Posture Statement (1970–74), dated January 15, 1969.

Formally advertised procurement pervades the whole structure of the Armed Services Procurement Act of 1947.[1] It is, in fact, mandatory and the only procurement method formally recognized in the Act. The reigning inference is that formally advertised procurement is universally applicable and the "one best way."

Footnotes at end of article.

This procurement method, most everyone will agree, is very efficient in its proper area: the buying of low-technology, standard items. It has enhanced full and free competition and has saved money for the taxpayers. But for acquiring complex products, including major weapon and space systems, it has little or no relevance.

Procurement methods (acquisition strategies) for advanced technology devices have departed markedly—of necessity—from the formal advertising method. The statute does not recognize these more relevant methods. Rather, it discriminates against them by loading on unnecesarily burdensome (and ineffectual) requirements.

Even in the minority of procurement spending where formal advertising is used, a substantial amount involves two-step procurement actions which embody competitive negotiation in the first step.

Patently, formally advertised procurement is out of touch with the real world. Regulation and practice are disjoined. Since practice must respond to fundamental changes in the environment, clearly it is the Act that should be reformed. A viable statute recognizes and deals with prevailing conditions.

The purpose of this article is to propose certain major reforms to the Act. In thrust they are not new; procurement literature of the past 10 to 15 years has emphasized the need for this kind of modernization.

The article first points out the widespread impact of this important Act on nearly all government procurement and much of industry. Next, the history of the Act is described to help explain how its relevancy has withered away. The suggested reforms, summarized immediately below, are then discussed in detail. In the conclusion, methods of bringing about and implementing the reforms are laid out.

This article does not contend that the Armed Service Procurement Act is at the root of all procurement problems. Rather, that an Act which reflects the best policy for today's needs might also improve understanding and encourage progress in other areas—a sort of chain reaction may set in.

In brief, the proposed reforms to the Act are:

1. Eliminate the fiction of formal advertising as the dominant procurement method, and the need for reciting the "17 exceptions" (it seems ludicrous to contract for 85% or more of DOD's needs on an "exception" basis).
2. Recognize acceptable procurement methods in actual use and prescribe the criteria for their application.
3. Include a statement of current congressional policy on "competition" based on a broader definition of the term, emphasizing the substance of competition rather than its precise form.
4. Clarify the "competitive range" and the parameters within which discussions should and should not be conducted—especially when factors other than price are crucial.
5. Illustrate the "other factors" and when they become more dominant than price.
6. Improve communication with the Congress concerning procurement actions and the degree and scale of competition.
7. Raise the formal advertising exemption from $2,500 (1958) to $5,000, or higher, and provide minimal policy guidance over some seven million small procurements per year.
8. Delete the stereotyped and pointless paperwork connected with preparation of "Determinations and Findings" now required when using certain exceptions to formal advertising and contract types.

THE ACT'S IMPACT

The Armed Services Procurement Act directly applies to three agencies: the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard. The procurement regulations in these three agencies are quite voluminous and implement the Act and other statutes. In the DOD, the implementing document is called the Armed Services Procurement Regulation (ASPR). NASA has the NASA procurement regulations (NASA PRs). In all other executive agencies, the Federal Procurement Regulations (FPR) govern the procurement practices. The FPR's and NASA PRs are influenced by and for the most part patterned after the Armed Services Procurement Regulation. This is understandable since the title III procurement procedure of the Federal Property and Administrative Services Act is patterned directly after (our friend) the Armed Services Procurement Act.

This means that the Armed Services Procurement Act directly or indirectly governs almost all Federal procurement, which exceeds $50 billion annually, and influences the actions of some 100,000 people in the Government who participate in the award and administration of contracts. In addition, the Act and its implementing regulations have a direct impact on thousands of private companies in virtually every major industry in the United States.

BRIEF HISTORY OF THE ACT [3]

Perhaps the history of the Armed Services Procurement Act can best be summed up as a compromise reached in 1947 between two extremes. The one extreme was the historical preference for formal advertising which existed in this country up until the time of World War II. The other extreme was the almost universal use of negotiation during World War II. This latter extreme extended to a prohibition during the war against the use of formal advertising unless the agency was especially authorized by the War Production Board.[4] The Act simply combined these two extremes and permitted the Defense Department sufficient leeway to go in either direction. The Act said nothing about obtaining competition through means other than formal advertising. Negotiation was and still is defined in the Act as "make without formal advertising."

Historical preference for formal advertising

The historical preference for formal advertising dates back to the early 1800's. A literal interpretation of the first Federal statute, in 1809, indicated that contracting officers had a choice between two equally available methods of procurement, "open purchases" or "advertising for proposals." This meant that items could be purchased in the open market in the manner of ordinary commercial transactions and negotiations used (negotiation is designed to give scope to normal purchasing practices and permits innovations in procedures).

However, in 1829 the Attorney General interpreted the original statute as requiring advertising except where public exigencies necessitated immediate contract performance. Thus, ground work was laid for using formally advertised bidding as a foundation for the competitive bidding system in the Federal Government. In 1842, a statute was passed requiring advertised bidding for stationery supplies and printing. In 1860, a landmark statute was passed requiring advertising for supplies and services by all departments of the Government. It was incorporated in 1874 in section 3709 of the Revised Statutes, and with certain exceptions continued to regulate military procurement up until World War II.

The 17 exceptions

The first legislative exceptions to formal advertising were for "public exigency" (fires and floods) and "personal services." Through the 1800's and up until World War II, eight additional exceptions were added in order to exempt procurements such as medical supplies (1845) purchases outside the United States (1845), perishable good (1847), purchases for national emergencies (1864), small purchases (1892), and a catch-all type exception (number 10) to be used where it was

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deemed impractical to secure competition through formal advertising (1901) (present DOD regulations contain 17 illustrative conditions under which exception 10 may be used).

Throughout most of this period, U.S. weaponry was relatively simple and it was obtained primarily through in-house development and production—the so-called arsenal system. Also, up to this point the basic consideration in the minds of the Congress in emphasizing the formal advertising procedure had been the prevention of favoritism.

During World War II the greater part of the national defense needs were obtained from private industry through negotiation. Several lessons were learned from this wartime experience.

The first lesson was that negotiated procurement, with flexibility for bargaining contract types and terms, far from leading to higher prices or the concentration of procurement in the hands of larger and more favored producers, more often led, on the contrary, to a wider distribution of suppliers and to lower costs.

A second lesson was that the military services had demonstrated an ability to use with judgment and common sense the broad procurement powers granted.

The third lesson was that to compel a return to the inflexible procedures of formal advertising would mean that supplying the needs of the military would soon revert to a relatively small group of professional Government suppliers, with the consequent loss of know-how and industrial capacity, and of a broad mobilization base. Perhaps the outstanding lesson of the war was that industrial power is a critical factor of no less value than trained manpower and that true national defense is impossible except on the foundation of a powerful, broadly based industrial structure.[5]

World War II experience showed also that additional exceptions to the formal advertising rule were needed, and exceptions 11 through 16 were added. The new exceptions related to such things as research and development work, secret purchases, and technical equipment requiring standardization. The 17th exception simply permitted the use of negotiation where otherwise provided by law, as in the case of a 1926 Aircraft Production Act.

The 17 exceptions are so all-encompassing as to permit the use of negotiating authority under almost any conceivable circumstances. In fact, the 15th, not mentioned above, permits negotiation when advertising is unsuccessful. In order to use negotiating authority under many of the exceptions, the agency must prepare written determinations and findings. In the case of some of the exceptions, such determinations have to be made by the agency head.

Passage of the 1947 Act combined the first 10 exceptions legislated over the previous 100 years with those exceptions developed from World War II experience. The 1947 Act also unified procurement authority throughout the Department of Defense, provided small business opportunity to secure military contracts, gave finality to decisions of a department head, authorized joint procurement between the departments, and repealed archaic and unnecessary procurement statutes.[6]

Public Law 87–653 amendments

Several minor amendments and one major one have been made to the Act since 1947. The major one involved Public Law 87–653, enacted in 1962. This law, which restated the long-standing preference for formal advertising, required agency written determinations to clearly illustrate that this method could not be used when negotiating through many of the 17 exceptions. It also required the agency, when negotiating, to solicit proposals from the maximum number of qualified companies consistent with the nature and requirements of the procurement and to hold discussions with those concerns whose proposals were in a competitive range.

Additionally, where competition is lacking, Public Law 87–653 requires the agency to obtain certified cost or pricing data from the contractor and to provide rights in the contract for reducing the price if defective data was submitted and relied upon in negotiations.

Experience under the act

Twenty years of experience under the Act in DOD reveals that formally advertised procurement has ranged from a low of about 10 to a high of about 17 percent. However, a significant portion of this amount represents a two-step procurement procedure under which competitive negotiation is used in the first step to obtain acceptable technical proposals and advertised bidding is used in the second step.

The use of negotiation on the other hand, both in DOD and NASA, has become the customary way of doing business with private industry. Within the broad framework of "negotiated procurement" varying amounts of technical and price competition have been obtained over the years, and more often a combination of both. This has been averaging in DOD, according to published statistics, about one-third of all procurement. The balance, about one-half, represents single-source procurement.

In NASA, advertising accounts for about 2 percent, competitive negotiations about 65 percent and single-source procurement about 33 percent.

ACT SHOULD RECOGNIZE ACCEPTED METHODS OF PROCUREMENT AND A BROADER FRAMEWORK FOR COMPETITION

As presently written, the Act gives primary recognition to only one method of procurement—formal advertising. The general tenor of the Act is that the agency shall use the formally advertised method of procurement and that any other method of procurement is to be performed through an "exception" process. This fetish for the use of formal advertising and the resulting pressures it brings to bear can cause this method to be used in inappropriate situations. Such inappropriate use sometimes complicates the procurement, leads to protests, and in fact may endanger success of procurement actions and increase ultimate cost to the taxpayer. Furthermore, it promotes the distorted notion that anything less than a formally advertised procurement is bad per se.

Limitations of formal advertising preclude its use as a primary tool for competitive procurement

The major disadvantage of formal advertising as a primary tool for competitive procurement is its limited application to defense and space activities. It cannot be used for classified material—or where there are no fixed specifications—or to enlist specific sources whose existing know-how or facilities are crucial to the success of the procurement—or to obtain new knowledge or techniques in order to avoid early obsolescense—or to permit early start of procurement and great speed of delivery.[7]

Foundation for use has gradually disappeared. Probably the most significant factor in modern times to limiting the use of formal advertising is the fact that the very foundation for its use has gradually disappeared as it has become increasingly difficult to precisely define what is being procured. An absolute requirement for formal advertising is that the Government must be able to accurately specify its exact needs in detail so that all offerors will have a complete understanding of what is required and can compete on an equal basis. In order to be considered "responsive", each offeror's proposal must conform to these specifications in every respect. Any time that aspects of these detailed specifications are incomplete or defective, the Government is exposed to a claim from the contractor to whom the advertised contract was awarded.

The kind of technical data and manpower skills needed for great specificity in procurement did generally exist within the Government during the 1800's and early 1900's when the weapons for the national defense were less sophisticated in nature and were largely produced in-house, with the assistance of Government laboratories. During the past 40 years, however, weapons have reached a high degree of sophistication, with speed of delivery a critical factor, and there has been a trend toward almost complete reliance on industry for their development and production.

As a result, the military services are no longer able to assume responsibility for complete engineering of their equipment. This point was one among many raised by a recognized authority in connection with an evaluation of formal advertising during a congressional hearing. He observed that too many new kinds of items and vast new technologies and the need for standby manufacturing competence had brought about a military-industry partnership with the military providing funding and overall direction.

Today, in order to prepare the adequate, complete, and realistic specifications necessary for formal advertising, the Government would have to duplicate industry's engineering competence. He indicated this would be highly impractical in view of the gigantic cost of such duplication, the lack of available manpower skills, and the resultant retardation of the defense effort.[8]

Technical barriers. Even where engineering competence still exists in certain areas with varying capabilities to specify government's needs for purposes of formal advertising, other obstacles exist in the present day procurement environment.

1. The design of the item must remain stable during an extended period of time which overlaps a similar period when the Government's need for the item is sufficient to attract other companies into the field—a not too frequent occurrence in today's defense and space procurement environment.

2. The difficulty and expense, estimated at several hundred million dollars annually, of obtaining and maintaining up-to-date, unrestricted, and complete technical data and drawings.

3. The difficulty in having the government act as an intermediary in transferring technical know-how, drawings, and data to a company that has never produced the item.[9]

4. The problem of inducing contractors to submit fixed-price bids in formal advertising on untested sets of drawings and specifications when there ". . . is little or no comprehension of the pitfalls which may be hidden in the drawings and specifications".[10]

5. The questionable value of such data in view of the different manufacturing processes in industry.

Competition limited to price. Another serious problem with formal advertising is that competition is limited to price alone and procurement officials must accept the lowest (apparent) bid price—since the burden of not doing so is fraught with difficulty. There are many cases where the low bidder's capabilities are suspect on account of inadequate financing, technical ability, quality and incompetent management. However, it is difficult for a procurement official to disqualify this company because of the lack of conclusive evidence or records.[11]

In much of defense and space procurement, factors other than price play a major and sometimes a more dominant role in making competitive awards. These factors include: the past experience, ability, and reputation of the company; the quality and reliability required to be built into the product; the later cost of operating and main-

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taining it; and the life of the product itself. Injecting such considerations into the rigid advertised procurement process is difficult if not impossible.

Awards may be based on few or only one bid. Advertised procurement may also result in only a few bid responses with award made on something less than a truly competitive basis. In this connection a Rand Corporation study prepared in 1966 of formally advertised procurement showed that, of some 2300 procurements, 45 percent resulted in three bids or less, 32 percent resulted in two bids or less, and 8 percent resulted in only one bid. Rand concluded that the indiscriminate use of this method of procurement can lead to acceptance of prices higher than those desirable or obtainable.

Rigidity limits exercise of judgment. The rigid procedures built into formal advertising many years ago to avoid favoritism in the letting of contracts have also done much to limit its application in the present day procurement environment. Formal advertising is so mechanized that the buyer can exercise little judgment or responsibility or otherwise influence the contract award; whereas, major contract awards today in DOD and NASA require maximum exercise of judgment and responsibility by "professionals."

Industry, with its even greater amount of procurement than that of the Government, would naturally have the same fear of favoritism in the letting of the contract. However, ". . . the solution for business was not to retain an outmoded and impractical technique such as advertised bidding—but to improve the negotiation process by establishing a force of higher caliber personnel who were required to use judgment and accept responsibility . . ."[12]

Limits development of individual's competence. Finally, it must be observed that formal advertising is a creation of the government and that, during its 150 years' history, this method has not been adopted on any widespread basis by private industry. It was explained to a congressional committee as follows, ". . . industry seems to have learned from management research and study that the fuller utilization of the individual's competence is important. . . ." and "Industry strives to attain this by job analysis, personnel training and development, increased responsibility, improved organization, and management control techniques. The very spirit of the advertising system, with its rigidity, is in opposition to this concept. . . ."[12]

OTHER METHODS OF PROCUREMENT PLAY A MORE VITAL ROLE IN DEFENSE AND SPACE ACTIVITIES

It seems reasonable that the Armed Services Procurement Act should clearly recognize other commonly accepted methods of procurement (e.g., competitive negotiation and single-source negotiation) and prescribe general criteria for their use.[13] Competitive negotiation could be further defined in the law to distinguish between those procurements that primarily involve price competition and those that involve an overall technical and business/management competition as well, including such factors as design approach, scientific skill of personnel to be assigned to the project, facilities, cost control, past performance, and management capabilities.

These other forms of competition have been used more extensively than formal advertising and they play a more vital role in satisfying needs of the Defense Department and NASA. For example, the Act exempts the procurement of research and development from the requirement for formal advertising, yet the competition obtained in some of these procurements, particularly where source selection is being made for new weapons, is more intense than many competitions under formal advertising. The winner of these competitions may ultimately become a single-source supplier for follow-on procurement under a program lasting as long as 10 years. Under the present Act, however, these large and violent competitions are considered exceptions to the formal advertising rule.

The one basic fundamental difference between formal advertising and negotiation is that, in negotiation, the procurement official may question and explore the soundness of the proposal; whereas, in formal advertisement, the lowest bid must be accepted without discussions. Negotiation does not, as some think, necessarily imply a reduction in competition or the number of companies invited to bid. Rather:

It enables exploration of the proposers' cost data in order to eliminate unnecessary costs based on misunderstood requirements.

It elicits technical contributions to achieve a desired end result or even a sounder kind of counter-proposal.

It permits the controlling factor(s) to influence the award (i.e., technical competence, support of mobilization plans, employing existing facilities, economies of standardization).

It enables development of a more competent, more stable corps of professional procurement personnel ". . . through utilization of more individual initiative and ability and by encouraging careers for able personnel through maximizing their opportunities for contributions."[14]

One approach to spelling out criteria for selecting procurement method

It is fair to say that there is no single method of procurement in DOD and NASA, but rather several methods, each being not only acceptable, but preferred in certain circumstances. Thus, a way must be found to bridge the gap between this reality and the Armed Services Procurement Act which statutorily provides for one method—the least applicable one—while others are buried in the "exception" process.

The following illustration explores but one approach to the problem. (Other approaches would have to be considered as well, and perhaps a final solution would lie in some combination of the best parts of several.)

In the case of formally advertised procurement, there are already fairly well established criteria in procurement procedures and regulations. We know, for example, that we are generally talking about low-technology, standard items or services and that:

There must be well defined and fairly detailed specifications or purchase descriptions not restricted by security or proprietary design which permit all bidders to compete on an equal basis. (This means that the item not only must have been fully developed, but also previously manufactured in at least a comparable configuration.)

There must be a known production base that will provide a number of suppliers willing and able to compete for the item. (This means that a civilian product or conventional military item is involved.)

There must be sufficient cost experience to permit entering into a firm fixed-price contract and the selection of the successful bidder on the basis of *price alone.*

There must be sufficient time to perform the administrative procedures required for formal advertising.

There must be sufficient amount of purchase to warrant use of formal advertising (exception in law is now stated at $2500).

Professional and personal services must not be involved.

The item must not be for authorized resale (since customer preferences have to be considered here).

The item must not be of a subsistance nature (since perishable and seasonal factors generally preclude advertising).

If criteria along the lines of the above were adopted, it could be preceded by a statement generally as follows: "All purchases of any contracts for property and services within the U.S. shall be made by formal advertising when they meet the following criteria." After including such criteria, the law could then state that: "Whenever the agency finds that one or more of the above-mentioned criteria are not present, and they cannot be satisfied by use of the two-step formal advertising procedure,[15] purchases of property and services will be made through the competitive negotiation method of procurement (as defined elsewhere in the Act)."

The competitive negotiation method would thereafter prevail and generally would involve procurement of high-technology, nonstandard items or services except where it was determined by the agency to be in the best interest of the Government to purchase the property or service from a single or sole source. Some suggested criteria for the latter would be:

A public exigency (requiring immediate contract performance) precludes soliciting other sources.

A sole source of supply or service.

A company has already established itself in a pre-eminent position and it is impracticable for reasons of time, money, and mission objectives to compete the item with other potential sources.

A follow-on procurement—unless additional capacity is needed or it is technically feasible and economically desirable to establish other sources.

Most single-source procurement would normally fall under the last-mentioned criterion, and regulations could illustrate its application. There are many reasons, as discussed in the next section, why timely and effective procurement dictates returning to an established source or to the developer of the item who would normally have been selected on a competitive basis.

Another approach suggested by S. 500

Another approach to revision of the 1947 Act can be found in one feature of a bill (S. 500) on which the Senate Armed Services Committee held extensive hearings in 1959. This bill, known as the "Saltonstall bill," provided that competitive negotiation be given equal status with formal advertising (rather than authorized through the 17 exceptions). It also provided for a third method, "negotiation," which was to continue to be authorized through the 17 exceptions. Other features of the bill were somewhat controversial at the time, and, although the bill was considered by many to be courageous and constructive in nature, it was not acted upon.[16]

One fear expressed at the hearings on S. 500 was that competitive negotiation, if given equal status under law, might replace advertised bidding in situations where this method was still appropriate. Another fear was that the minimum requirement of two proposals stated in the bill, for competitive negotiation, might become the standard and qualified companies excluded from participation in Government procurement.[17]

Some advantages of establishing acceptable methods of procurement, and criteria for their use

The use of some criteria to guide procurement personnel in selecting the most effective procurement method seems to have several advantages over the present procedure of operating principally by exceptions to one legally accepted method. One of the more important advantages would be to develop a competitive bidding system within the Federal Government not founded solely on rigid and outdated formal advertising procedures.

Another advantage, however, would be to strengthen the use of the advertised method of procurement by clearly setting out in a positive way the conditions when its use is in the best interest of the Government. In other

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words, it would help to ensure use of formal advertising in circumstances best suited for it.

Perhaps an even more important benefit would be to formally recognize the competitive negotiation method of procurement and encourage its use where formal advertising is neither practical nor feasible.

Today, almost full reliance is being placed on private industry for the development of complex military items in an environment of rapidly changing technology. A national policy reflected in law that these procurements would be awarded in fully competitive atmospheres (even though formal advertising could not be used) would ensure that industry has a clear incentive to seek out better technical and economical solutions to military requirements.

Also, in redefining accepted methods of procurement in the Act, a stigma could be removed from the use of single-source negotiation. This method may not only be the preferred one but, in fact, the only practical alternative to meeting the Government's needs under certain conditions. For example, once a company has won a major weapon system design competition, the major investment in time and money to finally get into production would ordinarily make it unbusinesslike to establish another company as a supplier unless mass production is required.

Other reasons for follow-on procurement with an already established source include (1) the need for special, otherwise unobtainable, services from the developer of the item, (2) the avoidance of unacceptable delays in the procurement, (3) the assurance of quality, maintainability, and reliability of the product (and safety of the people using it), (4) the need for absolute interchangeability of parts, and (5) the economies of standardization.

A further situation would be when one company has developed and produced an item at its own expense and the item best satisfies the Government's particular need. This recognizes another form of competition—the so-called indirect competition that takes place within industry. In this competition a particular company, rather than waiting for or relying on a Government development contract, takes the initiative to become preeminent in its field and develops a technical approach to fulfilling an agency's need. To compete this procurement with other companies would mean duplication of development and substantial delay of procurement and production—and inhibition of entrepreneurial efforts.

Elimination from the act of the 17 exceptions to formal advertising

By developing sound criteria for the use of the basic methods of procurement and various forms of competition there is serious question as to the need for and the benefits to be derived from administration of the present 17 exceptions in law. They were developed over the past 150 years as exceptions to the general rule that formal advertising was generally applicable to procurement situations. As indicated, conditions have changed and this rule is no longer applicable.

It is well known that the exceptions have forced the agencies into the use of stereotyped findings and determinations or the costly and time-consuming preparation of findings and determinations which serve no practical purpose and prolong the procurement process. It is also clear that the exceptions have been abused over the years and that the exceptions do not truly reveal the nature of the procurement situation or the extent of competition obtained.

For example, restricted advertising for unilateral small business set-asides, balance of payments situations, R&D procurements from $2500 up to $100,000 and labor surplus area awards have, at one time or another, been classified under exception 1, "national emergency, declared by the Congress or the President." The purpose of putting the many R&D awards under this exception, even though there is a separate exception for research and development work, has been to eliminate the needless paperwork otherwise required up through top secretarial levels to justify not using formal advertising.[18]

In addition, small business awards, even though the advertising is restricted to small companies, are frequently highly competitive. They could be recognized as such, rather than recorded as negotiation exceptions.

The exceptions in general, and particularly number 10 (advertised competition impracticable), cover such a wide range that the average procurement man is simply faced with the problem of choosing the right exception, and perhaps the easiest one from an administrative viewpoint, and then going through the usual stereotyped justification requirements. By creating so many of these exceptions in law, the Congress may have accomplished the one thing it sought not to do—develop an environment for noncompetitive procurement. A reappraisal of the need for the 17 exceptions seems overdue.

REPORTING TO THE CONGRESS UNDER THE ACT SHOULD BE REVISED

The agency sends reports to the Congress on the use of exceptions and the nature of the procurement actions entered into. The requirements for these reports stem from the Act or separate agreement with congressional committees. Such reporting requirements need to be revised—irrespective of other revisions made to the Armed Services Procurement Act.

Reporting requirements, especially to the Congress, build up pressure and result in establishment of goals that procurement people must meet down through the chain of command. In other words, poor reporting requirements can lead to poor procurements. At the present time, goals are used throughout the Department of Defense for formal advertising, although this method of procurement may not be the best indicator of progress for the particular items being purchased at some procurement centers. As other forms of competition and methods of procurement may be more applicable to the circumstances, poor procurement and increased cost may result.

Another reason for revising the reporting requirements is that there is widespread misunderstanding between the Congress and the agencies as to what is meant by the statistics being reported on competition. Often the agency may mean that a competitive price was established under a so-called threat of competition when only one bid was received—or that other forms of competition were present. The Congress, on the other hand, tends to construe these statistics as meaning that at least two companies and probably many more were actively contending for the contract—strictly on a price basis.

ACT IMPOSES UNNECESSARY REQUIREMENTS ON TYPES OF CONTRACTS

Present law requires the agency to make special determinations for the use of cost-plus-a-fixed-fee and incentive types of contracts, showing that these contract types are likely to be less costly or that it is impractical to procure except under such a contract type. The requirement under the Act for special determinations for use of types of contracts has, as in the case of the 17 exceptions, simply created costly and time-consuming paperwork and stereotyped comments, without serving any really useful purpose. Since these contract types cannot be used in formal advertising, the requirement to justify their use further illustrates how this method of procurement pervades the statute.

In the late 1950's the pendulum swung too far in favor of the use of cost-type contracts. More recently, the pendulum has swung the other way to fixed-price contracts, perhaps too far. These actions were influenced administratively rather than by statute.

There have been attacks from some quarters on the use of incentive-type contracts since they were first put into widespread use in the 1950's. Perhaps some of these attacks stemmed from a fear that incentive contracts were thought of as some kind of panacea. Incentive contracts have had problems—inflated target costs and some poor structuring and misapplication of performance and delivery incentives. These problems may be reduced with additional experience, guidance, and training.[19]

Certainly, no one can rationally question the objective of the incentive contract to achieve better contract performance, particularly in areas crucial to success of the procurement program. It has the further advantage over cost-type contracts of forcing the contracting parties to clearly define their objectives at the outset. A limitation placed in the Armed Services Procurement Act of 1947, in a different procurement environment and before widespread use was ever made of incentive contracts, does not seem pertinent today.

For many years regulations have prescribed considerable criteria for the use of types of contracts, and these regulations were recently refined due to concern that fixed price contracts were being overused in high risk areas. It is doubtful that legislation should cover this area except to prohibit, as it does, contract types contrary to the public interest.

RAISE THE DOLLAR AMOUNT AND PROVIDE LEGISLATIVE COVERAGE FOR SMALL PURCHASES

Current law provides exemption authority from the requirement for formal advertising of small purchases in amounts up to $2500 (advertised bidding procedures are expensive). This amount has been in law since 1958 but economic trends since then indicate that it should be at least $5000 or perhaps higher. In addition, present law contains no coverage or guidance in connection with the making of such procurements.

About 7 million of these actions take place annually in DOD alone totaling several billion dollars. To avoid misunderstandings and improve the procurement process, the Congress should consider including some general guidance in the Act dealing with these procurements. For example, the law could provide a basic policy statement on minimum and simple competitive procedures to be followed and require the agency to periodically streamline its small purchase operations based on bi- or tri-annual studies of industry practices and modern management techniques.

CLARIFICATION SHOULD BE MADE OF COMPETITIVE RANGE IN NEGOTIATED PROCUREMENT AND WHEN DISCUSSIONS ARE REQUESTED

There is some confusion as to what constitutes a competitive range under negotiated procurement, when discussions should and should not be held with those offerors within the competitive range, and how to conduct such discussions in such a way as not to violate the prohibition against auction techniques or violate another requirement to reject late or modified proposals. In these circumstances, it appears that the procurement official can do no right—or wrong.

The Act, by amendment in 1962, requires oral or written discussions with all offerors in a competitive range in negotiated procurement except where adequate competition or prior cost experience is likely to produce reasonable prices without such discussions. (This exception language in the law apparently had in mind only production contracts where prior experience would

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sometimes be available.) The exception is permitted only if offerors are notified that the award may be made without discussion.

The Act does not define a competitive range, or the factors to be considered in the range, other than price. Nor does the Act or related regulations contain criteria as to the type of areas in which oral and written discussions are expected once a competitive range has been established.

On the other side of the fence, there is an absolute prohibition in the Armed Services Procurement Regulation against using auction techniques (ASPR 3–805.1(b)). The regulation also provides that late proposals or modifications received during the negotiating process should be rejected unless they are of extreme importance to the Government or only one other proposal was received (ASPR 3–506). These provisions are designed to operate against the contractor who submits something less than an adequate proposal in order to "buy a ticket to the ball game" as well as against the contractor who at the last moment, when full competitive opportunity has been afforded slashes his price when he believes another company may be receiving the award.

In order to get the maximum benefits from competitive negotiation, but avoid undermining the competitive process, there seems to be a need for establishing basic criteria:

Clarifying the term in the Act "price and other factors considered" and the circumstances in which the "other factors" tend to dominate.

Defining a competitive range both in the early and later procurement stages.

Describing when discussions should and should not be conducted with those concerns in the competitive range.

Describing the type of areas in which discussions should be held and their extent.

For example, at some reasonable point after development and initial production, competitive range could relate primarily to price since there would normally be sufficient pricing and cost experience to either avoid discussions or confine them to price. When there is sufficient experience to permit entering into a firm fixed-price type of contract, discussions may be avoided altogether.

The lack of any discussions is not inconsistent with negotiated procurement and may at times be in the Government's best interest. It is desirable for contractors to come forth with their best prices on the basis that the lowest price may be accepted without discussions. Otherwise, contractors have been known to hold back their best prices preferring to wait until they were at the bargaining able to discuss their final offers. This sometimes leads to repetitive rounds of negotiation and the danger that auction techniques will be used or a competitor's information disclosed, both of which are unethical and prohibited.[20]

The situation is different, however, in the earlier stages of the competitive process of selecting R&D sources for new weapons or space vehicles. In such cases, factors in determining competitive range would emphasize the technical aspects but include business/management factors as well. More extensive discussions would ordinarily take place with those concerns in the final running after the field had been narrowed down and would concentrate on critical areas of the proposals.[21]

SOME THOUGHTS ON HOW TO BRING ABOUT REFORM OF THE ARMED SERVICES PROCUREMENT ACT

Defenders of the Armed Service Procurement Act say that over the years the agencies have adjusted to its provisions; that these provisions have not proved themselves inadequate; and that a new Act would bring about the loss of a body of court decisions and Comptroller General decisions interpreting the present law. It is also candidly admitted that the agency has sufficient flexibility under the present Act to conduct procurement in almost any manner it sees fit. In addition, there is an "overriding fear" that congressional review and revision of the Act would result in more restrictive legislation and, therefore, loss of existing flexibility.

Although historically the GAO has strongly supported provisions of the Act, in recent years under the present Comptroller General it has not taken an official position on the need for change. A forward step was taken in June 1968 when the Comptroller General testified before the Senate Subcommittee on Antitrust and Monopoly Legislation on "Competition In Defense Procurement". His statement to the Subcommittee recognized that three basic methods of procurement in the Defense Department had evolved over the years; namely, formal advertising, competitive negotiation, and single-source negotiation. He said, "Each of these methods, when used in appropriate situations, is an acceptable method of procurement."

To sum up, it seems clear that the Act discriminates against, and has helped to create widespread congressional and public misapprehension over perfectly normal and effective procurement methods. These methods are most widely used not only in the DOD and NASA but also in our own private lives, in commercial and industrial practice, and in nearly all advanced civilizations of the world.

To bring about reforms in the Armed Services Procurement Act that would recognize accepted methods of procurement based on a much broader definition of competition would probably require a combination of many things to happen. Some examples follow:

1. *Resolving the basic policy issue of whether the Government is going to let the "fear of favoritism," etc., be the overriding factor in dictating procurement procedures or let the needs of the procurements themselves dictate the procedures.* A policy in favor of the latter would mean relying more on professionally trained personnel (with backgrounds in engineering procurement, and logistics) and fully utilizing their backgrounds in acquiring items "competitively"—not at the lowest initial cost—but at the lowest ultimate cost including consideration of quality, simplicity of design, ease of maintenance, and operating costs over the life of the item. It would mean also relying on the integrity of procurement disciplines, the integrity of review processes, and the integrity of the people themselves to curb favoritism. To help accomplish this would probably require more visibility of contracting relationships between the military and industry and promoting the career development and professional identification of procurement personnel to a much greater extent than ever before.[22]

2. *More information needs to be furnished to the Congress in a convincing and an understandable way on DOD's current procurement practices.* When problem areas are exposed, they need to be dealt with in proper perspective. GAO can play an effective role here.

3. *More constructive industry participation at congressional hearings, particularly those involving new legislation and policy.* Since industry is so directly affected by the Government's procurement process and contracting practices its (professional) views need to be considered more often in congressional hearing.

4. *More forums for discussion among members of the legislative branch, the executive agencies, industry, and educational institutions.* An example of this would be the action of the current President of the National Contract Management Association to invite members of the GAO and others of the legislative branch into the organization as participating members.[23]

5. *More positive leadership within the agencies for change and for providing a continuing educational program for the important committees of the Congress having cognizance over procurement matters.* This includes providing in-house facilities and staff to perform this function and to conduct research and testing of new procurement techniques—and, in general making efforts to improve the procurement system.

6. *Establishing the Commission on Government Procurement.* A bill was re-introduced in the House of Representatives on January 3, 1969. It will, if it is established, provide a broad forum for considering improvements to the Armed Services Procurement Act and other procurement statutes.[24]

7. *Discussions of the benefits of competition should point out also the dangers of excessive competition*—which could weaken Government and industry (1) by wasting key national resources through oversolicitation of expensive technical proposals, (2) by encouraging buy-ins that could put a company out of business or induce it to cut corners affecting the quality or safety features of military and space equipment, (3) by eliminating needed services from the developer of the product, (4) by causing unacceptable and costly delays in procurement, and (5) by impairing the reliability of an item or the system in which it functions.

8. *Stressing on the other hand the need for optimum competition and consideration of a prequalification of bidders for high-technology items*—so that where appropriate only qualified companies will be solicited but with ample public notice and equal opportunity to become qualified.[25]

9. *Insuring the practicality and effectiveness of any proposed legislation to reform the Act* by subjecting it (1) to a trial run of several hundred procurements in each military department, the Defense Supply Agency, and NASA and (2) to intensive hearings during which the best procurement minds in Government and industry could offer suggestions and approaches.

10. *Demonstrate effective preplanning of proposed procurements in other than extremely urgent situations—particularly when establishing "new sources"*. Such preplanning, among other things, would outline the strategy under which competition would be obtained initially and to the extent practicable during the life of the item. This planning document would, in effect, select from various alternatives the one which provides the most effective and practicable means of obtaining competition for the particular item under the expected procurement environment. A comprehensive Advance Procurement Planning Guide issued by the Navy in 1967 and a revised and more extensive requirement for advance procurement planning placed in the Armed Services Procurement Regulation in the same year represent major steps in this direction.

11. *Establishing separate policies and regulations applicable to substantially different procurement arenas:* Small purchases; low-technology, standard items; high technology, non-standard items.

Present statutes and their single set of implementing regulations are oriented primarily toward procurement of unsophisticated items.

In an attempt to deal with all procurement situations, the regulations have become so voluminous and complex over the years that no one procurement official, or private company (particularly a small one) can reasonably expect to be knowledgeable of them or keep up with the continuous changes. It might be much more useful to publish a separate set of regulations tailored specially to each major procurement arena: (1) small purchase operations; (2) standard

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or conventional items for which there is a civilian production base; and (3) highly sophisticated, complex hardware or weapons systems.

Also, a separate set of regulations for these three major procurement arenas would clearly illustrate that a narrowly based procurement philosophy in legislation can not serve all, or even the greater part, of defense and space procurement activities.

A subsequent article will focus on remaining provisions of the Act relating to "Truth in Negotiations". The second article will point out that the language adopted in law differed so widely from previous DOD regulations that it resulted in a new "ball game" and the need for developing a new set of rules. The article will suggest a need to examine the experience gained over the past several years under these new rules, in the most objective manner possible, with the view toward making changes that would make the law more effective, equitable, and practical in its application. Examples are:

Narrow application of the law to the general problem area that first gave rise to the DOD regulations and then legislation. In other words, confine the "Truth in Negotiation" requirements to the various *fixed-price incentive types* of contracts negotiated with *single or sole source suppliers* for *production* of non-commercial items.

Invoke the price reduction clause on a somewhat more equitable basis; that is, not merely when one element of the data submitted by the contractor is defective, but rather, only when it has been determined that such data "in total" significantly increased the price negotiated. This proposition largely avoids the offset and repricing problem simply by allowing the defective pricing determination to be made "initially" on an overall basis—or not at all. (Similar to way refunds were handled in many cases on GAO contract reports of overpricing before the law was enacted.)

FOOTNOTES

[1] Now 10 U.S.C., 2301–2314.

[2] 41 U.S.C., 251 et. seq.

[3] History based largely on series of white papers submitted in hearings by DOD officials during part I of a procurement study in 1960 by the Senate Armed Services Committee (A Study of Military Procurement Policies and Practices as Required by Section 4(a) of Public Law 86–89, Amending the Renegotiation Act of 1951).

[4] Part I (page 52) of hearings mentioned in footnote 3.

[5] "Our Legal System of Defense Procurement," by F. Trowbridge Vom Baur, formerly General Counsel of the Navy Department, a paper included in 1959 Senate Armed Services hearings on Senate bill 500 (p. 506).

[6] Navy Contract Law, Second Edition, Chapter 3, Procurement by Negotiation prepared by General Counsel of the Navy Department.

[7] Paper included in 1959 Senate Armed Services hearings on S.500 entitled "Background Leading to Present Law and Practice" by Helge Holst, then Treasurer, Arthur D. Little, Inc.

[8] "How Procurement is Accomplished Today" by B. Edelman, Western Electric Co., Inc. presented during 1959 Senate Armed Services hearings on S.500.

[9] This issue raised in a special paper prepared by G. R. Hall and R. E. Johnson of Rand Corporation entitled "Competition in the Procurement of Military Hard Goods." The paper was presented June 17, 1968, in hearings conducted by the Senate Subcommittee on Antitrust and Monopoly on "Competition in Defense Procurement". The paper pointed out that a great deal more information is needed by a new supplier than just drawings, e.g., "operation sheets and machine instructions sheets; machine-loading control data; treatment data; tools, jigs, and fixture data; product, process or assembly data; and plant layout, machine tools, and work station data. . . . To sum up, it appears that engineering drawings and specifications and underlying data rights often fail to provide access to technology sufficient to support competitive manufacturing".

[10] From statement presented by Professor Ralph C. Nash, Jr., Associate Dean, National Law Center, The George Washington University, on September 10, 1968, before the same subcommittee mentioned in footnote 9. He also said:

. . . Many experts in Government procurement will privately state that advertised procurement is not an effective way to obtain competition in these situations. However, there is a great fear of forthrightly stating this proposition before Congress because of the continual congressional statements which seem to indicate that advertised procurement is sacrosanct. It is time to recognize that Congress desires competition in the procurement process but that such competition should be obtained in the most effective way depending on the product being procured. This subcommittee would make a substantial contribution to the procurement process if it sponsored legislation which clearly stated this proposition. Open and public competition may be fine for buying pencils and paper, but it is an archaic technique for buying technical products.

[11] Paper presented at 1959 Senate Armed Services hearings on S. 500 entitled "How Procurement Is Accomplished Today" by B. Edelman, Western Electric Co., Inc.

[12] See footnote 11

[13] Statement of Robert B. Chapman, III, Executive Vice President, Aircraft Armaments, Inc., during 1959 Senate Armed Services hearings on S. 500, included the following: "It is recommended that revised legislation clearly establish the conditions under which each method of procurement is preferable, rather than state a preference for one method over the others. . . ."

"The mere recognition that there are more than two methods of procurement is not enough. To be fully recognized and accepted, legislation would be required which would establish and identify these methods—along with general criteria for their use." Views of Col. William W. Thybony, former Chairman, ASPR Committee, The Government Contractor's Communique, dated November 11, 1968.

[14] See footnote 11

[15] See discussion on this procedure in early part of article under "Experience under the Act."

[16] See "Report on Procurement of the Committee on Armed Services, United States Senate, 86th Congress, 2nd Session, Report No. 1900, additional views of Senator Saltonstall (p. 30)."

[17] For further information on this bill see "Hearings before a Subcommittee of the Committee on Armed Services, United States Senate, 86th Congress, 1st Session, on S. 500 Amending Title 10, United States Code, with respect to procurement procedures of the Armed Services." These are the richest hearings the writer was privileged to read. Yet the Senate report (identified in footnote 16), which purportedly covered hearings in both sessions, ignored these hearings completely.

[18] This was done with knowledge of the Armed Services Committees. The situation has been somewhat alleviated by amendment to the Act permitting below-secretarial delegations of determinations and findings for R&D procurements under $100,000.

[19] DOD and NASA are currently improving their incentive contracting guides.

[20] Headquarters Naval Material Command, Procurement Newsletter "Let's Discuss Discussions," by George W. Markey, Jr., Assistant to the General Counsel (March-April 1968).

[21] For further discussion, see article entitled "Government Selection of Contractors for Research and Development," by Paul A. Barron, Deputy Director of Procurement, NASA, contained in Proceedings Manual of 1968 Conference on United States Government Research and Development Contracts, November 7–8, Washington, D.C.

[22] Based on trends in industry, it appears that raising the career development level of procurement personnel and giving them wider experience, more authority, responsibility, and opportunity to make real contributions to the procurement process would probably in the long run bring about the greatest savings in Government procurement costs. DOD initiated a department-wide program in 1966.

[23] Another example would be the hearings conducted by Senator Hart on "Competition In Defense Procurement," before the Subcommittee on Antitrust and Monopoly of the Committee on Judiciary, United States Senate, 90th Congress, Second Session, June 17 and 21, and September 10, 1968.

[24] Supported by the Comptroller General in various statements presented to congressional committees. For examples, see House report No. 890, 90th Congress, 1st Session, and Comptroller General's concluding remarks in hearings referred to in footnote 23.

[25] Proposed by Professor Ralph Nash, George Washington University in a statement presented to Senate Antitrust and Monopoly Subcommittee on June 21, 1968, (hearings identified in footnote 23). Prequalification of bidders also supported by Colonel William Thybony, former Chairman, ASPR Committee.

PULITZER PRIZE WINNERS

Mr. MUSKIE. Mr. President, I invite the attention of the Senate to the recent awards of Pulitzer Prizes to American authors who have concerned themselves with the importance of our environment and our natural resources. Dr. Rene Dubos won the Pulitzer Prize for general nonfiction for his book, "So Human an Animal: How We Are Shaped by Surroundings and Events." The Subcommittee on Air and Water Pollution and the Subcommittee on Intergovernmental Relations have long had the benefit of Professor Dubos' counsel, and I am pleased to note his recognition by the Pulitzer Advisory Committee and the trustees of Columbia University.

Mr. Robert Cahn is the Washington correspondent for the Christian Science Monitor. He has had extensive experience in writing about the preservation of our natural resources, and I have just recently had the pleasure of talking with him regarding the dangers of thermal pollution. Mr. Cahn traveled across the breadth of this country and visited many of our national parks. His series of articles entitled "Will Success Spoil the National Parks?" was thoroughly absorbing. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

HERITAGE OF WONDER

(By Robert Cahn)

WASHINGTON, May 1, 1968.—A little more than a century ago, landscape architect Frederick Law Olmsted wrote a prophetic report about a federal area called Yosemite in California. Congress and President Lincoln had just granted California the right to preserve the scenic marvels of the area, mainly giant Sequoia trees, then being threatened by commercial exploitation.

Said Olmsted, also famed as planner of New York City's Central Park:

"It is but 16 years since the Yosemite was first seen by a white man. Several visitors

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have since made a journey of several thousand miles at large cost to see it, and notwithstanding the difficulties which now interpose, hundreds resort to it annually. Before many years if proper facilities are offered, these hundreds will become thousands and in a century the whole number of visitors will be counted by the millions.

"An injury to the scenery so slight that it may be unheeded by any visitor now, will be one of deplorable magnitude when its effect upon each visitor's enjoyment is multiplied by these millions. But again, the slight harm which the few hundred visitors of this year might do, if no care were taken to prevent it, would not be slight if it should be repeated by millions. . . ."

The Olmsted prophecy of millions of visitors to Yosemite—which at the time must have seemed sheer fantasy—is today merely a routine statistic. Yosemite, now a national park, drew 2,238,000 visitors last year. Total attendance at the 32 national parks which were operational in 1968 was nearly 40 million.

But the Olmsted warning of injury to the scenery from those millions of visitors to come currently presents the half-century-old National Park Service with its greatest challenge ever: how to provide for the increase of visitors without ruining the parks and spoiling the enjoyment of those very visitors for whom they have been preserved.

Concern over the problem, however, should not obscure recognition of achievement. As the worldwide pioneer in the national-parks concept, the United States has set aside for public use some 265 natural, recreational, and historical areas totaling more than 27 million acres.

The first national park, Yellowstone, was established in 1872, when the nation was more interested in taming the wilderness than preserving it.

Hub of today's expanded park system is still the national parks themselves. For the most part they include outstanding natural features, vast primitive areas, many species of wild animals, and certain unique characteristics.

Most of the parks afford a wide variety of opportunity to visitors—back-country wilderness camping; horseback trail riding; public campgrounds; fishing; bird and animal watching; or sight-seeing from roads and lookouts. These are the purposes for which they were founded. With rare exceptions commercial development of resources and hunting are prohibited.

A 33rd national park, Guadalupe, in western Texas, has been authorized by Congress but consists of private land not yet purchased. A 34th park (Redwood, in California) and a 35th (North Cascades, in Washington) were added by Congress in 1968.

A number of the 82 national monuments almost equal the national parks. Such monuments (not to be confused with sites like the Washington Monument) are lands set aside out of the public domain which have unusual scientific, historic, or archaeological significance. They can be established by the president or by Congress. (Only Congress can authorize a national park.)

The term "recreational area" was originally given to federal water-impoundment sites such as Lake Mead. The term now applies to national seashores (such as Cape Cod and Cape Hatteras), national lakeshores, scenic riverways (Ozark), and parkways (Blue Ridge, Natchez Trace). Priority in management is given to mass recreation opportunity. Newly created recreation areas generally have been close to population centers.

Although national parks, monuments, and recreation areas often include historical points of interest, the term "historical area" applies specifically to areas preserved for their place in history.

The national-park system may receive the most publicity and have the most unique areas. But it comprises only a small part of the total recreation potential of the United States. Lands managed by the Forest Service of the U.S. Department of Agriculture have large recreation use, as do areas of the Tennessee Valley Authority, Army Corps of Engineers, and Interior Department Bureaus of Reclamation, Land Management, and Sport Fisheries and Wildlife. Every state also has numerous public and privately owned parks and recreation areas.

UNITED STATES MAY HAVE TO RESTRICT USE OF PUBLIC LANDS—I

(By Robert Cahn)

MESA VERDE NATIONAL PARK, COLO., May 1, 1968.—The bright-eyed attendant with the forest-green skirt and jaunty cap of the National Park Service sat behind a ticket table at the top of the trail leading to the Cliff Palace Indian ruin.

"Ranger-guided tours are now full," she said. Only the last tour of the day, some three hours later, was open.

She handed me a blue theater-type admission ticket with "6 p.m." stamped on it.

A month later and 1,500 miles to the east, I braked to a stop behind a line of cars winding along a tree-shrouded hillside road in the Great Smoky Mountains National Park.

Ahead—the red glow of a traffic signal.

Admission tickets? A traffic signal? In America's national parks?

Yes. And more such curbs are on the way. The era of almost unrestricted use of the parks is coming to an end.

SOME PARKS MAY CLOSE

The summer of 1968 saw a record number of visitors heading for vacation trips in 32 operational parks and 213 other operational areas in the United States national park system. Administrators who once were beating the drums for more visitors began wishing they could halt the onrush at some crowded parks.

A possible severe budget cut caused by Vietnam war expenditures also threatened drastic curtailment of park personnel. With hordes of American and foreign visitors answering the Discover America campaign, an influential member of Congress suggested it might even become necessary to temporarily close some parks.

"If sharp cuts are forced on the national parks budget and we don't have enough rangers to protect the national parks and maintain their quality, I would recommend that we close those parks with lowest priority of use," said Rep. Julia Butler Hansen (D) of Washington, chairman of the House appropriations subcommittee handling the national parks budget.

National Park Service Director George B. Hartzog Jr. admits he has a contingency plan to close certain facilities, or possibly some parks, if the money is not available to hire the extra rangers needed each year to protect the parks and take care of the summer crowds.

Traveling 20,000 miles to visit 20 key park areas during a nine-month span, I saw at first hand the effects of heavy use. I talked to park superintendents, rangers and workmen, hundreds of park visitors from all walks of life, concession operators, and concerned citizens from communities near the parks.

I heard the park's problems discussed by leaders of conservation groups and private experts on parks and recreation, officials of several federal agencies with responsibilities for outdoor recreation on public lands, and members of Congress charged with providing the ultimate determination of policy for the national parks and the money to carry it out.

I saw the crowded campgrounds and carnival atmosphere of Yosemite Valley in midsummer; the "bear jams" at Yellowstone as law-violating tourists stopped their cars to feed roadside bears—tying up traffic, endangering themselves and their children, and turning the wild animals into beggars.

At Grand Canyon in midafternoon, I saw people turned away from already full campgrounds, forced to drive on for many more miles in their quest for a night's stopping place.

On a narrow, winding highway bordering scenic Lake Crescent in Olympic National Park I saw logging trucks doing 70 miles an hour, their engines blasting the peaceful scene and terrifying park visitors.

ON THE OTHER HAND

But these examples of overuse or misuse of parks were counterbalanced by other views:

On a trail in the Olympics, not far from where the lumber trucks careened along the lakeside, I saw a couple carrying their very young twins in special back packs as the family started on a three-day hike into the famed rain forest.

I watched boys from the Detroit area discover the excitement of hiking and camping in the wilderness of Isle Royale National Park, Michigan, the only national park in the United States that hasn't a single public road.

At Yosemite, I heard an alert, enthusiastic park naturalist helping Eastern big-city visitors learn how they could take their park experience home with them. "Everything around you is transmitting beauty and change," he told them. "If your inner 'receiver' can perceive the beauty here, you can go back to the Bronx and see the beauty there."

Here at Mesa Verde, I found park officials already taking steps both to protect the unique area and to help visitors have a more deeply satisfying park experience.

The first move had been to ban the ever-bigger house trailers that were blocking the narrow, winding mountain roads and making things miserable for everyone on the hour-long drive from the park entrance to the cliff dwellings. New regulations required that trailers be left at a parking site at the entrance or at a campground nearby.

NEW RULES ADOPTED

At the most popular cliff dwellings, Balcony House and Cliff Palace, it was found that heavy use was damaging the fragile ruins. At Cliff Palace, for instance, it had been routine for rangers to begin conducted tours every 20 minutes.

Groups numbered as high as 170, which meant there were up to 500 people at a time in the dwellings. Group crowded group as ranger guides outshouted each other trying to make themselves heard.

In July, 1967, new rules went into effect. Trips took off every half-hour and were limited to 75 people. Tickets for the day's trips were given out free, first come, first served.

As soon as the day's ticket supply had gone—even if it was still only noon—visits ended for the rest of the day. No exceptions were made to expand the groups, even for visitors who had traveled long distances to experience the special wonders of Mesa Verde At Balcony House, smaller tours and a ticket system were also adopted.

Some visitors at first protested the new policy. But when park rangers explained that this was a way of saving the area for future generations, and making each trip more meaningful, they accepted it. By the end of the 1967 season, not a single written complaint had been recorded.

Mesa Verde typifies the trend from free to limited access. The trend undoubtedly has been accelerated by widespread criticism of the National Park Service for allowing the public to crowd and misuse the national parks. This year, the ax of regulation will cut much deeper.

PARKS ENFORCING CONTROLS

Among national parks imposing restrictions are:

Great Smoky Mountains: For the first

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time, fees are being charged by the National Park Service for use of campgrounds. Those arriving at the park after campgrounds are full will not be allowed to park alongside the roads, nor overflow campgrounds.

Laws against feeding of bears are being strictly enforced to eliminate traffic jams along the main highway through the park. At a key road junction, the first traffic signal ever installed in a national park has reduced traffic tie-ups considerably.

Crater Lake: Park campgrounds are being operated by a concessionaire who charges a minimal rate per car. This is in addition to the park entrance fee of $1 a day (or Golden Eagle $7 passport good for a year in all parks). Other parks may soon follow with concessionaire-operated campgrounds under park service supervision. This action is being taken because of budget restrictions which have cut down park service personnel.

Everglades: Starting February, 1968, those entering the park were informed whenever the Flamingo campground—38 miles away and the only overnight camping area—was filled. The former practice of allowing overflow camping was banned completely. Most other parks have eliminated use of overflow camping areas.

Yosemite: This most crowded of all the parks (press and TV have dubbed Yosemite Valley a "slum" on holiday weekends), is undergoing more extensive changes than any other national park. Public campground capacity in the valley is being cut in half by a policy of marking out definite campsites and eliminating the former practice of allowing people to crowd together almost tent-peg to tent-peg.

The traditional nightly "firefall," in which a half-ton of campfire embers was pushed over Glacier Point to cascade through the darkness, has been snuffed out. National Park Service officials say this popular traditional event put on by Yosemite concessioner caused traffic to build up and people to accumulate in one small section, and also created an atmosphere inappropriate for a national park.

A one-way road system has been installed at the crowded end of Yosemite Valley. And concession-operated buses now operate on a loop to cut back use of automobiles.

PRESSURE OF CRITICISM

These new policy changes and others under study for problem areas within the national park system result partly from the pressure of public criticism which has caused park officials to make a massive reassessment. They are acting with the full awareness that the attempts in recent years to increase facilities to keep up with burgeoning demands have satisfied neither the users nor the critics of expanded park development.

Efforts to take care of increased numbers of visitors have brought criticism from conservationists who feel that permanent damage is being done to the nation's natural "crown jewels" by the added roads and campgrounds, buildings, and blacktop.

The conservationists argue: "Let's keep the unique natural areas of the parks for those who want to get off by themselves in the wilderness and refresh the mind and spirit away from the multitudes, attractions, and problems of the cities. The people who only want outdoor fun or a cheap camping vacation along the road should seek it in other places."

The average park sightseer or campground user might reply: "The back packers already have 95 percent of most parks for their type of use. We prefer to get our enjoyment out of seeing the wilderness from the road, or just being among the trees even when in a big public campground. What we really need are more campgrounds and more roads."

VOICES OF PROTEST HEARD

One Californian, after hearing about restrictions in campground use being planned for Yosemite, wrote an angry letter to the Park Service Director.

"Each year I look forward to spending a week in Yosemite with my trailer," he said. "And, by George, I don't want any government official telling me I can't do this."

Park officials point out that each national park has a certain "carrying capacity." Use beyond this yet-to-be-determined figure would damage either the basic resource or the aesthetic satisfaction of the visitor, or both.

But what is the carrying capacity of Yosemite National Park and how can it be measured? It may be possible to calculate that the soil at a particular campground will permit only a certain number of visitors per acre. But at what point does the intrusion of one more family in the campground, one more car on the road, one more building, or one more hiker in the wilderness lessen the quality of the park experience for an individual?

The National Park Service is sponsoring research to determine the carrying capacity for each unit in the system. So complicated is the problem and so large the lack of basic knowledge, that answers may be years away.

"We are going to develop our parks only to what each one can bear or stand," says Stewart L. Udall, whose job as Secretary of the Interior includes responsibility for the National Park Service. "If we are going to continue the present rate of population growth, we are simply going to have to have rationing of use of the parks. The country might as well face that as a fact. Our master plans for the parks are not going to include unlimited development to meet all the demands of the people."

"Parks Are for People, But"—II

(Note.—Are America's "crown jewels" in jeopardy? The pressing question confronts national park custodians as they seek to preserve a priceless heritage for future generations.)

Washington, May 8, 1968.—In the national parks today you'll find more and better roads, intones the liquid-voiced narrator.

But the picture on the screen shows it like it sometimes was in the bustling summer of 1967—cars, camper-trucks, and giant trailer homes in a creeping, bumper-to-bumper mass.

"Camping areas have increased tremendously—one can rub elbows with countless thousands of others right on nature's doorstep," the soundtrack continues brightly.

And on the screen: tents, cars, trailers, people in a solid phalanx almost blocking out the trees.

The privately made film picturing problems of the United States national parks satirizes intentionally. Yet millions of park visitors across the nation would recognize the scenes.

"In this modern world where change is commonplace, what are the national parks doing to keep pace with change?" the screen voice asks, and answers with not so gentle irony: "Individual specimens of wild animals no longer need to be seen in the wild. They can be kept safely behind fences for the safety of visitors.

"Campgrounds can be replaced by permanent residences inside the parks to be rented by week or month.

"Unused parkland [camera shows serene untouched wilderness] will finally serve the public interest—by being converted to stores and entertainment centers and more roads.

"And we of this generation, in handing over these unique areas with their simple beauty and rustic splendor [camera shows tin cans and garbage floating down a park stream] can say with pride to the generation of tomorrow—'*This* we have done!' "

A JOLT FOR RANGERS

This telling film was made for showing exclusively to the National Park Service staff. The purpose, according to park service officials: to jolt employees into realizing the potentially devastating effects upon the parks if an unrestricted normal increase of visitors is matched by increasing the facilities to meet all the demands of park users.

Although the film undoubtedly played a useful audiovisual role, neither National Park Service director George B. Hartzog Jr. nor his staff aides need any reminders of the problems faced by the national parks. Newspapers, magazines, and TV for some time have been hammering home the problems at some of America's park areas.

Early this year a 60,000-word report by two scientists for the Conservation Foundation sharply criticized certain National Park Service policies and practices, while at the same time praising the park service for its achievements.

Elaborating on a 1964 interim report, scientists F. Fraser Darling and Noel D. Eichorn declared that too many people using the parks have already caused "ecological deterioration." They also faulted the park service for its excessive interest in showing an increase in visitor statistics each year, and for developing the parks to take care of the mass of visitors rather than conserving the unique habitats.

Conservation expert Peter Farb, writing in this newspaper, concluded that the national parks are in deep trouble. Mr. Farb charged that the present administrators of the park service "are actually encouraging an overuse, which, if continued, will see the destruction of the national parks in our time."

When he became director of the National Park Service four years ago, Mr. Hartzog strongly promoted increased use of parks. Today he no longer pushes the park service slogan of recent years—"Parks are for people." Yet he is optimistic that, despite the increasing popularity of the parks, the carrying out of some drastic new policies can prevent the ruin of these priceless natural areas.

Who will be proved right—Mr. Hartzog or his critics? Are the parks headed down-hill irretrievably? What can future generations expect to find in the scenic wonders of the national parks that have been called the nation's natural "crown jewels"?

CRIME AND POLLUTION RISE

In 20,000 miles of travel through many parts of the national park system, I discovered that every park has problems in varying degrees of seriousness.

Overcrowding does exist in the developed areas of such older national parks as Yosemite, Yellowstone, Grand Canyon, Everglades, Mesa Verde, and Mt. Rainier—but only during the peak periods of use.

Crime, while still insignificant in total amount, is growing in the national parks at double the rate of crime in American cities. Several parks are undergoing water shortages either from man's interference with the source or from too many people using the normal supply.

Park rangers are so busy with management, safety, maintenance, and traffic during peak periods that they have too little time for helping the public understand the parks.

Many visitors add to the difficulties by trying to do too much, too fast; seeking and demanding the creature comforts of home in pristine areas of nature; failing to respect the land and the wildlife or refusing to see it on its own terms.

Despite all this and more, it is only fair to say that, on the basis of my observations, the national park system appears to be in relatively good physical condition. No disaster situation is evident.

But looking ahead 10, 20, or 30 years, the story could be different indeed. The mounting pressures of use, and staggering predictions for future use, point to a crisis of decisionmaking.

If the right decisions are not made, or

are made too late, the national parks could be spoiled for both present and future generations of visitors.

The crisis of decisions involves not just old-line popular parks like Yellowstone or those like Yosemite, near urban areas. Even in new and remote areas of the national park system, the pressures of use already are forcing some difficult decisions.

VIRGIN ISLANDS "DISCOVERED"

Consider Virgin Islands National Park, for instance. Four years ago, on the second day of a Caribbean vacation, my wife and I "discovered" this national park and its delightful campground at Cinnamon Bay on St. John Island. We instantly fell in love with its quiet beauty. Finding that the concessionaire had housekeeping accommodations available, we stayed there our entire two weeks.

Park service guide Noble Samuel, a native of St. John, taught us how to snorkel and also interpreted the fantastic display of underwater life we encountered around coral reefs. Evenings we sat by a beach campfire and listened as park service naturalists unlocked the secrets of St. John's marine, animal, and plant life. We explored the island and lounged on its white sand beaches, some of the best in the world.

The open-hearted concessionaires, John and "Dib" Woodside, managed to create a homey atmosphere for the 70 of us who were occupying the tent sites and screened-in, one-room beach cottages. There was no organized entertainment, and everyone went his own way. If you didn't mind the no-see-ums (minuscule sand flies with a maxipowered bite), cooking on a barbecue grill or Coleman stove, using a kerosene lamp, and having no running hot water, it was an idyllic vacation spot.

When we returned to Cinnamon Bay last fall, everything looked unchanged. But it wasn't. At Christmas, Easter, and other popular vaction periods, accommodations were booked solid a year in advance; visitors arrived without reservations, forcing overflow camping. Too much foot traffic along the beach had caused severe erosion; the limited water supply was running dangerously low. A proposed airport for nearby St. Thomas threatened the tranquillity of the park.

As a result of these pressures, superintendent Joseph Brown faces some basic decisions:

Should Cinnamon Bay be closed for overnight use and another campsite developed up in the hills?

Should the length of camping stay be reduced? Should additional campgrounds or overnight lodging be built on other park-service-owned land on the island? Or built by private enterprise outside the park?

Cinnamon Bay illustrates the problem as a whole. On a systemwide basis, a number of decisions basic to many national parks also are demanding attention.

How many more public campgrounds or lodges should be built within the parks? Are there other solutions to the vast "housing" need?

Should there be a limit on size or number of vehicles in the parks? Should visitors be required to leave autos or trailers at the gates and travel inside on public transportation?

How much of each park should be set aside as wilderness? How much, if any, should be given over to roads, restaurants, stores, lodging, and other services for the public?

The questions may be different now from what they were when the National Park Service was founded in 1916. Yet the one underlying issue remains: preservation vs. use.

DUAL PURPOSE CONTRADICTORY

Those far-sighted men who drew up the legislation half a century ago for a national park system outlined a dual purpose: (1) to conserve the scenery, wildlife, and natural and historic objects; (2) to provide for their enjoyment in a manner that would leave them "unimpaired for the enjoyment of future generations."

Evidence exists that the politicians of that era realized the mission had a built-in contradiction. But to pass the National Parks Act of 1916 they needed the votes not only of the conservation advocates but also of those members of Congress who saw the parks as vacation resorts.

In 1916, with 356,100 visitors using 13 national parks, the conflict between use and preservation was minimal. Today, even though the park system has grown to include 34 national parks and more than 200 other areas (such as national monuments, recreation areas, and historical areas), use has far outstripped the capacity of additional facilities.

In 1967 the national-park areas alone received 39.6 million visitors, up 5 percent over 1966. And all indicators point to even heavier use in 1968 and succeeding years.

Population is increasing regularly, and so is the leisure time of Americans. Fatter pocketbooks enable wider travel. People cramped in cities surge to the countryside. Advancing transportation technology squeezes travel days into hours and makes remote areas of the country readily reachable.

It is no longer a problem the National Park Service can solve alone. Other federal agencies involved in recreation have 20 times more area than the park service.

A way must be found for the recreation areas of the other federal agencies and for those of states and cities to absorb more of the visitation pressures that now concentrate on national parks.

ROLE FOR PRIVATE ENTERPRISE

Private enterprise also will need to provide more outdoor recreation opportunity. Furthermore the park-going citizen will have to adjust to restrictions which may be placed on use of the parks and accept a greater sense of responsibility for preserving the fragile areas he uses.

If this conflict of preservation vs. use is not resolved, the one thing for which parks exist could be lost. After all, the uniqueness of a national park is its atmosphere in which a visitor can experience a sense of oneness with nature.

People commune with nature in different ways. For one it may be a hiking trip into a wilderness. For another, a short walk on a nature trail near the highway. Some feel satisfied just looking through a car window, or standing at a lookout point and taking in a magnificent vista.

However one sees a park the essential requirement for a rewarding visit is that the area be preserved so it can be appreciated.

All of the recent rumblings about crowding or abuse of the national parks may thus serve a useful purpose if they bring the issues to the surface where solutions may be reached.

CARS, CROWDS, CRIME—III

(NOTE.—City problems are spilling over into a growing number of America's national parks. Even the crime rate is rising. The dilemma for government custodians: How to cope?)

YOSEMITE NATIONAL PARK, CALIF., May 15, 1968.—"The conditions in Yosemite Valley are a national disgrace," a San Jose, Calif., man wrote in the summer of 1968 to Secretary of the Interior Stewart L. Udall.

"The extreme beauty of the place is marred by the noise and confusion of excessive motor traffic. A heavy pall of campfire smoke hangs over the campgrounds. Wild, noisy activities continue through the night."

Another critic, from Hyattsville, Md., wrote to Mr. Udall complaining that after driving 3,000 miles to visit Yosemite—"perhaps only once in our lifetime"—she and her husband had found that "it has been overrun by local hoodlums not at all interested in the natural beauty or phenomena of the park."

To Secretary Udall, National Park Service Director George M. Hartzog Jr., and rangers at an increasing number of parks, these and other letters or verbal complaints point up a growing dilemma: how to cope with the problems of the city now spilling over to many of the national parks?

THREE C'S RELATED

The most pressing problems are what might be called the three "C's"—cars, crowds, and crime. They are, of course, related. The cars, trailers, camper vehicles, and even motorcycles, have enabled people to escape the cities in large numbers on weekends or vacations. Yet the capacity of roads, campgrounds, lodging, food, and other services has not kept pace with the burgeoning demand.

The result: Crowds and congestion. During much of the summer, Old Faithful and Canyon Village in Wyoming's Yellowstone, Yosemite Valley in California, Grand Canyon Village in Arizona, the main highway through the Great Smoky Mountains National Park in Tennessee and North Carolina, Paradise Valley at Mount Rainier in Washington, and many other areas teem with people, cars, trailers, and campmobiles.

Along with the crowds, crime has come to the parks. It is not yet as dangerous a situation as in some cities. But park officials view the upsurge with alarm.

CRIME UP 67 PERCENT

In 1967 serious crimes in national parks rose 67 percent compared with a 16 percent crime rate increase in U.S. cities.

Park crime included:

Safe-cracking jobs in the Grand Canyon, Glacier Park in Montana, and Aztec Ruins National Monument in New Mexico, and an armed robbery at Glacier Park Lodge. A high-ranking lieutenant of La Cosa Nostra was arrested in Hot Springs National Park in Arkansas and charged with attempted bribery. Thefts from cars increased 330 percent at Kentucky's Mammoth Caves National Park, and such thefts have become a big problem at many parks.

Vandalism was reported throughout the system. Trees, rocks, and cliffs were defaced. Signs were damaged or stolen, public facilities damaged. At Petrified Forest National Park in Arizona, 361 people were caught trying to leave the park with a total of 2,177 pounds of stolen artifacts. In 93 of the cases, formal charges were made and convictions obtained.

At California's Sequoia National Park, after 37 years of unlocked doors, the concession operator had to order locks for cabins.

Use of narcotics caused trouble among student employees and visitors at Yosemite, Glacier, Grand Canyon, and the Grand Tetons in Wyoming.

Poaching of wildlife was reported at many parks and was especially serious at Wind Cave (South Dakota) and Everglades (Florida).

The crime rise, the overcrowding, the traffic jams do not constitute a present crisis. They are exceptions to the generally serene atmosphere to be found in the national parks.

Only 1 out of every 5,700 visitors is affected by crime. Crowding is a more prevalent problem, but is experienced mostly on holiday weekends or at the peak of the season and in certain sections of the parks. The danger lies in what the present trends indicate for the future.

When the topic arises of urban conditions in the national parks, the example usually cited is Yosemite. Yosemite is not typical of the parks I saw in 20,000 miles of travel through parts of the national park system. Because of its special characteristics, it is a hotbed of all the problems experienced piecemeal in some other parks.

Yosemite, lying within a day's drive of

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Los Angeles and San Francisco, gets heavy weekend and vacation use from residents of those megalopolitan areas. Its magnificent waterfalls, sheer rock walls, alpine lakes and meadows, and giant Sequoia trees have made it a touring must for foreign as well as out-of-state American visitors. But they have a hard time finding space among the two million Californians who crowd the park each year, some of them coming every year or even several times a year (85 percent of all visitors are from California).

The park's magnificent "back country" still has its pristine wilderness intact, although the best campsites along the trails or beside the mountain lake now fill up by early afternoon.

In a summer visit to Yosemite, however, I found that 95 percent of park visitors prefer to squeeze into the narrow (seven-square-mile) Yosemite Valley, which contains only 1 percent of the total park area.

Everywhere in the campground, village, and lodging areas it was people, cars, trailers, camper vehicles, tents, cabins, sleeping bags—and more people.

THEY HAVE A GOOD TIME

Visitors queued up outside the cafeteria. Barefoot, ragtag hippies congregated around an outdoor eating concession. A dress shop's summer clearance sale attracted clusters of women. A public lounge hall was filled with teen-agers and some older folks playing cards, oblivious to the glories of nature all around them.

"Outrageous," say conservationist critics who hear about Yosemite or see its crowds on television during a holiday newscast showing the park at its worst. "Take the honky-tonk atmosphere out of the national parks," say those who go to the parks and find the development overly commercial and out of place for a national park.

Yet there is another side. Any observer who looks around even in Yosemite Valley sees that most of the people are enjoying their stay. Those in the campgrounds have only to walk a few yards from any crowded area to enjoy some of the most beautiful scenery in the world.

"We came here because of the crowd," commented undismayed Joseph Dioege. He and his family were relaxing in front of a campfire in a densely crowded campground. With Mrs. Dioege and five of their six children, he had come from Canoga Park, Calif., where he works for an aircraft company. "We can do our primitive camping later when the children are grown. But this is what they want—to have other youngsters around and things to do."

HIPPIE'S VIEW: "IT'S REAL"

One afternoon at Yosemite I talked with a group of hippies—about 20 of the 100 or so who had left their Haight-Ashbury haunts for a summer in the park.

"Why are you here?" I asked.

Bill, a 16-year-old from Georgia, replied: "There are no real values left in society. We come here because it is beautiful, it is real."

Jack, a handsome, unshaven youth from Canada, said: "Here, I don't need LSD to turn me on. I can get the same feeling from seeing the beauty of the mountains and the cliffs and the trees."

Park officials at Yosemite say that many visitors are shocked and bothered by the presence of the hippies with their strange mode of living and slovenly dress. But they, too, have a right to be in the park unless they break the law.

Then there are the problems of young folks of both sexes camping together.

"How do you know which ones are married and which aren't?" asked one park ranger. "We can't do anything about it if their parents let them come up here without chaperones."

A special report on the Yosemite crime problem made by three police experts also placed the blame on parents.

"From the growing number of unsupervised juveniles visiting the park, one conjectures that some parents must imagine the park is as a safe, federal nursery school where rangers act as baby-sitters," the report said.

PATROL RANGERS CALLED IN

The citylike problems created by the crowds in Yosemite Valley during the peak of the 1967 summer season required pulling in most of the patrol rangers from the back country. Twice, specially trained park police from the Washington area had to be flown to the park to assist in crime control. Twenty arrests were made for narcotics violations—four times more than in the previous five years combined.

Much of the crime is committed by petty thieves who find park conditions ideal for stealing from cars and campsites.

"We have thousands of people in an unfamiliar environment doing unfamiliar things," a park official told me. "An unshaven man in midafternoon carrying a bundle of clothes is a normal sight in a campground. He may have just stolen the clothes, but no one would suspect it."

Criminals also know that Yosemite and other parks are short of help. Exit gates are unmanned much of the time, so getaways are easy even when crimes are reported.

LAW ENFORCEMENT CRITICIZED

Park officials say that the hippies in 1967 proved far less troublesome than motorcycle gangs and rowdy juveniles who invaded Yosemite Valley in large groups during 1965 and 1966.

The entire law-enforcement system in national parks—which most officials agree is archaic—is in need of overhauling. Many park rangers, with the responsibility for making arrests, have not received adequate police training. And justice is dispensed with little uniformity by park commissioners or the nearest United States district commissioner.

In Grand Teton National Park, a park seasonal ranger, acting on a tip, barged in on two college youths sleeping in a tent. One of the youths admitted he had taken a small amount of LSD two days earlier (which in itself was not illegal) and even showed the ranger where he kept another capsule of LSD.

Hoping to make an example of the youth, the seasonal ranger, a law-school student during most of the year, arrested the two 19-year-olds for "disorderly conduct." The U.S. District Commissioner in Jackson, Wyo., ordered them placed in a county jail cell along with drunks and common criminals. The youth who had admitted taking the LSD was fined $500 by the district commissioner and sentenced to the maximum six months in jail. Five days later, when the youth's parents arrived in Jackson and made a protest, the sentence was reduced to five days and $100.

CONVICTION REVERSED

The case was appealed to the federal district court of Wyoming, where the conviction was quickly reversed.

There are no easy answers to the citylike problems of the parks today. The park service experimented with several restrictions in the summer of 1968, including reduction of the number of vehicles and tents allowed in Yosemite Valley campgrounds and making a one-way loop road system in the most heavily used end of the valley.

Additional ideas being considered for Yosemite and other crowded parks include shorter camping stays, higher fees, and a reservation system. Spreading the use of the parks by having more visitation in spring and fall would, in theory, reduce congestion greatly. But no one knows how to get millions of Americans to shift their traditional vacation plans.

More campgrounds and developed areas could be constructed in park sections now unused. But such extensions are opposed by conservationists and others who want to maintain as much of the park as possible in its original condition.

Establishment of slow-speed roads, charges for camping, and other regulations may eliminate some of the people who now go to a national park just because it's there. Many of these visitors do not really care whether they visit a national park as long as their recreation needs are met.

RESTRAINTS OPPOSED

These people might be satisfied at state or city parks, private campgrounds or recreation spots, or in other federal areas. California state parks already are so crowded that a reservation system was started in 1968.

Some National Park Service officials balk at restraints that would keep the average sightseer out of the park. The parks, they argue, are supported by all the people. And the park service cannot close the gates to "nonbelievers," who may really need the park more than the wilderness buffs. Coming even as sightseers, they may learn how the wonders of nature refresh the inner man.

That ideal is fine, agree the conservationists. They they add a sizable "but": The park service had better find a way of putting it into practice that won't violate the mandate of Congress back in 1916—to preserve the park areas for future generations.

"PARKINSON'S LAW" IN THE PARKS—IV

(NOTE.—The National Park Service has found itself with an uncomfortable equation: Every increase in visitor capacity is outmatched by increase in use. It's a case of access vs. excess, with conflicts of interests and pressures—and some hard decisions due.)

ISLE ROYALE, MICH., May 22, 1968.—Something is missing from this idyllic, waterbound national park in the upper reaches of Lake Superior.

About 700 moose live on 45-mile-long Isle Royale, 15 miles from the nearest mainland shore. There are also 25 wolves (almost never seen) as well as assorted birds and small animals—and the fish that swim in surrounding waters.

The park also has amenities for human visitors: 2 rustic lodges, 88 camping shelters, and 115 miles of hiking trails.

But by contrast with all other United States national parks, Isle Royale definitely lacks two inevitable conveniences of the combustion age:

Cars.

And roads.

If you want to come to Isle Royale, you must travel by boat or chartered plane. Once here, if you want to get from Rock Harbor at the east end of the park island to Windigo at the west end, you must go by motorboat, canoe, or foot. Those who hike the Greenstone Ridge Trail running the length of the island are entitled to wear a blue-and-white shoulder patch to prove they've done it.

CANOES REPLACE CARS

The roadlessness of Isle Royale not only makes this park distinctive, but it sets the tone of the entire island. The people I saw getting off the National Park Service boat from the mainland had packs, sleeping bags, canoes, and groceries, ready to go off to the trails and shelters for a weekend or week-long experience with nature.

Elsewhere in the national park system the pattern is quite different. In the rest of my 20,000-mile swing through major park areas, I found that the majority of visitors regard roads and motor vehicles as a boon.

On the weekend I visited Yellowstone in Wyoming, the road alongside Old Faithful geyser was one continuous traffic jam "Bear jams" occurred every mile or so as cars stopped right in the road for occupants to feed the bears or take pictures. Trailer homes

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and camper vehicles crowded together in an overflow area resembling a supermarket parking lot on Saturday morning.

Similar situations prevailed elsewhere.

California's Yosemite Valley suffered traffic jams, the roar of motorcycles, the chug of trailer generators, and smog caused by vehicle fumes plus campfire smoke.

BUMPER-TO-BUMPER TRAFFIC

One campground in the Great Smoky Mountains National Park in North Carolina and Tennessee was almost filled by a mobile-home club of retired people from all parts of the United States. They had chosen this public area as their rendezvous spot.

Traffic on U.S. 441, running 34 miles across the Great Smoky Park, was almost bumper to bumper on a Sunday afternoon. Visitors traveling just for the scenery had to endure the push of high-speed drivers using the road only as the shortest distance between points in Tennessee and North Carolina.

On U.S. 101 inside Washington State's Olympic National Park, I saw heavily loaded lumber trucks speed along the side of scenic Lake Crescent at 70 m.p.h., occasionally forcing park visitors onto the shoulders of the narrow two-lane road.

A survey of 17 National Park Service areas in 1967 showed that camper-trucks and mobile homes accounted for more than 50 percent of vehicles using national-park camping facilities. The increase of vehicles produces a demand for more and bigger roads and for added natural areas to be turned into campsites. That means more gas stations, grocery stores, coin laundries, cafeterias, and trailer hookups.

The result is escalation à la Parkinson—for every increase in capacity an even greater increase in use.

Conservation groups have for years been demanding an end to new road construction within the parks and a limitation on campsites and other tourist-serving facilities.

The National Park Service has been caught between pressures to conserve the natural areas and to make them available for more visitors.

From 1956 to '66, during the Mission 66 development program, the "parks are for people" concept seemed to be winning out. A change in policy, however, is beginning to emerge now.

Following a task-force study of park roads, their use, and other transportation possibilities, Park Service Director George B. Hartzog, Jr. and Interior Secretary Stewart L. Udall approved a revolutionary new set of road standards.

ROAD POLICY OUTLINED

The road-policy statement says that the national parks "stand today at the same crossroads as do the American cities—some of which seem on the verge of choking on their automobiles. Just as noise, congestion, and pollution threaten the quality of urban life, they have begun to erode the quality of the park experience."

The national parks can no longer accommodate every person who wants to drive an automobile without restriction unless an open-end road-construction program is carried out, the statement adds. And an open-end road program is not favored.

"Inevitably, if the park experience is to maintain its distinctive quality," the statement continues, "the numbers of people, their methods of access and circulation, will necessarily have to be more closely controlled."

Specifically, the new policy advocates that:

Park roads should not be links of the federal network.

The National Park Service must not be obligated to construct roads, or to manage traffic, in order that new kinds of mobile camping vehicles be accommodated. The development of parking areas for trailers at park entrances, and the exclusion of vehicles from park roads not capable of handling them, are appropriate solutions.

Faced with a choice of creating a severe road scar in order to bring visitors close to a point of interest, or requiring visitors to walk a considerable distance, or considering an alternate transportation system, the decision should be against the road.

Research be conducted and high priority given to pilot programs seeking other transportation systems more appropriate than roads—tramways, monorails, rail conveyer systems, helicopters, and hydrofoils.

Long stretches of straight roads in parks should be avoided, and they should not be designed simply to link points of interest. Every park road should, to the extent possible, take maximum advantage of scenic and interpretive values and constitute an enjoyable and informative experience in itself.

Speed limits can be reduced, roads converted into one-way systems, service roads be made into one-way nature roads, or autos limited to certain portions of a park and replaced by bus, minitrain, or other transportation.

EARLY HIGHWAYS ENCOURAGED

Implementing some of these changes may cause severe adjustments for many citizens accustomed to easy road access to the national parks. By a significant coincidence, the national-park concept reached its development stage about the same time as the automobile, and they have grown simultaneously.

Secretary Udall and Parks Director Hartzog are in the midst of an administrative battle now with the Department of Transportation on the problem of through highways inside the parks. Mr. Udall wants existing U.S. highways in the parks to be stripped of their designation as federal highways. And he has requested that other routes be designated or constructed so the parks can be bypassed by through traffic.

Mr. Hartzog is entangled in a bureaucratic tussle with the Bureau of Public Roads over his attempt to cancel, defer, or change some roads previously approved and now in the design stage. He wants low-speed, narrow, scenic roads instead of straight, wide roads the BPR people say are necessary for safety considerations.

"We have been building roads so visitors can drive 45 to 65 miles an hour," says Mr. Hartzog. "I don't think you can have a qaulity park experience at that speed.

"The parks are not crowded with people, but with autos," he adds. "We hope to demonstrate that by slow speeds, one-way motor nature roads, interpretive signs, and short walks from road turnouts, there is an experience beyond the road for the average visitor."

Secretary Udall says the nation should have "a series of scenic parkways like the Blue Ridge for people who don't want to get out of their automobiles except maybe at an overlook. But the big national parks should be dedicated to the idea of getting people out of their automobiles."

Although obstacles confront the park service in effecting new policies, Mr. Hartzog already has taken some action.

To relieve traffic congestion in Yosemite Valley, the service is experimenting with a one-way road system in the most crowded part of the valley, and the park concessionaire is providing bus service.

At Colorado's Mesa Verde National Park, Mr. Hartzog has canceled a contract for a high-quality road to Wetherill Mesa, an area of newly excavated cliff ruins due to open soon. After a personal inspection of the site, he decided in favor of having the public use a narrow, winding old fire road to the mesa. It will be improved slightly and covered, not with blacktop, but with a composition that blends with the setting.

PEOPLE WELCOME, CARS NOT

No automobiles will be allowed on the mesa overlooking the cliff-ruin site. Cars will be parked at a central location far back from the rim, near a visitor center and small food concession. Visitors will either hike the half mile to the rim, or be taken part way by small minitrains.

"I don't want automobile noise or gasoline fumes or any dust detracting from this experience," Mr. Hartzog said during an inspection trip as he looked out at the cliff dwellings from which the Indians had mysteriously departed 700 years ago.

"Those who come to Wetherill may have to work for it a bit, rather than driving right up to the rim in a car," he added. But it will be worth it to see it in as quiet and inspirational an atmosphere as possible."

The whole question of new modes of transport is at the moment highly controversial, both among the public and within the National Park Service.

Howard Stricklin, superintendent of Grand Canyon National Park in Arizona, would like to have several tramways going down into the canyon to give visitors a breathtaking and educational trip. But Mr. Hartzog has ruled that the tramway proposal not be included in the park's master plan for the future.

TRAMWAY DEBATE

Mr. Hartzog believes that in some parks, however, tramways or other types of transport may be the best solution to future problems of access within parks.

Anthony Wayne Smith, president of the National Parks Association, disagrees.

"We are opposed to tramways because they would be mechanical intrusions into areas which ought to be kept in their natural state," Mr. Smith says.

But Joseph W. Penfold, conservation director of the Izaak Walton League, advocates seeking ways to apply new transportation technologies in the parks. He even suggests that at Yellowstone, a monorail system might be preferable to expanding the major road network.

These controversies seem less important today than the overall objectives as put forth in the new road policy statement:

"The single abiding purpose of national parks is to bring man and his environment into closer harmony. It is therefore the quality of the park experience—and not the statistics of travel—which must be the primary concern."

Conservation groups which in the past have criticized the park service for being too interested in the statistics, in trying to get more people to the parks, will be watching to see that the park service lives up to the noble purpose embodied in its new road policy.

How Much Should We Tame the Wild Places?—V

(Note.—A century ago, America was conquering its wide-open spaces. Today, it is trying to preserve them. Result: a ceaseless struggle between forces determined to save the wilderness areas and those bent on making them more accessible to more people.)

Derrick Knob, Tenn., May 29, 1969.—As we relaxed around the campfire after an all-day backpack trip to Derrick Knob in the Great Smoky Mountains National Park, I asked my fellow hikers:

"Why are you here?"

What was it that made this group of 20 Smoky Mountain Hiking Club members leave the comforts of home to tote a 30-pound pack alongside a rushing creek for eight hours, cook a meal of dehydrated or canned food, and sleep on the hard ground?

"I love the quiet here and getting away from city noises and smells," said Ruth Young. A secretary five days a week, Miss Young is captive to canned music all day at one of the Atomic Energy Commission plants

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in Oak Ridge, Tenn. "I enjoy sleeping among the rustling leaves and hearing the mountain streams," she said. "When leaves fall at home it means something to clean up."

Ernest Wroblewski, also from Oak Ridge, had been trying along the way to interpret nature to his 11-year-old son Tommy.

"What we learn from things like the seeds and the turning of the leaves helps man to understand his universe," Mr. Wroblewski said. "If we get a lesson from the world of nature on how to survive, we can apply this to our own future."

Leroy G. Fox, a chemical engineer from Knoxville, said the wilderness was to him a "humbling experience." Mechanical engineer Ray Payne, from Oak Ridge, said the hikes offered a physical challenge, the satisfaction of accomplishment, of finding out what you can do.

"The Bible says people went into the mountains for inspiration," said O. K. Sergeant of Oak Ridge. "And so do we."

INSTANT RELEASE

Mr. Sergeant, president of the hiking club, invited me on the two-day outing so I could see the kind of national park experience he believes is missed by the vast majority of visitors who get their impressions out of a car window, from a crowded highway overlook, or at an equally crowded campground.

No doubt about it. I felt an instant release from the pressures of civilization once we started up the side of Sams Creek, crossed and recrossed the creek, accompanied by nature's gentle sounds—birds and squirrels and the wind. And at the top, hiking along the Appalachian Trail, we saw the bright colors of autumn splashed on the neighboring hillsides.

Yet the wilderness experience has its drawbacks, especially to this tenderfoot who had not carried a backpack since the wartime training days of the early 1940s. And I did not sleep too well under the stars after hearing some rustling near my sleeping bag and having to chase away a black bear which had come too close for comfort.

Those who make the effort to get away from the roads and commercial developments to enjoy nature on its own terms feel very strongly that every square foot of wilderness area in the Great Smokies park should be preserved. They are equally opposed to opening the national parks and other natural areas to more extensive tourist facilities.

The ageless Smokies typify strikingly the wilderness terrains over which opposing forces wage a ceaseless battle—attempting to exert pressure on the public, on Congress, and on the National Park Service.

HIGHWAY OPPOSED

As we hiked along the Appalachian Trail toward Clingmans Dome, "Sarge" Sergeant pointed out the area where the National Park Service had proposed building a transmountain road across this park which straddles the Tennessee-North Carolina border.

The Smoky Mountains Hiking Club, the Wilderness Society, the Sierra Club, and conservationists throughout the nation flooded Congress, the Secretary of the Interior, and the President with mail opposing this road. It would scar the countryside, they charged, and would ruin for all time a priceless wilderness area.

The hiking club even staged a protest hike, with 600 people, ranging in age from 7 to 81, walking through part of the area. And 300 witnesses testified at two public hearings, a heavy majority of them arguing against the road and for additional park acreage to be set aside exclusively as wilderness area.

The National Park Service had offered to build the transmountain road to fulfill a previous legal commitment to citizens on the North Carolina side of the park. Park Service officials also contended that the road was needed to relieve the congestion on the single existing highway across the park.

Conservationists countered that the traffic problem could be solved without building a road that would destroy wilderness areas and detract from the very things which attract the tourists in the first place.

The nationwide pressures of the conservationists far outweighed the pressure by the businessmen of the small towns in North Carolina and Tennessee who were backing the road. Secretary of the Interior Stewart L. Udall decided in December, 1967, that it would not be built.

The intensity and strength of the campaign against the transmountain road disclosed the extent to which public opinion regarding wilderness has shifted over the years.

A century ago the great push was toward conquest of the wilderness. This has been replaced by demand for protection of what wilderness remains. The demand is not just from those who use the wilderness. They are far outnumbered by millions of urban Americans who may never venture into the wilds themselves but who feel a responsibility or a need for knowing that wilderness still exists "out there."

This groundswell of popular support, molded into a national political force by such organizations as the Wilderness Society, the Sierra Club, and the National Parks Association, was largely responsible for passage of Wilderness Act of 1964. The landmark act provided for designation by Congress of sections of federal lands to be kept forever in a wild state.

WILDERNESS DEFINED

Official wilderness designation includes much more than just large stands of virgin timber. Wilderness is "an area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural condition. . . ."

The Wilderness Act brings both benefits and difficulties to the National Park Service. It will give added protection to national parks and monuments against threats such as the recent proposals for power dams on the Colorado River which would have backed up water into Grand Canyon.

But, concomitantly with outlining wilderness areas, the act also requires the park service to specify exact boundaries of acreage in the parks to be kept free of roads, campgrounds, and all other development for all time to come.

In most national parks, roads or mass-use facilities take up less than 5 percent of the total park area, although campgrounds or lodges often are in several sections of a park. Park service management of the rest of the park is stricter than that of any other government agency with responsibilities for wilderness land. The park service does not allow campgrounds or roads in its back country. It prohibits mining, logging, grazing, hunting, or water development.

National Park Service Director George B. Hartzog Jr. is required under the Wilderness Act to determine that areas left out of wilderness classification will be sufficient for all possible future demands of an ever-increasing visitation load.

Use of national parks has doubled in the last 12 years. Most visitors want to be able to see the wilderness from a road, without actually going into the back country. Hence the questions: Should additional roads or campgrounds or lodges be built for tomorrow's visitors? And can all of the visitor needs of the future be met within the corridors of development kept out of wilderness classification?

CONSERVATIONISTS SPEAK OUT

At the first series of local public hearings on specific park areas to be included as wilderness, the park service ran into severe opposition from organized conservationists over the amount of acreage to be set aside as wilderness.

At hearings on the Great Smoky Mountains National Park, the Wilderness Society and other conservation groups suggested preserving 30 percent more area than the 350,000 acres in the park service proposal. Park service plans for additional campgrounds, added scenic motor-nature trails, buffer or "threshold" areas around existing roads, and a rustic hiker's overnight lodge were all opposed by conservationists.

For Lassen Volcanic National Park in California, the park service proposed setting aside 49,800 acres as wilderness. At the public hearing the Wilderness Society spoke out for twice that amount. In a revised plan recently submitted to Congress, the park service increased its wilderness proposal to 73,333 acres. But it still left large sections—up to a mile or more on either side of the park roads—as threshold areas, instead of having the wilderness boundary go right up to the road's edge, as demanded by conservationists.

Mr. Hartzog believes that threshold areas adjoining existing roads, or those set aside to provide space for one-way, motor-nature trails, are needed to give park visitors who may be planning only to drive through a park the opportunity to explore the mood and temper of the wild country. Once the visitor samples it, he may have the desire to return for a hiking trip into the wilderness.

"You can't just order a visitor to get out of his car," says the national parks director. "You have to entice him out of his car. We may be able to show, through motor-nature trails, short nature walks, lookouts, outdoor exhibits, or other methods of interpretation, the meaning of wilderness and what it can offer."

Most conservation groups disagree with this wilderness threshold concept.

"Apparently the newcomer is expected to explore the mood and the temper of the wilderness from the cushioned seat of his air-conditioned car, or at worst, from the uncushioned seat of a picnic table within a few feet of a road," comments Stewart M. Brandborg, executive director of the Wilderness Society.

ENCROACHMENTS SEEN

"Also, a motor-nature trail can't be a trail if a car can go on it," Mr. Brandborg adds. "While there may be merit in getting people out of cars to walk a few yards, I don't see that motor-nature trails justify the exclusive use of hundreds of thousands of acres of wilderness.

"The only effective buffer zone must be within the wilderness area boundaries. Anything left out ultimately will be put to some other conflicting use despite the best intentions of today's administrators, who promise to protect it under the wilderness threshold concept."

Members of Congress, beset by pressures both from conservationists and from constituents who want parks made more accessible, also have definite views on these issues.

"I supported the wilderness bill," says Rep. Roy A. Taylor (D) of North Carolina, chairman of the House interior subcommittee on parks and recreation. "But the national parks also have got to be made to serve all the people. I don't buy the concept that we should build roads only to the end of a park and then have people walk. The walkers are being heard from a lot more than the car riders. We are paying too much attention to vocal minorities. The parks should be developed to meet the needs of all users."

Congress eventually will hold hearings on all park wilderness plans and then make the final decision as to which areas should be held forever inviolate as wilderness and which should be left for roads and other developments.

If the soundings taken as I traveled

through national parks in recent months are a true indicator, the enthusiasm and dedication of those who hike the back country will carry the day in assuring that adequate amounts of wilderness are preserved.

I recall meeting a young couple, Mr. and Mrs. Robert Reischke, on a trail in Olympic National Park. Vacationing from their studies at Central College of Washington, the Reischkes were heading up the trail toward Mt. Olympus and the high divide on an eight-day pack trip. Betty Reischke, from nearby Tacoma, had hiked in the Olympics since she was 12, and was introducing her North Dakotan husband to its natural glories.

"Write in your article," she said, "that they should leave the wilderness areas for backpackers like us, and not put a lot of roads in the parks."

O.K., Betty, it is written. Now it's up to Congress.

PEOPLE VERSUS LIFE—VI

(NOTE.—A raft down the Snake River is a fine way to get close to Wyoming's Grand Teton National Park. But how much more human traffic can course the river without disturbing the birds and animals that live there? The threat here and in other national parks has officials concerned.)

GRAND TETON NATIONAL PARK, WYO., June 5, 1968.—"Please keep your voices down. We are coming to an area where some bald eagles nest in a cottonwood tree."

Frank Ewing, our guide on this float trip at dawn on the Snake River, skillfully poled the small rubber raft around a bend, avoiding the protruding gnawed logs of a beaver dam on the bank.

A short distance from the river we saw the nest high in a cottonwood tree. But no eagles.

Current swept us around another bend. Frank put a finger to his lips and pointed to a high cottonwood snag. Sitting on a jagged top, perfectly still, was a baby eagle, gazing into the sunrise.

It was a moment to frame forever in memory. Early morning mist rose from the river. The snow-patched Grand Teton range towered in the background, just emerging into light. And a rare wild bird in his native habitat, content to watch us curiously—as long as we kept our distance.

As we drifted downstream, scene after scene of native wildlife unfolded in the valley of the spectacular Jackson Hole country. We passed within 25 feet of a cow moose and her calf, munching their morning meal of young willow twigs by the river bank . . . then two bull moose . . . and in the distance, leaving a tree to soar into the sky as we approached, the mother—or father—of our baby-eagle . . . in a little side slough, a blue heron, motionless, beak down, fishing . . . a half dozen young American mergansers skittering past the raft, going upstream.

So it was for 10 miles, silence unbroken except by rushing water, blowing leaves and the gentle sounds of the morning.

And then . . . people.

Almost with a shock, after seeing nothing but scenic beauty and wildlife for three hours, we heard the sound of cars and looked up to see the 20-foot-high garish Indian-tepee facade of a highway chuck-wagon restaurant. The float trip was over and we were back to the sights and noise of civilization.

That afternoon we stood on the bank and in the space of a few minutes watched four large rafts coming down the river. In each raft about 20 adults and children crowded together.

The thought came to mind: It's a great way to see a park. But how much human traffic could the wildlife absorb without ill effects?

Mr. Ewing, Yale-trained biologist turned commercial river boatman, asserted that the river can't take much more. Sure, he could profit from added business if greater numbers of people wanted boat rides. But he knew and loved the river and the wildlife. And he is afraid of what might happen.

"Three years ago there were only four raft operators," he said. "Now there are 18, and there's no end in sight. Some of the operators have half a dozen large rafts, each making two or more trips a day. And there are private rafts and canoes which stop to let off the people. They often frighten the animals or birds while trying to get pictures.

"My concern is for the ecology of the river. The game we saw today don't stay if the river is overused by people. Or the wildlife will stay away from the river banks where they would normally feed."

WHO COMES FIRST?

National Park Service officials agree. Some reduction has already been noted in the number of wildlife to be seen from Snake River. It is suspected the invasion of people may have caused this decline. But what of the future? Almost 25,000 people went on raft trips in 1967, a 45 percent increase over 1966. If this rate of increase were to continue unchecked, that stretch of river could see a million people a season by 1977.

Because the Snake River is under state rather than federal control in this area, the park service cannot at present limit the number of raft operators as long as they comply with regulations and obtain a special use permit. Park officials, however, are hoping some method can be found to regulate use of the river.

The problem at Grand Teton is repeated in one way or another at almost every national park in the United States: wildlife vs. people. Whose rights are preeminent when the goal of having people use the park and see the animals and birds clashes with the mission of preserving the wildlife in their native habitat?

One of the most urgent situations facing the park service concerns the safety of back-country campers in Glacier National Park. After two 19-year-old girls were killed by grizzly bears in separate incidents on the same night in August, 1967, some citizens wrote to the park service suggesting that all grizzlies in the park (there are about 100) be eliminated. Most letter writers, however, urged saving the grizzlies.

A grizzly bear attack on a human is rare. With 15,643,361 recorded visitors in the previous 56 years of Glacier Park's existence, only 11 persons are known to have been injured by grizzly bears. None of these injuries was fatal. Normally the grizzly avoids humans unless provoked or surprised. Grizzlies that become obstreperous and threaten visitors are hunted down and trapped or destroyed by park rangers. Four grizzlies—two of them believed to have been the ones involved in the August tragedies—were destroyed immediately after the attacks on the girls.

This year the park is intensifying precautions to prevent the recurrence of attacks. Group hiking rather than hiking alone is strongly encouraged. The use of wrist bells or other noisemaking devices by hikers is being advocated on the premise that this will reduce the possibility of surprising grizzlies.

GARBAGE RULES TIGHTENED

Certain trails or back-country areas may be closed to travel for periods of time if a troublesome bear has been frequenting these areas—until the bear has been eliminated. Plastic bags are being given all back-country hikers with strict orders that they carry out with them all unburnable garbage and containers. And the park service has supplied the Granite Park Chalet concessionaire a larger incinerator in which to burn wet garbage. Officials believe the bear involved in one of the fatal accidents was en route to a garbage area near where one of the girls was sleeping.

Early in 1968 a visiting Canadian schoolteacher saw a grizzly sow and her cub near a road, and approached them to take pictures. When the cub became frightened, the mother charged the photographer, inflicting some injuries.

The visitor told park service rangers that because we was to blame for the incident, he did not want the bear to be punished. The park authorities, considering the cub's need for its mother, agreed that no action should be taken against the grizzly.

Another species—the black bear—creates a different kind of problem at several parks, especially at Yellowstone.

"Enjoy them at a distance," warned the flyer I received on entering Yellowstone. The handout, given to visitors at all parks where bears are present, depicts a cute cub bear in a begging pose, and a mother bear wearing a menacing scowl. The text says that the bears are dangerous, that it is against park regulations to feed or molest them, that car windows should be shut when bears are near, and that cars are not to be stopped on the roadway.

During three days in Yellowstone, I saw hundreds of visitors ignoring the warning. It was hard to drive more than 10 minutes without encountering a "bear jam."

Traffic backed up on the highway is almost a certain sign that several cars have stopped—sometimes in the middle of the road—because a bear has ambled into view along the shoulder of the road. Many of the bears have become veteran panhandlers, have staked out territories and keep regular roadside hours.

I saw one father, camera in hand, encouraging his young daughter to get closer to a small bear to feed it some cookies. Fortunately, the child was afraid and kept her distance. Other parents were allowing their children to reach out of open windows and tease the bears with food, closing the windows at the last minute just before the bear tried to reach into the car.

ATMOSPHERE DISRUPTED

The park rangers I talked with at Yellowstone said the situation is bad for bears and for people. It creates an unnatural atmosphere. The wild bear is reduced from a majestic independent creature stalking the country for natural food to a disreputable beggar, living off handouts and spending most of the day along the roadside.

Bear feeding is dangerous. Out of 91 known cases of injuries inflicted by bears in national parks in 1967, 61 were reported at Yellowstone. Most of the incidents occurred along highways.

And "bear jams" completely disrupt the movement of traffic throughout the park.

Although short-lived attempts have been made in the past to get the bears off the highway, the "bear jam" is practically an institution now at Yellowstone. Effective control measures would take more manpower than is available at present. It would also cause a wave of protests from visitors if bears could not be seen on a drive through the park, even if the bears are upside down in a garbage can. So the National Park Service chooses, for the time being, to give only lip service to enforcement of the regulation banning bear feeding at Yellowstone.

The limited numbers of rangers now on highway patrol do break up bear jams they see and warn visitors who break the law. Any ranger could easily issue a dozen citations a day and prefer charges which would be heard by the United States commissioner assigned to the park. But in all of 1967, only 13 arrests were made at Yellowstone for bear molesting or feeding. And the fines were small—averaging $10 per conviction.

FEEDING BAN ENFORCED

"We should warn them at the gate that they will be arrested for feeding bears," one ranger told me. "If we enforced it with stiff fines the word would soon get out. If we also chased the bears away from the roads, the bears undoubtedly would intrude on campgrounds for a while. We might even have to destroy some of the troublesome ones. But gradually, if bears were deprived of handouts and if all garbage cans were made bearproof, the animals would be forced to seek their natural foods which are just as abundant today as they were before man came on the scene."

In Great Smoky Mountains National Park in Tennessee and North Carolina, I found Superintendent George W. Fry in the midst of an all-out campaign to enforce the regulation against bear-feeding. Added ranger patrols on the highways and more warning signs for tourists are the chief tools in the campaign.

In three days at Yellowstone, of the park's 500 black bears, I must have seen 50 along the roadside. At the Smokies in a similar period of time, I saw along the well-patrolled highways only three or four of the park's 300 black bears.

In some parks poaching is the people versus animal problem. Stealthy killing of alligators in the boondocks of the Everglades National Park in Florida takes more than 50 of the rare 'gators each year.

Poachers, usually sneaking into back roads at night, illegally shoot elk, deer, and buffalo in Wind Cave (South Dakota) National Park, bears and deer in Great Smokies, and even wolves at Alaska's Mt. McKinley. A recent added problem has been the use of snowmobiles to poach elk at Glacier Park, Montana.

PREDATORS ELIMINATED

Most of the wolves, cougars, and many similar predators have already been eliminated from national parks. Usually this was done by ranchers when the animals left the protection of the parks, although in the early days of the National Park Service, wolves, coyotes, and cougars were destroyed to make parks safer for people.

Today, the underlying philosophy of the park service regarding wildlife is that the public has a right to view it, but, as far as is possible, on the animals' terms. National parks are not zoos. Fences or cages are forbidden, except in a few rare cases to keep buffalo from developed areas.

Park service officials realize that, for many visitors, seeing wildlife may be the most important part of a park tour. Thus a current objective is to find ways of working out the people-animal relationship on a compromise basis.

Projects being planned to achieve this include:

Overlooks and turnouts near areas frequented by wildlife, one-way motor-nature trails, guided caravans, on old roads, or organized hikes into back-country, wilderness. A few observation blinds may be tried.

Neil J. Reid, chief of the wildlife branch of the National Park Service, points out one major difficulty to be overcome if most tourists are to see or hear wildlife.

"The height of the daily activity of wildlife does not coincide with our activity peaks," notes Mr. Reid. "The wild animals and birds are most active during the evening, when people are having dinner, or before the alarm goes off in the morning.

"Except," he adds, "for the black bears at Yellowstone."

A TASK AS BIG AS ALL OUTDOORS—VII

(NOTE.—"A national park should represent a vignette of primitive America." That's what the Advisory Board on Wildlife Management declared in a special report to Secretary of the Interior Stewart L. Udall. Easier said than done. And—as a Monitor reporter discovered—highly controversial.)

SEQUOIA NATIONAL PARK, CALIF., June 12, 1969.—Until I saw what was going on in a magnificent stand of 2,000-year-old giant sequoia trees, I always had thought that fire was the worst thing that could happen in a forest.

Yet here were grown men involved in setting fires right among these largest growing things in the world. I was ready to call for Smokey the Bear.

These same men were talking about "managing the resources." My whole house of cards about what should and should not be done in a national park was tumbling down. Shouldn't the parks be left "unimpaired for future generations"?

That was the trouble, explained my guide for the afternoon, San Jose State College scientist Howard Shellhammer, as we walked in a remote area of the park among these 250-foot-tall Sequoia Gigantea (a sister species to the even taller but slimmer Sequoia Sempervirens, or coast redwoods).

"Before these groves were given the protection of man when the park was established 77 years ago, the giant sequoia trees survived lightning fires about every 15 years," Dr. Shellhammer said. "This flushed out the underfoliage.

FIRE STUDIED AS TOOL

"Now the undergrowth is so thick that if a fire should start, it might become so intense that it would penetrate the insulating nature of the bark. It could become a crown fire and sweep the trees that have withstood natural fires for all these hundreds and thousands of years."

Most of the giant sequoia trees in the area showed blackened places on their bark, evidence of fires in earlier years.

Each summer, for the past five years, four San Jose State College scientists, led by Dr. Richard J. Hartesveldt, have been conducting a broad study of the effects of fire as a management tool, not only on the giant sequoias, but on the plant and animal life of the area.

Low, carefully controlled ground fires have been set, or the undergrowth cleared by bulldozers, on several small plots where the absence of fire for many years had allowed white fir, incense cedar, and other shade-tolerant trees to grow up among the giant sequoias.

In addition to the fire danger, the undergrowth had prevented sequois seeds from reaching the bare mineral soil they needed to survive. The thick stands of smaller trees had shut off what sunlight there was from sequoia seedlings that did get started.

In one of the fire-cleared areas amid a grove of nine towering sequoias, I saw hundreds of small stakes in the ground.

Dr. Shellhammer stooped down to show me a second-year-growth seedling almost a foot tall.

"I feel like these are my children," he said. "If they get too much sun they scald and die. Too little, and they won't grow."

About 6,000 seedlings had sprouted the first year after the controlled burn, and several hundred of these survived the second year. The scientists are hopeful they may soon have enough evidence to push for major controlled burning in other sequoia groves in the park and in adjacent Kings Canyon National Park.

NATURAL FIRES TO BURN?

Back in Washington a short time later, a National Park Service official told me the service hoped to put into effect a policy for many parks that when natural fires occur, they will be allowed to burn within predesignated fire-management units.

"Nobody has any trouble with this policy—philosophically," one top park service official said. "But when it comes down to giving the orders to let it burn. . . ."

In Everglades National Park, Florida, controlled burning already is being conducted extensively in the pinelands to reduce unnatural competition from hardwoods. The "managed" fires take the place of natural fires which, in the years before park protection, kept the hardwoods under control.

Controlled burning is only one of a variety of techniques available to the park service in following a policy suggested five years ago by a blue-ribbon private panel on wildlife management.

PRIMITIVE VIEW BLURRED

"A national park should represent a vignette of primitive America," concluded the report of the Advisory Board on Wildlife Management submitted to Secretary of the Interior Stewart L. Udall.

Prior to becoming national parks, most park areas have gone through periods of indiscriminate logging, burning, livestock grazing, hunting, and predator control, the report said. Then these areas entered the park system and shifted abruptly to a regime of being unnaturally protected. Add the factor of human use—clearing areas for roads and campgrounds—and the plants and animals that survived in the park often did not represent primitive America.

The board recommended that the animal and plant life within each park should be maintained, or where necessary restored, "as nearly as possible in the condition that prevailed when the area was first visited by white man."

Easier said than done. And highly controversial.

For instance, imagine the howl from ranchers—who have over the years killed off the predators which, they say, attack their livestock—if the National Park Service tried to reintroduce wolves and cougars into parks adjoining their ranches.

The elk-control problem in Yellowstone National Park, Wyoming, arouses the anger of hunters each winter.

In 1961, the presence of 10,000 elk in the northern herd of Yellowstone, twice the capacity of the range, was causing extensive damage to the plant life and was depriving other animals of food. Buffalo, moose, mule deer, and antelope compete with the elk for available food.

Not enough of the elk went outside the park in winter, as their ancestors had, to become targets for hunters. (This is the preferred method for eliminating the surplus.) Live trapping was unsatisfactory and too expensive. So the National Park Service entered on a "direct control" program, as a last resort to effect the required reduction.

INDIANS GET MEAT

Direct control is a euphemism for shooting the elk. The shooting was done in sub-zero weather by park personnel who then distributed the meat among Indian communities in the area. More than 4,000 elk were disposed of during the winter of 1961–62, resulting in vigorous protests from Wyoming hunters demanding the right to participate in the reduction.

Western sportsmen also demanded that more of the excess elk be trapped and given to other states to stock suitable elk ranges for hunting. But trapping that many animals takes more money ($100 an animal) and more manpower than is available.

The 1961–62 reduction program was not a permanent solution. Each year the number of animals added to the herd has exceeded the number trapped inside Yellowstone or taken by hunters outside the park. It has thus been necessary to continue a limited amount of liquidation. As a result pressures have mounted to permit hunting in the park.

HIGHWAYS DISCOURAGED

In keeping with laws establishing the parks, hunting is prohibited in all but one of the 32 national parks. It is allowed only in Grand Teton National Park, Wyoming, in a very limited way (and under the guise of elk reduction), as part of a political concession.

The advisory board's wildlife management proposals of 1962 also had strong recommendations in another controversial area—the overcrowding of man's "range."

The whole effect of maintaining or creating the mood of "wild America" can be lost, the report said, if the parks are overdeveloped for motorized travel.

Their solution: Ration the tourists rather than expand the roads.

Secretary Udall's wildlife advisory board also urged elimination in the national parks of mass recreation facilities such as golf courses (at California's Yosemite), ski lifts, motorboat marinas, "and other extraneous developments which completely contradict the management goal."

PROTECTIVE EFFECTS STUDIED

Although most of the board's suggestions were welcomed by officials, many of the proposals have not yet been implemented. One of the biggest obstacles to restoring primitive conditions is lack of basic knowledge of the effects of the years of overprotection. Also, techniques need to be developed to restore natural conditions.

The meager programs for basic research recently have been expanded somewhat. And in ~~1967~~, ~~Dr.~~ A. Starker Leopold, chairman of ~~the advisory~~ board, was appointed chief scientist for the National Park Service, on a part-time basis.

Much additional information is required to determine the needs of the ecosystems of each park, or even the larger area surrounding the park which is part of the ecosystem. An ecosystem is the community of plants and animals (including man) together with the environment that controls them. It is continually changing, never static.

Cutting off fresh water (by another federal agency) from the Everglades National Park is threatening to change the entire ecosystem of the park. Removal of predators and blocking of migration routes with man-made developments have contributed to the Yellowstone elk problem.

In the Virgin Islands National Park on St. John Island, man brought in the mongoose to eliminate rats. But mongooses are day creatures; rats nocturnal. And now the ecosystem has been upset because both species thrive, with the mongoose doing unlooked for damage by eating the eggs of birds and eliminating some species of native lizards.

When hiking along the Appalachian Trail in the Great Smoky Mountains National Park, I literally stumbled upon another resources management problem—a pig hole. European wild pigs, not native to America and not having enough natural enemies to keep them in check, have dug deep wallows along trails and in many places of the park.

RESTORATION EXAMINED

There are other examples of nonnative animals which many people believe should be removed from the parks where they are "unnatural" but by now permanent residents. These include the burro in Big Bend National Park, Texas, Death Valley National Monument, California, and the Grand Canyon; the goat in Hawaii's Volcanoes and Haleakala National Parks; and the wild horse in Theodore Roosevelt National Memorial Park, North Dakota.

A counterproblem is how to restore the native species where they no longer exist—the wolf in Yellowstone, kit fox in Badlands National Monument, South Dakota, the Bighorn Sheep in Theodore Roosevelt Park.

Intrusions of man in many parks have forced wild animals from their accustomed feeding spots, or made beggars out of bears and deer. And, as discussed earlier, the absence of natural fire has actually endangered the park-protected giant sequoias and disturbed their regeneration process.

HABITAT EMPHASIZED

"We make a mistake in thinking we can preserve living things," says Lyle H. McDowell, chief of the National Park Service branch of resources management. "We can't. What we can do instead is to perpetuate by preserving the habitat that makes these things possible.

"We try to save giant sequoia trees in one area of California," he adds, "or a certain number of redwoods in another section. But if we save these redwoods and do not consider the entire habitat, it is possible that our protectionist policy might disturb the ecosystem and eventually ruin the forest.

"We have been unable to project our thinking beyond our own lifespan," says Mr. McDowell. "Removing trees or inducing a controlled burn to eliminate unnatural competition that is impeding the perpetuation of the giant sequoia, might leave a scar. But the scars won't be there in 500 years.

"It is not enough just to think about the next 10 years, or the next generation even. We have to be concerned about what the people in the 50th generation are going to see.

"Why do people go to national parks?" Mr. McDowell asks, and then answers: "Because of the resources. So we are going to have to become resource conscious, first and last."

OF POLITICS AND PARKS—VIII

(NOTE.—Conflicting interests traditionally have surrounded efforts to establish U.S. national parks. California's majestic redwoods stirred one of the longest and bitterest of such controveries.)

WASHINGTON, June 19, 1968.—"Apparently there is only one consensus . . . at least 95 percent of the people from whom we have heard want a national redwood park."

Rep. Wayne N. Aspinall paused a moment, looking out from the curved dais. In the audience government officials, lumber company presidents, conservation leaders, and assorted lobbyists waited to present their views at the final set of "Redwood National Park" hearings of the House interior subcommittee on parks and recreation.

"I would say, though," continued the veteran chairman of the full House Interior Committee, "that at least 50 percent of the people want a redwood park at the expense of the other person, or the other group, or the other area."

After three days and more than 100,000 words of testimony, the record clearly showed the extent to which politics and parks have become entwined.

Cabinet Secretaries Stewart L. Udall of the Department of the Interior and Orville L. Freeman of the Agriculture Department both spoke in favor of the park but sharply disagreed with each other on a key provision of a bill already passed by the Senate. This provision—to trade prime redwood-bearing land owned by the Department of Agriculture's Forest Service to private lumber companies in exchange for company-owned redwood land to be included in the Interior Department's national park—would lower the purchase price of the park by about $40 million and also appease local critics.

Secretary Udall testified that he was against such a land trade "in principle." But if it was a case of the trade or no park at all, he (and the administration) would accept it. Secretary Freeman spoke heatedly against the trade, and said he, too, was speaking for the administration.

REAGAN APPROVAL SEEN

A spokesman for the State of California testified that Gov. Ronald Reagan now favored turning over some of the state redwood parks to help form the new national park, but that the State Legislature would have to decide the matter. This magnanimity was accompanied by hints that the state expected the federal government to make certain Defense Department ocean beach land in southern California available for state recreation use.

Executives of the four lumber companies with major redwood holdings in the proposed national park area were called ensemble to the witness table. Each had a different proposal for areas to be included in the park. And each offered to cooperate in making some of its redwood land available provided that the Forest Service land trade was completed.

Finally, leaders from the Sierra Club, the Wilderness Society, the National Park Association, and other conservation groups made their pitches. They, too, all had their own plans for the amount of redwood land to be set aside and boundaries of the park.

Most argued for a much larger park than provided in the Senate bill, which, in turn, was larger than the bill submitted by an economy-minded administration. And these spokesmen asserted that there is a need for a national park to preserve the best of the virgin redwood groves that have managed to survive but might soon fall before the saw.

Last August I revisited the northern California redwood country and found the citizens greatly concerned about the proposed park. Opponents distributed campaign-type buttons reading: "Don't 'Park' My Job"; park advocates offered "Don't Pulp Our Parks" buttons. Residents of Humboldt and Del Norte Counties feared loss of industry, jobs, and tax revenue if timberlands were taken out of use and not replaced with other federally owned redwood-bearing land.

FORESTS STRIPPED

Going through the redwood country, I saw effects of the half century of delay in establishing a "Redwood National Park." Time after time groves of towering trees were interrupted by large denuded areas where clear-cutting practices of lumber companies over the decades had swept through acres of once majestic Sequoia Sempervirens—the coast redwoods that grow more than 350 feet high.

One afternoon I drove into Jedediah Smith Redwoods State Park, which probably will become a part of the national park. The approach along rustic, narrow, dusty Howland Hill Road is spectacular, with the redwood trees so close they almost scrape the car.

But when a turnoff took us into Stout Grove the scene was the most awe-inspiring of anything I have ever witnessed in thousands of miles of travels throughout the nation.

No human architect could duplicate such a setting: the redwoods rising into the sky, just close enough to each other to allow shafts of late afternoon light to stream into the grove . . . almost utter stillness except for a few distant bird calls . . . green ferns . . . some alders dwarfed by the redwoods . . . paths winding through the grove . . . one immense tree stretched out horizontally just as it had been felled by wind years ago.

In these moments at Stout Grove it was quite clear why they call the oldest and biggest of these stately wonders "cathedral" trees, and why so many people have worked so hard to save the redwoods.

The Save-the-Redwoods League has raised $12.5 million since 1918 to purchase outstanding redwood forests and groves, and the state of California has matched these funds to provide a number of redwoods state parks. The combined efforts of conservation groups finally prevailed to convince Congress to authorize a large redwood national park.

PRESSURE GROUPS FORM

Over the years, a growing array of political forces has become involved in proposals to establish new national parks and in policies adopted to develop and manage national park areas.

In some cases, mining, lumber, grazing, and hydroelectric power interests have opposed "locking up" of resources by the strict preservation code of the national parks.

Hunters—barred from national parks—always form a highly vocal opposition to new parks.

Government agencies such as the Forest Service (which has lost much land to national parks), and the Bureau of Reclamation and the Army Corps of Engineers (which seek to put dams and water projects in parks) have built up strong alliances with Congress or industry and frequently feud with the National Park Service.

An influence more powerful in the past than at present is the concession operator. In early days, business interests were courted to build lodges and develop conveniences for tourists, and the concessionaires had a great deal to say about policy in specific parks. At present, concessionaires are consulted in regard to development of master plans for each park but do not exert much influence.

Homeowners in or near a proposed national park ordinarily seek to block the proposal. Tourist-oriented businesses in the towns or along the highways nearby are usually park advocates.

The makeup of Congress or the administration is basic in every national park issue. Rarely can a park be established without the support of members of Congress from the state or district.

At the same time, one of the inevitable political realities is that a member of Congress who is a key figure on a powerful committee or is an influential voice in the Senate or House can push through a park for his area while other possibly more worthy park projects are left in limbo.

The balance of power in the conflicts between park protectionists and resource exploiters has completely changed over the past half century—from Hetch Hetchy to the Grand Canyon dams and the redwoods fights.

YOSEMITE DAM BUILT

A proposal at the turn of the century to build a dam in the Yosemite National Park wilderness at Hetch Hetchy to carry water to San Francisco was fought by park pioneer John Muir, the Sierra Club, and conservationists throughout the United States. Favoring the dam were Secretary of the Interior Franklin K. Lane (who had been San Francisco city attorney) and Gifford Pinchot (a great practical conservationist but never a friend of national parks). The bill finally passed Congress in 1913 and the dam was built.

In those days, the conservationists were few, mostly the individuals who backpacked or rode horseback through the wilderness. And Hetch Hetchy was the last dam ever authorized in a national park, although there have been many close calls over the past half century.

The recent battle to put two dams on the Colorado River near Grand Canyon National Park as part of the Central Arizona Project showed the turnabout of political power. Both dams would have affected the river, and one dam would have backed water into the canyon.

Led by the Sierra Club, conservation groups mobilized citizen support from millions of Americans who may never have seen Grand Canyon, but who now are aware of the importance of preserving the irreplaceable natural resources. So great was this citizen pressure that Secretary Udall was forced to reverse his original position of support for the dams and to seek a compromise. The bill passed by Congress in September, 1968, authorizing the Arizona Project, had specific safeguards prohibiting the building of dams.

Conservation groups now exert a good deal of influence. Those concerned most directly with national park problems—the National Parks Association, Wilderness Society, and Sierra Club—have a total membership in excess of 150,000.

On a given issue, they can obtain cooperation from many other groups such as the League of Women Voters, the Izaak Walton League of America, and the National Wildlife Federation. All of these groups have offices in Washington, some of them heavily staffed.

The Wilderness Society, for instance, has about 1,300 "leaders" in communities all over the nation. If an issue is coming up in Congress, these leaders are provided with information, pro and con. The leaders at the community level then try to interest other citizens in letting their own views on the issue be known to members of Congress or public officials.

Although the forces of conservation have been growing in influence, they have lost many of their park crusades. For instance, protests did not prevent the building of Glen Canyon Dam on the Colorado, which will back water up under Rainbow Bridge National Monument.

In Indiana, conservationists won a late and hollow victory after most of the state's delegations to Congress, steel companies, and other industry had fought an "Indiana Dunes National Park" for 50 years. By the time a small Indiana Dunes National Lakeshore could be authorized in 1966, steel companies had purchased and leveled the best dunes. The area that remained was far below national park system standards.

COMPROMISES ACCEPTED

In some cases the National Park Service and conservation leaders had to compromise park principles in order to get parks established. For more than a decade, ranchers and hunters fought the addition of Jackson Hole lands to Grand Teton National Park. Legislation finally passed in 1950 permits deputizing a select group of Wyoming hunters each year to shoot elk in the park, ostensibly in the cause of reducing the overabundant supply.

In today's complicated political atmosphere, National Park Service Director George B. Hartzog Jr. spends a major share of his time dealing with Congress, testifying at hearings, or figuring out what to do about the 90 major pieces of legislation affecting the national park system which were before Congress in 1968.

A lawyer by training and a career park service official, Mr. Hartzog is highly respected by members of Congress. Some of his critics in conservation circles, however, charge that he is too much of a wheeler-dealer and backroom operator.

"Sure he's an operator," says one park service official. "But that's how conservation is made these days—not by ecologists alone. On some things we have to compromise."

Some conservation leaders I talked with said privately they think Mr. Hartzog is dedicated to the national park ideals—preserving the areas in their pristine state. Yet they criticize him for what they say is too great an emphasis on trying to provide for needs of mounting numbers of visitors.

DUAL ROLE JUGGLED

Mr. Hartzog admits he is walking a tightrope between what he sees as his responsibility to the average American to have the opportunity to visit national parks, and the time-honored requirement of keeping parks "unimpaired for the enjoyment of future generations." He also knows he cannot make policy in a vacuum. Congress is always looking over his shoulder, sometimes saying, "Don't build more roads or lodges"; at other times saying, "Don't give in to the backpackers by locking up the parks for just the few."

The hard-working director (he puts in 14 hours a day or more on the job and visits park areas on most weekends) seems to enjoy the political maneuvering.

"All decisions made in a political environment are ultimately going to be validated or rejected by the public," Mr. Hartzog says philosophically. "When an administrator in government gets reversed, it is because somewhere along the line you failed to have your action accepted by the people. And it is the people that are going to reverse you, although it may be in the person of a congressman or a Cabinet secretary."

The Rocky Road to Park Expansion—IX

(Note.—President Johnson has proposed that the U.S. national park system be completed by 1972, 100th anniversary of Yellowstone, the first park. But lack of funds plus opposition from various sources to any new park make achievement of this goal highly unlikely even in a decade.)

Adirondack Mountains, N.Y., June 26, 1968—We followed the graded road through the scenic foothills of the Adirondack state park. Trees on either side were defaced with no-trespassing signs.

Then a large sign: "Elk Lake Lodge, private park, all persons are warned against hunting, fishing, or camping hereon or trespassing for these purposes without express permission from the owner. Violators will be prosecuted."

Not easily intimidated, we pressed on. A few yards up the road, we encountered another sign, pointing to a trail: "Forest Fire Tower, Boreas Mt. Public Welcome. New York Conservation Department."

Funny way to run a public state park. Were we legal or illegal?

If our purpose was hiking, we soon learned, we could follow the trail along New York State lands. But Elk Lake itself—a picturesque jewel in the wilderness—and all the access points to it, were on private property, open only to paying guests.

NATIONAL PARK URGED

And that, we discovered, was one of the chief reasons that Laurance S. Rockefeller and others were advocating the establishment of a national park here. The proposed park constitutes the largest wild area still available east of the Mississippi.

Today, 76 years after New York created Adirondack state park, only 40 percent of the land within the boundary has been acquired for public use. The rest is private. Much of the best wilderness is owned by clubs as well as by lumber companies, real-estate developers, and other commercial interests.

The state-owned wilderness lands in the state park are protected by a "forever wild" constitutional provision that requires Legislature and citizens to approve any change in use. But private lands are gradually being lost to real-estate development and other commercial activity.

HIKERS DIVIDED

In my visit to the Adirondacks area I discovered the issue divides even those using the hiking trails.

"I'm in favor of making a national park here and keeping the land from being commercially developed," said Alfred Bender, from Long Island, whom I met on the Mt. Marcy trail. "Some of the lakes we used to visit already have been ruined," he added.

"The federal government louses up everything," said Marvin Samansky of New York City, another hiker on the Mt. Marcy trail. "The national park might be good in that it would let a lot more people come. But I'm selfish. If the National Park Service took it over they might put roads in and people would be driving all through it."

It is unfortunate that the National Park Service, in need of additional area to take care of future demands, suffers from its blurred image among some citizens. These citizens think it devotes too much attention to providing roads, campgrounds, commercial development, and mass recreational attractions such as beaches and scenic parkways.

This view of the park service was perhaps encouraged by Mission 66, with its annual ballyhoo about increased visitation and all the road improvements, new visitor centers, and other construction over the 10-year program which ended in 1966. And the recent outburst of articles and TV programs depicting the slumlike conditions in Yosemite Val-

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ley have spread the idea that all parks are overcrowded.

California, the most populous state, has four national parks and eight national monuments with just over 3 million acres; New York, a close second in population, has no national parks and no national monuments with natural areas.

Laurance Rockefeller, the conservation-minded one of the famous brothers, seeks to remedy this imbalance. He helped finance a study in which three experts came up with a plan to establish a 1.72 million-acre Adirondack Mountains National Park. It would include most of the present state park, but would have the advantage of stimulating the purchase and preservation along with it of the private lands within the park.

A national park in this area would also be within a one-day drive for one-fourth of the nation's population.

The New York State Conservation Department, which supervises the forest-preserve lands within the state park, strongly opposes a national park. Chief among its arguments are that the proposed park would disorganize the timber industry, would shut off an area of 1.7 million acres to thousands of hunters who generate $4 million a year in business, and would have an adverse effect on the state's water resources.

Gov. Nelson A. Rockefeller has ducked the issue for the time being, referring it to a study group that is to report back to him in April, 1969. The National Park Service is withholding its own analysis on the issue.

Current policies of the National Park Service are swinging away from new roads and increases in park commercial development, although the increasing number of Americans wanting to visit the parks brings new pressure each year to add to campgrounds, roads, and service facilties.

NEW PARKS SCARCE

The National Park Service hopes to acquire additional areas to meet the demands of present and future generations. The federal government also is seeking to help states obtain new park sites before all the prime land goes under the bulldozer or blacktop.

In his 1966 conservation message to Congress, President Johnson asked that the national park system be completed by 1972, the 100th anniversary of the world's first national park, Yellowstone. But no one has ever defined what a "complete" system should include. Furthermore, lack of funds plus opposition from many sides to each new park proposal make it highly unlikely that the park system will be completed even in a decade.

Until 1968 only two entirely new national parks have been established in the last two decades—Virgin Islands in 1956 and Canyonlands in Utah in 1964. Virgin Islands was entirely a gift from Laurance Rockefeller. Canyonlands was acquired from public domain and state lands.

A 33rd national park, Guadalupe, in Texas, was authorized in 1966, but does not yet have enough area to be legally established and available for visitors. More than 90 percent of the projected park was private property; Congress so far has appropriated only enough money to purchase one-fifth of it.

REDWOOD PARK ADDED

A Redwood National Park in northern California has just been authorized by Congress and will become the 34th national park. It is expected to be operational in about two years. North Cascades National Park in northern Washington state was also authorized as park No. 35, along with the adjoining Ross Lake and Lake Chelan National Recreation Areas. This complex of rugged alplike mountain ranges, glaciers, valleys, and lakes near the Canadian border is already 99 percent in federal ownership. Some campgrounds, roads, and trails already have been built by the forest service, which previously owned most of the land.

PURCHASE PRECEDENT SET

Establishment of a new park area is far more complicated now than in 1872, when Congress could carve Yellowstone out of the abundant public domain and declare it a national park. In the ensuing 90 years other parkland was added to. the national park system through transfers from federal agencies or gifts from states, individuals, or philanthropic organizations.

But until 1961, Congress refused to establish any new parks (other than historic sites) which require federal funds for purchase of the basic units. In that year Congress authorized $16 million from general funds to buy privately owned land for the new Cape Cod National Seashore, and thereby gave its blessing to the use of tax funds to buy new parks.

What will be next? The National Park Service has a number of areas under study, and bills have been introduced in Congress for some of them. Much of the area needed for new parks is in private hands and its purchase will require sizable federal funding.

Also, the park service estimates it will take (at present prices) $155 million just to acquire the private lands still to be purchased in park areas that have been authorized since 1961.

Congress this year also expanded the Land and Water Conservation Fund to authorize an additional $100 million a year or more out of continental shelf oil revenues to be used for the purchase of new federal and state park and recreation areas.

This provision greatly enhances the prospects for new national parks.

RELUCTANCE LIKELY

However, Congress and the administration will be reluctant to commit money for parks until the Vietnam war costs recede. Furthermore, proposed park areas still must get sufficient backing from Congress and conservation groups to offset the customary opposition of those who, for one reason or another, are against park expansions.

In the populous northeastern section of the nation, which now has but one national park (Acadia in Maine), the only remaining area considered large enough and of park quality is the Adirondacks. Most of the best potential areas are in the West.

Following are some possibilities for new parks and the prospects for their establishment. Those marked (A) have been studied by the National Park Service and approved by the Secretary of Interior's Advisory Board on National Parks.

Alaska—Glacier Bay National Park (A): Redesignate national monument and terminate mining in the area. Glacier Bay would be larger than Yellowstone, now the largest national park. Glacier Bay has spectacular glaciers coming down to the ocean, breathtaking mountain ranges, and rare wildlife species. Prospects—fair.

Alaska—Katmai National Park: The park proposal would redesignate the present national monument, home of the world's largest bear, the brown Kodiak bear, and unique Valley of Ten Thousand Smokes, scene of the violent eruption of 1912. The area is almost entirely wilderness and would become the largest park in the national park system. Prospects—good, once studies have been made.

Arizona—Sonoran Desert National Park: The plan would enlarge present Organ Pipe Cactus National Monument and add most of the Cabeza Prieta federal game range to make a 1,242,000-acre park, all out of federally owned land. Legislation has been introduced in Congress. The area has the last sizable expanse of Sonoran type vegetation in the nation, and is a sanctuary for rare desert bighorn sheep. Prospects—fair.

California—Channel Islands National Park (A): The proposal, introduced in this session by three California congressmen, would greatly enlarge the present national monument consisting of Santa Barbara and Anacapa Islands. It would add San Miguel Island (now under the Navy), as well as Santa Cruz and Santa Rosa Islands (now privately owned). These five islands exhibit a unique combination of islands, seashore, and related marine values resulting from a million-year isolation from the mainland, and include sea elephants, fur seals, sea lions, great rookeries of nesting sea birds and significant geological structures. Prospects—fair.

California—Death Valley National Park (A): Another redesignation of a national monument, with mining to be abolished. Prospects—long delay.

Hawaii—Kauai National Park (A): This park would be in the northwestern portion of the island of Kauai, and would contain such outstanding features as the Na Pali Cliffs, Haena and Barking Sands undeveloped beaches, Alakai Swamp, Waimea Canyon (the Grand Canyon of Hawaii)—all in an area in which rainfall varies from 20 inches to 500 inches a year. Much of the land now is owned by the state. Legislation has not yet been introduced, and there is strong state and local opposition. Prospects—long delay.

Minnesota—Voyageurs National Park (A): This 103,000-acre park on the Canadian border is in an outstanding setting of lakes and wilderness, and would include a 40-mile portion of the route of the voyageurs—the intrepid 18th-century fur traders who opened up America between the Great Lakes and the Rockies. Half of the land would have to come from a lumber company which opposes the park unless other lands are obtained in a trade. Cost of the park—$20 million for the private lands—is also a major problem. Prospects—fair.

Nevada—Great Basin National Park (A): This proposed area would preserve a remarkable cross section of plant and animal life, extending from the desert floor through five life zones to the 13,063-foot Wheeler Peak. The basin contains 14 mountain peaks with an elevation greater than 10,000 feet, the Lehman Caves National Monument, Lexington Arch which spans an opening higher than a four-story building, and five alpine lakes—all within an otherwise arid region. Prospects—poor.

New Mexico—Valle Grande-Bandelier National Park (A): This would combine Valle Grande, one of the greatest collapsed volcanic summits in the world, with Bandelier National Monument and its Indian ruins Prospects—poor.

Oklahoma or Kansas—Prairie National Park: This park would preserve in its natural state a typical example of prairie, with its bird life, flowers, and sweep of grasslands, and would give the opportunity to show the meaning of prairie and the part it played in the development of the country. Prospects—poor.

OTHER AREAS UNDER STUDY

Natural areas having the best opportunity of being added to the park system as national monuments include: Big Thicket, Texas; Biscayne, Florida; Congaree Forest, South Carolina; Florissant Fossil Beds, Colorado; Fossil Butte, Wyoming; Great Salt Lake, Utah; Cape Fear, North Carolina; Hualapai, Arizona; and Fahkahatchee Strand Florida.

National seashores or lakeshores being considered for establishment include: Cumberland Island, Georgia; Oregon Dunes; Gulf Islands, Florida and Louisiana; Canaveral, Florida; Sleeping Bear Dunes, Michigan; Apostle Island, Wisconsin; Guam (in the Pacific); and Sandy Hook, New Jersey.

National scenic rivers being considered include: Buffalo River, Arkansas; St. Croix, Minnesota and Wisconsin; Potomac, Maryland and Virginia; Suwannee, Georgia and Florida; Wolf, Wisconsin; and a section of the upper Missouri River in Montana to be designated the Lewis and Clark national scenic river.

PRIVATE POCKETS IN PUBLIC PARKS—X

(NOTE.—Only seven national parks in the United States are completely in public ownership. Privately owned "inholdings" exist in all the other parks and in many national monuments.)

OLYMPIC NATIONAL PARK, WASH., July 3, 1968.—This 896,000-acre park in and around Washington's rugged Olympic mountains has two distinctions.

It contains some of America's most magnificent scenery and wilderness—snow-capped mountains, rain forests, dense stands of giant Douglas fir, alpine lakes, and miles of primitive ocean beach.

It also contains 550 pockets of private property—6,416 acres divided into more than 1,200 tracts.

National Park Service Director George B. Hartzog Jr. says these pockets of private property—which the service calls "inholdings"—are a threat to the integrity of the park.

For example, an abandoned, half-burned sawmill and a collection of ramshackle cottages desecrate the view in one area. In another, a landowner is believed to be planning to sell to real-estate subdividers property in the heart of the park's winter elk range.

Other national parks also have inholding problems, some of them extensive. Actually, only seven national parks are completely in public ownership. When a national park is established, legally defined park boundaries almost always include some private property.

PROPERTY VALUES SKYROCKET

"Inholdings are a major problem," according to Mr. Hartzog. "It's like the worm in the apple. They may not take up much of the total park area. But they tend to cluster around the prime scenic attractions or along natural access routes, where they are seen by millions of visitors."

"On private lands within parks you will find lumber yards, pig farms, gravel pits, logging operations, and sheep and cattle ranches," he says. "Plus power plants and mine shafts, auto junk yards, garbage dumps, private plane landing strips, and proliferating residential subdivisions."

In the 68 national parks and monuments designated as natural areas, private owners hold less than 300,000 of the total 23 million acres. But, Mr. Hartzog points out, current inholdings cover twice as much land as is now developed for public use (roads, campgrounds, lodges, stores, etc.) and which absorbs the brunt of visitation.

All of the inholdings in natural areas could have been purchased in 1961 for $59 million. Due to rising land values, these same inholdings would now require $143 million for purchase, an increase of 142 percent in seven years.

Driving along U.S. 101 at the edge of Olympic National Park one day last summer, I noticed a small sign.

"Elwa campsites for sale," it read. "Three miles on right."

Following a tree-lined road alongside the peaceful Elwa River, I came upon the 30-acre subdivision right in the heart of the park. Dirt roads had been bulldozed out of the timber grove, and 50 or more small lots (a tenth of an acre each) were staked out in blocks, side by side and back to back, city-housing-tract style.

On each lot was a sign: "$2,500. $300 Down. $25 a month." Nowhere was there a mention of the fact that the development is in a flood plain on which the Elwa River frequently overflows, and that no houses can be built there—the lots are only for trailers, camper vehicles, and tents.

SPECIFIC EXAMPLES CITED

In another area even deeper into the park I ran across a rundown resort, complete with shabby cottages, tennis courts, a pool, and a small lodge. This was Sol Duc Hot Springs, a major thorn in the park's side until Congress finally appropriated enough money for its purchase by the National Park Service two years ago.

The selling price was $880,000 for the 320-acre resort, more than 3½ times the appraisal obtained by the government five years earlier.

In the southern end of the park, alongside the Quinault River, I saw an 875-acre tract which constitutes Olympic National Park's biggest inholding problem. Park service officials have heard that the owner is ready to sell to real-estate developers and the National Park Service may have to take condemnation proceedings to prevent the land from being subdivided.

The park service succeeded in purchasing three inholdings in the last year; but because of subdivision sales, the number of individual private owners in the park increased from 426 to 550.

A thousand miles south of Olympic Park, the inholding situation at Yosemite National Park confronts park officials with difficult problems. Yosemite's privately owned area is relatively small—720 acres (plus 1,728 acres owned by the City of San Francisco). The troublesome part is that almost all of the 559 owners of private tracts are grouped into three communities.

The most severe problems come from the Wawona area along the south fork of the Merced River.

This already developed section could support camp grounds and visitor facilities for thousands of visitors a year—thus relieving the pressure from overcrowded Yosemite Valley. On homesteaded land acquired before the national park existed, a hodge-podge village has grown up with all the problems of a small town.

The 390 privately owned acres are divided into 458 private tracts. Seventy people live there permanently, and about 1,200 people can sleep at Wawona village each night in the summer.

I saw motels and trailer courts, old cottages, modern $60,000 homes, and others under construction.

In one new development, small lots are being sold for from $5,000 to $10,000; "cottages" being built on them start at $16,000.

In addition to other inholdings problems, park service personnel must spend an enormous amount of time investigating vandalism and domestic squabbles, issuing building permits, watching for fire hazards, and checking on sanitation. (No sewage system exists, and there is real danger of polluting the south fork of the Merced River, which is used by thousands of park visitors each year at a public campground a few miles downstream.)

"The government shouldn't be providing summer homes for a few people within a national park," commented one park official.

The park service has tried to buy up tracts in Wawona village when they come on the market. It now owns 250 acres of the 640-acre Wawona section, as well as the once-luxurious Wawona Hotel (with golf course, tennis courts, and swimming pool). But the history of land acquisition has been one long, sad story after another.

The classic example is a tract of 163 acres, near Wawona, purchased in 1948 for $2,550 by a Mrs. Adeline Udell at a county tax sale. The land, on a very steep hillside, has been logged over and was swept by fire in 1951. The park service started negotiations in 1951 for the purchase of the tract, which was then appraised at $14,500.

Mrs. Udell turned down a park service offer of $15,000. In 1956, she gave the park service an option to buy the land for $20,000. But Washington officials decided they could only spend $15,500. By 1959, the asking price had gone up to $25,000, and the land was appraised at $27,500.

While the park service was still considering it, three men purchased the property in 1961 for $25,000, and later formed the Juniper Land company. The park service offered $31,500 for the land in 1964. The owners rejected it.

The Yosemite National Park superintendent, fearing subdivision, asked his superiors in Washington to start condemnation proceedings. Nothing happened. The park service, in 1965, offered $175,000 for the land. The offer was not accepted.

One summer day in 1965, while Yosemite rangers watched helplessly, bulldozers started tearing up the hillside, crisscrossing it with roads, staking out 123 quarter-acre lots, many of which had slopes too steep for building.

Shortly afterward the government filed condemnation proceedings, took title to the land, and the owners went to court seeking a higher payment than the government appraisal of $175,000. When the case finally came to trial late this June, the Juniper Land Company asked $800,000. A jury awarded them $265,000.

One more inholding has been reduced. But every day, as hundreds of visitors stand at 6,800-foot-high Wawona Point, one of the famous scenic overlooks in the park, their view of mountains and valley is blemished by the ugly, bulldozed scar on the hillside 2,800 feet below.

QUICK-BUCK OPERATORS

Far across the continent in Florida, Everglades National Park holds the dubious distinction of having the largest amount of privately owned land—70,468 acres—within a national park perimeter. In testimony last March before a House appropriations subcommittee, Mr. Hartzog cited the Everglades as an acute example of the inholdings problem.

"In the Taylor Slough—a biological resource of enormous significance—quick-buck operators moved in with bulldozers to create primitive roads so they can peddle 'waterfront' lots," Mr. Hartzog told the subcommittee.

"Farther north, in the labyrinth country of the park, similar real-estate promotions threaten the proposed Inland Wilderness Waterway from Flamingo to the Ten Thousand Islands area. The potential damage from these activities is incalculable."

Besides the inholdings in the older established areas, park service officials face a related problem—the need to purchase private land within the many new national parks, seashores, lakeshores, and scenic riverways that have been authorized since 1961.

Congress considers these private ownerships even more troublesome, especially as land values escalate.

Shortly after Point Reyes National Seashore in California was authorized in 1962, Congress appropriated $14 million to buy the 53,000 acres of private land within park boundaries. Today the $14 million has been spent purchasing 28,312 acres. At present prices, it would take another $45 million to buy the rest.

In Guadalupe Mountains National Park, Texas, the nation's 33rd national park, only 14,000 acres have been purchased out of the 71,886 acres of private land within the park boundaries. The authorizing legislation provides that the park cannot be opened until all the private land is purchased.

Indiana Dunes National Lakeshore, authorized in 1966 after a half-century struggle, is still far from becoming operational. The park service has been granted funds to

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acquire only 100 of the 8,721 acres of privately owned land.

As of the end of the 1968 fiscal year (June 30, 1968), it would have taken $155 million to buy up all the remaining private land within the park service areas that have been authorized since 1961.

Most of the money to purchase these lands—and lands needed for new areas such as the Redwood and North Cascades National Parks—will come from the federal share of an expanded Land and Water Conservation Fund, using offshore oil revenues, a proposal initiated by Sen. Henry M. Jackson (D) of Washington, chairman of the Senate Interior Committee.

Also in the new Land and Water Fund Act are concepts that were sponsored by Senator Jackson, other conservation-minded congressmen, and the National Park Service to make use of additional methods for speeding up acquisition of lands or preventing private property intrusions in park areas.

One method is the outright purchase of scenic easements to prevent uses by the owner that would interfere with park values.

Another is sellback or leaseback. The park service would buy the private property, then sell or lease it back to the previous owners, or another party after writing into the contract the necessary protection to prevent changes in use of the property that might be adverse to park interests.

In addition, the Land and Water Fund will authorize federal agencies (mainly the park service) to spend $30 million a year for the next two years to acquire key tracts which suddenly become available. And the parks director will have $500,000 to use for taking two-year options on private parks lands which come on the market. These fiscal shortcuts may prevent land prices from soaring during customary legislative delays in the authorization and appropriation process.

LAND-ACQUISITION POLICY

National Park Service policy on land acquisition is often misunderstood. After Mr. Hartzog had requested funds of Congress to buy up all inholdings, a Richmond, Va., newspaper called the parks director an "ogre" who deprives private landowners of their property rights.

In an editorial titled, "Phooey to George B. Hartzog," the paper called him a federal bureaucrat "who, on the pretext of necessity, argues for the diminution of the people's liberty."

Actually, basic park service policy on land acquisition provides that those owning homes within park boundaries may keep their property as long as they do not put the land to some new use which would be detrimental to the park, or except where the private property prevents necessary development of the park for public use. Condemnation proceedings are a last resort. In many of the new areas, the authorizing legislation provides that even those who sell their homes to the park service, can live in them for a period of years or during their lifetime, but cannot leave them to heirs.

"I don't advocate throwing out the family that wants to live the rest of their lives on the property they own in a park," says Mr. Hartzog. "But we can't tolerate the subdividers and the land speculators who are trying to take advantage of the increased value of land after it comes into the national park system."

RECREATION AREAS: A NEW DIMENSION—XI

(NOTE.—Park officials ponder how to reconcile new policies with old concepts. Demands for recreational facilities increase. But too much emphasis on water skiing and beach buggies could ruin the idea of a park area as a place for quietly communing with nature.)

CAPE COD NATIONAL SEASHORE, MASS., July 10, 1968.—At this comparatively new area of the United States national park system, a visitor can take a ranger-guided nature hike in the sand dunes, walking along some of the marshes, beaches, and woods that so enthralled Henry David Thoreau a century ago.

Or the visitor can drive a "beach buggy" across the dunes, fish from the public beaches, swim in the Atlantic, hunt deer (in season), and cycle along bicycle trails near the ocean.

In short, the Cape Cod National Seashore attracts both those who seek active physical recreation and those who seek to commune with nature.

And thereby hangs a problem for the National Park Service: how to fit time-honored park service conservation policies to a new concept of areas managed primarily for the beach-and-outdoor "physical" recreation needs of nearby urban masses.

Most of the new park areas (other than historic sites) authorized by Congress in the Kennedy and Johnson administrations have been national seashores, lakeshores, and recreation areas close to large urban centers. Each was selected for a special feature—for the most part proximity to a seashore, large lake, or reservoir.

These areas do not need to have the unique scenic elements required of a national park (although many do possess great unusual natural values). And activities banned in national parks—such as hunting, commercial logging, spectator sports, use of houseboats—are allowed at some of the recreation sites.

The predominant requirement is that the area offer visitors an active recreation experience which transcends that normally associated with parks provided by state and local governments. The area also should be adequate for interstate or regional use.

The new national recreation sites meet a need for many Americans unable to travel long distances to national parks (most of which are in the West), or who really seek a beach or active recreation type of outing. In theory (though not yet borne out in practice), the new areas should relieve congestion in crowded national parks.

One negative factor is that the increased emphasis on physical recreation and the expansion of the Blue Ridge and Natchez Trace Parkways (which receive one-tenth of the total use for the more than 250 park service areas) have drained needed personnel from the purely nature parks. Much of the manpower previously applied to protecting resources or interpreting natural values in national parks and national monuments must now be devoted to such services as lifeguard duty and highway or boating control.

Another difficulty is confusion within the park service and among the public as to where the National Park Service is headed.

"We are beginning to color our whole national park system with the introduction of more and more of these recreation areas," comments author Freeman Tilden, an authority on the national park system. "I'm not against recreation areas. They are needed. But if people get oriented to the physical recreation concept of national parks, and not to the view of the parks as places where they find their relationship with nature, it could be disastrous to the best use of national parks."

PRESERVATION ALWAYS A TASK

An even more pressing problem is preservation of the outstanding natural resources that exist in some of the recreation areas. Developing a site for extended mass recreation may destroy or damage much of what makes the area worthwhile.

Cape Cod is a classic example of the good and the bad, the promise and the problems of a national park service recreation area.

Most of the "lower" cape from the elbow at Chatham to Provincetown still has uncluttered marshes, ponds, and beeches, birds and bogs for the avid follower of Thoreau. This is due in part to the establishment of the Cape Cod National Seashore.

Protections were written into the Cape Cod authorization law of 1961. The Secretary of the Interior could allow development of portions of the seashore for swimming, hunting, fishing, etc.—recreation needs of the city dwellers—but not at the expense of the unique flora and fauna.

It is too early to pass judgment on the Cape Cod National Seashore. The park service development program so far has been minimal. More than half of the private land within the boundaries has yet to be acquired. And the masses from the cities have been slow to invade.

In a visit to Cape Cod, however, I found park service officials facing the same problems that confront their colleagues in national park system areas around the United State. It was a time of decisionmaking, of placing limitations on use before it was too late.

Beach buggies and dune buggies were tearing plant cover off the sand dunes, bulldozers were carving out added beach facilities, and blacktop was being poured for parking areas. One of Thoreau's choice spots now sported a black-topped bicycle trail. New roads were being plotted to the beaches.

By themselves, these activities appeared to be reasonable and in keeping with the primary mission of the national seashore. They would allow millions of visitors to enjoy recreation opportunities in areas previously inaccessible.

But, ask the conservationists, what price is being paid in permanent destruction of the natural values?

Take the beach-buggy problem. These "over-sand" vehicles are allowed on the beaches when used for fishing. But owners have adapted jeeps or other types of transport into camping vehicles. They bring their families for vacations right on the dunes. And every day of such use impairs the beach vegetation and opens the way for erosion. Also, having no sanitation facilities, the beaches are beginning to evidence a pollution problem.

This year, a new rule has gone into effect at this national seashore; it limits use of any one spot to 72 hours, to eliminate permanent summer camps. New "over-sand" routes have been staked out, and beach or sand buggies are allowed only along those routes. Also closer supervision insures that all vehicles staying overnight carry self-contained sanitation facilities.

No new public campgrounds have been allowed in the Cape Cod seashore. The four privately owned campgrounds outside park borders are filled to capacity during the entire season.

DECISION FACED IN DELAWARE

With use of the area expected to rise dramatically when the four-lane, Mid-Cape Highway is extended to the lower cape, authorities will have to decide soon whether to provide park service campgrounds within the park area or possibly establish a large camping facility on the mainland at the base of the cape.

The park service faces another basic planning decision at its newest recreation area in the East, the Delaware Gap Recreation Area voted by Congress in 1965. Situated on the Pennsylvania-New Jersey border straddling the Delaware River, the area puts 47,acres of land and a narrow 37-mile lake within easy reach of 30 million people in the New York-Philadelphia sector.

Delaware Gap is not ready for use because Congress has not appropriated funds to buy enough of the privately owned lands to establish a park entity. But when the land is purchased, the park service will have to decide what types of recreation to develop.

National Park Service director George B. Hartzog Jr. is struggling with this question as the area's master plan lies on his desk awaiting approval.

"There is a great demand for camping," Mr. Hartzog told me. "But I'm not going to cover that 47,000 acres with campgrounds just to satisfy demand. We have to be selective. Maybe we should rule out public campgrounds, and place our emphasis entirely on organized youth camping at a few places. We could let private enterprise or other agencies of government provide overnight accommodations outside the park."

Another type of problem affects Fire Island National Seashore. The new area, authorized in 1964 on the small barrier island near New York City, has yet to acquire enough land to become a cohesive unit. And every year pressures are exerted to have a road built along the island's 32-mile length. Such a road, linking bridges at either end of the island, would ruin the area's natural quality, although it would substitute a highway of great scenic value.

The two largest recreation areas in the national park system are in the West—using the reservoirs behind Colorado River dams at Boulder City, Nev., and Page, Ariz.

The 1.9-million-acre Lake Mead National Recreation Area draws heavily from Los Angeles area residents, who take the 300-mile travel distance in typical California stride.

More than 4 million visitors used Lake Mead in 1967, enjoying the boating, fishing, and water-skiing. But this huge influx overtaxed camp sites and facilities and caused noticeable—though not dangerous—pollution.

The 1.1-million-acre Glen Canyon National Recreation Area in Arizona and Utah has opened up to boat travel some of the most beautiful wild country in the West. Ardent conservationists feel, however, that the wilderness quality was lost forever when Glen Canyon Dam was built and the waters backed up to form Lake Powell along what was once 186 miles of wild Colorado River and hundreds of picturesque side canyons.

The questions now are: How much development should be allowed in the way of campgrounds, or botels or boat marinas? How much will the new fad of houseboats on the lake contribute to further loss of wilderness value? And, what, if anything, could or should be done about the expanding recreation?

At Glen Canyon I learned from superintendent William Briggle that the use explosion had occurred in the last five years—from 9,000 visitors in 1962 to 390,000 in 1967.

Traveling by boat over part of Lake Powell, I noticed few other craft on the vast lake. When National Park Service guide, naturalist Norman W. Salisbury, said we could find visitors camping at any of the hundreds of canyons shooting off from the lake, I picked one at random and challenged him to produce.

As our boat plied Rock Creek Canyon, its towering walls alternately narrowed and expanded; its sandstone cliffs were sometimes close enough to touch. After two miles, naturalist Salisbury was about to admit defeat when the canyon suddenly widened into a box end.

On the shallow beach—two boats and two tents.

The Emmet Lowry and John Hiserodt families from Redlands, Calif., on vacation miles away from the sounds and sights of their city, were having what was to them a wilderness experience. They were camping out, cooking meals over a campfire, taking hikes, and exploring other canyons by boat. Their children, in addition to swimming and exploring, were doing some water-skiing.

VIEWS OF WILDERNESS DIFFER

Water-skiing is allowed, of course, in a recreation area. But the very mention of it brings shudders to conservationists who recall Glen Canyon as the great wilderness explored on foot and by raft by John Wesley Powell and left in its wild natural state until Lake Powell was formed.

Lake Powell National Recreation Area also brings cheers or tears—depending on one's viewpoint—for making Rainbow Bridge National Monument accessible to recreationists.

Until the lake was formed, this famed natural arch—309 feet high and 278 feet across—was seen only by a few hardy persons willing to ride the wild Colorado and hike up a canyon, or else come down 14- or 24-mile trails. Now Lake Powell backs up to within a mile of the arch, and tourist boats arrive daily from Wahweap near Glen Canyon Dam. Last year, Rainbow Bridge had 22,000 visitors.

On my visit to Rainbow Bridge, I noted a marked difference in the ways a visitor can approach this world-famous natural wonder. One way is to arrive by sightseeing tour boat, hurry over the one-mile trail gulping down a sandwich, have a two-minute glimpse of the monument, and scurry back down the boat landing.

Another way, as evidenced by farmer Herman Beebe and his wife Gretchen, from Center Point, Iowa, is to pack-in by horseback the 24 miles from Navajo Mountain.

"I've wanted to come here for 20 years—it's been a dream of mine," Mrs. Beebe told me. "This year when we had planned it, I knew it was possible to come by boat. But we decided to make it the difficult way. They say these things mean more when you work for them. It was really worth it to see it this way."

"ALL MANKIND HAS A STAKE"—XII

(NOTE.—Far-seeing conservationists more and more are viewing national parks as treasurers for all peoples. A proposed world-heritage trust would stimulate preservation of "superb natural and scenic areas and historic sites for . . . the entire world community.")

GRAND CANYON NATIONAL PARK, ARIZ., July 17, 1968.—"It is truly magnificent," a tall, gracious visitor from Bombay commented one day in the fall of 1967 as he looked into the Grand Canyon.

"But . . ."

The visitor paused as he gazed from the south rim into the yawning, mile-deep chasm carved by nature's forces millions of years ago. His deep-set eyes absorbed the shadings of red, yellow, and blue as the late afternoon clouds sent shadows running across the buttes and spires inside the canyon.

"When your Congress provided that natural areas like this should be maintained unimpaired for future generations of Americans, that was just the first step," he continued. "The Grand Canyon is more than American—it should be preserved for all the world."

Zafar Futehally is honorary secretary of the Bombay Natural History Society and a leader in the movement to emphasize international values of parks of all nations. Mr. Futehally had come to the United States with 34 other representatives from 25 countries. Grand Canyon National Park was the final stop in a four-week course in administration of national parks and conservation areas.

OLD CONCEPT STRETCHED

The concept of each country's international responsibility for preserving its unique natural wonders adds a new dimension to the conservation concepts of many Americans. The time-honored United States viewpoint was perhaps best set forth by the nation's foremost conservation president, Theodore Roosevelt.

"Leave it as it is," said President Roosevelt when he first viewed the Grand Canyon in 1903. "You cannot improve on it. The ages have been at work on it, and man can only mar it. What you can do is to keep it for your children, your children's children, and for all who come after you as one of the great sights which every American . . . can see."

Mr. Futehally and other internationally minded conservationists recognize the effects of the transportation and communications revolutions of the 20th century. The world has shrunk. Millions of foreigners now have heard about and seen pictures and even television views of the Grand Canyon or the Florida Everglades National Parks.

TOURISTS CRISSCROSS

Each year, thousands come to the United States to visit these and other scenic spots. So do thousands of Americans travel to such outstanding areas as Iguassú Falls (Argentina-Brazil), or to the volcanic cone of Japan's Mt. Fuji, or the spectacular wildlife display of Kenya's Amboseli-Masai game reserve in the shadow of Mt. Kilimanjaro.

Areas of this caliber, unique in the world, should thus be given priority for preservation, says Mr. Futehally. But in the press of competing national demands, the high-sounding principles of conservation do not always win out over the pressures for industrial, agricultural, or commercial and urban development.

Mr. Futehally was too polite to mention specifics. But it is no secret that two of America's greatest natural attractions, the Grand Canyon and Everglades National Park, have in the past few years narrowly escaped extensive man-caused interference. And they may be threatened again.

WILDLIFE DECLINES

In Everglades National Park, a series of flood-control gates and canals constructed by the United States Army Corps of Engineers interfered seriously with the normal flow of water into the Everglades. The adverse effects on the park were intensified during a period of severe drought. Water that normally would have gone into the Everglades park even in the drought years went instead to southern Florida cities and farms, or was discharged directly into the ocean.

Much of the park's wildlife suffered. Reproduction of wading birds declined drastically, the total dropping from 1.5 million in the 1930's to less than 50,000 today. It is also estimated that the number of alligators has declined 95 percent since the 1920's. This reflects the delicate relationship between the amount of water and the abundance of plants and animals on which the birds and alligators depend. (Part of the alligator loss has been due to poaching.)

After complaints from conservationists and the National Park Service, the Corps of Engineers and the Central and South Florida Flood Control District said they would give the Everglades park additional water. Although the park has sufficient water this year, the future is clouded. The Corps of Engineers failed to put in writing the terms of an oral agreement by which they were to guarantee 315,000-acre-feet of water a year to the park, regardless of the increasing domestic demands in Florida. The next drought might cause severe damage to Everglades Park plantlife and wildlife.

CANYON DAM DEFEATED

Two years ago, Grand Canyon National Park became caught in the cross fire of legislation which would have permitted a large hydroelectric dam on the Colorado River just below the park. Areas in the canyon's depths, set aside for their scenic grandeur, would have been flooded as the river backed up behind the dam.

Conservation groups battled the supporters of the dam and forced Congress to listen. At present, the advocates of the dam have lost out, although they have not given up the fight.

XUM

For Mr. Futehally and the other participants in the third international course, the pressures of overdevelopment and overcrowding of park areas are not yet imminent dangers in most of their countries. But such pressures can be expected in the future. The great need today is for these countries to set aside more park or conservation areas, to provide money for management and protection of the parks and wildlife reserves, and to encourage their citizens to use them.

The participants in this course, and those from 15 other countries taking part in each of the courses held in 1965 and 1966, readily admit their admiration for the United States in pioneering the development of the national parks concept. They are also impressed with the National Park Service's administration of American parks, the planning done for the future, and the quality of interpretive facilities available to the visitor.

LESSONS INCORPORATED

They do not agree that the policies of the park service would necessarily be suited to their particular needs (or that these policies are always best for the United States itself).

However, the best of the principles learned in visits to the United States, or at these international courses, are being incorporated in to the planning of other nations as they develop their parks and conservancy reserves.

In these courses, the National Park Service does not try to hide its own shortcomings. It hopes, in exposing these visitors to the good and the bad, to help them to avoid mistakes in their own programs.

The park and conservation experts from abroad are generally amazed at the amount of public land the United States has set aside for its national park system and the dedication to conservation principles by park rangers and most officials in the National Park Service.

Many countries over the years have asked help from the United States in planning their own national parks or setting up national park and reserves systems. In the past 10 years the United States National Park Service has sent advisers to more than 25 countries. In the last two years, American advisers have been in Turkey, Jordan, Ethiopia, Tanzania, Colombia, Argentina, Peru, Venezuela, Australia, and Thailand. More than 50 countries have recently sent experts to the United States seeking information and guidance in working out park problems.

PRIVATE GROUPS HELP

The private sector, through American groups such as the African Wildlife Leadership Foundation, the Conservation Foundation, and the New York Zoological Society, has also assisted a number of countries with national park development and wildlife preservation, chiefly in Africa and Latin America.

The United States also realizes it can learn much from other countries.

The Belgian Congo for many years used its four national parks as laboratories for ecological studies. The present national governments of the two Congos are maintaining these parks effectively, but with less emphasis on basic scientific research.

England in its nature reserves, Poland and Argentina in their national parks, and Germany with its naturschutzparks also do far more basic scientific research than the United States does in its national parks system.

NATIONS COOPERATE

Most science research in U.S. parks has been oriented to specific problems instead of to basic ecological research.

Several African countries, especially Uganda, Kenya, Zambia, and Tanzania, have developed extensive conservation education programs which allow schoolchildren to visit the parks in organized groups.

Countries with common boundaries have in many cases cooperated to establish parks; free sharing of facilities and mutual planning still lies in the future.

Uganda and the Congo have founded national parks on their respective sides of Lake Edward on their common boundary. In the past (but not currently) Zambia and Rhodesia cooperated with parks alongside Victoria Falls. Poland and Czechoslovakia have parks on both sides of the Pieniny River and the Tatra Mountains. Argentina and Brazil have adjacent parks at Iguassú Falls.

In 1932, the United States and Canada decided to set up a Waterton-Glacier International Peace Park on the border shared by the two parks. But for all practical purposes, Canada's Waterton Lakes National Park and the United States' Glacier National Park have been completely separate.

North America's first truly international park was established in 1964. It is on Campobello Island, N.B. There Canada and the United States share the administration and development of Roosevelt Campobello International Park at the side of the summer home of President Franklin D. Roosevelt.

JOINT UNITED STATES-MEXICAN PARK

The United States-Mexican border at El Paso is the site of the latest international effort. Mexico has recently completed a pavilion, visitor center, and small park on its side of the Chamizal in Ciudad Juarez. The National Park Service will soon build a half-million dollar visitor center and small park on its side of the border.

The International Union for Conservation of Nature and Natural Resources (IUCN) is a strong advocate of boundary-sharing parks to act as a force for peace.

"It is high time that conservation comes to the aid of politicians in bringing nations together," says Mr. Futehally, who is an IUCN board member.

Plans are under way for a second world conference on national parks, to be held in 1972 at Yellowstone National Park in Wyoming. This will be part of the commemoration of the 100th anniversary of the national park concept, which originated in 1872 with the establishment of Yellowstone as the world's first national park. The first world conference on national parks, held in Seattle in 1962, was attended by 145 delegates from 63 countries.

The keynote speaker, U.S. Secretary of the Interior Stewart L. Udall, called for "a common market of conservation knowledge" and commended the conference for striking "a wholesome note of sanity in a troubled world.

"It is a sign that men are questioning the false gods of materialism and are coming to realize that the natural world lies at the very center of an environment that is both life giving and life promoting," he said. "There is hope in this meeting . . . that the values of the spirit are reasserting their primacy—and this in turn gives fresh hope in other vital areas of human endeavor."

WORLD TRUST PROPOSED

In 1965, at the White House conference on international cooperation, one of the major recommendations was establishment of a world heritage trust to encourage preservation of areas such as the Grand Canyon and the Everglades, the Serengeti Plains in Tanzania, Angel Falls in Venezuela, Mt. Everest in Nepal and Tibet, and spectacular animal species.

The proposed trust, the recommendation states, "would be responsible to the world community for the stimulation of international cooperative efforts to identify, establish, develop, and manage the world's superb natural and scenic areas and historic sites for the present and future benefit of the entire world citizenry."

Last year in Amsterdam at the International Congress on Nature and Man, Russell E. Train, president of the Conservation Foundation, urged implementation of the world heritage trust through the activities of the United Nations Educational, Scientific, and Cultural Organization.

Mr. Train said the protection of significant areas is not just a matter of local or even national concern. In his words:

"All mankind has a stake in such areas. . . . The time has come when this principle must be established at the highest level of international affairs and made the subject of priority action by governments and peoples, individually and collectively.

"The question is no longer whether we can afford to undertake such a program. We cannot afford not to."

WHAT IS A PARK EXPERIENCE?—XIII

(NOTE.—Throughout 20,000 miles of travel and many interviews, a Monitor writer sought answers to this deep yet simple question. He discovered that the experience can be "a wordless awareness," a feeling of oneness with nature, a sense of self-discovery as "part of the whole of living creatures, a part of life's beauty.")

WASHINGTON, July 24, 1968.—When national park service people try to explain the ultimate benefits to be gained from a national-park visit, they inevitably use the phrase "a quality park experience"—or sometimes just "a park experience."

Just what is this "park experience"? During 20,000 miles of travel through park-service areas, I sought the answer.

"Everything around us is transmitting beauty," said David D. Condon, 34-year veteran of the service. We were hiking along May Lake Trail in Yosemite National Park one afternoon late last summer.

"Coming in contact with the goldenrod, the deer, the giant sequoia, we are better able to understand that there is some force, some unseen plan to this whole universe," he continued. "We are having an experience with eternity. And if we can perceive the beauty here, that ability can enrich our lives no matter where we are, and we can see beauty better than before we had the park experience."

That was one answer.

Looking through the visitor register a few weeks later at Anhinga Trail in Everglades National Park I found another equally eloquent in its way.

In the column set aside for "comments," a mother had carefully penciled:

"Margaret saw her alligator."

For Margaret that was probably as fine a park experience as anyone could ask.

The phenomenon is hard to define. It is often a wordless awareness. Sometimes we park visitors do not even realize it is happening.

"One may lack words to express the impact of beauty, but no one who has felt it remains untouched. It is renewal, enlargement, intensification," wrote conservationist-author Bernard de Voto.

It is, perhaps, easier to explain what a park experience is not.

Rep. John P. Saylor of Pennsylvania, who has gone camping with his family at national parks for more than 25 years, likes to tell of the time at Yellowstone when a man, trailing a wife and three small children, rushed to the rim of Old Faithful geyser.

"How long before it will go off?" the man asked.

Mr. Saylor looked at his watch. "About 40 minutes," he replied.

"Come on kids, we can't wait," the man answered, herding the youngsters and his wife into the car with a New York license plate.

"And to think that those people had driven clear across the country," laments Mr. Saylor.

EXPERIENCE ENVISIONED

His concept of a national-park experience includes a place to relax and "untense," the Congressman says.

XUM

"You can't appreciate what is there if you're looking at your watch or thinking about all your problems. You have to forget time and realize that you're there to observe something that the Almighty has created. It is unusual. So see it and enjoy it. But also see the bigger picture."

Many people go to the national parks looking for the wrong things and thereby miss their park experience.

"National parks are not cozy roadside tourist attractions, designed to satisfy the curiosity of mankind in padded comfort," says Mrs. Gale Koschmann Zimmer, a naturalist at Everglades National Park.

Mrs. Zimmer believes one of the big problems for the future is to explain to visitors before they come to a park what it's like. If they want to look at safe captive animals, they had better see them at a zoo; if they want to swim and water-ski, play ball or take sunbaths, they should go to a city park or public beach. Says Mrs. Zimmer:

"I think we betray the ideal behind the whole national-park system if we try to plane down all the rough spots, shoot all the touchy animals, fence off all the cliffs, and offer the visitor a national-park scene in the safe comfort of his own living room. With Thoreau, I'd like to know 'an entire heaven and an entire earth,' and I think basically our natural national parks should offer an entire heaven and an entire earth."

RUGGED PHYSICIST HIKING

On the Appalachian Trail, at Double Spring shelter in Great Smoky Mountains National Park, I met space scientist Daniel Hale from Huntsville, Ala. This rugged physicist, who has been to the antarctic twice and the North Pole area once, and is helping to plan the Mars mission, had been hiking alone for two days from the summit at Clingmans Dome, down to Forney Creek, and now back up to the summit again. The satisfaction of roaming the wilderness alone was written on his countenance and in his bearing.

To the wilderness hiker, solitude is the only way to get a real park experience. But who can say that the man or woman who looks out on nature's majesty from a highway turnout, or stops to listen to the birds or walk in the pines a few yards from a lodge or public campground, may not be getting just as much or more fulfillment from the park?

My own impressions of national parks over the past 20 years have been based mostly on ventures close to roads and lodges. Yet I have never been disappointed in the quality of my park experiences.

It would be hard to duplicate the inspiration I felt one November day many years ago at the Grand Canyon rim as I watched snowflakes paint a cover of white on the buttes and mesas below. Or the sense of oneness with nature that came to me as I stood beside a little lake in Everglades National Park before dawn and watched the blackness on either side dissolve into mangroves, and the seemingly empty mangroves gradually reveal their night visitors, a score of snowy egrets which, one after another, rustled into view midst the foliage, stretched their wings and flapped gracefully away into the dawn.

I asked Secretary of the Interior Stewart L. Udall what he thought a national-park "experience" should be.

"It isn't enough just to see majestic scenes, to watch Old Faithful erupt, or to see some other wonder of nature," he replied. "Our job ought to be to help visitors get an appreciation of the importance of nature, how its system works, and how it affects their lives. They should leave with a new insight, a new set of 'eyes' as it were."

From George B. Hartzog Jr., park-service director, came this answer:

"A park experience means different things to different people in different places. Each area is unique. A certain historical area may give the visitor a sense of his place in the stream of humankind. A natural area can give one a new perspective on the place you have in this God-given web of life. It is re-creative, refreshing."

Sharon Francis, writer, wilderness adventurer, and currently White House staff assistant for beautification, says the national park experience "is one in which all the facilities are stretched. One comes down from the peaks with capacities expanded, feelings aware! Best of all, one breaks free of the cocoon of man-made gadgets and comforts with which we envelope ourselves in civilization and forges, in the wilds, a reassuring self-sufficiency."

TILDEN'S BOOK NOTED

Author Freeman Tilden, who has been visiting and writing about national parks for a quarter of a century, says that parks are a place where individuals can find themselves a part of the whole of living creatures, a part of life's beauty.

"Beauty is the individual's shock, his apprehension, his discovery," Mr. Tilden writes in a small book called "Interpreting Our Heritage." "What he discovers is more than what he sees or hears. He has discovered something of himself, hitherto unrealized. . . .

"Sometimes we think, in our egotism, that nature has provided these beauties as a special act on our behalf. If I may be allowed a harmless bit of fantasy, I shall imagine a conversation you might have with Nature on this point. After hearing you patiently on the subject of Beauty, Nature would perhaps say something like this:

"I see the source of your error. It derives from your very limited knowledge. You are thinking that I have a Department of Beauty —that I deal with beauty as one of my activities. Really, I do not *intend* beauty. I *am* beauty, I am beauty and many other things, such as you are trying to express by your abstractions like Order, Harmony, Truth, Love. What you see in my scenic manifestations is the glamour behind which lies an Absolute Beauty of which I myself am an expressive part. You do not understand? Naturally, it is difficult. But you are trying: I do like *that* in you, little man.

"No, we can only shadowly comprehend, and perhaps the mystery will always tantalize us. But, fortunately for our spiritual welfare, we live with the Fact. And this fact is, that in the presence of unsullied, unexploited, 'raw' nature, we are lifted to a height beyond ourselves. . . . We grow in dimension and capacity."

A Look at Tomorrow's Parks—XIV

(Note.—Federal and state officials are formulating recreational-development plans for the vast Yellowstone-Grand Tetons area. It's part of a major new approach, as the National Park Service seeks to revise its blueprints in the light of present conditions and expected future needs.)

Washington, July 31, 1968.—In a map-and-chart-filled Denver office last summer, 10 National Park Service officials and consultants sat around a paper-strewn table. Their task: to come up with a master plan for the kinds of national parks Yellowstone and Grand Teton should be 10 to 20 years from now, or even up to the year 2000.

At these two essentially automobile-access parks, the roads, campgrounds, and lodges are crowded all summer, at times past capacity. And within a few years, tourists arriving at nearby airports in 500-passenger jets will compound the problem.

So the experts asked themselves some hard questions:

Should lodges, campgrounds, and roads be expanded to keep up with the expected deluge of tourists? Or should all new lodging and camping facilities be kept outside the park? Should private vehicles be barred altogether within the parks and be replaced by public transportation?

How can more visitors be attracted away from roads and encouraged to venture into the back country? How can more people be accommodated off-season, especially in winter?

How can wildlife be protected from people-intrusion? How can people see more wildlife safely? Will increasing water pollution force a limitation on use of Yellowstone Park?

FINAL PLANS SHAPE UP

A few weeks later, supervisors of national forests and representatives of other federal and state agencies having recreation facilities or potential near Yellowstone and Grand Teton met with the park-service planning team. At this meeting, they worked out a basic agreement on a coordinated plan for Yellowstone area regional development.

It is appropriate that Yellowstone, set aside in 1872 as the world's first national park, should also be the springboard for a new look into what the next century holds for national parks.

Although parks traditionally have had "master plans" to guide their development, today the National Park Service is revising all park plans.

Wherever possible, regional planning is being considered. Officials agree that park service problems no longer can be worked out nor can the people's recreation demands be met within the confines of the national park system. The 32 operating national parks are only part of the overall national recreation picture. The planners say their use must be coordinated with other federal, state, and local recreation planning and with greatly expanded recreation opportunity provided through private enterprise.

A VISIT IN 1984

Let's look ahead to about 1984—not in Orwellian style, but as some park planners visualize the possibilities.

Let's imagine that Mr. and Mrs. George Norton of Camden, N.J., and their two teenagers are about to make that long-awaited automobile trip to see some of the national parks. In December they go to the nearest big-city national visitor center, in Philadelphia. There they get booklets and borrow home-play television tapes describing several parks. At the visitor center, they learn that if they know the exact date they will be in Yellowstone, advance reservations can be made (by computer) for a two-day stay at a campground, or for en route stops at state campgrounds or private motels or campgrounds.

The Nortons, who prefer a less rigid schedule, elect to go without reservations in June to Yellowstone and other western national parks. When they arrive in Billings, Mont. (160 miles from Yellowstone), they head for the regional visitor center. An information guide checks a computer and advises them that Yellowstone is full for the next two days. But they can be booked to visit and stay at the Gallatin National Forest the next day, at Red Rock Lake National Wildlife Refuge the second day, and then into a commercial motel in West Yellowstone.

As the Nortons approach West Yellowstone, they tune their car radio to a special wave length. Out of the wide-open spaces comes the voice of a national park naturalist, identifying the trees, mountains, and wildlife they are seeing, and describing what lies ahead in the park.

Because only cars with advance reservations for the few public campgrounds are allowed in the park, the Nortons arrange for a Yellowstone tour in an electric-powered, open-air minibus. They walk the final quarter mile to Old Faithful Geyser because all roads and parking areas were moved away from the fringes of the geyser back in 1971.

XUM

BEARS FORSAKE ROADSIDES

At a road turnout in Hayden Valley, a park service naturalist gives them information about the buffalo and moose grazing in a field nearby. He explains the ecology of the area—how each plant or animal (including man) fits into a total environmental order. Before returning to West Yellowstone for the night, the Nortons visit Yellowstone Falls and the canyon area and also see other geysers.

The next day the minibus takes them to the starting point of a seven-mile hike to Hart Lake. On the hike they see several black bears. (Strict enforcement of "no feeding" rules has forced panhandling bears to forsake roadsides and look for natural foods.) The Nortons spend their last night at a wilderness camp (food, bedding, and primitive facilities provided) at Hart Lake. Then on to another park.

That's how it *might* be in 1984.

Meanwhile, back in 1968, a good many matters require immediate attention.

Most important, to many observers, is the need for a clearly defined and workable national recreation policy. The present policy is an often conflicting hodgepodge. The Bureau of Outdoor Recreation has just published a report listing 263 separate federal recreation programs supervised by 57 agencies in nine Cabinet departments and 36 independent agencies, advisory boards, commissions, and councils. Many of the agencies are in open competition with one another.

SOME INTERAGENCY FEUDING

The Agriculture Department's Forest Service and the Interior Department's National Park Service have been feuding recently over loss of Forest Service land for Cascades National Park and over a proposed highway to be built through a part of Sequoia National Park into Forest Service land at Mineral King, Calif. (to serve a proposed Walt Disney ski resort development).

The Army Corps of Engineers and the Bureau of Reclamation are continuously proposing projects of various sorts that affect natural resources. The Army engineers also defied the administration and all other federal agencies involved in recreation by opposing the $7 "Golden Eagle passport," because they did not want admission fees collected at their reservoirs.

Other differences arise regularly between the Bureau of Public Roads and a number of federal and state recreation agencies over location and width of roads through wilderness or scenic areas.

A few of the interagency disputes are finally settled by the President or Congress; most get resolved by the Bureau of the Budget. Fortunately for conservationists, deputy budget director Philip S. Hughes, the adjudicator of disputes in the executive arena, is himself a dedicated conservationist who tries to preserve both interdepartmental relations and natural values.

PRESIDENT'S COUNCIL

The President's Council on Recreation and Natural Beauty is supposed to provide leadership in setting national recreation policy. On the council are the Secretaries of Interior, Agriculture, Defense, Commerce, Housing and Urban Development, Health, Education, and Welfare, and Transportation. But in the past six years, only two major disputes have been put on its agenda; both were settled before the council met. It meets very infrequently and the Cabinet members usually send deputies.

The Citizens Advisory Committee on Recreation and Natural Beauty in its 1967 annual report suggested that the President's council "could offer a forum in which a broad approach to the national interest could be taken without regard to historic jurisdictional jealousies and commitments to policies which may no longer be relevant."

The 1968 citizens-committee report stated: "There is still no force in the federal government which can be brought to bear on environmental problems no matter where they occur."

EFFECTIVENESS QUESTIONED

Appointment in 1968 of the Vice-President to head the President's council may help the situation. But at the first meeting called by Vice-President Hubert H. Humhprey, only one Cabinet member showed up, and he arrived in mid-meeting.

Laurance S. Rockefeller, chairman of the citizens advisory committee and one of the nation's leaders in the effort to preserve natural values, doubts that the President's council ever could exercise the authority it needs in order to become effective.

Mr. Rockefeller holds that power should be vested in a commission established "to coordinate all elements of recreation and conservation in our society. It should have equal representation from Congress, the executive departments, and outstanding citizens."

The Bureau of Outdoor Recreation, directed by Dr. Edward C. Crafts, is currently completing a five-year effort to develop a nationwide plan for recreation. Congress hobbled the agency in the beginning by placing it in one department (Interior) and by giving it the power only to "promote coordination" of federal plans and activities related to outdoor recreation, instead of the power to "coordinate" such plans.

When the Bureau of Outdoor Recreation's nationwide plan is finished, it will offer guidelines for national recreation policy. Because of the restraints placed on the agency, the plan will not be effective unless backed by presidential and congressional action.

As previous articles in this series have indicated, the basic problem facing the National Park Service is how to cope with the increasing pressures for greater use without destroying the resources and without lowering the quality of the visit.

In 1916 with only 350,000 people visiting the then 13 national parks, the object was to attract enough additional visitors to convince Congress that the areas were worth preserving or developing. A half-century later: 40 million people visit 32 operating national parks. Both population and use of parks continue to escalate. The options are: to create more national parks; provide more federal and state recreation areas to ease pressure on the national park system; expand facilities such as campgrounds and lodges at the expense of certain natural values; place restrictions on use; or a combination of these solutions.

NEW FACILITIES TO BE BASIC

Director Hartzog says that park service plans contain no increase in capacity of overnight lodging in the major crowded parks. The emphasis on whatever new facilities are needed will be on the basic side—cafeterias, snack bars, and mountain-type chalets with primitive facilities. Mr. Hartzog also hopes to start a system of youth hostels in national parks.

One of the great needs of the future is for development by the private sector of campgrounds, lodges, and motels on the fringes of national parks. At present, one of the obstacles to private development is government competition. A family can visit a national park for $1 a day; or it can spend an entire summer touring national parks at a total outlay of $7 for a "Golden Eagle" permit—less than the cost of one night at a motel. The park service is experimenting with fees for public campgrounds (to be run by concessionaires), in addition to entrance fees or a Golden Eagle passport.

Lumber and mining companies with big holdings near western national parks may in the future enter the recreation business on a large scale.

CITY ACCENT EXPECTED

Regional planning for recreation also will have to include more extensive state and city development of parks and recreation, especially in making more recreation areas available close to cities. Money now is available from the Land and Water Conservation Fund to aid states. A diversified nationwide recreation capability is needed to give people more choices of places to go for the specific type of outdoor activity they desire.

Most criticism of the National Park Service comes from conservationists who desire greater restrictions on mass access to the parks to ensure preservation of the resources. Some critics, however, think that more should be done to help the average park user.

"A balance has to be achieved between preservation and use," says Deputy Budget Director Hughes. "It wouldn't be good if the park service concentrates just on preservation. The system has to accommodate a large number of people who just want to see parks from the roads."

WIDER PENETRATION URGED

Laurance Rockefeller maintains that no harm would be done by opening up a little more of some of the large parks to access by the average tourist. "People are trapped in the same areas of Yellowstone that were available almost a century ago," he says.

Rep. Wayne N. Aspinall (D) of Colorado, chairman of the House Interior Committee, points out another need: to curb the taking over of choice national park camping spots weekend after weekend by people living nearby.

"These parks belong to the people," Mr. Aspinall told me. "They don't belong only to the people who live closest to them."

In my visits to park areas it became obvious that many of the people most in need of the values that can be obtained from a national park visit—such as big-city ghetto residents and other low-income families—appeared to be absent.

QUESTION POSED

The question came to mind:

Is affluent America doing as much as it should to make the inspirational values of parks more available to those now left out? The answer to such a question may also help decide the kind of national park system America has by the year 2000.

The ultimate answer rests not with Congress or the National Park Service, but with all the people. Their national parks—a unique American contribution—have played a relevant role in developing the kind of nation that exists today. By the way they live, the values they cherish, and the way they treat each other as well as their great resources—in all these ways Americans will decide the kinds of parks they will have tomorrow.

HOW WOULD YOU RUN THE NATIONAL PARKS?—XV

WASHINGTON, August 7, 1968.—"We hear plenty from the conservation groups about what is wrong with our policies," said a National Park Service official. "But we rarely hear from the general public, the average park users, except when they've received bad service at a concession restaurant in a park, or been bothered by a noisy campground neighbor."

The park service has been unable to conduct public-opinion surveys of those who use national parks. Thus officials often have less information than needed to do the necessary long-range planning.

[To help fill this need, and to give readers of this series an opportunity to express their views, key topics were presented in a full-page questionnaire.

[Readers could mark a √ in the squares that most nearly conformed to their ideas of how the park service should handle a particular situation. If no single statement fully expressed their view on a subject, they could mark more than one square in each category. The questionnaire also provided space for additional comments. A summary and analysis of reader opinions concluded the series.]

XUM

The following categories were included in the questionnaire:

1. Overcrowding. Although less than 5 percent of each park is used for tourist conveniences, some national parks, such as Yosemite, Yellowstone, Grand Canyon, and the Everglades, are jammed with visitors in developed areas during most of the tourist season. To relieve overcrowding, the park service should:

A. Build more campgrounds, lodges, and roads to take care of more people. ☐

B. Start a reservation system for campgrounds. ☐

C. Limit the stay in a campground to the number of days it takes to see the major attractions, with a maximum of 3 days. ☐

D. Reserve most of the campground space and visitor facilities for those who live more than 200 miles away. ☐

E. Take all campgrounds out of the parks and encourage development of private areas or use of national forests on the park fringes. ☐

F. Establish a limit for entrance to each park, much as you would for a theater. When a certain capacity is reached, a park would be closed and reopened only to fill vacancies. ☐

G. Increase camping fees and entrance fees. ☐

H. Leave things as they are. ☐

2. Services and attractions. Park users, planners and some conservation groups disagree over what kind of accommodations, services, and recreation attractions should be provided in national parks. The park service should:

A. Provide for additional low-cost overnight lodging facilities with the help of government subsidies if necessary. ☐

B. Provide for more visitor services such as stores, restaurants, coin laundries, etc. ☐

C. Allow more entertainment such as concerts, movies, organized recreation, conventions, and special events. ☐

D. Reinstate the nightly firefall at Yosemite Valley that was stopped this year. ☐

E. Limit expansion of park or concession services to the basic needs of those who can be accommodated without overcrowding. ☐

F. Prohibit any entertainment that would tend to attract visitors to a central location. ☐

3. Roads. The present road system in many national parks is not capable of taking care of increasing numbers of visitors, and some roads are not wide enough for trailers. Also, some U.S. highways go through sections of national parks. I believe:

A. Absolutely no more new roads should be built in national parks. ☐

B. Any roads built should be of the primitive scenic type—narrow, low speed, and following rivers and the natural terrain. ☐

C. Interstate and other U.S. highways should be allowed to pass through national parks, with turnouts provided so that cross-country travelers can have easy access to parks. ☐

D. All U.S. highways should be removed from parks. Until this can be accomplished, fees should be charged on these roads to discourage through traffic. ☐

E. New transportation techniques, such as aerial tramways, rapid-transit systems, helicopters, monorails, and air-cushion systems, should be adopted for travel inside national parks. ☐

F. All automobiles should be left out of crowded parks, and minibuses or other types of public transportation be provided. ☐

G. A maximum speed limit of 35 m.p.h. should be the law in national parks, with lower limits on narrower roads. ☐

4. Roadside bears. Some people say it is disgraceful to make beggars of the black bears that roam the roadsides at Yellowstone National Park waiting for handouts from tourists. Others say that seeing these bears and their cute cubs along the highways is one of the highlights of a park visit. Feeding bears is against park regulations and also dangerous. The park service should:

A. Leave the situation as it is. The visitors enjoy seeing the bears. ☐

B. Trap bears that have taken up residence in unnatural environments of highways and campgrounds and restore them to their natural habitats (even though this would mean many visitors might not see a bear); take away unnatural food sources by enforcing rules against feeding bears and by more frequent garbage pickups. ☐

C. Provide access points and lookouts where bears and other wildlife might be seen. Conduct prebreakfast and dinnertime ranger-guided tours to see wildlife at the best viewing hours. ☐

5. Grizzly bears. Two young women were fatally mauled by grizzly bears at Glacier National Park last year. The park service should:

A. Eliminate grizzlies from all national parks. ☐

B. Leave things as they are. Grizzlies have as much right to be in Glacier as do humans. ☐

C. Prohibit hikers from using parts of the park known to be inhabited by grizzlies. ☐

D. Eliminate all refuse dumps (which attract bears) from chalets, lodges, and back-country campsites. ☐

6. Wilderness. Large portions of most national parks will soon be designated by Congress as wilderness areas, to be preserved for all time from building of roads, lodges, or permanent structures and from mechanical intrusions. But there is disagreement over how much of a park should be set aside and what should be allowed in wilderness areas. I believe:

A. All of the present wilderness-type area in a park should be preserved; there should be no additional development at all on these lands; and wilderness should extend to the edge of roads. ☐

B. There should be a buffer area of at least one-quarter of a mile between roads or permanent buildings and the wilderness areas. ☐

C. When designating wilderness areas, the park service should set aside sufficient land to provide for future developments such as new campgrounds, motor-nature trails, or self-guided nature trails. ☐

D. In places of exceptional scenic beauty which are inaccessible except to experienced mountaineers or by several-day hikes, aerial tramways should be built to allow more people to share these vistas, or to be used as starting points for hikes in the midst of wilderness country. ☐

E. Sufficient area should be left out of wilderness designation in order to permit a few small, primitive chalet-type lodges and youth hostels. ☐

7. Government and private sector. Some people feel that the federal government is in unfair competition with private individuals in the field of recreation because such low fees are charged at campgrounds. (Most parks have only $1 a day entry fee, and a $7 annual Golden Eagle permit allows visitors to spend an entire summer camping in parks.) The government should:

A. Raise the Golden Eagle fee to $25. ☐

B. Charge nightly rates for use of public campgrounds in parks, in addition to the Golden Eagle fee. ☐

C. Turn campgrounds over to concessionaires for management and allow them to charge appropriate camping fee. ☐

D. Enter into partnership agreements with private companies and/or individuals to build public campgrounds and motels on the fringe of park areas. ☐

8. Balances of nature Among the traditional purposes of national parks are providing habitats for all native animals and maintaining the animals in a completely wild state for public enjoyment. Parks are not large enough, however, to provide all the necessities of life for some wildlife species such as elk, deer, and the large predators such as wolves and mountain lions. Some animal populations have become too large; others have disappeared. The National Park Service should:

A. Let nature take its course. If a species cannot adapt to modern conditions, there is very little man can do to save it. ☐

B. Remove excess elk (by trapping or shooting) when they exceed the capacity of the range. ☐

C. Provide food for the important species of wildlife, such as elk, moose, bison, and bighorn sheep, so that these populations can be maintained at the highest levels possible. ☐

D. Determine what human influences are causing wildlife problems, and develop park-management programs designed to offset man's adverse impact. ☐

E. Eliminate nonnative plants and animals from park areas. ☐

F. Restore wolves, cougars, bears, and coyotes to park areas where they once were native. ☐

9. Visitor-use information.

A. Within the last year our family has visited one ☐ two ☐ three or more ☐ national parks.

B. We stayed one day ☐ two days ☐ three or more days. ☐

C. We camped overnight in public campgrounds accessible by road ☐; packed into primitive back-country camps ☐; stayed at lodges ☐; stayed outside the park. ☐

D. We traveled by automobile ☐; camper vehicle ☐; trailer ☐; public transportation. ☐

E. We visited no national parks. ☐

10. Other comments:----------------------

THE PARK SERVICE SHOULD—XVI

(NOTE.—On Aug. 7, 1968, the Monitor invited readers to comment on key issues confronting the U.S. national parks. More than 2,000 replied. Here is a summary of the results.)

WASHINGTON, September 16, 1968.—"How would you run the national parks?"

[The Christian Science Monitor posed this question to its readers at the close of its comprehensive series on the national parks. Within a month after the installment (chapter 15 of this booklet) appeared, the Monitor had received more than 2,000 completed questionnaires.]

Answers and comments poured in from all parts of the United States, from Europe, even from five GIs in Vietnam. Those responding ranged in age from a 16-year-old to a Neenah (Wis.) octogenarian who said he still enjoys going into the national parks "with sleeping bag and tent."

These and other readers—2,192 in all—made it clear that they want their national parks preserved, even at the cost of personal sacrifice or limitations on park use. And they want the quality of a park experience improved for all visitors. They expressed strong support for measures that would:

Drastically limit stays in park campgrounds, and charge for their use (in addition to entrance fees).

Provide only narrow, scenic-type roads, with a maximum speed limit of 35 miles per hour.

Ban automobiles from the parks entirely, and provide forms of public transportation.

Some questionnaires had answer boxes checked in red and black: Husbands and wives who could not agree used ink of different colors. A reader in Mansfield, Pa., noted that answers on his questionnaire represented views of 18 families who reached a consensus after a three-hour campfire discussion while on a National Campers and Hikers Association outing.

The questionnaire was not designed as a balanced statistical sample. Yet National Park Service officials and several private conservation leaders who have seen the results

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agree that the answers and suggestions of Monitor readers contain a wealth of material for careful study and analysis in considering future park policies.

A total of 1,548 of those submitting questionnaires said they had visited at least one national park during the past year. Most others said they had visited parks in previous years, and planned more visits.

While the vast majority appeared to be advocates of wilderness preservation, they did not seek to exclude those who see the parks via roads, campgrounds, or lodges.

Park service officials and conservation leaders said the replies seemed to represent a wide variety of park users and potential users. Some readers urged providing for those not able to take long hikes into wilderness areas. Others suggested finding ways to aid urban minority groups, especially those who might not have financial means or transportation to visit the parks.

"We do not yet need a single inflexible policy for all parks and recreation areas, but one that adjusts to demands," commented A. H. Gibson of Midland, Mich.

A number of readers suggested greater orientation and education for park users.

"Require campers and backpackers to pass a test to obtain a license for camping without despoiling the scenery," commented Mrs. Charles A. Eldon, of Los Altos, Calif.

"Government itself should devote more time to informing the public about problems of the parks while people are at the parks—people will understand these problems if shown while they are there," wrote Miss Vera K. Kuehne, of Manchester, Mo.

"Something similar to the colonial Williamsburg orientation film could be done in each national park to put a person in the right frame of mind for what he is to see," stated Mrs. Colson E. Carr of Alexandria Bay, N.Y. "And it should be run not once a night, but continuously."

According to National Park Service Director George B. Hartzog Jr., the number of questionnaires received made it the largest public survey conducted on national park policy.

"The answers show a sensitivity to the values that are preserved in the national park system, and that visitors are looking for a quality park experience," Mr. Hartzog said.

"And the results are evidence the people know that in order to experience it they may have to accept some regulation of their freedom to use it."

Survey results "indicate strong support for a park-management policy highly protective of the wild areas and the native wildlife," commented Anthony Wayne Smith, president of the National Parks Association.

"The readers also approve of the solution of the problem of overcrowding through dispersing facilities into the surrounding public lands and even farther out into privately owned lands in the general region of parks."

Stewart M. Brandborg, executive director of the Wilderness Society, believes the results show that "the people, given decisions among alternatives, are far out in front of the average government land manager who resigns himself to the invasion by a flood of humanity that could destroy the natural areas."

Readers had been encouraged in the instructions to mark more than one square in each category if no single statement fully expressed their views on a subject. Most took advantage of the suggestion. Many went even further and amended our statements to reflect their own opinions more exactly.

The column for comments frequently overflowed onto additional sheets or letters. One reader, Mrs. George E. Lien of Port Washington, N.Y., sent a five-page, single-spaced typewritten letter brimming with useful ideas gained from her family's recent 9,000-mile tour of national parks.

Following is a subject-by-subject resumé of survey results and selected comments. Numbers represent the total of options checked by readers (many of whom chose several options).

1. OVERCROWDING

The park service should:

A. Build more campgrounds, lodges, and roads to take care of more people, 402.

B. Start a reservation system for campgrounds, 823.

C. Limit the stay in a campground to the number of days it takes to see the major attractions, with a maximum of three days, 950.

D. Reserve most of the campground space and visitor facilities for those who live more than 200 miles away, 387.

E. Take all campgrounds out of the parks and encourage development of private areas or use of national forests on the park fringes, 759.

F. Establish a limit for entrance to each park, much as you would for a theater. When a certain capacity is reached, a park would be closed and reopened only to fill vacancies, 801.

G. Increase camping fees and entrance fees, 404.

H. Leave things as they are, 42.

Readers were especially selective on this subject. In Part A, many agreed on the need to build more campgrounds but crossed out "lodges" and "roads." In Part C, many suggested a limit on stays of 1, 5, or 10 days. Some readers, in checking Part E, deleted the first clause about campgrounds.

Four of the five choices involving restrictions received heavy votes. Readers' endorsement of a reservation system surprised some park officials who have been hesitant about starting such a system in crowded campgrounds.

Several readers noted that the best solution to overcrowding of parks was population control.

Mrs. Bradley Folsom of Hingham, Mass., suggested that "it might be feasible in the future to try a staggered method of vacations so that everyone would not be visiting the areas in July and August, especially if schools were to extend the school year."

Mrs. Florence Radzinski of Montecito, Calif., criticized the park service for mistakenly posting "Valley Camp Sites Full" signs at the Yosemite Park entrance. She added: "My husband and I, much to our delight, found many empty camp sites. We felt sorry for those who might have turned away at the main gate because of the sign. Better communication within the park system is needed."

One advocate of more campground and lodge development stated the park service should be ashamed of "boasting that 98 percent of Yellowstone is undeveloped."

A reader in Arlington Heights, Ill., was very much against having reservations systems in national or state parks. "The parks belong to all the people and should be on a first-come, first-served basis," the reader stated.

Dr. G. B. Moment of Goucher College in Baltimore pointed out the problem of a reservation system: Cancellations and the vicissitudes of travel often delay arrivals.

A California man offered an example of why stricter limitations are needed for campground use: "The campers next to us were set up for a six-week stay with three tents and a large 'lounging' area. They lived in a town 50 miles away and were enjoying a practically 'free' vacation—and had been doing so for years!"

2. SERVICES AND ATTRACTION

The park service should:

A. Provide for additional low-cost overnight lodging facilities with the help of government subsidies if necessary, 304.

B. Provide for more visitor services such as stores, restaurants, coin laundries, etc., 132.

C. Allow more entertainment such as concerts, movies, organized recreation, conventions, and special events, 49.

D. Reinstate the nightly firefall at Yosemite Valley that was stopped this year, 399.

E. Limit expansion of park or concession services to the basic needs of those who can be accommodated without overcrowding, 1,844.

F. Prohibit any entertainment that would tend to attract visitors to a central location, 1,005.

The views expressed on this subject contradict the common assumption that American travelers insist on "creature comforts" above all else. Only 6 percent of all those replying wanted more visitor services inside parks, and 84 percent would accept limiting the expansion of services to cover "basic needs." A number of readers favored low-cost lodging, but did not approve of government subsidies.

Some readers reacted vigorously against Part C, writing in "No! No! No!" to the idea of more organized recreation in the parks.

"Entertainment is not necessary—the park itself is the purpose of its being," commented E. E. Parsons, of Winslow, Ariz.

A reader in Playa Del Rey, Calif., noted at the end of Part F, ". . . but nature talks are O.K." Several others commended the park service interpretive program.

3. ROADS

I believe:

A. Absolutely no more new roads should be built in national parks, 486.

B. Any roads built should be of the primitive scenic type narrow, low speed, and following rivers and the natural terrain, 1,407.

C. Interstate and other U.S. highways should be allowed to pass through national parks, with turnouts provided so that cross-country travelers can have easy access to parks, 233.

D. All U.S. highways should be removed from parks. Until this can be accomplished, fees should be charged on these roads to discourage through traffic, 946.

E. New transportation techniques, such as aerial tramways, rapid-transit systems, helicopters, monorails, and air-cushion systems, should be adopted for travel inside national parks, 292.

F. All automobiles should be left out of crowded parks, and minibuses or other types of public transportation be provided, 642.

G. A maximum speed limit of 35 m.p.h. should be the law in national parks, with lower limits on narrower roads, 1,204.

Park service officials expressed satisfaction with the evidence of support for scenic roads and low speed limits in parks. The park service advocates this position, but it is opposed by the Bureau of Public Roads, which wants, for safety factors, to build wide, high-speed highways in parks.

"Visitors can't enjoy the parks if they can't see them, so they should slow down to the point where they can see them," said park director Hartzog. "If people are in too big a hurry, they should take some other route and come back to the parks when they have sufficient time."

Mr. Hartzog was encouraged by the large number of readers who voted to leave all automobiles out of crowded parks. Plans are being considered to carry out such a system at some parks.

"More people are traveling in camp trailers, so the parks should provide more connections for electricity, water, and sewage," commented Lt. Col. and Mrs. E. L. Massie, Eglin Air Force Base, Fla. A man on Bainbridge Island, Wash., suggested widening current roads for trailers and more traffic.

But Mr. and Mrs. Channing P. Newell of Grossmont, Calif., had a different view. "Visitors to the parks should expect to leave their

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mobile houses, so-called 'campers,' and house trailers outside the parks," wrote the Newells.

"The National Park Service could not and should not be expected to supply space, sanctuary, and facilities for such cumbersome personal paraphernalia.

A New Yorker suggested that when there are U.S. highways within parks, "the toll should be so high that one would think twice before using the highway just to get somewhere fast."

Some readers urged a total banning of motorcycles, "tote-goats," and trail bikes from all trails in parks.

Mrs. Sydney H. Baylor of Johnson, Vt., noted that "it is evident the vandalism in parks is restricted to those areas where automobiles are permitted. Very seldom is anything destroyed along the foot trails."

4. ROADSIDE BEARS

The park service should:

A. Leave the situation as it is. The visitors enjoy seeing the bears, 272.

B. Trap bears that have taken up residence in unnatural environments of highways and campgrounds and restore them to their natural habitats (even though this would mean many visitors might not see a bear); take away unnatural food sources by enforcing rules against feeding bears and by more frequent garbage pickups, 1,003.

C. Provide access points and lookouts where bears and other wildlife might be seen. Conduct prebreakfast and dinnertime ranger-guided tours to see wildlife at the best viewing hours, 1,570.

Another statistic that went contrary to many officials' previous theories was the one showing large support for eliminating the roadside food-begging bears at Yellowstone. Park officials always have assumed that visitors' desire to see bears along the roads was greater than any opposition to the practice.

A number of readers wanted stricter penalties for disturbing wildlife at Yellowstone and in other parks. They also urged giving more publicity to the dangers from bear feeding and to the fact that it is illegal. Fines would be levied against offenders.

Commented Miss La Verne Joiner Jackson of Palo Alto, Calif.: "It is the observing of the animals in their natural environment which brings the thrill, not disobeying the law."

Equally cogent was the terse statement of Mrs. Mary Carr Scales of Orinda, Calif.: "Teach people, not bears."

5. GRIZZLY BEARS

The park service should:

A. Eliminate grizzlies from all national parks, 104.

B. Leave things as they are. Grizzlies have as much right to be in Glacier as do humans, 873.

C. Prohibit hikers from using parts of the park known to be inhabited by grizzlies, 935.

D. Eliminate all refuse dumps (which attract bears) from chalets, lodges, and backcountry campsites, 1,558.

Despite two fatal attacks on campers by grizzly bears last year at Glacier National Park, few survey participants suggested elimination of bears from the parks.

A resident of Ann Arbor, Mich., stated that although he once had been mauled by a grizzly bear, he still believes that grizzlies have the right to be in parks.

A Harvard University student commented that part of a park might be set aside for camping and part for the original animals, "perhaps closed off to people for safety and welfare of both."

The grizzly presents one of the most difficult of all problems for park officials. Elimination of refuse dumps used by bears and complete incineration of garbage might drive some bears into campgrounds. At Glacier, certain back-country trails frequented by grizzlies have been closed this summer for short periods of time. Much research on grizzly habits is needed, say park officials.

6. WILDERNESS

A. All of the present wilderness-type area in a park should be preserved; there should be no additional development at all on these lands; and wilderness should extend to the edge of roads, 1,033.

B. There should be a buffer area of at least one-quarter of a mile between roads or permanent buildings and the wilderness areas, 531.

C. When designating wilderness areas, the park service should set aside sufficient land to provide for future developments such as new campgrounds, motor nature trails, or self-guided nature trails, 727.

D. In places of exceptional scenic beauty which are inaccessible except to experienced mountaineers or by several-day hikes, aerial tramways should be built to allow more people to share these vistas, or to be used as starting points for hikes in the midst of wilderness country, 540.

E. Sufficient area should be left out of wilderness designation in order to permit a few small, primitive chalet-type lodges and youth hostels, 840.

Replies on this subject provided a wide range of opinion, although most readers desired preservation of all the present wilderness-type area in a park.

The question of extending the wilderness provoked conflicting replies.

"The theory of saving millions of acres for a few hardy hikers is wrong," said a correspondent from Florence, Ore.

Commented David Lassiter, Isle of Palms, S.C.: "The parks are practically 'sacred' areas, and should be preserved 'as is' as much as possible. Leave the wilderness areas 'wild.' Let private enterprise provide the necessary concessions, entertainment, and other public facilities outside the parks."

The subject of aerial tramways or other mechanized means of access into inaccessible areas also evoked spirited comment. Advocates, however, usually added an "if."

"I favor 6 D only if it can be shown that such tramways would not disturb the surroundings," footnoted D. M. Weible of Sherman Oaks, Calif.

Miss Rita E. Owen of Washington commented: "I would personally like to travel over parks by monorail; but only if a magic wand could be waved, and the monorail dismantled, or disintegrated, immediately afterward."

Several readers suggested that elderly people should have the benefit of lodges and tramways. "We should not be afraid of them, but resort more to aerial lifts, etc., where rugged terrain makes road-building expensive," said Perry J. Brown of St. Paul, Minn.

The idea of providing small, primitive chalet-type lodges and youth hostels in wild areas draw many favorable comments.

7. CHARGES

The government should:

A. Raise the Golden Eagle fee to $25, 533.

B. Charge nightly rates for use of public campgrounds in parks, in addition to the Golden Eagle fee, 897.

C. Turn campgrounds over to concessionaires for management and allow them to charge appropriate camping fees, 81.

D. Enter into partnership agreements with private companies and/or individuals to build public campgrounds and motels on the fringe of park areas, 946.

A theme running through many comments and substantiated by the results of the questionnaire is the large number of visitors willing to pay fees higher than the present $7 Golden Eagle permit, which covers a full year's visits to the national parks. Some people felt the Golden Eagle permit should cost more than $7, but not as high as $25.

On the other hand many opposed fees that were too high for the average individual.

"Relatively low cost makes national park camping very desirable for large families on low budgets," wrote a Claremont, Calif., reader.

A comment from Alamogordo, N.M., read: "During our stays in the parks we met many students, teachers, foreign students, etc., who were truly enjoying the parks and probably could not afford higher fees."

"We cannot now afford travel to national parks," commented a man in Lansing, Mich. "But it's nice to think that they will be there if ever we can."

Concern was expressed for the urban poor.

Henry Abarbanel of Princeton University commented: "Visiting national parks and monuments is primarily a white persons' adventure. The park service should bring the parks to the attention of poor people and ghetto dwellers and, if possible, organize and help fund visits of these citizens to their parks."

"The outdoors does not belong to the middle class," added a man from New York City.

Mr. and Mrs. Ralph C. Morse of Rockton, Ill., suggested there be a minimum fee for a three-night campground stay, together with a limitation on the Golden Eagle permit allowing no more than a 10-day stay in each park.

"A visitor would be both encouraged to stay at a campsite long enough to fully appreciate the glories all around him, and yet be forced to move on after a reasonable length of time to provide room for others," wrote the Morses.

Another version of this idea came from a Hagerstown, Md., reader: "Entrance fees should be high. If a person hurries through the park using its roads only as a scenic highway, no refund. If he stays a sufficient time to enjoy the park, most of the entrance fee is refunded on exit. If he overstays—no refund."

Many readers opposed turning over campgrounds to concessionaires for management and charging of fees. Readers felt this would result in crowded, dirty, and overpriced campgrounds.

Park director Hartzog said that, because of a shortage of personnel, the park service is planning to turn some campgrounds over to concessionaires to "operate" and to perform the actual maintenance work. But the park service will continue to set high maintenance standards, determine the rates, design the campgrounds, and rehabilitate them every few years. Rangers and naturalists also will remain to help visitors.

8. BALANCES OF NATURE

The park service should:

A. Let nature take its course. If a species cannot adapt to modern conditions, there is very little man can do to save it, 119.

B. Remove excess elk (by trapping or shooting) when they exceed the capacity of the range, 807.

C. Provide food for the important species of wildlife, such as elk, moose, bison, and bighorn sheep, so that these populations can be maintained at the highest levels possible, 670.

D. Determine what human influences are causing wildlife problems, and develop park-management programs designed to offset man's adverse impact, 1,878.

E. Eliminate nonnative plants and animals from park areas, 356.

F. Restore wolves, cougars, bears, and coyotes to park areas where they once were native, 708.

Park officials and conservation leaders expressed surprise at most readers' evident awareness of the complicated problems of maintaining wildlife in the parks. Eighty-six percent of those responding wanted the park

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service to develop management programs designed to offset man's adverse impact.

Also unexpected was the large number choosing the option of restoring predators to parks where they once were native. However, some readers objected specifically to reinstating wolves.

Doug Roberts of Pullman, Wash., advocated that the park service purchase more winter range to help with the wildlife food problem.

9. VISITOR INFORMATION

A. Within the past year 497 families reported visiting one park; 413 visited two parks; 638 visited three or more.

B. Replies showed that 392 families stayed one day; 317 stayed two days; 762 stayed three or more days.

C. For accommodations, 698 families camped overnight in public campgrounds accessible by road; 333 packed into primitive back-country camps; 372 stayed at lodges; 443 stayed outside the park.

D. For transportation to parks, 1,235 families traveled by automobile; 130 by camper vehicle; 155 by trailer; 77 by public tranpsortation.

E. Of those answering the questionnaire, 541 said they had visited no national park in the past year.

That 60 percent of readers taking part in the survey had camped either in public campgrounds or the back-country was of great interest to park officials and conservation leaders as possibly indicating a trend away from use of lodges and motel accommodations inside the parks.

Another result of significance is that 638 of the 1,548 readers whose families had visited the parks stayed three or more days. This will be helpful to the park service in making planning decisions.

"I am single, in the Army, and in Vietnam, so I can't answer No. 9," wrote 1st Lt. L. J. Pryor. "However," he added, "I hope some day to use the parks a great deal."

Many reader comments showed acute awareness that preservation of parks and conservation values requires continued citizen participation in making policy.

"We need a land ethic," wrote Joseph Papa of Los Gatos, Calif. "We need more leadership in government. I notice none of the candidates seem to be addressing the issue."

"I saved all the national parks articles in the series and wrote to my congressman, giving my sentiments," said Guy W. Griffith of Richmond, Va.

"The National Park Service is doing a good job but can do better if it is better informed on what people want," commented Emanuel Fritz of Berkeley, Calif.

Other comments pointed to the need for citizens to treat the parks and wildlife, as well as other visitors, with respect and consideration.

Mrs. Lewis F. Smith of Cheshire, Conn., wrote that "there are few places left where we can enjoy nature's beauty without man's ruining it with his noise and refuse. I guess we will have to change the people to make the parks better."

A reader in Salt Lake City noted: "Educate the public as to: (1) what to expect in the park; (2) how to conduct themselves regarding their fellow man, the wildlife, and premises; (3) obey the golden rule of life."

Roy H. Hessen, director of People for Conservation, a citizen organization in Merrick, N.Y., said that the Monitor park series had prompted his group to draft a series of policy proposals for improvement of national parks, and to send the proposals to the National Park Service.

Summed up Mrs. Edward E. Eschenroeder of Largo, Fla.: "The most important thing is the realization that we the people have a responsibility if the privilege of using our parks is to be continued."

NATIONAL COMMISSION ON PRODUCT SAFETY

Mr. MAGNUSON. Mr. President, because of our great interest in all phases of consumer protection I am particularly pleased that the National Commission on Product Safety, under the extremely able chairmanship of Arnold B. Elkind, is meeting with favorable response. The interest shown by industry and the press in the aims of this Commission indicates an awareness of the need for a comprehensive report on product safety.

Just last Sunday, for the Washington Post, Morton Mintz wrote an excellent article describing the work of the Commission. The following day, May 12, for the Wall Street Journal, Ronald Shafer wrote an in-depth story outlining the Commission's work to date.

The resolution I submitted in the 90th Congress, in which I was joined by the ranking minority member of the Commerce Committee (Mr. COTTON) was responsible for the establishment of this Commission. In a year's time the Commission has proved itself as a strong force in consumer protection. Its Executive Director, William V. White, has put his long experience in the field of public safety to excellent use for this Commission. The seven appointed Commissioners have proved themselves sincerely dedicated to probing the problems of safety for the consumer.

Mr. President, I ask unanimous consent that the newspaper articles be printed in the RECORD:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 11, 1969]

PRODUCT SAFETY GAINS IMPETUS

(By Morton Mintz)

Concerned about the massive annual toll of thousands of deaths and millions of injuries in American households, Congress in late 1967 recognized a new human "right"—the right of the consumer "to be protected against unreasonable risk of bodily harm from products purchased on the open market for the use of himself and his family."

The declaration is in the preamble of an unprecedented joint resolution that established the National Commission on Product Safety and directed it to "conduct a comprehensive study" and file a report with Congress and the President.

The commission—a seven-member group headed by Arnold B. Elkind, a New York trial lawyer—probably will not complete the report until the fall of 1970.

But the supreme issue emerged early in a series of hearings the commission has held since last October in New York, Boston, Washington and Chicago; and it has the potential to bring about radical changes in society.

Basically, the issue is whether manufacturers will continue to have exclusive power over standards that apply to a vast variety of products—floor furnaces with grilles that burn toddlers, toys that cut them, wringer washers that mangle hands, electric steam vaporizers that scald infants, power lawn mowers that throw stones, football helmets that do not prevent brain concussions, and appliances, toys, hospital diagnostic equipment and charcoal igniters that electrocute.

But if voluntary standards are to be abandoned, what is to replace them?

Is it desirable, practical or even possible to require that every product must be subjected to Government premarketing clearance for safety, as medicines have been since 1938?

SYSTEM ON TRIAL

At this point, what appears to be certain is that the commission will recommend fundamental changes and that even if the Government should reject particular recommendations of the commission, it will not allow the present situation to continue.

For one thing, the issue is not bogged down in partisan politics. The father of the 1967 congressional resolution is a Democrat—Sen. Warren G. Magnuson (Wash.), chairman of the Senate Commerce Committee. But he had the full support of the ranking minority member of the committee, Sen. Norris Cotton (N.H.). And the resolution passed the House and Senate without dissent.

Some assumed that evolution away from the voluntary system would be slowed by the Nixon Administration. But at a commission hearing in Chicago on May 1, Virginia H. Knauer, the President's special assistant for consumer affairs, discouraged such a notion.

"The development of comprehensive safety standards is the key to this problem of product safety," she testified, adding flatly that the voluntary system "is on trial."

Whether we will have "governmentally mandated or voluntarily adopted safety standards is, at this time, problematical," Mrs. Knauer said. "However, a comprehensive system of safety standards is certainly inevitable, if the consumer is to be properly protected against the production of hazardous products."

This was a candid recognition of growing public awareness that protection against avoidable hazards is not adequately provided by old doctrines and comforting presumptions.

Consider the case of a particular model of electric steam vaporizer, a device that often is left in a room with infants. The infants could tip this model over with only two pounds of force—sometimes by becoming entangled in its cord—and thus drench themselves with scalding water.

Caveat emptor did not protect them. Neither did the seals of approval showing compliance with the voluntary standards of Underwriters' Laboratories, the Good Housekeeping Institute and Parents' Magazine. Nor was there protection in claims in ads and the instruction booklet that the device was "tip-proof," "practically foolproof" and "safe."

There was no protection, either, in the presumption that self-interest and brisk competition motivate manufacturers to produce safe products; styling and advertising commonly ring up more sales than safety.

Are lawsuits—which can only compensate a victim, not prevent marketing of unsafe products—an effective restraint? And what about recall of products found to be defective?

Lawsuits generally are brought only for the most serious injuries. In a single typical case, law professor F. Reed Dickerson of Indiana University told the commission, "the cost of consultants and expert witnesses runs from $500 to $2000, deposition costs from $300 to $400, physicians from $200 to $300 a day and visual aids about $100." If the case is expected to go to trial, a lawyer would have to figure on recovering at least $10,000 to make taking the case worthwhile, he said.

In the case of the vaporizer, Hankscraft Model 202–A, the manufacturer, the Hankscraft Co. of Reedsburg, Wis., has acknowledged that it knew of 16 cases of injury in the years 1955–60. Although four of these cases led to lawsuits, the firm continued to sell the 202–A. No recall was instituted—just as no recalls of defective cars were undertaken until a law was passed.

As of last February, when the 202-A was still on sale, more than 100 suits—40 of them involving explosions—were pending against Hankscraft.

SERVING HUMAN VALUES

The spreading habit of questioning society's values also is a factor in prospects for consumer protection.

Consumer advocate Ralph Nader, for example, told the commission that the number of hospital patients annually electrocuted by faulty equipment while receiving "routine diagnostic tests" or treatment—an estimated 1200—is "five times the total death toll in all the riots in all our cities in the last three years."

The commission also heard from a man who once—as assistant general counsel for science and technology in the Commerce Department—helped to draft standards for brake fluid, among other things.

The witness, Gordon A. Christenson, now associate professor of law at the University of Oklahoma, said that the "central concern many of us have—from . . . Nader to Kenneth Galbraith to Herbert Marcuse and the SDS and even to former President Eisenhower—(is) that our technological culture is inhumane." He continued:

"What has this to do with standards-making? Plenty, for the standards-making processes, whether voluntary or mandatory, are the only means I know of by which to begin the painful task of humanizing our productive capacity."

MANY LACK STANDARDS

The commission's hearings have shown that the voluntary system has worked poorly.

Of the 250 categories of products being studied, there are no standards at all for 69. Standards often take years to come into being, reflect the lowest common denominator and cannot be enforced. The Outdoor Power Equipment Institute sells its seal to makers of rotary lawnmowers that do not meet Institute standards.

In her testimony in Chicago, Mrs. Knauer, the White House aide, said flatly that some existing standards "are inadequate or outdated."

The obstacles posed by the voluntary approach often cannot be overcome even when a substantial proportion of manufacturers of a particular type of product have the best of intentions.

Unsafe glass doors for household use, for example, have caused an estimated 100,000 injuries a year, some of them fatal. The victims have been mainly children, who run into them. The principal trade group involved, the Architectural Aluminum Manufacturers Association, refused until recently to adopt a voluntary standard for members to use tempered safety glass.

Even after the Association finally reversed its position to require use of safety glazing by its 200 member firms, which produce 80 per cent of the aluminum glass sliding doors sold in the United States, it had no control over the remaining 20 per cent of companies in the industry, which could—and did—underbid by using cheap glass.

To make use of safety glazing universal, the support of the Federal Housing Administration and the National Association of Home Builders was essential. This support was denied until heat was generated by a hearing of the National Commission on Product Safety in February; then the FHA decided to make safety glass a requirement in construction of homes that receive FHA financing and the NAHB went along.

Sometimes a standard is developed, is resolutely maintained in the face of evidence that it won't work, and serves to stifle innovation.

Take the case of gas-fired floor furnaces, of which there are about four million, mainly in temperate climates.

Public health specialists found that little children were toddling, crawling or walking onto scorching grille surfaces and being seriously burned at the rate of at least 60,000 a year.

The American Gas Association held that nothing could be done beyond applying its standard, which allowed a temperature an inch above the grille of 350 degrees in excess of room temperature—although a one-second exposure to 158 degrees can produce a second-degree burn.

Working on a three-week, $800, nonprofit contract let by the staff of the National Commission on Product Safety, a small Baltimore firm, Wiener Associates, devised several ways to eliminate the hazard. The simplest and cheapest was to put a loosely woven fiberglass mat on the grille.

The Gas Association is now reviewing the Weiner recommendations, but a spokesman had testified that the industry "simply did not know of any technology and apparently couldn't think of any; and didn't perhaps have enough incentive."

A similar apathy was shown by a witness after the Commission, at a hearing in Boston, saw demonstrations of toys that can inflict savage injuries. The National Safety Council, said Richard J. Manuell, its child safety consultant, is "quite satisfied" with the toy industry's safety record. In addition, he commented, "A child has to experience some minor injuries, some experience of trauma, in order to learn."

THE UL SEAL

The history of safety-release devices for those washing machines that use electric wringers—about 14 million of them are still in use, and 379,000 were made last year—illustrates the agonizing delays that frequently precede adoption of a voluntary safety standard.

The first report in medical literature on injuries to persons who get fingers, hands, other parts of their bodies or articles of clothing caught between the revolving rollers was published in 1938. An "instructive release," which stops the rollers when the victim pulls back and which added $1 to $3 to the cost of manufacture, became available in the late 1940s.

But a voluntary standard did not take effect until last October. Meanwhile, about 200,000 persons a year, half of them children, were being injured.

In some situations, the problem is entirely one of imports. Several years ago, for example, American makers of spectacle frames stopped using celulose nitrate, which is a component of some explosives. But frames made of this substance, which bursts into flame at the touch of a lighted match or cigarette lighter, are imported into the United States at the rate of 250,000 a month.

One of the most troubling areas of evidence put before the Safety Commission concerned Underwriters' Laboratories, the private and prestigious nonprofit testing organization whose seal long has been taken as an assurance of safety from fire, shock and other injury. The UL seal is on about 500 different types of products made by more than 13,000 different companies, which in 1968 attached more than one billion UL seals.

UL's testing system has two "very serious defects," Chairman Paul Rand Dixon of the Federal Trade Commission said in a letter to the Safety Commission last June.

First, Dixon said, is UL's "inability to compel" submission for testing of all electrical products, including a large number of foreign-made electrical appliances. The second defect is UL's "inability to enforce its standards to the point of prohibiting unapproved appliances and devices from appearing on the market," Dixon said.

"Analysis of the 1966 UL records reveals that 24 per cent of new submittals failed to comply initially with the standards and that only 7 per cent of these were subsequently corrected," Dixon said. "Of those not corrected many were already on the market and were not thereafter removed."

The FTC chairman cited three additional factors that "work to render the UL operations less effective: undue industry influence" based on UL's complete reliance on fees from companies that use its services, "pirating of the use of the UL seal" and failure of large segments of the public to recognize the significance of the UL seal (which is sometimes put in an obscure place, anyway).

"In addition, UL tests only the finished product and does not examine its components," Dixon said. He pointed out that 100,000 UL-approved color television sets with defective tubes that allowed emission of excessive radiation "passed onto the consumer market without UL detection."

In Safety Commission hearings, witnesses have started fires and demonstrated other hazards with numerous UL-approved items, including a child's electric oven with an interior shelf that heated up to 600 degrees and a charcoal igniter with a design defect that could electrocute the user.

Many cases of UL-approved products that fail to meet UL standards have been reported by the magazine Consumer Reports, which often has found such standards inadequate to begin with.

Mrs. Knauer, President Nixon's adviser, told the commission of "my hope" that the affected industries will solve the problem "rather than await a legislatively imposed solution resulting from inaction."

But members of the commission privately express doubt, based on the evidence they have seen, that it is possible for business acting alone to solve the problem.

Already, the commission, in an interim report in February, has urged enactments of emergency amendments to the Child Protection Act of 1966 to curb an annual accident toll among children under 15 estimated at 15,000 deaths and 17 million injuries serious enough to restrict normal activity or require medical attention.

LEGISLATION LIKELY

The amendments would empower the Food and Drug Administration to ban articles posing hazards for children "associated with sharp or protruding edges, fragmentation, explosion, strangulation, suffocation, asphyxiation, electric shock, heated surfaces and unextinguishable flames."

Since the recommendation was made, legislation to carry it out has been endorsed by the Administration and introduced in the House and Senate. Chances for passage this year appear favorable.

As for the longer-range problem of standards, one solution under consideration within the commission would follow the pattern of some relatively new amendments to the Flammable Fabrics Act. Under this system, the Public Health Service keeps watch for flame injuries related to textile products. If any are identified, PHS at once notifies the Department of Commerce, which then determines whether to use its power to tighten existing safety standards or develop initial safety standards.

In other words, the Flammable Fabrics Act lets the Government move in when a hazard has been shown to exist and the industry has failed to correct it.

Applied to consumer products across the board, such legislation might spur industry groups—whose technical competence may well be invaluable—to act so as to minimize the possibility of Federal intervention.

Other approaches being considered by some members of the Safety Commission include governmental clearance in advance for safety of all products involving new technology as well as procedures under which any member of the public could challenge the adequacy of a voluntary safety standard or initiate

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proceedings for noncompliance with standards.

[From the Wall Street Journal, May 12, 1969]

NEW AGENCY STRIVES TO MAKE LIFE SAFER IN AND AROUND HOME: IT PERSUADES, FORCES FIRMS TO ALTER DANGEROUS GOODS; TOYS AMONG 260 TARGETS

(By Ronald G. Shafer)

When a Pennsylvania housewife reached for some towels in her new stove's storage drawer, she got more than she expected. The drawer, which wasn't properly insulated, was red-hot, and she suffered second-degree burns on her hands.

A freak mishap? Perhaps. Nobody knows the exact scope of accidents caused by household products or how the causes stack up statistically. That's why Congress created the National Commission on Product Safety a year and a half ago. Now, after nearly a year's delay, the commission has begun the first comprehensive investigation of the hazards of household products. The Pennsylvania woman's nasty surprise is among the problems it has turned up so far.

When its survey is completed, probably in about a year, the seven-man commission will make recommendations to President Nixon and to Congress. But the agency has decided that consumers shouldn't have to wait for new safety efforts until all the statistics are in.

"We've rejected the numbers game. You can meet some problems without waiting for X number of people to be knocked off," says Arnold B. Elkind, a New York lawyer who is the commission's chairman.

PERSUASION AND COMPULSION

Through publicity and persuasion, the commission already has prompted several voluntary changes to eliminate apparent safety defects. The stove with the hot drawer was voluntarily redesigned by the manufacturer. Appliance makers have agreed to install door latches inside freezers to prevent entrapment of children. The American Gas Association will consider revising standards for gas-fired floor furnaces, which can cause burns.

In a few instances, the commission is turning to compulsion. The Federal Housing Administration has agreed to require nonshattering safety glass in sliding glass doors and glass panels of FHA-approved homes. The commission is seeking Federal legislation to ban the sale of toys with electrical, mechanical or excessive-heat hazards, and the chances of Congressional action appear strong.

Some commission members seem surprised by the cooperation received so far. "We've discovered it isn't too difficult to initiate changes," says Mr. Elkind. Thus far the general emphasis on prompt but voluntary safety action has won praise from consumer and business groups.

Some businessmen, fearful of a "witch hunt," were "concerned at first that the commission might come up with a lot of recommendations without getting the facts," says a woman at the Chamber of Commerce. But, to date, it has acted responsibly, she says.

"A HEAVY IMPACT"

"So far, it has been a good commission," says Erma Angevine, director of Consumer Federation of America, a coalition of 126 consumer groups.

But Consumers Union, publisher of Consumer's Report magazine, while applauding the commission's child protection amendment would prefer that the toys be required to be tested before being marketed. And many businessmen remain worried that the commission's actions may sooner or later cost them money.

A major public relations firm has told its clients that the commission's "early gropings indicate a heavy eventual impact on product safety, business costs, market competition and consumer relationships." The private memo cautions: "Obviously a balance must be struck between a desired safety level and the costs for achieving this, not only for the businessman who makes products, but also for the consumers—who in the final analysis pay the bill through their product purchases."

The safety commission is charged by Congress with identifying risks of household products and suggesting ways to protect consumers. It also is to study the effectiveness of current industry self-regulation and of present Federal, state and local consumer-protection laws. Basically, the commission's job is "to determine the who, what, where, when and how of it all insofar as accidental injuries and deaths are concerned," says William V. White, its executive director.

TWENTY MILLION INJURIES

The agency has a staff of about 30 and a $2 million budget for two years. Even so, its work is cut out for it. The U.S. Public Health Service estimates there are 20 million injuries and 18,000 deaths in and around U.S. homes each year. The commission will concentrate its probe on the safety of more than 260 products ranging from stoves, refrigerators and TV sets to power mowers, electric blankets and eyeglasses.

The safety of stepladders, wringer washing machines and eyeglass frames came under scrutiny recently at public hearings by the commission in Chicago. One witness, James E. O'Neil of the National Society for Prevention of Blindness, testified that many imported eyeglass frames are made of cellulose nitrate, a highly inflammable ingredient of some explosives. He told of a 69-year-old Ann Arbor, Mich., woman who died in a fire after her cigarette lighter ignited her eyeglass frame.

At the hearing, Mrs. Virginia Knauer, President Nixon's consumer affairs adviser, made her first official appearance and pleased Chairman Elkind with her tough talk. Among other things, she urged "a comprehensive system of safety standards" and "a system of identification, recall or correction of hazardous products."

If it's to finish its assignment, the commission probably will need more time. Its two-year study was to have ended this November. But the seven commissioners weren't appointed until last May, and the agency didn't get operating funds until last October. A bill just passed by the Senate would extend the commission's life to June of 1970, and the House is expected to pass it as well.

THREE TASK FORCES

The commission has divided its staff into three task forces to dig out facts on causes of household accidents, the adequacy of industry's safety standards and testing, and the effectiveness of consumer protection laws. One task force recently completed a survey in which 85,000 doctors were asked to report for a two-week period details of all cases involving injuries related to household products.

"This is the first time anyone has attempted to obtain, on a large scale, actual numbers of product-related accidents," says Dr. Samuel Southard, a pediatrician who heads the task force. Returns haven't been completely tabulated yet, but Dr. Southard expects to get reports from doctors on about 50,000 accident cases. The group also plans to survey 5,500 hospitals.

The seven commissioners, who continue to hold their regular jobs as well, take part in public hearings that are held about every other month. They receive $100 a day when they work. Besides Chairman Elkind, they are:

Emory J. Crofoot, senior deputy city attorney, Portland, Ore.; Henry Aaron Hill, president, Riverside Research Laboratory, Haverhill, Mass.; Sidney Margolius, consumer columnist for union publications; Michael Pertschuk, general counsel of the Senate Commerce Committee; Hugh L. Ray, director of the merchandise development and testing laboratory for Sears Roebuck & Co., and Dana Young, senior vice president of Southwest Research Institute in San Antonio.

In terms of accident prevention, the commission's major achievement to date probably is the new FHA requirement for architectural safety glass. The Public Health Service estimates that 100,000 persons are injured annually in homes when they crash into window glass, which often shatters into large, jagged pieces. At public hearings last January in Washington, the safety commission was told of several cases in which children were killed when they ran into closed, clear-glass doors that appeared to be open.

BLAMING BUREAUCRACY

Safety glass that crumbles into small fragments on impact has been available for some time. But it has been almost ignored by home builders because of lack of such a requirement by the FHA. At the hearing, the FHA was sharply criticized by the angered safety commissioners when an official defended the housing agency's position due to a lack of evidence of injuries from regular glass and the higher cost of up to $20 per installation for safety glass.

The FHA's position, fumed Commissioner Crofoot, was "probably bureaucracy as bad as I have ever seen it or heard it." The FHA subsequently switched its stand, and the move was officially supported by the National Association of Home Builders.

The commission's other major action has been its proposal to seek a new child-protection law. Going beyond an existing statute that bars sale of children's articles and toys made of toxic or flammable materials, the new law would apply to such dangers as explosion, strangulation, electrocution and cutting by sharp edges.

The proposed law stems from hearings in which the commission was shown dangerous toys purchased off store shelves. At recent Senate hearings, Chairman Elkind demonstrated some of them. One was a "Little Lady" stove which, when plugged in, heats to up to 300 degrees on the outside metal. Another was an infant's rattle that easily comes apart to expose three-inch spikes. Of special concern was a baby's crib with a lid; several babies have been strangled when their heads were caught between the lid and the crib's top rail, Mr. Elkind said.

The bill has been backed, with some reservations, by the toy manufacturers. In addition, it has drawn support from the Nixon Administration. Patricia Hitt, an HEW assistant secretary specializing in consumer protection, released a statement strongly supporting the proposed amendment.

The commission's final recommendations, still many months away, could range anywhere from proposals for more Federal consumer protection laws to suggestions for improved consumer education. It's known that some members are concerned about apparent weaknesses in industry's arrangements for recalling hazardous products and its ways of setting safety standards. There's a feeling, too, that there should be some sort of permanent product-safety watchdog similar to the commission.

THE INDIVIDUAL IN THE AREA OF FORESTRY

Mr. BROOKE. Mr. President, anyone who has visited the beautiful Berkshires of western Massachusetts cannot come away without a lasting impression of the magnificence of this sylvan countryside. These rolling hills and mountains are a natural resource of which all Americans can be proud.

Unlike our great national forests of the West and the South, nearly all of the land comprising the Berkshires is in the hands of private owners, many of whom wish no more than a sanctuary from the more densely populated areas of the Northeast. Thus conservation and preservation of their beauty depends to a large extent upon the individual efforts of the area landowners.

Much attention has been devoted to the functions and responsibilities of both industry and government in sound practices of conservation. On the other hand, perhaps too little concentration has been devoted to the role of the individual, especially in such areas as forestry. Jeremiah J. Mahoney has pointed out in an article appearing in this morning's Wall Street Journal that many landowners seek to leave every tree on their land untouched in the erroneous belief that this is the soundest method of conservation. The result is often quite the opposite—upper growth of the trees becomes so dense that the lifegiving sunlight needed to maintain the undergrowth is shut off and this lower vegetation dies out. By not utilizing sound selective cutting practices long employed in State and National forests and on all timber company lands, the individual forest owner may actually be damaging the woods, he is trying so carefully to preserve.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SHOULD THE WOODSMAN SPARE THAT TREE? NO, SAY NEW ENGLANDERS

(By Jeremiah J. Mahoney)

The New England countryside is among the most beautiful in the world. The gentle hills rise into rounded mountains. Glistening streams tumble down the rocks, then meander noiselessly through open fields. Deer lope through the meadows and graze at the roadsides. It is the land of Robert Frost and Henry David Thoreau.

It is also, increasingly, the retreat for harried city dwellers, who come to forget the jostling and the shouting of Monday through Friday. They come to unwind, to ponder and to breathe. They marvel at the natural beauty, and they wouldn't dream of changing it by cutting even one tree.

But, unknowingly, they are ruining the forests.

"Trees need to be cut on a selective basis to maintain a healthy forest and abundant wildlife," says William P. MacConnell, a professor in the forestry department at the University of Massachusetts in Amherst. Boston's Federal Reserve Bank, which reviewed the problem a while back, warned: "A forest allowed to grow and mature without any timber cutting becomes a biological desert."

If trees aren't thinned out, a thick canopy is built up that shuts off the sunlight, says Robert Eisenmenger, a forestry expert and economist at the Boston Reserve Bank. This prevents the growth of the low-level vegetation that wildlife needs for food and the underbrush that wild things need for nests and for camouflage.

"Deer, rabbit, grouse, pheasant and even the songbirds find it tough to live in this kind of environment," says Mr. Eisenmenger.

There wasn't much of a problem until the city folk started buying up the land. The natives would periodically log their forests. For one thing, they knew it was necessary. For another, they needed the money the trees would bring. (Though the money isn't much. At today's prices, a light cutting of mature trees brings only $30 an acre. And the cutting shouldn't be done more often than once every 10 years, experts say.)

THE NATIVES LOSE CONTROL

But the natives are no longer in control. One survey in western Massachusetts found that local farmers now own only about 13% of the area's wooded acreage. The rest has been sold to outsiders seeking weekend and vacation spots. "It's the affluent society—the increase in second-home owners" that's causing the problem, says the university's Mr. MacConnell.

The survey, in western Massachusetts heavily forested Berkshire County, found that only a fifth of the land owners had ever sold any timber.

The main reason the trees aren't cut is that the city people are just dumb in matters of forestry. Also, says Philip Ahern, executive director of the Berkshire County Industrial Development Commission, it's difficult to communicate with these land owners since their residences are scattered and they spend most of their time elsewhere. He adds, "A lot of the woodlot owners are people who just like to look at the trees. They feel guilty if one is cut down."

Even when told that their forests should be logged, some of the so-called summer people demur. "I enjoy walking in the woods and seeing the foliage, and I don't want to take a chance the land would be spoiled by cutting," says Raymond B. Seymour, a New York lawyer who has a summer place on 140 acres near Lenox, Mass., in the Berkshires. Besides, he says, "I wouldn't want the people across the valley to cut their trees and spoil my view, and I suppose they feel the same way about my land."

Other land owners just don't know how to go about cutting timber. "We considered it," says Dikran P. Donchian, a marketing official for Lever Bros. in New York who owns 40 acres near Lenox. "But we didn't know what to do. We didn't want the land slaughtered, and there was the problem of finding someone you have confidence in to supervise the cutting."

COMPETITION AMONG THE TREES

That is a problem, but foresters say the alternative—not cutting—is worse. They say it not only is bad for the wildlife but also is bad for the trees themselves. In uncut forests, they say, the trees compete with each other for growing space and sunlight. "If you don't thin them out, you wind up with two stunted trees instead of one healthy one," says one New England forester.

John J. Kelly, president of a logging company in Pittsfield, Mass., says that where fields aren't logged "trash trees"—aspen or gray birch—tend to crowd out the oaks, maples, pines and spruces. He adds, "Trees are like any other crop. They have to be harvested or they get old and die."

Natives say the problem is likely to get worse before it gets better. They point to the steady influx of city dwellers to New England. Though the natives tend to scoff at these people, they're not entirely unhappy. The city folks are willing to pay well for land. A real estate agent in the village of Goffstown, N.H., says he recently sold some land for $125 an acre, 10 times what it would have brought a decade ago.

An agent in Lenox, Mass., says prices there also have risen rapidly. "We can sell land on the telephone, sight unseen," he says.

THE PESTICIDE PERIL—XI

Mr. NELSON. Mr. President, last week a neurophysiologist from the Albert Einstein College of Medicine in New York City announced that DDT is unique among poisons because its effects are irreversible.

Testifying during hearings before the Wisconsin State Department of Natural Resources on a petition filed by various citizens groups to ban DDT, Dr. Alan Steinbach likened the effect of DDT to that of poisonous spiders or local anesthetics such as novocaine in that it disrupts the passage of an impulse along a nerve. However, whereas the effects of the other toxins wear off, DDT appears to be irreversible.

In laboratory experiments on insects and shellfish, DDT caused tremors and death or an inability to make a desired motion.

Additional testimony was heard from Dr. George Wallace, a Michigan State University ornithologist who described the decimation of robins on the East Lansing campus as a result of the school's use of DDT against Dutch elm disease.

In 1954 the school started spraying trees with DDT. Just a year later Dr. Wallace began noticing robins "quivering uncontrollably" and then dying. Chemical analysis found that virtually all of the dead birds had "lethal amounts" of DDT in their brains, Dr. Wallace reported.

Although the school stopped spraying with DDT in 1962, Dr. Wallace said that robins are still dying, probably because of the persistence of the pesticide in the environment.

The hearings in Madison, Wis., which began in December 1968, and closed last Wednesday after 27 days of testimony, have focused nationwide attention on the potential threat of DDT to our environment and our health. Dr. Steinbach and Dr. Wallace were just two of the many scientists, biologists, ecologists, and conservationists whose testimony confirmed the warnings that continued use of persistent, toxic pesticides will contaminate the total environment causing irreparable pollution of the land, air, and water, and compromising living creatures, including man.

I ask unanimous consent that articles published in three Wisconsin newspapers, the Milwaukee Journal, the Milwaukee Sentinel, and the Capital Times, describing the testimony of Dr. Steinbach and Dr. Wallace, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Journal]

DDT PERMANENTLY INJURES LAB ANIMALS, HEARING TOLD

(By Whitney Gould)

DDT has irreversible effects on the nervous systems of experimental animals a neurophysiologist told the state Natural Resources Department Monday.

In the first day of rebuttal testimony for petitioners for a ban on DDT in Wisconsin, Dr. Alan B. Steinbach, a researcher at the Albert Einstein College of Medicine in New York, told how DDT disrupts the passage of an impulse along a nerve.

Steinbach outlined experiments, some going back as far as 1946, on cockroaches, lobsters, and frogs.

Given to cockroaches at low concentrations, the scientists said, DDT produces "re-

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petitive firing" in the nerves: one impulse invokes a "volley of messages," rather than just one. The cockroach as a result, becomes disoriented, suffers tremors, and eventual death.

In other animals studied, the pesticide seems to prevent nerves from recovering their chemical balance once they have carried an impulse, he indicated. The nerve's sodium channels seem to be "gummed open" for a long time.

"DDT," Steinbach concluded, "once applied, doesn't come off. As far as our experiments are concerned at least, it is not reversible."

The researcher noted that the long-lasting effects of the pesticide, which is stored in animal fat, make it unique among toxic chemicals. Many other—local anesthetics, belladonna, some animal venoms—have reversible effects.

Some of the pesticide's effects may be "sub-noticeable," Steinbach added—that is, not readily detectable.

An illustration of how DDT can act as a nerve poison in nature was also given Monday by a Michigan State University ornithologist, Dr. George Wallace, who told of the decimation of robins on the East Lansing campus as a result of the school's use of DDT against Dutch elm disease.

The campus first began spraying its trees with DDT, Wallace recalled, in 1954. In 1955, he said, he began to notice robins quivering uncontrollably, and emitting "a rather pitiful sound."

"I watched hundreds of the birds die on my office floor," he said.

Chemical analysis found that virtually all of the dead birds had "lethal amounts" of DDT (50 parts-per-million or more) in their brains, he reported.

The campus stopped spraying with DDT in 1962, but the robins are still dying, Wallace noted, probably because they pick up the persistent pesticide in the soil and in earthworms. He said that only 12 robins were counted on the campus this spring, "on an area that supported 700 before."

Methoxychlor, another pesticide, has been used on the campus for the past several years. Asked whether that chemical could produce the type of robin tremors ascribed to DDT, Wallace said he had never seen a bird die from methoxychlor. That pesticide, he noted, however, is difficult to recover from the bodies of warm-blooded animals.

Some diseases also produce tremors in birds, Wallace acknowledged, but the robins were found with their wings folded between their legs and their bodies—a position that usually indicates DDT poisoning, the zoology professor stressed.

Steinbach, whose testimony followed Wallace's, said that Wallace's observations on the East Lansing robins "could definitely be accounted for" on the basis of DDTs known effects on the nervous system.

The DDT hearings were begun last December at the request of two state conservation groups, the Wisconsin Izaak Walton League and the Citizens Natural Resources Association, who have sought to show that the pesticide is contaminating state waters.

Chemical industry witnesses wound up their defense of DDT last week; the petitioners' rebuttal is expected to continue through this week.

[From the Milwaukee (Wis.) Sentinel]

EFFECTS OF DDT ON NERVES CITED

(By Quincy Dadisman)

MADISON, WIS.—A neurophysiologist from the Albert Einstein college of medicine in New York city said here Monday that DDT is unique among poisons because its effects are irreversible.

Alan Steinbach, a researhcer who specializes in neurology, testified as opponents of the pesticide opened their rebuttal at a natural resources department hearing on a petition calling for banning DDT in Wisconsin.

Steinbach traced the ways nerves work, telling how passage of sodium or potassium ions through "channels" in a membrane causes a batterylike action that produces an electric current.

TRACES DDT EFFECTS

Ordinarily, he said, the channels open when something stimulates the nerve, the current is produced and then the channels close again ready for a new impulse.

DDT, he said, causes some of the sodium channels to remain open for longer than is normal, slowing response of the nerve if a new stimulus is received.

So far as he knows, he said, the effect of DDT cannot be reversed, "unlike other toxins." The effects could be so small that they are unnoticeable, or so serious as to cause tremors or paralysis in some animals, he said. The length of time the channels are kept open, he said, is probably a result of the high solubility of DDT in lipid (fat) tissues and its low solubility in water.

He described nerves as a "bilaminate structure," composed of outer and inner layers of protein sandwiching a lipid layer.

The effect of DDT on the nerves, Steinbach said, is much like that of poisonous spiders or shellfish, curare or local anesthetics such as novocaine. It differs in being irreversible, he said, while the effects of the other toxins wear off.

The effect of DDT on nerves, he said, is most like that of beratrine, the active element in belladonna, a drug often used as a heart stimulant and in treating some eye disorders.

PROCESS "COMPLICATED"

The effects of belladonna, however, wear off after a time.

Study of the process is complicated, Steinbach said, by the fact that the "gumming open" of the sodium passages is not an immediate result of DDT poisoning of the nerve, but shows up only after the nerve is stimulated and the channels open naturally.

A practical description of DDT poisoining was given by George Wallace, a zoologist and ornithologist at Michigan State university, East Lansing, Mich.

Wallace told how the numbers of robins on the campus at the school had dropped off since DDT was first used for control of dutch elm disease in 1954.

In 1955, he said, he began to see robins suffering from tremors—uncontrolled shaking of their wings and legs.

ROBIN DEATHS STUDIED

He said MSU was co-operating in a study of robin deaths as a result of tree spraying, and "hundreds of robins have died on the floor" of his office after being brought to the school by individuals who found them ailing on the grounds.

He said dead robins were autopsied and tissue from their brains, breast, muscle, liver, hearts and gonads (sex organs) was analyzed for pesticide residues.

He said no correlation was found in any of the analyses for DDT levels except in brain tissue, where most birds showed levels of 50 parts per million or more of DDT.

UNUSUAL EFFECT NOTED

He said several bird diseases, Newcastle disease, avian encephalitis and wry neck, would cause similar symptoms, although tests on many of the birds had ruled them out. DDT poisoning caused birds to die with their wings held in an unusual position between their legs, he said.

Robins can accumulate a lethal dose of DDT six or seven years after it is last used for tree spraying, he said, and the robins which show up on the campus each spring are yearlings, moving into an area where older robins have been killed off.

[From the Milwaukee (Wis.) Journal, May 20, 1969]

DDT TERMED HARMFUL TO ANIMALS' NERVOUS SYSTEMS

(By Richard C. Kienitz)

MADISON, WIS.—DDT has the same effect on the nervous systems of shellfish, amphibians and animals as curare, novocaine, black widow spider venom and other toxins, a New York neurophysiologist said here Monday.

Alan B. Steinbach of Albert Einstein school of medicine said the big difference was that in demonstrated periods of time the DDT effect was irreversible.

The noticeable effect from these toxicants, he said, is tremors and death or an inability to make a desired motion (sort of paralysis).

Since DDT does not seem to turn off, it can easily have what could be called subnoticeable effects, he added.

In some cases, like experiments in cockroaches, Steinbach said, the blockages caused repeated firings of impulses that exhausted the victim to death. In others, it caused failures or delays of the impulses to trigger normal actions.

While experiments had not been performed on man because of the tininess of his nerve fibers, he said, the difference of effect should not be different between higher mammals and amphibians, like frogs.

Steinbach testified as the second rebuttal witness for the anti-DDT forces at a natural resources department hearing on whether DDT can be banned under Wisconsin water law.

Monday was the 25th day of the hearing being held on a petition for a declaratory ruling made by the Citizens Natural Resources association.

Earlier, zoologist George J. Wallace of Michigan State university testified that after DDT was sprayed at the MSU campus for Dutch elm disease control, the number of robins counted in May dropped to 20 or fewer compared with 700 in 1954.

Even six years after use of DDT was stopped, he said, three-fourths of the new robins that came in spring were dead by the end of April and all gone by the end of June.

He said that when the deaths first began, people brought birds to his department, some dead and some making pitiful yipping sounds and having tremors. They usually died in a few hours.

In 99.5% of 200 robins and 216 other birds studied, Wallace said, DDT was found in their brains, breast muscles, liver, testes or ovaries. As a control, he said, robins taken from a DDT free sanctuary had none at all.

THE TRANSPACIFIC ROUTE CASE

Mr. MAGNUSON. Mr. President, in an expression of great concern, the members of the legislature from my State recently voiced their concern on the matter of the transpacific route case.

In a joint memorial to the President and Congress, the Washington State Legislature has urged reconsideration of the decision which eliminated from consideration, competitive air service between Seattle/Tacoma and Tokyo—a route the transportation authorities agree is the most direct and economical between the U.S. mainland and the Orient.

Mr. President, I ask unanimous consent that House Joint Memorial 21 of the Washington State Legislature be printed in the RECORD.

There being no objection, the joint memorial was ordered to be printed in the RECORD, as follows:

HOUSE JOINT MEMORIAL 21

To the Honorable Richard M. Nixon, President of the United States, the Department of Transportation and the Civil Aeronautics Board:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

Whereas, The Pacific Northwest Ports of Puget Sound, State of Washington have been historically closer to the Orient over great circle routings than any other United States ports in the contiguous forty-eight states; and

Whereas, The Seattle-Tacoma International Airport now shares this unique position as an aerial port for movement of passengers and cargo; and

Whereas, Air passenger transportation has already largely replaced sea transportation and air cargo and air mail transportation is growing faster than any other segment of the explosive air transportation industry; and

Whereas, The potential for air transportation of passengers and mail and cargo between the United States and the Orient is virtually untapped and will undergo unprecedented long range growth and development, by the most conservative predictions; and

Whereas, Air transportation is undergoing rapid technological change which now as never before and in the future will encourage passenger, mail and cargo transportation over the shortest, most economical, great circle distance between the major aerial ports of the United States mainland and the Orient; and

Whereas, President Nixon recently recommended that the Civil Aeronautics Board eliminate from consideration competitive air service between Seattle/Tacoma and Tokyo, the shortest and most direct route linking major cities on the United States mainland with the Orient;

Now, therefore, your Memorialists respectfully pray that franchises for both United States domestic and foreign-flag carriers will be approved and issued to promote the greatest possible competition over over the shortest, most economical route for passengers, mail and cargo between the United States mainland and the Orient. This is the route between Seattle-Tacoma International Airport and Tokyo, Japan and other major oriental air gateways.

Be it resolved, That copies of this memorial be transmitted to Richard M. Nixon, President of the United States, John Volpe, Secretary of Transportation, the Members of the Civil Aeronautics Board and each member of Congress from the State of Washington.

WILLIAM H. BROWN III, NEW CHAIRMAN OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, "CAME UP THE HARD WAY"

Mr. SCHWEIKER. Mr. President, on May 5, the Senate confirmed President Nixon's appointment of William Hill Brown III, of Philadelphia, to be a member of the Equal Employment Opportunity Commission. Following this action, President Nixon promptly named Mr. Brown to be Chairman of the Commission.

As one who was happy to help sponsor Mr. Brown before the Committee on Labor and Public Welfare and before the Senate, I am extremely pleased with this high caliber Federal appointment. We in Pennsylvania can be proud of Mr. Brown as a fellow Pennsylvanian, and the entire Nation can look forward, I know, to his strong leadership in the fight for equal opportunity in employment.

Because Mr. Brown himself "came up the hard way," because he has known poverty and discrimination first hand, we can expect him to pursue his duties with particular commitment and vigor.

A background profile of Mr. Brown, which describes in some detail the barriers of discrimination he has had to face in the past, appeared in the Philadelphia Inquirer on May 11, written by Jerome Cahill of the newspaper's Washington Bureau. In view of Mr. Brown's appointment to lead the Equal Employment Opportunity Commission, I know that Senators will find this profile extremely enlightening and relevant. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WILLIAM BROWN FOUND SUCCESS THE HARD WAY

(By Jerome S. Cahill)

WASHINGTON, May 10.—William Hill Brown 3d, President Nixon's new chairman of the Equal Employment Opportunity Commission, came up the hard way.

The slender 41-year-old attorney grew up on the edge of poverty in West Philadelphia three decades ago, one of six children of a Negro elevator operator who had to hold down two jobs to provide for his family.

While other kids in the neighborhood romped and played, Bill Brown peddled magazines door-to-door to help make ends meet. In high school, he clerked at the corner drugstore. In college he drove a cab and delivered mail.

OWN WAR WON

Today, Bill Brown has won his own private poverty war. He is the $38,000-a-year head of the Federal Government's program to achieve fair hiring practices.

Unlike some others who have risen from austere origins, Brown does not belittle his Philadelphia experiences. In fact, he believes they may provide him with the extra dimension needed to do the kind of job he wants to do as EEOC chairman—a job in which he hopes he and every other American can take pride.

Brown explained the values he places on the past in an interview in his carpeted 12th floor office just west of the White House. Large glass windows behind him provided a panoramic view of the Potomac and the distant hills of Virginia.

UNDERSTANDING GAINED

"I think growing up in West Philadelphia as I did has given me a greater awareness and understanding of the problems of the poor, something I personally experienced so vividly so many times," he said.

"As for discrimination, today it has become a very sophisticated thing, not as open and blatant as it used to be, and therefore many people lacking sensitivity to the problem would fail to see it. I think I have that sensitivity."

The EEOC chairman is the eldest son of William Hill Brown 2d, who came to Philadelphia more than 40 years ago from the Eastern Shore of Maryland, and the former Ethel Washington, whose Philadelphia roots go back several generations.

Brown's father is an elevator starter at Wanamakers, the center city department store where he got his first job and where he has been employed continuously except for a period of defense work during the Second World War.

MAGAZINE TRADE

Brown was born at the family home at 5832 Haverford ave., and this was home base for the magazine route he undertook as soon as he was old enough to do his bit for the family. The big seller in those days was Bernard McFadden's Liberty magazine, and you got to keep five cents for each issue you sold, Brown recalls.

During his years at Central High School, Brown clerked at Doc Gibson's drug store at 43d and Fairmount. He confesses to having been "just fair" at school work.

When he was a senior at Central, Brown decided to apply for the Navy's V–12 program of pilot training even though his counselor advised him that the Navy would not accept Negroes. He passed a battery of 30 examinations only to be told he had failed to pass the last exam—a "psychological" test.

"That was one of the first things that brought discrimination home to me. I wanted no part of the Navy after that," Brown said.

The Air Force, which signed him to a three-year enlistment in 1946, didn't prove to be much better. The services were still segregated then, and the attitudes of officers reflected the policy.

"When I was interviewed for Officer Candidate School a Southern colonel asked me if it was fair that I should become an officer when it took him so many years to become one," said Brown.

"In those days I was kind of flip. I wasn't thinking too clearly. I replied that some people are able to do in a few months what it takes others years to accomplish."

Brown didn't get the OCS appointment. And although he qualified for specialized training in any of the Air Force schools, he was told that only three schools were open to Negroes—cook, clerk and automechanic.

He became a mechanic and as a corporal headed the motor pool at an air ammunition depot on Guam. His promotion to sergeant somehow never came through but three months before his enlistment was up, he was notified he could go to OCS if he agreed to enlist for three more years.

Brown took his discharge instead, considerably embittered by his experience.

After graduation from Temple University in 1952, he enrolled at the University of Pennsylvania Law School, driving a cab at night and working in the Post Office to supplement his GI bill of Rights grant.

He was married while still in school to the former Sonya Brown, of Atlantic City (they have a teenage daughter), and in 1956 joined the law firm of Norris, Green, Harris and Higginbotham as a trial attorney.

The Higginbotham in the firm is judge of and under his tutelage Brown found himself involved in a number of civil rights cases, including the litigation in the early 1960s to force restaurants on U.S. Route 40 in Maryland to serve all races. The restaurants had created an international flap by refusing to serve Black African diplomats traveling between New York and Washington.

Brown was the managing partner of his firm, with a record of having handled more than a thousand trials, when he became deputy district attorney of Philadelphia last year.

Brown was approved by the Senate last Monday and was sworn in at the White House the following day, with President Nixon looking on.

EEOC has been criticized by conservatives led by Dirksen for alleged "harassment" of businessmen, but Brown disagrees with that allegation. He wants to strengthen the commission by giving the panel a larger investigatory staff and legal power to order firms not to discriminate.

The record of his nomination hearing contains this exchange with Sen. Edward M.

XUM

Kennedy (D., Mass.), assistant majority leader and one of the Congressional Democrats who have been critical of the Nixon Administration's civil rights effort.

Q. Are you prepared to stand up to any challenges aimed at weakening the EEOC or its important programs?

A. Yes. I am dedicated to both the spirit and the concept of the work of EEOC and would resist any challenges aimed at weakening this agency or its programs and continue to do everything possible to accelerate the ends of justice.

He is optimistic that Congress will vote to strengthen EEOC this year because there is a growing awareness on the part of the public of the need for effective measures to meet the nation's race problem.

"More and more people are beginning to realize that employment is the key," he said. "They are aware of the widening gap between the races and that only a concerted effort through the job sector will close it."

THE HAZARDS OF SMOKING

Mr. MAGNUSON. Mr. President, statistics about smoking are one thing, but the experience of a doctor involved in treating cancer is quite another. Dr. Willard F. Goff of Seattle has written me a very disturbing letter; it is one that all teenagers should read. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Seattle, Wash., *May 13, 1969.*

Hon. Warren G. Magnuson,
Senate Office Building,
Washington, D.C.

Dear Mr. Magnuson: As a physician, I am very much disturbed by the fact that our government is somewhat reluctant to take adequate steps to warn our citizens, and particularly our young people, of the hazards of smoking.

As a throat surgeon, it has been my unpleasant duty over the past 30 years to treat over 100 patients with cancer of the voice box. Well over 75% of these patients were long time smokers. Teen-agers should be informed by official sources in our government that smoking is dangerous and its cumulative effects may not show up until middle life, when the damage has already been done.

Far too many people needlessly have to sacrifice their larynges or lungs when an ounce of prevention would have saved a pound of cure. The individual who has undergone a surgical removal of the larynx has to reorient his entire life, i.e., learning to communicate, to breathe through his neck, and frequently to change his occupation.

I urge you as a leader in our government to exert greater pressure in passing stronger bills with teeth in them to discourage young and old alike from starting the tobacco habit.

Very sincerely yours

Willard F. Goff, M.D.

WILLIAMS PEERLESS AS A WATCHDOG

Mr. GRIFFIN. Mr. President, the Washington Star recently paid high tribute to the extremely able Senator from Delaware (Mr. Williams). Characterizing this remarkable Senator as unchallenged "when it comes to integrity, persistence, and the ability to root out waste and corruption," the Star took note of what his colleagues have known for quite some time; namely that John Williams is an exceptional Senator.

Mr. President, I ask unanimous consent that the article, written by Paul Hope, of the Washington Star, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Williams Peerless as a Watchdog

(By Paul Hope)

Sen. John J. Williams is, by virtue of the alphabet, at the bottom when the roll is called on the Senate floor. But when the roll of the Senate great is called up yonder, the soft-spoken chicken-feed merchant will be near the top of the list.

There have been great orators in the Senate, but Williams is not one of them. There have been great intellects, but this simple, homey man from Delaware would not claim to be one of them, either.

But when it comes to integrity, persistence and ability to root out waste and corruption, Williams is unchallenged.

In a city where a jackass mentality is not uncommon, Williams' possession of an uncommonly large amount of horse sense has stood out.

It was with a sense of loss that senators arose on the floor the other day to take cognizance of Williams' 65th birthday (on May 17), for Williams has said he's getting too old to serve and plans to retire when his term is up at the end of 1970.

The details of Williams' accomplishments need no recounting. His pursuit of wrongdoers—from bribe takers in the Internal Revenue Service to the free-wheeling Senate aide, Bobby Baker—is well known. His pursuit of wasteful government spending is less well known to the public, but it is recognized by his colleagues and others who follow government.

Said Senate Republican Leader Everett M. Dirksen of the work Williams has done as senior Republican on the Finance Committee:

"I should observe that he has faithfully done his homework in a field which is abstruse at times and which others do not freely like to tackle, and that is the question of ceilings on expenditures, ceilings on employment, fair and equitable tax systems and all the other things to which a person can give a lifetime of attention without also being encumbered with any other public responsibility."

Senate Democratic Leader Mike Mansfield called Williams a "giant" whose place will be hard to fill.

"I must say, speaking non partisanly, that I am not happy that the senator has seen fit not to run for re-election," said Mansfield.

Senate Republican Whip Hugh Scott called him the "watchdog" of government, not only of the other branches but of the legislative branch in which he serves—"a watchdog with teeth, I might add."

"It would be difficult," said Wyoming Republican Sen. Clifford P. Hansen, "for anyone to attempt to put a dollar sign on the contributions John Williams has made through his never-ending search for an end to wastefulness and graft and for economy, or to assess how much he has contributed to this country."

Democrat Russell B. Long of Louisiana, chairman of the Finance Committee, said that Williams "has failed to convince me . . . that he is doing the nation a favor by insisting on retiring . . ."

And Sen. William Proxmire, Wisconsin Democrat, said he hoped "this remarkable man will reconsider his decision to retire."

But Williams, who believes that no man should serve in the legislative or judicial branches of government beyond the age of 70 (he would be nearly 72 at the end of another term), says there's no room for argument about his decision.

"I am a firm believer that a man should live by the rules he lays down for others," he said. But he said that while his decision to leave the Senate is final, it does not mean he is retiring from an active interest in public affairs.

He recalled that before he was elected to the Senate in 1946, he and his brothers had an active business career together for 24 years. When he leaves the Senate, he will have served 24 years there.

"I am going to start one more career," he said, "I shall not go into details now, but I plan on one more career of 24 years of active duty, following which, and only then, will I retire and take life easy."

Those who have watched Williams at work in Washington know he will never take life easy.

THE ROLE OF NEWSPAPERS IN OUR SOCIETY

Mr. RIBICOFF. Mr. President, Charles Towne, assistant managing editor of the Hartford Courant, of Hartford, Conn., recently gave a thought-provoking speech concerning the role of newspapers in our society and the responsibilities of those who read them. These days the media are constantly being challenged to communicate effectively developments as they take place. Charles Towne is well qualified from experience and ability to assess specifically the functions of newspapers and their impact on our daily lives.

I ask unanimous consent that the speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Just What Are Newspapers Trying To Do?

One of the minor conceits of life is to put a title on a talk. Sometimes the title is much better than the talk itself. Or else the talk has precious little to do with the title. But at this hour of the day, maybe I can get away with it.

My title is a question: Just what are we trying to do?—we, of course, being the newspapers. Well, we wonder about that ourselves.

This is not self-impeachment. When we wonder about what we are doing, it's done positively. It's self-appraisal, not doubt.

And I'd say it's time for many newspaper readers—perhaps you—to wonder in the same manner about your posture—possibly to stop regarding a newspaper simply as a cheap source of entertainment—a time-passer—or as an easy, painless way to feel constantly superior because the paper daily depicts so much that is defective.

This is wasteful and self-deluding. Certainly a newspaper has a higher purpose and use than that.

To answer my own question—what are newspapers trying to do—I'd like to talk about three things:

One—What should you expect of a newspaper?

Two—What is your responsibility as a reader?

And finally—How well are we both doing?

In between, I'd like to say a word or two about clubs. And I have in mind two kinds of clubs—the kind you belong to, and the kind you swing when you mean business.

I'm not an apologist for newspapers. A newspaper—just by being one—justifies its form and function. At the same time, I am appalled by some of the sick things reported in newspapers. And it's getting worse, not better. But keep this in mind—this doesn't have to be. Human sensibilities, I'm sure, won't endure such assaults forever. I'll come back to this.

XUM

All right. So what is a newspaper's job, what is your job, and how well are we both doing at our respective chores?

Fundamentally, a newspaper's job is to provide information, instruction, and—as a sort of bonus—entertainment.

All this should be accurate, complete, and in good taste. That's our job. When I get to yours, you'll find it infinitely more exacting, time-consuming, and difficult. Frustrationwise, we're about even.

Our main job is to keep you informed—whether you like it or not. And I submit that being adequately and accurately informed is the foremost need of anyone who attaches worthwhile values to himself and to society.

I know that statistics are unwelcome calories in a talk, but these are good figures, and shouldn't be at all out of place in this gathering.

In a year, The Courant puts about 27,000 pages into your home. On these pages—and I'm skipping the comics—we put well over a hundred million words to keep you informed. That would make about 1,700 good-sized books. And regarding smudgy newsprint, believe me, we *are* trying to direct all this vital information to your mind only, and not waste it on your hands and best linen.

I don't want to alarm you—or precipitate any garden club movement against us—but the fact is, to provide the wood pulp for the paper we used last year, somebody had to cut down 332,000 trees. Those trees deserve a better fate than some readers accord them.

Perhaps some of you are mothers of morning newspaper carriers. You might derive some needed strength from the knowledge there are now 3,300 wonderful mothers like you in the same boat—helping us get The Courant and all those trees delivered each morning. And by each morning, I mean seven days a week. We don't go for that "Never on Saturday" routine—although we won't mind if others continue to abjure.

That reminds me. Another Sunday paper has cropped up around here. If it survives, the Boy Scout paper drives in these parts will be truly staggering. The country, by the way, now has 574 Sunday papers and 1,749 dailies to read.

Now, that's a lot of newspapers, but the job is big: We are trying to tell 200 million people every day where they and their neighbors have been—where they are now—and where they appear to be going—and at the same time give you similar intelligence about at least 3½ billion other people around the world.

Over the years, we've been called many things. One I can mention.

A newspaper has been described as a mirror reflecting the image of society. Disparagers would have you believe the newspaper mirror is like a funhouse mirror, throwing back a distorted, grotesque image of your world.

It may be grotesque but it is not distorted. Newspapers value integrity, honesty, fairness, decency. They give you the picture in faithful detail. If it offends, don't break the looking glass. Instead, demand that society—the world—get a new form and face.

Some people just don't want to be reminded—as newspapers make it a point to remind you—that we still breed and develop monsters, and what's worse, they appear as human as you—until they strike.

Fortunately—and for some time now—newspapers have been leading people through—and perhaps out from—the badlands of disease, poverty, discrimination—and just because these areas are no longer uncharted, they are less fearsome than before.

This is what you should expect from your newspaper.

No good newspaper serves up blood, sex, and matters profane merely to get readers. That kind of reader can find plenty of source material these days without newspapers adding to the supply gratuitously.

The reader we try to cultivate—and keep—is well enough adjusted to receive and accommodate a full dose of what the world is like—its good and its bad—what is hopeful and what's hopeless.

Our favorite reader doesn't see a world full of saints because he chooses to block out the sinners. Actually, we have it officially now there are even fewer saints than we thought.

Our favorite reader may even conclude that the world is getting top-heavy with sinners, and try to do something about it.

A newspaper never omits facts deliberately to slant or distort a report, or to cheat a reader out of desired or desirable information. No, I'll take that back. We do cheat on occasion—like when a young girl wins a beauty contest, and we deliberately leave out her address so some lout won't be able to call her up and make obscene remarks.

Newspapers exist for the public—for you, and to a large extent at your bidding and pleasure. No newspaper ever became great by serving only special interests; on the contrary, it would quickly fail.

Newspapers, generally speaking, are old, and the fact they have thrived over the years must mean we're doing more than just something right—we must be doing a lot of things right. And speaking of old papers, it's no secret The Courant will be 205 years old come October.

We've catered all this time to what man once optimistically called the gentler sex. You may have heard of it. Our pre-mini preoccupation is one of the things we've done right. A hundred years ago we ran a regular column called Letters from the Ladies. After the first few letters, it was deemed advisable to start the column with a statement that The Couran assumed no responsibiliy for the opinions advanced. Just something else we did right—finally.

And it so happens that exactly 50 years ago today—on May 12th, 1919—about 200 women met at the Hartford YWCA—they met in the evening in those days—and they formed the Hartford Business and Professional Woman's Club. I mention this to show The Courant is no Johnny Come Lately in the women's club field. In reporting that meeting, we devoted a good part of column 2 on page 6 to the hopes and aspirations of the new women's club. And to its first fight. Even before the meeting started, the group squared off into two factions—one wanted a membership fee of $3 and the other insisted it be at least $10. We gave the hassle considerable space, but somehow we never did get around to telling who won.

On the same day—50 years ago—we reported the Garden Club of Hartford had been admitted to the Garden Club of America. I tell you, we covered club news in those days.

We still value club news. For instance, when we print a three-column picture of a club event or club personalities, it takes at least 15 inches of space—which is more space than we devote sometimes to Vietnam or to the Congress of the United States.

All my newspaper career I've dealt with publicity chairmen—I still retreat strategically. Every organization has a publicity chairman. None ever has a news chairman. I once asked a club president why and got this memorable answer: What in the world would a news chairman do? Fairness compels me to add—the remark came from a man.

Hand in hand with publicity chairmen go scrapbooks. Now, I've never comprehended the exalted nature of scrapbooks. A scrap very often is something rejected for some fault or imperfection, or discarded because no one has any use for it. I'd rather not believe that newspaper items qualify on those terms.

Some years ago, a newspaper editor was asked to judge club scrapbooks in a statewide contest. He told me afterwards there were two things he'd never understand: Number one, how did the publicity chairmen get so much stuff in the papers, especially his, and number two, why didn't someone try to hide—at least from him—the fact that scrapbook decorations counted heavily in the judging—almost as much as the contents.

There is a serious—and practical—side to all of this. I think you would be the first to agree—in fact you demonstrate—that no one should be content today merely to coast. So much lies ahead and a lifetime is so short a time in which to gain some uphill ground toward our many goals. Probably never before has so much depended upon steady plodding toward higher plateaus—ideally with lots of company, alone if need be.

To this end, may I suggest a guideline or two which I think would help clubs like yours and newspapers like mine to build better communities—better human relations—a better world even.

It's a simple suggestion. When you have something you think should be put in the paper, ask yourself: Is this something I would be interested in if I were not connected with it?

Put another way: Is this something your contemporaries generally could be equally interested in and proud of?

If this test were followed, two things would happen. Items of obvious limited interest would be reduced, and second, the caliber of club items would immediately improve—club items would become truly news. Suddenly, there would be news chairmen. We could retire the publicity chairmen.

There could be further benefits. Honest self-appraisal would determine whether the so-called publicity was merely self-serving, and of no consequence to others. If everything seemed to sag or flutter into this narrow frame, an organization could well be shamed into revising and expanding its objectives and contributions—to make itself worthy of the word organization.

In short, if all organizations devoted their energies to activities of wide benefit and interest—measured by the simple test of who cares or so what—more things that need doing would begin getting done.

Incidentally, I'd like to tell you one reason why we're particularly partial to women at The Courant—beyond the evidence at hand. I'm going to reach back a few years—actually, into the 18th Century.

The Courant in those days had a paper mill in East Hartford, and in 1778, it burned. We suspect the Tories set fire to it, but we haven't proved that yet.

At any rate, our publisher 191 years ago went to the State Legislature and persuaded the lawmakers to authorize a lottery for The Courant's benefit, so we could rebuild the mill—6,000 tickets at $6 apiece; $5,000 for the mill and $31,000 for prizes.

Only a woman could have pulled off that stunt. Our publisher was Hannah Bunce Watson, the young widow of our second publisher, Ebenezer Watson.

This mill, by the way, gave us what we call our Blue Period. We used rag paper in those days, and when someone dumped a load of blue denims into the mill, the batch of paper came out with a blue tinge. We haven't yet mustered up the gall to claim we were the first paper to use color.

I might add here too that women publishers are not as rare as you would expect. And the job seems to agree with them. One was a publisher for 51 years and lived to be 103—she died just recently—in Kendallville, Indiana.

Separate worlds—man's and woman's—are now officially things of the past. The Minneapolis Star has a full-time girl reporter covering big league baseball, all four feet 11 inches of her. And in Hamilton, Ontario, the editor of the Women's Page is a man. I don't know precisely what kind of training this

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calls for, but I do know that before he took over the Women's Pages, he covered football.

My digression ends here.

Perhaps I generalize too much about what newspapers do. If so, it's because what we print is obvious; the underlying spirit is not so obvious.

The newspaper per se—its news columns and advertising—is tangible enough—especially when you're picking it up all over the house. Normally, its standards are apparent to the discerning reader. Its quality is less easy to assay. Newspaper quality is comparative—between one paper and another. It varies, you might say, in direct relationship to the quality of its readers or the community it serves.

What isn't so apparent is what motivates dedicated newspaper people—the thing that keep standards and quality high. Only our news type is made of lead, not our ideals. These are as precious as any perfect achievement—like being always right, always fair, always decent, always honest—the emphasis being on the impossible always. But the ideal keeps us trying to make it as nearly always as humanly possible.

I once got even more pretentious about newspaper ideals. I quoted O. Henry who had written something like: He who aims at the sun will never reach his mark, yet he will always shoot higher than he who aims at a bush.

For my purpose, this seemed quite appropriate—at least until a scholar—but no gentleman—shot me down. He quoted a much more prestigious source. Euripides, I was told flat out in public meeting, got this off: Slight not what's near through aiming at what's far.

Lately, I've been saying only that we write about everything under the sun, and beat a lot of bushes doing it.

Be that as it may, in deference to Euripides and other classic considerations, we do give you tangibles—significant information about health, religion, education, finance, women's clubs. We tell you what your government is doing at all levels, and take you—kicking sometimes—to the trouble spots of the world.

We keep you informed about business, industry and labor, and give you an embarrassing amount of impertinent information about the celebrities of our time.

We promote the arts and puff along after the sciences. We offer suggestions for recreation and leisure and tips for efficient living. We tell you who has died—who has been married—and then help you check off the babies.

And lest you get the fatal idea that all is sweetness and light. we also give you accounts of things that scare you and turn your stomach—as they should.

The series of articles we ran recently on the use of drugs in school circles shows what a newspaper does over and above reporting daily happenings. I hope you were interested in these revelations—and concerned. Perhaps you'd like to know how it came about.

It started with a baby sitter. One of our town correspondents discovered that her baby sitter was using marijuana. The town reporter—besides trying to give her sitter some motherly advice—also saw a story possibility. How many other kids in town were also fooling around with drugs? She asked the baby sitter to find out. The girl came back with a figure of 82.

The reporter then wrote up what she had learned, and turned it in to her editor. But The Courant thought—why limit this to one town—let's widen out and see what is going on around here with teen-agers and drugs.

A city staff reporter was given the assignment. First, he went to the State Police and asked what towns had problems with teenagers using drugs. The answer: You name it, it's got it.

We consulted with the police and others, and drew up a list of 12 towns in the Hartford area—your towns. We also compiled a list of control questions so that comparable data could be developed in each town.

The reporter then went into each of the 12 communities. He talked with parents and police, and more importantly, with officials or group leaders considered to have the closest contact with youth.

He found more closed mouths than open arms. Prying the lid off Pandora's Box doesn't win popularity contests.

The reporter spent more than a month winning confidences and checking information. He talked with 60 or more persons—including a number of youngsters who were actually using some form of drugs or narcotics.

We didn't foresee his toughest problem—how not to get emotionally involved in the situation. One police officer told the reporter: I've yet to see a dope user who wasn't the nicest person you'd ever want to meet. The policeman cautioned, however, that once you let this feeling influence you, you can't get tough enough really to help him.

Naturally, we react sympathetically when somebody is sick or helpless. A reporter's unique problem—in all cases—is to prevent sympathy from washing out what has to be a dispassionate, almost stern approach and attitude.

The drug articles did create a wave. They focused attention on something which had gone unnoticed and unchecked for far too long. Among other things we turned up—parental ignorance and disinterest were factors in many cases. The kids just got an extra bang out of leaving pills and what they call grass—marijuana—around the house—with mama and papa blissfully unaware of what was being flaunted in front of them.

A woman called the reporter after the series ended and asked: What are you going to do now? She insisted that since we had uncovered the mess, we had to clean it up. The reporter was not flattered. He invited her to come to The Courant with some friends to try to plan some action. We never heard from her again. And we are sorry we didn't.

Why are we sorry? One reason is a dead youth. The wave we created just didn't rise high enough to put him on safe ground. He went from glue sniffing to more powerful hallucinogens, took a bad trip and never came back. Now his family knows it was no phase he was going through—it was his life, and it ended with a bullet at age 16.

It is with this kind of reporting that we try to stir community action. Newspapers search out and dramatize countless needs which cry for action—whether it be remedial, protective, progressive, or compassionate—and if action is not forthcoming, the blame is on your head. We've told you what is going on. That is our job.

We have just printed a series of articles on the violence and disruption on American campuses. One of the writers—not ours, we bought this material—one of the writers visited more than 100 colleges and universities in the past four years. We believe in this kind of investigation. The articles told you that the campus will never be the same, and that not all the ferment is due to radicals. You were told that many student leaders are demanding only that higher education try harder to help students find real values in an increasingly technocratic society.

Do you fault them for this—or do you support them? Newspapers try to give you facts upon which you can make an intelligent judgment. This is our thing.

It's not enough to match wits with Ann Landers, or to find pride and self-satisfaction by comparing our privileged selves with the less favored. As citizens and as human beings, we have no right to relax while we can still see before us—unsolved—the problems of the ghettos, air pollution, water pollution, employment, housing, transportation, taxes, and as always—war, and the threat of annihilation.

It's a painful, frightening list to contemplate—the things that need doing—but self-induced and self-serving tranquility cannot be tolerated, and newspapers will continue to prod and goad with the prickly facts.

What are your responsibilities as a reader?

A good answer to that would be: Exactly what is incumbent upon you as a wife—mother—citizen—and human being.

It boils down to concern, and hopefully—involvement. But when we come to concern and involvement, most find it easier to meet personal and family obligations than to be a 24-hour-a-day citizen and year-round human being—and to meet the demands of both.

As wives and mothers, you don't slight or slough off any family responsibility. You try to face and fulfill every family need—real or imagined. Your concern is natural and your involvement inescapable.

Not so as a citizen and human being. Here you can pick and choose your areas of concern and involvement. Or choose not to pick any at all. Newspapers provide plenty of pickings—the choosing is up to you.

Certainly the serious content of a newspaper warrants more than token scanning. When you're going through your paper and see something you feel is not right, try to feel personally responsible for it. Maybe you are.

If I could be so presumptuous as to propose three new R's, I would suggest: Read—reflect—and relate. I know Ann Landers is part of the paper, but we go to a lot of trouble and expense to give her column some company. Some of it is important.

It should be read, reflected upon and related to, and unless this is done, the newspaper reader is a dropout in the world of reality—just as surely and perhaps more finally a dropout than some of those strange, pathetic individuals our habits and detachments seem lately to have spawned.

In a lighter vein, I would like to tell you what else we have to put up with when it comes to readers. It has a moral and the moral is: It's not enough to read. Comprehend.

Last February, we ran a story in the Women's Section of the Sunday paper which must have been well-received by scores and scores of women—with one exception I'll tell you about. The story—some of you may recall it—was about a marvelous concoction called a Hair Care Cocktail.

Now, the article went to great lengths to explain that you can't get that all-important body into the hair by any means except from within. You can't rinse it on and you can't spray it on. It's strictly an internal process. Hence, what better than a cocktail—a Hair Care Cocktail.

The ingredients may have proved a letdown for some. Things like skim milk, gelatin, a little sesame oil, and honey or molasses. If you could swallow it, the mixture was supposed to combat hair dryness with Vitamin B, calcium, protein, fatty acids, things like that.

All this was carefully explained, and can you imagine the consternation of one of the girls in our Women's Department when she picked up the phone a couple of days later, and a woman's voice screamed at her: Look, darling, I've got this gunk all over my head. What do I do now?

Maybe I should add a fourth R to my list: Read, reflect, relate and rinse.

A hundred years ago, Disraeli told a critic: It's easier to be critical than to be correct. A newspaperman could well have said it first. Nonetheless, newspapers welcome—I could say pugnaciously welcome—all kinds of criticism, right or wrong, fair or unfair.

Criticism tells us we are at least getting through to somebody, even though one of us needs straightening out. One reason criticism is important to us is told in an axiom of our business. We say: We can make

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tomorrow's paper better only if we are discontent with today's.

Perhaps, from your viewpoint, we dwell too much on food, fashions, and furnishings—the three F's—women's features, we call them. If you think so, say so—suggest other areas of interest. Speak up.

Your Mrs. Walter Magee did. She took a stand as president of the General Federation of Women's Clubs. She let it be known that women are interested in things far beyond the three F's—things equally important in the lives of their families, their communities, and their country. She was taking a newspaper to task because it devoted a quarter of a page to a cherry pie.

Mrs. Magee also took a swing at newspapers that give more attention to a bakeoff contest than to community improvement programs in which 12,000 women's clubs do impossible things. Then the coup de gras: She threw in that the country now has 7 million more women voters than male voters. I must say I still don't know whom she was aiming at with that one.

If you know about meaningful situations and facts we seem to have neglected, tell us about them. Most likely we don't know about them. A newspaper gets its information from people, and from people only. And no one knows everything all the time. It follows that the perfect article—from which nothing can be subtracted and to which nothing can be added—will never be written. For information—for facts—for news—we depend upon you—apparently more than you know.

My final question: How are we both doing—how are we responding to the problems and needs of society?

Between you and me, I think the newspapers are doing the better job—if only for the reason our job is easier than yours.

Newspapers can only tell you what is going on, and can lead you only as far as you want or permit yourself to be led. It is your job—it is your responsibility, the general public's—to fortify and preserve what is good, and to correct what is wrong. Newspapers cannot do this by themselves. We can only report what is done and what is not done. We cannot make things happen, not really. We can only tell you what does happen and what has not happened.

Authority, toughness, and being right count today. Maybe we both have to get tougher, be right more often, and speak as though we mean it.

I was walking through Bushnell Park the other day and saw a teacher leading a bunch of youngsters toward the State Capitol. A few of them started cutting up near the fountain. The teacher could have said: Will you please stop that. He didn't. He yelled: Knock it off right now. They did knock it off, right then. He was right, he was tough, and he spoke with authority.

I mentioned club swinging. You should swing one. That's your job. That's what aroused public opinion really is: A substantial number of citizens swinging the club of angry or enlightened concern at whatever has to be controlled, curtailed, contained, or—as in so many cases—knocked out of existence.

If you are right, and you are tough, then we can speak with authority.

To sum up, I said that we don't print all the news all the time, and never can. In a world of variables, perfection is a goal, not a product. But—if not perfect—what we do print is—at all times—our best judgment of what is significant, what is interesting, what is acceptable in a mature society.

I said that the sick things reported by newspapers are abominable, and I said they do not have to prevail forever. I did not say, nor did I mean, that we are wrong to print such accounts. On the contrary, we are uncontradictably right.

Whatever undermines and weakens our society—be it sick mind or sick spirit—it must be held under the public's nose until the public reacts—and acts.

Evil must be recognized, isolated, discussed and eradicated. We cannot live serenely inside a comfortable cocoon and expect that all the bad things outside will vanish. What will disappear will be our own bright dreams.

We just have to continue to face up to what we are—and be thankful there are newspapers that won't let us foolishly bask in unearned complacency just because our own lives seem secure. We just have to keep trying to become better citizens and better human beings—year by year—generation after generation.

So you see—to talk about newspapers and what they are trying to do, is, in effect, to cover the world and all of mankind—present, past and future. This can't be done at a coffee hour—or ever.

Nonetheless, I hope I have given you some concept of how newspapers and newspaper people try—day after day after day—to do more than just follow an impossible dream—but rather to help meet that endless challenge of divergencies and inertia—and to maintain faith that an informed society will someday find the way that is right—for all.

CLARIFICATION OF AMERICAN STAND ON HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, as Americans, all of us can point with pride to the achievements of our Nation in the struggle to reach the goal of equal human rights for all people. The United States has established a tradition as being the country where all men can come and enjoy their basic rights as free men in a free society.

But how do the millions of our fellow human beings who have never enjoyed the privileges of an American, who have never had the opportunity to live in a free society and participate in free debate, but who are aware that the United States has failed to ratify many of the human rights conventions, view the American position on this issue? Because of this the professed American commitment to human rights may appear to be an empty pledge?

It is vital, therefore, that the Senate act now to rectify any misunderstanding of our position that could occur by ratifying the remaining human rights conventions.

The conventions that at this date remain unratified are the United Nations Convention on Forced Labor, on Political Rights for Women, and on Genocide. Nothing in any of these conventions is objectionable to our longstanding commitments to human rights. The United States abhors forced labor and our own labor organizations were instrumental in the investigations which led to the Convention on Forced Labor. Women in the United States enjoy equal political rights and the ratification of this convention would be in keeping with American ideals. Our Nation, like most others, stands diametrically opposed to the crime of genocide, and we should demonstrate this by ratifying the Convention on Genocide.

It is time for the U.S. Senate to clarify the position our Nation holds on the issue of human rights.

OUR PERILOUS WORLD

Mr. ERVIN. Mr. President, on May 24, 1969, I had the honor of speaking at the commissioning of the U.S.S. *Durham* at the Norfolk Naval Shipyard in Portsmouth, Va. At that time, I made a speech entitled "Our Perilous World."

I ask unanimous consent that the text of the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OUR PERILOUS WORLD

We gather to commission the USS *Durham* (LKA–114), an attack cargo ship, which has a length of 575 feet and 6 inches, a beam of 82 feet and a full load displacement of 18,600 tons, and which will be manned by 25 officers and 311 men.

This is the second ship of the Fleet to bear the name of the City and County of Durham. The first *Durham* was a freighter manned and operated by the Navy on a bare ship charter basis during the First World War to transport supplies to the Army in Europe.

The USS *Durham*, which we commission today, is constructed to transport and unload landing craft, combat vehicles, and cargo in direct support of an amphibious assault. Helicopters will increase her flexibility and speed her combat cargo to troops engaged in "over the beach" operations.

We salute the *Durham's* Commanding Officer, Captain John D. Stensrud, and her gallant crew and congratulate them, the Navy, and the Nation on their being assigned to go down to the sea in such a beautiful ship.

The *Durham* is now joining the Navy whose valorous officers and men in times past have made possible the proud boast that America is the land of the free and the home of the brave.

As this event is occurring, let us face with forthrightness the perilous state of the world and the threat which it poses to America. Let us also ponder what America must do to surmount and overcome this threat and preserve her freedom.

Two powerful nations, Russia and Red China, whose people are numbered by the hundreds of millions and whose armies are the largest on earth, are ruled by Communism, which is bent upon extinguishing the lights of liberty throughout the earth and enslaving mankind.

If there be those who doubt the validity of this statement, let them observe the liberty-loving peoples of Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Rumania, who are held captive behind the Iron Curtain.

One of the countries ruled by Communism, Russia, already possesses nuclear weapons of devastating power, and the other, Red China, is on the verge of acquiring them.

For these reasons, America will have to live in a world beset by perils as long as Russia and China harbor the Communistic dream of world conquest. This being so, the crucial question of our generation is how can America meet and surmount the perils which confront her. I submit she must do three things.

1. America must keep her heart in courage.
2. America must keep her heart in patience.
3. America must lift up her hand in strength.

I shall not elaborate upon the proposition that America must keep her heart in courage. A wise commentator, the late Elmer Davis, said all that needs to be said on this subject when he declared that America "will remain the land of the free only so long as it is the home of the brave."

The perils which confront our country will exist as long as Communism dreams of world conquest. Consequently, America must keep its heart in patience as well as in courage until Communism relinquishes this dream.

It will not be easy for America to do this. We are an impatient people, who demand immediate solutions of our problems, no matter how difficult and enduring they may be. Besides, many of us are prone to ignore or rationalize unpleasant realities rather than

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to face them with forthrightness and fortitude. Moreover, the hunger for peace in our time, which sent Chamberlain to Munich and our world to its present unhappy state, still tempts multitudes to conjure up Utopias and fantasies.

These weaknesses enhance the danger that our nation may not heed the warning given it by Benjamin Franklin, the wisest of all Americans, when he said: "Let us beware of being lulled into a dangerous security."

If she is to avoid being lulled into a dangerous security and survive in freedom the perils which beset her, America must have the patient fortitude to face with forthrightness these unpleasant realities:

1. The day has not yet arrived when the nations of earth are willing to beat their swords into plowshares and their spears into pruning hooks.

2. Even a peace-loving nation cannot live in peace unless it pleases its wicked neighbor.

3. God grants freedom only to those who love it and have the hardihood to guard and defend it.

It is impossible to overmagnify the danger arising out of our proneness to rationalize rather than to face forthrightly unpleasant realities.

Nowadays some men in positions of authority rationalize in this fashion: War is irrational. Hence, it is not intelligent for us to think that the men in the Kremlin would precipitate a war in which Russia might be virtually destroyed.

It would be well for them to remember the rationalizations made by some Americans when Hitler was climbing to power in Germany. They rationalized at that time in this manner: It is not rational to think that the Germans would entrust an irrational man like Hitler with powers of leadership or that an irrational man like Hitler would be so irrational as to provoke a world war even if the Germans were so irrational as to entrust him with powers of leadership.

Despite these rationalizations, history records in letters of blood that these irrationalities came to pass and that in consequence the corpses of untold millions of men, women, and children were prematurely buried in untimely graves.

After all, it is not what Americans think, but what the men in the Kremlin and the men in Peking think which makes our world so insecure.

Despite the irrationality of war, mankind has expended a major part of his energy, his time, his treasure, and his blood in waging war. And although our country is a peace-loving nation, every generation of Americans has been compelled to go to war. Indeed, America has spent 33 years of its relatively short existence fighting eight wars and 619,553 Americans have died in wars during the past 52 years. It is worthy of note that thousands of those who died in Korea and South Vietnam have been slain by bullets donated by Russia for that purpose to our enemies.

At the present moment, many persons in authority clamor against the proposal that we deploy an ABM system to protect our retaliatory missiles ffrom destruction by Russian SS–9 missiles. They say, in substance, that unless we leave our retaliatory missiles unprotected, Russia will escalate its production of destructive weapons and refuse to negotiate an enforceable arms-limitation agreement with us.

Like other rationalizations, this rationalization refrains from recognizing unpleasant realities. It ignores the unpleasant reality that Russia has already accelerated its production of destructive weapons to such an extent that it has achieved virtual parity with us. It also ignores the unpleasant reality that since the end of the Second World War, American negotiators have met with Russian negotiators hundreds of times and that Russia has consistently refused to negotiate an enforceable arms-limitation agreement with us.

Let us pray for peace, let us work for peace, let us negotiate for peace; but let us beware of being lulled into a dangerous security by either the stratagems of our potential enemies or our own rationalizations.

America must keep its heart in courage and patience. It must also be prepared at all times to lift up its hand in strength.

By this I mean that America must maintain sufficient military might to deter any aggression or to defeat any aggressor in case aggression comes.

It will not be easy to keep America militarily strong. This is true because our people may weary of the tremendous expense which an adequate national defense entails and those in charge of our foreign policy may be beguiled into making an unrealistic and unenforceable arms agreement with those bent upon enslaving the world.

It is to be noted that already some persons in positions of authority insist on the curtailment of defense expenditures in order that our country may be able to finance welfare programs, some of which, I regret to say, are so designed or administered as to reward the indolent for their indolence.

Those who decry the high cost of an adequate national defense should remember that freedom is not free. It was purchased for us at a great price. If we wish to preserve its blessings for ourselves and our posterity, we must pay the cost of so doing, no matter how great it may be. When all is said, General MacArthur was right when he declared: "The inescapable price of liberty is an ability to preserve it from destruction."

I claim no originality in asserting that if she is to survive our perilous age in freedom, America must keep her heart in courage and patience and lift up her hand in strength.

All history proclaims that this is the only way in which free men can keep their freedom in a perilous world.

When the German armies drove the valiant, but ill-trained British force known as Kitchener's Mob back to the British Channel in the early days of the First World War and despair settled upon Britain, Rudyard Kipling enshrined this truth in one of the great poems of history—the poem entitled "For All We Have and Are." This poem inspired the British people to forget their despair and carry on. Let me quote it:

> "For all we have and are,
> For all our children's fate,
> Stand up and take the war.
> The Hun is at the gate!
> Our world has passed away,
> In wantonness o'erthrown.
> There is nothing left to-day
> But steel and fire and stone!
>
> "Though all we knew depart,
> The old Commandments stand:—
> 'In courage keep your heart,
> In strength lift up your hand.'
>
> "Once more we hear the word
> That sickened earth of old:—
> 'No law except the Sword
> Unsheathed and uncontrolled.'
> Once more it knits mankind,
> Once more the nations go
> To meet and break and bind
> A crazed and driven foe.
>
> "Comfort, content, delight,
> The ages' slo-bought gain,
> They shrivelled in a night.
> Only ourselves remain
> To face the naked days
> In silent fortitude,
> Through perils and dismays
> Renewed and re-renewed.
>
> "Though all we made depart,
> The old Commandments stand:—
> 'In patience keep your heart,
> In strength lift up your hand.'
>
> "No easy hope or lies
> Shall bring us to our goal,
> But iron sacrifice
> Of body, will, and soul.
> There is but one task for all—
> One life for each to give.
> What stands if Freedom fall?
> Who dies if England live?"

America must keep her heart in courage and patience and lift up her hand in strength. It is the only way to ensure her survivial in these perilous days.

NEBRASKA CITY MARKS ARBOR DAY CELEBRATION

Mr. HRUSKA. Mr. President, each year since coming to Congress, it has been my custom to address a few brief remarks to the subject of Arbor Day, one of Nebraska's most notable holidays. This follows the practice of the late Representative J. Hyde Sweet, of Nebraska City.

Nebraska City, as many Senators know, was also the home of the Nation's third Secretary of Agriculture, J. Sterling Morton, the founder of Arbor Day. It is at his home, Arbor Lodge, now a State park, that Arbor Day ceremonies are held each year.

The present Secretary of Agriculture, Hon. Clifford M. Hardin, who is also a Nebraskan, had hoped to be present at this year's observance in order to salute his illustrious predecessor's many contributions to our Nation and our State, which is sometimes called the Tree Planters' State.

Since Secretary Hardin could not attend, he sent as his representative yet another distinguished Nebraskan, Hon. William E. Galbraith, Deputy Under Secretary of Agriculture and a former National Commander of the American Legion.

Mr. Galbraith's message was both timely and meaningful. I ask unanimous consent to have it printed in the RECORD, together with two news articles about this year's Arbor Day celebration from the Nebraska City News-Press, the paper owned and edited for so many years by J. Hyde Sweet and now in the capable hands of his son, Arthur Sweet.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

COMMENTS DELIVERED BY WILLIAM EUGENE GALBRAITH, DEPUTY UNDER SECRETARY FOR CONGRESSIONAL RELATIONS, AT THE ARBOR DAY CELEBRATION, NEBRASKA CITY, NEBR., MAY 4, 1969

I must convey the regrets of Secretary of Agriculture Clifford Hardin at being unable to participate in this Arbor Day celebration. But he, like the third Secretary of Agriculture, Nebraska's famous editor-conservationist, Julius Sterling Morton, is with us at least in spirit. If it weren't for Secretary Morton's support of tree planting on the plains, we wouldn't be here today. His efforts led to the establishment of Arbor Day, first observed right here on April 10, 1872.

Just as Morton felt an obligation in his day to preserve the United States against erosion by man and the elements, we have an obligation today to protect and improve the nation on a much broader scale.

America's citizens must work to keep the country strong so that rural and urban forces may cooperate to build the kind of life we used to enjoy.

We need to restore a sense of community life to replace the inherent indifference of suburban development. We must replace urban ghettos with sane and secure neighborhoods. We must make the farm and countryside economically attractive and economically feasible for bright American youth whose talents are tapped by bidders with more to offer financially than those in agriculture.

But these hopes lie in achieving peace as soon as possible—peace not bought at the expense of national honor—peace that will allow the resources of war to be turned to constructive domestic purposes.

I would caution Americans not to listen to those who would sell our strength to accomplish a pointless peace . . . a tenuous prosperity without promise for a better life for all Americans in the years to come.

We don't want another war large or small if we can avoid it through a nation prepared and a people largely united behind the major issues of defense and international policy. One such issue is of course the antiballistic missile system, an expensive, but I believe necessary component for national preparedness, and a major deterrent to our future involvement in hot wars. In advocating this national course of action, I do not claim to be an expert on ABM's, but neither do the system's opponents.

I look at the issue merely as a man who does not buy automobile insurance because I expect a car to hit me. I buy it because it will give me some measure of protection in the event one does.

Unfortunately the establishment of a lasting and just peace offers us no real alternatives to a militarily strong nation. Had we been strong enough in the past, I believe that World War II and the Korean and Vietnamese wars could have been prevented.

Of one thing I am confident, a lasting peace will assure us of more options at home—one of the most important being a wider selection as to where we can afford to work and live. We do not enjoy that option now according to a recent survey conducted by the International Research Associates for the National Rural Electric Cooperative Association.

According to that survey, only 15 percent of the people in the United States want to live in big cities, another 53 percent would prefer small towns and some 29 percent liked rural areas best (three percent didn't know or had no preference).

Recent editions of both Fortune magazine and The Wall Street Journal have reported an increasing reluctance on the part of management personnel to move to New York City.

Neil Ulman reported in The Wall Street Journal:

"Indeed, as urban problems worsen and costs rise in relation to the rest of the country, big-city companies with management outposts around the nation face an agonizing paradox: Never has the American business executive been so mobile; and never has he been so reluctant to move to headquarters."

He reported, too, that an increasing number of big city executives and professional men want "out" even at lower pay.

We must create, through education, new jobs which will enable people to live in rural America. Many industries are taking the initiative already in turning to new areas such as smaller towns and communities throughout the country as sites for expansion. And this industrial expansion to the countryside comes none too soon.

Today many counties have fewer people than at the end of World War I.

Shortly thereafter, the first census (conducted in 1920) showed that the country had become predominantly urban by a slim margin of 2 percent.

Of course, the rural population has been increasing in absolute numbers ever since, until 1966 when it leveled off at 57,606,000 people or 29.2 percent of the population.

This migration has left a substantial imbalance in population density across the nation. Our metropolitan areas now take up 30,000 square miles, less than two percent of the total land area of the country.

The intensity of problems created by rural out-migration, of course, differ widely between one region and another. Regions of heaviest decline during the 1950s and early 1960s include the interior coastal plain of the lower south from Georgia through Texas and the continuous area of the Great Plains. Meanwhile, populations in many other rural areas were increasing while their farm populations and traditional rural primary industries declined simultaneously. In both situations the agricultural population suffered setbacks.

I am a firm believer that we can correct the economic and environmental problems that have arisen in conjunction with these imbalances of opportunity and population between rural and urban areas. But we will have to work. We cannot depend on the job being done by legislators, who are already plagued with problems of many other kinds.

Most of the answers will eventually evolve from enlightened state and local leadership—leadership with the intellectual grasp, the individual initiative and the driving self-interest to solve one problem at a time in one place for one community of Americans. As the sum is the total of its parts, this grassroots approach is the major hope for solving the great national problems that face all of us today.

[From the Nebraska City News-Press, May 5, 1969]

Arbor Day Is Big Success, Weather Fine

All over until the first weekend in May, 1970.

The Arbor Day celebration planned for many months by Co-chairmen Vern Livingston and Mr. and Mrs. Gerald Livingston and their committees, is finished for another year. Nebraska City is a little bit tired, a little bit relieved and highly pleased with successful holiday.

The weather Sunday was made to order for a celebration. The sun slipped behind clouds occasionally, but in general it was a bright, blue-skied, beautiful day.

Kids of all ages gathered along the streets Sunday afternoon to watch the parade, one of the largest ever staged here. Saddle clubs, clowns, bands, floats, cars and other units provided variety.

The best of the lot, in the opinion of judges Mrs. Dwaine Ross, Mrs. Chester Loofe and Robert McConnelee, was the float designed by the Nebraska City Jaycees and local Applegrowers. It featured a large red apple, which opened to reveal Linnea Beason, Miss Nebraska City. The float proclaimed that Linnea is "the apple of our eye."

The largest group to participate in the parade was, as usual, the Tangier Shrine. The numerous units included several shriners.

Police Chief Clarence Iversen's order of no parking on Central Avenue during the parade was not heeded. But despite this, parade units made their way, including an airplane towed on Central.

VFW Commander Bill Rivett said veterans were overwhelmed with the attendance at the Saturday night barbecue at the Ponda Rosa and with the family picnic for VFW members and families at the Rivett home following the Sunday parade.

Approximately 800 persons were served at the $1 barbecue at the Ponda Rosa. Music was by the J-Bees of Nebraska City.

One hundred forty were served Sunday at the picnic at the Rivett home.

Scimitar Shriners hosted about 300 Shriners and families at a barbecue at American Meter grounds Sunday after the parade.

Ralph Leckenby, Nebraska City, won the TV set at the barbecue.

Among the weekend visitors were Mr. and Mrs. Everett Gibbs, Grand Island; their daughter Debra and granddaughter, Erica Struebing.

One of the popular visitors at the fly-in was 77-year-old "Handy" Andy Strahm, Bern, Kans., who has made the flights to Nebraska City an annual event.

Strahm landed his Luscombe smoothly on the asphalt strip, taxied off the runway, shut off the engine, stepped from the cockpit and stood on his head . . . "makes you feel good," he said.

Strahm began flying in 1924. He built his first airplane.

[From the Nebraska City News-Press, May 5, 1969]

America's First Hope Is Peace, Speaker Says

America's citizens must work to keep the country strong, and when that aim is accomplished, rural and urban forces should cooperate to build again the life we used to enjoy, the 1969 Arbor Day speaker said Sunday.

William Galbraith, deputy undersecretary for congressional relations of the U.S. Department of Agriculture and former national commander of the American Legion, addressed the crowd gathered near the east portico of Arbor Lodge mansion.

He said that the first hope of this country is for peace, and added that some governmental leaders are beginning to indicate that negotiations with the North Vietnamese may soon be possible.

Galbraith backed the proposed antiballistic missile system, however, by advocating strong defenses as conducive to peace. He said that he is not an expert on weapons, but went on to say that many of the ABM's opponents are not, either.

"Don't listen again to those who would sell our strength," he said, remarking that perhaps World War II and the Korean and Vietnamese wars could have been prevented if the United States had been militarily strong.

"I don't have automobile insurance because I expect a car to hit me," he said. "I have it for protection in the possibility that one does."

Galbraith said that, in addition, to working toward peace, we must strive for a better life for the country's citizens. He cited a survey which indicated that 56 per cent of the people polled do not wish to live in the highly urban society which is evolving in the United States. He said only 15 per cent of those in cities chose to live there because they wanted that type of life.

The speaker said we must create, through education, new jobs which will enable people to live in rural America. He said that many industries are now turning to new areas such as the smaller towns and communities of the country.

"We will all have to work," he said. "We cannot depend on the job being done by legislators, who are already plagued with problems of many other kinds."

Galbraith expressed the regrets of Secretary of Agriculture Clifford Hardin at being unable to participate in the Arbor Day celebration. "I think that the third secretary of agriculture (J. Sterling Morton) is with us, at least in spirit," he added.

Following the speech and the group singing of "God Bless America," trees were dedicated to Mort Porter, 1969 Arbor Day honoree, and the late Grant McNeel, former superintendent of Arbor Lodge.

McNeel's sons, Richard and Oliver, were here from Denver, Colorado, for the event.

Porter greeted the crowd assembled for the program as "tree-planters all." He said he has been inspired by Arbor Lodge and the trees in the orchards and views them as

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living proof of the rewards of planting trees.

Porter paraphrased Joyce Kilmer's poem by saying, "Honors are given to fools like me, but only God can make a tree."

Vern Livingston, Arbor Day co-chairman, introduced the honoree. He said that the tree planted in Porter's honor will grow and remain at Arbor Lodge for all to see and remember.

Governor Norbert Tiemann, a college classmate of Porter and Galbraith, referred to Arbor Day as "Nebraska's official salute to spring."

He said that J. Sterling Morton created an attitude toward conservation which we must continue. He cited Arbor Lodge as an example of conservation of a heritage and added that more and more people will continue to use this facility, a fact which was emphasized by the constant stream of people walking behind the speakers to enter the mansion.

Jack Mullen, master of ceremonies, read a letter from Rep. Robert Denney. He also introduced special guests on the portico and in the crowd and recognized past honorees Grove Porter and Morton Steinhart.

Nebraska City Mayor Robert McKissick welcomed guests to the city and presented a painting of Arbor Lodge to Mayor Glen Zajicek of Wilber, the "sister city." The painting was done by Mary Obbink.

Anne Davis Lauritzen, Ak-Sar-Ben queen, presented the Ak-Sar-Ben award for the best parade entry to the Jaycees and the apple growers. It was accepted by Dan Duimstra and president Herm Royer.

The program began with a concert by the Nebraska City Senior High band. The colors were presented by the American Legion color guard and the National Anthem was played.

The invocation was given by the Rev. Victor Ireland, pastor of the First United Methodist church.

A solo, "The Hills of Home," was sung by Austin Wirth, accompanied by his daughter, Janet Huss. He also led the group singing.

Music by the Syracuse High girls octet was canceled due to illness.

DECADE OF OCEAN EXPLORATION

Mr. MAGNUSON. Mr. President, on May 8, I introduced Senate Concurrent Resolution 23, to express the sense of Congress that the United States participate in an International Decade of Ocean Exploration during the 1970's, which would include, first, an expanded national program of exploration in waters close to the shores of the United States; second, intensified exploration activities in waters more distant from the United States; and, third, accelerated development of the capabilities of the United States to explore the oceans and particularly the training and education of needed scientists, engineers, and technicians.

My distinguished colleagues, the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Rhode Island (Mr. PELL), are cosponsors of this concurrent resolution.

During the 90th Congress an identical Senate concurrent resolution was introduced and approved by the Senate, but was not acted on by the House of Representatives.

When, in March 1968, the International Decade of Ocean Exploration was first proposed, the National Council on Marine Resources and Engineering Development contracted for the National Academy of Sciences and National Academy of Engineering to conduct a study of the scientific and engineering aspect of U.S. participation in the proposed decade. This was done. A joint steering committee was formed by the two academies.

Dr. Warren S. Wooster, of the Scripps Institution of Oceanography, and president of the Scientific Committee on Oceanic Research of the International Council of Scientific Unions, was appointed chairman, and William E. Shoupp, vice president of the Westinghouse Electric Corp., Pittsburgh, Pa., vice chairman.

A number of distinguished scientists and marine engineers were named to the committee, and many others participated in working groups or panels assigned to different phases of program planning.

The study has now been completed and is being jointly issued by the National Academy of Sciences and National Academy of Engineering under the title: "An Oceanic Quest."

The 115-page report includes chapters on geology, geophysics, and nonliving resources; biology and living resources; physics and environmental prediction; geochemistry and environmental change; a summary with major recommendations, and a prolog.

Mr. President, I ask unanimous consent that excerpts from this prolog, which outline the views of the two academies on the objectives of the decade be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

INTERNATIONAL DECADE OF OCEAN EXPLORATION

An International Decade of Ocean Exploration has been proposed for the 1970's to give new impetus to those studies that will enable man to realize more effectively the promise of the sea. This report examines the possible scientific and engineering content of such a Decade, particularly with regard to U.S. participation, and considers the potential benefits resulting therefrom. At the same time, some thought has been given to the capabilities required and the constraints to be overcome in order to achieve the desired goals.

DISTINGUISHING FEATURES OF THE DECADE

The term "International Decade of Ocean Exploration" can be interpreted very broadly. Thus the Steering Committee gave early consideration to the features that could serve to distinguish programs of the Decade from the whole of ocean science and engineering. A broad statement of the basic objectives of the Decade was developed, as follows:

To achieve more comprehensive knowledge of ocean characteristics and their changes and more profound understanding of oceanic processes for the purpose of more effective utilization of the ocean and its resources.

The emphasis on utilization was considered of primary importance. In contrast to the total spectrum of oceanography and ocean engineering, the principal focus of Decade activities would be on exploration effort in support of such objectives as (a) increased net yield from ocean resources (b) prediction and enhanced control of natural phenomena, and (c) improved quality of the marine environment. Thus Decade investigations should be identifiably relevant to some aspect of ocean utilization.

The word "exploration" has a number of meanings, extending from broad reconnaissance to detailed prospecting. Exploration effort of the IDOE should include the scientific and engineering research and development required to improve the description of the ocean, its boundaries, and its contents, and to understand the processes that have led to the observed conditions and that may cause further changes in those conditions.

Of all the ocean investigations that will contribute in some way to enhanced utilization, we believe that those involving cooperation among investigators in this country and abroad are particularly appropriate for the Decade. Decade programs would often be of long-term and continuing nature, would require the facilities of several groups, and would be directed toward objectives of widespread, rather than local or special, interest. It is anticipated that these programs within the United States may be cooperatively implemented both by government agencies (federal and state) and by private facilities (academic and industrial).

As the title suggests, international cooperation will be of particular importance. Such cooperation has long been a characteristic of oceanography, for reasons described in the following paragraph (from "International Ocean Affairs" published by the Scientific Committee on Oceanic Research in 1967).

The world ocean covers 71% of the earth's surface. Most countries have sea coasts and make some use of the sea, although national jurisdiction extends over only a small fraction of the ocean's area; the remainder is common property.* The waters of the world ocean and their contents intermingle without seriout restraint. Many oceanic processes are of large scale and are driven by forces of planetary dimension. The organisms inhabiting the sea are influenced by these processes and forces, and their distribution, abundance and behaviour are often influenced by events occurring far beyond the territorial limits recognized by man.

Most international cooperative investigations have consisted of a set of national programs suitably modified and coordinated to achieve international objectives. The Decade is envisioned as a period of intensified collaborative planning, development of national capabilities, and execution of national and international programs. This report gives principal attention to the development of U.S. programs that could contribute to the Decade. Integration of these programs and those of other countries into a comprehensive international program was not discussed in detail, but has been left for consideration by appropriate international bodies. It is hoped that this report will be a useful contribution to those discussions.

In the light of the goals and features discussed above, there appear to be important aspects of ocean research and development that lie outside the framework of the Decade. For example, some aspects of theoretical and experimental research, or the development and application of specific exploitation techniques, may not be appropriate. Some oceanographic research of an academic nature and certain mission-oriented programs of government and industry will not fit logically into the Decade. For example, the National Council on Marine Resources and Engineering Development has estimated that only about 30 percent of the present U.S. federal marine science budget (as defined by the Council) is designated for programs related to ocean exploration. In a sense, all investigations in the ocean will contribute to the goals of the Decade, but in order for it to be successful, a definite set of programs must be determined. The distinguishing features discussed above should help in defining this set.

The term "Decade" can be understood in a general way to mean the 1970's. Inception of the programs must await completion of planning and the availability of adequate facilities and funds. Formal completion of the

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*Or belongs to no one—Ed.

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Decade might be scheduled for early in the 1980's. Achievement of the long-term goals may require continuing investigations and adjustments in specific programs during or following the Decade as the effect of these investigations on economic and social uses becomes apparent.

USES OF THE OCEAN

Among the ways in which man uses the ocean, the following activities should be included:

Use of living resources; use of mineral resources (including production of oil, gas,* and freshwater); shipping and navigation; establishment and protection of coastal works; siting and maintenance of cables, pipelines, and tunnels; disposal of wastes; forecasting of oceanic and atmospheric conditions: warnings and forecasting of storm surges and tsunamis; extraction of tidal and thermal energy; recreation; and national and collective security.

Each of these activities can benefit, to a greater or lesser extent, from the results of appropriate investigations envisioned for the Decade. In the long run, standards of living should rise with the greater availability of protein foodstuffs at lower costs throughout the world. The aggregate supply of energy-producing resources will be greater as a result of offshore production. Other resources, both mineral and organic, presumably lie on the continental shelves and in the deep ocean; geological and geophysical reconnaissance is necessary for the development of orderly programs of detailed exploration and exploitation. A basis of scientific and engineering in formation is required for conservation and management and for iternational agreements dealing with the ocean and its resources.

Increased use of the ocean and its resources may tend to exacerbate the already existing potential for conflict among maritime nations. Such conflicts usually cannot be resolved exclusively on technical grounds. Yet there is a significant component of a technical nature. For example, fishing disputes frequently arise from lack of biological knowledge of the resource being exploited. Jurisdictional disputes over the resources of the sea floor may be due in part to inadequate scientific and engineering information. It is hoped that Decade programs will make an important contribution to the diminution of international tensions as they relate to ocean problems.

With regard to both the extractive and the nonextractive uses of the ocean, Decade investigations should result in improved prediction of environmental conditions and may lead toward eventual modification or at least limited control of these conditions. Better forecasts can reduce losses of life and property, permit more effective planning, and increase the efficiency and convenience of operations at sea. An understanding of the consequences of intervention in the marine environment should reduce deleterious effects or facilitate exploitation of potentially beneficial effects.

Despite their focus on utilization, the objectives of the Decade are related to exploration and knowledge rather than to the development of techniques for the large-scale exploitation of ocean resources. From an economic point of view, application of this knowldege should provide a basis for greater output, lower costs, and improvement in the organization of production and use. Anticipated benefits are long-term in nature, and justification of the Decade goes beyond immediate economic returns.

It should be recognized that there are legal, economic, and social aspects to enhanced utilization of the ocean and that these aspects must also be investigated if the benefits of the Decade are to be attained. Therefore, appropriate proposals of this sort are included in this report.

Objectives of National Participation in the Decade

The objectives of any nation participating in the Decade could be summarized as follows:

1. To benefit directly the growth of the national economy.
2. To obtain information required for management and conservation of resources, for improving the effectiveness of nonextractive uses; for prediction, control, and improvement of the marine environment; and for the making of sound political, legal, and socioeconomic decisions related thereto.
3. To provide the technical basis for the reduction of international conflicts in the ocean.
4. To benefit directly the economies and populations of developing countries.
5. To increase knowledge and understanding of the ocean.
6. To expand the technical resource base (manpower, facilities, and technology) for future ocean research and utilization.

The United States is already extensively engaged in the development of ocean resources, both in local waters and in many other parts of the world ocean. U.S. private interests are investing large sums in exploration and drilling for oil, in capital and labor in the fisheries, in coastal development, in marine transportation, and in other uses of the ocean. The government is also incurring large expenses in connection with utilization of the ocean and its resources. At the same time, significant revenues are accruing as a result of these activities. Over the past 20 years, income to the U.S. Treasury collected as bonuses, rentals, and royalties on offshore oil and gas leases exceeded $3 billion. Royalties alone in 1968 were nearly $200 million. Large amounts were also paid to several coastal states. Investigations such as those proposed for the Decade are necessary for the rationalization, protection, and extension of investment opportunities for capital both off our own coasts and elsewhere in the world.

LAOS

Mr. YOUNG of Ohio. Mr. President, our generals and industrialists with huge defense contracts are apparently bent on extending the immoral, undeclared war we have been waging in South Vietnam and Laos. American planes have been flying sometimes as many as 300 missions a day over that small Asiatic nation. Also, American taxpayers have been financing the 75,000-man Laotian army. About 90 percent of the 2,300,000 citizens of Laos are illiterate. This distressing fact indicates that American money could be used for better things than guns.

Americans should know one interesting fact about the struggle in Laos: The current ruler, Prince Souvanna Phouma, is anti-Communist. The nominal head of the opposing Communist forces is Prince Souphanouvong, Phouma's younger half-brother. The United States can ill-afford to enter into what is, in great part, a family squabble. Furthermore, of more than 30 countries I have visited in Asia, Africa, Europe, and South America, Laos appeared the most underdeveloped. It is not worth the life of one American youngster.

CONSUMER BOYCOTT OF TABLE GRAPES

Mr. MONDALE. Mr. President, thousands of individuals and organizations across the Nation have announced support for the consumer boycott of table grapes, and for the goals and objectives of the United Farm Workers Organizing Committee, AFL–CIO—UFWOC—which is calling for the boycott.

It is important to understand that the boycott has been called only after UFWOC has exhausted every other possible avenue to peacefully resolve their dispute with the grape growers. No other method remains for farmworkers to express themselves in the tradition of nonviolence they profess.

No reasonable person looks forward to a boycott, or a strike, or a picket line. Strikes and boycotts are costly; and costly to all parties involved.

The strike is costly to the farmworkers. They are not middle- and upper-class Americans who have the opportunity to work regularly. Farmworkers are on the bottom rung of the economic ladder.

Growers suffer economic hardships from the boycott: sales are down, shipments are reduced, prices are cut. The entire agricultural economy including the transportation industry, wholesale and retail businesses, and the consumer are adversely affected.

Furthermore, and unfortunately, those that do support the boycott run the risk of being attacked and slandered by persons that label the consumer boycott as unlawful secondary activity, laden with violence, and denying free choice. These charges are not supported by the facts. The boycott involves the exercise of free speech, the use of the primary consumer product boycott, and peaceful, nonviolent appeals. These methods are part of our Nation's democratic tradition and are oft used as avenues to social change. I, for one, will not forsake my belief in justice and equality for farmworkers in the face of the half-truths and innuendoes that distort, misrepresent, and malign the farmworkers' primary objective.

Why then, support a consumer boycott of table grapes?

I support the grape boycott because I firmly believe that human dignity, and the guarantee by contract of improved living and working conditions through collective bargaining, are goals worth pursuing.

The grape boycott serves as an effective device for explaining the just cause of the farmworkers, and the continued resistance of the growers. It is the kind of economic weapon that can permit us, as citizens, to tell growers that we repudiate their failure to recognize the worth and dignity of human beings, and that we look with scorn on their failure to bargain with the farmworkers as men.

That the union has exhausted all the possible avenues in its nonviolent, direct action appeal for dignity and respect from California growers of table grapes is a matter of public record:

The union has informed the table grape growers of its majority representative status among the growers' employees,

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* For simplicity we include oil and gas among the "mineral" resources though strict use of this term includes only the inorganic materials.

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but the employers have refused to recognize the union.

The union has, in the past, requested growers that third parties—clergymen, professors, industrialists—conduct secret ballot election to determine the choice of their employees, but the employers have refused to discuss the matter. The union has overwhelmingly won every election conducted in the wine grape industry, and the bargaining relationship has been described by many wine grape growers with contracts as "remarkably good."

The union has requested coverage of the agriculture industry under the National Labor Relations Act, but the table grape growers have consistently opposed such coverage.

The union has successfully enlisted the support of thousands of individuals, political leaders and parties, local governments, and church groups—but the growers have ignored their pleas for understanding. The growers have resorted to misleading and untruthful statements, and tried to impose unacceptable conclusions on the public through an extensive and costly newspaper, radio, and television campaign.

The union has called strikes at actual work sites, but the growers have succeeded in bringing in thousands of strikebreakers, and local courts, dominated by conservative interests, have quickly and devastatingly enjoined the union's activities.

The union's position as a majority representative of farmworkers has been met not with grower recognition, but with the formation and domination by growers of a company union which only recently was exposed in sworn affidavits to the Labor Department.

In short, the union's dedication to nonviolent, direct action as a tactic to obtain human dignity and collective bargaining agreements has been met not in a spirit of conciliation and mediation, but instead by hard, cold, blind resistance.

I support the boycott because it is one way to let the growers know that American citizens will not remain silent or inactive when our fellow human beings are deprived and ignored.

I want our Nation's farmworkers to know that I understand their struggle for dignity, respect, and their fair share of power. They have been left deprived, desperate, frustrated, and powerless: Deprived of any political power; deprived of any economic power; deprived of cultural identity or pride; deprived of the right and the opportunity to express their point of view; and, deprived of everything that most Americans take for granted.

The consumer boycott of table grapes is one effective way of guaranteeing migrant and seasonal farmworkers the power to speak for themselves. In the final analysis, solutions to their problems depend on their ability to gain the fair share of power that has been denied to them for so long. Our primary responsibility is to free the people from the institutions that perpetuate powerlessness. I support the strike and the table grape boycott because I think it is one way to bring about that freedom.

The energy and dedication extended to this boycott will bring the powerlessness that the migratory farmworkers and the rural poor face to the attention and the conscience of the American people.

The boycott will show America the injustice suffered by her hardest working, yet lowest paid, citizens. The tragic reality of powerlessness must be told honestly and forthrightly, and then, and only then, will we hear the public clamor that says, "Stop, we have done enough damage."

As Cesar Chavez has said:

> The consumer boycott is the only open door in the dark corridor of nothingness down which farmworkers have had to walk for so many years. It is a gate of hope through which they expect to find the sunlight of a better life for themselves and their families. To get from where they are to where they want to be, they must go together. They must organize, and for workers that means to unionize . . . The workers had the choice between crawling and striking. They say they will no longer be the last vestige of the crawling American. They struck.

I am supporting that strike by boycotting table grapes.

STENNIS PROMOTES EFFICIENCY IN MILITARY BUDGET

Mr. PROXMIRE. Mr. President, the New York Times of Sunday, May 25, 1969, contains an interesting and highly significant report of the efforts of the distinguished chairman of the Committee on Armed Services (Mr. STENNIS) to require a much closer analysis of the military budget, especially with regard to the procurement of major weapons systems, than we have had in the past.

The article relates:

> An agreement has been worked out with the Defense Department under which the subcommittee will receive detailed reports every three months on 31 weapon projects that comprise more than 50% of defense procurement and research and development. Procurement amounts to $24 billion of the budget, and research and development another $8 billion.
>
> Mutually agreed upon starting points on the originally estimated cost, technical performance and development and production schedules for each project are being established. The subcommittee staff will monitor the programs by comparing the quarterly reports against these original bases to detect cost escalation, decline in technical performance and schedule slowdowns.
>
> If there is any major program change between the quarterly reporting periods, the Defense Department has agreed to notify the subcommittee immediately.
>
> The subcommittee hopes that the timeliness of the information will enable it to force corrective action before major damage occurs.

Mr. President, this action by the Armed Services Committee is highly welcome. It is precisely the kind of more careful monitoring of defense spending that the Subcommittee on Economy in Government, of the Joint Economic Committee, calls for in a report to be issued today and which I intend to place in full in the RECORD.

The excellent work of the Committee on Armed Services should be supplemented, as our report recommends, with far more comprehensive and systematic reports by the General Accounting Office. The independence and expertise of the GAO makes such regular and complete reports most desirable. In addition, the Department of Defense should collect complete data on both prime contracting and subcontracting. The department should require contractors to keep books and records on firm fixed price contracts showing the costs of manufacturing all components in accordance with uniform accounting standards. Congress should make the submission of cost and pricing data mandatory under the Truth in Negotiating Act except when competitive bidding has been formally advertised. At present, the GAO has found that the full costs are not available in 90 percent of procurement.

I ask unanimous consent that the New York Times article, reporting on the recent actions of the Preparedness Subcommittee of the Armed Services Committee, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 25, 1969]

CLOSER STUDY SET FOR ARMS BUDGET: STENNIS CREATES SYSTEM TO PROMOTE COST EFFICIENCY

(By Neil Sheehan)

WASHINGTON, May 24.—Senator John Stennis, Democrat of Mississippi, has created new machinery to provide his Senate Armed Services Committee with a much more detailed examination of the military budget and major weapons programs.

The Senator, informed sources say, set up the system because of a desire to force the military establishment to adopt better management techniques and also in response to the growing antimilitary sentiment in Congress.

The closer scrutiny of the current $80-billion budget does not imply any wish by Mr. Stennis to make the kind of amputative cuts in defense spending the antagonists of the armed services desire. They contend that drastic surgery is necessary to channel more resources into domestic problems, especially those of the cities.

FOR NEW PROJECTS

On the contrary, the Senator has always believed that powerful armed forces are necessary for the nation's security and he wants to keep them powerful. He favors large new * * * billion project to build an advanced intercontinental nuclear bomber, officially known as AMSA for Advanced Manned Strategic Aircraft.

Mr. Stennis, a 67-year-old former Mississippi judge, is a conscientious man who dislikes waste that can be avoided by more efficient spending techniques. He is also not averse to questioning military judgment occasionally. He is currently expressing reservations over the effectiveness of a multi-billion-dollar Air Force plan for an advanced defense system against Soviet nuclear bombers, called AWACS for Airborne Warning and Control System.

And he knows, the sources say, that in the sour atmosphere of military fallibility generated by the Vietnam war, he will have to be well armed to defend the military spending authorization bill he brings to the floor this summer after the committee hearings. The relative ease with which his predecessor as committee chairman, Senator Richard B. Russell of Georgia, shepherded such bills through the Senate is considerd a casualty of the war.

"GOOD HARD LOOK"

"This year we've got to take a good hard look at everything," one source said. "When you get to the floor you've got to know what you're talking about."

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The new examination system consists essentially in converting the Senate Preparedness Investigation Subcommittee, the chairmanship of which Mr. Stennis retained after he took over the Armed Services Committee in January, into an analytical and investigating arm of the main committee.

In previous years the subcommittee operated more or less independently, looking into the adequacy of the logistics support given the troops in Vietnam and the combat readiness of the Strategic Reserve in the United States as well as the forces in Europe and South Korea.

Now the subcommittee is concentrating on the military budget itself and the most important individual weapons programs. Two cost analysts from the General Accounting Office, the Congressional watchdog agency, have been added to the six-man subcommittee staff.

EVERY 3 MONTHS

An agreement has been worked out with the Defense Department under which the subcommittee will receive detailed reports every three months on 31 weapon projects that comprise more than 50 per cent of defense procurement and research and development. Procurement now amounts to $24-billion of the budget and research and development another $8-billion.

Mutually agreed upon starting points on the originally estimated cost, technical performance and development and production schedules for each project are being established. The subcommittee staff will monitor the programs by comparing the quarterly reports against these original bases to detect cost escalation, decline in technical performance and schedule showdowns.

If there is any major program change between the quarterly reporting periods, the Defense Department has agreed to notify the subcommittee immediately.

The subcommittee hopes that the timeliness of the information will enable it to force corrective action before major damage occurs.

The 31 programs include the Navy's $3-billion to $4-billion new destroyer construction project, the $12-billion AMSA, the $5.2-billion C-5A jet transport program, the Navy's $1-billion nuclear aircraft carrier project, the Army's cain battle tank-70 project and the Air Force's multibillion-dollar plan for an advanced jet fighter called the F-15.

YOUTH—OUR LAST, BEST BRIDGE

Mr. DODD. Mr. President, I invite the attention of Senators to a report to Urban America recently issued by Mr. Lelan F. Sillin, president of Northeast Utilities, Hartford, Conn. It is concerned with the development of youth programs under Youth Organizations United—Y.O.U.

The report is both inspiring and discouraging.

On the one hand, it reflects the high achievements in both creativity and effectiveness attained by various youth projects around the country. It illustrates the successful efforts of the private sector in antipoverty programs. It points to conclusive proof that "self-help" is far more than a deluded ideal of the middle- and upper-classes.

At the same time, however, the obstacles which Y.O.U. now faces point out the severe limitations with which all too many of our antipoverty efforts are confronted: bureaucratic delays, adverse publicity, and insufficient funds.

I believe that Y.O.U.'s activities can be highly instrumental in alleviating some of the pressures created by the "Generation Gap" and urban poverty. I, therefore, urge Senators to take note of this fine program, and to give it their full support, should the opportunity arise.

I congratulate Mr. Sillin and all of his associates in Y.O.U. upon compiling a perceptive and concise statement, and upon the fine work which they have undertaken.

Because the text of this report contains such a significant message, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WHAT IS OUR ANSWER TO ANGELO GONZALEZ?—A REPORT ON THE PROMISE—AND THE NEEDS—OF A NATIONWIDE YOUTH MOVEMENT IN THE URBAN GHETTOS

(By Lelan F. Sillin, Jr., member, Board of Trustees Urban America Inc., president, Northeast Utilities, Urban America Inc.)

INTRODUCTION

What you are about to read began as a routine report by one Urban America trustee to his fellow members of the board. It became more important than that, because the subject of the report is hope—hope that none of us can afford to see extinguished.

At Urban America's 1968 annual meeting in Detroit, we had as guests members of former gangs from cities around the country which had, pridefully and spontaneously, turned themselves into constructive self-help groups working to improve their neighborhoods. The young men and women were a revelation. We decided on the spot to see how Urban America could help them help themselves. Lelan F. Sillin Jr., president of Northeast Utilities, agreed to act as chairman of a board committee to see what we might do, and the end result was a six-month program (later extended to eight) in which Urban America attempted to be a broker between the youth groups and the resources they need.

Lee Sillin put a great deal more than time into the program. He became deeply involved with what the groups were trying to do, and his concern deepened with his involvement. As he points out in this report, there is a great deal at stake in the youth movement—and a real prospect that the groups and their national coordinating office, Youth Organizations United, will fail for lack of support. I will leave it to him to explain why, and what this failure could mean, not just for the youths, but for all of us.

A few years ago, a gang called the Dragons terrorized Manhattan's Lower East Side. Now the Dragons have changed their name to the Real Great Society and are operating an amazing range of service programs in their community, financed in part by their own business enterprises. Thugs United in New Orleans is now Thugs United, Inc., not as dramatic a change of name, but also signifying that what was once a gang of minority youth—with all the violence that implies—is now a self-help corporation.

The same thing is happening across the country. Some 350 former gangs, involving perhaps 300,000 ghetto youth, have gone, as they say, "conservative"—have turned from crime, from killing, to community service and bootstrap business enterprise. They have their own national organization, called Youth Organizations United. *And they have done it all themselves.*

No government program, no private agency, can claim this transition as an accomplishment. Some have helped by providing money and, just as important, technical assistance and advice. But the change was the idea of these young people themselves. It was spontaneous and it has spread. It is their movement. They intend to keep it that way.

Consider what this means. The members of these gangs-turned-groups are, in every sense, the hard core. They are 16 to 25 years old; black, Chinese- and Japanese-American, Puerto Rican, Mexican-American, Indian. They are the dropouts, those whom society has deemed least likely to succeed, those best represented in the crime statistics and the records of arrests in civil disorders. They live with poverty, decay, narcotics, all the hustles of the ghetto street. They are, to put it simply, the most volatile single segment of our society.

Yet they have decided to work within that society, to try to change it from within. Make no mistake about their motivation. Few of them have been reached by oratory: They remain skeptical about society's promises. They are abrasive, outspoken, aggressive in their pride. They still dress like gang members and talk in obscenities. But they have decided, for now, that maybe they can get more for themselves and their communities by working inside the system rather than tearing it down.

They have to prove it, constantly, on the street. They have to deliver. If they are impatient, it is because their constituents are more impatient. There is an enormous tug-of-war going on for the allegiance of ghetto youth, and the groups are in the middle of it. Theirs are the strongest voices being raised against rebellion, far stronger than any outsider's could be.

The leadership of the youth groups is tough, intelligent, dedicated, and would make excellent revolutionaries. Instead, they are directing their talents to build their communities. But their belief in our democratic and capitalistic system is under constant challenge by others who advocate destruction of our society. They must show progress to be listened to. If they fail, the burning will begin again. That is a fact, not a threat.

Right now the odds are probably in the direction of failure. We have been working with these groups, and with Youth Organizations United (YOU), for eight months, trying to bring them together with the resources they need. The response has been inadequate. As this is written YOU does not have the money to meet its payroll. Frankly I do not quite understand how we have let its need—and our opportunity—go by.

I do know what the consequences of failure can be. The lesson will be clear to the young people: Society responds only to threats. Their disillusionment could be tragically destructive.

This report is at once an introduction to the inner-city youth movement, a plea for help, and a warning. These groups need us, not to tell them what to do—they are experts on that—but to suggest how they can do it, and help start them toward their goal of self-sufficiency. But we need them far more. We are, at this moment, two societies, drawing ever further apart in our experiences and perceptions of American life. The youth groups may be our last, best bridge.

GOING CONSERVATIVE

Any representative of the larger society brings hundreds of years of baggage with him when he first confronts one of the groups. Therefore, he will be tried and tested endlessly to see if he is real. It is not an easy process to go through, but the rewards can be great. The hope, the force, the fiber of these young pople are something to experience.

Words and pictures cannot take the place of this experience; on paper, the vitality is diluted. This report cannot take the place of involvement. All it can attempt to do is describe how the groups are going about the difficult, always tenuous process of trying to play a new and constructive role in their communities.

For the Vice Lords, it began on a summer night in their Chicago ghetto turf. They are now the Conservative Vice Lords Inc., with a membership of 10,000. One of their leaders, Bobby Gore, describes how it happened:

"As a gang, we ruled the streets of Lawndale. Cars were stocked with shotguns, young men were mauled in street battles, and many were arrested and sent to jail. But now that's over, and though many fellows are restless, most are looking for a chance to make it without fighting, stealing, or throwing Molotov cocktails.

"We began to become a conservative club one evening when we were sitting around—some of the young fellows sipping wine, some pitching pennies, others getting their heads together in secret. About eight leaders from different sets were together at one of our usual hangouts. We were talking about our past activities and close calls with death and how the chances of being maimed for life came so close. We were interrupted by one of the younger fellows who was in the secret talking crowd. He told us he wanted to take about 50 fellows later that night to make a fall. We asked him why and who he wanted to fall ~~on~~; had anyone misused him. His reply ~~was~~ we, the older lords, including the fellows who were in jail, had made a name and they wanted to keep it alive. He also mentioned that we hadn't made a fall in so many months. Then the rest of his group joined in. They told us they wanted to be like us. They wanted to take up where we left off. Their intentions were to hurt anyone or everyone who walked the streets that night. The things they were planning to do were the things we had been talking about—about how restless they were and they had to have something to do with themselves.

"We sat up all night. We told them how we saw people die, people begging not to be hit anymore with a baseball bat or a chain, how guys got cut up, how the people and police would hate their guts, and how they may very well be the ones who get killed.

"You would be surprised at the words these young men said. They said, well we got to have something to do. We can't get jobs, we're too old to go back to school, and we're too big to play games. What else is there to do?

"We, the leaders, then called a meeting of younger fellows. We told them we knew how they felt because this same feeling was how we got into trouble. We told them we didn't want them to get hurt or to hurt anyone and we would try to find something for them to do. Most of them wanted jobs; some wished they could get back in school; others didn't care what they got—they were just tired of the same old routine.

"As Conservative Vice Lords we cannot turn our backs on our people. If we don't listen, who else can they turn to? We are the last place they look for help. With the burden of these kids on our backs, we had to turn conservative."

When a gang like the Vice Lords goes conservative, it seldom changes structure. The leadership simply takes on new titles: In one group, the first runner became president of the corporation, the second runner became first vice president, the war chief became program director, and the war lord took charge of public relations.

What does change are the activities. Typically, the gangs-turned-groups operate in two ways: They take on direct service programs in the community, and try to support them through profit-making ventures. They may need outside financial help at the beginning, but their goal is to make everything they do self-supported. It is an ambitious goal, in the context of ghetto poverty, but some of the older and larger groups are close to achieving it.

In Philadelphia, for example, the 11,000-member Young Great Society bought five old school buses. With them it runs excursions, for profit, to Atlantic City and elsewhere and has contracted with the Board of Education and University of Pennsylvania to transport students. It uses the money and the buses to take neighborhood children to recreation areas.

The Young Great Society also operates a halfway house for boys from problem homes, a tutorial program, a day-care center for working mothers, and, in conjunction with two Philadelphia hospitals, an alcoholic and narcotics center which currently treats 80 patients a week. With Philadelphia General Hospital and the University of Pennsylvania Hospital, it also operates a general health center serving 250 patients a week. Each year it has given emergency fuel, heat, and financial help to more than 600 families.

These activities are beginning to be supported by profits from The Young Great Society's holding company, Mantua Enterprises Inc., formed two years ago and named for the former gang's West Philadelphia turf. It manufactures pillows, blankets, window casements, and electrical parts. Mantua now has a contract with a major corporation to produce camera parts, and is arranging the gradual acquisition, over a five-year period, of a plant manufacturing electric circuit boards.

The group's for-profit activities, of course, also serve a training function. The Young Great Society has been involved in housing rehabilitation for such groups as the Urban Missioner's Fund of the Episcopal Diocese of Pennsylvania and Philadelphia Friends Housing Inc., through which its members learned plumbing, carpentry, drafting, and other construction skills. From this activity grew the more ambitious concept of turning one street in the neighborhood into a "model block." Working with the local Urban Coalition, the group proceeded to line up the help it needed to make the concept reality. Philadelphia Gas Works put up "front money" for purchase of the 27 properties, planning, and consultant fees. University of Pennsylvania offered to train members of the group in real estate and mortgage finance. Several Urban Coalition member firms are interested in locating branches in the model block and using Young Great Society members as personnel and managers.

The Young Great Society has entered into partnership with a registered architect who has done the site plans and working drawings for the model block and will be involved in future projects. Members of the group will work in the firm as part-time draftsmen and apprentices. The work of rehabilitation will be done by 25 members now enrolled in a vocational program cosponsored by the Urban Coalition; each is a pre-apprentice in one of the building trades and, while working, is required to attend classes on housing rehabilitation and get his high school diploma. Eventually the 25 will be the core of a Young Great Society contracting firm.

Thus, the model block project will yield more than 27 rehabilitated houses. While revitalizing part of the community, physically and economically, it also will provide Young Great Society members with jobs, training—and futures.

This sense of future also is evident in the youth groups' emphasis on education. In New York City, the Real Great Society established the "University of the Streets" and in the first year registered 1,600 students in classes ranging from English and mathematics to art and the theory of jazz. The teachers are volunteers, sometimes no older than the students, and the classes often meet in their apartments or offices.

The Way in Minneapolis operates the Chain Gang Laboratory School for 75 problem children. Its principle is "everyone a teacher, everyone a student": A youngster with sixth-grade ability in arithmetic teaches another on the second-grade level, and is paid for his teaching time. Parents of the students also are brought in as teachers, both to involve them in their children's education and expand their own. All teaching is on a one-to-one basis; each student has his own individual curriculum, related closely to the situation of his life. Teaching methods are flexible: In English and mathematics, lessons are fitted to popular songs and dances.

Tutors and big brothers to the students are a team of "floating workers." All have had their own problems as dropouts and delinquents. They can speak with an authority no truant officer could match. An insurance executive who worked with a group on a similar project spoke of the impact the young people can have on each other: "They know how to reach one another. They always use themselves as examples. When they see a kid using dope, they say, 'Look, I've used it and I know. Do you want to go through what I did?' "

Perhaps the most significant by-product of the youth groups' activities is pride, in self and in community. The Conservative Vice Lords operate a "soul shop" called the African Lion that manufactures clothing and jewelry. Warren V. Gilmore, then a member of the Lords and now president of YOU, described the shop's opening:

"Some women in the neighborhood made beautiful drapes which covered the windows of a storefront completely. Inside, we were working like mad remodeling. Each day people walking by would become more and more curious, peeking in the window to see if they could see what was happening. One day, just an hour before rush hour—we drew the drapes—and in the windows were all kinds of tropical trees, rhododendron, a fish tank, and wild grass. The people were amazed. The kids would pack the window every day coming and going to school. Nothing beautiful, nothing first-class like this had ever happened in the ghetto, and what made it most important was that it was done by the people themselves."

Neighborhood residents quickly began coming around to the shop to do more than buy. A newspaper was started there, and later an art instruction and exhibit center called "Art & Soul." The African Lion became the focus of community pride, a symbol of success in a neighborhood where there are few.

The groups also have impact on the community as a whole by trying to bridge the gap between the ghetto and the "outside world." As one of their first programs, the Mission Rebels in San Francisco established an "Institute to Educate the Establishment." The institute consisted of seminars between members of the Rebels and representatives of business, labor, schools, the police, and social agencies. Said one manufacturer about the early meetings: "We gathered together with box lunches and sat around on wooden benches. There was some abuse, a lot of bitter exchange, but we all learned something."

In February of 1969, the Conservative Vice Lords held an open house for the police. Their invitation went like this:

"DEAR LT. BUCKNEY: The Conservative Vice Lords are holding an open house for policemen, only, on Wednesday, February 26, 1969. There has been many misunderstandings between police and the community, and as a group once identified with gang activity, we have had confrontations with the police which at times we caused but which at other times were provoked by the police. . . .

"During the past year, Conservative Vice Lords Inc. has developed many new programs in Lawndale: Teen Town, The African Lion, Art & Soul, the House of Lords, summer beautification, and a Tenants Rights Action Group. Throughout this period, we have enjoyed open communication with some policemen while with others there has been mutual fear and suspicion.

"Many police cars cruise through our

neighborhoods and peer into the windows of our programs. Perhaps these policemen do not feel they would be welcome if they simply came in to see what was happening. Therefore, in the hope of changing attitudes and developing understanding on the street, we are inviting the police department to visit our programs."

During that day, police officers walked inside their beat, looked at the Lords' projects, shot pool with them, and talked.

In the summer and fall of 1968, members of The Way in Minneapolis made over a thousand speeches to black and white audiences to create better understanding. It launched VISTA-MC—a reverse Vista program "to educate the middle class"—with the aid of 150 young people from the American Friends Service Committee. Five cities since have asked The Way for help in designing similar programs.

TO KEEP HOPE ALIVE

It would be gratifying to report that the groups and activities described above are the rule. They are not. They are the solidly established exceptions who have succeeded in getting the help they need to help themselves. Most YOU member groups have not been so successful. They are struggling to stay alive—to stay "conservative."

YOU itself was formed out of this struggle. It was created in spring of 1968 at a meeting of 50 youth groups in East St. Louis. The groups realized they needed a national organization to act as a channel of support, to bring their movement to national attention, to be a vehicle for exchanging ideas, programs, information about what works and what doesn't. "We needed to show each other that we weren't alone," said one leader, "that there were brothers trying to do the same thing all over the United States."

YOU described the groups' needs—and its own functions, present and potential, in a recent report:

"We need to develop a system whereby youth groups can exchange skills, ideas, sources of resources, techniques for running programs, and insights and perceptions. We are all isolated—unable to effectively teach and learn from each other.

"We need to develop the capacity to train ourselves. Our leadership is strong, but a leader of a youth group is not necessarily able to run a business without the necessary training. Also, our young brothers and sisters have to be trained in bookkeeping, cash flow, etc. The same applies to many areas.

"We need to be able to provide our membership with skilled technical assistance for their programs and ideas of education, social and economic development. Our membership should have available as capable sources of advice and consultants as anyone else. YOU needs to be able to provide this.

"We need to expand our membership. The more youth we can serve, the more they can serve each other and their communities. By being together, by working for things that will improve the lives of the poor, we will have an effective and positive effect on our communities.

"YOU needs to promote and help members organize activities which will link them up with the mainstream of American life. We must promote the establishment of business, education, and training which will lead to good and dignified jobs, and a sense of optimism and pride.

"YOU also has a role to play in the white community, in the suburbs, in bureaucracies, in the corporations, in the state capitols, the city halls, the Congress, and the White House. We can do the job and we have already been asked to educate those in power about our communities and our culture of the inner-cities, the reservations, and the dusty towns of the Southwest. It's a two-way street. If society is to survive, the power structure needs to understand the needs of the haves, the have-nots, the young and the old. We in YOU can do our part."

Urban America's efforts to assist the youth movement began with individual groups but soon focused on YOU. The program staff—James Goodell, an architect and planner, and George Washington Jr., president of the United Council of Dignity in San Francisco—worked tirelessly to make contact with businesses, foundations, and government agencies on behalf of YOU and its member groups. (I also want to express my personal gratitude to Schuler Meyer, president of the Edwin Gould Foundation for Children, who was a real partner in the effort.) We realized that without a strong national organization, the movement would falter and perhaps fail. A few of the larger individual groups would continue on their own momentum; most of the others probably would wither for lack of direction and support.

At the time that Urban America became involved, in June of 1968, YOU's prospects seemed good. Its leaders had been invited to Washington to negotiate a grant with a consortium of federal agencies. But as the negotiations neared completion, a controversial series of hearings were held on Chicago's Blackstone Rangers—not a YOU member—and everything came to a halt.

In the past six months YOU leaders have taken part in more than 175 meetings with potential sources of funding, describing what they are doing and hope to do. The money these meetings yielded is now nearly gone. YOU President Warren V. Gilmore describes the current situation:

"YOU has been in one continual funding crisis since the day it was formed. We have literally lived from one interim grant to the next. We have spent at least three-fourths of our time in talking with businessmen, foundations, national organizations, and the federal government, telling about YOU, hearing that they were very interested, and in several cases virtually being assured that funds would be forthcoming. Yet here we sit, not knowing where the next payroll is coming from.

"You might wonder how YOU, whose purpose is to work as a service organization to the groups, can maintain its local constituency and make it grow even though we can't begin to operate the programs that they need. The answer is that YOU is theirs. It's the only thing that gives them identity. We probably can't hold their hopes much longer. The brothers and sisters will wait only so long.

"Just remember, if YOU is choked off at the top, nothing like it will take its place. See, YOU walks a tightrope between the pentup frustrations and the hopes of the kids and the establishment. The younger brothers and sisters have drawn the line. If they, their groups, and YOU fail, the frustrations will be unleashed. That's no good for anyone."

Like the individual youth groups, YOU is determined to become self-sufficient—if it can get the initial funding to stay alive. In April of 1969, YOU formed General Metropolitan Communications Corporation (Genmetro) as its profit-making arm, initially financed by a fully subscribed offering of preferred stock. Genmetro's focus will be information distribution and marketing. Already a major national manufacturer of consumer products has contracted with Genmetro to distribute samples of its products and to perform market surveys in 12 major cities. Genmetro, in turn, will contract with local groups to carry out the work. Part of the profits will go to the groups and part to YOU.

The manufacturer came to YOU and Genmetro not only to help, but because it felt they could do a job. And they can: Nobody knows or can move in the inner-city better than these young people. They are, in effect, the best consultants or contractors we can find; they are the professionals in ghetto problems.

How can we help at this point? One way is to use the services of Genmetro and the individual groups. Another is to provide YOU with the initial operating funds it needs. Still another is to offer, through YOU, technical assistance and expertise. Whatever the means you choose, I can promise that the deeper the involvement the more satisfying, and revealing, you will find the experience to be.

Let me close by telling you something of what you will find. You will meet, first of all, suspicion, cynicism, even anger. The young people will test your motives. They want no part of paternalism; no "do-gooders" need apply.

You will find that they know exactly what they want to accomplish in their communities, and have a hard-edged determination to do it. You may find that, while they are verbal, even articulate, there are large gaps in their knowledge of how to go about achieving their objectives. "The youth groups I have been working with have a great deal to learn," a lawyer from Louisiana said. "The leaders are very fine and completely straight. But the kids are reluctant to admit ignorance about basic management." Finding and filling such gaps is, in part, what you are there for.

You will come to see the special kind of reliability that comes with the discipline the groups have known as gangs. They see that promises are kept. "We don't have any lateness or absentee problems with 12th and Oxford people," said a Philadelphia business executive. "The group has a lot of pride, and they oversee their own men. When you have an organizational structure as well defined as a former gang, it's an excellent way to channel energy. When we can get someone sponsored by 12th and Oxford, we know what we are dealing with."

And you will find that the situation, in the ghetto, is more desperate than you thought. "Working with the Real Great Society has been an education," a New York insurance man said. "I have been involved in the urban scene intimately at least for the last five or six years. But before this I didn't realize how deep-rooted the problems are."

The youth movement is operating at the core of these problems. All of us are offered many ways to help find solutions. It is my conviction that none is more central, none more direct, than involvement in the youth group movement. Whether the youth of the ghetto make it will determine whether our cities, and thus our society, make it.

They say it best. This is Warren Gilmore on the movement's future: "It is a fact that YOU today stands as a shell filled only with promise. Nonetheless, it is one nationally based organization of poor youth. No other has been formed, and if YOU is unsuccessful, it is unlikely that another will take its place.

"Whether we can succeed is obviously a gamble. We think, in the course of history, this is a unique time for action in support of YOU—in support of the present youth that we represent and, more importantly, the much larger number of additional youth who could become a part of us."

They are waiting. What will be our answer?

RESIGNATION OF LEE WHITE AS CHAIRMAN AND MEMBER OF THE FEDERAL POWER COMMISSION

Mr. MAGNUSON. Mr. President, last week, quietly, one of the Nation's most dedicated and spirited public servants announced that he is stepping down from his office. It was characteristic of Lee White, Chairman of the Federal Power

Commission, that he seized the initiative in resigning in order to afford President Nixon "the broadest latitude in selecting a new Chairman," although his term would not have expired before 1970.

He may have been one of the softest spoken agency heads in Washington, but the regulatory stick which he wielded on behalf of consumers of electric power and gas energy in this country was firm. His vision of the role of the Power Commission and the needs of the Nation which it serves was broad, bold, and farsighted.

In leaving last week, he issued a call for bringing the electric power industry into the 20th century, for developing new mechanisms for balancing the growing demands for electric energy with the increasing concern for the despoilation and degradation of the environment, and he warned us that time is short.

In his Government career to date, Lee White served the best men of both parties, first as Senate aide to Senator John F. Kennedy, then with the distinguished Senator from Kentucky, Mr. COOPER, and later, on President Kennedy's White House staff and as a key adviser and troubleshooter for President Johnson. I wish him well and express the wish that his retirement from public life will be short-lived.

I urge his successor, John Nassikas, whom we know well and have worked with when he was minority counsel of the Committee on Commerce, to heed the words of his predecessor and to follow the courses which he charted.

I ask unanimous consent that an article and an editorial about Lee White be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 18, 1969]

LAST NEW FRONTIER MAN OUT

(By Richard Halloran)

Lee C. White, who resigned last week as chairman of the Federal Power Commission, is the last of President Kennedy's New Frontiersmen to leave a major public office here.

When White went to the White House staff in 1961, after working on the Kennedy Senate staff and then for Sen. John Sherman Cooper (R-Ky.), on the Hill among his early tasks was resolving a dispute over who would be chairman of the FPC.

The issue arose because the FPC statutes are not clear. They say that the chairman shall be appointed by and serve at the pleasure of the president—but they don't say which President.

President Eisenhower had appointed Jerome Kuykendall as chairman with a term to expire in June, 1962. President Kennedy named Joseph P. Swidler as a commissioner and made known his intention to name him as chairman.

But Kuykendall balked and declined to submit his resignation, saying he had legal advice showing that he could remain chairman. A compromise, in which White had a hand in working out, averted a legal controversy. Swidler became chairman and Kuykendall remained on the five-man commission.

White, in his letter of resignation to President Nixon last week, recalled the incident and pointed out that the issue was never actually resolved.

The outgoing chairman took up the question he first met eight years ago and addressed himself to finding a clear solution. He told the President that, "legal questions to one side, the relationship between the Administration and the independent regulatory agencies requires the best possible personal relationship between the President and the chairmen."

"Although the Executive should not and, within my personal experience, has not interfered in the quasi-judicial responsibilities of the regulatory agencies, there are many legitimate areas in which liaison is essential: the budgetary process, development of legislative proposals, and matters relating to the administration of the agency," White wrote.

"Because of these views," he said, "I believe it appropriate and desirable for me to submit my resignation from the Commission to provide you with the broadest latitude in selecting a new chairman."

White further said that the Federal Power Act should be amended to make the right of the president to designate a chairman "absolutely clear." He said that he would write to the chairman of the Senate Commerce Committee and the House Committee on Interstate and Foreign Commerce "recommending enactment of clarifying language."

White is the second chairman of a regulatory agency to resign since the new Administration took office. Manuel F. Cohen, former chairman of the Securities and Exchange Commission, resigned in February and has entered private law practice here. Whether chairmen of other agencies will do the same remains to be seen.

In his letter to President Nixon, a speech to a meeting of investment analysts, and an interview last week, White stressed a single theme as he looked to the future.

This is the need to "harmonize" the need for more electrical generating plants and transmission lines and natural gas pipelines to meet increasing demands for energy, on one hand; and the rising concern for the nation's environment, the pollution of air and water, the scarring of the countryside, on the other.

He said that "increasing pressures are preventing things from being done in power." He pointed to cities where electrical plants can't burn certain fuels, communities that refuse to allow new plants to be built, conservationists that oppose new transmission lines or hydroelectric dams.

He said that if the problem is not solved, the nation could be faced with an inadequate supply of electric energy. "We have grown up in this country assuming there will be energy at the flick of a switch. I doubt that the public or the press will tolerate a situation where we do not have adequate generating or transmission capacity. I am certain that political office holders will not."

Yet he expressed sympathy for those who are concerned with environmental and aesthetic considerations. "It is a major point," he said, "and it ought to be. My pitch is that we have to develop an apparatus where these things can be resolved."

White warned that the time is short because of the lead times required to build new facilities, because many decisions on expanding power are irreversible and must soon be made, and because public opinion is slow to awaken to the issue.

He chastised the power industry for not looking beyond today and said that "my great crusade is to persuade the industry to change its methods" by regional planning, developing new criteria for operations, and bringing the interested public into the decision making process.

White confessed that he hadn't been able to do much about it, which he said gave him a "sense of disappointment and frustration." He said that "we can't attract attention to these problems when the competition for national attention is exceedingly keen. These are ten-year problems. How can we keep the public, the Congress, the press focusing the spotlight on the resource problem while it's still incipient and manageable? Look how late we were in recognizing the problem of pesticides. If we were able to sense an incipient problem and find alternatives, it ought to be explored."

White, who plans to leave the commission before the end of July, said he has not decided yet what he will do next. "I haven't focused on the decompression problem," he said. "I've spent my entire adult life working for all the citizens and I hope to be able to be involved in public interest matters."

He said that he had enjoyed the experience of ranging over a broad spectrum of matters as a staff man on the hill and in the White House and digging down into the intricate complexities of problems at the FPC. But he wasn't sure how he could use this in the future.

White doubted that he would or could go into elective politics. He pointed out that he had been in Washington for 15 years and had lost touch with things in his home state of Nebraska.

"Besides," he mused, "the track record for Democrats getting elected in Nebraska is not very good."

[From the Washington Post]

CHANGING COMMAND AT THE FPC

The forthcoming change of command at the Federal Power Commission is especially interesting because the present chairman, Lee C. White, is deliberately stepping aside so that President Nixon will have a free hand in naming his successor. Mr. White's term will not expire until June, 1970, but he feels strongly that the chairman of the regulatory commissions should have the confidence of the President so as to facilitate the tasks of budgeting, promoting essential legislation and carrying out administrative policies. Since the law is unclear as to how far the President may go in this regard Mr. White favors an amendment that would leave no doubt about the right of the President to oust a chairman who did not have his confidence. Such an ouster would not of course remove the demoted chairman from the commission itself, and if he remained aboard the new chairman would have to be an incumbent member.

There was not much doubt about the matter in the minds of the lawyers who wrote the United States Code. They said specifically that the President shall designate the chairman of the FPC and that "each chairman, when so designated, shall act as such until the expiration of his term of office." This language is an amalgamation of the original statute and a reorganization plan of 1950, which transferred the right to designate the chairman from the FPC to the President. But it seems to us to reflect the original intent of Congress to make the FPC an independent regulatory agency free from any control or domination by the White House.

Mr. White is not, of course, advocating presidential control of the regulatory commissions. He thinks they should be strictly independent in the performance of their quasi-judicial functions. We fear, however, that if the President were given a free hand to make a clean sweep of regulatory agency chairmen every time there was a change of administrations the public would soon lose confidence in the objectivity of the regulators. Certainly no move in this direction ought to be made until its implications have been fully explored for all the regulatory bodies, including the FPC.

The resignation of Mr. White brings regrets for another reason. He has been unusually sensitive to the mounting demands for electric power as well as to the public concern over water and air pollution and defacement of the countryside by gigantic power lines. It is estimated that the present consumption

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of power will be multiplied by seven by the turn of the century. Ways of supplying these essential needs must be found without destroying fishlife and burying our landscapes under a wilderness of wires. At this point the country can only hope that John N. Nasikas, President Nixon's choice for the chairmanship of the FPC, will be, if he is confirmed by the Senate, as alert to these problems and the necessity of securing legislation to deal with them as Lee White has been.

PROBLEMS IN AIR TRANSPORTATION

Mr. PEARSON. Mr. President, I wish to bring to the attention of the Senate, with commendation, the May 1969, issue of Space/Aeronautics. This issue presents a special section entitled "Toward Aviation Growth." I recommend it to all Senators who wish to understand more clearly the problems facing aviation and air transportation today. I think the articles in this special report describe and analyze in a most reasonable way the major problem areas in air transportation.

Congress in the coming months faces a crucial decision as to how these problems must be confronted. I spent much effort last year with former Senator Monroney as a member of the Subcommittee on Avitaion of the Committee on Commerce drawing up what we felt was a practical approach to these problems. However, the work by the committee met many obstacles, and at the last session Congress failed to act.

The Subcommittee on Aviation will begin again next month to examine these problems and how they should be solved. The lead editorial in Space/Aeronautics' special aviation report, written by Englebert Kirchner, provides, I think, a sound perspective from which to proceed into these legislative considerations. His commentary on past and present processes of aviation planning and funding point out the crux of the problem. The facts are basic: There is a need for consistent and continuous resources to fund airport/airways requirements. If users are to bear the burden for providing these resources, they must know that the resources will be used to expand and modernize our national air transportation system. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

IN LIEU OF CRASHES

(An editorial by Englebert Kirchner)

There is a disconcerting graph on page 53 of this issue. It plots civil aircraft operations and FAA appropriations from the mid-'40s to the present, and the startling thing about it is not that it shows the appropriations curve once again as way below the demand curve. Much worse is that it reveals what, in the past, triggered major increases in FAA spending: not the analyses of the air traffic problem such as the Curtis report of 1956 or the Beacon study of 1961 but a series of spectacular air disasters like the midair collisions over the Grand Canyon in 1956 and over Staten Island in 1960.

If it had not been for the deaths of several hundred people in these crashes, the airways and ATC system would not be as reasonably effective as it is today, and more people would have died in crashes in the mid- and late '60s. Will it now take the deaths of perhaps more than a thousand people in airbus crashes to get us the expanded and refined airways and ATC system we need for the '70s?

History will repeat itself if airways and ATC improvements continue to be financed out of the annual FAA appropriations. Without the spur of disaster, there is no hope that Congress will vote either the $2.75 billion FAA estimates it will need in the '70s for facilities, equipment and R&D or an adequate share of the roughly $5 billion that will be required for airport development in the same period.

Fortunately, there is another, much more effective way of financing airways and airport development: a trust fund fed from a special tax allocation—the expanded system of airways user charges FAA has long been arguing for. If FAA wins this argument, as now seems likely, this can make all the difference for commercial aviation in the '70s.

User charges and a trust fund probably are not the ideal solution. The Highway Trust Fund, which is the only precedent we have, for all its apparent success has become a millstone around the country's neck. Highway money, however, can be spent only on slapping down more concrete. An aviation trust fund would be much more open-ended, for the money from it could be expended on ATC, airports, advanced R&D and any number of other purposes.

It can also be argued that the general public should bear some of the burden of airways and airport development, whereas user charges eventually will put all of this burden on the shoulders of air travelers and general-aviation operators. But the points that really matter are that the airways users can afford to pay for what an aviation trust fund would buy and that it is their necks which would be saved. That lives are at stake also decisively weakens the otherwise sensible objection that in the past has prevented the establishment of an aviation trust fund: that such a fund reduces the government's leeway in fiscal manipulation for the good of the economy.

Airways user charges may sound like a gimmick. Actually, they are at the heart of a very simple choice: By imposing them, we can assure ourselves of the money to make air transportation safe in the '70s and thereafter. Without them, we can be certain to have to pay the price in human lives.

POOR EQUAL EMPLOYMENT RECORD OF ELECTRIC POWER INDUSTRY

Mr. HART. Mr. President, recently Mr. William H. Brown III, the new Chairman of the Equal Employment Opportunity Commission, delivered a speech to the Edison Electric Institute in Denver, Colo., pointing out the very poor record of the electric power industry in promoting equal employment. His speech suggests that despite continuing appeals from the Equal Employment Opportunity Commission, this industry has remained, for the past 3 years, as perhaps the worst employer of members of minority groups of all major industries in the United States. Although there has been improvement in the industry employment figures since the EEOC held an industrywide conference to discuss this problem last June, nearly all of this improvement can be attributed to the progressive hiring policy of a single company. Apparently the remaining companies have shown very little interest in complying with the spirit of the Civil Rights Act of 1964.

The Senator from Washington (Mr. MAGNUSON) chairman of the Committee on Commerce, recently announced that the committee would conduct an investigation of equal employment practices in the regulated industries during the coming year. Mr. Brown's remarks indicate that this review is certainly necessary and appropriate. Before the committee actually schedules hearings on the employment situation in the electric utility industry, however, I would hope that the Federal Power Commission would employ every means at its disposal to see that employment practices in this industry are rapidly improved. Since the "carrot" approach has apparently not worked, I believe it is time for the Power Commission to make clear to this industry that it show more concern about its poor employment record.

I ask unanimous consent that Mr. Brown's excellent, but disturbing, speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY WILLIAM H. BROWN III, CHAIRMAN, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Ladies and gentlemen, I am happy to be able to address this gathering today, a gathering designed to realize in meaningful terms one of the most important ideals of our times—equal opportunity for employment for all people. I say ideal without reservation, for equal employment is certainly not a reality today; not in our times, not in your industry.

The electrical power industry is of particular significance for many reasons—the large number of people employed; the geographical spread of the employment; the monopolistic nature of the industry; the tremendous value of your assets.

The significance of the utilities industry to American business and American life intensifies its importance as an equal opportunity employer. I am sure that everyone in this audience subscribes to the concept of equal employment opportunity; the fact of your inviting me to speak here today indicates your concern.

You should, then be concerned to learn that the electrical power industry has had one of the worst equal employment records of all industry groupings in America. The findings and statistics supplied to me—based on the reports that you yourselves submitted—will graphically demonstrate that the most effective methods of discrimination and exclusion are being practiced in your industry. The case histories give living shape to the story of exclusion and the hard facts of discrimination become glaring in the light of cold statistics.

The Equal Employment Opportunity Commission has used and will continue to use statistics, not for the purposes of punishment, but to illuminate the effects of discrimination where it exists and spotlight imaginative, affirmative employment policies where they exist. EEOC dwells on differences in employment patterns to prove that in almost every industry, every city, one or more employers who concentrate on affirmative action—not just affirmative motion—themselves destroy the myth that qualified and qualifiable minorities are not available.

When we publicize such disparities we are not setting quotas for the employers on the short end of the comparison. But we are throwing down the gauntlet, and certainly firms which pride themselves on being EEO employers, or send representatives to meetings such as this, should take a hard look

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at themselves. And this look *has* to be quantitative.

You as businessmen would not applaud the salesman who writes copious sales plans each quarter and then doesn't deliver the sales. You would call him in, show him how Mike in the next sales unit in the same district is doing much better and challenge him to do likewise. That is essentially what EEOC does with employment statistics in a context such as a White House meeting, a public hearing or this session.

In June of 1968, the facts of exclusion and under-utilization were presented to representatives of the electric power and natural gas industries at a White House meeting sponsored jointly by the Federal Power Commission and the EEOC. At that time, the utilities industries—and particularly the electric power companies—were informed that according to 1966 and 1967 data, they were the worst employer of minorities of any industry grouping.

At that time electric companies employed only 41 black managers, out of almost 30,000; Out of 15,000 technicians, only 59 were black; Of over 6,000 sales workers, 27 were black. In the nation's 11 largest electric companies, employing over 8,000 officials and managers, in 1966, 13 were black; in 1967, 12 were black—and in both years 6 were employed by one company. And for Spanish Americans, the picture was no less bleak—these 11 largest companies employed them as only 0.3% of their total workforce . . .

At the time these statistics were presented to your industry—possibly to many of you personally, my predecessor as Chairman of EEOC said, "We do not believe this is a picture of which you will be proud, collectively or—with few exceptions—individually. The exceptions to the patterns are encouraging in kind but discouraging in number. One matter is clear; these hours we spend today in conference will mean very little if they do not lead to action. Such action is possible only with the commitment of top industry management. Your presence here today, I think, implies that commitment. But commitment which is unfulfilled may be apathy, if not self-deception. And that is why we hope that the programs we will discuss today will help you translate your commitment into action."

The Chairmanship of the EEOC has now changed; the patterns of minority exclusion and under-utilization in the electric companies, apparently and unfortunately, has changed only marginally at best. Based on reports for 1968 and 1969 submitted to the EEOC by 115 members of the Edison Electrical Institute employing the large majority of the total workforce in the electric power industry, your industry still inhabits the bottom of the list in terms of minority utilization.

This conference is devoted to affirmative *action*. I hope it will not celebrate the affirmative *motion* that results of the past year indicate has been going on.

The figures I will relate will show better than any words the continuing failure of the electric power industry to comply with the letter and spirit of the law.

Blacks, who comprise almost 12 percent of the nation, make up only 4.8 percent of 115 electric companies' employment and hold only 2.8 percent of white collar jobs in 1969. These figures are up only slightly from 4.1% and 2.1% a year ago.

As one descends the job scale, as the jobs become less desirable—and lower paying—and as upward mobility becomes increasingly difficult, suddenly, there the black workers show up. Thus, less than half of one percent of managerial and professional jobs are filled by blacks compared to over 5 percent of the clerical jobs. The same is true in the blue collar area; while fully a quarter of the laborers are black, less than 2% of craftsmen, foremen and kindred workers are.

Gross underutilization of minorities in your industry is not limited to blacks alone—Spanish Surnamed Americans hold only 1.2% of total jobs and comprise only one-half of one percent of the officials, managers and professionals. Women are almost entirely restricted to the clerical category—almost 40,000 are employed in that category compared to about 3,000 for all other categories combined.

It is quite obvious from this recital of statistics that in the aggregate, your industry is one of the poorest performers in the field of minority and female employment. However, I have hardly begun; the scene is actually much more frightening because a few isolated companies hide the inexcusable records of the rest:

Eighty-three of 115 reporting companies in your Institute have no blacks classified as officials or managers; 34 have no women.

In 64 of the companies, there are no black professionals and no female professionals in 26.

There are no black technicians in 64 companies, no black sales personnel in 72.

Women are completely absent from the technician category in 35 companies; from the craftsmen category in 104 companies.

I cannot accept the excuse, from any of these companies which are such painfully good examples of exclusion, that qualified minorities and women just could not be found.

One large company in a southern town which is 35% black reports *no blacks in any of its white collar positions*.

In a midwestern city with 17.5% of its population black, the electric company has no black manager, professional or salesman.

A major Western utility company in a city whose black population is over 10 percent has only 1 black manager out of almost 1900 and only 20 professionals out of 2,000.

In a Southwestern city in which almost 5% of the labor force is Spanish American, one electric company has no official, no salesman, one professional and three technicians who are Spanish Surnamed Americans out of 624 employees in those categories.

Another company in the same town has not one Spanish Surnamed American employee.

These statistics for the major portion of the electric power industry, which show one or two or ten or twenty blacks—and often none—in job classifications which encompass thousands of workers, cast more than a shadow on your industry's protestations of vigorous policies and progress. Words and good intentions cannot act as a substitute for the provision of better jobs with better prospects for minorities and women.

In the 1968 White House meeting, one company was singled out. Although it was far from a model employer of minorities at higher job levels, it was at least far ahead of the rest of the industry. It still is and it is the only company which goes a way towards proving that qualified and qualifiable minorities and women can be found.

Almost half of the increase in minority employment at the managerial level between 1968 and 1969 is among all 115 companies is accounted for by this one company.

This company employs 40% of all black craftsmen in the industry while employing less than 10% of total craftsmen.

Blacks accounted for almost half of its new hires in the craftsmen category which encompasses more than ¼ of its total workforce.

If this company is removed from the aggregate data, there is an almost total absence of change in minority employment for the other 114 companies from 1968 to 1969.

One of the excuses offered for this state is the practices of unions. Undoubtedly, unions do contribute to this picture. But I want to point out that unions have nothing to do with the white collar situation, and the white collar situation is infinitely worse than the blue collar situation. If the companies which profess equal employment policies were to implement such policies in the white collar categories, is there really any doubt that the unions would believe the companies were serious in the areas where collective bargaining agreements prevail?

I would like now to take this audience one step further along the road of illumination. Instead of overwhelming you with numbers, I want to paint for you the picture of actual cases of discrimination in the electric power industry.

Recently, the EEOC ruled on complaints lodged against some of the largest electrical power companies in this country. Their policies and practices were found to be in direct violation of Title VII. The companies were perfect examples of institutionalized discrimination, in both their physical plant and their job structure. Investigators found segregated rest rooms, segregated lines of progression and separate employee benefits such as retirement plans and pension plans.

Carelessness or lack of awareness can create the same results as overt discrimination. Seniority lines, testing procedures, training programs and promotion systems often operate to keep out minorities or freeze them at the lowest job levels with no upward mobility.

Isn't it all a little unbelievable in America in 1969?

Unbelievable that by design or by negligence human beings still don't have the right to use facilities freely; or to be promoted on merit; or to compete freely for jobs; or to accrue the benefits others receive—all merely because of race or religion or national origin or sex? Regardless of whether the *intent* of the President of those utilities was for all employees to have equal employment opportunity, his failure—by virtue of unconcern or negligence—to see that his intentions were effected, produced the situation I have described.

Just as top management must be held ultimately responsible for company profits and quality of output, so must they be for personnel action and employee relations. In addition to the concern for keeping expenses down, there must be an equal concern that non-discriminatory employment standards are being adequately maintained throughout the total organization.

Your companies should establish whatever procedures and periodic checks are necessary to enforce those standards just as you establish cost accounting procedures. And each company should take the same vigorous and severe action against employees whose discriminatory behavior violates company policy as it would against employees who carelessly squander profits.

The depressing array of statistics I have just finished relating outlines the debilitating lack of effective EEO policies in your industry by detailing the lack of real results. You met with the EEOC last year in an attempt to find avenues for improvement; they have obviously not yet been found. It is my hope that this meeting will give you the impetus to change and the tools with which to effect that change.

When top management of the electric companies applies itself seriously to implementation of EEO policies; when it responds to the statistics in its own companies, and the unlawful practices which exist in its offices and create those statistics, then and only then will the bleak employment picture of the present change—and very quickly.

And once it has really begun to change—at all levels, not just at the entry level—the going is easy. Improvement, in terms of numbers of minorities in meaningful jobs, is in itself a tool. Under-representation of minorities bears heavily on credibility—how can a company be an Equal Opportunity Employer, as so many advertise, when their workforce above the lowest blue collar level is virtually all white? Minority representation in the workforce today bears heavily on the chances of recruitment success in the future. Just as there is a "take-off" point for an underdeveloped economy, when it will start to prosper without extra aid, there is one for a company, when it will no longer need to make a special effort at "communication" because the minority contingent of its workforce will recruit through the informal channels by which word of most job openings is disseminated. This work must be started; we cannot accept excuses any longer; the statistics must change and the "take-off" point must be reached.

The White House meeting last year was a call to action—a recital of grim statistics and a challenge to change them. You have not met that challenge.

You cannot in all conscience continue to attend such meetings as this and then return to your offices to do what results in nothing.

A year ago at the White House, it was noted that the time-consuming compliance process might be the inevitable alternative if real action were not forthcoming from your industry on a less formal basis. I do not mean to threaten—and the Commission presently lacks real enforcement power—but do want to make a simple statement of fact. We have seen in the intervening year what must have been more motion than action by most of you, and I am not disposed to see another such year go by.

CONTROLLING TECHNOLOGY

Mr. NELSON. Mr. President, perhaps the greatest challenge to this Nation as we enter the last third of the 20th century is to make technology work for rather than against a better future. In the threats of the arms race, of water and air pollution, of cities jammed with automobiles and decaying with slums, of persistent, toxic pesticides, we increasingly are realizing the hazard of failing to meet this challenge.

In a recent column published in the Washington Post, Joshua Lederberg points out one new danger, a new gasoline additive containing the metal nickel, and draws a lesson from it that must be applied to all new technological developments and uses. He says that as we have begun to learn from pesticides, we must "require reasonable proof of safety before such products can be wantonly cast into our breathing space."

I ask unanimous consent that Dr. Lederberg's excellent column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Greed To Cash In on Science Can Cause Cosmic Bellyache

(By Joshua Lederberg)

The deterioration of the "environment" has not been one of my important scientific preoccupations until very recently. When journalistic criticisms like Rachel Carson's "Silent Spring" first appeared, I tended to shrug them off as hysterical exaggerations, perhaps even motivated in part by the notoriety they generated.

I had, however, not often looked very deeply into the scientific foundations of these damning recriminations. The task of preparing the present series of articles has become a major educational experience, for it obliges me to look more closely into, and make an informed, independent judgment on, a great many subjects for which I had formerly relied upon third- and fourth-hand accounts, where I tended to discount what seemed like alarmist exaggerations.

In fact, the more deeply I pursue my own inquiries, the more alarmed I become. There appears to be an almost endless list of foolish gambles with and intrusive exploitation of our common environment. They are not usually malevolent by intention, but this is no balm to our concerns.

They domainly share a common fallacy—the mistaken view that the atmosphere and the rivers and oceans are infinite reservoirs that human activities cannot disturb. We have become too powerful now to take refuge in naive ignorance about what really does happen after we throw the switches.

The immediate irritant that provokes these remarks comes from a casual conversation with a staff colleague who had recently operated a filling station. He mentioned that one of the oil companies had proudly introduced a new gasoline additive that contained the metal nickel.

This was corroborated by an abstract in the transactions of the Society of Automotive Engineers that cited many wonderful properties of "nickel isodecylorthophosphate": "a unique and effective multifunctional gasoline additive which . . . reduces abnormal deposit-induced ignition; prolongs exhaust valve life; functions as an effective carburetor de-icer and rust inhibitor, and modifies combustion chamber deposits."

The abstract said nothing about the modification of people by nickel compounds, nor even about the chemical forms that nickel would probably take when it left the auto exhaust. But there is a substantial body of medical literature on nickel dust and on the particular compound, nickel carbonyl, which is readily formed by the reaction of nickel with carbon monoxide.

These compounds are insidious causes of cancer of the nose and lungs, as shown both by the occurrence of these cancers among nickel refinery workers and by experimental studies on laboratory mice. The nickel compounds are especially treacherous, for they often require over 20 years of chronic exposure before they reveal their cancer-inducing effect in man.

According to experimental studies, soluble nickel salts are relatively harmless (in contrast, say, to those of mercury or lead). The dangerous forms of nickel are insoluble dusts and the volatile nickel carbonyl which are readily taken into the lungs and remain there. In fact, Dr. F. W. Sunderman Jr. of the University of Connecticut School of Medicine has speculated, quite plausibly, that nickel is the culprit in cigarette smoke that causes lung cancer.

Dr. Mary R. Daniel of the Ontario Veterinary College has shown that different strains of rats vary in the production of tumors when inoculated with nickel sulphide. The possible hazards to man of nickel-containing gasoline additives will not be easy to determine. But who should bear the risks?

The President's Science Advisory Committee pointed out in its 1965 report on the environment that "widespread use of automobiles has made motor fuels the single most effective way to expose almost all our people to air pollution from combustion-resistant substances such as metals." It recommended that fuel additives be subject to compulsory registration.

In fact, we must go further, as we have begun to learn with pesticides, and require reasonable proof of safety before such products can be wantonly cast into our breathing space. Failing specific regulations under law, we must open the courts to private civil claims for collective damages for imprudent assaults on the common environment.

The larger issue was addressed by a committee of the American Association for the Advancement of Science in a 1965 report: We live in an era of large-scale "technological application before the related basic scientific knowledge was sufficiently developed to provide an adequate understanding of the effects of the new technology on nature."

Society is greedy for short-run payoffs—which are potentially enormous—on its investments in science. That greed, if it continues to foster a scientifically ignorant and imperceptive technology, responsive to narrow goals and blind to larger human needs, can have no end other than a terminal cosmic bellyache.

ADDITIONAL STATEMENTS ON THE ABM

Mr. THURMOND. Mr. President, in an effort to make the maximum testimony on the ABM available to the American people, I wish to submit two statements for the Record.

The Committee on Armed Services has taken an objective approach for the hearings on the ABM. Witnesses who are for and against the ABM have been heard. Some witnesses have submitted additional statements.

Mr. President, it is essential that the American people have full access to all the information on this critical issue. Dr. Albert Wohlstetter and Dr. Wolfgang Panofsky, both testified before the committee. These two witnesses have submitted additional statements to the committee which represent different viewpoints on the ABM.

Mr. President, I ask unanimous consent that these statements and a press release made by the Senator from Mississippi (Mr. Stennis), chairman of the Committee on Armed Services, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

News Release by Senator John C. Stennis, Chairman, Senate Committee on Armed Services, May 26, 1969

Senator John C. Stennis, Chairman of the Senate Committee on Armed Services, today released additional statement regarding the anti-ballistic missile system received by the Committee from Drs. Panofsky and Wohlstetter who had testified earlier at the time the Committee held open public hearings on the subject.

Stanford University,
May 7, 1969.

Hon. John Stennis,
Committee on Armed Services,
U.S. Senate,
Washington, D.C.

Dear Senator Stennis: As you know I have had the privilege of testifying before your Committee on Armed Services. I have now examined the transcripts of the Hearings on the ABM issue before your committe as well as the transcripts of the Hearings held before the Disarmament Subcommittee of the Committee of Foreign Relations; in this letter I would like to draw your attention to what I consider to be a significant omission in public testimony.

The stated primary mission of the Safeguard System is to decrease the damage to the Minuteman force should the threat from the Soviet SS–9 develop as forecast by Secretary Laird. There is a large spread in opinion on such questions of judgment as: (a) the validity of the forecast; (b) whether a first strike potential can be developed by the Soviets at all, even if Minuteman became vulnerable; (c) the effect of Safeguard on the Arms Race; (d) the effect of a deployment decision on the forthcoming negotiations with the Soviets; (e) how the Safeguard

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System would in fact perform under realistic situations; (f) whether Safeguard is designed properly for its stated mission. I have given my views on these subjects in prior testimony before your committee.

However, there should be no disagreement on the simple question of specified performance of Safeguard in protecting Minuteman if it worked *perfectly*. Yet *none* of the testimony known to me given by the proponents of the Safeguard ABM System publicly addressed itself to that point.

Since it is, after all, primarily the reduction of damage to Minuteman under attack which the American taxpayer is being asked to pay an amount which now appears to have grown to the order of $10 billion, the answers to the following questions appear to be highly relevant:

1. If the Soviets developed an SS–9 force with MIRV warheads, which in the mid-'70s could reduce the Minuteman force to, say, a residual of 200 missiles without defense from Safeguard, how many Minutemen would survive if (a) Safeguard Phase 1, or (b) Safeguard Phase 2 were deployed, and if Safeguard worked as designed?

2. How many additional Minutemen would have to be added to the force such that for the level of attack assumed in 1. the same number of Minutemen would survive *without* any defense as those surviving *with* the defense assumed in 1., and what would such additional deployment cost?

It should be assumed that the answers to this question should visualize an attack by the SS–9 optimized against the defense. Of course if one also were to assume that the smaller Soviet SS–11 could participate in the attack against the defended Minuteman complex then one would find that the Safeguard offers no defense at all, since the SS–11 could easily take out the MSR radar system.

I feel that when the American public is being asked to spend large sums to reduce a projected and highly publicized threat it should be told publicly by the advocates the specific degree by which this threat can, at least in principle, be reduced by the proposed system. If the threat reduction is not large, then, considering the other uncertainties and the high cost, deployment should in my view not be approved. Also if the cost of the defense greatly exceeds the value of the damage reduction produced by the defense, again the system appears a poor use of resources.

I hope your committee will find it possible to close this gap in testimony. I appreciate very much the opportunity you have given me to contribute my views in this important issue.

Sincerely yours,
WOLFGANG K. H. PANOFSKY,
Director.

THE UNIVERSITY OF CHICAGO,
Chicago, Ill., May 23, 1969.

Hon. JOHN STENNIS,
Senate Armed Services Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: I was very honored to appear before your Committee on April 23, and I appreciate the invitation you extended to me and other witnesses to submit supplementary statements. I am transmitting with this letter both an unclassified supplement and a classified one relating the former to intelligence estimates and certain other classified matters.

Sincerely yours,
ALBERT WOHLSTETTER,
University Professor.

SUPPLEMENT ON PURPORTED PROOFS THAT THE MINUTEMEN WILL BE SAFE WITHOUT FURTHER PROTECTION

In preparing my testimony for the Senate Armed Services Committee on the role of ABM in the 1970s, I undertook to review and test my past views on the subject and once again to form my own independent judgment. I therefore did not rely on calculations of either the government or its critics. I took the relevant classified and public data and performed my own analysis.

The kind of analysis involved in obtaining a protected and responsible strategic force has been my principal concern for eighteen years starting with the study that gave rise to the first-strike/second-strike distinction and to a good many other concepts and modes of protecting and controlling strategic forces cited by both sides in the present debate. The ABM has other functions that I support, but my testimony in the space available focused on its role in defending Minuteman. As I stressed there, these are complex and intrinsically uncertain matters. Where scientists differ on them, laymen may be tempted simply to throw up their hands and chose to rely on the authority of those scientists they favor. I feel, however, that the substantive differences among the scientists they favor. I feel, however, that the substantive differences among the scientists, if carefully explained, are quite accessible to the members of this Committee and that such careful explanation can help them form their own judgment as to which conclusions are sound.

ON THE SAFETY OF MINUTEMAN

In my statement to the Senate Armed Services Committee on April 23, I said, "I have tried to reconstruct various numerical proofs recently presented or distributed to the Congress that purport to show our Minuteman will be safe without any extra protection; these proofs depend heavily on optimistic estimates of limitations in Russian delivery accuracies, reliabilities, associated offense capabilities, and sometimes on poor offense tactics." In response to questions from members of the Committee, I illustrated several troubles with these attempted proofs of the safety of Minuteman, but there was no time to explain their defects adequately. I would like to try to do that now, and to comment specifically on the calculations of Dr. Rathjens, Dr. Lapp, and of the Federation of American Scientists. Some of the comments, particularly those of Dr. Lapp, bear also on some unevidenced statements on this subject by Prof. Chayes and Dr. Panofsky, and more recently, by Dr. Wiesner and Dr. Steven Weinberg.

Though my own calculations were based on classified as well as public data, my summary of results, like that of Dr. Rathjens, was unclassified and so are the comments I am about to make. This will prevent explicit specification of some of the numbers assumed by Dr. Rathjens and by myself and inevitably it forces some roundaboutness of expression. I am able to state, for example, that Dr. Rathjens and I assume the same accuracy for the Russian SS–9 in the mid- and late 1970s. I can say that the SS–9 is now expected (and, before the Nixon administration, was expected) to achieve that accuracy years in advance of this late time period. And I can say, as Dr. Rathjens did, that the accuracy we have assumed for the Russians, in this late time period, is essentially the same as that estimated for our own MIRV carrying missiles, namely Poseidon and Minuteman III.[1] But I cannot say what that accuracy is.

I am, therefore, submitting classified statement in which the essential numerical assumptions are explicit and related to intelligence estimates. However, even without the classified statement, some essential defects of the calculations of Dr. Rathjens, Dr. Lapp, and the Federation of American Scientists can be made clear.

DR. RATHJENS' CALCULATIONS

Dr. Rathjens has stated "Even if the Soviet SS–9 missile force were to grow as rapidly as the Defense Department's most worrisome projections, even if the Soviet Union were to develop and employ MIRVs with those missiles and even if they achieved accuracies as good as we apparently expect with our MIRV forces (according to figures released in late 1967 by former Deputy Secretary of Defense Nitze), a quarter of our Minuteman force could be expected to survive a Soviet preemptive SS–9 attack. That quarter alone would be more than enough to inflict unacceptable damage on the USSR."[2]

My own parallel calculations for the mid- and late 1970s, using what I described as moderate assumptions, show about 5% surviving. What explains the difference? Since Dr. Rathjens and I compared notes on April 22, I am able to fix quite precisely where we agreed and where we differed.

Our assumptions agreed in the accuracy assumed for the SS–9, in the overall reliability rate, in the number of SS–9 boosters (500) and in the use of several independently aimed reentry vehicles in each booster. Our assumptions differed on three key points: in the degree of blast resistance assumed for our Minuteman silos, in the yield of the Russian reentry vehicles, and in the use or non-use by the Russians of substantial information about what missiles are unready at launch or fail in early stages.

On the first point, I have explained that Dr. Rathjens assumed that Minuteman silos were two-thirds more blast resistant than I did, and two-thirds more blast resistant than they are officially estimated to be. He derived his assumption by reading several points off an unclassified chart showing the probability of a Minuteman silo being destroyed as a function of accuracy for various bomb yields. Then by using standard rules for weapons effects he inferred the overpressure resistance of Minuteman silos. However, the curves on the unclassified chart cannot be correctly read to imply the overpressure resistance Dr. Rathjens infers. His reading of the curves was in error.

Second, I assumed three 5-megaton reentry vehicles for each SS–9, as in Secretary Laird's public statements. Dr. Rathjens assumed four 1-megaton reentry vehicles. More than four reentry vehicles can be fitted on the SS–9, if the payload is only one megaton. However, the three 5-megaton reentry vehicles, given the accuracy we both assume, and given the actual blast resistance of the Minuteman, do enough for the attacker. Using his lower Russian bomb yield and his overestimated Minuteman blast resistance, Dr. Rathjens derived a probability of about 60 percent that one arriving Russian reentry vehicle would destroy one Minuteman silo. If he had used the officially estimated 5-megaton reentry vehicle and the actual blast resistance of the Minuteman silo, the probability would have been nearly 99%. If he had used three 5-megaton reentry vehicles per booster for the SS–9 and tne correct estimate for blast resistance, he would have found only 16%, instead of 25% of the Minuteman force surviving. Alternatively, if he had used the classified estimates of the number of 1-megaton reentry vehicles that can be fitted on an SS–9 booster, his calculations would have shown about 7.3 percent surviving. The combined significance of these first two points of difference between Dr. Rathjens and myself is then considerable.

The third point of difference between our calculations is that Dr. Rathjens assumes that the Russians would have to salvo all of

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[1] Poseidon and Minuteman III have been test flown and are in the process of deployment. (The first of these should be operational in about a year and a half.)

[2] Testimony of April 23 before the Senate Armed Services Committee. See also his testimony of March 28. Part I, p. 359 of *Strategic and Foreign Policy Implications of ABM Systems*, Hearing before a subcommittee of the Senate Committee on Foreign Relations.

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their missiles with no information as to which had been unready or failed in time to be discovered, or at any rate with no use of such information. However, it is familiar that better methods are available and are of considerable utility for an offense that wants to assure a very high percentage of destruction of the force attacked. Most missiles that are counted as "unreliable" (excluded from the figure of overall reliability) are either not ready for launch or fail at launch, and this information can be made available immediately. A substantial additional fraction that fail do so at burnout, and information as to whether burnout velocity is within expected tolerances can also be made quickly available. For radio-guided missiles this is almost automatic, but inertial systems can also radio this information back, as the telemetering in missile flight test program shows. Later flight information is also feasible. While some fraction of the failures will remain unknown, a large proportion can be known. Therefore, instead of salvoing all extra missiles blindly, to make up for all unreadiness and all failures without knowing where they occur, one can reprogram some extra missiles to replace the large proportion of known failures. Using a current planning factor for the proportion of the unreliable missiles that cannot be replaced on the basis of timely information, the calculations using three 5-megaton reentry vehicles show considerably greater destruction. Instead of 16 percent surviving, the approximate 5 percent survival that I mentioned in my statement results. Such techniques of using substantial timely information as to which missiles cannot be relied on are less important for cases where smaller yields and larger numbers of reentry vehicles per booster are used. For the 1-megaton multiple reentry vehicle case I have referred to, the expected number of Minuteman surviving reduces from approximately 7.3 percent without using such techniques to 5 percent using them.

A table follows summarizing differences between Dr. Rathjens' and my calculations.

CALCULATIONS ON THE VULNERABILITY OF THE MINUTEMAN FORCE IN THE LATE 1970'S IF NO EXTRA PROTECTION

Difference between assumptions used by Dr. Rathjens and myself:

Number of SS–9s: Same (500).

Overall reliability: Same.

Accuracy: Same. Dr. Rathjens': ⅔ higher than official estimate.

Minuteman Blast Resistance: Mine: Official estimate. Dr. Rathjens': 4 reentry vehicles at 1 MT (less than SS–9 capability).

SS–9 payload: Mine: 3 at 5 MT (SS–9 capability). Dr. Rathjens': Not used.

Use of partial information on missile malfunctions: Mine: Used.

Effect of assumptions on Minuteman survivability

[Percentage Minuteman surviving]

Dr. Rathjens' result	25
Adjust for correct Minuteman blast resistance and three 5 MT MIRV per SS–9	16
Alternatively adjust for correct Minuteman blast resistance and number of 1 MT MIRV warheads the SS–9 is capable of carrying	7.3
Using correct Minuteman blast resistance, either three 5 MT MIRV per SS–9, or the correct number of 1 MT warheads per SS–9, and information as to missile malfunctions	5

Dr. Lapp's calculations

Dr. Ralph Lapp's calculations were not presented at a Senate Hearing. However, one set of his calculations was presented as a two page appendix to his statement called "The Case Against Missile Defense," and they were featured in front page stories early in April in leading newspapers, describing Dr. Lapp as science advisor to the Senate opposition. These calculations attacking the credibility of a threat to Minuteman themselves apparently achieved widespread credence. They contain several grave errors, some of which have been pointed out independently by myself on April 23rd before the Senate Armed Services Committee, by Dr. Lawrence O'Neill before the House Armed Services Committee, and by Professor Eugene Wigner before the American Physical Society on April 29th. Yet these statements pointing out Dr. Lapp's errors have received little or no newspaper notice. It is therefore worth reviewing Dr. Lapp's calculations, particulardly so since one of his most blatant errors appears to have been adopted uncritically by some of the other witnesses before the Committee, specifically Professor Chayes and Dr. Panofsky.[3]

Dr. Lapp states that his calculations are based on "maximum values" for Soviet capabilities. He shows 76% of the Minuteman surviving, compared to Dr. Rathjens' 25% and my 5%. Moreover, he has several assumptions that agree with my own:

1) Three 5-megaton reentry vehicles per SS–9, and

2) An accuracy estimate derived, like Dr. Rathjens', from public indications of the great precision of our Poseidon or Minuteman MIRVs.

His combined assumptions about the yield and accuracy of an SS–9 reentry vehicle and the blast resistance of the Minuteman result in very high probabilities that a single arriving reentry vehicle will destroy a Minuteman silo.

He suggests that 2½ warheads of 5-megaton power with a half nautical mile inaccuracy or CEP[4] are needed to destroy a 200 psi target with a 95% probability, and 1.1 warheads would have that probability if the CEP were a quarter of a nautical mile. In fact, using standard methods of calculation, at a half mile inaccuracy, two warheads would yield a 96% destruction probability and at a quarter of a mile inaccuracy one warhead would have a more than 99% probability of destroying a 200 psi target. Either Dr. Lapp's calculations are based on some rather exotic and unspecified method, or they are in error. But in any case it is apparent that, even using his methods, he derives a very high single shot kill probability, roughly comparable to my own.

How then does Dr. Lapp's Minuteman force, faced by supposedly "maximum" Russian capabilities, come out so much better than even Dr. Rathjens' Minuteman force? First, Dr. Lapp assumes a much smaller number of SS–9s than Dr. Rathjens and I. He assumes 333 SS–9s. This is hardly a maximum force. It is less than the number that would be produced at past rates by continuing production into the relevant 1976–77 time period. At three reentry vehicles per booster, Dr. Lapp's assumption would give the Russians about 1000 reentry vehicles.

Second, he assumes that the Russians would use only ¾ of their SS–9 forces, that is, about 250 SS–9s (or 750 reentry vehicles.) This extraordinary failure to use a fourth of the force most adapted to the purpose of destroying Minuteman is attributed to a supposed universal rule that military strategists always keep forces in reserve. This may or may not be true for tank battles or aircraft attacks in a conventional war. (The June 1967 war in the Middle East suggests it is not a sound generalization even about attacks with aircraft at the start of a nonnuclear war.) But for a nuclear first-strike? Dr. Lapp does not say for what these SS–9s would be reserved. Moreover, Dr. Lapp forgets that the Soviet Union has a great many intercontinental missiles besides the SS–9 and exceeding the SS–9 in numbers by a large amount. These missiles would seem to furnish a reserve that might satisfy a military strategist.

Third, he assumes overall reliabilities that are quite a bit lower than the reliabilities that Dr. Rathjens and I assumed, also lower than those attributed to the SS–9. As a result of the three assumptions, Dr. Lapp's Russians would have substantially less than half as many reliable arriving reentry vehicles as our thousand Minuteman silos. More than half the Minuteman force would then be untouched by SS–9 reentry vehicles.

Finally, Dr. Lapp makes an assumption that is plainly absurd. He supposes that even though such warhead has a very high probability of destroying a single silo, "any military realist" would fire two of his outnumbered attacking reentry vehicles at each silo that is attacked. This would leave ¾ of the silos untouched. But if each warhead has a 99% probability of destroying a single silo, firing two at one silo would merely increase the probability of destroying that specific silo to 99.99% but would make it quite certain that a silo that could have been destroyed will go unscathed. If a more sensible tactic were followed, namely to fire each of the two missiles at a different silo, there would be a probability of 98% of destroying both silos and a probability of 99.99% that at least one of the two would be destroyed. (This latter is the same probability that Dr. Lapp would have achieved against the specific one that he was aiming at.) In short, Dr. Lapp's tactic would greatly reduce the expected level of destruction achieved by the attack, and it would not increase the probability of achieving some minimum level of destruction. I know of no military realist who would regard Dr. Lapp's tactic as a sensible one for the attacker. I must agree with Dr. Wigner that Dr. Lapp has presumed that his adversary would be unbelievably stupid.

It should be observed that the absurdity of the tactic is not dependent on the roughly 99% single shot kill probability implicit in Dr. Lapp's accuracy, yield and resistance assumptions. If one were to use a 95% single shot destruction probability, the point is equally obvious. In this latter case, an adversary who assigned one missile to each of two targets would have a better than 90% chance of getting them both and a probability of 99 and ¾% of getting one; and he could get no better than a 99 and ¾% probability of getting at least one silo if he sent both missiles against one silo. In the latter case, however, he could destroy at *most* one silo.

Prof. Chayes and Dr. Panofsky have made statements suggesting they also accept the principle of sending at least two missiles to each silo.

Prof. Chayes in his statement to the Committee on April 23: ". . . it is agreed that the attacker would need at the very minimum 2,000 accurate warheads—two for every one of our silos—before being able to think about a first strike."

Prof. Panofsky in his statement to the Committee on April 22: "Moreover, an attacker would have to compensate for the limited reliability of his force by targeting at least two and possibly more warheads against each of the 1,000 Minuteman silos."

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[3] It is an error that is repeated also in *ABM—An Evaluation of the Decision to Deploy an Antiballistic Missile System*, edited by Abram Chayes and Jerome B. Wiesner, April 1969.

[4] CEP is the acronym for "Circular Error, Probable," a commonly used measure of the inaccuracy of weapon systems. In repeated firings, 50% of the weapons would miss their target by less than the CEP (or median miss distance) and 50% would miss by more than the CEP. A frequent misinterpretation assumes that all weapons miss their targets by a distance equal to the CEP—which is like assuming that all students score at the 50th percentile on an exam.

A nautical mile is 6080′. It, rather than a statute mile, is a standard dimension for measuring CEP or median miss distance.

The reasoning behind these two statements is less explicit than Dr. Lapp's. Dr. Panofsky is talking about compensating for unreliability rather than inaccuracy, but it seems plain that no such universal rule makes sense.

Dr. Lapp has a second set of calculations published on May 4, 1969 in the *New York Times Magazine*. There he assumes the Russians may have 500 rather than 333 SS–9s. Since he again assumes three reentry vehicles per booster, this makes a total of 1500 reentry vehicles per booster. He apparently avoids the obviously bad strategies of reserving a quarter of the force, and then using the remainder to attack only half the targets they are capable of destroying with high probability. Nonetheless, once again his calculations show very high survival rates: "500 to 750 operable Minuteman." With these changed assumptions, how does the outcome continue to remain so favorable to Minuteman's survival?

Dr. Lapp has made some other changes. He has reduced the yield of the SS–9 reentry vehicles by 20%, increased his estimate of the hardness of the Minuteman by 50%, and most important, he now uses very large inaccuracies for the SS–9, 3600 feet in one case and 5500 feet in the other. The latter great inaccuracy assures him his 750 operable Minuteman surviving. But there is no justification for assuming such great inaccuracies in the mid- and late 1970s. One of the few constants in Dr. Lapp's various calculations appears to be his conclusion.

Calculations of Dr. Steven Weinberg and Dr. Jerome Wiesner in "ABM: An Evaluation of the Decision to Employ an Anti-Ballistic Missile System" edited by Abram Chayes and Jerome Wiesner, 1969

Dr. Weinberg and Dr. Wiesner present variants of the same calculation to show the safety of the Minuteman force. Dr. Weinberg supposes that at least 2100 reliable arriving reentry vehicles "with megaton yield and high accuracy" would be needed to destroy all but 42 of our 1050 ICBM silos. He appears to assume an 80% single shot kill probability. Dr. Weinberg doesn't indicate the exact blast resistance, yield, and inaccuracy assumptions that go into his 80% hypothetical kill probability and the testimony of Deputy Secretary Packard that he cites in that connection offers no basis for such a determination. Mr. Packard there shows for three different bomb yields a spectrum of probabilities varying from less than 10% to 100% as accuracy varies from a mile or so down below one-tenth of a mile. Mr. Packard does not say what the accuracy of any SS–9 reentry vehicles is expected to be so that no specific single shot kill probability can be inferred from his testimony.

Dr. Wiesner assumes 500 reliable SS–9s, each carrying 3 MIRVs; or more exactly 1500 reliable MIRVs. And he also assumes an 80% kill probability for each arriving reentry vehicle. He justifies this with the statement that a 5 megaton reentry vehicle would have to be used and that "at best the MIRV guidance system will be accurate enough to give only a 0.8 kill probability for the unit." One can read directly from Deputy Secretary Packard's chart that Dr. Wiesner is thus implying that accuracies less than about 2,400 feet are not possible in the time period in question. Dr. Wiesner has given no technical argument to support this assertion; it is at variance with expected accuracies for our own MIRV systems, and it is at variance with the accuracy that the intelligence community *for sometime* has expected the SS–9 to achieve years before the late 1970s time period; and with the accuracy assumed by Dr. Rathjens. At the 5 megaton yield and with the expected SS–9 accuracy the single shot kill probability for each reliable arriving reentry vehicle would be very much higher than 80% as I have already pointed out elsewhere.

If Dr. Wiesner had used three 5 megaton reentry vehicles, the expected accuracy of the SS–9s and, furthermore, had incorporated expected reliabilities his calculations would have shown only 63 out of 1100 hard targets surviving, that is 5.7%. Or if he had used the expected accuracy and reliabilities and the number of 1 megaton vehicles deliverable by the SS–9, he would have arrived at substantially the same results: 68 out of 1100 surviving.

There are a number of less critical flaws in Dr. Weinberg's and Dr. Wiesner's calculations. The essential, however, is that they both assume combinations of accuracy, yield and number of reentry vehicles per booster that are less effective than intelligence expects (and for some time has expected) for the SS–9.

The calculations of the Federation of American Scientists, March 8, 1969

These calculations of the FAS were published nearly a week before the President's decision on the Safeguard system was announced. The FAS statement was intended to refute in advance the need for extra protection of the Minuteman force. However, the calculations it presents are basically irrelevant since they use only the Russian force "at the present time", and they assume larger inaccuracies than intelligence attributes to the Russians' SS–9s for the later time period. They do not use MIRVs and in fact, according to their author, they do not use the SS–9 at all.

In my statement on April 23rd, I said that the many confident assertions current that Minuteman will be safe without extra protection in the late 1970s are unjustified. These supplementary comments have illustrated and analyzed some essential flaws in these assertions: they depend on erroneous estimates about the blast resistance of our own forces or wishful estimates about Russian lacks either in accuracy or in other capabilities or in competent tactics in that time period; they do not, as they claim, use "the most worrisome projections" and the "maximum capabilities" for Russian forces. In fact even my own calculations showing that the Minuteman will be vulnerable if extra protection is not provided do not use "maximum" Russian capabilities. Greater accuracies, for example, are quite feasible in the late 1970s for the Russians. I have used the CEP attributed to the SS-9 in the early 1970s. If the SS–9's CEP should be 250 ft. smaller than that estimate, then only 400 SS-9s using megaton range reentry vehicles would destroy about 95% of the Minuteman force. Or with the larger force even greater percentages of the Minuteman force could be destroyed if we do nothing to supplement its protection. As I emphasized in my statement on April 23, the expected vulnerability of a hardened force is extremely sensitive to the accuracy of the force attacking. The accuracy assumed by Dr. Rathjens and myself is not only attributed to the SS-9 in the early 1970s, it is also the accuracy we estimate for our own MIRVs. Programs for achieving still greater accuracies, for some of our MIRVs have been drawn up though not funded.

I have focused on the problem of protecting Minuteman, because as I have stressed, we need a mixed force and have good reason to preserve the second-strike capability of so large a proportion of our strategic force. Even if it were true that the United States needed only a few strategic vehicles surviving, buying and paying for the operation of a great many that had become vulnerable to attack would be a very poor way to obtain these few surviving. There are safer and cheaper ways of getting a force of a given size than to buy a much larger one, most of which is susceptible to annihilation. To maintain a force, most of which could then be used only in a first strike hardly contributes to stability.

It is sometimes said that such analyses of the potential vulnerability of Minuteman are like the talk of the bomber gap in the early 1950s and the missile gap at the end of the 1950s. Nothing could be further from the truth. Most of those who talked of bomber gaps and missile gaps raised these possibilities to argue for expanding the number of our own bombers or missiles to close the gap. They thought of the problem as one of matching first-strike forces. But how to maintain a second-strike force cannot be adequately understood in these terms. Whether or not we have it depends, as I have said, not simply on the relative size of two opposing forces, but on a great many characteristics of the attacking force and of the force attacked and its protection. It is the opponents of ABM today who, rather than defend the offense, would simply expand it. Moreover, many of these same opponents of the ABM were among the chief propounders of the missile and bomber gaps in the past; some scientists are now willing to state that they helped "create the myth of the missile gap." My own record on this matter is quite clear. Throughout the 1950s I pointed out the essential irrelevance of matching first strike forces and of all the gap theories that flowed from such matching. For example, in 1956 I wrote:

"Exaggerated estimates of Russian force size, for example, might be used directly to suggest emulation. But we have already made clear that determining who has the best or second best Air Force in being in advance of attack by simply matching numbers or quality is not to the point. Those who assert that we may have fewer and perhaps inferior planes than the enemy and still have a deterrent force must also recognize that we may have more and even better vehicles and yet have inadequate deterrence." *Protecting U.S. Power to Strike Back in the 1950s and 1960s.* Sept. 1, 1956.

The propensity simply to list Russian and American pre-attack forces measured in various arbitrary ways continues to be exhibited on both sides of the present debate. On one side, first strike capabilities are sometimes matched against adversary cities in discussions of "over kill." On the other side, first strike forces of Russia and the United States are sometimes matched against each other to show "superiority" or "inferiority" or "parity" or the like. My point is quite different. Foreseeable technical change in the 1970s compels sober thought about improving the protection of crucial elements in our strategic force. Such change can affect our second strike capacity. In that connection, I have centered my discussion on the protection of the Minuteman, but the problem of protecting our bombers is also important and even more we must improve our protection of the national political command vital to the control of sea as well as land-based strategic forces.

POLLUTION TECHNOLOGY

Mr. NELSON. Mr. President, it was quite heartening to see recent news that a new pulping process has been developed which would nearly eliminate air pollution and minimize water pollution from pulp and paper mills. If the process proves feasible—and its developers feel that it will—this could be a landmark technological breakthrough which would help greatly to advance the national effort to restore and protect the quality of our waters.

I ask unanimous consent that the report published recently in the Post-Crescent, an Appleton, Wis., newspaper, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Appleton (Wis.) Post-Crescent, May 8, 1969]

Air Pollution Battle Won?—IPC Develops Pulping Process, Calls It Economically Feasible

(By Arlen Boardman)

A new pulping process that will all but eliminate air pollution by paper mills apparently will be economically feasible for industrial use, researchers of The Institute of Paper Chemistry revealed today.

If in-plant pilot testing proves successful, the paper industry should be causing only "very, very minor pollution problems," Dr. Roy P. Whitney, Institute vice president and dean, said.

Although paper industries have "been fairly effective" in curbing water pollution, the new process—called holopulping—would improve on that, too, Whitney said.

Institute researchers began developing holopulping in 1963 and have satisfied themselves in laboratory testing that it can be as economical—or even cheaper in the future—compared with the most common pulping process now in use. However, about two years of in-plant testing, to begin late this year or in 1970, will precede any commercial use of the process.

Whitney and three other Institute researchers unveiled their findings today at the Institute's 33rd annual Executives' Conference. Whitney indicated he was "quite confident that it (the new process) will work" and be economically feasible for industries.

The new process was designed to improve yields in chemical pulping by reducing the loss of usable wood fibers during the process. Laboratory tests indicate yield increases of 20 to 40 per cent over the conventional process, S. T. Han, Institute Senior research associate, said.

In the pulping process, wood chips are chemically reduced to a fine state, after which a chemical reagent is added to separate the cellulose (papermaking fibers) from the lignin (unusable fibers). In the new process, less of the cellulose is lost with the lignin waste.

At the same time, holopulping uses chlorine dioxide as the reagent instead of sulphur, the cause of the pungent smell emitted by paper mills.

Of the waste material—called spent liquor—the organic materials are burned and the inorganic chemicals, mainly sodium, are electrolytically treated and re-used in the pulping process.

Under the conventional process—the most common one being the Kraft process—the organic and inorganic spent liquor was burned, and the sulphur compond used as a reagent produced odor problems when it was burned.

Chlorine dioxide has little or no odor, Whitney pointed out.

Although the new process is about on a cost par with the Kraft at this time, it should be less expensive in the future, Whitney said.

It appears holopulping reduces wood costs by about 25 per cent by increasing yields, Whitney said, and of all cost items in the pulping process, wood is one that is expected to increase the fastest.

At this time, energy—power, steam and water—is more expensive in the new process but the price of this item is not expected to climb, he added.

Han pointed out that chemicals also are less costly for the holopulping process.

There are other advantages to the manufacturer. Holopulping may be used for dense paper as glassine or for a bulky board as food container, Han said, and it also can be used in gentle tissue paper and printing grade papers, improving the strength of the latter two.

Han said that holopulping requires no high pressure vats but can be accomplished in an open vessel, facilitating operation and equipment construction.

In-plant pilot testing should provide a more accurate picture of what the costs will be for an industry, Whitney said. Conditions within an individual paper mill may affect the efficiency of the process, he added.

Interest in developing a new process dates back to the 1962 and 1963 Executives' Conferences when Institute researchers expressed concern with the pulping of wood and more particularly with chemical pulping. They hoped to find new ways "to insure the continued growth of the paper industry," Whitney said.

The conventional chemical processes used today were developed from 1850 to 1885, and although they have been improved on, they have "some rather serious shortcomings," he said.

Norman Thompson, Institute senior research associate, and his colleagues initiated the original research, which was at that time more academically than commercially oriented.

Thompson explained some of the early problems encountered in the research, which he noted, "caused some researchers to abandon similar pulping research."

Dr. Gordon Nicholls, Institute senior research associate, who heads the Institute's commercial feasibility studies, discussed the technical processes which are causing the major concern on the economic aspects of holopulping.

THE ECONOMICS OF MILITARY PROCUREMENT

Mr. PROXMIRE. Mr. President, the report of the Subcommittee on Economy in Government, of the Joint Economic Committee, called "The Economics of Procurement," is based on the series of hearings our subcommittee held in November and in January. There are a set of military procurement practices and circumstances which result in economic inefficiency and waste, subsidies to contractors, and inflated defense budgets.

There are specific practices which cause this—lack of competition, the use of Government-owned property, progress payments, the pyramiding of subcontractor profits, to name a few—which are spelled out in the report.

All of this directly affects the economy.

Defense budgets are larger than they need to be. We could buy the same amount of security and defense which the President and Congress deem essential, with less money.

The American people pay higher taxes than would be paid if the Pentagon were efficient.

And especially, the increase in prices throughout the economy is a direct result of the inflated military budgets. We spent $80 billion on defense last year, of which $44 billion was spent on procurement. In my judgment, this is a primary cause, if not the single most important cause, of the present inflation.

We are not having a traditional or classical inflation where too much money is chasing too few goods. This is a capital investment inflation. And the biggest item in it is the huge amount spent, and spent badly, for military procurement.

The country could either get more defense for the same money, or the same defense for less money. What our military needs are is not determined by this committee. But given those needs, how we buy what we need, and how that affects the economy is a subject of vital importance to us.

The bloated military budget and the excessive prices paid in military procurement and for weapons systems are the single biggest causes of the present inflation.

In addition to the effects which procurement has on the economy, there is a third major point I wish to draw from our hearings and our report.

This is the principle of the right of Congress and the American people to know the facts. In our case, it involved the testimony and evidence of Mr. A. E. Fitzgerald.

Here was a man who testified at our request. He testified with the permission of the Air Force. He was right. There is a $2 billion cost overrun on the C–5A aircraft.

But because of what he said, the Department tried to fire him. His duties were circumscribed. They treated him as if he had typhus or was radioactive.

This action must not become a precedent. Congress and the public have a right to know the truth. The Pentagon and its employees must act to protect the public interest and not the interest of a single firm. They must not attempt to cover up mistakes, or to shield anyone or any firm from the operations of the stock market or from the responsibility for mistakes.

This is fundamental. It is an issue arising out of our report.

I intend to continue to insist on getting economic data affecting military procurement because these actions vitally affect our economy which this committee has a responsibility and an obligation to review.

Finally, in addition to the recommendations made in the report—the need for information on profits, the establishment of military-industrial indicators, more competitive bidding, making the Truth in Negotiations Act effective, and so forth—I have one other recommendation to make.

In my judgment, we should authorize the General Accounting Office, which is an arm of the Congress and whose reputation for integrity and impartiality is without tarnish, to hire whatever staff it needs to do the job and do it properly.

The staff should be assigned the task of scrutiny and analysis, as well as auditing, and surveillance over the major weapons systems procurement.

In the past they have saved hundreds of dollars for every dollar Congress has appropriated to them.

In my judgment, huge savings can be made, better weapons can result, and the economy of this country can be made stronger and more secure if the GAO can ride herd on the huge weapons systems procurement practices.

I ask unanimous consent that the report of the subcommittee be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Economics of Military Procurement

INTRODUCTION

Last year, fiscal year 1968, $44 billion was spent on defense procurement, equivalent to

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about 25 percent of the Federal budget. Total defense spending reached $80 billion. In recent years numerous instances of inefficiency, excessive profits, and mismanagement in defense contracting have been revealed by this subcommittee, other committees of Congress, and the General Accounting Office. Increasing concern over the enormous amounts spent on military procurement prompted the Subcommittee on Economy in Government of the Joint Economic Committee to hold hearings on profits and cost control in defense procurement. Testimony was received on November 11, 12, 13, and 14, 1968 and January 16, 1949. [1] [2] [3]

The subject matter of the hearings, economic aspects of military procurement, may be perceived as a relatively narrow set of issues. In the subcommittee's view, however, the enormous commitment of national resources to military systems makes the details and facts of procurement practices a central public policy issue. The wasteful, inefficient practices uncovered in the course of the hearings raise basic questions concerning the Defense Department's management of its own affairs. It also makes us skeptical concerning the effectiveness and care with which the Defense budget is scrutinized by pertinent agencies outside of the Pentagon. If this government is to serve the public interest, close scrutiny of these billions of dollars of expenditures must be given high priority.

In the judgment of the subcommittee, there is a pressing need to reexamine our national priorities by taking a hard look at the allocation of Federal revenues between the military and civilian budgets. Indeed, the inefficiencies described in this report, in addition to being difficult to contend with raise questions about the very nature and size of the Department of Defense, its place within the framework of the executive branch of Government, and its relationship and responsiveness to Congress. The real needs of the Nation, military and civilian, are too important to endanger through bureaucratic arrangements in an agency which in too many instances has been unable to control costs or program results.

I. MILITARY PROCUREMENT POLICY: A PROBLEM OF UNCONTROLLED COSTS

A. There exists in the Department of Defense a set of practices and circumstances which lead to:

1. Economic Inefficiency and Waste

The extensive and pervasive economic inefficiency and waste that occurs in the military procurement program has been well documented by the investigations of this subcommittee, by other committees of the House and Senate, and by the General Accounting Office. The absence of effective inventory controls and effective management practices over Government-owned property is well known. In the past, literally billions of dollars have been wasted on weapons systems that have had to be canceled because they did not work. Other systems have performed far below contract specifications. For example, one study [4] referred to in the hearings shows that of a sample of 13 major Air Force and Navy aircraft and missile programs initiated since 1955 at a total cost of $40 billion, less than 40 percent produced systems with acceptable electronic performance. Two of the programs were canceled after total program costs of $2 billion were paid. Two programs costing $10 billion were phased out after 3 years for low reliability. Five programs costing $13 billion give poor performance; that is, their electronics reliability is less than 75 percent of initial specifications.

Actual costs of expensive programs frequently overrun estimated costs by several hundred percent. Assistant Secretary of the Air Force Robert H. Charles testified that "The procurement of our major weapons systems has in the past been characterized by enormous cost overruns—several hundred percent—and by technical performance that did not come up to promise." The greatest amount of cost overruns occur in negotiated, as opposed to competitive, contracts. Even where overruns do not occur, there is evidence that prices are being negotiated at too high a level from the beginning. Most procurement dollars are spent in the environment of negotiation. It is precisely in this area that the DOD has the heaviest responsibility for obtaining the best military equipment and supplies at the least possible price. In the judgment of the subcommittee, the DOD has not adequately fulfilled this responsibility.

2. A Subsidy to Contractors

The major portion of procurement costs are in the costs of research and development, material, labor, and overhead for which contractors are reimbursed. In theory, competition requires contractors to be efficient in order to mimimize costs and maximize profits, and inefficient contractors should not be able to underbid their more efficient competitors. Competition is a method of cost control. However, as we have said, most defense contracts are awarded through negotiation, not competition. A number of mechanisms, such as the cost and other price data submissions required by the Truth-in-Negotiations Act, and incentive contracting, have been designed to act as cost controls for negotiated contracts, in lieu of competition. In the judgment of the subcommittee, these mechanisms have not constituted an effective system of controls over the costs of procurement.

The result of the absence of effective cost controls, coupled with a number of policies and practices discussed in this report, has resulted in a vast subsidy for the defense industry, particularly the larger contractors. These practices include loose handling of Government-owned property, interest-free financing of contractors, absence of comprehensive profits reports and studies, lack of uniform accounting standards, reverse incentives, and a special patent policy lucrative to the contractor. All of these things tend to benefit the contractor at the public's expense.

3. An Inflated Defense Budget

The total effect of unnecessary cost overruns, of hidden profits in "fat" contracts, of inefficiency and waste, and of the absence of cost controls is to create a bloated defense budget. Admiral Rickover testified that $2 billion of excessive costs result from the absence of uniform accounting standards alone. There is evidence that literally billions of dollars are being wasted in defense spending each year.

It is the judgment of the subcommittee that the defense budget has been bloated and inflated far beyond what an economy minded and efficient Department of Defense could and should attain.

B. These practices include

1. Low Competition and High Concentration

Defense buying practices are reducing competition for Government contracts and increasing economic concentration within the defense industry. Formally advertised competitive military contract dollar awards dropped from 13.4 percent in fiscal year 1967 to 11.5 percent in fiscal year 1968. Single source procurement increased to 57.9 percent. These figures constitute a record low for competition and a record high for single source procurement over the past 5 years. Negotiated procurement in which more than one source was solicited comprised 30.6 percent of total contract awards, also a record low over the past 5 years.

The DOD maintains that there is a substantial degree of competition in negotiated procurement where more than one source of supply was solicited. However, too often in these cases technical performance rather than price has been the basis for contract awards. Competition must involve dollar cost as well as nonprice elements such as technical performance and date of delivery. Activity involving only one nonprice element usually cannot be considered competition, nor does it contribute beneficially to the public interest in defense procurement.

It is widely acknowledged that *true* competition significantly reduces the costs of procurement. Some experts believe that in the absence of effective competition, procurement costs are 25 percent to 50 percent higher than what they would be under competitive conditions. However, instead of competition, it is becoming increasingly clear that the "buy-in, get well later" method is commonly employed by contract rivals. Under this approach, a contractor may bid a lower price, higher performance, and earlier delivery than his rivals, knowing Pentagon officials will accept increased costs, less than promised performance, and late delivery. Inadequate management controls at the highest levels of Government have contributed to the development of these practices. The prevalence of these practices go far in explaining why the estimated costs of individual contracts almost always increased and the performance of the weapon procured was often less than promised. Weapons procured in this manner, in the absence of true competition, have been characterized by high

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[1] Due to the pressure of other responsibilities, Senator Symington was unable to fully participate in the hearings and other committee deliberations pertaining to this report and makes no judgment on the specific recommendations made therein.

[2] Congressman Donald Rumsfeld, Senator Len B. Jordan, and Senator Charles H. Percy, while in general agreement with this report, call attention to the fact that all the information and testimony cited in this report relate to procurement contracts in effect prior to the end of 1968. It is their belief that the irregularities and deficiencies in the procurement process reported here will encourage the new administration, which took office January 20, 1969, after the conclusion of this subcommittee's hearings, to press forward with the reforms necessary to save the American taxpayers millions of dollars while providing the defense capability necessary for peace and security.

They are encouraged that on April 30, 1969, Defense Secretary Melvin R. Laird expressed his concern over the costly C–5A transport plane and ordered the Air Force to make a thorough review of the multibillion-dollar contract Secretary Laird said:

> I am determined to insure that full and accurate information on C–5A procurement, and all other procurement matters, is given to the Congress and to the public promptly. I also am determined to insure that past mistakes in the procurement of this transport aircraft will not be repeated.

They believe that the healthy, constructive pressures of a free enterprise system must be allowed to operate to provide a rebirth of competition in many of the sectors of the economy which provide the material needed for our national security. The leadership and stimulation needed in these areas must come from the new civilian leadership in the Department of Defense and the White House. It is their hope and belief that the new Administration will provide this leadership.

[3] Representative Barber B. Conable, Jr., states: "The hearings on this matter were held last year prior to my appointment to the Joint Economic Committee. Since I did not have an opportunity to hear the testimony, I neither endorse nor dissent from the conclusions herein."

[4] "Improving the Acquisition Process For High Risk Military Electronics Systems," Richard A. Stubbing, Congressional Record, Feb. 7, 1969, p. 3171.

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costs, poor performance, and late delivery of the end product.

DOD procurement is highly concentrated. A relatively small number of contractors receive most of the dollar value of defense contract awards. In fiscal year 1968, the 100 largest defense contractors were awarded 67.4 percent of total defense contracts, the highest percentage since 1965. To get on the list of the top 100 in fiscal year 1968 required $50 million in awards, up from $46 million in fiscal year 1967. These large contractors generally have assets of $250 million or more. Small firms (as defined by the Small Business Administration) received only 18.4 percent of defense prime contracts in fiscal year 1968, down from 20.3 percent in fiscal year 1967 and 21.4 percent in fiscal year 1966.

The larger, dominant defense firms tend to hold entrenched positions. Eighty-four of the top 100 firms appeared on both the fiscal year 1968 and fiscal year 1967 lists. Eighteen of the top 25 in 1967 were in the top 25 in 1968. The same five companies received prime contract awards of more than $1 billion each in fiscal year 1968 as in fiscal year 1967. There is other evidence of entrenchment and concentration in the defense industry, such as the tendency of divisions of certain large contractors to obtain major contracts from one service, for example, the Air Force, while divisions of the same or other large contractors consistently obtain major awards from the other services. In some specific areas of military procurement the Government does business not only with sole-source suppliers, but with absolute monopolies. The nature of the purchases and the limited quantities may not be adequate to justify more than one producer. For this reason, the Federal Government must improve its capability to control procurement costs in the absence of competition.

2. Government-Owned Property

In addition to the lack of competition for defense contracts, the Defense Department's policy of providing Government-owned property and working capital to defense contractors constitutes a Government subsidy and contributes to concentration within this industry. The cost of Government-owned equipment supplied to contractors sometimes exceeds the value of property owned by the company. While the total value of Government-owned property in the hands of contractors declined from $14.6 billion in fiscal year 1967 to $13.3 billion in fiscal year 1968, reflecting primarily a drop in the amount of materials, in the important category of industrial plant equipment costing over $1,000, there was an increase from $2.6 to $2.7 billion. A disproportionate amount of this equipment was held by the larger contractors. Defense Department assurances that it is aware of the problems surrounding the use and control of the enormous amount of Government-owned property have so far yielded little tangible results in the form of improved performance in this area.

Last year this subcommittee found loose and flagrantly negligent management practices in defense procurement largely on the basis of facts surrounding Government-owned property furnished to contractors.[5] The subcommittee has no reason to alter this judgment.

3. Progress Payments

The Pentagon makes so-called progress payments to reimburse contractors for up to 90 percent of incurred cost, on a pay-as-you-go basis. These payments are not necessarily related to progress in the sense of work completed. Costs are often incurred greatly in excess of original estimates. It is possible, for example, for a contractor to incur costs equal to 75 percent of the original contract price while completing only 50 percent, or less, of the job. A more accurate term would be "incurred-cost reimbursement payments."

The important point is that the payments are made interest-free, prior to completion or delivery of the end-product. The contractor could operate largely without his own working capital, on capital supplied by the Federal Government, particularly in expensive, long leadtime procurement. For example, in the C–5A case, Lockheed received "progress" payments of $1.207 billion on reported incurred costs of $1.278 billion, as of December 27, 1968. In addition, the contract is being performed in a Government-owned plant. The plant and the Government-owned facilities employed at the plant have an original acquisition cost of $113.8 million.

In effect, considering the extensive use of Government-owned property and Government-supplied working capital—"progess payments"—the Defense Department provides negative incentives for the use of private capital, and tends to develop a financial stake in its contractors, especially those larger contractors which it favors with great amounts of Government-owned property and interest-free working capital. Contractors so favored have a sizable competitive advantage over others in the defense and civilian industries, and are actually highly subsidized.

Money advanced to contractors in the form of progress payments are really no-interest Government loans which inflate contractors' profits. Armed with free working capital a contractor may be able to bid low for more Government work, "finance" commercial work, or otherwise compete unfairly in the commercial market.

4. Patent Policy

The Government's patent policy similarly tends to reduce competition and increase the concentration of economic power. Briefly, the Government permits contractors to obtain exclusive patent rights, free of charge, on inventions produced in the performance of Government contracts. The Defense Department normally retains only a nonexclusive royalty-free license for itself. The contractor, in other words, obtains a monopoly which he can exploit for his own private gain in the commercial market for inventions paid for by public moneys. This "fringe benefit" of doing business under Government contracts does not get reported as part of the contractor's profits. In effect, the public pays twice. Once through the Government contract; again in the marketing of the private monopoly.

It should be noted that the contractor's own patent policy differs from that of the Department of Defense. When contractors award contracts to independent research institutes, the contractors, not the research institutes, retain the patent rights. Further, the employees of contractors generally must agree that the contractor gets the patent rights to any inventions developed during their employment.

Admiral Rickover and Professor Weidenbaum agreed that permitting contractors to obtain patent rights from Government contracts reduces competition in defense industries because the "ins" get a competitive advantage over the "outs." Rickover stated that one-half of the patents acquired by contractors as a result of Government-financed research and development work are owned by 20 large corporations, "* * * the very same companies that receive the lion's share of contracts."

In contrast to general Government policy, the Atomic Energy Commission and the National Aeronautics and Space Administration are required by law to take Government title to inventions developed under Government contracts, subject to waiver of rights by the Government. The Government's policy amounts to a special privilege to contractors at the expense of taxpayers.

5. Subcontracting and Profit Pyramiding

The study of subcontracting in defense procurement is important for at least two reasons. First, subcontracting can provide an opportunity for small business to participate in Government work. Most small businesses cannot obtain prime contract awards. But they can supply prime contractors with a variety of goods and services. Second, profits in subcontracts turn up as part of the costs of the prime contract. Information about the amount and type of subcontracting and of subcontract profitability could be a valuable guide to current procurement costs and future policy. Unfortunately, the Defense Department has not been able to supply good information on these subjects.

DOD's collection of subcontracting data is inadequate. The only data which has been collected is the percentage of subcontracts that go to small business, on the basis of sampling. In fiscal year 1968, 886 large prime contractors awarded subcontracts worth $15.2 billion. Of this sum, $6.5 billion went to small businesses, according to DOD. DOD also *estimates* that approximately 50 percent of the total amount of prime contract awards is subcontracted. This estimate seems to be based on data gathered by DOD during 1957–63 when prime contractors were required to report such information. Data on the total amount of subcontracting has not been collected since 1963. DOD cannot state with certainty whether subcontracting has increased or diminished since 1963, or whether prime contractors are tending to keep more or less of their work in-house.

Because DOD no longer collects complete data on subcontracting, we cannot know whether subcontracting is being awarded competitively or through sole sources, what kinds of work are being subcontracted, or whether subcontractors are required to submit cost data in compliance with the Truth in Negotiations Act. Admiral Rickover testified that there is a lack of effective price competition both at the prime contract and subcontract levels in shipbuilding procurement and that some major subcontractors have never provided the cost data required by the Truth in Negotiations Act.

Another serious omission has been the failure to collect information on subcontractor profits. The DOD profit review system compiles profit data for a sample of prime contract awards. These figures do not reflect profits taken by subcontractors which could involve several tiers. For example, a prime contractor might purchase a piece of machinery from a subcontractor. The subcontractor might purchase a component for the machinery from another subcontractor, and so on. Each of the subcontractors will earn a profit on the item supplied. The same final item, therefore, is likely to include a profit as part of its cost for each time it changed hands. In this manner, subcontractor profits are pyramided, layer upon layer, into the final cost.

When the prime contractor obtains the item, he, too, will add his profit to its cost. The Government pays for it on the basis of the prime contractor's cost plus the prime contractor's profit. Included in the prime contractor's cost are the pyramided profits of several subcontractors. However, profits are often considered to be only the amount realized by the prime contractor. Profit studies normally do not consider the hidden, pyramided layers of subcontractors' profits buried in the prime contractor's costs. Whether subcontractor profits are reasonable is entirely unknown to DOD or any other Government group. For this reason alone, defense profits may be seriously underestimated because the studies include only prime contractors' profits. The present policy of not gathering adequate information on subcontracting could be calculated to minimize the total

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[5] Economy in Government Procurement and Property Management, Report of the Subcommittee on Economy in Government, Joint Economic Committee, April 1968.

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amount of defense profits that are reported and to frustrate the thorough study of this important subject.

It is well recognized that subcontractors doing Government or non-Government business should be allowed to earn reasonable profits for their work. The issue here is that the DOD does not collect sufficient information to know whether subcontractors' profits on defense contracts are reasonable or excessive. The available data is also inadequate to reveal the level of competition among subcontractors, and the precise interrelationships between the prime contractors and the subcontractors. Further, it is presently not possible to determine whether price contractors are charging the Government unreasonably for work done by subcontractors. In the subcommittee's judgment, the thorough study and full disclosure of all the facts with respect to subcontractors' costs and profits, and their effects on the final costs to the Government, is frustrated by the DOD's present policy and practice.

6. Noncompliance and Waiver of the Truth-in-Negotiations Act

The Truth-in-Negotiations Act was passed in 1962. Its purpose was to give the Government better access to contractors' cost data so as to place Government on a more equal footing with industry in negotiating the prices of contracts. The Act is supposed to protect the taxpayer against overpricing where there is no true competition.

Investigations by this subcommittee and others over the past 2 years have demonstrated widespread noncompliance and other shortcomings with truth in negotiations. The Government's failure to fully implement it seems to be one of the major reasons. Lack of implementation occurs in two ways. First, the Government contracting officer can make a determination that competition is adequate, or that the price is based on a standard catalog price, and therefore that the Act should not apply. Such determination can be made with respect to a negotiated procurement even though there is, in fact, little or no actual competition for the contract. Once there is a determination that adequate competition exists, the Government does not obtain or evaluate cost and pricing data, or require the contractor to reveal the basis for his cost estimates, or to certify the completeness or accuracy of his cost information. Nor does the Government subsequently review the contractor's books or records. In effect, the price is set on the basis of uncertified, unevaluated data supplied by the contractor.

Second, the Government can waive the requirements under the Act for cost data. There is evidence that waivers are granted to many large contractors. In one recent case, the Navy waived the requirement for cost data in a $10 million procurement of propulsion turbines. According to Admiral Rickover, the price of the equipment was substantially higher than for similar equipment on a prior order. In addition, the price included a profit of 25 percent of costs. The contractor was one of the only two available sources capable of building the machinery. In response to requests for cost data, the contractor declined on the grounds that the proposed price was established "in competitive market conditions" and that "to supply any cost estimating data would only lead to misunderstanding." The waiver was granted over Admiral Rickover's objections.

The subcommittee also received evidence that the manufacturers of large computers are simply refusing to supply information specified in the Truth-in-Negotiations Act on orders for new design computers. In the face of contractor refusals to supply cost or pricing data for computers costing millions of dollars each, the Government has waived the provisions of the Act. According to the testimony of the General Services Administration, the Government is faced with a take-it-or-leave-it situation. The contractor will simply refuse to sell if the Government insists on the cost data. Moreover, there is evidence that few basic material suppliers such as steel mills, nickel producers, and forging suppliers comply with the cost data provisions of the Act. Again, the tactic is (1) to persuade the Government contracting officer that competition is adequate, or that the price is based on a standard catalog price, and that the Act should not apply; or (2) to obtain a waiver of the cost data provisions.

The Truth-in-Negotiations Act permits the Government to make preaward audits of contractors' books to determine the adequacy of cost data in cases where the Act is applied. Investigations by GAO have revealed substantial overcharges to the Government as a result of the failure of the Department of Defense to obtain adequate cost and pricing data. Because preaward audits were not always effective in disclosing inadequate cost estimates, Congress amended the act to give the Government postaward audit rights, Public Law 90–512. The effectiveness of the postaward audit provision has not yet been determined. However, it should be kept in mind that the postaward audit provision cannot solve the problem of the failure to apply the Act, or the granting of waivers. Furthermore, the Comptroller General testified to this subcommittee in 1967 that a GAO review showed there had been full compliance with the Act in only about 10 percent of the transactions tested. We are not aware that the record of compliance has improved.

7. Absence of Uniform Accounting Standards

In addition, the Truth-in-Negotiations Act often cannot place the Government on a more equal footing with industry in negotiating the prices of contracts, even when there is compliance, because of the inherent difficulties of determining costs and profits under present accounting practices.

For example, it may not be possible for the Government to determine whether direct and indirect costs on Government and commercial work have been properly allocated by the contractor. In one case, reported by Admiral Rickover, the Navy allowed a shipbuilder to charge salaries and other pay directly on Government contracts, while similar costs on commercial contracts were charged as overhead and allocated to both Government and commercial work. The Government was thus paying directly for work done on Government contracts and indirectly for work done on commercial contracts. The Navy had accepted these costing methods because the contractor's system conformed to "generally accepted accounting principles." In this particular case the GAO eventually found that the Government had been overcharged by over $5 million.

The fact is that there is wide disagreement on how particular costs should be handled and profits calculated under "generally accepted accounting principles." For this reason, experts may come to completely different conclusions about costs or profits in an individual case. In a case still pending, where the Government entered into several multimillion dollar contracts with the Westinghouse Co. for nuclear propulsion components, the contractor indicated his price included a 10-percent profit based on costs. GAO found that the contractor made actual profits of 45 to 65 percent of costs, and that he knew or should have known at the time he submitted cost breakdowns that the higher profits would be realized. Later the Defense Contract Audit Agency decided the contractor should have expected to realize 20- to 27-percent profits. Thus, two different Government auditing agencies are in sharp disagreement over the amount of profits in these contracts. The vagueness of "generally accepted accounting principles" is generally acknowledged. In a recent case, the Armed Services Board of Contract Appeals stated in its opinion:

> "Except insofar as the ASPR (Armed Services Procurement Regulation) cost principles themselves reflect generally accepted accounting principles, it is difficult for the Board or the parties to cost contracts to govern their determinations by such an elusive and vague body of principles."

Under the Armed Services Procurement Regulations, cost principles are set forth for cost-reimbursement-type contracts for the purpose of denying certain costs, such as bad debts. These principles are not mandatory in fixed-price contracting. Yet fixed-price contracts constitute more than 75 percent of defense procurement. Thus there are no mandatory cost principles in the regulations for 75 percent of defense procurement. The cost principles that do exist have the effect of only disallowing certain items. They do not constitute uniform standards.

Finally, contractors are not required to maintain books and records on firm-fixed-price contracts, constituting 53 percent of defense procurement. Where contractors are required to maintain records, they must conform only to "generally accepted accounting principles," and may not show the cost of Government work. Admiral Rickover testified that a sole source supplier of nuclear propulsion units refuses to keep accounting records showing the cost of manufacturing the components. Thus, although he complies with the Truth-in-Negotiations Act, the absence of accounting records prevents a determination of whether his prices are reasonable. For example, a contractor may submit cost data at the time the price of the contract is being negotiated, but afterwards, during performance of the contract, not keep adequate books and records. Colonel Buesking testified, "I have yet to see a contractor's accounting system in major programs that can adequately determine the unit cost of hardware."

Uniform accounting standards for all defense contracts have been advocated to facilitate the measurement of costs and profits. The GAO is now undertaking a feasibility study of such standards at the direction of Congress. Regardless of the outcome of the study, it is clear that the Government often cannot determine the reasonableness of costs or profits on defense contracts under present cost accounting methods.

8. Voluminous Change Orders and Contractors' Claims

It is often necessary to make changes in the design or production of an item after the contract is awarded. This is especially true for the more complex weapons and equipment such as missiles, fighter planes, bombers, and their electronic components. There may be thousands of changes on such procurements. The production of the B–47 bomber in the 1950's involved about 8,000 changes. The Minuteman program has involved at least that number. Change orders generally increase the cost of a contract.

The Government pays the price if it originated the change or was in any way responsible for it. Because of the great number of changes, and the fact that the total cost of the changes may exceed the original price of a given contract, it would be reasonable to assume that records are maintained of the cost of each individual change and of their origin as to the Government's liability. Again, DOD has failed to keep adequate records or to even require that contractors keep adequate records.

Contractors are not required to account for change notices separately. As a result, it is usually not possible to determine the cost of individual changes. Typically, the Government is forced to negotiate a lump-sum settlement to pay for numerous changes since most changes are not priced in advance of the work, and the Government has not

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checked to see what the cost of the change should have been, Admiral Rickover testified.

"Thus, contractors can use change orders as a basis for repricing these contracts. They have almost unlimited freedom in pricing change orders because their accounting system will never show the cost of the work. The Government can never really evaluate the amounts claimed or check up to see if it paid too much."

Under the present system of nonaccountability, it is possible for contractors to inflate costs by pricing changes, and to attribute cost overruns to contract changes. In the vernacular of the world of defense contracts, change notices are sometimes referred to as contract nourishment.

Many claims against the Government result from formal contract changes. Others are produced by contractive change notices which may occur in a telephone conversation between a DOD official and an officer of the contracting company. The contractor might obtain relief orally from meeting a contract specification, or claim that an act of God or a strike prevented him from meeting the contract schedule.

Regardless of the origin of a claim, the Government is often at a disadvantage in meeting it. A contractor may have a large staff begin preparing and documenting a claim the day work begins on the contract. Although fully documented, however, accounting records seldom support the costs claimed. Nevertheless, the claim may be pursued over a period of years until it is finally disposed of. DOD does not keep records of unfounded or exorbitant claims, nor does it consider such information in awarding subsequent contracts.

9. The Faliure of Incentive Contracting

Another attempt to find a substitute for competition has been the use of incentive contracts. The Defense Department began using incentive contracts extensively in 1962. The shift in emphasis reflected the widely held belief within the Defense Department that the cost-plus-fixed-fee (CPFF) contracts commonly used up to that time for major weapons systems procurement did not result in adequate control over costs. Since 1962 the decline of CPFF contracts and the increase of incentive contracts has been substantial.

The goal of the incentive contract is to motivate the contractor to be efficient and control his costs. The mechanism is a provision in the contract entitling the contractor to retain a portion of any cost underrun as additional profits. That is, the Government and the contractor agree on a target cost as part of the contract price. They also agree on a profit as part of the price. If the actual costs turn out to be less than the target cost, the contractor retains part of the underrun as an increased profit. If the actual cost exceeds the target costs, the contractor must bear a portion of the overrun and his profit is reduced. The profit-sharing provision is the hoped for incentive which will cause the contractor to increase the underrun so as to increase his profit.

The Defense Department has maintained that incentive contracting is an improvement over cost-plus-fixed-fee contracts. Beyond question, the problem of cost control during the period when CPFF contracts predominated was very great. Assistant Secretary of the Air Force Robert H. Charles referred in his testimony to the "enormous cost overruns of several hundred percent" for major weapons systems procurement in the past. He attributed a substantial portion of the cost overruns to the use of cost reimbursement type contracts and the absence of price competition.

The question, however, is, first of all, whether incentive contracting is, in principle, an effective means of controlling the costs of procurement, and secondly, whether it has succeeded in practice. The Defense Department claims success on both counts, although conceding the difficulty of demonstrating the effectiveness of incentive contracts as opposed to CPFF contracts, since they cannot both be utilized on the same project at the same time. On the other hand, much evidence was received which casts doubt on the proposition that incentive contracts result in cost savings, at least in practice.

Indeed, the experience of incentive contracting shows that it can increase both profits *and costs*. For while a contractor may increase his profit by performing efficiently to produce an underrun, another way of producing an underrun is to inflate the original target cost as much as possible. As Irving Fisher of the RAND Corp. pointed out in the hearings November 13, 1968, the problem of overstated target costs is significant because most weapon system procurement is negotiated without price competition, and many of the development contracts awarded competitively are awarded on the basis of technical or nonprice rivalry. In situations where target costs are negotiated, the opportunity for contracts to increase them is great.

The evidence suggests that incentive contracts have not accomplished their intended goal of increased efficiency or reduced costs, and that they may actually be contributing to a general upward shift in target costs. Whether this is inherent in the incentive contracting approach, or the result of poorly applied but valid concepts, we are not prepared to say. However, we feel that burden of proof that the concept is indeed valid rests squarely on the Department of Defense. We are so far unconvinced that this approach is the best that can be designed to effectively control procurement contract costs.

10. The Conceptual Problems in Using Historical Cost Analysis and the Failure To Use "Should Costing"

The analysis of cost and pricing data is a crucial factor in determining the amount the Government spends on weapons programs. Without good cost analysis and cost estimation, the Government is unable to control the costs of procurement, much of which is based on original estimates. That is, the price of a contract is negotiated on the basis of cost estimates submitted by the contractor. An inflated estimate can result in an inflated price unless DOD can properly evaluate estimated cost data. Yet, as indicated above, the Defense Department's ability to adequately analyze cost data is severely limited by the lack of information on profitability, the absence of data on subcontracting, the shortcomings of the Truth-in-Negotiations Act, and the nonexistence of uniform accounting standards.

Another obstacle to adequate analysis is the fact that cost estimation presently relies extensively on past experience; that is, historical costs are used to provide estimates of the future costs of proposed weapons systems. Historical costs refer to the actual costs of performing earlier contracts. They are often insufficient and misleading guides to estimating the costs of new contracts for several reasons. For example, it is possible for the cost of performing a contract to be inflated intentionally or through contractor inefficiency, and for the costs of that contract to influence the estimation of costs on subsequent contracts.

As the testimony showed, historical costs are no better than the underlying data on which they are based. If the costs of previous procurements were obtained without competition, estimates based on them probably would not be comparable to costs determined competitively. As we know, most procurements in the DOD data bank were not awarded competitively. In fact, many of the earlier contracts were the CPFF type in which some of the most extreme cases of cost overruns occurred.

The use of historical costs may give the contractor a premium to inflate his cost base. The inflated costs of previous contracts may then become the new cost base figure for subsequent production runs and subsequent contracts. If profit is calculated by DOD as a percentage of costs, the contractor may be given a profit motive to increase costs. The only party hurt in this scheme is the American taxpayer.

Implicit in the criticism of historical cost is the point that the cost of a particular contract may have been excessive because of contractor inefficiency. The possibility that contractor inefficiency may be a significant problem was brought out in the testimony of Colonel Buesking (U.S. Air Force, retired) and A. E. Fitzgerald, Deputy for Management Systems, Office of the Assistant Secretary of the Air Force. Both witnesses compared the probable cost approach, which employs historical costs, and the should-cost approach to Government estimates.

The should-cost approach attempts to determine the amount that weapons systems or products *ought* to cost given attainable efficiency and economy of operation. The method of determining the should-cost figure is based on a combination of industrial engineering and financial management principles. Briefly, a study is made at a contractor's plant of each of the cost elements of the contractor's operation to ascertain what the product should cost the Government, assuming reasonable efficiency and economy on the part of the contractor. Obviously, this approach differs sharply from the traditional one in which costs are estimated in advance on the basis of earlier costs, and in which the Government thereafter reimburses the contractor for incurred and allocable costs without finding out whether the costs were reasonable.

According to the testimony, when the should cost approach was employed by the Navy in connection with the TF-30 engine contract for the F-111 program, substantial inefficiencies were detected in the contractor's plant. As a result of the study, the contract price was later reduced by more than $100 million.

It is difficult to see how the Government can be assured that incurred costs will be reasonable on negotiated contracts without the benefit of a should-cost type in-depth study and evaluation. Col. A. W. Buesking (U.S. Air Force, retired) testified that selected evaluations of resource planning and control systems conducted to assess contractor's capability to meet standards of efficiency revealed that control systems essential to prevent excessive costs were absent. He estimated that costs in such plants are 30 to 50 percent in excess of what they might be under competitive conditions. When Admiral Rickover was asked to comment on Colonel Buesking's statement, he said, "His estimate is a conservative one." Establishing objective cost performance standards would be an important step toward cost control.

11. Absence of Ongoing Cost Reports to Congress

Equally important is the need for devising a method to periodically report actual costs to Congress as they are incurred on large negotiated contracts. Presently, it is difficult for the Members of Congress and the public to know whether a program is staying within or exceeding original cost estimates and the negotiated price, during the period of contract performance. Reports of actual costs should be correlated with planned cost of work segments satisfactorily completed. In this way, cost estimates could be compared with incurred costs.

It may also be desirable to relate progress payments to real progress, in the sense of

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work segments satisfactorily completed, rather than simply incurred costs, and to report the volume and cost of contract change notices. Finally, a full cost report system would include the profit rate negotiated and realized, and estimated and realized profits as a return on investment. If this were done, Congress would at least have available to it indicators of contract objectives and contract costs which would make it possbile to detect serious overruns and delays, and to determine on an ongoing basis the cost status of the contract.

C. The manifestation of these practices are

1. High Defense Profits

Perhaps the most glaring fact about defense profits is that not enough is known about them. The DOD cannot accurately state what profits are in defense procurement. First, it defines profits as a percentage of costs, and does not report profits as a return on investment. Second, DOD does not obtain complete information about profits on firm fixed-price contracts. During fiscal year 1968, firm fixed-price contracts made up about 53 percent of total expenditures for defense procurement. Third, without uniform accounting standards, it is difficult, if not impossible, to discover the costs and profits in defense production unless months are spent to reconstruct contractors' books. The reason for this is that contractors are not required to maintain books and records on most defense contracts. Thus, while the profit *rate* is designated at the time a contract is negotiated, the profit actually realized in the performance of the contract cannot be known and verified without an expensive, time-consuming audit.

The DOD collects data on less than half of annual contract awards, and the data it collects is inadequate. Studies conducted independently of the Pentagon are admittedly sketchy. Among other problems, (1) the trend toward conglomerate mergers among large defense suppliers obscures the opportunity for determining defense profits as their data is published in the aggregate without separating sales and profits by division, and (2) neither the DOD nor their contractors will readily furnish profit data to congressional or academic investigators.

No complete and comprehensive study of this subject has ever been made by any agency of the executive branch or by the GAO. Contractors are not required to report their profits on most Government contracts. The DOD does not keep adequate records of contractors' profits. In view of the tens of billions of dollars of taxpayers' money spent on defense contracts each year, the Government's lack of knowledge about defense profits is inexcusable.

One difficulty is in defining what is meant by profits. GAO and DOD surveys deal with profits as a percentage of costs. On this basis a 10-percent profit rate on a contract for a weapon that cost $1 million to produce would result in a profit of $100,000. But profits as a percentage of costs or sales is often an inaccurate indicator of true profits. For example, if a contractor is able to use Government-owned equipment or operate in a Government-owned plant, he may have a relatively small investment in a given contract. In such a case, his profit may be more accurately measured as a percentage or return on investment. Thus, on a $1 million contract, performed in a given year, where the contractor had an investment of $500,000 worth of plant and equipment, a $100,000 profit would be equal to a 20-percent return on investment.

An example of how a low profit as a percentage of costs can be misleading is found in a case decided by the Tax Court involving Air Force contracts (*North American Aviation Inc.* v. *Renegotiation Board, 1962*). In that case, while the contract provided for 8 percent profits as a percentage of costs, the Tax Court found the contracts returned 612 percent and 802 percent profit on the contractor's investment in 2 succeeding years, according to Admiral Rickover. In that case 99 percent of the contractor's sales was to the Government. Indeed, profits as a return on investment is the preferred method of measuring profitability. Stockholders are concerned with the return on their investment, not with profits as a percentage of costs or sales. Return on investment is also a better indicator of the profit in relation to the contractor's input.

It is interesting to note that defense companies operate on smaller profit margins, based on percentage of costs, than do typical industrial corporations. Basically, this is because they often operate with large amounts of Government-supplied capital. Professor Murray Weidenbaum studied a sample of large defense contractors doing three-fourths or more of their business with the Government compared with similar sized industrial companies doing most of their business in the commercial market. Net profits as a percentage of stockholders' investment was 17.5 percent for the defense contractors and 10.6 percent for the industrial firms, for the period 1962–65.

The first question asked in this investigation was whether defense contractors' profits are too high. Much criticism of defense profits has been made in recent years. Critics maintain there is a serious problem of excessive profits. Others assert the opposite, that defense profits may be too low.

Although our present knowledge is incomplete, there is evidence that profits on defense contracts are higher than in related nondefense activities, and higher for the defense industry than for the manufacturing industry as a whole. There is also evidence that this differential has been increasing. The arguments of the Department of Defense to the contrary are unconvincing. The Pentagon's own figures show a 22-percent increase in profit rates on negotiated contracts under the weighted guidelines method of profit computation. GAO found a 26-percent increase in a study comparing the 5-year period from 1959 through 1963 with the average profit rate negotiated during the last 6 months of 1966. DOD claims the increases relate only to "going in" profits negotiated, and that actual "coming out" or realized profits are less. But the DOD in-house profit review survey shows that contractors are coming out with profits that are substantially the same as the going in rates. In addition, when Admiral Rickover made a comparison of profits reported and actual profits as determined by Government audit for five contractors, actual profits were found to be much higher than profits reported. Admiral Rickover also testified that suppliers of propulsion turbines are insisting on 20- to 25-percent profit on costs as compared with 10 percent a few years ago, that several nuclear equipment suppliers are requesting 15- to 20-percent profit, that profit percentages on shipbuilding contracts doubled in the past 2 years, and that a large company recently priced equipment to a Navy shipbuilder at a 33-percent profit.

Col. A. W. Buesking testified that profits based on return on investment in the Minuteman program, from 1958 to 1966, were 43 percent. Profits for the large companies seem to be relatively higher than the smaller and medium-sized ones, according to the studies already completed.

Officials of the Department of Defense have attempted to answer the criticism of high profits in defense contracting by citing Renegotiation Board figures. Yet, in the annual reports, the Renegotiation Board warns against using its figures for generalizing about defense profits. One of the reasons for not using these figures is the fact that a large amount of contract awards are exempt from renegotiation and therefore do not show up in the totals for renegotiable sales. In addition, the Board does not publish figures for profits as a return on investment, nor does it disclose the names of contractors who have been ordered to return excessive profits to the Government and the amounts involved. Unless such disclosures are made so that profits on renegotiable sales can be fully analyzed, we agree that Renegotiation Board figures should not be used to generalize about profitability in defense contracting.

Officials of the Department of Defense have also attempted to answer its critics with the results of a study performed by the Logistics Management Institute (LMI). LMI was created by the DOD and in the past has worked almost exclusively for DOD. The LMI profits study was financed by DOD.

The LMI study used unverified, unaudited data which was obtained through the voluntary cooperation of a sample of defense contractors. Those who did not wish to do so did not participate in the study. Forty-two percent of those contacted provided no data. As Admiral Rickover pointed out, one of the faults with such a study is that the contractors making high profits would naturally be reluctant to supply information and could simply choose not to participate. In addition, the study fails to distinguish between profits of the larger contractors and the medium sized and smaller ones.

These facts are cited to underline the continued need by Congress for an objective, independent, and comprehensive study of defense profits. This need cannot be satisfied by a DOD in-house study, or by an organization dependent upon the DOD for its funds.

2. Cost Overruns: The C–5A Cargo Plane

The Air Force selected the Lockheed Aircraft Corp. as the airframe prime contractor for the C–5A, a large, long-range, heavy logistic aircraft, on September 30, 1965, after proposals had been received in response to Requests for Proposals (RFP) from 5 firms, and preliminary contracts had been entered into with 3 of them in 1964. It is not clear, from the evidence, how much *price* competition had to do with the selection. Secretary Charles testified that there was competition among the firms. But when asked how low Lockheed's bid was compared to the others, he refused to disclose the figures on the grounds that "this is company proprietary information". A similar procedure resulted in the selection of General Electric as the engine maufacturer.

The contract with Lockheed is a negotiated, fixed price incentive fee contract. It is also the first contract utilizing the total package procurement concept (TPPC). Two major objectives of the concept, according to the Defense Department, are to discourage contractors from buying in on a design and development contract wtih the intention of recovering on a subsequent production contract, and to motivate contractors to design for economical production and support of operational hardware. Thus, TPPC is supposed to act as a deterrent against cost overruns and less-than-promised performance. To accomplish this, all development, production, and as much support as is feasible of a system throughout its anticipated life, is to be procured in a single contract, as one total package. The contract includes price and performance commitments to motivate the contractor to control costs, perform to specifications, and produce on time. As the C–5A is an incentive contract (TPPC does not necessarily result in incentive contracting) it contains the usual financial rewards and penalties associated with incentive contracting.

The C–5A contract for the airframe provides for five research, development, test and evaluation (R.D.T. & E.) aircraft plus an initial production run of 53 airplanes (the total of 58 planes is called run A), and a Government option for additional airplanes. The present approved program for the C–5A is 120 airplanes comprised of run A (58 airplanes) plus run B (57 airplanes) plus five airplanes from run C.

The testimony received during the November 1968 hearings indicated a cost overrun in the C–5A program totaling as much as $2 billion. A "cost overrun" is the amount in excess of the original target cost. According to the testimony, the program originally called for 120 C–5A airplanes to cost the Government $3.4 billion, but because of cost overruns mainly being experienced in the performance of the Lockheed contract actual costs would total $5.3 billion.

Following the November hearings, Senator Proxmire asked GAO to investigate into the causes and amount of the C–5A overruns and other matters relating to the contract.

On November 19, 1968, the Air Force announced, in a press release, that the original estimate for 120 C–5A aircraft was $3.1 billion, compared to the current estimate of $4.3 billion. Subsequently, in response to a request by the subcommittee, Mr. Fitzgerald, who was responsible for the development of the management controls used on the C–5A and who was on a steering committee directing a financial review of the C–5A, supplied a breakdown of the estimates of C–5A program cost to completion. This data showed Air Force estimates for 120 airplanes was $3.4 billion in 1965, and $5.3 billion in 1968, indicating an overrun of about $2 billion. The difference between the Air Force press release and the data supplied by Mr. Fitzgerald seems to be accounted for in the figures for spare parts. The data supplied by Mr. Fitzgerald shows $0.3 billion for spares estimated in 1965, and $0.9 billion in 1968. If the figures for spares are added to the estimates in the Air Force press release, the two sets of figures are close to one another.

In the January 16 followup hearing, GAO reported on its investigation, the nature of which is discussed below on page 40. Briefly, GAO transmitted to the subcommittee figures supplied by the Air Force 2 days prior to the hearing. These figures indicated a substantial overrun but a smaller total cost for the overall C–5A program than the $5.3 billion figure shown in the November hearings. The reason for the lower total was the omission by the Air Force of the costs of the spares.

Nevertheless, testimony and other evidence received in the course of the hearings confirmed the existence of the approximately $2 billion overrun in the C–5A program, the reverse incentives contained in the repricing formula, and large overruns in other Air Force programs. The latest estimate of the total cost of 120 C–5A's, including spares, provided by Secretary Charles, is $5.1 billion. This is close to the estimate previously supplied by Mr. Fitzgerald, and about $2 billion more than was estimated in 1965. The following table shows the estimates supplied by Mr. Fitzgerald, the Air Force press release of November 19, 1968, and Assistant Secretary Charles:

COMPARISON OF ESTIMATES OF C–5A PROGRAM

[In billions of dollars]

	Fitzgerald		Air Force press release[1]		Charles	
	1965	1968	1965	1968	1965	1968
120 aircraft:						
R.D.T. & E. plus production	$3.1	$4.4	$3.1	$4.3	......	$4.3
AFLC[2] investment	.3	.9	......	......	......	.8
Total	3.4	5.3	3.1	4.3	......	5.1

[1] The Air Force press release of Nov. 19, 1968, did not provide cost breakdowns between R.D.T. & E. (research, development, testing, and engineering), production runs, and AFLC investment. The figures given seem to omit AFLC investment.

[2] AFLC (Air Force Logistics Command) investment submitted by Fitzgerald includes spare parts; that submitted by Charles includes initial spares, replenishment spares, and support. Table submitted by Secretary Charles (hearings, pt. 1, p. 311) does not include estimates for 1965.

The cost growth in the C–5A program can be seen in the table. The figures supplied by Fitzgerald show an increase from $3.4 billion in 1965 to $5.3 billion in 1968. The Air Force press release can be reconciled with the Fitzgerald figures if the AFLC investment (spares) is added to each of the estimates. Thus, the $3.1 billion estimate for 1965 would total $3.4 billion, and the $4.3 billion estimate for 1968 would total $5.2 billion. Secretary Charles' own figures for 1968 total $5.1 billion. The subcommittee rejects the attempts of Air Force spokesmen to minimize the size of the program or the size of the overrun by removing spares as an item of cost. Spares are an integral part of the C–5A program and should be included in any consideration of costs.

According to the Air Force, the cost growth in the C–5A program has resulted from normal development problems associated with complex weapons and inflation. However, the subcommittee notes that the C–5A was chosen for the first application of the total package procurement concept partly for the reason that it was not considered a highly complex weapon system requiring technological advances beyond the state of the art. The inflation argument, which is supposed to account for $500 million of the cost growth, appears questionable. The contract contains an inflation provision to protect the contractor from unforeseeable price changes in the economy, to go into effect 3 years after the issuance of the initial contract, that is, October 1, 1968. The initial 3-year period was supposed to be considered a normal business risk. The Air Force official explanation of this provision states: "The contract thus included in the price an amount which reflected a projection of the mounting cost trend in the economy of labor, materials, equipment, and subcontract prices." If future inflation for at least 3 years was included *in the price,* it is hard to see why inflation should be a major factor in later increasing the price. Without a more thorough investigation of the C–5A program, the technical problems encountered, the failure to anticipate them at the time of the negotiations, and operations of the inflation provision, the subcommittee cannot form any firm conclusions about the reasons for the enormous overrun.

A repricing formula built into the contract was also revealed in the November testimony. The repricing formula is one of the most blatant reverse incentives ever encountered by this subcommittee. It should be recalled that the C–5A contract is supposed to represent an important step toward cost control. An Air Force manual on the total package procurement concept dated May 10, 1966, states that "It should produce not only lower costs on the first production units, but, in turn, a lower take-off point on the production learning curve, thus benefiting every unit in the production run." The facts about the C–5A are just the reverse. Costs for the first production units are greatly exceeding original estimates, resulting in a higher take-off point on the production learning curve, thus inflating every unit in the production run. In addition, the contract is supposed to provide the Government with binding commitments on price and performance. Obviously, there is in fact no binding commitment on price if the price can be modified upwards, as is being done in the C–5A, because actual costs are exceeding estimates. Whether the actual performance of the C–5A lives up to its promise remains to be seen. On the matter of delivery, it is interesting to note that the Air Force announced on February 25, 1969, a 6-month delay in the first operational C–5A aircraft, from June 1969 to December 1969.

Not only were the price increases made possible by the repricing formula, but the cost overruns which are resulting in the higher prices may very well have been encouraged by the existence of the formula and by the nature of the formula. For the mere fact that a repricing provision existed in the contract constituted a built-in get-well remedy for almost any kind of cost growth. According to this provision, the price of the second increment (run B) could be increased on the basis of excessive actual costs on the first increment (run A). The motivation, if any, of the incentive feature of the contract is thereby largely nullified, provided the contractor is confident that the Government will exercise the option. Why bother to keep costs down if their increase forms the basis for a higher price? Additionally, because of the nature of the formula, the higher the percentage of overrun over the original contract ceiling price on the first increment, the higher the percentage by which the second increment is repriced.

The subcommittee learned, on the morning of the January 16, 1969 hearing, that the Air Force had exercised the run B option for 57 additional C–5A aircraft, apparently committing the Government to spend at least $5.1 billion on aircraft originally estimated to cost $3.3 billion. The subcommittee was dismayed to learn that this decision was made before the completion of the GAO investigation and without a full disclosure of the reasons for the cost overruns. The public interest in economy in Government was not served by this precipitous decision, announced a few hours before the start of a congressional hearing and a few days before the inauguration of the new President.

II. PENTAGON POLICY ON INFORMATION AND PERSONNEL: A PROBLEM OF EXECUTIVE SECRECY AND EMPLOYEE CONTROL

A. Secrecy and failure to disclose information on the C–5A and other Air Force programs

To inquire into the problem of profits and cost control in a major weapons system procurement, the subcommittee first questioned the Deputy Assistant Secretary of Defense for Procurement about the C–5A on November 12, 1968. However, when this high procurement official was asked to comment on whether the contract price had been overrun, neither he nor anyone of a large number of backup people accompanying him were able to provide any information. In view of this official's high capacity, and the later disclosure of an enormous overrun in the C–5A program, the subcommittee is somewhat puzzled by the witnesses' unresponsiveness and lack of information on this matter.

A profit rate of 10 percent of costs was established by the Air Force and given in the request for proposals. However, when asked what the profit would be as a return on investment, the Deputy Assistant Secretary of Defense for Procurement replied that they did not know. In an insert for the record later submitted, he stated that Lockheed's profit on the C–5A contract "cannot really be estimated at this point in the program."

While the realized profits on net investment cannot be precisely known until the contract is completed, it can be estimated on the basis of what is known. The Air Force ought to know Lockheed's investment in the C–5A, the depreciation charges for which it has been reimbursed by the Government, the amount of operating capital, and the dollar equivalent of the 10 percent profit rate on costs provided in the contract. From these facts plus the number of years needed to perform the contract, at least a preliminary estimated return on investment could be made.

Perhaps the most significant facts reported by GAO in the January 16 followup hearing concerned the difficulties it was faced with by the Air Force and the contractor in trying to obtain information. In short, GAO was unable to complete its investigation. For example, the Air Force refused, until 2 days prior to the hearing, to provide information requested by GAO on costs to produce the first 58 planes, causes of the overrun, and whether January 31, 1969, was a firm date under the contract by which the Government was required to exercise its option on run B. The grounds of the refusal were that cost estimates for run A were an important element to be considered in negotiating for the option quantity and public disclosure of this information might compromise the negotiations between the Air Force and Lockheed.

On January 14, 1969, the Air Force supplied GAO with some of the data requested. However, because of the short period of time remaining before the hearing on January 16, GAO was not able to analyze or verify the information received. GAO was also unable to identify the reasons for the overruns. The Air Force refused to provide the C–5A requirement studies requested on the grounds that such information is not releasable.

When GAO requested estimates of cost overruns from the contractor, it was refused and advised to write to the Air Force Systems Program Office. At the time of the hearing, GAO had not received a reply to its letter to the Systems Program Office. According to GAO, access to recorded costs, as opposed to estimated future costs and overruns, was given.

GAO also testified that the Air Force told it the information on overruns would be made available to GAO provided GAO promised not to make it public. Secretary Charles later testified that the possibility of providing the information on overruns to Congress on a restricted basis, that is, on the condition that there would be no public disclosure, was not discussed with GAO. Further, when asked whether the Air Force would have supplied the information to Congress on such a condition, Secretary Charles replied that it probably would not have supplied the data.

Clearly, the Air Force failed to fully cooperate with GAO in its investigation of the C–5A overruns. It withheld the requested information for almost 7 weeks, then provided some information by letter less than 2 days before the hearing. The information that was finally provided was less than complete and independent corroboration and analysis of the Air Force data prior to the January 16 hearing was not possible. In effect, GAO was not able to do much more than transmit to the subcommittee the contents of the Air Force letter of January 14, 1969.

The subcommittee was shocked to learn that the repricing formula has been used on at least two other major weapons procurements, and of large overruns on other TPPC contracts. The subcommittee queried Secretary Charles on the cost status of some of these contracts. On the SRAM (short range attack missile), in which the repricing formula was used, the subcommittee was informed that "disclosure of any Air Force estimates is premature and could prejudice the Government's position in its efforts to obtain the best price in negotiations with the contractor." The subcommittee has reason to believe that the Air Force is simply concealing from the public the fact that there is a large overrun in this program.

On the Mark II Avionics program (radars, computers, and inertial equipment for the F111D) the oiginal contract price for R.D.T. & E. and production was $143 million. Secretary Charles conceded that the actual cost "may go as high as $360 million."

On the Mark XVII program (reentry system for Minuteman), the original contract price for R.D.T. & E. was $36.4 million. The cost to completion at the time this contract was terminated was $70.2 million.

The subcommittee also requested cost overrun information for the B–52, Minuteman, F–4 and F–111 programs. Secretary Charles stated he would try to provide the information for the record. However, he later told the subcommittee in a written statement that information on the cost overruns in those programs which would permit a meaningful comparison with the experience on the C–5 is not readily available and that it is doubtful that useful information for comparison purposes could be developed.

The subcommittee believes the Air Force evaded the request for cost overrun information on major programs. It should not be as difficult as the Air Force is making it seem to supply information on original estimated program and unit costs, current status, and estimated cost to completion. The subcommittee is deeply concerned over what appeared to be a pattern at the highest levels of the Defense Department and the Air Force of nonresponsiveness, failure to disclose evasiveness, and even concealment of information relating to profits, costs and cost overruns on military procurements throughout the inquiry. The difficulties encountered by the subcommittee in the C–5A investigation, the great reluctance of the Air Force to cooperate, and its attempts to obstruct the subcommittee, as will be further demonstrated in the next section of this report, is a case in point.

B. The Fitzgerald affair

A. E. Fitzgerald is the Deputy for Management Systems, Office of the Secretary of the Air Force. As stated in the discussion of the C–5A cost overruns, he was responsible for the development of the management controls used on the C–5A program and was also a member of the steering committee directing a financial review of the C–5A. Mr. Fitzgerald's work in connection with the C–5A program was, however, only a part of his broader responsibility for developing improved cost controls. His efforts in this regard extend over a period of many years in both private and public employment. The subcommittee invited Mr. Fitzgerald to testify in the hearings on the economics of military procurement because of the high quality of his past work and his widely acknowledged expertise.

The circumstances surrounding the appearances before the subcommittee of A. E. Fitzgerald, on November 13, 1968, and January 16, 1969, and the substance of his testimony, raise questions that go even beyond the important question of cost controls in defense procurement. These questions penetrate to the heart of the relationship between the executive and legislative branches of government, to the ability of Congress to gather facts, and to the right of the people to know the truth about the ways its dollars are being spent by the Defense Department.

1. Interference With Witness

First, an effort was made within Department of Defense to prevent Fitzgerald from appearing before the subcommittee as a witness. It was only because of the repeated urging of the subcommittee, following the letter of invitation to Fitzgerald dated October 18, 1968, that he was granted permission to make an appearance. When this permission was granted, however, the subcommittee was advised by Department of Defense that Fitzgerald was to appear as a "backup" witness. The principal witness, according to Department of Defense, was to be another individual, one with whom the subcommittee was not familiar, had not communicated with, and did not invite.

Second, Fitzgerald was directed by some anonymous official in the Department of Defense not to provide the subcommittee with a written statement. The subcommittee had requested that a written statement be submitted by the witness prior to the hearing, as is the usual practice. A written statement permits the witness to order his ideas and facts, including statistical data, charts, and other exhibits, into a well-thought-out form, and provides the subcommittee with an opportunity to familiarize itself with the testimony and have a more fruitful dialog with the witness. After inquiring of Department of Defense and Air Force spokesmen in November and December 1968, the committee is still not certain why the witness was directed to not prepare a written statement, or who originated the directive to so restrict his testimony.

Third, transmittal of written inserts prepared by Fitzgerald at the subcommittee's request, to supplement his oral testimony, was unduly delayed by officials of the Pentagon. The request for additional cost data on the C–5A and other information was made by Senator Proxmire on November 13, 1968. Fitzgerald prepared his supplemental testimony and submitted it to his superiors for transmittal to the subcommittee within 2 or 3 days after his original appearance. The supplemental testimony included a breakdown of the C–5A probable costs to completion, drawn from independent estimates performed by Air Force Systems Command and the Air Force Staff Cost Estimating Specialists. Because there had been no public disclosure of the C–5A overrun prior to the hearings, it was extremely important for the subcommittee and the Congress to have the cost estimates.

Yet, despite repeated inquiries to DOD by the subcommittee the full supplemental testimony was not transmitted to the subcommittee until January 15, 1969, 2 months after they had been prepared by Fitzgerald and 1 day before the January 16 hearing.

Fourth, the Air Force transmitted to the subcommittee for insertion in the record data and documents purporting to represent the supplemental testimony of Fitzgerald. These materials were received by the subcommittee on December 24, 1968. They were labeled, "Insert for the record/testimony of A. E. Fitzgerald." A routine check with Fitzgerald revealed that the cost estimates for the C–5A contained in the materials were not the same cost estimates which he had submitted along with the materials to his superiors.

Apparently, Air Force officials had altered the cost estimates submitted by Fitzgerald prior to transmitting them to the subcommittee. The effect of the change in figures was to reduce the amount of the C–5A overrun.

The Air Force was advised that the subcommittee would accept as the "Testimony of A. E. Fitzgerald" only the data and information that the witness himself wished to include in the record. Subsequently, on January 15, the subcommittee received the package referred to above. The second package was also labeled "Insert for the record/testimony of A. E. Fitzgerald."

Fifth, on September 6, 1968, Fitzgerald was notified that his job was reclassified and brought under civil service regulations. The reclassification gave him job tenure and would prevent his dismissal without cause. However, less than 2 weeks after he testified in November, he received a second notice advising him that the first notice was a mistake. He no longer had tenure or job protection.

The Air Force stated on January 16, 1969, that the mistake was due to a rare "computer error," that he was not entitled to tenure in the first place. The Air Force has also denied that any punitive action has been taken against Fitzgerald as a result of his appearance before the subcommittee. Yet, during the hearing a memorandum to the Secretary of the Air Force from his administrative assistant, dated January 6, 1969, was produced setting forth three types of actions "which could result in Mr. Fitzgerald's departure." The actions set forth were: (1) adverse actions for cause, (2) reduction in force, and (3) conversion of Fitzgerald's position from excepted category to career service, and not selecting him in the subsequent competitive procedures. In explaining the third possibility, the memo states "this action is not recommended since it is rather underhanded and would probably not be approved by the Civil Service Commission, even though it is legally and procedurally possible." This action indicates not only that it was possible to convert Fitzgerald's position from excepted to career service, but also that disciplinary action against him was at least under serious consideration and made the subject of study and reduced to writing.

The subcommittee's evaluation of the evidence with respect to the testimony of A. E. Fitzgerald, and the events following his appearance before this subcommittee, were well expressed by the chairman in his closing remarks on January 16, 1969:

Chairman PROXMIRE: Well, Mr. Fitzgerald, I want to say to you finally that you have been an excellent witness, and if there were a computer into which you could put courage and integrity, you certainly would be promoted rather than have your status in such serious and unfortunate jeopardy.

"The Air Force can say, and the armed services can say, that their officials are free to speak any time and tell the Congress the facts as they see them. But it is going to be very hard for the public and the Congress to accept that if there is any further disciplinary action against you."

2. Concealment of Overrun

The almost frantic efforts on the part of the DOD to first prevent, then restrict, then interfere with Fitzgerald's testimony cannot obscure the facts which indicate a huge C–5A overrun, or the fact that were it not for this courageous Government employee the overrun may have remained undisclosed. As recently as March 5, 1968, the Air Force assured another committee of Congress that the current costs of the C–5A were within the original cost estimates, "in the range where it should be between the target and the ceiling costs." Yet, Fitzgerald testified that overruns were detected by the Air Force in the summer of 1966, through monthly reports submitted by Lockheed.

It is interesting to note that the requirement for monthly contractor reports had been initiated by the Office of Financial Management of the Air Force as an effort to improve procedures to control the C–5A program. The growth of the overrun in the monthly reports prompted a visit by an Air Force team, including Fitzgerald, to the Air Force plant in Marietta, Ga., in November 1966. A review of cost data at that time revealed overruns of 100 percent in key segments of the program. At that time, the contractor denied there was a substantial overrun. But 3 weeks later the Air Force team revisited the plant and the contractor conceded there was a large overrun.

While the overrun was steadily growing, evidence of its existence began disappearing from DOD internal reports. To compensate for the absence of good cost reports, the Air Force teams went to the plant in Marietta to attempt to keep up with the program. However, according to Fitzgerald, early in 1968 internal Air Force reports began showing either no overrun or overruns far less than those generally acknowledged to exist. When Fitzgerald requested audit assistance to find out why the reports appeared to be in error it became apparent that the internal Air Forc reports "had been changed by direction from higher headquarters." Fitzgerald was unable to determine who in the Government had ordered the changes in the reports. One of the reports referred to in testimony January 16, 1969, containing C–5A cost estimates for the spring of 1968, includes the following statement: "The resulting aeronautical system division cost team estimates for Lockheed are not shown in this report per direction of higher headquarters." The audit requested by Fitzgerald was never completed.

Only after the November 1968 hearings before this subcommittee did the Air Force officially acknowledge that there was a large overrun in the C–5A program. It is unfortunate, and still unexplained, why corrective action was not taken when the overrun was first discovered in 1966. The Air Force did not seem to be as zealous to control costs as it was to control employees who wanted to control costs.

3. Cost Control as an Antisocial Activity

Considerable testimony was received on the need to protect and encourage Government personnel attempting to keep the costs of procurement down. But cost control has been interpreted by many within and outside of Government as antisocial activity. The phenomenon of officials in the bureaucracy pushing for ever-enlarged programs is widely known. To such bureaucrats, any employee who wants to cut costs, and possibly reduce the size of the program, is stepping out of line.

The problems encountered by Fitzgerald in connection with the C–5A were underlined by Admiral Rickover. According to the admiral, subordinates in DOD are supposed to "hew to the party line." Personnel who speak out against excessive costs may be subjected to disciplinary action. Rickover testified: "We have all heard of cases where Government personnel were apparently 'punished' for speaking out against the policies of their superiors. I do not mean the spectacular punishments that might be meted out to a dissenter in other countries; but there are subtle methods of reprisal that have been brought to bear against subordinates who publicly refuse to toe the agency line."

Colonel Buesking similarly observed that the sanctions have been imposed on those who have attempted to bring about major improvements in reducing costs. He testified: "It has been my personal observation that a number of competent people who did attempt to stimulate major change in the cost environment are no longer involved in working that particular environment."

In a written statement submitted for the record by Fitzgerald, a civilian employee of the Navy, Mr. Gordon Rule, cautioned his fellow civilian employees engaged in controlling costs to expect resistance not only from the contractor but from people in the Government as well. Mr. Rule stated: "This 'homefront' resistance can be much more brutal than that from a contractor."

The subcommittee is deeply disturbed over the evidence of the lack of support for those conscientious individuals in DOD who want to reduce procurement costs. The negative attitude toward cost control and the apparent hostility against those who try to perform this function, is another example of "reverse incentives" in military procurement.

III. RECOMMENDATIONS

Military industrial indicators

The Federal Government has not been adequately controlling military spending. As a result, substantial unnecessary funds have been spent for the acquisition of weapons systems and other military hardware. Mismanagement and laxity of control over this expensive program are creating heavy burdens for every taxpayer. The evidence is convincing that procurement expenditures can be substantially reduced without diminishing national security. Good information is a condition precedent to the attainment of Government control over military procurement. Presently we do not have sufficient information about much of the procurement process including profitability, status of program costs, overruns, subcontracting, military prices, cost allocation, performance, and number of retired military employed by defense contractors. The recommendations that follow are designed to establish a basis for developing methods to systematically obtain and publicly disclose this information.

The GAO is being asked to develop what might be considered military-industrial indicators. Ideally, when compiled the information can be distributed in a single publication to the Congress. It is important that GAO, the investigative and auditing arm of Congress, develop this information system under its existing statutory authority, without resorting to questionnaires soliciting voluntary submissions of data. One of the most serious deficiencies in the military procurement program has been the failure of the Defense Department to provide itself, the Congress, and the public with the information necessary for a proper accounting of the tens of billions of dollars spent each year. This information should now be developed through congressional initiative and published on an on-going basis by an agency independent of the defense establishment.

The purpose of military-industrial indicators is to provide the basis for on-going reports to Congress and the public on the status of military expenditure, with individual program costs and other appropriate breakdowns. The taxpayers are entitled to know how their money is being spent for military purchases, and whether it is being well spent.

1. The GAO should conduct a comprehensive study of profitability in defense contracting. The study should include historical trends of "going-in" and actual profits considered both as a percentage of costs and as a return on investment. Profitability should be determined by type of contract, category of procurement, and size of contractor. Information for the study should be collected pursuant to the statutory authority already vested in the GAO. The GAO should also devise a method to periodically update and report the results of its profits study to Congress.

2. Total-package and other large contracts amounting to hundreds of millions of dollars and extending over several years should be broken down into smaller, more manageable segments. It should be possible to break contracts into segments short enough in duration for periodic evaluation of accomplishment, representing parts of the total program with definable objectives, and yet large enough to include acknowledged functions such as engineering and manufacturing, and work sequences such as design phases and fabrication lots.

3. GAO should develop a weapons acquisition status report, to be made to Congress on a periodic basis, and to include the following information:

a. Original cost estimates, underruns and overruns on work completed as of effective date of report, current estimated cost at completion, total actual cost, including underruns or overruns, scheduled and actual deliveries and other major accomplishment milestones such as major design reviews, first article configuration inspection, roll out and flight of first airplane, launching of ship, and so forth, for all programs in excess of $10 million. Estimated and actual unit costs should be included. Where there are cost variances, whether they be underrun or overrun, GAO should separate them into their components such as labor, labor rates, overhead rates, material and subcontract costs, and general and administrative expense.

b. So-called "progress payments," made by the Government on firm-fixed and fixed-price incentive contracts in excess of $1 million, compared to work segments satisfactorily completed, rather than simply costs incurred.

c. Technical performance standards which would compare actual performance of weapons systems and other hardware to contract specifications.

d. Impact on costs, schedules, and technical performance of authorized contract changes from contract base line described in *a*., *b*., and *c*. above. GAO should be prepared

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to furnish backup data to support impact on a change-by-change basis.

4. GAO should develop a military procurement cost index to show the prices of military end products paid by the Department of Defense, and the cost of labor, materials, and capital used to produce the military end products.

5. GAO should study the feasibility of incorporating into its audit and review of contractor performance the should-cost method of estimating contractor costs on the basis of industrial engineering and financial management principles. The feasibility study should, if possible, be completed by the end of the current calendar year.

6. GAO should compile a defense-industrial personnel exchange directory to record the number and places of employment of retired or former military and civilian Defense Department personnel currently employed by defense contractors, and the number and positions held by former defense contractor employees currently employed by the Defense Department.

The directory should include the names of all retired military or former military personnel with at least 10 years of military service, of the rank of Army, Air Force, or Marine colonel or Navy captain or above, former civilian personnel who occupied supergrade positions (GS-16 and above) in the Department of Defense, and former defense contractor employees who occupy supergrade positions (GS-16 and above) in the Department of Defense.

Department of Defense activities

7. The Defense Department should collect complete data on subcontracting including total amount of subcontracts awarded, competitive and negotiated awards, subcontract profits, type of work subcontracted out, the relationship between the prime contractor and the subcontractors, the amount of business done by the subcontractor for the prime contractor, and compliance with the Truth-in-Negotiations Act. GAO should have access to this information and should make it available to Congress on an on-going basis.

8. The Defense Department should require contractors to maintain books and records on firm-fixed-price contracts showing the costs of manufacturing all components in accordance with uniform accounting standards.

9. The subcommittee once again makes its longstanding and unheeded recommendation that DOD make greater use of true competitive bidding in military procurement, and that the tendency to award contracts by noncompetitive negotiation be reversed.

Legislative action

10. Legislative action should be taken to make the submission of cost and pricing data mandatory under the Truth-in-Negotiations Act for all contracts awarded other than through formally advertised price competition procedures, and in all sole source procurements whether formally advertised or not.

11. Legislative action should be taken to establish uniform guidelines for all Federal agencies on the use of patents obtained for inventions made under Government contract.

THE VOTING RIGHTS ACT

Mr. KENNEDY. Mr. President, 2 weeks ago, on behalf of Senator CANNON and myself, I introduced S. 2165, a bill to amend the Voting Rights Act of 1965 to enable citizens who change their residences to vote in presidential elections. As I said at that time, one of the most distressing facts of our modern democratic process is that large members of American citizens are unable to participate in the election of their President because they fail to meet the lengthy and unfair residence requirements established by many of the States. Whatever the merit of lengthy residence requirements in elections for the Senate and House of Representatives, or for State and local office, such requirements are hardly valid for presidential elections, where the issues are national and transcend State and local boundaries.

S. 2165, the bill that I have introduced, would amend the Voting Rights Act of 1965 to limit State and local residence requirements for voting in presidential elections to a period of 30 days. Under this amendment, citizens who change their residence will have a maximum opportunity to vote for their President, and the States will have ample opportunity to establish orderly election procedures, including voter registration, and to take adequate precautions for the prevention of voting frauds.

At the time I introduced the bill, I had asked the Bureau of the Census to determine as accurately as possible the number of persons disqualified from voting in the 1968 presidential election because of their failure to meet State, county, or precinct residence requirements. I also asked the Bureau to determine the number of persons who would have been disqualified from voting if State and local residence requirements had been limited to a maximum period of 30 days, as proposed in S. 2165.

I have now received the estimates from the Census Bureau. They reveal that a total of approximately 1,928,000 otherwise eligible voters were disfranchised in the 1968 presidential election in the United States because of State or local residence requirements. According to the Bureau's calculations, only 283,000—or less than 15 percent of these citizens would have been disfranchised had the residence requirements been limited to 30 days, as proposed by S. 2165.

The accompanying table summarizes the data made available by the Census Bureau on a State-by-State basis. In addition to providing estimates of the number of citizens disfranchised in presidential elections by existing residence requirements as compared to the number who would have been disfranchised under the provisions of S. 2165, the table also estimates that a total of 5,270,000 citizens were disfranchised in congressional elections, and in State and local elections, because of the residence requirements applicable to those contests.

The census estimates were compiled from the Bureau's 1968 annual national survey of interstate, intercounty, and intracounty migration within the United States. The national migration figures were allocated among the States on the basis of the State-by-State distributions of the three migration categories in the 1960 census. For each State, the estimated number of migrants disqualified from voting because of State or local residence requirements was calculated from the length of the applicable requirements. In the case of precinct requirements, it was arbitrarily assumed that one-half of all intracounty migrants had crossed precinct boundaries.

The method of calculation may be illustrated by the following example. If a State's election laws imposed a residence requirement of 3 months in the State, 2 months in the county, and 1 month in the precinct, and there were 36,000 interstate migrants, 24,000 intercounty migrants, and 12,000 intracounty migrants, then the total number of disfranchised voters in the State would be 13,500, determined as follows:

State residence requirement: 36,000 times three-twelfths equals 9,000.

County residence requirement: 24,000 times two-twelfths equals 4,000.

Precinct residence requirement: 12,000 times one-half times one-twelfth equals 500.

Making a total of 13,500 disfranchised voters.

The Census Bureau emphasized that the technique employed to derive these figures does not have the sophistication or the precision of the Bureau's regular estimating procedures. Nevertheless, the figures are useful as indicating the overall magnitude of the number of voters disfranchised under the helter-skelter residence requirements of our existing laws. More important, the figures also indicate the substantial beneficial impact the bill I have proposed would have in reducing this number.

As the figures make clear, in spite of the fact that a number of States have enacted special remedial legislation to reduce the residence requirement for voting in presidential elections, a significant group of our citizens were still unable to vote for their President in 1968. Many States, including some of the States where special legislation has been enacted, continue to impose unreasonably long residence requirements on their citizens as a condition of voting.

To be sure, absent the special residence requirements enacted in certain States for presidential elections, more than 5 million citizens across the Nation would have been disqualified from voting for their President in 1968 by State and local residence requirements. Thus, it is clear that the States, themselves, have gone part of the way in meeting this problem. Even allowing for the special State laws applicable to presidential elections, however, nearly 2 million citizens were disfranchised in the 1968 election.

As this figure demonstrates, there are still far too many of our citizens who are unable to vote for their President. The legislation I have proposed would reduce the number of disfranchised voters from its present level of 2 million citizens to less than 300,000, or a reduction of about 85 percent. The plight of the "lost" voters in our Nation's most important election is urgent, and I am hopeful that Congress will act at the earliest opportunity to eliminate this arbitrary and unjust disqualification that mars the basic working of our modern American democracy.

I ask unanimous consent that the table to which I have referred be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

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ESTIMATES OF CITIZENS DISQUALIFIED FROM VOTING IN THE 1968 ELECTION BY STATE AND LOCAL RESIDENCE REQUIREMENTS

	Residence requirements[1]				Citizens disqualified from voting by residence requirements[2]		
	Congressional, State, and local elections						
State	In State	In county	In precinct	Presidential election	Congressional, State, and local elections	Presidential election	Presidential election, if S. 2165 enacted (30-day maximum residence period)
Alabama	1 year	6 months	3 months[3]	Not applicable	114,000	114,000	5,000
Alaska	do	None	30 days	No minimum	25,000	0	0
Arizona[4]	do	30 days	do	60 days	90,000	14,000	7,000
Arkansas	do	6 months	do	Not applicable	64,000	64,000	3,000
California	do	90 days	54 days	54 days	734,000	78,000	44,000
Colorado	do	do[3]	20 days	2 months in State, 2 months in county, 15 days in precinct.	90,000	13,000	6,000
Connecticut[4]	6 months	6 months in town	None	60 days	90,000	10,000	5,000
Delaware	1 year	3 months	30 days	3 months	18,000	4,000	1,000
District of Columbia	do	None	None	Not applicable	33,000	33,000	3,000
Florida	do	6 months	45 days	30 days	402,000	28,000	28,000
Georgia	do	do	None	do	142,000	7,000	7,000
Hawaii	do	3 months	3 months	Not applicable	34,000	34,000	2,000
Idaho	6 months	30 days	90 days for county seat election	60 days	12,000	4,000	2,000
Illinois	1 year	90 days	30 days	60 days in election district	240,000	125,000	14,000
Indiana	6 months	60 days in township	do	Not applicable	71,000	71,000	7,000
Iowa	do	60 days	10 days for municipal and special elections.	do	31,000	31,000	3,000
Kansas	do	None	30 days	45 days in township or precinct	40,000	23,000	5,000
Kentucky	1 year	6 months	60 days	Not applicable	104,000	104,000	5,000
Louisiana	do	do	3 months[3]	do	113,000	113,000	4,000
Maine	6 months	3 months in city or town	None	30 days	21,000	2,000	2,000
Maryland	1 year	6 months	6 months[3]	45 days in ward or election district	175,000	32,000	8,000
Massachusetts	do	None	do	31 days in city or town	211,000	30,000	6,000
Michigan	6 months	30 days in city or township[3]	None	No minimum	84,000	0	0
Minnesota	do	None	30 days[5]	30 days	43,000	5,000	5,000
Mississippi	2 years	do	1 year	Not applicable	183,000	183,000	3,000
Missouri	1 year	60 days	None	60 days	108,000	15,000	7,000
Montana	do	30 days	do	Not applicable	20,000	20,000	2,000
Nebraska	6 months	40 days	10 days	No minimum	20,000	0	0
Nevada	do	30 days	do	Not applicable	12,000	12,000	2,000
New Hampshire	do	6 months in town[3]	None	30 days	22,000	1,000	1,000
New Jersey[4]	do	40 days	do	40 days in county	85,000	30,000	12,000
New Mexico	1 year	90 days	30 days	30 days in county	54,000	5,000	4,000
New York[4]	3 months	3 months	3 months	30 days in election district	295,000	98,000	14,000
North Carolina	1 year	None	30 days[3]	60 days	91,000	12,000	6,000
North Dakota	do	90 days	do	No minimum	16,000	0	0
Ohio	do	40 days	40 days	do	218,000	0	0
Oklahoma	6 months	2 months	20 days	do	44,000	0	0
Oregon	do	30 days	30 days	do	36,000	0	0
Pennsylvania	90 days	None	60 days in district	Not applicable	124,000	95,000	9,000
Rhode Island	1 year	6 months in town or city	None	do	38,000	22,000	2,000
South Carolina	do	6 months	3 months	do	80,000	80,000	4,000
South Dakota	do	90 days	30 days[3]	do	20,000	20,000	1,000
Tennessee	do	3 months	None	do	79,000	79,000	5,000
Texas[4]	do	6 months	do	60 days	321,000	30,000	15,000
Utah	do	4 months	60 days	Not applicable	33,000	33,000	2,000
Vermont	do	90 days in town[3]	None	do	13,000	10,000	1,000
Virginia	do	6 months	30 days	do	185,000	185,000	10,000
Washington	do	90 days	do	60 days	113,000	15,000	7,000
West Virginia	do	60 days	None	Not applicable	30,000	30,000	2,000
Wisconsin[4]	6 months	None	10 days[3]	No minimum	33,000	0	0
Wyoming[4]	1 year	60 days	do[3]	Not applicable	17,000	17,000	1,000
Total					5,270,000	1,928,000	283,000

[1] Source: U.S. Senate, Office of the Secretary, "Nomination and Election of the President and Vice President of the United States" U.S. Government Printing Office, January 1968. Corrected to Sept. 18, 1968. (Residence requirements essentially as published by the Bureau of the Census in "Current Population Reports," series P-25, No. 406, Oct. 4, 1968.) (Colorado requirements and figures corrected for new law enacted Apr. 23, 1968.)

[2] Figures may not add to total because of rounding.

[3] If less may vote in old precinct.

[4] State permits former residents to vote for President and Vice President where not qualified in new State of residence.

[5] If less may vote in old precinct if in same municipality.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE SECRETARY OF DEFENSE

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a confidential report on support furnished from military functions appropriations for Vietnamese and other free world forces in Vietnam and local forces in Laos and Thailand (with an accompanying report); to the Committee on Appropriations.

REPORTING PURSUANT TO LAW ON DEFERMENT OF THE 1969 CONSTRUCTION PAYMENT DUE THE UNITED STATES FROM THE SAN ANGELO WATER SUPPLY CORP. IN CONNECTION WITH THE SAN ANGELO RECLAMATION PROJECT, TEXAS

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on deferment of the 1969 construction payment due the United States from the San Angelo Water Supply Corp. in connection with the San Angelo Reclamation Project, Texas; to the Committee on Interior and Insular Affairs.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

John Conrad Clark, of North Carolina, to be a member of the Board of Directors of the Export-Import Bank of the United States.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

Senate joint resolution, adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION 10

"Whereas, The increasing burden of property taxes on homeowners is of nationwide concern; and

"Whereas, The California Legislature has provided for a $70 rebate in 1969 of property taxes paid by homeowners for the 1968–1969 fiscal year; and

"Whereas, Under federal income tax law, this tax relief may be reduced by the inclusion of the rebate as income for federal income tax purposes; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to exclude the $70 homeowners' property tax rebate from income for federal income tax purposes; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two Senate joint resolutions, adopted by the legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION 3

"Whereas, The U.S. Corps of Engineers has received plans of the City of Los Angeles for a water reclamation facility in the Sepulveda Dam Basin of the San Francisco Valley; and

"Whereas, The City of Los Angeles seeks only 86 acres of undeveloped land for a 38-million-dollar water reclamation-sewage treatment plant that would reclaim 200 million gallons of water daily for purposes of irrigation, lakes, and replenishment of the downstream spreading grounds; and

"Whereas, Such a water reclamation plant would solve the serious crisis which is developing with respect to the disposal of sewage in the San Fernando Valley, as well as make available free water to make green large areas of the Sepulveda Basin and of Griffith Park; and

"Whereas, In an arid region where generally there is little rain and where water necessary for the future growth and development of the region must be imported, water reclamation should be encouraged to the fullest extent practicable; and

"Whereas, The construction of a water reclamation facility in the Sepulveda Basin would not detract from the recreational value of that land in the basin which has been leased to the city for recreational use, but would be a source of new recreational benefits for the entire area; and

"Whereas, The vital public interest in the construction of this project warrants a prompt and thorough review by the U.S. Corps of Engineers with full consideration being given to recreation, water reclamation, sewage capacity, and the future growth of the City of Los Angeles; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the U.S. Army Corps of Engineers to accept the application of the City of Los Angeles for permission to construct a water reclamation facility in the Sepulveda Dam Basin of the San Fernando Valley in the interest of the enhancement of the recreational resources of the area, the provision of vitally needed water reclamation and sewage capacity, and the insurance that the requirements for the future growth and development of the City of Los Angeles will be met; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Secretary of the Army, to the Chief Engineer of the U.S. Army Corps of Engineers, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION 9

"Whereas, The coastline of California is of unique scenic beauty and is one of the state's greatest natural resources; and

"Whereas, The coastal fish and wildlife resources of California furnish a significant contribution to the state's economy; and

"Whereas, The California coast is under continuous hazard from oil and gas development operations which may result in oil escapement on federally controlled outer continental shelf lands; and

"*Whereas, The State of California and cities and counties within the state have an exigent interest in offshore oil and gas development operations conducted under federal leases and survey permits but have no voice in the granting of such leases and permits by the federal government; and*

"Whereas, The State of California, acting through its Governor and its legislative representatives, has requested that the authority for inspection and control of offshore oil and gas development in federally controlled areas beyond the three mile limit be vested in the state; and

"Whereas, The Government of the State of California has demonstrated a high degree of reliability in its inspection of, and regulations over, oil and gas developments on all onshore and offshore lands within state boundaries; and

"Whereas, The transfer of the inspection function from federal to state control would provide uniformity of protection through uniform inspection and regulation practices; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide *for the holding of a public hearing within the affected local area of California, upon adequate notice thereof, on the matter of any future oil and gas development operation which would be conducted off the California coast whenever the granting of a federal lease or survey permit for any such operation is under consideration, such hearing to be held prior to the granting of any such lease or permit; and be it further*

"*Resolved, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide* for the immediate transfer of inspection and regulation of oil and gas developments off the California coast outside the three-mile limit to the State of California; and be it further

"*Resolved,* That the enactment of legislation providing for such transfer also provide the necessary funding to carry on the inspection program; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, and to each Senator and Representative from California in the Congress of the United States."

Two Senate joint resolutions, adopted by the Legislature of the State of California; to the Committee on Public Works:

"SENATE JOINT RESOLUTION 13

"Whereas, There exists in the Carpinteria Valley a severe flooding problem which affects hundreds of homes, local schools, valuable agricultural lands, highway and railroad transportation, and the health and safety of the citizens residing in the area; and

"Whereas, Three separate floods devastated the Carpinteria Valley in January 1969; and

"Whereas, A federally financed flood control project under the provisions of Public Law 566 is proposed for the Carpinteria Valley watershed, which would eliminate the flooding problem; and

"Whereas, Such flood control project has been found to be economically feasible, and the watershed work plan, which constitutes the feasibility report for such project, has been submitted to the federal Administrator of the Soil Conservation Service for review and transmittal to the Congress; and

"Whereas, The urgent necessity for flood protection requires quick action by the Congress and the Administrator of the Soil Conservation Service in approving the work plan, authorizing the project, and appropriating funds for the beginning of engineering and construction; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California respectfully requests state and federal agencies to expedite their review of the Carpinteria Valley Watershed Project Work Plan and to forward their comments to the Administrator of the Soil Conservation Service without delay; and be it further

"*Resolved,* That the Administrator of the Soil Conservation Service is requested to approve the work plan and to include the Carpinteria Valley Watershed Project in the group of PL 566 projects to be submitted to the Congress in the near future; and be it further

"*Resolved, That the Soil Conservation Service and the local sponsoring agencies are requested to cooperate with the Department of Fish and Game in protecting and improving wildlife conditions in the project area, and especially in devising ways to enhance the management of El Estero Marsh for such purposes; and be it further*

"*Resolved,* That the Legislature memorializes the Congress to approve, authorize, and appropriate funds for the beginning of work on the Carpinteria Valley Watershed Project; and be it further.

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the Soil Conservation Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION 17

"Whereas, In January and February of this year areas of Santa Paula Creek in Santa Paula, California, were devastated by disastrous flooding; and

"Whereas, Extensive damage to property, both public and private, has been caused by the severe flooding which has occurred this year; and

"Whereas, These events clearly manifest the critical need for protective flood control works in Santa Paula Creek; and

"Whereas, The amounts allocated for this purpose in the proposed federal budget for the next fiscal year are grossly inadequate; and

"Whereas, The Santa Paula Creek Flood Control Project is acknowledged as the most critical project in Ventura County; and

"Whereas, The widespread demand for federal flood control projects points to the need for establishing a priority program in which the necessary funds are appropriated to immediately undertake the most critical projects; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly,* That the legislature of the State of California respectfully memorializes Congress to appropriate the necessary funds to immediately undertake the construction of the Santa Paula Creek Flood Control Project; and be it further

"*Resolved,* That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A Senate concurrent resolution, adopted by the Legislature of the State of Florida; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION 1172

"A concurrent resolution ratifying the Nineteenth Amendment to the Constitution of the United States relating to the right of all citizens to vote

"Whereas, the Congress of the United States of America in both houses by a constitutional majority of two-thirds thereof has amended the Constitution of the United States in the following words:

" 'Senate Joint Resolution proposing an amendment to the Constitution of the United States relating to the right of all citizens to vote.

" 'Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United

States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

" 'AMENDMENT XIX

" 'The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

" 'Congress shall have power to enforce this article by appropriate legislation.'

"Now, Therefore, Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

"That the said amendment to the Constitution of the United States be, and the same is hereby ratified by the Legislature of the State of Florida.

"Be it further resolved that certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.

Attest: "DON ADAMS,
"Secretary of State."

A resolution, adopted by the Legislature of the State of Minnesota; to the Committee on Post Office and Civil Service:

"RESOLUTION 6

"A resolution memorializing Congress, the President, and the Bureau of the Census to include censuses of school districts in the federal census.

"Whereas, in Minnesota, the school district is one of the most important divisions of government; and

"Whereas, a census of Minnesota school districts on a regular basis would be useful for many purposes; now, therefore,

"Be it resolved, by the Legislature of the State of Minnesota, that Congress and the Census Bureau should provide that future federal population censuses also include censuses of the population of school districts.

"Be it further resolved, that the Secretary of State of the State of Minnesota transmit copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Bureau of the Census, and the Minnesota Senators and Representatives in Congress.

"L. L. DUXBURY,
"Speaker of the House of Representatives.
"JAMES B. GOETZ,
"President of the Senate.

"Passed the House of Representatives this 29th day of April in the year of Our Lord one thousand nine hundred and sixty-nine.

"EDWARD A. BURDICK,
"Chief Clerk, House of Representatives.

"Passed the Senate this 14th day of May in the year of Our Lord one thousand nine hundred and sixty-nine.

"H. Y. TORREY,
"Secretary of the Senate.

"Approved May 21, 1969.

"HAROLD LEVANDER,
"Governor of the State of Minnesota.

"Filed May 22, 1969.

"JOSEPH L. DONOVAN,
"Secretary of State.

A Senate joint memorial, adopted by the Legislature of the State of Colorado; to the Committee on Finance:

"SENATE JOINT MEMORIAL 6

"Memorializing the Congress of the United States to enact legislation providing for tax credits, or unrestricted grants, or to otherwise restore to the States adequate tax sources for the support of State and local government

"Whereas, The State of Colorado has outstanding programs of state and local government which are providing services to the people of this state at levels far beyond those furnished in the past; and

"Whereas, The State of Colorado and many other states have proven their willingness and ability to develop effective programs and solve problems at the state and local level; and

"Whereas, It is essential that state and local governments assume greater responsibility in order to maintain a proper relationship between the states and national government within the concept of a balanced federal system; and

"Whereas, Many programs are currently financed and administered at local, state, and national levels with resulting inefficiency, duplication of administrative effort, and the loss of effective citizen participation, and it is desirable for the states to assert greater leadership and initiative in the formulation and administration of such programs; and

"Whereas, Federal taxes now constitute more than two-thirds of all taxes paid by Colorado citizens and it is impossible for state and local governments to adequately finance increased responsibilities within reasonable tax limits unless the tax base of the states be broadened; now, therefore,

"Be it resolved by the Senate of the forty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:

"That this General Assembly respectfully petitions the Congress of the United States to enact tax credits, or unrestricted grants, or otherwise restore to the states adequate revenues for the support of state and local government.

"Be it further resolved, That this General Assembly urges other state legislatures to adopt similar memorials to the Congress and that a copy of this memorial be transmitted to the Presiding Officer of each house of the several state legislatures.

"Be It Further Resolved, That a duly attested copy of this memorial be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of Congress from this state.

"MARK A. HOGAN,
"President of the Senate.
"COMFORT W. SHAW,
"Secretary of the Senate.
"JOHN D. VANDERHOOF,
"Speaker of the House of Representatives,
"HENRY C. KIMBOROUGH,
"Chief Clerk of the House of Representatives."

A letter from the Representative in Washington of the Territory of Guam, informing the Senate of the endorsement by the people of Guam of the proposed amendment of Senate Joint Resolution 1 to permit American citizens residing in Guam, the Virgin Islands, and Puerto Rico the right to vote for President and Vice President of the United States; to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency without amendment:

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934 (Rept. No. 91-206).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for himself, Mr. PERCY, Mr. HATFIELD, and Mr. ALLOTT):

S. 2256. A bill to authorize the Secretary of the Interior to establish the Lincoln Home Area National Historic Site in the State of Illinois; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 2257. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved sub-surface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape, and to promote comprehensive and total water management planning; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. YOUNG of North Dakota when he introduced the above bill, which appears under a separate heading.)

By Mr. SAXBE:

S. 2258. A bill for the relief of Tung Tsai Liang; to the Committee on the Judiciary.

By Mr. SCOTT (for himself, Mr. BROOKE, Mr. COOPER, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. RANDOLPH, Mr. SCHWEIKER, and Mr. TYDINGS):

S. 2259. A bill to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons; to the Committee on Banking and Currency.

(See the remarks of Mr. SCOTT when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLINGS:

S. 2260. A bill to provide private relief for certain members of the U.S. Navy recalled to active duty from the Fleet Reserve after September 27, 1965; to the Committee on Armed Services;

S. 2261. A bill for the relief of Cheng Mau Kwong; and

S. 2262.A bill for the relief of Lai Lin; to the Committee on the Judiciary.

By Mr. DODD:

S. 2263. A bill to expand the participation by State agencies in programs authorized by the Juvenile Delinquency Prevention and Control Act of 1968; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. DODD when he introduced the above bill, which appear in an earlier heading.)

By Mr. YARBOROUGH:

S. 2264. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. YARBOROUGH when he introduced the above bill, which appear under an earlier heading.)

By Mr. METCALF (for himself, Mr. MANSFIELD, Mr. ANDERSON, Mr. BURDICK, Mr. GOLDWATER, Mr. MCCARTHY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. RANDOLPH, Mr. STEVENS, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH):

S. 2265. A bill to amend the Social Security Act to extend to Indians of all tribes, under all of the existing public assistance programs, the special additional Federal matching payments presently provided only for certain specified tribes under certain specified programs; to the Committee on Finance.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 2266. A bill for the relief of Gaetano Soccadato;

S. 2267. A bill for the relief of Salvator Baio;

S. 2268. A bill for the relief of Antonio Fusco; and

S. 2269. A bill for the relief of Constantinos Lekkas; to the Committee on the Judiciary;

S. 2270. A bill to amend title II of the So-

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cial Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit;

S. 2271. A bill to provide for the conduct of certain studies by the Secretary of Health, Education, and Welfare with respect to the insurance program established by title II of the Social Security Act;

S. 2272. A bill to amend title II of the Social Security Act to increase the amount of the insurance benefits payable to widows and widowers;

S. 2273. A bill to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from benefits thereunder; and

S. 2274. A bill to amend title II of the Social Security Act so as to provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefits thereunder; to the Committee on Finance.

(See the remarks of Mr. Williams of New Jersey when he introduced the the last five above bills, which appear under a separate hearing.)

By Mr. RIBICOFF:

S. 2275. A bill to amend title 5, United States Code, to authorize payment of travel expenses of applicants invited by an agency to visit it in connection with possible employment; to the Committee on Government Operations.

(See the remarks of Mr. Ribicoff when he introduced the above bill, which appear under a separate heading.)

By Mr. RANDOLPH:

S. 2276. A bill to extend for one year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act; to the Committee on Public Works.

(See the remarks of Mr. Randolph when he introduced the above bill, which appear under a separate heading.)

By Mr. McGOVERN (for himself, Mr. Mansfield, Mr. Church, Mr. Inouye, Mr. Fulbright, Mr. Nelson, Mr. Anderson, Mr. Mondale, Mr. Gravel, Mr. Yarborough, Mr. Muskie, Mr. McGee, Mr. Hart, Mr. Young of Ohio and Mr. Randolph):

S. 2277. A bill to impose an excess profits tax on the income of corporations during the present emergency; to the Committee on Finance.

(See the remarks of Mr. McGovern when he introduced the above bill, which appear under a separate heading.)

By Mr. JORDAN of North Carolina:

S. 2278. A bill to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress; to the Committee on Rules and Administration.

(See the remarks of Mr. Jordan of North Carolina when he introduced the above bill, which appear under a separate heading.)

By Mr. CURTIS (for himself and Mr. Hruska):

S. 2279. A bill to provide for the issuance of a special series of postage stamps in commemoration of the one hundredth anniversary of the birth of the great Nebraska novelist, Willa Cather; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Curtis when he introduced the above bill, which appear under a separate heading.)

By Mr. BAKER:

S. 2280. A bill to amend section 103(c) of the Internal Revenue Code of 1954 relating to the income tax treatment of interest on industrial development bonds and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Baker when he introduced the above bill, which appear under a separate heading.)

By Mr. CASE:

S. 2281. A bill conferring jurisdiction upon the U.S. Court of Claim to hear, determine, and render judgment upon the claim of Harold Braun, of Montclair, N.J.; to the Committee on the Judiciary.

By Mr. MUSKIE:

S. 2282. A bill to authorize and direct the Secretary of Transportation to cause the vessel *Barbara Ann*, owned by Larry A. Torrey of Winter Harbor, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Commerce.

By Mr. MAGNUSON (for himself, Mr. Brooke, Mr. Cooper, Mr. Cranston, Mr. Fulbright, Mr. Goodell, Mr. Gravel, Mr. Hart, Mr. Hughes, Mr. Inouye, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. Mathias, Mr. McCarthy, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Pell, Mr. Tydings, Mr. Williams of New Jersey, Mr. Yarborough, and Mr. Young of Ohio):

S. 2283. A bill to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Magnuson when he introduced the above bill, which appear under a separate heading.)

By Mr. WILLIAMS of New Jersey:

S. 2284. A bill to improve the health and safety conditions of persons working in the coal mining industry of the United States; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Williams of New Jersey when he introduced the above bill, which appear under a separate heading.)

S. 2257—INTRODUCTION OF THE WATER BANK ACT

Mr. YOUNG of North Dakota. Mr. President, it is a pleasure for me to introduce a bill to establish the water bank program. This proposal takes aim at a number of problems confronting us today as we attempt to develop a comprehensive, long-range plan for the conservation and development of our natural resources.

Throughout the Nation today landowners and public and private agencies are faced with the necessity to plan the use and development of cur land and water resources. There are a good many options to be considered, however, and in many cases once a decision is reached and a plan is embarked upon, the process is irreversible. In many instances, these decisions lead to the loss of a valuable natural resource for all time.

We are all aware of the problems facing the Nation's farmers. They are caught in a cost-price squeeze that daily drives more and more of them from the land. In North Dakota alone, we are losing about 1,000 farmers per year.

In order to stay in business and provide an adequate living for themselves and their families, farmers are continually seeking to lower their costs, reduce their risks, and improve their efficiency. One of the most common ways of doing this has been to improve the land resources available to them. Often this has meant the use of conservation practices such as strip cropping, well-planned crop rotations, the planting of shelterbelts, and other measures. At other times, it has meant the drainage of natural wetlands.

This drainage has, generally speaking, been the farmer's only means of improving the return available to him from land in which he has made an investment, on which he pays taxes, and which represents an integral part of his unit.

This drainage, however, often represents the loss of a valuable natural resource to society as a whole. These wetlands are a valuable source of wildlife production. Their retention of runoff waters add materially to flood control and they help maintain water table levels so essential to meeting the ever-expanding demand for municipal and industrial water supplies to support an expanding population.

It has long been recognized that the dilemma presented by these apparently conflicting interests cannot be solved without some public action. The legislation we are introducing today is aimed directly at providing such a solution.

By 1950, about half of the wetlands of the prairie pothole region of the United States had been drained. This is considered to be the prime waterfowl producing area of the country. This drainage has continued in recent years, and recent surveys indicate that in my own State, landowners are draining almost 45,000 acres of wetlands each year.

Recognizing this problem and the need for concerted action to retain the maximum possible portion of this valuable natural resource, various public, and private agencies and farm groups in the State of North Dakota have joined in proposing this Water Bank Act.

Briefly, the Water Bank Act, would provide landowners with an economic alternative to drainage. It would establish a program whereby they could enter into contracts with the Federal Government to limit the use of wetlands and to leave them in their present condition.

Under the terms of the proposed contracts, the landowner would designate wetland on his farm for the program. During the 10-year contract period these areas would not be drained or otherwise altered so as to affect their value as wetlands. In return, the landowner would receive payments based on the productive value of the land.

Since some wetlands have an agricultural value without further treatment, it has been deemed desirable to provide for use and nonuse options. Under the use option, farmers could continue to utilize the land for farm operations although they would agree to refrain from any drainage or filling operations on the acreage. Under the nonuse option, no farm operations would be undertaken on the land.

The program envisions a contract period of 10 years, with the option available for the producer to extend the agreement at the end of that term. I sincerely feel that this would be a positive step toward conserving and maintaining a rapidly disappearing resource.

As I have indicated, this proposal is the outgrowth of numerous meetings and discussions on the part of many concerned people in North Dakota. Officials of the State Government and the North Dakota State University have participated in the drafting of the proposal. Also in on these discussions were representatives of the North Dakota Farmers Union, North Dakota Farm Bureau, National Farmers Organization, North Dakota Stockmen's Association, North Dakota Wildlife Federation, North Dakota Water Users, the Garrison Conservancy District, and the North Dakota Association of Soil Conservation Districts.

I think we are all aware that at times there has been antagonism and hard feelings generated between landowners and wildlife interests when each group felt their best interests were being trespassed upon by the other. In this case, we have an outstanding example of these groups joining in an effort to develop a sound, logical proposal to provide a solution to mutual problems.

Mr. President, there is much merit to the measure being offered here today, and I would like to urge prompt and favorable action on it.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2257) to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved sub-surface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape; and to promote comprehensive and total water management planning, introduced by Mr. Young of North Dakota (for himself and Mr. Burdick) was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. YOUNG of North Dakota. I am pleased to say that my colleague, Senator Burdick, is joining as a cosponsor of this measure. Unfortunately, it is impossible for him to be here today. However, I ask unanimous consent that a statement he has prepared on this proposal be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR BURDICK

Mr. Burdick. Mr. President, it is with a great deal of satisfaction that I join in the introduction of the bill to create a "Water Bank."

The program authorized in our proposal is, I feel, a constructive and fair solution to a national problem which manifests itself most strongly in North Dakota and other states blessed with waterfowl breeding resources.

The problem is how to preserve and enhance migratory waterfowl breeding and nesting areas—the "wetlands"—without placing an undue burden on the individual whose holdings may encompass some wetlands. Many wetland areas can, and have become highly productive croplands when properly drained. When this happens, the land's value as a breeding area ceases or is materially lessened.

The "Water Bank" offers the farmer or rancher annual payments for his agreement not to "drain, burn, or fill" such areas for the duration of the contract, ten years. In setting the rate of annual payments, the Secretary of Agriculture is to be guided by the considerations outlined in Section 4 of the proposed bill. One of the considerations in making this determination is the "rate . . . necessary to encourage owners of wetlands to participate. . . ." The owner is under no compulsion to participate, but must simply decide if the economic gains in participation outweigh the economic benefit to be realized by draining the wetland.

We recognize our wildlife as a national resource which must be protected and preserved. The "Water Bank" would assure that the direct cost of this vital national effort will not fall disproportionately on the relatively few citizens who now maintain wetlands.

Senator Young has described the active participation of the many North Dakota individuals and associations which has resulted in the bill we introduce today. The principle of the "Water Bank" has already received extensive support both in North Dakota and nationally, including the 1969 session of the North Dakota Legislature, the United States Durum Growers Association, the National Wildlife Federation, the North Dakota Wildlife Federation, the Mississippi Flyway Council, the North Dakota and National Associations of Soil Conservation Districts, and the North Dakota State Water Commission.

These preliminary indications of support are very encouraging. For my part, I will do all that I can to see that the 91st Congress takes prompt action to make the "Water Bank" a reality.

S. 2259—INTRODUCTION OF A BILL TO ESTABLISH CREDIT UNIONS IN LOW-INCOME AREAS

Mr. SCOTT. Mr. President, on behalf of Senators Brooke, Hart, Hatfield, Hollings, Randolph, Schweiker, Tydings and myself, I introduce, for appropriate reference, a bill to permit the Director of the Bureau of Federal Credit Unions to establish credit unions in low-income areas.

The purpose of my bill is to encourage saving and provide access to credit for low-income persons, and to bring consumer education into poverty areas. Although my bill will permit the poor to expand their incomes, it is not a welfare proposal. It opens the door to the poor—who want more money and credit—to help themselves.

My proposal will make it possible for the poor to become credit union savers, and thus expand their paltry, fixed incomes through interest on their savings. But far more important, credit union cash loans will make even small incomes flexible. The accompanying consumer education services will provide instruction on how to get the most cut of a poverty income.

I believe it is unrealistic to expect poverty neighborhoods, by themselves, to produce the necessary funds and the leadership to form credit unions. The whole idea is unknown there. The bill I am introducing today will permit the Bureau of Federal Credit Unions, part of the Department of Health, Education, and Welfare, in cooperation with the Office of Economic Opportunity, to establish credit unions in poverty areas—especially in those areas with community action programs.

The Department of Health, Education, and Welfare would pay the administrative and operating costs of the credit unions for 1 year and would make and guarantee loans to the credit unions. A fund for these purposes would be established within the Treasury.

There is a crying need for credit unions among the poor, in spite of the paradox of the poor having little or no obvious funds to put into savings. To some the question is natural: How does a family which can barely afford to buy the necessities of life, afford to put money into a credit union savings? The fact is, there is an element of choice in spending income which all of us exercise. We naturally place our resources where we get something in return. Surely, the credit union has better credentials for the ghetto than has the pawn shop. It is a service organization dedicated to helping even those on subsistence income learn to use wisely what they have. It offers savings interest to encourage thrift—and thrift is a route to a better life which many a poor man took in another day, but which seems rarely encouraged in modern day America. And, finally, and probably most crucial, the credit union provides an opportunity to borrow a modest sum from a legitimate source, at reasonable cost. A modest loan can provide the very stake in society which the poor now miss, and miss with a vengeance.

The poverty psyche has been passed on from one generation to another because opportunities for change have not come to the poor. The influence of generations of poverty can be overcome by the presence of an institution where the poor can begin to deposit a dollar or two a week in savings and where they may turn in an emergency or just in need to borrow the $5 or $25 most banks would never consider lending. It is readily apparent that the small credit union loan is of more benefit to those living on a meager income than is the big bank loan which is beyond the reach of the poor.

The plain fact of the matter is that many banks consider the very poor to be very bad credit risks. This drives the poor into the open, avaricious arms of loan sharks, some operating on their own and some operating at the beck and call of organized crime. Again, the credit union is far more than a mere substitute for loan sharking; it is by any man's measure a vastly superior alternative.

Credit unions in low-income areas have already proved successful. For example, there are nine credit unions in poverty pockets of Washington, D.C., which had total assets of $755,763.94 at the end of 1968.

There are now nearly 700 Federal credit unions serving the poor in urban and rural areas, and more than 130 are directly involved in community action programs. A substantial response has come from low-income communities with credit unions which have been closely associated with the Bureau of Federal Credit Unions, the Office of Economic Opportunity and other credit unions.

If my bill were in effect today, each of the existing 700 credit unions in low-income areas across the country could be reviewed by the Bureau, and specific programs of aid and technical assistance could be made available to them.

Those who support the idea of black capitalism and minority enterprise should be intrigued indeed by the idea of credit unions in ghetto and poverty ridden neighborhoods. Credit unions are owned and operated by their members. Members elect a board of directors, form a credit committee and a supervisory committee, and generally run their own business without outside interference. The community can take pride in its participation and control of its financial affairs, and in its enhancement of the neighborhood. The credit union is a means by which such neighborhoods can stretch incomes and provide local employment opportunity, plus increasing practical financial and consumer knowledge within the area.

I ask unanimous consent that the text of my bill together with a summary of it be printed in the RECORD following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons, introduced by Mr. SCOTT (for himself and other Senators), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 21(f) of the Federal Credit Union Act (12 U.S.C. 1766(f)) is amended by adding at the end thereof a new paragraph as follows:

"(3)(A) In order to meet more effectively the savings and credit needs of low-income persons, the Director, upon the basis of studies or investigations conducted pursuant to paragraph (1) of this subsection and after consultation with the Director of the Office of Economic Opportunity, shall undertake a program to encourage, facilitate, and assist in the formation of Federal credit unions in those urban and rural areas which he determines contain a high concentration of persons of low income who have a need for, and could obtain substantial benefits from, cooperative saving and lending.

"(B) To assist any Federal credit union organized under the program referred to in subparagraph (A) in becoming firmly established and in meeting the credit needs of its members, the Director is authorized, under terms and conditions prescribed by him—

"(i) to pay the administrative and operating expenses of such credit union for a period of not to exceed five years from the date of its organization, and to provide technical assistance to such credit union pursuant to paragraph (2) of this subsection: *Provided,* That the total amount paid by the Director in the case of any such credit union for administrative and operating expenses shall not exceed $25,000 per year;

"(ii) to make loans to such credit union when necessary to meet the credit needs of its members; and

"(iii) to guarantee loans made by such credit union to its members.

Notwithstanding the provisions of section 8 (10), the aggregate amount of such loans made to any such credit union shall not exceed a total amount as established by the Director. Any guarantee of any loan made by such credit union shall not exceed 90 per centum of the unpaid balance thereof. Reasonable fees may be charged by the Director in connection with any such guarantee.

"(C) In order to carry out the purposes of this paragraph, there is authorized to be appropriated, as a supplement to any funds that may be expended by the Director pursuant to sections 6 and 7 for such purposes, not to exceed $-------- for any fiscal year.

"(D)(i) There is hereby established in the Treasury a revolving fund (hereinafter referred to as the 'Fund') which shall be used by the Director for carrying out the provisions of clauses (ii) and (iii) of subparagraph (B). As capital for the Fund there is authorized to be appropriated not to exceed $--------.

"(ii) All moneys, claims, contracts, and property acquired by the Director under subparagraph (B), and all collections and proceeds therefrom, shall constitute assets of the Fund; all liabilities and obligations of such assets shall be liabilities and obligations of the Fund. Administrative expenses of the Director in carrying out the provisions of subparagraph (B) shall be chargeable to the Fund. Moneys in the Fund not needed for current operations shall be invested in direct obligations of the United States or obligations guaranteed by the United States.

"(iii) The Director may issue notes to the Secretary of the Treasury whenever he determines that additional funds are necessary to discharge obligations of the Fund or to meet authorized expenditures payable out of the Fund, but, except as may be authorized in appropriation Acts, not for the original capital of the Fund. Such notes shall be in such form and denominations and have such maturities and be subject to such terms and conditions as may be prescribed by the Director with the approval of the Secretary of the Treasury. Each note shall bear interest at the average rate, as determined by the Secretary of the Treasury, payable by the Treasury upon its marketable public obligations outstanding at the beginning of the fiscal year in which such note is issued, which are neither due nor callable for redemption for fifteen years from the date of their issue. The Secretary of the Treasury is authorized and directed to purchase any notes of the Director issued hereunder, and for that purpose the Secretary of the Treasury may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, and the purposes for which such securities may be issued under such Act are extended to include purchases of notes issued by the Director. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States. The notes issued by the Director to the Secretary of the Treasury shall constitute obligations of the Fund."

The material presented by Mr. SCOTT follows:

SUMMARY OF THE FEDERAL CREDIT UNION AMENDMENTS

Section 21(f) of the Federal Credit Union Act would be amended by giving the Director of the Bureau of Federal Credit Unions authority to undertake a program of encouraging the formation of Federal credit unions in urban and rural areas which he determines have a high concentration of persons of low income who have a need for a cooperative saving and lending program.

To assist any Federal credit union organized under the program, the Director would be authorized:

(1) to pay the administrative and operating expenses of the credit union for a period not exceeding five years from the date of its organization and to provide technical assistance to the credit union as authorized by the Federal Credit Union Act;

(2) to make loans to the credit union when necessary to meet the credit needs of its members, the total loans not to exceed the total amount of the credit union's paid-in and unimpaired capital and surplus; and

(3) to guarantee loans made by the credit union to its members, any guarantee of a loan not to exceed 90 per centum of the unpaid balance of the loan.

The Director would be authorized to charge reasonable fees in connection with the loan guarantee program.

The bill contains an authorization for an appropriation to support the payment of administrative and operating expenses of credit unions selected by the Director.

The bill contains a second authorization to provide funds to establish the revolving fund authorized by the bill. The revolving fund would be used by the Director in carrying out the authority to make loans to credit unions and to guarantee loans made by the credit unions. Administrative expenses of the Director in carrying out these programs would be chargeable to the fund. Repayments of loans from the fund would be deposited in the fund for future needs. Money not needed for current operations would be invested in direct or guaranteed obligations of the United States.

The Director of the Bureau of Federal Credit Unions would be authorized to issue notes to the Secretary of the Treasury, and the Secretary would be authorized to purchase the notes. The notes would be issued when the Director determined that additional funds would be necessary to discharge obligations of the fund but would not be for the original capital of the fund. The notes would bear interest as determined by the Secretary of the Treasury and would not be callable for redemption for fifteen years from the date of issue.

S. 2265—INTRODUCTION OF A BILL TO EXTEND TO INDIANS OF ALL TRIBES THE SPECIAL ADDITIONAL FEDERAL MATCHING PAYMENTS

Mr. METCALF. Mr. President, in response to a need expressed in a joint resolution of the Legislature of Montana, Senator MANSFIELD and I today introduce, with the cosponsorship of other Senators, a bill to expand the amendments to the Social Security Act which provided a special Federal contribution toward State expenditures for public assistance programs for the Navajo and Hopi Indians. Our bill proposes that the provisions of Public Law 474, 81st Congress (64 Stat. 47; 25 U.S.C. 639), apply to all Indian tribes and, further, that they be operative for programs enacted since the 1950 amendment.

Mr. President, Senator MANSFIELD and I are pleased to list as cosponsors Senators ANDERSON, BURDICK, GOLDWATER, MCCARTHY, MCGOVERN, MONTOYA, MOSS, MUSKIE, RANDOLPH, STEVENS, WILLIAMS of New Jersey, and YARBOROUGH. We are particularly proud that Senator ANDERSON, the distinguished senior Senator from New Mexico, has consented to join us in offering this proposal to extend Public Law 474, of which he was one of the coauthors in 1949.

Mr. President, the primary Federal responsibility for Indian people is well established in our laws.

With respect to welfare, the Bureau of Indian Affairs has the responsibility for general assistance to Indian people, and this program is supported solely by Federal funds.

For federally approved State matching fund program—old age assistance,

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aid to dependent children, aid to the needy blind, aid to the permanently and totally disabled and medical assistance—our bill woulld provide an 80 percent reimbursement to the States for funds expended in behalf of Indians "residing within the boundaries of the State on reservations or on allotted or trust lands." Existing law allows a 50 percent Federal contribution, except for the Navajo and Hopi in whose behalf States receive 80 percent for old age assistance, ADC and aid to the needy blind.

States in whose boundaries there is a significant Indian population and where the existence of reservations deprives the States of revenues that would otherwise be derived from the reserved land, have a double problem in the added persons to be assisted and the reduction of sources of revenue.

With the authorization of sufficient funds to permit all States to administer programs of assistance to Indians, our bill affirms the principle of Federal responsibility embodied in Public Law 474. We hope it will have the early and favorable consideration of our colleagues.

Mr. President, so that others may have the benefit of the legislative history of the statute our bill would expand, I ask unanimous consent that the article by former Secretary Cohen entitled, "Public Assistance Provisions for Navajo and Hopi Indians: Public Law 474," be printed in the RECORD.

There being no objection, the article was ordered printed in the RECORD, as follows:

PUBLIC ASSISTANCE PROVISIONS FOR NAVAJO AND HOPI INDIANS: PUBLIC LAW 474

(By Wilbur J. Cohen*)

On April 19, President Truman approved Public Law 474, providing for the rehabilitation of Navajo and Hopi Indians. Section 9 of this law provides for increasing the Federal share of public assistance payments for needy Indians of these tribes who reside on reservations or on allotted or trust lands and who are recipients of old-age assistance, aid to dependent children, or aid to the blind. The new law becomes effective July 1, 1950. It provides that with respect to assistance payments for these Indians the Federal Government will pay, in addition to its regular share under titles I, IV, and X of the Social Security Act, 80 percent of the State's regular share. The maximums for individual payments specified in the Act apply to these payments.

Thus, in a payment of $20 to a needy individual, the regular State share is $5 and the Federal share is $15. For Navajo and Hopi Indians the Federal Government will pay $4 additional (80 percent of the $5 State share) or a total of $19 out of the $20 payment. The Federal share in such a payment would thus be increased from 75 percent to 95 percent. In a $50 payment the Federal share would be increased from $30 to $46, or from 60 percent to 92 percent.[1] The accompanying table illustrates the effect of section 9 on public assistance payments to Navajo and Hopi Indians.

LEGISLATIVE HISTORY

The first form (S. 1407) of the legislation that became Public Law 474 was introduced on March 25, 1949, by Senators O'Mahoney, Hayden, Chavez, McFarland, and Anderson. Companion bills, H.R. 3476 and H.R. 3489, were introduced in the House of Representatives.[2] S. 1407 passed the Senate on July 6, 1949, with amendments, and passed the House with some further amendments on July 14, 1949.[3] In the Conference Committee a new provision dealing with increased Federal grants to the States for public assistance to Navajo and Hopi Indians was included in section 9. The Conference Report was accepted in both the House and the Senate on October 3, and the bill was then sent to the President. The President vetoed the bill on October 17, 1949,[4] but his veto message did not contain any objection to the public assistance provisions of the bill.

The Senate deleted the provisions of the bill to which the President objected and passed a new bill, S. 2734, on October 18, the day after the veto was received. Immediate consideration of the bill in the House on October 19 was objected to by Representative Kean, a member of the House Committee on Ways and Means.[5]

With the adjournment of Congress, S. 2734 went over to the second session in 1950. The House passed the bill on February 21, 1950, with several amendments, one of which changed the method of determining the Federal share of public assistance payments to the two tribes. However, this amendment was based upon an erroneous interpretation of section 9 and in effect made the entire public assistance provision inoperative.[6] The Conference Committee therefore deleted certain language from the amended section 9 and thus restored the section's effectiveness.[7] The Conference Report was adopted by the House on April 6, 1950, and by the Senate on April 10. The President signed the bill on April 19, 1950.

The basic issue as to whether Indians should be given public assistance entirely at Federal expense or on the same basis as other individuals has been the subject of lengthy debate. When the House added the provision to S. 1407 to make all Indians within the Navajo and Hopi reservations subject to the laws of the State in which they live, it became necessary to consider whether this same principle should be applied to public assistance recipients or whether it should be modified in some way. The following quotation from the Conference Committee Report describes the difference of opinion between the two houses:

The House conferees insisted upon section 9, but the Senate conferees wanted it eliminated for the reason that the extension of State laws would obligate the States to make available the benefits of the State social security laws to reservation Indians, an obligation which has not been assumed by New Mexico and Arizona for two reasons: First, they have not admitted their liability, claiming that under the enabling acts and Federal laws the Indian was an obligation of the Federal Government. Second, because of the large Indian population, the States strenuously urged their financial inability to meet this obligation.[8]

The Conference Report also explains the justification for the "80-percent formula":

Less than 20 percent of the Navajo and Hopi Indians speak the English language. The States have indicated their willingness to assume the burden of administering the social security laws on the reservations with this additional help. The Conference Committee was of the opinion that this was a fair arrangement particularly in view of the large area of tax-free land and the difficulty in the administration of the law to non-English-speaking people, sparsely settled in places where there are not adequate roads; and that it would be of particular advantage to the Indians themselves. This arrangement can and no doubt will be changed as soon as the Indians are rehabilitated. Both States assume full responsibility for nonreservation Indians at the present time.

The percentage to be paid by the States under this section, other than the cost of administration, is the same as was worked out in a conference at Sante Fe, New Mexico, between representatives of the Federal Security Agency, Bureau of Indian Affairs, the offices of the Attorney General of the States of Arizona and New Mexico, and the State Department of Welfare of the States of Arizona and New Mexico, on April 28 and 29, 1949. At this conference, it was agreed that the net cost to the State would not exceed 10 percent of the total cost incurred by the Federal and State Governments in aid to needy Indians (aged, blind, and dependent children). This is the agreement under which the States are now opertaing. However, it is the opinion of the Conference Committee that the Indians would be greatly benefited by the States' assuming full responsibility for the administering of this law, and it would assure a continued assistance which would not be dependent upon appropriations through the Bureau of Indian Affairs from year to year.

Before the passage of the Social Security Act, the Federal Government assumed full responsibility for needy reservation Indians, and there is strong argument that the Federal Government still has full responsibility for their care. The additional cost of the extension of social security benefits not heretofore assumed by New Mexico and Arizona is only part of the cost of the extension of State laws to the reservations. Therefore, the Conference Committee is of the opinion that the amendment which was adopted is a fair and equitable division of the expense.[9]

The 80-percent formula embodied in Public Law 474 is based upon a formula proposed in bills S. 691 and H.R. 1921, introduced in both houses on January 27, 1949, for all Indian "wards" in any State. Testimony was given before the House Committee on Ways and Means in favor of H.R. 1921,[10] but the Committee did not report that bill out nor did it include any special provision for Indians in the social security bill, H.R. 6000, reported out by the Committee.

FEDERAL SHARE OF ILLUSTRATIVE PUBLIC ASSISTANCE PAYMENTS TO NEEDY MEMBERS OF THE NAVAJO AND HOPI TRIBES

Law	Federal share of payment, by specified amount							
	To aged or blind individual				To 1 dependent child		To 3 dependent children	
	$20	$40	$50	$60	$27	$54	$63	$106
Social Security Act Amendments (1948)	$15	$25	$30	$30	$16.50	$16.50	$40.50	$40.50
Public Law 474 (1950)	19	37	46	46	24.90	24.90	58.50	58.50

HISTORICAL BACKGROUND

On several occasions Congress has given consideration to legislation affecting Indians receiving public assistance under the Social Security Act. In 1935 when the original social security bill was being considered in the Senate, a provision for payment by the Federal Government of the full cost of Indian pensions was passed by the Senate as an amendment to the pending bill. The proposed amendment provided for a new title in the Social Security Act making payments to Indians "a pension from the United States in the sum of $30 per month."[11] This amendment was sponsored by Senator Norbeck of South Dakota. It was dropped, however, by the Conference Committee and was not included in the final law.

Footnotes at end of article.

In a special report of the Social Security Board on proposed changes in the Social Security Act, which President Roosevelt submitted to the Congress in January 1939, the Board stated as follows:

> A number of States have a considerable Indian population, some of whom are still wards of the Federal Government. The Board believes that, with regard to certain Indians for whom the Federal Government is assuming responsibility in other respects, and who are in need of old-age assistance, aid to the blind, or aid to dependent children the Federal Government should pay the entire cost. If this provision is made, the Board should be authorized to negotiate cooperative agreements with the proper State agencies so that aid to these Indians may be given in the same manner as to other persons in the State, the only difference being in the amount of the Federal contribution. The Board believes that it should also be given authority to grant funds to the Office of Indian Affairs for this purpose, if that appears more desirable in certain circumstances.[12]

The House Committee on Ways and Means, however, did not include any provision concerning Indians in the 1939 social security bill. The Senate Committee on Finance considered an amendment affecting Indians but did not report it out. On the floor of the Senate, an amendment was offered which provided that "notwithstanding any other provisions of law, the Social Security Board shall not disapprove any State plan under titles I, IV or X of this act because such plan does not apply to or include Indians." [13] This amendment passed the Senate but was deleted by the Conference Committee and was not included in the final 1939 law.

The Social Security Administration has consistently interpreted the Social Security Act to mean that a State public assistance plan could not legally be approved if that plan discriminated against any citizen of the United States on account of race. Twenty-four of the 26 States in which there are Indians residing on reservations provide public assistance under the Social Security Act to these individuals. In Arizona and New Mexico, however, questions have been raised over the years by both State agencies as to whether reservation Indians were to be included in the public assistance programs under the Social Security Act.

The immediate factors that led to the inclusion of the public assistance provisions in section 9 of Public Law 474 first made themselves felt on April 17, 1947. On that date the State Board of Public Welfare of New Mexico refused the application of a Navajo Indian for old-age assistance on the grounds that reservation Indians were not a responsibility of the State Welfare Department "just as long as they are under the complete jurisdiction of the Indian service and insofar as the expenditure of State money for their welfare is concerned." At about the same time the Arizona State Department of Public Welfare also took a position that it would not make payments to reservation Indians.

The Social Security Administration discussed the subject with the State agencies in an effort to resolve the conflict between the position they had assumed and the requirement of the Social Security Act that assistance must be available to all eligible persons within the State. Discussions continued over a period of time, and the States were informed that the continued receipt of Federal funds for their public assistance programs was dependent on whether the State programs were operating in conformity with the principle that applications are to be accepted from all who apply and assistance granted to all eligible persons. During the same period the Bureau of Indian Affairs made some payments, as their funds permitted, to needy Indians in the two States.

Finally, after all efforts to bring the States into conformity with the requirements of the Social Security Act had failed, the Commissioner for Social Security, after due notice, held hearings to determine whether there was a failure by New Mexico and Arizona to operate their plans in accordance with sections 4, 404, and 1004 of the Social Security Act. A hearing on New Mexico was held on February 8, 1949, and on Arizona on February 15, 1949. Before findings or determination based upon these hearings were made, the arrangements described in the quotations from the Conference Report on S. 1407 were completed at Santa Fe, New Mexico, on April 28 and 29, 1949, and assistance was provided for reservation Indians in these two States. It was the purpose of Public Law 474 to solve, by congressional action, the problems raised in the hearings before the Social Security Commissioner.[14] As stated in the Conference Report on the bill, the Committee felt that efficient operation could be more definitely assured if the State were to administer the entire program for needy Indians rather than share the responsibility with the Bureau of Indian Affairs.

FOOTNOTES

[*] Technical Adviser to the Commissioner for Social Security.

[1] The above figures and those in the table are used only as general illustrations of the amount of Federal participation. They are based on hypothetical individual payments, whereas actually, under the basic formula of the Social Security Act, the Federal percentages are not applied to individual payments but rather to the average payments of a State under each title. That part of any payment for a month in excess of $50 to an aged or blind recipient and in excess of $27 with respect to one dependent child in a home and $18 with respect to each of the other dependent children in a home is not counted in computing the averages.

[2] For the history of legislative proposals before 1949 see *Hearings Before a Senate Subcommittee of the Committee on Interior and Insular Affairs on S. 1407* (81st Cong., 1st sess.), pp. 3–7. Hearings were also held on H.R. 3476 by the House Committee on Public Lands.

[3] For proceedings in the House see *Congressional Record* (daily edition), July 14, 1949, pp. 9682–92.

[4] Ibid., Oct. 17, 1949, pp. 15119–20.

[5] Ibid., Oct. 19, 1949, pp. 15243–46.

[6] Ibid., Feb. 21, 1950, p. 2129.

[7] See Conference Report on S. 2734, *Congressional Record* (daily edition), Apr. 5, 1950, p. 4835.

[8] House Report 1338 to accompany S. 1407, Sept. 22, 1949, p. 7.

[9] Ibid, pp. 7–8.

[10] *Hearings before the House Committee on Ways and Means on H.R. 2892* (81st Cong., 1st sess.), pp. 791–801.

[11] *Congressional Record*, June 18, 1935, p. 9540; see also letter from the Commissioner of Indian Affairs stating that he was "in sympathy with this proposal," pp. 9540–41.

[12] *Hearings Relative to the Social Security Act Amendments of 1939 Before the House Committee on Ways and Means* (76th Cong., 1st sess.), February 1939, p. 15. The Secretary of the Interior also urged that "social security benefits for Indians be administered as a part of the general plan for the citizens of the United States" (*Hearings Before the Senate Committee on Finance on H.R. 6635*, 76th Cong., 1st sess., June 1939, p. 272).

[13] *Congressional Record*, July 13, 1939, pp. 9027–28.

[14] On December 27, 1949, the Arizona State Board of Public Welfare adopted a resolution stating that it would not discontinue its policy of excluding crippled reservation Indian children in the provision of treatment services. The Commissioner of the State department in transmitting the Board's resolution to the Chief of the Children's Bureau of the Social Security Administration stated that it was "necessary to sever our connections." No Federal funds have been paid to Arizona under part 2 of title V of the Social Security Act since December 22, 1949.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2265) to amend the Social Security Act to extend to Indians of all tribes, under all of the existing public assistance programs, the special additional Federal matching payments presently provided only for certain specified tribes under certain specified programs, introduced by Mr. METCALF (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

S. 2270, S. 2271, S. 2272, S. 2273 AND S. 2274—INTRODUCTION OF BILLS TO AMEND THE SOCIAL SECURITY ACT

Mr. WILLIAMS of New Jersey. Mr. President, it appears certain that the 91st Congress will act upon legislation intended to improve social security protection.

Perhaps the final bill will be limited to the request—attributed to the administration a few weeks ago—for a 7-percent increase. My own view is that the 7-percent proposal is totally unrealistic.

It fails to deal with other major issues including inadequate minimum benefits. And—if the present cost-of-living rise continues at its present rate, or even at the lower 1968 rate—the 7-percent rise would be wiped out long before the first check is mailed out to recipients.

We should be talking perhaps about an increase of as much as 20 percent as the beginning of a thoroughgoing revision of the social security benefit structure, but only if it is linked to a realistic plan for raising minimum benefits to levels much closer to adequate than today's $55 a month for single persons and $82.50 for couples.

What I look for in the next few months is the evolution of an omnibus bill which will serve as a worthy vehicle for congressional debate at the earliest possible date.

Today I am not introducing that omnibus bill. But I am introducing several proposals which I regard as essentials without which the final bill would be incomplete.

My recommendations are based largely upon very emphatic and informative statements made at hearings conducted on "Economics of Aging: Toward a Full Share in Abundance" by the Special Committee on Aging on April 29–30. As chairman of that committee, I was deeply impressed by the lively debate over many issues related to social security protection and a multitude of other subjects related to the overall subject of economic security in later years, now in 1969, and in decades to come.

The hearings added to my conviction that the retirement income problems of today and tomorrow will not be solved by adding a few dollars every 2 years to social security benefits. It is clear that more fundamental changes in the Social Security System are needed to serve as the foundation for economic security now and in the future.

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That last point was made very emphatically by a distinguished task force which reported to the committee on March 24 after an exhaustive survey of the field.

While it declared that the Social Security System "has failed to keep up with the rising income needs of the aged," the task force also said:

> The existing social insurance system is a fast and effective way to deliver an income assurance that carries commitments for the future as well as for the current generation of aged.

To prepare the way for thoroughgoing reform, I offer the following bills for appropriate reference:

I. FACTFINDING IN THREE VITAL AREAS

The first bill would require the Secretary of Health, Education, and Welfare to conduct three studies on vital issues related to social security; and he would make his reports no later than March 31, 1970.

I wish to make clear that, in calling for these studies, I do not consider "study" an acceptable excuse for inaction—once we are sure what form that action should take. But the areas in which I am requesting reports involve fundamental changes in our present Social Security System that should not be made without careful consideration of all the consequences.

Nor do I believe that we can wait until the next Social Security Advisory Council—not yet appointed—has made its report early in 1971. Time is of the essence and I am, therefore, requesting the Secretary to report at the earliest possible date and no later than March 31, 1970.

First, the Secretary would be directed to analyze various approaches to automatically adjusting benefits, including the so-called "cost-of-living" adjustment often suggested as a means of maintaining the purchasing power of social security benefits despite rising costs. Instead of a fixed income, social security beneficiaries would have a built-in escalator in times of need.

But how is the escalator to be geared? Should it be based simply on fluctuations in the consumer price index? On increases in the cost of goods and services most needed, in particular, by older Americans? On rises in the standard-of-living for the populace as a whole? On increases in wage levels? Or on a formula related to increased productivity of the work force?

We must be certain, if we adopt an automatic adjustment mechanism, that it serves the greatest need. A study by the Secretary would give us the facts we need for a final decision, but it need not delay action on an interim cost-of-living adjustment if the Congress wishes to act before the study is completed.

Second, the Secretary would be asked to report on ways in which general tax revenues could be used to finance part of the cost of the social security program.

We have heard many calls for general revenue financing, but here again many possibilities arise, including the use for such purposes as: financing the differences between contributions and costs of benefits paid to retirees in the early years of the system and to low-paid workers; costs of dependents benefits; liberalizations in eligibility conditions; and costs of administration. We should have full information from the Secretary on such possibilities, or combinations of possibilities, and the costs involved. In addition, the Secretary should also study the extent to which such general revenues could be justified on the basis of savings that would result from decreased public assistance payments likely to result as more adequate social security benefits take more people off welfare rolls.

Third, the final study proposed in this bill would require the Secretary to report on certain questions related to the trend toward retirement before age 65 and the effects of that trend upon individual social security beneficiaries.

The Committee on Aging was told during its recent hearings, and in the task force report, that more than half the men retiring in recent years are leaving the work force before age 65. We have good reason to believe that many early retirees make their decision simply because they have no choice. They take an actuarially-reduced social security benefit at age 62 or thereabouts in lieu of any other significant source of income. In the long run, they take a heavy economic loss; they have no alternative.

We should know more about the effects of early retirement on social security and the people it is meant to serve. And the Secretary—in the same report—would also be required to report on related matters, including: exploring the cost and other considerations of establishing for men—as is now the case for women—of age 62 as the end of the period which is used in determining the average wage and insured status under the program; and the extent to which liberalized definitions of disability would serve to pay benefits to older workers physically handicapped in obtaining or retaining employment.

II. 100-PERCENT BENEFITS FOR WIDOWS

My second bill would increase the amount of the social security benefits payable to widows. At present, they receive 82½ percent of the primary benefit of the deceased spouse. My bill proposes that this percentage be increased to 100 percent.

Among the pressing reasons for making this proposal—as reported by the task force—is simply that six out of every 10 aged women living alone have incomes below the poverty line. Especially disadvantaged are the Nation's very oldest women. The percentage of widows getting monthly benefits of $44 or less was twice as high for those aged 85 and over as for those under 70 years—at the end of 1967.

Another compelling argument for more satisfactory widows' benefits has been made by Dr. Joseph Pechman, of the Brookings Institution, who was one of the witnesses at our recent hearings. Dr. Pechman said:

> As a welfare measure, an increase in the widow's benefits to a full 100 per cent of P/A (the primary benefit amount that had been payable to the husband) would more effectively aid the poor, per dollar of added cost, than any other change in the system, including a minimum benefit.

Most emphatically, I urge that this reform be included in broad new social security revision.

III. THE "RETIREMENT TEST"

My third social security bill would liberalize limitations upon earnings of social security beneficiaries. It seeks to implement a recommendation of former Secretary of Health, Education, and Welfare Wilbur J. Cohen, made last January, shortly before he left that office. His recommendation was included in a report to Congress entitled "The Retirement Test Under Social Security", which had been requested by Congress in enacting the Social Security Amendments of 1967. While opposing repeal of the social security earnings limitations, Secretary Cohen took a firm position in favor of liberalizing them as proposed in the bill which I am today introducing. He said these changes are needed to bring these limitations up to date with the increases in earnings levels that have occurred since the present exempt amount was enacted. My bill proposes these liberalizations:

First, there would be an increase from $1,680 to $1,800 in the annual exempt amount—the amount a beneficiary can earn each year without any reduction in his social security benefits.

Second, there would be a corresponding increase from $140 to $150—one-twelfth of the annual exempt amount—in the monthly exempt amount—the amount of wages which, regardless of his annual earnings, a beneficiary can earn in a given month and still receive his benefit for that month.

Third, there would be no change in the provision in present law under which $1 in benefits is withheld for each $2 of earnings for the first $1,200 of earnings above the exempt amount. However, due to the increase in the exempt amount, this $1,200 band would be from $1,800 to $3,000 of annual earnings, instead of the present $1,680 to $2,880 of annual earnings.

Fourth, in lieu of the present requirement that $1 of social security benefits be withheld for each dollar of earnings over that $1,200 band, my bill proposes that only $3 be withheld for every $4 earned above $3,000 per annum.

Unlike some proposals for liberalizing or repealing social security earnings limitations, my bill carries a very modest price tag. Secretary Cohen, with the assistance of social security actuaries, estimates its cost as only seven one-hundredths of 1 percent of payroll. This means that it could be financed by raising the social security contribution rate by less than 4 cents each for the employer and employee for each $100 paid the employee. However, I do not anticipate that it will be necessary to raise social security contributions even by that small amount, since I believe these changes could be financed out of the present actuarial surplus.

I am also contemplating the introduction of additional legislation for the purpose of lessening the penalty presently imposed on social security beneficiaries who continue to work after claiming benefits. Not only do they now forgo part of the benefit, but they pay social security taxes and income taxes on all of their earnings—whereas the benefits are tax exempt. It would seem reasonable to excuse the income tax on the portion of the earnings that is equivalent to the benefit loss.

Such a proposal could significantly reduce the penalty for working and—unlike proposals for eliminating or greatly liberalizing the retirement test—would necessitate absolutely no increase in social security taxes.

Whether social security taxes should be paid on the earnings that are the equivalent of the benefit loss is part of a larger question of whether earnings after eligibility should be taxed for social security purposes if these earnings do not result in additional benefits.

I expect to introduce separate legislation to deal with these questions.

IV. WORKING WIVES

My fourth bill would eliminate a social security inequity against married couples where the wives work. Under present law, a social security beneficiary's wife, if she meets certain requirements, is entitled to receive a wife's benefit of 50 percent of her husband's social security benefit, even if she herself never worked under social security. However, a wife who works under social security coverage for long enough to obtain a benefit on account of her own work frequently finds that her benefit, after working and making contributions, is not as much as her husband's benefit, based upon her husband's work, to which she would have been entitled even if she had never worked and contributed to social security. In view of this effect of present law, many working wives feel that they should receive more in benefits than nonworking wives, who never contributed to the social security system.

The social security bill I am today introducing would correct that inequitable result. It proposes that a married couple, both of whom qualify for social security benefits on their own accounts, be permitted to elect to combine their earnings for purposes of computing their social security benefits, and to receive 75 percent each of the primary benefit which would result if only one of them had that amount of earnings. This would, of course, be optional. If a couple would benefit more by merely receiving the primary benefit to which each spouse is entitled, they would not have to elect to combine their earnings.

As an example of the unfairness of the present law, assume that two couples each have a family income of $400 per month, and that they are similarly situated in every respect except that one of the husbands earns to total family income of $400, but that the family income of the other couple is composed of $200 per month earned by each the husband and wife. The benefit paid to a person with average monthly earnings of $200 is $101.60; thus, the total monthly benefit payable on the basis of two earnings records of $200 each would be $203.20. On the other hand, the monthly benefit payable to a man with average monthly earnings of $400 is $153.60, and his wife who never worked can be paid an additional benefit equal to one-half that amount—$76.80—making the total monthly payment to that couple $230.40. This is $27.20 a month more than is paid to the other couple who had the same total earnings and who made the same total contributions, but whose income was earned equally by the husband and wife. But, if my bill is enacted, this couple could elect to have their income treated as having all been earned by one of the spouses, for purposes of determining their entitlement to social security benefits.

To be eligible for the election, the working wife would have to have 20 quarters of coverage after she reached age 50. The cost of the proposal is significantly reduced by limiting it to couples who actually suffer a loss of earnings on the wife's retirement.

Mr. President, the present discrimination against working wives is not a transient problem. More and more wives are working and, unless we take remedial action, the inequity will affect more and more older couples as time goes on.

In all fairness, this is an improvement we should enact at the earliest opportunity.

V. BENEFITS UPON REMARRIAGE

My final bill would eliminate the feature in our Social Security Act which penalizes elderly newlyweds. At present, many recipients of widows' and widowers' social security benefits who remarry find that by doing so, they have reduced or eliminated their social security benefits. This has resulted in some wry observations that it pays a recipient of such benefits merely to live with the person whom he would otherwise wed; but the problem is not humorous to those affected by it.

Congress partially dealt with this problem in 1965. We inserted a provision in the social security amendments of that year, which continues entitlement to benefits of widows who remarry after age 60 and widowers who remarry after age 62. Since then, such an individual has not been eligible to continue receiving full benefits as a widow or widower but has been entitled to either one-half the retirement benefit of the former spouse or a spouse's benefit based upon the earnings of the present spouse, whichever benefit is larger. While a step forward, that provision falls far short of eliminating the penalty for remarrying. That amendment had no effect upon the penalty against widows who remarry before reaching age 60 and widowers who remarry before reaching 62. Even those who are covered by the 1965 provision can be penalized for remarrying, since that amendment does not authorize payment to them of the same benefit they were receiving before remarrying, but only a smaller benefit than if they had not remarried.

The bill I am introducing would finish the job begun in 1965 by taking away all forfeiture of benefits of widows and widowers who remarry.

Thus far, Mr. President, I have touched upon only one of the reasons for this needed amendment. Another reason is that the present requirement that a widow's or widower's benefit be reduced upon remarriage is difficult to administer. Evidence of this was provided last summer in a news article published in the New York Times of August 27, 1968. This article was headed "Some U.S. Aid Going to Widows in Error." I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOME U.S. AID GOING TO WIDOWS IN ERROR

WASHINGTON, Aug. 26.—Government auditors suggested today that steps should be taken to prevent widows from illegally getting Federal benefits after remarriage.

A limited test identified 147 widows who had received about $82,000 in benefits although ineligible because of remarriage, the General Accounting Office reported.

Future payments of about $1.2-million might have been made, the report said, if these remarriages had not been detected.

The auditors said Social Security official, acting on the auditors' findings, had subsequently identified about 7,000 widows who were getting benefits to which they were not entitled.

In 1967, five Federal agencies made payments of about $1.6-billion to 1.8-million widows. The agencies were the Social Security Administration, Civil Service Commission, Railroad Retirement Board and Bureau of Employees' Compensation.

Mr. WILLIAMS of New Jersey. Mr. President, the article reported that the General Accounting Office had found that thousands of dollars of Federal benefits are being illegally paid to widows who have remarried. This report is easy to believe, since it is obviously extremely difficult and expensive for the Social Security Administration to be aware of remarriages of thousands of widows and widowers, in order that their survivors' benefits may be reduced or eliminated, as present law requires. Enactment of my proposal will make such determinations unnecessary.

While I am aware of the Constitution's requirement that such legislation originate in the House, I am introducing my bills with the hope that they may serve as a basis for discussion and consideration of the issues involved.

In introducing these five bills, Mr. President, it is my hope that they will help Congress to make wise decisions on improving our social security laws.

I ask unanimous consent that the five bills be printed in the RECORD at this point.

The PRESIDING OFFICER. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the RECORD.

The bills (S. 2270), to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit; (S. 2271), to provide for the conduct of certain studies by the Secretary of Health, Education, and Welfare with respect to the insurance program established by title II of the Social Security Act; (S. 2272), to amend title II of the Social Security Act to increase the amount of the insurance benefits payable to widows and widowers; (S. 2273), to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from benefits thereunder; and (S. 2274), to amend title II of the Social Security Act so as to provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefits thereunder, introduced by Mr. WILLIAMS of New Jersey, were received, read twice by their titles, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2270

A bill to amend title II of the Social Security Act to permit the payment of benefits to a married couple on their combined earnings record where that method of computation produces a higher combined benefit

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(a) of the Social Security Act is amended to read as follows:

"(a) (1) Every individual who—

"(A) is a fully insured individual (as defined in section 214(a)),

"(B) has attained age 62, and

"(C) has filed application for old-age insurance benefits or was entitled to disability insurance benefits for the month preceding the month in which he attained age 65, shall be entitled to an old-age insurance benefit for each month beginning with the first month in which such individual becomes so entitled to such insurance benefits and ending with the month preceding the month in which he dies.

"(2) Except as provided in subsection (q), such individual's old-age insurance benefit for any month shall be equal to his primary insurance amount for such month as determined under section 215(a), or as determined under paragraph (3) of this subsection if such paragraph is applicable and its application increases the total of the monthly insurance benefits payable for such month to such individual and his spouse. If the primary insurance amount of an individual for any month is determined under paragraph (3), the primary insurance amount of his spouse for such month shall, notwithstanding the preceding sentence, be determined only under paragraph (3).

"(3) If both an individual and his spouse are entitled to benefits under this subsection (or section 223), or one of them is so entitled and the other would upon satisfying subparagraphs (A) and (C) of paragraph (1) be entitled to benefits under this subsection, then (subject to paragraph (4)) the primary insurance amount of such individual, and the primary insurance amount of such spouse (who shall be deemed to be entitled to benefits under this subsection, whether or not satisfying such subparagraphs, beginning with the later of the month in which such spouse attains age 62 or the month in which such individual became entitled to benefits under this subsection), for any month, shall each be equal to the amount derived by—

"(A) adding together such individual's average monthly wage and such spouse's average monthly wage, as determined under section 215(b),

"(B) applying section 215(a)(1) to their combined average monthly wage determined under subparagraph (A) (subject to the next sentence) as though such combined average monthly wage were such individual's average monthly wage determined under section 215 (b), and

"(C) multiplying the amount determined under subparagraph (B) by 75 percent.

If the combined average monthly wage resulting under subparagraph (A) exceeds the average monthly wage (hereinafter referred to as the 'maximum individual average monthly wage') that would result under section 215(b) with respect to a person who became entitled to benefits under this subsection (without having established a period of disability) in the calendar year in which the primary insurance amounts of such individual and spouse are determined under this paragraph, and who had the maximum wages and self-employment income that can be counted, pursuant to section 215(e), in all his benefit computation years, then the determination under subparagraph (B) shall take into account only that part of such combined average monthly wage which is equal to the maximum individual average monthly wage but the amount determined under such subparagraph shall be increased by 25.88 percent of the difference between such combined average monthly wage (or so much thereof as does not exceed 150 per centum of the maximum individual average monthly wage) and such maximum individual average monthly wage before applying subparagraph (C). The primary insurance amount of an individual and his spouse determined under this paragraph shall not be increased unless there is an increase in the primary insurance amount of either of them pursuant to provisions of this title other than this paragraph.

"(4) Paragraph (3) shall not apply—

"(A) with respect to any individual for any month unless, prior to such month, such individual and his spouse shall have each acquired, after attainment of age 50, not less than 20 quarters of coverage (counting as a quarter of coverage for purposes of this subparagraph any quarter all of which was included in a period of disability, as defined in section 216(i)),

"(B) with respect to any individual for any month unless there is in effect with respect to such month a request filed (in such form and manner as the Secretary shall by regulations prescribe) by such individual and his spouse that their primary insurance amounts be determined under paragraph (3),

"(C) with respect to any individuall or his spouse for any month if such individual or his spouse shall have indicated, in such manner and form as the Secretary shall by regulations prescribe, that he or she does not desire a request filed pursuant to subparagraph (B) to be effective with respect to such month, or

"(D) for purposes of determining the amount of any monthly benefits which (without regard to section 203(a)) are payable under the provisions of this section other than this subsection on the basis of the wages and self-employment income of an individual or his spouse."

SEC. 2. (a) Section 202(e)(2) of the Social Security Act is amended by striking out "shall be equal to 82½ percent of the primary insurance amount of such deceased individual" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of such deceased individual for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of such individual as determined under subsection (a) (3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which he died".

(b) Section 202(f)(3) of such Act is amended by striking out" shall be equal to 82½ percent of the primary insurance amount of his deceased wife" and inserting in lieu thereof "shall be equal to the larger of (A) 82½ percent of the primary insurance amount of his deceased wife for such month as determined under section 215(a), or (B) 110 percent of the primary insurance amount of his deceased wife as determined under subsection (a)(3) of this section (assuming for purposes of this clause that such subsection was applicable) for the month preceding the month in which she died".

SEC. 3. Section 203(a) of the Social Security Act is amended by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", or", and by inserting after paragraph (3) the following new paragraph:

"(4) when the primary insurance amount of the insured individual is determined under section 202(a)(3), such total of benefits for any month shall not be reduced to less than the larger of—

"(A) the amount determined under this subsection without regard to this paragraph, or

"(B) (i) the amount appearing in column V of the table in section 215(a) on the line on which appears in column IV the amount determined under subparagraph (B) of such section 202(a)(3) for such individual and his spouse, or

"(ii) if the amount so determined under such subparagraph (B) does not appear in column IV—

"(I) the amount appearing in Column V on the line on which appears in column IV the next higher amount, if the amount so determined under such subparagraph (B) is less than the last figure in column IV, or

"(II) an amount which bears the same ratio to the amount appearing on the last line of column V as the amount determined under such subparagraph (B) bears to the amount appearing on the last line of column IV, if the amount so determined under such subparagraph (B) is greater than the last figure in column IV."

SEC. 4. (a) Section 215(f)(1) of the Social Security Act is amended by inserting "(or section 202(a)(3))" after "determined under this section".

(b) The second sentence of section 215(f)(2) of such Act is amended by inserting before the period at the end thereof the following: ", or as provided in paragraph (3) of section 202(a) if such paragraph is applicable (but disregarding any increase which might result under the second sentence of such paragraph solely from changes in the maximum wages and self-employment income that can be counted in the years involved)".

SEC. 5. Section 223(a)(2) of the Social Security Act is amended by inserting after "section 215" the following: "or under section 202(a)(3)".

SEC. 6. (a) The amendments made by the first three sections of this Act shall apply only with respect to monthly insurance benefits under title II of the Social Security Act for and after the second month following the month in which this Act is enacted.

(b) In the case of an individual or his spouse who became entitled to benefits under section 202(a) or section 223 of the Social Security Act prior to the second month following the month in which this Act is enacted (but without regard to section 202(j)(1) or section 223(b)(2) of the Social Security Act), the average monthly wage of such individual or spouse, as the case may be, for purposes of section 202(a)(3)(A) of the Social Security Act, shall be the figure in the column headed "But not more than" in column III of the table in section 215(a) (1) of the Social Security Act in effect immediately prior to the enactment of this Act on the line on which in column IV of such table appears the primary insurance amount of such individual or spouse, as the case may be, for the month in which this Act is enacted, unless the average monthly wage of such individual or such spouse, as the case may be, is, after the enactment of this Act, redetermined under section 215(b) of the Social Security Act.

S. 2271

A bill to provide for the conduct of certain studies by the Secretary of Health, Education, and Welfare with respect to the insurance program established by title II of the Social Security Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall conduct a study of the various means which might be employed so as to provide such regular and automatic adjustments in the amounts of the monthly insurance benefits payable to individuals under title II of the Social Security Act as may be appropriate to assure fair and equitable treatment to such individuals in light of changes which periodically occur (A) in the standard-of-living of the populace as a whole, (B) the cost-of-living, (C) the cost-of-living as it relates to elderly people (taking into account the difference between the needs and spending habits of such people and those of the populace as a whole), (D) the average wage earned by employed persons, and (E) productivity of the work force. In such study, the Secretary shall also study the techniques employed for the regular automatic adjustment of benefits payable under other programs for retired, dependent, or disabled persons (including the social security or similar programs of foreign countries). Such study shall include an analysis and cost estimate for each of the various approaches which might be employed to provide for such regular and automatic adjustments in monthly social security benefits, together with an evaluation of each such approach as to its relative merits as compared to the other approaches included in the study.

(b)(1) The Secretary shall conduct a thorough study of the costs and advisability of utilizing general revenues to finance part of the cost of the insurance program established by title II of the Social Security Act. Such study shall include (but need not be limited to) the desirability and propriety of utilizing financing from general revenues to finance each of the following: (A) the differences between benefits paid to retirees in the early decades of the system and the employer-employee taxes paid on their earnings (plus accumulated interest); (B) the difference between the employer-employee contribution rate for low-paid workers and the benefits they receive, assuming the present minimum and minimums of $70 and $100; (C) the costs of benefits payable to dependents of insured workers; (D) liberalizing the conditions under which individuals may become entitled to benefits, for example, at earlier ages or with fewer quarters of coverage; and (E) the payment of the costs of administration of such program.

(2) In carrying out such study, the Secretary shall, with respect to each proposition for general revenue financing included in the study, study the extent, if any, which such proposition, if put into effect, would reduce the costs of the Federal Government with respect to its financial participation in State public assistance programs.

(3) The Secretary shall determine the most appropriate procedure for the making of payments into the appropriate social security trust funds of any sums that might be contributed from general revenues to finance any part of the cost of the insurance program established by title II of the Social Security Act.

(c) The Secretary shall also conduct a study of the insurance program established by title II of the Social Security Act with a view to—

(1) determining the feasibility of paying unreduced benefits to individuals electing early retirement thereunder because of a disability which is not sufficiently severe to entitle an individual to disability insurance benefits but is a substantial handicap in obtaining or retaining employment,

(2) exploring the cost and other considerations of establishing for men (as is presently the case for women) of age 62 as the end of the period which is used in determining average wage and insured status under such program, and

(3) exploring the cost and other considerations of lowering the age at which actuarially reduced benefits are payable under such program.

SEC. 2. The Secretary shall make a full and complete report to the Congress on each of the studies provided for under the first section of this Act, together with his views and recommendations on each of the matters included in each such study. Such report on each of such studies shall be submitted at the earliest practicable date, but in no event later than March 31, 1970.

S. 2272

A bill to amend title II of the Social Security Act to increase the amount of the insurance benefits payable to widows and widowers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 202(e) (1) and (2) of the Social Security Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

(b) Section 202(b) (1) and (2) of such Act is amended by striking out "82½ percent" wherever it appears therein and inserting in lieu thereof "100 percent".

SEC. 2. The amendments made by this Act shall apply with respect to monthly benefits under section 202 of the Social Security Act for months after the month following the month in which this Act is enacted.

S. 2273

A bill to amend title II of the Social Security Act to increase the amount of earnings permitted each year without deductions from benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$150 or the exempt amount (determined as provided in paragraph (8) of this subsection)."

(b) Paragraph (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$150 or the exempt amount (determined as provided in paragraph (8) of subsection (f) of this section)".

(c) Paragraph (3) of section 203(f) of such Act is further amended by striking out "except that of the first $1,200 of such excess (or all such excess if it is less than $1,200), an amount equal to one-half thereof shall not be included." and inserting in lieu thereof the following: "except that there shall not be included in such excess—

"(A) 50 percent of the first $1,200 of such excess (or 50 percent of all of such excess if it is less than $1,200), and

"(B) (if such excess is greater than $1,200) 25 percent of the difference between such excess and $1,200."

(d) The amendments made by this Act shall apply with respect to taxable years ending after December 1969.

S. 2274

A bill to amend title II of the Social Security Act so as to provide that remarriage shall not disqualify an individual from receiving widow's or widower's benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) section 202(e)(1)(A) of the Social Security Act is repealed.

(2) Section 202(e)(1) of such Act is amended by striking out "she remarries, dies, becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "she dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(e)(2) of such Act is amended by striking out "and paragraph (4) of this subsection".

(4) Section 202(e) of such Act is further amended by striking out paragraphs (3) and (4) thereof.

(b) (1) Section 202(f)(1)(A) of such Act is repealed.

(2) Section 202(f)(1) of such Act is amended by striking out "he remarries, dies, or becomes entitled to an old-age insurance benefit" and inserting in lieu thereof "he dies, becomes entitled to an old-age insurance benefit".

(3) Section 202(f)(3) of such Act is amended by striking out "and paragraph (5)".

(4) Section 202(f) of such Act is further amended by striking out paragraphs (4) and (5) thereof.

(c) (1) Section 202(s)(2) of such Act is amended by striking out "Subsection (f)(4), and so much of subsections (b)(3), (d)(5), (e)(3)" and inserting in lieu thereof "So much of subsections (b)(3), (d)(5)".

(2) Section 202(s)(3) of such Act is amended by striking out "(e)(3),".

(3) Section 202(k)(2)(B) of such Act is amended (A) by striking out "(other than an individual to whom subsections (e)(4) or (f)(5) applies)", in the first sentence, and (B) by striking out the second sentence thereof.

(4) Section 202(k)(3) of such Act is amended (A) by striking out the "(A)" at the beginning of paragraph (A) thereof, and (B) by striking out paragraph (B) thereof.

SEC. 2. The amendments made by the first section of this Act shall apply with respect to monthly insurance benefits under section 202 of the Social Security Act beginning with the second month following the month in which this Act is enacted; but, in the case of an individual who was not entitled to a monthly insurance benefit under section 202 (e) or (f) of such Act for the first month following the month in which this Act is enacted, only on the basis of an application filed in or after the month in which this Act is enacted.

S. 2275—INTRODUCTION OF A BILL TO AUTHORIZE PAYMENT OF TRAVEL EXPENSES OF APPLICANTS INVITED BY AN AGENCY TO VISIT IT IN CONNECTION WITH POSSIBLE EMPLOYMENT

Mr. RIBICOFF. Mr. President, I introduce, for appropriate reference, a bill to amend title 5 of the United States Code, to authorize payment of travel expenses of applicants invited by an agency to visit it in connection with possible employment. The bill is being introduced at the request of the Chairman of the U.S. Civil Service Commission. An identical proposal submitted to the 90th Congress was introduced in the House as H.R. 9382.

According to the Chairman of the Commission, the purpose of this bill is to improve the ability of the Federal Government to attract able scientists and engineers. Its enactment is recommended by many Federal agencies, including the following major employers of scientists and engineers: National Aeronautics and Space Administration, Veterans' Administration, Federal Aviation Administration, and the Departments of Army, Navy, Air Force, Agriculture, Interior, Commerce, and Health, Education, and Welfare.

These agencies have found that inability to pay travel expenses for applicants in shortage category fields is the governing factor in hundreds of declinations of job offers each year. If enacted, this legislation would place Government laboratories on a more equal footing with private industry, which for some time has

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provided expense-paid plant visits to promising candidates, as an aid in recruitment.

I ask unanimous consent that a letter addressed to the President of the Senate from the Chairman of the Commission, dated March 20, 1969, and the text of the bill, together with a section analysis and a statement of purpose which sets forth additional justification and background on the proposed legislation, be printed in the Record at this point, as a part of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill, section-by-section analysis, statement of purpose, and letter will be printed in the Record.

The bill (S. 2275) to amend title 5, United States Code, to authorize payment of travel expenses of applicants invited by an agency to visit it in connection with possible employment, introduced by Mr. Ribicoff, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S. 2275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5723 of title 5, United States Code, is amended as follows:

(1) Subsection (d) is redesignated as subsection "(e)".

(2) Subsection (e) is redesignated as subsection "(f)", and amended by striking out "subsection (a)" and inserting "subsections (a) and (d)" in place thereof.

(3) The following new subsection is inserted after subsection (c): "(d) Under such regulations as the President may prescribe, an agency may pay from its appropriations travel expenses of—

"(1) an individual, while away from his home or regular place of employment, who is found qualified; or

"(2) a student while away from his home or temporary residence during the school term, who tentatively is found qualified subject to completion of his education;

to serve in a position in the competitive service for which the Commission determines there is a manpower shortage and who is invited by the agency to visit it in connection with possible employment. Travel expenses payable under this subsection may include the per diem and mileage allowances authorized for employees by subchapter I of this chapter. Advances of funds may be made for the expenses authorized by this subsection to the extent authorized by section 5724(f) of this title."

(4) The catchline is amended to read as follows:

"§ 5723. Travel and transportation expenses of new appointees, student trainees, and proposed appointees; manpower shortage positions".

(b) The analysis of chapter 57 is amended by striking out:

"5723. Travel and transportation expenses of new appointees and student trainees; manpower shortage positions."

and inserting in place thereof:

"5723. Travel and transportation expenses of new appointees, student trainees, and proposed appointees; manpower shortage positions."

The material presented by Mr. Ribicoff follows:

U.S. Civil Service Commission,
Washington, March 20, 1969.

Hon. Spiro T. Agnew,
President of the Senate.

Dear Mr. President: The Commission is submitting for the consideration of the Congress proposed legislation "To amend title 5, United States Code, to authorize payment of travel expenses of applicants invited by an agency to visit it in connection with possible employment." An identical proposal submitted to the 90th Congress was introduced in the House as H.R. 9382. There are enclosed: (1) a draft bill; (2) a section analysis of the proposed bill; and (3) a statement of purpose and justification.

The proposed bill would significantly improve the ability of the Federal Government to attract able scientists and engineers. Its enactment is recommended by many Federal agencies, including the following major employers of scientists and engineers: National Aeronautics and Space Administration, Veterans' Administration, Federal Aviation Agency, and the Departments of Army, Navy, Air Force, Agriculture, Interior, Commerce, and Health, Education, and Welfare.

These agencies have found that inability to pay travel expenses for applicants in shortage category fields is the governing factor in hundreds of declinations of job offers each year. If enacted, this legislation would place Government laboratories on a more equal footing with private industry, which for some time has provided expense paid plant visits to promising candidates as an aid in recruitment.

This is a recruiting practice which can easily tip the balance of a person's decision. It resolves any doubts he may have about the worksite, working conditions, associates and the community in which he will live. Any employer who leaves an applicant uncertain in these matters is at a serious disadvantage.

The Bureau of the Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of the proposal.

A similar letter is being sent to the Speaker of the House of Representatives.

By direction of the Commission:

Sincerely yours,
Robert E. Hampton, *Chairman.*

Section Analysis

The draft bill amends section 5723 of title 5, United States Code, by redesignating two subsections and by inserting a new subsection.

Subsections (d) and (e) are redesignated as subsections (e) and (f) respectively. Redesignation is necessary to permit insertion of the new subsection (d) in the most logical place in the section.

A new subsection (d) is added authorizing the payment of travel expenses of persons in shortage occupations who are invited to visit agencies or installations in connection with possible employment. Such payments of travel expenses would be discretionary with the prospective employing agency, but could be made only after it was first determined that the person invited to visit the agency was found qualified (or students found tentatively qualified, subject to completion of education) by an appropriate civil service examining office, including boards of civil service examiners and interagency boards. The position would have to be one in the competitive civil service which the Civil Service Commission has placed in the manpower shortage category.

New subsection (d) does not provide authority for payment to applicants being considered for employment in the excepted service, or in those positions in the competitive service filled pursuant to 5 U.S.C. 3104 and 10 U.S.C. 1581. The Comptroller General has ruled that in filling these positions, where the responsibility for recruitment and selection is vested in the agencies, the payment by them of any necessary expenses incident to the determination of the qualification of applicants is proper if funds otherwise are available therefor.

Payment for travel expenses would be provided in accordance with the travel regulations currently applicable to Federal employees.

Statement of Purpose and Justification

PURPOSE

To improve the ability of Federal agencies to recruit well-qualified persons in shortage occupations.

JUSTIFICATION

The need for well-qualified professional and technical employees continues at a high level and shows no sign of diminishing. Department of Labor manpower estimates for the economy as a whole predict a 45% increase in employment in professional and technical occupations during the decade from 1965–1975. This growth has several major causes, including the rapid expansion in research and development activities, the tremendously rapid increase in application of technological improvements, and the increasing size and complexity of business organizations.

Current Commission projections of Federal manpower requirements indicate that by fiscal year 1971 agency needs for mathematicians, engineers, scientists and medical personnel will increase by at least 10%. Demand for social scientists and technicians will be equally high. Despite increased college enrollments, and even with greatly increased recruiting efforts, it is quite likely that Federal needs for top flight scientific and technical personnel will not be fully met.

To Federal recruiting officials, these forecasts can only mean that competition for highly trained and specialized personnel will remain very high. Our Federal laboratories must have technically trained and highly skilled employees if we are to be successful in such critical endeavors as medical research, military preparedness, and space activities.

The Federal Government should be able to attract its fair share of the best talent that our colleges and universities are producing. In occupations in which there are numerical shortages, there often are even more serious shortages of quality. Industry makes special efforts to attract the superior quality graduate. The Government as an employer must do all that it can to attract highly talented men and women.

Authorizing agencies to pay travel and transportation expenses of new employees to the first post of duty (Public Law 86–587) was a stride forward in placing the Federal Government in a more competitive position with industry. However, inability to pay interview expenses remains a serious obstacle. Therefore, major Federal employers of scientists, engineers and other personnel in short supply (Departments of Army, Navy, Air Force, Interior, Agriculture, Commerce, Health, Education, and Welfare, National Aeronautics and Space Administration, Veterans Administration, and Federal Aviation Agency) have recommended that legislation be sought to authorize payment for travel expenses of certain applicants invited to visit the agency to discuss employment.

Why is this authority needed?

(1) *To more nearly meet competition from private industry.* Private industry has recognized that the kind of equipment a man will have to work with, who his co-workers will be, and the kind of living conditions his family will have can all be important factors in selling him on a particular job. Twenty-five of twenty-six large AEC contractors pay the cost of travel to their plants or laboratories in connection with recruitment for important positions. Research and development

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contractors for the military services provide such travel expenses, and other private firms advertise that expenses of a visit to the company before employment will be paid.

A report of college placement bureaus compiled 3 years ago indicated that more than 80% of employers who recruit on their campuses provide for plant visits at company expense. A 1968 Prentice-Hall survey of 121 companies found that 87% of them pay some or all of an applicant's expenses for a plant interview. Of these 121 employers, 74% pay all expenses (including transportation, meals, lodging, and incidentals), 75% pay for meals, 76% pay for lodging and 85% pay for transportation. A recent CSC study of seven large private employers and two large public entities revealed that all nine of these pay the cost of transportation for plant visits in screening candidates for college level entry jobs.

(2) *To acquaint applicants with opportunities presented by Government employment.* In addition to the advantage of offering the rewards of public service—a factor which draws more young people to the Federal service each year—Government employment often provides unique challenges and opportunities.

This is especially true in the scientific and engineering fields. These benefits can be made so much more apparent in a plant visit that they can often more than compensate for the slightly lower starting salaries in the Federal Government. (The Army Materiel Command reports a difference of $2,253 per year at GS–5 and $1,000 per year at GS–7 with the average industrial starting salary for Bachelor level technical graduates in the 1967 fiscal year.)

(3) *To obtain a greater number of highly qualified applicants.* The demand for technical talent is such that the well-qualified scientist or engineer does not have to go looking for a job—the job goes looking for him. Recruiting such a person often becomes a "selling" job.

In today's market most scientists and engineers will not make a decision on their professional career without personally visiting the place of employment. It is only natural to accept an offer from industry, where the applicant has visited the plant and met the officials, in preference to an offer from a distant and unknown Federal laboratory, even though the work at the Federal agency may appear to be more interesting and offer more challenge. Federal laboratories, equipment, and physical plant often surpass the best in private industry, and these things can be a powerful inducement for able scientists and engineers. But this advantage is lost unless we are able to bring qualified persons in to see them, and in appropriate cases to pay their travel expenses.

Similarly, applicants on civil service lists of eligibles who appear to be well-qualified, but who are not available for interview, are often passed over for persons not as well-qualified, but who were interviewed. Federal employers also do not want to buy without looking and this may result in the Federal Government not selecting the best available person.

It has been the experience of Federal employers in recent years that inability to pay these expenses is the governing factor in numerous declinations of job offers. To cite a few examples:

Navy reported 726 declinations out of the 945 offers made by 5 of their biggest labs. Without exception, the labs specified nonpayment of preemployment interview expenses as a primary reason for these declinations.

The Army Materiel Command reported that 32% of all those inexperienced scientists and engineers declining job offers listed the lack of opportunity to visit the work site at government expense as their *main* reason for declination.

One Air Force installation reported losing an average of 25 qualified research people per year to industry because of the inability to pay expenses for a plant interview.

All Naval recruiting activities—65 in total—mentioned inability to pay preemployment interview expenses as a major reason for declinations by qualified applicants in shortage categories.

74% of all Army Materiel Command applicants declining offers reported that they had visited the organization whose offer they subsequently accepted. Moreover, respondents visited an average of five companies each at company expense.

These illustrations are indicative of the need for authority to pay preemployment interview expenses. Total figures would undoubtedly be much higher. We can only conclude from such examples that the Federal Government has lost opportunities to obtain professional talent of high quality by inability to pay interview expenses.

(4) *To place the right man in the right position.* This is particularly important for the higher-grade, specialized, research positions, and is critical in the selection of a scientist to be a member of a research team where the ability to function in the particular working environment is extremely important. Such interviews enable a larger group to talk to the candidates and thereby provide a broader base for evaluating personal qualifications. Multiple evaluations may also result in consideration for alternative positions at the installation.

(5) *To eliminate misconceptions which we know exist in the minds of some applicants concerning Federal employment in general or employment at particular locations.*

(6) *To keep turnover at a minimum, particularly at isolated locations.* Despite agency efforts to give prospective employees complete and factual information about the working and living conditions at isolated installations, employees sometimes resign shortly after reporting for duty. This is very costly. Personal interviews at the work site will tend to uncover these sources of potential dissatisfaction before the appointment is made.

What are Federal agencies doing in the absence of authority to pay for interview expenses?

Federal recruiters, when visiting colleges and through telephone calls and correspondence, make every reasonable effort to encourage prospects to visit the work site at their own expense. The distance involved is an important factor in these efforts. Results are often disappointing.

One Naval activity reports: "We have in our files dozens of letters from applicants who have naively requested to visit the laboratory at Government expense. They assume that this is standard practice, as it is in industry. When we disillusioned them, their candidacy, with rare exception, came to an abrupt end."

In the absence of authority to pay expenses for preemployment interviews, some agencies now conduct essential interviews near the applicant's home. Interviews are conducted by agency officials who may be traveling in the area for other purposes or who may be making the trip for the sole purpose of conducting the interviews. "Courtesy" interviews are conducted by officials of a nearby installation of the same agency as the prospective employer. However, both kinds of interviews have serious disadvantages. In addition to the absence of personal contact between employer and applicant:

(1) "Courtesy" interviewers are usually not familiar with actual working and living conditions at the recruiting installation;

(2) Selecting officials are reluctant to depend on the judgment of a disinterested third party, particularly for high-level, specialized positions;

(3) There is no opportunity to make multiple evaluations of a candidate;

(4) Time delays and some expense are encountered in arranging with third parties to conduct interviews and to furnish results to recruiting installations;

(5) There are travel costs for interviewing officials;

(6) In research organizations it is particuarly desirable that interviews be conducted by key staff members who have a thorough knowledge of the research programs and can discuss them in terms of the technical knowledge of the candidates. When these key officials must travel extensively to conduct interviews, much of their time used for this purpose could otherwise have been profitably devoted to program duties at the work site.

What has been the experience of Federal agencies now authorized to pay these expenses?

Federal agencies are authorized to pay preemployment interview expenses when considering candidates for employment to positions excepted from the competitive civil service. The Comptroller General has ruled that in filling excepted positions, where the responsibility for determining the qualifications of applicants is vested in the agencies, the payment by them of any necessary expenses incident to the determination is proper if funds otherwise are available therefor.

Reports from the principal excepted agencies authorized paid preemployment travel show that this right has been used carefully and conservatively. No complaints of abuse have been made to the General Accounting Office.

Tennessee Valley Authority—All positions in TVA are in the excepted service. TVA policy is that payment for interview expenses may be authorized when deemed by the division incurring the expense to be necessary in the conduct of official business. Experience of TVA has disclosed no applicant abuse of the authorization to pay such expenses. In FY 1967, TVA hired 175 employees in shortage categories and authorized preemployment travel for 68 applicants.

Atomic Energy Commission—All positions in AEC are in the excepted service. AEC reports that the authority to pay these expenses has been used sparingly, but its use has been found necessary in the current competitive market for "quality" candidates. Invitational travel is not considered an additional cost. In most instances, in lieu thereof, AEC would have to send a representative to interview the candidate to accomplish an adequate evaluation of his qualifications. The cost then would include not only travel expenses for AEC's representative, but also his salary.

In FY 1967 AEC hired 277 shortage category employees and authorized preemployment interview expenses for 85 applicants.

AEC is not aware of any abuse on the part of candidates, such as travel for their own pleasure or convenience. Candidates who have accepted invitation travel for interview have usually accepted offers of employment.

Veterans' Administration—Physicians, dentists, and nurses in the Department of Medicine and Surgery are in the excepted service. VA uses its authority infrequently but regards it as an important recruiting factor in the cases where it is needed. In FY 1967, VA only used its authority to pay expenses for 46 applicants but it hired 5,195 employees in shortage categories.

How would the proposed legislation be administered?

Regulations governing travel under the proposed legislation would be prescribed by the Director, Bureau of the Budget, who now has the responsibility for prescribing other travel regulations.

The Civil Service Commission already determines those positions which fall into the category of "manpower shortages" for purposes of payment of travel and transportation expenses of new employees to first post of duty (Public Law 86–587). This responsibility is not treated lightly. There is a detailed procedure followed in making these determinations and the same procedure would be followed in authorizing payment of preemployment travel expenses.

Under this procedure agencies have to furnish to the Civil Service Commission *in advance* a statement showing the extent of the shortage by position and location. The agency justification must include such information as:

The total number of incumbents in the agency in the area in question;

The number of existing and anticipated vacancies in the next 12 months;

The length of time active but unsuccessful recruiting has been conducted;

The declinations because of lack of payment of travel and transportation funds;

A statement on the extent and nature of recruiting efforts and the results obtained from the use of paid and free advertising, contacts with schools, contacts with the local State Employment Service, etc.;

The extent to which it has been necessary to recruit outside of the area in which the vacancy exists;

Information on internal efforts to relieve the shortage such as job engineering and upgrading the skills of people already employed; and

The general quality of recruits obtained and the prospects for obtaining better ones if travel costs are paid.

In evaluating agency requests the Commission independently examines existing registers to see how many qualified people are actually available, and how well qualified they are. As circumstances require other pertinent sources of information are checked such as the U.S. Employment Service and the latest literature on the subject.

Funds to pay travel costs authorized by the draft bill would be secured by individual agencies through their appropriation requests to the Congress. Necessity for justifying funds to be used for this purpose and the generally limited amounts of agency travel funds in relation to travel needs will assure that individual agencies administer these provisions in the best interests of the agency and the Federal Service. The requirement that applicants must first be found qualified by a civil service examining office is added assurance that these interviews would come at a point just short of actual employment in the competitive service.

Students often express an interest in the Federal service some months before they are scheduled to complete their education. The proposed legislation has been drafted so as not to preclude from coverage this very important group of applicants who are considered "tentatively qualified". This means they have taken and passed any required test and have been rated qualified by an examining office. To be fully qualified they only need to finish the last few weeks of their education and receive their degree.

These applicants, still in school, but about to begin their working careers, comprise one of the Government's most important recruitment sources for engineer and scientific positions. Because of the intense competition with industry recruiters for this particular group of applicants, it is essential that Federal agencies be able to extend preemployment interview invitations to the students some weeks, or months, before graduation.

What will be the cost?

The estimated 6,250 payments to prospective employees would come out of agency travel appropriations and amount to about $970,000 per year. The actual amount, however, would be controlled by the Congress through its acceptance of agency requests for travel appropriations. Present estimates are based on the current list of "manpower shortage" occupations and agency estimates of cost and probable use of authority to pay preemployment interview expenses. These estimates do not take into account certain significant savings that can be expected, as for example:

Decreases in travel expenses of agency administrative officials who would no longer find it necessary to go to the applicant to conduct essential interviews.

Decreases in travel expenses and loss of working time of key scientists who would not be taken from their regular duties to travel about the country conducting interviews.

Decreases in turnover (especially at isolated locations) because applicants will have a clearer view of actual living and working conditions and can better decide whether or not they wish to accept the job offered.

Greater benefits from the funds already spent on recruiting because many applicants, who now go through the initial interview stage but drop out when they find no opportunity to visit the work site at Government expense, will go on to probable employment.

The present experience of the excepted agencies TVA, AEC, and VA show their expenses to be under our estimate of about $155 per trip. The average cost reported for each preemployment interview traveler was for AEC $117.87, for TVA $67.81, and for VA $133.13. Therefore we feel our estimate is a generous one.

It is expected that costs would be absorbed in the regular travel budgets of the agencies concerned, and that no special appropriation would be needed.

The agency's ability to reimburse an applicant for his interview expenses might well tip the scale in favor of his accepting a "manpower shortage" category position. In this event, the money would be well spent.

S. 2277—INTRODUCTION OF THE EXCESS WAR PROFITS TAX ACT OF 1969

Mr. McGOVERN. Mr. President, I am today introducing a bill to establish an emergency tax on excess war profits. I am proposing this temporary measure as an alternative to the surtax charge on personal income.

It is my judgment that a tax on excessive corporate profits, induced by wartime military spending, is a more equitable means of financing our war effort than extension of the surtax levy on individual incomes.

Mr. President, I ask unanimous consent that the text of the bill which I now send to the desk be printed in the Record at the conclusion of my remarks.

Mr. President, joining me in cosponsoring the measure are Senators Church, Mansfield, Hart, Nelson, Mondale, Fulbright, Anderson, McGee, Moss, Muskie, Inouye, Yarborough, Gravel, Young of Ohio, and Randolph.

Mr. President, in the true financial sense, a war is never over. The costs do not end with the cessation of hostilities. There are long-term charges—veterans benefits, medical treatment, hospital upkeep—which will be borne by our children and their children after them. Today, 15 years after the Korean war ceasefire, veterans assessments incurred during that conflict still cost us over $700 million annually.

We can put off for now the question of who shall pay for these relentless costs. But we cannot postpone a decision on how to finance current combat operations. Each year the war in Vietnam costs the United States over $30 billion—roughly one-sixth of all Federal outlays.

I think it is time for American industry, which has enjoyed an unprecedented 33 percent rise in net after-taxes profits since the combat escalation of 1965, to assume more of the tax burden generated by the war.

And I think it is time to relieve the middle and low-income taxpayers of the war costs he must carry in the form of the surtax charge, the inflation which cuts so cruelly into the income of the poor and the elderly, and the high and increasing interest rates of all categories.

This bill, the Excess War Profits Tax Act of 1969, provides for a long-overdue equitable reassignment of our wartime revenue demands.

HISTORY

In his tax message of April 22, President Nixon said:

> While we must maintain total Federal revenues, there is no reason why we cannot lighten the burden on those who pay too much, and increase the taxes of those who pay too little . . . Fairness calls for tax reform now.

The appeal for fairness in our tax structure should always be most compelling at times of war. As industry enjoys full capacity operation and high profit yields, many Americans are asked to sacrifice their health and possibly their lives in the service of their country.

It has been the consistent avowed policy of this Nation to see that no one makes unrealistic profits from war—while thousands of our young men are dedicating an important portion of their lives at inconsequential pay.

That was the policy for World War I, when an excess war profit tax was applied to corporate income between 1917 and 1921.

It was the policy for World War II, when a 90-percent rate was applied to adjusted excess profits. From 1940 to 1946, this corporate tax charge yielded over $40 billion for the allied war effort.

It was the course we pursued during the Korean war, when the Congress passed an excessive war profits tax 6 months after the Communist invasion of South Korea. The 1950 tax measure, which yielded some $8 billion, is the prototype for the bill I am introducing today.

This is the course we should be pursuing now. The war in Vietnam, whether we measure it by the number of bombs dropped or the number of lives lost or the number of dollars spent, has been a more costly national experience than Korea.

Yet—continually primed by the infusion of military spending—the industrial economy has boomed. The record last quarter of 1968 brought corporate profits after taxes to a high of $51 billion for the year, as against the 1963 level of $33.1 billion.

There are, of course, other factors behind the surge of corporate profits besides defense spending, but the economic impact of the war has been the most significant.

According to Moody's Industrials, the

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major defense contractors have experienced unparalleled growth in profits since escalation of the war began. General Dynamics, for example, had a 22-percent increase between 1963–65 and 1966–67. General Electric went up 21.7 percent. United Aircraft went up 56 percent, and Boeing reaped a 65-percent increase.

Adm. Hyman Rickover in testimony before the House Banking and Currency Committee, April 1968, noted that profits on defense contracts were 25 percent higher in 1964–67 than in 1959–63.

The war has generated an unprecedented increase in military prime contract awards: from fiscal 1965 to 1966 the awards figure rose 36 percent, from $28 billion to $38.2 billion. The 17-percent rise from fiscal 1966 to 1967 produced a $44.6 billion level, exceeding the high mark reached during Korea—$43.6 billion in fiscal 1952.

After the Revenue and Expenditure Control Act of 1968 recommended across-the-board recision in Federal spending, awards dropped slightly in fiscal 1968, but still remained above the Korea high at $43.7 billion.

There is no reason why the profits growing out of this increase in prime military spending should be treated differently than excess profits during every previous war since 1913—when the 16th amendment first empowered the Federal Government to lay a tax on income.

The equities in support of the profits tax are not just strong, they are overwhelming. Our predecessors in the Senate found this to be the case in 1917, in 1929, and again in 1950. Our successors will surely find it hard to understand why we have exempted Vietnam from a tradition so demonstrably fair and equitable.

THE ECONOMY TODAY

On two occasions in the last decade, the Congress has enacted tax programs to encourage economic stabilization.

In January 1963 President John Kennedy proposed across-the-board reductions in personal and corporate tax rates. The President's economic advisers were anxious at the persistence of high unemployment and idle production capacity at a time of general prosperity.

President Johnson inherited that concern, and in 1964 he shepherded an $11.5 billion tax reduction through Congress. With the resulting increase in disposable income and aggregate demand, our economic performance approached its full potential.

But the war escalation in 1965 quickly diverted the economy to an unbalanced prosperity and introduced problems of price-wage inflation, domestic, and balance-of-payments deficits, higher interest rates, and skilled labor shortages.

The threat of inflation and the mounting costs of waging war 10,000 miles from our shores led President Johnson in 1967 to request a surtax charge on personal and corporate income.

Congress resisted for 18 months, but the growing threat of a ruinous inflationary spiral finally prompted approval of the 10 percent surtax in June of 1968.

President Nixon, in his message of March 26, cited the continuing imperative of providing revenue for our combat support. He has requested extension of a modified surtax plan, with an expected yield of $9.5 billion.

Mr. President, the bill I am proposing will bring in a similar level of revenue, by taxing a fair measure of the wartime increase in net corporate profits.

That increase is the most dramatic in our recent economic history. From 1961 to 1964—the base period for computing excess profits—the average yearly level of corporate profits before taxes was $57.8 billion; after taxes, the average retention was $32.5 billion.

For the post-escalation years, 1966–68, gross profits have soared to an average of $84 billion per year; and after taxes to an average of $50 billion. Net corporate profits, after taxes, for 1968 reached a high level of $51 billion—despite the imposition of the surtax on corporate earnings. This represents an increase of $18.5 billion or 53 percent from the base period average.

The quantum jump in corporate profits during this period greatly exceeds the Korean war increase, which last prompted an excess profits tax. During the 1946–49 base period, average profits before taxes were $29 billion; and $17.6 billion after taxes. For the 1950–54 tax years, profits increased to $37.9 billion per year; with an average after-tax level of $18.3 billion.

Net profits for the war years were only $1.3 billion higher than the base period average—but the Congress overwhelmingly approved a new tax on excess profits.

Today, the tax base for an excess profits levy is over 10 times as great—and the equities in support of such a tax are correspondingly greater. We have countenanced the accumulation of excessive war profits for the first time in our national history. And we have presided over this unconscionable assemblage of profits without even seriously considering a special tax charge program.

We can correct that oversight now, with enactment of a temporary tax on excess war profits.

TAX REFORM

Mr. President, at the same time corporate profits are skyrocketing to new high levels, the individual taxpayer is growing angry and impatient with the imbalances which characterize much of the Federal tax system.

He is angry when he reads of loopholes by which wealthy taxpayers avoid an estimated $50 billion in tax liabilities annually.

He is angry when he hears of the "hobby farmer" who deducts over $1 billion a year in "farm losses" from his nonfarm income.

And he is angry when he sees the well to do avoid tax responsibility altogether, while 2 million families with gross income below the poverty level pay more than $1 billion in Federal taxes.

Above all, the middle-income citizen is tired of the tax squeeze which restrains his own best efforts to provide for his family, to arrange for the education of his children, and to prepare for years of retirement.

The time for comprehensive tax reform is at hand; and termination of the surtax charge, with the temporary imposition of an excess profits tax should be a part of that reform.

I do not think that a tax structure which burdens the individual taxpayer with a regressive surtax while it rewards extravagantly the capacity of American industry to expand and enjoy economies of scale with wartime defense spending is an appropriate institution in a country with our ideals and public commitments.

We have imposed a surtax on personal income at a time when some sectors of the economy are in a slump—even though we are involved in a major war. We are, for example, in the midst of a unique experience in agriculture. Prices are declining and farmers are continuing to be forced off the land. The rural economy is depressed, and the people it supports are migrating to the cities. Only one out of every 10 boys growing up on the farms of America will find a living in agriculture.

Still, we seek to extend the surtax on personal income, in spite of the "taxpayer's revolt" against high Federal taxes and in spite of the spiralling excess corporate profits.

When he proposed the war profits tax act of 1950, Senator Tom Connally of Texas asked:

> Does not the making of such excesses affect the ability to pay? Does it not affect the whole basis and the whole justice of laying a tax on profits?

I think it does. I think that the surtax as a means of balancing a war-inflated budget should be discarded and that we should move to "lighten the burden on those who pay too much, and increase the taxes on those who pay too little."

INFLATION

There is another side of the economic picture which demands our attention—the steady menacing rise in consumer prices.

The war in Vietnam has generated a hazardous inflationary situation. The cost of living has been going up 4 to 5 percent a year; while the gross national product for 1968 grew 9 percent, only 5 percent of the rise was real gain, the other 4 percent was inflation.

Using the 1957–59 price average as a base, the picture is even gloomier. By that reckoning, inflation as a percentage of the total increase in gross national product has grown from 35 percent in the first quarter of last year to 60 percent in the first quarter of this year.

Consumer prices have been moving up rapidly, jumping eight-tenths of 1 percent in March to 125.6 percent of the 1957–59 average—the biggest 1-month jump since the Korean war. Wholesale prices, whose rate of growth slowed much of last year, are now rising alarmingly, promising further increases in future consumer costs.

Inflation is a cruel, unconscionable form of taxation. Its effects are most immediately and severely felt by the elderly who must live on fixed-income retirement payments. But its secondary and tertiary effects touch all of us in some manner.

Prohibitively high interest rates are preventing some State and city school districts from raising funds for school construction. The interest squeeze hinders efforts to finance the construction of decent housing to replace our urban slums. Ordinary consumers, particularly the young, who are most likely to buy on installment loans, are asked to pay more than they can afford for basic living appliances. The small businessman most desperately in need of credit is forced to pay rates which make it impossible for him to survive.

All of these burdens are the consequences of our current anti-inflationary fiscal and monetary policies—in the context of swollen war expenditures.

I think we can apply a more effective fiscal brake to this inflation than the imposition of a surtax on the general consumer. A tax on excess corporate profits would cool off the economy at its most overheated sectors, by removing the "high velocity" investment dollar early in the cycle.

In his tax message, President Nixon spoke of the urgent need to "dampen demand in a sector of the economy that is moving much too fast—the market for business equipment." The excess profits tax would do just that.

We are experiencing a war-induced inflation, fed by mounting military expenditures which in turn stimulate industrial expectations of further military demand.

I think that the way to curb this kind of inflation—short of ending the war—is to minimize the effects of the defense primer on aggregate demand, by drawing off the excess profit yield in higher corporate taxes.

This was the judgment of the Congress in 1950, when the excess profits tax was labeled a "weight to hold down inflation." It should be the judgment of this Congress.

TERMS OF THE BILL

The bill I am proposing would amend the Internal Revenue Code of 1954 by adding at the end of subtitle A a new section, the Temporary Excess Profits Tax Chapter.

A new tax would be imposed on the taxable income of every corporation, for the taxable years beginning January 1, 1969, and ending December 31, 1970. The tax would be equal to 37 percent of the excess profit taxable income—that part of income which exceeds the deduction adjustment for the taxable year.

This deduction adjustment, computed according to the 1950 Tax Act formulas, approximates that amount of income which is not attributable to special wartime spending levels. The taxpayer may either deduct the average annual intake for the 4-year base period, 1961–64. Or he may deduct a normal return on invested capital, as calculated on the graduated scale of the 1950 act. In any event, no corporation with excess profits under $25,000 per annum is liable for the extra tax under this bill.

Special relief for corporations experiencing abnormal growth during the emergency period is provided by section 1606(a)(3) which empowers the Secretary of Treasury to make rules comparable to provisions of the 1950 act. These rules would prescribe certain special modifications for nondefense growth industries, for corporations which installed new product lines or new factories during the base period, and for corporations which experienced damaging fires, long-term labor strikes, or other severe abnormalities during the base period.

These special adjustments are designed to focus the excess profits tax as precisely as possible on the war-created increment of corporate income. It is a "surgical strike" taxation scheme; we are not interested in those profits which are a normal yield on capital and ingenuity.

We all pray that the stalemate in Paris will be broken, that the killing will end, and that American troops will be returned to our own shores. But for now, the war goes on and its costs continue to rise.

Mr. President, it is time now to shift more of that cost to those industries that are deriving excessive profits from a tragic war.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2277) to impose an excess profits tax on the income of corporations during the present emergency, introduced by Mr. MCGOVERN (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Excess War Profits Tax Act of 1969".

SEC. 2. (a) Subtitle A of the Internal Revenue Code of 1954 (relating to income taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 7—TEMPORARY EXCESS PROFITS TAX

"Sec. 1601. Imposition of tax.
"Sec. 1602. Definitions.
"Sec. 1603. Adjustments to income for years in emergency period.
"Sec. 1604. Adjustment to income for years in base period.
"Sec. 1605. Unused excess profits deduction adjustment.
"Sec. 1606. Excess profits deduction.

"SEC. 1601. IMPOSITION OF TAX.

"(a) General Rule.—In addition to the other taxes imposed by this subtitle, there is hereby imposed on the income of every corporation, for each taxable year ending or beginning in the emergency period, a tax equal to 37 percent of the excess profits taxable income for the taxable year.

"(b) Taxable Years Partly in Emergency Period.—In the case of a taxable year which begins before the emergency period or ends after the emergency period, the tax imposed by subsection (a) shall be an amount equal to 37 percent of the excess profits taxable income for the taxable year multiplied by a fraction the numerator of which is the number of days in the taxable year within the emergency period and the denominator of which is the total number of days in the taxable year.

"SEC. 1602. DEFINITIONS.

"(a) Excess Profits Taxable Income.—For purposes of this chapter, the term 'excess profits taxable income' means taxable income (computed with the adjustments provided in section 1603 or 1604, but otherwise as computed for purposes of the tax imposed by chapter 1) reduced by the higher of—

"(1) $25,000, or

"(2) the sum of—

"(A) the excess profits deduction for the taxable year, and

"(B) the unused excess profits deduction adjustment for the taxable year.

"(b) Emergency Period.—For purposes of this chapter, the term 'emergency period' means the period beginning on January 1, 1969, and ending December 31, 1970.

"(c) Base Period.—For purposes of this chapter, the term 'base period' means the period beginning on January 1, 1961, and ending on December 31, 1964.

"SEC. 1603. ADJUSTMENTS TO INCOME FOR YEARS IN EMERGENCY PERIOD.

"(a) General Rule.—For purposes of this chapter, in determining the taxable income of a corporation for a taxable year ending or beginning in the emergency period, the following adjustments shall be made:

"(1) Dividends received.—The deduction for dividends received shall apply, without limitation, to all dividends on stock of all corporations, except that no deduction for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

"(2) Disallowances of certain deductions.—The deductions provided in section 247 (relating to deduction for dividends paid on certain preferred stock) and section 922 (relating to special deduction for Western Hemisphere trade corporations) shall not be allowed.

"(3) Gains and losses from sales or exchanges of capital assets.—There shall be excluded gains and losses from sales or exchanges of capital assets.

"(4) Income from retirement or discharge of bonds, etc.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge.

"(5) Deductions on account of retirement or discharge of bonds, etc.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

"(A) The deduction allowable under section 162 for expenses paid or incurred in connection with such retirement or discharge;

"(B) The deduction for losses allowable by reason of such retirement or discharge; and

"(C) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge.

"(6) Recoveries of bad debts.—There shall be excluded income attributable to the recovery of a bad debt if the deduction of such debt was allowable from gross income for any taxable year ending before January 1, 1969, or if such debt was properly charged to a reserve for bad debts during any such taxable year.

"(7) Nontaxable income of certain industries with depletable resources.—In the case of a producer of minerals, a producer of logs or lumber from a timber block, a lessor of mineral property or a timber block, and a natural gas company, there shall be excluded income exempt from the provisions of this chapter under the regulations prescribed by the Secretary or his delegate under section 1606.

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"(8) Net operating loss deduction adjustment.—The net operating loss deduction under section 172 shall be properly adjusted in accordance with regulations prescribed by the Secretary or his delegate.

"(9) Taxes paid by lessee.—If under a lease for a term of more than 20 years entered into prior to January 1, 1969, the lessee is obligated to pay any portion of the tax imposed by this subtitle upon the lessor with respect to the rentals derived by such lessor from such lessee, or is obligated to reimburse the lessor for any portion of the tax imposed by this subtitle upon the lessor with respect to the rental derived by such lessor from such lessee, such payment or reimbursement of the tax imposed by this subtitle shall be excluded by the lessor and a deduction therefor shall not be allowed to the lessee. For purposes of this paragraph, an agreement for lease of railroad properties entered into prior to January 1, 1969, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to January 1, 1969.

"(10) Bad debts in case of banks.—In the case of a bank (as defined in section 581) using the reserve method of accounting for bad debts, there shall be allowed, in lieu of amount allowable under the reserve method for bad debts, a deduction for debts which became worthless within the taxable year, in whole or in part, within the meaning of section 166.

"(11) Blocked foreign income.—There shall be excluded income derived from sources within any foreign country to the extent that such income would, but for monetary, exchange, or other restrictions imposed by such foreign country, have been includible in the gross income of the taxpayer for any taxable year which preceded its first taxable year under this chapter. In determining the taxable year for which income derived from foreign sources would have been includible (but for such restrictions) in cases where specific identification can not be made, such determinations shall be made in accordance with regulations prescribed by the Secretary or his delegate. Where income derived from sources within any foreign country is includible (without regard to this sentence) in a taxable year succeeding the first taxable year under this chapter, and but for monetary, exchange, or other restrictions imposed by such foreign country would have been includible in the gross income of the taxpayer for its first taxable year under this chapter, such income, in case such first taxable year began before January 1, 1969, shall be considered (in the application of this paragraph) as having been includible in gross income of a taxable year which preceded such first taxable year in an amount equal to that portion of such income as the number of days prior to January 1, 1969, in such first taxable year bears to the total number of days in such first taxable year. Deductions properly chargeable and allocable to income excluded under this paragraph shall not be allowed.

"(12) Interest.—The deduction for interest shall be reduced, with respect to interest on the indebtedness included in daily amounts of borrowed capital, in accordance with regulations prescribed by the Secretary or his delegate.

"(13) Payments from foreign sources for technical assistance, etc.—In the case of a domestic corporation which renders to a related foreign corporation technical assistance, engineering services, scientific assistance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the remuneration for such services or assistance if such remuneration constitutes income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For purposes of this paragraph, a foreign corporation shall be considered to be a 'related foreign corporation' if the domestic corporation at the time it renders such services or assistance owns 10 percent or more of the outstanding stock of such foreign corporation.

"SEC. 1604. ADJUSTMENTS TO INCOME FOR YEARS IN BASE PERIOD.

"For purposes of this chapter, in determining the taxable income of a corporation for a taxable year ending or beginning in the base period, the following adjustments shall be made:

"(1) Net operating loss deduction.—The net operating loss deduction provided by section 172 shall not be allowed.

"(2) Gains and losses from sales or exchanges of capital assets, etc.—There shall be excluded gains and losses from sales or exchanges of capital assets and gains and losses to which section 1231 is applicable.

"(3) Income from retirement or discharge of bonds, etc.—There shall be excluded, in the case of any taxpayer, income derived from the retirement or discharge by the taxpayer of any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, including, in case the issuance was at a premium, the amount includible in income for such year solely because of such retirement or discharge.

"(4) Deductions on account of retirement or discharge of bonds, etc.—If during the taxable year the taxpayer retires or discharges any bond, debenture, note, or certificate or other evidence of indebtedness, if the obligation of the taxpayer has been outstanding for more than 6 months, the following deductions for such taxable year shall not be allowed:

"(A) The deduction allowable under section 162 for expenses paid or incurred in connection with such retirement or discharge;

"(B) The deduction for losses allowable by reason of such retirement or discharge; and

"(C) In case the issuance was at a discount, the amount deductible for such year solely because of such retirement or discharge.

"(5) Dividends received.—The deduction for dividends received shall apply, without limitation to all dividends on stock of all corporations, except that no deduction for dividends received shall be allowed with respect to dividends (actual or constructive) on stock of foreign personal holding companies or dividends on stock which is not a capital asset.

"(6) Installment sales.—In the case of a taxpayer which has made an election under the regulations prescribed by the Secretary or his delegate under section 1606, income from installment sales and from installment sales obligations shall be computed under the accrual method without treating any portion of such income as unrealized at the close of any period and as if the taxpayer had reported such income on such accrual method for all taxable periods.

"(7) Long-term contracts.—In the case of a taxpayer which has made au election under the regulations prescribed by the Secretary or his delegate under section 1606, income from long-term contracts shall be computed under the percentage of completion method and as if the taxpayer had reported such income on the percentage of completion method for all taxable periods.

"(8) Judgments, intangible drilling and development costs, casualty losses, and other abnormal deductions.—If, for any taxable year beginning or ending within the base period, any class of deductions for the taxable year exceeded 115 percent of the average amount of deductions of such class for the four previous taxable years (not including deductions arising from the same extraordinary event which gave rise to the deduction for the taxable year), the deductions of such class shall, subject to the rules provided in paragraph (9), be disallowed in an amount equal to such excess. For the purposes of this paragraph, each of the following groups of deductions shall constitute a class of deductions:

"(A) Deductions attributable to claims, awards, judgments, and decrees against the taxpayer, and interest on the foregoing;

"(B) Deductions attributable to intangible drilling and development costs paid or incurred in or for the drilling of wells or the preparation of wells for the production of oil or gas, and for development costs in the case of mines; and

"(C) Deductions under section 165 for losses arising from fires, storms, shipwreck, or other casualty, or from theft, or arising from the demolition, abandonment, or loss of useful value of property, not compensated for by insurance or otherwise. The class of deductions under this subparagraph for any taxable year shall not include deductions which are excludible under paragraph (2) or which would be so excludible if such paragraph were applicable with respect to such taxable year.

The classification of deductions of any class not described in subparagraph (A), (B), or (C), shall be subject to regulations prescribed by the Secretary or his delegate.

"(9) Rules for application of paragraph (8).—For the purpose of paragraph (8)—

"(A) If the taxpayer was not in existence for four previous taxable years, then the average amount specified in such paragraph shall be determined for the previous taxable years it was in existence and the succeeding taxable years which begin before the beginning of the taxpayer's second taxable year under this chapter. If the number of such succeeding years is greater than the number necessary to obtain an aggregate of four taxable years, there shall be omitted so many of such succeeding years, beginning with the last, as are necessary to reduce the aggregate to four.

"(B) Deductions of any class for any taxable year shall not be disallowed under such paragraph unless the amount of deductions of such class to be disallowed for such year exceeds 5 percent of the average excess profits taxable income for the taxable years beginning or ending within the base period, computed without the disallowance of any class of deductions under such paragraph. Such average excess profits taxable income shall, for the purposes of this subparagraph, be computed by aggregating the excess profits taxable incomes of all such taxable years, dividing such aggregate by the total number of months in such years, and multiplying the quotient by 12. For the purposes of this subparagraph, the excess profits taxable income for any taxable year shall in no case be less than zero.

"(C) Deductions of any class shall not be disallowed under such paragraph unless the taxpayer establishes that the increase in such deductions—

"(i) is not a cause or a consequence of an increase in the gross income of the taxpayer in its base period or a decrease in the amount of some other deduction in its base period, which increase or decrease is substantial in relation to the amount of the increase in the deductions of such class, and

"(ii) is not a consequence of a change at any time in the type, manner of operation, size, or condition of the business engaged in by the taxpayer.

"(D) The amount of deductions of any class to be disallowed under such paragraph with respect to any taxable year shall not exceed the amount by which the deductions of such class for such taxable year exceed the deductions of such class for the taxable year for which the tax under this chapter is being computed.

"(10) Taxes paid by lessee.—If under a lease for a term of more than 20 years entered into prior to January 1, 1969, the lessee is obligated to pay any portion of the tax imposed by this subtitle upon the lessor with respect to the rentals derived by such lessor from such lessee, or is obligated to reimburse the lessor for any portion of the tax imposed by this subtitle upon the lessor with respect to the rentals derived by such lessor from such lessee, such payment or reimbursement of the tax imposed by this subtitle shall be excluded by the lessor and a deduction therefor shall not be allowed to the lessee. For the purposes of this paragraph, an agreement for lease of railroad properties entered into prior to January 1, 1969, shall be considered to be a lease including such term as the total number of years such agreement may, unless sooner terminated, be renewed or continued under the terms of the agreement, and any such renewal or continuance under such agreement shall be considered part of the lease entered into prior to January 1, 1969.

"(11) Bad debts in case of banks.—In the case of a bank (as defined in section 581) using the reserve method of accounting for bad debts, there shall be allowed, in lieu of the amount allowable under the reserve method for bad debts, a deduction for debts which became worthless within the taxable year, in whole or in part, within the meaning of section 166.

"(12) Payments from foreign sources for technical assistance, etc.—In the case of a domestic corporation which rendered to a related foreign corporation technical assistance, engineering services, scientific assistance, or similar services (such services or assistance being related to the production or improvement of products of the type manufactured by such domestic corporation), there shall be excluded the remuneration for such services or assistance if such remuneration constituted income derived from sources without the United States. Any deductions in connection with or properly allocable to the rendering of such services or assistance shall not be allowed. For purposes of this paragraph, a foreign corporation shall be considered to be a 'related foreign corporation' if the domestic corporation at the time it rendered such services or assistance owned 10 percent or more of the outstanding stock of such foreign corporation.

"(13) Adjustment for base period losses from branch operations.—In the case of a taxpayer which during two or more taxable years beginning or ending within the base period operated a branch at a loss, the excess profits taxable income for each such taxable year (determined without regard to this paragraph) shall be increased by the amount of the excess of such loss above the loss, if any, incurred by such branch during the taxable year for which the tax under this chapter is being computed. For purposes of this paragraph, the term 'branch' means a unit or subdivision of the taxpayer's business which was operated in a separate place from its other business and differed substantially from its other business with respect to character of products or services. A unit or subdivision of the taxpayer's business shall not be considered to differ substantially from the taxpayer's other business unless it is of a type classifiable by the Standard Industrial Classification Manual in a different major industry group or in a different subgroup of the taxpayer's major industry group than that in which its other business is so classifiable. This paragraph shall not apply unless the sum of the net losses of such branch during the base period exceeded 15 percent of the aggregate excess profits taxable income of the taxpayer during the base period. For the purposes of this paragraph, the aggregate excess profits taxable income of the taxpayer during the base period shall be the sum of its excess profits taxable income for all years in the base period, increased by the sum of the net losses of such branch during the base period.

"(14) Rules for application of paragraph (13).—For the purposes of paragraph (13)—

"(A) A branch shall be deemed to have been operated at a loss during a taxable year if the portion of the deductions under section 162 for such year which is determined, under regulations prescribed by the Secretary or his delegate, to be the portion thereof properly allocable to the operation of such branch exceeds the portion of the gross income during the taxable year which is determined under such regulations to be the portion thereof properly allocable to the operation of such branch; and the amount of the loss shall be an amount equal to such excess.

"(B) If the portion of the gross income determined to be properly allocable to the operation of the branch is a minus quantity, the amount of such excess shall be the sum of the deductions under section 162 determined to be properly allocable to the operation of the branch plus an amount equal to such minus quantity.

"SEC. 1605. UNUSED EXCESS PROFITS DEDUCTION ADJUSTMENT.

"(a) Computation of Unused Excess Profits Deduction Adjustment.—The unused excess profits deduction adjustment for any taxable year shall be the aggregate of the unused excess profits deduction carryovers and unused excess profits deduction carryback to such taxable years.

"(b) Definition of Unused Excess Profits Deduction.—For purposes of subsection (a), the term 'unused excess profits deduction' means the excess, if any, of the excess profits deduction for any taxable year over the excess profits taxable income for such taxable year, computed on the basis of the excess profits deduction applicable to such taxable year, and computed without the allowance of any deduction under section 172 (relating to net operating losses). The unused excess profits deduction for a taxable year of less than 12 months shall be an amount which is such part of the unused excess profits deduction determined under the preceding sentence as the number of days in the taxable year is of the number of days in the 12 months ending with the close of the taxable year. The unused excess profits deduction for a taxable year beginning before or ending after the emergency period shall be an amount which is such part of the unused excess profits deduction determined under the preceding provisions of this subsection as the number of days in such taxable year in the emergency period is of the total number of days in such taxable year. There shall be no unused excess profits deduction for any taxable year for which the taxpayer is exempt from taxation under this chapter.

"(c) Amount of Carryback and Carryover.—

"(1) Unused excess profits deduction carryback.—If for any taxable year the taxpayer has an unused excess profits deduction, such unused excess profits deduction shall be an unused excess profits deduction carryback to the preceding taxable year.

"(2) Unused excess profits deduction carryover.—If for any taxable year the taxpayer has an unused excess profits deduction, such unused excess profits deduction shall be an unused excess profits deduction carryover to each of the 5 succeeding taxable years, except that the carryover in the case of each such succeeding taxable year (other than the first succeeding taxable year) shall be the excess, if any, of the amount of such unused excess profits deduction over the sum of the excess profits taxable incomes for each of the intervening taxable years computed—

"(A) by determining the unused excess profits deduction adjustment for each intervening taxable year without regard to such unused excess profits deduction or to any unused excess profits deduction for any succeeding year, and

"(B) without regard to section 1602 (a) (1). For purposes of the preceding sentence, the unused excess profits deduction for any taxable year beginning after January 1, 1969, shall first be reduced by the amount, if any, of the excess profits taxable income for the preceding taxable year computed—

"(C) by determining the unused excess profits deduction adjustment for such preceding taxable year without regard to such unused excess profits deduction, and

"(D) without regard to section 1602 (a) (1). If such preceding taxable year began prior to January 1, 1969, the reduction referred to in the preceding sentence shall be an amount which is such part of the reduction determined under the preceding sentence, or such part of the unused excess profits carryback to such preceding taxable year, whichever is the lesser, as the number of days in such taxable year after December 31, 1968, is of the total number of days in such preceding taxable year.

"(d) No carryback to Taxable Years Ending Prior to January 1, 1969.—For purposes of this section, the term 'preceding taxable year' does not include any taxable year ending prior to January 1, 1969.

"(e) Unused Excess Profits Deduction of Year of Liquidation.—For any taxable year during which the taxpayer (1) completes the distribution of substantially all of its assets in liquidation, or (2) completes the conversion of substantially all of its assets into assets not held in good faith for the purposes of the business, then the unused excess profits deduction for such year shall be an amount which is such part of the unused excess profits deduction determined under the preceding provisions of this section as the number of days in the taxable year prior to the date of the completion (described in (1) or (2), whichever is earlier) is of the total number of days in the taxable year, and no part of the unused excess profits deduction for such year shall be an unused excess profits deduction carryover to any succeeding year.

"SEC. 1606. EXCESS PROFITS DEDUCTION.

"(a) Computation under Regulations.—The excess profits deduction for a taxable year shall be an amount computed under regulations prescribed by the Secretary or his delegate which (subject to the provisions of subsection (b)) shall provide—

"(1) a deduction based on average base period taxable income comparable to the excess profits credit provided for in section 435 of the Internal Revenue Code of 1939,

"(2) a deduction based on invested capital comparable to the excess profits credit provided for in section 436 of the Internal Revenue Code of 1939, and

"(3) rules comparable to the provisions of sections 437 through 459 (other than subsections (a), (c) and (d) of section 459) and of parts II, III, and IV of subchapter D of chapter 1 of the Internal Revenue Code of 1939.

"(b) Exceptions and Modifications.—The regulations prescribed under subsection (a) shall—

"(1) use the base period defined in section 1602(c) (in lieu of the base period defined in section 435(b) of the Internal Revenue Code of 1939),

"(2) provide for computing the deduction described in subsection (a)(1) by taking into account 100 percent of the average base period taxable income (in lieu of the per-

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centages provided in section 435(a) of the Internal Revenue Code of 1939), and

"(3) provide rules containing such modifications in or such additions to the rules set forth in the provisions of the Internal Revenue Code of 1939 referred to in subsection (a) as the Secretary or his delegate determines necessary to carry out the purposes of this chapter."

(b) The table of chapters for subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new item:

"CHAPTER 7. TEMPORARY EXCESS PROFITS TAX."

Sec. 3. The amendments made by this Act shall apply to taxable years ending after December 31, 1968.

Mr. YARBOROUGH. Mr. President, I am proud to cosponsor Senator McGovern's bill to establish an emergency excess war profits tax.

When James Otis observed in 1764 that "taxation without representation is tyranny" he had in mind the taxation of those without the voting franchise. With the franchise as broad as it is in America, no one can argue that taxes have been extracted from the people without their opportunity to exercise their right to vote.

But a more subtle variation of those famous words has sprung from the complexities of modern society. It is unfortunate, but true, that the development and passage of legislation through the halls of Congress depends a great deal upon which of contesting groups can generate the most clamor and pressure. In this context, those with large and lucrative Government contracts have certainly been well represented. But, who, I ask, represents the low- and middle-income taxpayers when it comes to placing or adjusting the tax burden?

From the way today's tax structure places the greatest load upon those people, it becomes obvious that they have been heard but little at the bar of Congress.

President Nixon says he wants to "lighten the burden on those who pay too much, and increase the burden on those who pay too little." The time to do that is now.

The way to begin the reform of our tax system—which the people now demand and which is long overdue—is by enacting a tax upon those who have reaped high profits off the war in Vietnam, hoping that this move will open the door to eventual repeal of the regressive surtax.

Equity and fairness demand this. I have with me some tables from articles in the April 21, 1969, issue of U.S. News & World Report reflecting the exhorbitant nature of the earnings directly and indirectly flowing from the war. I ask unanimous consent that these tables be printed in the Record at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. YARBOROUGH. Mr. President, when the blood of American lives washes into the Mekong or the Song Ba or the Song Cai, each of us is solemnly reminded of the sacrifice so many have made for a cause which many question or do not understand. The dreadful conflict is far too distant for it to be much of a reality to most of America.

But it is a sad reality and one that cost money as well as lives. Historically, we have always sought—with fairness and reason—to impose an appropriate tax burden upon those corporate enterprises which acquire extraordinary profits during wartime. If this was the road to equity during World War I, World War II, and the Korean war, it is the road to equity now. And we did have an excess war profits tax during those three wars.

I supported such an excess war profits tax in the 90th Congress. Unfortunately, it failed. It is long overdue. If we fail to pass it, we value the profits of the war profiteer higher than the blood of the men fighting and dying in Vietnam.

Mr. President, I support the adoption of this vital piece of legislation.

Mr. President, I want to read the amounts of money spent by the Government each year in defense contracts from the year 1960 to 1969. I read from the U.S. News & World Report of April 21, 1969, the amounts of money spent by the U.S. Government:

During 1960, $22.5 billion.
During 1961, $24.3 billion.
During 1962, $27.8 billion.
During 1963, $28.1 billion.
During 1964, $27.5 billion.
During 1965, $26.6 billion.
During 1966, $35.7 billion.
During 1967, $41.8 billion.
During 1968, $41.2 billion.
During 1969, $42.3 billion (estimated).

In 9 years, the contracts for goods and services by the armed services have increased, from $22.5 billion in 1960 to an estimated $42.5 billion in 1969.

I am now going to read from page 63 of U.S. News & World Report of April 21, 1969, under the title "Who Gets the Big Arms Contracts?" This is the amount of money involved in contracts with the 25 biggest contractors:

General Dynamics Corporation, $2,239 million.

Lockheed Aircraft Corporation, $1,870 million.

This is in a year, Mr. President.

General Electric Company, $1,489 million.
United Aircraft Corporation, $1,321 million.
McDonnell Douglas Corporation, $1,101 million.
American Telephone & Telegraph Company, $776 million.
Boeing Company, $762 million.
Ling-Temco-Vought, Inc., $758 million.
North American Rockwell Corp., $669 million.
General Motors Corporation, $630 million.
Grumman Aircraft Engineering Corp., $629 million.
AVCO Corporation, $584 million.
Textron, Inc., $501 million.
Litton Industries, Inc., $466 million.
Raytheon Company, $452 million.
Sperry Rand Corporation, $447 million.
Martin Marietta Corporation, $393 million.
Kaiser Industries Corporation, $386 million.
Ford Motor Company, $381 million.
Honeywell, Inc., $352 million.
Olin Mathieson Chemical Corporation, $329 million.
Northrup Corporation, $310 million.
Ryan Aeronautical Company, $293 million.
Hughes Aircraft Company, $286 million.
Standard Oil Company (New Jersey), $274 million.

These 25 companies got $17.7 billion, or more than 45 percent, of the prime military contracts awarded to U.S. firms during the year ended June 30, 1968.

The Congress of the United States has authorized the expenditure of $9 billion this year for education. In April, the administration sent to Congress a revised budget recommending that we appropriate only $3.2 billion to educate the 52 million schoolchildren and the 7.6 million in college—nearly 60 million students—counting those in grade schools, high schools, and colleges. For every Federal education program, for student loans, for work-study programs, for building elementary and secondary schools, for everything under the many complex education programs, the administration says, "Appropriate only $3.2 billion."

Of the 25 prime defense contractors, the top two get over $4 billion a year. These are only 2 contractors out of the 25 prime contractors. Yet there is no excess war profits tax, such as was imposed in World War I, World War II, and the Korean conflict. And yet we are told to appropriate only $3.2 billion for 60 million schoolchildren. When we ask for these appropriations, certain persons say, "Do gooders. That is a giveaway program."

I ask, what are we doing with the estimated $42.3 billion for this year? When we spend an estimated $42.3 billion in 1 year, for weapons procurement and we say to 60 million students, "We will spend less than 10 percent of that amount for you." Where are we placing our values in America?

We are doing the same for health. Fifty-nine Job Corps camps for the underprivileged, for those without hope, are being closed. Two narcotic research centers are being closed. That is what this administration is doing. It is pulling down every program for the progress, health, and hope of our people.

This administration says that there shall be no new starts in many needed projects. It has cut by 90 percent moneys already authorized for projects on the gulf coast to protect the people from hurricanes and for many other worthwhile projects.

We should closely search the budget. It contains far beyond 50 percent for military contracts and similar expenditures, and far less than half—only about one-third—for land and water projects and the cleaning up of the pollution of air and water necessary for our 200 million people.

EXHIBIT 1

Trends in defense contracts, 1960–69

	Billion
1960	$22.5
1961	24.3
1962	27.8
1963	28.1
1964	27.5
1965	26.6
1966	35.7
1967	41.8
1968	41.2
1969 (est.)	42.3

"Armed forces' contracts for goods and services in the U.S. have nearly doubled in nine years . . . ."

Source: U.S. News & World Report, April 21, 1969, p. 61.

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WHO GETS THE BIG ARMS CONTRACTS

Total awards of prime defense contracts

[In millions of dollars]

1. General Dynamics Corp	2,239
2. Lockheed Aircraft Corp	1,870
3. General Electric Co	1,489
4. United Aircraft Corp	1,321
5. McDonnell Douglas Corp	1,101
6. American Telephone & Telegraph Co.	776
7. Boeing Co	762
8. Ling-Temco-Vought, Inc	758
9. North American Rockwell Corp	669
10. General Motors Corp	630
11. Grumman Aircraft Engineering Corp.	629
12. Avco Corp	584
13. Textron, Inc	501
14. Litton Industries, Inc	466
15. Raytheon Co	452
16. Sperry Rand Corp	447
17. Martin Marietta Corp	393
18. Kaiser Industries Corp	386
19. Ford Motor Co	381
20. Honeywell, Inc	352
21. Olin Mathieson Chemical Corp	329
22. Northrop Corp	310
23. Ryan Aeronautical Co	293
24. Hughes Aircraft Co	286
25. Standard Oil Co. (New Jersey)	274

These 25 companies got $17.7 billion—or more than 45 per cent—of the prime military contracts awarded to U.S. firms during the year ended June 30, 1968.

Source: *U.S. News and World Report*, April 21, 1969, p. 63.

Mr. YOUNG of Ohio. Mr. President, the Senate should refuse to continue the abominable 10-percent surtax. This tax upon a tax expires June 30. Instead, Congress should go along with 14 Senators who sponsored a bill to impose excess profits taxes on businesses benefiting from the Vietnam war. I am one of those 14 Senators and it is my belief that a clear majority of the Senate favor this legislative proposal and will so vote. This proposed tax makes a lot of sense to millions of Americans, too.

It is estimated that this tax would yield $10 billion a year—the same as the 10-percent surtax. The excess profits tax would be a substitute for the 10-percent income tax surcharge. Similar excess profits taxes were imposed during both World Wars and the Korean conflict. From 1940 to 1946 the excess profits tax brought in more than $40 billion.

Under the plan corporations pay in taxes 37 percent of the income which stems from war-induced profits. This tax plan would be more in keeping with proposed reform of the Federal tax structure than continuation of the atrocious 10-percent surtax. American families should not be burdened with a regressive surtax while defense contractors enjoy unparalleled profits.

S. 2278—INTRODUCTION OF A BILL TO TRANSFER FROM THE ARCHITECT OF THE CAPITOL TO THE LIBRARIAN OF CONGRESS THE AUTHORITY TO PURCHASE OFFICE EQUIPMENT AND FURNITURE FOR THE LIBRARY OF CONGRESS

Mr. JORDAN of North Carolina. Mr. President, I am introducing today a technical amendment to title 2, United States Code, section 141, that would transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress. A companion bill is being introduced in the other body by Representative SAMUEL N. FRIEDEL, chairman of the Joint Committee on the Library, of which I am vice chairman this year.

The budgets of the Architect of the Capitol and the Librarian of Congress are both reviewed by the Subcommittee on Legislative Branch Appropriations of the Committee on Appropriations. The amendment would not involve any additional expenditures nor would it change the authority of the Architect in respect to structural, mechanical, and maintenance work on the Library's buildings and grounds. This amendment is designed only to simplify and make more economical the procedure by which furniture and equipment is acquired for the Library of Congress.

In reviewing the history of the authority of the Architect with respect to purchasing furniture and equipment for the Library, there appears to be no reason for this awkward arrangement. The annual budget estimates and justifications are prepared by the Library because only it knows its own special needs. Testimony at the hearings is also chiefly presented by the Librarian and his staff. Even the requisitions for the items authorized are prepared in the Library and are transmitted to the Architect's office for handling.

Congress would continue, of course, to have review over furniture and equipment requests made by the Library.

The Librarian of Congress and the Architect of the Capitol support this amendment.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2278), to transfer from the Architect of the Capitol to the Librarian of Congress the authority to purchase office equipment and furniture for the Library of Congress, introduced by Mr. JORDAN of North Carolina, was received, read twice by its title, and referred to the Committee on Rules and Administration.

S. 2279—INTRODUCTION OF A BILL FOR THE ISSUANCE OF A SPECIAL SERIES OF POSTAGE STAMPS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF NEBRASKA NOVELIST WILLA CATHER

Mr. CURTIS. Mr. President, I am pleased to introduce a bill, for myself and Senator HRUSKA, to provide for the issuance of a series of postage stamps marking the centennial of novelist Willa Cather's birth.

I need not tell the Members of this distinguished body the importance that Miss Cather holds in American and world literature.

It is eminently appropriate both that her achievements be recognized by a commemorative stamp and that her Nebraska associations be recognized.

Therefore, the bill provides for first-day covers to be issued at Red Cloud, Nebr., where she spent her formative years and where she found the setting for many of her writings.

Miss Cather was born on December 7, 1873, near Winchester, Va. She moved with her family to Catherton Precinct in Webster County, Nebr., in April 1883. In September 1884 the family moved to Red Cloud and Miss Cather lived there and in Lincoln where she graduated from the University of Nebraska until June of 1896, when she went to Pittsburgh to edit a magazine.

She considered Nebraska her home, returning again and again to Red Cloud for long stays, although she lived in Nebraska continuously for only 13 years. Our State and our people were a primary and continuing inspiration for her work.

One renowned literary historian has written that the three most famous literary villages in America are the Concord of Emerson and Theoreau, Mark Twain's Hannibal, Mo.; and Willa Cather's Red Cloud, Nebr.

At Red Cloud the Willa Cather Pioneer Memorial and Educational Foundation has been established. Under the presidency of Mrs. Mildred R. Bennett, the foundation has moved a long way toward fulfilling its fourfold aim of housing a permanent art, literary, and historical collection relating to the life, times, and work of this famous novelist, identifying and restoring to their original condition places made famous by the writings of Miss Cather, providing a living memorial in the form of scholarships, and perpetuating interest throughout the world in the work of Miss Cather.

Thousands of people come to Red Cloud every year to visit the Willa Cather Museum, the restored Cather home and other historical sites connected with her work. In 1966 the western one-half of Webster County officially was designated "Catherland" and a marker dedicated by the Historical Landmark Council and the Cather Foundation was erected.

In letters to friends, and in talking with friends and reporters, Miss Cather stressed repeatedly that the prairies of Nebraska were her country. It was there that she grew up, received her education, wrote and published her first work and began her professional career. Before her name became established in the East she had become known as one of Nebraska's leading newspaper women and had become recognized throughout the West as an outstanding drama critic.

Her death on April 24, 1947, was not followed by a reduction in popular interest in Miss Cather's writing. Rather, her reputation and literary popularity has grown steadily, both in the United States and abroad. In England, all of her novels recently have been reprinted. Cather books are especially popular in France, Germany, Czechoslovakia, the Scandinavian countries, and Japan, I am told. Her work is studied widely in elementary schools, high schools and universities. She won a Pulitzer prize in 1923 for "One of Ours," an award from France in 1931, the Mark Twain Society Silver Medal for the most memorable and representative novel since 1900 for "My Antonia" in 1934 and the Gold Medal of the American Academy of Arts and Letters in 1944.

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She was the first woman to receive an honorary degree from Princeton University. She also held honorary degrees from California, Creighton, Columbia, Michigan, Nebraska, Smith, and Yale.

The passage of this bill would pay tribute to the memory of perhaps the finest woman novelist that America has produced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2279) to provide for the issuance of a special series of postage stamps in commemoration of the 100th anniversary of the birth of the great Nebraska novelist, Willa Cather, introduced by Mr. CURTIS (for himself and Mr. HRUSKA), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2280—INTRODUCTION OF A BILL TO AMEND SECTION 103(c) OF THE INTERNAL REVENUE CODE

Mr. BAKER. Mr. President, I introduce, for appropriate reference, a bill to amend section 103(c) of the Internal Revenue Code.

This amendment relates to the Federal income tax treatment of interest on industrial development bonds. The primary purposes of this proposal are to redefine the term "industrial development bond" as it appears in section 103(c) of the Internal Revenue Code, to alter the present 3-year before and after limitation on exempt $5 million industrial development bonds provided for by that section, and to require registration with the Securities and Exchange Commission only for those bonds defined as industrial development bonds under the Code.

Mr. President, during the 90th Congress a provision submitted by the distinguished junior Senator from Connecticut (Mr. RIBICOFF) revoking the tax exempt status of industrial development bonds was enacted and signed into law by President Johnson as section 107 of the Revenue and Expenditure Control Act of 1968. This measure originated by way of amendment on the Senate floor without the benefit of hearings in either House and was adopted after brief debate. Subsequent to adoption by the Senate of the Ribicoff amendment, a provision imposing the 10-percent surtax was also added to the same bill, and the attention of the Senate-House conferees, the other Members of Congress, and the country at large was naturally and appropriately focused on the all-important issues of the surtax and expenditure cut and not on the scope of the definition relating to industrial development bonds.

Many Members of Congress who supported the taxation of industrial development bonds later came to realize that, as a result of the cursory treatment given this subject, Congress had by means of the definition employed in the act gone much further than was ever intended. It became generally acknowledged that Congress had not only provided for the taxation of industrial development bonds but had also made a wholesale attack on numerous State and local obligations completely unrelated to industrial development. Chairman Wilbur Mills of the House Ways and Means Committee, stated this fact on the floor at the time of passage of the conference report and invited the National Governors Conference and others to provide corrective legislation.

Subsequently, the National Governors Conference; the National Association of Attorneys General; the National Association of State Auditors, Comptrollers and Treasurers; the Council of State Governments; the National League of Cities; the U.S. Conference of Mayors; the Municipal Finance Officers Association, and the National Institute of Municipal Law Officers did propose corrective legislation, and late in the second session of the 90th Congress I introduced an amendment to provide for a redefinition of the term "industrial development bond" in accordance with the common parlance of the investment and local government communities. I attempted to attach this provision as an amendment to a measure pending before the Senate on the day prior to adjournment. However, a number of Senators were of the opinion that before adopting corrective legislation, hearings should be held on this important question. Accordingly, I did not call up my amendment for a vote, but assurances were given on the Senate floor by the distinguished chairman of the Committee on Finance, the Senator from Louisiana (Mr. LONG), and by the ranking minority member of the committee, the distinguished Senator from Delaware (Mr. WILLIAMS), that if this matter were raised during the 91st Congress, the Finance Committee would study and hold hearings on this question.

The bill which I introduce today is essentially a revised version of the measure that I introduced late in the last session. Its purpose is to correct what most believe is clearly a distorted definition of the term "industrial development bond" as presently set forth in the statute.

I want to emphasize that this is in no way an attempt to allow a tax exemption for bonds to finance a true industrial facility under the terms of which a local government is serving substantially as a conduit for private borrowing for private persons. To the contrary, this bill would provide for the taxation of interest on such industrial facilities, but the definition of industrial bonds would be limited to those for industrial development and would not be, as is presently the case, so broad as to include bonds to finance facilities for many acknowledged and traditional State and local functions. The practical effect of the presently enacted definition is to include within that definition bonds for numerous State and local governmental purposes if the financed facility has private occupants paying to use it. Of course, there are an abundance of instances where traditional Government facilities serving a public purpose operate by means of a private business tenant. Such is the case, for example, with regard to bus and truck transportation terminals. But bonds to finance such terminals are presently covered by the statutory definition of "industrial development bond" if the governmental owner of the terminal collects rentals or other charges from the transportation company and applies the revenues to the payment of debt service on the bonds.

The present statutory provision also contains a subdivision entitled "Certain Exempted Activities" under which some bonds that are included within the industrial development bond definition nevertheless remain exempt if they are issued for certain stated activities. What the act does is set up a list of approved purposes labeled "exceptions." Bonds for these purposes remain exempt and those for all other State and local governmental purposes are, as I have said, taxable when private occupants pay to use the financed facilities.

By establishing this honor roll rating, the Congress purported to classify as "good" or "bad" many legitimate functions of State and local governments, rewarding "good" purposes with exemption and penalizing "bad" purposes with taxation. Among the "bad" purposes are such fundamental governmental functions as education and health care, which obviously are totally unrelated to the development of new industrial plants, but the interest on the facilities of which is taxable if they are maintained by private occupants.

The honor roll list of enacted exceptions presents substantial difficulties. For example, as originally passed by the Senate there was an exception for property "to provide entertainment—including sporting events—or recreational facilities for the general public." As provided for in the conference report, this provision applied only to sports facilities with the curious result that an exemption is currently provided for bonds to finance a stadium built for rental to a professional baseball team shopping for a more lucrative franchise, but no exemption is provided for a theater for lease to a company providing concerts and drama.

As another example, the exception in the present act for terminal facilities includes airports and piers for air and marine vehicles, but does not include terminals for land vehicles such as buses, trucks or railroads. Finally, facilities for education or health care are not among the listed exceptions in section 103(c)(4).

In my judgment, this type of continuing Federal regulation by the honor roll regulation of State and local governmental functions has no proper place in our federal system and accordingly should be abandoned.

The bill which I introduce would provide a general redefinition of "industrial development bond" in accordance with the generally accepted meaning of the term. The measure requires that some private person who is not an "exempt person" must be the apparent "beneficial obligor" and that the bond be issued to finance "industrial property" of "independent wholesale or retail property." "Industrial property" would be limited to its natural meaning of factorytype structures and equipment. It would not include facilities in factories for the abatement of air or water pollution, waste disposal, or other health or safety functions. "Industrial wholesale

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or retail property" includes structures for shops as well as retail department stores and similar mercantile establishments. The definition of "exempt person" is retained from the present act and includes governmental units and educational, charitable, and other tax-exempt institutions.

The requirement of a private, taxable, "beneficial obligor" is critical. So long as the Congress does not propose to challenge the long-standing constitutional rule of the States and local governments' immunity from taxation of their obligations, the only basis for taxing any bonds issued by State or local governments is that they are the issuers' obligations in name only, that the issuer is disassociated from the obligation and from the facility financed, and the investor considers the private user as the true obligor.

The attributes of such a disassociation, as set forth in the amendment are, first, that the putative private obligor will be using the property financed under lease or other contractual arrangement which requires him to pay all or most of the funds needed to meet debt service on the obligations; and, second, that the putative private obligor and his contractual arrangement are identified in the bond agreement or in the offering prospectus, and his payments thereunder and/or the financed property are specifically pledged or mortgaged to secure the bonds.

In addition to the redefinition the bill also contains a proposed modification of a restriction in section 103(c)(6) of the Code relating to the $5 million exemption for certain industrial development obligations. As originally passed, the Ribicoff amendment provided for an exemption from taxation of interest on industrial obligations which do not exceed $1 million. The distinguished junior Senator from Nebraska (Mr. CURTIS) subsequently introduced as an amendment to the Renegotiation Amendments Act of 1968 a provision to increase this small issue exemption from $1 to $5 million. The Senate passed and the conferees accepted the $5 million exemption. However, the conference report contained certain restrictions, one of which specified that the $5 million ceiling should apply for a 6-year period beginning 3 years before the tax exempt bonds were issued and ending 3 years after they were issued. The 3-year period following issue means that a bond issue which originally is tax exempt can lose this status if the company later invests additional money which pushes total capital expenditures above the $5 million ceiling.

The result of the 3-year-after restriction has been, for all practical purposes, to prevent a State or local government from utilizing the $5 million ceiling. Naturally, no tax-exempt bond with low interest rate is marketable when the investor knows that the security might very well lose its tax exempt status if the company provides additional capital outlays and exceeds the $5 million ceiling.

The measure which I introduce would eliminate the 3-year limitation after an obligation is issued but would extend the limitation before issue to 5 years. Under the scope of this measure no more than $5 million in exempt securities for an industrial development facility could thus be issued in any 5-year period. The basic purpose of assisting only small businesses would be retained and the marketability of the obligations would be enhanced.

The final section of the bill which I introduce provides for a requirement of registration of State and local securities with the Securities and Exchange Commission only in such instances as the obligations are defined as industrial development bonds and taxable under the Internal Revenue Code. On January 31, 1968, the Commission established a registration requirement even though the Securities Act of 1933 and the Securities Exchange Act of 1934 specify that obligations of State governments and their local entities are exempt from registration. This bill provides that those obligations that are taxable under the Internal Revenue Code be registered with the Securities and Exchange Commission while those obligations that the Congress has specified are not taxable under the Code would not have to be registered. In my judgment, this would relieve an unwarranted and costly restriction that the Commission has imposed on State and local securities.

Mr. President, I recognize that over the past several years there has been some abuse in local industrial development bond financing. The bill which I introduce would require the taxation and registration of bonds for industrial development in cases of acknowledged abuse but would not include bonds issued for traditional State and local governmental functions. I strenuously object to any legislation which attempts to repeal outright the tax exemption on State and local bonds or to any legislation which penalizes or rewards the States and their local entities by taxation or exemption depending on whether the Federal Government approves or disapproves of the purpose for which the bond is issued. This method of classifying various bond issues as acceptable or unacceptable to the Federal Government is a dangerous development and an unwise precedent.

Mr. President, I sincerely hope that the Committee on Finance will, as the Chairman assured last fall, study and hold hearings on this important question. I am also hopeful that prompt and incisive action will be taken to achieve the result that Congress intended during the last session.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2280) to amend section 103(c) of the Internal Revenue Code of 1954 relating to the income tax treatment of interest on industrial development bonds and for other purposes, introduced by Mr. BAKER, was received, read twice by its title and referred to the Committee on Finance.

S. 2283—INTRODUCTION OF THE EAST-WEST TRADE RELATIONS ACT OF 1969

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries, and for other purposes, to be popularly known as the East-West Trade Relations Act of 1969.

Mr. President, this proposal is modest and conservative in substance, but of profound significance as a symbol of this Nation's commitment to the pursuit of peaceful and mutually beneficial international relations. It is at the same time a practical measure, dictated by commonsense, which will remove a senseless handicap which binds American businessmen in their competition for world markets.

The essential provisions of the act would restore to the President the authority to grant nondiscriminatory tariff treatment for the goods of those Communist countries willing to enter into commercial agreements providing basic protection for U.S. commercial interests. Such authority would however not extend to Communist China, North Korea, North Vietnam, Cuba, or the Soviet Zone of Germany. Moreover, the President would retain the authority to suspend or terminate the grant of nondiscriminatory tariff treatment, whenever he determines that suspension or termination is in the national interest.

The tariff restrictions which we placed upon our trade with the Soviet Union and Eastern Europe were the products of the agony and frustration of the cold war. They were a form of moral protest against the aggression of the Soviet Union in subjugating Eastern Europe. These tariff restrictions were also imposed in the vague hope that they would exert economic pressure on the Soviet Union, forcing it to abandon its aggressive behavior or suffer economic hardship as a consequence.

This policy has proved, for the most part, self-defeating. U.S. trade with Eastern Europe and the Soviet Union has indeed been reduced to insignificant levels. But there is little evidence that the economies of the Soviet Union and the Eastern European countries have been retarded by the absence of trade with the United States. Instead, the extraordinary growth and development of Western Europe and Japan as industrial giants and world traders has provided vast open markets to which the Communists could sell and from which they could buy freely and without discrimination.

In 1967 this steadily growing exchange produced $4.2 billion of exports from the industrial West to Eastern Europe and $4.5 billion of imports into the West—the U.S. share in this trade amounted to less than 5 percent, although the United States accounts for 16 percent of world exports.

Plainly our unilateral tariff barriers have not crippled East-West trade. Instead, we have simply abandoned a segment of international trade competition to our competitors in Western Europe and Japan. At a time when our balance of trade has suffered a serious decline, it is difficult to justify this arbitrary denial to American business of the right to engage in peaceful nonstrategic trade with the Communist countries of Eastern Europe.

But commercial considerations are, necessarily, secondary. The principal reason for abandoning this self-imposed straitjacket, is that we are thereby inhibiting the ability of the President to take advantage of significant opportunities to influence the course of events in Eastern Europe.

For more than a decade we have witnessed growing internal ferment and the centrifugal forces of decentralization in Eastern Europe. Particularly in Czechoslovakia and Rumania, the decade has been marked by the persistent impulse to obtain economic and political independence from the Soviet Union. In Yugoslavia, where we removed our discrimination by tariff and moved wisely and judicially to provide free access to our nonstrategic goods and services, significant steps have been taken to eliminate central state controls over the economy and to establish a substantial measure of internal freedom.

We should be doing everything possible to encourage this trend toward a free market system. Yet while the Czech government struggled to liberalize its politics and its economy prior to the Russian military intervention, the United States was unable to offer any tangible assistance, at least in part because of the shackles placed upon the freedom of the President to facilitate trade in such circumstances.

Charles Bartlett in last Saturday's Washington Star noted that West Germany did seize upon the opportunity to expand trade with Czechoslovakia and that the Russian reaction to Czech liberalization may well have been touched off by fear of excessive West German involvement in the Czech economy—fear which might well have been offset if Czech trade had been more evenly parceled out among the countries of Western Europe and Japan and with the United States as a significant though not dominant trading partner.

Today as our negotiators meet in Paris and as the administration actively seeks means of reducing international tensions and of opening up peaceful and constructive contacts with the countries of the Communist world, I believe that the time is right for favorable congressional consideration of this legislation. By normalizing our trade relationships with the Communist countries, we hasten the day when they join in the world economic system and undertake the commitments now characteristic of the free and open economies which are susceptible to the stabilizing influences of economic interdependence.

By its terms alone this legislation will change no tariff nor affect our relations with any country. The President may choose not to exercise the authority which the act will restore. But he will be free, in the course of developing his foreign policy, to utilize the opportunity for expanded trade as an instrument of that foreign policy. The question ultimately comes down to this: Are we willing to trust the President to formulate commercial policies with respect to Communist countries which will advance as well as protect our national interest? The sponsors of this bill are willing to trust the President to do just that.

In 1966, together with the majority leader (Mr. MANSFIELD) and the Senator from New York (Mr. JAVITS), I introduced a bill identical with the one we are introducing today. I ask unanimous consent that the statements we made at that time be reprinted at the close of my remarks. In addition, I ask unanimous consent that the text of a letter by Secretary Rusk, together with the text of the act and summary of its provisions, be printed in the RECORD. Finally, I ask unanimous consent that a memorandum by the brilliant specialist in Soviet economics of the Library of Congress, Mr. Leon M. Herman, entitled "Current Trends and Prospectives in East and West Economic Relations" also be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the act, statements, letter, summary and memorandum will be printed in the RECORD.

The bill (S. 2283), to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

The material presented by Mr. MAGNUSON follows:

STATEMENT OF SENATOR MONDALE

Mr. MONDALE. Mr. President, I am delighted to join as a co-sponsor with the Senator from Washington (Mr. MAGNUSON) in introducing to this Congress the East-West Trade Relations Act of 1969.

Enactment of this legislation is long overdue.

With the exception of Yugoslavia and Poland, Eastern European nations pay the prohibitively high Smoot-Hawley rates for their products. If Eastern sellers reduce their prices in order to overcome the tariff barrier, they are subject to the sanctions of Anti-Dumping legislation. The lack of Most-Favored-Nation treatment, a routine concession to most nations of the world, is a serious barrier to U.S. participation in East-West trade.

A high Romanian trade official told me last year that lack of Most-Favored-Nation treatment by the United States means that Romanian exports are directed to Western Europe, thereby limiting the potential for import of goods from the United States.

The Most-Favored-Nation clause has been gradually extended to most of the Eastern countries by a very large number of Western countries. Refusal to apply it may be regarded as an exception except in the case of the United States.

This bill gives the President the authority to extend Most-Favored-Nation tariff treatment to individual countries when this is determined to be in the national interest. The authority can be exercised only in a commercial agreement with a particular country and the granting of MFN would be in return for equivalent benefits to the United States.

In the past year I have heard a number of discussions on East-West trade. In the winter of 1968 I travelled to Western Europe and to Russia, Romania and Czechoslovakia. Last summer we had five days of hearings in the Subcommittee on International Finance to consider the general problems of East-West trade. Three weeks ago we had six days of hearings in the same Banking and Currency Subcommittee to discuss liberalization of the control of exports to Eastern Europe.

Every person I have listened to says one thing: that in order for the United States to have its share of the Eastern European market, trade must be conducted under normal conditions. Normal conditions include the Most-Favored-Nation trading status.

One witness in the most recent set of hearings described what the United States might buy from Eastern Europe if it were not for the high duty barriers. He listed raw materials, consumer goods, and technological processes. For example, the Russians have developed technological methods valuable to the steel industry, such as the continuous casting process and highly computerized operations for various metallurgical procedures.

Despite the high tariffs, some Eastern European products have been of commercial interest in the United States. The Russian film "War and Peace" won the Oscar as the best foreign film of 1968; the Czechoslovak film "Closely Watched Trains" won the same award in 1967.

It should be remembered that Russia is supplying the United States with a substantial portion of certain strategic raw materials without which American industries would be in considerable difficulty. The United States must rely on imports for a supply of platinum and chrome ore. We bring in several million dollars worth of platinum from Russia each year which serves many basic military and space industries. The metallurgical grade chrome consumed in the United States normally comes from two main sources: Rhodesia furnishes one-third, Russia one-third, and the balance from the rest of the world.

The importance of platinum and chrome ore to our industries is well known to the Russians. I think that some of those who worry about our "national interests" should note that Russia has continued to supply us when our demand is large because of the Vietnamese War while at the same time our supply is low as a result of the sanctions on trade with Rhodesia.

The statistics show how effectively U.S. tariff policy toward Eastern Europe has cut the United States' share of the market. Western European and Japanese firms have engaged in brisk trade with countries once considered by the outside world to be unreachable behind an Iron Curtain. American businesses now fear that West Europeans are so established in the market as to have literally closed the Americans out.

Total East-West trade in 1967 was over $15 billion, which means that the market grew by 24 per cent over 1966, a typical rate of growth. In 1966 the United States had 4 percent of this market; in 1967 the U.S. share of the market decreased between 2.5 and 3 percent of total East-West trade. Testimony at the recent International Finance Subcommittee hearings set the 1968 U.S. share of trade with Eastern Europe at 2.3 percent of the total.

If present trends continue, Eastern Europe by 1980 will have a market the same size as the United States' market today. From a business standpoint the United States cannot ignore Eastern Europe. We need to examine the relevancy of our trade policies—to events in Eastern Europe, to our payments problems, to the competitive position of American business, and to the positions taken by our allies concerning the United States Cold War stance.

Congress must enable the President to take actions indicating that our government believes increased East-West trade in peaceful goods to be in the best interests of the United States. Only then will we overcome the psychological barriers to such trade arising from an uncertain government policy. Only then will we begin to develop the type of economic ties and dependencies which can assure peace.

Statement by Senator Magnuson

Mr. MAGNUSON. Mr. President, Abraham Lincoln was greatly troubled by his inability to build bridges of friendship and understanding between North and South.

"I once knew a good, sound churchman, whom we'll call Brown," Lincoln was quoted, "who was on a committee to erect a bridge over a dangerous and rapid river. Architect after architect failed, and at last Brown said he had a friend named Jones who had built several bridges and could build this. 'Let's have him in,' said the committee. In came Jones. 'Can you build this bridge, sir?' 'Yes,' replied Jones, 'I could build a bridge to the infernal regions, if necessary.' The sober committee were horrified, but when Jones retired Brown thought it fair to defend his friend. 'I know Jones so well,' said he, 'and he is so honest a man and so good an architect that, if he states soberly and positively that he can build a bridge to Hades—why, I believe it. But I have my doubts about the abutments on the infernal side.' "So," Lincoln added, "when politicians said they could harmonize the Northern and Southern wings of the democracy, I believed them. But I had my doubts about the abutments on the Southern side."

So today we have our doubts about the "abutments" in Communist Eastern Europe. But we also have a President with the courage and the determination to build bridges of trade and understanding if it is possible to build them on a sound foundation.

Probably no piece of legislation in this Congress has less of a constituency, yet few bills can ever hope to rival this one in its potential for contributing to the peace and stability of the world in what is left of the 20th century.

But we cannot begin to realize the wisdom and propriety of the legislation until we see the Communist world as it exists today in actuality, not as it took shape in our fears of 10 or 20 or 30 years ago. Let us make no mistake about it: The Communist bloc will not crumble if we choose to withhold our trade. At $280 million, our total trade with the Warsaw Pact countries in 1965 was an insignificant fraction of the total free world trade of about $11 billion. There is little likelihood that trade with the bloc will ever reach proportions of strategic significance either to us or the Communists.

I recently received a complaint from a Washington citizen that we had sold quantities of "inedible tallow" to the Communists. She was concerned because the tallow could be used to produce glycerine—an ingredient of many explosives. But the simple fact of the matter is that a country capable of developing a hydrogen bomb and vast missile power—and a country which produces and exports great quantities of oil—from which glycerin is easily and economically extracted—does not need U.S. tallow to maintain its military might, any more than we need Soviet platinum to maintain our stockpile of strategic metals.

The President believes, and I share his belief, that a broad and continuing exchange of nonstrategic goods and technology between East and West raises the stake of the individual Eastern European countries in stable East-West relations and inevitably acts as a damper upon the appetite of the bloc for aggressive adventures.

Though peaceful and stable international relations are our primary goal, we cannot be unmindful of the vital role which exports can play in restoring our balance of payments. There is an enormous appetite for American goods and technology in Eastern Europe—an appetite limited only by the ability of some of the still underdeveloped economies to generate sufficient hard currency.

Again, by opening up sources of supply independent of the Soviet Union, increased East-West trade necessarily reduces the economic dependence of the smaller Eastern European countries upon the Soviet Union.

Expanded East-West trade also leads to greater contact and understanding of both Western peoples and the products of Western institutions. Because we are convinced that our economic and political institutions are best designed to satisfy the universal rising tide of expectations, we expect these contacts to stimulate the increasing economic liberalization of the internal economies of Eastern Europe.

There is ample evidence that we are not whistling in the dark. Each day brings to light new cracks and crevices in the Iron Curtain. Poland joins and lives up to the requirements of the Paris Convention for the protection of industrial property and applies for membership in GATT. Rumania criticizes the Soviet Union for interfering in the internal affairs of her neighbors—such as Rumania—and praises the United States for its liberal trade policies. Hungary withdraws its rigid bureaucratic planning from major exporting enterprises—replaces the "plan" with profit incentives—and gives the managers freedom to try their wings in a competitive market economy—at least for exports. Bulgaria—for long years standing with her back to the West—displays a new eagerness to increase trade and contact with the West.

The countries of Eastern Europe come seeking the tourist dollar: "Fly to Moscow" reads an ad in the New York Times, "and paint the town Red." An American soft drink bottling plant springs up on the Black Sea, and rock 'n' roll blares forth from state-controlled radio stations.

The largest Moscow department store succumbs to what I was about to describe as the Western "vice" of charge accounts. I believe that is an inappropriate word; I should say "Western practice" of charge accounts. If the Russians are succumbing to capitalism, they are succumbing to capitalism in the American way. The people's appetite for consumer goods grows and feeds on itself. Motorcycles and leather jackets—rather than Communist Party membership cards—become the status symbols among the young. We may be witnessing what some observers have called creeping capitalism.

And, ironically, there is probably no area in the world today where American commercial and economic prestige is as high as among the peoples of Eastern Europe.

What the President seeks in this legislation is not concessions to the Communists but tools with which to shape mutually advantageous trade relations. We have tied the President's hands and frustrated the development of a flexible policy in an area in which the President must be able to act flexibly if we are to forge a successful policy. With the authority contained in this bill, the President will be able to develop conditions for trade with each of the Communist countries on a country-by-country basis—responsive to the inevitable flux in Government policies and international relations. As Secretary Rusk indicates, this legislation would "strengthen, not weaken the President's authority to deal with the Communists."

The act in its principal substantive provision would authorize the President to use most-favored-nation tariff treatment as a bargaining point in negotiating commercial agreements with individual Communist countries. The importance of flexible authority to grant or withhold most-favored-nation status is well illustrated by a look at our recent trade relations with Rumania.

In June 1964 the United States reached a series of "understandings" with Rumania. The Rumanians have lived up to their side of those "understandings." Pursuant to the "understandings," Rumania has guaranteed the protection of patents and other industrial property; the Rumanians have entered into satisfactory arrangements with us for the settlement of financial claims. They have extended hospitality and freedom of movement to the American trade mission and to businessmen generally. They have expanded trade and tourist facilities, facilitated the exchange of trade exhibits and the publication of trade promotion materials and have upgraded our diplomatic presence in Rumania from a legation to a full-fledged embassy.

By August 1964 Rumania had granted amnesty to virtually all of her political prisoners—an estimated 11,000. She had put an end to jamming of Voice of America broad casts and had begun limited sales of Western newspapers. At the time of the "understandings," the U.S. delegation took note of the concern of the Rumanian delegation at the maintenance of the discriminating tariff wall. That wall still stands.

Today the duty on Rumanian caviar remains 30 percent higher than Iranian; the tariff on Rumanian cheese is 7 cents a pound—for its competitors, 5 cents a pound. On Rumanian glassware—both plateglass for industrial use, and tableware—the tariff is 60 percent while other countries bear only a 15- to 50-percent tariff.

"We are between the anvil and the hammer," says the Rumanians. "If we lower our prices sufficiently to overcome the tariff barrier, then we are accused of dumping."

Undoubtedly, the inability of the President to grant the most-favored-nation treatment to Rumania has greatly impaired the effectiveness of our efforts to assist Rumania in steering the independent course which she seeks for herself.

The Senate Commerce Committee has long maintained a deep interest in the development of mutually advantageous East-West trade relationships. Last fall the committee was represented by staff counsel who served as a consultant to the U.S. trade mission to Poland and Rumania—the first such mission sponsored by the U.S. Government—and at the invitation of the Department of Commerce, the committee will again be represented in October as the United States sends its first trade mission to Hungary and Bulgaria.

Mr. President, in his letter of transmittal, Secretary Rusk predicted that expanded East-West trade would produce a "growing understanding of the skills, opportunities, and earnings of free labor in the United States." The U.S. trade mission to Poland and Rumania last fall reported several instances which dramatize the growth of such understanding.

Mr. James O. Ellison, of San Francisco, for example, was the trade mission's machine tool expert.

I am told that no one who witnessed his electrifying tours through Rumanian and Polish factories could doubt the wisdom of promoting commercial contacts between American businessmen and their Communist counterparts. From the moment he crossed the threshold of a plant, it became evident that this man embodied that quality—American know-how—which the Europeans most covet. The Rumanian expression for know-how is know-how. Quietly, politely, not unlike a patient teacher, Jim Ellison would thread his way through each factory, pausing to acknowledge and praise that which was sound, but seeing with a comprehending eye and identifying those gaps which were the product of technological isolation.

At the Red Star truck plant in Brashov, Rumania, the technical director sought his advice on the possibility of licensing American technology to solve a persistent production problem. The plant had begun producing a high-speed engine which wore out its camshaft in 4 to 5 months. Ellison paused for a moment and then replied that they did not really need a license—the problem could be simply solved by redesigning the camshaft

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with double, rather than single lobes, so that it need revolve only half as fast.

In the Nova Huta Works, near Krakow, Poland, the mission watched an American rolling mill smoothly and effortlessly turning out galvanized steel, while nearby a new piece of Russian equipment had broken down. I could give many other examples such as these.

In neither country could one tell where admiration for the American and his machines ended and where admiration for the economic and political system which produced them began.

I think it is high time that we take a step forward on this road toward better world understanding. As I have stated on so many occasions, legitimate trade, nonstrategic trade, is a tool for peace.

Mr. President, the Senate should know that the Senator from Montana [Mr. MANSFIELD] would be here this afternoon were he not confined to the Bethesda Naval Hospital with a slight touch of the flu. He has prepared a statement on the bill which he has asked me to make for him.

STATEMENT BY SENATOR MANSFIELD READ BY SENATOR MAGNUSON

Mr. MANSFIELD. Mr. President, I am about to introduce a bill which is reported to have been already consigned to the legislative junkheap. And, indeed, that may prove to be the case. At this point, certainly, there is far more reason than not to concur in the bleak journalistic forecasts of the future of the so-called East-West trade relations bill.

That is a most unfortunate situation especially since the measure has been requested by the President and asked for by the Secretary of State in letters to the Vice President and the Speaker of the House.

I do not suppose that in the great equations of peace and war a few million dollars of trade with Bulgaria or Rumania looks like a very urgent or major matter. In the rising flames of the Vietnamese conflict, it appears almost incongruous to put forth a legislative effort which has as its purpose the enlargement of commerce with some countries in Eastern Europe.

Nevertheless, the leadership is going to introduce this East-West trade relations bill. It will be introduced now because the President and the Secretary of State have asked for it. It will be introduced now because the majority leader welcomes an initiative along lines which he has believed desirable for many years. The measure will be introduced now because even the act of doing so or failing to do so does have some relevance to the great equations of peace and war. It will be introduced now, not in spite of the Vietnamese war, but, if anything, because of it.

Finally, Mr. President, the leadership will introduce this measure because it is an entirely proper vehicle for a hard legislative look at the incongruities and anachronisms which have long characterized the policies of the United States toward Eastern Europe. These barnacles on American commerce not only plague businessmen, they also hamper the diplomacy of the President and the Secretary of State in seeking to develop useful and peaceful relations with various nations in that region.

Whatever their original justification, certain of the conditions which we ourselves imposed on our commerce years ago and with which this act, in effect, is designed to deal have become self-defeating, often meaningless, and very costly to individual Americans and to the Nation as a whole. The measures were largely an expression of the fear, hostility, disgust, or whatever with which the United States greeted the appearance of certain systems of government and economics in Eastern Europe. They were in the nature, too, of reprisals for hostile acts against us. And they were, finally, vaguely designed to defend the West against communism from the East.

I think, by this time, it is clear that while many factors may be involved in determining the future of communism in Eastern Europe, the trade policies of the United States are at or near the bottom of the list in terms of significance. I would point out, in this connection that, for many years, we have had no trade to speak of with certain of the Eastern European countries but, at last report, they still had Communist governments. And the truth is that over the years we have had trade with Yugoslavia and Poland and even aid but, at last report, they, too, still had Communist governments.

Let us, therefore, if we are going into a consideration of this bill, go in with our eyes open. Let us not tilt with windmills. If past trade policies have had little significance for the future of communism in Eastern Europe one way or the other, it may be said that this bill does not have much significance either, one way or the other. I doubt that it will strike very much terror or very much joy in the hearts of the Communist purists of Eastern Europe.

The basic question in this bill, in short, is not what it will do to communism in Eastern Europe. The basic question is what this bill will do for the United States.

The bill has no automatic and direct effect on trade between Eastern Europe and the United States. Rather, the bill deals with the relationship of the President and the Congress in delineating the patterns of that trade. It gives the President substantially the same kind of control over U.S. commerce with the entire region of Eastern Europe that he now has by law over trade with Yugoslavia and Poland.

The bill says to the President, in effect, if opportunities present themselves to enlarge the trading relationship in peaceful goods with various Eastern European countries, go ahead and explore them. If the occasion arrives to promote better and more stable relations by adjustments in peaceful trade with these nations do not hesitate to take advantage of the occasion. In short, this act would authorize the President to use his judgment in setting certain rules and approaches for the conduct of trade with Eastern Europe. The passage of this act would make clear that the President is trusted by the Congress to act in this connection in the best interests of the United States.

Now, Mr. President, Congress has not hesitated to place an immense trust in the Presidency in matters involving war. It has done so in connection with Vietnam. And, indeed, in the matter of nuclear war we have, literally, entrusted the whole fate of the Nation and the world to the Presidency.

Yet, it is obvious that we tremble with mistrust, now, as an elephant before a mouse, when it is a question of entrusting to the Presidency certain very limited and highly circumscribed tools which may be useful to him in advancing the commercial interests of the United States. We tremble with mistrust at the possibility of a President, on his own, making a small contribution to the building of peaceful economic relations with a major area of the globe. And may I say, Mr. President, that that trembling in itself can have a far more adverse significance for the interests of the United States in the world than this bill could ever have, even in the wildest imagining of its misapplication by a President. How incongruous, indeed, is it to stand dauntless and courageous in support of the President in the war in Vietnam while suffering the pangs of terror, revulsion or suspicion at the prospect of the President seeking to promote a little more peaceful commercial relations with Bulgaria or Rumania or some such nation.

The irony, Mr. President, is that the cost of this reaction, the cost of this failure to face up to the implications of this proposed act falls heavily, not on others, but on citizens of this Nation.

If we refuse even to consider action on this measure in this session, we are putting off coming to grips with the incongruities and anachronisms of our present trade policies respecting Eastern Europe for that much longer. And these are damaging, not to Eastern Europe, but to the economy of the United States of America.

Here are some of the more flagrant indications of the distortions which result from these policies.

Does the Senate know that there is a basic list of strategic goods which allied countries join with us in more or less excluding from normal trade channels to Eastern Europe? Beyond this limited listing, however, anything goes and devil take the hindmost, who, in this instance, is guaranteed by our own trade policies to be the American trader. In these circumstances, it is not surprising that the Netherlands or Sweden do about the same amount of business with the Communist countries as does the United States. It is not surprising either that the total exports of Western Europe and Japan to the Communist countries amounted to $3.8 billion in 1965, while the total of U.S. exports to these countries added up to the grand total of $140 million.

Does the Senate know that our present restrictive trade policies do not deny Eastern Europe access to very many of the products of the ingenuity of modern industry? They tend, rather, to turn Eastern Europeans to Western European and Japanese sources rather than to the United States for these items. And let us not delude ourselves; they find them. Even insofar as choice and exclusive American nonstrategic products may be concerned, which we chooose not to ship to Eastern Europe, these may not necessarily be denied to Eastern Europe. At the end of my remarks, Mr. President, I shall insert an article from the Wall Street Journal which appeared in the May 10 issue and which shows in detail, Mr. President, how time and again American firms operate through Western European branches or other corporate arrangements in order to sell such products in Eastern Europe.

I do not blame the American businessmen. They are compelled to this course by the intense competition and the demands of modern world-scale business. Many are prepared to sell and ship from the United States directly to Eastern Europe, but for a variety of reasons are unable to do so. In short, Mr. President, the policies and attitudes on trade with Eastern Europe have now become a stimulus for American business to export investments and jobs to Western Europe and elsewhere.

The stigma for this state of affairs, I repeat, does not attach to business. It attaches to the Congress and the executive branch for the reluctance or inertia in facing up to the facts of a changed commercial world, especially in Europe. In this connection, I need not dwell at length on the Firestone fiasco of last year. You know the sorry circumstances which compelled that company to cancel an arrangement which it had made in good faith with the Rumanian Government. The Firestone Co. had encouragement and approval from the executive branch in its proposal to supply the technical resources for the construction of a synthetic rubber plant in Rumania. But in the end, the Firestone Co. was victimized for its efforts by a scurrilous private boycott which was set in motion here at home, according to some reports, with the encouragement of one of Firestone's competitors.

While on the subject of Rumania, I would point out, further, that the United States is obviously not that country's principal capitalist trading partner. But does the Senate know which country has the largest volume of trade with Communist Rumania after the Soviet Union? Poland? Eastern Germany? Outer Mongolia? China, or some other Communist state? No, Mr. President, Rumania's second largest trade is now with Western Germany. Nevertheless, we still cling to the practice of sharp restriction on trade with Rumania—and, even worse, shift the trade signals uncertainly, as in the Firestone affair.

The Senate, Mr. President, has heard of the recent arrangement whereby Fiat of Italy contracted to build an entire automobile assembly plant in Russia and of the West German agreement to undertake to erect a whole steel complex in Communist China. These are only striking examples in the long list of spectacular trade arrangements whereby Western Europe and Japan are moving into expanding and advantageous economic relations with the nations of the Communist bloc.

I could go on, Mr. President, citing illustration after illustration in a similar vein. All serve merely to underscore the anomalies which arise from a vastly altered trading situation in Europe coupled with a substantially unaltered pattern of trade policies and attitudes on the part of the United States. The anomalies clearly affect in a most adverse fashion the commercial interests of American citizens.

But, in the end, Mr. President, we will not act or fail to act on this bill merely for the commercial advantages which may be involved. And that is as it should be. In the end, the larger international equations cannot be ignored, even in a minor bill of this kind. And in the larger equations, the fundamental factor, today, is Vietnam.

I said at the outset, Mr. President, that in my judgment, the tragedy of Vietnam is not a factor which argues against this measure but rather one which, if anything argues for it. I say that notwithstanding the fact that the nations which would be most constructively affected by this measure are sharply antagonistic to our policies in Vietnam. But they are not alone in that attitude. It would be an irresponsible self-immolation of this nation's commerce to require approval of Vietnamese policy as a basis for mutually advantageous commercial relations with nations elsewhere. And it is akin to that immolation to reject better commercial relations with nations where they can be but have not yet been established because those nations disapprove of these policies.

Far more important, however, than the limited increase in trade it promises to bring, is the great significance which attaches to this measure as a clear-cut act of peace in the midst of the blurred and bloody act of the Vietnamese war. It is a tangible affirmation of American words of peace which will rise above the cannonades of that conflict. It says, as no words can say, that peace and not war is what the United States wants. It says that the Congress of the United States trusts the President to pursue the one even as it upholds his hand in the other.

It is in that vein that I introduce the East-West Trade Relations Act at this time. I endorse fully the purpose of this bill and will support its enactment.

I say in all frankness, however, that the hope of action is dim, and I have no desire to stimulate false hopes. My purpose, today, is to bring the matter into the open. The questions which this bill raises should be faced. They ought not to be swept under a rug of indifference. They ought not to be obscured by the Vietnamese conflict.

It is my personal judgment that if we examine these questions, whether in the minute details of commercial value to individual American citizens and companies or in the vast context of the search for world peace, this proposed trade act has a part to play which serves the interests of the United States. I am persuaded, moreover, that the sooner this act is permitted to play that part, the better it will be for this nation and the world.

STATEMENT BY SENATOR JAVITS

Mr. JAVITS. Mr. President, with France, now dropping out of the NATO alliance, there is little chance of accomplishing such trade without some assistance. I have recently come back from service as a rapporteur of the NATO Conference. Things can be done now in Europe which could not be done before. One of the most important things is to have harmonious relations between East and West trade with our allies, Germany, Great Britain, the low countries, Italy, and our other allies. All of these allies sell infinitely more goods than we do to Central Europe.

Without this bill, we cannot do that, because with it we can do things we cannot otherwise do or agree to. We cannot deal with dumping, we cannot deal with patents, we cannot deal with offices in which sales can be made, we cannot deal with arbitration of commercial disagreements, and a dozen other things.

Therefore, Mr. President, I say that the things I have mentioned flag this as one of the most important bills before us. I have asked the Senator from Washington [Mr. MAGNUSON] if I could join as a sponsor of this bill.

Mr. President, I am grateful to the Senator from Washington [Mr. MAGNUSON], not only for introducing the bill, but for making the fine statement he has made. I think an essential supplement to that statement, which is not mentioned in it, but is very important, is that this will form the basis by which we can at long last have a common policy with our allies of the Atlantic community with respect to East-West trade; and that common bond is just as important as is this bill, giving the necessary power to the President of the United States.

Mr. MCGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the Senator from South Dakota.

Mr. MCGOVERN. Mr. President, I should like to associate myself with the splendid statements by the Senator from Washington (Mr. MAGNUSON) and the Senator from New York (Mr. JAVITS), who has long been an advocate of greater East-West trade. I agree enthusiastically with what they have said. I think the President's message and his request on East-West trade represents the most constructive initiative for better international relations that has come to Congress this year.

In a sense, the Senator from New York has said we have been cutting off our noses to spite our faces by denying ourselves access to the very promising market in Eastern Europe. I hope that we cannot only give heed to the President's request with greater flexibility and more commonsense in this area, but that we can also make progress in the months ahead, toward resolving the stalemate that has made it difficult for us to carry on wheat sales to the Soviet Union.

CURRENT TRENDS AND PERSPECTIVES IN EAST-WEST ECONOMIC RELATIONS

(By Leon M. Herman, Senior Specialist in Soviet Economics, Apr. 24, 1969)

I. A BRIEF REVIEW OF RECENT TRADE RETURNS

A. *The industrial West and the European East*

It is a well-known fact that the main component of the annual trade flow between the so-called "East" and "West", i.e. between the communist and non-communist countries around the world, is represented by the exchange between the Industrial West on the one hand and Eastern Europe on the other. It also so happens that the latter two groups of countries, respectively, make up the membership of OECD[1] and CEMA.[2] These 29 countries account for about one-half of the entire exchange of commodities between communist and non-communist countries in the world. In 1967, this steadily growing exchange came to: 4.2 billion dollars of exports from the Industrial West to Eastern Europe; 4.5 billion dollars of imports into the OECD countries.

The growth record of the commodity trade between the members of these two organizations show the following results: during the past 5 years (1962–67), the out-flow of merchandise from the OECD countries increased at the rate of 11.4 percent yearly. Imports into the same group of countries during the same period expanded at an even more rapid annual rate, namely 12.2 percent.

As growth rates go, this is an impressive performance indeed. By comparison, world trade as a whole during the same period grew in volume at an annual rate of 8.8 percent.

B. *The United States and Eastern Europe*

The United States at present ranks among the least active participants in East West trade. Our share in the $4 billion annual export by OECD to East Europe amounts to less than 5 percent. This is a far cry from our share in world exports, which measures some 16 percent.

The picture is even darker when we look at our position as an exporter of machinery to Eastern Europe. With an export figure of only $30.6 million, our share of that market for Western machinery comes to no more than 2 percent. As a machinery exporter on a world scale, however, our annual share comes to 25 percent of the market for Western machinery; in dollar terms, to 12 out of a total of 48 billion dollars in 1967.

TOTAL TRADE OF SELECTED INDUSTRIAL COUNTRIES WITH THE "EAST," 1967

[Dollar amounts in millions]

	Exports to all Communist countries		Imports from all Communist countries	
	Amount	Percent of total national export	Amount	Percent of total national imports
United States	$195	0.6	$180	0.7
United Kingdom	587	4.1	781	4.4
France	540	4.7	411	3.3
Japan	565	5.4	868	7.4
Italy	520	6.0	744	7.7
West Germany	1,465	6.6	1,060	5.9

Source: U.S. Department of Commerce.

II. OUR ECONOMIC POTENTIAL FOR TRADE WITH EASTERN EUROPE

For all that, most American businessmen agree that our prospects for gaining a substantial position in the machinery import markets of Eastern Europe are quite favorable. In this connection, they generally cite the following reasons:

In the first place, U.S. subsidiaries in Europe have, for some time, been successfully selling their manufactured products, largely capital goods, in the Eastern half of the continent. These products, moreover, are known to have earned for themselves a favorable reputation in that market. Although it is impossible to obtain a hard figure on the dollar value of all finished goods exported by U.S. subsidiary firms to the East, available estimates on the magnitude of that trade, recently worked out by the Department of State, show that in 1967 affiliates of U.S. firms in Europe sold a volume of commodities worth approximately $225 million. This outflow may be compared with $63 million of

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[1] Organization for Economic Cooperation and Development, located in Paris.

[2] Council for Economic Mutual Assistance, located in Moscow.

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direct U.S. exports of manufactured goods to Eastern Europe. These firms, incidentally, feel very strongly that they have been more than holding their own in the good fight to preserve the competitive position of our industry in East Europe, and that the least their government in Washington can do for them is to legitimize their constructive commercial activities.

Secondly, U.S. business firms with recent experience in selling machinery to the CEMA countries report that the USSR in particular is quite keen on establishing direct contact with American manufacturers on their home grounds. Thus, for example, when they buy a turn-key plant, they are most eager to see a comparable U.S. plant "in the flesh", so to speak, in its natural setting and under normal operating conditions. They are thoroughly persuaded that the combination of the ever-changing American machine technology and the innovative methods employed in the organization of production hold the key to their eventual attainment of U.S. levels of labor and capital productivity. These businessmen agree, furthermore, that the Soviet engineers who are engaged in the procurement of industrial machinery are unusually competent in their respective fields, and are sensitive to the difference between the highly research-intensive production equipment manufactured in the United States and its European counterpart. They also tend to prefer the relatively more massive scale on which production is organized and managed in the U.S. economy. They are, of course, not unaware of the management gap between Europe and the United States.

On this particular point, it is interesting to cite a speech made by Soviet Premier Kosygin in the city of Minsk several months ago. In one of the themes of his address, Mr. Kosygin urged the official planners to reduce the "lead time" at present consumed in developing technical innovation in industry. "At the present pace" he warned, "we may be left behind." He then proceeded to spell out the problem as follows:

"In capitalist countries, the monopolies (i.e. the giant corporations) are under pressure to conduct a keen battle for profits. They, therefore, tend to react speedily to consumer demand, turn out modern types of products, and search for the most rational forms of production organization and management."

From this observation, Kosygin proceeded to draw the conclusion that:

"It would be short-sighted on our part not to utilize the latest foreign scientific and technical achievements . . . We must make use of all the best new technology, utilize every opportunity to purchase licenses in order to accelerate technical progress in our economy."

There is also a third consideration that bears importantly on the outlook for future U.S. trade with East Europe. There is, as we know, an active official drive throughout the region to increase their capacity for earning hard currencies. One of the more publicized devices used for that purpose is to build resort hotels in the Western style as a way to attract Western tourists. Two such hotels are fairly close to completion in Budapest, both by American firms—Hilton and Inter-Continental. The latter company is also in the process of building hotels in Prague and Bucharest. These hotels, operated under Western management, are expected to attract a large body of tourists from the hard currency countries. In this total inflow, the share of dollar-spending tourists should be substantial. The normally close connection between the U.S. hotel managers and the operators of package tours, may be expected to keep East Europe well supplied with American tourists.

Nor does the pursuit of the tourist dollar stop at the hotel door. In late April 1969, the official Soviet Tourist agency made a surprise move and signed a contract with Hertz International. Under this contract, Hertz will provide management counselling and know-how to the Soviet car-rental facility, along with its world-wide reservation services, its experience and professional prestige. For its part, the Soviet tourist agency is looking forward to a larger volume of hard currency revenue.

On the basis of the above three considerations it is reasonable to deduce that any positive action taken on our part to align our trade policy with that of Western Europe could produce some tangible results in expanding two-way trade within the years ahead. Presumably, a level of exports equal to that of either France or Italy, i.e. in the neighborhood of $500 million, would not be an unrealistic expectation during the next three to five years.

III. THE SMALL COUNTRIES LEAD THE WAY

A. More active in trade

It is worthy of note that the small countries of Eastern Europe, rather than the Soviet Union, are clearly a leading factor in this two-way trade, especially in regard to their exchanges with Western Europe. The latest full returns available at this time show that between 1963 and 1967, the small East European countries doubled the annual value of their exports to partners in the Western half of the continent. In dollar figures, this steep rise in sales was from 1.5 to 3.0 billion rubles. On this score, in fact, they did far better than the USSR, which also increased its exports to Western Europe, by a margining of 50 percent. i.e., from 1.2 to 1.8 billion dollars.

EXPORT TRADE OF EASTERN EUROPE (COMECON)

[In millions of dollars]

	1963	1967	1967-63
Exports of the U.S.S.R.:			
To the world	7,270	9,650	132.7
To OECD	1,358	2,238	104.8
To OECD Europe [1]	1,210	1,820	150.4
Exports of rest of Eastern Europe:			
To the world	9,730	13,170	135.4
To OECD	2,093	3,268	156.1
To OECD Europe [1]	1,508	2,985	197.9
East Europe as percent of U.S.S.R.:			
To world	133.8	136.5	
To OECD	154.1	146.0	
To OECD Europe [1]	124.6	164.0	

[1] Including Finland and Yugoslavia.

Source: United Nations, "Monthly Bulletin of Statistics."

The above figures also help to underscore another important feature of this trade, namely that the smaller countries, as a group, are conspicuously more active in foreign trade than their giant neighbor. In the commodity exchange with Western Europe in 1967, for example, their export exceeded that of the USSR by 64 percent, despite the fact that they represent a total population of 103 million persons, as compared with 235 million for the Soviet Union.

B. Technical cooperation with Western firms

Within the recent past, a notable degree of disillusionment has come to surface in Eastern Europe with respect to the official policy of conspicuous production that has long been pursued in this region, largely under the influence of the USSR. Economic growth at the highest possible rate had become the overriding objective in production. As a result of this policy, a number of important values in modern production management have lost their force in East Europe. The economic authorities of the region now find, for example, that their enterprises have fallen behind the times with respect to prevailing techniques in management, in production organization, in quality control, marketing and customer service.

Yet, these countries are not without certain comparative advantages of their own in the production process. They work in many production areas with low costs in labor, energy, and materials. For that reason, in particular, they have been able to evoke a favorable interest on the part of a number of Western firms in developing various forms of technical cooperation at the enterprise level. In general, this type of arrangement provides for roughly the following division of labor: the Western firm supplies the capital equipment, the licenses and knowhow; the enterprise in the East provides the physical plant and the labor needed to organize the manufacturing process. The latter also often uses the finished product to repay for the imported equipment.

There are many variations of this basic pattern. Thus, for example, a truck (or a mining machine) will be assembled by a factory in East Europe on the basis of components supplied in part by a Western firm. The latter will supply, say, the diesel engine along with other precision components, while the less sophisticated parts will be produced at home. The final product will be sold in the countries (and regions) of the two partners as well as in third markets.

Another example of such technical cooperation may be presented by citing a recent contract under which the Swedish Company Alfa Laval filled a huge order for slaughterhouses to be installed in the Soviet Union, at the same time placing several sub-contracts with Polish factories.

By all accounts, these direct contacts with Western production units are highly regarded in the East. As a long-term proposition, they provide a valuable opportunity to counter-act some of the consequences of their prolonged isolation from the world industrial community. More immediately, they promise to raise the productivity of economic processes in the region by way of closer familiarity with standards attained in the West. To date, Hungary alone has reported to be engaged in 15 joint enterprises in Western Europe alone.

This new type of technical cooperation at the plant level is also reported to have a tangible pay-off in the sphere of human relations. They palpably help to build good will and trust among the participants despite existing ideological barriers. Gradually, according to U.S. business people with experience in this field, it is getting easier to dispel initial suspicions in the process of negotiations, and it takes less time to reach agreement on substantive commercial issues.

IV. THE APPEAL OF AUTOMOBILE OWNERSHIP IN THE EAST

Despite their control over all mass media, the authorities in East Europe have been unable to prevent the break-through of rising expectations among their own people. The urban elements of the population, first of all, are surprisingly well-informed about living conditions, styles, and tastes in the industrialized countries to the West. There is, therefore, very little these governments can do but to accommodate to the pressures for improved standards of consumption. It is obvious, for example, that the elite elements of the labor force, who have the kind of talents and skills that are most appreciated by the government, must in the near future be provided with the kind of incentive goods that bear some resemblance to those enjoyed by their counterparts abroad.

In this quest for a better life, the political leaders of the region have encountered their most vexing problem in regard to the automobile. Under their distinctive twin economic conditions of high production costs and low wage payments, the automobile is clearly too expensive a luxury item for the lean pocket-book of the average wage-earner. But the matter does not seem to end with such a simple calculation. Somehow, every one of these countries is plagued by a thriving black market in new and used cars, imported as well as domestic. Yet, to this day, they have been unable either to reduce the rising car fever among their citizens or to bring down the cost of mass producing the automobile.

This dilemma was recently discussed by the prominent Polish economist Pajestka. He came up with a calculation designed to show that a popular price automobile could be produced in Poland. He saw no reason why the price could not be brought down to some 40,000 zloty. An imported Fiat car now sells for 180,000 zloty.

What Mr. Pajestka liked about the price of 40,000 zloty is the fact that it came to "only" twenty times the current monthly wage of an average wage-earner in domestic industry. To apply his calculation to our own setting, expressed in terms of average industrial earning in the United States, this would be equivalent to a price of 10,000 dollars per mass-produced vehicle.

V. U.S. IMPORTS OF STRATEGIC COMMODITIES FROM THE EAST

If we examine our own trade statistics, we will find that machinery exports make up only 15 percent of all exports to that market as a whole. In our exports to the USSR specifically, this percentage figure rises somewhat, namely to 20 percent. In terms of dollars, machinery items accounted for 11.5 out of the total of $60.3 million exported in 1967.

This is the component that is generally considered to be most essential in terms of its economic value to the Soviet Union. What is generally overlooked, however, is that we import, on a regular basis, a substantial range of essential metals from the Soviet Union. These include: chrome ore, platinum, iridium, palladium, rhodium, and others. In 1967, the dollar value of these metals came to 21.4 million dollars or 52.1 percent of all imports from the USSR. In 1965, the comparable figure was $28.6 million, representing 67.2 percent of all imports from that country.

VI. OUR LIMITED OBJECTIVES IN THE SPHERE OF EAST-WEST TRADE

It should be quite clear by now to every well-informed citizen that the present proposals to relax our restrictions on trading with East Europe are modest in their nature. They do not call for a drastic departure from prevailing commercial practice in the rest of the Western World. On the contrary, they represent nothing more than a long overdue effort to bring our national trade policy in closer alignment with that of the West as a whole, including our traditional neighbor to the North (Canada) and our new neighbor across the Pacific (Japan).

We believe that the time has come for the Western community to resolve its differences in this policy area, and to work out a common approach to the matters at issue in trading with the CEMA countries. Such a concerted approach would not only generate a larger flow of trade, in both directions, but would also help to reduce to a minimum such political hazards as this trade may contain. We can assuredly more easily avoid such hazards together than separately. Moreover, if we succeed in working together toward an agreed purpose, we can eliminate some of the friction that breaks into the open from time to time over our conflicting trade policies toward the East. At this juncture, when other great international issues are clamoring for attention, we ought to try disengage ourselves from the dogmas of the past, from our reputation for negativism in this segment of world trade. We ought to be prepared to acknowledge the fact that the collective economic strength of the West is not in any immediate danger of being undermined by a more enterprising exchange of commodities with the East.

We should also make it clear to all concerned that it is not the intent of these proposals to use our economic strength for any negative political objective. We need to indicate plainly that we are interested in more trade for the positive benefits it can yield to both sides in the exchange. Our policy has no ulterior purpose in this regard. It is not our aim to expand trade in order to break up the Soviet-led alliance in Eastern Europe. We are aiming at a more active peaceful economic engagement with all the countries of the region, to the extent that they will respond, on the basis of the belief that continuing discussions and fruitful negotiations about our mutual economic requirements might prove to be a constructive alternative to the present barren climate of distrust, or worse yet, the periodic exchange of threats implicit in the endless accumulation of ever more deadly weapons of mass destruction.

EAST-WEST TRADE RELATIONS ACT OF 1966

LETTER OF TRANSMITTAL[1]

MAY 11, 1966.

DEAR MR. SPEAKER: At the direction of the President, I am sending to the Congress proposed legislation to provide the President with the authority necessary to negotiate commercial agreements with the Soviet Union and other nations of Eastern Europe to widen our trade in peaceful goods, when such agreements will serve the interests of the United States.

This authority is needed so that we may grasp opportunities that are opening up to us in our relations with the Soviet Union and the countries of Eastern Europe. It is needed, at a time when we are opposing Communist aggression in Viet-Nam, in order to carry forward the balanced strategy for peace which, under four Presidents, our country has been pursuing toward the Communist nations. It is needed to play our part with the NATO nations in reducing tensions and establishing normal and lasting peaceful relations between the West and East in Europe.

New opportunities

It is the normal and traditional practice of the United States to encourage peaceful trade with other countries—even those with which we have serious differences. Yet for nearly two decades, we have put major restrictions on our trade with the Soviet Union and Eastern Europe. We applied these restrictions only when the Soviet Union extended control over its Eastern European neighbors and embarked on a course of aggressive expansionism. They properly signified our moral protest against the subjugation of half a continent and gave our protest practical economic effect. Now, however, the hopes that guided our policy have begun to be realized.

In recent years, there have been substantial changes among the Communist nations, within themselves, and in their relations to the nations of Western Europe. Windows in Eastern Europe are being gradually opened to the winds of change. Most of the countries of Eastern Europe have shown signs of increasing independence in guiding their own economic and political courses. They have shown greater concern for the needs of their citizens as consumers. A growing trade in peaceful goods has sprung up between Eastern Europe and the Western world. The Soviet Union itself has recognized this need for more responsive action in its own country as well as in Eastern Europe.

This process of change is continuing. It presents growing opportunities for the United States and for the cause of freedom. But we are not now able to take full advantage of these opportunities. Our trade policies which once served our national interest no longer do so adequately.

What then is needed?

The weakness in our position is the outdated, inflexible requirement of law that we impose discriminatory tariffs on the import of goods from Communist countries. All imports from the Soviet Union and Eastern Europe, excepting Poland and Yugoslavia, are subject to the original rates of duty in the United States Tariff Act of 1930. The President has no authority to negotiate with any of these countries for the advantages that we can gain from offering them the more favorable rates that have been negotiated under reciprocal trade agreements over the last thirty years and that now apply to imports from all other nations with whom we trade. We alone of all the major Free World countries have so tied our hands.

The inability of the President to negotiate on this matter sharply reduces his power to use the great economic power of our trade as a bargaining instrument.

In the light of this situation, the President said in his 1965 State of the Union Message:[2]

"In Eastern Europe restless nations are slowly beginning to assert their identity. Your government, assisted by leaders in labor and business, is exploring ways to increase peaceful trade with these countries and with the Soviet Union. I will report our conclusions to the Congress."

Accordingly, to supplement the studies being made in the Government, on February 16, 1965, the President appointed a Special Committee on U.S. Trade Relations with Eastern European Countries and the Soviet Union under the Chairmanship of Mr. J. Irwin Miller. Each member was a widely respected and experienced leader from business, labor or the academic world.

The Special Committee made its report to the President on April 29, 1965.[3] That report provides a searching and balanced analysis of this complex and important subject. It deserves careful study by all citizens and members of the Congress interested in this subject and in this proposed legislation.

The Special Committee concluded that to accomplish our purposes in Eastern Europe we must be able to use our trade policies flexibly and purposefully. The Committee recommended, specifically, that the President should be given discretionary authority to negotiate commercial agreements with individual Communist countries when he determines any such agreement to be in the national interest and to grant them in such agreements the tariff treatment we apply to all our other trading partners.

The Administration agrees with this recommendation of the Special Committee and this is the principal authority asked in the proposed legislation.

Benefits of the legislation

We must consider the potential benefits and liabilities that may flow from enacting or failing to enact the proposed legislation.

There is abundant evidence that without the authority this legislation would provide, we are losing and will continue to lose significant opportunities to influence the course of events in Eastern Europe. By denying ourselves the ability to enter into meaningful commercial agreements with these nations, we deprive ourselves of the economic benefits that will come to us from increasing trade. More important, we deprive ourselves of a bargaining tool of considerable strength and utility. We unnecessarily limit our influence in Eastern Europe relative to the influence of other nations engaged in or opening wider trade there.

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[1] An identical letter was sent to the President of the Senate.

[2] For text, see Bulletin of Jan. 25, 1965, p. 94.

[3] See Bulletin of May 30, 1966, p. 845.

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The enactment of the proposed legislation would not weaken or injure the position of the United States in any way. The legislation does not in itself make any grant or concession of any kind to the Soviet Union or any Eastern European country. It would not weaken our legislation, our policy or our controls on exports of strategic goods to Communist countries. Its sole effect would be to give the President added strength to negotiate with these Communist countries to obtain concessions and benefits that will serve the national interest of our country in return for granting the same tariff arrangements already available to other countries.

The benefits of the legislation could be numerous and valuable.

First, improving our trade relations with these countries would be profitable in itself. As their national economies turn more and more toward consumer needs and desires, they will become more attractive markets for our exports. We lead the world in the efficient production of goods which enrich the quality of everyday life. We can expect that new and increasing export opportunities will open up for American industry, American agriculture and American labor. While this trade potential may be modest for the foreseeable future in relation to total United States exports, it could, nevertheless, be significant over the years and of particular importance to American agriculture and to certain American industries.

Although any agreement with any individual nation will necessarily and properly open the way for increased sales of that nation's products to Americans who want to buy them, we have no reason to fear such trade. American industry is the most competitive in the world and thrives on the stimulus of competition.

Second, authority to relax tariff restrictions will give the President the ability to negotiate more effectively for any of several objectives important to the United States. These might include, for example, provisions for the settlement of commercial disputes, the facilitation of travel by United States citizens, the protection of United States copyrights, patents and other industrial property rights, assurances to prevent trade practices injurious to United States labor and industry, settlement of financial claims and lend-lease obligations, more satisfactory arrangements in cultural and information programs—and others of our economic, political and cultural objectives. These possibilities are of course only illustrative and it is improbable that all of them could be dealt with in a single agreement. We will need to test each negotiation for the gains to be made in it.

The Congress may be confident that no agreement will be made under this authority except in return for benefits of equal importance to the United States. Moreover, each agreement will include a provision for suspension or termination upon reasonable notice, so that the President may—and the Congress may be certain he would—suspend or end the obligations of the United States if he determined the other party were not carrying out its commitments.

Third, the most important benefits from any such agreements would develop more slowly. We cannot expect trade alone to change the basic nature of the Communist system in any Eastern European country nor to settle fundamental differences between us. We can, however, expect that the many close relationships normally growing out of trade will provide opportunities for influencing the development of their societies toward more internal freedom and peaceful relations with the free world.

A healthy growth of trade will help to reduce the present dependence of these Eastern European countries on each other and the Soviet Union. They will be encouraged to rebuild the friendly ties they have historically had with the West. Independent action will become more attractive and more feasible. The conclusion of an agreement with any of these countries will be an inducement to others to seek the same benefits.

The very nature of trade, the necessity to follow established rules of behavior, the increased contact with the West, the increasing use of Western goods, the growing appreciation of their quality and of the efficient methods of their manufacture, the growing understanding of the skills, opportunities and earnings of free labor in the United States and other Western nations, the greater exposure to the miracles of American agriculture—all these things could encourage increasing liberalization of the internal economies of the Eastern European nations.

The Soviet Union and other nations of Eastern Europe are increasingly conscious of their stake in stability and in improving peaceful relations with the outside world. Progress toward normal trade relations will increase that stake.

Under the terms of the proposed legislation, each agreement would be only one step in the process of reducing tensions. Agreements would not be of indefinite duration but would be subject to periodic review and to renewal at regular intervals. Each review could become a new opportunity for a useful dialogue with a Communist country. Each renewal could be adapted to encourage the further peaceful evolution of that individual country and the improvement of our relations with it.

There is wide and growing understanding throughout the country that improved conditions for peaceful trade with the Soviet Union and the countries of Eastern Europe would be in the national interest and should be a proper subject of negotiation with those countries. Many business, industrial and agricultural leaders and other expert witnesses who testified in the extensive hearings held on this subject by the Senate Foreign Relations Committee and the House Foreign Affairs Committee concluded that the United States could benefit from the possibility of wider peaceful trade with the Eastern European countries under proper safeguards. So too have a number of leading private organizations that have studied the problem.

To fulfill his Constitutional responsibilities for the conduct of our foreign policy in this complex era, the President must have available to him every appropriate bargaining tool. Nowhere is this need more critical than in our relations with the Communist countries. Granting this flexible authority to the President would not be a concession to the Communist world. Rather, it would give him a valuable instrument of foreign policy to be used where and when it will advance the interests of the United States.

Conducting a balanced strategy

In addition to the gains already stated which the proposed legislation can help to realize, it can be an important element in our balanced strategy for peace.

We are reaffirming in Viet-Nam—as we have on many earlier battlefields—our determination to aid free and independent nations to defend themselves from destruction by Communist aggression or subversion. But determined resistance to such force is only a part of our strategy to maintain a peaceful world.

It has equally been our purpose to demonstrate to the Communist countries that their best interests lie in seeking the well-being of their peoples through peaceful relations with the nations of the free world. We want the Soviet Union and the nations of Eastern Europe to understand that we will go step by step with them as far as they are willing to go in exploring every path toward enduring peace. We require only that our willingness and our actions be genuinely matched by theirs.

We are confident that this policy is sound even when we are fighting against Communist weapons in Viet-Nam. Indeed, it is when we are resisting force with force that it is most important to hold open every possible avenue to peace. We need to make unmistakably clear to all the Communist nations of Eastern Europe that their best interests lie in economic development and peaceful trade, not in support of futile attempts to gain advantage through the use of force.

The legislation

The proposed legislation contains five principal provisions.

The first states the purpose of the Act, particularly to use peaceful trade and related contacts with Communist countries to advance the long-range interests of the United States.

The second authorizes the President to enter into a commercial agreement with a Communist country when he determines it will promote the purposes of the Act, will be in the national interest and will result in benefits to the United States equivalent to those provided by the agreement to the other party.

The third states some of the benefits we may hope to gain in such agreement.

The fourth limits each agreement to an initial period of three years, renewable for three-year periods. It requires that each agreement provide for regular consultations on its operations and on relevant aspects of United States relations with the other country. It also requires that each agreement be subject to suspension or termination at any time on reasonable notice.

The fifth is the central provision recommended by the responsible groups studying this matter: the President would have authority to proclaim most-favored-nation treatment for the goods of Communist nations with which a commercial agreement is made under the Act. Such MFN treatment would continue only so long as the agreement is in effect.

The President would have the authority to suspend or terminate any proclamation made pursuant to this Act. The President should do so whenever he determines that the other party to the agreement is no longer fulfilling its obligations under the agreement, or that suspension or termination is in the national interest.

As part of his negotiating power with respect to a commercial agreement with the Soviet Union, the President would have authority to terminate the existing provisions of law excluding certain furs of Soviet origin.

The authority of the Act would not extend to Communist China, North Korea, North Viet-Nam, Cuba or the Soviet Zone of Germany.

The bill expressly provides that it does not modify or amend the Export Control Act or the Battle Act which together control the export of military articles and strategic goods and technology which would adversely affect the national security and welfare of the United States.

The bill does not change in any way existing laws and regulations prohibiting aid and limiting credit to Communist countries.

All agreements will be promptly transmitted to both Houses of Congress.

Conclusion

In 1958 President Eisenhower made it clear that "the United States favors the expansion of peaceful trade with the Soviet Union"[4] and spoke of the importance of trade as a means of strengthening the possibilities for independent actions by the countries of Eastern Europe.

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[4] For text of President Eisenhower's letter of July 14, 1958, to Soviet Premier Khrushchev, see Bulletin of Aug. 4, 1958, p. 200.

President Kennedy in his first State of the Union Message[5] declared his determination that "we must never forget our hopes for the ultimate freedom and welfare of the peoples of Eastern Europe."

In December, 1964, President Johnson expressed our wish "to build new bridges to Eastern Europe—bridges of ideas, education, culture, trade, technical cooperation and mutual understanding for world peace and prosperity."[6] In May of this year, the President again referred to the way in which "the intimate engagement of peaceful trade, over a period of time, can influence Eastern European societies to develop along paths that are favorable to world peace."

The authority asked in this legislation will help attain these goals.

In Greece, Berlin, Korea, Cuba, and, now, Viet-Nam we have tried to convince the Communist countries that the road of aggression and subversion has a dead end. This legislation will help us provide the positive counterpart to that lesson. It will give the President a vital instrument of negotiation to maintain essential balance in our relations with the Soviet Union and with the Communist countries of Eastern Europe and to respond to their growing desire and opportunity for wider contacts with the West. It will thereby serve our own interests and the cause of peace and stability.

Sincerely yours,

DEAN RUSK.

TEXT OF PROPOSED LEGISLATION

A bill to promote the foreign policy and security of the United States by providing authority to negotiate commercial agreements with Communist countries, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Short Title

SECTION 1. This Act may be cited as the "East-West Trade Relations Act of 1969."

Statement of Purposes

SEC. 2. The purposes of this Act are—

(a) to use peaceful trade and related contacts with Communist countries as a means of advancing the long-range interest of the United States in peace and freedom;

(b) to promote constructive relations with Communist countries, to contribute to international stability, and to provide a framework helpful to private United States firms conducting business relations with Communist state trading agencies by instituting regular government-to-government negotiations with individual Communist countries concerning commercial and other matters of mutual interest; and

(c) to increase peaceful trade and related contacts between the United States and Communist countries, and to expand markets for products of the United States in these countries by creating similar opportunities for the products of Communist countries to compete in United States markets on a nondiscriminatory basis.

Authority To Enter Into Commercial Agreements

SEC. 3. The President may make a commercial agreement with a Communist country providing most-favored-nation treatment to the products of that country whenever he determines that such agreement—

(a) will promote the purposes of this Act,

(b) is in the national interest, and

(c) will result in benefits to the United States equivalent to those provided by the agreement to the other party.

Benefits To Be Provided by Commercial Agreements

SEC. 4. The benefits to the United States to be obtained in or in conjunction with a commercial agreement made under this Act may be of the following kind, but need not be restricted thereto:

(a) satisfactory arrangements for the protection of industrial rights and processes;

(b) satisfactory arrangements for the settlement of commercial differences and disputes;

(c) arrangements for establishment or expansion of United States trade and tourist promotion offices, for facilitation of such efforts as the trade promotion activities of United States commercial officers, participation in trade fairs and exhibits, the sending of trade missions, and for facilitation of entry and travel of commercial representatives as necessary;

(d) most-favored-nation treatment with respect to duties or other restrictions on the imports of the products of the United States, and other arrangements that may secure market access and assure fair treatment for products of the United States; or

(e) satisfactory arrangements covering other matters affecting relations between the United States and the country concerned, such as the settlement of financial and property claims and the improvement of consular relations.

Provisions To Be Included in Commercial Agreements

SEC. 5. A commercial agreement made under this Act shall—

(a) be limited to an initial period specified in the agreement which shall be no more than three years from the time the agreement becomes effective;

(b) be subject to suspension or termination at any time upon reasonable notice;

(c) provide for consultations at regular intervals for the purpose of reviewing the operation of the agreement and relevant aspects of relations between the United States and the other party; and

(d) be renewable for additional periods, each not to exceed three years.

Extension of Benefits of Most-Favored-Nation Treatment

SEC. 6. (a) In order to carry out a commercial agreement made under this Act and notwithstanding the provisions of any other law, the President may by proclamation extend most-favored-nation treatment to the products of the foreign country entering into such commercial agreement: *Provided, That* the application of most-favored-nation treatment shall be limited to the period of effectiveness of such commercial agreement.

(b) The President may at any time suspend or terminate any proclamation issued under subsection (a). The President shall suspend or terminate such proclamation whenever he determines that—

(1) the other party to a commercial agreement made under this Act is no longer fulfilling its obligations under the agreement; or

(2) the suspension or termination of the agreement is in the national interest.

Advice From Government Agencies and Other Sources

SEC. 7. Before making a commercial agreement under this Act, the President shall seek information and advice with respect to such agreement from the interested Departments and agencies of the United States Government, from interested private persons, and from such other sources as he may deem appropriate.

Transmission of Reports to Congress

SEC. 8. The President shall submit to the Congress an annual report on the commercial agreements program instituted under this Act. Such report shall include information regarding negotiations, benefits obtained as a result of commercial agreements, the texts of any such agreements, and other information relating to the program.

Limitation on Authority

SEC. 9. The authority conferred by this Act shall not be used to extend most-favored-nation treatment to the products of areas dominated or controlled by the Communist regimes of China, North Viet-Nam, North Korea, Cuba, or the Soviet Zone of Germany.

Relation to Other Laws

SEC. 10. (a) This Act shall not apply to any agreement made with a country whose products are receiving, when such agreement is made, the benefits of trade agreement concessions extended in accordance with section 231(b) of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1861(b)).

(b) Nothing in this Act shall be deemed to modify or amend the Export Control Act of 1949 (50 U.S.C. App. sec. 2021 *et seq.*) or the Mutual Defense Assistance Control Act of 1951 (22 U.S.C. sec. 1611 *et seq.*).

(c) The President may by proclamation terminate headnote 4 to schedule 1, part 5, subpart B of the Tariff Schedules of the United States (77A Stat. 32, 19 U.S.C. sec. 1202) with respect to the products of any country to which it is applicable upon the entry into force of a commercial agreement made under this Act with such country.

(d) Any commercial agreement made under this Act shall be deemed a trade agreement for the purposes of title III of the Trade Expansion Act of 1962 (19 U.S.C. sec. 1901 *et seq.*).

(e) The portion of general headnote 3(e) to the Tariff Schedules of the United States that precedes the list of countries and areas (77A Stat. 11; 70 Stat. 1022) is amended to read as follows:

"(e) *Products of Communist Countries.* Notwithstanding any of the foregoing provisions of this headnote, the rates of duty shown in column numbered 2 shall apply to products, whether imported directly or indirectly, of the countries and areas that have been specified in section 401 of the Tariff Classification Act of 1962, in sections 231 and 257(e)(2) of the Trade Expansion Act of 1962, or in actions taken by the President thereunder and as to which there is not in effect a proclamation under section 6(a) of the East-West Trade Relations Act of 1966. These countries and areas are:"

SUMMARY OF PROPOSED EAST-WEST TRADE RELATIONS ACT OF 1966

(NOTE.—Following are a summary and analysis of the principal features of the proposed East-West Trade Relations Act of 1966, which has been prepared in the Department to provide information on the main effects the legislation would have.)

Summary

The proposed East-West Trade Relations Act would give the President authority to use trade with Eastern European countries and the Soviet Union as a flexible tool in the conduct of relations with these countries. As a companion to existing provisions of law which use the negative power of trade denial—the Export Control Act, the Battle Act, and restrictive provisions of other laws—the East-West Trade Relations Act would equip the President to use the positive aspects of trade to serve our national objectives.

The major substantive provision would be authority to extend most-favored-nation (MFN) tariff treatment to certain individual Communist countries when this is determined to be in the national interest. The authority could be exercised only in a commercial agreement with a particular country in which such MFN treatment would be granted in return for equivalent benefits to the United States. MFN treatment for the products of any country would stay in effect

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[5] For text, see *ibid.*, Jan. 13, 1961, p. 207.

[6] For text, see *ibid.*, Dec. 21, 1964, p. 876.

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only as long as the commercial agreement with that country would be in effect.

The purpose of these commercial agreements would be both to facilitate individual business transactions and to afford the United States Government an opportunity to deal with individual Communist countries on a variety of matters in the context of periodic trade negotiations. Agreements made pursuant to the act would set the framework for trade, but the trade itself—both exports and imports—would depend on decisions of individual firms.

Analysis of principal features

Statement of Purposes

The stated purposes of the proposed act are to use trade with Communist countries as a means of advancing the national interests of the United States, to provide a framework for U.S. firms to conduct business with Communist state trading agencies, and to expand markets for U.S. products in those countries by giving their products an opportunity to compete in U.S. markets on a nondiscriminatory basis.

MFN Trade Treatment

The act would give the President authority to use most-favored-nation treatment as a bargaining instrument in negotiating commercial agreements with individual Communist countries. The authority to conclude agreements could be exercised only upon a determination by the President that an agreement with a particular country would promote the purposes of the act, would be in the national interest, and would result in benefits to the United States equivalent to those provided by the agreement to the other country. The act would not permit negotiation of individual tariffs. It would not permit negotiating or granting of tariff rates lower than those agreed on an MFN basis and set out in column 1 of the Tariff Schedules.

Exchange of Benefits

Commercial agreements under the act would be made only on the basis of exchange of benefits. The proposed act sets forth by way of illustration a number of benefits that might be obtained by the United States in exchange for most-favored-nation trade treatment. Among the possible benefits are arrangements for protection of industrial property, settlement of commercial disputes, promotion of trade and tourism, trade fairs, trade missions, entry and travel of commercial representatives, most-favored-nation treatment for United States products, other arrangements to secure market access and assure fair treatment for United States products, improvement of consular relations, and settlement of claims. Agreements authorized by the act would provide for regular consultations. Such periodic review and confrontation procedures could cover not only commercial matters but also relevant aspects of overall relations between the United States and the other country.

Safeguards

The act would provide that before the President would enter into any agreement under the act, he should seek information with respect to it from all of the United States Government agencies concerned, interested private persons, and other appropriate sources. Since the act would not authorize negotiation on individual tariffs and would not authorize reductions in tariffs below the prevailing most-favored-nation rates, there is no special provision for prenegotiation procedures. However, the procedures for adjustment assistance and escape-clause relief set forth in the Trade Expansion Act would be applicable in the case of articles imported in increased quantities as a result of most-favored-nation tariff treatment extended to a country in accordance with an agreement pursuant to the act. Antidumping laws and all other laws for the protection of United States industry, agriculture, and labor would remain in full effect. In addition, problems of interest to American businessmen could be dealt with under the consultation procedures or in the periodic negotiations to be provided for in agreements under the act.

Any initial agreement would be limited to 3 years and could be renewed for periods not to exceed 3 years each. Any agreement could be suspended or terminated at any time on reasonable notice. MFN would apply only while an agreement was in effect. The President would be directed to suspend or terminate MFN whenever he determined that the other party was no longer fulfilling its obligations under the agreement or that the suspension or termination was in the national interest.

Countries Covered by the Act

The act would apply with regard to Communist countries *except* Cuba, Communist China, North Korea, and North Viet-Nam, and the Soviet Zone of Germany. Existing law and regulations will assure that no benefits of the act will be made available to these countries.

Poland and Yugoslavia now receive most-favored-nation treatment under section 231 (b) of the Trade Expansion Act, and they could continue to do so.

Relation to Other Laws

The act would provide that the President could terminate the prohibition on the import of furs from the Soviet Union if an agreement with that country is concluded pursuant to the act.

The act would not disturb the Battle Act, the Export Control Act, or regulations thereunder. Thus, controls on strategic exports would remain in effect, and there would be a continued prohibition on aid to any of the Communist countries concerned.

S. 2284—INTRODUCTION OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, the Subcommittee on Labor has now concluded 9 days of hearings on coal mine health and safety legislation. Seven bills have already been introduced. In addition to myself, the ranking majority and minority members of the subcommittee, Senators RANDOLPH and JAVITS have introduced bills. As chairman of the subcommittee I wish to thank them for bringing the views reflected in the various bills to the subcommittee's attention. I also wish to thank the hardworking members of the subcommittee. They have attended the hearings and through their perceptive questions helped to develop the useful record documenting the health and safety hazards facing the Nation's coal miners.

I have now carefully studied the testimony before the subcommittee and the extensive record of hearings. I have reflected on all we have learned from the subcommittee's field trips to coal mines. I have also reviewed the seven bills now pending before the subcommittee. Each of these bills contain provisions which are sound. However, there are also, in my judgment, deficiencies in each of the bills, including the two bills, S. 1094, and S. 1178, which I have previously introduced.

As chairman, I was prepared to lay before the subcommittee for its executive consideration, a committee print embodying those provisions which, in my judgment, would provide the greatest possible protection to the coal miners' health and safety. However, because of the interest and concern in this important public question, and because of my desire to be able to obtain the views of all those concerned, including the industry, the coal miners and the relevant Government agencies, I have prepared and now introduce a bill which, I believe, embodies those provisions offering the greatest protection to our men in the coal mines. The bill, which recognizes and protects the basic rights of the miners and reflects the judgment that health and safety are primary considerations, will be submitted to the industry, the United Mine Workers of America, the Department of the Interior, the Surgeon General and other interested parties for their suggestions for improvement and strengthening provisions.

This bill reflects 10 major points, most of which are based on the various bills already introduced, or on matters brought to light during the hearing. In brief, my bill, which I shall submit to the subcommittee as the legislative vehicle for subcommittee consideration, will do the following:

First. Three milligram per cubic meter coal dust level: My proposal provides, effective 6 months after enactment, for an interim mandatory coal dust level of no greater than 3.0 milligrams of coal dust per cubic meter of air. This bill will also require the Surgeon General to promulgate, in as timely a manner as possible, lower standards to offer even greater protection against pneumoconiosis to our miners, and ultimately, complete prevention of this dreadful disease. The bill reflects the testimony of the Nation's highest medical officer, U.S. Surgeon General, William H. Stewart. According to Dr. Stewart's testimony before the subcommittee, not only is a 3.0 level attainable, not only is it preferable from a medical standpoint because the health of the coal miner is better protected, but "ideally" he would "recommend no dust."

Second. Health standards set by Surgeon General: The bill assigns responsibility to the U.S. Surgeon General for, first, establishing lower dust levels, second, approving the type of respirator device and its use, and third, conducting annual medical examinations. The United Mine Workers of America, as well as every doctor and medical group, small coal mine operator, and rank and file miner who directed attention to this question for the record, agrees that such health matters should be assigned to the Surgeon General for final decision, rather than to the Secretary of Interior. The Secretary of Interior will be responsible for enforcing the standards set by the Surgeon General and for approving the devices for measuring the dust level.

Third. Gassy mines: The bill will end the unwarranted distinction, in current law, between so-called gassy and nongassy mines. In recognition of the Department of Interior's persuasive position that all coal mines are potentially gassy, this bill would require all mines to use equipment which is constructed and maintained in a permissible manner.

My proposal will have the effect of closing two major loopholes in the current law. First, under the current law,

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85 percent of the mines are classified as nongassy in this country and are permitted to use potentially dangerous equipment, equipment which may release the sparks which can cause disastrous ignition. Indeed, there have been 52 such ignitions in so-called nongassy mines causing death to 27 miners. Second, by eliminating the existing grandfather clause, the bill will close the loophole which allows 37 large, gassy mines, each of which produce more than 1 million tons of coal annually, to use 541 pieces of nonpermissible equipment right at the coal face, the most dangerous spot in the mine.

Fourth. Abolition of the existing Board of Review: The existing Coal Mine Safety Board of Review will be abolished. Appeal from an inspector's order will lie to the Secretary of Interior whose decision will be subject to judicial review.

The current Board is by law composed of two representatives of coal mine operators, one large mine operator—15 or more employees and one small mine operator—14 or fewer employees—two representatives of coal mine employees, one representing employes in large mines, one representing employees in small mines, and one chairman, the most recent chairman having been a former vice-president of Consolidation Coal Co. This Board has the power to veto the health and safety enforcement orders of both Federal and State authorities.

One of the Nation's foremost authorities on administrative practice and procedure, Louis L. Jaffe, Byrne professor of administrative law at Harvard University's Law School, has stated:

> The Board is a very questionable device. What is needed here is a vigorous and coordinated administrative attack on the problem. This means that the ultimate authority should be in a disinterested public officer of high standing and caliber.

Professor Jaffe could "see very little warrant for placing over" the Secretary of Interior "an appeal to a board constituted of industry representatives whether employer or employee. The only seeming purpose of such a device would be to water down the Secretary's judgment by considerations of expediency having little to do with health."

Professor Jaffe continued:

> The process precisely inverts what should be the proper sequence. There might be some warrant for an initial industry judgment prior to a final decision by the public officer, but it is difficult to see what legitimate interest is served by subjecting the Secretary's judgment to the final decision of an industry board.

Fifth. Health and safety research and research trust fund: The bill calls for greatly increased research in health and safety by the Secretary of Interior with special attention to research in roof control to prevent one of the greatest hazards in coal mining. The bill also directs the Secretary of the Interior to assess producers and importers an amount, beginning at 1 cent per ton and increasing to 4 cents per ton over a 4-year period, to be earmarked for health and safety research.

When the subcommittee visited a mine referred to as one of the best in the country, I was struck by the incongruous, relatively primitive state of the art of coal mine health and safety. I cannot believe that a Nation, which fortunately has enough technical capability to bring two men within 10 miles of the moon and back safely, cannot produce the technical competence to send men a few hundred feet into the earth and bring them back safely. I cannot believe that this Nation which can see and hear the activities in outer space and below the ocean, which has the technical equipment to detect earth tremors and underground nuclear explosions thousands of miles away, cannot produce a more modern and safe method of detecting unsound mine roof conditions than the tapping of a miner's pick on the roof of a mine.

The problem lies not in the lack of technical competence but in the lack of will to invest in health and safety; while we have been willing to spend money on developing techniques to increase production, we have not been willing to spend money to apply known safety techniques and to improve them for even greater safety.

In the past 16 years, according to Secretary of Interior Hickel, the coal industry has spent $195 million on research and development. Though figures were not available, he estimated that less than $15 million was spent by the industry on health and safety research. During that same period of time, the Department of the Interior has spent $188 million of the taxpayers' money for research and development in coal mining, only $20 million of which went into health and safety research. And of that $20 million $5 million went, not for development of new protective measures, but for the testing of permissible equipment.

It is late, but not too late, for our funds to be used to save the lives of our men in the mines.

Sixth. Limitations on the granting of temporary relief: This bill will prohibit both the Secretary and the courts from temporarily allowing a closed mine to open if the mine was closed because of an imminent danger. If the mine was closed because of a violation which does not constitute an imminent danger, the Secretary and the courts may grant temporary relief but only if the mine operator can demonstrate that opening the mine will not affect the health or safety of any person who may enter the mine, and that he is likely to succeed in demonstrating that the inspector erroneously ordered the mine closed.

Seventh. Employee complaints and right of appeal: Employees who believe that an imminent danger exists or that a health or safety standard is being violated may complain to the Secretary. Furthermore, they are given the same rights to appeal as the operators have, respecting the decision of either an inspector, the Secretary, or a court.

Eighth. Inspections: The bill, although providing for cooperation between the Federal and State agencies, discontinues the right of a State mine inspector to veto the decision of the Federal inspector.

Ninth. Liability for violations: Since the basic business judgments which dictate the method of operation of a coal mine are made directly or indirectly by persons at various levels of corporate structure, this bill will place the responsibility for compliance with the act and the regulations, as well as the liability for violations on those who own, control, or lease coal mines as well as on those who operate them.

Tenth. Penalties: Both civil and criminal penalties are provided with criminal penalties attaching to willful violations. Fines up to $50,000 and imprisonment for between 1 and 5 years are prescribed for any individual corporate director, officer or employee who is responsible for the criminal conduct. Fines up to $50,000 are also prescribed for the corporate entity.

In addition to these 10 major points, the bill directs the Secretary of Interior, generally and the Surgeon General, with regard to dust level and respirators, to promulgate additional or revised standards to provide the greatest possible protection to the health and safety of miners. My proposal also concerns itself with numerous other important health and safety matters. Without being exhaustive, some of them are, first, a prohibition against granting operators extensions of time in which to install safe, permissible equipment, second, a requirement that the most effective self-rescuers be made available to all coal miners, third, the use of brakes on all cars, not just locomotives, fourth, the requirement of rescue chambers, and fifth, the payment of salary to miners who are withdrawn from the mines because of an operator's violations.

I believe the bill I am introducing today, of all the bills introduced so far, offers the strongest, most effective approach by which to achieve meaningful, long overdue, healthful and safe underground working conditions for the Nation's coal miners. I would be the last to contend that my bill provides a perfect health and safety bill of rights for the men who go down in our mines. The bill can be further improved and I intend to consider carefully, and include for the public record, all ideas and suggestions serving that objective. I particularly welcome comment from knowledgeable technicians to insure that no weakening of the safety provisions occurs by inadvertence.

Mr. President, I recognize that some of these basic policies will require the industry to undertake new expenditures. However, we, the Congress, cannot permit any person to profit at the expense of our miners' health and safety. Indeed, the coal industry spokesman, Mr. Stephen F. Dunn, president, of the National Coal Association, in testifying before the Subcommittee on Labor, stated:

> The industry does not believe profits should be put ahead of the health and safety of mine workers.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2285), to improve the health and safety conditions of persons working in the coal mining industry of the United States, introduced by Mr. WILLIAMS of New Jersey, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from California (Mr. Murphy) be added as a cosponsor of the bill (S. 7), to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from West Virginia (Mr. Randolph) be added as a cosponsor of the bill (S. 1591) to establish an American Folklife Foundation, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at its next printing, the name of the Senator from Georgia (Mr. Talmadge) be added as a cosponsor of the bill (S. 1708) to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 987), and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. Bayh), the Senator from Idaho (Mr. Church), the Senator from Connecticut (Mr. Dodd), the Senator from Alaska (Mr. Gravel), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Oregon (Mr. Packwood), and the Senator from Texas (Mr. Yarborough) be added as cosponsors of the bill (S. 1708), to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. Hatfield), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. Gravel) be added as a cosponsor of the bill (S. 1801) to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at its next printing, the names of the Senator from Texas (Mr. Yarborough), and the Senator from Texas (Mr. Tower) be added as cosponsors of the bill (S. 2000), to establish the Lyndon B. Johnson National Historic Site.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. Inouye), the Senator from Washington (Mr. Magnuson), the Senator from Indiana (Mr. Bayh), the Senator from Wisconsin (Mr. Nelson), the Senator from Connnecticut (Mr. Dodd), the Senator from Wyoming (Mr. McGee), the Senator from Oregon (Mr. Hatfield), the Senator from Montana (Mr. Metcalf), the Senator from Indiana (Mr. Hartke), the Senator from South Carolina (Mr. Hollings), the Senator from Alaska (Mr. Stevens), the Senator from Michigan (Mr. Hart), the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Williams), the Senator from Massachusetts (Mr. Kennedy), the Senator from Maryland (Mr. Tydings), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. McCarthy), the Senator from Alaska (Mr. Gravel), and the Senator from New Mexico (Mr. Montoya) be added as cosponsors of the bill (S. 2147), to consider children living in federally-assisted public housing as federally connected children for purposes of educational assistance to federally impacted areas.

I must say that I mentioned the names of these cosponsors in my introductory remarks on the bill but they were inadvertently omitted from the original printing thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, at the request of the Senator from Washington (Mr. Jackson), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. Tower) be added as a cosponsor of the joint resolution (S.J. Res. 26), to provide for the development of the Eisenhower National Historic Site at Gettysburg, Pa., and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Alaska (Mr. Gravel), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. Yarborough), the Senator from West Virginia (Mr. Randolph), and the Senator from Ohio (Mr. Saxbe) be added as cosponsors of the joint resolution (S.J. Res. 108), to provide for a study and evaluation of the relationship between underground nuclear detonations and seismic disturbances.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 205—SUBMISSION OF A RESOLUTION TO SET FORTH AS AN EXPRESSION OF THE SENSE OF THE SENATE A BASIC PRINCIPLE REGARDING THE RECOGNITION BY THE UNITED STATES OF FOREIGN GOVERNMENTS

Mr. CRANSTON (for himself and Mr. Aiken) submitted the following resolution (S. Res. 205); which was referred to the Committee on Foreign Relations:

S. Res. 205

To set forth as an expression of the sense of the Senate a basic principle regarding the recognition by the United States of foreign governments

Whereas official statements over the last fifty years concerning the policy of the United States in granting or withholding recognition of a foreign government have given rise to uncertainty as to whether United States recognition of a foreign government implies approval of such a government, and

Whereas recognition by the United States of foreign governments has been interpreted by many Americans and by many foreigners as implying United States approval of those foreign governments, and

Whereas such uncertainty adversely affects the interests of the United States in its relations with foreign nations: Now, therefore, be it.

Resolved, That it is the sense of the Senate that when the United States recognizes a foreign government and exchanges diplomatic representatives with it, this does not imply that the United States necessarily approves of the form, ideology, or policy of that foreign government.

PROMOTION OF PUBLIC CONFIDENCE IN THE INTEGRITY OF CONGRESS AND THE EXECUTIVE BRANCH—AMENDMENT

AMENDMENT NO. 24

Mr. CASE (for himself, Mr. Hart, Mr. Bellmon, Mr. Cook, Mr. Church, Mr. Goodell, Mr. Harris, Mr. Hatfield, Mr. Javits, Mr. Kennedy, Mr. Mansfield, Mr. Mathias, Mr. Mondale, Mr. Moss, Mr. Muskie, Mr. Percy, Mr. Proxmire, Mr. Scott, Mr. Spong and Mr. Tydings submitted an amendment intended to be proposed by them jointly to the bill (S. 1993) to promote public confidence in the integrity of Congress and the executive branch, which was ordered to be printed, printed in the Record, and referred to the Committee on Rules and Administration.

(See reference to the above amendment when submitted by Mr. Case, for himself and other Senators, which appears under a separate heading.)

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 27, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 99) to authorize the President to issue a proclamation designating the first week in June 1960 as "Helen Keller Memorial Week."

NOTICE OF HEARING CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ERVIN. Mr. President, the following nomination has been referred and is now pending before the Committee on the Judiciary:

Christian Hansen, Jr., of Vermont, to be U.S. marshal for the district of Vermont for the term of 4 years, vice Thomas W. Sorrell.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on

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or before Tuesday, June 3, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS

Mr. RIBICOFF. Mr. President, the Subcommittee on Executive Reorganization will hold hearings on S. 740 on June 11 and 12, 1969. The hearings will be held in room 1318, New Senate Office Building and will begin each day at 10 a.m. The bill would establish an Interagency Committee on Mexican-American Affairs.

NOTICE OF HEARINGS ON THE JUDICIAL REFORM ACT BILLS (S. 1506 THROUGH S. 1516)

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 1506, S. 1507, S. 1508, S. 1509, S. 1510, S. 1511, S. 1512, S. 1513, S. 1514, S. 1515, and S. 1516. These bills would provide for improvements in the administration of the courts of the United States, and for other purposes.

The hearings will be held at 10 a.m. on June 2, and 4, 1969, in the District of Columbia Committee hearing room, 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to a concurrent resolution (H. Con. Res. 277) stating that when the House adjourns on Wednesday, May 28, 1969, it stand adjourned until 12 o'clock meridian, Monday, June 2, 1969, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 9328) to amend title 37, United States Code, to provide special pay to naval officers, qualified in submarines, hwo have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of 4 years beyond any other obligated active service, and for other purposes, and it was signed by the Vice President.

RECESS

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, but in no event later than 2 o'clock this afternoon.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 1 o'clock and 7 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 1 o'clock and 59 minutes when called to order by the Presiding Officer (Mr. Hughes in the chair).

IOWA INSURANCE INSTITUTE CALLS FOR BROAD AUTO POLICY REFORM

Mr. MILLER. Mr. President, there has been rising public concern over automobile insurance practices, including high costs, slowness of claims settlements, and arbitrary cancellations. In many instances, this criticism has been justified, pointing up the necessity of the industry to look within itself and institute reforms—or have the Government do so. The Iowa Insurance Institute, representing more than 24 Iowa-based companies writing more than a third of a billion dollars of car insurance annually, has moved ahead in this direction of initiating reforms. Its program could very well serve as the model for the industry nationwide.

The institute has advanced a program, the first in the Nation, to assure prompt medical payments in accident cases and lower claims expenses by putting restraints on legal costs and arbitrating many claims. In addition, the plan will still permit action against the driver at fault in the accident and will safeguard the policyholder against arbitrary cancellations.

I ask unanimous consent that two articles on the reforms initiated by the Iowa Insurance Institute be placed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Des Moines Register, Mar. 22, 1969]

Insurance Group Calls for Broad Auto Policy Reform

(By Jerry Knight)

A sweeping plan for revamping car insurance was advocated Monday by the Iowa Insurance Institute.

The plan calls for insurance companies to speed up payment of claims and for changes in state law which the companies say will hold down insurance costs.

IOWA COMPANIES

The Iowa Insurance Institute represents more than two dozen Iowa-based companies which together write more than a third of a billion dollars worth of car insurance a year.

The group's proposals are aimed at answering growing criticism of insurance practices, said the institute's president, J. S. Tressler of Des Moines, president of Hawkeye Security Insurance Co. and United Security Insurance Co.

Skyrocketing insurance costs and slow settlement of claims have promoted nationwide criticism and congressional investigations of car insurance practices.

A "position statement" adopted Monday by executives of the Iowa-based insurance firms endorsed a "limited no-fault" plan for settling claims for injuries from car accidents.

Under "no fault" plans, the insurance company pays for injuries to its customers, regardless of who caused the accident.

At present, the insurance company of the driver who caused the accident pays the bills—but law suits are often needed to determine who was at fault. While the suit is in court, the injured person waits.

The plan advocated by the Iowa Insurance group follows the pattern set last Friday by a Des Moines firm, Preferred Risk Mutual Insurance Co., which was given permission by the State Insurance Department to offer what was described as the first "no fault" policy in the nation.

ASK APPROVAL

Several other Iowa insurance companies have plans under development and some companies are going to ask approval for their "no fault" plans within a few days, said Tressler.

In general, the Iowa companies will follow Preferred Risk's plan, which costs about $7 a year more than conventional medical and disability coverage. Under these plans, the insurance company will automatically pay medical and disability benefits to insured persons who are involved in accidents.

The insurance company and the injured person, however, will still be able to sue for damages if the other driver in the accident was at fault.

This system was described as an alternative to other proposals which would do away entirely with the concept of "fault."

Tressler said the Iowa plan would "provide quick payment for out-of-pocket economic losses while preserving the traditional right of the innocent victim to receiver."

The Iowa Insurance Institute plan also includes an eight-point legal reform program which Tressler said is intended "to hold down on the costs of settlements" from accident injury lawsuits.

KEY PROVISION

"Adoption of standards which reasonably measure and limit pain and suffering" claims from accidental injury or death is one of the key provisions of the Iowa insurance industry's legislative proposal.

Claims for "pain and suffering" have been one of the factors which have resulted in expensive lawsuits after accidents. The insurance industry says these costly claims are one reason for rising insurance costs.

Also designed to keep down lawsuit costs is a proposal for "regulation of attorney's contingent fees." Under a contingent fee arrangement, the lawyer gets paid only if he wins the case, then he gets a percentage of the settlement.

Also proposed is a mandatory arbitration system for small claims—under $2,500—which is designed to settle these claims out of court.

Iowa should also adopt "comparative negligence" statutes, such as 20 other states have done, the insurance industry group said. These statutes would allow a driver who was "a little negligent" to collect damages from another driver who was "extremely negligent," an insurance spokesman said.

[From the Des Moines Register, Mar. 22, 1969]

A "Pay-Now" Plan Despite Driver Fault

(By Jerry Knight)

A new kind of car insurance that pays for accident injuries regardless of who was at fault was approved Friday by Iowa Insurance Commissioner Lorne Worthington.

Permission to offer the new coverage was given to Preferred Risk Mutual Insurance Co. of Des Moines.

The "no-fault" accident injury policy approved by the Iowa Insurance Department is the first such plan in the nation, said Worthington.

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Preferred Risk, which sells insurance only to non-drinkers, will seek permission Monday to offer the new policy in 29 other states where it does business, said the firm's president, Bernard Mercer.

OTHER FIRMS

Other insurance companies headquartered in Des Moines are considering similar policies and will announce their plans Monday, it was learned.

Under the Preferred Risk plan, the insurance company will automatically pay the direct cost of accident injuries for insured persons, regardless of who caused the accident.

The insurance company, and the injured persons, however, will still be able to sue for damages if the other driver in the accident was at fault.

There has been pressure across the nation to eliminate the concept of fault in accidents because of the delays sometimes caused by long and costly law suits to determine who was at fault and which insurance company must pay the bills.

Mercer said the new policy is an alternative to proposals for doing away entirely with the question of fault in accident insurance.

ENDS DELAYS

Mercer said the plan ends delays by giving prompt payment to the injured, then deciding who was at fault.

He said the new plan "goes a considerable distance towards removing a great deal of the current criticism against the problems inherent in the fault system.

"It provides a substantial remedy to the insured where 'no fault' is involved, yet it still preserves our deeply rooted principle of holding the 'at-fault' driver responsible for his actions."

Mercer said his firm—like many insurance companies and lawyers—is opposed to doing away with the concept for fault liability for accidents and having all insurance companies pay only for their own clients.

He said his firm opposes such a plan "because it requires that innocent victims give up all right of claim against the wrongdoer."

Mercer said basic $10,000 personal injury coverage under the new plan will cost a Des Moines driver, who uses his car to go back and forth to work, $19.60 a year.

THE OTHER "WAR" IN SOUTH VIETNAM

Mr. MILLER. Mr. President, too infrequently do we hear about the other "war" in Vietnam—the war to improve the lot of the Vietnamese people. This is most unfortunate, since American citizen-volunteers are doing so much to bring technical aid and advice to those peoples.

For example, rural electrification specialists of the National Rural Electric Cooperative Association are playing a vital role in furnishing aid and advice to rural areas in South Vietnam. Through their efforts, three rural electrical cooperatives have been formed and by June 1970, will be serving 40,000 families.

The NRECA should be commended for what it is doing; and I ask unanimous consent that an article entitled "Electric Cooperatives Serve Vietnam's Rural Population," published in the May issue of Rural Electrification, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Electric Cooperatives Serve Vietnam's Rural Population

(By Roger Williams)

Three rural electrical cooperatives in South Vietnam are serving electricity to members in Tuyen Duc, Bien Hoa, and An Giang Provinces.

The cooperatives, which will serve 40,000 families by June 1970, are located at Long Xuyen in An Giang Province, 150 kilometers southwest of Saigon, Duc Tu in Bien Hoa Province, 25 kilometers north of Saigon, and at Dalat in Tuyen Duc Province, 125 kilometers northeast of the capital. They now serve 2,500 members.

The Vietnam electric co-op project is a joint effort of the United States Agency for International Development (USAID), the National Rural Electric Cooperative Association (NRECA), and Vietnam's National Union of Electrical Cooperatives (NUEC). USAID is paying initial costs, along with the Government of Vietnam, while NRECA furnishes rural electrification specialists. The cooperatives provide personnel and management. GVN has set aside 162-million piasters for the program and USAID provides $3.9-million. This money is lent directly to co-op associations on a 35-year, 2% interest basis. As loans are repaid, this money will be used to finance other cooperatives. Hugh Bush, supervisor of the NRECA team, explains that Vietnam's co-ops are being set up just as they were in the United States during the thirties.

Feasibility studies in 1965 determined locations for three pilot projects in three distinctly different areas: rice-growing lowlands, rural and semi-urban industrial plateau, and garden farming highlands, including secure and insecure districts. These three co-ops, now nearing completion, will serve as models for a continuing program. Based on the experience of successfully organizing and building electrical cooperatives in these provinces, representative of Vietnam as a whole, it is expected that new projects will begin all over the country. "A cooperative is never really finished, it is a growing thing," says Phan Van Tri, general manager of the National Union of Electrical Cooperatives.

Besides lighting houses, electricity will be an economic blessing to rural people. Shops can stay open later, tailors and craftsmen can work into the evening, small workshops can produce more. For lighting, co-op electricity is far cheaper than kerosene; in industry, electric motors operate at less cost than gasoline engines. Cooperatives provide power for new enterprises in areas which never before had electricity. Although two of the co-op headquarters are located in Long Xuyen and Dalat, towns already served by Electricity of Vietnam, the new stations are strictly for rural areas. And with newer materials and facilities, power is often more dependable in rural villages than in cities still strapped with old systems. Urban people, however, may not become members and tie into the co-op because the cooperative franchise does not include the cities. This is an advantage to the farmer, the village craftsman, and new, small industries.

IMPROVED SECURITY

Another advantage for co-op members is that children can study after dark, and the family can be together longer. Security will be improved; it will be more difficult for Viet Cong tax collectors and terrorists to move in the glow of a brightly lit window. Also, 500 mercury vapor lights are awaiting installation in villages and hamlets of the three co-ops to provide well lighted streets. Not least of the rewards for starting a cooperative is the sense of community-mindedness it instills. Often hamlets, although located near one another, remain aloof. Working together in a cooperative brings these people of the hamlets into close relationship where they discover that together things get done.

According to Dr. Thomas M. Venables, NRECA's global coordinator for International Programs, "Organizing a cooperative is an experience in practical democracy. For many south Vietnamese long under Viet Cong domination, the election of their cooperative association's director has been their first experience with an election of any kind." And, observed Dr. Venables, "The Viet Cong know that if they destroy electrical facilities, they are acknowledging that their claim of seeking to improve the lot of the people is false."

FIRST ELECTRIFIED HAMLET A SUCCESS

In mid-1966, Phat Chi in Tuyen Duc Province received electricity for the first time. For power, the 30-kv line between Dalat and Don Duong from the Danhim Dam was tapped. All that was required was organizing the cooperative stringing wire, and wiring homes. Forty-five families joined initially, but with the influx of refugee families common to this area, demand rose quickly. The newcomers built sturdy, permanent houses, began farming the rich soil, and soon joined the cooperative. Now 82 homes are connected in Phat Chi. "We are watching Phat Chi closely," says Hugh Bush, the NRECA Country Supervisor. "There has been a 400% greater use of electric power in the hamlet than we anticipated. The people are averaging 40 kilowatt-hours a month per family. With that consumption, their loan will be repaid in no time." Phat Chi was also watched because it is in the center of a strongly-held Viet Cong area. But the VC have not bothered Phat Chi.

The Tuyen Duc project is an excellent example of rural electrification. Members are spread over a wide area and along a river valley for about 60 kilometers. In the United States, rural cooperatives average 2.8 members per kilometer, but in Vietnam they average 27. This assures low-cost distribution, and purchase of power from the established source—in Tuyen Duc, from the Electricity of Vietnam (E.O.V.) diesel and hydro-electric plants—assured an adequate, dependable, low-cost source of wholesale power.

Power for the Thuyen Duc cooperative now comes from the 30-kv line running down from Lake Ankoret's hydro plant north of Dalat, through Dalat where the city's power is boosted by diesel generators, and on to the Danhim Dam. The Viet Cong blew up the pentstocks at Danhim, and so the hydro plant is under repair. To supplement the Ankoret and Dalat power sources, the co-op has temporarily installed a 1200-kv diesel plant at Don Duong.

At Don Duong cooperative headquarters, 42 people are employed, and at Fimnon, a second headquarters will employ 20 workers. Because of the good living which can be made farming along the valley, new families move into the hamlets daily. Thanks to unlimited power soon to be provided by the Danhim plant, these people will become members. It is expected that by mid-1970, eight to ten thousand members will be served in Tuyen Duc Province.

Small industry and agriculture are great beneficiaries in Tuyen Duc. Already, several sawmills have been connected, including one in a small Montagnard hamlet 25 kilometers north of Dalat. After homes are hooked up, people want the cooperative to string wire out so they can convert their small gasoline-driven water pumps to electricity. With a cheaper source of irrigation power, vegetable growing becomes more profitable. Everyone benefits.

On December 21 last year electricity was turned on at Thai Phien, five kilometers north of Dalat. Thai Phien is a model of prosperity, but people never thought they could afford electricity. Now they have it. Thai Phien is typical of all the hamlets and villages to be served in Tuyen Duc. In two years the village grew from 98 to 250 families as people moved to take advantage of the government land distribution program. The cooperative helped these people develop into a village with a sense of pride and accomplishment. Fully 250 families in Thai Phien are members receiving electricity from the cooperative. Although large Viet Cong units operate in the area, they have not disturbed the power installations at Thai Phien. "Viet and their sympathizers, we assume, are also using electricity and perhaps are members of the co-op; why should they wreck it?" asks NRECA Specialist Edward Martin.

But electricity has had some disastrous consequences. All over town, the lines are tangled with dozens of children's kites.

DUC TU REFUGEES SERVED

The villages of Honai and Trong Bom in Duc Tu district, Bien Hoa Province, boast 2,000 homes served by the Duc Tu Electric Cooperative. Of Honai's 7,000 families, 5,218 signed up. Sign-up has just begun in Trong Bom, but similar results are expected.

The two villages, composed of 15 hamlets, include groups of refugees who came from the north in 1954. They named their new hamlets after villages they left behind. Hardworking and enterprising, they had not succeeded in integrating themselves into the community life in the south. They remained apart. The successful new cooperative has given them a tie to the GVN and people of the south. They now have a leading role in helping the other 270,000 people of Duc Tu district organize their own electric co-ops.

Although Honai and Trong Bom villages stretch along a 24-kilometer route, they are essentially a semi-urban people and own many small industries. Originally from a rural background, they have taken to commerical interests and electricity helps them. There are many small weaving mills, a nylon factory, charcoal kilns, sawmills and woodworking shops, tile kilns, and small wood handicraft shops. The people of Honai and Trong Bom raise coffee, sisal, jute, and they produce vegetable oils, pine resin, and rubber.

First lights were turned on in November, 1968, and the people were elated. To express appreciation for electricity, Nguyen Van Phuc, a prominent pig farmer in Ham Hai hamlet, invited the managers, secretaries, accountants, and advisors to a grand luncheon feast at his home. Five new electric fans kept everyone cool during the 12 course meal. NRECA's Louie Sansing said afterwards, "I have never known a program to evoke such a tremendous response or be so appreciated by the people it is helping."

District Chief of Duc Tu district, Captain Tran Mong Di, says "Notables and government representatives in Duc Tu have been more than enthusiastic about the project. The main plank of the legislators elected from Duc Tu was electrification and now it is getting done. As far as I'm concerned, electrification gets first priority in this district because electrification helps provide security, and providing security is the GVN's first priority. We hope to electrify the entire Than Hiep township in Duc Tu the way Honai and Trong Bom have done. Their success sets a good example."

Dave Brown, Senior CORDS District Advisor explains, "Cooperative planning makes sense. Electrification done cooperatively develops a community consciousness and promotes urban planning which we desperately need."

AN GIANG ELECTRIFIED

An Giang is Vietnam's most pacified province and without the setbacks at Tet, 1968, suffered by the other cooperatives, the Long Xuyen Electrical Cooperative is nearing completion. Some 500 homes are being served, 4,000 poles are up, much of the 500 kilometers of main line and secondary wire has been strung.

The cooperative in this beautiful, rich, rice-growing province is serving three rural villages. Thot Not, Nui Sap, and Chou Duc, the latter near the Cambodian border. Main feeder lines to these distant villages are being strung on giant, wooden H-frames. Linemen must perch precariously in the air, 15 meters above the ground, while attaching the 15,000-volt main line.

To provide power for 20,000 families the cooperative will reach two 1500-kilowatt diesel generators have been installed in Long Xuyen. The cooperative, under direction of Huynh Van Chuan and Rural Electrification Specialist Robert Manning, has provided impetus for installation of the new plant. USAID has supplied the generators as part of the long-term loan. The government's Electricity of Vietnam will repay the cooperative for installation of the generators and take over operation and maintenance.

Being a rice-growing area, the rice farmers of An Giang will benefit most from electrification. The land of An Giang can produce three tons of rice per hectare a year. With a second season made possible by electric water pumps and controlled moisture, production can increase to 5.5 tons a hectare per year. Rice mill owners are interested in 220/380-volt current to power their operations. Many new rice mills are expected to spring up with a supply of cheap power now available.

A sign of the times was evident at a restaurant near Long Xuyen. The owner has installed five new electric ranges to replace his charcoal stoves. A blacksmith shop, a woodshop, and a fertilizer plant have been electrified. Several new ice plants will soon open.

The An Giang Cooperative is a manifestation of what the people can do for themselves with assistance from their own government and the United States. None of the long feeder lines has been cut by the Viet Cong, which is an indication the cooperative is successful propaganda. "The importance of the electric cooperative," explains Mr. Chuan, the general manager, "is that it gives an opportunity for the people to do something which will immediately improve their lives instead of waiting for someone to do it for them. Neutralists and Viet Cong sympathizers must naturally be impressed, and we feel that even those who have not before supported the government want the project to be a success. The cooperative is larger than politics."

POLE-TREATING PLANT

In September 1968, the new pole-treating plant at Phan Rang produced its first "charge," chemically treated wood poles which can stand in the ground for 35 years. The plant has been under construction since 1966 and has been financed by USAID. It now is an independent operation under direction of Vietnam's National Union of Electrician Cooperatives. Plant superintendent Vo Trinh Trong says the plant, only one of its kind in Vietnam, has a capacity of 75 cubic meters or 9,000 board meters of poles, pilings, and posts a day.

The poles are cut from tall yellow pine trees near Dalat at Da Tho, and taken by truck to Phan Rang to be treated. At Da Tho, an independent contractor strips the bark and cuts the poles to proper length, about 12 meters. NUEC General Manager Phan Van Tri recently signed an agreement with the Government of Vietnam allowing for cutting trees in a 15,000 hectare site in Tuyen Duc Province. About 100 persons are employed in the timbering operation for the pole plant.

Plant Manager Trong points out advantages of using wooden poles for electric lines: "They are 50% stronger for their weight than either concrete or steel and are 50% to 75% cheaper than anything else." And he says, "They are easier and quicker to set up. We will be selling poles to all three cooperatives and will also be providing cross ties, pilings, and fence posts for Vietnam. We can supply electric poles endlessly until all of Vietnam is electrified." The pole plant has a capacity of 30,000 to 50,000 poles a year.

The poles are treated in two huge 25-meter-long cylinders. For 24 hours, pentaclorophenol is applied under pressure and then the poles are ready. They are "framed" and drilled and stacked in the yard to await bundling and shipping. Some will move by barge south to the delta. Others will go overland by truck. The plant is equipped with its own complete chemical analysis laboratory for testing and mixing preservatives. The odiferous, oily wastes from treating cylinders are disposed of in a late-model wasteburner. Nothing is left, no smoke nor oils which could pollute fishing streams. "All in all," says Tom Cook, advisor for the plant's beginning operation and on loan from the American wood treating industry, "this is a very sophisticated plant."

VISIT TO THE SENATE BY THE LEADER OF THE HOUSE OF COMMONS

Mr. PELL. Mr. President, it is my pleasure to say that we have as our guest in the Chamber today a gallant and learned Member of Parliament from Great Britain, Mr. Frederick Peart, who is the leader of the House of Commons and Lord President of the Council.

He is traveling for a few days through the United States, and it is with pleasure that I introduce him to my colleagues. [Applause, Senators rising.]

ORDER OF BUSINESS

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RE-REFERRAL OF S. 2114 FROM COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO COMMITTEE ON GOVERNMENT OPERATIONS

Mr. INOUYE. Mr. President, the bill (S. 2114), a bill relating to the transfer of certain lands in Hawaii, was inadvertently referred to the Committee on Interior and Insular Affairs.

I wish to have this bill, S. 2114, rereferred to the Committee on Government Operations and ask unanimous consent for that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. INOUYE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

XUM

VISIT TO THE SENATE BY VENEZUELAN LEGISLATORS

Mr. CHURCH. Mr. President, we are privileged today to be hosts to a distinguished group of parliamentarians from Venezuela. It is a special privilege to welcome them here to the Senate of the United States, inasmuch as Venezuela is leading the way toward the strengthening of democratic government in Latin America, which augers well, certainly, for the future of that country, and we hope will furnish an example for all of the hemisphere.

With the exception of Senator Rumbos, who is the recipient of an International Visitors' grant, these gentlemen are members of a delegation of political and public opinion leaders participating in the ninth annual such visit sponsored by the North American Association of Venezuela. It has been my privilege as chairman of the Foreign Relations Subcommittee on Western Hemisphere Affairs to meet this afternoon with this distinguished delegation from Venezuela, and I am pleased to present them to my Senate colleagues at this time.

They are: Senator Luis B. Guerrero, a member of the Christian Democratic Party; Deputy Simon Antoni, Democratic Republican Union; Deputy Edilberto Escalante, Christian Democratic Party; Deputy Armando Sanchez, Democratic Action Party; Deputy Arturo Hernandez, Democratic Action Party; Deputy Miguel Vaimberg, Christian Democratic Party; Deputy Angel Zambrano, Popular Democratic Force Party; and Senator Omar de Jesús Rumbos Morón, Democratic Republican Union Party.

It is a pleasure to welcome them all to the Senate of the United States this afternoon. [Applause, Senators rising.]

RECESS

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate stand in recess for 2 minutes, so that Senators may personally greet our guests.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will stand in recess for 2 minutes.

Thereupon, at the hour of 2 o'clock and 42 minutes p.m., the Senate took a recess for 2 minutes, and the visitors were greeted by Senators.

The Senate reconvened at 2 o'clock and 44 minutes p.m., upon the expiration of the recess, when called to order by the Presiding Officer (Mr. HUGHES in the chair).

ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES FROM MAY 28, 1969, to JUNE 2, 1969.

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 277.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 277, which was read by the legislative clerk, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That when the House adjourns on Wednesday, May 28, 1969, it stand adjourned until 12 o'clock meridian, Monday, June 2, 1969.

Mr. MANSFIELD. Mr. President I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, House Concurrent Resolution 277 was considered and agreed to.

S. 2276—INTRODUCTION OF A BILL TO EXTEND THE PROVISIONS OF SECTION 104 OF THE AIR QUALITY ACT OF 1967 THROUGH FISCAL 1970

Mr. RANDOLPH. Mr. President, I introduce, for appropriate reference, a bill to extend section 104 of the Air Quality Act of 1967 through fiscal 1970 at the current level of authorization.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2276) to extend for 1 year the authorization for research relating to fuels and vehicles under the provisions of the Clean Air Act, was received, read twice by its title, and referred to the Committee on Public Works.

Mr. RANDOLPH. Section 104 provides for research into and development of new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels.

With the Senate's unanimous passage of the Air Quality Act of 1967, we entered into a new phase in our national effort to control and abate air pollution. In that legislation, Congress set forth a blueprint for a truly systematic effort to cope with the long-term threat of air pollution to the public health and welfare. The Department of Health, Education, and Welfare, which is the leading agency in this effort, has made substantial progress in implementing the provisions of the act. I have been gratified that Secretary Finch, as one of his first official tasks, issued air quality criteria, summarizing available medical and scientific knowledge of the effects on public health and welfare of two air contaminants; namely, sulfur oxides and particulates. At the same time, he issued reports on the control techniques applicable to these atmospheric contaminants.

Thus, the stage has been set for States to adopt regional air quality standards for sulfur oxides and particulate matters. In due course, after several months, the States will begin adopting standards and plans for sulfur oxide and particulate control in accordance with the Air Quality Act of 1967.

Initial attention will be devoted to the Air Quality Control regions as designated by the Secretary of Health, Education, and Welfare. He has designated several of the Nation's largest metropolitan areas, and is expected to designate 32 such regions before the end of this year, and an additional 25 regions by the summer of 1970.

I think it is important, Mr. President, for us to realize that the total population of these 57 regions is 97 million persons. It comprises 70 percent of the total population of this country. All 50 States are represented, as well as the District of Columbia, Puerto Rico, and the Virgin Islands.

Once criteria control data for contaminants or a group of contaminants are issued, and an air quality control region is designated, the States represented have 90 days to signify their intent to set air quality standards for that contaminant and the designated area. They then have 180 days to hold public hearings and adopt standards, and another 180 days to adopt plans and schedules to implement and enforce those standards.

The successful implementation of this national effort to control and abate air pollution depends at least in considerable degree on the development of adequate control technology. Adequate control technology is necessary, not only to reduce the atmospheric emissions from what we know as the existing sources, but to counteract the increasing number of new sources. There is already available knowledge to reduce air pollution to a significant degree, but there are many control problems for which we do not now have long-term solutions.

In particular, I think that the effective control of air pollution emissions from motor vehicles and sulfur oxide pollution from the combustion of fuel will require further intensive research and development, which I believe will require several years.

This need was reflected in the Air Quality Act of 1967 when we included section 104. The provisions were defined to lay special emphasis on the research and development activity into those new and improved methods for prevention and control of air pollution resulting from the combustion of fuel.

The Congress authorized for the specific purpose $35 million for fiscal year 1968 and $90 million for fiscal year 1969 and we appropriated all sums for section 104 to remain available until expended. In this way, projects initiated for terms of more than 1 year would be assured of what is necessary in this type of effort—continuing support.

Mr. President, unfortunately programs and activities that have been carried on under section 104 have not been adequately funded—with approximately $9 million and $14 million expended in the fiscal years of 1968 and 1969 respectively.

I am encouraged—and I am gratified to say to my colleagues—that the administration has been giving increased attention to system studies for the design and research and development needs and plans.

I was particularly impressed with the plan for research on sulfur oxide control methods developed with the assistance of the Standard Research Institute. That was entitled "Sulfur Oxides Pollution Control Planning and Program—1968–72."

I think this report will be valuable in the development of control technology for sulfur oxides. As the plan is revised and updated, I have reason to believe that the administration will continue to make full use of available expertise within the Government, as well as nongovernmental sources.

Mr. President, we must caution that this plan is implemented and similar plans are developing in other problem areas. For example, National Research and Development plans should be considered in our efforts to control nitrogen oxides emission, to control particularly materials that are almost eluding the current control efforts, to reduce the emissions from the moving sources—automobiles, buses, trucks, ships, and aircraft—and to provide for the continuation of all these necessary and vital activities.

Mr. President, the bill I introduce today would extend section 104 authorization through fiscal year 1970 at the currently authorized level of expenditures. There is a vital need for continuing these activities. And I believe that passage of the legislation presented today is necessary.

Mr. President, I commend all Senators—there were no votes against the Air Quality Act of 1967—who joined me in supporting this section of the bill.

Later this year the Committee on Public Works and the subcommittee chaired by the able and knowledgeable Senator from Maine (Mr. MUSKIE), who has given intensive study and great leadership to air and water pollution control, will look at all of the possible extensions of the authorization of the total act beyond 1970.

I only refer, as I have indicated, to the research and development program this afternoon. The authorizations for the other sections, of course, are provided for in the Air Quality Act at the present time. However, there is a need now to take action with respect to section 104.

Air pollution control and abatement is something that the country believes in and the Senate and the House of Representatives have been directing their attention to the fact that an imperative need must be met by continuing constructive legislation and forceful implementation by the States in this vital matter.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, as chairman of the Subcommittee on Air and Water Pollution, I am delighted to support the amendment which the distinguished Senator, the chairman of the Committee on Public Works, has just introduced and discussed this afternoon.

It seems to me that this would be an appropriate time to comment upon the substance of an attack which was directed against the distinguished Senator from West Virginia last week in connection with the Air Quality Act of 1967.

In the language used in that attack, the Senator was first accused of "gutting the Air Pollution Act" of 2 years ago.

I feel compelled to speak on that point this afternoon, because such an attack is a reflection not only on the distinguished Senator from West Virginia, but is also a reflection from every member of the Committee on Public Works and on every member of the Subcommittee on Air and Water Pollution which I am privileged to chair.

The accusation also stated that the distinguished Senator from West Virginia "killed the Air Quality Act of 1967."

The accuser continued:

> The reason you don't have any air pollution control in most of the States of the Union, and that is practically all of them, is because the original act was cut so that the quality criteria that the Government was to set up, so that the States would have some guidelines as to how much pollution they would allow—sulfur dioxide, nitrous oxide were removed from the bill with the precision of a surgical knife.

The fact is that the exact reverse is true. The original act submitted by President Johnson in 1967 contained no provision for setting air quality criteria. The proposal contained in the Johnson administration bill was to establish national standards for control by controlling the emissions of industries that could be described as national polluters. Those standards would have to be compromised by the results of technological and economic feasibility. Moreover, the industries involved would be relatively few in number and would not necessarily be involved in or relevant to the air pollution problems of a given metropolitan or urban area. Instead of following that technique, the subcommittee as a whole chose to adopt a different technique.

May I say, incidentally, that the work and the decisions of the subcommittee for the past 6 years have been characterized by remarkably full participation on the part of all members of the subcommittee in considering the testimony presented and the dimensions of the problem with which we were trying to deal in the writing of the legislation. The Air Quality Act of 1967 was not the product or the work of the distinguished Senator from West Virginia, with all due deference to the contributions he made. Rather, it was the product or the work of all the members of that subcommittee.

The bill was unanimously reported by the subcommittee to the full committee. It was reported by the full committee to the Senate unanimously. And it was adopted by the Senate unanimously.

What does the Air Quality Act of 1967 do? The distinguished Senator, discussing his amendment of this afternoon, has discussed this in part.

The first objective of the bill was to identify every problem area in the country, and the Secretary was directed to do this. The administration bill to which I have referred had no such proposal.

The second step required by the Air Quality Act of 1967 is to identify the health and welfare effects of the various pollutants. These were not to be compromised in any way; the national standards of the administration bill would have been compromised by considerations of technological and economic feasibility. The bill required that the Secretary tell the country what health effects would come from given concentrations of specific pollutants. This we felt was an essential starting point for any effective control measure.

So the Secretary has been involved in publishing what are called criteria, and two have been published, one of them having been mentioned by the distinguished Senator's accuser—sulfur oxide.

Mr. RANDOLPH. The first part of this year.

Mr. MUSKIE. Yes, the first part of this year, under the Air Quality Act of 1967.

Mr. RANDOLPH. The Senator is correct.

Mr. MUSKIE. Yet, the Senator's accuser says that these requirements were cut from the bill with the precision of a surgical knife. The requirement is in the bill, and pursuant to that bill, the first two sets of criteria have been published.

The bill also required that the Secretary publish—for the benefit of the municipal governments, State governments, and control agencies and officials of the problem areas—the technology available to deal with the pollutants which were the subject of the published criteria. The Secretary has done this, under the Air Quality Act of 1967; and, as a result, States and communities have the two sets of criteria required to move and the technology available to implement them. So, under the provisions of the bill, State and local governments now are under a mandate to proceed with the setting of timetables for control of pollution, not just from a few national industries but from every source of pollution within all the problem areas.

Mr. RANDOLPH. These moving problems are with us.

Mr. MUSKIE. Every source of pollution, but automobiles, contrary to the original administration bill, is subject to control under the Air Quality Act of 1967. And automobiles are subject to national standards established by other legislation. If the States and communities fail to meet the responsibilities imposed upon them by the 1967 act, then the Federal Government is given the authority, under that act, to do the job itself. I believe it is given much more effective and meaningful authority under this bill than it would have been given under the bill originally sent up by the Johnson administration.

More than that, under the Air Quality Act of 1967, the Federal Government is given the authority—notwithstanding the responsibility of the States under the act—to move in directly whenever there is imminent and substantial endangerment to health or welfare. In such a situation, the Federal Government is given the authority to move in immediately and directly control sources of pollution. That type of emergency authority was not contained at all in the administration bill.

Discussing legislation of this kind is a complicated process, because it does involve difficult technological problems and specific technologies. So when an accusation such as that directed against the distinguished Senator from West Virginia is made, it is more difficult to analyze the bill in a way that will throw light upon the accusation.

In addition to what I have already said, Mr. President, I wish to point out that the Air Quality Act of 1967 was regarded by me, by all members of the subcommittee, and by all members of the full committtee, as a strong meaningful bill which had the capacity to arm the country with the tools to deal with the air pollution problem from coast to coast.

What has been done under its provisions already has put in motion the control methods and, hopefully, the control technology which will enable us to come to grips with air pollution.

May I say that no piece of legislation works automatically. Whether or not that piece of legislation is going to work depends upon the extent to which State and local governments across this country are willing to assume the responsibility and do what is necessary.

But, recognizing the shortcomings which may limit the capacity of States to respond, the bill nevertheless places effective residual authority in the Federal Government to do the job, if that becomes necessary. So it was a good bill; it is a good bill; and it can be made to work, given good will, dedication, and determination on the part of all concerned.

Now, the question of making it effective certainly is not served by an uninformed and inaccurate evaluation of what the bill contains and what it provides. There can be, as there was in 1967, an honest difference of opinion as to whether the national standards approach would be best or whether the approach that the bill takes would be best. That difference of opinion was discussed in full, in public. It was given full exposure. It was after that full discussion that the committee finally opted for the approach it took; and I still think that, as between the two approaches in the two bills, the Air Quality Act which finally was passed by Congress was a more meaningful and a more effective piece of legislation than the one that was introduced in the first instance.

May I say to those who accuse the Senator of West Virginia of "gutting" the bill that they might do well to refer to the comments made by President Johnson on the Air Quality Act of 1967 when he signed it into law, notwithstanding the fact that it differed from the approach his bill had taken. Notwithstanding the fact that it modified his approach, he hailed it as a significant step forward in the fight against air pollution.

May I say to the distinguished Senator from West Virginia that I hope that this colloquy will be of assistance in throwing light upon that accusation which was directed against him.

However, my response this afternoon has not been entirely unselfish. Although I was not named in the attack, the attack was such as to involve me. So, for selfish reasons as well this afternoon, I have undertaken to say what I have.

Mr. RANDOLPH. Mr. President, in response to the words of the Senator from Maine, I wish the RECORD to reflect that in this discussion of the Air Quality Act of 1967, the remarks of the chairman of our Subcommittee on Air and Water Pollution are the most knowledgeable and informed of any Member of this body. I am very grateful for the explanation and the clarification, because in a sense the intemperate and false accusations against me are not of substance. I joined in support of the legislation. I helped to draft well reasoned legislation, and I think the country and our people will profit by what has been done. Again, my thanks to the Senator from Maine.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PACKWOOD in the chair). Without objection, it is so ordered.

THE AMERICAN MERCHANT MARINE

Mr. TYDINGS. Mr. President, the United States traditionally has had a merchant marine second to none. In ports of call around the globe American-flag ships were to be found engaged in commercial enterprises that brought goods, profit and employment to people everywhere.

Home of the magnificent Clipper ships, the sturdy war-tested Liberties, and the world's first nuclear-powered commercial ship, the *United States*, once led the world in shipbuilding. Our Nation's growth and prosperity was due in no small part to the strength of its merchant marine.

From earliest colonial days we have been a Nation of sailors. Our heritage is one of the sea, and now, more than ever, must remain so.

Yet this proud tradition is now in jeopardy.

The American merchant marine today faces a major crisis. Of the 965 merchant vessels in our fleet today, 682 of them, or approximately 70 percent, are 20 years or older. The United States has declined from first to sixth place among merchant fleets of the world. U.S.-flag ships carried only 9 percent of America's oceangoing trade. Our shipyards, those that remain open, are simply not turning out the 40 new ships we need each year. The maritime industry itself is unbelievably fragmented and divided as to policies and programs.

What all this means is that our merchant marine is in serious trouble.

We can no longer afford to ignore this alarming state of affairs nor permit it to continue.

Our merchant marine must be rebuilt and rejuvenated, from the keel up. The United States must regain a position of maritime preeminence.

I think the people of our country do not fully realize the extent to which our merchant marine has declined.

I recently sought and received assignment to the Merchant Marine Subcommittee. From this position I intend to try to ensure that our maritime affairs are put in order.

The principal governmental agency charged with the responsibility to promote and develop a modern merchant marine is the Federal Maritime Administration, located in the Department of Commerce.

MarAd, as it is sometimes known, administers programs authorized by the Merchant Marine Act of 1936, as amended. This act is the principal maritime legislation and includes the operating-differential and construction-differential subsidy programs, ship mortgage insurance, vessel exchange, cargo preference, research and development, maintenance of the reserve fleet, maritime training and promotion of the U.S. merchant fleet.

In 1968 MarAd subsidized the construction of 12 new ships valued at $250.5 million of which $124.8 million was the Federal subsidy. Fourteen lines operating about 300 ships received $200.1 million in operating subsidy payments for amounts due in 1968 and prior years. Under the ship exchange program, 22 privately owned ships were exchanged for 22 newer ships from the reserve fleet. Under the Federal ship mortgage insurance program, which permits the Government to insure commercial loans obtained to aid in shipbuilding, new applications to insure 15 ships for a total of $121 million were approved.

The National Defense Reserve Fleet is maintained to provide ships available for use in a national emergency. At the present time there are 628 mothballed ships in six anchorages around the country. The fleet has served the Nation well. Some 168 ships were withdrawn from the NDRF for service in Southeast Asia. Reserve ships were also used during the Korean war and the Suez crisis of 1956.

However, the condition of these ships and thus the utility of the fleet itself is now called into question. The ships are all old and expensive to make ready for service. Estimates run anywhere from $350,000 to $650,000 for reconditioning of each reserve vessel. The Propeller Club of the United States recently said:

> The NDRF . . . today is composed mainly of old ships which are obsolete, unreliable and expensive to maintain or preserve. Many of these ships are at the end of their useful physical life and should be scrapped.

I note with satisfaction that legislation now before the Merchant Marine Subcommittee calls for a fiscal year 1970 authorization of $30 million for reconstruction of the reserve fleet. This is probably not enough, but it is certainly a step in the proper direction.

The value to the Nation of the NDRF cannot be overemphasized. Emergencies may well arise when the United States must transport vast supplies across the oceans. A reserve fleet provides the capability to do this and this capability provides the country with a source of strength and flexibility.

I do not think there can be any doubt that the United States needs a reserve fleet. The view that future strategic requirements can be met by aircraft such as the C–5A is a myth. Vietnam has shown that ships are essential for major logistic operations. Over 90 percent of the material sent to Vietnam went by sea. Airlifts stress speed but simply cannot handle the heavy hardware now in use. Ships can and do. Aircraft deal with pounds; ships deal with tons.

In recent years considerable concern has been expressed over the decline of shipbuilding in America. One hears that it is dead, dying, or moving to Japan. Hysteria is often present in the position of both those who say that the United

States can no longer afford shipbuilding and must build overseas, as well as those who want present ship construction to match the fantastic output of the war years of 1944 and 1945.

What is required, I think, after recognizing of course that all is not well, is a calm and reflective review of the maritime industry.

The shipbuilding industry is a $3.7 billion annual operation. Of this, Navy contracts comprise about three-quarters. For 1968 MarAd reported 69 commercial vessels, both subsidized and nonsubsidized, under contract in private U.S. shipyards. This, of course, is not enough. We need to build more ships than we are at present. The United States now ranks eighth in merchant ship tonnage under actual construction. This is at least indicative that shipbuilding is still active here. It may be down but it is not out.

Late last month I took a tour of the Sparrows Point Shipyard of Bethlehem Steel Corp. in Baltimore. If the industry is dying, they have not heard about it at Sparrows Point.

The yard is its busiest in 20 years. It has $214 million worth of contracts and is building both civilian and military ships, tankers and dry cargo, vessels, as well as container ships. I walked along the construction ways and in the assembly sheds and saw activity that indicated a heavy load of business. Additionally, Sparrows Point is now building a special $15 million construction dock capable of handling tankers of the 100,000 to 200,000 range which the yard expects to construct in the near future.

With shipyards like Baltimore's Sparrows Point, with the entry into the shipbuilding business of technologically sophisticated aerospace industries, with the increasing obsolescence of the U.S. merchant fleet, and the growing demand for larger ships, particularly tankers, there is every reason to believe that the U.S. shipbuilding industry can have a prosperous future.

It will not be economically possible for the United States to dominate the world market in ship construction nor to regain our position of 1944–45. But it is possible for this Nation to maintain an active and viable shipbuilding industry. A major rejuvenation will have to take place first and many difficult problems will have to be resolved, but it can be done.

One way that it can be done is by stressing multiple procurement. The construction of single ships is no longer desirable. An order for a single ship is simply too expensive. What is required is an order for several vessels of the same design to be built at one yard. As you would expect, this drives down the cost per ship considerably.

An example of this was a container vessel ordered by one of the major shipping lines. It happened to be identical in design to five other ships already under construction and thus cost $2 million less than the others which were priced at $17.9 million each. The saving, thus, was considerable.

Another example of cutting costs through multiple procurement involves a recent contract for 11 cargo ships for two steamship companies. Originally the companies wanted to build five vessels of one design and six of a slightly different one. However, they were persuaded to agree on identical ships which could be ordered from one yard. The savings to the Government alone of ordering the ships in one package with one basic design has been estimated at approximately $6.9 million.

If our merchant marine is to be properly rejuvenated, our shipyards must receive orders for several ships. Instead of putting together one ship, they must assemble a series of them. The shipyards must be oriented toward production, not construction.

One way to do this is by making the construction differential subsidy available to private shipyards as well as proposed shipowners, to whom it is now limited, and to compute this subsidy on the type of vessel involved rather than on a particular individual ship. This will provide an incentive for the industry as a whole to get away from overly expensive custom-designed vessels. Once again, I am pleased to note that the legislation now before the Merchant Marine Subcommittee does exactly this.

Another requirement for a rejuvenated merchant marine is a period of peaceful labor-management relations. It is time for industry and labor, and elements within both, to work together and advance a common cause. The country cannot afford the luxury of disruptive labor relations in the maritime industry. In 1968 commercial shipping was plagued by various strikes which resulted in a loss of 69,100 seafaring man-days, 468,900 longshoreman man-days, and 542,000 shipyard man-days. Surely this is too much. I need not add that the country cannot afford a maritime strike in June, of which there is now some talk.

I think the new Maritime Administrator, Andrew Gibson, was entirely correct when he said in April that the Nation's merchant marine policy was imperiled by unstable labor prospects.

One disturbing aspect of our maritime policy is the undisputed decline in passenger ship service. Many of the liners have either been beached or are operating at a substantial loss. Through the courtesy of the Maryland Port Authority, I recently viewed the port of Baltimore from the water. What struck me immediately was the presence of the liner *Independence*, now inactive and up for sale. Moreover, the president of Moore-McCormack Lines has stated that the line's two passenger ships are losing $2.7 million per year, despite an annual subsidy payment of almost $7.5 million.

Clearly something must be done. The Nation must decide whether to maintain U.S.-flag passenger service. To do this will require a great sum of money. Not to do it will result in reliance on foreign-flag liners or transportation by air. A basic decision has to be made and made soon. The Italians have invested in two modern passenger liners, the *Raphaello* and *Michelangelo*. The French have their *France* and the British their new *Queen Elizabeth II*. We must decide whether to stay in competition with them. Factors of high cost, national prestige, and leisure time all enter the picture. The decision is not an easy one, but it must be made. Moreover, it should be decided consciously and carefully, not by default or neglect.

Another extremely disturbing aspect in this area is the emergence of the Soviet Union as a major maritime power. The stationing of a Russian naval fleet in the Mediterranean is but a military manifestation of this. Of equal significance, however, is the ever-increasing size of the Soviet merchant fleet. This fleet is now the sixth largest in the world, and, according to Viktor G. Bakayev, the Russian Merchant Marine Minister, is expected to grow by more than 50 percent during the next 6 years and reach a total of 17 million tons by 1975.

The Soviets already have one of the finest commercial fishing fleets in the world, and I think it is obvious that they are now attempting both to extend their sphere of influence and create a more favorable trade position through accelerated activity on the part of their merchant marine.

The question is what should the reaction of the United States be to this attempt.

I believe it should not be one of panic. The seas belong to everyone and the Soviet Union has a legitimate right to build up its merchant marine. This is particularly so since in 1967 alone just under half the total of 124 million tons of goods shipped to and from Russia was carried by foreign vessels.

Yet, the United States should not ignore this activity. An enlarged Soviet merchant marine is a commercial threat to our maritime industry and must be recognized as such. It is simply not sufficient to be concerned with or aware of this fact. Action is required. Yet the action must be effective and sensible. There is no need for cold war rhetoric or provocative policies. What is needed is more and better American ships that will gain a larger share of world markets.

Let us accept the challenge offered to us by the Soviets in this area of the merchant marine and then simply beat them at it. Build better vessels, build more vessels, and then outbid the Russians for trade contracts. We have the heritage, we have the desire, we even have the ability. All we lack is the will.

One area of maritime policy where the U.S. already leads the world is in the development and operation of container ships. These are vessels built specifically to handle standard-sized containers, which are nothing more than large boxes, prepacked with cargo, that transfer easily to trucks or trains for land transit. Containerization facilitates the shipping of cargo and is having a revolutionary impact on the industry. A container ship spends half the time in port that a normal ship does, and thus earns a greater profit for it is costly to keep a ship tied up in port. One line has found that with seven container ships it can carry more cargo during 1 year than it used to carry with 20 conventional freighters. Some experts are even predicting that within 10 years half the North Atlantic break bulk trade will be in container ships.

Last month I had the honor to witness

the launching of the world's largest container ship. The $20 million, 34,700 deadweight ton, *Hawaiian Enterprise,* slid down the ways at Sparrows Point in Baltimore and will soon proudly join the American merchant marine. She is a beautiful ship and represents what our maritime industry at its best is capable of producing. Moreover, it is significant to note that she was built without a construction subsidy for a line which does not receive an operating subsidy.

Mr. President, I have previously mentioned that currently there is legislation before the Merchant Marine Subcommittee. This is major legislation, providing for a new national maritime program. It is the result of extensive consultations with all segments of the maritime industry.

The legislation doubles the construction differential subsidy for the next 5 years and broadens its eligibility. It authorizes $25 million per year for the research and development and sets aside $30 million per year for reconstruction of the reserve fleet. It renews and strengthens our commitment to the development of nuclear-powered ships. It establishes a new experimental operating subsidy and creates a Commission on American Shipbuilding to review the private shipbuilding industry and report to the President and Congress as how best to enhance its competitive position.

I fully support the basic thrust of this legislation and urge its enactment.

Of particular significance is the scope of the legislation. It treats the merchant marine as a whole and offers proposals that encompass a full range of maritime problems. It does not attack these problems in piecemeal fashion nor seek to advance the interests of one segment of the industry to the detriment of others. It views the merchant marine as one and tries to realize our common interest in rebuilding our entire merchant fleet. This approach is essential. We must address ourselves to the entire problem and stop offering only partial solutions that in the long run may be no solutions at all.

If the American merchant marine is to be rejuvenated, Congress must consider the full scope of the problem and act accordingly.

Mr. President, the United States is now at a crossroads. The decisions made or not made by this Congress will determine whether in fact America remains a major maritime nation.

A rich tradition of maritime preminence has been squandered. We no longer have a first rate fleet of merchant vessels. The U.S. flag is seen less and less in ports of call around the world. I do not enjoy playing the role of alarmist but the country must realize the shocking decline in our merchant marine.

I believe that the United States must embark on a major rejuvenation of our merchant fleet. I feel this effort must have a high national priority. Not to do this would be to court disaster. Our country's growth and prosperity depend on our having a strong merchant marine.

As I said at the beginning of my remarks, America's heritage has been one of the sea. This now we must not betray.

DISCHARGE OF THE COMMITTEE ON BANKING AND CURRENCY FROM FURTHER CONSIDERATION OF S. 2236 AND REFERRAL OF THE BILL TO THE COMMITTEE ON COMMERCE

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Washington (Mr. MAGNUSON) and the Senator from Alabama (Mr. SPARKMAN), I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of S. 2236, to create a Federal Insurance Guaranty Corporation to protect the American public against certain insurance company insolvencies, and that the bill be referred to the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO THURSDAY, MAY 29, 1969

Mr. KENNEDY. Mr. President, I move that the Senate stand adjourned until noon on Thursday next, in accordance with the previous order.

The motion was agreed to; and (at 3 o'clock and 31 minutes p.m.) the Senate took an adjournment until Thursday, **May 29, 1969, at 12 o'clock noon.**

NOMINATIONS

Executive nominations received by the Senate May 27, 1969:

DIPLOMATIC AND FOREIGN SERVICE

Joseph J. Jova, of Florida, a Foreign Service officer of class 1, to be the Representative of the United States of America on the Council of the Organization of American States, with the rank of Ambassador.

David D. Newsom, of California, a Foreign Service officer of class 1, to be an Assistant Secretary of State.

HOUSE OF REPRESENTATIVES—*Tuesday, May 27, 1969*

The House met at 12 o'clock noon.

The Reverend J. B. Reid, pastor of Shalom Baptist Church, Newport News, Va., offered the following prayer:

Our Father God, we are humbly grateful for Thy loving kindness and Thy gracious mercy. In the midst of change and conflict, Thou hast produced men of courage. Their hearts have been imbued by Thy quickening spirit. With Thine assurance they gird themselves for the Herculean tasks incumbered upon them today and the challenges of tomorrow.

Thou who searchest the hearts of nations, give us the power to do Thy will. We acknowledge our sins. Forgive us. We are cognizant that: "Righteousness exalteth a nation; but sin is a reproach to any people."

Sinister forces, O Lord, from within and from without are seeking to destroy the foundation upon which our liberties rely. Protect our Representatives by Thy grace. Thou hast brought them to serve Thy people for such a time as this.

We ask for Thy guidance and Thy strength this day, in the name of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 15, 1969, the President approved and signed bills of the House of the following titles:

H.R. 3548. An act for the relief of Dr. Roberto de la Caridad Miquel; and

H.R. 4064. An act for the relief of Ana Mae Yap-Diangco.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 133. An act to authorize the vessel *Orion* to engage in the coastwise trade;

S. 753. An act to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank,* owned by Ernest R. Darling, of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges;

S. 826. An act to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; and

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 408) to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required, with amendments in

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which the concurrence of the House is requested.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADJOURNMENT FROM WEDNESDAY, MAY 28, 1969, TO MONDAY, JUNE 2, 1969

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 277) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 277

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 28, 1969, it stand adjourned until 12 o'clock meridian, Monday, June 2, 1969.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Monday June 2, 1969, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY, JUNE 4, 1969

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule, June 4, 1969, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

POSTAL REFORM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-121)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service and ordered to be printed:

To the Congress of the United States:

Total reform of the Nation's postal system is absolutely essential.

The American people want dependable, reasonably priced mail service, and postal employees want the kind of advantages enjoyed by workers in other major industries. Neither goal can be achieved within the postal system we have today.

The Post Office is not keeping pace with the needs of our expanding population or the rightful aspirations of our postal workers.

Encumbered by obsolete facilities, inadequate capital, and outdated operation practices, the Post Office Department is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment. It is time for a change.

Two years ago, Lawrence F. O'Brien, then Postmaster General, recognized that the Post Office was in "a race with catastrophe," and made the bold proposal that the postal system be converted into a government-owned corporation. As a result of Mr. O'Brien's recommendations, a Presidential Commission was established to make a searching study of our postal system. After considering all the alternatives, the Commission likewise recommended a government corporation. Last January, President Johnson endorsed that recommendation in his State of the Union message.

One of my first actions as President was to direct Postmaster General Winton M. Blount to review that proposal and others. He has made his own first-hand study of the problems besetting the postal service, and after a careful analysis has reported to me that only a complete reorganization of the postal system can avert the steady deterioration of this vital public service.

I am convinced that such a reorganization is essential. The arguments are overwhelming and the support is bipartisan. Postal Reform is not a partisan political issue, it is an urgent national requirement.

CAREER OPPORTUNITIES AND WORKING CONDITIONS

For many years the postal worker walked a dead-end street. Promotions all too often were earned by the right political connections rather than by merit. This Administration has taken steps to eliminate political patronage in the selection of postal employees; but there is more—much more—that must be done.

Postal employees must be given a work environment comparable to that found in the finest American enterprises. Today, particularly in our larger cities, postal workers labor in crowded, dismal, old fashioned buildings that are little short of disgraceful. Health services, employee facilities, training programs and other benefits enjoyed by the worker in private industry and in other Federal agencies are, all too often, unavailable to the postal worker. In an age when machines do the heavy work for private companies, the postal worker still shoulders, literally, the burden of the Nation's mail. That mail fills more than a billion sacks a year; and the men and women who move those sacks need help.

Postal employees must have a voice in determining their conditions of employment. They must be given a stake in the quality of the service the Department provides the public; they must be given a reason for pride in themselves and in the job they do. The time for action is now.

HIGHER DEFICITS AND INCREASING RATES

During all but seventeen years since 1838, when deficit financing became a way of life for the Post Office, the postal system has cost more than it has earned.

In this fiscal year, the Department will drain over a billion dollars from the national treasury to cover the deficit incurred in operating the Post Office. Over the last decade, the tax money used to shore up the postal system has amounted to more than $8 billion. Almost twice that amount will be diverted from the Treasury in the next 10 years if the practices of the past are continued. We must not let that happen.

The money to meet these huge postal deficits comes directly out of the taxpayer's pocket—regardless of how much he uses the mails. It is bad business, bad government, and bad politics to pour this kind of tax money into an inefficient postal service. Every taxpayer in the United States—as well as every user of the mails—has an important stake in seeing that the Federal Government institutes the kind of reform that is needed to give the nation a modern and well managed postal system. Without such a system Congress will either have to raise postage rates far above any level presently contemplated, or the taxpayers will have to shoulder the burden of paying postal deficits the like of which they have never seen before.

Neither alternative is acceptable. The Nation simply cannot afford the cost of maintaining an inefficient postal system. The will of the Congress and the will of the people is clear. They want fast, dependable and low-cost mail service. They want an end to the continuing cycle of higher deficits and increasing rates.

QUALITY POSTAL SERVICE

The Post Office is a business that provides a vital service which its customers, like the customers of a private business, purchase directly. A well managed business provides dependable service; but complaints about the quality of postal service under existing procedures are widespread. While most mail ultimately arrives at its destination, there is no assurance that important mail will arrive on time; and late mail—whether a birthday card or a proxy statement—is often no better than lost mail.

Delays and breakdowns constantly threaten the mails. A complete breakdown in service did in fact occur in 1966 in one of our largest cities, causing severe economic damage and personal hardship. Similar breakdowns could occur at any time in many of our major post offices. A major modernization program is essential to insure against catastrophe in the Post Office.

A modern postal service will not mean

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fewer postal workers. Mail volume—tied as it is to economic activity—is growing at such a rate that there will be no cutback in postal jobs even with the most dramatic gains in postal efficiency. Without a modernized postal system, however, more than a quarter of a million new postal workers will be needed in the next decade simply to move the growing mountain of mail. The savings that can be realized by holding employment near present levels can and should mean more pay and increased benefits for the three quarters of a million men and women who will continue to work in the postal service.

OPPORTUNITY THROUGH REFORM

While the work of the Post Office is that of a business enterprise, its organization is that of a political department. Traditionally it has been run as a Cabinet agency of the United States Government—one in which politics has been as important as efficient mail delivery. Under the present system, those responsible for managing the postal service do not have the authority that the managers of any enterprise must have over prices, wages, location of facilities, transportation and procurement activities and personnel policy.

Changes in our society have resulted in changes in the function of the Post Office Department. The postal system must be given a non-political management structure consistent with the job the postal system has to perform as a supplier of vital services to the public. Times change, and now is the time for change in the postal system.

I am, therefore, sending to the Congress reform legislation entitled the Postal Service Act of 1969.

POSTAL SERVICE ACT OF 1969

The reform that I propose represents a basic and sweeping change in direction; the ills of the postal service cannot be cured by partial reform.

The Postal Service Act of 1969 provides for:

—Removal of the Post Office from the Cabinet;

—Creation of an independent Postal Service wholly owned by the Federal Government;

—New and extensive collective bargaining rights for postal employees;

—Bond financing for major improvements;

—A fair and orderly procedure for changing postage rates, subject to Congressional review;

—Regular reports to Congress to facilitate Congressional oversight of the postal system;

—A self-supporting postal system.

The new government-owned corporation will be known as the United States Postal Service. It will be administered by a nine-member board of directors selected without regard to political affiliation. Seven members of the board, including the chairman, will be appointed by the President with the advice and consent of the Senate. These seven members will select a full-time chief executive officer, who will join with the seven others to select a second full-time executive who will also serve on the board.

Employees will retain their Civil Service annuity rights, veterans preference, and other benefits.

The Postal Service is unique in character. Therefore, there will be, for the first time in history, true collective bargaining in the postal system. Postal employees in every part of the United States will be given a statutory right to negotiate directly with management over wages and working conditions. A fair and impartial mechanism—with provision for binding arbitration—will be established to resolve negotiating impasses and disputes arising under labor agreements.

For the first time, local management will have the authority to work with employees to improve local conditions. A modernization fund adequate to the needs of the service will be available. The postal worker will finally take his rightful place beside the worker in private industry.

The Postal Service will become entirely self-supporting, except for such subsidies as Congress may wish to provide for specific public service groups. The Postal Service, like the Tennessee Valley Authority and similar public authorities, will be able to issue bonds as a means of raising funds needed for expansion and modernization of postal facilities and other purposes.

Proposals for changes in classes of mail or postage rates will be heard by expert rate commissioners, who will be completely independent of operating management. The Board of the Postal Service will review determinations made by the Rate Commissioners on rate and classification questions, and the Presidentially appointed members of the board will be empowered to modify such determinations if they consider it in the public interest to do so.

Congress will have express authority to veto decisions on rate and classification questions.

The activities of the Postal Service will be subject to Congressional oversight, and the Act provides for regular reports to Congress. The Postal Service and the rules by which it operates can, of course, be changed by law at any time.

TOWARD POSTAL EXCELLENCE

Removing the postal system from politics and the Post Office Department from the Cabinet is a sweeping reform.

Traditions die hard and traditional institutions are difficult to abandon. But tradition is no substitute for performance, and if our postal system is to meet the expanding needs of the 1970s, we must act now.

Legislation, by itself, will not move the mail. This must be done by the three-quarters of a million dedicated men and women who today wear the uniform of the postal service. They must be given the right tools—financial, managerial and technological—to do the job. The legislation I propose today will provide those tools.

There is no Democratic or Republican way of delivering the mail. There is only the right way.

This legislation will let the postal service do its job the right way, and I strongly recommend that it be promptly considered and promptly enacted.

RICHARD NIXON.

THE WHITE HOUSE, *May 27, 1969*.

POSTAL REFORM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it is often true that what we need the most for our own well-being we assiduously avoid. There is little question in my mind that complete redirection of our postal system is, as President Nixon today has told us, "absolutely essential."

There is also little question in my mind that if the sweeping reforms proposed by the President are to become reality, it will only be because postal employees finally recognize that the proposed new U.S. postal service is in their own self-interest.

Mr. Speaker, the American people want a thorough-going change in the operations of the Post Office Department. They want improved, efficient, fast mail delivery. The taxpayers want postal reform. They are sick of subsidizing the Post Office Department to the tune of nearly a billion dollars a year. I do not think anyone will have to sell the President's proposed new postal service to the people.

But the President and all others who recognize the imperative need for putting delivery of the mail on a business basis will have to do a selling job on postal employees and Congress.

Mr. Speaker, I believe the proposed creation of a Government corporation to run the U.S. postal service is an idea whose time has come. This is not a partisan political issue. Former Postmaster General Lawrence O'Brien strongly supports the new concept for an improved mail service.

The time has come because all of the facts show postal reform to be in the enlightened self-interest of all of the American people, including our 750,000 postal employees.

Regrettably I understand that representatives of postal employees have vowed to fight the proposal for a Postal Service Corporation down to the last mail bag. It is my guess that their views will change when they see what it will mean in terms of their own self-interest.

Whatever the significance for other Federal employees, the fact remains that postal workers under the President's reform plan will be able to engage in true collective bargaining for the first time. In addition, the plan calls for binding arbitration of stalemated disputes.

As President Nixon expressed it:

> The postal worker will finally take his rightful place beside the worker in private industry.

Mr. Speaker, Congress must take every vestige of politics out of our postal system. Postal reform deserves the support of every Member of Congress, regardless of party.

Mr. STEIGER of Wisconsin. Mr. Speaker, President Nixon today earned the respect of every American who has ever mailed a letter by the courage and scope of his message urging total reform of the postal system.

The President has clearly defined the problem of deteriorating service when he states:

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> The Post Office Department is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment.

Increasingly I have received letters from postal workers describing antiquated and unfair conditions, and complaining that they must come begging to Congress for additional wages and benefits. It is little wonder that the postal worker is demoralized. Our postal system is encumbered by obsolete facilities and equipment; inadequate capital and outdated operation practices.

I am very pleased, therefore, that President Nixon has given first importance to the postal workers in his reform.

This is a continuation of the Presidential concern initially demonstrated in his Executive action to take politics out of the Post Office. In his message to Congress at that time, the President stated:

> The change would expand opportunities for advancement on the part of our present postal employees. These are hard-working and loyal men and women. In the past, many of them have not received adequate recognition or well-deserved promotions for reasons which have had nothing to do with their fitness for higher position or the quality of their work.

The postal service is in danger of complete collapse. Breakdowns such as occurred at the Chicago post office during the Christmas rush of 1966 can occur at any time.

Postal officials of both political parties have been appalled at the condition of the postal service. Thirteen years ago, President Eisenhower's Postmaster General said:

> While American business was making rapid progress in materials handling techniques, in accounting and financial practices, in transportation methods, and in employee relations, the Postal Service has stood practically still in its operating methods.

The situation went from bad to worse until 2 years ago, President Johnson's Postmaster General said the Post Office was in "a race with disaster."

The postal reform bill proposed by President Nixon is a reasonable and balanced approach to dependable mail service. It deserves prompt consideration and passage.

Mr. TAFT. Mr. Speaker, President's message on postal reform concerns itself with the four basic problems of postal service in the United States:

The problem of people: The people who work for the postal system "want the kind of advantages enjoyed by workers in other major industries." The proposed "new and extensive bargaining rights for postal employees" deal directly with the needs of the postal workers.

The problem of service: Current postal service is, to use the most charitable word, erratic. Bond financing for major improvements coupled with overall postal reform will improve this service.

The problem of organization: The Post Office is currently organized along lines suitable perhaps to another age but not to this one. The removal of the Post Office from the Cabinet and the "creation of an independent postal service wholly owned by the Federal Government" are two means by which needed reorganization will take place.

The problem of money: The Post Office now costs too much and delivers too little service. The President's call for "a fair and orderly procedure for changing postal rates, subject to Congressional review" plus the efficiency gained by modern business techniques will make the creaky, inadequate high-priced service a thing of the past.

Four problems—four major solutions: The President and the Postmaster General have demonstrated that reason, commonsense, and courage to take new and bold courses can breath new life into a system even as far gone as our postal system.

Mr. CRAMER. Mr. Speaker, I am delighted that the administration has taken the initiative in sending to the Congress a bill calling for needed reform of the Nation's postal system. I wholeheartedly agree that the postal system is in need of a revamping and I intend to support any reasonable and responsible measure to accomplish this end.

In particular, I believe any reorganization of the postal system should include means for adequate financing, improved employer-employee relations, better salaries for the employees, significantly greater job security, and of equal importance, a method for providing faster and more reliable and better organized postal service to the postal patrons in the United States.

It is my belief that postal reform cannot wait any longer. All who are in a position to know agree that the Post Office department presently has antiquated procedures which can only be corrected by sweeping organizational reform.

I again commend the administration for taking the first needed step of bringing the matter of postal reform before the Congress and I am hopeful that legislation dealing with this problem will be accomplished this year.

Mr. BUSH. Mr. Speaker, President Nixon and Postmaster Blount are to be commended for their efforts to provide a more efficient postal system while at the same time protecting the postal working men and women. The proposal the President submitted to the Congress today is extremely forward thinking and recognizes the needs of the American public for improved postal service and the needs for the postal workers for improved working conditions.

The Post Office Department has a unique opportunity—and, therefore, a unique responsibility—to be a model employer. The Post Office Department is in every community throughout the land. It pervades our economy. Close to one out of every 110 gainfully employed persons in this country works for the Post Office Department. If each of these employees had a sense of satisfaction and a sense of dedication about his employment, the benefit to the Nation as a whole would be immeasurable.

But Post Office employment falls woefully short of what it should be. Working conditions are often deplorable. And worse than the frequently archaic and cramped physical plant is the atmosphere of helplessness that pervades too many post offices. When dedicated people see about them conditions which they cannot correct, dedication turns to discouragement and despair. The Post Office is also faced with ever-increasing difficulty in attracting capable employees. Turnover rates are startlingly high. Some of the reasons for this are the inadequate opportunities for advancement and the fact that Congress has chained the postal service to rigid nationwide wage rates.

So postal reform is long overdue. And I am delighted by the clear stated intention of our President and Postmaster General to change things. I believe that the proposal sent to Congress today will go a long way toward solving the problems our postal system faces and the problems faced by its employees. I am happy to support the administration in its efforts to effect this much needed reform.

Mr. RHODES. Mr. Speaker, I for one have always agreed with those who say neither snow nor rain nor heat nor gloom of night can interfere with the services provided by the U.S. Post Office. I have agreed because it seemed obvious to me that man had botched up postal service so much there was not anything left for meteorological forces to interfere with.

But what man has done in certain cases, he can undo. The President's call for sweeping postal reform is an historic and long-awaited call to action.

His proposed Postal Service Act of 1969 is the Magna Carta of the Mail. He has shown the three essential qualities of leadership, qualities which have been demonstrated again and again during these first few months of this administration.

He has shown courage—courage to tell the truth about political mismanagement, terrible working conditions for postal workers and the need for overall instead of patchwork reform.

He has shown imagination—imagination in his call for removal of the Post Office from the Cabinet, creation of an independent postal service wholly owned by the Government, and collective bargaining rights for postal employees.

He has shown concern—concern for postal employees, for the citizens who use the postal services and for all Americans who suffer from inadequate, high-cost postal services.

The President's message points to a great day when, in the field of postal service, all we will have to worry about is the weather.

GENERAL LEAVE

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the President's message on postal reform.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

OLD GLORY MUST FLY ON THE MOON

(Mr. RARICK asked and was given permission to address the House for 1

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minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, I join with millions of our fellow countrymen in applauding the successful Apollo X flight, and the safe return of our three astronauts to the United States. My congratulations go out to our space pioneers, Stafford, Young, and Cernan.

Mr. Speaker, I have consistently supported every space program because I sincerely believe the United States must maintain its leadership in the exploration of outer space as a matter vital to our national interest. We cannot tolerate space superiortiy by a hostile power.

And I am very concerned over the reluctance of our space administration people to confirm or deny to our citizens that our astronauts on reaching the moon may not be authorized to erect the U.S. flag.

Certainly the aerospace program is a U.S. commitment, made possible only by U.S. tax dollars, U.S. technology and the fearlesseness of the U.S. astronauts—some of whom have given their lives in this cause. To raise any other than the U.S. flag would be dishonest and inappropriate. When our men land on the moon, history and national pride demand that Old Glory be raised there.

I ask that our colleagues join in insisting that the flag of the United States be permanently emplaced on the moon—and that flag be one flown first over the U.S. Capitol.

I include a letter from NASA:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, D.C., May 23, 1969.

Hon. JOHN RARICK,
House of Representatives,
Washington, D.C.

DEAR MR. RARICK: We have received your inquiry on behalf of a constituent, concerning the possibility that the first astronauts on the moon may erect a United Nations flag.

As we approach the time when we may attempt the first manned landing on the moon, we are giving consideration to the symbolic articles, such as flags, emblems, or other articles, that should be carried on this historic mission, including articles to be left on the moon to commmemorate the landing and those that might be taken to the moon and brought back to earth for permanent display. Before making decisions on these matters, a careful review is being made within NASA, taking account of the many suggestions received from outside the Agency.

We appreciate knowing of your constituent's expression of concern, and assure you that all viewpoints will be seriously considered before decisions are reached.

Sincerely yours,
ROBERT F. ALLNUTT,
Assistant Administrator for Legislative Affairs.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** The gentleman from New York makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 63]

Anderson, Calif.
Ashley
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Boland
Brown, Calif.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Chisholm
Clark
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
Cunningham
de la Garza
Dowdy
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Ford, William D.
Foreman
Gallagher
Gettys
Goldwater
Hébert
Helstoski
Holifield
Hunt
Kirwan
Kuykendall
Kyl
Latta
McClure
Macdonald, Mass.
Martin
Mollohan
Morton
Pike
Pollock
Powell
Price, Tex.
Randall
Rees
Reifel
Rosenthal
Roudebush
Roybal
Sandman
Scherle
Scheuer
Stephens
Stratton
Stubblefield
Symington
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tunney
Watts
Weicker
Wiggins
Wilson, Bob
Wold
Young

The **SPEAKER.** On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MODIFYING ELIGIBILITY REQUIREMENTS GOVERNING GRANT OF ASSISTANCE IN ACQUIRING SPECIALLY ADAPTED HOUSING TO CERTAIN VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 408) to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required, with Senate amendments to the House amendments, and concur in the Senate amendments to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendments, as follows:

Page 1, line 4, of the House engrossed amendments, strike out " '$15,000' " and insert " '$12,500' ".

Page 1, strike out all after line 4 over to and including line 2 on page 2, of the House engrossed amendments, and insert:

"SEC. 3. Section 1811(d) of title 38, United States Code, is amended by striking out '$17,500' each place where it appears therein and inserting in lieu thereof in each such place '$21,000'."

Mr. TEAGUE of Texas. Mr. Speaker, the motion that I have made will send the bill to the White House. As passed by the Senate, the measure enlarged the class of beneficiaries for paraplegic housing to include those who had lost one extremity and who had a residual of a disease which preclude locomotion without a wheelchair. The House in passing the bill as reported unanimously by the Committee on Veterans' Affairs increased the amount of the paraplegic grant from $10,000 to $15,000. This grant had not been increased since 1948 when the law was first passed. Since that time housing costs have more than doubled. Our committee felt that we were acting in a conservative and responsible way in providing for a 50-percent increase which has now been reduced by one-half by the Senate action. The House also increased the amount of direct loans from $17,500 to $25,000. The Senate amendment reduced it to $21,000. The House also provided loan guarantee eligibility for those individuals who live in satellite towns and who wish to participate in the Veterans' Administration loan guarantee program. The Senate accepted that amendment.

Mr. Speaker, I am concurring in these amendments by the Senate with considerable reluctance in an effort to get a bill passed as promptly as possible. I feel that the action of the Senate is unduly restricted and not in accordance with the economic facts of life with which we are faced today.

The Senate made one other amendment of a technical nature. The existing law permitted direct loans to be made in certain areas where such action was warranted in the discretion of the administrator up to $25,000. The House in passing the bill had eliminated that provision because a general limit of $25,000 was set. The Senate has restored this previous discretionary limit of $25,000 and my motion would concur in that action also.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask a question of the gentleman from Texas (Mr. TEAGUE), and that is this, if all amendments are germane to this bill?

Mr. TEAGUE of Texas. Mr. Speaker, if the gentleman will yield, all amendments are germane.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

Mr. HALL. Mr. Speaker, further reserving the right to object, as I understand it, if the distinguished gentleman would reply, this is the bill that passed the House on the Consent Calendar the other day for the paraplegics and other veterans, making those in our current conflict eligible, and also raising the housing allowance for those requiring special types of habilitation.

The gentleman says the Senate amendments are germane. Do I also understand that they have reduced the amounts payable to these needy veterans in either the paraplegic or multiple-am-

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putee categories? Is this acceptable to the distinguished chairman of the Committee on Veterans' Affairs?

Mr. TEAGUE of Texas. Mr. Speaker, if the gentleman will yield, well, I do not think it should have been reduced, but in order to get a bill through I did confer with the minority members and we reluctantly agreed to the amendments.

Mr. HALL. Mr. Speaker, does the distinguished gentleman, the chairman of the House Committee on Veterans' Affairs, who has done so much for veterans in the field of housing, feel that in order for the expeditious handling of the bill that the Senate amendments, even though they are reduced in places where one feels we are being penny wise and pound foolish, is more important than a conference with the other body wherein with the gentleman's expertise he might work out this problem for the betterment of the veterans?

Mr. TEAGUE of Texas. Yes, I do. However, our committee will be taking up the subject of housing later in this session and I would like at this time for this legislation to go on through.

Mr. HALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments to the House amendments were concurred in.

A motion to reconsider was laid on the table.

DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. WHITTEN. Mr. Speaker, I renew my motion that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11612, with Mr. Wright in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through line 3 on page 26 of the bill.

If there are no amendments to be offered at this point, the Clerk will read.

The Clerk read as follows:

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed $5,000 for employment under 5 U.S.C. 3109, $4,838,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That not to exceed $2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That not to exceed $250,000 of funds contained in the Working Capital Fund established under authority of Public Law 78–129 may be used to carry out responsibilities under the Civil Rights Act of 1964.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Findley: On page 30, line 19, strike the period and insert the following: ": *Provided further*, That the Agricultural Act of 1949, as amended, is amended by repealing section 103(d) (12)."

Mr. WHITTEN. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi reserves a point of order.

Mr. FINDLEY. Mr. Chairman, the cotton program contains what is called the snapback provision on which this body heard considerable comment yesterday. I believe all are agreed who are critical of the cotton program that this is an undesirable feature. I view it in that light myself.

It was put in the program in order to provide a fallback in the event that a limitation on payment should subsequently be voted by Congress.

The purpose of this amendment is to strike that provision from the law.

I might add, too, that even though the snapback creates an element of uncertainty as to just how the cotton program would be carried out, nevertheless I feel that it is possible for the Department of Agriculture to carry out the snapback provision in a manner that will still be subject to the $20,000 limitation amendment which was accepted by the Committee yesterday.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, as I understand the amendment offered by the gentleman from Illinois, it would in effect repeal the 1965 snapback provision in the existing legislation?

Mr. FINDLEY. Exactly.

Mr. GERALD R. FORD. If his amendment is not approved, does the gentleman agree with the figures that were discussed yesterday during the consideration of the appropriation bill that there would be an additional $160 million cost to the program under the Conte amendment.

Mr. FINDLEY. I must respond this way: that I believe it is conceivable that the snapback provision could be carried out in such a manner as to increase costs of the program, but I believe it is also conceivable that the snapback provision, providing as it does a latitude of choice and ways for the Secretary to go, could be administered in a manner as to reduce considerably the cost of the cotton program as compared with the cost for 1968.

I would be glad to elaborate on that.

Mr. GERALD R. FORD. But the effort of the gentleman at this time by his amendment is to a degree an admission that it could be a greater cost to the taxpayers as a consequence of the amendment which was agreed to in the Committee of the Whole?

Mr. FINDLEY. That is assuming unwise administration. I do not accept that assumption.

Mr. GERALD R. FORD. Let me add one other point, if I might.

Under the limitation, up to $20,000 would be paid in the regular way. But it is also true that the remainder that would be owed to the farmer or to the farm up to the amount previously obligated would come from another fund; is that correct?

Mr. FINDLEY. I am sorry, I must say I did not follow the gentleman's question.

Mr. GERALD R. FORD. Well, it would be agreed under the Conte amendment limitation that any farmer or farm could get up to $20,000.

Mr. FINDLEY. That is correct. It would establish such limitation.

Mr. GERALD R. FORD. Under the snapback provision in the existing law, is it not true that further sums or payments under that law would also be paid?

Mr. FINDLEY. It depends on the administration. If the Secretary should elect to go with the authority for simultaneous purchase and sale, it is my belief, and I have not had anyone in the Department seriously challenge this, the Department can construe simultaneous purchase and sale as another form of direct payment and, therefore, subject to the limitation.

Mr. GERALD R. FORD. But the intent of the law when Congress passed the snapback provision was to make full payment, regardless of any limitation.

Mr. FINDLEY. That is correct. But I would like to say that the intent of the Congress expressed in the payment limitation amendment came after the snapback was voted by the Congress.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. DENNEY. Is it not true that with the snapback provisions in there that the Secretary would be required to pay 65 percent of parity; that is, a very minimum up to 90 percent?

Mr. FINDLEY. Yes; that is assuming he does not go by the simultaneous purchase and sale route.

Mr. DENNEY. He has the other alternative.

Mr. FINDLEY. If he goes by the simultaneous purchase and sale route, it would properly be considered as a direct payment.

Mr. DENNEY. That is right, and there is no guarantee if he would go by that route that your $20,000 limitation would apply on that type of procedure; is there?

Mr. FINDLEY. Assuming good administration—and I am glad to make that assumption—I feel that the $20,000 limitation would apply. But I might also add that the rule of germaneness does not apply in the other body and the Senate will have the opportunity to consider striking this snapback. It is also fair to say that the Committee on Agriculture, that is the legislative committee, would take note of this limitation on payments and very likely would be in session the very next morning considering additional cotton legislation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENNEY. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for an additional minute.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DENNEY. Is it not true at this time under present parity prices, that cotton support price is at 43 percent of parity?

Mr. FINDLEY. I have heard that 65 percent of parity on cotton, 1-inch Upland Middling cotton, is about 30 cents a pound, but how that translates in terms of payments, I am not quite sure.

Mr. DENNEY. I think research will show that present price support is about 43 percent. So if your amendment goes through, we are definitely faced with a minimum of 65 percent on the buy and sell procedure which you originally were talking about here. Then there is the question of whether or not there is a $20,000 limitation. So it is conceivable that this amendment could cost $160 million more than the $300 million that it saves.

If that happens, then it is conceivable that the small farmer, because that will come out of the Commodity Credit Corporation funds, could lose by virtue of this amendment; is that not true?

Mr. FINDLEY. In this world where we are hopping to the moon and back, almost anything is conceivable—but I do not think the assumption is a reasonable one to make.

Mr. DENNEY. Do you agree that this administration has only had 4 months to try to work out the problem in this agricultural fiasco and then do you agree that there should be some limitation on some of these farm subsidy programs, and possibly we should give the administration time to get a bill before the Committee on Agriculture and to the Committee on Appropriations?

Mr. FINDLEY. They have ample time between now and when the limitation amendment will be effective to come up with a new program and get it enacted by the Congress. So I view this as a valuable spur to the legislative process.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. FINDLEY was allowed to proceed for 5 additional minutes.)

Mr. WHITTEN. Mr. Chairman, my reservation still applies, does it not?

The CHAIRMAN. The gentleman from Mississippi still reserves his point of order against the amendment, but the unanimous-consent request that the gentleman from Illinois may be allowed 5 additional minutes finds no objection, therefore the gentleman from Illinois is recognized for 5 minutes.

Mr. FINDLEY. May I just make a comment to explain in part why I have offered the amendment. In the past couple of months I have had a number of discussions with officials of the Department of Agriculture as to the problems they might encounter administratively should a limitation on payments be enacted by the Congress. They did express concern about the snapback provision, and I assured them that if a limitation amendment was successful, I would do the best I could to get a second amendment accepted by the House which would have the effect of eliminating what they considered to be a troublesome problem.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield further?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. This morning the implications of the so-called Conte amendment were discussed at the White House with Secretary of Agriculture Hardin. Secretary Hardin stated that he felt obligated to carry out the provisions of the snapback law as Congress intended, and if that were done—and he indicated that it was their responsibility to do so—the Conte amendment would place an additional burden on the taxpayers to the extent of $160 million. I have a great deal of faith in the integrity and the knowledge of the Secretary of Agriculture, and when he tells me that he is obligated to carry out the law which the gentleman now wants to repeal, the continued existence of which law will cost $160 million more because of the Conte amendment, I am going to vote against the Conte amendment.

Mr. FINDLEY. Of course, the gentleman has an advantage on me because I was not present at that discussion. But did the Secretary consider the alternative which is written into the snapback provision which would give him this other course of action to take if he elected to do so, that is, the simultaneous purchase and sale route?

Mr. GERALD R. FORD. I assume that the Secretary of Agriculture, who had one or more of his advisers with him, had considered that possibility. But he stated categorically that he would be obligated to carry out the so-called snapback provision of the existing law, and as a consequence, the additional burden to the taxpayer would be $160 million as a result of the Conte amendment.

Mr. FINDLEY. The gentleman makes a very good argument for the amendment I have now offered. Also may I express the hope that either by the amendment now before the House or by some subsequent action in the Senate or otherwise we can eliminate the snapback provision?

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I am glad to yield to the gentleman from Minnesota.

Mr. LANGEN. Is it not true that this kind of demonstrates the folly of the amendment we adopted yesterday as well as the one now proposed?

Mr. FINDLEY. No, I think it clearly demonstrates that the House does have a means to put a spur on the legislative process when there has been such a long lapse of time without any action whatever.

Mr. LANGEN. What we are talking about is a snapback provision, but the amendment applies only to crops planted during the fiscal year 1970. None of those provisions will go into effect until after the moneys in this appropriation bill have long been expended. So consequently you cannot associate the moneys in this bill with the provisions of the snapback language which would apply to a crop that will not even be harvested.

Mr. FINDLEY. I must interrupt to say that the moneys provided in this bill will affect the salaries of those officials who would formulate the programs for the 1970 crops.

Furthermore, as the gentleman very well knows, under the provisions of the Feed Grains Act there is a provision for advance payment in the springtime, which would clearly cover this period.

Mr. LANGEN. There is no provision in the appropriation bill for such payment. The past administration recommended that it be eliminated, and there are no moneys in the appropriation bill for that purpose.

Mr. FINDLEY. Is there anything in the statute to prevent advance payments?

Mr. LANGEN. When we are talking about a snapback provision, we are talking about a provision which is to apply to the crops planted in fiscal 1970, which means planting after July 1 of this year. Those crops will not become subject to any kind of payment while these moneys are available for expenditure.

Mr. FINDLEY. Can the gentleman clear up whether he is for the amendment, offering an amendment to the amendment, or just what?

Mr. LANGEN. I just indicated to the gentleman that both this amendment and the one yesterday will not serve a proper purpose in limiting expenditures.

Mr. FINDLEY. If that is true then there is nothing for him to worry about.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. HUNGATE, and by unanimous consent, Mr. FINDLEY was allowed to proceed for an additional minute.)

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman on his courage and I would say that I believe now there really was a Daniel and he did go into the lion's den.

I ask the gentleman if this amendment is similar to the one that was adopted in a previous Congress and deleted in the Senate.

Mr. FINDLEY. This amendment, or one with the same effect, was a part of the amendment which was voted by the House on July 31 last year. Unhappily, under the rules applying to appropriation bills, such is subject to a point of order, and the gentleman from Mississippi will, no doubt, make the point of order. But that does not mean we are unable to take some means of getting the snapback provision out of the law—and I believe we can. I would believe the

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Senate, if it accepts the limitation, will also take the necessary measures to eliminate the snapback provision.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Illinois.

The CHAIRMAN. The gentleman from Mississippi reserved a point of order.

Mr. WHITTEN. Mr. Chairman, I reserved a point of order and I would like to be heard in support of it.

Mr. Chairman, the colloquy that has taken place has gone rather far afield. But if I may presume on the House a little bit, I would like to recite a little history which makes it quite clearly subject to a point of order.

I must again point out that the Commodity Credit Corporation is a corporation with all the rights and powers of a corporation. Yesterday the Chair held—and I may say I still differ respectfully with the point of view—that this amendment or limitation was in order since it would apply to the money in this bill. If that language should stay, it means all the payments throughout the country of $20,000 and under would be paid from the money in this bill.

But I, in turn, will point out again the authority of the Corporation and its obligations and commitments both under the law and under its charter. We have put this language in our report and it is surplusage, but we merely wished to call to the attention of the Members conditions as they exist, and I will read:

> If necessary to perform the functions, duties, obligations or commitments of the Commodity Credit Corporation, administrative personnel and others serving the Corporation shall be paid from funds on hand or from those funds received from the redemption or sale of commodities. Such funds shall also be available to meet program payments, commodity loans, or other obligations of the Corporation.

So as the matter now stands, every recipient of a $20,000 payment or less will get it from this money. Every recipient of more than that should, under the obligations and authority of the CCC, get his money from the Corporation from assets it has on hand today, and its total assets, including cash loans outstanding and commodities it owns, amounts to around $5.6 billion.

As I pointed out yesterday, it would result in two sets of books, and might result in buying computers and having extra personnel.

What the gentleman tried to do yesterday and what the gentleman comes in and tries to do today is to repeal other legislation by language in an appropriation bill. The gentleman got by with a ruling yesterday, and now he wants the rest of the hog. He wants to repeal outright the basic Farm Act which provides the so-called snapback language, and this differs somewhat from the interpretations of my friend, the gentleman from Illinois. This snapback provision says, on page 156 of the "Compilation of Statutes Relating to Agriculture," issued January 1, 1969, as follows:

> Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support . . . price support to cooperators shall be made available for such crop . . . at such level not less than 65 per centum nor more than 90 per centum . . .

Sixty-five percent of parity would raise the present price we guarantee on loans on cotton from 22-and-a-fraction cents to 30-some-odd cents. We can see the extra cost there.

My colleague from Illinois says that provision also says the Secretary may purchase the cotton and resell. It does provide that, but it says he must purchase at from 65 to 90 percent of parity.

I respectfully submit that this is an outright repeal of that section of the Agricultural Farm Act which Congress extended last year. As such it is all legislation; not just a little legislation on an appropriation bill. It is fully and entirely a repeal of that part of the Agricultural Act of 1968.

For that reason I renew my point of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. FINDLEY. Very briefly, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FINDLEY. Mr. Chairman, I really cannot insist it is not subject to a point of order, but I do take this opportunity to clarify one item.

The gentleman mentioned it authorized the Secretary to purchase and then to resell. The expression in the snapback provision is simultaneous purchase and sale, which is a bit different from what one might ordinarily deduce from the words the gentleman used. Simultaneous purchase and sale would be the equivalent of a direct payment to the farmer involved.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman.

Mr. WHITTEN. The language says that under those circumstances the Secretary may purchase cotton at the support price and resell at a lower price, or make loans. I respectfully submit that the section merely says he may purchase at the lower level, which would be 65 percent. He can either make a loan at 30 some-odd cents or buy at 30 some-odd cents and then sell it for the world price.

The reason why the farmer is in this fix is we have him selling at a world price and paying American prices for everything he uses.

The CHAIRMAN (Mr. WRIGHT). The Chair is prepared to rule.

The gentleman from Illinois offers an amendment, and the gentleman from Mississippi makes a point of order against the amendment on the ground that it proposes legislation on an appropriation bill.

Obviously, to amend or repeal the provisions of existing law would be, in itself, legislation.

The amendment offered by the gentleman from Illinois by its terms would amend the Agricultural Act of 1949 and would repeal section 103(d)(12) of that act. Therefore, the amendment would constitute legislation on an appropriation bill; and the point of order is sustained.

The Clerk will read.

The Clerk read as follows:

> SEC. 510. Positions in the agencies covered by this Act, whether financed from funds contained in this Act or from other sources, may be filled during the fiscal year 1970 without regard to the provisions of section 201 of Public Law 90-364, and such positions shall not be taken into consideration in determining number of employees under subsection (a) of that section or numbers of vacancies under subsection (b) of that section.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. EDWARDS of California: On page 40, after line 4, insert:
>
> "SEC. 511. None of the funds appropriated by this Act shall be used within any state or county for any program or activity subject to title VI of the Civil Rights Act of 1964 not in compliance with said title VI of the Civil Rights Act of 1964."

Thank you, Mr. Chairman.

I especially want to thank the chairmen of the full committee and of the subcommittee for their courtesy to me and to my associates in our discussions in the past week on this subject.

Mr. Chairman, I think there is something that Mr. Justice Brandeis said back in 1928 which applies to the amendment I am offering today. Mr. Justice Brandeis said:

> Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

Title VI of the Civil Rights Act which we passed in 1964 is very specific. It says that no Federal funds shall be used in any Federal agency or any Federal program where there is racial discrimination. This title VI directs every Federal agency not to discriminate and says that they cannot have Federal funds if they so do.

Mr. Chairman, I also think every Member here knows that the Department of Agriculture for many years has been a flagrant violator of title VI of the Civil Rights Act. In 1965 the Civil Rights Commission wrote a very complete book entitled "Equal Opportunity in Farm Programs." They have not been disputed generally in their statement that there was widespread discrimination in employment and generally in program administration. I regret to say that the situation has changed little recently. On May 19, just last week, I spoke at length here in the House and included the details in the CONGRESSIONAL RECORD. The violations cited by the Attorney General and the U.S. Commission on Civil Rights include, among others:

First, widespread discrimination in 4-H Club programs;

Second, failure of the Extension Service and Farmers Home Administration to benefit the black poor in 16 Alabama Counties;

Third, the Cooperative Extension Service's racial segregation in 12 Alabama counties with Negro extension workers serving a potential caseload almost five times as great as white workers;

Fourth, the granting by the Farmers Home Administration of smaller loans to Negroes as compared to whites in the same economic status; and

Fifth, discrimination in the appointment of Negroes in the South by the Soil Conservation Service and the Agricultural Stabilization and Conservation Committee.

On March 19, 1969, the new Attorney General of the United States wrote a letter to the new Secretary of Agriculture, wherein he set forth in detail the discrimination that still exists and the violations of title VI of the 1964 Civil Rights Act that still exist, as reported in a new staff study by the Civil Rights Commission. I placed the entire letter of the Attorney General in the RECORD on that day. I mention one sentence of this letter in particular:

> Patterns of violations of title VI and the Department of Agriculture's implementing regulations persist, . . . and despite the evidence of these widespread violations of law . . . I am not aware of any meaningful action which has been taken to correct this situation.

This is the Attorney General writing to the Secretary of Agriculture.

On the same day, May 19, I wrote a letter to Secretary Hardin and asked what his plans were regarding the report of the Civil Rights Commission and this letter from the Attorney General.

I want to say, Mr. Chairman, that his reponse was quick, it was heartening. He gave assurance in the letter that the new Secretary of Agriculture is dedicated to the elimination of discrimination in his department.

The purpose of my amendment today which the members of the Committee have heard the Clerk read is to help him eliminate discrimination in Department of Agriculture programs.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS of California. Mr. Chairman, my amendment is similar to the amendment offered by our colleague (Mr. SCHERLE) last week where college funds are cut off if congressional mandates are not complied with. My amendment would cut off Federal funds where there is a violation of Federal law. Title VI is as clear as that.

Mr. Chairman, I am the first to admit that it is a restatement of the existing law because it is precisely what title VI of the Civil Rights Act provides. However, I insist it is an essential restatement and it will aid the Secretary of Agriculture in ending discrimination. It will be a tool which he can use to accomplish more easily the determination he outlined in his letter.

Mr. Chairman, I suggest to my colleagues that it is very important in these days of unrest and dissention that the Federal Government sets the example for the rest of the country and complies with its own laws duly passed.

Therefore, I urge bipartisan support of the amendment.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent (at the request of Mr. ANDERSON of Illinois) Mr. EDWARDS of California was allowed to proceed for 3 additional minutes.)

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman from California yield at this point?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. ANDERSON of Illinois. I certainly sympathize with the objective that you are trying to obtain, that Federal funds, whether they be for these programs or for any other programs, not be applied in a discriminatory manner.

However, as the gentleman began to explain his amendment he stated that title VI is quite specific. It still is not clear to me after hearing the explanation given by the gentleman of his amendment as to why it is necessary, then, as the gentleman himself put it just a moment ago, that we have a restatement in effect of title VI.

The second question that I would address to the gentleman is this: Why is it not possible for legal action to be taken under title VI in the event that these programs are not being carried out in accordance with that title? Why do we have to restate the law?

Mr. EDWARDS of California. I believe it is important to restate the law here because my amendment precludes the use of these specific funds being appropriated in this bill for programs where there are violations of title VI.

It highlights to the Secretary of Agriculture and to the people running the agencies out in the countryside that Congress means business insofar as title VI is concerned.

Mr. ANDERSON of Illinois. If the gentleman will yield further, I am sure we mean business with regard to title VI, as I believe the gentleman in the well knows, but are we then going to be required from now on to draft a similar provision on every single appropriation bill indicating that we meant what we said back in 1964? If that is the case, I believe the better legislative procedure would be to go back and amend the Civil Rights Act of 1964 so that we do not have to repeat this belief with every single appropriation bill.

Does the gentleman agree with that?

Mr. EDWARDS of California. I do not particularly agree with my colleague, because the violations since 1964 in this particular area have been so flagrant. This is one part of the Civil Rights Act of 1964 that has not received the kind of compliance that we intended when we passed the bill. So I believe that there can be a situation once in a while where Congress reemphasizes what it meant in the original legislation.

In answer to the second question asked by the gentleman, I would say, Yes, actions can be filed, and the letter of the Secretary of Agriculture pointed out to me that he is employing and assigning additional agents, additional employees and attorneys to the enforcement areas of the Department of Agriculture. And I congratulate the Secretary in this effort.

Mr. ANDERSON of Illinois. Again, if the gentleman will yield further, let me state that I understand the objective sought by the gentleman, but to me there seems to be a further redundancy in the effort the gentleman is making, particularly in view of the assurances the gentleman says he now has from the Secretary of Agriculture, and from the Attorney General.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. EDWARDS of California was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of California. Let me answer the gentleman by saying that the letter of the Attorney General to the Secretary of Agriculture set forth in great detail the violations in the enforcement machinery of the Department of Agriculture.

The letter of the Secretary of Agriculture—and I shall ask unanimous consent to insert the letter in the RECORD at this point.

The CHAIRMAN. The Chair will state that the gentleman will have to obtain that permission when the Committee goes back into the House.

Mr. EDWARDS of California. Mr. Chairman, I shall ask for that permission at that time.

The answer of the Secretary of Agriculture to me was not satisfactory, and it was not really responsive to the suggestions made by the Attorney General in that it merely did two things: instead of agreeing with any of the structural suggestions that the Attorney General had set up, it gave his commitment to the enforcement of title VI, reemphasized his commitment; and, second, promised to provide additional enforcing officers.

The CHAIRMAN. The time of the gentleman from California has again expired.

(On request of Mr. LANGEN, and by unanimous consent, Mr. EDWARDS of California was allowed to proceed for 2 additional minutes.)

Mr. EDWARDS of California. I thank the gentleman for yielding the additional time.

Mr. LANGEN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman.

Mr. LANGEN. Having had the occasion to view the amendment quite carefully, what puzzles me is with regard to the extent to which there might be administrative difficulties with the amendment.

While I am in complete agreement with your objective, I am wondering what the gentleman's intent is. For instance, the amendment reads that no appropriations under this act shall be used within any State or county for any program or activity subject to title VI of the Civil Rights Act of 1964 not in compliance with title VI of the Civil Rights Act of 1964.

Now let us hypothetically suppose that it is determined—and I do not know by what means it is going to be determined—that there is a violation in the State extension office, for instance.

Would this then deprive the State of extension funds for the entire State and deprive services to people in other areas of that State where possibly there are no violations, so that the public might be the big loser in service.

Mr. EDWARDS of California. The intent of my amendment is not to deprive the entire State or county of funds. It would deprive particular discriminating programs of funds, and I presume that it would be determined in the usual way by the Secretary of Agriculture.

Mr. LANGEN. Is that not what the gentleman's amendment says—that no appropriation—no funds appropriated by this act shall be used within any State? If there were a violation in the State office, it would apply to the whole State?

Mr. EDWARDS of California. No, the reason the words "or county" were included was so that the specific objection that the gentleman raises could not be inferred.

Mr. LANGEN. Then why have that provision—"or activities within a county," when there might be a violation in only one small segment thereof?

Mr. EDWARDS of California. I presume that the discretion that the Secretary of Agriculture would enjoy would be the same kind of discretion that the Secretary of Health, Education, and Welfare enjoys when he cuts off funds for any particular function in any of the States and counties of the United States.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. O'HARA. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. O'HARA. Mr. Chairman, will the gentleman yield for a question?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. O'HARA. I want to make sure that I understood the gentleman from California. The gentleman by his amendment does not propose, as I understand it, that any agricultural programs not now covered by title VI of the Civil Rights Act of 1964 be covered or that any programs presently covered be removed from coverage; is that correct?

Mr. EDWARDS of California. The amendment changes in no way the jurisdiction for coverage of title VI.

Mr. O'HARA. I believe it is the gentleman's purpose, as expressed in response to the question of the gentleman from Illinois, that whether or not the amendment passes the appropriate programs of the Department of Agriculture will continue to be subject to title VI of the Civil Rights Act of 1964?

Mr. EDWARDS of California. That is the exact truth. Programs of the Department of Agriculture are still subject to the provisions of title VI of the civil rights bills. They will still be subject whether of not my amendment is approved.

Mr. O'HARA. I would agree completely with that. I think it is very important that your amendment pass to emphasize the Department's obligations but it should be made clear that a failure to agree to your amendment would in no way diminish the present coverage of title VI of the Civil Rights Act of 1964. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CONYERS. Mr. Chairman, I regret that I am unable to be on the floor of the House today to join my distinguished colleague, the gentleman from California (Mr. EDWARDS), in his amendment to the agriculture appropriations bill. I support my colleague in his assertion that no funds be appropriated for any Department of Agriculture program or activity that is unwilling to comply with title VI of the 1964 Civil Rights Act. Unless such an amendment is passed, I fear that we will continue to have major problems in the area of compliance with civil rights laws. Without a built-in measure requiring compliance through the withholding of funds wherever necessary, separate funds for civil rights enforcement will not be enough. We have passed the time when the disadvantaged and dispossessed can be appeased by good intentions; Congress must act now to fully enforce the civil rights laws which are already on the books. Again, I deeply regret that I cannot be here to support this amendment in person, but I hope that the mission of which I am a part will prove to be equally important to all Americans.

Mr. BARRETT. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. EDWARDS) which would prevent funds appropriated under this bill from being used for any Agriculture Department program or activity that is unwilling to comply with the present Federal law as set forth in title VI of the Civil Rights Act of 1964, which prohibits use of Federal funds in programs that discriminate on the basis of race, color, or creed.

This amendment is similar in form and purpose to that approved by the House during consideration of the appropriations bill funding higher education activities. The need for this amendment has been completely documented and was set forth in the CONGRESSIONAL RECORD on May 20, 1969, by the gentleman from California.

The inclusion of funds in this bill so the Agriculture Department can meet its responsibility under the Civil Rights Act of 1964, does not lessen the need for this amendment. On the contrary, it clearly indicates the awareness that there has been discrimination practiced in Agriculture Department programs and that correction is needed.

I urge the Members to support the amendment.

Mr. RYAN. Mr. Chairman, I move to strike out the last word, and rise in support of the amendment.

Mr. Chairman, 5 years after the enactment of the Civil Rights Act of 1964, this amendment should not be necessary.

But shocking as it may be, the Department of Agriculture has not enforced title VI of the Civil Rights Act of 1964. Therefore, the amendment presents an opportunity to serve notice on the Department that it must insure that its programs are available to all our citizens on an equal basis.

I hope the House will pass this amendment in that spirit.

Both the U.S. Commission on Civil Rights and the Attorney General have recently taken the Department of Agriculture to task for its failure to enforce equal opportunity in its programs.

A staff report issued by the Civil Rights Commission on hearings held last year in Montgomery, Ala., documented extensive discrimination in programs administered by the Department of Agriculture in a 16-county area. The report specifically cited six examples of programs which were being operated in a discriminatory manner:

First, Cooperative Extension Service personnel were assigned on a segregated basis, with white staff members servicing whites, and black staff members servicing only blacks;

Second, the assignment of five times as many cases to black Cooperative Extension Service staff members as to their white counterparts;

Third, widespread discrimination in 4-H Clubs in the 16-county area;

Fourth, the segregation of programs available to 4-H members, where the Commission found that blacks were predominantly being grouped in the most elementary and menial programs, while whites were receiving training in more mechanized farm skills;

Fifth, discrimination in the Farmers Home Administration, making a disproportionate amount of loan funds available to whites even though the black applicants were of approximately the same economic status; and

Sixth, discrimination by FHA in the types of loans approved, where the Civil Rights Commission found that 64 percent of the loans made to blacks were for subsistence or marginal development, whereas loans for rural housing and homeownership were available to whites.

In October of last year the Civil Rights Commission forwarded another report to the Department of Agriculture entitled "Mechanisms for Implementing and Enforcing Title VI of the Civil Rights Act of 1964." In this report the Commission made it clear to the Department that its title VI compliance program was seriously defective. It was understaffed, inadequately trained, and failed to collect meaningful racial data to be used in evaluating the effect of its programs on minorities.

Then this spring, on April 16, as the gentleman from California has pointed out, the Attorney General of the United States, in a very strong letter to the Secretary of Agriculture, pointed to persistent violations of title VI and numerous deficiencies in the enforcement of equal opportunity in the Department's programs. The Attorney General said it was imperative that the Department implement effective compliance with title VI, and he made a number of recommendations for improving the program, including the replacement of the present Office for Civil Rights in the Department of Agriculture with an expanded office for equal opportunity directly responsible to the Secretary, which would possess clear-

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cut authority to affect agency performance. He also recommended that racial data be collected as a basis for judging performance.

The reports of the Civil Rights Commission and the letter from the Attorney General to the Secretary of Agriculture indicate the clear failure on the part of the Department to enforce title VI, which requires that funds not be expended for programs in which there is discrimination. The recommendations of both the Civil Rights Commission and the Attorney General, if implemented, would result in far more vigorous enforcement of title VI. Additional pressure is needed to insure that the Department accepts these recommendations and moves immediately to correct the deficiencies.

By approving the amendment, which states that none of the funds being appropriated under this bill shall be used within any State or county for any program or activity which is subject to title VI of such program or activity in that State or county is not in full compliance this House today can generate the pressure which is necessary on the Department of Agriculture.

Time and again in past years civil rights statutes enacted by the Congress have been thwarted by the failure of Federal agencies to enforce the law. Let us serve notice through this amendment that we expect those statutes to be enforced, and that we expect each and every administrative agency to take vigorous steps to insure that their programs are available on an equal opportunity basis. Let us make clear our own dissatisfaction with the failure of the Department of Agriculture to bring its programs into compliance with title VI. There is no justification for the continuing failure to enforce the law.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment. I know the feelings of the gentleman from New York and the gentleman who preceded him. I have before me the Civil Rights Act of 1964. It is a very thorough document, as many of you realize, and goes far beyond what I consider fair play. But be that as it may, if it suffers from anything, it suffers from the fact that it is so far reaching, it does reach everything that has been described here. That general law applies to the whole United States.

The author of the amendment, the gentleman from California (Mr. EDWARDS), has said the Attorney General of the United States has stated that the Department of Agriculture must carry out the provisions in the Civil Rights Act of 1964 as amended.

The gentleman says further that the present Secretary of Agriculture has advised the gentleman, by letter, that the Secretary means to see that all employees of the Department carry out the Civil Rights Act of 1964, as amended, which would appear all the gentleman from California should want.

But let me point out, nonetheless, whatever our attitudes or feelings, the amendment that has been offered has been supported here by quoting from a 1965 report of the Civil Rights Commission. There are some I know who feel this was a strictly objective report, and there are others who, like me, feel this was an ex parte hearing and partisan hearing. But at any rate this was 4 or 5 years ago. In 1966 Congress provided a special section on civil rights, on the enforcement of the Civil Rights Act in the Department of Agriculture. So, since 1965, the Department has had this special section setup.

Not only that, but also the letters the gentleman mentioned were sent up in the last 2 or 3 weeks, in the case of the Secretary of Agriculture.

Granted that the Civil Rights Act is applicable, and provides for hearings, and provides for remedies and it provides who shall determine, the amendment offered by the gentleman—and this will be the latest expression in civil rights—does not show me who shall determine whether anyone is in violation. We have 3,600 or 3,700 counties in the United States. As was pointed out by my colleague on this committee, the gentleman from Minnesota, if we have one little corner in a county in violation, does that mean all the people in the State will be without these programs, or even the entire State?

Another thing, this provision has to do with all the funds in this bill. My friends, there are $80 million in here for meat inspection. Does that mean because somebody—I do not know who—says some little meat plant in one corner of a big State is in violation of the act, that we will not have a dollar in the State of New York, for instance, to carry out the meat inspection duties? What is going to happen to public health?

One of the big problems in this country has to do with protecting ourselves from the importation of diseases and injurious insects. We have provisions for inspection at ports of entry to prevent this. If somebody has not carried out fully the Civil Rights Act of 1964, then will we take away all those people, the inspectors from the ports, and then these diseases and insects can be brought in and spread throughout the United States?

The point I make, although the gentleman states, I believe he restates the law. If so he does so and in a rather dangerous way, so the money we have in this bill for protection of public health will be endangered, for instance.

I hope we may vote down this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I certainly do not intend to take the 5 minutes.

I understand that while I was out of the Chamber there was a colloquy in regard to the cost of the so-called Conte amendment. There was a big pow-wow or meeting. As a result of that, it was said the cotton part of the program would cost $160 million more. Someone else who was in the same pow-wow, and who must have been smoking a different pipe, came out and said it would cost $200 million more.

I would like to tell the House this: This is exactly the same amendment that was passed by the House last July. It will save the taxpayers $300 million.

I just cannot understand the bleeding hearts in this House, bleeding for the millionaire farmers and the big corporate farmers who are waxing rich and fat and some of the Congressmen who are waxing rich and fat on this subsidy program.

If the new Secretary of Agriculture does not feel this amendment is perfect, if he feels it needs perfection and it needs amendment, let him go over to the Senate side and let him perfect this amendment. We take no pride of authorship. If he wants to straighten out the amendment and make it better and make it workable, I will be glad to work with him.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it not correct that under the gentleman's amendment some $2.7 billion will continue to be distributed to small farmers in terms of farm subsidies? The amendment merely deals with the $300 million that goes to some 500 corporate farms. Is that what it is?

Mr. CONTE. That is exactly right—50 percent of the farmers receiving farm subsidies receive less than $500 a year. This amendment certainly will not hurt the small farmer. It will hurt the big farmer, the big corporate farmer. Those are the ones I am fighting here on the floor of the House.

The 1967 figures only show that five producers got over $1 million, for a total of $10.9 million; 15 producers got between $500,000 and $1 million, for a total of $9.5 million; 388 producers got between $100,000 and one-half million dollars, for a total of $64.9 million; 1,285 producers got $50,000 to $100,000 for a total of $84.6 million; and 4,843 producers got between $25,000 and $50,000, for a total of $161.7 million. The total received by all those receiving $25,000 in 1967—6,736 producers—was about $331.6 million.

I think it is high time we stopped it. I hope we will have a rollcall on this amendment. Let us put them on record and see who is interested in saving money for the taxpayers.

Mr. LANGEN. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to note the gentleman who just spoke in the well did not take any pride in his amendment of yesterday. Had I been him, I would not have taken any pride, either. An amendment which applies so poorly to the problem at hand certainly can give pride to no one.

On the amendment pending before the Committee, I want to register an objection to the amendment because of the difficulties in administering its provisions. Inasmuch as the civil rights law already has provisions whereby title IV can be carried out it is unnecessary. The Secretary of Agriculture has indicated his desire to enforce the law, as contained in the Civil Rights Act.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. LANGEN. I am glad to yield to the gentleman from Massachusetts.

Mr. CONTE. The gentleman who has the mike certainly has a short memory, because last July, on the same identical amendment which I offered, the gentleman from Minnesota voted "yea" with me.

Mr. LANGEN. I agree with the gentleman. I did so just that.

Mr. CONTE. I thank the gentleman.

Mr. LANGEN. The amendment was presented then at the right time, the right place, and in the right order. None of them existed yesterday.

Mr. WHITTEN. Mr. Chairman, may we have a vote on the pending amendment?

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The question was taken; and on a division (demanded by Mr. EDWARDS of California) there were—ayes 45, noes 82.

Mr. EDWARDS of California. Mr. Chairman, I demand tellers. Tellers were ordered, and the Chairman appointed as tellers Mr. EDWARDS of California and Mr. WHITTEN.

The Committee again divided, and the tellers reported that there were—ayes 66, noes 91.

So the amendment was rejected.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

OPPOSITION TO LIMITATION ON FARM PAYMENTS

Mr. Chairman, it has been announced that a rollcall will be sought on the Conte-Findley amendment.

I would like very much to have your attention for just a few moments in regard to the problem. The matter has again been discussed by the gentleman from Massachusetts this afternoon and I would like to discuss it briefly.

I want to say that the passage of the limitation-on-payment amendment would be a victory for the Conte-Findley team. But I would insist that it would be a defeat for the Republican leadership and the Democratic leadership and for both parties, a defeat for the consumers, as well as a defeat for the farmers themselves.

Now, let me give you some of the history with reference to this matter.

Last year, Secretary Orville Freeman sent to Congress a proposal for a 4-year extension of the farm program—a 4-year extension.

This was a Democratic effort to extend the present program for a 4-year period. The other body approved a 4-year extension. The House Committee on Agriculture did not like the 4-year proposal.

Republicans in the House decided—many of them did—that if we had a 4-year extension, it would be to the disadvantage of the new administration—if a Republican President were elected. The new President might be denied the opportunity to have his own program presented early to the new Congress.

When the vote came in the House on the limitation on payments there were Members of the House on both sides of the aisle, particularly on the Republican side of the aisle, who voted for the limitation of payments, who were not necessarily in favor of the limitation on payments. As a matter of strategy they voted for the limitation on payments because they were concerned that the House conferees would go to conference with the other body, capitulate on the 1-year program and get a 4-year bill and bring it back and then they would be outvoted on final passage. So, they made sure that the bill would come back for another vote by tying onto it the limitation on payments. This is what the true legislative situation was last year when the payment limitation was voted upon. It is not inconsistent today for any Republican or any Democrat who voted for limitations last year to vote against the Conte-Findley limitation amendment. The situation confronting us now is entirely different. The best interest of the country requires a vote against the amendment for reasons which the debate on the issue has made clear.

Mr. Chairman, the new administration has not had adequate time within which to make its presentation to Congress as to what it wants.

In arguing for the 1-year extension only, last year it was argued, "Give the new administration, Republican or Democratic, a chance to come forth with its own program." So, we had the 1-year extension.

Now, the Secretary says that he is working on alternate proposals and he expects to present those alternate proposals to the Congress for consideration in due time.

Anyone who knows anything about this House knows that without the support of the administration we are not going to pass a general farm bill and, therefore, you can have all the hearings you want by the House Committee on Agriculture, but the hearings are going to be reasonably ineffective until the Secretary has the opportunity of presenting to Congress his alternative proposals from which Congress can make its selection with desired modifications.

I hope the Secretary's recommendation will include a preferred alternative. I do not know yet, and he does not know yet what the final recommendations will be.

To vote for this amendment, which would cost more money, would bring about chaos next year. It would be unfair to the Secretary and the farmers of the country and it is just generally unreasonable and unacceptable. Rather than bring confusion into the 1970 crop program, we ought to concentrate on the development of a long-range program to take effect after next year.

So it is certainly not inconsistent for supporters of the limitation on payments to vote against the limitation amendment. Those who have favored the amendment in the past should, under present circumstances, vote against it and refuse now to cripple the farmers next year and put the Secretary of Agriculture in an untenable position. The final approval of the amendment would make less likely the final approval of a satisfactory new farm bill at a later date by this Congress.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I am happy to yield to the gentleman, and I believe that he will confirm somewhat the statements I have made about why the limitation amendment was approved by the House last year.

Mr. GERALD R. FORD. Mr. Chairman, I thank the gentleman for yielding.

On July 31, 1968, I voted with the majority of the Members of this body for the $20,000 limitation. I am going to change my vote, and this time on the rollcall I am going to vote against the limitation. I am convinced that the limitation as proposed in the bill at the present time, if approved, and if it becomes law, will cost the taxpayers $160 million more in fiscal year 1970. It does not make sense under those circumstances to vote for something that is going to cost the taxpayers more hard-earned tax dollars.

I would like to add this: The Secretary of Agriculture told us at a meeting with the President this morning that the Department of Agriculture will have a new farm program up to the Congress in early fall of 1969, and in that legislation they believe there can be worked into it some kind of a payment limitation that is responsible and constructive. I, therefore, am willing to give the new Secretary of Agriculture this fair opportunity. It would be far better to do it in a legislative way rather than on the appropriation bill today.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 1 additional minute.)

Mr. MAHON. Mr. Chairman, I cannot see anything illogical about the position of the gentleman from Michigan. It seems perfectly fair and proper that all of us wait until the new Secretary and the Congress have had a chance to work our will. The payment situation will be altered after next year, regardless of what we do. With all the dissent and confusion and frustration among the farmers of the country, to tie this further burden on their backs and jeopardize the consumers at the same time is indefensible.

Summing up, if the Conte-Findley limitation becomes the law we would have one farm program for the 1969 crop, another farm program for the 1970 crop, and still another farm program for the 1971 crop. This would be intolerable.

I hope that when the rollcall comes that, regardless of our views on the long-range farm program, we will give the new administration and the farmers a fair deal, as well as the consumers, in our vote.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was very much interested in the remarks of my good friend, the chairman of the Committee on Agriculture, but I remember last June and July that we spent about 2 days here going through this same procedure, and we won a great victory. The Members of this Congress voted by a majority of almost 70 to limit the subsidy payments to $20,000 a year to every farm operation.

My good chairman mentioned that Secretary Freeman recommended 4 years of this bonanza, this $3.5 billion bonanza. Well, where is Secretary Freeman now? Evidently the voters last November did not think much of this $3.5 bil-

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lion subsidy continuing for another 4 years.

But very briefly I want to say this: I do not know if history repeats itself, but maybe we wasted time and energy here yesterday and today. Last year we voted by a majority of 70 for a $20,000 limit annual rural payment, and if the other body supported this limitation we would have saved, I believe, about $2.5 billion annually for the taxpayers of this country.

But you all know what happened. We went through 2 days of work and oratory and voting for naught—because it went over to the Senate and something happened. In order to prevent that from happening again, I have written a letter today to my good friend, the Senate majority leader, Senator MIKE MANSFIELD, and I will read this letter for the information of my colleagues:

MAY 27, 1969.

Senator MIKE MANSFIELD,
Senate Majority Leader,
U.S. Senate,
Washington, D.C.

DEAR MR. MAJORITY LEADER: In the last session of Congress the House of Representatives considered the agricultural farm subsidy bill which involved approximately $3½ billion dollars annual appropriation. After extended debate, the House, in a recorded vote of 230 to 160, placed a ceiling upon any agriculture subsidy payments to any one farm operation in the sum of $20,000. The House also reduced the Agriculture Committee's request of a four-year extension of this subsidy to a one-year extension.

The legislation was then considered by the Senate and the $20,000 limitation was rejected and a four-year extension of the subsidy was adopted. The Senate bill was returned and the House accepted the Senate abolishment of the $20,000 limitation but reduced the four-year extension to one year.

On yesterday, after extended debate, the House again, by teller vote, restricted this rural subsidy to a $20,000 limitation to any one farm operation. This legislation will no doubt be considered by your legislative body in a short time.

According to the news media certain Members of the Senate supported and voted for this legislation who either individually or through their families have been recipients of Government payments on this rural subsidy. The purpose of my letter is I hope that you as Majority Leader will request the Members of the other body who have direct or indirect financial benefit from this subsidy to refrain from supporting or voting on this legislation either in Committee or on the Floor of the Senate. I have not heard of any Members of the House voting pro or con on this legislation who personally, or their families, have had a direct or indirect interest in this subsidy.

I do think that the highest ethics should maintain in both of our National legislative bodies. Some Senators, according to the news media are insisting on the highest of ethics and the elimination of conflict of interest by our United States Supreme Court Members and same should apply to all departments of our Federal Government.

With kindest personal regards, I am
Sincerely yours,
RAY J. MADDEN,
Member of Congress.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman.

Mr. CONTE. I want to make a similar observation. The amendment I offered on the last agriculture bill in 1968 passed the House by a vote of 230 to 160. It went over to the other body and the amendment was knocked out. Then it went to conference and by an unusual procedure, the same people who are bucking us today allowed the other body to take the papers. That is a very unusual procedure. Usually the papers came back to the House. But they allowed the other body to take the papers.

They voted against it. So we did not have an opportunity to vote again on the amendment that was adopted by the House—it was either voting the bill up or down.

Mr. DENNEY. Mr. Chairman, I oppose the Findley-Conte amendment. I do not oppose a ceiling on farm payments. I simply feel that this proposal, as brought out on the floor today, requires more time to study and that it should be coordinated with the Department of Agriculture. Furthermore, I am not convinced that the Findley amendment is economically feasible. Although the gentleman from Illinois (Mr. FINDLEY) has introduced figures into the RECORD showing that the limitation of subsidies at $20,000 would save the Federal Government about $518 million, if the 1965 Agriculture Act is not extended and a new act is not enacted by this Congress, there will be a snapback to a section of a previous act. This section provides that the Secretary shall establish the support price for cotton between 65 percent and 90 percent of parity. It is quite possible that savings under the Findley amendment would be offset in a couple of years by a growing deficit of the Commodity Credit Corporation. About 80 percent of the farmers effected would be cotton growers.

The snapback provisions would require support prices for cotton supplement between 65 percent and 90 percent of parity, thereby taking money from the Agriculture Department budget that could help the small farmer. Therefore, it is my position that a vote in favor of this amendment at this time would be a vote that could seriously harm the small farmers in the Midwest.

Advocates of the amendment have indicated that it would save up to $300 million. This estimate was made by former Under Secretary of Agriculture John Schnittker. The Schnittker statement assumes that the limitations would be completely effective and that there would be no evasion. The Schnittker statement ignores the fact that there is, on the books, a snapback arrangement for cotton that would completely negate the intent of the amendment.

The Department of Agriculture now estimates, because of dividing farms, that limitations on payment might result in savings as small as $25 million. The Department also estimates that the buy-and-sell-back arrangement into which they would be thrown if we pass this amendment would add $160 million in program costs. Much of the added cost would come from greater benefits to large cottongrowers, rather than less. The amendment is not merely ineffective so far as payment limitations are concerned, it triggers a program that would greatly increase costs.

So, instead of saving $300 million, this amendment would cost $160 million. This would make a total error in the neighborhood of half a billion dollars. I give this very potent argument against legislating on an appropriations bill—that we might, here on the floor, make an error totaling half a billion dollars without having had the advantage of any analysis, and without having had a single committee hearing.

Mr. GOODLING. Mr. Chairman, I rise to object to the amendment establishing a $20,000 limitation on the aggregate direct payments any single farmer can get under cotton, feed grains, wheat, and wool.

This amendment would have a profound effect on the supply-management aspects of our agricultural program; hence, I—as a member of the House Committee on Agriculture—feel that the impact of such an amendment should be thoroughly evaluated and measured before it is accepted. Such an appraisal cannot properly be made here and at this time but should be effected through the regular committee process.

Another bad feature of this amendment is that it will have the effect of glutting our agricultural markets by evicting large producers from the farm program. These large operators will not go out of farming but will, instead, change their direction and broaden the base of their farm operations, increasing their production to reduce unit cost of production. The result will be depressed farm prices that will have a devastating effect on the small farmer who, by his nature, has neither the capital nor the equipment to engage in large-scale production and to compete with the large operator.

If this amendment becomes effective, many cotton farmers will leave the present program, and ultimately the Secretary of Agriculture could be required to establish a cotton loan support price somewhere between 65 percent and 90 percent of parity. Under this arrangement the cotton price could snap back from the present 21 cents per pound to 31½ cents per pound—this higher payment would be made on 100 percent of the producer's cotton production, whereas the present payments are on only 65 percent of his allotment.

In addition to those deficits, the costs of administering the farm program resulting from this amendment would be excessive, inviting a loss rather than a saving.

Mr. Chairman, this amendment is not sound.

Mrs. HANSEN of Washington. Mr. Chairman, there has been a great deal of discussion on the limitation of "subsidy" payments. Today I received a self-explanatory telegram from Bert L. Cole, commissioner of public lands for the State of Washington, which says:

> We oppose any legislation which would limit the wheat certificates that the State of Washington, as a single producer, could receive for its State-owned school and institutional land.
>
> Any restrictions or limit on the amount of certificate payment that the State of Washington can receive from lands granted the State for the support of our educational

system will impose an unrealistic and inequitable ceiling. The State of Washington, as a lessor, has 478 individual leases on which cereal grains are produced. The land in each of these leases represents a part of each lessee's operating farm unit.

In fiscal year 1968 the State of Washington, on its cereal grain leases of trust lands, received $208,389.12 from certificate payments which will help finance our public schools. Payments for State-owned land to the State average $435 per lease and $1,305 per lease to the lessee with a maximum payment of less than $5,000 to any one lessee for State-owned land. The beneficiaries of income from our State school land—our school children—total over 70,000.

If a $20,000 limit is placed in each producer, the State would have to consider removing its 130,000 acres of cereal grain producing land from cooperation with the Federal program. Any change or restriction to limit the certificate payments will not only be detrimental to our school financing, but could be damaging to over 478 lessees.

An alternative that would relieve the specific problem threatened on State-owned granted land here in Washington would be for the law to stipulate that a "State" will be considered a "producer" on each individual lease rather than a single "producer" for all State-leased land combined.

BERT L. COLE,
Commissioner of Public Lands.

As a consequence and until the statutory provisions have been changed to exempt State-owned lands I cannot vote to curtail the schools of my State by $208,389.12, particularly in view of the long legislative struggle in my State to find adequate revenues for financing education.

This is one of the difficulties of trying to amend authorization statutes and to legislate on an appropriation bill.

Mr. REID of New York. Mr. Chairman, although I am voting for passage of H.R. 11612, I want to make it clear that my support of the measure stems from support of the $1.5 billion which the bill provides for food programs for the coming year. As my colleagues know, I do not support the farm subsidy program and have voted against agricultural appropriations in the past for that reason. However, it is imperative that we provide adequate funds to support food distribution programs to feed the hungry people of this Nation, and passage of this bill is vital if we are to achieve that goal.

Mr. EILBERG. Mr. Chairman, I rise today to express my alarm at the proposal of the Nixon administration, included in the bill now under consideration, which would eliminate the special milk program as we have known it since 1954. As you all know, the bill calls for no appropriations as such for this program and includes a pittance for a milk program designed to increase the consumption of milk by needy youngsters.

On May 6 of this year, as you all no doubt recall, we acted on a bill which provided an appropriations authorization for this program in the amount of 125 million for the 1970 fiscal year. The record vote on this bill was overwhelming 382 to 2. When this legislation was considered, two amendments were defeated which had as their intent that this program should be redirected to provide milk only for those needy schoolchildren in the Nation and ignore the middle-income children who are participating in this program now and who have been since 1954. I believe the record of congressional intent on this matter is quite clear; we want the special milk program continued as it has been operating.

The special milk program was designed to increase the consumption of fluid whole milk by the children of America. To achieve this end, the appropriations for the program which we have provided each year have been used by the Department to give the States and, through them each school participating in the program, a reimbursement rate of from 3 to 4 cents per half-pint of milk served. Figures which I have received from the department indicate that about 3 billion half-pints a year are consumed under the program. This means that about 24 to 26 million children are now receiving the benefits of the program. In Philadelphia, about 48,000 half-pints a day are served under the program at prices to the students which, because of the program, are from 3 to 4 cents below what the children would pay without the program. Needy youngsters receive their milk free.

When we passed the legislation earlier this month which authorized $125 million for this program for an indefinite period of years, we were cognizant of the Nixon administration's desire to redirect the program so that its benefits would no longer be available to the children of middle-income taxpayers across the country. I was a cosponsor of that legislation and I urge all my colleagues to act today to provide the appropriations for the program which we authorized. The milk program provides one of the few instances in which the middle income taxpayer, who is really having a tough time making ends meet, gets some assistance from his Government. Without these appropriations, children from these families will have to pay at least 3 or 4 cents more for their milk. Thus, many will no longer be able to afford a daily milk break.

In Philadelphia, participation in the milk program is offered to children in almost all public and nonprofit schools in the city. This is not the case for the school lunch, school breakfast, and other child feeding programs. Where there is a lunch program in city schools, the participation rate among children is woeful. In fact I think it is disgraceful. Do you realize that the city of Philadelphia has less than 20,000 children eating lunch under this program each school day? The Department of Agriculture tells me that in schools which have the lunch program, the participation rate is around 50 percent of the enrolled children. All I can say is that, if this figure is correct, the city of Philadelphia must have been left out of the survey which arrived at the figure. Information which the Department provided me indicates that overall, the participation rate in the program for public and nonprofit private schools in the city is only about 8 percent—that is right, 8 percent.

The Department also tells me that they have a program called Operation Metropolitan which is designed to increase the number of schools which have the lunch program in large cities. They tell me also that this Operation Metropolitan is designed to increase the participation rate in big-city schools. Well, offhand I can tell you that, either Philadelphia has not heard about the program, or the Department has not heard about the problems that the city is having with the lunch program. There seems to be an extreme lack of initiative and cooperation on the part of the Department in helping the city program get on its feet.

I yield to no one in my support for programs which are designed to aid the needy of this Nation. My record of concern for the needy is deep-rooted. However, I do not think that we ought to take the availability of low-priced milk away from the child whose parents earn from $6,000 to $7,000 a year. These parents are already having a tough enough time providing for their family without us taking milk away from their children by redirecting the milk program so that they are priced out because the Government no longer is interested in increasing the nutritional well-being of all schoolchildren through the program but now is saying in essence, we don't care about the middle income taxpayer of this Nation who is supporting his Government by paying exhorbitant taxes while many of the wealthy get off tax free through loopholes in the tax structure. I believe, and I am sure you will all agree, that the middle income taxpayers of America are in revolt. Certainly my constituents are up in arms about the amount of taxes they have to pay and the lack of return they are getting on their money. The special milk program in the past has provided these taxpayers with some tangible assurance that the Government does care about them. It has told them that the Government cares not only about the nutritional well-being of the poor child but also about their children.

I remind the Members that in 1966, there was an attempt to redirect the special milk program similar to but not on as large a scale as that attempted by the bill which we are now considering. At that time the Congress acted and told the administration that we wanted the program continued as it was. I urge all my colleagues to repeat this order today by restoring the funds for this program in the amount which they so overwhelmingly supported earlier this month when we authorized expenditures for the program of $125 million for the 1970 fiscal year.

Mr. WILLIAM D. FORD. Mr. Chairman, in the 90th Congress the House, by a record vote of 230 to 160, accepted a limitation of $20,000 per year on the aggregate direct payments any single farmer could receive under ASCA programs for cotton, field grains, wheat, and wool. That provision was dropped in conference.

With consideration of the agriculture appropriation bill in this Congress we are once again presented with an opportunity to put some controls on the unmanageable giveaway aspect of Federal farm programs. A glance at recent figures shows that we are subsidizing millionaire farmers with Government funds. In 1968 one company received a total payment of $3,010,042. Other companies received payments of $2,772,187; $1,177,320; $786,459, and $745,647. Dozens of others received subsidies in hundreds of thousands of dollars. Payments of over $15,000 went to 16,430 persons and totaled $518,506,663.

This farm program as now carried out bears no relationship to earlier programs which were designed to meet the pressing problems of the family farmer. Furthermore, to be extending a program that pays out well over $3 billion in farm subsidies and benefits large corporate land holders at this time can be construed as a serious breach of faith with the American taxpayer. These taxpayers have recently been told that the surtax must be extended and that a much needed increase in social security benefits should be delayed.

We should apply the same scrutiny to our farm programs that we are applying to our tax structure. The payment of over a million dollars to one farmowner is just as unreasonable as allowing 22 Americans who had incomes of over $1 million to pay no tax at all in 1967.

The Schnittker study inserted in the CONGRESSIONAL RECORD at pages 10867 to 10872 by the gentleman from Illinois (Mr. FINDLEY) undercuts much of the argument in favor of these large payments. Mr. John A. Schnittker, then Under Secretary of Agriculture, concludes in this survey:

> Payments to producers under existing price support and acreage control programs for feed grains, wheat, cotton, wool, and sugar could be limited to around $20,000 per farm for all payments, or to $10,000 per program without serious adverse effects on production or on the effectiveness of production adjustment programs.
>
> Budget savings ranging from $200 to nearly $300 million could be made with limits at levels examined here if the law could be administered firmly.
>
> None of the administrative problems are decisive . . . and they are not good reasons for opposing payments limits.

Mr. FINDLEY has also brought our attention to a recent Louisiana State study of soybeans-cotton competition which shows cotton to be more profitable than soybeans, even without payments. This means that we are spending billions of taxpayers' dollars to encourage farmers to cooperate with a sound farm policy when they probably would do so in any case.

This type of boondoggle is absurd and I do not think that the American taxpayer is going to stand still for it. It is an insult to the average taxpayer's intelligence to ask him to pull in the belt of fiscal restraint, to extend the surtax, to cut desparately needed manpower training programs, to live on social security payments that dwindle in purchasing power every time the newest cost of living and consumer price indexes come out and then to turn around and allow this kind of subsidy to huge corporate farms to exist.

I oppose passage of this appropriation for the present farm subsidy program without some control on the dollar limit of payments. I do not do so unmindful of the pressing needs of our American family farmer.

Many of us recognize that the problems of the great population centers are worsened each day by the tremendous migration of people from the farms to the cities. I believe we must use the resources of the Federal Government to strengthen and protect the legitimate economic interests of the Americans who live and work in agriculture. However, I do not believe the present programs are doing this. The present programs are, as a matter of fact, driving the families from the farms and replacing them with absentee corporate landholders who provide neither employment nor farm products in return for the expenditure of billions of dollars in Federal funds.

Mr. BINGHAM. Mr. Chairman, there is no doubt in my mind that hundreds of thousands of tax dollars are wastefully spent each year under the farm subsidy program. I do not feel that large landholders should reap excessive benefits from this program, which is designed primarily to limit the supply of various farm commodities so as to maintain desired price levels and stability. The evidence presented over the past 2 years by the gentleman from Illinois (Mr. FINDLEY) and other Members indicates that some individuals and institutions are obtaining excessive payoffs, and that situation should be corrected.

To limit subsidy payments to a flat $20,000, however, as the amendment offered by the gentleman from Massachusetts (Mr. CONTE) proposes, would practically eliminate incentives for large landholders to limit production, leaving them with little alternative but to produce as much as they can. The result would almost certainly be an oversupply in many agricultural markets, destroying the very purpose and effectiveness of the subsidy program.

With this in mind, I voted "no" last year on an amendment to the Food and Agriculture Act to limit subsidy payments to $20,000 offered by the gentleman from Illinois (Mr. FINDLEY).

What needs to be done instead is to cut back the subsidy payments received by large landholders as much as possible short of significantly reducing their willingness to limit production and participate in the program. A carefully graduated schedule of reduced payments to landholders eligible for over $20,000 in subsidies under the current program, it seems to me, would end excessive profiteering by large landholders, but at the same time retain their participation in the subsidy program and thereby insure its continued effectiveness. Such a proposal was offered yesterday by the gentleman from Minnesota (Mr. NELSEN). Were the Members of the House asked to record their votes on a proposal for graduated reductions of subsidy payments above $20,000 such as the Nelsen proposal, I would most assuredly vote for it.

I have serious doubts about the entire farm subsidy program. Whether the program should be continued even for another year should be voted up or down in total on the merits, rather than destroying the effectiveness of the program by a seemingly attractive amendment that does not really confront the basic issue. I am prepared to support continuation of the program for an additional year. I cannot, however, support its continuation in a hobbled form, and I will therefore vote "no" on the Conte amendment.

Mr. JONES of Alabama. Mr. Chairman, I want to express my very strong opposition to any artificial limit on farm payments. The proposal to limit farm program payments is based on total misconceptions of the program and has its support in an appeal to emotionalism unrelated to facts or logic.

Farm program payments are not relief, not welfare, not something for nothing. In each case the farmer who receives the payments agrees to participate in a program of national interest. In the program he agrees to limit his production and divert some of his land resources into soil-conserving crops.

The farmer earns the payment he receives by the value of what he puts into the program. The farmer who diverts 100 acres of his land is certainly entitled to a greater payment than the farmer who diverts 10 acres.

The sizable diversions of the large producers are what makes the program work, what keeps the production within a manageable quantity.

Farms of today are becoming larger, more efficient units of production. At the same time, the farmers' investment continues to grow. The average capital investment per farmworker is about $41,300. This is nearly twice the average investment of $21,900 per industrial worker in our country.

Farmers, whether large or small, have great investments of capital resources in their farms. The emotional opposition to the farm program payments shows a misunderstanding of the nature of farming today and a fundamental misconception of the purpose of farm program payments. The basic objective of the program is to bring supply generally toward a balance with demand. This is, of course, an ideal, and in practice any errors are plotted on the side of overproduction rather than underproduction.

Rather than have the Government buy large excesses of farm goods after the expenses of production have been added to the production, the policy calls for reduced payment before production and retirement or diversion of land which would have been devoted to unneeded production.

This program strengthens farm prices, limits the cost of the objective to the government and prevents waste of resources in surplus production.

It is the small producer who benefits from the program to a far greater degree than the large producer. If the payments are limited, the large producer will withdraw from the diversion programs and scale his production to the most economically beneficial level.

The result will be overproductions and market instabilities which most large producers can handle but which will mean financial disaster to small producers and to the general economy.

Another misconception of the program is that the payments represent a profit to the person receiving it. To the contrary, the payments are far less than would be received if the farmer had engaged in production. If the payments represented a profit, large producers would seek to retire a maximum amount of acreage. Instead, most farmers retire only the acreage required for participation in the program.

Through the skills of farmers and the improved techniques devised in cooperation with Government and other segments of the economy, production of farm goods seems bountiful at this time. We must not be complacent about this production to the extent that the effort of farmers is rewarded at less than deserving rates.

In consideration of the talents, effort, and capital investment, it is my opinion that neither small producers, medium producers, nor large producers receive large enough returns. A limitation on farm program payments will force large farmers out of the farm program. The results will be immediate and disastrous for our farm policies and for our agricultural economy.

I strongly oppose any limitation on farm program payments.

Mr. ECKHARDT. Mr. Chairman, I do not believe I have any farmers in my district affected in one way or another by the amendment limiting farm payments to $20,000. I know I have no farmers whose payments exceed $25,000. So I can approach this problem with objectivity.

In discussing the amendment limiting payments to $20,000, the historical goals and the accomplishments of our farm program are relevant.

Of course, price support has been designed to stabilize prices and restrict production, objectives that are closely intertwined. Because we have an economy in which we do not direct businessmen or farmers to follow one occupation or another, to produce this crop or that crop, we have had to devise monetary incentives to prevent overproduction in agriculture.

That our general program has worked is illustrated by the fact that the United States produces vastly more agricultural products, and does it more efficiently, than the Soviet Union, which nation can plan and administer its agricultural program directly.

We treat farmers differently from industrialists because of the unique nature of agriculture. After the farmer harvests his crops, he is at the mercy of the market. His product must be sold immediately; he seldom has collective bargaining strength when he faces the buyer; and he must often accept what is offered. He is typically the smallest operator in the whole chain of food production and marketing, and he is usually dealing with much larger and more powerful elements in this chain.

If there is an overproduction of a commodity the farmer in the free market has no choice but to take a reduced price for his work. Since the farmer can never predict precisely what his acreage will yield, it is not uncommon for such surpluses to exist.

The price support program was enacted to somewhat equalize his bargaining situation with the buyer—to prevent a glut. The money we pay for price supports tends to make production more efficient, and this is to the advantage of the consumer.

Nevertheless, there are abuses. The price support program should be overhauled. The equitable thing is to scale down large support payments, as was attempted in the Nelsen amendment. The reason for this is that there are about 10,000 very large farmers who received $20,000 or more in price supports. Because they are big, they are better able to ride out a bad year, and they are not so much at the mercy of the market as are the small farmers.

But they should not be forced to operate in the free market rather to participate in acreage controls. If there are no incentives for them to participate, knowing that the price of the product is precarious, the large farmers would produce in great quantity. Consequently, the price would drop. Of course, those participating in the program would be protected for a time, but in time the farm program would disintegrate. I want reform in the agricultural program, but I do not want chaos, and we should tread carefully to avoid jeopardizing a program which has, after all, got the job done more efficiently than in any other large country. True, the agricultural economy has changed, but it has not changed enough so that drastic, insensitive changes are justified. It is also true that the Committee on Agriculture should release a bill that would permit extensive reforms. They could include something in the nature of the Nelsen amendment. But such reforms cannot be accomplished here on an appropriations bill.

The Conte-Findley amendment illustrates this fact. Actually, it would not reduce the aggregate of agricultural payments at all. Indeed, it would increase it.

This is because a limitation with respect to price support automatically puts into effect a snapback provision with respect to the legislation affecting cotton. If this snapback provision were put into effect, such would increase expenditures for the upland cotton program from $1,116,000,000 to $1,283,000,000 for the 1970 crop, according to the Department of Agriculture's estimate. This is a net increase and takes into account any reductions in expenditures which would result from the proposed $20,000 payment limitation. Thus, the Conte-Findley amendment would actually cost the taxpayers more money than would be the situation if it were not passed.

The snapback provision is contained in section 103(d) (12) of the Agricultural Act of 1949, as amended. Briefly and generally stated, this provision says that if a payment limitation is enacted which prevents cotton producers from receiving the full amount of price support to which they would otherwise be entitled, price support for cotton reverts to loans or purchases so that the payment limitation is not applicable. The section reads, in part:

> Such price support may be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon.

The section further provides:

> Such resale or redemption price shall be such as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States.

If marketing quotas have not been disapproved, the supports are "through loans or purchases at a level not less than 65 per centum nor more than 90 per centum of the parity price of the cotton as the Secretary determines appropriate."

The Department of Agriculture recognized this problem, and in a statement made available to the House yesterday Secretary Hardin pointed out:

> With only the simple amendment that is possible in connection with appropriation bills, the so-called "snap-back" provision for cotton would come into effect. The cotton program would then become subject to a loan-and-redemption or a buy-and-sell-back arrangement that would increase costs while the large producers would escape the intent of the payment limitation.

These are the reasons why I am opposed to the Conte-Findley amendment. Perhaps its passage would indicate such a determination on the part of the House to reexamine the entire farm program that it would have a salutary result. But I cannot bring myself to vote for an amendment which would, itself, have no salutary result and which might seriously jeopardize the entire price support program. A reexamination of the entire farm program should be done in an atmosphere that allows us to retain the fundamental goals of our agricultural policy.

Mr. PICKLE. Mr. Chairman, I wish to supplement my remarks of yesterday in regard to the amendment which provides a pay limitation for farmers who cooperate on farm programs. The main issue is described as limitations on farm payments but this is not the real issue. The real issue is, Should we have farm programs?

If payment limitations are prescribed then farm programs will be destroyed because a limit on Government payments would strike at the very heart of the farm program.

Many people have some notion that a limitation on payments in these programs would somehow eliminate hunger and poverty in the ghetto.

I believe that knowledgeable people generally agree that farm programs are necessary in the public interest. There seems to be general recognition by both Democratic and Republican administrations that farm programs are necessary because farmers have the ability to outproduce the market and if they are not able somehow to adjust their production, they and the whole economy are in serious trouble. Obviously the 3 million farmers acting individually cannot do much about the total supply. If the farmer takes the lead in cutting his own production and overall production stays high, he ends up taking a low price for a small crop. Farm payments allow individual farmers to work with his neighbors and his government in adjusting production to expected demands and in assuring an adequate supply of food and fiber.

We know that farm income is not on

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a par with nonfarm income and that more and more farmers are leaving the farm each year. If a limit is put on farm payments, how then can we improve farm income? If we drive more farmers off the farm by reducing their now inadequate income, are we not in effect cutting off our noses to spite our faces? If the backbone of agriculture is broken, the net result would be more people in ghettos, more poverty, more crowding of the city slums. The net result could be, in the long run, we who have never known what it is to have an inadequate supply of food could find ourselves short of food. If this should result, consumers would pay exorbitant prices for such food.

I object to the proposal for limiting farm payments for many reasons.

First. Limitations on payments would be virtually impossible to administer. The people who direct the programs in Washington hold to this view. Think for a minute how you would administer a payment limitation where there is a joint or multiple operation of a farm. How would various leasing and rental be treated under payment limitation? What about the farm that suddenly becomes two or more under ownership of two or more family members? These kinds of questions and many others would arise.

Second. A limitation of farm payments of the type recommended is not only unworkable, it is basically unfair. It is discriminatory and class legislation of the first degree. Constitutional issues may be involved. Contrary to what some may say, payment limitations would cause a switch away from commodities on which payments were being made to other commodities such as soybeans and other crops as well as production of beef and hogs. This could be very destructive of the agricultural economy.

Third. The limitation would not save money. The programs would become more expensive to operate. With the limitation in effect, many farmers would no longer participate in voluntary programs and would increase their production. They might not be eligible for price support and their production would flood the market. There would be a build-up of Government stocks of agricultural commodities resulting in great program expenditures. Furthermore, the provisions of the 1965 Food and Agriculture Act, under section 402, provide that in the case of cotton, that if a limitation is imposed that the Secretary of Agriculture must support the price of cotton at not less than 65 percent nor more than 90 percent of the parity price. This provision further provides that the Secretary may purchase the cotton at the guaranteed price support level and resell the cotton to the producers at a lower price, presumably the world market price. Adoption of a limitation on payments would put this provision into operation and instead of saving money would increase the cost of the program by an estimated amount of $160 million.

Fourth. Small farms would be seriously hurt by a payment limitation because of the downward pressure on prices. They would become more dependent on the loan program to maintain the support price, and if only the little farmers got into the program they could give up all of their production and still not solve the surplus problem.

In the interest of the farmer and the general public, the proposed limitation amendment should be defeated.

Mr. COHELAN. Mr. Chairman, I have carefully weighed the arguments made during the consideration of this bill.

I have been impressed by the committee's concern for the alleviation of hunger. I have been impressed too with its concern for conservation of soil and water and in the control of pesticides.

But I have been disturbed too by the enormous sums which this bill provides for farm price support. In my judgment, the size of these sums is out of all proportion with their social utility, and indicates the failure of our present farm programs.

There are a good many "sacred cows" in this Agriculture budget. I for one will again withhold support of this bill until these sacrosanct accounts are more thoroughly examined and justified to the public.

This bill provides the staggering sum of $4,965,934,000 for capital replenishment of the Commodity Credit Corporation. This sum represents money which has been lost by the Corporation because it has supported commodity prices above the open market price.

This enormous sum, nearly $5 billion, is three times what we will appropriate for the operations of the Office of Economic Opportunity.

It is five times what we will spend for model cities and urban renewal.

It is five times what we will spend for manpower training.

It is several times what we will provide in Federal support for public education.

The question, among other obvious things, is whether in view of the demands for funds for education, job training, housing, and antipoverty efforts, we should be spending this enormous sum on farm price supports. I think not.

This bill also makes available $1,261,000,000 under the food-for-peace program. This is approximately equal to the entire foreign aid appropriation for this fiscal year. As a member of the Appropriations Foreign Operations Subcommittee, I know the value and need for foreign assistance. But I question whether the United States might not be better able to aid in the development of foreign countries if we were to increase our technical assistance and outright cash grants, rather than by spending more than a billion dollars a year to help support farm prices and incidentally, to distribute some food overseas. I for one think we might increase the benefits of our foreign assistance if we made a larger allocation of foreign aid and a smaller allocation of foreign food shipments. In any event, the question quite clearly deserves further critical examination.

In sum, the nearly $5 billion in CCC capital replenishment and the $1 billion for Public Law 480, combine to make the Agriculture budget the largest disguised income transfer program operated by the Government. There must be a less expensive and more efficient way to both help transfer income to needy farmers and to maintain a stable agricultural production base.

We need a new farm policy. We need to move closer to the market. I urge a no vote on this bill.

Mr. HALL. Mr. Chairman, on two previous occasions, in the 89th and 90th Congresses, I have introduced new-type and well-researched comprehensive farm legislation aimed at soil and water restoration, and the incentive to accomplish both. At a later date I plan to reintroduced my farm bill, which I am now in the process of perfecting and updating.

I mention this today, because the debate on the farm appropriation the past 2 days has indicated that many of the Members realize that farm legislation needs a new direction and new ideas. Let me state briefly what my bill will contain:

First. It will remove the huge subsidies paid to the large farms. It is the small family farmer on marginal land who is in trouble today, and being "forced to the wall," from the farms, and to the cities ghettos. My bill would have the feature of preserving the family farm by making the subsidies more beneficial to those with the greatest need. The subsidies would be directed to restoring soil and water, not idling acres.

Second. Farmers should be offered a second market, that is they should have the right to put a percentage of their cropland to the production of a suitable cover crop—plowed under to enrich and restore the soil while preventing waste of water—with the Government paying a fair price per dry weight ton, or sell to the consumer market, the food and fiber or seeds he would grow.

Third. The farmer would be able to set aside a designated number of acres to receive continued attention, instead of being shunted to the side, without the capacity to produce in case of an emergency. The Nation would in this way be assured a permanent and ready potential.

Fourth. The emphasis of my farm legislation would be to reward the farmer for the scientific use and development of his own resources, in place of a payment for so many bushels produced. This would surely avoid the "bugaboo" of surpluses. The farmer would once again be invited to share in the "free enterprise" system, which has been proved to be the best way, and without doubt, the most exciting way.

Fifth. Thorough samplings with no slanted questions reveal the easy and voluntary placing of over 60 million acres in this program. It is equally applicable to all types of farming—wheat, dairying and livestock, feed grains, row crops, and so forth—and should get the combined and mutual agreement of all farm organizations.

Recently one of this country's outstanding farmers and my very good friend, Gene Poirot, of the Seventh Missouri Farm Advisory Council, whose farm is near Golden City, Mo., was honored by the Missouri chapter of Gamma Sigma Delta, the honor society of agriculture. In the program notes for this important occasion was a section entitled "The Importance of Agriculture." This statement

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is so well founded and succinct, that I would like to make it a part of the Record at this time:

IMPORTANCE OF AGRICULTURE

The importance of agriculture is apparent to all those engaged in scientific and technical phases of this basic industry. But in many nations, people have not always held agriculture in high regard. The neglect of the soil, water, plant, mineral, and animal resources—has contributed to the fall of civilization and the pauperization of their people. The consequences of this neglect are plaguing many regions and nations today.

During the last few years, the percentage of our nation's young people taking advantage of higher education has increased greatly. Unfortunately this increase has not been as great among our rural youth. The vast and increasing opportunities existent in our rapidly expanding agricultural industry have not been well enough understood.

The image of agriculture in America is archaic—it must be changed. The all-too-prevalent views of agriculture as a peasant-type way of life must be supplanted, and quickly. More and better ways must be devised for putting glamour into this great and basic American industry. Only thus can agriculture compete successfully for young leadership in this jet age of astronauts and interplanetary missiles. Members of Gamma Sigma Delta have an unprecedented opportunity and challenge to interpret the exciting future of agriculture to our brightest young people, both urban and rural.

Agriculture must keep pace with industry in the United States in all respects. To provide for the Nation's welfare and to meet the increasing food and textile requirements of an expanding population. No group of scientists, students or technicians has a more important task than those in agriculture. Gamma Sigma Delta has a place in keeping the Nation conscious of the importance of agriculture. As this group grows in strength, its beneficial influence increases accordingly. Those honored by Gamma Sigma Delta by election to membership are destined to lead in this advance on some front. Their election is more than an honor: it is a challenge that they do so.

Mr. PRICE of Texas. Mr. Chairman, I rise in opposition to limiting farm program payments. As I have said before, to penalize a man in America for initiative, for having the intestinal fortitude to take a risk and expand his operations in this country—since when is this a bad trait? Anyone who is experienced in this field knows that with that expansion comes the risk of investment, the chance to expand and to try to accomplish something, and to add to his holdings. Since when should we penalize a man for that?

If we are going to have a farm program, we should have a farm program. And if we are not going to have a farm program that our American farmer can make a living out of, then we should start phasing it out and doing it now.

Mr. Chairman, I supported the 1-year extension of the farm bill last year which provided farmers with the lead time needed to make essential plans for producing and marketing crops upon which their livelihood depends. At the same time it provided the necessary interval in which this Congress and this administration could formulate an effective farm program, a program which would improve the economic status of American agriculture, reverse the trend from costly Government programs, and assure an adequate food supply at reasonable prices.

Today, according to some information I have 500,000 to 800,000 men, women, and children are leaving the farms a year. Where are they going? They are going to the large cities and contributing to the problems that we are having in the large cities; 100,000 of these men are farmowners, landowners, people who are going broke. Today parity is at 73 percent according to the new formulation.

This program under the past administration and the one preceding that, since 1961—has resulted in a net increase in farm debt of $23.7 billion while production costs have during the same period gone up by 31 percent.

The American farmer is subsidizing the American consumer. This is where I think the politics come in. The American farmer is subsidizing the American consumer. Ten years ago the consumer was spending 25 percent of his disposable income for food; today he is spending 17 percent of his disposable income for food.

This certainly does not mean that I believe the present farm program now in its fourth year has done what it was intended to do in achieving a parity position for our farmers with our citizens in industry and commerce.

The parity ratio, which averaged 85 during the 8 years of the Eisenhower administration, averaged only 74 for 1967 and 1968 as a whole.

Quite frankly, I think we must tell the American farmer and agriculture in this country that until we get politics and politicians out of agriculture, it is not going to change one iota.

The realized net farm income in 1967 was down nearly $2 billion from the year before—a 10-percent cut in pay for farmers, while practically all other segments of industry were enjoying sizable pay increases to compensate for higher costs and prices. But the farmer is trapped by a vicious cost-price squeeze brought on by the inflationary fiscal policies of the past 8 years—a $2.5 billion deficit for the 1968 fiscal year alone. What other industry or business can take such a reduction?

U.S. News & World Report graphically illustrated the sad state of American agriculture recently. Their report shows that agriculture is the largest of the 12 biggest U.S. industries. Agriculture leads in assets, spending for equipment, and machinery, and in number of workers.

If farmers had been adequately paid for their production, agriculture would be first in income and second in sales—but it is not. The article reports that agriculture sales are less than 17 percent of assets while the next 11 largest industries have sales which average 108 percent of their assets per year. Most people do not realize how or how much the farm economy of this Nation has been affected during the last 8 years. Perhaps the most eloquent illustration of the nature and dimensions of the farm problem can be found in the fact that more than one-fourth of the Nation's farms have disappeared since 1960. From 4 million farm units then, there are now only 3 million.

The movement of people from country to city has been called by Secretary of Agriculture Orville Freeman, "the most massive migration the world has ever known."

Today seven out of 10 citizens live on less than 2 percent of the Nation's land, and most of the rest seem destined to join them. This trend was never seriously questioned by previous generations. The reason: Those who went to the city found a better life. But now, while a half-million rural migrants, many of them nonwhite, continue to make the trek to urban areas each year, they are not finding a better life. Just read and listen to the news of riots in the cities. But the cities' problems cannot be solved simply by improving living conditions and job opportunities in them. That only encourages more poor and unskilled to come off the farms in search of work, thus creating a treadmill effect. So the real solution lies in the rivitalization of rural America and the farm economy to stop this senseless migration and the continued overcrowding of our already problem-ridden cities. And especially when there are so many advantages now in our age of modern communications and transportation to living in smaller communities.

And regardless of the success or failure of the present program its very purpose is threatened by proposals to limit payments to producers. The operation of the program depends on production control and any limitation of payments will result in dire consequences to both large and small producers.

Either production costs will soar because large producers, forced out of the program because of inadequate incentives, will plant in excess of program limits or the smaller farmer will be required to produce less and less to insure that total production will not add to surpluses or the Government will be forced to buy up the surplus to stabilize prices. And increased supplies will force prices down for both large and small operators.

Why should the farmer who operates an efficient farm and has been willing to assume the debt and risks of a larger operation be penalized for trying to expand and better himself? Net income even to large farm operators is certainly far below the average returns for most other business and industry. Although the average American does not realize the real seriousness of the farm problem, the farmers do. Listen to what one farmer in my district wrote—and this is from Mr. F. D. Clayton, Box 382, Earth, Tex. He had a title for it too—"The Depression of the Sixties":

Please read about the depression of the middle sixties. For the farmers of West Texas this is as bad as the depession of the thirties. I farmed through the depression of the early thirties, and I also farmed in the depression of the middle sixties, the same place and the same land that I farmed in the thirties. To prove my point I offer these figures:

In 1932 a plow point cost $2.00; in 1968 the same point costs $9.00. In 1932 all cotton, without taking samples, brought 4½ cents a pound; in 1967 cotton in this part of the country is worth 14 cents a pound. That is the same kind of cotton we sold for 4½ cents in 1932. Cotton is about three times as high now as it was in 1932, and a plow point is four times as high.

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> Some say, Raise better cotton. We would if we could. We raise the very best cotton possible for this country. Our average grade of cotton is S.L.M. Lt. Sp. 31/32, and that is worth $15.95 in the loan. However, by the time they get through taking off for low micronaire, it is worth 14 cents. Note that this is the same cotton that was worth 4½ cents in 1932.
>
> In 1932 you could get all the labor you needed for $1.25 a day. Now labor costs $12.00 to $15.00 a day. Labor is twelve times higher now, and cotton is three times higher. I do not mind paying high labor if I could add it on to my product. Farming, however, is the only business in the world that cannot do this. The more crop a farmer has the more money he loses.
>
> A piece of machinery that a farmer purchased six years ago and which is still in good condition will bring half of the purchase price. If he wanted to replace it today, he would have to pay the same price in addition to giving the dealer the old piece of machinery as a trade-in. That is how much a farmer's cost has gone up in the last six years. The farmers are going broke as fast as they can, leaving the farms, and going to the cities. The farm workers are doing the same thing. That seems to be the way the government wants it so that we can have more slums.
>
> Tractors are four to five times as high as they were even in 1941. The same holds true with everything else that the farmers use in order to produce.
>
> It is not the farmer's business to keep a year's supply of food for the nation. That is the business of everyone. Therefore, it should be handled as such.
>
> The last money farmers made was back in 1962 or 1963. In my opinion the Administration is using the farmer in such a way as to cause more trouble at home than we could ever stop overseas. When a farmer has $300,000 to $400,000 invested in farm business and can't make a good living for his family, there is something wrong with the way things are being handled. I do not believe there is a farmer in this part of the country that is worth as much money as he was two years ago. I have talked with lending agencies, and they agree with me. Unless something is done this nation is going to be hungry in a few years. This nation was built on family-size business; and when we lose that, we have lost the strength of our nation and our freedom as well.
>
> Every business in the world that I know anything about has the right to add the cost of production on to the price of their product except farmers; they have to take what they can get. The cost of food at the farm level does not have much to do with the cost of food to the consumer. This year I had a friend who farmed three miles from town who had onions that went to waste in the field because he could not get enough for them to pay the harvesting expense. At this same time the stores were selling onions at two pounds for 29 cents. I know that we farmers get a government check, and I also know that we have to plant a crop that loses money in order to get this check. As a result, we come out broke.
>
> Labor may think this is good for them; but they had better reconsider because when farming gets in the hands of a few, they can make you pay the price for food that they want you to pay. Also the farmer buys products. Labor produces steel, fertilizer, tractors, trucks, combines, and so many other things that one does not think of. The farmer cannot buy them without the money, and this is going to have its effect on labor.

The farmer in America is rapidly becoming the "forgotten man" of this generation. He is not going to remedy this situation by spreading too thin the resources he does have at his disposal. This is 1969—not 1920. Back in 1920, the farmer's interests were protected by a majority of the Members of Congress. In that year, 251 seats in the House of Representatives were occupied by Members who represented farm districts—those with 20 percent or more of rural farm population. Those 251 seats amounted to 57 percent or a clear majority of the 435 Members of Congress. Those were "the good old days" when you could afford to dilute your strength from time to time and go separate ways. Those days have long since passed into history.

By 1960, 51 Congressmen—only 12 percent of the total—were farm district Representatives.

The 1970 census will certainly show a further erosion of farmers' strength in Congress. According to tentative estimates of the Census Bureau we will have 39 district Representatives or slightly less than 9 percent after the 1970 census.

Now, the crucial question that faces today's farmer is: How best can I use the strength and the resources I do have to advance my own economic well-being and that of my fellow farmers?

The answer as I see it is that the farmer must learn what all minority groups sooner or later must learn: pool your resources and speak with one voice. So, although I did support a 1-year extension to the present program, this Congress must face up to the task and the dire necessity of overhauling this program and giving the farmer, the forgotten man of this generation, a fair shake and a fair share of the proceeds of the abundance of our economy. He has done more and done it better for the American consumer and hungry millions in other countries and realized less for his efforts than any other citizen. He deserves better and I believe there are enough Members of this body and the Agriculture Committee who realize that this country cannot continue to prosper and solve the problems of its cities without first solving the problems of agriculture and revitalizing the agricultural economy of America.

Let it be remembered that our farm program is basically an effort to bring supply into rough balance with reasonable demand for farm products. Our farm program has never sought to establish an exact balance; we have always felt it was better to err on the side of overproduction, and I am sure that this will always be our policy. But we do recognize that a relatively small overproduction ofttimes results in disastrous breaks in price for our producers. Typically, a 1-percent overproduction will often result in a 5-percent break in price.

Some countries have felt that it was sound for the Government to set all prices. Of course, when you fix prices you have to fix wages and you have to fix margins of profit. We in the United States have generally felt that if possible we should avoid the complications of complete price and wage controls. I concur in that view, but if we are to ask the farmer to continue to produce for sale in an uncontrolled market while he is buying the products of labor and industry at completely administered prices, he must have the help of some device which will at least reduce unneeded production.

Our present land retirement program pays the owner of the land for retiring certain unneeded acres from production. It is much cheaper to retire these acres before any of the expenses of making a crop are incurred than it is to purchase and retire the unneeded crop after it is produced. The average payment for retirement of an acre of corn is $40 while the value of the average production at parity prices is $106.60. When a farmer the tenement owner who sells his hous- retires acres from production, he, of course, reduces his income just as does ing units to the housing authority and just as does the landowner who conveys his land to the city or State for highway purposes.

You would all readily recognize the impracticability of limiting payments for land needed for slum clearance or for highways to a figure of $5,000, $10,000, or even $50,000 per owner. Why, then, can we not see the impracticability of limiting the amount of land use or retirement rental which can be purchased from any one landowner for achieving the needed production balance in agriculture? I see no difference other than that in the first case we are speaking of the purchase of fee simple title to land, in the second case we are speaking of purchasing the right to use the land for a limited period of time. In each case, payments must be made if the program is to be effective not on the basis of need of the landowner but on the basis of the value of the rights transferred to public use.

It is certainly impossible in the case of most commodities to achieve any effective balance simply by the removal of small holdings from production, and the very effort to confine the bulk of this removal to small holdings would be destructive of those very small farmers we would all like to protect. Suppose we want to remove 1,000 acres of wheat, cotton, or corn from production. Is the farmer who is planting only 10 acres of the commodity better served when we take the entire 1,000 acres from one larger farmer or when we take the entire holdings of 100 10-acre farmers? And yet, that is what is required if we are to maintain the effectiveness of the program, and if we are going to deny payments to the larger operators. The only possible alternative is to reduce the effectiveness of the program or to take a cruel and destructive percentage of land from the small operator. The program just will not work if you eliminate the participation on the part of the large operators.

Nor is the existing program the bonanza for large owners which the advocates of the amendment evidently suppose it to be. This misconception of this situation grows out of the assumption that everything that the large operator gets in the way of payment for his retired acres is profit. If this were true, I think that it is clear that every large operator would seek to put the maximum number of acres in the retirement program, but this is not the case. Most of these operators place no more in the program than they are required to in order to participate. Remember that in our grain programs especially, the landowner must often retire as much land with no payment as he can retire with payment. I know of no stronger evidence that these payments are not the bonanza that so many unthinking critics have assumed, and surely if we make it impossible for the large operators to participate in the program and receive the same kind of payments that all others receive for the retirement of their land, they will stay out of the programs and thus destroy by the overabundance of their production the value of the production of the so-called small farmer. The proposal is not only ill advised but it is self-defeating; it is counter productive. It breaks down the very thing which the basic program seeks to establish—that is, a reasonable degree of balance between supply and demand.

An outline of the case against limiting farm program payments follows:

THE CASE AGAINST LIMITING FARM PROGRAM PAYMENTS

I. Payment limitation conflicts with production adjustment (unless limit is only a token).

A. Failure of production adjustment means total failure of program.

1. Production adjustment is major means of (a) strengthening farm prices, (b) limiting government costs, (c) preventing waste of resources in surplus production.

2. Production adjustment is vital because agriculture has capacity to produce about 12 percent more than markets will take without disastrous price reductions.

(a) Manufacturers hold about 12 percent of capacity out of production, but farmers historically have been unable to do so without a program—partly because they are so many, partly because most farmers are their own labor supply and cannot fire themselves from job, partly because their investments and commitments and climate allow few choices.

B. Success of program depends upon attracting into program those who produce most of the market supply.

1. In a voluntary program, a farmer takes part only if he is paid fairly for what it costs him to participate.

(a) He gives up income from diverted acres. Farmer diverting 100 acres gives up twice as much as farmer diverting 50 acres.

(b) He spends money to devote diverted acres to conserving uses (twice as much for 100 acres as for 50).

(c) He believes in free-enterprise concept that a man is paid fair value for his goods and services. As Secretary Freeman has pointed out to members of this body, when we take a man's land for urban renewal or a highway, we pay him fairly. Farm program should follow same principle.

II. Payment limitation conflicts with market development.

A. Payments are not an end in themselves but rather a means to an end—a program method. Alternative is price-support loan at higher levels than we now have. But higher loans tend to reduce export opportunities and could even interfere with domestic market development.

1. Exports in fiscal year 1967 totaled $6.8 billion, compared with $4.5 billion in 1960. And dollar sales were up 62 percent—from $3.2 billion to $5.2 billion. For 1968 fiscal, preliminary estimates indicate total agricultural exports of $6.4 billion of which nearly $5 billion are commercial sales—despite very strong world competition.

2. Agricultural exports exceed imports, help meet balance-of-payments problem.

3. Farmers depend on exports as market for more than one-half of wheat production, two-thirds of milled rice, a third or more of the grain sorghum, soybeans, cotton and tobacco they produce; more than a fourth of the flaxseed; nearly a fourth of the corn.

III. Payment limitation conflicts with surplus reduction.

A. Surplus reduction is a function of both production adjustment and market development. Each has had a part in reducing CCC inventory from $6,148,000,000 in October of 1960 to $896,000,000 as of May 31, 1968.

B. Surplus is still a great danger because of capacity for overproduction and tendency to use it. Same program we had in the 1950's would accumulate surpluses as before. Program we have now will enable us to continue to deal successfully with surplus problem.

IV. Payment limitation conflicts with sugar, wool, and conservation policy.

A. Many of the larger payments are for purpose of carrying out sugar policy—to help maintain a domestic sugar industry and assure U.S. of continuous adequate supplies at reasonable prices.

B. Payments also help maintain domestic wool industry.

C. Conservation cost-sharing payments are included in the totals about which there has been so much publicity.

1. Nobody makes a profit from conservation cost-share payments. Public pays about half of what it costs the land owner to carry out conservation measures which are primarily for the long-term benefit of the public.

V. Payment limitation would hurt the small farmer as well as larger farmer.

A. Farm program is based on policy of encouraging family-type farming in this country—to keep the means of production widely owned—to keep the land primarily in the hands of the operators.

1 Policy is succeeding. Family-type farming is the dominant part of American agriculture and growing stronger in relation to other types. Big payments are only the phenomenon resulting from treating all farmers alike (except for certain higher rates of payment for small farms).

B. Exclusion of big producers from programs would throw burden of production adjustment on family-type and smaller farms.

1. Exclude a farm which should divert 1,000 acres, and you have to get 100 small farmers to divert an additional 10 acres each. This is not good for those producing too little to keep busy. It would cost government more.

C. Family-type and smaller farms take part in farm program because they need the same results as do larger farmers—better prices, better markets.

1. Last year a sixth of all participants received payments of less than $100 and half received less than $500. They do participate.

D. Some small farmers need program help in addition to the commodity programs.

1. We should not try to correct all the ills of agriculture through this one program. Take care of poverty and training needs, and special credit needs, etc. through other means rather than by discriminating among farmers in payments, which are merely program machinery, not welfare.

VI. Payment limitation would not help the Poor People.

A. Food aid from federal government is at record level.

B. Food is plentiful and cheap for those who have jobs.

1. Takes less than 17.7 percent of take-home pay—20 years ago it was 25 percent. One hour of factory labor buys nearly twice as much bread as in 1929; over twice as much round steak.

2. Production of more food by farmers, at heavy cost to themselves, would not help Poor People.

C. Opponents of farm program do not appear to be proposing that the farm program payments and price-support loan funds be converted to doles for the poor. Some appear to be using the plight of the poor as another convenient weapon with which to bludgeon the farm program.

D. Farm program does not displace tenants.

1. Production per man-hour has gone up in non-program commodities just as in program commodities. It is technological revolution and surplus production and low farm prices that cause workers to be displaced—not the program. Blame the disease, not the medicine.

2. Law requires rights of tenants to be protected. USDA does this to best of its ability.

VII. Payment limitation conflicts with economic welfare of Nation.

A. Successful farm program is essential to U.S. prosperity.

1. Agriculture is basic industry. Supplier of raw materials. Buyer of what others produce. Three out of 10 jobs in industry depend on farm prosperity.

B. Successful program is essential to American future.

1. Strong, prosperous, productive agriculture is our guarantee of food and fiber to meet our growing needs and help us maintain world conditions in which peace can flourish. Weak, impoverished American agriculture would be extremely dangerous to us and our descendants.

C. Payment is important means of making program successful. Do not prevent its effective use.

Mr. WHITTEN. Mr. Chairman, since the Treasury and Post Office appropriation bill is scheduled for consideration following this bill, and so that Members may get through with the legislative program in time for the Memorial Day recess, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11612) making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. CONTE. Mr. Speaker, I demand a separate vote on the so-called Conte amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

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Amendment: On page 22, line 17, strike the period and insert the following: " : *Provided further,* That no part of the funds appropriated by this Act shall be used to formulate or carry out any price support program (other than for sugar) under which payments aggregating more than $20,000 under all such programs are made to any producer on any crops planted in the fiscal year 1970."

The SPEAKER. The question is on the amendment.

Mr. CONTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 225, nays 142, answered "present" 2, not voting 63, as follows:

[Roll No. 64]

YEAS—225

Abbitt
Adair
Adams
Addabbo
Andrews, N. Dak.
Annunzio
Ashbrook
Baring
Barrett
Beall, Md.
Bennett
Betts
Biaggi
Biester
Blackburn
Boland
Bolling
Brademas
Brasco
Brock
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Button
Byrne, Pa.
Cederberg
Celler
Chamberlain
Clancy
Clark
Clay
Cleveland
Cohelan
Collier
Conable
Conte
Coughlin
Cramer
Culver
Cunningham
Daddario
Daniels, N.J.
Dawson
Delaney
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Duncan
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Ford, William D.
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hanley
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Pa.
Karth
Kastenmeier
Keith
Kleppe
Kluczynski
Koch
Lipscomb
Long, Md.
Lowenstein
Lujan
McCarthy
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
MacGregor
Madden
Mailliard
Marsh
Mayne
Meskill
Mikva
Miller, Calif.
Minish
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill, Mass.
Ottinger
Pelly
Pepper
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Price, Ill.
Pucinski
Quie
Quillen
Railsback
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ryan
St Germain
Saylor
Schneebeli
Schwengel
Scott
Shipley
Smith, Calif.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stokes
Sullivan
Symington
Taft
Teague, Calif.
Thompson, N.J.
Tiernan
Utt
Van Deerlin
Vander Jagt
Vanik
Waldie
Watkins
Weicker
Whalen
Whalley
Widnall
Williams
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zwach

NAYS—142

Abernethy
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Arends
Aspinall
Ayres
Belcher
Bevill
Blanton
Boggs
Bow
Bray
Brinkley
Brooks
Broyhill, N.C.
Burlison, Mo.
Burton, Utah
Bush
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Chappell
Clausen, Don H.
Collins
Daniel, Va.
Davis, Ga.
Davis, Wis.
Dellenback
Denney
Devine
Dickinson
Dorn
Dowdy
Downing
Edmondson
Evans, Colo.
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Fuqua
Galifianakis
Gonzalez
Goodling
Gray
Griffin
Hagan
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Hathaway
Henderson
Hull
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Kee
King
Kyros
Landgrebe
Landrum
Langen
Leggett
Lennon
Lloyd
Long, La.
Lukens
McClory
McFall
McKneally
McMillan
Mahon
Mann
Mathias
Matsunaga
May
Meeds
Michel
Miller, Ohio
Mills
Mink
Mize
Mizell
Montgomery
Myers
Natcher
Nichols
Olsen
O'Neal, Ga.
Passman
Patman
Patten
Perkins
Pickle
Poage
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Rarick
Reid, Ill.
Rhodes
Roberts
Ruth
St. Onge
Satterfield
Schadeberg
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Steed
Steiger, Ariz.
Stuckey
Talcott
Taylor
Teague, Tex.
Udall
Ullman
Vigorito
Waggonner
Wampler
Watson
White
Whitehurst
Whitten
Winn
Zion

ANSWERED "PRESENT"—2

Hanna
Wilson, Charles H.

NOT VOTING—63

Anderson, Calif.
Ashley
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Carter
Chisholm
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Dulski
Dwyer
Eckhardt
Edwards, Ala.
Edwards, La.
Evins, Tenn.
Foreman
Gettys
Goldwater
Hébert
Helstoski
Hunt
Kirwan
Kuykendall
Kyl
Latta
McClure
Macdonald, Mass.
Martin
Morton
Pollock
Powell
Randall
Rees
Reifel
Rivers
Roudebush
Roybal
Sandman
Scherle
Scheuer
Stephens
Stratton
Stubblefield
Thompson, Ga.
Thomson, Wis.
Tunney
Watts
Wiggins
Wilson, Bob
Wold
Young

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hanna for, with Mr. Tunney against.

Mr. Charles H. Wilson for, with Mr. Rivers against.

Mr. Stratton for, with Mr. Edwards of Louisiana against.

Mr. Conyers for, with Mr. Bingham against.

Mr. Scheuer for, with Mr. Hébert against.

Mr. Blatnik for, with Mr. Evins of Tennessee against.

Mr. Macdonald of Massachusetts for, with Mr. Young against.

Mr. Anderson of California for, with Mr. Stephens against.

Mr. Carey for, with Mr. Gettys against.

Mr. Rees for, with Mr. Stubblefield against.

Mr. Roybal for, with Mr. de la Garza against.

Mr. Dulski for, with Mr. Burleson of Texas against.

Mr. Ashley for, with Mr. Colmer against.

Mr. Latta for, with Mr. Kyl against.

Mr. Del Clawson for, with Mr. Carter against.

Mr. Hunt for, with Mr. Wold against.

Mr. Corbett for, with Mr. Kuykendall against.

Mr. Thomson of Wisconsin for, with Mr. Scherle against.

Mr. Goldwater for, with Mr. Morton against.

Until further notice:

Mr. Brown of California with Mr. Wiggins.
Mr. Burton of California with Mr. Pollock.
Mr. Kirwan with Mr. Cahill.
Mr. Watts with Mr. Cowger.
Mr. Powell with Mr. Sandman.
Mr. Eckhardt with Mr. Foreman.
Mr. Corman with Mr. Bob Wilson.
Mr. Randall with Mrs. Dwyer.
Mr. Helstoski with Mr. Reifel.
Mr. Chisholm with Mr. Bell.
Mr. Bates with Mr. McClure.
Mr. Edwards of Alabama with Mr. Berry.
Mr. Martin with Mr. Roudebush.

Mr. HANNA. Mr. Speaker, I have a live pair with the gentleman from California (Mr. TUNNEY). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. ADAMS changed his vote from "nay" to "yea."

Mr. ROONEY of New York changed his vote from "nay" to "yea."

Mr. CHARLES H. WILSON. Mr. Speaker, I have a live pair with the gentleman from South Carolina (Mr. RIVERS). If he had been present, he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHEL. In its present form I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the bill H.R. 11612 to the Committee on Appropriations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 50, not voting 60, as follows:

[Roll No. 65]

YEAS—322

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Betts
Bevill
Biaggi
Biester
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Collins
Conable
Conte
Coughlin
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyros
Landgrebe
Landrum
Langen
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Madden
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St. Onge
Satterfield
Schadeberg
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Weicker
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—50

Adams
Bennett
Blackburn
Clancy
Cohelan
Collier
Devine
Edwards, Calif.
Eshleman
Farbstein
Ford, Gerald R.
Ford, William D.
Fulton, Pa.
Goodling
Grover
Gubser
Gude
Halpern
Hanley
Hechler, W. Va.
Hosmer
Howard
Jacobs
Joelson
Johnson, Pa.
Koch
McCarthy
Mahon
Michel
Mikva
Minshall
Ottinger
Pelly
Pike
Podell
Pucinski
Rosenthal
Ryan
St Germain
Saylor
Schneebeli
Smith, Calif.
Taft
Utt
Vanik
Watkins
Whalley
Wolff
Wyatt
Wydler

NOT VOTING—60

Anderson, Calif.
Ashley
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Carter
Chisholm
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Dulski
Dwyer
Edwards, La.
Evins, Tenn.
Foreman
Gettys
Goldwater
Hébert
Helstoski
Hunt
Kirwan
Kuykendall
Kyl
Latta
McClure
Macdonald, Mass.
Martin
Morton
Pollock
Powell
Randall
Rees
Reifel
Rivers
Roudebush
Roybal
Sandman
Scherle
Scheuer
Stephens
Stratton
Stubblefield
Thompson, Ga.
Thomson, Wis.
Tunney
Wiggins
Wilson, Bob
Wold
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Corman against.

Mr. Burleson of Texas for, with Mr. Scheurer against.

Mr. Latta for, with Mr. Corbett against.

Mr. Morton for, with Mr. Del Clawson against.

Mr. Bob Wilson for, with Mr. Kuykendall against.

Until further notice:

Mr. Kirwan with Mr. Cahill.

Mr. Burton with Mr. Reifel.

Mr. Macdonald of Massachusetts with Mr. Bates.

Mr. Evins of Tennessee with Mr. Thomson of Wisconsin.

Mr. Rivers with Mr. Kyl.

Mr. Gettys with Mr. Berry.

Mr. Brown of California with Mr. Sandman.

Mr. Colmer with Mr. Cowger.

Mr. Stubblefield with Mr. McClure.

Mr. Randall with Mr. Foreman.

Mr. Carey with Mrs. Dwyer.

Mr. Blatnik with Mr. Scherle.

Mr. Edwards of Louisiana with Mr. Carter.

Mr. Stratton with Mr. Roudebush.

Mr. Tunney with Mr. Pollock.

Mr. Young with Mr. Martin.

Mr. Bingham with Mr. Wiggins.

Mr. Ashley with Mr. Goldwater.

Mr. Anderson of California with Mr. Hunt.

Mr. Dulski with Mr. Wold.

Mr. Powell with Mr. Bell.

Mr. Rees with Mr. Thompson of Georgia.

Mr. Roybal with Mr. Helstoski.

Mrs. Chisholm with Mr. Conyers.

Mr. SAYLOR changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a concurrent resolution of the House of the following title:

H. Con. Res. 277. Providing for an adjournment of the House of Representatives from Wednesday, May 28, 1969, until Monday, June 2, 1969.

LEGISLATIVE PROGRAM

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute for the purpose of asking the distinguished majority leader the program for the rest of the day and the rest of the week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader the next order of business will be the bill, H.R. 11582, the Treasury, Post Office, and Executive Office appropriation bill, 1970.

On tomorrow, as previously announced, the House will consider the bill, H.R. 4204, to amend the War Claims Act of 1948 and House Resolution 425 to transfer funds within the offices of the Clerk and the Sergeant at Arms of the House of Representatives.

Mr. GERALD R. FORD. I thank the distinguished majority leader.

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE APPROPRIATIONS, 1970

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 424

Resolved, That during the consideration of the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes, all points of order against section 502 of said bill are hereby waived.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON) and myself such time as I may consume.

Mr. Speaker, House Resolution 424 provides for a rule waiving all points of order against section 502 of H.R. 11582, the Treasury, Post Office, and Executive Office appropriation bill, 1970.

The reason for the waiver is that section 502 constitutes legislation on an appropriation bill.

This section 502 would set aside, Mr. Speaker, only for 1 year the personnel ceiling on the Treasury, Post Office, and Executive Office which ceiling was placed on the governmental agency by Public Law 90-364.

In the case of the Treasury, Mr. Speaker, it was reported to the Committee on Rules that there has been a loss of about a half billion dollars and there have been many, many losses to the Customs Bureau by reason of not having adequate personnel.

I think therefore that this waiver should be allowed.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Do I understand that this resolution reported out by the Committee on Rules waives all points of order on section 502 of the bill that we are to consider, H.R. 11582, and that involves, according to the committee report, 17,800 additional jobs for these various agencies? In effect, such action actually does away with the applicable portion of the Economic Assistance Act of last year.

Mr. PEPPER. It applies to those three departments for only 1 year.

Mr. HALL. Yes, but in those three departments, Mr. Speaker, there are 17,800 jobs, according to the committee report. It is perhaps for only 1 year, but the intent of the Economic Assistance Act, in the first place, was to retrench in order that we could avoid further spirals of inflation, in order that we could eliminate the pipeline and, indeed, as part of the genesis of the surtax, which we are all suffering from. It seems to me exceedingly strange that, in the wisdom of the Committee on Rules, we should have a waiver of points of order, which takes away all the rights of all the Members to present a point of order under such circumstances as this, which is in turn really a two-edged sword: One, which repeals the Economic Assistance Act, in effect, as we did indeed make exceptions to it last year in certain areas; second, it takes away the right of the Members.

Therefore, I think that this rule should be defeated out of hand, if that is the intent of this, because section 502 plainly provides:

> SEC. 502. Positions in the agencies covered by this Act, whether financed from funds contained in this Act or from other sources, may be filled during the fiscal year 1970 without regard to the provisions of section 201 of Public Law 90-364.

The Economic Assistance Act—

> and such positions shall not be taken into consideration in determining numbers of employees—

That language makes it open ended. I do not feel it is the mood of the people or the Congress to pass such legislation, especially through the device of waiving points of order and the individual Member's prerogative in such instances. I appreciate the gentleman yielding. I would like further explanation.

Mr. PEPPER. Mr. Speaker, I yield to the able gentleman from Oklahoma, the chairman of the subcommittee, to explain the matter.

Mr. STEED. I am sorry to have to take some of the wind out of the sails of my good friend from Missouri. But he ought to know the postal field service is already exempt by the law itself we passed last year. The 4,500 jobs in this bill for the Treasury Department would be affected by this exemption, and, of course, it would preclude further reductions in personnel already on the rolls.

The gentleman sat here all day yesterday and today and let the Agriculture appropriation bill go through with this very same exemption in it, and he did not open his mouth. Now we are affecting the agencies of the Government that enforce the laws and bring in the revenues we so badly need, and all of a sudden the gentleman wants to raise a point about our giving them the manpower they must have to do their job.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I am glad to yield to the able gentleman from Missouri.

Mr. HALL. I appreciate most of what the gentleman from Oklahoma said. Indeed, I think the wind from him blows as agreeably as the wind over the plains of his fair State, and he can always take out of my sails in any opportunity he has.

I think the reason for asking for a waiver of points of order in this case should be very obvious to the Members after the fiasco we have been through yesterday and today; but, whether I would waive or suffer any of my rights to go by the board on a Department of Agriculture bill is not to the point at all. The point is, that now we have another annual appropriation bill coming in with a waiver of points of order. It approaches becoming customary. It is true, I know, that we did exempt certain postal employees last year, as we did some FAA and USVA employees, and so forth. As the gentleman from Oklahoma would know if he referred to the RECORD, it was not done with my support and vote, because I was one of the ones who knew that in the months previous, 87,000 employees were hired before we made the exception to the Economic Assistance Act. Be that as it may, I still think—and appreciate the gentleman yielding—this should be defeated out of hand, and I wonder what has happened to the gentleman from Texas, the chairman of the Committee on Appropriations, who very recently said that we should go all the way and we should have no exceptions to the hiring rule or the Economic Assistance Act, or the new formula he was so proud of in a statement before this House recently.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. I thank the gentleman for yielding.

Mr. Speaker, I feel sure the views of the gentleman from Missouri are probably identical to mine with respect to the issue now before us. Last year the Treasury Department, the Customs Bureau, and the Internal Revenue Service, according to the evidence, lost revenue to the tune of more than 500 million because of the cutback in personnel for revenue-collecting work.

The great majority of members of the Committee on Appropriations on both sides of the aisle is in favor of exempting these employees, so that we would not sustain another half-billion dollar loss next year. The committee had no hesitancy in recommending that section 201 of the Revenue and Expenditure Control Act of 1968 be set aside in this regard.

It will save us money. It is a very sound thing.

It is strongly supported by the President.

It is strongly supported by the Director of the Bureau of the Budget.

It is strongly supported by the Secretary of the Treasury.

I believe there is some misunderstanding, because knowing the gentleman's general philosophy as I do, I believe he would not object to this rule or object to this provision. Would the gentleman explain his position a little more to give me an opportunity to explain the views of the committee?

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I yield to the able gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the attempt on the part of the gentleman from Texas, the chairman of the Committee on Appropriations. I think what he is saying is that the Martinsburg monster is not working, or that Parkinson's law is in effect and that sending more personnel and more money is the only forthcoming solution to the problem after we have spent billions of dollars to reduce personnel requirements.

I have read the report in detail. I understand the action of the Committee on Appropriations. We were told when we put the computer in for the Internal Revenue Service at the cost of many millions of dollars that we would be able to decrease the number of personnel. Now they are coming back for more. I doubt if the people of America, who are being harassed by the Internal Revenue Service, appreciate the fact that they will be harassed for more and more funds under the progressive income tax or the retrogressive payroll tax with the Martinsburg monster working or not with more personnel, if we try to collect more and more taxes which should be left at home with the taxpayers in the first place.

Mr. MAHON. Mr. Speaker, if the gentleman from Florida will yield further, all taxpayers in my opinion generally feel that all other taxpayers certainly should pay their due and just taxes, and the taxes of those who pay every dollar that is owed every year are heavier by reason of anyone who may have escaped appropriate audit and payment of an appropriate sum. So the approximately $500 million we have lost in rev-

XUM

enue last year is just an additional burden on the people we represent. I think the gentleman would recognize that in this particular field it is very wise indeed for us to give the agency the number of people they need.

I do not know of a member of the Appropriations Committee, or of the Ways and Means Committee through which the expenditure control legislation was handled last year—this part of which originated in the other body—who would object to the pending waiver provision.

So, I would hope that we could adopt the rule without a rollcall and then move right into a discussion of the bill. Of course, a motion would be in order to strike this waiver provision if any Member so desires.

Mr. HALL. If the gentleman from Florida will yield further, the gentleman from Texas speaks in paradoxes. If we vote in favor of the rule, then the motion to strike would not lie against it, in view of the fact that the point of order would have already been waived.

The gentleman knows I have made book for a long time against waiving of points of order so far as the procedures of the House are concerned. If, indeed, the waiver of points of order is valid, as the Chairman of the Appropriations Committee says, why not make it applicable only to the Treasury Department? This says that all agencies under this bill; namely, the Post Office and Executive Offices and certain independent agencies, all are exempt as far as this is concerned.

Mr. MAHON. The postal field service is already exempt under the existing law, and that service involves the great bulk of employees outside the Treasury Department. I think the gentleman really is in accord with the actions of the committee with respect to this matter, except for the policy posture which he wants to assume of being against the rule.

Mr. HALL. I am against waiver of points of order in rules—or closed rules—which deny the individually elected Representative in Congress his day in court, the original rules of procedure from Thomas Jefferson to date have been made for protection of the minority, or the individual. This is what I am against and why I make book against such points of order. The distinguished gentleman has apparently asked for exemption of all agencies under this bill we are being asked to take up this afternoon.

Mr. PEPPER. Mr. Speaker, the gentleman will take note of the fact that this is an open rule. The Committee on Rules felt a compelling case in the public interest for the waiver of this point of order had been made by the Appropriation Committee, and our committee hopes the House will agree.

Mr. ANDERSON of Illinois. Mr. Speaker, I believe the Committee on Rules tries very hard to be judicious in its exercise of discretion with respect to the matter of granting of waivers of points of order. We have no desire, certainly, to rob or to deprive any Member of this body of his right to make those points.

I certainly concur in what the gentleman from Florida said, and in what the chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED), said before the Rules Committee 2 days ago.

It seems to me, as pointed out very succinctly on page 3 of the committee report, that the effects of Public Law 90–364 which we enacted last year were so absolutely disastrous as far as the Treasury Department is concerned that we certainly did not want to let this appropriation bill go before the House without making sure that the provisions of that law were repealed so far as they affect this Department, and that would not be done without adopting the kind of rule we suggest the House adopt today.

Mr. Speaker, in addition to supporting, as I do, the rule, I want to take just a moment—and it shall not be longer than that—to indicate my wholehearted support of the proposals embraced in the message which the House received earlier today from the President of the United States. I could not comment at that time.

Of course, in the message the President called for a drastic reform of the postal system, the system for which appropriations are called for in the bill which I hope will be shortly under consideration.

It was an English statesman, Benjamin Disraeli, who said almost 100 years ago that without efficiency there cannot be economy, and the basic reason for the reforms called for in the President's message are to bring true efficiency to the postal department.

That message points out that some $8 billion had been taken from the Treasury to shore up the Post Office Department during the last decade, and over the next decade more than double that sum will be necessary unless we do something drastic to reorganize the postal service. While it is true that the remedy called for here is an exceptional one, I think these are exceptional times.

If we see a breakdown in the Post Office Department and in the postal service, people will turn to the Congress to ask, "Why did you not do something when you still had time?"

As I read this message, and as I listened to the gentleman from Oklahoma (Mr. STEED) before the Rules Committee 2 days ago, when he told us that the Post Office Department could come back to this Congress for the next 10 or 15 years and they would not be able to get the appropriations they need to provide new capital facilities, or to provide working conditions that will enable us to recruit the kind of efficient postal force we need, it seemed to me he made a powerful case indeed for the adoption of the remedy called for in the President's message.

This is not a partisan matter. The last President of the United States, Lyndon Johnson, made such a recommendation in his last state of the Union message. The former Postmaster General—not the one who preceded Mr. Blount, but the one even before him—namely, Mr. O'Brien—is supporting the principal recommendations of this message.

So I take this time, and I beg the indulgence of the Members of the House, and apologize to them for taking time this late in the afternoon, to say I think this is one of the most important messages that will come before this Congress in this session of the 91st Congress. I hope, rather than falling on deaf ears and rather than evoking some of the comments I have read recently, such as "Well, this is a good idea but we have to wait 3 or 4 years before it happens," that we can sense the emergency facing us and take the kind of positive, forthright action called for in the message of the President.

Now I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I wonder where the gentleman suggests that the enormous amounts of money he says are needed by the Post Office Department will come from unless through Congress?

Mr. ANDERSON of Illinois. Under the provisions of the U.S. Postal Service Corporation, as I understand the message, they would be given borrowing authority up to $10 billion. The first $2 billion of that money would be supported by the full faith and credit clause of the U.S. Government. It would be borrowing authority. They would go out and sell bonds or issue debentures and use the revenues of the postal service to amortize those bonds or debentures.

Mr. GROSS. Would it make any difference whether the Treasury Department borrowed the money?

Mr. ANDERSON of Illinois. To this extent: I heard the Postmaster General say—and incidentally I think we are very fortunate to have a man as courageous and forthright as he is—that the basic trouble with the Department is that they have the power to administer but not really the power to manage. He cannot manage the Department and he never will be able to as long as we fix wage rates and postal rates. We will not get the kind of efficiency which will bring true economy, which in turn will enable this Department to operate as a service should on a businesslike basis.

Mr. GROSS. Will the gentleman yield further?

Mr. ANDERSON of Illinois. Yes.

Mr. GROSS. I wonder if the gentleman can tell me today—and apparently he has been briefed on this subject of a corporation in the Post Office Department although I have not, nor have I seen a bill—what assets the Corporation would take over and what liabilities they will leave behind? Does the gentleman have any idea about that?

Mr. ANDERSON of Illinois. If the gentleman will permit me to respond, I will say it is my understanding that the U.S. Postal Service Corporation will take over all of the existing assets of the Post Office Department at the present time, that is, all of the buildings and grounds which are now a part of the assets of that Department would become assets on the books of the Postal Service Corporation.

Mr. GROSS. And they will take over the $15 billion of liability in the retirement fund?

Mr. ANDERSON of Illinois. I do not believe in the message and in the briefing I have had that we had a thorough explanation as to whether or not they would assume all of those liabilities. I suggest the gentleman has a very good point.

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It might be necessary to work out some special provisions with respect to that retirement fund.

Mr. GROSS. I will tell the gentleman that I looked in vain in the message that came down here today for some reference to this. I thought surely there would be a mention as to what was proposed to be done by the Corporation. Is this some kind of a nebulous proposition that nobody is supposed to know anything about at this point?

Mr. ANDERSON of Illinois. I am sorry that the gentleman does not feel he has been adequately briefed on the subject as to the intention of the administration, but I feel at least, as I read it and interpret it, it is a pretty explicit description of the plans they have for a thoroughgoing reorganization.

Mr. GROSS. Now, if the gentleman will yield, on the subject of the rule on this bill?

Mr. ANDERSON of Illinois. Yes.

Mr. GROSS. And on the subject matter that it makes in order. I take it that through this waiver and adoption of section 502, Congress will have repudiated, for all practical purposes, the solemn agreement it made with the public as to the reduction of 240,000 employees in the Federal Government, the agreement that was made a part of the package deal, including the 10-percent surtax and the $6 billion spending cut.

Mr. ANDERSON of Illinois. I do not think I would use the language that the gentleman used to call it a total repudiation of a promise. What it does is it says for the balance of this fiscal year we will, with respect to the departments named in this bill, waive the provisions of Public Law 90-264.

Mr. GROSS. Does the gentleman think in this agency or department or any other agency or department that once they are permitted to restore employees they will go back next year and cut again?

Mr. ANDERSON of Illinois. It is very difficult, of course, to foresee what would be produced in that regard in the next year or the years to come. I do merely go back to what was pointed out by the gentleman from Florida (Mr. PEPPER). If we want to give the Internal Revenue Service the personnel that they need to enforce the tax laws, if we want to make sure that this country is not going to be flooded with narcotics, and that the Bureau of Customs have the people with which to control these operations, we have got to waive the point of order with respect to that situation and give them the authority to go out and hire the personnel that they need.

Mr. GROSS. The gentleman from Missouri alluded earlier to the computer system that has been set up at a cost of millions upon millions of dollars, and was supposed to have obviated the necessity for all this employment in the Treasury Department and Internal Revenue Service. What has happened as a result of all of the expenditures that were made at Martinsburg, W. Va.?

Mr. ANDERSON of Illinois. Mr. Speaker, I yield to the gentleman from Massachusetts for the purpose of answering that question.

Mr. CONTE. The gentleman from Iowa is absolutely right. But what happens is this: Once you get that computer system in and operating, which it is at the present time, and once you get your data processing system in and operating, which we have at the present time, in the sectional centers throughout the United States, then this information comes forth that there are delinquent accounts, there are accounts that you have to go after and audit. With this restriction—and I might point out that Senator WILLIAMS who is the author of this restriction just recently on the floor of the other body complained about the Internal Revenue Service having an increase in the number of delinquent accounts. The reason why they have an increase in delinquent accounts is because of a shortage of personnel. This language here merely applies to the Treasury Department and the other agencies related thereto. The Post Office Department was excluded and exempted last year. We lost $30 million in collections in customs alone. If this thing is not repealed, this manpower restriction is not repealed, in the Internal Revenue Service we will lose $1 billion over a 3-year period of time.

Mr. GROSS. Mr. Speaker, will the gentleman from Illinois yield further so that I may ask the gentleman from Massachusetts a question?

Mr. ANDERSON of Illinois. I yield further to the gentleman from Iowa.

Mr. GROSS. Was any of this foreseen when the package deal was offered to Congress? Was this not foreseen then?

Mr. CONTE. Yes.

Mr. GROSS. And if so, why, then, did Congress cut it?

Mr. CONTE. That is a legitimate question that the gentleman from Iowa brings up. The gentleman from Oklahoma and myself fought this thing on the floor of the House.

Another point that I want to make, and it is a very important point, is this: We are dealing here with a very sensitive situation. We have just passed the agricultural bill. In the Department of Agriculture, I believe, we have more employees than farmers in the United States. But we are dealing here with a very delicate situation and with a very delicate agency. These agencies are all of the revenue-producing agencies in the Federal Government with which we are dealing today, a very sensitive group of agencies, and if you cut down on employees, you cut down on revenues. It is just that simple.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Missouri.

Mr. HALL. I understand the gentleman's opening statement is predicated upon the hearings before the Committee on Rules and on which committee he represents the minority today in the presentation of House Resolution 424. For one who has not been so briefed and one who has done his homework, I am sure it is general knowledge, as stated on page 2 of the committee report of this bill, that these appropriations can be considered if this rule does make such consideration in order, but does not include amounts required for the third step of the Federal pay raise which is expected to become effective July 1, 1969, pursuant to the Postal Revenue and Federal Salary Act of 1967. Nor does it include the automatic military services pay increase. By what logic can we add personnel, be they collectors of revenue or whatsoever, and I do not agree that all of these agencies are money earners for the Treasury, certainly, not the Post Office Department, which we look upon as a service department. But, be that as it may, how can we add more personnel when we do not include in this the money for the personnel in the third phase of the pay increase act? In other words, does not this guarantee a supplemental or deficiency appropriation request for 1970?

Mr. ANDERSON of Illinois. Again, I believe I would have to respond in the same vein that I did earlier to the gentleman from Iowa. It is very difficult to try to assume the role of a prophet, and to know whether or not we are going to have to come in some months from now and ask for a supplemental appropriation. I would have to leave that to the members of the Committee on Post Office and Civil Service or, rather, to the Appropriation Subcommittee that is presenting this bill on the floor today, perhaps, to enlighten us as to whether or not that is going to be necessary. But I would repeat that it seems to me that they made a perfectly adequate case before our committee to support their request for a waiver of points of order on this bill with respect to this section.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, again let us not clutter up the record. The Post Office was exempted from the Manpower Restriction Act. We are not putting in something that was not there before. The Post Office was exempted. This is merely to exempt the Treasury Department.

Mr. ANDERSON of Illinois. The gentleman is correct.

Mr. Speaker, I have no further requests for time.

Mr. PEPPER. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HOLIFIELD). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 345, nays 12, not voting 75, as follows:

[Roll No. 66]

YEAS—345

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Coughlin
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyros
Langen
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
Ryan
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Wis.
Stokes
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—12

Ashbrook
Derwinski
Gross
Hall
Ichord
Jonas
Landgrebe
Michel
Myers
Skubitz
Snyder
Watson

NOT VOTING—75

Anderson, Calif.
Ashley
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Broyhill, N.C.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Carter
Cederberg
Celler
Chisholm
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Dickinson
Dulski
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Feighan
Foreman
Gettys
Gibbons
Goldwater
Gude
Hawkins
Hébert
Helstoski
Hunt
Kirwan
Kuykendall
Kyl
Landrum
Latta
McClure
Macdonald, Mass.
Martin
Mize
Morton
Pollock
Powell
Randall
Rees
Reifel
Rivers
Roudebush
Roybal
Sandman
Scherle
Scheuer
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Taft
Thompson, Ga.
Thomson, Wis.
Tunney
Vander Jagt
Whitten
Wiggins
Wilson, Bob
Wold
Young

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.
Mr. Burleson of Texas with Mr. Latta.
Mr. Kirwan with Mr. Corbett.
Mr. Macdonald of Massachusetts with Mr. Morton.
Mr. Celler with Mr. Cahill.
Mr. Evins of Tennessee with Mr. Pollock.
Mr. Rivers with Mr. Bates.
Mr. Gettys with Mr. Taft.
Mr. Young with Mr. Martin.
Mr. Tunney with Mr. Cederberg.
Mr. Blatnik with Mr. Gude.
Mr. Burton of California with Mr. Wiggins.
Mr. Whitten with Mr. Berry.
Mr. Anderson of California with Mr. Goldwater.
Mr. Corman with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. McClure.
Mr. Gibbons with Mr. Kyl.
Mr. Hawkins with Mr. Bell.
Mr. Stratton with Mrs. Dwyer.
Mr. Stephens with Mr. Foreman.
Mr. Feighan with Mr. Hunt.
Mr. Dulski with Mr. Roudebush.
Mr. Carey with Mr. Mize.
Mr. Landrum with Mr. Broyhill.
Mr. Brown of California with Mr. Thompson of Georgia.
Mr. Ashley with Mr. Esch.
Mr. Randall with Mr. Carter.
Mr. Colmer with Mr. Dickinson.
Mr. Roybal with Mr. Scherle.
Mr. Stubblefield with Mr. Cowger.
Mr. Helstoski with Mr. Wold.
Mr. Bingham with Mr. Sandman.
Mr. de la Garza with Mr. Kuykendall.
Mr. Conyers with Mr. Powell.
Mr. Rees with Mr. Reifel.
Mr. Scheuer with Mr. Steiger of Arizona.
Mr. Thomson of Wisconsin with Mr. Vander Jagt.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. STEED. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. CONTE) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman think that a bill of this magnitude can be properly discussed in 2 hours? There was 3 hours of general debate on the agricultural appropriation bill calling for the spending of less money.

Mr. STEED. Mr. Speaker, if the gentleman will yield, I do not have any doubt whatsoever but what I can do an adequate job of discussing the bill from my standpoint at this time.

Mr. GROSS. In 2 hours?

Mr. STEED. In 2 hours. Then, of course, we have the 5-minute rule.

Mr. GROSS. Well, is there some reason for this? It is early in the evening. Is there some reason why we should not take more time than that during which to discuss this bill?

Mr. STEED. The only reason I can give the gentleman from Iowa is that the subcommittee, in conferring with me and after discussing it, felt that 2 hours was sufficient time. So that is why we have asked for 2 hours of general debate.

Mr. GROSS. I have been able to read the bill and the report, and I cannot find a single reduction in spending. It seems to me that every item contained in the bill is increased over the expenditures for the same general purposes of last year.

It seems to me that it is going to take some time to explain to the House why every item in this bill is increased over the level of last year.

Mr. STEED. There is a very simple explanation as to why these items are increased.

Mr. GROSS. Do not simplify it too much.

Mr. STEED. And if the gentleman is unable to understand why, it is because there have been increases in the workload, capital improvements, and personnel, making it necessary for these expenditures to carry out the necessary and mandatory functions of the Government by these agencies. I believe that 2 hours is sufficient to discuss the key matters, or any pertinent matters that anyone would want to explain about the bill, and we will do our best to make it clear.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma (Mr. STEED).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11582, with Mr. DENT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Oklahoma (Mr. STEED) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, in presenting this appropriation bill to the House today, I believe that we have brought a good, tight bill, one that we can recommend wholeheartedly, and one that I believe will suffice to provide the resources these very important agencies of our Government must have during the forthcoming fiscal year to carry out their very important missions.

In general, we are talking here about the Post Office, Treasury, and Executive Office of the President which requested $8,821,727,000 in the Nixon revised budget, of which the committee recommends $8,779,345,000.

When the receipts of the Post Office Department are applied as a deduction against the costs of the Department we find that we are here in total asking for about $402,000,000 more to fund these agencies in fiscal year 1970 than they were given during fiscal year 1969.

All of this increase can be easily accounted for under three items: First, workload increase; second, capital improvements; and, third, personnel to help in the organized crime task force program that the President is trying to place into operation.

Mr. Chairman, in trying to give a broad picture of what this extra cost and work load increase has placed on these departments, they ask for an additional 18,414 employees to carry out their work next year.

The committee has allowed 17,805 of these.

All except 4,501 in the Treasury Department and 90 in the Exeuctive and independent offices section are for needed personnel in the Post Office Department.

The Post Office Department has an impact that cause this need for personnel to increase from two different sources—one when the mail volume increases, they need extra people to process the mail. With an anticipated 3-percent increase in the mail volume predicted for next year, it means the Department will have 2 or 3 billion pieces of mail above the 84 billion pieces of mail that they have to process this year. This will requre extra people.

In addition to the 67,500,000 homes, offices, and stores that the Post Office Department is delivering mail to today, it is estimated that at least 1 million additional addresses will be in being by this time next year and, therefore, it increases the need for mail carriers to carry the mail to these new places of business and homes.

So these two things are what is required to meet the need for additional personnel. Your committee feels the 13,000-plus jobs allowed here for the Post Office Department are not only justified but are going to be needed if they are going to maintain the mail service next year that the public wants and deserves.

In the Treasury Department the 4,501 jobs that we have allowed include 2,400 jobs that they lost due to the economy act last year and the additional jobs that they need for the extra workload in the coming year. The workload in these departments is measured easily.

In the Bureau of Internal Revenue, for instance, they are having to process more than 2 million more tax returns this year than they did last year, and the number is expected to increase substantially next year. It takes a lot of additional personnel to process this kind of increase in income tax returns and due to the complexity of many returns now, it requires highly trained personnel.

They have a very dangerous increase in delinquent accounts, and they have fallen to an alarmingly low level on the returns that they are able to audit. If something is not done to tighten this up and keep the collection of taxes in better order, we can expect in the next year or two to find a general lessening of the public zeal to comply with our tax laws.

It might be interesting for the Members to know that if there is a 1-percent drop in voluntary compliance it would cost the Federal Government $1,700,000,000.

In the Bureau of Customs they have some very severe manpower needs. Since 1960 the Bureau of Customs has had a 65-percent increase in its workload and only a 4-percent increase in manpower. They are unable to process adequately the people coming through customs. They project a fantastic increase of people to go through customs during the coming year. They are anticipating a total of 238 million people to go through customs next year. They expect an increase of over 2 million vehicles crossing our borders.

They have had the heaviest impact of smuggling of narcotic drugs across the border in all of our history.

Every single function that they have to perform is putting great pressure on them and they need more and more people.

In the Secret Service they have had a lot of very new activities imposed upon them at a time when counterfeiting and forgeries are at an alltime high and the need for manpower is greater than it has ever been.

You can go through the whole thing. In the Bureau of Accounts where they write Government checks and bonds—some 472 million pieces this year—they have already reduced their manpower for the year to a point where they do not have any more of a margin to operate if they are not given the employees. We could very well during the coming year find the checks for social security and veterans' pensions and that sort of thing running 30, 60, and 90 days behind.

If those who are interested will read our hearings, they will see that we have tried our best to get information which goes into all the details of the workload impacts. I think they are very important for the Members to know and understand. There is a request in this bill for 900 new personnel which comes under the heading of agents of the Internal Revenue, the Secret Service, and the Bureau of Customs that are being assigned on order of the President to the organized crime task forces under the general guidance of the Department of Justice.

These experts in forgery, counterfeiting, narcotics, smuggling, and tax evasion are going to be a very vital part of the task force teams. I think this assignment of manpower is a very important element in our efforts to get something in motion that will begin to curb this kind of crime in the Nation.

Earlier there was some reference to what happened when we bought all of these computers. Mr. Chairman, I think it is a good question. Since the Department of the Treasury began to computerize, they have invested what is estimated to be about $150 million in this type of equipment. As a result, they are now able to produce work on a per-man basis or a unit basis at a level which, if done under the old system before they were computerized, would require 16,000 additional people to do the work than are now employed. They save $150 million on manpower alone by the use of computers every 30 months, and these machines have a life expectancy of 15 years. So we think the computers in the Treasury Department, at least, certainly are paying off.

There is another item that I think ought to be attended to in connection with the Post Office Department. Several years ago, somewhat against the wishes of this subcommittee, Congress saw fit to begin to pass laws authorizing what we call public service charges to the Post Office Department. I believe the first year they amounted to only about $37.5 million. This year they are now a total of $707 million. I think this is a serious out-of-proportion growth in this field. And even after taking that much out we are still faced with a deficit between postal receipts and total postal costs of about $500 million, in addition to the $707 million we write off as public services to be paid by all the taxpayers.

The gentleman from New York (Mr. ROBISON) was very kind and helpful to us this year. He did a special study on this subject. During the hearings he went into this matter in great detail. I urge and recommend that all Members of the House take time to read at least this part of our hearings, because I think in here is contained information that will be most helpful to all of you from time to time as different types of decisions which might add to this title will come before you. I think if you need to understand, and if you read the remarks, questions and the comments that Mr. ROBISON generated during our hearings,

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you will find it very enlightening and helpful. I urge you to do so.

We have tried to make this as tight a bill as we can, with the workloads that add on the need for manpower that are easy to measure. These are the oldest agencies of the Government. There is no guesswork about it. We have the need for this additional manpower to combat organized crime, and we have added here a considerable additional amount of money for capital investment, the largest item of which is $120 million more in the bill this year than we had last year for postal public buildings, an area in which there is a grave need, for many, many times this amount for investment in postal facilities.

When we think of these three items, together with the impact they have made, we should consider this as only $402 million for the cost of all these departments in the coming year over what was necessary to run them this year. When we look at these total costs, really, we will find that had there not been additional efficiencies and improvements made, the request for this $402 million additional amount would approach approximately more than $600 million. The agencies have been able to absorb the increasing costs by better management techniques, which is a very commendable thing.

There are no moneys in this bill for the pay raises due July 1, because at the time the budget came out and the bill was marked up, no one had any idea what the amounts involved would be. I think it is fair to the administration to point out that in the total estimate there is included $2,800 million for the supplemental pay raises which everybody is sure will have to be taken up during 1970. While the amounts are not in this appropriation bill, they are included in the overall budget figures of the administration.

The figures I have been referring to are the revised Nixon budget and, of course, the result of the work of the committee itself. This is somewhat lower than the so-called Johnson budget we had.

While this bill is only for $42 million less than the revised Nixon budget asked for, we will have to remember it became more and more difficult for the committee to make reductions because, before we did that, the administration voluntarily reduced this whole bill by approximately $55 million. So compared with the original Johnson budget, we are talking about reductions of approximately $100 million. This is about in line with what we have been able to shave off these activities in prior years.

The reductions are real savings. Nothing in here is made for the benefit of headlines or the looks of things. These are actual and factual savings. Because we have a sound bill and because we have this exemption from this very unfortunate manpower ceiling that is crippling the agencies, I can in all good faith recommend this bill to my colleagues and recommend it as worthy of their support.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Indiana.

Mr. MADDEN. Mr. Chairman, I commend the gentleman from Oklahoma for the outstanding job, work, and the time he has put into preparing this legislation pertaining to the Post Office Department.

I was home last week, and I attended a meeting of the several postmasters of that area. They complained about a number of things. Their major complaint is they have no trouble with any mail deposited in their post offices which is sent through New York or Los Angeles or New Orleans, and they mentioned several other places. They said in about 200 of the cities mail can be delivered the next morning, with the exception of Washington, D.C., Post Office. They all complained there seemed to be difficulty with mail either delivered into Washington or postal material sent out from Washington.

I wonder if the gentleman from Oklahoma can inform us as to whether he has received any testimony in his committee pertaining to the efficiency of the Washington, D.C., Post Office service.

Mr. STEED. There is a lot of merit in what the gentleman says. The best information I have been able to get on that is that the postal wages are not competitive generally with wages in this area. As a result, the post office has found it virtually impossible to keep staffed. They have between 2,700 and 3,000 vacancies in the post office in the Washington area because they have not been able to keep staffed. Until they can become competitive in the labor market and get the kind of talent they must have to move mail, I think we will continue to have some problem in trying to improve the efficiency in the Washington area in the postal service.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Connecticut.

Mr. MONAGAN. Mr. Chairman, first of all, I want to compliment the chairman and the subcommittee on making an increase available for the Commission on Obscenity and Pornography.

There is no question but that this is a vitally important field, and one which will bear the greatest attention on the part of the Government.

There is an increase, I take it, of $352 million for the operation of the Post Office Department generally?

Mr. STEED. I believe that is the correct figure.

Mr. MONAGAN. I am sure that all of us are aware of the great deterioration of service which has taken place. I have with me here a record of an attempt to get an airmail special delivery letter to Connecticut for the father of a wounded GI, which took 2 days.

I realize the gentleman's subcommittee is not concerned with the management of the Post Office Department as such, but I should like to ask if he feels that there will be some guarantee of improved service as a result of this increased appropriation?

Mr. STEED. Well, perhaps not so much in terms of improving it, but it might keep it from getting any worse.

Here is our basic problem, and it is very serious. We have 72 percent of our mail volume concentrated in 300 large cities of the country. The other 28 percent is scattered out among 32,000 post offices.

The CHAIRMAN. The time yielded by the gentleman from Oklahoma has again expired.

Mr. STEED. Mr. Chairman, I yield myself 1 additional minute.

Since we have this concentration in the 300 large cities we do not have the efficient and well-equipped workshops we need. This is why until we are able to make a capital outlay of at least $2.5 billion or more to get these large cities economical workshops some of this postal problem cannot be solved. This is where we believe the most serious problem is in the postal service.

We have buildings which are 40 to 80 years old in some of these large cities, handling four or five times the volume they were built to handle. This is uneconomical. We can identify $4.1 million of unnecessary cost in the New York Post Office alone. We can charge off this to a lack of adequate and efficient work space.

Mr. MONAGAN. In other words, substantial capital investment would take care of a great deal of this problem?

Mr. STEED. We believe in these 300 large cities with modern facilities we could reduce expenses $400 million or $500 million.

Mr. MONAGAN. Mr. Chairman, it is hard to believe that in this era of lunar probes an urgent mailing to the father of a seriously wounded GI gathered dust in the Washington postal labyrinth for 18 hours before starting the first leg toward its destination in Connecticut.

This sort of experience brings home the truth of the adage that a chain is only as strong as its weakest link. Tragically, the postal service of the world's greatest Nation which reached noteworthy heights of achievement in days gone by, is a shambles of delays, obsolescence, and deterioration in days of jet planes, metroliners, and turbotrains, and capsules which orbit the moon.

The father of the wounded GI had requested my assistance in the completion of plans to fly to Tokyo on Thursday, May 22. On Tuesday, May 20, I sought the advice of postal workers in the Rayburn House Office Building Post Office for the safest and fastest handling of a small package containing the father's passport, visa, and other papers essential to his trip. I was advised that the package should be registered and sent "airmail, special delivery" and I was also assured that if it were posted in the Longworth Building Post Office it would "go out" at 1 p.m. The package was mailed in compliance with these instructions at 12:50 p.m., Tuesday, May 20. It remained in the Longworth Post Office until 5 p.m., when it was dispatched to the Washington City Post Office, arrving there at 8:10 p.m., and remaining there until 10 p.m. when it went to National Airport.

On May 21, the GI's father and the Waterbury, Conn., Post Office, having been alerted that the package was en route, became alarmed when no incoming consignment included the passport and visa. Actually the packet remained in Washington from 12:50 p.m. until 10

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p.m., and it had moved only to National Airport by 7 a.m. on Wednesday, May 21, 1969.

The handling of this properly addressed, properly stamped emergency shipment underlines the ineptness and inefficiency of our postal service and makes it clear that it is high time to assess and correct these deficiencies.

How can the Post Office Department defend a system which moves a registered, airmail, special delivery emergency package away miles during a period of 18 hours after mailing.

But let us look at the rest of the odyssey.

The emergency package was finally dispatched from National Airport, Arlington, Va., aboard Allegheny Airlines, Flight 805. The flight left National Airport, May 21 at 7 a.m. and arrived at Bradley Field, Windsor Locks, Conn. at 8:45 a.m., May 21, 1969. Meantime, the GI's father, the Waterbury Post Office, and my offices in Washington and Waterbury coordinated a continuing telephone campaign to follow the hegira of the slowmoving package. Consider a package which arrives "airmail special delivery" and "registered" at Bradley Field Wednesday morning, May 21, 1969, at 8:45 a.m. and then completely drops out of sight until arrival at the Waterbury Post Office at 3:30 a.m. Thursday morning, May 22, which incidentally was the day of the combat wounded GI's father's departure from Tokyo. The Waterbury Post Office finally sped the packet to its destination by special messenger.

I am asking the Postmaster General to make a full study of this complaint and to initiate remedies; but I have followed this same procedure in many previous instances and in previous administrations and I am convinced that words of protest will have little effect. The officials seeking to administer the Department are enmeshed in a system which defies improvement. The way to achieve adequate and efficient mail service is to keep up the pressure to set up an effective system and put the heat on those individuals who do not do their job effectively within the system. I am sure that most of my colleagues have had similar experiences with the Post Office Department. I am sure that many of them will agree that steps such as I have prescribed are appropriate. The alternative of course is to rattle along with our present unsatisfactory service. I hope that Congress will have the courage to do something about it besides talk.

The Post Office Department appropriation for fiscal year 1970 is scheduled for action by the House today. The bill calls for $7,676,035,000. It would be senseless, I suppose, to vote against the entire appropriation at this time to emphasize my protest, but I am seriously tempted to take such action. One begins to wonder what the people of this country are getting for the spending of this vast sum of money.

The CHAIRMAN. The time yielded by the gentleman from Oklahoma has again expired.

Mr. STEED. Mr. Chairman, I yield myself 1 additional minute.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I notice the committee has recommended $1.1 million for the Commission on Obscenity and Pornography. Last year they had $643,000.

Could the gentleman briefly tell us what the Commission is doing and what progress it is making?

Mr. STEED. Mostly they are studying the Supreme Court decisions and trying to bring in a number of different points of view to see if they can propose language to Congress which will meet some of this problem and still be within the purview of what the Court has said in its opinions.

Mr. PUCINSKI. Does the gentleman believe they will be able to make progress?

Mr. STEED. I think in the area of protecting children they can do a lot. We feel hopeful as to some of the results they will get.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to my colleague from Oklahoma.

Mr. EDMONDSON. I want to compliment my colleague for his masterful handling of a very complex bill and for the long hours I know he has put into its preparation, as well as for the splendid presentation he has made on the floor. I am certainly proud he is from the Oklahoma delegation.

The CHAIRMAN. The time yielded by the gentleman from Oklahoma has again expired.

Mr. GROSS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Fifty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 67]

Adair
Albert
Anderson, Calif.
Anderson, Tenn.
Ashley
Baring
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Broyhill, N.C.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Carter
Cederberg
Celler
Chisholm
Clark
Clawson, Del
Clay
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Dickinson
Diggs
Dingell
Dulski
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Fallon
Foreman
Gaydos
Gettys
Gibbons
Gilbert
Goldwater
Gray
Griffiths
Gude
Hanna
Hawkins
Hébert
Helstoski
Horton
Howard
Hungate
Hunt
Jarman
Jones, Ala.
Kirwan
Kuykendall
Kyl
Landrum
Latta
Lipscomb
Long, Md.
McClure
McDonald, Mich.
McEwen
Macdonald, Mass.
Martin
Mikva
Mize
Mollohan
Morse
Morton
Murphy, N.Y.
O'Hara
Ottinger
Patman
Pettis
Pollock
Powell
Preyer, N.C.
Randall
Rees
Reifel
Rivers
Rosenthal
Roudebush
Roybal
Sandman
Satterfield
Scherle
Scheuer
Springer
Stephens
Stratton
Stubblefield
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Ullman
Vander Jagt
Wampler
Watson
Weicker
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wyman
Young

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MILLS) having assumed the chair, Mr. DENT, Chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11582, and finding itself without a quorum, he had directed the roll to be called, when 319 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Oklahoma consumed 19 minutes. The Chair now recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take this opportunity as the ranking minority member of the Treasury-Post Office Subcommittee to add my thoughts on the appropriation bill that is before you and that our chairman, the gentleman from Oklahoma, has just discussed.

Last year at this time I noted that we were in deeply troubled times. I think the same is even more true today. Indeed, I find myself looking back to the dark days of World War II for a similar feeling of frustration.

The causes of current unrest and disillusion are many. Foremost among these is probably the tragic war in Vietnam. This war has permeated our lives in more ways than we would readily acknowledge. I am hopeful, in view of the President's latest statement, that it can finally be brought to an end.

I am also hopeful that the resulting "peace dividend" will be spent wisely. I am convinced that a thorough examination of existing budget priorities is essential if our people are to remain united and our domestic problems are ever to be solved.

In spite of material abundance all around us, our financial situation is not good. Inflation continues to eat up earnings and an imbalance of payments threatens the dollar. The administration has acted with firmness in this area. I look forward to seeing the economy brought under control soon as a result of this action.

Our problems will not be solved by wishing them away. We must face up to them and recognize that their solution depends upon our dedication to solving them. Nothing less than total commitment on the part of all of us is required.

We on the Appropriations Committee, as well as all the Members of this body, have our work cut out for us. We are once again faced with that perennial question of how to allocate limited resources among competing claims when there is not enough to go around.

Our subcommittee has worked hard to answer this question as it relates to the Treasury and the Post Office. Mr. Chairman, I would like to commend the committee for their dedicated performance in formulating the recommendations we have here today.

Budget requests for fiscal 1970 by the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies totaled $8,821,727,000.

We have recommended cutting these requests by $42,382,000.

Assuming all estimated fiscal 1969 supplemental requests are enacted and all transfers to other agencies effected, the amount of increase recommended in this bill over the 1969 bill is $452,232,416.

At the outset I would like to discuss our proposed amendment to section 502 of Public Law 90–364, the Revenue and Expenditure Control Act of 1968.

Our amendment would lift the personnel restrictions of section 201 of Public Law 90–364. This is an extremely important and absolutely essential measure. The fact of the matter is that so-called savings from these restrictions have resulted in a tremendous loss of revenues to the Federal Government.

The field service activities of the Post Office Department were exempted from these restrictions. Were this not the case, it would have been impossible during fiscal 1969 to provide adequate postal service.

The Treasury Department was denied a total of 4,900 positions because of these restrictions. I would remind you that 85 percent of the total appropriations for Treasury are for the collection of revenues.

Treasury Secretary Kennedy testified that revenue losses to the Government in excess of $500 million resulted from these restrictions, and in many instances the full amount of the savings were offset by increased overtime costs in order to perform essential activities.

The Bureau of Customs lost 302 average positions accounting for a net reduction of $1,550,000 as a result of the manpower restrictions. The revenue loss attributable to this reduction has been estimated at about $30 million. I repeat, customs lost $30 million because of "savings" of $1.5 million. To put it another way, $20 was lost for each $1 saved.

The effect of these restrictions in the Internal Revenue Service is even more remarkable. It has been estimated that reductions in audits, collection activity, and coverage of delinquent returns would, over a 3-year period, result in a direct revenue loss of about $1 billion. I repeat, $1 billion will be lost between fiscal 1968 and the end of fiscal 1970.

More serious, however, is the eroding effect that inadequate audit coverage will have upon our voluntary compliance system. It has been estimated that a drop of only 1 percentage point in voluntary compliance would reduce revenues by more than $1.7 billion.

The implications of this are indeed overwhelming. And this can accelerate in geometric proportions. Thus a drop of 2 percentage points in voluntary compliance would reduce revenues by much more than $3.4 billion.

I have protested many times before, both on and off the floor of the House, the kind of economy that would save $1 million in appropriations at the expense of from $6 to $10 million in direct revenues.

I am protesting it again now. It is not only bad economics. It is also illogical and unwise. And I can certainly see no justification for it.

That is why our amendment to section 201 of the Revenue and Expenditure Control Act is so essential. I am more convinced than ever about the need for this amendment.

The subcommittee chairman hit the nail on the head when, during the hearings, he called the restrictions a classic case of being "pennywise and pound foolish."

I urge your support of this amendment. I think it is absolutely necessary to the successful collection of Federal revenues.

With that in mind, I would like to discuss some of our specific recommendations.

The committee reduced total Treasury requests by $9,569,000. Our recommendations reflect an increase of $68,487,000 over 1969 appropriations and $53,179,000 over 1969 proposed levels. These amounts would allow an increase of 4,500 positions, of which over 1,500 represent a restoration of curtailments under Public Law 90–364.

The Treasury Department has achieved substantial savings through management improvements. Since the program was started in 1947, more than $514 million has been saved. Last year alone over $97 million was saved. This is what we would like to see more of throughout the Government.

Treasury has been selected as the lead agency in the new law-enforcement training center. This center will provide training facilities and a modern training program for 12 agencies—Budget Bureau, Civil Service Commission, White House staff, Treasury, Justice—other than FBI, Interior, Post Office, State, Transportation, Smithsonian Institution, General Services Administration, and District of Columbia Metropolitan Police. The need for some type of central training facility for law enforcement personnel in these agencies has been apparent for some time. This new center should prove to be a valuable weapon in the fight against crime.

Last year the chairman and I expressed strong opposition to the transfer of the Bureau of Narcotics to the Department of Justice.

I said then, and still believe, that the work of the Bureau of Narcotics is more closely tied to the work of IRS and Customs than it is to Justice. It is part of the same overall operation. It seems ironical that an excellent law-enforcement agency has been removed only to be replaced by a new law enforcement agency.

I brought this matter up with Secretary Kennedy during the hearings. I was pleased to see that he agreed with me about this.

The Treasury Department contains some outstanding examples of increased productivity through technological improvements. All of us on this subcommittee encourage such improvements wherever possible.

The Bureau of Accounts is one such example. During fiscal 1951 the average production per employee in their major area of responsibility, central disbursement operations, was 60,000 units per man. In fiscal 1966 it was 343,000 units per man. In fiscal 1970 a productivity increase of 4 percent to an alltime high of 414,000 units per man is projected.

They are estimating an increase in central disbursing operations of 3.7 percent or 16.5 million items which will be handled with a net reduction of 6 man-years. They are also expecting an increase of 13 percent or 4 million Federal tax deposit items. However, as a result of improvements in the system, a 12.7-percent reduction in unit cost to a new low of 4.8 cents an item is projected.

The Bureau of Engraving and Printing is another example of increased productivity and reduced costs through mechanization. Recently acquired automatic equipment will reduce the cost of manufacturing food coupon books by $200,000 when it is fully developed. Moreover, as a result of further reductions in the cost of manufacturing currency, the unit cost rate may be reduced to an all-time low of $8.10 per thousand notes.

The Bureau of the Public Debt expects to issue 8,089,000 pieces of marketable securities in fiscal 1970, an 8.2-percent increase over the number last year. The bureau also expects to retire 8,705,000 such pieces, an increase of 11 percent. In addition, 148,250,000 savings type securities will be issued and 126,400,000 will be retired, representing an increase of 2.9 percent on the issue side and 3.2 percent on the retirement side. All of this will be done with an increase of only 29 positions, which includes 15 from restoration of curtailments under Public Law 90–364.

However, unmanageable backlogs and possible breakdown of adequate services to the public are predicted in the Bureau of the Public Debt unless relief is given from hiring restrictions. I would remind you that this is an agency whose productivity has increased more than 100 percent since fiscal 1957 when their first computer was installed. Without this increase in productivity, $17 million more would have been requested for personnel costs this year.

More than two-thirds of the funds requested for the Office of the Treasurer will be used to pay and reconcile some 593 million checks drawn on the treasurer and to handle the hundreds of claims which invariably arise due to the loss, theft, and forgery of Government checks. The workload in these two areas is wholly governed by the number of checks issued by other Government agencies.

Employee productivity in check operations has increased every year since 1956, and according to estimates this will be true in fiscal 1969 and fiscal 1970.

While checks processed since 1956 have gone from some 350 million a year to an estimated 593 million in fiscal 1970, the number of employees during that period has gone from nearly 700 in 1956 to less than 600 estimated for fiscal 1970.

In the first 9 months of fiscal 1969 an average of 2,144 claims has been processed each day compared to an average of 1,830 for the same period last year.

One small item that often goes unnoticed is the check forgery insurance fund. This is a revolving fund for which we have recommended $100,000 this year. The fund is used to make settlement on checks that have been paid on forged endorsements. You may be surprised to know that total irretrievable losses since the fund was established in 1942 amount only to $19,450.

The committee cut $630,000 from requests by the Bureau of the Mint. We felt that the estimate of 7,505 million pieces of coinage was too high, especially when compared to an estimated 5,600 million pieces in 1969.

Concern over the continuing use of our limited supplies of silver in the half dollar was again expressed. The recommendations of the Joint Commission on the Coinage, on which I also sit, lessened much of this concern. I am most pleased with these recommendations and look forward to favorable congressional action upon them.

The new mint in Philadelphia will be formally opened in August. The principal item in our independent recommendation for that facility is $1 million for a second coin roller. These rollers are designed to turn out 10,000 coins per minute.

In recent tests the first roller did in fact perform up to expectations. It turned out 10,000 coins per minute with a 70-percent overall effective rate.

I have already mentioned how manpower restrictions affected the Bureau of Customs. Customs manpower was only 3.4 percent greater in 1968 than in 1950, at the same time that formal entries of merchandise increased 212 percent and the number of persons entering increased 146 percent.

The number of persons arriving in this country was 214 million in fiscal 1968, and is estimated at 225 million for fiscal 1969 and 238 million for fiscal 1970.

The number of arrivals by air increased 21 percent in fiscal 1968. Of the expected total of 238 million in 1970, 15 million will arrive by air. The problem is of particular concern because jumbo jets carrying 350 to 500 persons will be operative in January, 1970.

In 1969 the workload is in many instances increasing at a rate in excess of the 1968 increase. Formal entries, the single most representative indicator of the customs workload, have been increasing by almost 19 percent in 1969 as compared to 7 percent last year.

Customs collections, which were more than $2.9 billion in 1968, are increasing at a rate of almost 24 percent and will reach $3.6 billion in 1969.

The cost of collecting $100 was $3.09 in 1968. This will drop below $3 for the first time in 1969. This is made more significant by the fact that duty levels were substantially reduced last year. Some of the drop is due to greater efficiency, but some is due to failure to do an effective job because of lack of personnel.

In 1968 less than 10 percent of the 29.7 million foreign mail packages, exclusive of flats and prints, were examined. This is not an adequate rate of inspection either in terms of revenue collection or of customs enforcement. Moreover, the number of packages is expected to increase 5 percent annually in 1969 and 1970.

Customs is also being inundated with imported cargo. One reason for this is the increased use of large containers. Nevertheless, the average revenue collected this year for each dollar expended on commercial cargo importations is slightly over $56.

In 1968 more than 35 tons of marihuana were seized by customs authorities. This is enough marihuana to fill one-half a football field 6 inches high.

The authorities also seized 356 pounds of heroin, including a recordbreaking seizure of 135 pounds, 4 million 5-grain units of dangerous drugs, as well as sizable amounts of opium and other narcotics.

Seizures of all these items are ahead of those last year. In addition, more than 4,300 arrests have been made.

Customs authorities have a real problem on the Mexican border. For this work they need aircraft, high-speed boats, and police-type cars. The maximum that presently can be spent per police-type car is $1,800. I question whether this is enough for such a car.

I think the Treasury Department should be treated the same as the Justice Department where there is no limit on the amount that may be spent on each vehicle. This can be accomplished by very minor changes in language which we have included in our bill. I strongly support such changes and urge your adoption of them.

Last year Customs was authorized to purchase one aircraft. The authorization did not include a provision for the conversion of forfeited seized aircraft. This would decrease acquisition costs to almost nothing and would greatly facilitate their work. Our bill has provided for the purchase of one more aircraft and for the conversion of seized aircraft. I urge your support for this measure.

We cut 213 positions from Customs' request. These were, however, primarily for future operations at Kennedy International Airport. We believe that the recommended increase of 347 positions, of which 158 are for restoration of curtailments, is mandatory if we are to avoid losing any more revenue.

The Internal Revenue Service is the most crucial element in the revenue collection process. Gross revenue collections exceeded $153.6 billion in 1968. The estimate is $186.1 billion for 1969 and over $200 billion for 1970.

In 1968, 107.6 million tax returns were filed. The estimate is 110.2 million for 1969, and 112.7 million for 1970.

The successful operation of IRS is absolutely critical to maximizing revenue collections. I commented earlier about how manpower restrictions have affected this agency.

Part of the recommended increase is the result of 3,057 additional positions in compliance, almost half of which are for restorations of prior curtailments.

The manpower restrictions have also made it more difficult for the IRS to recruit recent law school and accounting school graduates.

The hiring restrictions have been most acutely felt in audit, which is the key to the Service's compliance efforts. It alone accounts for over one-third of IRS manpower and dollars. In fiscal 1968 and 1969 cuts here totaled about $17 million. This cost $55 million in 1968 and $197 million in 1969 in additional tax recommended. The total direct revenue loss attributable to hiring restrictions on audit alone will be over $500 million for the 3-year period 1968 to 1970.

The restrictions have also forced IRS to delay collection on 167,000 accounts representing roughly $200 million of legally established tax debts.

While the number of agents and technicians has been reduced, the number of complex tax returns requiring their attention has more than doubled from 9.5 million in 1964 to an estimated 20 million in 1970.

In spite of all this, IRS has managed to increase its productivity through mechanization. Automatic data processing operations are responsible for an additional $135 million in revenues in 1968.

I worked hard for the establishment of a master file system and increased use of ADP equipment. It gives me great personal pleasure to note the continually increasing benefits from this program.

The Secret Service performed exceedingly well under the tremendous pressure of last year's campaigns. As a result of Public Law 90–331, the Service must protect nominees and candidates as well as the President and Vice President.

From June 1 through November 1, 1968, an average of 604 special agents were employed. They averaged 447 hours of overtime or an average workweek of 57 hours during this period. If they had worked no overtime, an additional 298 agents would have been required.

The effects of this pressure upon the agents were described by a former flight surgeon as identical to those he saw in combat pilots—mental and physical exhaustion brought on by extremely prolonged periods of duty accomplished under constant continuing tension.

We have recommended an increase of 253 positions, 127 of which are for the increased workload and 35 of which are for organized crime.

We are also pleased to recommend the independent $700,000 request for phase two of the construction of training facilities. This will be used to complete the pistol, rifle, and vehicular ranges and to install appropriate range equipment.

Before discussing the Post Office Department, I would again emphasize the importance of lifting manpower restrictions from the Treasury. The Department has an enviable record of accomplishments. These restrictions could destroy that record as well as our highly effective system of voluntary compliance. I leave to your imagination how this would affect Federal revenues.

Shortly after taking office, Postmaster General Blount characterized the condition of the department he had inherited as "absolutely unbelievable." Commenting on this statement last Sunday, the Washington Post called it par for the course for any new administration talking about any old department—except that, the Post added, it happens to be true in the case of the Post Office Department.

The Kappel Commission report has given the Department a lot to think about, and rightly so. It estimated, for example, that improved efficiency would save $1 billion a year.

The Post Office Department has already undergone one major change, and is about to undergo another.

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Postmaster General Blount's recommendation to take the appointment of postmasters out of politics was long overdue. I had advocated it for many years. I think it is an excellent step toward more efficient management of the Department and I fully support him on it.

I agree with General Blount that there is no reason in the world that we cannot have a postal system as good as our telephone system. If this can be achieved by converting the Post Office to a public corporation, I would certainly support such action.

What is important is that steps have finally been taken toward bringing the Post Office into the 20th century. I applaud this progressive attitude and am hopeful it will bear fruit before too long.

A 3.1-percent or 2.5 billion-piece increase in mail volume is projected for fiscal 1970. This would bring the total volume to 84.7 billion.

Eighty percent of Post Office costs are for hiring people.

The current Post Office budget reflects a revenue surplus of $384 million. This figure includes $611.4 million attributable to the proposed rate increase. It does not include $707 million in public service costs.

The Post Office Department cut their original budget by $48 million. I think this was a remarkable accomplishment given the short time they had to work on it.

In that short time they also reorganized by merging transportation and regional administration into operations, and by establishing a new bureau of planning, marketing, and systems analysis.

Public service costs have soared from $37.4 million in 1960 to an estimated $707 million for 1970. This almost a twentyfold increase.

Our committee is very concerned because the point has now been reached where the major portion of the postal deficit is offset by public service costs.

Not only do phonograph records get a reduced rate, but also if pornographic movie films get through the mails at all, they do so on a subsidized rate.

It is clearly time for us to take a hard look into the law on postal public services.

The key to solving postal problems is the Department's Office of Research, Development, and Engineering.

Yet less than one-half of 1 percent of total estimated postal obligations are allocated to research and development. This is less than one-quarter the rate industry found necessary 5 years ago.

The research-and-development program has been extremely successful. Major achievements developed or first applied to postal operations by this program should produce net savings of 11,700 man-years annually by the end of fiscal 1970.

Automatic readers account for 160 of those man-years that will be saved annually. Specifically, the Bureau estimates a net savings of 10 man-years per machine on each of the 16 readers that will be in operation at the end of 1970. These machines reach a cost beneficial point when they process 250,000 letters per machine per day. Some of them are currently processing over 500,000 letters per machine per day.

The Bureau of Research and Development also stressed the need for expanding in-house research and development capability.

Management is the other area that is vital to solving postal problems. We have recommended an increase of 790 positions for administration regional operation. More than one-third of these are for the inspection service. This is part of the expanded anticrime program. One of the Department's major goals is to limit the mailing of obscene and pornographic literature. I am sure that we all support efforts in this direction.

The largest single item in the bill pending today is the appropriation for Post Office operations. We have recommended the Department's request of $6,142 million because of the tremendous increase in mail volume as well as an increase in number of addresses to be served and an increase in postal salaries. This represents a $176.4 million increase over the 1969 level after allowing for a $245.3 million supplemental request.

We have recommended a net of 12,352 new job positions to handle the increased workload. This represents only a 1.7-percent increase over the number of positions estimated for 1969. I would also point out that it represents a smaller increase than that which occurred in the preceding 3 years. In fact, it is one-half the increase for 1969 and less than one-third the increase for 1967.

It is interesting to note that 50 percent of all mail is handled by the 75 largest post offices, and that 75 percent of all mail goes through our 300 largest post offices.

The committee cut $8.9 million from the request of transportation. Our recommendation is $54 million less than fiscal 1969 appropriations.

Transportation also operated $47.1 million below fiscal 1968 appropriations. More efficient use of scheduled freight train service as well as a lower volume of nonlocal mail and a slowdown in expansion of the air taxi program are primarily responsible for this savings. I was pleased to see a slowdown in the air taxi program for safety reasons. I was quite concerned over reports that questioned the safety standards and accident rates for these taxis.

Approximately 90 percent of all airliftable first-class mail was moving by air at the end of fiscal 1968.

The appropriations for building occupancy and for supplies and services are largely either direct fixed obligations or else absolutely necessary as support and housekeeping items. Therefore, there is not much room for postponements.

Nonetheless, we did cut $5.3 million from building occupancy. The number of facilities acquired through the construction-lease program has averaged about 1,000 per year for the past few years. This program results in a tremendous increase in the rent and utility cost for operation of such facilities. Moreover, there have been numerous complaints from communities and small towns which do not want, and in some cases actively oppose, such facilities. I know for a fact that this is the case in Lenox, in my district.

Plant and equipment and postal public buildings constitute the Department's capital investment program. We cut $5.7 million from plant and equipment because of reductions in the construction-lease program, and because we felt that further study should be made to determine whether it is better to purchase or to lease the 668 mail handling trailers that had been requested.

The Department requested $174.2 million, a 248-percent increase, for postal public buildings. We only reduced that request by $4.2 million. Thus we are recommending $120 million more than the 1969 appropriations.

The large increase for this area reflects the Department's new policy to build rather than lease in the case of major facilities. This policy is based upon the fact that government ownership of larger buildings is more economical than leasing.

The Department estimates that this new policy will save $229 million on 37 fiscal 1970 projects.

The most significant component of the cost difference between leasing and owning is the fact that the Department pays local taxes on leased facilities but not on owned buildings. These taxes are often very substantial, amounting to as much as $1 per square foot in some cities. In virtually all instances taxes add 20 to 30 percent to the ultimate cost of the building because they are a component of rental cost.

The fiscal 1970 represents funding for four fiscal 1968 projects, 15 fiscal 1969 projects and 24 new fiscal 1970 projects. It should also be noted that $121.9 million of the total request is for the construction of 13 projects which will produce 5.1 million square feet of new major facility space.

I would like to take this opportunity, before concluding, to point out a problem facing the Tax Court which is within our committee jurisdiction and which is of particular concern to me.

This court has again been faced with a postponement of the construction of a Tax Court Building. The 1970 budget contains no construction item for this building.

The need for such a building is even greater now than it was when the project was approved by the Public Works Committee more than 4 years ago. The plans and specifications for the building, on the site now occupied by the Federal City College, have been approved and the $450,000 appropriated for that purpose has been spent.

The cost of constructing the building is increasing every year it is delayed. Construction of the freeway adjacent to the site, which should be coordinated with construction of this building, is progressing.

I would remind you that the Tax Court is the only Federal Court in Washington not provided with suitable permanent quarters.

The problem is especially significant because the court is presently located in the Internal Revenue Service Building

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while the Commissioner of IRS is a party to every single case in the court.

This is certainly an inappropriate situation at best. The American Bar Association has urged and requested that Congress provide suitable permanent housing for this court, separate and apart from IRS.

I believe that it is very important that steps be taken as soon as possible to begin construction of this building.

Mr. Chairman, thank you for this opportunity to highlight some of our work on this bill. It has been a pleasure working with you and the other members of the committee once again.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I shall be glad to yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. With reference to the Post Office Department, perhaps I missed the gentleman's reference to this Department. What do you propose to do in this field with relation to the Postal Savings and Loan Division?

Mr. CONTE. We did not cut that. I mentioned the public debt. That operation would come under the public debt and financing the public debt. Of course, the public debt is going up year after year, and as it goes up we have to sell more bonds.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield further, I was primarily interested in the Savings and Loan Division because in my State, which has a population of about 1.5 million, we had seven or eight employees in this division and there was not enough business to keep them busy. Of course, the savings department personnel do not sell bonds and do not believe in banks and things of that nature. It is my opinion that there is a great deal of room for improvement in this type personnel.

Mr. CONTE. The gentleman has spoken to me on the floor about this. I hope that next year when we hold hearings on this matter, the chairman will invite the gentleman to appear and testify before the subcommittee. Certainly, we would like to have the gentleman appear before the subcommittee in order to obtain the gentleman's viewpoints on this matter.

I would suggest that we have the gentleman up before the committee before the division comes up for their money requests so that the gentleman could brief us on his experiences. We could then relay some questions to them when they come up before us. I certainly appreciate the point the gentleman has made.

I might mention that the huge increase for postal public buildings represents a new policy with the Department. The Department is now building rather than leasing in the case of major facilities. As a result of this, the request of $174.2 million represents a 248-percent increase in the postal public building element. We cut $4.2 million out of this request.

The only cut of significance in the Executive Office is the sum of $434,000 for the Bureau of the Budget.

I believe this is a real tight budget. As I stated, I can certainly go into this budget in greater detail. I have over 50 pages of material here, but I will not bore the Committee and will submit it for the RECORD.

Mr. GROSS. Mr. Chairman, would the gentleman yield?

Mr. CONTE. I will be glad to yield to my good friend from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I understand that this is about $402 million above the spending for 1969.

Mr. CONTE. I believe the gentleman is quite right.

Mr. GROSS. For those two Departments and related agencies.

There are no cuts at all in the bill. They are all increases over the spending for last year.

Mr. CONTE. I believe the gentleman is substantially correct. We did make cuts from the requests by the administration in this year's budget, but only one falls below last year's appropriations. The recommendation for postal transportation is $54 million less than 1969 appropriations. However, this recommendation is the same as the 1969 proposed level.

Mr. GROSS. However, the true yardstick on whether you are economizing or not, or whether you are saving any money, is one of comparison of that which you spent the last year. And if one is in financial trouble personally, that is what one has to do; is it not?

Mr. CONTE. The gentleman is absolutely right but, as I said, when we were discussing the adoption of the rule, these are very sensitive agencies that we are dealing with here. These are revenue producing agencies in which the case workload goes up. The amount of people filing income taxes are going up, and the amount of people mailing letters are going up.

We are up to, I believe, 84 billion pieces in the volume of mail. All of this requires additional people.

Let me take one agency. For example, the Bureau of Accounts. More people are on social security today. More people are collecting veterans' compensation as a result of the Vietnamese war, and the Korean war. There are more people who are collecting all types of compensation.

I believe—and I may have to change this for the RECORD—but I believe that the production of an individual in the Bureau of Accounts in 1961 was about 166,000 units. Do the Members realize that today an employee pushes out 394,000 units? Can anyone imagine if they did not economize, if they did not put in these new schemes and machines, how many more employees they would have had to have?

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Certainly, if the gentleman from New York wishes to carry on a three-way conversation.

Mr. ROBISON. I would like to say to the gentleman from Iowa through the gentleman in the well that the point he makes about true reduction by reducing spending below the spending level for prior years is of course a valid measure of economy, but most of these agencies in this bill are service agencies, as the gentleman has said—agencies that have little if any control over their workload. They have no control over the volume of the workload they have to deal with.

They are agencies from which the public expects prompt and efficient service whether you are talking of the Post Office Department or the Bureau of Accounts, as the gentleman just mentioned. I think this is the reason that no Congress should expect this—to be able to come in and be able to reduce actually the personnel of any of those agencies from one year to the next as long as our population keeps going on up and the workload of those agencies keeps going on up.

Mr. CONTE. That is true. I think if you look at the record, and I recommend it to all the Members of the House, you will find it to be one of the finest jobs of questioning that we have done. I think we are entitled to a pat on the back.

I think one of the things that the gentleman from Iowa should look at in all of these departments, especially the Treasury Department, is that the cost of collection is going down in spite of overall increased expenditures.

First. For instance in customs, manpower was only 3.4 percent greater in 1968 than 1950, at the same time that formal entries of merchandise increased 212 percent and the number of persons entering increased 146 percent.

Second. In fiscal year 1968, formal entries increased 7 percent over 1967, informals over 15 percent, and carriers and persons almost 6 percent. Aircraft passengers increased approximately 21 percent. In total, almost 214 million people entered the United States last year at sea, air, and land border ports. The figure will reach 238 million in fiscal year 1970. In fiscal year 1969, the workload is increasing at a greater rate. Formal entries are increasing at rates in excess of rate for same period in 1968—19 percent this year against 7 percent last year.

Third. Customs collections, which were more than $2.9 billion in 1968 are increasing at a rate of almost 24 percent and at this rate will reach almost $3.6 billion in fiscal year 1969.

Fourth. Cost of collecting $100 was $3.09 in 1968. This will drop below $3 in 1969 for the first time. This is made more significant by the fact that duty levels were substantially reduced last year. Some drop was due to greater efficiency but some was due to failure to do an effective job because of lack of personnel.

There is one other point that I would like to make. I want to commend Postmaster General Blount because he came up to our committee with the original budget and said, "This is the Johnson budget—I accept it. Give me time to look it over and if I can make some cuts, I will make some cuts."

He came back to us at a later date and said, "Look, I want you to cut this budget another $48 million." That was at his request. This is the first time in my 11 years in Congress that I have ever seen an agency head come to a committee and lay his cards on the table and say, "Go ahead cut me $48 million." And on top of that we cut another $32.2 million.

Mr. GROSS. Mr. Chairman, will the gentleman yield on that point?

Mr. CONTE. Yes, I am glad to yield to the gentleman.

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Mr. GROSS. Yet, we are told that one of the fine features in having such a corporation to handle the affairs of the Post Office Department is to float bonds in order to get more money. One of their acute needs is the need for more money. But they want to do it through the bonding process, to the extent of $10 billion or more. I do not know just what is going on and I hope to find out more about it, if we can get the Postmaster General before our committee on June 6, hopefully. I hope to find out what the story is.

Mr. CONTE. I am sure the gentleman will find out. I am sure the Postmaster General will explain it to you.

I think one of the big problems that the chairman and I have talked about for many years with many Postmaster Generals—and I believe I have seen six of them come across that committee—is the construction of postal facilities. These huge buildings are built in the heart of the cities where there is choked-up traffic. Today it takes less time to bring a letter from Los Angeles to Kennedy Airport than to get it out of Kennedy Airport, into the post office in Manhattan for processing, and out again.

One of the things we have been arguing about with respect to construction of facilities is that you have to build them on the periphery of large cities, and build them like shops rather than like big monuments. I believe the Postmaster General agrees with us about this problem, and I think he wants to correct it in this way.

But to do this today would necessitate adding $5 billion to our bill for postal facilities alone. That would not get through the appropriation process.

Mr. GROSS. Why can he not do it? Why can you not do it through the appropriation process?

Mr. CONTE. We had about all we could handle with $170 million in this bill. We would get clobbered if we ever came in asking for $5 billion.

Mr. GROSS. Well, to issue $10 billion worth of bonds, it would accomplish this purpose. That would just be doing it in another way. It would still be an obligation upon the Federal Government and upon the taxpayers of this country.

Mr. CONTE. Yes, but can you imagine what you can save if you had these shops today? Also, if you look at private industry, I think you will find that productivity is much higher in smaller buildings and smaller shops with less employees than it is in the bigger shops with more employees. Therefore, instead of erecting these monstrosities in the heart of our cities, small shops should be built on the periphery.

Mr. GROSS. I thoroughly agree with the gentleman that the facilities ought to be out of the congested areas of the city, but I did not think we were talking about the location of facilities or the kind of facilities. I thought we were talking about financing the facilities that are needed. For the life of me I cannot understand what the difference is to the taxpayer whether you appropriate $5 billion through Congress or you permit the Post Office Department to issue $5 billion worth of interest-bearing bonds. What is the difference?

Mr. CONTE. I think this is a colloquy that you and I might later engage in. Maybe you will come along to our way of thinking after you are briefed and after your hearings. If anything ever comes out of your committee, we will hit on that then. It is not in this bill. Perhaps we should wait until that time.

Mr. GROSS. I suppose that is the painless way of doing it. Let me ask the gentleman a question that is less painful. For this Commission on Obscenity and Pornography you apparently are appropriating $457,000. What has it accomplished?

Mr. CONTE. This Commission was set up by Congress and is headed by Dr. William B. Lockhart. Dr. W. Cody Wilson is the executive director, former Senator Keating, I believe, was on the legal panel. If you will read the hearings, you will observe that I had the same question in mind. I was quite concerned about this. I had mentioned to Mr. Lockhart that I filed what I thought was a pretty good bill to handle this particular problem. He had not been familiar with my bill. I was quite disappointed that they had not done more up to this point.

Mr. GROSS. I am one of those who thinks something ought to be done and done now about this business, but I see no evidence, judging from the stuff that is coming through the mail, that anything is being done about it. Perhaps a few more changes in the Supreme Court would help. But until we can get around to that, something ought to be done. Apparently this Commission is not making any contribution.

Mr. CONTE. At this point I want to commend the gentleman from Iowa because when you read the hearings, you will see that on page 237 of this hearing I questioned him on that particular point. In his prepared statement he said:

> We are to study traffic and distribution in obscene and pornographic material, study the effect of this material, particularly on youth and its relationship to crime and antisocial conduct, and then to recommend legislative, administrative or other action, based on these studies. This, of course, includes the duty to draft legislation with workable definitions of the material to be controlled.

That is what they are doing. However, I feel that they should have done a lot more. It is a new Commission, I am just hoping that, with the urging we gave them in the committee and with the colloquy that they will read here on the floor of the House, they will get moving and come forth with some results quickly.

Mr. GROSS. I thank the gentleman. Will the gentleman bear with me for one more question?

Mr. CONTE. Surely. I yield to the gentleman from Iowa.

Mr. GROSS. I notice an increase of more than $2 million for the Bureau of the Mint. Does it cost more money to make coins out of scrap metal, as we are doing today? What has caused the increase?

Mr. CONTE. Is that the increase in the cost of the Philadelphia Mint?

Mr. GROSS. We are not making coins of gold or silver any more.

Mr. CONTE. I do not have the figures with me, but there was an increase in the construction cost of the Philadelphia Mint. I believe the mint requested $1,770,000 which we gave them. There has also been an increase in coin production. As I mentioned, we did cut the Bureau of the Mint, but we have had to mint more coins this year. Although we think the estimate of 7,505 million is too high for 1970, the actual figure is sure to be greater than the present estimate of 5,600 million for 1969. I might add that there is a tremendous shortage of pennies at the present time. Another part of the increase is for the increased cost of the construction of the Philadelphia Mint.

In regards to the clad metal that we use for the dimes and quarters, the gentleman from Iowa will be interested to know that the Philadelphia Mint should be in working condition and ready to open its doors this fall. Hopefully they will be able to save a great deal of money by making our own metal rather than contracting for the metal with private industry, as they do at the present time.

However, I might point out that over all we made a great deal of money by the minting of this coin in seigniorage. The estimated seigniorage for fiscal 1970 on cupranickel-clad coinage is $224,426,000.

We have made a lot more money because we have taken the silver out of the coins. The difference between the cost of producing the coins and what we get for the coins has increased considerably.

If the gentleman from Iowa remembers, I fought on this floor vigorously year after year and even before the Bureau of the Mint and the Secretary of the Treasury ever had decided to take silver out of the coins, so we should not be dissipating this valuable metal and should be saving it, taking it out of the coins and saving it. At one time we had close to 2 billion ounces of silver in the Treasury. Today we have only 80 million ounces left.

Mr. GROSS. We ought to save our scrap metal from going to Japan, because we will need it to make this scrap coinage of ours.

Mr. STEED. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Oklahoma.

Mr. STEED. Mr. Chairman, I think this is a good time to inform our colleagues in the House that we finally came to the new decision on the silver problem largely through the unceasing efforts of the gentleman from Massachusetts who now has the floor. I am sure had it not been for his efforts we would be in much more dire circumstances in the matter of our silver supply than we now are. Because the gentleman did such a good job, and did wage such a good and long fight on this, I take this opportunity to inform the House that I know of no one who deserves more credit for bringing this country back to a sensible silver policy than the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, I thank the gentleman from Oklahoma, the chairman of the committee, for his fine words. Again I must say I have enjoyed

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working with the chairman and the members of the committee. This has been a bipartisan effort. I think that under the leadership of the chairman we have gone forth with good tight bills. These bills certainly are for the good of this country. I am pleased that I have had the opportunity of serving with the chairman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, without any comment as to whether it is better to have to have our silver in coins or in the Treasury or in Revere silver—named after a famous gentleman from the State of the gentleman in the well—I think it is obvious the distinguished gentleman from Massachusetts has done his homework and he has given us many of the answers we needed here.

I would like to revert back to the question of decreases in the appropriations from the budget asking amount or the increases in amount over 1969 fiscal year appropriations.

I believe the gentleman will agree with me that from a number of sources it has become general knowledge that with the exception of the Department of Justice, the executive branch has ordered cuts in an attempt to balance the fiscal year 1970 budget across the board, and certainly to stay within the ceiling we discussed the other day in considering what we hoped was the last supplemental for the last fiscal year, but as an exception to the point of order, that ceiling was fixed.

The question in my mind is if we have not reduced the Department of the Treasury and the executive branch and the other department under consideration here today, are we not doing it because of the legislative wisdom of the committee, and will it be chalked up to to the will of the Congress, or is the statement in error that there was going to be an across-the-board cut in all the Cabinet departments of the Government except the Department of Justice? In two different departments here we are, in fact, increasing it over the amount for 1969. Would the gentleman comment on that, and does he know the answers?

Mr. CONTE. Yes. But I did mention that the Post Office Department, as a result of the edict by the administration cut $48 million from its request. The Treasury Department cut $7 million before they came up before our committee. This was done as a result of the same edict.

Mr. HALL. Did the committee then add any back, and will this still be within the purview and range of the balanced budget?

Mr. CONTE. The committee did not add anything back. In fact, the committee went forth and cut $32.2 million more from the Post Office request.

We also cut some $9.5 million more from the Treasury Department.

Mr. HALL. With $48 million here and $7 million there, in the opinion of the gentleman, who is an expert in accountancy, can we expect to reach the $5 billion or $6 billion cut in the fiscal year 1970 budget which the President has anticipated?

Mr. CONTE. Well, that is a good question. I would be less than honest if I did not tell the gentleman that, for example, the Post Office Department budget assumes a rate increase but does not take account of a salary increase of 4.1 percent. So for every percent that one goes over 4.1 percent, one can add $65 million.

Mr. HALL. The gentleman does agree with me there is nothing in this appropriation for the phase 3 salary increases.

Mr. CONTE. The gentleman is absolutely right.

We have the postal rate increase, several excise taxes that will have to be passed by the Congress, and the surtax that will also have to be passed by Congress. All these things will have to be done by the affirmative action of Congress before one can come up with this surplus.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Illinois.

Mr. COLLIER. If I may briefly pursue further the operations of this Commission on Obscenity and Pornography, is this the group which has offices down there on 16th and Connecticut, completely outside of the postal operation?

Mr. CONTE. I certainly could not tell the gentleman what the address is. However, Dr. Lockhart's address is 125 Fraser Hall, Minneapolis, Minn.

Mr. COLLIER. That is some importance, but certainly not of major importance.

Mr. CONTE. I know they are renting quarters, but I cannot tell the gentleman whether it is on the said street.

Mr. COLLIER. How many are on that Commission?

Mr. CONTE. As I mentioned, the Chairman is Dr. William B. Lockhart. Dr. W. Cody Wilson is the Executive Director. Mrs. Virginia P. Banister is the administrative officer.

Mr. COLLIER. Basically, do they not take the funds appropriated in the bill before us today and distribute them to colleges and universities who in turn are doing research on such things, for example, as the influence of the operations of SIECUS upon high school students. Is that not about the prime purpose of their operation?

Mr. CONTE. I would say, in answer to the gentleman's question, that there are some contracts with universities.

I gave the gentleman the names of some connected with the Commission. I shall insert in the RECORD, without taking the time necessary to read them, the members of the Commission, as outlined on page 233 of this year's hearings.

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G. William Jones, assistant professor of Broadcast Film Art, Building B–16, Apartment 7, New Slocum Heights, Syracuse, N.Y.

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Otto N. Larsen, professor of sociology. president-elect of the Pacific Sociological Association, University of Washington, Seattle, Wash.

Rabbi Irving Lehrman, vice president, Synagogue Council of America, national chairman, Rabbinical Council of U.S.A., Temple Emanu-El, 1701 Washington Ave., Miami Beach, Fla.

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Rev. Winfrey C. Link, executive director, Four-Fold Challenge Campaign, Tennessee Annual Conference, Methodist Church, McKendree Manor, Hermitage, Tenn.

Dr. Morris A. Lipton, associate professor and director of laboratories, Department of Psychiatry, UNC Medical School, Chapel Hill, N.C.

Hon. Thomas C. Lynch, attorney general, State of California, 6000 State Building, 350 McAllister St., San Francisco, Calif.

Mrs. Barbara Scott, attorney, Motion Picture Association of America, 522 Fifth Ave., New York, N.Y.

Mrs. Cathryn A. Spelts, instructor, South Dakota School of Mines, 4504 West Main St., Rapid City, S. Dak.

Dr. Frederick H. Wagman, director, University of Michigan Library, 210 General Library Building, the University of Michigan, Ann Arbor, Mich.

Marvin E. Wolfgang, University of Cambridge, Institute of Criminology, 7 West Road, Cambridge, England.

Mr. COLLIER. Aside from the research that deals with the influence of various degrees of sex education, which has become quite controversial in many areas of the country, in high schools, does this Commission deal in any manner with the peddlers of smut in various sections of the country to make any determination, for example, as to what volume they do in the operations of their business?

Mr. CONTE. Yes. I would say to the gentleman that the overall question the Commission is trying to answer in the traffic area is who gets how much, and of what, and how?

I might mention here, in regard to the gentleman's first question, that the initial meeting was held in July of 1968. It organized itself and divided itself off. There are four panels. The first panel is legal. The second panel is traffic and distribution. The third panel is effects. The fourth panel is positive approaches.

They also heard a preliminary analysis of the problems related to the legal, the traffic, and the effects areas. They appointed a subcomittee to secure a director for the Commission staff, and the director was appointed. The Commission held 12 meetings either of the full Commission or of subpanels to review existing information and to develop plans for implementing a thorough study directed by the Congress.

Mr. COLLIER. Have they submitted any interim reports to the Congress?

Mr. CONTE. I do not believe they have. I asked them that question.

Mr. COLLIER. Going back to the original public law which created the

Commission, I believe, if my memory serves me correctly, that it is due to expire on January 31, 1970. Is that correct?

Mr. CONTE. That is correct.

Mr. COLLIER. At which time the Commission is to present both to the executive and the legislative branches of the Government a complete and comprehensive report on all areas of the research that they have been charged with pursuing. Is that correct?

Mr. CONTE. That is exactly right. In regard to whether the report has been filed, I might mention that I asked Dr. Lockhart whether he had seen the bill I had filed, and whether he had had an opportunity to review it, and if so, whether he had any comments to make about it. He said in regard to the bill, "This is an interim report. We ought to keep the Congress informed." "Then," I said, "you will recommend legislation with this report?" And Dr. Lockhart said, "Not in terms of recommended legislation, but the legislation will be there and we will say in effect, 'Members of Congress this is a bill you may be interested in trying to do something with. However, we do not feel it would be appropriate to make a recommendation until we complete our factual study.' "

In other words, what they are saying here is that they will have an interim report and with that interim report they will have a bill.

Mr. COLLIER. I thank the gentleman.

Mr. SCHADEBERG. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Yes. I yield to the gentleman.

Mr. SCHADEBERG. I would like to commend the gentleman in the well with regard to this commission. I know and I know that he knows all of us here in Congress have been getting increasing amounts of mail from people in our districts showing a tremendous disgust for what is taking place in our mails. I am hopeful that somehow or other we can in the very near future find some commission or find some way legislatively to put teeth into this rather than just talking about it. We have talked about it enough. I hope we can look forward to some action in the next few months.

Mr. CONTE. I want to take this opportunity to commend the gentleman. I agree with him, and I hope that legislation will be forthcoming. As I have mentioned, I have already sponsored legislation, but this commission has a great opportunity to come here and say, "We have made a thorough study. We have had the best legal minds in the country studying the constitutional question. This is a piece of legislation which we can support." And then we can get it through the House and Senate.

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Kansas.

Mr. WINN. I want to commend the gentleman for the work he has done on the ministructure along the lines of the questions asked by the gentleman from Wisconsin. I also wish to commend the gentleman from Wisconsin for the legislation that he has proposed.

Let me ask the gentleman from Massachusetts, do I understand him to say that Dr. Lockhart or the Chairman of this Commission was not aware of the various pieces of legislation that have been introduced? Did he give you the idea that they were not going to pay any attention to these pieces of legislation until the Commission makes its own report?

Mr. CONTE. He did mention some bills that have been filed, especially in the Senate. I said to him, on page 247 of the hearings:

> You spoke of the Smith bill. I don't know if you had an opportunity to look over the bill I filed, H.R. 7867.

Dr. Lockhart said, "I don't believe I have."

Then I told him how this bill was drawn up in line with the Ginsberg against New York case and how I thought it was constitutional. He went on to mention that they were preparing the interim report and with that report they would have legislation to recommend.

Mr. WINN. What would the date of the interim report be? Is that January 1970?

Mr. CONTE. I do not seem to be able to put my finger on it, but I hope it will be here a lot sooner than that.

Mr. WINN. May I ask the gentleman one more question along that same line? Is it possible that at this time those of us who have introduced legislation concerning pornography and trafficking in such might make our legislation more apparent to the members of this Commission in some way?

Mr. CONTE. By all means.

Mr. WINN. I thank the gentleman.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. GROSS. First of all, I want to thank the gentleman from Massachusetts for taking the time that he has to explain this bill and for his frankness in doing so and for the responses that he has made to questions and his frankness in explaining the bill.

Somewhere in the report is an estimate, I believe, of the deficiency with which the Congress will be faced with respect to the pay increases—the automatic pay increases—of July 1.

Is there a price tag at this time as to the cost thereof?

Mr. CONTE. As I mentioned before, it is over $272 million. For every percent of pay increase you can figure $65 million.

Mr. GROSS. If the gentleman will yield further, is it not something over $2 billion as it presently stands?

Mr. CONTE. I thought the gentleman from Iowa and I were directing ourselves only to the Post Office Department.

Mr. GROSS. No; I am talking about the military and civilian pay increase on July 1.

Mr. CONTE. I do not believe our committee has gone into that.

Mr. ROBISON. Mr. Chairman, will the gentleman yield to me for a response to that question?

Mr. CONTE. I yield to the gentleman from New York.

Mr. ROBISON. I think what the gentleman from Iowa is getting at is the overall cost throughout the Federal Establishment of the pay raise. It is my recollection that the figure which is used is $2.8 billion. What we are talking about here is phase 3 of the Post Office Department and that is $272 million as of July 1, 1969.

Mr. GROSS. But we are looking at the figure of $2.8 billion down the road in addition to the cost of this bill for the military and civilian pay increase in fiscal year 1970?

Mr. CONTE. The gentleman is absolutely right. I am sorry but I thought the gentleman was directing his remarks only to the Post Office Department.

Mr. GROSS. And, that is based upon, I believe, a 4.1 percent, or whatever it is, for postal employees; is that not correct?

Mr. CONTE. That is right.

Mr. GROSS. As that percentage goes up what will it be?

Mr. CONTE. For the Post Office Department, for every percent it goes up, you can add $65 million.

Mr. GROSS. I thank the gentleman.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I would like to express my appreciation to the gentleman from Oklahoma for having yielded me this time.

I take this time simply to advise the Members that under the 5-minute rule I propose to offer an amendment which would place a limitation to prevent any money from being used to pay rewards to income tax informers.

In my opinion, Mr. Chairman, this is a thoroughly reprehensible practice. I do not think it squares at all with our ideas of a democratic form of government. It is not basically American for the Government to entice people under the lure of personal reward to spy on their neighbors or slip in a furtive manner to the Internal Revenue Service under the cloak of anonymity and accuse their neighbors.

Mr. Chairman, when I first heard that this is sometimes done my reaction was one of disbelief. I said that my Government is not a police state, one that sends one citizen to spy upon another and then pays him for having done so as an informer. Yet, I was wrong. I am sorry to admit that this is done.

I introduced a bill some several years back dealing with this subject because it plagued and bothered me to know that this was done by our Government.

The bill, of course, was referred to the Committee on Ways and Means of the House, and with the great volume of legislation that comes to that committee no one really has much expectation of getting an individual bill considered by that committee. So the only way I felt we could get to it and have an expression of the Members, if a majority of the Members feel as I do against this kind of reprehensible, sneaky practice, is to offer it as a limitation on this appropriation bill.

Very simply it is a matter of principle. I recognize that professional informers may be necessary in a situation of very hard crime such as narcotics, gambling

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syndicates, organized smuggling, and things of that sort, but it certainly is not and should not be necessary for the Government to entice people to become sneaky, professional informers maliciously slipping in to get even with some neighbor whom they suspect may not have paid enough taxes, and then expect to be paid by the Government for having done so.

Mr. Chairman, I hold no brief for income tax evasion, certainly. If any citizen has knowledge that it is being committed, then it is his civic duty to go to the Government with the information and the evidence. But these people who slip in under the cover of darkness in the hope of feathering their own nests surely are not necessary. The Internal Revenue people do not like the practice—most of them do not. One of them encouraged me to introduce such a bill several years ago. They do not advertise this practice. They do not want a new batch of avaricious informers coming out of the woodwork, hoping to get 30 pieces of silver from the Government for having surreptitiously put the kiss of Judas on some neighbor. In most cases, the Internal Revenue people tell me, nothing more substantial is involved than malice or suspicion or envy. It brings them into contact with some of the least desirable elements of society and chases them up endless blind alleys.

I just do not believe the Government ought to encourage that kind of thing. I do not believe ours is that kind of a government. I do not believe we need to have paid informers to spy on their neighbors.

That is about all there is to it. When the amendment is offered I hope my colleagues will be able to join me in supporting it.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I would like to commend the gentleman from Texas on his very fine statement, and I would like to associate myself with his remarks. I certainly will support his amendment when it is offered.

Mr. WRIGHT. I thank the gentleman.

Mr. FULTON of Tennessee. Mr. Chairman, I would like to offer my full support to the amendment being offered by the gentleman from Texas. Certainly there can be little disagreement that this practice of recovering Federal taxes by the use of informers is odius per se. I have been sponsor of bills to outlaw this practice which, as the gentleman from Texas has pointed out, has had very little support even among the personnel at the Internal Revenue Service.

In addition to the repugnance of this type of practice under our form of constitutional government, I believe it should be borne in mind that this practice is really not needed. The IRS has, over recent years, spent millions of dollars to computerize their task which as a result has made the service far more efficient than was expected.

Therefore, because of its odiousness and demonstrated lack of need I respectfully urge the House to approve the amendment offered by Mr. WRIGHT.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of H.R. 11582, the Treasury, Post Office, and Executive Office Appropriation Act for fiscal 1970.

First, let me congratulate the chairman of the subcommittee, the gentleman from Oklahoma (Mr. STEED) and the gentleman from Massachusetts (Mr. CONTE) and the staff for their fine work in bringing this measure to the House today.

As a member of the subcommittee I am convinced that this bill represents a true bipartisan effort to approve only the essential budget requests for these departments.

The bill before the House today recommends appropriations for these agencies of $8,779,345,000 total—a reduction of more than $42 million below the budget estimates and an increase of more than $621 million from the fiscal 1969 appropriations.

The proposed increases relate to increased workloads and costs principally in the following areas:

First. Treasury Department programs to curb organized crime and other criminal activities. This includes funds for construction and staffing of a Federal law enforcement training center.

Second. Mandatory salary increases for postal workers.

Third. Modernization of postal facilities.

Fourth. Funds to continue the work of the Commission on Obscenity and Pornography.

In addition to the above this bill contains a provision removing the personnel restrictions imposed by Public Law 90-364. This will allow these agencies to hire adequate staffs to operate important revenue raising programs such as tax law enforcement and reduce backlogs in customs invoices and unprocessed tax returns.

Mr. Chairman, the men of the postal and Treasury service, which also includes customs agents, must be indeed complimented in their dedication to service, often working under the most trying conditions and the worst of facilities. I believe if the proposals for speedup in obtaining new postal facilities are met it will give better working conditions and expedite the delivery of mail.

With regard to customs, these men must also be complimented for their untiring efforts and the great accomplishments in seizures of illegal goods. But I also feel there must be greater utilization of manpower in certain instances. I also feel that the U.S. Government should not be required to supply to the individual airlines customs agents at a place determined by the airlines unless some compensation to the Government is paid for by the airlines and a full study should be made.

Mr. Chairman, I do not believe there is room for further reductions in this bill and I urge my colleagues to support this legislation in its present form. These are essential service programs and they must be funded at a level which assures efficient operation.

Mr. STEED. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. COHELAN).

Mr. COHELAN. Mr. Chairman, as a member of this subcommittee, I rise in full support of this bill, H.R. 11582.

I take this opportunity to commend the gentleman from Oklahoma for his superior leadership and dedicated performance as chairman of the Subcommittee on Treasury and Post Office. His thorough knowledge of the bill reflects his years of experience and long hours of work and effort. With a small and dedicated staff each agency's justification are examined in the most careful detail. Personally, it has been a great privilege to serve on this committee with so many able colleagues under the outstanding and gifted leadership of both the gentlemen from Oklahoma and our colleague from Massachusetts, the ranking minority member, Mr. CONTE.

Mr. Chairman, this is a good solid bill. I urge an "aye" vote.

Mr. STEED. Mr. Chairman, I have no further requests for time.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, I too would like to join with my colleagues on the subcommittee who have addressed complimentary remarks toward our subcommittee chairman, the distinguished gentleman from Oklahoma (Mr. STEED), and our equally distinguished and capable ranking minority Member, the gentleman from Massachusetts (Mr. CONTE).

It is indeed a pleasure and a privilege to work with both of these men in the serious consideration of a bill of this magnitude covering agencies as important as these agencies are to the people of this Nation.

Mr. Chairman, I think it is a welcome coincidence that on this particular day when this bill reaches the House floor covering the budgetary needs of the Post Office Department that the Congress should also receive on that same day the Presidential message on Post Office reform.

On page 2 of that message a point is made by the President, and I quote:

> In this fiscal year, the Department will drain over a billion dollars from the National Treasury to cover the deficit insurred in operating the Post Office.
>
> Over the last decade—

The President continued—

> the tax money used to shore up the postal system has amounted to more than eight billion dollars. Almost twice that amount will be diverted from the Treasury in the next ten years if the practices of the past are continued.

Then says the President:

> We must not let that happen.

Then he points out, as we all should understand, that the money to meet these huge postal deficits comes directly out of the taxpayers' pockets regardless of how much they use the mail.

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That line from the Presidential message, Mr. Chairman, brings me to one point that I wish to make in my brief allotted time and that is to again call the attention of my colleagues to the fact that the subcommitee did, with the encouragement and support of our chairman and our ranking minority member, go into this question of the postal deficit, and particularly the question of public service costs in greater depth than we have in recent years.

Of the $1.2 billion which is estimated to be the postal deficit for the fiscal year 1970—absent any action on the rate bill and excluding therefrom the phase 3 of the pending postal pay adjustment—of that $1.2 billion, $707 million is estimated to be the so-called public service costs, as determined by the Postmaster General under the Postal Policy Act of 1958.

Mr. Chairman, in our committee report, on page 13 thereof, we call attention to our serious concern over the manner in which this public service cost item has increased from $37.4 million in 1960, when the first such appropriation was made, to an estimated $707 million for fiscal year 1970. We are urging our colleagues in this Congress to consider this serious situation and the appropriate committees to recommend action to the Congress in order that this situation can be corrected.

There is pending, as we all know, before the legislative committee a rate bill that so far has not been received with much enthusiasm by many Members of this body.

But, just let me say to you, Mr. Chairman, in conclusion, why some action on some sort of rate bill this year is necessary. The words that I will use in urging such action are words used by a former President, and this is what he said:

> A postal deficit of more than one-half billion dollars is obviously unsound, especially at a time when every effort must be made to reduce the size of the Federal budget. The taxpayers of this country are faced with an unavoidably large burden in financing our defense program. It is unreasonable and unfair that they should also have to pay for postal costs which should be borne by those who receive the direct benefits of postal service.

Mr. Chairman, the President who said that was not Richard Nixon, nor even Lyndon Johnson. It was Harry S. Truman and the date was 1951.

I submit to all of my colleagues that Mr. Truman's warning applies with even greater urgency today, as we face a potential postal deficit of more than twice the size the one that he was speaking of, in a time of even heavier defense spending and ruinous inflationary pressures.

Mr. Chairman, this bill does not treat the ills of our postal system—it cannot do that, for it is not the proper vehicle. But this bill does highlight those ills and points up the need for action to eliminate them. Such action, through postal reform of the type the President has now recommended to us, and the construction of a fair rate structure must originate from another source. But the time for such action is now.

Mr. Chairman, as usual I find there are more items in this bill that I would like to discuss than I have time available in which to do so.

Therefore, I have sorted out my own priorities—so to speak—and will concentrate on the items I am most interested in as long as time may permit, and will use the extension privilege in order to cover such other items as may remain.

Basically, I think the greatest challenge facing our subcommittee—and one of the larger domestic challenges facing Congress—is what to do about our Nation's postal system.

For a number of years now, we have been hearing that the postal system was "in a race with catastrophe." I think that has been an apt description of the situation in the last several years and also up to the present. However, I am optomistic enough to now believe that a corner of sorts has been turned.

That optimism stems from a variety of factors, not the least of which is the zeal and the ability being displayed by our new Postmaster General, Winton M. Blount—and the truly fine management team he has assembled around him—in getting to the heart of the things that have been wrong in the system, and embarking on the procedures that will be necessary if we are to ease or to eliminate these matters.

Another reason for my optimism stems from the growing evidence that there is now a solid foundation of public—if not yet congressional—support for sweeping "postal reform." I have, in my text, purposely put quotation marks around that phrase "postal reform" because the phrase means, as we know, different things to different people. It is not presently possible to predict how all this will work out but, clearly, as General Blount said on the final day of our hearings, some type of "postal reform" is "an idea whose time has come."

As we know, the new management team in the Post Office Department has—with the encouragement and full support of President Nixon—been working on its own "reform" proposal and that—today—has finally taken its place in line for consideration by the Committee on Post Office and Civil Service along with the other "reform" proposals it has before it. I would hope that, since this event, committee action can soon follow for time here, I believe, is truly of the essence if that "race with catastrophe" is to be won.

Now if, as I have already suggested, "postal reform" comes in several varieties, it also has many facets, not the least of which is the complex and bothersome question of the kind of rate-structure a "reformed" system should have as its base.

Earlier this year, I suggested to our subcommittee chairman (Mr. STEED) that I felt we ought to delve into this aspect of our overall problem more deeply than usual this year, and that I further felt we could do so in such a fashion as not to intrude into the prerogatives of the legislative committee but, indeed, in a way that might be helpful to it. Our distinguished and capable chairman was, as usual, not only fully cooperative but also enthusiastic about our doing so. The results can be found in part 1 of our hearings—beginning on page 366 thereof—and if any of my colleagues are interested in this subject, Mr. Chairman, I would ask them to direct their attention to the information thereafter set forth.

We were especially concerned—and an historical reference to this concern is made on page 13 of our report—over the tremendous increase since 1960 in what is called postal "public-service costs." As the report indicates, that budgetary figure has risen from $37.4 million in fiscal 1960 to $707 million, as the revised estimate thereof, for fiscal 1970. And, it should be noted, this latter figure will climb even higher when the presently unbudgeted postal-pay increase due July 1st takes effect—at whatever percentage or figure may eventually be decided upon.

Now, the major reason for this rapidly escalating item—which bids fair to totally eliminate the so-called postal deficit for ratemaking purposes—is the application by the Department, as it must do by law, of the provisions of what is known as the Postal Policy Act of 1958.

In my judgment, Mr. Chairman, that statute is badly in need of review and revision in the light of today's circumstances. The fault with the statute does not lie in its vagueness; indeed, it is all too explicit. Its fault lies, in my judgment, in cementing into our postal system substantial subsidies to certain mail users along with an unorthodox and, I believe, unrealistic cost-ascertainment system.

The subsidies in question—and to which I have just made reference—were deemed at some time in the past as necessary to serve the interests of the Nation as a whole, but many if not most of them are presently indefensible, at least in my judgment. And it is no mere coincidence—as the taxpayers who must make up the difference are beginning to note—that the volume of public service mail has risen much more rapidly than the volume of other mail.

Congress itself has continued and is still continuing to add to this unbalancing act by, from time to time and in patchwork fashion, including new categories of items and of so-called nonprofit organizations to the lists of those authorized to receive reduced rates, and no end to the escalator we are on is now in sight—unless, that is, we call a halt to all this.

Concern about uncontrolled public service postal costs has been expressed in other quarters—by the Postmaster General's Advisory Panel on Postal Rates in 1965 and by the so-called Kappel Commission last year, for instance. And I suggest it is time that concern be expressed here in Congress as well, and in such a way as to translate itself into early corrective action.

The new Postmaster General, and his management team, have addressed themselves to this problem, but will need more time than they have so far had to be able to recommend fully its resolu-

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tion. However, since the ultimate decisions to be made must be made here in Congress that is no reason why Congress should not begin work on this, on its own, as a matter separate and apart from, though closely related to, postal reform.

The Kappel Commission was of the opinion that our postal system which is now so heavily oriented toward business—only 7 percent of our current mail volume involves correspondence between individuals, or 14 percent if greeting cards are included—ought to be capable of supporting itself completely from its revenues. This may be a politically impossible goal, but it involves a principle with which I would agree. Of course, so saying always raises the hackles of those who firmly believe the postal system is and must remain a public service and, hence, a partially tax-supported institution.

Well, I respect the sincerity of those who hold to that view, and I suppose there is ample room for some sort of a compromise if we must still hold largely to that view, but I am firmly of the belief that such actual revenue deficiencies as these in fiscal 1968—$450 million arising from second-class rates, and $324 million from third-class rates—are just too high.

And I am also firm in my belief, Mr. Chairman, that we will find it politically difficult, if not impossible, to again raise the rate for the first-class mail user who—before public-service costs are carved out—now pays 104.6 percent of the cost of the service provided him, while the second-class cost coverage, as a whole, is only 25.9 percent, and total third-class coverage is only 74.6 percent, these being the 1968 figures.

Now, I know that these percentages as I have stated them need to be weighted because of a variety of factors, and I know that the present postal cost-ascertainment system is not all it should be. But I still submit, Mr. Chairman, that these coverages are badly out of balance and will remain so even if the presently recommended rate-increase bill should be enacted.

Nevertheless, some sort of upward adjustment in postal rates is necessary, for reasons well stated by a former President:

> A postal deficit of more than one-half billion dollars is obviously unsound, especially at a time when every effort must be made to reduce the size of the Federal budget. The taxpayers of this country are faced with an unavoidably large burden in financing our defense program. It is unreasonable and unfair that they should also have to pay for postal costs which should be borne by those who receive the direct benefits of postal service.

The President who said that was not Richard Nixon, nor even Lyndon Johnson, but Harry S. Truman—and the date was 1951. Yet Mr. Truman's warning applies with even greater urgency today, as we face a potential postal deficit more than twice that size in a time of even heavier defense spending and ruinous inflationary pressures.

Indeed, going back through the years it would seem as if the blame for the continuing postal deficits that have been foisted on the taxpayers of this Nation lies more clearly at the doorstep of the Congress than that of the Chief Executive. For instance, on vetoing a postal pay bill back in 1924, President Coolidge said:

> We should not add to the postal deficit as is proposed by this bill but should attempt, as a sound business principle, to have the users of the mails approximately pay the cost of the service.

This particular subcommittee of Congress, however, Mr. Chairman, saw the recent handwriting on the wall, forecast what the effect of the act of 1958 would be and, for a time, resisted that effect by denying appropriations for "public service" costs. It clung as long as it, alone, could to the so-called "revenue foregone" approach as a truer measure of subsidies for ratemaking purposes, as did the department, itself, up to July of 1961. But, since then, bowing to strong congressional and outside pressures, we have accepted the "total-loss" approach, as it is called and, as had been predicted, "public service" costs have escalated rapidly up to the present level from which they threaten, as I have said, to wipe out the true postal "deficit" altogether.

The Department now believes we should return to the "revenue-foregone" procedure, and so do I, just as I think Congress should pinpoint such truly desirable mail subsidies as we can agree should be continued in today's circumstances, and then have those borne by appropriate other Federal agencies—for instance, if some second-class subsidies are determined to be still needed from the standpoint of promoting public education, let us say, they should be charged to the Department of Health, Education, and Welfare, and so on.

But that is for future consideration, and meanwhile there is a good deal of public misinformation about our present situation, some of it probably promoted by people with their own special axes to grind. I recognize there is some political risk in saying it, but it seems to be true that the second-class mailers deliberately focus public attention away from themselves and on third-class subsidies, particularly on that category thereof most persons call "junk-mail." During our hearings, for instance, I quoted from an otherwise well-researched magazine article about the Post Office's problems that referred to "bargain junk mail" rates and said those who use such rates, "would be fools not to keep piling it on"; and then it was declared—erroneously as we have seen—that such mailers "probably account for most of the billion dollars a year Treasury subsidy that goes to the Post Office. If the balance of this article had been as sloppily done as this, such a misstatement would be understandable. As it was, however, the author's objectivity has to be suspect.

From the historical standpoint, there have been third-class subsidies since 1863, based—apparently—on the idea that such were needed to promote the growth of business generally but, with full tax-deductions now for all business-promotional costs, it could be argued that this, alone, is now enough of a subsidy—and did you ever note, Mr. Chairman, how much "piggy-back" promotional material one gets nowadays in his first-class mail? With practically every bill or statement today also comes a whole variety of advertising material of one kind or another. Do you suppose the third-class users—if their rates went up more than now suggested—could work out a deal with somebody like the 'phone company to "piggy-back" their material for them?

Seriously, though, one third-class subsidy I would like to see ended is that enjoyed by the purveyors of pornography. It is bad enough for the citizen to have to be subjected to this kind of filth, without his also being required, as a taxpayer, to subsidize the cost of its delivery to his home.

Mail was given no "class" categories until, as I have noted, 1863 when the third-class categories got their start. But, long before that date "special" rates were fixed for newspapers and books. Indeed, it might be said that the postal service was responsible for the origin of American newspapers. The colonial postmasters knew about the special rates or even, perhaps, set them, and not surprisingly, many of them eventually became newspaper publishers.

You see, the very first newspapers were treated as letter mail. But to send such a one-ounce newspaper from New York to Philadelphia would—so the Library of Congress tells me—have originally cost 72 cents for mailing, a prohibitive charge to any would-be publisher. But the local postmasters could frank them for a fixed charge—so it is easy to see why many of them became "publishers" themselves.

George Washington thought all such items ought all to be mailed free, and an early House agreed, saying:

> Circulation of political intelligence through these vehicles (newspapers) is justly reckoned among the surest means of preventing degeneracy of a free government, as well as of recommnding every salutory measure to the confidence and cooperation of all virtuous citizens.

Sort of sounds like the modern Congressional "newsletter" does it not?

In any event, though the early publishers often got pretty violent, even some of those they attacked, like Thomas Jefferson, said:

> When the press is free and every man is able to read, all is safe.

And so, through the years, the privileged position of the press became gradually more secure until, in 1879, the Mail Class Act of that year was actually drawn up by newspaper publishers meeting in caucus at the invitation of certain Congressmen, and this basic privilege has now been extended to magazines, books and periodicals, and even films and phonographic records.

Undoubtedly, Mr. Chairman, in the early years of our Republic this principle served us well, and did contribute to national literacy and knowledge, but I suggest that there is little resemblance between colonial times and today, or even between 1879 and 1969, and little justifi-

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cation for second-class subsidies now running upward of $400 million annually.

There is—and always will be—a need to promote literacy and knowledge; and newspapers, books, magazines, and the like will always play a key role in our continuing efforts to do so. But, given modern America's educational climate—with vast Federal and other public sums, supplemented by private moneys, being spent on educational institutions, on public libraries, eventually on educational television and the like—one has to ask how much of the present second-class subsidy is still appropriate.

Often, a distinction is attempted to be drawn between unwanted "junk mail" and newspapers, books, and so on ordered by mail. There is a difference, of course, but one must also ask whether it is appropriate for the more-affluent American who desires to receive, let us say, the Wall Street Journal or Fortune magazine through the mail, or to join a book-of-the month club, to require his less affluent neighbor to subsidize, with tax moneys, his desires in this respect.

The answers to such questions will not come easily, Mr. Chairman, but they must be sought.

Meanwhile, we must do what we can to assist the new Postmaster General in getting the Department on a more businesslike and efficient basis. This requires our support of the Department's continuing efforts in the postal research and development field—as our bill recommends—and it requires funds for new capital investment in urgently needed new postal facilities and equipment.

If one wonders why postal service is sometimes as poor as it is, one needs only to visit a sectional center such as the one located at Elmira, N.Y., in my district. This facility, like many other sectional centers, was thrown together hastily when this concept was first adopted but, from the beginning, it has been inadequate both in layout and equipment to do the job intended for it. And, Mr. Chairman, a visit to this facility would dramatically bear out one of the Kappel Commission's key findings, that in the postal system the "failure is—generally—one of method, rather than of men."

Our chairman (Mr. STEED) has repeatedly addressed himself to this aspect of our overall postal problem, and has convinced the rest of us that substantially higher investments must be made in new plant and equipment. He is an advocate of the postal public buildings program, for which this bill provides $170 million—an increase of $120 million over the current year's level of funding.

I support this item, but with serious reservations—reservations not related to the need for new facilities, which is apparent, but related to our present budgetary impasse. I believe it would be wiser, until our fiscal situation is eased, to construct some of at least the smaller of these proposed postal buildings through the familiar lease approach, but it is evident mine is very much of a minority viewpoint within the subcommittee and I see no value in pursuing it further at the moment.

But, at the same time, I am encouraged by the new and harder look the Postmaster General—a builder by trade—is taking at the kind of postal facilities we will need in the future. For instance, as some of you may have noticed, Postmaster General Blount has recently ordered cancellation of the Department's prior plans for a $100 million postal complex to be built in New York City. He said, in doing so, that not only would the complex probably turn out to cost $150 million, but that a new system of post offices for the city, separately handling bulk mail—parcel post and second- and third-class—and first-class and airmail would be a far more efficient and economical way of handling New York's mountainous mail burden, and would avoid "congestion of men, machines, and vehicles."

Postmaster General Blount also seems to see value—and so do I—in the "mail factory" concept, as advanced by former Postmaster General Watson on leaving office; these would be modular buildings built outside of congested urban areas, for processing incoming and outgoing mail, with easy access by both air and surface carriers, using the "downtown" post offices as local service centers. It may take a bit of education to get the public mind off the need for post office "monuments" in the central parts of their cities but, if they felt a different approach meant better mail service, I am sure they would support this idea and I, for one, want to see it tried.

With mail volume expected to leap to 100 billion pieces a year in the next decade, we must move now to prepare ourselves for such an avalanche of mail. That is why—with the success that is coming in developing letter-sorting machines and the like, we must be patient yet awhile over the present deficiencies in the Zip Code system. Perhaps it has not yet speeded the mail as it was earlier advertised to be capable of doing, but to live up to its promise, it needs to be more fully integrated into a postal "system" worthy of the name, and that we still do not have. Thus, such articles as the one now appearing in the "National Enquirer," headlined "Zip Codes Not Used To Send Your Letters," and subheadlined "Biggest Government Fraud Ever Perpetrated On American Public," are not only damaging to the Department's already tarnished image but show a total lack of understanding of the basic postal problem.

So, too, in my judgment, do Members of Congress who enthusiastically announce their support of postal-pay bills while, at the same time, declaring they will not vote for any rate increases until the postal patron gets better service. Postal pay must be increased, and no doubt will—but let us remember, Mr. Chairman, that the Department's potential actual deficit for fiscal 1970—with the budgeted postal pay increase due July first included—will be $1.473 billion, and that another $65 million must be added to that figure for every percentage point increase in postal pay this Congress may decide to add to the planned July increase. Thus, an additional 10-percent increase in pay would lift that deficit—without a rate increase—to over $2 billion in the forthcoming fiscal year. In the highly inflationary situation we find ourselves in, this would be the height of fiscal irresponsibility.

Mr. Chairman, if I have overspent my time on the postal part of this bill, it is because—as I earlier said—this is wherein our greater challenge lies. By contrast, the problem—and needs—of the Treasury Department, and those other agencies that report to us, seemed routine, indeed.

That does not mean to imply that their work and efficient operation is less important for both Treasury and the Bureau of the Budget, for instance, are extremely important agencies, performing key Federal functions.

The details of their budgetary requests, and of our action thereon, are well explained in the report and have been amply covered by other members of our subcommittee. Of especial interest is the personnel problems that congressional action last year—in an effort to save money—caused such revenue producing bureaus as Customs and the Internal Revenue Service. Mr. STEED has gone into this matter in depth, and I believe we all agree that last year's action was "pennywise but pound foolish" in this respect.

One of the more-striking examples of that fact is illustrated by the alarmingly high dollar volume of delinquent accounts facing the IRS—about $1.5 billion-worth, all told, as of the end of 1968, an increase of some $190 million over the comparable figure as of the end of 1967. I do not suppose every penny of this can be related to the shortage-of-personnel problem, but surely much of it can be and, certainly, it is a backlog that must now be vigorously attacked by the new administration.

Congress, as we know, is also now in the throes of drafting a "tax-reform" measure. Like "postal reform," such an effort has been too long delayed and broad action on both fronts is now urgently needed.

As for "tax-reform," as President Nixon has said:

> We shall never make taxation popular, but we can make taxation fair.

Not only can we do that, Mr. Chairman, but we must do so or we will, indeed, experience soon a "taxpayers' revolt" of serious magnitude. I suspect that "revolt," if one comes, would find its genesis less in the magnitude of the tax burden our citizens now carry than in their developing suspicion that other citizens are escaping their fair share of that burden. We must make absolutely certain that this is not the case; and that, instead, our tax laws are equitable and evenly enforced so that each pays his proper share of the burden.

But, again, our people must understand that the kind of tax reform we are now discussing here will not open great new sources of revenue nor do much to lift or lighten the tax load carried by that great mass of our citizenry—the so-called middle-income brackets.

These are the Americans who must pay

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for almost everything this Government does—for them or to them. The poor cannot pay, and the rich are truly too few to bear that burden. As a table shows on page 790 of part 2 of our hearings, in 1967 there were 34,283,035 individual taxpayers with incomes of between $5,000 and $15,000 totaling, in all, $300,183,070,000, on which they paid in that tax year, after credits and exemptions, a total Federal income tax of $31,288,294,000. This was 49.8 percent of all individual Federal income taxes collected in that year.

By contrast, there were in the same year 5,032,307 individual taxpayers with incomes above $15,000 totaling, in all, $132,041,011, on which they paid a total Federal income tax of $27,094,113,000, or 43.1 percent of all such taxes.

In this age of rapid inflation, it is difficult to set the proper cutoff point for the middle income bracket. If we move it up, now, to a high of $50,000, which may not be altogether unreasonable, the percentage of individual Federal income taxes paid by those in the $5,000 to $50,000 range thus becomes 76.5, thus illustrating the point occasionally made that confiscating all incomes above $50,000 would run the Government a matter of 2 or 3 months, at best.

Nevertheless, Mr. Chairman, the overall tax burden shouldered by all our taxpaying citizens must be eased—its growth at least sharply restrained against the day when, hopefully, our burden of "defense" spending can be lightened. The need for restraint in this body, in approving both authorizations and appropriations, therefore remains vital—and no Congress has, in recent times, faced a greater challenge than we do in this respect, particularly when the need for controlling the near-uncontrollable inflationary pressures our economy reflects is made a proper component of that challenge.

Finally, Mr. Chairman, in this overall context there is, I believe, a considerable amount of valuable information that could be of interest to anyone concerned as to how the Bureau of the Budget fits into this picture. That portion of our hearings begins on page 273 of part 3 thereof, and I call it to my colleagues' attention.

Perhaps of especial interest to some will be the discussion we had with representatives of the Bureau over the kind of review it attempts to give, annually, to the defense budget. This has been a matter of growing concern to some of us, and should be of concern to all of us since defense spending—in overall dollar terms—represents about 40 percent of the overall Federal budget. The current public worry about the "uncontrollable" nature of defense spending is, in part, a reaction to our frustrating experience in Vietnam, but, if objectively reflected in Congress, can also turn out to be a very healthy thing. And this, too, Mr. Chairman, is one of our present challenges.

Mr. WOLFF. Mr. Chairman, I am gratified that the appropriation for the Treasury Department for the fiscal year 1970 contains a relaxation on hiring limitations imposed last year. I am particularly concerned that the additional funds provided to the Department be used in part to increase the staff of inspectors in the Bureau of Customs.

This concern stems from my familiarity with a major problem involving foreign imports through John F. Kennedy International Airport in New York. There is a grave situation at this airport, which I recently visited to study the matter firsthand, resulting from inadequate procedures in handling incoming foreign shipments.

This problem has resulted in lost shipments, excessive delays, high rates of pilferage, damage to merchandise, and other difficulties that ensue from the confusion surrounding imported goods. This problem is having a highly negative impact on importers, American merchants and is seriously hurting our balance of trade by slowing our exportation through Kennedy Airport.

I am in the midst of a study of the problems of air cargo delays at the airport and am convinced that one of the contributing factors is the shortage of Customs inspectors at the airport. I am told by the Bureau of Customs that this is directly related to the manpower reductions ordered last year.

Therefore, I urge most emphatically that the increased funds to be provided to the Treasury Department be used as necessary to place sufficient numbers of Customs inspectors at Kennedy Airport to accommodate the high volume of imported goods received there. The delays in moving goods from the airport is hurting American business and to permit this situation to continue is bad business from every possible perspective.

I trust that the Treasury Department and Customs Bureau will act in good faith to use these additional moneys to bring Customs service at Kennedy Airport and other overtaxed facilities up to the proper level. To do anything less would be to misuse the funds contained in the appropriation before us today.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes.

Mr. CONTE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDMENT OFFERED BY MR. SMITH OF IOWA

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Iowa: On page 17, after line 8, insert the following:

"Sec. 504. Provided, That no part of the funds appropriated by this Act shall be used to pay more than $20,000 for aggregate costs exceeding revenues which result from providing postal service for any distributor of second class mail."

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Chairman, this is really a simple amendment.

Mr. CONTE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. CONTE. I reserve a point of order to the amendment.

Mr. SMITH of Iowa. The reservation comes too late. I object.

The CHAIRMAN. The Chair is of the opinion that the request of the gentleman from Massachusetts comes a little too late. The gentleman from Iowa is proceeding.

Mr. SMITH of Iowa. Mr. Chairman, the amendment is really simple. All it does is to limit to $20,000 the subsidy for any one distributor of a newspaper or magazine. It is a kind of technical amendment. Technically, it brings into line this bill with the agriculture bill as amended by the Conte amendment. As a matter of fact, I do not really claim to be the author of the amendment completely. All I did was copy the Conte amendment. So this is really the Conte-Smith amendment to this bill to bring it into line with the agriculture bill. I took to heart what the gentleman from Indiana said. He quoted the Chicago Tribune here with approval for a limitation on farmers, so I would assume surely both Mr. Madden and the Chicago Tribune would be for the amendment. This is about as broad a spectrum as we could get for any kind of amendment.

I was not for the other amendment, but the House spoke. It said, the House does not want to give any more than $20,000 in subsidies for any producer of goods and services in this country as reimbursement or subsidy. Mr. Conte said—and I do not remember the exact words—but it was something to the effect that anything over $20,000 is really welfare. So I took that statement to heart. I really do not think that there is any great need for debate on the amendment. All the Members need to do is to insert in the Record the identical speeches they made on the other Conte amendment. It is the same issue.

So, my friends, I urge you to support the Conte-Smith amendment.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Chairman, of course I never said what the gentleman from Iowa just said I did.

But I am very interested in this amendment. I am against subsidies per se, so I am interested. Can the gentleman give me some figures on what we are paying out in subsidies in this area?

Mr. SMITH of Iowa. I have not done all the research, but I think it is more than $13 million.

Mr. CONTE. Does the gentleman have

any figures or names of publishers who might get subsidies and how much they are getting, so I can intelligently vote on the amendment.

Mr. SMITH of Iowa. To use the argument used earlier, how can we hurt anybody if all we are doing is hurting those over $20,000?

Mr. CONTE. Does the gentleman know what the New York Times gets?

Mr. SMITH of Iowa. I do not know exactly, but if it is more than $20,000, they would be covered.

Mr. CONTE. Maybe no one is covered at all.

Mr. SMITH of Iowa. Then it will not do any harm.

Mr. CONTE. Then the amendment offered by the gentleman is redundant and there is no use cluttering up the law books with the amendment. Furthermore, in regard to the amendment I offered on the farm bill which limits subsidies to $20,000 per farm operation, those are direct payments to a farmer. He is paid by the Federal Government not to plant crops. In this case, there is no direct payment to users of second-class mail. The subsidy would come in by charging him lower rates and, therefore, if the gentleman wants to end this, what we should do is raise the rate for second-class mail users and he will find that he will have my support. Unfortunately, his amendment is facetious and unworkable.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am not one who sponsored the prior $20,000 amendment referred to.

In regard to the amendment now before the Committee, may I say a great many things could result from the adoption of this particular amendment that I doubt very many would be in favor of or aware of. We might be doing many things here that we did not intend to do. For instance, we could get involved in a complete upheaval of the cost accounting system used by the Department. I am not sure they can pin down anything as specific as the subsidy for a given publisher. If we could do that, we might have a lot of the second-class mailings of libraries that might be crippled. I know some religious institutions might be crippled. A great many other worthy types of activities covered by this class of mail could be in great danger.

I think everybody understands what is going on, and I hope in terms of the well-being of the postal service, this amendment is not agreed to. I hope it is defeated.

Mr. WAGGONNER. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I take this time to ask some member of the committee—perhaps the gentleman from Massachusetts (Mr. CONTE) would be the desirable member—if he could tell me whether or not the committee has gone into a detailed study of the subsidies that do accrue to publishers who are users of the mail?

Mr. CONTE. As the gentleman from Louisiana shoved his foot into it yesterday about a sugar refinery in my district, he has done it again.

Mr. WAGGONNER. I knew the gentleman did not have the refinery.

Mr. CONTE. Again the gentleman has shoved his foot in it, because I did go into the details. If the gentleman will look at approximately page 429—and I commend the gentleman to read the hearings—I certainly went after the information. I pointed out that it cost about 8 cents to send a Reader's Digest whereas a first-class mailer sending a letter weighing the same number of ounces would have had to pay 48 cents.

Of course, we are the appropriating committee and not the legislative committee. But in the record the gentleman can see where I asked questions of the Department, and I was very upset about this. The only way we can tackle this is to have a bill to increase the rates. Let us get a bill out of the legislative committee and see where the chips fall.

Mr. WAGGONNER. I think we can already see where the chips fall. The shoe is on the other foot for the gentleman now.

Mr. CONTE. The gentleman cannot compare the two things. The gentleman cannot compare apples and oranges.

Mr. WAGGONNER. I realize there is a great deal of difference, except the shoe is on the other foot.

Mr. CONTE. If the gentleman comes up with something fair and equitable, I will support him. The gentleman knows that.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Nebraska.

Mr. CUNNINGHAM. Mr. Chairman, I am on the legislative committee. The second-class mailers, which are newspapers and magazines, are the ones that are being highly subsidized among all the various types of mail users. During our hearings on the last rate bill, it was estimated that the Wall Street Journal—which is not delivered by carrier boy, but comes through the mails or can be bought on newsstands—is subsidized to the extent of approximately $10 million. And the newspapers and the magazines which go through the mails are not only subsidized but they get what we call "red tag" treatment; in other words, first-class treatment. So there is a big subsidy.

I did not hear the amendment in its entirety.

Mr. WAGGONNER. Is that the same sort of first-class treatment that is referred to, that the average farmer got, a little earlier today?

Mr. CUNNINGHAM. I would not comment on that.

Mr. WAGGONNER. Mr. Chairman, I should like to ask another question of the gentleman from Massachusetts (Mr. CONTE). If I remember correctly, in the question he asked the gentleman from Iowa (Mr. SMITH), he asked if he had conducted studies and could produce some information as to what these studies revealed in the way of subsidies and said he would be willing to give consideration to it. It seems he has that information at hand.

Has the gentleman been withholding it from us?

Mr. CONTE. No, I am not withholding it. I commended to the gentleman the reading of the hearings. I am sure he can read. He asked me a question, and I tried intelligently to answer the question which he propounded. Unfortunately, the gentleman has not done his homework on this bill and has not read the hearings, because he would have known that on page 430 of the hearings, part 1 on the Post Office, I asked the question. I will start here.

> Mr. EDEN. I am reasonably sure it would be in excess of that on a fully allocated basis.
>
> Mr. HARGROVE. However, there is variation, undoubtedly, in the cost coverage as it relates to the weight of the magazine.

Mr. WAGGONNER. Let us get one thing straight. I have done my homework. I have read it. I just wanted to point out to the gentleman and to the House that the gentleman was trying to delude the House when he tried to lead the gentleman from Iowa (Mr. SMITH) in producing information which he had all this time. I have only one thing in mind and that is to point out to the House the inconsistency of the gentleman's position. Why do you take one position on the farm legislation and another here?

Mr. CONTE. I can tell the gentleman something. I did not try to delude anyone. You have control over there at the committee, and you can do anything you want. This is not the way to do it. The way to do it is to increase second-class rates. When you come out with legislation to do that, I will certainly go along with you.

Mr. OLSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been some statement on the floor to the effect that our President has sent a message here that he wants fair rates, but I submit that is not his message of a few weeks ago. Then he recommended the same old system, the system apparently Mr. CONTE contends for giving, what Mr. CUNNINGHAM says is a "red tag" treatment.

This is second-class mail. The fact is that the Reader's Digest does not move for 8 cents. It moves for 2 cents apiece. The subsidy of the Reader's Digest is far bigger than the subsidy for the Wall Street Journal.

I am sure that there is no subsidy of $20,000 to any county weekly. We are not going to be bothering any county weekly, and very few dailies in this country would be affected by the recommendation of the gentleman from Iowa (Mr. SMITH), or by his amendment.

I welcome this discussion, because I am chairman of the Subcommittee on Postal Rates. I wish more people would get in the act of helping determine what are going to be fair rates. How big is the subsidy going to be for the various classes of mail?

Now, this is not going to affect anything but second class. The Members can suit themselves. If they believe this provision of prohibiting more than a

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$20,000 subsidy to any part of the second-class mail will hurt anybody, they can just think it over. It is not going to affect any county weekly, and very few dailies.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. SMITH).

The question was taken; and, on a division (demanded by Mr. WAGGONNER) there were—ayes 40, noes 24.

So the amendment was agreed to:

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment was offered by Mr. WRIGHT: On page 5, line 13, replace the period with a semicolon, and add the follwing: "*Provided, however,* That no part of such funds may be used to pay rewards to income tax informers."

Mr. WRIGHT. Mr. Chairman, this is the amendment to which I made reference earlier. I do not think it requires lengthy debate. I expect every Member of the House knows his personal reaction to a practice within our Government which lures one citizen to spy on another citizen under the premise of personal reward. I think every Member knows how he feels about whether or not it is compatible with our form of Government and our form of society for the Government to encourage certain citizens to become professional informers.

I think every Member knows whether it squares with his sense of justice for some citizens, out of spite or avarice or malice or greed, to go to the Government under the cloak of immunity, denying their accused the right of facing his accuser or knowing the identity of his accuser. So I think every Member knows whether he approves of this practice or not.

I would call the attention of the House to the fact that my amendment applies only to paid income tax informers. It does not go to the broader and harder crimes of narcotics or gambling. It simply applies to one neighbor who wants to go to the Government and put the finger on another neighbor and walk away with a part of the loot.

I do not believe that is compatible with our society, with our sense of straightforwardness and with our way of life. I ask that those who do feel as I do support this amendment.

Mr. STEED. Mr. Chairman, I rise in opposition to the amendment.

This is a tool that this agency has had for many, many years and one that has been used sparingly but well. It is one that all of the Government law-enforcement agencies have and must have. With the new program of organized crime task force activities which is just coming into being, it seems to me that the need for this sort of device would be greater than ever. As I analyze this amendment I am unable to see in my mind where anyone on earth could benefit by the adoption of it except somebody who wanted to avoid paying his taxes. I do not think any of us want to be on the side of the tax dodgers. Therefore I urge the defeat of the amendment.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield for a question?

Mr. STEED. I am happy to yield to the gentleman.

Mr. BURLISON of Missouri. Could the chairman tell us, sir, how much revenue this method or scheme of tax collection brings in to the Treasury each year?

Mr. STEED. The highest year of payout that they told us about was about a half million dollars. Sometimes it is as low as $100,000.

This can sometimes return several millions of dollars. A lot of the tips of this sort which they receive are from people who are more interested in spite than they are money and there is no way you can solve that.

Mr. BURLISON of Missouri. Mr. Chairman, if the gentleman will yield further, in view of that last statement, can the gentleman from Oklahoma tell us how much money is used and expended in following up this type of investigation? If it brought in $1 million or $100,000, how much does it cost to go after it and follow up on it?

Mr. STEED. They had about 55,000 leads of all sorts this year on all sorts of possible tax evasion and they followed up on all of them that they could. They receive many leads on tax evasion and as a matter of policy they have to check them out. I think the total was possibly 55,000 leads.

Mr. BURLISON of Missouri. I appreciate the gentleman's yielding but I would say from the evidence he has presented, certainly there is no justification for this type of scheme to try to collect taxes.

Mr. STEED. Well, if the gentleman wants the people charged with the responsibility of collecting taxes and enforcing the laws to have all the tools they need to apprehend those who are interested in dodging taxes, he should not be opposed to this.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to point out that there is a great deal of money in this bill that is part of the administration's overall campaign against organized crime. This money is primarily in the budgets of Secret Service, Customs, and the Internal Revenue Service. I might also add that we collected about $11 million last year as a result of the informer system. I certainly sympathize with what the gentleman is trying to do but I feel this system is essential to our fight against organized crime. Most of the tips IRS receives are about the organized criminal elements that are escaping payment of Federal taxes. I think that anything which hurt this effort would do serious injury to the campaign against crime. I repeat, I sympathize with the gentleman's idea. But I must rise in opposition to the amendment because the fight against crime must not be reduced at this time.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the chairman of the committee.

Mr. MAHON. Does the gentleman feel that there is possibly a relationship here involving the dope traffic, narcotics, and so forth?

Mr. CONTE. If we did not rely on tips the Narcotics Department which is now a part of the Department of Justice—if they could not rely upon tipsters, they would not get a large segment of their cases also in reference to mail fraud and so forth.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Texas.

Mr. WRIGHT. The gentleman is aware, is he not, that my amendment simply prohibits the paying of a reward to an income tax informer. It does not have anything to do with the smuggling of narcotics or organized crime. It does not have anything to do with gambling operations. All it would prohibit is a citizen who goes in and tries to get a reward from his Government because he put his finger on his neighbor for a possible income tax evasion. The amendment has no bearing whatever with reference to narcotics. My amendment does not go to that. My amendment would simply prohibit the use of these paid informers for squealing on their neighbors in the hope that they will get paid for it. If they want to go and tell on someone who has done wrong, they can do it as a matter of civic duty. But if they act as the result of what they feel to be their civic duty, they do not and should not expect to receive a reward for it.

Mr. CONTE. It does have a lot to do with organized crime.

I wish there was more that I could divulge here, but it has a great deal to do with organized crime, and could have something to do with the narcotic peddlers and such who are making a buck through illicit means, and who do not pay an income tax. It could be somebody who is running a prostitution ring, and who is not paying an income tax, and someone tips them off on him and is paid for that tip.

Most of this comes into play in the hard, organized crime field.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to ask the gentleman from Massachusetts if he would accept an amendment that would say that no informer could get over $20,000 for anyone he turns in?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and on a division (demanded by Mr. WRIGHT) there were—ayes 43, noes 45.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GROSS: On page 7, line 18, following the word "services", insert the following: "of not to exceed ten experts and consultants".

Mr. GROSS. Mr. Chairman, H.R. 11582, the appropriations bill for the Post Office Department, on page 7, lines

18 and 19, provides for the employment of an unlimited number of experts and consultants.

The purpose of my amendment is to limit the number of these so-called experts and consultants to a total of 10.

Many Members of the House have had unpleasant experiences with respect to the new system inaugurated by the Postmaster General in connection with the appointment of selection boards for postmasters and rural carriers.

The complicated procedure, as I understand it, calls for the appointment of 15 regional management selection boards for postmasters, plus a national management selection board to select postmasters for the 400 largest post offices in the United States. Three of the five members of the 15 regional boards and two of the five members of the national board are to be experts or consultants.

The expert, or consultant members, of these boards are unfamiliar with the cities, towns, and communities where postmasters and rural carriers are to be appointed. It is my view that it is unnecessary to have experts and consultants as members of these boards and that a better selection procedure can be achieved through the use of full-time postal employees who are completely familiar with the requirements of the position of postmaster and rural carrier.

In addition, the Postmaster General has installed so-called consultants as regional directors in the 15 postal regions. They are learning the functions and activities of the postal service from career employees. I do not believe the position of regional director should be used as a training ground for the future managers of the postal service.

All of this activity by the Postmaster General in appointing experts and consultants to positions in the postal service which were formerly occupied by careeer postal employees is not only a disservice to the American people but also violates every good personnel practice in connection with the promotion of career postal employees.

It is my view that the use of experts and consultants by the Postmaster General has been excessive and I think it should stop. Surely by the beginning of the next fiscal year the Postmaster General will have had sufficient time to know what he needs in the way of management personnel on a full-time basis. I do not believe that my amendment to this appropriations bill will be a hardship on the Postmaster General.

My amendment simply provides that the Postmaster General may appoint from time to time not more than 10 experts or consultants. This will reduce the number presently employed by the Post Office Department.

I hope the Members will support my amendment.

Mr. STEED. Mr. Chairman, however good the motives may be for this amendment, I think we should take into account that we do have a new regime in the Post Office Department. The new Postmaster General is currently in the process of reorganizing and restructuring the regional and administrative facilities of the Post Office Department.

It has been my observation that he has been very prudent and very frugal in his approach to this.

Since no funds are involved here and since the only effect of this would be to put some limitations upon his ability to use his best judgment in trying to work out this problem, I do not think that any gain which you could hope for would offset the harm that might result. I think we ought at least be fair enough to the man who is taking on these responsibilities to leave him as much leeway as we can in trying to work out new policies and new procedures that he wants to bring to the Post Office Department.

I believe he is on the right track. I have confidence in him. I think he is trying to improve things and I do not believe we will be overlooking any good bets here if we defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

Mr. STEED. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DENT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11582) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes, had directed him to report the bill back to the House, with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. STEED. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken.

Mr. STEED. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry for a point of information.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. What amendment is the vote upon?

The SPEAKER. The so-called Smith amendment, the amendment offered by the gentleman from Iowa (Mr. SMITH).

Mr. GERALD R. FORD. I thank the Speaker.

The question was taken; and there were—yeas 99, nays 240, not voting 93, as follows:

[Roll No. 68]

YEAS—99

Abbitt
Abernethy
Alexander
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Bennett
Bevill
Blanton
Brasco
Brinkley
Broomfield
Burke, Fla.
Burlison, Mo.
Cabell
Caffery
Casey
Chappell
Clark
Clay
Collins
Cunningham
Daniel, Va.
Davis, Ga.
Dorn
Dowdy
Findley
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fulton, Pa.
Fuqua
Gallagher
Gray
Green, Oreg.
Griffin
Gubser
Hagan
Haley
Hall
Hays
Henderson
Hosmer
Hull
Jacobs
Jarman
Joelson
Johnson, Calif.
Jones, N.C.
Karth
Kastenmeier
Landrum
Lennon
Long, La.
McMillan
Madden
Michel
Miller, Ohio
Mills
Montgomery
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
Passman
Pickle
Pryor, Ark.
Quie
Rarick
Reuss
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Satterfield
Saylor
Sikes
Smith, Iowa
Snyder
Staggers
Stuckey
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Ullman
Utt
Vanik
Vigorito
Waggonner
Watts
Wright
Zablocki
Zwach

NAYS—240

Adair
Adams
Addabbo
Albert
Anderson, Ill.
Anderson, Tenn.
Annunzio
Arends
Aspinall
Ayres
Barrett
Beall, Md.
Belcher
Betts
Biaggi
Biester
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brock
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Mass.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Camp
Celler
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Cohelan
Collier
Conable
Conte
Coughlin
Cramer
Culver
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Donohue
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Farbstein
Fascell
Feighan
Fish
Flood
Ford, Gerald R.
Frelinghuysen
Frey
Friedel
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Goodling
Green, Pa.
Gross
Grover
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Horton
Howard
Hutchinson
Ichord
Johnson, Pa.
Jonas
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyros
Landgrebe
Langen
Leggett
Lipscomb
Lloyd
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
McKneally
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Miller, Calif.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins

Philbin
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quillen
Railsback
Reid, Ill.
Reid, N.Y.
Rhodes
Riegle
Rodino
Ronan
Rooney, N.Y.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
Ryan
St Germain
St. Onge
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Stafford
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Taft
Talcott
Taylor
Thompson, N.J.
Tunney
Udall
Van Deerlin
Waldie
Watkins
Watson
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Zion

NOT VOTING—93

Anderson, Calif.
Ashley
Baring
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Broyhill, N.C.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Carter
Cederberg
Chisholm
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Diggs
Dingell
Dulski
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Fisher
Foreman
Fraser
Gettys
Gibbons
Goldwater
Griffiths
Gude
Hawkins
Hébert
Helstoski
Holifield
Hungate
Hunt
Jones, Ala.
Jones, Tenn.
Kirwan
Kuykendall
Kyl
Latta
Long, Md.
McClure
McDonald, Mich.
Macdonald, Mass.
MacGregor
Martin
Mikva
Mize
Morton
Mosher
Patman
Pettis
Pollock
Powell
Randall
Rees
Reifel
Rivers
Roudebush
Roybal
Sandman
Scherle
Scheuer
Springer
Stephens
Stratton
Stubblefield
Thompson, Ga.
Thomson, Wis.
Tiernan
Vander Jagt
Wampler
Whitten
Wiggins
Wilson, Bob
Wold
Wyman
Young

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.

Mr. Burleson of Texas with Mr. Latta.

Mr. Kirwan with Mr. Corbett.

Mr. Macdonald of Massachusetts with Mr. Morton.

Mr. Patman with Mr. Springer.

Mr. Evins of Tennessee with Mr. Pollock.

Mr. Gettys with Mr. Berry.

Mr. Rivers with Mr. Bates.

Mr. Young with Mr. Martin.

Mr. Edmondson with Mr. Gude.

Mr. Blatnik with Mr. Cahill.

Mr. Burton of California with Mr. Wiggins.

Mrs. Griffiths with Mr. Vander Jagt.

Mr. Anderson of California with Mr. Goldwater.

Mr. Corman with Mr. Del Clawson.

Mr. Edwards of Louisiana with Mr. McClure.

Mr. Hawkins with Mr. Bell of California.

Mr. Whitten with Mr. Thomson of Wisconsin.

Mr. Stratton with Mrs. Dwyer.

Mr. Stephens with Mr. Foreman.

Mr. Holifield with Mr. Cederberg.

Mr. Dulski with Mr. Roudebush.

Mr. Carey with Mr. Mize.

Mr. Hungate with Mr. Broyhill of North Carolina.

Mr. Brown of California with Mr. Thompson of Georgia.

Mr. Ashley with Mr. Esch.

Mr. Randall with Mr. Carter.

Mr. Colmer with Mr. Wampler.

Mr. Roybal with Mr. Scherle.

Mr. Stubblefield with Mr. Cowger.

Mr. Helstoski with Mr. Wold.

Mr. Bingham with Mr. Sandman.

Mr. de la Garza with Mr. Kuykendall.

Mr. Conyers with Mr. Powell.

Mr. Rees with Mr. Reifel.

Mr. Scheuer with Mr. Mosher.

Mr. Jones of Tennessee with Mr. MacGregor.

Mr. Jones of Alabama with Mr. Fraser.

Mr. Baring with Mr. Kyl.

Mr. Dingell with Mr. McDonald of Michigan.

Mr. Edwards of California with Mr. Pettis.

Mr. Evans of Colorado with Mr. Wyman.

Mr. Fallon with Mr. Hunt.

Mr. Mikva with Mr. Long of Maryland.

Mr. Tiernan with Mr. Gibbons.

Mr. Diggs with Mrs. Chisholm.

Mr. ARENDS, Mr. DOWNING, Mr. ADAIR, Mr. DUNCAN, and Mr. BLACKBURN changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 326, nays 6, not voting 100, as follows:

[Roll No. 69]

YEAS—326

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspinall
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bennett
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Camp
Casey
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cohelan
Collier
Collins
Conable
Conte
Coughlin
Cramer
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
Dawson
Delaney
Dellenback
Denney
Dennis
Dent
Devine
Dickinson
Donohue
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Horton
Hosmer
Howard
Hull
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Koch
Kyros
Landgrebe
Langen
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McCulloch
McDade
McEwen
McFall
McKneally
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
Ryan
St Germain
St. Onge
Satterfield
Schadeberg
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stuckey
Symington
Taft
Talcott
Taylor
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Ullman
Utt
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—6

Ashbrook
Derwinski
Gross
Hall
O'Konski
Saylor

NOT VOTING—100

Anderson, Calif.
Ashley
Bates
Bell, Calif.
Berry
Bingham
Blatnik
Brown, Calif.
Broyhill, N.C.
Burleson, Tex.
Burton, Calif.
Burton, Utah
Cahill
Carey
Carter
Cederberg
Chisholm
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
de la Garza
Diggs
Dingell
Dulski
Dwyer
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evans, Colo.
Evins, Tenn.
Fallon
Flynt
Foreman
Fraser
Gettys
Gibbons
Goldwater
Griffin
Griffiths
Gude
Harsha
Hawkins
Hébert
Helstoski
Holifield
Hungate
Hunt
Jones, Ala.
Jones, Tenn.
Kirwan
Kuykendall
Kyl
Landrum
Latta
Long, Md.
McClure
McDonald, Mich.
Macdonald, Mass.
MacGregor
Martin
Mikva
Mize
Morton
Mosher
Passman
Patman
Pettis
Pollock
Powell
Randall
Rees
Reifel
Rivers
Roudebush
Roybal
Sandman
Scherle
Scheuer
Springer
Stephens
Stratton
Stubblefield
Sullivan
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Vander Jagt
Wampler
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wyman
Young

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.

Mr. Burleson of Texas with Mr. Latta.

Mr. Kirwan with Mr. Corbett.

Mr. Macdonald of Massachusetts with Mr. Morton.
Mr. Patman with Mr. Springer.
Mr. Evins of Tennessee with Mr. Pollock.
Mr. Gettys with Mr. Berry.
Mr. Rivers with Mr. Bates.
Mr. Young with Mr. Martin.
Mr. Edmondson with Mr. Gude.
Mr. Blatnik with Mr. Cahill.
Mr. Burton of California with Mr. Wiggins.
Mrs. Griffiths with Mr. Vander Jagt.
Mr. Anderson of California with Mr. Goldwater.
Mr. Corman with Mr. Del Clawson.
Mr. Edwards of Louisiana with Mr. McClure.
Mr. Hawkins with Mr. Bell of California.
Mr. Whitten with Mr. Thomson of Wisconsin.
Mr. Stratton with Mrs. Dwyer.
Mr. Stephens with Mr. Foreman.
Mr. Holifield with Mr. Cederberg.
Mr. Dulski with Mr. Roudebush.
Mr. Carey with Mr. Mize.
Mr. Hungate with Mr. Broyhill of North Carolina.
Mr. Brown of California with Mr. Thompson of Georgia.
Mr. Ashley with Mr. Esch.
Mr. Randall with Mr. Carter.
Mr. Colmer with Mr. Wampler.
Mr. Roybal with Mr. Scherle.
Mr. Stubblefield with Mr. Cowger.
Mr. Helstoski with Mr. Wold.
Mr. Bingham with Mr. Sandman.
Mr. de la Garza with Mr. Kuykendall.
Mr. Conyers with Mr. Powell.
Mr. Rees with Mr. Reifel.
Mr. Scheuer with Mr. Mosher.
Mr. Jones of Tennessee with Mr. MacGregor.
Mr. Jones of Alabama with Mr. Gibbons.
Mr. Dingell with Mr. Pettis.
Mr. Edwards of California with Mr. Fraser.
Mr. Evans of Colorado with Mr. Wyman.
Mr. Fallon with Mr. Hunt.
Mr. Mikva with Mr. McDonald of Michigan.
Mr. Tiernan with Mr. Kyl.
Mr. Diggs with Mr. Long of Maryland.
Mr. Passman with Mr. Burton of Utah.
Mr. Landrum with Mr. Teague of California.
Mrs. Sullivan with Mr. Harsha.
Mr. Flynt with Mrs. Griffiths.
Mr. Charles H. Wilson with Mrs. Chisholm.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STEED. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ADDRESS OF CONGRESSMAN STRATTON OF ASW

(Mr. RIVERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RIVERS. Mr. Speaker, I take great pleasure in calling to the attention of the Members of the House a challenging and forthright address by our colleague, Mr. STRATTON, of New York, delivered before the ASW Advisory Committee of the National Security Industrial Association at the State Department on May 21. Mr. STRATTON, as chairman of our Antisubmarine Warfare Subcommittee, speaks out with special authority on the ASW needs of the Navy and the growing Russian submarine threat. He speaks not with emotional jargon, but with hard facts. We should all take his words to heart.

The address follows:

ADDRESS OF CONGRESSMAN SAMUEL S. STRATTON BEFORE THE ASW ADVISORY COMMITTEE OF THE NATIONAL SECURITY INDUSTRIAL ASSOCIATION, STATE DEPARTMENT, MAY 21, 1969

Mr. Fuller, Mr. Wilder, Admiral Lyle, Admiral Caldwell, Admiral Russell, Admiral Bowen, Admiral Masterson, and ladies and gentlemen of the NSIA ASW Advisory Committee:

I have had the pleasure to meet with this distinguished group both at Key West on two separate occasions and again in San Diego this year. I welcome the chance to speak again, this time at some greater length.

Today we who share an interest in military and naval affairs find ourselves in a very difficult period. It is popular today to assail the military. It makes news. It gets big headlines. Even the Chairman of the House Appropriations Committee took some unexpected swipes at our defense establishment the other day.

In fact, this very afternoon on Capitol Hill we are facing an effort to cut defense appropriations and I dare say we will be facing similar efforts later on in the year. It is probably madness to talk of increasing the defense budget this year, in any respect. It is even unpopular nowadays to talk about the threat, from the Soviets or elsewhere. Yet we must talk about the threat, whether it is popular or not. We must face up to the facts.

Those of us who share some of the responsibility for protecting this nation's security would be derelict in our duty indeed if we were to remain silent when we know we ought to be sounding the tocsin. As Dr. Foster remarked to our Committee the otner day, the day has not yet come when key national policy can be set by just taking a vote of Nobel laureates.

In recent days we have been focusing most of our attention on the Soviet threat from the stratosphere and from outer space, in the current nip and tuck debate over the ABM. But I am afraid that in the process we may have largely overlooked an even more ominous increase in Soviet power from inner space, from its greatly increased and greatly improved, and far-wider-ranging modern submarine fleet.

A year ago we suddenly discovered that Soviet submarine progress had reached the point, in 1968, that our experts had not thought they could reach until 1975. Seven years ahead of our best esimates! That was bad enough. But this year the picture is even more frightening. Soviet progress in the speed, the quieting, the development of new and better types, and in the rate of production of their submarines has been nothing short of phenomenal.

Their rate of progress is far ahead of our own, as has been their rate of expenditure on submarine development. Admiral Rickover has estimated that by next year, unless we take dramatic steps to reverse the trend, the Russians will have a clear lead, numberwise and in technical capacity, in the field of nuclear submarines—a field that many of us had long supposed was peculiarly and inevitably American.

Let me just detail some of the current picture, as we have had it presented to our Anti-submarine Warfare Subcommittee.

According to Admiral Rickover the Soviet Navy is a technical marvel. The average age of all our ships is 18 years. On the other hand, 58 percent of the Soviet Navy is under 10 years old, and all of the Soviet Navy has been built since World War II.

The Soviet Navy has 375 submarines, over 65 of these nuclear submarines, compared to our 41 Polaris and 44 nuclear attack submarines. There are over 105 missile submarines in the Soviet Navy compared to our 41. Soviet cruise missiles can be targeted against carriers, naval ships, convoys, cities, airfields and communication bases, depending upon the range. Their ballistic missiles can reach even further.

By 1970 Admiral Rickover estimates the Soviets will have a clear lead over us in nuclear submarines.

The Soviets can build 20 nuclear submarines a year, including 12 of the Polaris type. They have the largest submarine building yard in the world—one of their yards could include all of the U.S. yards, and several times the U.S. yards at that.

Remember, too, that the Soviets are building from a technical base that included 7,000 students in naval architecture and marine engineering in 1966 compared to our 300. They had 184,000 engineers and scientists graduate in 1966 to our 106,000.

Admiral Rickover has also said:

"Numerical superiority, however, does not tell the whole story. Weapons systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and superiority in some."

Let's not forget either that today the Soviets have 40 ships in the Mediterranean, which represents a very strong threat to our Sixth Fleet. And the Mediterranean does not even border on Soviet territory.

However, most important of all the Soviets give no indication of calling a halt to their naval activities now that they are reaching some level of parity with us. Instead they seem to be even stepping up their pace.

Here are some of the newest facts we have found. The Soviets now have the fastest submarine. They are continuing the dramatic progress we first detected last year in quieting their submarine. Their boats are operating away from their homeland in larger numbers and for longer periods of time. And they are developing new types of submarines.

This progress on the part of the Soviets in submarine development in the past two years presents us, frankly, in my judgment, with a challenge almost as sweeping as the one we faced in 1957 when the first Soviet Sputnik went up. We discovered then that Russian capabilities in outer space far exceeded all our estimates and expectations. And we had to embark on a real crash program in order to catch up.

Only a response as sweeping as what followed the Sputnik can, in my judgment, really retrieve the situation we face today in Soviet submarine progress. We cannot possibly hope to get anywhere by simply handling this new threat on a business-as-usual basis. Yet unless there is some dramatic change in the Pentagon, or some dramatic change in Congress, I am afraid this is precisely what we will do this year.

But there are two major steps I believe we must take.

First, there must be a vastly increased program within the Navy to combat this growing Soviet threat. Frankly, I am gloomy about the prospects of getting through Congress this year even the modest 10 percent increase in the Navy's ASW budget, which Admiral Caldwell has testified he needs if we are to get even a minimum response underway to this new challenge, because of the prevailing

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climate both in the House and Senate. Actually what we need to meet the threat effectively is something closer to a 10-fold increase in our ASW research and development funds, just as occurred in our space research after Sputnik went up.

Secondly, we must reorganize the authority to manage the whole antisubmarine warfare program in the Navy into the status of a separate Vice Chief of Naval Operations for ASW affairs, who will have direct control over Navy procurement efforts in ASW as well as operations and strategy.

If we are really going to get the job done that needs to be done we must give the man charged with overseeing ASW not just an advisory staff position, where he can implore and cajole but never really direct, but rather a share of the top command authority—just as the advent of Sputnik transformed the relatively innocuous National Advisory Committee on Aeronautics into a much more effective National Aeronautics and Space Administration.

Nothing seems more obvious to me: In a changing world, if our defense remains static we are in for real trouble.

Ladies and gentlemen, I believe the challenge we face today is not unlike the challenge that Winston Churchill faced during those dark days of 1940–41, when it looked as though the Nazis had won everything in Europe and Britain alone stood in their way towards total victory. Yet Sir Winston prevented that victory because, as President Kennedy once put it, he "mobilized the English language and sent it into battle against the enemy."

One of those dramatic and moving occasions, as I am sure you will recall, was when President Roosevelt, in early 1941, sent his recently defeated opponent in the 1940 Presidential election, Wendell Willkie, to carry a message of encouragement to the great embattled British leader and her people. And after Mr. Willkie arrived Mr. Churchill took to the radio to read the message which President Roosevelt had sent. It turned out to be a familiar quotation from the poet Longfellow:

> "Sail on, O Ship of State!
> Sail on, O Union, strong and great!
> Humanity with all its fears,
> With all the hopes of future years,
> Is hanging breathless on thy fate!"

In a very real sense, ladies and gentlemen, we in America are in much that same position today. The future of the free world, the future of those ideals of humanity and freedom do indeed hang breathless on what we eventually decide to do in this present squeeze.

Tough as the road may be, unpopular as some of the causes we may be called upon to enforce, there can be, as I see it, no real alternative. It is up to us—we in the Congress, you in this great industrial association, committed first and foremost to the preservation of our nation's defenses—to make sure that this great ship of state of ours, both figuratively and literally, continues to sail on, successfully and gloriously through all the many dangers that may lie ahead.

PROPOSED TAX DEDUCTION FOR EDUCATIONAL EXPENSES OF STUDENTS

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing, for appropriate reference, a bill of direct personal interest to almost every family in the Nation. It is a measure which seeks to amend the Internal Revenue Code of 1954, to allow a full-time student, in good standing, a deduction of $1,800 a year for his educational expenses, and to allow this deduction to other individuals who contribute to his educational expenses to the extent that the student himself does not qualify for the deduction. It would apply, if enacted, not only to students of higher education but to elementary and secondary school students as well.

There is little need, I think, to underscore the tremendously significant and critical role that education plays in the life of our Nation and the personal fulfillment of every individual. President Kennedy once summarized the critical function of education in a free society thusly:

> There is an old saying that civilization is a race between catastrophe and education. In a democracy such as ours, we must make sure that education wins the race.

The fact is, of course, that education is the number one industry in America. Because of its magnitude, virtually every family in America is touched in some direct manner by what occurs in the educational field. We look today, as we have traditionally, to education as the source of manpower, adequately trained to provide leadership in every sector of society. The truth is that there is no formula available with which we can determine the exact dollar value of an education. We do know that educational attainment markedly improves an individual's lifetime earnings capacity while simultaneously aiding the steady growth of our gross national product. We know, in short, that the millions invested in education at local, State, and Federal levels have yielded a fantastic return in goods, wealth and knowledge over the years.

We also know, unfortunately, that the growing expense of education is prohibiting a great number of our brightest and most able youngsters from developing their full potential. Those long familiar with inner city problems know that intelligence alone is not responsible for low levels of academic achievement among ghetto youth. In virtually every case, inner city youngsters lack any financial resources with which to obtain the food, clothing, books, and other essential materials needed for normal educational pursuits. And the problem of spiralling educational costs does not disappear at the front gate of suburbia. On the contrary, middle-income Americans who already bear a disproportionate share of the tax burden in the Nation, are becoming increasingly hard pressed to meet regular financial obligations and educational expenses as well. The proposal I offer today would be of considerable benefit to both groups, and, consequently, to an extremely wide and broad-based number of citizens.

However, the value of this deduction does not stop at the economic boundaries of an individual's existence. Instead, this measure provides a monetary framework from which academic incentives may be developed on the part of parents and students alike. It has long been recognized that personal motivation is the single most important factor in educational achievement. I believe my proposal will stimulate and move thousands of young people to develop the self-discipline and restraint needed to maximize their educational opportunities. Moreover, the financial incentive provided by this bill will in my judgment, encourage a great number of parents to play a much greater role in guiding and lifting the educational aspirations of their offspring.

In closing, may I say that it is my belief that the struggles of the future will be won or lost in the classrooms of America today.

STATE DEPARTMENT BLUNDERS IN RELATIONS WITH PERU

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PELLY. Mr. Speaker, I have been assured by the White House that President Nixon is concerned about the latest incident involving the seizure of an American fishing vessel by Peru, which clearly indicates the President's personal involvement in this serious situation which exists between the United States and Peru at the present time.

However, Mr. Speaker, I must say that I can find no optimism in the manner in which the U.S. Department of State has conducted itself with regard to the problem American fishermen have in their dealings with Peru or with the manner in which the State Department has conducted its own business with Peru.

The State Department truly blundered when it failed to notify the Peruvian Government that military sales to their country had, under law, been cut off effective the date of the last seizure of a U.S. fishing vessel, which was February 14, 1969. Instead, the State Department chose a diplomatic—and I use the word advisedly—approach of trying to keep talks going with the Peruvians over the expropriation of the oil plant in Peru. Mr. Speaker, what were described as cordial talks kept going while the Peruvians had no knowledge of the cutoff of military sales, and I should add these talks by the State Department's own admission accomplished nothing.

Meanwhile, the problem facing our fishermen is exactly the same as before, and apparently no solution is in sight over the expropriation of the oil plant. Admittedly there is a serious deterioration in relations between Peru and the United States which is most unfortunate.

Of course, I do not understand why the Peruvians were not aware of the passage of my amendment on military sales last September 10, but in any event it is unforgivable that the State Department did not inform the countries that have been seizing U.S. fishing boats that this law existed. Especially in light of the fact that delegates of both the United States and Peru were meeting together for the past 2 months.

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Meanwhile, Mr. Speaker, I understand the Peruvian press has accused me of an inconsistency in my position on fishing by my support of legislation calling for an extension of fish and shellfish jurisdiction in the waters above our Continental Shelf.

Apparently the Peruvians think I cannot support this legislation while I oppose their claim of 200 miles jurisdiction off their coast.

Let me say that sovereignty over the Continental Shelf was established by the United Nations in 1958, and only because resources in the water above the shelf were not included is this legislation desirable in the interest of conservation. But, as with the 12-mile fishing zone, historic rights of nations who traditionally have fished in these waters should be recognized.

With regard to Peru, I say what I have been proposing for years; namely, that we should sit down together and discuss our differences and settle, through mediation, arbitration or International Court of Justice, the positions of our two countries.

Mr. Speaker, the United States has historically fished these waters, and an agreement along this line is proper and legal precedent exists. Both Canada and Mexico have agreed to U.S. historic rights on the high seas, and the same type of agreement could be discussed with these Latin American countries, if only they would sit down and talk.

As I have said before, my bill—H.R. 10607—which is designed to cut off imports to this country of fish and fish products from any country seizing U.S. fishing vessels illegally will receive its hearing June 4 and 5. At that time I intend to again press for passage of this legislation to encourage negotiations. Under the provisions of the bill, it would not be effective during negotiations.

Incidentally, I also intend to let it be known that when the Military Sales Act extension comes up for a hearing this year, I will testify in favor of clarifying its provision as it relates to countries seizing our fishing boats. I will suggest cutting off sales, credits, and guarantees to any country seizing our fishing vessels on the high seas and seek a provision that any ban on such military sales would continue for one year from the last seizure or until the President of the United States receives the assurance of the offending country that no further seizures will occur, at which time the President would have the authority to reinstate the sale of military equipment.

My remarks today are in the interest of the settlement of differences, Mr. Speaker, and a statement of grave concern over the deterioration of relations between what should be friendly neighbors. Both nations, I am sure, desire an early settlement of the issue of fishing rights. There is still time for a mutually satisfactory adjustment of our fishery differences.

THE WATER BANK PROGRAM

(Mr. ANDREWS of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of North Dakota. Mr. Speaker, there has been in the past several years a great deal of controversy in North Dakota and other States—which serve as a habitat for migratory waterfowl—between farmers and various wildlife interests over the drainage of wetlands.

At the present time, landowners in North Dakota, for instance, are draining almost 45,000 acres of wetlands each year. There are two major reasons why the farmers are draining these wetlands: First, a potential increase in income; and second, a reduction of farm operating costs.

The drainage of wetlands has been one way a farmer can improve the land on which he has made an investment and is paying taxes. For many farmers, the drainage of the wetlands means a greater efficiency in their business by increasing the size of their operating unit. However, while the farmer is improving his financial status by the draining of this water, the remainder of our society is suffering.

The wetlands are a valuable source of wildlife production and retention of runoff waters adds to flood control and helps maintain water table levels essential to municipal and industrial water supplies.

Mr. Speaker, it is for these reasons that I am introducing legislation to establish a water bank program.

Under this measure, to be administered by the Department of Agriculture's Agricultural Stabilization and Conservation Service, landowners could enter into contracts with the Federal Government to limit the use of wetlands and to leave them in their present condition. The landowner would enter into a 10-year contract and at the offset, would designate wetland areas on his farm which would not be drained or otherwise altered so as to affect their value as wetlands.

Under the water bank program, the landowners would receive payments based on the productive value of the land.

The farmer would have use and nonuse options. This way he could continue to utilize the land for farm operations, although he would agree to refrain from any drainage or filling operations on the acreage. Under the nonuse option, no farm operations would be undertaken on the land.

A number of agencies and organizations in North Dakota have held meetings to discuss the water bank program and the bill is the end result of these many gatherings. Representatives of the following organizations took part in the various discussions: North Dakota Farmers Union, North Dakota Farm Bureau, North Dakota Stockmen's Association, North Dakota Wildlife Federation, North Dakota Water Users, the Garrison Diversion Conservancy District, the North Dakota Association of Soil Conservation Districts, and the U.S. Durum Growers.

State officials, including personnel from the North Dakota State University, took part in drafting the legislation.

A resolution supporting a plan of this type was passed by the 1969 session of the North Dakota Legislature.

And I am also pleased to note that the water bank program bill is being introduced by all the members of the North Dakota delegation in the House and Senate today.

VOCATIONAL EDUCATION WORK-STUDY PROGRAM

(Mr. LANGEN asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, I wish to insert in the Record a statement I made to the Labor-Health, Education, and Wefare Subcommittee of the Appropriations Committee this morning, and other extraneous matter.

The material is as follows:

Statement by Congressman Odin Langen in Support of Funding the Vocational Education Work-Study Program, May 27, 1969

Mr. Chairman and members of the Committee, I appreciate the opportunity to appear before this distinguished Subcommittee in support of adequate funding for the Vocational Education Work-Study Program.

The Work-Study Program was created by the landmark Vocational Education Act of 1963. It was designed to assist qualified students in continuing their education by earning needed funds while remaining in school. The program had been eminently successful in achieving this goal. Due to misunderstanding relative to funding of the Work-Study Program in fiscal 1969, it is currently in a state of limbo. And I am being optimistic when I describe it as being in limbo.

In fiscal 1967, the work-study program was funded at $10 million. In fiscal 1968, this program was transferred to the Neighborhood Youth Corps in the Office of Economic Opportunity. By action of this Committee $10 million was provided for the Work-Study Program from OEO funds transferred to the Office of Education in HEW to continue the program in fiscal 1968. I am sure that it was the intention of this Committee and the Congress that the same method of funding the Work-Study Program should prevail in fiscal 1969. This is evidenced by the statement made by Mr. Venn—Associate Commissioner for Adult Vocation & Library Program—when he referred to the Work-Study Program on page 501 of the hearings as follows: "We are not requesting funds for this activity in 1969 since it has been absorbed by the NYC 'in-school' program for which appropriations are included under the Economic Opportunity program." However, this was not done as area-technical schools in Minnesota and throughout the Nation discovered after their Work-Study Programs had been started at the beginning of this school year.

I have received many communications from area technical institutes in Minnesota regarding their experiences with the Work-Study Program in fiscal 1969. They had simply been unable to get any Federal funds to assist in operating their Work-Study Programs. In order to carry on their programs, these schools had to rearrange already tight budgets to put funds into work-study so that students participating in the programs could continue their vocational education. Some of the schools had to discontinue work-study when the financial burden became too great to bear. Fortunately, I was able to assist these schools in obtaining some funds from the Neighborhood Youth Corps to maintain their work-study programs.

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However in fiscal 1968, there were 27 vocational schools in Minnesota with 680 students participating in Federally assisted Work-Study Programs. When this matter was first brought to my attention it was possible to identify only 140 of these students, attending three schools, who are currently enrolled in the Neighborhood Youth Corps program. Although it is possible some of the remaining students have been picked up by NYC, it is also possible that 540 students in Minnesota are unable to participate in Work-Study Programs due to this reprograming of funds. I am confident these figures for Minnesota reflect similar conditions throughout the country.

The superb job that has been done in administering these programs by the vocational schools in Minnesota makes these figures particularly depressing. As have other schools throughout the country, the schools in Minnesota have kept the administrative costs of their Work-Study programs to a minimum. They have insured that the intended beneficiary of this program—the needy student—did in fact receive the assistance necessary to keep him in school. I can attest that the vocational schools in Minnesota have demonstrated a commitment to use the Work-Study program for the benefit of their students. Even in fiscal 1969 when Federal assistance for their work-study programs dried up, these schools have voluntarily continued the program so that needy students could continue their education. As I said earlier, some of the schools have been forced to drop their work-study programs after they were started due to lack of funds.

My experience with these efforts brought out one major difficulty created by the transfer of the Work-Study Program from the Office of Education to the Neighborhood Youth Corps. The NYC In-school Program is limited to high school students or persons of equivalent age and is not intended to be available to students enrolled in post high school technical institutes. In order to make this point clearer, I would like to insert in the Record copies of the regulations defining eligible participants for both the Work-Study Programs and the Neighborhood Youth Corps In-school Program. In addition to more liberal age limitations, the Work-Study Program's definition of need is more flexible and leaves to the sponsoring institution more latitude to determine which individual students may participate.

The Vocational Education Act of 1963 provided a great impulse for the establishment of area technical schools similar to those in Minnesota. Through fiscal 1968, 766 area vocational school projects were funded by the Federal Government. The failure of the Neighborhood Youth Corps to pick up the Work-Study Program resulted in these schools' Work-Study Programs left unfunded at the beginning of fiscal 1969. Clearly, this situation should be rectified by transferring this program back to its original status and funding it with $10 million.

Basically, the Work-Study Program is an education program. Its thrust is to enable students to obtain valuable training in an established vocational education system. The goal of the Work-Study Program is identical with the goal of the Vocational Education Insured Loan Program—to assist needy students to continue their education. With this perspective, the wisdom of maintaining the Work-Study Program should be clear.

As one who appreciates the necessity for economy in government programs, I was quite impressed with the comparison of the average cost per enrollee figures between the Vocational Education Work-Study Program and the Neighborhood Youth Corps In-school Program that was presented to this Committee in hearings for the fiscal 1968 appropriations bill. The average cost per enrollee in the Work-Study programs was $305 with the Federal share at $297. For the NYC In-school Program, the average cost per enrollee was $722 with the Federal share at $650. Thus, we are now more than cutting in half the number of students that can be assisted by the Work-Study Program.

Additionally, the administrative costs of the NYC In-school program are much higher than the Work-Study Programs. In fiscal 1966, per enrollee administrative costs for the NYC program were $184 compared with $8 for the Work-Study Program. These figures may prove to be somewhat misleading. For example, $145 of the costs of the Neighborhood Youth Corps program is for providing supervisors for the enrollees while there is no similar cost in the Work-Study program. This is because the NYC program is designed to provide job training for its enrollees while the Work-Study programs are not.

The Vocational Education Work-Study Program, operated by the Office of Education in HEW, has an authorization of $35 million for fiscal 1970. Incidently, this authorization was enacted in October of last year (P.L. 90-576) which I think is strong evidence of the continuing regard the Congress has for this excellent program.

In order to adequately fund Work-Study without increasing the budget, I respectfully recommend that this Committee follow the same procedure it used to fund it in fiscal 1968. That is to earmark at least $10 million of the funds appropriated for the Neighborhood Youth Corps to be transferred to the Office of Education to operate the Work-Study Program. As I am sure you are aware, although the operating responsibility for the Neighborhood Youth Corps has been transferred to the Department of Labor, the funds for NYC are still appropriated to the Office of Economic Opportunity.

I have followed the progress of the Work-Study Program quite closely and have been very impressed by its accomplishments. Prior to fiscal 1968, the Work-Study program produced the solid results that should be the envy of any Federally assisted program. Today, it has been effectively dismantled and no longer exists for all practical purposes. I urge this committee to restore this valuable program so that all vocational education students can continue to receive the training necessary to become productive participants in today's economy.

NEIGHBORHOOD YOUTH CORPS

* * * * *

(b) New projects which provide meaningful work-experience and training designed to develop enrollees' maximum occupational potential and to contribute to their upward mobility.

B. ELIGIBLE PERSONS

(1) A youth may be selected for an in-school project if at the time of selection he is:

(a) Attending the ninth through twelfth grades of school, or its equivalent, or attending an elementary school but is of the same age as that of students in the ninth through twelfth grades and in need of paid work experience in order to continue in school, or

(b) Not attending school and is of the same age as that of students in the ninth through twelfth grades of school and in need of paid work-experience in order to resume and maintain school attendance.

(c) A member of a low-income family.

(2) A youth may be selected for an out-of-school project if, at the time of selection, he is 16 through 21 years of age, a member of a family with annual income below the poverty line, unemployed, out of school, and not planning to return to school, and in need of useful work-experience in public agencies or private organizations, combined where needed, with educational and training assistance, including basic literacy, counseling, and occupational training designed to assist him to develop his maximum occupational potential.

(Permission to enroll a small proportion of youth who are not members of families with incomes below the poverty line may be granted by the BWP regional director if special conditions appear to warrant such exceptions. In all cases, however, priority must be given to enrollees who meet all of the eligibility criteria.)

The purpose of the Title I-B program is primarily to assist youth who are not high school graduates.

WORK-STUDY PROGRAMS

§ 104.24 Supplement to State plan.

All work-study programs for vocational education students supported by a State's allotment of Federal funds under section 13(a) of the 1963 act shall be included in the State plan pursuant to § 104.2 of these regulations and shall be governed by all provisions contained in such plan applicable to work-study programs. As a condition for the allotment of Federal funds under section 13(a) of the 1963 act, the State board is required to include in its plan or submit to the Commissioner an amendment to the State plan containing the provisions required in § 104.25 and § 104.26. Such amendment shall be submitted and approved pursuant to § 104.2(b). (See § 104.45 for allowable expenditures of work-study programs.)

§ 104.25. Requirements of work-study program.

The State plan shall provide that a work-study program meet the following requirements:

(a) *Administration*. The work-study program will be administered by the local educational agency and made reasonably available (to the extent of available funds) to all qualified youths, in the area served by such agency, who are able to meet the requirements in paragraph (b) of this section.

(b) *Eligible students*. Employment under the work-study program will be furnished only to a student who (1) has been accepted for enrollment or, if he is already enrolled, is in good standing and in full-time attendance as a full-time student in a program which meets the standards prescribed by the State board and the local educational agency for vocational education programs under the 1963 act; (2) is in need of the earnings from such employment to commence or continue his vocational education program; and (3) is at least fifteen years of age and less than twenty-one years of age at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in his school program while employed under the work-study program.

(c) *Limitation on hours and compensation*. No student will be employed more than fifteen hours in any week during which classes in which he is enrolled are in session, or for compensation which exceeds $45 per month or $350 per academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his house, in which case his compensation may not exceed $60 per month or $500 per academic year or its equivalent.

(d) *Place of employment*. Employment under work-study programs will be for the local educational agency or for some other public agency or institution (Federal, State, or local) pursuant to a written arrangement between the local educational agency and such other agency or institution, and

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work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work-study programs is for a Federal agency or institution, the written arrangement between the local educational agency and the Federal agency or institution will state that students so employed are not Federal employees for any purpose.

TRUE MILEAGE—FOR SALE OF USED CARS

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing H.R. 11683 to require that anyone who sells or offers for sale a motor vehicle in commerce shall make a certification with respect to the accuracy of the mileage shown on the odometer.

The consuming public is the victim of the growing fraudulent practice of turning back the odometer on automobiles which are offered for sale to conceal from the prospective purchaser the true mileage. The purpose of the bill I am today introducing is to eliminate this deceptive and dishonest practice by requiring that anyone who sells or offers for sale a motor vehicle in commerce must provide to the purchaser or prospective purchaser a certificate under oath relative to the accuracy of the mileage shown on the odometer. If the odometer does not accurately reflect the mileage the vehicle has traveled, the bill requires that the certification show the reason for the inaccuracy and an estimate of the true mileage.

The enactment of this law will provide the consumer with adequate notice of the distance the automobile he is purchasing has been driven. A buyer will be in a better position to determine the value of the vehicle and to know exactly what he is getting for the price he pays.

This bill will also enhance our efforts to promote safety on the Nation's highways. If a purchaser of a used automobile has knowledge of the exact mileage, he will be much more likely to operate and maintain the vehicle accordingly. If, on the other hand, the purchaser buys an automobile which has traveled a considerable number of miles but which shows low mileage on the odometer, he will be more likely to operate the vehicle with a false sense of security and in a manner that is inconsistent with the actual or potential danger.

Mr. Speaker, a number of States have already enacted laws in various forms designed to deal with this growing problem. Because of the interstate nature of many motor vehicle sales, however, it is increasingly clear that action at the Federal level will be essential if this fraudulent practice is to be brought to a halt. The enactment of this proposed Federal odometer certification law will supplement the various State laws and thereby benefit both the buyers and sellers of motor vehicles.

In addition to the consuming public, among the chief beneficiaries will be the honest automobile dealers who refuse to deceive their customers to the mileage of the automobile being offered for sale. These honest dealers suffer an unfair disadvantage in competing with dealers who make it a practice to turn back the mileage on the odometer of automobiles being offered for sale.

Mr. Speaker, I include as a part of my remarks the text of H.R. 11683, together with two articles from Consumer Reports and a recent article from the Washington Post relating to the practice of turning back the odometers on automobiles offered for sale:

H.R. 11683

A bill to require certain certifications with respect to odometers on motor vehicles used in commerce

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

(1) The term "motor vehicle" means any mechanically propelled vehicle used on the highways principally in the transportation of passengers or property, but shall not include vehicles designed for running on tracks or rails;

(2) The term "State" includes the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, Guam, and American Samoa; and

(3) The term "commerce" means commerce between any State and any point outside thereof, between points within the same State through any point outside thereof, and commerce within the District of Columbia.

Sec. 2. Whoever sells or offers for sale, or imports into the United States, or introduces, delivers for introduction, transports or causes to be transported for the purpose of sale or delivery after sale, any motor vehicle usable in commerce, shall submit to each prospective purchaser and to the purchaser a certification under oath (A) that the odometer accurately states the mileage traveled by such vehicle or (B) that such odometer does not accurately state the mileage traveled by such vehicle, all of the reasons known to him why it fails to do so, and his most accurate estimate of the actual mileage traveled by such vehicle.

Sec. 3. In the case of any motor vehicle subject to this Act, whoever—

(1) fails to submit a certification as required by section 2, or

(2) certifies that the odometer accurately states the mileage traveled by such motor vehicle knowing that such odometer does not accurately state such mileage, or

(3) knowingly fails to state all of the reasons known to him why such odometer fails to accurately state the mileage traveled by such motor vehicle, or

(4) knowingly and willfully gives an inaccurate estimate of the actual mileage traveled by such motor vehicle,

shall be fined not more than $10,000 or imprisoned not more than one year, or both.

Sec. 4. Nothing in this Act shall be construed as invalidating any provision of State law which would be valid in the absence of this Act unless there is a direct and positive conflict between this Act and such provision of State law.

Sec. 5. This Act shall take effect on the 180th day after the date of its enactment.

[From the Consumer Reports, June 1968]

How Long Is a Used-Car Mile?

The prudent buyer must presume used-car dealers guilty of tampering with the mileage readings on their cars until proved innocent. A "fully reconditioned low-mileage" cream puff must be suspected of being nothing better than a car with its odometer rolled back. For there is no nationally established measurement for the mile on car lots. A used-car mile is hardly a statute mile—it's often a lot longer.

What if odometers did not lie? The prudent shopper would, of course, still have a tedious checklist of inspections and tests to perform before buying a used car (see page 412 of the 1968 Buying Guide Issue). But he *could* learn from the odometer, other things being equal, roughly how much transportation to expect from a vehicle under consideration. Whether a car has gone 25,000 or 50,000 or 75,000 miles can, after all, make a considerable difference. One might predict, for instance, that under the effects of true mileage information, prices would go up for low-mileage cars and down for high-mileage cars.

Such a prediction is proving accurate in California, one of the few states where law has come to the used-car lot. Anyone tampering with an odometer in California commits a crime. The law is being enforced, and, according to *Automotive News,* car leasing and renting companies, which sell thousands of cars on the resale market, are feeling the effects of a sharp drop in prices. The only exceptions are low-mileage models.

Prices start falling steeply, the report states, after a two-year-old car has gone 30,000 miles. Beyond that distance, it loses about $10 of value every 1000 miles.

California is now a bargain paradise for out-of-state car wholesalers. They can buy high-mileage, low-cost California cars and sell them at a good profit in other states, where retail dealers can roll back the odometers. What's good for Californians thus is not so good for their neighbors.

Across the border in Arizona, the used-car credibility gap has grown so wide that one group of car dealers recently agreed, with the official blessing of the State Attorney General's office, to reset the odometers of all used cars at zero. Dealers put stickers on the car and on the sales contract in which they disavowed any knowledge of the true mileage. But shoppers would have none of it, and as a result the practice is being dropped.

Nevertheless, California car dealers want the odometer law repealed in favor of the Arizona approach. "If [rollbacks to zero] were to become a uniform practice," wrote one industry member, "the emphasis on mileage would soon disappear. Used-car buyers would learn to look at the actual mechanical condition of a car without worrying too much about how much mileage showed on the [odometer]."

In other words, a little knowledge is dangerous. Don't give 'em any.

Motor vehicle regulations are different in each state—but a mile is a mile. What's needed is full, honest and uniform disclosure. The logical solution is a Federal odometer law at least as strong as California's.

[From the Consumer Reports, May 1969]

The Great Odometer Raid

Last summer, 12 investigators from the Massachusetts Attorney General's Division of Consumer Protection made consumer protection history. They staged an odometer raid.

The plan of attack was simple. Working in pairs, the investigators fanned out through the Commonwealth, selected 24 new-car showrooms at random, sauntered in, flashed their badges, and said they were conducting a "routine check" of cars on display in the dealers' used-car lots. For the next several hours they inspected hundreds of used cars and pored over dealers' records

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for possible evidence that odometers might have been rolled back from original trade-in mileages to lower, more salesworthy figures. Mainly on the basis of educated guesswork after comparing the odometer readings with the appearance of the cars, the investigators listed about 250 vehicles open to suspicion of odometer tampering.

The next step was to try locating the former owners of the suspect cars. About 70 per cent of the owners could not be traced at all because the dealers had purchased the cars from wholesalers, or because former owners couldn't be located. A few former owners, when located, refused to cooperate. But 70 persons did reply to the inquiry, and 20 of them said the reading on their odometers when they traded in their cars was much higher than the readings found by the inspectors. On average, between 20,000 and 30,000 miles had been subtracted. One man said his odometer reading had been pared from 90,000 to 45,000 miles.

PENANCE OF A SORT

Assistant Attorney General Robert L. Meade at length decided he had strong cases against six of the biggest newcar dealerships in his state. Massachusetts is one of four states with "little FTC laws" patterned on the antideceptive practices provisions of the Federal Trade Commission Act (the others are Washington, Vermont, and Hawaii). Acting under his state's laws, Mr. Meade succeeded, after several months of polite arm-twisting, in convincing three of the dealers to sign an assurance of discontinuance. That meant, simply, that they filed in Superior Court an agreement saying they would not offer "for sale any vehicle upon which the odometer has been adjusted in any manner . . . so that it does not disclose the . . . true mileage . . ." As in consent orders filed with the FTC, assurances of discontinuance in Massachusetts are carefully worded so that the signer does not admit to having used certain specific deceptive sales practices in the past, but, nevertheless, agrees *not* to use the same deceptive practices in the future.

Those who signed were Charles Chevrolet, Inc., and The Harr Motor Co., both of Worcester, and State Plymouth, Inc., of Springfield. At this writing, the state was still negotiating with two of the other dealers. Mr. Meade took sterner action against the sixth dealer on his list, North Ford, Inc., of West Medford. Saying it had flatly refused to cooperate, he filed suit for permanent injunction against North Ford.

All things considered, the Great Odometer Raid might have been a very bitter pill, indeed, for any auto dealer to swallow had it not been for a high-level decision to sugarcoat the pill with secrecy. As far as CU has been able to learn, little news of the raid ever reached the people of Massachusetts. The Attorney General's office could have given the names of the dealers to the newspapers, but it decided not to—this time. The only excuse offered by a state official was that it would have been "unfair to ruin these guys when everyone else is doing it, too." Of course, the names of the dealers thus far cited went into public court records (where CU eventually looked them up). But by not alerting the press, the state deprived itself and the public of a most effective enforcement tool in consumer protection cases —the glare of publicity.

Nevertheless, the Massachusetts Division of Consumer Protection deserves some credit for the first organized attempt to stamp out the ancient, odious and widespread practice of odometer tampering. And, Mr. Meade assures us, it won't be the last assault on what is, regrettably, a standard operating procedure of many used-car dealers, who know perfectly well that a high-mileage car is nothing but a drag on the market.

PICKERS AND SPINNERS

Technically speaking, odometer tampering is all too easy to do. The favorite technique in the trade is called "picking" because most operators use a homemade assortment of specially shaped ice picks. With a certain degree of skill and a modest capital investment, an odometer picker earns anywhere from $3.50 to $25 a car. The procedure takes only a few minutes. The picker simply reaches into the odometer drum—after first removing the instrument panel lens or boring through a partition behind the speedometer—and manipulates the digits mechanically, usually only the ten-thousandth place. If the picker is skilled, his handiwork is rarely detectable by a used-car shopper.

With less skill but much more patience, an odometer tamperer can spin the speedometer cable with a high-speed electric motor to the desired low reading. But since it can take hours to spin off just a few thousand miles, spinning is most commonly used by the amateur.

The simplest way to falsify an odometer is by disconnecting the speedometer cable. Dealers will sometimes do that on a new car to be used as a demonstrator or to be driven cross-country to the point of sale. In California last year a fairly strict state law against odometer rollbacks was weakened by an amendment expressly permitting dealers to reset new-car odometers at zero, provided they give the buyer a statement of the true mileage. But law or no law, you can't always be certain that the mileage on the odometer of a "factory-fresh" car recounts its true history.

Wisconsin *requires* that the odometers on all used cars be reset at zero. Arizona tried that, too, then changed its mind (CONSUMER REPORTS, June 1968). And in Florida dealers are permitted, but not required, to roll odometers back to zero. The idea is fine, of course—for the dealer. He can then disavow any knowledge of a car's true mileage and still be on the side of the angels. But the car buyer is deprived of the only base he has on which to add mentally the 20,000-or-so miles the dealer has subtracted mechanically. In states where antitampering legislation is pending, the back-to-zero idea is apt to be pushed hard by the dealer lobby.

Besides California, only Delaware, Kentucky, Massachusetts and New Jersey have laws making it illegal to tamper with an odometer. Several other states, including Hawaii, Maryland and Georgia, have similar laws under consideration. Unfortunately, state laws specifically aimed at odometer rollbacks are generally regarded as difficult to enforce and are therefore rarely invoked. "In order to convict under these statutes," says Paul J. Krebs, director of New Jersey's Office of Consumer Protection, "you practically have to catch these guys in the act."

Bearing him out, Massachusetts chose not to use its criminal statute against odometer tampering to prosecute suspects in the Great Odometer Raid. Although enforcement under the state's little FTC law proved possible, the act provides for no fines to penalize violators and no redress for victimized consumers unless they can sue privately and win an award for damages. The legislature is considering an amendment with stiffer penalties, but meanwhile the most the Attorney General can do is get an injunction ordering the unrepentant violator to stop his fraudulent practices. That has more muscle than an assurance of discontinuance, since anyone in violation of a court injunction is also in contempt of court.

WHO GYPS WHOM?

Massachusetts Assistant Attorney General, Mr. Meade, while pleased at the results of his raid, asks, "Why hasn't the Federal Trade Commission itself declared odometer tampering an unfair trade practice?" He argues that the problem is, after all, interstate in scope, since so many used cars are sold to wholesalers, particularly in the South, and then auctioned off to dealers from all over the country. Therefore, the solution must be national in scope. The FTC, on the other hand, told CU the agency views odometer tampering in used cars as primarily a local rather than an interstate problem.

"We have no evidence to support the idea that it is being done by the wholesaler," said an FTC attorney. "If we did, we'd certainly investigate, but in my opinion, it's done at the retail level, the level at which the automobile is sold to an unsophisticated buyer. The wholesaler would have nothing to gain by resetting an odometer. He's certainly not going to fool the dealer, who doesn't buy on the basis of the odometer reading, anyway."

Still, he was willing to make at least a hypothetical concession: "I could visualize a dealer *requesting* the wholesaler to turn back an odometer for him, especially if it's illegal in his state, and I'm sure the wholesaler would do it. But, as I said before, we have no information on this."

Perhaps FTC doesn't, but evidence of a sort is apparently plentiful right across the Potomac River from Washington. The office of Virginia's Senator Harry F. Byrd, Jr. told CU: "The Automobile Trade Association of Virginia tells us that 90 per cent of all odometer rollbacks are done by wholesalers. They say it's a routine part of the 'reconditioning' process. Naturally, the dealer doesn't pay any attention to the odometer reading; he only buys a car on the basis of what he thinks he can sell it for. And when he buys from a wholesaler, he knows he is getting a product he can palm off with little or no risk because the former owner will be very difficult to trace."

The dealer can blame the wholesaler, and the wholesaler can blame the dealer, but it's obvious that neither could tamper with odometers on any large scale basis without the direct knowledge or the implied consent of the other. Few swindlers, after all, fall for their own swindle.

Senator Byrd has therefore taken up the cause of a Federal law against odometer tampering. The Byrd bill (S. 1185) would make odometer tampering subject to a stiff fine. It would also require used-car dealers to give their customers a statement signed by the last *private* owner of the vehicle certifying the mileage that was on the car when he sold it. Meanwhile, on the other side of the Hill, New Jersey Congressman Henry Helstoski has resubmitted his bill of last year (H.R. 4163), also prohibiting odometer tampering in interstate commerce. The chances for passage of either measure during the current session of Congress may be hard to assess, but it's not very encouraging to note that, even in the proconsumer atmosphere of the previous Congress, a bill sponsored by Senator William Proxmire to require auto manufacturers to install tamperproof odometers in all new cars died in the Senate Commerce Committee.

The need for effective legislation is obvious. Norman Polovoy, chief of the Maryland Consumer Protection Division, put it this way: "I know of no rational or reasonable justification for an automobile dealer setting the odometer back other than to try to convince the purchaser that the automobile has substantially less mileage on it than is in fact true."

According to one report, in 1967 alone Americans bought nearly 20 million used cars and paid an estimated $20 billion for them. The trade journal *Automotive News* reports that prices start falling off sharply after a car has traveled 30,000 miles; and beyond that distance, a two-year-old car loses about $10 of value for every 1000 miles on the

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odometer. Assuming that only half the used cars sold in 1967 were two years old or older, and that only half of them had 20,000 miles picked or spun off their odometers, it doesn't seem unreasonable to estimate that consumers are being misled on used-car lots to the tune of $1 billion a year.

But the cost must be assessed in terms of safety as well. Even with the best of care, a car with 75,000 miles on the odometer is not the car it was at 25,000 miles. The prudent owner knows this and is less likely to take his steering or wheel bearings or exhaust system for granted. But the owner of a "low-mileage" used car may be lulled by the odometer. Until the critical moment, he may have been completely unaware that his car was dangerouly in need of repair—a menace to himself and to others.

The National Highway Safety Bureau agrees, and in 1967 it proposed a safety standard requiring tamperproof odometers on all passenger vehicles, including buses, trucks and motorcycles. The idea was assigned to an administrative pigeonhole, however.

"Other proposed safety standards had a higher priority," a bureau spokesman told CU, "but this is not to say we won't have such a standard later on."

WHAT'S TAMPERPROOF?

But at the same time, the bureau questions whether it is possible to design a really tamperproof odometer, and except for General Motors, the auto industry has yet to market anything resembling one. GM's 1969 models have odometers that cannot be spun backward. But there is no way for the used-car buyer to detect whether the mileage reading has been spun forward beyond 99,999.9 to zero and then to some youthfully low second-time-around setting. Also, in GM cars made after January 1, the odometer will exhibit telltale color separation between the numbers if it has been picked. But, a GM spokesman admits, the buyer would have to be "a knowledgeable individual" to recognize the evidence. Despite those refinements, the new GM odometer cannot therefore be described as truly tamperproof. And whatever its positive virtues, the GM odometer will be of little use to the buyer of a used *Ford, Plymouth, Ambassador, Volkswagen*, etc., or, for that matter, to the buyer of a pre-1969 GM model.

CU's automotive engineers give a qualified Yes to the question of whether a tamperproof odometer is feasible. While anything Yankee know-how can put together, Yankee know-how can probably take apart, our engineers say a much less accessible odometer unit, one sealed in plastic perhaps, is certainly possible. But for the unit to be completely tamperproof, the speedometer cable would have to be sealed in two places—where it connects with the speedometer head and at either the transmission or the front wheel connection, depending on the car. (Some car rental companies seal odometers, for obvious reasons, and a spokesman for one of the biggest says sealing is highly effective.)

What about repairs? Would it be possible to fix a broken but tamperproof odometer or install a new one without breaking the seal? Probably not, but mechanics could be required to reseal the unit and verify the original mileage. Enforcement might be difficult—but no more impossible than any other weights-and-measures regulation. If it is important to protect the consumer from the butcher who cheats a few cents on the hamburger, it's at least as important to protect him from the odometer "artist" who chisels a few hundred dollars on a used car.

TITLE LAWS

Title registration laws could help, too, and 41 states already have them. Not only are they an effective weapon against auto theft, they also assure the car owner a clear title to his automobile by requiring that the chain of ownership be established to the satisfaction of motor vehicle authorities. (And possibly the mileage to the satisfaction of the consumer; see box above.) Such a title law is pending in Massachusetts, but the Massachusetts Consumers Council further proposes that the identity of the former owner become a part of the certificate of title the state gives the new owner. But even if the measure sailed through the Massachusetts legislature, it would be truly effective only if most other states passed similar laws.

It will be difficult but not impossible to make the used-car mile more nearly approximate the statute mile. For example, auto makers could develop better odometers; the National Highway Safety Bureau could require them! the FTC could compare notes with Sen. Byrd; states could pass uniform title laws; and, above all, Congress could pass meaningful antitampering legislation.

Meanwhile, there is something to be learned from Assistant Attorney General Meade's historic venture: Even weak laws *can* be enforced. His Great Odometer Raid certainly hasn't stamped out odometer tampering, but it has made the practice a good deal riskier in Massachusetts.

[From the Washington Post, May 13, 1969]

MARYLAND AFFAIRS: ASSEMBLY LAGS ON TRUTH-IN-CAR-MILEAGE BILLS

(By Peter A. Jay)

The Maryland General Assembly elected in 1966 has never been shy about citing its own accomplishments, but its self-admiration has glowed with a particular warmth in contemplation of its consumer protection record.

One nationwide consumer complaint, the turning-back of used-car odometers by dealers, has been dropped by the legislators like a red hot sparkplug. New attacks on the practice appear unlikely.

In its first session, its ire kindled by tales of buyers defrauded, the 1966–70 Asssembly created a special Office of Consumer Protection under the Maryland Attorney General.

Yet when the division's new head, Norman Polovoy, sought legislation in 1968 that would have outlawed odometer tampering, the Assembly turned chilly.

Consumers Union, the nonprofit research organization that publishes Consumer Reports, estimates that used-car prices are artificially raised by as much as $1 billion a year nationally by altered odometers.

The bill that would have outlawed odometer tampering and a measure that would have required that the actual mileage at the time of sale be recorded on every vehicle's title, were introduced in the 1968 session by Del. Arthur Dorman (D-Prince George's).

Although the bills were backed by Polovoy, they came under massive attack from the powerful automobile dealers' lobby and were never enacted. No one could be found to reintroduce them this year, Polovoy's office says, and prospects for 1970—an election year—look dim indeed.

Dorman says the reason he gave up on his bill this year was a 1968 Baltimore County court decision that held that if the buyer of a used car could prove that the odometer reading was altered, he had grounds for a civil suit.

"We figured that took care of the problem," Dorman said. "We haven't been getting more complaints about it." If legislation is still needed, he said, "Polovoy and his people have been lax" if pressing harder for it.

John S. Ruth, Polovoy's chief investigator, says the complaints keep coming in. Many of them, he says, come from people who buy "new" cars and discover the vehicles have been used as demonstrators, then had their odometers set back.

Although he is less than sanguine about his chances, Ruth hopes he can find a legislator who will reintroduce Dorman's two bills and get them through the General Assembly next year.

According to a Consumers Union survey, only seven states have any sort of odometer legislation on the books. One of them, Wisconsin, has the odd requirement that all used cars have their odometers reset to zero before they can be sold.

In states where anti-tampering bills are considered, Consumers Union says, dealers' groups invariably offer a Wisconsin-type measure as a more palatable alternative.

It happened that way in Maryland in 1968. When, for a time, Dorman's bill appeared to be moving along in the House, Del. Robert Banning (D-Prince George's) dumped in a "zero miles" measure. Banning is a Hyattsville automobile dealer.

Odometers could be left untouched on certain cars, under Banning's unsuccessful bill, if the last private owner of the vehicle certified in writing the mileage reading was correct.

"It was a joke," says Ruth, "If the dealer had a creampuff, he could leave the mileage alone. If he had a real dog, he could legally set it back to zero."

Because Maryland Attorney General Francis B. Burch, Ruth's and Polovoy's boss, favors the Wisconsin-type of measure, it's a good bet that if any bill is pushed hard at the 1970 General Assembly it will be that one.

In the Washington area, neither the District of Columbia nor Virginia has a law against tampering with odometers. Sen. Harry F. Byrd Jr. (D-Va.) is backing a bill to attack the practice at the Federal level.

Dealers' groups contend the practice of setting back odometers is justified both morally and economically. By reconditioning used cars before selling them, dealers contend they "put more miles into" the vehicles and are entitled to spin a few miles off the odometer.

The practice is easy enough. According to a flier circulated by the Speedy Instrument Service of Waterville, Conn., with the proper tools and instruction odometers can be reset "in 10 seconds to 2 minutes."

It's a well-established art, most garage owners agree, and one not likely to be ended legislatively in the next few years, either in Maryland or the Nation.

ANTICIPATED LEGISLATION CALLING FOR EXTENSION OF INCOME TAX SURCHARGE

(Mr. HENDERSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HENDERSON. Mr. Speaker, in the weeks ahead, the House will be asked to vote on major tax legislation which it is anticipated will call for an extension of the income tax surcharge in some form, and also repeal of the 7-percent investment credit.

Both of these proposals would have a major impact on the economy. Repeal of the investment credit is strongly opposed by businessmen throughout the country, including my own State of North Carolina. On the other hand, repeal is strongly advocated by the administration and many in the Congress. Much of the opposition to repeal comes

from manufacturing industry. An excellent case for retention of the 7-percent investment credit was made in the statement filed with the Committee on Ways and Means by the National Association of Manufacturers on May 23, 1969. I include this statement in my remarks at this point, so that it may be available to all Members of the House:

Statement of the National Association of Manufacturers on the Extension of the Income Tax Surcharge and Repeal of the Investment Credit Submitted to the Committee on Ways and Means U.S. House of Representatives, May 23, 1969

The National Association of Manufacturers has been for some time deeply concerned with the drift and deterioration in fiscal affairs. In July of 1967 the Association endorsed imposition of a tax surcharge, provided it was clearly labeled as "temporary," and provided that it was accompanied by a definitive program to limit the future course and direction of government spending. Furthermore, the NAM believed that, while the emergency lasted no fundamental changes in the tax structure should be made.

The NAM was thus among the first of business organizations to back this unpopular course and it was the first of the public witnesses to testify in this regard before the Committee on Ways and Means.

As recently as March of this year, the NAM was prepared to endorse a continuation of the surcharge for an additional year, provided it was accompanied by effective spending limitations as in the 1968 legislation. It believed, however, that this should be its only extension. The government would then have had more than two years to put its fiscal house in order, and the growth in absolute revenues together with tight expenditure controls should have sufficed to permit the surcharge to expire.

The Association has been forced to reappraise its position in the light of more recent developments. The proposal for repeal of the investment credit injects a new and unexepected element into this already complicated fiscal situation.

We are opposed to such repeal. In what follows we will set forth, first our general views on current fiscal action and, then, our detailed reasons for opposing repeal of the credit.

THE FISCAL 1970 BUDGET SITUATION

The occasion for these hearings is concern over the prospective budgetary situation in the fiscal year 1970, which will begin only a few weeks from now. The Administration's spending plans for that year would total $192.9 billion. If the Congress takes no tax action receipts would total an estimated $188.9 billion.

The Administration contends that the resulting $4.0 billion deficit would be entirely inappropriate during this period of inflation. The NAM agrees with that conclusion.

The Association does not believe, however, that the nation is ready or willing to accept a permanently higher level of taxation as a means of supporting a permanently higher level of government expenditures. The widespread unpopularity of the present 10% surcharge is convincing evidence of this.

Therefore, the ultimate solution must be sought, not in tax action, but in the control of spending. Whatever tax action Congress takes to meet the immediate problems of fiscal 1970 should be transitional in nature as we work toward that ultimate solution.

The more immediate concern is with the short run—the fiscal year 1970. But even here the only really satisfactory solution lies in further curtailment of spending. The NAM believes that, given sufficient determination, total outlays for the coming fiscal year can be reduced well below the proposed total of $192.9 billion. Such efforts may be painful but the American people will find the alternative of additional taxes even more painful.

The problem of reducing outlays in fiscal 1970 must be left to the wisdom of Congress and the Administration. Should the Congress, when the best possible effort has been made, still find that a deficit is in prospect in fiscal 1970, the NAM will support emergency and temporary tax action to close the gap.

It should, however, be strictly emergency and temporary tax action, and involve no permanent increases in anyone's tax burden. This is one of our reasons for opposing the repeal of the investment tax credit.

The simplest and best form of tax action to meet this kind of emergency is an across-the-board tax surcharge such as was enacted a year ago. The Association will support a one-year extension of the surcharge, if it proves necessary after a maximum effort at government economy has been made, provided it is not coupled with repeal of the investment credit.

The investment tax credit should be continued in its present form. Aside from the credit's usefulness as an economic device, which may be more apparent in the near future than in the immediate present, its repeal would involve an unjustifiable transfer of additional burdens to business taxpayers. Repeal of the credit, in its overall effect on tax burdens, is roughly equivalent to an additional 7% surcharge on corporate income taxes. If someone proposed an increase in corporate taxes in just that form, we doubt that the Congress would give it serious consideration.

This would be a *permanent* addition to the tax liability of business enterprises. It is too high a price to pay for a reduction, for six months, in the rate of the existing surcharge from 10% to 5%.

Repeal of the investment credit contributes only $1.5 billion toward the solution of the transitional budgetary problem in fiscal 1970. It would impose an additional annual burden of twice that amount on business taxpayers for the indefinite future. The bargain does not look like a good one, either for business or for the nation.

The NAM cannot support an extension of the surcharge which is coupled with a repeal of the investment credit. The combination would be an indefensible tax penalty on the enterprises which provide the bulk of the jobs and the output of our economy.

LEGISLATIVE HISTORY OF THE INVESTMENT CREDIT

Throughout its brief history, there has been a tendency in some quarters to consider the 7% investment credit as a "subsidy" to business—in the sense that business was receiving a special privilege not available to others. Anticipation of this attitude was one of the reasons that business did not wholeheartedly endorse the credit in the first place. Many organizations, including the NAM, would have preferred a lower corporate income tax rate to stimulate capital formation and long-term growth. However, industry was assured that the credit was to be a permanent feature of depreciation reform to help counter inflation of equipment costs and to help equate our system with liberal depreciation practices overseas.

Former Secretary of the Treasury Douglas Dillon said in early 1962:

"I consider our program of depreciation reform—including the investment credit—a central part of our economic policy . . . The achievement of this objective . . . requires both the investment tax credit and the faster write-offs that would be permitted under depreciation policies, which, in broader recognition of the increasing importance of obsolescence in the postwar world, would permit American firms to assume shorter tax lives for depreciable property."

The Revenue Act of 1964—one of the most important single domestic economic measures of the last twenty years—reduced individual income tax rates by an average approximating 20%, about two-thirds of the reduction becoming effective in 1964 with the remainder in 1965. Corporation rates, however, were not reduced 20%—they were reduced less than 8%, specifically from 52% to 50% for the year 1964 and to 48% for 1965 and subsequent years.

The Committee Reports accompanying the Revenue Act of 1964 explained the disproportionate rate reductions as between individuals and corporations, pointing out that in 1962, corporations had been the principal "beneficaries" of the investment tax credit enacted as part of the Revenue Act of 1962 and that depreciation reform, initiated in that year as an administrative measure, had also largely benefited corporations.

The House Committee Report No. 749, September 13, 1963, p. 27, stated:

"This tax cut for corporations, when fully effective, will amount to $2.2 billion a year. It should, of course, be viewed in connection with the reduction provided by Congress last year in the form of an investment credit and the reform provided last year in the depreciation guidelines. These taken, together, provide corporations with a tax reduction of approximately $4½ billion."

And the Senate Committee Report No. 830, January 18, 1964, p. 8, stated:

"This bill provides a balanced reduction between individuals and business firms. In this respect, the bill is much the same as the bill that came from the House. When fully effective, the bill will reduce individual income taxes by $9.2 billion and will reduce corporate taxes by about $2.4 billion. These figures must be evaluated along with the effective tax reduction of 1962 through the investment credit and depreciation reform, the largest share of which went to corporations. Taking the 1962 and 1964 programs together, the share of the reduction going to individuals is about two-thirds and to corporations about one-third, which is approximately the present relative shares of individuals and corporations in income tax liabilities."

If a rate reduction proportionate to that in individual rates has been applied to the then existing corporate rate of 52%, reducing it to 42%, industry undoubtedly would have preferred this over the 7% investment credit.

Such was not the case. Instead, the package of depreciation reform and a much lesser tax reduction for corporations was adopted. Thus the investment credit could hardly be considered an extra bonus to industry when it was clearly a part of a package designed to arrive at a fair distribution of tax reduction between individuals and corporations. In its attempt to link reduction of the surcharge to repeal of the investment credit, the Administration, has neglected to bring out these facts—facts which seriously challenge the grounds for offering general tax relief by eliminating the investment credit.

In point of fact, even the old 52% corporate rate was supposed to be "temporary." It had been increased from 47% to 52% in the Revenue Act of 1951 as part of the fiscal measures adopted at that time in connection with financing the Korean War effort. It was scheduled to revert to 47% in 1954 but, although individual rates were reduced at that time, a series of Tax Rate Extension Acts annually continued the corporate rate at 52% through 1963.

The depreciation reform instituted in 1962 by administrative action was long overdue.

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For almost twenty years prior thereto, industry had been obliged to assign unrealistically long lives to depreciable property. However, depreciation allowances for tax purposes are not the equivalent of rate reductions. The taxpayer is entitled to deduct his depreciation basis only once and, therefore, more liberal allowances in the earlier years must be considered a factor affecting the timing of cash-flow rather than a true tax reduction.

Moreover, the immediate cash-flow improvement that resulted from the 1962 changes in depreciation policy was significantly offset by the provisions in the 1964 and 1966 Acts that accelerated corporate payments for estimated tax. In fact, the nominal reduction in corporate tax rates between 1964 and 1968 was effectively wiped out by the acceleration in payments.

It is now proposed to repeal the 7% investment tax credit permanently (as distinguished from its suspension and subsequent reinstatement in 1966–1967) and this is offered as a form of offset to a proposal to reduce the surcharge rate from 10% to 5% effective next January 1st. The two are quite dissimilar.

The entire history of the investment tax credit supports the concept that it was intended as and should be a permanent part of the tax system. The surcharge, of course, was always proposed and intended as a temporary measure to tide the nation through a period of fiscal stress, and taxpayers were led to expect its termination after a relatively short time period. Thus, if the two items are viewed as partial offsets, the values are greatly one-sided. A reduction of a temporary tax, scheduled to expire shortly in any event, cannot be equated with the removal of a permanent incentive in the tax system.

ECONOMICS OF THE INVESTMENT CREDIT

Repeal of the 7% investment credit has been proposed on the grounds that: one, such action is necessary to combat inflation; and two, national priorities require the freeing of federal funds involved for other and presumably more pressing needs. We find both of these arguments unconvincing. But because they figure prominently in both the public discussion of, and legislative consideration of, the fate of the credit, we will treat them in detail.

BUSINESS INVESTMENT AND INFLATION

The Administration, apparently, does have some doubts on this point. In fact, members of the Council of Economic Advisers publicly have stated that the package of surcharge reduction and investment credit repeal would *not* have a significant impact on aggregate demand or inflationary trends in the economy. Nevertheless, much of the consideration in Congress, as evidenced by the majority report of the Joint Economic Committee, has centered on the alleged inflationary impact of the investment credit. According to that report, "First priority in tax reform should be given to repeal of the 7% investment tax credit as a significant step toward reducing inflation."

The NAM will concede to no one a greater concern over the problems of inflation today. We consistently have supported sound public policies to moderate inflationary trends in the economy, including the 10% surcharge on corporate and individual income taxes enacted last year. A significant part of our program activities have been designed specifically to alert the public to the dangers of inflation and inflationary psychology.

We fully recognize that, in the circumstances of 1969, with the labor supply stretched to its tightest point in eighteen years and the economy still reeling from the effects of past excesses of monetary and fiscal policies, any increase in spending, whether from the business, consumer, or government sectors, is to some extent "inflationary." We simply do not have the slack in our resources to take up additional demand pressures without some overheating.

Does this justify removing a part of the basic tax structure designed to make the economy more productive and competitive? We think not. Strictly from the point of view of controlling inflation, repeal of the credit could be self-defeating in the short run and have very dangerous consequences for the long run.

There is substantial agreement that changing the basic tax structure makes for poor stabilization policy. As recently as last March, Secretary of the Treasury Kennedy publicly stated: "We have no plans for tinkering with the investment tax credit. Congress intended the credit to be part of the regular tax system and not a device for stimulating or slowing the economy." The experience with the 1966–1967 suspension of the credit clearly demonstrated the wisdom of this approach.

Now the call is for *repeal* not suspension. In the minds of at least some of the advocates of repeal, the objective is countering the present inflation. To the extent that this is the objective, we would be repealing the credit in response to the same sort of economic signals that were given off at the time of the suspension in 1966—signals which later proved to have been misleading.

It is true that the Administration, in proposing repeal, maintains that it is guided by long-term considerations of national priorities, rather than the need for current anti-inflationary action. It is unlikely, however, that the Administration would have proposed repeal at this time if surveys of capital spending intentions had indicated a decline, rather than a 14% rise, in plant and equipment spending during this year. Thus realistically the case for repeal of the credit is based on the projection of a continuing rise in capital spending.

It may well be that the 14% "estimated" increase in capital spending could not be realized this year whether or not the investment credit is retained. The condition of the credit markets has deteriorated to the extent that many investment projects may have to be postponed or cancelled. As Economist William Peterson of U.S. Steel put it, "Statistical estimates of short-term economic activity are grossly insufficient grounds for major long-term changes in tax policy."

It is reasonable to assume that projects on which there are firm commitments, at this time, would go forward regardless of the availability or non-availability of the credit. But there is also the problem of lags between investment decisions and the full impact of those decisions on production and employment. As Senator Proxmire (D-Wis.) Vice Chairman of the Joint Economic Committee, pointed out recently:

". . . there is a technical lag of at least 12 months on the average between the time the investment decision is made and the plant or equipment is in the full flood of being produced. This lag was well documented by the Treasury in 1966 when suspension of the investment credit was being considered. Because of this lag, repeal of the investment credit this spring would not seriously affect investment until the spring of 1970."

Who is to say that a disincentive to investment would be appropriate a year from now even if it is conceded that the pace of capital spending should diminish at this particular time? Already there are reports that the Administration may feel it necessary in six months' time to offer some substitute incentive, perhaps in the form of a liberalized depreciation allowance. This clearly suggests that what is being labeled as repeal could in effect be another suspension, entailing all the dislocations with which we are so familiar.

Looking at the longer term, it cannot be over-emphasized that new investment in capital equipment is necessary not only to expand capacity, but to modernize it, and, therefore, to *ease* pressures on costs and prices. In fact, of course, the ultimate anti-inflationary weapon of the U.S. economy is its productivity, which must be maintained and enhanced to counter the now deeply embedded elements of inflation in our economic structure. More efficient plant and equipment and a more productive economy are particularly crucial in view of the full or near-full employment conditions that we have had since the mid-1960's with all their implications for labor costs.

The airline industry affords a clear illustration of the counter-inflationary effects of capital outlays, as stimulated by the investment credit. According to Internal Revenue Service figures, that industry has experienced the greatest reduction in its tax burden due to the investment credit. It is interesting to note that since the inception of the investment credit in 1962, capital expenditures of major U.S. airlines have more than quadrupled while the average fare per passenger mile has actually declined.

For manufacturing as a whole, prices of both durable and non-durable goods, particularly the latter, have lagged well behind the rise in over-all consumer prices over this same period, and, in fact, the prices of manufactured goods have risen only about a third as much as hourly wage rates over the same period. This could not have been the case without the substantial investments in new equipment since 1962.

Over an even relatively short span of years, capital spending for more efficient productive facilities is a *deflationary* rather than an inflationary force.

THE MATTER OF PRIORITIES

Repeal of the credit has been urged on the grounds that attention must be given to other "priorities." Yet all economic objectives depend on the *real* growth, productivity and competitive strength of the economy. The rate of business fixed investment has been relatively high since 1962 and, concurrently, the performance of the economy in terms of real growth has been relatively good. Most observers assign to the investment credit a significant, although not entirely measurable, role in this expansion. In short, the credit has worked toward fulfilling one of its important objectives—to raise productivity.

An allied objective was to make the economy more competitive internationally and we have seen progress towards this in some areas. However, because of a number of factors, including the acceleration of inflation over the last two years, our over-all balance-of-trade position has deteriorated drastically. *If ever there was a clear and present need for measures which improve our competitive stance abroad, it is right now.* This must be a prime priority for economic policy. While the Administration proposes to remove the 7% investment credit, foreign competitors will continue to utilize considerably more liberal investment incentives and, of course, enjoy considerably lower hourly employment costs.

It is very difficult to view the investment credit as a substitute for other priorities. If such a priority is the war on poverty, consider that, in the view of the President's own advisor on domestic affairs, Dr. Arthur Burns, the real growth of the economy has done more for employing and raising the living standards of the American poor than all the government poverty programs put together. If such a priority is conservation

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of our environment, consider the huge investment being made in pollution control facilities spurred in part by the investment credit. New industrial plants have such facilities designed into them at the drawing board stage and as older capacity industrial plant is retired and replaced by modern manufacturing facilities, significant progress is being made by industry towards pollution control.

As the investment credit has performed valuable functions in promoting stable economic growth, employment, our international trade, and other objectives, the rationale for its repeal remains a mystery. Certainly, it should not be disposed of ligthly.

The 7% investment credit is essentially a reduction of the adverse effect of the corporate income tax on capital formation. With the credit remaining there would still be great need to assure more adequate capital supply in the 1970's. Without it this need would be magnified.

Anyone who has even casual knowledge of interest rate trends today can appreciate the fact of the worsening capital shortage in this country and, indeed, world-wide. If the private sector is to continue to provide the means for economic advancement, not to mention the additional roles it has assumed in attacking various social problems, *it must have the capital resources to do the job and a more favorable public policy towards these resources.* Repeal of the investment credit would be a step backwards.

SHUT OFF FEDERAL TAXPAYERS' FUNDS TO ANY INSTITUTION OF HIGHER LEARNING WHICH FAILS TO TAKE IMMEDIATE ACTION AGAINST STUDENT RIOTERS AND ANARCHISTS

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPPELL. Mr. Speaker, I yesterday introduced a bill which I must confess gave me a great deal of pain to introduce.

This bill seeks to shut off Federal taxpayers' funds to any institution of higher learning which fails to take immediate action against student rioters and anarchists.

I say this bill pains me. It does for this reason. The time has come, I am sad to say, when some college administrators seem almost totally unwilling to take the kind of effective action which would bring an end to this kind of activity on the college campus.

Therefore, much as it concerns me, it seems apparent the only alternative for this body to take is to cease the flow of Federal taxpayers' money to those institutions where, either by inaction, or, in some cases, by actual participation, the college officials in a sense condone the type of terrorist activity which in the current academic year has hit more than 200 of our college campuses in almost every State in the Union and certainly in my own State of Florida. In 1967–68, there was a total of 38,911 participants in demonstrations on college campuses. A total of 417 arrests resulted.

Property damage has run to $2.2 million and in this academic year the loss in academic pursuits caused by this activity may never be measured accurately.

In this recent statement concerning campus disorders, President Nixon said, and I quote:

> When we reach the point where students, in the name of dissent and in the name of change terrorize other students and faculty members, when they rifle files, when they engage in violence, when they carry guns and knives in the classrooms, then I say it is time for faculties, boards of trustees and school administrators to have the backbone to stand up against this kind of situation.

With this, I agree. And there is something which this body can do to bolster the backbone of a few administrators! Shut off Federal taxpayers' money to them.

It is inconceivable to me that while these students roam a few campuses irrespective of law and regulation, while they advocate the overthrow of this Nation and its institutions, that the taxpayers of the country help pay the bill.

It is time for an end to anarchy by acquiescence. It is time this House of the Congress took stock of the status of this Nation's colleges. Lip service is not the answer. Federal control of education is not the answer.

The answer is strict enforcement of laws and regulations by those college administrators who are on the scene. If they choose not to enforce the laws, then they must face their own consciences and the legislative bodies of their respective States in addition to the alumni leaders of their institutions.

But at the same time, I do not believe this Congress can allow the further expenditure of public monies to foster the overthrow of the system which built the college.

I therefore ask support of this bill or a similar bill as an expression on the part of this Congress that anarchy in the name of freedom, and destruction in the guise of construction, will not be fihanced or tolerated by the taxpayers of this Nation.

WATER BANK ACT

(Mr. KLEPPE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, today, Senators MILTON R. YOUNG and QUENTIN N. BURDICK of North Dakota and my colleague from North Dakota, Congressman MARK ANDREWS, and myself have joined in the sponsorship and introduction of legislation to provide a Water Bank Act. This bill is the product of the joint efforts of the North Dakota Farmers Union, North Dakota Farm Bureau, North Dakota Stockmen's Association, North Dakota Wildlife Federation, North Dakota Water Users, The Garrison Diversion Conservancy District, North Dakota Durum Growers Association, and the North Dakota Association of Soil Conservation Districts.

They realize steps must be taken now to resolve differences between farm and wildlife interests over the constant and increasing drainage of wetlands. On the one hand we see farmers experiencing a constant or decreasing return for his efforts while his taxes and cost of production and living increase. He must, out of necessity, attempt to produce more with his resources and this often means he must make better use of his land. Thus, we see a constant and increasing effort to drain the wetlands of this Nation. In North Dakota alone, almost 45,000 acres of wetlands are drained each year, and its effectiveness is seen each year in the form of increased agricultural production.

On the other hand, North Dakota is producing annually another very important resource, wildlife. Wetlands across North Dakota and many other States serve as nesting areas for many species of migratory waterfowl. The future of these species is now in jeopardy because the economic necessities of man dictate the drainage of these nesting areas. The farmer and rancher, more than anyone else, realizes this tragedy since he sees it happen first hand and has taken the financial burden of preserving this resource by not draining his wetlands. But, as the economic squeeze continues, he must relent.

Thus, we propose this water bank legislation to place the responsibility nationally for the preservation of our wetlands by providing the farmer with an economic alternative to drainage. Under the legislation, landowners could enter into contracts with the Federal Government to limit the use of wetlands and to leave them in their present condition.

Under a 10-year contract, the landowner would designate wetland areas on his farm which would not be drained or otherwise altered so as to affect their value as wetlands. In return, the landowner would receive payments based on the productive value of the land.

The farmer would have use and nonuse options. Under the former, he would continue to utilize the land for farm operations, although he would agree to refrain from any drainage or filling operations on the acreage.

Under the nonuse option, no farm operations would be undertaken on the land.

The program and payments under it would be administered by the Department of Agriculture's Agriculture Stabilization and Conservation Service.

When looking at this legislation, I think it is important to note the unanimity of opinion of the organizations involved. Whenever that takes place I am convinced of the merit of the proposed legislation.

GREATER MILITARY RESTRAINT MUST BE SHOWN IN VIETNAM

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, many of us in the Congress have become increasingly concerned with the continuing level of violence in South Vietnam. The death toll within the last few weeks has risen appreciably.

Much has been said by the administration concerning the fact that we can-

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not reduce our combat deaths in Vietnam by showing greater military restraint. I feel that we can.

This week Americans will celebrate Memorial Day. For 35,000 American families Memorial Day has special meaning, for their sons have died in a conflict whose aims are questionable, whose toll is senseless. In 1 week alone—May 11 to the 18th—430 Americans lost their lives. They died while people talked in Paris, while people talked in the Pentagon, and while people talked in the Congress. They died less than 2 weeks after President Nixon announced that we are not fighting in Vietnam for a military victory, for military bases, for any military ties with Vietnam in the future, or even for a democratic form of government in South Vietnam. They died 1 week before the President announced his intentions to meet with South Vietnamese President Thieu at Midway. They died in time to be honored this year on Memorial Day. How many more will be honored next year?

I sincerely believe that President Nixon wants only to end our involvement in this tragic chapter in American history. I also believe that while we are negotiating an end to our involvement not one American life should be needlessly sacrificed. In order to assure this, I urge President Nixon to immediately rescind the orders of last fall to General Abrams "to keep maximum pressure on the enemy on the ground."

It is frustrating to see that, while we negotiate, the number of our offensives is up, the number of our enemy contacts is up, and our casualties are up. We have endured countless numbers of military offensives. They have, we read, resulted in many "gallant victories for U.S. troops." They have also resulted in 35,265 dead, with an average age of 20 years, thousands of wounded, and hundreds of permanently maimed men.

It is now time for a different offensive—a peace offensive. An offensive designed to reduce the number of casualties, designed to reduce our active participation in a conflict we are now trying to extricate ourselves from. The components of this offensive are the immediate withdrawal of at least 50,000 American troops; an end to all search and destroy missions and other military offensives involving the use of U.S. troops; the immediate redeployment of our military units to strategic enclaves along the coastal perimeters of South Vietnam; and the use of American air power in South Vietnam to coincide with the actions of South Vietnamese ground troops.

These steps will, I believe, create new and lasting initiatives toward peace. They will make it clearly evident to all nations where our intentions really are. They will be solid evidence of the fact, made clear by the President, that we do not seek a military victory in South Vietnam, but that we seek only peace. Many, of course, will ridicule such a proposal. They will state that we have a moral obligation, a commitment to South Vietnam. To them I say that we also have a moral obligation, a commitment, to mankind. If we can put men on the moon, then we should be able to end war and all of the suffering and hardships contingent to it here on earth.

To those who say it is unpatriotic to question our involvement in Vietnam, our role in the world, I say it is unpatriotic not to question it. We are only 6 percent of the world's population. We are neither omnipotent or omniscient. We cannot impose our will on the other 94 percent of mankind. We cannot right every wrong or reverse each adversity. There cannot be an American solution to every problem. How can we solve the problems of Vietnam, Indonesia, or Czechoslovakia if we cannot first remedy the ills of Chicago, Los Angeles, or New York? How can we ask young men to die and then tell them they cannot vote? How can we feed the multitudes abroad while living with our own hungry? How can we condemn students on campuses while we are ravaging countrysides?

We are a great and powerful Nation but we must begin to understand the limitations of power. President Kennedy once said:

> The men who create power make an indispensable contribution to the nation's greatness, but the men who question power make a contribution just as indispensable.

For several years now, soldiers and statesmen alike have discussed Vietnam in terms of the proper usage of our power—military and diplomatic. But on Memorial Day, 35,000 American families will discuss Vietnam in terms of a son, a husband, a father who is gone forever. Their discussion of the war is in much more meaningful terms—those of life and death. Is life so cheap that we can ignore these facts? How long can we continue to gamble with men's lives? The lines of the poet could well be applied to those who have died in Vietnam:

> I gave my life for freedom—this I know:
> For those who bade me fight had told me so.

Khesanh, Danang, the DMZ, and Hamburger Hill will, in the years ahead, be gallant but gruesome additions to war's hall of fame. The faces of the dead will be forgotten by all but those who loved them. We must ask ourselves as parents, as Americans, how long can we continue to let this tragic waste go on?

We have proven the credibility of our power only to unmask the illusion of our ominiscience. We have killed thousands of enemy troops. Our weapons and our soldiers have successfully met the test. But who is the real victim of this war? Is it our country, poisoned and torn by dissent and violence, or is it only 35,000 families for whom the war has reached home via a telegram from the Pentagon? Or is it the men who come home—forever scarred, physically or mentally? War has many victims. The casualty lists do not contain the death of a spirit, the demise of national pride. This is a difficult thing to pinpoint, but deep within the American psyche, I feel we have suffered the wounds of Vietnam collectively as a nation.

On this Memorial Day, while honoring the dead, we must give much more thought to what this war means in the individual terms of life and death. Is there a more precious gift than life itself or a more tragic extension of life than death? For a young boy in Vietnam, life is but the shadow of death and the dead are shadows of the living.

The promise of America for our children is not an infantryman's rifle, it is not the horror of war. It has been said that the "youth of a Nation are the trustees of posterity." How many of our children and theirs will have their posterity affected, their lives searred, by a war that they did not start, that we seem unable to end? How many more fathers will never see their children, how many mothers, their sons? How many more men will be denied the chance to complete the process of growth that is life itself? The skills of life come so slowly, but the emptiness of death comes quickly.

The history of our involvement in Vietnam is replete with errors of judgment on all sides, mine included. We have, I think, begun to recognize many of these mistakes. But our tragedy has been that we learn so little and forget so much.

This year, let us not forget the sacrifices that thousands of gallant men have made for our country, but also let us try to learn or understand that America must stand for justice, compassion, for peace. Our obligation to mankind should be more important than our ego. As Camus wrote:

> I would like to be able to love my country and still love justice.

We must, in God's name, for our sakes and those of our children, end the war.

STUDY OF THE OIL SITUATION MUST BE CARRIED OUT IN A SPIRIT OF REALISM

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, Washington is a complete city, within which you hear many amazing things—from the astute to the absurd.

While the climate is conducive to sober and intelligent reasoning, so is it also to clamorous emotionalism. In the case of the oil import program, it is the latter aspect that currently prevails.

I would like to cite a particular case in illustration: Recently there was some allegedly serious testimony before a Senate committee suggesting that if it were not for the oil import program there would have been no massive blowout such as occurred off the Santa Barbara coast. That is a sample of what happens when emotionalism takes over the function of reason.

But there was more: this testimony advanced the theory that if we were not unduly protecting our high cost production in this country, the oil companies would not have to be pursuing—at an extra cost—marginal production offshore. In other words, if we had a lot of cheap foreign oil available, no oil company would have to turn to the expensive offshore areas for drilling, and thus there never would have been a troublesome blowout. All of this would be rather amusing if it were not so serious.

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The proponents of a weaker oil import program seem totally unwilling to look at the world problems as they are. The obvious turmoil in the Middle East escapes the concern of those who attack the oil import program as merely a gimmick to perpetuate the selfish self-interest of the major oil companies and of the rich independents.

I must confess that the emotional climate created by any discussions of oil problems on Capitol Hill disturbs me deeply. It is very difficult to debate on a factual basis as my committee—the Ways and Means Committee—considers the various questions pertaining to tax reform. But especially the oil import issue is being clouded by wild and fantastic emotionalism.

Independent operators and companies alike recently gave testimony that revealed serious shortages of the national gas supply, decline in the number of wells drilled, dwindling reserves and declining figures in the ratio of reserves to production. The seriousness of this testimony was never challenged—never questioned. But it seemingly fell on deaf ears; the only result has been a highly vocal, emotional response—an argument that in this day and age of high tax burdens, oil is victimizing the American people.

We do not have to go back very far in our history to recall a time when our allies frantically turned to us for support of their needs in oil. The two Suez crises brought home to our allies the fact that the free world could not risk a dependence on Middle East oil. And yet, right here in our own country, critics of the oil import program are prepared to overlook altogether our basic national security requirements. They are simply unwillingly to face the fact that certain import controls are essentially if we are to have a strong domestic oil industry.

I would especially like to clarify one point. I feel that today there is plenty of justification for tax reform. The American taxpayer is overburdened and cries for relief. I also feel there is plenty of room to consider ways of improving the oil import program but I think these matters should be decided on the basis of facts—not by hysterical appeals to emotion.

I am hopeful that the study of the oil situation ordered by the administration will be carried out in a spirit of scrupulous realism, and I am hopeful that the bleat of the demagog will be muted, thus leaving us finally with nothing more nor less than the cold, hard facts to consider. If this be the case, I am confident that those making this study will conclude that it is in the best interests of this Nation to have a strong oil import program.

LAW AND ORDER: A DOUBLE STANDARD?

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there has come to my attention a most remarkable memorandum issued by the National Coal Association which in effect instructs coal operators that they can overlook and ignore the standards of coal dust published in the Federal Register on May 20. On that date, Secretary of Labor Shultz, acting under the authority of the Walsh-Healey Public Contracts Act, set a maximum dust level of 4.5 milligrams of coal dust per cubic meter of air in all mines producing coal for Federal contracts.

Two days after the publication of this clear and unequivocal standard in the Federal Register, the National Coal Association published a memorandum which is a flagrant attempt to encourage violation of the law. The memorandum is contained in a publication entitled "The Letter of the Law," which is subtitled "A National Coal Association Report on Legal and Tax Developments." It is dated May 22, 1969. After reviewing the coal dust standards promulgated by the Secretary of Labor, the memorandum contains this astonishing paragraph:

> Your editor believes the Labor Department has imposed some "dust" standards which cannot, at the moment, be measured by any one in the Labor Department (and by few people in the Bureau of Mines); further, that the new rules do not seem to impose upon any specific person the obligation of seeing that the new rules are complied with; and still further, that in all probability coal mines which are supplying coal to TVA and other government agencies will probably be "all right" if they comply with whatever rules happen to be forthcoming from Federal legislation (expected in the near future) governing coal mines generally.

Mr. Speaker, many people wonder why so many coal miners are killed, injured, or incur pneumoconiosis—black lung. They ask: "Why can't we enact effective health and safety laws to prevent disasters such as killed 78 men at Farmington, W. Va., on November 20, 1968, and why cannot we do something effective to prevent black lung before it chokes the miners to death?" Down through the years, the coal operators have taken a very cynical attitude toward effective health and safety legislation. They have fought protection of the coal miners every step of the way. They have opposed Federal legislation, because they know that Federal inspections can be tougher than State inspections. They have tried to water down and pull the teeth on every coal mine health and safety bill which has come before the Congress. And they are doing precisely the same thing in 1969.

Meanwhile, the weak and supine attitude of the top leadership of the United Mine Workers has allowed the feudal approach of the coal barons to persist and proceed unchecked. When the Director of the Bureau of Mines, John F. O'Leary, took office on October 20, 1968, he set the stage for a newer approach in the enforcement of the law—weak though the law is—now on the statute books. Following the Farmington disaster on November 20, Director O'Leary initiated a series of moves designed to tighten up the mine inspection system and close those mines where the threat to safety created imminent danger to the coal miners. You should have heard the screams of the coal operators when the Federal inspectors went in to close down the unsafe mines. The coal operators, who had grown accustomed to violating the law, seemed to feel that they had a vested right in continuing to violate the law.

The memorandum of the National Coal Association which I quoted above is part of precisely the same pattern and attitude. We have heard a great deal about the necessity for law and order in this Nation, law and order on the campuses, law and order in our cities, law and order on the streets. Yet, here comes the National Coal Association with a direct invitation to its members to violate the law. How can we hope to have law and order or respect for the law anywhere in the Nation if the coal barons have a double standard and encourage their own members to violate the law?

Mr. Speaker, I am sure there will be those who claim that I have misread the clear import of the memorandum, or that I have "quoted it out of context," or that they really did not mean it as an incitement to violate the law. I consider this memorandum to be so serious, Mr. Speaker, that I intend to refer it to the Attorney General and to the Secretary of Labor for their comment and action.

THE LATE DR. ABRAHAM VEREIDE

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 25 minutes.

Mr. TALCOTT. Mr. Speaker, I have requested this time as President of the House prayer breakfast group—as well as for myself personally—to acquaint my colleagues with the life and work of Dr. Abraham Vereide. Therefore, Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and also, Mr. Speaker, that all Members may have 5 legislative days within which to extend their remarks relating to the life and work of Dr. Abraham Vereide; and also, Mr. Speaker, that I may include several extraneous items, particularly, the column of David Lawrence in the Washington Star of May 19, 1969, entitled "Prayer Breakfasts Are a Memorial." Mr. Lawrence knows, because he was a founder of the prayer breakfast in Washington and in the House and Senate.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TALCOTT. Mr. Speaker, Dr. Abraham Vereide, who was a Methodist minister and a founder of International Christian Leadership, to promote prayer breakfasts, died Friday at Montgomery General Hospital after a heart attack. He lived at 3360 Chiswick Court, Silver Spring.

Born in Norway, Dr. Vereide came to the United States in 1905 with 10 cents in his pocket. He worked for railroads and mines in Montana before gaining admission to Northwestern University's Garrett Theological Seminary.

He was ordained a minister in 1908 and was a pastor between 1910 and 1935 in

Kenosha, Wis., Spokane and Seattle, Wash., Portland, Oreg., and Boston, Mass. He became an American citizen in 1913.

Between 1921 and 1924 he was superintendent of the Pacific Northwest District of the Norwegian-Danish-Methodist-Episcopalian Church. He established a Goodwill Industries branch in Seattle during the 1920's and was associate general superintendent for Goodwill in Boston from 1931 to 1934.

With a group of 19 business executives, Dr. Vereide in 1935 founded the prayer breakfast group in Seattle—a movement aimed at cultivating Christian leadership in government, business, education, and other professions.

In 1941, Dr. Vereide came to Washington and met with Members of Congress at the Willard Hotel. The result was the formation of separate Senate and House breakfast groups which meet once a week while Congress is in session.

The meeting also led to International Christian Leadership presidential breakfasts, held at the opening of Congress each year. The group also holds breakfast meetings for Governors, mayors, and professional groups around the world. Dr. Vereide was executive director emeritus of the organization at the time of his death.

His wife, Mattie B., died January 30.

The House Thursday prayer breakfast group is the most venerable of all extralegislative groups in the House or Senate. It meets every Thursday, while the House is in session, in the Capitol for breakfast and fellowship. It is nondenominational, nonsectarian, nonpolitical, nonpartisan. The prayer group initiated the spirit and the tide of ecumenism—or cooperative religion—which is increasing today. The prayer group has enormous influence upon those who attend, the Congress and men everywhere.

The first prayer breakfast of this sort was held in Seattle during April of 1935, when a group of prominent business executives gathered at the urging of this outstanding immigrant, Dr. Abraham Vereide. One of the group frankly admitted that his "conscience no longer permitted him, as a deacon of his church, to act kind of religious on Sunday and differently during his business and social life during the week." Dr. Vereide lived his religion every day. This is the essence or the objective, I suppose, of our prayer breakfasts.

Partly because of Dr. Vereide, and partly because of the House and Senate prayer groups, there are annual prayer breakfasts sponsored by almost every Governor, many mayors, and a Presidential prayer breakfast. More significantly, at this moment, other prayer breakfasts are occurring throughout the world—privately, without notice or publicity—not just among ordained ministers, priests, or missionaries, but among lay leaders of government and business.

Members of the House, former Members and our elected counterparts from other countries are eligible to attend. The speakers and discussions are "off the record," permitting a free and open discourse and an intimate exchange of ideas. To my knowledge, there has never been a violation of this understanding of confidence.

In this Chamber we may be fiercely political, partisan, adversary and aggressive; but downstairs we can relax, speak freely, question openly, discuss thoroughly, enjoy warm fellowship and remain true friends.

All of us are grateful for Dr. Vereide's idea and his selfless, sustained efforts to perpetuate the idea of prayer breakfasts, here and throughout the world.

Additionally, Dr. Vereide was the organizer, the guiding genius and spirit of International Christian Leadership. The House prayer breakfast group is not a promoter or sponsor of the ICL, as it neither promotes nor favors any particular church or group or theology.

One Biblical meaning of "deceased" was not death, but "exodus"—a deliverance, liberation, emancipation—a beginning, a new beginning as it were.

Death to us is a physical event; but the personality, the spirituality, the important parts of a human being, lives on.

Dr. Abraham Vereide's physical body has been laid to rest. It ceased to function last Friday, May 16. But his personality may live forever. He was that unique among men.

He was a Christian, yes; he loved Christ devoutly; but he was admired and respected by men and clergy of all religions. He became a naturalized citizen of the United States in 1913, and he loved his adopted Nation truly; but he was admired and respected by many men of all nationalities. He was an uncommon man and loved by all who knew him.

He influenced thousands of men. Of all men in the theological arena today, his influence may extend the furthest and endure the longest.

All of us have many memories of Dr. Vereide. The week before he died I sat next to him at a prayer breakfast in the Senate side of our Capitol when we met with some elected representatives from Spain. He held a forceful philosophy. He was truly a disciple of Christ. Truly a man of God. It was often said that the only ability he required of any of his friends, associates or followers, was availability.

Mr. Speaker, the editorial by David Lawrence is as follows:

[From the Washington (D.C.) Evening Star, May 19, 1969]

PRAYER BREAKFASTS ARE A MEMORIAL

Abraham Vereide—the father of the prayer breakfast movement—who helped to create hundreds of prayer groups throughout the United States and in 70 countries of the world, has just passed away at his home in Washington at the age of 82.

Few men in American history, inside or outside the church, have exercised as much influence as did Dr. Vereide through the banding together of laymen of all religions to seek spiritual guidance in their personal and business life.

Dr. Vereide was responsible for the establishment in 1941 and 1942 of the Senate prayer breakfast and the House prayer breakfast, each of which meets weekly while Congress is in session. There are no sermons preached by ministers, but a member of the group acts as the leader at each meeting. All discussions are off the record.

The Senate and House groups hold a presidential prayer breakfast each year, which is attended by several hundred guests, including the President of the United States and high officials from all branches of the federal government.

There are gubernatorial prayer breakfasts annually in 47 states. In a number of states, regular gubernatorial prayer breakfasts are held similar to the weekly meetings of groups in the Senate and House.

Abroad, the movement has taken hold on every continent. In recent years, the chief of state has participated in annual prayer breakfasts in countries like Canada, Brazil and Korea.

The groups are nondenominational and nonsectarian. Persons of all faiths are invited to join in the prayer breakfasts. While the spread of the movement has been facilitated by the International Christian Leadership organization, founded by Dr. Vereide, each breakfast group in every city, state or country is spontaneously organized and operates on its own.

Dr. Vereide served for a number of years as a Methodist minister, and was for four years associate general superintendent of the Goodwill Industries of America. It was in 1935 that he put into motion the idea of the prayer breakfast group, setting up the first one in Seattle, Wash. As the movement spread, the International Christian Leadership was founded in 1947 as an instrument to encourage formation of the groups worldwide. Its basic budget of less than $80,000 a year is provided by contributions from individuals who are in the groups.

Today there are in the City of Washington alone about 40 prayer breakfast groups. Many of them are in the federal agencies, where the staff of a commission or department organizes a weekly prayer breakfast meeting. In groups throughout the country, members include judges as well as business and professional men and state and city officials. The attendance varies somewhat from week to week, but generally between 15 and 25 persons are present. This affords an opportunity for an intimacy of expression between individuals such as is not ordinarily developed.

The meetings usually begin at 8:30 a.m., and during the first half-hour of breakfast, there are conversations back and forth across the table. Both Republicans and Democrats participate. At 9 o'clock, the member who has been designated to lead presents a paper for 15 minutes, after which there is 15 minutes of discussion followed by a closing prayer.

Over the years, some close friendships have been built up in these meetings, including a better knowledge and understanding of each other between members of opposite parties. Frankness prevails, and the emphasis is on conscience and adherence to moral principles.

Even after some members of the House and Senate have left office, they frequently come back to the prayer breakfast meetings. The same experience is reported by those who attend the prayer breakfasts in the executive branch of the government here as well as in several of the parliamentary governments of the world.

Dr. Vereide's achievements have been known to a relatively small number of people, but he has left behind a lasting legacy in the form of prayer breakfast groups. It is likely not only to live on, but to grow as the movement continues to expand among the people on every continent of the globe.

Mr. ADAIR. Mr. Speaker, the passing of Abraham Vereide is a grievous loss to all of us who knew this great man. It has been the privilege of myself and my family to have been closely associated with Abraham and his family for a number of years now, and this association has indeed meant a very great deal to us.

Other speakers have detailed his life history and the work which he initiated and carried on as only he could have done. Without Abraham Vereide, I feel quite certain we would not at this time have firmly established the presidential prayer breakfast, the prayer breakfasts for Governors of the States, and many more prayer breakfasts for mayors of our cities. This is just one, but a major one to be sure, of the many aspects of the work of this man.

He believed firmly that our national leadership and the leadership of nations throughout the world should be led by God. Convinced of this, in recent years he and his associates have established contacts in literally scores of countries throughout the world for the purpose of bringing his idea—"Leadership led by God"—to those nations.

While Dr. Vereide, being himself a minister, had the greatest respect and admiration for clergymen, he believed wholeheartedly that it was necessary also for laymen to become involved in the work of the Lord and this concept was a lodestar in his life.

Abraham Vereide was a gentle, dedicated man, who was not only, as his biographer called him, "a modern viking," but he was also truly a modern saint. Mrs. Adair and I will miss him more than we can say.

Mr. McCLORY. Mr. Speaker, I am pleased to participate in this memorial tribute to a great American and spiritual leader, Dr. Abraham Vereide. It was my privilege to meet Dr. Vereide on a number of occasions and to listen to the inspired words of faith and dedication as he uttered them with eloquence and deep feeling—albeit with a bit of his native Norwegian accent.

As the founder of the congressional prayer breakfast groups and as the principal influence behind the presidential prayer breakfast ceremony, Dr. Vereide will be remembered as long as these important activities endure.

Dr. Vereide's noble deeds and his influence for good have had a lasting effect in the world in which we live. It is my understanding that the International Christian Leadership organization which he founded has encouraged the establishment of prayer breakfast groups among public figures in more than 40 countries. Indeed, I have had the privilege of meeting representative governmental leaders from Canada, Australia, Colombia, and other countries.

There is no question in my mind that these men will continue the work which Dr. Vereide began and will want to rededicate themselves to the great tasks which Dr. Vereide undertook and which he carried on throughout his long and productive life.

Mr. Speaker, in addition to these personal expressions of respect for Dr. Vereide, I want also to thank his son, the Reverend Milton Vereide, who delivered a moving eulogy to the memory of his father at the memorial service held last week at the Fourth Presbyterian Church in Bethesda. Several of my colleagues and I attended this service, which was conducted by Dr. Richard C. Halverson, pastor of the Fourth Presbyterian Church. Other members of Dr. Vereide's family were present at the service and all indicated that they were worthy legatees of a great and lasting heritage. Fortunately for the world this heritage is shared with many others. It is gratifying to recall at this hour that this spiritually minded man brought courage, understanding, and healing to a world in dire need of these blessings.

Mr. Speaker, in expressing these thoughts, I want also to communicate to all of the members of Dr. Vereide's family my deep sympathy and affection.

ONE-BANK HOLDING COMPANIES—THE BIGGEST THREAT TO SMALL BUSINESSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 45 minutes.

Mr. PATMAN. Mr. Speaker, the small- and medium-sized businessman is facing one of the greatest threats to his existence in this country.

That threat is in the form of the one-bank holding companies which have sprung up all over this Nation.

Through this loophole in the 1956 Bank Holding Company Act, these banks are able to use the holding company device to grab off small businesses of all kinds—everything from insurance to travel agencies. There is not a single small business enterprise that is not endangered by this movement of one-bank holding companies.

Yet, Mr. Speaker, most small businessmen and their organizations and lobbyists are standing idly by and watching this trend overwhelm them from all sides. The small businessman had better wake up before it is too late.

Mr. Speaker, the Banking and Currency Committee has just completed hearings on legislation to control these holding companies and to prevent the banks from using their monopoly powers to absorb and destroy other nonbanking businesses.

H.R. 6778, which I introduced on February 17, would place the one-bank holding companies under the regulation of the 1956 Bank Holding Company Act. In short, under H.R. 6778, banks would have to be banks. They could not use the holding company device to become predators in the business community.

Anything that the bank holding company did would have to be "closely related to banking" under the provisions of H.R. 6778.

The Nixon administration and its Secretary of the Treasury, David M. Kennedy, have proposed a countermeasure which would give the one-bank holding company broad leeway to move into nonbanking fields. The administration's proposal would allow the bank holding companies to acquire anything that they could show was "related to finance in nature."

Everything in this economy, of course, is "related to finance" in some manner. So the administration language is simply an open invitation to the big banks to start after the small businessman in earnest.

The administration legislation—if adopted—would declare "open season" on America's small business community.

The administration bill would be a giant step toward the concentration of power in a handful of large banks with a variety of business enterprises as satellites in the holding company web. Every movement in business would revolve around a large commercial bank as the center of a holding company operation.

It would lead to what Dr. Willard Mueller of the Federal Trade Commission was describing when he said:

> If the present accelerated trend of merging nonrelated companies continues, all major economic decisions in the United States may be made by less than 200 persons within a decade.

This trend poses a serious threat not only to the small merchant who faces the loss of his business, but to every consumer. Under a system of huge cartels, controlled by the financial giants, the consumer does not have a chance. His demands for better goods and lower prices will be ignored if we allow the economy to be concentrated in a few hands through this holding company device.

Already these bank holding companies—using the one-bank loophole—have moved into more than 100 different types of nonbanking enterprises around the country. They control department stores, agricultural enterprises, manufacturing. And in some cases, they have even grabbed off the communications media and are operating radio and television stations.

The list of businesses the banks have grabbed off through the one-bank holding company device is endless. They include farms; jewelry stores; insurance companies; real estate operations of all kinds, including serving as agents, brokers and managers; hotels and motels; motion picture production firms; motion picture theaters; hospitals; hardware stores; railroads; trucking firms; warehouses; tire and tube companies; soft drink bottling companies; motor vehicles equipment; building contractors; mail-order houses; wholesale grocery operations; and automobile rental firms.

The list goes on and on and it is growing daily.

So it is obvious that no business—not a single small businessman—is immune from this takeover by the one-bank holding companies. And it is time the small business community realized this fact. They have been tremendously slow to react to this danger.

Mr. Speaker, I want to be specific about some of these danger areas.

The travel agency business traditionally is a small business and it faces extinction unless we regulate these one-bank holding companies. The administration unfortunately has announced that it has no objections to the banks moving into the travel business. In other words, the 6,000 small businessmen who operate travel agencies will lose their enterprises to the bank holding companies with the administration's blessing.

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This Congress has a great opportunity—the opportunity to save 6,000 small businesses in this one area alone.

In defense of their acquisition of travel agencies, the banks have been spreading the propaganda line that they have always been in the travel business. They claim that they should be allowed to continue what they claim is a traditional service. This is so much hogwash.

The banks were not in the travel agency business in any meaningful fashion until the Comptroller of the Currency, James J. Saxon, illegally ruled in 1962 that no restrictions should be placed on national banks' entry in this field. That opened the door and now the administration is seeking to legalize and legitimize the Saxon ruling through the one-bank holding company bill, H.R. 9385.

Let us see just how true the banks' claims are about their longstanding activity in the travel business. The truth is, Mr. Speaker, that only 40 banks nationwide were engaged in any form of the travel business in 1958. But after the Saxon ruling, that number doubled almost overnight and by the beginning of this year it had grown to 150 banks. In other words, the big rush came on the heels of the Saxon ruling. And it is safe to assume that most of the major banks would move into the travel business if the broader administration version of the holding company legislation is enacted.

Mr. Speaker, the testimony of Peter H. Grimes, of Concord, Mass., who operates travel agencies in three towns clearly illustrates what these small businessmen are up against when the bank holding companies are allowed to move in. Here is what he said:

> Travel agents are not afraid of competition, in fact they thrive on it. However, a bank as a competitor is a different matter.
>
> No other business institution with such overpowering assets could potentially exert the pressure and influence as a bank can. At the same time banks are protected by law against non-banking competitors.
>
> Travel agents must use banks to handle their deposits, receipts, and payments. Consequently, the bank has a ready made source of information on anything the travel agency customer does. With their wholesale adoption of computer techniques, the bank can analyze the travel business from any angle and can bring to bear upon its complexities the entire resource of a banking enterprise.
>
> If the bank acts as confidential financial advisor to the agent, that is one thing, but if the bank uses its privileged position as a competitor, or even a potential competitor, that is quite another.

Mr. Speaker, the Congress should not allow the banks to swallow up these 6,000 small businessmen.

And even more vulnerable to the predatory raids of the one-bank holding companies is the data processing industry—a new and growing field. The banks have spotted this lucrative area and have every intention of taking over the hundreds of new enterprises that have entered data processing in the last few years.

Today there are about 1,600 data processing firms, two-thirds of which have gross income of $300,000 or less per year. They are small- and medium-size businessmen.

But, the banks are moving fast under the claim that they have "excess capacity" in their own computers and that they must be allowed to sell this excess in competition with the data processing industry. Of course, it is obvious that the banks are consciously investing in larger and larger data processing equipment for the very purpose of moving outside of the banking area.

The president of United Data Centers, Inc., Mr. Bernard Goldstein, appeared before the Banking and Currency Committee on April 29 and described the situation in this manner:

> The word "conglomerate" is a little tarnished today, but—it is explicit. That is why the banks have selected a newer and softer word: congeneric. The intent remains exactly the same. Let banking organizations explain the congeneric relationship to one of their first targets, data processing services—it cannot be done. The usual attempt is in terms of excess hardware—but we who are informed know that this is not so. First, computers come in all sizes, costs, and speeds; hence selectivity will solve excess capacity. Second, for those banks still too small for their own small computer, larger correspondent banks are frequently most willing to provide standard bank data processing. Finally, for those banks both too small for their own computer and obsessed with not wanting their correspondent banks to be exposed to confidential data, Congress has already provided enabling legislation for bank data processing cooperatives.
>
> Forgive me if I say that the great national banks have given birth not to a mere mouse—but to a rat. And, as you know, a rat is much bigger, much uglier, a much hungrier animal. And, gentlemen, do not doubt for a minute that, in the spirit of the rat, the One Bank Holding Companies, with the encouragement provided by Comptrollers of the Currency who only say "yes", and of deceptive placebos like the Administration Bill before this Committee, will gobble up countless companies until they metamorphose, sooner than you think, into cartel-like, Japanese-style industrial giants capable of modifying the fabric of our national life.
>
> Needless to say, this sort of industrial giant we have described may be well suited to the needs of a country like Japan and that is the business of the Japanese. But, what you must ask yourselves is, "are they suited to the future needs of this country?" And—even more important—are they compatible with our traditional freedom, particularly the freedom of opportunity?

And closely related to this grab in the data processing field is the big banks' giant stride in providing accounting services. In many communities, the big banks are engaging in unfair competitive practices against the thousands of professional accountants and certified public accountants.

Nationwide, there are an estimated 100,000 independent CPA's, at least another 50,000 professional accountants. These independent, small businessmen cannot compete with the banks and they should not be expected to do so.

Here, as in other areas, the possibilities for the banks to force "tie-in" arrangements are unlimited. The bank which makes the local businessman a $50,000 loan can quietly urge him to use the bank's own accounting services. The individual accounting firm cannot meet this type of competition.

The administration bill, H.R. 9385, specifically turns the Nation's insurance business over to the bank holding companies. It does not even attempt to hide this fact. It is in the language of the bill.

This poses an extreme danger to the nearly 600,000 people who are employed in insurance agency businesses throughout the Nation. These agencies are, for the most part, small local enterprises, one of the cornerstones of our free enterprise system. Already, in many States, these insurance agencies are fighting for their lives against the encroachment of the big bank holding companies, which are moving into the insurance agency business. And now the administration bill would legalize this massive raid on thousands of small insurance agents.

Actually, the insurance agent faces an attack from two sides in the administration bill. There is nothing in the administration bill that would prevent a bank holding company from moving directly into the insurance agency business. But, more significant, is the fact that the administration bill would allow the bank holding companies to acquire huge insurance companies. And when this is done, you can rest assured that the bank holding companies will establish their own agencies and in most cases will not even bother to buy out the existing agencies. They will just create their own and force the existing agencies out of business.

There is little doubt that the big banks, which have formed one-bank holding companies, have their eye on the large insurance companies. For example, the First National City Bank of New York, the Nation's third largest bank, has announced plans to acquire the huge Chubb Insurance Corp., one of the Nation's largest.

And various news media have indicated possible mergers between Chase Manhattan National Bank and Travelers Insurance Company; Manufacturers Hanover Trust Company and the Continental Insurance Companies; and Morgan Guaranty Trust and Aetna Life Company.

These banks, along with the First National City Bank, hold almost 16 percent of the financial and trust assets of all commercial banks in the United States. The four insurance companies comprise almost 6 percent of all the insurance company assets in the United States. By combining the bank holding companies and these insurance companies, four banking institutions would control approximately $115 billion worth of assets.

This is the kind of concentration of economic power that is implicit throughout the administration's bill.

The one-bank holding company situation also poses real dangers to the banks operating in the small- and medium-sized communities around the country. The one-bank loophole provides the means for the big banks to make the "boardinghouse reach" into territories of locally owned banks.

Through this device, a large bank can come in and absorb major businesses right in these communities. A local factory—perhaps the major employer in a town—can be absorbed overnight as a subsidiary of one of these holding companies. And when this happens, do you think the local bank will continue to handle the payroll and the account of this concern? Do you think that this factory will be turning to the local independent bank for loans?

The answer is obvious. That factory will be operated as a wholly owned subsidiary of the financial conglomerate. It will be turning to the holding company's own bank for all service in the financial area.

Once this local enterprise is absorbed, its days may well be numbered as a member of the community. The decisions to close the plant, to expand it, to diversify it, will not be made locally, but in the offices of the absentee financial conglomerate. This is no theory. This kind of disappearance of small firms as a result of conglomerate activities is occurring all over the Nation.

The Assistant Attorney General for Antitrust in the Nixon administration, Richard McLaren, has expressed great alarm over this very fact. And I quote from Mr. McLaren's testimony before the Ways and Means Committee of the House of Representatives recently:

> I am concerned over the human dislocations which result from these mergers. When the headquarters of one or two large companies are moved from a smaller city to New York, Chicago, or Los Angeles, there is a serious impact upon the community . . . the community loses some of its best-educated, most energetic and public-spirited citizens. Even some larger cities may become "branch house cities" whose major business affairs are directed by absentee managers.

Mr. Speaker, unfortunately, many people have defended the banks' boardinghouse reach by talking about the need to "modernize" and the need to "be contemporary" and the need to "innovate."

These defenders of the banks' boardinghouse reach are now claiming that business innovation is dependent on the concentration of economic power in the hands of a few commercial bank holding companies.

No one disagrees with the need to have an innovative enterprise system in this Nation. I am all for it. But I do not accept the theory that the banks are the only enterprise that can provide innovation. If we are dependent on the banks for innovation, then the Nation is indeed in a serious situation. The banks have traditionally been the very opposite of innovative. The concentration of this power as contemplated in the administration's holding company bill would stifle competition and would put an end to innovation.

Competition has always been the moving force behind innovation in the American free enterprise system. The whole history of banking and banking legislation recognizes that banks are in a privileged position in the economy. They are, for all practical purposes, monopolies, granted certain rights, immunities, and limitations. They have great privileges—necessary privileges—which no other corporation enjoys.

It is improper and wrong for the banks now to ask that they be allowed to move into nonbanking areas with these special privileges and immunities. Carrying with them their special status as monopolies, or quasi-monopolies, the banks can only be "unfair competitors" in these nonbanking areas.

It is the responsibility of the Congress to make sure that the special privileges and rights that it has granted the banks are not used to compete unfairly with other segments, of the business community. The banks have been accorded a special place in the economy with special responsibilities. They should be required to remain in the area of banking. They should not be allowed to move into other fields such as insurance, travel agencies, or accounting, any more than these businesses should be allowed to become banks.

Mr. Speaker, I have talked about a few of the small business enterprises directly threatened by the one-bank holding companies and by the laxity of the administration's approach to regulation in this area. But, let me emphasize that the dangers are not limited to the enterprises I have mentioned here. Every businessman, every enterprise, is under attack from these one-bank holding companies.

It is unfortunate that so few small businessmen and small business organizations have come forward to defend their position before the Congress. It is unfortunate that so little is being done to counter the lobbying being engaged in by the Treasury Department and the big banks. Mr. Speaker, I hope that the organizations that are supported by the small businessmen throughout the country will go to work on this issue. I hope that they will alert their membership to the grave dangers. Frankly, I do not understand the lack of activity on the part of the small business community. This legislation is life or death for them.

Likewise, Mr. Speaker, I hope that the consumer organizations and others who have long spoken out against unfair competition and against monopoly will come forward before this legislation is enacted. The consumer organizations have as much to lose as anyone if the big banks are allowed to change the economic system in this manner.

Mr. Speaker, many of us on the Banking and Currency Committee are willing to make the fight to control the predatory activities of these one-bank holding companies. But it is necessary that the groups affected come forward and present their case to all Members of the Congress. Now is the time to act.

FIVE-TO-FOUR DECISIONS: THE TIME FOR A RULING BY CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, through the courtesy of the Library of Congress, I am today able to present for publication in the CONGRESSIONAL RECORD a compilation of 5-to-4 decisions by the Supreme Court over the past 15 years.

I offer this information as additional evidence of the need to adopt House Joint Resolution 82, to provide that Congress, by a two-thirds vote of both Houses, be enabled to override a decision by the Supreme Court. In offering this list I wish to point out that my request to the Library involved only the so-called liberal rulings by the Court and that I would welcome an addendum of so-called conservative decisions should any of my colleagues feel it advantageous to provide such material. Every such verdict, regardless of which viewpoint it may reflect, supports my position on House Joint Resolution 82.

The appearance of 5-to-4 decisions is especially timely in view of the current furor over the Abe Fortas affair. The case underscores the danger of permitting one branch of Government, in which a single individual has virtually immutable power over the life and property of every citizen, to function without the semblance of the restraint intended in our system of checks and balances. Now that the fallibility of the Court is finally admitted, Congress should lose no time in pursuing a course necessary to protect this Nation from further misinterpretations of the Constitution and misuse of authority granted by the Constitution.

Our responsibility to act now may have been foreseen many years ago, for Thomas Jefferson wrote in 1823:

> At the establishment of our Constitution, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a free hold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, little by little the foundations of the Constitution, and working its change by construction, before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life, if secured against all liability to account.

Earlier in 1821, Jefferson had written:

> It is a misnomer to call a government republican, in which a branch of the supreme power is independent of the nation.

Rather than permit the Supreme Court to remain independent of the Nation and free to undermine the intent of the Constitution and the responsibility of the legislative branch, I submit that Congress is obligated to adopt House Joint Resolution 82 not only to apply effectively the system of checks and balances but also to restore the confidence of the people in a government currently under serious criticism.

Congress is not alone in protesting the Court's penchant for making laws to conform with the idiosyncratic philosophies and notions of a bare majority. Conscientious Justices themselves are becoming increasingly concerned at the unauthorized broadening of the judiciary's prerogative by the Supreme Court.

Because his remarks are so pertinent at this time, I ask that the RECORD show the complete article by Justice Hugo Black that appeared in the Washington Sunday Star of March 24, 1968. It follows:

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JUDICIAL "ACTIVISM" AND "RESTRAINT": A JUSTICE DEFINES THE DIFFERENCE

(By Justice Hugo Black)

Judges may also abuse power, of course, not because they are corrupt, but because of a completely honest belief that unless they do act the Nation will suffer disaster. Unfortunately such honest beliefs too often reflect nothing more than an all-too-common human hostility to change.

Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make. Thus, for the reasons that I have been discussing I strongly believe the public welfare demands that constitutional cases must be decided according to the terms of our Constitution itself and not according to the judges' views of fairness, seasonableness or justice . . .

JUDICIAL ACTIVISM

With what I have said in mind, I would next like to discuss a name which of late years has crept into our vocabulary and which has frequently been applied to me, "judicial activist." In the main this term has been used as one of criticism and reproach aimed at federal judges, particularly Justices of the United States Supreme Court who, in deciding cases before them, are charged with either (1) being willing or even anxious to determine constitutional questions that could have been avoided or (2) determining constitutional and other legal questions not on the basis of what the law is but on what the deciding judges believe it should be. Since this name "activist" has been applied to me as a label, which unfortunately I think has served as a substitute for careful thinking and writing and also as a fallacious shortcut to unjustified conclusions, I would like, so to speak, to set the record straight.

There is one school of legal thought that seems to rest on the premise that it is an unpardonable constitutional sin for a judge to decide a case on a constitutional ground if there is any possible excuse either to refuse to decide it at all or to decide it on some statutory or other non-constitutional ground. A violation of this judge-created judicial offense is often given the bad sounding label of "judicial activism" and the judge who commits the sins is branded an activist.

I cannot myself subscribe to the view that judges should always and invariably avoid a determination of constitutional questions if it is any way possible to dispose of a particular case on a non-constitutional ground. There are few cases, if any, where judges cannot conjure up and articulate arguments that are at least plausible to get rid of cases on non-constitutional grounds. Such a resort to merely plausible reasons to avoid deciding constitutional questions has never seemed to me to be an ennobling example of judicial piety, morals or ethics. The necessity for complete candor in deciding cases cannot, in my opinion, be outweighed by any supposed dogmatic imperative to avoid constitutional questions.

THE PUBLIC WELFARE

There come times when the public welfare calls loudly for putting an end to constitutional doubts about laws that may vitally affect the daily lives and practices of millions of people. Such doubts about highly valuable constitutional or statutory rights may cause delays in their enjoyment tantamount to their complete destruction. And persons subjected to burdensome duties by new untested statutes frequently may be caused to suffer irreparable losses by dilatory judicial practices that prevent constitutional tests of those new laws in the courts.

A good example of this kind of thing is the statute establishing the Subversive Activities Control Board. This is a law, which as I stated in my dissenting opinions in *Communist Party v. Subversive Activities Control Board* and *American Committee for Protection of Foreign Born v. Subversive Activities Control Board*, is a bill of attainder; imposes cruel, unusual and savage punishments for thought, speech, writing, petition and assembly; and stigmatizes people for their beliefs, associations and views about politics, law and government. And yet since 1951, when a three-judge District Court in *Communist Party v. McGrath* refused to rule on the constitutionality of the Subversive Activities Control Act, important provisions of this statute have been enforced.

In case after case affecting so-called "communist front" organizations the parties have been told that the crucial constitutional issue was not yet ripe. This reached what in my mind was the height of absurdity in the case of *Veterans of the Abraham Lincoln Brigade v. Subversive Activities Control Board*, where, after fighting their way up through the tangled web of administrative and judicial review for 10 years, the petitioners' constitutional questions, when they finally reached the Supreme Court, were remanded to the lower court because of the staleness of the record.

DUBOIS CLUBS

Again this term the DuBois Clubs of America attempted to challenge the constitutionality of the Subversive Activities Control Board, and you would think that after 16 years those associations threatened by the Act would finally be entitled to a decision by the Supreme Court as to just how far Congress can go in establishing a pervasive regulatory scheme in the First Amendment field of speech, assembly and association. But once again a majority of the Court refused to meet and decide the constitutional issues. (*WEB DuBois Clubs of America* v. *Clark*, —— *U.S.* ——.) In this case there was a clear possibility that the delay involved could very well result in the disintegration of the affected organization before it could have its constitutional claims adjudicated since the pressure inherent in registering with the Board had already begun to take its toll.

Indeed, as the petitioners pointed out in *DuBois*, the Attorney General himself had said that "one of the major purposes of the Act" was to destroy affected organizations before administrative proceedings began and that "most groups petitioned [to register] become defunct or dissolved before action could be taken." My reaction to this is that it is an outrageous violation of our Constitution that such a Board, which serves no useful function and to some extent at least appears to have become a sinecure for politically expedient appointments, is allowed for any length of time to curtail the exercise of the First Amendment rights of speech, assembly and association. And this has been allowed to happen because of a judge-created doctrine that it is inherently good to avoid constitutional issues.

Here another label or name comes into focus; it is "judicial restraint." For this is the term frequently applied to the doctrine of avoiding constitutional questions and leaving them up in the air as long as there is a possibility of deciding a case on other grounds. Once again I think this term is ambiguous and ill-conceived and when used in this way, it is right to say that I am no apostle of this kind of judicial restraint, although, as I have made clear earlier, I believe strongly that judges are restrained by the Constitution, and that changes in that basic charter should be made by the people and their representatives and not by judges.

JUDICIAL ABDICATION

By avoiding constitutional issues in cases such as those concerned with the Subversive Activities Control Board and others to which I need not now refer, I think the Supreme Court abdicates the responsibility assigned it under Marbury v. Madison, with which I fully agree, that the Judicial Department of our Government has the last word in deciding whether a statute is in accord with the Constitution. As Justice Marshall said there:

"The powers of the Legislature are defined and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if those limits may be, at any time, be passed by those intended to be restrained? . . . Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and, consequently the theory of every such government must be, that an act of the legislature, repugnant to the Constitution is void. This theory is essentially attached to a written constitution . . ."

I believe that the responsibility of judicial review was fully understood by those who wrote the Constitution, and certainly by those who most carefully considered the problem. This fact is shown, I think, by the Federalist papers, the records of the debates in the Constitutional Convention and in the States, and the Annals of Congress' report of the debates on the Bill of Rights. Madison, himself, in arguing for adoption of the Bill of Rights stated:

"If they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the constitution by the declaration of rights."

JUDICIAL OBSTACLES

I think that the Framers were right in believing that such judicial power is an essential feature of our type of free government, and I believe it ill behooves the courts to restrict their usefulness in protecting constitutional rights by creating artificial judicial obstacles to the full performance of their duty.

The essential protection of the liberty of our people should not be denied them by invocation of a doctrine of so-called "judicial self-restraint." This term has been made an alluring one by its worshippers connoting noble judicial conduct, somewhat as the term "judicial activism" has been used to connote something ignoble.

But, as I have tried to make clear, when judges have a constitutional question in a case before them, and the public interest calls for its decision, refusal to carry out their duty to decide would not, I think, be the exercise of an enviable "self-restraint." Instead I would consider it to be an evasion of responsibility.

In sum, I think determining when a judge shall decide a constitutional question calls for an exercise of sound judicial judgment in a particular case which should not be hobbled by general and abstract judicial maxims created to deny litigants their just deserts in a court of law, perhaps when they need the court's help most desperately.

Consequently, if it is judicial activism to decide a constitutional question which is actually involved in a case when it is in the public interest and in the interest of a sound judicial system to decide it, then I am an "activist" in that kind of case and shall, in all probability, remain one. In such circumstances I think "judicial self-restraint" is not a virtue but an evil.

MATTER OF OPINION

When I get to the other meaning of "judicial activist," however, namely, one who believes he should interpret the Constitution and statutes according to his own belief of what they ought to prescribe instead of what they do, I tell you at once I am not in that group. The courts are given power to inter-

> pret the Constitution and laws, which means to explain and expound, not to alter, amend or remake. Judges take an oath to support the Constitution as it is, not as they think it should be.
>
> I cannot suoscribe to the doctrine that consistent with that oath a judge can arrogate to himself a power to "adapt the Constitution to new times." The soft phrases used to claim that power for judges have siren-like appeal. For one who has a legitimate power to interpret there is at first a certain persuasive note in the constant repetition to him that in explaining a Constitution meant for the ages he should not stick to its old 18th century words but substitute others to make the Constitution best serve the current generation. And there is a certain appeal in the argument that the dead should not control the living. But adherence to the Constitution as written does not mean we are controlled by the dead. It means we are controlled by the Constitution, truly a living document. For it contains within itself a lasting recognition that it should be changed to meet new demands, new conditions, new times. It provides the means to achieve these changes through the amendment process in Article V. Twenty-two Amendments have been added since the Constitution was adopted, some of them with very little difficulty or delay, and I have no doubt that others will be adopted when the sound views of the people call for them. . . .

Nor should Congress overlook these earlier remarks of Justice Black at the Columbia University Law School Carpentier Lectures:

> Other judges, with an equally honest belief that changes are absolutely imperative, take it upon themselves to make changes which Congress alone has legislative power to make . . .
>
> The Courts are given power to interpret the Constitution and laws, which means to explain and expound, not to alter, amend, or remake.

A present member of the Court who apparently is of the opinion that the Court must take upon itself the duty to change laws is Justice William Brennan, if the following paragraphs appearing in the Washington Daily News are from an accurate account of his address to the National Council on Crime and Delinquency:

> Justice Brennan said case after case brought before the court showed that neither congressional nor state legislation had been taken to enforce the Constitution.
>
> "All too often," he said, "the practical choice has been between the court doing the job or no one doing it at all."

In his dissent to the Wesberry against Sanders decision in 1964, Justice John Marshall Harlan wrote:

> This Court, no less than all other branches of the Government, is bound by the Constitution. The Constitution does not confer upon the Court blanket authority to step into every situation where the political branch may be thought to have fallen short. The stability of this institution ultimately depends not only upon its being alert to keep the other branches of government within Constitutional bounds, but equallv upon recognition of the limitations on the Court's own functions in the constitutional system.

In the infamous Miranda case, Justice Harlan was joined by Justices Byron White and Potter Stewart in expressing astonishment that the Constitution can be read to support the Court's new rules on custodial police interrogation.

New rules and new laws and new policies by the Supreme Court cannot be tolerated, Mr. Speaker. Justice White stated further in his dissent on the Miranda ruling:

> If the Court is here and now to announce new and fundamental policy . . . (its) text and reasoning should withstand analysis . . . and not proceed . . . on speculation alone . . . There is, in my view, every reason to believe that a good many criminal defendants, who otherwise would have been convicted on what this Court has previously thought to be the most satisfactory kind of evidence, will now . . . either not be tried at all or acquitted, if the state's evidence, minus the confession, is put to the test of litigation . . . In some unknown number of cases the Court's rule will return a killer, a rapist or other criminal to the streets . . . to repeat his crime wherever it pleases him.

For the further elucidation of my colleagues on the desirability of adopting House Joint Resolution 82, I include the Library of Congress' brief statements on the significance of each of the landmark 5-to-4 rulings in the RECORD:

The 5-to-4 rulings alone explain why convicted criminals prowl the streets, Communists cannot be kept off of our school faculties or out of our defense plants, military deserters can flee to other countries without fear of being stripped of U.S. citizenship and obscene material is being distributed to children scarcely out of the Walt Disney age groups.

The Library of Congress material follows:

THE LIBRARY OF CONGRESS,
Washington, D.C. November 2, 1964.

From: American Law Division.
Subject: 5 to 4 Supreme Court decisions. 1954–1963.

This will refer to your request of October 26, 1964 for the number of 5 to 4 United States Supreme Court decisions in the last ten years on constitutional questions.

During the October Term, 1954 to October Term, 1963 the Supreme Court rendered 88 decisions on a veto of five to four on constitutional questions (including companion cases decided with the main opinion, but not including decisions and orders of the court without opinion). Since it is frequently difficult to invoke a clear distinction between a "constitutional" question and one which does not involve a constitutional problem, we have also included a further list, so as to furnish a complete tabulation of all 5 to 4 opinions during this period. On other questions (e.g., statutory interpretations, criminal procedure) there were 74 five to four decisions.

The constitutional decisions are:

1. Ellis v. Dixon, 349 U.S. 458 (1955).
2. U.S. v. Twin City Power Co., 350 U.S. 222 (1956).
3. Slochower v. Board of Education, 350 U.S. 551 (1956).
4. Griffin v. Illinois, 351 U.S. 12 (1956).
5. Delli Paoli v. U.S., 352 U.S. 232 (1957).
6. In re Groban, 352 U.S., 330 (1957).
7. Pollard v. U.S., 352 U.S. 354 (1957).
8. Rowoldt v. Perfetto, 355 U.S. 115 (1957).
9. Moore v. Michigan, 335 U.S. 155 (1957).
10. Green v. U.S., 335 U.S. 184 (1957).
11. Lambert v. U.S., 355 U.S. 225 (1957).
12. City of Detroit v. Murray Corp., 355 U.S. 489 (1958).
13. American Motors Corp. v. Kenosha, 356 U.S. 21 (1958).
14. Peroz v. Brownell, 356 U.S. 44 (1958).
15. Trap v. Dulles, 356 U.S. 86 (1958).
16. Brown v. U.S., 356 U.S. 148 (1958).
17. Green v. U.S., 356 U.S. 165 (1958).
18. Thomas v. Arizona, 356 U.S. 390 (1958).
19. Public Service Comm. v. U.S. 356 U.S. 421 (1958).
20. Ciucci v. Illinois, 356 U.S. 571 (1958).
21. Kent v. Dulles, 357 U.S. 116 (1958).
22. Dayton v. Dulles, 357 U.S. 144 (1958).
23. Hanson v. Denckla, 357 U.S. 235 (1958).
24. Gore v. U.S., 357 U.S. 386 (1958).
25. Bohlen v. Board of Education, 357 U.S. 399 (1958).
26. Crooker v. California, 357 U.S. 433 (1958).
27. Lerner v. Casey, 357 U.S. 488 (1958).
28. The Tanges v. Skovgaard, 358 U.S. 588 (1959).
29. United Pilots Association v. Halecki, 358 U.S. 613 (1959).
30. Brown v. U.S., 359 U.S. 41 (1959).
31. Bartrus v. Illinois, 359 U.S. 121 (1959).
32. The Monrosa v. Carben Black, Inc., 359 U.S. 180 (1959).
33. Frank v. Maryland, 359 U.S. 360 (1959).
34. Irvin v. Dowd, 359 U.S. 394 (1959).
35. Uphaus v. Mycas, 360 U.S. 72 (1959).
36. Barenblatt v. U.S., 360 U.S. 109 (1959).
37. Allegheny County v. Nashuda Co., 360 U.S. 185 (1959).
38. Anonymous v. Baker, 360 U.S. 287 (1959).
39. Rosenberg v. U.S., 360 U.S. 367 (1959).
40. Carr v. Matteo, 360 U.S. 564 (1959).
41. In re Sawyer, 360 U.S. 622 (1959).
42. Abel v. U.S., 362 U.S. 217 (1960).
43. Mitchell v. B. B. Zachry Co., 362 U.S. 319 (1960).
44. Parker v. Ellis, 362 U.S. 574 (1960).
45. Levine v. U.S., 362 U.S. 610 (1960).
46. Kiam v. Rosenberg, 363 U.S. 405 (1960).
47. Flemming v. Nester, 363 U.S. 603 (1960).
48. Gonzales v. U.S., 364 U.S. 59 (1960).
49. Wolfe v. North Carolina, 364 U.S. 177 (1960).
50. Elkins v. U.S., 364 U.S. 206 (1960).
51. Rios v. U.S., 364 U.S. 253 (1960).
52. McPhanl v. U.S., 364 U.S. 372 (1960).
53. Shelton v. Tucker, 364 U.S. 479 (1960).
54. Carr v. Young, 364 U.S. 479 (1960)—companion case to Shelton, *supra*.
55. Times Film Corp. v. Chicago, 365 U.S. 43 (1961).
56. Wilkinson v. U.S., 365 U.S. 399 (1961).
57. Braden v. U.S., 365 U.S. 431 (1961).
58. Stewart v. U.S., 366 U.S. 1 (1961).
59. Konigsberg v. State Bar, 366 U.S. 36 (1961).
60. In re Anastalpo, 366 U.S. 82 (1961).
61. Cohen v. Harely, 366 U.S. 117 (1961).
62. Eli Lilly and Co. v. Sav-On-Drugs, 366 U.S. 276 (1961).
63. Communist Party v. Control Board, 367 U.S. 1 (1961).
64. Scoles v. U.S., 367 U.S. 203 (1961).
65. Gori v. U.S., 367 U.S. 364 (1961).
66. Poe v. Ullman, 367 U.S. 497 (1961).
67. Baxton v. Ullman, 367 U.S. 497 (1961)—companion case to *Boxton*.
68. Cafeteria Workers v. McUlroy, 367 U.S. 886 (1961).
69. Killian v. U.S., 368 U.S. 231 (1961).
70. Oyler v. Boles, 368 U.S. 448 (1962).
71. Crabtree v. Boles, 368 U.S. 448 (1962)—companion case to *Oyler*.
72. Mong Sun v. U.S., 371 U.S. 471 (1963).
73. Kennedy v. Mendoza-Martinez, 372 U.S. 144 (1903).
74. Rusk v. Cort, 372 U.S. 144 (1963).
75. Townsend v. Sain, 372 U.S. 293 (1963).
76. Draper v. Washington, 372 U.S. 487 (1963).
77. Gibson v. Florida Legislative Committee, 372 U.S. 539 (1963).
78. Downum v. U.S., 372 U.S. 734 (1963).
79. Florida Avocado Growers v. Paul, 373 U.S. 132 (1963).
80. Haynes v. Washington, 373 U.S. 503 (1963).
81. Fahy v. Connecticut, 32 United States Law Week (LW) 4021 (1963).
82. Rugendorf v. U.S. 32 LW 4298 (1964).
83. U.S. v. Barnett, 32 LW 4304 (1964).

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84. Parden v. Terminal Railway, 32 LW 4393 (1964).

85. General Motors v. Washington, 32 LW 4482 (1964).

86. Malloy v. Hogan, 32 LW 4507 (1964).

87. Escohedo v. Illinois, 32 LW 4605 (1964).

88. Jackson v. Denno, 32 LW 4620 (1964).

Cases involving other questions are:

1. Indian Towing Co. v. U.S., 350 U.S. 61 (1955)—statutory construction, hereafter abbreviated to S/C.

2. Ryan Co. v. Pan-Atlantic Corp., 350 U.S., 124 (1956)—S/C.

3. Rea v. U.S. 350 U.S. 214 (1945)—Federal Rules of Criminal Procedure.

4. East Texas Lines v. Frozen Food Exp., 351 U.S. 49 (1956)—S/C.

5. Cahill v. New York, N.H.&H.R. Co., 351 U.S. 183 (1956)—procedure.

6. Offutt Housing Co. v. Sarpy County, 351 U.S. 253 (1956)—S/C.

7. Darley v. Mayo, 351 U.S. 2/7 (1956)—this case involved a constitutional matter but the court dismissed it for lack of jurisdiction.

8. Black v. Cutter Laboratories, 351 U.S. 292 (1956)—this case involved also a constitutional matter, but the court dismissed it for want of a federal question.

9. Jay v. Boyd, 351 U.S. 345 (1956)—S/C.

10. Reed v. Pennsylvania R. Co., 351 U.S. 502 (1956)—S/C.

11. Farr v. U.S., 351 U.S., 513 (1956)—procedural matter.

12. Massachusetts Bonding Co. v. U.S., 352 U.S. 126 (1956)—S/C.

13. Labuy v. Howes Leather Co., 352 U.S. 249 (1957)—S/C and federal criminal rules.

14. Nilva v. U.S., 352 U.S. 385 (1957)—federal criminal rules.

15. Baltimore & Ohio R. Co., v. Jackson, 353 U.S. 325 (1957)—S/C.

16. Arnold v. Panhandle & S.F.R. Co., 353 U.S. 360 (1957)—S/C.

17. Jackson v. Taylor, 353 U.S. 569 (1957)—S/C.

18. Fowler v. Wilkinson, 353 U.S., 583 (1957)—S/C.

19. Smith v. Sperling, 354 U.S. 91 (1957)—procedural matter.

20. Swanson v. Traer, 354 U.S. 114 (1957)—procedural matter.

21. Nashville Milk Co. v. Carnation Co., 355 U.S. 373 (1958)—S/C.

22. Safeway Stores v. Vance, 355 U.S. 389 (1958)—S/C.

23. F.T.C. v. Standard Oil Co., 355 U.S. 396 (1958)—S/C.

24. Kernan v. American Dredging Co., 355 U.S. 426 (1958)—S/C.

25. U.S. v. Ball Construction Co., 355 U.S. 587 (1958)—S/C.

26. County of Marin v. U.S., 356 U.S. 412 (1958)—S/C.

27. Masciale v. U.S. 356 U.S., 386 (1958)—criminal procedure.

28. Leng May M. v. Barber, 357 U.S. 185 (1958)—S/C.

29. Rogers v. Quan, 357 U.S. 193 (1958)—S/C.

30. U.S. v. A&P Trucking Co., 358 U.S. 121 (1958)—S/C.

31. Romero v. International Term Co., 358 U.S. 354 (1959)—S/C.

32. S.E.C. v. Variable Annuity Co., 359 U.S. 65 (1959)—S/C.

33. U.S. v. Shirley, 359 U.S. 255 (1959)—S/C.

34. Arroyo v. U.S., 359 U.S. 419 (1959)—S/C.

35. T.I.N.E., Inc. v. U.S., 359 U.S. 464 (1959)—S/C.

36. Pittsburgh Plate Glass Co. v. U.S., 360 U.S. 395 (1959)—criminal procedure.

37. Galax Mirror Co. v. U.S., 360 U.S. 395 (1959)—criminal procedure.

38. Farmers Union v. Day, 360 U.S. 525 (1959)—S/C.

39. Inman v. Baltimore & Ohio R. Co., 361 U.S. 138 (1959)—S/C.

40. Flora v. U.S., 362 U.S. 145 (1960)—S/C.

41. Telegraphers v. Chicago & N.W.R. Co., 362 U.S. 330 (1960)—S/C.

42. Miller Music Corp. v. Daniels, Inc., 362 U.S. 373 (1960)—S/C.

43. Nuikkanen v. McAlexander, 362 U.S. 390 (1960)—S/C.

44. U.S. v. Republic Steel Corp., 362 U.S. 482 (1960)—S/C.

45. Schaffer v. U.S., 362 U.S. 511 (1960)—criminal procedure.

46. Karp v. U.S., 362 U.S. 511 (1960)—criminal procedure (companion case to *Schaffer*.)

47. F.T.C. v. Brech & Co., 363 U.S. 166 (1960)—S/C.

48. U.S. v. Brosnan, 363 U.S. 237 (1960)—tax law.

49. Bank of America v. U.S., 363 U.S. 237 (1960)—tax law (companion case to *Brosnan*.)

50. Schilling v. Rogers, 363 U.S. 666 (1960)—S/C.

51. Cory Corp. v. Souber, 363 U.S. 709 (1960)—S/C.

52. Sunray Oil Co. v. F.P.C. 364 U.S. 137 (1960)—S/C.

53. Sun Oil Co. v. F.P.C., 364 U.S. 170 (1960)—S/C.

54. Nichalic v. Cleveland Tankers, Inc., 364 U.S. 325 (1960)—S/C.

55. Polites v. U.S. 364 U.S. 426 (1960)—S/C.

56. Callanan v. U.S., 364 U.S. 587 (1961)—S/C.

57. Green v. U.S., 365 U.S. 301 (1961)—Federal Criminal Rules.

58. Milenovich v. U.S., 365 U.S. 551 (1961)—Federal criminal procedure.

59. Horton v. Liberty Mutual Ins. Co., 367 U.S. 348 (1961)—S/C.

60. Lott v. U.S., 367 U.S. 421 (1961)—S/C.

61. American Automobile Assoc. v. U.S., 367 U.S. 687 (1961).

62. Mechling Barge Lines v. U.S., 368 U.S. 324 (1961)—S/C.

63. Hill v. U.S., 368 U.S. 424 (1962)—Federal criminal rules.

64. Foller v. C.B.S., 368 U.S. 464 (1962)—S/C.

65. Schlude v. Commissioner, 372 U.S. 128 (1963)—S/C.

66. Wisconsin v. F.P.C., 373 U.S. 294 (1963)—S/C.

67. California v. F.P.C., 373 U.S. 294 (1963)—S/C (companion case to *Wisconsin*.)

68. Long Island Co. v. F.P.C., 373 U.S. 294 (1963)—S/C (companion case to *Wisconsin*.)

69. National Equipment Rental v. Szukhent, 32 L.W. 4070 (1964)—federal rules of civil procedure.

70. Red Ball Motor Freight v. Shannon, 32 L.W. 4443 (1964)—S/C.

71. U.S. v. Shannon, 32 L.W. 4443 (1964)—S/C (companion case to *Red Ball*).

72. Aro Mfg. Co. v. Convertible Top Co., 32 L.W. 4459 (1964)—S/C.

73. U.S. v. Pen-Olin Co., 32 L.W. 4707 (1964)—S/C.

74. Berman v. U.S., 32 L.W. 4721 (1964)—criminal procedure.

HUGH C. KEENAN,
Legislative Attorney.

THE LIBRARY OF CONGRESS,
Washington, D.C., August 1, 1968.

From: American Law Division.

Subject: Five to Four Dissents in Supreme Court Decisions, October Term, 1964 to October Term 1967, Inclusive.

This will refer to your request of July 25, 1968, for a list of the five-to-four decisions of the United States Supreme Court from the October Term 1964 through the October Term 1967 (June, 1968), to supplement our listing of these decisions dated November 2, 1964, which covered the decisions from the October Term, 1954 to October Term 1963. Attached hereto is the new supplementary list, covering both constitutional and statutory cases.

HUGH C. KEENAN, JR.,
Legislative Attorney,
American Law Division.

FIVE-TO-FOUR DECISIONS OF U.S. SUPREME COURT FROM OCTOBER TERM, 1964 THROUGH OCTOBER TERM, 1967, SUPPLEMENTING SIMILAR LIST OF NOVEMBER 2, 1964, COVERING PERIOD FROM OCTOBER TERM, 1954, THROUGH OCTOBER TERM, 1963

I. CONSTITUTIONAL DECISIONS

1. Cox v. Louisiana, 379 U.S. 559 (1965).

2. United States v. Brown, 381 U.S. 437 (1965).

3. Estes v. Texas, 381 U.S. 532 (1965).

4. Rogers v. Paul, 382 U.S. 198 (1965) (the four dissenters thought simply that the case should be set down for argument and plenary consideration).

5. Rosenblatt v. Baer, 383 U.S. 75 (1966).

6. Brown v. Louisiana, 383 U.S. 131 (1966).

7. Ginzburg v. United States, 383 U.S. 463 (1966).

8. United States v. Guest, 383 U.S. 745 (1966) (four dissenters in part only).

9. Elfbrandt v. Russell, 384 U.S. 11 (1966).

10. National Association for the Advancement of Colored People v. Overstreet, 384 U.S. 118 (1966).

11. Riggan v. Virginia, 384 U.S. 152 (1966).

12. Texas v. United States, 384 U.S. 155 (1966).

13. Miranda v. United States, 584 U.S. 436 (1966) (the four dissents here also apply to the companion cases of Vignera v. New York, Westover v. United States, same citation).

14. Schmerber v. California, 384 U.S. 757 (1966).

15. Adderley v. Florida, 385 U.S. 39 (1966).

16. Fortson v. Morris, 385 U.S 231 (1966).

17. Hoffa v. United States, 385 U.S. 293 (1966) (two of the dissenters merely stated they would dismiss the writs of certiorari as improvidently granted).

18. Time, Inc. v. Hill, 385 U.S. 374 (1967).

19. Garrity v. New Jersey, 385 U.S. 493 (1967).

20. Spevack v. Klein, 385 U.S. 511 (1967).

21. Spencer v. Texas, 385 U.S. 554 (1967), together with Bell v. Texas, same citations (5–4 dissents in both cases).

22. Keyishian v. Board of Regents, 385 U.S. 589 (1967).

23. Zuckerman v. Greason, 386 U.S. 15 (1967).

24. Kaye v. Co-Ordinating Committee on Discipline of the New York Bar, 386 U.S. 17 (1967).

25. Cooper v. California, 386 U.S. 58 (1967).

26. Giles v. Maryland, 386 U.S 66 (1967).

27. McCray v. Illinois, 386 U.S. 300 (1967).

28 Afroyim v. Rusk, 387 U.S. 253 (1967).

29. Reitman v. Mulkey, 387 U.S. 369 (1967).

30. Curtis Publishing Co. v. Butts, 388 U.S. 130 (1967).

31. United States v. Wade, 388 U.S. 218 (1967).

32. Gilbert v. California, 388 U.S. 263 (1967).

33. Walker v. City of Birmingham, 388 U.S. 307 (1967).

34. Jacobs v. New York, 388 U.S. 431 (1967).

35. Powell v. Texas, 36 Law Week 4619 (1968).

36. Miller v. California, 36 Law Week 4699 (1968).

II. DECISIONS ON OTHER BASES: (S/C MEANS STATUTORY CONSTRUCTION)

1. Hamm v. Rock Hill, 379 U.S. 306 (1964) (Statutory Construction (SC)) (Civil Rights Act of 1964).

2. All States Freight, Inc., et al. v. New York, New Haven & Hartford Railroad Co., et al., 379 U.S. (1964) (S/C: Longshoremen's and Harbor Workers Compensation).

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5. Cameron v. Johnson, 381 U.S. 741 (1965) (S/C: 42 U.S.C. 1983; 28 U.S.C. 2283, Federal civil procedure).

6. Harris v. United States, 382 U.S. 162 (1965) (Federal rules of criminal procedure).

7. Linn v. Plant Guard Workers, 383 U.S. 53 (1966) (S/C: National Labor Relations Act).

8. Kent v. United States, 383 U.S. 541 (1966) (Juvenile Court Act, District of Columbia).

9. Federal Trade Commission v. Dean Foods Co., 384 U.S. 597 (1966) (S/C: Clayton Act, Federal Trade Commission Act).

10. Nichols v. United States, 384 U.S. 678 (1966) (S/C: Bankruptcy Act) (the four dissents are to a part only of the majority opinion).

11. Greenwood v. Peacock, 384 U.S. 808 (1966) (together with No. 649, Oct. Term, 1965, Peacock v. Greenwood, same citation) (S/C: 28 U.S.C. 1443 (1, 2), Federal removal statute).

12. Baltimore & Ohio Railroad Co. v. United States, 386 U.S. 372 (1967) (S/C: Interstate Commerce Act).

13. Woodwork Manufacturers v. National Labor Relations Board, 386 U.S. 612 (1967) (S/C: National Labor Relations Act).

14. Houston Contractors Association v. National Labor Relations Board, 386 U.S. 664 (1967) (S/C: National Relations Act).

15. Waldron v. Moore-McCormack Lines, 386 U.S. 724 (1967) (Admiralty-Longshoremen's and Harbor Workers Compensation Act).

16. Gardner v. Toilet Goods Association, 387 U.S. 167 (1967) (S/C: Federal Food, Drug, and Cosmetic Act).

17. Abbott Laboratories v. Gardner, 387 U.S. 136 (1967) (S/C: Federal Food, Drug, and Cosmetic Act).

18. National Labor Relations Board v. Allis-Chalmers Manufacturing Co., 388 U.S. 175 (1967) (S/C: National Labor Relations Act).

HUGH C. KEENAN, Jr.,
Legislative Attorney, American Law Division.

THE LIBRARY OF CONGRESS,
Washington, D.C., December 11, 1968.

From: American Law Division.
Subject: Significant 5–4 Supreme Court "Liberal" Decisions on Constitutional Cases, 1953–1968.

This will refer to your request of November 20, 1968 and our Conversation in that regard on the impact of a two-thirds vote rule which would be imposed on the Supreme Court by a proposed constitutional amendment which would set that requirement of voting by the justices on all cases involving an interpretation or application of the United States Constitution. In accordance with that conversation, we have selected what may be considered significant decisions from 1953 to the present (decisions announced on Nov. 19, 1968) arranged by informal topic descriptions and giving a brief statement on the significance of each ruling; for purposes of highlighting a holding, a brief indication of some dissents is given also.

This listing of five-to-four decisions is, of course, limited, not only to constitutional cases, but also to those decisions the holdings of which may be loosely described as "liberal"; those which may be loosely described as "conservative" rulings are not included. There are many of these and they too would be affected by the "two-thirds" rule.

A. SELF-INCRIMINATION

1. *Public Employees.* In *Slochower* v. *Board of Education*, 350 U.S. 551 (1956) a teacher at a New York City public college was dismissed from his job when he refused to testify before a Senate investigating committee concerning his past Communist connections. The City Charter provided that whenever a city employee invoked the self-incrimination privilege to avoid answering before a legislative committee a question concerning his official conduct, his employment shall terminate. The majority of five held this denied due process because no notice and hearing was provided, while the minority of four justices held that a government has the right to protect itself against undesirable employees not meeting its standards of conduct.

2. *State Trials.* In *Malloy* v. *Hogan*, 378 U.S. 1 (1964) the court held that the Fifth Amendment's privilege against self-incrimination applies to state as well as to federal trials, and that an accused should not have to explain how a question might incriminate him before he may claim the privilege. The dissent pointed out that precedent had established that the privilege of self-incrimination does not apply to the States and to force it on them now is to diminish state sovereignty.

3. *Public Employees.* In *Garrity* v. *New Jersey*, 385 U.S. 493 (1967) a New Jersey statute provided that state employees who invoked the self-incrimination privilege in official investigations into their conduct in office forfeited that office. Certain police were here under such investigation; warned of this law, they testified. Later their statements were used in criminal prosecutions against them. The Court held that such statements could not be used, because that would infringe upon their constitutional privilege to remain silent and not incriminate themselves. The dissent urged that the State had a right to fire employees in such circumstances and this consequence of itself was not a true denial of the constitutional privilege.

4. Self-Incrimination Clause is Now Held Applicable to Disbarment Proceedings, and a 1961 Supreme Court Decision to the Contrary is Now Overruled. In *Spevack* v. *Klein*, 385 U.S. 511 (1967) the Court overruled a holding only six years old that the Fifth Amendment's Self-Incrimination Clause did not apply to State disbarment proceedings. The four dissenters were distressed that the bar can not protect the profession against those suspected of misconduct through simple investigation: this case, it was asserted, immunizes unscrupulous lawyers from the consequences of their misdeeds and dishonors the entire bar, and it was contended that the Constitution does not require this.

B. RIGHT TO COUNSEL

1. *Waiver of Right to Counsel.* In 1957 the Court held in *Moore* v. *Michigan*, 355 U.S. 155, again five-to-four, that a waiver of the right to counsel in 1938 by a 17 year old, very ignorant Negro boy in a murder trial was invalid because he said later that he was intimidated and did not understand the charges, thus a denial of due process. The dissenting four pointed out that the Court reached this conclusion only on the boy's say-so against much contrary evidence, after the passage of many years.

2. Counsel Must be Present at Line-ups in Criminal Cases. In *United States* v. *Wade*, 388 U.S. 218 (1967) the accused was identified by a witness at a post-indictment line-up at police headquarters; his lawyer was not with him. This was held to deny him his Sixth Amendment right to counsel. The dissent stated that the Court here simply showed its suspicion of all police practices and that nothing here indicated improper police procedures.

C. DOUBLE JEOPARDY

1. In *Green* v. *United States*, 355 U.S. 184 (1957) the jury verdict against a defendant accused of homicide was silent as to first degree murder but convicted him of second degree murder. The appellate court reversed, he was retried, and convicted of first degree murder. The Supreme Court, five to four, held this violated the Double Jeopardy Clause, since the jury was dismissed and sentence passed after the first verdict came in. The dissent pointed out that this flew in the face of established legal precedent in the Supreme Court and that precedent should be followed, so that tradition can be maintained in the law.

D. CITIZENSHIP

1. Military deserter from armed forces in wartime does not lose citizenship. In *Trop* v. *Dulles*, 356 U.S. 86 (1958) the court held unconstitutional an act of Congress stripping citizenship from deserters from the military forces in time of war; Congress has no general powers to divest citizenship and if it did, this would constitute "cruel and unusual punishment" under the 8th Amendment.

2. One who flees abroad during war to avoid military service may not be stripped of his citizenship. In *Kennedy* v. *Mendoza-Martinez*, 372 U.S. 144 (1963) the court held unconstitutional an act of Congress divesting one of citizenship who fled abroad during war to avoid the draft, as a denial of due process. Companion case, Rusk v. Cort, 372 U.S. 144 (1963).

3. One who Knowingly Votes in Foreign Election can not be Deprived of His Citizenship. In *Afrovim* v. *Rusk*, 387 U.S. 253 (1967) the Court held unconstitutional an act of Congress stripping citizenship from one who votes willfully in a foreign election, overruling a ten-year old decision holding this to be constitutional. The dissent pointed out this is a wholly arbitrary ruling, expressing the majority's own political feeling and is law-making.

E. PASSPORTS MAY NOT BE DENIED TO COMMUNISTS

In *Kent* v. *Dulles*, 357 U.S. 116 (1958) the Court held, five to four, that the Secretary of State cannot deny passports to persons because of their Communist beliefs and associations because this would deny their liberty to travel under the Fifth Amendment. This is so even if the person accused of Communist connections is also shown to have had connections with Communist spy rings. *Dayton* v. *Dulles*, 357 U.S. 144 (1958).

F. SEARCHES AND SEIZURES

1. Evidence seized by state police in violation of the Fourth Amendment against unreasonable search and seizure may not be used in a Federal trial, even though Federal officers took no part in the illegal search. *Elkins* v. *U.S.*, 364 U.S. 206 (1960). Companion case, *Rios* v. *U.S.* 364 U.S. 253 (1960).

2. A reasonably accurate description of a place where narcotics had been sold, plus the hurried flight of a person at that place when narcotics agents identified themselves held not sufficient for probable cause for arrest under the Fourth Amendment. *Wong Sun* v. *United States*, 371 U.S. 471 (1963). The four dissenters pointed out that this goes against the grounds of probable cause that reasonable, prudent men, trained in police work, would employ, greatly hampering police work.

G. PUBLIC OFFICERS AND EMPLOYEES

1. State teachers may not be compelled to disclose associations with unpopular groups, such as the NAACP. In *Shelton* v. *Tucker*, 364 U.S. 479 (1960) a state law required teachers in the public schools to file affidavits showing organizations to which they had belonged in the past five years as a condition to continued employment. The teachers here refused to sign such affidavits and were fired. The Court held this violated due process by adbridging their freedom of association and speech. Companion case, *Carr* v. *Young*, 364 U.S. 479 (1960).

2. State Employees May Not be Forbidden to Join Communist Party and Other Subversive Groups.

XUM

In *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966) Arizona required State employees to take an oath that they are not knowingly members of the Communist Party or other subversive groups dedicated to overthrow of the Government, where the employee knows of such unlawful purpose. The Court struck down this oath as violating the First Amendment's freedom of political association. The dissent pointed out that even in this Court precedent held that a State has the right to condition public employment upon such oaths, and cannot be compelled to hire those who willfully join subversive organizations, knowing of their purposes.

H. CONDUCT OF CRIMINAL TRIALS

1. Indigents must be afforded trial transcripts free for appeal. In *Draper* v. *Washington*, 372 U.S. 487 (1963) it was held that it denies due process for a trial transcript to be denied to the poor, where moneyed persons can always get a copy for appeal. The dissenters pointed out that the Washington Supreme Court had passed on the appeal, and found it frivolous.

2. Televising Criminal Trials Inherently Invalid. In *Estes* v. *Texas*, 381 U.S. 532 (1965) it was held that televising a criminal trial was in itself invalid as a denial of the right to a fair trial under the Due Process Clause. The dissent could not see this as a *per se* violation of the Constitution, undignified though it may be, without particular circumstances making it a violation.

I. LEGISLATIVE INVESTIGATIONS OF SUSPECTED COMMUNIST-INFILTRATED GROUPS CURBED

In *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963), the Court held unconstitutional an effort by the Florida legislative committee to compel disclosure of the membership lists of the Miami NAACP in order to determine whether that group was Communist-infiltrated, as violative of the First Amendment's freedom of association. A proper ground must first be laid to show a connection between the Miami NAACP and Communist activities, before an intrusion upon First Amendment rights will be permitted. The dissent could find no legal precedent for distinguishing between Communist infiltration *of* groups and similar activity *by* Communist groups.

J. CONFESSIONS

1. The Supreme Court will not accept a jury's determination of the voluntariness of a confession, but will consider the matter anew. In *Haynes* v. *Washington*, 373 U.S. 503 (1963), a jury had found defendant's confession voluntary, but the Supreme Court said it would not accept this finding, but would consider all the circumstances of the confession to decide anew if it was in truth voluntary. Mere prolonged questioning by police, said the dissent, is not enough to show the defendant's will is overborne.

2. Criminal suspects must be furnished counsel and warned of right to silence, during police questioning. In *Escobedo* v. *Illinois*, 378 U.S. 478 (1964) a criminal suspect, during police questioning, was refused the right to consult his lawyer and was not warned of his right to remain silent. For these reasons only his confession, made during questioning, was held inadmissible since he was denied his constitutional rights (Sixth Amendment) to counsel. The dissent argued that the test for a confession should be its voluntariness only; otherwise police work is too much hampered.

3. Juries may not try the voluntariness of confessions in criminal cases. In *Jackson* v. *Denno*, 378 U.S. 368 (1964), it was held that it violates due process for the jury (or judge, if he is the trier of fact) to also judge the voluntariness of a confession, for that prejudices the accused: the jury is bound to be influenced by the confession, even if it rejects it. Some other body should determine this issue. The dissent pointed out that long-standing precedent in the Court permitted the States to leave to the jury the question of the voluntariness of confessions and that this is one more encroachment on the federal system.

4. Police questioning of a suspect held incommunicado is inherently a denial of due process and will always be invalid unless a suspect, before questioning, is warned of his right to remain silent, have a lawyer with him, and to have one furnished if he is poor. *Miranda* v. *Arizona*, 384 U.S. 436 (1966).

K. CIVIL RIGHTS

1. Civil Rights Protesters may demonstrate near public buildings in the face of an ordinance forbidding it. In *Cox* v. *Louisiana*, 379 U.S. 559 (1965) the Court overturned the conviction of civil rights protesters demonstrating near a courthouse, where a city ordinance forbade such activities, because city officials had advised them it was alright to do so, thus constituting, it was held, entrapment.

2. Peaceful "Sit-In" in Public Building by Civil Rights Protesters is not Punishable as a Breach of the Peace. In *Brown* v. *Louisiana*, 383 U.S. 131 (1966) a group of Negroes were convicted of breach of the peace for sitting-in quietly in a Louisiana public library which was segregated. Their conviction was held invalid as violative of their First Amendment right to peaceably assemble and protest. The dissent urged the view that the State has a legitimate interest in maintaining order in its public buildings in order to carry on its proper governmental functions.

3. State Constitution may not Forbid the Passage of Open-Housing Laws, even if such Provision of the Constitution is approved by Voters at the Polls. In *Reitman* v. *Mulkey*, 387 U.S. 369 (1967) a popular referendum, approved by the voters, forbade the future enactment of open-housing laws. The Court held this improperly involved the State in race discrimination and was invalid under the Fourteenth Amendment. The dissent argued that the Constitution does not require the States to pass open-housing laws and does not forbid repeal of such laws; and that a permanent ban on such laws in the future by constitutional provision is not prohibited by the 14th Amendment.

L. COMMUNIST PARTY

1. Communist Party members cannot be punished for holding labor union jobs. In *United States* v. *Brown*, 381 U.S. 437 (1965) the Court held unconstitutional a section of the Labor-Management Reporting and Disclosure Act of 1959 which made it a crime for Communist Party members to willfully hold executive jobs in labor unions because this is a bill of attainder, punishing named or described persons as such, not for their general activities. The dissenters pointed out that the court here was ignoring the reality that it is Communist Party members who are likely to cause labor strife and Congress should be permitted to keep them out of labor unions.

2. A state cannot Require its Teachers to State that they are not Members of the Communist Party, advocates of forcible overthrow of the Government, and are Not Guilty of treasonous and seditious acts. In *Kevishian* v. *Board of Regents*, 385 U.S. 589 (1967), the Court struck down New York's law that would make public school teachers swear to the above before entering on their employment. All this is to vague, says the Court, and violates academic freedom. Up to now, points out the dissent, such State laws have been permitted by this Court and States have relied on this; but now it is all thrown out and State efforts to keep Communists and traitors off the public school system are at an end, due to this case.

Hugh C. Keenan, Jr.,
Legislative Attorney, American Law Division.

FEDERAL FINANCIAL DISCLOSURE ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Ruppe) is recognized for 10 minutes.

(Mr. RUPPE asked and was given permission to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, today I am reintroducing the Federal Financial Disclosure Act of 1969, so that a bipartisan group of 21 cosponsors may join with me. The new cosponsors are: Messrs. Button, Hamilton, Schwengel, Waldie, Weicker, Corbett, Podell, Biester, Bush, Scherle, Lloyd, Rees, Mikva, Anderson of Illinois, McCarthy, Vander Jagt, Hechler of West Virginia, Cunningham, Edwards of California, Mosher, and Dellenback.

I am particularly pleased to note that four of these Members serve on the Judiciary Committee which would be responsible for holding hearings on this type of legislation. This is indicative of the type of support gathering for this act in Congress.

This legislation calls for full public financial disclosure by Members of the House of Representatives, Senators, key congressional employees, justices and judges of the U.S. courts, the President, the Vice President, Cabinet members, and policymaking officials of the executive branch as determined by the Chairman of the Civil Service Commission, and candidates for Federal office, I originally introduced this legislation on May 15, and addressed this Chamber at that time. A full text of the bill is included in the Congressional Record following my remarks of that date. The version of the Federal Financial Disclosure Act being introduced today amends my original bill to include officers and key employees of the House of Representatives and the U.S. Senate.

It is time to come up with a straightforward reporting law. The public will no longer be satisfied with half measures—and with good reason. Both the House of Representatives and the other body, during the last Congress, adopted financial reporting procedures. As a result, Representatives and key employees of the House are required to list publicly sources of major income, substantial business interests, and income from single sources. However, a list without accompanying financial statements is not truly meaningful. There are such extensive loopholes in the present system that, as I remarked when I originally introduced this legislation, the present financial reporting procedure is little better than a sham and a facade. I note that in the other body Senator George Aiken was the lone vote against the current Senate procedure. At the time of Senate consideration, Senator Aiken stated that he would not, and I quote, "be a party to the perpetuating of a fraud upon the American people." The Senate public financial reports, of course, are even more meaningless than the House reports. The executive branch and the judicial branch are not even required to file detailed financial statements. The time for straight-forward honest legislation is here.

I know that there are many honest, trustworthy, and dedicated colleagues in this Chamber who oppose this kind of legislation because it is certain that some irresponsible individuals in the press and in politics will distort our financial statements, make false assumptions based on half truths and attempt to lead the public to untrue conclusions about our motives and actions in the conduct of public business. Unfortunately, these are the risks that must be taken. The Dodd, Powell, Baker, Long, and Fortas affairs have cast a cloud of suspicion over all of us and our institutions of government. We must now recognize that restoring confidence in those who hold the public trust is crucial.

Therefore, we must be prepared to surrender a measure of our privacy to attain that goal. There is no longer any alternative to full public disclosure by high officials in all three branches of the Government. I urge that the House of Representatives consider and pass this legislation during this session of Congress.

GENERAL LEAVE TO EXTEND REMARKS

Mr. RUPPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FRAUD IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last year the CBS television network broadcast a 1-hour program entitled "Hunger in America." That film portrayed conditions that were shocking. But the film went far beyond the realm of reality, and in fact was in large part a fraud. CBS has never acknowledged its false statements and misleading pictures, despite overwhelming evidence in two separate investigations—one by a journalist and another by Government investigators—that the film insofar as it treated San Antonio was fraudulent and wildly inaccurate.

Now it turns out that CBS not only committed a fraud, but that it violated the law in its attempts to put together a shocking show. In San Antonio virtually every person who appeared on the show received payment for his services—$5 was typical. The amounts of money involved are small indeed, and many of the payments are labeled as for "release." But the principle involved is large, and the law in such cases is clear.

In ordinary news practice television reporters do seek releases from persons filmed. But seldom are releases paid for. And never is a person paid to wait at home for 3 days while the film crew gets around to the person for an interview, or is promised payments or services. Yet CBS did make such payments, contrary to section 317(a) of the Communications Act of 1934, the basic law of brodcasting, which says:

> All matter broadcast by any radio station for which any money, service or other valuable consideration is directly or indirectly paid . . . shall be announced as paid.

Mr. Speaker, a token payment is one thing, but the question is whether CBS was making payments out of charity or in recognition of a service. If it was charity, all I can say is that this corporation could have been more generous than it was without touching its coffers, or nicking them. If it was payment for services, CBS was reporting the lines of performers, and misrepresenting the performances as spontaneous news.

I am charging CBS with the violation of section 317 of the Communications Act and demanding that FCC take action.

Mr. Speaker, tomorrow I will show in great detail the fraud that CBS perpetrated.

Television is a powerful, perhaps the most powerful media in existence. Its power for telling the truth is great, but so is its power for deception. I believe that this country has a right to expect that its media do not broadcast deception and fraud. I believe that there is little evidence to show that the networks understand or accept their great responsibility. I have asked that Congress consider licensing the networks, or devising some method of bringing accountability to the networks. I again call upon the chairman of the great Committee on Interstate and Foreign Commerce, to look into this matter, and consider what action the Congress might take.

Mr. Speaker, I insert in the Record the following news articles in respect to this fraud:

[From the San Antonio (Tex.) Express and News, May 24, 1969]

Contrived Drama Lessens Force in Appeal for Help to Hungry

"Hunger in America," the Columbia Broadcasting System's award-winning documentary of a year ago, created a public outcry against the intolerable conditions depicted.

The scenes in San Antonio were dramatic and heart-rending. They tore at the conscience.

But in less than a week after the show was aired it developed that the producers of the film had exercised a good deal more than dramatic license. They had, in fact, falsified portions of the local scenes and staged others.

These findings, which were first revealed in this newspaper a year ago, have now been confirmed by a congressional investigation. It is a shameful story and one that can only bring discredit to the CBS news organization.

The network has known for a long time that it had been gulled by its own camera crews and writers. Yet it chose not to admit the error. Worse still, it continued to defend the show and permitted it to be shown throughout the world.

It should also be pointed out that the San Antonio segments could not have been filmed had it not been for the cooperation CBS received from various welfare agencies.

The camera crews, for instance, were given complete freedom to work in the premature ward at the Robert B. Green Hospital in spite of the danger to tiny infants struggling for life. Employes at the Green helped the crew take pictures of premature babies knowing that the documentary was going to misrepresent them as suffering from malnutrition.

One city employe, investigators found, shut the door to a food surplus center so that a crowd of people on welfare would build up and imply long lines and inefficiency.

The oddest thing about "Hunger in America" is that the network did not have to go to such lengths.

The poverty situation here is bad, perhaps as extreme as in any large city in the nation. There is low income and there are hungry children. Fathers do sire large families and abandon them. There are illiterate people and people who do not speak the language. There is undernourishment and malnutrition.

The wonder is that CBS felt the need to interject show biz when the truth would have served as well.

By doing so its integrity has been held up to question. Its news department has shown that it places entertainment values ahead of truth.

[From the San Antonio (Tex.) Express and News, May 24, 1969]

Panel Says Hunger Film "Staged"

An investigation by the U.S. House Agriculture Appropriations Committee has confirmed an Express-News story that a scene of a dying baby filmed at the Green Hospital was false.

The committee in a report made public Friday said this and other assertions made by CBS in "Hunger in America" were false and "shocking to all of us."

"It appears that many of the incidents described or photographed were staged as though for a Hollywood production," the congressional committee report said.

Concerning the San Antonio segment of the sensational film, the committee said a CBS crew paid one housewife at the rate of $5 per day to stay home and wait for her family to be filmed and that a child identified as an 11-year-old prostitute was actually taken from a foster home and returned to the Bexar County Juvenile Court hearing room so the crew could use her in the film.

Committee investigators also have discovered that a boy identified as a hungry junior high school student was rejected for the food stamp program last summer because the father was buying two homes and had an equity of $1,680 in the second home, which was more than allowed for these programs.

Investigators also learned that a CBS crew induced City Welfare Dir. John Bierchwale to close the doors of the then-operating surplus commodity distribution center for one hour and 45 minutes so a line of about 20 people would form to be used in the film. This segment of the film, however, was not used.

A San Antonio physician told committee investigators that the CBS crew attempted to induce him to go with them to examine hungry people. The doctor said he declined because the crew was only interested in sensational material and wanted him to say things with a more sensational impact than he was willing to say.

The doctor said he was accused of being evasive when he would not bend the truth.

"Probably the most touching part of the film and one which CBS later said 'moved the nation to tears' was the scene of a baby being given resuscitation in the hospital after which it appeared motionless," the report said.

Express-News writer Kemper Diehl in a story on July 14 reported that the infant did not die of malnutrition as CBS claimed but of problems associated with being born prematurely.

U.S. Rep. Henry B. Gonzalez engaged with CBS in a dispute over the film and inserted Diehl's story into the Congressional Record.

Jack E. Coughlin, director of Community Relations, Bexar County Hospital District, reported to the committee that hospital records show that Dr. Luis Rey Montemayor pronounced the baby dead at 3 p.m. on Oct. 29, 1967, five days after birth, "from septicemia, meningitis, and peritonitis with underlying cause being prematurity," the congressional report said.

The report said Dr. Montemayor was on duty and rushed to the isolette to attend the baby after being told there was an emergency. The doctor said he noticed the film crew started filming his efforts to revive the infant.

He said the baby finally responded, although it appeared not to respond for some time, but died two days later, when it suffered one of a series of cardiac and respiratory arrests.

Dr. Montemayor remarked that CBS was wrong in depicting the baby as dying of starvation since there was no evidence of malnutrition. He pointed out the baby was premature.

The doctor said a CBS representative attempted to get him to say that a contributing factor to a premature birth was malnutrition, but he said he told CBS there was no evidence of this in the case of the baby used in the film.

Mrs. Ester Medrano, who now lives in the Mirasol Homes but lived at 808 S. Leona St., was interviewed in the film and the family depicted as not having anything to eat. In response to a question, she said in the film she told her children there was no food in the house and:

"They just have to lay down like that until the next day and see if we can find something to eat."

She later told congressional investigators that actually her family was on the USAD commodity distribution program but that the children did not like the powdered milk and beans distributed. Following their appearance on the program, the family was given $135 a month from the state. This payment was reduced to $123 a month under the state cutbacks.

Blasting the CBS film, the congressional report said this was one illustration which served to "demonstrate the effort made to inflame the American people."

Explaining that "our country's press and other news media are free," the congressional report said, "They have been throughout our history and always should be but somehow we must make them responsible."

The report said the public has a right to expect responsible reporting from the news media and concluded:

"The nation's best interests are simply not well served when appeals to emotions are substituted for reason . . ."

[From the San Antonio (Tex.) Light, May 24, 1969]

FBI Says TV Used To Inflame Nation

WASHINGTON.—A House subcommittee investigation, compiled with the use of FBI agents, charged the Columbia Broadcasting System Friday with attempting to inflame the public about the nation's hunger problems.

The report said the network used "sensational-type material" in a television documentary, "Hunger in America," including a scene of a dying infant who was not really suffering from malnutrition.

Rep. Jamie L. Whitten, D-Miss., said he made the investigation results public "to indicate the complete lack of objectivity in these TV programs on alleged hunger conditions." Whitten, chairman of a House appropriations subcommittee, ordered the investigation.

A committee spokesman said FBI agents were used to gather the information for the report which was critical of the CBS program and of another report on hunger, a widely publicized book called "Hunger in America."

Kenneth Sprankle, the committee's staff director, said the FBI agents who were used during the hunger investigation were considered House employes during that time.

Whitten said under a system established "many years ago" FBI agents are loaned to the Appropriations Committee for its investigations.

Richard S. Salant, president of CBS News, said in a statement later Friday that the network "stands behind its 'Hunger in America' broadcast.

"We have found nothing to contradict its basic findings and conclusions," Salant said. He continued:

"Various allegations of false or misleading information in 'Hunger in America' made in the subcommittee's report, had been made previously. We investigated those allegations and found nothing to confirm them. We reaffirm the results of that previous investigation.

"We will, of course, investigate the accuracy of the new charges, which on their face seem to be minor."

In a summary of its complaints against the CBS documentary, Whitten's report alleged:

A baby depicted as dying of starvation, actually was born prematurely, weighed only two pounds, 12 ounces and died five days later of causes unrelated to nutrition.

A San Antonio mother of eight children, who regularly earned $5 a day as a domestic, was paid $15 by CBS to remain home for three days until the network camera crew arrived.

Bexar County Commissioner A. J. Ploch was quoted out of context when he said "You'll always have hunger . . . and . . . you've got to have Indians and chiefs."

The results of the subcommittee's investigation were inserted into the record of a budget hearing held before the subcommittee March 17. Whitten made them public Friday at the same time the Appropriations Committee approved a bill approving money to feed the poor.

The committee's report, accompanying the bill, said the CBS television program and the book, "Hunger, USA", were "shocking evidence of attempts to inflame the American people instead of providing the facts."

But the committee admitted that hungry Americans do exist and said the Agriculture Department "must locate such people and see that they are properly fed."

The committee appropriated the maximum amount previously authorized by Congress for food stamps—$340 million, up $60 million from the current level. It approved $312 million for school lunch subsidies, an increase of $59 million. It also provided $445 million for direct food distribution and "special feeding" programs, up $42 million from the current year.

These amounts were part of a $6.6 billion package to finance the Agriculture Department for the fiscal year beginning July 1. The total was about $50 million less than proposed by President Nixon.

Meanwhile, Sen. Marlow Cook, R-Ky., urged the Senate Agriculture Committee to include a national income standard in the food stamp program. Cook said "hundreds of thousands of hungry people" are ineligible for stamps because they live in states with an unusally high living cost.

"A man in Kentucky who earns over $200 is not eligible for food stamps, but just across the river in Indiana he could earn $275," Cook said. "In West Virginia he could earn $250 and in Ohio $260" and still buy the stamps, he said.

"It's a matter of rank discrimination," he said. "A man in Kentucky who is in need of food assistance is turned away just because he earned $200, but if he lived in Indiana he would be eligible. You look at that man and say, 'I'm sorry, you just don't happen to live in the right state'."

Congress "took the easy way out" by letting each state determine the income level for eligibility in the food stamp program, Cook charged.

However, Sen. Jack Miller, R-Iowa, said stamps should be issued only for purchase of "nutritious foods." He also suggested that poor families whose children receive free meals at school, get that much less in food stamp help.

"We're talking about what could amount to $200 million," Miller said. "The administration would be expensive but it might be worth it."

[From the San Antonio (Tex.) Light, May 24, 1969]

Gonzalez

U.S. Rep. Gonzalez Friday night said there is a possibility legal action will be filed against CBS to recover damages the film "Hunger in America" caused to HemisFair.

Gonzalez said the feasibility of such a suit presently is being explored by several community leaders.

"The CBS so-called documentary did irreparable harm, especially last year when it coincided with HemisFair," the congressman said.

"It was almost a calculated and deliberate attempt to sabotage HemisFair," he said.

The film generally painted an unflattering picture of San Antonio.

One episode, described by congressional investigators as "the most touching part," depicts a baby in a San Antonio hospital "dying of starvation."

The investigators, in uncovering a number of inaccuracies in the film, reported that, in fact, the infant had died from complications coincidental with prematurity.

Gonzalez said the Congressional report confirms opinions he expressed several months ago. "It represents a very troublesome aspect of the television prime time networks," he said. "The networks have awesome power. They must be made accountable and responsible."

The congressman noted that he and several other representatives have introduced bills that would make TV networks accountable to regulatory commissions just like local radio and television stations are now.

"The networks control more than 93 per cent of the prime viewing time in our nation," Gonzalez said. "Their spokesmen actually talk as if they are above the law and have more power than the government itself."

THE FAILURE OF THE DEPARTMENT OF AGRICULTURE TO ADMINISTER THE FOOD STAMP PROGRAM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. **FARBSTEIN**. Mr. Speaker, I have today sent a letter to the Secretary of Agriculture, the Honorable Clifford M. Hardin, complaining of the failure of the Department of Agriculture to adequately administer the food stamp program. The letter calls attention to the pending return to the U.S. Treasury, by the Department of Agriculture, of approximately $30 million in unspent money appropriated for the food stamp program in fiscal 1969. It questions why the Department, which anticipated "this surplus" at the beginning of the calendar year, failed to increase the scope of the program with over 150 counties interested in securing food stamp programs and 62 submitting formal applications. I see many good uses to which the Department could have put this "surplus money," first on the list being extension of the program to the 440 counties which have no food program. The Department, however, discouraged counties from filing formal applications citing "insufficient funds."

It appears to me that funding by the Department "very shortly" of the 62 counties for which formal applications have been made may be the result of investigations by my staff of the administration of the food stamp program. The Department appears to require outside pressure in the form of congressional attention before it will act to expand the hunger program.

I bring these facts to the attention of my colleagues in the hope that this shocking situation can soon be corrected. If it is not, we are talking about the lives of 16 million Americans.

All my information about the administration of the food stamp program comes from official sources in the Department of Agriculture.

I include a copy of my letter to Secretary Hardin, as well as the list of 62 counties which currently have applications for food stamp programs under "active consideration" by the Department of Agriculture following my remarks in the RECORD:

MAY 27, 1969.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am writing to inquire how it happens that your Department has begun actively considering the applications of the 62 counties which have applied for funding under the Food Stamp Program since investigation by my staff.

This investigation uncovered existence of applications of these 62 counties and your intention of returning to the United States Treasury on June 30th, $30 million in unspent money appropriated for the Food Stamp Program. I was informed by your Department that it was aware of this anticipated "surplus" in food stamp appropriations "at the beginning of the calendar year".

Although your Department indicated that these 62 applications would probably be funded "very soon", your Department estimates that the cost of funding for an entire year would be only $6 million (one-half million per month). Thus, almost the entire $30 million will still be returned unspent to the United States Treasury at the end of this fiscal year. At the same time, I am informed by your Department that you are discouraging other counties from applying due to a "lack of money". I cannot understand this contradiction.

The number of counties currently eligible for funding under the Food Stamp Program is 100 less than the goal of the previous administration. The number of participants similarly is one-half million less. It has been estimated that with the level of appropriations for 1969, these two goals could be achieved. It is, therefore, not surprising that you are returning $30 million to the Treasury.

Certainly with 16 million hungry and malnourished in this country, and 440 counties which today have no hunger program, there are useful purposes to which this "surplus" money could be put. The money could be used to fund not only the 62 counties which have formally applied, but approximately 90 others which your Department indicates would apply if it were not your policy to discourage further applications for the program. The money could also be used to fund the approximately 240 other counties which have been designated as "eligible" for participation in the program but have never received any Federal money for an ongoing program (the latter figure includes 199 out of 235 counties approved on November 18, 1968, and 41 out of 135 approved in the previous designation).

It could also have been used to fund the $1 million demonstration application submitted by the City of New York which your Department indicates it has authority to fund. It could have been used to increase the average participation rate which is only 30% because little is being done in many areas to see that those potentially eligible know of the existence of Food Stamp Programs in participating counties.

It could have been used to make access to food stamps easier to the participants. Many of the distribution centers appear to be deliberately located in inaccessible places.

It could have been used to lower the cost of food stamps. But it was not used for any of these purposes.

I am shocked by the lack of any sense of urgency on the part of the Department of Agriculture and by the complete absence of any actions indicating a commitment to the President's goal of establishing, as quickly as is humanly possible, a food program in every county. If that commitment existed, it would not have required a field trip by a Senator to secure the establishment of two experimental free food programs in South Carolina. It would not require hearings on hunger in the Nation's Capital to secure a supplemental food program and a $3 to $4.5 million non-school summer child nutrition program for Washington, D.C. It would not have required a Senatorial field trip to Collier County, Florida, to get you to "actively consider" a free commodities program for that county which the Office of Economic Opportunity would administer out of its own funds.

If that commitment existed, the Department, at the first sign that there would be unused money available, would have acted to increase the scope of its current programming to utilize the unused money. It would have (and still can) request the full authorized level of appropriations for food stamps for fiscal 1969. This would allow you to get a head start on the President's stated objective of expanding the program this fiscal year and during the early part of the new fiscal year, while the program is operating on continuing resolutions and before the new appropriations bill is passed three or four months after the beginning of the new fiscal year.

I think it is ridiculous that on June 30th, with 16 million hungry and malnourished in our country, your Department will be returning $30 million in food stamp money to the United States Treasury unspent.

With kind regards, I am,

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

Counties with formal applications for food stamp programs pending before the Department of Agriculture as of May 26, 1969, are listed as follows:

ARKANSAS

Searcy County, Third Congressional District, John P. Hammerschmidt (R).

CALIFORNIA

Fresno County, Sixteenth Congressional District, B. F. Sisk (D).

Santa Cruz County, Twelfth Congressional District, Burt L. Talcott (R).

Yuba County, Fourth Congressional District, Robert L. Leggett (D).

San Luis Obispo County, Twelfth Congressional District, Burt L. Talcott (R).

GEORGIA

Clayton County, Sixth Congressional District, John J. Flynt, Jr., (D).

Effingham County, First Congressional District, G. Elliott Hagan (D).

Early County, Second Congressional District, Maston O'Neal (D).

Taylor County, Third Congressional District, Jack Brinkley (D).

Glascock County, Tenth Congressional District, Robert G. Stephens, Jr. (D).

Miller County, Second Congressional District, Maston O'Neal (D).

Fannin County, Ninth Congressional District, Phil M. Landrum (D).

LOUISIANA

East Feliciana County, Fifth Congressional District, Otto E. Passman (D).

St. Mary County, Third Congressional District, Patrick T. Caffery (D).

MASSACHUSETTS

Worcester (city) County, Fourth Congressional District, Harold D. Donohue (D).

Taunton County, Tenth Congressional District, Margaret M. Heckler (R).

MICHIGAN

Alpena County, Eleventh Congressional District, Philip E. Ruppe (R).

Kent County, Fifth Congressional District, Gerald R. Ford (R).

Lenawee County, Second Congressional District, Marvin L. Esch (R).

Emmet County, Eleventh Congressional District, Philip E. Ruppe (R).

MINNESOTA

Traverse County, Seventh Congressional District, Odin Langen (R).

McLeon County, Second Congressional District, Ancher Nelsen (R).

MONTANA

Wibaux County, Second Congressional District (Vacant).

Broadwater County, First Congressional District, Arnold Olsen (D).

Dawson County, Second Congressional District (Vacant).

Gallatin County, First Congressional District, Arnold Olsen (D).

Daniels County, Second Congressional District (Vacant).

Beaverhead County, First Congressional District, Arnold Olsen (D).

Pondera County, First Congressional District, Arnold Olsen (D).

NEBRASKA

Nuckalls County, Third Congressional District, David T. Martin (R).

NEW MEXICO

Catron County, Second Congressional District, Ed Foreman (R).

Dona Ana County, Second Congressional District, Ed Foreman (R).

Grant County, Second Congressional District, Ed Foreman (R).

Hidalgo County, Second Congressional District, Ed Foreman (R).

Luna County, Second Congressional District, Ed Foreman (R).

Socorro County, Second Congressional District, Ed Foreman (R).

NEW YORK

Oswego County, 31st Congressional District, Robert C. McEwen (R).

NORTH CAROLINA

Columbus County, Seventh Congressional District, Alton Lennon (D).

Johnson County, Third Congressional District, David N. Henderson (D).

Wayne County, Third Congressional District, David N. Henderson (D).

Vance County, Second Congressional District, L. H. Fountain (D).

OHIO

Defiance County, Fifth Congressional District, Delbert L. Latta (R).

Henry County, Fifth Congressional District, Delbert L. Latta (R).

Paulding County, Fifth Congressional District, Delbert L. Latta (R).

XUM

PENNSYLVANIA

Fulton County, 12th Congressional District, J. Irving Whalley (R).

SOUTH DAKOTA

Clay County, First Congressional District, Ben Reifel (R).

Deuel County, First Congressional District, Ben Reifel (R).

Fall River County, Second Congressional District, E. Y. Berry (R).

Grant County, First Congressional District, Ben Reifel (R).

Hamlin County, First Congressional District, Ben Reifel (R).

Hand County, Second Congressional District, E. Y. Berry (R).

Jerauld County, Second Congressional District, E. Y. Berry (R).

Marshall County, First Congressional District, Ben Reifel (R).

Meade County, Second Congressional District, E. Y. Berry (R).

Potter County, Second Congressional District, E. Y. Berry (R).

Sanborn County, Second Congressional District, E. Y. Berry (R).

Jones County, Second Congressional District, E. Y. Berry (R).

TENNESSEE

Williamson County, Sixth Congressional District, William R. Anderson (D).

VIRGINIA

Surry County, Fourth Congressional District, Watkins M. Abbitt (D).

Henry County, Fifth Congressional District, W. C. Daniel (D).

Newport News (city), First Congressional District, Thomas N. Downing.

TOKENISM REVISITED—RURAL HOUSING PROGRAM DISCRIMINATED AGAINST BY FEDERAL GOVERNMENT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on May 15 the CONGRESSIONAL RECORD published my report made on federally assisted housing programs for the rural poor of the Nation. That report showed that only 87,000 units have been provided for poor families in rural America by the Farmers Home Administration and the low-rent housing programs of the Housing and Urban Development Department throughout the history of these programs. The label of "tokenism" must be applied to this effort when it is compared with the problem of adequate housing in rural America which has 4.8 million substandard dwellings, over half the Nation's total of 8.2 million.

Shortly after the publication of this report, the House Banking and Currency Subcommittee on Housing held the first annual hearings on housing goals required by the Housing Act of 1968.

A series of questions, based on the Farmers Home and HUD housing report, were submitted to Farmers Home at that time.

Mr. Speaker, the replies to those questions serve to point out once more that the Farmers Home Administration is so inadequately funded and staffed that it will never make a dent in the overwhelming housing needs of impoverished families in rural America. Farmers Home has said that it is the only agency providing housing of any significance in rural areas of 5,500 population or less—most of rural America—but it must be added that its performance is disgracefully inadequate when compared with the need. This conclusion is repeatedly underscored in the replies to the questions which follow:

Question. As estimated, HUD's low rent housing projects, more than any other program of that agency, serve the rural poor, providing about 66,433 units.

Farmers Home programs benefiting the rural poor are:

Units under its insured loan program this is to say all loans issued to families with incomes up to $5,000	15, 066
Units under its rental housing program—by Farmers Home estimate half the number of units provided by its rental housing loans	2, 127
Family units provided under labor housing loans and grants	3, 903
Total	21, 096

The combined programs, therefore, have provided about 87,533 units for rural poor families. This is about 2 percent of the 4.8 million occupied substandard dwellings and .6 of 1 percent of the 14 million poverty stricken in rural America.

At this rate of progress, how long do you think it will take to live up to the Housing Act of 1949 as amended and provide decent housing and suitable living environment for our rural poor?

Answer. The length of time required to provide decent housing and suitable living environment for our rural poor depends primarily on two considerations, namely:

1. The rate at which the housing programs adapted to rural areas are accelerated, and

2. The enactment of legislation to make adequate housing available to those low-income families who do not have the financial capability to repay a loan.

Question. How many vacancies exist on the Farmers Home staff? (It is reported that Farmers Home has to lose two people before it can hire one new staff member because of budgetary restrictions.)

How long, on the average, does it now take to process a loan?

How many new staff members will be provided by the $24 million increase proposed for fiscal 1970 for loan administration purposes? Is this enough?

Are most of the loan administration staff members trained in housing or is their field of expertise really agriculture?

Answer. Under the Federal Expenditures Control Act of last year, we have been able to fill only one out of two separations since September 1, 1968. Prior to that time, July 1 to September 1, we could not fill any vacancies other than where firm commitments had been made prior to June 30. As of April 30, 1969, we had 596 authorized permanent positions vacant.

The length of time required to process a rural housing loan varies widely depending on factors such as backlog of applications ahead of the particular family involved, the availability of loan funds, whether the family wants to buy, build or improve a home, the extent to which the family has assembled documents, such as plans and specifications, and the condition of title. If no waiting list existed, funds were available and the family was ready to proceed, a loan could be completely processed in about 60 days.

The $24 million increase proposed for fiscal 1970 would permit our hiring about 2,380 additional employees. If these funds become available early in the fiscal year, they will permit us to carry out the projected program levels.

Our staff members at the county level are agriculture college graduates. Many of them have some background in engineering and structures. At the State level we have engineers and some architects who help train county staff in the technical aspects of housing.

Question. Two million dollars has been allocated to Farmers Home for insured low interest loans under HUD's section 235 program created by the Housing Act of 1968. Farmers Home itself has indicated this fund could provide $30 million to $40 million worth of loans for about 10 thousand housing units.

How much of this money has been utilized?

Answer. As of May 17, 1969, 144 commitments had been made on section 235 insured mortgages. These loans committed $108,864 of the $2 million allocated to the Farmers Home Administration.

The unavailability of interested lenders and income limits in most areas have retarded the use of the section 235 program.

Question. The Housing Act of 1968 established a national goal of 26 million new housing units in ten years.

How many of these units should be built in rural America in view of the fact that it has more than half the substandard dwellings in the nation?

How many units each do you expect the private and public sectors to provide?

How much of an investment will be required by both?

Answer. About 7 million adequate units will be needed in rural areas. Most of these will be new starts.

About half are estimated to need public assistance. Some will require more assistance than is currently authorized.

The total investment for both private and publicly assisted rural housing is estimated to be about $70 billion.

Question. The purpose of the Farmers Home insured loan program was to provide more money for rural housing while maintaining its direct loan program at the level which existed at the time the insured loan program went into effect. Instead, the direct loan program has suffered deep cuts and the current high interest rate situation has crippled the insured loan program because of the difficulty encountered in selling mortgage paper. Under these circumstances, would it not be better to return to the stability of the direct loan program to escape the vagaries of the monetary system? If not, what should be done to break the log jam and move Farmers Home paper?

Answer. Although direct loans offer some advantages, the problem has been in obtaining sufficient funds through the appropriation process to fund a high volume housing program.

If Farmers Home Administration insured loans could be sold as mortgage backed certificates or as certificates of participation, their marketability would be greatly improved.

Question. In recent years offers of outside financial help, including one from an agency of the State of New Jersey, have been made to Farmers Home in an effort to speed the administration of loans in the field. Farmers Home personnel have refused such help despite their own admission that their offices are severely understaffed. Do you agree with their decision? Why shouldn't such offers be accepted? Should legislation be offered to make such help possible in the future?

Answer. We are developing an agreement with the State of Maryland to have one or more of its employees assist our county supervisors. In our judgment, providing an adequate permanent staff for the Farmers Home Administration would be preferable to making extensive use of personnel of other agencies.

Question. If the present high interest rate situation preventing the sale of most of Farmers Home mortgage paper remains unchanged, the agency expects to end this fiscal year with $172 million in unsold housing paper on hand, nearly 2½ times more than the total at the end of the last fiscal year, and it faces the prospect of entering the new fiscal year with its insured home loan program running at half speed against a record high backlog of more than 70 thousand applications for insured home loans, nearly half again as many as there were at the close of fiscal 1968.

What immediate steps should be taken to break this log jam?

What help is the Treasury Department and the Federal Reserve Board giving you?

Answer. Two specific actions have been taken to improve the liquidity of the RHIF. One is the sale of $100 million of assets of the fund to FNMA. The other is an increase in the rate of return offered to investors. These actions were taken with the consent of the Treasury.

Question. It has been reported that the size of Farmers Home field staffs in many of its county offices has not changed, or has changed very little, in the past five or ten years despite the fantastic housing needs of rural America. Is this true? If not, how much of an expansion has taken place and has it been across the board?

Would you say that the states where the largest numbers of Farmers Home housing loans and grants have been made are the states which have the largest field staffs or are there instances where states which have smaller staffs have actually administered proportionately larger numbers of loans and grants?

Answer. There has been only a modest increase in the field staff of the Farmers Home Administration in recent years despite the sharp increase in volume of loans to be made and serviced. The proposed 1970 budget would permit an increase in man years of 65 percent above the 1965 level while the volume of loans would increase 188 percent.

We have tried to deploy our available staff in a manner consistent with the workload.

Question. HUD is about to launch a $20 million experimental program to develop manufacturing techniques for low cost housing. Do you view the requirements of rural and urban America as being identical in terms of manufactured housing, or should there be special experimental projects for rural housing alone? Should Farmers Home have its own experimental housing program? If not, should a part of the HUD project be devoted strictly to low cost rural housing needs?

Answer. Rural areas provide more opportunity for manufactured homes because building codes and zoning requirements are more flexible. Land also is more readily available at a reasonable cost in rural areas.

Some of these funds, in our opinion, should be used in rural areas. A joint venture between HUD and the USDA might be the best practical approach.

DIRECT AND INSURED RURAL HOUSING LOANS MADE, CUMULATIVE FROM BEGINNING OF PROGRAM THROUGH JUNE 30, 1968

State	Cumulative through June 30, 1968			
	Number			
	Initial (1)	Subsequent (2)	Total (3)	Total amount (4)
U.S. total	234,448	10,394	244,842	$2,015,816,801
Alabama	10,913	395	11,308	91,143,957
Alaska	513	43	556	8,034,098
Arizona	976	8	984	9,463,662
Arkansas	12,359	650	13,009	84,744,072
California	2,611	94	2,705	26,480,906
Colorado	1,894	123	2,017	16,835,812
Connecticut	434	22	456	5,629,117
Delaware	203	7	210	2,353,748
Florida	5,535	211	5,746	49,262,447
Georgia	10,997	448	11,445	98,512,091
Hawaii	1,049	37	1,086	13,043,313
Idaho	2,577	116	2,693	27,730,615
Illinois	4,579	138	4,717	42,202,674
Indiana	3,820	93	3,913	35,659,764
Iowa	4,777	136	4,913	44,065,044
Kansas	3,316	138	3,454	27,648,749
Kentucky	7,343	412	7,755	65,696,814
Louisiana	5,720	150	5,870	47,273,915
Maine	5,264	716	5,980	38,159,517
Maryland	1,436	47	1,483	16,443,146
Massachusetts	265	17	282	2,513,089
Michigan	3,600	202	3,802	35,085,363
Minnesota	4,789	251	5,040	39,620,803
Mississippi	19,116	776	19,892	147,462,878
Missouri	12,121	690	12,811	88,699,681
Montana	1,527	74	1,601	$14,638,623
Nebraska	2,543	65	2,608	19,550,989
Nevada	142	5	147	1,541,690
New Hampshire	683	38	721	6,672,667
New Jersey	3,152	137	3,289	34,883,327
New Mexico	1,982	92	2,074	12,849,374
New York	4,660	152	4,812	48,718,750
North Carolina	13,685	404	14,089	126,677,786
North Dakota	3,521	143	3,664	34,819,582
Ohio	2,676	141	2,817	25,621,629
Oklahoma	7,023	271	7,294	57,928,973
Oregon	1,659	131	1,790	16,015,735
Pennsylvania	3,140	208	3,348	30,875,903
Rhode Island	121	2	123	1,347,801
South Carolina	7,364	253	7,617	65,228,899
South Dakota	2,736	262	2,998	22,059,493
Tennessee	11,694	405	12,099	93,645,911
Texas	15,261	391	15,652	113,860,228
Utah	2,265	125	2,390	23,927,841
Vermont	1,261	84	1,345	12,929,349
Virginia	4,798	164	4,962	48,517,318
Washington	2,125	192	2,317	23,040,836
West Virginia	3,792	128	3,920	33,135,027
Wisconsin	5,169	470	5,639	47,262,870
Wyoming	1,097	68	1,165	11,037,996
Puerto Rico	3,932	68	4,000	22,069,152
Virgin Islands	233	1	234	3,096,777

RURAL RENTAL HOUSING LOANS APPROVED AS OF DEC. 31, 1968—CUMULATIVE

State	Number of initial loans	Loan amount	Number of units
Alabama	35	$1,105,680	147
Alaska	1	65,000	4
Arizona	2	64,000	8
Arkansas	20	1,103,610	153
California	5	486,990	65
Colorado	1	78,410	8
Connecticut	6	269,200	28
Florida	3	190,650	33
Georgia	23	672,630	115
Idaho	11	466,180	55
Illinois	16	941,530	104
Indiana	9	344,000	46
Iowa	52	2,311,180	262
Kansas	12	970,680	120
Kentucky	6	182,500	25
Louisiana	7	144,220	30
Maine	16	644,400	79
Massachusetts	2	19,040	8
Michigan	8	400,900	53
Minnesota	32	2,655,390	274
Mississippi	27	1,572,210	226
Missouri	55	4,222,960	611
Montana	2	117,070	14
Nebraska	10	365,860	45
New Hampshire	1	12,500	2
New Jersey	3	$459,000	75
New Mexico	2	78,750	9
New York	3	134,230	18
North Carolina	36	1,107,810	148
North Dakota	50	3,102,420	334
Ohio	8	306,500	39
Oklahoma	13	317,240	40
Oregon	6	350,750	63
Pennsylvania	8	439,850	57
Rhode Island	1	48,000	4
South Carolina	10	414,990	63
South Dakota	17	810,270	89
Tennessee	31	1,174,720	165
Texas	26	1,574,040	200
Utah	5	88,900	15
Vermont	9	451,700	53
Virginia	13	740,890	97
Washington	3	371,520	48
West Virginia	5	182,200	24
Wisconsin	24	1,280,700	140
Wyoming	5	279,050	40
Puerto Rico	1	100,000	16
Total	641	33,220,320	4,254

LABOR HOUSING LOANS AND GRANTS APPROVED—CUMULATIVE AS OF DEC. 31, 1968

State	Loans		Grants		Number of family units	Dormitory, number of persons
	Number	Amount	Number	Amount		
Alabama	7	$35,150		0	6	30
Arkansas	5	20,590		0	5	
California	5	3,294,380	5	$3,896,500	943	
Colorado	2	264,400	1	244,960	66	32
Florida	16	6,865,220	3	3,815,750	1,950	1,643
Georgia	1	5,000		0	1	
Idaho	6	595,570		0	252	99
Illinois	2	155,300	1	150,000	45	
Indiana	2	42,000		0	19	
Kansas	1	77,500		0	20	
Louisiana	3	72,590		0	8	
Maine	4	40,500		0	5	
Michigan	1	10,300		0	4	
Minnesota	2	20,590		0	2	
Mississippi	10	297,750		0	41	
Missouri	2	16,530		0	2	
New Jersey	8	$35,300		0	4	89
New York	2	83,000		0		839
North Carolina	7	44,550		0	5	98
North Dakota	4	32,000		0	4	
Ohio	2	38,890		0	26	36
Oklahoma	1	2,500		0	1	
Oregon	1	156,850	1	$260,300	85	90
South Carolina	1	7,420		0		30
South Dakota	1	10,500		0	1	
Texas	7	1,147,200	2	925,260	325	5
Virginia	4	28,670		0	3	16
Washington	3	275,960		0	75	140
West Virginia	1	14,500		0		28
Wisconsin	5	37,850		0	5	
Total	116	13,728,560	13	9,292,770	3,903	3,175

SELF-HELP HOUSING—LOANS APPROVED THROUGH APR. 30, 1969

State	Number of loans	Amount
Alabama	85	$526,280
Arizona	67	478,410
Arkansas	22	128,570
California	684	5,464,140
Florida	180	1,366,780
Georgia	6	40,500
Idaho	20	206,650
Indiana	1	9,900
Kentucky	43	200,510
Louisiana	67	446,940
Maine	21	174,570
Maryland	1	16,000
Michigan	12	86,170
Mississippi	35	163,640
New Jersey	30	197,050
New Mexico	39	228,860
New York	16	158,350
North Carolina	29	138,180
Oklahoma	21	160,860
Oregon	20	170,550
Pennsylvania	21	167,500
South Carolina	19	95,780
Texas	17	43,650
Vermont	16	164,710
Virginia	1	9,200
Washington	30	248,920
Wyoming	5	50,000
Puerto Rico	24	94,220
Total	1,532	11,236,890

LOCATION OF RURAL HOUSING LOANS MADE DURING 1968 FISCAL YEAR

Location	Sec. 502 loans		Sec. 504 loans	
	Number	Percent	Number	Percent
On farms	3,585	7.6	713	16.0
In open country	22,159	46.6	1,928	43.3
In places:				
Under 1,000	7,916	16.7	917	20.6
1,000 to 2,499	7,327	15.4	486	10.9
2,500 to 5,500	6,527	13.7	411	9.2
Total number	47,514		4,455	

FAMILY INCOME OF BORROWERS WITH LOW-TO-MODERATE AND ABOVE-MODERATE INCOMES RECEIVING INSURED SEC. 502 RURAL HOUSING LOANS DURING THE 1968 FISCAL YEAR

Item	Low to moderate income	Above moderate income
Number of borrowers	42,616	3,791
Average family income	$5,793	$9,699

PERCENT DISTRIBUTION OF TOTAL NUMBER OF BORROWERS BY FAMILY INCOME

Under $3,000	5.3	3.8
$3,000 to $3,999	8.2	
$4,000 to $4,999	14.4	
$5,000 to $5,999	22.7	
$6,000 to $6,999	26.6	
$7,000 to $7,999	16.3	14.7
$8,000 to $8,999	4.2	23.4
$9,000 to $9,999	1.2	21.9
$10,000 and over	1.1	36.2

CHARACTERISTICS OF HOMES FINANCED WITH RURAL HOUSING LOANS, 1968 FISCAL YEAR—AVERAGE SIZE AND CASH COST OF HOUSES

Item	Low and moderate income	Above moderate income
Number	21,765	2,293
Square feet total area	1,375	1,705
Square feet living area	1,114	1,312
Cash cost	$11,068	$14,505

NOTE.—97 percent were 1-story; 75 percent did not have a basement; 85 percent had 3 bedrooms; 10 percent had 2 bedrooms; 5 percent had 4 bedrooms. The new homes were largely frame construction with wood or wood product siding. Brick veneer was used for some homes in those areas where brick is customary and the cost is reasonable. Some block construction was used for some low-cost housing in areas where this is acceptable

AVERAGE SIZE OF NEW HOMES FINANCED WITH INSURED SEC. 502 RURAL HOUSING LOANS DURING THE 1968 FISCAL YEAR

Item	Low to moderate income	Above moderate income
Total number of new homes	21,765	2,293
Average square feet living space	1,114	1,312

PERCENT DISTRIBUTION OF NEW HOMES BY SQUARE FEET OF LIVING SPACE

Under 1,000	27.2	5.1
1,000 to 1,199	39.3	23.7
1,200 to 1,399	29.4	39.8
1,400 to 1,599	3.6	23.5
1,600 and over	.5	7.9

RURAL HOUSING LOANS PAID IN FULL BY REFINANCING

As of January 1, 1968, 11,865 rural housing borrowers had paid their loans in full by refinancing. This represented one-third of those whose loan accounts had been fully satisfied.

Housing for elderly financed by the Farmers Home Administration cumulative as of December 31, 1968

Type of Units:	*Number of units*
Single family homeownership units	8,505
Multifamily rental units	2,325

(NOTE.—Multifamily rental units for elderly, as a rule, are built in small rural towns with from 500 up to 5,500 population. Occupants of this type of housing must be rural residents. Generally, they are persons from the immediate community who need a decent place to live or a home that is more convenient than the one in which they have been living.)

GOVERNORS OF STATES FAVOR PATMAN BILL ON BETTER MARKET FOR MUNICIPAL BONDS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for sometime, I have been pointing out the need for tax reform to reduce the loopholes involved in tax exemption of State and municipal bonds. Obviously, I have no intention in making this proposal to make it more difficult for States and local communities to finance their tremendous facilities expansion requirements in the years ahead. Indeed, the very opposite must be done. And my bill, H.R. 2115, will do just that.

The present tax exemption situation aids most those who least need the income—commercial banks, fire and casualty insurance, and higher income tax bracket individuals. By allowing States and municipalities, if they so choose, the right to offer taxable debt issues, on which the Federal Government will bear one-third of the interest cost, my bill will serve directly to channel back to the States and localities some of the tax savings which are now being reaped by the higher income recipients, and, at the same time, the revenues of the Federal Government will be increased.

Chairman WILBUR MILLS, House Ways and Means Committee, is now diligently working on this, as well as other tax problems and, due in major part to his efforts, there now appears to be a consensus forming in favor of reform.

Mr. Speaker, I, therefore, wish at this point to place in the RECORD a letter I recently sent to Chairman MILLS relative to my bill, and congratulating him on his outstanding efforts on this important task of tax reform.

MAY 19, 1969.

Hon. WILBUR D. MILLS,
Chairman, Ways and Means Committee,
House of Representatives,
Washington, D.C.

DEAR WILBUR: I was very interested and pleased to read about the statement made to the Ways and Means Committee by Governor Tiemann on the question of Federal aid to states and municipalities in the financing of their public facilities.

The proposal to provide a Federal subsidy equal to as much as one-half the interest rate on bonds which states and municipalities choose to issue as Federally taxable securities represents the same basic line of thinking as that behind the bill I have introduced (H.R. 2115). The bill would provide a subsidy in the amount of one-third of the interest costs on state and municipal bonds and would provide that the Federal Government would collect income taxes on such bonds, as I strongly believe they should. At the same time, it would give states and localities an option either to continue to issue tax exempt bonds, as at present, or to accept the subsidy with the consequence that the interest would be taxable to the holders of the bonds. My staff made calculations that indicate that there would be a net savings to the Government inasmuch as the amount of the subsidy would not be as great as the increase in Federal tax collections.

Inasmuch as state leaders have arrived at a consensus on this matter, I hope the Congress will quickly provide the legislative framework for minimizing the vast loophole provided in the present exemption of Federal taxes on municipal securities. As I pointed out in the Congressional Record of March 24, 1969 (page H1996), this loophole was estimated at $3.6 billion by Secretary of the Treasury Fowler almost two years ago. Since then, new long-term state and local offerings have been at an annual rate of $15 billion, and so the loophole would today amount to over $4 billion.

States and local communities must, of course, receive all the assistance which can be mustered if they are to survive the deluge of demands for new public facilities which will be placed upon them in the years ahead. As part of its continuing responsibility to inquire into the growth potential of the U.S. economy, to which local communities make such a vital contribution, the Joint Economic Committee, of which I am now Chairman during the 91st Congress, has under continuing study the growing public capital facilities needs of the communities in the years ahead. In our two-volume study of public facilities needs and financing published in 1966, we pointed out that publicly owned facilities financing in the succeeding 10 years would amount to the vast sum of $300 billion and that this figure would be raised to $500 if account is taken of all publicly oriented facilities including those under private ownership. Most of the $300 billion expansion will have to be financed through issuance of municipal securities.

Subsequent to the preparation of this basic study, the Subcommittee on Economic Progress held hearings in 1967, and last year, gathering evidence from knowledgeable officials of the local communities, the states and the Federal government. Their testimony, as well as events that have since unfolded, have clearly underlined the findings of that study as to both the growing needs of our local communities and to the pressures of financing the huge sums involved.

These developments have meant that, even under favorable circumstances, the localities would face extremely severe difficulties in raising needed funds. On top of all this, financing problems have been accentuated by the extremely tight money and capital market conditions which exist today and which show little signs of abating for some time to come.

I cite these circumstances—past, present and in prospect—to emphasize my concern that every effort must be made to see that states and local communities receive every bit of aid which can be mustered in their financial plight.

As you know on the monetary front, I, a Chairman of the Banking and Currency Committee, am particularly concerned by the fact that the present "tight money" policies are bearing most heavily on state and local communities. Municipal bond (high grade) yields have reached almost 5½%, almost a full percentage point above the average for 1968 and more than 2 percentage points above those of 1965. Mainly as a result of these conditions, new offerings of state and local bonds were off sharply in the first part of this year, with the monthly average in the first quarter estimated at $900 million, as compared with $1.5 billion in the second half of 1968. In contrast, corporate bond offerings continued at near record levels in the first 3 months of the year. I can promise the American people that I will continue to do my best to right this situation.

To return to the matter of the exemption of state and local issues from Federal taxation, I am convinced that if we allow the communities the choice of continuing to issue tax exempts or to issue taxable securities with the aid of a Federal subsidy, not only will the Federal Government improve its revenue position, but the states and local communities will be able to finance their requirements at reduced cost. This will be made possible out of the increased taxes on the high income recipients now taking advantage of the tax loophole. Part of this increase in taxes will then go directly to the states and local bodies, which have not been receiving the full benefit which the tax-exemption is supposed to provide. Our studies indicated that the tax-exemption is much more beneficial to wealthy holders than it is to the states and municipalities.

May I congratulate you on your fine efforts in this most important matter of tax reform.

Sincerely,

WRIGHT PATMAN,
Chairman.

COLLEGE STUDENTS IN CONSTRUCTIVE DEMONSTRATION

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLANTON. Mr. Speaker, the front pages of most of our newspapers almost daily are dominated with news of misbehavior of young college students. We often read of vandalism, of demonstrations which turn to violence, of sit-ins, sleep-ins, and burn-outs.

It has always been my contention that the students who participate in these headline-making activities actually represent only a minute minority of the thousands of college students. In fact, most students appreciate their opportunity to learn useful skills and increase their knowledge in our institutions of higher learning, and they are interested in improving the quality of their education.

In the Seventh District of Tennessee, which I am privileged to represent, we have a small church-related private college at Henderson, Tenn., called Freed-Hardeman College.

Mr. Speaker, I wish to insert into the RECORD a newspaper article from the Commercial-Appeal, Memphis, Tenn., which appeared on May 19, 1969. Although it did not make front page, it does tell about students "demonstrating" at Freed-Hardeman College, but a different type of demonstration.

The students, instead of burning down their buildings, worked hard to raise some money to help build a new science building.

In this day and time when many students would perhaps allow alumni, the development office, or other people outside their college to raise the money for a new building, these Freed-Hardeman young adults took it upon themselves to contribute to the growth of the college.

I would say this is a good example of some future nation-builders who are interested in progress, and are not intent on tearing down everything. I believe my colleagues and readers of the RECORD will find this article interesting.

[From the Memphis (Tenn.) Commercial Appeal, May 19, 1969]

FREED-HARDEMAN STUDENTS PHASE OUT "DEMONSTRATION"

(By Bob Parkins)

HENDERSON, TENN., May 18.—Many weeks of student demonstrations will end Monday at Freed-Hardeman College here, and the college administration will probably hate to see them close.

Instead of looting and burning campus buildings, Freed-Hardeman students launched a drive to raise initial funds toward cost of erecting a badly needed new science building. They set a goal of $6,500 and met it.

The money will be presented Monday to H. A. Dixon, president of the college, by student body president John Brumley of Hamilton, Ala., and Eddie Miller of Portageville, Mo., student body president-elect, who originated the student loyalty fund.

Mr. Brumley said when the idea was conceived, many said it couldn't be done. "But the students decided they wanted a new science building so badly that the best way to prove it was to raise some nuclear funds for the project."

Estimated cost of the building is $500,000.

Mr. Brumley said the money was raised by students and campus clubs in special projects and by asking the help of parents and friends in their hometowns. Auctions were held and one group picked strawberries near Bells, Tenn., Saturday to complete raising the amount needed.

He attributed the success of the drive to student involvement and enthusiasm. "About 90 per cent of the student body participated, and from the very beginning they adopted the motto 'Fire in my bones,' which has generated more spirit than any effort we've ever undertaken here," he said.

Mr. Dixon, the college president, said he was overcome by the gesture, which started without any suggestion from the administration. "It was very comforting to see students demonstrating constructively instead of destructively and promoting goodwill instead of strife," he added.

Mr. Dixon said the new science building would be built during 1969–70 "hopefully with the help of more student demonstrations of this type in future years."

WHO IS SAM HOUSTON JOHNSON?

(Mr. SNYDER was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SNYDER. Mr. Speaker, credit cards seem today to be more common than money. I notice that a Federal judge over in Ohio had some rather cogent comments on their issuance and use just last week.

Well, Mr. Speaker, I have been trying for almost a month now to get some credit card information. Somehow, no one wants to talk about the credit card I am interested in—and those few who will talk are stopped dead in their tracks by superiors if I want it in writing. It is all very mysterious—and all the while I am assured there is nothing wrong.

It seems as though on last May 2 at the Greater Cincinnati Airport, an airline ticket was issued to one Sam Houston Johnson for a flight aboard American flight 291—this ticket was issued on a credit card bearing the imprint "The

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White House." I only know of one White House, it is at 16th and Pennsylvania Avenue here in Washington, and I have been assured that no one by that name either lives or is employed there, either now or on May 2. Maybe there is another White House—but then why is American Airlines so secretive? They will not talk at the Cincinnati Airport and their Mr. Pickell here in Washington is great at stalling me on my two calls to him.

Now good old Eastern Airlines verbally admits to EAL 202 382—when confronted with a number—and their very able and capable representative agreed to confirm in writing that taxpayers' funds were not being used to pay EAL 202 382 on which the imprint "The White House" appears—but very apologetically had to suggest later that I inquire of their "legal department." Superiors had stopped him.

Mr. Speaker, I want to know why all the mystery. I doubt that taxpayers are paying this man's bills—I do not think his bills would be honored at the White House—but what is wrong with somebody saying so in writing. The airport in question is in the 4th District of Kentucky and I have constituents who are not certain. I must be certain to properly inform them.

It is my hope that these remarks will get the airlines people to explain that the taxpayers are not picking up the tab, and second, how nonresidents of the White House acquire such a prestigious address on their credit cards.

DISTINGUISHED VISITORS FROM VENEZUELA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I take great pleasure in announcing that the House of Representatives was paid a visit today by a distinguished group of Venezuelans.

Sponsored by the North American Association of Venezuela, this visit was part of the ninth annual exchange, between our two countries, of political and public opinion leaders.

At a luncheon held here on Capitol Hill, members of the Subcommittee on Inter-American Affairs and of the full Committee on Foreign Affairs had an opportunity to engage in a frank and, I hope, mutually beneficial and informative exchange of views with our visitors.

All of us, I know, were deeply honored by the presence at the luncheon of the majority leader of the House, the Honorable Carl Albert, of Oklahoma.

Our guests included a member of the Venezuelan Senate, Luis B. Guerrero, columnist in Caracas daily El Universal; members of the Chamber of Deputies, Simon Antoni, Minister of Labor, 1967–68; Edilberto Escalante, former State Governor; Armando Sanchez; Arturo Hernandez, Deputy Minister of Mines, 1959–66; Miguel Vaimberg; Angel Zambrano, vice president FDP Party; Omar de Jesús Rumbos Morón, president, URD Parliamentary Block, National Congress, Caracas; several journalists, Americo Fernandez, correspondent of Caracas daily El Nacional in Ciudad Bolivar, Venezuela; Msgr. Juan F. Hernandez, editor Caracas daily La Religion, Catholic; Adalberto Toledo, news editor Maracaibo daily Panorama; and several other leaders, Felix Olivo, president, Carabobo State Legislature; Angel Yanez, secretary general of Falcon state committee of COPEI Party, businessman; Luis Feroleto, public relations director, Venezuelan Workers Confederation; Miguel Angel Granados, technical advisor, Venezuelan Cattle Raisers Association; Eloy Lares, rector, University of Caracas; Oswaldo Pulido, president of Chamber of Commerce, Ciudad Ojeda, Venezuela; Dr. Guillermo Vogeler, architect; and the North American Association coordinators, Vicente J. Cupello, Hugh Jencks, and Dr. Pedro Vallenilla.

Mr. Speaker, my good friend and colleague, the Honorable Abraham Kazen, Jr., of Texas, presided at the luncheon and speaking in Spanish, demonstrated most ably his full grasp of United States-Venezuelan and Latin American relations by making the following very pertinent remarks:

Remarks of Hon. Abraham Kazen, Jr.

Welcome to the United States Congress. My colleagues and I on the Foreign Affairs Committee are always pleased to have the opportunity to meet with groups such as this from Venezuela and hear first-hand about developments in your country and your impressions of this country.

I understand that in your case your presence here is the result of cooperation between private American citizens and companies in Venezuela and the Venezuelan Government; that these groups also sponsor a visit to Venezuela by American journalists; and that this is the ninth consecutive year that this exchange has taken place.

This kind of exchange between the political leaders, the writers, the teachers, the business and labor leaders of our two great nations contributes immensely to the cause of peace and friendship in our common hemisphere. That the exchange has been entirely the result of efforts by private Venezuelan and American citizens is all the more noteworthy and commendable.

We are particularly pleased and honored to have with us today a member of the Venezuelan Senate and seven members of the Chamber of Deputies. Your election last December was widely recognized and commented upon in the United States as a milestone in the history of your country, an indicator of the tremendous progress you have made in building and strengthening your democratic institutions in just ten years. Like the elections of 1958 and 1963, the elections of last year were orderly, peaceful and fair, with the participation of almost 95 percent of the eligible voters. But in addition, the people of Venezuela demonstrated in these elections their ability to transfer power peacefully and constitutionally from one party to another.

Much credit for that, of course, belongs to former President Raul Leoni and to your new President, Dr. Rafael Caldera; but full credit must go to all of Venezuela's political leaders, to all of its democratic parties, indeed to all of its people. I don't suppose that your transition period has been totally without problems; in fact, if you were to press me I might admit that there were some problems of adjustment involved in the transition which our own government has just gone through. So I know how you feel.

If politically Venezuela has set an example for all the hemisphere, the same can be said about its economy. It is well known that Venezuela has the highest per capita income in Latin America. What is perhaps less well known is how well you have managed your wealth. At a time when many countries are encountering increasing difficulty in dealing with a heavy burden of debt, your external public debt amounts to less than half your gold and dollar reserves and less than 14 percent of your annual exports. Your gold and dollar reserves are not only the highest in Latin America, but on a per capita basis are higher than those of the United States. At a time when many countries are suffering from seemingly uncontrollable inflation, Venezuela can report that its price level has increased less than three percent a year for the last ten years. While other countries go through round after round of devaluation, Venezuela can point to a currency whose value has not changed since 1961 and which is recognized by the I.M.F. as a "hard" currency.

Let us not be satisfied with the successes of our respective countries in the past; we must look beyond our national borders, if we are to broaden the continental markets. We realize that the Alliance for Progress, whose objectives are a peaceful revolution in the social and economic realm, is primarily and essentially a cooperative venture of Latin American countries. Our help and participation, as helpful as it may be, is only marginal as compared to the tremendous effort which the Latin countries have to put into this program.

For the past two months, our Subcommittee on Inter-American Affairs has been reviewing the Alliance for Progress, and we share with our friends in Latin America a feeling of disappointment that the steps which have been taken in the past years towards the objectives of the Charter of Punta del Este, have to some extent been short.

Your country, Venezuela, must play a vital role in the relations with your neighboring republics, for the future of the Alliance rests upon a cooperative spirit, if it is to be a success. We welcome your thoughts and proposals regarding the future course of the Alliance for Progress.

Again, let me bid you welcome to Capitol Hill, and express the hope that your visit and the remainder of your stay in this country will be pleasant and informative.

This is your house.

APOLLO 10—A MAGNIFICENT JOURNEY

(Mr. CASEY was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CASEY. Mr. Speaker, the magnificent and incredible journey of Apollo 10 is over and our proud and thankful Nation has welcomed back the men who made it such a success.

To Astronauts Tom Stafford, John Young, and Eugene Cernan my sincere congratulations and best wishes for a job well done—and a special thanks for making it possible for us to view by television the unbelievable wonders of space and the mysteries of our moon.

I share the great pride of all Americans in their accomplishment, and I know these men would be the first to acknowledge that their spectacular success could not have been possible without the earlier flights and the dedicated effort of the men and women of NASA and the aerospace industry. We, in Metropolitan Houston, take special pride in the fact that these men of warmth and humor we followed so closely on their journey are our friends and neighbors, and we are grateful they are home safe.

XUM

Much, in the coming days, will be written and said about the voyage of Apollo 10 and its great contributions to our space program, and to increasing mankind's knowledge of the mysteries of our universe. We must leave to the scientists, of course, the technical evaluation of all of the information Apollo 10 gained on its voyage. We at home, who watched and waited for the progress reports, can only place this spectacular success in the framework of our earthbound perspective. We know they have handed to us the key to the door of space travel. We know that if man's destiny is to reach out past the stars, then Tom Stafford, John Young and Gene Cernan have pointed out the road. And to follow that road is going to take courage, determination, and full support by the American people and their Representatives in Congress. And I, for one, intend to give it my support.

Mr. Speaker, in the Washington Evening Star today is an excellent article on the future prospects of this program, which I believe should be brought to the attention of all our people:

PLANETS ARE TRUE GOAL: NASA LOOKS BEYOND MOON

(By ORR KELLY)

HOUSTON.—The historic flight of Apollo 10 has shown that man can extend human life throughout the planets of our solar system, says Dr. Thomas O. Paine, administrator of the National Aeronautics and Space Administration.

Paine hailed the successful eight-day flight of Thomas P. Stafford, John W. Young and Eugene A. Cernan as proof that man can and will go to the moon—probably landing two Apollo astronauts there the afternoon of July 20.

At a press conference here shortly after the bull's eye Apollo splashdown in the Pacific at 12:52 p.m. EDT yesterday, Paine took a sharply different view of planetary exploration than Soviet scientists.

The astronauts were told Sunday of Soviet boasts that machines, rather than man, would be used to explore the "gloomiest corner of the solar system."

The astronauts were also told that Soviet scientists had been convinced by the landing of their two unmanned probes on Venus just before the takeoff of Apollo 10 that "man will never go there."

Paine took just the opposite view.

"While the moon has been the focus of our efforts, the true goal is far more than being first to land men on the moon, as though it were a celestial Mt. Everest to be climbed," he said.

"The real goal is to develop and demonstrate the capability for interplanetary travel. With some awe we contemplate the fact that men can now walk on extra-terrestrial shores.

"We are providing the most exciting answer possible to the age-old question of whether life as we know it on earth can exist on the moon and the planets.

"The answer is yes. Men working together with modern science and technology can extend the domain of terrestrial life through the solar system."

MARS LANDING

In Washington, President Nixon's science aviser said that in 10, 15 or 20 years it may be possible to contemplate a manned landing on Mars.

Dr. Lee A. DuBridge, president of the California Institute of Technology before he came to the White House earlier this year, made the speculation in testimony to a House Appropriations subcommittee. The testimony was given Feb. 25 but not made public until today.

"Where are we going to go with manned spaceflight after the moon?" Rep. Louis C. Wyman, R-N.H., asked at the hearing. "Where can we possibly go?"

DuBridge answered:

"I do not believe that the time is yet ripe for us to make specific plans for manned flights beyond the moon. Eventually, many people believe that man will land on Mars. I do not think it is technologically feasible to plan that now.

"Maybe in 10, 15, 20 years it would be possible, depending upon budgetary problems as well as technological problems and developments, to contemplate a manned landing on Mars."

DuBridge said he believed Mars was the only other planet in the solar system on which man could survive, and therefore, the only other planet to which a manned flight would be feasible.

"Venus might be contemplated but landing on Venus would be suicide because of the very high temperatures on the surface of the planet, with any technologies that we now possess," DuBridge said.

Paine declined to set a timetable for man's exploration of the planets, but both he and other officials at the Manned Spacecraft Center here seemed supremely confident that the Apollo 11 flight will be able to get off on schedule July 16 and land two men on the moon four days later.

"The Apollo 10 crew are pioneers who have brought men to the threshold of a new era," Paine said. "Today we see no obstacles on the path to the moon. Two weeks from today, when we have carefully reviewed the flight data and debriefed the crew of Apollo 10, we will know whether we will be ready to set forth on July 16."

But NASA will not hesitate to postpone the mission or bring the crew home early if necessary, Paine said.

During the entire Apollo 10 mission, there was only one problem that seemed to cause serious concern to space officials on the ground and that might threaten the launch date for Apollo 11.

That was the failure of the Lunar Module, or LEM, to transmit what is known as "high bit rate data" on its first low-level pass over the moon.

"High bit rate data" is the detailed information on its internal functioning that the LEM automatically feeds back to earth. By analyzing this information, ground controllers can know within moments if anything threatens to go wrong and can help the crew out of trouble.

Without successful transmission of this information, a limited amount of information is passed on automatically to the orbiting Command Module and can then be passed on to earth. But this information is incomplete and may arrive too late.

Dr. Robert R. Gilruth, director of the Manned Spacecraft Center, said he was worried about the problem of getting information from the LEM and that he very much wants both automatic information and voice radio contact when the LEM sets down on the lunar surface.

But this problem of communication with the Apollo 10 LEM as it swooped down over the moon last Thursday only occurred once and may have been simply a problem of getting antennae lined up properly—a relatively simple matter.

Even some of the problems with Apollo 10 that made news during the eight-day voyage around the moon now seem to officials here as of relatively little concern.

The most spectacular was the gyration performed by the LEM just as its lower portion was cast off on the second pass close to the moon.

Officials said the problem probably occurred because a switch appeared to be in one position but was actually in another position as viewed by Stafford.

The capsule for the Apollo 11 flight is already being redesigned to eliminate the laminated and fiberglass insulation that broke free in the Apollo 10 cabin and caused the crew some irritating but not dangerous problems.

CAUSE FOR LAUGHTER

The flight of Apollo 10 probably was as nearly flawless as any in history of man's venture into space.

One newsman, at a press conference following the splashdown, brought a roar of laughter when he asked in an accusatory tone why Apollo 10 ended its 830,776-mile journey around the moon 35 seconds late.

The astronauts, probably the healthiest and most cheerful crew ever to sail through space, spent a few hours on the Princeton, got a call from President Nixon, flew by helicopter to Pago Pago, in American Samoa, and then headed home to Houston in an Air Force plane.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BINGHAM (at the request of Mr. ALBERT), for today, on account of illness.

Mr. HOSMER, for May 28, on account of official business.

Mr. HUNT (at the request of Mr. GERALD R. FORD), for May 26 and 27, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Ohio) to revise and extend their remarks, and include extraneous matter:)

Mr. SAYLOR, for 30 minutes, today.

Mr. RUPPE, for 10 minutes, today.

(The following Members (at the request of Mr. CHAPPELL) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 30 minutes, today.

Mr. CULVER, for 10 minutes, today.

Mr. FARBSTEIN, for 30 minutes, on May 28.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SNYDER and to include extraneous matter.

Mr. TALCOTT and to include extraneous matter.

Mr. HALL, immediately prior to the passage of the agricultural appropriation bill, today.

Mr. BARRETT, in the Committee of the Whole today, following the remarks of Mr. EDWARDS of California on his amendment.

Mr. LANGEN to revise and extend remarks in debate on H.R. 11612

Mr. OLSEN and to include extraneous matter.

Mr. FULTON of Tennessee (at the request of Mr. WRIGHT) following the remarks of Mr. WRIGHT in the Committee of the Whole today.

Mr. ECKHARDT to revise and extend his remarks immediately before the Committee rose on the agricultural appropriation bill today.

XUM

Mr. Steed to revise and extend his remarks during consideration of the Post Office bill in the Committee of the Whole today and to include extraneous matter.

(The following Members (at the request of Mr. Miller of Ohio) and to include extraneous matter:)

Mr. Cleveland in two instances.
Mr. Robison.
Mr. Eshleman.
Mr. Ashbrook in two instances.
Mr. Dellenback.
Mr. Anderson of Illinois.
Mr. Erlenborn.
Mr. Harvey.
Mr. Duncan.
Mr. Meskill.
Mr. Mize in two instances.
Mr. Denney.
Mr. Gross.
Mr. Snyder.
Mr. Minshall.
Mr. McDonald of Michigan.
Mr. McKneally.
Mr. Bray in three instances.
Mr. Wydler.
Mr. Hosmer in two instances.
Mr. Gerald R. Ford.
Mr. Cramer in four instances.
Mr. Taft in two instances.
Mr. Harsha.
Mr. Blackburn in five instances.
Mr. Schwengel in two instances.
Mr. Mailliard.

(The following Members (at the request of Mr. Chappell) and to include extraneous matter:)

Mrs. Griffiths.
Mr. Mollohan in three instances.
Mr. Eilberg in two instances.
Mr. Long of Maryland in three instances.
Mr. Gonzalez in two instances.
Mr. Alexander.
Mr. Frazer.
Mr. Edwards of California in three instances.
Mr. Ottinger.
Mr. Matsunaga.
Mr. Minish.
Mr. Shipley in two instances.
Mr. Hébert.
Mr. Hull.
Mr. Garmatz.
Mr. Daddario.
Mr. Jones of North Carolina in two instances.
Mr. Marsh.
Mr. Teague of Texas in six instances.
Mrs. Mink in two instances.
Mr. Mikva in four instances.
Mr. Donohue in two instances.
Mrs. Hansen of Washington in three instances.
Mr. Rarick in six instances.
Mr. Leggett in two instances.
Mr. Cohelan in four instances.
Mr. Olsen.
Mr. Farbstein in four instances.
Mr. William D. Ford in two instances.
Mr. Ryan in three instances.
Mr. Griffin in two instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 133. An act to authorize the vessel *Orion* to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

S. 753. An act to authorize and direct the Secretary of Transportation to cause the vessel *Cap'n Frank*, owned by Ernest R. Darling, of South Portland, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Merchant Marine and Fisheries.

S. 826. An act to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness; to the Committee on Interior and Insular Affairs.

S. 2224. An act to amend the Investment Company Act of 1940 and the Investment Advisers Act of 1940 to define the equitable standards governing relationships between investment companies and their investment advisers and principal underwriters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9328. An act to amend title 37, United States Code, to provide special pay to naval officers qualified in submarines, who have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of 4 years beyond any other obligated active service, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 9328. An act to amend title 37, United States Code, to provide special pay to naval officers, qualified in submarines, who have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants, who agree to remain in active submarine service for one period of 4 years beyond any other obligated active service, and for other purposes.

ADJOURNMENT

Mr. CHAPPELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 28, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

803. A letter from the Under Secretary of Defense, transmitting a report on support furnished in various locations from military functions appropriations, for the third quarter of fiscal year 1969, pursuant to the provisions of section 537 of the Defense Appropriation Act, 1969 (Public Law 90–580); to the Committee on Appropriations.

804. A letter from the Comptroller General of the United States, transmitting a report on a review of the effectiveness of the Air Force systems for managing manpower resources at airbases in Thailand; to the Committee on Government Operations.

805. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Deposit Insurance Corporation for fiscal year 1968, limited by agency restriction on access to bank examination records (H. Doc. No. 91–120); to the Committee on Government Operations and ordered to be printed.

806. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of an increase in excess of 15 percent in the estimated cost of a construction project proposed to be undertaken for the Naval and Marine Corps Reserve; to the Committee on Armed Services.

807. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Air National Guard, pursuant to the provisions of 10 U.S.C. 2233a(1)(b); to the Committe on Armed Services.

808. A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1968 through February 1969 pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

809. A letter from the Commissioner of the District Columbia, transmitting a corrected draft of proposed legislation to authorize in the District of Columbia a program of public day-care services and to provide public assistance in the form of foster home care to certain dependent children; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 692. A bill to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States (Rept. No. 91–268). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 693. A bill to amend title 38 of the United States Code to provide that veterans who are 70 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes; with amendment (Rept. No. 91–269). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 2768. A bill to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities; with amendment (Rept. No. 91–270). Referred to the Committee of the Whole House on the State of the Union.

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Mr. TEAGUE of Texas:Committee on Veterans' Affairs. H.R. 3130. A bill to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability (Rept. No. 91–271). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 9334. A bill to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes (Rept. No. 91–272). Referred to the Committee of the Whole House on the State of Union.

Mr. TEAGUE of Texas: Committee on Veterans' Affairs. H.R. 9634. A bill to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources (Rept. No. 91–273). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 763. A bill to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps (Rept. No. 91–274). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 426. Resolution for consideration of H.R. 4204, a bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict (Rept. No. 91–275). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 427. Resolution for consideration of H.R. 10946, a bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects (Rept. No. 91–276). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 428. Resolution for consideration of H.R. 11102, a bill to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions (Rept. No. 91–277). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. **ANDERSON** of Illinois:

H.R. 11682. A bill to amend title 38 of the United States Code in order to deem certain full-time training duty as active duty for purposes of entitlement to educational benefits under chapter 34 of such title; to the Committee on Veterans' Affairs.

By Mr. **HANSEN** of Idaho:

H.R. 11683. A bill to require certain certification with respect to odometers on motor vehicles used in commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. **BENNETT**:

H.R. 11684. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 11685. A bill to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes; to the Committee on Education and Labor.

By Mr. **BUSH** (for himself, Mr. Carey, Mr. Coughlin, Mr. Culver, Mr. Dellenback, Mr. Grover, Mr. Hechler of West Virginia, Mr. McCloskey, Mr. Pike, Mr. Quie, Mr. Riegle, Mr. Rosenthal, Mr. St. Onge, Mr. Tunney, Mr. Van Deerlin, and Mr. Whalen):

H.R. 11686. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. **CARTER**:

H.R. 11687. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. **CULVER**:

H.R. 11688. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. **GAYDOS**:

H.R. 11689. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. **GIAIMO**:

H.R. 11690. A bill to authorize the minting of nonsilver coins in the denomination of $1; to the Committee on Banking and Currency.

By Mr. **McDADE**:

H.R. 11691. A bill to amend the Public Health Service Act to provide for the establishment of a National Lung Institute; to the Committee on Interstate and Foreign Commerce.

H.R. 11692. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. **McFALL**:

H.R. 11693. A bill to amend the U.S. Housing Act of 1937 to require the payment of prevailing wage rates (as provided by the Davis-Bacon Act) in the construction of new housing to be used as low-rent housing in private accommodations under the public housing program; to the Committee on Banking and Currency.

By Mr. **MATSUNAGA**:

H.R. 11694. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. **MORSE**:

H.R. 11695. A bill to amend the Internal Revenue Code of 1954 to provide that the cost of maintaining a retarded child in a professionally qualified custodial institution shall be deductible as a medical expense; to the Committee on Ways and Means.

By Mr. **MURPHY** of New York:

H.R. 11696. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. **ROGERS** of Florida:

H.R. 11697. A bill to amend the Federal Food, Drug, and Cosmetic Act to include marihuana as a depressant or stimulant drug regulated by that act; to the Committee on Interstate and Foreign Commerce.

By Mr. **ROONEY** of Pennsylvania:

H.R. 11698. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. **RYAN**:

H.R. 11699. A bill to provide that Federal assistance to a State or local government or agency for rehabilitation or renovation of housing and for enforcement of local or State housing codes under the urban renewal program, the public housing program, or the model cities program, or under any other program involving the provision by State or local governments of housing or related facilities, shall be made available only on condition that the recipient submit and carry out an effective plan for eliminating the causes of lead-based paint poisoning; to the Committee on Banking and Currency.

By Mr. **SHIPLEY**:

H.R. 11700. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. **STAGGERS**:

H.R. 11701. A bill to amend the Public Health Service Act, the Federal Food, Drug, and Cosmetic Act, the Community Mental Health Centers Act, and other acts to establish a comprehensive program to deal with narcotic addiction and drug abuse, to provide for control of marihuana, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **STAGGERS** (for himself and Mr. Springer):

H.R. 11702. A bill to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. **TEAGUE** of Texas (by request):

H.R. 11703. A bill to authorize the Administrator of Veterans' Affairs to sell at prices which he determines to be reasonable under prevailing mortgage market conditions direct loans made to veterans under chapter 37, title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. **WAMPLER**:

H.R. 11704. A bill to abolish the Commission on Executive, Legislative, and Judicial Salaries established by section 225 of the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. **YATRON**:

H.R. 11705. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

H.R. 11706. A bill to amend section 214 of the Foreign Assistance Act of 1961 to authorize additional funds for the purpose of providing financial assistance in connection with the expansion and improvement of American-sponsored medical facilities in Israel; to the Committee on Foreign Affairs.

By Mr. **ANDREWS** of North Dakota:

H.R. 11707. A bill, the Water Bank Act; to the Committee on Merchant Marine and Fisheries.

By Mr. **BARING**:

H.R. 11708. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income allowances paid under section 5942 of title 5, United States Code; to the Committee on Ways and Means.

By Mr. **BLATNIK**:

H.R. 11709. A bill to amend title 5, United States Code, to authorize the payment of the expenses of preparing and transporting to his home or place of interment the remains of a Federal employee who dies while performing official duties in Alaska or Hawaii, and for other purposes; to the Committee on Government Operations.

By Mr. CRAMER:

H.R. 11710. A bill to deny tax-exempt status to private foundations and organizations engaging in improper transactions with certain Government officials and former Government officials, and to impose an income tax of 100 percent on income received by such officials and former officials from such foundations and organizations; to the Committee on Ways and Means.

By Mr. FASCELL (for himself and Mr. Mailliard):

H.R. 11711. A bill to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; to the Committee on Foreign Affairs.

By Mr. FRIEDEL:

H.R. 11712. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON of Tennessee:

H.R. 11713. A bill to amend title 38 of the United States Code so as to provide that public or private retirement, annuity, or endowment payments (including monthly social security insurance benefits) shall not be included in computing annual income for the purpose of determining eligibility for a pension under chapter 15 of that title; to the Committee on Veterans' Affairs.

By Mr. GREEN of Pennsylvania:

H.R. 11714. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HARVEY:

H.R. 11715. A bill to amend title 28, United States Code, to limit the appellate jurisdiction of the Supreme Court in certain cases relating to the apportionment of population among districts from which Members of Congress are elected; to the Committee on the Judiciary.

By Mr. HATHAWAY:

H.R. 11716. A bill to provide for the control of mosquitoes and other biting flies including possible vectors of disease through research, technical assistance, and grants-in-aid for control projects; to the Committee on Interstate and Foreign Commerce.

By Mr. KLEPPE:

H.R. 11717. A bill to provide for conserving surface waters; to preserve and improve habitat for migratory waterfowl and other wildlife resources; to reduce runoff, soil and wind erosion, and contribute to food control; to contribute to improved water quality and reduce stream sedimentation; to contribute to improved subsurface moisture; to reduce acres of new land coming into production and to retire lands now in agricultural production; to enhance the natural beauty of the landscape; and to promote comprehensive and total water management planning; to the Committee on Merchant Marine and Fisheries.

By Mr. LONG of Louisiana:

H.R. 11718. A bill to amend the Federal Meat Inspection Act to require that imported meat and meat food products made in whole or in part of imported meat be labeled "imported" at all stages of distribution until delivery to the ultimate consumer; to the Committee on Agriculture.

H.R. 11719. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 11720. A bill to declare a portion of Bayou Des Glaises, La., as a nonnavigable water of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 11721. A bill to provide for the election of circuit and district judges under the provisions of the article of amendment to the Constitution proposed by House Joint Resolution 692 of the 91st Congress; to the Committee on the Judiciary.

H.R. 11722. A bill to adjust the postal revenues and to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11723. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. MILLER of Ohio:

H.R. 11724. A bill to provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 11725. A bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces; to the Committee on Armed Services.

By Mr. QUILLEN:

H.R. 11726. A bill to amend the Agricultural adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. ROSTENKOWSKI:

H.R. 11727. A bill to amend the Internal Revenue Code of 1954 to allow a full-time student in good standing a deduction of $1,800 a year for his educational expenses, and to allow this deduction to other individuals who contribute to his educational expenses to the extent that the student himself does not qualify for the deduction; to the Committee on Ways and Means.

By Mr. RUPPE (for himself, Mr. Button, Mr. Hamilton, Mr. Schwengel, Mr. Scherle, Mr. Waldie, Mr. Weicker, Mr. Corbett, Mr. Podell, Mr. Biester, Mr. Bush, Mr. Lloyd, Mr. Rees, Mr. Mikva, Mr. Anderson of Illinois, Mr. McCarthy, Mr. Vander Jagt, Mr. Hechler of West Virginia, Mr. Cunningham, Mr. Edwards of California, Mr. Mosher, and Mr. Dellenbach):

H.R. 11728. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice-Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the U.S. Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 11729. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising and certain materials to minors; to the Committee on the Judiciary.

H.R. 11730. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN:

H.R. 11731. A bill to amend the Internal Security Act of 1950 to prohibit certain obstructive acts and practices; to the Committee on Internal Security.

By Mr. FASCELL (for himself and Mr. Mailliard):

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History; to the Committee on Foreign Affairs.

By Mr. MEEDS:

H.J. Res. 747. Joint resolution proposing an amendment to the Constitution of the United States to grant to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

198. The SPEAKER presented a memorial of the Legislature of the State of Florida, ratifying the 19th amendment to the Constitution of the United States, which was referred to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KOCH:

H.R. 11732. A bill for the relief of Eva Ezri; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 11733. A bill for the relief of Kamal Sedky Basily; to the Committee on the Judiciary.

By Mr. McMILLAN (by request):

H.R. 11734. A bill for the relief of William Temes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 11735. A bill for the relief of Lt. Col. Frank Carlos; to the Committee on the Judiciary.

By Mr. VIGORITO:

H.R. 11736. A bill for the relief of Teresa Martelletti; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

126. The SPEAKER presented a petition of the county court, Deschutes County, Oreg., relative to the tax exemption for municipal bonds, which was referred to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

THE ORBITING ASTRONOMICAL OBSERVATORY (OAO–II)

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MILLER of California. Mr. Speaker, it was my privilege on May 22 to attend an awards ceremony at NASA's Goddard Space Flight Center, Greenbelt, Md., honoring the Government-industry-university team responsible for the magnificent accomplishments of the Orbiting Astronomical Observatory, OAO–II.

This spacecraft had been in orbit almost 6 months. It was launched from Cape Kennedy on December 7, 1968. Scientists say the OAO represents as great an advance in astronomy as Galileo's telescope. It is examining the universe from a wholly new vantage point, above the obscuring atmosphere of the earth.

One of the most impressive things about the Orbiting Astronomical Observatory is the teamwork that it symbolizes. I agree with Dr. Thomas O. Paine, the NASA Administrator, who said:

> We have proved that men and women at widely scattered geographical points, in varied walks of life and diverse occupations and professions, can work together as a team to accomplish one of the most difficult scientific and technological goals ever undertaken.

Mr. Speaker, I would like to place in the Record the program and the list of awardees at the OAO ceremony. A sampling of the names—names like Kupperian, Mitchell, Garbarini, Purcell, Roman, Spitzer, and Krueger—indicates what an all-American team effort the OAO really is.

I also wish to commend Dr. Frederick Seitz, President of the National Academy of Sciences, for the excellent address he delivered at the ceremony. Dr. Seitz is retiring as President of the Academy, and it was most appropriate that he was awarded the Distinguished Public Service Medal by Dr. Paine.

I include the awards as follows:

NASA HONORARY AWARDS AND MEDALS

Frederick Seitz, National Academy of Sciences, Distinguished Public Service Medal.

Jesse L. Mitchell, OSSA, Distinguished Service Medal.

Joseph Purcell, GSFC, Distinguished Service Medal.

C. Dixon Ashworth, OSSA, Exceptional Service Medal.

Arthur D. Code, Washburn Observatory, University of Wisconsin, Public Service Award.

Robert F. Garbarini, OSSA, Exceptional Service Medal.

Donald A. Krueger, GSFC, Exceptional Service Medal.

James E. Kupperian, GSFC, Exceptional Scientific Achievement Medal.

H. Robert Lynn, GSFC, Exceptional Service Medal.

Donald L. Moyer, Grumman Aircraft Engineering Corporation, Public Service Award.

Nancy G. Roman, OSSA, Exceptional Scientific Achievement Medal.

Jack Sargent, GSFC, Exceptional Service Medal.

Nicholas S. Sinder, Grumman Aircraft Engineering Corporation, Public Service Award.

Lyman Spitzer, Jr., Princeton University Observatory, Public Service Award.

Harold Wexler, Grumann Aircraft Engineering Corporation, Public Service Award.

Fred L. Whipple, Smithsonian Astrophysical Observatory, Public Service Award.

GROUP ACHIEVEMENT AWARDS

OAO–II Project Team: Launch Operations Support.

OAO–II Project Team: Launch Vehicle Management.

OAO–II Project Team: Project Management and Support, Administrative Support, Integration Support, Network Support, Project Management, Systems Review, Technology Functional Support, Test and Evaluation, Tracking and Data Support.

THE SAFEGUARD ABM SYSTEM

HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 27, 1969

Mr. YOUNG of North Dakota. Mr. President, one of the better arguments in support of the Safeguard ABM system was made recently by Representative Mark Andrews, of North Dakota.

The speech effectively answers many of the arguments of the opposition which have been received by Members of Congress in recent weeks. Because of the importance of this excellent speech, I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Safeguard ABM System and the Cause of Peace

(Speech of Representative Mark Andrews Before North Dakota Motor Carriers Association, Fargo, N. Dak., May 17, 1969)

We have now entered an age of missilery, yet the basic fundamentals involved in our nation's protection are little different now from what they have always been. Some 194 years ago, a silversmith in New England named Paul Revere, mounted his horse one April night and rode, as history tells us, through "every middlesex, village and farm," to warn his neighbors of military invasion. Our American ancestors were few in number in 1775 and not blessed with an abundance of worldly goods.

The Colonists were obviously no match for the power of England with its enormous professional army and the world's largest fleet. You may well ask, "What was Paul Revere actually doing? What was the practical purpose of his famous ride?" He was buying time for himself and his neighbors to prepare. They had no way of knowing when the British Crown would turn loose on them a full scale military assault. They could not know whether they were inviting a new 30 year's war or a hundred year's war.

How could they be expected to fathom the intentions of an autocratic King. But knowing history, they were aware that the British Crown had always put down rebellion in its Dominions, and all the leaders were sent to London Dock to be hanged for treason. It was this knowledge which prompted the famous comment by Benjamin Franklin, after signing the Declaration of Independence, "We must all hang together, or assuredly we shall all hang separately."

So, a few days or a few hours of advanced warning could make a difference between life and death for them, or between organized resistance and the need to disperse into the wilderness beyond the King's authority.

Reflecting on American defense problems and the cost today, one is struck with the close parallel between the situation facing the colonists or 1775 and our own uncertain outlook. We are a nation without imperial pretensions. We have no desire to occupy any other nation or to bend its people to our will. We have set up a vast establishment called the Department of Defense, and we insist that its mission be confined directly to the defense of this Republic. Even so, we find that billions each year must be applied to defense activities. Why is this so?

It is so mainly because we cannot know the true intentions of our enemies, and we must try to prepare for every eventuality. We must buy time for survival and response if such a situation is ever forced upon us. And, even more important, we must make sure that our technical knowledge is advancing at a constant rate so that we have available to our nation the latest in sophisticated know-how in this age of satellites, moonshots and many other advances that were only dreamed of a decade or two ago.

We cannot hope to match the manpower of the 1,300,000,000 persons behind the iron and bamboo curtains of censorship and secrecy. We have no means of certifying the true intentions of their leadership. We can only be guided by assessment of their past actions. The history written in the U.S.S.R. since 1917 offers small reason to place confidence in their good intentions. For over 50 years they have preached that an agreement with the capitalist is nothing but a chance to take advantage of a sworn enemy. During the same 50 years they have done everything in their power to weaken self-government anywhere in the world and to promote the creation of police states.

Their essential attitudes have not changed, but we must face each new day with the realization that they are in the world with us. They do have very advanced weaponry. Their commitments are unreliable. Their objectives are uncertain. Their good faith is obscured by regular planned actions which seem to support continuation of an international strategy of terror. And, worst of all, their interpretation of just what advantage may be gained from any given situation is unknown on this side of the ocean until after they have acted.

While we all hope for a mutual cutback in armaments, the cutbacks must be mutual, and verification by the U.S. must be assured, so that we can know for certain what is going on in the closed society of the Communist World. Unfortunately, the Communists have never been willing to agree to the kind of verification considered necessary for our safety.

So much for the past and the present. What, then, of the future. If the foregoing statements do not still hold—if the mission of our Defense Department therefore, is to be changed—then the people must so signify. If our people are willing to risk a little more on Soviet good intentions, if our people feel that we don't need to stay abreast of technological improvements, then we can spend much less on national defense. But a decision of that kind, with today's weapons and tomorrow's advancements, can involve the very life or death of the entire nation. It cannot and should not be made by the President or Secretary of Defense or the Congress alone. The defense of our nation is a decision that involves all of us and should only be made by all Americans. First, of course, we must have all the facts. Public officials can only weigh the risks, make available information and offer suggestions for protection from those risks. If the time arrives when the people conclude that the cost of that protection is too high, then the decision to recede and accept the greater risks must be the people's to make, as the risks are theirs to shoulder.

And, let's look frankly at the American mood of today. First, we're approaching the end, we hope, of a war—a war that has probably been the most unpopular our nation has ever been engaged in. Every time our nation has concluded a war there has been an overwhelming public opinion toward disarmament and against the military. It happened after the Civil War, after the Spanish-American War, After World War I, World War II and after Korea. Add to this feeling the fact that during the last few years the Defense Department has been less than prudent in many of its major contracts. The TFX scandal, for example, or the Sheridan tank case. Also, the draft, designed for the full mobilization of World Wars I and II, has been a bone of contention among our young men.

Thus, the situation is ripe for political opportunists who jump at the chance to exploit concern and seek headlines, rather than give the facts—self-seekers who fan the flames of discontent and attempt to cater to the mood and the emotions of the present, rather than the need, opportunities and obligations of the future.

It is easy to strike a responsive cord by saying, "Think of all the good things you can have by refusing to spend money for defense."—easy, that is, if you forget to add into your figures the cost of the risk of losing our freedom.

We even have a prominent politician in our own state who points out that the Minuteman Missile System was constructed to be impervious to nuclear attack. He asks, "What has changed that now makes it vulnerable?" This kind of statement certainly gains him the headlines he desires, but it completely avoids the obvious facts. He conveniently forgets that Soviet technology hasn't stood still in the last decade. Among other things, the Soviets have developed the SS–9 intercontinental ballistic missile, with a 20-plus megaton warhead, which is far more powerful than anything we have. With its payload equivalence of more than 20 million tons of TNT, if an SS–9 dropped anywhere near one of our Minuteman sites, the site would be totally ineffective.

If we were to follow his logic, we would still be driving around in Model T Fords and farming with horses, since there would be no such thing as obsolescence. The French would still be safe behind their Maginot Line, which was built in the early 1930's as totally impregnable. But, of course, technology caught up and passed them, and France was overrun.

The greatest need for President Nixon's ABM Program is not solely to deploy two sites or twelve sites or to protect us from a small Russian attack or a foreseeable Chinese attack, or a stray missile that may come in by mistake. The greatest need is to give continuity to the development of technology on our side of the iron curtain—technology that can give us the lead time we might so badly need in some difficult time in the future.

Roosevelt was told by many scientists that the atomic bomb would never work. President Truman had most of the scientific community in his time opposed to his go-ahead on the hydrogen bomb. President Eisenhower had the professors saying that we couldn't take accurate photos from satellites miles up in space to allow us to know what the enemy was doing. But, these Presidents all had the courage of their convictions. They all recognized that the military safety and thus the future of America depended on one thing—staying ahead in technical knowledge. Where would we have been during the time of the Cuban Missile Crisis if President Kennedy hadn't had at his disposal the lead in technology given this nation by the action and wisdom of Presidents Roosevelt, Truman and Eisenhower.

I have no way of knowing who the President of the United States might be a decade or so from now sitting at a world conference table with the leaders of the other nations that share this globe with us. But, whoever he might be, and whatever the time in history, it is vital to our best interests that he represent an America that is a first-rate power militarily.

When I was first elected to represent you some six years ago, the national budget totalled $111 billion. This year Congress is asked to consider a budget in which the funds requested total $192.9 billion. During the past six years total spending by the government has risen almost 74 percent. Our Defense budget request this year, of course, is still the largest one in our budget. Yet, in the time that I have been privileged to serve in Congress, defense spending has actually dropped from 45% to 41% of the budget, even though we've been involved in Viet Nam. These actual budget figures certainly belie the argument that our nation's fiscal problems are solely due to "runaway defense budgeting".

Now, what of the Safeguard System, originally called the Sentinel, the very development of which has spurred so much dissension. The idea of an ABM System is not new. It has been the subject of research for over 15 years—15 years during which dramatic advancements have been scored in our knowledge and abilities in space. A decade ago there was little hope held for its eventual success, but within the past two years we have seen giant strides made that now indicate the state of the art has progressed sufficiently to justify on-site deployment testing of such a system.

So much has been said and written about the Safeguard System that mass confusion seems to have resulted. I believe, therefore, it would be helpful to summarize for you at this point first, what the Safeguard is designed to do as part of our Nation's defenses; secondly, the positions taken by those who oppose it; and, thirdly, the responses of those who support it.

First of all, about the Safeguard System itself. As now proposed it would include two sites being set up for in-place, functional testing. If, at the end of this testing, it was found that the system performed well the two sites would be expanded to twelve which would then give us coverage of our country.

As now proposed, it is designed to do three things, and President Nixon pointed out these three in his message to the nation outlining the deployment of this system and the significant changes made from the Johnson sentinel concept. Mr. Nixon indicated it should: first, protect our present landbased ballistic missile forces, which because of new developments in the Soviet Union, were no longer as secure as we once had reason to believe; secondly, the Safeguard System would be capable of intercepting a minor attack from new and emerging nuclear powers such as China; thirdly, and perhaps most important, the Safeguard System would give us the opportunity of intercepting and shooting down a mistaken attack by a handful of missiles launched in error from Soviet Russia or anywhere else.

With over 2,000 missiles on both sides of the world ready to go, the possibility of a circuit closing by mistake is always with us. At the present time our only reaction against a mistaken attack would be massive retaliation with our own missiles.

Yet, we've heard one of our state's prominent politicians state, ". . . Why do we now seek to protect, with an ABM system, silos whose retaliation Minuteman missiles should be long gone in event of attack?" (unquote) I think most of us feel that if our nation is to remain dependent on the sole alternative of massive retaliation and instant incineration for the world in case of a small attack, then we indeed have entered an age of nuclear madness.

A defensive missile system is a long overdue complement to our offensive missile system. The Safeguard system contemplates the deployment of two units, one in North Dakota and one in Montana, to be constructed as research and development projects. The total cost is not tens of billions of dollars, as some would have you believe, but $2.1 billion with an initial expenditure of $900 million during the next fiscal year. These are, indeed, fantastic sums, but this expenditure next year represents slightly over one percent of our Defense budget. If for this we can gain a workable missile defense system and an alternative to massive retaliation, we will have made, I feel, a wise investment.

Now, just what is the Safeguard System. It is an interception and destruct system, utilizing both long-range and short-range radar identification of incoming enemy missiles, and long-range and short-range interception capabilities. The long-range anti-missile, the Spartan can intercept at a distance of several hundred miles. The short-range missile, the Sprint, can intercept up to 25 miles traveling at unusually high speeds to meet any enemy missiles that may have avoided contact with the Spartan. The long-range anti-missile, the Spartan, has been tested on many occasions, as has the Sprint. The new radar with a 360 degree detection ability has been used in our moonshot. The computers are within the state of the art and have now progressed sufficiently to justify on-site testing. Thus, while all the component parts are in existence at present, the "entity" needs to be tested and certified for real reliability.

The main substance of the arguments of the opponents of the ABM System can be grouped in four distinct categories.

First, that this is being done to keep the pipeline of the defense industries full and is stimulated solely by the military-industrial establishment.

Second, that the installation would be obsolete before it is built.

Third, that it would cost far too much money—money much better spent for the domestic needs of our nation.

Fourth, that this would escalate the arms race and make even more difficult the anticipated strategic arms control talks with the Soviet Union.

All of these arguments have been repeatedly met and answered by the President and other proponents of the Safeguard deployment. No solution has been given by the opponents to the three needs that the President stressed in justifying the ABM deployment:

One, the protection of a portion of our retaliatory force against a first strike.

Two, a protection of our nation against a small attack from a lesser nuclear power such as China.

Three, a way to deal with a missile fired in error by malfunction from one of the major powers.

The philosophy behind the Safeguard decision is, of course, the conviction that first strike capability is a threat of nuclear war, while second strike capability is a deterrent to war. Our defense officials are convinced that the Soviet Union is attempting to maintain second strike or deterrent force against our ICBM weapons. If the ABM is effective and deployed, we will have an assured second strike deterrent—far better than depending solely on massive numbers of offensive missiles as at present. There is no serious doubt that the best way to deter a nuclear attack is to maintain the unmistakable ability to inflict unacceptable damage on any aggressor even after absorbing a first strike on our forces.

It is interesting to observe at this point that after the announcement of the Safeguard System there were no questions raised by the Soviets regarding our desire to maintain an ability to inflict second strike damage. Initial reaction by the Soviet Press indicated very little concern about the matter because they feel it's proper for us to protect our defense capabilities.

In fact, in a press conference in London on February 9, 1967, shortly after President Johnson announced the study of an ABM System, Premier Kosygin was asked: "Do you believe it is possible to agree on the moratorium on the deployment of an anti-missile defense system?" He replied in part:

"I believe that defensive systems, which prevent attack, are not the cause of the arms race, but constitute a factor preventing the death of people. Some argue like this: What is cheaper, to have offensive weapons which can destroy towns and whole states or to have defensive weapons which can prevent this destruction? At present the theory is current, somewhere that the system which is cheaper, should be developed. Such so-called theoreticians argue as to the cost of killing a man—$500,000 or $100,000. Maybe an anti-missile system is more expensive than an offensive system, but it is designed not to kill people but to preserve human lives."

Kosygin's argument could well be used in our nation also. Moreover, it was after former President Johnson's announcement to proceed with the more provocative city-oriented Sentinel ABM System that the Soviet Union agreed to engage in strategic arms limitation negotiations. It is also significant that the Soviets are now on their second generation of deploying an ABM System, and that the British Government, as well as most of our NATO allies, have publicly supported the concept of the ABM. So much for the ABM System as military hardware and its effect on world opinion.

But, as I mentioned earlier, our people are suspicious of the expenditures made for defense. Who could help but be when one reads these stories in the newspaper about the TFX scandal. The plane contract was awarded, not to the low bidder, but to a company in Texas, which turned out a plane that not only cost three times as much as the original estimate, but has not been able to be used effectively yet by the Air Force. Also, the $1.3 billion Sheridan tank fiasco, which has produced a tank that at present is almost as hazardous for its crew as it is for the enemy.

Actions such as these cannot be condoned by any American, regardless of political party, and we can only hope that the Defense Department, under new leadership, will see that this type of contracting is not allowed to continue. But abuses of the procurement system cannot be allowed to be used as the justification for America to cut back much needed defense system deployment.

Certainly, the President, who is hard-pressed today to start new programs he feels desirable for the internal growth of our nation, would like to avoid the funding necessary for weapons of this type and use the money instead for dams, roads, bridges, education, and anti-crime programs and all of the many other things that America needs. He knows, however, because of the information he has at hand, that this system is absolutely necessary and vital for our nation's future.

All the billions spent on national defense during the "cold war" years are nothing but a repetition of Paul Revere's ride—an effort to buy security for ourselves, and time for the world to mature and solve its most dangerous problems without resorting to nuclear warfare. We can even, in some ways, compare Paul Revere's horse to the scientist's laboratory. Both have the ability of giving us that extra time we need so desperately. Time to stay ahead while we attempt to resolve our differences peacefully.

Fortunately, many weapons have been purchased and deployed but never used; and on reaching obsolescense were consigned to the scrap heap—but they kept the peace while they were on duty, and this is why they were developed.

Faced with all of these facts, what, then, will be my position as your Representative.

First, as of this time, I feel it is highly necessary to deploy—as research and development prototypes—these two Safeguard installations.

Second, it is important to know that despite what the confusers would have you believe, this is not an ongoing authorization to proceed. Anything beyond the original two prototypes sites will take a new authorization and a new appropriation by Congress. I will not support further funding beyond the $2.1 billion for these prototypes unless there is convincing evidence that the system does in fact work. Reliance on a faulty deterrent is more dangerous than no deterrent at all.

Third, I will not in any event base my position on blind acceptance of the good intentions of the Soviet Union. History forbids it. In the Cuban crisis we held a missile superiority of three to one and the showdown was resolved in our favor. But with all of the talk about our country being satisfied with parity or less in weaponry now, we must realize that the Reds might misinterpret and since they still do not understand free and open debate in an open society, may miscalculate our power. Hitler miscalculated and he confused himself into believing that America did not have the capability to resist and would not, in fact, resist. So, he took a chance and World War II resulted. Our apparent weakness invited that war.

Preservation of peace and avoidance of nuclear conflict has been a continuing effort. Our journey on that path has never been a partisan, political issue. It would be tragic if this tradition no longer holds. Perhaps many leading opponents of the ABM have always favored compromise at any cost. They fear confrontation. They fear the use of power by the American people. Yet, history teaches us that only evident military supremacy on the part of the free world can prevent war.

Fourth, I think it is a mistake to put the sole reliance on our nation's strategic defense in one system. We must face the fact that science is universal and holds no permanent secrets for exclusive use by any nation. Any weapon that can be built, will be built; but it might not be used. Such was the case with gas, and bacteria warfare weapons in World War II. Because both sides had them in quantity, they were not used.

It should be the function of diplomacy to concentrate on securing such international agreements as will encourage friendships among all nations and gradually make weapon building an expensive folly. Meanwhile, we have to remember that a police state will use any weapon if it can do so with impunity, as Hitler did with the V–2 rockets against England.

Fifth, I accept the definition of the Safeguard system as a wholly defensive weapon. A system with a range of a few hundred miles can hardly be an aggressors weapon, yet listen to the outcry from the same voices that always cry out in fear of any change on the chess board of world affairs—in the immediate postwar era when we decided to build a nuclear weapons force; next when we decided to build a hydrogen bomb; then when we decided to deploy an intercontinental rocket force; an again when we decided to construct the Polaris submarine fleet. Each time, the same people sang the same tune—we were aggressors, building weapons to blackmail the world.

Now by some tortured logic, these same people would tell us the system of rockets to cover a few hundred miles is escalation of the war threat because we are reducing the ability of an enemy to use his rockets against us. And, if we have an enemy who worries about that point, then he must have aggressive intentions. Presumably they would have us trust the Russians' good intentions as did the people of Czechoslovakia.

Sixth, I am convinced that we must reduce our total defense spending, which now stands at 8.9 percent of our gross national product. I would like to see us work toward a figure averaging 7 percent or less if possible. This should be able to be done without comprising our basic and necessary research programs or our strategic deterrent. Some policy of this kind is required or we will be drawn into a permanent and continuing role as world policeman.

I have confidence in our technology and our ability to remain ahead of an enemy qualitatively for as long into the future as we must, but since 1954 we have virtually alone held together the ranks of the free world and communism has been exposed in all of its weaknesses. It is now time for other nations to exert and defend their nationhood, if they will, and to police their own areas. If they won't our sons should not be offered as hostage for their failures.

We must move toward the conference table on disarmament, but we must also insist on verification of the other side so we can be sure that an agreement is not merely a worthless scrap of paper. The Kremlin has used our defense expenditures as an alibi for the obvious weaknesses of their political and economic system, their failure to unify their satellites, their failure to develop Russia internally, and their failure to meet consumer goods demand. It is to our long-term advantage to shatter that alibi and force exposure of their weakness in the eyes of their own people. We must do this by fostering the interchange of ideas and people between our countries, not by allowing an iron curtain to bar their peoples' eyes from what opportunities and freedoms exist in the rest of the world. We must move to have them understand us better, and we they. But, of course, once again let me add that in any dealings with the Russians, we have to make sure that all the cards are played face up on the table.

And, finally, let's not forget that the search for knowledge and the desire to broaden our technology must be a constant and sustained thing if we are to remain ahead.

Knowledge and design of this Safeguard ABM or any other weapons system is merely one more step in the drive to remain abreast or ahead of those who would oppose us and all we stand for. If, after site testing, it is a proven addition to the national security and if changing events in the world require it as a response, and if there is no acceptable alternative to meet the three identifiable dangers as laid out by President Nixon, then it certainly deserves support and deployment. That decision must be made in the 70's, but we will have the opportunity to make it only if we move ahead with test site deployment now. One very prominent and senior Democratic Member of the House put it bluntly, "I'd rather not need it and have it than need it and not have it."

Actually, a decision in support of ABM is no different than the first great military decision of our country, when the Continental Congress started its own Navy by purchasing and armoring the old French Ship "Bon Homme Richard", and directed John Paul Jones to patrol the Atlantic as a first line of defense for this continent.

In conclusion, I believe that the great majority of the people I have the privilege to represent in Congress—and, indeed, the great majority of the people throughout the nation, with their down-to-earth common sense, are having a tough time swallowing the so-called sophisticated arguments that conclude it is somehow bad to defend ourselves. Frankly, I don't understand those who regard deployment of an ABM by our country as provocative, but not provocative of the Soviet Union to have already deployed two ABM Systems. Nor do I understand why it should be provocative of us to defend our Minuteman forces against a developing Soviet preemptive first strike capability, whereas it is not provocative of the Soviets to develop that destabilizing capability. We are told, if you pause to think about it, to stop our provocative action of punching the Soviets on their fist with our eyes. I sincerely hope that such an inverted Alice-In-Wonderland view of the world will not be allowed to prevail.

In the context of the total picture of history as it has been written, I would consider support of continued ABM development to be the action of a dove, not a hawk, for history leaves no doubt that only the strong can discourage attack and bring peace to the world of men.

YOUNG ARKANSAN DEPLORES LACK OF RESPECT FOR FLAG AND COUNTRY

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ALEXANDER. Mr. Speaker, I receive many fine letters from young people throughout the First Congressional District of Arkansas. These letters show a deep concern for the problems that face our country. They also indicate that the vast majority of our young people are a credit to our country and provide great hope for the future.

I received a letter from one of our fine young people in Jonesboro, Ark., the other day that I consider typical of the type of mail I am receiving from the young generation. I would like to share this letter with you and my colleagues at this time as an indication of the thinking of the young people in northeast Arkansas:

> DEAR MR. ALEXANDER: My name is Carolyn Pitts, I'm 13 years old and I'm in the 7th Grade.
>
> The reason that I'm writing is because I think we are not spending enough money, time and effort on the problems of America, and too much on the Space Program. I watched on television last week while delinquents at Harvard University made a mock funeral of the United States flag! It made my blood boil to think any American could stoop so low as to do a thing like that! The students claim they are striking because of "deplorable use of Brute Force" to quote a line of our daily paper, *The Jonesboro Sun*. This is only one incident.
>
> Last night in Memphis, Tennessee, a group who called themselves Jimi Hendrix Experience made a poor copy of the National Anthem in which the tune was the only thing faintly recognizable. He prefaced it with "here's a thing they brainwashed you with at school before we could get a hold of you".
>
> There are things like this going on all over the world today, and I, and many others are afraid that the Communists are behind all this and if we don't do something very definite to stop these things, I'm afraid America might someday be ruled by Communists. If we allow this to happen, all of the hardship our fore-fathers, soldiers and boys in Vietnam faced will be going to waste.
>
> I love America; I am concerned about its future. If you are not already doing something about these things, I would appreciate your mentioning it and trying to get something done about it.

SENATOR DIRKSEN'S PROPOSALS ON EAST-WEST TRADE

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 27, 1969

Mr. THURMOND. Mr. President, the distinguished minority leader (Mr. DIRKSEN), in an article published in the Reader's Digest for June 1969, has made one of the most significant contributions to the study of East-West trade that has appeared in recent years.

We are at present in a time when all of our relations with the Soviet Union and its allies are being reviewed to see whether measures should be relaxed or increased. Senator DIRKSEN in the Reader's Digest article points out that it is time to take a tough line on East-West trade. He says:

> It is time for the U.S. to insist on getting from the Communists something in return—a *quid pro quo*—for scientific and technological genius they need so desperately from us.

Senator DIRKSEN suggests that we might get as concessions the following:

First. Payment of long-standing lend-lease debts;

Second. Guaranteed access to Berlin.

Third. Hands-off policy by the Soviets toward Latin America and the Middle East.

Specifically, the distinguished Senator from Illinois calls for the establishment of a free world trade organization to supervise all exchanges with the Soviet bloc. This is an urgent proposal. It would protect free countries against the disruptive tactics of Communist economic strategists. Senator DIRKSEN points out that American exports to the Soviets have jumped 56 percent since 1962. It is ridiculous to say that these goods are nonstrategic. Goods of any kind help the Soviets to solve their production bottlenecks and to allot a greater part of their economy to military production. Senator DIRKSEN says:

> Many "peaceful" items sold to the Communists have clear military application.

To use just one example cited by Senator DIRKSEN: We have supplied the Soviets with technical data for the production of polystyrene, used in air conditioners, but polystyrene can also be used as a binder for explosives, as a rocket igniter, and as a component for ICBM's.

Mr. President, I am delighted that the views of the distinguished Senator from Illinois will be getting such wide distribution in the Reader's Digest among the people of our country and of the world. It is especially important that these views get the widest attention at a time when the administration is reviewing the abortive policies of the previous administrations.

Mr. President, I ask unanimous consent that the article, entitled "Needed: A Realistic East-West Trade Policy," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEEDED: A REALISTIC EAST-WEST TRADE POLICY

(By Senator EVERETT M. DIRKSEN)

Seven years ago, a Senate subcommittee on which I served conducted an exhaustive probe of East-West trade and found that the United States and its allies were making a direct contribution to communist military and industrial strength.

What was then a serious situation has now degenerated into a critical one. Since 1962, American exports to the Soviet bloc have increased 56 percent, and those of U.S. allies 68 percent—to a total of $3.9 billion a year. Even more ominously, these shipments include material of undeniable military significance.

At a time when the Soviet Union and its satellites were keeping the Vietnam war going, the Johnson Administration unilaterally removed from the Commodity Control List more than 500 items previously barred for sale to the Soviet bloc without a special license. All were said to be "non-strategic"—"peaceful goods which may be freely exported without any risks to the United States' national interests." But a reading of the fine print turns up the following: rifle-cleaning compounds, propellers, industrial chemicals, crude rubber, aluminum and magnesium scrap.

Top Washington officials defended their decision to export $35 million worth of machine tools for a Soviet auto plant, on the ground that it will make the Kremlin more "consumer-goods minded." Senators protested in vain that there is nothing to stop the Russians from using these tools for making armored trucks and vehicles.

"As far as computers are concerned," a communist journal admits, "we are still living in primeval times. We are 50 times worse off than the United States, 15 times worse off than West Germany and Scandinavia." Yet, encouraged by Washington, top U.S. firms, including IBM and Sperry Rand, peddle their sophisticated electronic wares throughout the Soviet bloc.

Concern over such developments runs deep. "American policy on East-West trade is contradictory and self-defeating," reports Dr. Robert Strausz-Hupé, director of the University of Pennsylvania's Foreign Policy Research Institute.

"A complete policy revision is necessary to curb the enemy's military-industrial build-up," says Rep. Glenard P. Lipscomb (R., Calif.) one of Congress' top experts in the field.

"The United States must recognize the value of trade as a major cold-war weapon," says Samuel F. Clabaugh, research associate of Georgetown University's Center for Strategic and International Studies.

When the U.S.S.R. and its Warsaw Pact allies invaded Czechoslovakia last year, I called upon our government to institute an economic embargo of the Soviet Union. "It's the only weapon we have," I said. And I remain convinced that the Soviets have real reason to fear it.

East Depends on West. Actually, the communists are in desperate need of Western technological assistance. Spectacular Soviet achievements in rocketry and space exploration have distracted many from the fact that the Soviet economy is in dire straits. "We have the worst and most backward productive structure among the industrially developed countries," says Russian economist Abel G. Aganbegian. Industrial output per worker is one fourth that in the United States (agricultural output per worker, one twelfth), and the crisis is worsening.

The solution to the crisis lies with the West. The Soviet textile industry, for instance, is a severe drain on the economy, with its obsolete equipment and fantastic

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waste of manpower. Not surprisingly, Soviet agents have fanned out across the free world to purchase what they term "turnkey" factories.*

The Russians could, of course, build the factories themselves. But, as experts at the Foreign Policy Research Institute spell it out, "If they can procure the model from the West, mediocre technicians can copy it. Meanwhile their best engineers need not be diverted from more important work."

As the State Department has concluded, "it is only with the infusion of Western technology, capital equipment and managerial and marketing support" that the communists can raise their productivity. Clearly, this dependence on Western technology represents a vulnerability that should be capitalized upon.

Bridge-Building? In recent years, President Johnson sought repeatedly to woo the communist bloc with promises of economic assistance. Trade delegations were dispatched to the U.S.S.R., Poland, Romania and Bulgaria. Lists of embargoed goods were slashed, and communist credit was guaranteed. American firms were encouraged to trade with bloc countries in a patriotic gesture that could lessen international tensions. Meanwhile, provisions of the Mutual Defense Assistance Control Act—designed to bar U.S. aid to nations supplying the communists with strategic goods—were simply not enforced. By word and deed, Washington demonstrated its faith in "bridges of friendship" to the East.

Not surprisingly, Soviet bloc trade with Western Europe boomed. An Italian firm has contracted to supply the communists with $90 million worth of computers and calculators. Dangling credits before the East Germans, Bonn hopes to increase its trade there 150 percent by 1975.

But Washington has been unalarmed. Indeed, the director of the State Department's Office of East-West Trade, Robert B. Wright, suggested in a remarkable speech last year that the government felt that increased trade could end the cold war, that "we have nothing to fear, nothing to lose." But Wright and other advocates of expanded East-West trade are laboring under two delusions:

1. *That trade, by definition, promotes friendly relations.* History tells us otherwise. Germany and Russia were trading up to the very day that Nazi panzer columns rumbled across the Soviet borders in 1941. Scrap iron sold to the Japanese by business-as-usual Americans was fashioned into the bombs dropped on Pearl Harbor.

The argument is made that "winds of change" are blowing across the communist empire, and that American assistance can encourage liberalization. But does it?

Consider Poland, the recipient of more than $550 million in U.S. aid and the only member of the communist bloc awarded our "most favored nation" tariff status. American assistance was supposed to mean a better life for the Polish people and to help Poland win independence from Moscow. Instead, the Polish hard-liners in control beefed up their 250,000-man army, tripled their rocket forces and quintupled their armored divisions. Exports to North Vietnam have been stepped up sharply; the regime's second-ranking official visited Hanoi to brag that Polish anti-aircraft batteries have shot down or damaged 40 U.S. planes. Not only did Polish troops march with the Red Army into Czechoslovakia, but Warsaw has promised volunteers to Ho Chi Minh if needed in the "struggle against the imperialist aggressor."

2. *That "non-strategic" trade constitutes no danger to the United States.* The distinction between strategic and non-strategic trade is largely imaginary. Western goods of any kind relieve production bottlenecks and enable Soviet planners to shift from domestic to military production patterns.

At the same time, many "peaceful" items sold to the communists have clear military application. Consider the technical data supplied the Soviets for the production of polystyrene—a chemical used in air conditioners and other "non-strategic" items, according to the Commerce Department. Polystyrene has other uses: as a binder for explosives, as a rocket igniter, as a component for intercontinental ballistic missiles.

Oil War. Merely cutting off the export of strategic goods is not enough, the United States must begin fighting the cold war with the same weapons as its adversaries, recognizing that trade can be a powerful, perhaps crucial weapon.

The Soviets themselves make no bones about it. "Trade policy is an integral part of our foreign policy," says top Soviet economist P. A. Chervyakov, and the record bears him out. In 1932, Stalin drastically cut purchases from the West—at great cost to Soviet economic development—in an attempt to intensify the free world's Great Depression. And a critical need for Western goods immediately after World War II did not deter the Soviets from holding such purchases to a minimum, in the belief that this would hamper Allied conversion to a peacetime economy.

Economic blackmail and political retaliation are practiced shamelessly. In 1949 when the Australians broke up a Soviet spy ring, Soviet purchases of badly needed Australian wool were immediately cut off. When Yugoslavia moved toward independence, the Soviets disregarded existing agreements and slapped a total embargo on all Russian-Yugoslav commerce. In 1958, the Russians shut off crude-oil deliveries to Finland, canceled orders and delayed trade negotiations there until certain conservative members of Finland's cabinet resigned. Such communist economic warfare is global. Prices are rigged, goods are dumped—all as part of the strategy to disrupt Western economies, to ensnare emerging nations and promote friction within the non-communist world.

Nothing demonstrates this quite so effectively as the "oil offensive" that the U.S.S.R. has waged for more than a decade. Kremlin strategists believe that the American oil industry is the "foundation of Western political influence" throughout the underdeveloped world. "If this foundation cracks," a Soviet theoretician has written, "the entire edifice may come tumbling down."

To this end, Soviet oil is dumped in Western markets at ridiculously low prices. While Czechoslovakia is forced to pay 18 rubles per ton, for instance, Italy pays less than eight rubles. Results: the Russians acquire badly needed Western currency, and the economies of the United States and its oil-producing allies are threatened.

Despite this, Washington has on numerous occasions approved the export of petroleum drilling equipment, even of an entire oil refinery, to the Soviet bloc.

Best Weapon. It is time for the United States to tie *its* trade to global politics, to insist on getting from the communists something in return—a *quid pro quo*—for the scientific and technological genius they need so desperately from us. By demanding political concessions for economic favors, as Georgetown Prof. Lev E. Dobriansky suggests, the United States will be following a practical alternative to complete embargo or haphazard liberalization.

Such a policy would allow for credits and cash payments, consumer goods and producer goods. Adaptable to changing conditions, it would infuse a consistency and a rationality into our trade relations with the entire communist bloc. The list of concessions would be graded. It could include the payment of long-standing Lend-Lease debts, guaranteed access to Berlin, a handsoff attitude by the Soviets toward Latin America and the Middle East.

Such a policy, to be effective, requires what is now tragically lacking—a sense of unity among the Western industrial powers. There must be established a free-world trade organization that would supervise all exchanges with the Soviet bloc, protect free countries against the disruptive tactics of communist economic strategists, and the outline effective countermeasures.

The need for a bold new policy on East-West trade is clear, as President Richard Nixon is well aware. As long ago as 1962, he demanded that the Western powers adopt a solid trade front in the struggle against communism. "Trade and economic sanctions must be wielded as a lever at the bargaining table to move the Russians from their intransigent positions," he said. "The Berlin Wall might have crumbled in a week if we had threatened a complete economic embargo on East Germany. The Soviet Union's support of guerrillas in South Vietnam might well have been traded for the right to buy Western goods. Western productivity, technical know-how and trade add up to one of our best weapons. We must use it in the cold war."

That was true then. It is even truer today.

STAR EDITORIAL POINTS TO PROBLEM OF FOUNDATION PAY TO JUDICIARY

HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. CRAMER. Mr. Speaker, today's Evening Star carries an editorial, entitled "The Douglas Letter," which strikes at the heart of the unfortunate problem created by the acceptance of pay, by a Supreme Court justice, from a foundation.

Consequently, this perceptive editorial does much to underscore the need and propriety of the legislation which, at this moment, I am drafting in an effort to remedy this situation.

Simply put, my legislation would provide that "there shall be no outside services rendered, for pay, by anyone who has a judicial appointment and that there shall be no payment of any kind, no gratuities to any Federal Government employee, or elected officials, by any foundation."

The Evening Star's editorial reads as follows:

THE DOUGLAS LETTER

The statement issued by the Supreme Court's press officer on behalf of Justice Douglas is a curious document.

Its essence is that the justice "knew very little" about the tax troubles of the Albert Parvin Foundation, of which he was president at $12,000 a year until he resigned this month. This, however, neither denies nor disputes a New York Times report of a letter allegedly written by Justice Douglas on May 12 to Albert Parvin, for whom the foundation is named.

In that letter, according to the Times report, Justice Douglas denounced an Internal Revenue Service investigation of the foundation as a "manufactured case" intended to "get me off the court." He added that "I do not propose to bend to any such pressure."

This, on its face, was highly improper, even though the justice presumably did not expect the letter to be made public.

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*Such factories are designed, built, and installed by Westerners, who also train local people to run them, and thus turn over to Soviet managers the key to a complete, functioning plant.

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It is improper because it reveals a state of mind which disqualifies or should disqualify Justice Douglas from participating in the decision of any case involving the IRS which might come before the court in the future. To say the least, his bias is showing.

Another point: If Justice Douglas knew very little about the foundation's tax problem, as the press officer's statement says, how could he describe the IRS investigation, which began in 1966, as a "manufactured case"? Before making any such accusation, one might expect a Supreme Court justice at least to know what he is talking about.

Finally, the letter indicates that Justice Douglas gave some tax advice to Parvin. If he did, it was a gross impropriety, if not a violation of law.

This is too serious a matter to be hushed up or dropped. The fitness of Justice Douglas to stay on the court is very much in question. If there is reason to think there is more to it than has yet appeared, the Department of Justice should take possession of all documents and correspondence bearing on the relationship between the justice on the one hand and the foundation and Parvin on the other. This would make it possible to get to the bottom of this matter, which most certainly should be done.

I congratulate the Evening Star for its eloquent articulation of a very real problem which begs for remedy if public esteem and respect is to be restored with reference to the judicial branch of this Government.

A TEXAS EDUCATOR-SENATOR WRITES OF MEXICAN-AMERICAN PROBLEMS IN EDUCATION

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 27, 1969

Mr. YARBOROUGH. Mr. President, when I was trying to have the Bilingual Education Act enacted, thousands of educators gave their assistance to that effort. One of those outstanding persons was Mr. Joe J. Bernal, State senator from San Antonio and a former classroom teacher. Senator Bernal's sensitivity to the educational difficulties of the Mexican-Americans and his outstanding knowledge made him a stalwart in our legislative efforts.

Recently Senator Bernal wrote an article entitled "I am Mexican-American," which was published in the National Education Association Journal of May 1969. Because of his ability and knowledge which is reflected in this article, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANITA INSISTS: I AM MEXICAN-AMERICAN

(By Joe J. Bernal, State Senator, Texas; social worker, Inman Christian Center, San Antonio)

The average Mexican-American drops out of school by the seventh grade. In Texas, almost 80 percent of students with Spanish surnames drop out before completing high school. In California, 73.5 percent of the state's Mexican-American students do not complete high school.

Some incidents that took place in a Texas high school where 98 percent of the students are Mexican-American may help to explain the high dropout rate.

"I don't know what the fuss is all about," the teacher said to her senior civics class. The "fuss" the teacher referred to was a potential walkout by 300 to 500 students who had made certain demands on their school personnel.

Their demands were simple. They wanted to select the nominees to the student council instead of having school officials name the candidates. Because some students were interested in going to college, they wanted chemistry and trigonometry and sociology taught in their school and they wanted to be counseled about available college grants, scholarships, and work-study assistance. Finally, they wanted to be taught about the contributions their ancestors had made to the state of Texas.

The civics teacher could see no reason for their demands, particularly the last one. "After all," she said, "you're all Americans."

Anita, one of the school cheerleaders, stood up and disagreed. "I'm not American. I'm Mexican-American. You're white and I'm brown."

Anita sat down, sobbing. She had never spoken up to a teacher before. But she was on sure ground, she felt. In spite of her tears, she felt glad that she had said what she had. She *was* Mexican-American.

Like many other Mexican-American girls, Anita had been taught at home to regard her bronze color as a matter for pride. After all, Anita told herself, the appearance of the Virgin of Guadalupe to the lowly Indian, Juan Diego, showed without any doubt that the Virgin, *La Virgen Morena*, had Anita's Mexican-American coloring. But Mrs. Smith wouldn't know that.

Color, of course, has been only one source of misunderstanding between Mexican-American students and many of their Anglo teachers.

The Mexican-American has maintained his mother tongue longer than has any other minority group. Whereas most immigrants largely replaced their mother tongues with English in one or two generations, the Mexican-American has clung to Spanish for three, four, and five generations. This is due primarily to the proximity of the Mexican border. Spanish language TV, newspapers, radio, and movies are commonplace in the barrios.

Many unfortunate classroom situations have arisen because schools and teachers have refused to recognize that Spanish is the social language of their Mexican-American students.

"*¿Traes un lapiz?*" Ector had leaned over to Juan for a pencil.

"I've warned you about speaking Spanish in my class," the teacher said sharply. "Go see the vice-principal right now, Ector. I can't have any more of that murmuring in Spanish."

Mrs. Jones was irritated. Too many of her students kept lapsing into Spanish. There was a school policy against the use of Spanish and she had a vague idea that there was a law against speaking Spanish in the schools of Texas.

Ector, a six-foot varsity tackle, was active in all school activities and popular with his peers.

I didn't do anything wrong, Ector kept repeating to himself as he made his way to the office. I get A's in Spanish class but when I use Spanish to whisper to a friend in Mrs. Jones' room, I get sent to the office.

Ector arrived at the vice-principal's office. After explaining why he was there, Ector sat through a 15-minute lecture on why it is very American to speak English.

Mr. Neill's lecture, which he had often delivered before, mentioned the vague law that prohibited the use of the Spanish language in the schools.

"Well, Ector, you can take three licks and go back to class or go home and bring your parents," Mr. Neill stated after the lecture.

I know I'm as good an American as he is, Ector thought to himself. My brother is in Vietnam and I'll probably be going, too. Why does Mr. Neill have to tell me about speaking English and being an American? I can speak it, and I was born in the United States. Mr. Neill wants to whip me! He's worse than Mrs. Jones. My father hasn't given me a licking since I was eight. Now he will have to miss work to come to school because my mother can't speak English. He's going to be mad.

"Well, Ector, will it be three licks or your parents?" Mr. Neill asked.

"The three licks."

The school district has now changed its policy and Spanish can be used whenever it enhances a teaching situation. High schools there offer courses in sociology, chemistry, and many other college preparatory subjects formerly considered too difficult for "Mexican" children. The high school where the incidents took place has had a change of administration and the new principal, a Mexican-American, is well aware that frequently schools have not been able to work successfully with Mexican-American students.

It is important for schools to recognize the advantages of being truly bilingual. The so-called language-educated person is skilled in reading, writing, listening, and speaking. Generally, the Mexican-American's Spanish language skill is limited to listening and speaking, sometimes to listening only. And yet the skill he has developed in speaking and/or understanding Spanish impairs his ability to become skilled in speaking and/or understanding English. Much of this can be traced to conflicting attitudes on the part of school people. His two languages are placed in constant conflict and it is difficult for him to achieve true proficiency in either.

In the classroom, much can be done to help Mexican-American students overcome this language conflict. The use of Spanish in the education process will help. In some cases Spanish can be used as the teaching language. For instance, bilinguists can be taught mathematics in Spanish. Admittedly, this will not improve their abilities in English, but at least their mathematical learning will not be held back because of their deficiency in English.

Intelligence tests, if they are to be regarded as such, that are not as heavily weighted on verbal ability should be developed, and until they are, teachers and counselors may inadvertently classify bright bilingual children as slow learners.

The schools need to consider the cultural and economic environment that surrounds the lower four-fifths of Mexican-American citizens. Having become a minority in the land that belonged to their ancestors, these people have existed in a system dominated by Anglo institutions—governmental, educational, and economic. They have expressed their rebellion against foreign institutions by withdrawing from the culture and clinging to their own Mexican-American traditions.

It is important that teachers show respect for the language and the culture their Mexican-American students cherish. Even if the teacher does not speak Spanish and the class is being conducted in English, he should allow a child to express himself in Spanish when he becomes stuck for words. When the teacher wants to encourage students to speak English to one another, he should not put it on the basis of "You're American. Speak American." Instead, he should say something like, "Yes, Spanish is a great lan-

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guage—even Thomas Jefferson said so. You need English, though, to live and work in the United States."

Mexican-Americans have a proud heritage and they deserve to learn about it in school. They should study histories of Latin America. United States history ought to emphasize Mexican contributions. School libraries should make available biographies of Spanish-speaking leaders.

Students need to have the opportunity to learn about contemporary Mexican-Americans who are contributing to the American scene. Successful Spanish-speaking community leaders and college students should be brought into high schools to discuss career attainment. (Similarly, successful Mexican-American high school students should be urged to speak to elementary and junior high students to point out the advantages of remaining in school.)

Particularly helpful in adapting the schools to the needs of Mexican-American students will be for the teachers of these students to have special training—courses dealing with the education of the culturally different and economically deprived.

STUDENT UNREST AND CAMPUS RESEARCH

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. DADDARIO. Mr. Speaker, Don K. Price, dean of John Fitzgerald Kennedy School of Government at Harvard University, is an acknowledged authority on science policy. He has served most helpfully for the past several years as a member of the research management advisory panel of our subcommittee on Science, Research, and Development. On May 22, Mr. Price was honored as the recipient of the annual Midwest Research Institute citation in Kansas City, Mo.

In his acceptance speech, he brought insight and understanding to bear on the issue of Government-sponsored research in universities. Congress is greatly concerned with the charges and replies between student militants and school administrations over the relevance of these research grants and contracts. Don Price states:

> We do need to see that our science and technology are made relevant to contemporary problems. But what the rebels need to learn—and it will be very difficult for many of them—is that relevance can be attained in society only by responsibility, and responsibility can be achieved only by organization, and by the discipline and self control that we need to make large scale organization successful.

Mr. Price notes the possibility that the Congress may react against campus confrontations "to force the transfer of research contracts from universities to more secure sites." He concludes:

> Only if university faculties can take effective action to make it clear that they propose to defend universities as centers of learning and rational inquiry can they protect the academic community from serious political reprisal.

Mr. Speaker, because of the immediate interest to the Members, I include the text of Don K. Price's address at this point in the Record:

Address of Don K. Price, Dean, John Fitzgerald Kennedy School of Government, Harvard University, and 1969 MRI Citation Recipient at the Midwest Research Institute Annual Meeting of Trustees, Kansas City, Mo., May 22, 1969

The Midwest Research Institute award is an honor in which, of course, I take great pride, as I am sure all of my distinguished predecessors have done before me. But to me the honor is particularly gratifying for two reasons. First, any university administrator is likely these days to feel the need of any kind of consolation he can get. Second, honors such as this go in the normal course of things to scientists and business executives but come as more of a surprise to anyone who works in my field of interest.

Sir Bernard Darwin, one of the great English sportswriters of a generation ago, used to remark that golf was the most humbling game. I suppose that was because among the sports that he covered he never included public administration.

Work in public administration, in either its practical or academic aspects, is not calculated to build up a man's ego.

In the academic world it is not considered an elegant or rigorous field of study. In the eyes of the physicist or the economist it lacks theoretical rigors and it is tainted by a concern for the solution of immediate practical problems.

And in the world of practical affairs it is—at least in the United States—caught in the middle and squeezed badly between the power and the glory of political leadership on the one hand, and on the other hand, the smug certainty of truth and high moral standards that is properly cultivated in the several scientific and professional communities.

These are the old and traditional humiliations of American public administration. But now another has been added. We are ignored by student protest movements. (I knock on wood; at least I can say: up to now.) Student rebels attack their Presidents and Deans, they seize scientific laboratories, they demand that business schools be abolished. They obviously consider these the pillars of the Establishment. But they simply ignore schools of public administration as too insignificant to bother with. This is, I may add, a humiliation I find it possible to bear with equanimity.

Now it is obvious that student unrest, as difficult as it is to diagnose precisely, is a worldwide movement. One of its main common features is a discontent with scientific modes of thinking and with technological progress or its side effects. Some of its self-proclaimed leaders are also self-proclaimed Communists, but their movement has none of the ideological discipline of the Communist student movements of my youth. Wherever they crop up in the Soviet Union and its satellites they are treated very roughly indeed. Unlike the real Communists their purpose is not to build a political system on a base of scientific thought and technological advancement, but to challenge, on quasi-religious or moralistic grounds, the whole notion of material progress as based on technology without moral direction.

The way in which all of this has developed in the universities reminds me irresistibly of an O. Henry story. Some of you may be old enough to have enjoyed O. Henry and his greatest single creation, Jeff Peters, "The Gentle Grafter." Jeff Peters' greatest discovery, as he put it, was that "A trust is its weakest point." Jeff and his partner had escaped from Mexico after selling a silver mine they did not own. Then in a small town on the Rio Grande they established a real trust—a complete monopoly. They bought up all the saloons just before the town was isolated by a flood.

For a short time, with no interference from any meddling trustbusters, they jacked up the prices and were on their way to fantastic wealth. But Jeff Peters' partner, normally a teetotaller, decided to sample their stock. Whiskey moved him to oratory of the kind he had been brought up on as a boy. A few hours later, when Jeff found that no one was coming into the saloon any more, he went out to discover that his partner had organized a mass meeting, had given a rousing temperance lecture, and had gotten every man in town to sign a teetotaller's pledge.

Now the contemporary university is in a plight much like that of Jeff Peters. It had a big share—if not a monopoly—of basic research, which a frightened nation came to consider the key to national security and prosperity, and the Congress then came through with financial support beyond the wildest dreams of scientists of a generation ago. But many professors, unaccustomed to this heady prosperity and conscience-stricken about it, now undertake to persuade the nation that it is drunk on technological progress and ought to sober up—drunk either on the pride in new scientific weapons which ignores the dangers of a continuing arms race, or on the pride in industrial productivity which ignores the accompanying pollution of the environment and the neglect of social problems like hunger and racial inequities.

We should really worry less, I think, about the student rebels and more about the issues that their elders have persuaded them to raise. But I am inclined to think that they both have chosen the wrong target. They should concentrate their fire not on science or technology, but on the administrative and political system that supports and directs it.

This would be consistent with their demand for relevance. With this demand I find myself in sympathy, though they make it hard to sympathize with them by their manners. We should not reject the idea in the way we might refuse to buy a product that is plugged by a television ad, just because we hear the pitch made so repetitiously and loudly and offensively. We do need to see that our science and technology are made relevant to contemporary problems. But what the rebels need to learn—and it will be very difficult for many of them—is that relevance can be attained in modern society only by responsibility, and responsibility can be achieved only by organization, and by the discipline and self-control that we need to make large-scale organization successful. And this is why I think they should be concerned not only with science itself, but with the administrative system that supports and directs it. I would like to talk tonight about some of the faults of that system, which we should worry about, but also about some of its virtue.

Very few people have bothered to reflect on the fundamental changes in our national system of public administration that have taken place over the past generation. Even well informed people do not identify it as a fundamental administrative change, perhaps because it was not accomplished by people who thought of themselves as administrators. It was done much more by the scientists, the engineers, the physicians, and other professionals, with a big assist from politicians. The virtues of the new system have been energy, initiative, and extremely rapid scientific and educational advancement. But the cost has been the undertaking of many technological innovations that satisfied the professional ambitions of the innovators but carried with them considerable costs for human welfare.

What do I mean by this administrative

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revolution? Back in that distant and rather calm and stodgy period which we recall as the early New Deal, it was still assumed that government functions were administered by government employees and that it was their job to do what their political superiors told them to do, not to initiate new policies themselves. By way of illustration I may recall that when the National Academy of Sciences recommended that government help fight the depression by making grants to research institutes and universities, "Honest Harold" Ickes refused on grounds that public funds should be spent only through public agencies, and a responsible hierarchy of public officials.

To some businessmen it may have looked like socialism to spend tax money through government relief agencies, but administratively it was a very conservative system. The typical civil servant, tightly controlled within the framework of the traditional government bureau, was in no position to undertake radical innovation: the institutional structure within which he worked was too much under the thumb of comptrollers and Congressmen, and he was not geared into the most profoundly innovative forces in modern society, namely, the intellectual power of modern science and the flexible enterprise of the private corporation.

But now all that has changed, and the scientists started it. The wartime system for the support of research decided boldly not to put the scientists into uniform or even on a civilian government payroll; it contracted with universities and industrial corporations for the research it needed, and for the development of that research into weapons systems, and even for the initial efforts to test those weapons in the field.

After the war, the system of administering government functions through grants or contracts with private corporations and institutions spread most rapidly first in such new technological programs as the atomic energy and medical research and space programs, but then to other fields. What would Harold Ickes—or for that matter Harry Hopkins—think if today he could see the most controversial parts of the poverty program administered largely through contracts with specially created private corporations which have largely bypassed the established system of state and local governments, and other parts through contracts with great industrial corporations?

In all these movements, of course, the research institutes and the universities, supported by government funds but enjoying the freedom and initiative that go with technically private status, have been profoundly innovative forces in our economy and in our society. They have greatly furthered a tendency which was already characteristic of our political attitude. They have made us as a nation less inclined to deal with public issues on the grounds of social theory or party ideology, and more inclined to approach them in the traditional mood of the analytical scientist or engineer. We are not mainly concerned to ask whether a certain policy is Jeffersonian or Hamiltonian, Catholic or Marxist. Instead, we are inclined to try to discover whether particular problems can be dealt with in more practical ways.

American students of public administration are just beginning to catch up with these developments. For generations they have been inclined to apologize for the American administrative system and to admire the more orderly and disciplined civil services of Great Britain and Western Europe. But now they see Great Britain and Western Europe beginning to look with envy on the dynamism, the flexibility, and the freedom of this curious system in which universities and research institutes are deeply involved in government policy but without any noticeable loss of freedom on the part of the professor or the research investigator. And we are even more surprised to note that the British civil service is now being made over avowedly in partial imitation of the American system, with its emphasis on technical and professional initiative rather than administrative regularity. Or that German universities, originally the model for our own, are beginning to imitate us.

Never and nowhere before have scientists and scholars been in such a favorable position to influence policy decisions while retaining a secure base of support. This new system, which has made it possible for government to intervene in the solution of social and economic problems without assuming the ownership or destroying the autonomy of our academic or business institutions, may help us avoid the apparent necessity of choosing between socialism and capitalism which seemed to confront us a half century ago.

The rebels of the New Left see this system, of course, in a different light. By getting deeply involved in current problems, the scientist (they say) has sacrificed his position of complete detachment from the system and forfeited his status as an independent moral censor. But the dilemma of the New Left is an absolute one. It is not possible to be relevant without also becoming responsible. Absolute purity in politics means absolute irrelevance. The universities and the research institutes of America are in the mainstream of the American political tradition as they search out new ways of putting their skills at the service of the public, in return for the support which is given them for their intellectual interests.

With respect to the methods of most of the recent student protests, I have no sympathy. But with respect to the underlying national and academic problems which are at the root of much of the protest, and which trouble the vast majority of students who have no part in disorders and violence as much as they trouble the rebels, I have the deepest concern. If we in the universities are to be responsible as well as relevant, in an effort to deal with those problems, we are going to have to make a more effective union between the work of the technological and scientific community on the one hand, and the administrators and students of administration on the other.

In the practical administration of government affairs, I have noted that the administrator is caught in the middle. The dynamic initiative comes from the bureaus and agencies whose purposes are dominated, many of them, by interest in technological progress, or in devising scientific and technical solutions to human problems. The typical bureau or agency, like the typical private corporation, is tempted to see the fate of the world as wrapped up within his particular institutional purposes. The fallacy of socialism indeed is that it does not see that this narrowness of view, this greed for irresponsible power within a narrow scope, is as great a temptation and a threat in a governmental as in a private institution; indeed in government, without the discipline of the balance sheet, it is harder to control, and its external costs—the costs that society generally pays for the profits or benefits of a particular program—may be harder to identify.

But the man who is put in a position of general administrative responsibility is the most likely to have these problems—these external costs—forced on his attention. Whether he is a political appointee, or a scientist who has moved up into the administrative hierarchy, or a career man trained in administration, he finds it hard to evade the issue when specialists disagree—when the agriculturalist differs with the fish and wildlife man on the dangers of pesticides, or areronautical engineer with the city planner on the development of airports, or the nuclear engineer with the public health doctor on the standards of safety for nuclear reactors, or the generals with the diplomats on new ballistic missile systems for either offense or defense.

If the administrator, as he deals with these dilemmas, is not to become the prisoner of the experts—if he is to be able to put the issues up to legislators in ways that the public can understand and ultimately control—he has to have help from experts outside the bureaucratic hierarchy. So must the political leader who proposes to attack the policy of the government. And either one will soon find that a scholar or scientist who has not been involved enough in a policy issue to understand it is worthless for this purpose. The virtue of the system we have developed since the second World War is that universities and research institutes are full of men who have had more than a nodding acquaintance with crucial policy issues and whose views are informed by something more than moral passion—indeed, by solid professional competence. If the rebels really want academic science to be relevant to social issues, they should applaud this system, which opens up the crucial issues for public discussion, with experts available to support criticism of current policies, in a way that is not possible in the traditional European system that isolates the scholar from the bureaucracy.

Now the whole system is threatened. The direct threat from the student rebels is not the main danger. It can be controlled—with help from the students themselves—as soon as university faculties conclude that it must be. The far greater danger comes from the indirect effects of student rebellions. For the support that Congress has provided in its annual appropriations is not something that the research world can afford to take for granted. Like any other vested interest the universities, after two or three years, came to think that annual appropriations could be counted on as a matter of right. But, as Jeff Peters noted, a trust is its weakest point. And I would judge that at this moment the whole financial and administrative structure of higher education and research in the United States is in danger, and only if university faculties can take effective action to make it clear that they propose to defend universities as centers of learning and rational inquiry can they protect the academic and research community from serious political reprisal.

Now if I were in an industrial or government laboratory or an independent research institute, I would be tempted to view this situation with malicious satisfaction, and with some cupidity. University scientists have been smug enough in the past to make this reaction inevitable. If students are disagreeable and politically unpopular, may not Congress be tempted to force the transfer of research contracts from universities to more secure sites? In the short run this is quite likely, and the shift in money may be followed by the transfer of professors who are inclined to think that labs without students may offer some attractions.

But in a fundamental sense the rest of the research world would lose as heavily as the universities by such a development. For the style, the attitudes, the sense of freedom, the obligation to share basic concepts for testing and criticism, that are fostered in the self-governing university faculty are the fundamental protections of the scientist wherever he works. This is not entirely a matter of intangible attitudes. The desire of the nonacademic laboratory to compete with the university for scarce talent gives it an incentive for maintaining an atmosphere of intellectual inquiry, and for encouraging scientists to remain actively engaged in the community of free scholarship, that might be lost entirely if a rigid bureaucratic bar-

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rier should be erected between the two parts of the scientific community.

But although I am temperamentally a pessimist, I see some grounds for hope that the whole community of science will hang together on its general standards, and help provide the technical base, and perhaps even some of the moral support, for solving the problems that require the most urgent attention by the nation.

The first is that scientists now recognize the breadth and scope of the problems that have been caused by our uncritical addiction to technological and industrial progress, and our lack of attention to the problems that it brings. Scientists have been in the forefront of the movement to call attention to the pollution of our environment, and to demand remedial action. Scientists are beginning to be concerned with the other problems that we lump together rather indiscriminately as our domestic "urban problem"—problems of race, poverty, nutrition, housing, and crime—as well as with the global problems of population and economic development. In the field of national security, scientists, without assuming (most of them) that we are yet in a world where a great nation can dispense with military power, are beginning to appreciate how much security depends on other considerations than military hardware. And their broadening of concern in all these directions has led them to broaden their conception of science itself, to include the social as well as the physical and biological sciences in the equipment the experts need if their work is to be relevant to the issues of the next generation.

The second ground for hope is that the sciences are beginning to be incorporated into the processes of administration, in practice as well as in theory. Over the past couple of decades a new range of techniques for the study and control of administrative systems and of the methods of making decisions has been developed by the operations researchers and the systems analysts. And these new techniques will doubtless serve not merely to make management more efficient in carrying out predetermined policies, but also to let scientists and administrators together play a more effective role in the criticism of old policies and the formulation of new ones.

It used to be fashionable in scientific meetings to speak in glowing terms about the Utopia that we would build if the average citizen would only listen to the scientists. Now that the rebellion against science and technology is coming not from the man in the street but from within the academic community itself, any such note of optimism sounds fatuous. But in a time of troubles it is especially necessary to keep one's head; romantic despair and blind resentment are equally dangerous moods. I do not expect science alone to save us. But in the independent research institutes and the universities of this country we can nurture the rational and critical methods of thought—the habit of judging issues by intellectual as well as moral standards—that offer the greatest hope for the future.

STATEMENT CONCERNING WAR IN VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, May 27, 1969

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a statement concerning the war in Vietnam, forwarded to me by Mr. John Park Cravens, of Russellville, Ark. Mr. Cravens shares my conviction that the war in Vietnam should be brought to a conclusion at the earliest possible date.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY JOHN PARK CRAVENS, MAY 21, 1969

I can understand why America fought Spain in 1898, and World Wars One and Two, and the war in Korea. But I do not understand why we have let Castro and Russia take over Cuba right under our land's nose, and why our nation is now at war with North Vietnam thousands of miles away and backed by China and Russia, and other countries.

I do not understand why we took up a fight that France lost, and decided was hopeless and not worth the price. I do not understand why we have for years maintained a National Chinese, and forces of our own, on islands not far from the Chinese mainland. As I see it, our country is the victim of what General deGaulle and France avoided. The war we are now presently in in Vietnam is hopeless for several reasons as I see it.

America has internal disorders, and there is an explosive situation here at home that "has gotta give" and it is up to our country to change our Vietnam war policy now for our land's self preservation. Our nation should stop now, and no longer try to police the world.

No matter what enemy we fight, China and Russia will back the enemy to the hilt with money, arms, and other ways, and in a showdown with manpower. I love my country, and I am proud of its fighting its enemies heritage, but I do not believe in its exhausting its military and financial power in vain. Indeed there is such a thing as going too far with foreign financial and military aid.

I am a service-connected disabled veteran of World War One, and I have a son who is a service-connected disabled veteran of the war in Korea, and I have another son who has had military service. My forefathers came to America from Europe in the 16th Century, and several fought in the American Revolution. I write this letter as a patriot, and as a foe of communism. I am neither a Hawk nor a Dove, but a true average American who wants what is best for his land in everything.

God bless our space program and our heroes on their way to the moon now, and bring our sons home from Vietnam.

THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. SHIPLEY. Mr. Speaker, on May 15 the American Oceanic Organization had the great privilege of having as its principal speaker Dr. William A. Nierenberg, director of the Scripps Institute of Oceanography. Because of the pertinence and importance of the subject, I include Dr. Nierenberg's speech in the Extensions of Remarks of the RECORD:

THE NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

(By Dr. William A. Nierenberg, director, Scripps Institute of Oceanography)

Mr. Chairman, ladies, and gentlemen, the subject perhaps is of the most pressing importance, and that is the Marine Commission's proposal to the President (now before the Congress), for a National Oceanographic and Atmospheric Agency—which I will call NOAA from here on, as does everyone else. In order to make my talk as useful as I can, I think I will take a somewhat different point of view than that in the Report itself, which, of course, is a very voluminous document. In addition, there is important supporting data in the equally voluminous panel reports. Rather than make a parallel argument in favor of NOAA, I will go the other way and examine the situation in the ocean sciences and technology as it has existed in recent history. To try to understand what has prevented its fullest development in our current governmental, industrial, and educational environment and only after we look at some of the pertinent problems, will I suggest what the appropriate role for NOAA would be in solving these problems. Before I do so, however, I have to furnish you some background.

My own personal thinking has been very heavily conditioned by the fact that I was very closely associated with the Manhattan Project during the war, and from 1950 to the present time, I was involved with the development of atomic energy (mostly, I must admit, in the laboratory and primarily as a group leader in the Radiation Laboratory of the University of California at Berkeley). Now during most of this period, I was not exactly famous for being an administrator. When you work in the laboratory, no matter how good the administration is, you see it by distorted vision.

In recent years however, I have come to appreciate the fact that the AEC has been a marvelous instrument of government policy; it has been very well organized to carry out this policy and has done a splendid job in all respects. And so to some degree I take the AEC as a model of what it is we can do if we want to. Comparisons and analogies are never perfect, and I would like to stress the one difference that does modify our thinking. When the AEC came into being, more or less by fiat, it had the entire field to itself. Essentially no part of its future activities had been preempted by any other government organization. Nowhere was there a history of involvement in a real sense by any other part of the government. Despite the sudden public interest in the field of the ocean sciences in recent years (and I would like to return to this point shortly), great achievements in ocean technology are not new. I must remind you that the Atlantic Cable is now over a hundred years old, and it will be a long time, given the technological level of the society in being, before we can achieve anything as great.

The Atlantic Cable was a gigantic feat in ocean technology: in the design of a cable for the deep abysses, the handling and the splicing of such a cable, the establishment of working shore stations through the surf, and the general difficult conditions of the beach. It was, in addition to all of this, a tremendous achievement in both theoretical and applied electrical engineering (called physics then) and, in fact, a whole branch of mathematics of the greatest importance was invented in conjunction with the design of the Atlantic Cable. Some of the greatest minds of the era worked on the problem. This is only one of many examples, and so we find the government historically, in many of its departments, deeply involved in many aspects of the ocean for good and sound reasons. Returning to our analogy, we find that the development of the subject is proceeding not at all well, at least for those of us that really know what can be done and what we think needs to be done.

I referred earlier to the general public interest—this is something I cannot very easily explain—but it has been nothing short of amazement for me to watch the exponential growth of public interest in the ocean sciences over the last decade. And when I say public, I mean the worldwide public; I also mean all levels of society: high school and college students, the businessman, the man in the street, the members of Congress, the international agencies, the diplomatic corps, and people in all countries. They clearly are ready and willing to pay for a major and substantial increase in our involvement with the world's oceans. As a result, those agencies of the United States Government that have been assigned responsibility for specific areas in ocean sciences and technology have indeed accelerated their efforts, have come to the Congress for increased support, and have very often obtained this increased support. I mention such agencies as ONR (in fact, the United States Navy in general), the National Science Foundation, the National Institutes of Health, the Department of Interior, the Atomic Energy Commission, in fact almost every department of the government. Yet what is lacking, in my opinion, is adequate government action in certain areas necessary to maintain the full thrust in the field that apparently is wanted by everyone. These are areas that are normally relegated to interagency coordinating councils, when no great steps forward are required, but which never function well when a major change in policy is desired. The first such area is manpower.

To get a feeling for the magnitude of the problem it is worth making a brief review of the situation immediately after World War II with respect to the proposal to develop an Atomic Energy Commission and a nationwide effort in the nuclear sciences. When the war was over, we were left with a heritage of ideas as to the future of the peaceful and military uses of atomic energy.

We also had a fund of manpower on which to draw. By example, as of the 31st of December 1945, there were 5,070 members of the American Physical Society—the majority of whom were active practicing physicists. Solid state research had not yet started its steep climb; the transistor was yet to be invented. No other major national effort was competing for the services of these physicists. With this pool of manpower it was relatively easy to staff not only the administrative aspects of the program—the planning aspects—but the field laboratories as well, and supply faculty and staff for the institutions that would supply the training of the future practitioners in the field. Almost from the outset, this effort was guaranteed a good source of superbly trained manpower. However, the point that is essential to the idea of a technological explosion is that there must be a small group of workers who, in a certain occupational sense, represent the key to that field. In addition, their ranks have to be augmented by large numbers of specialists in other fields. For example, the whole gamut of engineering, as well as medicine, biology, many aspects of chemistry other than the obvious one of nuclear chemistry, the industrial sciences such as banking, management, and so on are needed. But there has to be some central group of people who make one technological explosion different in content, aims, and aspirations from another. In the case of atomic energy, it was largely the physicist and nuclear chemist.

On the 15th of March 1955, the American Physical Society had 11,704 members, but another change took place. Physics was now well represented as a major curricular effort in essentially every university in this country. Its importance as a basic and fundamental science was now recognized on a nationwide basis, not only as an intellectual source and a support curriculum for others but as a basic input to the rapid development of modern technology. This is about the time of the beginning of our Space Program. It is true that in the intervening years there was a tremendous growth in the general area of solid state physics, and its importance to the modern technological explosion was becoming generally well recognized. Even so, there was still an adequate basis of manpower which, when coupled with that supplied from the aircraft industry, was sufficient to be able to plan and develop a burgeoning space industry.

In fact, a small sub-set of the physicists, known as cosmic ray physicists, were already reaching with their experimental equipment as far into space as they could at the time, and they were a very natural component of the group now loosely called "Space Scientists." Speaking as I am, of course, from the viewpoint of how to develop a major thrust in the direction of ocean exploitation, there is another significant point which should be noticed. It is very clear in the case of the Space Program that it was one whose central theme was very clearly and easily enunciated . . . it was one whose goal could be grasped and understood by people in all levels of our society. That central goal was to put man on the moon by the year 1970.

The fact that the goal could be simply stated in a few words does not make the technological job any easier. As we know, it presented a formidable array of technological problems that had to be overcome. However, we do not underestimate the psychological advantage to a nation that has a goal stated in very simple terms. It is far easier to marshal resources toward such a goal than one which is equally accepted but has to be stated in terms of ten or more goals, as is the case of oceanography. The case of atomic energy was not so easily put, yet again the goals could be more simply put than those for oceanography. The two programs are now largely self-sustaining, and we can note that the American Physical Society membership is 21,870 as of June 1, 1965, which indicates a growth far less than that of the two programs that the pool of trained personnel helped initiate.

The contrast with applied ocean sicence is clear. The equivalent pool of oceanic scientists is less than one thousand—some informed opinion believes it to be far less. It is from this reservoir of ocean scientists and engineers that we have to look toward for supplying the cadre of trained manpower needed for a major effort. To this cadre we will adjoin the same variety of engineers, medical people, executives, and others of the kind that were needed for the earlier programs. The number one thousand or less, however, is significantly less than in the earlier history to raise serious questions about the feasibility of a rapidly, expanding, well balanced program, unless this reserve is used with wisdom, and steps are rapidly taken to correct this deficiency. To underscore this difficulty, we must raise another aspect of the problem, and that is the one related to the diversity of the goals of the program. In terms of the manpower requirements, this can be roughly translated by the variety of disciplines in the organization of the parallel science of oceanography. The conventional divisions include physical oceanography, chemical oceanography, marine biology, biological oceanography, marine geology, inshore oceanography, theoretical oceanography (which is largely fluid mechanics on the oceanic scale). These have become largely distinct disciplines within the field, and they further subdivide the available manpower to levels that are clearly marginal in any of the important fields.

When we examine the origin of this deficiency in detail, we find real institutional blocks against any large output of ocean scientists, and we marvel rather that the pool is as large as it is. We take great pride at Scripps in the fact that so many of the important posts in oceanography are held by Scripps graduates or Scripps trained people. We feel that we have done our job well given the circumstances and the fact that we are largely a research institution.

We have increased our enrollment to 180 graduate students, and other institutions have made corresponding gains, but we are all reaching a saturation in the facilities allowed us for managing this population. The reasons are largely to be found in the present institutional structure. The University has been built almost exclusively on a departmental basis, and the important departments from the viewpoint of size and support are the basic disciplinary ones. The pertinent ones are physics, chemistry, biology, mathematics, geology, and engineering. This is fundamental for well trained oceanographers for it is to these departments that we turn for our qualified B.S.'s and B.A.'s for admission to our graduate schools in oceanography. However, these disciplines represent a vertical structure in our educational system for the components maintain their departmental characteristics from high school through the graduate school and even beyond into the post-doctoral area. This vertical structure within a discipline develops a synergism between its different levels which leads to a considerable economy in the structure and is particularly appealing to a public that faces mounting pressures from the dizzying rate of growth of the college population. As a result, professional research positions are supported in large part by the undergraduate teaching load, and graduate student support is largely accommodated by the undergraduate teaching assistant requirements. In some disciplines, notably chemistry, it is estimated that on a nationwide basis two-thirds of the graduate student's support derives from his employment as a teaching assistant.

By contrast, the interdisciplinary subjects, such as oceanography and meteorology in the sciences and archeology in the humanities (which we must note are largely in graduate studies), are not able to benefit materially from the undergraduate explosion. They are severely limited in student support, research appointments, and space. In principle, the undergraduate chemist could become a teaching assistant in the chemistry department while working for his Ph. D. in oceanography.

In practice, the chemistry department reserves these appointments for its own graduate students thus cutting off the interdisciplinary graduate department from an important source of student support. This is an important change from the pre-World War II sitation where the undergraduate department was large and fed the various professional schools with very little demand by its own graduate division which was relatively small. I can only easily cite the recent experience at Scripps which I believe is typical. This year we admitted only ten per cent of the qualified applicants to our graduate school. It is true that the average upper division grade point average of those admitted climbed to a spectacular 3.62. I feel that the process has become too selective and that we are excluding potential candidates of considerable talent and promise as well by not doing what we can to satisfy legitimate aspirations in a field that needs this talent.

I have dwelt on the manpower problem perhaps too much, but I did intend to go into one of the problems in more detail, since there is a certain commonality to all of them. The second obstacle in the way of developing the full program that is not being overcome today is a lack of specialized engineering groups attached to the major institutions, whose assignment is the development of the advanced technology that is peculiar to the field itself. By way of example, the AEC has well established engineering and planning groups that work years ahead on such problems as high-speed counting, computer technology special to bubble chambers, accelerator operations and, in fact, engineering groups that are designing accelerators for the future. In oceanography we need similar specialized groups independently supported but closely associated with the oceanographic community who work on such problems as advanced instrumentation, communications, specialized ship computer technology, and similar problems.

Such groups simply do not exist right now, because the method by which support is derived for current ocean exploration and research is mostly on a project basis. By and large, we have no continuity guaranteed in our funding, and we operate primarily on a project-by-project basis. This method goes right up the line to Congress, and, very understandably, the Washington administrator is more anxious to exert himself for project funding for which payoff is more immediate in terms of reputation than in funding for long-range groups whose work is, by definition, never associated with specific research accomplishments—since by the time the research is in progress—he is working five years ahead again, and direct credit cannot be assigned to the agency which did the basic engineering support. As a result, I feel, the average technology in the ocean sciences is backward compared to what is used in other fields such as space and nuclear sciences.

This situation is almost exactly the same with another agonizing problem, that of actual laboratory and office space. I have discussed the problem earlier in connection with ~~normal~~ educational support, and while there ~~was the~~ problem of relatively low priority for global science, the hindrance for support for basic research again is one of the project support mode and the lack of a continuing capital investment. In fact, I could adjoin the building problem to the additional problem of capital investment; that is to say, the national capital investment in ocean science and technology. This is an extremely serious problem. I feel that our capital investment in terms of standard scientific instruments such as mass spectrometers, oscilloscopes, gas chromatographs, winches, cranes, to mention a diverse few, is in very poor shape. The reason is, of course, that the average proposal for a contract is usually not large enough to support the purchase of a major piece of equipment, which often can best be amortized over a variety of rather different projects. I have established a figure to my own satisfaction that a capital acquisition rate of between 10 and 20% of the operating budget is required. The cumulative effect of this continual capital investment represents just as much a measure of progress in the science and technology as capital investment does in any normal industry. In periods of budget cuts, which unfortunately occur with predictable frequency, the first item to go is the capital investment if it is not specifically earmarked as such and set aside. And if the prolonged period of lack of attention to this investment occurs, the technology remains relatively backward.

I have set aside as a special topic that capital investment which represents the oceanographic vessel. I think I can speak with some authority on the subject, since Scripps operates the largest oceanographic research field in the country and almost anywhere on the globe at any time. While the United States Navy, through the ONR and the NSF, has done relatively well under the circumstances in supplying us with vessels, the program has again been far from adequate because of the lack of a central funding agency which makes it its business to see that the nations' oceanographic fleet is adequate, modern, and supported on a long-term and sufficiently funded basis. It has been an extraordinary struggle to even come to where we are—most of the research that has been done in the United States until recently has been done with hand me down, made over vessels left over from World War II. We have been adding to our fleet the first of a series of research vessels designed from the keel up specifically for oceanographic research. The program, however, has slowed considerably, and the prospects at the moment look rather grim.

It is not obvious from what I have said so far that the monies involved in the four or five problems I have touched on are not very large compared to the overall expenditures in the program—but it is true. At the Scripps Institution, for example, we anticipate this year that our fleet cost would be approximately 15% of the total laboratory expenditures, perhaps a bit on the low side. Of course, without a fleet, we would hardly be oceanographers, or perhaps I should put it another way, someone who claims to be an oceanographer who does not go to sea is simply not one. In a certain sense the total budget is not an adequate measure of the health or the growth of the field. The distribution of these monies, their allocation, and their priorities are of considerably greater significance. The specific items I chose to put forward today represent just those items that always suffer the most when there is not a strong central planning agency with real influence over the funding with the clear responsibility for the overall state of the science.

As you have certainly come to realize, I have preferred to approach the problem by not endorsing NOAA in any blanket way, but rather to point out just those areas which I believe are areas of importance, at this moment almost of neglect, where the concept of a single agency does offer a solution. I dare say that in reviewing these problems (and if you accept these as real problems) other possible organizational solutions could be found rather than a single agency. I must say that I have thought about the problem a good deal, and for a number of years, and I have not been able to think of any other really adequate solution. For example, one could conceive of a centralized agency somewhat smaller in scope than that proposed by the commission, but then its responsibility would be considerably diminished, and its voice would necessarily carry less weight when pleading for its proper budgetary treatment. Also, one could consider creating a separate division within the NSF, for example, which could carry this responsibility, but again this division would be, at least in modern terms, much larger in operation than the rest of the Foundation and could, therefore, present certain serious problems with respect to the Foundation's primary role which is the support of basic science on all fronts. We could go on inventing this way more or less indefinitely, but I for one have found it very hard to escape the conclusion that some agency, similar to that proposed by the Commission, would be required if we are to make a really determined and concerned effort in developing the field of oceanography and applied ocean science.

PAY INCREASE BILL FOR VICE PRESIDENT AND OTHER TOP GOVERNMENT OFFICIALS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 27, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Example at the Top," published in the Los Angeles, Calif., Herald-Examiner of May 7, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

EXAMPLE AT THE TOP

Something incredible has happened. The U.S. Senate has shelved the big pay increase bill for the Vice President and other top government officials.

The House passed the measure in January and it was expected to have had easy sailing in the Senate. But something happened in the meantime. A huge and growing volume of mail from the constituents back home protested the big hikes in salaries at a time when, as Sen. Harry F. Byrd, Jr., of Virginia warned, "We are in a period of high inflation. If we're going to get inflation under control there must be an example at the top! What kind of example are we setting here?"

There was no organized letterwriting campaign. The deluge of protests simply expressed the indignation felt by a great many tax-burdened citizens.

The Senate's action should encourage all of us to realize public officials are sensitive to our opinions if we make them known.

Under consideration in the Senate in Sacramento is a bill to boost legislators' salaries 20 per cent. The same advice Sen. Byrd gave for Washington also applies in Sacramento. If inflation is going to be controlled and spending curtailed, there must be an example at the top.

DILLARD'S DR. DENT

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. HÉBERT. Mr. Speaker, Dr. Albert W. Dent, who has been president of Dillard University for 27 years, is retiring next month.

Dr. Dent has contributed much to community life, race relations, and education during his tenure at the university.

Dillard, which is located in my congressional district, is one of the country's finest educational institutions, and it is regarded so mainly because of the efforts and ingenuity of Dr. Dent.

Our community is proud of Dillard, and it is proud and thankful that we have had a person who bears the credentials of Dr. Dent. I personally regret that he will no longer be an official member of the educational community, but I know that Dr. Dent will continue to be active in educational community affairs.

I would like to call to the attention of the Members an editorial which appeared in the May 24 issue of the New Orleans States, which demonstrates the high regard the community has for Dr. Dent.

The editorial follows:

DILLARD'S DR. ALBERT W. DENT

The development of Dillard University is a measure of its president, Dr. Albert W. Dent, who retires next month after 27 years in office.

Its student body has more than trebled and its facilities greatly expanded during his tenure. It has benefitted from his innovative policies.

One outgrowth is, as a speaker said at this week's testimonial to Dr. Dent, Dillard is not a local institution, it is a national institution.

Yet development of Dillard does not fully measure its retiring president.

Before he came to the campus on Gentilly blvd. he was, as superintendent of Flint-Goodridge Hospital, an innovator who developed a forerunner of today's widely accepted group hospitalization insurance.

He has represented the nation at many international health meetings and has held presidency of national health organizations. Four presidents of the United States have used his services as consultant on education and health.

In community life, Dr. Dent has variously held office with the United Fund, and worked as a member of the City Planning Commission. By gubernatorial appointment, he is a member of the Louisiana Commission on Human Relations, Rights and Responsibilities.

By no means do all these activities encompass the whole of Dr. Dent's endeavors on behalf of man and his community. But they do give an idea of the stature of the man who shortly turns the reins of Dillard over to another.

REMARKS OF GOV. WILLIAM G. MILLIKEN

HON. JAMES HARVEY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. HARVEY. Mr. Speaker, Gov. William G. Milliken of Michigan, on May 26, 1969, spoke in St. Clair, Mich., about the opportunities facing the Republican Party. He outlined his suggestions for broadening the base of the party and for making it more responsive to the needs and wishes of the American people. Governor Milliken's remarks relative to our young people are very perceptive indeed.

Mr. Speaker, our new Governor of Michigan has already achieved a remarkable record of accomplishment in the relatively brief period of 4 months. His remarks are worthy of consideration by all persons interested in our two-party system. I insert them in the RECORD as follows:

REMARKS BY GOV. WILLIAM G. MILLIKEN, MAY 26, 1969

Ladies and Gentlemen: It's good to be here among so many friends, to see so many people who I know can be counted upon to give not only their votes to the Republican Party on Election Day, but also their time and their energy on many other days as well.

I think loyalty is one of the cardinal virtues. It makes me very happy to see so many people here who have been loyal to the Republican Party for many years. I'm glad that we can count on you. I only hope that you will give us not only your allegiance and your time, but also your ideas on how we might strengthen our party and in turn, strengthen our country.

One thing we must do, of course, is to make sure that we don't lose the people we already have. But that is not enough. What I am going to talk to you about tonight is the need to broaden the base of our party, to attract to the Republican Party the kind of supporters who have tended to side with our political opposition.

I think the future of the Republican Party here in St. Clair County, in Michigan, and in the entire nation, is very bright—*provided* we take advantage of the enormous opportunities that lie before us.

We have some things going for us, after all. For the first time in eight years, we have a Republican administration in Washington. And that administration has made a beginning of which we can all be proud. The President's speech outlining the new proposals to end the war in Vietnam was a landmark of statesmanship. All through the administration, we are seeing the kind of practical approach to problems—cautious, patient, but innovative—which we have come to expect from Republican officials. And in Lansing, while we have big problems ahead of us, we are continuing in power—continuing the fine work which George Romney began and which completely reversed the fortunes of this state.

I think a great many voters are aware of this progress, and I think many voters who were independents or who were even of the opposite political faith have adopted a new openmindedness and a feeling of curiosity about the Republican Party.

1970 is a year in which Republicans have a golden opportunity to recoup losses where losses occurred, to make new inroads into Democratic strongholds, and to consolidate the gains which we made in 1968.

We could get into an endless debate about the best way to make those advances—the finer points of organization, financing, communication, issues, and so forth. But I think the key to Republican victories in the future is very simple—make a strong thrust into territory that we have long neglected.

And the territory we have neglected the most, it seems to me, is the territory occupied by young people. I won't bore you with the census report because I know you're already aware how the median age of our populace is rapidly shifting to the point where within a very few years, people *under 25* will outnumber those over 25.

Why is it that so many young people today are turning elsewhere in search of an idealistic framework for life, rejecting the distinctly American ideals of individual freedom which we so readily accepted and so faithfully retained?

I can't really answer that question. Perhaps you in Ann Arbor, with so many young people around you, have some answers. In any event, I think we ought to look beyond the surface of things—beyond the long hair and the rebellious behavior—in an attempt to find what youth wants, and what we might do about it.

I give a lot of speeches, and I also listen to a few. Every now and then I find time to read one that someone else has given, and sometimes I'm very impressed. One of the most important speeches of recent months was made by Dr. George S. Wald, a Harvard University biologist who won the Nobel Prize. In this speech, Dr. Wald talks about the Vietnam War, the ABM, and some of the political issues of the day. I don't agree with everything he says by any means, but I do believe he reminded us of something very important about today's youth. He reminded us that they are growing up with some *desperately serious problems* that never confronted their elders when *they* were growing up—the threat of nuclear war and a population explosion that could bring about world famine. And he said:

"I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future."

And then he went on to say:

"Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender, loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does."

I think everyone in this room realizes that the question whether young people have a future is, in the end, a political question. We all complain about the size and power of government, but the size and power of government is determined by political means. The questions of war and hunger are determined by political means, and that is why it's so important for us to strengthen our political institutions, to open the doors of our party wide enough to allow entry *by people of all ages, by people of all economic station, by people of all races.*

I can't think of another time in recent history when the opportunities were larger for Republicans than they are today. Look at the two groups which have, in the past, tended to favor the opposition—the young and the Negroes. Many of today's young people, especially college students, are impatient with slow change—they are radicals. But if we look beyond the speed with which they want to move, which is admittedly sometimes hard to do, I think we find that they believe some of the same things that Republicans have always believed.

We believe, as they do, that power ought to stay as close to home as possible, in the community and in the cities and in the states, and not—where it can be avoided—in the hands of the Federal Government.

We believe, as they do, that men must help those who are less fortunate than they are.

We believe, as they do, that every individual has talents and skills and must be allowed the greatest possible expression, and that society ought to be so established as to permit this expression.

We do not believe, as they do not either, that government must drive men to do good works—and there is abundant evidence to support our view.

Republican principles center around the belief that an individual should be free to achieve his full potential, and we do not regard this idea as radical. The foundation of our Republican belief is the inviolate freedom of the individual to pursue his destiny as long as that pursuit is consonant with the common good.

I think many young people would be surprisingly receptive to the Republican Party if we gave them the welcoming smile that they need for encouragement. Many of these young people question what their parents told them, and the truth is that many of their parents brought them on the pablum of our political opposition.

In any event, the young have a healthy skepticism for a government, a federal government, which has been allowed to grow too powerful. And so do we. That is only one of the ideological islands where we might meet to talk to the young.

No, I do not think the young, or Negroes, or other minority groups reject the Republican Party on ideological grounds at all. I think they have stayed away largely because they have not been very impressed with the warmth of the welcome they received from us.

I believe we must all work much harder to make that welcome really felt by those who knock at our doors.

Together, we have a great opportunity to move Michigan forward, but if our leadership should falter, that opportunity will be lost for us. 1970 will be a tough election year, and we don't have a moment to lose in preparing for it.

We need to begin now to find men and women of ability, integrity, appeal, and dedication to be our candidates.

We need to organize volunteers—to harness the energies of groups and inviduals, and especially of youth.

Our job—as a party of principle—is not just to listen to the people and reflect their wishes so that we can win power. Our job is to initiate two-way communication with the people, at every level, and by every means we can; to mold public opinion as well as to reflect it; to involve people directly in the shaping of a better state, a better nation, and a better quality of life. Our party must serve as the vision of the public—not merely its reflection.

Today, when more and more people have a growing sense of alienation, not only from each other but also from the decisions and the decision-makers that ultimately affect their lives, it is *absolutely vital* that there be at least one political party—the Republican Party—working at the grass roots—not just pleading for votes, but fighting for the people's efforts to put meaning back into their lives, involving the people directly in new approaches to the solution of human problems.

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As Republicans, we must involve ourselves at every level with the incredibly difficult and complex social, economic, and political machinery that must be kept moving for the common good.

Our task as a broadly-based party must be to take the broad view of our society, its problems, and its opportunities, and to build toward a better future.

We must prove there is a better way.

In this concept lies our real hope for the future of this state and for the future of this party. The future of our party depends upon its ability to attract new people . . . independents, young people, minority groups, older citizens—all segments of our society.

All of us, whatever our age or outlook, will bear the consequences of the decisions which lie ahead.

And I need your help, and I know that I can count on it. I want to thank everybody here tonight for the time and energy you have devoted to your party, and in turn, your country.

STATEMENT BY GEORGE A. ROEDER OF THE CHASE MANHATTAN BANK ON ONE-BANK HOLDING COMPANY LEGISLATION

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MIZE. Mr. Speaker, during its deliberations on the one-bank holding company legislation, the House Banking and Currency Committee received a wide range of testimony on all the various aspects of the bills before us. For the benefit of Members who are seeking additional information on the issue, I wish to call attention to the statement presented to the commitee by Mr. George A. Roeder, Jr., vice chairman of the board of the Chase Manhattan Bank. His statement follows:

STATEMENT BY GEORGE A. ROEDER, JR., MAY 7, 1969

Mr. Chairman and Members of the Committee: My name is George A. Roeder, Jr., and I am Vice Chairman of the Board of the Chase Manhattan Bank of New York.

Our bank appreciates this opportunity to set out its views on the one-bank holding company. We feel that Congressional action on this issue will markedly affect the ability of the nation's financial mechanism to fulfill the complex demands that will be placed on it in the years ahead.

I commend the Chairman and members of this Committee for taking the initiative in seeking a responsible solution to a problem which, by its very nature, has many difficult aspects. In studying the Chairman's bill, as well as the other legislative measures designed to amend the Bank Holding Company act of 1956, I was particularly impressed with the thoughtful approach that was taken in each case.

Rather than commenting on these bills in detail, however, I would like to direct my remarks to five broader questions which, on the basis of your earlier sessions, seem to be of primary concern to the Committee.

The first is: *Why do commercial banks want one-bank holding companies?*

Let me respond by telling you why Chase Manhattan decided to form one. Incidentally, our holding company is not yet functioning but we do have the approval of our stockholders and the Comptroller of the Currency. Final reorganization merely awaits certain tax rulings expected in the next few weeks.

We decided after a good deal of reflection that a one-bank holding company would offer several advantages. It would enable us to explore new areas of profitable growth, provide greater safety for our depositors, and serve the public interest effectively by helping to meet the changing financial needs of the national economy.

In recent years, commercial banks such as ours have been facing increasing pressures, both internal and external.

Internally, the composition of our resources has shifted strongly from demand deposits to a growing dependence on costly time money. To date, the impact of this trend, plus the steady rise in other costs of doing business, has been offset by higher interest rates which have helped banks maintain their earnings. But bankers realize that this situation will not go on indefinitely and that the cost-price squeeze will continue to be a problem.

In addition, credit demands on banks are increasingly of a longer term nature, while much of the deposit growth is short-term in character. Even the time honored commercial loan is more frequently on a term basis. Short-term financing of business, the traditional function of the banker, has become relatively less important.

Externally, the commercial banks have seen more and more of their familiar terrain invaded by other types of financial institutions not subject to the same restrictions as banks.

For example, many product-oriented companies have formed or acquired captive subsidiaries to finance a growing volume of credit sales. Commercial paper brokers, foreign banks, leasing organizations and factors have also intensified their efforts to serve U.S. business. Equally important, sales finance organizations and small consumer loan companies have financed aggressive expansion programs through the direct placement of commercial paper in competition for resources with the banks. As a result, domestic banks have found themselves in a new competitive environment, both in gathering resources and in lending money. And while most enterprising banks welcome competition, in the present environment they are often at a competitive disadvantage because of statutory or regulatory restrictions.

Faced with the internal and external pressures I have described, the banks have sought an organizational structure that would offer greater flexibility for financing and greater geographical mobility to broaden their service base and strengthen their competitive capabilities.

In this respect, the one-bank holding company provides a useful vehicle.

Through a holding company, a bank can do some things more efficiently and more appropriately than it can by itself. Such activities as equipment leasing and factoring might well have a greater potential, as subsidiaries of a holding company, because of the ability to operate directly over a wider geographical area.

Through a holding company, a bank can position itself more favorably to move into profitable new areas of growth as they develop. Financing of supersonic transport planes, commercial satellites, and the successive "generations" of electronic computers will require far greater flexibility of the kind that the holding company structure offers.

Through a holding company, there is an opportunity to consider a wide range of activities in which risks have traditionally been relatively high. For such activities, more money from investors and outside lenders should be at stake, rather than the funds of bank depositors. Certain types of real estate, leasing and small loan transactions are cases in point.

The restraints currently imposed on banks have limited competition in certain financial areas with resulting losses to the public in terms of less competitive rates and less convenience.

The real estate mortgage field illustrates how a holding company can serve the public interest. Looking ahead over the next decade, we at Chase Manhattan see the demand for mortgage funds increasing at a substantially faster pace than either the financial market or the economy as a whole. To meet the projected annual need of some $80 billion in mortgage money by 1980, vast new sources of funds must be found.

Of course, commercial banks already play a role in the real estate field. It is a limited role, though, and properly so, in view of the risks involved and the fact that banks are using their depositors' money. Yet, somehow, commercial banks must be brought more fully into the mortgage field if the country is to have access to the funds so vitally needed for housing and urban development.

Through the one-bank holding company structure, the same innovative spirit and talents that have in recent years produced significant gains in bank efficiency, a broader range of services for the public, and greater access to these services, can be marshaled to bring enhanced capabilities and competitiveness to mortgage banking and other finance-related fields.

A second question in which the Committee has shown great interest is: *What should be the scope of bank holding companies?*

Chairman Martin and Vice Chairman Robertson of the Federal Reserve Board have emphasized in their testimony the evolutionary character of banking, stressing that this is a dynamic field that is constantly changing. We agree.

The technological and management revolutions in which we are caught up have resulted in banks being called upon to provide services which, not long ago, would have seemed quite remote from the traditional image of banking. Already, within a comparatively few years, the relations between banks and individual consumers have undergone changes that have sharply altered patterns of buying.

Before World War II, most commercial banks shied away from direct consumer lending, preferring to stick to the function of providing self-liquidating short-term credit to business. As our economy broadened, however, banks contributed to new services aimed at helping the consumer enjoy an automobile, a home improvement, or even a vacation while he was paying for it and without jeopardizing the future security of his family. They set up revolving credit plans, developed charge-account banking, established student-aid programs, and financed purchases through overdraft checking accounts.

For the businessman, banks have provided greater access to long- and short-term funds and greater variety in the packaging of these funds. This has been done in the form of secured and unsecured loans, lease financing, factored accounts and other variants. Banks have introduced complex money mobilization systems to speed the availability of funds, payroll deduction plans to eliminate waste and duplication, and a host of computer-oriented services to assist corporate clients with their operations and planning.

As we look ahead, we can see sound reasons for recommending that commercial banks—through one-bank holding companies—be fully competitive in such areas as mortgage banking, equipment leasing, factoring, insurance, property management, land development, computer services, ticket reservation services and other specialties related to the area of finance.

We would suggest that any legislative definition of the scope of banking be made as flexible as possible, consistent with the over-

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all public interest, to accommodate the changing needs of our economy. We believe it would be extremely difficult to say with assurance today what activities will constitute banking in the 1970s and 1980s.

The bills before you provide different methods of restricting entry into non-financial fields. Another method which we ask you to consider would be to define what is *not permitted* and leave a good deal of flexibility within the permissible areas.

There has been in Federal banking law since 1919 a model for legislation confining certain types of companies to financial business. This law—the Edge Act—was designed to permit federal incorporation of companies doing international financial business. Rather than beginning with general prohibitions and attempting to carve out a financial exception, the Edge Act permits these special financial holding companies to hold the stock of any international corporation "not engaged in the general business of buying or selling goods, wares, merchandise or commodities in the United States." This has worked out very well over the years, and a similar approach might be taken to the Bank Holding Company Act.

It would be up to the supervisory agencies to make a judgment on precisely what fields bank holding companies might enter, depending upon the changing needs. Since the supervisory agencies would be reporting to Congress from time to time, the legislative branch would have an opportunity to adjust the regulatory structure as experience required.

A third question which has been raised frequently during these hearings is: *How should the one-bank holding company law be administered?*

Witnesses have discussed the issue of whether authority to determine permissible activities should be centralized in one Federal agency or dispersed in three.

Our preference would be for the three-agency arrangement on the ground that it would not give the total power to any single administrative agency, while still ensuring uniformity of standards.

It is true, of course, that such an arrangement might prove somewhat cumbersome. It might even slow down the process of determining the permissible areas of bank holding company activities. But, in this case, if thorough deliberation leads to sound policy, the economy will benefit and the banking community will not suffer.

We would strongly favor an arrangement under which the approval of two of the three agencies would be sufficient for sanctioning any guideline. Certainly, no one agency can claim a monopoly on highly talented individuals or wise decision-making.

To ask for unanimity in each case could paralyze the evolutionary development of banking and finance. It could dam up the forceful tide created by demands for new services and for more flexible methods of financing.

A fourth question is: *What about a "grandfather clause"?*

Although Chase Manhattan probably would not be directly affected by such a clause, we believe that some provision should be made to allow those holding companies that acquired subsidiaries in good faith to retain them.

To insist upon divestiture of long-established business relationships, which were legal and proper at the time they were entered into, seems to us a harshly punitive measure.

We are not prepared to say what would be the most appropriate cutoff date, but in our judgment it should predate the large-scale movement of banks to embrace the holding company structure.

A fifth question is: *What broad criteria should be considered in drafting the final legislation?*

In this connection, we would offer three specific suggestions.

Existing laws: We feel that the Committee should carefully evaluate the operation of present laws before superimposing another layer of restrictions. Many of the problems generally cited as arising from joint control of banks and non-banking companies are, in fact, dealt with by legislation already on the books.

For instance, the problem of conflict-of-interest is covered by Section 23A of the Federal Reserve Act which significantly restricts financial relationships between insured banks and their affiliates including holding company affiliates.

The antitrust laws are aimed specifically at problems of undue concentration of resources, and the fact that the acquiring company also owns a bank should not necessitate special distinctions and controls.

Years of antitrust enforcement by the Attorney General and the courts have shown the vigor and adaptability of the existing statutes. For example, they include appropriate safeguards against tie-in relationships. As the Supreme Court ruled in the recent U.S. Steel case, the extension of credit is clearly a "tying product" whose use may be illegal under the Sherman Act if the person extending the credit has sufficient economic power and a substantial amount of business is foreclosed by the tie. Assistant Attorney General McLaren stated in his testimony here that this decision may well have reduced the need for any such provision in the legislation now under consideration.

Geographical Restrictions: It seems to us that no geographical restrictions should be placed on holding company subsidiaries that are not deposit-gathering institutions. It makes little sense to restrict one company to state and banking-district lines because it happens to own a bank, while other companies providing similar services are free to establish offices on a regional or nationwide basis. The policy of Congress and of the states of protecting deposit-taking institutions from competition should not be applied to other services financed in a different way. Such restrictions would eliminate much of the efficiency, effectiveness and added competition inherent in the bank holding company.

Interlocking Directors: We believe the provisions of Chairman Patman's bill regarding interlocking directors and officers between banks and other financial institutions could work a hardship on banks in smaller communities. In these areas there may be a limited number of persons with the training and experience to serve as directors of financial institutions. It may be very difficult for a local bank or insurance company to make up a board without including a person who is simultaneously a director of another financial institution. The suburbs and rural communities would stand to lose the services of valuable people under terms of this provision, and that would be a regrettable loss.

There have been no indications that abuses exist which would require the blanket prohibitions that have been proposed. However, if it is felt that some legislation is desirable, it might be appropriate to apply to bank holding companies a provision similar to the one that now applies to savings and loan holding companies. That is, to require the approval of the appropriate authority before interlocks between bank holding companies and other banks or holding companies would be permitted.

These, then, are some of the considerations we feel the Committee should take into account in drafting legislation which, hopefully, will safeguard one-bank holding companies against abuse without stifling the good that can come from this development if properly directed.

In setting out legislative ground rules, we believe all concerned would be well advised to look not only at what banking is today but at what it could and should be in the future, to ask not only where banking has been but also where it is going.

We would hope that any legislation growing out of your deliberations would fulfill what we see as vitally important twin objectives: maximum protection for the funds of depositors and maximum flexibility for banking institutions to adjust to the changing needs of our economy and to remain fully competitive.

If these objectives are met, we feel confident that the public interest will be well served.

SENATOR ROBERT GRIFFIN GAINS IN STATURE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. GERALD R. FORD. Mr. Speaker, several recent editorials have paid tribute to Michigan's extremely able and distinguished junior Senator, BOB GRIFFIN.

Our Nation owes a great deal to this courageous man of principle, and I insert these editorials at this point in the RECORD:

[From the Jackson (Mich.) Citizen Patriot, May 12, 1969]

SENATOR ROBERT GRIFFIN GAINS IN STATURE

Michigan's junior senator, Robert P. Griffin, appears to be moving closer to the designation of a man of great stature in the United States Senate.

Every turn of the wheel of political fortune, and particularly as it involves the strange case of Justice Abe Fortas of the United States Supreme Court, makes Senator Griffin look better.

A rise above the crowd in the Senate is not an accident. It comes only from ability and good judgment—and courage to take the lumps when the going is rough. High integrity and ability must be combined in a man who would make his mark in the Senate. Being a "nice guy" and a vote-getter are not enough.

Senator Griffin came through his trial by fire in a magnificent fashion when he dared to oppose President Johnson's nomination of his long-time friend and legal adviser to the position of chief justice.

Griffin began a lonely crusade to block the nomination, something which is rarely done in the horse-trading atmosphere of Washington. He was chastised even by the leadership of his own party in the form of Sen. Everett Dirksen. Democrats and assorted liberals jumped on Senator Griffin and accused him of everything from "McCarthyism" to reflecting on the dignity of the high court.

The senator kept his campaign in a low key and avoided extreme charges. He had done his homework and made his point. Many of his early critics, including Dirksen, joined him in blocking the nomination.

Even after the battle was over, Griffin was subjected to sporadic attacks. He played it cool and did not revel in his victory.

The recent revelation of indiscreet conduct by Justice Fortas tends to prove that Senator Griffin was correct in his earlier campaign to block elevation of the Justice to the highest judicial post in the land. Again, he played his hand in a low key.

While many of his fellow senators were grabbing headlines by demands for the resignation or the impeachment of Fortas, Senator Griffin spoke softly. He refused to even make a big thing of reports of threats

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against his life because of his role in the Fortas affairs. He mentioned, as he had previously, touching only the "tip of the iceberg" in bringing out the facts about the conduct of the justice.

Again, Senator Griffin is avoiding sensationalism and most certainly is carefully marshaling his facts. His acts are in keeping with what is supposed to be the dignity and the capacity for careful deliberation in the United States Senate.

In this era of hip-shooting headline hunters in every branch of government, the general tendency is to underestimate a man with Senator Griffin's methods.

The Democrats in Michigan made that mistake in 1966 when, as a relatively obscure member of the House, Bob Griffin slaughtered the old "champ", G. Mennen Williams, in the race for the Senate seat.

Dirksen, Johnson, Fortas and Co., underestimated him when he took on the dragon of the "Establishment" in opposing the nomination of Fortas for chief justice.

Fortas and adherents to the political school of thought which holds that indiscretions and impropriety are forgivable so long as no actual laws are violated, again may be underestimating the gentleman from Michigan.

Nice, quiet guys don't necessarily finish last; at least not when they know what they are doing and have the courage to make their valid points.

[From the Saginaw (Mich.) News, May 20, 1969]

GRIFFIN'S PRINCIPLED ARGUMENT VINDICATED

One man's fall from grace should never be used to advance another man's place. And any man who would so contrive to feed from the personal misery of another is no man at all.

In politics, however, the cruel game is often played out to the end, whatever the embarrassment.

It is inevitable, therefore, that the resignation of Justice Abe Fortas—forced by public revelation of damaging outside financial connections—produces a dichotomous effect. As Mr. Fortas fades from public life the public servant image of Michigan Sen. Robert P. Griffin is enhanced.

We are certain, however, that in this case Sen. Griffin wishes with all his might that he had been wrong rather than right way back when. To know this decent, principled Senate moderate at all is to know that at this hour his own agony at having been the one forced to carry the battle to bring another down is nearly as great as that of Mr. Fortas.

In this instance, of course, it is undeniably Sen. Griffin who emerges the victor in the ages old battle matching principle against political expediency. "Cronyism" is the word Sen Griffin gave it—and it revived an old cliche that still echoes around the American political scene.

Memories are not so short that recall of the Griffin role in the failure of Abe Fortas to gain Senate confirmation as Lyndon Johnson's choice for chief justice of the U.S. Court escapes anybody. It will have its effect on the American political appointive process for a long time to come.

Nor can one easily forget the tongue-in-cheek and oft times direct verbal put-downs Griffin endured when he arose to oppose the Fortas nomination.

In retrospect, however, the Griffin part in the Fortas tragedy deserves to be kept in clear context. Griffin never opposed Fortas' right to hold a seat on the Supreme Court bench. Nor did he ever try to minimize the Fortas legal competency.

What he did do was stand, when others were content to look the other way, and that was evolving around the selection of a man to hold a job as important as that of the chief justice of the United States.

It looked wrong then to a man of Griffin's legal background for a lame duck President to even exercise that prerogative and it looked even worse for the nomination of Fortas to be tied to the resignation of Chief Justice Earl Warren. Later, of course, Griffin did raise more serious questions about extralegal fees accepted by Fortas for a series of lectures at American University.

We ourselves took a dim view of Griffin's "cronyism" argument and an even dimmer view of subsequent attempts to smear Fortas as a lover of pornography because of certain high court decisions in which he had been involved. Let it be kept firmly in mind, though, that Sen. Griffin's principled cause never hit below the belt. As it gathered ultra-conservative allies it did become somewhat ridiculous and embarrassing even to the Michigan senator.

Unfairly he was linked to the Strom Thurmond-James Eastland ideological approach to things. He did pay a price for sticking to his guns—but stick to them he did. When it became obvious that more serious questions raised by Griffin such as the traditional right of advice and consent and the system of checks and balances were really the transcending issues—not personal vendetta—the Senate did finally wake up and Mr. Johnson withdrew the nomination at Fortas' request.

Subsequent events, which Griffin ironically had nothing to do with, have vindicated the senator's principled reasoning and sound judgment when it comes to passing approval on Supreme Court nominations—good for a lifetime.

In the tough world of politics, where it is all too often the unpopular and unprofitable thing to stand on principle, Bob Griffin looks strong and reliable.

[From the Detroit (Mich.) Free Press, May 11, 1969]

FORTAS COULD COOL CRITICS BY QUITTING SUPREME COURT

(By John S. Knight)

Admittedly, the current imbroglio over alleged improprieties by Associate Justice Abe Fortas is damaging to the Supreme Court and the image it presents to the people.

It will give rise to further public skepticism about the nation's highest tribunal, the quality of its decisions and disbelief in the men who make them.

Notwithstanding, and before angry citizens begin again to despair of our constitutional process, let it be remembered that our Founding Fathers in their infinite wisdom established three branches of government—the executive, the legislative and the judicial.

Thus we were given a government of checks and balances, with each branch serving to restrain the excesses of the other.

The Supreme Court, whose primary role is to interpret the law and rule upon its constitutionality, can likewise find that a president has exceeded his authority.

Congress, as the legislative body, does make the laws. The President exercises the right of veto on legislation he deems to be unwise or improper. In turn, Congress can override a veto by a two-thirds vote. The power of impeachment also resides with the Congress.

The trials and tribulations of Associate Justice Fortas began with his nomination by President Lyndon Johnson on June 26, 1968, to become chief justice of the United States.

Almost immediately thereafter, opposition to the Fortas nomination was mounted by Michigan's Sen. Robert P. Griffin who discovered that Fortas had accepted a $15,000 fee for conducting a seminar at American University, an act which Sen. Griffin considered to be improper. Griffin also charged that Fortas committed an impropriety in acting as President Johnson's personal adviser after he had taken his seat on the Supreme Court.

In attacking Fortas, the Michigan senator predicted that "we have only uncovered the tip of an iceberg." Subsequent events proved him to be a perceptive legislator.

By early fall, Sen. Griffin's anti-Fortas campaign had so intensified that a Senate filibuster against the nomination could not be broken by administration leaders. The President withdrew Mr. Fortas' name on Oct. 2, 1968.

Recent revelations by Life magazine that Justice Fortas accepted $20,000 from the Wolfson Family Foundation in 1966 when industrialist Wolfson was having difficulties with the government suggest that Mr. Fortas was sadly lacking in judgment.

The fact that Fortas returned the money 11 months later, following the indictment of Mr. Wolfson for selling unregistered stock, in no way excuses his error. Nor does Justice Fortas' explanation that he performed no services nor rendered any legal advice to the Wolfson Foundation mitigate the mistake.

Canons 4 and 24 of the American Bar Association say in part: "A judge's official conduct should be free from impropriety. . . . A judge should not accept inconsistent duties; nor incur obligations, pecuniary or otherwise, which will in any way interfere or appear to interfere with his devotion to the expeditious and proper administration of his official functions."

To add to the controversy, Knight Newspapers has discovered that no record of the Fortas payment appears in the Wolfson Family Foundation's report of income and expenses for the year 1966, although the Internal Revenue Service has known about this payment for at least two years.

Pending investigation, it is unknown whether there is any evidence which might lead to charges against the associate justice.

But it is no overstatement to say that the Fortas case has hurt the stature of the Supreme Court; that only his resignation can ameliorate to some extent the damage which has been done.

For the record, as they say, I confess to having supported President Johnson's nomination of Justice Fortas.

At the time, the attacks upon him appeared to be politically motivated and engendered by Republicans yearning to pin back Lyndon Johnson's ears. I took the lofty view that politics had no place in Supreme Court appointments; that the President's wish should be honored.

In the light of developments to come, I was wrong. Sen. Robert P. Griffin is to be honored for his opposition to Justice Fortas. He proved to be far more knowledgeable than his critics.

The U.S. Senate's successful filibuster against the Fortas nomination is a classic example of how the checks and balances given to each branch of the federal government work in practice.

For the Senate, by refusing to yield to the will of the chief executive, proved at least in the Fortas case that the Congress need not be a rubber stamp for the President.

And this, under our federal republic, is what government is all about.

[From the Detroit (Mich.) News, May 7, 1969]

FORTAS EXPOSURE JUSTIFIES GRIFFIN CRUSADE

(By J. F. Ter Horst)

WASHINGTON.—If it had not been for a fight led by Michigan's Senator Robert P. Griffin, the chief justice of the United States today probably would be Abe Fortas.

And, as such, the nation today would have the uncomfortable knowledge that its supreme legal authority had received $20,000 from the family foundation of Louis Wolfson, a controversial financier, during the time Wolfson was attempting to avoid eventual conviction as a stock market manipulator.

Fortas was tendered the money in January, 1966, three months after ascending to the high court, according to Life magazine, and returned it 11 months later. Fortas has acknowledged as much, saying the money was to have been used for Wolfson foundation research studies that he did not have time to undertake.

Against the background of the latest Fortas hubbub Griffin now looms as a senator whose anti-Fortas campaign in 1968 has been substantially vindicated. Even pro-Fortas senators are critical of the justice now.

Griffin claims no powers of clairvoyance were behind his decision to oppose President Johnson's nomination of Fortas as successor to Chief Justice Earl Warren.

His grounds then were based on Fortas' longtime friendship with Mr. Johnson—Griffin called it cronyism—and a belief that a post as important as chief justice should be filled by whoever would be elected president in November.

Questioned before the Senate Judiciary Committee, Fortas acknowledged he had, while a member of the court, given Mr. Johnson advice on handling the Vietnam war and the 1967 Detroit rioting.

Asked whether he had engaged in any other off-the-bench activities, Fortas responded that he believed he had made "a full disclosure."

Shortly after that. Griffin declared that the Senate's inquiry into the Fortas case had "exposed only the tip of the iceberg."

Then followed the revelation last September that Fortas had accepted a $15,000 teaching fee from funds raised by a former law partner from one-time business associates of the justice.

It was this disclosure that finally soured the Senate on Fortas and led to Mr. Johnson's withdrawal of his nomination to be chief justice.

Just why Fortas' involvement with the Wolfson foundation did not emerge then is a mystery to Griffin.

For his part, Fortas apparently did not consider it relevant to the Senate's investigation of his fitness to serve as chief justice—or he did not remember it.

This time Griffin is not leading the hue and cry over Fortas. He can sit back and let others—including some of Fortas' friends of last year—carry on the fight he began.

All the young Michigan Republican has done this time is lend his voice to the demands of others.

Griffin noted that the allegations against Fortas "indicate a breach of the extraordinary insulation which must exist between members of the Supreme Court and private interests in order to avoid even the appearance of impropriety."

And he is supporting the suggestion of Senator Edward M. (Ted) Kennedy that Fortas might want to appear before the Judiciary Committee again to explain the Wolfson case.

Friends of the associate justice think he may very well tender his resignation when the June term of the court ends. Some of his old defenders, as well as old critics, think Fortas ought to consider it.

Editorialized the Washington Post: "Unless Justice Fortas can provide a more compelling explanation, publicly and in some reasonable detail, he can best serve himself, the court on which he sits and his country, by stepping down."

The New York Times declared Fortas' explanation "falls far short of adequacy. . . . The dignity of the Supreme Court requires the most exhaustive disclosure of every aspect of the Wolfson affair."

The Fortas case is perhaps the most dramatic aspect of something that long has puzzled Washington observers. Why do some members of the judiciary, particularly those on the Supreme Court, feel it necessary to have substantial outside activities involving private remuneration?

Members of the Supreme Court, for example, are now paid $60,000 a year. Their appointments are for life. They are entitled to full-pay retirement at 65 after 15 years on the bench.

Over the years there has been a growing tendency for some justices to take on, for pay, such extra activities as lecturing, teaching and writing. Perhaps the most productive in these fields has been Associate Justice William O. Douglas.

Before going on the beach, Fortas was one of the best-known and most highly paid attorneys in Washington. Mrs. Fortas also is a skilled lawyer. They have no children.

There is talk of enacting a law against outside earnings by members of the court in order to reinforce official integrity. That would be even more palatable, to the public at least, if it also applied to members of Congress.

[From the Spokane (Wash.) Spokesman-Review, May 7, 1969]

Give a Cheer for Senator Griffin

Abe Fortas almost became chief justice of the United States Supreme Court last year.

His failure to be confirmed by the Senate—after then-President Lyndon B. Johnson sought to promote his own nominee for the position of associate justice—can be attributed largely to one man, Michigan Republican Sen. Robert P. Griffin.

Mr. Griffin was not even a member of the Senate Judiciary Committee, which had approved the nomination. But he had a firm conviction and he championed it effectively.

He said on Oct. 1, more than three months, after the Fortas nomination had been submitted, and just before the Senate rejected a motion to cut off debate on the question:

"I took my stand and I have worked so hard to build support for my position, precisely because I am concerned about the Supreme Court as an institution—because I believe the American people should respect the court and hold it in high esteem."

A Senate impasse having been reached, Mr. Johnson then withdrew the Fortas nomination at the request of Mr. Fortas.

In view of the revelations made when that nomination was being considered, and the revelations regarding Mr. Fortas that have since been uncovered, the convictions and the actions of Sen. Griffin have been well vindicated.

That courageous man from Michigan did his duty as a United States senator. He deserves high commendation for the vital part he played in preventing Mr. Fortas from becoming the nation's chief justice.

TURMOIL ON OUR COLLEGE CAMPUSES

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ESHLEMAN. Mr. Speaker, over the past several weeks, many Members of Congress have individually, and in some instances collectively, expressed their dismay and concern about the turmoil that has spread on college campuses throughout our Nation. We are hopeful that the disorder will not result in the kind of repressive reaction by the Federal Government which would destroy the concept and practice of academic freedom. Yet, we are aware that unless effective and meaningful steps are taken to curb campus lawlessness, academic freedom is threatened by coercive forces from within the college community.

It would seem that the greatest need on the campus today is for college and university authorities to assert their proper role of protecting and preserving order. Administrators and faculties have the power under law and, more importantly, the obligation to end coercion as a means of influencing educational policy. They have a duty to assure our free society, which supports higher educational institutions, that rule by muscle will not be substituted for the rule of reason.

I am pleased that the executive committee of the Association of State College and University Faculties in Pennsylvania has unanimously endorsed a resolution which expresses a strong opinion that action by the academic community to curb campus disorder is mandatory if governmental intervention in college affairs is to be avoided. This resolution is the type of expression which holds out real hope that present crisis in education can be dealt with by educators themselves. I include the text of the resolution in the RECORD at this point:

Resolution by Association of Pennsylvania State College and University Faculties

The Association of Pennsylvania State College and University Faculties expresses its deep concern about the loss of academic freedom which has occurred at numerous colleges and universities throughout the nation. This situation has resulted from the actions of some students and professors who, though in a small minority, have acted in an irresponsible, destructive and sometimes lawless manner to disrupt the teaching, research and administrative functions of their institutions.

Using unjustified coercive methods, this group has overriden democratic processes to force consideration or acceptance of their demands.

We urge administrators and faculties in our institutions of higher learning to take such prompt and effective action as is within their power to prevent such coercion of any or all segments of the college and university community. We believe that only through prompt action will our institutions be able to convince the public that governmental action is not necessary. To remain silent and inactive at this time is to invite intervention by outside forces.

PUTTING MINORITY GROUPS TO WORK

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ERLENBORN. Mr. Speaker, although our points of view may differ, there is hardly an American who is unconcerned that not all Americans participate in the mainstream of our society. Whatever our individual points of view, I believe each of us will profit by reading a speech delivered March 24, 1969, by Gilbert E. Dwyer, vice president for administration of the Kennecott Copper Corp. at the spring meeting of industrial relations specialists in the mining industry of the United States and Canada.

Mr. Dwyer provides a perceptive sketch of how this situation came about, pre-

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sents a realistic assessment of this trial of our times, and then enthusiastically challenges his colleagues to become involved in the solution he offers.

I feel fortunate that Mr. Dwyer's driving address came to my attention, and I heartily commend it to my colleagues:

ADDRESS OF GILBERT DWYER

Within the last two decades we have been witness to a telescoping of time unique in the history of mankind. Never has the speed of political, scientific and social change been so accelerated in our world.

In the speeding years since the conclusion of World War Two, we have seen the rapid decline of all but two of the traditional world powers . . . balanced by the emergence of new nations in Africa and new powers in Asia. The maps of today are vastly changed from those of twenty years ago and reflect an ideological spectrum that often changes overnight.

In 1945 the Age of the Atom burst upon us through a dreadful instrument of war. Today knowledge is brushing away some of the fear and much of the mystery that once surrounded nuclear fission, and that awesome force is being refined into an exotic and useful power source.

In 1954, we had one electronic data processing system in the United States. Two years later there were 59. By 1968 we had 6,000 electronic brains far surpassing the speed of the human mind. In a fantastically short period, the Age of Cybernetics has already undergone three generations of obsolescence and improvement.

The Jet Age has shrunk the world as we know it and made it possible to equate thousands of miles of difference with mere hours of time. The first commercial jet passenger service was inaugurated in 1952; today the convenience and speed of jet travel is taken for granted.

And now, we are attending the birth of a Space Age. In less than a dozen years we will have come from Sputnik to space walks to a man on the moon.

Today, each new age springs into life long before the last has even neared full growth, and the acceleration has only begun.

For most of us, the attempt to fully assimilate the changes which so affect our lives is a battle we are beginning to lose. We have to accept them without being granted the time to examine these changes in terms of consequences. But we can accept them readily, because largely they have been good to us.

As members of the technocracy, we reap more benefits than penalties. We acknowledge the hope inherent in human organ transplants. We enjoy the convenience of jetliner travel. Vicariously, we experience the excitement of space exploration and find practical uses for the scientific fallout. We share in a warm and prideful security as useful participants in our remarkable and affluent society.

But there are Americans who cannot share our excitement, who cannot cope with the bright new world that technology is speedily building around us, because they cannot begin to comprehend it; because they are standing still amidst the rush of progress. In these Americans, the speed of change generates fear and the fear that forced withdrawal and aimless apathy is now beginning to foster fury.

These Americans are the "have-nots," the disadvantaged—the intellectually, socially, and emotionally shortchanged who have no active role in our race into tomorrow, who reap no rewards from the scientific fallout bought, paid for, largely understood and welcomed by those who are the "have" segment of our national society.

The Department of Labor defines a disadvantaged person as one at the poverty level of income, who is partially or wholly unemployed, and has one or more of the following characteristics: a school dropout, a member of a racial minority, less than 22 or over 45 years of age, or physically, mentally or emotionally handicapped.

It is estimated that 13 million Americans fall within this definition.

Our technological society demands education and skill as the credentials for active participation. As the American society becomes ever more technological in its orientation, more sophisticated in its mechanisms, the requirements for admission become increasingly demanding. And it becomes less and less likely that the disadvantaged, drawing only on their own resources, will pass the entrance exam.

Cruelly, if unintentionally, our burgeoning technocracy has provided the deprived poor with a graphic and constant reminder of how the other part—the affluent part—our part—of society lives. Each day television places the disadvantaged in a reviewing stand from which they can watch a sumptuous parade of all the wonderful things within the reach of most of us: gleaming electric kitchens in geometrically landscaped split-levels; fabulous vacations in Europe or the Caribbean; well-stocked family dinner tables at which the only dispute is which brand of frozen beef stroganoff is best; gleaming new automobiles driven by men in dinner jackets and women in sequined gowns; wholesome, "typically American" families concerned with the solution of vapid problems.

Disadvantaged Americans cannot view this parade without glancing from the world of the haves to the harsh realities of their own lives, framed in squalor, disease, deprivation, and hunger. They know only too well they've been left out.

Constantly reminded that *our* changing world has no place for *them*—that it is leaving them further behind as it gains momentum—these Americans in growing numbers are joining that hard core of citizenry who have given up, who are resigning themselves to becoming dependents of our affluent society.

Look at the evidence. In 1961, 45 Federal agencies were concerned with social problems. Their expenditures total $9.9 billion. Today there are 435 agencies spending $25.6 billion. Federal welfare costs alone now total $3.7 billion a year. Add to this the welfare costs of local and state programs . . . another $3.3 billion . . . and we have an annual welfare bill of $7 billion. One out of eight New Yorkers is on welfare.

Reliance on welfare often represents the only security left to the deprived American. But he pays a high price in accepting this doubtful security. He sacrifices or warps his sense of pride and ambition, replacing them with bitterness and hopelessness. The welfare recipient also barters away the birthright of his children. The dependency that leads to apathetic membership in the welfare class can become almost genetic.

An alarming parallel exists between today's hard core of disadvantaged Americans and the "mobile vulgus" of ancient Rome. The mobile vulgus provided us with the contemporary word "mob" and a memorable object lesson.

Like many of the modern disadvantaged Americans, the Roman mob was conditioned to rely on the generosity of government. Comprised of the poor of Rome, those without skill or craft, or farmers who had been driven from their lands, this stratum of the Roman citizenry clamored regularly for the bread and circuses provided by the Empire's rulers, the degree of loyalty of the mob to the existing government was based largely on the degree of largesse that government could afford to dispense.

As the Roman mob grew in size and became a social institution, the economic burden it generated became massive. And the mob became a dominant political factor. Violent and volatile, it was a disruptive force that could topple governments. Eventually, the Roman mob played a not inconsiderable role in accelerating the decline of the Roman empire.

Within the last few years, America has witnessed new and violent expressions of the frustrations felt by its own "mob," by those citizens who live outside the establishment. Our nation's capital has been besieged by armies of the poor. Dissident organizations whose militancy ranges from picketing to full-scale revolution have become active throughout the country. Crime in slums and ghettos is increasing at astronomical rates and spilling over into the middle-class backyards. Nearly all of our major cities have been wracked by riots and looting. These reactions led Time magazine to say last year that the United States seemed to be "verging on a national nervous breakdown."

It doesn't require graduate work in sociology to understand why minority groups comprise that segment of disadvantaged America that is most alarming, demanding, and violent in its protests. The minorities represent that part of our citizenry that is most deprived in terms of housing, education, and opportunity.

The Negro, Spanish-American, and American Indian have been watching our national ballgame through a knothole for generations. Now they want to get into the grandstand and into the game. Everybody else in the country gets a turn at bat.

So let's assume we're going to let the Negro, Spanish-American, and Indian play. What position? The key ones are already held by the insiders. And how do we fit the minority groups into our pennant-winning team without endangering our world championship? The problem is a tough one but solution is essential. The alternative is to turn the ballpark into a fortress and hope the fences will hold—but we know they won't.

The principal way to allow the minority groups into our national ballgame—and to heal the widening rift that is threatening to topple our very way of life—is to help them find dignity and hope for the future. The most obvious way to do this is to provide them with meaningful employment.

But how do you *make* jobs? How do we take the hundreds of thousands of disadvantaged whites, Negroes, Indians, and Spanish-Americans and work with them to build for them a productive future?

Often we hear a simple solution offered: take all the able-bodied but lazy people on welfare and make them work for their welfare checks. No work . . . no eat.

Even a cursory examination of this approach shows that it is unworkable. The days of the CCC and the WPA are long past. Those were short-term solutions to a massive, worldwide economic problem shared by nearly all. In an affluent society government make work projects are acceptable to neither those who pay for them nor those employed by them. Why should a man do meaningless or demeaning work for a check that he has been led to expect as his right *without* working. Do you stop his welfare payments? Do you starve his family into submission? Or do you destroy the family unit on which our society is based by driving the male out of the welfare-supported home? We've tried them all, and failed, because we've made the critical mistake of assuming that everyone believes in the traditional American veneration of work as an extension of pride.

As an evidence of human dignity, a fulfillment of an ultimate human need. But this is by no means a universally accepted concept. In many cultures throughout the world, it is deplored or derided. Yet we make the critical mistake of trying to force-feed it into the minds of our own minority groups, while denying to them the uniquely American social and economic mobility which makes the concept worthwhile.

The bulk of ghetto-dwelling unemployed Negroes and Spanish-Americans no longer see dignity in work. The daily facts of life in the ghetto or shantytown help convince them that only the suckers work. In their society the real status is granted to those who live by their wits in the slum jungles . . . by the pimps, numbers runners, and drug pushers.

It is an exercise in futility to criticize this culture our own indifference created. We *must* accept that the unemployed minorities have no environmentally-conditioned respect for work. And we *must* recognize that the welfare system we developed has compounded this negative concept.

It has become obvious to all that our approach to this growing problem has been a paradoxical blending of repression and charity. The turning point was the 1954 Supreme Court decision to integrate education; the first real ray of light came ten years later with the formation of Plans for Progress. Increasingly, these past three years, the government has come to realize it can't solve the problem alone.

The job of government is to enact the laws to make discrimination illegal, to set up the legal guidelines to make us care, and to enforce those laws and guidelines. It has done and is doing this job exceptionally well.

But to bring its efforts to fruition, it must turn to that sector of our nation that has been most instrumental and successful in accelerating our national progress: private enterprise. Government now has voiced its conviction that only with the assistance of the business community can any real progress be made toward productive integration of minority groups into our society and economy.

Another glance at the history books will show us that we have been successful in the past. We integrated millions of European immigrants into our society . . . and profited by their contributions. But while the integration of the Italians, the Irish, the Germans, and other Europeans stands as historic evidence that we *can* do the job, we must recognize that doing the same thing for today's minorities is a great deal more difficult.

Times have changed. During the large immigrations around the turn of the century, the United States was fast becoming an urban-industrial society. There was a demand for strong backs to build that society in the cities and to link the cities together into an economic chain. The European immigrants provided the needed unskilled labor. The most menial work was acceptable, because American freedom was worth almost any price to them. Eagerly urged to play a productive and essential role in building the nation, they eventually became an accepted part of the society.

Neither the opportunities nor the spirit that permitted integration of European immigrants into our national structure exists for today's minority groups.

At the same time Negroes and Spanish-Americans began to flock to our cities and towns, the market for unskilled labor was being greatly narrowed. That market has continued to grow smaller as our society grows more sophisticated, more oriented toward technology, with its heavy emphasis on skills, specialization, and mental work. The Negro and Spanish-American are at least fifty years too late to apply for the jobs that were available to the Irish or Italians.

One thing hasn't changed, however. Like the European immigrant, the Negro, Spanish-American, or American Indian is still faced by the towering obstacle of prejudice.

It is essential that we recognize prejudice to be an inescapable influence in American life. The identification of minority groups with their peculiar traits is a base element of American humor and folklore.

We have all been exposed to the caricature of the siesta-loving Mexican, the watermelon-eating Negro with natural rhythm, the Irishman with an addiction to booze and brawls, the money-loving Jew, the dumb Swede—the list goes on and on. No one in this room would be lost for meaning if I used the words spade, kike, frog, wop, mick, spik, hunkie, kraut, Jap, or polack.

If we are going to become actively engaged in the struggle to assimilate the remaining minority groups into our productive society, and we are, because we have no other choice, we must realize that prejudices exist within ourselves . . . and that they exist in our friends, families, employees, business associates, and the minority groups, themselves.

Let's realize that prejudices are not personality aberrations but are a normal facet of developing human attitudes. As human beings, we must categorize, translate specifics into general concepts. We could not function otherwise. We learn prejudices through years of contact with our culture and environment.

There is nothing unusual about prejudices *per se*. They become a problem when we permit them to exert unreasoning influence on our social or business habits, when we fail to recognize them for what they are—a decision-making convenience. Thus, the problem lies not in recognizing cultural and ethnic traits—they *do* exist—but in prejudging individuals from an ethnic or racial group, assuming, without knowing, that they will display all or any of the desirable and undesirable traits ascribed correctly or incorrectly to their minority. Conversely, it is just as illogical—today, at least—for the member of the minority to assume he doesn't have a chance because he will be unfavorably prejudged.

Prerequisite to any degree of success in integrating today's minority groups is to gain control of our own prejudices, to understand how they color our thinking, and to gain an understanding of the prejudices of the individual minority group members. In our efforts to bring them into the work force we will have to set aside not only racial or ethnic prejudices, but the employment practices prejudices we have so carefully built over the years.

Standard tests and interviewing techniques are worse than useless. A large measure of the managerial paternalism we fought so hard to rid ourselves of will have to be resurrected, because we must reach out to these people and guide them into our society.

We have evidence that this *can* be done. Steps—rapid and substantial steps—*can* be taken to supply meaningful jobs for minorities and to attract them to accept these jobs and hold them.

More than 400 companies are active in Plans for Progress, an organization of businessmen whose mission is the emphasis of equal employment opportunities. Since 1965, Plans for Progress has scored impressive gains in integrating minority group personnel into the work forces of the member companies. The percentage of minority group members employed by the participating companies has increased at a rate of 72 percent—almost twice as fast as the 37% rate for total employment.

The short but impressive record of the National Alliance of Businessmen stands as proof that a partnership of business and government can take great strides in solving minority group unemployment. In cooperation with the Department of Labor, businessmen voluntarily joined in a project called JOBS: Job Opportunities in the Business Sector. A little over a year ago the program began operating in 50 of the nation's largest cities. The target was the hard-core unemployed, heavily concentrated in minority groups. Industry was to provide the jobs. The government would help to identify and recruit the people and provide much of the money needed to train them. At the end of its first year, the JOBS project had placed 125,000 people, exceeding its goal by 25 percent. For the second year, the goal is 200,000 jobs—500,000 by 1971.

The Federal government is doing *its* part. The Manpower Administration has just kicked off its Concentrated Employment Program which targets 20 cities and two rural areas that are outside the territories covered by the NAB. And they are continuing a series of campaigns aimed at training disadvantaged youth: the Job Corps, Neighborhood Youth Corps, Work Experience, New Careers, Operation Mainstream, and many others.

Foremost in the ranks of the businesses undertaking the industry share of the effort are the manufacturers: companies in the automotive, aircraft and aerospace, electronics. Food processors, distributors, and marketers have also accepted a key role.

An examination of what we are doing in the metals industry is both encouraging and discouraging. We *have* done a great deal. The metals companies have been and are active in philanthropic support of a wide variety of organizations working to better the lot of the minorities. These range from community hospitals to the United Negro College Fund. And the metals industry in the West has moved steadily toward integrating Spanish-Americans into its work force, if not significantly into supervision and management.

But we can and must do a great deal more. The fact that many of us work far removed from the major cities where the problem manifests itself in violent ways, does not mean the problem is limited to urban ghettos. This is a *national* problem. In some respects it is an *inter*national problem. It hurts our entire country. It reaches out from the cities to touch us all. It *is* ours to solve.

In the mundane world of the businessman, where the frontiers have been relegated largely to the laboratory, what could be more challenging than to become involved in the struggle to integrate this last isolated segment of our population into our society? What could be more exciting than to throw out the rules and find the new ways to develop this vital human resource?

If the challenge isn't enough, there should be a realization that every businessman, as a matter of conscience, should be involved in solving the minority problem. And involvement should not be construed as the lowest possible level of compliance with the laws that outlaw employment discrimination.

While solution of a challenging problem plus the matter of social conscience should be motivation enough for any of us, more hard-headed reasons compel us to begin.

First of all, you and your fellow executives are citizens as well as businessmen. A substantial portion of the taxes you and your companies pay is now being funneled into welfare payments and social improvement programs. We must accept that there will always be some Americans who, because of age or disability, will need financial assistance from the government. But you are particularly well equipped and positioned to effectively help prevent this massive welfare cost from becoming even greater.

Consider that the minority groups are growing at a faster rate than the rest of the country. Unless we help them to join the work force now, we can project our *present* welfare costs as only a *small* part of what we will have to bear in the future.

Then, as businessmen, remember that your future is closely tied to the nation's social and economic health. If the country does well . . . you tend to do well. In dollars and cents, perhaps the argument is more convincing. It is estimated that putting 350,000 people to work would add $1 billion to the national output. It is even more impressive to realize that such a move would cut a like amount from the national cost of welfare. This switch from the debit to the credit side of the national ledger spells a $2 billion improvement in our economic picture.

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And I am sure that everyone here has become increasingly conscious of the tight labor market above the menial or unskilled level. Trained people—both blue- and white-collar—are in great demand. That trained labor market promises to get tighter and tighter. The only logical solution is to train the unskilled now.

There is a final reason for all of us to become involved in creating jobs for the unemployed minorities. It's a very simple and perhaps unpleasant one: The government is going to make you. Today mere compliance with the equal opportunity laws isn't acceptable. The measure of whether you are conforming to the law is not mere compliance but *affirmative action*.

The Equal Employment Opportunity Commission which enforces Title VII of the Civil Rights Act has applied for the cease and desist powers held by other Federal agencies. While these have not yet been granted, the EEOC has received full backing from the courts in expanding its operations.

More EEOC investigators are moving into the field seeking industries or companies that—while they may not practice discrimination in hiring—are making no *active* effort to integrate minority groups into their work forces.

The EEOC has demonstrated a sharp understanding of how helpful the press can be in focusing a critical spotlight on companies who thought they could get by with token compliance.

Witness what occurred earlier this month when the EEOC flew 25 officials and staff to Los Angeles to hold well-publicized hearings on minority-hiring practices of the local aerospace, motion picture and television industries. An electronic calculator was used on the spot to project that it would take 15 years for one company to attain a 3% minority penetration into management. Unacceptable, said EEOC.

The annual EEO–1 report required of any company with more than 100 employees provides government with a handy balance sheet on your employment practices with regards to minorities. They can inspect these reports and readily see whether you are hiring more Negroes or Spanish-Americans than last year—and whether those already on your payroll are moving up the promotion ladder.

The Office of Federal Contract Compliance is another key government agency looking over our shoulders. As of July, 1968, this agency required companies who had 50 or more employees and were holding government contracts over $10,000 to maintain *written* programs of affirmative action applicable to minority group employment.

And these *must* include a timetable for the full achievement of equal employment opportunity goals.

And let's not be misled into believing that the Nixon Administration will take a soft line on the guidelines set during the previous Administration. There is every reason to believe that Washington, in its examination and sorting out of the agencies and regulations, will tend to make them stronger and more effective.

Challenge, conscience, good business, good citizenship—these are the principal reasons why so many businessmen across the country are already deeply involved in helping to solve this critical national problem. These are the reasons why every company represented in this room is going to have to face up to its responsibility to integrate its work force. The unemployed of the minority groups *must* be made productive members of our society. They *must* become a credit rather than a debit in the national economy.

And it is essential, too, that we all become involved now. The fantastic speed of change in the world has made delay a luxury we can't afford. The problem of the unemployed Negro, Spanish-American and American Indian has gone unsolved too long. Further delay can only aggravate and escalate the problem. Conscious delay places us in the precarious position of ignoring the directives of government . . . and being open to attack and criticism, loss of business and public goodwill.

As specialists in the broad field of personnel management and industrial relations, we in this room will play a paramount role in getting our industry more extensively and decisively involved in adding and fully utilizing more Negroes, Spanish-Americans, and American Indians to the work force. You will have to counsel—perhaps even prod—management on the need to get moving. You will have to be prepared to blueprint and build the programs . . . then make them work.

It's going to be an exciting, demanding, frustrating job. You'll not only have to get a man to work, but find the ways to rebuild his hope, his aspirations, his innate desire to believe in his own worth and usefulness so he'll stay with it. You will fail frequently and have to try again. You'll have to bend and break the rules, the employment standards you worked so hard to build up. You'll have to develop pre-entry level jobs to get these people ready to do the kind of work you automatically expect of the average beginning worker. And all the time you're doing this, you will have to cope with .your present employees and their unions and convince them that what you're doing is right and fair and necessary.

It's a once in a lifetime opportunity to bring into play every one of your abilities, skills, techniques. Today's greatest problem is a personnel problem, a chance for each of us to prove our worth as professionals. Let's take that chance.

JUSTICE FOR MILITARY LAWYERS

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. OLSEN. Mr. Speaker, the Judge Advocate General's Corps of our military services face a serious crisis today in that they are not able to replace the senior and experienced officer members of their legal staffs. If the armed services could grant incentive and professional pay to military lawyers as they do for doctors, this serious problem could be overcome.

Those who finish their first tours of duty are leaving the legal staffs of our military services for the most obvious reasons. They owe it to their families and themselves to go into private practice or Federal service since their salaries will be $4,000 to $5,000 a year more. This is bad enough but when they look ahead, they will see that the gap will widen to $8,000 a year in Federal service to a figure of $14,000 in private industry. Each of us in the Congress in private practice should ask ourselves in the same circumstances what we would do? I think the answer is that we would return to private practice.

There is an additional problem and it is a serious one for the armed services. The Military Justice Act of 1968 has increased the responsibilities of the legal profession and the need for a greater number of military lawyers. That act was a promise by the Congress to provide a truly just military justice system. The pressure in all of American society is tremendous and this includes the military. We must be able to meet any confrontation from extremist groups in the military service as well as anywhere else. A truly respected military justice system will protect our Armed Forces from the contagion which extremist groups wish to spread to our military service.

Mr. Speaker, we owe it to ourselves to pass H.R. 4296, to do for our military lawyers what we have already done for our military doctors. Professional pay and incentive pay per month is needed to raise the military lawyers pay enough so that an individual who is willing to give up a good salary in military life can at least afford to stay in the military service. We have done this for military doctors. We must do it for military lawyers.

I am offering for the RECORD a copy of table of comparative pay schedules of military and civilian lawyers, I am also introducing a companion bill to H.R. 4296, which I hope will receive consideration from the Committee on Armed Services.

The comparative table follows:

Military	July 1, 1969 military pay and allowances	Civil service grade	July 1, 1969 civil service pay range	Bureau of Labor Statistics, June 1968
0–2 1st lieutenant/lieutenant (jg.)	$7,409,88	GS–11	$11,233 to $14,599	$12,602
0–3 captain/lieutenant	$8,868.24 to $13,079.88	GS–12	$13,389 to $17,403	15,283
0–4 major/lieutenant commander	$9,558.96 to $14,974.56	GS–13	$15,812 to $20,555	17,936
0–5 lieutenant colonel/commander	$11,050.08 to $17,600.76	GS–14	$18,531 to $24,093	22,152
0–6 colonel/captain	$13,349.64 to $21,169.08	GS–15	$21,589 to $28,069	28,841
0–7 brigadier general/rear admiral (LH)	$17,473.62 to $24,095.84	GS–16	$25,044 to $32,559	
0–8 major general/rear admiral (UH)	$20,425.20 to $27,275.76	GS–17	$28,976 to $32,840	

[1] Industrial average for attorneys as related to civil service grade. U.S. Department of Labor Bulletin No. 1617.

AG HALL A PLEASANT TRIP

HON. CHESTER L. MIZE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MIZE. Mr. Speaker, the Agriculture Hall of Fame, near Bonner Springs, Kans., continues to grow in importance as one of the Nation's tourist attractions. A recent editorial in the Leavenworth, Kans., Times set forth some of the features of this showplace. With the thought that thousands of people will be traveling through Kansas this year on their vacation trips, I want to place this editorial in the RECORD and call attention to what there is to see at the Agriculture Hall of Fame. We, in Kansas, hope that many tourists will include a visit there in their vacation plans.

The editorial follows:

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Ag Hall a Pleasant Trip

If you've never visited the Agricultural Hall of Fame you've missed a bet. Located near Bonner Springs, not far from the Bonner interchange on the Turnpike, the Ag Hall is just a short drive from Leavenworth.

It has been called a year 'round living memorial and show place for agriculture. It opened in 1965.

So far three buildings make up the museum area where power machines, old time farm implements and exhibits associated with farm life and all phases of agriculture are displayed. On weekends flags from all 50 states are flown along a circle drive. In the summer a steam train takes the small fry for a ride.

The Hall owns 275 acres with the rest of the land owned by Wyandotte County and the State of Kansas. Eighty of the Hall's acres have been turned into a soil conservation area with terraces, grading and seeding, waterways and a lake. The 3,000 Soil Conservation Districts in the U.S. voted at their assembly in 1967 to assist the Hall in developing a model soil conservation program for the entire acreage.

Last year the "Pioneer Village" was started with the acquisition of an old Methodist Church and all its fixtures. A school built at the turn of the century has also been moved to the village. Future plans call for a store, city hall, jail, railway depot and train.

The Agricultural Hall of Fame was brought into being as a national educational and historical corporation in 1960 under a charter granted by Congress.

Its ambitious seven-year program contemplates the construction of 10 buildings at a cost exceeding $12 million, to bring into being a national tribute to the heritage of farm and ranch. The Center will memorialize leaders in agriculture, exhibit the story and artifacts of rural living and electricity, and exhibit different soils and rock structures to relate agricultural history.

A transportation building will show the history of different means of travel and transporting of farm products. Other facilities will display the story of food and fiber; the care, feeding and breeding of farm animals; the growing of vegetables, fruits and ornamental plants; and items of industry that pertain to agriculture such as oil, steel, paper, lumber, and minerals.

An agricultural library has been started which already has over 7,000 volumes. A model farm is in the plan where actual farm life and operation may be viewed by visitors.

Adjoining the Hall of Fame is the Wyandotte County park with picnic and playground area.

The Agricultural Hall of Fame is well worth seeing now. In a few years it should be a "must see" for all Kansans and thousands of tourists.

SENATOR INOUYE'S SPEECH AT COOK COUNTY DEMOCRATS DINNER IN CHICAGO

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MIKVA. Mr. Speaker, last week, Senator Daniel K. Inouye spoke at a dinner of Cook County Democrats in Chicago, Ill. His words need heeding, not only by Democrats but by all concerned about our country and its future. The problems of youth—and their solutions—received an analysis that is outstanding. For the benefit of those who did not have an opportunity to hear Senator Inouye's outstanding address, I include it in the Record.

Address by Senator Daniel K. Inouye: On Returning to Chicago

Mayor Daley, fellow Democrats, my friends:

I am honored indeed to have been invited to share in this traditional and illustrious occasion. Perhaps you will forgive me if I am a little awed tonight, for at this annual event I am conscious that you have heard from a distinguished parade of great national leaders. Their presences have been in keeping with the magnitude of the contribution this great city has made to our country, and to the seemingly endless flow of ideas and energy in so many fields that have come from Chicago. Mindful of this, I know such good friends will understand the sense of responsibility I feel tonight.

Just nine months ago I stood on another rostrum in this city and offered the keynote address of the 1968 Democratic National Convention. Much has been written and more has been said about the events of that convention, and I do not propose to add to them here. But I suggested on that occasion that our country had entered a time of testing, testing whether this nation conceived in liberty and dedicated to opportunity for all its citizens can not only endure but continue to progress. If the truth of that statement was not fully evident on that August evening last year, I submit it is amply evident by now. And if it were not clear then, it is surely clear now that the events of Chicago in August were hardly an isolated agony. They have been approximated too many times again and in too many places.

Last August I asked that we as a nation reject violence as a means of protest, and with violence those who preach it. If we have had more violence since then, we have also, I believe, grown less patient with it. That is as it should be, and our resolution to reject such tactics and leaders should continue to grow stronger.

But it is to other resolutions that I would like to invite your support tonight. Tonight I would invite your commitment to resolutions aimed more at renewed progress than simple endurance, resolutions aimed at making us one society in healthy motion again, a society that can once again engage the constructive commitment of all Americans. For it is a painfully demonstrated fact that not all Americans feel this commitment today.

During the last nine months the term revolution has become ever more common coin. It is spent increasingly frequently in describing the uprising of the black minority determined to have its equal share in the individual dignity and opportunity we have long preached as our philosophy. This we understand, even if the implementation of our understanding is still grossly inadequate. But revolution is also used to summarize the aims of many in a whole generation, a generation that is predominately white, a generation that is increasingly educated and even affluent in its own right, a generation that will some day *be* "The Establishment." And *this* revolution, *these* revolutionaries—if that be the proper term for them—we do *not* understand.

On reason we fail to understand this new discontent is because we ourselves have been engaged in a revolution. We and other modern technological societies have been engaged in this revolution for some decades now, and with greater or lesser vigor we are still engaged in it. Simply stated, that revolution has sought to prove in practice that our societies can produce enough material wealth to meet our peoples' needs. And we define those needs rather broadly—to encompass medical care for the aged and education for the young, for example, as well as adequate food, clothing and shelter for all our citizens. Our revolution has been toward a society in which every man, woman and child, regardless of the circumstances of his birth, should have access to this age-old dream of men and relatively unlimited opportunity to realize the spiritual wealth that we have always assumed would stem from them.

Our revolution has been a success. We have proven that we have the resources and systems to produce what we need. And, having achieved adequacy of production, we are producing the additional margins that make for affluence on a scale the world has never before known. Look at Chicago as one highly conspicuous example. During 1968 your gross metropolitan product climbed nine percent to $45.2 billions, wages and salaries jumped a record $1.9 billions, and corporated profits increased by a billion dollars. In fact, only nine nations outside the United States produced more than metropolitan Chicago.

Yes, in so many ways we are a success. But our very success highlights in sharp contrast the areas of failure. If we have proven we can produce enough, we have hardly insured the adequate or equitable distribution of our wealth and opportunity—not with the poverty and prejudice, the opportunity denied that still blots our landscape. Our revolution is hardly an unqualified success when the waste of our affluence litters and pollutes our land, our water and our air. And we are also coming to find that quality in life does not necessarily stem in direct proportions from quantity, nor spiritual wealth and contentment from material well-being.

One thing we *have* produced in unprecedented and still-growing abundance, however. That, as Yale scholar Kenneth Keniston has noted, is our own critics on a mass basis. These, I am afraid, are our young people of today.

The fact is we are dealing today with not a "new generation" but a "unique generation," the likes of which we have never seen. Back in the Middle Ages, a child was forced into adulthood when he was less than ten years old. That difficult period we now call adolescence was made possible by the mass production techniques of the Industrial Revolution. Now in our post-industrial society, where technology has so sharply reduced the quantitative demands on the work force, we are creating still another, strikingly different phase of human growth and development, a phase characterized by the triumphant fact that today one out of every two Americans of age is going to college. And graduate school, formerly the refuge of the wealthy or scholarly few, has now become so commonplace that many young Americans do not come to grips with the economic exigencies of life until they are nearly thirty.

Spared the necessity of earning a living until then, in many instances spared even the responsibilities of marriage, the student generation has a new freedom to criticize, to assail what he sees as wrong in our society, to protest the unachieved if not to build what is needed. This generation, product of our successful revolution, does not yearn for a decent standard of living as we did; it assumes it because it grew up with it. Its goals, however ill-defined, have moved far beyond those we were raised on.

I am no scholar of this great historical change but even we who are not scholars must understand what has happened. Because if there is one thing clear it is that we can expect more of it. If we have created a new *type* of generation we can hardly expect it to behave identically with our own at their age. And this in turn means that if we do not open our ears and hearts to the voices of the young we will be condemned to continuous crises, to a perpetual series of fruitless confrontations. And when we realize that by next year there will be no less than 100 million Americans under the age of 25, the magnitude of the consequences for our society becomes apparent.

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Listening, then, what do the voices of the young tell us? If there is a single tune it is certainly being sung in the key of impatience. Secure in their unprecedented affluences and educated in idealism, the young are impatient with the areas in which our revolution is incomplete. They are impatient to the point of anger with the pockets of poverty and whole regimes of racism. That our generation has apparently discovered these inequities only recently they see as evidence of our hypocrisy, as they do the ease with which we retire personally from our self-trumpeted battles leaving the waste from our campaigns strewn about us. Insulated from the combat of daily existence, they are disgusted with the intellectual absurdity of war. And more free to express their individuality than any of their forebears, they are nevertheless frightened and frustrated at the prospect of becoming numbers in some vast IBM system manipulated by amoral and faceless forces

This, I believe, is what we hear if we listen. This is what is being said by the great numbers of our young people who are *not* the voices of violence. This is what is being said by the *best* of offspring, who are telling us that affluence is not enough, that there must be more, a deeper meaning. And I wonder, having heard, whether we would entirely disagree with their accusations?

Now most of us, myself included, have criticized the young for their failure to have a positive program for the revolution many of them are proclaiming so loudly. We have asked, "What trees do they plant?" Perhaps we ask too much. Perhaps we are so stung by what we see as ingratitude and even rejection that we in the process have failed to renew and revitalize the leadership the young have always expected of their elders. Whether we think of ourselves as politicians or public servants, that is an epitaph few of us would want on our political tombstones.

I, for one, do not intend to accept that epitaph, nor to abdicate so easily. On the contrary, I believe we should search our minds and consciences for new goals to engage the young and the revolution they will be carrying on after our days have passed. And among these goals I think we must find the following:

First, we must complete our own revolution, pledging ourselves to new vigor in the extension of adequacy and opportunity to *all* sectors of our society. Simply because we have proved that the job can be done in broad brush, we cannot afford a hiatus in completing the job. Of course, it will take another generation to accomplish. That merely means we have no time to rest in beginning a renewed assault on the intolerable vestiges of poverty and prejudice. Our hungry must be fed, our unskilled educated and trained, and new employment opportunities opened. Our welfare system must be drastically overhauled. And we must begin now.

Second, we must come to terms with our environment that in time our industrialized society may live in harmony with it. We have had assortments of anti-pollution legislation, intermittent though praiseworthy beautification programs, well-intentioned though often catastrophic urban renewal projects, and area-oriented though politically toothless plans. But we have lacked a systematic *national* plan, we have failed to provide adequate methods of funding and administering such plans as we have come up with. And above all, we have failed to give the rehabilitation and preservation of our environment the attention and priority it must have. I propose we begin the remedy of this neglect with a comprehensive national commission to establish the guidelines for future action. The commission should have both theoreticians and experienced pragmatists. It should, as well, have on it men who can dramatize its findings and its prescriptions for the future. And it should be established on a continuing basis so that should our attention to this problem lag, it will be dramatically refocussed. This is a truly major national program—one that again will take generations to accomplish—but we can hardly look our grandchildren in the eye, let alone our children, if through further neglect we despoil our dwindling natural resources and pollute the environment that sustains us.

Third, we must put a responsible end to the foolish and enormously wasteful arms race. If we and our fellow citizens of this world continue to race pell mell into evermore sophisticated and expensive weapons systems even the wealth of our revolution will eventually be consumed with little left for other urgent programs. Arms control is a well-established dream and in the past five years we have taken some significant first steps toward its realization. But with an annual defense budget that now totals $80 billion these first steps are not enough. We must look for others that can responsibly be taken and prepare ourselves to accept reasonable calculated risk in executing them. Fortunately, the Congress has an early opportunity to act in this regard through the rejection of the anti-ballistic missile system, the so-called safeguard, that the present administration is proposing. As a member of the Senate Armed Services Committee for more than six years I am convinced that our security does not demand this system, that its advertised initial cost of $8 billion is seriously understated, and that the principal effect of its adoption would be to kick off a new spiral in the arms race. We should reject it. The Congress also has an opportunity to participate more fully at the real source of our defense commitments, in more critically reviewing the national commitments we undertake around the world. Again this review will be complex and time-consuming, but I am convinced we as the most direct representatives of the people must give more attention to our responsibilities in this area. We cannot afford to do otherwise.

Fourth, we who have been elected to lead must look anew to our integrity—not merely to the fact of it but to the appearance of it. One of the characteristics of our youthful critics is their skepticism and even growing distrust of our institutions and the seemingly distant men who man them. If we are to progress, we cannot afford this distrust. Neither should we resent publicly demanded guarantees that the great responsibilities of public office are being impartially discharged. For as Thomas Jefferson said, one of the great strengths of our system is that "every man would meet invasions of the public order as his own personal concern." We need new articulations of the canons of ethics for public servants, whether elected or appointed, and new standards of public disclosure. We can make much progress in this area, and with relative ease. We can begin in the Congress. But others at many levels must join in a new public morality as well. For if we who make, administer or interpret our laws are suspect, then the rule of law itself is crippled. There is no more room for cynicism in this critical area of our society.

Fifth, we must open new channels and new avenues for the voices and feet of the young. For we need their ideas and help as we need their confidence and trust. I do not advocate turning our universities over to communes of students, anymore than we would turn our corporations over to councils of workers. But we must do better than we have to ensure a sense of participation by our young in the decisions that will shape not only their individual minds but the society they will inherit. Again it is far easier to begin than it is to complete the process wisely. But in this day of greatly advanced education, what excuse do we now have for not opening the vote to 18-year-olds, as one pending Constitutional amendment would do?

We in Hawaii have held a constitutional convention at which we lowered the voting age to 18 and the minimum age for holding elective office to 20. However, I am chagrined to tell you it was rejected by our voters. Hawaii could have set a pattern I think could well have been followed in all 50 States.

The youth of America have proved their worth. They are not only better-educated, but better informed and more serious than their parents. They are a concerned, if unruly, generation, which has grown up in the shadow of the atomic bomb. They must be reckoned with, listened to, and their participation not only admitted, but, to the best of our ability, guaranteed.

I am neither wise enough not arrogant enough to claim that these goals—so simple of statement, so difficult of execution—will be enough. But I do strongly believe that they are the very minimum we must espouse. Without our commitment to them, we will see our own achievements eroded in an avalanche of confrontrations and the so-called generation gap may become a widening chasm. Committing ourselves to them, however, we can reengage the ideals and energies of the new generations. And, together with our sons and daughters, we can build a society that, as John Gardner has prescribed, is truly capable of continuous renewal.

THE ELIZABETH CITY, N.C., COAST GUARD BASE

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. JONES of North Carolina. Mr. Speaker, I have the honor of having in my district, the largest U.S. Coast Guard airbase in the world. Recently, the Coast Guard branch of service, and the Elizabeth City, N.C., base in particular, has received a very high honor, for in 1969, for the first time in its history, the U.S. Coast Guard, an agency of the Department of Transportation, will participate in the Paris Air Show.

Two aircraft from the Coast Guard Air Station in Elizabeth City, N.C., will take part in the U.S. portion of the international show.

A giant HC–130B Hercules four-engine turboprop search-and-rescue plane and an HH–52A amphibious helicopter, make up the Coast Guard entry.

The HC–130B is an all-weather, high-speed, long-range transport plane. It is used for search and rescue far at sea, for transporting personnel, emergency equipment, as well as for aerial observations on the Coast Guard-operated international ice patrol.

The Hercules carries the latest communications gear. It can fly at 350 knots or better at 25,000 to 30,000 feet.

The HH–52A helicopter has been a workhorse for the Coast Guard in recent years. It is a turbine-powered amphibious craft equipped with a special platform designed to facilitate water recovery. It is the first helicopter to be built with a boat hull.

The helicopter can cruise at 98 miles per hour and has a loading capacity of 3,000 pounds. It can fly 190 miles, pick up an injured person with rescue hoist and basket and return to its home base with a 10-percent margin of fuel remaining.

The helicopter will be dismantled and flown to Paris in the big HC-130B. The schedule calls for the craft to leave Elizabeth City, N.C., on May 24. The planes will be on display in Paris from May 29 through June 8.

Elizabeth City is the largest Coast Guard air establishment in the world. In addition to the air station which performs hundreds of rescue missions a year, Elizabeth City is also the location of the Coast Guard's only aircraft repair base.

HIGH PRICE OF NEGLECT

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. TALCOTT. Mr. Speaker, one of the major ingredients of understanding is perspective. Too often our thoughts are restricted and circumscribed by our refusal to consider several viewpoints. In attempting to solve some of our societal problems, we are inclined to think only of ourselves, our group, or our special interest. Shortsighted or narrow views can boomerang. The following editorial, from the San Luis Obispo Telegram-Tribune, points up one specific aspect of this dilemma.

Children are dissatisfied with what their elders spend for their education. Elders are dissatisfied because the expenditures for youngsters' education, welfare, and national security have so inflated the cost of living that the pensions for which they paid and relied upon are not enough.

By attempting to provide every person in America with more and more benefits, we fan the fires of inflation and take away expected benefits of social security.

We cannot afford to neglect any segment of our citizenry—but if we are to have enough resources to satisfy the needs of everyone, then everyone must produce to his capacity and we cannot permit any of our resources to be wasted.

We must not neglect the economic, social, and emotional security of our elder citizens by permitting their expectations of security payments to be diminished. This group is least able to cope with the high price of neglect.

The editorial follows:

[From the San Luis Obispo County Telegram-Tribune, May 13, 1969]

High Price of Neglect

The point has been made, and with reason, that the harassed taxpayer is ignoring the younger generation with a short-sighted rejection of nearly all school bond and tax measures at the polls. The consequences of such stinginess, we are told, may be even harder to pay than the increased taxes would have been.

The fact is, we may already be paying for a similar indifference to the older generation. We have been shamefully stingy toward our senior citizens, and the rejection of school tax measures may well be one of the consequences.

It is not guesswork to say that many elder Americans, particularly those on fixed incomes, have developed a habit of voting against all local tax increases, for schools or anything else. And there is no need to guess why.

A recent report to the U.S. Senate found three of every 10 Americans over the age of 65 living in poverty. Not merely trying to keep up with inflation, like everyone else, but struggling to survive on incomes of $100 a month and even less.

The Senate report said that older citizens in general have less buying power now than they did in 1961. That includes some who have always lived in poverty and some who have lived on welfare, but also many who have worked steadily and lived comfortably. The real shame, as pointed out by the report: "Many of these people did not become poor until they became old."

Can this really be what a lifetime of working and paying taxes earns a citizen of the richest nation in the world?

Congress has voted some increases in Social Security benefits, but not nearly enough to provide protection from the constant erosion of inflation. Wage earners find their pay raises nibbled at by the declining value of the dollar, but older people on fixed incomes aren't merely nibbled at by inflation—they're being eaten up by it.

Attempts to make Social Security benefits keep pace with the cost of living have failed, partly because of public indifference to senior citizens, and a misunderstanding of what Social Security is. It is NOT a form of welfare, a handout or a dole. It is a retirement system in which the payments are made to, and the pensions paid by, the government.

The idea that people should not be allowed to collect substantially more in pensions than they contribute in payments is obvious nonsense. A dollar paid into the Social Security fund 20 years ago was worth perhaps twice as much as a dollar paid out in benefits now.

The olders have not taken to the streets to underline their grievances, as students and even some welfare recipients have, but they have been making themselves felt in the classic democratic fashion, at the polls. If they oppose more money for schools and pay raises for public employes, who can blame them? How many of us would react otherwise in their situation?

If the welfare of our youngsters is being neglected in forced educational cutbacks, it is partly because we have too long neglected the welfare of our oldsters. Our senior citizens deserve a better shake, and the rest of us deserve the consequences of not giving it to them.

BIG SHOES TO FILL

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ZWACH. Mr. Speaker, long before I came to Congress I have had a very high regard for the watchdog work of that great Senator from Delaware.

I was most sorry to hear, that, true to his principles, he was retiring at the end of his present term.

He will be missed by the Congress and by the people of the United States. He leaves big shoes to fill.

If there is anyone with the qualifications to fill those shoes, that person is Congressman Bill Roth, who, I am happy to hear, has declared for the office.

I am happy and proud of the work the Congressman from Delaware has been doing, especially his momentous work on cataloging the Federal aid programs. Initiative and knowledge are his trademarks.

During his service in Congress, Bill Roth has distinguished himself in many fields.

As much as I regret the retirement of Senator Williams, I feel his seat will be well occupied should the people of Delaware see fit to name Bill Roth as his successor.

And I will be as sorry to see Congressman Roth leave the House as I am sorry at the departure of Senator Williams from the other Chamber.

Mr. Speaker, I join my colleagues in congratulating Bill Roth for his great contributions and wishing him all good luck in his quest for a Senate seat from the great State of Delaware.

THE CHALLENGE OF THE SEVENTIES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. OTTINGER. Mr. Speaker, I would like to call to the attention of my colleagues and the Nation the remarks made by Mr. John G. Heimann, senior adviser to the Secretary, Department of Housing and Urban Development, before the Mortgage Finance Conference, American Bankers Association, on May 5, 1969. I believe that Mr. Heimann's remarks are worthy of attention by Members of Congress, and I am pleased to have this opportunity to insert his statement in the Record, as follows:

The Challenge of the Seventies

(By John G. Heimann)

This nation is increasingly aware of its responsibilities, both domestic and international. As the aspirations of all people increase, so do our responsibilities to these people. Fulfillment of aspirations is the Challenge of the Seventies.

It is popular to remark these days that our problems are outracing the solutions. This I do not believe. In the past, we have faced up to the facts and then designed policies and programs to achieve a public goal.

This meeting is primarily concerned with housing. But we must not lose sight of the fact that what we are really talking about is the quality of living for people. And this is more than housing. It is schools, it is jobs, it is a human environment, it is all of the opportunities and amenities for which this nation is known and for which it can be justifiably proud.

Yet, within this society, there are vast numbers of our people who do not share this prosperity, who do not have opportunities, and who live in surroundings that are, at best, degrading. Our task is to right this deplorable condition. And one of the most important components is the development of decent housing for all.

The dimensions of our national housing needs were spelled out by the Congress in the 1968 Housing Act. These goals—26 million new housing units over the next decade—are necessary, but if the goals are to be realistic we must make adequate plans, now—

Plans for manpower training.

Plans for improving the building process through new technologies, new materials, and new methods of aggregation.

Plans for the rational use of land.

Plans for stimulating local governments to develop imaginative methods of regulations, control over land use and cost, as well

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as the development of adequate public facilities and services.

And certainly, plans to finance this growth.

There will be growth, without a doubt, unless all the computers used by all of the demographers have blown a tube. By the year 2000, our population will increase by some 100 million people. This means we will have to build 100 new cities of a million people each, or perhaps a large number of new communities with fewer people. But the quantity of the problem remains the same. Not only must housing be created for our new citizens, but also we must provide the many services required in order to maintain and improve our way of life.

The expectation of this growth certainly gives rise to much economic optimism. In fact, there is some reason to believe that this expectation has been a contributing factor to the recent inflationary mentality. Many of today's businessmen have seen how inflation combined with rapid economic growth washed out past mistakes. This use of inflation as economic absolution can prove fatal, however, once it becomes a part of business expectation. The expectation of inflation is a poor substitute for sound business judgment.

By 1972, we anticipate a Gross National Product somewhat in excess of $1 trillion. By 1978, the GNP will be almost $1½ trillion.

Within this GNP, we believe that the housing industry will grow at even a faster rate. This year, we anticipate that the construction of housing will account for somewhat more than 3% of the GNP. By 1973, if we are to meet the goals set by Congress, housing will account for 4.4% and by the late 1970's, 5% of the GNP.

You may ask what justification is there for housing to absorb an even larger percentage of the GNP? The answer in both human and economic terms is simply that the demand is there. But the demand was there before and it was not filled. Therefore, if we are not to continue this imbalance between demand and supply we must do some hard planning.

Our planning, though, must be different from what we have done in the past. Historically, the housing industry has been used as a contracyclical tool of economic policy. As Secretary Romney recently said in a letter to the Wall Street Journal, "Until homebuilding is regarded as the creator of product to meet basic needs—needs just as fundamental as steel or mining or automobiles—this nation will continue to suffer from an improvident disequilibrium between the supply and demand for housing." It is obvious that this disequilibrium can be measured in terms of human suffering and human waste, and what is more uneconomic than the underutilization of our most precious national resource—its people. I do believe that this nation is sufficiently mature to rethink past procedures in order to satisfy present and future needs.

The Nixon Administration is thoroughly aware of this problem. The request for the repeal of the 7% investment tax credit is an indication of its concern. As noted by Herbert Stein of the Council of Economic Advisers, "It seemed at least to some of us who were involved in the discussions (about repeal of the investment tax credit) that there were more important things at this juncture in history to do with the Federal budget, with the national output, than to make even more rapid a rate of growth, that is already very rapid . . . We now have a number of commitments to the poor, to the cities, to the development of housing and even to allowing middle class people to retain a larger share of their incomes for their own expenditures—which would be somewhat easier to meet if the investment credit were repealed."

It is also important for us to be cognizant of the incredible effect inflation can have upon the financing of housing. The homes of Americans have been paid for with long-term, fixed-income capital. We have been able to extend these benefits only because we have anticipated a relatively constant economic condition in weighing security against expected risk.

Recently, we have seen a questioning of this concept. If this is the beginning of a long-term change in the public attitude, then we must completely rethink our long-term financial needs.

Frankly, I doubt that excessive inflation will become a continuing way of life. President Nixon's determination to halt this trend is well known. For the first time in many years, we are effectively using both monetary and fiscal measures to dampen the inflationary fires and to curtail the expectation of a continuation of inflation. Therefore, our attention should remain focused on the challenge of the 1970's within an economic system similar to that of today.

We face the beginning of a time of great need for housing with a mortgage market that has many institutional weaknesses. Some changes are underway or proposed, which you will be discussing later on in this meeting, such as the mortgage-backed security, the various provisions of the 1968 Housing Act, the proposed method of creating a secondary market for conventional mortgages, and others. These and many other changes can be anticipated.

As we consider them, let us not lose sight of the complexity of the problem. Too often, we seek the magic one-shot cure and too often we end up only adding to the problems as we build into our system short-term solutions for long-term problems. Perhaps what we need most today is a complete review of the financial institutions serving this nation. These systems have worked well for many years. But, in fact, they were designed in other times for other reasons.

Accordingly, I feel that a thoughtful re-evaluation of our financial systems is necessary and in the national interest. It is conceivable that the conclusions of such a study will point the way to but modest changes. Even so, they will have value, since it will mean that we have taken the time and the trouble to make certain that what we have works well.

Within the panoply of the financial system, the role of the commercial banker looms large. The commercial banking system cannot help but be deeply involved in our urban problems and in housing. The question is, how will the commercial banks gear themselves to face the challenges and opportunities of the 1970's in these two areas? For example, some of the following questions must be considered and answered by you:

Should our commercial banking system undertake a major commitment to urban development, or should we rely more upon other financial institutions that can be insulated somewhat from monetary policy?

Through change of the regulatory powers or reserve requirements, should banks be urged into mortgage investment?

These and a host of other questions come to mind. It is important, I feel, for people such as yourselves who are trained and experienced in a broad variety of financial areas to become involved in this dialogue of role and responsibility. Within your institutions you have great financial knowledge and expertise which needs to be shared.

The "Challenge of the Seventies" is often partnered with the phrase "the urban crisis." In order to change the challenge into opportunity, the crises cannot be one of perception or will, for if we fail to objectively comprehend our national needs, then the opportunities will be substantially diminished.

Today we do, indeed, face a challenge. Let us make it into an opportunity.

TOWARD A SOVIET AMERICA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. RARICK. Mr. Speaker, the news that the Soviet-trained labor exploiter, Walter Reuther of UAW, has now taken over the Teamsters is only surpassed by his decree that he will use his new labor alliance to oppose defense of the United States against Communist nuclear missiles, to aid Communist aggression in Southeast Asia, and to foment revolution in our streets. This sounds less and less like a legitimate labor organization.

Perhaps many of the young workers of this generation do not recall that this same Walter Reuther was the man who, while being trained in Moscow in Red labor organization, wrote a letter to associates in Detroit and signed it "Yours for a Soviet America."

That letter best explains his goals, in undermining American defense, aiding the Communist enemy, and organizing for violence and disorder in our cities.

I include an article from the Washington Star following my remarks:

[From the Washington (D.C.) Evening Star, May 27, 1969]

LABOR ALLIANCE PROGRAM OPPOSES ABM, WAR

(By Richard Critchfield)

United Auto Workers' Walter Reuther has succeeded in enlisting the relatively conservative Teamsters Union in an apparently wide-ranging social crusade.

Teamster delegates at a founding conference of the Alliance for Labor Action—a partnership formed by the UAW and Teamsters last July—yesterday endorsed resolutions opposing the antiballistic missile plan, calling for an end to the Vietnam war and for a drive to help the poor and the black organize politically.

The 500 delegates attending the conference also unanimously endorsed more conventionally liberal labor causes such as better housing, schools, medical care and full employment.

Reuther also called for an end to "the insanity of the arms race" and for a "taxpayers revolt" led by the ALA.

Apparently responding to press coverage of yesterday's meeting, Fitzsimmons was emphatic today in emphasizing the new coalition is not intended to be a rival of the AFL-CIO.

"I again want to underline and repeat that this is not a rival federation of labor. I am again repeating that we indorse and underline that labor must remain steadfast and one house," he said.

The ALA's function is to organize new workers and carry out social programs and "those purposes alone," he said.

FITZSIMMONS "GOES ALONG"

Apparently going along, at least with Reuther's rhetoric, was Frank E. Fitzsimmons, 61, the soft-spoken Teamster general vice-president who has been running the nation's largest union while James R. Hoffa is serving a prison sentence for jury tampering.

Except for joining in the call to stop the Vietnam war, Fitzsimmon's words were relatively conservative. He urged an organizing drive among government employes, white collar and farm workers and called for repealing the Landrum-Griffin Act.

UNIONS PLEDGE PAYMENTS

Under the new setup, Fitzsimmons will be in charge of the ALA's organizing effort and Reuther of its social action program.

Both unions have pledged to put up 10 cents per member per month to build the ALA's treasury. With a combined membership of nearly 4 million, this could provide a yearly income of around $4.5 million.

In a speech to the conference, Sen. George McGovern, D-S.D., today congratulated the ALA on forming what he called "this great new alliance of our two largest and most influential labor unions." He praised the ALA's stand yesterday in calling for an end to the Vietnam war, deferral of the ABM and an appeal for greater understanding of campus unrest.

Both UAW and Teamsters spokesmen yesterday sharply criticized military spending. Harold J. Gibbons, the Teamster boss in St. Louis, said that by opposing the ABM, "a large segment of the U.S. labor movement" has shown itself against "the stupid kind of path where money and resources are being squandered in a stupid war and a stupid arms race."

Emil Mazey, UAW secretary-treasurer, said that "when this dirty nasty war is over" the labor movement must ensure the $30 billion saved is not spent by "the military-industrial complex."

The key domestic resolution passed was for "community unions" which called for ALA organizers to go into the ghettos and help black communities develop "the skills, organization and economic and political strengths they must have to achieve self-sufficiency and self-direction."

WHAT THE FLAG MEANS TO ME

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ROBISON. Mr. Speaker, recently the Carantouan Chapter of the Daughters of the American Revolution in my district sponsored a project in the Waverly, N.Y., schools designed "to encourage further study and activity in patriotism." The focal point of this most worthwhile project was a student essay contest entitled "What the Flag of the United States of America Means to Me."

I take this opportunity to congratulate the winner, Miss Deborah Crouse, a student at Waverly Junior High School, for expressing in so refreshing a manner what I am sure are the compatible feelings of many of my constituents.

It is with great pride that I command this inspiring essay to the attention of my colleagues.

I include the essay as follows:

WHAT THE FLAG OF THE UNITED STATES OF AMERICA MEANS TO ME

The American Flag means many things to many people. To some it is the symbol of freedom. It is just a piece of cloth to others. There are even those who scorn and burn it.

To me, the American Flag has a deeper meaning. As I come to school of a morning and glance up, I see more than a piece of cloth decorated with stars and stripes. In the flag I see a nation young and immature, a nation full of all kinds of people, of all creeds and colors, who have their own feelings and ideas about our nation.

In the flag I see our fathers and brothers fighting under our flag to help another country gain her rights and freedoms.

The Stars and Stripes represent President Nixon, an Afro-American, an Apache Indian and me standing together, giving the Pledge of Allegiance.

Our flag represents every individual and all individuals of America. We are all under one common bond. The flag is this bond.

The flag symbolizes all the freedoms and rights of men which are outlined in the Constitution and Declaration of Independence.

Old Glory represents to me, one nation, indestructible and indivisible. We pray that our nation is under the grace of God and gives liberty and justice to all.

In conclusion, I think our American Flag represents the true goal of every person on earth and every person that has ever lived since the beginning of time. This is the divine goal to which every man has aspired himself.

These are the things which should be and someday, will be in our nation. Then our beautiful flag will float on the breeze in all her true glory.

This is what the American Flag means to me.

DEBORAH CROUSE.

WAVERLY, N.Y.

REQUESTING AN INVESTIGATION OF BERKELEY VIOLENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. EDWARDS of California. Mr. Speaker, serious events in the city of Berkeley during the last 2 weeks are of national concern. One young man has died, another may be blinded, more than 100 persons have been injured, thousands of people have been gassed, including patients in a hospital, and several hundreds have been arrested, but the tensions in Berkeley continue. I have been told by those on the scene no end is in sight.

The young man, James Rector, who died was from my congressional district. His activities in Berkeley on the day he was shotgunned are unclear, but insofar as I know there is no evidence to indicate he was among the demonstrators. There is clear evidence, on the other hand, that some of the injured were innocent bystanders, on legal business in Berkeley.

The mother of the dead young man has issued a plea, a plea which I believe bears repeating.

No James Rector Memorial People's Park—

She said:

> No day of mouring. Just an end to the turmoil that may cause the death of other young men.

I join in her prayer for the end of turmoil in Berkeley and for the end of violence.

For that reason, I am joining with my colleague, JEFFERY COHELAN, of Berkeley, in asking that the U.S. Attorney General's excellent conciliation service take immediate steps to intervene in Berkeley. I also am joining in his request that the National Commission on Violence study and report on the Berkeley situation.

The seriousness of the situation in Berkeley is spelled out in the words of Peter Barnes of Newsweek. The charges he makes are key to the questions I am asking U.S. Attorney General John Mitchell to investigate—

> For seven days in May, the effective rulers of this occupied city and university were 3,000 unknown men in uniform, headed by two generals and a sheriff playing war games with real people's lives . . .
>
> The real danger in California is not the students, nor the tree-planting street people, nor even that handful of genuine revolutionaries that Reagan so piously condemns. It is the uncontrollable use of paramilitary force without responsibility; it is the helplessness of such representative institutions as the Berkeley City Council (whose meeting during the violence was a charade); it is the fearful reluctance of moderate public officials to speak out.

I have written the U.S. Attorney General asking that he investigate and clarify what has happened in Berkeley so that sane conclusions can be reached.

First, I have asked the Attorney General to investigate the circumstances surrounding the death of James Rector, including a determination as to whether he was one of the demonstrators, or an innocent bystander. I am asking the investigation on the basis of whether James Rector's civil rights were violated.

On the same grounds I am asking the U.S. Attorney General to answer, if possible, some other serious questions involved in the disturbance at Berkeley:

First. How many persons were wounded on May 15, and by whom?

Second. Among the injured, how many were arrested and on what charges?

Third. How many of the injured can be identified as having some part in the demonstrations and how many can be identified as being innocent of any involvement in the demonstrations?

Fourth. How many of those arrested May 22 in the widespread sweep were demonstrators and how many were in the area on legal business?

Fifth. Were the civil rights of those arrested, as charged in newspaper accounts, violated and was there any mistreatment of those arrested by the arresting officers?

The answers to these questions through an impartial investigation will, I hope, do much to quiet the tensions in Berkeley.

More is needed both for an immediate cease-fire and for long-term peace on the campus.

An end to provocations is needed on both sides. I would hope there will be a lifting of the ban on the right of assembly in Berkeley, combined with discretion on the part of those who wish to assemble, and to protest.

The national student protest movement was born in Berkeley a little less than 5 years ago. It has spread from there across the Nation.

During the last 3 years a president of the University of California has been fired, new members of the university board of regents have been appointed, presidents of State colleges have been repeatedly changed, budgets cut, and the National Guard has been used. Yet there is no peace on the campus.

The Governor of the State of California has called the situation in Berkeley "war," and used that as an explanation for why innocent people have been hurt. If it is war in Berkeley, then the Governor must bear his responsibility for its increased violence during the last

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3 years. I recommend to him the words of our President—

> We cannot learn from one another until we stop shouting at each other—until we speak quietly enough so that our words can be heard as well as our voices."

The tensions on campus cannot be solved by shotguns, rifles, bayonets, aerial tear gas bombing, or rocks and bricks.

Instead there must be a serious examination of the issues, a definition of the problems, and the proposal of new answers to solve those problems.

If we do not find these answers, then Berkeley again will be but the first of a series of ever more violent clashes, which can only end in disaster.

RISE IN CHILD ABUSE

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mrs. GRIFFITHS. Mr. Speaker, last week I placed a series of articles from the Detroit News on the subject of Michigan's battered babies in the Congressional Record. These articles pointed to the emotional and physical horrors of child abuse where in Michigan alone last year the reported number of cases totaled 766.

However, child abuse is not only a problem in the State of Michigan but in our entire Nation. Recently, the New York State Department of Social Welfare announced that in 1968 there was a 30-percent increase in the number of reported cases of child abuse. This was discussed in a recent New York Times article entitled "Rise in Child Abuse," written by Howard A. Rusk, M.D. This article stated that in the last several weeks five children have been killed at the hands of their parents and that of the 987 cases reported in New York City last year 36 were fatal. Certainly, I cannot stress too much the importance of curtailing child abuse and that I feel every citizen has a responsibility to report any suspected case of mistreatment of children. This problem can be found today among people of every educational, religious, socioeconomic, and geographical background in America.

At this point, I place the text of the article in the Congressional Record for everyone to read:

Rise in Child Abuse: Problem Requires More Trained Help, More Funds and the Cooperation of All

(By Howard A. Rusk, M.D.)

Last week the New York State Department of Social Welfare announced that in 1968 there was a 30 per cent increase in the number of reported cases of child abuse.

Certainly the problem of child abuse in New York City has been highlighted by the fact that in the last several weeks five children have been killed at the hands of their own parents.

New York City is not alone in this problem. Similar increases are being reported throughout the country.

There is also no doubt that there is increased professional concern with the problem and less tolerance of the "rights of parents" for those who practice child abuse.

Ironically the law for the protection of animals was enacted before child protection statutes. In fact the successful use of animal protection statutes in behalf of a cruelly abused little girl in 1874 provided the impetus for the founding of the New York Society for the Prevention of Cruelty to Children in 1875.

BATTERED CHILD SYNDROME

Professional concern among physicians came from the first study of the problem in 1961 by Dr. Henry Kempe at the University of Colorado Medical Center.

It was from this study that the terrifying and ugly new medical phrase was developed—the battered child syndrome.

In this study, 71 hospitals reported treatment of 302 such cases in a year. Of the group, 33 had been abused so severely they died and 85 others suffered permanent brain damage.

Of the 987 reported cases in New York City last year 36 were fatal.

Before Dr. Kempe's study, California was the only state in which parental abuse of the child was a criminal offense. All states now have such laws. The New York City law was recently amended to attempt to improve reporting.

Effective June 1, hospital personnel, social workers and school officials will be added to the list of those engaged in the healing arts required by law to report cases of child abuse.

The state law required that such cases be reported orally as soon as practicable and that a written report be submitted to local social service officials within 48 hours. Presently the major source of reports is from hospitals.

Unfortunately there was a sharp decline last year of 40 per cent in the number of suspected child abuse cases reported by physicians. The number of cases reported by physicians dropped from 15 per cent in 1967 to 9 per cent in 1968.

One of the reasons for the decrease may be that some physicians hesitate to report such cases because of their belief that the right of privileged communication is violated. However, persons and institutions required by law to make such reports are provided immunity from civil and criminal suits brought about as the result of their reports.

AVOIDING INVOLVEMENT

In many instances physicians and other health and social welfare workers simply do not want to get involved in a messy situation.

Commissioner George K. Wyman, New York State Department of Social Welfare, pointed out in last week's announcement that "Disturbing as this figure is, it tells us an incomplete story because there are many other such cases of child-battering—hundreds more—that are not reported by persons aware of them."

He stressed that under-reporting is a serious situation especially if the dead or abused child has brothers or sisters living at home but not protected.

This is underlined by the fact that 14 per cent of the children reported last year in suspected abuse cases were siblings. These 135 children were from 56 families in which two or more children were suspected of being abused.

What such an environment of terror means and does to a child is too horrible even to contemplate.

Studies have shown that parents are the offenders in most instances of child abuse. There are some cases, however, of other persons such as baby-sitters, paramours and siblings as the offenders.

Last week this writer discussed the problem with Dr. Vincent J. Fontana, who has long been interested in the problem. Dr. Fontana is director of pediatrics, St. Vincent's Hospital and Medical Center, and medical director of the New York Foundling Hospital. He said:

"The child abuse law that we now have in all states in the United States in itself is just the first step that can be taken to protect the abused or neglected child.

"What is more important is what happens after the report.

LACK OF COMMUNICATION

"At the present time, from our experience we have found there has been little or no communication between various disciplines that are responsible for protecting the child and assisting the parents. This applies to the physician who does the reporting, the child protective unit that does the investigating, and the judge who makes the determination as to whether the child is to be returned home or goes to an institution or foster home.

"Unless there is mutual cooperation and communication with follow-up under these various disciplines, the job of protecting the child and helping to assist the parents will not be realized.

"In attempting to solve these tragic problems it is hoped that there will arise a mutual respect between the physician, social worker and judge so that a proper decision may be reached to protect the child from further abuse and possible death."

In reality, Dr. Fontana's hope can only be accomplished if there are adequately trained people in the child protective unit, sufficient funds to employ a large enough staff to handle the large number of abused and neglected child problems and an adequate number of judges in the family courts.

The blame is not on any individual but an overwhelming caseload and an inadequate staff.

The reporting of suspected cases of child abuse should not be limited to professional workers in the field of health and welfare. Every citizen has a responsibility to report any suspected case of child abuse.

LESSON OF TVA IS IGNORED BY FLOOD-RAVAGED STATES

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. DUNCAN. Mr. Speaker, the Tennessee Valley Authority has been a living classroom for thousands each year—not only from this country but for people around the world—who come to the Tennessee Valley to see how a system of dams and power facilities has brought health to the land and a better livelihood for the people.

Marquis Childs wrote in the May 14, 1969, Washington Post that TVA's lesson is being ignored by many flood-stricken States.

I would include this article in the Record at this time.

Lesson of TVA Is Ignored by Flood-Ravaged States

(By Marquis Childs)

The rivulets, the small streams, the great rivers run brown with the precious soil that each spring is lost forever. This is a heedless waste of the capital of a land ravaged by the quick-buck builders and the highway promoters who will not be satisfied until the whole country is covered with concrete.

It has been going on for a long time. As predictable as the first crocus, appeals come to Washington for help under the Federal disaster act to repair flood damage. The total so far this year is $12,750,000 which is little enough alongside the vast sums this capital deals in.

Yet, as a measure of the cost of putting back bridges, restoring roads and sewage plants and providing temporary homes for the homeless, this says a lot about the cost of years of neglect and indifference. Of the total, California, where the builders have stripped steep hillsides and perched houses and apartments on perilous slopes, got $8-million. The balance went to Minnesota, North Dakota, South Dakota and Iowa. While last January's prolonged rainfall on the West Coast and the heavy snows in the Midwest increased the likelihood of serious flooding, there is no reason to believe that the same thing will not happen next year and the year after that ad infinitum, with the same demands on Washington to pay for a patching job again.

On a recent tour of the Tennessee Valley this reporter saw an example of the work of the Tennessee Valley Authority that has gone a long way toward eliminating floods and restoring the health of the land in that region. The contrast showing what can be achieved by not shying away from that scare word, planning, is striking.

Oliver Springs, Tenn., a town of 3600 had a severe flood in July, 1967. It was in the nature of a flash flood, as storm water roared down Indian Creek, which runs through the town. Oliver Springs has had 16 major floods since 1905, 11 occuring after the construction of nearby highways.

As the town surveyed the devastation to schools, roads and homes in the steamy aftermath of the flood, TVA came in. They did not say, "Okay, we're going to put in some dams and fix things up for you." The first move in accord with long-established policy was to enlist support from the townspeople themselves. They were asked by TVA representatives. "Do you want to join in a common effort to rebuild the town and try to insure that there will be no more flooding? If you do we're prepared to help."

Mayor J. H. Burney, a quiet-spoken Tennesseean who is a guard at the nearby Oak Ridge atomic plant, saw what an opportunity this was. He started in at once to get understanding and support for a comprehensive plan to which local citizens contributed ideas. Cooperating with Burney was Jim Point, a part-time TVA consultant working for a graduate degree in city planning at the University of Tennessee. Point showed remarkable skill in beating a patch through the jungle of Washington agencies involved in one way or an other with the project and pulling them together.

The result was a redevelopment program that will cost $5,700,000, TVA will spend $1,920,000 including the share to be put up by Oliver Springs. The balance is from the gaggle of Federal agencies—Housing and Urban Development, the Water Pollution Control Administration, the Appalachian Regional Commission—that have a finger in the pie. When the work is completed total benefits on an average annual basis are put at $1,344,600. This is broken down in flood prevention, the enhancement of land values, public housing, recreation and the savings in transportation as a result of rerouting highways.

Nothing could better illustrate TVA's primary goal—to build up the region so that people will want to stay rather than migrate to the cities. With seven Southern and border states in the region, including Mississippi and Alabama, TVA claims the rate of migration for Negroes has been cut in half over the past three decades. At the start of the experiment in reconstructing a whole area two-thirds of employment was in agriculture, with 12 per cent in manufacturing. This is reversed today, with 30 percent in industry and 12 per cent on the farms.

Strict conservationists grouse over some TVA decisions where favorite trout streams and a bucolic setting are the issue. But TVA has built 22 major lakes that are a source of pleasure and profit to hundreds of thousands not only in the area but for visiting vacationers.

Denounced as socialism at its inception, TVA by the year 2009 will have repaid the Government all money invested in power facilities through appropriations, and the properties will still be Government-owned. Today Federal expenditures in the area are only 60 per cent of the national average and that includes Oak Ridge and the space installation in Alabama. While the TVA pattern might not fit another region, the lessons are there to be learned as America's rivers elsewhere run brown with irreplaceable topsoil.

LOG EXPORT PROBLEM

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mrs. HANSEN of Washington. Mr. Speaker, many Members of this House have expressed interest in the log export problem in our national forests and Bureau of Land Management lands. During February, when the Appropriations Subcommittee on Interior and Related Agencies held their hearings, I asked the U.S. Forest Service to explain their procedure and in the nature of the selection of areas for exportation. I have received a reply dated May 16 from Mr. M. M. Nelson, deputy chief, which outlines the procedure. For your information I am placing it in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., May 16, 1969.

Hon. JULIA BUTLER HANSEN,
House of Representatives.

DEAR MRS. HANSEN: This is in further response to your inquiry of February 28, 1969, relative to the distribution of exportable volume under Part IV of the Foreign Assistance Act of 1968. We are pleased for the opportunity to review the procedures developed to implement export controls from the National Forests.

Part IV of the Foreign Assistance Act of 1968 restricts export of logs from Federal lands west of the 100th Meridian to 350 million board feet per year, through 1971, except for minor species found to be surplus to domestic need. At time of signing the Act, the President assured the Government of Japan that "we will give full consideration—bearing in mind United States domestic requirements—to Japan's desire to have the law administered in a manner least harmful to our trade relations."

Allocation of the exportable volume under the Foreign Assistance Act continued the pattern established by the joint action of the Secretaries of the Interior and Agriculture in April 1968 when they required domestic processing of all timber offered for sale from the National Forests in western Washington and western Oregon, from selected National Forest areas east of the Cascade Divide and all Oregon and California Grant lands in Oregon. The Secretaries provided that 290 million board feet of timber sold from the National Forest land and 60 million board feet of timber sold from Oregon and California Grant lands would be exempt from the domestic processing requirement during the ensuing period ending June 30, 1969.

High level discussions between the Governments of Japan and the United States led to the joint understanding that the basic patterns already established as to areas and species of timber would be maintained in implementing the domestic processing requirements. Guidelines for allocating exemption volume under the Secretary's regulations for domestic processing were based on these understandings.

The pattern of log exports was established by examining exports for a 3 year period, 1965 through 1967, from the Washington Customs District (all ports north of the Columbia River excluding the Columbia River) and the Oregon Customs District (all Columbia River ports and all other ports in the State of Oregon). During that period, 67 percent of log exports to Japan from the Pacific Northwest originated from the Washington Customs Districts and 33 percent from the Oregon Customs Districts. Exemption allocations between the Agencies and to the various National Forests were based on established trade patterns and estimates of log export supply sources. Other factors were also considered in allocating the exemption volume to National Forests:

Amelioration of anticipated adverse impacts of the domestic processing requirements on dependent local timber using industry, established exporting industries and ports.

Relative volume of species accepted in export trade during previous years.

Where export trade pattern was not established but feasible, exemption allocations were evaluated in relation to species and volume needs of local industries.

Application of these guidelines resulted in 60 percent (174 million board feet) of the 290 million board feet of exempt volume being allocated to the National Forests from which logs had been shipped through the Washington Customs District and 40 percent (116 million board feet) to the National Forests from which logs had been exported through Oregon Customs District.

The timber sales programs covering fiscal year 1969 from the National Forests in Washington and Oregon were published in June, 1968. These announcements indicated the volume by individual sales exempted from the domestic manufacturing requirements. Total exemption quotas and allocations to individual sales were discussed at timber purchaser meetings. The timber industry apparently accepted the allocations as being equitable; none protested the allocation of exempt volume under the Secretary's Regulations.

Part IV of the Foreign Assistance Act was implemented on January 1, 1969. It embodied the restrictions already imposed by regulations of the Secretaries, including the 350 million board feet exportable volume limitation, but it enlarged the area to include all Federal lands west of the 100th Meridian. Total allocations of the exemption remained unchanged, with 290 million board feet assigned to the Forest Service, 60 million board feet to lands under the jurisdiction of the Bureau of Land Management.

Export activity intensified in California following the April 1968 domestic processing requirements imposed by the Secretaries of Agriculture and Interior. As a consequence, 15 million board feet (about 5 percent) of the Forest Service allocation of 290 million board feet was moved from the Pacific Northwest to California at the time Part IV of the Foreign Assistance Act was implemented.

Tentative Forest allocation of the remaining exemption volume to the National Forests of Oregon and Washington was based on 95 percent of that allocated under the Secretary's domestic processing requirement. Some adjustments were made as a result of comments from Forest Supervisors. The adjustments recognized the reduction in the allowable cut on the Mt. Baker National Forest resulting from establishment of the North Cascades National Park. The final result was that 162 million board feet (59 percent) of the 275 million board feet exemption was allocated National Forests from which

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export originated to the Washington Customs District, and 113 million board feet (41 percent) to National Forests from which export originated to the Oregon Customs District. Provision was made to assign some of the exemption quota allocated the Olympic National Forest to the Shelton Federal Cooperative Sustained Yield Unit.

Exempt volume allocations were discussed by Forest Supervisors at timber purchaser meetings held in February 1969. Allocation to National Forests, to individual sales and procedures for administering the requirements of Part IV of the Foreign Assistance Act of 1968 were fully discussed at these meetings. The point was made that assignment of exempt volume to a particular sale does not require such volume be exported. Rather, the decision to export rests with the purchaser. Reaction of timber purchasers at the February meetings indicated satisfaction with the allocations and procedures established to administer Part IV of the Act.

HELLO COMPUTERS, GOODBYE PRIVACY

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. GALLAGHER. Mr. Speaker, since the 1966 hearings of our special Subcommittee on Invasion of Privacy, the Nation has become aware that the efficient whir of the computer may, in reality, be the sound of man's dignity and privacy being shredded. While most Americans acquiesce to the request not to fold, mutilate, or spindle computer cards received from impersonal organizations, they do not receive a corresponding reassurance that they themselves will not be folded, mutilated, and spindled.

This potential danger caused by the recognized and essential benefit of computer applications is the subject of numerous scholarly reviews. Virtually every college and university in the country now has seminars and courses on the impact of technology on the individual. Harvard University's program on technology and society, the American Academy of Arts and Sciences working party on the social implications of the computer, and the National Academy of Sciences' computer science and engineering board privacy group are but three of the major efforts now underway to plow a parallel row to that first laid out by our special subcommittee. Two brilliant books, "Privacy and Freedom," by Dr. Alan Westin, and the soon-to-appear "The Death of Privacy," by Dr. Jerry Rosenberg, soberly amplify the concerns our privacy investigations have uncovered.

Perhaps the most compelling evidence that we are disclosing a deeply personal issue has been the attention given to computer privacy by magazines not normally associated with discussing the impact of congressional investigations. The May 1968 Playboy contained a superb description of the controversy surrounding the suggested national data bank by Dr. Westin. Now Cosmopolitan has published what is undoubtedly the best written account of computer privacy to appear since the preface of the Committee on Government Operations August 1968 report, "Privacy and the National Data Bank Concept."

"Hello Computer, Goodby Privacy," in the June 1969 Cosmopolitan presents an entertaining view of the ramifications of computer technology and does so in terms which everyone can understand and enjoy. The author, Mr. Richard Boeth, has created a sprightly and stimulating piece of journalism.

Mr. Speaker, Mr. Boeth is obviously a very talented and very funny writer. There are those who would reject the importance of his work because they believe that only the ponderous can be meaningful, that only the boring can be significant. I would like to publish the statement made in response to that pompous opinion by the man who heads my privacy investigation staff, Charles Witter:

> Let's reach an understanding: You don't regard me as stupid because I am witty and I won't regard you as intelligent because you are dull.

Ignoring the arrogance of that remark, I believe Mr. Witter makes a valid point and one that should be kept in mind particularly by those who must wade through the insipid goo of much govermentally generated prose.

Mr. Speaker, Mr. Boeth writes so clearly, so well, and so amusingly about the issue of computer privacy that I am delighted to enter his article in the RECORD at this point:

HELLO COMPUTERS, GOODBYE PRIVACY—OR, 1984 IS JUST AROUND THE CORNER

(By Richard Boeth)

Back in the comparatively rustic and uncluttered world of the early 1960s, officials of the huge, California-based Bank of America woke up one morning to discover a problem looming. Statisticians had figured that by 1970, in order to service the banking needs of all the people of California, the Bank of America would have to *employ* all the people of California as clerks. The paperwork was piling up that fast, and there was no way to stop it. Since this all-inclusive hiring program held no appeal for anyone, the bank called in General Electric, one of the builders of large electronic computers, and in due course most of the bank's routine operations were "computerized." That is, large and incredibly fast electronic machines took over the clerkly jobs of recording, storing, and giving back on request all the mountains of data pertaining to the bank's billions of transactions with its depositors, creditors, and the rest of the American banking system.

It is difficult to rant and rave too much about the importance of those electronic machines. Without them the Bank of America—and in short order most of the other banks in America—would have choked to death on paper. One cannot imagine the banks of the nation going out of business, of course, but they would have been so impeded and finally so shackled by the blizzard of paper that the whole nature of the American economy, and hence American life, would have changed drastically, and presumably for the worse. Exactly the same thing is true for scores of other major industries as different as insurance and the airlines, the latter of which could not handle anywhere near their present number of bookings without computers to tell them which seats were available on which flights. The Federal Government would collapse without computers; the credit-card empire would not have existed at all. Wall Street got along nicely without computers for two centuries, and thought it could *continue* to get along without them. In the past two years it has been so inundated with paper that it had first to close one day a week and finally shorten its trading time by an hour a day.

The lesson, then, is that these electronic machines, which can pull out stored information at the rate of 100,000 numbers or characters *per second*, are not a mechanical convenience at all but a flat necessity, and their impact is being felt in every sector of American life. In the words of Dr. Robert M. Fano, an M.I.T. professor, computer scientist, and one of the few persons around who looks at men and machines with equal knowledgeableness: "The effects of the computer on society will be more important than those of the printing press."

All this startles those of us who have always thought of computers as endearing little metal things that whirred, clanked, beeped, and, finally—*tapockataqueep*—projected the (wrong) Presidential winner on the basis of partial returns from three districts in Nutley, N.J. True, true, if pressed we could probably have indentified those unfolded, unspindled, and unmutilated punch cards that come in every month from Con Edison, the Diner's Club, and Texaco as having been upchucked from a computer, but even so they are surely only bookkeepers' *helpers*.

Not so. Those punch cards, in fact, may well have cozied us into a false sense of complacency, a deadly unawareness of what computers are capable of. For example, the monthly bill comes in from Esso, right, and it's been sent to you by way of Formosa, and you are damned if you are going to pay the 47-cent penalty for "lateness" when it was their fault. So you enclose a brief, witty note with your check, explaining that they sent the bill via Formosa and that you're not going to pay the 47-cent lateness penalty. And then the next bill comes in—maybe via Formosa, maybe not—and there is no reply to your letter, no acknowledgement of it, either, only the 47-cent lateness penalty noted in the usual box. And so you write more letters, longer and angrier, the last going by registered mail to the president of Standard Oil, and you don't care about the 47 cents but you just want to know *if there is anyone in the whole company who can read and answer a letter*. And, of course, all you get back is another punch card, which you rip up along with your Esso credit card (I went through this ordeal a few years ago with Esso, obviously, but everybody's been through it with one company or other), and you vow never to have anything to do with that idiot company again. So far, fine. You're just reacting as any red-blooded American would. But then we all make our basic mistake: *We assume the computers must be stupid*. We also assume that the people who install and use them must be stupid, and we may be right or wrong about that, but we are fatally wrong and extremely foolish to think that the machines are dumb. Because the next step is to think that because machines are dumb they are not to be taken seriously by bright, sophisticated folk such as ourselves. And the next step after *that* is that the machines throw us all in prison and dissolve the key with a laser beam.

The truth is that these machines are incredibly bright, capable, and powerful, and we cross them at our peril, even when they send us someone else's department-store bill. The best *aide-mémoire* in dealing with computers is REMEMBER THE ASTRONAUTS. Whether you are inspired or appalled by the effort and cost of the moon venture, it is all a scientific and engineering marvel ranking right up there with the first atomic bomb and Joe Namath's right knee. Billions and trillions of calculations went into the design of the spacecraft, its engines, and its flight plan (including an unprecedented bit of celestial navigation), and this work could not have been duplicated without computers even if you had armed the entire population of Japan with abacuses and set them to work for one hundred years.

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So the people who know a little something about computers don't make jokes about computer mistakes. One reason is that the machines themselves don't make mistakes more than about once in every two or three billion calculations. The odds are astronomical (in favor of the computer) that any computer error is really a *programming* error; i.e., that the machine has been given the wrong information in the first place or instructed to do the wrong things by the entirely human being who use it. (These mistakes can be expensive; a single programming error wiped out Mariner I, a moon-shot rocket, at a cost of $18,000,000.) A second and just as important reason why people don't make jokes about computers is that large batches of knowledgeable people, from computer builders to members of Congress, are getting to be frightened of computers and the uses that are already being made of them. It is not easy to be succinct and direct about these fears, because they derive from what Dr. Alan Westin of Columbia University, in his landmark book entitled *Privacy and Freedom*, calls the *"accidental by-product* of electronic data processing." This problem—the terrible fear—was summed up as best it can be by former Representative James C. Oliver of Maine: "It's my impression," he said, "that these machines may know too much."

That's the only *real* worry, then—just that machines may know too much, and that they can spill it all too fast. What people who know anything about computers are *not* worried about is the kind of computerized apocalypse that grips the popular sci-fi imagination, in which the machines go berserk, say, and bring down nuclear war on our unwilling heads. The leader of a nuclear nation must still *order* the atomic strike himself. (Of course, the computers can feed him misinformation horrendous enough to lead him astray. In October of 1959 our newest computerized Early Warning System in the Arctic flashed an increasingly baleful sequence of warnings all the way up to Emergency, the last step. It turned out that the computers had not been programmed to discount the effect of the moon's reflection on high ocean waves, and one bright night they reacted to this reflection exactly as if they were "seeing" an all-out Russian air strike. President Eisenhower, fortunately, had other information that contradicted the computer's moonshine, or we should all be algae.)

But why should knowledgeable computer people worry about the computers' knowing too much? Isn't that what they're there for, after all? And the answer is a vibrant yes—but! The danger is that the computers, in tandem, will collect so much information about all of us that they will have accomplished what amounts to a monstrous invasion of a whole nation's privacy. The process is already well under way. As Bernard Benson, a California computer manufacturer, has pointed out, the machines have already stored away an enormous amount of information about us—"your FBI record, childhood diseases, and the attitudes of your parents; school records, employment and tax records, contributions to charity, and even the records of your charge accounts and credit cards."

So far, at least, most of these records are stored in different places—in files belonging to the schools, employers, Census Bureau, Internal Revenue Service, etc. But what would happen if all these records were pulled together and filed in one place with *your name on them?* Just from the collation of existing data, the file would show all the pertinent and impertinent information about who you are, how much you make, where you go, how much you pay in taxes, which bills you're slow in paying, how much you spend at the liquor store, and which people you check into what motel with. As we move closer and closer to the day when we use no cash at all and do everything on credit, we move closer and closer to the day when our every move will leave its telltale bit of data behind. Collect all the data in one electronic machine and you've given the collector the key to your private life! "Where information rests is where power lies, and the concentration of power is catastrophically dangerous," computer manufacturer Bernard Benson has said. So it isn't the computer *itself* that will be dangerous—no, it is not mischievous or venal or able to have "motives." "We will all be at the mercy of *the man who pushes the button to make the machine remember,"* says Mr. Benson.

There is no chance, of course, that this sort of power would ever be allowed to lie around without a great many people trying to latch onto it. And sure enough, the U.S. Census Bureau, with the enthusiastic approval of the Commerce Department, Internal Revenue, and half a dozen other Government agencies, has been pushing with enormous eagerness for a National Data Bank that would file in one place everything that's known about everybody—taxes and medical histories, farm loans and Army discharges, fishing licenses and jail sentences. Now this data would be of vast *legitimate* use to sociologists, demographers, statisticians, and Government and industrial planners of all kinds. But there could also be a computer-wise bureaucrat somewhere back in the bowels of the building who could push a button and find out (from the spoor of computerized creditcard data) that you spent the weekend of February 1–2 skiing at King Ridge, in New London, New Hampshire, and that you charged your stay at the New London Inn on the same night as Porfirio Schussboom, the playboy diplomat who is being deported for moral turpitude with ski bunnies. Even if this information were true—and there is no guarantee that it would be—it is hardly any of that bureaucrat's business.

The prospect of the Data Bank has alarmed a lot of people, in and out of Government, in and out of the computer industry. The most potent force against the Bank so far has been a Special Subcommittee on Invasion of Privacy in the U.S. House of Representatives, headed by New Jersey Democrat Cornelius E. Gallagher. In a series of hearings over the past couple of years, the Gallagher committee has turned up disturbingly large mounds of evidence that these machines *already* "know too damn much," and also that their unique data-gathering, -storing, and -disseminating abilities are already sometimes being used for unsavory purposes. Among Mr. Gallagher's piquant exhibits:

A large New York firm was brought on the carpet by the Fair Employment Practices Commission for discriminating against blacks in its hiring policies. The company replied that this was impossible, since it used computers to screen and select employees. After a great deal of trouble, it was discovered that the man who *programmed* the computers was a bigot and did indeed fix the machines to weed out all blacks.

All the names of people who wrote into an early, computerized dating system were sold to a pornography peddler. The names could have been sold anyway in a manual system, but only the computers' speed could make the name-selling economical.

A large insurance company upped the rates for burglary insurance the minute a community acquired a certain percentage of blacks or Puerto Ricans. Once again, only computers have the speed and memory to keep track of neighborhood patterns quickly and cheaply enough to make this kind of discrimination possible.

It is known that the dangers of unrestricted computerization came to the White House's attention during Lyndon Johnson's tenancy. Johnson appointed a distinguished Midwestern professor to a Presidential commission—a crime commission, in fact. Routinely, the professor's name was sent off to the appropriate Government agencies for security clearance, and, routinely, the agencies' computers swallowed the name, blinked, and tapped out a message: "Associates with known criminals." Apalled, the Federal gumshoes ran the crime commissioner's name through the computer again, but the machine stuck by its guns: "Associates with known criminals."

When this information was passed along to Johnson, he erupted with several rangy, wide-open oaths, the gist of which was that the professor in question was a longtime goodbuddy and the blinketyblank computer people had just better find out what the hell they thought they were talking about.

Laboriously, by hand, in the old-fashioned, time-consuming way, the computer analysts checked back to see what their baby *had* been talking about. And sure enough, there was the evidence: Every Saturday during the football season, the professor phoned his local candy store and got down a $10 bet on his alma mater's football team. The candy-store owner was tied into the gambling syndicate in his minuscule fashion, the cops had a tap on his phone, and the next thing anybody knew, the security computers in Washington were disgorging the raw information that the distinguished professor was "associating with known criminals."

Fortunately for the dist. prof., he had earlier spent several years associating with known Presidents, and the ludicrous accusation was run to ground. But the incident is bemusing—not because it was rare but because it is so *common*, not because it happened to a highly placed friend of the White House but because such incidents may soon be happening every day to all of us. The National Data Bank is not a reality yet, but several states, including California, have pretty good junior models of it.

The most insidious snooping now being done is conducted by the country's 2500 credit bureaus, with their embarrassingly detailed files on you and 160,000,000 other Americans. Many of the larger local credit bureaus, with tens of millions of names on file, are already computerized; by 1973 the whole system will be linked into one huge computer network, so that a department store in Fort Lauderdale, Florida, at which you might like to open a charge account will be able to find out immediately that you refused, eight years ago, to pay for a bathing suit you'd bought in Akron, Ohio. Maybe the bathing suit disintegrated on the beach the first time you wore it and you were right not to pay—the credit bureau's report will take no notice of this, but will simply mark you down as a troublemaker and a deadbeat.

The credit bureaus are apparently so far out of line that two Senate subcommittees are vying with Gallagher's House subcommittee in trying to expose them and get some legislation written to control them. In the course of a clutch of hearings over the past two years, the Senate committees turned up some lulus in the abuse pattern. In Baton Rouge, a Raymond Maurer, successful commercial photographer, was unable to open a charge account at a hardware store last year because the credit bureau "remembered" some financial difficulties he had suffered when *starting* his business twelve years before. In Norfolk, Virginia, an insurance adjuster collected $1000 for slander after his company erroneously told a credit bureau he had been fired for taking kickbacks; the credit bureau, naturally on the side of its informer, got its revenge by marking the adjuster down as dangerous because he was "litigious," meaning that he'd take you to court for slander.

The credit bureaus keep very *diverse* information about the 160,000,000 individuals in their files—not only bank references, bill-paying habits, and incomes but such data

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as job progress, divorces, debts, bank balances, and any and all legal actions (without recording whether you were in the right). And every bit of this information is open to any creditor who pays the $10 to $50 yearly fee, as well as to any Government agency.

"Credit bureaus," says credit executive Edward Kennedy, "have regarded cooperation with police, FBI, and other Government agencies (read Internal Revenue Service) as routine business and an obligation of good citizenship." To prove how easy it is for any snoop to dip into credit bureau data, Professor Westin had a staff aide at Columbia write the Greater New York Credit Bureau asking for all the dope on a girl in the office, saying only that they were thinking about promoting her. The credit bureau complied immediately, both on the telephone and in writing. When Westin told Congress how easily he obtained the information, the bureau's executive manager yelped at the "shocking abuse of the name of Columbia University"—thereby missing the point entirely. In the first place, what's so noble about Columbia University that its name should inspire an immediate opening of private files? In the second, what if the credit bureau in its wisdom was similarly inspired to invade privacy in the name of some less scrupulous organization?

The only person who has any major trouble getting at the data—including the hearsay and downright errors—in the credit bureau files is the victim himself. The bureaus will not allow citizens to look for possibly false charges in their files, and even if someone *knows* that his file contains misinformation, the credit bureaus are feisty about making changes. A woman in Mississippi learned that a local credit bureau had inserted into her file, without comment, the raw gossip of her neighbors that she was "peculiar," "scatter-brained," and "neurotic or psychotic." The woman had a fierce struggle, costing her a good deal of time lost from work, just to get the undocumented pejoratives "neurotic or psychotic" removed from the file.

The credit bureaus offer at once the most blatant and the most illuminating example of what can happen in a computerized society run amok. Personal information, obviously, has always been available to anyone who wished it, provided he was willing to put out enough money, time, and effort to get it. With the use of day-and-night surveillance and liberal bribes, plus a patient study (and possible purloining) of business, financial, tax, and travel documents gathered from a hundred different sources—using all of these sources and spending enough time—the Government or any interested private party could pull together a comprehensive dossier on just about any citizen this side of Howard Hughes. (Most European governments, on both sides of the Iron Curtain, *do* go to the trouble and expense.) But unless national security were on the line, or a major corporate coup in the offing, or a rich spouse about to be spayed in divorce court, it just wasn't worth the trouble for the Government or anybody else to gather private records about private citizens in such detail.

The computer has changed all that. When we say this, we don't blame the computer any more than we blame the Wright brothers for the London blitz. And when we say this, we don't overlook the fact that one has a bona fide scientific miracle on one's hands, just as the science writers have been telling us. With the technology already at hand, computers can do the work of all the world's libraries, all the world's schoolteachers, all the world's automobile drivers (as well as train, bus, and airplane drivers), and all the world's accountants, and they can cause cash money to disappear from the face of the earth. They can run all the assembly lines in all the factories of the nation, and then judge how well the work has been done and make the necessary corrections. They can get out the nation's bills, meet the nation's payrolls, and very nearly run the nation's homes. Stupendous. The trouble is that they can also make Big Brother tyranny of Orwell's 1984 arrive right on schedule, which is to say fifteen years from now, unless we take measures to insure that we don't turn over our freedom to the computers. As Lee Loevinger, a former member of the Federal Communications Commission, put it, "If it were not for the privacy issue, there would probably be no need to regulate the computer industry."

So what is an electronic computer anyway that it causes so many technological gasps and so much humanistic nailbiting? Well, it is a very large, very complex, very accurate, and very fast adding machine, with three basic new wrinkles. One wrinkle is that it is able to follow a set of instructions fed into it by punch cards or magnetic tape; the second is that it is able to store huge numbers of earlier calculations for use when needed, and the third is that it is able to electronically call forth the proper bits of information from its memory and do its new calculations in the proper sequence to lead to a solution instead of a meaningless conglomeration of figures. Everything else flows from these gifts. All the other mathematical functions, for example, are simply different kinds of addition, subtraction being upside-down addition, multiplication repeated addition, etc. Furthermore, all data and all concrete ideas can be expressed as numerical symbols. All your employment records in your current job can be encoded and stored in the computer as a series of numbers (a very long series of numbers, to be sure, but because of the computer's speed this is no problem). The machine can then be fed instructions which prompt it to search its memory for your file (your series of numbers), compute how long you have been with the company, for instance, refer to your salary level, and, finally, do a last computation according to a formula already given to determine how much vacation you get this year and, by matching your seniority against everyone else's, when you get it.

What makes all this storage of data possible is a revolution in electronics that began with the invention of the vacuum tube in the 1920s. A vacuum tube can be "fired"—or serve its part in an electronic relay—in a microsecond or one one-millionth of a second, making possible computations a thousand times faster than those of the most advanced mechanical computers. Strangely enough, it was not until fifteen or so years after the invention of the vacuum tube that anyone *needed* that sort of superfast computation. Then, in the middle of World War II, the Army found itself "desperate" for accurately computed artillery tables, which it wanted by the millions. Thus prodded, an engineer named Dr. J. Presper Eckert and a physicist, Dr. John Mauchley, took the familiar vacuum tube—thousands of them—and built ENIAC (Electronic Numerical Integrator and Calculator), the world's first wholly electronic computer, which went into service for the U.S. Army in 1946.

After that the deluge. As Jeremy Bernstein has written in *The Analytical Engine:* "If there is one world that characterizes the history of computers since 1950, the word is probably 'proliferation.'" Remington Rand delivered the first commercial computer, the famous UNIVAC I, to the Census Bureau in 1951 (it was honorably retired to the Smithsonian in 1963). Another UNIVAC, the first designed for ordinary business data processing, was delivered to General Electric in 1954. Today there are 51,000 digital computers in operation in the U.S. (more than twice as many as in all the other countries of the world combined); their total worth: about $22,000,000,000.

Today's computers are faster, more sophisticated, and a great deal more compact than the relatively lumbering ENIACs and UNIVACs. The "basic machine time" for one operation is now a nanosecond—a billionth of a second—instead of a microsecond. The new machines can do 100,000 additions a second, can read data from magnetic tapes and store it at the rate of about 100,000 characters a second. The bulky vacuum tube has been replaced, first by transistors and now by tiny silicon "chips" and tiny magnetic memory cores. Perhaps more important, the computers are becoming more accessible to their users. Until the new, third-generation computers came along, man could "talk" to the machines—give them instructions—only by translating his wishes into one of several artificial "languages," known by such names as FORTRAN or ALGOL. The computers, in turn, came ready-programmed to be able to translate FORTRAN into the billions of electrical impulses, all in proper sequence, which would lead to the solution of a mathematical problem or the name of a scofflaw or the firing of Apollo's retrorockets. Now the third-generation machines permit users to speak to them directly, using something very close to straight English and eliminating the need to use specialists—computer programmers—as translators.

The machines have gotten so fast that here and there they have had to be slowed down intentionally to keep within the perspective of their users. The telephone company in New York, for instance, now uses computers for "intercepts"—the process whereby the operator, when you dial a number that has been changed, cuts into the line, looks up the new number, and gives it to you. Now the operator (a live girl) punches the old number into a computer, which searches for it in its "memory," finds it, plus the new number, and flashes the new number to the operator—all in one-tenth of a second. The trouble is that the operator's consciousness needs *seven*-tenths of a second to take in the fact that she has punched the last digit of the *old number;* so as far as she is concerned, the computer has given the new number before it *knew* the old number, and the computer must therefore have made a mistake! At the phone company's request, the machine was slowed down.

It is interesting that the two most widely *predicted*—and feared—results of computer technology have not come to pass at all. The first was that man would lose control over the "intelligence" of his creation and end up with a Frankenstein monster on his hands, an independent, powerful, indeed superhuman, electronic intellect that would cackle fiendishly and foreclose on the human mortgage. Not so. Of course, the argument is semantic in many respects, and some computer champions argue that the machines are getting so much better in so many intellectual functions that they can be said to be approaching human intelligence. But the commonly accepted ultimate measure is the Turing test, in which a computer, in conversation with a skilled human interrogator, must successfully pass itself off as another human being—and by this measure the computers aren't making progress.

The second worry—"nightmare" is more like it—was that the proliferation of computers would eliminate so many jobs that we would have the worst depression—and most abject unemployment—in history on our hands. This frightening prognosis was a favorite of the late Norbert Wiener, otherwise known as "the father of automation," and about a decade ago the press was full of what seemed like justified scare stories. As with every other major technological advance, however, the computer has *created* more jobs than it has destroyed, though not necessarily more of the old *kinds* of jobs. Right now there is a howling need for tens of thousands of people to service and program the computers themselves!

For this and other reasons, the computer industry is in a pretty disheveled, not to say chaotic, state as it faces its glorious future. One major trouble is that while everyone knows pretty well what computers *can* do, no one is really sure what they should be *asked* to do. "All the sci-fi marvels are already within the state of the art, except that we can't go faster than the speed of light," says Dick Brandon, president of Brandon Applied Systems and one of the more out-spoken young swashbucklers in a swashbuckling industry. "But if the way we've used computers in business is any harbinger, boy are we in trouble! Not more than 50 percent of the computer installations are successful economically, for three reasons. One: People are buying them who shouldn't be—for prestige, whether or not they need them. Two: People are buying computers who don't know how to use them. Three: People underestimate their cost and overspend."

Brandon himself is eminently successful economically, having grabbed a modest but measurable capital chunk of an industry (computers) that did $18,000,000,000 worth of business last year, the fifteenth year that it could be called an industry at all. Dutch-born, Columbia educated, and only thirty-four, Brandon founded his own company four years ago and now says that he is "worth five or six million on paper and have $300 in the bank." Like all of his compeers, he thinks that the computer avalanche, with all its waste and abuses, is thundering along too fast to worry about such niceties as the destruction of the population's right to privacy. "We could build safeguards into the systems, but it wouldn't be profitable," he says.

Up at M.I.T. in Cambridge, Professor Fano agrees, with mingled enthusiasm and anguish, that there is no stopping the avalanche. "You can never stop these things," he says. "It is like trying to prevent a river flowing to the sea. What you have to do is to build dams, built waterworks, to control the flow." Dr. Fano is building his own dams in several directions. He's just finished conducting M.I.T.'s first seminar on the implication of computers to society, to see if he cannot instill in his students an awareness of all those privacy problems that Congress and the Federal Communications Commission are now disturbed about. "I'm coming essentially to the conclusion that it can't be dealt with by different disciplines," Dr. Fano says. "There is a terrible gulf of knowledge between society at large and the scientific elite, and this is enforced by the system itself. How is the individual even to know that the system is operating as it's supposed to? How *can* you generate a new breed of people who will be equally responsive to the needs of technology and humanity? We know that knowledge is power, but this means not only having the data at hand but having the ability to *extract* the relevant data. If this is limited to a few technological high priests in the Government and the large corporations, then the gap with the public will be immense and we are heading straight to *1984*."

CIVIL DEFENSE OFFICER LAUDED

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. WYDLER. Mr. Speaker, many of our citizens work long and hard for their community and their country. Some of them receive plaudits and become famous. Others work quietly and receive little recognition, although their contributions are often very great. Such a man is Lt. Lawrence Petry of 177 Walton Avenue, Uniondale.

Lieutenant Petry served for 20 years in the unheralded job of Auxiliary Police officer with the Uniondale Civil Defense Unit 122. He recently retired, following long years of dedicated, loyal service as the unit treasurer and training officer.

I wish to commend Lieutenant Petry for his honorable and faithful service, which is an example to all of us who enjoy the benefits of a free society.

MISS MARION L. STUART HONORED AT TESTIMONIAL DINNER

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. EILBERG. Mr. Speaker, the world does not know of Marion L. Stuart, but the Olney community, which takes in a substantial part of my Fourth Congressional District, knows her very well. She is a schoolteacher—a remarkable lady in every sense of the word.

It was my pleasure on Thursday, May 22, 1969, to attend a testimonial dinner in her honor given by the Olney community. Supporting organizations included, but were not limited to, the following:

American Legion, Olney Post No. 388.

AMVETS, Olney Post No. 77, 512 West Ruscomb Street.

Barton Home and School Association.

Big Four Fathers' Association.

Catholic War Veterans, St. Helena's, Post No. 424.

Cook Junior High Home and School Association.

Creighton Home and School Association.

Feltonville Civic Association.

Feltonville Home and School Association.

Finletter Home and School Association.

Golden Age Club of Olney.

Greater Olney Community Council.

Kiwanis Club of Olney.

Lindley-Olney Lions Club.

Lowell Home and School Association.

Lower Olney Civic Association.

Morrision Home and School Association.

Olney Business Men's Association.

Olney Elementary Home and School Association.

Olney High School Alumni Association.

Olney High School Home and School Association.

Olney neighbors.

Olney Symphony Orchestra.

Veterans of Foreign Wars, Raymond T. Osmond Post No. 1692.

The faculty of Olney High School.

Financial institutions.

Community Federal Savings & Loan Association.

Fidelity Bank.

Founders Federal Savings & Loan Association.

Girard Bank.

Olney Federal Savings & Loan Association.

Olney High School has had many problems, but under Marion L. Stuart's capable leadership, there was no problem that has not been intelligently and effectively handled. Her plaudits are best summed up in the program book which accompanied the testimonial dinner, as follows:

TRIBUTE

With appreciation, the Olney Community acknowledges the vital and dedicated services Miss Marion L. Stuart has given the Olney High School since its opening in February, 1931, first at a teacher, later department head, Vice Principal and since 1953, as Principal. She is the first woman Principal to direct a co-educational comprehensive high school. She has capably directed the school of over 4000 pupils with its faculty of several hundred teachers and an all male administrative staff of five vice-principals and eight department heads. Though slight of body, she is a bulwark of strength and energy. A prodigious and indefatigable worker she has given unstintingly of her time, her very life, especially to foster good human relationship and understanding among pupils, teachers and parents. She is magnamimous of heart and mind, and is the embodiment of graciousness and refinement and culture. With restraint, she carries all confidences, disappointments and heartaches. Hysterical reactions are foreign to her nature. She is a creative and positive thinker, hopeful that right will prevail. She has indeed been a noble servant and leader of Olney High, an educator of first rank.

Thankfully the Olney Community pays tribute to Miss Marion L. Stuart for her devoted service of 50 years with the School District of Philadelphia, her interest in all community activities and for her exemplary life.

We feel confident that all who know her outside of our community join us in this tribute.

The entire Olney Community hopes she will be richly blessed in the years of her retirement.

OUR MEN

HON. GEORGE E. SHIPLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. SHIPLEY. Mr. Speaker, on Sunday, May 25, I had the privilege of attending a ceremony in Hutsonville, Ill., to honor the war dead of that community. This was truly a community endeavor, and I was greatly impressed with the public spirit and participation which resulted in this memorable dedication program. Under leave to extend my remarks, I would like to include in the RECORD a poem which was recited at the ceremony. The poem was written by Gary Cox, a Hutsonville High School student:

OUR MEN

(By Gary Cox)

We live in a land that is mighty and free.
Our land is more powerful than any could be.
Everything we have is in abundance, and more,
Our land has everything we can ask for.
But without our men, just where would we be.
We would not be a land that is mighty and free.
From the old Revolution, to the modern day war,
They have fought side by side, both the rich and the poor.

It made no difference, colored, or white,
These men did not care, they continued to fight.
These were tough men, and our hardships they bore,
So that we could have everything, we could ever ask for.

These men who attended Hutsonville High
Were no different, do you know why?
They went to fight, for their wonderful land,
And while fighting were struck down by the enemy's hand.

Indeed a great debt to our men do we owe,
Who fought for their country, the land they loved so.
Nowhere on earth could greater men be,
Then the men who fought, so that we would be free.

THE INSPIRING LIFE OF THE LATE HARRY GALPIN STODDARD

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. DONOHUE. Mr. Speaker, the poet writes:

Lives of great men all remind us
We can live our lives sublime,
And departing leave behind us
Footprints on the sands of time.

Last Wednesday, May 21, 1969, the life of a great man, Harry Galpin Stoddard, resident of my home city of Worcester, Mass., ended. His passing brought deep sadness to all our local citizens and throughout the Commonwealth.

Mr. Stoddard was a nationally recognized industrial executive who profoundly believed in and practiced the basic principles of our American free enterprise system.

He was a wise and compassionate man possessed of uncommon vision and an extraordinary capacity for leadership. He was intensely dedicated to the progress and development of the people among whom he lived and our Worcester community has been the grateful beneficiary of his goodness and genius over many, many years.

Particularly in this troubled and restless era of our national history, the story of his life sets forth an inspiring example that is preeminently worthy of more universal study and imitation.

At this point, I am pleased to include an editorial and excerpts from other articles appearing in the May 23, 1969, issue of the Worcester Telegram newspaper, describing Mr. Stoddard's unique career and presenting special tributes by some of his distinguished fellow Americans who valued his friendship and his counsel:

Harry Galpin Stoddard

Harry G. Stoddard's achievements in business, industry, civic affairs and philanthropic endeavors are well known in Worcester and Massachusetts, and are touched on in some detail elsewhere in today's Telegram.

For the moment, it is Harry G. Stoddard the man whom we wish to remember here.

Mr. Stoddard loved people. He liked to mix with them and talk about what concerned them. Yet, for all his notable accomplishments, he was reserved and self-effacing. Although he could not help play a role in public and philanthropic affairs, he did not seek the spotlight. Many of his good works received no publicity at all, and he preferred it that way.

There is no way to count the hours that Mr. Stoddard spent on community causes. The Worcester Community Services organization could not possibly be the tremendous agency for good that it is today had it not been for the enormous contributions of Mr. Stoddard—both in time and money—over the past half century.

The YMCA, the YWCA, the Worcester Memorial Auditorium, the Red Cross—these were the sort of endeavors that won Mr. Stoddard's unswerving support. He was of course, a pillar of strength to his own church, First Baptist, especially during the trying months after its building burned down in 1937.

Harry G. Stoddard was never one to talk much about his religious faith, but there is no question that the example of his father, a Baptist minister, was a strong influence on his whole life.

Those who knew Mr. Stoddard closely will long remember him as a man both of the strictest integrity and of warm human feeling. Although he took life and its responsibilities seriously, he was able to look at himself with a quiet, self-deprecating sense of humor.

Our community will long be indebted to him.

H. G. Stoddard Dies at Age 95

Harry Galpin Stoddard, 95, of 7 Massachusetts Ave., former president and chairman of Wyman-Gordon Co. and The Telegram and Gazette died late Wednesday night in his home after a long illness.

He was a leader for many years in Worcester's civic, industrial and lay religious life.

Educated in the public schools of Worcester, and an 1891 graduate of the old Worcester High School, Mr. Stoddard held honorary doctorates awarded by Worcester Polytechnic Institute, Clark University, Holy Cross College, and Springfield College.

BORN IN ATHOL

He was born in Athol on Sept. 13, 1873, son of a Baptist minister, the Rev. Darius Hicks Stoddard, and Emma Azuba (Galpin) Stoddard. He came to Worcester with his parents when he was 11 years old.

He took secretarial courses at Becker Business College following his graduation from high school in 1891, and was hired as an office boy at Washburn & Moen Manufacturing Co., pioneer wire-making concern here.

Mr. Stoddard soon afterward became stenographer and clerk in the company's order department, and later a salesman.

MADE ASSISTANT

In 1896, he was made assistant to Philip W. Moen, general manager.

Mr. Stoddard married Miss Janett Waring, daughter of Mr. and Mrs. Robert Waring, on June 28, 1898. She died June 23, 1963.

Washburn & Moen joined other independent local companies in 1899 to become American Steel & Wire Co.

Mr. Stoddard was made assistant manager of the new company and works manager in 1902.

YOUNGEST PRESIDENT

Two years later, he was transferred and left Worcester to serve for seven years as president of Trenton (N.J.) Iron Works, wire manufacturers employing several thousand workers, now American Steel & Wire's Trenton Works. Then only 31, Mr. Stoddard was known as the youngest president of an industrial concern of this size in the nation.

Mr. Stoddard returned to Worcester in 1911 to become vice-president and general sales manager of Wyman & Gordon.

He rose successively to the positions of treasurer and general manager.

ASSUMES OFFICE

In 1931, 20 years after returning from Trenton, Mr. Stoddard succeeded George F. Fuller as Wyman-Gordon Co. president.

Ranking as the nation's top producer of forgings, the company acquired an outstanding record of World War II achievement under Mr. Stoddard's leadership, winning repeated Army-Navy "E" and other awards for production excellence.

NAMED GOLDEN RULE FUND

Fully as active in civic life as in industry, Mr. Stoddard was a charter member of Worcester Welfare Federation, later Worcester Community Chest, and in 1920 was general chairman of its first Golden Rule Campaign. It was he who originated the name of the Golden Rule Fund as a distinctive feature of the Worcester agency program.

In 1938, after serving as a director and on the budget and special gifts committees, he succeeded the late Dr. Homer Gage as Community Chest president. He headed the organization until 1946.

The Municipal Memorial Auditorium also is in large part a measure of Mr. Stoddard's community spirit. He was a member of the commission that chose the sloping orchard of the old Stephen Salisbury farm as the Auditorium site in 1929. He also was one of 15 persons who joined to buy it.

SURVEY COMMITTEE

Mr. Stoddard was appointed to the representative Citizens Advisory Committee for the huge New Salem Street Redevelopment Project in 1957.

He was a longtime member of First Baptist Church and one of its most active and influential laymen, particularly in the critical years just after 1937 when fire destroyed its third edifice at Main Street and Ionic Avenue.

Mr. Stoddard was made a member of the parish's rebuilding survey committee, and was chairman of its finance committee when that board endorsed the new location at Salisbury Street and Park Avenue.

He presided at the 1938 cornerstone laying, and formally accepted the keys to the new church at its first worship service Sept. 10, 1939.

It was in 1939 that he was elected to the first of six successive one-year terms as moderator and administrative committee chairman of the parish.

He received his honorary degrees from Worcester Polytechnic Institute in 1941, Clark University in 1945, Holy Cross College in 1955 and Springfield College in 1958. The Holy Cross honor came after he had been chosen for the college's first "Distinguished Citizen of Worcester" award.

Stoddard Hall at Andover Newton Theological School in Newton Center honors Mr. Stoddard, who was a trustee of the school for 20 years. Ground was broken recently for Stoddard Residence Center at Worcester Tech.

During World War I, Mr. Stoddard was a leader in Red Cross relief and U.S. War Loan committee work.

He long exercised a personal interest in Goddard House, formerly Worcester Home for Aged Men. He was elected to its corporation in 1917, was made a director the following year, and served as president and finance chairman for 14 years.

Mr. Stoddard was the third Worcester resident to win the annual Isaiah Thomas Award of the Advertising Club, conferred in recognition of "distinguished community service." He was the 1952 recipient.

Worcester State College honored him as "one of Worcester's finest citizens" at its 12th annual scholarship tea in the spring of 1953.

Among awards from veterans of the armed services, Mr. Stoddard received in 1950 the Southern Cross Pin and an honorary membership from Worcester Chapter, Americal Division Veterans Association, for "distinguished service as a citizen of Worcester."

Mr. Stoddard was the father of the late Lt. Col. Lincoln W. Stoddard, who received five decorations and numerous citations for heroism as a veteran of 44 months of heavy combat service with the Army's famed Americal Division, in World War II in the South Pacific.

Mr. Stoddard was also honored in 1956 when he was the sixth person to receive the award of Worcester Post 105, American Veterans of World War II and Korea (AMVETS), for "outstanding and meritorious service to the veterans of the City of Worcester."

His "outstanding contributions to the Armed Forces Reserve program" brought Mr. Stoddard an Award of Merit from the Armed Forces Dinner committee in May of 1957.

HONORED BY AIR FORCE

In the same month, he received simultaneous honors from the Air Force and the Reserve Officers Training Corps program at Worcester Polytechnic Institute.

In personal politics a Republican, Mr. Stoddard was a presidential elector in 1956, being chosen in June of that year as one of the 16 Massachusetts members of the U.S. Electoral College. He was chosen president of the Bay State electors.

Mr. Stoddard was honorary chairman of financial campaigns of the YMCA and of the YWCA, two groups in which he had displayed much interest for many years.

CARDINALS JOIN IN TRIBUTE TO PUBLISHER-INDUSTRIALIST

Tributes from leaders in industry, business, civic, political and religious life were voiced yesterday to mourn the death of Harry G. Stoddard, former chairman and president of Wyman-Gordon Co. and The Worcester Telegram and The Evening Gazette.

John Cardinal Wright of Pittsburgh, Pa., who was first Roman Catholic bishop of Worcester, said "This Christian gentleman brought firmness, integrity and great love to his work for all of Central Massachusetts.

CITES INFLUENCE

"His influence went far beyond the wide world of industry and publishing in which he was a leader. Those of us who enjoyed his friendship still radiate into our sphere of influence the lessons learned from him. We pay part of our debt to him by our grateful prayers on his behalf."

U.S. Rep. Harold D. Donohue of Worcester characterized Mr. Stoddard as one "intensely dedicated to the progress and development of this community and its people.

"He had a gift for pointed and truthful expression when he didn't like a particular proposal. But his attitude was one of unfailing good humor and his counsel was always respected.

"Above all he was a wise and compassionate man, possessed of uncommon vision and an extraordinary capacity for leadership."

U.S. Rep. Philip J. Philbin of Clinton called Mr. Stoddard "a leader of which any community might well be proud, combining common sense, ability and wisdom with zeal for his work, strong public conscience and devotion to his family. By his unflagging industry, untiring attention to his duties, and insistence upon highest personal and public standards he set an inspiring example for all.

"He was a generous, considerate friend to many causes and to many people and his passing leaves a great void in the constructive, dedicated leadership of our time."

Richard Cardinal Cushing of Boston said of Mr. Stoddard:

"He was great in business and civic affairs and in philanthropy. May God rest his noble soul."

OTHER TRIBUTES

Other tributes published in yesterday's Evening Gazette came from Milton P. Higgins, chairman of the board of Norton Co.; Leverett Saltonstall, former U.S. senator and governor of Massachusetts; U.S. Sen. Edward W. Brooke; Gov. Francis W. Sargent; U.S. Sec. of Transportation John A. Volpe, former Bay State governor; Rev. Dr. Thomas S. Roy, pastor emeritus of First Baptist Church; Ladd Plumley, chairman and president of State Mutual Life Assurance Company of America; Harry P. Storke, president of Worcester Polytechnic Institute; City Manager Francis J. McGrath, and Robert D. Harrington, chairman of the finance committee of Paul Revere Corp. and vice chairman of Avco Corp.

QUIPPING PROF COMMUTES FROM NEW YORK

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. FARBSTEIN. Mr. Speaker, I am pleased to submit an article written in the Twin City Sentinel of Winston-Salem, N.C., about one of my constituents, Dr. Arthur Jasspe.

The article follows:

QUIPPING PROF COMMUTES FROM NEW YORK: WRITER, MUSICIAN REVEALS FORMULA FOR SUCCESS

(By Scherer James)

Dr. Arthur Jasspe commutes 1,136 miles each week to his job at Winston-Salem State College.

The new professor of English flies into Winston-Salem every Sunday night and flies home to New York City every Friday afternoon. In between flights he makes his transient home at the Carolina Hotel.

The airlines offer no commuter tickets. "They're taking all my money," he complained, chewing on a cigar.

Why not move to Winston-Salem? "I have to keep attached to my roots," he said. And the weekends provide time away from school to work on his plays and novels.

His wife, Myrtle Margaruite, is a social worker and assistant chief of training in the Bureau of Child Welfare in New York.

Interviewing Jasspe is like trying to find your way through the funhouse at the fair with a practical joker at your elbow.

"This is an interview New York style," he said, propping his feet on a desk. "You get the raw data."

Try to find out his age, and he'll tell you "I was born on my natal day."

A short, stocky man with bushy gray eyebrows, he wears a "union blue" suit and a black tie with a skull and crossbones design, which he calls the "school tie of the Sir Henry Morgan University of Corlears Hook."

And while he talks, he likes to pull out and wave the Library of Congress card listing his only published book, "Critical Theory and Playwrighting Practice of Contemporary American Playwrights, 1920–1940."

Jasspe also has written several plays—"Amertyl," a vampire tale in verse; "The Tarleton Story" about the Oedipus legend transcended into modern terms; "Seven Days Hath December," an anti-war play—but none of them have been produced yet.

"Seven Days Hath December," whose hero Edward Everette Kilroy, the third, jr. goes before the Security Council to prevent a war, will be produced by students at Winston-Salem State "sometime this year."

Although he proudly lists his membership in the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, he wrote the play "because I don't want other guys to lose their hearing like I lost mine in World War II." He now wears a hearing aid.

Jasspe even has a mathematical formula for a successful writing.

Which means "work equals the artistic components times the social and psychological components divided by the author's individualism times talent to the Nth power . . ."

Which means "the guy with the most talent will create a work of art."

Jasspe also is a composer and a member of the American Federation of Musicians. He has written several symphonic pieces, a string quartet, a solo horn piece.

"I write the best kind of music," he said.

He came to teach at WSSC through the Southern Education Program in Atlanta, which provides a placement service for Negro colleges in the South. Several other faculty members have been hired through the same program.

So far Jasspe likes teaching and likes his students.

"The best part is watching immature adolescents turn into mature adults under your very guidance," he said.

But his impressions of Winston-Salem, which he will not make public, are not as favorable.

"If you wrote down my comments, nobody would like them," he said.

"Anything I like in Winston-Salem is either illegal, immoral, fattening or costs $7.95 and three cents tax."

THE ANTI-BALLISTIC-MISSILE SYSTEM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. EDWARDS of California. Mr. Speaker, the proposal to build a "thin" anti-ballistic-missile system makes no sense and instead would be a costly provocation to escalate the arms race between the Soviet Union and the United States. Some of the best scientific minds in the United States have pointed out the failures of the proposed system. In addition they have made clear that the system would not strengthen the defenses of the United States.

President Nixon in his presentations has outlined a time schedule which also makes clear the lack of need for an immediate decision on the ABM. We can safely delay construction of the ABM until we determine whether those negotiations will be fruitful. Many of us, including Senator EDWARD KENNEDY and Senator WILLIAM FULBRIGHT, as well as a number of Republicans, share these sentiments.

Further, I am opposed to plans to test the multiple warhead missile system—MIRV—this year. This system is an even greater provocation than ABM. Once it is tested, the arms race must continue because both sides will know the weapon can be deployed without warning. Present detection systems, which can detect the deployment of missiles, cannot detect whether they are single or multiple warheads.

The United States now has weapons enough to destroy all life on the planet earth many times over. We do not need new, costly, and more deadly weapons. Our defenses are strong, let us now concentrate on arms reduction.

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PROFITABLE MERCHANT FLEET VITAL TO AMERICA

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MAILLIARD. Mr. Speaker, on May 21, the Under Secretary of Commerce, the Honorable Rocco C. Siciliano, spoke before the Propeller Club's annual Maritime Day dinner of the Port of Washington at the Sheraton-Park Hotel in Washington, D.C. On this occasion, Mr. Siciliano took note of the President's strong belief that a profitable merchant fleet is vital to America's economic welfare and defense capability. He made particular reference to the need to halt the deterioration of the past years, and to revive our maritime industry. "The difficulties of years past," he said, "have taught us that if we are to err, we would prefer to err on the side of action and initiative instead of on the side of indecision and reaction. Nor will there be any lengthy delay in coming forward with a program to achieve this."

I join with the Secretary's expressed optimism of a new hope for the future of the American merchant marine. I, therefore, offer to all of my colleagues in the House the text of the remarks made by Mr. Siciliano at the Propeller Club of the Port of Washington on May 21, 1969:

I am delighted to be here on this Maritime Day among so many friends and colleagues of the maritime industry.

President Nixon in his Maritime Day proclamation said, "A strong and profitable merchant fleet is vital to America's economic welfare and defense capability. The American flag on merchant vessels on the high seas and in foreign ports is a symbol of the Nation's dedication to peaceful trade throughout the world." I assure you that these are not just words. They are a statement of policy on the part of this Administration.

Traditionally, Maritime Day provides opportunity for the shipping industry to pause for a moment in the daily routine of meeting and solving individual problems, to take a look at the overall condition of the American Merchant Marine. There has certainly been far more "viewing with alarm" than "pointing with pride" on the part of industry and government commentators alike over the past several years. I agree that the alarm has been justified.

It would be hard to be proud of the fact that over two-thirds of the merchant ships of the richest and most powerful nation in the world are over 20 years old.

We can hardly boast of the fact that the world's greatest trading nation carries less than 7 percent of its own foreign trade—or about as much as, say, Belgium and New Zealand carry of their own trade.

It is no great cause for self-congratulation that a nation with a Gross National Product of over $887 billion spent only about $285 million—or 3 hundredths of 1 percent—of its total GNP on new merchant ships last year. This amount was equal to about four-tenths of 1 percent of our total foreign trade.

It would seem that the protection of $67 billion worth of trade would warrant the expenditure of sufficient funds to provide a merchant marine that would meet the requirements of our long-standing national policy—a fleet adequate to carry our domestic and a substantial portion of our foreign waterborne commerce and to serve as a military and naval auxiliary in case of war or national emergency.

As Under Secretary of Commerce, I have a prime responsibility for the promotion of U.S. trade and the support of our commerce. From personal work experience, I know that the American Merchant Marine is vital to our foreign trade, and makes an important contribution to our domestic prosperity. I have mentioned the very small proportion of our trade carried in U.S. flag ships. The share carried by our ships in every category—liner, non-liner and tanker—has been steadily decreasing over the past ten years, and the number of privately owned ships in service has also decreased.

The share of our liner cargo carried by such U.S. ships dropped from 32.3% in 1958 to an estimated 23.6% in 1968. U.S. non-liners, which carried 8.4% of such cargo in 1958, transported only 3.2% in 1968. U.S. tanker carried 7.6% of tanker tonnage in 1958 and only 5.4% in 1968.

Had our ships carried only the total of 12.2% of U.S. cargoes that was theirs 10 years ago, they would today be handling 70% more cargo, for in that ten-year period, our total waterborne trade has increased by that much. Had they carried 30% of our foreign trade, a figure which President Nixon has suggested as a reasonable goal, they would be carrying more than 4½ times as much cargo as at present. Think what this would mean to the future of our seamen, our longshoremen, our ship operators, our shipbuilders—the entire industry!

Is this impossible? I do not believe so. There are many indications it could be achieved. The advent of big, fast, efficient containerships in U.S. service, both subsidized and unsubsidized, is capturing for U.S. ships a good beginning of this high value cargo.

The ability of some unsubsidized lines to share in this trade through use of converted vessels without government operating aid is clear indication that U.S. flag ships can compete when they can use their advantages effectively—low-cost capital, American know-how, organizational efficiency, a highly advanced inland transportation complex.

The enormous increase in bulk trade, indicated by the doubling of non-liner cargoes in the past ten years, offers an opportunity to U.S. flag shipping that it would be negligent to miss. Bulk trade lends itself to efficient transportation, as witness the development of water transport of bulk cargo on the Great Lakes, with its low cost and fast turnaround. Bulk ships are being designed that will be at the same time specially adapted to certain bulk cargoes and will also have enough flexibility to carry more than one type of cargo, in order to avoid empty backhauls. Such ships lend themselves to standardization of construction, which should also decrease building costs.

The outlook for tankers is suddenly bright, with the discovery and exploitation of oil reserves in Alaska. If the Northwest Passage over the top of the world is found to be feasible, there will undoubtedly be an upsurge of tanker building for U.S. flag operation. Tankers, too, lend themselves to standardization, and to economies of scale in size and numbers.

I know that President Nixon is determined to restore our merchant fleet to the preeminence it once held among maritime nations. Yet we all know, also, that the difficulty experienced in the past in developing a new maritime policy has been only partly due to lack of available funds. Partly it has been due to past administrative restrictions on the use of appropriated funds. A serious drawback, too, has been the turmoil within the industry itself, its inability to agree on at least a few basic principles on which a maritime policy could be built.

Inherent in the divisions of the maritime industry are the divisions among maritime labor, which have resulted in several serious and prolonged work stoppages. These have caused great losses to the maritime and other industries, and have had the further unfortunate effect of alienating shippers on whose goodwill and patronage the merchant marine depends.

I know something about labor problems, having spent a good part of my life in jobs concerned with labor relations. I must admit that when it comes to complexity, it would be hard to equal the maritime labor situation in any other industry.

Means must be established by which labor and management can communicate with each other on a continuing basis, so that serious problems could be discussed and worked out before both sides became frozen into immutable positions.

Obviously, everything will not be smooth sailing. There will be many disagreements, some disappointments and failures. In order for maritime labor to cooperate with management, there must be mutually satisfactory goals—that is, labor will share in rewards as well as in sacrifices.

Not long after I joined the Pacific Maritime Association in 1965, PMA undertook an extensive—and expensive—permanent training program for longshore and maritime workers designed to meet the needs of increasingly mechanized methods in cargo handling and ship design. This attempt to foresee and to meet intelligently the changes that were coming was, I believe, a badly needed development in an industry which too often reacts to change only after it has taken place.

West Coast companies were among the first to develop containership service and to work out practical agreements with other modes of transportation in an effort to establish a land-bridge across the United States for containerized cargoes. We tried to foresee and to ride the wave of the future, rather than to let it catch us unaware and drag us down.

There must be flexibility in the development of the labor-management agreements if shipping is to successfully meet the challenge of rapidly expanding population and trade in the area, as well as cope with the upsurge of cargo shipments caused by the Vietnam war and reactivation of reserve fleet ships to carry military cargoes.

I am pointing out that it is not an inevitable fact of life that no rational means of settling maritime disputes can be found. In contemplating the collective bargaining sessions now under way with seamen's unions, I am hopeful over the statement by several major East Coast seamen's unions giving assurance that they will not strike at expiration of their contract in mid-June if progress is being made in working out new agreements. I am also encouraged by assurances given on the West Coast that in spite of the serious problems that have arisen over contaner handling, differences will be worked out through bargaining processes without a work stoppage.

I have addressed myself to some comber areas of the merchant marine on what should be a festive occasion because I am convinced that we hold here the key to the future of the U.S. merchant marine.

The Nixon Administration is hard at work preparing a long-range maritime program. Secretary of Commerce Stans has placed the prestige of his office behind the effort to encourage U.S. shippers to use American ships. Maritime Administrator Gibson has been hard at work to put new maritime proposals into practical working form. Once devised and thereafter approved by the Congress, the plans must be then implemented. And this final implementation—in order to be successful—must be achieved by the industry itself.

How well they will work in the years ahead will be largely dependent on the officials who head up the major management of the steamship lines and the maritime unions. Between them, they must insure that there will be no serious disruptions of U.S.-flag service, for a merchant marine consisting of idle ships is no merchant marine at all.

The Nixon Administration intends to provide the leadership in attempting to solve the problems of the Merchant Marine on a basis that will provide the means for rebuilding our merchant fleet. But in the final analysis, the future of U.S. shipping will be what you—the management and labor that comprise the industry—make it.

I must view the future with optimism. When you are as far down as you can go, there is nowhere left to go but up!

In the short time I have been back in Washington, I detect a similar note of optimism within all segments of the industry.

I want to emphasize one point—it is that, as long as the Department of Commerce has the responsibility for the Maritime Administration and for contributing to the formulation of merchant marine policy, we will be giving these matters the high priority they demand. Maritime policy will not be a poor stepchild at the Department of Commerce.

We have other-related activities concerned with the development of the merchant marine and the exploration and utilization of the ocean's resources.

Some of you may not know that more than half of the total budget and personnel at Commerce is devoted to science programs in one form or another. The Environmental Science Services Administration—ESSA— is combining science and technology to make the oceans of the world an expanding frontier. We now have the support of the Marine Resources and Engineering Development Act of 1966 and the National Sea Grant College and Program Act of 1966, both of which are designed to improve our capabilities and performance for training and research in marine sciences and engineering.

Through the use of the Weather Bureau's satellites, we have vastly improved our ability to determine the state of the seas and the conditions of weather. The activities of the Coast and Geodetic Survey contribute information on tides and navigation, charts and maps, and other forms of data of use to shippers. The Bureau of Standards is working in the area of containerization; the Bureau is also the second largest governmental producer of technical publications affecting the sea and commerce. The Maritime Administration, of course, is involved in wide-ranging engineering operations calculated to increase our use of ocean resources.

Thus, we at Commerce recognize that if we are to prepare for the future, we must turn our attention seaward in the quest for food, fuels, and minerals—while, at the same time, protecting the natural beauty of the seashore and the waterways. We, in the Department of Commerce, have the coordinated resources to lead this effort.

There is no question in the White House, the Commerce Department, the Maritime Administration, or elsewhere as to the need to halt the deterioration of past years, and to revive our merchant fleet. There is full recognition of the immediacy of the need to do so. The difficulties of years past have taught us that if are to err, we would prefer to err on the side of action and initiative instead of on the side of indecision and reaction. Nor will there be lengthy delay in coming forward with a program to achieve this. Such a program will be presented to the Congress for its consideration this summer—not, we hope, during the Indian summer.

My hope is that all elements of the industry will then join us in pulling on the anchor chain.

TIME BOMB TICKING

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. COHELAN. Mr. Speaker, I have in the last several years developed a keen interest in the problems of Japan and Japanese-American relations. Over this period I have had the opportunity to discuss with Japanese officials and elected politicians their concerns. With few exceptions these conversations included reference to the Japanese-American Mutual Security Treaty and the future status of Okinawa.

Unfortunately, Americans are much too ill-informed of moods and events in Japan. This ignorance of Japanese concerns has allowed the question of Okinawa to be largely overlooked by Americans. However, from time to time there do appear in the press insightful articles on the troubles surrounding our retention of Okinawa. One such article appears in today's New York Times under the byline of columnist and Washington Bureau Chief Tom Wicker.

Mr. Wicker quite correctly points out that continued obstinance by the United States with regard to the reversion of Okinawa could well lead to the loss of our strongest Asian ally.

There are of course military advantages to both Japan and the United States from the operation of Okinawa. But whether the United States must store nuclear weapons there and must retain the right to conduct military operations from Okinawa without prior consultation is open to serious question.

I commend Mr. Wicker's article to the readers of the RECORD, and insert at this point:

[From the New York Times, May 27, 1969]

GENERAL'S DREAM, POLITICIAN'S NIGHTMARE

(By Tom Wicker)

TOKYO, May 26.—Okinawa is a general's dream; it could not be better if Curt LeMay himself had selected the site and arranged the conditions. Within a radius of 1,700 miles, existing American aircraft can reach any Asian nation with which the United States has a security agreement, including Thailand, and could also cover every important area of mainland China; yet, unlike Taiwan, Okinawa is far enough out to sea to give its defenders sufficient "reaction time" against attack from China or Korea.

With no mountains, industrial smoke or snow, and almost never any fog, Okinawa also affords the best flying conditions in the Pacific. It has even better deep-water ports than the home islands of Japan, and because the United States took administrative control of Okinawa after World War II, there are no legal restrictions on the military operations that can be launched from this remarkable base.

No wonder, then, that the American military think Okinawa is the greatest thing since Hannibal discovered the elephant. American control of the island is, nevertheless, a political time bomb ticking away at the heart of the Japanese-American security arrangement, which in turn is the central pillar of the United States position in the Pacific and East Asia.

THE HEART OF THE MATTER

For that reason, the military may well have to relinquish what many prize most about the Okinawa bases—American freedom of action. It is that freedom which allows B-52's to take off unimpeded for bombing attacks in Indochina, and which permits the United States—though the fact is never conceded—to stockpile nuclear weapons on the island.

This freedom of action is at the heart of the trouble. Actually, the reversion of Okinawa to Japanese administration is conceded, in principle, by everyone; the real problem is whether the Okinawan military bases will have a special status or whether they will be governed by the same conditions that now apply to American bases in Japan proper—including prohibition of nuclear weapons and of offensive military operations, without the prior consent of the Japanese Government.

So heated is Japanese and Okinawan nationalist and pacifist sentiment that when Foreign Minister Kiichi Aichi leaves this week for talks in Washington he is expected to be picketed by firebrands who do not even want to negotiate on the issue. Okinawa's militant Reversion Council, which demands "immediate, total and unconditional reversion" (political jargon for the actual removal of the bases) has passed a formal resolution against the Aichi visit, and the one planned for next fall by Premier Sato.

In this kind of climate, Japanese political analysts insist that Sato must come home from Washington with both a specific date for reversion (sometime in 1972 or 1973 apparently would suffice) and "homeland conditions"—that is, the same rules for the Okinawan bases as for those in Japan.

U.S. PRESENCE IN JEOPARDY

Anything less might topple the Sato Government; and whether or not the Premier fell, his Liberal Democratic party would be greatly weakened for the 1970 elections. If those elections then brought a coalition of leftist parties into power, which is regarded here as a live possibility, the Japanese-American security treaty and the American presence in Japan would be placed in great jeopardy.

Even if the Liberal Democrats, who generally support the security treaty, remained in power, once Okinawa became fully Japanese the Sato Government would have no legal power to agree to military conditions for that particular island that the treaty would not permit elsewhere in Japan. Hence, if Washington will not agree to "homeland conditions," Sato would have no choice but to ask the Diet to approve amendments to the treaty for Okinawa—and that, too, would open the treaty itself to abrogation or more radical amendment.

That would be a far higher price to pay than yielding some degree of military flexibility on Okinawa. After all, as one important Japanese official put it, control of the island is proposed to be returned not to an enemy but to an ally; and since the bases are there in large measure to protect that ally, it would make little sense to cling to freedom of operations on Okinawa at the cost of the alliance itself.

PAST, PRESENT, AND FUTURE OF THE AMERICAN MERCHANT MARINE

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. GARMATZ. Mr. Speaker, the observance of Maritime Day in May of each year provides an excellent opportunity to take an overall view of our maritime policies and to lay plans for future ac-

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tion. Propeller Clubs all over the country usually take the lead in arranging special affairs to observe the occasion and much is said about the progress, or lack of it, being made by our merchant marine.

The Propeller Club, port of Washington, was extremely fortunate in having as its speaker, at their dinner on May 21, the Honorable Rocco C. Siciliano, the Under Secretary of Commerce. In his message he presented the administration's views on our maritime problems and some directions for the future. Since this is a matter which concerns the entire country, I know all of you will be most interested in learning what Mr. Siciliano had to say and therefore I am including his remarks in the Record for your information:

Remarks by the Honorable Rocco C. Siciliano

I am delighted to be here on this Maritime Day among so many friends and colleagues of the maritime industry.

President Nixon in his Maritime Day proclamation said, "A strong and profitable merchant fleet is vital to America's economic welfare and defense capability. The American flag on merchant vessels on the high seas and in foreign ports is a symbol of the Nation's dedication to peaceful trade throughout the world." I assure you that these are not just words. They are a statement of policy on the part of this Administration.

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We can hardly boast of the fact that the world's greatest trading nation carries less than 7 percent of its own foreign trade—or about as much as, say, Belgium and New Zealand carry of their own trade.

It is no great cause for self-congratulation that a nation with a Gross National Product of over $887 billion spent only about $285 million—or 3 hundredths of 1 percent—of its total GNP on new merchant ships last year. This amount was equal to about four-tenths of 1 percent of our total foreign trade.

It would seem that the protection of $67 billion worth of trade would warrant the expenditure of sufficient funds to provide a merchant marine that would meet the requirements of our long-standing national policy—a fleet adequate to carry out domestic and a substantial portion of our foreign waterborne commerce and to serve as a military and naval auxiliary in case of war or national emergency.

As Under Secretary of Commerce, I have a prime responsibility for the promotion of U.S. trade and the support of our commerce. From personal work experience, I know that the American Merchant Marine is vital to our foreign trade, and makes an important contribution to our domestic prosperity. I have mentioned the very small proportion of our trade carried in U.S. flag ships. The share carried by our ships in every category—liner, non-liner and tanker—has been steadily decreasing over the past ten years, and the number of privately owned ships in service has also decreased.

The share of our liner cargo carried by such U.S. ships dropped from 32.3% in 1958 to an estimated 23.6% in 1968. U.S. non-liners, which carried 8.4% of such cargo in 1958, transported only 3.2% in 1968. U.S. tankers carried 7.6% of tanker tonnage in 1958 and only 5.4% in 1968.

Had our ships carried only the total of 12.2% of U.S. cargoes that was theirs 10 years ago, they would today be handling 70% more cargo, for in that ten-year period, our total waterborne trade has increased by that much. Had they carried 30% of our foreign trade, a figure which President Nixon has suggested as a reasonable goal, they would be carrying more than 4½ times as much cargo as at present. Think what this would mean to the future of our seamen, our longshoremen, our ship operators, our shipbuilders—the entire industry!

Is this impossible? I do not believe so. There are many indications it could be achieved. The advent of big, fast, efficient containerships in U.S. service, both subsidized and unsubsidized, is capturing for U.S. ships a good beginning of this high value cargo.

The ability of some unsubsidized lines to share in this trade through use of converted vessels without government operating aid is clear indication that U.S. flag ships can compete when they can use their advantages effectively—low-cost capital, American know-how, organizational efficiency, a highly advanced inland transportation complex.

The enormous increase in bulk trade, indicated by the doubling of non-liner cargoes in the past ten years, offers an opportunity to U.S. flag shipping that it would be negligent to miss. Bulk trade lends itself to efficient transportation, as witnesses the development of water transport of bulk cargo on the Great Lakes, with its low cost and fast turnaround. Bulk ships are being designed that will be at the same time specially adapted to certain bulk cargoes and will also have enough flexibility to carry more than one type of cargo, in order to avoid empty backhauls. Such ships lend themselves to standardization of construction, which should also decrease building costs.

The outlook for tankers is suddenly bright, with the discovery and exploitation of oil reserves in Alaska. If the Northwest Passage over the top of the world is found to be feasible, there will undoubtedly be an upsurge of tanker building for U.S. flag operation. Tankers, too, lend themselves to standardization, and to economies of scale in size and numbers.

I know that President Nixon is determined to restore our merchant fleet to the preeminence it once held among maritime nations. Yet we all know, also, that the difficulty experienced in the past in developing a new maritime policy has been only partly due to lack of available funds. Partly it has been due to past administrative restrictions on the use of appropriated funds. A serious drawback, too, has been the turmoil within the industry itself, its inability to agree on at least a few basic principles on which a maritime policy could be built.

Inherent in the divisions of the maritime industry are the divisions among maritime labor, which have resulted in several serious and prolonged work stoppages. These have caused great losses to the maritime and other industries, and have had the further unfortunate effect of alienating shippers on whose goodwill and patronage the merchant marine depends.

I know something about labor problems, having spent a good part of my life in jobs concerned with labor relations. I must admit that when it comes to complexity, it would be hard to equal the maritime labor situation in any other industry.

Means must be established by which labor and management can communicate with each other on a continuing basis, so that serious problems could be discussed and worked out before both sides became frozen into immutable positions.

Obviously, everything will not be smooth sailing. There will be many disagreements, some disappointments and failures. In order for maritime labor to cooperate with management, there must be mutually satisfactory goals—that is, labor will share in rewards as well as in sacrifices.

Not long after I joined the Pacific Maritime Association in 1965, PMA undertook an extensive—and expensive—permanent training program for longshore and maritime workers designed to meet the needs of increasingly mechanized methods in cargo handling and ship design. This attempt to foresee and to meet intelligently the changes that were coming was, I believe, a badly needed development in an industry which too often reacts to change only after it has taken place.

West Coast companies were among the first to develop containership service and to work out practical agreements with other modes of transportation in an effort to establish a land-bridge across the United States for containerized cargoes. We tried to foresee and to ride the wave of the future, rather than to let it catch us unaware and drag us down.

There must be flexibility in the development of the labor-management agreements if shipping is to successfully meet the challenge of rapidly expanding population and trade in the area, as well as cope with the upsurge of cargo shipments caused by the Vietnam war and reactivation of reserve fleet ships to carry military cargoes.

I am pointing out that it is not an inevitable fact of life that no rational means of settling maritime disputes can be found. In contemplating the collective bargaining sessions now under way with seamen's unions, I am hopeful over the statement by several major East Coast seamen's unions giving assurance that they will not strike at expiration of their contract in mid-June if progress is being made in working out new agreements. I am also encouraged by assurances given on the West Coast that in spite of the serious problems that have arisen over container handling, differences will be worked out through bargaining processes without a work stoppage.

I have addressed myself to some somber areas of the merchant marine on what should be a festive occasion because I am convinced that we hold here the key to the future of the U.S. merchant marine.

The Nixon Administration is hard at work preparing a long-range maritime program. Secretary of Commerce Stans has placed the prestige of his office behind the effort to encourage U.S. shippers to use American ships. Maritime Administrator Gibson has been hard at work to put new maritime proposals into practical working form. Once devised and thereafter approved by Congress, the plans must be then implemented. And this final implementation—in order to be successful—must be achieved by the industry itself.

How well they will work in the years ahead will be largely dependent on the officials who head up the major management of the steamship lines and the maritime unions. Between them, they must insure that there will be no serious disruptions of U.S.-flag service, for a merchant marine consisting of idle ships is no merchant marine at all.

The Nixon Administration intends to provide the leadership in attempting to solve the problems of the Merchant Marine on a basis that will provide the means for rebuilding our merchant fleet. But in the final analysis, the future U.S. shipping will be what you—the management and labor that comprise the industry—make it.

I must view the future with optimism.

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When you are as far down as you can go, there is nowhere left to go but up!

In the short time I have been back in Washington, I detect a similar note of optimism within all segments of the industry.

I want to emphasize one point—it is that, as long as the Department of Commerce has the responsibility for the Maritime Administration and for contributing to the formulation of merchant marine policy, we will be giving these matters the high priority they demand. Maritime policy will not be a poor stepchild at the Department of Commerce.

We have other-related activities concerned with the development of the merchant marine and the exploration and utlization of the ocean's resources.

Some of you may not know that more than half of the total budget and personnel at Commerce is devoted to science programs in one form or another. The Environmental Science Services Administration—ESSA—is combining science and technology to make the oceans of the world an expanding frontier. We now have the support of the Marine Resources and Engineering Development Act of 1966 and the National Sea Grant College and Program Act of 1966, both of which are designed to improve our capabilities and performance for training and research in marine sciences and engineering.

Through the use of the Weather Bureau's satellites, we have vastly improved our ability to determine the state of the seas and the conditions of weather. The acivities of the Coast and Geodetic Survey contribute information on tides and navigation, charts and maps, and other forms of data of use to shippers. The Bureau of Standards is working in the area of containerization; the Bureau is also the second largest governmental producer of technical publications affecting the sea and commerce. The Maritime Administration, of course, is involved in wide-ranging engineering operations calculated to increase our use of ocean resources.

Thus, we at Commerce recognize that if we are to prepare for the future, we must turn our attention seaward in the quest for food, fuels, and minerals—while, at the same time, protecting the natural beauty of the seashore and the waterways. We, in the Department of Commerce, have the coordinated resources to lead this effort.

There is no question in the White House, the Commerce Department, the Maritime Administration, or elsewhere as to the need to halt the deterioration of past years, and to revive our merchant fleet. There is full recognition of the immediacy of the need to do so. The difficulties of years past have taught us that if we are to err, we would prefer to err on the side of action and initiative instead of on the side of indecision and reaction. Nor will there be lengthy delay in coming forward with a program to achieve this. Such a program will be presented to the Congress for its consideration this summer—not, we hope, during the Indian summer.

My hope is that all elements of the industry will then join us in pulling on the anchor chain.

HARVARD'S TRAGEDY: TOO ARROGANT—THEN TOO COWARDLY

HON. M. G. (GENE) SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. SNYDER. Mr. Speaker, the following is the text of the commencement address of Mr. Al Capp, the author of the cartoon strip "Li'l Abner," delivered to the graduating class at Franklin Pierce College in Rindge, N.H., on April 27.

I commend it to the attention of the Members and the readers of the CONGRESSIONAL RECORD:

HARVARD'S TRAGEDY: TOO ARROGANT—THEN TOO COWARDLY

(By Al Capp)

(The following is the text of the commencement address Mr. Capp, the author of the cartoon strip "Li'l Abner," delivered to the graduating class at Franklin Pierce College in Rindge, N.H., April 27)

I live in Cambridge, Mass., a stone's throw from Harvard—but if you duck you aren't hurt much—and I know you'll believe me when I tell you I'd rather be speaking here today. It's safer, and it's at your sort of college that I can use the commencement speaker's traditional phrase.

I can say you're the hope of the future without bursting out laughing, as I would if I said it at a Harvard commencement—assuming, of course, that there will be a commencement there this year. They haven't heard from the Afros or the SDS yet.

Three or four of the Afros may decide that commencements are racist institutions, and then five or six SDSers may decide that commencements are a CIA plot, and then of course the entire faculty, administration and student body of Harvard, with the courage that has made them a legend, will replace its commencement by some sort of ceremony more acceptable—something they know the boys will approve of—say, a book burning; they loved that at Columbia, or a dean killing; they never quite accomplished that at University Hall. Dean Ford let them down by having recuperative powers they didn't count on.

But the fact that you can have a commencement here without getting down on your knees to a student wrecking crew, or without calling up the riot squad, is mainly luck. You enjoy advantages Harvard doesn't.

For one thing, you have the advantage of not being so revered for the wisdom and courage of past generations of administrators that you haven't noticed the moral flabbiness and intellectual flatulence of the majority of your present generation of administrators and faculty. You show me any institution with such a glorious past that anyone presently employed by it is regarded as retroactively infallible, and I'll show you a collection of sanctimonious fatheads.

But the greatest advantage Franklin Pierce has over Harvard is that you are not rich enough to hire three such famous professors as Rosovsky, Galbraith and Handlin and not extravagant enough to waste the wisdom of the only one of them with guts and sense—Handlin. All three were world-renowned historians. All three this week have helped make history.

Prof. Henry Rosovsky was born in Danzig. When the young Nazis invaded the University of Danzig in the '30s and beat up its professors and disrupted its classes, Rosovsky's family gave up their citizenship and fled to the United States. In the '60s, Rosovsky was teaching at Berkeley. When the young Nazis invaded there, Rosovsky gave up his professorship and fled to Harvard. When the young Nazis invaded there the other day, Rosovsky gave up the chairmanship of his department and started packing.

Prof. Galbraith, as national chairman of the Americans for Democratic Action, was the intellectual leader of the Democratic party in the last election and one of the nation's few political thinkers over 19 who mistook Sen. McCarthy's menopausal capriciousness for high-principled statesmanship.

Prof. Handlin has won the Pulitzer Prize and other honors for his histories of those groups who, so far, have risen from their ghettos by sweating blood instead of shedding it, by shaping up instead of burning down.

Although Harvard is the home of these three wise men and hundreds more, it was the only bunch in town that was dumfounded at what happened there. Everybody else in the community expected it. We had all watched Harvard for the last few years educate its young in the rewards of criminality. We had watched Harvard become an ivy-covered Fagin.

We saw it begin a couple of years ago when Secretary of Defense McNamara was invited to speak at Harvard. Now, it is true that McNamara was a member of a despised minority group, the President's Cabinet, but under the law, he had the same rights as Mark Rudd. Harvard's Students for a Democratic Society howled obscenities at McNamara until he could not be heard.

He attempted to leave the campus. The SDS stopped his car, milled around it, tried to tip it over. McNamara left the car. The SDS began to club him on the head with the poles on which their peace posters were nailed. If it hadn't been for the arrival of the Cambridge police, who formed a protective cordon around McNamara and escorted him through a series of interconnecting cellars of university buildings to safety, he might have been killed.

The next morning Dean Monroe was asked if he would punish the SDS. And he said—and if you want to know where the malignancy started that has made a basket case of Harvard, it started with this—Dean Monroe said that he saw no reason to punish students for what was purely a political activity.

Now, if depriving a man of his freedom to speak, if depriving him of his freedom to move, if damn nearly depriving him of his life—if that's political activity, then rape is a social event and sticking up a gas station is a financial transaction.

Now there's nothing unusual about a pack of young criminals ganging up on a stranger on their turf as the SDS ganged up on McNamara; it's called mugging. And there's nothing unusual about a respected citizen, even a dean, babbling imbecilities in an emotional crisis; it's called a breakdown.

Both are curable by the proper treatment, but there was something unusual, and chilling, too, about seeing the responsible authority, Harvard, treat a plain case of mugging as democracy in action and a plain case of hysterics as a dean in his right mind.

Well, after Harvard taught its young that the way to settle a difference of opinion is to mug anyone who differed with them, it was no surprise that they'd soon learn that shoving a banana into an instructor's mouth is the way to win a debate and bringing a meat cleaver to a conference is the way to win a concession. Because that's what's happened at Harvard in the last month.

When its militants stormed into the opening class in a new course on the causes of urban unrest and stopped it because they found it ideologically offensive, the instructor attempted to discuss it with them. So one of the militants shoved a banana into his mouth. This stopped the instructor, of course; he stopped the class and then Harvard dropped the entire course.

This week the *Crimson* published a photograph of a black militant leaving a historic conference with the administration—historic because it was here that the administration granted black students, and only black students, hiring, firing and tenure powers equal to that of any dean. The militant was holding a meat cleaver. The next day, President Pusey said that Harvard would never yield to threats. Shows how silly a man can look when he doesn't read his local paper.

President Pusey said that, by the way, at a televised mass meeting advertised as one in which all sides of the question would be fairly represented. The Harvard student body was represented by a member of the SDS (numerically, they are less than 1 per cent). The average resident of the Cambridge community was represented by a black militant graduate student who lives in Roxbury and

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commutes in a new Cadillac. And anyone who'd call that unfair representation would have been mean enough to say the same think about the Chief Rabbi of Berlin being represented by Adolf Eichmann.

And so when Harvard was raped last week, it had as much cause to be surprised as any tart who continued to flounce around the fellas after they'd unbuttoned her bodice and pulled down her panties.

What surprised the world was Harvard's response. Nowhere in the world was Mayor Daley's response to precisely the same sort of attack by precisely the same sort of mob more loftly denounced than at Harvard. Yet in its moment of truth, Harvard responded in precisely the same way Daley did.

Pusey called for the cops just as Daley did, and the cops treated the criminals at Harvard just as firmly as they treated the criminals in Chicago. The Harvard administration applauded President Pusey's action to a man. There is no record that they ever applauded Daley.

That either proves that the Harvard administration believes in the divine right of kings to act in a fashion that, in a peasant, is considered pushy. Or it may prove that President Pusey is just as Neanderthal as Mayor Daley. Or it may prove that President Pusey learned how to handle Neanderthals from Mayor Daley. At any rate, if they're looking for a new president of Harvard, I suggest they teach Mayor Daley to read and write and offer him the job.

Let's forgive the president of Harvard for not having the grace to thank the mayor of Chicago for teaching him how to protect his turf; they aren't strong on graciousness at Harvard this year. But as a member of the Cambridge community, what alarms me is that Harvard doesn't have the brains to protect itself, and the community, from further, more savage and inevitably wider-ranging attacks. And I feel that I have the right to speak for some in the Cambridge community, possibly equal to that of any resident of Roxbury who parks his car there for a few hours a few days a week.

I've lived in Cambridge over 30 years. My children and grandchildren were born and raised in Cambridge. I help pay the taxes that support Harvard. I help provide Harvard with the police that it will increasingly need to protect it from the once-decent kids it has corrupted into thugs and thieves; and the worst kind of thugs and thieves—the sanctimonious kind.

I ask, and my neighbors in the Cambridge community are asking: If a horde of howling, half-educated, half-grown and totally dependent half-humans can attack visitors in their cars, and deans in their offices, and get away with it, how long before they'll widen their horizons a block or two and attack us in our homes?

If they can use clubs and meat cleavers on the Harvard community today and get away with it, who stops them from using clubs and meat cleavers on the Cambridge community tomorrow? Certainly not the Harvard community.

If it was necessary last week for Harvard to organize a round-the-clock guard to prevent the untoilet-trained pups they've made into mad dogs from blowing up the Widener Library and the Fogg Museum, must we of the Cambridge community prepare to defend ourselves from the pack Harvard has loosed among us? Or should we all pull a Rosovsky and take off to safe, sane Saigon where it's legal to shoot back at your enemy?

When the president of Harvard proved that, in a crisis, he was the intellectual equal of the mayor of Chicago and called the cops, it was his finest hour. Although it was true that he had presided over the experimental laboratory that created the Frankenstein's monster that stomped mindlessly into University Hall, fouling everything in its path, he did, at long last, recognize what he had wrought and took the steps to rid his university and our community of the filthy thing.

After throwing the SDS out physically, the next sane move was obviously to keep them out officially, and expel them. And leave them to the criminal courts to educate, or to the Army, or to the gutters of Toronto, or to the rehabilitation centers and public charity of Stockholm. Their few score places at Harvard, and those of their sympathizers, could have been instantly filled by any of the tens of thousands of fine youngsters, black and white, they had been chosen instead of.

And Harvard could have gone on with pride and strength as an institution of learning, as an example of the vigor of the democratic process to other universities, instead of degenerating into the pigpen and playpen it is today. But after the president of Harvard made the one move that might have saved Harvard, the Harvard faculty, in the words of San Francisco State President Hayakawa, betrayed him.

And that brings us back to Rosovsky and Galbraith. And to Handlin.

Rosovsky, whose family had given up and fled when the German Nazis invaded the University of Danzig, who gave up and fled when the California Nazis invaded Berkeley, gave up the chairmanship of his course and started packing when the Cambridge Nazis invaded University Hall. And all over this country—at Cornell, in New York—other professors are using the Rosovsky solution: giving up and running away. The only trouble with it is that, sooner or later, you run out of places to run away to.

Now, the Galbraith solution is one that is bound to be popular with his fellow puberty-worshippers: those who have just achieved puberty, and those who worship those who have just achieved it as sources of infinite wisdom and quite a few votes. But I'm not criticizing Galbraith's religious convictions. What I say is, in this country, any professor who is panting to get back into public life is free to worship the SDS chapter of his choice.

Galbraith's solution is to promptly restructure our universities—and Harvard more promptly than any other, because, in Galbraith's opinion, those who administer Harvard have "little comprehension of the vast and complex scientific and scholarly life they presume to govern." Well, now, who does Galbraith presume to replace them with?

If those who created Harvard, and made it into the vast and complex scientific and scholarly structure it became, must be restructured out of it because they have too little comprehension, who has enough? The only ones who claim they have, and who will shove a banana into the mouth of anyone who denies it, are the student militants.

And so the Galbraith solution is a forthright one: Let the lunatics run the asylum.

Well, I'm going to tell Galbraith the news: they've already tried your sort of restructuring, Ken. They tried it at Berkeley; they tried it at Cornell; they tried it at Harward all last week, and the result was that, on Friday, a mob of militant students, of a Harvard frenziedly restructured to suit their wildest whims, marched into the Harvard planning offices.

They shouted obscene charges at Planner Goyette. When he attempted to answer, they shouted him down with obscenities. They demolished the architectural model of Harvard's building plans, they kicked over files, they hurled telephones to the floor. And while Goyette cowered and his secretaries screamed, they marched out, uninterfered with by the six policemen who were summoned there presumably to see that they remained uninterfered with, unrebuked and, of course, unsatisfied.

And they won't be satisfied until Harvard is restructured the way they restructured Hiroshima. They'll be back, on another day, to another office. Possibly Galbraith's.

Well, those were the voices that prevailed at Harvard, the resigners like Rosovsky, the restructurers like Galbraith. (Prof. Galbraith, it seems, has decided on the Rosovsky method for himself. He has announced that he is taking off for Trinity College at Cambridge University for one year while the restructuring goes on.)

There was another voice, however, the voice of Oscar Handlin.

Prof. Handlin said he was appalled at the argument that the students' takeover of University Hall, their attack on the deans, their destruction of private property and their thefts from personal files were unwise but not criminal. It *was* criminal, said Handlin, by every decent standard.

If Harvard had not chickened out, said Handlin, if it had had the courage to recognize the criminality on its campus over the last few years, beginning with the beating up and silencing of McNamara and continuing through innumerable other incidents of the brutal deprivation by its mad-dog students of the rights of those who dared to dissent with them, it "would not be in the position it is in today—following the road that Berkeley has followed, following the road that has destroyed other universities."

Oscar Handlin urged Harvard not to go down that road. That was last week. This week Harvard has gone so far down the road that it can never turn back. In this last frantic, fatal, foolish week, Harvard has reversed the civil rights advances of the last 20 years.

Today at Harvard, any student with the currently fashionable color of skin is given rights denied to students of the currently unfashionable color. Harvard, which educated the President who brought America into the war that defeated fascism, today honors and encourages and rewards its fascists. Harvard, which once turned out scholars and gentlemen, now turns out thugs and thieves—or let me put it this way: now, if you are a thug and thief, Harvard won't turn you out.

Once people were attracted to the Cambridge community because Harvard was there. Today, because Harvard is there, people are fleeing the Cambridge community, even Harvard's own.

Harvard's tragedy was that it was too arrogant to consider that it too might be vulnerable to the cancer that is killing other universities. And when Oscar Handlin diagnosed it as malignant, Harvard was too cowardly to endure the radical surgery that could save its life.

And that's why I can say that colleges like yours, as yet too unproven to have become arrogant, and too determined to prove yourself to be anything but courageous, are the hope of the future. Because I believe that America has a future.

It has become unfashionable to say this; it may be embarrassing to hear it; but I believe that America is the most lovely and livable of all nations. I believe that Americans are the kindest and most generous of all people.

I believe that there are no underprivileged Americans; that even the humblest of us are born with a privilege that places us ahead of anyone else, anywhere else: the privilege of living and working in America, of repairing and renewing America; and one more privilege that no one seems to get much fun out of lately—the privilege of loving America.

ANNUAL QUESTIONNAIRE

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. DELLENBACK. Mr. Speaker, once again I am asking the citizens of Oregon's Fourth Congressional District for their views on major issues facing the Congress. My annual questionnaire is being distributed to 162,000 households in the district.

The questions cover direct election of the President and Vice President, volunteer Armed Forces, the ABM system, lower voting age, and restrictions on wage earnings for persons on social security. I also ask constituents to number in order the six areas—out of 20 named areas—which they consider the highest priority areas of national concern.

This list of 20 areas encompasses a great many of the important and complex problems which confront our Nation. Each day the Congress and the administration must make critical decisions as to which of many important issues will receive initial emphasis. I hope that this questionnaire will not only give me the help of the thinking of the district, but will also help citizens realize the tremendous difficulty of setting national priorities.

The questions follow:

	Husband		Wife	
	Yes 1	No 2	Yes 1	No 2
Do you favor—				
1. The direct popular election of the President and Vice President?	☐	☐	☐	☐
2. Placing the Armed Forces on an all-volunteer basis?	☐	☐	☐	☐
3. The President's recommendations concerning an antiballistic-missile system?	☐	☐	☐	☐
4. Lowering the voting age to 18?	☐	☐	☐	☐
5. Eliminating all restrictions on wage earning for a beneficiary drawing social security benefits?	☐	☐	☐	☐

Please number in order the 6 of the following which you consider the highest priority areas of national concern:

	Husband	Wife
1. ABM system	____	____
2. Agriculture	____	____
3. Conservation	____	____
4. Crime	____	____
5. Defense budget	____	____
6. Draft reform	____	____
7. Education	____	____
8. 18-year-old vote	____	____
9. Electoral reform	____	____
10. Exploring space	____	____
11. Housing	____	____
12. Inflation	____	____
13. Pollution	____	____
14. Poverty	____	____
15. Race relations	____	____
16. Social security	____	____
17. Student unrest	____	____
18. Tax reduction	____	____
19. Tax reform	____	____
20. Vietnam	____	____
Other	____	____

	Husband			Wife		
	1	2	3	1	2	3
Personal data (optional):						
Age: (1) 21 to 45; (2) 46 to 65; (3) over 65	☐	☐	☐	☐	☐	☐
Political affiliation: (1) Republican; (2) Democratic; (3) independent	☐	☐	☐	☐	☐	☐
Graduate of (1) grade school; (2) high school; (3) college	☐	☐	☐	☐	☐	☐
Husband's occupation:	1	2	3	4	5	
(1) businessman; (2) farmer; (3) professional; (4) hourly; (5) other	☐	☐	☐	☐	☐	

CAMPUS DISORDER

HON. W. R. HULL, JR.

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. HULL. Mr. Speaker, it has been my pleasure today to read two addresses delivered May 22 and May 24 in Missouri by my able and distinguished colleague, the Honorable RICHARD H. ICHORD, chairman of the Committee on Internal Security.

I was most impressed by his May 24 speech at Waynesville in which he discussed the priorities facing this Nation, including problems of the war in Vietnam, the problems of the cities, and the problems of rural America. He spoke with concern about our educational system—high school and college—and its struggle with the big issue of campus disorders.

For Missouri, he cited the question of disorders, riots, and dissent as the greatest problem since the battle for the school foundation program.

I commend to your reading a most interesting portion of his comments at Waynesville and the entirety of his comments made before the 1969 graduating class May 22 at Dixon High School, Dixon, Mo.:

EXCERPTS FROM MAY 24 ADDRESS AT WAYNESVILLE, MO.

Where once our colleges and universities were the gateway to success, our colleges and universities are fast becoming the gateway to revolution and violence, intolerance and totalitarianism. The hinges on the gates are beginning to creak and sag?

Why?

Many rationales are offered. Proponents of college opportunities for all those who are capable point that the 11 per cent of our black population get only 2 per cent of the jobs at the top, 4 per cent in the middle and are forced into 16 per cent at the bottom—indeed, into as much as 40 per cent of the jobs at the very bottom. In a recent study of 80 integrated state universities, less than 2 per cent of the students were black. Even at Harvard, less than 3 per cent of the undergraduates are black. But, is it a question of blackness?

Another rationale. The public is becoming increasingly critical of military spending and defense proposals, including the research for the programs and the training of men in work connected with the spending and defense. But, is this the issue?

A third rationale, one which I feel is stronger than ever in this country: We know the most technologically advanced are the leading nations of the modern world. We know we are leading the world in our orbiting of the moon. It may be that space accomplishments may replace defense capability as the international symbol of prestige and power—but there are many who object when the replacement is accomplished at the expense of the poor, the hungry, and the poorly educated.

A fourth rationale. One close to the hearts of every American, every Missourian, who knows what death means, who knows what war means, who knows what honor and dishonor mean: Americans doing their fair share whether in peace or in war. American colleges and universities are becoming not a symbol of advancement to superior jobs and a superior way of life. Instead, our campuses are becoming a symbol as a haven for the guilt-ridden, the guilt-obsessed, the young man dodging the draft, dodging his responsibility to his country, regardless of the real role he is playing or the real reason for his being in college.

It is this factor, beyond almost all others, which is making our colleges and our universities creak, which are turning our high schools into prep schools—for what?

I am firmly convinced our state colleges are provided by the people of this State for educational purposes and any activity which is in conflict with this purpose has no place on any of our campuses.

I am as firmly convinced our public schools, our high schools and classrooms, are for the same purpose. They should be kept open and students, faculty or outsiders should not be permitted to interfere with the orderly conduct of the educational process.

I am similarly convinced the laws of this state and this country should be observed on the campus and in the schools in the same manner they are observed in the community. The campus should not, and I repeat, should not be a sanctuary against the law.

In the violence, on our campuses, those shouting the loudest are those most authoritarian and most destructive of cooperative efforts to solve problems of education. They have distorted the image of education, especially their college attendance, bending it to serve their purposes of intensifying frustrations, undermining authority and escalating violence.

A few days ago, Dr. Glenn S. Dumke, chancellor of the California state colleges, speaking to a Congressional subcommittee on educational environment, made the comment:

"There is much that is good in current student movements. They perform a valuable service in shaking us out of our complacency. Who can say that we aren't outmoded in our teaching, that we don't have racial injustice in our schools and in our communities, that poverty and war have to always be with us. The bulk of our young activists are challenging us to re-examine our attitudes, our values and our goals. They say that our existing institutions, whether they be education, government, religion, business or politics must be made relevant to the solution of today's problems and the social needs of our times."

I cannot disagree with this evaluation. I would agree with him that the nature of our response to this challenge is crucial. If we ignore the social problems underlying much of today's student activism and instead pass nothing but punitive legislation, the ferment will either grow to a point where we are running little more than armed camps, or that this generation of young people, among the brightest, most promising we have ever known, will simply continue to withdraw from society and tune us out.

As Dr. Dumke said, "We badly need their fervor, their idealism and their energy in these troubled times. It would be a tragedy if we allowed the actions of a few revolutionaries or nihilists to destroy our social perspective."

It is in this latter category that I as chairman of the House Committee on Internal Security have been especially concerned. It is this concern which has propelled the Committee into an intense investigation of the Students for a Democratic Society (SDS), a militant New Left organization that is considered the sire of the atmosphere of crisis now sweeping the campuses of the United States.

We are scheduling a hearing into the operation of this organization in the next few days; indeed, we will get preliminary hearings underway the first week in June. As you know, SDS was considered the leader of last year's disastrous riot at Columbia University and supposedly has played a major role in disturbances at Harvard, Cornell,

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Princeton, Georgetown, Kent State and Lincoln.

At its national council meeting this March in Austin, it was reported that SDS reaffirmed its announced goal that universities should continue to be its primary targets on grounds they are "instruments of repression" and "tools of the ruling class."

It also agreed SDS should seek recruits among blue-collar classes and urged its communicants to join "work-in" programs in industrial cities this summer. But, George Meany, president of the AFL–CIO, has been quick to inform them: "If they try to interfere with the livelihood of workers in the plant, something is likely to happen."

It remains to be seen if SDS will find the same fertile ground among the labor unions as it has found among the colleges and universities and is now seeking among our public high schools and their students.

And it is here I worry—will our high schools become the arena for future battles? The answer may be, "Yes." Tom Hussey, head of the SDS chapter at Suffolk Community College on Long Island, was quoted by *Newsday* as recently as January 4 as saying: "High schools are our big area where the next confrontation will be."

This public announcement by an officer of the SDS followed a regional SDS meeting at which plans were laid for "organizing" in the high schools in the suburbs of a large Eastern city.

Then, we must realize this regional organization was only carrying out a national SDS policy first spelled out in October 1968 at an SDS National Council meeting in Boulder, Colorado, where those in session adopted a special "High School Resolution" calling upon all college and non-student chapters of SDS, as well as all SDS regional offices, to "make high school organizing a large part of their programs."

And what was to be the purpose of the "high school movements" which SDS sought to create?

Not for reform of our educational system! Any idea that SDS efforts might be directed toward overdue reform is quickly dispelled by reading the resolution by the National Council. High schools only prepare students for life in a "sick society," the resolution declared, and "the school cannot change to the extent we want unless we change the system which uses it." Therefore, "We will organize in the high school to move students to overthrow that system . . .." SDS announced.

The "Yes" is now becoming commonplace. A recent survey conducted by the National Association of Secondary School Principals shows three out of five principals reporting some form of active protest in their schools, with most protests, both disruptive and peaceful, appearing to be nonracial.

In a four-month period, November through February, Dr. Alan F. Westin, diretcor of the Center for Research and Education in American Liberties at Columbia University, counted 239 "serious episodes" of disorders—strikes, sit-ins, demonstrations, riots or other violence—in high schools. During the same period, 348 high schools in 38 states underwent some form of disruption that was reported in the newspapers studied.

All these were not in the cities. In fact, in suburban schools across the country, students organized protests against everything from the food in the cafeterias to lack of toilet paper in the rest rooms. Nor was the protest confined to the high schools, whether urban or suburban. One of the surprises of the survey was the fact that protest is almost as likely to occur in junior high schools as in senior high schools. Among junior high schools, 56 per cent reported protest activities.

The politics of education are changing. In black neighborhoods in our cities, blacks are clamoring for black control of black schools. Why? In a large part, because they feel the curricula are not responsive to the needs of the children and the community. In nonblack neighborhoods, students are clamoring for changes in curricula and teaching and learning atmosphere, for the same reason: The curricula are not responsive to their needs and the needs of the community.

Objecting parents who seek to intervene on their children's behalf, by and large, receive sharp, persuasive rebukes which force them to double back upon themselves. Much of our educational system today is a series of archaic arrangements in the educational establishments that educate teachers and pupils alike, raising the very serious question: Are our schools providing real opportunities for learning or have they ceased?

It is this question which has set the stage for the unrest on our campuses, both college and high school. And, as the bright and promising student rebels—unconsciously, rarely really knowing why—the radical revolutionary moves in, garnering the benefits of his discontent, leaving him to reap the whirlwind of the rebellion and the permanent mark against him in the annals of society.

A kind of vicious circle is developing, the denial of the humanity of the student which can only result in a dehumanized teacher, a dehumanized school, and a dehumanized community. . . . Unless something is done!

SDS has a proposal, a blueprint which sets radicalization of the high school student as its goal. Distributed in Chicago in March, 1968, under the title, "High School Reform: Toward a student movement," the pamphlet says:

"Our first task, then, is to show the students that we *are* on their side, and have many of the same concerns they do. One method is to begin agitation around issues students are already concerned about. We should be in the forefront of any student protest against administrative action."

It concludes with advice to its readers: ". . . we must build a community; a community of resistance. If we really wish to change people, and not institutions, we shall have to struggle, for conflict radicalizes us, and through it we may establish our own identities as human beings, and not numbers. The most radical demand we can make is the demand to be taken seriously."

Hence, I must argue, SDS has a plan. If we are to prevent that plan from being effected, we must solve the problems of our educational system and separate the revolutionaries from our campuses.

Then I must argue, then I must offer to you: What has the present Administration proposed? Very little has been presented to the public for consideration. Very little priority has been given to the solution of the problems giving birth to the conflict. Even less to the would-be combatants. I agree that our schools cannot be run by the Federal Government. This is a local responsibility. Yet, if the problem goes unsolved, the progeny of it will be as numerous as the fleas on a blue tick hound in hunting season—and the shape as deformed as some of the scrub blackjack which covers these hills.

For I am firmly convinced, unles we solve the problems of our schools and colleges, all the handy things which have been predicted for the year 2001 will be of little avail:

We will have no need for the nice square tomatoes which will be easier for housewives to store.

We will have little need for rain-on-demand.

We will have little need for pipelines to ship our farm goods to the big city markets and even less need for the markets.

All these advantages will be of little use, if we let go by default the kind of society we want, because we dare not to take the steps on the local and national levels to solve our educational problems.

TODAY'S STUDENT IN AMERICA

(Address of Congressman RICHARD H. ICHORD before the 1969 graduating class, Dixon High School, Dixon, Mo., May 22, 1969)

It is always a pleasure to be back home in Missouri.

And for me it is a deep honor to address this graduating class, their teachers, their parents, their friends.

For you, it is a time of mixed emotions. Some see it as the end of the most wonderful years of their life. Some see graduation as the door of the future, when tomorrow you begin the role you have planned for a life's work.

Others of you, I know, are planning to go on to college, perhaps Stephens and Christian and the University of Missouri at Columbia, or Westminster and William Woods at Fulton, Lincoln at Jefferson City or the University at Rolla—a variety of colleges and universities awaits you. Now is the moment of decision—where will you go?

You will consider many factors, not the least of which will be costs and nearness to home, to family, to friends. In the minds of parents and students today there are other questions—campus disorder, the opportunity for study and research in an atmosphere of peace and quiet, the right to study and live without fear of injury or destruction of property—all involving the question of dissent, whether peaceful or violent, legal or illegal.

Most of you, I feel, are not opposed to dissent legitimately employed, for it was the factor that gave birth to this country and which has inspired us to build a country second to none.

All of you know George Washington was a dissenter. He disagreed with the colonial government of the British. And he didn't like war, either, or killing or violence. But, he knew if you didn't like one rule of law, you had to set up another rule of law to replace it. He had a goal, a plan. He knew that the law is the rule, and out of rules come order, and out of order—peace and tranquility, the atmosphere in which great colleges and universities flourish and in which great minds are developed which form the leadership of our country.

Our country has grown much from the days of Washington. From a predominantly agricultural nation, we have become the most highly industrialized country in the world. Our population, only 76 million in 1900, now exceeds 200 million.

As this population expands, the land available for production or recreation remains relatively static. For this reason, our public lands must be used prudently and wisely. And they must be used to meet the needs of a country decidedly different from what it was in 1860, 1900, 1950, even 1960.

This nation is a far different nation than when Horace Greeley said, "Go West, young man, and grow up with the country." In the 19th century there were fanciful tales of American land so fertile that the turnips grew to the size of tree stumps and each pumpkin had to be hauled out of the field in its own cart. Corn was so high the stalks could be used for firewood or building logs and cucumber seeds sprouted so fast the vines sometimes strangled a farmer while he slept.

Those were good stories, but I know they weren't talking about Texas County where I grew up and I don't think they were talking about much of the land around here except perhaps in the river bottoms. But, now, if they were talking about the people—I'd have to agree they really weren't stretching the story much, for those are the kind of people this country has been producing. Those are the kind of people that settled and have made Missouri the great state that it is.

This is the real definition of the pioneer. Men and women who moved out and dared

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to conquer the land . . . the mountain men, the soldiers, the farmers, the miners, the ranchers, the lumbermen, men and women who dared to dream of the land, tame it, and cultivate it.

No doubt, many of our earlier settlers were broken by the land, gave up and died poor. But others endured; they were strengthened by their trials and tribulations and they became the backbone of this nation—building a nation renowned throughout the world for its accomplishments in government, in education, in peace, but, most of all, for its respect of the dignity of the individual human being.

Today, most of the great lands of America have been parceled out, to various individuals and institutions, from railroads to educational institutions. For example, the Homestead Act of 1862 offered 160 acres to any man who was willing to live on his grant and improve it. Many of our great educational institutions, including the University of Missouri, got their start through land grants from the U.S. Government.

What did this mean? It meant that our country believed that public land should belong to any man who was willing to give it enough time and sweat to make it productive. It means this nation believes the best people to use the land are educated people and government has a responsibility to provide that education.

Today, only about one-third of the original public domain still remains—most of it in Alaska and the Far West—some 425 million acres administered by the Bureau of Land Management plus some 160 million acres of public land reserved within our national forests and administered by the Forest Service. Not much land, when you realize how rapidly the population of this country is growing and how few of these acres will be available for use for such an expanding nation.

The needs of society today are changing and changing rapidly. Pioneering is no longer the hunters and trappers moving through icy creeks and streams for beaver skins, fighting the Indians in the winter and the insects in the summer. Pioneering is no longer the rush for land as bounty for wartime service as followed the War of 1812 and the Mexican War. For the veterans of World War II, the Korean conflict and the War in Vietnam, the bounty of public land was replaced with the gift of training and education.

Today, there is a new pioneer—the pioneer who looks beyond the physical touch of the soil, to find new ways to develop our sons and daughters to find new ways for them to continue to build the kind of country our forefathers dreamed for their families.

Today's pioneer, either as a student learning or the teacher teaching, needs to seek new ways to insure the avenues of change are kept open without resorting to the techniques of the criminal—to keep reform, not reformatories, as our goal.

As to the need for reform, I would be the first to admit some of the policies used to run our schools and colleges need reform. And I realize many of our administrators and our faculties may be proscrastinating—delaying, perhaps unduly, some changes sorely needed. But, in the main, efforts—real efforts—are being instituted to effect reform.

But, even if this were not so, can one really believe the best way to reform a college, a university or a high school is to tear it down, stick by stick, stone by stone? Can one really believe lawlessness is the best way to further educational goals.

I don't. I am sure you don't. But these are some of the issues facing students, parents, educators and administrators today, who must decide which instrument will be used to effect change—naked force and lawlessness or reason and scholarly achievement.

To me, attack by our students from within the high school, college and university structure is, for the large part, a fleeting thing as measured in the life of our educational system. For, in the main, our educational system has within itself, the means of self-adjustment, of self-correction, of self-analysis and improvement. In only the rarest of cases, will the system be unable to right itself and carry on the purposes for which the institutions of education were founded.

It is in these "rarest" of occasions that government, in committees such as my own House Committee on Internal Security, should and does stand ready to give assistance to the educational system.

The community, the educational system and government working together can keep the winds of dissent and the storms of riots from blowing our institutions off course. We can separate the mass of our students from Pied Piper leaders who would lead them down the criminal trail to oblivion.

How can we? Let us look at some of the things we can do. We can establish speakers bureaus on campuses to bring leaders to debate the issues of our times. We can establish training institutes for our educators and administrators to help equip them to meet their problems.

We can keep the people informed with relevant materials on issues and problems. We can seek effective ways of communicating with students. We can investigate radical movements on campuses to separate those who would use the brilliance and capabilities of our students for their own purposes.

Most of all, we can return to the ideals of fairness that have marked our country—to insure that the classrooms and services of our schools and colleges belong to all the students and do not become the private preserve of a disruptive minority. We can go a step further—we can exert our influence to see that administrators establish a policy of firmness in dealing with those in our schools who flout the law and invoke violence, all under the guise of dissent.

In this regard, I do not think our schools should be run by students any more than I think they should be run by politicians. Educational institutions, whether public secondary schools or colleges, should be run by experts—expert educators, who are charged with the responsibility of developing the most important resource of this nation or any nation—our youth.

Too long this country has suffered from the results of permissiveness. Rules should be fair but the enforcement of those rules must be firm and administrators must have the intestinal fortitude to act decisively. Suspension and expulsion are still effective tools of discipline if they are wisely and timely used. And, I might observe, timely discipline in nearly all cases requires action long before a campus explodes into firebombings, the seizure of buildings, and other forms of violence.

In the case of Congress, we must reevaluate our draft laws. Personally, I have come to believe our draft laws are one of the primary underlying causes of campus disorder. The draft should be changed so that those who have not fulfilled their military obligation and fall within the prescribed age group will take their chances by lottery. I believe we committed a grave error when we allowed college deferments in a time of armed conflict. The lottery method, I recognize, is not the best way to muster our manpower requirements, but it should be employed at a time we are faced with the problem of answering the question: Who is to serve when all are not required to serve?

Such a law would not mean that more of our boys will be drafted than are presently drafted. The numbers drafted would not change. It would mean that all who attend college would be primarily motivated by the desire to receive an education and no student will have a guilt complex brought about by his present preferred status.

This, of course, is a change of position for me but not a change to incur political popularity for I am quite certain there is no political mileage to be gained from such a position. Nor am I motivated in the least by the desire to punish the small minority who have torn our campuses apart, as so foolishly suggested by one of my critics. I do firmly believe that every effort must be made to bring the Vietnam war to a conclusion and until a conclusion is reached this is a policy that should be pursued to remove one of the underlying causes of our campus disorders. The hour is too late; our problems too serious for me in good conscience to pursue any other course.

Another and very significant thing we can do—we can achieve balance and perspective in the coverage of news events on campus. There is a direct relationship between the intensity of violence in a campus confrontation and the number of TV cameras and the number of reporters on the scene.

And, most of all, we must cease to confuse legitimate dissent with criminal action. I am firmly convinced we need to improve our enforcement of existing laws much more than we need new laws.

These are some of the steps we should take so that our graduates tonight can go on and upward. In an atmosphere marked by order and a climate for study and research, you can learn and develop and become the kind of leaders the pioneer world of tomorrow will demand.

But this, we must not forget: Freedom is not just a privilege. It is a test and those who cannot pass the test will be denied it. Welcome, then, to the proving grounds. Bring with you courage, vitality and determination. Bring all you can muster.

You are going to need the full measure, just as your State and your Country are going to need the full measure from you. Be proud of yourselves. You are Dixon's finest products.

COLLEGE VIOLENCE

HON. MARTIN B. McKNEALLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. McKNEALLY. Mr. Speaker, because of the great concern that the Members of this body have about violence on our college campuses, I am taking the liberty of bringing to your attention the following excellent editorial which appeared in the Evening News of Newburgh, N.Y., on Wednesday, April 23, 1969:

College Violence

Acts of violence which administrators fail to deal with, in colleges or other schools, have stirred law-abiding citizens and students to the point where it is likely that the schools and colleges will suffer themselves, instead of the handful of responsible militants.

This may shock some of our liberal leaders who cry for tolerance of all demonstrators, regardless of their tactics.

The protest, this time of the majority of students and other citizens, was accelerated this week with circulation of pictures of armed dissidents striding triumphantly from a Cornell building they had seized. This happend after capitulation of Cornell officials to demands of the militants.

The capitulation was reversed soon thereafter as other students and faculty members condemned the surrender and there was an opportunity for alumni and other "outsiders" to react to the news pictures.

There had to be a point at which the outraged majority would be heard and respected.

Hopefully, this point is being reached before voters and legislators (the ultimate power in a representative democracy) start denying public funds to the educational centers.

That this will be limited to colleges is unlikely. High schools which fail to meet the problem lawfully and effectively, may be expected to have the same problem.

The violence, whether carried out with fire bombs and weapons or done by forceful occupation of public property, will have to be dealt with soon, or it may be expected to spread like wildfire. Already the timidity and indecision which marked Columbia's reaction a year ago have caused the violence to spread into other institutions, often under the leadership of the same non-students who participated at Columbia.

Only a few college officials have taken the firm stand needed, among them Father Hesburgh of Notre Dame and Dr. Hayakawa of San Francisco State.

The time has come for school administrators to start protecting the rights of all their students instead of a small group which uses force to intimidate teachers and other students. Else the ultimate loss which the educational institutions must suffer will be out of proportion to what should be imposed on the few students, faculty members and outsiders really responsible.

FEDERAL CONTRACT SCRUTINY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ANDERSON of Illinois. Mr. Speaker, today I wish to join the growing bipartisan list of cosponsors of H.R. 11576 as introduced by Congressman PODELL. This measure would provide for an annual review by GAO of all Federal contracts and would require the GAO to report to the Congress at the close of each fiscal year any failures to meet contract completion dates and any cost overruns exceeding 110 percent of the contracted price.

I have noted with increasing concern and alarm the number of instances which have come to light involving such contractual failures and I am especially dismayed by the fact that the Congress apparently has no systematic way of periodically identifying these failures. How can we responsibly fulfill our oversight function if all we have to rely on are occasional agency leaks and journalistic disclosures?

The most glaring abuses of contract agreements are in the area of defense procurement. The most recent example of this is the costly $2 billion overrun on the $3 billion C–5A transport contract. A recent Brookings study traces the long history of such overruns and reveals that initial costs estimates for major weapons systems in the 1950's and early 1960's were exceeded by amounts ranging from 200 to 700 percent. I would suggest that this is no way to run a business, much less a government.

I do not hold with those who suggest that all this is a result of some sinister conspiracy by the so-called "military-industrial complex." I do not view these abuses as justification for an all-out attack on the military which is providing this Nation with the best security possible. I do think that the current mood of questioning, probing, and criticizing is both healthy and long overdue. But at the same time, I am most concerned that in our frustration over Vietnam, inflation, and high taxes we do not carry this mood to an excess that would jeopardize our national defense and security.

I think a fair analysis of the problem would reveal that we all share in the blame for the mismanagement that has resulted in such costly mistakes. We in the Congress must accept our fair share of the guilt for not exercising a closer scrutiny over the Government contracts we have authorized under various pieces of legislation.

That is why I am joining in the support of H.R. 11576 which I consider an important first step in regaining proper control over the purse strings we have been entrusted with.

I would like to draw to the attention of my colleagues an article which appeared in the May 26 Washington Post. In this article, columnist George Wilson explodes the myth of a military-industrial conspiracy and assesses some of the root causes for the procurement problems we are experiencing today:

NATION'S TOP SOLDIER PUTS IN A WORD FOR HIS MEN

(By George C. Wilson)

The Nation's top soldier stood up the other day to assure the people that "there is no malignant, semi-autonomous, conspiratorial grouping dedicated to foisting off unneeded weapons on our fellow countrymen."

The fact that Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, felt compelled to speak out that way evidences his deep concern about the overkill in current attacks against the "military-industrial complex."

To General "Buss" Wheeler—a man who has won the admiration of civilian bosses as different as Presidents Kennedy and Johnson and Defense Secretaries McNamara and Laird—there is "a necessary relationship" between those who make weapons and those who use them.

But, as Wheeler said in his plea for fair play, such a relationship should not be regarded as an evil conspiracy. "If I'm in a conspiracy," the General said, "I have yet to meet my fellow conspirators." And since Wheeler is no bomb-thrower, but an honest soldier Presidents have listened to, perhaps it would be worth taking a hard look at some of the anti-military criticism in such high fashion these days.

Sen. Charles E. Goodell (R-N.Y.) got into the swing early this year by flying out to the Air Force museum, so he could attack the ABM in the very shadow of the XB–70 bomber—a project which was cancelled after $1.3 billion went into it. The Senator failed to mention, however, that it was Congress—not the Pentagon—which tried the hardest to keep the B–70 flying.

So insistent, in fact, was former Chairman Carl Vinson (D-Ga.) of the House Armed Services Committee that President Kennedy had to cool him off on the B–70 issue by walking him around the White House rose garden. Goodell himself, a Congressman in 1962 when Vinson made the B–70 fight, voted for the bill which specified extra money for the bomber.

Not that the Air Force was necessarily right and Goodell wrong on the B–70 issue. The point is that it is a little too much for a member of Congress to shake a finger at the military in 1969 for supporting the same bomber he backed in 1962—a bad year for denouncing the military.

Then there is the TFX. Here was a case where the military wanted the lowest bidder, Boeing, but its civilian bosses decreed the lush contract would go to General Dynamics which had a nearly idle plant in Fort Worth, Tex. For speaking out against the award, Adm. George W. Anderson, Chief of Naval Operations at the time the contract was under fire by the McClellan Committee, was exiled to Portugal as our Ambassador. Robert S. McNamara, who made the decision as Secretary of Defense, stayed on the job.

As it turns out, however, Anderson was probably a lot closer to being right about the matter than McNamara. The Navy has since cancelled the TFX. Any day now there will be gasps as the cost overrun on the TFX—an unbelievable $5 billion according to some calculations—is at last disclosed. It will look to many as if the military is running wild again.

Chairman John L. McClellan (D-Ark.) of the Senate Permanent Investigating Subcommittee may be able to claim he was right in 1963 when he challenged the TFX contract. But his failure to do much about it in the six years since then hardly speaks well for Congress. His subcommittee has not even filed its TFX report.

The Air Force—to cite another example—is taking the rap in the case of the C–5A transport. But who was in charge of that contract? Answer: Secretary McNamara and other civilians who prided themselves at the time on having come up with a "total package procurement" approval which they believed would help discourage the very overruns now getting so much publicity.

Is it fair, then, to charge such problems—and there are lots more of them—off to the "military industrial complex?" It may be comfortable, politically safe and even refreshing to do so—but it is hardly fair.

A strength of the American political system is its checks and balances. The generals and admirals indeed ask for horrendous amounts of money. But Congress, with its power of the purse, determines how much they actually get. The generals and admirals indeed have made their presence felt all over the world—often with costly bases that blight the host country physically and morally. But the White House and State Department, in making foreign policy, are responsible for America's overwhelming—and sometimes overbearing—military presence in the world.

If there is a lot wrong with today's "military"—as almost everybody says there is—then we are all in it together. It is too easy to blame it all on the "military."

The term "military" covers 3.5 million men and women in the services. Most of them are in the have-not category compared to the rest of American society. They eat off tin trays in godforsaken places; live in cramped houses or trailers, and die on ground much less well known than Hamburger Hill. They too, want to send their children to college. General Wheeler on Armed Forces Day was trying to speak for them. His speech did not get much play.

". . . People in the armed forces own little—perhaps even far too little—in this world," the General said. "We serve as the custodian operators of the armed power of the American people. I do not suggest we stop wearing our uniforms, however visible."

WISCONSIN CONGRESSMAN DAVID OBEY SAYS LIBERALS MUST REDEDICATE THEMSELVES TO CAUSE OF PEACEFUL SOCIAL REFORM

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1969

Mr. REUSS. Mr. Speaker, Congressman DAVID OBEY, in a recent thoughtful address, went to the heart of the matter when he warned that violence and intimidation practiced by the few could well lead to a backlash on the part of the many that would jeopardize basic freedoms and set back the cause of social reform for years. He urged a much greater commitment by liberals to needed change brought about by peaceful means—in our universities and our society—lest the Nation reap the tragic consequences of continuing unreasoned extremism by the few. I commend his timely remarks to my colleagues:

ADDRESS OF THE HONORABLE DAVID R. OBEY, MAY 18, 1968

Civil liberties have been under attack in the past in this country by radical right-wing movements intolerant of dissent and minority opinion, but few people have seriously doubted our ability to preserve basic American freedoms. Even in the McCarthy era of the 50's most people were not really pessimistic about the preservation of Bill of Rights freedoms.

But today it seems to me that the violence and the intolerance being exhibited by a small minority of campus militants is creating such a blacklash of public frustration and disgust that even the traditional American freedoms of thought, speech and dissent guaranteed to us by the Bill of Rights and the United States Constitution are in serious danger—and so I might add—is the crucial tradition of academic freedom.

That danger comes from the fact that the violence and intimidation being practiced by a small—and I emphasize the word small—group of militants is causing such an emotional and psychological backlash that the American public is losing its ability—and its willingness—to distinguish peaceful protest from violent protest, honorable dissent from anarchy. In short, all dissent and all protest is being tarred by the same brush, and that is a tragic development.

No thoughtful citizen can ignore the need for change—not just change on our campuses—but change in many other of our institutions, both public and private. And that is why responsible Americans in touch with the needs of our time must resist the temptation to use frustration about the violence of some reform elements as an excuse for inaction or as an excuse for an attack upon all protest.

Public anger, no matter how justified, is no effective substitute in the long run for an active public conscience.

All groups, right and left, angered or satisfied, must remember that one of the great attributes of the democratic system is the implicit commitment not to push other people around. Any would-be reformer who seriously believes that he can gather public support in this country for human rights, academic freedom, an attack upon poverty and hunger, a more intelligent foreign policy, and even for campus reform by throwing bricks or carrying guns on campus is engaging in a tragic misreading of both history and the American character, and we may all pay the consequences for that error. And any person who seriously believes he can eliminate violent dissent by ignoring its root causes or by attributing it solely to "communist conspirators" is committing an error just as tragic.

It is terribly important for Congress, state legislators and the American people to avoid a massive, thoughtless repression of legitimate, honorable and peaceful dissent, but disregard of the traditions of fair play and tolerance on the part of extremists on either side of the political or social spectrum are, I am afraid, making that repression more nearly an inevitability.

If this repression is to be avoided and if the public clamor for it is to be diminished and if we are to successfully preserve the principles of freedom of thought, speech and dissent which have made this country something special, we must avoid the emotional and psychological polarization of our people. And that can be accomplished only if we can, to a much greater degree than has been the case up until now, involved constructive liberals in the struggle not only to reform our campuses, but also to reform public habits which have allowed the poor to go hungry, the ill untreated, and the deprived uneducated.

Liberals must re-dedicate themselves to the opposition of violence wherever they find it—whether it be the violence practiced by the campus revolutionary or the more subtle violence practiced by society against the deprived and the under-privileged.

Each is equally corrosive of the values which unite a democratic and humane people.

Unless constructive liberals re-dedicate their time and re-double their efforts to achieve the reforms needed in our society itself we will condemn the liberal movement to the stagnation of pious comfort and we will abandon reform to the embittered few. And the resulting polarization of our people will paralyze the nation with tragic consequences for Bill of Rights freedoms as we know them.

CAMPUS RIOTS AND U.S. GOVERNMENT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. BRAY. Mr. Speaker, when the Reporter magazine ceased publishing, I was most disturbed by the thought that Mr. Max Ascoli's views and observations would no longer appear in print. Mr. Ascoli, in his role of editor and publisher of the Reporter, gave it stature and authority far beyond many of those which still survive today.

I was very pleased to see him appear in print, again, in the Wall Street Journal for May 27, 1969, writing on a topic that concerns us all. Mr. Ascoli, in his usual solid reasoning and impeccable style, has done a superb job. The article follows:

[From the Wall Street Journal, May 27, 1969]

CAMPUS RIOTS AND THE U.S. GOVERNMENT

(By Max Ascoli)

Why could it happen, and why did it happen here? a number of eminent people, the President first of all, have asked. The key word is *it:* A succession of conflagrations and racial disruptions centered or converging on the campuses of the nation that only too recently had found itself playing the role of example to the world. There is little sense in comparing our turbulent four and a half years from Berkeley on to the uprising at the Sorbonne.

Among the whys it could happen here, one is this nation's inexperience with revolution. The revolution to which the United States owes its birth is something else again, for it secured the centuries-old freedoms of the Mother Country that the Founding Fathers codified according to the needs of the newborn nation. France and England have repeatedly gone through chaos, and then emerged from it. In the Old World—Russia, Italy or Spain—they have had their troubles with anarchic uprisings. America had to deal with individual anarchists either of the bucolic Thoreau type or with showy mimics of overseas nihilism.

MAINTAINING AN IMMUNITY

The principle became ingrained here that vastity and complexity had immunized our country from the sweep of ideological revolution or totalitarian dictatorship. In the universities the social sciences and allied disciplines did their best to maintain this immunity by neglecting ideologies and practicing birth control of ideas. Only facts counted, as if they had all been born free and equal, and the dusty leftovers of happenings called facts were assiduously piled up by scholars.

No wonder many college students were bored, and enterprising professors who had obtained tenure went after remunerative government or foundation assignments. No wonder also that in a large number of academic institutions there was a lack of contact between students and teachers. By and large, there was a superabundance of students and only infrequently could the leavening influence of teachers be effective. The substance of culture prepared for mass consumption in the multiversities and universities turned thinner and thinner, and ideas, or even their ersatz, were carefully pasteurized.

In 1964, on the largest campus of the largest multiversity, a substitute for ideas was accidentally discovered: *Loquor ergo sum* (I talk, therefore I exist). It is strange that it had not happened before or on some other campuses. At Berkeley, there was a group of students who during the summer had trained themselves to take chances by going South. The new chance they took proved immensely rewarding. They practiced participatory democracy before rediscovering the old notion. The *loquor ego sum* principle took the name of Free Speech Movement. The meaning was that the more one talks, the more of a man he is; the more people yell in unison without letting anyone utter a single antagonistic word, the more power they get. The Berkeley rebels celebrated in their own way their freedom from thinking, and gained notoriety in intellectual communities all over the world. Thinking is not easy, while anybody can talk and yell. From those 1964 days on, the exaltation of dissent started. Dissent you must. It's no longer a right, it's a duty.

Mario Savio, leader of the Berkeley movement delivered at Sproul Hall an address that later was used in an article entitled "An End to History." He did not appear to find much satisfaction in his success. "This free speech fight points up a fascinating aspect of contemporary campus life. Students are permitted to talk all they want so long as their speech has no consequences." This statement is echoed by Professor Herbert Marcuse, of the University of California at San Diego. In his Political Preface, 1966, to Eros and Civilization, he wrote: "In and against the deadly efficient organization of the affluent society, not only radical protest, but even the attempt to formulate, to articulate, to give word to protest, assume a childlike, ridiculous immaturity. Thus it is ridiculous and perhaps 'logical' that the Free Speech Movement at Berkeley terminated in the row caused by the appearance of a sign with the four-letter word."

Unbridled, massive loquacity having been authoritatively hailed as identical to freedom of speech, it could be turned against other targets. And so it was: In 1965, the teach-ins started. There on the campuses, antiwar students were joined and supported by many a youngster emeritus from the faculties. Even those who held qualified opinions against the Vietnam war had an exceedingly hard time trying to argue against the mobs who wanted the war stopped—right now. This unreflective quality is characteristic of the movements a la Berkeley. Just as "free speech" came to mean four-letter speech, so the peace advocated at the teach-ins was not related to our times and to our opponent: It meant just peace at any price—now. Yet it is remarkable how many people, worthy of their high repute, for quite some time have not been able to mention the war in Vietnam without calling it immoral or criminal—a war that, for our own good, should end in our defeat.

A DISCONCERTING PHENOMENON

The exaltation of youth for its own sake, the disdain for anybody over 30, is disconcerting for a man like this writer who had to leave his native country at the time of "Giovinezza, Giovinezza." The Negroes, too, follow the same self-seeking trend: Superior education or at least a diploma must be provided for all the young black just because they are black. The place in society black power wants must be granted, and this demand is not negotiable. All these extreme aims have one thing in common: Each is to be reached for the hell of it.

In the universities the drives for student power, youth power, black power, meet and, as far as one can see, do not collide. Rather they pretend to have separate but equal status, and only occasionally do they give a hand to each other as, for instance the SDS and the Negroes in favor of negritude.

American culture, like America itself, is part of the western world and, until now, a fantastically successful outgrowth of it. One of the characteristics of western culture has been the ease with which it has given cultural citizenship to men from every part of the world, while becoming enriched in the process. The universities in this country cannot become centers of cultural fragmentation on a racial basis without becoming responsible for the ultimate fragmentation of the country. They do not belong to the trustees or to the faculties or to the students. They belong to history—a history that this country has in largest part inherited—and are entrusted in various degrees to different groups of pro tem curators and beneficiaries. Each fragment of this historical heritage can be irretrievably wasted away.

The answer, it has been said, is academic self-government. Within limits this is true, provided we are clear that academic self-government does not mean sovereignty or, as Attorney General Mitchell once put it, extra territoriality. The inner strength of a university and the position it establishes for itself in the cultural community are a large-scale reproduction of man's destiny: A balance between inner and outer world reflecting the role man plays in the various collective entities he comes to belong to. Man's freedom does not exempt him from spiritual or economic bankruptcy. And of course not from death. The same is true for the universities. President Nixon said it: ". . . violence or the threat of violence may never be permitted to influence the actions or judgments of the university community. Once it does the community, almost by definition, ceases to be a university."

Our government cannot force the universities to be free, but from the universities has started the eradication of freedom in our country. Academic self-government can sustain the inner and outer life of an academic community: In a microcosmic way each entity moves according to its own laws as part of a finite system that is exposed to extinction. The system and each of its components have a margin of freedom but, as has happened in a number of academic communities, when freedom is extinguished then the resulting condition is one of national emergency.

"The Federal Government," the President said, "cannot, should not—must not—enforce" the principle of intellectual freedom, which, he had already stated, "is in danger in America. . . . Violence—physical violence, physical intimidation—is seemingly on its way to becoming an accepted, or at all events a normal and not to be avoided element in the clash of opinion within university confines. . . . Anyone with the least understanding of the history of freedom will know that this has invariably meant not only political disaster to those nations that have submitted to such forces of obfuscation and repression, but cultural calamity as well. It is not too strong a statement to declare that this is the way civilizations begin to die." But the Federal Government, according to the President, can do nothing. Yet he knows that he is not the Federal Government but only its Chief Executive.

Congress is not patient and is constantly exposed to the dangers of hasty or wrong legislation. For the right conduct of government, the President cannot disassociate himself from Congress. Indeed, one should hope that he is exerting a wise, harmonizing influence on the several Senate or House committees engaged in preparing legislation on campus or racial disorders.

He or his office can also urge the local or state authorities to act. We all remember the picture of James A. Perkins, president of Cornell, beaming with the leaders of the SDS and the Afro-American Society, after the faculty voted to support black students' demands, as if all were saying, "cheese, cheese." The Harvard students who threw the nine deans out of University Hall have not been suspended or expelled. Can Cornell and Harvard be called free institutions? Of the faculties the least said the better for the time being. When a community ceases to be a university, then the Attorney General should find a way to put it into receivership. Let's not forget that, whether Governor Faubus liked it or not, Dwight Eisenhower sent detachments of the 101st Airborne Division to Little Rock.

MR. TRUMAN'S MOTTO

Harry Truman kept a motto on his desk: THE BUCK STOPS HERE. Even the buck of a university headed by a weak man may end on that desk in the Oval Room.

The New York Times, the most authoritative organ of woolly thinking in our country, has adopted the position that to appease the students and the other riotous groups we need to settle the war in Vietnam.

Yet the President can be sure that the domestic Viet Cong will never make peace, even after Ho Chi Minh enters Saigon, and every single GI is back from Vietnam. President Nixon should keep the example of Abraham Lincoln constantly in mind. No one of Mr. Nixon's predecessors ever took such liberties with the laws of the land as did Abe Lincoln, but he saved the Union. President Nixon faces an even harder task, for he must save the Union not from a civil but a guerrilla war.

THE CLOCK IS RUNNING OUT IN GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. FRASER. Mr. Speaker, now living in Washington is an exiled Greek political editor, Elias P. Demetracopoulos. Mr. Demetracopoulos has access to considerable information about what is happening in his native country. A few days after the second anniversary of the April 21, 1967, military coup in Greece, Mr. Demetracopoulos sounded a pertinent warning and offered some sound advice to the United States in a speech at the George Washington University. The text of his remarks follows:

GREECE—A NEW VIETNAM?

Tonight I would like to discuss the situation in Greece; a situation which I believe not only denies the Greek people basic democratic rights but is also harmful to the national interests of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection. An attempt will be made to show that the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic developments on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative. In support of this hypothesis ex-Defense Secretary Clark M. Clifford, in testimony before the Senate Foreign Relations Committee last May said, "I believe that the obligation upon us as a member of NATO is such that I place that as a more important consideration than I do the present government of Greece. I believe that we deal with a highly imperfect world, and if we were to confine our help to our Allies on the basis of our approving completely the different types of governments that existed then, I believe that NATO would disintegrate, and I believe that would be a calamity."

If that were true—if indeed the regime offered the only reasonable hope of stability in Greece—it would be possible for me to understand Mr. Clifford's position, even though both as a Greek and as a supporter of free democratic systems of government as a matter of moral and political principle, I am strongly opposed to dictatorship in any form. In my opinion, however, the premise that the Junta has or can bring stability to Greece is false. On the contrary, not only has the current junta failed to provide stability in spite of dictatorial and ruthlessly repressive tactics; it has actually created instability, uncertainty and the very real risk of civil war in Greece.

First, let us begin with the premise that the junta has brought military stability. Both the Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO bases in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet Naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: Have the colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment two whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be Communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence apparatuses. Indeed many of these officers fought against the communists in the Greek guerrilla war. On the contrary, the officers purged by the junta were generally

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considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greet officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers. These usurpers who seized power two years ago are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing Social Order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today it is a real question how much long-range strategy in the area can be built around them.

In view of the Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkay by the Soviet Union's rapid strategic deployment along North Africa's coastline and the Middle East, it is indeed tragic that the Johnson administration should have used these events as reasons for supporting the Junta whose action has weakened the military capabilities and stability of the Greek armed forces.

Let us now turn to the key question of political stability which many supporters of the 1967 coup—including the Junta itself—cite as one of the prime benefits of the current Greek dictatorship. Measuring political stability is not easy when there is martial law and press censorship, when no opposition is permitted, and when violence, although on the increase, is still sporadic. The Junta alleges that they stepped in to save the country from the danger of Communism—yet even Greek Conservative leaders emphasize the fact that the danger of Communism was non-existent in Greece. They overthrew a Conservative Government.

Those who place too great an emphasis on the confused political situation in Greece as a justification for the Colonel's coup must remember that Greece fought a hard and dirty war against a foreign dominated and supported Communist aggression at the peak of the "Cold War" in Europe. The victory, although assisted greatly by U.S. material help and advice, was finally wrested with Greek, and only Greek, blood. If Greece was able to win this victory under a parliamentary government with basic democratic institutions functioning it is inconceivable that the current military dictatorship is necessary to correct alleged political instability.

There are some who argue that there was no political stability prior to the Junta and that the present arrangement is at least an improvement. This argument is superficial and needs a detailed recording of the events and the overall background that preceded the coup.

The fact is that political stability was damaged in the 1965–67 period by the intervention of the Greek Monarchy and its military establishment in the political process, thus perverting the institution of parliament and the mechanism of achieving political stability which had worked well until then. This was done by repeatedly denying the use of the best safety valve available to real democracies—Free elections.

In 1963 and early 1964, the eight years of conservative (ERE) rule under Prime Minister C. Caramanlis, ended at the polls with the largest majority in modern times for the Center Union Party led by the late George Papandreou. The peaceful transfer of power was accomplished in the middle of the Cyprus crisis involving the threat of a shooting war with Turkey, following years of impressive aggressive aggregate growth and financial stability. It was, to be sure, a growth in which many did not share; few reforms in education had been accomplished and not enough employment opportunities had been opened up, as indicated by the thousands who had to seek work abroad.

As Richard Westebbe of the World Bank, formerly senior foreign economic adviser to the Greek government said in 1963 in a penetrating report, "Greece's long-run structural problems concern deficiencies in the structure of production, in public administration, in education, in financial institutions, and in the distribution of income."

The victors promised a better distribution of income, a more rapid modernization of Greece to enable it to enter the Common Market, and a reform of Greece's institutions which, amongst other things, implied the paying of fair taxes by certain privileged classes and a reduced role of the Crown in controlling the Armed Forces and the political processes. In short, a return to the intent of the constitution which would have the King "reign, not rule." In foreign policy, Greece was to become a fully equal member of the NATO Alliance, with a real voice in determining its own destiny. In pursuing these goals there is no question that the Papandreou Government committed a number of mistakes and lost many opportunities.

The Center Union Party was soon faced with the violent and growing opposition of the Crown, the Armed Forces leadership, and the economic oligarchy—an opposition which was enjoying the support of a large part of the official American establishment in Athens. The story can be picked up with the elections of 1961 in which the Army, through the so-called "Pericles Plan," unnecessarily rigged the result to ensure a Caramanlis victory, when the real unadulterated result would have given his party a narrower victory or, at the very worst, would have forced it into a coalition with the Center. The election-rigging gave the liberal forces their cause and they exploited it until their ultimate victory at the next elections. When it was decided to bring down the Papandreou Government, a "treason plot" called "Aspida" was concocted and ascribed to the Prime Minister's son. The charge has never been proven and even the junta, four years later, has been unable to produce any evidence. The Papandreou Government retaliated by resurrecting the Pericles charges and conducting a formal investigation. The Generals panicked and persuaded the King of an imminent plot to seize power by unnamed leftist groups tolerated or led by Prime Minister Papandreou. The result was the overthrow of the elected government and a series of almost comic opera attempts to make parliamentary rump-governments from mid-1965 through Christmas 1966.

The agreement of the conservative and Center Union Parties to hold elections in 1967 in order to restore real parliamentary government, and thus political stability led directly to the Colonels' coup, only a few weeks before the elections were to be held under the Conservative Government of Mr. P. Canellopoulos. By the way he has spent a good part of the last two years under strict house arrest. The Athens colonels have since persecuted the leaders of all of Greece's major political groupings, i.e., the conservatives, the royalists, the Center Union—among whom were several of America's best friends—as well as the left and the extreme left. They have resorted to systematic torture of opponents, as was shown at the recent Strasbourg hearings of the European Human Rights Commission and as has been publicly condemned by leaders of the British, Danish, Swedish, Norwegian, Dutch and Italian governments, among others.

On March 27, 1969, Secretary of State William P. Rogers, in his first major presentation to the Senate Foreign Relations Committee, said he shared the "concern" of Senator Claiborne Pell (D-R.I.), "not only for the torture phase" of Greece's new military regime, "but for other civil liberty" infringements. The Nixon Administration has made an encouraging start on the explosive issue of Greece's military dictatorship, through this statement of Secretary Rogers, who went well beyond any comments of his predecessor.

Senator Pell, speaking in the Senate on October 3, 1968, and January 31, 1969, said: "Over the past months I have become increasingly concerned with one of the more heinous characteristics of the Greek dictatorship. I refer to the brutal behavior of this regime in the treatment of its own citizens." . . . "I said in a speech to this body in May 1967 that I deplored the illegal military seizure and that I deplored, moreover, the lack of any kind of strong, public reaction or expression of disapproval from the United States." . . . "It seems to me that the inescapable conclusion can only be that the revitalization of democracy in Greece is as much in our own interest as it is in the interests of the people of Greece. We should, therefore, do everything we can to encourage its prompt evolution."

Many senior U.S. government officials, at the time of the colonels' coup, argued that there was little the U.S. could have done because the coup took the U.S. by surprise and once it was successfully carried out the U.S. was faced with a fait accompli. This is untrue as the threat of dictatorship in Greece was spotted early and this threat greatly disturbed politically prominent Americans well before the actual coup took place.

As early as September 4, 1962, and again on October 13, 1963, Senator Barry Goldwater (R-Ariz.) in published interviews with this speaker stated: "I am particularly concerned about the political developments in that country (Greece) and I do believe that careful investigation should be carried out on those accusations against our U.S. Embassy role in Athens in the last Greek elections." And in 1963 he said: "I am against the establishment of a dictator any place. That is why I strongly attacked the suggestion made that the establishment of dictatorship in Greece would be an effective solution to Greece's problems. Oh, Lord, No. Greece is the most sophisticated, civilized country in the world. Our democratic way of government came from Greece. It would be tragic if Greece, where democracy itself was first founded, were to go back to a dictatorship. I can't even imagine the Greeks thinking about it."

And in the summer of 1966 a galaxy of highly placed and influential U.S. personalities, covering the spectrum of the American political life, condemned publicly, very strongly and in no uncertain terms, the possibility of a military dictatorship of any kind in Greece, under whatever pretext. They also urged the Johnson Administration to take all necessary steps to ensure that such a catastrophic development for the American interests will not occur.

Their names are: The Speaker of the House of Representatives J. McCormack, Senators V. Hartke, S. Thurmond, E. McCarthy, J. Javits, W. Morse and E. Kennedy. The Chairmen of the House Judiciary, Armed Services and Agriculture Committees, Congressmen E. Celler, M. Rivers and H.

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Cooley. The former Chief of Naval Operations, Admiral A. Burke and the former Supreme NATO Commander in Europe, General L. Norstad. And the then Governor of California E. Brown.

They spelled out their views to me in question-answer format, taped, typed and unofficially signed press interviews, which received wide coverage both in Europe and America. In short, there were numerous, early and authoritative warnings given to Washington, but to no avail.

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens' colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-communist elements in both Greece and Western Europe. Such a movement, even if led by communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all there.

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967 coup and is responsible for keeping the Athens colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the U.S. should realize that these beliefs have done much more than the criticism of the Vietnam War or the DeGaulle policies to undermine basic U.S. positions and interests in this vital area. This point, in many ways the most telling, is supported by such a personality as Mrs. Helen Vlachou-Loundras, well known publisher of the most influential conservative Greek newspapers, who was forced into exile in London, when, after the Junta seized power, she bravely refused to publish under censorship. (Her husband—wartime hero conservative Navy Captain Costas Loundras—was sentenced to eighteen months imprisonment after he was kept by the Junta in solitary confinement for fifty days). Mrs. Vlachou-Loundras spoke about the Greek regime in London on October 17, 1968:

"So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of The Pentagon by the CIA, reared by NATO, surrounded by doting businessmen. It is no use criticizing the Americans, divided as they are between those who would like to chase the junta but can not do it, and those who can, and will not."

The European reaction to the Greek coup can be gleaned in the following statements: West German Socialist Deputy, Klaus Schultz, said recently, "It was 36 years ago that Hitler took power in my country. And he did it under conditions far more democratic than those imposed by the Greek colonels." British Laborite Bob Edwards, during the debate whether to expel Greece from the Council of Europe for violating the 18-nation organization's statutes on human rights, said: "I am amazed at some of these speeches. We heard them between the wars—Franco was going to hold elections. Hitler was no dictator and Mussolini made the trains run on time."

In a futile attempt to improve their international image, to buy desperately needed time and to overcome the stubborn refusal of Greeks of prestige and ability to work for the regime, the junta announced a referendum on a new constitution in September 1968. This document, which received the private blessing of some American officials, in fact, makes the Armed Forces the sole final source of power, the guardian of the status quo and the dispenser of civil liberties in Greece. Thus the constitution in effect gives the wolves the responsibility for guarding the lamb by giving the Athens Junta full power to "protect" the liberties they had already seized from the Greek people. The subsequent referendum on the colonel's constitution resulted in a Soviet style vote of 92.2% and was carried out under conditions of martial law. The really free sentiments of the Greeks became manifest a few weeks later when over 300,000 people in Athens spontaneously demonstrated against the regime and for democracy on the occasion of the funeral for George Papandreou, the last elected Prime Minister. On March 29, 1969, the influential London Economist wrote: "Mr. Papadopoulos (the head of the junta) has clearly reconsidered his views about a regrouping of political forces, which would eventually produce a satisfactory alternative to the present regime. He now argues that the constitution cannot be brought fully into force, and normal parliamentary democracy allowed to function, until the Greeks have acquired the necessary political maturity."

"The slowness with which the authorities are completing some of the legal formalities needed to make the provisions of the constitution operative, suggests that Mr. Papadopoulos is trying to keep all his options open. About a quarter of the constitution is still not even theoretically in force, including the provision for the creation of a constitutional tribunal, which the regime considers essential for the proper functioning of democracy. Nor has the prime minister yet fulfilled his pledge to introduce a law to allow the regime to ease or tighten martial law as it thinks fit, so that the Greeks can show how well they can behave under conditions of relative, or disciplined, freedom. All this deliberate slow motion is justified by the argument that the Greeks need time to acquire enough political maturity to decide who should govern them—although last September they were apparently sufficiently mature to decide in a plebiscite how they should be governed."

On the eve of the NATO Ministerial meeting in Washington, earlier this month, the Junta feeling the weakness of its position—both domestically and internationally—announced a series of supposed "liberalization" measures, under the new constitution. These measures, however, would be applied only after appropriate legislation is drafted and promulgated. According to Mr. Papadopoulos, this will take at least six months. But he did not explain how these two constitutional freedoms of assembly and of association could be reinstated under martial law, even if the legislation required to make them operative were to be enacted. What a mockery! Thus, the aim of his move is quite transparent; a typically flatfooted gesture on his part to forestall several NATO countries pressure for an early restoration of democracy in Greece.

Finally, let us turn to the alleged economic stability which the Junta pledged to bring to Greece. I believe that as a result of the coup, Greece is far more likely to be faced with a serious economic crisis, instead of stable growth.

The rate of growth of the Greek economy which averaged close to 8% a year in the period of 1960–66 was reduced to about half this figure in 1967, when good crops and an illusory increase in services offset a sharp fall in industrial investment leading to stagnation in manufacturing output. In 1968 manufacturing recovered somewhat but low crops held the growth rate to about 4%. Admittedly, the building boom had already leveled off by April 1967. However, the collapse of confidence following the coup led to a sharp fall in business investment and consumer purchasing. Imports into Greece stopped rising, and people hoarded money. The reaction of the Government was to stimulate demand and buy popularity. A massive give-away took place when all farm debts amounting to some $280 million to the U.S. financed Agricultural Bank were written off. This not only penalized farmers who had paid their debts but probably convinced all farmers, who constitute some 45% of the total population, that there is no point in paying future loans, What is perhaps worse is that the immense resources distributed in this way have not been directed towards raising farm productivity and bringing about the long needed structural reform of Greek Agriculture.

Bank credit and Government spending programs were greatly expanded. The money supply increased at an annual rate of 20% in 1967, and although the growth in money has decelerated since, it has not been matched by comparable increases in output. The recovery of consumer demand in 1968 has already led to a renewed import growth and some pressure on prices. Exports barely rose in 1968 and tourist earnings declined for the second year in a row, since the Junta took over. Another mainstay, emigrants' remittances, are stagnant. The result is a worsening balance of payments position. This has been partly shielded by drawings on the secret gold sovereign reserve and partly by a number of short term loans concluded with U.S. and European banks which are reliably reported to be secured by the nation's gold and hard currency reserves.

In the past, Greece's basic current trade imbalances were offset by rapidly growing tourist, emigrants and shipping remittances. These were increasingly augmented by capital inflow, mainly on private account from abroad. The prospect of maintaining balance of payments equilibrium at the present exchange rate and with free imports lay in a hoped for rapid rise in industrial and agricultural productivity. Unfortunately, with low growth rates and a sharp fall in private investments the outlook is for controls and/or devaluation, including rescheduling of all recently contracted short term foreign debt.

Further the mammoth spending programs have created a large inflationary potential which could lead to crisis conditions in a short time.

A confidential 12-page report prepared in March 1968 on Greece's Economic and Financial Developments by the Morgan Guaranty Trust Company of New York, states that:

"The regime has, however, displayed an increasing number of signs that it intends pursuing a 130-style authoritarian course. On the one hand, it has been intensely, nationalistic, having called repeatedly for a regeneration of Greek life. On the other, it has taken a number of steps designed to appeal to the lowest socio-economic groups: freezing prices; raising some incomes; and providing working girls with dowries. All this has taken place against a background of increasingly restrictive measures. Nevertheless, the combination has thus far been successful. Some of the reform introduced by the Papadopoulos government—especially those relating to the bureaucracy—have been to an extent necessary and desirable. The constitution, which the government was supposed to introduce in response to pressures from Western Europe, and has to be made public. However, any constitution which the drafters might develop would be meaningless because the regime does not intend that there be any return to democracy.

"Since the coup, Greek economic activity has slowed down; GNP growth rate is officially estimated to have been 5% in 1967—and privately put nearer to 3%—compared with 7.4% in 1966. Much of this has been due to a slowdown in investment, especially of the private sector. However, in 1967 the trend toward more rapid growth of industrial than agricultural production was reversed—agricultural production grew faster than industrial, largely due to the rapid growth of the latter in 1966. Prices have been stable due to a price freeze. Wages, on the other hand, have been allowed to rise rather rapidly. The overall government

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budget deficit for 1968 will again be large—mostly due to the rising government investment budget."

At the end of March 1969, in a series of speeches to merchants, industrialists and others, Mr. Papadopoulos tried to undo the damage caused to the economy by the crippling uncertainty over the regime's intentions. He was not particularly successful. He insisted that the regime had achieved the political stability needed to expand economic activity. But his claim that it was not a dictatorship, but only a "parenthesis . . .. that was necessary to put things straight," was contradicted by his further assertion that "whether you like it or not, the revolution is a reality and you cannot get rid of us."

The Government made numerous appeals to attract foreign capital. Its most publicized achievement for political, propaganda and lobbying reasons, was the signing of a lucrative contract with Litton Industries (a few weeks after coming to power) which guarantees the latter a handsome annual fee as well as a commission on all investments it induces to come to Crete and the Western Peloponnesus. It is of interest to note that Litton withdrew its proposals prior to the coup, due to overwhelming parliamentary opposition. To date Litton has produced some studies and very small-sized investments coming mainly from the Litton group companies. It would seem that even their corporate name has not been sufficient to overcome the doubts of those who might have put their money in Greece. That's why, according to reliable information, both the Junta and Litton, at this very moment, are mutually dissatisfied with each other's performance. In addition, Litton was unhappy when last year the U.S. Department of Justice disclosed that it had launched an inquiry to determine whether Litton has engaged in activities which require it to register as a foreign agent. Although most foreign investors found pre-Junta Greece a favorable spot for private enterprise, a difficulty did arise in the case of the Esso-Pappas refining, petrochemical and steel complex. This contract was strongly criticized by the Center Union before it came to power and was renegotiated to Greece's advantage while they were in power. Oddly enough, Pappas has since then managed to avoid, with Junta approval most of the less profitable investments he was supposed to undertake and he has emerged as one of the most influential and vocal backers of the Junta in the U.S.

Finally, much has been made of a recent agreement of the Junta with Onassis to establish a new refinery, aluminum plant and tourist investments totaling some $400 million over fifteen years. Specific features, according to reports from Athens, include his right to supply crude oil, in this case Russian, shipped in his own tankers, as well as guaranteed employment for part of his tanker fleet. Further, the prospect of another aluminum plant is far from an unmixed blessing. There is no cheap power left in Greece. Onassis proposed to produce high cost power with his oil in his own thermal plants. He would charge himself an artificially low power rate in order to produce aluminum and would force all other Greek consumers of power to pay a much higher rate for the excess power he would produce. It is significant that the Onassis effort to build the alumina-aluminum plant in partnership with the U.S. Reynolds Metals Company has fallen through and on March 17, 1969, the latter announced that it had ended talks with Onassis.

In summary, instead of bringing about stable economic growth the Junta has presided over a tragic misuse and waste of national resources, in an attempt to buy acceptance and some semblance of legitimacy. The resulting "gold rush" to extract favorable concessions from the Athens Colonels in return for supporting their dictatorship has resulted in the sacrifice of important Greek economic resources and interests which no parliamentary government could have undertaken and remain in office.

Alfred Friendly writes in the Washington Post of April 5, 1969, from Athens:

"The battle of the Greek tycoons, the former brothers-in-law, Aristotle Onassis and Stavros Niarchos, over which one will operate the proposed new $400 to $500 million investment program for a new oil refinery, aluminum plants and several tourist projects raised for the first time the suspicion of corruption with the junta.

"The government's off-again, on-again, handling of the intricate affair may have been merely clumsy or shabby, testifying only to its administrative incompetence. But on its face, the Niarchos proposal, which was ultimately rejected, seemed so much more advantageous to the country than that of Onassis as to suggest bad faith by the regime.

"One would have supposed that, once the suspicion arose, the government would have taken elaborate pains to demonstrate clean hands. After all, one of the Junta's most loudly proclaimed justifications for its coup two years ago was the promise that it would end the notorious corruption of previous governments. If it is subject to the same failing, it loses a principal excuse for its existence.

"Suspected of sticky fingers, the regime's logical response would have been to lay out the proposals in detail, argue them and supply a complete explanation of its final choice. Instead, after a few weeks of pulling and hauling, the junta clamped complete censorship over the whole matter. Nothing more may be printed about it in the Greek press. The consequence was obvious; what was once a smoldering rumor is now a wildfire scandal."

The political anomaly of a banana republic dictatorship in present day non-Communist Europe has led to a suspension of some $55 million of European Bank loans to Greece under the Treaty of Association with the Common Market. The long run future of Greece's association with the Common Market, the first of its kind, is in fact in doubt. As Greece's chief Common Market negotiator John Pezmatzoglu, then Deputy Governor of the Central Bank, said in a 1966 Bank of Greece message, the economic union of Greece with the EEC was based, on the mutually agreed, basic objective of an ultimate political union of Greece with its European partners.

Since then the Governor of the Central Bank, Professor X. Zolotas, an internationally respected central banker, and the equally prominent Professor J. Pezmatzoglu have resigned in protest over the Junta and its policies. In fact, the great bulk of Greece's trained professionals have refused to participate in the Government, a phenomenon which has seriously hindered efforts at rational economic policy formulation and implementation. Last year, during a Congressional investigation conducted by the House Subcommittee on International Finance, on the proposed first World Bank loan to Greece, its influential Chairman, Congressman Henry S. Reuss of Wisconsin, criticized strongly the World Bank and the Johnson Administration for the proposed loan. He even criticized some of the new so-called "non-corrupt" leadership of Greece's economy when he identified the new Deputy Governor of the Bank of Greece, a Mr. Constantine A. Thanos, as having plagiarized his doctoral dissertation and other works and whose proposed appointment to the faculty of the University of Athens, in 1963, was vetoed because of these affairs. Reuss also questioned whether Greece, governed by such people and under these conditions, could be considered creditworthy for international public lending.

In conclusion I believe that it is imperative for the Nixon Administration, which is in the advantageous position of having no responsibility for the events and policies of the last few years, to conduct a basic and urgent review of US policy towards Greece on the following grounds:

A. The assumption that the current military regime in Athens has or can bring stability is incorrect.

B. The Junta has greatly weakened Greece's military capability and political ability to fulfill its NATO commitments.

C. The situation in Greece is potentially dangerous.

If present policies are continued, a new Vietnam could result.

D. The widespread belief in Europe that the U.S. is responsible for the coup and for keeping the colonels in power is seriously damaging to America's position in Europe.

E. The existence of a military dictatorship in Greece is morally and politically repugnant especially to the extent that it appears that the United States is supporting this regime.

In considering U.S. policy towards Greece I would like to here make several points directed primarily to American conservatives. It has been a tragedy that many American opinions and actions concerning Greece have been viewed as a political issue between conservatives and liberals. As a result of the opposition to the Greek junta by many prominent American liberals, all too many American conservatives have not realized the true nature and intent of the current Greek regime. While Greek political liberals have suffered as a result of the coup, as many Greek conservatives with well-known anti-communist credentials have been suppressed, imprisoned, and driven into exile by the junta. In fact, many of the most severe critics of the coup and the current regime could be described as conservatives. In the light of the Athens colonels' past and continued repression of anti-communist Greek conservatives and the often-forgotten fact that the colonels seized power from a conservative government, I would ask some American conservatives who have either largely remained neutral or have supported the current Greek regime to reconsider their positions. For the situation in Greece cannot be described or understood along American political lines. In this case both American liberals and conservatives, perhaps for different but compatiable reasons, should oppose the authoritarian dictatorship imposed on the people of Greece by a small group of

Thus, in reviewing U.S. policy towards
colonels in Athens.
Greece I would suggest that the following specific changes in the policies inherited by the Nixon Administration would be both in the interest of the United States and the Greek people.

ACTION

1. A Clear-cut public condemnation of the Greek Junta by the new administration and real efforts of disassociation from the Johnson Administration policies, attitudes and methods used in dealing with Greece.

2. Delay the appointment or appoint, but do not dispatch, to Athens a new U.S. Ambassador and make clear to the junta and the NATO Allies the real reasons for such a delay.

3. Terminate immediately and completely all U.S. military aid to the Athens regime and reverse the disastrous decision taken on October 21, 1968, during the dying gasps of the previous Administration, to resume delivery of major U.S. military equipment to the Athens Colonels. Such a decision, under those circumstances, gave in effect official public U.S. government approval to the Athens military dictatorship.

With the U.S. presidential elections only two weeks away, the Congress adjourned, and three weeks after a rigged "referendum," conducted by the Greek Junta under martial law, the Johnson Administration felt that it was safe and advisable to go ahead with a decision that was strongly debated and

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shelved repeatedly by the same Administration in the past.

4. Take the initiative for joint NATO action against the Junta by exercising maximum diplomatic, economic and military aid pressure, on a well coordinated basis, in behalf of the Atlantic Alliance. Such an American initiative will take options away from Moscow policy-makers and will build up U.S. influence in NATO and among the European liberals, intellectuals and youth. Such a U.S. initiative would have worldwide favorable repercussions and Washington will be in a better position to exploit existing turmoil among Moscow's Eastern European Communist satellites, non-satellites and the Communist parties in non-Communist Europe.

5. Give full U.S. support to the efforts of the Common Market and the Council of Europe to isolate morally, politically and economically the Athens Colonels.

6. Find other appropriate ways and means to support actively and effectively all anti-junta, anti-communist elements who represent the vast majority of the Greek people.

7. Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek Junta in Greece and the rest of Europe, including the use of the Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

8. As a last resort, taking up a line already gaining ground in NATO, particularly in Denmark, Norway, The Netherlands and Italy, and moving to expel Greece from the Alliance.

POINTS

A. All the above peaceful measures are sufficient if used effectively, in my opinion, to overthrow the Greek dictatorship without bloodshed, and without risking American lives, as you do in Vietnam today, or you did in Korea, Lebanon and in the Dominican Republic. The Nixon Administration must have learned some very valuable lessons recently with the events in Pakistan, the crisis in Peru and the negotiations over the Spanish bases. These events proved the grave risks inherent in dealing with anti-Communist military dictatorships and should help dispel the myth that such regimes serve effectively the U.S. interests.

B. If the Junta is overthrown by these peaceful measures proposed to the Nixon Administration, Washington will be in a much better position to deal also with the Middle East crisis, having the full support and cooperation of the liberated (with American support) Greek people, and the U.S. and NATO bases presently in Greece will not any longer be surrounded, as is the case today, by an increasingly hostile population, which makes their value presently, in case of emergency, at least doubtful.

C. More than 100,000 hard-core Greek Communists live in various parts of the Eastern European communist world, including the thousands of young children abducted by the retreating Greek Communist guerilla forces in 1949. These children are now completely trained militarily and indoctrinated. Greece has very extended and rugged mountain frontiers with her northern Communist neighbors. These facts may represent, at a given moment, an ace in the hands of Moscow and Peking.

D. Greece's unique geographical position places her athwart the crossroads of Europe, Asia, the Middle East, and Africa. The Middle East and Africa are two areas where the Greeks for centuries have maintained the closest ties and interests. On the northern borders of Greece is a kaleidoscope of three different kinds of communism: The Peking style in Albania (where more than 2,000 Chinese advisors are stationed in this first Chinese beachhead in Europe), the Moscow style in Bulgaria, and the Tito style in Yugoslavia. This fact itself makes Greece a very good western "window", and ideal listening and influence post for the Southeastern European area. But it also makes Greece far more exposed to external communist and Slavic chauvinistic pressures now greatly complicated by the current Sino-Soviet confrontation.

E. The U.S. record over the last decade clearly shows a very benign attitude toward right-wing military coups while registering great alarm over left-wing ones. The so-called Schwartz doctrine (former State Department policy planner and top Pentagon authority on international security affairs) makes clear the U.S. will not interfere with extra-constitutional, totalitarian rule by anti-Communist governments. This double standard justified accusations all over the world and naturally Greece.

We were all dismayed at the ruthless crushing with Soviet military power of the modest liberal reforms which were taking place in Czechoslovakia. No satellite could be allowed to sway that far from orthodoxy and control in the minds of Warsaw Pact hard liners. Moscow paid a heavy price in terms of world condemnation and the discrediting of hard core Czech Communists. To many, the parallel of the U.S. position in Greece is disquieting. And Moscow's diplomats and propagandists are counter-attacking criticism aimed at their Czechoslovakian action by pointing to the U.S. role in Greece since April 1967. For the coup against the prospect of a liberal, but pro-NATO government was carried out by people closely connected with the U.S. military, intelligence and financial complex, with U.S. weapons and using a top-secret emergency NATO plan. All in the name of anti-Communism, the preservation of the orthodoxy of Greece in the Western Alliance and protecting the Monarchy, which the Junta forced into exile eight months later. Moscow intervened with Soviet troops to crush what she considered dangerous Czechoslovak liberation tendencies. While I do not believe that the use of U.S. troops to protect the freedom of the Greek people was or is necessary, it is a tragedy that the Johnson Administration played the role of Pontius Pilatus while U.S.-supplied tanks were used to crush Greek democracy even though ample warnings about the impending coup existed. That the Johnson Administration, on many occasions, has given the impression of supporting the dictatorship of the Athens Colonels, is doubly disquieting, considering that the freedom of the Greek people was guaranteed by NATO which Greece freely joined as a free nation in 1952.

In the process the U.S.'s best friends were systematically destroyed. In the end the Greeks will force their oppressors out of power. The process could be bloody and might well involve the U.S. in another Vietnam type situation. It is, therefore, legitimate to ask why long-term U.S. interests are being sacrificed in Greece for the sake of a ephemeral appearance of security and stability and whether it is wise to continue along this road to disaster much longer.

ANATOMY OF A ROAD

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. McDONALD of Michigan. Mr. Speaker, on Monday I was privileged to join with highway officials and representatives of industries deeply involved in highway safety in previewing a film, "Anatomy of a Road."

This is a 27-minute, 16-millimeter color film produced by CBS Productions in Detroit. It will be distributed through General Motors film libraries and Modern Nation.

Its aim is to foster public appreciation of the value of good roads by helping the layman to understand what is involved in roadbuilding.

As "Anatomy of a Road" makes abundantly clear, roadbuilding is a complex, difficult process requiring substantial capital investment, legislative action, legal due process, engineering skill and hard work. It is easy to see why roadbuilding takes time.

Many people today are appalled at the cost of modern highways and many have even wondered whether they are worth that cost. "Anatomy of a Road" endeavors to set that record straight by showing the public where its tax dollars go.

The film also covers such controversial areas as funding, land acquisition and beautification.

"Anatomy of a Road" explains and illustrates each of the major steps in highway construction from preliminary planning through completion and maintenance.

Mr. Speaker, this is a most informative and important film. I am hopeful every Member of this body will have the opportunity of viewing it. I am also hopeful each Member will advise schools, service clubs, and television stations in his district of its availability.

THE NATIONAL DEFENDER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mrs. MINK. Mr. Speaker, one of society's greatest concerns is the crime rate, which has been increasing in recent years to an unprecedented level. All of us are looking for solutions, and among many aspects worthy of attention is improvement in the judicial system.

I have long felt that we should provide a Defender General to rank equally with the Attorney General in our judicial systems. At the various judicial levels, the Defender General would help insure that each defendant received his full legal rights.

Such a system was acted on by the Hawaii Legislature this year, with prospects that it could become a model for public defender systems in other States. Significantly, Gen. Charles L. Decker, director of the National Defender Project, predicted that Hawaii's plan could "reduce the crime rate 15 percent in the first year."

General Decker's remarks, "A Look Ahead," were made before the National Legal Aid and Defender Association in Washington, D.C., on May 16, 1969. Because of their timely application to today's crime problem, I insert them at this point in the RECORD:

A LOOK AHEAD

(Remarks of Charles L. Decker, director, National Defender Project)

After over five years of lending assistance throughout the country to States, counties

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and cities in striving to provide equal justice in criminal trials we can take stock of the lessons learned from the National Defender Project. Then we can look ahead.

When this project started, we kept an open mind as to the best kind of organization to provide defender services in the communities throughout the country, one conclusion was definite before we had been in operation a year—providing defense to those who cannot afford a lawyer is not a job to be accomplished at the last minute by the random assignment of counsel. In every State there should be an organization worked out so that counsel are provided efficiently, so that court calendars are not delayed, so that defense counsel is competent in representation.

We suggest to you that the proceedings at this conference have made it clear that every State should have an organization at the State level—and the Nation at the national level as well—which would be headed by a man whose title would be that of defender general or director of defense. The old statement that a rose would smell as sweet by any other name may be true. However, in governmental organization, names and titles do have significance. The title given to the man who is responsible for the representation of defendants should be equivalent to the title given to the man who is responsible for prosecutions. The title public defender is associated with defense of the poor individual cases. The title defender general would mark the man responsible for criminal defense generally—proper representation of all defendants. He would be responsible for policy as well as law.

You have heard from State public defenders at this conference and you have been able to question them—and you can question them further—as to the efficiency of their organizations. Wherever such an organized system exists, we submit that many of the deficiencies discovered in the operation of the criminal process can be corrected by conference and mutual agreement between the State public defender (and from now on I will refer to him as the defender general) and the attorney general of the State. Where improvements can not be made in the criminal process without legislation, the defender general and the attorney general can consult. They can recommend improvements to the judicial conference. With the judiciary, the prosecution and the defense in agreement, they may present a fair case for any legislative reforms that are needed. Such support for legislation would go far in removing the frequent lags in legislative reform.

Where the bench, prosecution and defense do not agree, each can present the views pertaining to his activities to the appropriate committees of the legislature, and we can rely on the American process to resolve disputed problems better when the three parties to the criminal process are all represented—not just the judiciary and the prosecution.

By achieving improvement among State officials where legislative change is not required we cut down appeals and post-conviction proceedings. By more efficient accomplishment of needed legislative changes, we cut down still further the probability of appeals and post-conviction proceedings. In sum, we come closer to our goal. When we are able to try cases correctly in the first instance, gentlemen, we give to the citizens of the city, the county and the State a feeling of confidence in the fair and equitable administration of justice. That makes for a better society and a stronger government.

Many of you who are here today are working in your own communities to establish State defense organizations that will fulfill the purposes of which we have spoken. I suggest to you that, when the leaders of the bench, the bar and the community have worked out a plan which fits a community, they still have the job of public education. We must bring the administration of criminal justice home to every neighborhood if it is to have full support. I suggest that there is one ingredient that must be added to an intelligent and workable plan. That ingredient is grim, dogged persistence on the part of leaders in continuing education and re-education of the community—and let all the community join in the great work.

These observations on the need for organization and on the need for a State Defender General and a Federal Defender General apply to the present and the very near future. They are not long range. They are coming to pass—in fact, they have passed and are passing—you have heard at this conference of two State legislatures which have passed bills providing for organized defender systems headed by a State Public Defender within the past two weeks. Currently, the legislature of Hawaii is considering the best plan to date. If the bill passes as written, and if carried fully into effect, I am of the opinion that it will reduce the crime rate 15% in the first year.

Before I move a little further into the future, I want to say once again what you have heard from many others already at this meeting. For nearly two centuries the lawyers of America have been donating free services to defendants in criminal cases who could not afford lawyers. I submit to you that we have been trying too long in vain to prove the falsity of the old adage: "You get what you pay for." The only way to provide competent representation is to pay for it, and I suggest that the principal source of these funds should be the governmental source. The Government has the primary interest in the proper administration of criminal justice. It should pay the charges for both the prosecutors and the defenders. I would also like to observe in passing that, in my opinion, both prosecutors and defenders are underpaid and that we will have a better administration of criminal justice when the compensation of the lawyers on both sides of the table in a criminal trial comes closer to the compensation realized by attorneys of like training and experience who practice in other areas of the law.

Now I would like to pass to a look that goes somewhat further into the future.

About half the business of our courts is now related to the administration of criminal justice. I suggest to you that the time has come to have a department of criminal justice—or it should take whatever name seems most appropriate to the government concerned. But it should be a department at the cabinet level of government. It could be headed by a director of criminal justice who might be appointed by the duly elected chief executive officer of the government. I further propose to you that under the director of criminal justice should be gathered all of the activities pertaining to the administration of criminal justice other than the judiciary. I believe that the best way to provide competence and continuity would probably arise out of a system which would give to all members of the department of criminal justice a professional career status or a status providing similar continuity and security. I believe that all of the heads of departments under the director of criminal justice should be career lawyers and that there should be, within the department, a career management division to see to it that the lawyers were so assigned that they reached high stages of competence in the whole area of criminal justice as they progressed in their careers.

Under the Director of Criminal Justice, at the very least, should be a Director of Prosecutions, a Director of Defense, a Director of Police and Investigations, a Director of Legal Research and Planning (who would be responsible for preparing the positions of the department to be presented to the legislature) and, above all, a comptroller who would be charged with continuous study to provide efficiency and proper compensation and to insure against the waste of Government funds. Of course, the Department of Corrections and Rehabilitation would be under the Director of the Administration of Criminal Justice. Under a career plan it would be expected that the career lawyers would be moved through the various activities so that, at the end of 15 or 20 years, they would have a thorough comprehension.

Ultimately, we suggest to you that the Director of Prosecutions and the Director of Defense would not supervise or interfere in the trial of individual cases. They would be policy makers and would direct the flow of case assignments. Further, there should come a day when lawyers will no longer be designated defense attorneys or prosecution attorneys. They should be lawyers who could objectively do a full and fair job of representation on either side at any time. Thereby we would avoid any tendency to assign the more outstanding career counsel to either prosecution or defense.

We suggest to you that there should come a time when every individual, rich or poor, would be assigned a defense counsel by the Government. If the individual then wished to retain his own counsel, the Government counsel could be excused and the individual could retain and, of course, pay his own counsel.

To those who would say that this would destroy the criminal bar, I suggest to you that nearly all of our prominent defense lawyers had their original defense training in prosecutors' offices and stepped from Government employment into private practice. I suggest further that career lawyers would continue to step into private practice so as to provide a good supply of private practitioners who would be, of course, in the higher pay bracket. Correspondingly, qualified private practitioners could be admitted at appropriate levels into the career system, thus providing appropriate infusions of new ideas and cementing the Department of Criminal Justice more closely to their brothers in other areas of practice.

Not a single one of the ideas that I have placed before you in these past few minutes is less than a thousand years old. Good men are born, flourish briefly here on earth and then they die. Good ideas are born, flourish briefly or for a long time, then they are lost or isolated in other countries in a time of social upheaval—but they never die. As we look to the future, let us find and reassemble some of the best ideas, organize and implement them, so that the idea of equal justice will become a mature reality that will never die.

A SALUTE TO A NEW PUBLICATION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. LEGGETT. Mr. Speaker, the problem of urban blight, both physical and psychological, has consumed an enormous amount of time in the Halls of Congress and the corridors of Government agencies and special commissions. Many of us are beginning to feel that the decaying structure of the inner city is irreversible. It is heartening to learn therefore that a group of Washington inner city residents are attacking one segment of this problem on their own.

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I refer to the publishers of the upcoming magazine the People on the Streets. These three young men, Peter A. Noterman, a noted corporation lawyer, Richard Margolies, a member of the Institute for Policy Studies, and Vernerd Gray, a photographer, have already entered the prepublication stage of this venture.

Mr. Noterman, the spearhead of the group, has stated that there is a striking need for communication among inner city residents, but this need is not fulfilled through the existing channels. People seldom write letters to their friends or to those they can expect to see from time to time in their neighborhoods.

If a man has an idea he generally speaks it to his wife, or friend, or bar companion, smuggling it into general conversation, and watching it drift away with the usual vague smoke of talk.

If the person with the complaint or concept is possessed of an itch to write, he composes a poem or story or formal essay, perhaps manages to have it accepted for publication, and addresses it to distant readers whose names and circumstances he cannot know.

The theory behind the People on the Streets is striking in its simplicity and accessibility. Beginning in July, the magazine will be published and distributed to the people who live in the Adams-Morgan and Dupont Circle areas of Northwest Washington. It is open to all who wish to write for it. It is to serve as an instrument whereby people can write about what they know and think for their friends and enemies; parents and teachers; fellow writers and workers.

This is to be a self-supporting venture, not dependant on public or foundation funds.

I am sure all the Members of the House will applaud this venture which will attempt to solve a local problem on the local level with local participation.

APOLLO 10 TO CREDIT OF MILITARY, INDUSTRY

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. BLACKBURN. Mr. Speaker, I am sure most Members of Congress have received numerous letters berating the military-industrial complex, containing a quote, taken out of context, from the farewell address of former President Eisenhower.

It was, therefore, very gratifying to me to read a letter written to the editor of the Atlanta Journal upholding the work of the complex. The letter is in regard to one of the more outstanding accomplishments of the so-called complex.

I might add, Mr. Speaker, that the accomplishment makes me proud to be an American.

The letter follows:

LETTERS TO THE EDITORS: APOLLO 10 TO CREDIT OF MILITARY, INDUSTRY

THE EDITORS: As I watched in awe the beginning of the Apollo 10 flight, I was so deeply impressed, as I am sure many other millions of Americans were, with the incredible bravery of the crew and with the fantastic technological achievement it represented. There are few Americans, I think, who did not feel a deep sense of pride in the accomplishment of our fellow Americans who brought this to realization.

And then my train of thought went on to ponder that these men who rode Apollo 10 and the men who designed and built it were members of the so-called "military-industrial complex." The latter term has somehow been subtly used as a dirty word by the left wingers and even by some of our national legislators, who at best should know better and at worst bring their patriotism into doubt. Most charitably perhaps, they should be viewed as dupes of the people who seek to make of the United States a second rate power. The "military-industrial complex" is not a monolithic, faceless, inorganic mass. It is composed of individuals whose sons fight, bleed and die in Vietnam just as the inhabitants of the ghetto do and just as many other American sons are doing. I am sure that there are none in this "complex" who would not want the war over tomorrow and their sons back in the States regardless of the consequence it might have on their business or on their career.

The same companies that made the spacecraft, the fuel that powered it, the instrumentation that directed it, are almost without exception manufacturers of goods for civilian and peace time use to a much greater percentage than their war business represents.

One final word. The military is being assailed in some quarters for the Vietnam war, when any thinking person knows that the decisions which brought on our involvement in the war and even in the pursuit and conduct of the war itself, are almost entirely political. So let's get off the back of the military and industrial complex and give them the honors which they deserve for their amazing achievements and for making our country strong and keeping it that way.

FREDERICK J. WALTERS.

ATLANTA.

THE ECONOMICS OF MILITARY PROCUREMENT

HON. WILLIAM H. HARSHA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. HARSHA. Mr. Speaker, it was with great interest that I noted today's publication of the report, "The Economics of Military Procurement," by the Economy in Government Subcommittee of the Joint Economic Committee.

To say the least, this excellent and perceptive report does much to pinpoint the too long endured squanderbund of multibillions of taxpayers' dollars by the obviously grossly mismanaged area of military procurement within the Department of Defense.

Certainly, among other things, this report does much to underscore the propriety of my presentation, before this body, of two rather typically routine cases of the great morass of competition restriction and dollar waste too long permitted within the U.S. Army Electronics Command.

My first presentation, on May 15, concerned that which, with pointed conservatism, I estimated to have cost $835.125 in sheer waste. Though, admittedly, this was the smallest such case that I could find in my file, my second presentation, on May 26, concerned that which, again with pointed conservatism, I estimated to have cost at least $30,000,000 in waste out of a total sum of about $75,000,000 spent on one project.

It is, therefore, quite understandable that I found abundant documentation of my own discoveries and my own effort to expose and remedy this incredible condition in such statements as these within the subcommittee's incisive indictment of Department of Defense procurement practices and procedures:

> There is evidence that literally billions of dollars are being wasted in defense spending each year.
>
> Huge cost overruns, slipshod management of multi-billion dollar weapons programs and concealment of information from Congress and the public have become common practices at the highest levels of the Pentagon.

In my concern and efforts regarding this strange, even suspect, disdain by the military procurement people for the American tradition of free competition and sound, dollar-conscious business practices, it is understandable that I also found documentation and support for my position in the fact that, among the subcommittee's specific criticisms were:

> Lack of competition in procurement practices producing high costs, poor performance and late delivery of items being purchased.
>
> Some experts believe that in the absence of effective competition procurement costs are 25 percent to 50 percent higher than what they would be under competitive conditions.

All of these elements of complaint and criticism lay shockingly at the heart of both of the Army Electronics Command cases which I have placed before the House. Although these cases are tragic enough, the greater tragedy is found in the fact that they are neither new nor different from a bizarre pattern of performance which, dating back to the urgency of World War II, has proved the backbone of the ever-expanding, already monstrously hulking phenomenon which the late President Eisenhower defined as the "military-industrial complex," and against which, with both wisdom and concern, he attempted to warn us.

As I told this body yesterday, the kindest thing that can be said for those responsible for this condition would be "incredible indifference," or "inordinate stupidity"; for to brand it more severely—and perhaps we should—would tend to suggest the possible propriety of the indictment and prosecution of someone, somewhere.

Meanwhile, as I also noted, it is in consideration of this problem which, obviously, the military procurement people will not rectify by themselves, that I am currently drafting legislation designed for remedy.

XUM

HOUSE OF REPRESENTATIVES—*Wednesday, May 28, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let us follow after the things which make for peace.—Romans 14: 19.

Eternal God, our Father, in whom our fathers trusted and were never let down, bless us this day as we bow before Thee in loving memory of those who laid down their lives for our country.

We thank Thee for men and women in time past who gave themselves that freedom may have fresh air in our Nation, and we are grateful for those in time present who are giving themselves that liberty may continue to live in our land.

That these may not have lived and died in vain we pray Thee to unite our people in one great purpose to preserve the principles of freedom, justice, and good will, and by Thy grace may we learn to live together in the spirit of true brotherhood.

Pour out Thy spirit upon us in such measure that we may turn from war to peace, from poverty to plenty, and from hate to love, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 23, 1969, the President approved and signed bills of the House of the following titles:

H.R. 33. An act to provide for increased participation by the United States in the International Development Association, and for other purposes; and

H.R. 8794. An act to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 278. An act to consent to the New Hampshire-Vermont interstate school compact.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 60. Joint resolution to establish a Commission on Balanced Economic Development.

FLAG DAY CEREMONIES

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, the 192d anniversary of Flag Day will be celebrated on Saturday, June 14, 1969. It was on Saturday, June 14, 1777, that the Continental Congress adopted a resolution which provided "that the flag of the 13 United States be 13 stripes, alternate red and white: That the Union be 13 stars, white in a blue field, representing a new constellation."

During the ensuing 191 years, 37 stars have been added to that blue field, and the American flag has continually flown as a symbol of true liberty.

In 1917, during the First World War, President Woodrow Wilson issued the first Presidential proclamation calling upon the entire Nation to hold appropriate ceremonies on June 14 to honor our flag. For the past 2 years the House of Representatives has reinstituted dignified and appropriate Flag Day ceremonies in this Chamber.

Mr. Speaker, because I believe it important that the House of Representatives continue this tradition, to again give honor to our Stars and Stripes and to the principles which our flag symbolizes, I ask unanimous consent that it may be in order at any time on Thursday, June 12, 1969, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Chair may state for the information of the Members of the House that after consultation with the distinguished minority leader the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted: The gentleman from Texas, Mr. Brooks; the gentleman from Alabama, Mr. Nichols; the gentleman from Indiana, Mr. Roudebush; and the gentleman from Missouri, Mr. Hall.

POSTAL REFORM

(Mr. KLEPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KLEPPE. Mr. Speaker, through the years, the U.S. postal system has been something like the weather. Everybody talks about it but nobody does anything about it.

Now President Nixon and Postmaster General Blount have come forward with innovative ideas for reforming the postal system, for bringing it into the 20th century, so to speak. The Pony Express had a place in its time but that time has long passed.

Certainly there must be improvement in the general management of the Post Office Department. There must be better service at reasonable rates.

The fact that the Nixon administration clearly recognizes the need for reform of the postal system is a proposed long step toward the achievement of this goal.

POST OFFICE DEPARTMENT

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I have been reading here a little about a new bill to turn the Post Office Department into some kind of corporation—a la big business.

If they are going to turn it over to a corporation, for example, like the automobile companies that cannot even build automobiles that will not fall apart, I am not so sure that they are going to improve the Post Office Department at all. In fact, possibly they could make it worse.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I am glad to yield to the gentleman.

Mr. GROSS. We are hearing a great deal about this noble enterprise of establishing in the Federal Government probably the biggest monopoly, at least one of the biggest monopolies, in the history of this country—a monopoly that would involve a $7 billion annual business and 740,000 employees.

There are any number of questions—scores of unanswered questions concerning this proposal. I hope this proposal will be fully explained to the public and I hope those who now so enthusiastically support this proposition will be prepared to answer all of the vital questions.

Mr. HAYS. I do not know that they will be prepared to answer. There is one thing wrong with the proposition, it will not get enough votes.

The SPEAKER. The time of the gentleman from Ohio has expired.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-27)

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

To the Congress of the United States:

I am pleased to transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1968. During that year, retirement and survivor benefit payments totaled $1,403,000,000 and were paid to over one million beneficiaries. Unemployment and sickness benefits provided by the Railroad Unemployment Insurance Act amounted to $76,000,000 and were paid to almost 300,000 beneficiaries. I commend this report to your attention.

Richard Nixon.

The White House, *May 28, 1969.*

FOURTH ANNUAL REPORT OF OFFICE OF ECONOMIC OPPORTUNITY, FISCAL YEAR 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-123)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed with illustrations.

To the Congress of the United States:

I am transmitting herewith the fourth annual report of the Office of Economic Opportunity, covering that office's activities during fiscal year 1968.

RICHARD NIXON.

THE WHITE HOUSE, *May 28, 1969.*

FOREIGN AID—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-122)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Americans have for many years debated the issues of foreign aid largely in terms of our own national self-interest.

Certainly our efforts to help nations feed millions of their poor help avert violence and upheaval that would be dangerous to peace.

Certainly our military assistance to allies helps maintain a world in which we ourselves are more secure.

Certainly our economic aid to developing nations helps develop our own potential markets overseas.

And certainly our technical assistance puts down roots of respect and friendship for the United States in the court of world opinion.

These are all sound, practical reasons for our foreign aid programs.

But they do not do justice to our fundamental character and purpose. There is a moral quality in this nation that will not permit us to close our eyes to the want in this world, or to remain indifferent when the freedom and security of others are in danger.

We should not be self-conscious about this. Our record of generosity and concern for our fellow men, expressed in concrete terms unparalleled in the world's history, has helped make the American experience unique. We have shown the world that a great nation must also be a good nation. We are doing what is right to do.

A FRESH APPROACH

This Administration has intensively examined our programs of foreign aid. We have measured them against the goals of our policy and the good of our conscience. Our review is continuing, but we have come to this central conclusion:

U.S. assistance is essential to express and achieve our national goals in the international community—a world order of peace and justice.

But no single government, no matter how wealthy or well-intentioned, can by itself hope to cope with the challenge of raising the standard of living of two-thirds of the world's people. This reality must not cause us to retreat into helpless, sullen isolation. On the contrary, this reality must cause us to redirect our efforts in four main ways:

We must enlist the energies of private enterprise, here and abroad, in the cause of economic development. We must do so by stimulating additional investment through businesslike channels, rather than offering ringing exhortations.

We must emphasize innovative technical assistance, to ensure that our dollars for all forms of aid go further, and to plant the seeds that will enable other nations to grow their own capabilities for the future.

We must induce other advanced nations to join in bearing their fair share—by contributing jointly to multilateral banks and the United Nations, by consultation and by the force of our example, and by effective coordination of national and multilateral programs in individual countries.

We must build on recent successes in furthering food production and family planning.

To accomplish these goals, this Administration's foreign aid proposals will be submitted to the Congress today. In essence, these are the new approaches:

1. ENLISTING PRIVATE ENTERPRISE

I propose the establishment of the Overseas Private Investment Corporation.

The purpose of the Corporation is to provide businesslike management of investment incentives now in our laws so as to contribute to the economic and social progress of developing nations.

The majority of the Board of Directors, including its President, will be drawn from private life and have business experience.

Venture capital seeks profit, not adventure. To guide this capital to higher-risk areas, the Federal government presently offers a system of insurance and guaranties. Like the Federal Housing Administration in the housing field here at home, the Overseas Private Investment Corporation will be able to place the credit of the United States Government behind the insurance and guaranties which the Corporation would sell to U.S. private investors.

The Corporation will also have a small direct lending program for private developmental projects. It will carry out investment survey and development activities. And it will undertake for A.I.D. some of the technical assistance required to strengthen private enterprise abroad. The financial performance of OPIC will be measurable: It is expected to break even or to show a small profit.

The Overseas Private Investment Corporation will give new direction to U.S. private investment abroad. As such, it will provide new focus to our foreign assistance effort.

Simultaneously, I propose a mandate for the Agency for International Development to direct a growing part of its capital, technical and advisory assistance to improving opportunities for local private enterprise in developing countries—on farms as well as in commerce and industry.

We do not insist that developing countries imitate the American system. Each nation must fashion its own institutions to its own needs. But progress has been greatest where governments have encouraged private enterprise, released bureaucratic controls, stimulated competition and allowed maximum opportunity for individual initiative. A.I.D.'s mandate will be directed to this end.

2. EXPANDING TECHNICAL ASSISTANCE

I propose a strong new emphasis on technical assistance.

Over one-fifth of the funds requested for fiscal year 1970 are for technical assistance activities. Imaginative use of these funds at the points where change is beginning can have a gradual but pervasive impact on the economic growth of developing nations. It can make our dollars for all forms of aid go further.

Technical assistance takes many forms. It includes the adaptation of U.S. technical knowledge to the special needs of poor countries, the training of their people in modern skills, and the strengthening of institutions which will have lives and influence of their own. The main emphases of technical assistance must be in agriculture, education and in family planning. But needs must also be met in health, public administration, community action, public safety and other areas. In all of these fields, our aim must be to raise the quality of our advisory, training and research services.

Technical assistance is an important way for private U.S. organizations to participate in development. U.S. technical assistance personnel serving abroad must increasingly come from private firms, universities and colleges and non-profit service groups. We will seek to expand this broad use of the best of our American talent.

A.I.D. is preparing plans to reorganize and revitalize U.S. technical assistance activities. A new Technical Assistance Bureau headed by an Assistant Administrator will be created within A.I.D. to focus on technical assistance needs and ensure effective administration of these activities. The bureau will devise new techniques, evaluate effectiveness of programs, and seek out the best qualified people in our universities and other private groups.

To make it possible to carry through these plans most effectively, I am requesting a two-year funding authorization for this part of the A.I.D. program.

3. SHARING THE ASSISTANCE EFFORT

I propose that we channel more of our assistance in ways that encourage other advanced nations to fairly share the burden of international development.

This can be done by:

—Increasing jointly our contributions to international development banks.

—Increasing jointly our contributions to the United Nations technical assistance program.

—Acting in concert with other advanced countries to share the cost of aid to individual developing countries.

Most development assistance—from other advanced nations as well as the United States—is provided directly from one country to another. That is under-

standable. Such bilateral programs provide assistance in accordance with each country's own standards, make the source more visible to the recipient's people and can reflect historical political ties.

But assistance through international development banks and the United Nations is approaching a fifth of total world-wide aid for development and should be expanded. Multilateral programs cushion political frictions between donors and recipients and bring the experience of many nations to bear on the development problem. Moreover, they explicitly require shared contributions among the advanced nations. This calls for funds in addition to those which I am proposing today.

I appreciate the prompt response by the Congress to my earlier proposal authorizing the United States to join with others in the second replenishment of the International Development Association. I urge early passage of appropriations for this contribution so that we may meet our pledge.

I reaffirm my request for appropriations in Fiscal 1970 of $20 million for the ordinary capital of the Asian Development Bank, and $300 million for our scheduled contribution to the Fund for Special Operations of the Inter-American Development Bank.

In separate legislation I will submit a new proposal for a U.S. contribution of $25 million to the Special Fund of the Asian Development Bank in FY 1970. I am convinced that a fairly-shared Special Fund, to enable the Bank to provide concessional financing for priority needs, is a necessary supplement to the Bank's ordinary lending facilities. The United States should join with other donor countries in establishing this Special Fund, and strengthen the Bank so that it can better deal with Asia's current development problems and future needs.

The United States will consult with the management of the African Development Bank and with other potential donors, to identify the most appropriate way we can support the objectives of African development and assist in meeting the needs of that continent.

Today's proposed legislation includes a 43 per cent increase in the U.S. contribution to multilateral technical assistance through the United Nations Development Program. Our contribution will be on the same sharing basis as in the past.

4. FURTHERING FOOD PRODUCTION AND FAMILY PLANNING

This Administration, while moving in the new directions I have outlined, will apply the lessons of experience in our foreign aid programs.

One basic lesson is the critical importance of releasing the brakes on development caused by low agricultural productivity. A few years ago, mass starvation within a decade seemed clearly possible in many poor nations. Today they stand at least on the threshold of a dramatic breakthrough in food production. The combination of the new "miracle" seeds for wheat and rice, aid-financed fertilizer, improved cultivation practices, and constructive agriculture policies shows what is possible. They also demonstrate the potential for success when foreign aid, foreign private investment and domestic resources in developing countries join together in a concerted attack on poverty.

The experience of this decade has also shown that lower rates of population growth can be critical for speeding up economic development and social progress. An increasing number of countries have adopted national family planning programs to attack the problem. At least another decade of sustained hard work will be needed if we are to win the battle between economic development and population. But our assistance to voluntary family planning programs and support for the work of the United Nations and other international organizations in this field must continue to have high priority, as will our support of efforts to increase food production.

Another important lesson is that our aid programs need better means of continuous management inspection. We are creating a new position of Auditor-General in the Agency for International Development. His job will be to make sure that A.I.D.'s funds are used for their intended purpose and that A.I.D.'s operations are managed as tightly and efficiently as possible. He will report directly to the A.I.D. Administrator.

LEGISLATIVE AND BUDGET REQUESTS

The proposed legislation revises that part of the present Foreign Assistance Act which deals with economic aid, to reflect the priorities of this Administration. The proposals are designed to accomplish the following:

- —Create the Overseas Private Investment Corporation and authorize its programs for an initial five years.
- —Strengthen A.I.D.'s mandate to use official aid to stimulate private initiative in development.
- —Expand the role of technical assistance under consolidated legislation and a two-year authorization.

The proposed budget includes new appropriation of $2,210 million for A.I.D., $138 million below the January budget request of the previous Administration. In addition, the budget includes $75 million to augment existing reserves for guaranties to be issued by the proposed Overseas Private Investment Corporation.

The appropriation request for economic assistance will support these regional programs:

- —For Latin America, $605 million.
- —For the Near East and South Asia, $625 million.
- —For Africa, $186 million.
- —For East Asia, $234 million.
- —And for Vietnam, $440 million.

In order to protect the U.S. balance of payments at the same time we are providing assistance abroad, goods and services will be purchased in the United States wherever practicable. Over 90 percent of all A.I.D. expenditures and virtually all purchases of goods will be made in the United States. The remaining funds that are spent abroad are mainly for living expenses of U.S. personnel and for other local expenditures in support of technical assistance programs.

For military assistance, the proposed budget includes $375 million, the same as in the January budget. Maintenance of a climate of international security still calls for military strength sufficient to deter aggression. Seventy-seven percent of the total amount available for the military assistance program will be allocated to four of our long-standing allies—Korea, the Republic of China, Turkey and Greece. The balance of the request will be used to provide modest amounts of training and equipment to 44 other countries where our security and foreign policy interests are partially met by this form of assistance. We are negotiating a renewal of our base agreement with Spain. If these negotiations succeed, we shall then need to request an amendment to this authorization asking for additional funds to cover our year's needs for Spain.

The United States will continue to provide military assistance from the U.S. Armed Services budget to Vietnam, Laos, and Thailand.

I am also asking in separate legislation for $275 million for credit necessary to facilitate the purchase of essential military equipment by countries now able to buy all or a growing part of their defense requirements. These funds will be returned to the United States during the next few years as the purchasing countries meet their repayment obligations.

PLANNING FOR THE SEVENTIES

I believe these proposals for fiscal year 1970 are sound—and necessary to make clearly desirable improvements in our foreign aid program.

But we need to learn more about the role which foreign assistance can play in the development process and the relationship between development and overall U.S. foreign policy.

I am therefore establishing a task force of private citizens to make a comprehensive review of the entire range of U.S. aid activities, to consider proposals of the United Nations bodies and international commissions, and to help me determine what our national policies should be toward the developing countries in the decade of the 1970s. I will look to the task force's report in developing the program next year, in my response to the Javits Amendment to the Foreign Assistance Act, and in considering the recommendations of the internationally-sponsored Pearson Commission report to be published in the fall.

TOWARD A WORLD OF ORDER

Foreign aid cannot be viewed in isolation. That is a statement with a double meaning, each side of which is true.

If we turn inward, if we adopt an attitude of letting the underdeveloped nations shift for themselves, we would soon see them shift away from the values so necessary to international stability. Moreover, we would lose the traditional concern for humanity which is so vital a part of the American spirit.

In another sense, foreign aid must be viewed as an integral part of our overall effort to achieve a world order of peace and justice. That order combines our sense of responsibility for helping those determined to defend their freedom; our sensible understanding of the mutual benefits that flow from cooperation between nations; and our sensitivity to the desires of our fellow men to improve their lot in the world.

XUM

In this time of stringent budgetary restraint, we must stimulate private investment and the cooperation of other governments to share with us in meeting the most urgent needs of those just beginning to climb the economic ladder. And we must continue to minimize the immediate impact on our balance of payments.

This request for foreign economic and military assistance is the lowest proposed since the program began. But it is about 900 million dollars more than was appropriated last year. I consider it necessary to meet essential requirements now, and to maintain a base for future action.

The support by the Congress of these programs will help enable us to press forward in new ways toward the building of respect for the United States, security for our people and dignity for human beings in every corner of the globe.

RICHARD NIXON.

THE WHITE HOUSE, *May 28, 1969*.

PRESIDENT'S MESSAGE ON FOREIGN AID

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I have always supported the foreign aid program in principle because I believe it helps to further one of America's national goals—that of promoting peace and order in the world. However, I have become increasingly critical of the manner in which our foreign aid program has been administered, the repeated instances of waste, stupidity, and corruption, and the appalling lack of results in relation to tremendous U.S. investments.

Against this backdrop of comment, I would like to say that I am pleased by the thrust of President Nixon's foreign aid message. It appears to signal a new direction in our foreign aid program, focusing as it does on a fresh approach to private enterprise involvement in the program and on multination assistance programs rather than unilateral U.S. aid to the third world.

On the face of it, the President's proposed Overseas Private Investment Corporation appears to be an excellent idea. Assuming its approval by the Congress, the proof will be in the implementation of the proposal. I also heartily approve the President's declared intention to place a mandate upon the Agency for International Development to help improve opportunities for local private enterprise in the developing countries.

I particularly commend the President for his proposal to create a position of Auditor General in AID, assuming that the new Auditor General will be a man of great determination and the courage to ride herd on his own people. I am hopeful that President Nixon can greatly strengthen the AID program by establishing the new position of AID Auditor General. I base that hope in part on the fact that the Auditor General will be reporting directly to an excellent administrator, former Michigan State University President John Hannah.

In essence I endorse the Nixon foreign aid program. But I take no position on the dollar amount. The Congress will scrutinize the dollar requests and then work its will. We can make a judgment on the fund requests only on the basis of supporting data.

Mr. ARENDS. Mr. Speaker, in the area of foreign aid, as in so many other areas of Government action, the Nixon administration has demonstrated a capacity to think anew and act anew. The President's message on foreign aid makes clear his belief that the important thing is not the amount of money you spend but the way in which you spend it. The most important question is "how?" and now "how much?"

This ability to distinguish quantitative and qualitative questions is a heartening development. In a society as huge and complex as ours, political discussion and debate too often degenerate into mere comparisons of quantity. It is easy, after all, to write a headline which says that the budget for a certain program is up so many dollars or down so many dollars. It is much harder to measure quickly and to communicate concisely the skills and strategies with which those dollars are administered. But the Nixon administration has nonetheless put its emphasis on quality, on getting better results for each dollar we spend. Though the headlines may not fully express that emphasis, I believe that the Congress will fully appreciate the point.

The President's strategy for foreign aid reflects the advice of those who have examined our programs most closely over the last few years. It places greater emphasis on private investment abroad, going beyond mere exhortation and actually creating new means for action toward that end. It puts a great emphasis, too, on technical assistance which will help other countries do more for themselves. Third, it significantly increases our efforts to encourage multilateral forms of foreign assistance and greater contributions by other developed countries. Fourth, it meets squarely the issue which is rapidly becoming the most important one of our time after the question of war and peace. I refer to the critical matter of food production and population control. In addition, through the provision of an Auditor General for AID, the new approach will improve the level of performance in existing programs.

In all of these ways, the Nixon strategy breaks through the conceptual stagnation of the past and offers a refreshing approach to a very important area of foreign policy.

Mr. FRELINGHUYSEN. Mr. Speaker, President Nixon, in his foreign assistance message to Congress, struck directly at the basic aim of our entire assistance program when he described our efforts as "essential to express and achieve our national goals in the international community—a world order of peace and justice."

President Nixon's emphasis on technical assistance and on greater participation by private enterprise is to be commended. These are two areas which should be strengthened.

I was pleased to see the President firmly state the continuing importance of foreign assistance, while at the same time proposing a comprehensive review of the entire range of these activities. This review could lead to further recommendations to improve and strengthen our assistance to developing nations.

As a longtime supporter of foreign assistance, it is my hope that Congress will act quickly along the lines recommended by the President for our aid program.

Mr. MACGREGOR. Mr. Speaker, the President has asked that we redirect our foreign aid efforts in four major ways:

First. We must enlist the energies of private enterprise.

Second. We must emphasize innovative technical assistance.

Third. We must induce other advanced nations to join in bearing their fair share.

Fourth. We must build on recent successes in furthering food production and population control.

The key word here is "redirection." The President has wisely shown that although the ultimate goal of foreign aid is the same, we must strike out on new paths to better reach that goal.

These, then, are the four new paths: of private initiative, of technological genius of burden sharing among advanced nations, and of direct human aid in needy areas.

The four new paths will, I am certain, be seen as new directions in a journey toward a better world.

Mr. RHODES. Mr. Speaker, last year the Congress directed the President to undertake a study of all U.S. foreign assistance programs, economic and military, to make interim recommendations by June 30, 1969, and to submit a final report by March 31, 1970.

The interim recommendations are contained in the President's foreign aid message, in the provisions of the proposed Foreign Assistance Act of 1969, and in the foreign aid program presentations to the Congress.

The major conclusions and recommendations are these: foreign assistance remains an essential function of U.S. foreign policy and must be continued for reasons of national self-interest and collective good conscience; private enterprise and individual initiative must play an even greater role in development; technical assistance must be more imaginatively used, more effectively managed and more generously funded; our highest priorities must continue to be increasing food production and reducing soaring population growth rates.

This year's foreign aid bill replaces substantial parts of the Foreign Assistance Act of 1961, which authorizes the AID program, to reflect new priorities and new directions—primarily the increased use of private enterprise in development and the greater focus on technical assistance.

The bill creates a new Overseas Private Investment Corporation to take over most of AID's present U.S. investment incentive programs and carry out other activities in cooperation with developing nations to increase the contribution of U.S. investment to development. The bill lays new stress on AID's role as a stimulant to private enterprise abroad. The legislation emphasizes the important role of technical assistance in the development process by grouping in one place the provisions relating to bilateral and multilateral technical assistance and providing a 2-year funding authorization.

Mr. TAFT. Mr. Speaker, during the presidential campaign last year. President Nixon pointed out that the world was very much like a city, and that in the world city, as in our own American cities, "we can preserve our hard-won abundance only by bringing the have-nots within the affluent society." He echoed that affirmation of the mutual interdependence of mankind when he said in his inaugural address that we are all "riders on the earth together, brothers in that bright loveliness in the eternal cold."

The Presidential message to the Congress on foreign aid, provides another manifestation of his commitment to these truths. At a time when some say the whole idea of international aid is obsolete, the President has reaffirmed the place of such programs in our foreign policy. What is obsolete is not the notion that nations should help one another, but rather the particular ways in which we have tried to put that notion into practice in the past. By emphasizing new kinds of aid and new ways of providing help, he has given us reason to believe that these programs will work more effectively in the future.

The President has asked for less in quantitative terms. The dollar amount of his request for foreign economic and military assistance is the lowest that any President has proposed since the program began. But the advantage possible per dollar spent promises to be much greater than it was previously. The new administrative procedures, along with new emphasis on private investment, technical aid, multilateral programs, and food and population control, should make for much wiser spending strategies.

I am confident that the more we study the Nixon proposals, the greater will be our confidence in the way the money will be used. For this is not a President who spends money recklessly, nor does he ask for authorizations which are greater than the need. We must take him at his word when he says that he considers this request barely sufficient to meet essential requirements.

I applaud the President's message on foreign aid and hope that other Members of the Congress will do the same. Our foreign aid programs need a new infusion of energy, creativity, and support. This program can provide all three.

Mr. ANDERSON of Illinois. Mr. Speaker, we have heard so long of the evils of the march of technology that we have begun to believe it.

I commend the President for reminding us in his message that technology is only as inhuman as we choose to make it. We are not fated to become victims of computer morality or mechanized joy or dehumanizing automation.

Technology can be—and our moon voyages have demonstrated that it already is—not an enemy of our spirit but its best friend.

The President's request for increased technical assistance in foreign aid is proof that he is not afraid of the future, that he will not criticize man's technological genius for political ends, that he knows that it is in our power to use technology to protect and enhance human values.

There are those who say we spend too much in dollars and time on technological progress. They say we should be doing other things in other areas.

They are like the men in England led by the man they called King Lud, who chose to break the machines that were building a new world. We say instead: direct the machines with human concern and the new technology can build a better world. In foreign aid technological progress can restore the spirit of a people and help to give each individual his chance in the world.

Mr. BROCK. Mr. Speaker, there is much to be pleased about in the President's foreign aid message. I am especially impressed with his emphasis on food production and population growth.

There is historic good news from the less developed world: gains in grain production in the developing nations are outrunning the rate of population growth. Furthermore, in an increasing number of developing nations, the threats of runaway population growth is generating official family planning and other programs. In the face of these twin developments, the recent predictions of widespread famine by 1980 are giving way to cautious optimism.

In South and East Asia and parts of the Near East, yields of new varieties of wheat, rice and other grains are doubling and tripling traditional output. In India and Pakistan between 1961 and 1968, the combined population grew by 18.7 percent—while the two countries' production of wheat and rice rose by 21.3 percent. In 1961, with a population of 1.4 billion, all of the developing nations of the free world together produced 268 million tons of grain. In 1968, with a population more than 20 percent larger—1.7 billion—the same countries harvested over 24 percent more grain—335 million tons.

Today, accelerated progress is possible on the farmlands of the developing world. But whether the poor countries make this progress will depend largely on the availability of adequate aid from advanced nations, particularly development loans.

Good weather helped—but by no means explained—the gains in food production of the last few years. A case in point is India which expects this year's food grain harvest to be close to last year's record, even though this year their weather has not nearly matched last year's outstanding monsoon.

The larger harvests in the poor countries are the result of innovations in economic policies, as well as in science and technology. The United States has helped introduce and encourage both types of innovation—by furnishing critical extra resources and skills, and by helping to influence development policies.

GENERAL LEAVE TO EXTEND

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the President's message and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSFER OF FUNDS WITHIN OFFICES OF CLERK AND SERGEANT AT ARMS OF HOUSE OF REPRESENTATIVES

Mr. FRIEDEL. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 425) and ask unanimous consent for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the resolution, as follows:

H. Res. 425

Resolved, That the Clerk of the House and Sergeant at Arms be and is hereby directed to pay such sum as may be necessary, from the balance available of the 1968 appropriation and the various funds of the 1969 appropriation, where balances may be available, for the House of Representatives to meet the May and June payroll of Members, officers of the House, and employees of the House. Moneys expended from these funds and/or appropriations by the Sergeant at Arms and the Clerk will be repaid to the funds and/or appropriations from the Sergeant at Arms and Clerk's supplemental appropriation upon its approval.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I wanted to intercede before action is taken on this resolution. I would like to have some points of information. I appreciate the gentleman yielding and the Speaker protecting the Member.

Mr. Speaker, I gather from this resolution—and I had hoped there would be a complete explanation of it—that maybe somebody is running out of money and wants to get his hand in a pocket where there is a little money, in order to pay the "troops" between now and the time the supplemental appropriation that was passed here the other day goes into effect, or a new fiscal year rolls around and all the pay increases are in—or something to that effect.

My first question is: Just who is out of money?

Mr. FRIEDEL. The Sergeant at Arms is out of money. He cannot pay salaries of Members on June 1 unless we transfer funds from the Clerk of the House to the Sergeant at Arms. Next month the Members, their staffs, and other employees of the House will not be able to be paid unless we pass this resolution.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, House Resolution 425 says: "That the Clerk of the House and Sergeant-at-Arms"—presumably of the House also—"be and is hereby directed to pay such sum as may be necessary."

How can the Sergeant at Arms pay this money and who is putting whose

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hand into whose pocket? That is what I want to know, and it is not clear from the way the resolution is written.

Mr. FRIEDEL. The Clerk of the House has some funds left over and unexpended in his accounts—such as the furniture account. Also, the Members have not used all their allowances and we have some amount of money left in the contingency fund in the Clerk's office. This will be transferred to the Sergeant at Arms to pay Members for this month. If we do not pass this resolution, we cannot pay the Members. It is just a bookkeeping transaction.

In other words, we have already passed the supplemental appropriations bill, and we are awaiting action by the Senate. Once that bill becomes law, the funds will be available.

Mr. HALL. Mr. Speaker, the gentleman is very kind. I must say he talked to me ahead of time about this resolution. "This is a nice clean, sweet, little resolution," he said. I appreciate what the gentleman believes and has said. But is it the intent of the committee or whoever is knowledgeable as to the contents of the resolution to take a little time to explain to the Members where these funds are? I cannot imagine getting enough money out of the "furniture account" to pay the Members' salaries pending the passage of the supplemental appropriation. I hope the distinguished gentleman will yield or will take time to give us in the House a little bit of accounting about whose hand is going into whose pocket. From the way this is written, it looks like the Clerk of the House and Sergeant at Arms can have their hands in each other's pocket. It still is not clear where the money is coming from.

Mr. LIPSCOMB. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from California.

Mr. LIPSCOMB. I thank the gentleman for yielding.

The reason for this resolution is because on July 1 of last year there was an increase which went into effect for our clerk hire. Then last month there was an increase which went into effect which pertained to the Members of the House.

Last week a supplemental appropriation bill was passed by the House, which included the funds for these increases for fiscal year 1969. That bill has not been passed by the Senate yet.

Inasmuch as we have a payday for the month of May coming up tomorrow, and a payday for the month of June coming up later, it is necessary to acquire the necessary funds in the accounts of the House of Representatives to keep current on our pay.

This resolution was introduced to give the opportunity to the Clerk of the House and to the Sergeant at Arms to meet the payroll by transferring funds from accounts which have enough funds left at this time to in effect loan the money.

Now, there could well be a deficit by the end of June in these accounts for pay, in the amount of over $5 million. The idea is to borrow from various accounts where funds are available, such as court reporting and telephone and telegraph and others, and to spend that money for salaries now; and, then, when the supplemental is passed by the Senate, we will put the money back in the various accounts and balance the books. This is strictly a bookkeeping entry proposition. The money will be put back into the various accounts and used for the proper purposes. It is strictly a transaction on the books.

Since this resolution was introduced a day ago, some members of the Committee on House Administration have had the opportunity to look at the records of the Clerk of the House to see what accounts they are going to use and the balances available, and we feel that this resolution will do the necessary job to meet the payrolls that are coming up in May and June.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. FRIEDEL. I yield to the gentleman from Missouri for a question.

Mr. HALL. Do I correctly understand from the gentleman's statement, along with that of the chairman, that there are various funds available which would "bail out" the Sergeant at Arms until such time as the supplemental is passed; and that in the interim, since this House resolution was introduced so quickly and so recently, the accounts have been seen and audited, so to speak, by the gentleman and the Committee on House Administration; and that they are in order; and, finally, that this resolution simply other fund's pocket on a pro tem basis and provides for restoration after the makes it legal for the hands to be in the supplemental is passed? Are those all statements that can be answered "Yes."

Mr. FRIEDEL. Absolutely.

Mr. LIPSCOMB. If the gentleman will yield further, I can answer the statement "Yes" with one qualification. We had a chance to look at the balances that were available in the various accounts, including the leftover funds from fiscal year 1968 which are still available, but I want to specifically say we did not have a chance to audit the funds. We saw the balances which were available.

Mr. HALL. Of course, a question arises as to why funds not used in 1968 did not revert to the General Treasury. I shall not raise that question at this time, in view of the assurances the gentlemen has given me. I appreciate the gentleman's yielding.

Mr. LIPSCOMB. If the gentleman will yield further, I would be pleased to answer that on the record, because I think it is an important point.

Funds that are 1-year funds are returnable to the Treasury, but they remain in the hands of the authorized person to handle those funds for 2 years afterward to pay bills that may be outstanding, and then the funds revert to the Treasury.

Mr. FRIEDEL. That is correct.

Mr. LIPSCOMB. At this moment it is not known whether there are telephone bills or furniture bills or other bills outstanding which may have to be paid out of the fiscal year 1968 funds.

At the required legal time the Clerk and the Sergeant at Arms will return unused funds to the Treasury.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. HAYS. There is one other point that ought to be made. The Clerk has the money to pay part of these salaries but just not enough to pay them all. So he is asking in this resolution to borrow a small amount, in the sum of $210,000, from these other funds. It is not as though he does not have any money to pay any of the salaries, but it is just that he does not have enough to pay them all.

Mr. FRIEDEL. That is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman from Iowa.

Mr. GROSS. Is it common or uncommon practice to juggle funds in this fashion?

Mr. FRIEDEL. There have been precedents.

Mr. GROSS. And it is possible to step in and get funds out of the woodwork as easy as this?

Mr. FRIEDEL. It is only a question of bookkeeping.

Mr. GROSS. When did the Committee on House Administration meet on this subject and approve this resolution?

Mr. FRIEDEL. We were notified the other day that the Clerk and Sergeant at Arms will be out of funds, and the resolution is for this funding.

Mr. GROSS. Did the full committee ever meet on it?

Mr. FRIEDEL. We polled the committee and got a majority vote.

Mr. GROSS. You did what?

Mr. FRIEDEL. We polled the committee.

Mr. GROSS. You did not have a session?

Mr. FRIEDEL. No, sir. But we looked into all of these figures to verify what has been said on the floor here today.

Mr. GROSS. This whole pay increase business has been a juggling process. This is the clincher.

Mr. LIPSCOMB. Mr. Speaker, will the gentleman yield?

Mr. FRIEDEL. I yield to the gentleman.

Mr. LIPSCOMB. In view of the inquiry which has been made by the distinguished gentleman from Iowa, I would like to point out that after the introduction of this resolution and its being called to the attention of the committee the minority at least expressed their view that this should have come before us in due course; that is, before the subcommittee and full committee, but it was explained to us that there was not enough time to get this through in order to be meaningful so as to take care of the payroll which is due now. We have been given every assurance by the chairman of the committee that in the future we will go through the regular course of business and items will not be sprung on us in the fashion that this resolution was. I know from previous experience with the chairman of the Committee on House Administration that he will see to it it is done.

Mr. FRIEDEL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

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The SPEAKER. The Chair has not put the question yet.

CALL OF THE HOUSE

Mr. UDALL. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

[Roll No. 70]

The Clerk called the roll, and the following Members failed to answer to their names:

Abbitt
Anderson, Calif.
Anderson, Tenn.
Bates
Beall, Md.
Bell, Calif.
Berry
Bevill
Blatnik
Bow
Brademas
Broomfield
Brown, Calif.
Burleson, Tex.
Burton, Calif.
Cahill
Carey
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Colmer
Conyers
Corbett
Corman
Cowger
Cramer
Daddario
de la Garza
Diggs
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Evins, Tenn.
Fallon
Findley
Ford, William D.
Foreman
Fulton, Tenn.
Gallagher
Gettys
Gibbons
Goldwater
Gray
Griffiths
Hansen, Idaho
Harsha
Hébert
Heckler, Mass.
Helstoski
Hicks
Hosmer
Hungate
Hunt
Ichord
Joelson
Jones, Ala.
Karth
Kirwan
Kyl
Landrum
Leggett
Long, La.
Lowenstein
Lukens
McClure
Macdonald, Mass.
Martin
May
Michel
Mizell
Morton
Moss
Murphy, N.Y.
Ottinger
Pirnie
Pollock
Powell
Randall
Rees
Reifel
Reuss
Rosenthal
Roudebush
Roybal
Sandman
Scherle
Scheuer
Shipley
Springer
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Tunney
Vander Jagt
Watts
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Wold
Wydler
Wyman

The SPEAKER. On this rollcall 317 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I still object to the vote on the ground that a quorum is not now present and make the point of order that a quorum is not now present.

The SPEAKER. The gentleman from Iowa objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present. The Chair will count.

Two hundred and forty-two members are present, a quorum.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR NEXT WEEK

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker, I take this time to ask the majority leader to give the program for the balance of the day, for the balance of this week, and for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the distinguished majority leader.

Mr. ALBERT. Mr. Speaker, in response to the inquiry of the distinguished minority leader, for today we have one more bill, H.R. 4204, and the rule relating thereto which is on the program for this week. That will conclude the business for this week.

The program for next week is as follows:

Monday is Consent Calendar day. In addition there are eight suspensions which are as follows:

H.R. 763, to provide for a study of State laws governing the operation of youth camps.

H.R. 2667, to revise the pay structure of the police force of the National Zoological Park.

H.R. 692, to extend the length of time community nursing home care may be provided for veterans.

H.R. 693, to provide that veterans 70 years of age shall be deemed unable to defray hospital expenses.

H.R. 2768, to eliminate the 6-month limitation on the furnishing of nursing home care for service-connected veterans.

H.R. 3130, to provide that the Administrator of Veterans' Affairs may furnish certain medical services.

H.R. 9334, to promote the care and treatment of veterans in State veterans' homes.

H.R. 9634, to improve the Veterans' Administration program of sharing specialized medical resources.

For Tuesday and the balance of the week the program is as follows: Tuesday is Private Calendar day. In addition there is scheduled for the consideration of the House H.R. 10946, to promote health and safety in the building trades and construction industry, under an open rule with 1 hour of general debtate. Also, H.R. 11102, Medical Facilities Construction and Modernization Amendments of 1969 under an open rule with 2 hours of general debate.

Of course, Mr. Speaker, this announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later.

Mr. SAYLOR. Have rules already been granted on the last two bills to which the majority leader made reference?

Mr. ALBERT. If the gentleman will yield further; they have.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. These eight suspensions on Monday next will not in any way interfere with the junket to Paris which is about to start or may have already started?

Mr. ALBERT. Mr. Speaker, if the gentleman from Pennsylvania will yield further, insofar as I know there is no junket which will interfere with the consideration of these bills. I know of no junket, and in any event, such would not be taken into consideration in programing the business of the House.

Mr. GROSS. Well, I am just trying to think ahead on Monday when there might have to be some votes on some of these bills and if the junket is still in effect on next Monday, I think the Members ought to be on notice that there are eight suspensions scheduled for consideration.

Mr. ALBERT. Mr. Speaker, if the gentleman from Pennsylvania will yield further, that is the purpose of making the announcement, to give the Members notice of the program for next week. These are important bills and I trust that the Members will be present.

Mr. GROSS. I appreciate that. The gentleman is always kind in notifying the Members on most things.

Mr. ALBERT. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I yield back the balance of my time.

WAR CLAIMS ACT AMENDMENTS OF 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 426

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4204) to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 2 and 3 of such substitute are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may consume, and at the conclusion of my remarks I yield 30 minutes to the gentleman from California (Mr. SMITH).

Mr. Speaker, House Resolution 426 provides an open rule with 1 hour of general debate for consideration of H.R. 4204 to amend the War Claims Act of

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1948 to include prisoners of war captured during the Vietnam conflict. Also, the resolution provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and all points of order against sections 2 and 3 of the substitute are waived.

Points of order are waived due to the fact that Vietnam and *Pueblo* personnel have not been covered heretofore under the War Claims Act and a question of germaneness might be raised.

The bill would authorize payments under the War Claims Act to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo*, for the period of their captivity at the same rates and under the same conditions as applied with respect to the members of the Armed Forces held prisoner during the Korean conflict.

The substitute would provide for payment to members of the Armed Forces held prisoner by the forces of North Vietnam at the rate of $1 per day for each day on which the member received an inadequate quantity or quality of food during his captivity and $1.50 per day for each day on which he was required to perform forced labor, or was subjected to inhumane treatment.

The bill also provides for payment to all civilian American citizens who are held captive by the North Vietnamese forces at the rate of $60 per month, which is in addition to any payments they may receive under the Missing Persons, Defense Base, or War Hazards Acts.

In addition, the bill provides for payment, at the same rates and under the same conditions as applied under the Korean conflict claims program, to all persons captured while serving on board the U.S.S. *Pueblo*—$1 per day for each day he received inadequate food and $1.50 per day for each day he performed forced labor.

Such amounts as may be necessary are authorized since there is no way at this time to know how many claimants there will be.

Mr. Speaker, I urge the adoption of House Resolution 426 in order that H.R. 4204 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 426 does provide for an open rule with 1 hour to consider the bill, H.R. 4204, the war claims act amendments.

Points of order are waived on sections 2 and 3.

The purpose of the bill is to authorize payments to members of the Armed Forces captured by North Vietnamese forces, and also to those captured aboard the *Pueblo*.

Similar payment programs, carried out by the Foreign Claims Commission, have been undertaken with respect to captured American servicemen during World War II and the Korean war. The payment is $2.50 per day during the time one is a prisoner of war. The bill also authorizes payment to American civilians held prisoner at the rate of $60 per month, again similar to a Korean war program.

American servicemen who "voluntarily, knowingly, and without duress" collaborated with the enemy do not qualify for the payment. Under Foreign Claims Commission procedure, the Commission recognizes that prisoners are often tortured, both physically and mentally to force cooperation. Such cases are not disqualified, nor are those who have voluntarily surrendered—*Pueblo*.

The cost of the bill can only be estimated because we do not know how many American servicemen and civilians will be captured. Relying on Korean war figures, the estimated costs for the Vietnam war are about $500,000.

The Department of Defense does not support the legislation at this time, preferring that it be deferred now. The Claims Commission supports it and the Bureau of the Budget has no objection.

There are no minority views.

Mr. Speaker, I urge the adoption of the rule.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I call up the bill (H.R. 4204) to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 4204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the War Claims Act of 1948 (50 United States Code, Appendix 2005) is amended by:

(1) rewording subsection (e)(1) to read:

"(e)(1) As used in this subsection the term 'prisoner of war' means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time, by any hostile force with which the Armed Forces of the United States were actually engaged in armed conflict, between June 25, 1950, and August 21, 1954, or August 5, 1964, and the date ending the Vietnam conflict as shall hereafter be determined by Presidential proclamation or concurrent resolution of Congress except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force"; and

(2) by rewording sub subsection (5)(A) to read:

"(A) August 21, 1954, for those with service during the Korean conflict"; and

(3) by redesignating sub subsection (5)(B) as sub subsection (5)(C); and

(4) by redesignating sub subsection (5)(C) as sub subsection (5)(D); and

(5) by inserting immediately after sub subsection (5)(A) the following new sub subsection:

"(5)(B) effective date of this amendments for those with service in the Vietnam conflict."

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That section 6 of the War Claims Act of 1948 (50 App. U.S.C. 2005) is amended as follows:

"(1) by redesignating subsection (f) as subsection (g); and

"(2) by inserting immediately after subsection (e) the following new subsection:

"'(f)(1) As used in this subsection—

"'(A) the term "Vietnam conflict" relates to the period beginning February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

"'(B) the term "prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States who was held as a prisoner of war for any period of time during the Vietnam conflict by any force hostile to the United States, except any such member who, at any time, voluntarily, knowingly, and without duress, gave aid to or collaborated with, or in any manner served, such hostile force.

"'(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by any prisoner of war for compensation for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to furnish him the quantity or quality of food prescribed for prisoners of war under the terms of the Geneva Convention of August 12, 1949. The compensation allowed to any prisoner of war under the provisions of this paragraph shall be at the rate of $1 for each day on which he was held as a prisoner of war and on which such hostile force, or its agents, failed to furnish him such quantity or quality of food.

"'(3) The Commission is authorized to receive and to determine, according to law, the amount and validity and provide for the payment of any claim filed by any prisoner of war for compensation—

"'(A) for the failure of the hostile force by which he was held as a prisoner of war, or its agents, to meet the conditions and requirements prescribed under chapter VIII, section III, of the Geneva Convention of August 12, 1949, relating to labor of prisoners of war; or

"'(B) for inhumane treatment by the hostile force by which he was held, or its agents. The term "inhumane treatment" as used in this subparagraph shall include, but not be limited to, failure of such hostile force, or its agents, to meet the conditions and requirements of one or more of the provisions of article 3, 12, 13, 14, 17, 19, 22, 23, 24, 25, 27, 29, 43, 44, 45, 46, 47, 48, 84, 85, 86, 87, 88, 89, 90, 97, or 98 of the Geneva Convention of August 12, 1949.

"Compensation shall be allowed to any prisoner of war under this paragraph at the rate of $1.50 per day for each day on which he was held as a prisoner of war and with respect to which he alleges and proves in a manner acceptable to the Commission the failure to meet the conditions and requirements described in subparagraph (A) of this paragraph or the inhumane treatment described in subparagraph (B) of this paragraph. In no event shall the compensation allowed to any prisoner of war under this paragraph exceed the sum of $1.50 with respect to any one day.

"'(4) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection and shall be paid by the Secretary of the Treasury to the person entitled thereto, and shall, in the case of death or determination of death of the persons who are entitled, be paid only to or for the benefit of the persons specified, and in the order established, by subsection (d)(4) of this section.

"'(5) Each claim filed under this subsection must be filed not later than three years from whichever of the following dates last occurs:

"'(A) the date of enactment of this subsection;

" '(B) the date the prisoner of war by whom the claim is filed returned to the jurisdiction of the Armed Forces of the United States; or

" '(C) the date upon which the Department of Defense makes a determination that the prisoner of war has actually died or is presumed to be dead, in the case of any prisoner of war who has not returned to the jurisdiction of the Armed Forces of the United States.

"The Commission shall complete its determinations with respect to each claim filed under this subsection at the earliest practicable date, but in no event later than one year after the date on which such claim was filed.

" '(6) Any claim allowed under the provisions of this subsection shall be paid from funds appropriated pursuant to paragraph (7) of this subsection.

" '(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.'

"SEC. 2. Section 6(e) of the War Claims Act of 1948 (50 App. U.S.C. 2005(e)) is amended as follows:

"(1) In paragraph (1), strike out 'except any such member' and insert in lieu thereof 'or any person (military or civilian) assigned to duty in the U.S.S. *Pueblo* who was captured by the military forces of North Korea on January 23, 1968, and thereafter held prisoner by the Government of North Korea for any period of time ending on or before December 23, 1968, except any person'.

"(2) At the end of paragraph (5), add the following new subparagraph:

" '(D) In the case of any person assigned to duty in the U.S.S. Pueblo referred to in paragraph (1) of this subsection, one year after the date of enactment of this subparagraph.'

"SEC. 3. Section 5 of the War Claims Act of 1948 (50 App. U.S.C. 2004) is amended—

"(1) by striking out in subsection (e) 'subsection (g)' and inserting in lieu thereof 'subsections (g) and (i)'; and

"(2) by adding at the end thereof the following new subsection:

" '(i) (1) As used in this subsection—

" '(A) the term "Vietnam conflict" relates to the period beginning on February 28, 1961, and ending on such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress; and

" '(B) the term "civilian American citizen" means any person who, being then a citizen of the United States, was captured in Southeast Asia during the Vietnam conflict by any force hostile to the United States, or who went into hiding in Southeast Asia in order to avoid capture or internment by any such hostile force, except (i) a person who voluntarily, knowingly, and without duress, gave aid to or collaborated with or in any manner served any such hostile force, or (ii) a regularly appointed, enrolled, enlisted, or inducted member of the Armed Forces of the United States.

" '(2) The Commission is authorized to receive and to determine, according to law, the amount and validity, and provide for the payment of any claim filed by, or on behalf of, any civilian American citizen for detention benefits for any period of time subsequent to February 27, 1961, during which he was held by any such hostile force as a prisoner, internee, hostage, or in any other capacity, or remained in hiding to avoid capture or internment by any such hostile force.

" '(3) The detention benefits allowed under paragraph (2) of this subsection shall be at the rate of $60 for each calendar month.

" '(4) The detention benefits allowed under paragraph (2) of this subsection shall be allowed to the civilian American citizen entitled thereto, or, in the event of his death, only to the following persons:

" '(A) the widow or husband if there is no child or children of the deceased;

" '(B) the widow or dependent husband and child or children of the deceased, one-half to the widow or dependent husband and the other half to the child or children in equal shares;

" '(C) the child or children of the deceased in equal shares if there is no widow or dependent husband.

" '(5) Any claim allowed by the Commission under this subsection shall be certified to the Secretary of the Treasury for payment out of funds appropriated pursuant to this subsection, and shall be paid to the person entitled thereto, except that if a person entitled to payment under this section is under any legal disability, payment shall be made in accordance with the provisions of subsection (e) of this section.

" '(6) Each claim filed under this section must be filed not later than three years from whichever of the following dates last occurs:

" '(A) the date of enactment of this subsection;

" '(B) the date the civilian American citizen by whom the claim is filed returned to the jurisdiction of the United States; or

" '(C) the date upon which the Commission, at the request of a potentially eligible survivor, makes a determination that the civilian American citizen has actually died or may be presumed to be dead, in the case of any civilian American citizen who has not returned to the jurisdiction of the United States.

The Commission shall complete its determinations for each claim filed under this subsection at the earliest practicable date, but not later than one year after the date on which such claim was filed.

" '(7) There are authorized to be appropriated such amounts as may be necessary to carry out the purposes of this subsection, including necessary administrative expenses.' "

Mr. STAGGERS. Mr. Speaker, this bill was reported out of the committee unanimously, and we recommend its passage. It would authorize payments under the War Claims Act of 1948 of $2.50 per day to all members of the Armed Forces held as prisoners of war by the North Vietnamese since February 28, 1961, and would provide for a similar payment to persons serving on board the U.S.S. *Pueblo* for the period of their captivity by the forces of North Korea. These payments, which would be in addition to regular pay and allowances are the same amounts as were provided under the War Claims Act for persons who were held as prisoners of war during World War II, and persons who were held as prisoners of war during the Korean conflict.

It is estimated that the bill will not cost more than one-half million dollars. We recognize that the amounts provided are certainly inadequate compensation for the hardships suffered by these men; however, the committee feels that this symbolic payment provides some recognition to these men for the added hardships they have suffered. It is clear from information received through escaped prisoners, and former prisoners, that the treatment of our servicemen after their capture by the North Vietnamese has been in flagrant violation of the Geneva Convention, and a similar pattern of mistreatment applied to members of the Armed Forces captured on the *Pueblo*.

In addition, there have been a very small number of civilians who have been captured in North Vietnam and the bill provides for payment of benefits to these persons in the same amounts as were provided for civilians who were captured and detained during World War II and during the Korean conflict.

We urge adoption of the bill by the House.

Mr. KEITH. Mr. Speaker, after World War II it was considered appropriate to compensate members of the armed services and civilians who had been interned for hardships and indignities suffered while in the hands of the enemy. At that time the United States held in its possession millions in assets belonging to nationals of the enemy nations. It was considered only just and proper that such assets be used for such compensation.

The amounts provided for internees and prisoners of war were minimal even by the standards of the immediate postwar period. Military personnel received $1 a day where inadequate food was provided and an additional $1.50 a day if mistreatment occurred. Civilians were allowed $60 per month plus medical care. Because of the number of people involved in World War II the payments totaled $123 million.

When the Korean conflict came along, a fairly similar situation obtained, but obviously it affected a smaller number of individuals both military and civilian. Also, at the time of the Korean conflict there were no appreciable assets of Korean nationals in the hands of our Government. In fairness to those who would be considered entitled to such compensation, the Congress appropriated the necessary funds to make payments which were in the same amount and for the same purposes as those in World War II. These payments amounted to slightly less than $9 million.

The purpose of the bill before us today is to extend the War Claims Act to provide identical compensation for both military and civilian personnel held by the North Vietnamese. Compensation at the same rate as that provided in the original act is obviously a token payment. It is, however, a recognition of the fact that the North Vietnamese are depriving our prisoners of adequate accommodations and subjecting them to mistreatment.

It is difficult at this time to say how much such a program will cost, but based upon the number of prisoners we know about, it would seem to be a safe projection that the funds required would be in the neighborhood of $500,000. As in the Korean conflict payments, reimbursement will not be approved for individuals who voluntarily collaborate with the enemy.

The bill before us goes one step beyond extending the legislation to the Vietnamese conflict and makes a special provision to include the crew of the *Pueblo*. There are 81 members of the armed services included in this provision and two civilians. Total cost of the claim arising out of this incident should be slightly over $68,000. In my opinion it is only just and reasonable that these victims of this North Korean aggression should be compensated.

This expression by the Congress and by the Government of the United States recognizing the plight of our prisoners whether already released or still in the hands of the enemy should properly be made at this time, and I recommend this legislation to the House.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

POSTAL SERVICE ACT OF 1969

(Mr. UDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. UDALL. Mr. Speaker, I take pleasure in introducing today the "Postal Service Act of 1969." I introduce this bill in the belief that it meets the major questions we have been asking about the Post Office Department. There will be many questions asked about this particular bill, and the long-range effects of such a major transformation. While I am not irrevocably bound to every detail of this bill, I strongly support its major features. We will have to study it carefully, making whatever changes are necessary, and making sure that all persons involved in this procedure are given an opportunity to be heard.

This is the administration-sponsored postal reform bill, carefully drawn to permit the Post Office to be run in an efficient, responsible, business-like manner in the public interest.

We are all well aware of the problems confronting the Post Office as it enters the last third of the 20th century. We are familiar with the vast annual postal deficit, the complaints of poor and deteriorating service, the aging physical facilities, the unsatisfactory working conditions for its employees, and the ever-present menace of collapse under a constantly increasing volume of mail. At the same time, we are told, and justly so, that it is not the fault of the postal managers, or of the postal employees or their organizations, or of the Congress. All of these groups are working loyally and competently to provide the best and most efficient service possible. The fault lies with the outmoded "system," the organizational structure that keeps the best efforts of honorable, conscientious men and women from being good enough.

It is to go to the heart of the faults in "the system" that a basic and far-reaching change is proposed by the bill which I introduce.

It would create a Postal Service Corporation, wholly owned by the Federal Government and operated by professional management that would not be replaced automatically with each change in administration. It would remove the Post Office from the Cabinet and would remove politics from the Post Office. It would provide, by statute, for true collective bargaining between postal management and labor. It would permit the postal service to raise its own capital to meet its needs, to employ modern management techniques and personnel policies for the benefit of all who use and all who work for the postal service. It would permit the postal service through fair, orderly and public procedures, to maintain the best possible rate structure, subject to congressional review. And it would give to the postal service sufficient control of its own affairs so that its management could fairly be held accountable for the quality and efficiency of its performance.

The need for postal reform is evident. It is not a partisan issue. Both Republican and Democratic administrations have called for far-reaching changes. Members of Congress from both sides of the aisle agree that major reform is urgent. Let us then carry out a reform which addresses all of the critical problems of the Post Office at one time and gives relief to all of our people, whether as users of the mail, as postal workers, or as taxpayers. All have a stake in postal reform and all stand to benefit from the total reform that is contained in the bill which I introduce.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I congratulate the gentleman from Arizona. I am honored to be a consponsor with him upon this legislation.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. UDALL. I am glad to yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I would like to join in congratulating the gentleman from Arizona and am very pleased that I can also consponsor this legislation. Today, our postal system is bogged down in a maze of impossible rules and regulations, is drowning in a sea of politics, and handcuffed by special interest groups who enjoy the privilege of having their mailing costs subsidized by the taxpayers. The reason I did not support the amendment of the gentleman from Iowa (Mr. SMITH) yesterday was that it was confined to second-class rates, and I believe that third-class mail is not only a greater deficit producer, but also there is a clear difference between the way the two classes of mail is generated. You ask for second-class mail through a subscription; you get third-class mail forced on you, and it floods your mail box, unwanted, unasked for, unread, and unpaid for except through a subsidy which runs to $324 million annually.

I certainly hope that favorable action will be taken to establish a Government corporation to run our postal system. The American people deserve better postal service, and I firmly believe they will only get it through the mechanism recommended in this bill.

UNIVERSITY OF CALIFORNIA AT DAVIS

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, it was with considerable dismay that I noted the remarks of my distinguished colleague from Louisiana (Mr. RARICK) who on Monday implied that the naming of the new law school building at the University of California at Davis for the late Dr. Martin Luther King, Jr., was a part of the so-called Communist conspiracy.

In his inimitable fashion, the distinguished Member of Congress has given credence to the libelous and ridiculous charges that Dr. King was a Communist.

I have already remarked on the naming of the law school for Dr. King. My remarks may be found in the March 19, 1969, issue of the CONGRESSIONAL RECORD at page 6882.

I stated that—

> As we approach the anniversary of the assassination of Dr. Martin Luther King, Jr.. one is reminded of the unique contribution of his life and of his sensitive understanding of the times in which he lived.
>
> The University of California at Davis is in my Congressional District, and it is with a deep sense of pride and satisfaction that I point out to my colleagues that the new Law School Building on the USC campus has been named after Dr. King.

I still feel that same sense of pride and satisfaction, and for this reason consider the slanderous remarks of Mr. RARICK an insult to myself, the people of California and all other citizens who value the rule of law.

My office periodically receives newsletters which purvey the most insidious garbage attacking almost every prominent American, Dr. King among them, as a member of the Communist conspiracy. The fact that this verbal manure is spread is due to the American concept of the free press and certainly not because there is the slightest bit of truth contained in them.

I dispose of this material. Apparently one Member of this body accepts this filth as the gospel and uses the prestige of office as well as the CONGRESSIONAL RECORD to further distribute this nonsense.

I can assure the gentleman from Louisiana that the people of California are proud to have a building at one of their leading universities named after a man who exemplifies the tradition of the rule of law and rule of reason. It was Dr. Martin Luther King who was in the forefront of the movement for justice under the law for all peoples. In this time of turmoil, we need a multitude of Kings who can see that it is through the law that progress is made.

Fortunately, the people of California and the board of regents recognize this fact.

The University of California at Davis—site of the law school in question—is in my congressional district. I am proud to represent an intelligent group of constituents who see the world for what it is and what it could be. Fortunately, I do not consider that I represent a group of neanderthals and mental midgets who must be fed a continuing line of tripe from a Congressman whose view of the world borders on the absurd at best.

I am confident that the law school at Davis will train leaders of the bar who will exemplify the traditions of Dr. King and put reason ahead of violence and law above revolution.

COAL DUST STANDARDS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the following WTOP editorial, which was broadcast on May 27 and 28, speaks for itself:

Coal Dust

(Eitorial broadcast May 27 and 28, 1969, over WTOP radio and television)

This is a WTOP editorial.

The nation's coal miners have been kicked again.

This time it has to do with the amount of poison they're permitted to inhale. The Labor Department has just installed a watered-down standard for coal dust per cubic meter which applies to coal mines benefitting from federal contracts.

Coal dust is a crippler and a killer. It contributes heavily to various kinds of lung disease, and especially to the dreaded pneumoconiosis or "black lung." Tens of thousands of miners have gone through the closing years of their lives wheezing and gasping because of irreversible damage inflicted by dust.

Several months ago, the Secretary of Labor, who then was Willard Wirtz, posted in the federal register a tough rule setting a limit on coal dust of 3 milligrams per cubic meter. Soon after George Shultz succeeded Wirtz as Secretary, he had the rule frozen for "further study."

One week ago, a new standard went into effect, permitting up to 4.5 milligrams of dust. It represents a shocking capitulation by Secretary Shultz to the coal operators. The U.S. Surgeon-General has testified before Congress that the higher dust level will contribute very materially to the incidence of lung disease among miners.

Almost nobody stood up for the miners on this one. An advisory committee named by Shultz for the re-study didn't hold a single public hearing. In order to obtain minutes of the proceedings of the committee, one Congressman had to threaten legal action. The five labor representatives on the committee failed to signal a loud protest over the impending change. In predictable fashion, the United Mine Workers union sat on its hands.

The last hope appears to rest with Congress, where a broad bill governing health standards in *all* mines is being drafted. The 3-milligram ceiling must not be compromised there.

Meanwhile, workers in about 800 coal mines can thank the Secretary of Labor for personally intervening to insure that the air they breathe continues to be foul and dangerous.

This is a WTOP editorial . . . Norman Davis speaking for WTOP.

ROGERS INTRODUCES BILL TO EXTEND SEA-GRANT COLLEGE PROGRAM

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing, along with 17 of my colleagues from the Subcommittee on Oceanography, a bill to extend the national sea-grant college program.

The intent of the original legislation, when enacted into law in 1966, was to produce manpower for the many areas of marine-related work and to further develop our Nation's marine resources.

Despite limited funding, we have seen the intent of the sea-grant program carried out during these first formative years.

Colleges and universities from all over the Nation have applied for the grants offered by this program and I would add that the response has been amazing. There have been hundreds of inquiries and applications from every State in the Union.

This legislation is geared to develop our marine resources and the intent of the law was not to limit participation by geography, and again this goal is being accomplished.

The administration of this program, under the guidance of Mr. Robert Abel, has been outstanding.

Indeed, this single program has been one of the most significant programs yet enacted to launch this Nation into its adventure with the oceans and lakes and environment around us.

We have an excellent blueprint to guide our future development in the report of the Commission on Marine Science, Engineering, and Resources. In this report we have been given the outline of a program which will eventually bring all the Government's marine-related departments and agencies together into a single agency. This report points out the work which has been done thus far by the national sea-grant college program and the importance of having it included in the overall marine program and marine agency once it is developed and in operation. But in the interim it is very important that we continue the work which is being done by the national sea-grant college program.

The sea-grant college program was broadly based in legislation so as to call upon all facets of talent throughout the Nation, including colleges, universities, junior colleges, and industry.

To date, approximately 25 grants have been awarded to outstanding colleges and universities. And the Nation has already benefited from these grants.

In Wisconsin, a load of manganese granules was found by the University of Wisconsin after that school had been awarded a grant to do work in Lake Michigan.

I would also add that the American Association of Junior Colleges has also applied for a grant, indicating that the program has also considered the advantages of tapping this source of talent.

I believe, and I think I speak for my colleagues, that this Nation has a great potential in the oceans, yet we have done very little to realize these benefits. Our manpower supply in this area has been woefully inadequate.

The National Sea Grant College program is the surest and most direct way to eliminate this shortage. It is vital to this Nation's interests that we continue this very worthy program.

I am pleased to have the following of my colleagues join with me in sponsoring this legislation: Mr. Lennon, Mr. Mosher, Mr. Downing, Mr. Karth, Mr. Hathaway, Mr. Clark, Mr. St. Onge, Mr. Jones of North Carolina, Mr. Hanna, Mr. Leggett, Mr. Pelly, Mr. Keith, Mr. Schadeberg, Mr. Dellenback, Mr. Ruppe, Mr. Goodling, and Mr. Bray.

I understand that the Honorable Claiborne Pell is introducing an identical bill in the Senate along with some of his colleagues and would commend the Senator for the leadership he has shown in the field of oceanography.

STUDENT UNREST

(Mr. SMITH of Iowa was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SMITH of Iowa. Mr. Speaker, the president of the State University of Iowa, Howard R. Bowen, recently made a speech on student unrest at the honors convocation held in Iowa City, Iowa, on Saturday, May 3, 1969, which I commend to the attention of my colleagues. It is as follows:

Ladies and Gentlemen, I am pleased to greet you this morning, honor students, parents, friends, and teachers. The accomplishments of the honor students speak for themselves and need no embellishment from me. I do congratulate you on your dedicated hard work, on your superb talent and on your bright future prospects. The world belongs, as never before, to intellectual ability. And that fact obviously places upon bright, energetic, and well-educated people like you a heavy responsibility to use talents and opportunities in socially useful ways.

The past four years, during which you have been in college, have been some of the most adventurous and rewarding years in the history of higher education, and they have been splendid years at the University of Iowa as well. The University has grown prodigiously in enrollment, buildings, faculty, library books, and equipment. Students have come to the University better prepared and with more experience and sophistication than ever before. Scholarship has been highly respected, and students have been highly motivated.

The campus has come alive with discussions about the way of life of a university community, about the war in Viet Nam, about racial injustice, about the desecration of our air and water, and about moral and aesthetic values. New art forms have been explored and interest in the arts has reached a new high. All of this activity and discussion has been healthy, but some of it has been accompanied by a new element which is totally alien to the spirit of a university—namely, disorderly protest, boycotts, incivility, intolerance for differing opinions, intimidation, and lack of consideration for the rights of others. Very few students have been guilty of this kind of behavior, and untoward incidents have been rare at Iowa. But the virus of lawlessness and violence has intruded into many campuses and has even been found on rare occasions at the University of Iowa.

We have by now had enough experience with this kind of behavior to know that it bodes ill for the university as a center of learning. As the daily list of institutions with violence, threats, disorders, and armed hostility increases, the public is becoming less tolerant of the ancient and indispensable tradition of university self-government. The people of this country feel they have had about enough of this mode of behavior. But,

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the disorder and bigotry is evil not only because it threatens the university with outside control. It is intolerable because it is incompatible with the university's own central function as a place of learning. Learning can thrive only in an atmosphere of careful observation, judicious weighing of pros and cons, objective analysis, free exchange of ideas and openness to new concepts. This atmosphere is destroyed by noisy and intolerant pressure tactics.

I bring this matter to the attention of this audience, which is gathered to honor scholarship, because I know you will appreciate the dangers to the intellectual integrity, freedom, and excellence of the university that are inherent in these new modes of behavior. I call upon you, in the rest of your time here, and throughout your lives, to work toward the preservation of the university as a center of lively discussion—as a theater where new ideas are examined open-mindedly—as a place where people are civil to one another even when there are differences of opinion—as a place where the democratic processes are respected and followed—as a center of enlightenment and an enemy of bigotry and coercion.

The Universities of this country are in great danger. The scholarly values to which you and I have given much of our lives are in jeopardy. I ask you to be among the staunch defenders who will help to restore the balance.

INDIA CONSORTIUM

(Mr. TAFT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAFT. Mr. Speaker, on May 22 and 23, the consortium of governments and institutions concerned with assistance to India met in Paris to review progress in Indian economic developments. A concise summary of this meeting was issued May 23 by the World Bank. In the very near future, the House Foreign Affairs Committee, of which I am a member, is scheduled to hold hearings on foreign aid, a sizable portion of which is programed to India. So that other Members may share the contents of the summary of the Paris meeting, I include as follows:

INDIA CONSORTIUM, MAY 23, 1969

The following announcement was issued today at the World Bank's European Office in Paris:

"The Consortium of governments and institutions interested in development assistance to India met in Paris on May 22 and 23, 1969 under the chairmanship of the World Bank. The meeting was attended by representatives of the Governments of Austria, Belgium, Canada, Denmark, France, Germany, Italy, Japan, the Netherlands, Sweden, the United Kingdom and the United States. The presence of Sweden as a member of the Consortium for the first time was welcomed. The International Monetary Fund and the Organization for Economic Cooperation and Development sent observers.

"The purpose of the meeting was to review the progress of economic development in India and to consider India's aid requirements for the fiscal year beginning April 1, 1969 and the terms on which aid should be made available.

"A delegation representing the Government of India, led by Dr. I. G. Patel, Special Secretary to the Government of India, Ministry of Finance, was present to describe recent economic developments and aid requirements.

"The meeting commended the considerable improvements in India's economic situation in 1968/69. All Consortium members welcomed the continuation of the momentum of growth in agricultural production, the substantial recovery in industrial production, the restoration of a stable price level and the efforts made in the last budget to mobilize additional resources for development. Particularly noteworth was the very good export performance, especially with regard to such items as engineering goods; exports as a whole were 12.5 per cent above those of 1967/68. Members also commended steps India was taking to extend the family planning program, for which budgetary appropriations during the next five years are planned at a level 12 times the amount spent during the Third Plan period.

"It was agreed that India needed substantial new commitments of non-project as well as project aid if the general recovery of the economy was to be maintained and consolidated. Members agreed that, for the year which began April 1, 1969, India required non-project assistance of about $700 million, including approximately $100 million in the form of debt relief. Toward this total of $700 million most members indicated the contributions they would be able to make, subject to necessary approvals, and others expected to be able to do so later in the year.

"India's need for increased project assistance as an essential complement to non-project aid was also recognized, and Consortium members agreed that India's request for $400 million was reasonable and that efforts would be made to meet it.

"It was generally agreed that a further improvement in the terms of aid was desirable and several members in fact announced such improvements."

CONGRESSMAN CULVER PROPOSES INCREASE IN SOCIAL SECURITY BENEFITS

(Mr. CULVER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CULVER. Mr. Speaker, I am pleased today to join several colleagues in the House in introducing legislation which would increase social security benefits by 15 percent, increase the minimum monthly benefit from $55 to $80 per month, and provide for periodic, automatic increases in social security benefits to meet increases in the cost of living.

The abundance of our Nation continues to bless the vast majority of Americans. But that abundance still continues to be denied to the very generation which has labored long, hard years to bring our country to its present fullness and richness. Justice as well as reason requires that we in the Congress renew our concern over the kind of life our society forces upon its senior citizens.

We are today a younger Nation than at any time in our history. Nearly half of our population is under 25 years of age, and about a third is under 15. But our preoccupation with the problems of the young should not be allowed to mask the fact that 19 million persons, or nearly 10 percent of the population, are 65 years of age or older. The choice which must be open to this 10 percent is a life of dignity and productivity—not a disheartening period of dependency or deprivation.

Problems such as health and housing, employment and recreation, are dealt with in a routine way by most individuals. But, because of their precarious economic existence, these same problems present formidable challenges to many older Americans. As the strongest and richest Nation in the world, we cannot in the exercise of responsible judgment afford to overlook these critical concerns.

I believe we can act immediately to relieve the hardships under which many now suffer. By increasing social security benefits and tying future benefits to the cost-of-living index, we can provide for a greater measure of economic security in the lives of America's elderly.

Higher income levels are obviously not the total answer; but they will serve to blunt the forces of poverty which now threaten too many of the country's senior citizens.

Mr. Speaker, by the beginning of 1970, inflation will have eliminated the effect of past social security increases in 1965 and 1967. I can think of no better way for the Congress to honor the month of May, which has been proclaimed Senior Citizens Month, than to begin immediate consideration of this legislation.

THE FOREIGN AID PROGRAM

(Mr. COLLIER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. COLLIER. Mr. Speaker, during the last full session of Congress we have heard a great deal about how much less is being spent on foreign aid. One would be led to believe that the so-called mutual security program is being gradually reduced to nothing and that the taxpayers of America could look forward to the day when they would no longer have to bear this burden.

What are the facts?

Mutual security will require appropriations totaling approximately two billion seven hundred million dollars for fiscal 1970, which the proponents of the program consider a barebones amount This, however, is only about one-quarter of the total amount of assistance that the United States will provide for foreign countries next year. Mutual securities is but one of the many foreign aid activities.

A perusal of the budget that Lyndon B. Johnson submitted to the Congress just before turning over the reins of Government to Richard M. Nixon shows that obligations for foreign aid for fiscal 1970 will total $9,572,268,000, not counting the amounts that will be obligated by the Department of Defense. If such sums were added, the total would be substantially in excess of $10 billion. A table that I will submit for the RECORD under leave to extend my remarks breaks down this enormous sum by the various departments and agencies of the executive branch and also gives comparative figures for the fiscal years 1968 and 1969.

There are numerous reasons why we must drastically curtail this huge outflow of funds, but I will list only a few of them.

The Committee on Appropriations of this body has proposed a spending limitation of $192,900 million for the year that will begin less than 6 weeks from today. The chairman of the Committee on Ways and Means, on which I am privileged to serve, believes that this gargantuan sum can be reduced by $5 billion. What better place can we start than the foreign aid programs?

The public debt at the end of fiscal 1970 will reach the astronomical figure of $371,482 million, unless measures are taken to sharply cut spending. In order

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to show my colleagues just how great our indebtedness is, let us compare our burden of debt with that of all the other nations of the world, almost all of which have received handouts from the United States during the period 1946 to 1969. The last date for which a meaningful comparison can be made is December 31, 1967, when the public debt of the United States was $345,947,345,000, as compared with the combined public debts of all the other nations of the world, which came to $302,128,345,000. The latter figure would of course have been much higher had it not been for foreign aid. As it was, however, it was $43,819 million less than our own national debt figure. One half of our indebtedness represented total foreign aid from 1946 to 1968 plus the interest we had to pay to borrow the money before we could give it away.

The interest on the public debt of the United States for fiscal 1970 will be $15,958 million. One half of this amount became necessary because of our past foreign aid expenditures plus interest.

According to the Taxpayers Committee To End Foreign Aid:

> Various foreign aid agencies and programs have (since 1946) provided foreign countries with our most modern machinery and equipment. . . . Foreign industrialists and technicians have (with foreign aid dollars) been brought to the United States to study and take home our latest industrial technology With low cost foreign labor, foreign tax concessions, free ultra-modern U.S. machinery and technology, foreign industry has been able to undersell much of our domestic production. . . . Foreign aid, in many instances, has promoted the export of American industry. With indirect foreign aid and private finances, U.S. industries have established foreign branches in order to take advantage of low cost labor, favorable taxes, and local markets. This industrial exodus has taken jobs from American labor and given them to foreigners.

The following tabulation shows where the bulk of our foreign aid has gone:

United Kingdom	$7, 394, 000, 000
France	7, 021, 200, 000
Korea	6, 986, 800, 000
India	6, 585, 200, 000
Italy	5, 329, 100, 000
Turkey	5, 126, 400, 000
Vietnam	5, 042, 800, 000
China (Nationalist)	4, 873, 500, 000
West Germany and Berlin	$3, 668, 700, 000
Greece	3, 605, 100, 000
Japan	3, 528, 300, 000
Pakistan	3, 126, 500, 000
Yugoslavia	2, 633, 100, 000
Brazil	2, 476, 400, 000
Netherlands	2, 052, 700, 000
Spain	1, 952, 700, 000
Iran	1, 848, 400, 000
Philippines	1, 761, 400, 000
Belgium and Luxembourg	1, 757, 200, 000
Indo-China	1, 535, 200, 000
Chile	1, 221, 600, 000
Norway	1, 132, 400, 000
Austria	1, 122, 900, 000
Thailand	1, 063, 900, 000
Total	82, 845, 500, 000

As my colleagues study these figures, I hope they will ask themselves, "Just what has all this spending on foreign aid accomplished?" I would not go so far as to say that no good has been achieved, but as a general proposition I must say that the statistics for the 24 nations that have received at least $1 billion each are rather disillusioning.

Foreign aid has been sold to the American people under many different labels during the quarter century since the end of World War II. We were told that it was needed to stop communism. Among the nations that have received a tremendous amount of assistance is Communist Yugoslavia, which has benefilted to the extent of $2,633,100,000.

We were told that it was better to use foreign soldiers against the Communists than American young men. How many foreign soldiers are fighting alongside the several hundred thousand young Americans in Southeast Asia? France, the very nation that abandoned Indochina, received $7,021,200,000 in help from America.

The only country to receive more assistance from us is the United Kingdom, to which we contributed $7,394,000,000; that nation carries on trade with Communist North Vietnam and Communist Cuba, our enemies.

Other nations that trade with our enemies are Italy, the recipient of $5,329,100,000 in aid from us; West Germany and Japan, each of which received over $3,500,000,000; the Netherlands, which got $2,052,700,000; Belgium, to which we gave approximately $1,750,000,000; and Norway, which received $1,132,400,000.

Many of our colleagues are disturbed because Greece and Spain are governed by regimes of which they do not approve. Spain has received $1,952,700,000 in assistance from the United States, while Greece has done much better, getting $3,605,100,000. An even greater amount, $5,126,400,000, has gone to Turkey, which, along with Greece, was one of the earliest beneficiaries from American aid. Undoubtedly aid to Greece and Turkey stopped communism two decades ago, but these two nations have in the meantime become bitter enemies of each other.

India and Pakistan are two other countries that have often been at swords' points during the years since both achieved independence, not only from the British Empire but from each other. These two nations have received $6,585,200,000 and $3,126,500,000, respectively, from the taxpayers and bond purchasers of the United States.

A great deal of the more than $10 billion that we will be asked to provide for the various foreign aid programs for fiscal 1970 will be distributed among the more than 60 nations that have achieved independence during the last quarter century. The great majority of these new nations were formerly colonies of Great Britain, France, the Netherlands, and Belgium.

Since the British, French, Dutch, and Belgian Empires disappeared, the United States has been asked to finance the onetime colonies in many of their activities, just as we assumed the burden of fighting the war in Southeast Asia when France resigned from that responsibility. Although it was Great Britain, France, the Netherlands, and Belgium that exploited the colonial populations, it is Uncle Sam who is expected to help solve the problems of the new nations with huge outpourings of borrowed money.

Mr. Speaker, I have given but a few of the many reasons for ending foreign aid. Suffice it to say that if we are going to balance the budget, cut spending, reduce the debt, and end the surtax, we ought to start with the foreign aid programs.

The table to which I referred at the beginning of my remarks follows:

[In thousands of dollars]

	1968 actual	1969 estimate	1970 estimate
FUNDS APPROPRIATED TO THE PRESIDENT			
International financial institutions:			
Investment in Inter-American Development Bank, obligations	300,000	300,000	300,000
Subscription to the International Development Association, obligations	104,000	160,000	160,000
Investment in Asian Development Bank	20,000	45,000	45,000
Foreign assistance:			
Military assistance, obligations	513,173	381,000	381,000
Foreign military credit sales, obligations		296,000	275,000
Liquidation of foreign military sales fund, executive, obligations	213,322		
Advances, foreign military sales: procurement assistance, obligations	1,048,207	885,000	950,000
Economic assistance:			
Grants and other programs:			
Technical cooperation:			
East Asia	44,216	47,250	55,300
Near East and south Asia	34,855	35,341	43,960
Africa	67,706	60,232	74,860
Latin America	1,150		
Interregional and special programs	59,568	45,689	66,960
American schools and hospitals abroad	11,067	15,110	12,400
Surveys of investment opportunities	512	1,500	1,500
International organizations and programs, grants:			
United Nations development program	75,000	70,300	85,000
U.N. technical and operational assistance to the Congo	2,150	500	500
FUNDS APPROPRIATED TO THE PRESIDENT—Con.			
Foreign assistance—Continued			
Ecoonmic assistance—Continued			
Grants and other programs—Continued			
U.N. Relief and Works Agency	13,300	13,300	13,000
U.N. Children's Fund	12,000	13,000	12,500
International Atomic Energy Agency operational program	1,000	1,000	1,000
U.N. "peacekeeping":			
Emergency force	5,197		
Cyprus	1,162	6,300	6,300
World food program	2,000	1,300	1,500
Indus Basin Development Fund, grant	20,900	17,600	16,000
International Secretariat for Volunteer Service		50	50
U.N. Institute for Training and Research	500	300	500
World Health Organization, medical reserach	150	150	150
Special contributions for Vietnam	1,000	400	1,000
U.N. population program	500	500	2,500
World Meteorological Organization, World Weather Watch		1,500	2,000
U.N. special programs for Southern Africans	50		50
International organizations and programs, loans, Indus Basin Development Fund		12,000	19,000

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[In thousands of dollars]

	1968 actual	1969 estimate	1970 estimate
FUNDS APPROPRIATED TO THE PRESIDENT—Con.			
Foreign assistance—Continued			
Ecoonmic assistance—Continued			
Grants and other programs—Continued			
Supporting assistance:			
Vietnam	400,273	343,576	440,000
East Asia	127,707	88,395	88,860
Near East and south Asia	18,978	11,000	
Africa	16,900	14,483	11,000
Latin America	26,103	11,796	6,500
Nonregional	9,881	17,644	4,650
Contingency fund	27,538	27,130	50,000
Alliance for Progress, technical cooperation and development grants	87,255	86,455	120,600
Administrative expenses, Agency for International Development	57,078	54,586	55,000
Administrative and other expenses, Department of State	4,167	3,661	3,800
Total obligations	1,129,868	1,002,048	1,196,740
Informational foreign currency schedules:			
Assistance to American schools and hospitals abroad, obligations	5,986	5,100	1,700
Foreign currencies, foreign assistance:			
Military purposes (projects)	153	4	
Economic purposes			
Projects	6,417	7,231	6,908
Procurement for third countries	8		
Total obligations	6,578	7,235	6,908
Foreign Currency from Agricultural Trade Development and Assistance Act:			
Emergency relief assistance	1,340	695	
Purchase of goods or services for other countries	5,940	9,167	8,550
Total obligations	7,280	9,862	8,550
Foreign Currency from Agricultural Trade Development and Assistance Act:			
Grants:			
Procurement for the common defense	125,614	145,910	126,500
Promoting economic development and international trade	36,474	58,150	68,400
Financing activities related to maternal welfare, child health and nutrition, and problems of population growth	8,282	20,490	30,415
Financing activities related to animal and plant pest control		1,500	1,000
Loans:			
Promoting economic development and international trade	441,444	341,950	176,975
Assisting private enterprise for business development and trade expansion	14,707	85,960	45,085
Total obligations	626,521	653,960	448,375
Alliance for Progress, development loans:			
Capital outlay, funded:			
Loans to developing countries	324,140	375,935	377,178
Interest capitalized	1,662	149	
Change in selected resources	−42,675	49,279	17,557
Adjustment in selected resources (loan obligations)	20,986	50,030	25,265
Population grant program:			
Obligations funded	941	7,900	10,034
Change in selected resources	11,934	5,697	−10,034
Operating costs, expenses (obligations)	140	165	165
Total obligations	317,128	489,155	420,165
Development loans, revolving fund:			
Capital outlay, funded:			
Loans to developing countries	636,499	660,752	579,873
Interest capitalized	2,520	1,644	
Change in selected resources	6,376	−275,477	103,827
Adjustment in selected resources (loan obligations)	92,906	72,170	44,500
Operating costs, expenses (obligations funded)	262	300	300
Total obligations	738,562	459,389	728,500
Development Loan Fund, liquidation account:			
Loans repayable in dollars	7,850	8,500	5,000
Interest capitalized	1,296		
Unapplied loan disbursements	7		
Loans repayable in foreign currency	21,003	21,230	18,528
Interest capitalized	557	540	
Change in selected resources	−41,300	−43,207	−23,528
Adjustment in selected resources (loan obligations)	12,439	13,477	
Total obligations	1,853	540	
Foreign Investment Guaranty Fund:			
Claims expenses	623	8,200	7,530
Administrative costs	1,090	3,207	3,626
Recovery of prior year obligations	16		
Change in selected resources	44	−73	
Total obligations	1,773	11,334	11,156
FUNDS APPROPRIATED TO THE PRESIDENT—Con.			
Foreign assistance—Continued			
Ecoonmic assistance—Continued			
Advance acquisition of property, revolving fund:			
Operating cost, funded:			
Domestic program	2,063	1,566	1,709
Foreign program	2,727	3,401	2,729
Change in selected resources	−1,310	−121	−75
Nonoperating obligations	577		
Total obligations	4,057	4,846	4,363
Office of the Inspector General of Foreign Assistance Inspections (costs, obligations)	899	980	980
Advances and reimbursements, economic assistance: Miscellaneous services to other accounts, obligations	59,590	30,516	30,530
Economic assistance, trust fund:			
Technical assistance, U.S. dollars advanced from foreign governments, obligations	2,034	2,300	2,400
Informational foreign currency schedules:			
Technical assistance (Agency for International Development), obligations	92,285	86,621	83,526
Military assistance projects, obligations		10,177	
Peace Corps:			
Peace Corps:			
Volunteer and project costs	78,227	72,800	78,900
Administrative expenses, limitation	28,619	30,251	30,900
Total obligations	106,846	103,051	109,800
Gifts and donations:			
Volunteer and project costs	134	134	136
Administrative expenses	67	66	67
School partnership program	321	432	432
Total obligations	522	632	635
Informational foreign currency schedule:			
Volunteer and project costs	872	890	883
Administrative expenses	400	410	417
Total obligations	1,272	1,300	1,300
Philippine education program:			
School building construction project	9,677		
Textbook projection project	2,564		
Cultural development fund project	3,500		
Assistance to secondary education project		6,154	
Projects being negotiated		2,837	
Total obligations	15,741	8,991	
Special foreign currency activities:			
Department of Agriculture, translation of publications and scientific cooperation:			
Agricultural and forestry research	201	206	
Change in selected resources	−192	−206	
Total obligations	9		
DEPARTMENT OF AGRICULTURE			
Agricultural Research Service:			
Salaries and expenses (special foreign currency program):			
Market development research	1,942	1,600	1,400
Agricultural and forestry research	4,892	5,000	5,600
Translation and dissemination of scientific publications	113	128	135
Total program costs, funded	6,947	6,728	7,135
Change in selected resources	362	−424	1,747
Total obligations	7,309	6,304	8,882
Advances and reimbursements: Agency for International Development (funds appropriated to the President)	2,532	1,841	1,808
Cooperative State Research Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	76	187	166
Extension Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	1,240	1,951	1,320
Farmer Cooperative Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	180	167	167
Soil Conservation Service:			
Advances and reimbursements:			
Technical services to International Agricultural Development Service	40	51	60
Technical services to Agency for International Development	1,075	1,120	1,170
Economic Research Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	959	1,100	1,100
Statistical Reporting Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	216	213	213
Consumer and Marketing Service: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	99	131	128
Foreign Agricultural Service: Advances and reimbursements, Agency for International Development program	176	219	219

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[In thousands of dollars]

FUNDS APPROPRIATED TO THE PRESIDENT—Con.

DEPARTMENT OF AGRICULTURE—Continued

	1968 actual	1969 estimate	1970 estimate
International Agricultural Development Service:			
Advances and reimbursements:			
Training of foreign participants	674	627	650
Technical consultant on and support service	477	392	410
Special projects	812	951	950
Project leaders	166	150	150
Subsistence for foreign training while in United States	3,701	3,790	4,000
Total obligations	5,830	5,910	6,160
Foreign assistance programs and special export programs:			
Public Law 83-480:			
Sale of agricultural commodities for foreign currencies and for dollars on credit terms	1,134,841	927,100	841,313
Commodities disposed of and other costs incurred in connection with donations abroad	344,596	375,600	364,548
Total program costs, funded	1,479,437	1,302,700	1,205,861
Changes in costs financed by balance in Commodity Credit Corporation and by receipts	−303,937	−472,700	−189,261
Total obligations	1,175,500	830,000	1,016,600
Foreign Agricultural Research and Development: Integrated foreign agricultural development program, agricultural research and development—Obligations			4,150
Rural Electrification Administration: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	2	5	5
Farmers Home Administration: Advances and reimbursements, Agency for International Development (funds appropriated to the President)	699	800	833
Office of information: Advances and reimbursements; Agency for International Development (funds appropriated to the President)	2	2	2
National Agricultural Library: Advances and reimbursements; Agency for International Development (funds appropriated to the President)	3		
Forest Service: Advancements and reimbursements, Agency for International Development	303	359	354

DEPARTMENT OF COMMERCE

	1968 actual	1969 estimate	1970 estimate
Business economics and statistics:			
Office of Business Economics: Advances and reimbursements, Agency for International Development	78	78	78
Bureau of the Census: Advances and reimbursements, foreign statistical training	2,020	2,722	2,627

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

	1968 actual	1969 estimate	1970 estimate
Office of Education: Advances and reimbursements, miscellaneous services to Agency for International Development	1,520	1,935	1,935
Social and Rehabilitation Service: Advances and reimbursements, Agency for International Development	166	320	320
Social Security Administration: Advances and reimbursements, providing training and other services for foreign nationals for the Agency for International Development	77	84	85
Departmental management: Advances and reimbursements, international health activities		749	1,130

DEPARTMENT OF THE INTERIOR

	1968 actual	1969 estimate	1970 estimate
Public Land Management; Bureau of Land Management; advances and reimbursements, Agency for International Development program	242	255	300
Mineral resources:			
Bureau of Mines:			
Advances and reimbursements, international activities	416	430	430
Contributed funds, international activities	2		
Water and power development:			
Bureau of Reclamation: Advances and reimbursements, consolidated work fund, Agency for International Development	3,594	3,890	3,896
Water quality and research:			
Office of Saline Water, cooperation with foreign agencies:			
Cooperation with foreign agencies (program costs funded)	6,115	10,500	1,075
Change in selected resources	5,282	−10,213	−1,075
Total obligations	11,397	287	

DEPARTMENT OF STATE

	1968 actual	1969 estimate	1970 estimate
Administration of Foreign Affairs:			
Advances and reimbursements:			
Representation by the Foreign Service of the United States abroad, foreign assistance program (Department of Defense)	107	102	102
Mutual educational and cultural exchange activities, Agency for International Development	222	178	178
Kabul Hospital:			
Agency for International Development	156	193	193
Peace Corps	38	27	27

FUNDS APPROPRIATED TO THE PRESIDENT—Con.

DEPARTMENT OF STATE—Continued

	1968 actual	1969 estimate	1970 estimate
International organizations and conferences:			
Contributions to international organizations:			
United Nations	33,620	37,180	41,571
U.N. Educational, Scientific, and Cultural Organization	9,085	9,085	10,531
International Civil Aviation Organization	3,140	3,225	3,530
World Health Organization	16,771	18,075	19,533
Food and Agriculture Organization	7,551	8,750	8,750
International Labor Organization	5,618	6,209	6,653
International Telecommunication Union	581	591	616
World Meteorological Organization	514	668	699
Intergovernmental Maritime Consultative Organization	93	103	121
Inter-American Indian Institute	62	62	62
Inter-American Institute of Agricultural Sciences	2,050	2,223	2,400
Pan American Institute of Geography and History	90	90	90
Pan American Railway Congress Association	5	5	5
Pan American Health Oragnization	5,888	6,550	8,402
Organization of American States	11,920	12,662	13,900
South Pacific Commission	179	180	198
North Atlantic Treaty Organization	3,698	3,837	4,241
North Atlantic Assembly	59	58	61
Southeast Asia Treaty Organization	319	318	348
Colombo Plan Council for Technical Cooperation	6	6	6
Organization for Economic Cooperation and Development	4,180	4,398	4,971
International Control Commission for Laos	394	394	320
International Atomic Energy Agency	2,813	3,294	3,374
Other international organizations	391	490	748
Total obligations	109,027	118,453	131,130
Educational exchange:			
Mutual educational and cultural exchange activities:			
Exchange of persons	29,742	18,722	22,600
Special educational and cultural projects	603	682	1,185
Aid to American-sponsored schools abroad	2,053	1,600	2,000
Cultural presentations	1,575	1,200	1,000
Multilateral organizations activities	406	444	444
Program services	6,804	6,495	5,975
Administrative expenses	2,500	2,282	2,196
Total obligations	43,683	31,425	35,400
International educational exchange activities (special foreign currency program): Exchange of persons—Obligations		1,033	
Educational exchange permanent appropriations: Educational exchange fund, payments by Finland, World War I debt—Obligations	363	377	377
Educational exchange trust funds:			
U.S. dollars advanced from foreign governments	204	250	250
Contributions educational and cultural exchange	58	60	60
Total obligations	263	310	310
Other:			
Migration and refugee assistance:			
Contribution to Intergovernmental Committee for European Migration	2,500	3,000	3,000
Contribution to U.N. High Commissioner for Refugees	600	600	600
Refugees from European Communist countries	875	914	914
Refugees from Communist China	272	300	300
Contribution for care of refugees from Middle East crisis	125		
Cuban refugees	619		
Administration	574	647	647
Contributions to the International Committee of the Red Cross	50	50	50
1967 program funds obligated in 1968	74		
1968 program funds obligated in 1969	−712	712	
Total obligations	4,977	6,223	5,511

DEPARTMENT OF TRANSPORTATION

	1968 actual	1969 estimate	1970 estimate
Office of the Secretary: Advances and reimbursements, Agency for International Development	51	87	90
Federal Aviation Administration: Advances and reimbursements, administration, training, and technical services in connection with Agency for International Development programs	6,662	8,138	7,254
Federal Highway Administration:			
Inter-American Highway:			
Inter-American Highway program	3,753	9,000	8,000
Change in selected resources	3,791	−3,545	−7,600
Total obligations	7,544	5,455	400
Other Federal Highway Administration trust funds:			
Technical assistance, U.S. dollars advanced from foreign governments	1,847	2,000	3,000

[In thousands of dollars]

	1968 actual	1969 estimate	1970 estimate
EXPORT-IMPORT BANK OF THE UNITED STATES			
Total obligations (operations program)	133, 524	173, 758	198, 210
Total obligations (capital outlay)	2, 391, 856	2, 829, 578	2, 767, 700
Total obligations (loan program)	2, 525, 380	3, 003, 336	2, 965, 910
Purchase of equipment—Capital outlay	16	170	45
Total obligations (guarantee and insurance program)	—4, 501	157, 299	201, 555
Total obligations	2, 520, 895	3, 160, 805	3, 167, 510
FEDERAL COMMUNICATIONS COMMISSION			
Advances and reimbursements: Technical assistance, Agency for International Development	17	19	20
Grand total obligations	9, 229, 111	9, 150, 972	9, 572, 268

NATIONAL SPACE PROGRAM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, it is especially heartening to the supporters of our national space program to read an editorial in the Evening Star on Friday, May 23, by Mr. Carl T. Rowan, which has enumerated only a very, very few of the benefits from our space program Americans are now enjoying and have been for many years. As a newsman and editorialist, Mr. Rowan deserves to be complimented in the succinct way he has illustrated how space research is providing answers through technology for many of our social ills. I think it is very evident that the fulfillment of the promises made in 1958 to the American people when Congress enacted the national space program is being carried out. At this point, I would like to include Mr. Rowan's editorial for the benefit of all Members of the House and for the edification of the relatively few, but highly vocal, critics of space research and development:

SPACE PROGRAM SPINNING OFF EARTHLY BENEFITS

(By Carl T. Rowan)

Millions of Americans watch in pride and astonishment as those intrepid astronauts, Tom Stafford, John Young, and Eugene Cernan, move us ever closer to touchdown on the moon.

But millions of Americans also ask some nagging questions about the wisdom of spending at least $24 billion to plant Old Glory on the moon before the Russians' hammer and sickle is anchored there.

Is it all just a woefully costly gambit in a never-ending ideological contest? In terms of ultimate value to mankind, is the moon program about the equivalent of giving America's poor people roundtrip tickets to the Sahara Desert?

The late John F. Kennedy said, in giving the go-ahead for this costly space program, that men want to go to the moon for the same reason they want to climb a mountain: "because it is there."

Perhaps the search for the unknown, a yearning that has pushed man to new continents and new knowledge down through the ages, is justification enough for some. But fortunately for the National Aeronautics and Space Administration (NASA), there are some more tangible and substantial arguments.

Though not designed primarily to solve "earthly" problems, "spinoffs" and "transfers" from the space program have indeed produced some remarkable benefits at home. And more dramatic side benefits are certain to come.

Thousands of Mexicans in the twin towns of Gomez Palacios and Torreon can vouch for this. Their cities were saved from possible disastrous flooding in the wake of Hurricane Naomi last year, thanks to photos and data from a weather satellite launched by NASA.

Hospital patients are discovering the benefits, too. A tiny temperature sensor and FM radio transmitter, developed for space research, is now being used as an alarm to warn if tracheotomy patients have trouble breathing. And crippled persons are learning to walk with a training device that evolved from one the astronauts originally used to practice for low-gravity walks on the moon.

In overcrowded, poverty-riddled India, plans are being discussed to teach improved agricultural techniques and family planning methods to millions of persons by television beamed into villages via satellite.

Traveling in the United States will be safer this Memorial Day, as a result of NASA research. Studies of landing accidents on wet runways have led to the use of grooved designs for runways and highways. Fifteen major airports have modified their runways and 25 states are experimenting with grooving treacherous stretches of highway. Some of these experiments show a 90 percent reduction in rainy-day accidents.

Scores of other benefits from the space program are helping, or soon will be, in every field from medicine to agriculture, industry to education.

A computer technique used to improve the clarity of pictures televised from spacecraft is now being used to make medical X-rays clearer and more detailed. One NASA official says brain X-rays are now 200 percent better.

To make the Apollo spacecraft fireproof, tests were conducted on hundreds of materials. These are now available to make safer clothing, upholstery, drapes, and other goods.

As a result of the cleanliness requirements for space components, giant "clean rooms" were developed which now are being copied in hospitals.

An especially tough coating developed for spacecraft is the basis of long-wearing paint now being developed for consumer use.

Out of an attempt to develop a heated glass canopy for research airplanes has come a cradle cover for newborn children—especially valuable for premature babies whose temperature must be closely controlled.

Electrocardiogram data on a heart-attack patient can be flashed ahead from the ambulance to the hospital, thanks to technology developed at NASA's flight research center.

A battery-operated television camera not much bigger than a pack of king-sized cigarettes, which photographs the separation of Saturn V rocket stages in flight, is on sale in a commercial version for monitoring industrial processes.

Is even all this worth the cost? Who at this early day in the history of space travel can say yea or nay?

BETTER POSTAL SERVICE AND REMOVAL OF POST OFFICE DEPARTMENT FROM PARTISAN POLITICS

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUPPE. Mr. Speaker, when I was first a candidate for Congress in 1966, one of my major pledges was to work for better postal service and to support efforts to separate the Post Office from partisan politics. Consistent with those promises, and because it is right, I am today cosponsoring the Postal Service Act of 1969.

There are many reasons for supporting this legislation. As a former member of the House Post Office Committee I can testify without reservation that our postal system is running a headlong race with disaster. This is not legislation to improve the postal system; this is legislation to bring a halt to the increasing inefficiency tied to a rapidly rising volume of mail strangling our postal system. Furthermore, partisan politics and postal excellence do not mix, yet, for 200 years have hindered the entire postal operation. Persident Nixon and our outstanding Postmaster General, Winton Blount, have taken great forward strides toward the goal of removing the Post Office from politics. Abolition of the old "political advisor system" for filling postmasterships and rural carrier vacancies was a remarkable action. Now, with legislation I am introducing today, we can bring about the final divorce between the postal system and partisan politics.

The Postal Service Act of 1969 removes the Post Office from direct relations with necessarily politically partisan Government officials. The postal service will no longer be headed by a Postmaster General. In place of this historically political figure, there will be a board of seven directors, chosen by the President and confirmed by the Senate to be sure, but selected from private life and without regard for political affiliation. These seven directors will in turn appoint two other members who will be the chief full-time managers of the postal service. They will be selected for their ability as managers and will be accountable to the board for their management of the service.

The Postal Service Act specifically prohibits the use of any political consideration in the selection or promotion of the managing officers and the employees of the service and requires that all such personnel action be based on merit and fitness.

Prohibitions on political influence within the postal system are valuable. They are needed. A distinct virtue of the present bill is that it not only contains such prohibitions but also creates an organizational structure which fosters their effectiveness. The service is removed from the center of the political stage by the creation of a nonpolitical board of directors. It is twice removed by making its active day-to-day managers immediately responsible to this nonpolitical board.

LEONARD RATNER RECEIVES THE GOLDEN DOOR AWARD

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, this evening the Golden Door Award of the Cleveland Nationalities Services Center will be presented to Mr. Leonard Ratner, founder and chairman of the board of directors of Forest City Enterprises, Inc., and nationally known Cleveland philanthropist.

Mr. Ratner is a unique man whose life's philosophy of looking back to where he has been so he can know where he is going, has put service to others in the forefront of his life.

Arriving with his family from Russia over 50 years ago, he has never forgotten the pain and suffering that he left; and has since then, by helping others with financial aid, and even more important, jobs and a place to work, has truly followed his own motto: "Service is our room rent on earth."

The Cleveland Nationalities Services Center is a nonprofit, voluntary agency, member of the Cleveland Welfare Federation and affiliated with the American Council for Nationalities Services in New York City. It is dedicated to aid in community absorption of the foreign born, to prevent isolation of and conflicts between the groups, and to facilitate the enrichment of American culture by their contributions.

Leonard Ratner has made a major contribution to international understanding and to the cultural life of our city and our Nation and is most deserving of this outstanding award.

AGRICULTURAL ADJUSTMENT ACT OF 1969

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ST GERMAIN. Mr. Speaker, for several years I have opposed the kind of farm programs which are costing the taxpayers of this Nation more than $3 billion in payments to a small group of producers. The Government farm program has never lived up to its promises. It has meant lower income for farmers, less-efficient production, continuing surpluses, and little or no benefit to consumers.

The American consumer has to pay more for food than the supermarket price; through taxes, he has to hand over his share of the $3.3 billion that last year went to subsidize farmers—some farmers to the tune of over a million dollars. What a spectacle we offer when we have the Federal Government lavishing payments on wealthy farmers in some of the very counties which have not lifted a finger to set up for their malnourished poor the Federal food-aid programs so easily available to them. The present costly and ineffective farm program is scheduled to end at the close of 1970. I believe that the concept of expensive direct payments to farmowners should end with the program.

Starting in January 1971, the legislation which I am introducing today would regulate an orderly phaseout of farm payments and Government controls. By 1975, it will have eliminated acreage allotments, base acreages, marketing quotas, processing taxes, and direct payments for wheat, feed grains, and cotton. During the 5-year phaseout, a land retirement program would be put into effect to provide a transition period.

The supply management needed to balance production and demand should be worked out by the farmers themselves through their associations, and not imposed by the Government. I am convinced that the farm operators are quite capable of developing whatever policies and programs are called for in adjusting supply to market demand. They will certainly not do any worse than the current program.

The bill also contains—and this is an important point—a special voluntary provision for Government assistance to those noncommercial farmers who have no hope at all of transforming their farms into paying propositions. Here, for the first time, legislation separates the commercial farmer from the noncommercial farmer. We all know that there is a vast difference between the two, and that difference, I think, calls for an appropriate distinction in Government policy.

If we do away with Government controls and make the effort to increase our exports, I believe that we will once again have a healthy agricultural industry.

POSTAL SERVICE ACT OF 1969

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I have today introduced the Postal Service Act of 1969. This is the bill sent up by the President for total reform of the Post Office to meet the needs of today's United States. It is one of the most important steps toward good government that the first session of the 91st Congress can take.

The Post Office today is in deep trouble. If it is not totally reformed—and quickly—the mail system may simply break down and cease functioning.

The Post Office is in trouble because it is trying to meet 20th century needs with a 19th-century organization. It is in trouble because its equipment is inadequate, its buildings are obsolete, its operating practices are outmoded, and its working conditions are archaic. It is chronically ridden with deficits measured in hundreds of millions of dollars. Unless there is basic reform, we can expect postal deficits of more than $15 billion in the next 10 years—$15 billion of tribute to a system whose hallmark is inefficiency.

The Post Office is in trouble because we have not demanded of it the modern managment techniques and modern labor-relations techniques that virtually every other major enterprise in the country has employed for decades. We should tolerate no less for the Nations most basic communications system—the U.S. mails. But the mails cannot keep pace with the needs of our expanding population and the demands of our ever-burgeoning economy unless there is thoroughgoing legislative reform.

The Post Office is starved for capital. It cannot fully avail itself of the enormously productive fruits of modern American technology. Postal needs, in a very real sense, are competing with other national needs for congressional appropriations. They have proved unequal to the competition. Alternate means must be provided for meeting the Post Office's requirements for investment capital with which to provide the modern buildings and high-speed equipment needed to move the growing mountain of mail efficiently and economically.

Relations between postal management and the three-quarters of a million dedicated postal workers have been less than satisfactory. The pallid substitute for collective bargaining that now exists in the Post Office gives postal employees no real voice in determining their conditions of employment. Labor and management have no authority to bargain collectively over issues like wages and working conditions—issues on which most employees in the service industries of this country have long enjoyed a right to be heard. As a consequence, there is only frustration and dissatisfaction for all concerned. As the President said yesterday, postal workers should have a stake in the quality of the service that they provide for the public and a reason for pride in themselves and in the job they do.

In the area of postal rates, needed changes and adjustments are too often caught up in a legislative process that is far better suited to deliberating and resolving great issues of national policy than to managing the detailed cost controls and price-adjustment needs of a public service enterprise like the Post Office. Postal rates have not been as responsive as they should be to changing market forces or to the needs of postal users. Changes in postal rates need the public scrutiny of expert, professional rate analysts.

To remedy these ills the bill which I introduce proposes the creation of a separate postal service authority—the U.S. Postal Service—wholly owned by the Federal Government, to be operated in the public interest using the best and most efficient of management methods and techniques to provide up-to-date

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postal service for the needs of all Americans.

Responsibility for the management of the postal service will be in a board of directors, seven members to be appointed by the President, subject to Senate confirmation, and two, the top full-time managers of the service, to be selected by the remainder of the board. The board will have the authority to go with its responsibility for providing efficient postal service at reasonable rates. The postal service will be able to hire and promote employees solely on the basis of merit. It will be able to borrow on the open market for necessary capital investments. It will be able to bargain collectively with employee representatives on wages and working conditions. And the board will be responsible to the Congress and to the American people for the exercise of this authority.

In the discharge of its duties the postal service will at all times be bound by policies established by the Congress. In addition, in the important area of maintaining the best possible rate structure, postal rates will be subject to examination by a panel of expert rate commissioners acting on a public record to insure compliance with the policies which the Congress has established by statute. And before any change in rates becomes final it must be reported to the Congress, which may disapprove the change by concurrent resolution. At every step the public interest will be protected

The bill that I introduce represents major change; but major change is needed—and needed now—if the Post Office is to give the American people the postal service they deserve. The postal service bill has been designed to keep what is best in the Post Office: The honest, devoted work of thousands of loyal men and women at all levels of postal operations, men and women whose lot will be improved as efficiencies and modernization bring the service into line with other enterprises; the historic tradition of integrity of the mails; and the universality of service which makes the mails the most important of our communications networks.

The bill has also been designed to improve the Post Office where improvement is needed: There will be continuity of professional management; badly needed capital resources will be available; postal rates and postal services will be responsive to the needs and demands of postal users; and postal employees will have a real voice in determining their wages and conditions of employment.

Mr. Speaker, I endorse the President's recommendations that this legislation be promptly considered and promptly enacted.

My friend from Arizona (Mr. Udall) spoke a moment ago about the introduction of a bill to reform the Post Office Department. We have been working on this legislation for a long time. The Post Office Department is in one big mess, and it is not due to any particular administration, and it is not due to any particular Postmaster General. I have served under six of the Postmasters General, and one goes off in one direction and one goes off in another, and there are all kinds of new people who come in every time a new Postmaster General is selected.

Something has to be done about reforming the Post Office Department or we are going to have a complete breakdown—as a matter of fact, it is almost broken down now.

Mr. Speaker, I am introducing today two bills identical—but because we can only have a certain number of Members gathered together on one bill, and we have so much interest in this legislation—the bills will be the same, but the names will be different.

Mr. Speaker, I believe that the American people are very much concerned about the postal system and the mess that it is in. I again repeat that this is not due to any one administration, it has just not been taken care of by continuity of management. It has been political, but it should be operated like any other private business, and that is all we hope to accomplish with the bill that I am introducing today.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Nebraska yield?

Mr. CUNNINGHAM. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Nebraska for yielding.

I believe that the gentleman from Nebraska has succinctly laid on the table the critical problem we face with the present situation in the Post Office Department. I am glad to have joined with the gentleman in sponsoring the legislation the gentleman is introducing today.

Mr. CUNNINGHAM. I thank the minority leader.

THE ARAB STATES AND THE "DECLARATION FOR PEACE"

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Farbstein) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, on April 28 the names of 226 Members of Congress appeared on the "Declaration for Peace in the Middle East on the Occasion of Israel's 21st Birthday."

That document expressed the sincere desire of the signers that a peaceful settlement of the Middle East conflict could take place. It urged Israel and the Arab States to meet face to face to discuss their differences with the hope of ending the conflict which has led to suffering by Israelis and Arabs alike.

The declaration said in part:

> We believe that the issues which divide Israel and the Arab states can be resolved in the spirit and service of peace, if the leaders of the Arab states would agree to meet with Israelis in face-to-face negotiations. There is no effective substitute for the procedure. The parties to the conflict must be parties to the settlement. We oppose any attempts by outside powers to impose halfway measures not conducive to a permanent peace. Achieving peace, Israel and the Arab states will be in a position to settle the problems which confront them.

I regret that this appeal by many of the most distinguished Members of the House and Senate of the United States has fallen on deaf ears. It has unfortunately evoked from the Arab States neither reason nor an attempt at understanding of the issues that divide them from Israel. It has only evoked antagonism and dogma.

The following exchange of correspondence between Mr. Rashad Mourad, permanent observer of the League of Arab States to the United Nations, and myself, documents this:

May 27, 1969.

Mr. Rashad Mourad,
Permanent Observer of the League of Arab States to the United Nations, Arab States Delegations Office, New York, N.Y.

Dear Mr. Mourad: I regret that you have rejected the call to peace embodied in our Congressional Declaration, just as the Arab states have rejected all calls to peace for the past 21 years.

I regret that, as Israel celebrates her 21st anniversary, the Arabs are marking the 21st anniversary of their war against Israel. Twenty-one years ago, in defiance of the UN partition resolution and the UN Charter, the armies of the Arab states invaded Palestine/ and seized East Jerusalem and what was to have been the Palestinian Arab state. The world community, through the United Nations, had offered self-determination to both the Arabs and the Jews in the area. It was the Arab states which deprived the Palestinian Arabs of their right to self-determination then, and it is the Arab states which still refuse to recognize the right of Israel—a member state of the United Nations—to self-determination.

I regret the plight of the Arab refugees, who left their homes at the behest of the Arab states with the understanding that their departure would be temporary and intended only to facilities the onslaught of the Arab armies against Israel. I regret, too, that the Arab states, after failing to make good their promise, have refused to take the refugees into their own homes and permit them to lead productive lives, but have instead used their Arab brothers as just one more weapon in their war against Israel.

I regret, finally, that you imply that I, the Congress of the United States, and the American people are shirking our responsibility regarding the achievement of an Arab-Israel peace.

We believe, however, that an Arab-Israel peace should be just that—an *Arab-Israel* peace. I feel that by trying to bring about Arab-Israel peace negotiations, we are living up to our responsibilities. I look forward to the day when the Arab states will do the same.

Sincerely yours,
Leonard Farbstein,
Member of Congress

Arab States Delegations Office,
New York, N.Y., May 15, 1969.

Hon. Leonard Farbstein,
House Office Building,
Washington, D.C.

Dear Sir: The declaration bearing your signature and published in the form of an advertisement in the New York Times on Sunday, May 11, has prompted me to write you in an effort to present the under publicized version of the tragic Arab-Israeli dispute which is daily assuming alarming proportions.

Sir, while Israel is celebrating her 21st anniversary, allow me to draw your attention to part of the cost resulting from the establishment of this state: the creation of over 1,350,000 Arab refugees; the deprivation of the Arab people of their property rights in Palestine; the reduction to a state of poverty and misery of the indigenous population; the eradication from the area of Arab culture and civilization and the substitution of a garrison state ruthlessly bent on exploiting her friends and foes alike.

On this 21st anniversary marking the eviction of the Palestinian Arabs, we express our concern at the fact that the Arabs of Palestine are still being denied their fundamental right of self-determination enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. Likewise, we regret that after waging three futile and costly wars, the Israelis have not realized that the only path to peace lies in the restoration of Arab rights.

We sincerely believe that the issue which divides Jews and Arabs can be resolved if the Israeli leaders are willing to forgo their annexationist and expansionist designs. There is no substitute for a just and lasting peace other than Israel's withdrawal from occupied Arab territories. Peace, dear sir, cannot be achieved by the imposition of the will of the conqueror on that of the conquered.

The condemnation by the United Nations peace-keeping bodies of Israeli acts of aggression is a contribution by the United Nations to the establishment of an international order based on the rule of law in the area; Israel has not abided by any United Nations resolution.

Finally, I would like to emphasize that Israel, which presently occupies territories three times its original size, owes whatever progress she has achieved to the billions of tax-free American dollars which continue to pour into this state. We appeal to you in the name of justice and peace to approach the Arab-Israeli dispute in an even-handed manner bearing in mind the true interests of the American people.

Respectfully yours,

Rashad Mourad,

Permanent Observer of the League of Arab States to the United Nations.

AMERICA'S MILLIONS OF LEARNING DISABLED YOUNGSTERS WOULD BE HELPED BY H.R. 8660

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Pucinski) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, a very long time ago, a wise man observed:

> We cannot stand pointing our finger to the heights we want our children to scale. We must start climbing and they will follow.

I recall that advice as I stand here urging passage of legislation which I have introduced to help millions of American children with learning disabilities.

Less than 100 years ago, children were considered of little value.

Youngsters without parents were allowed to wander homeless in the streets.

Nine and 10-year-olds could be executed for crimes as minor as stealing food.

Children of 7 and 8 were sent to work in mills, mines, and factories—places which stunted their growth, destroyed their health, and killed them off anonymously, in tens of thousands.

To poor families, a child's birth was often a calamity. He became merely another mouth to feed. Unless that child could find means to support himself from a very early age, he was often cast out or allowed to die.

In this brutalized world, sheer survival consumed the energy, the health, and the lives of millions.

Late in the 19th century and in the early decades of the 20th century, this horror and cruelty began to end.

Through the efforts of writers, humanists, and missionaries from all walks of life, the conscience of the western world was moved to change the old order of things.

Gradually, the individual child became the focal point of man's hopes for a better future. The terror and disease that had blunted the lives of so many began to recede through legislation and through medicine, and, perhaps most important—through education.

Now we approach the end of the 20th century. Increasingly, man is concerned with unlocking the secrets of his uniqueness and his humanity.

The study of man as a special being—and the development of his potential for intellectual growth—are engaging the interest of people in dozens of interrelated professions—from economics to psycho-pathology.

We know, all of us, that a large measure of cognitive human development takes place in the classroom.

Children are taught to learn and, through learning, are impelled to carve a unique place for themselves in our complex and competitive society.

Significantly, in the sheer weight of numbers of students added to our classrooms each fall, we have encountered a phenomenon that multiplies more rapidly than we have thus far been able to prevent it—the phenomenon of the learning-disabled child.

There was a time when children who had difficulty learning were swept aside or described as "incorrigible" by teachers and parents.

Teachers devoted their time to good students. Anyone not classified as "good"—which usually meant submissive and capable of rote memorization—was dismissed as mentally defective or a discipline problem. We will never know the devastation these ignorant judgments made on the lives of children who were unable to defend themselves.

Nowadays, with our evolving sensitivity to the countless factors which determine human growth, the child who is having difficulty learning is no longer often written off as lazy, stupid, or merely defiant.

We now know that his inability to learn may be related to a variety of perplexing maladies.

His brain may have been slightly injured at birth, causing real—but often minimal—interference with his ability to perceive letters, colors, and figures as other children do.

He may have impediments to speech and to sight—impediments so slight they may go undetected for years, but which nevertheless prevent his participating to the full extent or his actual intellectual ability.

These handicapping disabilities have a variety of names. Names like dyslexia, a term used to describe any or all forms of reading disorders. Names like aphasia, which describes the impairment of the power to use or understand speech. Names like minimal brain dysfunction or MBD, as it is commonly used, which means a slight irregularity of the brain's ability to function.

These, and other terms, describe the plight of the children affected, but techniques and solutions to combat the disabilities successfully have not yet been put into nation-wide use.

More and more, however, educators, physicians, psychologists, therapists, social workers—and parents—are becoming involved in discovering ways of helping the learning-disabled child.

And it is because legislators are also now involved in bringing this national problem into the light of public discussion and providing funds to help solve it that I am privileged to speak to you tonight.

The Federal Government, to state the obvious, exists for the people of the United States. All of them.

In recent years it has not been fashionable to hear the Government referred to as either relevant or responsive, but it can be—and usually is—both of these.

When I was first elected to Congress in 1958, the annual education budget of the United States—covering all forms of education—was $1,081,000,000.

In 1969, the figure was $7,165,000,000—an increase of more than 600 percent.

Money for elementary and secondary education has increased from $259 million in 1959 to $2,182,000,000 this year.

This assistance has provided increased funds for construction, for special materials, for teacher training, for library books and technical facilities, for grants and projects, and demonstrations and programs; all of them designed in cooperation with the individual States to reach as many children as possible with as much talent and technology as could be made available.

I believe most of us are familiar with title VI of the Elementary and Secondary Education Act. This title provides special assistance to the 50 States for the education of handicapped and exceptional children.

These are children who may be mentally retarded; children who are deaf or hard of hearing; those with speech impairments and visual handicaps; those who are seriously emotionally disturbed, crippled, or afflicted with health problems that require exceptional facilities.

When we were writing this title into the Elementary and Secondary Education Act, we had hoped to reach most students with special problems and to assist their teachers, not only to recognize the unique needs of their pupils, but to help the children to develop and to learn.

Recent studies now being published and evaluated indicate there is an even greater need today—the need to reach children with learning disabilities.

Their needs are not being met to any significant extent. Not on a national level, and surely not on a local level.

Learning disabilities may be slight or overwhelming, but they can no longer be merely consigned to the skill, temperament, or the time of the individual teacher in a classroom.

The statistics on the extent of the problem, although incomplete, are nonetheless startling.

It is estimated that one child in seven in above average school districts has serious reading disorders, traceable to learning disabilities, emotional problems, or instructional deficiencies.

Reading disorders among the poor or disadvantaged youngsters range as high as one child in four, and may be even higher in specific school districts.

A study of 36,000 schoolchildren in Michigan revealed that 24 percent of children from low-income families have defective vision, attributable to a variety of causes, which prevent them from learning to capacity.

Of the handicapping conditions listed by the Children's Bureau, visual impairments affect approximately 12.5 million school age children between the ages of 5 and 17 at the present time. Many youngsters suffer multiple learning disabilities.

The bureau estimates that there are 5,400,000 emotionally disturbed schoolchildren; 3,270,000 children have speech impediments; and 2,720,000 are mentally retarded.

In all the definitions of what constitutes impediments to learning, there is a single, consistent element.

This element is that the learning disabilities are usually characterized by a significant discrepancy—usually 2 or more years—between the level where a child is expected to be functioning and the level where he is actually functioning in one learning situation or another.

In general, learning disabilities fall into three main categories: perceptual motor problems, language and communication disorders, and academic subject disabilities such as arithmetic or spelling.

These problems may be seen as a child's inability to transfer single letters into whole words.

He may be unable to reverse letters and numbers. He may be quick in math, but severely handicapped in coordination.

He may excel in spelling, and stumble in recitation. He may be unable to judge distances well or perceive distinctions in shapes and sizes.

The learning disabled child may have one or a combination of these disabilities affecting his memory in some way, his ability to think, his span of attention, his muscular coordination, his sight, his hearing, and his speech.

School districts across the Nation are only just beginning to feel the impact of the need to provide services for this uniquely disabled child.

There are three prevalent educational programs operating in a limited fashion in selected school districts at the present time to deal with learning disabilities.

They are: resource classrooms, self-contained classrooms, and itinerant teacher programs.

To explain further: A resource teacher would be employed by a school district or by a county board of education, for example. She might be assigned to a specific group of children in a particular schoolbuilding.

Those children in need of special assistance would be assigned various periods with this teacher during the day, the periods often coinciding with the area of study that the children find most difficult.

If a child is experiencing difficulty in reading, then during the regularly scheduled reading period, he would go to the resource classroom and receive intensive work in reading or language.

This type of program has provided measurable success in working with the learning disabled child. It has the advantage that the child spends most of his schoolday with his fellow students in a regular classroom environment.

In the self-contained classroom, children associate almost entirely with other handicapped or other learning-disabled children.

This program is of most help for children who are experiencing problems of such magnitude that they cannot be handled in a regular classroom setting.

Under this program, the children spend the entire day in this special class and have no contact with so-called "normal" children in a school environment.

The third program currently in use in some school districts—primarily rural ones—is the itinerant teacher.

This program operates in a manner similar to the resource program except that, instead of the children coming to the teacher, the teacher travels from school to school with the children.

This provides opportunities for the teacher to work with selected children during a specific period of time.

Which brings us to the consideration of, perhaps, the most crucial problem of all when discussing the implications of learning disabilities for the children themselves, for their parents, and for their communities.

We need trained teachers, a lot more of them than we have now.

We need the brightness and enthusiasm of young teachers. We need the maturity and patience of teachers with long experience.

We need men and women who love to teach and who love children.

That I should spend time emphasizing this point may cause some to question my judgment, for most of us are used to hearing of the teacher shortage. It has been dinned into us for years.

We have heard it so often, in fact, it has lost a lot of its importance. Most of us tend to dismiss it as just another factor in our lives.

I have served on the House Committee on Education and Labor for more than 10½ years and each year I read more in-depth studies and listen to the well-documented testimony of countless witnesses—parents and educators—literally begging for qualified men and women to enter the classrooms of this country.

Several of our colleges and teacher training institutions have independently established programs to prepare teachers and other workers for careers in the field of learning disabilities.

These people are trained to spot the potentially disabled child and to get him to respond to a learning experience.

Up to now, it has been impossible to train people as fast and as quantitatively as the demands are made by State departments of education.

With the most recent estimates setting a figure of learning disabled children as high as 3 million in classrooms in cities and towns across America, we can no longer expect to wish the problem away.

Outside the pages of romantic literature, wishing has proved little good for anything except an alternative to action.

I have introduced a bill in the House of Representatives, H.R. 8660, to provide special programs for children with learning disabilities.

Basically, this bill would amend title VI of the Elementary and Secondary Education Act which I referred to earlier—the title dealing with assistance to handicapped children.

My legislation would authorize the Commissioner of Education to make grants and to enter into contracts with colleges, universities, State and local education agencies, and public and private education and research agencies to enable them to tackle this problem with every resource they can muster.

The bill would permit funding of surveys and research activities and would encourage pilot and demonstration projects in the field of learning disabilities.

It would provide for professional or advanced training for teachers of children with these special disabilities, as well as training for the supervisors and people who will be responsible for training the teachers themselves.

In particular, I want to emphasize that the bill does provide for special refresher courses for experienced teachers in order to keep them current on new techniques in teaching and ever-alert to the special needs of the children they influence so directly every day.

H.R. 8660 would provide for the establishment and operation of model centers designed not only to improve the learning experience, but to improve the education of the learning disabled child.

These model centers would test and evaluate children referred to them.

The centers would develop and conduct model programs to reach the children and encourage them to respond to a learning experience that emphasizes their genuine abilities.

Further, the centers would offer assistance and advice to agencies and schools interested in setting up model programs of their own. These programs and this assistance would be available to all children with learning disabilities, whether or not they are enrolled in private or public schools.

There have been many exciting experiments that have been undertaken by private laboratories and learning institutions in this field.

Most notably, I refer to the success of Robert Hamblin and David Buckholdt of the Central Midwestern Regional Educational Laboratory in St. Ann, Mo.

They have developed an exciting and vastly encouraging system of counteracting the disruptiveness of hyperaggressive children in a classroom by conspicuously rewarding cooperative behavior, thus benefiting all the children and encouraging them to help one another as well as themselves.

By working with teachers who were floundering in dealing with a group of

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totally disruptive children, Mr. Hamblin and Mr. Buckholdt managed to give the teachers effective suggestions for reaching all of their students.

The purpose of my legislation is to recognize the extent of our national problem and to devise methods and means of treating it.

Our aim is to provide a systematic approach to encourage potential teachers and veteran teachers to obtain the training they can undoubtedly use to reach these unfortunate youngsters who need so much help.

Thousands of schoolchildren are failing because they are trapped in the cocoon of their special learning disabilities.

Years ago such children were "dunces," alternately hounded, ignored, teased, and shunned by their classmates and, sadly, by their teachers and parents in far too many instances.

With today's emphasis on achievement, with information doubling every 10 years, the child with a learning disability is all the more noticeable.

Once upon a time he would drop out of school after a year or two of failure and perhaps find employment in a trade requiring little skill.

Nowadays multiple skills are essential for people to support themselves decently.

With your help, with the help of organizations and agencies sharing your concern, with the assistance of therapists, teachers, doctors, and technicians of all kinds, the Federal Government hopes to provide a full measure of assistance to eliminate the tragedy of learning disabilities from the lives of millions of children.

As never before, we need the enriching culture of our people; the old ones and the young ones.

There is a place for everyone here. We need their individuality—in this technocratic age—to reinforce our belief in a future that is compassionate enough to revere all human life and safe enough to preserve it.

I am reminded, as I look out upon all of you, of the children we were once, and I recall the words of the man who said, in gazing at the adults of his own generation:

> I believe in children—little ones, big ones, chubby and thin ones. There is faith in their eyes, love in their touch, hope in their attitude. I thrill with them at life's happiness, run with them in celebration, bow with them in prayer, and hold them close in tragedy.
>
> I believe in children—the fragile dream of yesterday, life's radiant reality today, and the vibrant force of tomorrow.
>
> For wherever I go I find yesterday's children, who were nurtured in faith and love and learning, at work in building the Kingdom of God.

I am pleased to announce the Subcommittee on General Education which I serve as chairman has agreed today to hold hearings on this important problem.

I am today including with my remarks a copy of H.R. 8660 which I hope will help stimulate discussion on this subject. The bill follows:

H.R. 8660

A bill to provide for special programs for children with learning disabilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children With Learning Disabilities Act of 1969".

SEC. 2. Title VI of the Elementary and Secondary Education Act of 1965 be amended—

(1) by redesignating part "E" of such title as part "F" and redesignating sections "611" through "615" as sections "612" through "617" respectively; and

(2) by inserting after part D of such title the following new part:

"PART E—SPECIAL PROGRAMS FOR CHILDREN WITH LEARNING DISABILITIES

"RESEARCH, TRAINING, AND MODEL CENTERS

"SEC. 611. (a) The Commissioner is authorized to make grants to, and contracts with, institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that no grant shall be made other than to a nonprofit agency or organization) in order to carry out a program of—

"(1) research and related activites, surveys, and demonstrations relating to the education of children with learning disabilities.

"(2) professional or advanced training for educational personnel who are teaching, or preparing to be teachers of, children with learning disabilities, or such training for persons who are, or preparing to be, supervisors and teachers of such personnel; and

"(3) establishing and operating model centers for the improvement of education of children with learning disabilities, which centers shall (A) provide testing and educational evaluation to identify children with learning disabilities who have been referred to such centers, (B) develop and conduct model programs designed to meet the special education needs of such children, and (C) assist appropriate educational agencies, organizations, and institutions in making such model programs available to other children with learning disabilities.

In making grants and contracts under this section the Commissioner shall give special consideration to applications which propose innovative and creative approaches to meeting the educational needs of children with learning disabilities, and those which emphasize the prevention and early identification of learning disabilities.

"(b) In making grants and contracts under this title, the Commissioner shall require that—

"(1) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students; and

"(2) Federal funds made available under this title will not be commingled with State and local funds.

"(c) Payments pursuant to grants and contracts under this section shall be made in accordance with regulations promulgated by the Commissioner.

"(d) For the purposes of this section the term 'children with learning disabilities' means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

"(e) For the purpose of making grants and contracts under this section there are hereby authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1971, $20,000,000 for the fiscal year ending June 30, 1972, and $31,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975."

WHY I OPPOSE AN ALL-VOLUNTEER ARMY

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 30 minutes.

Mr. SAYLOR. Mr. Speaker, the question of whether or not the United States should continue its system of military conscription has received a great deal of public attention in recent years. Considerable agitation, both vocal and violent, has been directed against the military draft. What had virtually come to be accepted as the normal way of life in post-World War II America has now been called into question. This stems primarily from the discontent of many of our youth with the Vietnamese war. It is due also to the increasingly apparent discrepancy between the burden which is placed on a relatively few young men and the freedom enjoyed by the majority who escape military service. A great deal of disenchantment with the administration of the Selective Service System and opposition to the whole concept of a military draft have been widely expressed by many segments of American society. Discontent with the draft has led to proposals that it be abolished altogether. As a result, the feasibility of eliminating conscription in favor of a completely voluntary military force is now receiving serious consideration at both the presidential and congressional levels of Government.

I consider the subject of the draft's continuation to be one of the most important issues facing this Nation today. I have given a good deal of thought and study to this matter. After careful consideration of both the pro's and con's of the issue, I have concluded that, as long as the United States needs to maintain large armed forces-in-being to protect its security, the wiser course of action at the present time is to retain the draft.

My primary reason for advocating retention of the draft is a philosophic one which is related to the preservation of our democratic freedoms. I refer to the importance of the maintenance of civilian control of the military. This is a fundamental principle of American government. I feel that civilian control over the Armed Forces would be seriously undermined and weakened by an all-voluntary professional military force.

The record of large professional armies throughout history is not a commendable one. I think it might be well to refresh our memories of the bitter experience of the American colonists with a large standing army composed entirely of professional mercenary soldiers. An army so constituted was the instrument by which British tyranny was imposed upon the Colonies. Based upon its record and conduct, the colonials developed a well-founded suspicion and distrust of professional armies. Many of the colonists and their ancestors had come to America to escape military tyranny. Many had sought freedom from feudal lords and kings who possessed mercenary

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armies to which they were forced to supply food, shelter, and money. Quite naturally, the early settlers were alarmed to find the hated trappings of militarism transplanted by agents of the British Crown to American soil.

The American colonists' resentment of the abuses of military power and their strong belief in the necessity of civilian control of the military found expression in their catalog of grievances against the British Crown. In the Declaration of Independence, King George III was charged with having "kept among us, in times of peace, standing armies without the consent of our legislatures," and having rendered "the military independent of, and superior to, the civil power."

James Madison, writing in the Federalist Papers, expressed a common American fear of the potential dangers to a free people from a large military force. He reminded the men who were drafting the Constitution "that the liberties of Rome proved the final victim to her military triumphs; and that the liberties of Europe, as far as they ever existed, have, with few exceptions, been the price of her military establishment."

The wise Mr. Madison further pointed out that "on an extensive scale," the consequences of a large standing army could be "fatal."

Some States, in ratifying the Constitution, went so far as to suggest that the Constitution should contain a clause enunciating the principle "that standing armies in time of peace are dangerous to liberty, and therefore ought to be avoided, as far as circumstances and protection of the community will admit; and that in all cases, the military should be under strict subordination to, and governed by the civil power."

So distasteful was the memory of British rule that many men proposed that the United States keep no army in peacetime at all.

Nevertheless, the greatest majority of the Founding Fathers fully recognized the necessity of the army and navy to the self-preservation of the newly-formed Nation. However, to guard against the possibility that the Armed Forces might attain overwhelming military power, they included appropriate civilian controls in the Constitution. For example, the Congress was given power over the purse strings and a 2-year limitation was placed on appropriations that could be made at any one time for military expenditures. To further safeguard against the possibility of the abuse of military power, civilian authority over the military was divided between the President and the Congress. This division of responsibility was considered by the Constitution-makers to be the best way to prevent the concentration of armed might in the hands of the Federal Government. In part, it reflected the States' lingering fears of an overly powerful central government and of the possibility that a future President might entertain kingly ambitions.

Furthermore, by deciding to place their major reliance for defense on the States' militias, or citizen-soldiers, the framers of the Constitution took another step in the direction of preventing the evolution of a distinct military entity in the United States. The Minutemen of Lexington and Concord were considered to be the prototypes of the soldiers whom the populace could trust with the responsibility of arms. The Nation would rely primarily upon such men for protection in an emergency. In fact, throughout the greater part of our history, the citizen-soldiers of Massachusetts who left their plows and workbenches to defeat a column of British regulars in 1775, were the American soldier-ideal.

The militia principle was given very explicit expression by the second amendment to the Constitution which states that:

> A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

It may be argued by proponents of a voluntary Army, that the volunteer tradition is also a strong component of the American military heritage. They may further object that the fears of the Founding Fathers with respect to potential military tyranny have never been even remotely realized although the United States has maintained a completely voluntary or professional army during the greater portion of its existence. At no time did it constitute a threat to our liberties.

I should like to point out that, during the periods of time when a totally voluntary army was maintained by the United States, it was a comparatively small force in proportion to the total population. In all of our wars which have involved mass mobilization—that is, the employment of millions of men by the military service—conscription has been adopted. Thus, conscript armies were used in the Civil War, the First World War, the Second World War, and the Korean war. Only in relatively minor conflicts, such as the Mexican War and the Spanish-American War, have purely volunteer armies been employed.

To further illustrate, the peak strength of the Armed Forces employed during World War I was 4,560,000; during World War II, 12,276,000; in the Korean war, 3,500,000. Since the Second World War, we have been obliged to maintain a standing army of between 2 and 3 million men. We will probably continue to do so until world tension subsides enough to allow substantial reductions in force.

By contrast, the peak strength of men employed in the Mexican War was 133,500; and in the Spanish-American War, 307,000.

Thus, since colonial times, the United States has never had experience with what Madison termed an army "on an extensive scale" in which the draftee, or nonprofessional, was not utilized. We have, in other words, no historical basis for optimism that a large voluntary army would not prove a threat to civilian control over the military. I, for one, do not wish to risk the possibility of such a threat developing as long as we are compelled to maintain massive Armed Forces. I believe that the draftee in the ranks is our best insurance against its potential occurrence.

A totally professional army would be largely composed of men whose habits, goals, and attitudes would tend to be predominantly military. A professional military force is potentially dangerous because it tends to become devoted to its own self-interest and perpetuation. Removed as he is from other sectors of society, there is the danger that the military man may become too parochial in his interests.

It is in the nature of military life that the individual owes primary allegiance to the service with which he is associated. The individual is subordinated to the group to a greater degree than in any other occupation or association in civilian life. The military assumes control over all areas of an individual's life to an extent unknown in the remainder of society. The man who chooses to make his future in the Armed Forces accepts the fact that the interest of his particular service will come foremost in his life.

I do not mean to sound critical of the military services per se. My remarks are merely statements of the facts of life. Individual subordination and dedication to duty are absolutely essential if the Armed Forces are to perform their assigned mission.

However, when the military services number in the millions, as they do today, the draftee can act as an essential counterbalance to any excessive professionalization. The conscript system guarantees the constant introduction into the Military Establishment of persons who are primarily oriented to civilian life. The draftee, although he receives training in military habits and attitudes, is generally a man who intends to spend only the prescribed amount of time in service before resuming his civilian pursuits. The influx of draftees into the services means that a healthy civilian influence is maintained. Furthermore, as draftees are drawn from all socioeconomic levels of society, they are more broadly representative of American society than a purely voluntary force would probably prove to be in practice.

The draft is often legitimately criticized on grounds that, despite its egalitarian principles, it is discriminatory in practice. Although the draft draws men from all social strata, it nevertheless favors the more affluent young men who can afford to go to college and obtain student deferments. It is true that men from our less privileged citizenry bear a disproportionate share of the Nation's military burden. However, I believe that an all-voluntary Army, whose recruitment depended upon monetary incentives, would inevitably contain an even greater proportion of the disadvantaged. They would be obliged to carry an even greater share of the weight of the Nation's defense than they do at present. The affluent could escape military service altogether and be free to attend to their own careers while their less fortunate contemporaries protected the welfare of all. The man who joins the service because he has little economic choice may feel considerably more discriminated against under a totally voluntary system than he does with the draft, however imperfect its operation.

Without doubt, an army recruited through the use of incentives such as increased pay would tend to become an army of the poor and underprivileged. In all probability it would also contain a large element of young men who cannot compete successfully in civilian life. To many, the wearing of a uniform provides symbolic status which they cannot attain elsewhere.

In support of the foregoing contention, is the fact that the highest military retention rates are among men who are derived from our lower economic classes. The greatest number of volunteers for the Armed Forces already come from lower income groups and from the poorer regions of the Nation in which the chances of obtaining a high paying job are scarce. Furthermore, during times past, when the United States had an all-volunteer force, the Army historically provided a haven from economic insecurity.

The disadvantaged or disposers who would become the mainstay of an all-volunteer force will be strongly inclined to identify with the services which give them status, material security, and a steady income. This, in turn, would serve to reinforce natural tendencies among such men to place primary emphasis on the perpetuation and advancement of the Armed Forces in which they acquire a vested interest.

Another dimension to the problem of the poor and their relation to military service is the fact that many of our underprivileged citizens are Negroes. An all-volunteer force might well contain a disproportionate segment, or even preponderance, of blacks. This could lead to further inflammation of racial tensions in the United States because it might easily result in charges that black men were being used to fight white men's wars or to defend white institutions. The explosive content of such an issue cannot be overstated.

My opposition to an all-volunteer army rests also on more pragmatic grounds. A voluntary army would lack the flexibility to adjust to changing manpower requirements. With its reliance on personal choice, there is no guarantee that a voluntary system could provide large quantities of manpower that might be needed in a hurry.

The circumstances of modern warfare no longer allow us a long time to prepare for combat after the instigation of a conflict. Forces have to be moved on short notice and large reservoirs of trained men often must be available immediately. The days are over when the United States will have a safe margin of time in which to mobilize and train its manpower while its allies carry on the initial fighting as they did in two world wars. In today's world, and for the foreseeable future, trained forces in-being count a great deal more than potential forces. I do not believe we should gamble our national security on a purely voluntary system that might or might not meet our manpower requirements.

If we are to follow the scheme of those who advocate complete recruitment of servicemen through the aid of monetary incentives, we would find ourselves in a rather untenable position if a sudden expansion of our Armed Forces should prove necessary. In order to make upward adjustments in military force levels, the Congress would presumably have to make corresponding adjustments in military pay levels and bonuses. This would be awkward, impractical, and time-consuming.

In addition, in time of hostilities, I believe that increased pay would surely prove futile as a means of recruiting sufficient manpower. The United States has always suffered difficulty in raising armies by voluntary means in wartime. Volunteers for service in Vietnam, for example, have not been sufficient to preclude resort to the draft. Moreover, recruitment difficulties are undoubtedly increased by the fact that civilian employment is generally high during periods of armed conflict.

Even in the absence of conflict, I seriously doubt that the services could obtain enough volunteers to supply their anticipated manpower needs. Added enlistment incentives would probably not close the gap between actual military requirements and the force levels obtainable by purely voluntary means.

Some significant relevant statistics were produced as a result of a career motivation survey conducted by the Bureau of the Census for the Department of Defense in 1966. This study revealed that, among nonveterans, aged 16 to 34, fringe benefits ranked eighth in a list of nine factors which might influence an individual's choice of career or job. In fact, less than 3 percent of those interviewed placed fringe benefits first in their considerations. In the matter of increased pay, it was found that only 4 percent of the 16 to 19-year olds interviewed regarded equalizing military with civilian pay scales to be a significant inducement to enlistment. It is also interesting to note that, of the same group, only 17 percent thought that raising military pay levels above those of civilians for comparable work would prove attractive.

The stimulus which the draft now provides to voluntary service enlistments is commonly acknowledged, even by the draft's opponents. On the basis of an internal survey of military personnel, the Department of Defense came to the conclusion that only about 50 to 60 percent of the present number of volunteers might be procured in the future if there were no draft. The anticipated drop in officer and reserve enlistments would be especially sharp. On an overall basis the Department of Defense estimated that, in the absence of conscription, it could meet only about two-thirds of its anticipated military requirements in the 1970's.

Without the draft, the services would probably also suffer from serious qualitative deficiencies in manpower. The draft brings into the Armed Forces many well-educated, intelligent individuals who would never enter the service at all if a totally voluntary system were in effect. Above average mentality and education are required to master technical skills, handle modern weapon systems, and understand the management of large organizational units. It is highly doubtful that the men who would be most responsive to financial incentives to enlistment would be people of superior aptitudes so sorely needed by the services.

These foregoing conclusions as to quantitative and qualitative deficiencies of an all-volunteer force are supported by the studies made by the National Advisory Commission on Selective Service and the Civilian Advisory Panel of the House Armed Services Committee in 1967. Both groups concluded that a totally voluntary military establishment is not feasible at this time.

The anticipated costs of attempting to provide for a purely voluntary army are enormous. Defense Department estimates in 1966 of the amount of money required to stimulate volunteer enlistments range from about four to as high as $17 billion annually, depending upon the employment levels prevailing in the civilian economy. Therefore, adoption of an all-volunteer army does not seem prudent at a time when we are trying to find ways in which to reduce inflationary Federal expenditures.

In conclusion, I would like to say that military manpower problems will continue to be complex and difficult. It is always easier to point out the inadequacies of procurement systems than to provide feasible solutions. No perfect or completely satisfactory answers will be found to the problems which the military draft presents to this country as long as world conditions remain unstable. I do believe, however, that we can improve the administration of the Selective Service System and find ways to make the draft more acceptable to all sectors of society, I shall continue to make every possible endeavor to attain those goals.

POSTAL SERVICE ACT OF 1969

The SPEAKER. Under a previous order of the House, the gentleman from Nebraska (Mr. CUNNINGHAM) is recognized for 60 minutes.

Mr. CUNNINGHAM. Mr. Speaker, the first section provides a short title for the act: the "Postal Service Act of 1969."

OUTLINE OF THE POSTAL SERVICE ACT OF 1969

Section 2 is the bulk of the bill. It completely revises title 39 of the United States Code. Provisions in the present title 39 which are not included in the sections set out in the bill are repealed or superseded. A summary analysis of the revised title 39 follows my remarks.

Section 3 is a usual provision in legislative modifications precluding an inference of legislative construction of sections by their captions or by the chapters in which they are placed.

Section 4 provides that cross references apearing in other titles in the United States Code to existing sections of title 39 shall be deemed to refer to the corresponding sections, if any, in the revised title 39 and that references made in law to the "Postmaster General" and "Post Office Department" shall be deemed to be references to the "U.S. Postal Service" established in the revised title 39.

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Section 5 provides that the repealed provisions of title 39 automatically became regulations of the Postal Service to the extent these provisions are within the power of the Postal Service to make, until changed by the Postal Service.

Section 6 similarly continues in effect the outstanding orders, rules, and regulations issued by the Postmaster General and the Post Office Department until they are repealed or revised by the Postal Service.

Section 7 directs the Postal Service to prepare proposals for modification of the so-called Private Express Statutes which confer a limited monopoly of the business of carrying letters for hire on the Post Office Department, and, under the bill, on the Postal Service. The Postal Service is directed to submit its recommendations to the Congress within 2 years after enactment of the act.

Section 8 makes changes in title 18 of the United States Code to conform the provisions of the criminal laws to the changes made in the revision of title 39.

Section 9 makes conforming changes in laws not modified in titles 18 or 39.

Section 10 is the usual separability provision in legislation.

Section 11 provides for the payment of expenses of the Postal Service until commencement of Postal Service operation out of appropriations available to the Post Office Department.

Section 12 provides effective dates for the legislation.

The summary referred to follows:

Chapter-by-Chapter Summary Analysis of Revised Title 39

CHAPTER 1—GENERAL PROVISIONS

This chapter includes Congressional findings that change is needed in the postal establishment, that a Government-owned corporation is the most effective organization for the postal system, that the system should be self-supporting, and that working conditions and career opportunities should be improved.

CHAPTER 2—ESTABLISHMENT OF THE POSTAL SERVICE

This chapter provides the basic organization for a new corporate structure of the postal establishment under the name "United States Postal Service." A period up to one year after enactment is provided for preparation for commencement of operations. The Postal Service is to be controlled by a nine-man board of directors: seven appointed by the President (with Senate confirmation) with rotating seven-year terms; the eighth appointed as Chief Executive Officer by the seven Presidentially-appointed directors; and the ninth—the Chief Operating Officer—appointed by the eight. The Presidentially-appointed directors are to serve part time; the eighth and ninth directors serve full time and their compensation and tenure are fixed by the seven. No officer or employee of the Postal Service may be paid in excess of the compensation for Level I of the Executive Schedule.

The chapter contains customary provisions for quorums and board procedures, including power to delegate any function of the board.

The Postal Service is empowered to sue and to be sued in its corporate name, to adopt by-laws and regulations, to enter into and perform contracts, to keep its own system of accounts, to acquire and dispose of property, to settle claims, and so forth. (These corporate powers are like those of the Tennessee Valley Authority.)

This chapter also makes inapplicable to the Postal Service federal laws dealing with public contracts, property, works, employees, or funds, *except* as otherwise provided. There are, however, carried forward the provisions of the criminal code applicable to postal matters; existing laws relating to condemnation procedures; current provisions of title 5 regarding postal employees' rights to organize, anti-discrimination in employment, loyalty oaths, ban on strikes by federal employees, and "Hatch Act" ban on political activities; Title VI of the Civil Rights Act; and existing contractor labor standards statutes (e.g., Davis-Bacon Act, Walsh-Healey Act, Service Contract Act).

This chapter requires an annual report from the Postal Service to the Congress and explicitly reserves to the Congress the power to alter, amend, or repeal any or all sections of the new title 39.

CHAPTER 4—SERVICES

This chapter prescribes the general duties of the Postal Service—to develop and provide adequate and efficient postal service at fair and reasonable rates and to serve as nearly as practicable the entire population of the United States. It specifically empowers the Postal Service to provide for collection and delivery of the mails, establish necessary post offices, sell stamps, provide philatelic services, investigate postal offenses, and the like.

This chapter retains in substance existing maximum limits on the size and weight of packages that the Postal Service may handle.

This chapter provides for the continuance of APO and FPO service and service to military installations and for the continuance of existing authority to negotiate international postal arrangements.

CHAPTER 6—MAIL MATTER

This chapter substantially continues existing law in respect to "non-mailable matter" (e.g., lottery mail, mail involving false representations for obtaining money, obscene mail) and in respect to "penalty mail" and franking privileges.

CHAPTER 8—PERSONNEL

This chapter provides that the Postal Service may appoint and promote officers and employees without regard to the provisions of the Civil Service laws, with two very important exceptions. First, subject to collective bargaining procedures described below, the Postal Service must establish procedures to assure its employees of opportunities for promotion and career development and an opportunity to be heard before adverse actions are taken. Second, pending the establishment of such procedures, the "adverse action" procedures of the existing Civil Service laws will continue to apply.

No political test or qualification is permitted and all personnel actions must be taken on the basis of merit and fitness. The provisions of the Veterans Preference Act apply to the Postal Service.

This chapter provides that employees of the Post Office Department shall become employees of the Postal Service, except that any employee of the Post Office Department is eligible, at his election, to transfer to the same or a higher grade elsewhere in the Government if a position for which he is qualified is open. Compensation, benefits, and other terms and conditions of employment applicable to employees immediately before they become employees of the Postal Service will continue to apply until changed by the Postal Service.

Employees of the Postal Service will be covered by the Civil Service Retirement Program.

Labor-management relations are generally subject to the Labor-Management Relations Act of 1947, as amended, except as otherwise provided in the new title 39. Labor-management disputes arising during the life of a collective bargaining agreement will be settled in accordance with procedures agreed to by the parties. Disputes arising outside of a collective bargaining agreement will likewise be settled under any procedures that the parties may agree to; but if no procedures are agreed to, either party may cause the matter to be referred to a permanent "Postal Disputes Panel." (The Postal Disputes Panel has nine members: three named by the Federal Mediation and Conciliation Service, three named by the American Arbitration Association, and the last three named by the first six.) The Postal Disputes Panel may apply any of a wide range of settlement techniques to resolve the dispute, including mediation, fact-finding, and recommendations. In the Panel's discretion, it may refer any issue in dispute to final and binding arbitration by an impartial three-man board of arbitration which is to be set up on a "this dispute only" basis. In the alternative, the Postal Disputes Panel may decide that the status quo shall be maintained with respect to any issue in dispute. The statute specifically expresses the intent of Congress that the parties adopt their own procedures for resolving negotiating impasses; the statutory machinery would be available, however, as a last resort.

CHAPTER 10—FINANCE

This chapter provides that the initial capital of the Postal Service shall be the equity of the United States in the present Post Office Department as reflected in the President's budget; that the Postal Service and the General Services Administration will work out exactly which properties shall be transferred to the Postal Service and which will remain in the United States, subject to approval by the Bureau of the Budget; and that there shall be established in the Treasury a Postal Service fund to be credited with all revenues and receipts of the Postal Service and to be available for the payment of any and all expenses incurred by the Postal Service. Transitional appropriations are authorized.

The Postal Service is authorized to borrow money and issue obligations up to 10 billion dollars, but the net increase in obligations for capital improvements may not exceed 1.5 billion dollars in any one fiscal year. The terms and conditions of the Postal Service's obligations shall be the subject of consultation with the Secretary of the Treasury, and he may elect to purchase any or all Postal Service obligations. However, the maximum mandatory exposure of the Treasury is limited to 2 billion dollars. Obligations sold to the public would not be guaranteed by the United States.

The Comptroller General is required to audit the transactions of the Postal Service, but the Postal Service is authorized to allow credit for any expenditure which its Board determines to have been necessary.

CHAPTER 12—RATES AND RATEMAKING

Subchapter I establishes the rate policies that the Postal Service is to follow. The Service is to become self-sufficient within five years of the commencement of operations. Rates are to be set so that each class of service pays at least its own indentifiable costs and so that the revenues of the Postal Service as a whole meet its expenses, taking into account appropriations that the Congress may choose to make to cover the loss of revenues on free and subsidized mail. Existing postal rates stay unchanged until modified pursuant to subchapter II.

The same groups that enjoy the benefits of free or reduced rate mail today will continue to enjoy these benefits until changed by law, if and to the extent that Congress appropriates to the Postal Service the revenue foregone from the free or reduced rates.

Subchapter II provides a comprehensive procedure for rate setting and service changes. Rate changes and significant serv-

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ice changes are initiated by the Postal Service management but cannot become effective until after public notice and hearing before a three-man panel of Rate Commissioners, who are independent of the management and who are responsible only to the Presidentially-appointed members of the board of directors. (Minor service changes may be made only under *procedures* that have been subject to the public-notice-and-hearing process.) After making a record, the Rate Commissioners render an initial decision which the Presidentially-appointed members of the board may either reject, adopt, or modify. Except for special services (c.o.d., special delivery, etc.), decisions of the board on rate changes are transmitted to the Congress and become final unless disapproved by concurrent resolution within 60 days.

CHAPTER 14—PRIVATE CARRIAGE OF LETTERS

This chapter substantially continues existing law in respect to the so-called Private Express Statutes. Similarly, existing law is substantially carried forward in respect to searches of mailable matter apparently being transported in violation of law, seizures of letters being carried contrary to law, and disposition of seized mail.

CHAPTER 16—TRANSPORTATION OF MAIL

Subchapter I generally authorizes the Postal Service to provide for the transportation of the mails and to contract for such transportation.

Subchapter II covers transportation of mail by railroads, motor carriers, and freight forwarders. Regulated motor carriers and freight forwarders would have the same statutory obligation to transport mail and provide related services as now applies to the railroads—that is, carriers and forwarders are required to transport mail tendered by the Postal Service, subject to fair and reasonable compensation and to I.C.C. rate making. Additionally, the Postal Service may enter into contracts with carriers at rates different from those set by the I.C.C.

Subchapter III would give the Postal Service the same authority to negotiate with air carriers for mail transportation as the Post Office Department now has in regard to mail carried by railroads.

CHAPTER 18—MISCELLANEOUS

Chapter 18 substantially carries forward existing statutory provisions regarding convict labor, uniforms, special delivery messengers, collection of debts, administration of accounts for international mail, informers' fees, delivery of stolen money to the owner, substitute checks, filing of information for 2nd-class publications, and printing illustrations of stamps.

General Analysis of Chapter 1

Section 101, Definitions: This section defines the terms "Postal Service," "Board," and "Board of Directors."

Section 102, Findings of the Congress and Declaration of Policy. This section outlines Congressional findings and states the purposes of the bill.

Subsection (a) states the importance of the postal service to the Nation's activities in language derived largely from the existing Postal Policy Act. In addition, this subsection indicates the handicaps imposed on postal operations by outmoded policies and procedures, and states that an effective solution to these problems is establishment of a government-owned postal service corporation.

Subsection (b) states the purposes of the bill: to provide fairly-priced and dependable postal service on a self-supporting basis, and to improve the lot of the postal employee.

General Analysis of Chapter 2

Section 201, Definitions: This section defines the terms "Presidentially-appointed Directors" and "Chief Executive Officer."

Section 202, The United States Postal Service: This section establishes the "United States Postal Service" as a body corporate and an instrumentality of the United States, to own and operate the postal system. The Postal Service is to commence operations within one year.

Section 203, The Board of Directors: This section details the selection and voting procedures of the Board of Directors.

Subsection (a) establishes a nine-man Board.

Subsection (b) states that the President with the advice and consent of the Senate shall name seven of the nine members, to serve for rotating seven-year terms. Appointments are to be representative of the public generally, without regard to political affiliations and without regard to specific interests connected with the postal service. The President may at any time designate which of the seven shall serve as Chairman and may remove directors for cause.

Subsection (c) states that the seven Presidentially-appointed directors appoint the eighth director, to serve as Chief Executive Officer at their pleasure.

Subsection (d) states that the Presidentially-appointed directors and the Chief Executive Officer appoint the ninth director, to serve as Chief Operating Officer at their pleasure.

Subsection (e) sets the compensation of the Presidentially-appointed directors at $5,000 annually plus $300 for each meeting attended, subject to adjustment in accordance with the Executive Pay Act.

Subsection (f). Gives authority to the Presidentially-appointed directors to fix compensation of the Chief Executive Officer and the Chief Operating Officer. Section 806 of the title sets a ceiling for compensation at a salary paid for Level I of the Executive Schedule.

Subsection (g). Allows the Board to act as long as sufficient members are in office to form a quorum.

Subsection (h). Establishes the usual rule for action by a Board: majority vote of the quorum of five members. Three exceptions to this rule are specified:

(1) Appointment and removal of the Chief Executive Officer, and fixing of compensation for the Chief Executive and Chief Operating Officers, are by absolute majority of the Presidentially-appointed directors in office.

(2) Appointment and removal of the Chief Operating Officer is by absolute majority of the Chief Executive and the Presidentially-appointed directors in office.

(3) Certain other actions specified in the title, such as rate-making decisions of the Board, are exclusively by the Presidentially-appointed directors.

Subsection (i). Indicates that the Presidentially-appointed directors serve part-time--consistent with industry practice on "outside" members of boards of directors—provided that their other employment is nonfederal and not inconsistent with their duties to the Postal Service. All other employees, except as otherwise provided, are appointed by the Board, subject to the succeeding section.

Section 204, Procedures of the Board of Directors: This section gives the Board general authority, consistent with the title, to delegate its powers to committees, officers, and employees. The Board retains full responsibility for operations, and retains power to revoke all delegations of powers.

Section 205, General Powers: This section grants general powers to the Postal Service:

(1) to perpetual corporate life;

(2) to sue and be sued in its own name, as provided in Section 208;

(3) to adopt a corporate seal;

(4) to adopt bylaws and regulations;

(5) to enter into contracts, execute instruments, and determine the character of, and necessity for, its expenditures. (Under section 1008, audit by the Comptroller General is retained, but the GAO may not disallow Postal Service expendtiures.)

(6) to determine its own accounting system and use its own contract forms;

(7) to have the debt priority of the United States;

(8) to acquire, use, and dispose of real and personal property;

(9) to construct, use and lease buildings, facilities and other improvements on property;

(10) to accept gifts of property or service;

(11) to settle and compromise claims;

(12) to exercise the right of eminent domain;

(13) to have all other powers incidental, necessary or appropriate to its functions.

These powers, broad and general in style, are essentially the same as the powers of TVA. They are exercised in the carrying on of the duties and specific powers of chapter 4 (sections 401, 402) and are broad enough to allow such things as programs for research, experimentation and development.

Section 206, Judicial Officer: This section carries over with conforming changes existing provisions which authorize a judicial officer for such functions as hearing appeals from hearing examiners.

Section 207, Cooperation with other Government Agencies: This section authorizes provision of property and services by the Postal Service to other Government agencies and by those agencies to the Postal Service. Terms, including reimbursement, are to be set by agreement of the Board of the Postal Service and the head of the agency involved. The kinds of services that may be furnished are not limited. Contracting services, for example, are included in this authorization.

Section 208, Suits by and against the Postal Service: This section details procedures for suits to which the Postal Service is a party.

Subsection (a) suits may be brought in state courts, federal district courts, or the Court of Claims, and may be removed from the state to the federal courts.

Subsection (b) service of process, venue, and limitations shall be as provided in title 28 for the United States, its officers or employees.

Subsection (c) the Federal Tort Claims Act applies to the Postal Service.

Subsection (d) the Department of Justice will conduct litigation for the Postal Service, but the Postal Service has authority, upon consent of the Attorney General, to hire or retain counsel of conduct litigation.

Section 209, Application of other laws: This section excludes the operation of federal laws dealing with contracts, property, works, officers, employees or funds except as provided in the title or in the bylaws of the Postal Service. The following provisions are made specifically applicable:

(1) The employee policies and suitability, security, and conduct provisions of the Civil Service laws;

(2) The provisions of the criminal laws applicable to the mails and Government employees;

(3) The Government Corporation Control Act, except as expressly provided otherwise;

(4), (5) Contractor labor standards provisions applicable to Government contracts;

(6) Equal opportunity provisions of the Civil Rights Act of 1964.

Section 210, Annual Reports: This section requires an annual report to the President and Congress.

Section 211, Reservation of Powers: This section reserves the power of Congress to alter, amend, or repeal the sections of the title, subject only to contracts made by the Postal Service pursuant to its powers.

General Analysis of Chapter 4

Section 401, General Duties:

Subsection (a) outlines the service policy of the Postal Service. It is to plan, develop, promote, and provide adequate and efficient postal service at fair and reasonable rates and fees. The service is defined as the receipt, transmission, and delivery of written and printed matter, parcels, and similar materials, and services incidental thereto. The service is to be provided as nearly as practicable to the entire United States population (except for the Canal Zone, which is otherwise provided for. The service is to reach, pursuant to international arrangements, the entire world.

Subsection (b) outlines service objectives: provide an efficient sorting, collection and delivery system; provide service responsive to the needs of the mail users; and maintain facilities located to provide ready access to essential postal services.

Subsection (c) enjoins the Postal Service from unduly or unreasonably discriminating among users or granting undue or unreasonable preferences in providing services or establishing classifications, rates, or fees.

Section 402, Specific Powers: This section catalogues the specific powers of the Postal Service which, in conjunction with the general powers granted in section 205, are to be used in carrying out postal service duties. The Postal Service is to have the power to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail; to prescribe, as provided in Chapter 12 and elsewhere, the amount of postage and the manner in which it is to be paid; to determine the need for and provide postal facilities, offices, and equipment and training facilities and equipment; to provide and sell stamps, stamped paper, cards, envelopes, and other evidences of payment of postage and fees; to provide philatelic services and special, non-postal, or similar services; and to investigate postal offenses and matters concerning the Postal Service and to pay rewards. This last power authorizes, among other things, the continuation of the Postal Inspection Service.

Section 403, Service Classification and Mailable Matter: This section authorizes the Postal Service to promulgate rules and regulations concerning mailing, subject to the provisions of Chapter 12. The Postal Service may not refuse to accept any mailable matter meeting minimum size and weight limitations, but may levy special charges for carrying such matter if it is not mailed in accordance with the rules so promulgated. Existing maximum size and weight limitations are preserved.

Section 404, Postal Services at Armed Forces Installations: This section carries over in a simplified form existing provisions of law concerning military post offices and military mail clerks.

Section 405, International Postal Arrangements: This section carries over with minor modifications existing provisions of law concerning international postal arrangements.

GENERAL ANALYSIS OF CHAPTER 6

This chapter continues substantially unchanged the existing provisions of chapter 51 of title 39 concerning nonmailable matter. It also continues the existing provisions of chapter 57 of title 39 concerning Penalty and Franked Mail. It also continues those existing provisions of that part of section 4303 which relate to air lifting of soldier mail with an improved provision for reimbursement.

Section 601, Nonmailable matter: This section continues § 4001 of the present title 39 with the addition of (d) pertaining to matters exceeding limitations and perishables.

Section 602, Nonmailable motor vehicle master keys: This section continues § 4010 of the present title 39.

Section 603, Mail bearing a fictitious name or address: This section continues § 4003 of the present title 39.

Section 604. Delivery of mail to persons not residents of the place of address: This section continues § 4004 of the present title 39.

Section 605, False representations; lotteries: This section continues § 4005 of the present title 39.

Section 606, "Unlawful" matter. This section continues § 4006 of the present title 39.

Section 607, Detention of mail for temporary periods: This section continues § 4007 of the present title 39.

Section 608, Prohibition of pandering advertisements in the mails: This section continues § 4009 of the present title 39.

Section 651, Definitions: This section continues § 4151 of the present title 39 defining terms pertinent to penalty and franked mail.

Section 652, Penalty mail: This section continues § 4152 of the present title 39.

Section 653, Endorsements on penalty covers: This section continues § 4153 of the present title 39.

Section 654, Restrictions on use of penalty mail: This section continues § 4154 of the present title 39.

Section 655, Accounting for penalty covers: This section continues § 4155 of the present title 39.

Section 656, Reimbursement for penalty mail service: This section § 4156 of the present title 39.

Section 657, Limit of weight of penalty mail; postage on overweight matter: This section continues § 4158 of the present title 39.

Section 658, Shipment by most economical means: This section continues § 4159 of the present title 39.

Section 659, Executive departments to supply information: This section continues § 4160 of the present title 39.

Section 660, Official correspondence of Vice President and Members of Congress: This section continues § 4161 of the present title 39.

Section 661, Public documents: This section continues § 4162 of the title 39.

Section 662, Congressional Record under frank of Members of Congress: This section continues § 4163 of the present title 39.

Section 663, Seeds and reports from Department of Agriculture: This section continues § 4164 of the present title 39.

Section 664, Mailing privilege of former Presidents: This section continues § 4165 of the present title 39.

Section 665, Lending or permitting use of frank unlawful: This section continues § 4166 of the present title 39.

Section 666, Reimbursement for franked mailings: This section continues § 4167 of the present title 39.

Section 667, Correspondence of members of diplomatic corps and consuls of countries of Postal Union of Americas and Spain: This section continues § 4168 of the present title 39.

Section 668, Mailing privilege of members of United States Armed Forces and of friendly foreign nations. This section continues § 4169 of the present title 39.

Section 669, Mailing privilege of members of United States Armed Forces and of friendly foreign nations in the Canal Zone: This section continues § 4170 of the present title 39.

Section 670, Franked mail for surviving spouses of Members of Congress: This section continues § 4171 of the present title 39.

Section 671, Armed forces mailing privileges: This section continues § 4303(d)(5), (6) and (f), of the present title 39, except that subsection (c) clarifies provision for reimbursement.

GENERAL ANALYSIS OF CHAPTER 8

Section 801, Appointments and Promotions:

Subsection (a) establishes a merit system of employment, promotion and adverse action outside the Civil Service System and subject to collective bargaining agreements. The adverse action provisions of the Civil Service laws continue to apply, however, until new procedures are established by the Postal Service.

Subsection (b) authorizes long-term employment contracts, necessary in many instances to obtain top executives, but leaves the Board free to remove any appointee on payment of contract damages.

Subesction (c) prohibits political tests or qualifications in personnel actions, and prescribes penalties for violation of this prohibition.

Subsection (d) makes the veterans' preference applicable to the Postal Service. Though Postal Service employees will not be within the classified Civil Service, effective personnel policies for carrying out the veterans' preference will be instituted, as in the Tennessee Valley Authority. Also applicable, in the same manner as to private employers, are the provisions governing reemployment rights of former military personnel. The Postal Service is directed to follow an enlightened policy designed to extend opportunity to the disadvantaged and the handicapped. Existing Government-wide policy to assure equal employment opportunity (Section 7151 of title 5) applies to the Postal Service by specific cross-reference in section 209 of the title.

Subsection (e) permits dual employment and dual compensation to deal with such problems as providing fourth-class postmasters in Alaska, who often serve part-time while holding positions as resident commissioners. This is a carry-forward, in substantially more general terms, of existing law.

Section 802, Oath of Office: This section requires of Postal Service employees the same oath required of all employees of the United States except the President. It is modeled on section 3331 of title 5.

Section 803, Employees of the Post Office Department: This section details transitional rules and the rights of existing employees of the Post Office Department upon commencement of operations by the Postal Service.

Subsection (a) states that Post Office Department employees except the Postmaster General, the Deputy Postmaster General, the Assistant Postmasters General, and the General Counsel of the Post Office will become employees of the Postal Service.

Subsection (b) states that obligations for sick and annual leave and compensatory time are assumed by the Postal Service.

Subsection (c) states that compensation, benefits and other terms and conditions of employment are carried over to the Postal Service, subject to change in accordance with other provisions of this chapter. Medical, health, and life insurance and unemployment compensation under existing programs continue to apply until changed; and any changed programs must be no less favorable than existing programs.

Subsection (d) states that Post Office Department employees, if they so desire, shall be eligible to transfer, at the same or higher grades, to other positions for which they are qualified in the United States Government.

Section 804, Retirement Rights: This section provides that Postal Service employees shall be covered by the Civil Service Retirement Program, and that the Postal Service shall remit to the fund as do other Government agencies. The section does not preclude bargaining for additional benefits outside the Civil Service Retirement Program, nor does it make the Postal Service liable for the unfunded liabilities of the Civil Service Retirement Program related to postal employees.

Section 805, Policy on Compensation and Benefits: This section states that compensation and benefits shall be comparable to the non-federal sectors of the economy for comparable levels of work.

Section 806, Terms of Employment:

Subsection (a) vests authority in the Board to set compensation, benefits and other terms of employment subject, where applicable, to collective bargaining. Existing collective bargaining agreements remain in effect. Compensation of any Postal Service employee may not exceed the rate for Level I of the Executive Schedule in effect at the time the compensation is paid.

Subsection (b) is a standard form of management rights clause, drawn from Executive Order 10988 and made subject to collective bargaining agreements.

Section 807, Applicability of Labor-Management Relations Act of 1947: This section makes applicable to the Postal Service the Labor-Management Relations Act of 1947, as amended, including the Landrum-Griffin Act. The prohibitions on strikes of Government employees (section 7311 of title 5) and the related affidavit requirements and penal provisions are made specifically applicable by cross references in section 209 of the title.

Section 808, Resolution of Labor-Management Disputes: This section provides comprehensive procedures for resolution of disputes.

Subsection (a) provides that disputes arising under collective bargaining agreements shall be resolved by the procedures set out in the agreements or subsequently agreed to by the parties.

Subsection (b) states the Congressional intention that the parties adopt procedures of their own for resolving disputes arising in negotiation of collective bargaining agreements; such procedures will be enforced.

Subsection (c) provides for review of disputes by the Postal Disputes Panel if procedures are not adopted under (b), or if they do not resolve a dispute. The Panel may act or refrain from acting pending further negotiation by the parties. It has at its disposal the "arsenal of weapons" advocated by authorities on public employee unionism: mediations, fact-finding, recommendations, and arbitration.

Subsection (d) provides that if the first three of these approaches do not bring agreement, the Panel may take jurisdiction to refer issues to arbitration. Refusal to take jurisdiction over an issue will preserve the practice in effect prior to negotiation.

Subsection (e) provides that on these issues over which jurisdiction is taken the Panel shall frame the issues and determine whether to arbitrate by separate issues, combination of issues, or total package.

Subsection (f) provides that the Panel refer arbitration to a three-man arbitration board, chosen one by the Postal Service, one by the bargaining agent, and one by the two thus selected. If the two cannot agree, a third member is named by the Federal Mediation and Conciliation Director. Decisions of the arbitration board are conclusive and binding upon the parties.

Section 809, Postal Disputes Panel: This section establishes the permanent Postal Disputes Panel required by Section 808.

Subsection (a) states that the Panel shall consist of nine members, three named by the Federal Mediation and Conciliation Director, three by the American Arbitration Association, and three by the six so selected.

Subsection (b) establishes rotating six-year terms for the Panel members.

Subsection (c) grants the Panel power to establish its own rules and select its own Chairman. Members of the Panel other than the Chairman may serve full- or part-time, as their rules may specify; this flexibility is afforded to allow for variations in workload not yet predictable.

Subsection (d) provides that members are paid at Level V of the Executive Schedule.

Subsection (e) provides that three members of the nine-man Panel are to be designated to act on each dispute referred under section 808. The three are to be selected in such manner as to preclude advance knowledge by the Postal Service and the bargaining agent. This procedure is designed to maintain the unpredictability to the parties of the "arsenal of weapons" approach, and thus to carry out the policy of section 808(b) to maximize dispute-settlement by the parties without resort to the Panel.

Subsection (f) grants the Panel powers to carry out its functions.

Subsection (g) grants discovery and subpoena power to the Panel.

Subsection (h) requires that all expenses of the Panel be borne by the Postal Service.

General Analysis of Chapter 10

Section 1001, Definitions: This section defines the term "fund" and "obligations" as used in Chapter 10.

Section 1002, Capital of the Postal Service: This section provides for the transfer of the Government's equity to the Postal Service.

Subsection (a) defines the initial capital of the Postal Service as the assets of the Post Office Department less the liabilities transferred to the Postal Service. Evaluation of assets shall be on the basis of original cost less depreciation. Liabilities of the Post Office Department shall remain in the United States to the extent that they are not chargeable to the unexpended balances of the Post Office Department appropriations transferred to the Postal Service. The Board will value the initial capital of the Postal Service subject to approval by the Comptroller General.

Subsection (b) provides that the capital of the Postal Service at any time shall consist of its assets less its liabilities.

Subsection (c) provides for the physical transfer, at a time as near as possible to the commencement of Postal Service operations, of assets from the Post Office Department to the Postal Service by the Board and the Administrator of the General Services Administration, where appropriate, subject to the approval of the Bureau of the Budget. Included in such transfer will be all properties commonly regarded as "belonging" to the Post Office Department.

Subsection (d) authorizes, after commencement of Postal Service operations, transfers of federal property to the Postal Service and transfers of Postal Service property to the United States when such transfer is in the public interest.

Section 1003, The Postal Service Fund: This section establishes the Postal Service Fund as a cash revolving fund in the Treasury.

Subsection (a) establishes the fund.

Subsection (b) provides that the fund is credited with all Postal Service revenues and receipts, moneys raised by issuance of debt, appropriations, interest, and the balance in the Post Office Department Fund upon commencement of Postal Service operations, and continues the disbursing authority of the Post Office Department in the Postal Service.

Subsection (c) authorizes the Postal Service to request the Secretary of the Treasury to invest the excess cash balances of the fund in interest-bearing obligations or securities.

Subsection (d) provides for the safe-keeping of the moneys of the fund as the Postal Service and the Secretary of the Treasury may agree.

Subsection (e) makes the fund available for the payment of Postal Service expenses and not subject to apportionment.

Section 1004, Transitional Appropriations: This section authorizes appropriations to provide for a sound transition to a self-sustaining Postal Service.

Section 1005, Obligations: This section authorizes the Postal Service to borrow money.

Subsection (a) authorizes the Postal Service to issue and sell obligations in an aggregate amount not exceeding $10 billion outstanding at any one time. The increase in outstanding obligations may not exceed $1.5 billion per year for capital improvements.

Subsection (b) authorizes the Postal Service to enter into normal commercial indentures and agreements with regard to the sale of such obligations.

Subsection (c) provides that the Postal Service shall make the initial determinations as to the rates of interest, amounts, and terms and conditions of its obligations.

Subsection (d) provides that Postal Service obligations shall be negotiable, or bearer or registered instruments as specified; presumed regular; lawful investments for "legal list" purposes; and tax-exempt.

Section 1006, The Treasury and the Postal Service's Obligations:

Subsection (a) requires the Postal Service to inform the Treasury of its proposed obligations and the terms and conditions thereof and, prior to selling such obligations to other parties, to give the Treasury the right to purchase such obligations at a yield no less than that of outstanding marketable Treasury obligations of comparable maturities.

Subsection (b) authorizes the Postal Service to require the Secretary of the Treasury to purchase Postal Service obligations in an amount not to exceed $2 billion outstanding at any one time.

Section 1007, Public Debt Character of Postal Service Obligations: This section authorizes the Secretary of the Treasury to treat the purchase and sale of Postal Service obligations as public debt transactions.

Section 1008, Audit:

Subsection (a) requires the Comptroller General to audit the Postal Service annually and to report to the President, the Board, the Congress and the public on such audit.

Subsection (b) requires the Comptroller General to give the Postal Service a reasonable opportunity to examine the exceptions and criticisms in his audit; and provides for the payment of the expenses of the audit by the Postal Service as required in the Government Corporation Control Act and for the annual rendition of Postal Service accounts for adjustment and settlement pursuant to the Budget and Accounting Act.

Subsection (c) authorizes the Postal Service to determine the character and necessity of its expenditures without disallowance by the Comptroller General.

Subsection (d) authorizes the Postal Service to obtain outside audit of its accounts in addition to the audit provided for in the foregoing subsections.

General Analysis of Chapter 12

Section 1201, Rate Policy:

Subsection (a) states the broad policy that postal rates should be reasonable, equitable, and sufficient to permit the Postal Service to develop postal services in accordance with public needs.

Subsection (b) states the policy for revenues as a whole. Within five years Congress intends that revenues, as a whole, plus the appropriations for free and reduced rate mail, will equal costs, as a whole. The term "costs" is taken in its broad economic sense and includes operating expenses, depreciation, debt service, and a reasonable provision for contingencies.

Subsection (c) outlines the policy for the cost coverage of individual classes except for those afforded special rates by the Congress. Each class is to bear as a minimum the costs demonstrably related to providing service to that class.

Subsection (d) outlines the policy for making rate changes to achieve the goals outlined in the previous subsections. During the transitional period mentioned in subsection (b) the Board is enjoined to take into account the financial impact of rate changes on the users of the mail. To the extent that such impact requires, in the view of the Board, less than full cost coverage

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overall, the President is authorized to seek transitional appropriations under section 1004.

Section 1202, Free and Reduced Rate Mail:

Subsection (a) stresses the general policy that Congress retains the authority to determine which users, if any, are entitled to mail free or at a specified percentage below standard rates and provides a formula, the difference between such rates and standard rates, called the "revenue foregone", which measures the amount to be appropriated to cover the loss to the Postal Service from carrying such free and reduced rate mails and which determines how the specific rates are to be set.

Subsection (b) authorizes appropriations of the revenue foregone.

Subsection (c) provides for adjustment of the special rates in the light of the amount appropriated.

Subsection (d) requires a report to the Congress at least every two years showing the volumes, rates, revenues, costs, and percentage of regular rates of each category of free and reduced rate mail. The Board may include recommendations for legislation in such reports and may utilize the Rate Commissioners in preparing such reports. The first such report shall provide a vehicle for re-examination of the special rate provisions which are carried over unchanged under the succeeding subsection of this section. It is intended that there be no significant change until the first report is submitted.

Subsection (e) preserves the Postal Policy Act categories of free and reduced rate mail and the rates for such categories.

Section 1203, Parcel Post: This section provides that the Postal Service shall not compete unfairly with private parcel carriers by requiring it to charge rates for parcels which include imputed carrying charges on capital and imputed charges for federal, state and local taxes.

Section 1251, Rate Commissioners and Staff: This section charters an independent Panel of Rate Commissioners within the Postal Service.

Subsection (a) provides for appointment of three Rate Commissioners by the Presidentially-appointed members of the Board and for payment of the Commissioners' salaries on Level V of the Executive Schedule, except that the Chief Commissioner shall be paid an additional $500.

Subsection (b) establishes rotating terms of six years for the Commissioners. The Commissioners may be removed only in accord with the procedures provided for the removal of hearing examiners in section 752 of title 5.

Subsection (c) requires the Board to provide the Commissioners with reasonable and appropriate facilities and staff.

Subsection (d) authorizes the Commissioners to establish rules and regulations for the conduct of their proceedings, which rules and regulations are to provide for expeditious, fair proceedings in accordance with the Administrative Procedure Act. The Commissioners are specifically authorized to adopt rules which provide for advance written submission of testimony, prehearing conferences, discovery, limitation of testimony, and off-the-record proceedings.

Section 1252, Proposed Changes in Rates and Classifications: This section deals with the initiation of changes in rates and classification.

Subsection (a) levies upon the Postal Service the general requirement of 30 days' advance public notice of all changes in rates, classification or the rate structure and of filing such proposed changes with the Rate Commissioners. The public notice is to state briefly the nature of the proposed change and the procedures to be followed for filing objection to it.

Subsection (b) provides that if no party at interest files a timely objection, the rate change will be forwarded to the Board without opinion by the Commissioners unless the Presidentially-appointed members of the Board desire such opinion.

Subsection (c) exempts from the requirements of Chapter 12 international rates and fees which will continue to be set pursuant to international agreements.

Section 1253, Proceedings and Recommended Decisions by Commissioners: This section applies to rate change cases.

Subsection (a) provides for a hearing by the Commissioners pursuant to the Administrative Procedure Act in all rate change cases in which a party at interest files a timely notice requesting such hearing.

Subsection (b) defines the record of the rate change proceeding to include the proposed change and supporting material, all oral testimony and written submissions, and any other material the Commissioners deem appropriate.

Subsection (c) provides for an initial decision by the Commissioners to the Presidentially-appointed members of the Board.

Subsection (d) authorizes the Postal Service to put into effect, upon 30 days' notice, interim rate changes in the event that the Commissioners' proceedings take longer than 90 days. The Presidentially-appointed members of the Board must render their final decisions within 30 days of receiving the Commissioners' decision or the interim change ceases to be effective. Interim changes are also authorized in the event that judicial proceedings are instituted under section 1257, and under that section the institution of such proceedings extends the period for which such interim changes may be in effect.

Section 1254, Final Decisions: This section provides for final decisions by the Presidentially-appointed members and for review of rate change cases by the Congress.

Subsection (a) authorizes the Presidentially-appointed Board members to make final decisions and requires the publication of such decisions. The Presidentially-appointed Board members may reject the change, adopt it as initially proposed or as recommended by the Commissioners, or may modify it in the light of the record.

Subsection (b) provides that the Board shall transmit its final decision to the Congress together with the record and recommended decision of the Commissioners. In a contested case, of course, the Board would wait 15 days after publication of the decision to determine if a petition for judicial review will be filed under section 1257. Such transmittal shall not occur if the rate change involves a fee for a special or nonpostal service.

Subsection (c) authorizes the Congress to veto the Board's decision by concurrent resolution of both Houses within 60 days of transmittal with the usual extensions.

Subsection (d) authorizes the Board to make a rate change effective later than the expiration of the 60-day period if it so desires.

Subsection (e) excludes from transmittal to the Congress increases required by section 1202(c) and the fees for special and nonpostal services (which the Postmaster General is currently authorized unilaterally to set).

Section 1255, Service Changes:

Subsection (a) requires the Postal Service to give public notice of proposed service changes of nationwide or nearly nationwide effect similar to the notice required in section 1252(a) for rate changes.

Subsection (b) provides for proceedings before the Rate Commissioners generally similar to those required by the Administrative Procedure Act for proposed rule-making. The Commissioners are to compile a record similar to that provided for in section 1253(b).

Subsection (c) provides for an initial decision of the Rate Commissioners which is to become effective unless modified by the Presidentially-appointed members of the Board.

Subsection (c) provides that petitions for review, absent reasonable grounds, be filed within 15 days of notice of final decision, that the action be against the Postal Service, and that the rules concerning litigation by the Postal Service (set forth in section 208) apply.

Subsection (d) concerns suspension of proceedings pending judicial review, which review is to be expedited in every way. Rate changes are not to be submitted to the Congress pending judicial review. Temporary rate changes, emergency service changes, and final rate decisions may not otherwise be affected by the court pending review.

Subsection (e) makes judicial review under this section exclusive except for review of the Commissioners' rules under section 1251 (d) (1), which review would proceed substantially in accordance with this section.

Subsection (d) provides that service changes which substantially and adversely affect postal users on a less than nationwide basis are to be made only after the proceedings described in the foregoing subsections or in accordance with procedures adopted pursuant to the requirements of the foregoing subsections. Such procedures are to provide, as a minimum, for notice and opportunity for the affected users to present objections.

Subsection (e) authorizes the Postal Service to make emergency service changes before completion of the procedures prescribed in this section. Such changes may be in effect no longer than the length of time that it takes to complete proceedings.

Section 1256, Rate and Service Complaints: This section provides that any interested party may file a rate or service complaint. The Commissioners may hold hearings and render a public opinion to the Presidentially-appointed members of the Board if they find the complaint to be justified. If a rate matter is involved, the Postal Service must then institute proceedings under section 1252. If a service matter is involved the Presidentially-appointed Board members are to take appropriate action.

Section 1257, Judicial Review: This section provides for judicial review of Postal Service rate and service proceedings pursuant to the Administrative Procedure and Judicial Review Acts.

Subsection (a) authorizes judicial review of rate and service change and complaint proceedings. The review is confined to constitutional, statutory and procedural questions which were raised before the Postal Service, absent some reasonable ground for failure so to raise.

Subsection (b) requires that the party seeking review have fully participated in the proceedings in the Postal Service.

GENERAL ANALYSIS OF CHAPTER 14

This chapter continues without substantive change the portion of the private express statutes found in existing chapter 9 of title 39.

Section 1401, Letters Carried Out of the Mail: This section continues section 901 of the present title 39.

Section 1402, Foreign Letters Out of the Mails: This section continues section 902 of the present title 39.

Section 1403, Searches Authorized: This section continues section 903 of the present title 39.

Section 1404, Seizing and Detaining Letters: This section continues section 904 of the present title 39.

Section 1405, Searching Vessels for Letters: This section continues section 905 of the present title 39.

Section 1406, Disposition of Seized Mail: This section continues section 906 of the present title 39.

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General Analysis of Chapter 16

Subchapter I, General: This subchapter generally authorizes the Postal Service to provide for the transportation of the mails and to contract for such transportation.

Section 1601, Provision for Carrying Mail: This section contains the basic mandate of section 6101(a) of present title 39 that the Postal Service provide for the transportation of the mails. Provisions of the present section setting forth where the mails shall be transported have been omitted as being covered in a more general fashion by new section 401.

Section 1602, Transportation of Mail of Adjoining Countries through the United States: This section continues the provisions of section 6103 of present title 39 with conforming changes.

Section 1603, Establishment of Post Roads: This section continues the provisions of section 6105 of present title 39 without change.

Section 1604, Discontinuance of Service on Post Roads: This section continues the provisions of section 6106 of present title 39 with conforming changes.

Section 1605, Authority to Contract for Mail Transportation: This section continues the authority of section 6402 of present title 39 but eliminates the existing restrictions on star route contracts.

Section 1606, Combinations to Prevent Bids for Carrying the Mails: This section continues the provision of section 6421 of present title 39 with conforming changes.

Section 1607, Lien on Compensation of Contractor: This section continues the provision of section 6432 of present title 39 with conforming changes.

Section 1608, Free Transportation of Postal Officials: This section continues the provision of section 6433 of present title 39 with conforming changes.

Section 1609, Liability of Contractor for Breach: This section continues the provisions of section 6434 of present title 39 with conforming changes.

Subchapter II, Transportation of Mail by Railroads, Motor Carriers, and Freight Forwarders: Under this subchapter regulated motor carriers and freight forwarders would have the same statutory obligation to transport mail and provide related services as now applies to the railroads—that is, carriers and forwarders are required to transport mail tendered by the Postal Service, subject to fair and reasonable compensation and to ICC rate making. Additionally, the Postal Service may enter into such contracts with carriers at rates different from those set by the ICC.

Section 1625, Definitions: This section provides definitions for subchapter II. Since this subchapter will cover freight forwarders, regulated motor carriers and express companies appropriate definitions for these carriers have been included. The definition of "railroad" in section 6201 of present title 39 has been retained.

Section 1626, Applicability: This section states the coverage of subchapter II, to cover transportation by the carriers defined in section 1625. Thus, the provisions concerning transportation of mail by railroad (chapter 95 of present title 39) are expanded to cover the other classes of carriers defined in section 1625.

Section 1627, Authorization of Service by Carrier:

Subsections (a) through (e) continue the provision of section 6203 of present title 39 modified to reflect the expanded coverage of the subchapter.

Subsection (f) authorizes the Postal Service to publish a statement of service to be required of carriers and the tentative compensation to be paid for such service. This statement is similar to the comprehensive plan of section 1633(c) in the bill (section 6209 of present title 39). It will form a predicate for proceedings under the latter section.

Section 1628, Facilities Provided by Carrier: This section continues the provision of section 6204 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1629, Changes in Service: This section continues the provision of section 6205 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1630, Evidence of Service: This section continues the provision of section 6206 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1631, Fines and Deductions: This section continues the provision of section 6207 of present title 39 modified to reflect the expanded coverage of the subchapter. The maximum fine for refusal to perform mail transportation under subsection (a) is lowered from $1,000 to $500.

Section 1632, Interstate Commerce Commission to Fix Rates: This section continues the provision of section 6208 of present title 39, modified to reflect the expanded coverage of the subchapter.

Section 1633, Procedures: This section continues the provision of section 6209 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1634, Special Rates: This section continues the provision of section 6210 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1635, Intermodal Transportation: This section continues the provision of section 6213 of present title 39 but applies it to all classes of carriers of transportation covered by the subchapter.

Section 1636, Statistical Studies: This subsection continues the provision of section 6214 of present title 39 modified to reflect the expanded coverage of the subchapter.

Section 1637, Special Contracts: This section continues the provision of section 6215 modified to reflect the expanded coverage of the subchapter. The limitation on the terms of contractors has been omitted. In addition the section authorizes contracts to be made before the ICC has fixed rates for the carriers in question or before the ICC has fixed rates for the service in question.

Section 1638, Carrier Operation, Receipts and Expenditures: This section continues the provision of section 6216 of present title 39 modified to reflect the expanded coverage of the subchapter.

Subchapter III, Transportation of Mail by Air: This subchapter supplements the mail transportation provision of the Federal Aviation Act in a manner similar to chapter 97 of the present title 39.

Section 1651, Rules and Regulations: This section continues the provisions of section 6301 of present title 39 with conforming changes.

Section 1652, Fines on Air Carriers Transporting the Mails: This section continues the provision of section 6304 of present title 39 with conforming changes.

Section 1653, Contract for Transportation of Mail by Air: This section authorizes special arrangements with air carriers similar to those authorized for surface carriers and in lieu of the existing air star route and other special provisions of law.

Subsection (a) authorizes special arrangements with certified carriers for transportation along their routes similar to those authorized with surface carriers pursuant to section 1637 in the bill (section 6215 of present title 39).

Subsection (b) authorizes contracts for air transportation along routes over which there is no certified carrier. Such contracts are to be cancelled, in whole or in part, as appropriate, when the Civil Aeronautics Board certifies a carrier for the route in question. This subsection replaces the present star route law, section 6303 of present title 39.

Subsection (c) authorizes contracts with other than the certified carrier for routes over which certified carriers are not providing service adequate for the Postal Service. Such contracts are subject to disapproval by the Civil Aeronautics Board and, if new carriers are certified over the route in question, to cancellation by the Postal Service.

Subchapter IV, Transportation of Mail by Vessel: This subchapter continues a number of provisions of existing present law relating to water transportation.

Section 1676, Sea Post Service: This section continues the provision of section 6404 of present title 39 with conforming changes.

Section 1677, Termination of Contracts for Foreign Transportation: This section continues the provision of section 6406 of present title 39 with conforming changes.

Section 1678, Transportation of Mail as Freight or Express: This section continues the provision of section 6410 of present title 39 with conforming changes.

Section 1679, Fines on Ocean Carriers: This section continues the provision of section 6435 of present title 39 with conforming changes.

General Analysis of Chapter 18

This chapter continues without substantive change existing provisions of miscellaneous sections of title 39.

Section 1801, No Postal Material or Supplies Manufactured by Convict Labor: This section continues section 2010 of the present title 39.

Section 1802, Uniforms and Badges: This section continues section 3116(a) of the present title 39, but contemplates uniforms for employees in addition to letter carriers.

Section 1803, Special Delivery Messengers as Employees or Carriers: This section continues section 3115 of the present title 39.

Section 1804, Collection of Debts: This section continues section 2401 (a) and (b) of the present title 39, with structure and language changes in subsection (b) to reflect the full responsibility of the Postal Service for its own financial management.

Section 1805, Transportation of International Mail by Air Carriers of the United States: This section continues section 2402 of the present title 39.

Section 1806, Penalties and Forfeitures Imposed for Violations: This section continues section 2407 of the present title 39.

Section 1807, Delivery of Stolen Money to Owner: This section continues section 2410 of the present title 39.

Section 1808, Substitute Checks: This section continues section 2411 of the present title 39.

Section 1809, Filing of Information Relating to Publications of the Second Class: This section continues section 4369 of the present title 39.

Section 1810, Printing of Illustrations of United States Postage Stamps: This section continues section 2506 of the present title 39.

HOW MUCH CAN WE BOOST IQ AND SCHOLASTIC ACHIEVEMENT

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. Rarick) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, because of the significant findings of Dr. Arthur L. Jensen of the Institute for Human Learning at the University of California, Berkeley, Calif., in the field of environment, heredity, and behavior, I include his work, "How Much Can We Boost IQ and Scholastic Achievement," which appeared in the Harvard Educational Review, volume 39, No. 1, winter edition, 1969:

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HOW MUCH CAN WE BOOST IQ AND SCHOLASTIC ACHIEVEMENT

(NOTE.—Arthur Jensen argues that the failure of recent compensatory education efforts to produce lasting effects on children's IQ and achievement suggests that the premises on which these efforts have been based should be reexamined.

(He begins by questioning a central notion upon which these and other educational programs have recently been based: that IQ differences are almost entirely a result of environmental differences and the cultural bias of IQ tests. After tracing the history of IQ tests, Jensen carefully defines the concept of IQ, pointing out that it appears as a common factor in all tests that have been devised thus far to tap higher mental processes.

(Having defined the concept of intelligence and related it to other forms of mental ability, Jensen employs an analysis of variance model to explain how IQ can be separated into genetic and environmental components. He then discusses the concept of "heritability," a statistical tool for assessing the degree to which individual differences in a trait like the intelligence can be accounted for by genetic factors. He analyzes several lines of evidence which suggest that the heritability of intelligence is quite high (i.e., genetic factors are much more important than environmental factors in producing IQ differences).

(After arguing that environmental factors are not nearly as important in determining IQ as are genetic factors, Jensen proceeds to analyze the environmental influences which may be most critical in determining IQ. He concludes that prenatal influences may well contribute the largest environmental influence on IQ. He then discusses evidence which suggests that social class and racial variations in intelligence cannot be accounted for by differences in environment but must be attributed partially to genetic differences.

(After he has discussed the influence of the distribution of IQ in a society on its functioning, Jensen examines in detail the results of educational programs for young children, and finds that the changes in IQ produced by these programs are generally small. A basic conclusion of Jensen's discussion of the influence of environment on IQ is that environment acts as a "threshold variable." Extreme environmental deprivation can keep the child from performing up to his genetic potential, but an enriched educational program cannot push the child above that potential.

(Finally, Jensen examines other mental abilities that might be capitalized on in an educational program, discussing recent findings on diverse patterns of mental abilities between ethnic groups and his own studies of associative learning abilities that are independent of social class. He concludes that educational attempts to boost IQ have been misdirected and that the educational process should focus on teaching much more specific skills. He argues that this will be accomplished most effectively if educational methods are developed which are based on other mental abilities besides I.Q.

(Because of the controversial nature of Dr. Jensen's article, the Spring Issue of the Review will feature a discussion of the article by five psychologists: Carl Bereiter, Lee Cronbach, James Crow, David Elkind, and J. McVicker Hunt. Readers are also invited to react.)

THE FAILURE OF COMPENSATORY EDUCATION

Compensatory education has been tried and it apparently has failed.

Compensatory education has been practiced on a massive scale for several years in many cities across the nation. It began with auspicious enthusiasm and high hopes of educators. It had unprecedented support from Federal funds. It had theoretical sanction from social scientists espousing the major underpining of its rationale; the "deprivation hypothesis," according to which academic lag is mainly the result of social, economic, and educational deprivation and discrimination—an hypothesis that has met with wide, uncritical acceptance in the atmosphere of society's growing concern about the plight of minority groups and the economically disadvantaged.

The chief goal of compensatory education—to remedy the educational lag of disadvantaged children and thereby narrow the achievement gap between "minority" and "majority" pupils—has been utterly unrealized in any of the large compensatory education programs that have been evaluated so far. On the basis of a nationwide survey and evaluation of compensatory education programs, the United States Commission on Civil Rights (1967) came to the following concluison:

"The Commission's analysis does not suggest that compensatory education is incapable of remedying the effects of poverty on the academic achievement of individual children. There is little question that school programs involving expenditures for cultural enrichment, better teaching, and other needed educational services can be helpful to disadvantaged children. The fact remains, however, that none of the programs appear to have raised significantly the achivement of participating pupils, as a group, within the period evaluated by the Commission." (p. 138)

The Commission's review gave special attention to compensatory education in majority-Negro schools whose programs "were among the most prominent and included some that have served as models for others." The Commission states: "A principal objective of each was to raise the academic achievement of disadvantaged children. Judged by this standard the programs did not show evidence of much success" (p. 138).[1]

Why has there been such uniform failure of compensatory programs wherever they have been tried? What has gone wrong? In other fields, when bridges do not stand, when aircraft do not fly, when machines do not work, when treatments do not cure, despite all conscientious efforts on the part of many persons to make them do so, one begins to question the basic assumptions, principles, theories, and hypotheses that guide one's efforts. Is it time to follow suit in education?

The theory that has guided most of these compensatory education programs, sometimes explicitly, sometimes implicitly, has two main complementary facets: one might be called the "average children concept," the other the "social deprivation hypothesis."

Reports on Project Head Start indicate that initial gains of 5 to 10 points in IQ on conventional intelligence tests are a common finding, but this gain usually does not hold up through the first year of regular schooling. More positive claims for the efficacy of Head Start involve evidence of the detection and correction of medical disabilities in disadvantaged preschool children and the reportedly favorable effects of the program on children's self-confidence, motivation, and attitudes toward school.

The "average children" concept is essentially the belief that all children, except for a rare few born with severe neurological defects, are basically very much alike in their mental development and capabilities, and that their apparent differences in these characteristics as manifested in school are due to rather superficial differences in children's upbringing at home, their preschool and out-of-school experiences, motivations and interests, and the educational influences of their family background. All children are viewed as basically more or less homogeneous, but are seen to differ in school performance because when they are out of school they learn or fail to learn certain things that may either help them or hinder them in their school work. If all children could be treated more alike early enough, long before they come to school, then they could all learn from the teacher's instruction at about the same pace and would all achieve at much the same level, presumably at the "average" or above on the usual grade norms.

The "social deprivation hypothesis" is the allied belief that those children of ethnic minorities and the economically poor who achieve "below average" in school do so mainly because they begin school lacking certain crucial experiences which are prerequisites for school learning—perceptual, attentional, and verbal skills, as well as the self-confidence, self-direction, and teacher-oriented attitudes conducive to achievement in the classroom. And they lack the parental help and encouragement needed to promote academic achievement throughout their schooling. The chief aim of preschool and compensatory programs, therefore, is to make up for these environmental lacks as quickly and intensively as possible by providing the assumedly appropriate experiences, cultural enrichment, and training in basic skills of the kind presumably possessed by middle-class "majority" children of the same age.

The success of the effort is usually assessed in one or both of two ways: by gains in IQ and in scholastic achievement. The common emphasis on gains in IQ is probably attributable to the fact that it can be more efficiently "measured" than scholastic achievement, especially if there is no specific "achivement" to begin with. The IQ test can be used at the very beginning of Headstart, kindergarten, or first grade as a "pre-test" against which to assess "post-test" gains. IQ gains, if they occur at all, usually occur rapidly, while achievement is a long-term affair. And probably most important, the IQ is commonly interpreted as indicative of a more general kind of intellectual ability than is reflected by the acquisition of specific scholastic knowledge and skills. Since the IQ is known to predict scholastic performance better than any other single measurable attribute of the child, it is believed, whether rightly or wrongly, that if the child's IQ can be appreciably raised, academic achievement by and large will take care of itself, given normal motivation and standard instruction. Children with average or above-average IQs generally do well in school without much special attention. So the remedy deemed logical for children who would do poorly in school is to boost their IQs up to where they can perform like the majority—in short to make them all at least "average children." Stated so bluntly, the remedy may sound rather grim, but this is in fact essentially what we are attempting in our special programs of pre-school enrichment and compensatory education. This simple theme, with only slight embellishments, can be found repeated over and over again in the vast recent literature on the psychology and education of children called culturally disadvantaged.

So here is where our diagnosis should begin—with the concept of the IQ: how it came to be what it is; what it "really" is; what makes it vary from one individual to an-

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[1] Some of the largest and most highly publicized programs of compensatory education that have been held up as models but which produced absolutely no significant improvement in the scholastic achievement of disadvantaged students are: the *Banneker Project* in St. Louis (8 years), *Higher Horizons* in New York (5 years), More Effective Schools in New York (3 years), and large-scale programs in Syracuse, Seattle, Philadelphia, Berkeley, and a score of other cities (for detailed reports see U.S. Commission on Civil Rights, 1967, pp. 115–140).

other; what can change it, and by what amount.

THE NATURE OF INTELLIGENCE

The nature of intelligence is one of the vast topics in psychology. It would be quite impossible to attempt to review here the main theoretical issues and currents of thought in this field. Large volumes have been written on the subject (e.g., Guilford, 1967; Stoddard, 1943), to say nothing of the countless articles. An enlightening brief account of the history of the concept of intelligence has been presented by Sir Cyril Burt (1968). The term "intelligence," as used by psychologists, is itself of fairly recent origin. Having been introduced as a technical term in psychology near the turn of the century, it has since filtered down into common parlance, and therefore some restriction and clarification of the term as it will be used in the following discussion is called for.

Disagreements and arguments can perhaps be forestalled if we take an operational stance. First of all, this means that probably the most important fact about intelligence is that we can measure it. Intelligence, like electricity, is easier to measure than to define. And if the measurements bear some systematic relationships to other data, it means we can make meaningful statements about the phenomenon we are measuring. There is no point in arguing the question to which there is no answer, the question of what intelligence *really* is. The best we can do is to obtain measurements of certain kinds of behavior and look at their relationships to other phenomena and see if these relationships make any kind of sense and order. It is from these orderly relationships that we can gain some understanding of the phenomena.

But how did the instruments which we measure intelligence come about in the first place? The first really useful test of intelligence and the progenitor of nearly all present-day intelligence tests was the Metrical Scale of Intelligence devised in 1905 by Binet and Simon. A fact of great but often unrealized implications is that the Binet-Simon test was commission by the Minister of Public Instruction in Paris for the explicit purpose of identifying children who were likely to fail in school. It was decided they should be placed in special schools or classes before losing too much ground or receiving too much discouragement. To the credit of Binet and Simon, the test served this purpose quite well, and it is now regarded as one of the major "breakthroughs" in the history of psychology. Numerous earlier attempts to devise intelligence tests were much less successful from a practical standpoint, mainly because the kinds of functions tested were decided upon in terms of early theoretical notions about the basic elements of "mind" and the "brass instrument" laboratory techniques for measuring these elemental functions of consciousness, which were then thought to consist of the capacity for making fine sensory discriminations in the various sensory modalities. Although these measurements were sufficiently reliable, they bore little relationship to any "real life" or "common sense" criteria of behavior ranging along a "dull"—"bright" continuum. The psychological sagacity of Binet and Simon as test constructors derived largely from their intimate knowledge and observation of the behavior of young children and of what, precisely, teachers expected of them in school. Binet and Simon noted the characteristics distinguishing those children described by their teachers as "bright" from those described as "dull," and, from these observations and considerable trial-and-error, they were finally able to make up a graded series of test items that not only agreed with teachers' judgments of children's scholastic capabilities but could make the discriminations more finely and more accurately than any single teacher could do without prolonged observation of the child in class. The Binet-Simon scale has since undergone many revisions and improvements, and today, in the form developed by Terman, known at the Stanford-Binet Intelligence Scale, it is generally regarded as the standard for the measurement of intelligence.

But the important point I wish to emphasize here is that these Binet tests, and in effect all their descendants, had their origin in the educational setting of the Paris schools of 1900, and the various modifications and refinements they have undergone since then have been implicitly shaped by the educational traditions of Europe and North America. The content and methods of instruction represented in this tradition, it should be remembered, are a rather narrow and select sample of all the various forms of human learning and of the ways of imparting knowledge and skills. The instructional methods of the traditional classroom were not invented all in one stroke, but evolved within an upper-class segment of the European population, and thus were naturally shaped by the capacities, culture, and needs of those children whom the schools were primarily intended to serve. At least implicit in the system as it originally developed was the expectation that not all children would succeed. These methods of schooling have remained essentially unchanged for many generations. We have accepted traditional instruction so completely that it is extremely difficult even to imagine, much less to put into practice, any radically different forms that the education of children could take. Our thinking almost always takes as granted such features as beginning formal instruction at the same age for all children (universally between ages five and six), instruction of children in groups, keeping the same groups together in lock step fashion through the first several years of schooling, and an active-passive, showing-seeing, telling-listening relationship between teacher and pupils. Satisfactory learning occurs under these conditions only when children come to school with certain prerequisite abilities and skills: an attention span long enough to encompass the teacher's utterances and demonstrations, the ability voluntarily to focus one's attention where it is called for, the ability to comprehend verbal utterances and to grasp relationships between things and their symbolic representations, the ability to inhibit large-muscle activity and engage in covert "mental" activity, to repeat instruction to oneself, to persist in a task until a self-determined standard is attained—in short, the ability to engage in what might be called self-instructional activities, without which group instruction alone remains ineffectual.

The interesting fact is that, despite all the criticisms that can easily be leveled at the educational system, the traditional forms of instruction have actually worked quite well for the majority of children. And the tests that were specifically devised to distinguish those children least apt to succeed in this system have also proved to do their job quite well. The Stanford-Binet and similar intelligence tests predict various measures of scholastic achievement with an average validity coefficient of about 5 to 6, and in longitudinal data comprising intelligence test and achievement measures on the same children over a number of years, the multiple correlation between intelligence and scholastic achievement is almost as high as the reliability of the measures will permit.

The generality and limitations of intelligence

If the content and instructional techniques of education had been markedly different from what they were in the beginning and, for the most part, continue to be, it is very likely that the instruments we call intelligence tests would also have assumed a quite different character. They might have developed in such a way as to measure a quite different constellation of abilities, and our conception of the nature of intelligence, assuming we still called it by that name, would be correspondingly different. This is why I think it so important to draw attention to the origins of intelligence testing.

But in granting that the measurement and operational definitions of intelligence had their origins in a school setting and were intended primarily for scholastic purposes, one should not assume that intelligence tests measure *only* school learning or cultural advantages making for scholastic success and fail to tap anything of fundamental psychological importance. The notion is sometimes expressed that psychologists have mis-aimed with their intelligence tests. Although the tests may predict scholastic performance, it is said, they do not *really* measure intelligence—as if somehow the 'real thing" has eluded measurement and perhaps always will. But this is a misconception. We *can* measure intelligence. As the late Professor Edwin G. Boring pointed out, intelligence, by definition, is what intelligence tests measure. The trouble comes only when we attribute more to "intelligence" and to our measurements of it than do the psychologists who use the concept in its proper sense.

The idea of intelligence has justifiably grown considerably beyond its scholastic connotations. Techniques of measurement not at all resembling the tasks of the Binet scale and in no way devised with the idea of predicting scholastic performance can also measure approximately the same intelligence as measured by the Binet scale. The English psychologist Spearman devoted most of his distinguished career to studying the important finding that almost any and every test involving any kind of complex mental activity correlates positively and substantially with any and every other test involving complex mental activity, regardless of the specific content or sensory modality of the test. Spearman noted that if the tests called for the operation of "higher mental processes," as opposed to sheer sensory acuity, reflex behavior, or the execution of established habits, they showed positive intercorrelation, although the tests bore no superficial resemblance to one another. They might consist of abstract figures involving various spatial relationships, or numerical problems, or vocabulary, or verbal analogies. For example, a vocabulary test shows correlations in the range of .50 to .60 with a test that consists of copying sets of designs with colored blocks; and a test of general information correlates about .50 with a test that involves wending through a printed maze with a pencil. Countless examples of such positive correlations between seemingly quite different tests can be found in the literature on psychological tests. Spearman made them the main object of his study. To account for the intercorrelations of "mental" tests, he hypothesized the existence of a single factor common to all tests involving complex mental processes. All such tests measure this common factor to some degree, which accounts for the intercorrelations among all the tests. Spearman called the common factor "general intelligence" or simply *g*. And he invented the method known as factor analysis to determine the amount of *g* in any particular test. He and his students later developed tests, like Raven's Progressive Matrices and Cattell's Culture Fair Tests of *g*, which measure *g* in nearly pure form. We should not reify *g* as an entity, of course, since it is only a hypothetical construct intended to explain covariation among tests. It is a hypothetical source of variance (individual differences) in test scores. It can be regarded as the nuclear operational definition of intelligence, and when the term intelligence is used it should refer to *g*, the factor common to all tests of complex problem solving.

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In examining those tests most heavily loaded with *g*, Spearman characterized the mental processes which they seemed to involve as "the ability to educe relations and correlates"—that is, to be able to see the general from the particular and the particular as an instance of the general. A similar definition of intelligence was expressed by Aquinas, as "the ability to combine and separate"—to see the difference between things which seem similar and to see the similarities between things which seem different. These are essentially the processes of abstraction and conceptualization. Tasks which call for problem solving requiring these processes are usually the best measures of *g*. Despite numerous theoretical attacks on Spearman's basic notion of a general factor, *g* has stood like a rock of Gibralter in psychometrics, defying any attempt to construct a test of complex problem solving which excludes it.

Standard intelligence scales such as the Binet and the Wechsler are composed of a dozen or so subtests which differ obviously in their superficial appearance: vocabulary, general information, memory span for digits, block designs, figure copying, mazes, form boards, and so on. When the intercorrelations among a dozen or more such tests are subjected to a factor analysis or principal components analysis, some 50 percent or more of the total individual differences variance in all the tests is usually found to be attributable to a general factor common to all the tests. Thus, when we speak of intelligence it is this general factor, rather than any single test, that we should keep in mind.

Attempts to assess age differences in intelligence or mental development which rely on complex techniques that bear little formal resemblance to the usual intelligence tests still manage to measure *g* more than anything else. Piaget's techniques for studying mental growth, for example, are based largely on the child's development of the concepts of invariance and conservation of certain properties—number, area, and volume. When a large variety of Piaget tasks are factor analyzed along with standard psychometric tests, including the Stanford-Binet and Raven's Progressive Matrices, is it found that the Piaget tasks are loaded on the general factor to about the same extent as the psychometric tests (Vernon, 1965). That is to say, children fall into much the same rank order of ability on all these cognitive tests. Tuddenham (1968) has developed a psychometric scale of intelligence based entirely upon Piaget's theory of cognitive development. The test makes use of ten of the techniques developed by Piaget for studying conservation, seriation, reversal of perspective, and so on. Performance on these tasks shows about the same relationship to social class and race differences as is generally found with the Stanford-Binet and Wechler scales. It seems evident that what we call general intelligence can be manifested in many different forms and thus permits measurement by a wide variety of techniques. The common feature of all such intercorrelated tests seems to be their requirement of some form of "reasoning" on the part of the subject—some active, but usually covert, transformation or manipulation of the "input" (the problem) in order to arrive at the "output" (the answer).

The conceptually most pure and simple instance of this key aspect of intelligence is displayed in the phenomenon known as cross-modal transfer. This occurs when a person to whom some particular stimulus is exposed in one sensory modality can then recognize the same stimulus (or its essential features) in a different sensory modality. For example, show a person a number of differently shaped wooden blocks, then point to one, blindfold the person, shuffle the blocks, and let the person find the indicated block by using his sense of touch. or "write" in bold strokes any letter of the alphabet between a child's shoulder blades. It will be a completely unique stimulus input for the child, never encountered before and never directly conditioned to any verbal response. Yet, most children, provided they already know the alphabet, will be able to name the letter. There are no direct neural connections between the visual and the tactile impressions of the stimulus, and, although the child's naming of the letter has been conditioned to the visual stimulus, the tactile stimulus has been associated with neither the visual stimulus nor the verbal response. How does the child manage to show the cross modal transfer? Some central symbolic or "cognitive" processing mechanism is involved, which can abstract and compare properties of "new" experiences with "old" experiences and thereby invest the "new" with meaning and relevance. Intelligence is essentially characterized by this process.

Is g unitary or divisible?

It is only when the concept of *g* is attributed meaning above and beyond that derived from the factor analytic procedures from which it gains its strict technical meaning that we run into the needless argument over whether *g* is a unitary ability or a conglomerate of many subabilities, each of which could be measured independently. We should think of *g* as a "source" of individual differences in scores which is common to a number of different tests. As the tests change, the nature of *g* will also change, and a test which is loaded, say, .50 on *g* when factor analyzed among one set of tests may have a loading of .20 or .80, or some other value, when factor analyzed among other sets of tests. Also, a test which, in one factor analysis, measures only *g* and nothing else, may show that it measures *g* and one or more other factors when factor analyzed in connection with a new set of tests. In other words, *g* gains its meaning from the tests which have it in common. Furthermore, no matter how simple or "unitary" a test may appear to be, it is almost always possible to further fractionate the individual differences variance into smaller subfactors. I have been doing this in my laboratory with respect to a very simple and seemingly "unitary" ability, namely, digit span (Jensen, 1967b). Changing the rate of digit presentation changes the rank order of subjects in their ability to recall the digits. So, too, does interposing a 10-second delay between presentation and recall, and interpolating various distractions ("retroactive inhibition") between presentation and recall, and many other procedural variations of the digit span paradigm. Many—but, significantly, not all—of these kinds of manipulations introduce new dimensions or factors of individual differences. It is likely that when we finally get down to the irreducible "atoms" of memory span ability, so to speak, if we ever do get there, the elements that make up memory span ability will not themselves even resemble what we think of as abilities in the usual sense of the term. And so probably the same would be true not only for digit span, but for any of the subtests or items that make up intelligence tests.

A simple analogy in the physical realm may help to make this clear. If we are interested in measuring general athletic ability, we can devise a test consisting of running, ball throwing, matting, jumping, weight lifting, and so on. We can obtain a "score" on each one of these and the total for any individual is his "general athletic ability" score. This score would correspond to the general intelligence score yielded by tests like the Stanford-Binet and the Wechsler scales.

Or we can go a step further in the refinement of our test procedure and intercorrelate the scores on all these physical tasks, factor analyze the intercorrelations, and examine the general factor, if indeed there is one. Assuming there is, we would call it "general athletic ability." It would mean that on all of the tasks, persons who excelled on one also tended to be superior on the others. And we would note that some tasks were more "loaded" with this general factor than others. We could then weight the subtest scores in proportion to their loading on *g* and then add them up. The total, in effect, is a "factor score," and gives us a somewhat more justifiable measure of "general athletic ability," since it represents the one source of variation that all the athletic skills in our test battery share in common.

To go still further, let us imagine that the running test has the highest loading on *g* in this analysis. To make the issue clear-cut, let us say that all its variance is attributable to the *g* factor. Does this mean that running ability is not further analyzable into other components? *No, it simply means that the components into which running can be analyzed are not separately or independently manifested in either the running test or the other tests in the battery.* But we can measure these components of running ability independently, if we wish to: total leg length, the ratio of upper to lower leg length, strength of leg muscles, physical endurance, "wind" or vital capacity, ratio of body height to weight, degree of mesomorphic body build, specific skills such as starting speed—all are positively correlated with running speed. And if we intercorrelate these measures and factor analyze the correlations, we would probably find a substantial general factor common to all these physical attributes, name it what you will. We could combine the measures on these various physical traits into a weighted composite score which would predict running ability as measured by the time the person takes to cross the finish line. The situation seems very similar to the analysis of the psychological processes that make up "general intelligence."

Fluid and crystallized intelligence

Raymond B. Cattell (1963) has made a conceptually valid distinction between two aspects of intelligence, *fluid* and *crystallized*. Standard intelligence tests generally measure both the fluid and crystallized components of *g*, and, since the two are usually highly correlated in a population whose members to a large extent share a common background of experience, culture, and education, the fluid and crystallized components may not always be clearly discernible as distinct factors. Conceptually, however, the distinction is useful and can be supported empirically under certain conditions. *Fluid* intelligence is the capacity for new conceptual learning and problem solving, a general "brightness' and adaptability, relatively independent of education and experience, which can be invested in the particular opportunities for learning encountered by the individual in accord with his motivations and interests. Tests that measure mostly fluid intelligence are those that minimize cultural and scholastic content. Cattell's Culture Fair Tests and Raven's Progressive Matrices are good examples. *Crystallized* intelligence, in contrast, is a precipitate out of experience, consisting of acquired knowledge and developed intellectual skills. Fluid and crystallized intelligence are naturally correlated in a population sharing a common culture, because the acquisition of knowledge and skills in the first place depends upon fluid intelligence. While fluid intelligence attains its maximum level in the late teens and may even begin to decline gradually shortly thereafter, crystallized intelligence continues to increase gradually with the individual's learning and experience all the way up to old age.

Occupational correlates of intelligence

Intelligence, as we are using the term, has relevance considerably beyond the scholastic setting. This is so partly because there is an intimate relationship between a society's occupational structure and its educational system. Whether we like it or not, the educational system is one of society's most powerful mechanisms for sorting out children to assume different roles in the occupational hierarchy.

The evidence for a hierarchy of occupational prestige and desirability is unambiguous. Let us consider three sets of numbers.[2] First, the Barr scale of occupations, devised in the early 1920s, provides one set of data. Lists of 120 representative occupations, each definitely and concretely described, were given to 30 psychological judges who were asked to rate the occupations on a scale from 0 to 100 according to the grade of intelligence each occupation was believed to require for ordinary success. Second, in 1964, the National Opinion Research Center (NORC), by taking a large public opinion poll, obtained ratings of the *prestige* of a great number of occupations; these prestige ratings represent the average standing of each occupation relative to all the others in the eyes of the general public. Third, a rating of socioeconomic status (SES) is provided by the *1960 Census of Population: Classified Index of Occupations and Industries*, which assigns to each of the hundreds of listed occupations a score ranging from 0 to 96 as a composite index of the average income and educational level prevailing in the occupation.

The interesting point is the set of correlations among these three independently derived occupational ratings.

The Barr scale and the NORC ratings are correlated .91.

The Barr scale and the SES index are correlated .81.

The NORC ratings and the SES index are correlated .90.

In other words, psychologists' concept of the "intelligence demands" of an occupation (Barr scale) is very much like the general public's concept of the prestige or "social standing" of an occupation (NORC ratings), and both are closely related to an independent measure of the educational and economic status of the persons pursuing an occupation (SES index). As O. D. Duncan (1968, pp. 90–91) concludes, ". . . 'intelligence' is a socially defined quality in this social definition is not essentially different from that of achievement or status in the occupational sphere. . . . When psychologists came to propose operational counterparts to the notion of intelligence, or to devise measures thereof, they wittingly or unwittingly looked for indicators of capability to function in the system of key roles in the society." Duncan goes on to note, "Our argument tends to imply that a correlation between IQ and occupational achievement was more or less built into IQ tests, by virtue of the psychologists' implicit acceptance of the social standards of the general populace. Had the first IQ tests been devised in a hunting culture, 'general intelligence' might well have turned out to involve visual acuity and running speed, rather than vocabulary and symbol manipulation. As it was, the concept of intelligence arose in a society where high status accrued to occupations involving the latter in large measure, so that what we now *mean* by intelligence is something like the probability of acceptable performance (given the opportunity) in occupations varying in social status."

So we see that the prestige hierarchy of occupations is a reliable objective reality in our society. To this should be added the fact that there is undoubtedly some relationship between the levels of the hierarchy and the occupations' intrinsic interest, desirability, or gratification to the individuals engaged in them. Even if all occupations paid alike and received equal respect and acclaim, some occupations will still be viewed as more desirable than others, which would make for competition, selection, and, again, a kind of prestige hierarchy. Most persons would agree that painting pictures is more satisfying than painting barns, and conducting a symphony orchestra is more exciting than directing traffic. We have to face it: the assortment of persons into occupational roles simply is not "fair" in any absolute sense. The best we can ever hope for is that true merit, given equality of opportunity, act as the basis for the natural assorting process.

Correlation between intelligence and occupational achievement

Because intelligence is only one of a number of qualities making for merit in any given occupation, and since most occupations will tolerate a considerable range of abilities and criteria of passable performance, it would be surprising to find a very high correlation between occupational level and IQ. Although the rank order of the *mean* IQs of occupational groups is about as highly correlated with the occupations' standing on the three "prestige" ratings mentioned above as the ratings are correlated among themselves, there is a considerable dispersion of IQs *within* occupations. The IQ spread increases as one moves down the scale from more to less skilled occupations (Tyler, 1965, pp. 338–339). Thus, the correlation, for example, between scores on the Army General Classification Test, a kind of general intelligence test, and status ratings of the civilian occupations of 18,782 white enlisted men in World War II was only .42. Since these were mostly young men, many of whom had not yet completed their education or established their career lines, the correlation of .42 is lower than one would expect in the civilian population. Data obtained by the U.S. Employment Service in a civilian population shows a correlation of .55 between intelligence and occupational status, a value which, not surprisingly, is close to the average correlation between intelligence and scholastic achievement (Duncan, et al., 1968, pp. 98–101). Although these figures are based on the largest samples reported in the literature and are therefore probably the most reliable statistics, they are not as high as the correlations found in some other studies. Two studies found, for example, that IQs of school boys correlated .57 and .71 with their occupational status 14 and 19 years later, respectively (Tyler, 1965, p. 343). It is noteworthy that the longer interval showed the higher correlation.

Duncan's (1968) detailed analysis of the nature of the relationship between intelligence and occupational status led him to the conclusion that "the bulk of the influence of intelligence on occupation is indirect, via education." If the correlation of intelligence with education and of education with occupation is, in effect, "partialled out," the remaining "direct" correlation between intelligence and occupation is almost negligible. But Duncan points out that this same type of analysis (technically known as "path coefficients analysis") also reveals the interesting and significant finding that intelligence plays a relatively important part as a cause of differential *earnings*. Duncan concludes: ". . . men with the same schooling and in the same line of work are differentially rewarded in terms of mental ability" (1968, p. 118).

Correlations between intelligence and job performance within occupations

Intelligence, via education, has its greatest effect in the assorting of individuals into occupational roles. Once they are in those roles, the importance of intelligence per se is less marked. Ghiselli (1955) found that intelligence tests correlate on the average in the range of .20 to .25 with ratings of actual proficiency on the job. The speed and ease of training for various occupational skills, however, show correlations with intelligence averaging about .50, which is four to five times the predictive power that the same tests have in relation to work proficiency *after* training. This means that, once the training hurdle has been surmounted, many factors besides intelligence are largely involved in success on the job. This is an important fact to keep in mind at later points in this article.

Is intelligence "fixed"?

Since the publication of J. McV. Hunt's well-known and influential book, *Intelligence and Experience* (1961), the notion of "fixed intelligence" has assumed the status of a popular cliché among many speakers and writers on intelligence, mental retardation, cultural disadvantage, and the like, who state often with an evident sense of virtue and relief, that modern psychology has overthrown the "belief in fixed intelligence." This particular bugaboo seems to have loomed up largely in the imaginations of those who find such great satisfaction in the idea that "fixed intelligence" has been demolished once and for all.

Actually, there has been nothing much to demolish. When we look behind the rather misleading term "fixed intelligence," what we find are principally two real and separate issues, each calling for empirical study rather than moral philosophizing. Both issues lend themselves to empirical investigation and have long been subjects of intensive study The first issue concerns the genetic basis of individual differences in intelligence; the second concerns the stability or constancy of the IQ throughout the individual's lifetime.

Genotype and Phenotype. Geneticists have avoided confusion and polemics about the issue of whether or not a given trait is "fixed" by asking the right question in the first place: how much of the variation (i.e., individual differences) in a particular trait or characteristic that we observe or measure (i.e., the *phenotype*) in a given population can we account for in terms of variation in the genetic factors (i.e., the *genotype*) affecting the development of the characteristic?

The genetic factors are completely laid down when the parental sperm and ovum unite. Thus the individual's genotype, by definition, is "fixed" at the moment of conception. Of course, different potentials of the genotype may be expressed at different times in the course of the individual's development. But beyond conception, whatever we observe or measure of the organism is a phenotype, and this, by definition, is *not* "fixed." The phenotype is a result of the organism's internal genetic mechanisms established at conception and all the physical and social influences that impinge on the organism throughout the course of its development. Intelligence is a phenotype, not a genotype, so the argument about whether or not intelligence is "fixed" is seen to be spurious.

The really interesting and important question, which can be empirically answered by the methods of quantitative genetics, is: what is the correlation between genotypes and phenotypes at any given point in development? For continuous or metrical characteristics such as height and intelligence, the correlation, of course, can assume any value between 0 and 1. The square of the correlation between genotype and phenotype is technically known as the *heritability* of the characteristic, a concept which is discussed more fully in a later section.

The Stability of Intelligence Measures. The second aspect of the issue of "fixed intelligence" concerns the stability of intelligence measurements throughout the course of the individual's development. Since intelligence test scores are not points on an absolute scale of measurement like height and weight, but

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[2] I am indebted to Professor Otis Dudley Duncan (1968, pp. 80–100) for providing this information.

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only indicate the individual's relative standing with reference to a normative population, the question we must ask is: To what extent do individuals maintain their standing relative to one another in measured intelligence over the course of time? The answer is to be found in the correlation between intelligence test scores on a group of persons at two points in time. Bloom (1964) has reviewed the major studies of this question and the evidence shows considerable consistency.

In surveying all the correlations reported in the literature between intelligence measured on the same individuals at two points in time, I have worked out a simple formula that gives a "best fit" to all these data. The formula has the virtue of a simple mnemonic, being much easier to remember than all the tables of correlations reported in the literature and yet being capable of reproducing the correlations with a fair degree of accuracy.

$$\hat{r}_{12}=r_{tt}\sqrt{\frac{CA_1}{CA_2}}$$

where $\hat{r}_{12}$ = the estimated correlation between tests given at times 1 and 2.
r_{tt} = the equivalent-forms or immediate test-retest reliability of the test.
CA_1 = the subject's chronological age at the time of the first test.
CA_2 = the subject's chronological age at the time of the second test.

Limitation: The formula holds only up to the point where CA_2 is age 10, at which time the empirical value of r_{12} approaches an asymptote, showing no appreciable increase thereafter. Beyond age 10, regardless of the interval between tests, the obtained test-retest correlations fall in the range between the test's reliability and the square of the reliability (i.e., $r_{tt}>r_{12}>r^2_{tt}$). These simple generalizations are intended simply as a means of summarizing the mass of empirical findings. They accord with Bloom's conclusion, based on his thorough survey of the published evidence, that beyond age 8, correlations between repeated tests of general intelligence, corrected for unreliability of measurement, are between +.90 and unity (Bloom, 1964, p. 61).

What these findings mean is that the IQ is not constant, but, like all other developmental characteristics, is quite variable early in life and becomes increasingly stable throughout childhood. By age 4 or 5, the IQ correlates about .70 with IQ at age 17, which means that approximately half (i.e., the square of the correlation) of the variance in adult intelligence can be predicted as early as age 4 or 5. This fact that half the variance in adult intelligence can be accounted for by age 4 has led to the amazing and widespread, but unwarranted and fallacious, conclusion that persons develop 50 percent of their mature intelligence by age 4! This conclusion, of course, does not at all logically follow from just knowing the magnitude of the correlation. The correlation between *height* at age 4 and at age 17 is also about .70, but who would claim that the square of the correlation indicated the proportion of adult height attained by age 4? The absurdity of this non sequitur is displayed in the prediction it yields: the average 4 years old boy should grow up to be 6 ft. 7 in. tall by age 17!

Intelligence has about the same degree of stability as other developmental characteristics. For example, up to age 5 or 6, height is somewhat more stable than intelligence, and thereafter the development rates of height and intelligence are about equally stable, except for a period of 3 or 4 years immediately after the onset of puberty, during which height is markedly less stable than intelligence. Intelligence is somewhat more stable than total body weight over the age range from 2 to 18 years. Intelligence has a considerably more stable growth rate than measures of physical strength (Bloom, 1964, pp. 46–47). Thus, although the IQ is certainly not "constant," it seems safe to say that under normal environmental conditions it is at least as stable as developmental characteristics of a strictly physical nature.

Intelligence as a component of mental ability

The term "intelligence" should be reserved for the rather specific meaning I have assigned to it, namely, the general factor common to standard tests of intelligence. Any one verbal definition of this factor is really inadequate, but, if we must define it in so many words, it is probably best thought of as a capacity for abstract reasoning and problem solving.

What I want to emphasize most, however, is that *intelligence* should not be regarded as completely synonymous with what I shall call *mental ability*, a term which refers to the totality of a person's mental capabilities. Psychologists know full well that what they mean by intelligence in the technical sense is only a part of the whole spectrum of human abilities. The notion that a person's intelligence, or some test measurement thereof, reflects the totality of all that he can possibly do with his "brains" has long caused much misunderstanding and needless dispute. As I have already indicated, the particular constellation of abilities we now call "intelligence," and which we can measure by means of "intelligence" tests, has been singled out from the total galaxy of mental abilities as being especially important in our society mainly because of the nature of our traditional system of formal education and the occupational structure with which it is coordinated. Thus, the predominant importance of intelligence is derived, not from any absolute criteria or God-given desiderata, but from societal demands. But neither does this mean, as some persons would like to believe, that intelligence exists only "by definition" or is merely an insubstantial figment of psychological theory and test construction. Intelligence fully meets the usual scientific criteria for being regarded as an aspect of objective reality, just as much as do atoms, genes, and electromagnetic fields. Intelligence has indeed been singled out as especially important by the educational and occupational demands prevailing in all industrial societies, but it is nevertheless a biological reality and not just a figment of social convention. Where educators and society in general are most apt to go wrong is in failing fully to recognize and fully to utilize a broader spectrum of abilities than just that portion which psychologists have technically designated as "intelligence." But keep in mind that it is this technical meaning of "intelligence" to which the term specifically refers throughout the present article.

The distribution of intelligence

Intelligence tests yield numerical scores or IQs (intelligence quotients) which are assumed to be, and in fact nearly are, "normally" distributed in the population. That is, the distribution of IQs conforms to the normal or so-called Gaussian distribution, the familiar "bell-shaped curve." The IQ, which is now the most universal "unit" in the measurement of intelligence, was originally defined as the ratio of the individual's mental age (MA) to his chronological age (CA): $IQ=(MA/CA)\times 100$. (Beyond about 16 years of age, the formula ceases to make sense.) Mental age was simply defined as the typical or average score obtained on a test by children of a given age, and thus the average child by definition has an IQ of 100. Because of certain difficulties with the mental age concept, which we need not go into here, modern test constructors no longer attempt to measure mental age but instead convert raw scores (i.e., the number of test items gotten "right") directly into IQs for each chronologcial age group. The average IQ at each age is arbitrarily set at 100, and the IQ is defined as a normally distributed variable with a mean of 100 and a standard diviation of 15 points. (The standard deviation is an index of the amount of dispersion of scores; in the normal distribution 99.7 percent of the scores fall within ±3 standard deviations [i.e., ± 45 IQ points] of the mean.)

There is really nothing mysterious about the fact that IQs are "normally" distributed, but it is not quite sufficient, either, to say that the normality of the distribution is just an artifact of test construction. There is a bit more to it than that.

Toss a hundred or so pennies into the air and record the number of heads that come "up" when they fall. Do this several thousand times and plot a frequency distribution of the number of heads that come up on each of the thousands of throws. You will have a distribution that very closely approximates the normal curve, and the more times you toss the hundred pennies the closer you will approximate the normal distribution.

Now, a psychological test made up of 100 or so items would behave in the same manner as the pennies, and produce a perfectly normal distribution of scores, if (*a*) the items have an average difficulty level of ½ [i.e., exactly half of the number of persons taking the test would get the item "right"], and (*b*) the items are independent, that is, all the interim correlations are zero. Needless to say, no psychological test that has ever been constructed meets these "ideal" criteria, and is just as well, for if we succeeded in devising such a test it would "measure" absolutely nothing but chance variation. If the test is intended to measure some trait, such as general intelligence, it will be impossible for all the test items to be completely uncorrelated. They will necessarily have some degree of positive correlation among them. Then, if the items are correlated, and if we still want the test to spread people out over a considerable range of scores, we can achieve this only if the items vary in level of difficulty; they cannot all have a difficulty level of ½. (Imagine the extreme case in which all item intercorrelations were perfect and the difficulty level of all items was ½. Then the "distribution" of scores would have only two points: half the testees would obtain a score of zero and half would obtain a perfect score.) So we need to have test items which have an *average* difficulty level of ½ in the test overall, but which cover a considerable range of difficulty levels, say, from .1 to .9. Thus, test constructors make up their tests of items which have rather low overage intercorrelations (usually between .1 and .2) and a considerable range of difficulty levels. These two sets of conditions working together, then, yield a distribution of test scores in the population which is very close to "normal." So far it appears as though we have simply made our tests in such a way as to *force* the scores to assume a normal distribution. And that is exactly true.

But the important question still remains to be answered: is intelligence itself—not just our measurements of it—really normally distributed? In this form the question is operationally meaningless, since, in order to find the form of the distribution of intelligence, we first have to measure it, and we have constructed our measuring instruments in such a way as to yield a normal distribution. The argument about the distribution of intelligence thus appears to be circular, is there any way out? The only way I know of is to look for evidence that our intelligence scales or IQs behave like an "interval scale." On an interval scale, the interval between any two points is equal to the interval between any other two points the same numerical distance apart. Thus, intervals on the scale are equal and additive. If we *assume* that intelligence is "really" normally distributed in the population, and then measure it in

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such a way that we obtain a normal distribution of scores, our measurements (IQs) can be regarded as constituting an interval scale. If, then, the scale in fact behaves like an interval scale, there is some justification for saying that intelligence itself (not just IQ) is normally distributed. What evidence is there of the IQ's behaving like an interval scale? The most compelling evidence, I believe, comes from studies of the inheritance of intelligence, in which we examine the pattern of intercorrelations among relatives of varying degrees of kinship.

But, first, to understand what is meant by "behaving" like an interval scale, let us look at two well-known interval scales, the Fahrenheit and centigrade thermometers. We can prove that these are true interval scales by showing that they "behave" like interval scales in the following manner: Mix a pint of ice water at 0° C with a pint of boiling water at 100° C. The resultant temperature of the mixture will be 50° C. Mix 3 pints of ice water with 1 pint of boiling water and the temperature of the mix will be 25° C. And we can continue in this way, mixing various proportions of water at different temperatures and predicting the resultant temperatures on the assumption of an interval scale. To the extent that the thermometer readings fit the predictions, they can be considered an interval scale.

Physical stature (height) is measured on an interval scale (more than that, it is also a ratio scale) in units which are independent of height, so the normal distribution of height in the population is clearly a fact of nature and not an artifact of the scale of measurement. A rather simple genetic model "explains" the distribution of height by hypothesizing that individual variations in height are the result of a large number of independent factors each having a small effect in determining stature. (Recall the penny-tossing analogy.) This model predicts quite precisely the amount of "regression to the population mean" of the children's average height from the parent's average height, a phenomenon first noted by Sir Francis Galton in 1885. The amount of "regression to the mean" from grandparent to grandchild is exactly double that from parent to child. These regression lines for various degrees of kinship are perfectly rectilinear throughout the entire range, except at the very lower end of the scale of height, where one finds midgets and dwarfs. The slope of the regression line changes in discrete jumps according to the remoteness of kinship of the groups being compared. All this could happen only if height were measured on an interval scale. The regression lines would not be rectilinear if the trait (height) were not measured in equal intervals.

Now, it is interesting that intelligence measurements show about the same degree of "filial regression," as Galton called it, that we find for height. The simple polygenic model for the inheritance of height fits the kinship correlations obtained for intelligence almost as precisely as it does for height. And the kinship regression lines are as rectilinear for intelligence as for height, throughout the IQ scale, except at the very lower end, where we find pathological types of mental deficiency analogous to midgets and dwarfs on the scale of physical stature. In brief; IQs behave just about as much like an interval scale as do measurements of height, which we know for sure is an interval scale. Therefore, it is not unreasonable to treat the IQ as an interval scale.

Although standardized tests such as the Stanford-Binet and the Wechsler Scales were each constructed by somewhat different approaches to achieving interval scales, they both agree in revealing certain systematic discrepancies from a perfectly normal distribution of IQs when the tests are administered to a very large and truly random sample of the population. These slight deviations of the distribution of IQs from perfect normality have shown up in many studies using a variety of tests. The most thorough studies and sophisticated discussions of their significance can be found in articles by Sir Cyril Burt (1957, 1963). The evidence, in short, indicates that intelligence is *not* distributed quite normally in the population. The distribution of IQs approximates normality quite closely in the IQ range from about 70 to 130. But outside this range there are slight, although very significant, departures from normality. From a scientific standpoint, these discrepancies are of considerable interest as genuine phenomena needing explanation.

Figure I shows an idealized distribution of IQs if they were distributed perfectly normally. Between IQ 70 and IQ 130, the percentage of cases falling between different IQ intervals, as indicated in Figure 1, are very close to the actual percentages estimated from large samples of the population and the departures are hardly enough to matter from any practical standpoint.

Examination of this normal curve can be instructive if one notes the consequences of shifting the total distribution curve up or down the IQ scale. The consequences of a given shift become more extreme out toward the "tails" of the distribution. For example, shifting the mean of the distribution from 100 down to 90 would put 50 percent instead of only 25 percent of the population below IQ 90; and it would put 9 percent instead of 2 percent below IQ 70. And in the upper tail of the distribution, of course, the consequences would be the reverse; instead of 25 percent above IQ 110, there would be only 9 percent, and so on. The point is that relatively small shifts in the mean of the IQ distribution can result in very large differences in the proportions of the population that fall into the very low or the very high ranges of intelligence. A 10 point downward shift in the mean, for example, would more than triple the percentage of mentally retarded (IQs below 70) in the population and would reduce the percentage of intellectually "gifted" (IQs above 130) to less than one-sixth of their present number. It is in these tails of the normal distribution that differences become most conspicuous between various groups in the population that show mean IQ differences, for whatever reason, of only a few IQ points. From a knowledge of relatively slight mean differences between various social class and ethnic groups, for example, one can estimate quite closely the relatively large differences in their proportions in special classes for the educationally retarded and for the "gifted" and in the percentages of different groups receiving scholastic honors at graduation. It is simply a property of the normal distribution that the effects of group differences in the mean are greatly magnified in the different proportions of each group that we find as we move further out toward the upper or lower extremes of the distribution.

I indicated previously that the distribution of intelligence is really not quite "normal," but shows certain systematic departures from "normality." These departures from the normal distribution are shown in Figure 2 in a slightly exaggerated form to make them clear. The shaded area is the normal distribution, and also there is an ex- the actual distribution of IQs in the population. We note that there are more very low IQs than would be expected in a truly normal distribution, and also there is an excess of IQs at the upper end of the scale. Note, too, the slight excess in the IQ range between about 70 and 90.

The very lowest IQs, below 55 or 60, we now know, really represent a different distribution from that of the rest of the intelligence distribution (Roberts, 1952; Zigler, 1967). Whatever factors are responsible for individual differences in the IQ range above 60 are not sufficient to account for IQs below this level, and especially below IQ 50. Practically all IQs below this level represent severe mental deficiency due to pathological conditions, massive brain damage, or rare genetic and chromosomal abnormalities. Only about ½ to ¾ of 1 percent of the total population falls into the IQ range below 50; this is fewer than ⅓ of all individuals classed as mentally retarded (IQs below 70). These severe grades of mental defect are not just the lower extreme of normal variation. Often they are due to a single recessive or mutant gene whose effects completely override all the other genetic factors involved in intelligence; thus they have been called "major gene" defects. In this respect, the distribution of intelligence is directly analogous to the distribution of stature. Short persons are no more abnormal than are average or tall persons; all are instances of normal variation. But extremely short persons at the very lower end of the distribution are really part of another, abnormal distribution, generally consisting of midgets and dwarfs. They are clearly not a part of normal variation. One of the commonest types of dwarfism, for example, is known to be caused by a single recessive gene.

Persons with low IQs caused by major gene defects or chromosomal abnormalities, like mongolism, are also usually abnormal in physical appearance. Persons with moderately low IQs that represent a part of normal variation, the so-called "familial mentally retarded," on the other hand, are physically indistinguishable from persons in the higher ranges of IQ. But probably the strongest evidence we have that IQs below 50 are a group apart from the mildly retarded, who represent the lower end of normal variation, comes from comparisons of the siblings of the severely retarded with siblings of the mildly retarded. In England, where this has been studied intensively, these two retardate groups are called imbecile (IQs below 50) and feebleminded (IQs 50 to 75). Figure 3 shows the IQ distributions of the *siblings* of imbecile and feebleminded children (Roberts, 1952). Note that the siblings of imbeciles have a much higher average level of intelligence than the siblings of the feebleminded. The latter group, furthermore, shows a distribution of IQs that would be predicted from a genetic model intended to account for the normal variation of IQ in the population. This model does not at all predict the IQ distribution for the imbecile sibships. To explain the results shown in Figure 3 one must postulate some additional factors (gene or chromosome defects, pathological conditions, etc.) that cause imbecile and idiot grades of mental deficiency.

Another interesting point of contrast between severe mental deficiency and mild retardation is the fact noted by Kushlick (1966, p. 130), in surveying numerous studies, that "The parents of severely subnormal children are evenly distributed among all the social strata of industrial society, while those of mildly subnormal subjects come predominantly from the lower social classes. There is now evidence which suggests that mild subnormality in the absence of abnormal neurological signs (epilepsy, electroencephalographic abnormalities, biochemical abnormalities, chromosomal abnormalities or sensory defects) is virtually confined to the lower social classes. Indeed, there is evidence that almost no children of higher social class parents have IQ scores of less than 80, unless they have one of the pathological processes mentioned above."

In the remainder of this article we shall not be further concerned with these exceptionally low IQs below 50 or 60, which largely constitute a distribution of abnormal conditions superimposed on the factors that make for normal variation in intelligence. We shall be mainly concerned with the factors involved in the normal distribution.

Returning to Figure 2, the best explanation we have for the "bulge" between 70 and 90 is the combined effects of severe environmental disadvantages and of emotional disturbances that depress test scores. Burt (1963) has found that when, independent of the subjects' test performance there is evidence for the existence of factors that depress performance, and these exceptional subjects' scores are removed from the distribution, this "bulge" in the 70–90 range is diminished or erased. Also, on retest under more favorable conditions, the IQs of many of these exceptional subjects are redistributed at various higher points on the scale, thereby making the IQ distribution more normal.

The "excess" of IQs at the high end of the scale is certainly a substantial phenomenon, but it has not yet been adequately accounted for. In his multifactorial theory of the inheritance of intelligence, Burt (1958) has postulated major gene effects that make for exceptional intellectual abilities represented at the upper end of the scale, just as other major gene effects make for the subnormality found at the extreme lower end of the scale. One might also hypothesize that superior genotypes for intellectual development are pushed to still greater superiority in their phenotypic expression through interaction with the environment. Early recognition of superiority leads to its greater cultivation and encouragement by the individual's social environment. This influence is keenly evident in the developmental histories of persons who have achieved exceptional eminence (Goertzel & Goertzel, 1962). Still another possible explanation of the upper-end "excess" lies in the effects of assortative mating in the population, meaning the tendency for "like to marry like." If the degree of resemblance in intelligence between parents in the upper half of the IQ distribution were significantly greater than the degree of resemblance of parents in the below average range, genetic theory would predict the relative elongation of the upper tail of the distribution. This explanation, however, must remain speculative until we have more definite evidence of whether there is differential assortative mating in different regions of the IQ distribution.

The Concept of Variance. Before going on to discuss the factors that account for normal variation in intelligence among individuals in the population, a word of explanation is in order concerning the quantification of variation. The amount of dispersion of scores depicted by the distributions in Figures 1 and 2 is technically expressed as the *variance*, which is the square of the standard deviation of the scores in the distribution. (Since the standard deviation of IQs in the population is 15, the total variance is 225.) *Variance* is a basic concept in all discussions of individual differences and population genetics. If you take the difference between every score and the mean of that total distribution, square each of these differences, sum them up, and divide the sum by the total number of scores, you have a quantity called the *variance*. It is an index of the total amount of variation among scores. Since variance represents variation on an additive scale, the total variance of a distribution of scores can be partitioned into a number of components, each one due to some factor which contributes a certain specifiable proportion of the variance, and all these variance components add up to the total variance. The mathematical technique for doing this, called "the analysis of variance," was invented by Sir Ronald Fisher, the British geneticist and statistician. It is one of the great achievements in the development of statistical methodology.

THE INHERITANCE OF INTELLIGENCE

"In the actual race of life, which is not to get ahead, but to get ahead of somebody, the chief determining factor is heredity." So said Edward L. Thorndike in 1905. Since then, the preponderance of evidence has proved him right, certainly as concerns those aspects of life in which intelligence plays an important part.

But one would get a quite different impression from reading most of the recent popular textbooks of psychology and education. Genetic factors in individual differences have usually been belittled, obscured, or denigrated, probably for reasons of interest mainly on historical, political, and ideological grounds which we need not go into here. Some of the following quotations, each from different widely used texts in our field, give some indication of the basis for my complaint. "We can attribute no particular portion of intelligence to heredity and no particular portion to the environment." "The relative influence of heredity and environment upon intelligence has been the topic of considerable investigations over the last half century. Actually the problem is incapable of solution since studies do not touch upon the problem of heredity and environment but simply upon the susceptibility of the content of a particular test to environmental influences." "Among people considered normal, the range of genetic variations is not very great." "Although at the present time practically all responsible workers in the field recognize that conclusive proof of the heritability of mental ability (where no organic or metabolic pathology is involved) is still lacking, the assumption that subnormality has a genetic basis continues to crop up in scientific studies." "There is no evidence that nature is more important than nurture. The two forces always operate together to determine the course of intellectual development." The import of such statements apparently filters up to high levels of policy-making, for we find a Commissioner of the U.S. Office of Education stating in a published speech that children ". . . all have similar potential at birth. The differences occur shortly thereafter." These quotations typify much of the current attitude toward heredity and environment that has prevailed in education in recent years. The belief in the almost infinite plasticity of intellect, the ostrich-like denial of biological factors in individual differences, and the slighting of the role of genetics in the study of intelligence can only hinder investigation and understanding of the conditions, processes, and limits through which the social environment influences human behavior.

But fortunately we are beginning to see some definite signs that this mistreatment of the genetic basis of intelligence by social scientists may be on the wane, and that a biosocial view of intellectual development more in accord with the evidence is gaining greater recognition. As Yale psychologist Edward Zigler (1968) has so well stated:

"Not only do I insist that we take the biological integrity of the organism seriously, but it is also my considered opinion that our nation has more to fear from unbridled environmentalists than they do from those who point to such integrity as one factor in the determination of development. It is the environmentalists who have been writing review after review in which genetics are ignored and the concept of capacity is treated as a dirty word. It is the environmentalists who have placed on the defensive any thinker who, perhaps impressed by the revolution in biological thought stemming from discoveries involving RNA–DNA phenomena, has had the temerity to suggest that certain behaviors may be in part the product of readout mechanisms residing within the programmed organism. It is the unbridled environmentalist who emphasizes the plasticity of the intellect, that tells us one can change both the general rate of development and the configuration of inellecual processes which can be referred to as the intellect, if we could only subject human beings to the proper technologies. In the educational realm, this has spelled itself out in the use of panaceas, gadgets, and gimmicks of the most questionable sort. It is the environmentalist who suggests to parents how easy it is to raise the child's IQ and who has prematurely led many to believe that the retarded could be made normal, and the normal made geniuses. It is the environmentalist who has argued for pressure-cooker schools, at what psychological cost, we do not yet know."

Most geneticists and students of human evolution have fully recognized the role of culture in shaping "human nature," but also they do not minimize the biological basis of diversity in human behavioral characteristics. Geneticist Theodosius Dobzhansky (1968, p. 554) has expressed this viewpoint in the broadest terms: "The trend of cultural evolution has been not toward making everybody have identical occupations but toward a more and more differentiated occupational structure. What would be the most adaptive response to this trend? Certainly nothing that would encourage genetic uniformity. . . . To argue that only environmental circumstances and training determine a person's behavior makes a travesty of democratic notions of individual choice, responsibility, and freedom."

EVIDENCE FROM STUDIES OF SELECTIVE BREEDING

The many studies of selective breeding in various species of mammals provide conclusive evidence that many behavioral characteristics, just as most physical charactertistics, can be manipulated by genetic selection (see Fuller & Thompson, 1962; Scott and Fuller, 1965). Rats, for example, have been bred for maze learning ability in many different laboratories. It makes little difference whether one refers to this ability as rat "intelligence," "learning ability" or some other term—we know that it is possible to breed selectively for whatever the factors are that make for speed of maze learning. To be sure, individual variation in this complex ability may be due to any combination of a number of characteristics involving sensory acuity, drive level, emotional stability, strength of innate turning preferences, brain chemistry, brain size, structure of neural connections, speed of synaptic transmission, or whatever. The point is that the molar behavior of learning to get through a maze efficiently without making errors (i.e., going up blind alleys) can be markedly influenced in later generations by selective breeding of the parent generations of rats who are either fast or slow ("maze bright" or "maze dull," to use the prevailing terminology in this research) in learning to get through the maze. Figure 4 shows the results of one such genetic selection experiment. They are quite typical; within only six generations of selection the offspring of the "dull" strain make 100 percent more errors in learning the maze than do the offspring of the "bright" strain (Thompson, 1954). In most experiments of this type, of course, the behaviors that respond so dramatically to selection are relatively simple as compared with human intelligence, and the experimental selection pressure is severe, so the implications of such findings for the study of human variation should not be overdrawn. Yet geneticists seem to express little doubt that many behavioral traits in humans would respond similarly to genetic selection. Three eminent geneticists (James F. Crow, James V. Neel, and Curt Stern) of the National Academy of Sciences recently prepared a "position statement," which was generally hedged by extreme caution and understatement, that asserted: "Animal experiments have shown that almost any trait can be changed by selection. . . . A selection program to increase human intelligence (or whatever is measured by various kinds of 'intelligence' tests) would almost certainly be successful in some measure. The same is probably true for other behavioral traits. The *rate* of increase would be somewhat unpredictable, but there is little doubt that there would be progress" (National Academy of Sciences, 1967, p. 893).

Direct evidence of genetic influences on human abilities

One of the most striking pieces of evidence for the genetic control of mental abilities is a chromosomal anomaly called Turner's syndrome. Normal persons have 46 chromosomes. Persons with Turner's syndrome have only 45. When their chromosomes are stained and viewed under the microscope, it is seen that the sex-chromatin is missing from one of the two chromosomes that determine the individual's sex. In normal persons this pair of chromosomes is conventionally designated XY for males and XX for females. The anomaly of Turner's syndrome is characterized as XO. These persons always have the morphologic appearance of females but are always sterile, and they show certain physical characteristics such as diminutive stature, averaging about five feet tall as adults. The interesting point about Turner's cases from our standpoint is that although their IQs on most verbal tests of intelligence show a perfectly normal distribution, their performance on tests involving spatial ability or perceptual organization is abnormally low (Money, 1964). Their peculiar deficiency in spatial-perceptual ability is sometimes so severe as to be popularly characterized as "space-form blindness." It is also interesting that Turner's cases seem to be more or less uniformly low on spatial ability regardless of their level of performance on other tests of mental ability. These rare persons also report unusual difficulty with arithmetic and mathematics in school despite otherwise normal or superior intelligence. So here is a genetic aberration, clearly identifiable under the microscope, which has quite specific consequences on cognitive processes. Such specific intellectual deficiencies are thus entirely possible without there being any specific environmental deprivations needed to account for them.

There are probably other more subtle cognitive effects associated with the sex chromosomes in normal persons. It has long been suspected that males have greater environmental vulnerability than females, and Nancy Bayley's important longitudinal research on children's mental development clearly shows both a higher degree and a greater variety of environmental and personality correlates of mental abilities in boys than in girls (Bayley, 1965b, 1966, 1968).

Polygenic inheritance

Since intelligence is basically dependent on the structural and biochemical properties of the brain, it should not be surprising that differences in intellectual capacity are partly the result of genetic factors which conform to the same principles involved in the inheritance of physical characteristics. The general model that geneticists have devised to account for the facts of inheritance of continuous or metrical physical traits, such as stature, cephalic index, and fingerprint ridges, also applies to intelligence. *The mechanism of inheritance for such traits is called polygenic, since normal variation in the characteristic is the result of multiple genes whose effects are small, similar, and cumulative.* The genes can be thought of as the pennies in the coin-tossing analogy described previously. Some genes add a positive increment to the metric value of the characteristic ("heads") and some genes add nothing ("tails"). The random segregation of the parental genes in the process of gametogenesis (formation of the sex cells) and their chance combination in the zygote (fertilized egg) may be likened to the tossing of a large number of pennies, with each "head" adding a positive increment to the trait, thereby producing the normal bell-shaped distribution of trait values in a large number of tosses. The actual number of genes involved in intelligence is not known. In fact, the total number of genes in the human chromosomes is unknown. The simplest possible model would require between ten and twenty gene pairs (alleles) to account for the normal distribution of intelligence, but many more genes than this are most likely involved (Gottesman, 1963, pp. 290–291).

The concept of heritability

The study of the genetic basis of individual differences in intelligence in humans has evolved in the traditions and methods of that branch of genetics called quantitative genetics or population genetics, the foundations of which were laid down by British geneticists and statisticians such as Galton, Pearson, Fisher, Haldane, and Mather, and, in the United States, by J. L. Lush and Sewall Wright. Probably the most distinguished exponent of the application of these methods to the study of intelligence is Sir Cyril Burt, whose major writings on this subject are a "must" for students of individual differences (Burt, 1955, 1958, 1959, 1961, 1966; Burt & Howard, 1956, 1957).

One aim of this approach to the study of individual differences in intelligence is to account for the total variance in the population (excluding pathological cases at the bottom of the distribution) in terms of the proportions of the variance attributable to various genetic and environmental components. It will pay to be quite explicit about just what this actually means.

Individual differences in such measurements of intelligence as the IQ are represented as population variance in a phenotype V_P, and are distributed approximately as shown in Figure 1. Conceptually, this total variance of the phenotypes can be partitioned into a number of variance components, each of which represents a source of variance. The components, of course, all add up to the total variance, Thus,

$$V_P=\underbrace{\frac{(V_G+V_{AM})+V_D+V_I}{V_H}}_{\text{Heredity}}+\underbrace{\frac{V_E+2Cov_{HE}}{V_E}}_{\text{Environment}}+\underbrace{V_I+V_e}_{\text{Error}} \qquad (2)$$

where:

V_P=phenotypic variance in the population

V_G=genic (or additive) variance

V_{AM}=variance due to assortative mating. $V_{AM}=0$ under random mating (panmixia).

V_D=dominance deviation variance

V_I=epistatis (interaction among genes at 2 or more loci)

V_E=environmental variance

Cov_{HE}=covariance of heredity and environment

V_I=true statistical interaction of genetic and environmental factors

V_e=error of measurement (unreliability).

Here are a few words of explanation about each of these variance components.

Phenotypic Variance. V_P is already clear; it is total variance of the trait measurements in the population.

Genic Variance. V_G, the genic (or additive) variance, is attributable to gene effects which are additive; that is, each gene adds an equal increment to the metric value of the trait. Sir Ronald Fisher referred to this component as "the essential genotypes," since it is the part of the genetic inheritance which "breeds true"—it accounts for the resemblance between parents and offspring. If trait variance involved nothing but additive genic effects, the average value of all the offspring that could theoretically be born to a pair of parents would be exactly equal to the average value of the parents (called the midparent value). It is thus the genic aspect which is most important to agriculturalists and breeders of livestock, since it is the genic component of the phenotypic variance that responds to selection according to the simple rule of "like begets like." The larger the proportion of genic variance involved in a given characteristic, the fewer is the number of generations of selective breeding required to effect a change of some specified magnitude in the characteristic.

Assortative Mating. V_{AM}, the variance due to assortative mating, is conventionally not separated from V_G, since assortative mating actually affects the proportion of V_G directly. I have separated these components here for explanatory reasons, and it is, in fact, possible to obtain independent estimates of the two components. If mating were completely random in the population with respect to a given characteristic—that is, if the correlation between parents were zero (a state of affairs known as *panmixia*)—the V_{AM} component would also be equal to zero and the population variance on the trait in question would therefore be reduced.

Assortative mating has the effect of increasing the resemblance among siblings and also of increasing the differences between families in the population. (In the terminology of analysis of variance, assortative mating decreases the *Within* Families variance and increases the *Between* Families variance.)

For some human characteristics the degree of assortative mating is effectively zero. This is true of fingerprint ridges, for example. Men and women are obviously not attracted to one another on the basis of their fingerprints. Height, however, has an assortative mating coefficient (i.e., the correlation between mates) of about 30. The IQ, interestingly enough, shows a higher degree of assortative mating in our society than any other measurable human characteristic. I have surveyed the literature on this point, based on studies in Europe and North America, and find that the correlation between spouses' intelligence test scores averages close to +.60. Thus, spouses are more alike in intelligence than brothers and sisters, who are correlated about .50.

As Eckland (1967) has pointed out, this high correlation between marriage partners does not come about solely because men and women are such excellent judges of one another's intelligence, but because mate selection is greatly aided by the highly visible selective processes of the educational system and the occupational hierarchy. Here is a striking instance of how educational and social factors can have far-reaching genetic consequences in the population. One would predict, for example, that in preliterate or preindustrial societies assortative mating with respect to intelligence would be markedly less than it is in modern industrial societies. The educational screening mechanisms and socio-economic stratification by which intelligence becomes more readily visible would not exist, and other traits of more visible importance to the society would take precedence over intelligence as a basis for assortative mating. Even in our own society, there may well be differential degrees as assortative mating in different segments of the population, probably related to their opportunities for educational and occupational selection. When any large and socially insulated group is not subject to the social and educational circumstances that lead to a high degree of assortative mating for intelligence, there should be important genetic consequences. One possible consequence is some reduction of the group's ability, not as individuals but as a group, to compete intellectually. Thus probably one of the most cogent arguments for society's promoting full equality of educational, occupational, and economic opportunity lies in the possible genetic consequences of these social institutions.

The reason is simply that assortative mating increases the genetic variance in the population. By itself this will not affect the mean of the trait in the population, but it will have a great effect on the proportion of the population falling in the upper and lower tails of the distribution. Under present conditions, with an assortative mating coefficient of about .60, the standard deviation of IQs is 15 points. If assortative mating for intelligence were reduced to zero, the standard deviation of IQs would fall to 12.9. The consequences of this reduction in the standard deviation would be most evident at the extremes of the intelligence distribution. For example, assuming a normal distribution of IQs and the present standard deviation of 15, the frequency (per million) of persons above IQ 130 is 22,750. Without assortative mating the frequency of IQs over 130 would fall to 9,900, or only 43.5 percent of the present frequency. For IQs above 145, the frequency (per million) is 1,350 and with no assortative mating would fall to 241, or 17.9 percent of the present frequency. And there are now approximately 20 times as many persons above an IQ of 160 as we would find if there were no assortative mating for intelligence.[3] Thus differences in assortative mating can have a profound effect on a people's intellectual resources, especially at the levels of intelligence required for complex problem solving, invention, and scientific and technological innovation.

But what is the effect of assortative mating on the lower tail of the distribution? On theoretical grounds we should also expect it to increase the proportion of low IQs in the population. It probably does this to some extent, but not as much as it increases the frequency of higher IQs, because there is a longer-term consequence of assortative mating which also must be considered. A number of studies have shown that in populations practicing a high degree of assortative mating, persons below IQ 75 are much less successful in finding marriage partners and, as a group, have relatively fewer offspring than do persons of higher intelligence (Bajema, 1963, 1966; Higgins, Reed & Reed, 1962). Since assortative mating increases variance, it in effect pushes more people into the below IQ 75 group, where they fail to reproduce, thereby resulting in a net selection for genes favoring high intelligence. Thus, in the long run, assortative mating may have a eugenic effect in improving the general level of intelligence in the population.

Dominance Deviation. V_D, the dominance deviation variance, is apparent when we observe a systematic discrepancy between the average value of the parents and the average value of their offspring on a given characteristic. Genes at some of the loci in the chromosome are recessive (r) and their effects are not manifested in the phenotype unless they are paired with another recessive at the same locus. If paired with a dominant gene (D), their effect is overriden or "dominated" by the dominant gene. Thus, in terms of increments which genes add to the metric value of the phenotype, if $r=o$ and $D=1$, then $r+r=o$, and $D+D=2$, but $D+r$ will equal 2, since D dominates r. Because of the presence of some proportion of recessive genes in the genotypes for a particular trait, not all of the parents' phenotypic characteristics will show up in their offspring, and, of course, vice versa: not all of the offspring's characteristics will be seen in the parents. This makes for a less than perfect correlation between midparent and midchild values on the trait in question. V_D, the dominance variance, represents the component of variance in the population which is due to this average discrepancy between parents and offspring. The magnitude of V_D depends upon the proportions of dominant and recessive genes constituting the genotypes for the characteristic in the population.

Epistasis. V_1 is the variance component attributable to epistasis, which means the interaction of the effects among genes at two or more loci. When genes "interact," their effects are not strictly additive; that is to say, their combined effect may be more or less than the sum of their separate effects. Like dominance, epistasis also accounts for some of the lack of resemblance between parents and their offspring. And it increases the population variance by a component designated as V_1.

Environmental Variance. "Environmental" really means all sources of variance not attributable to genetic effects or errors of measurement (i.e., test unreliability). In discussions of intelligence, the environment is often thought of only in terms of the social and cultural influences on the individual. While these are important, they are not the whole of "environment," which includes other more strictly biological influences, such as the prenatal environment and nutritional factors early in life. In most studies of the heritability of intelligence "environment" refers to all variance that is not accounted for by genetic factors $[(V_G+V_{AM}+V_D+V_1)]$ and measurement error (V_e).

Covariance of Heredity and Environment. This term can also be expressed as—

$$2r_{HE}\sqrt{V_H \times V_E},$$

where r_{HE} *is* the correlation between heredity and environment, V_H is the variance due to all genetic factors, and V_E is variance due to all environmental factors. In other words, if there is a positive correlation between genetic and environmental factors, the population variance is increased by a theoretically specifiable amount indicated by the covariance term in Equation 2.

Such covariance undoubtedly exists for intelligence in our society. Children with better than average genetic endowment for intelligence have a greater than chance likelihood of having parents of better than average intelligence who are capable of providing environmental advantages that foster intellectual development. Even among children within the same family, parents and teachers will often give special attention and opportunities to the child who displays exceptional abilities. A genotype for superior ability may cause the social environment to foster the ability, as when parents perceive unusual responsiveness to music in one of their children and therefore provide more opportunities for listening, music lessons, encouragement to practice, and so on. A bright child may also create a more intellectually stimulating environment for himself in terms of the kinds of activities that engage his interest and energy. And the social rewards that come to the individual who excells in some activity reinforce its further development. Thus the covariance term for any given trait will be affected to a significant degree by the kinds of behavioral propensities the culture rewards or punishes, encourages or discourages. For traits viewed as desirable in our culture, such as intelligence, hereditary and environmental factors will be positively correlated. But for some other traits which are generally viewed as socially undesirable, hereditary and environmental influences may be negatively correlated. This means that the social environment tends to discourage certain behavioral propensities when they are out of line with the values of the culture. Then, instead of heredity and environment acting in the same direction, they work in opposite directions, with a consequent reduction in the population variance in the trait. Overt aggressive tendencies may be a good example of behavior involving a negative correlation between genotypic propensities and environmental counter-pressures. An example of negative heredity-environment correlation in the scholastic realm would be found in the case where a child with a poor genetic endowment for learning some skill which is demanded by societal norms, such as being able to read, causes the child's parents to lavish special tutorial attention on their child in an effort to bring his performance up to par.

In making overall estimates of the proportions of variance attributable to hereditary and environmental factors, there is some question as to whether the covariance component should be included on the side of heredity or environment. But there can be no "correct" answer to this question. To the degree that the individual's genetic propensities cause him to fashion his own environment, given the opportunity, the covariance (or some part of it) can be justifiably regarded as part of the total heritability of the trait. But if one wishes to estimate what the heritability of the trait would be under artificial conditions in which there is absolutely no freedom for variation in individuals' utilization of their environment, then the covariance term should be included on the side of environment. Since most estimates of the heritability of intelligence are intended to reflect the existing state of affairs, they usually include the covariance in the proportion of variance due to heredity.

Interaction of Heredity and Environment. The *interaction* of genetic and environmental factors (V_I) must be clearly distinguished from the *covariance* of heredity and environment. There is considerable confusion concerning the meaning of interaction in much of the literature on heredity and intelligence. It is claimed, for example, that nothing can be said about the relative importance of heredity and environment because intelligence is the result of the "interaction" of these influences and therefore their independent effects cannot be estimated. This is simply false. The proportion of the population variance due to genetic × environment interaction is conceptually and empirically separable from other variance components, and its independent contribution to the total variance can be known. Those who call themselves "interactionists," with the conviction that they have thereby either solved or risen above the whole issue of the relative contributions of heredity and environment to individual differences in intelligence, are apparently unaware that the preponderance of evidence indicates that the interaction variance, V_1 is the smallest component of the total phenotypic variance of intelligence.

What *interaction* really means is that different genotypes respond in different ways to the same environmental factors. For example, genetically different individuals having the same initial weight and the same activity level may gain weight at quite different rates all under exactly the same increase in caloric intake. Their genetically different constitutions cause them to metabolize exactly the same intake quite differently. An example of genotype × environmental interaction in the behavioral realm is illustrated in Figure 5. Strains of rats selectively bred for "brightness" or "dullness" in maze learning show marked differences in maze performance according to the degree of sensory stimulation in the conditions under which they are reared. For the "bright" strain, the difference between being reared in a "restricted" or in a "normal" environment makes a great difference in maze performance. But for the "dull" strain the big difference is between a "normal" and a "stimulating" environment. While the strains differ greatly when reared under "normal" conditions (presumably the conditions under which they were selectively bred for "dullness" and "brightness"), they do not differ in the least when reared in a "restricted" environment and only slightly in a "stimulating" environment. This is the meaning of the genetic × environment interaction. Criticisms of the analysis of variance model for the components of phenotypic variance (e.g., Equation 2), put forth first by Loevinger (1943) and then by Hunt (1961, p. 329), are based on the misconception that the model implies that all effects of heredity and environment are strictly additive and there is no "non-additive" or interaction term. The presence of V_I in Equation 2 explicitly shows that the heredity × environment interaction is included in the analysis of variance model, and the contribution of V_I to the total variance may be estimated independently of the purely additive effects of heredity and environment. The magnitude of V_I for any given characteristic in any specified population is a matter for empirical study, not philosophic debate. If V_I turns out to constitute a relatively small proportion of the total variance, as the evidence shows is the case for human intelligence, this is not a fault of the analysis of variance model. It is simply a fact. If the interaction variance actually exists in any significant amount, the model will reveal it.

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[3] I am grateful to University of California geneticist Dr. Jack Lester King for making these calculations, which are based on the assumption that the heritability of IQ is .80, a value which is the average of all the major studies of the heritability of intelligence.

Several studies, reviewed by Wiseman (1964, p. 55; 1966, p. 66), provide most of the information we have concerning what may be presumed to be an heredity × environment interaction with respect to human intelligence. The general finding is that children who are more than one standard deviation (SD) above the mean IQ show greater correlations with environmental factors than do children who are more than one SD below the mean. In other words, if the heritability of IQ were determined in these two groups separately, it would be higher in the low IQ groups. Also, when siblings within the same family are grouped into above and below IQ 100, the scholastic achievement of the above 100 group shows a markedly higher correlation with environmental factors than in the below 100 group. This indicates a true interaction between intelligence and environment in determining educational attainments.

Error Variance. The variance due to errors of measurement (V_e) is, of course, unwanted but unavoidable, since all measurements fall short of perfect reliability. The proportion of test score variance due to error is equal to $1-r_{tt}$ (where r_{tt} is the reliability of the test, that is, its correlation with itself). For most intelligence tests, error accounts for between 5 and 10 percent of the variance.

Definition of heritability

Heritability is a technical term in genetics meaning specifically the proportion of phenotypic variance due to variance in genotypes. When psychologists speak of heritability they almost invariably define it as:

$$H=\frac{(V_G+V_{AM})+V_D+V_I}{V_P-V_e} \qquad (3)$$

Although this formula is technically the definition of *H*, heritability estimates in psychological studies may also include the covariance term of Equation 2 in the numerator of Equation 3.

Common misconceptions about heritability

Certain misconceptions about heritability have become so widespread and strongly ingrained that it is always necessary to counteract them before presenting the empirical findings on the subject, lest these findings only add to the confusion or provoke the dogmatic acceptance or rejection of notions that are not at all implied by the meaning of heritability.

Heredity versus Environment. Genetic and environmental factors are not properly viewed as being in opposition to each other. Nor are they an "all or none" affair. Any observable characteristic, physical or behavioral, is a phenotype, the very existence of which depends upon both genetic and environmental conditions. The legitimate question is not whether the characteristic is due to heredity *or* environment, but what proportion of the population variation in the characteristic is attributable to genotypic variation (which is *H*, the heritability) and what proportion is attributable to non-genetic or environmental variation in the population (which is $1-H$). For metric characteristics like stature and intelligence, *H* can have values between 0 and 1.

Individual versus Population. Heritability is a population statistic, describing the relative magnitude of the genetic component (or set of genetic components) in the population variance of the characteristic in question. It has no sensible meaning with reference to a measurement or characteristic in an individual. A single measurement, by definition, has no variance. There is no way of partitioning a given individual's IQ into hereditary and environmental components, as if the person inherited, say, 80 points of IQ and acquired 20 additional points from his environment. This is, of course, nonsense. The *square root of the heritability* ($\sqrt{H}$), *however, tells us the correlation between genotypes and phenotypes in the population, and this permits a probabalistic inference concerning the average amount of difference between individuals' obtained IQs and the "genotypic value" of their intelligence*. (The average correlation between phenotypes and genotypes for IQ is about .90 in European and North American Caucasian populations, as determined from summary data presented later in this paper [Table 2]. The square of this value is known as the heritability—the proportion of phenotypic variance due to genetic variation.) The principle is the same as estimating the "true" scores from obtained scores in test theory. Statements about individuals can be made only on a probabalistic basis and not with absolute certainty. Only if heritability were unity (i.e., $H=1$) would there be a perfect correlation between obtained scores and genotypic values, in which case we could say with assurance that an individual's measured IQ perfectly represented his genotype for intelligence. This still would not mean that the phenotype could have developed without an environment, for without either heredity or environment there simply is no organism and no phenotype. Thus the statement we so often hear in discussions of individual differences—that the individual's intelligence is the product of the interaction of his heredity and his environment—is rather fatuous. It really states nothing more than the fact that the individual exists.

Constancy. From what has already been said about heritability, it must be clear that it is not a constant like π and the speed of light. *H* is an empirically determined population statistic, and like any statistic, its value is affected by the characteristics of the population. *H* will be higher in a population in which environmental variation relevant to the trait in question is small, than in a population in which there is great environmental variation. Similarly, when a population is relatively homogeneous in genetic factors but not in the environmental factors relevant to the development of the characteristic, the heritability of the characteristic in question will be lower. In short, the value of *H* is jointly a function of genetic and environmental variability in the population. Also, like any other statistic, it is an estimate based on a sample of the population and is therefore subject to sampling error—the smaller the sample, the greater the margin of probable error. Values of *H* reported in the literature do not represent what the heritability might be under any environmental conditions or in all populations or even in the same population at different times. Estimates of *H* are specific to the population sampled, the point in time, how the measurements were made, and the particular test used to obtain the measurements.

Measurements versus Reality. It is frequently argued that since we cannot really measure intelligence we cannot possibly determine its heritability. Whether we can or cannot measure intelligence, which is a separate issue I have already discussed, let it be emphasized that it makes no difference to the question of heritability. We do not estimate the heritability of some trait that lies hidden behind our measurements. We estimate the heritability of the phenotypes and these are the measurements themselves. Regardless of what it is that our tests measure, the heritability tells us how much of the variance in these measurements is due to genetic factors. If the test scores get at nothing genetic, the result will simply be that estimates of their heritability will not differ significantly from zero. The fact that heritability estimates based on IQs differ very significantly from zero is proof that genetic factors play a part in individual differences in IQ. To the extent that a test is not "culture-free" or "culture-fair," it will result in a lower heritability measurement. It makes no more sense to say that intelligence tests do not really measure intelligence but only *developed* intelligence than to say that scales do not really measure a person's weight but only the weight he has acquired by eating. An "environment-free" test of intelligence makes as much sense as a "nutrition-free" scale for weight.

Know All versus Know Nothing. This expression describes another confused notion: the idea that unless we can know absolutely *everything* about the genetics of intelligence we can know nothing! Proponents of this view demand that we be able to spell out in detail every single link in the chain of causality from genes (or DNA molecules) to test scores if we are to say anything about the heritability of intelligence. Determining the heritability of a characterstic does not at all depend upon a knowledge of its physical, biochemical, or physiological basis or of the precise mechanisms through which the characteristic is modified by the environment. Knowledge of these factors is, of course, important in its own right, but we need not have such knowledge to establish the genetic basis of the characteristic. Selective breeding was practiced fruitfully for centuries before anything at all was known of chromosomes and genes, and the science of quantitative genetics upon which the estimation of heritability depends has proven its value independently of advances in biochemical and physiological genetics.

Acquired versus Inherited. How can a socially defined attribute such as intelligence be said to be inherited? Or something that is so obviously acquired from the social environment as vocabulary? Strictly speaking, of course, only genes are inherited. But the brain mechanisms which are involved in learning are genetically conditioned just as are other structures and functions of the organism. What the organism is capable of learning from the environment and its rate of learning thus have a biological basis. Individuals differ markedly in the amount, rate, and kinds of learning they evince even given equal opportunities. Consider the differences that show up when a Mozart and the average run of children are given music lessons! If a test of vocabulary shows high heritability, it only means that persons in the population have had fairly equal opportunity for learning all the words in the test, and the differences in their scores are due mostly to differences in capacity for learning. If members of the population had had very unequal exposures to the words in the vocabulary test, the heritability of the scores would be very low.

Immutability. High heritability by itself does not necessarily imply that the characteristic is immutable. Under greatly changed environmental conditions, the heritability may have some other value, or it may remain the same while the mean of the population changes. At one time tuberculosis had a very high heritability, the reason being that the

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tuberculosis bacilli were extremely widespread throughout the population, so that the main factor determining whether an individual contracted tuberculosis was not the probability of exposure but the individual's inherited physical constitution. Now that tuberculosis bacilli are relatively rare, difference in exposure rather than in physical predisposition is a more important determinant of who contracts tuberculosis. In the absence of exposure, individual differences in predisposition are of no consequence.

Heritability also tells us something about the locus of control of a characteristic. The control of highly heritable characteristics is usually in the organism's internal biochemical mechanisms. Traits of low heritability are usually controlled by external environmental factors. No amount of psychotherapy, tutoring, or other psychological intervention will elicit normal performance from a child who is mentally retarded because of phenylketonuria (PKU), a recessive genetic defect of metabolism which results in brain damage. Yet a child who has inherited the genes for PKU can grow up normally if his diet is controlled to eliminate certain proteins which contain phenylalanine. Knowledge of the genetic and metabolic basis of this condition in recent years has saved many children from mental retardation.

Parent-Child Resemblance. The old maxim that "like begets like" is held up as an instance of the workings of heredity. The lack of parent-child resemblance, on the other hand, is often mistakenly interpreted as evidence that a characteristic is not highly heritable. But the principles of genetics also explain the fact that often "like begets unlike." A high degree of parent-offspring resemblance, in fact, is to be expected only in highly inbred (or homozygous) strains, as in certain highly selected breeds of dogs and laboratory strains of mice. The random segregation of the parental genes in the formation of the sex cells means that the child receives a random selection of only half of each parent's genes. This fact that parent and child have only 50 percent of their genes in common, along with the effects of dominance and epistasis, insures considerable genetic dissimilarity between parent and child as well as among siblings, who also have only 50 percent of their genes in common. The fact that one parent and a child have only 50 percent of their genes in common is reflected in the average parent-offspring correlation (r_{po}) of between .50 and .60 (depending on the degree of assortative mating for a given characteristic) which obtains for height, head circumference, fingerprint ridges, intelligence, and other highly heritable characteristics. (The correlation is also between .50 and .60 for siblings on these characteristics; sibling resemblance is generally much *higher* than this for traits of *low* heritability.) The genetic correlation between the average of both parents (called the "midparent") and a single offspring (r_{po}) is the square root of the correlation for a single parent (i.e., $r_{po}=\sqrt{r_{po}}$). The correlation between the average of *both* parents and the average of *all* the offspring ("midchild") that they could theoretically produce (r_{po}) is the same value as H_N, i.e., heritability in the narrow sense.[4] It is noteworthy that empirical determinations of the midparent-midchild correlation (r_{po}) in fact closely approximate the values of H as estimated by various methods, such as comparisons of twins, siblings, and unrelated children reared together.

Empirical findings on the heritability of intelligence

It is always preferable, of course, to have estimates of the proportions of variance contributed by each of the components in Equation 2 than to have merely an overall estimate of H. But to obtain reliable estimates of the separate components requires large samples of persons of different kinships, such as identical twins reared together and reared apart, fraternal twins, siblings, half-siblings, parents-children, cousins, and so on. The methods of quantitative genetics by which these variance components, as well as the heritability, can be calculated from such kinship data are technical matters beyond the scope of this article, and the reader must be referred elsewhere for expositions of the methodology of quantitative genetics (Cattell, 1960; Falconer, 1960; Huntley, 1966; Kempthorne, 1957; Loehlin, in press).

The most satisfactory attempt to estimate the separate variance components is the work of Sir Cyril Burt (1955, 1958), based on large samples of many kinships drawn mostly from the school population of London. The IQ test used by Burt was an English adaptation of the Stanford-Binet. Burt's results may be regarded as representative of variance components of intelligence in populations that are similar to the population of London in their degree of genetic heterogeneity and in their range of environmental variation. Table I shows the percentage of variance due to the various components, grouped under "genetic" and "environmental," in Burt's analysis.

TABLE 1.—ANALYSIS OF VARIANCE OF INTELLIGENCE TEST SCORES (BURT, 1958)

Source of variance	Percent[1]	Percent[1]
Genetic:		
Genic (additive)	40.5	(47.9)
Assortative mating	19.9	(17.9)
Dominance and epistasis	16.7	(21.7)
Environmental:		
Covariance of heredity and environment	10.6	(1.4)
Random environmental effects, including H×E interaction (V_I)	5.9	(5.8)
Unreliability (test error)	6.4	(5.3)
Total	100.0	(100.0)

[1] Figures in parentheses are percentages for adjusted assessments. (See text for explanation.)

When Burt submitted the test scores to the children's teachers for criticism on the basis of their impressions of the child's "brightness," a number of children were identified for whom the IQ was not a fair estimate of the child's ability in the teachers judgment. These children were retested, often on a number of tests on several occasions, and the result was an "adjusted" assessment of the child's IQ. The results of the analysis of variance after these adjusted assessments were made are shown in parentheses in Table 1. Note that the component most affected by the adjustments is the covariance of heredity and environment, which is what we should expect if the test is not perfectly "culture-fair." It means that the adjusted scores reduced systematic environmental sources of variance and thereby came closer to representing the children's innate ability, or, stated more technically, the adjusted scores increased the correlation between genotype and phenotype from .88 for unadjusted scores to .93 for adjusted scores. (Corrected for test unreliability these correlations become .90 and .96, respectively. And the heritabilities (H_B) for the two sets of scores are therefore $(.90)^2=.81$ and $(.96)^2=.93$, respectively.)

Kinship Correlations. The basic data from which variance components and heritability coefficients are estimated are correlations among individuals of different degrees of kinship. Nearly all such kinship correlations reported in the literature are summarized in Table 2. The median values of the correlations obtained in the various studies are given here. These represent the most reliable values we have for the correlations among relatives. Most of the values are taken from the survey by Erlenmeyer-Kimling and Jarvik (1963), and I have supplemented these with certain kinship correlations not included in their survey and reported in the literature since their review (e.g., Burt, 1966, p. 150). The Erlenmeyer-Kimling and Jarvik (1963) review was based on 52 independent studies of the correlations of relatives for tested intellectual abilities, involving over 30,000 correlational pairings from 8 countries in 4 continents, obtained over a period of more than two generations. The correlations were based on a wide variety of mental tests, administered under a variety of conditions by numerous investigators with contrasting views regarding the importance of heredity. The authors conclude: "Against this pronounced heterogeneity, which should have clouded the picture, and is reflected by the wide range of correlations, a clearly definite consistency emerges from the data. The composite data are compatible with the polygenic hypothesis which is generally favored in accounting for inherited differences in mental ability" (Erlenmeyer-Kimling & Jarvik, 1963, p. 1479).

The compatibility with the polygenic hypothesis to which the authors (as outlined earlier on p. 53) refer can be appreciated in Table 2 by comparing the median values of the obtained correlations with the sets of theoretical values shown in the last two columns. The first set (Theoretical Value[1]) is based on calculations by Burt (1966), using the methods devised by Fisher for estimating kinship correlations for physical characteristics involving assortative mating and some degree of dominance. The second set (Theoretical Value[2]) of theoretical values is based on the simplest possible polygenic model, assuming random mating and nothing but additive gene effects. So these are the values one would expect if genetic factors alone were operating and the trait variance reflected no environmental influences whatsoever.

TABLE 2.—CORRELATIONS FOR INTELLECTUAL ABILITY: OBTAINED AND THEORETICAL VALUES

Correlations between—	Number of studies	Obtained median[1]	Theoretical value[2]	Theoretical value[3]
Unrelated persons:				
Children reared apart	4	−0.01	0	0
Foster parent and child	3	+.20	0	0
Children reared together	5	+.24	0	0
Collaterals:				
2d cousins	1	+.16	+.14	+.063
1st cousins	3	+.26	+.18	+.125
Uncle (or aunt) and nephew (or niece)	1	+.34	+.31	+.25
Siblings, reared apart	33	+.47	+.52	+.50
Siblings, reared together	36	+.55	+.52	+.50
Dizygotic twins, different sex	9	+.49	+.50	+.50
Dizygotic twins, same sex	11	+.56	+.54	+.50
Monozygotic twins, reared apart	4	+.75	+1.00	+1.00
Monozygotic twins, reared together	14	+.87	+1.00	+1.00

Footnotes at end of table.

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[4] Heritability in the narrow sense is an estimate of the proportion of genic variance without consideration of dominance and epistasis. This contrasts with equation (3), the definition of H, which includes estimates for these two factors. Signified as H_N, heritability in the narrow sense is conceptually defined as:

$$H_N=\frac{(V_G+V_{AM})}{V_p-V_e}$$

TABLE 2.—CORRELATIONS FOR INTELLECTUAL ABILITY: OBTAINED AND THEORETICAL VALUES—Continued

Correlations between—	Number of studies	Obtained median [1]	Theoretical value [2]	Theoretical value [3]
Direct line:				
Grandparent and grandchild	3	+.27	+.31	+.25
Parent (as adult) and child	13	+.50	+.49	+.50
Parent (as child) and child	1	+.56	+.49	+.50

[1] Correlations not corrected for attenuation (unreliability).
[2] Assuming assortative mating and partial dominance.
[3] Assuming random mating and only additive genes, i.e., the simplest polygenic model.

First of all, one can note certain systematic departures of the obtained correlations from the theoretical values. These departures are presumably due to nongenetic or environmental influences. The orderly nature of these environmental effects, as reflected in the Erlenmeyer-Kimling and Jarvik median correlations, can be highlighted by graphical presentation, as shown in Figure 6. Note that the condition of being reared together or reared apart has the same effect on the difference in magnitudes of the correlations for the various kinships. (The slightly greater difference for unrelated children is probably due to the fact of selective placement by adoption agencies, that is, the attempt to match the child's intelligence with that of the adopting parents.)

Heritability Estimates. By making certain comparisons among the correlations shown in Table 2 and Figure 6, one can get some insight into how heritability is estimated. For example, we see that the correlation between identical or monozygotic (MZ) twins reared apart is .75. Since MZ twins develop from a single fertilized ovum and thus have exactly the same genes, any difference between the twins must be due to nongenetic factors. And if they are reared apart in uncorrelated environments, the difference between a perfect correlation (1.00) and the obtained correlation (.75) gives an estimate of the proportion of the variance in IQs attributable to environmental differences: $1.00-0.75=0.25$. Thus 75 percent of the variance can be said to be due to genetic variation (this is the heritability) and 25 percent to environmental variation. Now let us go to the other extreme and look at unrelated children reared together. They have no genetic inheritance in common, but they are reared in a common environment. Therefore the correlation between such children will reflect the environment. As seen in Table 2, this correlation is 0.24. Thus, the proportion of IQ variance due to environment is .24; and the remainder, $1.00-.24=.76$ is due to heredity. There is quite good agreement between the two estimates of heritability.

Another interesting comparison is between MZ twins reared together ($r=.87$) and reared apart ($r=.75$). If $1.00-.75=.25$ (from MZ twins reared apart) estimates the total environmental variance, then $1.00-.87=.13$ (from MZ twins reared together) is an estimate of the environmental variance *within families* in which children are reared together. Thus the difference between $.25-.13=.12$ is an estimate of the environmental variance *between families.*

The situation is relatively simple when we deal only with MZ twins, who are genetically identical, or with unrelated children, who have nothing in common genetically. But in order to estimate heritability from any of the other kinship correlations, much more complex formulas are needed which would require much more explanation than is possible in this article. I have presented elsewhere a generalized formula for estimating heritability from any two kinship correlations where one kinship is of a higher degree than the other (Jensen, 1967a). I applied this heritability formula to all the correlations for monozygotic and dizygotic (half their genes in common) twins reported in the literature and found an average heritability of .80 for intelligence test scores. (The correlations from which this heritability estimate was derived were corrected for unreliability.) Environmental differences *between* families account for .12 of the total variance, and differences *within* families account for .08. It is possible to derive an overall heritability coefficient from all the kinship correlations given in Table 2. This composite value of H is .77, which becomes .81 after correction for unreliability (assuming an average test reliability of .95). This represents probably the best single overall estimate of the heritability of measured intelligence that we can make. But, as pointed out previously, this is an average value of H about which there is some dispersion of values, depending on such variables as the particular tests used, the population sampled, and sampling error.

Identical Twins Reared Apart. The conceptually simplest estimate of heritability is, of course, the correlation between identical twins reared apart, since, if their environments are uncorrelated, all they have in common are their genes. The correlation (corrected for unreliability) in this case is the same as the heritability as defined in Equation 3. There have been only three major studies of MZ twins separated early in life and reared apart. All three used individually administered intelligence tests. The correlation between Stanford-Binet IQs of 19 pairs of MZ twins reared apart in a study by Newman, Freeman, and Holzinger (1937) was .77 (.81 corrected for unreliability). The correlation between 44 pairs of MZ twins reared apart on a composite score based on a vocabulary test and Raven's Progressive Matrices was .77 (.81 corrected) in a study by Shields (1962). The correlation between 53 pairs on the Stanford-Binet was .86 (.91 corrected) in a study by Burt (1966). Twin correlations in the same group for height and for weight were .94 and .88, respectively.

The Burt study is perhaps the most interesting, for four reasons: (*a*) it is based on the largest sample; (*b*) the IQ distribution of the sample had a mean of 97.8 and a standard deviation of 15.3—values very close to those of the general population; (*c*) all the twin pairs were separated at birth or within their first six months of life; and (*d*) most important, the separated twins were spread over the entire range of socioeconomic levels (based on classification in terms of the six socioeconomic categories of the English census), and there was a slight, though nonsignificant, negative correlation between the environmental ratings of the separated twin pairs. When the twin pairs were rated for differences in the cultural conditions of their rearing, these differences correlated .26 with the differences in their IQs. Differences between the material conditions of their homes correlated .16 with IQ differences. (The corresponding correlations for a measure of scholastic attainments were .74 and .37, respectively. The correlation between the twins in scholastic attainments was only .62, indicating a much lower heritability than for IQ.)

Foster Parents versus Natural Parents. Children separated from their true parents shortly after birth and reared in adoptive homes show almost the same degree of correlation with the intelligence of their biological parents as do children who are reared by their own parents. The correlations of children with their foster parents' intelligence range between 0 and .20 and are seldom higher than this even when the adoption agency attempts selective placement (e.g., Honzik, 1957). Parent-child correlations gradually increase from zero at 18 months of age to an asymptotic value close to .50 between ages 5 and 6 (Jones, 1954), and this is true whether the child is reared by his parents or not.

Direct Measurement of the Environment. Another method for getting at the relative contribution of environmental factors to IQ variance is simply by correlating children's IQs with ratings of their environment. This can be legitimately done only in the case of adopted children and where there is evidence that selective placement by the adoption agencies is negligible. Without these conditions, of course, some of the correlation between the children and their environmental ratings will be due to genetic factors. There are two large-scale studies in the literature which meet these criteria. Also, both studies involved adopting parents who were representative of a broad cross section of the U.S. Caucasian population with respect to education, occupation, and socioeconomic level. It is probably safe to say that not more than five percent of the U.S. Caucasian population falls outside the range of environmental variation represented in the samples in these two studies. The study by Leahy (1935) found an average correlation of .20 between the IQs of adopted children and a number of indices of the "goodness" of their environment, including the IQs and education of both adopting parents, their socioeconomic status, and the cultural amenities in the home. Leahy concluded from this that the environmental ratings accounted for 4 percent (i.e., the square of $r=.20$) of the variance in the adopted children's Stanford-Binet IQs, and that 96 percent of the variance remained to be accounted for by other factors. The main criticisms we can make of this study are, first, that the environmental indices were not sufficiently "fine-grained" to register the subtleties of environmental varition and of the qualities of parent-child relationship that influence intellectual development, and, second, that the study did not make use of the technique of multiple correlation, which would show the total contribution to the variance of all the separate environmental indices simultaneously. A multiple correlation is usually considerably greater than merely the average of all the correlations for the single variables.

A study by Burks (1928) meets both these objections. To the best of my knowledge no study before or since has rated environments in any more detailed and fine-grained manner than did Burks'. Each adoptive home was given 4 to 8 hours of individual investigation. As in Leahy's study, Burks included intelligence measures on the adopting parents as part of the children's environment, an environment which also included such factors as the amount of time the parents spent helping the children with their school work, the amout of time spent reading to the children, and so on. The multiple correlation (corrected for unreliability) between Burks' various environmental ratings and the adopted children's Stanford-Binet IQs was .42. The square of this correlation is .18, which represents the proportion of IQ variance accounted for by Burks' environmental measurements. This value comes very close to the environmental variance estimated in direct heritability analyses based on kinship correlations.

Burks translated her findings into the conclusion that the total effect of environmental factors one standard deviation up or down the environmental scale is only about 6 IQ points. This is an interesting figure, since it is exactly half the 12 point IQ difference found on the average between normal siblings reared together by their own parents. Siblings differ genetically, of course, having only about half their genes in com-

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mon. If all the siblings in every family were divided into two groups—those above and those below the family average—the IQ distributions of the two groups would appear as shown in Figure 7. Though the average difference is only 12 IQ points, note the implications in the proportions of each group falling into the upper and lower ranges of the IQ scale. It would be most instructive to study the educational and occupational attainments of these two groups, since presumably they should have about the same environmental advantages.

Another part of Burks' study consisted of a perfectly matched control group of parents rearing their own children, for whom parent-child correlations were obtained. Sewall Wright (1931) performed a heritability analysis on these parent-child and IQ-environment correlations and obtained a heritability coefficient of .81.

Effects of inbreeding on intelligence

One of the most impressive lines of evidence for the involvement of genetic factors in intelligence comes from study of the effects of inbreeding, that is, the mating of relatives. In the case of polygenic characteristics the direction of the effect of inbreeding is predictable from purely genetic considerations. All individuals carry in their chromosomes a number of mutant or defective genes. These genes are almost always recessive, so they have no effect on the phenotype unless by rare chance they match up with another mutant gene at the same locus on a homologous chromosome; in other words, the recessive mutant gene at a given locus must be inherited from both the father and mother in order to affect the phenotype. Since such mutants are usually defective, they do not enhance the phenotypic expression of the characteristic but usually degrade it. And for polygenic characteristics we would expect such mutants to lower the metric value of the characteristics by graded amounts, depending upon the number of paired mutant recessives. If the parents are genetically related, there is a greatly increased probability that the mutant recessives at given loci will be paired in the offspring. The situation is illustrated in Figure 8, which depicts in a simplified way a pair of homologous chromosomes inherited by an individual from a mother (M) and father (F) who are related (Pair A) and a pair of chromosomes inherited from unrelated parents (Pair B). The blackened spaces represent recessive genes. Although both pairs contain equal numbers of recessives, more of them are at the same loci in Pair A than in Pair B. Only the paired genes degrade the characteristics' phenotypic value.

A most valuable study of this genetic phenomenon with respect to intelligence was carried out in Japan after World War II by Schull and Neel (1965). The study illustrates how strictly sociological factors, such as mate selection can have extremely important genetic consequences. In Japan approximately five percent of all marriages are between cousins. Schull and Neel studied the offspring of marriages of first cousins, first cousins once removed, and second cousins. The parents were statistically matched with a control group of unrelated parents for age and socioeconomic factors. Children from the cousin marriages and the control children from unrelated parents (total $N=2{,}111$) were given the Japanese version of the Wechsler Intelligence Scale for Children (WISC). The degree of consanguinity represented by the cousin marriages in this study had the effect of depressing WISC IQs by an average of 7.4 percent, making the mean of the inbred group nearly 8 IQ points lower than the mean of the control group. Assuming normal distributions of IQ, the effect is shown in Figure 9, and illustrates the point that the most drastic consequences of group mean differences are to be seen in the tails of the distributions. In the same study a similar depressing effect was found for other polygenic characteristics such as several anthropometric and dental variables.

The mating of relatives closer than cousins can produce a markedly greater reduction in offspring's IQs. Lindzey (1967) has reported that almost half of a group of children born to so-called nuclear incest matings (brother-sister or father-daughter) could not be placed for adoption because of mental retardation and other severe defects which had a relatively low incidence among the offspring of unrelated parents who were matched with the incestuous parents in intelligence, socioeconomic status, age, weight and stature. In any geographically confined population where social or legal regulations on mating are lax, where individuals' paternity is often dubious, and where the proportion of half-siblings within the same age groups is high, we would expect more inadvertent inbreeding, with its unfavorable genetic consequences, than in a population in which these conditions exist to a lesser degree.

Heritability of Special Mental Abilities. When the general factor, or *g*, is removed from a variety of mental tests, the remaining variance is attributable to a number of so-called "group factors" or "special abilities." The tests of special abilities that have been studied most thoroughly with respect to their heritability are Thurstone's Primary Mental Abilities: Verbal, Space, Number, Word Fluency, Memory, and Perceptual Speed. Vandenberg (1967) has reviewed the heritability studies of these tests and reports that the H values range from near zero to about .75, with most values of H between .50 and .70. Vandenberg devised a method for estimating the genetic components of these special abilities which are completely independent of *g*. He concluded that at least four of the Primary Mental Abilities (Number, Verbal, Space, and Word Fluency) independently have significant hereditary components.

There have been few studies of the heritability of noncognitive skills, but a study by McNemar (see Bilodeau, 1966, Ch. 3) of motor skill learning indicates that heritabilities in this sphere may be even higher than for intelligence. The motor skill learning was measured with a pursuit-rotor, a tracking task in which the subject must learn to keep a stylus on a metal disc about the size of a nickel rotating through a circumference of about 36 inches at 60 rpm. The percentage of time "on target" during the course of practice yields a learning measure of high reliability, showing marked individual differences both in rate of acquisition and final asymptote of this perceptual-motor skill. Identical twins correlated .95 and fraternal twins .51 on pursuit-rotor learning, yielding a heritability coefficient of .88, which is very close to the heritability of physical stature.

Heritability of Scholastic Achievement. The heritability of measures of scholastic achievement is much less, on the average, than the heritability of intelligence. In reviewing all the twin studies in the literature containing relevant data, I concluded that individual differences in scholastic performance are determined less than half as much by heredity as are differences in intelligence (Jensen, 1967a).[5] The analysis of all the twin studies on a variety of scholastic measures gives an average H of .40. The environmental variance of 60 percent can be partitioned into variance due to environmental difference *between* families, which is 54 percent, and differences *within* families of 6 percent. But it should also be noted that the heritability estimates for scholastic achievement vary over a much wider range than do H values for intelligence. In general, H for scholastic achievement increases as we go from the primary grades up to high school and it is somewhat lower for relatively simple forms of learning (e.g., spelling and arithmetic computation) than for more complex learning (e.g., reading comprehension and arithmetic problem solving). Yet large-sample twin data from the National Merit Scholarship Corporation show that the *between families* environmental component accounts for about 60 percent of the variance in students' rank in their high school graduating class. This must mean that there are strong family influences which cause children to conform to some academic standard set by the family and which reduce variance in scholastic performance among siblings reared in the same family. Unrelated children reared together are also much more alike in school performance than in intelligence. The common finding of a negative correlation between children's IQ and the amount of time parents report spending in helping their children with school work is further evidence that considerable family pressures are exerted to equalize the scholastic performance of siblings. This pressure to conform to a family standard shows up most conspicuously in the small *within families* environmental variance component on those school subjects which are most susceptible to improvement by extra coaching, such as spelling and arithmetic computation.

The fact that scholastic achievement is considerably less heritable than intelligence also means that many other traits, habits, attitudes, and values enter into a child's performance in school besides just his intelligence, and these non-cognitive factors are largely environmentally determined, mainly through influences within the child's family. This means there is potentially much more we can do to improve school performance through environmental means than we can do to change intelligence per se. Thus it seems likely that if compensatory education programs are to have a beneficial effect on achievement, it will be through their influence on motivation, values, and other environmentally conditioned habits that play an important part in scholastic performance, rather than through any marked direct influence on intelligence per se. The proper evaluation of such programs should therefore be sought in their effects on actual scholastic performance rather than in how much they raise the child's IQ.

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[5] After this article went to press I received a personal communication from Professor Lloyd G. Humphreys who pointed out some arguments that indicate I may have underestimated the heritability of scholastic achievement and that its heritability may actually be considerably closer to the heritability of intelligence. The argument involves two main points: (1) the fact that some of the achievement tests that entered into the average estimate of heritability are tests of specific achievements, rather than omnibus achievement tests, and therefore would correspond more to the separate subscales of the usual intelligence tests, which are known to have somewhat lower heritabilities than the composite scores; and (2) scores on some of the achievement tests are age-related, so that fraternal twin correlations, in relation to other kindship correlations, are unduly inflated by common factor of age. When age is partially out of the MZ and DZ twin correlations, the estimate of heritability based on MZ and DZ twin comparisons is increased. However, an omnibus achievement test (Stanford Achievement) yielding an overall Educational Age score had a heritability of only .46 (as compared with .63 for Stanford-Binet IQ and .70 for Otis IQ based on the same set of MZ and DZ twins), with age partialled out of the twin correlations (Newman, Freeman, and Holzinger, 1937, p. 97). Rank in high school graduating class, which is an overall index of scholastic performance and is little affected by age yields heritability coefficients below .40 in a nationwide sample (Nichols & Bilbro, 1966). The issue clearly needs further study, but the best conclusion that can be drawn from the existing evidence, I believe, still is that the heritability of scholastic achievement is less than for intelligence, but the amount of the difference cannot be precisely estimated at present.

HOW THE ENVIRONMENT WORKS

Environment as a threshold

All the reports I have found of especially large upward shifts in IQ which are explicitly associated with environmental factors have involved young children, usually under six years of age, whose initial social environment was deplorable to a greater extreme than can be found among any children who are free to interact with other persons or to run about out-of-doors. There can be no doubt that moving children from an extremely deprived environment to good average environmental circumstances can boost the IQ some 20 to 30 points and in certain extreme rare cases as much as 60 or 70 points. On the other hand, children reared in rather average circumstances do not show an appreciable IQ gain as a result of being placed in a more culturally enriched environment. While there are reports of groups of children going from below average up to average IQs as a result of environmental enrichment, I have found no report of a group of children being given permanently superior IQs by means of environmental manipulations. In brief, it is doubtful that psychologists have found consistent evidence for any social environmental influences short of extreme environmental isolation which have a marked systematic effect on intelligence. This suggests that the influence of the quality of the environment on intellectual development is not a linear function. Below a certain threshold of environmental adequacy, deprivation can have a markedly depressing effect on intelligence. But above this threshold, environmental variations cause relatively small differences in intelligence. The fact that the vast majority of the populations sampled in studies of the heritability of intelligence are above this threshold level of environmental adequacy accounts for the high values of the heritability estimates and the relatively small proportion of IQ variance attributable to environmental influences.

The environment with respect to intelligence is thus analogous to nutrition with respect to stature. If there are great nutritional lacks, growth is stunted, but above a certain level of nutritional adequacy, including minimal daily requirements of minerals, vitamins, and proteins, even great variations in eating habits will have negligible effects on persons' stature, and under such conditions most of the differences in stature among individuals will be due to heredity.

When I speak of subthreshold environmental deprivation, I do not refer to a mere lack of middle-class amenities. I refer to the extreme sensory and motor restrictions in environments such as those described by Skeels and Dye (1939) and Davis (1947), in which the subjects had little sensory stimulation of any kind and little contact with adults. These cases of extreme social isolation early in life showed great deficiencies in IQ. But removal from social deprivation to a good, average social environment resulted in large gains in IQ. The Skeels and Dye orphanage children gained in IQ from an average of 64 at 19 months of age to 96 at age 6 as a result of being given social stimulation and placement in good homes between 2 and 3 years of age. When these children were followed up as adults, they were found to be average citizens in their communities, and their own children had an average IQ of 105 and were doing satisfactorily in school. A far more extreme case was that of Isabel, a child who was confined and reared in an attic up to the age of six by a deaf-mute mother, and who had an IQ of about 30 at age 6. When Isabel was put into a good environment at that age, her IQ became normal by age 8 and she was able to perform as an average student throughout school (Davis, 1947). Extreme environmental deprivation thus need not permanently result in below average intelligence.

These observations are consistent with studies of the effects of extreme sensory deprivation on primates. Monkeys raised from birth under conditions of total social isolation, for example, show no indication when compared with normally raised controls, of any permanent impairment of ability of complex discrimination learning, delayed response learning, or learning set formation, although the isolated monkeys show severe social impairment in their relationships to normally reared monkeys (Harlow & Griffin, 1965).

Thoughtful scrutiny of all these studies of extreme environmental deprivation leads to two observations which are rarely made by psychologists who cite the studies as illustrative explanations of the low IQs and poor scholastic performance of the many children called culturally disadvantaged. In the first place, typical culturally disadvantaged children are not reared in anything like the degree of sensory and motor deprivation that characterizes, say, the children of the Skeels study. Secondly, the IQs of severely deprived children are markedly depressed even at a very early age, and when they are later exposed to normal environmental stimulation, their IQs rise rapidly, markedly, and permanently. Children called culturally disadvantaged, on the other hand, generally show no early deficit and are usually average and sometimes precocious on perceptual-motor tests administered before two years of age. The orphanage children described in Skeels' study are in striking contrast to typical culturally disadvantaged children of the same age. Also, culturally disadvantaged children usually show a slight initial gain in IQ after their first few months of exposure to the environmental enrichment afforded by school attendance, but, unlike Skeels' orphans, they soon lose this gain, and in a sizeable proportion of children the initial IQ gain is followed by a gradual decline in IQ throughout the subsequent years of schooling. We do not know how much of this decline is related to environmental or hereditary factors. We do know that with increasing age children's IQs increasingly resemble their parents' rank order in intelligence whether they are reared by them or not, and therefore with increasing age we should expect greater and more reliable differentiation among children's IQs as they gravitate toward their genotypic values (Honzik, 1957). Of course, the gravitating effect is compounded by the fact that less intelligent parents are also less apt to provide the environmental conditions conducive to intellectual development in the important period between ages 3 and 7, during which children normally gain increasing verbal control over their environment and their own behavior. (I have described some of these environmental factors in detail elsewhere [Jensen, 1968e].)

Heber, Dever, and Conry (1968) have obtained data which illustrate this phenomenon of children's gravitation toward the parental IQ with increasing age. They studied the families of 88 low economic class Negro mothers residing in Milwaukee in a set of contiguous slum census tract, an area which yields the highest known prevalence of identified retardation in the city's schools. Although these tracts contribute about 5 percent of the schools' population, they account for about one-third of the school children classed as mentally retarded (IQ below 75). The sample of 88 mothers was selected by taking 88 consecutive births in these tracts where the mother already had at least one child of age six. The 88 mothers had a total of 586 children, excluding their newborns. The percentage of mothers with IQs of 80 or above was 54.6; 45.4 percent were below IQ 80. The IQs of the children of these two groups of mothers were plotted as a function of the children's age. The results are shown in Figure 10. Note that only the children whose mothers' IQ are below 80 show a systematic decline in IQ as well as a short-lived spurt of several points at the age of entrance into school. At six years of age and older, 80.8 percent of the children with IQs below 80 were those whose mothers had IQs below 80.

It is far from certain or even likely that all such decline in IQ is due to environmental influences rather than to genetic factors involved in the growth rate of intelligence. Consistent with this interpretation is the fact that the heritability of intelligence measures increases with age. We should expect just the opposite if environmental factors alone were responsible for the increasing IQ deficit of markedly below average groups. A study by Wheeler (1942) suggests that although IQ may be raised at all age levels by improving the environment, such improvements do not counteract the decline in the IQ of certain below-average groups. In 1940 Wheeler tested over 3000 Tennessee mountain children between the ages of 6 and 16 and compared their IQs with children in the same age range who had been given the same tests in 1930, when the average IQ and standard of living in this area would characterize the majority of the inhabitants as "culturally deprived." During the intervening 10 years state and federal intervention in this area brought about great improvements in economic conditions, standards of health care, and educational and cultural opportunities, and during the same period the average IQ for the region increased 10 points, from 82 to 92. But the decline in IQ from age 6 to age 16 was about the same in 1940 (from 103 to 80) as in 1930 (from 95 to 74).

Reaction Range. Geneticists refer to the concept of reaction range (RR) in discussing the fact that similar genotypes may result in quite different phenotypes depending on the favorableness of the environment for the development of the characteristic in question. Of further interest to geneticists is the fact that different genotypes may have quite different reaction ranges; some genotypes may be much more buffered against environmental influences than others. Different genetic strains can be unequal in their susceptibility to the same range of environmental variaiton, and when this is the case, the strains will show dissimilar heritabilities on the trait in question, the dissimilarity being accentuated by increasing environmental variation. Both of these aspects of the reaction range concept are illustrated hypothetically with respect to IQ in Figure 11.

The above discussion should serve to counter a common misunderstanding about quantitative estimates of heritability. It is sometimes forgotten that such estimates actually represent *average* values in the population that has been sampled and they do not necessarily apply either to differences *within* various subpopulations or to differences between subpopulations. In a population in which an overall *H* estimate is, say, .80, we may find a certain group for which *H* is only .70 and another group for which *H* is .90. All the major heritability studies reported in the literature are based on samples of white European and North American populations, and our knowledge of the heritability of intelligence in different racial and cultural groups within these populations is nil. For example, no adequate heritability studies have been based on samples of the Negro population of the United States. Since some genetic strains may be more buffered from environmental influences than others, it is not sufficient merely to equate

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the environments of various subgroups in the population to infer equal heritability of some characteristic in all of them. The question of whether heritability estimates can contribute anything to our understanding of the relative importance of genetic and environmetnal factors in accounting for average phenotypic differences between racial groups (or any other socially identifiable groups) is too complex to be considered here. I have discussed this problem in detail elsewhere and concluded that heritability estimates could be of value in testing certain specific hypotheses in this area of inquiry, provided certain conditions were met and certain other crucial items of information were also available (Jensen, 1968c).

Before continuing discussion of environmental factors we must guard against one other misunderstanding about heritability that sometimes creeps in at this point. This is the notion that because so many different environmental factors and all their interactions influence the development of intelligence, by the time the child is old enough to be tested, these influences must totally bury or obscure all traces of genetic factors—the genotype must lie hidden and inaccessible under the heavy overlay of environmental influences. If this were so, of course, the obtained values of H would be very close to zero. But the fact that values of H for intelligence are usually quite high (in the region of .70 to .90) means that current intelligence tests, can, so to speak, "read through" the environmental "overlay."

Physical versus social environment

The value 1—H, which for IQ generally amounts to about .20, can be called E, the proportion of variance due to nongenetic factors. There has been a pronounced tendency to think of E as being wholly associated with individuals' social and interpersonal environment, child rearing practices, and differences in educational and cultural opportunities afforded by socioeconomic status. It is certain, however, that these sociological factors are not responsible for the whole of E and it is not improbably that they contribute only a minor portion of the E variance in the bulk of our population. Certain physical and biological environmental factors may be at least as important as the social factors in determining individual differences in intelligence. If this is true, advances in medicine, nutrition, prenatal care, and obstetrics may contribute as much or more to improving intelligence as will manipulation of the social environment.

Prenatal Environment of Twins. A little known fact about twins is that they average some 4 to 7 points lower in IQ than singletons (Vanderberg, 1968). The difference also shows up in scholastic achievement, as shown in the distribution of reading scores of twin and singleton girls in Sweden (Figure 12).

If this phenomenon were due entirely to differences between twins and singletons in the amount of individual attention they receive from their parents, one might expect the twin-singleton difference to be related to the family's socio-economic status. But there seems to be no systematic relationship of this kind. The largest study of the question, summarized in Figure 13, shows about the same average amount of twin-singleton IQ disparity over a wide range of socio-economic groups.

Three other lines of evidence place the locus of this effect in the prenatal environment. Monozygotic twins are slightly lower in IQ than dizygotic twins (Stott, 1960, p. 98), a fact which is consistent with the finding that MZ twins have a higher mortality rate and greater disparity in birth weights than DZ twins, suggesting that MZ twins enjoy less equal and less optimal intrauterine conditions than DZ twins or singletons. Inequalities in both intrauterine space and fetal nutrition probably account for this. Also, boy twins are significantly lower in IQ than girl twins, which conforms to the well known greater vulnerability of male infants to prenatal impairment (Stott, 1960). Finally, the birth weight of infants, when matched for gestational age, is slightly but significantly correlated with later IQ, and the effect is independent of sociocultural factors (Churchill, Neff, & Caldwell, 1966). In pairs of identical twins, the twin with the lower birth weight usually has the lower IQ (by 5 to 7 points on the average) at school age. This is true both in white and in Negro twins. The birth-weight differences are reflected in all 11 subtests of the Wechsler Intelligence Scale for Children and are slightly greater on the Performance than on the Verbal tests (Willerman & Churchill, 1967). The investigators interpret these findings as suggesting that nutrient supplies may be inadequate for proper body and brain development in twin pregnancies, and that the unequal sharing of nutrients and space stunts one twin more than its mate.

Thus, much of the average difference between MZ twins, whether reared together or reared apart, seems to be due to prenatal environmental factors. The real importance of these findings, of course, lies in their implications for the possible role of prenatal environment in the development of all children. It is not unlikely that there are individual maternal differences in the adequacy of the prenatal environment. If intrauterine conditions can cause several points of IQ difference between twins, it is not hard to imagine that individual differences in prenatal environments could also cause IQ differences in single born children and might therefore account for a substantial proportion of the total environmental variance in IQ.

Abdominal Decompression. There is now evidence that certain manipulations of the intrauterine environment can effect the infant's behavioral development for many months after birth. A technique known as abdominal decompression was invented by a professor of obstetrics (Heyns, 1963), originally for the purpose of making women experience less discomfort in the latter months of their pregnancy and also to facilitate labor and delivery. For about an hour a day during the last three or four months of pregnancy, the woman is placed in a device that creates a partial vacuum around her abdomen, which greatly reduces the intrauterine pressure. The device is used during labor up to the moment of delivery. Heyns has applied this device to more than 400 women. Their infants, as compared with control groups who have not received this treatment, show more rapid development in their first two years and manifest an overall superiority in tests of perceptual-motor development. They sit up earlier, walk earlier, talk earlier, and appear generally more precocious than their own siblings or other children whose mothers were not so treated. At two years of age the children in Heyns' experiment had DQs (developmental quotients) some 30 points higher than the control children (in the general population the mean DQ is 100, with a standard deviation of 15). Heyns explains the effects of maternal abdominal decompression on the child's early development in terms of the reduction of intrauterine pressure, which results in a more optimal blood supply to the fetus and also lessens the chances of brain damage during labor. (The intrauterine pressure on the infant's head is reduced from about 22 pounds to 8 pounds.) Results on children's later IQs have not been published, but correspondence with Professor Heyns and verbal reports from visitors to his laboratory inform me that there is no evidence that the IQ of these children is appreciably higher beyond age 6 than that of control groups. If this observation is confirmed by the proper methods, it should not be too surprising in view of the negligible correlations normally found between DQs and later IQs. But since abdominal decompression results in infant precocity, one may wonder to what extent differences in intrauterine pressure are responsible for normal individual and group differences in infant precocity. Negro infants, for example, are more precocious in development (as measured on the Bayley Scales) in their first year or two than Caucasian infants (Bayley, 1965a). Infant precocity would seem to be associated with more optimal intrauterine and perinatal conditions. This conjecture is consistent with the finding that infants whose prenatal and perinatal histories would make them suspect of some degree of brain damage show lower DQs on the Bayley Scales than normal infants (Honzik, 1962). Writers who place great emphasis on the hypothesis of inadequate prenatal care and complications of pregnancy to account for the lower average IQ of Negroes (e.g., Bronfenbrenner, 1967) are also obliged to explain why these unfavorable factors do not also depress the DQ below average in Negro infants, as do such factors as brain damage and prenatal and infant malnutrition (Cravioto, 1966). Since all such environmental factors should lower the heritability of intelligence in any segment of the population in which they are hypothesized to play an especially significant role, one way to test the hypothesis would be to compare the heritability of intelligence in that segment of the population for which extra environmental factors are hypothesized with the heritability in other groups for whom environmental factors are supposedly less accountable for IQ variance.

A Continuum of Reproductive Casualty. A host of conditions associated with reproduction which are known to differ greatly across socioeconomic levels have been hypothesized as causal factors in average intellectual differences. There is no doubt about the fact of the greater prevalence in poverty areas of conditions unfavorable to optimal pregnancy and safe delivery. The question that remains unanswered is the amount of IQ variance associated with these conditions predisposing to reproductive casualty. The disadvantageous factors most highly associated with social conditions are: pregnancies at early ages, teenage deliveries, pregnancies in close succession, a large number of pregnancies, and pregnancies that occur late in the woman's reproductive life (Graves, Freeman, & Thompson, 1968). These conditions are related to low birth weight, prematurity, increased infant mortality, prolonged labor, toxemia, anemia, malformations, and mental deficiency in the offspring. Since all of these factors have a higher incidence in low socioeconomic groups and in certain ethnic groups (Negroes, American Indians, and Mexican-Americans) in the United States, they probably account for some proportion of the group differences in IQ and scholastic performance, but just how much of the true differences they may account for no one really knows at present. It is interesting that Jewish immigrants, whose offspring are usually found to have a higher mean IQ than the general population, show fewer disadvantageous reproductive conditions and have the lowest infant mortality rates of all ethnic groups, even when matched with other immigrant and native born groups on general environmental conditions (Graves et al., 1968).

Although disadvantageous reproductive factors occur differentially in different segments of the population, it is not at all certain how much they are responsible for the IQ differences between social classes and races. It is reported by the National Institute of Neurological Diseases and Blindness, for example, that when all cases of mental retardation that can be reasonably explained in terms of known complications of preg-

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nancy and delivery, brain damage, or major gene and chromosomal defects are accounted for, there still remain 75 to 80 percent of the cases who show no such specific causes and presumably represent just the lower end of the normal polygenic distribution of intelligence (Research Profile No. 11, 1965). Buck (1968) has argued that it still remains to be proven that a degree of neurological damage is bound to occur among the survivors of all situations which carry a high risk of perinatal mortality and that a high or even a known proportion of mental retardation can be ascribed to the non-lethal grades of reproductive difficulty. A large study reported by Buck (1968) indicates that the most common reproductive difficulties when occurring singly have no significant effect on children's intellectual status after age 5, with the one exception of pre-eclamptic toxemia of pregnancy, which caused some cognitive impairment. Most of the complications of pregnancy, it seems, must occur multiply to impair intellectual ability. It is as if the nervous system is sufficiently homeostatic to withstand certain unfavorable conditions if they occur singly.

Prematurity. The literature on the relationship of premature birth to the child's IQ is confusing and conflicting. Guilford (1967), in his recent book on *The Nature of Intelligence,* for example, concluded, as did Stoddard (1943), that prematurity has no effect on intelligence. Scott (1966), on the other hand, presents impressive evidence of very significant IQ decrements associated with prematurity. Probably the most thorough review of the subject I have found, by Kushlick (1966), helps to resolve these conflicting opinions. There is little question that prematurity has the strongest known relation to brain dysfunction of any reproductive factor, and many of the complications of pregnancy are strongly associated with the production of premature children. The crucial factor in prematurity, however, is not prematurity per se, but low birth-weight. Birth-weight apparently acts as a threshold variable with respect to intellectual impairment. All studies of birth-weight agree in showing that the incidence of babies weighing less than 5½ lbs. increases from higher to lower social classes. But only about 1 percent of the total variance of birth-weight is accounted for by socioeconomic variables. Race (Negro versus white) has an effect on birth-weight independently of socioeconomic variables. Negro babies mature at a lower birth-weight than white babies (Naylor & Myrianthopoulos, 1967). If prematurity is defined as a condition in which birth-weight is under 5½ lbs., the observed relationship between prematurity and depression of the IQ is due to the common factor of low social class. Kushlick (1966, p. 143) concludes that it is only among children having birth-weights under 3 lbs. that the mean IQ is lowered, independently of social class, and more in boys than in girls. The incidence of extreme subnormality is higher for children with birth-weights under 3 or 4 lbs. But when one does not count these extreme cases (IQs below 50), the effects of prematurity or low birth-weight—even as low as 3 lbs.—have a very weak relationship to children's IQs by the time they are of school age. The association between very low birth-weight and extreme mental subnormality raises the question of whether the low birth-weight causes the abnormality or whether the abnormality arises independently and causes the low birth-weight.

Prematurity and low birth-weight have a markedly higher incidence among Negroes than among whites. That birth-weight differences per se are not a predominant factor in Negro-white IQ differences, however, is suggested by the findings of a study which compared Negro and white premature children matched for birth-weight. The Negro children in all weight groups performed significantly less well on mental tests at 3 and 5 years of age than the white children of comparable birth-weight (Hardy, 1965, p. 51).

Genetic Predisposition to Prenatal Impairment. Dennis Stott (1960, 1966), a British psychologist, has adduced considerable evidence for the theory that impairments of the central nervous system occurring prenatally as a result of various stresses in pregnancy may not be the *direct* result of adverse intrauterine factors but may result *indirectly* from genetically determined mechanisms which are triggered by prenatal stress of one form or another.

Why should there exist a genetic mechanism predisposing to congenital impairments? Would not such genes, if they had ever existed, have been eliminated long ago through natural selection? It can be argued from considerable evidence in lower species of mammals observable by zoologists today that such a genetic mechanism may have had survival value for primitive man, but that the conditions of our present industrial society and advances in medical care have diminished the biological advantage of this mechanism for survival of the human species. The argument is that, because of the need to control population, there is a genetic provision within all species for multiple impairments, which are normally only potentialities, that can be triggered off by prenatal stress associated with high population density, such as malnutrition, fatigue from overexertion, emotional distress, infections, and the like. The resulting congenital impairment would tend to cut down the infant population, thereby relieving the pressure of population without appreciably reducing the functioning and efficiency of the young adults in the population. Stott (1966) has presented direct evidence of an association between stresses in the mother during pregnancy and later behavioral abnormalities and learning problems of the child in school. The imperfect correlation between such prenatal stress factors and signs of congenital impairment suggests that there are individual differences in genetic predisposition to prenatal impairment. The hypothesis warrants further investigation. The prenatal environment could be a much more important source of later IQ variance for some children than for others.

Mother-Child Rh Incompatibility. The *Rh* blood factor can involve possible brain damaging effects in a small proportion of pregnancies where the fetus is *Rh*-positive and the mother is *Rh*-negative. (*Rh*-negative has a frequency of 15 percent in the white and 7 percent in the Negro population.) The mother-child *Rh* incompatibility produces significant physical ill effects in only a fraction of cases and increases in importance in pregnancies beyond the first. The general finding of slightly lower IQs in second and later born children could be related to *Rh* incompatibility or to similar, but as yet undiscovered, mother-child biological incompatibilities. This is clearly an area greatly in need of pioneering research.

Nutrition. Since the human brain attains 70 percent of its maximum adult weight in the first year after birth, it should not be surprising that prenatal and infant nutrition can have significant effects on brain development. Brain growth is largely a process of protein synthesis. During the prenatal period and the first postnatal year the brain normally absorbs large amounts of protein nutrients and grows at the average rate of 1 to 2 milligrams per minute (Stoch & Smythe, 1963; Cravioto, 1966).

Severe undernutrition before two or three years of age, especially a lack of proteins and the vitamins and minerals essential for their anabolism, results in lowered intelligence. Stoch and Smythe (1963) found, for example, that extremely malnourished South African colored children were some 20 points lower in IQ than children of similar parents who had not suffered from malnutrition. The difference between the undernourished group and the control group in DQ and IQ over the age range from 1 year to 8 years was practically constant. If undernutrition takes a toll, it takes it early, as shown by the lower DQs at 1 year and the absence of any increase in the decrement at later ages. Undernutrition occurring for the first time in older children seems to have no permanent effect. Severely malnourished war prisoners, for example, function intellectually at their expected level when they are returned to normal living conditions. The study by Stoch and Smythe, like several others (Cravioto, 1966; Scrimshaw, 1968), also revealed that the undernourished children had smaller stature and head circumference than the control children. Although there is no correlation between intelligence and head circumference in normally nourished children, there is a positive correlation between these factors in groups whose numbers suffer varying degrees of undernutrition early in life. Undernutrition also increases the correlation between intelligence and physical stature. These correlations provide us with an index which could aid the study of IQ deficits due to undernutrition in selected populations.

One of the most interesting and pronounced psychological effects of undernutrition is retardation in the development of cross-modal transfer or intersensory integration, which was earlier described as characterizing the essence of *g* (Scrimshaw, 1968).

The earlier the age at which nutritional therapy is instituted, of course, the more beneficial are its effects. But even as late as 2 years of age, a gain of as much as 18 IQ points was produced by nutritional improvements in a group of extremely undernourished children. After 4 years of age, however, nutritional therapy effected no significant change in IQ (Cravioto, 1966, p. 82).

These studies were done in countries where extreme undernutrition is not uncommon. Such gross nutritional deprivation is rare in the United States. But there is at least one study which shows that some undertermined proportion of the urban population in the United States might benefit substantially with respect to intellectual development by improved nutrition. In New York City, women of low socioeconomic status were given vitamin and mineral supplements during pregnancy. These women gave birth to children who, at four years of age, averaged 8 points higher in IQ than a control group of children whose mothers had been given placebos during pregnancy (Harrell, Woodyard, & Gates, 1955). Vitamin and mineral supplements are, of course, beneficial in this way only when they remedy an existing deficiency.

Birth Order. Order of birth contributes a significant proportion of the variance in mental ability. On the average, first-born children are superior in almost every way, mentally and physically. This is the consistent finding of many studies (Altus, 1966) but as yet the phenomenon remains unexplained. (Rimland [1964, pp. 140–143] has put forth some interesting hypotheses to explain the superiority of the first-born.) Since the first-born effect is found throughout all social classes in many countries and has shown up in studies over the past 80 years (it was first noted by Galton), it is probably a biological rather than a social-psychological phenomenon. It is almost certainly not a genetic effect. (It would tend to make for slightly lower estimates of heritability based on sibling comparisons.) It is one of the sources of environmental variance in ability without any significant postnatal environmental correlates. No way is known for giving later-born children the same advantage. The disadvantage of being later-born, however, is very slight and shows up conspicuously only in the extreme upper tail of the distribution of achievements. For example, there is a dispro-

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portionate number of first-born individuals whose biographies appear in *Who's Who* and in the *Encyclopedia Britannica*.

Social class differences in intelligence

Social class (or socioeconomic status [SES] should be considered as a factor separate from race. I have tried to avoid using the terms *social class* and *race* synonymously or interchangeably in my writings, and I observe this distinction here. Social classes completely cut across all racial groups. But different racial groups are disproportionately represented in different SES categories. Social class differences refer to a socioeconomic continuum *within* racial groups.

It is well known that children's IQ's, by school age, are correlated with the socioeconomic status of their parents. This is a world-wide phenomenon and has an extensive research literature going back 70 years. Half of all the correlations between SES and children's IQ's reported in the literature fall between .25 and .50, with most falling in the region of .35 to .40. When school children are grouped by SES, the mean IQs of the group vary over a range of one to two standard deviations (15 to 30 IQ points), depending on the method of status classification (Eells, et al., 1951). This relationship between SES and IQ constitutes one of the most substantial and least disputed facts in psychology and education.

The fact that intelligence is correlated with occupational status can hardly be surprising in any society that supports universal public education. The educational system and occupational hierarchy act as an intellectual "screening" process, far from perfect, to be sure, but discriminating enough to create correlations of the magnitude just reported. If each generation is roughly sorted out by these "screening" processes along an intelligence continuum, and if, as has already been pointed out, the phenotype-genotype correlation for IQ is of the order of .80 to .90, it is almost inevitable that this sorting process will make for genotypic as well as phenotypic differences among social classes. It is therefore most unlikely that groups differing in SES would not also differ, on the average, in their genetic endowment of intelligence. In reviewing the relevant evidence, the British geneticist, C. O. Carter (1966, p. 192) remarked, "Sociologists who doubt this show more ingenuity than judgment." Sociologist Bruce Eckland (1967) has elaborately spelled out the importance of genetic factors for understanding social class differences.

Few if any students of this field today would regard socioeconomic status per se as an environmental variable that primarily *causes* IQ differences. Intellectual differences between SES groups have hereditary, environmental, and interaction components. Environmental factors associated with SES differences apparently are not a major *independent* source of variance in intelligence. Identical twins separated in the first months of life and reared in widely differing social classes, for example, still show greater similarity in IQ than unrelated children reared together or than even siblings reared together (Burt, 1966). The IQs of children adopted in infancy show a much lower correlation with the SES of the adopting parents than do the IQs of children reared by their own parents (Leahy, 1935). The IQs of children who were reared in an orphanage from infancy and who had never known their biological parents show approximately the same correlation with their biological father's occupational status as found for children reared by their biological parents (.23 *vs* .24) (Lawrence, 1931). The correlation between the IQs of children adopted in infancy and the educational level of their biological mothers is close to that of children reared by their own mothers (.44), while the correlation between children's IQs and their adopting parents' educational level is close to zero (Honzik, 1957). Children of low and high SES show, on the average, an amount of regression from the parental IQ toward the mean of the general population that conforms to expectations from a simple polygenic model of the inheritance of intelligence (Burt, 1961). When siblings reared within the same family differ significantly in intelligence, those who are above the family average tend to move up the SES scale, and those who are below the family average tend to move down (Young & Gibson, 1965). It should be noted that despite intensive efforts by psychologists, educators, and sociologist to devise tests intended to eliminate SES differences in measured intelligence, none of these efforts has succeeded (Jenson 1968c). Theodosius Dobzhansky (1968a, p. 33), a geneticist, states that "There exist some occupations or functions for which only extreme genotypes are suitable." But surely this is not an all-or-nothing affair, and we would expect by the same reasoning that many different occupational skills, and not just those that are the most extreme, would favor some genotypes more than others. To be sure, genetic factors become more important at the extremes. Some minimal level of ability is required for learning most skills. But while you can teach almost anyone to play chess, or the piano, or to conduct an orchestra, or to write prose, you cannot teach everyone to be a Capablanca, a Paderewski, a Toscanini, or a Bernard Shaw. In a society that values and rewards individual talent and merit, genetic factors inevitably take on considerable importance.

SES differences, and race differences as well, are manifested not only as diffences between group means, but also as differences in variance and in patterns of correlations among various mental abilities, even on tests which show no *mean* differences between SES groups (Jensen, 1968b).

Another line of evidence that SES IQ differences are not a superficial phenomenon is the fact of a negative correlation between SES and Developmental Quotient (DQ) (under two years of age) and an increasing positive correlation between SES and IQ (beyond two years of age), as shown in Figure 14 from a study by Nancy Bayley (1966). (All subjects in this study are Caucasian.) This relationship is especially interesting in view of the finding of a number of studies that there is a negative correlation between DQ and later IQ, an effect which is much more pronounced in boys than in girls and involves the motor more than the attentional-cognitive aspects of the DQ (Bayley, 1965b)). Figure 14 shows that on infant developmental scales, lower SES children actually have a "head start" over higher SES children. But this trend is increasingly reversed at later ages as the tests become less motoric and are increasingly loaded with a cognitive or *g* factor.

Race differences

The important distinction between the *individual* and the *population* must always be kept clearly in mind in any discussion of racial differences in mental abilities or any other behavioral characteristics. Whenever we select a person for some special educational purpose, whether for special instruction in a grade-school class for children with learning problems, or for a "gifted" class with an advanced curriculum, or for college attendance, or for admission to graduate training or a professional school, we are selecting an *individual*, and we are selecting him and dealing with him as an individual for reasons of his individuality. Similarly, when we employ someone, or promote someone in his occupation, or give some special award or honor to someone for his accomplishments, we are doing this to an individual. The variables of social class, race, and national origin are correlated so imperfectly with any of the valid criteria on which the above decisions should depend, or, for that matter, with any behavioral characteristic, that these background factors are irrelevant as a basis for dealing with individuals—as students, as employees, as neighbors. Furthermore, since, as far as we know, the full range of human talents is represented in all the major races of man and in all socioeconomic levels, it is unjust to allow the mere fact of an individual's racial or social background to affect the treatment accorded to him. All persons rightfully must be regarded on the basis of their individual qualities and merits, and all social, educational, and economic institutions must have built into them the mechanisms for insuring and maximizing the treatment of persons according to their individual behavior.

If a society completely believed and practiced the ideal of treating every person as an individual, it would be hard to see why there should be any problems about "race" per se. There might still be problems concerning poverty, unemployment, crime, and other social ills, and, given the will, they could be tackled just as any other problems that require rational methods for solution. But if this philosophy prevailed in practice, there would not need to be a "race problem."

The question of *race* differences in intelligence comes up not when we deal with individuals as individuals, but when certain identifiable *groups* or subcultures within the society are brought into comparison with one another *as groups or populations*. It is only when the groups are disproportionately represented in what are commonly perceived as the most desirable and the least desirable social and occupational roles in a society that the question arises concerning average differences among groups. Since much of the current thinking behind civil rights, fair employment, and equality of educational opportunity appeals to the fact that there is a disproportionate representation of different racial groups in the various levels of the educational, occupational, and socioeconomic hierarchy, we are forced to examine all the possible reasons for this inequality among racial groups in the attainments and rewards generally valued by all groups within our society. To what extent can such inequalities be attributed to unfairness in society's multiple selection processes? ("Unfair" meaning that selection is influenced by intrinsically irrelevant criteria, such as skin color, racial or national origin, etc.) And to what extent are these inequalities attributable to really relevant selection criteria which apply equally to all individuals but at the same time select disproportionately between some racial groups because there exist, in fact, real average differences among the groups—differences in the population distributions of those characteristics which are indisputably relevant to educational and occupational performance? This is certainly one of the most important questions confronting our nation today. The answer, which can be found only through unfettered research, has enormous consequences for the welfare of all, particularly of minorities whose plight is now in the foreground of public attention. A preordained, doctrinaire stance with regard to this issue hinders the achievement of a scientific understanding of the problem. To rule out of court, so to speak, any reasonable hypotheses on purely ideological grounds is to argue that static ignorance is preferable to increasing our knowledge of reality. I strongly disagree with those who believe in searching for the truth by scientific means only under certain circumstances and eschew this course in favor of ignorance under other circumstances, or who believe that the results of inquiry on some subjects cannot be entrusted to the public but should be kept the guarded possession of a scientific elite. Such attitudes, in my opinion, represent a danger to free inquiry and, consequently, in the long run, work to the disadvantage of society's general welfare. "No holds barred" is the best formula for scientific inquiry. One does not decree beforehand which phenomena cannot be studied or which questions cannot be answered..

Genetic Aspects of Racial Differences. No one, to my knowledge, questions the role of environmental factors, including influences from past history, in determining at least some of the variance between racial groups in standard measures of intelligence, school performance, and occupational status. The current literature on the culturally disadvantaged abounds with discussion—some of it factual, some of it fanciful—of how a host of environmental factors depresses cognitive development and performance. I recently coedited a book which is largely concerned with the environmental aspects of disadvantaged minorities (Deutsch, Katz, & Jensen, 1968). But the possible importance of genetic factors in racial behavioral differences has been greatly ignored, almost to the point of being a tabooed subject, just as were the topics of venereal disease and birth control a generation or so ago.

My discussions with a number of geneticists concerning the question of a genetic basis of differences among races in mental abilities have revealed to me a number of rather consistently agreed-upon points which can be summarized in general terms as follows: Any groups which have been geographically or socially isolated from one another for many generations are practically certain to differ in their gene pools, and consequently are likely to show differences in any phenotypic characteristics having high heritability. This is practically axiomatic, according to the geneticists with whom I have spoken. Races are said to be "breeding populations," which is to say that matings within the groups have a much higher probability than matings outside the group. Races are more technically viewed by geneticists as populations having different distributions of gene frequencies. These genetic differences are manifested in virtually every anatomical, physiological, and biochemical comparison one can make between representative samples of identifiable racial groups (Kuttner, 1967). There is no reason to suppose that the brain should be exempt from this generalization. (Racial differences in the relative frequencies of various blood constituents have probably been the most thoroughly studied so far.)

But what about behavior? If it can be measured and shown to have a genetic component, it would be regarded, from a genetic standpoint, as no different from other human characteristics. There seems to be little question that racial differences in genetically conditioned behavioral characteristics, such as mental abilities, should exist, just as physical differences. The real questions, geneticists tell me, are not whether there are or are not genetic racial differences that affect behavior, because there undoubtedly are. The proper questions to ask, from a scientific standpoint, are: What is the direction of the difference? What is the magnitude of the difference? And what is the significance of the difference—medically, socially, educationally, or from whatever standpoint that may be relevant to the characteristic in question? A difference is important only within a specific context. For example, one's blood type in the ABO system is unimportant until one needs a transfusion. And some genetic differences are apparently of no importance with respect to any context as far as anyone has been able to discover—for example, differences in the size and shape of ear lobes. The idea that all genetic differences have arisen or persisted only as a result of natural selection, by conferring some survival or adaptive benefit on their possessors, is no longer generally held. There appear to be many genetic differences, or polymorphisms, which confer no discernible advantages to survival.[6]

Negro Intelligence and Scholastic Performance. Negroes in the United States are disproportionately represented among groups identified as culturally or educationally disadvantaged. This, plus the fact that Negroes constitute by far the largest racial minority in the United States, has for many years focused attention on Negro intelligence. It is a subject with a now vast literature which has been quite recently reviewed by Dreger and Miller (1960, 1968) and by Shuey (1966), whose 578 page review is the most comprehensive, covering 382 studies. The basic data are well known: on the average, Negroes test about 1 standard deviation (15 IQ points) below the average of the white population in IQ, and this finding is fairly uniform across the 81 different tests of intellectual ability used in the studies reviewed by Shuey. This magnitude of difference gives a median overlap of 15 percent, meaning that 15 percent of the Negro population exceeds the white average. In terms of proportions of variance, if the numbers of Negroes and whites were equal, the difference *between* racial groups would account for 23 percent of the total variance, but—an important point—the differences *within* groups would account for 77 percent of the total variance. When gross socioeconomic level is controlled, the average difference reduces to about 11 IQ points (Shuey, 1966, p. 519), which, it should be recalled, is about the same spread as the average difference between siblings in the same family. So-called "culture-free" or "culture-fair" tests tend to give Negroes slightly lower scores, on the average, than more conventional IQ tests such as the Stanford-Binet and Wechsler scales. Also, as a group, Negroes perform somewhat more poorly on those subtests which tap abstract abilities. The majority of studies show that Negroes perform relatively better on verbal than on non-verbal intelligence tests.

In tests of scholastic achievement, also, judging from the massive data of the Coleman study (Coleman, et al., 1966), Negroes score about 1 standard deviation (SD) below the average for whites and Orientals and considerably less than 1 SD below other disadvantaged minorities tested in the Coleman study—Puerto Rican, Mexican-American, and American Indian. The 1 SD decrement in Negro performance is fairly constant throughout the period from grades 1 through 12.

Another aspect of the distribution of IQs in the Negro population is their lesser variance in comparison to the white distribution. This shows up in most of the studies reviewed by Shuey. The best single estimate is probably the estimate based on a large normative study of Stanford-Binet IQs of Negro school children in five Southeastern states, by Kennedy, Van De Riet, and White (1963). They found the SD of Negro children's IQs to be 12.4, as compared with 16.4 in the white normative sample. The Negro distribution thus has only about 60 percent as much variance (i.e., SD^2) as the white distribution.

There is an increasing realization among students of the psychology of the disadvantaged that the discrepancy in their average performance cannot be completely or directly attributed to discrimination or inequalities in education. It seems not unreasonable, in view of the fact that intelligence variation has a large genetic component, to hypothesize that genetic factors may play a part in this picture. But such an hypothesis is anathema to many social scientists. The idea that the lower average intelligence and scholastic performance of Negroes could involve, not only environmental, but also genetic, factors has indeed been strongly denounced (e.g. Pettigrew, 1964). But it has been neither contradicted nor discredited by evidence.

The fact that a reasonable hypothesis has not been rigorously proved does not mean that it should be summarily dismissed. It only means that we need more appropriate research for putting it to the test. I believe such definitive research is entirely possible but has not yet been done. So, all we are left with are various lines of evidence, no one of which is definitive alone, but which, viewed all together, make it a not unreasonable hypothesis that genetic factors are strongly implicated in the average Negro-white intelligence difference. The preponderance of the evidence is, in my opinion, less consistent with a strictly environmental hypothesis than with a genetic hypothesis, which, of course, does not exclude the influence of environment or its interaction with genetic factors.

We can be accused of superficiality in our thinking about this issue, I believe, if we simply dismiss a genetic hypothesis without having seriously thought about the relevance of typical findings such as the following:

Failure to Equate Negroes and Whites in IQ and Scholastic Ability. No one has yet produced any evidence based on a properly controlled study to show that representative samples of Negro and white children can be equalized in intellectual ability through statistical control of environment and education.

Socioeconomic Level and Incidence of Mental Retardation. Since in no category of socioeconomic status (SES) are a majority of children found to be retarded in the technical sense of having an IQ below 75, it would be hard to claim that the degree of environmental deprivation typically associated with lower-class status could be responsible for this degree of mental retardation. An IQ less than 75 reflects more than a lack of cultural amenities. Heber (1968) has estimated on the basis of existing evidence that IQs below 75 have a much higher incidence among Negro than among white children at every level of socioeconomic status, as shown in Table 3. In the two highest SES categories the estimated proportions of Negro and white children with IQs below 75, are in the ratio of 13.6 to 1. If environmental factors were mainly responsible for producing such differences, one should expect a lesser Negro-white discrepancy at the upper SES levels. Other lines of evidence also show this not to be the case. A genetic hypothesis, on the other hand, would predict this effect, since the higher SES Negro offspring would be regressing to a lower population mean than their white counterparts in SES, and consequently a larger proportion of the lower tail of the distribution of genotypes for Negroes would fall below the value that generally results in phenotypic IQs below 75.

TABLE 3.—ESTIMATED PREVALENCE OF CHILDREN WITH IQ's BELOW 75, BY SOCIOECONOMIC STATUS (SES) AND RACE GIVEN AS PERCENTAGES (HEBER, 1968)

SES	White	Negro
High 1	0.5	3.1
2	.8	14.5
3	2.1	22.8
4	3.1	37.8
Low 5	7.8	42.9

A finding reported by Wilson (1967) is also in line with this prediction. He obtained the mean IQs of a large representative sample of Negro and white children in a California school district and compared the two groups within each of four social class categories:

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[6] The most comprehensive and sophisticated discussion of the genic-behavior analysis of race differences that I have found is by Spuhler and Lindzey (1967).

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(1) professional and managerial, (2) white collar, (3) skilled and semiskilled manual, and (4) lower class (unskilled, unemployed, or welfare recipients). The mean IQ of Negro children in the first category was 15.5 points below that of the corresponding white children in SES category 1. But the Negro mean for SES 1 was also 3.9 points below the mean of white children in SES category 4. (The IQs of white children in SES 4 presumably have "regressed" upward toward the mean of the white population.)

Wilson's data are not atypical, for they agree with Shuey's (1966, p. 520) summarization of the total literature up to 1965 on this point. She reports that in all the studies which grouped subjects by SES, upper-status Negro children average 2.6 IQ points *below* the low-status whites. Shuey comments: "It seems improbable that upper and middle-class colored children would have no more culture opportunities provided them than white children of the lower and lowest class."

Duncan (1968, p. 69) also has presented striking evidence for a much greater "regression-to-the-mean" (from parents to their children) for high status occupations in the case of Negroes than in the case of whites. None of these findings is at all surprising from the standpoint of a genetic hypothesis, of which an intrinsic feature is Galton's "law of filial regression." While the data are not necessarily inconsistent with a possible environmental interpretation, they do seem more puzzling in terms of strictly environmental causation. Such explanations often seem intemperately strained.

Inadequacies of Purely Environmental Explanations. Strictly environmental explanations of group differences tend to have an ad hoc quality. They are usually plausible for the situation they are devised to explain, but often they have little generality across situations, and new ad hoc hypotheses have to be continually devised. Pointing to environmental differences between groups is never sufficient in itself to infer a causal relationship to group differences in intelligence. To take just one example of this tendency of social scientists to attribute lower intelligence and scholastic ability to almost any environmental difference that seems handy, we can look at the evidence regarding the effects of "father absence." Since the father is absent in a significantly larger proportion of Negro than of white families, the factor of "father absence" has been frequently pointed to in the literature on the disadvantaged as one of the causes of Negroes' lower performance on IQ tests and in scholastic achievement. Yet the two largest studies directed at obtaining evidence on this very point—the only studies I have seen that are methodologically adequate—both conclude that the factor of "father absence" versus "father presence" makes no independent contribution to variance in intelligence or scholastic achievement. The sample sizes were so large in both of these studies that even a very slight degree of correlation between father-absence and the measures of cognitive performance would have shown up as statistically significant. Coleman (1966, p. 506) concluded: "Absence of a father in the home did not have the anticipated effect on ability scores. Overall, pupils without fathers performed at approximately the same level as those with fathers—although there was some variation between groups" (groups referring to geographical regions of the U.S.). And Wilson (1957, p. 177) concluded from his survey of a California school district: "Neither our own data nor the preponderance of evidence from other research studies indicate that father presence or absence, *per se*, is related to school achievement. While broken homes reflect the existence of social and personal problems, and have some consequence for the development of personality, broken homes do not have any systematic effect on the overall level of school success."

The nationwide Coleman study (1966) included assessments of a dozen environmental variables and socioeconomic indices which are generally thought to be major sources of environmental influence in determining individual and group differences in scholastic performance—such factors as: reading material in the home, cultural amenities in the home, structural integrity of the home, foreign language in the home, preschool attendance, parents' education, parents' educational desires for child, parents' interest in child's school work, time spent on homework, child's self-concept (self-esteem), and so on. These factors are all correlated—in the expected direction—with scholastic performance within each of the racial or ethnic groups studied by Coleman. Yet, interestingly enough, they are not systematically correlated with differences *between* groups. For example, by far the most environmentally disadvantaged groups in the Coleman study are the American Indians. On every environmental index they average *lower* than the Negro samples, and overall their environmental rating is about as far below the Negro average as the Negro rating is below the white average. (As pointed out by Kuttner [1968, p. 707], American Indians are much more disadvantaged than Negroes, or any other minority groups in the United States, on a host of other factors not assessed by Coleman, such as income, unemployment, standards of health care, life expectancy, and infant mortality.) Yet the American Indian ability and achievement test scores average about half a standard deviation higher than the scores of Negroes. The differences were in favor of the Indian children on each of the four tests used by Coleman: non-verbal intelligence, verbal intelligence, reading comprehension, and math achievement. If the environmental factors assessed by Coleman are the major determinants of Negro-white differences that many social scientists have claimed they are, it is hard to see why such factors should act in reverse fashion in determining differences between Negroes and Indians, especially in view of the fact that *within* each group the factors are significantly correlated in the expected direction with achievement.

Early Developmental Differences. A number of students of child development have noted the developmental precocity of Negro infants, particularly in motoric behavior. Geber (1958) and Geber and Dean (1957) have reported this precocity also in African infants. It hardly appears to be environmental, since it is evident in nine-hour-old infants. Cravioto (1966, p. 78) has noted that the Gesell tests of infant behavioral development, which are usually considered suitable only for children over four weeks of age, "can be used with younger African, Mexican, and Guatemalan infants, since their development at two or three weeks is similar to that of Western European infants two or three times as old." Bayley's (1965a) study of a representative sample of 600 American Negro infants up to 15 months of age, using the Bayley Infant Scales of Mental and Motor Development, also found Negro infants to have significantly higher scores than white infants in their first year. The difference is largely attributable to the motor items in the Bayley test. For example, about 30 percent of white infants as compared with about 60 percent of Negro infants between 9 and 12 months were able to "pass" such tests as "pat-a-cake" muscular coordination, and ability to walk with help, to stand alone, and to walk alone. The highest scores for any group on the Bayley scales that I have found in my search of the literature were obtained by Negro infants in the poorest sections of Durham, North Carolina. The older siblings of these infants have an average IQ of about 80. The infants up to 6 months of age, however, have a Developmental Motor Quotient (DMQ) nearly one standard deviation above white norms and a Developmental IQ (i.e., the non-motor items of the Bayley scale) of about half a standard deviation above white norms (Durham Education Improvement Program, 1966–67, a, b).

The DMQ, as pointed out previously, correlates negatively in the white population with socioeconomic status and with later IQ. Since lower SES Negro and white school children are more alike in IQ than are upper SES children of the two groups (Wilson, 1967), one might expect greater DMQ differences in favor of Negro infants in high socioeconomic Negro and white samples than in low socioeconomic samples. This is just what Walters (1967) found. High SES Negro infants significantly exceeded whites in total score on the Gesell developmental schedules at 12 weeks of age, while low SES Negro and white infants did not differ significantly overall. (The only difference, on a single subscale, favored the white infants.)

It should also be noted that developmental quotients are usually depressed by adverse prenatal, perinatal, and postnatal complications such as lack of oxygen, prematurity, and nutritional deficiency.

Another relationship of interest is the finding that the negative correlation between DMQ and later IQ is higher in boys than in girls (Bayley, 1966, p. 127). Bronfenbrenner (1967, p. 912) cites evidence which shows that Negro boys perform relatively less well in school than Negro girls; the sex difference is much greater than is found in the white population. Bronfenbrenner (1967, p. 913) says, "It is noteworthy that these sex differences in achievement are observed among Southern as well as Northern Negroes, are present at every socioeconomic level, and tend to increase with age."

Physiological Indices. The behavioral precocity of Negro infants is also paralleled by certain physiological indices of development. For example, x-rays show that bone development, as indicated by the rate of ossification of cartilege, is more advanced in Negro as compared with white babies of about the same socioeconomic background, and Negro babies mature at a lower birth-weight than white babies (Naylor & Myrianthopoulos, 1967, p. 81).

It has also been noted that brain wave patterns in African newborn infants show greater maturity than is usually found in the European newborn child (Nilson & Dean, 1959). This finding especially merits further study, since there is evidence that brain waves have some relationship to IQ (Medical World News, 1968), and since at least one aspect of brain waves—the visually evoked potential—has a very significant genetic component, showing a heritability of about .80 (uncorrected for attenuation) (Dustman & Beck, 1965).

Magnitude of Adult Negro-White Differences. The largest sampling of Negro and white intelligence test scores resulted from the administration of the Armed Forces Qualification Test (AFQT) to a national sample of over 10 million men between the ages of 18 and 26. As of 1966, the overall failure rate for Negroes was 68 percent as compared with 19 percent for whites (*U.S. News and World Report,* 1966). (The failure cut-off score that yields these percentages is roughly equivalent to a Stanford-Binet IQ of 86.) Moynihan (1965) has estimated that during the same period in which the AFQT was administered to these large representative samples of Negro and white male youths, approximately one-half of Negro families could be considered as middle-class or above by the usual socioeconomic criteria. So even if we assumed that all of the lower 50 percent of Negroes on the SES scale failed the AFQT, it would still mean that at least 36 percent of the middle SES Negroes failed the test, a failure rate almost twice as high as that of the white population for all levels of SES.

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Do such findings raise any question as to the plausibility of theories that postulate exclusively environmental factors as sufficient causes for the observed differences?

WHY RAISE INTELLIGENCE?

If the intelligence of the whole population increased and our IQ tests were standardized anew, the mean IQ would again be made equal to 100, which, by definition, is the average for the population. Thus, in order to speak sensibly of raising intelligence we need an absolute frame of reference, and for simplicity's sake we will use the *present* distribution of IQ as our reference scale. Then it will not be meaningless to speak of the average IQ of the population shifting to values other than 100.

Would there be any real advantage to shifting the entire distribution of intelligence upward? One way to answer this question is to compare the educational attainments of children in different schools whose IQ distributions center around means of, say, 85, 100, and 115. As pointed out earlier, there is a relationship between educational attainments and the occupations that are open to individuals on leaving school. Perusal of the want-ads in any metropolitan newspaper reveals that there are extremely few jobs advertised which are suitable to the level of education and skills typically found below IQs of 85 or 90, while we see day after day in the want-ads hundreds of jobs which call for a level of education and skills typically found among school graduates with IQs above 110. These jobs go begging to be filled. The fact is, there are not nearly enough minimally qualified persons to fill them.

One may sensibly ask the question whether our collective national intelligence is adequate to meet the growing needs of our increasingly complex industrial society. In a bygone era, when the entire population's work consisted almost completely of gathering or producing food by primitive means, there was little need for a large number of persons with IQs much above 100. Few of the jobs that had to be done at that time required the kind of abstract intelligence and academic training which are now in such seemingly short supply in relation to the demand in our modern society. For many years the criterion for mental retardation was an IQ below 70. In recent years the National Association for Mental Retardation has raised the criterion to an IQ of 85, since an increasing proportion of persons of more than 1 standard deviation below the average in IQ are unable to get along occupationally in today's world. Persons with IQs of 85 or less are finding it increasingly difficult to get jobs, any jobs, because they are unprepared, for whatever reason, to do the jobs that need doing in this industrialized, technological economy. Unless drastic changes occur—in the population, in educational outcomes, or in the whole system of occupational training and selection—it is hard to see how we can avoid any increase in the rate of the so-called "hard-core" unemployed. It takes more knowledge and cleverness to operate, maintain, or repair a tractor than to till a field by hand, and it takes more skill to write computer programs than to operate an adding machine. And apparently the trend will continue.

It has been argued by Harry and Margaret Harlow that "human beings in our world today have no more, or little more, than the absolute minimal intellectual endowment necessary for achieving the civilization we know today" (Harlow & Harlow, 1962, p. 34). They depict where we would probably be if man's average genetic endowment for intelligence had never risen above the level corresponding to IQ 75: ". . . the geniuses would barely exceed our normal or average level; comparatively few would be equivalent in ability to our average high school graduates. There would be no individuals with the normal intellectual capacities essential for making major discoveries, and there could be no civilization as we know it."

It may well be true that the kind of ability we now call intelligence was needed in a certain percentage of the human population for our civilization to have arisen. But while a small minority—perhaps only one or two percent—of highly gifted individuals were needed to advance civilization, the vast majority were able to assimilate the consequences of these advances. It may take a Leibnitz or a Newton to invent the calculus, but almost any college student can learn it and use it.

Since intelligence (meaning *g*) is not the whole of human abilities, there may be some fallacy and some danger in making it the *sine qua non* of fitness to play a productive role in modern society. We should not assume certain ability requirements for a job without establishing these requirements as a fact. How often do employment tests, Civil Service examinations, the requirement of a high school diploma, and the like, constitute hurdles that are irrelevant to actual performance on the job for which they are intended as a screening device? Before going overboard in deploring the fact that disadvantaged minority groups fail to clear many of the hurdles that are set up for certain jobs, we should determine whether the educational and mental test barriers that stand at the entrance to many of these employment opportunities are actually relevant. They may be relevant only in the correlational sense that the test predicts success on the job, in which case we should also know whether the test measures the ability actually required on the job or measures only characteristics that happen to be correlated with some third factor which is really essential for job performance. Changing people in terms of the really essential requirements of a given job may be much more feasible than trying to increase their abstract intelligence or level of performance in academic subjects so that they can pass irrelevant tests.

IQ gains from environmental improvement

As was pointed out earlier, since the environment acts as a threshold variable with respect to IQ, an overall increase in IQ in a population in which a great majority are above the threshold, such that most of the IQ variance is due to heredity, could not be expected to be very large if it had to depend solely upon improving the environment of the economically disadvantaged. This is not to say that such improvement is not to be desired for its own sake or that it would not boost the educational potential of many disadvantaged children. An unrealistically high upper limit of what one could expect can be estimated from figures given by Schwebel (1968, p. 210). He estimates that 26 percent of the children in the population can be called environmentally deprived. He estimates the frequencies of their IQs in each portion of the IQ scale; their distribution is skewed, with higher frequencies in the lower IQ categories and an overall mean IQ of 90. Next, he assumes we could add 20 points to each deprived child's IQ by giving him an abundant environment. (The figure of 20 IQ points comes from Bloom's [1964, p. 89] estimate that the effect of extreme environments on intelligence is about 20 IQ points.) The net effect of this 20-point boost in the IQ of every deprived child would be an increase in the population's IQ from 100 to 105. But this seems to be an unrealistic fantasy. For if it were true that the IQs of the deprived group could be raised 20 points by a good environment, and if Schwebel's estimate of 26 percent correctly represents the incidence of deprivation, then the deprived children would be boosted to an average IQ of 110, which is 7 points higher than the mean of 103 for the non-deprived population! There is no reason to believe that the IQs of deprived children, given an environment of abundance, would rise to a higher level than the already privileged children's IQs. The overall boost in the population IQ would probably be more like 1 or 2 IQ points rather than 5. (Another anomaly of Schwebel's "analysis" is that after a 20-point IQ boost is granted to the deprived segment of the population, the only persons left in the mentally retarded range are the non-deprived, with 7 percent of them below IQ 80 as compared with zero percent of the deprived!)

Fewer persons, however, are seriously concerned about whether or not we could appreciably boost the IQ of the population as a whole. A more feasible and urgent goal is to foster the educational and occupational potential of the disadvantaged segment of the population. The pursuit of this aim, of course, must involve advances not only in education, but in public health, in social services, and in welfare and employment practices. In considering all feasible measures, one must also take inventory of forces that may be working against the accomplishment of amelioration. We should not overlook the fact that social and economic conditions not only have direct environmental effects, but indirectly can have biological consequences as well, consequences that could oppose attempts to improve the chances of the disadvantaged to assume productive roles in society.

Possible dysgenic trends

In one large midwestern city it was found that one-third of all the children in classes for the mentally retarded (IQ less than 75) came from one small area of the city comprising only five percent of the city's population (Heber, 1968). A representative sample of 88 mothers having at least one school-age child in this neighborhood showed an average of 7.6 children per mother. In families of 8 or more, nearly half the children over 12 years of age had IQs below 75 (Heber, Dener, & Conry, 1968). The authors note that not all low SES families contributed equally to the rate of mental retardation in this area; certain specifiable families had a greatly disproportionate number of retarded children. Mothers with IQs below 80, for example, accounted for over 80 percent of the children with IQs under 80. Completely aside from the hereditary implications,what does this mean in view of studies of foster children which show that the single most important factor in the child's *environment* with respect to his intellectual development is his foster mother's IQ? This variable has been shown to make the largest *independent* contribution to variance in children's IQs of any environmental factor (Burks, 1928). If the children in the neighborhoods studied by Heber, which are typical of the situation in many of our large cities, have the great disadvantage of deprived environments, is it inappropriate to ask the same question that Florence Goodenough (1940, p. 329) posed regarding causal factors in retarded Tennessee mountain children: "*Why* are they so deprived?" When a substantial proportion of the children in a community suffer a deplorable environment, one of the questions we need to answer is who creates their environment? Does not the genetic × environment interaction work both ways, the genotype to some extent making its own environment and that of its progeny?

In reviewing evidence from foster home studies on environmental amelioration of IQs below 75 (the range often designated as indicating cultural-familial retardation) Heber, Dever, and Conry (1968, p. 17) state: "The conclusion that changes in the living environment can cause very large increments in IQ *for the cultural-familial retardate* is not warranted by these data."

What is probably the largest study ever made of familial influences in mental re-

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tardation (defined in this study as IQ less than 70) involved investigation of more than 80,000 relatives of a group of mentally retarded persons by the Dight Institute of Genetics, University of Minnesota (Reed & Reed, 1965). From this large-scale study, Sheldon and Elizabeth Reed estimated that about 80 percent of mentally retarded (IQ less than 70) persons in the United States have a retarded parent or a normal parent who has a retarded sibling. The Reeds state: "One inescapable conclusion is that the transmission of mental retardation from parent to child is by far the most important *single* factor in the persistence of this social misfortune" (p. 48). "The transmission of mental retardation from one generation to the next, should, therefore, receive much more critical attention than it has in the past. It seems fair to state that this problem has been largely ignored on the assumption that if our social agencies function better, that if everyone's environment were improved sufficiently, then mental retardation would cease to be a major problem" (p. 77).

An interesting sidelight of the Reeds' study is the finding that in a number of families in which one or both parents had IQs below 70 and in which the environment they provided their children was deplorably deprived, there were a few children of average and superior IQ (as high as 130 or above) and superior scholastic performance. From a genetic standpoint the occurrence of such children would be expected. It is surprising from a strictly environmental standpoint. But, even though some proportion of the children of retarded parents are obviously intellectually well endowed, who would wish upon them the kind of environment typically provided by retarded parents? An investigation conducted in Denmark concluded that ". . . it is a very severe physical trauma for a normallly gifted child to grow up in a home where the mother is mentally deficient" (Jepsen & Bredmose, 1956, p. 209). Have we thought sufficiently of the rights of children—of their right to be born with fair odds against being mentally retarded, not to have a retarded parent, and with fair odds in favor of having the genetic endowment needed to compete on equal terms with the majority of persons in society? Can we reasonably and humanely oppose such rights of millions of children as yet not born?

Is Our National IQ Declining? It has long been known that there is a substantial negative correlation (averaging about −.30 in various studies) between intelligence and family size and between social class and family size (Anastasi, 1956). Children with many siblings, on the average, have lower IQs than children in small families, and the trend is especially marked for families of more than five (Gottesman, 1968). This fact once caused concern in the United States, and even more so in Britain, because of its apparent implication of a declining IQ in the population. If more children are born to persons in the lower half of the intelligence distribution, one would correctly predict a decline in the average IQ of the population. In a number of large-scale studies addressed to the issue in Britain and the United States some 20 years ago, no evidence was found for a general decline in IQ (Duncan, 1952). The paradox of the apparent failure of the genetic prediction to be manifested was resolved to the satisfaction of most geneticists by three now famous studies, one by Higgins, Reed, and Reed (1962), the others by Bajema (1963, 1966). All previous analyses had been based on IQ comparisons of children having different numbers of siblings, and this was their weakness. The data needed to answer the question properly consist of the average number of children born to *all* individuals at every level of IQ. It was found in the three studies that if persons with very low IQs married and had children, they typically had a large number of children. *But*—it was also found that relatively few persons in the lower tail of the IQ distribution ever married or produced children, and so their reproduction rate is more than counterbalanced by persons at the upper end of the IQ scale, nearly all of whom marry and have children. The data of these studies are shown in Figure 15.

In my opinion these studies are far from adequate to settle this issue and thus do not justify complacency. They cannot be generalized much beyond the particular generation which the data represent or to other than the white population on which these studies were based. The population sampled by Bajema (1963, 1966), for example, consisted of native-born American whites, predominantly Protestant, with above-average educational attainments, living all or most of their lives in an urban environment, and having most of their children before World War II. Results from a study of this population cannot be confidently generalized to other, quite dissimilar segments of our national population. The relationship between reproductive rate and IQ found by Bajema and by Higgins et al. may very well not prevail in every population group. Thus the evidence to date has not nullified the question of whether dysgenic trends are operating in some sectors.

If this conclusion is not unwarranted, then our lack of highly relevant information on this issue with respect to our Negro population is deplorable, and no one should be more concerned about it than the Negro community itself. Certain census statistics suggest that there might be forces at work which could create and widen the genetic aspect of the average difference in ability between the Negro and white populations in the United States, with the possible consequence that the improvement of educational facilities and increasing equality of opportunity will have a *decreasing* probability of producing equal achievement or continuing gains in the Negro population's ability to compete on equal terms. The relevant statistics have been presented by Moynihan (1966). The differential birthrate, as a function of socioeconomic status, is greater in the Negro than in the white population. The data showing this relationship for one representative age group from the U.S. Census of 1960 are presented in Figure 16.

Negro middle- and upper-class families have fewer children than their white counterparts, while Negro lower-class families have more. In 1960, Negro women of ages 35 to 44 married to unskilled laborers had 4.7 children as compared with 3.8 for non-Negro women in the same situation. Negro women married to professional or technical workers had only 1.9 children as compared with 2.4 for white women in the same circumstances. Negro women with annual incomes below $2000 averaged 5.3 children. The poverty rate for families with 5 or 6 children is 3½ times as high as that for families with one or two children (Hill & Jaffe, 1966). That these figures have some relationship to intellectual ability is seen in the fact that 3 out of 4 Negroes failing the Armed Forces Qualification Test come from families of four or more children.

Another factor to be considered is average generation time, defined as the number of years it takes for the parent generation to reproduce its own number. This period is significantly less in the Negro than in the white population. Also, as noted in the study of Bajema (1966), generation length is inversely related to educational attainment and occupational status; therefore a group with shorter generation length is more likely subject to a possible dysgenic effect.

Much more thought and research should be given to the educational and social implications of these trends for the future. Is there a danger that current welfare policies, unaided by eugenic foresight, could lead to the genetic enslavement of a substantial segment of our population? The possible consequences of our failure seriously to study these questions may well be viewed by future generations as our society's greatest injustice to Negro Americans.

INTENSIVE EDUCATIONAL INTERVENTION

We began with mention of several of the major compensatory education programs and their general lack of success in boosting the scholastic performance of disadvantaged children. It has been claimed that such mammoth programs have not been adequately pinpointed to meeting specific, fine-grained cultural and cognitive needs of these children and therefore should not be expected to produce the gains that could result from more intensive and more carefully focused programs in which maximum cultural enrichment and instructional ingenuity are lavished on a small group of children by a team of experts. The scanty evidence available seems to bear this out. While massive compensatory programs have produced no appreciable gains in intelligence or achievement (as noted on pp. 2–3), the majority of small-scale experiments in boosting the IQ and educational performance of disadvantaged children have produced significant gains. It is interesting that the magnitude of claimed gains generally decreases as one proceeds from reports in the popular press, to informal verbal reports heard on visits at research sites and in private correspondence, to papers read at meetings, to published papers without presentation of supporting data, and to published papers with supporting data. I will confine my review to some of the major studies in the last category.

First, some general observations.

Magnitude of Gains. The magnitude of IQ and scholastic achievement gains resulting from enrichment and cognitive stimulation programs authentically range between about 5 and 20 points for IQs, and between about one-half to two standard deviations for specific achievement measures (readings, arithmetic, spelling, etc.). Heber (1968) reviewed 29 intensive preschool programs for disadvantaged children and found they resulted in an average gain in IQ (at the time of children's leaving the preschool program) of between 5 and 10 points; the average gain was about the same for children whose initial IQs were below 90 as for those of 90 and above.

The amount of gain is related to several factors. The intensity and specificity of the instructional aspects of the program seem to make a difference. Ordinary nursery school attendance, with a rather diffuse enrichment program but with little effort directed at development of specific cognitive skills, generally results in a gain of 5 or 6 IQ points in typical disadvantaged preschoolers. If special cognitive training, especially in verbal skills, is added to the program, the average gain is about 10 points—slightly more or less depending on the amount of verbal content in the tests. Average gains rarely go above this, but when the program is extended beyond the classroom into the child's home, and there is intensive instruction in specific skills under short but highly attention-demanding daily sessions, as in the Bereiter-Engelmann program (1966), about a third of the children have shown gains of as much as 20 points.

Average gains of more than 10 or 15 points have not been obtained on any sizeable groups or been shown to persist or to be replicable in similar groups, although there have been claims that average gains of 20 or more points can be achieved by removing certain cultural and attitudinal barriers to learning. The actual evidence, however, warrants the caution expressed by Bereiter and Engelmann (1966, p. 7): "'Miracle cures' of this kind are sometimes claimed to work with disadvantaged children, as when a child is found to gain 20 points or so in IQ after

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a few months of preschool experience. Such enormous gains, however, are highly suspect to anyone who is familiar with mental measurements. It is a fair guess that the child could have done as well on the first test except that he misinterpreted the situation, was frightened or agitated, or was not used to responding to instructions. Where genuine learning is concerned, enormous leaps simply do not occur, and leaps of any kind do not occur without sufficient cause."

The initial IQ on entering also has some effect, and this fact may be obscured if various studies are coarsely grouped. Bereiter and Engelmann (1966, p. 16), in analyzing results from eight different preschools for culturally disadvantaged children that followed traditional nursery school methods, concluded that the children's average gain in IQ is *half* the way from their initial IQ level to the normal level of 100. This rule was never more than 2 points in error for the studies reviewed. This same amount of IQ gain is generally noted in disadvantaged children during their first year in regular kindergarten (Brison, 1967, p. 8).

I have found no evidence of comparable gains in non-disadvantaged children. Probably the exceedingly meager gains in some apparently excellent preschool programs for the "disadvantaged" are attributable to the fact that the children in them did not come from a sufficiently deprived home background. Such can be the case when the children are admitted to the program on the basis of "self-selection" by their parents. Parents who seek out a nursery school or volunteer their children for an experimental preschool are more apt to have provided their children with a somewhat better environment than would be typical for a randomly selected group of disadvantaged children. This seems to have been the case in Martin Deutsch's intensive preschool enrichment program at the Institute of Developmental Studies in New York (Powledge, 1967). Both the experimental group (E) and the self-selected control groups (C_{ss}) were made up of Negro children from a poor neighborhood in New York City whose parents applied for their admission to the program. The E group received intensive educational attention in what is overall the most comprehensive and elaborate enrichment program I know of. The C_{ss} group, of course, received no enriched education. The initial average Stanford-Binet IQs of the E and C_{ss} groups were 93.32 and 94.69, respectively. After two years in the enrichment program, the E group had a mean IQ of 95.53 and the C_{ss} group had 96.52. Both pre- and post-test differences are nonsignificant. The enrichment program continued for a third year through the first grade. For the children in the E group who had had three years of enrichment, there was a significant gain over the C group of 8 months in reading achievement by the end of first grade, a score above national norms. This result is in keeping with the general finding that enrichment shows a greater effect on scholastic achievement than on IQ per se.

Many studies have employed no control group selected on exactly the same basis as the experimental group. This makes it virtually impossible to evaluate the effect of the treatment on pre-test—post-test gain, and the problem is made more acute by the fact that enrichment studies often pick their subjects on the basis of their being below the average IQ of the population of disadvantaged children from which they are selected. This makes statistical regression a certainty—the group's mean will increase by an appreciable amount because of the imperfect correlation between test-retest scores over, say, a one-year interval. Since this correlation is known to be considerably lower in younger than in older children, there will be considerably greater "gain" due to regression for younger groups of children. The net results of selecting especially backward children on the basis of IQ is that a gain in IQ can be predicted which is not at all attributable to the educational treatment given to the children. Studies using control groups nearly always show this gain in the control group, and only by subtracting the control group's gain from the experimental group's gain can we evaluate the magnitude of the treatment effect. Only the gain over and above that attributable to regression really counts.

Still another factor is involved in the inverse relationship generally found between children's age and the size of IQ gains in an enrichment program. Each single item gotten right in a test like the Stanford-Binet adds increasingly smaller increments to the IQ as children get older. Each Stanford-Binet test item, for example, is worth two months of mental age. At four years of age getting just two additional items right will boost an IQ at 85 up to 93. The same absolute amount of improvement in test performance at 10 years of age would boost an IQ of 85 up to only 88. The typical range of gains found in preschool enrichment programs, in the age range of 4 to 6, are about what would be expected from passing an additional two to four items in the Stanford-Binet. This amount of gain should not be surprising on a test which, for this age range, consists of items rather similar to the materials and activities traditionally found in nursery schools—blocks, animal pictures, puzzles, bead stringing, copying drawings, and the like. I once visited an experimental preschool using the Stanford-Binet to assess pre-test—post-test gains, in which some of the Stanford-Binet test materials were openly accessible to the children throughout their time in the school as part of the enrichment paraphernalia. Years ago Reymert and Hinton (1940) noted this "easy gain" in the IQs of culturally disadvantaged preschoolers on tests depending on specific information such as being able to name parts of the body and knowing names of familiar objects. Children who have not picked up this information at home get it quickly in nursery school and kindergarten.

In addition to these factors, something else operates to boost scores of five to ten points from first to second test, provided the first test is really the first. When I worked in a psychological clinic, I had to give individual intelligence tests to a variety of children, a good many of whom came from an impoverished background. Usually I felt these children were really brighter than their IQ would indicate. They often appeared inhibited in their responsiveness in the testing situation on their first visit to my office, and when this was the case I usually had them come in on two to four different days for half-hour sessions with me in a "play therapy" room, in which we did nothing more than get better acquainted by playing ball, using finger paints, drawing on the blackboard, making things out of clay, and so forth. As soon as the child seemed to be completely at home in this setting, I would retest him on a parallel form of the Stanford-Binet. A boost in IQ of 18 to 10 points or so was the rule; it rarely failed but neither was the gain very often much above this. So I am inclined to doubt that IQ gains up to this amount in young disadvantaged children have much of anything to do with changes in ability. They are largely a result simply of getting a more accurate IQ by testing under more optimal conditions. Part of creating more optimal conditions in the case of disadvantaged children consists of giving at least two tests, the first only for practice and for letting the child get to know the examiner. I would put very little confidence in a single test score, especially if it is the child's first test and more especially if the child is from a poor background and of a different race from the examiner. But I also believe it is possible to obtain accurate assessments of a child's ability, and I would urge that attempts to evaluate preschool enrichment programs measure the gains against initially valid scores. If there is not evidence that this precaution has been taken, and if there is no control group, one might as well subtract at least 5 points from the gain scores as having little or nothing to do with real intellectual growth.

It is interesting that the IQ gains typically found in enrichment programs are of about the same magnitude and durability as those found in studies of the effects of direct coaching and practice on intelligence tests. The average IQ gain in such studies is about nine or ten points (Vernon, 1954).

What Is Really Changed When We Boost IQ? Test scores may increase after special educational treatment, but one must then ask which components of test variance account for the gain. Is it *g* that gains, or is it something less central to our concept of intelligence? We will not know for sure until someone does a factor analysis of pre- and post-test scores, including a number of "reference" tests that were not a part of the pre-test battery. We should also factor analyze the tests at the item level, to see which types of test items reflect the most gain. Are they the items with the highest cultural loadings? It is worth noting that the studies showing authentic gains used tests which are relatively high in cultural loading. I have found no studies that demonstrated gains in relatively noncultural or nonverbal tests like Cattell's Culture Fair Tests and Raven's Progressive Matrices.

Furthermore, if gain consists of actual improvement in cognitive skills rather than of acquisition of simple information, it must be asked whether the gain in skill represents the intellectual skill that the test normally measures, and which, because of the test's high heritability, presumably reflects some important, biologically based aspect of mental development. Let me cite one example. In a well-known experiment Gates and Taylor (1925) gave young children daily practice over several months in repeating auditory digit series, just like the digit span subtests in the Wechsler and Stanford-Binet. The practice resulted in a marked gain in the children's digit span, equivalent to an IQ gain of about 20 points. But when the children were retested after an interval of six months without practicing digit recall, their digit performance was precisely at the level expected for their mental age as determined by other tests. The gains had been lost, and the digit test once again accurately reflected the children's overall level of mental development, as it did before the practice period. The well-known later "fading" of IQ gains acquired early in enrichment program may be a similar phenomenon.

But there is another phenomenon that probably is even more important as one of the factors working against the persistence of initial gains. This is the so-called "cumulative deficit" phenomenon, the fact that many children called disadvantaged show a decline in IQ from preschool age through at least elementary school. The term "cumulative deficit" may not be inappropriate in its connotations with respect to scholastic attainment, but it is probably a misleading misnomer when applied to the normal negatively accelerated growth rate of developmental characteristics such as intelligence. The same phenomenon can be seen in growth curves of stature, but no one would refer to the fact that some children gain height at a slower rate and level off at a lower asymptote as a "cumulative deficit." In short, it seems likely that some of the loss in initial gains is due to the more negatively accelerated growth curve for intelligence in disadvantaged children and is not necessarily due to waning or discontinuance of the instructional effort. The effort required to boost IQ

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from 80 to 90 at 4 or 5 years of age is minuscule compared to the effort that would be required by age 9 or 10. "Gains" for experimental children in this range, in fact, take the form of superiority over a control group which has declined in IQ; the "enriched" group is simply prevented from falling behind, so there is no absolute gain in IQ, but only an advantage relative to a declining control group. Because of the apparently ephemeral nature of the initial gains seen in preschool programs, judgments of these programs' effectiveness in making a significant impact on intellectual development should be based on long range results.

A further step in proving the effectiveness of a particular program is to demonstrate that it can be applied with comparable success by other individuals in other schools, and, if it is to be practicable on a large scale, to determine if it works in the hands of somewhat less inspired and less dedicated practitioners than the few who originated it or first put it into practice on a small scale. As an example of what can happen when a small-scale project gets translated to a large-scale one, we can note Kenneth B. Clark's (1963, p. 160) enthusiastic and optimistic description of a "total push" intensive compensatory program which originated in one school serving disadvantaged children in New York City, with initially encouraging results. Clark said, "These positive results can be duplicated in every school of this type." In fact, it was tried in 40 other New York schools, and became known as the Higher Horizons program. After three years of the program the children in it showed no gains whatever and even averaged slightly lower in achievement and IQ than similar children in ordinary schools (U.S. Commission on Civil Rights, 1967, p. 125).

Finally, little is known about the range of IQ most likely to show genuine gains under enrichment. None of the data I have seen in this area permits any clear judgment on this matter. It would be unwarranted to assume at this time that special educational programs push the whole IQ distribution up the scale, so that, for example, they would yield a higher percentage of children with IQs higher than two standard deviations above the mean. After a "total push" program, IQs, if they change at all, may no longer be normally distributed, so that the gains would not much affect the frequencies at the tails of the distribution. We simply do not know the answer to this at present, since the relevant data are lacking.

Hothouse or Fertilizer? There seems to be little doubt that a deprived environment can stunt intellectual development and that immersion in a good environment in early childhood can largely overcome the effects of deprivation, permitting the individual's genetic potential to be reflected in his performance. But can special enrichment and instructional procedures go beyond the prevention or amelioration of stunting? As Vandenberg (1968, p. 49) has asked, does enrichment act in a manner similar to a *hothouse,* forcing an early bloom which is nevertheless no different from a normal bloom, or does it act more like a *fertilizer,* producing bigger and better yields? There can be little question about the hothouse aspect of early stimulation and instruction. Within limits, children can learn many things at an earlier age than that at which they are normally taught in school. This is especially true of forms of associative learning which are mainly a function of time spent in the learning activity rather than of the development of more complex cognitive structures. While most children, for example, do not learn the alphabet until 5 or 6 years of age, they are fully capable of doing so at about 3, but it simply requires more time spent in learning. The cognitive structures involved are relatively simple as compared with, say, learning to copy a triangle or a diamond. Teaching a 3-year-old to copy a diamond is practically impossible; at five it is extremely difficult; at seven the child apparently needs no "teaching"—he copies the diamond easily. And the child of five who has been *taught* to copy the diamond seems to have learned something different from what the seven-year-old "knows" who can do it without being "taught." Though the final performance of the five-year-old and the seven-year-old may *look* alike, we know that the cognitive structures underlying their performance are different. Certain basic skills can be acquired either associatively by rote learning or cognitively by conceptual learning, and what superficially may appear to be the same performance may be acquired in preschoolers at an associative level, while at the conceptual level in older children. Both the four-year-old and the six-year-old may know that 2+2=4, but this knowledge can be associative or cognitive. Insufficient attention has been given in preschool programs so far to the shift from associative to cognitive learning. The preschooler's capacity for associative learning is already quite well developed, but his cognitive or conceptual capacities are as yet rudimentary and will undergo their period of most rapid change between about five and seven years of age (White, 1965). We need to know more about what children can learn before age five that will transfer positively to later learning. Does learning something on an associative level facilitate or hinder learning the same content on a conceptual level?

While some preschool and compensatory programs have demonstrated earlier that normal learning of certain skills, the evidence for accelerating cognitive development or the speed of learning its practically nil. But usually this distinction is not made between sheer performance and the nature of the cognitive structures which support the gains in performance, and so the research leaves the issue in doubt. The answer to such questions is to be found in the study of the kinds and amount of transfer that result from some specific learning. The capacity for transfer of training is one of the essential aspects of what we mean by intelligence. The IQ gains reported in enrichment studies appear to be gains more in what Cattell calls "crystallized," in contrast to "fluid," intelligence. This is not to say that gains of this type are not highly worthwhile. But having a clearer conception of just what the gains consist of will give us a better idea of how they can be most effectively followed up and of what can be expected of their effects on later learning and achievement.

Specific Programs. Hodges and Spicker (1967) have summarized a number of the more substantial preschool intervention studies designed to improve the intellectual capabilities and scholastic success of disadvantaged children. Here are some typical examples.

The *Indian Project* focused on deprived Appalachian white children five years of age, with IQs in the range of 50 to 85. The children spent one year in a special kindergarten with a structured program designed to remedy specific diagnosed deficiencies of individual children in the areas of language development, fine motor coordination, concept formation, and socialization. Evaluation extended over two years, and gains were measured against three control groups: regular kindergarten, children who stayed at home during the kindergarten year, and children at home in another similar community. The average gain (measured against all three controls) after two years was 10.8 IQ points on the Stanford-Binet (final IQ 97.4) and 4.0 IQ on the Peabody Picture Vocabulary Test (final IQ 90.4).

The *Perry Preschool Project* at Ypsilanti, Michigan, also was directed at disadvantaged preschool children with IQs between 50 and 85. The program was aimed at remedying lacks largely in the verbal prerequisites for first-grade learning and involved the parents as well as the children. There was a significant gain of 8.9 IQ points in the Stanford-Binet after one year of the preschool, but by the end of second grade the experimental group exceeded the controls, who had had no preschool attendance, by only 1.6 IQ points, a nonsignificant gain.

The *Early Training Project* under the direction of Gray and Klaus at Peabody College is described as a multiple intervention program, meaning that it included not only preschool enrichment but work with the disadvantaged children's mothers to increase their ability to stimulate their child's cognitive development at home. Two experimental groups, with two and three summers of preschool enrichment experience in a special school plus home visits by the training staff, experienced an average gain, four years after the start of the program, of 7.2 IQ points over a control group on the Stanford-Binet (final IQ of *E* group was 93.6).

The *Durham Education Improvement Program* (1966–1967b) has focused on preschool children from impoverished homes. The basic assumption of the program is stated as follows: "First, Durham's disadvantaged youngsters are considered normal at birth and potentialy normal academic achievers, though they are frequently subjected to conditions jeopardizing their physical and emotional health. It is further assumed that they adapt to their environment according to the same laws of learning which apply to all children." The program is one of the most comprehensive and intensive efforts yet made to improve the educability of children from backgrounds of poverty. The IQ gains over about an eight to nine months' interval for various groups of preschoolers in the program are raw pre-post test gains, not gains over a control group. The average IQ gains on three differents tests were 5.32 (Peabody Picture Vocabulary), 2.62 (Stanford-Binet), and 9.27 (Wechsler Intelligence Scale for children). In most cases, IQs changed from the 80s to the 90s.

The well-known Bereiter-Engelmann (1966) program at the University of Illinois is probably the most sharply focused of all. It aims not at all-round enrichment of the child's experience but at teaching specific cognitive skills, particularly of a logical, semantic nature (as contrasted with more diffuse "verbal stimulation"). The emphasis is on information processing skills considered essential for school learning. The Bereiter-Engelmann preschool is said to be academically oriented, since each day throughout the school year the children receive twenty-minute periods of intensive instruction in three major content areas—language, reading, and arithmetic. The instruction, in small groups, explicitly involves maintaining a high level of attention, motivation, and participation from every child. Overt and emphatic repetition by the children are important ingredients of the instructional process. The pre-post gains (not measured against a control group) in Stanford-Binet IQ over an eighteen months' period are about 8 to 10 points. Larger gains are shown in tests that have clearly identifiable content which can reflect the areas receiving specific instruction, such as the Illinois Test of Psycholinguistic Abilities and tests of reading and arithmetic (Bereiter & Engelmann, 1968). The authors note that the gains are shared about equally by all children.

Bereiter and Engelmann, correctly, I believe, put less stock in the IQ gains than in the gains in scholastic performance achieved by the children in their program. They comment that the children's IQs were still remarkably low for children who performed at the academic level actually attained in the program. Their scholastic performance was commensurate with that of children 10 to 20 points higher in IQ. Such is the advantage of highly focused training—it can significantly boost the basic skills that count most. Bereiter and Engelmann (1966, p. 54) comment, ". . . to have taught children in a two-hour period per day enough over a broad area to bring the average IQ up to 110 or 120 would have been an impossibility." An important point of the Bereiter-Engelmann program is that it shows that scholastic performance—the acquisition of the basic skills—can be boosted much more, at least in the early years, than can the IQ, and that highly concentrated, direct instruction is more effective than more diffuse cultural enrichment.

The largest IQ gains I have seen and for which I was also able to examine the data and statistical analyses were reported by Karnes (1968), whose preschool program at the University of Illinois is based on an intensive attempt to ameliorate specific learning deficits in disadvantaged three-year-old children. Between the average age of 3 years 3 months and 4 years 1 month, children in the program showed a gain of 16.9 points in the Stanford-Binet IQ, while a control group showed a loss of 2.8 over the same period, making for a net gain of 19.7 IQ points for the experimental group. Despite rather small samples (E = 15, C = 14), this gain is highly significant statistically (a probability of less than 1 in 1000 of occurring by chance). Even so, I believe such findings need to be replicated for proper evalution, and the durability of the gains needs to be assessed by follow-up studies over several years. There remains the question of the extent to which specific learning at age three affects cognitive structures which normally do not emerge until six or seven years of age and whether induced gains at an early level of mental development show appreciable "transfer" to later stages. It is hoped that investigators can keep sufficient track of children in preschool programs to permit a later follow-up which could answer these questions. An initial small sample size mitigates against this possibility, and so proper research programs should be planned accordingly.

"Expectancy Gain." Do disadvantaged children perform relatively poorly on intelligence tests because their teachers have low expectations for their ability? This belief has gained popular currency through an experiment by Rosenthal and Jacobson (1968). Their notion is that the teacher's expectations for the child's performance act as a self-fulfilling prophecy. Consequently, according to this hypothesis, one way to boost these children's intelligence, and presumably their general scholastic performance as well, is to cause teachers to hold out higher expectations of these children's ability. To test this idea, Rosenthal and Jacobson picked about five children at random from each of the classes in an elementary school and then informed the classroom teachers that, according to test results, the selected children were expected to show unusual intellectual gains in the coming year. Since the "high expectancy" children in each class were actually selected at random, the only way they differed from their classmates was presumably in the minds of their teachers. Group IQ tests administered by the teachers on three occasions during the school year showed a significantly larger gain in the "high expectancy" children than in their classmates. Both groups gained in IQ by amounts that are typically found as a result of direct coaching or of "total push" educational programs. Yet the authors note that "Nothing was done directly for the disadvantaged child at Oak School. There was no crash program to improve his reading ability, no special lesson plans, no extra time for tutoring, no trips to museums or art galleries. There was only the belief that the children bore watching, that they had intellectual competencies that would in due course be revealed" (p. 181). The net total IQ gain (i.e., Expectancy group minus Control group) for all grades was 3.8 points. Net gain in verbal IQ was 2.1; for Reasoning (nonverbal) IQ the gain was 7.2. Differences were largest in grades 1 and 2 and became negligible in higher grades. The statistical significance of the gains is open to question and permits no clear-cut conclusion. (The estimation of the error variance is at issue; the investigators emphasized the individual pupil's scores as the unit of analysis rather than the means of the E and C groups for each classroom at the unit. The latter procedure, which is regarded as more rigorous by many statisticians, yields statistically negligible results.)

Because of the questionable statistical significance of the results of this study, there may actually be no phenomenon that needs to be explained. Other questionable aspects of the conduct of the experiment make it mandatory that its results be replicated under better conditions before any conclusions from the study be taken seriously or used as a basis for educational policy. For example, the same form of the group-administered IQ test was used for each testing, so that specific practice gains were maximized. The teachers themselves administered the tests, which is a faux pas par excellence in research of this type. The dependability of teacher-administered group tests leaves much to be desired. Would any gains beyond those normally expected from general test familiarity have been found if the children's IQs had been accurately measured in the first place by individual tests administered by qualified psychometrists without knowledge of the purpose of the experiment? These are some of the conditions under which such an experiment must be conducted if it is to inspire any confidence in its results.

Conclusions About IQ Gains. The evidence so far suggests the tentative conclusion that the pay-off of preschool and compensatory programs in terms of IQ gains is small. Greater gains are possible in scholastic performance when instructional techniques are intensive and highly focused, as in the Bereiter-Engelmann program. Educators would probably do better to concern themselves with teaching basic skills directly than with attempting to boost overall cognitive development. By the same token, they should deemphasize IQ tests as a means of assessing gains, and use mainly direct tests of the skills the instructional program is intended to inculcate. The techniques for raising intelligence per se, in the sense of *g*, probably lie more in the province of the biological sciences than in psychology and education.

Gordon and Wilkerson (1966, pp. 158–159) have made what seems to me perhaps the wisest statement I have encountered regarding the proper aims of intervention programs:

". . . the unexpressed purpose of most compensatory programs is to make disadvantaged children as much as possible like the kinds of children with whom the school has been successful, and our standards of educational success is how well they approximate middle-class children in school performance. It is not at all clear that the concept of compensatory education is the one which will most appropriately meet the problems of the disadvantaged. These children are *not* middle-class children, many of them never *will* be, and they can never be anything but second-rate as long as they are thought of as potentially middle-class children. . . . At best they are different, and an approach which views this difference merely as something to be overcome is probably doomed to failure."

"LEARNING QUOTIENT" VERSUS INTELLIGENCE QUOTIENT

If many of the children called culturally disadvantaged are indeed "different" in ways that have educational implications, we must learn as much as possible about the real nature of these differences. To what extent do the differences consist of more than just the well-known differences in IQ and scholastic ahcievements, and, of course, the obvious differences in cultural advantages in the home?

Evidence is now emerging that there are stable ethnic differences in *patterns* of ability and that these patterns are invariant across wide socioeconomic differences (Lesser, Fifer & Clark, 1965; Stodolsky & Lesser, 1967). Middle-class and lower-class groups differed about one standard deviation on all four abilities (Verbal, Reasoning, Number, Space) measured by Lesser and his co-workers, but the profile or pattern of scores was distinctively different for Chinese, Jewish, Negro, and Puerto Rican children, regardless of their social class. Such differences in patterns of ability are bound to interact with school instruction. The important question is how many other abilities there are that are not tapped by conventional tests for which there exist individual and group differences that interact with methods of instruction.

Through our research in Berkeley we are beginning to perceive what seems to be a very significant set of relationships with respect to patterns of ability which, unlike those of Lesser et al., seem to interact more with social class than with ethnic background.

In brief, we are finding that a unidimensional concept of intelligence is quite inadequate as a basis for understanding social class differences in ability. For example, the magnitude of test score differences between lower- and middle-class children does not always correspond to the apparent "cultural loading" of the test. Some of the least culturally loaded tests show the largest differences between lower- and middle-class children. At least two dimensions must be postulated to comprehend the SES differences reported in the literature and found in our laboratory (see Jensen, 1968c, 1968d). These two dimensions and the hypothetical location of various test loadings on each dimension are shown in Figure 17. The horizontal axis represents the degree of cultural loading of the test. It is defined by the test's heritability. I have argued elsewhere (Jensen, 1968c) that the heritability index for a test is probably our best objective criterion of its culture-fairness. Just because tests do not stand at one or the other extreme of this continuum does not mean that the concept of culture-fairness is not useful in discussing psychological tests. The vertical axis in Figure 17 represents a continuum ranging from "simple" associative learning to complex cognitive or conceptual learning. I have hypothesized two genotypically distinct basic processes underlying this continuum, labeled Level I (associative ability) and Level II (conceptual ability). Level I involves the neural registration and consolidation of stimulus inputs and the formation of associations. There is relatively little transformation of the input, so there is a high correspondence between the forms of the stimulus input and the form of the response output. Level I ability is tapped mostly by tests such as digit memory, serial rote learning, selective trial-and-error learning with reinforcement (feedback) for correct responses, and in slightly less "pure" form by free recall of visually or verbally presented materials, and paired-associate learning. Level II abilities, on the other hand, involve self-initiated elaboration and transformation of the stimulus input before it eventuates in an overt response. Concept learning and problem solving are good examples. The subject must actively manipulate the input to arrive at the output. This ability is best measured by intelligence tests with a low cultural loading and a high loading on *g*—for example, Raven's Progressive Matrices.

Social class differences in test performance are more strongly associated with the

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vertical dimension in Figure 17 than with the horizontal.

ASSOCIATIVE LEARNING ABILITY

Teachers of the disadvantaged have often remarked that many of these children seem much brighter than their IQs would lead one to expect, and that, even though their scholastic performance is usually as poor as that of middle-class children of similar IQ, the disadvantaged children usually appear much brighter in nonscholastic ways than do their middle-class counterparts in IQ. A lower-class child coming into a new class, for example, will learn the names of 20 or 30 children in a few days, will quickly pick up the rules and the know-how of various games on the playground, and so on—a kind of performance that would seem to belie his IQ, which may even be as low as 60. This gives the impression that the test is "unfair" to the disadvantaged child, since middle-class children in this range of IQ will spend a year in a classroom without learning the names of more than a few classmates, and they seem almost as inept on the playground and in social interaction as they are in their academic work.

We have objectified this observation by devising tests which can reveal these differences. The tests measure associative learning ability and show how fast a child can learn something relatively new and unfamiliar, right in the test situation. The child's performance does not depend primarily, as it would in conventional IQ tests, upon what he has already learned at home or elsewhere before he comes to take the test. We simply give him something to learn, under conditions which permit us to measure the rate and thoroughness of the learning. The tasks most frequently used are various forms of auditory digit memory, learning the serial order of a number of familiar objects or pictures of objects, learning to associate pairs of pictures of familiar objects, and free recall of names or objects presented from one to five times in a random order.

Our findings with these tests, which have been presented in greater detail elsewhere (Jensen, 1968a, 1968b, 1968d, 1968e; Jensen, 1968f; Jensen & Rohwer, 1968), seem to me to be of great potential importance to the education of many of the children called disadvantaged. What we are finding, briefly, is this: lower-class children, whether white, Negro, or Mexican-American, perform as well on these direct learning tests as do middle-class children. Lower-class children in the IQ range of about 60 to 80 do markedly *better* than middle-class children who are in this range of IQ. Above about IQ 100, on the other hand, there is little or no difference between social class groups on the learning tests.

At first we thought we had finally discovered a measure of "culture-fair" testing since we found no significant SES differences on these learning tests. But we can no longer reconcile this interpretation with all the facts now available. Some of the low SES children with low IQs on culturally loaded tests, like the Peabody Picture Vocabulary Tests, do very well on our learning tests, but do not have higher IQs on less culturally loaded tests of *g*, like the Progressive Matrices. It appears that we are dealing here with two kinds of abilities—associative learning ability (Level I) and cognitive or conceptual learning and problem-solving ability (Level II).

One particular test—free recall—shows the distinction quite well, since a slight variation in the test procedure makes the difference between whether it measures Level I or Level II. This is important, because it is sometimes claimed that low SES children do better on our learning tests than on IQ tests because the former are more interesting or more "relevant" to them, and thus make them more highly motivated to perform at their best. This is not a valid interpretation, since when essentially the same task is made either "associative" or "cognitive," we get differences of about one standard deviation in the mean scores of lower- and middle-class children. For example, 20 unrelated familiar objects (doll, toy car, comb, cup, etc.) are shown to children who are then asked to recall as many objects as they can in any order that may come to mind. The random presentation and recall are repeated five times to obtain a more reliable score. Lower- and middle-class elementary school children perform about the same on this task, although they differ some 15 to 20 points in IQ. This free recall test has a low correlation with IQ and the correlation is lower for the low SES children. But then we can change the recall test so that it gives quite different results.

This is shown in an experiment from our laboratory by Glasman (1968). (In this study SES and race are confounded, since the low SES group were Negro children and the middle SES group were white.) Again, 20 familiar objects are presented, but this time the objects are selected so that they can be classified into one of four categories, *animals, furniture, clothing*, or *foods*. There are five items in each of the four categories, but all 20 items are presented in a random order on each trial. Under this condition a large social class difference shows up: the low SES children perform only slightly better on the average than they did on the uncategorized objects, while the middle SES children show a great improvement in performance which puts their scores about one standard deviation above the low SES children. Furthermore, there is much greater evidence of "clustering" the items in free recall for the middle SES than for the low SES children. That is, the middle-class children rearrange the input in such a way that the order of output in recall corresponds to the categories to which the objects may be assigned. The low SES children show less clustering in this fashion, although many show rather idiosyncratic pair-wise "clusters" that persist from trial to trial. There is a high correlation between the strength of the clustering tendency and the amount of recall. Also, clustering tendency is strongly related to age. Kindergarteners, for example, show little difference between recall of categorized and uncategorized lists, and at this age SES differences in performance are nil. By fourth or fifth grade, however, the SES differences in clustering tendency are great, with a correspondingly large difference in ability to recall categorized lists.

It is interesting, also, that the recall of categorized lists correlates highly with IQ. In fact, when mental age or IQ is partialled out of the results, there are no significant remaining SES differences in recall. Post-test interviews showed that the recall differences for the two social class groups cannot be attributed to the low SES group's not knowing the category names. The children know the categories but tend not to use them spontaneously in recalling the list.

In general, we find that Level I associative learning tasks correlate very substantially with IQ among middle-class children but have very low correlations with IQ among lower-class children (Jensen, 1968b). The reason for this difference in correlations can be traced back to the form of the scatter diagrams for the middle and low SES groups, which is shown schematically in Figure 18. Since large representative samples of the entire school population have not been studied so far, the exact form of the correlation scatter diagram has not yet been well established, but the schematic portrayal of Figure 18 is what could be most reasonably hypothesized on the basis of several lines of evidence now available. (Data on a representative sample of 5000 children given Level I and Level II tests are now being analyzed to establish the forms of the correlation plots for low and middle SES groups.) The form of the correlation as it now appears suggests a heirarchial arrangement of mental abilities, such that Level I ability is necessary but not sufficient for Level II. That is, high performance on Level II tasks depends upon better than average ability on Level I, but the reverse does not hold. If this is true, the data can be understood in terms of one additional hypothesis, namely, that Level I ability is distributed about the same in all social class groups, while Level II ability is distributed differently in lower and middle SES groups. The hypothesis is expressed graphically in Figure 19. Heritability studies of Level II tests cause me to believe that Level II processes are not just the result of interaction between Level I learning ability and experientially acquired strategies or learning sets. That learning is necessary for Level II no one doubts, but certain neural structures must also be available for Level II abilities to develop, and these are conceived of as being different from the neural structures underlying Level I. The genetic factors involved in each of these types of ability are presumed to have become differentially distributed in the population as a function of social class, since Level II has been most important for scholastic performance under the traditional methods of instruction.

From evidence on age differences in different tasks on the Level I—Level II continuum (e.g., Jensen & Rohwer, 1965), I have suggested one additional hypothesis concerning the developmental rates of Level I and Level II abilities in lower and middle SES groups, as depicted in Figure 20. Level I abilities are seen as developing rapidly and as having about the same course of development and final level in both lower and middle SES groups. Level II abilities, by contrast, develop slowly at first, attain prominence between four and six years of age, and show an increasing difference between the SES groups with increasing age. This formulation is consistent with the increasing SES differences in mental age on standard IQ tests, which tap mostly Level II ability.

Thus, ordinary IQ tests are not seen as being "unfair" in the sense of yielding inaccurate or invalid measures for the many disadvantaged children who obtain low scores. If they are unfair, it is because they tap only one part of the total spectrum of mental abilities and do not reveal that aspect of mental ability which may be the disadvantaged child's strongest point—ability for associative learning.

Since traditional methods of classroom instruction were evolved in populations having a predominantly middle-class pattern of abilities, they put great emphasis on cognitive learning rather than associative learning. And in the post-Sputnik era, education has seen an increased emphasis on cognitive and conceptual learning, much to the disadvantage of many children whose mode of learning is predominantly associative. Many of the basic skills can be learned by various means, and an educational system that puts inordinate emphasis on only one mode or style of learning will obtain meager results from the children who do not fit this pattern. At present, I believe that the educational system—even as it falteringly attempts to help the disadvantaged—operates in such a way as to maximize the importance of Level II (i.e., intelligence or *g*) as a source of variance in scholastic performance. Too often, if a child does not learn the school subject matter when taught in a way that depends largely on being average or above average on *g*, he does not learn at all, so that we find high school students who have failed to learn basic skills which they could easily have learned many years earlier by means that do not depend much on *g*. It may well be true that many children today are confronted in our schools with an educational philosophy and methodology which were mainly shaped in the past, en-

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tirely without any roots in these children's genetic and cultural heritage. The educational system was never allowed to evolve in such a way as to maximize the actual potential for learning that is latent in these children's patterns of abilities. If a child cannot show that he "understands" the meaning of 1+1=2 in some abstract, verbal, cognitive sense, he is, in effect, not allowed to go on to learn 2+2=4. I am reasonably convinced that all the basic scholastic skills can be learned by children with normal Level I learning ability, provided the instructional techniques do not make *g* (i.e., Level II) the *sine qua non* of being able to learn. Educational researchers must discover and devise teaching methods that capitalize on existing abilities for the acquisition of those basic skills which students will need in order to get good jobs when they leave school. I believe there will be greater rewards for all concerned if we further explore different types of abilities and modes of learning, and seek to discover how these various abilities can serve the aims of education. This seems more promising than acting as though only one pattern of abilities, emphasizing *g*, can succeed educationally, and therefore trying to inculcate this one ability pattern in all children.

If the theories I have briefly outlined here become fully substantiated, the next step will be to develop the techniques by which school learning can be most effectively achieved in accordance with different patterns of ability. By all means, schools must discover *g* wherever it exists and see to it that its educational correlates are fully encouraged and cultivated. There can be little doubt that certain educational and occupational attainments depend more upon *g* than upon any other single ability. But schools must also be able to find ways of utilizing other strengths in children whose major strength is not of the cognitive variety. One of the great and relatively untapped reservoirs of mental ability in the disadvantaged, it appears from our research, is the basic ability to learn. We can do more to marshal this strength for educational purposes.

If diversity of mental abilities, as of most other human characteristics, is a basic fact of nature, as the evidence indicates, and if the ideal of universal education is to be successfully pursued, it seems a reasonable conclusion that schools and society must provide a range and diversity of educational methods, programs, and goals, and of occupational opportunities, just as wide as the range of human abilities. Accordingly, the ideal of equality of educational opportunity should not be interpreted as uniformity of facilities, instructional techniques, and educational aims for all children. Diversity rather than uniformity of approaches and aims would seem to be the key to making education rewarding for children of different patterns of ability. The reality of individual differences thus need not mean educational rewards for some children and frustration and defeat for others.

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PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Is there pending on the Speaker's desk a communication from the Postmaster General?

The SPEAKER. The Chair will respond by saying that there is a communication from the President on the postal service system. It has been referred to the Committee on Post Office and Civil Service.

Mr. GROSS. Mr. Speaker, when was the referral made?

The SPEAKER. The Chair will advise the gentleman that the referral was made after it was received this afternoon, as are all other communications of a similar nature.

SUSPENSION OF DRAFT CALLS

The SPEAKER. Under previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, today I have introduced a resolution expressing the sense of the Congress that the President of the United States should suspend the monthly draft calls for a period of 180 days, or 6 months. I have been joined in cosponsoring the resolution by 8 other Members of the House: Congressman BROWN, of California, Congressman BURTON, of California, Congressman BUTTON, of New York, Congressman DIGGS, of Michigan, Congressman EDWARDS, of California, Congressman HELSTOSKI, of New Jersey, Congressman KOCH, of New York, and Congressman POWELL, of New York.

I believe that Congress must express its conviction that no more young men should be drafted to fight the tragic and still undeclared war in Vietnam.

As I have said on numerous occasions, most recently in connection with the supplemental appropriation bill which was before the House last week, Congress has always possessed the power to assert its influence on the conduct of the war. By voting against further appropriations for the Vietnam war, Congress could force the administration to deescalate our military involvement in Southeast Asia and hasten a negotiated settlement of that conflict.

Similarly, by expressing the belief that no more young men should be drafted to fight in a war for which Congress has never passed a formal declaration of war, the House could end the infusion of still more men into Vietnam and, moreover, make clear its determination that the administration must begin to withdraw American troops from Southeast Asia.

President Nixon has said that he seeks an agreement with North Vietnam for mutual withdrawal of troops over a 12-month period. But the successful negotiation of such an agreement—if it is possible at all—will take time, perhaps as long as a year. In the meantime, thousands of young men will continue to be drafted to fight in Vietnam, and many will be wounded or killed.

During the calendar year 1968, 298,010 men were drafted into the armed services, 32.3 percent—or almost one in three—of these draftees were sent to Vietnam. The Selective Service System has estimated that about 202,400 additional young men will be drafted during the first 7 months of the current year.

Mr. Speaker, I include at this point in my remarks figures showing the monthly draft calls for calendar year 1968 and the first 7 months of calendar year 1969.

Draft calls for calendar years 1968 and 1969

1968:	
January	34,000
February	23,300
March	41,000
April	48,000
May	45,900
June	20,000
July	15,000
August	18,300
September	12,002
October	13,008
November	10,000
December	17,500
Total	298,010
1969:	
January	26,800
February	33,700
March	33,100
April	33,000
May*	27,600
June*	25,900
July*	22,300
Total for first 7 months	202,400

*Estimated.

Despite the rejection of the policies of the Johnson administration in the primary and national elections of last year, the killing and destruction continues to take a heavy toll in Vietnam. During the 12 months that the Paris peace talks have already dragged on, over 12,000 American servicemen have died, and thousands more have been wounded. Moreover, the Nixon administration has yet to turn away from the military strategy of the Johnson administration.

In addition to the mounting casualties imposed by our continued presence in Vietnam, the war continues to pose a cruel dilemma to thousands of draft-eligible young men who face induction into the Armed Forces.

Many of these young men—including most recently over 250 student body presidents and newspaper editors from some of our finest universities and colleges—have indicated that, so long as the war in Vietnam continues, they intend to choose jail, if necessary, rather than serve in the Armed Forces.

A few months ago during the presidential campaign, President Nixon said that he favored substituting a volunteer army for the draft. Yet his only legislative proposal thus far has been to recommend a lottery system for selecting draftees. While a lottery would no doubt aid the millions of draft eligible young men in determining if and when they must serve in the Armed Forces, it would retain the basic feature of the present system—namely, conscription.

While substantive alternatives to the present draft, including both a volunteer army and a system of alternative service which would allow a conscriptee to choose service in any of several domestic programs in place of military service have been suggested, it is unlikely that any of these proposals will be acted upon until the Vietnam war is over unless Congress takes the initiative.

An immediate 6-month suspension of the draft calls by the President would provide an opportunity for Congress to assert its proper role in formulating foreign policy, assess alternatives to the present draft system, and evaluate the progress made by the Nixon administration in negotiating an end to the conflict. It would additionally make clear the determination of Congress to withdraw American troops from Vietnam, thereby helping also to persuade the North Vietnamese that the administration does indeed seek a negotiated settlement.

Well over a year ago, in the course of the New Hampshire primary, presidential candidate Richard Nixon said:

> The next President of the United States must end the war in Vietnam.

Today, President Nixon has yet to end the war in Vietnam. Unfortunately, there is little evidence that the present policy represents any change from the basic strategy which was pursued for so many years at such an incredibly heavy price by his predecessor.

The killing continues and the drafting of more young men goes on. If the administration is not prepared to take the steps necessary to extricate us from the quagmire in Southeast Asia, then I believe that Congress must assert its role—and I have outlined on a number of occasions how that can best be accomplished—to bring about a change in policy. Our first action ought to be to tell the President of the United States, as we propose today in our resolution, that no more young men should be drafted to fight in a war in which so many of them do not believe and find they cannot support. I urge that this resolution be brought to the House for prompt consideration.

HON. WILLIAM J. DRIVER—23 YEARS OF FEDERAL CAREER SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. TEAGUE) is recognized for 15 minutes.

Mr. TEAGUE of Texas. Mr. Speaker, one of the Government's finest servants is leaving. The loss of Administrator

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William J. Driver of the Veterans' Administration is more than the loss of a dedicated, unusually competent career public servant. We are losing a man who not only is the most competent administrator in Government, but one who knows, understands, and works most effectively with Congress on both sides of the aisle.

I cannot feel too much sympathy for Administrator Driver, for I understand he has job offers that make his Government pay look rather niggardly. I am surprised that one of his ability, competence, good sense, and understanding has not left for greener pastures years ago. But it is a mark of Bill Driver's character that he chose to remain, at financial sacrifice, to serve his Government and a constituency of veterans numbering in the millions.

Never has one man been so widely respected by Congressmen of both parties and by the veterans' groups as has Bill Driver. He has served with a single goal—to serve the veterans of this country as intended by the laws passed by the two bodies here. His success is marked by any measure one chooses to apply—response to veterans' needs, efficiency, compliance with congressional intent and results.

Bill Driver is the first career official to administer the affairs of America's veterans and their families. In the superb performance of his assignment, he has brought great and everlasting credit to the career service.

When he was appointed Administrator in December 1964 by President Johnson, the President declared:

> I hope the recognition of Mr. Driver for his effective and dedicated service will serve as an example to others in government service.

He has more than fulfilled those expectations.

Mr. Driver's service at the Veterans' Administration stretches back over almost 23 years, with time out only to return to military service in the Korean conflict.

Many professional honors have come to this exceptional man. He was winner in 1964 of the Coveted Career Service Award of the National Civil Service League and holds the Exceptional Service Medal and Meritorious Service Medal, the two highest awards granted by the Veterans' Administration. In 1965, he was the winner of the Management Achievement Award from the Society for Advancement of Management. He has received numerous awards for achievements and administration from Veterans' Service Organizations.

Mr. Driver was chosen by the President to serve on many important committees, including the Board of Foreign Scholarships, the President's Committee on Health Manpower, the Joint United States-Philippine Commission, the President's Committee on Consumer Affairs, the National Housing Council and several home financing committees.

Bill Driver holds degrees in business administration and public administration and a law degree which he earned in evening class attendance under the World War II GI bill. He was an outstanding military officer, winning the Legion of Merit, Bronze Star, Order of the British Empire, and Croix de Guerre.

His record of effective administration at the Veterans' Administration begins with his appointment in 1946. He was successively promoted to Director of Compensation and Pension Service, head of the Department of Veterans' Benefits, and then to Deputy Administrator.

We all know of the magnitude of VA's programs. Yet, under Bill Driver, this tremendously complex, immense operation embracing over 170,000 employees and expenditures of over $7 billion was run with astonishing success. He is responsible for some of the most effective innovations in administration and medical research. He initiated and made work efficiently and effectively a huge insurance program. He improved medical and nursing care in the Nation's largest medical program.

The esteem and high respect in which Mr. Driver's coworkers held him, I believe, is a true mark of his ability to bring out the best in those he worked with. If the Government had to pay overtime for the thousands and thousands of hours put in by Bill Driver and those dedicated to him and the VA, a supplemental appropriation would be necessary.

I salute Bill Driver not only as the finest Administrator of Veterans' Affairs ever to serve in the post, not only as a man with unparalleled congressional understanding, not only as a believer in causes of equality and human rights, but as a respected friend of many years.

This Congress, the Veterans' Administration—indeed, the entire Federal Government, and the millions served by the VA are going to sorely miss Bill Driver.

Mr. RIVERS. Mr. Speaker, the VA, as an independent agency, was 16 years old when Bill Driver joined it in 1946. It had a record of 35 years of service to America's veterans when he became its Administrator in 1965. Yet it can be said that in the past 4½ years, under Bill Driver's leadership, the VA has accomplished more "firsts" than in its entire previous existence.

For example, since January 1967 VA contact representatives in Vietnam have been providing first-time-in-history battlefield briefing on veteran benefits to our servicemen there. To date, nearly three-quarters of a million troops have been briefed on their veteran benefits.

In November 1966, VA representatives began counseling disabled servicemen in U.S. military hospitals on their veteran benefits. Under this program, begun in Bill Driver's tenure as Administrator of Veterans' Affairs, more than 160,000 interviews have been conducted, and more than 100,000 applications for benefits filed by servicemen in the 184 U.S. military hospitals served by VA.

Servicemen at 304 separation centers throughout the United States are also receiving veteran benefit briefing.

I could go on citing the "firsts" achieved by VA since William J. Driver became Administrator. The establishment of 21 U.S. veterans assistance centers throughout the country. VA's Outreach program to contact returning Vietnam era veterans, particularly the disadvantaged, to encourage them to further their education and assist them in finding jobs.

However, all of these "firsts" simply confirm a fact all of us who are privileged to know William J. Driver have long recognized.

The retiring Administrator of Veterans' Affairs is a man of compassion, concern, and can-do when it comes to helping America's veterans.

We will miss him. But we wish him, his wife and family nothing but continued health, happiness, and success in the years ahead.

Mr. MAHON. Mr. Speaker, Bill Driver was appointed Administrator of Veterans' Affairs by President Johnson in late 1964. Undoubtedly, the President had men like Bill Driver in mind when he said in a message to Congress in 1966:

> Among the many blessings which Americans can count is a corps of Federal civil servants that is unequaled anywhere in the world. Honest, intelligent, efficient, and—above all—dedicated, these men and women represent a national resource and a national asset.

Bill Driver's appointment was widely applauded at the time. A veteran of two wars and the first career official to administer the affairs of America's ex-servicemen and women, he brought to the office a demonstrated record of achievement and ability over a period of 16 years in the VA.

The needs of the Nation's veterans and their families were changing. Servicemen returning from Vietnam at a rapid pace were becoming new veterans with new needs. Veterans of other wars were growing older and their economic requirements were different. The GI home loan program needed adjusting to meet current market prices. It was the time to reevaluate the entire structure of veterans' benefits.

The President and the Congress responded to the challenge and set a landmark in veterans' legislation. New laws were passed to update benefits. The additional demands placed on the Veterans' Administration required capable leadership. Bill Driver put himself to the job. And I believe Members and veterans alike agree generally that he has done an excellent job.

My best wishes go with Bill and Mrs. Driver for health, happiness, and prosperity.

Mr. MILLS. Mr. Speaker, I would like to pay tribute to William J. Driver who has resigned as the Administrator of Veterans' Affairs. For almost 4½ years Bill Driver has served as head of the Veterans' Administration. He came to that office with eminent preparation and his outstanding performance as the Administrator can be attributed to his intimate knowledge of the agency and his devotion to veterans, to our country, and to our Government.

Each administration faces the challenge of attracting qualified people to serve in top positions. I submit that we should look more often to employees in the Federal career service. Bill Driver's career is a case in point.

William J. Driver graduated cum laude from Niagara University in 1941 with a degree in business administration. From 1942 to 1946 he served as a commissioned officer with Headquarters, Adjutant General, European Theater of Operations.

He joined the Veterans' Administration in Washington in February 1946 as special assistant to the Assistant Administrator for Contact and Administrative Service. While progressing through positions, each with increasing degrees of responsibility, he attended night classes at the law school of the George Washington University under the GI bill until he earned an LL.B. degree. Later, he received a master's degree in public administration from that university.

During the Korean conflict he was recalled to active duty, serving as a lieutenant colonel with the Office of the Assistant Chief of Staff, U.S. Army. His military decorations include the Legion of Merit, the Bronze Star, the Order of the British Empire, and the Croix de Guerre.

When his second tour of duty was completed Mr. Driver returned to the VA. He was named Director of the huge Compensation and Pension Service in 1956, and in January 1958 became head of the entire Department of Veterans' Benefits. In February 1961, he was named to the No. 2 post in the VA as Deputy Administrator. He was appointed Administrator of Veterans' Affairs by President Johnson on December 26, 1964.

Many awards attest to Bill Driver's ability. In 1964 he received the coveted Career Service Award of the National Civil Service League. He holds the Exceptional Service Medal and the Meritorious Service Medal, the two highest awards granted by the Veterans' Administration. In 1965 the Society for the Advancement of Management named him the winner of its Management Achievement Award for significant contributions toward the advancement of management in government. In 1967, he received AMVETS highest award, the Silver Helmet, for "outstanding and effective administration of the greatest rehabilitation accomplished in the history of mankind."

He was chosen by the President to serve on several important committees including the Board of Foreign Scholarships, the President's Committee on Health Manpower, the Joint United States-Philippine Commission, the President's Committee on Consumer Affairs, and the National Housing Council.

He is a member of the Advisory Committee on Education and Scholarships of the American Legion.

In the haste of business we so often take our public servants for granted. I cannot let this happen to Bill Driver who has served all of us faithfully and well.

I trust that Bill and his lovely wife, Marian, will enjoy their new endeavors. I hope that they will fondly remember the fine relationship the Administrator had with so many Members of Congress and be warmed by our good wishes that go with them.

Mr. WAGGONNER. Mr. Speaker, it is indeed a sad event that William J. Driver, the Administrator of Veterans' Affairs, has resigned.

Surely there can be no doubt of Mr. Driver's outstanding executive ability. Since joining the VA more than 23 years ago, he has climbed the ladder from a comparatively low rung to the highest position.

He began as the special assistant to the Assistant Administrator for Contact and Administrative Service in February 1946 and was named to the top post in December 1964.

At one point he was director of VA's huge Compensation and Pension Service which today dispenses about $4.6 billion annually. Later he headed VA's entire Department of Veterans' Benefits which included the familiar GI education bill, the loan program, which assisted in the building of one out of every five American homes after World War II, and one of the largest life insurance operations in the world.

When he became the No. 2 man in the VA in February 1961, and later as Administrator of Veterans' Affairs, his responsibility was expanded to include the largest medical program in the free world, which now includes a network of 166 hospitals.

The VA overall, judged by the size of the budget or by the number of employees, is the third largest agency in the entire U.S. Government.

Surely a career civil servant who can start at a modest post and work his way to the top of such a large and complex operation, has already proved he has what it takes.

As a Member of Congress, I wish Mr. Driver well in whatever he selects in the days and years ahead to further his already brilliant career.

Mr. Driver, in my opinion, was the most capable Administrator in the Federal service. I say this with no intention of exaggeration. I regret that his career was turned into a political football but I am sure that those who took part in the harassment have lost as much as those of us who defended him. Both sides are the losers equally because we have lost the services of this good man.

Mr. POAGE. Mr. Speaker, there is no better example of cooperation between the legislative and executive branches of our Government than that set in the administration of veterans' affairs during the past 3 years.

This Nation's 26 million veterans have been fortunate to have had a career civil servant, William J. Driver, at the head of the Veterans' Administration. The Congress and the Nation as a whole have shared in that good fortume.

Bill Driver knows the needs of veterans from the standpoint of his own experience as a veteran of two wars. He knows the science of administering these benefits from the lessons learned during the 19 years he spent in VA before he became its Administrator. As an intelligent student of government who completed two of his three academic degrees after entering Government service, he appreciates the significance of veteran's programs in the total social and economic framework of this country.

All of these qualifications have allowed him to work closely with the Congress in developing and administering programs that are deserved by our veterans and constructive to the total national interest.

As he leaves Government service after 23 years, I commend his record to all those who aspire to high civil service positions and to those who seek merely to earn the satisfaction of having served their country well. His departure is, I hope, but a temporary setback in the promotion of inservice career employees to the highest positions of responsibility in the U.S. Government.

Mr. PICKLE. Mr. Speaker, a Congressman speaks for his constituents and there is one voice back in Texas that just must be heard today as we pay tribute to William J. Driver, the retiring Administrator of Veterans' Affairs.

In 1964 President Lyndon B. Johnson appointed Mr. Driver to VA's highest position. The President did not know Bill Driver personally but in his wisdom he felt a Federal career employee would be best for the job. Mr. Driver was then serving as VA's Deputy Administrator. The President studied his outstanding record, he was also aware of the respect veterans' organizations held for him. The qualifications were there and so the President chose this fine career official to head the very large Veterans' Administration. He could not have made a better choice.

President Johnson's deep concern for America's veterans is a matter of record and his legislative program in this field is unsurpassed. He was very proud of the accomplishments of the Veterans' Administration under the leadership of Bill Driver. He often spoke, publicly and privately, of the dedication the Administrator brought to his duties. I believe he would like to have his words reiterated on this occasion.

When President Johnson signed H.R. 12555 on March 28, 1968, he said:

> I want to pay public tribute to a career man whom I did not know when I named him to one of the most important posts in Government. There is not a Cabinet officer who handles much more money—other than perhaps HEW and Defense. There is not a more efficient administrator in the Government and not a finer public servant. I do not know what party he belongs to. I don't even know what State he comes from. All I know is that he does a great job for our country. Mr. William Driver.

At another bill-signing ceremony on October 23, 1968, the President said:

> Particularly, I want to recognize the services and the wisdom demonstrated by one of our career men, the man that all the veterans' organizations and the men of both parties recommended to me as the Veterans Administrator, Mr. Bill Driver. He has been a model of a public servant. And his ability to deal with these very delicate problems, with men who have suffered disabilities, and who are trying to be readjusted to life—it is just beyond compare. So as I leave this office, I want to say to Mr. Driver that if I could leave one wish behind me, it would be that all civil servants could handle their job like you handle yours and that we could have more civil servants in top administrative positions.

Mr. Speaker, I endorse every good word spoken on behalf of Bill Driver. I

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wish a happy future for him and his lovely wife, Marian, and I am sorry that this man is leaving the Federal service.

The city of Austin literally fell in love with this quiet-spoken, distinguished gentleman. He has visited our city several times—at VFW functions, chamber of commerce banquets, and dedications. Our citizens have a higher respect for governmental employees because of the conduct and bearing and knowledge of Bill Driver, and I personally know him to be a high type, delightful public servant in the finest sense of the word.

Mr. TEAGUE of California. Mr. Speaker, I know that all of us in the House of Representatives, but particularly those of us who are privileged to serve on the Veterans' Affairs Committee, wholeheartedly join President Nixon in expressing warm thanks to Bill Driver for his many years of dedicated service to our country.

The accomplishments on behalf of America's veterans during William J. Driver's tenure as Administrator of Veterans' Affairs speak for themselves. And it is well that they do so because his inherent, sincere modesty would preclude the outgoing Administrator from setting forth a record of which any Government official and any American could be justly proud.

All of Bill Driver's outstanding civilian career in our Federal Government has been spent with the Veterans' Administration. This fact alone is a measure of his devotion to the welfare of America's veterans, their dependents and survivors. For, make no mistake, his repeatedly demonstrated administrative abilities could have won for him the same spectacular advancement in other agencies that marked his service with VA.

We on the House Veterans' Affairs Committee will remember Bill Driver for many things. For his unfailing courtesy. For his thorough preparation on every subject on which he ever testified before our committee. For his cooperation in response to all our requests.

But most of all, I think, for his determination and ability to make certain that our veterans and their families received the same courteous treatment, the same knowledgeable assistance, the same ready cooperation from all of his associates in VA that have been accorded us.

Bill Driver knew well that the highest possible standard of excellence in VA's service to our Nation's veterans would more than meet the requirements of those of us in Congress who have known and worked with him.

His successor can also be certain of this.

I have no doubt that the retiring Administrator of Veterans' Affairs will be an outstanding success in whatever endeavor he undertakes in the future. Certainly, I wish him such success as well as continued health and happiness.

Mr. ROBERTS. Mr. Speaker, it is no exaggeration to call William J. Driver, "Mr. Career Civil Servant."

A softspoken, modest man, Bill Driver has become to the thousands of executives in Government agencies what Sam Rayburn was to Members of the House of Representatives and Dwight Eisenhower was to the military—a man who worked his way to the very top.

After receiving a business administration degree from Niagara University, Bill Driver—like some 14 million others—went off to serve his country in World War II.

After the war he joined the VA in Washington as a special assistant to an assistant administrator.

Commendable, surely, but not yet noteworthy.

Rolling up his sleeves and going to work, Bill Driver received promotion after promotion to jobs with increasing responsibility.

In the early years he took law courses at night under the World War II GI bill and received an LL.B. degree from George Washington University.

His incredible success story evolved further in the years following his return to the VA after his active service in the Korean conflict.

After holding two major posts in the VA's huge Department of Veterans' Benefits, Bill Driver became Deputy Administrator of the VA in February 1961

When he was named Administrator of Veterans' Affairs in December 1964 he became, as far as I know, the only man in modern history who started in the ranks and worked his way to the very top position in one of the largest Government agencies.

Mr. William J. Driver is, indeed, a synonym for "Mr. Career Civil Servant." And I salute him as a friend of mine and the veterans of America. I am sorry to see him depart, but confident we shall again see him in public life, serving his nation and his government.

Mr. DANIEL of Virginia. Mr. Speaker, William J. Driver, the man who has done the most in behalf of this Nation's veterans, is about to leave Government service after 23 years. I want to express my appreciation for his legacy of public service as he departs for what I am certain will be many more years of dedicated service to a grateful Nation.

It is typical of Bill Driver that he is hardly known outside of the Federal Government, yet the programs he administers touch the lives of almost half the population of the United States.

As Administrator of Veterans' Affairs, Bill Driver directs an agency that is larger than several of the Presidential Cabinet Departments combined. The Veterans' Administration has more than 170,000 employees, annual expenditures of some $7 billion, and the mission of serving eligible beneficiaries among the Nation's more than 26 million veterans.

His accomplishments are unique not only for their magnitude and excellence, but for the fact that his entire adult career has been spent as a Government employee.

While he has barely reached the half-century mark, he has reached the topmost rung of the civil service ladder, and he has climbed every step of it by competence, dedication, and devotion to his Nation and our people.

From the time he earned his bachelor's degree in 1941, Bill Driver has served his country both as a civil servant and as a military man. His dedication has been evident in the quality of his service and the fact that he found time to complete two additional academic degrees while carrying full time executive responsibilities.

Men of his quality are a national resource of inestimable value no matter where their talents are applied. We shall miss Bill Driver as a public servant. I hope he returns to the fold in the near future.

Mr. HELSTOSKI. Mr. Speaker, there was no Veterans' Administration when Abraham Lincoln committed himself, his fellow citizens, and all future generations of Americans "to care for him who shall have borne the battle and for his widow and his orphan."

He would have been eminently pleased, however, with the manner in which William J. Driver, as Administrator of Veterans' Affairs for the past 4½ years, has led our Nation in the accomplishment of this essential task.

Every Member of Congress will have his own assessment of the outgoing Administrator of Veterans' Affairs. For myself, I think we may never again know the kind of leadership in the Veterans' Administration which he epitomized. Leadership forged from inherent ability, complete dedication, and unparalleled experience.

Leadership whose hallmark will be: He cared.

For America's veterans, their dependents, and survivors.

For all his associates in the Veterans' Administration, from the newest to the oldest employee.

For the Members of Congress who have the responsibility of enlarging, modernizing, and preserving the structure of veteran benefits built by our Nation over nearly two centuries.

For all of our citizens who must support not only an adequate, meaningful program of veteran benefits, but all governmental activities, from national defense to urban renewal.

Bill Driver will be missed, but he will never be forgotten.

Mr. LANDRUM. Mr. Speaker, for the benefit of young people who are considering careers in Government, I want to draw attention to the outstanding career of William J. Driver, Administrator of Veterans' Affairs.

Since his graduation from Niagara University in 1941, he has devoted his life to Government service, and has achieved new heights in career civil service.

As a young veteran of World War II, he joined the Veterans' Administration in 1946. About 19 years later Bill Driver was selected for the top post in this huge organization.

Bill Driver brought professional management to the $7 billion veterans' affairs program. While doing this Bill Driver earned the respect and admiration of veterans organizations as well as his associates in Government.

Among his honors is the coveted Career Service Award of the National Civil Service League, the Exceptional Service Medal, the Meritorious Service Medal, and the Management Achievement Award given by the Society for the Ad-

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vancement of Management for significant contributions toward the advancement of management in Government.

Bill Driver's greatest achievement, Mr. Speaker, is having successfully climbed the career ladder to head the third largest agency in the U.S. Government. He is the first man to achieve this distinction among the millions who have served before him.

On his departure from Government, he deserves our utmost gratitude for his services and our best wishes in his future career. I tender both to him, Mr. Speaker, in grateful admiration.

Mr. FUQUA. Mr. Speaker, one of the greatest friends a veteran ever had has resigned after serving them with courage and compassion for more than 20 years.

I refer, of course, to the Honorable William J. Driver who since 1965 has steered the third largest independent Federal agency as Administrator of Veterans' Affairs.

His efforts on behalf of the Nation's 26,800,000 veterans can not pass without comment.

Bill Driver's outstanding leadership has been clearly demonstrated in conflict and peace—at home and abroad.

Those whom he has so faithfully served during his long span of service with the Veterans' Administration have time and again singled out Bill Driver with honors and testimonials.

Bill Driver was promoted to the post of Administrator by President Johnson who at that time singled him out for his outstanding achievement and demonstrated ability during his long career with the VA and his service to his country. His promotion was a milestone in career service. His departure will discourage thousands who strive for recognition as loyal and dedicated civil servant.

It has been a rare privilege for this great Nation of ours to have had such unequaled leadership in such a high Government post. Bill Driver has served with devotion his country, his Government, and his fellow veterans.

Mr. SATTERFIELD. Mr. Speaker, as a Member of Congress I have had the opportunity as we all do to talk to the heads of many Government agencies.

The job of a top Government office is really a temporary job, one that generally changes with the change of each administration.

However, Members of the House have, in recent years, dealt with a highly competent individual who knows more about his agency than any other man now in public service and I speak of Bill Driver, retiring head of the VA.

The reason is simple:

William J. Driver did not come to the post in the VA from Congress, from an executive position in State government or from some key position in private industry. Unlike any other top man in a large Government office, he came from within the agency.

Bill Driver just knows more about the VA than anyone else, and all of us who worked with him hoped we would be able to continue to do so.

We learned with sadness this is not going to happen. Bill Driver is departing, Mr. Speaker, and with him will go the know-how and competence we so greatly need in Government today. We cannot afford, as a Nation, Mr. Speaker, to lose the services of many Bill Drivers. We have too few to begin with.

Mr. ICHORD. Mr. Speaker, regretfully, Bill Driver has resigned as the distinguished leader of the Veterans' Administration.

As head of the third largest Federal agency, this richly endowed yet modest Administrator has clearly demonstrated his love for mankind, but more especially for those who offered their lives in the defense of this great Nation of ours.

Bill Driver, is a remarkable man. He graduated cum laude from Niagara University wth a degree in business administration. He added to this a degree in law, and yet, in spite of his busy career, Bill Driver went on to earn his master's degree at George Washington University.

Since his promotion by President Johnson as Administrator of Veterans' Affairs in 1964, Bill Driver has carried forth with vigor, honesty, and determination the trust vested in him.

His executive ability is keen as shown in his successful and continuous striving for improved legislation for the benefit of our 26,800,000 veterans and their families.

His colleagues in war and peace are proud of Bill Driver.

His country and those who have defended her flag are justly proud and will be forever grateful to Bill Driver.

Mr. AYRES. Mr. Speaker, the Veterans' Affairs Committee is losing the services of a man who has made our work a lot more effective during the last 4 years. While he was not a member of this committee, this man, William J. Driver, was a key figure in the development of sound programs for veterans of this Nation's wars.

Because he has spent more than 20 years in VA as a civil servant—the first to head the Veterans' Administration—Bill Driver could be depended on for sound recommendations as to the needs of veterans. As a skilled administrator, he could be depended on to carry out programs in the spirit intended by the Congress.

His rise to this position as head of the third largest agency in the Federal Government is a tribute to our career civil service system. His personal merit has been recognized and rewarded by advancement in this system because he has remained objective, dedicated, and nonpartisan.

His decision to resign from Federal service saddens me personally and leaves me with a sense of loss for the Veterans' Affairs Committee. I would feel an even greater sense of loss if I were not confident that Bill Driver's exceptional talents for administration and his deep sense of integrity will continue to serve this Nation wherever he chooses to apply them.

Perhaps by leaving Government in his prime after a successful career, he will furnish still another example of the value in the exchange of talents between the various sectors of our national endeavor.

As a member of the Veterans' Affairs Committee, I hate to lose him, but, knowing Bill Driver as I do, I am confident that he is leaving his agency in such a position that it will make the transition to a new Administrator quite smoothly and that it will serve Bill Driver's successor loyally and effectively.

Mr. HALEY. Mr. Speaker, as Administrator, William J. Driver was involved with the many departments of the Veterans' Administration. I was particularly interested in his relationship with VA's large Department of Medicine and Surgery. I wondered how a layman would provide leadership in the complex field of medicine. I believe Bill Driver was successful because he is a true professional among professionals. I am sorry he is leaving the public service.

Administrator Driver recognized and honored the commitment of the physician to his patient and he never lost his clear perspective and unerring faculty for differentiating between administrative and medical judgments.

Thus he built a remarkable feeling of mutual confidence, trust, and tolerance between his office and that of the medical staff. He shared with his professional colleagues a personal commitment to an ideal of service to humanity and a broad public concern.

Mr. Driver was deeply aware of problems facing the medical department: The competitiveness for scarce professional personnel, the rising cost of health care services, the need for modernizing or replacing outdated facilities, the impact of sophisticated and costly new procedures. Yet, he was not parochial in seeking creative solutions to these problems. He recognized that medical care of veterans is inextricably tied to the delivery of health care service to all Americans.

Mr. Driver's support of medical research, the education and training of professional and technical personnel in VA institutions, the sharing of facilities and skilled personnel with the medical community, the exchange of medical information, stemmed from his deep conviction that the VA medical program can best serve the veteran when it also contributes to the improvement of health care for all.

As Administrator, he enthusiastically learned all he possibly could about the rapid and dramatic changes occurring in the field of medicine. His interest proved to be stimulating and insatiable to the medical staff.

He encouraged and supported the development of the latest techniques, procedures, and treatment methods required to keep VA in the forefront of American medicine. These include organ transplants, hemodialysis, open heart surgery, day hospital care, nursing home care, and restoration programs.

As a true professional, Mr. Driver never lost his commitment to learning, to rationality, and to process of reasoning. More than this could not be asked of any Administrator. Bill Driver has done his work well.

Mr. ALBERT. Mr. Speaker, I join my

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colleagues in expressing regret that William J. Driver has resigned as Administrator of Veterans' Affairs.

He has been a strong and progressive leader. Fortunately, veterans will continue to benefit from many of the constructive actions wrought under his administration. I think, in particular, of the U.S. Veterans' Advisory Commission.

In 1967, Administrator Driver responded to a Presidential directive in a bold and imaginative manner. The President asked VA, in consultation with leading veterans groups, to conduct a comprehensive study of the full scope of veterans needs and existing benefits. Two goals were specified but the manner of fulfilling the request was left to the Administrator.

Mr. Driver selected an 11-man study group which became the U.S. Veterans' Advisory Commission. The composition of the members reflected careful deliberation on behalf of the Administrator. He chose a well-rounded, impartial group with each member having a special knowledge to contribute. The Chairman was the former chairman of the National Rehabilitation Commission of the American Legion; other members were five immediate past national commanders of veterans organizations, four State service directors and one retired military officer.

The Commission held hearings across the country. All who wished to speak were accorded an opportunity. Witnesses appeared from business, industry, professional groups, the press, private citizens and, of course, all veterans' organizations. The VA staff provided technical and mechanical assistance. Mr. Driver was always available when asked but the Commission was on its own because the Administrator wanted a truly citizens' report. This is typical of the sincerity Bill Driver brought to every deliberation.

As a result, the report issued by the U.S. Veterans' Advisory Commission forms a basis for a sound and progressive veterans program. It will be useful for years to come.

So many accomplishments of the Veterans' Administration reflect Bill Driver's ability to act on current problems and to project a path for success in the future. This is the highest form of leadership. Members of Congress and the veterans of our Nation will miss it.

The public service is suffering a great loss with Bill Driver's departure. I wish him well in his new venture and I express gratitude for the service he has rendered our Government.

Mr. BOGGS. Mr. Speaker, for many years the needs of America's veterans, their wives, their widows, and children have been administered and guided by one who has served his Nation so well in time of conflict and peace.

Bill Driver's acute awareness of these needs for his brothers in arms has resulted in the world's most liberal system for rewarding men and women who offered their lives for the cause of freedom.

His dedication and ability have been demonstrated repeatedly in the successful direction of the third largest independent Government agency—the VA—which administers programs to assist approximately one-half of the total population of the United States.

Bill Driver's responsibilities to his country have been accepted with honor and humility. He has administered the largest medical program in the United States—a program that includes a network of hospitals and clinics involving some 5,000 doctors and 15,000 nurses.

He has directed one of the largest life insurance operations in the world, servicing some 6 million GI insurance policies with a face value of $40 billion.

Bill Driver knows only too well the horrors of war and the pain and suffering of many who fought them. He served his flag with gallantry in World War II and in the Korean conflict. His efforts were rewarded with decorations by a grateful United States, the British Empire, and the Republic of France.

As a career man, he has served the Veterans' Administration with fidelity, his service being recognized by coveted awards from the National Civil Service League, the Society for the Advancement of Management, and the American Veterans of World War II.

Seldom in history has a public administrator been endowed with such modesty and leadership ability.

It is a grateful Nation that today acknowledges with compassion and thankfulness these fine attributes in Bill Driver—a faithful servant who discharged his obligations without fanfare—a man who gave of his talents that others may benefit—a soldier of war—a leader in peace.

Mr. FASCELL. Mr. Speaker, on December 26, 1964, William J. Driver became the first career official to head the Veterans' Administration. Now, 4½ years later, he has resigned. I am sorry this is so but I accept his judgment and I want to pay tribute to this fine public servant.

Under his leadership VA has served the veteran community in an exemplary manner. On behalf of the veterans of Florida and, indeed, the whole Nation, I express deep appreciation to Bill Driver.

The Veterans' Administration is the largest independent agency in the Federal Establishment. As Administrator, Mr. Driver was charged with awesome responsibilities. It is an agency with a diversity of duties, its programs affect the lives of America's veterans and their dependents who comprise 48 percent of the total population. For example, the Veterans' Administration:

Operates the largest chain of hospitals in the country.

Is responsible for the third largest life insurance program in the world.

Pays out $4.5 billion annually in compensation and pension disability and death benefits to 5 million recipients.

Guided the largest program of adult education ever undertaken.

Conducts over 5,000 research projects covering almost every field of medicine.

These are but a few activities of the Veterans' Administration yet Bill Driver was an expert in each field.

Surely in the annals of the Veterans' Administration William J. Driver will be recorded as a great Administrator. This is a tribute to all Federal career employees.

Mr. PUCINSKI. Mr. Speaker, I find that many people outside of Government do not really have a clear picture of the Veterans' Administration. Often they do not know how large it is—the third largest in Government—with a budget of more than $7 billion.

Of course it takes a large agency to deal with a lot of people. As of March 1969, there were 26,794,000 veterans in civil life. Together with their families veterans make up nearly half of the population of the United States.

This grateful Nation has offered a variety of benefits to men who have served their country. They include:

Education and training under the GI bill for 11½ million veterans.

A loan program which has provided home, farm and business loans of more than $68 billion to more than 7 million veterans.

Compensation and pension payments of over $4.5 billion annually to some 4.5 million disabled veterans and dependents of deceased veterans.

Life insurance under a program whereby VA services some six million policies and supervises another 3.6 million.

A medical program described as the largest in the free world under a single head. On an average day some 92,995 veterans are treated in VA's 166 hospitals.

As must be apparent, any man who can run an operation of this magnitude and diversity with genuine understanding must truly be an unusual man.

And Mr. William J. Driver is that unusual man. A top-level Administrator, Bill Driver, could, no doubt, run any large organization inside or outside of Government.

This calm, knowledgeable, cooperative, Administrator has been a man who I, as a member of the House Veterans' Affairs Committee, have come to know and place confidence in. He not only has technical knowledge, he has an inner sense of compassion and duty.

Bill Driver has been the right man in the right place and at the right time. I am sorry to see him go.

Mr. DULSKI. Mr. Speaker, this is an opportunity to pay tribute to an outstanding civil servant: William J. Driver, Administrator of Veterans' Affairs.

I regret that it is occasioned by his resignation from the Veterans' Administration.

Many Members of Congress feel a very personal loss because Bill Driver is leaving public service. We have come to rely on his leadership in all things dealing with veterans. But I think now of another group he served well—the 171,000 VA employees, third largest workforce in Government.

The policies of an agency reflect the character of its highest official. Yet, more important is the implementation of those policies. It is only when words are translated into action that the intent of the program is tested and the concern of management is known.

To Bill Driver, equal employment opportunity is a way of life and employees are individuals with feelings and ambitions.

Because he was a career public servant himself, he recognized and encouraged the special dedication to duty desired by our Government and inherent in the best of career employees.

His high regard for public service is reflected in the members of his top staff. Each is a career employee with an average of 20 years VA service.

He chose a woman as the Assistant Administrator for Personnel—not because it was the popular thing to do, but because he knew her work and had confidence in her ability. Even as veterans benefited from this knowledgeable staff, so did VA employees.

The extraordinary record of employee relationship set by the Veterans' Administration under Bill Driver was hailed on many fronts.

Lyndon B. Johnson, former President:

> I am proud of the fine record the Veterans Administration has set in supporting our Economic Assistance Programs. VA's youth employment initiatives are an example for all our partners in Government.

John W. Macy, Jr., former Chairman of the Civil Service Commission:

> Throughout VA's vast organization, there has been a managerial desire to seek improvements in human relations, a willingness to tackle the complex problems of the contemporary market place, and there has been affirmative support for interagency enterprises in the community. I am certain that these conditions were a reflection of the imagination and leadership in the agency.

John F. Griner, National President, American Federation of Government Employees:

> I have noted a pronounced improvement in the morale and working conditions under the administration of William J. Driver. As a citizen as well as President of this Union, I am grateful that he considered equitable treatment of employees as a major responsibility in conducting the Veterans Administration's affairs.

Mr. Speaker, I have had many opportunities to work very closely with Bill Driver in Government, and I have found him to be one of the most dedicated and conscientious public servants that I have ever known.

Bill Driver's service to his country, and particularly to the Veterans' Administration is one to which he and all of us can look with pride.

As a member of the Committee on Veterans' Affairs, it is a great honor and pleasure for me to say: Thank you, Mr. Administrator, for a job well done.

Mr. MORSE. Mr. Speaker, William J. Driver is leaving the Veterans' Administration, but the contributions he made in 20 years of service will continue to benefit the veterans of this Nation for years to come.

Throughout Mr. Driver's VA service, the growth of veterans programs and extension of benefits to veterans and their families brought about increasing workloads in the VA and a need for effective and efficient tools for processing the masses of data associated with the administration and operation of veterans programs. To this end, the most modern business tools and techniques are being employed.

The VA was one of the first Federal agencies to use computers for the processing of large amounts of data, having initiated the program under the leadership of the then Administrator, Sumner Whittier. Mr. Driver, as the Chief Benefits Director, recognized the vast potential of automatic data processing—ADP—and was an enthusiastic advocate of its use. He was responsible for the conversion of the enormous compensation and pension system, from a variety of manual-mechanical operations maintained at 69 separate stations to a centralized ADP system. The magnitude of this undertaking may be appreciated by the fact that this system maintains 4.6 million accounts and disburses about 57 million checks each year representing Government benefits to veterans and their families totaling close to $4.5 billion.

As Deputy Administrator, Mr. Driver played a leading role in establishing a new department; the Department of Data Management which centralized the supervision of all data processing activities and resources of the agency under a single organization. This was a pioneering step subsequently taken by many in private industry and elsewhere in the Government.

During Mr. Driver's tenure as Administrator of Veterans' Affairs, the development of automated systems to replace the slower and less flexible manual systems has flourished and brought about greatly improved service to veterans at far less cost to the Government.

Under his leadership, the VA personnel and payroll operation was converted to a centralized ADP system. The system automatically processes personnel and payroll data for over 170,000 central office and field station employees. Every other week it produces a magnetic tape authorizing the Treasury Department to issue salary checks, and U.S. savings bonds and notes for VA employees. The system also generates personnel documents, various management reports and accumulates cost accounting data.

Mr. Driver's ability to anticipate an agency need for adapting to changing conditions brought increasing emphasis on the use of computers to facilitate expanding operations. By mid 1969 the VA had over 50 data-processing systems in operation, most of which replaced less effective processes and lowered administrative costs. These processes have provided administrative savings totaling close to $20 million. These are recurring annual savings which on a cumulative basis total over $86 million. In addition, about $21 million savings have been realized from ADP systems which were developed to satisfy one-time requirements such as a Federal pay raise or an increase in veterans compensation and pension payments.

As Administrator, Bill Driver set an example that I hope others will follow. Service to veterans was first in his mind and he balanced it with an economical awareness.

My warmest wishes go with Marion and Bill Driver. I know that Bill will contribute greatly to whatever endeavor he undertakes, and I truly appreciate the many years of outstanding service he has given to this Nation.

Mr. ZABLOCKI. Mr. Speaker, it was with regret that I learned a few weeks ago of William J. Driver's intended resignation as Adiministrator of the Veterans' Administration.

It was my privilege to serve with Bill Driver on the United States-Philippine Commission charged with the duty of resolving the sensitive question of payments for certain Philippine veterans. Throughout our deliberations it was impressive to observe Bill Driver's diplomacy and the response he invoked in the other members. With a wisdom enhanced by sincerity, he sought a just solution. That effort was recognized by men of good faith from both countries.

Many times I have called on the VA Administrator for counsel, information, and help in veterans' affairs. No VA matter was too minor to receive his personal attention. Sometimes immediate action was required. Never was I left wanting, even on a weekend.

On one occasion a pilot group of U.S. veterans assistance centers—USVAC's—were announced with less than 20 days allotted for the opening. Much of the preparation fell to the Veterans' Administration. The first 10 USVAC's were opened on schedule. A month later, a second group, including one in my home district of Milwaukee, was in operation. This indicates a well-organized agency.

I know and veterans have confirmed it repeatedly that they find it easier to get information and help from the VA—a fact directly attributable to the aggressive programs Bill Driver encouraged.

Servicemen about to be discharged for disability are given a headstart on their vocational rehabilitation through the assistance of VA representatives who visit them at military hospitals. Bedside assistance is also furnished to speed claims for compensation, disability insurance, and other benefits administered by VA.

These are but a few of the VA accomplishments initiated by Bill Driver. His record will be hard to match.

I regret our veterans are losing this outstanding man. Surely good things will follow him as he enters private life and I wish him every happiness and satisfaction in all that he pursues.

Mr. BROWN of California. Mr. Speaker, the retiring Administrator of Veterans' Affairs is a genuinely modest man who advanced through the ranks of the Veterans' Administration during his 23-year career with VA on the basis of outstanding ability and solid accomplishments.

To each new assignment he brought fresh enthusiasm, an undiminished capacity and willingness to learn, a continuing dedication to the welfare of America's veterans, and, of course, the invaluable experience of his previous jobs.

For example, I am sure he is proud, as am I, of the success of the present post-Korean GI bill, of the 60 percent enrollment at the college level compared with 49 percent under the Korean GI bill and 46 percent under the World War II program after the same period of time.

I am confident that he is gratified, too, at the cooperation of our military officials in permitting VA representatives to offer battlefield briefing to our servicemen in Vietnam on their veteran benefits, and to provide similar orientation to servicemen in U.S. military hospitals and at separation points throughout the country.

And I am certain that he has been thrilled by the quiet but monumental triumphs of VA medical research.

As he leaves the Veterans' Administration, William J. Driver can be proud of his record as an outstanding Administrator of Veterans' Affairs.

GENERAL LEAVE TO EXTEND

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the special order taken by the gentleman from Texas (Mr. TEAGUE).

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

THE U.N. STRIKES A BLOW AGAINST HUMAN RIGHTS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, an event at the United Nations last week is well worth the attention of this House. A concerted Arab and Soviet effort to expel B'nai B'rith after 22 years of participation in human rights debates has made significant headway. By a 10-to-8 ballot, the Economic and Social Council voted to postpone continuing a specific "consultative" category to the Coordinating Board of Jewish Organizations. The coordinating board represents B'nai B'rith chapters in 40 countries with 500,000 members. This delays for a year assurance of the continuing right of this group to make proposals and participate in U.N. activities on human rights matters.

How bizarre this decision is. Well might Arab States and the Soviet Union unite in unholy wedlock to silence the voice of this Jewish organization in the area of human rights. Truth and the spotlight of information hurts, especially in this case.

The whole world knows slavery still proliferates in areas of the Arab world, along with barbaric punishments and tortures. The entire world also knows how the Soviet Union speaks of human rights to the globe as it actively and mercilessly persecutes Jews within its borders. Hitler is alive and well within the Soviet Union and in the Arab States.

Other nongovernmental organizations will be intimidated by this action, and become fearful of bringing human rights matters to the attention of the U.N. Expulsion of one organization can lead to expulsion of others. The Soviets have pried open the door to ejection of other organizations which are Western-oriented. The U.N. Charter gives nongovernmental organizations the right to seek "consultative status" by vote of the Economic and Social Council. Such status allows them to focus attention upon such evils. Now a precedent has been set which can stifle future activities of this sort.

Where is the voice of U Thant, that ardent champion of the mighty? Where is the spirit of the United Nations, now that a crisis of severe internal proportions confronts it? What will it do?

The American Jewish community has given fervent support to the United Nations from its very inception. It has stood by in seething, growing indignation as this organization has pilloried Israel via a series of unfair resolutions and condemnations. Now this insult and subjugation of liberty to dictatorship has been inflicted upon an organization which has always been in the forefront of the struggle for human rights. Perhaps no other organization of its kind has better symbolized the search for dignity and championship of the oppressed. Is this not a central idea of the U.N. itself—or one of them?

Shall the U.N. become an instrument for oppression? Or perhaps the Security Council will now pass a resolution condemning B'nai B'rith for aggression in defense of its right to be heard on behalf of the voiceless?

I must admit my patience is sorely tried and my disgust growing at this succession of action. Always, however, one theme runs through all these actions as a thread in a piece of cloth.

It is the Jew who is to blame. It is the Jew who must be singled out. It is the Jewish state which must sacrifice its interests to placate butchers and dictators. It is Israel which must plead for recognition and rationalize its right to survive. It is a Jewish organization which is pilloried mercilessly by so-called civilized delegates of an organization which savors the title of "world parliment." I would sooner listen to a prostitute speak of love.

Yet the Jewish people are accustomed to such a role, and bear it upon their shoulders as a familiar—nay, even a friendly burden. Let others search their consciences.

A free world must not permit a combination of Soviet oppressors ashamed of the truth and their Arab bootlickers who fear the future to silence the voices of truth. Let dictators shout louder and curse truth—it will be heard over their bellows, propaganda machines and cannon. Look to the Middle East for confirmation. For all of Russia's arms, the banners of David stand firmly where they were placed in the June war. Let the people who run the U.N. take heed. In the American community, their good will is very rapidly running out. I say this with great sadness.

THINKING BEYOND CONTROLLING OUR MILITARY DYNAMIC

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, here on Capitol Hill we are now engaged in an unprecedented confrontation between Congress and the military. This is not occurring because of sheer contrariness on the part of Congress. Rather, it is because basic concepts are in need of challenge, thoughtful review and revision. A continuing series of revelations on Pentagon misuse of major fund appropriations is only the charge which has triggered the present chain of events.

We are confronted not just with abuse of trust, nonenforcement of contracts and growing militarization of society. Instead, we have a question of deciding whether our entire posture in a diplomatic and military sense is germane to today's confrontations and tomorrow's inevitable challenges.

Accepted doctrines must be called into question because they have failed. The Communist world is no longer monolithic, as continuing military confrontations in Asia between Red China and the Soviet Union amply illustrate. Revolutionary conflicts will continue throughout the have-not world, and we must decide whether or not we choose to become involved. Even now we continue to thrash in agony in the grips of our present Vietnam involvement. With more urgency all the time, we are confronted with choices on weapons systems which are not only prohibitively expensive, but questionable as to necessity. How many times over must we be able to annihilate any given enemy? How necessary are all our overseas military installations, with their challenge to local sensitivities, expense of maintenance and military commitments?

What is superiority in this age in a military sense? Surely, there is no comparison to what it meant in times gone by. We are seeking to apply Metternich's balance of power theory, World War I's system of alliances and World War II's sufficiency of force to this new world. Battleships, divisions, field firepower, and showing the flag are meaningless in a thermonuclear era. Further, we are faced with the fact of Soviet parity with us in the sphere of thermonuclear sufficiency. There is no Pax Americana, and we must understand that this is so not because of our internal failure, but because of ability of the Soviet Union to produce the same type and quantity of weapons we can. Escalating such an arms race is folly piled upon foolishness.

We must rethink our concepts in light of these factors, applying them geopolitically, fiscally and with a fine understanding of what our society must aim for. For the present, our Military Establishment is a choice target, and rightfully so, in terms of abuses they have perpetrated in tandem with our industrial giants in the military field. Reining in the military industrial complex, is essential, to be sure. But we must also take this one step beyond—in the realm of our foreign presence, commitments, and priorities.

America will destroy herself if she insists upon intervening everywhere, doing this in such a fashion that we undermine and betray our traditional principles upon which our Nation rests. One

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reason for the national malaise of the spirit now besetting the Nation is our trampling upon national ideals in the name of Vietnam. How can be pose as a citadel and exemplar of democratic principles when we support, arm, and intervene on the behalf of every tinpot dictator in the world? A list of those we support and favor with red carpet treatment is as sad as it is long.

Stroessner of Paraguay. Franco of Spain. Portugal's dinosaurs. Every military junta from Spain to Argentina. No, this is not Jefferson's realized dream. Nor is it what we speak of on the 4th of July. Americans have always been ready to fight and die for liberty, dignity, and the soaring elements of the human spirit. They are only degraded, however, when they nestle closely with men and regimes our forebears would abhor and reject instantly.

By all means let us place strict controls over the raging, unchained monster across the Potomac and its masters in the industrial establishment. Let us avoid, however, making the complex a mere scapegoat. By doing this, we become enmeshed in the sideshows and forget the main tent.

America must place greater emphasis on selectivity in its choice of allies and giving of commitments. Our bases must be few as well as strategic. Our commitment of force must be carefully chosen, agreed to by the legislative branch, and minimum in terms of time. Our deterrent must be enough to counter the maximum Soviet challenge, and not enough to pulverize all mankind a thousand times over.

These are the salient points to make in the ABM debate—in cutting military budgets—in discussing commitments and sale of weapons. For if we become so obsessed with weapons, commitments and the symbols of power, we shall surely lose our soul as a free nation. In the name of freedom, we are in danger of discarding liberty internally.

We are a participatory democracy, devoted to the dignity of the individual and inextricably attached to making this real to all. Now is the time to reaffirm such devotion in the form of the reforms we institute. It is our responsibility to make our institutions, including the complex of our military and defense firms, reflect our national ideals. They must not be allowed to become our masters, with a life all their own. Which dynamic shall prevail? I wonder. If the military dynamic wins out, we are lost as a free nation and the world will inevitably topple over the brink of thermonuclear conflict. Let us not forget that creation of an overwhelming amount of military force to such an establishment as ours creates an irresistible attraction to use it. This was amply proved in World War I. Our technology is out of control, and must be channeled as well as controlled.

It is my passionate desire to see a strong America, her civilian life rich and in control, acting prudently in the national interest which in turn reflects our heritage and institutions. Let us keep these long range goals in mind as we continue to press our effort to control the forces which now are loose among us.

REV. ALEXANDER RINALDO, C.S.

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, on May 15 of this year, my home community, Syracuse, N.Y., paid tribute in the form of a testimonial to a most dedicated servant of God on the occasion of the 30th anniversary of his ordination to the Holy Priesthood, the Rev. Alexander Rinaldo, C.S., pastor of St. Peter's Church, in that city.

Father Rinaldo has accurately been described as a "spiritual dynamo," in recognition of his untiring efforts in behalf of all things good. Further, he is also known as "the priest with time for all."

A native of Dueville, Italy, Father Rinaldo was ordained in Piacenza and served as a chaplain to English war prisoners in Trieste, later coming to America and eventually assuming his present role as pastor of St. Peter's Church.

I believe that Father Rinaldo's message on this occasion was magnificent and thus would like to share it with my colleagues:

MAY 18, 1969.

My first pleasant duty, this evening is to express my thanks to the Father Provincial, To His Honor Judge Frank DelVecchio and to Mr. Mario Rossi, for their speaking participation in this program.

I shall always cherish the beautiful sentiments which they have put into words. It would have been honor enough for me to merely have had them in attendance, but to have them speak such eloquent testimonials—none of which I feel I deserve—fills my heart to overflowing.

And my second chore, of course, is to voice my gratitude for your presence—parishioners and friends who have joined me on this felicitous occasion. We have broken bread together—you and I—this morning during the sacrifice of the Mass—tonight—at this brotherly meal—and it is I who must be thankful, for you have come here on a Sunday evening to do me this honor. It is as though you had entered my home—and while my residence could never approach this one in size—today this is, indeed, our abode—our dwelling—our house of many mansions.

For, this is where our heart is—
And wherever that is,
Wherever we are together—
That is our home.

I have been a priest for 30 years. But that is unimportant.

For God Himself has measured our term in infinity itself:

"Thou are a priest forever."

You know the yard stick used by the Catholic Church is the frame of Eternity. The Deposit value is the souls of all men. The reward is God. Under this light we should evaluate the past. 12 years in Seminary training the young man in prayer, meditation, sacrifice, give ample time to learning; literature, science, religion. At the end the young man can really accept responsibility and pledge to God and to the Catholic Church: chastity, poverty and obedience.

Only on this condition the Bishop can give the young man the Priestly powers and say: "Thou are a priest forever."

I will not, therefore, reckon the milestones beyond the reference I have just made: I will, instead, speak briefly of the emotions which move me on this occasion. Tonight, I want to reach across the separation of miles and time and touch the hands of all Priests, that had the honor to serve this Community of St. Peter's. It is really a journey of spirit, love and thanksgiving. I want them to feel sure that the faith of our community is the faith of our Fathers.

And tonight, you and I—together—turn our thoughts, too, to our beloved Bishop, His Excellency, the Most Reverend Walter A. Foery for his guidance and counsel, for his patience and understanding, in making it possible for our parish to move forward and to reach its goals.

The new Church, which some people consider a gem of art and of Religion, a new Rectory, the home for Priests, and not in long distance the promise of a Religious Center of Education for our youth and adults alike to keep the people of God united in the charity of Christ. My devotion and admiration is tonight toward Father Louis Riello, who, in all humility and determination gave us the beautiful house of the Lord where to pray and to purify our souls.

The bricks, the mortar, the plaster that are St. Peter's Church are important of course, but they fade into the background for me, tonight, because the Church I see as I stand among you is the Church made up of people—my loyal and energetic and devoted Assistants, Father Louis and Father Henry—the choir that lifts its voice to God—the sisters who train our children in Religion—the parishioners who come to Mass—to Confession—to receive the Sacraments—at times of Joy and sorrow—the men and women and the youth who toil so willingly and so happily in our Societies and organizations—the afflicted and the agonizing who do me honor when they seek my humble counsel.

Yes, the panorama tonight is human, indeed—it stretches before my mind's eye from the days when I said farewell to my mother in Italy—to that period of trepidation and misgiving when I first walked on the good earth of America, the land of the brave and the land of the free—to the parishes where I was privileged to serve as an Assistant Pastor—to St. Peter's. I see so many people—so many who have been kind and good and loyal—who have given of themselves unsparingly so that we might—together build for the future.

The monument of memory reaches high, and it is built of souls. Jesus started his Mission when he reached the age of thirty years.

You, the people, are my mission.

Thirty days, thirty months, thirty years, for me—it does not matter. Time is one. My time is you. And I say this with humility and gratitude. It has been my good fortune to have been called to serve you.

God has been generous to me in this respect; I would not presume to ask anything more—for to be among you is a duty that touches my heart deeply, but rests lightly on my shoulders. I do not reckon my labor as toil—but as an expression of joyful endeavor.

The good Lord has been kind to me and so have you, my beloved parishioners.

No matter if we pray in Church, at home, or on the street, prayer and charity are two reflecting lights that shine from the Sanctuary of God and return to him and gives you, my people a great privilege, as St. Peter the Apostle says: "You are the Royal Priesthood".

Rev. Fathers, Rev. Sisters, Honorable guests of the dais, honor guests, Ladies and gentlemen:

I thank you and may God bless you.

WILLIAM J. DRIVER, ADMINISTRATOR OF VETERANS' AFFAIRS

(Mr. HANLEY asked and was given permission to extend his remarks at this

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point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I want to join my colleagues in commenting on the exemplary career of a civil servant who is about to leave Government at the height of his career. William J. Driver, Administrator of Veterans' Affairs, has illustrated during 23 years that Government service, in and out of uniform, can lead a man to heights above and beyond the call of ordinary duty.

In addition to serving his country in uniform during two wars, he has climbed civil service ranks to the very top. During his brilliant administration of veterans' affairs he has demonstrated executive skills that will assure his achieving new heights in the private sector where these skills and his brand of integrity are no less important to our Nation.

Bill Driver's success is based on intelligence, perseverance and dedication. A cum laude graduate of Niagara University before he entered World War II military service, he saw fit to study law at night while carrying full-time responsibilities as a civil servant. Earning a law degree at George Washington University in 1952, he continued there to earn a master's degree in public administration in 1965.

His educational achievements have been matched and surpassed by his administration of the third largest Government agency. The VA has more than 170,000 employees, annual expenditures of some $7 billion, and the mission of serving eligible beneficiaries among the Nation's more than 26 million veterans.

The intricate fabric of this Nation's economy has positions that require executive abilities of similar magnitude, and surely Bill Driver will fill one of them. No matter what capacity he chooses to serve in after he leaves Government, I am convinced that Bill Driver will demonstrate that the opportunity for public service is not limited for those who serve as civil servants and in uniform.

PFC. BENJAMIN R. MAULDIN, U.S. MARINE CORPS, ASKS TO SERVE HIS COUNTRY

(Mr. POAGE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, this morning I received a letter from one of my constituents, Pfc. Benjamin R. Mauldin of Temple, Tex., who is now serving in the U.S. Marine Corps. I think his letter and his attitude is so striking that I want to share it with the Members of the House.

This young man's letter reads:

> Dear Sir: I being a person, a citizen of the United States, now employed by that government in its military service find that even though this government claims not to be descriminate, especially in its military, has descriminated against myself. I was not descriminated upon because of my race or my sex, but rather, because of my age. I am but seventeen years old and, because of that reason I find myself restricted. It seems, that because of my age I am denied even an equal opportunity to serve in a war zone. I have been in the Corps for seven months now and think myself at least as capable as the next Marine to serve in VietNam. For this reason, among others, I am now putting forth to you, my representative, as an American citizen, a request that I receive at the very least an equal opportunity to receive orders to report to staging for Wes Pac and if at all possible, with your much appreciated help, do, in fact, receive orders to report to Wes Pac.
>
> I am not quite sure what is in your power to be done but I could see no other action to take which might have so quick a result as this. I realize that this action restricting people of my age from serving in Viet Nam was taking into account such as my own safety. Sir, I waiver any right I have because of this law. I am ready to serve my country, my government, my people, and my heritage now! Sir, with people pledging violence rather than faith and obedience as I now am, can't you find some way to help me? There are people sent to Viet Nam who don't want to go. I will gladly replace anyone of them. Please, sir, have an understanding of my situation and take some action in my behalf. I request this of you as an American who wishes to earn his right to live in this country, to dissent its policies if I think myself well enough informed, to protest its dissenters when I see fit, and to stand up and say that I have done my fair share.
>
> My M.O.S. is 0844. My parents address is as follows:
>
> Mr. & Mrs. Roy Mauldin,
> 710 North 4th Street,
> Temple, Texas 76501.
>
> Thank you very much,
>
> Pfc. Benjamin R. Mauldin,
> *U.S. Marine Corps.*

This letter is signed by Benjamin R. Mauldin, Pfc., U.S. Marine Corps, of Temple, Tex.

Mr. Speaker, I am proud to represent this young man, and I hope that he will be permitted to earn his right to serve his country as he desires.

We need more men of his kind.

RESEARCH ON AGING ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record.)

Mr. BINGHAM. Mr. Speaker, I am today introducing legislation entitled the "Research on Aging Act." This bill would provide an intensive, centrally coordinated review of what has been learned and what remains to be investigated about the biological process of aging. It is identical to S. 870, which has been introduced in the Senate by Senator Williams of New Jersey.

The bill proposes to establish a Research Commission on Aging to gather, analyze, and evaluate all information related to the biological aspects of aging, and through a biological research board within the Commission, prepare a 5-year research plan.

Medical developments push the longevity figures higher and higher each year, increasing the number of senior citizens in the Nation as a proportion of the total population. It is right and humane that we do everything possible to insure that our senior citizens are able to lead healthy, comfortable lives in retirement. Many medical experts believe that mastery over the very process of aging itself is very nearly within the grasp of scientific and medical knowledge. Researchers in the field of aging say we have reached a point in our knowledge and technology where dramatic breakthroughs may be expected. They compare the potential of modern genetic biology to the physical sciences in the 1930's when many of the revolutionary advances of the past several years were germinated.

Despite these conditions and possibilities, the Federal Government is currently spending less than 5 cents per person per year on basic research on the aging process. A new gerontological research center within the National Institute of Child Health and Human Development of the National Institutes of Health is now in the process of construction by the Federal Government. It will house more than 300 scientists and supporting personnel. But this new facility must be utilized efficiently and responsibly.

At the moment, breakthroughs are occurring in molecular biology, immunology, and many other fields that may have application in understanding and affecting the aging process. Research on aging itself is being conducted in insufficient amounts and without specific goals.

What is needed is a careful effort to pull existing knowledge together into a useful form, and to devise a truly comprehensive design for future exploration in this important research area.

At the time he introduced the same bill in the Senate, Senator Williams noted that the bill "would provide the strong leadership of the Federal Government which is required to bring to fruition the dramatic potential of such a program of research." I wholeheartedly concur with that assessment, and am happy to join with him to advance this program by introducing the Research on Aging Act.

EXPOSED—GOVERNMENT OF THE PEOPLE, BY THE INSIDERS, FOR THE INSIDERS

(Mr. RARICK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, the Government Employees Exchange for May 28, 1969, carries a very startling exposé of a conglomerate of leading national officials which calls itself the National Council of Technical Services Industries. An interesting feature of NCTSI is that top level favors cost less than $40,000 in annual dues which, in turn, is probably deductible as a business expense from their income taxes.

Among the members of the giant influence cartel are Abe Fortas, Secretary of State William Rogers, former Secretaries of State Dean Acheson and Dean Rusk, Gossip Columnist Drew Pearson, former income tax Commissioner Sheldon Cohen, and a myriad of other behind-the-scenes actors.

Mr. Sidney Goldberg, the courageous editor of Government Employees Exchange, is certainly deserving of the commendation of every Member of this House and the thanks of the American people for relentlessly exposing corrupt double dealers who have sneaked themselves into the heart of our Government to rot away its structure for their own personal enrichment and aggrandizement.

I include the news article from the Government Employees Exchange, as follows:

Fortas Tied to NCTSI, Rogers, Acheson, Hiss—"Smear" of Civil Servants Laid to Campaign of District of Columbia Based Association

The "all-pervasive" ties of resigned Supreme Court Justice Abe Fortas brought him into intimate association with a group of private contractors, organized as the National Council of Technical Service Industries, which led a "smear campaign" against Federal employees, a representative of the Internal Revenue Service revealed to this newspaper on May 22.

Other "lobbying and political" ties of the former Justice included Secretary of State William P. Rogers, former Secretaries of State Dean Acheson and Dean Rusk, as well as Alger Hiss, with whom Mr. Fortas had first collaborated as a "colleague" in the office of the General Counsel of the Agricultural Administration Agency in 1933.

Other "colleagues" at the AAA were Thurmond Arnold, later a law partner in the firm of Arnold, Fortas and Porter, and Adlai E. Stevenson, whose law partner George Wildman Ball subsequently became Under-Secretary of State under Dean Rusk.

OTTO F. OTEPKA

The ties which Mr. Fortas formed with Thurmond Arnold, Dean Acheson and Alger Hiss subsequently placed him in the camp "against Otto F. Otepka," where Mr. Fortas played a crucial role after the assasination of President John F. Kennedy, the source revealed.

Because of President Johnson's close ties to two high officials, both of whom had aroused the opposition of Attorney General Robert Kennedy, President Johnson initially was disposed to "re-instate" Mr. Otepka as Chief Security Evaluations of the State Department, the source stated.

At this juncture, Secretary Rusk asked former Secretary of State Dean Acheson, of the "lobby law firm" of Covington and Burling, to have Mr. Fortas "intercede" with President Johnson "against Mr. Otepka." A member of the law firm of Covington and Burling is Donald Hiss, the brother of Alger Hiss, the source revealed.

After Mr. Fortas' intervention with President Johnson, it was agreed that Mr. Otepka would be "left to Mr. Rusk", the source commented.

"BOBBY" BAKER

Another reason for President Johnson's "changing his mind" on Otto F. Otepka, the source said, was the fact that Abe Fortas was the lawyer of Robert "Bobby" Baker, who had been Mr. Johnson's "good right arm" when he was a Senator. It was known that "Bobby" Kennedy was determined to force Vice President Johnson "off the ticket" by prosecuting "Bobby" Baker.

To save "Bobby" Baker, Abe Fortas made arrangements with Drew Pearson and Jack Anderson, columnists with The Washington Post to "reveal" scandals about Foreign Service Officer Don Reynolds on whom Attorney General Robert Kennedy had been counting for a probe of Mr. Baker's ties.

A "hidden force" in the background, on whom Mr. Fortas was counting, was William P. Rogers, the Attorney General under President Eisenhower who had developed the extreme doctrine of "executive privilege", asserting that the Executive Branch could deny documents to the Legislative Branch.

WILLIAM P. ROGERS

After the defeat of Richard Nixon for President by John Kennedy, William P. Rogers became closely associated with The Washington Post, was legal counsel for Drew Pearson and later was Director of The Washington Post, including Radio and Television Stations WTOP.

William P. Rogers had gained in great influence at *The Washington Post* following the suicide in August 1963 of Philip Graham, who had tried to keep its reporting "objective". However, this event marked the beginning of the rise of a "strong pro-Johnson and pro-Fortas policy" at *The Washington Post* and the concurrent influence there of William P. Rogers who was allied both with Mr. Fortas and with Drew Pearson.

OTEPKA OR BAKER

Because of the attack of Robert Kennedy on "Bobby Baker", a situation arose where President Johnson came to realize he would have to choose between protecting "Bobby" Baker or Otto Otepka. The issue was clear that in this case it was "Bobby" Baker who would be saved and Otto Otepka who would be sacrificed, the source revealed.

LOBBY LAWYERS

Abe Fortas, Dean Acheson, William P. Rogers and George Wildman Ball were all members of "lobby law firms", a Washington phenomenon based on the "peddling" of political influence rather than on brilliant law practice, the source at the Internal Revenue Service continued. The main function of these "lobby firms" is to represent in Washington the large American corporations with "billions of dollars" of contracts with the American government. Through their passing their members between the executive, legislative and judicial branches, these law firms generally have access at all times to "secret" files, including FBI reports and CIA documents, the source revealed.

One of the main areas of "secret" documents is the Internal Revenue Service which is able to check out all "income flow documents", including the records kept at banks of all checks written. Thus the Commissioner of the Internal Revenue Service is, from the standpoint of political "influence," on the par with the Director of the Federal Bureau of Investigation and the Central Intelligence Agency, the source at the IRS continued.

SHELDON COHEN

The Commissioner of the Internal Revenue Service under President Johnson became Sheldon Cohen, a partner and close friend of Abe Fortas. Through Sheldon Cohen, the firm of Arnold, Fortas and Porter obtained an advantage over the other "lobby firms", such as the one to which George Wildman Ball, Dean Acheson and William P. Rogers belonged, the source said.

"The nature of this advantage can be seen", the IRS source continued, "by the fact that Secretary Rogers had intimations of the Fortas-Wolfson carried them out in a way that nothing could be traced back to him".

"Through two associates, Norman Ostrow and John A. Wells, confidential material from Alexander Rittmaster became available to Mr. Rogers", the IRS lawyer stated. "Yet publicly Mr. Rogers continued to support Justice Fortas", he added.

"The reasons for Mr. Rogers action may soon be published", he said. "They may very well have a great deal to do with the ties of Sheldon Cohen to Justice Fortas and material in the secret files of the IRS", the source commented.

NCTSI

On the recommendation of the firm of Arnold, Fortas and Porter, approximately twenty of the largest private contractors having contracts for "personnel services" grouped themselves into a "National Counsel of Technical Service Industries" with an office publicly shown as located at 888 Seventeenth Street, N.W. The dues membership of the largest corporations was placed at $39,000 per year and the annual income of the NCTSI ranged between $400,000 and $500,000.

In turn, the NCTSI actually allowed its main business to be run by Paul Porter acting for Abe Fortas and Thurmond Arnold. The Constitution of the NCTSI expressly stated that its Board of Directors would hold "the annual meeting on the third Wednesday of January in the law offices of Arnold and Porter at 1229 Nineteenth Street, N.W., Washington, D.C.", the source revealed.

"SMEAR" CIVIL SERVANTS

In its campaign against the Classified Civil Service, the NCTSI resorted to a publicity campaign, including the "ghost writing" of an article which appeared in the October 1968 issue of *Nation's Business*, the official publication of the United States Chamber of Commerce. The article was entitled, "Riding the Gravy Train" and it stated that Federal employees were overpaid and cost the government more than hiring personnel through private contractors.

The article in *Nation's Business* aroused an "outcry" among Federal employees and John W. Macy, Jr., the former Chairman of the Civil Service Commission wrote a letter to the magazine in which he called the article a "low, vicious, unjustified attack" on Federal Employees. Joe Young of *The Washington Evening Star* called the article "so much bilge water".

JOHN F. GRINER

John F. Griner, the President of the American Federation of Government Employees. wrote letters to Senators, Congressmen and to Sheldon Cohen, Commissioner of the Internal Revenue Service pointing out that the article in *Nation's Business* has been published under the inspiration of the NCTSI. He asked that the IRS investigate whether the NCTSI was a bona fide "non-profit education association" or a "lobbying organization" instead. Although Mr. Griner's letter was mailed in November, the IRS has to date not rendered any public decision regarding the "status of the NCTSI", the source at the IRS commented.

WILLIAM O. DOUGLAS

Besides his contacts in the executive and legislative branches, Abe Fortas "cultivated" the judiciary where his firm was an "inside influence", the same IRS source, himself a lawyer, continued.

Part of Abe Fortas influence on the judiciary came from "ideology," based largely on Abe Fortas' early ties with the Harvard and Yale law students who manned the "New Deal Agencies". Among these were William O. Douglas, Associate Justice of the Supreme Court, who taught Fortas at Yale.

Besides "ideology", Mr. Fortas was active in setting up "interlocking" financial ties in investments with members of the Federal bench. These took the form of "tax shelters", or real estate corporations in which Supreme Court justices and judges of the federal bench could "profit" handsomely.

A typical "tax shelter" arrangement involved a partnership between Supreme Court Justices Abe Fortas and William Brennan, who together with David L. Bazelon, Chief Judge of the U.S. Court of Appeals for the District of Columbia, and Judge J. Skelly Wright of the same court had an interest in Concord Village Associates. The Associates owned the complex of 531 "garden type apartments" in Arlington Virginia known as Concord Village. Besides the four members of the judiciary, other "partners" were Mrs. Bazelon; Mrs. Fortas, using her professional maiden name of Carolyn Agger; former Supreme Court Justice Arthur Goldberg; and a Senator.

THE PARVIN FOUNDATION

The "closest" ties in the Abe Fortas complex, however, involved a merger of "ideology" and "practical" interest, such as the Justice's relationship with the Louis A. Wolfson Foundation. Another such relationship

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existed with the Albert Parvin Foundation, which was a "front" for the various Albert Parvin enterprises, the IRS lawyer revealed further.

The "attorney" for the Parvin Foundation was "Carolyn Agger," the maiden name used by Mrs. Fortas in her legal work. The only "paid" official of the Parvin Foundation was Justice William O. Douglas, Mr. Fortas' teacher at Yale. Another Director of the Parvin Foundation is Chief Judge William J. Campbell of the United States District Court for Northern Illinois, who is a protege both of Mr. Fortas and of the late Adlai Stevenson, another young lawyer whom Mr. Fortas came to know in 1933 as an attorney at the Agricultural Administration Agency.

HARRY A. GOLDMAN

Besides the Albert Parvin family, the chief operator of the Parvin enterprises is Harry A. Goldman, who arranged the investment of the Parvin money into two major gambling houses in Las Vegas, the Flamingo Hotel and the Fremont Hotel.

Part of the information which "Bobby" Kennedy had planned to use against "Bobby" Baker involved conversations and arrangements involving the transfer of money at Las Vegas, the source revealed.

LEGITIMIZING INCOME

One of the main functions of the Las Vegas and Reno gambling establishments, the IRS source continued, is to "legitimatize" illegal income. He explained that the "major hoodlum, gangster and MAFIA" organizations have income from such illegal operations as the "numbers rackets", "prostitution", "drug smuggling" and "black mail" and "protection." Since these are all illegal forms of income, the money earnings must be made "legitimate" by some method. The "method" is to lose the money at the gambling tables to a "gambling banker", who then pays taxes on his gambling winnings and can thereafter deposit all the previously illegal money into any bank as "legitimate" money.

A major portion of the money that flows into "political patronage" on Capitol Hill originates in the "legimatizing" halls of the gambling casinos in Las Vegas and Reno, the IRS source observed. "How some of this money gets into the pockets of elegant gentlemen would amaze the civics course teachers in the American public schools", he concluded.

LEADERSHIP

(Mr. HALL asked and was given permission to extend his remarks at this point in the Record and to include pertinent material on "Leadership.")

Mr. HALL. Mr. Speaker, some years ago my friend, Gen. Bruce C. Clark, U.S. Army, retired, wrote a booklet entitled "Soldier Management and Moral." In this booklet General Clark sets down in simple language the concepts and ideals that are required of anyone expected to exercise leadership today.

I would especially commend the reading of General Clark's booklet to the administrators and educators on our Nation's campuses who seem to have lost the "keys to leadership" and find their schools beset by almost open revolt.

Gen. George Marshall said:

> First in importance will be the development of a high morale and the building of a sound discipline, based on wise leadership and a spirit of cooperation through all ranks.

This statement sets the tone for General Clark's booklet, which has been translated into many languages, and used by field commanders all over the world.

I include this booklet as a part of the Record, so that all Members and others who are interested, might be able to study this fine article:

Soldier Management and Soldier Morale

Gen. George C. Marshall: "First in importance will be the development of a high morale and the building of a sound discipline, based on wise leadership and a spirit of cooperation through all ranks."

October 1, 1965.

FOREWORD BY BRUCE C. CLARKE, GENERAL, USA, RETIRED

The subject of Leadership is complicated to the theorist. Many and large books have been written on the academic side of the problem of being a good leader. Fortunately, the rules are capable of being reduced to a few simple and practical terms. The two short articles in this little pamphlet were prepared originally to do just that. Soldier Management was an outline which I prepared several years ago for a lecture on Leadership to the First (Senior) Class at West Point. Soldier Morale was prepared for a lecture to commanders and staff officers of X Corps in Korea in 1953 when the troops there were faced with the morale problems which usually follow an armistice. Together these two outlines might well be used as closely related leadership check lists which officers and noncommissioned officers can use to an advantage in their units. On looking back upon my experience in the Army serving under many immediate commanders whose ranks have progressed through the years from corporal to that of 4-star general, I recall no case where any one of my superiors was able to establish a climate of good leadership in his unit if he violated many of the simple rules given here. Conversely, all who observed well the simple rules were looked upon by their subordinates as good leaders. Many of them were outstanding.

SOLDIER MANAGEMENT FROM THE VIEWPOINT OF THE COMPANY OFFICER

An outline

1. Introduction: (a) From the company officer's viewpoint, soldier management and leadership go hand in hand. The purpose of this talk is to assist the young officer and the senior noncommissioned officer in his everyday problems of handling and managing soldiers.

(b) There were fair, good, and outstanding units of all echelons in the past war. Primarily this variation in units was in direct ration to the qualities of leadership displayed by the unit officers.

(c) Leadership which produces success in battle can easily be adapted to other activities and produce equal or greater success.

2. What men expect from their leaders: (a) Men have a right to expect from their leaders:

(1) Honest, just, and fair treatment.

(2) Consideration due them as mature professional soldiers.

(3) Personal interest taken in them as individuals.

(4) Loyalty.

(5) Shielding from harassment "higher up."

(6) The best in leadership.

(7) That their needs be anticipated and provided for.

(8) All the comforts and privileges practicable.

(9) To be kept oriented and told the "reason why."

(10) A well-thought-out program of training, work, and recreation.

(11) Clear-cut and positive decisions and orders which are not constantly changing.

(12) Demands on them commensurate with their capabilities not too small nor too great.

(13) That their good work be recognized—and publicized where appropriate.

(b) To the military leader, men are tools. He is successful to the extent that he can get the men to work for him. Ordinarily, and on their own initiative, people run on only 35% capacity. The success of a leader is measured by the extent to which he can "tap" the other 65%.

(c) It is the men below who make or break an officer. Sometimes, but not often enough, those above recognize what the ones below do for them in this respect. Regardless of the recognition the officer should not lose sight of the basic truth.

3. Some Pointers on Leadership: Some people are natural-born leaders. Others, possessing the ordinary attributes, can be fine leaders through the observation of certain procedures. Some of these are:

(a) Almost every man wants to do what is expected of him. When he does not do so, it usually is because he has not been properly instructed. This is the only tenable attitude an officer or NCO can take toward his subordinates. He will recognize the exceptions and know what to do about them.

(b) Men admire a strict officer if he is also just.

(c) An officer who tries to be a "good fellow" loses his grip early.

(d) A new officer cannot be easy at first and then get strict. He can, however, be strict at first and then ease off as circumstances warrant.

(e) Company and platoon leaders should know every man in their organizations.

(f) Men must look to their titular leaders for rewards and punishments. The company commander, himself, must decide who shall be promoted. He can and should accept recommendations, but it must never be thought that he rubberstamps the first sergeant's list. The company commander personally assesses company punishment, not the first sergeant. He usually does this in the first sergeant's presence.

(g) One should be able to select competent subordinates. If the commander makes a mistake in choice then the man should be replaced. Do not carry deadwood along for fear of admitting an error in selection. Handle your own mistakes; do not pass them along.

(h) An officer should not look for cheap popularity with his subordinates. They expect the officer to play his part according to his position. They do not begrudge him his rank, pay, or prerogatives if he uses them in the interest of his subordinates and superiors.

(i) Military courtesies start between officers. Observation of these courtesies between seniors and subordinates is not belittling to either; they are evidences of alertnesss, pride, and good manners.

(j) An officer can expect the same attention from his men that he gives them—it works both ways.

(k) The officer should give orders in a manner which indicates he expects compliance. He should be clear and positive and should follow them up.

(l) An officer should not issue orders which he cannot enforce. Along that line, it is a wise officer who refrains from criticism of a situation until he learns the reasons therefor, and can make logical constructive suggestions.

(m) An officer must develop initiative in his subordinates. They learn by doing. In so learning they make mistakes. Learn to *underwrite the honest mistakes* of your subordinates.

(n) An officer must not belittle the importance of his subordinates. He must give them responsibilities and then back them up. A good officer does not by-pass subordi-

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nate commanders. He uses his NCOs and adds to their prestige by so doing.

(o) An officer should be as good as his word. He should not make promises of rewards and punishments he cannot fulfill. He should fulfill those he makes.

(p) A good officer will know the names, background, and individual characteristics of his men. He must have a genuine personal interest in them or they will not have it in him. Each individual has problems. There is no easier way of getting a grip on men than by helping them to solve the personal problems that give them great concern.

(q) Be enthusiastic and cheerful. These attitudes in a leader, as well as their opposites, are contagious.

(r) Do not be too familiar with your men. Good soldiers do not expect it. It is not necessary to call your men by their first names or nicknames even if you sleep in the same foxhole with them. Doing so does not increase your leadership ability or your grip on your men.

(s) Morale is a natural product of good leadership. Morale is not produced only by USO shows. Diversions are important, however, good morale comes from doing well a worthwhile job and receiving recognition for it. (See article on Soldier Morale which follows.)

(t) Every man experiences fear in a crisis. The leader cannot show it. He must fortify himself with a scale of values which enables him to control his emotions. The only fear that should worry a good leader is the fear of being afraid.

(u) Do everything you can to increase the personal pride of your men. Cleanliness, neatness, and orderliness are evidences of personal pride. A proud outfit is a good outfit.

(v) When a man has punishment coming to him be sure to give it to him, but in an impersonal way and to a degree that fits the circumstances and the offense. When he pays his debt, forget the incident.

(w) Listen to the suggestions of your subordinates. If they are adopted pass on the credit to them.

(x) Be intellectually honest. An officer cannot be expected to know everything. He cannot bluff his men and retain their respect. When he does not know he should say so.

(y) Be loyal. Criticism of your superiors in front of subordinates lays you open to the same treatment. Remember, loyalty works both ways.

(z) Rank should be used to serve your subordinates. Rank is not a reward nor a license to exercise your idiosyncrasies. Rank has one object: to enable the officer to fulfill his responsibilities.

(aa) An officer's presence when the conditions are unpleasant and where the going is tough—"sharing the situation with the men"—is all-important.

(ab) Above all, set the proper example. Men will look to the officer for their model. The higher the rank the greater the obligation to those below to set the proper example.

4. Conclusion: Basis of the officer-enlisted man relationship in the American Army. We have heard the charge that the officer-enlisted man relationship is based upon the Prussian system as brought to this country by Baron von Steuben. There is nothing wrong today with the following instructions written by Baron von Steuben at Valley Forge and published by the Continental Congress. It is when we get away from them that we get into difficulties:

"Instructions for the Captain

"A captain cannot be too careful of the company the state has committed to his charge. He must pay the greatest attention to the health of his men, their discipline, arms, accoutrements, ammunition, clothes, and necessaries.

"His first object should be to gain the love of his men by treating them with every possible kindness and humanity, inquiring into their complaints, and when well founded, seeing them redressed. He should know every man of his company by name and character. He should often visit those who are sick, speak tenderly to them, see that the public provision, whether of medicine or diet, is duly administered, and procure them besides such comforts and conveniences as are in his power. The attachment that arises from this kind of attention to the sick and wounded is almost inconceivable; it will, moreover, be the means of preserving the lives of many valuable men.

"Instructions for the Lieutenant

"He should endeavor to gain the love of his men, by his attention to everything which may contribute to their health and convenience; he should often visit them at different hours; inspect into their manner of living; see that their provisions are good and well cooked, and as far as possible oblige them to take their meals at regulated hours. He should pay attention to their complaints, and when well founded, endeavor to get them redressed; but discourage them from complaining on every frivolus occasion."

SOLDIER MORALE

The one question most frequently asked by visitors to military units is: "How is the morale?" This question usually leads to a discussion of many things and usually ends in an agreement that the morale is "Excellent." I am aware of no commander who ever rated the morale of the men in his unit as anything but "Excellent." But I am sure that the morale in some units is "more excellent" than in others.

What is morale? Our manual on leadership defines morale as the mental and emotional state of the individual. As such, it is naturally influenced by many factors.

The basis of good morale

Although morale is a complex and intangible quality, it must have a solid basis of these three factors which lead to a general feeling of confidence, well-being and accomplishment. Military leadership and management play a large part in providing the three factors, although the military commander alone cannot provide them all to the full extent needed:

1. Doing well,
2. An important job,
3. And receiving recognition.

Adjuncts to Morale

During the course of this article I will refer to these elements, but first let's consider the several adjuncts to morale which have an influence on units but which in themselves alone do not produce good morale if the basis of good morale is missing.

Good Management: We all like to be in a unit where there is good management, where things run smoothly, where things are planned, where men do not have to "hurry up and wait." The basis for good management is prior planning, thorough organization, and continuing supervision.

Well Informed: Men like to be kept informed ahead of time as to things that affect them or are apt to affect them. It is far better for the commander to keep his men informed, than to have them seek to get such information from rumors. Most soldiers enter into training programs and other military activities with vigor and enthusiasm if they know their purpose and the reason.

Well Trained: This is an important part of factor one. If, a unit is not well trained its men know it. This fact adversely affects their confidence, especially if they anticipate there is a possibility of using that training in a critical situation. Every soldier likes to feel that he is playing on a winning team—he knows he can't win if he isn't well trained.

Chances for Advancement: Making progress is morale raising to all men. Knowing that there is an opportunity for advancement and that only excellent performance and preparation lead to promotion in a unit helps the morale.

Good Physical Condition: Good physical condition goes hand-in-hand with good mental condition. These two elements are basic to achieving good morale.

Good Administration: Men like to know that the administration in their unit is good, that their pay accounts and individual records are correct, that the date they are due for rotation home will not be overlooked, that their allotments are going through on schedule. These matters are very personal to a man and affect his confidence in his unit.

Confidence in Their Equipment: We are the best equipped Army in the world. There is always better equipment under development than is in the hands of troops. There would be no progress unless that were true. The talking down of our equipment as being obsolete, the statements that we do not have the latest and best are detrimental to morale.

Confidence in Their Leaders: Men expect their leaders to know their jobs, to share the hardships with them and to take a personal interest in their problems. The men like to see their leaders where things are going on—where the weather is bad or the night dark and wet.

Comfortable Quarters: With a little encouragement men will fix up comfortable quarters under most any condition. They should always be made as comfortable as the circumstances permit.

Good Mess: The food issued to the American soldier is the best that any Army ever received. There is no excuse in the Army for other than a good mess. Where messes are not good, command attention is lacking.

Good Mail Service: The importance of this should be apparent to all. The soldier counts on his mail—he looks forward with anticipation to every mail call.

Good Medical Attention: Confidence in the medical service is of tremendous importance to any unit, especially to a combat unit.

Post Exchange Facilities: The Post Exchange gives the man a source of small necessities and little luxuries so that he can vary the routine of issue items and have some things in accordance with his own wishes.

Leaves and Passes: A constant and well-implemented policy in such matters provides breaks in routine which are most beneficial. The leave program should be planned so that each individual knows approximately when he is going. He can then plan for it.

Religious Services and Character Guidance: It is especially important that an Army made up mostly of young soldiers be provided with facilities for religious services in accordance with their preferences and a program of character guidance with a view to continuing in the service the wholesome influence of home and community life.

Awards and Letters of Commendation: These means of recognition of good work play a most important part in factor three of the basis of good morale. A good commander is ever alert to detect and recognize good work.

Diversions: There are many important activities that fill up spare time, thereby keeping the soldier pleasantly and profitably occupied and adding to his contentment. Among these are movies, U.S.O. camp shows, dayroom and library facilities, athletics, and well equipped hobby shops.

Standards: Soldiers like to be in a "sharp" unit. They appreciate the achievement of high standards in discipline, dress, housekeeping, police, maintenance, training, and athletics. The lift in morale that comes from

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impressive military ceremonies is an important factor.

Most of the various adjuncts to morale are expected by troops as a matter of course. Therefore, the presence of them does not necessarily add to morale but the absence of any of them is quickly noticed and adversely affects the morale substantially.

Evidences of morale

In discussing the subject of morale with visitors, I often ask and am asked: "What do you look for in a unit in order to gauge the morale?" Since morale is influenced by so many factors, there are naturally many indications of the state of morale in a unit. The things I look into and note in making a quick size-up of a unit include:

Saluting: Is it well done? Do the men speak? Do they seem pleased to greet you? Do they come forward to report?

Dress: Is it uniform, neat, clean, worn smartly?

Good Housekeeping: Is the area neat, orderly, clean? Are offices cluttered up? Are bulletin boards neat? Are signs clean, neat, uniform? Are barracks neatly arranged? Has there been an effective effort to make the unit attractive?

Pride: Are they eager to show their accomplishments? Are they eager to point out their history? Do they have something good to sell and try to sell it?

Participation in Charities and Unit Improvement Projects: These extra-curricular activities indicate the unit spirit in an organization.

Athletic Programs and Support of their Teams: An athletic program, enthusiastically supported, on the small unit level so that many men actually participate, is always a favorable indication of morale as is the support of unit teams in competitions. Competition between platoons is most beneficial.

Church Attendance: This is a good indicator.

Soldiers Deposits and Other Savings: A man who is saving his money each month is "banking on his future" and is usually a well adjusted and confident soldier. When there are many such soldiers in a unit there is a depth of stability in the organization.

Enlistment and Reenlistment Records: Except where unusual conditions exist, the records of enlistment and reenlistment are good indices of the relative morale in the units.

AWOLs: Where situations exist to make such offenses on the part of the man reasonably easy to commit, this item is an indicator of morale.

Size of Sick Call: Unless there are special reasons for it, a continuing large sick call is a danger signal in a unit.

Courts-Martial Rate: This often indicates morale in a unit, but it must be analyzed carefully for extraordinary influencing factors. For example, a very low court-martial rate may indicate not good morale, but a lax discipline.

Incidents and Accidents: Usually these occur in sizeable numbers only as a result of conditions existing over a period of time which set the stage for them. Because of this, they are an indication of the soundness of the basic structure of a unit which include the state of morale of its members.

Complaints to the Inspector General: These come about when men are not well informed and properly handled. Thus, they are an indication of morale.

Outside influence on morale

The factors, adjuncts and indications of of morale covered so far have to do with those things that are generally within the ability of military leadership and management to influence. But there are influences on the morale of soldiers, especially those on duty in a far-off land, which stem from attitudes of officials, members of Congress, the press, radio commentators and the public at home. These factors have to do with the last two elements of the basic premise:

2. An important job,
3. And receiving recognition.

It is necessary that the soldier feel that he is needed where he is in an important mission, that his sacrifices are of both immediate and of long range benefit to his country, his home, his family and himself. He will feel that importance so long as the people at home feel it. He is very sensitive to public opinion at home and, because of good radio, newspaper, and mail facilities, is constantly abreast of the attitude at home toward the importance of his job. The "home town" and other releases by Information Officers play an important part in the attitude at home. Unless the people at home help maintain in him the feeling that he is doing an important job for them, the heart of the basic premise upon which good morale is built is eliminated. Then the several adjuncts to morale cannot fully fill the void regardless of the efforts made.

The third element—"receiving recognition"—generally follows from the second, insofar as the atttiude of the public is concerned. Visits, speeches and actions of officials, articles by newspaper correspondents and contents of letters which the soldier receives from home all affect morale. Because of this, every citizen shares with the military leaders the responsibility for the morale of the service personnel.

SUMMARY

The morale of a man in a military organization comes from many factors. It may well be summed up in one word, "Confidence." Confidence in his training, equipment, leadership, in himself, in his unit and in the support from home. The military commanders play a big part in it but so do civilian officials, members of Congress, the press, radio commentators and the general public at home. Together they must insure that the soldier does well an important job and receives recognition for it. So long as this is accomplished there is a general feeling of confidence, well-being, and progress in a military unit; and the report which states that the "morale is excellent" will be sound.

PROTECTING THE CONSUMER

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am today introducing legislation to amend the Fair Packaging and Labeling Act, requiring the disclosure by retail distributors of unit retail prices of packaged consumer commodities. In sponsoring this legislation, I am joining with the distinguished Senator from Wisconsin, Hon. GAYLORD NELSON, and my colleague from New York, Hon. BENJAMIN S. ROSENTHAL.

On Monday of this week, I testified before Commissioner Bess Myerson Grant, of the Department of Consumer Affairs of the city of New York, on the matter of food pricing and packaging, and at this point I insert the statement I presented at that hearing:

Commissioner Grant, ladies and gentlemen—It is a pleasure for me to be here on the occasion of the first public hearing to be conducted by the Department of Consumer Affairs. When I was a member of the City Council last year, I voted to establish this Department, and to give it independence from the Economic Development Administration. If that legislation had not passed as amended by the Council, I doubt that these hearings today would have taken place.

I would like, also, to commend Commissioner Bess Myerson Grant for her initiative and her enthusiasm. She is devoting herself without reservation and without fear to the consumer interest. I look forward especially to the productive results from this hearing.

Last week the cost of living again reached an all time high, with an increase of seven-tenths of one percent recorded for the month of April alone, and a 2.6 percent rise for the first four months of 1969. The running increase in consumer prices for the last twelve months was 6.5 percent, which means that if you had put your money in a savings bank and received the legal maximum of five percent interest you would have been 1.5 percent worse off at the end of the year than at the start of it. And that figure is before taxes. These inflationary pressures make consumer protection a most important subject, particularly to those who live on fixed or limited income, and that includes most of us.

Unfortunately, there is little that the Department of Consumer Affairs can do about inflation. But what it can do is to see that consumers get enough information to make sensible choices about how and where they are going to spend their money. One way to do this is by truth-in-pricing.

In the past few years, the consumer has had to face a bewildering array of supermarket monkeyshines. First is the enormous proliferation of package sizes and dimensions. The hearings on the Federal Truth-in-Packaging law revealed that some common products have multiplied into hundreds of different sizes, some of which may be expressed only in the most complex fractional form.

Second, we have an incredible variety of shapes of containers, what Deputy Mayor Costello last year called "the snail and giraffe shaped packages." There is a salad oil that comes in a vessel shaped like an hourglass. There are packages of air, with the produce resting on the bottom of the box. The ingenuity of the finest creative minds is brought to bear to make less appear to be more, and their efforts are frequently successful.

Third is the practice of shaving the third dimension. This is the custom of reducing the quantity of a product offered for sale, but not changing the traditional or accepted package size. This is accomplished in various ways: a transfusion of air, an extra layer of glass or other packaging material, or a reduction in that dimension of the product which is not normally noticed by the consumer. For example, soda has gone from 32 to 28 ounces while the normal height of the bottle has been retained, raisins and frozen foods now come in packages which are wider but flatter. This practice is the equivalent of shrinking the size of the moon by paring off pieces from the dark side. You get away with it for a while, but eventually, you will poke through to the sunny side, and there will be no more moon.

It is by no means every manufacturer or packager who engages in the misleading and deceptive practices which I have described. But it is every honest businessman and competitor who must be protected from the trickster, from those who would spare the package and spoil the product. The consumer should not be the hamster on whom every new artifice is tested and perfected before the years pass and the Federal Trade Commission finally catches up with it.

There is a relatively easy answer to price and package confusion. That is truth-in-pricing: a simple rule that would require the store to state, at the point of sale, just what the product costs per ounce. Let the buyer decide if she wants to pay more to pour her maple syrup out of a spout. She may reasonably decide to do so. But let her know

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that she is paying for the glass as well as the syrup.

If the housewife wants the new miracle ingredient in her detergent that will make clothes whiter than white, she is welcome to it. If she wants higher quality, solid fruit instead of fragments, perfume instead of toilet water, so much the better. But let her know the choice she is making. And do not try to fool her into thinking that she is paying less when in fact she is paying more.

I do not believe that people will flock to the cheapest brands when truth-in-pricing regulations are adopted. Many shoppers, for reasons of taste or pride, prefer expensive brands. Whole schools of advertising have grown up to appeal to such preferences.

But it is unconscionable for the housewife who wants the cheapest brand of an identical product to be unable to pick it out because she is faced with a zoo of trick packages. That is not a system which will be tolerated indefinitely, despite the pressure of industry lobbyists.

Truth-in-pricing is not the ultimate solution to the complicated problem of providing fairness in the marketplace. But it is, in my judgment, a minimum requirement in order to allow the consumer to make intelligent comparisons of value.

It is not, in any sense, a radical reform. You can get the best view of it as part of an evolutionary process: first, a package was required by law to state its contents and weight or volume; second, under Regulation 49 of the New York City Department of Consumer Affairs, it was required to state its total price. Each past regulation was protested on the ground that it was impractical, unenforceable and a restriction on trade. Each past regulation proved itself over the years to be practical, enforceable, and no restriction on trade. And so it will be with truth-in-pricing. This regulation will become a benchmark for honest competition, and, years from now, people will wonder how we ever did without it.

So my advice to you, Commissioner Grant, is to move ahead. Let New York City lead the way in consumer protection, and give us in Congress an example for the nation.

Thank you.

THE SUPREME COURT AND WELFARE

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the Supreme Court's ruling on residency requirements in State welfare programs further evidences the necessity for adoption of House Joint Resolution 82, to enable Congress by two-thirds vote of each House to override decisions of the High Court.

The decision on residency is as unfair to families appearing to benefit from it as it is to the States themselves. It may very well discourage families from establishing firm roots in any community, thus leading to an emergency of vagabond almsmen who move with the birds between North and South as the seasons change.

During the depression years before World War II, many a father or son reluctantly left western Pennsylvania in search of employment in Cleveland, Detroit, or any other metropolitan area where there was an opportunity for employment. Seldom did anyone send for the rest of the family, however, until he felt that his job was secure and the new residency permanent.

Under the philosophy now established by the Supreme Court, families will be encouraged to move about like gypsies in the full knowledge that instant relief will be available wherever the grass appears to be greener or the weather more appealing.

The decision destroys an inherent State right and can bring about a breakdown in residency requirements for voting and in various licensing systems. Furthermore, reciprocity arrangements between States may eventually become meaningless if the new concept for welfare applicants is extended.

Mr. Speaker, I include in the RECORD the following recent editorial from the Wall Street Journal and the editorial of May 5 from the Philadelphia Inquirer:

[From the Wall Street Journal]

A LARGE BLANKET

The Supreme Court's edict against residency requirements in state welfare programs is disturbing in its likely practical effects, but even more disturbing as further evidence of the Court's willingness to write its own social opinions into law on any handy if tenuous Constitutional ground.

The residency requirements have been passed by more than 40 state legislatures, and also authorized by the Federal Congress. We think most Americans would agree they are manifestly reasonable. If the citizens of a state decide to tax themselves to pay especially high benefits to the indigent among them, why should they be penalized for this generosity by the additional necessity to support the indigent of other states who may be attracted by the high benefits?

The standard one-year residency test seems a straightforward means of avoiding such a penalty. All the more so since, as Chief Justice Warren pointed out in his dissent, other means of support are in fact often available to those who fail to meet this test.

The Court majority struck down the tests by alleging they restrict a Constitutional right to travel. This is a "fundamental" right, it held, and no citizen should suffer a "penalty" for exercising it. Thus, to the extent such requirements are intended to "deter" interstate travel of indigents they are unconstitutional. Other justifications offered in their defense are not the "compelling" reasons necessary to impinge on a fundamental right.

There seems to be legal precedent for much of this argument, and it would make some sense if the provisions in question were in fact a "penalty" or "deterrent." Yet no one alleges (at least yet) that the Constitution requires any state to maintain a welfare program, let alone a schedule of benefits higher than those elsewhere. If it chooses to do so without a residency restriction, it subsidizes and provides an incentive for the migration of indigents. The whole purpose of residency requirements is merely to mitigate that incentive.

The distinction between enacting a penalty and refusing to enact a subsidy is admittedly a somewhat subtle one, but we would hope not one beyond the ken of the average Supreme Court Justice. Yet the majority not only disingenuously clouds this distinction, but casts a large blanket for future intervention in legislative prerogatives.

Other than the social notions of the Justices, after all, what are the standards of a "fundamental" right or a "compelling" justification? Why, as the Chief Justice asked, will not the same reasoning be used to strike down residency requirements for voting, professional licensing or what not? Both his dissent and Justice Harlan's quite pertinently allude to the now-deplored era when the Court used the "due process" clause to write its social views into the Constitution. They observe that the present Court's rationale is similarly open-ended.

The era of "substantive due process" ended in the late 1930s when the Court started to adhere to the principle of using judicial review to pass on a legislature's Constitutional power to pass particular laws, instead of misusing judicial review to pass on a legislature's wisdom in doing so. The welfare decision is merely the latest in a string of rulings showing today's Court has again strayed, and needs to return to precisely the same principle.

[From the Philadelphia (Pa.) Inquirer, May 5, 1969]

CONTINUING ATTACK ON RESIDENCY LAWS

Two weeks ago, when the U.S. Supreme Court declared unconstitutional state laws setting minimum periods of residency as an eligibility requirement for welfare applicants, Chief Justice Warren warned in a dissenting opinion that the ruling could lead to invalidation of state residency laws applicable to voters.

It has not taken the Court long to move in the direction predicted by the Chief Justice. It has agreed to hear a challenge against Colorado's six-month residency law for voters which was in effect for last years Presidential election, even though the law has since been repealed and replaced by a two-month residency requirement.

Additional questions arise as a result of the Court's entry into the thicket of residency laws. If the principle of unrestricted movement of citizens from state to state is to be evoked against residency laws generally, as it was in the welfare ruling, a floodtide of litigation against a wide range of state laws may be in the offing.

What about motor vehicle registration and driver licensing? How about licenses for professional and vocational practices of many kinds? Such regulations and requirements vary from state to state. What of laws requiring holders of certain occupational positions to live within the boundaries of the locality where they work? There is an almost endless list of state laws that, to one extent or another, could be said to cause hardship for persons who change their place of residence.

Arguments before the Supreme Court in the Colorado voting case may be unusually far-reaching in their scope of interest in light of the recent decision nullifying welfare residency restrictions.

NEW AMERICAN POLITICS: VOTING AT 18

(Mr. HAMILTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMILTON. Mr. Speaker, one of the root feelings of young people today is that they are called upon to bear the heaviest burdens of the Nation through military service, but they are not allowed to help elect the leaders who make the Nation's policies. This feeling inevitably contributes to their frustration with the political process. This Nation cannot risk their alienation. Allowing them to vote would be a dramatic and effective way of showing young people that this Nation wants and needs their participation.

I. PUBLIC SUPPORT FOR VOTING AT 18

Last year's Gallup poll found public support for voting at 18 had reached an alltime high. Two out of every three adults—64 percent—thought 18-, 19-,

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and 20-year-olds should be permitted to vote. Only 17 percent of all adults held this view in 1939 when the first national Gallup survey on voting at 18 was conducted.

Today, bipartisan support for voting at 18 is a reality. In its 1968 platform the Democratic Party pledged:

> We will support a Constitutional amendment lowering the voting age to 18.

The Republican Party stated in its 1968 platform:

> In recognition of the abilities of these younger citizens, their desire to participate, and their service in the nation's defense, we believe that lower age groups should be accorded the right to vote. We believe that states which have not yet acted should re-evaluate their positions with respect to 18 year olds voting, and that each such state should decide this matter for itself. We urge that the states act now.

Besides public support and bipartisan party support, our recent Presidents have also lent their support to voting at 18:

President Eisenhower in his January 7, 1954, state of the Union message said:

> I urge Congress to propose to the States a constitutional amendment permitting citizens to vote when they reach the age of 18.

President Kennedy said on May 21, 1954, before becoming President:

> Indeed, I would support such an amendment (voting at 18) in my own state and in the Congress if it were supported by the experience and demand of many states.

President Johnson, in transmitting to Congress a proposal to amend the Constitution to lower the voting age to 18, stated on June 27, 1968:

> We should now extend the right to vote to more than ten million citizens unjustly denied that right. They are the young men and women of America between the ages of 18 and 21.

President Nixon, during the recent presidential campaign, had the following to say in support of voting at 18:

> I am for the 18 year old vote. The reason I think 18 year olds should vote is that I think they would add to the interest in American elections, they would add to the quality of the debate, the younger generation today is better educated, it knows more about politics, more about the world, than many of the older people. That is why I want them to vote—not because they are old enough to fight, but because they are smart enough to vote.

On February 5, as members of the Youth Franchise Coalition, 15 organizations formally committed themselves to work together to achieve the goal of voting at 18: Americans for Democratic Action; Citizens Division, Democratic Party; Citizens for Vote 18; Citizenship Education Program, SCLC; Committee for Community Affairs; LUV—Let Us Vote; NAACP, Youth and College Division; National Education Association; Southern Committee on Political Ethics; Student National Education Association; Student World Federalists; U.S. National Student Association; U.S. Youth Council; Young Democratic Clubs of America; Young Republican National Federation.

I believe access to the ballot is the fundamental and basic requirement for citizen participation in a democratic society. Today, efforts to involve 12 million young Americans in the most basic process of a democracy appear to be closer to success than at any time since the first major effort to secure voting at 18 began in 1942.

II. WHY WE HESITATE ON VOTING AT 18

First. The prospect of 12 million new and allegedly irresponsible voters is a cause of concern. The principal theme of those opposed to lowering the voting age is irresponsibility. Twenty-one as the age of voting responsibility has no relevance in our 20th century—hopefully a time in which we all have shed our suits of armor.

Those opposed to lowering the age of voting seek proof positive that youth will handle their franchise intelligently even before having the opportunity to vote. The same impossible demand was made in opposition to female sufferage 50 years ago and equal voting rights for Negroes only 3 years ago. No tragedy occurred on ratification of the 19th amendment in 1920 and no catastrophe has resulted since passage of the Voting Rights Act of 1965. What has happened is large segments of our population now play a positive role within our political system—one of the earmarks of a democracy.

In May 1968 a Gallup poll disclosed that as many college-aged Americans considered themselves Republicans as Democrats—29 percent Republicans, 29 percent Democrats, and 42 percent Independents.

To counter the arguments of those who point to the December 1964 demonstrations at Berkeley, I point out the demonstrations began with the protests against the very exclusion from decisionmaking that the 21-year-old voting laws epitomize.

If the stereotype of the Berkeley student is false, and it is, then the idea that most college students are irresponsible is all the more false. Almost 10,000 Indiana University students recently protested action by the Indiana General Assembly resulting in a substantial increase in tuition—an action directly affecting them yet an action in which they had no direct voice being excluded from voting. National TV coverage showed the protest was peaceful and orderly.

As Indiana University students recently demonstrated, real experience does not come from observation but from participation. It is our responsibility to insure that positive participation also takes place within, as well as outside, our political system.

Second. Low voter participation of young people between 21 and 30. President Kennedy's Commission on Registering and Voting Participation in its report submitted December 20, 1963 stated:

> The Commission is concerned over the low voter participation of this age group between 21 and 30. We believe that a major reason for this low turnout is that, by the time they have turned 21 (the minimum voting age in 46 of the 50 states), many young people are so far removed from the stimulation of the educational process that their interest in public affairs has waned. Some may be lost as voters for the rest of their lives.

Third. There has never been a concerted national effort to bring together the forces favoring voting at 18 to insure serious consideration by Congress and the State legislatures. The Youth Franchise Coalition has only recently been formed to plan and coordinate a national educational and political action campaign to secure the right to vote for all citizens of the United States at age 18.

The genius of our American political system has been its adaptability. Our political leaders and parties have always been capable in the end of embracing new ideas and new people. Political leaders and parties refusing to accept transfusions of new ideas and new people have always been left behind.

III. WHY WE SHOULD SUPPORT VOTING AT 18

First. The most compelling reason for lowering the voting age is that American politics needs the transfusion that younger voters would provide.

Senator MANSFIELD said:

> Lowering the voting age to 18 will tend to bring about a better and more equitable balance in the electorate of the nation. As life expectancy rises, the number of older voters increases. A corresponding expansion in the number of younger voters will not only broaden the political base of the Government, it may well provide concurrently a more balanced approach in the nation's general political outlook.

Forty percent of our population is now under 21 years of age. By 1970 half of our population will be under 27 and about 7 percent will be between the ages of 18 and 21. Thus, the average age of Americans is now approaching the lower 20's after having climbed upward since the first decades of the last century. America is gradually becoming as "young" as it was at the time of its revolution.

Younger voters would indeed provide the transfusion needed today in American politics. More than any other factor, it was the nonviolent and student-led demonstrations of the early 1960's that produced the climate in this country necessary for enactment of the landmark Civil Rights Act of 1964 and 1965. Students have formed the backbone of the opposition to previous U.S. policies in Vietnam.

Because student demonstrations, marches, and speeches have in part been outside our political system, some students have felt the need to resort to unlawful acts to make their point. In doing so, they have made my point as well: there should be no need for civil disobedience in a political system meeting the needs of the people.

The energy, ingenuity, and idealism of young Americans will instill new purpose and drive in our political system if they are given the right to vote—the means to true involvement in the American political system.

Second. If young people receive the right to vote immediately after graduating from high school, they will form the habit of civic responsibility early in life.

Rather than blindly adhering to the present standard, borrowed from ancient English common law which designated 21 as the minimum age for knighthood, why not choose an age marking a definite turning point in the lives of young Americans today—the usual age of graduation from high school. Given the fact that 21-year-olds are today's most delinquent voters, it makes sense to grant the franchise at the age by which most young Americans today graduate from high school so that what was learned may be put to practical use before being forgotten.

Seventy-five percent of our people graduate from high school today. Over 40 percent will attend college at some point. By comparison, 45 percent completed high school in 1940 and 16 percent could expect to attend college.

Third. TV now gives young people a feeling of immediacy and involvement concerning international and domestic problems—an involvement never before possible.

The 18-, 19-, and 20-year-olds have witnessed the important events of our age. Such experiences combined with knowledge gained in high school have created the desire in young Americans to have a real voice in decisions affecting them.

Improved education combined with a feeling of identification with the important social and political currents of today have made young people an important force. Our voting laws have unfortunately relegated young Americans to an outside force exerting pressure on, rather than participating within, our political system.

Fourth. Increasingly, the lives of 18-, 19-, and 20-year-olds are being affected by direct Federal Government action—the draft, taxation, job training programs, as well as through service in the Peace Corps, VISTA, and the Teacher Corps. All responsible Americans should have a voice in determining how their Government will affect their lives. Congressional resolutions lowering the voting age to 18 were first introduced in 1942—the same year the draft induction age was lowered to 18. The same situation exists today with one-half of our servicemen killed in Vietnam not being able to vote.

Fifth. 18-, 19-, and 20-year-olds can marry and start families, pay taxes, drive cars, and carry firearms. They are subject to the same penal code as are those of 21 years of age and over. Being treated as adults under the law, they should join adults in determining the laws which apply equally to both groups.

Sixth. Since Georgia, Kentucky, Alaska, and Hawaii now provide for voting by young Americans under 21, those under 21 and residing in other States are being deprived of their equal rights under the law in not being able to vote. Certainly the capacity of young Americans to make intelligent choices is not governed by the State boundaries within which they happen to reside.

Seventh. Nothing in the recent political history of the four States providing for under-21 voting indicates the college-age vote is irresponsible. In Kentucky, a State in which 18-year-olds have been voting since 1956, 80 percent of almost 200,000 18-to-20-year-olds went to the polls. Gallup polls in 1954 showed that 77 percent of Georgia's 18-to-20-year-olds would go to the polls if able to vote. Subsequently, Georgia's 18-to-20-year-olds now make up 20 percent of the State's electorate.

Eighth. Eighteen-year-olds now vote in 18 other countries of the world. Certainly young people residing in the United States are as well prepared today to make intelligent choices as are their contemporaries in other countries of the world.

IV. CONCLUSION

The history of the 18-year-old suffrage dates back to 1770 when there were attempts to draft a lower voting age in State constitutions. Today, efforts to involve 12 million young Americans in the most basic process of democracy appears to be more near success than at any time since 1942.

With assurances from the Youth Franchise Coalition that 18- to 20-year-olds really want to participate within our political system and that these new voters will support legislators who make it possible, chances for passage of a constitutional amendment providing for voting at 18 by the 91st Congress is bright.

I join those supporters of Votes in their feeling that a nation distrustful of its youth, "is a nation that does not have the vision to endure."

Mr. Speaker, the proposed constitutional amendment follows:

ARTICLE —

SECTION 1. The right of any citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of age if such a citizen is eighteen years of age or older. The Congress shall have power to enforce this article by appropriate legislation.

SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. TIERNAN of Rhode Island (at the request of Mr. ALBERT) for today on account of official business.

Mr. WYMAN of New Hampshire (at the request of Mr. GERALD R. FORD) for an indefinite period on account of illness.

Mr. MIZELL of North Carolina (at the request of Mr. GERALD R. FORD) for today on account of official business.

Mr. CULVER for the week of June 2 on account of official business for the House Foreign Affairs Committee.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PUCINSKI, for 30 minutes today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HAMMERSCHMIDT) to address the House and to include extraneous matter:)

Mr. SAYLOR, for 30 minutes, today.

Mr. CUNNINGHAM, for 60 minutes, today.

(The following Members (at the request of Mr. FLOWERS), to revise and extend their remarks and to include extraneous matter to:)

Mr. RARICK, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. RYAN, for 10 minutes, today.

Mr. TEAGUE of Texas (at the request of Mr. FLOWERS), for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. O'NEILL of Massachusetts in four instances, to revise and extend his remarks and include extraneous matter.

Mr. MACGREGOR following message of President on foreign aid.

Mr. HECHLER of West Virginia to revise and extend his remarks in colloquy with the gentleman from Arizona (Mr. UDALL).

Mr. KEITH to follow Mr. STAGGERS.

Mr. GROSS, and to include extraneous matter.

(The following Members (at the request of Mr. HAMMERSCHMIDT) and to include extraneous matter:)

Mr. PETTIS.
Mr. MESKILL in two instances.
Mr. DERWINSKI in two instances.
Mr. COLLINS in three instances.
Mr. STAFFORD.
Mr. McDONALD of Michigan.
Mr. RIEGLE in two instances.
Mr. ASHBROOK.
Mr. MAYNE.
Mr. SCHWENGEL in three instances.
Mr. JOHNSON of Pennsylvania.
Mr. NELSEN.
Mr. CHAMBERLAIN in two instances.

(The following Members (at the request of Mr. FLOWERS), and to include extraneous matter:)

Mr. O'HARA in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. FOUNTAIN in two instances.
Mr. DINGELL in two instances.
Mr. EDWARDS of California in two instances.
Mr. ROBERTS in two instances.
Mr. LONG of Maryland in three instances.
Mr. CASEY in two instances.
Mr. BIAGGI in two instances.
Mr. BOLLING.
Mr. MOORHEAD in two instances.
Mr. MINISH.
Mr. RARICK in three instances.
Mr. GALLAGHER in two instances.
Mr. FEIGHAN.
Mr. FRIEDEL in two instances.
Mr. DANIEL of Virginia in three instances.
Mr. MARSH.
Mr. FUQUA in two instances.
Mr. HELSTOSKI in two instances.
Mr. LANDRUM in two instances.
Mr. OBEY in two instances.
Mr. SATTERFIELD.
Mr. ICHORD in two instances.
Mr. DANIELS of New Jersey.
Mr. VANIK in two instances.
Mr. NICHOLS.
Mr. GONZALEZ in two instances.
Mr. PATTEN.
Mr. ROGERS of Florida in five instances.
Mr. EVINS of Tennessee in two instances.

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SENATE BILL REFERRED

A Joint Resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 60. Joint resolution to establish a Commission on Balanced Economic Development; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 277, 91st Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, June 2, 1969.

Thereupon (at 1 o'clock and 45 minutes p.m.) pursuant to House Concurrent Resolution 277, the House adjourned until Monday, June 2, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

810. A communication from the President of the United States, transmitting a draft of proposed legislation to revise the laws relating to post offices and post roads and for other purposes; to the Committee on Post Office and Civil Service.

811. A letter from the Comptroller General of the United States, transmitting a report on the administration by the Small Business Administration of the disaster loan program in connection with the 1964 Alaska earthquake; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRIEDEL: Committee on House Administration. House Resolution 425. Resolution, transfer of funds within the offices of the Clerk and the Sergeant at Arms of the House of Representatives, and for other purposes (Rept. No. 91–278). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Conyers, Mr. Murphy of Illinois, Mr. Price of Illinois, Mr. Ronan, Mr. Pucinski, Mr. Stokes, Mr. Miller of California, Mr. Kluczynski, Mr. Gray, and Mr. Shipley):

H.R. 11737. A bill to amend the Merchant Marine Act, 1936, to encourage shipbuilding, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 11738. A bill to clarify and strengthen the cargo-preference laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. AYRES:

H.R. 11739. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 11740. A bill to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings; to the Committee on Education and Labor.

By Mr. BURKE of Massachusetts:

H.R. 11741. A bill to amend the Internal Revenue Code of 1954 with respect to expenses of plastic surgery and hypertricohology; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 11742. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 11743. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 11744. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CULVER:

H.R. 11745. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. Blatnik, Mr. Saylor, and Mr. Karth):

H.R. 11746. A bill to establish a clean water trust fund, in which Federal water use fees shall be deposited and from which shall be expended all amounts for Federal water pollution control programs; to the Committee on Public Works.

By Mr. FISHER (for himself, Mr. Berry, Mr. Burton of Utah, Mr. Don H. Clausen, Mr. Hansen of Idaho, Mr. Johnson of California, Mr. Leggett. Mr. Lloyd, Mr. McClure, Mrs. May, Mr. Olsen, Mr. Reifel, Mr. Wold, Mr. Burleson of Texas, Mr. Price of Texas, Mr. Purcell, Mr. White, and Mr. Lujan):

H.R. 11747. A bill to impose a quota on imported fresh, chilled, or frozen lamb meat and certain prepared or preserved lamb meat; to the Committee on Ways and Means.

By Mr. HATHAWAY:

H.R. 11748. A bill to amend the Internal Revenue Code of 1954 regarding credits and payments in the case of certain use of gasoline and lubricating oil; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 11749. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the Armed Forces of nations allied with the United States in World War I and World War II; to the Committee on Veterans' Affairs.

By Mr. UDALL (for himself, Mr. Hamilton, Mr. Hanley, Mr. Hechler of West Virginia, Mr. Landrum, Mr. Steed, Mr. Passman, Mrs. Green of Oregon, Mr. Stephens, Mr. Ashley, Mr. Hull, and Mr. Purcell):

H.R. 11750. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM (for himself, Mr. Corbett, Mr. Gerald R. Ford, Mr. Derwinski, Mr. Johnson of Pennsylvania, Mr. McClure, Mr. Meskill, Mr. Lukens, Mr. Arends, Mr. Anderson of Illinois, Mr. Rhodes, Mr. Poff, Mr. Taft, Mr. Bob Wilson, Mr. Bow, Mr. Bush, Mr. Teague of California, Mr. Collins, Mr. Dickinson, Mr. Erlenborn, Mr. Hosmer, Mr. Kuykendall, Mr. Martin, Mr. Brook, and Mr. Ruppe):

H.R. 11751. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CUNNINGHAM (for himself, Mr. Dellenback, Mr. Pollock, Mr. Byrnes of Wisconsin, Mr. Steiger of Arizona, Mr. Brown of Michigan, Mr. Findley, Mr. Mosher, Mr. Mayne, Mr. Gude, Mr. Steiger of Wisconsin, Mr. Brown of Ohio, Mr. Utt, Mr. Riegle, Mr. McClory, Mr. Ayres, Mr. Zion, Mr. Esch, Mr. Mathias, Mr. Talcott, Mr. Pettis, Mr. Hansen of Idaho, and Mr. Quie):

H.R. 11752. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ADAMS (for himself and Mr. Tunney):

H.R. 11753. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HECHLER of West Virginia:

H.R. 11754. A bill to impose an excess profits tax on the income of corporations during the present emergency; to the Committee on Ways and Means.

H.R. 11755. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 11756. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 11757. A bill to amend the Fair Packaging and Labeling Act to require the disclosure by retail distributors of unit retail prices of packaged consumer commodities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE:

H.R. 11758. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. MOSS (for himself, Mr. Broomfield, Mr. Monagan, Mr. Reid of New York, Mr. Rosenthal, Mrs. Hansen of Washington, Mr. Conte, Mr. Fraser, Mr. Roybal, Mr. Horton, Mr. Tunney, Mr. Findley, Mr. Pepper, Mr. Thomson of Wisconsin, and Mr. Mailliard):

H.R. 11759. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guarantees in Latin American countries to encourage local participation in self-help community development projects; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H.R. 11760. A bill to amend the Public Health Service Act to authorize the Secretray of Health, Education, and Welfare to provide financial assistance for education and information programs relating to drugs and their abuse, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 11761. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. Matsunaga, Mr. Fascell, Mr. Thompson of New Jersey, Mr. Wolff, Mr. O'Neill of Massachusetts, Mr. Farbstein, Mr. Ronan, Mr. Anderson of Illinois, Mr. Biaggi, Mr. Pike, Mr. Moorhead, Mr. Leggett, Mr. Edwards of California, Mr. William D. Ford, Mr. Gray, Mr. Ryan, Mr. Button, Mr. Morse, Mr. Olsen, Mr. Rosenthal, Mr. Howard, Mr. McCarthy, Mr. Rodino, and Mr. Diggs):

H.R. 11762. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. REES (for himself, Mr. Brademas, Mr. Carey, Mr. Conyers, Mr. Edwards of California, Mr. Fraser, Mr. Gaydos, Mr. Hechler of West Virginia, Mr. Hicks, Mr. Long of Maryland, Mr. Meeds, Mr. Minish, Mrs. Mink, Mr. Olsen, Mr. Pike, Mr. Reuss, Mr. Roybal, Mr. Symington, Mr. Tiernan, Mr. Tunney, and Mr. Van Deerlin):

H.R. 11763. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. REUSS:

H.R. 11764. A bill to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities which take steps to modernize State and local government; to the Committee on Government Operations.

By Mr. ROBISON:

H.R. 11765. A bill to amend the Internal Revenue Code of 1954 to make it clear that an expenditure otherwise allowable as a medical expense deduction shall not be disallowed on the ground that it is a personal, living, or family expense if it is made pursuant to the prescription or recommendation of a physician; to the Committee on Ways and Means.

By Mr. ROGERS of Florida (for himself, Mr. Lennon, Mr. Mosher, Mr. Downing, Mr. Karth, Mr. Hathaway, Mr. Clark, Mr. St. Onge, Mr. Jones of North Carolina, Mr. Hanna, Mr. Leggett, Mr. Pelly, Mr. Keith, Mr. Schadeberg, Mr. Dellenback, Mr. Ruppe, Mr. Goodling, and Mr. Bray):

H.R. 11766. A bill to amend title II of the Marine Resources and Engineering Development Act of 1966; to the Committee on Merchant Marine and Fisheries.

By Mr. ST GERMAIN:

H.R. 11767. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. STANTON:

H.R. 11768. A bill to assist students who, to attend college, are relying on their own wage-earning capacity rather than depending on others; to the Committee on Education and Labor.

H.R. 11769. A bill to amend the act of August 13, 1946, relating to Federal participation in the cost of protecting the shores of the United States, its territories, and possessions, to include privately owned property; to the Committee on Public Works.

H.R. 11770. A bill to regulate imports of milk and dairy products, and for other purposes; to the Committee on Ways and Means.

By Mr. STEED (for himself, Mr. Edmundson, and Mr. Camp):

H.R. 11771. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEED (for himself and Mr. Camp):

H.R. 11772. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of franchise agreements; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 11773. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 11774. A bill to afford protection to the public from intrusion into their homes through the postal service of offensive sexually oriented mail matter; to the Committee on Post Office and Civil Service.

By Mr. WOLFF (for himself, Mr. Waldie, Mr. Flood, Mr. Corman, Mrs. Mink, Mr. Garmatz, Mr. Bevill, Mr. Blatnik, Mr. Derwinski, Mr. Giaimo, Mr. Jacobs, Mr. Moorhead, Mr. Kluczynski, Mr. Grover, Mrs. May, Mr. Morgan, Mr. Anderson of Illinois, and Mr. Montgomery):

H.R. 11775. A bill to amend the Internal Revenue Code of 1954 to provide the same tax exemption for servicemen in and around Korea as is presently provided for those in Vietnam; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 11776. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DANIELS of New Jersey:

H.J. Res. 748. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GILBERT:

H.J. Res. 749. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.J. Res. 750. Joint resolution to proclaim National Night Driving Safety Week; to the Committee on the Judiciary.

By Mr. NIX:

H.J. Res. 751. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WEICKER:

H.J. Res. 752. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RYAN (for himself, Mr. Brown of California, Mr. Burton of California, Mr. Button, Mr. Diggs, Mr. Edwards of California, Mr. Helstoski, Mr. Koch, and Mr. Powell):

H. Con. Res. 278. Concurrent resolution requesting that the President of the United States stop selecting and inducting individuals into the Armed Forces for a period of 180 days; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII,

199. The SPEAKER presented a memorial of the Legislature of the State of Minnesota, relative to the age requirement in the aid to the permanently and totally disabled public assistance program, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PEPPER:

H.R. 11777. A bill for the relief of Dr. Fredesvinda Mercedes Gonzalez-Pena; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11778. A bill for the relief of Vincent Shau Lee; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 11779. A bill for the relief of Arline and Maurice Loader; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

127. The SPEAKER presented a petition of Ralph Boryszewski. Rochester, N.Y., relative to impeachment proceedings, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

JOHN JOSEPH CARDINAL WRIGHT

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, I am glad to insert in the Record another article regarding John Cardinal Wright, of Pittsburgh, Pa., so that his story is brought to the attention of the Members of Congress and the American people:

[From the Pittsburgh (Pa.) Press, May 4, 1969]

John Cardinal Wright—Still in Touch With the People

(By Ann Carey)

An Irish-blooded priest whose favorite dish is Italian spaghetti, who keeps jelly beans in his living room and sniffs hyacinths every chance he gets—that's Pittsburgh's new cardinal.

Robust John Joseph Cardinal Wright, Boston born and bred and a 10-year resident of Pittsburgh as its eighth Catholic bishop, has impressed three popes and many bishops and cardinals with the scholarship of his writings.

The New York Times has called him "one of the most able administrators and thinkers in the American hierarchy."

His formal elevation six days ago to cardinal, bypassing the usual American step of being named archbishop, in a solemn, centuries-old ceremony in Rome's venerable Sistine Chapel, makes him one of the most powerful men in the Catholic Church.

But it's the cardinal's warm, merry "humanness" that has endeared him to people throughout the world, from a handful of Paris Boy Scouts he went camping with as a newly ordained priest in France to thousands of Pittsburghers in the second largest Catholic diocese in the country.

When you want to find out how this much-lauded man is most often regarded, you talk to unwed mothers who have been at St. Roselia, to alcoholics, to taxi drivers and bus drivers, to militant blacks who got financial aid from him in the face of frowns of many, to his adoring household staff, to the mothers whose babies he has baptized at St. Paul's Cathedral on Easter.

And from them you get a picture of a man who squeezes hours from one of the busiest schedules in the City to make time for people.

"He didn't look at me like I was dirt. He kept making jokes and he even asked me to pray for him. Can you imagine that!" said a young woman who had an illegitimate child.

A mother whose baby he baptized exclaimed, "When I look at that man, I really feel I kind of know what Jesus must have been like. He's firm but he's as kind as God makes them."

A bus driver said after listening to a Wright sermon, "You get the feeling he's one of the best politicians around. You just feel he gets whatever he goes after. But I admire him for it."

The adulation, the limelight, the glowing adjectives—have they changed the man?

Leo Donnelly, his chauffeur and personal assistant who's been with him for 22 years, the nuns who run his house, the priests who assist him insist he's the same.

He still stops to talk to little children on the street. He still greets everyone he meets with a handshake or a hug and a "God bless you," and he still says goodbye with a hearty "Pray for me."

He ramrods through each day on a schedule that barely gives him time to brush his teeth and he does it with a joviality that turns glowers into beams wherever he goes.

The new cardinal is not a simple man, despite his frank openness.

Each time he makes news—especially when he wrote the U.S. bishops' qualified endorsement of Pope Paul's controversial encyclical forbidding artificial birth control—he has baffled some of the top journalists in the country by defying classification as either "liberal" or "conservative."

Robert Gruenberg of the Chicago Daily News Service was one of those who struggled unsuccessfully to pinpoint him and finally gave up.

"He is recognized as one of the more erudite men of the American Catholic establishment. . . . A study of his past pronouncements on various issues—from race to peace—would tempt the indiscriminating to place him in either the 'conservative' or the 'liberal' camp," the newsman wrote.

"The closest that one might come in describing him is as a 'hard-nosed dove' (on matters of war and peace) or as a Catholic 'Boston Brahmin' in matters of intellect."

Cardinal Wright says emphatically, "I despise labels. They're a lazy way for people to categorize. I much prefer to have ideas and men judged on their own merits."

The 11,000-word pastoral letter he wrote last fall emphasizing that the Church's traditional stand condemning contraception still applies.

But the letter also said that Catholic couples who practice contraception will not be turned away from the Church, which ties in with one of the cardinal's strongest beliefs.

"You cannot judge another man," he states with all the positiveness of a Harvard mathematician reciting the multiplication table.

"If history and experience has taught me anything, it's that the reasons why people do things are never what you suspect and never what they say," he said in a recent interview.

For all the complexities of his nature, ebullient Cardinal Wright nevertheless has an overriding philosophy that gives him a solid concrete foundation to what he says and does.

"You can't say no to life," he repeats. "You have to say yes to life and art and beauty and love."

Cardinal Wright doesn't believe that man is getting better and better, what he calls the "myth of progress."

Sitting with his leg curled up underneath him, he stared out the window. "I find wonderful examples of humanity in antiquity and I find all the examples of evil present today. And the reverse is true. Everything I'd want to ask God was asked by Job. The Hebrew prophets described the exact same social problems we have today.

But he admits there are special problems today. "We're in grave danger of being dehumanized by technocracy—not technology. It's the impersonalized, automated, IBM card-way people are being treated."

Cardinal Wright believes something else has happened to our society, something he thinks is far worse. He believes the U.S. has started to say "a qualified yes" to life. "That means we're sick because the next step is to say no."

He explains that one area where he thinks this has happened is in family life—birth control. "People are saying no to life—the next step is to start strangling babies after they're born if they're not wanted. Oh yes, I believe it's coming."

He foresees the end coming—"It happened in Greece."

He is convinced the continent of the 21st Century is Africa. "They're on the way up. They're saying yes to everything. The time will probably come when they start saying no and then the picture will pass to someone else."

When man starts trying to avoid pain by becoming inhibited and not saying yes, Cardinal Wright believes he's "over the hill."

The ruddy-faced cardinal himself appears to be a long way away from the hill.

This is a man who bristles with enthusiasm and zest for life, love, art, music, theater, good food and most of all people.

At 59 he's strong and healthy—but worried about being overweight. "You have to be careful if you want to stay around," he says with a faint sigh. The nuns who take care of his big, homey house on Warwick Terrace say he skimps on breakfast and lunch and only at dinner eats a full meal.

The eighth bishop of Pittsburgh was born in the Dorchester section of Boston on July 18, 1909. As the eldest of six children of John J. and Harriet L. Cokely Wright, he was a mixture of English and Irish ancestry but it was quickly observed he had a heavy dose of Irish wit.

His father attended Burdett Business College and was an accountant for a paper firm in Hyde Park, Mass. He died in 1962. His mother is very ill in a nursing home in Massachusetts.

Cardinal Wright has two sisters and three brothers, including a librarian and a physician, but none is in religious life.

Handsome and likable, young John Wright showed early signs of being highly intelligent and eargerly curious about the world and his place in it.

After going to Boston Latin School, he started out thinking he wanted to be a reporter. During college he worked on the night desk of a Boston newspaper.

The story persists that he changed his mind when sent to get a picture of a dead girl from the grief-stricken mother.

The 1931 yearbook of Boston College said in its capsule characterization of him: "Jack stands unopposed as the outstanding scholastic figure in the class." The cardinal shrugs that off as an attempt to offset the fact he was not exactly the school's sports star—he hated athletics.

He also used to be employed after school at the Hyde Park branch of the Boston Public Library for the hefty sum of 25 cents an hour.

It was from his father, an avid reader, that he learned to love books, devouring them by the shelfful.

An early riser who still nevertheless reads late into the night, he has kept many of the same habits he has always had—with a few exceptions. He no longer chases fires after listening to the police radio.

Since being ordained a priest in Rome in 1935 at the age of 26, his church career has sped ahead like greased lightning. His doctoral thesis was published as a book. He served as a priest in Scotland, England and France.

He taught philosophy at St. John's Seminary, and in his spare time taught Italian and poured forth a steady stream of pamphlets and articles on Catholic social teaching.

In 1950 he took over as the first bishop of the then brand new diocese of Worcester, Mass., where he became known as the "little man's pal."

Before he left in 1959 to head the six-county Pittsburgh Roman Catholic Diocese, he was named "citizen of the year."

He delighted his Worcester flock and won their affection with his corncob pipe, his knowledge of the cartoon character Charlie Brown, his teas for unwed mothers, his love of music, his New England frugality and his Boston-brogued charm.

But he also became known as a perceptive businessman in his dealings to build a new hospital and to rebuild a tornadoed college. His debating background always kept him garnering the last word.

Since he came to Pittsburgh—on St. Patrick's Day—he has been a consistent newsmaker, more for himself than his office.

Almost immediately he established a list of firsts.

He was the first Catholic bishop to visit the County Workhouse in its 93-year history and confirmed 21 inmates who were serving sentences on everything from murder to morals charges.

He was the first Catholic prelate to speak before a Methodist general conference in the 226 years of Methodism. And later he became the first Catholic bishop to speak at a Lutheran church convention in America.

He made 41 round trips to the Rome sessions of the Second Vatican Council where he served on the principal theological commission.

When he got back he conducted a night course to explain the council's declarations.

He still thinks the ideas of the historic council have not yet filtered down to all the people. He shrugs that "you can't expect instantaneous results from something that far reaching."

But he also adds, "Former councils lacked the means to communicate. It used to be hard to get the news. Now it's hard to get the news straight."

He says he means the news media present reactions to the news so fast that "before the real issues are clear, the bonfires have started."

The black-haired, big-eyed cardinal has consistently impressed others with his many interests.

Historians marvel at his collection of St. Joan of Arc artifacts, valued at well over $70,000 and the largest personal collection in the country.

He speaks fluent Italian and French and keeps informed on what's happening in the world—a throwback to his early newspaper days.

Asked to sum up Vatican II, an almost all-consuming interest for a long while, he said: "The 19th or 20th bishop of Pittsburgh, probably black, will say, I think, that we did a reasonably good job. It is a planting. It will take many years of weeding and cultivating before reaping a harvest."

He has been outspoken on social issues.

In 1966 he called for a halt to the bombing of North Vietnam. He refused to talk about race unless it was the "human race." He said

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Pope Paul VI gained a "heroic stature" for his stand against birth control. He told organized labor it had to fight for social justice.

In Pittsburgh too he crusaded against the name "morals court," saying it was being used to try other offenses and was ruining reputations. He was successful in getting it changed.

He has waged a consistent fight against alcoholism and has backed proposals helping alcoholics' rehabilitation.

As bishop he banned uniform apparel for children receiving their first communion and ordered a 10 per cent tithe on diocesan collections for "neighbors in need."

Cardinal Wright's soaring kite has a lengthy tailstring of honorary degrees and merit citations.

His hard-driving demands are sometimes hard on his staff and he can be inflexible in how he wants things done.

But John Joseph Cardinal Wright is also a kind man. The men and women who have known him the longest love him—perhaps the best testimonial of all.

The key to Cardinal Wright may be in one statement he made in a recent interview. "I love the Catholic Church as I love nothing else," he said earnestly. "I don't think of the Church as an organization—an institution. To me it's the personal presence of Christ in history.

"I see all truth and all faiths related to the Church and I think the Church has never been more powerful, more influential in the world. The pope is a symbol of permanence and stability in the midst of chaos."

This is a man who has stacked all the zeal and energy and devotion most men put into family or a career or making money into his religion without becoming a fanatic.

He is getting ready now to leave Pittsburgh. On the day he learned Pope Paul named him a cardinal, he said, "I'd spend the rest of my life in Pittsburgh." But he was quick to add, "But I'm ready to go wherever the pope wants me. We priests accept our assignments without knowing much about them."

But he's looking forward to the challenges and opportunities of Rome as he has always looked forward to every big step in his life.

In his words, "You have to keep saying yes or you're over the hill."

And John Joseph Cardinal Wright is a church man who isn't ready to start slipping down the other side.

COMMISSIONER BENNETT TO RETIRE

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mrs. HANSEN of Washington. Mr. Speaker, a notable career in Federal Government service comes to a close this coming Saturday. Robert L. Bennett, Commissioner of Indian Affairs, will retire after 36 years, largely in the Bureau of Indian Affairs.

Commissioner Bennett is an Indian and a graduate of the respected Haskell Institute at Lawrence, Kans. He progressed through ranks of the BIA to become a skilled and visionary Commissioner.

The Commissioner recently delivered a speech at Dartmouth College where he told of the challenges and achievements of Indians.

I include the text of his address in the Record:

Cultural Factors in the Education of American Indians

It might be said that we are celebrating two events today—not only the 200th anniversary of Dartmouth College, but also the revival, during the 1960's, of public concern for the educational well-being of American Indian youth. Because Dartmouth was founded with a primary purpose of providing higher education for Indians, I am most gratified to have this distinguished forum to discuss publicly those aspects of Indian education which particularly require the attention of groups such as this.

Since both Dartmouth and the American Indians pre-date the American Republic itself, it is plain that both possess a remarkable ability to adjust to the ever-changing shape and pace of America's cultural, social and political life. In our time, however, those changes seem to be coming so swiftly and so irrevocably that we are all put to test to maintain the socio-political equilibrium. Dartmouth, like other educational institutions, is not immune from the pressure. Nor are the Indian citizenry of this Nation. I am convinced that the responses of the great colleges like Dartmouth to the needs of people such as Indians will be a significant factor in determining the form and substance of the new American society.

Although Indians are a very small minority in this country—the Indian population is well under a million—there is considerable new political action taking place among the Indian communities. For more than a hundred years Indians had remained the stolid and silent prototypes of what the white man alleged they were. But, today, Indian young people have moved in upon the fronts of community action. The Indian warrior today is fighting his great battle on the social level. He has abandoned the arrow and the musket for books and public platforms.

The transition from obscurity to a conspicuous role in contemporary political affairs has not been an easy one for the new generation of Indian youth. It has been accompanied by some confusion as to goals, some hostility to the dominant society, and a great deal of defensiveness in the way Indians see themselves. These are traits that characterize many of the social activists in this country today; but in the Indian they are often more acute because the culture gap between Indians and other Americans is wide and deep.

There are fundamental differences, however, between Indian social action and some of the current social movements by other groups. Indian youth are motivated by the desire to *stabilize* their communities, not disrupt them; to make them more economically viable rather than more dependent upon government largesse. They are turning to the government for increasing help but are rejecting the paternalism that was the core of the special federal-Indian relationship for so many decades.

"We are building, not burning," is the way one youthful Indian leader puts it. It is indeed true. From Florida to Alaska, there are evidences that building is going on in Indian communities. Not merely construction of facilities, like homes and schools and water and power lines and roads. Community spirit is building up, too. The voices of the Indian people are beginning to be heard on matters of resources development, environmental control, and education of their children.

Such constructive activities as these can be sustained only through an educated leadership. Indians understand the tremendous importance to themselves of quality education and equality of educational opportunity. The various tribes invest about $20 million annually in college scholarships; and during the past three years that I have served as Commissioner of Indian Affairs, the Bureau of Indian Affairs contributed another $10 million for higher education aid.

The vast majority of young Indian men and women today are seeking not to close the gates of the colleges, but to force open gates to institutions that have hitherto had few if any Indians among the student ranks.

Even so, only about 20 percent of the Indian college age population continues schooling beyond high school, whereas the national rate exceeds 40 percent. There are serious blocks to their success in school and college—financial need being one, but the culture gap being an even greater obstacle. For this reason, the educational needs of American Indians must necessarily be viewed from the perspective of the American Indian culture, and the special education requirements it imposes upon our schools.

This is the area in which Dartmouth College could, with singular appropriateness, assume a leading role in broadening educational opportunities for Indians. What could be more in keeping with the spirit of this 200th anniversary celebration than to sponsor a nationwide effort to develop educational programs that accommodate to the needs of Indian students? The focus is needed equally at the college preparatory and the college levels.

Dartmouth is already moving in such a direction. I commend to the attention of all communities the program called A.B.C.—"A Better Chance." It is a program that works with maximum effectiveness when a high school and a college both participate. Dartmouth is participating in A.B.C. with the town of Hartford, Vermont, situated across the Connecticut River from Dartmouth's site in Hanover, New Hampshire. Hartford has opened its high school—and, more than that, its heart—to educationally and socially disadvantaged youngsters from many parts of the country. This year Hartford is providing schooling, board and room, for ten Indian boys, and Dartmouth is providing tutorial services needed by those boys to qualify them for entrance into the College.

Dr. McGean, Secretary of the College—and to whom I am indebted for the invitation to be the speaker at this bicentennial—informs me that the townspeople of Columbia are also eager to launch an A.B.C. program. I hope it will be possible. There would be no more fitting locale than here, where Dartmouth's founder, Dr. Wheelock, began his teaching services to Indians as head of Moor's Charity School more than two centuries ago.

The need for charity is hardly less today than it was in Dr. Wheelock's day. I do not mean charity in the narrow sense that implies an obligation of the more affluent to provide for the poor, but charity in the broad sense of kindliness and understanding. These are the qualities that Indian students need most desperately to feel within the school environment; because when they are absent the relevance of education declines precipitously for them. This is a *cultural* response on their part which cannot be ignored in our desire to stimulate the intellectual response.

Indians are frustrated by the tendency of most other Americans either to romanticize and stylize them on the one hand, or, on the other, to minimize their place in our society. Even after 200 years, and in spite of the purposeful efforts of many Indian leaders today to be involved with the non-Indian world, most Indians are still a people apart, still strangers in their own land.

Even while adopting the outward aspects of modern American life, Indians today, as a whole, are probably less fully attuned to the non-Indian lifeway than many of them were in the early part of the last Century. Some of the Eastern tribes in those days assumed with ease and great success such European culture add-ons as systematic farming and formal schooling.

Back in the days when Oklahoma was Indian Territory, Indian groups operated schools and colleges that later formed the core of the State's public school system. This kind of *leadership* in education on the part of Indians has been absent for many, many years, except in individual instances. It is only now beginning to reappear, currently in the form of Indian demands for control of elementary and secondary schools serving their children. The new interest in education is prompted by a sense of frustration with the average school program that ignores the Indian cultural background.

Indians today feel threatened by the pressures now forcing total assimilation, because they fear the loss of their self-identity. Being *Indian* and being aware of it sustained them during years of oppression. They challenge the motives of those who would make them less Indian. They seek from education the ability to be both Americans *and* Indians. An either/or choice is intolerable to them. Because Indian history, and Indian contributions to the building of this Nation, are an integral part of our national history, Indians ask that these facts be fully acknowledged within the framework of our educational programs. Only when other Americans recognize the full significance of the Indian role in the making of the nation will the Indian people of today be accorded their rightful place of dignity and social acceptance within the American ecumene.

The Indian's determination to retain his identity has contributed to a social phenomenon in modern America—the revival of tribalism. To be sure, today's tribalism has little in common with primitive tribalism, other than to retain remnants of the religious orientation of the Indian society. Today's tribal structures are usually modeled upon American governmental forms, and the objectives and services of tribal governments are, broadly speaking, comparable to those of county governments. The new tribalism is multi-ethnic in character, as is the Indian cutlure itself. Indian lifeways have been modified by the Spanish horse and Spanish weaving and by the industrious, acquisitive English mores. They have also been modified by the trade and agriculture schools of the 19th and early 20th Centuries, and by commercialized farming and motorized deep-sea fishing; by World War II and the enlistments of thousands of young Indian men; by air transportation and rocketry. Native Alaskans man the defense early warning system on the Arctic, Navajos and others assemble intricate electronic devices for space exploration, and the tribes are turning to computers to help keep account of their natural resources.

But the new Indian doesn't always feel comfortable in his new role. The tenor of Indian thinking is well expressed by a student who recently graduated from the federal Institute of American Indian Arts in Santa Fe. He composed a brief piece of poetry that is memorable to me not alone because it demonstrates literary artistry but also because of is revealing undertone of bravado. It goes like this:

"We shall learn all these devices the white man has.
"We shall handle his tools for ourselves.
"We shall master his machinery and his inventions, his skills, his medicine, his planning;
"But we'll retain our beauty.
"And still be Indian."

Some Indians, like myself, walk always in two worlds, trying to maintain the perspectives of both and to draw unto ourselves the best of both. This is not always done with ease, yet it is the course that must be walked by all American Indian children growing up today. It will be harder for them than it was for me, because the gap between the traditional Indian lifeway and the new technological society is far greater than was the gap between rural and city life in the earlier part of this Century. Some of the traits and values that are the very core of contemporary American society are totally alien to their Indian upbringing. They must learn to live by the new code, yet their heritage cautions them against foolishly abondoning the basic values of the old.

To be sure, thousands upon thousands of Indians have already become a part of present-day city and suburban American life. But many thousands more remain in their traditional home environs, on or near their reserved lands. They live in a sub-culture which is too often made up of the worst aspects of American civilization mitigated only by remnants of a simpler and more orderly lifeway. Poverty is the common chord shared by nearly all rural Indians today. The economic depression of the more isolated communities is exceeded only by the atmosphere of social depression. These are the conditions that today's Indian leadership is trying to combat.

From such rural environments comes the booming Indian population. Seventy-five percent of today's Indians is under the age of 25 years!

These are the young people for whom I have such great concern. These young people are the hope for rebuilding the Indian-owned lands and for the making of a new Indian culture that can live compatibly and co-equally with the whole American community.

These Indian youth are usually very sensitive—sometimes hyper-sensitive—to the differences between themselves and others. They tend to deal with slights, real or imagined, by snubbing the offender forever. This is a form of censure that derives from the Indian culture; but outside the Indian culture it has the unfortunate effect of exhausting the patience and goodwill of many non-Indians. Such niceties of social behavior point up the culture difference between Indians and other Americans.

Although Indian students are attending colleges and universities today in unprecedented numbers, many find the experience an endurance test that exceeds their capacity. Very few institutions—either secondary or collegiate—have attempted seriously to help them through the adjustment period. They need academic help to enable them to progress in the classrooms, and they need social help in accommodating to the alien patterns of student life.

Most high schools, and colleges as well, tend to polarize rather than synthesize the cultural differences between Indian students and others. Perhaps this is a large part of the reason why so few Indians are to be found today in colleges like Dartmouth.

It may also be argued, of course, that Indians are not in the Ivy League because there are no longer many Indians in the East. It is true that most tribes, including those for whom Dartmouth was founded, were long ago moved westward. They generally tend today to think of themselves as westerners and to look only to western schools for their education. Even my own people, the Oneidas, to whom upstate New York was homeland, are now very much a part of the Wisconsin scene.

Indian students today are found predominantly in schools in the west—in the State universities and land grant colleges; and in such places as Fort Lewis College in Durango, Colorado, or Bacone College in Oklahoma, both of which were, like Dartmouth, founded largely for purposes of providing higher education for Indians. A few institutions in the West, most notably thus far in Arizona and New Mexico, have established special centers for furtherance of Indian affairs studies. The University of New Mexico has established a special program in law studies for American Indians, to encourage the entrance of more Indians into the legal profession. Arizona State University and the the University of Arizona both encourage Indians to enter the teaching profession and are developing new programs for teachers of Indian children which include the teaching of English as a second language and the teaching of Indian history.

Indians have not found a like degree of interest and concern in the institutions located in more easterly parts of the country. I wish a more intensive effort could be made to attract Indians to schools outside their own regions because the ultimate effect would be to give tremendous new breadth to Indian thinking and to Indian understanding of their own country.

It is not enough to offer scholarships, grants and loans to the Indian students who are the cream of graduating classes of the better high schools and academies. My concern is that the less well academically and socially prepared have an opportunity to broaden their backgrounds so that they, too, can compete successfully in such academic environments as Dartmouth offers.

They need such programs as A.B.C. They need, also, programs such as the transitional year that Yale has instituted. I have no doubts about the ultimate abilities of Indian children to perform as capably as any others in the classrooms. In fact, in the earlier elementary years they do somewhat better than average. The slump comes in the early 'teens, when chronic deficiencies in mastering the English language are compounded by chronic feelings of social frustration.

Within the school environment, whether it be a public high school or a private academy or a college, Indian students need to be re-assured that they truly belong within the American society. They need to know that their teachers and their peers hold them in regard for their own worth as individuals. It is not enough to pay them passing tribute because they are the First Americans; they ask to be recognized as a vital part of the fabric of America today.

What Indian youth hope to find in school is the experience of achievement that will sustain them and help obliterate the feeling of being born losers that engulfed their parents and their grandparents.

I believe my observations are sufficient to suggest ways in which the educational institutions of this country can help Indians toward the feeling and the reality of achievement.

As for the general public, typified by the townspeople of Columbia, Connecticut, there are other ways to help. The A.B.C. program is one. Your continuing public awareness and active interest in Indian education is another.

Your tax dollars are contributing to the education of about 100,000 or more Indian youngsters in public high schools throughout the country. Federal aid is available to those schools, often to a greater extent than it is employed, to provide the special language and counseling and related supplementary education services that many Indians require. You can help assure that funds are used more effectively for Indians in public schools.

Your tax dollars are also contributing to the education of about 50,000 Indian youngsters in the federal day and boarding schools that serve Indians who cannot attend public schools—either because none are available or because their needs are such that they require supplementary services not provided by their public schools. Federal boarding schools today operate on a per capita student budget of about $1,650 annually—half the amount expended in the operation of a first-rate private preparatory school. We *cannot* do justice to Indian youth on such a pennypinching scale. The schools need expert counselors and corps of teacher specialists in all fields—the price for which comes high, and the competition for which is usually won by the affluent and progressive high school systems in more urban areas.

Where there is the will, a way can usually be devised. Indian youth today have the will to build a better world for themselves and their people. You, the public, can help pave

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the way, by being informed and concerned. I have confidence that the educational community of America—and the general public—will respond to the yearning and the need of Indian young people and pave the way for more of them to move out of the shadows of limited educational opportunity. When all of them have access to the best in education this country has to offer, and the most they can absorb, then the Indian people will no longer feel like strangers in their own land.

In any way that I can help, I shall always do so to the ultimate of my own ability and influence, for the problem of making quality education available to Indian children is always the matter of uppermost concern to me.

In a sense, this is my valedictory. At the end of this month, I plan to withdraw from my position as Commissioner of Indian Affairs. I shall not, however, withdraw from active participation in efforts to foster the betterment of the Indian citizenry of this country. For most of the 35 years I have given to public service, the service has been in the area of Indian affairs. It has been my life—and my life interest will go on. Perhaps, with release from the administrative responsibilities, will come the ability to be more active within the general community—and so I look forward to closer contact with interested people such as yourselves.

And, because old Indians never die, I look forward to the next 200 years of friendship with Dartmouth.

SEX EDUCATION—PARENTS TAKE ACTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. RARICK. Mr. Speaker, the battle by concerned parents to stop immorality and perversion from entering their schools is now nationwide.

The unfortunate situation is that in most States instead of the sex panderers seeking to legitimatize their nefarious design on youth they have been able to sneak into the education field and force the outraged parents to come to the defense of their children by restricting and outlawing the pornographic education.

It is unfortunate that many of these concerned parents have not yet followed the example of those who brought suit in the name of religious freedom under the Constitution to protect their children from God in the schools. Further, in many States it is a criminal offense for anyone to contribute to the delinquency of a minor child, even in the guise of "education."

Clearly the extremists in the field of perverting the minds of our youth under the guise of sex education programs have disturbed a hornet's nest and it is probably only a matter of time until criminal actions and other litigation arises. And I feel confident that once this evil monster is brought out into the open with all of its unwholesome and unnatural objectives it will be completely removed from any program of compulsory education.

Mr. Speaker, I include, following my remarks, a resolution from the Missourians for National Security, a letter from Mrs. Frances H. Purcell, of Rock Island, Ill., and a news clipping from the local paper.

The courts were used to get God out of schools—surely the courts can be used to get compulsory pornography out.

The material referred to follows:

ST. LOUIS, MO.,
May 17, 1969.

HON. JOHN R. RARICK,
House of Representatives,
House Office Building,
Washington, D.C.

MY DEAR MR. RARICK: For what assistance it may be worth to you in connection with your House Resolution 329, there follows the text of a resolution adopted by Missourians for National Security:

"Whereas Missourians for National Security have become aware of a massive drive to establish compulsory and detailed sex education in the public schools of our Nation beginning with kindergarten pupils, such drive primarily being led by SIECUS, and

"Whereas we approve the teaching of physical hygiene and proper health habits as well as biological facts at suitable ages, we are unalterably opposed to the promotion of the "new morality" regarding intersexual relations, perversions, and/or other "situation ethics" as expounded by SIECUS in the kindergarten or elementary grades, and

"Whereas we are in accord with Psychiatrist William McGrath, M.D., of Phoenix, Arizona, who stated 'Premature interest in sex is unnatural and will arrest or distort the development of the personality. Sex education should not be foisted upon children; should not begin in the grade schools. Anyone who would deliberately arouse the child's curiosity or stimulate his unready mind to troubled sex preoccupations ought to have a millstone tied around his neck and be cast into the sea,' therefore, be it

"*Resolved,* That Missourians for National Security, by unanimous vote, go on record in full support of House Resolution 329, which would establish a ten-man committee to conduct a thorough and penetrating investigation into the operations and tax-exempt status of SIECUS."

Sincerely,

HOWARD ROBB,
Chairman, Missourians for National Security.

ROCK ISLAND, ILL.,
May 15, 1969.

Attorney General JOHN N. MITCHELL,
U.S. Department of Justice,
Washington, D.C.

DEAR ATTORNEY GENERAL MITCHELL: Sex education courses have been introduced into the curriculum of the State of Illinois School District #41, County of Rock Island, City of Rock Island, public schools.

These sex education courses and the instructional material used in said courses has been approved by the office of the Superintendent of Education and the Board of Education of said public school district.

Staff members of the Superintendent of Education Office and duly elected School Board of Education members have publicly stated that the sex education courses are permissive; that parents of minor children are informed of the content of the instructional material being used in sex education courses; that they are permitted to view all audio-visual, visual aid and textbook material used in the sex education course before any part of it is used in the instruction of their minor child.

These same persons have publicly stated that no Religious Morality Guidelines are taught, nor can they be, since by law, No Religion can be taught in public schools.

Having given careful consideration to the above statements, I, Frances H. Purcell, citizen of the United States of America, State of Illinois, County of Rock Island, City of Rock Island, do herewith petition the Attorney General of these United States for a redress of grievances in behalf of my minor child, Mildred E. Lawrence, for the following reasons:

(1) I was not afforded the opportunity to preview ALL sex education instructional material being used in the eleventh grade of the Rock Island Senior High School before said material was taught my minor child, a duly enrolled student of said grade in said school.

(2) I did not receive a notice from any member of the Rock Island Senior High School administrative staff, faculty, superintendent of education staff or from any member of the Illinois Public School District #41 prior to the sex education course being taught my minor child, *nor did other eleventh grade students' parents.*

(3) I did not know my minor child was receiving said sex education instruction until two days before the completion of a six-week presentation of said instruction in a required course of study, physical education.

(4) I was not afforded the opportunity to have my minor child excused from the sex education course.

(5) Since my minor child was given the sex education instruction *without my knowledge or consent,* I have viewed the audio-visual and text book material used in said instruction and have found them to be offensive, objectionable, and completely contrary to the biblical Christian religious morality guidelines in which I believe and have instilled in my minor child.

(6) In the textbook, *Toward Adulthood,* by Alice M. Call, I find the morality guidelines set forth by Miss Call, humanist religion promoter Lester A. Kirkendall, who is a director of the *American Humanist Association* listed in Gale Research Company's book, *National Organizations of the U.S.*, under "Religious Organizations", and Irving Tebor completely unacceptable, therefore protest these having been taught my minor child without my knowledge and consent.

(7) I find the series of six "Basis for Sex Morality Series" filmstrips narrated by "convinced Humanist and unashamed of it" Dr. Bryan Green of Birmingham, England, offensive, lewd, suggestive, off-color, atheistic, anti-Holy Biblical, and immoral according to my religious beliefs. I therefore protest this series having been shown my minor child in a public school without my knowledge or consent.

Whereas atheistic, anti-Holy Biblical Humanist Religion indoctrination has been forced upon my minor child in a public school without my knowledge or consent, I do

Herewith charge any and all persons, individually and collectively, who are or have been performing the teaching of, causing the teaching of, supplying material for the teaching thereof, and publicly promoting the teaching of humanistic religious morality guidelines to my minor child in the State of Illinois Public School District #41 Rock Island Senior High School with a flagrant violation of my God-given parental rights to prevent the Humanist Religion Morality being taught my minor child, and I

Further charge any and all aforementioned persons, individually and collectively with a flagrant violation of the religious freedom rights of my minor child as set forth in the first amendment to the Constitution of the United States of America.

I respectfully request you, Mr. Attorney General, to hear my petition for a redress of grievances as guaranteed under the first amendment to the Constitution of the United States of America in behalf of my minor child, Mildred E. Lawrence.

I further respectfully request that you use all powers of your office for the purpose of issuing an immediate injunction forbidding the teaching of the humanist religion morality under the guise of sex education, family life, sociology, psychology, physical education, and/or any and all other courses of elective and/or required curriculum now being used or ever to be used in taxpayer-supported public schools located in any and all fifty states of these United States of America.

Respectfully submitted in behalf of my minor child, Mildred E. Lawrence, this 15th day of May, 1969 A.D.

FRANCES H. PURCELL.

[From the Washington (D.C.) Evening Star, May 27, 1969]

ABOUT 700 HEAR CRITICISM OF SEX COURSES LAW

About 700 persons crowded into a Rockville junior high school auditorium last night and listened with approval to indictments of a 1967 Maryland law requiring sex courses in all public schools.

Two ministers, two Baltimore physicians and a suburban newspaper publisher criticized the law as a moral and political encroachment on parental duties.

They said it preempts a parent's right to teach his child about sex when, where and how he chooses, and dispenses with moral strictures.

The Rev. Richard Grammer, pastor of a Glen Burnie Baptist church, said the sex program is part of a "new morality" that has become "a raging cancer eating into the structure of our nation."

He said public school sex education is related to the "topless and bottomless bars . . . the see-through dress . . . and erotic publications—from Playboy to hard-form pornography."

Although the law stipulates that sex programs be taught in all grades, even kindergarten, some school boards have taken time in implementing the courses. Dr. James Sensenbaugh, superintendent of Maryland public schools, last month urged administrators to be flexible in administering programs.

Howard Moses, a neurologist at Johns Hopkins Hospital, attacked the Sex Information and Education Council of the United States (SIECUS) as infiltrating the schools and encouraging the "amoral" system.

He said some SIECUS officials help operate Sexology Magazine, which he described as "the worst smut and grime that you've ever run across." School libraries, he maintained, are loaded with SIECUS materials.

Grammer and Leo D. Paulin, publisher of a chain of Montgomery County newspapers, said an original rationale of the program—that it would reduce illegitimate pregnancies and venereal disease—has been discredited elsewhere.

Washington has had sex education in its schools since 1959 but promiscuity among teenagers is on the increase, Paulin said.

Two speakers recommended that children be withdrawn from sex classes, as the law allows. But Moses said every course is "imbued with sex education" and that the program would inevitably affect children.

He said qualifications of those who teach and plan the program are a serious problem.

The audience at Julius West Junior High, asked to provide funds for literature to appeal the law, donated more than $426.

WISDOM

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. COHELAN. Mr. Speaker, every now and again one of our younger constituents writes to us to share a wisdom which transcends their age.

This month I received a striking letter from Miss Ann Hederson, a sixth-grade student at Wildwood School in Piedmont, Calif.

Ann Hederson addressed herself to the pollution of San Francisco Bay, but it could just have well been any other bay in the country. In six short lines she conveyed just about all that needs be said on why we must immediately act to bring an end to the pollution of our environment.

I commend these few lines of verse from my sixth-grade constituent to the Members of this House and to the readers of this RECORD, and include her letter in the CONGRESSIONAL RECORD at this point:

DEAR MR. COHELAN:

Soon all the people on this earth,
Will very likely die of thirst,
For we were not made to live this way,
With polluted water in our bay,
Write this poem is all I can do,
So then the rest is up to *you*.

Sincerely,

ANN HEDERSON,
Piedmont, Calif.

MRS. JOHN CURRY, OF GREENWOOD, IND., SUGGESTS TRIBUTE TO EISENHOWER

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. BRAY. Mr. Speaker, many suggestions have been made for memorials and tributes to General Eisenhower and one of my constituents, Mrs. John Curry, of Greenwood, Ind., has come up with an idea I wish to bring to the attention of all our citizens.

Mrs. Curry's suggestion could quite easily be put into practice without legislation, by communities, groups, and individuals. Raising the flag on Father's Day as a special tribute to General Eisenhower would be most fitting, I am sure, and I am happy to commend her idea to everyone. Her letter follows:

MARCH 28, 1969.

DEAR SIR: Fifteen minutes ago I heard about the death of President Eisenhower over the television. I must say that it was a shock to hear about it: I was praying for a speedy recovery for him. For as a young citizen he meant a lot to me. I don't know why I have waited so long to do what I am going to ask of you now.

It all started back 10 years ago in 1959, when I was in grade school. I wrote a letter to the President about a clipping that I had seen in the newspaper concerning Fathers Day. The article was about the flag being raised on Mothers Day and all other National Holidays, but why not on Fathers Day? I was only eight at this time, but it had me wondering why this was so.

On October 6, 1959, I received my answer from him. He said that he appreciated my interest in writing to him about the flag. He inclosed a White House card with his letter. On the card it read, with best wishes, Dwight D. Eisenhower. I can't tell you how thrilled I was with that.

I then wrote back to him and asked him how I would go about having this day be placed on the National Calendar. On July 8, 1960, I received another letter from the President. He said that it would be necessary for it to receive the endorsement of the Congress. He also suggested that I might write to the Representative from my district or to one of the Senators from my State about my request.

So now is the time for me to write. It may seem very, very small to you, for I know that he will have monuments erected in his memory, but I want the world to know that there are some real devoted young Americans left.

I'm trying to ask you if you can have this day put on the National Calendar, and have the Flag raised on this day in Honor and Memory of this wonderful, wonderful man? If you could have this done for me I would be so grateful. It would be a tribute to President Dwight D. Eisenhower, from a young but very proud American. I'm proud to be living in a country like this, and it is men like this man that made it this kind of a country.

Thank you.

MRS. JOHN CURRY.

Greenwood, Ind.

PROF. ROBERT EISNER OF NORTHWESTERN UNIVERSITY OPPOSES TAX SURCHARGE AND INVESTMENT TAX CREDIT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1969

Mr. REUSS. Mr. Speaker, Robert Eisner, professor of economics at Northwestern University, has prepared a cogent statement on fiscal policy in which he sets forth his reasons for opposing the extension of the tax surcharge and of certain excise taxes, and for supporting repeal of the 7-percent investment tax credit. I commend his statement to my colleagues:

STATEMENT BY ROBERT EISNER

I am happy to explain my opposition to extension of the 10% tax surcharge and certain excise tax rates and my support of repeal of the 7% investment tax credit.

The essential considerations in coming to a decision on any tax proposal must be the following: 1) For what will the resources transferred as a consequence of the tax be used? 2) What will be the overall effect on the general levels of employment, output and prices? 3) Is the proposal equitable in the light of reasonable alternatives? A decision cannot, however, be based on economic judgment alone. We must accordingly be realistic and accurate in our appraisal of other governmental actions likely to be influenced by tax actions and we must be open and frank with regard to our political or ethical preferences and prejudgments.

We start from the economic argument that extension of the surcharge and certain excise tax rates are not economically indicated unless we presuppose continued high and even growing levels of Federal expenditures. If Federal expenditures are cut significantly, extension of current high tax rates would prove both unnecessary and harmful.

Now, it is a useful exercise in college courses in the principles of economics to elucidate the likely effects of tax rate changes upon the economy on the assumption that "other things" and, particularly, the rate of government expenditures, are unchanged. In our real political economy, however, it is essential to recognize that government expenditures need not be and are not likely to be unaffected by changes in tax rates. A much more realistic assumption on which to base

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our analysis would be that higher tax rates would give this Administration (and any Administration) more opportunity for higher government expenditures.

Here we must be frank about our political preferences. There are certain types of increases in government expenditures or subsidies to private expenditures which I would welcome. There is very much to be done, and the hour is late, to meet pressing domestic needs. Each of us may differ somewhat as to exact orders of priority, but there is widespread recognition of pressing needs to solve the devasting problems of our cities, to educate our youth, to improve transportation, to combat pollution, and to house this generation and the next. The extents to which these and other tasks should be undertaken entirely out of government revenues or via tax incentives and subsidies to private enterprises are largely, or though undoubtedly not entirely, technical questions which can be reasonably well resolved once there is common agreement as to purpose.

The current surcharge, however, has not been imposed as a means of raising revenues or freeing resources to meet domestic needs. It has rather been imposed as a consequence of the demands of our military venture in Vietnam, and its proposed continuance is clearly associated with the continuance of that venture. It behooves all of us who are anxious to see this costly drain on American lives and fortunes ended speedily to do nothing to facilitate its continuance. The American people were told that the surcharge was a one-year measure when it was enacted. President Nixon indicated in his campaign that he would end the surcharge. He has also indicated his intention of bringing the war in Vietnam to an end. There should be no two ways about it. The surcharge should end and the war should end. Continuation of the surcharge runs a grave risk of facilitating the endless continuation of the some thirty billion dollars per year of spending in connection with the war which has brought our economy and the American people to so many of their present difficulties.

I am in fact hopeful that the war will be rapidly diminished in scope and soon ended. This Committee and the Congress have the responsibility to take economic measures to encourage that outcome. It will be argued in some quarters that the proper place to curb expenditures not deemed in the public interest is at the expenditure or authorization level and not in tax policy. I find this argument at best politically unrealistic and at worst hypocritical, where advanced by those who lack any real concern for curbing the expenditures in question. As the Congress well knows, it is difficult to cut specific expenditures and all the more difficult in a period of war tension to cut expenditures in a way that many voters would believe, however falsely in my opinion, would injure our brave fighting men. The American people are upset at high taxes and there is a real political opportunity now to act in a way which will both relieve them of some of their tax burdens and exert pressure to end the painful and unpopular war which has done so much to create them.

While on sober reflection, one would base the case of the connection between taxes and government expenditures on fundamental political and economic considerations, it is worthwhile to note that the Secretary of Defense asserted recently that our B–52 raids in South Vietnam are being curtailed somewhat out of budgetary considerations. If, in his judgment, such budgetary considerations can limit the level of violence in Vietnam, despite the huge amounts of money that have been made available to pursue the war, refusal to renew the surcharge, which has been clearly recognized as tied to the war, should be an effective way to bring about the speedy end to hostilities which almost all of us desire so urgently. When as free private individuals we decide that we do not want to have something we do not spend the the money for it. At the level of government we should act no differently. The surcharge can be supported only as a means of financing continued high levels of military activity in Vietnam and corresponding American casualties.

The Secretary of Defense has made another recent statement which is relevant. He has argued that even with the end of the war our extremely high levels of military expenditures, by far the highest in the world, should be maintained. There is proper concern in the Congress and in the nation at large at the amount of our military budget. We have all paid too little attention to the warning of the late President Eisenhower against the dangers of a powerful military-industrial complex. If we believe that our military expenditures, even aside from Vietnam, have exceeded all bounds of efficient provision of security for the American people, it is important again that our tax policy be consistent with efforts to bring our defense expenditures and, with it, our general military posture into conformity with our real self interest. Extension of the surcharge would only encourage those, in and out of the government, including many with their own private fortunes at stake, to move quickly to take any savings from the reduction and end of hostilities in Vietnam and dissipate them in a new, exceedingly costly and dangerous escalation of the arms race.

It is widely claimed that extension of the surcharge is necessary to combat inflation. I argued repeatedly[1] that enactment of the surcharge would do little to curb inflation which was consequent upon past escalation of the war and was sustained by continued expenditure in its pursuit. Continuation of the surcharge now, if coupled with continuation of the war, will again do little to curb inflation. The one sure and quick way to end inflation is to end the war. And with this we will end the painful distortions in our economy, such as high rates of interest, with which we are concerned.

There are indeed other arguments against continuance of the surcharge with which I am sympathetic. These relate to the uneven and inequitable nature of our tax burden. It is improper to continue a surcharge on the ordinary income of the great mass of the American people and of all of our business corporations and hence, indirectly, those who own them and those who buy their products, when tax loopholes and what amounts to cost-plus government contracts permit a significant minority to make huge gains and pay very little in taxes. This is apparently not the occasion for any extended analysis of the problems of tax reform, but I should call attention briefly to two matters close to my own past and present research, with which I am particularly familiar.

First, I must point out that high rates of taxation along with the availability of loopholes have encouraged wealthy individuals to take increasing portions of what economists would recognize as true income in forms which are not taxable and frequently not even counted as income for tax purposes or in our measurements of personal and national income. Most conspicuous and substantial are the huge amounts of income now enjoyed in the form of capital gains, both realized and unrealized. While these vary from year to year, it is clear even from preliminary estimates that they have been averaging proportions of our national income which could lead to current magnitudes in the neighborhood of 50 billion dollars and more. Additions to wealth on the part of most of us, whether to be spent soon or not, come in the form of highly taxable income. For those who take the capital gains route of earning money, taxes are of course minimal, and actually less than many seem to recognize. First and foremost, there is no tax at all on capital gains except insofar as they are technically "realized." This does not mean that individuals pay taxes on capital gains only to the extent that they spend amounts equal to their capital gains. For one can spend his capital gains quite effectively by spending more out of other income and allowing the capital gains to continue to accrue, "unrealized." One can further spend one's capital gains by borrowing against capital without ever selling or "realizing." And even, to the extent one does sell off the gains of, for example, $10,000 on original capital of $100,000, one pays only a minuscule tax. For if capital has increased in value by 10%, from $100,000 to $110,000, and one sells $10,000 of the capital, in the form of shares of stock, for example, one is liable to taxes only on the capital gains on the $10,000 of securities or assets sold. In this case that would amount to only some $900 of capital gains (10% of $9,091, to come to the total of $10,000 value of assets sold). The tax then even at maximum rate would be 25% of $909 or some $227 on a total capital gain of $10,000! That, one can readily see, is a rate of taxation of 2.27%, even on realized capital gains!

The argument and example above makes clear that improving the treatment of realized capital gains will only scratch the surface of the huge mass of untaxed income enjoyed in the form of capital gains. A small step in the right direction would be correction of the failure to tax at all the capital gains passed on at death. Taxation of capital gains at death would not only remove the aggravated inequity of complete avoidance of capital gains taxation on the part of those who, as a consequence of the current tax structure, do not sell assets during their lifetimes. It would also improve capital markets and substantially increase the Treasury's tax revenues by reducing the "lock-in" effect which discourages individuals from selling assets when in their own financial interests, aside from tax considerations, they would prefer to do so. In this connection, I might add that a publicized proposal to relate the tax on realized capital gains even more closely, but inversely, to the length of time which capital assets are held is, I believe, a step in the wrong direction. For this, like the loophole in realized capital gains taxation at death, would encourage people to hold on to assets and discourage them from freely selling and buying in the capital markets.

Secondly, particularly because this matter has also been under discussion in connection with the investment tax credit, I should like to express my strong opposition to any further "liberalization" of tax depreciation. There is a case, more constitutional perhaps than economic, in favor of tax depreciation allowances which would prevent our income taxes, particularly at the business levels, from becoming taxes on capital. To allow tax depreciation to exceed real economic depreciation is, however, merely to create a new loophole in the amount of tens of billions of dollars in the form of true economic income which is not considered taxable income because of excess depreciation charges which correspondingly reduce the figure finally considered taxable income. Knowledgeable economists, I am sure, point out that the major liberalization of tax depreciation by the Congress and the Treasury beginning with the new tax code of 1954 providing for additional forms of accelerated depreciation, and continuing through such other very substantial measures as the shortening of acceptable lives and corresponding increases in rates of depreciation

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[1] See, for example, "The Proposed Income Tax Increase," *Illinois Business Review*, November 1967, pp. 6–8; "War and Taxes: The Role of the Economist in Politics," *Bulletin of the Atomic Scientists*, June 1968, pp. 13–18.

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permitted in connection with the new guidelines, have already made tax depreciation far more than the true economic depreciation to be deducted in arriving at a correct measure of income. The tax loophole here is hence already tremendous. It should be reduced, not enlarged.

All of the arguments advanced above against the surcharge apply equally to extension of the excise taxes under consideration. I should add in addition, however, that excise taxes have further disadvantages in terms of equity and resource allocation which are well known to economists and, I believe, to the Committee. But receiving surprisingly little attention is the point that to the extent that higher taxes in the current situation are justified as a move against inflation, excise taxes must be recognized as a conspicuous exception. Increased taxes on income, other things remaining the same, can be expected to reduce upward pressure on prices by reducing the effective demand, that is, the purchasing power, which can be applied to goods and services. Higher excise taxes will reduce real purchasing power only and precisely to the extent that they raise prices paid by the purchaser. To combat inflation, by which we mean rising prices of goods and services, by tax legislation which raises the prices of goods and services is clearly contradictory.

Finally, I should like to turn my attention to the investment tax credit. First, it must be acknowledged, the arguments against tax increases which will facilitate continuation of high war and defense expenditures apply in principle as well as to a real tax increase in the form of repeal of the investment tax credit. In the instance, though, I believe, that questions of equity and allocation of resources may properly be viewed as dominant. On this topic, again, I have done a great deal of research and have argued, with the support of my research findings, that the investment tax credit is in large part an inequitable tax loophole. Its avowed purpose, according to its original sponsors, was to offer an incentive for greater business investment and consequent technological advance and contribution to economic growth. I confess to being dubious initially that this form of intervention in the economy is economically justified. The free market and business enterprise should normally be trusted to decide upon the proportion of resources to be allocated to current consumption as opposed to investment for the future and as to one form of investment against another. Before asking government to encourage a particular form of investment, that in eligible equipment, as opposed to investment in plant, in research and development, in human beings generally, a clear case should be established that the market mechanism has somehow broken down and that a correction to the bias or disfavor introduced by the market with regard to this particular form of investment is necessary. No such case, in my opinion, was ever demonstrated.

Further, the particular form of the investment credit for equipment, as finally enacted, offered relatively little advantage or incentive to those who might, as a consequence of the legislation, invest more than they would have invested otherwise. It is rather offered most of the benefits for investment which unquestionably would have been undertaken anyway. Merely to clarify this point, rather than to endorse any particular alternative, a measure which would have offered no tax credit for investment not above the average investment of the previous five years but, say, a 14% credit or even a 21% or 28% credit for investment above the previous average, would have been much more effective in stimulating new investment. It would have brought about a much higher ratio of dollars of additional investment to dollars of lost tax revenues than what has been accomplished with the current act.[2]

The investment tax credit thus constitutes in large part a "give-away" of particular benefit to those businesses and their owners that normally invest heavily in equipment. If the level of business taxation has been considered too high, a more appropriate method for reducing that level would have been a general reduction in income tax rates for corporate business and corresponding appropriate reductions in individual income tax rates from which unincorporated business would benefit as well. An investment tax credit for equipment which offers disproportionate tax savings and benefits to those businesses and their owners which normally purchase large amounts of equipment is precisely the type of tax loophole that this Committee should be committed to eliminate. While I would have favored eliminating the tax credit at any time, its elimination now is particularly called for in the light of concern that the high levels of projected business investment demand are particularly harmful to efforts to contain inflation and to keep down our currently very high rates of interest. For while I have argued that the investment tax credit constitutes in much larger part a pure tax reduction, rather than an incentive for greater business expenditures on equipment, there is no reason in the current situation to offer any stimulus to such business spending. And at last, on the subject of the investment credit, its removal at this time may perhaps facilitate the application of selected credits or tax incentives, along lines apparently under consideration by the Administration, which would encourage particular business expenditures, whether for manpower training, urban rebuilding or other purposes, where there are cleary compelling reasons for government intervention.

In conclusion, I may reiterate that I oppose extension of the surcharge on the grounds that it is a war-related measure which can only facilitate continuation of our costly military venture in Vietnam and the new escalation of the arms race which some would apparently favor as the war and spending directly related to it are ended. Since continuation of these high tax rates will be associated with continuation if not expansion of the high government expenditures for war and defense, extension of the surcharge, far from proving a measure to combat inflation will actually, as I have argued previously with some confirmation from subsequent events, do nothing effective to combat inflation. Continuation of special excise taxes is undesirable for the same reasons and also because it will actually contribute diretcly to inflation in the higher prices to be paid by purchasers to cover the taxes. I also see merit in opposition to continuation of both the excise taxes and the surcharge so long as major tax loopholes contribute to such an inequitable tax structure and concentration of tax burden on the great mass of individuals and businesses which earn their incomes in forms which do not permit ready tax avoidance. And lastly, despite recognition that repeal of the investment tax credit is in effect a tax increase which might also contribute to excessive war and military expenditures, other considerations of equity and resource allocation lead me to favor its repeal.

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[2] I have set forth some statistical results of analysis of this subject in "Tax Policy and Investment Behavior: Comment," *American Economic Review*, June 1969, galleys currently available.

NEED FOR SAFEGUARD

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MARSH. Mr. Speaker, recently the Secretary of the Army, in an address to the Union League Club's public affairs luncheon in New York City on April 28, 1969, outlined in his remarks the need for the Safeguard anti-ballistic-missile system.

In a very definitive statement he points out what Safeguard can do and cannot do. In pointing to the need of this system, he outlines very clearly the work of the Soviets' antimissile program, as well as the development of their nuclear strike capabilities. His speech clearly draws on the geopolitical considerations, and shows that the Safeguard system is designed to prevent, rather than start, a nuclear exchange. It is designed as a measure to insure peace rather than a step toward war.

For the reasons mentioned above, I would like to bring it to the attention of other Members of the House:

REMARKS BY THE HONORABLE STANLEY R. RESOR, SECRETARY OF THE ARMY, UNION LEAGUE CLUB'S PUBLIC AFFAIRS LUNCHEON, NEW YORK CITY, N.Y., MONDAY, APRIL 28, 1969

SAFEGUARD

I want to talk to you today about what seem to me to be the major considerations involved in the current debate over the President's decision to continue deployment of a thin ballistic missile defense system. The facts of the thermonuclear age, and even more of the prospect of a possible thermonuclear war, are horrible to contemplate. Yet technology and certain irrevocable decisions have made these facts and that awful prospect inescapable today. The debate over whether or not we should deploy an anti-ballistic missile system cannot be conducted without taking into account of those facts, and the decision must be one which offers the greatest hope of reducing the prospect of such a war.

I want first to describe the nuclear environment within which our judgments must be made. I will next describe certain trends in that environment which cause serious concern and which we believe require the deployment of the Safeguard ballistic missile defense system in order to preserve stability in that nuclear situation. Finally, I want to give you my views of the most significant reservations which have been expressed by those opposing deployment.

Let me describe briefly the nuclear arms environment in which we live. I do this knowing that it is generally familiar to most of you, but I believe that an informed discussion of defense against ballistic missiles must proceed from a common understanding of the facts of the nuclear environment in which we can now live. We cannot unilaterally or quickly change the fact that we live in a world where peace is ultimately preserved by the mutual capability of the major powers to assure one another's destruction in the event of war—a delicate nuclear balance.

We and the Soviets each have large arsenals of nuclear warheads. Some are affixed to missiles which are either land-based or carried in submarines, and some are intended to be delivered by bombers. Our land-based

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missiles, most Minutemen, are buried in hardened silos. Our nuclear submarines, the Polaris, are virtually impossible to locate when on station. And some of our bombers are on alert and prepared to take off on short notice. For these reasons our nuclear striking power could *today* survive an attack by *all* of the missiles now in the Soviet inventory and still retaliate with a blow which would destroy the Soviet Union as a nation, killing millions of its people and eliminating much of its industrial capacity. Our confidence in this ability to retaliate derives not solely from the number of weapons we have, but also from the fact that with three basically different weapons systems we are confident that many weapons will penetrate any defense which the Soviets might erect. The Soviets know this and their behavior is influenced accordingly.

The Soviets also have the capacity to absorb a first strike by our nuclear forces and in retaliation inflict destruction on the United States sufficient to end our existence as a nation. I am sure that they believe it vital to their national interests to retain at least that capability.

What I have described is mutual assured destruction, the doctrine which has been the basis of our deterrence since the Soviets first deployed large numbers of intercontinental ballistic missiles.

None of us prefers to see the world this way. But it is the world we live in. In the absence of another way to offset the Soviet threat and to provide the nation a means to ensure its survival, reliance on retaliation as our deterrent has been affirmed by every President since General Eisenhower. And in all likelihood we will have to continue to rely on our assured destruction as our deterrent until, either by agreement or by parallel action, we and the Soviets move to some other basis for our security.

Because deterrence is the foundation of the very survival of our nation today, we must make every reasonable effort to protect our retaliatory forces. And it is because we see certain trends in Soviet deployments and activity in the development of nuclear forces—trends which if continued could lead to substantial threats to our nuclear forces—that we have taken the steps we are taking in the deployment of the Safeguard ballistic missile defense system.

Let me describe for you, insofar as time and security requirements permit, what it is that has caused us to take these steps. First is the continuing deployment of the Soviet SS–9 intercontinental ballistic missile. The SS–9 can carry a warhead with a yield of up to 25 megatons, that is powerful enough so that if it hits within one mile of a Minuteman silo that missile is very likely to be rendered useless if not destroyed. One SS–9 can also carry three separate smaller warheads of about 5 megatons each. These would have to impact within about one-half of a mile of a silo to be effective. There are no insuperable technical barriers to achieving that accuracy, and if it is achieved, the threat to our Minuteman force would grow rapidly with the continued deployment of the SS–9. We have seen as recently as two weeks ago evidence of Soviet testing the SS–9 with multiple warheads and we have reason to believe that that testing will continue.

Why do we regard the SS–9 as a potential threat to the Minuteman? Principally because we can see at this time only one military use for such large missiles in such great numbers, and that is to erode the Minuteman deterrent force. The nuclear weapons which leveled Hiroshima and Nagasaki were one-one-thousandth the yield of the single SS–9 warhead. No strategist or planner believes that a weapon meant for attacks on all but the largest cities needs to be any larger than about one megaton, one-fifth the yield of each of the SS–9 multiple warheads which are under development. We assume from the warhead size of other Soviet missiles that they understand the sufficiency of smaller explosions. What the continuing deployment of the SS–9 represents then is a growing capability on the part of the Soviets to destroy our ICBMs, which are a key element in our deterrent.

At the same time we are faced with a rapid growth in the Soviet nuclear powered missile-carrying submarine force, comparable to our Polaris. The Soviets have been building such vessels for several years, but at a gradual rate. Recently the rate increased noticeably, and if it continues the Soviets will have a force equal to ours by 1975. How does this bear on our ability to guarantee retaliatory destruction of the Soviet Union in case of an attack? Submarine-launched missiles would pose a grave threat to our bomber forces. At all times some of our bombers are in an alert position. If the Soviets launched land-based ICBMs at us today, we would have enough warning time to enable those alert planes to take off before their airfield were hit. But if the missiles were launched from submarines off our coast, that warning time could be cut by half or more. Short of keeping an adequate number of our bombers aloft at all times—and that would cost about $1 billion per year—we know of no way to get an adequate number of them off their airfields in time to avoid a submarine-launched missile. This then is another potential threat which faces us—a growing capability on the part of the Soviets to destroy or severely damage the bomber component of our retaliatory forces.

If these threats materialize we would be left to rely primarily on our nuclear submarines for our retaliatory force. This is a formidable force, and one which we are confident is safe *now* from detection and destruction by the Soviets. But just as we are constantly working on ways to counter the Soviet submarine threat, so we too can be sure they are seeking ways to counter ours. Thus if the emerging threats described above materialize, we are left to depend on a system which may suddenly become vulnerable to a Soviet development which we cannot immediately counter. It would be unwise to rely on any single component of our nuclear force to ensure our survival—and it has long been our practice not to do so.

In view of the threat to our ICBMs which the SS–9 can pose, and the threat to our bomber force which the Soviet submarine force can pose, we need to find a means to counter those threats should they emerge and thus preserve our retaliatory capability. The Safeguard ballistic missile defense system is such a means.

Basically, Safeguard is a relatively thin defense against ballistic missiles—thin in the sense that it will not possess the capability to protect our cities from a massive Soviet attack. Protection from such attack is not technically feasible under present circumstances. Moreover, we recognize that the Soviets see it in their national interest to preserve their retaliatory capability against us. A thick missile defense of our cities would probably appear to them as a threat to that capability and in all likelihood cause them to add additional offensive nuclear forces.

Safeguard will, however, protect a minimum essential number of our missile sites from a Soviet first strike. It will also provide added warning time for our bomber forces on alert. These two contributions will help to preserve our nuclear deterrent.

In addition, the Safeguard ballistic missile defense system is designed to protect the United States from any small ICBM attack, the kind which Communist China might be capable of launching in the 1970's. Communist China is developing an ICBM capability. It is not progressing quite at the rate we once thought it would, but it is progressing. We expect that by the mid-1970's Communist China will possess the capability of killing ten to twenty million Americans in a nuclear strike. The Chinese Communists should be deterred by our retaliatory capability, but we are sufficiently uncertain of how they might react in a crisis that it seems prudent to protect against a Chinese nuclear attack if at all possible. Additionally, our Asian allies will have greater confidence in the credibility of our commitments if they know that we can come to their aid, when it is in our interest to do so, with little risk to us of a nuclear attack from China.

Finally, there is the problem of an accidental launch. I would hope that the other nuclear powers, like ourselves, have established procedures and designed devices to prevent the accidental launch of any of their nuclear weapons. But with a thousand enemy nuclear warheads deployed, the chance of such an accident nonetheless exists. If it should happen, at the least there would be great destruction; at the worst, it might lead to misunderstandings as to motive and to the initiation of further nuclear exchange. The protection that the Safeguard System will provide against an accidental launch alone provides substantial justification for the cost of the system.

One aspect of the President's decision to deploy the Safeguard system has not received the attention which I believe it deserves, and this has led to misunderstanding. The Safeguard plan has been approved in principle, but insofar as execution is concerned only two installations have been recommended to Congress for authorization—one at Malmstrom Air Force Base in Montana and one at Grand Forks Air Force Base in North Dakota. Before further deployments are approved, the intelligence estimates on which the potential threats described here are based, will be updated and reviewed and at the highest levels of government. If those estimates reveal a change in the development of the threat as we now see it, the Safeguard deployment will be modified accordingly. The progress of deployment will also be governed by the status of any arms control discussions we may be having with the Soviets. In short, Safeguard will be deployed only as the threat against which it is designed to protect develops and only if it is not inconsistent with any progress we might be making in arms control talks.

In this connection, some have asked why it is necessary to begin deployment now. Why not wait until more facts are available on the Soviet SS–9 deployment and the growth of the Soviet submarine fleet and until we have tested Soviet intentions in arms control? If we proceed now with the deployment approved by the President last month our first sites will not be operational until 1974. If the Soviet developments continue at the current rate they could at that time pose an unacceptable threat to our nuclear forces, and the Chinese threat may have begun to materialize. If the decision to deploy is postponed for even one year we would have to disband our present manufacturing and construction preparations, and the readiness of the first sites would be delayed approximately two years. The first sites then would not be operational until 1976.

This, then, is the case for Safeguard. It is a carefully measured response to a potentially serious threat to our national security. It is a response which can be tailored as the threat evolves or fades, and as we learn more of our chances to reach arms control agreement with the Soviets.

Why, then, is it the subject of so much controversy? I believe that its critics are driven by three concerns. First, there is concern that our deployment will lead to a further escalation in the arms race, increasing the burden of the cost of arms. Secondly, there is concern that it will diminish the chances for an arms control agreement between us and the Soviet Union. And thirdly, there is a concern that the system will not work, and that the money to be spent, which is indeed a large sum, will be wasted. These are matters which should concern us, but I believe on careful analysis that they do not drive us to conclude that we should not deploy the system.

First, as to whether the deployment will escalate the arms race, I think the answer there is clearly no, unless the Soviets are unalterably determined to gain a first strike capability against us. Because Safeguard is not a city or population defense against the Soviet's capability to inflict intolerable fatalities on the United States, Safeguard will not impact on the Soviet deterrent. Therefore it should not evoke a reaction from the Soviets, if they intend to continue to rely on their retaliatory capability for their deterrent. The best evidence of the limited purpose of the Safeguard system lies not in our professions of its purpose but in the deployment of the Safeguard missile sites. They are deployed initially near two of our major Minuteman fields, and subsequently near other such fields, near major air bases and generally along both coasts of the mainland. The fact that Safeguard is designed only as a protection for our deterrent forces from the Soviet attack and for protection against a light Chinese attack, is evident from the sites chosen for the system. These are sites from which an effective defense of our cities against a large Soviet attack could *not* be undertaken, even if such a defense were technically feasible.

Turning to the second concern, I do not believe that the deployment of Safeguard will lessen the chances for an arms control agreement with the Soviets. In fact, it may even increase these chances. We should first recall the events of last year. In May Congress debated the question of the deployment of the Sentinel anti-ballistic missile system. In that debate the argument was made, as it is now being made, that a ballistic missile defense deployment would frustrate the chance for arms control talks with the Soviets. Nonetheless, Congress then authorized deployment, and it was *after* Congress' decision that the Soviets suggested that we begin arms control talks.

The Soviets have, as you know, *already* deployed a ballistic missile defense around Moscow. On the basis of current intelligence we believe that they intend to continue the development and deployment of that system. They also have the Tallinn defensive system which is now believed to be primarily directed against bombers. But it is not clear that it cannot be upgraded to obtain an anti-ballistic missile capability. Moreover, they have stated that they do not regard defensive systems as provocative. It seems clear then that the Soviets do not believe there is a necessary inconsistency between the deployment of defensive systems and arms control talks.

I mentioned the chance that our deployment of Safeguard may improve the likelihood of arms control negotiations. There are two bases for this. First, by merely responding to the recent Soviet developments described above we are serving notice that we are prepared to take the necessary steps to ensure our security. If there was ever any doubt in the minds of the Soviets, this should provide further evidence of our determination to prevent them from obtaining any advantage in strategic nuclear arms, thus adding incentive to negotiate an arms control agreement. Second, by responding to those Soviet developments with a defensive system designed so that it should not escalate the arms race, we have served notice on them that we seek the kind of stability which would be achieved in an arms control agreement.

Finally, as to the effectiveness of Safeguard, it is important to recognize that the system we contemplate does not embrace any unproved technological features. Each of the components, the radars, the missiles, the communications, and the computers, is within the current state of the art. Our testing program has provided satisfactory results thus far and we will continue an intensive testing program. Through the production, deployment and operational manning of the first two sites, the system will be given an even higher confidence by assuring that any minor unforeseen problems are identified and remedied.

In closing, I would like to make some observations which, while they do not relate directly to the decision to deploy Safeguard, do seem to me to underlie in some respects the debate in which we are engaged and which are matters for all of us to think about in the long term. Our nuclear strategy rests today on a delicate nuclear balance. This will be so as long as we rely on nuclear weaponry for security and so long as offensive weapons dominate. I do not believe that we should be prepared *now* to consign *future* generations to live under this delicate nuclear balance unless we see that it is absolutely necessary. We should strive, and we should be willing to spend, in an effort to find our way out of that uneasy world. This is of course the focus of our arms control efforts. But in the beginning at least, arms control arrangements will merely stabilize the condition of balance of nuclear destruction, not eliminate it.

One can conceive of long-term developments, either in the arms control field or outside it, whereby the defense is allowed to overtake the offense, and our security is preserved not because of our evident willingness to destroy our enemies and be destroyed ourselves in the process, but because of our ability to protect ourselves in the first instance from those enemies. Safeguard does not promise us this. Because it is designed only to protect our deterrent capability, it is not in itself going to lead to this kind of readjustment in the nuclear world. But it is a step in that direction, for it represents a decision to choose an option involving defense instead of additional offense in the continuing quest for our security.

INDUSTRY AND DEFENSE: A TIMELY INDICATION OF THE U.S. MILITARY-INDUSTRIAL RELATIONSHIP

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. SIKES. Mr. Speaker, Vice Adm. J. B. Colwell, U.S. Navy, has delivered an interesting and timely commentary on the U.S. military-industrial relationship which I think should be called to the attention of the Congress. It was delivered before the New York chapter of the American Ordnance Association on April 10, 1969, and will appear in the July-August 1969 issue of Ordnance. I submit these remarks for reprinting in the CONGRESSIONAL RECORD at this time:

INDUSTRY AND DEFENSE: A TIMELY VINDICATION OF THE U.S. MILITARY-INDUSTRIAL RELATIONSHIP

(By Vice Adm. J. B. Colwell, U.S. Navy, Deputy Chief of Naval Operations, Fleet Operations and Readiness)

The United States today has a very large military establishment. It is sizable in manpower, numbering over two million men. It is sizable in real property holdings, both here and abroad. It has a sizable inventory of aircraft, vehicles, and ships.

The cost of maintaining this force also is sizable. This year some 60 per cent of our governmental budget or 12 percent of our gross national product will be spent in support of our defense establishment. Without debating the adequacy of this outlay, past and current, it is an obvious fact that military preparedness is an expensive business.

This military force is built upon and sustained by the largest industrial economy the world has ever known. To defend our Nation in today's environment, we must have the most advanced, most effective weapons which can be produced, and we must have them in sufficient numbers. There is no second-place prize in a military contest.

It is our industrial technology and production capacity which make it possible to put such weapons into the hands of our troops. The resulting military force safeguards our economy. Our economy, thus secure, maintains for our society the world's highest standard of living with its rights to life, liberty, and the pursuit of happiness.

This, simply stated, is the military-industrial relationship which exists in our country.

Certainly there is a so-called "military-industrial complex" in this country! Our military forces could not exist without it, and, in the international environment in which we find ourselves, our country could not long exist without the means to achieve military security.

There are those, however, who would have us believe that the military and industry operate in an entirely different manner from the normal manufacturer-consumer relationships which are accepted in other sectors of our economy.

The country has been warned of an insidious Military-Industrial Complex, controlled by an oligarchy of military and industrial leaders. The necessary teamwork between industrial management and members of the Defense Department is alleged by some to represent a form of conspiracy, generated not in the Nation's interest but for the purpose of personal power and immense profit.

The existence of this complex, we are warned, will lead to the ruination of our economy, the reduction of our democracy to a garrison state, and, finally, to our destruction through irrational war.

I am not so naive as to forget that there are historical incidents of illegal activities and collusion in the past, nor to deny that there are people in the military and in business today who would turn a dishonest dollar. But I would emphatically deny that such activity is widespread, and I submit that the possibility of activity so extensive as to approach a conspiracy is indeed remote.

Let me develop the strange kind of logic which leads to an erroneous conclusion about the military-industrial relationship. It begins with the establishment of demand which, in this supposed case, is generated by an aberration in the desires of the military leader whose mind is fixed on war and who demands all the things with which to wage war. It is never satisfied with the capability or quality of the weapons in the arsenal and is constantly striving for more and better arms.

Industry, so the story goes, always interested in a good market, responds to fill this demand. Going further, industry applies the professional hard sell, playing on the fears and egos of the anxious and easily convinced military.

By elaborate advertising and lavish entertainment, the fable continues, industry generates artificial demands for useless weapons. Once this cycle is established, the military and industry join forces and control this process for their mutual advantage. The middlemen are the retired military officers employed by the defense contractors.

How is it that such business can be carried on despite governmental controls and con-

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gressional checks? How can it be done right under the noses of a suspicious press and public? Again, the explanation is the military mind.

However, this time the critics have transformed the character of this mind. It is no longer slow and easily persuaded. The point is now made that military opinions and advice prevail because the military has produced an unending supply of distinguished, capable articulate, and effective leaders.

Their skill, energy, and dedication make them dominant in almost every government or civic organization they may inhabit, from high position to the local PTA. They are able to dazzle the Congress by their intricate budgetary footwork.

The public at large is supposedly hoodwinked by a vast public-relations campaign (referred to in the complex as propaganda) and by what might be called the military-industrial auxiliary. This includes all those who have ever served in the military and a number of organizations and persons who are just sympathetic.

They lobby for the complex, supplement the propaganda with periodicals extolling the merits of a strong defense posture, and generally subvert the population by encouraging youth to enlist, making patriotic speeches, and organizing Fourth of July parades.

However, this is *not* the way it works in real life. You know it, I know it, and I think the great American public knows it.

Let us look at the structure which militates against the feared unholy alliance. In the first place, each service has a limited budget which it will not knowingly waste on unneeded weapons or inflated prices.

Secondly, anyone remotely familiar with Government contracting procedures knows that the restraints, checks, audits, and requirements make it extremely difficult for any collusion to take place. Also, the contractors are competing among themselves.

One might ask a contractor who has just lost a major contract-formulation/contract-definition bid, after having spent millions of his own money, what his opinion is of the military-industrial complex!

What about those retired senior officers who are employed by industry? The real reasons are very evident. It is good commonsense for a company engaged in building weapons to hire individuals conversant with the operational employment of those weapons. Oil companies employ petroleum engineers, drug firms employ physicians, defense firms hire military professionals. To do otherwise would result in less effective designs and a less capable military arsenal.

If there were such a thing as a highly polished smoothly functioning military-industrial complex working for the mutual benefit of both parties, would our shipbuilding industry be in the shape it is in today? Would 58 per cent of U.S. naval combatant ships be 20 years old or older? Would our aging and overworked fleet be on the verge of obsolescence?

Consider these figures: in 1963, the gross national product was just under $600 billion—the Navy shipbuilding account was $2.8 billion; in 1966 the GNP had risen to $750 million but Navy ship construction had dropped to $2 billion; in 1969, with a near-$900 billion GNP, the amount allocated to building new men of war had dwindled to $1.2 billion.

I ask you, what has happened to the smoothly effective operation of the military-industrial complex?

And then there is the charge of militarization of American society. I would submit that in a society which permits citizens dressed as Viet Cong to march on Easter Sunday, overemphasis on the military virtues of loyalty, patriotism, duty, discipline, and service to country is hardly the problem. If the culture is so geared to the military, if the military is so respected, admired, powerful, and influential, why is retention of officers and men one of our most serious problems?

No, I think that those who are so concerned with this danger not only have overlooked our long history, they have closed their eyes to the present opposition to the draft, dissension over the Vietnam war, and disillusionment with structured power.

Of all of the fallacious arguments, the one which personally distresses me most is the allegation that the military man essentially wants war. The charge is leveled from time to time that the leaders of the complex deliberately plan wars because war justifies the existence of the establishment; that war provides experience for the military novice, challenges for the professional, and the field to exercise, prove, and perfect the industrial products. Thus war is not only welcomed but actively sought.

Well, what of these charges? What about this mythical beast?

First let me say that there is no such thing as the military mind. Military men as a group have similar inclinations, feelings, and general codes, but to assume that they think differently from any other segment of our society is ridiculous. They are products of the same schools, live in the same neighborhoods, read the same literature, and are exposed to the same pressures of domestic life as are other Americans. And as Americans they differ among themselves in their thinking just as do their neighbors.

In point of fact, the military man historically has opposed reckless, aggressive, belligerent action. He may argue that the danger of war requires more armament, but he will never argue that increased armament makes war desirable. He dreads war.

Concerning the professional associations, it is a significant point that these organizations serve a vital purpose in bringing together professionals who are engaged in a serious, expensive business critical to our national survival. Such liaison has been vastly beneficial in maintaining our defense.

I have attempted to show that fear of a massive military partnership with industry is without basis in fact. Such a thing does not now, nor did it ever, exist. Under our form of government, under the leadership of wise men imbued with an abiding love of country, it will not come to pass.

We cannot return to a simpler time when the problems of world leadership and the complexities of technological warfare did not rest upon our shoulders. The threat which we face is real, and we must have a modern strong military establishment in order to defend ourselves.

I view the military-industrial complex, if we choose to use that term, as an essential element of our national survival. An occasional self-serving individual there may be, for infallibility is a scarce commodity. But patriotism is in rich supply, and our loyalty and integrity are not for sale.

FANNING THE FLAMES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ASHBROOK. Mr. Speaker, those who are familiar with the day-to-day happenings in New York City are aware, of course, of the conflicts that have been waged on the college campuses. Of equal concern is the inciting of high school students in the area who are much more susceptible to the arguments of the radical elements. No issue among students is too minor if dissension between administrators and students can be created.

The New York Daily News of Tuesday, May 27, carried an article on radical, underground high school publications by its education editor, Judson Hand. As Mr. Hand observes, the tone of most of the underground publications is blatantly revolutionary, and one or more of them has appeared at virtually every public and private high school in New York City. Needless to say, the problem of maintaining a peaceful atmosphere in the schools is compounded by the dissemination of incendiary literature exhorting impressionable young minds to rebel against those in authority.

The situation in the New York City area is no doubt being repeated in other schools in the country and should be the subject of possible corrective action. I submit the above-cited article, "High School Students Turn to New Texts—On Rebellion," by Judson Hand, for inclusion in the RECORD at this point:

HIGH SCHOOL STUDENTS TURN TO NEW TEXTS—ON REBELLION

(By Judson Hand)

Schools throughout the metropolitan area are being flooded with underground, revolutionary newspapers and do-it-yourself manuals for student rebellion.

The publications range from crudely mimeographed tirades against the school establishment, published, mostly on an irregular basis, by teenage radicals and their older allies, to The New York High School Free Press, which claims a citywide circulation of more than 50,000.

Dozens of school and city officials, including Mayor Lindsay, have cited the underground press as a major factor in the student disturbances this spring in the city's public school system.

As much as most principals would like to curb the excesses of the radical high school press, virtually all agree that this would be difficult, if not impossible, because of protections to free speech under the First Amendment.

Sometimes, the underground newspapers compete directly with authorized high school publications. For example, The Hickory Hog appeared at Andrew Jackson High School in Queens, where the school paper is called The Hickory Log.

"Hog" is the code word in underground newspapers for school officials and cops.

The tone of most of the underground publications is blatantly revolutionary. Cartoons of students holding pistols to the heads of principals are not unusual. And school authorities are reviled in the most obscene terms.

Because of the inflammatory material, many high school principals have banned the publications inside their schools, but it's perfectly legal for students to distribute them on sidewalks just off school property.

"There's nothing we can do about this," said Louis Shuker, principal of Jamaica High School and an outspoken critic of the underground press.

Another principal, Edward Kolevzon of Columbus High School in the Bronx and president of the High School Principals Association, believes that the high school underground press should be investigated by authorities.

"We've asked the mayor, the Board of Education and Superintendent of Schools Bernard Donovan to conduct such an investigation, but so far all three have declined to answer our letters," said Kolevzon.

The mimeographed papers, one or more of which has appeared at virtually every public and private high school in the city, are passed furtively from student to student in school hallways and washrooms even though, in many cases, the students risk disciplinary action from their principals if they are found with the publications on them inside the schools.

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By far the most popular of the high school radical papers is the High School Free Press, which students call "the Freep."

The Free Press is sold on some newsstands (for 15 cents) and is hawked outside schools by students (for five cents). It includes advertising for rock records, movies, mod clothing and radical political groups. An agency called Vulture sells ads for the "Freep" and seven other publications, some radical and some devoted to rock music and mod art.

Much of the newspaper, which usually runs to about 20 tabloid pages, is devoted to dispatches from radical students, mainly at high schools in the city but some from as far afield as Atlanta and Santiago, Chile.

The tone of many of the dispatches is that of an article against student suspensions which appeared on page three of a recent issue of the "Freep."

"This year suspensions have been mostly political in nature," declares the correspondent. "The Board of Education is training plainclothes cops for permanent assignment to troubled schools. We'll have to show them that that ain't enough to stop us. Onward the struggle! Student power!"

Later on, the dispatch speculates that "the enemy" of the student movement may be no "obviously discernible person, but possibly your own mother!"

Another dispatch allegedly came from a student at Dalton, one of the city's best known private schools. Since the correspondent remained anonymous, however, this cannot be checked one way or the other.

"We are moving into a new stage with the capability of winning," said the correspondent. "In a large measure, we have been successful. Even the kids who were last year's gutless liberals (or worse) are demanding power."

The writer said that the radical movement in private schools was now concentrating on repeal of dress codes, the right of radical students to have their own bulletin boards and a school discipline committee which would include students. To promote these ends, the correspondent continued, "we have been using the existing student government to the utmost, stacking various committee meetings when necessary."

According to Shuker, the underground high school publications tend to break down into two groups—those produced by white radical students and those published by black students. However, the two groups of papers overlap, with white radical papers urging black power and black-oriented publications calling for more student rights and blasting the establishment.

Most parents, Shuker said, oppose the radical line of most of the underground papers and are horrified by the obscenities that they include.

"But a few parents actually support and applaud their children's participation in the underground press," he said. "Sometimes these parents are doctors and lawyers living in $60,000 homes. In one case, a mother and her son collaborated to produce their own underground paper against the administration of my school."

Shuker and other principals agreed that, though most of the high school underground papers were revolutionary in tone, they did not follow any discernible party line from Peking, Havana or Moscow.

"Many of the underground writers just aren't smart enough to have such an ideology," said Shuker. "But ideology or not, the incitements to rebellion are contagious and tend to discredit and undermine school administrators.

"Sometimes the stock-in-trade of these papers is outright lies," he added. "For example, I was accused falsefy of sending the names of all members of the senior class to draft boards."

In addition to underground newspapers, manuals outlining how to participate in student demonstrations are distributed widely at schools. One such manual lists "basic rules for avoiding useless arrests and injuries and for handling it when you get busted."

The Partisan, published by Youth Against War & Facism, is carrying an analysis, from a leftist point of view, of last spring's rebellion at Columbia University.

Rat, also widely read in the city's high schools, features "subterranean news," including a detailed account of recent student uprisings at Berkeley, California. The Movement, though published in San Francisco, has many readers in New York City and currently is carrying an article on dissent in local high schools and elsewhere entitled "Who's Against the Wall?"

The Guardian, which describes itself as "an independent radical newsweekly," includes tightly written news stories presented from a radical viewpoint.

Such papers as The Black Panther, The East Village Other and The Student Union Voice also are widely read among high school students.

"Where do you draw the line between obscenity and legitimate freedom of expression?" asked one principal. "And how do you decide when a student is advocating violent overthrow of the government?"

Most principals interviewed predicted that the underground press would continue to plague them—at least for the immediate future.

"Students are excited by it," said Shuker. "Some want to jump on the radical bandwagon."

H. CHAPMAN ROSE, CLEVELAND BAR ASSOCIATION PRESIDENT, SAYS LAWBREAKERS HAMPER WAR ON POVERTY

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MINSHALL. Mr. Speaker, my good friend, H. Chapman Rose, has legions of friends and admirers in the Nation's Capital who will be as pleased as I am to know that he has just been installed as president of the Cleveland Bar Association. It is an honor long overdue his brilliant record as lawyer, civic leader, and citizen. It also carries with it great responsibility, which Chappie Rose, as a proven leader, is well equipped to handle. His installation address is a promise of the excellence we can anticipate from him as head of the Bar and I would like to share it, prefaced by a biographical sketch from the May 15 Plain Dealer, with my colleagues in the House:

[From the Plain Dealer, May 15, 1969]

ROSE LEFT MARK IN MANY PLACES

H. Chapman Rose, who was graduated magna cum laude from Harvard law school, was installed last night as president of the Cleveland Bar Association.

Rose, a partner in the law firm of Jones, Day, Cockley & Reavis, also had the distinction during his undergraduate days at Princeton of introducing the silk hat and cutaway coat to the baseball diamond.

The departure from the usual baseball garb was the forerunner of a tradition that established "Chappy" Rose as the mediator in the break in athletic relations between Harvard and Princeton.

As a junior at Princeton and president of the Daily Princetonian when the break in athletic relations between the two schools occurred, Rose revived competition by challenging the Harvard Crimson staff to a "spoof" baseball game.

As captain and pitcher of the Princeton nine, Rose walked to the diamond garbed in silk topper and cutaway coat and proceeded to laugh the bitterness out of the minds of both colleges.

He was one of the outstanding Princeton college journalists and a leader in the student peace movement, the National Student Federation.

He was chosen by Supreme Court Justice Oliver Wendell Holmes as his "young fellow," an honor that went each year to an outstanding student.

After a year in Washington, Rose was admitted to the Ohio Bar in 1933 and joined the firm of Tolles, Hogsett and Ginn of Cleveland, predecessor to the firm of Jones, Day, Cockley & Reavis of Cleveland and Washington, D.C.

He joined the Army as a captain in July 1942 and was assigned to legal work in the office of the undersecretary of war and the headquarters of the Army Service Forces. In 1943, he was assigned by the War Department as an assistant to Bernard Baruch and John M. Hancock, then consultants to the Director of War Mobilization.

He was assigned in 1944 to the office of contract settlement, which had been set up under the Contract Settlement Act as a result of a report filed by Baruch and Hancock. He left the Army in December 1945 as a colonel to become director of Contract Settlement.

He returned to his law firm in 1946 and during 1948–49, he acted as counsel to the Industrial Advisory Committee of the Economic Cooperation Administration, which studied reparation problems.

In January 1953 he resigned from the law firm and his corporate offices to become an assistant secretary of the Treasury in the Eisenhower administration.

He was confirmed as assistant secretary Jan. 27, 1953 and assumed office Jan. 28. He served in this capacity until President Eisenhower nominated him to be an undersecretary of the Treasury on July 14, 1955. He was confirmed by the Senate on July 20, 1955 and took office Aug. 3.

On Jan. 10, 1956 Rose submitted his resignation as undersecretary to be effective Jan. 31 for "personal reasons," and in March, he rejoined his law firm in Cleveland.

Rose is a director of Basic Corp., Brush Beryllium Co., Clevite Corp., Cleveland Trust Co., and Jack & Heintz, Inc. He is also a trustee of Princeton University, Defiance College, Hotchkiss School, Western Reserve Academy and of the Cleveland Area Heart Society, the Cleveland Council on World Affairs, and the Musical Arts Association.

He and his wife, the former Katherine Cast, have one son, Jonathan Chapman, and live at 12407 Fairhill Road S.E.

Mr. Chairman, Distinguished Guests, Fellow Members of the Cleveland Bar Association, Ladies and Gentlemen: The first thing I want to do on taking over from Burns Weston is to speak my gratitude for the honor you have done me, and to promise to do my best. The second is to recognize what has been accomplished by Burns and his predecessor, Jim Davis. This is not to overlook in any way those who went before; it is in simple recognition of the fact that the turmoil of the last years has changed the character and content of many jobs—university presidencies and trusteeships, for example—and Jim and Burns have risen to the heightened challenge magnificently well.

The civil rights controversies, as well as the continuing possibility of civil disturbance, have imposed a special responsibility on lawyers, which this Bar Association, under their leadership, has moved to meet. Legal aid has been materially strengthened; cadres of lawyers have been organized on a stand-by basis to act in the event of civil disturbance either as defense counsel, or to assist the prosecution, or to act as observers to insure that legal rights are protected. We have cooperated with the Greater Cleveland Associated Foundation in projects funded by it and by the Ford Foundation seeking to upgrade our police force and its procedures. The Presidentially-sponsored lawyers' Committee for Civil Rights under Law, which as you recall provided lawyers and funds to try civil rights cases in the South in the early sixties, has now, again supported by a Ford Foundation grant, turned its attention to urban problems in the North. But instead of forming a separate Cleveland committee, as it has done everywhere else that it has gone, it has agreed to work here through the Bar Association; and our Committee on Law in Urban Affairs was formed for this purpose. Under the chairmanship of Jim Davis, and with Tom Gray as its Secretary, it is hard at work on various projects where lawyers can help to improve the racial climate of Cleveland. These are a few of the projects in this field that have been begun and will vigorously continue. It's a good record.

Much of this would have been impossible had not the necessary physical facilities for the Bar Association been created by the move to our new headquarters in the Terminal Tower, and, most important of all, had not the invaluable Peter Roper come on board as Executive Director.

One project of a broader nature that has had its beginning in this same fruitful period I want to talk about in a little more detail, because I mean to give it major emphasis in the coming year.

In cooperation with the Growth Association and with the approval of the judges and other public officials, we have had a leading firm of management consultants make a preliminary study of the functioning of our system of administering justice in the city and the county. This points to the feasibility and the necessity for a study in depth. We want to know why the dockets are as far behind as they are; whether the present division of jurisdiction between the Common Pleas Court and the several municipal courts in the county is the most efficient; where more modern administrative methods would help; where lawyers contribute to court delays; and so on.

Hand in hand with this study must go a campaign, in which the lawyers must take a leading part, to provide the necessary physical facilities for our system of justice. Even as remodeled, the County Court House on Lakeside is far too small; our county jail is an obsolete disgrace; our prosecutors' and probation officers' facilities are scattered and inadequate; the list could go on and on. It is neither fair not realistic to expect top performance from judges and other public officials who are forced to work with obsolete or inadequate tools. We as lawyers know this, because we are face to face with the problem in our work in the courts; it is our job to bring the facts home to the public, so that the needed funds will be voted.

To accomplish this is important far beyond the needs of the legal profession for more efficient tools with which to conduct its affairs. It is important because only so shall we move toward improving respect for law. When the likelihood or certainty of delay in a civil case tilts the scales against the poor man who can't afford to wait; when a poor man is held in an obsolete jail till trial, while a Wolfson is free on bail for years of appeals before he spends a night in prison—thus do we provide a superficially attractive basis for the SDS to argue that the law is a tool of what they call the military-industrial complex, and that it does not deserve to be respected. We must work ceaselessly at the hard and often dull job of removing these and many other flaws in the legal process, so that the law, and its processes, by being worthy of respect, may be respected.

And so I come to my final point, which relates also to respect for law. In my opinion there is nothing more dangerous in our national life today than the beginnings of an attempt at a philosophical justification for law breaking as a means of protest. By this I mean the violation of laws of undoubted validity, like those against trespass or assault, to get attention for a point of view. Here we as lawyers have, I am convinced, a responsibility that we have not so far fully discharged to challenge and rebut fuzzy, fallacious doctrine that is being heard too often from some undergraduates and some faculty voices on our campuses, and even from some pulpits.

This problem began with the very sound position taken originally by Dr. Martin Luther King, Jr., which was this: There is every justification for a non-violent disobedience to discriminatory laws whose constitutional validity is open to doubt. That in this case the doubt was well founded was held by the Supreme Court in due course. To disobey a doubtful law in order to test its validity, with a recognition that the legal penalty must be paid if the law is upheld, has always been the right of a free man in our society.

But the next step, taken not by Dr. King but by others, has led many people astray. Their heresy is this: Because they condemn the Vietnam war on moral grounds, and because the draft sends some men to the Vietnam war, they deem it proper to disobey the draft law. But there is no real doubt about the validity of the draft law; it has been sustained over and over again. Here begins the heresy: You may disobey a valid law because you disagree with a related government policy. You then wrap it in Dr. King's mantle by calling it civil disobedience.

But others have then gone a long step farther, to the position that, because there are evils on the campus or in the ghetto, it is all right to bring pressure to bear for their correction by breaking and entering, by occupying and holding buildings, by trespass, by malicious destruction of property, by assault, and by interfering forcibly with the rights of others to go about their lawful affairs.

I know of no one outside of the SDS or certain other extremist groups who would uphold the ultimate proposition stated this boldly. But the other day the President and the Attorney General both asserted that it was only a tiny minority on our campuses that was generating this turmoil. Then the president of one of our well-known colleges felt called upon to advise the President of the United States to expect the unrest to continue until the President and others of his administration addressed themselves more effectively and massively to the injustices of our society, including the poverty, the Vietnam war, and the inequities of the draft. In the context, it was almost, but not quite, a prediction that illegal conduct would continue on the nation's campuses, and almost, but not quite, a justification for it.

I detect something of the same atmosphere in the calmness of some of the ecclesiastical reaction to the demand of James Forman for half-a-billion dollars in what he calls reparations from the American churches. He has backed up this demand by the threat to disrupt church activities. As Erwin Griswold said in a lecture on dissent at Tulane last year: "I cannot distinguish in principle the legal quality of the determination to halt a troop train to protest the Vietnam War . . . from the determination to fire shots into a civil rights leader's home to protest integration." Similarly, I cannot distinguish in principle the legal quality of Mr. Forman's demand from that of the racketeer who threatens to damage a dry cleaning establishment unless the owner pays protection.

To put it that way oversimplifies the issue; but I think a little oversimplification is needed. People will say we have always recognized the *moral*, as distinguished from the *legal*, justification for disobeying a law that totally outrages one's conscience, if one were willing to pay the legal penalty. They will say that we have always recognized a special status for the religious conscientious objector. People will point to the war crime trials after World War II, which assumed a duty to disobey orders to commit the crime of genocide. Finally, people will cite the American Revolution, and other revolutions, bottomed on the right to overthrow a regime that has become intolerable. It would take all evening to reconcile these things—and I shall not attempt it, though it can be done—with this obvious truth: In the complexities of modern civilized life, no one can be allowed to arrogate to himself the choice of which laws he will obey and which he will flout. Modern western civilization, with its miracle of productivity, depends wholly on assurances given only by a system of law—upon predictions that people will perform their contracts, that people and their property can rely on certain minimum protections, that free speech is for everybody, that violent minorities on campuses or elsewhere will not be allowed to coerce majorities or other minorities, that changes in the rules can be made only in accordance with the rules, and so on.

To recognize that these things are true is, to be sure, no guarantee against lawlessness, either on the campus, or in the ghetto, or elsewhere. But I cannot help feeling that we make lawlessness more likely when we explain it, excuse it, and by soft impeachment seem to sanction it in the ways that I have mentioned. We as lawyers know this better than anyone else. Moreover, from our proximity to the industrial world, we know some things that are not as obvious to our friends in the colleges and the churches:

First, the incredible productivity of the American economy, which makes it possible for the first time to consider as a serious proposition the abolition of poverty in this country, derives from and depends on a commercial and industrial complex founded upon law, in which obedience to law is assumed.

Second, the belief that each man's conscience tells him what laws he must obey and what he can violate can threaten the productivity and abundance which underwrites the only hope of abolishing poverty.

Third, productivity and material sufficiency for the abolition of poverty are derived from and go hand in hand with the increasing complexity of our economy, the increasing urban concentration of our population, and the increasing vulnerability of our civilization to disruption.

Fourth, the theories that urge seizing class rooms to shut down a college could argue for seizing a power plant to shut down a city. As always in such a disaster the poor suffer most.

Knowing these things, we owe to ourselves and the community the duty to speak out.

I was glad the other day to see a quotation from Bayard Rustin, the organizer of Dr. King's March on Washington in 1963, and a philosopher of the civil rights movement. He was quoted last week in the *New York Times* as saying:

"A multiple society cannot exist where an element in that society, out of its own sense of masochism and guilt, permits another segment of that society to hold guns at their heads in the name of justice."

Our motivation to build a better world should not and does not derive its urgency from any sense of guilt. Visiting the sins of one generation upon another is dubious religious doctrine. It has the further vice that it impairs the balance and the wisdom of our response to the demands of the disadvantaged.

The urgency that we feel derives and should derive from the fact that for the first time in the long history of mankind upon this earth, this materialistic society of ours has acquired the material means to abolish poverty and hunger, at least in our own country; and justice requires that if we can do so, we must do so. Our urgency derives also from our national sense that we are indeed our brother's keeper and are therefore obligated to help him as far and as fast as we possibly can. As a nation we can do more than we are doing, and we must do more.

But if we yield to the demand of any generation or any group for speed at the cost of fairness, speed at the cost of trampling on the hard-won equal rights of others, speed, in short, at the cost of law, then, on the brink of success in the age-old struggle of mankind with poverty and hunger, we could indeed see our progress brought to a grinding halt. We lawyers are better able than almost any other discipline to insist on a historical perspective; to remind a confused America that it was a Supreme Court decision fifteen years ago in the school desegregation cases that made the largest single stride toward equality since the Emancipation Proclamation; that it has been the law and the courts that have been largely instrumental in pressing the country farther and farther toward this goal; and that real progress can come only through striking a national balance between means and ends in which respect for law is maintained and strengthened and not lost.

H. CHAPMAN ROSE.

REMARKS BY HON. JAMES D. HITTLE, ASSISTANT SECRETARY OF THE NAVY, MANPOWER AND RESERVE AFFAIRS, AT THE ARMED FORCES DAY DINNER, VALLEJO, CALIF., MAY 15, 1969

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. LEGGETT. Mr. Speaker, on May 15, 1969, it was my pleasure to attend the Armed Forces Day dinner in Vallejo, Calif., with the Honorable James D. Hittle, Assistant Secretary of the Navy. We were honored that General Hittle was able to spare his valuable time to come to my congressional district and deliver the major address.

General Hittle has had an illustrious career serving our country in many capacities. He served with distinction in the Marine Corps, and upon retirement served as advisor to former Secretary Gates, counsel to the Senate Armed Services Committee, and is presently Assistant Secretary of the Navy, Manpower and Reserve Affairs.

I would like to include, for the benefit of my colleagues, a copy of Secretary Hittle's remarks made at the Armed Services Day dinner at Vallejo, Calif.:

Ladies and Gentlemen: It's a pleasure in more ways than one for me to be with you for Armed Forces Day in Vallejo.

I am glad especially to bring you the good wishes of the Secretary of Defense, the Honorable Melvin R. Laird, and the Secretary of the Navy, the Honorable John H. Chafee. I can assure you that the role that Vallejo is performing in supporting our national security efforts is recognized and appreciated in our Nation's Capital.

Since this Navy Yard's first Commanding Officer, Commander David G. Farragut assumed command on 16 September 1854, Vallejo has made a continuing and large contribution to the development and maintenance of United States seapower in particular, and to the enhancement of our national defense in general.

It takes no long and involved general staff study to realize that our Nation's security is better because of the people in the Vallejo area. It takes no prolonged strategic analysis to realize that if it were not for what the people in the Vallejo area are doing, our Nation would not be as strong as it should be in these troubled times.

It also is a pleasure for me to be with you for personal reasons. Vallejo has a lasting meaning to me. Sometime ago—more years than I care to itemize—but I might as well admit that it was 30 years ago this coming July, I reported in to the Mare Island Naval Yard for my first operational assignment. The heavy cruiser, USS *Portland*, was then in drydock for overhaul and I went aboard as the junior Marine officer in the ship's detachment.

My stay in Vallejo was for a couple of months. During that time I learned some of the things that any Marine officer going to sea for the first time should learn as quickly as possible.

One of the first things of lasting value for my service career that I learned was that the best steaks aren't in wardroom country but down in the CPO mess. Another thing I learned real early was that with so many of the ship's officers going on leave while the ship is in drydock, a Marine lieutenant is welcomed for a very good reason—from their standpoint: He is a new addition to the watch list and obviously, in order for him to qualify he must stand more than the normal rotation of assignments. Consequently, it became evident to me very soon that if I didn't have some reason for getting the Marines off the ship for drill and for firing on the range, I was going to meet myself coming off Officer-of-the-Deck watch in port.

But probably one of the most unforgettable things that I learned during my stay in Vallejo was the goodness of the people of this area, their hospitality to servicemen, their understanding of their problems, and also that the people of Vallejo who are so intimately associated with defense activities considered themselves, and rightly so, part of our national security organization.

Today, on this Armed Forces Day I am not going to try to give you a strategic analysis of the multiple problems facing our Nation. I am not going to try to tell you of the great advances that have been made in defense managerial techniques through electronic computerization. These things are important.

But I want to talk with you about the most important single part of our national security. I refer to the people in our Armed Services.

I think that there has been too big a tendency by some to look upon our national defense in terms of materiel and not in terms of personnel. But I want to tell you that one of the most reassuring aspects of the new leadership that Secretary of Defense Laird and Secretary of the Navy Chafee have brought to the Defense Department and the Department of the Navy has been a renewed and enhanced emphasis on the importance of the individual fighting men in our Armed Services.

So for the time remaining to me this evening, I would like to tell you about some of the things that some of these patriotic, devoted people in our Armed Services are doing for our Nation, for you, for me, and for the cause of freedom every minute of every day.

Because South Vietnam is where the action is, that's where our Nation's attention is focussed—and probably rightly so.

But in watching the critical events of that far away, bitter, and crucial conflict, we must not forget those who are manning the rampart's of freedom in the distant skies, in distant lands, and on distant seas.

Today, there are approximately 1,200,000 United States fighting men serving outside the continental limits of the United States. Of these, over 500,000 are in the Southeast Asia area of conflict. The remaining 700,000 are protecting America's security and joining our Allies and protecting the cause of freedom elsewhere in the world. Many of these are serving in NATO. And, I would like to mention, specifically, the contribution of NATO: It has become fashionable for some who oppose our national secruity efforts to say that NATO has done its job, and that it's work is finished; so dissolve NATO and bring the boys home.

Nothing could be further from the strategic or moral truth. NATO has done—and is still doing—an historic and indispensable job. Since NATO was established soon after the end of World War II, not one single square inch of NATO has been surrendered to Communism. But, that job has not been finished. NATO's job will not be finished until the danger to the cause of freedom from the Mediterranean to the Arctic is ended.

And so those today in our Armed Services who are serving in that great arc of NATO's protection from the strategic borders of the Mediterranean northward along the Iron Curtain to the high seas of the Arctic are truly manning the ramparts of freedom. To them on this Armed Forces Day—an on every day—we owe our thanks for what they are doing to preserve freedom and our Nation's survival.

There is another type of indispensable, sometimes forgotten service that is being performed every minute of every day. You in Vallejo are well acquainted with it because of the work you are doing on our nuclear submarines. I refer to the crews of the nuclear submarines that today are on patrol deep below the surface of distant seas. Their tireless vessels are roving underwater guardians of peace.

Our Nation's fighting men are today in Korea guarding the freedom which American fighting men helped save from Communist aggression almost two decades ago. Let us not forget either our servicemen who are on duty in distant and unpublicized places such as the soldier serving at the isolated Kagnew Station in Ehtiopia; or, the airman facing the long cold nights at Thule Air Force Base in Greenland; or, the sailor at the Communications Station on the remote North West Cape of Australia. There may not be much glamor in such duty stations, but there is great necessity for them. Each fighting man in his own way is making his contribution to the security our Nation must have to survive.

And, let us not forget those servicemen who are at this very moment languishing in captivity as prisoners of war. To them and to their loved ones at home, our Nation owes a deep responsibility and a deep gratitude. And for them and for their families whose every moment of separation is an epoch of heartbreak, we must keep them in our thoughts and in our prayers.

But, let us talk for a moment about military personnel, not as a group or Service, but as individuals. Because that's what they really are. They are individual young men. Each has left the warmth and comfort of his home and is separated from those who are dear to him.

In these days of placard-carrying demonstrators and riots against the military, it is a constant source of reassurance to me to learn from our individual fighting men how

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they feel about the job they are doing in defense of our country.

I'd like to relate to you just a few of the comments that have been made to me personally over the past few years by our men in uniform.

Prior to my appointment to my present position, I traveled in a newswriter and radio correspondent status extensively throughout Southeast Asia and to other parts of the world. I always welcome the chance to talk privately with our fighting men. I learned long ago that if you want to get a common-sense, unsophisticated answer to a complicated and difficult problem, ask the man who is doing the job.

Soon after the decision was made to openly enter the Vietnamese conflict, I visited Vietnam. The Marines had gone ashore from the fleet at the strategic coastal location of Chu Lai. I arrived there while the Marine operations were still continuing against surrounding enemy units, and while the Seabees were still constructing the expeditionary aircraft runway. I wanted to know what our young men in Vietnam who were doing the fighting thought about the anti-war picketing and protesting back home. I asked one young Marine, about 20 years old, in embattled Chu Lai what he thought of those carrying posters "We won't fight in Vietnam."

He said: "I wish I had one of those smart protesters here. I'd like to take him with me on outpost duty tonight. There's a V.C. (Viet Cong) sniper who's been trying to get me for the last three nights. But I haven't been able to nail him yet." He paused and smiled. "I'd sure like to get him in my foxhole when that sniper starts working on us. I want to see how much that poster-carrier will wave his cardboard then."

His speech finished, he trudged through the sand back to his platoon. In a few hours he'd be back on outpost duty, trying to nail the Communist Viet Cong sniper before the sniper gets him. I was sorry he couldn't take along a placard carrying protester.

The war there is one of ambushes and close-quarter, small unit firefights. I asked a sergeant in our Army's Special Forces, a veteran of some bloody patrol actions, what he thought about the picket lines and demonstrations protesting U.S. policy in South Vietnam.

He didn't have to ponder over a reply. He'd obviously been thinking a lot about it. "We're in a war," he said. "What those people are doing helps the enemy. And, I don't think any American has the right to do that."

North of Saigon I spent some time with the tough and combat hardened troops of one of our Army's divisions. While going up to the forward positions, I was accompanied by a Negro master sergeant carrying a shotgun for protection against an unexpected attack. He was, I could quickly appreciate, a real professional, dedicated soldier.

We talked about many things. Finally I asked him what he thought about the American youngsters who were protesting against the draft, against our involvement in Vietnam, or anything else it was handy to protest and riot against.

He thought a moment and what he said, in a simple way, stuck with me as one of the wisest evaluations I have ever heard about our youth today. He said, "Those kids really don't know what they're doing. They are listening to a lot of people they shouldn't be listening to; you know that, if I could get hold of them, talk to them and have them in my outfit, I know that almost every one of them would turn into good soldiers and good citizens."

What he was selling me in an unforgettable way is that we are often too quick to write off as failures our younger generation. The proof of his wisdom has been the performance of our Nation's young men who do get into the Armed Forces.

Time and again, I have been told in Vietnam by the older NCOs and the officers who had commands in Korea in World War II that today's troops are better than any we had in the past. That may be a somewhat bruising realization for those of us who have put in a career that extended back to World War II. But, at the same time it should be reassuring and comforting reflection as to the intrinsic goodness of our young people today who have gone from the picket line to the firing line. Truly, once again, it has been demonstrated that military service is, in the most fundamental sense, a school of good citizenship.

If there's anybody who has earned the right to complain about fighting in Vietnam, it is the man who has been wounded in that fighting. He has paid for that right with the high price of his blood and too often his limbs.

But I can report to you now on the basis of personal knowledge that if you want to hear gripings, complaints, and criticisms about the stand our Nation is making against Communism in Vietnam, then don't go to the hospital wards and visit the wounded from the Vietnam battlefront. Those who have borne the brunt of battle are not the ones who are beefing about it.

A few days ago in Pearl Harbor I visited the battle casualties who have been flown in for treatment to Tripler General Hospital. Among the wounded I talked with was a young corporal. One leg was in traction, an arm was in a cast, and he had machinegun holes in his stomach. He hadn't obviously yet reached his 20th birthday.

I stopped and chatted with him. I asked him how long he had been in Vietnam before he was hit. He said he had been there almost two years. I asked him why almost two years, as the required tour was one year. He replied that he had twice voluntarily extended his duty. I asked him why did you do that?

He replied, "I was assigned to train and fight with a local village militia platoon in the northern hill country." He continued, "I found out how much these people wanted to be able to defend their villages, their families against Communism. I knew what I was doing was important, and I wanted to keep on doing it." And, then he added, "I believe that those village militia men would stand and die rather than surrender, or let me be captured. I found out I was right. I would have been killed or captured if they hadn't stood by me when we were hit by a big V.C. unit."

A few days ago, I visited the Vietnam casualties at the Great Lakes Naval Hospital just outside Chicago. Above the bed of every Vietnam casualty was a United States flag. Each wounded fighting man, when he leaves the hospital can take the flag from over his bed with him. And, they do. And, when a new casualty comes in, he wants a flag over his bed without delay. This, again, is a reflection of the genuine patriotism, devotion, and inherent goodness of those who know what it means to defend their flag and what it stands for.

One more short account of a recent meeting with a Vietnam veteran. Recently while flying to a conference at Pearl Harbor, I noted a young corporal a few rows back from me in the plane. During the flight, I walked back and sat down and told him that I had served in the Marine Corps and started chatting with him.

He was, he told me, on his way to Vietnam. I asked him, "Is this your first time out?" He said, "No, I'll be going in to my second extension." I said, "Why have you served one full year, extended for a six-month period, and now extending for another six months?" He said, "Well, the first time I extended I did it because some of my close friends had been killed in action, and I wanted to get revenge. I got it, but I also, during that added six months, I realized how necessary and important our job is that we are doing in Vietnam, and I want to keep on doing more of it."

But probably the best and most lasting explanation of duty I have ever heard came from a young Negro Army sentry on a lonely observation post overlooking Cam Ranh Bay. I stopped in the course of a visit to talk with him. I asked him if he had a family. He said, "Yes, I'd just been married a few months before I came out here again." I asked, "What does your wife think of your coming to Vietnam a second time?" He said, "She agreed when I told her that I believed I should be back here. I volunteered for a second tour." I said to him, "Why did you volunteer in spite of the fact that you had been married only a few months?" He thought for a moment and said in very simple language, "I think that it is every American citizen's duty to do what he can to help his country when it is in trouble."

This young man is not alone in this feeling. When I was in Vietnam some few months ago, I learned that 17½ per cent of the U.S. fighting men in Vietnam are voluntarily extending their duty beyond the minimum required period.

It is these kind of devoted American young men wearing the uniform of our Armed Forces that we honor today. We should honor them every day and say a prayer of thanks that our Nation still has the kind of young men who serve with such efficiency and dedication in our Army, Navy, Air Force, Marine Corps, and Coast Guard. They are the ones who in their time, as every generation must do in its turn, are accepting the responsibility of fighting to defend the freedom and the way of life which previous generations of American fighting men have defended.

And yet, the paradox of our times is that these brave fighting men, manning the ramparts of freedom along the Iron Curtain in Europe, the DMZ in Korea, the wooded mountains and fertile valleys of Vietnam, in distant skies and in far away waters are subject of slurs by some of those at home who spend their time sniping at the military.

It is high time, I believe, that those who criticize our men in uniform should reflect for a moment on the fact that it is our fighting men who, in the final analysis, are preserving the very freedom that those who cast slurs on our military are so grossly abusing.

And, so, I want to thank you for the privilege of being with you tonight and joining with you in honoring our fighting men whose indispensable services we appreciate and whose devotion and patriotism we should constantly strive to emulate.

MICRONESIA: UNCLE SAM'S STEPCHILD

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. ZABLOCKI. Mr. Speaker, recently the Milwaukee Journal carried a series of articles by a staff reporter, Mr. Don C. Trenary, on the Trust Territory of the Pacific, more commonly called Micronesia.

In my judgment this series provides an incisive and informative description of the situation which currently exists in those Pacific islands, mandated to U.S. control as a strategic trust by the United Nations.

Although a number of newspaper stories have appeared on Micronesia recently, Mr. Trenary's articles, in seemingly greater measure than others, have provided a coherent and insightful account. In particular he has appreciated the military significance of Micronesia in the future security planning of the United States.

At the same time, he does not gloss over the sometimes sorry record of America's stewardship in Micronesia which has brought matters there close to a crisis state.

The title which has been given Mr. Trenary's series—"Uncle Sam's Stepchildren"—conveys the neglect of the population's welfare which has characterized the past.

Mr. Trenary, however—as do I—takes comfort from the recent pronouncements by Secretary of the Interior Hickel that a "new deal" is in store for the inhabitants of these Pacific islands.

Having raised the hopes of the Micronesian population, our Nation must now follow through in providing the opportunity for economic and social development to the Micronesian people.

Otherwise, the disillusionment may mean a period of turbulence in the Trust Territories which, at best, would be an embarrassment for the United States. At worst, it could mean a serious weakening of our Pacific defenses.

Mr. Trenary has said what should be said about Micronesia. I urge my colleagues to read his articles and take them to heart.

The articles follow:

[From the Milwaukee Journal, May 20, 1969]

Uncle Sam's Stepchildren—Micronesia To Vote Soon on Political Future

(By Don C. Trenary)

Chalon Kanoa, Saipan.—Sometime in the near future, quite probably within the next three years, the Trust Territory of Micronesia is going to vote on whether to continue an affiliation with the United States, or to go it alone in independence.

The choice will be of national and international importance far beyond the smallness of the islands and the fewness of their inhabitants.

The territory lies in the tropical Pacific—the romantic and overrated South seas—between Honolulu, the Philippines and the equator, but more toward the Philippines than Hawaii.

MUCH WATER, LITTLE LAND

Its boundaries enclose a bit more area than that of the United States. Its land area is somewhat less than that of Waukesha and Milwaukee counties combined. Its population is about that of Racine; its 93,000 inhabitants could be put at one time into Camp Randall and Milwaukee county stadiums and have seats left over.

The islands are remote, scattered, largely unproductive of cash crops and, from all present knowledge, wholly without minerals. They also are stepping stones between Hawaii and the orient and contain sites of considerable military value. This fact has not escaped the attention of either the United States or the Micronesians.

On these islands live Uncle Sam's stepchildren.

They are a remarkable race.

NORTH ON RAFTS

Some 5,000 years ago, about the time the Egyptians were experimenting with pyramid building and 2,000 years before Homer's heroes fought at Troy, they started traveling northward on huge rafts from somewhere in Indonesia or Malaysia.

They were then the world's foremost navigators (others of the same race journeyed to Africa and conquered Madagascar). They navigated by charts of sticks, which showed the cadence of the waves. The art was passed from chiefly father to princeling son, often in a secret language. The boy was taken to sea and made to float for hours, until he could recognize the wave rhythm on his own body.

To begin to understand Micronesia, one must realize first that there are no Micronesians as such. Micronesia is a catchall term which means "little islands" and refers to a slab of geography.

A PACIFIC BABEL

The islanders came to their present homes in small groups, at various times and by different routes. Along the way, they picked up the blood and words of other races. They differ in skin color, physique and language.

In the islands, there are eight or nine different languages, depending on whether you class one as a separate tongue or a dialect.

The district of Ponape, population 18,500, has three different languages. Its principal island, 129 square miles, speaks six dialects.

As to the old myth of the dreamlike, always peaceful life of the South sea islanders, forget it. The history of Micronesia is as bloody as that of the Scotch highlands. Until it was put down by the Germans early this century, warfare someplace was almost incessant—island against island, district against district, village against village or even clan against clan.

The old differences linger.

A RACE APART

The Chamorros of the Marianas islands consider themselves a race apart. A strong and lively political party there advocates cutting away from Micronesia and joining up with Guam, which is Chamorro in race but politically separate, due to a historic accident.

The Yapese, whose fierce warriors once levied tribute on other islanders for a thousand miles around, consider themselves superior. The Trukese look down on the residents of the other islands around them to the point where, administration officials say, the outer islanders shun the Truk High School and prefer their own at Ulithi.

Instances can be multiplied.

Except among the Chamorros, who have adopted a western outlook, the clan system holds sway. In most of the territory, kings and nobles are powerful. Many of the Marshall islands have a well knit caste system.

TABUS, BLACK MAGIC

The islands are ostensibly Christian, but in places tabus and scared animals remain. There are black magic and white magic and witch doctors, some of them concededly good.

These are products of environment and do not in the least reflect on the brainpower of the Micronesians. They, in all their variations of race, have a reputation for intelligence, which I can attest personally after talking with some of the leaders.

Neither have the differences between islanders overly hampered the working of the active, if pretty impotent, congress of Micronesia.

Within a single life span, the islands have been under four governments:

The Spanish, who had ruled weakly for centuries.

The Germans, who bought the area after the Spanish American war, ruled in heavy handed fashion and brought about some advances, mainly economic.

The Japanese, who took the islands in World War I, used them as a forbidden kingdom for colonization and military bases. Under them, the islands made great economic strides, not all of which necessarily benefited the islanders.

The Americans, who took the islands in bloody fighting in World War II and were confirmed in occupation as a United Nations strategic trust.

In the quarter century since, we have governed Micronesia in peculiarly whimsical style. At times we have wholly overlooked it; at times we have breathed benevolence, the cashless kind. At present, we are ballooning generosity and buddy buddyness. The Micronesians—no fools—connect this with military needs and are waiting for the commercial.

The trust under which the United States holds Micronesia is unique, the only one which allows the military use of trust territory. For its husbandry, the nation is answerable to the UN security council. In reality, this is no control at all, for America has veto power there.

Nonetheless, the overlordship of the United States is reviewed yearly by the UN trusteeship council. This review is to be made within a few days. Harsh words will be said—they always are—especially by the Soviets and the African nations. Some of them in the past have seemed justified.

NEVER CAN WIN

Some administration officials, though, contend that the council review is a game the Americans never can win—if we do little, we are accused of neglect; if we pour in funds, we are charged with imperialism; if we try to set up new industry and ideas that change the traditional way of life, we are called guilty of the subversion of the indigenous population and of neocolonialism.

The trust territory arrangement always was intended to be temporary. Micronesians for years have been restively asking for a permanent solution. This may come soon.

Interior Secretary Walter J. Hickel said after his recent visit here: "I can see no reason to wait until 1972 for a vote on the territory's political future."

Before that, though, conferences are certain to take up the vexing question of American military bases.

[From the Milwaukee Journal, May 21, 1969]

Uncle Sam's Stepchildren—Islands Want More Say, More Pay for Bases

(By Don C. Trenary)

Chalan Kanoa, Saipan.—You can, if you like put the thing two ways. For one: If the Trust Territory of Micronesia chanced to fall into hostile hands, the state of Hawaii and possibly the west coast could be in danger. Even in times of peace, communication routes between the United States and the south orient might be cut, and ships and planes subject to possible harassment.

On the other hand: What have 93,000 people, living on 2,141 small islands in the Pacific, to do with the security and problems of a great power, with which they are not allied by race and culture, and at present only temporarily by political ties, even though they have already found they have much in common?

GEOGRAPHY IS FACTOR

Scratch Micronesia how you will, sooner or later the matter of military bases comes up.

Geography does it. The chains of islands that have been thrown into a geographer's grab bag and labeled Micronesia lie between Hawaii and the friendly Philippines. Great circle routes, beloved by navigators, air and water borne, run through them. In an area where land is scarce (one early Spanish captain sailed through the whole group without seeing an island), they have capabilities for airstrips and harbors. For 5,000 miles, there is nothing else.

SEIZED BY JAPANESE

The matter of military bases can be overstressed. There are, happily, many other affairs on which Americans and Micronesians are in concord. But the bases will be what the Micronesians will use to put pressure on the

XUM

United States when they sit down to confer about the trust territory's future political status—the pitchfork they will use to prod Uncle Sam.

Here is the situation:

The Japanese took Micronesia from Germany in World War I. Wholly illegally under League of Nations mandate, they made it a secret colony, closed to outsiders, and filled it with military bastions. The sneak attack on Pearl Harbor originated in the Marshall islands, the easternmost Micronesian chain.

American forces took the area. Many islands were by-passed or lightly defended and so escaped ravage. But in others—Kwajalein, Saipan, Peleliu, Babelthuap—war was written in blood and destruction. Fortress Truk, perhaps impregnable, was never taken, but was devastated by repeated air raids.

After the war, the United States continued to rule the area under a one of a kind, United Nations strategic trust, which gave the nation the right to use the territory for military purposes.

Entirely legally, whatever you may think of the methods, the military took over Kwajalein atoll, which contains the world's biggest lagoon, for missile research. The residents were moved out to Ebeye, another island on the same atoll.

LUXURY AND SLUMS

Among people who have visited it—and they are few because Kwajalein now is very hush, hush, shh—the atoll has become a scolding point due to the contrast between the luxury in which American technicians live on Kwajalein island and the slum conditions in which Micronesians live on Ebeye.

Eniwetok and Bikini were used for open air atom bomb tests. The residents were moved away. Atomic fallout, by a whim of wind, fell on persons living on Rongelap.

The military also has some military "retention" areas. These are areas the military can take over on Saipan, Kwajalein and Tinian.

SUBSTITUTE FOR OKINAWA?

Recently, military interest in Micronesia has quickened and you can whisper that it is due to a probable forthcoming loss of Okinawa as a United States military base. Japan wants that island back.

Gen. Lewis W. Walt of the marine corps went through parts of the territory in April, looking, he said, for marine training bases. He said that Babelthuap and Peleliu had good terrain.

The army started negotiations for use of the Roi-Namur complex of islands at Kwajalein atoll. Gold braid of the navy, according to the Marianas Star, has started appearing for visits on Saipan.

To the appearance of the military, Micronesia has had a varied reaction. After Gen. Walt's visit, the district legislature of Palau, in which Peleliu and Babelthuap are situated, said it wanted no marines, and cited World War II experience.

On the other hand, the legislature of the Marianas district, which includes Saipan, has said it would welcome military installations.

CONGRESS WANTS ROLE

The congress of Micronesia, representing the entire territory, has passed a resolution saying that no further land should be taken for military purposes without its consent and full consultation with the inhabitants.

It is the belief of American administrators here that the Micronesians object not so much to the establishment of bases as to the cavalier manner in which their land was seized in the past. This was also affirmed by Sen. Lazarus Salii of Palau, one of the most powerful Micronesian political leaders. The policy is changed—maybe, but efforts to find out facts take on a dreamlike quality here.

"If the military comes here for bases, it will have to get title from the Micronesian government or private owners," said Joseph F. Screen, commissioner for administration.

HICKEL'S VIEW

"I don't think military bases are opposed too strongly," said his boss, Secretary of the Interior Walter J. Hickel. "I think the opposition comes because they want to be consulted and do not like the way we have been doing it. This probably is not under the department of the interior, but we could consult with the department of defense over means."

In his Micronesia talks, Gen. Walt stressed spinoff benefits from the presence of the military in the form of roads, bridges, public works and a lift to the economy. Hickel in an interview also stressed the inpouring of money.

This is not entirely just mouthing. As one example, the prime industry of booming Hawaii is its military.

As to past seizures and use:

The Rangelap residents hit by atomic fallout have been given compensation.

Material still radioactive is now being cleaned off Bikini atoll. In a few months, replanting will start. The residents will be moved back in stages from their present home on Kili, which most of them do not like. The move will take six years.

"Something also is going to be done for the people of Eniwetok," said administrator Screen.

An agreement on general war damage claims has been reached between Japan and the United States. It is not yet approved by either congress or the Japanese diet. Under it, each nation will pay $5 million to be divided among Micronesians. The American portion will be in cash, the Japanese in goods.

Some Micronesians, Hickel said, contend that the Japanese will actually pay nothing at all, because by the agreement they get the right to use two Micronesian ports for their fishing vessels and the right to salvage some war sunken ships. They might wind up making money, he said.

This supposed weakness of the United States at the conference table will be remembered by the Micronesians when it comes time to talk about their future status. That will be no matter of a big guy shouting down a little, defenseless fellow. The Micronesians already have proved themselves canny bargainers.

PRICE GOES UP

After the takeover of Kwajalein island, the matter of compensation was let lie for years. Then a Micronesian delegation headed by Amata Kabua, a Marshalleze nobleman and a remarkable man, euchered the Americans into conference.

The Americans offered $600 an acre, an unheard of price for atoll land.

Without a word, the Marshall islands people walked out. Final settlement: $1,000 per acre for past and future use; land to be held on lease and revert to Kwajalein folk at the lease's end.

Already a Truk spokesman has said that, inasmuch as the presence of military bases may risk the lives of Micronesians, a higher price should be paid for future ones.

If by this you infer that the Micronesians are grasping and only interested in money, that implication is wrong. In a far broader way, they are interested in territorial administration and the welfare of their people, especially in getting a greater voice in their own management.

[From the Milwaukee Journal, May 22, 1969]

UNCLE SAM'S STEPCHILDREN—MICRONESIA PLEDGED A "NEW DEAL"

(By Don C. Trenary)

CHALAN KANOA, SAIPAN.—By a 20 minute speech in a high school auditorium whose tin roof had been whirled away by a 1968 typhoon, Secretary of the Interior Walter J. Hickel has changed the concept of the relationship between the United States and the Trust Territory of Micronesia.

To the 93,000 persons who live in the 2,141 islands of the territory, which lies in the tropical Pacific between Hawaii and the Philippines, he promised:

More Micronesians in high ranking positions in the territorial government, with a training program to start within 90 days.

Full and equal participation with American personnel in planning and decision processes.

Efforts to eliminate differences in pay schedules now existing between Americans and Micronesians doing similar work.

In the last two years, the territorial government has trained and hired 240 Micronesians for clerical and administrative posts, but the pay differential has been a very sore point.

The report for fiscal 1967 shows that, without even counting her 25% bonus for overseas work, a clerk typist in one of the three lowest American pay brackets was earning more than all but 20 Micronesians, all of them classed as senior professionals or executives.

Formation of a budget committee by the congress of Micronesia which would recommend priorities for public works and other plans within the territory.

Introduction of legislation which, if approved by the United States Congress, would eliminate tariff duties on the importation of Cicronesian products. (Although Micronesia has been an American trust territory for more than two decades, the United States still charges tariffs on its products. Principal products affected would be copra—dried coconut which is used as a base in cosmetics and many food products—and processed fish, almost entirely tuna. Because of the tariff, tuna caught in Micronesia waters now are quick frozen and sent elsewhere for canning.)

Removal of travel barriers. Americans going to Micronesia now must obtain a permit card from the Micronesian capital on Saipan; the process takes about five weeks.

Encouragement of capital investment.

The program was greeted by the Micronesians in the audience with cheers, hope and blotches of skepticism. The overall record of America's guardianship of the territory's people is not such as to set them dancing in the streets.

"It is the best statement in years," said Amata Kabua, an influential Micronesian senator from Majuro. "The situation could not be worse. We have hit bottom."

"Our record has been disgraceful," said a high American administrative official. "We are just starting to go now; it should be showing soon."

"We have done more construction work within the last year than in the previous 22," said Joseph F. Screen, commissioner for administration.

HIGHER BUDGETS

The quickening pace now is made possible by higher budgets. A decade ago, budgets ran around a million dollars, almost all of it devoted to salaries for American administrators.

For the present fiscal year, the budget is $30 million, of which $9.5 million is being spent for construction. The rest goes to operate all territorial government activities. Administration expenses cost a bit less than 10% of the budget.

For the next fiscal year, which starts in July, a budget of $41.6 million has been requested, carrying a larger allowance for construction.

For practical purposes, control over expenditures has been wholly in American hands.

A congress of Micronesia was set up in 1965. It has two houses, occupied by delegates democratically elected in the territory's six districts. It is an excellent sounding board for opinion, but has little real power. It has no control over budgetary matters and its acts are subject to absolute veto by the high commissioner. If an act is passed and vetoed twice, the Micronesians can appeal to the secretary of the interior.

POLITICAL APPOINTEE

The high commissioner is an American political appointee. The last one was William Norwood, a former Honolulu newspaperman with some political experience as adviser to the Hawaii governor. The new one is Edward E. Johnston, a Honolulu insurance man with some political experience as Hawaii's lieutenant governor.

With more money in the last few years, the territory has been able to do more for an area once almost wholly neglected. Some of the accomplishments:

Regularly scheduled, although not daily and sometimes not direct air service to the major islands, operated by a subsidiary of Continental airlines. In its first year, the line has drawn triple the projected passenger volume. The airline is pledged to build six tourist standard hotels on the islands; the territory now has two.

Micronesia considers the new air service wonderful, but travel among the widely scattered island groups is still, by American standards, tedious and frustrating. Witness the case of the congressman from Kusaie, a major but outlying island, who could not get to Hickel's address.

The congressman had been underway for two weeks when the Hickel speech was postponed and he was told to go home again. When the date was reset, the congressman could not be reached in time to come.

At some of the minor outlying islands, a ship may not touch for months, and even this service must be subsidized.

A shipping line operating between the territory and the west coast; previously goods were transshipped in Japan. The line, however, reported a loss in its first eight months of operation.

More schools and health facilities. (Micronesians are very susceptible to western type diseases; tuberculosis is the greatest killer. However, the population has nearly doubled since the Japanese left.)

Increase of new cash crops. Pepper exportation from the island of Ponape is expanding, but the growing of cacao there has suffered a setback from the swollen shoot-disease.

Setting up of a bureau of commercial fisheries research facility in the Palau islands to study the fishing potential of the waters and establishment of a branch of a sea food company there. (The private firm ran into unexpected difficulty—the Micronesians, although once great navigators, now, it is said, dislike going to sea. The company had to bring in Okinawans for the heavy fishing work. Latest payroll figures: 109 Okinawans for an annual $300,000 payroll; 78 Micronesians for $89,604.)

Sometimes the professed aims of the Americans are at odd variance with what goes on.

Item: Emphasis is being put on vocational education. However, the agricultural vocational school on Ponape has been closed. One explanation: Not enough students. Another story: The school has 60 students and a budget of $60,000. The head asked a budget increase to $110,000, was cut to $50,000, closed up the school.

[From the Milwaukee Journal, May 23, 1969]

Uncle Sam's Stepchildren—Saipan Keeps Scars of War—and Peace

(By Don C. Trenary)

CHALAN KANOA, SAIPAN.—From the shallow bay water in front of the excellent Hotel Royal Kaga jut the turrets of two American amphibious tanks, knocked out in the ferocious fighting of the American conquest of Saipan in June, 1944.

Off a highway now bumpy, the last Japanese command post remains, a knife edge cleft in a vertical stone bluff. Field guns and a tank have been lugged from elsewhere to the flatland at the bluff's base and stand as a sort of war memorial.

Suicide cliff and Banzai cliff can be reached by road.

These were scenes of horror. From them frenzied Japanese civilians, told that rape and murder would follow surrender to the Americans, flung their children and themselves to death while below Japanese speaking American soldiers pleaded with them over loudspeakers not to.

SHRINES ON CLIFFTOPS

There are small shrines on each clifftop—small, upright wooden sticks carved with Japanese characters, left there by Japanese visitors in remembrance of what was.

Along the beach at the north end of the reef, the remains of an American half track still lie, now overgrown by trees. An exceptionally low tide disclosed the rusted metal parts of a Browning automatic rifle.

The visitor can go inside pillboxes, where Japanese defenders saw death coming to them from the sea. Magicienne bay still sparkles blue; white fangs of breakers still batter the north shore of Tinian island, from which Superfortresses took off to bomb Japan.

JAPANESE CITY GONE

Apart from that, there is little to remind those of us who touched this tropical island 25 years ago of the Saipan we then saw.

Garapan is gone. Under the Japanese it was a city of 12,500.

The status of Haruji, the Japanese sugar king, still stands, along with some of the shrines and outbuildings that once graced his estate. But the statue is riddled with bullet holes.

Trees grow in the grim, roofless Japanese jail. Tropical growth overlaps the ruins of the imposing stone Japanese hospital. Moldering walls of the wards are scrawled with graffiti. One of them starts: "A story of Jeseus. Jeseus is a good boy. . . ."

Parts of the former city area are occupied by new housing, America and Chamorro. But the old streets cannot be discerned or they crawl away, dimly visible, under the intruding growth of tropical plants.

You cannot tell where Garapan began or where it ended.

SHRUB TAKES OVER

Of the lush fields that greened the western side of the island when the Americans stormed ashore, no trace remains. They are overgrown by tangan tangan.

Tangan tangan is a spindly tropical weed shrub, its height about twice that of a man, its trunk about the size of a woman's slender wrist, its leaves like those of the locust tree.

After the Americans took the island, they found that tropical rain was eroding the exposed agricultural land. They seeded tangan tangan from airplanes to halt it. And tangan tangan has taken over the island, except for blotches where housing has been built and for one magnificent and peculiar exception.

The exception lies on the top of what is now known as Capital hill. The department of the interior, which now rules the island and the Micronesia trust territory, is not responsible for it.

ROLE OF THE CIA

After Chiang Kai-shek's defeat in China, so the story goes, the CIA was seized with abnormal delusion. It decided to train Chinese soldiers on Saipan for an invasion of the Chinese mainland.

Let John C. Santos tell about it. Santos is a Chamorro, now a driver for the Saipan Bus Co. but then was one of the drivers for the Chinese trainees.

"They were put into enclosed trucks and driven to the north end of the island," he said. "The north end was fenced off. It was all very secret. We knew something was up: They had skins like ours and we knew they were Chinese, or maybe Filipinos."

HILLTOP NOW CAPITAL

For the American heirarchy in charge of the training program, the CIA built on the hilltop a fine administrative building and an array of excellent, California style homes. The cost is said to have been $28 million (some say $30 million). The Chinese bivouacked elsewhere.

In 1962, the CIA gave up and pulled out. The hilltop was taken over by the government of the trust territory of Micronesia. It was the first time Micronesia had a capital actually inside its own borders. Previously, it had been ruled from Honolulu and then Guam.

The residences now house families of 92 high officials, 80 American and 12 Micronesians.

The fine homes form a startling contrast with the housing of some of the Chamorros on the flatlands below.

Many of these are emergency buildings, made necessary by a devastating typhoon last year. They are of wood, built on sort of an X frame, with the X fattened at the crossing. It is said high wind can't tip them over.

Others have survived the typhoon. They are of many materials, some of them of corrugated iron. A clutter of stuff is often in the yard.

Now, a person who has been long in the tropics is not shocked by poor housing or clutter. With very few exceptions, they seem to be always there.

WHAT HAS UNITED STATES DONE?

But there are some things that stick with the taste of bile to the back of the throat.

When we Americans took Saipan from the Japanese, it had thrifty fields and a fishing industry. Now it has neither.

When we Americans took the island, it had about 30,000 people. It's population now is somewhat less than 10,000.

Saipan has a fine, recent hotel, well up to mainland standards. It gives employment to 63 of the native population. Its principal owner is an American millionaire.

Saipan has two big construction projects under way.

One involves $1 million worth of housing for government staff members. The houses are nice but not elaborate. Some have split cedar shingles from Oregon. They say the shingles will not blow away in high wind.

The other project is an $850,000 community administrative center, to house the fire department, police department and such.

Both probably are needed.

WHAT OF LITTLE GUY?

But, emergency housing aside, what have more than two decades of American rule done for the little guy, the man without a government job?

Officials are talking about the possibility of a plantation system to grow truck farm crops. The United States has given AID money to help nations in other parts of the world break up their plantations.

There is tangan tangan and there are discarded beer cans.

But it is nice atop the hill. It must be wonderful in a tropical night, when the stars come out in plum sized splendor. It could make a man feel out of this world . . . way, way out of this world.

HONOLULU CHIEF OF POLICE DAN LIU RETIRES AFTER 37 YEARS OF SERVICE TO BECOME A SPECIAL ASSISTANT TO THE U.S. POSTMASTER GENERAL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MATSUNAGA. Mr. Speaker, Honolulu's Police Chief Dan Liu will leave shoes that will be extremely difficult to fill when he retires next month after 21 years of service in that capacity to become a special assistant to the U.S. Postmaster General. Honolulu has been fortunate indeed to have had the services of such a dedicated public servant who, for the past 37 years, has worked unceasingly to improve the quality of law enforcement in the Islands.

We in Hawaii are sorry to see Chief Liu leave his post, for his stalwart character and the widespread community respect he commands have become an integral part of police administration in the city and county of Honolulu. As a man of the highest integrity, of compassion and humor, and yet of steel when the need arose, Chief Liu not only established but also followed his terse motto: "Service. Honor. Integrity." It is this motto that he leaves behind with the men in the Honolulu Police Department, and it is this same motto that he will undoubtedly bring with him to Washington as he answers the call to a high office in the national administration.

It has been an arduous trek for the high school business student who climbed his way up through the ranks from patrolman during Honolulu's early "Mamie Stover era" to chief of a highly efficient and respected island police force that today numbers 967 commissioned officers and 200 civilian employees.

At 61, and on the eve of his retirement, Chief Liu offered these remarks to Gardiner B. Jones, associate editor for the Honolulu Advertiser:

> You always hear the trite thing about mixed emotions. After so many years of associations, you have left your life here with these men. There is a feeling of sadness but the new job is a challenge and I hope to be of service to the postmaster general and to the country.

As a tribute to Chief Dan Liu and the high type of public servant he personifies, I submit for inclusion in the CONGRESSIONAL RECORD, Mr. Jones' article, "Liu Tells of Early Days: No Rules, No Training," which first appeared in the Honolulu Sunday Star-Bulletin & Advertiser of May 18, 1969.

I am also privileged to offer for inclusion in the RECORD Senate Resolution 204, adopted by the Senate of the Fifth Legislature of the State of Hawaii on May 14, 1969, expressing appreciation and congratulations to Chief Liu.

The article and resolution follow:

[From the Honolulu Star-Bulletin & Advertiser, May 18, 1969]

LIU TELLS OF EARLY DAYS: NO RULES, NO TRAINING

(By Gardiner B. Jones)

From high school business student to nationally famous chief of Honolulu police . . . from the Mamie Stover era through politics and corruption to molder and leader of a modern, efficient force, a task he took on reluctantly . . . 37 years an officer, 21 of them as chief . . . and always the motto: "Service. Honor. Integrity."

There in a capsule is the life story of Chief Dan Liu as it emerged in an interview on the eve of his retirement at age 61 to become special assistant to the U.S. postmaster general.

"I joined the department in 1932," he said. "I had read about the sheriff's system being abolished. They were going to institute a chief of police system under a commission appointed by the governor."

OUT WITH THE POLITICS

"We had elected the City-County sheriff before. The change was the result of a study by Attorney General Homer Cummings.

"The study found too much politics. And actually, it flowed out of the Massie case."

Liu at 22 was working for the Union Trust Co. He had been graduated from St. Louis High School where he studied business.

One of the men setting up the new police department was C. L. Howell, sent to Hawaii by the Berkeley, Calif., department, whose chief was a recognized authority on police administration.

Liu's boss—A. D. Castro—was on the police commission and he urged Liu to join the department.

"I went to see Howell," Liu said, "and he told me about police work and I became intrigued. I took the exam. In that group there were three university men, two locals and a retired Navy chief. We were the only ones that came out. They hired every man.

A DETERMINED GUY

"But I still was not sure I wanted it, but Howell was a determined guy and he kept calling at my home and each time I tried to be absent when he came.

"Finally, my mother said he was interested and kind enough to call and if I didn't want to accept I should go down there and decline. So I went down one evening about seven and Howell was cranking the mimeograph machine.

"So somehow I said could I give a hand and he said, by all means. As I am making 100 copies, he's telling me about the great challenge of police work. By 10 that night I thought I'd take a try at it."

In those days, Liu recalled, radio was in its infancy and the department had a few radio-equipped, two-man squad cars. Liu was assigned to one of the cars.

"We had no training then," he said. "You were assigned to an officer and you learned from him. Another thing that was haphazard, they did not issue any rules. I was sent on my first duty without even a badge and I was not even told how to make an arrest.

"I was sent on a domestic case, an affray between two brothers. All I thought was to go in and stop it. I found myself on the ground and a chair being swung over my head that missed by inches. A radio car came over just when one of the brothers was coming at me with an automobile crank.

"This experience showed the need of training and that's why when I became chief I was so determined we were going to have real and vigorous training—not just for recruits but for experienced officers, too."

Liu also worked in the records division and the detective division. As a detective he was under the tutelage of the tenacious John Jardine, whom he describes as "a conscientious and dedicated officer."

ANOTHER PROMOTION

After four years on the force, Liu was assigned to the office of Chief W. A. Gabrielson, who left the department after the police graft scandal broke in the mid-1940s.

Liu recalled the rectic war years, when Honolulu's population was swollen and the city governed by martial law.

"It was pretty orderly and the men were well disciplined considering the circumstances," he said. "We did not have the violence you might have expected.

"At that time, the houses of prostitution were running—they felt it was a social necesstiy, and the military maintained tight control. The police did not have too much to do with it because of martial law. They enforced their military regulations, including the curfew, on the civilians. Even burglary took a drop.

IT WAS NECESSARY

"Personally, I thought it was necessary during a period like that. I feel that if it weren't for martial law our problems would have been greater. Yet you have to recognize it was rather infamous, but people realized the situation demanded control."

As for the graft case, Liu said:

"It sprang from gambling and prostitution. Defense workers came back from the southern islands and they had a lot of money. It was easy come, easy go. In one case, the officers afforded transportation to a gambling place.

"When the graft broke it was a surprise to many of us. It involved only members of the vice squad."

By this time, Liu was an assistant chief.

"To me," he said, "it meant scandal, and so many of us could not understand. You would think there is this honor and integrity. That's why all along I insist we need to serve with honor and integrity and why we have this slogan posted: 'Service. Honor. Integrity.' "

HE TURNED IT DOWN

With Gabrielson out, the police commission sought to persuade Liu to become chief but he declined; he was unwilling to give up the security of his civil service status.

The commission tried on and off for two years to get Liu to accept the top post, but the security concern got in the way. Interestingly, having accepted, he served under six governors—Poindexter, Stainback, Long, King, Quinn and Burns. It happened like this:

"I have taken no vacation during the war," he said, "and I had 90 days coming and decided to go to the Mainland. Warren McDermott of Sears was on the commission and he told me to think things over.

"He said he wanted to straighten out and strengthen the department and it made me feel very humble. Chief Horrall in Los Angeles had worked with the patrol division here and I visited him. He told me to accept.

"He said, 'If I hear of you refusing, I'll come over and kick your ass.' "

THE FINAL DECISION

"Then word got into the papers that I was being considered and I got to thinking that the community might think that I was afraid and that's what finally persuaded me."

Liu became chief on Aug. 1, 1948, and set about immediately clamping down on vice—gambling, prostitution, opium and heroin—and sprucing up the department.

He said:

"It was a problem because you had holdovers from the sheriff days and many did not even have a high school education. It was partly that they could not adjust to the new ways.

"One of the first things was to raise the standards of entry and one of those was a high school education. There is still a need to upgrade and in the next two to three years we'll have a requirement for at least two years of college.

"Enforcement is not only equipment. An officer should be able to handle the social sciences. He must have knowledge of human behavior. It's going to take more than physical prowess and technical police skill. He has to be a generalist."

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THE FUTURE OFFICER

Liu foresees the time when police officers will all be college graduates and will draw minimum pay of $10,000 a year.

Asked what he considered the major accomplishments of his years as chief, he listed these:

Institution of a police science program at the university, the police activities league, a cadet training program, the development of a crime laboratory, the installation of a computer system and the formation of a community relations division.

Also, he considered it important that the police had switched from the old olive drab uniform to blues. The old uniform, he said, reminded people too much of the martial law days.

"And," he smiled, "I changed the badge from that old seven-point star so the officers could not be called Pepsi-Cola cops after a radio show for kids."

Looking ahead to immediate needs, Liu said the department needs a helicopter patrol, more centralized communications, a training academy—and, above all, more men.

NEED 197 MORE OFFICERS

The force today numbers 967 commissioned officers and 200 civilian employes. Liu believes there is an immediate need for 197 more officers to cope with the problems of a growing city.

Liu was asked what criteria he would set for the man to succeed him as chief.

"He should have the basics of any police officer," Liu replied. "In the 19th century the needs were the same as far as traits go: integrity, character, dedication. And there is something you can't measure, and that's bravery.

"Naturally, he should be honest. He should be physically fit and willing to work long hours. He must provide vital leadership in the department and have good relations with the mayor, the council and the commission and represent the department to the public."

And what of his feelings on departure?

"You always hear the trite thing about mixed emotions," he said. "After so many years of associations, you have left your life here with these men. There is a feeling of sadness but the new job is a challenge and I hope to be of service to the postmaster general and to the country."

SENATE RESOLUTION 204

(Resolution extending deepest appreciation to Dan S. C. Liu, chief of the Honolulu Police Department, for his service to the community and congratulations and best wishes for continued success in his new endeavor)

Whereas Dan S. C. Liu, internationally acclaimed Chief of the Honolulu Police Department, has resigned to accept a position in Washington, D.C. as Special Assistant for International Relations to the Postmaster General of the United States; and

Whereas from humble beginnings, Dan Liu joined the police force in the midst of the great depression and by dint of perseverance, intellectual ability and personal integrity, steadily rose through the ranks to become Chief in 1948; and

Whereas for the more than 20 years he has led the Honolulu Police Department, Dan Liu has won honor, respect and public esteem for himself, the men of his department and the State of Hawaii; and

Whereas Dan Liu's record of public service has not been confined to law enforcement; but extends to active and effective membership and participation in national and international police organizations, his church and numerous organizations, largely connected with serving the youth of Hawaii; and

Whereas in recognition of his outstanding achievements, Dan Liu has now been appointed to a high office in the national administration: Now, therefore, be it

Resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969, That this body express and extend to Dan Liu its appreciation for his service to the community, its congratulations and best wishes for continued success in his new endeavor, and its admiration for a great son of Hawaii; and be it further

Resolved, That duly certified copies of this Resolution be transmitted to Dan Liu, to the Postmaster General of the United States and to Hawaii's Congressional Delegation.

THE SENATE OF THE STATE OF HAWAII,
Honolulu, Hawaii, May 14, 1969.

We hereby certify that the foregoing Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969.

DAVID C. MCCLUNG,
President of the Senate.
SEICHI HIRAI,
Clerk of the Senate.

THE FAMILY PLANNING AND POPULATION ACT OF 1969

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. COHELAN. Mr. Speaker, last week, I had the pleasure of introducing, along with several of my distinguished colleagues in the House, legislation calling for the creation of a National Center for Population and Family Planning.

If established, this Center would be an innovative step toward solving the monumental and critical problems inherent in the population crisis—which in an important sense, are at the core of the poverty problem in the world. Statistics indicate a direct relation between poverty and family size: one of every five American children live in poverty; one-third of all families with five or more children live in poverty; 49 percent of all children living in poverty live in families of five or more children.

The Social Security Administration determines "poor" and "near poor" status on the amount of money a family has to spend for food per person per day. Continuous increases in family size without a corresponding increase in family income will force many families into a poverty existence, and will keep those already there from rising out of a poverty level.

Virtually all middle-class American families practice some form of family planning during the course of their reproductive years. However, low-income families without access to private medical care are often denied the opportunity to determine the number and spacing of their children. In this country 5.3 million low-income women in the childbearing years need family planning services, but less than 15 percent are currently receiving such services. Present efforts will reach only 800,000 low-income women this year.

In view of the urgency of the world's population problems, current research efforts are totally inadequate. There is presently no completely satisfactory contraceptive method available to the public. It is of the utmost importance that research facilities and activities be extended so that contraceptive methods that are safe, low in cost and suitable for various population groups in varied circumstances here and abroad be developed.

The high degree of infant mortality and birth defects is another area worthy of our consideration. Studies have shown that family planning is the most cost effective method—between $30 and $50 per person per year—of reducing infant mortality and the incidence of prematurity, mental retardation and birth defects. For every 500,000 women with three or more children, birth control services would prevent 2,173 infant deaths.

Our present efforts in these areas have been practically minimal and totally inadequate. Current family planning programs are scattered through various sections of HEW and as a result have become victims of disorganization and poor administration; further, they suffer from insufficient funds and a shortage of personnel.

The National Center proposed by this legislation would be under the direct supervision of the Assistant Secretary of Health and Scientific Affairs in the Department of Health, Education, and Welfare, and as such would provide for more centralized administration and organization. The Center would serve ultimately to coordinate and consolidate all current domestic population programs; in addition, it would serve to seek new avenues of solution to existing problems and would work for the prevention of the development of new problems.

The services to be offered by the Center are encompassed in a six-point program:

First. To administer all HEW project grants relative to family planning services;

Second. To administer and be responsible for all population and family planning research carried on by HEW or through HEW grants or contracts;

Third. To act as a clearinghouse for information on all domestic and international programs;

Fourth. To serve as a liaison with the activities carried on by other agencies of the Federal Government relating to population and family planning.

Fifth. To provide and/or support training for the manpower required to implement our domestic and foreign family planning programs and research; and

Sixth. To coordinate and evaluate other HEW programs related to family planning and population.

The bill provides for a much needed development of a comprehensive family planning program, requiring the Secretary of Health, Education, and Welfare to submit a 5-year plan to Congress, not later than 6 months after the bill's enactment, setting forth guidelines and goals regarding the extension of family planning services to all who desire them, and expanding needed research and manpower training programs.

To expand and improve the services and research activities of public and private nonprofit agencies and institutions, the bill authorizes a total of $89 million for fiscal year 1971, to be utilized as follows

First, $30 million in special project grants for family planning services;

Second, $10 million in formula grants to State health agencies for planning, establishing, maintaining, and evaluating family planning services;

Third, $35 million in research grants to promote biomedical, contraceptive technology, and behavioral research related to population and family planning;

Fourth, $12 million in grants for construction of population research centers;

Fifth, $2 million in grants for training personnel in the family planning field.

This bill proposes to put responsibility for family planning and population control under the Medical Health Services Branch of HEW; in doing so, it would provide for more centralized administration, unification of existing programs, and the development of more comprehensive, all-inclusive programs designed to remedy one of the most pressing problems facing all of us today.

HONORARY DOCTOR DEGREE RECEIVED BY HON. CLEMENT ZABLOCKI

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. REUSS. Mr. Speaker, our distinguished colleague, Congressman CLEMENT ZABLOCKI, recently received an honorary degree from Alverno College, Milwaukee, Wis.

I include a copy of the college's citation and diploma awarded to him, as well as Mr. ZABLOCKI's acceptance speech:

CITATION OF MERIT

Of the many mansions that house a free people in a democratic society, the school is an important one for the statesman of responsibility and concern. For ultimately to be a true statesman is to feel responsible for education. It is to feel that the art and science of politics is part of the total educational process of humanity on which the building of the world depends. It is to know that although laws are made to free men, it is the truth under law that finally frees a man. It is to understand that concern for the democratic process demands education in that process.

Clement J. Zablocki's involvement in national and local educational programs make him an architect in such a process. He has helped to build through initiation and support of progressive legislation the edifice that houses for a free society the sources of freedom, justice and peace. He believes in education because he believes in man, knowing that education makes men easy to lead, but difficult to drive; easy to govern, but impossible to enslave.

Given on the occasion of the awarding of the honorary degree, Doctor of Laws.

KATHRYN F. CLARENBACH,
Chairman of the Board of Trustees.
Sister JOEL READ,
President of Alverno College.

Dated May 11, 1969, Milwaukee, Wis.

DIPLOMA

Alverno College, Milwaukee, Wisconsin, in recognition of Distinguished Achievements, the Board of Trustees of Alverno College has conferred upon Clement J. Zablocki the honorary degree of Doctor of Laws with all the rights and privileges pertaining to that degree.

In witness thereof, this diploma is given at Milwaukee, Wisconsin, on the eleventh day of May, in the year of our Lord, nineteen hundred and sixty-nine, bearing the signature of the President and the seal of the College:

Sister JOEL READ,
President of Alverno College.
KATHRYN F. CLARENBACH,
Chairman, Board of Trustees.

ADDRESS BY CONGRESSMAN CLEMENT J. ZABLOCKI, ELVERNO COLLEGE, MAY 11, 1969

Words are never so weak as when they are supposed to express gratitude. I think I had best say therefore as simply and as sincerely as I can—thank you for the high honor you have conferred upon me today. I say it joyfully and with great pride. I say it also with humility, knowing full well that many have made it possible for me to be here.

Gratitude is an old word with a long history. I use it here to express my determination to carry this honor *with honor*. That resolution is the more a challenge because of the prestige and renown of Alverno College, the distinguished quality of its faculty and administration, by the dedication and zeal of its students.

To be included in the noble purpose of this community of scholars will provide reassuring strength in the days ahead. In my own work as a Member of Congress there is a direct relationship with the pursuit of truth which is the happy, but sometimes no less burdensome, opportunity which is your daily task.

In fulfilling that role Alverno College is making a distinguished contribution to this community, state, and the entire nation. That contribution is all the more significant, however, because of the diversity of educational opportunity which Alverno represents as a *private* institution.

The urgency of preserving such diversity must be recognized and responded to. As the cost of private education soars the burden becomes more difficult.

A partial answer to this problem has come from the Federal government in the form of grant and assistance programs. Alverno and its sister colleges and universities throughout the country have been sustained to some extent by such programs.

Th fact remains, however, that other forms of governmental assistance must be provided if the private institution of higher learning is to thrive.

In view of the higher tuition costs which private schools must necessarily charge, one possible added source of assistance should be that of allowing tax credits to the parents who pay those tuitions.

An alternative solution might be that of providing direct grants to the students who attend private schools to help offset the higher tuition they pay. Such a program would make possible the full exercise of freedom of choice in education.

It seems to me that those who oppose such moves have lost sight of two essential factors—one essentially philosophical, the other involving certain practical realities.

The first of these considerations is the fact that institutions at every level of American society are built on the foundation of diversity. In the most important of these institutions, however, our educational system, we are told that the private school is "divisive", that it is "undemocratic." What could be more against the American character?

The second of these considerations involves a degree of practical common sense. The question to which opponents stay blind is one to which most taxpayers today remain painfully aware. If the private school is forced to curtail its operation and its students transfer to public schools from where is the added tax money to come?

These and many more questions must be answered honestly and realistically if meaningful solutions are to be found. Finding those solutions will not be easy; in the working out of the democratic process it may in fact entail a struggle.

While that effort may give us cause for dismay it must not make us despair. Against the tendency of cynicism and moral indifference toward those things in this country which are good, there is a strong countertendency of support for the principles of decency and fair play.

My own faith and hope is that, in the context of American traditions and the American character, these principles will prevail.

There is much good in the American body politic. Democracy is not a static system; it entails conflict. But most of all it depends upon an unflagging belief that good and just and honorable men will prevail.

To this struggle of regenerating America Alverno College commits its graduates today. I trust that this outstanding institution will continue to play its vital role.

I rejoice that through this honorary degree I have formally been given a place among you and a chance to share in that struggle.

SCIENCE ENDORSES IGNORANCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. RARICK. Mr. Speaker, Columnist Jenkin Lloyd Jones has now joined the pioneer squad of truthseekers. He most certainly joins a small and select minority who, in their continuing search for the truth, may well reap the condemnation of their timid contemporaries who seem more content to rest on their Nobel laurels than seek honest answers to questions which may well prove the difference between survival and extinction of our culture.

For certainly, the secret closed door vote by which the National Academy of Sciences rejected Nobel Laureate Dr. William Shockley's suggestion that it encourage scientific inquiry into possible inherent or genetic differences in intelligence among groups of Americans can only be interpreted as fear of politically unpopular inquiry or prejudice against what they know may be the truth.

Mr. Jones' column follows:

[From the Washington (D.C.) Evening Star, May 24, 1969]

GENETICS TURNS OFF THE SCIENTISTS

(By Jenkin Lloyd Jones)

On April 29, by a show of hands in closed session, members of the National Academy of Sciences voted 200 to 10 against conducting any inquiry into possible inherent or genetic inferiority of intelligence among groups of American children, most particularly the children of "hard-core" chronic reliefers and apparent unemployables.

This is the third straight year that the national academy, composed of 850 distinguished scientists chartered as advisers to the U.S. government, has turned down such a proposal. Is the academy in this matter exhibiting a spirit of free scientific inquiry or is it putting on a display of inflexible dogma?

In supporting the turn down, Dr. Frederick Seitz, president of the academy, said, "It is essentially impossible to do good research in

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this field as long as there are such great social inequities. And such research is also so easily misunderstood in these times."

Well, what does he really think—that the subject is not capable of being scientifically investigated or that the results might be misinterpreted? There's a vast difference.

The investigation was proposed by Dr. William Shockley of Stanford, one of the inventors of the transistor and a Nobel Prize physicist. He wanted to know if there is danger in down-breeding the American intelligence average through the proliferation of children of parents who represent the second generation of chronic relief-getters and who seem to have great difficulty in coping with their environments.

Dr. Shockley's question was received with all the cordiality that met a heretical question before the Spanish Inquisition. He was lucky to have escaped the pit and the pendulum.

For it is the current dogma of "liberalism" that while there are undoubtedly individual differences in intelligence, no one who loves his fellow man can entertain the unthinkable thought that there can be any genetic differences involving groups.

You can't be a humanitarian, according to this theory, without embracing as an article of faith the conviction that all general differences are the result of environment and the great leaps forward can be achieved by simply improving the environment.

Oddly, this is a very new idea. Until a generation ago most scientists were willing to concede that since both the Australian bushman and the Children of Israel came out of roughly similar environments something else must explain the vast difference in their contributions to civilization and their ability to grasp new ideas and new technologies.

Contrary to Dr. Seitz' plea that this question cannot be propery investigated because of "social inequities," there is no reason why the effect of improved housing, improved neighborhoods and improved schooling upon the IQs of children cannot be measurable.

If environment is as important as the dogma doggedly maintains, then these offspring of the hard core who have been moved into dramatically upgraded environments should show quick improvements. If longstanding social patterns of thought and behavior are the cause of the trouble, then these control groups should show slower but still steady increases in mental power.

The refusal of these eminent scientists to even look into the matter has a hollow ring.

There is no kindness in perpetuating delusion, however kindly it is meant. The mother who is told that her dull child may become bright if it is bused across town could be the victim of a cruel fraud. The professors who seem masochistically eager to see their colleges deluged with unprepared students from the ghettos may be promoting disappointment.

These professors have traditionally demanded higher and higher entrance standards. Now, if they are sure that the very environment of college will automatically prepare for the disciplines of college work ill-prepared black newcomers, then they are guilty of discrimination against generations of ill-prepared white students whom they cheerfully kept out. And if the new ghetto students stare blankly at the blackboard, explode in frustration and burn Old Main, whose fault is it?

The way to uplift and social progress does not lie in schemes based on rigid preconceptions which the proponents are unwilling to have tested.

The medieval alchemists were convinced that by the proper incantations base metal could be turned into gold. Modern science didn't begin until men were willing to test the nature of materials.

Is the National Academy of Sciences going back to alchemy?

THE CAMPUS IN TURMOIL: BY M. STANTON EVANS AND WALTER W. MEEK

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. BRAY. Mr. Speaker, one of the best and most interesting roundups of information and observation on campus turmoil appeared in a 12-part series appearing in the Indianapolis, Ind., News, April 21–May 3, 1969. Written by Mr. M. Stanton Evans, editor of the News, and Mr. Walter W. Meek, assistant city editor of the Arizona Republic, each writer contributed six articles, written in consultation with the other. They visited more than 30 campuses from coast to coast to complete their series. The articles follow:

SIGNS POINT TO COOLING OF STUDENT REVOLT

(By Walter W. Meeks, with M. Stanton Evans)

College and university officials across the country have braced for the expected "spring offensive" of the radical left.

But as spring 1969 unfolds, there are hopeful signs—no more than that—that the student revolt has cooled from its worst levels of violence in 1968.

There are indications that the new left vanguard, the revolutionary Students for a Democratic Society, has slipped in effectiveness.

Among several developing trends, two in particular seem to be changing the course of student dissent. One is that moderate forces are rallying against the destructive tactics of SDS and its allies. The other is that the dissident minority has split into separate thrusts, white and black.

Two recent incidents at ultraliberal Harvard University illustrate the trends:

On a cold day last January, an all-white troupe of about 40 SDS members picketed in the snow to protest a course in riot control offered by Harvard's Graduate School of Design.

Inside the bulding, a sit-in was in progress by another 150 students, all black. A spokesman told the instructor firmly that Harvard's Afro-American students would not permit a course designed "to suppress the only forms of protest remaining to black people."

While SDS kept its separate vigil in the snow, the protagonists inside decided to compromise. At last report the instructor had dedicated his course to the causes of riots instead of their control and was looking forward to a sizable black enrollment.

The issue evaporated and so did the SDS pickets. It was the second consecutive day that SDS was left in the cold.

The previous day, the Harvard faculty voted to strip ROTC of its academic standing.

SDS, covering the issue with moral bombast related to its dogmas on Vietnam and the U.S. military-industrial complex, demanded that ROTC be ejected from the campus.

But the faculty pointedly made its decision on academic grounds presented by student leaders who had researched the question for months. The moderates had taken the issue and the initiative away from SDS.

That is one approach being used by campus moderates. Another is the coalition counterattack to insure that the majority voice is heard along with the radical outcry.

At Harvard on April 9, SDS revived its demand for immediate ROTC eviction as one of the issues behind the seizure of an administration building by about 200 radicals.

According to moderate student sources, the SDS action was condemned by most of the Harvard student body and would have collapsed from lack of support. But the use of police to oust the radical occupation force turned the majority against the administration.

"Now we're just trying to keep the place together," said a moderate spokesman. "Most people here are thoroughly disgusted with SDS and the administration."

At colleges across the nation, elements opposed to the new left are beginning to speak and act with conviction.

Some agree with new-left goals but not its tactics; others disown the goals as well. But all are determined that the violence must stop.

BLACK STUDENTS GO SEPARATE WAY

The black students, bound up in racial pride and solidarity, have turned to their own leadership and counsel.

Under various banners across the country—Third World Liberation Front, Black Student Unions, Afro-American Student Associations—they are going their separate way.

A typical attitude of black student leaders is that of Yusuf Kaurouma, Afro-American Student Association president at the University of Colorado: "I'm not going to involve black students in anything that isn't good for black people."

"In effect, the blacks have said, 'Go do your own thing,'' lamented Dennis Stovall, former SDS chairman at the University of Oregon. "Of course it's reduced our effectiveness."

The sweeping goals of white revolutionaries don't always mesh with the concrete aims of black students, Stovall concedes. "The blacks, after all, are basically trying to get a piece of the action the white society has denied them."

The point was driven home last month when SDS launched its "spring offensive" at Columbia. Although this year's strike involved several items designed to appeal to Negroes, there was almost no black support for it. An SDS picket line in front of Columbia's Hamilton Hall featured only one black student, while several Negroes crossed the line to get into the building.

FEAR STATE AID JEOPARDIZED

At Michigan, the Black Student Union has criticized the student newspaper there for, among other things, taking too radical positions, creating an unfavorable university image and jeopardizing appropriations from the legislature.

With more and more universities listening attentively to the demands of black militants and moving to meet them, minority students generally are taking a tense wait-and-see attitude. This is depriving white radicals of much of their moral appeal and protective coloring.

"SDS has been scrambling for months and months to find some sort of coalition issue with the black kids," said Harvard senior Ken Glazier, outgoing chairman of the student-faculty committee that fashioned the ROTC decision.

Scrambling for issues is a fair description of SDS activities at most campuses today. For reasons that aren't completely clear, the energy that was available for Vietnam war protest a year ago seems to have been dissipated by the bombing halt, the Paris peace talks and all of the dramatic events that led finally to the election of President Nixon.

"It may be part of the national wait-and-see attitude toward the Nixon administration," offered a Boston University coed, "but a typical antiwar rally or draft card burning won't even draw the radicals out anymore."

To keep the movement moving, campus radicals are grabbing at whatever provocations are handy: The presence of ROTC, campus recruiting by the armed services and defense industries, defense-related research on the campuses, grape boycotts and demonstrations against "objectionable" speakers.

At most campuses these issues don't excite many students. Where such issues do have radical potential, the trend among administrators and moderate student leaders is to deal with them before the radicals can magnify them into confrontations.

At the University of Washington, for example, SDS has taken up the cudgels against ROTC, but the program is already under open review by the university. The same is true at Columbia. At Stanford, SDS is faced with a student referendum supporting ROTC firmly.

Some universities, such as Washington, are cutting ties with campus laboratories that specialize in classified military and defense work.

There is strong evidence that excessive violence such as that at Columbia a year ago has discredited SDS with many faculty and student liberals who instinctively are sympathetic to its aims.

"This is a pretty liberal place," said Harvard senior Steve Kaplan in a massive understatement. "It's the kind of place where you could get 50 or 100 kids to occupy a building for any cause that makes sense. But most of the kids here wouldn't stand for another Columbia. They care too much about this place."

CONFRONTATION OVER ROTC

At the University of Washington last month when SDS announced plans for a confrontation over ROTC, about half of the full-time faculty members produced a statement supporting in advance whatever action the administration might have to take to keep order. Student body leaders, whose cast is decidely liberal, loudly condemned the SDS tactics and students demonstrated against SDS.

At several campuses, students complain the SDS would suffer near anonymity if it weren't for the attentions of the media, nervous administrators and angry politicians.

A reporter for the University of Colorado campus newspaper declared, "SDS would be nothing on this campus if the university and the legislature wouldn't insist on making them an issue, making martyrs of them."

Whatever the trends seem to be, it's also true that the student revolution is in as many stages as there are colleges and universities. It has barely started to surface at some places.

As a dean at fairly-placid Arizona State University said, "I don't think I want to be sitting here at this desk the day they decide to abandon the Paris peace talks."

His counterpart at another Southwestern school added, "I'll never say this place can't blow up. I just keep my fingers crossed."

Three Major Kinds of Issues on College Campus

Behind the turmoil that has gripped American campuses in recent months is a complex of issues, large and small, real and imaginary.

There are at least three major kinds of issues on the campus and as many kinds of collegiate groups pursuing them.

Issues and groups are not always neatly matched, however, so it is hard for an outside observer to disentangle what is going on.

A survey shows that the principal issues, each with a different kind of importance and backing, are:

1. Traditional student-administration squabbles over social rules, such as dorm hours, possession of automobiles, alcoholic beverages, and dress regulations.

2. Relatively-new campus disputes concerning nonsocial areas such as curriculum, grades, finance, admission policies and composition of the faculty.

3. Openly-political issues deriving from the Vietnam war, military recruiting and civil rights disputes.

The students involved in hashing out these things include the much publicized New Left, the less talked of but considerably more influential group of "reform liberals" on campus, and a smaller but increasingly active group of young conservatives.

These factions together add up to a minority on campus, each contesting for the sympathy of a nonpolitical majority.

Debate is spurred by a general mood of discontent among the politically active. Acting Chancellor John W. Snyder of Indiana University says campus turmoil is in large part a protest against things beyond the campus.

Controversy over ROTC supports this—a "campus" issue whose real locus is the war in Vietnam.

When the categories are rolled together—when the question of paternalism can be identified with some particular political cause—it is possible to get a real movement going.

Nearly all students, from new left to new right, are anti-paternalist on social rules. This is a traditional stance for collegians and the present effort differs from previous ones chiefly by its association with other questions.

When the paternalism question is cut out, student opinion fragments sharply, with the conservatives the first to go to their own way.

New leftists and liberals often are agreed on policy goals such as curricular "relevance," greater civil rights activity and opposition to the Vietnam war, but disagree on tactics. Conservatives have other views altogether.

The usual statement from "reform liberals"—and they are represented heavily in campus governments and newspapers—is that "I agree with some new left goals but oppose their methods."

This is the position taken by Steve Kaplan of Harvard, student body president Randy Gurie of Louisiana State, moderate student leader Jeff Kunz of Wisconsin and Jessica Josephson of Skidmore.

Jim Stovall, editor of the University of Tennessee Beacon, says that "just because someone wants change doesn't mean he is necessarily a radical."

Tactical divergence between liberals and the new left has loomed importantly as violence on campus heats up. Resort to force by Students for a Democratic Society and other radical groups has offended collegians who favor change but don't like disruption.

This has in some instances created a kind of de facto alliance on procedures between liberals and conservatives.

At Columbia, for example, the "Students for Columbia" organization, an anti-SDS group, is carefully nonideological except for its opposition to violence. At Wisconsin, conservatives and liberals have co-operated in anti-New Left activity.

At Indiana University student body president Edward Najam, a liberal, had conservative support in his election victory over a radical opponent.

A vivid example of such ideological mergers is the United California Students for an Academic Environment, which is battling the new left radicals in San Francisco State and other schools.

The C.S.A.E.'s attempt to counter radical disruption embraces political faiths from Eugene McCarthy Democrats to the conservative Young Americans for Freedom.

The question of violence has become so important, and new left insistence on "confrontation" so steady, that this question has tended to blot out the others.

California Gov. Ronald Reagan observes that "when demonstrators take to the streets in violence . . . that becomes the only issue." Until threats of force are halted, Reagan says, "you can't even treat with their demands."

Some liberals, such as Prof. Sidney Hook of New York University, agree. Others are not so sure and back away from a Reagan-like stance.

There is a body of liberal opinion which thinks the violence may have done some good—"it gets results"—or that new left confrontationists can be bargained with. This latter outlook has been particularly notable at Columbia.

From the new left point of view, however, there seems to be only one real issue, bringing American society to its knees. Many of the political questions agitated by the new left are in fact "nonissues," pretexts of getting at the nation as a whole.

Thus Mark Rudd, the Columbia S.D.S. leader in 1968, confessed the issues there were "manufactured," "nothing," "bull." The real purpose of the '68 strike, he said, was "an insurrection against the repressive structure of this society."

The pretexts chosen for this spring's SDS "offensive" at Columbia are even more obviously nonissues, excuses for kicking over the furniture.

Concern about such topics and majority reaction to them vary from campus to campus. Although certain patterns persist, the picture tends to change according to geography, size of school, public or private status, whether the legislature is in session, and the political outlook of the surrounding community.

The constant factor, on almost every campus, is that students are talking more than ever about the things which affect them and the American system of higher education.

Silent Campus Majority Opposes New Left

The new left on American college campuses today is not only a minority, it is a minority within a minority.

Most students do not view the campus as a political institution and are not motivated strongly toward politics.

They are concerned about grades, careers, athletics, dates. Among those who are political, many are conventional liberals and others conservative. Still others are interested in politics but don't think the campus is the proper place for it.

Even at the hot spots of leftward revolution, interest in student politics is slow to ignite. In the last election at embattled San Francisco State, less than 12 per cent of the student body voted. Activists from all points on the political compass complain that the mass of students is apathetic toward political causes.

David F. Hull Jr., president of the Interfraternity Council at Louisiana State, speaks for a broad middle group in campus life.

He believes an increased student participation (although an undergraduate, he works as assistant dean of men) and opposes excessive paternalism, but is also a strong believer in the fraternity system, an energetic supporter of compulsory ROTC, and a critic of the new left.

Like many other moderate students, Hull says he agrees with some new left goals but opposes violent tactics. He thinks "the silent majority" of LSU students is not political and is mainly concerned with studies and athletics. This widely-held view is not always considered a reproach.

A large number of students agree, for example, with the Columbia senior who says "if I want to get involved in politics, I'll do it elsewhere." Dale Stark, a sorority leader at Indiana University, says: "I'm going here to be educated . . . I participate in other activities, but they come after my studies."

Bob Misko of the Penn State branch campus at Sharon, Pa., says: "Primarily I come here to get an education so I can prepare myself for an occupation."

Such nonpolitical students are a latent source of new left opposition. Robert Henry of Youngstown University, who works the

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night shift to put himself through school, voices disdain for troublemaking-students.

"When you have to work," he says, "you don't have much time for demonstrations." He has a little sympathy for undergraduates who swarmed the Democratic National Convention last summer.

Reaction against new left use of force is evident in campus polls, rallies, petition drives. Open recruiting by military services and others on campus was supported by 67 per cent in a referendum two years ago at Columbia and by 6,000 petition signers last fall at Purdue.

At Michigan State, more than 10,000 students have signed a petition opposing "intimidation, violence and disruption" on the campus.

During the 1968 strike at Columbia University, students voted by better than 3-to-2 against amnesty for the strikers and by 4-to-1 in disagreement with SDS tactics, even though similar majorities favored the New Left position on two substantive issues. At Stanford, students voted 3,924 to 1,695 in condemnation of SDS tactics, 3-to-2 in favor of retaining academic credits for ROTC.

When Dean Rusk spoke at Indiana University in the fall of '67, SDS and other leftists tried to disrupt his appearance. Non-new leftists staged a counterdemonstration. According to I.U. sophomore Baron Von Kannon, "there were about 1,000 leftists outside the hall shouting, 'hell no, we won't go,' and about 2,000 of us saying Rusk had a right to speak."

Wisconsin's Committee to Defend Individual Rights is one of many groups waging ideological warfare against the left. Fred Weiss, Gerry Lachmund and other members of the group publish literature denouncing SDS for asserted totalitarianism. Members of Young Americans for Freedom and a group calling itself the "Hayakawas," after San Francisco State President S. I. Hayakawa, breached picket lines thrown up by militants.

On the San Francisco State campus itself, new leftists are opposed by the Committee for an Academic Environment, which has spread to more than 30 California campuses. CAE has obtained court injunctions to halt disruptive actions and gathered upwards of 2,000 petition signatures to recall student officials supporting radical tactics.

At Stanford, Young Americans for Freedom and the Young Republicans combined in a show of numbers against the SDS. "Once we started something," says the Young Republicans' leader, Bill Boyd, "we tapped the pent-up feeling of hundreds of people. It just took a handful of activists to bring out the true feelings of the majority."

Majority coalitions or similar groups exist at:

George Washington University.
Penn State.
Monmouth College in Illinois.
Arizona State.
Columbia.
Tennessee.

The Columbia group threw cordons around SDS-occupied buildings last year to prevent the movement of food or supplies to the leftists. Successor to this group is "Students for Columbia," now battling SDS at Morningside Heights as the left undertakes its "spring offensive" for 1969.

The "coalition" at Tennessee was formed to oppose liberal critics of the school administration. Chairman Jim Duncan says "our group is composed of concerned students who wish to demonstrate support for the U.T. administration in its efforts to maintain a truly free academic environment on this campus."

At Purdue University, the Semper Fidelis Society conducted a blood drive to combat new left antirecruiting efforts. "We're not a "right wing group," says organizer Allen Force.

"We more or less represent the middle of the road. Our blood drive allowed the average student on this campus to express his opposition to the new left tactics," he said.

At Los Angeles City College, a group called VIVA (Voices in Vital America) took direct action against a new left strike. Militant students had blockaded entrances to the schools, and VIVA members moved in and dismantled the barriers. The campus was opened up and the college continued to function.

Emergence of this countervailing force has stirred faculty concern about physical clashes. An official at Indiana University says, "I think if we snapped our fingers we could have enough kids out on the streets to eat the new left for breakfast. Our problem is to keep that from happening."

At Columbia during the '68 strike, many faculty members expressed their fear that athletes and others would tangle with the SDS contingent.

HOW MUCH SUPPORT FOR THE NEW LEFT

The extent to which antileft efforts represent majority opinion is also debated. SDS spokesmen at Columbia say the "majority coalition" did not represent the prevailing drift of student sentiment. Sophomore Fred Lowell, a leader in the coalition group and its successor organization, Students for Columbia, replies:

"We make no claim to represent anybody's views on broad political questions one way or the other. Our membership includes moderates, liberals and conservatives. We simply claim, on the evidence, that our stand against violence and disruption represents by far the majority attitude on the Columbia campus."

How Universities Fight Campus Revolution

They prayed for rain to wash out the student revolution at the University of Washington.

March 6 was the day picked by the radical Students for a Democratic Society for the first big test of strength on the Seattle campus.

SDS announced it would mass its forces for an anti-ROTC rally and a parade through an ROTC classroom building with the object of general disruption or worse. Its goal: An immediate end to ROTC.

Instead of rain the 32,000-student campus was bathed in sunshine and balmy air and the revolution began on schedule. For a tense 90 minutes Washington hung on the edge of national notoriety on the scale of Columbia a year ago.

All the physical elements were there: A radical core of from 600 to 700 enough to "liberate" any building on campus; a milling throng of 6,000 other students some openly hostile to SDS most simply curious and not a policeman in sight.

At the end of the march, on the steps of the administration building, a tiny knot of "crazies"—teenage radicals recruited from local high schools—begged the leaders to storm the buildings.

Instead, the SDS leaders eulogized their followers, warned darkly of what they might do next time and dispersed.

The teen radicals raged at the peaceful turn of events. "You blew it! We could have taken it. You blew it!" One of them screamed over and over at one of the SDS spokesmen.

"The people weren't ready for it. We're only 600 against thousands. You don't start a minority revolution," groaned one of the senior revolutionaries.

The crisis had passed without a cracked head or a broken window. SDS had refrained from any real disruption or violence, contrary to its announced intentions. Why?

In the last analysis, some observers thought, SDS was seized by acute indecision in the face of the huge student turnout.

But the University of Washington's response to the threat also was very special, a rare display of campus elements pulling together to prevent violence and disorder by a noisy minority.

Well in advance of the SDS rally, Charles E. Odegaard, university president, issued a statement making it clear what the university would and would not tolerate as free expression.

The rights of the majority and the university's functions would be protected from disruptive students and faculty, he warned.

Significantly, he didn't threaten police intervention or predict the university's exact response, even under pressure from the press to tip his hand.

In a totally-independent action, about half the tenured faculty members signed a declaration that they would support the administration's efforts to keep order. In fact, the statement was drawn up before the SDS rally was announced, said Prof. Arthur Bestor, one of the sponsors and a recognized campus liberal.

"Many of us personally advised the president that the use of force should be the very last resort," he said, "but we decided it was up to the faculty to give the administration a clear statement of where it stood."

A second faculty group of about 200 thought the statement was too broad an endorsement of police intervention. They issued a separate statement urging restraint after the pattern of Brandeis and Chicago universities, where radical sit-ins were allowed to run out of steam.

SMALL PRICE IN DISRUPTION?

In fact, the two groups privately were telling Odegaard the same thing. They counseled patience and the willingness to pay a small price in disruption to avoid police force.

The important point was that Washington's faculty was not standing aloof. When the rally came, about 50 faculty wearing identifying armbands turned out to act as "observers."

Added pressure against the radicals come from the University of Washington's nonestablishment student government. President Thom Gunn, whose bushman hair style would classify him as a radical for most uptight adults, denounced the SDS methods and called an opposition rally for "rational discussion of the issues."

The opposition rally drew about 1,500 students at its peak. John Mosier, student vice-president, later worried that the moderates had suffered "a prestige blow" in failing to blunt the SDS affair. But most observers felt that ordinary curiosity won out and that the student government had struck the sharpest blow at SDS with censure from the radicals' peers.

As the final constraint on radical intentions, the campus newspaper, the Washington Daily, presented a complete explanation of the issues and positions for a week before the SDS event.

The radicals could not capitalize on campus ignorance and the shock value of violence if it came.

"People accused us of playing up SDS too much," said the Daily's editor, Ray Hallinan, an originator of the opposition rally. "But we have a responsibility to keep the situation cool and by honest reporting we channeled student opinion in that direction."

The SDS rally and march, complete with portable sound equipment, could probably have been declared illegal under campus regulations, Hallinan noted, but it wasn't.

HONEST RESPONSE TO THE ISSUES

Honest response to the issues, clear ground rules for dissent and firm willingness to enforce them, faculty and student stands against minority rule, thorough and open campus debate in the press and finally, official restraint—these were the elements that combined to prevent violence and disruption at the University of Washington.

Some or all of them have been missing at

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most campuses that have been convulsed and occupied by police.

Nearly all students and university personnel interviewed across the country for this series agreed, as President Nixon has said since, that America's colleges must learn to cope with student dissent on their own terms, with minimum outside intervention.

Students nearly are unanimous in terming police force the last and worst possible resort. Editor Hallinan said:

"Once the police are on campus it's all over. The university no longer has any control. Whether it's justified or not, to many students the police are symbols of repression after Columbia and Chicago. They galvanize the uncommitted into action."

There are exceptions. Moderate students at embattled Berkeley and San Francisco State College assert that the choice there was between the police and criminal anarchy once administrators had let the situation deteriorate that far.

Moderate-to-conservative students at Columbia, who opposed the '68 SDS strike, say the summoning of police helped the left. "If they had called the police at the very beginning," says conservative Dave Carpenter, "they could have stopped the strike without violence.

"But by letting it build up for a period of days and then bringing in the police, they created a status quo in favor of the radicals and made the final action much more violent."

WRECKERS CALLED A TINY CORE

As Harvey's faculty dean, Franklin L. Ford, has put it, the avowed wreckers of the university are a tiny core at the center of concentric circles of student interests and unrest. The problem is to keep the disease from spreading outward.

The academic community is glued together more by concepts of reason, fair play and moral rights than by law. Within this framework, each university must develop its own measured responses to the threat and challenge of the radical left.

But the pressures are getting difficult for many administrators who are caught between the shrill noise of the radicals on one side and on the other outraged public officials who are ready to condemn any apparent sign of weakness or capitulation.

Oddly, it's in the quieter outposts of the campus revolt such as Arizona, Colorado, Missouri, and Oregon where the political pressure is strongest for some kind of tough formula for squelching student dissent such as kicking SDS off campus, a ploy that students generally oppose.

The University of Washington's tricky, complex formula worked one day in one situation. No one there believes they've found magic. They believe you fight the campus revolution one day at a time.

SOME COLLEGE POLICIES AID STUDENTS' REVOLT

America's colleges and universities have contributed to the new left's revolution which confronts them.

Administrations and faculties have fostered the youth revolt both by what they have done and what they haven't. In some cases, they have allowed relations with students to deteriorate needlessly. In others, they have failed to lay down guidelines for reasonable conduct and to stick by them.

Equally important, some educators have supplied the ammunition which student rebels fire at the academic establishment.

Dean Arden O. French of Louisiana State University says, "My own personal feeling is that there is not a gap between generations. I think the gap lies in ideologies. There is very clear communication between age groups of similar ideologies, as the Cox Commission report on Columbus shows. There were numerous faculty members and others who helped the student rebels."

The report of the commission, a study, under the chairmanship of the former solicitor general, Archibald Cox, of the 1968 Columbia uprising bears out French's statement. It notes that the Columbia violence was turned into a major blowup by the delay in calling the police, "which the ad hoc faculty committee forced upon the administration."

Some Columbia faculty members tried to aid the new left openly, while the ad hoc group opposed strong action to free captured buildings from radical control. The Protestant chaplain and Jewish rabbi of the school actively aided the revolutionaries. The chaplain spoke at a new left rally this spring, using the second-favorite obscenity of SDS.

Similar problems have developed at other schools. At the University of California at Berkeley during the "free speech" controversy of 1964, faculty members refused to condemn "civil disobedience" tactics and demanded amnesty for disruptive students. Prof. Sidney Hook of New York University describes this "approval of student lawlessness" as "the most shocking aspect of the role of the faculty . . ."

Efforts to end the violent student strike at San Francisco State were frustrated when members of the American Federation of Teachers called a sympathy walkout. Prof. John H. Bunzel, a liberal and proponent of ethnic studies, calls the AFT action "cynical."

Bunzel says the faculty had rejected the union as its bargaining agent and denounced the strike by a two-thirds majority. "What AFT wanted," he says, "is recognition they haven't gotten from the faculty. They decided they could get it from the trustees by using the student strike."

California Gov. Ronald Reagan, who has clashed repeatedly with the left, says, "The weak link is at the administration level of the university . . . During all of this—and it's been going on for five years, really, since the free speech movement—there hasn't been one expulsion from the University of California, from any of the nine campuses."

Reagan adds that, "At one of our state colleges, they suspended all of the sentences—and this was one that had bonfires in the hall and that sort of thing. They had one sentence administered to two of the participants . . . and the chancellor of the campus suspended the two of them—for one day. This is laughable. They'll be back for the next fracas."

Critics of the new left believe previous shows of leniency have emboldened student radicals. Columbia student Abe Lockman, who was mauled this spring by a group of SDS pickets, traces his black eye to the administration. "The university encouraged the new left to further acts of violence by last year's amnesty," Lockman says.

ADMINISTRATION LOCKS DOORS

Steve Frank of Los Angeles City College, who led student action to break a new left strike at his school, has similar words of criticism for administrators. He charges that when the administration building was being "stormed and broken into, all the administration did was lock their doors with themselves inside. They didn't attempt to do anything."

At Berkeley, Columbia and other schools where there have been outbreaks of trouble, observers from different political quarters agree that the administrators had grown out of touch with students. Officials were inaccessible and unresponsive to legitimate concerns. The size of universities is not stressed as often as one might assume, but administrative and teaching problems related to size do pop up.

Mark Oring of Indiana University, a new left leader there, charges that 10 percent of the faculty members at his school do not teach courses but spend their time in other activities. Moderate John Peden of State University of New York complains of oversize classes. A conservative undergraduate at I.U. tells of inadequate courses, stressing, however, that there are a minority, taught over television with the instruction burden being carried by a graduate student.

Jacques Barzun, a professor and assistant to the president at Columbia University, says the schools have tried to become service institutions catering to all elements in society. Barzun thinks the present-day cry for "relevance"—urging the university to plunge into social-political questions—could reduce classes to current-events seminars. He blames the modern yen for informality and the "cult of inattention" for blurring thought processes of students.

REVOLT PHRASES LEARNED IN CLASS

Barzun also notes that the content of the curriculum is involved in the current uprising, since the phrases new leftists fling at the heads of school administrators are often things they have learned in the classroom to begin with. "All the critiques of society have been professors' work for the last half-century," he says.

Academic skepticism toward established values also seems to be involved. A student at the University of Tennessee said that when he came to the school he "equated God and the United States government and things like that," but that his education changed his outlook. "U.T. has given me a sense of weighing values or anything else and coming up with what I think is best." This student was one of the group protesting practices of the school administration.

SOME STAND UP TO NEW LEFT

A new left undergraduate at Columbia illustrates the point in economic matters. A member of the Young People's Socialist League, he says his collectivist opinions stem in part from a conviction that free enterprise was totally discredited by the 1929 depression, an idea he documented from works of Harvard economist J. Kenneth Galbraith. Many leftist students cite such things from their academic experience.

There are cases in which faculty members have stood up strongly against new left tactics—Sidney Hook at New York University, Richard Hofstadter of Columbia, John Bunzel of San Francisco. Yet the over-all verdict is that elements of the faculty, in one capacity or another, have had a key role in spurring disorder.

"I know of no case of a major blowup in a university," says Harvard's faculty dean, Franklin L. Ford, "where a fraction of the faculty has not contributed to the trouble by fudging the issues, whether moral, legal, or simply rational."

RADICALS DECLARE WAR ON LIBERAL PROFESSOR

Prof. John H. Bunzel knows what it's like to disagree with the radical left.

It's like war.

Bunzel unwittingly became a symbol in the violent strife at San Francisco State College just as the school itself became a symbol of victory or defeat for radicals across the country.

Before San Francisco State was convulsed by terrorism, Bunzel was known primarily as the popular and respected chairman of the political science department. He had credentials as a Kennedy liberal and an early campaigner for ethnic studies for black students.

Then last October, a time bomb was found ticking outside Bunzel's office door. Later, part of his department's offices were ransacked; the tires of his car were slashed at his home and his family threatened by telephone. At the start of this semester, he was kept from teaching for a week by radicals who raided his classroom.

Why did the radical left declare war on Bunzel?

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To some extent, he said, it was part of a widespread attempt to silence liberal faculty members, who opposed radical tactics of disruption. Their political credentials put them in a unique position to discredit radical methods and inject reason where the new left wanted only confrontation.

But more important in Bunzel's case, he had questioned Dr. Nathan Hare's proposals for creating an autonomous black studies department at San Francisco State. Bunzel did it mildly, in an article published in the scholarly journal, Daedelus.

"I was an early supporter of a sound ethnic program," Bunzel said, "but I was opposed to the revolutionary, nationalistic approach that Hare proposed.

"This place became so polarized that if you didn't support Hare's proposal you were tagged as an opponent and a racist. We couldn't even talk about options or alternate proposals.

"Black studies got completely caught up in revolutionary bombast."

San Francisco State long has been a testing ground for radical tactics. It was the first and most extreme example of the inward shift of the black student revolt. Fortunately, the environment of San Francisco State, and trouble faced by S. I. Hayakawa, its acting president, aren't duplicated at many U.S. campuses, although the same issues are being raised by black students almost everywhere.

The trend at the majority of schools is to go most of the way in granting black student demands quickly, if possible. While the demands usually are couched in nonnegotiable terms, there is considerable negotiating reported from behind the scenes. In general, where blacks see progress, they have adopted a wait-and-see posture.

The blacks' demands pretty much follow the same pattern:

1. More courses emphasizing the black experience in America, preferably taught by black instructors and in a separate department.

2. More black faculty, counselors and administrators throughout the university, but especially in such areas of special concern as admissions and financial aid offices.

3. More recruiting of black students, particularly among the disadvantaged in the ghettos, under special admission policies.

4. Special or separate social and living facilities for blacks.

5. Administration of as many of these programs as possible by black students and advisers.

From Harvard to the University of Washington, schools across the country are making commitments in varying degrees to these goals, whether black students have made formal demands or not.

The reasons behind some of the black demands are obvious, but others are subjective and complicated. The whole issue is cloaked in the intense new feeling of black awareness and search for racial pride and identity that have come to dominate the black movement.

MANY YOUNG BLACKS BITTER

Integration as most liberals have understood it, that is, a colorblind society based on a whilte-middle-class-value system, is a dead letter as far as many young black Americans are concerned.

That's the view of John U. Monro, dean of Harvard College until two years ago when he went to Miles College, a Negro school in Birmingham, to become director of freshman studies.

Monro sees the black student today as no longer seeking traditional integration with white society, but seeking full equality and respect. Monro likens the black movement to that of labor as it struggles to become organized.

He sees black society moving toward "a great black union" with the intellectual and economic muscle to command respect and equality.

For black students, then, higher education must build union.

There are also more immediate reasons behind black demands listed by university observers:

1. Many black students are committed to return to the ghettos, which means they need skills tailored to black-ghetto society.

2. Black studies also may help to bridge an uncomfortable sense of separation many black students feel from their less-fortunate brothers and sisters who don't go on to college.

3. Some college and universities in the past year or two have reached among the truly disadvantaged to increase black enrollments, but haven't prepared to deal with their special handicaps.

As Ed Wynn, a Negro graduate student at Berkeley, put it, "There are people here who simply don't belong here. When they ask for a separate department it's another way of saying they can't make it without special help."

Nearly all universities want to avoid being pushed into setting up completely-autonomous black studies departments such as Hare planned at San Francisco State. With no academic controls, Bunzel said, "The danger is that we'll create Jim Crow colleges within the Northern universities."

UNIVERSITIES ADJUST ADMISSION STANDARDS

With the middle class cream long since skimmed from the top of black society, most universities quietly are "adjusting" their admission standards to bring in more Negro students.

A University of Washington administrator declared, "As long as the exit requirements remain the same, it doesn't make a tinker's dam what the entrance requirements are."

But almost every new black enrollee today requires financial assistance and extra effort and preparation to keep him in school. And that adds up to a heavy financial burden, especially for schools that are already flirting with a taxpayer revolt.

The University of Washington, for example, is in the first full year of its Special Education Programs to recruit disadvantaged minority students.

The University of Washington reports a cost of about $370,000 for the program, which provides "absolutely minimal" financial assistance, according to its program coordinator. That does not include faculty costs related to black studies.

Colorado expects to need $500,000 this year to launch its new recruiting effort, involving 75 students.

Most administrators report that their funds are patched together from various sources, in some cases, faculty and students are major contributors.

$76,000 DONATED AT UNIVERSITY

At the University of Washington, for example, a black student request last year for recruiting funds brought a donation of $76,000 from faculty and graduate students. Washington's undergraduates plan a volunteer work program in May to raise more money.

At the University of Colorado, the student body recently voted by referendum to tack an extra $5 per student on annual activity fees for the sole purpose of recruiting and assisting minority students. The fee boost will provide about $500,000 over four years.

With state legislatures and the Federal government tightening belts, most black program co-ordinators see the large private foundations as their best source of funds. Here, competition looms among very unequal competitors: The state universities and the almost-forgotten Negro colleges in the South.

As more Northern schools make commitments to their black minorities and to the ghettos, the small Negro schools face a squeeze from two directions.

In a competition for private funds with prestigious Northern schools they are outclassed. In addition, they probably face a raid on their most-talented personnel as the big schools scramble to find qualified black faculty, graduate students and administrators.

CAMPUSES SPLIT ON STUDENT RIGHTS, POWER

"Student rights" and "student power" are phrases often used on the college campus.

What these words mean is frequently unclear to people in the outside world. In some cases, it is unclear to the students themselves, since it means different things to different people.

To the partisans of Students for a Democratic Society, student power and student rights mean the right to "radicalize" the campus, to use it as a power-base for new left action. The new left does not extend similar rights to those who disagree with it.

This attitude has been illustrated at San Francisco State College where a student government sympathetic to campus radicals switched funds from traditional campuswide activities to the political interests of the left.

Moderate students are trying to recall the governing group and in February a superior court judge ordered its assets impounded.

The radical view has been made even plainer by the shouting down of opposition spokesmen, taking over buildings and denying access to other students, and in statements of new left theoreticians such as Prof. Herbert Marcuse of the University of California at San Diego.

SDS believes it is entitled to coerce people because it is crusading for destruction of a corrupt society. Mark Rudd, the 1968 Columbia SDS leader, said that "Depriving a few individuals of their 'right' to an education . . . is certainly a lesser evil than allowing Columbia to continue its policies."

Another Columbia new leftist interviewed after the 1968 strike explained that seizure of buildings and similar activities were justified by the writings of Marcuse, who believes "tolerance" should be extended only to leftist groups and denied to others.

Charles Proctor, a general studies student from Indianapolis, is chairman of the anti-SDS Students for Columbia. He charges that the SDS version of student rights is opposed to what the majority of students want, since one of SDS's demands is to ban military recruiting from the campus. In a previous referendum, Columbia students voted overwhelmingly in favor of such recruiting.

David Keene of Wisconsin, a conservative youth leader, makes the same accusation. He says the new left is vocal about demanding that its favorites be allowed to appear on campus, but would deny this right to representatives of the Dow Chemical Co. and others.

To reform liberals on the campus, "student rights" have a different meaning. As most often used in colleges today, the phrase implies that the university is similar to a government and that the students, as the "governed," should have some say on college rules.

Another version says students picking up a percentage of educational costs should have an equal share of decision-making power.

Discussions on this subject were prevalent at every campus surveyed, and at Indiana, the major topic as "open-visitation" privileges in rooms of the opposite sex. At Skidmore, it was a demand that students sit on the board of trustees and help make rules.

Harvard students want representation at faculty meetings to observe deliberations and present their views. At some schools the issues are centered on social prerogatives, women's dorm hours at Tennessee and dress regulations at Louisiana State.

WOULD LIMIT REGULATIONS

Pam Miller, vice-president of the Student Government Association at LSU, says, "Student rights in my opinion would consist of limiting the rules and regulations which the university can make to those which are necessary for the furtherance of their stated objective, academic development."

Questions of curriculum and academic practice also arise, however. At the University of Washington, students score the refusal of tenure to faculty members who have not published sufficient scholarly material. John Mosier, student body vice-president, says the student government may mount a campaign against the academic reward system and the "publish-or-perish" rule.

A demand for "relevance" in course material, meaning emphasis on black studies or other programs connected to current problems, often is advanced. Negro students Alex Crumble of Wisconsin and Bill Allen of Claremont Men's College, whose political opinions are otherwise diverse, support this idea. So does former track star Ralph Boston, now on the staff of the University of Tennessee's Dean Tom Scott. Boston says a program aimed at establishing black identity would be helpful not only for Negroes but for white students as well.

A legalistic turn is supplied by a campaign for "due process" in disciplinary matters, has responded to this by having a former state Supreme Court justice preside at a hearing for SDS members. Student leaders Pat Stimer and Pat McGraw argue that collegiate discipline should be administered by the courts rather than by the school.

Conservative students have still another view of student rights. They do not disagree with anti-paternalism efforts, but see them in a different philosophical light. Thus, Richard Combs, a Young Americans for Freedom leader at Tennessee, says of women's dorm hours: "For a girl under 21, the parents should be the deciding factor, not the university." Sam Coyner, head of the conservative Madison Society, agrees.

These spokesmen oppose liberal efforts to use the issue as a pretext for demonstrations. They point out that the taxpayers also have rights as to what goes on at the university since they pay the bills.

Conservatives urge correction of what they charge is imbalance in course material. At Stanford, Harvey Hukari, Young Americans for Freedom leader, and Bill Boyd, Young Republican chairman, presented a list of proposals for more conservative-liberal balance in the curriculum. At USC, columnist Bill Saracino of the Daily Trojan contends that faculties are slanted to the left, while conservative leader Pat Nolan opposes compulsory fees to finance liberal programs.

A list of recommendations presented to California education officials by Young Americans for Freedom includes:

1. Creation of a free market studies department.
2. Implementation of voluntary student body fees.
3. Free election of campus newspaper editors.
4. Strict enforcement of all laws designed to maintain order on campus.
5. Opposition to consolidation of authority over state junior colleges, colleges and universities.

Conservatives do not claim the right to run the universities. They say their purpose is to get an education, not to give one, and that their foremost "right" is to receive the schooling they contracted for. Twelve students at Columbia have filed suit against the university, charging that the school's failure to prevent the shutting down of classrooms in 1968 denied them the service for which they had paid tuition.

STUDENTS HELP CHOOSE FACULTY

While college radicals shout demands for "student power" many of their moderate classmates are putting it to work without fanfare.

At the University of Oregon, for example, students in the School of Community Service and Public Affairs have just been granted one-third of the vote in the school's policy-making, general-staff committee.

Because of irregular faculty attendance at meetings, the students say it's likely they will be equal partners in setting policy.

The school, in its operation and curriculum, is putting into practice the twin cliches of campus dissent, "student power" and "relevance."

The experiment is different but not revolutionary. Across the country, moderate students are asserting new influence at every level of the college system.

Sometimes their goals aren't very different from those of the radical left. But they fight or change by working within the university system instead of trying to destroy it.

All across the college map, students are working their way into faculty and administrative councils. They are helping to choose university presidents, deans and faculty. More and more, they are taking complete charge of student affairs and budgets that sometimes run higher than $1 million.

The Oregon school, officially 1½ years old, is one of a handful of undergraduate professional schools in the country. It is preparing about 280 major and premajor students for careers in the public sector.

It also serves another 1,300 students in the university with an innovative liberal arts curriculum that many student dissidents across the country would envy for its "relevance."

"As an applied social science school, we're problem-centered rather than course- or discipline-oriented," explains Dean Norman Sundberg. That means the courses, using team teaching and other techniques, cut across traditional academic subjects to focus on social and political issues.

Sample subjects include poverty, violence, black power and urban unrest. The school has inherited much of the developing black studies curriculum at Oregon, also.

"Some of our most-interesting courses were suggested by the students," Sundberg said, adding that the school has sought students' advice on curriculum from the start.

Students are exposed to continuing field work, ending with placement for a full academic term (three months) in a social or government agency of their choice. The field work brings the starry-eyed down to earth, sometimes suddenly, according to Dr. Keith Jensen, who runs the program.

"They learn the frustration of bureaucracy in public agencies" he said. "Sometimes they're overwhelmed, but if we can communicate patience, they can become sharp social critics."

"One of this school's great potentials is to bring in the radicals and teach them how to work with the establishment," said Dave Cleveland, a 22-year-old senior from Salem, Oregon.

He added, "This school breaks down the parent-child relationship between faculty and students so common everywhere."

Another often-heard complaint involves the length of the educational experience. Liz Margoliash, a junior from Marin County, Calif., asserted, "What CSPA is saying in some degree is that what can be accomplished in an extra year of graduate school can also be done in an undergraduate school."

Another Oregon innovation, a type sought by students elsewhere, is its "search" program, a student-centered system for putting into operation experimental courses for full credit. This year's offerings included: Seminars on non-violence, political revolution, underground cinema, black theater and racism in American culture.

HARVARD STUDENT WATCHDOG COMMITTEE

Crossing to the East coast for a different example of student influence, a committee at Harvard acts as student watchdog over the university's academic performance.

The main function of the Harvard-Radcliffe Policy Committee is to "audit" Harvard's academic departments, six each year. It polls and interviews students and faculty, analyzes lectures, examinations, course requirements, the working conditions of graduate assistants, etc. Its reports are taken seriously, students say.

One of the committee's members, 21-year-old Miss Kay Tolbert, is a Washington senior bound for law school. Her political views are ultraliberal, if not new left. Why does she expend her energy and time on the policy committeee's work rather than on radical politics?

OBTAINABLE GOALS SET

"Precisely because I think we can get something done; our goals are usually short range and obtainable.

"I may agree with the radicals, but I'm not convinced that SDS radical methodology is the way to accomplish anything," she says.

Besides, she says, "Education has been my whole life. SDS is not particularly interested in Harvard. I'm interested in national politics, but in Harvard also."

At Harvard, the final appeal on all issues is to the faculty, not the administration, and students know it. Harvard's faculty is probably more accessible to students than the faculty of almost any other major university.

But Miss Tolbert and other student leaders are campaigning for a stronger student voice in faculty councils where decisions are made.

"They listen to us, but we're not there for their discussion or action," she said. "Sometimes they simply misread what we've said."

The students have asked for a permanent voice, not a vote, in meetings of the full faculty. So far, they've been rebuffed, but they scored a breakthrough in January when they were allowed, for the first time, to appear at a faculty meeting and present evidence on the academic standing of ROTC.

STUDENTS USE THEIR POWERS

At the University of Washington, in Seattle, student muscle is flexed effectively by the 2½-year-old Graduate and Professional Student Senate. Its purview is "anything that affects student life," according to Bill Inglis, its first president and now an assistant to the university vice-president.

The elected graduate senate has fought discrimination in off-campus housing, prompted programs and raised funds for minority students and recruited tutors for black undergraduates. In the works are a universitywide senate and a student-faculty bill of rights.

"Protest marches aren't very smart," Inglis says, "You get what you want by doing your homework on the problems and then getting to the guy who makes the decisions. Student input is one of the most valuable resources in a university. At least 50 per cent of it is good, and that's as high a percentage as you get in any enterprise."

CAMPUS REVOLT SPURS NEW STUDENT LEADERS

A new breed of student leaders seems to be surfacing out of the turmoil of the radical revolt on American college campuses.

They signal an end to the popularity contests for student offices long dominated by gridiron heroes, fraternity boys and sorority girls.

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The new breed is a product of the campus revolution. Its members oppose the violent and disruptive tactics of the new left, but they're definitely not wedded to the status quo.

They are critics of higher education, pledged to fundamental changes in the universities and to a strong, rational student voice in university affairs. And they're willing to work for it.

Sometimes sympathetic to the views of the left-wing minority, they invariably support the broad goals of the black student movement.

They seldom claim to reflect the views of the silent, disinterested or apathetic majority on all issues. But they are a major element of the student response to the New Left.

They don't see themselves as caretakers of hand-me-down student institutions but as lobbyists for serious student interests.

This new breed can be found taking charge at Harvard, Colorado, San Francisco State and dozens of campuses in between. They are even organizing regionally and nationally.

Here are some samples:

Steve Diaz is a 20-year-old junior at San Francisco State College, a school under continuous police protection or occupation for more than three months.

As we talked in a hallway of the BSS Building at San Francisco State, we were jolted by a sharp blast in a stairwell a few feet away, then the crash of a heavy steel trash can coming down on the floor above.

Diaz, small and wiry, hardly flinched. "Just another bomb," he said, as two other students trotted by carrying fire extinguishers. "That's why we need the police around here. What was I saying?"

Diaz is chairman of the United California Students for an Academic Environment. Born at San Francisco State last November as the Committee for an Academic Environment, it formed a statewide organization in December embracing 30 campuses.

Its short-term goal is to help end violence and disruption at California schools. Diaz said:

"We believe the radical left has been able to do what it has because of a leadership void among students and administrators. They've exploited legitimate and imagined ills for their own ulterior motives.

"The only reason these things have lasted more than two weeks on any campus is that they discovered that students don't like to have police on campus. Nobody's going to point out that you're a violent, pushy little demagogue as long as you look oppressed by heavy authority."

SAN FRANCISCO RECALL DRIVE

"We represent the people who want to go to class," added Mark Wolfe, CAE information officer at San Francisco State. He noted that CAE has mounted a recall campaign against the ultraleft San Francisco State student government.

For the embattled San Francisco State president, S. I. Hayakawa, the CAE has been the most visible evidence he's had for his claims that the vast majority of students support his stand against striking radicals. The student government supported the strikers.

But CAE's goals go beyond restoring order. "Once we eliminate the violence, the issues will still have to be solved," Diaz said. "We intend to provide a continuing student voice on academic and administrative issues in colleges and universities. We've declared war on student apathy."

At San Jose State College, 21-year-old Jack Cade is the CAE chairman. Moderates there claim success in helping to end a student strike marked by violence and imported agitators.

Cade said: "This organization's goals are not only to denounce the violent radical groups but to develop concrete, nonviolent ways to effect change on the campus. We want to dispose of the fuel that feeds violence."

Diaz, in fact, aims at nothing less than reorganization of the California college and university systems. He and other CAE members blame the root problems at Berkeley and San Francisco State on "bureaucratic, buck-passing administrators."

"They don't give a damn about students. They work mostly at remaining undisturbed in their jobs," Diaz charged. They've written their own job descriptions at $25,000 a year. Nowhere at San Francisco State is anyone finally answerable for malfunctions in any area.

"They are totally without imagination except in politicing. After this is all over and Hayakawa is gone, these same administrators will be there doing whatever it is they do."

CASE AGAINST COLLEGE SYSTEM

Diaz and CAE are busy documenting their case against the state college system. Reforms they speak of include: "More autonomy for each campus, less bureaucracy, fewer "civil service mentalities" in administrations and stronger presidents with authority to make changes.

Senstive about being used and ignored at the same time. Diaz declared, "We'll try to speak with reason and in earnest. We're not going to be put off simply because we're not violent. We're devout but not orthodox about the American system."

A kindred soul 1,500 miles to the east is Pat Stimer, new president of the Associated Students of the University of Colorado at Boulder. He fervently wishes that politicians and nervous university officials would quit focusing on the radical Students for a Democratic Society "so that we could get down to some important issues."

"The real issue is that there's a larger society out there and the university has to deal with it," said Stimer.

He plans a campaign to begin restructuring university curriculums. He wants them to be more innovative, to cut across the lines or narrow areas, to put social and political problems in human perspective for students. He wants college to emphasize personal growth at least as much as career preparation.

SEEKING BROADER STUDENTS HORIZONS

In order to broaden student horizons beyond the career and play aspects of college, Stimer plans a week of special orientation next year for incoming freshmen, using "the most exciting people at the University to show them what education can be."

To Stimer and others of his persuasion, the university is and should be a social and political crucible in which to mix and mold human values. Many other students would not agree.

At the University of Washington in Seattle, the aggressive new student government has a whole agenda of projects, including a campaign against the "publish or perish" system by which faculty members are hired and fired.

But the first concern, according to student vice-president John Mosier, is the expected spring uprising of SDS. "If there isn't an effective student government here, the radical left can throw this campus into turmoil," he said.

Effective student government across the nation is the goal of a dozen voluntary college "dropouts" who occupy a sparsely furnished suite of offices in Washington. They are the staff of the new national headquarters of the Associated Student Governments of the U.S.A.

According to Steve Snyder, 22-year-old treasurer and former student body president at the University of Alaska, the group considers its goals important enough that they quit their colleges temporarily for an uncertain future in Washington.

For himself, Snyder says, "I'm beginning to be a firm believer that American education is obsolete. Everything is squared off in little cubicles.

"I feel I can go out and get a job and live comfortably in typical middle class American fashion, but it's not enough. I'm not worried about a job like my parents were. Kids today want to get involved. We think student government can be viable in representing students and in influencing the direction the university takes."

With all of that, the political cast of ASG is mostly Republican and definitely anti-New Left.

SOPHISTICATED RESEARCH SYSTEM

James W. Blair, ASG director of research and University of Cincinnati honor student, is working to get a sophisticated research system funded through a private foundation. Its short-term use will be to keep student governments informed of each other's doings.

Over the long haul, Blair wants to contribute something important in the area of synthesizing knowledge and experience toward an understanding of what student dissent is all about, what its roots are in the American education experience.

The organized moderates are finding that community support stops short of financing. "They think we're kids playing games," says Bruce Angell, CAE treasurer at San Francisco State. Soliciting from business for the CAE cause has been a nickel-and-dime experience, he notes bitterly, while radicals can collect bail money in five figures.

It's debatable how effective the new breed can be. Ed Wynn, a Berkeley graduate student and an outspoken Negro moderate, is doubtful. "The administrations will talk but not change. The worst thing from their point of view is for a strong student coalition to arise and take some of their power."

Which leaves unanswered the fundamental question posed by the radicals: Who is going to lead campus youth?

RADICALS' ACTS SPUR CONSERVATIVE STUDENTS

Radical youth activity has had an unexpected result—new impetus for campus conservatives.

Although less publicized than its opponents, the new right has been making gains in recent months. Leaders of the movement attribute this in part to growing revulsion with the tactics of the left.

Conservative students have been active in "majority coalition" efforts to oppose the left on many campuses, often providing leadership and drive for such groups. The national conservative organization, Young Americans for Freedom, encourages such activity and has a detailed program for countering new left demonstrations.

This effort includes petition campaigns for an "open" or "free" campus, counterdemonstrations against Students for a Democratic Society, speaker programs, publication of newsletters and other literature, distribution of posters and buttons. The conservative theme is antiviolence.

"We do not want power in any way, shape, manner or form," says one conservative statement. "What we want is a free campus, free of any one group's control and free of disruption. . . ."

In California, YAF is distributing 100,000 blue lapel buttons signifying opposition to the new left. "This is a big project now," says YAF leader Pat Nolan of the University of Southern California. "It symbolizes opposition to terrorism. There's been tremendous support for it."

At Columbia, where conservatives John Meyer, Lou Rossetto and Stan Lehr work through the night in a walk-up headquarters cranking out manifestoes against campus violence, the conservative cause is on the upswing. Although conservatives are in a distinct minority, they feel student reaction against SDS is helping them. "We have a broader base now than I would have thought possible three years ago," says a conservative graduate student.

YAF spokesmen report similar results at Wisconsin, Stanford, Tennessee. Alan Brandstater, executive secretary of the California YAF, says the tempo of conservative activity has increase notably this year. Conservative spokesman Mike Connelly of Louisiana says the same. Karen O'Callaghan and other YAF leaders at Wisconsin say the movement is growing there through energetic chapter programs against a background of new left disruption.

Much conservative youth activity has been channeled into the normal political process, chiefly through the Young Republicans. Rob Polack, Denny Dougherty and Debbie Benoit, Young Republican leaders at LSU, say their group is overwhelmingly conservative.

"The liberal element is sometimes vocal here," says Polack, "but far and away the most effective political work on this campus is done by conservatives, through such organizations as the Young Republicans. During the last campaign, the Young Republicans had 1,500 members."

Mike Cobb, Young Republican chairman of California, symbolizes this fusion of organization politics and conservative activism. In addition to his Y.R. duties, Cobb is a political cartoonist and contributes his work to Arena, a conservative journal published at Stanford. In general, conservative representation is strong in the Young Republicans, both at the collegiate level and among the regular Y.R.s.

Another strand of conservative youth effort is represented by the Intercollegiate Studies Institute, a scholarly organization headquartered in Philadelphia. ISI officials Victor Milione and John Lulves point to a sizable number of young professors and writers who have emerged from their ranks and others who are active in the philosophical battle on campus. The group claims 35,000 members.

OPPOSE NEW LEFT AT IDEA LEVEL

ISI students Bill Allen of Claremont Men's College and Peter Schramm of San Fernando State have served as editor and publisher, respectively, of Phalanx, a journal of conservative thought. They think the struggle with the left will be won at the level of ideas rather than on the picket line.

Allen is a Negro who believes, "The alliance between liberals and black people has been miscalculated" and that the conservative philosophy, particularly as represented by the ideas of economist Milton Friedman, how much potential appeal to Negroes. One difficulty in the conservative approach, he says, is that it has been abstract rather than specific in presenting its views.

Conservatives have a harder time making campus headway than do new leftists because they have less faculty support. Charles Heatherly, a graduate student at Arizona State University, says the new Sidney Hook-S. I. Hayakawa group has had difficulty getting started because of faculty opposition to Hayakawa. Richard Theis of Voices in Vital America believes, however, that faculties and administrators can be appealed to on the antiviolence issue.

STUDENT EDITOR FLAYS LIBERALS

Harvey Hukari of Stanford, editor of Arena, regularly flays the liberal professoriate from his journalistic outpost. So do Indiana graduate student Bob Tyrrell, editor of the Alternative, and the editors of Insight and Outlook, published by students at Marquette and Wisconsin, and On the Right, published by students at Miami University, Oxford, Ohio.

The Columbia students who filed suit against the university for failing to maintain order also came down hard on this issue. Vincent Rigdon of the Columbia Conservative Union said, "The presence of a one-sided faculty . . . has been instrumental in radicalizing the impressionable student body and contributing to the disorders."

LIBERAL BIAS IS CHARGED

Lloyd Taylor of Salisbury State College, editor of the student paper, argues that reading materials made available at the school exhibit a liberal bias. Student Senate member Jim Bopp of Indiana says material in courses with which he is familiar are tilted to the left. So does activist Marty Kopan of Penn State.

Another handicap asserted by conservatives is the historic liberal leaning of many campus publications. At Columbia, sophomore Peter Sordillo says SDS makes it official policy to infiltrate campus media, while Kurt Rodgerson charges liberals on the campus paper don't want conservatives on the staff. The result of these feelings is the launching of conservative publications, or establishment of non-new left journals such as Purdue's Dimension, edited by graduate student Kent Painter and Fareed Nader.

On the whole, conservatives are still a campus minority. But reaction to the current turmoil appears to be aiding their cause.

Do Media Report Campus Scene Truthfully?

Is the political picture on American campuses being reported accurately?

Go to any college today and you will find spokesmen from nearly every faction, administration, faculty, new left and new right, critical of the media. The major complaint is that publicity is focused on the troublemakers and that good and constructive elements are neglected.

From the press point of view, some of this criticism seems off base. There is a general effort in the media these days to publicize "constructive" youth activities, but the psychological fact remains that "news" to the human mind is generally the unusual or the violent.

Pat Korten, a Wisconsin University senior who doubles as a radio newsman, makes the obvious point: When buildings are barricaded and mass demonstrations occur, it is impossible for reporters to look the other way.

Add the fact that many demonstrators are skilled in public relations. They know, for example, that TV coverage requires movement and action and they have geared their behavior to this knowledge. Students for a Democratic Society and other new left groups have made a science of getting publicity.

Critics of the media makes charges that go beyond these technical factors. New leftists berate the press as a creature of the "establishment." SDS spokesman Mark Rudd says that, "Since journalists lack the tools to report events outside the accepted limits of action and thought, and since many newspapers are committed to an ideological position, as is the liberal New York Times, the truth of the Columbia rebellion had a hard time coming through."

Most criticisms of the media performance, however, are directed the other way. Administrators and students, liberals and conservatives, claim overexposure is given to the new left through the national media, particularly television.

Some administrators say the media act as carriers of the movement. An official of a large Southern school says: "If the media admit they have impact in the sale of products through advertising, they should admit that they have impact on the minds of young people by their constant portrayals of erratic behavior."

Jacques Barzun of Columbia says the media have helped the revolution: "In the first place, they've shown how it's done. In the second place, they've given publicity and prestige to the leaders—the establishment—of the revolution. They've made them interesting, important, and temporarily powerful. In certain cases, one of which came under my own observation, they've stimulated violence—'let's have a little action, boys, for the TV cameras.' This was on one campus where I passed through, not here."

Barzun adds that the media have reported new left doings "as if they were events on a national scale. I don't mean by that that we haven't had these things happening nationally. But a coup d'etat in Pakistan is reported as if it had the same weight as 40 students at Colgate, and I think it can be questioned whether they are the same thing."

One major concern of the administrators is that repeated attention to new left activities can hurt them with alumni or state legislators, where the money comes from. Several college officials interviewed mentioned this. Many stress the theme of Father Theodore Hesburgh, president of the University of Notre Dame, that, "the bizarre and widely publicized antics of relatively few students and relatively even fewer faculty are accepted as the stereotypes of all students and all faculty, much to the disgust of this widely maligned majority . . ."

ARE OTHER ISSUES IGNORED?

Conservative and moderate students in the San Francisco Bay area say press and television neither point out that radicals are a minority nor solicit other opinion. These students also assert that journalists ignore campus issues before trouble erupts.

Liberal undergraduates complain that overemphasis on the new left hurts their cause. Chris Whittle, student government president at the University of Tennessee, says that when the average citizen sees heavy TV coverage of campus violence, "He associates any type of reform movement at this university, regardless of how responsible it is, with what's going on at San Francisco State and then reacts very negatively to our type of approach."

At Arizona State University, student editor Jane Sims says news reports magnified SDS is a dispute over discriminatory practices by a laundry serving the school. She says that while student action on the question had broad campus backing, the media played up SDS to the exclusion of everyone else.

In a sense, the new left movement is social rather than political and some commentators believe the media have helped to sell its so-called "life style," if not its opinions. Nicholas von Hoffman, a reporter for the Washington Post, says media emphasis on psychedelic themes and use of drug-cult language has spread the new left outlook. A co-ed at L.S.U. says, "The same people who were wearing polo shirts and listening to the Beach Boys four years ago are now picking up on the new left. It's a fad."

CONSERVATIVES SAY SOME STORIES UNFAIR

Conservative students charge the media are stacked against them. Phillip Abbott Luce, a former leftist now active in Y.A.F., Young Americans for Freedom, says: "If I weren't cynical, I might be amazed at the recent issues of Esquire, Fortune and a special supplement of the New York Times acting as if the new left is the only political option open to college students. The mass media appears content to portray the campus scene as one dominated by left-wing revolutionaries."

Dave Carpenter, head of the Columbia Conservative Union says TV reporters at one session he witnessed screened out nonradical spokesmen. Another conservative calls attention to two versions of a New York paper's story on this year's SDS strike at Columbia—the first edition lead and headline indicating the strike had been a flop, the second carrying changes eliminating this impression.

CAMPUS LEFTIST SYMPATHIZERS

There is also controversy over the campus press. Newspapers such as the Wisconsin

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Cardinal, Columbia Spectator, and Purdue Exponent give heavy emphasis to new left positions. In many cases, it is clear the new left has active sympathizers in editorial chairs. At Purdue, the campus paper gave extensive coverage to the new left and became a sounding-board for radical criticisms of the administration. This prompted conservatives to start their own publication, Dimension.

New left strength in the campus media creates a double feedback: It spreads new left ideas to the student body generally. And it creates the impression among outsiders that the new left is active to the exclusion of almost anything else. Many adult journalists trying to check up on campus doings often get their information from these papers.

COLLEGES LEARN TO MEET DISORDERS

Parents, taxpayers and other Americans who are alarmed and confused by the bad news from the campus have some reason to hope that the worst violence is over.

There will continue to be much unrest at U.S. colleges and the new left revolutionaries still are intent on tearing apart society, beginning with the universities.

But colleges are learning to cope with disruption, and a countermovement is forming among students who are repelled by violence and determined that campus issues be debated in a peaceful atmosphere.

The radical left has established positions of strength at selected schools such as Columbia, Berkeley and Wisconsin and therefore will be capable of wreaking havoc for some time to come. Its ability to disrupt can't be discounted anywhere.

Its organizers are busy in urban high schools creating new waves of hard-core radicals and this influence is yet to be felt on the college campuses.

But the new left's power to mobilize student opinion seems to be waning. That power never has been as great as the radicals' genius for publicity has suggested.

Widespread impressions that the campuses are dominated by radicals seizing buildings and shouting down opponents have been far from the mark.

Students, faculty and administrators are convinced that the universities are suffering from a worse image than they deserve. Their evidence is a nationwide barrage of public criticism, punitive legislation and threats to cut off funds to higher education.

For this, the news media must take part of the blame. They have never quite gotten across the point that the noisy minority has upstaged the vast majority who are concerned mainly about studies and careers.

Now, however, the "silent majority" is finding a voice. Public exasperation with new left's coercion is expressed on the campus, also, and at one college after another groups are being formed to combat the forces of disruption. At most major schools where the new left is acting there is also a "majority coalition" or "committee for an academic environment" advancing the cause of order on the campus.

Much of the reformist sentiment that the new left counts on for support is being directed into other channels by students and administrators concerned with peaceful change but repelled by violence.

Youthful liberals offended by the tactics of Students for a Democratic Society and similar radical groups are taking strong leadership roles in discussions over "student rights" and changes in curriculum and administrative structure.

The black student movement, which has given the new left much of its moral appeal, also has been turning away from SDS to pursue its own goals with campus officials. There is evidence that Negro student leaders feel that the SDS approach is too irrational and even counter-productive to concrete black aims.

A growing conservative movement on some campuses is helping to supply leadership for antiviolence efforts. The conservatives, in Young Americans for Freedom and other groups, battle the left at the level of ideology and occasionally with tactical responses. They frequently unite with reform-minded liberals in opposing new left efforts to shut down classes and close debate.

CALMING OF PASSIONS

These developments suggest there is hope for a claming of passions on the campus and the rise of an articulate group of leaders, ranging across the ideological spectrum, who can give tongue to the antiviolence feelings of the "silent majority."

And there is hope that in this atmosphere liberals, conservatives and all other ideological factions can discuss their differences with reason and civility.

The differences fermenting on today's campuses are real and an end to violence will not mean an end to problems there. Those who oppose violence are not necessarily pleased with the status quo. Liberal students are asking far-reaching changes in the realm of student participation. Conservatives complain of political imbalance in the faculty and urge greater representation for their viewpoint.

The reactions of administrations and facilities have been important in ballooning the new left's rebellion beyond its real proportions.

FAILURE TO ACT ON COMPLAINTS

Failure by administrators to act responsively toward reasonable complaints has given the new left a pretext and a larger pool of support for its actions. Failure to act decisively against violence when it has occurred has encouraged the radicals.

Some faculty members have spurred the new left's disruption, both by the ideas some professors preach and by their participation in radical strikes and uprisings. Others have helped paralyze administrations by refusing to support a firm line on violence, urging compromise with an adversary that declines to barter. Many other faculty members, perhaps a majority, have stood aloof, as if the health of the institutions were not their concern.

Fearing for the future of academic freedom, some faculty members recently have spoken out sharply against the radical left, but to date this group has been small and not very effective.

Beyond the violence and the reactions to it, there are issues that involve the very nature and purposes of the American university. Is there too much emphasis on building careers and too little on building individuals? Should there be more "relevant" work oriented to racial strife and other contemporary problems? Should the universities refocus their efforts to impart disciplined habits of mind?

IS SENSE OF PURPOSE LOST?

There are charges that American higher education has lost its sense of purpose, and by trying to be all things to all of society's special interests it is not performing any single function properly.

There are complaints that schools are too big, that faculties spend too much time on research, publishing, and consulting work, at the expense of teaching.

These feelings are widely shared by students of all persuasions and have given the new left a springboard for its actions. The rise of a non-new left leadership can help defuse the violence, but this leadership still wants these questions debated.

It seems certain that there will be discord over fundamental issues of education in the months and years ahead.

UNIVERSITY OF CALIFORNIA PHYSICS DEPARTMENT OPPOSES ABM

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. COHELAN. Mr. Speaker, since late 1967 I have been outspoken in my opposition to the deployment of an American anti-ballistic-missile system. Accordingly, it is not to reiterate my opposition to the ABM, but rather to inform the Members of this House of the opposition of the knowledgeable and concerned faculty, research physicists, and students of the University of California Physics Department, that I take this time.

The basic arguments against the deployment of an ABM are that it is not necessary, that it is not likely to work effectively, that it will escalate the arms race, and that it will cost billions of dollars that could be better spent elsewhere.

Scientists are not experts on all of these questions. Scientists may, however, make informed judgments on the likely effectiveness of the system. And they can utilize their native intelligence and concern to make valuable judgments on the questions of geopolitics, arms control, and national priorities associated with the ABM issue.

Men on the Berkeley physics faculty have made these judgments and at least 43 distinguished professors, research physicists, and 81 graduate students have concluded that the United States should not deploy the Safeguard ABM.

I commend the statement of these men to the readers of this RECORD, and include the statement and the list of signatories at this point:

UNIVERSITY OF CALIFORNIA PHYSICS DEPARTMENT PETITION

The enclosed petition was circulated among the physics faculty, research physicists, and students at Berkeley. It has so far been signed by the 39 resident and 4 visiting professors of physics listed on the petition, and also by 19 research physicists and 81 graduate students in physics.

We physics professors, research physicists, and students of physics are opposed to the construction of an anti-ballistic missile system. Many eminent scientists have already testified to the grave technical inadequacies of the proposed Safeguard system. Even if the technical problems could be solved, there would still remain serious questions as to the advisability of an ABM system. Any defensive missiles built by one side will be negated by additional offensive weapons on the others. Thus the final result of deployment of an ABM system would be an acceleration of the arms race and a decrease in our total security.

For the United States to waste billions of dollars on an undesirable ABM system, while there are so many legitimate demands to be met for the improvement of the lives of its citizens, would be potentially disastrous and ultimately immoral.

Partial list of signers:

Prof. Kinsey A. Anderson, Prof. Korkut Bardakci, Prof. Harry H. Bingham, Prof. Owen Chamberlain, Prof. Geoffrey F. Chew, Prof. Raymond Chiao, Prof. William Chinowsky, Prof. Marvin L. Cohen, Prof. Eugene Commins, Prof. Frank S. Crawford.

Prof. Leo Falicov, Prof. Gerson Goldhaber,

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Prof. Erwin L. Hahn, Prof. Martin B. Halpern, Prof. A. Carl Helmholtz, Prof. J. David Jackson, Prof. Carson D. Jefferies, Prof. Robert Karplus, Prof. Leroy T. Kerth, Prof. Arthur F. Kip, Prof. Wulf B. Kunkel, Prof. Stanley Mandelstam, Prof. Richard Marrus.

Prof. Linn F. Mollenauer, Prof. Burton J. Moyer, Prof. Forrest Mozer, Prof. Sherwood I. Parker, Prof. Alan M. Portis, Prof. Frederick Reif, Prof. John Reynolds, Prof. Gene Rochlin, Prof. Arthur Rosenfeld, Prof. Ronald R. Ross, Prof. Rainer K. Sachs.

Prof. Charles L. Schwartz, Prof. Gilbert Shapiro, Prof. Yuen-Ron Shen, Prof. M. Lynn Stevenson, Prof. George Trilling, Prof. Robert D. Tripp, Visiting Prof. Hans Bichsel, Visiting Prof. Bernd Crasemann, Visiting Prof. George Seidel, Visiting Prof. Noah Sherman.

SONNY'S GOOD WORKS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FUQUA. Mr. Speaker, some men get a great deal of publicity for their efforts to aid others while many go quietly about their tasks. It is good to see one of the latter recognized.

A recent editorial in the Gainesville Sun paid tribute to a selfless citizen, Walter R. "Sonny" Lee, and as a tribute to him, I would like to have the editorial reprinted here:

SONNY'S GOOD WORKS

Walter R. "Sonny" Lee of Gainesville does his good works without fanfare.

But, quietly, they accumulate. So now we learn a $150,000 office building in Daytona will bear his name.

The building will house the Florida Council for the Blind. And the Lee Building will be a token of respect for Sonny Lee's extensive work in behalf of the blind.

Lee is chairman of the Florida Council's state board of directors, vice president of the North Florida Eye Bank, and projects chairman for the northeast Florida Lions Foundation for the Blind. And he finds time to serve as president of the Gainesville Chamber of Commerce.

His acts lend luster to his community, and we all benefit from his good works.

To Sonny Lee, our congratulations.

MINIMIZE AIRCRAFT NOISE

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, I would like to have included in the RECORD resolutions to memorialize the Congress of the United States to enact legislation to minimize aircraft noise. The General Court of the Commonwealth of Massachusetts has addressed itself to a very serious national problem.

With improvements in technology and our ability to produce larger and faster jet service, it is incumbent upon us at the same time to provide for the protection of the peace and tranquility of the citizens of the United States. As the resolution clearly points out—

> The aircraft noise problem cannot be solved at the local governmental level and properly is a problem for national concern by virtue of federal statutes defining airspace as being within the public domain and subject to the jurisdiction of the federal government.

I have recently had experience in trying to ascertain responsibility for excessive aircraft noise and have met with little success in having the noise at Logan Airport brought to a tolerable level. I have written to the Federal Aviation Administration, the Massachusetts Port Authority, and I am still awaiting an acceptable response.

I am happy to introduce this resolution for the benefit of my colleagues, and I hope that the House will act to solve this pressing and vital issue.

The resolution follows:

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO MINIMIZE AIRCRAFT NOISE

Whereas, Use of jet aircraft has created a serious national aircraft noise problem which will become more serious with the expansion of jet service and the development of supersonic service; and

Whereas, The aircraft noise problem cannot be solved at the local governmental level and properly is a problem for national concern by virtue of federal statutes defining airspace as being within the public domain and subject to the jurisdiction of the federal government; and

Whereas, Numerous bills dealing with the problem have been introduced in Congress; therefore be it

Resolved, That the General Court of the Commonwealth of Massachusetts respectfully urges the Congress of the United States to enact legislation to establishing criteria for levels of aircraft noise acceptable to persons on the ground, making it necessary for civil transport aircraft to meet such standards as a condition of federal certification of airworthiness, authorizing the establishment of such rules and regulations as may be required to impose such criteria and providing financial assistance to municipalities and other public bodies which operate airports for the necessary expansion thereof to help resolve the noise problem; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the State secretary to the President of the United States, to the presiding officer of each branch of the Congress and to the members thereof from the Commonwealth.

TWO FROM MARYLAND KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. LONG of Maryland. Mr. Speaker, Pfc. Gerald L. Call and Sp4c. Richard Walter Goden, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following articles in the RECORD:

MARYLAND MARINE DIES IN WAR

A Marine Corps private from Aberdeen was killed in Vietnam Friday, the Defense Department announced yesterday.

Marine PFC Gerald L. Call, who was 19, was reportedly killed during a search-and-destroy mission near An Hoa when he was fired upon by the Viet Cong.

The 1968 Aberdeen High School graduate received a Purple Heart earlier this year for an injury received when he stepped in an enemy trap.

Born in Rocks, Md., Private Call moved to Aberdeen with his family when he was 2 years old.

He enlisted in the Marine Corps two months before graduating from high school, and entered the service a few months after graduation.

Completing his basic training at Parris Island, S.C., he was sent to Camp Lejeune, N.C., for advanced infantry training.

During the summers after his sophomore and junior years, Private Call worked at the Aberdeen Proving Ground printing shop, and, during his senior year, attended printing class at Harford Junior College, near Bel Air.

Private Call was "proud of the Marines," according to his family, and never complained about serving in Vietnam.

He is survived by his parents, Mr. and Mrs. John E. Call, of 510 Stepney road, Aberdeen; four sisters, Miss Lynn Call and Mrs. Ruth Walls, both of Aberdeen, Mrs. Joyce Noonkester and Mrs. Jean Morrison, both of Bel Air; two brothers, Ronnie Call, of Delta, Pa., and Richard Call, of Aberdeen; and his grandparents, Mr. and Mrs. John Maloyed, of Aberdeen.

RICHARD W. GODEN KILLED IN PLANE CRASH IN VIETNAM

Army Spec. 4 Richard Walter Goden was killed in a plane crash in Vietnam six days before he was scheduled to return to the United States, the Defense Department announced yesterday.

Specialist Goden, who was 21, was a passenger in a plane which crashed and burned March 22. He was to return from the war zone March 28.

According to his father, Ervin I. Goden, who lives at 5819 Gist avenue, Specialist Goden had been in Vietnam 12 months.

A native of Baltimore, he was graduated from Forest Park High School in 1966, and attended the University of Baltimore.

In July, 1967, he quit school and enlisted in the Army. He wrote to his parents that he planned to complete college upon his discharge.

He completed basic training at Fort Bragg, N.C., and was sent to Fort Huachuca, Ariz., for advanced training in office personnel.

Specialist Goden was an avid sports fan, and rarely missed a Colt or Oriole game before he enlisted.

Mr. Goden said his son never wrote about his duties in Vietnam, except to say, "As for me, all is fine."

Specialist Goden is survived by his parents, Mr. and Mrs. Goden; two sisters, Mrs. Martin M. Blumberg, of Pikesville, and Miss Bonnie Goden, who lives with her parents, and a grandfather, Harry G. Horwitz, of Baltimore.

NATURALIZATION RULE DAY

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. NICHOLS. Mr. Speaker, one of the most important days in the life of a person who chooses the United States as his country is the day he is naturalized. Each year, thousands of persons are naturalized in ceremonies in U.S. district courts throughout the country. Recently, the Honorable H. H. Grooms, judge of the northern district of Alabama, held Naturalization Rule Day in his court. I was most impressed by the remarks he made on that occasion. They were most appropriate for the new American citizens, and I feel they also might be of interest to those of us who are Americans by birth. Judge Grooms reviews the rights and responsibilities that Americans have. Too many times, we tend to expect too much from the rights we have, and tend to forget the responsibilities we have. Judge Grooms' remarks should serve as a reminder to those of us who sometimes take the rights for granted, but overlook our responsibilities as Americans.

Mr. Speaker, I ask that Judge H. H. Grooms' Naturalization Rule Day address be printed in the RECORD at this point:

NATURALIZATION RULE DAY

It is the Court's duty and opportunity to address you on the forms and genesis of our form of government and the privileges and responsibilities of citizenship.

This nation had a small and humble beginning. From a mere handful of Colonists who settled along our Atlantic Seaboard in the early Sixteen Hundreds, we have grown to a nation of over 200,000,000, possessing a land that spans the North American continent and extends into the far reaches of the Pacific and Northward beyond the Arctic Circle.

The larger part of those early settlers came seeking political and religious freedom. To establish these and to make homes for themselves, with determination and purpose they set about the task of conquering the wilderness, of driving back the savages, of building roads, of spanning rivers, and of building for themselves and their posterity schools, churches, and seats of government. It was theirs to make this land to bloom as a garden and to prosper as no other land. There were wars, with their suffering and sorrow. There was sacrifice. More than a million of her sons have fallen in the cause of freedom. This freedom was proclaimed to the world in the Declaration of Independence in 1776, and secured under a written Constitution and Bill of Rights in 1787 and 1791. Under our Constitution and laws:

(1) Sovereignty rests with the citizens. It is symbolized by the flag. Our national government can exercise only such powers as are granted to it by the Constitution, or that are necessarily implied therefrom. All other powers are reserved to the States and to the people.

(2) Ours is a government of laws. No man is above the law. All are subject to the law and all stand equal before the law. All men should obey the law and none should defy it.

(3) Ours is a government of divided and coordinate powers—legislative, executive, and judicial. Neither can legally encroach upon the other. This division of powers prevents the unlawful usurpation of power by those to whom it does not belong, and affords a system of checks and balances that preserves our freedom from within.

(4) We follow majority rule, but the rights of the minority must always be respected and safeguarded. The majority has no right to flaunt the law or to suspend the Constitution.

(5) Our courts are free to our citizens for the vindication and protection of the rights guaranteed to them under the law. You should find occasion to visit our courts—State and Federal—and to observe their important functions in our governmental system.

Among the specific political rights guaranteed to you as citizens of this Republic are these:

1. The right to change your officers by election.

2. Freedom of religion, freedom of speech, and freedom of the press.

3. The right to peaceably assemble, and petition the Government for a redress of grievances.

4. The right to be secure in your persons, houses, papers, and effects, against unreasonable searches and seizures. Your home is inviolate in this respect.

5. In all criminal cases, you are entitled to a speedy, public trial by an impartial jury; to be informed of the nature and cause of the accusation against you. Concentration camps are unknown to the United States. You cannot be compelled to be a witness against yourself. You are entitled to be confronted with the witnesses against you, and to have the assistance of counsel for your defense. The political purge is wholly foreign to our way of life.

6. You cannot be deprived of life, liberty, or property without due process of law. Your home is sacred from intrusion, and you may rest secure in your home without apprehension that secret police will seize you or your loved ones. Your property will not be taken from you for public use without just compensation. You are entitled to the equal protection of the laws, due process of law, and the privileges and immunities of citizens of the United States.

You enjoy many economic rights in this country. Among these are:

1. The right to choose your own work or calling, and to plan your own economic future.
2. The right to an education.
3. The right to use your own earnings as you see fit.
4. The right to work where you want to.
5. The right to live where you please.
6. The right to own property and accumulate property.
7. The right to start your own business.
8. The right to manage your own affairs.
9. The right to succeed or to fail.
10. The right to belong to an organization of your own choice or *not* to belong.

With citizenship, there comes responsibility and duty:

1. You are enjoined to obey the law and to abide by the will of the majority.
2. To serve on juries and to appear as witnesses when called on.
3. To protect and provide for yourself and family.
4. To hold public office.
5. To give of your best to your country, your church, your employer, and to be fair and just with your employees.
6. To serve in the nation's military forces.
7. To register and vote.
8. To support the Government by the payment of taxes.
9. To preserve and strengthen freedom.
10. To help create an intelligent, a just and righteous public opinion.
11. To abstain from interfering with the rights of others.
12. To act with self-restraint.
13. To be a good citizen with all that that implies.

This, your country, will treat you decently. It is to be desired that you will treat her decently in turn.

Each of you is today entering upon an adventure—an adventure in citizenship. I trust that it will be a successful one, and that it will reflect credit upon you and upon the country you have adopted as your own. I congratulate each of you, and wish for you the very best in this great adventure.

NATIONAL NIGHT DRIVING SAFETY WEEK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. HELSTOSKI. Mr. Speaker, by tomorrow evening many thousands of drivers will get behind the wheels of their motor vehicles to begin the long Memorial Day weekend holiday.

Traditionally Memorial Day signifies the beginning of the summer vacation season which ends on the long Labor Day weekend in September.

In this coming vacation season we shall have three long 3-day weekends—Memorial Day, the Fourth of July, and Labor Day—each being meant to provide for the enjoyment of our American citizens in various ways. Many will take to the beaches, others to the mountains, still others only to see some interesting or historic area in the immediate vicinity.

And, in many instances the travels of these vacationers will be marred by tragedy—either death on the highway or a long and possibly a totally disabling stay in a hospital.

To minimize such tragedies, our modern highways are being clearly marked to provide a vital component to safe driving. Most of these markings utilize reflective materials in order to provide safe driving conditions for motorists, and are especially beneficial to motorists who do much night driving.

The components which are used in these horizontal highway markings are retroreflective glass spheres which are highly luminous when any light is directed at them. Without these roadway guidelines many more lives could be lost because of a driver's weaving and wandering over his portion of the highway for these line markers provide some measure of safety to driver in keeping on his portion of the highway.

There are not many firms manufacturing this type of glass sphere for use in highway markings; and I am proud to have one in the Ninth Congressional District of New Jersey, the district which I have the honor to represent in Congress. This firm is the Potters Brothers, Inc., of Carlstadt, N.J., which is a major supplier of these reflective glass spheres.

Mr. Speaker, I am today introducing a House joint resolution calling upon the President of the United States to proclaim the week of July 20 through July 26 as National Night Driving Safety Week. Through the passage of this resolution a twofold purpose could be accomplished.

First, to make community and State highway departments aware of the necessity of using and maintaining highway lines and reflective markings as a vital component for safe driving.

Second, it would increase the public's awareness of the value of traffic lines and reflective markings and of their proper use while driving.

Mr. Speaker, not only are these reflective glass spheres used in highway line markings, but also in the reflective directional signs placed on every major highway traversing this country. These spheres, in a lesser extent, are used by city public works departments in the signs they use in their own specific community.

Mr. Speaker, if through the adoption of the joint resolution we can focus the attention of the driving public on the improvement of driving conditions through the use of these reflective markings; we will be going forward toward saving many of the lives which we expect will be lost during the three long weekend holidays which occur in 1969.

It is my hope that the House will be able to take early action on this joint resolution to permit the President to comply with its objectives.

CONTROVERSY OVER THE RECIPROCAL INTERNATIONAL AIR ROUTE BETWEEN THE UNITED STATES AND SOUTH AFRICA

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FRIEDEL. Mr. Speaker, recent newspaper articles inspired by releases from the American Committee on Africa have given some of my constituents a false impression of my attitudes and my record in the promotion of human rights here at home and throughout the world. I want to set the record straight.

First, let me state that I have no quarrel whatsoever with the American Committee on Africa, which numbers among its members many of my distinguished colleagues in the House of Representatives and the U.S. Senate. I fully support the aims of the committee. However, because of its opposition to the granting of an air carrier permit to South African Airways the committee's Washington director was critical of my recent trip to South Africa and I fear that some of his statements, as reported in the press, left some of my constituents with the impression that I was somehow insincere in my support of civil and human rights.

I share the committee's concern over the denial of human rights to any man, anywhere, at any time. Such denial diminishes each of us, but I believe that we must live in this imperfect world, while we are trying to improve it, and I cannot accept the conclusion that I have been unfaithful to the cause of equal justice, just because I visited a particular part of the world where injustice is more apparent than perhaps it is here at home.

The question of granting a foreign air carrier permit to South Africa was debated over a period of many months and the CAB concluded that the diplomatic, economic, and foreign relations aspects requiring reciprocity in air routes were overriding and recommended that the permit be granted. The President accepted this recommendation and granted the permit in November of 1968.

My subcommittee at no time had jurisdiction over this matter. In fact, contrary to the impression which has been given the granting of the right to South African Airways to use New York's air facilities was not a new right, but merely the implementation of an international agreement, which was negotiated with South Africa in 1947.

If the United States had not honored its commitment under the 1947 agreement, it is probable that South Africa would have reacted by canceling the rights previously granted to Pan American, the American-flag carrier.

Yesterday our distinguished colleague from Michigan, Mr. DIGGS, announced that he planned to introduce a bill which would have the effect of suspending South African Airways' air carrier permit.

I have discussed this matter with Mr. DIGGS, and I have assured him that my subcommittee would schedule hearings on his proposal just as soon as our schedule permits.

At the same time I promised Mr. DIGGS a full hearing on his bill, I frankly advised him that I have some reservations about the wisdom of the course he suggests to the Congress.

I told Mr. DIGGS that counsel has advised me that there appear to be serious constitutional questions involved in his proposal, as they relate to the right of the President to make certain foreign policy decisions and also because this would mean that all air traffic between the two countries would shift to the many air carriers of other nations that serve South Africa. This result would not in any way improve the plight of those South Africans, who suffer from racial discrimination.

I honestly believe that my record of support for civil rights and equal justice is as good as any, and better than most, in the U.S. Congress. In fact, Mr. Gary Gappert, who is Washington director of the American Committee on Africa and who has been critical of my visit there, recently wrote to me stating:

> Your own record in support of civil rights has been outstanding.

The apartheid racial policies of the present South African Government are totally abhorrent to me. Such practices are completely opposed to my personal beliefs, strong, deep-rooted beliefs, which I might add have led me to be actively involved in the long struggle to protect and expand fundamental civil and human rights for all people throughout my entire career in public service.

I am just as concerned and affronted by the fact that my distinguished colleague from Michigan, CHARLES DIGGS, as an American citizen and as a Member of Congress, was denied a visa to visit South Africa, because he is a Negro, as I am concerned and affronted by the fact that I, SAM FRIEDEL, as an American citizen and as a Member of Congress was denied free access to Jordan, because I am a Jew.

I went to South Africa for two reasons—because of my long and continuing interest in the fullest possible development of the safety, frequency, and quality of both domestic and international aviation and quite frankly—principally because of my intense curiosity about South Africa.

I wanted to see for myself if conditions there were as they had been pictured to me.

I found to my sorrow that conditions of racial discrimination exist there which closely parallel and often exceed the worst practices which existed in this country prior to the dramatic advances in civil rights, which began with the Roosevelt administration in 1932.

I also found, however, what I am sure the late Senator Bob Kennedy found when he visited South Africa several years ago—that among the young people particularly there is growing dissatisfaction with the Government's rigid policies. For example, I saw young white college students openly defying and demonstrating against the Government. Carrying signs such as "Is Education Only White?" "The Mind Has No Color," and "Education, Not Indoctrination."

I returned from my visit more convinced than ever that we must intensify our peaceful efforts through such forums as the United Nations to cause change in the repressive practices now in use in South Africa and in many other areas of the world. I am also equally convinced that it is important to keep open our lines of communication and to continue to keep in touch with and to encourage those people in South Africa both white and colored who oppose the apartheid policy.

There are many things we Americans do not like about conditions in many parts of the world, but no purpose whatever is served by a head-in-the-sand approach which limits communication and further inhibits understanding.

HOLIDAY HIGHWAY SAFETY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. SAYLOR. Mr. Speaker, this coming weekend is one of those delightful and disastrous times—delightful because most people will have an extra day for leisure and disastrous because many will die on our Nation's highways.

I mention the dark side of what we all hope will be a bright weekend because I hope my colleagues will take the time to remind themselves, their staffs, and their constituents that driving can be one of the world's most dangerous occupations and this weekend is just not time for practice.

We are a mobile society but unfortunately we tend to take so much for granted that we forget the responsibilities required of us when we place ourselves behind the wheel of an automobile. One of our leading magazines has predicted that more people will die on the highways this year than there will be casualties in Vietnam.

There is only one value in repeating that dismal prediction and that is to make people more highway safety conscious this weekend. There is no reason for the highway death toll to climb. Each of us has a responsibility to do something about it. We can remind everyone we know that it would be nice to see them next Monday.

XUM

RESOLUTION ON THE RIGHT OF FARMWORKERS TO ORGANIZE AND SUPPORT FOR THE NATIONAL GRAPE BOYCOTT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, the 44-man senate of priests is an elected body drawn from the 1,200 priests of the Catholic archdiocese of Newark, N.J. This archdiocese is made up of four northern New Jersey counties, Hudson, Essex, Bergen, and Union.

On May 5, 1969, the senate of priests of the archdiocese passed three resolutions which I consider worthy of the attention of all Members of the Congress.

Two resolutions were passed unanimously. They include a resolution expressing support for the right of farmworkers to organize and for the national grape boycott. The other resolution was in support of New Jersey State Senate bill No. 206, which authorizes State aid for the purchase and loan of textbooks to public and private school children.

A third resolution was adopted with only one member abstaining. It expressed support for a bill pending in the New Jersey Assembly calling for equal State subsidy for children attending private nonprofit schools.

Mr. Speaker, I include these three resolutions in the RECORD following my remarks.

The resolutions follow:

RESOLUTION ON THE RIGHT OF FARMWORKERS TO ORGANIZE AND SUPPORT FOR THE NATIONAL GRAPE BOYCOTT

Whereas the moral right of workers to organize is being denied the United Farm Workers in California, and

Whereas the living conditions of these and other migrant farmworkers and their families, resulting from the denial of the right to organize, are extreme, intolerable and unjust, and

Whereas the National Boycott of California Table Grapes is seen as the best and perhaps the only weapon to bring about a nonviolent solution to these social and moral evils and an end to the deadlock that is entering its fourth year, and

Whereas the bishops of the United States on two occasions, and the National Federation of Priests' Councils at its recent meeting have spoken out in behalf of the plight of the United Farm Workers.

Be it resolved that:

(a) The Senate of Priests of the Archdiocese of Newark actively support and urge all the priests and people of the Archdiocese to actively support the right of the United Farm Workers to organize and that we do this by supporting the National Boycott of California Table Grapes.

(b) In order to end similar injustices to other migrant farmworkers and to ward off similar disputes in the future in other crops, and mindful of the presence of migrant workers in our own state of New Jersey, we urge the Congress of the United States and our own State Legislature to support the exact legislation that will guarantee the bargaining rights of all farmworkers, insure them of unemployment compensation and the minimum wage.

(c) The Senate of Priests request Archbishop Boland to issue a pastoral letter to be read in all churches of the Archdiocese on this subject as soon as possible.

1. Whereas, both public and non-public schools contribute to the welfare and betterment of their communities and therefore to the State as a whole, and

2. Whereas, all taxpayers share the financial burden of the cost of education, and

3. Whereas, in view of the rapidly increasing cost of education which parents and local school districts are finding increasingly difficult to finance, and

4. Whereas, it is right and fair for all grammar and secondary school children in New Jersey to benefit equally from funds provided by the State for educational aid and that such aid should be increased, and

5. Whereas, there is before the Senate of New Jersey—Senate bill S–206 authorizing State aid for the purchase and loan of text books and offered to pupils attending public and private non-profit schools.

6. Be it resolved, that the Senate of Priests of the Archdiocese of Newark endorse such Bill S–206 and urge upon the New Jersey Senate speedy consideration and approval of said Bill S–206.

Whereas, on February 17, 1969 in the Assembly of the State of New Jersey, Assemblyman Richard J. Vander Plaat, introduced a bill (A–553) the object of which is to distribute to non-public school districts an estimated $30 to $50 million a year subsidy, and

Whereas, the bill would change present State School Law to count every child attending a private non-profit school within or without his own district, and

Whereas, a child attending a private nonprofit school would then receive the same amount of State aid as would public school children within the district.

Be it resolved, that the Senate of Priests of the Archdiocese of Newark endorse this bill of Assemblyman Richard J. Vander Plaat (A–553) and urge upon the New Jersey Assembly speedy approval of said bill.

DENVER CITIZENS VOTE NO BUSING

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. COLLINS. Mr. Speaker, as a member of the House Education Committee in Congress, I have been keenly concerned with the school board election in Denver. This progressive city has very carefully weighed the choice of busing or neighborhood schools. The vote was on Tuesday and for the RECORD, here is the background story from the New York Times the day preceding the election, and then a summary writeup by the Rocky Mountain News on the day following the election:

EXCERPTS FROM THE NEW YORK TIMES, MAY 19, 1969

. . . For the most part, everyone was quiet and polite because there seemed to be little left to argue about in Denver's long battle over school integration. All the issues had been laboriously worked over for more than a year.

School board elections, like the one here Tuesday, are usually rated by voters as one of the most-ignored events in American politics. In Denver the turnout is usually about one-third of the registered voters. But Channel 4 in this city was devoting two hours of prime time to the campaign on a Friday night.

The reason for the special treatment was that next fall, schools in Denver will begin one of the nation's most extensive big-city programs in school desegregation if liberals maintain their control of the board. If conservatives win, the plan will almost certainly be canceled.

. . . Though all nine candidates say they support the ideal of integration, only four favor the plan, which was drawn up by School Superintendent Robert D. Gilberts on orders from the board.

One part of the plan would break up heavy concentrations of Negro and Mexican-American students by changing school boundaries and by busing.

As an example Smiley Junior High School in the city's northeast section is now 67 percent Negro. In the fall, it would be 72 percent white.

With Gilberts' program in full effect, 20 percent of the system's 96,500 students would ride buses.

. . . The Denver Post has endorsed both the plan and the candidacies of Mr. Benton and Mr. Pascoe. The Rocky Mountain News stated editorially, "Let's give the Gilberts plan a chance," and endorsed Mr. Perrill and one of the independents who support the plan, Dr. Carl F. Barnhardt, director of teacher education at Loretto Heights College.

In Mr. Benton's living room after the show was done, he and Mr. Pascoe both had a Scotch whisky and went down a long list of groups and people who had pledged their support. However, he was not optimistic.

"We've got everything in the community behind us but a majority of the voters, and you know that can be fatal," he said.

ELECTION STORY FROM THE ROCKY MOUNTAIN NEWS, MAY 21, 1969

James C. Perrill and Frank K. Southworth swept to easy victories Tuesday in the nine-candidate race for two vacant seats on the seven-member Denver school board.

Their election, which changes the balance of power on the board, on the surface is considered by many a blunt mandate for the concept of neighborhood schools and a repudiation of recent mandatory bus integration steps taken by the board.

Both candidates, running as a team, championed the neighborhood school concept and pledged to rescind steps taken by the board over the past year to integrate schools in Northeast Denver through busing programs.

Their closest opponents, incumbent A. Edgar Benton and Monte Pascoe, running as a team on a mandatory busing integration platform, trailed the two winners more than 2 to 1.

The unofficial vote, with all 472 precincts reporting: Benton, 31,098; Pascoe, 28,948; Barnhart, 11,726; Perrill, 73,932; and Southworth, 75,596.

Perrill and Southworth had been the firmest of the major candidates in lining up for the neighborhood school and opposed to busing plans adopted by the board.

The dynamic city of Denver answered with the same sincerity as their neighbors in Chicago, New York and everywhere the issue is fairly presented. The newspapers and civic groups spoke out strongly in support of Busing. But the parents who have the children, who are the most concerned, voted No-busing. Americans from coast to coast prefer neighborhood schools.

MEMORIAL DAY TRIBUTE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. SCHWENGEL. Mr. Speaker, as we approach May 30, Memorial Day, we turn our thoughts to those valiant men and women who gave their lives that freedom might live. In an article prepared for the

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Memorial Day observance, Mr. George T. Nickolas, of Davenport, Iowa, pays appropriate tribute to these men and women:

SHALLOW WORDS OR HALLOWED DEEDS?

(By George T. Nickolas)

As many citizens gather in cemeteries throughout the United States on this Memorial Day, they will come to be a part of the national observance of the holiday on which we honor the dead of America's wars. They will, for a few moments, consider the sacrifices made by those men who lie buried in those cemeteries. Even now, Americans should reflect on how the sacrifices of these dead have affected all Americans, and the heirs, of this era of American History.

Those honored dead were not cowards who dodged drafts or burned draft cards, nor were they all volunteers. Many were drafted from their jobs and families to serve in foreign wars. They were not all heroes in the literal sense, nor did they all die in combat. Many, in fact, died after they had served and had returned to their civilian status. But they all had one thing in common: they chose to serve this great country when called to duty.

All American citizens, no matter how they choose to commemorate Memorial Day, owe these honored dead more than just words of praise, a volley of rifle fire, the sounding of "Taps", or even a tear or two. American citizens owe these American dead a renewed devotion and sworn adherence to the principles of freedom, equality, justice and the American way of life for which they were willing to give their lives.

In this affluent society, it is so easy for citizens to nod their heads in agreement to spoken words of patriotism and Americanism. It's so easy to converse lightly in the confines of their homes of how happy they are to live in this great country and enjoy its freedoms, and then to silently resolve to do nothing more than discuss it and agree that "George can do it."

In these modern times, too many of the people of this country have conceived the notion that the passive way is the only way out of this country's problems. But freedom as the average American envisions and enjoys was not achieved nor can it long endure with passiveness.

My hope is that when America commemorates this Memorial Day, citizens will solemnly and sincerely resolve to express in some constructive manner the pride of being an American and keep that resolve every day of their lives.

In addition to the voiced thanks for the rights and privileges that citizens enjoy as free Americans, people in this country must add something more active to continue these freedoms. If we fail to add something—if we continue to seek the easy way out of our debt to these honored dead—they may yet have died in vain and their services and sacrifices may have been wasted.

GREATER HEALTH AND SAFETY NEEDED IN BUILDING AND CONSTRUCTION

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PATTEN. Mr. Speaker, I believe that the proposed bill that would promote health and safety in the building trades and construction industry in connection with Federal projects, would save hundreds of lives a year and sharply reduce serious accidents.

I noted with concern and dismay that according to National Safety Council and Bureau of Labor Statistics reports, more than 20 percent of annual fatalities and more than 11 percent of job disabilities, take place in the construction field.

During 1968, 2,800 construction workers were killed on the job and 230,000 were disabled last year. Mr. Speaker, this is an appalling record. It is clearly evident that safety conditions in the construction field must be greatly improved.

Construction accidents are not only costly in human lives, but also in economic cost. The frequency rate for construction accidents is almost double the U.S. average. Work accidents are also expected to cost an estimated $3 billion this year. I know that if this important bill is enacted and national health and safety standards in Government construction work are created, the Federal Government would save in construction costs and contractors would also benefit because of lower injury compensation costs.

There are some who are skeptical about how effective this proposed legislation would be. I just want to point out that under the Maritime Safety Act, injuries were reduced by more than 40 percent in 8 years, saving the industry about $43 million. I am confident that even greater results would be achieved in the building and construction areas if this urgently needed legislation is enacted.

Mr. Speaker, I for one deeply appreciate the men who erect the homes and buildings we live and work in. They are, after all, the men who are not only responsible for building a structure that is strong and beautiful, but one that is reliable—an example of their skills and a symbol of their excellence.

In Middlesex County, there are thousands of men in the building trades and construction industry. I want to thank them for the fine work they have done—and will do in the future. Their talents also play an important role in stimulating the economy of our area.

Some say that those who work in the building and construction trades are tough—and they are right—they are tough, because they have to be: the work they do is hard, demanding, and dangerous.

I know these workers well and I am proud to say they are my friends. Their bodies are hard, but their hearts are made of gold. Mr. Speaker, I just want to cite one example of their civic interest and love for people. I know, because I was there:

On Sunday, May 18, 1969, 600 men from the building and construction trades of Middlesex County met and announced that they raised about $16,000 to help fight cerebral palsy. The man who led that inspiring campaign was John J. Wade, president of the Middlesex County Building and Construction Trades Council and business representative of the Iron Workers Local No. 373.

John Wade deserves a commendation for his leadership—not only for leading the campaign to raise $16,000 to be used in the battle against a disease that claims the lives of thousands of persons a year, but also for his able and dynamic leadership in helping to improve working conditions for thousands of union members. And one of the goals is greater safety and health.

A list of union leaders who helped raise the money for this worthy and humane cause is as follows:

THE COMMITTEE

John J. Wade, President Middlesex County Bldg. & Const. Trades Council; Business Representative, Iron Workers Local Union No. 373.

Theodore Walkoczy, Vice-President Middelsex County Bldg. & Const. Trades Council; Business Representative, Roofers Local Union No. 28.

Steven Masley, Sec'y-Treas., Middlesex County Building and Construction Trades Council; Business Representative, Plumbers and Fitters Local Union No. 270.

Sewell A. Peckham, Sec'y., Middlesex County Building and Construction Trades Council; Business Representative, Carpenters Local Union, No. 1006.

Trade, representative, local number

Heavy and general labor, Michael Arnone, 472.
Electricians, John C. Boll, 358.
Laborers, Steve Budney, 584.
Laborers, Salvatore Chirico, 72.
Boilermakers, Charles Crowley, 28.
Laborers, Carmen DeAndrea, 156.
Sheetmetal, Robert DeBartolo, 20.
Heavy and general labor, John Deisler, 472.
Carpenters, Edward J. Grobleski, 65.
Lathers, Albert Hudanish, 173.
Plumbers and fitters, Thomas Hussey, 432.
Bricklayers, William Iverson, 27.
Iron workers, Arthur Jensen, 373.
Machinist, William Keele, 367.
Glaziers, Arthur Kjersgaard, 1183.
Painters, Theodore Manhire, 834.
Electricians, Frank Marchitto, 456.
Asbestos workers, James Mulhern, 32.
Sheetmetal, John O'Brien, 20.
Plumbers and fitters, Albert Rauch, 380.
Engineers, John F. Reardon, 825.
Asbestos workers, Paul Reszler, Jr., 89.
Teamsters, Robert Rossi, 469.
Asbestos workers, Edward Sanborn, 32.
Painters, Albert Totka, 144.
Electricians, Clarence Tyrrell, 358.

Mr. Speaker, these men have not only erected thousands of homes and buildings for families and workers. They have also helped thousands of people who need assistance. These are the kind of men who would be helped by health and safety legislation in the building and construction fields. I commend and salute them.

PATRICK HENRY—NOBLE PATRIOT

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. DANIEL of Virginia. Mr. Speaker, on May 29, 233 years ago tomorrow, there was born in the Old Dominion a boy child—Patrick Henry—who was to grow to manhood and to see many sobriquets attached to him, but none more fitting than that of "noble patriot."

No doubt he was called many other names by those with whom he clashed in that rough and tumultuous period of our country's history, but decency forbade the recording of these epithets for posterity. I am not so sure but that they

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would have been duly spelled out to the last letter in today's permissive society which accepts smut and smear in apathetic resignation.

However, history does record for us some other laudatory labels applied to him—"the people's advocate" and "the forest-born Demosthenes." Although these aptly describe him for certain accomplishments, they nevertheless lack the fervor that "noble patriot" implies.

It was Patrick Henry's eloquence in denouncing the odious Stamp Act that is credited with starting the revolutionary ball to rolling. Generations of Americans have been stirred by the reading of his famous speech that concluded with the ringing phrase: "Give me liberty or give me death."

As the author of "The Virginia Resolves," which set the colonies moving toward the break with the Mother Country, Henry's fame spread and be became the first American national hero. Thomas Jefferson said of him:

> He left us all far behind. He gave the first impulse to the ball of Revolution. He was the idol of the country beyond anyone who ever lived.

To many Patrick Henry was, without a doubt, the greatest American orator of his time and often is ranked with the greatest of all times. Jefferson once commented on this:

> Call it oratory or what you will, but I never heard anything like it. He had more command over the passions than any man I ever knew.

As a young, self-taught lawyer, Patrick Henry earned the affectionate title of "the people's advocate" as he scored what we would term today a moral victory in the legally hopeless Parsons case. As defense attorney he technically lost his case, but his eloquence in portraying the dangerous encroachment of the Crown upon the rights of Virginia freemen so stirred the jury that only a token award was made to the plaintiff.

He was a rebel—but with a cause.

As a member of the Virginia Convention called to ratify the Constitution, he discerned certain shortcomings in that great document and spoke long and passionately—sometimes as many as five times a day—for amendments. James Madison is acknowledged as the chief architect of the 10 amendments that have become known as the Bill of Rights, but many ascribe the dogged opposition led by Patrick Henry at the Virginia Convention as responsible for the ultimate adoption of these amendments by the First Congress.

As his health began to fail, Patrick Henry retired to his beloved home, Red Hill, on the Staunton River in a section of Virginia that is now part of the district which I have the honor to represent. After his death on June 6, 1799, he was buried in the garden near his last residence.

Mr. Speaker, many students of the speeches of this great American—this noble patriot—can see an analogy, in his warnings as he fought for the changes that became the Bill of Rights, with many aspects of today's political scene—many of those things of which he was fearful are still with us, proving, if nothing else, that mankind's inherent weaknesses remain unchanged.

I beg your indulgence as I quote from one of the speeches he made during the deliberations at the Virginia Convention called to ratify the Constitution:

> I had doubts of the power of those who went to the Convention; but now we are possessed of their work, let us examine it. When we trusted the great object of reviving the Confederation to the greatest, the best, and most enlightened of our citizens, we thought their deliberations would have been solely confined to that revision. Instead of this, a new system, totally different in nature, and vesting the most extensive powers in Congress, is presented. Will the ten men you send to Congress be more worthy than those seven were? If power grew too rapidly in their hands, what may it not do in the hands of others?
>
> If those who go from this State will find power accompanied with temptation, our situation must be truly critical. When about forming a government, if we mistake the principles, or commit any other error; the very circumstance promises that power will be abused. The greatest caution and circumspection are therefore necessary—nor does this proposed system in its investigation here, deserve the least charity.
>
> The honorable member says that the national government is without energy. I perfectly agree with him; and when he cried out Union, I agreed with him; but I tell him not to mistake the end for the means. The end is union—the most capital means, I suppose, are an army and navy; on a supposition I will acknowledge this; still the bare act of agreeing to that paper, though it may have an amazing influence, will not pay our millions. There must be things to pay debts. What these things are, or how they are to be produced, must be determined by our political wisdom and economy.

Later, he touched upon a subject that was as sore then as it is today—taxes.

> Let us leave no expedient untried to secure happiness; but whatever be our decision, I am consoled, if American liberty will remain entire only for half a century—and I trust that mankind in general and our posterity in particular, will be compensated for every anxiety we now feel.
>
> Another gentleman tells us that no inconvenience will result from the exercise of the power of taxation by the general government; that two shillings out of ten may be saved by the impost; and that four shillings may be paid to the federal collector, and four to the State collector. A change of government will not pay money. If, from the probable amount of the impost, you take the enormous and extravagant expenses, which will certainly attend the support of this great consolidated government, I believe you will find no reduction of the public burdens by this new system.
>
> The splendid maintenance of the President and of the Members of both Houses; and the salaries and fees of the swarm of officers and dependents on the government will cost this continent immense sums. Double sets of collectors will double the expense. To these are to be added oppressive excise-men and custom-house officers. The experience of the mother country leads me to detest them. They have introduced their baneful influence into the administration and destroyed one of the most beautiful systems that ever the world saw. Our forefathers enjoyed liberty there while that system was in its purity—but it is now contaminated by influences of every kind.
>
> The power of direct taxation was called by the honorable gentleman the soul of the government. We all agree, that it is the most important part of the body politic. If the power of raising money be necessary for the general government, it is no less so for the States. If money be the vitals of Congress, is it not precious for those individuals from whom it is to be taken? Must I give my soul, my lungs, to Congress? Congress must have our souls—the State must have our souls. This is dishonorable and disgraceful!

At another time he warned:

> Congress by the power of taxation—by that of raising an army, and by their control over the militia, have the sword in one hand, and the purse in the other. Shall we be safe without either? Congress have an unlimited power over both: they are entirely given up by us. Let him candidly tell me, where and when did freedom exist, when the sword and purse were given up from the people? Unless a miracle in human affairs interposed, no nation ever retained its liberty after the loss of the sword and purse. Can you prove by any augmentative deduction, that it is possible to be safe without retaining one of these? If you give them up you are gone.
>
> Give us at least a plausible apology why Congress should keep their proceedings in secret. They have the power of keeping them secret as long as they please; for the provision for a periodical publication is too inexplicit and ambiguous to avail anything. The expression "from time to time," as I have more than once observed, admits of any extension. They may carry on the most wicked and pernicious of schemes under the dark veil of secrecy. The liberties of a people never were nor ever will be secure, when the transactions of their rulers may be concealed from them. The most iniquitous plots may be carried on against their liberty and happiness. I am not an advocate for divulging indiscriminately all the operations of government, though the practice of our ancestors in some degree justifies it. Such transactions as relate to military operations, or affairs of great consequence, the immediate promulgation of which might defeat the interests of the community, I would not wish to be published, till the end which required their secrecy should have been effected. But to cover with the veil of secrecy the common routine of business, is an abomination in the eyes of every intelligent man, and every friend to his country.

Patrick Henry—noble patriot—was indeed a rebel, with a cause.

PENNSYLVANIA WIDENS ITS LEAD AS THE NO. 1 HUNTING STATE OF THE NATION

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. JOHNSON of Pennsylvania. Mr. Speaker, once again Pennsylvania is the No. 1 State of the Nation in every category of hunting license sales. The following statement by the Pennsylvania Game Commission tells the story that for the first time in history Pennsylvania has hit the 1 million mark in the number of licensed hunters:

PENNSYLVANIA WIDENS LEAD AS NO. 1 HUNTING STATE

Pennsylvania is increasing its lead as the number one hunting state in the country at an amazing rate, according to the U.S. Fish and Wildlife Service.

For the 1967–68 fiscal year Pennsylvania led the nation in every category of hunting license sales, and rapidly pulled away from all competitors for the number one title.

There were 1,062,121 paid hunting license holders in the Keystone State for the year, an all-time record. It also marked the first

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time in history that Pennsylvania has hit the one million mark in number of licensed hunters. Michigan was a distant second in the race with 903,545 paid license holders (a paid license holder is one individual regardless of the number of licenses he may purchase).

The number of paid license holders in the commonwealth represents an increase of 66,931 over the previous year.

When resident hunting licenses, tags, permits and stamps issued by all states were lumped together, Pennsylvania again was well out in front with a total of 1,539,952, ahead of California's figure of 1,459,874.

For the first time in some years Pennsylvania was the undisputed leader in nonresident license sales with 80,481. Colorado was second in non-resident sales with 75,746.

In total license sales, Pennsylvania was way out in front with 1,620,433. California was a distant second with 1,461,836.

The Pennsylvania Game Commission's income from the sale of hunting licenses was $7,455,375.40, an all-time record and nearly one and one-quarter million dollars more than during the previous year. Michigan placed second in this category with a figure of $5,557,463.

Game Commission Executive Director Glenn L. Bowers, in reviewing the federal report, noted that the number of paid hunting license holders in the United States increased by 245,538 last year, so Pennsylvania accounted for more than one-quarter of the national increase.

"I think these figures speak for themselves," Bowers said. It is well known that we offer sportsmen the best diversified hunting recreation in America.

"When one state accounts for over a fourth of the national increase in hunters, the picture as to number one ranking becomes unmistakably clear," he said.

"Especially pleasing to us is the nonresident license sale. For years, we believed we were first, but had no way to prove it, because some states require purchase of separate tags, permits or stamps to hunt different species. When all of these figures were lumped together, totals claimed by other states barely edged our figures," Bowers said.

"Now, there can be no doubt about who leads in sales of non-resident licenses.

"Furthermore, each person who purchases a license in Pennsylvania can hunt any of the many species of game animals and birds we have to offer on that one license; it isn't necessary to have special permits or tags for each species. A Pennsylvania hunting license is a real bargain any way you look at it," Bowers said.

"Hunters agree. They have shown through license purchases where the greatest recreation is to be found," he concluded.

JOHN CARDINAL WRIGHT TAKES POSSESSION OF HIS TITULAR CHURCH

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under unanimous consent I submit the "Discourse of John Cardinal Wright on Taking Possession of His Titular Church" for inclusion in the CONGRESSIONAL RECORD, as follows:

DISCOURSE OF JOHN CARDINAL WRIGHT ON TAKING POSSESSION OF HIS TITULAR CHURCH, JESUS THE DIVINE TEACHER, ROME, MAY 2, 1969

The happy circumstance that finds us gathered under the patronage of Christ the Divine Teacher suggests reflection for a moment on the *works* of the Christian and the *faith* of the Christian in the contemporary world.

The Scripture tells us that at a given moment Christ began to *do* and to *teach*, not the one alone, not the other alone, but both together.

In the Church Christ continues to do and to teach. In what spirit, then, does He now urge us to *do* the works of justice? What demands does He make on our fidelity to *His teaching?*

In the doing of its works, the Church in our day seems "open" or "forward-looking" in facing social problems. Yet, in her teaching she seems "cautious", or "conservative", especially in matters of faith and morals. Such is the import of the Pastoral Constitution *Gaudium et Spes;* such certainly is the tenor of the *Dogmatic Constitution on the Nature of the Church*.

In like manner, our Holy Father, Pope Paul, like his predecessors from Leo XIII to Pope John, brings to social questions a prevailingly "liberal" outlook, a clear openness to the future, the outlook of Pope John's *Mater et Magistra* and *Pacem in Terris* or his own *Progressio Populorum* and address to the United Nations. But also like his predecessors, the Pope speaks on doctrinal points with the fidelity of that witness to tradition which is echoed in the Year of Faith *Credo*, the encyclicals *Aeterna Dei Sapientia, Mysterium Fidei* and *Humanae Vitae*, and in Pope Paul's repeated affirmations of the received faith of our fathers.

The contrast recalls a parallel in St. Paul, a parallel which may be instructive for the times. No one can fail to note the openness of St. Paul to the wide and varied world of the Gentiles of his time, to their cultures and to the need for changes in the old order to meet the needs of the new. And yet, St. Paul was intransigent in his fidelity to the revelations made to the prophets and, above all, to the truth proclaimed in and through Christ Jesus.

The present-day seeming contradiction which occurs to me can be stated thus: In our moment of history both the history of the Church and the history of mankind, a "liberal" social attitude and a "progressive" spirit are the need of the hour. But such openness requires, as an indispensable condition of its health and effectiveness, a jealous regard for doctrinal soundness, an attachment to the faith that is unqualified save for human frailty. I offer the thesis that in a period of social turbulence, indeed revolution, those who are committed to "openness" and needed change on the level of things human are doomed to be blown about by every wind of doctrine unless they have a commitment not less certain to fixed principles of faith and morality.

I am suggesting that it is not only possible but desirable, even necessary, for the prevailing mood of the Church in our day to be one of open, progressive positions on social questions, above all in what pertains to the freedom due the sons of God, but together with a profound fidelity to the established truth at the heart of religious faith, the faith by which we are, in fact, made free.

With a measure of oversimplification, perhaps, but I trust no injustice to the realities, my thesis is this: *Social openness is the need of the hour: theological caution is not less great the need. Doctrinal integrity is essential to the faith, but it is not less essential to freedom. The faith provides the absolutes against which the relatives of social change are necessarily judged by Christians: absolutes concerning God, the person, the honor of God and the dignity of the person, the value of life and the primacy of the spiritual as Christians must see these always and everywhere.*

Herein lies, one strongly feels, the saving formula for the resolution of the tragic ironies set forth by Bonhoeffer in these words of truth. "The demand for absolute liberty brings men to the depths of slavery. The master of the machine becomes its slave. The creature turns against its creator in a strange reenactment of the Fall . . . The liberation of man as an absolute ideal leads only to man's self-destruction."

At our stage in history the temptations of social conservatism could be perilous to the prospects for human freedom, while those of theological liberalism would be fatal to the substance and the future of divine faith and therefore to the very goals of honest liberalism.

Religious faith, properly accepted and lived, provides the moral climate in which human freedoms have their best chance to survive. The Catholics of Poland proclaimed this to Catherine II of Russia: "We love *liberty* and therefore we love *religion* even more; we are *free* because we love *religion*. We shall not deny our *religion* lest we straightway be deprived of our *liberty*."

Conversely, political and economic freedom should provide the social climate most favorable to responsible and vigorous religious faith.

Hence it turns out, by a curious but persuasive paradox, that social outlooks usually identified as "conservative", certainly those which are "reactionary", by tending to inhibit social growth and personal liberty, impede the common good, even as that good is preserved and fortified by the conservative instinct with respect to the faith an instinct which keeps one on guard against what Cardinal Newman identified as "liberalism in religion".

And so, social progressivism and theological conservatism, far from being inconsistent, can be mutually supportive. They are logical allies in the face of the present crisis in the Church, the crisis of our culture our political order, our very civilization.

That is why those who love both faith and freedom are always *doubly* concerned when the faith appears to be in jeopardy or the Church, the living presence of the teaching Christ in history, is in whatever peril.

Their preoccupation sometimes expresses itself in language that is anxious; it cannot do otherwise, given the gravity of the issues. But they do not, they cannot, lose heart. They know how much of human history, as well as Christian theology, Cardinal Newman summed up when he said:

"In truth the whole course of Christianity from the first, when we come to examine it, is but one series of troubles and disorders. Every century is like every other and to those who live in it seems worse than all times before it. The Church is ever ailing, and lingers on in weakness, 'always bearing about in the body of the dying of the Lord Jesus, that the life also of Jesus might be made manifest in her body.' Religion seems ever expiring, schisms dominant, the light of Truth dim, its adherents scattered. The cause of Christ is ever in its last agony, as though it were but a question of time whether it fails finally this day or another. . . ." (*Via Media*, Vol. I, pp. 354–355).

The Christian answer to all this is, of course, confident hope and sustaining love, but these because of steadfast faith and yet more faith. *"I believe, Lord, help thou my unbelief"* (Mark 9, 23). If Newman described the recurring condition of turmoil in which the Church always finds itself, he pointed out not less clearly the solution. He said: "Doubt and difficulty seem our lot; the simple question is—What is our duty under it? . . . . Scripture is quite aware of those difficulties . . . . it knows them all; it has provided against them by recognizing them. It says, 'Believe' " (*Essays Critical and Historical*, pp. 244–249).

The problem of *Whom* we shall believe and its solution in Christ, the Divine Teacher, are

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both seen in the sixth chapter of St. John's Gospel. Again Cardinal Newman is our guide to their understanding:

"After our Lord had declared what all who heard seemed to feel to be a hard doctrine, some in surprise and offence left Him. Our Lord said to the Twelve most tenderly, 'Will ye also go away?' St. Peter promptly answered. No! But observe on what ground he put it: 'Lord, *to whom* shall we go?' . . . . If Christ were not to be trusted, there was nothing in the world to be trusted; and this was a conclusion repugnant both to his reason and to his heart. He had within him ideas of greatness and goodness, holiness and eternity—he had a love of them—he had an instinctive hope and longing after their possession. Nothing could convince him that this unknown good was a dream. Divine life, eternal life, was the object which his soul, as far as it had learned to realize and express its wishes, supremely longed for. In Christ he found what he wanted. . . . He might have misgivings at times; he might have permanent and in themselves insuperable objections still in spite of such objections, in spite of the assaults of unbelief, on the whole, he saw *that* in Christ which was positive, real and satisfying. He saw it nowhere else. 'Thou,' he says, 'hast the words of eternal life; and we *have believed* and *have* known that Thou are the Christ, the Son of the Living God.' As if he said, 'We will stand by what we believed and knew yesterday—what we believed and knew the day before. A sudden gust of new doctrines, a sudden inroad of new perplexities, shall not unsettle us. We *have* believed, we *have* known: we cannot collect together all the evidence, but this is the abiding deep conviction of our minds. We feel that it is better, safer, truer, more pleasant, more blessed to cling to Thy feet, O merciful Saviour, than to leave Thee. Thou, *canst not* deceive us: it is impossible. We will hope in Thee against hope, and believe in Thee against doubt, and obey Thee in spite of gloom.'

"Now what are the feelings I have described but the love of Christ? Thus love is the parent of faith. . . . Love of God let St. Peter to follow Christ, and love of Christ leads men now to love and follow the Church, as His representative and voice" (*Essays Critical and Historical*, pp. 249–252).

In brief, then, Christ offers mankind that truth which makes us free. But we must be tenacious of the faith through which there comes to us that truth which frees if we are to be, as the voice of the times invites us to be, the heirs to liberty and the builders, in responsible freedom, of a more sane and saving order.

In this, too, Newman, may well have been prophetic when, on the occasion of his coming to Rome ninety years ago to receive his cardinal's hat, he warned against what he called "the spirit of liberalism in religion". He praised what is good and true in liberal theory generally, "for example, not to say more, the precepts of justice, truthfulness, sobriety, self-command, and benevolence". But he saw this spirit, when loosed from firm attachment to the faith, as prompting a great "apostasy", "one and the same everywhere, (though) in detail, and in character, it varies in different countries". He saw that spirit, already shaping up in his times, as ultimately inconsistent with the recognition of any religions whatever as true, all being matters of opinion, never of objective fact. Because of its mischief, "over-spreading, as a snare, the whole earth", Newman made his admittance to the Sacred College the occasion to protest that "never did Holy Church need champions (against this kind of 'liberalism in religion') more sorely than now" (*Biglietto* address).

One wonders what Newman would have said had he lived to see his name and his words invoked in defense of a religious spirit which he found so mischievous and which he repudiated in his own times so pointedly, so passionately, and, on occasion, with such personal suffering!!!

Newman's passion for the Church of the Fathers, for the primacy of the papacy, for the witness of hierarchy and laity alike to the faith committed to the Apostles is preeminently needed if liberalism in the building of peace, the flourishing of the intellectual life, the recognition and service of the person, the progress of civil rights is to have firm roots in truth from which to flourish and fixed, unyielding standards to guarantee its freedoms.

Newman lamented the theological trend of his times because he feared that it would be the ruin of many souls. But he added: "I have no fear at all that it really can do . . . serious harm to the Word of God, to Holy Church, to our Almighty King, the Lion of the tribe of Judah, Faithful and True, or to His Vicar on earth. *Christianity has been too often in what seemed deadly peril, that we should fear for it any new trial now.* [To offset and survive these] . . . commonly the Church has nothing more to do than to go in her own proper duties, in confidence and peace . . ."

What we have thus said about the majestic calm and Christian optimism which the ancient faith inspires, together with the magnanimous, venturesome social action which the new hopes invite, is valid everywhere. Everywhere and always we must *do* with the boldness and generosity of Christ, and *teach* without compromise or confusion the Word of God, still echoed across the ages and throughout the world by the voice of the Church, obedient to Him as is He to the Mind and the Will of His Father in God.

We must repeat these joyful, consoling truths in all seasons and all places. But it is especially appropriate to proclaim them on this occasion and here in Rome, where Christ's own Vicar gives the example of *doing* and *teaching*. It is easy to believe them here where the trophies of the apostles, the memories of the martyrs, all the symbols of the city not lightly called "Eternal," declare the abiding strength of truly human aspirations and the immortal power of divine promises.

Let the words of St. Bernard inspire us here in Rome to deepened identity through the Church with the unchanging Christ Who ultimately changes everything: "Surrounded by a company of single-hearted brethren, what have you to fear? What have you to fear at whose side angels stand and whom Christ leads into battle encouraging his friends with the words, 'Fear not, I have overcome the world'? If Christ is with us, who is against us? You can fight with confidence where you are sure of victory. With Christ and for Christ, victory is certain. Not wounds, nor falls, nor bruises, nor (were it possible) can a thousand deaths rob us of victory, if only we do not forsake the fight. Only by desertion can we be defeated. . . ."—desertion from Christ the Divine Teacher of our faith, Christ the Example of our deeds.

Let us, then, recognize with Newman, that, in the order of Providence, our seeming dangers are often our greatest gains. In the words of the Protestant poet,

> "The clouds you so much dread
> Are big with mercy, and shall break
> In blessings on your head."

CONGRESSMAN MESKILL REPORTS TO YOU

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. MESKILL. Mr. Speaker, the tabulations of my 1969 congressional questionnaire have just been completed. The returns represent the responses of more than 42,000 residents of Connecticut's Sixth Congressional District.

Mr. Speaker, I am pleased to insert the results in the RECORD for the benefit of my colleagues. I think they show some interesting trends:

CONGRESSMAN MESKILL REPORTS TO YOU

DEAR FRIENDS: The results of my 1969 Congressional Questionnaire have now been tabulated. From over 151,000 questionnaires sent to homes in Connecticut's Sixth Congressional District, I have received 24,194 returns. This means that the views of more than 42,000 residents in our district were sampled since the questionnaire was designed to permit both husband and wife to respond individually. I am most gratified by this response.

As I have stated before, the responsibility for my voting record remains my own. However, the opinions expressed are useful in formulating my positions on legislative issues. Your views are helpful to me as I perform my duties as your Representative here in Washington.

Below are the tabulated results of the questionnaire and my response to each question. I answered my own questionnaire on the day the questionnaire was mailed to you. The percentages represent a combined average of the husband's and wife's responses. The answers have also been broken down by age, sex and political affiliation. This information will be made available to anyone requesting it.

Sincerely,

THOMAS J. MESKILL,
Member of Congress.

TABULATION OF RESPONSES TO QUESTIONNAIRE

[Figures are in percent]

	Yes	No	Undecided	My response
1. Should the Federal Government develop laws to help prevent strikes by public employees?	65	26	9	Yes.
2. Do you favor Federal aid to private and parochial schools?	35	60	5	Yes.
3. Should the voting age be lowered to 18 years?	45	51	4	Yes.
4. If a satisfactory peace in Vietnam cannot be secured in the foreseeable future which of the following, if any, would you favor?				
(a) Withdrawal of U.S. forces, even if this means a Communist takeover	A	21		C.
(b) Adhere to holding operations by joint United States-South Vietnam forces.	B	12		
(c) Bring increased military pressure to bear on North Vietnam	C	55		
(d) None of these	D	12		
5. Would you favor a constitutional amendment which would allow Congress to override a Supreme Court decision by a ⅔ vote?	52	37	11	No.
6. Should the electoral college be abolished and the election of the President and Vice President be purely and simply by popular vote?	80	12	9	Yes.
7. Would you favor a policy of promoting trade with Communist-bloc nations?	32	54	14	No.
8. Should the United States adopt a 12-mile offshore territorial limit against other nations which impose more than a 3-mile limit?	86	8	6	Yes.
9. Should the Federal Government try to slow the population migration from rural to urban areas through programs of economic incentives and aids to private industry to help create jobs in rural areas?	61	27	12	Yes.
10. At the conclusion of the Vietnam conflict, would you favor granting amnesty to those who fled the country or were imprisoned because of "conscientious objection" to the war?	20	68	12	No.

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THE UNIQUE STATUS OF THE OIL INDUSTRY

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. VANIK. Mr. Speaker, the House of Representatives will soon be considering tax reform legislation which must include meaningful revenue-producing reforms. There can be no sacred cows exempt from this effort. There can be no tax reform bill of any credibility if oil is left out.

The following article from the Monday, May 26, issue of the National Observer outlines the tremendous injustice of the oil tax loopholes which result from a combination of the depletion allowance, foreign tax credit, intangible drilling costs, western hemisphere trade deductions, and an incredible system of oil bookkeeping which allows the 15 major oil refiners to earn almost $5 billion after taxes and pay only 8 percent of their earnings in taxes.

The article is as follows:

THE UNIQUE STATUS OF AN INDUSTRY: HOW TAX BREAKS HAVE NOURISHED THE OIL BUSINESS

In the late Nineteenth Century, the amassing of great wealth from oil was enhanced by the easy ethics of the age. In more recent times, many new oil fortunes have arisen and swelled, and they have swelled in fair measure because the industry enjoys an assortment of tax breaks that no other business can match.

Consider:

Atlantic Richfield Co. reported income before taxes of $377,942,000 in the years 1965 through 1967, but the company paid no Federal income taxes.

Standard Oil of California reported income before taxes in 1967 of $513,067,000 and paid $6,000,000 in Federal corporate income taxes, or 1.2 per cent.

How can this be done? How is it possible to earn so much and pay little or no Federal income taxes? The answer is that the Federal tax structure provides a host of unusual tax sanctuaries for the oil industry.

These tax sanctuaries are related to the controversial Machiasport plan, by which Occidental Petroleum Corp. hopes to erect a huge refinery in the tiny town of Machiasport at the northeastern tip of Maine. The plan represents a sophisticated attempt to hurdle the Federal import quota system for oil. It is the import quota system, which was explained in detail in The National Observer of May 5, as well as restrictions on domestic production, which were examined in The National Observer of May 12, that combine with petroleum's special tax breaks to give the U.S. oil industry a unique status in the economy—and to force the American consumer to pay artificially high prices for many oil products.

It is this unique status that the battle over Machiasport has placed in the spotlight, and the industry is preparing to meet assaults from any direction.

CASH FOR CHANCY PROJECTS

Uncommon tax advantages provide the industry with an uncommonly large cash flow, which the industry argues is required for its gigantic and often chancy operations. What are these tax advantages?

Take a look at the more important ones:

Percentage depletion: Oil and natural gas well operators may deduct 27.5 per cent of the gross revenues of each property before paying taxes, unless this figure totals more than 50 per cent of the net income of the property before deducting the depletion allowance. Thus, if gross revenues on a property total $100,000, the producer may take $27,500, before figuring his taxes, so long as the net income of the property after expenses is $55,000 or more. If, however, the net income was, say, $50,000, the producer would be limited to 50 per cent of that, or $25,000.

Intangible drilling costs: These include such costs of developing a producing well as wages, fuel, repairs, hauling supplies, and other expenses that do not have a salvage value. These "intangibles" may be deducted from gross revenues the first year. Similar expenses incurred by other manufacturers must be capitalized and written off over a number of years.

Foreign tax credits: U.S. companies operating abroad may claim credit for taxes paid to foreign governments on nearly a dollar-for-dollar basis. Thus if a company owed $75,000 to Uncle Sam on its profits earned in, say, Saudi Arabia and had paid $80,000 in taxes to the Saudi Arabia government, the foreign-tax credit would eliminate the taxes on that operation due the U.S. Treasury. Critics, however, say that taxes paid Middle East governments by U.S. oil companies are based on artificial prices, and that some of these taxes should be treated as expenses of doing business and should not be allowed to fully wipe out the companies' U.S. tax debt.

Western Hemisphere trade deduction: This provision allows U.S.-owned companies doing 95 per cent of their business outside the United States but within the Western Hemisphere to a special deduction in figuring their Federal taxes. In effect, it reduces the tax rate by 14 points, currently from 52.8 per cent to 38.8 per cent. This is done before any foreign tax credits or depletion allowances are taken. It is a provision that mostly favors companies in the business of extracting minerals. Like oil.

These sanctuaries are used in combination with still other advantages. An example will indicate what a resourceful accountant might do for his oilman client.

Assume the oilman drills a well that costs $100,000 and produces gross revenues of $100,000 in its first year. Between 75 and 90 percent of his expenses will be intangible drilling costs, which can be written off in the first year. These include rental of a drilling rig and the salaries of crewmen. Assume intangible costs of $80,000 and production costs of $5,000. The gross income of $100,000 minus $85,000 in intangibles and production costs would leave an income of $15,000.

But he would not pay income taxes on $15,000; he would pay them on $7,500.

Here's why: The depletion allowance for oil and gas is 27.5 per cent of the gross income, but this may not exceed 50 per cent of the net income of the property. In this example, the depletion allowance equals $27,500. But the oilman, because of the 50 per cent limit, could claim only $7,500 in depletion. If he chose this method, therefore, the oilman would have a taxable income of $7,500.

The next year, however, assuming again a gross revenue of $100,000 and production costs of $5,000, the oilman could take his full percentage depletion allowance of $27,500 and his taxable income would be $67,500.

But a technique known as "carved-out production payments" would save the operator many tax dollars. In his first year of operation, the oilman's intangible costs limited the amount of depletion he could claim to $7,500. But if he sold his second year's production in advance—that is, during his first year of operation—he would have a first-year gross income of $200,000. And a gross income of $200,000 minus intangibles and production costs of $85,000 would result in a first-year net income of $115,000.

The percentage depletion allowance would equal $55,000 (27.5 per cent of $200,000) and the oilman would not have reached the limit of 50 per cent of net income, or $57,500. Thus, although his gross income for the first year was $200,000, he would have a taxable income of only $60,000.

There is yet another aspect of this device. Since the oilman has already received payment for the oil he produces in his second year of operation, he will have no income at all in his second year. But he will have production costs of $5,000, which he can then report as an operating loss. And so, he will be able to claim a tax refund from the Government on this "loss" by carrying it to earlier years without affecting his depletion allowance, or by applying the "loss" to income from other sources.

The net effect of this maneuver is that the oilman would have taxable income—after selling the production payment—of $60,000 in the first year and minus $5,000 in the second year. Without the sale of the production payment, his taxable income would be $7,500 in the first year and $67,500 in the second year. The sale of the production payment thus reduces his taxable income for the two years by $12,500.

There is another form of production payment called the "ABC deal." It does not lend itself to simple explanation, but perhaps a sample offered in a U.S. Treasury Department report makes the effect sufficiently clear.

"In a recent ABC transaction," reports the Treasury Department, "a major oil company purchased all the coal properties of another corporation, subject to a reserved production payment of $460,000,000 payable out of a large percentage of the net profits to be derived from the operation of the coal properties by the buyer. Under present rules, the buyer excludes from income the $460,000,000 of profits derived from its operation of the coal properties and paid over to the holder of the production payment.

"This feature alone represents a Federal income tax saving to the oil company of approximately $175,000,000 over the payout period, or an annual tax saving of between $10,000,000 and $18,000,000 per year depending on the actual length of the payout period. (It was estimated that it would take 7 to 16 years to discharge the production payment out of profits derived from the operation of coal properties.)

"In addition, all of the costs of mining the coal used to discharge the production payment were deducted by the buyer even though it capitalized those costs on its books as a cost of acquiring the coal properties."

The Treasury says that in 1966, ABC transactions totaled $1.85 billion (for all extractive industries) and resulted in a loss of revenue to the Federal Government of $85,000,000. Carved-out production payments totaled $540,000,000 in 1966—up from $214,000,000 in 1965—and cost the Federal Government $70,000,000 in revenue.

FROM THE JOHNSON YEARS

These figures are taken from reports issued by the Treasury Department during the Johnson Administration; the reports included a long list of tax-reform proposals. They make up four volumes titled *Tax Reform Studies and Proposals U.S. Treasury Department*. The first three volumes are treasury Department studies. The fourth is an examination of tax provisions affecting the oil and gas industry, prepared for the Treasury by the Consad Research Corp. of Pittsburgh.

Neither the Johnson nor Nixon administrations has endorsed the far-ranging reforms sought by Treasury specialists. But the reports were sent to Capitol Hill and released jointly by the House Ways and Means Committee and the Senate Finance Committee.

Included in the Treasury's reports is this comment:

"In effect, the price of crude oil in the United States is being underwritten by import controls, by state controls on production, and by favorable tax provisions. . . ."

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The oil industry's tax advantages affect not only its less privileged competitors but the whole national economy as well.

The Consad report states: The oil and gas producing industry accounts for about 1.5 per cent of the Gross National Product. [Reckoned at an annual rate of $93.4 billion in the first quarter of 1969.] By most conventional standards it is not a highly concentrated industry, but with so enormous an output, each of the largest firms is a giant in the economy. The five top domestic producers together account for 20 per cent of the output, the top 20 for 50 per cent.

According to the U.S. Bureau of Mines, the value of crude oil at the wellhead in 1967 was $9.4 billion, and the value of natural gas was $2.9 billion. The value of natural gas liquids, liquid fuels extracted from natural gas, was $1.2 billion. The value of products shipped from U.S. refineries in 1967—the latest year for which figures are available—was $20 billion.

The oil industry concedes that it is very big and very important. Indeed, its size and essentiality are often cited by industry spokesmen to defend its preferential treatment by the tax laws, just as they are cited to defend the import quota system and state-enforced controls on domestic production. What the industry prefers not to emphasize are industry profits.

Consider some statistics contained in the "Monthly Economic Letter" for April of this year, published by the First National City Bank of New York City. A survey of 2,250 manufacturing companies, divided into 41 categories, showed a net income in 1968 of $26 billion. Ninety-nine oil producing and refining companies had a total net income last year of $6.1 billion, or almost 25 per cent of the after-tax earnings of the entire list of 2,250 companies.

Significant, too, is the percentage of return on sales, also calculated in the First National City Bank study. Fifty-five aircraft and space companies had a return of 2.8 per cent. Eleven auto and truck manufacturers had 5.8 per cent. Ninety-two printing and publishing firms recorded a return on sales of 6.2 per cent.

The 99 petroleum companies? They enjoyed a return on sales of 9.0 per cent. Only the drug industry scored higher, with 42 drug makers reporting a return on sales of 9.5 per cent.

The oil industry, however, does not place as much importance on these figures as it does on those that reflect its rate of return on investment. And, indeed, the First National 'City Bank reports that the average rate of return on net worth for the 2,250 companies surveyed was 13.1 per cent in 1968, up from 12.6 per cent in 1967. The 99 oil companies, however, had a return on net worth in 1968 of 12.9 per cent, compared with 12.8 per cent in 1968. So in terms of return on investment, the oil industry is slightly below the national average.

Some oilmen, moreover, say the difference is greater than it seems because the figures do not reflect what it actually costs to replace extracted oil.

"If oil companies figured in what it is costing them to replace their oil, it could cut their return on investment by one-half," declares Minor Jameson, Jr., executive vice president of the Independent Petroleum Association of America.

It is at this point that the debate over preferential tax treatment for the oil industry approaches the heart of the matter. Most independent economists have a ready answer for Mr. Jameson.

Prof. Walter J. Mead, professor of economics at the University of California, Santa Barbara, told the Senate subcommittee in March of this year:

"The effect of favored tax treatment is to reduce tax costs for oil companies relative to firms in other industries. These measures taken together substantially raise the expected after-tax profit rates on oil industry exploration and development investments in what would otherwise be submarginal uses of scarce capital. Investment in petroleum exploration and development is indeed expanded to the point where the after-tax return is approximately equal to that which may be obtained on alternative uses of capital. . . .

"Oil industry spokesmen have defended their various subsidies with the question, 'If we receive all the subsidies which our critics allege, why is our rate of return on invested capital not substantially higher than other nonsubsidized industries?' The answer to this question is that a subsidy will raise the profit rate at the point in time at which it is conferred.

"Its effects, however, are eroded away with time as producers react to their more profitable situation by expanding into otherwise submarginal areas. This expansion leads to a decline in the rate of return toward a normal yield and to resource misallocation as well."

And here Professor Mead adds an interesting observation in the light of the industry's particularly visible troubles earlier this year.

"The oil spillage case in the Santa Barbara Channel is directly related to the subsidy system. Leases were purchased and drilling occurred in the California offshore area because such operations were made profitable by the subsidy legislation. Under free market conditions, oil prices would be substantially lower, tax costs substantially higher in the oil industry, and the profit inducement to buy leases in the Channel would probably be lacking.

"To develop oil from such sources is to use up more economic value than is produced. In addition to this probable waste of resources, we have the external cost (aptly called 'spillover costs' even before this oil spillage case) of environmental pollution."

Oil industry spokesmen speak frequently about domestic taxes paid as a percentage of gross revenue. The Petroleum Industry Research Foundation, for example, recently published a report showing that the industry paid 5.1 cents on each dollar of gross revenue in 1964 and 1965. This includes Federal, state, and local taxes, but *excludes* state and Federal product taxes. The study showed all business corporations paid an average of 4.5 cents on each dollar of gross revenue.

THE ACCENT ON "GROSS"

So, set forth in these terms, the oil industry pays six-tenths of a cent per gross-revenue dollar more than the average of all industries.

But the comparison is in gross revenue, and does not take into consideration the cost of doing business. Thus if a company doing $10 billion a year volume had business costs of $9 billion, it would probably pay less in taxes than a $10 billion-a-year business with costs of $5 billion. The oil industry's ratio of expenses to gross revenue is lower than that of many other industries.

The oil industry contends that in 1966 it was responsible for $10.5 billion in taxes. Testifying before the House Ways and Means Committee, M. A. Wright, chairman of Humble Oil, a subsidiary of Jersey Standard, declared:

"Aggregate tax payments on oil industry operations in 1966 were $10.5 billion, including $8 billion of excise and sales taxes on oil products. These payments provided 5 per cent of all receipts of the Federal, state, and local governments."

But that $8 billion Mr. Wright refers to was not paid by the oil companies. It was paid by, among other customers, the motorists who buy gasoline at the industry's thousands of filling stations.

Now consider data from the Treasury's tax-reform study, which shows "estimates of the effective tax rates actually paid by corporations, as a group and for several industries." Here are the 1965 figures on "actual (Federal) tax on total net income:"

	Percent
All industries	37.5
Petroleum	21.1
Other mineral industries	24.3
Lumber	29.5
Commercial banks	24.4
Other manufacturing	43.3

Only mutual savings banks (5.3 per cent) and savings and loan associations (14.5 per cent), among the categories considered, had lower effective tax rates than the oil industry.

Oilmen contend the price of gasoline has been remarkably stable in a period of general inflation. But, according to the Oil and Gas Journal of April 14, 1969, the average price of regular gasoline—excluding taxes—has increased 7.4 per cent since April 1968, and 5.9 per cent since the last week in December 1968.

Its many tax privileges give the oil industry tremendous cash flows and thus very great financial leverage. Some critics argue that this gives oil an unfair advantage over competing industries. But the industry insists the nature of its business requires this heavy cash flow.

"It is essential because so much of our investment is such high risk that it isn't bankable," says John J. Scott, general counsel of Mobil Oil. Mr. Scott cited as an example Mobil's operations in Venezuela. Prior to and during World War II, Mobil invested between $45,000,000 and $50,000,000 in that country before getting any return on its investment. "If we did not have the cash flow, we could not have done it," Mr. Scott says.

What would happen to the industry's oil reserves if the depletion allowance and deductions for intangibles were eliminated?

Frank N. Ikard, president of the American Petroleum Institute, offers this reply:

"I can tell you one thing that is spectacular: The size of the investment in exploration and development the industry is going to have to make to meet the needs of the American people over the next 15 years, as a rough estimate, domestic oil exploration and development outlays will have to be increased about 50 per cent. This means going from a little less than $4.5 billion annually up to somewhere around $6 or $7 billion. An industry that has to make such a big boost in its spending has to make profits to do its job."

Some industry sources say oil needs more tax breaks, not less. Harold M. McClure, Jr., president of the Independent Petroleum Association of America, cited figures before the House Ways and Means Committee that showed a 40 per cent reduction in the number of wildcat test wells drilled in 1968 compared with the number drilled in 1956.

"It should be recognized," said Mr. McClure, "that part of these decreases can be attributed to wider well spacing and increased efficiencies in all phases of drilling and producing operations."

It's interesting that Mr. McClure should use the year 1956 as a comparative figure for 1968 drilling operations. Says the Consad report: "The number of wells being drilled reached a peak in 1955-56, but has since declined steadily back to its 1949 level, over 30 per cent below the peak."

Mr. McClure told the senators further: "To re-emphasize the degree of risk, only 2 out of every 100 new field wildcats drilled are likely to find a field large enough to be profitable. . . . To sum up the situation as to incentives for petroleum exploration and development in the United States, there is an obvious need for more—not less—economic stimuli." A wildcat is an experimental or exploratory well.

Mr. McClure uses the term "economic stimuli." In the oil business there are stimuli within stimuli. It is not only the major tax privileges themselves that benefit the industry; it is also the accounting involutions that they make possible. A good example of

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such an involution can be found in the uses to which the depletion allowance is put.

Simply stated, oil companies shift expenses, for tax purposes, to the wellhead, where depletion may be claimed, from refinery or transportation costs that do not qualify for this deduction.

In a Senate speech recently, Sen. William Proxmire, Wisconsin Democrat and critic of oil-industry privileges, described the answers he received from the Interior Department to questions he had posed:

"Apparently," said Senator Proxmire, "Interior had made an analysis which demonstrates that integrated companies shift income from refining and marketing to oil production in order to minimize tax liabilities by maximizing percentage depletion. This analysis is correct as was shown by Texaco's recent action in increasing the price it would pay for crude oil by 20 cents a barrel.

"Since Texaco produces most of the crude oil it refines, the increased cost on the 11,000 net barrels a day it buys from outsiders will be more than offset by the larger depletion allowances it will claim on the oil which it sells to itself. Apparently, Texaco felt the 1.9 per cent of its income paid in Federal income taxes in 1967 was too high."

While Senator Proxmire singled out Texaco as an example, that company is hardly alone in taking advantage of the tax laws as they are on the books.

One of the laws on the books permits oil companies to deduct from their U.S. tax obligation the income taxes they pay to foreign governments. To get as much revenue as possible from the oil companies, oil nations in the Middle East and elsewhere base their tax schedule on "posted prices," which are set arbitrarily and are almost always higher than the actual price the companies get for their oil.

The result is that American companies must pay foreign governments more in taxes than they would if the taxes were figured on the true price for which oil can be sold. Thus, a portion of the foreign tax is considered by many critics as not a tax but a royalty. Therefore, so the argument goes, U.S. companies should be permitted to deduct from their U.S. taxes only that part of foreign taxes that are truly taxes. The other part, which would be considered as royalties, would then be figured as just another business expense.

The oil companies, who are being overcharged by foreign governments, don't like the system of posted prices any more than the U.S. Treasury Department does, but they say there's nothing they can do about it.

The House Ways and Means Committee has about two dozen bills of various sorts that deal with reforming the tax structure as it affects oil. One House bill would eliminate entirely the depletion allowance as it relates to foreign wells; Maine's Sen. Edmund Muskie has introduced a similar bill.

Rep. Henry Reuss, Wisconsin Democrat, has introduced a major tax reform package, one section of which would drop oil and gas depletion allowances, presently 27.5 per cent, and allowances for 41 other minerals, presently at 23 per cent, down to 15 per cent.

In introducing his bill on Jan. 29 of this year, Mr. Reuss told the House: "Ideally, percentage depletion should be replaced with cost depletion. But since we are not living in an ideal world, this title provides only that the oil depletion allowance be reduced by less than one-half, from 27.5 per cent to 15 per cent, the percentage now applicable to over 40 other minerals."

Mr. Reuss and his supporters are not overly optimistic about changing oil's depletion allowance, especially now that President Nixon has reiterated his support of the allowance as it stands.

Nevertheless, says Mr. Reuss, "There is a general sentiment among taxpayers that they are getting a little depleted too."

In the American system of making law, it is far easier to establish prerogatives than to abolish or reduce them. To the beneficiary, preferential treatment becomes first a comfort, then a custom, and finally a necessity. And the progression can be carried still one step further. What of the nation's best interests? The late Sam Rayburn wasn't the only friend of oil to know when to turn solemnly and face the American flag.

THE DEPLETION ALLOWANCE

The 27.5 per cent depletion allowance for oil and natural gas is probably the best known of all business tax exemptions. Here's how it came to be:

The Sixteenth Amendment, which became effective on March 1, 1913, made it legal for Congress to assess income taxes. The Revenue Act passed on Oct. 3, 1913, provided that in computing income subject to taxation, producers of ores and all other natural deposits could claim a depletion deduction not to exceed 5 per cent of the gross value of the output at the mine or well.

In 1916 the law was changed, removing the limitation, but specifying that the total depletion allowable over the life of the property could not exceed the capital originally invested, or, if the purchase of the property was made before March 1, 1913, the fair market value as of that date.

A second provision was introduced in 1918 allowing "discovery value depletion." The estimated discovery value was substituted as the value to be amortized for all wells found after March 1, 1913. It wasn't until 1926 that discovery value depletion was replaced by today's system of percentage depletion for oil and natural gas.

Under the 1926 law, any oil or gas producer, or anyone with a financial interest in a well, can deduct 27.5 per cent of his gross income realized from the sale of oil or gas, but this must not exceed 50 per cent of the net income of the property.

Why 27.5 per cent? Because the House of Representatives wanted the figure to be 25 per cent and Senate wanted 30 per cent. The 27.5 per cent figure for oil and gas is the highest depletion allowance; other minerals receive smaller allowances. Metals, for instance, qualify for 15 per cent.

The U.S. Treasury Department reports that, on an average, petroleum producers recover 19 times the cost of their producing wells through percentage depletion.

THE TAXES COMPANIES PAY

Federal corporate income-tax payments for 1967 of the nation's 15 largest oil refiners:

Name	Net income before tax	Federal tax	Percent	Earnings after all taxes
Standard (N.J.)	$2,098,283,000	$166,000,000	7.9	$1,232,283,000
Gulf	955,968,000	74,142,000	7.8	578,287,000
Texaco	892,986,000	17,500,000	1.9	754,386,000
Mobil	594,593,000	26,900,000	4.5	385,393,000
Standard (Calif.)	513,067,000	6,000,000	1.2	421,667,000
Standard (Ind.)	366,847,000	74,021,000	20.2	282,250,000
Shell	342,022,000	44,940,000	13.1	284,849,000
Phillips	227,766,000	52,255,000	22.9	164,015,000
Conoco	241,362,000	30,031,000	12.4	148,962,000
Cities Service	165,289,000	32,347,000	19.6	127,837,000
Union	163,820,000	10,400,000	6.3	144,963,000
Sun	146,946,000	24,700,000	16.8	108,576,000
Atlantic	145,259,000	None	0	130,005,000
Marathon	138,520,000	3,700,000	2.7	73,858,000
Getty	132,762,000	3,687,000	2.8	118,166,000
Total	7,125,490,000	566,623,000	8.0	4,955,497,000

Source: Oil Week.

UNIVERSITY OF MASSACHUSETTS FORUM

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. O'NEILL of Massachusetts. Mr. Speaker, the University of Massachusetts at Boston recently conducted its first public service forum, entitled "the University of Massachusetts/Boston Forum for Argument," which was open to the general public. The first topic for discussion involved the difficult problem of taxation in the Commonwealth of Massachusetts. Four speakers participated in the symposium entitled "Dollars Spent, Services Delivered: Taxation in Massachusetts." They were State Senate President Maurice A. Donahue; Richard M. Millard, chancellor, board of higher education, Commonwealth of Massachusetts; Robert T. Capeless, member, Commonwealth's Master Tax Plan Commission, and former Massachusetts tax commissioner; and Bernard P. Rosenblatt, chairman, department of psychology, University of Massachusetts, Boston.

I applaud the involvement of the University of Massachusetts in public discussion of matters that affect the university, its home, the urban center, and the community of which it is an active and important part. I commend Chancellor Francis L. Broderick, the speakers, and the university for recognizing the important role the university plays in our society, and for realizing its responsibility to the community.

I am very happy at this time to include in the RECORD excerpts from the address by Senate President Maurice A. Donahue and the full text of the address by Chancellor Richard Millard. I recommend their remarks to my colleagues, all of whom are concerned with the problems of their States. I am sure the Members of this body will gain from seeing the great work that is being done by the University of Massachusetts at Boston.

The material follows:

EXCERPTS FROM THE ADDRESS BY MAURICE A. DONAHUE

BOSTON.—Strong criticism was leveled today by State Senate President Maurice A. Donahue at the present state administration for its "inaction and indecision" in tackling the Bay State's current tax problems.

Senator Donahue was a featured speaker at the U. Mass/Boston Forum for Argu-

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ment on "Dollars Spent, Services Delivered: Taxation in Massachusetts," held at the University's auditorium at 100 Arlington Street.

Other panelists included Richard M. Millard of Waban, Chancellor, Board of Higher Education, Commonwealth of Massachusetts; Robert T. Capeless of Boston, member, Commonwealth's Master Tax Plan Commission and former Massachusetts Tax Commissioner; and Bernard P. Rosenblatt of Worcester, Chairman, Department of Psychology, U. Mass/Boston.

U. Mass/Boston Chancellor Francis L. Broderick was moderator of the University's first public service project in Boston.

In his remarks, Senator Donahue said, "For some time now I have been speaking out clearly and responsibly about the need for additional revenue to finance the minimal level of state services suggested by Governor Sargent in the budget which he has proposed.

"But Governor Sargent himself by his inaction and indecision has done more than anyone else in Massachusetts to undermine popular support and sabotage legislative approval of any responsible tax program this year.

"He has demonstrated a decided lack of enthusiasm for his own tax plan and has refused to discuss it or defend it publicly, thus inviting attacks upon it even from members of his own party.

"He has created complete confusion about the amounts of new revenue actually needed by endeavoring to claim credit for slashing the costs of Medicaid by fifty million dollars and yet at the same time maintaining that his budget cannot and should not be cut to reflect any such slashes.

"And only last week he raised further doubts about his position on taxes when he specifically refused to repudiate the alternative tax program presented by Republican Senator David Locke and four other House Republicans, and indicated he was reassessing his position and studying this program—a program which includes, among other things, raising the sales tax from three to five percent and raising the tuition at all state institutions of public higher education from $200 to $750!

"It has become increasingly difficult for even the most fair-minded observers to determine exactly what, if anything, the Governor wants by way of new taxes.

"If he and the Republican Party secretly favor a sixty-six and two-thirds percent increase in the sales tax and a two hundred and seventy-five percent increase in the tuition for the more than sixty thousand students in our institutions of higher public education, he ought to have the courage to say so and stop hiding behind somebody else's trial balloons.

"If he and the Republican Party now feel that less revenue is needed than was originally proposed, he ought to tell us so.

"The people have a right to know precisely what his views on additional taxation are.

"I hope that he will soon discover what he truly believes and will at last begin to speak out in clarification of his own position."

Speaking on higher education in Massachusetts, Chancellor Millard said, ". . . The amount expended per capita for public higher education in the Commonwealth is only half that of the national average. This means that the cost of public higher education to the taxpayers in Massachusetts is less than in any other state in the union. . . . This means that our institutions are operating at a dangerously close margin that precludes adequate development of supporting services including libraries and makes the qualitative increase that has taken place truly remarkable. It further means that any holding of the line or cutting back at this point can only result either in reducing the number and level of students accepted or a crippling reduction in quality."

He continued, "We are not now making available as many places for students as are needed by a considerable margin, but if we look ahead to the next decade, to 1975 and 1980, the need becomes compounded, and, if we are even to stay even in terms of the proportion of young people for whom higher educational opportunity will be available, major, even massive efforts are called for."

Dr. Millard also stated, ". . . Projecting operating appropriations at present support levels without necessary provisions for qualitative improvements and at present dollar levels, that is without taking into account inflation, the operating budgets for 1975 would be something on the order of $204 million and for 1980 close to $280 million. But in addition, to achieve such levels of enrollment, will require capital construction over the eleven year period, somewhere in the order of one billion five hundred million. . . ."

Professor Rosenblatt, speaking on the "Cost of Mental Illness" said that "the cost of caring for the mentally ill is far greater than we realize it to be; the cost of not caring for the mentally ill is greater still.

"The major problem in caring for the mentally ill is the shortage of educated and trained manpower. The greatest need in Massachusetts and in other states is for high quality services for children."

The symposium was attended by U. Mass/Boston students and faculty and the general public.

Address by Richard M. Millard

While public support of higher education in Massachusetts extends into the distant past, 1636 to be exact, it has only been in the very recent past that the Commonwealth has come to recognize that the development of an adequate and diversified system of public higher education is essential to the well-being and future development of the state. Through the 19th, and a good part of the twentieth century, while our public institutions of higher education existed, it was assumed that with the exceptions of agriculture, home economics, teacher education, and textile technicians education, the major responsibility for higher education could rest with prestigious private institutions in the state, an assumption that had some basis in fact. Since World War II, however, the situation has changed radically. First the veterans and then in the mid and late fifties the rapid and continuing population increase of 18 to 24 year olds, plus a constantly rising college attendance expectation ratio, have made necessary a major reevaluation of the situation. It became evident that the private institutions in spite of increasing size could not meet the increased need. Further, with spiralling tuition costs young people from less economically affluent families were finding it more and more difficult to go to college at a price they or their families could afford. In addition, as pressure for admissions forced existing institutions to become progressively more selective larger numbers of college capable but average students found themselves shut out of higher educational opportunity. But also, with the growth of the 128 complex and the shift in the economy in Massachusetts to major emphasis upon industries highly dependent upon educated manpower, the state became progressively more aware of its dependence upon higher education for its own economic future.

The people of the Commonwealth, through the legislative and executive branches of government, responded by committing themselves to a system of public higher education which in quality and diversity of institutional functions would move in the direction in cooperation with the private institutions of making available higher educational opportunity to a progressively wider range of young people and citizens of the state. In 1958 the Regional Board of Community Colleges was formed and in 1960 the first community college, Berkshire, opened its doors. The progress from 1960 to the present has been phenomenal by any standard. In 1960 there were only 17,029 students in the sixteen public higher educational institutions in the state (6,371 at the University of Massachusetts, 8,373 in the 11 state colleges, 2,285 in the then 3 technological institutes, and 151 students at Berkshire community college). In the fall of 1968, 60,515 students were enrolled in public institutions of higher education, a 3½ fold increase over 1960. The University of Massachusetts, with its Boston branch, opened in 1965, had grown to 19,367. The state colleges had increased to 21,796; the two technological institutes, SMTI having been formed in 1964 out of the combination of Bradford-Durfee and New Bedford, had grown to 5,728; and most striking, the now twelve community colleges, had increased to 13,624 students with over half the students in occupational two year programs.

Such development has been possible through a series of changes involving legislative and institutional foresight and willingness to take necessary steps to meet changing conditions. In the early sixties the institutions and their governing boards attained the essential fiscal responsibility and flexibility to utilize funds efficiently and effectively to meet emergencies and the demands of rapid expansion including being able to adjust professional salaries in an escalating and highly competitive academic market. In 1965 the educational structure was reorganized creating an agency, the Board of Higher Education, at departmental level to work with, help plan for, and coordinate the public higher educational segements in the state. We have increased students by over 350 percent and appropriations by some 417 percent which does place us third in the nation in terms of rate of increase. And far more important, the university has emerged from a small rural institution to one that can hold its head high in any academic community in the nation; the state colleges are evolving from primarily teachers colleges to four year arts and sciences institutions with masters programs but without diminishing their contribution to supplying the elementary and secondary teachers of the Commonwealth. Our technological institutes have increased in stature and influence, and our community colleges have become models for the nation as comprehensive two year institutions which because they are wholly state funded can in general be placed where they are needed rather than where the community can afford them. It would be hard to find any area where tax dollars have been as well and as fruitfully invested both for the present and the future economic and educational health of the Commonwealth as in higher education.

And yet in the present, when the commonwealth is facing a fiscal crisis, it could be far too easy to congratulate ourselves on progress made, to assume that higher education is an area in which we can, if not cut back, at least hold even, or that further growth and development is a luxury we cannot afford. I would like to suggest that quite to the contrary, while we have made progress, we started from such a low base, that not only are we not currently meeting the need in spite of progress, we have only began to recognize the scope of what is facing us in the next decade. To assume that somehow we can even rest at this point is to court economic and educational disaster.

In relation to the present, while the rate of increase has been high, the percentage of the Commonwealth's budget going into higher education is strikingly low both in terms of our own budget and in comparison with other states. The percentage of the Commonwealth's budget going into higher education has actually decreased over the last four years from around 8 percent to 6.9 percent in the current year, and if the budget recommendations for next year are followed, to 6.3 percent. The amount expended per capita for public higher education in the Commonwealth is only half that of the national average. This means that the cost of public higher education to the taxpayers in Massachusetts is less than in any other state in the union. The average cost per student in the community colleges runs considerably below that of a number of high schools in the state. And the average cost per student including students at all levels in the public system as a whole (not including capital expenditures) is considerably less than tuition at the major private institutions. This means that our institutions are operating at a dangerously close margin that precludes adequate development of supporting services including libraries and makes the qualitative increase that has taken place truly remarkable. It further means that any holding of the line or cutting back at this point can only result either in reducing the number and level of students accepted or a crippling reduction in quality.

We are not now making available as many places for students as are needed by a considerable margin, but if we look ahead to the next decade, to 1975 and 1980, the need becomes compounded, and, if we are even to stay even in terms of the proportion of young people for whom higher educational opportunity will be available, major, even massive efforts are called for. The Board of Higher Education has just completed a demographic population ratio potential enrollment projection, matched against institutional projections through 1980. The most rapidly growing age group in Massachusetts is the 18 to 24 year old group. It should be pointed out that the college age populations for 1975 and 1980 are not hypothetical persons dependent upon what may be or even is now a fluctuating birth rate, but are very live children currently in elementary schools of the state and nation. What these figures show is that if all the private institutions in the state remain viable and accept all the students they now anticipate taking and the public institutions of higher education increase from the current 60,500 to 143,000 (more than double present enrollments) by 1975 (six years from now) we shall still be short some 60,000 places for potential students. This means that almost as many potential students as are currently in all public institutions of higher education will not be provided for. If we project the figures to 1980 and increase the places available in public higher educational institutions to 188,000 or three times current enrollment and private institutions reach an enrollment figure of 223,000, the potential student places deficit will also have increased to something on the order of 113,000.

These are rather unsettling figures and the costs not of meeting the potential need but of reaching the 143,000 enrollment level in 1975 and 188,000 level by 1980 in public institutions of higher education are considerable. Projecting operating appropriations at present support levels without necessary provisions for qualitative improvements and at present dollar levels, that is without taking into account inflation, the operating budgets for 1975 would be something on the order of $204 million and for 1980 close to $280 million. But in addition, to achieve such levels of enrollment, will require capital construction over the eleven year period, somewhere in the order of one billion five hundred million. To complicate the picture, all these projections do involve the assumption which could be contrary to fact, that all of the private institutions will remain viable and able at least to meet their present projected enrollments. There is rather disturbing evidence that without additional help some of these private institutions may be in serious financial trouble. If any of the major institutions do disappear, the burden on the state will be just that much greater. Because of the potential seriousness of this problem, we are currently initiating a study of the financial problems of private higher education in Massachusetts.

The question can well be raised as to whether the Commonwealth can afford, not to meet the full need, but to do what it minimally ought to do in attempting to meet the need by tripling the size of public higher education by 1980. Here, I think, the answer is clear and has to be phrased in terms of the opposite question: can the Commonwealth possibly afford not to? The results of not doing so are, I would suggest, educational disaster in terms of restricting the potential of the Commonwealth's citizens but are very likely to mean economic disaster for the Commonwealth as well. I need hardly remind you of the difference in earning power of high school and college graduates and the fact that the college graduates become taxpayers increasing the Commonwealth's economic base. Equally important, our changing economy constantly calls for more highly educated and more diversely educated men and women in all phases of business and industry. This is why among other things problems will not be solved simply by making more freshmen places available regardless of type or program of institutions. It is why we must have a balanced and differentiated higher educational system, why community colleges, with their occupational as well as transfer programs, are critical, why our state colleges must continue their evolution as complementary multipurpose institutions, why our technological institutes serve so critical a function, and why the university must expand its professional and graduate programs. While the cost of graduate education is high, there are few programs where the direct dollar return in existing industries and through research and innovation in creation of new industries are as high as in graduate education. Further, without adequate graduate programs, the essential faculty for all other programs will not be produced.

We have a major task ahead that will require the cooperative efforts of all higher educational institutions public and private if we are to come anywhere near to meeting the needs. In the public sector it is critically important that the various institutions continue to develop as a complimentary system. We are past the point where we can afford fragmentation and expediency in the place of careful common planning. We must insure that the system be developed as efficiently, as effectively, and as economically as possible commensurate with quality education. To meet the need will require the combined efforts of the institutions, the legislative and executive branches of government, and the general public. The cost will be high but, it would be difficult to point to any area in which the return on investment of the tax dollar is higher or which is more crucial to the future well being of the Commonwealth. Higher education today and for the future is not a luxury but a necessity for the cultural and economic well being of the state. We may have to rearrange priorities in the Commonwealth, but, to diminish or not to expand our efforts in support of higher education is to court disaster. The most expensive dollar the Commonwealth can spend is the dollar withheld from meeting high educational needs.

FURTHERS WORLD UNDERSTANDING

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. SCHWENGEL. Mr. Speaker, in this day of relatively free and easy world travel, we tend to forget that this travel is limited to a fairly small group of people. There are still large numbers of people who are unable to undertake world travel, and enjoy the rich experience of furthering a better understanding among the peoples of the world. A resident of my district, Mr. George Volger, of Muscatine, Iowa, has made a major contribution in this respect by bringing the world to the people of Iowa, and surrounding States. A couple of recent articles give a pretty good picture of the work being done by Mr. Volger. I salute Mr. Volger for this creative effort to further world understanding.

The articles follow:

[From the American Mail Line Newsletter, July 1965]

SOUND TRAVELS—BY SS "WASHINGTON MAIL"

"I wonder where George is," muses a midwesterner as he turns up the volume on his car radio. At the moment, George Volger may be at his General Manager's desk in the office of KWPC, Muscatine, Iowa. But to tens of thousands of radio listeners tuned to some 50 stations throughout ten Midwestern and Eastern states, the ubiquitous broadcaster may be in mid-Pacific, shouting over the throb of the ship's engines as he questions an engineer on the SS *Washington Mail*—or deep in a Philippine forest, listening to a lumber mill manager plan armed protection for his logging crews from marauding tribesmen—or crouched in a dim corner of a Japanese temple, describing a ritual dance.

George Volger's listeners travel the world with him and his tape recorder—most recently on a ten-week tour of Japan, Korea, Okinawa, the Philippines, Hong Kong, Macau, Taiwan and Quemoy. Much of the mid-winter trip was spent as a passenger aboard the SS *Washington Mail*, and Volger recorded many of his 65 broadcasts aboard the vessel. Not content to join the card players in the lounge, he prowled the ship, recorder slung over his shoulder. In the skipper's cabin, Captain Arnord Beeken proudly describes his vessel. In the engine room, First Assistant Engineer Arthur Hines discussed water supply desalinization. In the galley, Seward Harry Egolf, Jr., talked about food planning. International communications techniques were the subject in the radio shack with Radio Officer Arnold Dreier. On deck, Chief Mate Norrian Johnson chatted about cargo handling. Finally, back in the passenger lounge, Purser William Eastman talked of passports and visas, cargo manifest and quarantines. Fascinating fellow passengers including an Australian circling the globe by freighter, a missionary from Illinois going "home" to her Hong Kong orphanage, and a bridge-haunting Columbia River Bar pilot on a busman's holiday.

Kitchen radios from Kansas to Kentucky have taken housewives to Mexico, the West Indies, Ireland, Scotland, England, Norway, Sweden, Denmark, Germany, Switzerland and Iceland on previous Volger travels. Since 1956, he has recorded over 400 interviews in foreign countries.

"I try to give the listener basic information and human interest material on the country and its people," Volger says, *"And*

I try to give him the incentive to travel by telling about sports, art, folklore, education, business, industry, food, travel, customs, and history—but no politics." However, prominent political figures are not unknown to Volger's microphone. Nationalist Chinese Premier C. K. Yen was a recent interviewee, and Panmunjom negotiations between U.N. representatives and North Korean Communists were captured on Volger's recorder. Nor is the victim of political oppression overlooked. In Macau, nineteen ragged, half-starved refugees told Volger of conditions in Red China just nine hours after their escape by sampan from the mainland.

But there is fun and enjoyment in Volger's journalist journeys too—sampling sake at a Japanese rice winery, rocketing along at 100 miles an hour on Japan's "bullet train," ogling the girls at Osake Takarazuka Revue, or cheering the 300-pound Sumo wrestlers at a Tokyo match. He has shared them all with his listeners.

[From the Farrell Line News, December 1967]

An African Trek on 12½ Miles of Tape

(By George Volger)

Little did I realize when I purchased a pair of "desert"-shoes in Chicago in late January, during a Lake Michigan blizzard, that I'd be using them so soon in very literal fashion.

The white material kept coming East, so much so that the *African Dawn's* departure date had to be moved. But on the evening of February 8, with a few feet of snow on deck, we headed out into the Atlantic.

Following a smooth thirteen days, the *African Dawn* came into the busy port of Walvis Bay, South West Africa. It was here I began to comprehend what great advances are being made in some of the remote sections of the "dark continent." Encircled with the Atlantic on one side and the Namib Desert on the other, this port city has sprung from a population of a little over 2,000 in 1950 to an estimated 20,000—spurred chiefly by the thriving pilchard industry. In the midst of new buildings, H. W. Otto Buhr, manager of Cory Mann George (agents for Farrell Lines) and also chairman of the Harbor Board, stated of the expansion, "One of our main problems is we just haven't built big enough—we underestimated our growth."

With only that day in Walvis Bay (I returned a couple of months later, however), and desirous of seeing as much as possible, Mr. Buhr arranged for one of his employees, Von Mallinckrodt, to drive me up to Swakopmund. En route, becoming too entranced with the towering Namib dunes, we got our car stuck in the glistening deceiving sands. Walking to the highway to secure some aid I was, on my first day in Africa, making good use of the desert shoes purchased so recently in the Chicago snow storm.

The Namib Desert episode was a new one for me—none of my previous travels had taken me into comparable country. And at this point, you may well ask, just why and how does a radio station man from Muscatine, Iowa, land in an African desert in the first place?

Over ten years ago, working in conjunction with the British Information Service, my wife, two daughters and I had produced a series of interviews in England and Scotland which were broadcast on over sixty radio stations in the United States. This led to other family projects in Ireland and the West Indies. A few years later, my wife and I complete with tape recorder and cameras, travelled Iceland, Norway, Sweden, Denmark and Switzerland. More recently I have turned out projects in Mexico and the Far East—Japan, Korea, Hong Kong, Macau and Taiwan.

The trip across the Pacific included my first taste of freighter travel. The trek was aided greatly through the cooperation of Worth Fowler, president of the American Mail Line. A meeting with Peter McChesney, manager, Trade Development for the Farrell Lines, at a CASL meeting in Milwaukee, eventually led to the African plans. At this point I am very much a confirmed freighter traveller.

Interviews cover a wide range. The aim has been to give a detailed and comprehensive picture of a country through the voices of the people themselves. Subjects run the gamut from business and industry to sports—from food and farming to art centers—from wild life to schools, historical centers, weather, communications, transportation and government. Sound backgrounds play an important part adding much to the listener's mental picture.

The interviews are broadcast on radio stations in a wide area. The taped series have been heard on the Iowa Radio Network of twelve stations, plus over fifty outlets in ten other states. The Far East series was broadcast over the world-wide facilities of the Armed Forces Radio Network and officers in charge have requested additional programs.

In addition to radio, the interviews have taken on a broader scope. Auditioning the recorded conversations, Dr. John Haefner, of the Sociology Department of the University of Iowa, saw possibilities for the classroom. This led to testing at various grade levels in Iowa and Illinois schools and in the audio-visual department of Phoenix, Arizona, schools. Instructors reported that the interviews had motivated students in a wide age range, from fourth and fifth grades through high school. Hearing the voices of people in other lands informally discussing their work and telling about their families, had added a valuable new dimension.

On the African trip, the tape recorder "start button" was pushed long before the S.S. African Dawn docked at Walvis Bay. Already, at the New York office of the Farrell Lines, the project was set in motion with interviews with Peter McChesney and Robert Bielskas, Traffic Manager-Passenger, with discussions on African trade development and passenger traffic.

On ship, programs were recorded also with officers who had graduated from the United States Merchant Marine Academy. These will become part of a series being produced in conjunction with the academy at Kings Point, Long Island. Interviews were also made with Captain Erik Tallbe, other officers and unlicensed men, describing various ship responsibilities. These will form an important segment of a vocational series to be used in high schools around the country, telling young men about the Merchant Marine.

Departing the ship at Cape Town, the tape reels began rolling at a faster pace. Now, after some three months of extensive travel in southern and western sectors of the continent, I look back on a multitude of experiences wrapped up in over 180 interviews, in 12½ miles of tape on 70 reels, plus over 3,000 pictures in color and black and white.

The greater part of the time was devoted to the Republic of South Africa, South West Africa, Rhodesia and Zambia. On my return, after hopping the S.S. *African Lightning* at Luanda, Angola, additional material was secured there and in the Congo (Brazzaville), Gabon and Liberia.

In Cape Town, attendance at a rehearsal of the Aeoan group of coloured singers, directed by Dr. Joseph Manca, resulted in recordings of their "La Traviata" performance and interviews with the cast. And on a sheep farm near Tarkastad, enthusiastic Xhosa men and women sang tribal hymns, a wedding song and the Xhosa tribal anthem.

The listener feels much closer to the many racial strains in the southern part of the continent through a conversation with a Malay of Muslim faith in Cape Town; Indian families of Durban tell of their customs, foods and business; in Zululand a Kraal head speaks of his family and tribal customs, and in Rhodesia, Chief Chiota speaks of the changes that have taken place in his tribal area.

Through the voices of farmers, businessmen and industrialists, a detailed description of growth is told, not only in gold, diamond and copper mines, but also rock lobster, ostriches and karakul.

The tapes kept turning at Hout Bay, Cape Province, as Abe Wisenburg of South African Sea Products, told of catching and processing rock lobster, a delicacy relished by American gourmets—and an important cargo for Farrell Lines ships.

Hundreds of ostrich farms around Oudtshoorn provide income for thousands of people. We talk about the fast-running and hard-kicking bird with Will Hooper of the High Gate Ostrich Farm, from egg to biltong (a dried meat which, incidentally, also serves as a tasty hors d'oeuvre).

From mountains of ore to the delicate, suspenseful tap which cleaves a raw diamond, we report this great industry—from the world famous Premier Mine at Cullinan to Goldstein's Diamond Cutting Works in Johannesburg.

The story of gold mining is punctuated with sound, from the singing work crews at the 5,500-foot level of the Buffelsfontein Mine, to the technique of blasting in the stopes, to a class in the highly necessary Fanagulo language (in some mines fifty to sixty dialects and languages are represented among the workers).

The famed copper belt of Zambia has its story told through a visit to the Rhokana Mine of the Anglo American Corporation at Kitwe, Zambia, where 4,000 men are underground at any one time. Involvement in employee housing, schools, medicine and recreational facilities plays a big part of the industrial picture in Africa.

A Bantu businessman in Soweto tells of his grocery store operation and discusses general Bantu economy and buying power.

Continuing the audio picture, subjects include a description of Cape Town Harbor with Captain Joubert, Assistant Port Captain; loading ore at Port Elizabeth; the General Motors complex at "P.E." with 6,000 employees; modern whaling techniques, with H. M. Knudsen of Union Whaling Co., Ltd., Durban (a small radio transmitter on the harpooned whale identifies and locates the valuable catch); a visit to the Tsumeb mine of South West Africa; learning more of the expanding pilchard (sardine) business at Walvis Bay, South West Africa, from Carl Albrecht of SWA Fishing industry, and the world's largest rubber plantation—Firestone at Harbel, Liberia.

Famed engineering projects provide valuable material, from the great Kariba Dam on the Zambezi River, forming the world's largest man-made body of water, to the awesome Hendrik Verwoerd Dam, a vital initial construction in the 30-year Orgage River Project (plans call for dam additions after the year 2,000 to take care of silt accumulation).

Travelling by car allowed a great variety of contacts. A variety of agricultural practices are described:

A sheep farm near Tarkastad, Republic of South Africa, with Hugh Fuller, who has received recognitions for high quality wool; a visit to a country fair in the attractive town of George, on the Indian Ocean, a stop at a South African vineyard near Paarl with the owner, Francois Malan Basson; karakul farms in South West Africa, and in the Karoi sector of Rhodesia we learn about tobacco farming in an area where it was impossible to cultivate the ground until the 1940's due to problems with lions and the tsetse fly.

Did you realize that elephants are left- or right-tusked? This is just one of the bits of information about wild life coming out of interviews with knowledgeable game wardens of Kruger National Park of Republic of South Africa, the Wankie and Zimbabwe National Parks of Rhodesia, the Etosha Pan of South West Africa and pioneering farmers (one cattle farmer of South West Africa, Major C. H. Hubble, and his wife have shot forty-one leopards on their semi-arid acreage near Grootfontein).

The peoples of this continent love sports. At Stellenbosch University, Dr. Dannie Craven, a rugby great, compares sports in his country and the United States, and in Bulawayo, Rhodesia, at an African sports center, Coach Stutty Dhlamini tells of that country's most popular games.

At the South African Broadcasting Corporation we speak of radio programming in the two official languages, English and Afrikaans, plus seven of the Bantu languages. Television transmission is growing in Rhodesia, and in Zambia education via radio is under the guidance of an Irishman. Patrick Delahanty.

Expanding horizons demand expanding transportation plans. Some of the recent and planned advancements are discussed with officials of South African Airways and South African Railways.

From these notes you gather a fair idea of why it took some 25,000 miles of travel to secure 12½ miles of tape. Certainly much thanks is due Farrell Lines' men in New York and Africa and their agents, who were of such valuable assistance along the way.

My travels filled me with respect for the many solid accomplishments in the countries visited, along with a feeling of awe in estimating the great potentials still untouched.

In a continent of so many facets, it is certainly a part of the world in which general statements are dangerous. It is a country truly emerging in a positive way on the world scene, and one that demands and requires study and understanding. I hope that these African interviews, over the air and in the classroom, will provide more light on the so-called "dark continent."

SGT. FREDERICK J. MAGSAMEN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. LONG of Maryland. Mr. Speaker, Sgt. Frederick J. Magsamen, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

WESTMINSTER SOLDIER DIES

Sgt. Frederick J. Magsamen, 21, a soldier from Westminster, has died in Vietnam, the Defense Department announced yesterday.

Sergeant Magsamen died Friday after a military aircraft in which he was a passenger crashed and burned. The Defense Department said he was being lifted from the site of the crash by an extraction line to an aircraft hovering above when the line snapped and Sergeant Magsamen fell to the ground.

Born in Baltimore, Sergeant Magsamen lived most of his life in Westminster. He was graduated in 1966 from Westminster High School, where he had played on the varsity football team and was a member of the school music organizations.

IN THE GREEN BERETS

He worked briefly for the Random House Publishing Company in Westminster before enlisting in the Army in July, 1967.

Sergeant Magsamen had basic training at Fort Bragg, N.C., jump school training at Fort Benning, Ga., and attended military police school at Fort Gordon, Ga.

He returned to Fort Bragg for special training and became a member of the Green Berets.

Sergeant Magsamen was sent to Vietnam last December. His sister, Mrs. Paul Bowersox, Jr., of Westminster, said that according to letters received at home, Sergeant Magsamen had been awarded two bronze stars and two purple hearts in Vietnam.

Besides his sister, Sergeant Magsamen is survived by his parents, Mr. and Mrs. Frederick J. Magsamen, of Westminster, and his maternal grandparents, Mr. and Mrs. Wilmer T. Butler, of Baltimore.

A NEED TO REMEMBER

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PETTIS. Mr. Speaker, a new memorial to the Nation's honored war dead will be dedicated this Memorial Day in the city of Victorville, Calif. Located in Victor Valley Memorial Park, the memorial contains the names of those brave men from Victorville and other nearby communities in San Bernardino County who gave their lives for their country in World War I, World War II, the Korean conflict, and the war in Vietnam. Interred in the memorial are the remains of Capt. Joseph McConnell, top fighter pilot of the Korean war, who shot down 16 enemy planes and is still the Nation's No. 1 jet ace.

The memorial was built entirely with funds contributed by the citizens of the community. Taking the lead in the project was Joshua Palms Post 2924, Veterans of Foreign Wars, with Dale L. Plumb as the commander.

An editorial in the May 23, 1969, issue of the Victorville Daily Press describes the significance of the memorial. I would like to quote from this editorial for the benefit of my colleagues:

> In this day and age of dissent and indecision it is noteworthy to see the response to a project such as construction of a memorial to Victor Valley's war dead.
>
> We have perhaps harped a little on this project for the past year. We have even badgered a few people to get the project underway. And we have urged every citizen to participate by a contribution—no matter the amount—to see the memorial constructed this year.
>
> And now the memorial is a reality. It will be dedicated Friday, May 30 during the morning hours in a ceremony you will find reminiscent of days gone by when communities turned out in force to participate in such Memorial Day ceremonies.
>
> We hope valley citizens will attend the parade and ceremonies Memorial Day. Most of them, by Memorial Day, will have contributed to the fund paying for the construction so we feel they'll want to see what they have created with the dollars given in compassion and honor for those who have died in service of their country during periods of war.
>
> We would like to point out that in these last weeks—even at the time this is written—more and more people are responding with not only dollars, but time and effort to make this a tribute to our war dead.
>
> There will be a band, songs of America, rituals of dedication and military honors. There will be Gold Star Mothers there to observe ceremonies honoring their heroic sons.
>
> There will be a General representing President Nixon and the nation from the Pentagon in Washington, D.C. Dale Evans Rogers will sing "America." There will be many other dignitaries.
>
> There will be veterans organizations placing wreaths and flowers upon the memorial. There will be, we believe, a community area represented that includes all of our 50,000 citizens and families.
>
> But we are sure the community does not want any special accolade. We are sure each valley resident joins with us in doing community services with a minimum of self-approbation.
>
> We will simply dedicate our memorial and conduct, in the most reverent manner, a Memorial Day ceremony which should be repeated in every community throughout the nation to some degree.
>
> We feel it will be a Memorial Day to rededicate ourselves to the principles of this country, to take a close look at our neighbors in the valley and get to know them a little better. It will be a time to read the names of those boys who gave their lives that we can enjoy the freedoms we have.
>
> We feel it is one time in life when there is a need to remember.

RESULTS OF A QUESTIONNAIRE ON MAJOR ISSUES, 25TH CONGRESSIONAL DISTRICT, NEW YORK

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. OTTINGER. Mr. Speaker, this spring I circulated to the approximately 160,000 families in the 25th Congressional District of New York a questionnaire through which I invited them to express their opinions on what I considered to be some of the major national and international issues facing us at this time.

Nearly 20,000 of my constituents took the time to sit down, review the issues, and answer 25 questions dealing with such diverse subjects as defense, foreign policy, crime, the economy, welfare reform, electoral reform, and selective service. In addition, many took the time and trouble to write detailed and thoughtful comments on these issues.

I am presenting for inclusion in the RECORD a tabulation of the results of this questionnaire in the hope that it will be helpful and informative to my colleagues:

XUM

A QUESTIONNAIRE FROM YOUR CONGRESSMAN, RICHARD L. OTTINGER, 25TH DISTRICT, NEW YORK

[Answers in percent]

	Yes	No	Undecided
DEFENSE			
1. Do you approve of our present Vietnam policy?	22	69	9
2. If you were to change our present policy, which of the following possible policy changes would you prefer?[1]			
(a) Increased military effort?	50	42	8
(b) Increased negotiation effort?	69	26	5
(c) Unilateral withdrawal?	51	45	4
(d) Limiting U.S. military efforts to protecting population centers in South Vietnam	29	52	18
3. Do you favor resumption of bombing in North Vietnam?	44	46	10
4. Should the United States spend up to $100 billion on an anti-ballistic-missile system as a possible deterrent to Soviet attack?	33	63	4
FOREIGN POLICY			
1. Should the United States recognize the Nassar government in Egypt?	57	24	19
2. Should the United States fulfill its contract to supply 50 Phantom jets to Israel?	64	31	7
3. Should the United States pressure Israel to withdraw from territories occupied during its 6-day war with the Arab countries?	26	65	9
4. Should the United States join with Russia, France, and England in attempting to impose a Middle East settlement?	52	44	4
CRIME			
1. Should Federal wiretapping restrictions be relaxed?	50	41	9
2. Should possession of marihuana be legalized?	25	68	7
3. Should Congress require registration and licensing of all firearms?	65	33	2
4. Do you favor legalizing detention of persons arrested before trial?	48	38	14
ECONOMY			
1. Do you favor:			
(a) Extension of the 10 percent surcharge on personal and business income tax?	21	70	9
(b) Wage and price controls?	51	42	7
(c) An excess profits tax?	57	34	9
2. Should the Federal Government be spending more for highway construction than for mass transit?	24	59	17
3. Should development of the supersonic civilian transport plane be financed by the aviation industry rather than by $2,000,000,000 in Federal funds?	80	13	7
POST OFFICE			
Should the Post Office operations be run by a nonprofit private corporation?	63	27	10
WELFARE REFORM			
1. Should Congress approve as a substitute for welfare:			
(a) Negative income tax?	35	42	23
(b) Day care center program to release mothers for work and provide pre-education preparation for children?	80	12	8
(c) National standards?	63	25	12
(d) Federal assumption of welfare payments?	49	42	9
2. Should the Government become an employer of last resort?	41	52	7

A QUESTIONNAIRE FROM YOUR CONGRESSMAN, RICHARD L. OTTINGER, 25TH DISTRICT, NEW YORK—Continued

[Answers in percent]

	Yes	No	Undecided
ELECTORAL REFORM			
1. Should the electoral college be abolished and the President elected by direct popular vote?	74	19	7
2. Should the electoral college be retained but electors bound and electoral votes apportioned by the statewide popular vote or congressional district results?	24	59	17
3. Should the voting age be lowered to 18?	50	45	5
SELECTIVE SERVICE			
1. Should Congress authorize a national lottery to select Armed Forces inductees?	55	35	10
2. Termination of college exemptions?	41	51	8
3. A National Service Corps which could be chosen as an alternative to military service?	56	27	17
4. Increasing military pay to point at which elimination of the draft and maintenance of a volunteer army are possible?	41	40	9

[1] Figures total more than 100 percent because many persons checked more than one alternative.

A REMARKABLE SERVICE BY OLDER CITIZENS IN VERMONT

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OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. STAFFORD. Mr. Speaker, since May is Senior Citizens Month, I wanted to bring to the attention of my colleagues a remarkable service being performed by a group of older citizens in the State of Vermont.

For the last 3 years, there has been in operation a foster grandparents program at the Brandon Training School, Vermont's State institution for retarded. I have personally seen this program in operation and witnessed the almost unbelievable assistance which retarded patients at the training school receive from their foster grandparents.

The following report, however, is a tribute to the senior citizens themselves and deserves the widest possible circulation:

A RECORD TO THE CREDIT AND PRAISE OF OLDER PERSONS 1966–69: THE FOSTER GRANDPARENT PROGRAM AT BRANDON TRAINING SCHOOL, BRANDON, VT., CAROLYN WHITLOCK, PROJECT DIRECTOR

1. Sixty percent of our Foster Grandparents are over 70 years old.

2. Of 40 Foster Grandparents, only one had to be replaced during the past year and that was because of her getting married and moving away from Vermont.

3. There has been NO tardiness in 3 years and little absenteeism. Even on blizzard days Foster Grandparents attendance records could match and probably surpass any other school or business.

4. As a group, the Grandparents seem to improve as years go by, physically, emotionally, and socially. Twelve of the original 15 Grandparents will have been in the Program for 3 years in October. The local doctor who gives them annual physical examinations has commented that their sustained good health is remarkable. Emotionally, the Grandparents seem to project more self-confidence in their ability to do their jobs and to relate to other employees. Socially, we continue to see warm friendships and kindnesses exchanged between Grandparents of varied backgrounds and ages. The common denominator of the children and the work seems to have brought about the appreciation they have for each other, despite ethnic differences.

5. One third of our group have never had children of their own before becoming Foster Grandparents. They have shown in many areas that oldsters are not so "set in their ways" that they cannot learn new skills or attitudes when the need for such learning really matters to them. One example of this is the way in which six Grandparents are giving meaningful training and care to blind children. Another example, is a Grandmother who had never been off of a farm until her late 50's when she became a childless widow and had to go to the city to find work. She had never known electricity or used a telephone until this age. With less than $600 a year income before this program, she had not had a home of her own for more than 10 years, living with various families that needed her housework assistance. After a year with this program, she now says that she is happier than she has ever been in her 72 years. She takes great pride in the way she is able to care for a child with disturbed behavior. Likewise, her skill in feeding a difficult baby gives her pleasure. When recently briefly hospitalized, she was in tears as to whether the baby was getting as much to eat without her care. In order to keep well and continue coming to her charges, this woman is taking great care with her diabetic diet for the first time in years and has lost 25 pounds with this health maintaining desire. Another example of "being needed" affecting physical health is our 80-year old Grandmother critically ill with a collapsed lung and tumor. During her three month hospital stay, she was positive and determined that she would get back to her "baby". For the past seven months she has been back without missing a day and at 82 is thrilled to now hear her charge begin to talk. One cannot help but wonder if Nursing Homes would be less crowded if more oldsters had opportunities to really feel and be needed.

6. Not one of our Foster Grandparents found the tragedy of retardation too much to take or to approach with hope.

7. The calmly happy optimistic attitudes of Grandparents have had a healthy effect in Brandon. The unsung heroes in an institution are often the underpaid, hard working dormitory personnel. Their many efforts for the children above and beyond what their jobs demand are seen and appreciated by the Grandparents and therefore better understood by the community outside the institution.

8. Our eldest Grandfather (age 89) did not miss one day's work in 18 months, except for a two week cataract operation absence. Our eldest Grandmother, Daisy, was one of our first 15 Grandparents and is credited with giving the program its motto, "Lets Wear Out, Not Rust Out". We almost did not hire her because she refused to put her birth date on our application form (thinking she would never be hired at nearly 85 years). At 86, she returned to work after a month's illness with a lovely white wig and now she is back with us at 87, after a two month absence and wearing a new eye. Daisy surely shows no signs of "rust" and her "wear" is fortunately kept in good repair.

To many persons living responsible, hectic lives the thought of retiring with nothing to do is anticipated as one step from heaven.

XUM

The reality of total forced retirement is far from being even pleasant according to most Senior Citizens who are living it. Here at Brandon, we are convinced that doing nothing and being responsible to no one is not a happy state of being for any age, especially not for older persons with skills in human relationships acquired through 60 to 90 years of experience in dealing with other people of all ages and types.

Perhaps, at this time when our social ills and education goals are being scrutinized we should take our older persons "off the shelf" and let them take a vital role in our society. In fields of technology, an experienced person would not be "shelved" but society has no role and little use for the human relations experience, and skills of our older generation. As one-fourth of our national voting population, persons over 65 generally feel they no longer are useful because society has told them they should not be, except in a few isolated situations such as the Foster Grandparent Program. The numbers of such "roleless" persons are rapidly increasing as retirement age becomes earlier and medical advancement keeps us healthy longer. The performance of the 40 Foster Grandparents at Brandon Training School and of 4,000 similarly involved persons in other parts of the United States has clearly demonstrated that older persons do have much to offer society and should never be "shelved".

The younger generation toward which our national attention and funds are focused often sings out that " . . . what the world needs now is Love . . ." Perhaps if the oldsters had not been made "roleless" for so many generations, the youngsters would not be singing out this need with such a fervor today. Teenage volunteers working at Brandon have appreciated the attitudes and work of Foster Grandparents and made many close friendships with them.

Each of the 40 Brandon Grandparents gives individual attention, care, and training to two retarded children for four hours daily. Thus, over 70 children are having needs of self-identity met, as are the Grandparents' needs for feeling important and useful. Every Grandparent works out a program to meet the needs of his particular charges. Among the things that are patiently taught are skills of self-feeding, going up and down stairs, learning to manipulate buttons and shoestrings, getting along and sharing with others in work and play, and behavior in public. For those children who have the ability, there is help with learning to read and count, with crafts and games. There are special events too such as field trips, visits to stores or grandparents' home. The children are taken out-of-door daily and many participate in the Grandparents Rhythm Band and gardening projects. Speech stimulation and physical therapy are also children's benefits from the program.

As the individual Grandparent-Grandchild relationships continue in most cases they seem to improve in effectiveness for both the oldster and the youngster. As the child matures or his abilities improve, the Grandparent's gratification with his work likewise increases.

The Institution's attitude toward the Program has changed considerably since its beginning in 1966 when it was questionable to all concerned whether elderly persons could handle emotionally disturbed or severely handicapped children. Nowadays, if a child is a difficult problem or has multiple handicaps, the prescription is often to give him a Foster Grandparent. The patience, dedication, and perseverance that older people have is often what children need. To hear a 77-year old woman, with a good understanding of what future potential her young charge has, say that she would die happy if she could get him toilet-trained, exemplifies the thoughts of many Foster Grandparents.

APOLLO 10: ANOTHER SPACE SUCCESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. EVINS of Tennessee. Mr. Speaker, certainly we can all take great pride in the magnificent achievements of the Apollo 10 astronauts and the Nation's entire space team.

I want to especially commend and congratulate the astronauts—Tom Stafford, John Young, and Gene Cernan—whose cool courage and competence overcame mechanical problems as their craft hovered over the moon's surface.

In this connection I also want to commend the work of the Arnold Engineering Development Center in Tullahoma, Tenn., in the Fourth Congressional District which I am honored to represent in the Congress. The testing of the Apollo components at this center was an important part of the preparation for the mission.

The Apollo 10 astronauts and the other astronauts who participated in the Apollo and prior space programs have laid the foundation for man's first trip to the moon scheduled by the National Aeronautics and Space Administration in July.

As we salute the astronauts, I place in the Record herewith an editorial from the Nashville Tennessean entited "A Job Well Done, 'Charlie Brown'."

The editorial follows:

[From the Nashville Tennessean, May 24, 1969]

A Job Well Done, "Charlie Brown"

The Apollo 10 mission has again forced those on earth to use up all their best adjectives, as the three astronauts journeyed around the cratered moon and then cut loose in a spidery landing module to dip down to about 50,000 feet of the lunar serface.

There were anxious moments for Col. Thomas P. Stafford and Cmdr. Eugene A. Cernan, flying in the lunar module nicknamed "Snoopy." As its lower stage was jettisioned, "Snoopy" went into wild gyrations. The two men were excited, but never lost their "cool" and Colonel Stafford brought the module back under control and then fired the rocket necessary for "Snoopy" to rejoin the command ship "Charlie Brown" which was orbiting 69 miles above the moon.

Other than the gyrations, which may have resulted because of a switch that wasn't thrown in the correct position, and a couple of other incidents of mild concern, the Apollo 10 mission has gone off in textbook style.

Only the actual moon landing could be a more severe test of the men and machines, and of the long preparatory engineering and training that have figured into the mission.

Apollo 10 has paved the way to the ultimate step, and while there will be additional hazards to the actual touch down and blast off from the pocked lunar surface, the voyage of "Snoopy" proved that it is feasible; that the moon finally is within reach of man's footsteps.

Apollo 10 has accomplished the difficult part, and now can return to earth with the tremendous satisfaction of a job well done and to the applause of fellow Americans who have cause to salute the astronauts for their courage and technical ability.

POSTAL REFORM: SUPPORT FOR A POSTAL CORPORATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following editorial pointing up some of the reasons why we should charter a Postal Corporation based on the recommendations of the Kappel Commission.

I was pleased to join my colleague on the Post Office and Civil Service Committee (Mr. Udall) in cosponsoring introduction today of the Postal Service Act of 1969.

The editorial, by David E. Rosenbaum, appeared in the Sunday New York Times of May 25, as follows:

Post Office—Case for a Public Corporation

(By David E. Rosenbaum)

Washington.—"Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds."

True enough. But politics, red tape and antiquated machinery and facilities sure take their toll.

The United States Post Office—with more than 700,000 employes, a budget of more than $7-billion a year and an annual mail load of more than 80 billion pieces—is one of the most inefficient big businesses imaginable.

How long do you think a company that performed a service—for instance, repairing widgets—would survive with the following handicaps?

The executive officer knew nothing about widgets when he was appointed. He received the appointment as political patronage or because he was a good friend of the chairman of the board (the President).

The company cannot place its revenues in its own bank account for its own use. (Postal rates are set by Congress.)

The company cannot place its revenues in its own bank account for its own use. (Postal revenues go into the Treasury.)

The company receives virtually no money to prepare for the future when there will be many times as many widgets as there are now.

Employes go over the head of the company's management and bargain directly with another party (Congress) for wages and benefits.

The men running the branch offices cannot be transferred, even if they want to go, to another office in a different part of the country. (Local postmasters must live in the area they are appointed to serve.)

These are the handicaps of the United States Post Office. Is it any wonder it operates at an annual deficit of about $1-billion?

During the election campaign, President Nixon said the Post Office needed "to be run like a first class business," and he pledged to "institute the reforms that will give the American people the kind of postal service they're paying for."

Last week, the shape of Mr. Nixon's postal reforms became known. He plans to submit them to Congress this week. Basically, what Mr. Nixon proposes is to convert the Post Office into a government-owned corporation, not unlike the Tennessee Valley Authority.

The United States Postal Corporation would raise the funds it needed for modernization and capital improvements by issuing bonds for public sale. This would prevent

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The reality of total forced retirement is far from being even pleasant according to most Senior Citizens who are living it. Here at Brandon, we are convinced that doing nothing and being responsible to no one is not a happy state of being for any age, especially not for older persons with skills in human relationships acquired through 60 to 90 years of experience in dealing with other people of all ages and types.

Perhaps, at this time when our social ills and education goals are being scrutinized we should take our older persons "off the shelf" and let them take a vital role in our society. In fields of technology, an experienced person would not be "shelved" but society has no role and little use for the human relations experience, and skills of our older generation. As one-fourth of our national voting population, persons over 65 generally feel they no longer are useful because society has told them they should not be, except in a few isolated situations such as the Foster Grandparent Program. The numbers of such "roleless" persons are rapidly increasing as retirement age becomes earlier and medical advancement keeps us healthy longer. The performance of the 40 Foster Grandparents at Brandon Training School and of 4,000 similarly involved persons in other parts of the United States has clearly demonstrated that older persons do have much to offer society and should never be "shelved".

The younger generation toward which our national attention and funds are focused often sings out that " . . . what the world needs now is Love . . ." Perhaps if the oldsters had not been made "roleless" for so many generations, the youngsters would not be singing out this need with such a fervor today. Teenage volunteers working at Brandon have appreciated the attitudes and work of Foster Grandparents and made many close friendships with them.

Each of the 40 Brandon Grandparents gives individual attention, care, and training to two retarded children for four hours daily. Thus, over 70 children are having needs of self-identity met, as are the Grandparents' needs for feeling important and useful. Every Grandparent works out a program to meet the needs of his particular charges. Among the things that are patiently taught are skills of self-feeding, going up and down stairs, learning to manipulate buttons and shoestrings, getting along and sharing with others in work and play, and behavior in public. For those children who have the ability, there is help with learning to read and count, with crafts and games. There are special events too such as field trips, visits to stores or grandparents' home. The children are taken out-of-door daily and many participate in the Grandparents Rhythm Band and gardening projects. Speech stimulation and physical therapy are also children's benefits from the program.

As the individual Grandparent-Grandchild relationships continue in most cases they seem to improve in effectiveness for both the oldster and the youngster. As the child matures or his abilities improve, the Grandparent's gratification with his work likewise increases.

The Institution's attitude toward the Program has changed considerably since its beginning in 1966 when it was questionable to all concerned whether elderly persons could handle emotionally disturbed or severely handicapped children. Nowadays, if a child is a difficult problem or has multiple handicaps, the prescription is often to give him a Foster Grandparent. The patience, dedication, and perseverance that older people have is often what children need. To hear a 77-year old woman, with a good understanding of what future potential her young charge has, say that she would die happy if she could get him toilet-trained, exemplifies the thoughts of many Foster Grandparents.

APOLLO 10: ANOTHER SPACE SUCCESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. EVINS of Tennessee. Mr. Speaker, certainly we can all take great pride in the magnificent achievements of the Apollo 10 astronauts and the Nation's entire space team.

I want to especially commend and congratulate the astronauts—Tom Stafford, John Young, and Gene Cernan—whose cool courage and competence overcame mechanical problems as their craft hovered over the moon's surface.

In this connection I also want to commend the work of the Arnold Engineering Development Center in Tullahoma, Tenn., in the Fourth Congressional District which I am honored to represent in the Congress. The testing of the Apollo components at this center was an important part of the preparation for the mission.

The Apollo 10 astronauts and the other astronauts who participated in the Apollo and prior space programs have laid the foundation for man's first trip to the moon scheduled by the National Aeronautics and Space Administration in July.

As we salute the astronauts, I place in the RECORD herewith an editorial from the Nashville Tennessean entited "A Job Well Done, 'Charlie Brown'."

The editorial follows:

[From the Nashville Tennessean,
May 24, 1969]

A JOB WELL DONE, "CHARLIE BROWN"

The Apollo 10 mission has again forced those on earth to use up all their best adjectives, as the three astronauts journeyed around the cratered moon and then cut loose in a spidery landing module to dip down to about 50,000 feet of the lunar serface.

There were anxious moments for Col. Thomas P. Stafford and Cmdr. Eugene A. Cernan, flying in the lunar module nicknamed "Snoopy." As its lower stage was jettisioned, "Snoopy" went into wild gyrations. The two men were excited, but never lost their "cool" and Colonel Stafford brought the module back under control and then fired the rocket necessary for "Snoopy" to rejoin the command ship "Charlie Brown" which was orbiting 69 miles above the moon.

Other than the gyrations, which may have resulted because of a switch that wasn't thrown in the correct position, and a couple of other incidents of mild concern, the Apollo 10 mission has gone off in textbook style.

Only the actual moon landing could be a more severe test of the men and machines, and of the long preparatory engineering and training that have figured into the mission.

Apollo 10 has paved the way to the ultimate step, and while there will be additional hazards to the actual touch down and blast off from the pocked lunar surface, the voyage of "Snoopy" proved that it is feasible; that the moon finally is within reach of man's footsteps.

Apollo 10 has accomplished the difficult part, and now can return to earth with the tremendous satisfaction of a job well done and to the applause of fellow Americans who have cause to salute the astronauts for their courage and technical ability.

POSTAL REFORM: SUPPORT FOR A POSTAL CORPORATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following editorial pointing up some of the reasons why we should charter a Postal Corporation based on the recommendations of the Kappel Commission.

I was pleased to join my colleague on the Post Office and Civil Service Committee (Mr. UDALL) in cosponsoring introduction today of the Postal Service Act of 1969.

The editorial, by David E. Rosenbaum, appeared in the Sunday New York Times of May 25, as follows:

POST OFFICE—CASE FOR A PUBLIC CORPORATION

(By David E. Rosenbaum)

WASHINGTON.—"Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds."

True enough. But politics, red tape and antiquated machinery and facilities sure take their toll.

The United States Post Office—with more than 700,000 employes, a budget of more than $7-billion a year and an annual mail load of more than 80 billion pieces—is one of the most inefficient big businesses imaginable.

How long do you think a company that performed a service—for instance, repairing widgets—would survive with the following handicaps?

The executive officer knew nothing about widgets when he was appointed. He received the appointment as political patronage or because he was a good friend of the chairman of the board (the President).

The company cannot place its revenues in its own bank account for its own use. (Postal rates are set by Congress.)

The company cannot place its revenues in its own bank account for its own use. (Postal revenues go into the Treasury.)

The company receives virtually no money to prepare for the future when there will be many times as many widgets as there are now.

Employes go over the head of the company's management and bargain directly with another party (Congress) for wages and benefits.

The men running the branch offices cannot be transferred, even if they want to go, to another office in a different part of the country. (Local postmasters must live in the area they are appointed to serve.)

These are the handicaps of the United States Post Office. Is it any wonder it operates at an annual deficit of about $1-billion?

During the election campaign, President Nixon said the Post Office needed "to be run like a first class business," and he pledged to "institute the reforms that will give the American people the kind of postal service they're paying for."

Last week, the shape of Mr. Nixon's postal reforms became known. He plans to submit them to Congress this week. Basically, what Mr. Nixon proposes is to convert the Post Office into a government-owned corporation, not unlike the Tennessee Valley Authority.

The United States Postal Corporation would raise the funds it needed for modernization and capital improvements by issuing bonds for public sale. This would prevent

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Congress from slashing funds because of current budget necessities.

The corporation would be run by a board of directors appointed by the President, and postal rates would be set by a separate three-member board. The rate board's recommendations would go into effect unless they were specifically vetoed by Congress. This would take the unpleasant chore of raising rates away from politicians.

Postal workers would be removed from civil service. They would have the right to negotiate directly with the corporation's management, and disputes would be settled through compulsory arbitration. This would diminish the political influence of the postal workers' union.

The idea is not a new one. It differs only in minor details from a comprehensive plan put forth by a Presidential commission last year. But many observers here believe that if Mr. Nixon places his prestige behind postal reforms, as no President has done before, the reorganization will be passed by Congress in the next two or three years.

Those who support the plan believe that by handling mail in a business-like manner, free of political pressures, the Post Office deficit could be eliminated within five years and mail delivery could be improved immediately through a modernization of plants, machinery and operations.

There are some, in and out of Congress who argue that converting the Post Office to a corporation would create an "unregulated monopoly." The corporation, they feel, could reduce services considerably, with an eye only to making money and not to the needs of the country.

Some third class (direct mail advertising) mailers fear a corporation would take away their relatively low rates and make them pay their own way. Congress has determined, these mailers contend, that low third-class rates are beneficial to the nation's over-all economy but the corporation would not be compelled to consider national priorities.

But the major obstacles to reform, without question, are the postal workers' unions. They are among the most powerful lobbyists in the capital and are likely to oppose Mr. Nixon's plan vigorously.

"They're afraid of it," one Congressional source noted last night. "These guys carry a lot of clout with Congress now, and they don't know how they'd come out under a new structure."

Rep. Morris K. Udall, a leading Congressional advocate of postal reform, acknowledges that the chance of the proposal's passage this year is just about nil. "It's new and strange and needs an incubation period," the Arizona Democrat says. "But I'm confident that now it's only a matter of time."

NATIONAL TRANSPORTATION WEEK: A BRIEF STATEMENT

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. MESKILL. Mr. Speaker, each year in May the Nation pays special tribute to the service of transportation by setting aside a National Transportation Week. Begun in 1956, this practice has continued through the years and rightfully so. It is an expression of the Nation's dependence on the vital function of transportation.

Back in 1959, it was proposed in a joint resolution of Congress to authorize the President to proclaim a week in May each year as National Transportation Week. The Interstate Commerce Commission endorsed the proposal with these words:

> Public transportation is the very nerve center of commerce, and commerce is one of the most important methods by which the strength and unity of our Nation have grown. House Joint Resolution 294, would publicly recognize the vitality and resourcefulness of the people who have so capably met and continue to meet the ever-changing and growing needs of our country. It would provide the means by which a tribute could be paid to the entire transportation industry which, over the years, has had no small task in keeping abreast of all of the changing phases that have marked the development of American enterprise.
>
> If adopted, the proposed joint resolution would serve to bring into proper focus the role of this tremendously important industry as a vital part of our national economy. The proclamation contemplated by this measure would be a forward step toward the promotion of complete understanding, not only among the carriers themselves, but between the carriers, shippers, and the public in general.
>
> We are in complete accord with the spirit and purpose of House Joint Resolution 294 and urge its adoption.

Mr. Speaker, I welcome the idea of paying tribute to the vital function of transportation each year, and add my tribute to the men and women serving the transportation needs of our country.

LT. ROY McDONALD

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. LONG of Maryland. Mr. Speaker, Lt. Roy McDonald, an outstanding young officer from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

ARMY LT. ROY McDONALD, 21, OF CUMBERLAND, DIES IN WAR

A young infantry officer from Cumberland who had hoped to make the Army his career is among the latest casualties of the Vietnam war, authorities have disclosed.

First Lt. Roy L. McDonald, 21, who enlisted as a private in 1966, died May 7 as a result of wounds received in an ammunition explosion at a forward staging-area, the Pentagon announced yesterday.

FORT HILL GRADUATE

The Maryland-born paratrooper had earlier been listed as missing, an Army official said. His body was found later by troops scouring the area.

The body will be returned to his home for funeral services as soon as is possible, a family spokesman said. Burial will be at Hillcrest Cemetery in Cumberland.

A 1965 graduate of Fort Hill High School in Cumberland, Lieutenant McDonald enlisted in the Army in December, 1966, after working briefly at the Fairchild-Hiller Corporation in Baltimore.

After receiving basic training at Fort Gordon, Georgia, he was assigned to Special Forces schools and to Officer Candidate School. He was commissioned as a second lieutenant in February, 1967, and promoted to first lieutenant later.

The young officer had been in Vietnam since December, 1968, as part of the 101st Air Cavalry Division. He planned to stay in the Army—and perhaps go to college—on returning to the United States next year, his family said.

Lieutenant McDonald is survived by his wife, Mrs. Barbara McDonald, and a son, Roy 2d, aged 8 months, as well as his parents, Mr. and Mrs. Roy A. McDonald. All are of Cumberland.

Also surviving are three sisters, Miss Delores McDonald of Joppa, Md., Mrs. Barbara Hedrick, of Bel Air, and Miss Janet McDonald, of Cumberland.

HOW WILL FUNDING LEVELS FOR FEDERAL EDUCATION PROGRAMS AFFECT THE SCHOOL SYSTEM IN MICHIGAN?

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, there has been much discussion of the need for full funding of programs that provide Federal assistance to education. Dr. William Simmons, deputy superintendent of the Detroit public schools, in testimony before the House Committee on Appropriations, has given a comprehensive analysis of what reduced funding levels will mean for schoolchildren in Michigan.

His comments are illustrative of the problems that we will be facing all across the country if we fail to make an adequate financial commitment to education in the Congress. Dr. Simmons' comments follow and I commend them to the attention of all who are concerned about the future of education in this country:

TESTIMONY OF WILLIAM SIMMONS, DEPUTY SUPERINTENDENT, DETROIT PUBLIC SCHOOLS, BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON LABOR, HEALTH, EDUCATION, AND WELFARE, MAY 20, 1969

Mr. Chairman and Members of the Committee: I am William Simmons, Deputy Superintendent of Schools, Detroit, Michigan. I am pleased to have this opportunity to appear before this Committee to testify in support of a new nationwide movement for full funding of all educational programs.

My testimony today will be offered in two parts. The first part will be a discussion of the need for full funding of all educational programs in Detroit. The second part will be a discussion of the need for full funding of the impacted area legislation, Public Laws 815 and 874. All programs are fully operative in Detroit and, combined, represent a major part of our educational expenditures.

Before I begin my basic discussion, I would like the Committee to know that I completely endorse the comprehensive statement made by Carl D. Perkins, Chairman of the House Labor and Education Committee, before this body on Wednesday, May 14. This statement of the need for full funding of all educational authorizations is a document that clearly details the case. The fulfillment of the goals enunciated rests now in the hands of this Appropriations Committee.

PART I

The financial plight of the urban school districts is well known to this Committee. The Detroit Public Schools, for example, face a grave fiscal situation that, if not reversed, will seriously impair the educative process for boys and girls served by the School District of the City of Detroit. This fiscal year the school district requires an additional $8.4 million if a deficit is to be avoided. To begin school in September with a continuation of the present program, an additional $23.1 million will be required. Where these amounts, totaling $31.5 million, will come from is a part of the dilemma.

The State has been petitioned for additional funds to help meet this financial crisis. Should funds be forthcoming, it is probable that there will only be some $5 million made available to the City of Detroit. The local taxpayers, in November of 1968, were asked to approve a millage increase with no success. This situation is typical of the situation in most of the large city school districts. The only difference is a matter of degree relating to numbers of pupils and the rate of decline in local taxation. Upon consideration of the monetary demands that are now being made on the school district from the community and from professional organizations, combined with existing deficits, it can be concluded that the fate of the schools is not hopeful.

In the midst of fiscal crisis, federal funding from such pieces of legislation as the Elementary and Secondary Education Act has provided the only monies that the Detroit Public Schools have had for program improvement for several years. Funds allocated to the school district under the various pieces of legislation, especially ESEA, have made possible a concentrated attack on problems related to the education of educationally and economically disadvantaged children of the city. The funds received have provided the only dollars available for some beginnings in the explorations necessary in the area of compensatory education especially as it relates to curricular improvement and teacher training. The major difficulty has been that the funds available from federal sources have not been sufficient. Indeed, the funds have only produced "pilot" or "demonstration" programs and, therefore, do not speak to the total needs of students in the school district, particularly so-called disadvantaged students.

Public education, especially urban public education, must, in the midst of inadequate local and state funding, look to federal grants-in-aid to help remedy the multiplicity of problems which confront it. This is true for all public education, but especially true for public education as it relates to urban centers which have become the depositories of the economically disadvantaged children of the nation.

The extension of the Elementary and Secondary Education Act for two years represents a step in the right direction; that direction is the provision of funding assurances for local school districts for more than one year at a time, allowing for more sensible planning and greater continuity in programming. Inasmuch as action in the United States Senate on this matter is still pending, the possibility of a five-year extension is still hoped for.

The school community and staff are agonized and perplexed with the "on again, off again" planning that is experienced by public school systems. Greater understanding of educational planning and the solution of educational problems would be a result of assurances of funding for longer periods and the more effective programming that could take place.

Education as a behavioral science must have the opportunity to operate long-term projects as necessary to accomplish definitive results in modifications of pupil behavior. This longer funding assurance and program life will provide the opportunity for modification of program elements to favor the inclusion of only those elements that show signs of success. This implies that more reliable information about successful program components would be possible through more carefully applied and longer lasting evaluative techniques.

Where forward funding exists, it exists in only a modified way. That is, funding guarantees are uncertain and dependent on annual congressional action or they are limited to a percentage of the present funding level. Not even is there an allowance for normal "cost-of-the-program" increases experienced as a result of wage and product cost increases. Indeed, there is not the kind of assurance that would lead to planning which can guarantee at least continuity of the existing degree of service to clients from one year to the next.

Federal funding legislation, therefore, must begin to establish forward funding statements within their text which will guarantee the continuity of program that leads to more effective solutions to educational problems.

The problem of inadequate appropriations to finance federally funded educational programs is well known. Authorizations passed by Congress are realistically recommended and are based on known needs. Final appropriations, on the other hand, are almost always far less than the amount originally authorized. This immediately indicates that existing needs will be met only to a limited extent. At no time during the operation of the Elementary and Secondary Education Act have adequate appropriations been made to meet the needs of those who expected to be served. Indeed, the appropriations for the present fiscal year were not adequate to continue the federally financed programs of the prior year because the maintenance of the same level of appropriations did not take into consideration the increased cost of doing business that is experienced in every part of the private and public sector.

The restricted allocations of federal funds have put the conduct of most programs under an operational uncertainty that strikes at the effectiveness of the program itself and simply invites unrealistic criticism.

Therefore, one of the decisons that must be made if we are to expect anything other than minor degrees of success with federal funding is the establishment by the Congress of higher levels of appropriations as compared with authorizations.

The appropriations by the Congress for federal educational programs administered by the State have not been sufficient to maintain educational programs in the State of Michigan or in the school districts of the state. The 1966–67 expenditure for all school districts in Michigan for federal educational aids for all programs was approximately $125.48 million. In 1967–68, the appropriation level provided only $121.5 million to Michigan, and in 1968–69 the appropriation had declined to $112.5 million. The decline in the allocation to the State of Michigan, in effect, caused a shrinkage of funds in the local units. ESEA, Title I, has barely maintained its average allocation, and the only program with a constant increase over the three-year period was the impacted area program, Public Law 874.

The Nixon budget for fiscal 1970 reduces even further the allocations for the State of Michigan, which, without question, will mean less funds for the local educational agencies. A review of that budget shows that there will be $3.85 million less to spend on educational programs in Michigan in fiscal 1970 than in the current fiscal year.

The effect of the decreases in Michigan on the Detroit Public Schools is especially significant, since Detroit has 16% of the total school population and 39% of the children who qualify as educationally deprived under Title I programs. Should the Nixon budget be adopted, there would be no funds for ESEA, Titles II and III, or NDEA, Titles III and V–A. The only programs where there might be a possible increase in allocations to Detroit would be ESEA, Title I, Vocational Education, and Adult Education. The increases in these programs, based on the statewide allocation, would be insignificant.

The recommendation for the elimination of all but "A" category pupils under Public Law 874 would remove an allocation of approximately $1 million to Detroit, and almost double that amount should the public housing pupils be added to the act. The point which must be made is when allocations in a budget are shifted from one program to another without additional funds being added to the total, urban school districts suffer the most because these districts participate fully in all of the federally funded programs. What we need in the urban school districts is full funding of all educational programs. A table showing the effect of the Nixon budget on certain of the educational programs in Michigan that have provided substantial amounts to Detroit is shown in Attachment #1. The allocations to Detroit for the ESEA programs are shown in Attachment #2. Needless to say, the decline in the state allocations will mean discontinuation of certain program elements in the Detroit Public Schools.

The impact of the cuts in ESEA, Titles II and III, NDEA, Titles III and V–A, and LSCA, Title I, were described by Dr. Ira Polley, State of Michigan Superintendent of Public Instruction, in a letter to all members of the Michigan congressional delegation. The reasons for continuing of funding these programs, to which reasons Detroit concurs, are dramatically described program-by-program in his attachment to that letter as follows:

Regarding title II, ESEA

1. 400 libraries have been opened in public school buildings.

2. 2½ million books have been purchased for those libraries.

3. Districts with very limited resources, or with large numbers of poor children have been able to obtain special help to provide learning materials to their children.

4. School systems have expended their own funds to train library aides and to support the education of additional professional school libraries.

5. Librarians are personally convinced of the value of this service, as the following quote from a librarian to the state department indicates: "The Title II materials have given us much more flexibility in the classrooms, many more supplementary materials and excellent resources for the children's studies. We are not conducting classes in the traditional manner where children all sit in rows and recite from memory. Instead, children are taken on field trips out of the institution to become familiar with community living. Title II supplementary books, such as "Who Will Milk My Cow" and "Bin-Bang Pig " or lovely big colored picture charts of animals, give tremendous motivation to the children. Traditional textbooks are also outdated for most retarded children. Instead, the teachers use many creative materials which are most applicable and encompass many of Title II materials."

Regarding title V–A, NDEA

1. In 1967–68, 339 school districts, including 680,000 students, participated in NDEA-supported counseling services, and 388,000 students participated in NDEA-supported testing.

2. In 1967–68, over forty schools experimented with elementary guidance programs for troubled young children.

3. Under a new approach by the state department, four community colleges have employed recruitment counselors who recruit and help poor students go on to college.

In the words of this program's director, "Total loss of NDEA V–A will terminate counseling and guidance services to students in several communities where such services have

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recently been implemented, and the LEA cannot yet carry programs without help."

Regarding title III, NDEA

1. Requests for NDEA funds received from the local school districts have been double the amount of the allocations by the federal government; out of present federal appropriations, the state department, therefore, is able to match only one-half of the requests for equipment.

2. The number of submitted projects has ranged from 480 to 575 each year this decade.

3. Participation in the program has averaged 93.2% of the public school membership. Those schools which have not participated are the smaller school districts which do not feel they would receive sufficient funds to make the effort worthwhile.

4. This year, 462 school districts with 1,825,390 pupils requested funds under the "regular" NDEA, Title III, distribution. In that distribution districts which have a lower SEV behind each child receive a larger share of NDEA funds.

5. This year for the first time, the state department has made a separate distribution of funds to schools which have large percentages of poor children. Under this program 39 school districts in the state are using $975,000 in equipment grants to improve instruction in schools serving many poor children.

6. In the words of the NDEA, Title III, program director:

"With the present economic situation in the State of Michigan and the voter resistance to voting extra allocated operational millage, the elimination of NDEA, Title III, will merely compound the problems in local districts of providing sound educational programs. It is also our feeling that NDEA, Title III, is one of the better federal programs because equipment and programs developed under this Act are financed by the cooperation of federal funds and matching local funds. The matching of federal funds by local school districts, I am sure, means that much more effort and thought is given to the need, type and use of equipment in the educational process."

Regarding title III, ESEA

1. A cutback of approximately 30–32% being proposed by the United States Congress in the FY 1970 Title III funding levels will require the state department to reduce the budgets of most Michigan projects by 40% with the following implications:

Approximately 500 school districts are being served by Title III projects. Thirty-five districts, acting as fiscal agents, will receive reduced budgets.

There are over 1.7 million public and nonpublic school children touched in some way by these projects. These children will receive less.

The two areas critical to the success of Title III, dissemination and evaluation, will be reduced or eliminated.

The number of children and professional personnel receiving innovative services will be reduced.

Some excellent projects will decide to terminate and have so indicated such action at this date.

Overall quality, a distinguishing feature of Title III, will be reduced.

2. Other cuts may be:

An out-door learning laboratory in Traverse City, where potential school dropouts find a way to stay in school until they graduate.

A Metropolitan-Flint program to help the parents of deaf children help the child learn at home during his first years of life.

A program which brings learning specialists to Kent County rural schools to work with individual children who seem unable to achieve in their classes.

A seven-county effort in the midpart of the state to strengthen elementary and junior high instruction in seven districts.

A program in an urban center to cut class size sharply in schools serving poor children.

A program in the Upper Peninsula to help retarded children learn new job skills.

Regarding LSCA I and II

1. As a result of federal aid, the state has been able to grant from $350,000 to $400,000 to libraries throughout the state for books and for hiring of additional librarians and library aides. These libraries have employed staff, rented space, and started services in anticipation of continued federal support.

2. The state legislature has raised the level of its spending for the libraries of the state, partly in response to the federal presence.

3. The state department of education has employed consultants to work with local library people in improving their services to all citizens.

4. Magazines and other periodicals are purchased by the state libraries and circulated statewide, a service particularly useful to isolated rural libraries.

5. Films and records are made available where none would be otherwise.

6. The construction program has provided over 44 new public libraries, including both branch libraries in the inner city and new facilities in rural communities.

PART II

The extension proposed for the impacted area legislation coincides with the extensions proposed for all other educational programs enacted by the House in H.R. 514. Public Laws 815 and 874 are now scheduled to expire June 30, 1972. The extension proposed will make possible full implementation of forward funding and will remove many of the uncertainties that will undoubtedly affect the level of appropriations for fiscal 1970 and future years, while, at the same time, providing local educational agencies with an opportunity to achieve program continuity that is not possible under shorter extensions. Since the federal revenues provided under Public Law 874 become part of the general fund operating budgets of local school districts, such assurances are necessary at an early date because of their impact on the total school program. The dependence of local educational agencies on this vital revenue source has become increasingly important as school districts across the country are planning educational programs in the face of serious revenue deficits.

The appropriations for the impacted area legislation have been a hotly debated issue before every session of Congress since the laws were enacted in 1950. The regular appropriation process generally has not provided the funds necessary to permit 100% payment for all applicants. It is only through the supplemental appropriation process that adequate funding has been made possible.

This year, the impacted area legislation is faced with a most serious situation. The Johnson budget recommendations for fiscal 1970 proposed that the expenditure level of Public Laws 815 and 874 be limited to $300,000,000. The Nixon Administration further reduced the $300 million to $187 million. The latter budget limitation, if enacted by the Appropriations Committee, would, in effect, eliminate payment to all school districts except those with large concentrations of "A" category pupils. The Johnson Administration recommendation carried with it recommendations for the revisions of the basic legislation to the extent that almost all districts receiving impacted area funds would be eliminated from the program.

The proposed program limitations from the former Administration are detailed hereafter, and it is assumed that the estimated entitlement for full payment would be $622 million. It now appears that the program would not be fully funded at less than $600,594,000. Significantly, nothing was provided in either budget for the funding of the major disaster section of the act. Should payments under this section be required, there would be a proration of payments under the $187 million limitation to both the "A" category pupil and the Section 6 pupil.

Fiscal year 1970

[In millions]

Estimated entitlement under present law	$622
Proposed amendments:	
Require school districts to absorb the cost of education equal to 6% of enrollment for section 3(b) children	−140
Reduce the rate of payment to 25% for Section 3(b) children where the related federal property is in another school district	−117
Eliminate one-half state and national average per pupil payment rates for both Sections 3(a) and 3(b)	−75
Eliminate from the definition of Federal property those properties which are outleased by the Federal Government and on which taxes are paid	−21
Eliminate counting children in 13th and 14th grades	−4
Savings provision to prevent more than 25 percent reduction per school district in first year	+35
Total reductions (net)	−322
Entitlement adjusted for proposed reductions	300
President's Budget for 1970	300

The budget proposals of both the Johnson and the Nixon Administrations are completely inadequate in terms of the impacted area program. Since it is apparent the latest budget intends to fund only a small portion of the program, the inadequacies of the initial budget should be discussed.

The total impact of these drastic amendments, which provide a budget saving of $322 million, would vary from school district to school district, since there are few instances where all amendments would be applicable to a given local educational agency. It is apparent, however, that the 6% absorption proposed in Amendment No. 1 and the change in the definition of federal property proposed in Amendment No. 4 would eliminate most large school districts now in the program. Proposed Amendment No. 2 would provide a serious cutback in funds to all school districts across the country that could meet the new qualifying requirements. The elimination of the floor provision in proposed Amendment No. 3 would seriously reduce the level of payment to districts qualifying under the new restriction and would have a serious impact on those southern states which are now participating under the national average floor provision. Proposed Amendment No. 5 would eliminate those school districts that are now counting as eligible pupils in grades 13 and 14. This amendment is particularly damaging to school districts in California and other states where the counting of such pupils is permitted under state law.

These two laws appear to be caught in the revenue cap that has been placed on all educational programs in the proposed budget for fiscal 1970. An analysis of the educational appropriations recommended in the budget for fiscal 1970 reveals what appears to be little more than a shifting of funds. The increases in Elementary and Secondary Education Act funds, particularly in Title I, appear to be made at the expense of other educational programs. The tragedy of this type of an approach is that it takes money from one educational pocket of the local educational agency and places it in another pocket. The philosophy that federal educational funds should be concentrated to do a particular job loses its impact because all federal funds that are received in most school districts are combined in such a way that they have the maximum effect on federally supported educational programs.

The impacted area school districts of this nation are caught in a budget squeeze. The limitations proposed by the Administration are premised on the theory that the large city school districts do not get impacted area school aid. The Committee hearing record on H.R. 514 will show that all of the superintendents from the largest cities in this nation who testified during the second week of testimony supported the impacted area program. They suggested these funds would, in part, permit them to reduce the revenue deficits they are facing in the general fund budgets which must be maintained if they are to adequately satisfy the maintenance of effort provisions in the other programs that produce funds for the disadvantaged.

One can but wonder why additional dollars cannot be made available for educational programs from a nation so wealthy as ours. It appears that funds can be found for a variety of activities that pertain to the general welfare, except in the field of education. Yet, it is seldom that our leaders do not cite adequate education for all as the basis for a more productive and stabilized nation. What we need in the support of all educational programs is more dollars, not dollars shifted from one educational program to another. While one can debate the possibility of combining programs, new programs, and the possibility of greater local and state funds for education, the fact that exists today is that the federal educational dollars, almost without exception, determine whether a school district is making forward progress or whether it has simply deteriorated into the balanced budget approach to education.

The House, in enacting H.R. 514, added a new category to Public Law 874, that of children living in public housing. The thrust of this proposal is to relieve in part the serious situations that have developed in many communities across this nation, particularly in impacted areas, when federal housing brought in pupils and then left school districts to provide school buildings and school services that were not possible without depleting the regular program of the school districts involved. Under the housing provision, this section would require an appropriation of $250 million.

The need for separate funding of this new provision was made clear in the enacting legislation and the discussion that preceded the adoption of this program by the committee. All categories of this legislation should be fully funded at the rate required for each category, and not one category at the expense of another.

The continuation of the impacted area program in school districts across this nation is not inconsistent with the need for more educational funds for the educationally disadvantaged. Funds provided to most impacted area districts are the funds that make the difference between a marginal educational program and a complete educational program. Pupils with expectant mobility must have a complete education if they are to fit into new school situations without becoming a burden to the receiving district.

I would make one further plea in behalf of the school construction provisions of Public Law 815. School districts presently qualifying under this law which has provided so many classrooms for the children of the nation are in a fiscal bind. Even though they have qualified for grants under this law, construction programs are not possible in many cases because of budget limitations during the fiscal year in which the classrooms are most needed. Indeed, there is a question as to whether or not the priority system, made necessary by the lack of funds, will not exclude many school districts who, under the laws as authorized by the Congress, will meet all eligibility requirements. An appropriation of $255 million to pay applicants eligible during fiscal years 1967, 1968 and 1969 is required if the housing needs of these districts are to be met. An additional $80 million will be required to pay out in full the requirement for fiscal 1970.

CONCLUSION

In conclusion, I would urge the Committee to report an appropriation bill that would provide for the full funding of all federally authorized educational programs. Less than full funding during these days of educational crisis, in effect, places education low on the list of national priorities when there is little question that the education of our boys and girls should appear in the highest order of any national rating scale.

ATTACHMENT NO. 1

MICHIGAN DEPARTMENT OF EDUCATION—EFFECT OF NIXON BUDGET RECOMMENDATIONS ON FEDERALLY FUNDED EDUCATIONAL PROGRAMS

	1967-68 spending	1968-69 allocation	1969-70 Nixon budget	Increase or decrease
ESEA, I:				
Grants	$34,300,000	$32,400,000	$36,400,000	+$4,200,000
Administration:				
Regular	343,000	324,000	364,000	+40,000
Migrant	82,000	145,000		
ESEA, II:				
Grants	4,400,000	2,000,000	0	−2,200,000
Administration	226,000	116,000	0	−116,000
ESEA, III:				
Grants	7,900,000	6,300,000	4,400,000	−1,900,000
Administration		474,000	327,000	−147,000
ESEA, IV: Administration			100,000	+100,000
Adult education:				
Grants	800,000	900,000	[1] 1,000,000	+100,000
Administration	96,000	104,000		
Vocational education:				
Grants	10,000,000	9,200,000	[1] 9,900,000	+700,000
Administration	298,000	375,000		
NDEA, III:				
Grants		3,400,000	0	−3,400,000
Administration		86,000	0	−86,000
NDEA, V-A:				
Grants	1,000,000	700,000	0	−700,000
Administration	77,000	84,000	0	−84,000
LSCA, I:				
Grants	600,000	450,000	0	−450,000
Administration	800,000	900,000	700,000	−200,000

[1] Our choice.

DETROIT PUBLIC SCHOOLS—ELEMENTARY AND SECONDARY EDUCATION ACT YEARLY FUNDING LEVELS

	1965-66	1966-67	1967-68	1968-69
Title I: Educational programs for disadvantaged	$11,999,074	$11,221,532	$11,281,162	$10,370,415
Title II: Library materials and supplies	705,476	712,195	1,069,275	(1)
Title III: Supplementary educational centers and services			37,000 20,722	(2) 2,000,000
Adult education: ESEA amendment to title III		244,767	648,776	501,519
Title V: Grants to strengthen State departments of education				82,154 (3)
Title VI: Education of handicapped children			155,338	113,247 (4)
Title VIII: Dropout prevention				400,000 (3)

[1] Pending allocation from the State of Michigan.
[2] Not elsewhere classified.
[3] Proposed.
[4] Pending additional funding for a $202,145 proposal.

DR. MAX NOVICH

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. MINISH. Mr. Speaker, one of the most rewarding avocations open to a man today is to work for and with youngsters. However, this is not an easy field in which to succeed—many frustrations are involved and a great deal of knowledge, patience, and understanding are required. Therefore, I am most proud today to pay tribute to Dr. Max H. Novich, of South Orange, N.J., for his outstanding achievements in training and teaching young men and boys.

Doctor Novich is a renowned orthopedic surgeon, a former professional boxer, and one of our Nation's leading authorities on amateur boxing. For years he has devoted as much of his spare time as possible to sports and to young people. A recent issue of Sports Illustrated magazine highlighted the fact that the basement of Doctor Novich's home in South Orange is converted into a gymnasium every Sunday for the children of friends and neighbors.

Doctor Novich will serve as chief physician for the American team which will participate in the 1969 Maccabees Games in Israel this summer. The Maccabees Games is a convocation of the world's outstanding Jewish athletes in a quadrennial competition. The games serve as a magnificent vehicle for forging international understanding, cooperation, and good will and are unmatched in terms of cultural and spiritual reawakening.

Recently more than 500 persons turned out to honor Doctor Novich at a Newark, N.J., dinner held to raise funds for the American Maccabees competitors. The evening's program included the following portrait of this dedicated individual and I commend it to the attention of my colleagues:

XUM

DR. MAX NOVICH

We honor "Dr. Max" tonight on his reappointment as Chief Physician for the 1969 American Maccabees Team in Israel. Even more we honor Dr. Max as the proponent of the physical fitness of youth and for his time and effort so generously given on behalf of the American Athletic Union, as Chief Physician for the American Boxing Team in the recent Olympic Games in Mexico City and for his services to the American team in the 1965 Maccabees Games in Israel.

Sports Illustrated has given world-wide recognition to our friend and neighbor for his life's devotion to physical fitness, the need for which was early established in his framework of life as a youngster in Newark.

Today, an eminent orthopedic surgeon, Dr. Max, back in the early 1930's, was a 165-pound youth with a right hand good enough to win him a boxing scholarship to the University of North Carolina, two conference championships and two NCAA awards. Later, as a medical student at North Carolina, he met tuition bills by picking up a few professional fights. For the same purpose he took over in 1939 the management of a promising Lithuanian heavyweight named Jack Brazzo.

The arrangement kept both men temporarily solvent but did not have a lasting influence on either of their lives. Brazzo changed his name to Jack Palance and became a knockout as a Hollywood heavy. Novich kept on being Novich. After winning a Purple Heart and Bronze Star in World War II, he came back to New Jersey and established himself as an orthopedic surgeon.

He has also been a New Jersey referee for amateur bouts and is on the State Boxing Commission's medical panel. He has written some 50 articles on sports medicine, has a book on athletic training coming out this spring and is generally regarded as one of the most knowledgeable American physicians when it comes to the development and maintenance of athletes.

Sports Illustrated has referred to Dr. Max as the founder, faculty and resident philosopher of "Novich's Sunday Boxing School for Overprivileged Boys" in pointing to his Sunday morning boxing class which he personally conducts in the basement of his home, converted into a gymnasium for neighborhood youngsters.

The confidence which Dr. Max instills in his charges is termed "remarkable" by this stand-out magazine and the author's words explain it in a way we all understand:

"Put it this way, without exception everyone has an ego to feed. Most of us feed ours in the corners, nibbling away, masking the process with couth little gestures, apologizing for our appetite with phony phrases. But every once in a while you run into somebody like Max Novich, who is a big, honest feeder. He is like a Jewish mother trying to get everybody to stuff themselves all the time. Only he wants to stuff your ego."

Dr. Max will be out to accomplish exactly this as he shepherds our athletes to successful competition in furtherance of world peace through individual excellence in the 1969 Maccabees Games in Israel this summer.

HERBERT E. GREENSTONE,
General Chairman.

FACING THE FACTS

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. TAFT. Mr. Speaker, Justice Oliver Wendell Holmes once wrote:

> The first step toward improvement is to look the facts in the face.

To improve the mail delivery in our Nation, the first step is to establish the facts about our postal operation.

The first fact is mounting cost. Since 1838 we have had—despite repeated increases in postal rates—a history of growing deficits. The deficit has now reached over a billion dollars a year.

Despite mounting appropriations out of the taxpayer's pocket, the other fact is that service is getting poorer. Delays and breakdowns cause economic damage and personal hardship.

If we look these facts in the face we must conclude that we need a postal operation that is run as a self-supporting enterprise on a businesslike basis.

Under present procedures postal officials have not even been able to calculate the cost of delivering a letter. The interests of the Post Office Department have been organized more on the lines of a political organization than as a business enterprise.

President Nixon and the Postmaster General has now offered us a proposal to establish a Government owned but independent postal service. I am happy to join in sponsoring this measure. Under its provisions, as in other public utilities, postal-rate rises will be decided by quasi-judicial expert commissions. As in any other business, salary negotiations will have true collective bargaining. The postal worker will finally take his rightful place beside the worker in private industry. The mail delivery will assume its proper role in the modern communications system of America.

FUNDS FOR A NATIONAL SYSTEM OF SCENIC HIGHWAYS

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. CHAMBERLAIN. Mr. Speaker, on May 8, 1969, the Michigan Legislature approved Senate Concurrent Resolution 62, memorializing Congress to pass the necessary legislation to provide funds for a national system of scenic highways. I am pleased to include a copy of the resolution in the RECORD for the information and consideration of my colleagues:

SENATE CONCURRENT RESOLUTION NO. 62

(Offered by Senators Schweigert, O'Brien, Rockwell, Fleming and Rozycki)

Whereas, The federal government has conducted studies on the development of a national system of scenic highways in recognition of the fact that roads are more than just conduits of commerce and transportation and in fact are conduits for pleasure, recreation, diversion, experiencing the great out-of-doors and to see and learn of the country around us and legislation to accomplish this purpose has been introduced in the United States Congress, but it has thus far not been enacted; and

Whereas, The beauty, scenery, scenic overlooks and points of interest along the southern shore of Lake Superior in Michigan's beautiful and majestic Upper Peninsula, such as Tahquamenon Falls, Porcupine Mountains and many points of historic significance mandate that such a scenic highway should be located along the southern shore of Lake Superior in the Upper Peninsula; and

Whereas, The United States Congress has not yet seen fit to pass the legislation which would enable these scenic wonders to be opened up to the view of all citizens; now therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature urges the United States Congress to pass the enabling legislation and appropriate the necessary funds to develop a national system of scenic highways to include a scenic highway along the southern shore of Lake Superior in Michigan's beautiful Upper Peninsula; and be it further

Resolved, That a copy of this resolution be sent to the Director of the Department of State Highways, each member of the Commission of State Highways, the governor, and to each United States congressman from Michigan.

Adopted by the Senate, May 1, 1969.

Adopted by the House, May 8, 1969.

BERYL I. KENYON,
Secretary of the Senate.

T. THOS. THATCHER,
Clerk of the House of Representatives.

A SHOCKING STATEMENT

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 26, 1969

Mr. BROOMFIELD. Mr. Speaker, the North Vietnamese chief negotiator in Paris recently made a statement that must shock the entire civilized world.

He was responding to a plea Defense Secretary Melvin R. Laird issued on May 19. Secretary Laird once more asked, as the U.S. Government has repeatedly asked, that the North Vietnamese give to us a list of Americans they are holding prisoner.

We know they are holding hundreds of these prisoners, but we do not know who they are. Of the 1,300 U.S. servicemen listed as either prisoners of war or missing in action, almost 800 were downed over North Vietnam. Most of these are pilots and we believe a substantial number are held prisoner. Of those 1,300, however, there is no way of telling how many are dead and how many are held prisoner. This subjects their families to a prolonged anguish which does not require much imagination to sympathize with.

The chief of the North Vietnamese delegation in Paris, Xuan Thuy, does not share this anguish.

As he said on May 20 in Paris and these are his words:

> As long as the United States continues its aggression and does not withdraw its troops from Vietnam—

He will never turn over such a list.

The next day Secretary Laird said, and again I quote:

> I am deeply shocked and disappointed by this cruel response of Hanoi's representative to such a basic request for humanitarian action.

I share Secretary Laird's shock. I can only assume that every Member of this body shares my feelings.

XUM

The United States holds no prisoners of North Vietnam. Those prisoners taken in combat are in camps maintained by the Government of South Vietnam in accordance with the Geneva Convention on prisoners of war. In accordance with that convention these camps are visited by members of the international community of the Red Cross, to assure that the prisoners receive humane treatment and adequate food, shelter, and medical care.

The few prisoners which were held by the United States itself have been returned to North Vietnam.

But hundreds of American wives, children, and parents continue to live in a tragic state of uncertainty, because they do not know anything at all about the fate of their loved ones.

I call on Hanoi to furnish a list of the American prisoners it holds.

I call upon concerned American and civilized people everywhere to voice our appeal to Hanoi to furnish such a list.

Simple human decency requires such an action. To play upon the anxiety of helpless relatives or American servicemen in an attempt to win at the bargaining table what force of arms could not achieve on the battlefield is a type of warfare beneath contempt.

It is no wonder the conscience of the civilized world is shocked by this action, and by the callous words of the chief of the Hanoi delegation in Paris.

CRIME IN AMERICA

HON. BOB CASEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. CASEY. Mr. Speaker, in the May edition of the Police Times, the voice of American law enforcement, is an excellent article written by our esteemed colleague, Representative CLAUDE PEPPER, on our greatest domestic problem: crime.

Subsequent to this article, the House passed House Resolution 17, authored by this distinguished American, creating the Select Committee To Investigate Crime, and he was named by the Speaker as its chairman. I was privileged to have been one of the cosponsors of this legislation, and agree heartily in its goal.

In his article, our colleague states:

> It is my personal belief that an even more active role must be played by the Congress in the area of crime control. We must do more than follow recommendations . . . we must make recommendations of our own.

With this, I am in full accord, and I wish my colleague and his committee members well in their vital task. Because I believe his comments should be brought to the attention of all the Congress and the American people, I am pleased to insert it at this point in the RECORD:

A VIEW FROM THE CAPITOL: CRIME IN AMERICA

(By Congressman CLAUDE PEPPER, 11th Congressional District)

In 1965, President Johnson appointed the President's Commission on Law Enforcement and Administration of Justice to make a thorough investigation of the nature, causes, and possible solutions of the problem of crime in America. The Crime Commission reported to the President and the nation in early 1967, telling us that what was required was nothing less than "a revolution in the way America thinks about crime." They summarized some of the nation's most common misconceptions as follows:

> Many people take comfort in the view that crime is the vice of a handful of people . . . Many Americans also think of crime as a very narrow range of behavior . . . Many Americans think controlling crime is solely the task of the police, the courts, and correction agencies.

There are few who believe any longer that crime is the vice of only a handful. The 1967 F.B.I. report indicated 3.8 million serious crimes reported to the police, and the preliminary figure for 1968 is about 4.6 million. Juvenile crime is increasing 300 percent faster than the juvenile population. In 1969, approximately one out of every 50 Americans will be the victim of a crime. We have been listening to these statistics throughout the 1960's. and each year they get worse. During the eight-year period 1960–1967, the number of serious crimes per 100,000 population has increased 71%.

This nation has also, and tragically, become aware of the extent to which crime is not a narrow range of behavior, affecting only the few who traffic with risk and temptation. In the words of J. Edgar Hoover in a recent magazine interview:

"Recent events, such as the urban riots, and increase in crimes of violence, the assassination of prominent individuals, have brought home with a terrifying impact the danger of the criminal."

We have become increasingly aware of the danger of crime, and I think also of its complexity. To talk about "crime" is like talking about "disease." Cancer, arthritis, and pneumonia are all diseases, but their causes and cures have little or no relation to each other. So it is with crime. The diversity of the forms of illegal behavior lumped together under the single word is immense. Crime in America ranges from the holiday pickpocket to the mass looting and arson of a riot; from the shooting of an unfaithful wife to the assassination of our greatest leaders; from private desperation to the organized acumen of syndicate crime.

The belief that controlling crime is the job of the police, the courts, and the correction agencies, and no business of the private citizen, is the most dangerous of the public misconceptions identified by the Crime Commission. Public apathy in this regard is as serious as any of the other causes of our spiralling crime rate. Crime control is the occupation, the profession, of the patrolman, the probation officer, the criminal lawyer, but it is the responsibility of every American citizen. In the words of the Crime Commission:

"The responsibility of the individual citizen runs for deeper than cooperating with the police or accepting jury duty or insuring the safety of his family by installing adequate locks—important as they are. He must respect the law, refuse to cut corners, reject the cynical argument that 'anything goes as long as you don't get caught.'

"Most important of all, he must, on his own and through the organizations he belongs to, interest himself in the problems of crime and criminal justice, seek information, express his views, use his vote wisely, get involved.

"In sum, the Commission is sure that the Nation can control crime if it will."

There are indications that the American public is heeding these words, and this is no more apparent than in the Congress of the United States. An unprecedented number of bills relating to a wide range of aspects of crime control was introduced during the 90th Congress. Legislation was enacted providing $63 million dollars for the assistance of State and local governments in fiscal 1969, and authorizing $300 million for fiscal 1970, more money than has been spent by the Federal government in this area in the entire history of this country.

It is my personal belief that an even more active role must be played by the Congress in the area of crime control. We must do more than follow recommendations—and to a large extent major legislation enacted last year was in response to recommendations made by the Crime Commission. We must make recommendations of our own. With this in mind, on January 10 of 1967 I introduced legislation to establish a joint Senate-House Congressional committee to investigate crime, to report to the Congress on its findings and, when appropriate, to recommend legislative measures to be taken. This bill passed the House by an overwhelming majority of 319 to 12 but failed to become law because of Senate inaction. I have introduced identical legislation this year, as well as another measure—in which I am joined by more than 110 co-sponsors—to establish a Select Committee of the House to investigate all aspects of crime. We would like to work with the Senate on this matter, but are willing to take the lead without them if need be.

I have also co-sponsored with Congressman Bob Casey of Texas a measure to strengthen the penalty provisions of the Gun Control Act of 1968. This bill would impose a mandatory 10-year sentence on first conviction and 25-year sentence on second conviction, for those found guilty of commiting a felony while in possession of a firearm. I believe a law like this, a mandatory penalty where there could be no question in a man's mind of the risk he is taking, would go a long way toward disarming our criminals.

In the meantime, there is no more serious domestic problem than crime facing this nation today, and I commend the members of the American Federation of Police for their dedication to its prevention and control.

GI NEVER RETURNED

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GAYDOS. Mr. Speaker, Memorial Day is the day we traditionally honor the dead. Graves of countless thousands of courageous servicemen will be visited by their loved ones and the memorial services throughout the land will be conducted in honor and respect of those who have given their all for the cause of freedom. There are some who have no graves to visit.

I invite the attention of my colleagues to a recent article from the Pittsburgh Post Gazette which depicts the heart rending emotion experienced by parents who have the agonizing memories of their dead loved ones in the service but have no graves to honor:

HER SOLDIER SON NEVER RETURNED: THERE IS NO GRAVE FOR SAD MOTHER TO VISIT

There's no grave Mrs. Jessie Corle, 427 Bell Vue Ave., Wall Borough, can visit to memorialize her son, John, a victim of the Vietnam war, this Memorial Day.

Mrs. Corle's son never returned from Vietnam. He was in a helicopter shot down 100 yards off the Vietnamese shore in 1965. His body was never found.

This Memorial Day will be the third since she learned of her son's presumed death and still the agony of uncertainty hangs about her.

"Memorial Day has no real meaning, I feel, for parents like us," she wrote to John Spada, county acting director of veterans affairs. "Our son may be dead in body, but I dare not, I will not say Cpl. John T. Corle is dead, for he lives in our hearts and minds forever."

"Now I see where you talked of servicemen's memorial flags," she wrote to Spada. "Could I have one? I can't say where I could place it but in my front lawn for our son does not have a grave to respect.

"Cpl. John T. Corle might have the sea for a grave. Who really truly knows? That's why I ask: Could I have a flag in memory of our son? But where could I put it?"

Spada said yesterday the letter touched him more than any others he's received requesting memorial markers or flags.

He wrote the distraught mother:

"It is fitting and proper under these circumstances for you to place one or more flags on your front lawn on Memorial Day in memory of your late son and of the others who have made the supreme sacrifice." He said he would provide a flag.

He also invited her to a memorial service May 18 at Aspinwall Veterans Hospital commemorating "men who lost their lives overseas and whose crosses remain on foreign soil."

Mrs. Corle's letter arrived last week and is still sitting on Spada's Courthouse desk because:

"The more times I read it the more it saddens me."

FORD LOCAL 600 ASKS ENACTMENT OF TAX REFORM BILL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. DINGELL. Mr. Speaker, on Tuesday, May 27, 1969, I was pleased to welcome to my office two friends of long standing, Mr. Walter Dorosh and Mr. Robert Battle, who were in Washington on behalf of the 50,000 active and retired members of Ford Local 600 of the United Automobile Workers of America.

Mr. Dorosh and Mr. Battle, who are, respectively, president and second vice president of local 600, brought with them petitions signed by more than 25,000 members of local 600 in support of tax reform.

I would like to quote from the petition:

> We, the undersigned, respectfully request the 91st Congress to enact a tax reform bill which would provide a long overdue change which would directly aid the great mass of our nation's taxpayers—the low and middle income workers and the younger people who are struggling to raise families in the face of a constantly increasing cost of living.
>
> The reform tax bill should reduce the oil and mineral depletion allowance, repeal the investment tax credit, and block such loopholes as "hobby farms," accelerated real estate depreciation, multiple corporation tax-exempt municipal bonds, unlimited charitable deductions and the special tax treatment for stock options.
>
> Your Honor, we request your Committee to give our views on tax reform serious consideration and urge the 91st Congress to enact a new equitable tax law that must close tax loopholes for the rich and increase dependency allowances to $1,200.

This was unanimously endorsed by the executive board and general council of Ford local 600.

Mr. Speaker, President Dorosh and Vice President Battle speak for a patriotic and hard-working group of American citizens who stand ready to meet in full measure their responsibilities to their country. However, these two fine officials of one of the country's truly outstanding union locals made it clear that the members of local 600 expect the Congress to adopt equitable tax reforms.

In discussing the need for tax reform with Mr. Dorosh and Mr. Battle, I noted that I had introduced legislation early in the 91st Congress to achieve this end. In assuring them of my continuing support for tax reform, I also told them that it was my intention—and they indicated their support of this position—to oppose extension of the present 10-percent tax surcharge unless and until full-scale tax reform is approved by the House. To extend the surcharge without first reforming the tax structure would merely perpetuate and enlarge the already substantial injustices built into the system for persons who draw their incomes largely from wage and salary payments.

I want to thank the members of Ford local 600, both active and retired, and their elected officials for bringing to my attention in this manner their views on this important public issue. I want to assure each and every person who signed these petitions that I shall honor their wishes and fight to the fullest extent of my ability to secure early approval of broad-scale tax reform legislation.

POSTAL REFORM

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. WIDNALL. Mr. Speaker, the President has said:

> There is no Democratic or Republican way of delivering the mail. There is only the right way.

I am convinced that it is the President's broad vision, his ability to transcend the immediate concerns of partisan politics in order to see in its entirety the postal system as it is and as it should be—it is these qualities which are the really important feature of this message.

I say that these qualities are important for two reasons:

First. The ability to transcend partisan politics is the mark of a great President no matter what area he is engaged in.

Second. If the people of this country see the President lead the way, if they see that we have here a leader who is unafraid and who wants the best not just the usable, then they will demand the same qualities from all elective officials.

So this postal message is concerned not only with postal matters but with philosophical matters. It is infused with the spirit of nonpartisanship, with the belief that in order to change for the better it is often necessary to change completely, and with the imagination to discover the means by which such complete change can come about.

I am convinced that history will read this message and see in it not those particulars and concrete suggestions we applaud today, but something more: the vision of a man who quietly, earnestly, courageously works for the common good.

NEW YORK BETH ISRAEL MEDICAL CENTER CELEBRATES 80TH ANNIVERSARY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FARBSTEIN. Mr. Speaker, Hon. Charles H. Silver, consultant to the mayor of the city of New York and president of the Beth Israel Medical Center, a well-known and well considered institution in my city, recently spoke at the gala 80th anniversary dinner of the medical center on May 4, before a gathering of nearly 2,000 persons.

His remarks, which document the inspiring story of the Beth Israel Medical Center's growth and progress, follow:

ADDRESS BY HON. CHARLES H. SILVER

> Five years ago we met in the same ballroom to celebrate the fact that Beth Israel had grown in seventy-five years from a small second-floor clinic into a splendid hospital of some 360 beds.
>
> Today, we gather to mark our 80th anniversary. Beth Israel has become—in just the last five years—the great new Medical Center of New York with nearly 1500 beds . . . recognized for its achievements throughout the world.
>
> Every friend and all of the members of the Beth Israel family who favor us with their presence and fill this room with faith and dedication have helped to make Beth Israel a vital center of science and research . . . a haven of health and of hope.
>
> I am happy that so many of my days have been spent with you, that so many of my years have been devoted to Beth Israel and that this has given a a matchless opportunity to make life better, longer and more rewarding for my fellow man.
>
> But it has not been my reward alone. It is yours, too . . . something we all share . . . every member of our medical staff, our nurses and technicians, our administrative personnel, our volunteers and certainly our loyal, conscientious and generous Board of Trustees.
>
> I think you realize what all of you mean to Beth Israel—and more than that—I think you can appreciate what your presence here means to me tonight.
>
> I have come to know over the years that if there is one area in which the warmth and quality of our City's heart can be measured, it is in our voluntary hospitals.
>
> And don't think for one moment that because Beth Israel is five times . . . nearly ten times . . . the size it was five years ago, that its heart is shrinking as our dimensions grow. It is good to look about and watch new buildings rising on every hand . . . to see the scope of service to our community multiplied many times.
>
> But I am not so much impressed by the things I see as by the things I feel. And I feel that the warm and pulsing heart of Beth Israel beats just as strong today . . . offering the same close and intimate consideration for our patients as our founders dreamed it would.

Their dream came true and it is not going to fade as we grow. The dream will live. The heart of Beth Israel will never diminish. Because of that heart, because we care—and because we believe that a doctor's business is not just sickness—but people—we will continue to give just as much personal attention to the little things that matter so much.

Perhaps, to the casual passerby, ours is a cold, complex pattern of stone and steel, much like many other structures that line our streets.

But come inside and there the picture is very different. Ceaseless activity goes on at any hour of the day or night as we wage the most vital struggle for human survival—twenty-four hours a day, every day of the year.

The wheels never stop turning. The minds never stop thinking. The hands never stop moving. The skills, the arts, the science, the machinery of medicine . . . the gentleness of nursing . . . the miracles of the research laboratory . . . the whole armory of medical innovation and inspiration is marshaled to assist the doctor and to assure the safety of the patient.

It is hard to believe that back at the beginning of our history a little group of immigrant merchants and tradesmen pledged their paltry contributions of twenty-five cents each to open a tiny infirmary.

At their first meeting in 1889 they framed a resolution addressed to the "dear public and Jewish brethren":

"This gathering is to discuss the horrible conditions in the downtown area for those who wait indefinitely for medical attention at hospitals.

"We must heed the complaints of the sick, the old and the poor.

"Something must be done to wash away this sin and to ignore the needy no further.

"We here resolve that a hospital will be built and its name shall be Beth Israel."

That was what they said eighty years ago—and that was what they did.

If you feel proud, as I do, of their vision and foresight . . . you may imagine how proud I am to be standing here with you in the lengthened shadow of their great resolve, knowing that together we have seen it fulfilled beyond the range of their most ambitious plans.

They never could have conceived Beth Israel's ever-widening involvement in community education, public health, teaching, research and treatment.

But the bitter struggle they faced against misery, poverty and disease has not changed.

Human needs do not change. Human want remains. Human distress and neglect still exist.

These things require the healing hands of the men and women in white who breathe life and meaning into the walls we are lifting again and again as we work today to build the new and greater Beth Israel of tomorrow.

We manufacture nothing. We have no product to sell except one precious merchandise beyond price . . . man's concern for the health and welfare and happier existence of his fellow men.

You and I are engaged in a unique business. Profit plays no part—and we will tolerate no loss—not of a single human life, if the things we have learned and the things we can do at Beth Israel will save it.

And I say that in such an ideal and such a purpose is our blueprint for the future . . . and humanity's hope of a better world.

Eighty years is but a winking of the eye of God in the whole history and destiny of civilization. But I feel that His eye has truly been upon us, that we are doing His work and that He lives in every room, corridor and corner of our hospital.

We are the oldest and largest traditionally observant hospital in the world. And it is good at the end of eight decades to take pride in our age and our size . . . but I maintain that these are rather unimportant.

Let us be the most proud of the compassion and the quality of Beth Israel . . . and pledge ourselves that these will never change.

This is what we have worked together to build in the past and what we will forever guard as we build for the future.

Perhaps I can put it best in the gentle, moving words of Emma Lazarus . . . words which seem to herald Beth Israel's own beginnings!

"Give me your tired, your poor, your huddled masses yearning to breathe free. . . .

"I lift my lamp beside the golden door."

As long as the world needs love—as long as mankind needs hope—as long as humanity needs healing—the merciful task of our many hands must continue.

For Beth Israel's eighty years are more than a triumph. They are a challenge. They are a challenge we will work to meet proudly and tirelessly—and we will not fail.

Not for at least another eighty times eighty happy birthdays for Beth Israel!

The golden door that opens on hope and life in our Medical Center will always swing wide for all who are ill and in need of help and healing.

The golden door of Beth Israel will always be open to all people.

It is the door of life.

The hands that hold it open are the hands of love.

With the help of God—that door will never close.

BERKELEY VIOLENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. EDWARDS of California. Mr. Speaker, yesterday I called for an investigation by the U.S. Attorney General of possible widespread violation of civil rights of the citizens of Berkeley. At that time I noted one man had been killed and more than 100 persons injured, while hundreds of others, including patients in a hospital, had been gassed.

Since yesterday I have examined photographs of the incident in which a young man from my district was shotgunned and fatally injured. The pictures show him with empty hands before the shooting. They also show the roof on which he stood, apparently empty of anything usable as a weapon. Anyone who would care to examine these pictures in my office is welcome to do so.

At the same time I have read the editorial comments on the Berkeley violence in the San Francisco Chronicle, the Berkeley Daily Gazette, and by a distinguished columnist in the San Francisco Examiner. I would like these comments to be entered into the RECORD following my remarks. In addition I am including the comments of members of the University of California Department of Criminology.

I ask your examination of the record of violence in Berkeley.

The above-mentioned material follows:

MAY 20, 1969.

As members of the Faculty of the School of Criminology, University of California, Berkeley, we feel obligated to express our professional concern and outrage at the recent use of excessive force by local law enforcement agencies under the direction of the Sheriff of Alameda County.

We believe that the use of shotguns against demonstrators and spectators (1) was indiscriminate; (2) was unduly harmful and dangerous; (3) was unnecessary as a crowd control tactic; and, (4) has had the anticipatible and undesirable effect of escalating the level of violence in this and possible future confrontations.

We urge the District Attorney and Grand Jury of Alameda County, and the Department of Justice, to immediately investigate the actions of the Sheriff of Alameda County, and that the Sheriff be relieved of his command pending this investigation.

We request the Sheriff of Alameda County to resign from his position on the Advisory Council to the School of Criminology. We believe that he possesses neither the professional competence required to participate in the preparation of students to become professionally qualified workers in the field of criminal justice administration, nor the qualities of leadership which are normally expected of persons associated with the University community.

ANTHONY PLATT,
Assistant Professor.
JAMES CAREY,
Assistant Professor.
RICHARD KORN,
Assistant Professor.
PAUL TAKAGI,
Lecturer.
HERMAN SCHWENDINGER,
Assistant Professor.
VONNIE GURGIN,
Lecturer.

SCHOOL OF CRIMINOLOGY,
May 20, 1969.

I find myself in substantial agreement with the intent of the above statement. It was my belief that the scientific criminological study of crime and criminals is impossible where political factors become totally confused with the issue of social control that was a major factor in my recent resignation, both from my position as Acting Dean of the School of Criminology and from my tenure appointment at Berkeley.

The present situation seems to be such that all local residents (including myself) attempting to continue their activities are held suspect by the various armed forces. Because of the general nature of this attitude of suspicion they can move around certain areas only at considerable risk.

One purpose of law enforcement is to safeguard the legitimate concerns of the citizen. This is not being effected. It cannot be effected while every movement a citizen may make may give rise to suspicion, particularly since "suspicion" is adequate defense for the use of force against him.

The analogy of "warfare" has already been made and it seems that all persons not in uniform are liable to be regarded as members of the guerilla forces. This is not a legitimate law enforcement viewpoint.

If this is the way the situation is perceived to be, this is the way the situation will become. The outlook is extremely serious unless very substantial measures are taken immediately to reverse the trends now developing. In particular, the death of the student must be investigated and guarantees made that appropriate legal action will be followed through.

LESLIE T. WILKINS,
Acting Dean.

[From the San Francisco (Calif.) Chronicle, May 22, 1969]

VIETNAM TACTICS IN BERKELEY

Downtown Berkeley is now a proven battleground on which volleys of gunfire have been numerous and occasionally deadly, and the city has experienced a kind of total war in which an aerial gas attack overspread the target area to invade classrooms, private homes and a hospital.

One man is dead, scores have been wounded (many by random charges) and the citizens have been sickened by displays of force far in excess of provocation, necessity, or justification. The peace-keeping agencies, it appears, grossly overreacted to a situation that was undoubtedly troublesome but—up to the time of those displays, at least—not one requiring fusillades of bullets and a rain of gas from the skies.

In their efforts to explain their massive resort to open warfare, the involved authorities have created a vast credibility gap. Sheriff Madigan's implications that his deputies were using nothing more dangerous than birdshot was gruesomely refuted by the post-mortem discovery of buckshot pellets in the heart of young James Rector. So was the repeated assertion of police that the fatal wounds were incurred in a fall from a rooftop.

Again, the assurance that armed peace officers were opening fire only when in danger of life or injury was completely discredited by the published photograph of a deputy sheriff carefully drawing a bead on the back of a fleeing and unarmed man.

No wonder, then, that the use of a helicopter to drop gas on an assembly of students—a piece of arrant recklessness at that time and place—should have generated widely credited reports that something far more deadly than tear gas had been brought into play.

Even yesterday, National Guard commanders were offering conflicting versions of who ordered the use of gas, and for what reasons. Not entirely convincing was one explanation that gas was employed "because the troops were in danger." In danger from what, one wonders.

The responsible authorities, civil and military, from Sheriff Madigan to the governor's office and back again, have introduced a kind of storm-trooper philosophy into the Berkeley confrontation. Let them de-escalate their zapping tactics promptly. At best, they have been guilty of incredibly bad judgment. They have thereby brought needless death and injury into the arena, have created bitter hostility among thousands of previously "uncommitted" students, and have outraged public opinion.

[From the Berkeley (Calif.) Daily Gazette, May 17, 1969]

WERE THINGS THAT DESPERATE?

For the first time in Berkeley history guns have been fired by police into crowds of demonstrators.

We realize it is all too easy to second guess persons in command, but the nagging question in our mind is who gave the order and why?

There can be no doubt about the fact that innocent spectators, including newsmen, suffered injuries from guns Thursday.

We do not question that at times circumstances become so desperate that police must use guns, even at the cost of possible injury to the innocent.

Our question is, "Were things that desperate Thursday?"

The University of California Regents yesterday apologized for the injury caused to persons not responsible for the trouble.

Evidence emerged yesterday to the effect that various policemen and police jurisdictions had serious doubts as to the wisdom of the use of guns.

The Gazette wonders why, after the dangerous situations which have arisen in Berkeley's past, the decision was made to resort to guns in this incident.

We do not preach on the subject, but we do believe the press and the public have the right to the answer.

Police, can not, as is their custom, remain mute as to their motives.

The University of California administration must also fill in some blanks if anyone is ever to piece the current situation into some kind of perspective.

Chancellor Roger W. Heyns told the Berkeley Academic Senate several meetings ago he did not know how persons could continue to write off to youthful idealism what had become a "predictable pattern" of confrontation.

If the chancellor holds to this insight, why did he not immediately identify the "People's Park" as an engineered effort at confrontation and act on that insight?

Also raising questions as to the UC administration's credibility was the statement of the chancellor's second-in-command that the university would not "take any actions in the middle of the night" to reclaim its property. All was to be open and above board with specific prior announcements.

Such was not the case.

One also wonders why, if the university did not have money to develop the park at budget time, they suddenly found the funds.

Finally, the Gazette wonders why the so-called "street people" and large numbers of the college generation allow themselves to become part of power plays larger than their understanding?

Only a fool could believe the idea for a park was accidental.

There can, however, be no doubt that the spirit of most who built the park was spontaneous and without malice.

UNIVERSITY OF CALIFORNIA,
Berkeley, Calif., May 20, 1969.

Hon. RONALD REAGAN,
Governor of California.
HAROLD W. SULLIVAN,
Commissioner, California Highway Patrol.
Hon. ROBERT MONAGAN,
Speaker of the Assembly.
FRANK I. MADIGAN,
Sheriff, Alameda County.
Hon. HOWARD WAY.
Hon. THOMAS C. LYNCH,
Attorney General.
EDWIN MEESE III,
Secretary to the Governor.
ARLO SMITH,
Chief, Criminal Department,
Office of the Attorney General.
J. FRANK COAKLEY,
District Attorney, Alameda County.
Chief BAKER,
Berkeley Police.

GENTLEMEN: The signatories of this letter are members of the faculty of the University of California, School of Law, Berkeley.

The armed conflict on the Berkeley campus and in the neighboring community is too changing and confused to permit any final assessment at this time of what has taken place and who is responsible. But certain facts have been widely reported: police fired guns over the heads of demonstrating students depositing bullets or buckshot in the facade of the library; a photograph in Monday's San Francisco Chronicle shows a police officer in the act of aiming a gun at the back of a single fleeing demonstrator; bird shot discharged from shotguns was used by police last Thursday as a mode of mob dispersal. These so far unchallenged reports give us grave concern that law enforcement has resorted to the use of deadly weapons in circumstances which do not justify their use. We pass no judgment on the responsibility for the tragic death of a 25 year old man who died Monday from buckshot fired by police, because in that case there are unresolved questions of fact.

Since the Report of the President's Crime Commission, a growing consensus has been emerging within law enforcement groups over the imperative of restricting the use of deadly force except where life is at stake. The Model Firearms Use Policy, recently published in the Journal of California Criminal Law Enforcement broadly states that consensus, and the substance of that policy has been adopted by many California police departments. It provides that an officer shall not discharge firearms except when all other means have failed and it is necessary to protect himself or another against serious injury from an attacker or to arrest an adult felony suspect when the crime involves the use of deadly force or there is a substantial risk that the person to be arrested will cause serious injury to another. It provides that firearms shall not be discharged as a warning.

There is little doubt that these policies, developed by and for law enforcement personnel, have been substantially departed from in the course of dealing with the Berkeley disorders and that this departure has resulted in the infliction of serious injury and has imperiled the lives of innocent bystanders as well as demonstrators. It has fulfilled the prophecy of one professional police officer that, "Imprudent or indiscreet use of firearms will arouse public indignation and alienate public support of the police agency." (Samuel Chapman writing in Journal of California Law Enforcement, April 1968, p. 183.)

In the interests of the public welfare, of reason, of human life, of the continued acceptance of authority, including that of our agencies of law enforcement, we call upon those in charge of the law enforcement effort in Berkeley, including the Governor, the Sheriff and the police chiefs, to reassert publicly for the assurance of the public and the guidance of all law enforcement personnel, that firearms are never to be used except as stated in the Model Firearms Statement—that is to say, never except when necessary to protect against an imminent threat of serious personal injury and when all other available means have failed.

Respectfully,

Stephen R. Barnett, Barbette B. Barton, Richard Buxbaum, Jesse Choper, Robert Cole, John E. Coons, Frank O. Goodman, Edward C. Halbach, Jr., Dan Henke, W. James Hill, Sanford H. Kadish, Herma H. Kay, Stanley Lubman, John K. McNulty, Frank C. Newman, Kenneth Phillips, Stefan A. Riesenfeld, Sho Sato, Lawrence Sullivan, Justin Sweet, Jan Vetter, Ira Michael Heyman.

[From the San Francisco (Calif.) Examiner, May 22, 1969]

SHOTGUN STUPIDITY

(By Dick Nolan)

Damn all apologies and extenuations. We can't go around shooting our own kids.

Absolutely nothing else is relevant to the tragedy in which young James Rector was cut down and killed by buckshot.

If the society cannot protect itself intelligently, but must rely on the most brutal use of the most brutal firearm in the arsenal, then the society has already perished, and is a zombie ambulating only in the bodyshell of a dead democracy.

You don't defeat the instigators and the agitators with sawed-off shotguns. When you resort to sawed-off shotguns you have lost to the agitators. And the agitators know it. And everybody knows it.

It is stupidity as well as homicide. It is the idiot charge of the pricked and tormented bull against the cool and calculating matador.

How absolutely bull-stupid it is for Governor Reagan, Sheriff Madigan, and others of our deputies, to imagine that this continuing struggle is a physical one!

They can trot out every tactical weapon in the armory and win every street battle with ease. And while they are meaneuvering with a mastery of squad tactics, preoccupied, the war of the mind in the larger theatre of ideas is being lost.

That handsome helicopter buzzing the Cal campus and spraying a noxious gas, as though the students were insects and the gas were an insecticide—what a spectacle! What a spectacle of squad level tactics and squad level efficiency!

How many recruits do you suppose that helicopter won for the "other side" in this greater struggle for the heart and the mind?

Those of us who love the Republic and love the humanist traditions of representative democracy can only be enraged by the manner in which our present representatives are misrepresenting us.

We'll never again regain the ground lost when that cruel buckshot was fired into the vitals of James Rector. It did turn out to be buckshot, you know, lethal buckshot, and not the birdshot or rock salt Sheriff Madigan was describing for us so disarmingly.

Whoever fired that deadly charge knows who he is. Presumably, if we have still a society of law, he will be discovered and required to answer to us.

But it is already too late for young Rector, and too late for us in our exertions to hold the love and the loyalties of our seedcrop young for the democracy we hold so dear.

We consistently underestimate both the extent and the depth of the rage that has come to grip our children. The rage and the fear.

There are more of them, angry and scared than so far has been imagined, and they are angrier and more frightened than we would like to believe possible.

They will never forgive us for having put the power of the atom to warlike use. That is at the root of it. We have brought them up to love the sweet green earth and all upon it; and at the same time we have invented and poised for action a doomsday device that could destroy all and everyone.

They are disgusted and terrified at the prospect, and overwhelmed by hopeless anger that there is simply nothing they can do about it. Nothing they can do but rely on our own benevolence—and how shaky does that look when we can turn buckshot and gas-copters on them?

We are in a weak position trying to argue that "we" didn't authorize or now condone Madigan's buckshot or Reagan's bayonets. We are reduced almost to pleading.

If all depends on our true benevolence and it does, we must start proving it. Nothing less than an enormous national change of direction will do. Perhaps a complete new isolationism, and crash concentration on goals and correctives at home.

A BRAVE YOUNG MAN

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GAYDOS. Mr. Speaker, Marine Hospital Corpsman 3c. Patrick R. McNelis, a brave young man from Clairton, was recently killed serving his country in Vietnam.

I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

AREA MARINE KILLED IN VIETNAM: CLAIRTON PARENTS RECEIVE WORD

A Clairton Marine was killed in action while on duty in Vietnam, it was learned today. He is Hospital Corpsman Third Class Patrick R. McNelis, 22, of 116 Mendelssohn Ave.

He was the son of Mr. and Mrs. Cormack (Bud) McNelis.

Corpsman McNelis was a graduate of McKeesport Area Senior High School with the Class of 1966. He was also a resident of Auberle Memorial Home for Boys from 1959 to 1966.

The Marine enlisted in August of 1966 and was assigned to the Marine Corps shortly afterward. He was home on furlough just a month ago before being sent to Vietnam.

The corpsman was born March 17, 1947. He was employed by the G. C. Murphy Co. sign shop prior to enlisting in the service.

He was fatally wounded when struck by enemy missile fire May 15 and died the following day in Da Nang, Vietnam.

A STUDY IN DISTORTION

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. ASHBROOK. Mr. Speaker, time was when a rowdy group of students who took over a school building, vandalized the facilities, and threw the school administrator out of his office would land in jail and have the book thrown at them. Today, unfortunately, such rowdies stand a good chance of securing their demands due to wavering school officials.

The same theme of permissiveness is evident in the field of law enforcement where certain schools of thought have all but ruled out the idea of personal guilt and responsibility. One specific example is the number of repeaters who, thanks to lenient judges and parole officers, are free to roam the streets preying on law-abiding citizens.

An Eric Hoffer column in the May 24 edition of the Columbus Citizen-Journal dealt with this problem of laxity in law enforcement and some of the reasons advanced to justify this new thinking. Although this new approach to the issue of crime and punishment has been becoming more popular in some circles, it remained for the Kerner Commission report to turn the tables and place the blame—not on the culprit—but on the average lawful citizen.

I include the above-mentioned column, "Intellectuals Uneasy About Success," in the RECORD at this point:

REFLECTIONS: INTELLECTUALS UNEASY ABOUT SUCCESS

(By Eric Hoffer)

It is probably true that 60 per cent of the adult white population in this country (60 per cent of the white voters) are without a sense of guilt toward the Negro, the poor, and the disadvantaged here and elsewhere. They are ready to help their neighbors and anyone in trouble, but the impulse to help others does not stem from a feeling of guilt festering in some dark corner of their souls.

Most of the 60 per cent started to work for a living in their teens. They had no advantage of wealth or class to give them a jump ahead of their fellow men. Whatever ease, comfort, and security they may enjoy at this moment was achieved by striving and saving through the years. Their white skin did not make life easy for them—did not bring them advantages and privileges. They never felt that the world owed them anything or that they owe anybody—white, black, or yellow—anything.

It is safe to say most of the people who at present speak and write about this country's difficulties, and have a hand in shaping its policies, do not belong to the 60 per cent.

It is the fashion now among educated people to feel uneasy about success—not uneasy enough to give up the fruits of success, but enough to feel guilty about it, and emote soulfully about the grievances of the "disadvantaged," and the defects and sins of the status quo. Right now it is a mark of distinction to have a sense of guilt, and fashionable to confess our sins.

At the 1968 annual convention of the American Bar Association in Philadelphia, speaker after speaker maintained crime is caused by poverty, ignorance, and despair; that law and order cannot be maintained until social ills are first cured.

The dean of the Yale Law School and others spoke against the prosecution of lawbreakers if their cause is worthy. Someone even suggested that persons engaged in civil disobedience should be paid by the government for fighting unjust laws.

The whole tenor of the convention was that we must learn to live with disorder and crime until all ills have been cured and our faulty institutions have been reformed.

The only defender of law enforcement at this convention of American lawyers was an Englishman, John Passmore Widgery, Lord Justice of the Court of Appeals in England.

He pointed out that you cannot establish an orderly society by curing social ills and by reforming institutions. How do lawyers and judges expect to keep the peace unless they have an efficient police force? The shock troops against crime are the police. "Anyone who thinks relief of poverty will bring a decrease in crime is in for some kind of disappointment."

The greatest part of England's slums, he said, were razed by the bombings of the last war, and the reforms of the welfare state have practically eliminated poverty. But there has been a steady increase in crime. The reason is that societies throughout the Western world have lost discipline. "Can we ever rely on the worth of a cause in justifying disorder? My answer is a simple and emphatic negative. There should be no bargain, no concession to those who would have it otherwise."

BILL ROTH

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 22, 1969

Mr. SCHERLE. Mr. Speaker, when Senator JOHN WILLIAMS announced that he would not be seeking reelection to the U.S. Senate, my first reaction was to wonder who in Delaware could carry on the tremendous work done by him. In BILL ROTH, whom I have known since we both came to the Congress almost 2½ years ago, I think the State of Delaware will find a very capable replacement for Senator JOHN WILLIAMS. BILL ROTH is nationally known for his work in trying to establish a complete catalog of existing Federal programs. I have found his reports on this subject to be of great value. The taxpayers of Delaware and this country should be most grateful for his work in that area.

The citizens of the State of Delaware, which is known as the first State, can be assured that if they elect BILL ROTH to the U.S. Senate, they will be getting a first-rate Senator.

XUM

PROGRAM TO COMBAT COAL MINERS' PNEUMOCONIOSIS

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. MOLLOHAN. Mr. Speaker, Mr. Charles Johnson of the Public Health Service, made a very cogent statement to the American Mining Congress 2 weeks ago at the American Mining Congress meeting at Pittsburgh, Pa. As my colleagues know, the Public Health Service has been in the forefront of Government agencies in the effort to protect the coal miner from black lung disease. They are to be commended for this and I hope that they can continue to render the individual coal miner the service that they have in the past. This is what Mr. Johnson had to say:

HEW's EIGHT-POINT PROGRAM TO COMBAT COAL MINERS' PNEUMOCONIOSIS

(By Charles C. Johnson, Jr., Administrator, Consumer Protection and Environmental Health Service, Public Health Service, U.S. Department of Health, Education, and Welfare)

For presentation at a session on Dust Control and Health, American Mining Congress, Pittsburgh, Pennsylvania, May 5, 1969.

I appreciate this opportunity to talk with you today about coal workers' pneumoconiosis and to participate in what I hope will represent a significant step forward in our joint efforts to curtail the disease and disability caused by soft coal mining. This particular problem carries with it a sense of urgency which was not apparent when you first formulated this program in which I have the privilege of participating. The explosion at Farmington, West Virginia last November has forcefully and tragically dramatized the need for improved safety and health measures in coal mines. Hearings in Charleston and in Washington and the strike of some 40 thousand coal miners in West Virginia have also contributed importantly to a new and much needed crystallization of national public opinion on this issue.

Since the announcement of HEW's eight-point program last January, the Administration has proposed new legislation. Therefore, I believe a general discussion of the legislation as it relates to our research activities would be more helpful than discussing the program as originally proposed, point by point. But first, let me outline our structure within the Department of Health, Education, and Welfare, for it is new.

The Consumer Protection and Environmental Health Service was established last year to achieve a deeper insight into the relationship of man to his environment, to assess the total impact on the human organism caused by many separate environmental stresses, and to implement necessary action programs to help the Nation achieve needed environmental improvement. Our agency is composed of the Food and Drug Administration, the National Air Pollution Control Administration and the Environmental Control Administration.

Occupational safety and health is the responsibility of a Bureau by that name in our Environmental Control Administration, whose Commissioner is Assistant Surgeon General Chris A. Hansen.

In his recent Special Message to the Congress on Coal Mine Safety and Health, President Nixon describes death in the coal mines of this Nation as of two kinds, "sudden as an explosion" or "insidious" as "from pneumoconiosis or 'black lung' disease."

One of the most critical occupational health problems on our list of priority concerns is the disease mentioned by the President, coal miners' pneumoconiosis. There are many types of pneumoconiosis, a term for any pathological condition of the lung induced by inhalation of small particles. These particles may be of any dusty materials, as for example, silica or cotton fibers. Coal miners' pneumoconiosis is a chronic chest disease, caused by the accumulation of fine coal dust particles in the human lung. In its advanced forms, it leads to severe disability and premature death.

Coal miners' pneumoconiosis was recognized in Great Britain, as early as 1943, as a disease entity separate from silicosis. It was not generally recognized as such in the United States until the 1960's. Prevalence studies by the Pennsylvania Department of Health (1959–61) and by the Public Health Service (1963–65) confirmed the existence of the disease entity, doucumented its prevalence among coal miners, and showed that it is a widespread problem.

For over 30 years, the Public Health Service has undertaken cooperative studies with the Bureau of Mines on miners' health problems. Not until 1963, however, did the PHS first receive funds for the direct support of operations in this area.

In 1966, the Department established the Appalachian Laboratory for Occupational Respiratory Diseases (ALFORD) in Morgantown, West Virginia. Our accomplishments to date have been modest. Nevertheless, we *have* identified the scope of the problem. When the Surgeon General of the Public Health Service testified at the Department of Interior's hearings last December 10, he estimated that pneumoconiosis "conservatively affects more than 100,000 soft coal workers." That estimate was based on projections of the prevalence percentages found by the Public Health Service in the 1963–1965 study of active and inactive coal miners in Appalachia; on the Bureau of Mines' census of active coal miners nationally—namely, 144,000; and on recent information as to coal miners in Pennsylvania receiving compensation for pneumoconiosis.

As you know, the President has submitted legislative proposals, embodied now in S. 1300 and H.R. 7976 on which hearings are being held, for "a comprehensive new program to provide a vigorous and multi-faceted attack on the health and safety dangers which prevail in the coal mining industry."

Several of these proposals pertain to health of the miners. For example, the proposed legislation would:

Protect miners from concentrations of respirable dust exceeding 4.5 milligrams of dust per cubic meter of air, within 6 months. As soon as possible, this standard will be lowered to 3.0 milligrams per cubic meter of air.

Authorize the Secretary of the Interior to develop and promulgate any additional or revised standards which he deems necessary for the health and safety of the miners. Mandatory health standards proposed by the Secretary of the Interior would be based upon criteria developed and furnished by the Secretary of Health, Education, and Welfare on the basis of research, demonstrtaions, experiments and other information. This technical and public health information would be developed in consultation with appropriate representatives of the operators and miners, other interested persons, the States, advisory committees, and, where appropriate, foreign countries.

Increase substantially, by direct action, grants, and contracts, the necessary research, training, and education for the prevention and control of coal miners' pneumoconiosis, the improvement of State workmen's compensation systems, and the reduction of mine accidents.

Provide for cooperative action with the States in relation to coal mine safety and health conditions, and for grant assistance to such States for the advancement of health and safety in coal mines.

I am sure you will agree the Administration has not acted too precipitously in proposing this much-needed legislation. The United States is the only major coal-producing Nation in the world which does not have an official government standard for coal mine dust. Since Great Britain began requiring dust control efforts in the coal mines, there has been a substantial reduction there in the prevalence of coal workers' pneumoconiosis. Thus, the incidence of new cases in miners has decreased from 8.1 new cases per 1,000 miners in 1955 to 1.9 new cases per 1,000 miners in 1967; the age specific prevalence of simple coal miners pneumoconiosis has also decreased as has the overall prevalence (12.5 percent in 1959–62 as compared to 10.9 in 1964–67).

An official respirable dust standard for coal mines could, in our opinion, if properly enforced, make a significant reduction in new cases of pneumoconiosis and decrease the rate of progression of old cases. Last year, we concluded that sufficient data were available to recommend the adoption of an interim coal dust exposure standard for miners, pending further refinement of technical knowledge. After careful analysis of the British and Pennsylvania experiences, and after consultation with many authorities, we concluded that:

An interim standard should represent no more than a reasonable degree of risk to our miners, given our present technology, and be one that would significantly reduce the rate at which new cases of pneumoconiosis would develop in the future and old cases would progress.

On the basis of those conclusions, last December, the Secretary of Health, Education, and Welfare recommended to the Department of the Interior a Federal standard which could be used to lower respirable dust levels in coal mines. This standard called for a respirable dust level not to exceed 3.0 milligrams per cubic meter as measured by the Mining Research Establishment (MRE) horizontal elutriator instrument. We recommended this standard in the conviction that it could, if adopted and properly enforced throughout the coal mining industry, make a significant reduction in coal miners' pneumoconiosis. This standard, if adopted and enforced, would place the United States on a par with other major coal producing nations which have set health standards for dust exposures in the coal mining industry.

The suggested interim standard of 3.0 milligrams of respirable coal dust per cubic meter (MRE instrument) is consistent with the data from the British Pneumoconiosis Field Research Project in which dust concentrations in 24 mines ranged from 1.0 to 8.9 milligrams per cubic meter (average of 3.8) and with the standard used since about 1966 by the Pennsylvania Department of Mines and Mineral Industries to evaluate dust exposures in bituminous coal mines in that State. The standard thus used in Pennsylvania is that recommended by the American Conference of Governmental Industrial Hygienists as the threshold limit value for quartz containing dusts:

$$\mathrm{TLV}=\frac{250}{\%\ \mathrm{Quartz}+5}$$ (expressed as million particles per cubic foot).

Particle count and weight equivalents of the ACGIH standard used by Pennsylvania are as follows for various percentages of quartz in the dust:

Quartz (percent)	Particle count (millions per cubic foot)	Dust weight mg/m³ (MRE)
0	50. 0	5. 5
3	31. 2	3. 45
5	25. 0	2. 8

When we recommended the interim dust standard last December, we recognized that dust concentrations in most American coal mines exceeded the recommended standard. We also knew, partly from our discussions with the Bureau of Mines, that it would not be feasible in all situations to achieve immediate compliance with such an interim standard and that a time-phased schedule for compliance would be necessary. Consequently, we are in full accord with the provisions of H.R. 7976 and S. 1300 which would require compliance with an initial interim standard of 4.5 milligrams per cubic meter within 6 months after enactment. We feel, however, that the industry should move toward a standard of 3.0 milligrams per cubic meter as rapidly as possible.

The best technical information available to us indicates a direct correlation between the amount of dust breathed by miners and the progression of coal miners' pneumoconiosis. Thus, we can expect that under any interim standard some new disease will develop and some old disease will become more severe. This makes it very clear, then, that a great deal remains to be learned about this disease.

The Appalachian Laboratory for Occupational Respiratory Diseases (ALFORD), which is a field station of the Bureau of Occupational Safety and Health in our Environmental Control Administration is our base for epidemiological and diagnostic studies on coal workers' pneumoconiosis. Miners admitted to the West Virginia University Hospital at Morgantown are examined by ALFORD's physicians. In their evaluations, the investigators use the latest techniques of pulmonary function testing, vector-cardiography, cardiac catheterization, and biochemical analyses. Research is currently underway there to determine more precisely the role of environmental factors in pneumoconiosis and to develop early diagnostic techniques.

Clinical characterization of the disease and definition of physiologic impairment will be achieved by the "in-house" study of 200 miners at ALFORD. So far, 106 miners have been examined in our cardiac catheterization laboratory, and the study should be completed by 1970. Several other studies relating to causation and early diagnosis of coal workers' pneumoconiosis have been prepared by ALFORD, but have not been started because of budgetary limitations.

Scheduled to begin soon at ALFORD is an epidemiological study, called the National Study of Coal Workers' Pneumoconiosis, to be made in cooperation with the Bureau of Mines, on a group of over 5,500 miners working in about 30 mines, predominantly in Appalachia. The purposes of this study are to determine the prevalence and progression of the disease and to correlate those medical aspects with dust levels in the mines.

In the course of the National Study of Coal Workers' Pneumoconiosis, about 3.5 percent of the active mining population would be examined every five years for 15 years. We hope eventually to be able to examine every miner every three to five years to detect pneumoconiosis early enough to prevent progression. At this time, the only effective method of prevention of progression is to remove the miner from dusty exposures.

The United Mine Workers of America Welfare and Retirement Fund, as you know, provides medical care for the vast majority of coal miners. We have invited the Social Rehabilitation Service of the Department of HEW to cooperate in a study of rehabilitation services available to coal miners with pneumoconiosis. The Environmental Control Administration, meanwhile, is developing guidelines for estimating pulmonary impairment in connection with disability evaluation.

We have informed the United Mine Workers of America, the United Mine Workers of America Welfare and Retirement Fund, the Bituminous Coal Operators of America, the Anthracite Institute, and the National Coal Association of our research plans and progress. Through one or more of these organizations, you will most probably be asked to help during the course of our studies. I feel confident you will assist us, for the knowledge we are seeking will benefit the entire coal mining industry.

Coal is our most abundant fuel resource. Right now, it supplies nearly a fourth of our total energy demand. Every forecast, whether by government or the private sector, indicates that coal must continue to play a significant role if this country's future energy requirements are to be satisfied. At the same time, it is clear that our society can no longer tolerate the cost in human life and human misery that is exacted in the mining of this essential fuel. We must find ways to eliminate that intolerable cost so that it does not limit our ability to make maximum use of this valuable resource.

The technology of coal mining, already complex and sophisticated, will become even more so in the years ahead. Government, industry, and labor must perform research to assure that safety and health features are designed into the coal mining equipment of the future—not merely built on as afterthoughts. As the industry goes into deeper and doubtless gassier seams for our fuel supplies, the safety and health of our miners will pose constantly greater challenges for technology. Environmental problems—such as subsidence and water pollution—also will become more serious, unless the ways in which we mine coal are carefully calculated to minimize them.

But we cannot wait until tomorrow to meet the urgent needs of today. With the technology now available, I am told that safety in our coal mines can be markedly improved. We know that there are specific segments of our coal mining industry that have injury and fatality rates much lower than the industry average. There is no defensible reason why the overall disease, injury and fatality rates should not be reduced dramatically.

In his recent message to the Congress on the Administration's proposed legislation President Nixon declared:

"These legislative proposals, together with other steps already taken or to be taken are essential to meet our obligation to the Nation's coal miners, and to accomplish our mission of eliminating the tragedies which have occurred in the mines.

"These proposals are not intended to replace the voluntary and enlightened efforts of management and labor to reduce coal mine hazards, which efforts are the touchstone to any successful health and safety program. Rather, these measures would expand and render uniform by enforceable authority the most advanced of the health and safety precautions undertaken and potentially available in the coal mining industry."

I urge you to continue and to expand your voluntary efforts. For I am sure you will agree with me that we can afford no more of the tragedies among coal miners in this country that have occurred in the past.

I speak not only of dramatic tragedies, such as that which occurred in Farmington, West Virginia, last November, but also of the quiet, unnoticed tragedy which occurs everytime a miner or ex-miner struggles in vain for one more breath through lungs exposed for too long to levels of coal dust which nature obviously never intended a man to breathe.

ISRAEL'S 21ST ANNIVERSARY

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. RIEGLE. Mr. Speaker, this month we are celebrating the 21st anniversary of the founding of the State of Israel. The first 21 years in life are usually characterized as experimental, growing years—the years when, sure of being protected and sheltered, we can afford a little self-indulgence, and trial-and-error. Israel never had the luxury of such youthful years: she was born out of turbulence and had to struggle for her very existence. She could not afford any hit-or-miss efforts nor any irresponsible acts, for the odds were clearly against her. Although burdened by centuries of oppression, handicapped by waves of immigration, lack of funds, and barren wastelands, and threatened by surrounding hostile nations, Israel has triumphed over every obstacle.

The faith, courage, perseverance, and dedication of the Israeli people have transformed their centuries-old dreams and hopes into living realities. Any nation must stand in awe of the countless Israeli achievements. Through technological innovations in land irrigation and desalination, she has been able to turn arid deserts into fertile oases and farmlands. The hard work and toil of the Israeli people have generated one of the greatest economic growth rates of modern times. Cultural achievements have brought Israeli music, art, and literature to the entire world. The traditional Jewish thirst for learning and knowledge has enabled the Israeli people to provide first-class educations to the diverse people who have emigrated to Israel. And yet, while making herself strong and independent, Israel has not forgotten other new and struggling nations. To help bridge the gap between prosperous and poor nations, Israel has sent hundreds of technicians, instructors, and builders to dozens of countries in Asia, Africa, and Latin America to share the instruments of progress.

But our respect and admiration for Israel goes far beyond her success story and her contributions in the scientific, technical, and cultural fields. Our identification with and empathy for Israel stems even more from her belief in democratic ideals which so closely parallel our own ideals. The words of Israel's Declaration of Independence are reminiscent of the words uttered by our own Founding Fathers:

> ". . . it will foster the development of the country for the benefit of all inhabitants; it will be based on freedom, justice, and peace; . . . it will insure complete equality of social and political rights to all its inhabitants . . . it will guarantee freedom of religion, conscience, language, education, and culture; it will safeguard the holy places of all religions;

Thus, we in the United States have a deep commitment to the ideals of freedom and democracy as does Israel. As

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freedom-loving peoples, we share a common destiny. We identify with the strong pioneering spirit of a people which has transformed Israel in 21 short years from a relatively poor and struggling nation into the progressive and economically strong country she is today. We especially understand her insistence that the words "can't" and "impossible" are not in the dictionary.

Israel's achievements and ideals must not be taken for granted—her victories can only be considered temporary until a meaningful and secure peace is established in the Middle East. We, in the United States, must not be indifferent to this struggle for existence and we must do everything possible to establish an equitable and lasting peace between Israel and her Arab neighbors. Surely we must never tolerate the loss of Israel, or any other genuine democracy, to armed aggression.

The congratulatory "Mazel Tov" is not enough—our commemoration of Israel's 21st birthday must carry with it a renewed commitment to do everything we can to bring peace to this part of the world so that the Hebrew "Shalom"—peace—can become a living and enduring reality.

FEDERAL POLLUTION GRANTS FALL SHORT OF AUTHORIZATIONS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. OBEY. Mr. Speaker, in recent years water pollution has become a subject of increasing political attention. Unfortunately, the performance of the Federal Government in the protection of our environment from the effects of water pollution has been much less impressive than its promises.

The following article from the May 23 edition of the Wausau Record Herald expresses very well the startling gap between promise and performance. I commend it to my colleagues:

> FEDERAL POLLUTION GRANTS FALL SHORT OF AUTHORIZATIONS
>
> Conservation is a popular topic of the hour and no politician is against it any more than he is against motherhood and the flag.
>
> But what is said and what is done by our political friends are two different horses entirely.
>
> A case in point is the federal grant program to municipalities for water pollution control.
>
> What Congress authorized in appropriations is one horse; but what is actually appropriated isn't even a horse. For the municipalities depending upon this federal assistance program to help solve their pollution problem, it becomes a jackass and the tail is pinned on them.
>
> Here's the frustrating story:
>
> Fiscal 1968—$450 million authorized, $203 million appropriated.
>
> Fiscal 1969—$700 million authorized, $214 million appropriated.
>
> Fiscal 1970—$1 billion authorized, $214 million requested in executive budget. (Fiscal 1970 begins July 1, 1969, and ends June 30, 1970.)
>
> Already authorized for fiscal 1971 is the grandiose sum of $1.5 billion, but what will the actual appropriation be?
>
> The gap between what is promised and what is delivered comes to nearly $1.4 billion in the three fiscal years.
>
> There are two glaring deficiencies which stand out like silos on a prairie.
>
> One, of course, is that the water resources of this nation are in sad shape. The federal water pollution grant program promised to help get this deficiency remedied.
>
> The job, to do it right, has been estimated in the $30–40 billion range, with local and federal funding sharing the cost.
>
> Indeed, the federal program, which got under way in 1956 on a modest scale, had, as of March 31, this year, already stimulated the construction of 9,251 waste treatment plants at a total cost of $5.7 billion, the federal investment being $1.3 billion.
>
> The other glaring deficiency has to do with municipal financing. Most cities must borrow via bonding and some have gone ahead in good faith in Uncle Sam's word that the federal grants are authorized. But then Uncle does not deliver.
>
> Other cities, seeing the credibility gap between promises and delivery, are permitting deplorable water pollution conditions to worsen because they are reluctant to embark on waste treatment plans unless the promised federal grant is in hand.
>
> Obviously, what is needed is less lip service to conservation and more action.
>
> Either Congress should quit talking about cleaning up America's rivers, or else appropriate the money to get the job done.
>
> As someone else's ironical quote puts it: "Here we are, standing knee-deep in sewage, trying to land men on the moon."

THE SOCIAL SECURITY ACT OF 1969

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, we should be taking a good hard look at recent Consumer Price Index statistics. For April there was a six-tenths of 1 percent increase in the cost of living. The increase in March was even greater. Taking the last 3 months as a whole there was an increase of 7 percent on an annual rate basis. This rate of increase in the Consumer Price Index is greater than it has been at any time since 1951 when we were involved in the Korean war.

This rapid rate of inflation creates problems for every sector of our society; but I am especially concerned about the impact that it has on our senior citizens receiving social security payments. These are the people least able to protect themselves from inflation because they must live on fixed incomes. They have put in many years of hard work and upon reaching a stage in life when they should be able to enjoy retirement they find that rising costs of living put strains on the budget that make anything but the basic necessities become luxuries for them. Those recipients who have savings can rarely afford the risk of the type of investments that would return them earnings of 7 percent after taxes.

We have an obligation to raise social security benefits to a level where social security payments allow people to live decent lives free from need.

The reduction from a 10- to 7-percent increase for social security benefits that appears in the Nixon administration's budget requests does not face up to this obligation. Chairman WILBUR MILLS of the Ways and Means Committee, though supporting a 10-percent increase, unfortunately does not foresee hearings on such an increase until next year. This is too long for those on social security to wait. Inflation will not wait; and social security recipients are feeling its pinch right now.

Therefore, I have joined with many of my colleagues in cosponsoring a bill to amend the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits with subsequent cost-of-living increases in such benefits and a minimum monthly primary benefit of $80. It is estimated that these measures would move 1.4 million persons out of poverty.

I hope, in light of these new cost-of-living statistics, that there can be a reevaluation of the need for legislation updating social security payments. Inflation calls for fiscal restraints, but not restraints on those least able to sustain them.

TRIBUTE TO SOUTHERN ILLINOIS UNIVERSITY

HON. KENNETH J. GRAY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GRAY. Mr. Speaker, I am indeed proud of the great educational institution in my congressional district, Southern Illinois University. Two great campuses, one at Carbondale and one at Edwardsville, Ill., have experienced a phenomenal growth during the past 15 years that I have served in Congress. In fact, Mr. Speaker, the University is 100 years old but 75 percent of all graduates have received their degrees during my 15-year tenure in Congress. Enrollment has climbed from a small 2,000, 15 years ago to more than 31,000 this year.

I recently had the privilege of flying to Carbondale to attend a salute to Dr. Delyte Morris, the outstanding president of this great university. Dr. Morris is ably assisted by Chancellor Robert MacVicar on the Carbondale campus, and Chancellor John Rendleman on the Edwardsville campus. They, of course, are backed up by a fine university board of trustees headed by banker Lindell W. Sturgis, Mr. F. Guy Hitt, Melvin Lockard, Dr. Martin V. Brown, Harold Fischer, and Eugene T. Simonds.

Mr. Speaker, we are all perplexed, confused, and sad by some of the student behavior and the resultant unrest on many of our college campuses. I am pleased to include under authority previously granted me to list some of the positive attempts and accomplishments Southern Illinois University and its officers have made to bridge the communications gap by involving students in university affairs. We are all conscious that it is possible for a new wave of unrest to erupt at any time on any campus, but we are proud to report some positive achievements at Carbondale, Ill.

I want to commend and thank Dr. MacVicar for supplying me with information concerning his efforts on the Carbondale campus to bridge the communications gap by involving students in university affairs.

I hope this will be of some value to my colleagues and universities who are trying desperately to provide high quality education without disruption.

The information follows:

POSITIVE ATTEMPTS BY SOUTHERN ILLINOIS UNIVERSITY—CARBONDALE CAMPUS—TO BRIDGE THE COMMUNICATIONS GAP BY INVOLVING STUDENTS IN UNIVERSITY AFFAIRS

Open Forum: Sessions are conducted by Chancellor Robert W. MacVicar, the Dean of Students, and the Student Body President. These meetings are the question and answer type with no-holds-barred. Various kinds of grievances are heard.

Student Advisory Group: Each school or college has an advisory group of students that meets with the respective dean to consider the academic program, curriculum, student relations, and faculty matters. Furthermore, there is a student representative from each of the dean's school or college that attends the joint meeting of the deans.

Black American Studies: This program was initiated in the Fall of 1969 and has the support of the Chancellor's Office. It is run by black graduate students (mostly under the program and advisory committee, including black students and faculty members). The program has its own campus office with seminar and reading rooms. The courses so far include English, Anthropology, Government, History, Music, and Sociology. A minor is anticipated by the Fall quarter and there are hopes for a bachelor's degree program at a later date.

Booklet on Student Legal Rights: The University's Legal Counsel has been assigned to assist the Student Rights and Responsibilities Committee of Student Government in the preparation of a booklet on student legal rights. The document should be ready for distribution before the end of the current academic year.

Committee on Freedom of Expression and Dissent Within the University: A Committee of the University Council substantially recommends to the President and the Board of Trustees the adoption of the "Joint Statement on Rights and Freedoms of Students" approved in 1967 by the U.S. National Student Association of University Professors. Included are:

"The involvement of students to the fullest possible extent in rule making for student behavior and in policy formulation in academic areas."

"The encouragement of dissent within the framework of the principle that 'dissent and dissenters have no monopoly on freedom; they must tolerate opposition; they must accept dissent from dissent.'" (Quote from *Concerning Dissent and Civil Disobedience*, Justice Abe Fortas.

Other Attempts to Bridge the Gap: A proposal for a campus Ombudsman to act as a pipeline for student complaints is now before the Chancellor.

Upper class women students may now determine their own hours and sophomore women with certain grade point average may self-deliberate hours.

A new Southern Illinois University student disciplinary code and judicial review procedure is being formulated by students in conjunction with the Dean of Students.

NONPROFIT SEACAMP IN FLORIDA KEYS UNIQUE SUMMER EXPERIENCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FASCELL. Mr. Speaker, I wish to bring to the attention of my colleagues a unique nonprofit summer camp for children, located in the Florida Keys—a beautiful part of the congressional district which I have the privilege to represent.

Children from Seacamp, a marine science center, do not bring home the traditional case of poison ivy at the end of their camping stint, as do more mundane summer campers.

Instead, they may lug home a cannonball found imbedded in the timbers of an offshore sunken ship, a shell-encrusted musket, or even a piece of eight. It is all part of the curriculum at Seacamp, where the professors wear face masks, snorkels, and fins, and teach in a living underwater lab.

Seacamp is a nonprofit camp for children aged 13 to 18 located at Newfound Habor on Big Pine Key. Sessions begin on June 26 and run through the summer months.

Children need to have a keen interest in oceanography and a letter of recommendation from either their principal or science teacher in order to attend the 18-day sessions. There is tuition for room and board which includes all classes and fees with the exception of scuba lessons for which an additional fee is charged. The scuba gear is provided by the school.

Seacamp was begun in 1963 by the local Girl Scout troops but faltered when a hurricane blew away the buildings in 1966. Instructors, interested parents, and scientists from the University of Miami, got together shortly afterward and decided to make Seacamp a nonprofit marine science center for all kids interested in oceanography. The facility got off to a limited start in 1967 and has expanded each year since.

Now with permanent dorms, mess hall, lab, boats, and so forth, Seacamp takes 100 youngsters at each of the three sessions that run through the summer. The first session runs from June 26 to July 13; second, from July 15 to August 1; and the third, from August 3 to August 20. Interested youngsters from 28 States and four foreign countries have attended the Seacamp since it was reformed.

All instructors are licensed registered teachers. There are 40 staff members in all. The majority of youngsters are in the 14 to 16 age group and the boys outnumber the girls. In many cases, parents bring their youngsters to the camp and then vacation in the Keys, a plan which I wholeheartedly recommend to my colleagues.

A typical day might include a trip to a nearby reef in the morning for skindiving and collecting specimens, back for lunch, then a lab session with a scientist, or sailing, scuba instruction, or swimming until supper.

In the evening guest scientists drop in to speak to the group as did Jacques Piccard last year. They generally talk about their specialty and then allow a question and answer session afterward and when guest speakers are not lined up, campers plan their own evening social activities which include folk singing, square dances, costume parties, and so forth.

Campers taking scuba instruction can get their official certification from the Florida Skindivers Association and the Underwater Society of America, while at Seacamp.

I commend this outstanding program for the stimulation and opportunity it provides youngsters who have an interest in oceanography. This field of science is growing both in importance and development and it is extremely heartening to see the interest and abilities of these young people being harnessed in this direction.

MEMORIAL DAY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. BIAGGI. Mr. Speaker, Memorial Day is the ceremonial observance that links us with those brave Americans who have died in the service of their country—with those who were once our neighbors and friends.

More than any other day in the year, it links the past and the present, opening wide for a while the floodgates of memory.

There is something wrong with the man who can stand beside his fellows at Memorial Day services honoring departed comrades, and not feel a deep and abiding sense of nearness to the Unknown.

Something is terribly wrong in the soul of a man if his thoughts do not go winging back at such times to the days when those, who are our honored dead, also breathed deep of life itself.

The observance of Memorial Day has grown year by year to have a deeper, more penetrating significance in Americans' thoughts and consciousness.

John A. Logan was the originator of Memorial Day. He conceived the idea of setting aside 1 day in the year "for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country."

Logan was Commander in Chief of the Grand Army of the Republic at the time. From its headquarters in Washington, he issued the general order under date of May 5, 1868, designating the 30th day of May of that year as a time for paying reverent tribute to the departed comrades of the Grand Army.

Quite a lot of history has been written into America's pages since then, a history of service and sacrifice at home and on the foreign soil of all quarters of the globe.

Since that first observance, 101 years ago this May, Memorial Day has grown in scope and significance far beyond anything that John A. Logan or his Grand Army comrades might have anticipated.

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Set aside in tribute to the fallen soldiers of the Union Army, May 30 now honors the men who fell on native soil and on foreign fields across the wide sweep of the world.

Some rest near at home; others sleep on foreign shores beyond the seas. For the memory of all of them, whatever their status in life, Memorial Day is a benediction—a humble prayer that some day the age-old prophecy will come true that all of mankind's swords will be beaten into plowshares.

That is why Memorial Day is so deeply meaningful to most of us. In its observance is the ever-strengthening hope that war may never engulf the world again. That, today, is our humble prayer.

POSTAL REFORM: SUPPORT FOR A POSTAL CORPORATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following article by Richard J. Willey, which I found to have been the most concisely stated and persuasive yet on the question of establishing a Postal Corporation based on the recommendations of the Kappel Commission.

Mr. Willey correctly concludes, I believe, that the Commission recommendations will serve as a focus of public education and debate, the starting point in the process of getting sensible ideas converted into public action. I joined my colleague on the Post Office and Civil Service Committee (Mr. UDALL), today in cosponsoring the Postal Service Act of 1969, because only with bipartisan support can the bipartisan issue of postal reform through the Postal Corporation concept become law.

The article, by Richard J. Willey, department of political science, Vassar College, which appeared in the spring issue of the Public Interest, follows:

TAKING THE POST OFFICE OUT OF POLITICS

(By Richard J. Willey)

A number of signs indicate that the Nixon administration will introduce legislation to the Ninety-first Congress to implement the major recommendations of the President's Commission on Postal Organization. The Commission, chaired by Frederick Kappel of AT&T, has proposed that the Post Office Department be removed from the President's Cabinet and reorganized as a nonprofit, government-owned corporation (such as TVA). A businessman's recommendation (among the ten-man Commission were six top executives of major corporations and the Dean of the Harvard Business School), it has natural appeal to a Republican administration and special appeal to Winton M. Blount, the new Postmaster General. Blount was formerly President of the U.S. Chamber of Commerce—an organization which surveyed its several thousand members and found that over 95 per cent endorsed the Commission proposals. The administration has already taken a first step in the direction of a nonpolitical post office by announcing the intention to sever postmaster appointments from congressional patronage.

Despite the receptivity of the Nixon administration, there is also a strong sign that the Commission proposals will run into stiff, if not fatal, opposition in Congress. Not that this is a partisan issue. The government corporation was first suggested by a Democratic Postmaster General, Lawrence F. O'Brien, in April 1967. President Johnson subsequently appointed the Kappel Commission to study the question and, in his final message to Congress in January 1969, urged "enactment of legislation along the lines recommended by the Commission." Moreover, editorial opinion across the nation has heavily supported the reorganization, and from sources as diverse as *Barron's Weekly* and the *New Republic*.

The major stumbling block is organized postal labor. The postal unions have tremendous leverage in Congress, and Congress is in the habit of constructing part-way houses when serious political opposition to any measure is aroused. Ordinarily, this kind of compromise is the very essence of democracy. It is not an answer, however, to the serious deficiencies that plague the postal operation today. For these deficiencies are unavoidable without a fundamental reorganization. They inhere in the regular-agency form under which the Post Office is now organized.

POSTAL DEFICIENCIES

The single incident most responsible for the original O'Brien proposal was the Chicago breakdown of October 1966. For several weeks, the largest postal facility in the world was in a state of near paralysis. At the height of the crisis, 10 million pieces of mail remained unprocessed and undelivered in a sixty-acre building literally choking on its own product. Not difficult to explain—inadequate equipment and management authority to handle an unexpected increase in mail volume—the breakdown is significant because the conditions that caused it prevail throughout the entire postal system. Although mail volume is ballooning—over 80 billion pieces in 1968, double that of two decades ago—equipment and management practices remain largely of pre-World War II vintage. Thus, "Chicagos" can happen again, at any time and place.

Threat of service failure is the most dramatic kind of deficiency, but by no means the only one. The Post Office continues to offer the same types of service it always has, with no effective mechanism for discerning the new needs of an ever-changing society. Perhaps postal patrons would pay extra to get guaranteed next-day delivery for urgent mail? The Post Office lacks information on this and other market demands because it has never made a comprehensive market survey—a basic tool of consumer-oriented private companies. Neglect of new services not only leaves the public with unmet mailing needs, but deprives the Post Office of badly needed revenues.

The failure to modernize affects personnel as well as service. With over 700,000 employees, the Post Office has one of the largest work forces in the nation. Yet it does little to fulfill what should be a basic employer responsibility today—providing opportunity for the energetic and talented to get ahead. Because a primitive organization of "production" requires little gradation of skill, four-fifths of postal employees retire at the same grade at which they were hired. In many industries in the private sector (which have no edge on the Post Office in suitability for mechanization and new techniques), the ratio is just the reverse: only about 20 per cent retire at entrance grade. Moreover, the top job in every office—that of postmaster—has traditionally been a political appointment, usually filled from outside the career service. Consequently, politics influences career decisions in the supposedly merit ranks as well. It is not atypical, for example, for a nod from the local party committee to be the decisive factor in promotion to supervisor, nor for disciplinary action against an employee with the right connections to be quietly dropped.

The physical environment in which employees work is often appalling. Most big-city post offices were built before World War II for much less mail and fewer workers. During peak hours, their mail-processing floors look like Hollywood caricatures of the nineteenth-century factory system. Crowding, dirt, poor light, inadequate heat and ventilation, too few lockers and rest rooms—these are not exceptional conditions, but the rule.

The inefficiency of the postal operation can be substantiated with a single statistic. Whereas the productivity of the average American worker has been increasing at an annual rate of about 3.2 per cent, that of the postal employee has averaged less than a tenth as much in the last decade—0.23 per cent per year. Stagnant productivity has resulted in ever-increasing charges to mail users: the cost of a first-class stamp has doubled since 1958. But still the post office does not break even. In 1967, as a result of the largest deficit ever (about one fifth of total costs), it consumed $1.2 billion of the taxpayer's money.

Other deficiencies can be mentioned: widespread dissatisfaction with the quality of everyday mail service, a highly authoritarian mode of supervising postal employees, a rate structure that allows many mail users to avoid paying what the Post Office ascertains to be full costs. Altogether, they portray a U.S. Post Office that is threatened by large-scale breakdowns, satisfies neither its customers nor employees, and drains the public treasury of funds urgently needed for other purposes. One can only conclude that it is an organization badly in need of strong corrective action.

THE GOVERNMENT CORPORATION

The Commission found the root cause of postal deficiencies to be the fact that, as a regular governmental agency, the Post Office was too deeply involved in the political process to be managed in a fashion appropriate to its essentially business nature. What was needed was an organizational form that would give postal management the same kinds of decision-making freedom enjoyed in a more efficiently run private sector.

At first, many commissioners even spoke of private ownership as the most desirable solution. Although the long tradition of a government post office was a deterrent to this recommendation, the primary obstacle became the simple question: in its present state, who on earth would buy the Post Office? The government corporation of the O'Brien proposal provided a neat combination of public ownership with many of the management freedoms of the private sector. On the latter point, Harry Truman said in his 1948 budget message:

"Experience indicates that the corporate form of organization is peculiarly adapted to the administration of governmental programs which are predominantly of a commercial character . . . [its usefulness] lies in its ability to deal with the public in the manner employed by private business for similar work."

And the Commission had the example of TVA to draw from, with its world-renowned record of successful management under the government-corporation form.

Of course, TVA began as a government corporation. Changing the organizational form of such a vast and long-established institution as the Post Office, as Commissioner George Meany observed in a footnote to the report, is not a step to be taken lightly. The critical question is whether reforms can be made to allow business-type management without a complete reorganization. The Commission concluded that piecemeal changes would not suffice. Their judgment can be buttressed by showing that *any* regular agency cannot be run in the fashion of a business (and quite properly so). The kind of deficiencies which the Commission observed in the Post Office are inherent in the regular agency form. Thus, postal deficiencies can only be overcome with reorganization—or with so many piecemeal reforms that the Post Office would become in fact, if not in name, akin to a government corporation. Showing postal deficiencies as intrinsically a part of organizational form has the additional merit of removing any suspicion that individuals—whether postal officials or congressmen—are somehow to blame rather than the system.

REGULAR AGENCIES AND BUSINESS OPERATION

The criteria for business as opposed to regular-agency decision-making are clearly incompatible. The businessman is concerned first and foremost with economy: for both saleability and profit, any given quality of product must be turned out at least cost. When personnel appointments are made, it is on the basis of expertise in this endeavor. In the ideal, this is an enormously beneficial process for society. It ensures the efficient expenditure of economic resources, always relatively scarce, whereas governmental regulation exists to prevent the exaction of too great a social price.

In contrast, the most important regular-agency decisions are made in Congress and the Executive Branch by individuals who must look to political as well as economic criteria. First consideration must be given to the welfare of the nation as a whole, even though the economic cost be great. In a democratic system, the differing interests of groups and individuals must also be represented, frequently with very inefficient results from an economic point of view. One need only look at the loopholes of tax legislation for vivid testimony to this point. Finally, because partisan loyalty is often at least as important as expertise in the administration of public policy, many regular-agency personnel appointments remain in the political realm.

In short, regular agencies cannot be run in the fashion of businesses because the national, group, and partisan interests often take precedence over questions of economy and expertise. Applying this general conclusion to the Post Office, we find that it explains—as a good theory should—the most important relationships that the Commission found between postal deficiencies and present organizational realities. Three of these realities of greatest consequence are the investment process, Congressional management, and political appointments.

POSTAL INVESTMENT

Because the Post Office is a regular agency, research, facilities, and equipment are financed through the normal governmental budgetary and appropriations process. Investment in these areas makes the finest kind of economic sense for the Post Office. Just to give one example: a letter-sorting machine can pay for itself in little over one year. A million dollar investment in such machinery means that, every year after the first, a million dollars is saved in the cost of postal operations. Yet letter-sorting machines are found in only thirty-nine post offices!

The paucity of these machines is but one indication that the entire postal system is undercapitalized. O'Brien estimated in 1967 that a billion dollars a year for five years would be needed to make up the insufficiency. The result of underinvestment, naturally, is the stagnant productivity and inefficiency that now characterize the postal operation.

Why the lack of investment? Under the normal governmental process, final decisions on finance are made by the Bureau of the Budget and Congress, not by postal officials. In a time of inflation, of pressure abroad on the dollar, of the political need to balance a tax bill with reduced government spending, where do these officials look to cut? There is no easier place than in the area of capital investment. It fills no immediate need; it is demanded by no powerful groups. Budget officials and congressmen, on the other hand, are under desperate pressures to reduce spending. They cannot help but grasp any opportunities that the system grants.

A perfect illustration is the budget for 1969. The Post Office began with a request for $507 million for plant and equipment. This was pared down to $313 million by the Bureau of the Budget and to $250 million by Congress—less than one half the original request. Ironically, Congress approved at the same time a $228 million increase over the last year's appropriation for postal operations (almost wholly personnel costs). A similarly large increase must be approved every year for the simple reason that if increased mail volume is not handled through capital investment, the number of employees must be increased instead—a cost, unlike investment, with no potential for savings and one that has to be borne every year thereafter.

In this manner, uneconomic and wholly irrational financial decisions are forced on the Post Office by a system that (rightly, from its point of view) places the national interest in immediately reduced spending ahead of postal investment. The answer is not to subordinate the national interest to postal modernization, but to take the Post Office out of the system. If it were a government corporation, it could follow the pattern of TVA and borrow the funds needed for modernization from the private capital market. As long as investment made economic sense, interest charges would provide no obstacle.

CONGRESSIONAL MANAGEMENT AND GROUP INTERESTS

Congressmen are in truth the top managers of the Post Office. As well as appropriating its funds, they make the final decisions on rates (and therefore determine revenues), wages (which account for four fifths of postal costs), and a large number of operating procedures. Like the managers of any enterprise, they have the responsibility to treat with parties affected by their decisions, most importantly, organized labor and the large mail users. But there is a fundamental incongruity here.

A more basic responsibility of congressmen is to represent in the political sphere these very same groups, parts of their constituencies. In fact, these groups have often had considerable influence in getting congressmen into office in the first place. The postal unions, for example, among the strongest in the country, have been generous contributors of time and money to campaigns. (Where the Hatch Act forbids campaign activities to postal employees, their wives, organized into trade-union auxiliary associations, have taken over.) The nation's press, a major user of the mails, has an intimate link with politics through its ability to influence public opinion. How can congressmen, then, deal with these groups as would the managers of an economic enterprise? The effects of this impossible situation are everywhere in evidence:

Although the Postal Policy Act of 1958 enjoins Congress periodically to adjust the rates of nonpublic-service categories of mail to cover costs, the Post Office calculated—prior to the 1967 rate bill—that regular second-class mail, mainly mass-circulation magazines, newspapers, and business publications, covered only 29 per cent of costs (estimated loss in 1967, $236 million) and regular third-class mail, mainly advertising, covered only 67 per cent of costs (estimated loss, $309 million).[1]

Congress passed a pay increase for postal workers in 1967, despite the great pressure to reduce spending that led to the slash in capital investment. This increase was both larger than that for other civil servants and larger than the President recommended (estimated cost, about $60 million for 1968 and $160 million for 1969).

The number of restrictive operating procedures forced on the Post Office as a result of group pressures on Congress is legion. For instance, in order to lessen competition from the Post Office, private express companies worked for the passage of legislation in 1951 that prohibited parcels of certain sizes from being sent through the mails. A union-inspired statute requires that mail be transported by postal employees where an airport is thirty-five miles or less from a city, even though private carriers under contract to the Post Office are covering similar ground. These same private carriers have fought legislation, wanted by the Post Office since 1958, that would enable the shipment of mail via highway common carriers to supplement the contract service based on competitive bidding it now must use.

Although congressional decisions such as these have contributed markedly to postal deficiencies, the blame cannot be placed on individual congressmen nor congresses. To interpret such decisions as a knuckling under to powerful groups entirely misconstrues the nature of the political process. Representing the interests of constituents is a vital job of congressmen, and political pressure and its consequent give and take is what democracy is all about. If uneconomic decisions on postal matters are to be avoided, the answer is to remove the Post Office from a system that requires business decisions from men who have to be responsive politically.

With the Post Office reorganized as a government corporation, congressmen would become general overseers without detailed decision-making involvement in rates, wages, and operating procedures. Annual review of corporation budgets by Congress is provided for in the Government Corporation Control Act of 1945. In practice, this device has given congressmen ample opportunity to influence important issues of policy that have arisen. Business-type decisions for a postal corporation, however, would be made by professional management and a Board of Directors appointed by the President with the consent of the Senate.

In the sensitive area of rates, the Commission has recommended that a small panel of expert rate commissioners, independent of the professional operating management of the corporation, hear the views of interested parties, assess postal needs, and advise the board as to the merits of changes proposed by management. It would be the responsibility of the board to protect the public interest, but Congress would also have a reserve power in this respect: it could veto a rate action within sixty days. This procedure was preferred to the creation of an independent agency, like the FCC, to regulate postal rates, because it avoided the anomaly of one governmental body regulating another as well as the proliferation of bureaucracy. Congress would be much less susceptible to group pressures on a veto than when directly setting rates itself. For a veto to succeed, a determined majority would be needed for action.

The Commission has recommended that wages be determined through collective bargaining between unions and the postal corporation, with continuation of the present prohibition against strikes by federal employees. Impasses would be settled by voluntary and binding arbitration, perhaps using the standard of comparability with private industry, or—if that course did not produce settlement—by a suitable mechanism determined on an *ad hoc* basis by the President, as railroad disputes have been settled in the past.

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[1] If the Post Office used a business-type cost ascertainment system, these figures might very well be different. But this does not deny that on the basis of the only information available, Congress has set below-cost rates.

XUM

Postal union leaders, strangers to collective bargaining, naturally resent the rupture of their accustomed relationship with Congress, and the remembrance of Presidential involvement in the rail disputes is not a particularly pleasant one. Yet this recommendation still seems the least unattractive of the alternatives. The present relationship between the unions and Congress is an unnatural one for a business enterprise, and there would be some motivation to settle disputes without drawing in the President because neither side could be certain as to the mechanism he would choose. In any case, arbitration, whether through a panel chosen by the two sides or by the President, seems the most sensible way to settle labor conflicts today in an industry essential to the national welfare.

POLITICAL APPOINTMENTS

Business firms usually appoint top managers on the basis of expertise and wide experience, either within their own or related organizations. Only once in modern history, however, has the President appointed a man to head the Post Office who has been an experienced postal manager (Jesse Donaldson under Truman in 1947). Typically, the Postmaster General has been a top party man, more important to the President as a manager of political affairs than of the Post Office. Naturally, he picks up some experience of postal matters over time, but this tends to be of short-lived usefulness. These top managers of the Post Office generally leave after only two or three years in office.

The field managers of the postal system—the several thousand postmasters across the land—are also appointed by the President, although in the past the decision has actually been made informally by the congressman in whose district the post office is located. (If the congressman is not of the President's party, the "adviser" becomes some other state or local political figure.) As a result, only about one third of postmasters appointed in this decade have been career employees, and even these did not always include the best qualified from a management point of view: there have been cases of clerks or carriers appointed over the heads of supervisors. Thus, more often than not, that man on the supervisory staff of a post office with the most advantageous experience and greatest ability does not get the number one slot. Nor can a man who performs admirably as the postmaster of a small town ever be transferred to the more demanding position of postmaster in a large city, because of the residency requirement of political appointment.

Political appointments in the Post Office result in the strangest sort of chain-of-command for a business enterprise. Because postmasters are appointed for life and in most cases owe their positions not to postal management but to a place in the political scheme, local post offices can exist as islands unto themselves. This makes it most difficult for the Post Office to "manage" its operations in the true sense of the word. Within headquarters in Washington, political appointments also contribute to a fragmented structure. Each bureau is headed by a Presidential appointee who often has a power base independent of the Postmaster General.

The Commission has recommended that, with corporation form, postmaster appointments be taken out of politics. A nine-man board of directors would be made up of six part-time members appointed by the President and three full-time officers (including the counterpart to the present Postmaster General—a Chief Executive Officer and Chairman of the Board) named in turn by the Presidential appointees and responsible to them for the management of the Post Office.

Having these most important full-time officers appointed outside the political sphere represents a departure from normal government-corporation practice. It embodies the strong Commission feeling that what a successful Post Office needs is professional management, and management that could be released without a political row if it failed to perform. To attract the most talented managers, the Commission has also recommended that full-time officers be paid salaries competitive with private industry—and this would mean higher than the salaries now received by congressmen, Supreme Court justices, and members of the President's Cabinet. The justification is that without the prestige and power that accrue to these latter positions, financial incentive would be needed to induce the best people to leave private industry (although the challenge of making the Post Office work might intrigue the more daring.)

THE POST OFFICE: A BUSINESS?

The burden of the argument to this point has been to show that the Post Office is seriously deficient in many respects and that these deficiencies cannot be overcome without reorganizing for a business type of operation. The key question remaining to be explored, however, is one of value rather than fact: *should* the Post Office be run as a business? The Commission thinks so, but its background—predominantly in private enterprise—hardly makes this judgment surprising. If the Commission is mistaken and the Post Office does not perform essentially a business function, then regular-agency form is the right one, despite inherent deficiencies. In fact, many supposed deficiencies take on a different light when seen from a nonbusinessman's point of view. Billion-dollar "deficits," for example, are accepted features of most regular agencies, and political appointments make sense when there are politically sensitive policies to administer.

Does a crucial distinction exist, then, between the Post Office and normal agencies of government? If it is proper that the most important decisions for regular agencies be made in Congress and the Executive Branch, according to other than strictly economic criteria, why should the Post Office under a different form be allowed more business-type freedoms?

The answer has to be that the Post Office receives a payment from the recipients of its service and is potentially self-supporting. Although almost all regular agencies have to be financed wholly through tax revenues, only a small part of postal costs—averaging 15 per cent over the years—has to be covered in this way. At times in the past, the Post Office has even operated in the black. The need for tax revenues explains political controls and the consequent measure of economic inefficiency built into all regular agencies. Because tax revenues come from the people and belong to the nation as a whole, they must be expended in the best national interest and, in a democracy, as the people dictate through their representatives. But the converse is then true for the Post Office, which does not necessarily require tax revenues.

If the Post Office had always been completely self-supporting, and had never been used for the kind of public policy program financed through tax revenues, it would be difficult to object to this line of reasoning. As it is, however, arguments based on these grounds do have to be answered.

THE DEFICIT AND THE GENERAL WELFARE

Because a portion of tax revenues has been needed in most years to cover a deficit, one could argue that the Post Office should be controlled in the same political fashion as any other agency spending the people's money. The flaw in this argument is that the postal deficit is brought on by the very organizational form it is used to justify. Change that form to eliminate inherent deficiencies and no more deficit! The Commission estimates that, in time, a minimum of 20 per cent of present costs could be saved with the more business-oriented operation it recommends. If those savings had been effected in 1967, the deficit would have been erased, and with no rate increase.

Another argument sees mail communication as so indispensable to the general welfare of the country that the Post Office should receive at least some financial support from tax revenues (whose expenditure, of course, would require regular-agency political controls). Congress shared in this philosophy when, in the Postal Policy Act of 1958, it determined that a percentage of the costs of rural operations should be paid out of tax revenues, on the assumption that rural services were unprofitable but had to be maintained for the public good.

Functioning for the public good, however, cannot be the sole criterion for tax support and regular-agency status. Otherwise, most of society would be so organized. A whole host of organizations are indispensable to the national welfare and are not regular agencies—in the private sector, for example, telephone companies, electric utilities, the entire system for the provision of foodstuffs. Further, to think that a tax subsidy should be paid for rural service is to misunderstand the nature of the postal enterprise. Providing nationwide coverage is just as much a service to urban as to rural America. Who benefits when an urban business sends a catalogue to the country, or when young people who have moved to the city receive a letter from home? The costs of nationwide coverage cannot be separated into urban and rural components, but must be borne by the system as a whole.

A corollary to the general welfare argument is that tax support permits low rates, thereby stimulating commerce and the dissemination of information. Many publications and direct mail advertisers even claim that to pay what the Post Office ascertains to be full costs would drive them out of business. This might not upset too many people with regard to advertising in the mail, but some of the highest quality magazines and journals are financially very marginal operations, and the widest possible dissemination of the press is vital to the democratic process. Does tax support really permit low rates, however? Pointing to the steadily climbing rates of past years, one could argue that the inefficiencies resulting from the regular-agency form more than cancel out any beneficial effects of tax support. A better way to maintain low rates for all types of mail would be through a more business-like operation. Moreover, the Post Office now allocates its very extensive (almost half) fixed or institutional costs proportionately among all classes of mail in determining rates. A business-like operation would realize that having marginal users pay only a small share of fixed costs would be more profitable for the Post Office than driving them out of business. Thus publications and other "below-cost" commercial mailers are likely to fare better in the long run under corporate form than with the present system, and will escape at the same time any charge of "subsidy."

SUBSIDIES

Congress might wish, however, to continue subsidies through preferential rates to certain types of mail user, such as educational institutions, religious orders, and other nonprofit organizations. No different from any other public policy program, one could maintain that such subsidies should properly be funded from tax revenues.

Yes, they should—properly. But if the objective of an efficient Post Office is to be achieved, at this point a compromise with logic may be desirable. At present, the cost of this kind of subsidy calculated by the Commission according to economic standards, is less than 4 per cent of total postal costs. It is reasonable that such a small percentage should justify an organizational form that costs the Post Office so much more through inherent inefficiencies?

To avoid this anomaly, the Commission has recommended that the postal corporation itself cover the 4 per cent subsidy, with the proviso that the subsidy be kept within the general range of that figure. The corporation would thus be paying a kind of income tax, such as those assumed by private and even other government corporations. TVA, for example, makes a contribution in lieu of taxes to states and localities, in its area of operation, of 5 per cent of gross power proceeds (excluding sales to the U.S. government). Of course, mail users would eventually end up paying the costs through postal rates. Because the mails are so generally used by the public, however, and in rough proportion to income, this method would not differ greatly from the present method of the general public paying the costs through taxes. The significant difference is that the Post Office would not have to go to Congress for any funds at all.

EMPLOYER OF LAST RESORT?

The postal corporation would not be able, however, to cover by itself the costs of one major kind of public policy program advocated for the Post Office: that it be used to provide jobs for surplus labor, a vast employer of last resort. It might deliberately be kept inefficient in order to employ greater numbers (as it does unintentionally today), or it might be used to provide additional labor-consuming services which really are not needed. Daniel P. Moynihan has suggested, for example, the creation of 50,000 jobs by reinstituting two mail deliveries per day in residential areas—a service, it seems, most of the nation has gotten along well enough without.

If there were no other jobs in the nation that needed to be done, one might agree with this line of reasoning. Every able-bodied citizen should be able to work. But there are slums to be cleared, children to be taught streets to be policed, sick people to be cared for. With so many tasks waiting to be done, the Post Office does not need to be used in what would be a highly demoralizing, make-work fashion. What is needed, instead, to fund some of these urgent tasks is the $1.2 billion in tax revenues now squandered on an inefficient postal operation.

PROSPECTS

Because the Post Office has the potential to be self-supporting and because its public policy functions are relatively unimportant compared to the advantages of a more efficient operation, the Post Office can be considered essentially a business enterprise. There is nothing in the nature of what it does to prevent conversion to a government corporation. On the contrary, this is impelled by the serious deficiencies in the postal operation that are unavoidable with regular-agency form. Despite the reasonableness of the case for reorganization, however, prospects for implementing legislation in the near future do not look particularly bright.

Traditionally, Congress has been a defensive, conservative body, requiring a great deal of pressure to secure action and very much less to stop it, and the influential postal unions are generally hostile to the Commission recommendations. Endorsed by only one of the twelve postal employee organizations (General Services and Maintenance Employees), the recommendations have been savagely attacked by the letter carriers, the largest and most powerful union of them all. Their president sees the corporation proposal as "the most serious situation that has arisen in the Postal Establishment in the past century" and has called upon all postal unions to mount a "militant offensive" against it.

The grounds for union hostility are not difficult to discern. The promise of improved career opportunities and better working conditions for employees has not been enough to motivate union leaders to exchange their special relationship with Congress ("the best and most consistent friend we have ever had") for collective bargaining in which the leaders are inexperienced. Nor can the rank and file be won over against a relationship that produces tangible rewards in the important bread-and-butter issues (in the nation as a whole, postal wages and benefits are above those of such industries as general manufacturing and telephone communication). Moreover, no matter how evident it may be that present postal employees will not lose their jobs, organized postal labor will tend not to look favorably on a reorganization that can only increase productivity by retarding growth in employment.

Union hostility might be enough by itself to head off reorganization. As it is, significant bases for opposition also exist within Congress. The campaigns of many congressmen benefit from contributions, in time and money, from organized postal labor. If congressmen no longer made decisions about wages and operating procedures, there would be no grounds for such assistance. Those congressmen, too, who have seniority in the committees and appropriations subcommittees concerned with postal affairs will not want to see their bases of power swept away. And many congressmen have been able to use postal patronage to their political advantage back home. Despite the introduction of a number of bills to take postmaster appointments out of politics, one has yet to pass the House.

In addition to these grounds for individual opposition, Congress as a whole has not been moved by some of the more compelling arguments for reorganization. One argument, outside the postal sphere altogether, is that relief from the minutiae of routine business management will allow congressmen more time to master the truly important complexities of governmental concern today. The failure to keep up with the technical expertise of the Executive Branch has meant a drift of power away from Congress in today's complicated world. But most congressmen do not feel that postal matters take up an inordinate amount of time. In fact, some are probably glad to have a subject to grapple with that appears familiar and easily comprehensible. There has also been no indication of alarm about the postal deficit, only a drop among other tens of billions being spent. And Congress generally still retains the feeling that its guardianship is demanded over an industry so important to the national welfare and that its ministrations result in lower rates and better service rather than the reverse.

Congress does sense the need for some change in the Post Office. The Commission Report and editorial response have at least created this awareness. But the reaction has been the traditional seeking of a happy medium. For example, the Chairman of the House Post Office and Civil Service Committee, Thaddeus J. Dulski, introduced in January a comprehensive Postal Reform Act (H.R. 4) which, among other things, would take postal investment out of the normal budgetary and appropriations process. Yet, the bill would still allow congressional control over wages, and thus 80 percent of postal costs; it would still necessitate congressional appropriations to make up deficits (for the Post Office in the bill is not envisaged as self-supporting); Congress would still be very substantially involved in rate-setting; postmasters would still be appointed by the President, and because of a residence requirement, talented postmasters could not be transferred to more demanding offices; in fact, the bill would retain almost the entire panoply of fragmentation and political responsiveness in management that has made the Post Office in the past such a failure as an economic enterprise.

Piecemeal reform will not suffice to remove deficiencies that inhere in regular-agency form, nor will the habit—fashioned over a century and a half—of thinking and acting in terms of a political post office ever be modified except by a dramatic break with the past. The principal beneficiary of reorganization, however, the mail-using, tax-paying general public, has not yet been stirred to make the kind of general outcry that alone will move Congress in the face of opposition. The outlook, therefore, is for the Post Office (in the words of the Commission describing the price of inaction) "to jog along in its rickety fashion for years before it collapses." The collapse might well come in the form of another Chicago-type breakdown, or a series of them, which would finally stimulate public outrage and congressional action. In the meantime, the Commission recommendations will serve as a focus of public education and debate, the starting point in the long and painstaking process of getting sensible ideas converted into public action.

BALTIMORE MAGAZINE SALES COMPANY NAMED IN NEW JERSEY LEGAL PROCEEDINGS AGAINST DECEPTIVE SALES PRACTICES

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, I am pleased to report to my colleagues that the State of New Jersey yesterday initiated court proceedings to seek an injunction against deceptive sales practices of the International Magazine Service of the Mid-Atlantic, Inc., a Baltimore-based magazine subscription sales company.

Acting on the complaints of 19 New Jersey consumers, Deputy Attorney General Douglas J. Harper of New Jersey, filed the formal complaint in superior court in Warren County.

The deceptive and fraudulent practices which I have repeatedly stated in this Chamber are being used to dupe American consumers into costly and unwanted magazine subscription purchases are the same practices described in the complaint filed against International Magazine Service of the Mid-Atlantic, Inc.

Offers of free magazines, misrepresented or unstated contract terms, representations that reader interest surveys are being conducted, representations that the consumer is a winner or eligible to win substantial prizes in a contest—practices named in the New Jersey complaint—are typical of the sales practices being utilized by International Magazine Service of the Mid-Atlantic and numerous other magazine subscription sales companies all across the country.

Consumer fraud of this or any other kind must be stamped out where it thrives, where it profits, and where it seeks to conceal itself—in interstate commerce. Decisive Federal Government action, either by the Federal Trade Commission or by Congress, can stamp out this kind of consumer fraud.

The sales abuses identified in New Jersey are not merely isolated instances of misrepresentation which can be traced to one or two unscrupulous sales personnel. They are but one small bit of a vast pattern of fraud which typifies the sales tactics of a number of multimillion-dollar magazine subscription sales operations owned by or affiliated with some of the best known publishing houses in the Nation.

I want to point out that this action by the New Jersey attorney general and other legal proceedings begun by the attorney general of Pennsylvania against magazine subscription sales abuses are the direct result of attention focused on deceptive and fraudulent practices by the Easton, Pa., Express newspaper's public service column, "Action! Express."

Mr. Speaker, for the information of my colleagues, many of whom are contacting my office for information regarding magazine sales abuses, I insert in the Record a copy of the complaint filed in the Superior Court of New Jersey yesterday.

Arthur J. Sills, Attorney General of New Jersey, Plaintiff, *v.* International Magazine Service, a Corporation of the State of Maryland, Defendant

Superior Court of New Jersey, Chancery Division, Warren County, Docket No. —
Civil Action Complaint

Plaintiff, Arthur J. Sills, Attorney General of New Jersey who resides at 1100 Raymond Boulevard, Room 504 Newark, New Jersey states as follows:

Count I

1. The Attorney General is charged with the responsibility of administering the N.J. Consumer Protection Act N.J.S.A. 56:8–1 *et seq*.

2. Defendant, International Magazine Service is a Delaware Corporation engaging in the business of soliciting magazine subscriptions within the State of New Jersey. Said defendant is not registered with the Secretary of State as a non-resident corporation doing business in New Jersey.

3. Defendant, through its agents and employees, Stanley Bernstein, Frank Gigliotti and Harry Stubbs and through sub-employees of the stated individuals, actively solicits the purchase of subscriptions to magazines and periodicals from the residents of the State of New Jersey.

4. Between the dates of August 28, 1967 and the present defendant, through its agents and employees, solicited magazine subscriptions from those New Jersey consumers set forth in Schedule A. Said schedule is attached to and made a part of this complaint. Said solicitations resulted in the execution of written contracts obligating New Jersey consumers to purchase subscriptions in diverse magazines and other periodical publications.

5. Said solicitations were initiated through telephone inquiries made by defendant's agents and employees wherein the stated consumers were led to believe by representations made by defendant's agents and employees that free magazine subscriptions were available to them.

6. As a result of said representations the stated consumers allowed defendant to visit their private homes.

7. While in the homes of the stated New Jersey consumers defendant through its agents and employees actively employed certain unlawful sales solicitation practices. Said unlawful practices included, but are not limited to the following:

(A) Representations that subscriptions to certain periodicals were free when in fact the total contract prices paid were substantially equivalent to or greater than direct subscription prices with the publishers of the individual magazines subscribed to.

(B) Representations that monthly payments were to be certain stated amounts and for certain stated durations where in fact upon receipt of payment booklets both the amount and duration were materially different from the terms verbally represented by defendant through its agents and employees.

Said representations made in the course of soliciting the purchase of merchandise constitutes the use and employment of false premises, false pretenses, deception and misrepresentation all in violation of N.J.S.A. 56:8–2.

Count II

1. Plaintiff repeats and reiterates each and every allegation of the first count of the complaint as if the same were recited herein at length or incorporated herein by reference.

2. During both the above stated dates and at present defendant through its agents and employees employ a sales technique known as the "International Hotline."

3. Said sales technique is initiated by a telephone call to a prospective customer wherein it is represented that the customer "may" win a color television set, an all expense vacation to Hawaii or Puerto Rico, a new Mustang convertible, "plus hundreds of other prizes". Final selection of winners is indicated as being by "random drawing."

4. As a condition for the customer's winning any of the above stated prizes the consumer is requested to give his name and address.

5. In addition to the solicitation of the consumers name and address, a request is made that the consumers "without obligation" assist defendant International Magazine Service in its "readership inquiry" by naming two magazines which are presently not subscribed to by the consumer.

6. At no point in the sales technique is it revealed to the consumer that International Magazine Service is soliciting or is about to solicit magazine subscriptions from the consumer.

7. In those cases where names and addresses are given, defendant dispatches sales personnel to the homes of consumer for the express purpose of soliciting subscription contracts. Said solicitations are made within several hours after the inquiry from "International Hotline" and are directly related to the representations contained therein.

8. Defendant's use of the above stated sales technique constitutes the use and employment of false pretense, misrepresentation and deception in violation of N.J.S.A. 56:8–2 in that said technique is in fact a reuse employed for the single purpose of gaining entry into the private residences of the consuming public for the purpose of inducing subscription contracts.

Count III

1. Plaintiff repeats and reiterates each and every allegation of the first and second counts of the complaint as if the same were recited herein at length or incorporated herein by reference.

2. In the course of soliciting the contracts with those consumers set forth in the schedule annexed hereto and made a part hereof, defendant through its agents and employees, represented the total dollar obligations under the stated contracts in terms of monthly payments.

3. Defendant at no time in the course of soliciting the stated contracts revealed the total obligations owing from the stated consumers in terms of the total dollars due and owing for the subscriptions contracted for.

4. Defendant's failure to clearly state the total dollar obligations embodied in the stated contracts prior to the executing thereof constitutes the knowing concealment; suppression and omission of a material fact relating to the stated sales transactions with the intent that the stated consumers rely upon such concealment, suppression and omission, all in violation of N.J.S.A. 56:8–2.

Wherefore, Plaintiff demands the following:

1. An order enjoining defendant from engaging in the use and/or employment of those specific acts and practices herein alleged and found to be violative of N.J.S.A. 56:8–2.

2. An order enjoining defendant, International Magazine Service, from engaging in business in the State of New Jersey until such time that said defendant secures the certificate of authority required of non-resident corporations by N.J.S.A. 14:15–3.

3. An order in accordance with N.J.S.A. 56:8–8 rescinding the contracts executed by those consumers set forth in the attached schedule and directing defendant to return any and all monies and property to those consumers set forth in the annexed schedule where such monies have been acquired by practices herein alleged and found to be prescribed by N.J.S.A. 56:8–2.

4. An order pursuant to N.J.S.A. 56:8–13 assessing monetary penalties in the amount of $100 for each transaction found to be violative of N.J.S.A. 56:8–2.

Arthur J. Sills,
Attorney General of New Jersey.
(By) Douglas J. Harper,
Deputy Attorney General.

Schedule "A"

Consumer's Name and Address

Mrs. Sandra L. Berger, Greenwich Street, Stewartsville, N.J.
Alice C. Claxton, Washington Street, Phillipsburg, N.J.
Mrs. Claire Conway, 267 W. Warren Street, Washington, N.J.
Mrs. Francis Faltinosky, Box 36, Route 2, Milford, N.J.
Mrs. Nancy Gouger, Route 1, Box 298, Stewartsville, N.J.
Mrs. Melva J. Lewis, 60 New Jersey Avenue, Blackwood, N.J.
Mrs. Olga Mohr, 106 North Riverview Road, Phillipsburg, N.J.
Mrs. Harold Parry, 159 Belt Road, Phillipsburg, N.J.
Miss Kathleen Penna, 749 Linden Avenue, Elizabeth, N.J.
Mrs. Virginia Pursell, 774½ South Main Street, Phillipsburg, N.J.
Mrs. Elmer Ramsey, 103 Fairview Avenue, High Bridge, N.J.
Mrs. Grace Rossi, 562 Roseberry Street, Phillipsburg, N.J.
Mrs. Rodger L. Smith, 228–6th Street, Morris Park, Phillipsburg, N.J.
Mrs. Martin Stoken, 5 Henshaw Court, Phillipsburg, N.J.
Mrs. Arlene Taylor, 137 Cedar Alley, Phillipsburg, N.J.
Raymond Usignol, 1536 Good Intent Road, Deptford, N.J.
Sarah Wene, 314 Somerset St., Alpha, N.J.
Stella Young, R.D. #2, Box 382, Phillipsburg, N.J.
Josephine Yukna, 776½ So. Main Street, Phillipsburg, N.J.

Arthur J. Sills, Attorney General of New Jersey, Plaintiff, *v.* International Magazine Service, a Corporation of the State of Maryland, Defendant.

Affidavit of Verification

State of New Jersey,
County of Essex, ss:

Douglas J. Harper being duly sworn according to law deposes and says:

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1. I am a Deputy Attorney General of the State of New Jersey and discharge my duties as co-counsel to the N.J. Office of Consumer Protection.

2. The Attorney General of New Jersey is charged with the responsibility of administering the New Jersey Consumer Protection Act, N.J.S.A. 56:6–1 *et seq.*

3. In accordance with the above-stated directive, the Office of Consumer Protection exists within the Department of Law and Public Safety.

4. I have read the complaint filed herewith and the facts stated therein are true to the best of my knowledge, information and belief. Said facts are taken from the investigative files of the New Jersey Office of Consumer Protection.

5. Given the truth of said facts it appears to me that the defendant named in the complaint herein has engaged in and is presently engaging in acts violative of N.J.S.A. 56:8–2.

ARTHUR J. SILLS,
Attorney General of New Jersey.
By DOUGLAS J. HARPER,
Deputy Attorney General.

ARTHUR J. SILLS, ATTORNEY GENERAL OF NEW JERSEY, PLAINTIFF, *v.* INTERNATIONAL MAGAZINE SERVICE, A CORPORATION OF THE STATE OF MARYLAND, DEFENDANT

SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, WARREN COUNTY, DOCKET NO. — CIVIL ACTION: ORDER TO SHOW CAUSE

This matter being opened to the Court by Arthur J. Sills, Attorney General of the State of New Jersey, Plaintiff, by Douglas J. Harper, Deputy Attorney General attorney for Plaintiff and it appearing to the Court upon a reading of the duly verified Complaint that the defendant is in violation of N.J.S.A. 56: 8–2 in that he did perform certain acts contrary to the above stated statutory Section, to wit:

a. Representations that subscriptions to certain periodicals were free when in fact the total contract prices paid were substantially equivalent to or greater than direct subscription prices with the publishers of the individual magazines subscribed to.

b. Representations that monthly payments were to be certain stated amounts and for certain stated durations where in fact upon receipt of payment booklets both the amount and duration were materially different from the terms verbally represented by defendant though its agents and employees.

c. The use and employment of a sales practice wherein the total dollar obligation arising out of the contract obligating said consumers is not revealed in clear and express terms prior to the execution of said contracts.

It is on this — day of ——, 1969 ordered that the defendant show cause before the Superior Court of New Jersey, Chancery Division, Warren County, in the Morris County Courthouse, (Judge Alexander P. Waugh) Morristown, New Jersey on the — day of ——, 1969 at 9:30 o'clock in the forenoon or as soon thereafter as counsel may be heard why an interlocutory injunction prohibiting defendant from engaging in the above stated acts should not be granted pending final disposition of plaintiff's claim for the relief set forth in the Complaint to be served herewith.

It is further ordered that a copy of this Order to Show Cause and of the Complaint and affidavits annexed thereto, all certified to be true copies by Deputy Attorney General Douglas J. Harper, be served on the defendant within ( ) days from the date hereof by personally serving the said certified copy of the Complaint, affidavits and Order as provided by the rules of Court.

ALEXANDER P. WAUGH, J.S.C.

MONEY FOR MASS TRANSIT—LET US GET MOVING

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. MOORHEAD. Mr. Speaker, the gravity of the transportation situation in our cities demands prompt Federal action to help cities and States build modern mass transportation systems to meet tomorrow's needs.

The fact of the matter is that there is just not enough Federal money available for mass transit programs. When you consider that $37 of Federal money is spent for highways for each $1 spent on mass transportation, this amounts to what I consider "highway robbery."

Those of us who have introduced legislation to provide a capital investment to build a better and more balanced transportation system through the establishment of a mass transportation trust fund were heartened by a general endorsement of this idea by Secretary Volpe at the Fourth International Conference on Urban Transportation, held in my city of Pittsburgh last March. However, since that time there have been conflicting reports concerning what he considered the Department's priorities to be, and no official word from the Secretary or the administration.

I believe the United States needs to establish a national goal for urban mass transportation as we have done for defense and space.

The Wall Street Journal of May 22 carried an excellent article in which it is reported that the Secretary does consider public transportation his top priority, and plans to request money for a program to upgrade our existing systems, develop new transit systems and establish an innovative long-range planning program.

If this is true, he will be verbalizing what many of us in the House Banking and Currency Committee have been advocating for some time, and we would be delighted to lend our support.

Your move, Mr. Secretary.

I include the Wall Street Journal article for the attention of my colleagues.

UNCLOGGING THE JAM—ADMINISTRATION STRESSES MASS TRANSIT AS CURE FOR URBAN TRAFFIC ILLS—EMPHASIS IS SHIFTING FROM HIGHWAYS; AID FOR PRESENT SYSTEMS, RESEARCH PLANNED—BARRIERS TO A SPENDING BOOST

(By Ronald G. Shafer)

WASHINGTON.—To the surprise of some early critics, President Nixon's transportation chiefs plan to promote mass public transportation, not more highways, as the best way to untangle urban traffic jams.

Though the Budget Bureau has opposed a Transportation Department proposal for a special trust fund to mass transit aid to cities, officials say an expanded public transportation program remains a top goal this year. They're planning sharply increased Federal aid aimed at improving the speed, convenience and comfort of travel by bus, subway or surface rail line. The planners hope their efforts will lure more travelers out of the autos that often choke city streets.

It's possible that some problems with safety implications, such as air congestion, may get more immediate attention. But fundamentally, "if I have to set a priority, the number one priority is public transportation," says John A. Volpe, Secretary of Transportation.

That surprises some observers because Mr. Volpe came to his new post with the label of highway backer. Supporters of the former Massachusetts governor insist that label wasn't completely accurate. The Transportation Department naturally isn't going to stop highway-building, but officials say it will push to give localities as a realistic alternative to Federal highway aid for alleviating urban transportation problems.

RISING TO $600 MILLION A YEAR

To provide that alternative, officials are aiming for annual mass transit aid starting at about $200 million and rising to $600 million by 1974. These outlays now run about $170 million a year. But Mr. Volpe would actually prefer to spend as much as $1 billion annually for mass transit within two or three years. He's now seeking Presidential approval for such an ambitious plan. His success or failure will become known when the Administration unveils its mass transit program, probably next week.

Whatever sum is chosen, the money would go toward three objectives. One would be an immediate upgrading of existing transit systems, particularly by helping to finance new buses or rail cars. A second goal would be a start on development of new transit systems for use in five or 10 years, possibly including high-speed vehicles propelled on cushions of air. A third phase would involve long-range planning for even more advanced transit innovations; these might include "gravitrains," which would be propelled by their own weight through inclined underground tunnels and then would roll upward to surface stations on their own momentum and pneumatic pressure.

"Our feeling is that we've got to act now on the immediate problems but still recognize what the needs will be in the next decades," says Charles Baker, Deputy Under Secretary of Transportation.

A further idea of what the planners have in mind can be gleaned from a sampling of the Volpe team's recent aid grants for mass transit projects. They include $200,000 for study of a system of moving sidewalks in Boston, a $245,000 initial allocation for a planned demonstration of pollution-free steam-powered buses in San Francisco and a $25.2 million grant to a Chicago public agency for the purchase of 130 new commuter cars for the Illinois Central Railroad.

TOO LITTLE TOO LATE?

It remains to be seen how much the department actually can do to unsnarl urban congestion. Some critics contend its mass transit program represents too little too late. And it's still uncertain how big a program it will be able to push through the Budget Bureau and Congress; ardent highway advocates may oppose any steep rise in spending for mass public transportation if it seems to raise a threat to road-building.

Mass-transit supporters, for their part, are worried that the Transportation Department will scale down its plans. "If the department backs out now, it could frustrate growing support to move ahead on public transportation," says Donald Alexander, a legislative assistant for the National League of Cities.

Urban and transit officials say increased—and long-term—Federal support is needed for mass transit if the financially strapped cities are to cope with congestion. Without such a commitment, "we'll just continue to

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hobble along until somebody does something about it," says Thomas B. O'Connor, general manager of the Institute for Rail Transit.

Transportation Department officials insist they will press hard for their expanded mass transit program. "Anybody who thinks Gov. Volpe won't fight for his programs doesn't know him," says one long-time aide. They note that President Nixon has specified mass transit as one of his top priorities.

THE COMMUTING ORDEAL

Almost everyone agrees something has to be done about the traffic congestion that threatens to choke many city centers. Automobiles are proliferating while public transit systems deteriorate. Among the cities suffering most are New York, Boston and Washington. The Transportation Department estimates that the average auto-commuter in some large cities spends 13% of his waking hours in traffic each workday. In some cities—notably New York—commuters who use outdated public transportation fare no better as far as time goes. Officials also say that inner-city residents, many of whom don't own cars, can't reach jobs on many present transit systems without numerous transfers and long delays.

To date, the Federal Government's solution for urban congestion has been more highways—a solution that has recently run into opposition in New York, Chicago, Philadelphia, Baltimore, Washington and other cities. While $170 million annually now goes for mass transit, Federal highway aid runs between $4 billion and $5 billion a year (though much of that money goes for roads outside urban areas). Moreover, Uncle Sam pays 90% of the highway costs and only two-thirds of the bill for Federally aided mass transit projects. States and cities thus have had little real choice, transportation planners say.

What's needed, officials contend, is a more realistic view of both private autos and public transit. Indeed, "the key to the entire passenger transport network is the automobile," says James Beggs, Under Secretary of Transportation. "No solution to our other problems can be complete unless we learn to control it."

While hoping to lure auto riders to public transportation, officials say tougher restrictions on autos may be needed eventually if cities aren't to be inundated by cars. Among the possibilities: A tax on auto-commuters entering cities during rush hours or even the complete banning of cars in city centers.

As for mass transit, "we ought to get rid of the idea once and for all that public transportation must make a profit," Secretary Volpe has said. "Public transportation is so important that we must look at its financing much like any other public service. We don't expect the Army to make a profit."

While private operation of mass transit is preferred, Transportation Department officials add, such intracity transit is increasingly difficult to run at a profit. Here in Washington, one of the largest cities still served by privately owned transportation lines, the D.C. Transit System has continued to run in the red despite a series of fare increases; there are proposals for the local government to take over.

AID FOR ROCHESTER, N.Y.

The Volpe team has already approved a $3 million grant to help the city of Rochester, N.Y., purchase the local bus lines, as well as buy 27 new buses. If necessary, officials say, local governments should take on the responsibility of operating public transit even at a loss, just as they support schools or police services.

The Federal Government can chip in with some aid but probably wouldn't provide direct operating subsidies. "That's a bottomless pit," says Paul Cherington, Assistant Transportation Secretary for Policy and International Affairs.

Under the department's current plan, the Federal Government would provide loans to localities primarily for mass transit improvements or to pay the interest on long-term financing for transportation. For major projects, the localities—generally metropolitan areas including suburbs, as opposed to cities alone—first would have to come up with a comprehensive, long-range plan for all types of transportation.

Department officials maintain they aren't wedded to the trust fund plan to finance their plans but are hopeful of obtaining some sort of long-term Federal financing commitment. "What we've got to have is a program that allows a locality to make plans with the assurance the money will be there 10 years from now," says James D. Braman, Assistant Transportation Secretary for Urban Systems and Environment.

NEW BUS ROUTES

Whatever the financing, the initial emphasis will be on fast first-aid for today's transit systems—plain old buses, subways and trains—rather than exotic schemes for monorails or electronic highways.

This means providing Federal money to help buy air-conditioned rail cars or new buses. It also means aid to cities that want to redraw bus routes to make them more convenient for commuters to get to jobs in the city and for ghetto residents who want to travel to job openings in the suburbs. Cleveland Mayor Carl Stokes is among those interested in laying out new routes.

Meanwhile, the department would begin the study of bolder transportation innovations. "If we just patch up the kind of subways and buses you find today, patronage will continue to drop," warns Secretary Volpe.

These innovations could range from automated rapid transit systems such as the one currently being built in the San Francisco bay area to air-cushion vehicles that could carry 100 people at speeds up to 300 miles an hour on routes extending from cities to the suburbs or beyond. The Transportation Department hopes to have an air-cushion test under way by 1972 possibly running between Miami and a new air-port proposed near the Everglades.

THE ROBERTS CASE—JUSTICE ON TRIAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. RARICK. Mr. Speaker, the Supreme Court in another of its remarkable decisions has held that in a case on appeal a Justice who is in business with the judges who heard the case below cannot be recused for cause by one of the litigants.

The unique situation involves Dr. William H. Roberts in a case involving Catholic University. The circuit court of appeals had ruled against Dr. Roberts, and one of the questions to be resolved by the Supreme Court involves the credibility of Chief Judge David L. Bazelon, of the U.S. Court of Appeals for the District of Columbia Circuit.

Chief Judge Bazelon and Associate Justice William J. Brennan are business partners in the recently exposed tax shelters, Concord Associates and Wilson Associates. See my remarks, RECORD of May 15, 1969, page 12687.

In a question of the credibility of a witness, can there be any question as to whom Brennan will believe? He must choose between David Bazelon, his financial partner, and Roberts, who is unknown to him and who has shown the courage to bare Brennan's financial entanglement with Bazelon, Wright, and Fortas, and to ask in the name of justice that Brennan step aside and not take part in reviewing of his partner's decision.

Despite the court's arbitrary ruling, Dr. Roberts' case remains undecided. All will watch to see if Justice Brennan will demonstrate the honor and the absolute impartiality hitherto expected of a Justice of our Supreme Court by voluntarily recusing himself and declining to participate in the case. I include a news clipping as follows:

[From the Washington (D.C.) Evening Star, May 26, 1969]

COURT WON'T BAR BRENNAN IN CU CASE

The Supreme Court today refused to order one of its members, William J. Brennan, to disqualify himself from handling a case involving Catholic University.

Brennan's recent tie with the university's law school and his business connections with lower court judges, who had heard the case, had been challenged by the law professor who filed the lawsuit.

Prof. William H. Roberts has been seeking a court ruling to restore a school of international law he formerly headed on the campus. It was merged with another department two years ago.

Failing in lower courts, Roberts is seeking to appeal to the highest court. But he filed a motion to disqualify Brennan from any part in handling the appeal.

Without giving its reasons, the court today refused to disqualify Brennan. It did not act on Roberts' appeal. When it does, Brennan could, if he wishes, disqualify himself.

DRUG ABUSE POSES DEADLY THREAT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. NELSEN. Mr. Speaker, drug abuse is a prime cause of crime and domestic chaos and a greater Federal effort to educate citizens about dangerous drugs is obviously called for.

As ranking Republican on the Public Health and Welfare Subcommittee of the House Interstate and Foreign Commerce Committee, I am convinced there is no greater threat to the people of this country than in the abusive use of harmful drugs. If we ignore this threat, the future cost to society will be immense in terms of crime, illegitimacy, and human degradation.

It has been estimated that more than 100,000 Americans are already narcotics addicts, whose annual cost to society amounts to $541 million. And all the evidence points to a massive increase in nonnarcotic drug abusers. About 40 tons of amphetamine tablets are being produced each year, enough to provide everyone in the country with 35 doses. About half these tablets are reported to have gone into illicit channels of distribution. At least 5 million Americans have been estimated to have used marihuana at least once.

Most alarming is the "drug tug" craze among young people. From slum schools to college campuses, it has become tragically fashionable to experiment with LSD, marihuana, and other kinds of dope. A recent study showed that the use of marihuana on five California campuses tripled in 18 months. More than 50 percent of the students admitted to smoking pot. In one Washington, D.C., high school, it has been reported that nearly a full one-third of the student body has become heroin addicts.

It is obvious more must be done to acquaint the public, particularly young people, with the step-by-step descent into hopeless addiction which seems to accompany the indiscriminate use of drugs.

I am, therefore, today joining in the cosponsorship of legislation to amend the Public Health Service Act by adding a new section dealing with drug abuse education and information. It would provide the Department of Health, Education, and Welfare with authority to assist public or private nonprofit projects devoted to educating the public about drug abuse problems.

POSTAL REFORM: DANGER AND OPPORTUNITY

HON. WILEY MAYNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 27, 1969

Mr. MAYNE. Mr. Speaker, the word "crisis" in Chinese is represented by the juxtaposition of two word pictures—the word picture for "danger" and the word picture for "opportunity." Today America faces a crisis in mail communication. But although we are confronted by the danger of a breakdown in our mail service, we also have the opportunity to do something about it.

It is about time, for it certainly is a paradox that just when we are close to landing a man on the moon, we still cannot seem to deliver a letter on time. Such a spectacle would be laughable if it were not so serious.

Delays and breakdowns constantly threaten the mails. In fact, one of our largest cities in 1966 did have such a breakdown and such a recurrence could happen any day in one of our metropolitan post office operations. But if there is the ever-present danger of late mail, lost letters, and even postal operation collapse, we now have an opportunity to bring about a major modernization program.

President Nixon has proposed a plan that would take the Post Office out of politics and make it an independent Government-owned operation run like a modern business enterprise. This new U.S. Postal Service will be self-supporting with the regulation of postal increases decided by expert rate commissioners just as in any public utility.

If we seize this opportunity to introduce these reforms, gone will be the days of bigger deficits and mounting postage costs along with slower delivery and poorer service.

RICHARD KING MELLON FOUNDATION

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. FULTON of Pennsylvania, Mr. Speaker, I insert the following in the Extensions of Remarks:

[Telegram]

Hon. RICHARD K. MELLON,
Pittsburgh, Pa:

Thank you so much for sending me the report for the years 1966–68 of the Richard King Mellon Foundation. We in Pittsburgh and Western Pennsylvania are proud and pleased with the fine progress and civic and cultural development that you have been able to assist so well. In the United States Navy the phrase is "well done!"

As I believe that in this day of general attacks on foundations the excellent report of your trustees shows what can be accomplished through well run foundations. I am placing this report in the Congressional Record for today. We must not permit hue and cry to destroy constructive good works, but must support good civic assets as your fine organization.

My compliments to you for your generosity and foresight in advancing Pittsburgh's progress and civic and cultural improvements, and my compliments to the Board of Trustees, officers, and consultants of the Richard King Mellon Foundation for their broad vision.

With my personal regards,
Sincerely,
Congressman JIM FULTON,
Pennsylvania.

RICHARD KING MELLON FOUNDATION REPORT OF THE TRUSTEES, 1966–68, PITTSBURGH, PA.

During the period covered by this Report, the Richard King Mellon Foundation observed its twentieth year of activity. The anniversary occurred on November 14, 1967, two decades from the date on which the Foundation was created by deed of trust. Since that founding date, the trustees have approved 1,092 grants to 535 recipients, for a total authorized disbursement of $43,373,533.

The year 1967 was more than a twentieth anniversary. It was also a year in which the Foundation significantly increased the scope and number of programs extending the social function of the Pittsburgh Renaissance into the poor and run-down neighborhoods of the City. The trustees made grants totaling $11,720,818 in the three Report years 1966–1968. Of that amount, $2,562,500 was awarded to programs whose goal is to help people and communities at the lowest level of income and opportunity.

Some of these grants continued the Foundation's traditional support of programs for helping the young, the old, the sick and the troubled. Others were for new programs whose purpose is to educate, train and employ disadvantaged members of the community. These new programs have been added within the framework of the Foundation's long established principles. They represent an extension of our aims rather than a change of our direction.

Increased effort by the Foundation to help remove the causes and to alleviate the effects of poverty, bad housing, under-education, chronic unemployment and racial alienation grew out of our continuing, supporting participation in the program of renewal and rebuilding that Pittsburgh began in the year the Foundation was created.

THE REBIRTH OF A CITY

For nearly a century and a half, Pittsburgh had been growing into an industrial slum. In 1947, it was a blighted city, especially in the 330 acres of the downtown business area. There was danger of more costly and disastrous floods. Several hundred communities were dumping raw sewage into the rivers. No major expressway had been built or designed. Major corporations were talking of leaving, and some had leased space in other cities. George Sessions Perry, in his series on American cities, said of Pittsburgh: "The multiple scuttles of soot one must devour per annum as part of the price of living in Pittsburgh is no laughing matter. Instead, they are a hellish, tormenting, disease-abetting and spirit-wilting thing."

The soot lay over the spirit of the city, and its citizens suffered under a long accumulation of civic ills. But a new spirit emerged to give hope and direction to the renaissance of Pittsburgh.

A legend has grown up about the "Pittsburgh Renaissance." It tells how Lieutenant General Richard K. Mellon returned to Pittsburgh in 1945, at the end of World War II, to find a shabby, blighted community beset by problems, and made a sudden decision to help his city rebuild itself.

The story is a dramatic one, and perhaps for that reason it has persisted; but the facts are somewhat different. General Mellon had worked for some years before the war with civic leaders and with other Pittsburgh industrialists to plan such civic improvements as economic conditions and the state of public opinion would support. He served on the board of the Pittsburgh Regional Planning Association (which his father had help to found) and became its president in 1941. In 1943, while in the Army, he created and helped to finance the Allegheny Conference on Postwar Planning, which had the mission of drawing up a redevelopment program for Pittsburgh for the years after World War II.

It is apparent, therefore, that General Mellon had, long before his return to Pittsburgh at the end of the war, a knowledge of the city's needs, a grounding in the mechanics of civic action, and a strong desire to do what he could, as soon as he could, to make the city a better place in which to live and work. It was always his intention during the war to return to Pittsburgh and help to put into action the planned programs for the city.

He had, moreover, a clear realization of the added community responsibilities of business management in a mid-Twentieth Century economy. He expressed his views in 1953 in an address at the University of Pennsylvania's Wharton School of Finance and Commerce, when he said:

"The corporation is proceeding from the stage of living within legal rights and powers to a new stage of recognition of corporate responsibilities and duties from which those rights are received.

"Top industrial leadership today is raising its sights to include a feeling of responsibility toward the social and political problems of our modern industrialized society. . . . The businessman has an unavoidable duty toward the entire environment in which he lives, moves and has his being. . . . It is impossible to separate business from the social and personal tides of our economy."

General Mellon was joined by industrial, civic, labor and political leaders of Pittsburgh who wanted to rescue their city. A dedicated team was formed. The Conference

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on Post-War Planning became the Allegheny Conference on Community Development. Incorporated in 1943, it found unprecedented cooperation from elected city and county officials. So began the renaissance of Pittsburgh—a rebirth that became the model for scores of communities across the country.

Pittsburgh used the Allegheny Conference as the over-all civic organization to marshal the community's full energies and resources on a non-partisan basis. The Conference researched the needs of the city, planned for action, and then began to coordinate the complex parts of the programs that were created to give new life to the Pittsburgh area.

Effective legislation cleaned the smoke from the skies. New buildings rose as slums came down. The Golden Triangle was renewed in beauty. Various bodies, public, quasi-public and private, built flood control dams, a sewage disposal system, express highways, a jet-age airport, downtown parking facilities, city parks, and a downtown museum.

The Foundation joined with other groups in giving financial support to the Allegheny Conference and to three other private civic agencies that played key roles in rebuilding Pittsburgh. They are:

The Pittsburgh Regional Planning Association: a body that encourages long-range physical planning in the Southwestern Pennsylvania area and prepares and implements master plans as a service for municipalities regions and urban renewal programs.

The Pennsylvania Economy League: a fact-finding body conducting research in methods of government administration of the state and its various political sub-divisions.

Action-housing, Inc.: a private non-profit civic organization established by the Allegheny Conference to improve the condition of housing for the people of Allegheny County.

The Foundation has been privileged to participate in many other ways in the resurgence of new life in the Pittsburgh and Western Pennsylvania area, in programs that are described in these pages. Of the Foundation's $40,378,216 in grants paid between the founding date in 1947 and December 31, 1968, approximately 64 per cent has been given to organizations in Pittsburgh 85 per cent to organizations in Western Pennsylvania (including Pittsburgh), and 15 per cent outside of Western Pennsylvania.

A CHANGING PATTERN OF GROWTH

Over the years, Pittsburgh has experienced a changing pattern of industrial and business growth. New scientific and technological developments, together with increases in the capabilities of human resources that have been attracted here, keep adding new perspectives to the economy. Research and development, for example, has now become Pittsburgh's third largest industry, with more than 170 laboratories in the area.

Thus Pittsburgh has built the physical base for an improved environment. From that base, it is now possible to direct further attention toward those parts of the community where the force of the Renaissance has not yet fully penetrated. Certainly it would be impossible to take this next step without first having rebuilt the city and strengthened its institutions. It would be difficult to aid the disadvantaged segments of the community if Pittsburgh were now a decaying community, if industries were leaving instead of coming in, if jobs were scarce and confidence was impaired. In this sense, the disadvantaged have shared in the benefits of the Pittsburgh Renaissance. But more is needed.

A city is a living thing, and the projection of the Renaissance has not been merely to create wealth from which nothing proceeds, nor beauty toward which nothing moves, nor social and cultural opportunities that cannot be appropriated. The fruits of the Renaissance are for all the people of the area to use and enjoy. Therefore, while the Foundation continues to support those institutions and organizations that will sustain the improvements already begun, it is at the same time making a number of additional grants for the specific purpose of aiding disadvantaged members of the community. The programs range from remedial tutoring to training of hard-core unemployed; from recreational and cultural programs in the inner city to a mobile library that tours the slum areas with books, records and films.

These programs complement the continuing thrust of the Pittsburgh Renaissance, which today has more projects in progress than ever before. The programs are helping to prove that our latter-day problems are manageable and that our city can and must extend its increasing economic, educational and cultural advantages to all its citizens.

The trustees recognize the privilege they have enjoyed in sharing in the many undertakings that have led to the renewal and betterment of Greater Pittsburgh and its institutions. They are deeply aware of their responsibility to use the resources of the Richard King Mellon Foundation in ways that will give the greatest benefit to the greatest number of people.

This Report details the Foundation's activities in the years 1966 through 1968. In scope and purpose, the grants reflect the purposes of the founder as set forth in 1947, and they reaffirm the principles that have guided the trustees through the first twenty-one years of service.

THE BOARD OF TRUSTEES,
RICHARD KING MELLON FOUNDATION

GEN. H. MILLER AINSWORTH

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PICKLE. Mr. Speaker, on May 7, Texas and our country lost a great American and one of our most dedicated and outstanding sons.

Lt. Gen. H. Miller Ainsworth was cut from a cloth no longer seen, and he truly represented one of the finest examples of the free and aggressive spirit so important to our country.

General Ainsworth excelled in many fields and in many ways. The scope of his endeavors ranged from military command to oil field speculation, and he was one of the most colorful figures ever to come from our central Texas area.

Probably more than any other individual I have known, he always was able to maintain a balanced perspective in the most trying circumstances, and perhaps it was for this reason that interests were so varied and successful.

As a young man born in Austin, he soon moved with his family to Gonzales, where he spent his boyhood years. He entered Texas A. & M., but left in 1917, to enroll in the first class of officer's school at Leon Springs. It was this training school which supplied our first offerings of new officers in the first war, and it is significant, I believe, that he led the times even then.

He was commissioned a second lieutenant in August of that year, and assigned to the 159th Infantry of the 40th Division.

At the outbreak of World War II, he returned to Federal service, was promoted to lieutenant colonel, and transferred to the 142d Infantry, 36th Division. It was in September of 1943 that the 36th—the famous T-patch Texas division—began the tough softening-up operations in the invasion of Italy, and General Ainsworth was the executive officer for the 142d Infantry at the Salerno Beach landing. For his conduct and gallantry there, he was awarded the Silver Star.

At the end of the war, Miller Ainsworth returned to central Texas and pursued his activities as a successful banker and oilman. Some of the highlights of his many years in Luling, Tex., include serving as chairman of the board of the First National Bank of Luling, chairman of the board of the Luling Foundation; and active memberships in the American Legion and the Church of the Annunciation.

At the same time, he pursued his activities in the Texas National Guard. During these years, he played a large role in the reorganization of the 36th National Guard Division, and he soon became commanding general of the 36th. He was promoted to lieutenant general on retirement.

It is significant, I believe, that General Ainsworth took all of his responsibilities so seriously. He was an ideal citizen-soldier, strong and capable in both aspects of that term, and he has given us an example which serves us well.

When his country called, he never hesitated to answer.

His sweet wife, Annie Francis, was always a strength to the general, and I also personally know and respect his son, H. Miller Ainsworth, Jr., of Luling.

Mr. Speaker, it is rare that our country sees a man of the caliber of Gen. Miller Ainsworth.

He was a general and a leader for us in Texas; he was a leader and an example for the entire Nation. He truly was an outstanding American.

FILTH FLOWS FREELY THROUGH THE U.S. MAILS

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, my congressional district—and judging from what I have been reading and hearing, most congressional districts are similarly confronted—is being flooded with the filthiest, most prurient samples of pure smut I have ever encountered.

Each day's mail contains more letters from constituents who have been shocked and angered by the filth being disseminated under the guise of sex education literature.

This material, in the form of advertisements for smutty books and magazines, is being sent through the U.S. postal system to youngsters and adults alike.

I am personally appalled that Supreme Court decisions have opened the dike to

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permit the mailing of smut into American homes. Nevertheless, I cannot accept some of the Post Office Department's weak-kneed excuses for failing to halt the mailing of such scum.

The filing of a personal demand to be removed from a mailing list is not enough. The flow of filth through the mail should be stopped and stopped promptly, even if a special postage rate must be established—perhaps a dollar an ounce or higher—to nip sex racketeering in the bud.

Mr. Speaker, I regret that the Congressional Record does not reproduce photographs because perhaps if some of these photos were published, we could convince Justice Department and Post Office Department officials to find a few legal loopholes which in this instance would protect the American citizen rather than abuse or misuse him.

President Nixon several weeks ago proposed three specific legislative actions to slow down the flow of filth through the mails. I state here and now that I will support all three. And the stiffer the fines and jail sentences, the better I'll like the legislation.

In the meantime, however, I am asking Postmaster General Winton Blount to take another look at existing postal regulations and investigative procedures to determine whether it is not possible for postal authorities to reject these mailings immediately.

THE POSTAL SERVICE ACT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GUDE. Mr. Speaker, one of the truly creative features of the Postal Service Act is its proposal for the settlement of disputes arising during collective bargaining negotiations between the Postal Service and the employees' bargaining agents.

The bill would first leave it up to the parties to adopt by mutual agreement any procedure for resolution of disputes or impasses arising in the negotiation of an agreement. If the Postal Service and the bargaining agent do not adopt procedures for the resolution of disputes or impasses, or if the procedures adopted do not result in the resolution of a dispute, the entire matter upon demand of either party would be referred to a panel of experts to be known as the Postal Disputes Panel.

The Postal Disputes Panel would be an independent agency in the executive branch of the Government composed of nine members, of whom three would be named by the Director, Federal Mediation and Conciliation Service, three by the American Arbitration Association, and three by the six members so selected. This Panel would be empowered to fact-find, to mediate and make recommendations, or to turn back to the parties any or all issues and disputes, and thus to have great flexibility in inducing the parties to reach agreement. If the parties still fail to reach agreement, the Panel may relinquish control over these issues and refer any such issue to final and binding arbitration by an impartial board of arbitration.

Such a procedure insures bona fide negotiations and, most important, provides a creative mechanism to fairly handle disputes which inevitably arise during the course of contract negotiations. The procedure is both imaginative and practical. It heralds great improvements in the working conditions of 720,000 postal employees.

A NEW ERA FOR THE COURT

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. CHAMBERLAIN. Mr. Speaker, the appointment of Warren E. Burger as our country's 15th Chief Justice, has signaled the beginning of a new era for the Supreme Court. The choice of a man with substantial experience on the bench, a legal philosophy of judicial restraint, a demonstrated concern over the problems of law enforcement in the wake of recent court decisions, and a reputation of "unquestioned integrity throughout his private and public life," the President has moved to restore both balance and confidence to our highest court. This was a good appointment and it has been well received. Clear evidence of this is provided by the concurring opinions of the daily newspapers servicing the Sixth Congressional District, of Michigan, and I am pleased to make available the editorial comments of the Jackson Citizen Patriot of May 23, 1969, the State Journal of Lansing, May 24, 1969, and the Owosso Argus-Press of May 23, 1969, so that they may be included in the Record of this important time in the history of the Supreme Court and the Nation:

[From the Jackson (Mich.) Citizen Patriot, May 23, 1969]

Burger Nomination a Comforting One

Chief Justice Warren E. Burger!

In his first appointment to the United States Supreme Court, President Nixon has produced a name which is not particularly familiar to the American people, although the nominee is a veteran of public service, both in the Justice Department and on the federal bench. He is one of the many capable men who were brought into the government by the late President Dwight D. Eisenhower.

Initial reaction in the circles where he is known indicate that President Nixon has chosen well in naming a successor to the controversial Chief Justice Earl Warren, who is retiring at the end of the court's present term.

The selection is pleasing to conservatives, but has aroused no resistance from Senate liberals who apparently see him as a competent, experienced and fair jurist. His fellow judges speak well of his integrity and his ability.

If he is a shade more conservative than the present members of the court, that is to be expected. American Presidents traditionally use their power of appointment to the court to put their own philosophical stamp on it.

President Franklin D. Roosevelt did that to the extreme. He even tried to change the make-up of the court to shape it to suit his philosophies. The court-packing attempt failed, but time gave President Roosevelt the opportunity to create a court to his liking.

Despite the opportunity it gives him to influence the only truly independent branch of the federal government, no more awesome duty faces a President than that of selecting members of the court.

The temptation to pay off political debts or to exercise the maximum influence on the bench not always is resisted by Chief Executives. If the court presently is sagging in the public eye, it is due to this factor. Warren was a political appointment (Eisenhower); Abe Fortas a political crony (Johnson), and Justice William O. Douglas, who now is coming under increasing fire, was named by Roosevelt for his extremely liberal views.

The circumstances thus make President Nixon's responsibility for court appointments all the heavier. He already is faced with a second choice for the bench (to replace Fortas). The age and state of health of senior Justices indicate that he will have the opportunity to appoint additional members of the court before his first term ends.

His clear duty is to select experienced jurists instead of political figures or philosophers; to pick men of unquestioned integrity and judgment and with dignity in keeping with the popular image of the Supreme Court. The President has no margin for error. Each choice must be no less than magnificent.

Apparently he has made a good start with the election of Warren E. Burger. The precedent is comforting.

[From the Lansing (Mich.) State Journal, May 24, 1969]

U.S. Supreme Court Gets a New Balance

President Nixon's appointment of federal appeals Judge Warren E. Burger as new chief justice of the U.S. Supreme Court is a move which will be welcomed by most Americans.

The decision came at a crucial time in the history of the nation's highest legal body, a time when the court is under heavy criticism from many directions.

Bringing in a man of superb legal qualifications from the outside is a wise step which should do much to help heal some deep wounds caused by the unfortunate problems of former associate Justice Abe Fortas.

The arrival of Judge Burger may upset a few on the far left who seem to regard the court as a legislative branch of the federal government since the new chief justice has the reputation of being a strict constitutionalist.

He is known as a tough law and order man but also a liberal on civil rights issues. This is balance that is needed in our troubled times.

In connection with the appointment, President Nixon hinted he may follow a policy of naming future justices from among the best qualified persons now serving in the lower federal courts.

It is clearly a move to avoid any taint of pure politics in court selections and should go a long way toward shoring up the Supreme Court.

[From the Owosso (Mich.) Argus-Press, May 23, 1969]

Court Nominee a Fine Start

With the resignation of Supreme Court Associate Justice Abe Fortas and the impending retirement of Chief Justice Earl Warren, President Nixon in his first half-year in office will be privileged to exercise what has become over the decades one of the most important functions of the presidency—the nomination of men to sit on the nation's highest tribunal.

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In all, 32 presidents out of 35 (counting Grover Cleveland, who served two nonconsecutive terms, as one president) have made, and the Senate has approved, 100 appointments to the Supreme Court. Not that many individuals have served, however. Four were either promoted from associate justice to chief justice or left the bench and were subsequently reappointed.

Only 24 other presidents have had the opportunity to appoint as many as two justices. Only 12 have appointed chief justices. Before his first term of office is over, it is possible that Nixon may join an even more select group—the six presidents who have appointed as many as five justices. They were Washington (10), Jackson (5), Lincoln (5), Taft (6), Franklin Roosevelt (9) and Eisenhower (5).

Justice Hugo M. Black is 83 years old. John Marshall Harlan is 70 and suffers from seriously deteriorating vision. William O. Douglas is 70 and wears an electric heart pacer and, in the backfire of the Fortas affair, is coming under increasing criticism for receiving a $12,000-a-year stipend from a private foundation which at one time had connections with Las Vegas gambling interests.

It is not the quantity of justices that a president appoints that is important, of course, but their quality, and also the tenor of the times in which they serve—whether the nation is in a period of relative calm or whether great social currents are welling up to the surface in the form of landmark test cases.

It seems evident that Nixon's appointment of Warren E. Burger to be chief justice will be well received by the Senate. The Supreme Court can well use Burger's conservative approach after bending over backwards in a spree of liberalism over the past few years.

It is also heartening to find that Nixon resisted the urge to appoint a "layman" to the high post, but instead selected an outstanding jurist of proven ability on the bench.

Washington, as first president, appointed 10 justices to the high court, including two chief justices. But the court had a very tiny docket in its early years and few questions of great constitutional moment came to its attention during his two terms.

Lesser presidents, by virtue of their prerogative to appoint to the Supreme Court, have left monuments to themselves far overshadowing whatever else they may have accomplished during their administrations.

Washington's successor, John Adams, appointed only three justices, but one of them was the greatest of all—Chief Justice John Marshall, who established the power of the Supreme Court to nullify acts of Congress and, over a long tenure of 34 years, profoundly influenced the development of the nation.

"My gift of John Marshall to the people of the United States was the proudest act of my life," said Adams long after he left office.

There has been much talk that Richard Nixon has a unique opportunity to alter the nature of the Supreme Court for years to come by appointing "conservatives" who will reverse the court's present, narrow "liberal" majority.

This is not necessarily so. Even if this were the President's aim, each justice is his own man and none can be classified in iron-bound ideological categories. Each, moreover, changes and develops over the years.

For example, Justice Black, who was appointed by F. D. Roosevelt in 1938 as a "liberal" or "loose constructionist" (interpreter) of the Constitution, has in recent years tended more and more toward a "conservative" or "strict constructionist" philosophy, at least on certain issues.

On the other hand, we can be sure that Dwight Eisenhower never foresaw that Earl Warren would turn out to be Public Enemy No. 1 in the eyes of the political right.

The Warren court era is ending and we may in the future see a less active court, one more inclined to follow public opinion that lead it. But no matter how many or what kind of justices Richard Nixon appoints, the history of the past 12 years is not going to be rewritten.

While there is dissatisfaction with some of the court's decisions, there has always been dissatisfaction with every court. But there is no sign that the American people have the desire to make any significant departures from the directions upon which the Warren court has set them.

MISUSE OF PUBLIC FUNDS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GRIFFIN. Mr. Speaker, I believe that each Member of Congress sympathizes with and has compassion for the poor. I believe we all are willing to help poor people in every reasonable and responsible manner.

Nevertheless, because of the war in Vietnam, and other pressing needs, we do not have resources to waste on worthless projects even when advertised as help for the poor. One of the most flagrant misuses of public funds is an OEO grant which I recently protested to President Nixon.

Under leave to extend my remarks, I include for the information of the House, OEO's grant announcement, my letter to the President, and his reply through his Assistant Bryce N. Harlow, and a letter I have today written Mr. Harlow:

Grant Announcement: Office of Economic Opportunity

April 8, 1969.

1. Type of grant: Legal services.
2. Amount of grant (Federal Share): $283,561 ($183,066 new Federal funds) ($100,495 reprogrammed funds).
3. Grantee: Mary Holmes Junior College (Grantee No. 3211 D/3).
4. Location: West Point, Mississippi.
5. Delegate agency: North Mississippi rural legal services.
6. Project director: Mr. Donovan Smucker (601/948–6513).
7. Areas served: Panola County.
8. Length of program: 12 months.
9. Beneficiaries: Low income residents.
10. Purpose of programs: To provide legal advice and representation to low income residents in the county and to litigate cases which have an impact on large numbers of poor people.
11. Number of nonprofessionals: 10.
12. Additional information: Local share: $30,000.

Congress of the United States,
House of Representatives,
Washington, D.C., May 1, 1969.

The President,
The White House,
Washington, D.C.

Dear Mr. President: I recently learned that the Office of Economic Opportunity has approved a grant of $283,561 to Mary Holmes Junior College of West Point, Mississippi, for the operation of a legal services program through October 31, 1969. The program is designated North Mississippi Rural Legal Services.

After reviewing the administrative provisions and expenditure requirements of the program, I am convinced that the grant represents a deplorable misuse of our taxpayers dollars.

This seven month legal program costing $283,561 is $90,000 more than the annual budget of the Attorney General's office in the State of New Hampshire; is approximately the same as the annual budget of the Attorney General's office in Vermont; and, at an annual rate, essentially the same as the cost of the Attorney General's office in Rhode Island and in Mississippi.

The program does not afford representation in any felony or other criminal case in which the State of Mississippi is constitutionally required to provide counsel or in which counsel is now afforded under State or local statutes, rule of court or practice. It is therefore obvious that the results of this program would be unlawful intermeddling and the promotion of litigation. I doubt that many taxpayers approve of this type of expenditure of public funds.

Most respectfully, I suggest you cancel this program inasmuch as it is a fraudulent scheme to raid the Treasury of the United States.

Sincerely,

Charles H. Griffin.

The White House,
Washington, May 20, 1969.

Hon. Charles H. Griffin,
House of Representatives,
Washington, D.C.

Dear Mr. Griffin: I am responding to your May 1 letter expressing your concern about an Office of Economic Opportunity grant to North Mississippi Rural Services at Mary Holmes Junior College.

I now have information from OEO about this grant. It is designed to provide legal assistance to the rural indigent in Mississippi. Until very recently, efforts have been concentrated principally in a five-county area of North Mississippi where OEO says the need is the greatest.

I learn that this program operates three offices from which services radiate to the surrounding area. The office locations are: Holly Springs, Oxford, and Batesville. The central office is in Oxford at 108½ South Lamar Street.

The problems I understand this program deals with include domestic realtions, consumer credit, welfare and permissible criminal representation. The objectives are to funish advice and representation to the eligible indigent; to litigate cases which have an impact on large numbers of poor persons; to conduct educational programs for the poor; and to conduct research into the legal problems of the poor.

OEO advises that the program is staffed by the following professionals: a Director at an annual salary of $15,500; an Assistant Director at a salary of $14,000; five staff lawyers at salaries of from $9,600 to $11,247; and two social workers at annual salaries of $6,000 and $6,500 respectively. The names of the top professional staff are: Mr. Michael B. Trister, Director, and Mr. Kent Spriggs, Assistant Director.

The non-professional staff covers the following positions and salaries: a bookkeeper at a salary of $6,000; ten community workers at salaries up to $4,420; seven secretaries at salaries from $2,700 to $3,504; and an indefinite number of law students to be employed at a rate of $2.00 to $2.50 per hour.

Mr. Robert Perrin, Acting Deputy Director of the Office of Economic Opportunity, advises me that OEO welcomes your counsel as to ways in which this program might be strengthened. OEO's authorizing legislation provides for the funding of Legal Services Programs "to further the cause of justice among persons living in poverty by mobilizing the assistance of lawyers and legal institutions and by providing legal advice, legal representation, counseling, education, and other appropriate services." This Congressional declaration is what supports this grant.

Mr. Perrin has requested OEO's Southeast Regional Office to forward to your office a copy of the entire grant package for North Mississippi Rural Services, for your further information.

I hope this information will be useful and that as time moves along all such programs will find increasing approval under the direction of the new Administration.

Sincerely,

BRYCE N. HARLOW,
Assistant to the President.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 28, 1968.

Hon. BRYCE N. HARLOW,
Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. HARLOW: Thank you for your letter of May 20, 1969, responding to my May 1 letter protesting a grant of $283,561 to North Mississippi Rural Services at Mary Holmes Junior College.

Your letter of explanation is at variance with the information announced by the Office of Economic Opportunity. For instance, you state that the grant "is designed to provide legal assistance to the rural indigent in Mississippi." Then you state that "until very recently, efforts have been concentrated principally in a five-county area of North Mississippi where OEO says the need is the greatest." It would appear that you have been informed that North Mississippi Rural Legal Services intends to operate under the new grant in an area encompassing more than five counties. However, the grant announcement (a copy of which is enclosed) states that the $283,561 program will operate only in Panola County.

For your information, Panola County had 28,791 residents in 1960 according to the United States Bureau of Census. Additionally, you might be interested in knowing that it is an area of 704 square miles.

Mr. Harlow, it appears that OEO has mislead either you or me.

I think it is incumbent upon you to find out the truth about this expenditure of more than a quarter of a million dollars of the taxpayers money. While you are looking into it, I would suggest that you find out why the project director has a telephone number in Jackson, Mississippi, a distance of approximately 125 miles from Panola County.

Also, I think you should find out why the grant was made through Mary Holmes Junior College, located in Clay County, Mississippi, a distance of about 75 miles from Panola County.

I think you should also find out why $19,800 of the taxpayers money will be spent for travel. Remember, Panola County has an area of only 704 square miles.

It would be interesting to know why there are three office locations as stated in your letter, two of which are located outside Panola County. Since OEO told me that this program is for only Panola County, why is there an office located in Marshall County and in Lafayette County?

There is one item in the budget which I think makes sense. $800 is provided for malpractice insurance.

You stated in your letter that the program deals with domestic relations, among other things. Do you and President Nixon really think it proper for the taxpayers to pay attorney's fees for divorce cases?

This program provides for more than 30 employees at an annual rate. I do not know how many indigent (your term) or low income (OEO's term) residents there are in Panola County. However, it would appear to me that enough Federal funds are being provided to interview every person in Panola County several times to find out whether he or she need legal services. Do you really believe this is a proper function of the Federal government?

I would greatly appreciate your immediate response and, particularly, I want your comments on why you tell me that this $283,561 grant is "designed to provide legal assistance to the rural indigent in Mississippi", and why OEO tells me that it is for only 28,791 persons residing in Panola County, most of whom are not indigent.

Sincerely yours,

CHARLES H. GRIFFIN.

PEERLESS WATCHDOG

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GROSS. Mr. Speaker, one of the finest tributes yet paid to U.S. Senator JOHN J. WILLIAMS, of Delaware, has been written by Mr. Paul Hope of the staff of the Washington Evening Star, and appeared Monday evening, May 26, in that newspaper.

Senator WILLIAMS has announced his retirement from Congress at the end of his term next year. He says the announcement of his retirement is irrevocable.

There is not a great deal more to be said in tribute to Senator WILLIAMS than has been set forth by Mr. Hope and the Senator's colleagues. I can only add that I know of no man in public life who has given more honest, fearless, and dedicated public service than has this man from Delaware and his retirement will truly be an inestimable loss to all the citizens of this Nation.

I would be remiss in these few remarks if I failed to include a word of tribute to Mrs. Williams, the Senator's good wife. No man in public life could pursue the course Senator WILLIAMS elected, with the pressures and often unpleasantness that attends such a course, without the unfailing support of his wife. Elsie Williams has given that loyalty and support in full measure.

The article by Mr. Hope follows:

WILLIAMS PEERLESS AS A WATCHDOG

(By Paul Hope)

Sen. John J. Williams is, by virtue of the alphabet, at the bottom when the roll is called on the Senate floor. But when the roll of the Senate great is called up yonder, the soft-spoken chicken-feed merchant will be near the top of the list.

There have been great orators in the Senate, but Williams is not one of them. There have been great intellects, but this simple, homey man from Delaware would not claim to be one of them, either.

But when it comes to integrity, persistence and ability to root out waste and corruption, Williams is unchallenged.

In a city where a jackass mentality is not uncommon, Williams' possession of an uncommonly large amount of horse sense has stood out.

It was with a sense of loss that senators arose on the floor the other day to take cognizance of Williams' 65th birthday (on May 17), for Williams has said he's getting too old to serve and plans to retire when his term is up at the end of 1970.

The details of Williams' accomplishments need no recounting. His pursuit of wrongdoers—from bribe takers in the Internal Revenue Service to the free-wheeling Senate aide, Bobby Baker—is well known. His pursuit of wasteful government spending is less well known to the public, but it is recognized by his colleagues and others who follow government.

Said Senate Republican Leader Everett M. Dirksen of the work Williams has done as senior Republican on the Finance Committee:

"I should observe that he has faithfully done his homework in a field which is abstruse at times and which others do not freely like to tackle, and that is the question of ceilings on expenditures, ceilings on employment, fair and equitable tax systems and all the other things to which a person can give a lifetime of attention without also being encumbered with any other public responsibility."

Senate Democratic Leader Mike Mansfield called Williams a "giant" whose place will be hard to fill.

"I must say, speaking non partisantly, that I am not happy that the senator has seen fit not to run for re-election," said Mansfield.

Senator Republican Whip Hugh Scott called him the "watchdog" of government, not only of the other branches but of the legislative branch in which he serves—"a watchdog with teeth, I might add."

"It would be difficult," said Wyoming Republican Sen. Clifford P. Hansen, "for anyone to attempt to put a dollar sign on the contributions John Williams has made through his never-ending search for an end to wastefulness and graft and for economy, or to assess how much he has contributed to this country."

Democrat Russell B. Long of Louisiana, chairman of the Finance Committee, said that Williams "has failed to convince me . . . that he is doing the nation a favor by insisting on retiring . . ."

And Sen. William Proxmire, Wisconsin Democrat, said he hoped "this remarkable man will reconsider his decision to retire."

But Williams, who believes that no man should serve in the legislative or judicial branches of government beyond the age of 70 (he would be nearly 72 at the end of another term), says there's no room for argument about his decision.

"I am a firm believer that a man should live by the rules he lays down for others," he said. But he said that while his decision to leave the Senate is final, it does not mean he is retiring from an active interest in public affairs.

He recalled that before he was elected to the Senate in 1946, he and his brothers had an active business career together for 24 years. When he leaves the Senate, he will have served 24 years there.

"I am going to start one more career," he said. "I shall not go into details now, but I plan on one more career of 24 years of active duty, following which, and only then, will I retire and take life easy."

Those who have watched Williams at work in Washington know he will never take life easy.

POSTAL REFORM

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. RIEGLE. Mr. Speaker, today I am cosponsoring legislation to implement President Nixon's recent proposal for postal reform. I believe these new concepts for postal reorganization mark an important step forward for the postal service in this country. The present anti-

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quated facilities, methods, and procedures in use will, at long last, be checked and, hopefully, corrected.

Under this proposed system, the Post Office will be removed from its present Cabinet-level position and replaced by a Government-owned postal corporation. Employees will retain all of their present civil service annuity rights and other benefits; however, in addition, they will gain extensive collective-bargaining rights, similar to those enjoyed by workers in private industry and other Federal agencies. A nine-member board will be responsible for the overall administration of the new U.S. Postal Service—with Congress retaining veto power over proposed postage rate changes.

Mr. Speaker, it is imperative that we work together on a nonpartisan basis to correct the existing crisis the Post Office faces today. Each year, despite increased postal rates, the Post Office continues to operate at a huge financial loss—a loss which has to be covered by the taxpayers' dollars. This new system will enable the Post Office to keep pace with the rest of our economy—in service, in efficiency, and in meeting its responsibility as an employer.

President Nixon and Postmaster General Blount are to be congratulated on their efforts in seeking to remove the roadblocks and clear the way for this much needed reform.

I strongly urge my colleagues in both the House and Senate to carefully review this legislation and lend their support.

ANATOMY OF A ROAD

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. McDONALD of Michigan. Mr. Speaker, on Monday I was privileged to join with highway officials and representatives of industries deeply involved in highway safety in previewing a film, "Anatomy of a Road."

This is a 27-minute 16-millimeter color film sponsored by the Detroit Diesel Division of the General Motors Corp., and produced by CRS Production in Detroit. It will be distributed through General Motors film libraries and Modern Talking Pictures, Inc., throughout the Nation.

Its aim is to foster public appreciation of the value of good roads by helping the layman to understand what is involved in roadbuilding.

As "Anatomy of a Road" makes abundantly clear roadbuilding is a complex, difficult process required substantial capital investment, legislative action, legal due process, engineering skill, and hard work.

Many people today are appalled at the cost of modern highways and many have even wondered whether they are worth that cost. "Anatomy of a Road" endeavors to set that record straight by showing the public where its dollars go.

The film also covers such controversial areas as funding, land acquisition, and beautification.

"Anatomy of a Road" explains and illustrates each of the major steps in highway construction from preliminary planning through completion and maintenance.

Mr. Speaker, this is a most informative and important film. I am hopeful every Member of this body will have the opportunity of viewing it. I am also hopeful each Member will advise schools, service clubs, and television stations in his district of its availability.

COMMUNITY RALLY AGAINST THE ABM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. ROSENTHAL. Mr. Speaker, one of the most reassuring aspects of the ABM controversy is the renewed interest—in cities and communities across the country—in local discussions on issues of national policy. This development started, I believe, with the popular opposition to the Vietnam war. It continues with the ABM. It will be carried forward as citizens reexamine the military budget and our international commitments in a critical examination of our national priorities.

I was fortunate in being invited to speak at a recent community rally against the ABM at St. John's University, Queens, N.Y. Over 800 persons at that meeting endorsed the following petition, which I include, along with my remarks at the meeting:

To the President and All Members of Congress:

We, citizens of Queens County in a public meeting held Monday, May 5, 1969 at St. John's University do hereby state our opposition to the deployment of the ABM.

ABM will not work reliably and will not provide significant protection against nuclear attack.

ABM threatens to escalate the arms race.

It is expensive and unnecessary.

We urge that you give voice and vote against appropriations for the ineffective, dangerous and wasteful ABM systems.

Our country must instead look for ways of ending the arms race and of meeting the urgent social needs of our society.

REMARKS OF CONGRESSMAN BENJAMIN S. ROSENTHAL, OF NEW YORK, AT ST. JOHN'S UNIVERSITY, MAY 5, 1969

The principal reason we are here tonight is to determine whether the ABM is really an Edsel. If it is, why are the resources of the United States Government, resources essential to coping with our domestic needs, being committed to a system that the vast majority of our leading scientists say won't work?

The answer is really quite simple.

Today we operate in a contract state. The contract state is one in which the Assistant Secretary of Defense for procurement leaves that job and becomes a Vice President of Litton Industries, a conglomerate whose defense contracts increased more than 250 per cent from 1967 to 1968. This same man in his Defense Department role supervised the 45 billion dollar a year program of contracting with private industry, including Litton, for supplies, services, and equipment. At the same time, the Assistant Secretary of Defense for Systems Analysis, the man who computerized the Pentagon's decision making, became Vice President for Economic Planning at, of all places, Litton Industries.

It is in this context that we have to examine the reliability, the credibility, the integrity, the honesty, the objectivity of those who urge on us the construction of a costly, unworkable, provocative military defense system.

HOW DOES WEAPONS PLANNING WORK?

It starts with an idea for a new weapons system in a laboratory or "think tank" or in some research and development corporation. This idea soon becomes the property of a contractor and a group of men committed to that idea. Then, careers of defense planners, both civilian and military, become attached to the idea. The idea is developed into hardware, in which tax dollars are invested for further development and perfection. More careers are created and committed to it.

Next, the hardware demands the building of a new defense plant. It now means jobs for managers and wages for workers. It means taxes for a new school in a marginal community. It means children whose fathers have to earn a living. The weapons idea is now a part of the social structure. Towns and even cities depend on it.

Objective criticism cannot succeed because outside critics are shouted down and military and corporate competitors are quieted by trading support for their weapons systems.

The ABM is an excellent example of such trading among defense competitors. The ABM belongs to the Army, by a Defense Department decision made a dozen years ago. No other service can venture into that area. To abandon the ABM now means, for the Army, not only a sharp budget reduction, but also military careers left hanging in space. It means contractors and defense contractors without visible means of support. It means towns without factories and factories without jobs.

When a weapons system reaches this point, it becomes a decisive influence on defense policy. The weapon—in this case, the ABM—becomes part of our overall strategy. Other services count on it. Congressmen on the committees get to know the system. They become part of its constituency. Their prestige is committed to it. Outsiders, including other Congressmen, are told "You don't understand this system"; or "You don't have all the facts."

When the ABM and a dozen other systems like it become part of our defense strategy we are really in trouble. Our foreign policy is determined by the available defense strategies. The defense hardware offers certain possibilities which become the policy options which the State Department then anoints as the key to protection of our national interests.

Foreign policy is no longer made by the President or by the State Department. Policy is made by a hundred small decisions which, collectively, become our defense strategy. These decisions sometimes are made on the basis of whose congressional district shall get which contract. Or whose sub-contractor needs help in dealing with a local community. Or which branch of the Pentagon needs a little more help in building its budgetary posture before Congress. We don't even ask the State Department anymore about how we became involved in Vietnam. We ask the Pentagon.

This process of giving the maximum number of people a stake in the defense system leads slowly but surely to the militarization of our society. Then, to make it work properly, the international tension must be kept up to an acceptable level. No longer neighbors in a world community, we become its police force. Talk of disarmament is discouraged. International accords on weapons testing are dangerous. Air bases around the world become necessary. Intervention in foreign countries becomes a proper expression of American concern.

Soon we have a landing in the Dominican Republic. Next, we have advisors in Vietnam. Soon they need more advice. Then defense planners see a testing ground for weapons. Optimistic reports are then delivered from the battlefield like: "We'll have this mess cleaned up in six months." When six months pass, we start seeing the lights at the end of the tunnels. Then we prepare to start turning the corners toward victory. But the armies grow, more men are drafted, more and more money goes for their weapons. More jobs are created and more defense planners hired.

In this whole dismal picture, the great majority of Americans are taken in. Partly, it is because we tend to accept the judgments of defense "experts," whose explanations are obscured by guarded references to "intelligence reports", and classified information. Partly because it was, for a long time, considered unpatriotic to question defense expenditures.

How did this happen to a country which used to pride itself on anti-militarism?

The period after World War II was a dangerous one. But we responded to the Cold War by institutionalizing it. We drew the people away from examining international affairs by trying to make the subject obscure, complicated or dependent on classified information.

After seven years in Congress, I am more convinced than ever that people cannot only understand foreign affairs but they can also make valid judgments about them. People today recognize that we were sold a grossly defective product when we bought American participation in the Vietnam war. That judgment should have been made five years and 30,000 American lives ago.

Most of us cannot understand the details of the ABM system. We do not have to. We can understand that an expensive defense system that cannot defend us can nonetheless provoke actions by our potential enemies which in turn are very dangerous for us. This is what arms escalation means.

We know an ABM system won't work. But the Russians might wonder why the Americans would invest $5 or $7 or $40 billion if the system doesn't have some value. Their confusion would prompt fear. So they try to overcome our ABM system. In strategic terms, this is not hard to do. You can simply build many more nuclear tipped missiles and decoys to overpower any ABM system. We end up facing an augmented Soviet arsenal.

In turn, we will respond to that new threat by either building a "thicker" ABM system or by building more offensive missiles, or both. We are back where we started.

We know that reason and reconciliation must become our guide in international affairs. Yet our present defense policy challenges that truth. Since 1945 we spent $1.4 trillion dollars for defense systems, now mostly obsolete, which gave us no real security. We sought in arms a security which the machinery of war cannot achieve.

Although we do not yet know exactly how to undo what we have done, we know we must start. Tonight is a step in that direction. Another step was taken several weeks ago when Senator Nelson and I sponsored, with many House and Senate colleagues, a Congressional Conference on the Military Budget and National Priorities. Right now we are working on plans to keep that Conference in permanent existence to develop a rational system of making and reviewing defense plans.

But unless average citizens begin to control the machinery which makes the basic decisions in our society, there can be no real democracy. We are beginning tonight to assert that control over the machinery of war.

BURKE RECEIVES SERVICE TO ISRAEL AWARD

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. TAFT. Mr. Speaker, it has just been brought to my attention that one of our colleagues, Representative J. Herbert Burke of Florida's 10th District, was recently awarded the Zionist Organization of America's "Service to Israel Award" for his outstanding work in Congress on behalf of peace in the Middle East.

I would like to applaud my colleague, Herb Burke, on achieving this fine honor. I have followed his actions in this regard since the Middle East has flared into a world tinderbox, and I feel that the recognition is well deserved.

Herb was one of the first House Members to speak out on the dangers of the Soviet Union moving into the Middle East with arms, technical aid, and even military personnel, and he early joined several of us in demanding that the administration concentrate its efforts on assisting Israel in her hour of need.

I have just read the speech which Herb delivered in accepting the award and feel that it should be brought to the attention of the House. I submit it as follows:

I am most grateful for this award and the honor you have bestowed upon me. I accept this with deep humility . . . for anything I have done, or have said, on behalf of the State of Israel has been, because I am convinced of the cause of the people of Israel and further I feel it is my duty as a United States citizen, and U.S. Representative, to give the full support of our country to Israel and to insure her a fair peace in the Middle East—one which will guarantee her safety and security in the future. I am convinced that unless we keep Israel strong, communism will gain a dominant hold in one of the most vital economic and resourceful areas of the world and will further jeapordize our own future security. I further believe that peace should come from talks held between the officials of the Israeli government and those of the hostile Arab states, without interference from England, France, Russia or our own County, in deciding the terms for peace in the Middle East.

Let's review these so-called peace talks, as they are held under the supervision of the four big powers. Let's not forget, that the idea for such method is predominantly Russian.

First, the Soviet Union is a major cause for continued hostilities in the Middle East because it has totally rearmed the Arab States with the most modern of equipment, and are even supplying Soviet technicians and army officers to train the Arab armies and pilots.

Secondly, we have the French government sitting at the peace table. This is the same government that after selling and receiving payment from Israel for Mirage planes, reneged on its contract to deliver the planes and refused even to deliver replacement parts for the old planes it had previously sold to Israel.

I am sure, that you are as convinced as I, that the Soviet Union will never give an inch in the Middle East, or anywhere else on this earth for that matter, without first gaining one more step in their road to world conquest. They work externally as well as internally to promote disunity among nations through their stooges, they gnaw and gnaw at the innards of a nation until they are completely in charge, and then the people of that country find that they are at the mercy of the Soviets: sans freedom; sans initiative; sans hope.

We need only to look at Czechoslovakia, and Hungary for proof of how heavy is the boot of Communism.

Communism is the base of evil in this world and until the leadership in our government and those political figures of other nations in the world face this fact, we will have no peace.

The disunity that has been promoted in the United States may, or may not, have been promoted and engineered by the Communists, but, it certainly plays into their hands all over the world and certainly dulls the blade of our defensive sword.

Such disunity was written into the Stalin Plan of world conquest decades ago, and throughout the 1930's and 1940's racial and religious unrest were the goals of the Communists in this country and their foreign henchmen and overseers.

Never before, in our history has our foreign, military or internal policy been so at the mercy of malcontents, on campuses, in our public buildings, on our streets and now even our places of worship, the communist conspiracy can indeed be insidious, though the vast majority of the people apparently do not wish to see Communism for the danger it is.

Take for instance today's student unrest . . . the militant, rebellious mood that pervades our campuses and our big cities. Who and what is behind this movement?

Isn't it becoming more and more apparent that there is a movement which has now fused together the dissidents, militants, the anarchists and the terrorists for the sole purpose of undermining our form of government and the ideals for which it stands.

Some of today's more outspoken radicals openly call today's events the third world movement. . . . And I believe its specific aim is the destruction of the capitalistic and free nations of the world, with the direct intent of converting them to socialism or communism of either the Soviet or Sino form, under the guise of liberalism.

The reactionaries that have been terrorizing our high school and college campuses are, from what I can determine, divided into three distinct groups. Namely . . the Black Militants; the White Militants, usually under the heading of Students for a Democratic Society, and more recently the fanatical supporters of Al Fatah, the anti-Semitic terrorist organization dedicated to the destruction of Israel and all pro-western nations.

These groups do seem to have different leaders, yet it appears they are united together with the single aim of changing our basic institutions and ultimately destroying the United States of America and other smaller countries, such as Israel who have struggled so hard for freedom and who have thus far resisted suppression and dictatorship which is communism.

How is it possible for these small, seemingly disunited groups to destroy a mighty nation like the United States, or other nations that are our allies? Simply by planting fear of war from the outside, but with subversion and disunity from within. In other words, with dissension and terrorism that can disrupt our lives and bring destruction to our morals, our economic fiber and sabotage our basic institutions.

Let's look at the dissension in this country today . . .

The Black Militants are more and more following the line of hate, preaching anti-white and anti-semitic lines, and calling for the destruction, among other things, of Israel as a nation. We also see these groups linking up with some of the students in our country and with foreign students who are

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dedicated to the terrorism of Al Fatah, or the teachings of Mao Tse Tung.

What is the ultimate goal of this so-called third world movement? President S. I. Hayakawa of the beleaguered San Francisco State College may have had the best answer when he said before a House Subcommittee on Education recently:

"Some militants in our country are genuine in their desire to improve the education system, but there are others, especially those in the Black Student Union, who are more concerned with personal power than with education. The Black Student Union leaders keep saying they want absolute control with no accountability to anyone except their own members . . . members ruled by force, intimidation and gangster terrorist tactics."

He further stated in his description of these radicals:

"The White Militants are now as explicit as the Blacks. Their story is now familiar on every major campus. They believe our society is so corrupt that there is no hope except to destroy the entire structure and rebuild from the ground up."

In looking at these militants, whether they be the followers of the anti-semitic or the power hungry or the surly campus anarchists, one theme rings loud and clear in their cause. That is communism.

They support Ho Chi Minh in southeast Asia, who is a communist puppet . . . They pay homage to the slain Cuban communist revolutionary Che Gueverra . . . They are constantly calling for the destruction of our government charging us with being capitalistic imperialists, and at the same time they are promoting Communist ideologies of Marx, Lenin and Mao . . . They support the Arab cause in the Middle East, which also has strong Communist backing.

If you do not believe they are supporting the Arab cause . . . look at the most recent report put forth by the Anti-Defamation League of B'nai B'rith, an excellent report that details item after item where S.D.S. members are raising money for Al Fatah on our college campuses. Where Black Militants are openly preaching anti-Zionist tirades in their publications and at their rallies.

Some time ago, I requested the Justice Department to investigate the activities of the possible link between the Arab terrorists, the campus militants, and other radicals in our country.

As a result the Attorney General's office informed me that in accordance with my request they have directed the Federal Bureau of Investigation to probe into this most dangerous situation and to prosecute anyone who may, because of their activities, be violating Federal laws.

I further requested the State and Justice Department to investigate any foreign students, who may belong to Al Fatah or other militant or terrorist organizations, with the purpose of revoking their visas and deporting these radicals as persona non grata if they are found to be engaged in activities contrary to the best interest of our country and our people.

I honestly feel that it is time for all Americans to wake up to the reality that our nation is in grave danger, and we are facing the most serious, planned internal subversion that we have ever been confronted with.

We must wake up to this reality and stop taking dose by dose the subversive poison that is being fed to us bit by bit on humanitarian and liberal grounds.

Many of us in the government recognize the danger signs, but we alone cannot curb this movement. We need the backing and support of all of our American citizens.

Each of us who are here knows our country is not perfect, but we also know how our form of government, and our way of life, has given to the people more of the good things in life, and yet we are allowed to live with dignity as free men.

As sure as we are here tonight . . . if America falters . . . the Soviet Union is already standing ready to fill the void.

Remember when Britain moved from the Mediterranean? Who was ready, and took over the ports of Algeria, ready to man the bases in Egypt and other hostile Arab states? You guessed it. It was the Soviet Union with its arms, its fleet and its phony peace suggestions.

This is why we, as a nation must be alert, firm and strong today and stop subversion at home . . . But we must also assist and stand by our true allies overseas, not with words, but with arms when it is necessary so as to give them the strength, the courage and the will to fight for their freedom.

One ally, that needs every ounce of support we can give to her today is *Israel.*

We as a matter of conscience: as a matter of right; and as a matter of self protection must give to Israel all the help she needs to protect and defend herself from any possible attack by the red trained Arab nations.

I am happy that we are now training Israeli pilots and crews, for the Phantom jet fighters we have sold to her. But we must also make it clear to Russia and to the world that Israel is our ally, and there will be no forced peace in the Mideast, unless it is the result of conferences between Israel and the Middle East nations, and with the firm understanding that the Arab States will recognize and guarantee the sovereignty and territorial rights of Israel: rights she deserves as a free nation.

We must help to solve the serious refuge problem. One which multiplies with each day the war continues.

We must clarify our foreign policy and our foreign commitments, not only to our own people but to the world as well.

We must stop appeasing the Communists, whether they be Soviet or Sino, and this means that we should make it clear that we will not be pushed into appeasement in the Middle East.

Last, but surely not least . . . It is imperative that we keep our own country strong internally, otherwise we cannot assist our allies.

Today's anarchists and terrorists, whether they be from without or from within, are not fighting to liberate the American people or those of any other free nation . . . instead they intend to bring about world communism.

Like you, I want peace . . . I want to be able to pick up a newspaper or listen to a news report and not hear . . . another flare up has occurred in South Vietnam or Korea . . . or that an Arab Terrorist Group has just killed some Israeli soldiers or innocent people . . . or that three Cleveland policemen were shot and killed by a militant group . . . or that an innocent man was killed in a riot . . .

But to have peace in this world, whether it be in South Vietnam . . . the Middle East . . . or even our own streets, or campuses the great powers of the world must desire peace.

President Nixon has said time and again, his aim is to bring peace to all parts of the world, and he is willing to discuss peace with the Russians . . . yet the Kremlin has remained very quiet.

When was the last time you heard the Soviet leaders offer to cutback their military might in Czechoslovakia . . . in North Vietnam . . . in the Middle East? or when have they honestly indicated by action that they want peace in the world?

In truth and fact, the Soviet Union has continuously . . . year after year . . . increased her arms budget, while we sit and talk about stopping the arms race. The Soviet Union will continue to do this until we have capitulated to all her demands, including maybe even giving up our own sovereignty.

We in our country want peace, but I for one do not favor peace at any price . . . In the past, peace dictated by the communists has so often resulted in the enslavement of more and more people under communism.

Until Russia then can offer the Dove of peace without a grenade attached to her leg . . . our country must remain strong economically and militarily, and so long as we remain strong as a nation and strong as an international power the people of Israel and our other allied nations, will no longer need to fear the constant threats of mortar fire on its borders and within its cities or the death of its innocent people.

But as I indicated earlier, the need in our country for the people's support of their government at all levels, is the thing that is so sorely needed today . . .

The need for confidence in law, order, in our police, and of our basic American system of democracy.

And for those who would like to destroy our country or tear it to pieces for the small faults we do have, I ask this:

Where, in this world of ours, is there a better system of representative government, a higher standard of living, fewer people hungry, and medically neglected than in our own America.

Show me a nation of 200 million, that even comes close in comparison to us in such things and gives to its people at the same time the freedoms and the opportunities that America offers to its citizens, and I will say to them they have something to talk about.

Since they cannot show us, however, then as Americans let us drown out the voices of the dissidents and the anarchists who should be thankful to God that they are living in a free country . . . By showing our faith in our God and in our country and our friends.

ADDRESS OF U.N. SECRETARY GENERAL U THANT

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. BINGHAM. Mr. Speaker, on May 9, the Secretary General of the United Nations, U Thant, made a speech at the opening session of a conference at the United Nations on "The Second United Nations Development Decade: A Challenge for Rich and Poor Countries." I commend this thoughtful address to my colleagues and other readers of the RECORD.

Speaking eloquently of his concern that support for international development programs is diminishing within the richer nations, U Thant made this telling point, among others:

> It is ironic that many people who have suddenly awakened to the costs and injustices of neglecting poverty at home, seem unable to apply the lessons of their domestic experience to the shrinking world in which they live.

He called for greater public understanding and support for the economic work of the United Nations, pointing out that "some 80 percent of the manpower and budget of the United Nations system is devoted to economic work—yet this receives less than 20 percent of United Nations coverage in the mass media."

Some 20 years ago, the British historian Arnold Toynbee wrote that the 20th century would be remembered most of all in the future because it was during this century that mankind, through technology, developed the capacity to eradicate poverty from the face of the earth and dared to aspire to that goal. Following the same thought, U Thant said:

> We cannot accept the conclusion that the eradication of poverty is politically unfeasible:

The text of the Secretary General's address follows:

Text of Statement by Secretary General at Opening Session of Conference on Second United Nations Development Decade

Your Excellencies, Ladies and Gentlemen: I am very glad to have this opportunity to welcome you all to the United Nations, and to make a few remarks at the opening session of your conference on "The Second United Nations Development Decade: A Challenge to Rich and Poor Countries," sponsored by the Institute on Man and Science and its distinguished President, my old friend Dr. Everett Clinchy.

You know only too well that we are going through a difficult and dangerous period of international relations. Mankind is divided by deep national, racial, social and ideological antagonisms. Material and intellectual resources that are desperately needed to further common interests in peace and welfare are being diverted to the pursuit of fratricidal conflicts within the family of man.

Witnessing the ominous trend of international events I cannot but recall something Adlai Stevenson said in these halls just a few years ago:

"We, the human race, are fellow travellers on a tiny spaceship, spinning through infinite space. We can wreck our ship, we can blow the human experiment into nothingness; and by every analogy of practical life, a quarrelsome ship's company and many hands on the steering gear is a good recipe for disaster."

Adlai Stevenson's metaphor of Spaceship Earth seems more appropriate with every passing year. Like it or not, we are all traveling together on a common planet. We have no rational alternative but to work together to make it an environment in which we and our children can live full and peaceful lives.

Yet—while we waste our substance in war and in the increasingly dangerous arms race—we are neglecting threats to our civilization which should have first priority on our attention. I have in mind such urgent problem as the advancing menace of environmental pollution, the uncontrolled explosion of world population, and the vast and growing inequality in living standards between rich and poor nations.

Surely the time has come to extend our concept of solidarity to embrace the entire human race. Surely the time has come to confront through a global partnership these common threats to the survival and welfare of all. This is no Utopian dream to be realized in some distant future. It is a matter of human survival that demands immediate action.

I do not wish to seem overdramatic, but I can only conclude from the information that is available to me as Secretary-General that the Members of the United Nations have perhaps 10 years left in which to subordinate their ancient quarrels and launch a global partnership to curb the arms race, to improve the human environment, to defuse the population explosion, and to supply the required momentum to world development efforts.

If such a global partnership is not forged within the next decade, then I very much fear that the problems I have mentioned will have reached such staggering proportions that they will be beyond our capacity to control.

It is the last of these problems—world development—that you have chosen as the theme of your conference today. Your choice is a timely one. We will soon reach the end of the first Development Decade—a decade in which the Members of the United Nations pledged to "intensify efforts to mobilize and sustain support for the measures required on the part of both developed and developing countries to accelerate progress toward self-sustaining growth."

While much has been done in this first Decade of Development, I am bound to say in all honesty that the efforts of rich and poor countries alike are still inadequate when measured against our proclaimed objective—the achievement of living standards in the less developed countries compatible with minimum human dignity.

I have read with interest the questions which have been prepared for your discussion by my good friend Professor Richard Gardner. There are three main headings on your agenda—how to get better aid policies from the rich countries, how to get better development policies from the poor countries, and how to get a better system of multilateral co-operation. These are, in fact, the principal questions which we are asking ourselves at the United Nations as we prepare for the Second Development Decade. Your agenda lists many important questions under each of these three main issues. I should like to draw attention to a few of them that seem to me of particular importance.

The basic question under the first heading, it seems to me, is how to strengthen the faltering political will that is all too evident in the advanced countries in the field of international aid. It is tragic that, at the very moment in history when assistance efforts are beginning to yield results, public and official support in the aid-giving countries appears to be weakening.

It is not for me to diagnose all of the reasons for this disappointing state of affairs. Certainly one factor in many advanced countries is the growing preoccupation with domestic concerns. It is ironic that many people who have suddenly awakened to the costs and injustices of neglecting poverty at home, seem unable to apply the lessons of their domestic experience to the shrinking world in which they live.

How can we explain this apparent anomaly? How can we help people to see that the domestic war on poverty and injustice cannot be won if the international one is neglected?

How can we channel the idealism of our young people on behalf of a war on poverty that is not merely national but global in scope? How can we reach their parents—many of whom now seem cynical or indifferent to international assistance efforts?

We used to hear it said that the greatest obstacle to development lay in the less developed countries themselves—in the reluctance of their governments to undertake proper policies and the unwillingness of backward peoples to adopt new ways. But now the greatest obstacle to development may be our inability to move governments and people in the rich nations.

The truth is that now, for the first time, a number of the less developed countries are able to change and grow at a rate faster than the advanced countries are prepared to support. If you can help us find an answer to this dilemma, you will have made a great contribution to one of our central concerns at the United Nations and to one of the most fundamental problems of mankind.

We shall also be deeply interested in your advice on the second subject on your agenda—how to get better development policies from the poor. We need to know much more than we know now about the nature of the development process.

Some years ago there was a tendency to regard the problem of development of the less developed countries as but an extension of the problem of European reconstruction. A certain amount of capital investment or technical assistance was thought likely to be sufficient.

We learned early in our development efforts that the European analogy did not work. Disappointed by past failures, policymakers and scholars have turned to a succession of different remedies—stimulating the private sector, undertaking tax and land reform, closing the trade gap, raising agricultural productivity, developing human resources and family planning.

All of these things are important. Yet I do not think we yet have a coherent development strategy or a clear sense of development priorities in most of the less-developed countries with which we are concerned.

One thing, however, is clear: Development means more than redistributing world income. It means internalizing the wealth-creating processes within the developing countries. And this in turn means profound political, economic, social and cultural transformations within most of these countries.

In the past we have focused much attention on the economic aspects of development. Perhaps now we need to think more about political modernization and socio-cultural change—about the measures that can be taken to increase local initiative and local responsibility for formulating and executing local development plans—about strengthening those modernizing forces within developing countries which will work for the changes in attitudes and institutions necessary for effective development.

Here again, we will look with interest to any insights you can give us.

I turn now to the last of the three headings on your agenda—how to improve our institutions for multilateral co-operation.

I welcome the inclusion of this subject on your agenda. The institutions set up within and outside the United Nations for promoting economic development need not be regarded as sacrosanct. Arrangements that were adequate to channel the modest levels of activity of the past may not be adequate to cope with the expanded efforts of the future.

I have had occasion in recent years to express concern about our proliferating conference schedule, our mounting load of documentation and the complex problems of coordination between the United Nations, its semi-autonomous units, affiliated programmes and specialized agencies.

I note that you intend to consider these questions and also the relation between global and regional organizations. Here again we shall await your report with interest.

As we in the United Nations approach the Second Development Decade, we have taken steps to increase public understanding and support for the economic work of the United Nations. As all of you know, some eighty per cent of the manpower and budget of the United Nations system is devoted to economic work—yet this receives less than twenty per cent of United Nations coverage in the mass media.

I hope you will consider how this situation can be corrected—how we can stimulate broader public understanding and support for our efforts in the economic field, possibly making use of new instruments of mass communication which technology is making available.

As I look toward the second Decade of Development, I am struck by the magnitude of the changes that will be necessary in the aid policies of the rich and the development policies of the poor. Perhaps we will need to consider a series of inter-related commitments—commitments to increased assistance from the aid-giving countries matched by commitments to more effective self-help by those receiving aid. How successfully the United Nations and other international agencies assist in the negotiation and the implementation of such a set of inter-related commitments will do much to determine the fate of the second Development Decade.

Permit me to offer one final thought. As you confront these and other problems on your agenda, there may be those who raise the familiar objection that a particular solution is not "politically feasible". Of course, we cannot ignore political considerations. But words like "political feasibility" must not be allowed to disguise what may really be failures in the hearts and minds of men in countries on both sides of the great economic divide.

We cannot accept the conclusion that the eradication of poverty is politically unfeasible—any more than we can accept that conclusion with respect to the responses that are necessary to meet the other dangers that threaten the survival and welfare of mankind—the arms race, the destruction of the human environment and the population explosion. On the other hand I firmly believe that what man must do to prevail, he can do.

I wish you all a fruitful discussion and a successful meeting.

THE LATE HONORABLE FRED A. HARTLEY, JR.

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GALLAGHER. Mr. Speaker, today I would like to say a few words in memory of one of our former colleagues, Mr. Fred A. Hartley, Jr. For nearly two decades he represented New Jersey's 10th District which embraced Newark and Bayonne. When he was first elected to Congress in 1928 at the young age of 26, he was the youngest man to sit in the House of Representatives at that time.

Most of the people today remember Fred because he was cosponsor of the very controversial Taft-Hartley Labor Act of 1947. The New York Times obituary about Fred devoted most of its columns to this subject. Mr. Hartley himself gave up his seat in the House in 1949 to undertake an extensive lecture tour in support of his controversial bill. He spent the remainder of his life defending the bill from its opponents like myself.

Mr. Speaker, I would like to say a few words about the other Fred Hartley, the Fred Hartley no one has mentioned. This was Fred Hartley, the humanitarian.

Fred Hartley was a personal friend of mine. We both came from towns in New Jersey separated by only a few miles from one another. Today my 13th District embraces what used to be a part of Fred's old 10th District.

I remember Fred when I was a very young boy. When my father died during the depression from wounds compounded by a severe gassing he received in France during World War I, Fred was the Representative from my hometown of Bayonne, N.J., to whom we looked for help. He did everything he could to help my family as he did for thousands of others.

Fred gave me my first glimpse of how a Congressman can personally help a constituent from his district. The kindness and understanding with which he treated my family has made a lasting impression on me.

He held office during the critical years when Americans were starving; when a job offering even 1 day a week's pay meant the difference in a family eating or not. To all of these people he sought tirelessly to offer and obtain help and hope. These were the post-World War I days when large numbers of veterans and their families had nowhere to turn for help. But in the 10th District of New Jersey, when the poor, the hopeless, and the veterans turned to Fred Hartley for help, he never turned them away.

It is with a heavy heart that I address these words of praise to the memory of Fred A. Hartley, Jr. Though a member of the opposite party, he held a respect from me that transcended politics. He was an outstanding American who had courage and compassion.

No one tried to serve his country and the people he represented in a better fashion than did Fred A. Hartley, Jr. He was a great deep man. America will miss him.

THE NEW CONSUMER MILITANCY

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. O'HARA. Mr. Speaker, on May 22, 1969, Walker Sandbach, executive director of Consumers Union, carried the message of consumer militancy to the Association of Home Appliance Manufacturers during its meeting here in Washington.

Mr. Sandbach, whose organization publishes Consumer Reports, warned the manufacturers that the consumer dissatisfaction will not subside with more consumer legislation and that the present unrest among consumers is indirectly related to the products on the marketplace today. He warned the manufacturers:

> It is important for us to realize that we are only at the beginning of what will probably be a long period of consumer militancy.

I agree with Mr. Sandbach's appraisal of the situation.

I would point out, however, that the consumers' demands can be met by reputable manufacturers who charge a fair price for a product which is safe to use, free of defects, and performs as advertised.

Mr. Speaker, I ask that Mr. Sandbach's speech, "The New Consumer Militancy," be printed in the RECORD:

THE NEW CONSUMER MILITANCY

At Consumers Union, perhaps our greatest contribution to the welfare of the consumer is in the testing of products and reporting the results in our magazine, Consumer Reports. We test household items as small as thermometers and as large as refrigerators. We test products as inexpensive as a can of orange juice and as expensive as a Cadillac automobile. We test products as varied and as interesting as contraceptives and liquor.

As you can imagine, we have had many amusing incidents with regard to our testing and reporting on contraceptives. One letter received from a subscriber goes as follows:

"Some weeks ago I filled out a blank establishing my eligibility to receive your pamphlet, 'A Report on Contraceptive Materials,' and enclosed 25 cents. Yesterday I received a form post card informing me that instructions on how to attain high fidelity reproduction would be ready in about three weeks. While I appreciate the language being in the open mail would necessarily have to be *somewhat* guarded, I wonder whether there has not been some misunderstanding. Please let me again make my needs and wishes clear. I do not in this instance want high fidelity reproduction; in fact, it is my wish to avoid reproduction altogether."

What had happened of course was that her order for the contraceptive report had by mistake been acknowledged as an order for our instructions on how to build a high-fidelity radio-phonograph combination.

In our testing we have found over and over again that well-known brands, or price, are very seldom an accurate guide on which the consumer can depend in choosing the best product for his intended use.

When we take action by testing a product and publishing the results, a reaction is inevitable because of the fact that our magazine goes into more than one and one-half million homes each month. If we rate a product favorably, the manufacturer of that product loves us and is frequently inclined to brag about our ratings in his advertising, which we do not allow. If he does not heed our request to cease and desist from such advertising, we take him to court and seek damages under the copyright law. The reaction of the manufacturer is not so predictable when we give his product a poor rating, or rate it unacceptable. Some then say, in the words of one manufacturer: "Consumers Union is biased, unfair, and incompetent." Others have responded by improving their products, which we believe is the best response for the consumer, the manufacturer, and the retailer.

Donald Turner, the former Assistant Attorney General in charge of the Antitrust Division, U.S. Department of Justice, in looking for remedies to counteract the adverse effects he felt advertising had on competition, suggested the possible use of government funds to support the work done by organizations such as Consumers Union. I have been asked many times what my reaction would be if such funds were offered to us. As you know, Consumers Union is a non-profit, *independent*, organization. I have discussed this possibility with our Board of Directors. We have decided we would not be adverse to receiving such government funds if they could be channeled in such a way that we would retain our complete independence of government and industry. Our allegiance has always been, and I hope it always will be, to one group—consumers Turner is right in saying that we would need more money if we were to make our information more current and more widely available.

Is there any doubt that Mr. Turner is also right when he says that the average consumer is in great need for more information about many products than is presently, or is likely to be made available by advertising. Mr. Turner feels this would make for more competition, which is important for our economy. But also important is the fact that such information can have a substantial effect on improving the consumer's standard of living. Let me give you two examples from many.

Liquor is a potentially noxious product, the advertising of which, in my opinion, should be under even more stringent federal regulation and control than is now the case. Although many of us enjoy a drink at the right time and place, I firmly believe that liquor should not be glamorized and thus tempt our youngsters to start drinking at an early age. Misuse of alcohol can bring too much tragedy.

In our report on our tests of Canadian Imports and Domestic blends of whiskey, we said:

"A recent advertisement for Seagram's Crown Royal comments that "A man needs a good excuse to buy a bottle of $9 whiskey for himself." Our reply was, "True." And after having a panel of professional tasters evaluate 31 brands of Canadian and American blended whiskies, we'd say that a good enough excuse may be mighty hard to come by. All the products were judged both good and remarkably similar to each other in quality and character, though the prices our shoppers paid for them ranged from $3.99 a fifth to $8.80."

You know and I know that many people buy Seagram's Crown Royal and other prestigious name whiskies in part for status reasons. Many of us like to impress our friends. But if we knew it was costing us $5 extra per fifth for a product in which one cannot distinguish the expensive whiskey from the cheap one, *perhaps* we would achieve our status, and save a lot of money, by buying one bottle of Seagram's Crown Royal—and a funnel.

Last year CU reported on a major testing of automobile tires. We found that the lack of reliable indicators of tire quality is very nearly total. You'd be as well off, in our opinion, to believe a Ouija board as to give faith and credit to the advertised claims of labeled grades ("Premium," "first-line," "second-line" and the like) or replacement tires on the market today.

A look at the ratings in our August report will give some notion of the very wide range of cost and performance we found. For example: Relative tread life ranged from about 15,000 miles to about 40,000 miles. Cost per 10,000 miles of driving on a set of four tires could range from $40 to $127, depending on which tires you bought and what you paid for them.

Isn't this the kind of information that all consumers should have and shouldn't they be able to get it without having to subscribe to Consumer Reports? Certainly CU's tests demonstrate the crying need for the quality grading system that the Secretary of Transportation was supposed, by law, to propose by September 8, 1968.

I am a member of the Secretary's National Motor Vehicle Safety Council, and I can tell you that we are a long way from getting a quality grading system on tires. None was proposed by September 8th, and it may be a long time before one is proposed. Most of the tire industry is dragging its feet at every turn—saying again and again that a quality grading system is more likely to mislead the consumer than to assist him. We at CU believe that our tests give ample evidence that it will be possible to develop a quality grading system which will be of tremendous help to the tire buying consumer, I am pleased to report that there has been a major breakthrough. At least one of the major tire companies now agrees with us and is publicly supporting a grading system. A Washington newspaper reported this startling news as follows:

"As news, a man biting a dog isn't a patch on a corporation executive calling for government grade-labeling of the product his company makes. This has now happened.

"George R. Vila, board chairman and president of Uniroyal, has announced that America's tire buyers have a right to demand some standards to help them buy intelligently from among more than 1000 tire lines and descriptions offered—even if the federal government has to set the standards.

"Vila concedes that not all of his competitors may share his views, but believes 'that it is in our enlightened self-interest not only to endorse the concept of grade-labeling and uniform testing but to cooperate in making certain that the system adopted is a help, not a hindrance, to the consumer. Let us be leaders, not reluctant dragons, in the wave of 'consumerism' that is sweeping the country. Let us adopt as our basic marketing philosophy an attitude of '*cognoscat emptor*' (let the buyer be informed')."

The newspaper article concluded with an editorial comment: "Amen, brother, and hallelujah!"

Perhaps some of you should take the lead in your own industries in calling for some form of grade labeling of your products. It is going to take that kind of leadership to convince consumers that business is in truth willing to make the consumer's welfare its No. 1 priority.

AHAM has already shown admirable leadership in securing the adoption of BTU standards for air conditioners. Why not expand that small beginning by establishing standards for other qualities which consumers consider important—for example—noise level and the ability of air conditioners to dehumidify?

Or with regard to washing machines, why not establish industry-wide standards on capacity and a grade labeling system with regard to washability. We think that consumers would like to know how well a washing machine will wash clothes. If that is too difficult, and I realize it is very difficult, you could first tackle something easy, such as a grade labeling system for spin-drying ability of washing machines. Recently one of the major washing machine manufacturers started putting an information tag on its washing machines. The tag tells many things about the machines which consumers would like to know—except how well they perform.

At CU our interest is not limited to just testing of new products. We also are concerned as to how these products stand up in service and in the kind of problems consumers must face when a household item needs repair.

In 1967 we were involved with the New York CBS–TV affiliate in a TV repair study. We placed 20 TV sets in homes and checked them to make sure there was nothing wrong with the sets except for one small tube, which retails at $1.95. We marked every part in the set with invisible ink so that we could check if parts were replaced. Only four repairmen out of 20 charged what would be within reason in the New York area for the cost of a service call and the replacement of a $1.95 tube. The other 16 overcharged for the necessary repairs in one way or another, with several charging for parts which were not replaced. Some charged over $25, with the largest bill $34.95.

Is something like what he found with regard to TV repair in New York City happening with regard to the servicing of other home appliances? I hope not, but the letters we receive and the responses to our Annual Questionnaire, which is answered by over a quarter million subscribers would lead me to believe that your industries, to put it mildly, do have some service problems. I know you are aware of these problems and are making major efforts to find solutions to them. Perhaps you are already looking at possible innovative solutions. Such as appliances that would be much easier to repair. As you may have noted, one of the selling points of the new Ford Maverick is that a reasonably handy person can do his own repairs. Wouldn't that be possible with many appliances?

I doubt if I have to tell you that business is in trouble with consumers in many areas. This was confirmed by a confidential nationwide survey conducted by the Opinion Research Corporation which found that seven out of ten Americans think that present Federal Legislation is inadequate to protect their health and safety. Also in this survey a majority were found to believe that more Federal laws are needed to give shoppers full value for their money.

Will the present consumer malaise or unrest disappear if we have more consumer legislation? I personally doubt it. I am convinced that the present malaise has its roots in areas only indirectly related to products.

I can illustrate from a personal experience. My wife and I spent our honeymoon in a tent on the shores of Lake Erie. At that time, just 30 years ago, Lake Erie was a beautiful body of water magnificent for swimming and boating.

I don't need to tell you what has happened in those 30 years, this great natural resource has been destroyed, largely due to industrial pollution. I read recently that if all pollution into Lake Erie were to be stopped today, it would be 400 years before Lake Erie would again be pure water. So we have destroyed for ourselves, for our children, and for many succeeding generations this magnificent natural resource.

What does this do to the confidence of consumers in the business community? Or take the recent oil leak catastrophe in the Santa Barbara Channel off the coast of California. Do you agree with me that these disasters, which are only two examples from among many, have played a role in leading consumers to believe that business cannot be trusted to look out for their best interests?

It is important for us to realize that we are only at the beginning of what will probably be a long period of consumer militancy. The next generation of consumers is likely to be even more difficult to convince that businessmen have their best interests at heart than has been the case with the present generation. *Fortune* magazine recently carried an article in which the editors attempted to synthesize the views of student critics of U.S. society. In capsule form, this is what *Fortune* says these students are saying: "Our most wrenching problem is that of finding a place for ourselves in society. By all indexes we should have no anxiety about our future. We are told that we are the best prepared, best educated, most talented crop of students ever produced in this country. What we fear is not that society will reject us; we fear that we cannot accept society.

From what I read, from what I hear from my own boys—17-year-old twins—and what I hear from college students as I speak to them on campuses, the statement I have quoted to you from *Fortune* rings true for a large number of idealistic students—not just the militants—but a large number of the moderate students as well all around the world. As Margaret Mead said recently: "Never has there been as wide a generation gap as exists at the present time."

It *is* true, as Stephen K. Bailey of Syracuse University has said, that, "We have so many advantages over (the young): the cops, the Army, the registrar's records, the keys to the library. We can beat them in a fight. But they have a life to live and the best of them are trying to tell us something."

I am convinced that what these idealistic youngsters are trying to tell us is that in an America where we have the ability and the resources to send astronauts to the moon, we can't be satisfied with destroying our natural resources, we can't be satisfied with shoddy products, we can't be satisfied with misleading advertising, and we can't be satisfied with anything less than making an all-out effort to do away with poverty, racism and war.

Further, I am convinced that it is the hypocrisy of our society that seems most of all to affect our youth—in and out of the ghetto. This hypocrisy has resulted in literally thousands of students participating in demonstrations, dropping out of school, using drugs, rioting, and, shouting, "Hell no, I won't go!"

Many of our young people think of us as phonies just because of the kind of behavior so well illustrated by our handling of cigarettes. On the one hand our medical experts give us the facts about the danger, but on the other hand, the right to advertise and make millions off their sale must not be interferred with. It is an incredible fact that we are spending millions of dollars to point out the dangers of smoking while at the same time we spend millions to subsidize the production of tobacco.

I realize that many of the problems facing us seem so enormous that we are inclined to say, "What is the use of trying to do anything, and turn away." But I can't turn away and I hope that you can't either. Recently I read some words that buoyed my spirits and gave me new hope for the future:

"Each time a man stands for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope.

"And crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance. Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence. Yet it is the one essential vital quality for those who seek to change a world that yields most painfully to change.

"And I believe that in this generation those with the courage to enter the moral conflict will find themselves with companions in every corner of the globe.

"For the fortunate among us there is the temptation to follow the easy and familiar paths of personal ambition and financial success so grandly spread before those who enjoy the privilege of education. But that is not the road history has marked out for us.

"Like it or not, we live in times of danger and uncertainty. But they are also more open to the creative energy of men than any other time in history. All of us will ultimately be judged and as the years pass, we will surely judge ourselves, on the effort we have contributed to building a new world society and the extent to which our ideals and goals have shaped that event.

"Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither faith nor nature nor the irresistible tides of history but the work of our own hands matched to reason and principle will determine our destiny."

Don't those last few words sum it up as to what we must do? ". . . The work of our own hands matched to reason and principle will determine our destiny."

ELI LILLY & CO. OF INDIANAPOLIS CONTINUES TO STEP UP RESEARCH IN FIELD OF DIABETICS

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. BRAY. Mr. Speaker, Eli Lilly & Co., the great pharmaceutical house of Indianapolis, was the first drug company to manufacture insulin, and continues to accelerate its research in diabetes.

It is a common but mistaken impression that once a drug is discovered no more work or research is necessary. This is simply not so. For instance, in the case of insulin, further research by Lilly and others has succeeded in reducing the number of times the drug has to be taken. Purity has been increased; newer forms of the drug make it easier for patients to adapt to it, and, most important of all, the price has been drastically reduced. Insulin now costs less than 5 percent of what it cost when first developed.

There is no real substitute for insulin. Continued work on this drug by the Lilly Co. is discussed in the following story from the May 25, 1969, Indianapolis Star:

LILLY JOINS ACCELERATION IN INSULIN RESEARCH

(By Leila Holmes Clowes)

Scientists throughout the world, including several at Eli Lilly & Co., Indianapolis, are accelerating their research into insulin—activity that could lead to knowledge about the causes of diabetes and other associated disorders.

Hopefully, the findings could lead to a prevention of conditions causing the diseases.

Insulin, discovered in 1921, has been studied ever since as a model protein, and has played an important role in the treatment of diabetes. The Lilly company is one of the world's leading manufacturers of insulin.

Although the chemical structure of insulin was elucidated in 1955 by the Nobel prize-winning work of Dr. F. Sanger at Cambridge University, the manner in which insulin is synthesized in the body has been uncertain. In recent years, chemists from several laboratories have synthesized the two chains of insulin and combined them to make insulin.

Yet many scientists doubted that insulin is made this way by the pancreas since many other body proteins are known to be formed from larger single-chain forerunner proteins and then converted by enzymes to the active biological proteins.

Although a forerunner or precursor form of insulin has often been suggested, the proof for such a substance was only recently provided. Two years ago, Dr. D. F. Steiner of the University of Chicago isolated a single-chain "proinsulin" from a tumor of the pancreas of man. He observed that the single-chain proinsulin could be converted to insulin with the enzyme, trypsin. This released the connecting link which joined the two insulin chains together.

Steiner suggested that this inactive single-chain protein is the forerunner or precursor of the double-chain active insulin, which then regulates the use of sugar by fat and muscle in the body.

The proinsulin breakthrough has provided new impetus for scientists to try to understand both insulin production and diabetes. Some laboratories have reported more proinsulin circulating in the blood of diabetics than in normal people. They are wondering if the conversion mechanism of proinsulin to insulin is faulty in certain forms of diabetes.

Perhaps, the scientists reason, diabetics may lack sufficient enzymes to break the link in the chain to convert proinsulin to insulin. The result may be an excess of protein existing in a less active state which could cause an imbalance in blood sugar regulation.

Genetic or family differences in enzyme systems now are being studied since a tendency for diabetes is inherent in some families. Maybe the detection of pro-insulin in the circulation could be a screening tool for predetermining diabetes or could serve as an indicator of diabetes.

Steiner's discovery of proinsulin has been confirmed and extended by numerous investigations at the Lilly Research Laboratories. Dr. R. E. Chance, R. M. Ellis and Dr. W. W. Bromer have isolated pork proinsulin and have determined the chemical composition of the connecting link between the two insulin chains. In further studies, Dr. B. Frank found that the insulin portion of proinsulin is in about the same three dimensional shape as insulin existing alone.

"We found, says Dr. Chance, "that while the insulin part of the protein is very similar in pork, beef and human proinsulins, the connecting link in each case contains a different variety, number, and arrangement of amino acids."

Unfortunately this means that the readily obtainable pork or beef proinsulins will not be useful standards in a test for human proinsulin in the blood. This has been verified in immunological studies by Dr. Mary Root, who is currently developing specific methods for testing in each species for proinsulin.

Drs. W. N. Shaw, R. E. Toomey, and J. A. Galloway also from the Lilly Research Laboratories, are interested in the biological action of proinsulin. Their findings indicate that pronsulin mimice insulin actions but is far less potent. Insulin is 8 to 10 times more active, biologically, than proinsulin.

Dr. D. R. Challoner, assistant professor of medicine and biochemistry at the I.U. School of Medicine, is collaborating with Lilly researchers on proinsulin, studying its effects on fat cells. Dr. Challoner hopes someday to be able "to easily measure circulating proinsulin in normal individuals vs. diabetics."

Research on proinsulin is still in the early stages of development, and much more knowledge must be obtained before the full significance of proinsulin in relation to diabetes is understood. As proinsulin researchers share new ideas and discoveries through frequent conferences and publications, they hope the future for diabetes and associated diseases may be revolutionized.

REA ADMINISTRATOR SPEAKS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. SCHWENGEL. Mr. Speaker, Mr. David A. Hamil, Administrator of the Rural Electrification Administration, recently addressed the North Central Generation and Transmission Conference. His remarks are most enlightening. Of particular interest are his remarks with respect to the outstanding efforts of the Eastern Iowa Light & Power Cooperative at Wilton Junction. This cooperative, and its general manager, Mr. F. E. Fair, are to be commended for their efforts to hold down the cost of electric power.

Mr. Hamil's remarks follow:

EXCERPTS FROM REMARKS OF DAVID A. HAMIL ADMINISTRATOR, RURAL ELECTRIFICATION ADMINISTRATION, BEFORE NORTH CENTRAL GENERATION AND TRANSMISSION CONFERENCE, MINNEAPOLIS, MINN., MAY 14, 1969

One day last week the New York Times had this head over a story in its Business and Finance section: "Con Ed Chief Cites Cost-Crunch Woes."

In the second paragraph the Times reported that Charles F. Luce, chairman of the Consolidated Edison Company of New York, said that technology has reached its limit in fighting inflation and there appeared to be no relief in sight.

This is the story of almost any business today, but it has particular significance for power supply cooperatives which have been following the trail of technology and scale to lower cost operations. While the trail has not disappeared completely, it has narrowed considerably and become difficult for most of our G & T borrowers as it has for other power suppliers. The cost-crunch is a reality, not just a catch phrase.

The question, then, is where do we go from here? Do we take the easy way out, toward higher consumer costs, or do we look for ways to reduce costs further? Are there

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places where costs can be trimmed, or do we crank up a campaign to increase sales so as to spread fixed costs over a greater number of kilowatt-hours?

Inflation has become such a flood, sweeping everything movable before it, that it is possible to lose one's perspective and balance, winding up in the torrent. But the chances are just as good, perhaps better, that a critical search will turn up desirable alternatives to floating along for a while and then sinking.

What are some of these alternatives?

Certain costs are called fixed costs, but they are not so immovable or sacred as to be beyond question. If you have any flexibility—meaning that the next unit is still on the drawing boards or not fully loaded—put that flexibility to the stretch test. Can you stretch out your schedule—defer the next unit for a few years while you buy power from a neighbor with reserve capacity—so that you can move up to a larger unit offering lower costs?

This is what your hosts from Eastern Iowa Light and Power Cooperative did to get extra savings from REA-financed generation. When we approved the loan originally, the plan was to build a second 22,000-kw unit for service in late 1963. Through its arrangements with the City of Muscatine and other power suppliers, Eastern Iowa was able to postpone the installation of its second unit. Better yet, the cooperative stretched the size of its second unit to 33,000-kilowatts—fifty percent larger than originally planned. By getting more kilowatts for the same amount of loan funds, Eastern Iowa has a saving of four mills per kilowatt-hour, or double the estimated saving of two mills over previous power costs.

The story would have been different if Eastern Iowa had tried to go it alone, independent of other power suppliers in self-generation. But Eastern Iowa faced the facts of life in the power generation business and worked with its neighbors and area power pools.

On a larger and different scale, two other REA-financed power supply cooperatives are working with larger neighbors toward a joint venture in nuclear generation in which they will have an ownership interest.

This arrangement will be an extension of an established joint venture—originating in 1946—between Iowa Electric Light and Power Company and the Central Iowa Power Cooperative. This venture, as I have said on other occasions, has provided proof that there can be great advantages when neighboring power systems work together closely, despite basic organizational differences.

Last month I attended meetings in Cedar Rapids where a new dimension is being added to this beneficial partnership, and the partnership enlarged. The directors and operating officers of Iowa Electric Light and Power, CIPCO and Corn Belt Cooperative, were present to work out arrangements for a combined venture in nuclear generation. The plan under consideration then called for the two power cooperatives to share in the benefits of the company's first 550-megawatt nuclear unit through each having a 10 percent ownership in the unit and its generating capacity. The three systems would be intertied through bulk transmission facilities which will enhance the reliability of the individual systems and bring the advantages of larger scale generation than each could have operating independently.

These meetings were spread over an afternoon and evening of one day and most of the following day. The most remarkable aspect of these meetings, these negotiations, to me, at least, was the representatives of Iowa Electric Light and Power were just as enthusiastic about working with cooperatives in this nuclear venture as the cooperatives were in developing a working interest with a larger operating utility system with all the advantages that association will bring.

Since that meeting the Iowa people have raised their sights somewhat. As I have been told, they are now thinking in terms of an 800-mw plant with other Iowa electric companies taking part. The expanded arrangement would bring still greater economies of scale associated with nuclear units of 800-mw and above to the joint benefit of cooperative members and company consumers.

I know that other cooperatives represented here today have also learned that working together is good business—good for each system individually, good for the areas it serves, and productive of mutual benefits for all participants.

Possibly no other region has gone farther in its approach to coordination of power planning and pooling of power resources than the group of states represented here today. This approach has led to creation in recent years of Associated in Missouri, United in Minnesota, Basin Power in North Dakota, Cooperative Power in Minnesota, and the strengthening of older power cooperatives such as Dairyland and Minnkota.

The trend toward group action and participation—with the potential benefits to be realized—will grow as the power business becomes more complex, and as the price tags go up.

In just one new area—air and water pollution—we can expect the emergency of new controls at city, state and Federal levels. To meet this, economically and effectively, it may be better to concentrate the problem at a large, more efficient generating plant, than to deal with it more expensively and less effectively in several smaller power stations.

This is one of the reasons REA is interested in the wise step taken by the cooperatives which are members of the Upper Mississippi Valley Power Pool to study the possibilities of meeting power deficiencies in the 1970's. Out of this study may come a formal group to purchase power or to build new generating capacity.

This brings me to money—and eventually to REA policy on loans for generation and transmission.

Right now we are faced with loan requests far in excess of lending authority—more than $440 million in loan applications, with about $50 million of lending authority available for the remainder of the fiscal year. We expect to start the fiscal year 1970 with about $415 million of applications on hand. The proposed budget is $345 million. Whatever is made available will be used according to our best judgment to meet the most pressing needs of borrowers, both distribution and power type.

In the light of this set of facts and the amount of funds that may be available from the Treasury next year, we will need the cooperation of borrowers and all existing power suppliers in finding ways and means for meeting the power needs of REA borrowers with a minimum of Federal investment. This and the possibility of supplemental private financing will be the main planks in our long-range plans.

I have brought with me copies of REA Bulletin 20-6, "Loans for Generation and Transmission," which is being put in the mail today. This and a press release announcing issuance of the loan policy bulletin will be available after this session.

I think the policy speaks for itself, and its merit will be determined more by subsequent events than anything I might say here. Our purpose has been to state REA policy as simply and realistically as possible, and to bring it into line with present realities and trends in power supply. In the revision, Paragraph II C of the previous version, adopted May 31, 1961, has been omitted. This was the so-called third criterion.

* * * * *

Now let's get back to the ranch—and the crunch.

I am sure you are concerned, as we are, at the ability of operating expenses to keep up or run ahead of year-to-year growth in income—operating revenues. When this happens consistently, then it is time to look for places to trim the budget and the actual expenditures.

In the days when money was in generally better supply and the terms were easier, some of us may have gotten somewhat slack in watching costs and where the money goes. Now there is good reason to check and to tighten the reins.

This is particularly true in the REA programs which are dependent on 2 percent loan funds. There is a heavy obligation to live frugally and to treat all cooperative funds as if they were public funds.

What it comes down to is this: is it more important to have money to do our jobs—getting power out to the farms—or a few extra frills? This is the question that you as managers and directors face each time you meet to hear a new financial report and approve a budget. And it is roughly the same question I have to face in REA in making decisions on loan priorities and loan requests.

* * * * *

I have talked here today, and on many other occasions, about the need to work with other segments of the electric power industry in matters of common interest and mutual advantage.

We also need to work together—REA with its borrowers and borrowers with borrowers—in the rural electrification family. We can make greater progress and use our resources more effectively through cooperation than in competition with one another.

I hope this will be the spirit and the outcome of this conference. You can count on my full cooperation.

CONGRESSMAN MOORHEAD UNCOVERS RUNAWAY COSTS FOR NEW TRANSPORT

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. ROONEY of Pennsylvania. Mr. Speaker, recently, syndicated columnists Frank Mankiewicz and Tom Braden focused attention on the C–5A transport scandal uncovered by our colleague, Representative WILLIAM MOORHEAD of Pennsylvania.

Waste of tax dollars within the Defense Establishment is a serious matter which cannot be overemphasized. Within the past year, I have found unbelievably shoddy procurement practices being utilized by the Department of the Navy in awarding contracts for spare parts for the Mark–12 20-millimeter aircraft cannon.

The General Accounting Office, on July 1 will begin a Defense-wide investigation of so-called "sole source" procurements as the result of the GAO's investigation of Mark–12 gunpart contracts. These sole source procurements—contracts awarded specific firms who are regarded by the Defense agencies as the sole producers of certain parts and equipment—account for $5 billion worth of defense spending annually.

Sole source procurements presuppose noncompetition. Undoubtedly the Navy was stunned early this year to learn that the 1968 "sole source" supplier of the

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Mark–12 breechblock lock now has encountered competition from 11 other prospective suppliers in a competitive procurement. And competitive bidding cut the cost of the breechblock lock to less than one-third the price paid last year.

Congressman MOORHEAD's discoveries regarding the fantastic cost escalation of the C–5A transport underscore the critical need for vastly improved spending controls within the Defense agencies. I include the Mankiewicz-Braden column in the RECORD at this point because I believe every Member of the Congress is concerned about the continuing series of revelations regarding waste in defense spending.

[From the Allentown (Pa.) Evening Chronicle, May 6, 1969]

PENTAGON IN DEEP TROUBLE IN C–5A CONTRACT

(By Frank Mankiewicz and Tom Braden)

WASHINGTON.—A memo by Defense Secretary Melvin Laird and an exasperated speech by Sen. Harry Byrd, Jr., to point up the mounting crisis facing the Pentagon.

Both involve the major scandal unearthed this week by Rep. William Moorhead, D–Pa., concerning the Air Force's huge C–5A transport. The contract will cost some $2 billion more than estimated, and the Air Force, it seems, covered this up for more than two years, at least in part over concern for the financial position of Lockheed Aircraft, the prime contractor.

In March, Laird sent a memo to his top assistants.

"I am increasingly concerned," he wrote, "about the allusions in the press and elsewhere to 'runaway' costs on such key or major programs as the C–5A." He asked which studies and reviews were under way on program costs. He also asked, significantly, "What can and-or should be said publicly about these costs?" And finally, "What sorts of actions on DOD's (Defense's) part can be taken to thwart or ameliorate the continuing adverse commentary on program costs and suspect technical effectiveness."

At the time he wrote the memo, Laird must have known the fantastic cost overrun had been apparent for two years and that Air Force reports had been changed to conceal this fact for more than one year. The cost, in fact, had gone from $2.9 billion to over 5.2 billion, with the end not in sight.

Sen. Byrd took another tack. "The entire military establishment," he said, "has the responsibility to handle tax funds as a public trust—and drive hard bargains with the manufacturers."

It is, alas, an empty wish, as Sen. Byrd, perhaps the Senate's leading advocate of both economy in government and defense preparedness, must know. The unfortunate fact, as the C–5A flap and others reveal most clearly, is that the Pentagon cannot drive hard bargains with the manufacturers—it is the manufacturers who drive the hard bargains.

For example, an assistant secretary of the Air Force wrote his chief on March 15, 1967, expressing concern that Lockheed's trouble with the C–5A might damage its standing in the financial community. Lockheed was about to issue $125 million of convertible debentures. People might think, he said, that the C–5A contract was "in serious trouble," since by this time the Air Force had sent Lockheed a "cure notice," a device by which the Pentagon hints that a contract may even be terminated if deficiencies are not corrected.

This is, in fact, precisely what is meant by "the military-industrial complex." It is a complex in which buyers and sellers move easily back and forth across the lines, in which each is intimately involved in the financial and public relations welfare of the other and in which arms-length bargaining is quite impossible.

Rep. Otis Pike, D-N.Y., has also been doing some digging. The contract with Lockheed for the ill-starred Cheyenne helicopter, he says, was entered into by the Army at a time when the assistant secretary of the Army for research and development was a former vice president of Lockheed—who has since returned to the corporation. That contract, for 375 helicopters, had an original cost estimate of less than $1 million per helicopter. The cost is now estimated at more than $2.8 million each, and a spare-parts contract has yet to be negotiated.

It is a bad season for the men who now will try to cap these triumphs with an ABM system. No one here has ever talked about a "Labor Department-poor complex" or an "Agriculture Department-hungry complex" or, for that matter, a "HEW-dependent child complex" for a very good reason: they do not exist. In those areas, as is right and proper, bargains are hard and dollars are watched. But if you are a defense manufacturer and you run over a few billion dollars, or the thing won't work, your friends will cover up and the extra cost can be added to the next contract. Elsewhere in the federal budget the law is a terrible, swift sword.

PARENT POWER—AN AMERICAN TRADITION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. RARICK. Mr. Speaker, once again some of the American people, asserting themselves at the polls in a typically American manner, have eliminated what they regarded as a threat to the safety and well-being of their children. By a landslide vote they replaced two school board members who were obviously not representing them to their satisfaction. In their places they elected two men who campaigned for the wishes of the great majority of the electorate.

The lesson is plain—that the American people will not be perpetually conned into school policies, whether it be in the guise of "balance," of "sex education," or any other do-gooder gimmick, which they know to be dangerous to their children.

I insert a clipping from Time magazine for May 30, 1969, as follows:

INTEGRATION—THE DREAM IS OVER

Because they regard the city as an ideal mirror of U.S. tastes, dozens of companies use Denver to test-market new products. If the same holds true of racial attitudes, then a key election in Denver last week suggests that Americans oppose school integration (at least via bussing) by 2½ to one.

The vast majority of Denver's elementary schools are *de facto* segregated. Almost two-thirds of the white pupils attend schools that are more than 85% white; in predominantly black schools, the pupils are rapidly falling behind in their studies. Goaded by the murder of Martin Luther King last year, the Denver school board sought a drastic remedy: make each Denver school reflect the overall ethnic composition of the city's 96,000 pupils—65% white, 20% Mexican-American and 15% Negro.

By a vote of 5 to 2, the board approved a bussing plan, due to start next fall, that would have sent more than 500 whites to predominantly black schools and guaranteed, that no minority-area school would be less than 70% white. The plan was less than satisfactory to the Rev. Jesse R. Wagner, co-chairman of a black-white group called Citizens for One Community that wanted fuller integration. Still, he worked hard for the bussing scheme—in contrast to Denver's black separatists, who told Wagner, in effect: "Do your things and you'll see."

What he and other Negro integrationists saw was a strong backlash by anti-bussing whites. Last week the whites got a chance to express their feelings when a record 50% of Denvers registered voters turned out for the schoolboard election. At issue were two six-year seats on the seven-member board. In seeking those seats, Lawyer James C. Perrill and Frank K. Southworth, a real estate man, ran primarily "against forced bussing and for neighborhood schools." They won by a landslide, switching the board majority to 4 to 3 against integration.

In Negro precincts, the pro-integration vote ran as high as 10 to 1; the heaviest vote against it came from white precincts that were totally unaffected by bussing now but fearful of it in the future. As a result, bussing is highly unlikely in Denver. Said Jesse Wagner: "The dream is over. The white majority is not willing to take on the commitment and make our country one."

SENATE—*Thursday, May 29, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, Father of our spirits, we give Thee thanks for the blessed memories and enduring hopes which bind us to the unseen world of the heroic dead who encompass us now like a cloud of witnesses. We thank Thee for all who have nobly lived, bravely died, and kept the faith. May we who have entered into the heritage of their heroism and self-sacrifice so honor their memory and so preserve and further their high purposes that the Nation they served may stand evermore for righteousness and peace.

We remember before Thee all whom war has left weakened in body, mind, and spirit and pray that they may live brave, cheerful, and useful lives amid grateful regard and deserved honor.

Bless the work of the peacemakers and by Thy grace put down the pride and anger that turn man against man and nation against nation, so that Thy kingdom may come and Thy will be done on earth.

In the name of the Prince of Peace. Amen.

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THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 27, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

FOREIGN AID—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 91-122)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, received on May 28, 1969, under authority of the order of the Senate of May 27, 1969, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Americans have for many years debated the issues of foreign aid largely in terms of our own national self-interest.

Certainly our efforts to help nations feed millions of their poor help avert violence and upheaval that would be dangerous to peace.

Certainly our military assistance to allies helps maintain a world in which we ourselves are more secure.

Certainly our economic aid to developing nations helps develop our own potential markets overseas.

And certainly our technical assistance puts down roots of respect and friendship for the United States in the court of world opinion.

These are all sound, practical reasons for our foreign aid programs.

But they do not do justice to our fundamental character and purpose. There is a moral quality in this Nation that will not permit us to close our eyes to the want in this world, or to remain indifferent when the freedom and security of others are in danger.

We should not be self-conscious about this. Our record of generosity and concern for our fellow men, expressed in concrete terms unparalleled in the world's history, has helped make the American experience unique. We have shown the world that a great nation must also be a good nation. We are doing what is right to do.

A FRESH APPROACH

This administration has intensively examined our programs of foreign aid. We have measured them against the goals of our policy and the goad of our conscience. Our review is continuing, but we have come to this central conclusion:

U.S. assistance is essential to express and achieve our national goals in the international community—a world order of peace and justice.

But no single government, no matter how wealthy or well-intentioned, can by itself hope to cope with the challenge of raising the standard of living of two-thirds of the world's people. This reality must not cause us to retreat into helpless, sullen isolation. On the contrary, this reality must cause us to redirect our efforts in four main ways:

We must enlist the energies of private enterprise, here and abroad, in the cause of economic development. We must do so by stimulating additional investment through businesslike channels, rather than offering ringing exhortations.

We must emphasize innovative technical assistance, to ensure that our dollars for all forms of aid go further, and to plant the seeds that will enable other nations to grow their own capabilities for the future.

We must induce other advanced nations to join in bearing their fair share—by contributing jointly to multilateral banks and the United Nations, by consultation and by the force of our example, and by effective coordination of national and multilateral programs in individual countries.

We must build on recent successes in furthering food production and family planning.

To accomplish these goals, this Administration's foreign aid proposals will be submitted to the Congress today. In essence, these are the new approaches:

1. ENLISTING PRIVATE ENTERPRISE

I propose the establishment of the Overseas Private Investment Corporation.

The purpose of the Corporation is to provide businesslike management of investment incentives now in our laws so as to contribute to the economic and social progress of developing nations.

The majority of the Board of Directors, including its President, will be drawn from private life and have business experience.

Venture capital seeks profit not adventure. To guide this capital to higher-risk areas, the Federal Government presently offers a system of insurance and guaranties. Like the Federal Housing Administration in the housing field here at home, the Overseas Private Investment Corporation will be able to place the credit of the United States Government behind the insurance and guaranties which the Corporation would sell to U.S. private investors.

The Corporation will also have a small direct lending program for private developmental projects. It will carry out investment survey and development activities. And it will undertake for A.I.D. some of the technical assistance required to strengthen private enterprise abroad. The financial performance of OPIC will be measurable: It is expected to break even or to show a small profit.

The Overseas Private Investment Corporation will give new direction to U.S. private investment abroad. As such, it will provide new focus to our foreign assistance effort.

Simultaneously, I propose a mandate for the Agency for International Development to direct a growing part of its capital, technical and advisory assistance to improving opportunities for local private enterprise in developing countries—on farms as well as in commerce and industry.

We do not insist that developing countries imitate the American system. Each nation must fashion its own institutions to its own needs. But progress has been greatest where governments have encouraged private enterprise, released bureaucratic controls, stimulated competition and allowed maximum opportunity for individual initiative. A.I.D.'s mandate will be directed to this end.

2. EXPANDING TECHNICAL ASSISTANCE

I propose a strong new emphasis on technical assistance.

Over one-fifth of the funds requested for fiscal year 1970 are for technical assistance activities. Imaginative use of these funds at the points where change is beginning can have a gradual but pervasive impact on the economic growth of developing nations. It can make our dollars for all forms of aid go further.

Technical assistance takes many forms. It includes the adaptation of U.S. technical knowledge to the special needs of poor countries, the training of their people in modern skills, and the strengthening of institutions which will have lives and influence of their own. The main emphases of technical assistance must be in agriculture, education, and in family planning. But needs must also be met in health, public administration, community action, public safety, and other areas. In all of these fields, our aim must be to raise the quality of our advisory, training and research services.

Technical assistance is an important way for private U.S. organizations to participate in development. U.S. technical assistance personnel serving abroad must increasingly come from private firms, universities and colleges, and nonprofit service groups. We will seek to expand this broad use of the best of our American talent.

A.I.D. is preparing plans to reorganize and revitalize U.S. technical assistance activities. A new Technical Assistance Bureau headed by an Assistant Administrator will be created within A.I.D. to focus on technical assistance needs and ensure effective administration of these activities. The bureau will devise new techniques, evaluate effectiveness of programs, and seek out the best qualified people in our universities and other private groups.

To make it possible to carry through these plans most effectively, I am requesting a two-year funding authorization for this part of the A.I.D. program.

3. SHARING THE ASSISTANCE EFFORT

I propose that we channel more of our assistance in ways that encourage other advanced nations to fairly share the burden of international development.

This can be done by:

- —Increasing jointly our contributions to international development banks.
- —Increasing jointly our contributions to the United Nations technical assistance program.
- —Acting in concert with other advanced countries to share the cost of aid to individual developing countries.

Most development assistance—from other advanced nations as well as the United States—is provided directly from one country to another. That is understandable. Such bilateral programs provide assistance in accordance with each country's own standards, make the source more visible to the recipient's people and can reflect historical political ties.

But assistance through international

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development banks and the United Nations is approaching a fifth of total world-wide aid for development and should be expanded. Multilateral programs cushion political frictions between donors and recipients and bring the experience of many nations to bear on the development problems. Moreover, they explicitly require shared contributions among the advanced nations. This calls for funds in addition to those which I am proposing today.

I appreciate the prompt response by the Congress to my earlier proposal authorizing the United States to join with others in the second replenishment of the International Development Association. I urge early passage of appropriations for this contribution so that we may meet our pledge.

I reaffirm my request for appropriations in Fiscal 1970 of $20 million for the ordinary capital of the Asian Development Bank, and $300 million for our scheduled contribution to the Fund for Special Operations of the Inter-American Development Bank.

In separate legislation I will submit a new proposal for a U.S. contribution of $25 million to the Special Fund of the Asian Development Bank in FY 1970. I am convinced that a fairly-shared Special Fund, to enable the Bank to provide concessional financing for priority needs, is a necessary supplement to the Bank's ordinary lending facilities. The United States should join with other donor countries in establishing this Special Fund, and strengthen the Bank so that it can better deal with Asia's current development problems and future needs.

The United States will consult with the management of the African Development Bank and with other potential donors, to identify the most appropriate way we can support the objectives of African development and assist in meeting the needs of that continent.

Today's proposed legislation includes a 43 per cent increase in the U.S. contribution to multilateral technical assistance through the United Nations Development Program. Our contribution will be on the same sharing basis as in the past.

4. FURTHERING FOOD PRODUCTION AND FAMILY PLANNING

This Administration, while moving in the new directions I have outlined, will apply the lessons of experience in our foreign aid programs.

One basic lesson is the critical importance of releasing the brakes on development caused by low agricultural productivity. A few years ago, mass starvation within a decade seemed clearly possible in many poor nations. Today they stand at least on the threshold of a dramatic breakthrough in food production. The combination of the new "miracle" seeds for wheat and rice, aid-financed fertilizer, improved cultivation practices, and constructive agricultural policies shows what is possible. They also demonstrate the potential for success when foreign aid, foreign private investment and domestic resources in developing countries join together in a concerted attack on poverty.

The experience of this decade has also shown that lower rates of population growth can be critical for speeding up economic development and social progress. An increasing number of countries have adopted national family planning programs to attack the problem. At least another decade of sustained hard work will be needed if we are to win the battle between economic development and population. But our assistance to voluntary family planning programs and support for the work of the United Nations and other international organizations in this field must continue to have high priority, as will our support of efforts to increase food production.

Another important lesson is that our aid programs need better means of continuous management inspection. We are creating a new position of Auditor-General in the Agency for International Development. His job will be to make sure that A.I.D.'s funds are used for their intended purpose and that A.I.D.'s operations are managed as tightly and efficiently as possible. He will report directly to the A.I.D. Administrator.

LEGISLATIVE AND BUDGET REQUESTS

The proposed legislation revises that part of the present Foreign Assistance Act which deals with economic aid, to reflect the priorities of this Administration. The proposals are designed to accomplish the following:

—Create the Overseas Private Investment Corporation and authorize its programs for an initial five years.

—Strengthen A.I.D.'s mandate to use official aid to stimulate private initiative in development.

—Expand the role of technical assistance under consolidated legislation and a two-year authorization.

The proposed budget includes new appropriation of $2,210 million for A.I.D., $138 million below the January budget request of the previous Administration. In addition, the budget includes $75 million to augment existing reserves for guaranties to be issued by the proposed Overseas Private Investment Corporation.

The appropriation request for economic assistance will support these regional programs:

—For Latin America, $605 million.

—For the Near East and South Asia, $625 million.

—For Africa, $186 million.

—For East Asia, $234 million.

—And for Vietnam, $440 million.

In order to protect the U.S. balance of payments at the same time we are providing assistance abroad, goods and services will be purchased in the United States wherever practicable. Over 90 percent of all A.I.D. expenditures and virtually all purchases of goods will be made in the United States. The remaining funds that are spent abroad are mainly for living expenses of U.S. personnel and for other local expenditures in support of technical assistance programs.

For military assistance, the proposed budget includes $375 million, the same as in the January budget. Maintenance of a climate of international security still calls for military strength sufficient to deter aggression. Seventy-seven percent of the total amount available for the military assistance program will be allocated to four of our long-standing allies—Korea, the Republic of China, Turkey and Greece. The balance of the request will be used to provide modest amounts of training and equipment to 44 other countries where our security and foreign policy interests are partially met by this form of assistance. We are negotiating a renewal of our base agreement with Spain. If these negotiations succeed, we shall then need to request an amendment to this authorization asking for additional funds to cover our year's needs for Spain.

The United States will continue to provide military assistance from the U.S. Armed Services budget to Vietnam, Laos and Thailand.

I am also asking in separate legislation for $275 million for credit necessary to facilitate the purchase of essential military equipment by countries now able to buy all or a growing part of their defense requirements. These funds will be returned to the United States during the next few years as the purchasing countries meet their repayment obligations.

PLANNING FOR THE 1970'S

I believe these proposals for fiscal year 1970 are sound—and necessary to make clearly desirable improvements in our foreign aid program.

But we need to learn more about the role which foreign assistance can play in the development process, and the relationship between development and overall U.S. foreign policy.

I am therefore establishing a task force of private citizens to make a comprehensive review of the entire range of U.S. aid activities, to consider proposals of the United Nations bodies and international commissions, and to help me determine what our national policies should be toward the developing countries in the decade of the 1970's. I will look to the task force's report in developing the program next year, in my response to the Javits Amendment to the Foreign Assistance Act, and in considering the recommendations of the internationally-sponsored Pearson Commission report to be published in the fall.

TOWARD A WORLD OF ORDER

Foreign aid cannot be viewed in isolation. That is a statement with a double meaning, each side of which is true.

If we turn inward, if we adopt an attitude of letting the underdeveloped nations shift for themselves, we would soon see them shift away from the values so necessary to international stability. Moreover, we would lose the traditional concern for humanity which is so vital a part of the American spirit.

In another sense, foreign aid must be viewed as an integral part of our overall effort to achieve a world order of peace and justice. That order combines our sense of responsibility for helping those determined to defend their freedom; our sensible understanding of the mutual benefits that flow from cooperation between nations; and our sensitivity to the desires of our fellow men to improve their lot in the world.

In this time of stringent budgetary restraint, we must stimulate private investment and the cooperation of other governments to share with us in meeting

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the most urgent needs of those just beginning to climb the economic ladder. And we must continue to minimize the immediate impact on our balance of payments.

This request for foreign economic and military assistance is the lowest proposed since the program began. But it is about 900 million dollars more than was appropriated last year. I consider it necessary to meet essential requirements now, and to maintain a base for future action.

The support by the Congress of these programs will help enable us to press forward in new ways toward the building of respect for the United States, security for our people and dignity for human beings in every corner of the globe.

RICHARD NIXON.

THE WHITE HOUSE, *May 28, 1969.*

REPORT OF THE OFFICE OF ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT (H. DOC. NO. 91-128)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States received on May 28, 1969, under authority of the order of the Senate of May 27, 1969, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am transmitting herewith the fourth annual report of the Office of Economic Opportunity, covering that office's activities during Fiscal Year 1968.

RICHARD NIXON.

THE WHITE HOUSE, *May 28, 1969.*

REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States received on May 28, 1969, under authority of the order of the Senate of May 27, 1969, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

I am pleased to transmit to you the Annual Report of the Railroad Retirement Board for fiscal year 1968. During that year, retirement and survivor benefit payments totaled $1,403 million and were paid to over one million beneficiaries. Unemployment and sickness benefits provided by the Railroad Unemployment Insurance Act amounted to $76 million and were paid to almost 300,000 beneficiaries. I commend this report to your attention.

RICHARD NIXON.

THE WHITE HOUSE, *May 28, 1969.*

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—NOMINATIONS

Under authority of the order of the Senate of May 27, 1969, the Secretary of the Senate, on May 28, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on May 28, 1969, see the end of proceedings of today, March 7, 1969.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 27, 1969, the Secretary of the Senate on May 28, 1969, received a message from the House of Representatives which announced that the House had agreed to the amendments of the Senate to the amendments of the House to the bill (S. 408) to modify eligibility requirements governing the grant of assistance in acquiring specially adapted housing to include loss or loss of use of a lower extremity and other service-connected neurological or orthopedic disability which impairs locomotion to the extent that a wheelchair is regularly required.

PROPOSED LEGISLATION TO REVISE THE LAWS RELATING TO POST OFFICES AND POST ROADS AND FOR OTHER PURPOSES

Under authority of the order of the Senate of May 27, 1969, the Secretary of the Senate, on May 28, 1969, received a communication from the President of the United States, transmitting a draft of proposed legislation to revise the laws relating to post offices and post roads and for other purposes which, with the accompanying papers, was referred to the Committee on Post Office and Civil Service.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes;

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 11612. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 278. An act to consent to the New Hampshire-Vermont Interstate School Compact; and

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes; to the Committee on the Judiciary.

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes; and

H.R. 11612. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JUNE 2, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business this afternoon, it stand in adjournment until 12 o'clock noon on Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

AUTHORITY TO RECEIVE MESSAGES AND FILE REPORTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate from today until noon on Monday next, all committees be authorized to file their reports, including any minority, individual, or additional views; that during the same period, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives, and that they may be appropriately referred.

The VICE PRESIDENT. Without objection, it is so ordered.

MILITARY DICTATORSHIP IN SAIGON

Mr. YOUNG of Ohio. Mr. President, it is startling to read in the Washington Post of May 29, 1969, that Truong Dinh Dzu, who ran second to Thieu in the September 1967 elections in Saigon, is still serving time in jail at hard labor. We remember that President Johnson proudly asserted "one man, one vote" as the principle to be followed by the rulers of the Saigon government, which we were and still are supporting with our Armed Forces.

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In that election, Truong Dinh Dzu, the peace candidate, ran second of some seven candidates. The ticket headed by Thieu and Ky received but 34 percent of the vote. We now know that this election was rigged. We know that Thieu and Ky denied the right to vote to many thousands of men and women they termed neutralists. They denied the right to vote to all men and women they termed Communists. They denied a place on the presidential ticket to "Big Minh" the popular former President of South Vietnam. His civilian government was overthrown by the midnight coup in June 1965 led by 10 generals, nine of whom, including Thieu and Air Marshal Ky, were born in North Vietnam; and these men, including Ky, fought along with the French Armed Forces against their fellow countrymen seeking national liberation. They arrested Big Minh, and he was exiled to Thailand. Fearing his popularity, they barred him from becoming a candidate in the 1967 election.

The regime in Saigon is a military dictatorship maintained in office by our Armed Forces and CIA, and despised by 80 percent of the people of South Vietnam. It is notoriously corrupt. Freedom of speech is suppressed. The number of political prisoners languishing in Saigon jails is unknown, but is certainly in the thousands. It includes many of South Vietnam's leading intellectuals, religious leaders, lawyers, students, newspaper editors, and anyone who has dared to advocate measures to end the war. The militarist leaders of the Saigon government represent an old and vanished order. It is a certainty that they will be ousted the moment the South Vietnamese people again regain control of their own affairs.

We Americans support a militarist dictatorial government in South Vietnam where the runner-up for president lands in jail. Truong Dinh Dzu advocated negotiations with leaders of the National Liberation Front of South Vietnam to form a coalition government in Saigon. For this "crime" he was arrested. After a trial of 5 hours, he was immediately found guilty by the military judges and sentenced to 5 years at hard labor in an island prison. Now "generous" leaders of the Saigon government our GI's are maintaining in power have transferred him from that island prison to the Saigon jail as he had suffered a severe heart attack and no doctor was available there to treat a prisoner seriously ill with heart disease.

Mr. President, I ask unanimous consent that the news item in the Washington Post referring to this matter be printed in the Record at this point.

There being no objection, the news item was ordered to be printed in the Record, as follows:

Vietnam Peace Candidate Dzu To Be Moved From Island Jail

Saigon, May 28.—Truong Dinh Dzu, runner-up to President Thieu in the 1967 elections, is being transferred from an island prison to Saigon for treatment for a heart disease, a government spokesman said today.

Dzu was sentenced to five years at hard labor in July, 1968, for advocating negotiations with the National Liberation Front. Five months later, Saigon's representatives at Paris entered into the peace talks with NLF delegates, but Dzu remained confined on Conson, 65 miles off the southeast coast of Vietnam.

The spokesman, questioned on this today, replied that Dzu had proposed recognition of the NLF and "we would never recognize the NLF."

The spokesman told newsmen Dzu's transfer had been requested by the prison doctor and approved by Prime Minister Tan Van Huong. He said Dzu will be flown from Conson to Chihoa jail in Saigon as soon as a plane is available.

U.S. officials are believed to have been pressing Thieu's government to release Dzu, whose imprisonment has been the subject of criticism in Saigon and abroad.

South Vietnamese sources connected Dzu's removal from his island prison with the impending arrival of an American delegation of religious figures and civil libertarians to investigate political and religious prisoners here.

This group, the U.S. Study Team on Religious and Political Freedom in Vietnam, is scheduled to arrive on Thursday, and already has indicated an interest in Dzu's case.

THE STORY BEHIND THE PERU SITUATION

Mr. CHURCH. Mr. President, international problems, as a rule, do not flare into the newspaper headlines until they reach the point of severe crisis. When this happens, reporting naturally focuses on the immediate drama, and less attention is given to essential background information, to the history of the problem, and to its root causes.

This, however, is not the case with the current crisis in our relations with Peru, thanks to a timely and penetrating article by Richard N. Goodwin, which appeared in the May 17 issue of the New Yorker magazine. I commend it to all of my colleagues as a comprehensive review of how the present crisis developed between the American and Peruvian Governments.

Mr. Goodwin finds errors of judgment on both sides of the question, but—more than most interpreters—he has tried to understand the Peruvian viewpoint. This was expressed to him by a prominent newspaper editor, Don Luis Miro Quesada, who said:

> I am a nationalist. That doesn't mean I am against other countries, but I am for my own country. There is nothing wrong with that.

Mr. Goodwin concentrates on the troubled relationship that existed between the American-owned International Petroleum Co. and Peru's volatile political climate, prior to last year's military takeover and the company's seizure.

Now the principal difficulty, of course, involves the Hickenlooper amendment to the U.S. Foreign Assistance Act. As Mr. Goodwin observes:

> The amendment gives the President no power he did not already have to cut off or suspend aid. It does, however, strip him of flexibility.

I ask unanimous consent, Mr. President, to have this important article printed in its entirety at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Letter From Peru

Early in the morning of October 3, 1968, the armed forces of Peru overthrew that country's government. Six days later, a thousand troops of the New Revolutionary Government seized the oil complex surrounding the northern city of Talara. Within a few months, the junta had taken over that complex and all other assets of the International Petroleum Company (or I.P.C.), a wholly owned subsidiary of Standard Oil of New Jersey The United States government now has until early August to decide whether to reply with economic sanctions that might seriously undermine the Peruvian economy in an effort to force the junta to pay for what it has seized. "We told them we would apply sanctions if they took I.P.C.," explains a high U.S. official in Peru. "Now the deterrent has failed. Our credibility is involved, and if we don't do what we said, it might have harmful consequences, and nationalist forces might start after other companies. On the other hand, if we do act, our relations with Peru will deteriorate. It could strengthen nationalist forces and jeopardize other American interests." Far less ambivalently, another U.S. official complains, "The trouble with American business is they don't stick together. That's what happened in Cuba, and they all went down one by one." Yet the government of Peru is made up of officers who have defeated two Communist guerrilla movements, and they have pledged that they will not nationalize any other foreign company. The Foreign Minister, General Edgaro Mercado Jarrin, a lean, intense officer trained in U.S. military schools, whose friendship for the United States is matched by his hatred of Communism, explains, "We are not acting against the people of the United States. We are not acting against the government of the United States. We are not acting against any other company. Just a single company, which has claimed sovereignty over the soil, refused to pay taxes, corrupted government, and acted as a law unto itself. If you apply sanctions, the people will be uncontrollable. Anything could happen, and not only against America but against all the structures. We will fight against it, but I do not know if we can really stop it."

It is helpful to understand how small and poor a country now awaits, with growing apprehension, the outcome of its clash with the dominant power of the Western Hemisphere. Sprawled along the western coast of South America, Peru can be roughly pictured as an upright rectangle about twelve hundred miles high and eight hundred miles at its widest point, similar in shape to California, although about three times as large. It is not one country but three. Nature has divided this rectangle from top to bottom, or north to south, into three distinct and unequal segments. Along the coast is a narrow ribbon of desert, broken by fifty small rivers on their way from the Andes to the sea. To the east, the desert yields to the great sierra, seat of the Inca Empire, a land of deep valleys and high plateaus bounded by the two great ranges of the Andes. And on the other side of the Andes turbulent rivers rush toward a huge and almost empty land of dense tropical forest—the westernmost demesne of the Amazon, whose jungle basin, stretching from Peru across Brazil, covers an area almost as large as the United States. Peru has a population of about twelve million—a few more than that of New York City's metropolitan area. About a third of the Peruvians are Andean Indians who live outside the national economy and society and many of whom speak only their ancient Indian languages. Peru is one of Latin America's poorer countries. The average yearly income is about two hundred and eighty dollars per person, and the total national production is worth approximately four billion dollars; that makes the nation of Peru a little more than a fourth as productive as

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Standard Oil of New Jersey, whose total revenues last year were more than fourteen billion dollars.

In 1914, Robert Lansing, then Counselor for the Department of State and soon to be Wilson's Secretary of State, worrying about the possibility that European powers might undermine the Monroe Doctrine through economic imperialism, wrote, "A . . . power whose subjects own the public debt of an American state and have invested there large amounts of capital may control the government of the state as completely as if it had acquired sovereign rights over the territory through occupation, conquest, or concession." Today, in Peru, United States interests own, *inter alia*, nearly all of the copper, probably the country's most valuable natural resource; about a quarter of the sugar and fishing industries; nearly all of the shipping; much of the oil; the telephone company; and many of the major retail establishments, including Sears, Roebuck and Coca-Cola—although the more popular Inca Cola is owned by a Peruvian family. Moreover, Peru is almost totally dependent on the American government and private banks for the refinancing of its large external debt and for the funds necessary to expand its mining.

The present Peruvian government is ready to admit the self-evident—that Peru cannot develop without the continued infusion of private capital from the United States. Still, the sheer weight of the American presence undoubtedly heightens Peruvian sensitivity to our every act and proclamation. "We want to be friends and we want American investment," the head of one of Peru's oldest and most powerful families told me. "But we cannot have *'paternalismo.'* You are big enough to be the father, but we are too old to be a son."[1]

Peru is no banana republic carved from the wilderness by Spanish conquerors. The road from Lima to the oil fields passes only a hundred miles from the plaza at Cajamarca, where, on the evening of November 16, 1532, Pizarro the Conqueror ambushed and captured the chief of the Incas and in a single stroke destroyed the power of the vast Inca civilization, whose roots reached back into still older societies that were building temples and organizing society in the eighth century B.C.

After four hundred years of Westernization, of foreign aid and private investment, of the Good Neighbor Policy and the Alliance for Progress, Peru is far less developed in many respects than it was during the Inca rule. Today, there are rocks and brush where an efficient net of roads once united an empire; desert has reclaimed large stretches of land that were once fruitfully irrigated; and the sierra is populated by the scattered and impoverished descendants of a civilization that was highly organized for productivity and common action. The sense of this great past, the mingled blood of conquered and their heroic conquerors, is a source of strengthening pride for the educated Peruvians. Long before American blacks discovered the need for black studies, Peruvians had turned to their Indian past to help them heighten and assert their dignity.

From this past derives another experience that helps illuminate the intensities of feeling behind the present dispute. The history of Peru is, in large measure, the history of the soil and its riches. For centuries the Indians mined and worked the gold that lured their conquerors to Peru. In 1534, a poster in Lyons announced an exhibition of "much inestimable wealth of gold and silver and precious stones found in that province and brought here from that country." The Peruvians' economy has nearly always rested on mineral wealth—gold and silver, copper and nitrates, pitch and oil—although in recent years they have also uncovered the riches that lie beneath the seas in the great fishing grounds of the Humboldt Current. Much of this wealth is still untouched. The copper companies plan a six-hundred-million-dollar expansion of their mining facilities. The jungle lands east of the Andes are thought to conceal enormous and diverse riches. And the oil companies know that Peru contains one of the largest unexplored sedimentary beds in the world. The sense that minerals were the foundation of the state helps explain why under the Incas, the Spanish, and under the Republic of Peru, the state alone could own the Peruvian subsoil and what it contained. Individuals and private companies could secure the right to explore and often received sweeping concessions to mine and refine, and to profit from sales and commerce. But in Peru, as in most of Latin America, no private person could own the subsoil rights. To this traditional law, for almost a century and a half, there was one exception: the La Brea y Pariñas oil field of Standard Oil of New Jersey. That exception has now been ended by the Revolutionary Government of Peru.

Now the United States must decide whether to retaliate by invoking the Hickenlooper Amendment to the Foreign Assistance Act, which directs the President to cut off all foreign aid to any country that expropriates a United States company without taking "appropriate steps" toward "speedy compensation" within six months. The amendment was enacted in 1962 over the opposition of the Kennedy Administration and has never been applied in Latin America. The original deadline was April 9th, six months after the seizure of Talara. But as that date approached without progress toward settlement, the Nixon Administration averted a clash by deciding that Peru's willingness to permit I.P.C. an administrative appeal constituted "appropriate steps" within the meaning of the Hickenlooper Amendment. Thus, the new deadline for decision is early August, when the appeal will be decided not by the courts but by Peruvian administrators, and ultimately by the President of Peru.

The Peruvian government freely admits the company's right to compensation for its seized assets, and has offered to pay a fair amount as soon as the company pays its own alleged debt to Peru. However, this claim of debt—which is the subject of the I.P.C. appeal—is based on the theory that the company had been operating the La Brea field illegally for forty-four years and therefore owes Peru the value of everything produced by that field, which amounts to a good deal more than the value of the assets. Thus, in fact, I.P.C. would get nothing. Imposition of the Hickenlooper Amendment and allied legislation would have serious and perhaps crippling consequences for the entire Peruvian economy. Formally, it would cut off aid and halt United States purchases of Peruvian sugar, which are a major source of foreign exchange. In practice, it would dry up American financing, public and private, of badly needed industrial expansion as well as the refinancing of present debts. An Inter-American Bank expert has estimated that the amendment could cost Peru a hundred and eighty million dollars in a year—an amount roughly equivalent to all of the country's financial reserves and about two-thirds as much as the total aid Peru has received since the Alliance for Progress began, in 1961.

Almost inevitably, such Draconian strokes would provoke some form of economic retaliation, perhaps against other American companies, and bright young colonels of the Presidential staff are preparing contingency plans to halt the flight of foreign currency and assets. Even more serious are the potential political consequences. The justice of the seizure is probably the only conviction that unites the historically divided and fragmented parties and classes of Peru. Peace Corps volunteers report that for the first time they hear hostile mutterings about the "gringos" as they walk through the streets of Lima slums or ride the rickety buses of the poor. Applying the Hickenlooper Amendment "would probably increase nationalistic and anti-American feeling," says the American Ambassador, John Wesley Jones. "Blood will flow in the streets," gloomily predicts President Juan Velasco Alvarado. "Peru could become another Cuba," says a high official of the exiled civilian government. Apocalyptic prophecies about Latin America are usually wrong. Still, there is little doubt that application of Hickenlooper would damage our relationships with Peru and with other countries of Latin America. Beyond that, the outcome is highly speculative, but the risks are there. And for President Nixon the choice must have especially ironic overtones. It was in Peru, in May, 1958, that angry, shouting crowds transformed Vice-President Nixon's good-will tour into a dramatic display of rising anti-Americanism that shocked the United States and became one of John F. Kennedy's campaign issues in 1960. When I tried to explain to a Peruvian official that the new Administration had just taken office and probably needed time to study the dispute, he replied unsmilingly, "That's not necessary. Mr. Nixon is very well informed about Peru." In 1958, Mr. Nixon was only a symbol. Now, as President, he faces a decision that could well bring the same mobs into the same streets, shouting his name again.

Over the years, few nations have been friendlier to American investment than Peru, and the present government proclaims its intention to continue that friendship. Why, then, did a government that is fundamentally pro-American and anti-Communist seize this company at this time? "In my six years," Ambassador Jones says, "the company has been totally generous and reasonable in trying to reach a settlement with Peru." "If you want to know what I think," another American told me, "Velasco just saw this was a good nationalistic issue and grabbed it to stay in power." On February 6, 1969, President Velasco himself declared, "The case of the International Petroleum Company is the problem of a company that has transgressed and offended our laws, usurped our rights by using all available means, and one that is determined to create conflict between two friendly governments. The case of the International Petroleum Company is unique. It is a singular case." The Foreign Minister, General Mercado, asks, "How can you apply the amendment on behalf of a company that is so bad?" And then, in the soft tones of submerged fury, he said, "The story of I.P.C., is a black chapter in the history of my country."

The story starts long before the International Petroleum Company came to Peru, and long before men knew of petroleum and the riches it would bring. Some six hundred years ago, a group of pre-Inca Indians in the remote northern reaches of Peru discovered at the foot of the Amotape Mountains, about thirteen miles from the Pacific, a cluster of small pools filled with a dark, heavy liquid that seemed to ooze mysteriously from the center of the earth. They skimmed the oil from the surface and used it to line clay jars and to mummify the dead. After the Conquest, the Spanish dug trenches, and as the oil seeped into the excavations they combined boiling with natural evaporation to leave a thick, scummy black residue known as *brea,* or pitch. Transported down the coast, the pitch was used to caulk the hulls and tar the rigging of the Spanish fleet. During this period, the pitch mine, like all the mineral properties in Spanish America, remained the property of the crown, which granted often sweeping concessions to favored individuals and companies. In 1821, after declaring its independence of Spain, Peru reconfirmed the colonial mining ordinances, which provided that ownership of the subsoil rights to all minerals, and to other substances in the earth, belonged to the state. And in 1824 Bolivar drove the last Spanish troops from the country. Like revolutionaries before and since, Bolivar needed money to finance his struggle. One of those who helped him was Don José de Quintana.

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[1] Some cautions for the reader. Facts in Latin America, historical and otherwise, are often elusive. In some cases, the best one can do is make a reasoned judgment. In others, it is enough to show that uncertainty exists and that the evidence is not clearly and irrefutably in favor of one side or the other. It is also necessary to be aware that a sentence in an American publication can become a banner headline in Lima and an instrument of political purpose or of vengeance. Therefore, it is sometimes necessary to conceal the precise source of information and attitudes. In this exploration, I talked with the President and high officials of the present government, the President and supporters of the deposed government, the principal civilian allies of the military coup, and with the top officers of Standard Oil, its I.P.C. subsidiary, and the United States Embassy, along with many other concerned citizens of the United States and Peru. Where there is no name given, the individual has been judged well informed or a qualified representative of attitudes and convictions.

In 1826, to discharge its debt to de Quintana, the new Peruvian government deeded him the pitch mine at Amotape. The deed declares that the agents of the Peruvian government "abdicate, strip, and separate from the state which they represent all right, title, and dominion held by or appertaining to it over the said mine of 'pitch,' and they cede, renounce, and transfer the same to the purchaser." It is on the basis of this 1826 deed that successive owners have claimed a unique ownership of the subsoil rights, and for forty-five years the deed has been the legal basis of I.P.C.'s claim to title. Peru's denial of that title is the legal foundation of the claim against I.P.C., which is the principal issue of the current crisis. Peruvian experts argue that even if the deed did grant ownership to subsoil rights in the pitch mine—which they do not admit—it could not have included ownership of petroleum, a substance whose use and value were then unknown. However one interprets the deed itself, the history of this claim is entangled with the entire history of Peru and illuminates both the tenacity of its holders and the resistance of many Peruvians to an assertion of private dominion that they have found deeply offensive to their concept of national sovereignty. As Peru became more nationalistic and more sensitive about its independent sovereignty, that resistance increased.

By 1830, Don José de Lama had merged ownership of the mine—which he had acquired in 1827—with the huge estate on which it was situated, thus creating the property known from then on as La Brea y Pariñas.

Thirty-eight years later, only a decade after the world's first oil well was drilled in Pennsylvania, his daughter struck oil on the La Brea property. Shortly afterward, the Peruvian government took a new interest in this distant northern province. In the eighteen-seventies, Peru passed its first mining laws since independence. They required, *inter alia,* that all "owners of mining claims . . . of coal or petroleum . . . present their title . . . for revalidation" and registration within four months or the claims would be declared void. The laws also set up a new system of taxation. With some exceptions, all mines were to be divided into arbitrary sections of ten acres each, known as *pertenencias,* and a flat tax would be imposed on each *pertenencia.* The then owner of La Brea, Don Genaro Helguero, neither registered his title nor paid any tax, presumably on the ground that as the absolute owner of the subsoil rights he was immune from the new national mining legislation. However, in the next decade a British group became interested in buying the oil field, and we can reasonably conjecture that before making the purchase they wanted some official confirmation of Helguero's special rights and tax status other than the 1826 deed. In any event, Helguero, after a decade of indifference to the law, petitioned a local court for judicial confirmation of his title. What happened next is obscured by time and the baffling intricacy of nineteenth-century Peruvian bureaucracy. Although the judge said that Helguero was indeed the absolute owner of the subsoil, the decree of a local magistrate was clearly not enough protection. Therefore, in 1887, Helguero petitioned the Department of Mines of Peru to recognize that no tax or mining law could apply to his property, since it came to him by the "real and perpetual sale" of Bolivar's government. After the Department reported in his favor, a higher official, the Attorney General of the Supreme Court, found that "the government cannot and should not admit in the Republic rights over mines other than those stipulated by the law." There then followed a series of petitions and official decrees that registered the mining claims in Helguero's name and divided the entire property into ten *pertenencias* for purposes of taxation.

None of the official acts or decrees refers to Helguero as the absolute owner of subsoil rights, and, in fact, the final decree of 1888 calls him "the concession holder." Moreover, if he was the owner there was no need for him to register his claim or pay any tax at all, since those requirements of the mining law depended on the legal proposition that the state, as owner of the subsoil, was regulating the concessionaires. Later proprietors of La Brea have argued that Helguero accepted all these conditions because he was in a hurry to sell the property.

However, to the outside observer this episode would seem to provide the strongest legal argument against later claims to ownership of the subsoil, although it is hardly mentioned in the lengthy Peruvian accounts. It could be strongly argued, at least before an American court, that even if Helguero had been the owner he had exchanged that ownership for official recognition of his rights and for a special tax status. For even though the standard *pertenencia* was ten acres, Helguero had managed to have his huge estate, of over four hundred thousand acres, divided into only ten *pertenencias,* which meant that for the next thirty-four years the annual tax on the oil field was about a hundred and fifty dollars. One could even maintain that it was then, in 1888, that the state exercised its legal right to expropriate the subsoil rights. In any event, five days after Helguero received the government's final decree he sold the property to two British citizens—a Mr. Tweddle and a Mr. Keswick—who, a year later, leased it to the London & Pacific Petroleum Co. for ninety-nine years. It may help us to guess at the atmosphere surrounding these intricate machinations to know that this was a period in Peruvian history when an American soldier of fortune named Henry Meiggs took over the construction of railroads for the entire nation, bribing politicians and importing coolie labor until his empire collapsed, leaving him to die a penniless derelict. The atmosphere of the time has been described somewhat harshly by the nineteenth-century Peruvian political leader Gonzalez Prada: "Riches served as an element of corruption, not of material progress. . . . No means of acquisition seemed illicit. The people would have thrown themselves into a sewer if at the bottom they had glimpsed a golden sol. Husbands sold their wives, fathers their daughters, brothers their sisters."

The next serious eruption of the now historic problem of La Brea began in the early nineteen-hundreds when an official mining engineer reported to the Peruvian government that somehow a serious mistake had been made in measuring the property: it appeared to be far larger than the figure of ten *pertenencias* would indicate. The government agreed, and on March 31, 1911, decreed that the owners "of the said mine do not pay the amount of taxes . . . corresponding to the number of lawful *pertenencias*" because of an "error" made in measurement. The London & Pacific Petroleum Co. protested the decree, and matters took their customary leisurely course until April of 1914, when Peru rejected the protest and ordered surveyors to remeasure the property. The argument might have dragged on for years, except that by this time London & Pacific had urgent reasons to press for a settlement. For in 1914 the International Petroleum Company had taken over the oil field, intending to buy the property. But even Mr. Herbert Hoover, then the consulting engineer and chief negotiator for the British interests, could not persuade I.P.C. to complete the purchase until there had been a final settlement of the legal and tax status of La Brea y Pariñas. By early 1915, the surveyors had remeasured the property, and in March a Peruvian decree specifically rejected British protests that the sale to de Quintana in 1826 had given absolute ownership of the subsoil and thus exempted the old field from mining taxes. The decree asserted that "the rights acquired by that sale could not be other those conferred by the Mining Ordinances in force when the . . . contract was made . . . nor did it confer any greater rights . . . than those which any private individual could grant, nor was there any declaration that the absolute ownership thereof was granted." Therefore, as the remeasurement showed, the tax should be paid not on ten *pertenencias* but on 41,614. Once again the Peruvian government had denied the special and unique claim to private ownership of the subsoil rights of La Brea y Pariñas.

London & Pacific, however, had resources not available to previous Peruvian owners, and for the first time the La Brea y Pariñas problem evoked the concern and pressure of a foreign government. The British Ambassador in Lima, acting on instructions from London, delivered a note to the Peruvian Foreign Office protesting the decree. The dispute dragged on for years, with neither side willing to yield, although there is no record that the higher taxes were ever paid. Suddenly the prospects for the oil company brightened when, in 1919, dictatorial power was seized by Augusto B. Leguía y Salcedo, whose rule was to bring a large expansion of American private investment into every sector of the Peruvian economy. Two years later, the long-smoldering dispute was submitted to a three-man arbitral tribunal consisting of representatives of Peru and Great Britain and the president of the Swiss Federal Court, Dr. Fritz Ostertag. For almost half a century, this arbitration has been the subject of debate and agitation. Lawyers and politicians have built reputations and careers analyzing, attacking, and defending the award of the tribunal. It has continually antagonized the many Peruvians who have firmly believed that a specially privileged oil company was forced on them by illegal and coercive pressures from abroad. Much of the present dispute revolves around the Peruvians' contention that the award was illegal and thus I.P.C. owes them the profits of its entire operation since the time it bought the field in 1924.

And the Peruvian government points out that the arbitration took place at about the time that Harding's Secretary of the Interior, Albert B. Fall, was accepting the bribes from American oil interests that later sent him to prison. Even a high official of the deposed civilian government, which was attacked for its supposed generosity to I.P.C., says that "everyone knew that the arbitration was no good." I.P.C., of course, denies this, and claims that in any event it acquired its ownership of La Brea y Pariñas not through the award but by virtue of the deed of 1826. At this point in time, no one can evaluate the charges of fraud and corruption, but the actual decisions of the arbitration are another matter. Even before the tribunal met, the representatives of Peru and Great Britain had worked out their own private agreement, which, in 1922, was dutifully incorporated by Dr. Ostertag into an international decree. One of the most important and puzzling aspects of this decree is what it failed to decide. Although the ancient issue of subsoil ownership had helped to evoke the controversy, it is left unresolved by the final document. The most probable conclusion is that the arbitrators could find no way to resolve the question. Nor did it seem necessary. For the decree recognized the British right to La Brea y Pariñas and provided that for fifty years—until 1972—virtually the only tax the oil company had to pay (with some slight exceptions) was about fifteen dollars a year for each of the 41,614 *pertenencias* it was actually exploiting and about fifty cents for those it was not working. This special tax status, with its exemption from all other levies, inevitably was to become a source of increasing discontent. Ten years later, after the dictator Leguía had been driven from office, the new Peruvian government attacked the award and made a futile effort to bring the matter before the World Court. As late as 1959, only the appearance of the Peruvian Foreign Minister before a secret session persuaded Peru's Congress to reject a resolution annulling the arbitration.

And on November 6, 1963, that Congress finally enacted a law providing that "the so-called . . . Award (arbitral) on La Brea y Pariñas for having violated the pertinent legal requirements [is] null *ipso jure* and [does] not obligate the Republic." But by this time Fernando Belaúnde Terry had been elected President of Peru and had begun the five-year effort to reach an accommodation with I.P.C. that ended only when the armed forces overthrew his government and seized the oil field.

No formal historical sketch can fully explain the clashing passions and interests that shaped and colored the negotiations of the Belaúnde period. For by then I.P.C. had come to occupy a special position in Peruvian life, and one seen very differently by I.P.C., the American government, and Peruvian nationalists. "We were the largest taxpayer in Peru and our labor practices were a model for the country," accurately reports an official of I.P.C., while the American Embassy asserts that over the last several years "I.P.C. was always very generous, and honestly worked hard to reach a settlement." Yet on December 4, 1968, the Peruvian general who seized I.P.C. summed up the feelings of many Peruvians when he said, "No people can live in dignity and with respect for its sovereignty . . . when it tolerates the insolent arrogance of another state within its own frontiers." It is not that the truth lies somewhere in between. Rather, it is a case of parties whose assumptions, needs, and habits of action were so divergent that a conflict seemed almost inevitable. Perhaps I.P.C. did not act wisely, but it acted as an oil company might be expected to act, pressing every advantage and withholding every concession within the limits of its power and the sometimes sordid possibilities of Peruvian politics and intrigue. If at the end overconfidence and shortsightedness helped undo I.P.C., it must be remembered that the company had prospered and maintained its special privileges amid growing agitation for almost half a century. And it has not lost everything yet. Peru, on the other hand, is not a business but a country and a people. The mass of Peruvians hardly knew of I.P.C.'s existence. Yet among many of those most sensitive to the dignity and independence of their country the activities of I.P.C., combined with its unique claim to a part of the Peruvian dominion, planted seeds of hatred which the years were to nourish.

Only United States policy could have reconciled these diverging perceptions, for only the United States could command the respectful attention of both I.P.C. and the Peruvian government. This force was not brought to bear, and today's crisis is in large measure a result of that failure.

In the decades preceding the crucial 1963 election of Belaúnde, I.P.C. steadily expanded its operations. By the time of the seizure, the company's interests in Peru extended far beyond the La Brea y Pariñas field near Talara. It also owned a half interest in the more productive Lobitos field. It had a refinery in operation at Talara and controlled fifty-five per cent of the marketing and sale of gasoline in Peru. In addition, I.P.C. had reasonable expectations of obtaining concessions to explore for oil in the potentially rich jungle lands east of the Andes. (Mobil Oil has already invested twenty million dollars in the search.) Obviously, I.P.C.'s other assets were far more valuable than the increasingly less productive La Brea y Pariñas field (now producing at about half its former peak), yet only La Brea claimed exemption from the normal requirements of Peruvian law. Moreover, history was reshaping traditional attitudes. Throughout the nineteen-fifties, poor nations asserted with increasing intensity their right to be independent of the historical domination of the Western powers. This was the decade that brought the final disintegration of the great colonial empires, the Bandung Conference, Algeria, the retreat from Suez, and Castro. Peru, like much of Latin America, was touched by this global surge, and a mounting nationalism was combined with an anger at the United States that erupted dramatically during the Nixon trip. There was some justice to the specific grievances that fed anti-Americanism, but equally important was the fact that Latin America, alone among the underdeveloped continents, was not made up of colonies and could only assert its nationalism against the historically dominant, if noncolonial, power of the Western Hemisphere. I.P.C. was presumably aware that in such a changing environment the privileged position of La Brea y Pariñas endangered the company's whole position in Peru. In 1951, the company submitted to the regular fifty-per-cent income tax on profits, a tax it had protested, with limited success, since 1934.

In 1957, for the first time, I.P.C. offered to "assign" its subsoil ownership to the state in return for an "exploitation concession" covering the same field along with expanded concessions for its other activities. The company did this, the official I.P.C. history reports, because it realized that "ownership of the petroleum property was a cause of resentment in Peru [and] inconsistent with the general pattern of petroleum legislation . . . in South America." The offer was rejected, apparently because by 1957 the Peruvian government felt it could not afford to grant further concessions for rights that many Peruvians believed to be already theirs. In this period, not only had I.P.C. made some gesture toward relinquishing its subsoil ownership but it had become an exemplary employer. Housing and working conditions at Talara were the best in the country, and the company paid excellent wages and benefits. Still, as Peru entered the nineteen-sixties the accumulated grievances of decades were steadily building.

It is not difficult to find illustrations of the process that transformed these grievances into personal convictions and a political weapon. One can leave the heart of Lima, emerge from the nest of tourist shops stocked with trinkets of copper from American-owned mines, and drive past neon Coca-Cola and Esso signs before entering the pleasant suburbs of Miraflores and San Isidro. From there, as the city thins, the road widens to four lanes, cutting through occasional *barriadas*—fields of houses huddled around dirt streets and open sewage, where six hundred thousand migrants and children of migrants from the distant mountains live in poverty. Ahead are the hills of the gray, barren coastal desert, which stretches two thousand miles from northern Chile to Ecuador relieved only by an occasional stand of trees—the fruits of experimental irrigation systems that are only a miniature replica of the great Inca waterways that once conquered much of the desert. Shortly after passing an American satellite-tracking station, the road moves down a long hill to the town of Ancón, where layered cooperative apartments overlook a small beach on which thin strips of gray-black sand can barely be glimpsed among the thousands of outstretched Peruvians who come here each summer weekend.

Here, on the concrete patio of a twelfth-story apartment thrust out over the crowded Ancón beach, sits Don Luis Miro Quesada, a slight man in his eighties, with light skin like a fragile, roughened parchment, who heads one of the oldest families in Peru. He also directs the powerful newspaper *El Commercio,* which has led the attack on I.P.C. for more than thirty years, and whose violent assaults in 1968 were to precipitate the military coup and the seizure. "I know America well and I have many friends there," he told me, "but there is a difference between your country and the State Department—which cares mostly about the welfare of American companies. It is a great country, but"—he smiled—"that is not the same thing as I.P.C., is it? I first became interested in I.P.C. about forty years ago, when I came back from a trip to Europe on a Grace ship. We landed at Talara, where the refinery is, and the landing papers said 'Talara-Puerto Norteamericano.' I crossed out 'Norteamericano' and wrote in 'Peruano.' When we landed, they had separate dining rooms for Peruvians and North Americans. So when I got home, I began to read about I.P.C. It's not enough for an oil company to pay taxes and salaries. Peru should get a share of the profits. Once minerals are taken, they are gone. They don't grow—not like trees. I am a nationalist. That doesn't mean I am against other countries, but I am *for* my own country. There is nothing wrong with that. I am anti-Communist. They have some good criticisms, but they do not have liberty, and that is the most important thing to men. Especially to journalists. A journalist is nothing without the ability to write freely." Later, he said, "Our people are terribly poor. I don't think the United States will apply Hickenlooper."

However distorted by time and anger, similar recollections, usually vageuly documented, can be elicited throughout Peruvian society. At the home of an American Embassy official, a successful Peruvian lawyer listened politely to his host's prediction of a settlement and then, when the official had moved on, related a transaction between one of his clients and I.P.C. "They didn't even want to talk," he said. "They just told me, 'This is the way it is,' and walked out." Indeed, it is difficult to hear a good word spoken for the company anywhere. Even many officers of other substantial American businesses grumble privately about I.P.C. and claim that its conduct has endangered all foreign investment in Peru. "They got what was coming to them," said one American businessman, while another, with a genius for understatement, said, "They had bad public relations." An I.P.C. official recalled a visit twenty or more years ago by a young Colombian, Alberto Lleras Camargo, who was later to be President of Colombia and host to President Kennedy's triumphant visit in 1962. "Lleras looked at all our installations and had long talks with our managers. As he left, we asked him how he liked it. 'It's a wonderful, progressive place,' he said, 'but I didn't meet any Peruvians.' "

In evaluating the stories told by Peruvians to illustrate I.P.C. misdeeds and arrogance,

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one must remember that the oil company, in most cases, was behaving no differently from many large foreign enterprises at various periods in Peruvian history. "Why don't you like I.P.C.?" I asked a Peruvian general who is now an important official. He replied angrily, "They bribed ministers, corrupted governments, and promoted revolutions." Yet even if this is true, it takes two to make a bribe and you cannot corrupt the incorruptible. Certainly, to the mass of Peruvians, I.P.C. was just another company. But in the present period of emerging nationalism these tales and complaints fueled the resentments created by the economic power of the company and its claim to special status for La Brea.

Only two years ago, there was an incident that illustrates the inevitable clash between the logical business practices of the company and Peruvian pride. It was an event, moreover, that was to have a special impact on the present crisis. In 1967, a serious inflation had forced the government to cut the value of Peruvian money almost in half. I.P.C. then applied for an increase in the government-fixed price of gasoline. "Because of the change in the value of currency, we were actually losing money on each gallon we sold—not much, but a little," explains a company official. The government refused the increase, and I.P.C. threatened to stop importing the gasoline needed to make up the difference between the country's own production and its needs. Why, the company asked, should it import gasoline to sell at a loss? Finally, the general manager of I.P.C. was summoned to a meeting with the Minister of War, General Julio Doig Sanchez, and angrily told that if importation stopped the company would be seized. When the I.P.C. manager proposed to fly to the company's Florida headquarters for consultation, he was ominously told that such a trip was not necessary, that he could use the telephone. After the Florida headquarters became convinced that the generals were indeed "serious," I.P.C. withdrew its threat, and a few months later it was allowed to raise its prices. However, sitting beside General Doig throughout the meeting, in sullen fury, was General Juan Velasco Alvarado, now the President of Peru, who later explained that this event helped fortify his resolve to bring I.P.C. under national control. To Velasco and others, it was intolerable that Peru should be vulnerable to the acts of a foreign company acting under the partial protection of a foreign government. To I.P.C., on the other hand, a price rise was economically necessary, and an interruption in imports was a logical and just response to Peruvian unfairness. Perhaps the gap in understanding is best summed up in lines from a ballad of student dissent:

"Please don't burn that limousine,
Don't throw tomatoes at the submarine.
Think of all we've done for you.
You've just got those exploitation blues."

Yet despite these resentments—which were shared, one must remember, by only a small, but influential, group of Peruvians—it is probable that the government and I.P.C. could have resolved their dispute peacefully any time between the election of Belaúnde, in 1963, and the decline of his political strength, which began in late 1966. In retrospect, the failure to do so seems like some Harvard Business School version of a Greek drama, with all parties steadfastly honoring their prescribed duties while rushing toward a foreseeable fate. Except, of course, since modern man is more given to wishful thinking, they did not foresee it. That story began in July of 1962, when elements of the Peruvian armed forces crossed the broad Plaza de Armas, in the heart of Lima, entered the Presidential Palace, and took over the country. An extremely close three-cornered Presidential election had just taken place, and although none of the candidates had received the necessary plurality, it was clear that the two candidates least acceptable to the armed forces—one a historic enemy and the other a former dictator—had agreed to combine forces in order to keep the military's favorite, Fernando Belaúnde Terry, the candidate of the Popular Action Party, from winning. Under great pressure from the United States to resume constitutional government, the military leaders scheduled a new election for June, 1963. This time, Belaúnde won a clear-cut victory, and on July 28th he took office for a six-year term.

An architect and politician, a man of the people who can trace his family back fourteen generations to the first mayor of Lima, Belaúnde had campaigned on a liberal and progressive platform of economic development and social reform. Although many later criticized his abilities as a leader, there is no doubt about his personal belief in the principles of the Alliance for Progress. A visionary, he nurtured farflung plans to build a great highway to unite the lands on the far side of the Andes and open the rich interior to settlement. Recently, in a Lima drawing room, a guest began to criticize Belaúnde in the presence of General Velasco, the man who drove him from office. "Don't talk that way," said the General. "He was a great man. Only he was a dreamer." Dreamer or not, Belaúnde was just the sort of national leader that the United States was hoping for in Latin America, and a logical recipient of generous American assistance.

Therefore, immediately after Belaúnde's inauguration, Teodoro Moscoso, President Kennedy's Coördinator for the Alliance for Progress, flew to Peru with offers of immediate and substantial United States aid. There was only one problem. On taking office Belaúnde had promised to resolve the La Brea y Pariñas question within ninety days. Moscoso realized that even the most reasonable settlement would create political difficulties for Belaúnde, so he decided to withhold action until the ninety days were up. Thus, the announcement of aid could be used by the Peruvian government to help blunt any opposition. No effort was made to pressure Belaúnde, and the aid was to flow whatever the outcome might be. Negotiations between Peru and I.P.C. began in early August, and by the end of October they had broken down. As a result, on November 6, 1963, the Peruvian Congress passed the law declaring that the arbitration award of 1922 was null and void and did "not obligate the Republic." Meanwhile, changes were occurring in the United States that were to have a profound impact in Peru. After President Kennedy's death, Latin-American affairs came under the direction of Assistant Secretary of State Thomas C. Mann, a former Ambassador to Mexico. Mann decided to suspend all foreign aid to Peru until Belaúnde reached an agreement with I.P.C., but to do so without delivering an ultimatum or even telling Peru that aid had been stopped. "The idea," one U.S. aid official has explained, "was to put on a freeze, talk about red tape and bureaucracy, and they'd soon get the message. Unfortunately, they believed we were as inefficient as we said, and it took about a year for them to get the message." In fact, virtually no aid went to Peru for two full years as negotiations with I.P.C. dragged on, broke down, and began again. (A few token loans were made, in an effort to insulate the State Department from the charge that it had frozen aid to Peru; but the freeze was real and intentional.)

No provision of United States law and no principle of foreign policy required us to suspend aid in order to compel a Latin-American country to negotiate an agreement with a private American company. Nor is there any evidence that I.P.C. ever asked that any such measure be taken. Throughout this whole period, the oil-and-gas business in Peru continued as usual, and none of the company's operations were disturbed. The negotiations themselves were complicated by Peruvian claims for back taxes and alleged debts, along with a host of technical details.

On the surface, the major point at issue concerned the way in which the profits should be split between the company and the government—that difference amounted, at most to a few million dollars a year, and no other I.P.C. operations in Peru were affected. Yet during this period of discussion Peru lost up to a hundred and fifty million dollars in aid because of its failure to agree with the company. However, behind the price dispute—and probably far more important—there was the ancient question of who owned La Brea y Pariñas. The company offered to cede its ownership rights, but it insisted on retaining operating control of the field and receiving a cancellation of all alleged debts. This was obviously a sticking point with a government that had promised to "recover La Brea y Pariñas" for the nation. The manager of I.P.C. saw President Belaúnde sixty times, and each time the President said, "Just cede me your rights and assets in La Brea, and you'll see that everything will be all right." Finally, in 1968, the company offered to do just that, but it was too late.

Toward the end of 1965, the United States began to reconsider its policy. It was obvious that the aid cutoff was not forcing an agreement; nor was it advancing the broader interests of the United States. Economic development was virtually at a standstill in Peru, and although there were other reasons for this, the aid cutoff was clearly a factor. In village after village, one could see children crowded into a single dim room where a teacher struggled to keep order, while, outside, a half-finished schoolhouse stood open to the dry sierra winds. In these villages, the end of aid had meant no education, or no pure water, or a half-built road. Moreover, extremist attacks were increasing against a Belaúnde administration that had proved unexpectedly conservative in office. And Communist guerrilla movements, soon to be crushed by the U.S.-trained counterinsurgency forces of the Peruvian military, had sprung up in the Andes. "We knew we had a losing aid policy," said a high U.S. official. "But we'd said we couldn't give them loans unless they settled, and so we couldn't back down."

By early 1966, however, Lincoln Gordon had become Assistant Secretary for Inter-American Affairs, and in March the State Department sent Walt Rostow to Peru. Rostow told Belaúnde that if he was not going to confiscate the company we would go ahead with aid. A surprised Belaúnde responded that he had never intended to take the company. So aid was resumed, but not for long. However, this time oil was not the reason. In 1967, the Peruvian Air Force decided that it needed supersonic jet fighters, and, after the United States turned down the request, it contracted with the French for Mirages. (At one point, United States officials told the Peruvians that if they insisted on jets they could buy some cheaper American-made F–5s.) First in order to try and prevent the purchase and later as punishment for having gone ahead anyway, the United States reversed a decision to make program loans to Peru during 1967 and 1968 (which probably cut our aid to about half of the total we expected to give). "We just didn't think the Latins were ready for supersonics," a United States official explained. The cost of the Mirages was about twenty million dollars. The loss in aid was probably about sixty million dollars. Thus, because of our oil policy and our "supersonic" policy, Belaúnde faced a complete or partial suspension of United States aid for four of his five full years in office—a fact that certainly did not lessen his economic problems and did nothing to enhance Peruvian confidence in Amer-

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ican dedication to the goal of strengthening progressive and democratic governments.

For a while in 1966, the I.P.C. problem receded, as Belaúnde seemed to tire of the effort to reach a settlement. In August, he even concurred in an I.P.C. plan to expand its refinery at Talara, but protest from opposition political parties and newspapers compelled a cancellation. Sporadic discussions continued as the company diligently examined various proposals for tax and profit splits. In the background, however, was the unyielding issue of ownership and control. By the summer of 1967, the deterioration of the Peruvian economy had seriously weakened Belaúnde's general political position. And criticism of his delay in solving the La Brea y Pariñas problem became part of a general assault on his leadership.

Once more, in meetings with the company, the President returned to his earlier demand that the field be ceded outright to Peru, and once more the company refused. And although another year of debate and negotiation lay ahead, the stage was now set for the final act. For in the pleasant suburbs of Lima a small group of military officers and their civilian friends were beginning to plan the overthrow of the Belaúnde government and the establishment of long-term military rule. And when the revolution came, the principal actors would be the same armed forces and the same newspaper, *El Commercio,* that had fought so effectively to help install Belaúnde in the Presidential Palace five years before. Oil was among the least of their motives, but oil was to give them their opportunity to strike.

No one knows exactly when specific plans for a *golpe* (the Spanish term for "coup") began to precipitate out of the vague mist of military power that necessarily enshrouds any civilian government in Peru. One of the best-qualified U.S. observers says that it was early in 1968 when a group of officers around Minister of War Doig started to prepare contingency plans for a takeover. One of the closest advisers to the new government has said the decision began to take shape in a private conversation between General Velasco and a Colonel Rodriguez, who is one of the most brilliant and influential members of the Palace staff. However the revolutionary plans began, two of the motives were the same as those that had led the military to support Belaúnde in the first place: the desire to modernize the country and hatred of the APRA Party.

For decades, the Peruvian armed forces have nourished a deep and furious hostility toward one of Peru's most distinguished leaders, Victor Raúl Haya de la Torre, founder of the APRA Party, and Belaúnde's chief opponent in the 1962 and 1963 Presidential elections. As the disciple of a Peruvian poet whose slogan, "Old men to the tomb, young men to work," was the ultimate expression of the generation gap, Haya was exiled to Mexico in 1923 after leading a protest meeting of students and workers against an alliance between the Peruvian dictatorship and the Catholic Church. There he founded the American Popular Revolutionary Alliance, or APRA, whose adherents were known as *Apristas.* Although APRA disavowed Communism, it called for an overthrow of feudal structures, adopted an anti-imperialist policy, and was the first party to identify itself with the desires of the miserably oppressed Indian masses. As a result, APRA was hated and feared by the governing classes of Peru, and its history was scarred by repeated and often bloody clashes with the Peruvian military. "I want to see the point of each bayonet red with *Aprista* blood," ordered the dictator Luis M. Sánchez Cerro, before a 1932 massacre of *Aprista* rebels in the city of Trujillo. Because of this hostility, Haya has spent much of his life in exile, and at one time lived for five years in the Colombian Embassy in Lima while Peruvian troops constantly aimed rifles at the windows across a trench they had dug around the building. Yet the size and ardor of his popular following persuaded occasional Peruvian governments to let him come home. And when he did return, Indians and workers poured from the hills to crowd the roads to Lima, waving white handkerchiefs as Haya conducted a triumphant procession from the place of landing to downtown Lima, where crowds of a quarter of a million and more waited to cheer his eloquence. His APRA Party was the principal source of the entire popular democratic movement in Latin America, and most observers would agree with Robert Alexander that "Haya de la Torre remains the most significant single spokesman for the social revolution in Latin America during the first half of the twentieth century."

Yet although his ideas are now widely accepted, even by the Peruvian armed forces, the anger and resentment bred of those earlier clashes make the thought of an APRA government—especially under Haya, who is seventy-four and vigorous—intolerable to the military. This hatred of APRA has been shared by *El Commercio,* which has warred against APRA ever since Don Luis's brother and his brother's wife were slain by a young *Aprista* assassin on a street in downtown Lima. In order to understand the depth of such feelings—whether against APRA or I.P.C.—it is important to realize that Lima is a small and ancient city, more like nineteenth-century Boston than modern New York or Washington. The number of influential families is small, and the lines of hostility, clashing interests, or diverging beliefs, once drawn, are likely to persist for generations. Opposing factions representing opposing economic interests are often referred to by family names, and certain names recur with great frequency in positions of commercial and political leadership. This is not to say that the country is dominated by an unchanging oligarchy. Peru is more complicated than that, and, as has been frequently demonstrated, the military represents a distinct and powerful force. Still, ancient attitudes persist, including an often violent animosity toward APRA.

The other reason for military support of the liberal Belaúnde was the change in the convictions and the nature of the armed forces. Until the late nineteen-fifties, the Peruvian armed forces, in the historic pattern of most Latin-American countries, represented a static or reactionary social force. They were, in the words of a young Peruvian colonel, "the strong right arm of the oligarchy." But in recent years a quiet shift has taken place in some Latin-American military establishments which may have profound consequences for the future of the hemisphere. In Peru, the unexpected focus of this potentially revolutionary change is a sprawling complex of brick buildings on the outskirts of Lima known as the Center of Higher Military Studies. There, and in other military schools, officers spend two years in advanced study.

For a decade, the course material has given increasing emphasis to social and economic systems taught by civilian experts, some of whom are far to the left, and most of whom are disciples of a liberal, and highly technocratic, brand of development economics. In these schools, the importance of the military role in "social and economic progress" is constantly stressed—an approach that is fully in accord with the emphasis that the United States and its influential military missions have given to "civic action." Most officers have also received American training in doctrines of counter-insurgency. From the irrefutable thesis that guerrillas are fish that swim in the sea of people, they have drawn the inexorable conclusion: if they are to suppress guerrillas, they must win the support of the people. Most Latin-American officers, at one time or another, attend United States military schools and often develop close relationships with officers of our overseas missions. In recent years, it has been American policy to stress the role of the Latin-American military in economic progress. This has undoubtedly been a liberalizing influence, but it has also led many officers to believe that the job of modernization can only be accomplished under their own rule. The officers themselves are rarely oligarchs. For the most part, they are drawn from lower-middle-class families, or even from among the poor. And they believe, as one general explained, that they "are the only people who really have lived in all parts of Peru during their career, the only ones who know the country."

The emerging conviction that traditional, conservative thinking has been a source of explosive inequalities is coupled with a growing contempt for the inefficiency or corruption of civilian leadership and a mounting belief that it is the mission of the armed forces to take their country in a new direction. Although the new military leadership is fundamentally nationalistic and anti-Communist, many officers are coming to share Lenin's belief that "no revolution of the masses can triumph without the help of a portion of the armed forces that sustained the old regime." It was natural, therefore, that the military had been drawn to support Belaúnde, with his liberal and reformist beliefs and his emphasis on technology and construction.

Many of these same convictions and expectations that had attracted the military and other powerful supporters to Belaúnde in 1963 were transformed by the events of 1967 and 1968 into the motive for his overthrow. Even before 1967, many of Belaúnde's efforts to bring about moderate reform, especially land reform, had been blocked by the opposition parties, which, having more than a majority in Congress, could exercise control whenever they agreed. This opposition grew in strength and determination throughout 1967, as Peru entered a period of economic crisis. By November, the weakening position of the Peruvian sol, which had been stable for a decade, compelled a drastic devaluation. From a rate of twenty-seven to the dollar, the sol tumbled to forty-eight before stabilizing at about forty-two to forty-four in the middle of 1968. The result was a sudden and drastic increase in prices affecting every sector of the economy. The poor were especially hard hit as food prices soared. Business dropped, unemployment rose, and public discontent mounted. In 1968, the hard-pressed Belaúnde was further beset by a series of scandals involving smuggling and bribery. Though the scandals did not touch him or his top officials (some members of the military were involved), they further weakened public confidence. Some of these difficulties were undoubtedly due to bad management, as the President's opponents charged, but many also flowed from circumstances beyond his control. Also, by the fall of 1968 a new austerity program had apparently set the country on the way to financial stability, and a record volume of exports, along with the anticipation of a billion dollars in foreign private investment, strengthened hopes for better times. However, many of the military and important elements of the civilian population felt that Belaúnde had failed to fulfill their expectations. In their view, civilian politics had once again paralyzed the needed modernization of Peru, and, justly or unjustly, they believed that Belaúnde had lost his grip on the country and on his own government.

Moreover, growing dissension and functional splits within the Belaúnde party made it likely that the unacceptable APRA would win the Presidential election scheduled for the middle of 1969. To this explosive mixture of discontent was added an incalculable amount of personal ambition and a growing sense that the time had come for the armed forces to assume their predestined mission to create a "new" Peru. By the middle of 1968, the restaurants and clubs of Lima were filled with talk of a *golpe*. It was widely known that the plans were ready and that the generals were anxious. But the moment never seemed right. The military, lacking popular support, hesitated to move arbitrarily against an elected President who still commanded a large following. They needed—depending upon your point of view—an event, a pretext, or a cause. It came when, after five years of negotiation, I.P.C. reached an agreement with Belaúnde.

In July, 1967, a restless Peruvian Congress passed a law declaring that the La Brea y Pariñas oil field belonged to the nation, and authorized the expropriation of the oil-field installation and the establishment of a "regime most consistent with the national interest." (The wording left open the possibility that I.P.C. might continue to operate the installation if that arrangement seemed "most consistent with the national interest.") Belaúnde was undoubedly reminded, as he had been before, that any expropriation would mean the application of the Hickenlooper Amendment, and the effort to reach an agreement continued throughout 1967 without any changes at La Brea. In that same year, however, the Peruvian Tax Court found that I.P.C. owed a hundred and forty-four million dollars to Peru. This figure was based on a judicial calculation of I.P.C.'s net profits for the previous fifteen years, on the theory that the company had been operating under the illegal and invalid award of an international arbitration. This money was never collected, and judicial appeals and counterclaims mounted in complexity.

Then, at the beginning of 1968, as General Doig and his staff were laying their plans for a *golpe,* President Belaúnde designated the Peruvian state oil company, Empresa Petrolera Fiscal, or E.P.F., "to represent the state in all acts related to the operation of the La Brea y Pariñas oil field, which belongs to the nation." The president of E.P.F., and from then on one of the chief Peruvian negotiators, was Carlos Loret de Mola. Technician and businessman, mild-mannered and never actively engaged in politics, Loret de Mola had been placed in charge of the state-owned company early in Belaúnde's administration. His knowledge of the oil business would strengthen the government in negotiations, while it could be expected that on any important issue he would yield to the President's wishes. Yet this routine appointment had unexpected consequences, for Loret de Mola was to prove unexpectedly stubborn, and eventually his public attack on the final agreement was to bring on the revolution. Shortly after the negotiations had been turned over to E.P.F., they broke down again. The issue was the same as that which had brought about previous failures: Peru insisted that I.P.C. turn over the oil field, while the company refused to do so unless it was allowed to operate the field as before. Thus, as I.P.C.'s official account reports, "at mid-April of 1968, there were no negotiations in progress with the Government's representatives."

Events in Peru were moving too fast to permit the impasse to continue. Belaúnde's economic and political problems were still acute, political attacks were mounting, and talk of a military *golpe* was in the air. On July 28th, Belaúnde was scheduled to make his annual address to Congress on the State of the Republic, and it was inconceivable that he should appear without announcing some solution of the La Brea y Pariñas problem. At the same time, and more ominously, a regularly scheduled change of command was being carried out in the Peruvian Army. The Minister of War, General Doig, reached retirement and lost his chance to lead a revolution.

Velasco, widely thought to be a candidate for the Cabinet position, did not get it. "Belaúnde did offer it to him, but he wouldn't take it," claims a Velasco associate. "The other officers said he didn't have the ability," says a high official of the deposed government. In any event, having failed to assume a Cabinet post that would have removed him from the command of troops, Velasco was now Commander-in-Chief of the Army and the senior general on active duty. Within a couple of months, he had placed officers loyal to him in charge of the Lima Military District and the Lima Armored Division, both of which would be essential to the success of a revolution. Then Velasco waited, although, with his own retirement scheduled for early 1969, he didn't have much time.

Amid the unmistakable signs of crisis, I.P.C. suddenly changed the position it had steadfastly clung to for years. On July 25, 1968, it sent Belaúnde a memorandum offering to transfer to the state "the surface area of La Brea y Pariñas and the installations" and to renounce "any rights it could allege over the subsoil or mineralized zone of La Brea y Pariñas." This memorandum, or proposal, was, with some modifications, the basis of the final agreement between Belaúnde and I.P.C. That agreement, in turn, was to precipitate the military *golpe* and the seizure of I.P.C. Few doubt that several years earlier the same terms would have been accepted, after some grumbling, and I.P.C. would have stayed and prospered in Peru. "It was an incredibly generous offer," says officials of the United States Embassy. "In fact," says one of our chief diplomats, "when the manager of I.P.C. told me about it I was so astonished I asked him, 'But what do you get out of it?' " And I.P.C. itself claims that it "gave Belaúnde everything he was asking for." Yet within a few weeks after its proclamation the agreement was assailed as a sell-out, a giveaway, and a fraud.

Undoubtedly, these assaults were greatly magnified by political passion, yet an examination of the terms of the agreement does not support a conclusion that I.P.C. was making a sacrifice. In return for La Brea y Pariñas, I.P.C. was to be allowed to expand and modernize its refinery, thus increasing the production of oil and gas. It would continue, on a regular business basis, all its other activities in Peru, including the marketing of fifty-five per cent of all gasoline sold there. (This monopolistic position seems less impressive when we know that there are only about two hundred and fifty thousand registered vehicles in Peru.) There would also be at least a "moral commitment" that I.P.C. could join Mobil Oil and Gulf in exploring for oil on the jungle slopes of the eastern Andes. And all claims for back debts would be cancelled, including the hundred and forty-four million dollars assessed by the Tax Court. In addition, I.P.C. could reasonably expect that the agreement would free it from most of the continual agitation and hostility that had often threatened, although it rarely interfered with, its activities. Certainly these terms were not onerous for I.P.C., and the refinery expansion, especially, was, in the company's words, "a consideration of value." Of course, Peru would receive all the benefits that flow to an undeveloped country from the investment and skill of a large modern enterprise, something Peruvians may miss in the days ahead. If we compare this offer, which would almost surely have been accepted by Belaúnde in 1964, with the proposals that were in fact rejected in 1964 and 1965, the difference appears so slight that the company's stubborn, and fatal, insistence on keeping control of the La Brea field baffles analysis. In earlier negotiations, I.P.C. had offered to give up its ownership rights but had insisted on operating the field. Now I.P.C. offered to give the field to E.P.F., which would then sell the crude oil to I.P.C., which would refine it and market the product.

Yet, as one plows through the elaborate maze of figures, it seems that the difference in cost for I.P.C. between operating the field itself (and paying a fifty-per-cent income tax on profits) and letting E.P.F. operate the field was about ten to fifteen cents a barrel. Since La Brea y Pariñas had been steadily running down and was producing only six or seven million barrels a year, the total increase in the cost of crude oil to I.P.C. would probably have been not much more than half a million dollars a year.[2]

Looking at this difference, which is all that separates the hopeful days of 1964, when Belaúnde was at the height of his strength, from the disaster of 1968, one can take some comfort in knowing that even at Standard Oil irrational convictions, bureaucratic inertia, or sheer delight in the exercise of power can override the logical conclusions of economic analysis.

On July 28th, three days after receiving I.P.C.'s confidential and unsigned memorandum, Belaúnde went before Congress and the nation to announce triumphantly that he had solved the ancient problem of La Brea y Pariñas. The oil field would now belong to Peru. He did not elaborate on the other elements of the proposal, and, intentionally or not, he left the impression that the takeover was almost unconditional. To almost unanimous acclaim, the negotiators then sat down to hammer out the complex series of contracts necessary to transform the new proposal into an agreement. The pressure for swift action was intense, for in June the Congress had given Belaúnde extraordinary powers for sixty days that would permit him to solve the problem by executive decree. When this period expired, it would be necessary to submit any agreement to an increasingly hostile Congress. Belaúnde could not afford to wait, and he told the negotiators that he intended to fly to the oil city of Talara on the morning of August 13th and proclaim the final and definitive solution.

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[2] The key fact in the calculation is that much of the company's operation was "vertically integrated;" i.e., the crude oil from La Brea y Pariñas was sold to the company's refinery at Talara, which then sold the gas and oil to the I.P.C. distributors and gas stations, which, in turn, sold them to the public at prices largely fixed by the government. I.P.C. was basically concerned with the total profit from the entire operation. In determining this profit, the important thing was not who owned the oil field but the cost to the company of each barrel of crude oil from La Brea y Pariñas, for its final profit depended on the price it received for gasoline minus the cost of producing the gasoline. Therefore, a comparison of the earlier offers with the 1968 settlement should be made in terms of the cost of crude oil to I.P.C. In 1964, the company offered to cede ownership of La Brea to Peru but insisted on operating control and splitting the profits. Under this offer, it would sell each barrel to the refinery at about $2.50. The cost of producing each barrel, was $1.50, leaving a profit of $1.00. Out of this, the company would receive a fee of twenty per cent of the price ($2.50), or $.50. The rest of the $1.00 profit would be split fifty-fifty, or $.25 to Peru and $.25 to the company. Thus, the company would receive $.75 of the $1.00 profit. However, it would have to pay a fifty-per-cent income tax on its profit, or $.375. So the Peruvian government would receive its $.25 share of the profits plus $.375 in taxes, for a total of $.625. The cost to the company, therefore, was the $1.50 in production costs plus the $.625 that went to the government, a total of $2.125 a barrel. This is roughly equivalent to a sixty-forty profit split. In 1968, the company offered to give the oil field to Peru and buy the crude oil for its refinery. It would pay, after certain discounts, $1.97 a barrel. However, since the refinery would be paying $.53 less for each barrel ($1.97 instead of $2.50), its cost would be less and so it could deduct less when it paid the fifty-per-cent income tax. Thus, it would have to pay $.265 more in taxes per barrel (or fifty per cent of the $.53 difference). This made the total cost to I.P.C. $1.97 plus $.265 in additional taxes, or $2.235 per barrel. The calculation is somewhat inexact, because of the difficulty in pinning down precise figures, but it can safely be assumed that the difference between the 1964 and 1968 offer was about ten to fifteen cents a barrel. Even this relatively small gap has to be computed on the assumption that I.P.C. could not find other ways to absorb some of this cost in its accounting, and does not take into account the intricate possibility that Standard Oil could decrease the amount even further by additional deductions or credits on its tax returns in the United States.

For two weeks, as August 13th neared, lawyers, businessmen, and politicians crowded around tables in the Presidential Palace struggling to construct a new framework for the largest oil and gas enterprise in Peru. Belaúnde's Prime Minister as well as his Minister of Development continually joined other government officials in the discussions. The chief negotiator for I.P.C. was the company's gentle and dignified general manager, Fernando J. Espinosa, who, after working as an economist for the New Deal, had spent twenty-three years with Standard Oil.

His principal adversary was the head of E.P.F., Carlos Loret de Mola. Toward the end, the negotiations kept breaking down over one crucial point: whether I.P.C. was to guarantee a minimum price for the crude oil it was to buy from La Brea. It was during one of these breakdowns that an incident is said to have occurred that, true or not, undoubtedly contributed to the difficulties of the days ahead, since it is widely believed in Peru. Loret de Mola says that, asked by President Belaúnde to renew the talks, he went to the I.P.C. offices at about 10 p.m. Loret de Mola claims that, after offering him a drink, a company executive (not Espinosa) told him, "Standard Oil never gets out of any place without getting all its money, and the same is going to happen here." The executive then handed him a copy of the confidential memorandum, saying, "Here are our conditions. Your President shouldn't have gone before Congress the way he did, because he deceived the people." "What could I do?" asks Loret de Mola. "I had to believe the word of my President before an unsigned memorandum by a company." Even if his story is true, the substantive terms of the memorandum could not have been a surprise, since those were precisely the subjects under negotiation. However, the suspicion that all the conditions of settlement had been laid down in advance might have had a stiffening effect on Loret de Mola's attitude. In any event, the story has added to the armory of anecdotes used to justify the seizure.

Finally, at about 2 a.m. on August 13th, thinking that final agreement had been reached on the price to be paid by I.P.C. for the crude oil from La Brea, Espinosa went home to prepare for the scheduled dawn flight to Talara. Soon afterward, Espinosa received a call from the Peruvian Prime Minister, at the Palace, who told him there was still no agreement, and then, according to an Embassy official, said, in tones of mounting agitation, "If you don't come back, there'll be an expropriation," and hung up. Peruvian officials then awakened Ambassador Jones, who called Espinosa and persuaded him to return to the Palace, where discussion resumed on the price to be paid for crude oil. As dawn approached, both Espinosa and Loret de Mola, sitting in different rooms, signed the last of a series of contracts, and the entire group drove through the quiet streets to the Presidential airplane.

The problem was that each man had signed a very different contract, or so they later claimed. Within a month, this difference was to erupt as "the page 11 scandal," and that storm was to tumble the last flimsy barrier to a military *golpe* and the seizure of I.P.C.

The existing copies of the contract governing I.P.C.'s purchase of the crude oil to be produced by E.P.F. at its newly acquired La Brea y Pariñas field are ten pages long. If there was an eleventh page—and that is what the dispute is about—it contained the final disposition of the one problem that had seemed insoluble until the final hours: the price to be paid for the crude oil. Under the contract as it now exists, I.P.C. agrees to pay, after discounts, $1.97 a barrel for the crude oil. However, the contract also requires I.P.C. to provide certain essential services to the oil-field operation, such as water and gas, but leaves the details, including the costs of these services, to be worked out later. "You see," explains Loret de Mola, "since we didn't know what the services would cost, we couldn't tell how much they would pay for the oil. That's why I wanted a guaranteed minimum price, one they would pay no matter what they deducted for the services." An I.P.C. representative responds that "we couldn't possibly agree to a guaranteed price without knowing about the services." Therefore, as the hours wore on during that last night of negotiations, I.P.C. adamantly resisted Loret de Mola's demand for a guaranteed minimum of $1.0835 a barrel, although the company negotiators did agree to a clause allowing E.P.F. to cancel the contract after six months' notice in case the price fell below that amount. "What good was that?" asks Loret de Mola. "What would we do with the oil? They owned the refinery at Talara. We'd have to ship it down the coast." I.P.C.'s representatives recall that Loret de Mola bent and then yielded to the intense arguments of government officials desperate to reach an agreement as evening stretched into morning. Loret de Mola, on the other hand, says that it was I.P.C. that finally yielded. Neither Espinosa nor Loret de Mola can recall an explicit admission of defeat by the other.

Then, as the chief negotiators joined their aides in different rooms to go over the final documents, the crude-oil contract was brought to them for signature. The two men agree that the original contract was eleven pages long and that the text ended at the bottom of the tenth page. The eleventh page was bare except for a typed dateline—"Lima, August 12, 1968"—and had room for signatures.

According to Loret de Mola, when the contract came to him he wrote across the top of the eleventh page, "In any event, the price for crude oil shall be no less than $1.0835," and then signed. Two Xerox copies were made, and Loret de Mola was asked to initial or sign every page of these Xerox copies "for purposes of identification." The identifying initials or signatures are in the margin of each page. He did not sign either Xerox copy at the end of the contract, as he claims to have done on the eleventh page of the original. The documents were then taken from him, and the scene shifted to the room where Espinosa was waiting to sign the agreement. He says that he was brought only the two Xerox copies, and that they were only ten pages long. The eleventh page was no longer part of the contract, and Espinosa explains that when he asked about this "the lawyer said there was too much white space above the dateline on the eleventh page and the contract could be altered later." (Of course, a few lines drawn across the page would have prevented anyone from writing above the dateline.) Espinosa signed both contracts at the bottom of the tenth page, and wrote the date and place beside his signature. Within a month, Loret de Mola's accusation that the vital eleventh page had been removed and that I.P.C. and the government had conspired to defraud the Peruvian nation was to enlarge discontent to a critical mass which swiftly exploded into a military *golpe* and the consequent seizure of all the properties of the International Petroleum Company.

Was there a page 11? The American Embassy maintains flatly that there were only ten pages, and that Loret de Mola was lying for political purposes. This is, of course, possible, and yet—at least up until the time I asked about the matter, a couple of weeks ago—the Embassy had neither studied the documents nor discussed the matter with Loret de Mola, although he is more than willing to tell his story to any who ask. If you examine the documents, one thing is clear. On both Xerox copies of the contract, the only signature that appears at the bottom of page 10 is that of Fernando Espinosa. (Loret de Mola's signature or initial is in the side margin of every page.)

It is hardly conceivable that diligent lawyers should not have made sure that both parties signed so critical a contract, as they did in the case of other, far less controversial documents on that frenzied night—unless, of course, Loret de Mola had in fact signed an eleventh page. Meanwhile, the original has mysteriously disappeared. Unless there are other facts to be disclosed, one conclusion is clear: either there was an eleven-page contract or there was no agreement at all, since few courts would enforce a contract signed by only one party. This leaves open the question whether the "page 11" controversy flows from fraud, misunderstanding, or mistake. The accounts of Loret de Mola and Espinosa are consistent with perfect good faith by each of them, and in discussing the episode each of them gives an almost overwhelming impression of sincerity and honorable intent. Nor is there the slightest evidence that President Belaúnde was aware of any of this, although it might prove interesting to interrogate some of the lawyers who were keeping watch on the evening's transactions. A number of people were anxious to reach agreement before dawn, and the most likely possibility is that in the face of Loret de Mola's stubborn insistence on a clearly defined minimum price the eleventh page was removed as the contract went from one principal to the other. Whatever the facts, Peruvians were quick to believe the accusations of fraud by I.P.C. and the Peruvian government, and the American Embassy did not make the kind of investigation that might have convinced them otherwise. When asked what happened to the original, an Embassy official first responded that "there was no original." When it was pointed out that even Xerox's marvelous technology had not developed to this extent, he said that the original was too messy. But making a page neater while copying it is another feat that Xerox has not yet accomplished. If there were only ten pages, why didn't Loret de Mola sign at the bottom of the tenth page? "There was no room," it was explained. Yet one has only to glance at the page to see that there was plenty of room for an additional signature. None of this proves anything about "page 11," but perhaps it does illustrate some of the attitudes that have led many Peruvians to believe that the American Embassy is the faithful representative of Standard Oil.

As the dawn of August 13th approached, the weary group of negotiators rose from the table to join the President and congressional leaders for the flight to Talara. But there was, according to some of the Peruvian participants, one more ceremony to come. No formal agreement had been signed granting I.P.C. the right to explore the potentially rich jungle lands to the east. At the request of the oil company, therefore, the highest officials of the Peruvian government raised their right hands and gave a solemn oath to the representative of Standard Oil of New Jersey that a million hectares of Peru (about two and a half million acres) would be open to their exploration. Did it happen? Two

Peruvian eyewitnesses swear to it. I.P.C. says only, "We did get a moral commitment, but we never thought we could count on that." In any event, Peruvians believe the story.

On its flight north to Talara, the Presidential plane passed close to the city and plains where a few hundred Spaniards strangled the Emperor and plundered the gold of the Incas. Now, after a century-long dispute, Belaúnde was about to recover for Peru a more modern but equally legendary treasure. That morning, in the Act of Talara, he proclaimed that the oil field and its installations belonged to the nation, once again omitting any description of the rest of the agreement. However, it did not take long for the nation's applause to die out as details of the settlement began to emerge. In an effort to head off opposition, Belaúnde had previously secured the agreement of his APRA opposition to the compact with I.P.C., but unexpectedly the attack was to come instead from his former friends—the armed forces, *El Commercio,* and Loret de Mola.

Since E.P.F. could not take over the operations of La Brea y Pariñas immediately, the Act of Talara was followed by a rather vague decree permitting I.P.C. to continue operations during a transition period. Shortly thereafter, Loret de Mola wrote I.P.C. that since the oil now belonged to Peru, the total profits from its sale—about half a million dollars a month—should be turned over to E.P.F. On September 3rd, I.P.C. replied in a letter that, whatever its legal justification, could only worsen an already deteriorating situation. "We are in agreement [that La Brea y Pariñas is now] the property of the state [but until E.P.F. actually takes over, we intend to] operate the deposits . . . in the same way and with the same obligations which have governed our activities . . . up to the present time." On September 7th, the Peruvian government confirmed the resignation of Loret de Mola and the entire board of directors of E.P.F., and the next day Loret de Mola, according to an account in *El Commercio,* said that since I.P.C., "refused to pay E.P.F. the agreed-upon price of $1.0835 per barrel . . . the Act of Talara was an event of no consequence." That same week, the new Minister of War, Major General Roberto Dianderas Chumbianca, made the ominous announcement that "the Army was awaiting the official publication of all the annexes of the Act of Talara in order to study them and see if it should issue a statement on the matter."

Agitation grew as it became apparent that far more was involved in the Act of Talara than the recovery of La Brea y Pariñas, and that I.P.C. would continue to expand its activities in Peru freed of all claims for past debts. On September 8th, *El Commercio,* knowing of the plans for a *golpe,* began an editorial attack on the agreement, almost certainly intending to bring down the government. And a few days later Loret de Mola went on national television to make public his charges about the missing page 11. From this point on, the attacks mounted in intensity.

Thirty-six generals held a secret meeting, and a pleased General Velasco called the editor of *El Commercio* to report that the vote was "twenty-nine against the agreement and seven traitors." "For a little while," reports an observer, "there didn't seem there would be a coup, but there was no way to bring the thing to rest." Then, in the last week of September, the left wing of the President's own party rebelled against the agreement and demanded the resignation of the entire Cabinet, and APRA, reluctantly yielding to mounting political pressure, withdrew its support of the Act of Talara. On October 2nd, the Cabinet resigned and a new group of ministers was appointed. They stayed in office less than twenty-four hours. Following the long-prepared scenario, at about two o'clock on the morning of October 3rd a column of troops led by tanks of the Lima Armored Division moved across the Plaza de Armas and entered the Presidential Palace. President Belaúnde was roused and taken to the airport, where a large Peruvian jet was waiting to carry its solitary passenger to exile in Buenos Aires. General Velasco was the new President of Peru, and, except for some minor street skirmishing, the takeover was swift and peaceful. A revolutionary manifesto explained that "history will record . . . the loyalty and unquestioned support by the armed forces of the deposed government." However, it went on, the Belaúnde government had disappointed its followers and "these things are evidence of this: the indecision, conspiracy, immorality, surrender, bungling, improvisation, the absence of social sensitivity," culminating in "the false surrender solution given to the La Brea y Pariñas problem, which evidences that moral decomposition in the country had reached extremes so great that its consequences for Peru are unforeseeable."

The consequences for Peru are still unforeseeable, but the consequences for I.P.C. were, even then, quite predictable. A few days later, on October 9th, to the almost universal applause of press and political leaders, Peruvian troops took over the entire oil complex at Talara: the refinery, installations, and the La Brea y Pariñas oil field. "The revolution is on the march," said Velasco. When I.P.C. went to court to lodge a protest, hecklers threw coins at the feet of their lawyers. Of course, since only Talara had been taken, I.P.C. was still Peru's largest supplier of petroleum products, although it was now receiving gas and oil from a refinery that had been taken over by the government. In January, when I.P.C. protested a bill of eleven million dollars for petroleum products from Talara, the government moved to "attach" most of I.P.C.s remaining assets as "security" for this debt. Fruitless discussions continued until February 6th, when General Alberto Maldonado Yanez, Minister of Development and Public Works of the Revolutionary Government of Peru, summoned the manager of I.P.C. to his office and handed him a bill of slightly over six hundred and ninety million dollars: the total value, as calculated by the Peruvians, the I.P.C.'s production at La Brea y Pariñas since the company bought the field in 1924. All of I.P.C.'s assets, the General said, would be held as security. Most of I.P.C.'s top officials were already out of the country, many of them pursued by criminal warrants for fraud and tax evasion. That afternoon, General Velasco announced that "Peru has taken the final step to close definitely and forever this ignominous phase in its history." The long battle between I.P.C. and the Peruvian nation was now over. The dispute was now between Peru and the government of the United States.

The Revolutionary Government of Peru has said that it will be glad to pay compensation for the expropriation of I.P.C. but that I.P.C. must first pay its debt to Peru—an amount that comes to a great deal more than the value of the seized assets. A special Presidential emissary recently completed a mission to Peru in which he held discussions with the top officials of the Revolutionary Government. As a result, President Nixon postponed application of the Hickenlooper Amendment until August while I.P.C. appeals the claim of debt through the administrative machinery of the Peruvian government. Meanwhile, the nationalistic impulses behind that government have led to other changes in Peruvian policy. Peru has recognized the Soviet Union and begun to trade with it (but so have many Latin-American countries); and it has seized some American fishing boats to enforce its claim to sovereignty over the sea two hundred miles from its shores (but that dispute is an old one, and the same claim is made by Chile and Ecuador). These actions flow not so much from hostility to the United States as from the deeply felt nationalism of the armed forces, which have decided that they alone can unite the necessary talent for leadership with the power to reshape social structures. "This is not an interim government," one Minister-General told me. "We intend to remain in power until we have created the conditions for development." Asked how long that would be, he shrugged.

These convictions and expectations are fervently shared by the dark, compact President of Peru, Juan Velasco. A career soldier born into the lower middle classes—for whom the Army has been almost the only route to influence and power in a rigid society—Velasco moved slowly up the ladder through the formal hierarchy of the Army for decades, until, by 1967, he was the third or fourth general in seniority and could look forward to a dignified retirement in January of 1969. While stationed in Lima, and aided by a sophisticated wife, he began to mingle with members of old and wealthy families, many of whom had summer homes at Ancón. Their views and their growing discontent with Belaúnde undoubtedly influenced Velasco, along with other officers, whose appearance in Lima society in recent years had signalled an erosion of the social and personal barriers that had traditionally made strangers of the armed forces and most of civilian society.

This regular and leisurely rise was suddenly accelerated when he became Commander-in-Chief of the Army and then President of Peru, not so much by virtue of his personal qualities as because at the moment of revolution he was at the top of an institution traditionally deferential to formal organization and hierarchy. He is much more than that now. The I.P.C. seizure has made him a hero to many, and has—for the moment at least—paralyzed potential rivals and adversaries. "I didn't care about being President," he told me as he strode restlessly back and forth across the carpeted floor of the Presidential offices, pausing only to take an occasional message from one of the many uniformed aides who crowded an adjoining office. "I really wanted to go home and retire. Now I'm going to stay and work hard for the country, and when they want me to go I'll go." Then, slapping his desk, he said, "And I won't make any money while I'm here!" Waiving a thin green pamphlet, he explained, "We prepared plans in the military school, and we must develop the country. We are going to stay in office until there have been reforms, until we have created the conditions for development. You can read it." The document contains a generally unexceptionable program for social reform and economic development, reflecting liberal thought and the general philosophy of the Alliance for Progress.

When he was asked if he really hoped to accomplish what all previous civilian governments had failed to do, he replied sternly, "We will die trying. But we can do nothing until we end the I.P.C. matter. We are going to cooperate, and we have a commission to report on compensation. Why doesn't the United States send a group—a group of clean, fresh people without any ties to I.P.C.? I will open every door. They can see everything."

What about negotiations, he was asked.

"This is an internal matter, and it must be solved internally. It is not between Peru and the United States. It is between Peru and a private company. We can't solve it in the O.A.S."—presumably because he shares the widespread, if distorted, view that the Organization of American States is a creature of the United States. "A lot of people thought that I.P.C. would overthrow this government, as it had in the past," he continued, "but it can't, because this revolution is in the minds and hearts of the people.

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And we will be absolutely incorruptible, because that is the only way to fight Communism."

When asked if the coup had been prepared before the Act of Talara, Velasco said abruptly, "Of course." Then he asked, "But why does the Hickenlooper Amendment protect a company which corrupted the government and officials? If you apply Hickenlooper, the armed forces might not be able to control the nationalism of the people. We will try, but it will be very dangerous. You can be sure that there will be no other nationalization after this. This is a unique case." Then, nearing the door, he said passionately, "We cannot give in. We are not a colony. We cannot be a colony."

For a more academic approach to the hopes of the Revolutionary Government, one must go to a civilian—the young, intense editor of *El Commercio*, Augusto Zimmerman, whose editorials helped bring on the revolution. "You have to know," he explained to me, "that in Peru there are four major sectors: the military, the intellectuals, the economic power, and the people. If you have any three, you can make reforms, and we have three against the economic sector. I thought the same when Belaúnde took power and the military backed him, but he didn't have the courage. We need great structural changes that are still opposed by the privileged classes, but we do not need Communism. I believe in liberty."

Is there any solution to the oil crisis, he was asked.

"We could find a formula, but not compensation. We cannot compensate I.P.C., not even if you give us the money under the table for us to give them. We don't want Hickenlooper—it would be very bad, and we don't want to fight with the United States—but if you apply it, it might make reforms easier in the atmosphere of national unity that would be created. The Alliance for Progress was a great thing, but when Kennedy died the soul went out of it. It is gone. We have to re-create that spirit ourselves, here in Latin America. We all loved Kennedy."

What about Velasco personally, he was asked—can he do all this?

"He is not an expert," Zimmerman replied, "but he is strong and determined and"—he spoke tenderly—"he loves his country."

Similar convictions about the need to modernize Peru pervade every level of the government, and they are often coupled with a passionate anti-Communism. "The only way to fight Communism is through reform and development," a Minister-General patiently explained. "That's why we have a new organization for the *barriadas*. We fought the guerrillas in the Andes, and we know. We saw men so desperate that they faced certain death to fight for us, and we asked ourselves what made them so brave. Then, look at Vietnam. You can't win against guerrillas unless you have the support of the people."

General Velasco's government does not yet have the support of the people. Last January, in the midst of the crisis, the aging Haya de la Torre returned to Lima from Europe and was greeted by a huge and tumultuous crowd. The effort to mount a similar popular rally for Velasco, despite intense publicity, drew only a few thousand people. "In the *barriadas*," a Peace Corps volunteer explained, "the people don't believe that any government will help them. They know they have to do it themselves." Still, this government is making some effort to win the support of the poor, and uniformed officers are descending on the crowded *barriadas*. "I have never been here," one colonel told a puzzled group, "and I don't know your problems, but maybe we can help." Among Velasco's supporters can also be found individuals who are more extreme and groups that are more conservative. There are, for example, some members of the extreme left among the small group of lawyers summoned for advice on the legal intricacies of La Brea y Pariñas. However, their influence does not seem to extend beyond the legal complexities of the oil problem. At the other end of the political spectrum, Velasco has found support among the conservative banking and commercial families, who see his accession as a way to increase their wealth and have encouraged him to place new restrictions on their foreign banking competitors. And even those who do not favor the Revolutionary Government support the action against I.P.C. To do otherwise publicly would mean political suicide, for few issues in Peruvian history have generated such unanimity of feeling.

Thus, it is virtually impossible for Velasco to back down or compromise. Should he do so, the passions that this issue has engendered could sunder his support and end his rule. For even within the ranks of the armed forces other ambitious officers are waiting for Velasco to falter, and if we do apply Hickenlooper, once the unity generated by shared resentment begins to fade the consequent distress will undoubtedly turn many elements of the "economic power" and some of the workers against him. "What will happen?" said a leading political rival. "Well, life is full of surprises. You've heard of Heisenberg and the uncertainty principle. That's the principle of Peru." In addition, there is always APRA, the only organized popular force in the country, still led by the eternally patient Haya de la Torre, who waits quietly in his simple house on the outskirts of Lima unshaken in his belief that democracy is the only road for men who wish both progress and freedom. There are even rumors in Lima that the C.I.A. is trying to overthrow Velasco. Although it is inherently incredible that we should promote a revolution on behalf of Standard Oil, the recent history of Latin America makes the rumors believable to many Peruvians. Thus, President Velasco is treading a fragile and uncertain path. Where it will lead him and Peru is largely in the hands of the United States government, which must bear the considerable burden of its past policies while seeking to resolve the present crisis.

On a recent cover of a leading Peruvian magazine was a picture of the American Ambassador to Peru, with the caption "The Ambassador from I.P.C." Undoubtedly, this is unfair to the Iowa-born John Wesley Jones, who has headed our Embassy since the beginning of the Belaúnde government. The dignified, slightly stiff, and soft-spoken Jones, serving in Latin America for the first time since 1930, was, in many instances, simply carrying out instructions from Washington.

Yet the caption reflects the almost universal opinion of knowledgeable Peruvians. Businessmen and politicians, military leaders and intellectuals, whether they support Velasco or doubt the wisdom of the seizure (none seem to doubt its justice), all believe that the dominant goal of United States policy was to advance the interests and desires of Standard Oil of New Jersey as embodied in its Peruvian subsidiary. The truth, as usual, is more complex. Yet the chronicle of the last five years does not make it easy to refute the Peruvian contentions. As we have seen, during the first two years of the Belaúnde government the United States suspended virtually all aid to Peru in an effort to compel an agreement between the country and the company. Although top Embassy officials had misgivings about this unprecedented and rather startling policy, there is no evidence that they fought it very vigorously. When asked what terms we had in mind, an Embassy official replied, somewhat righteously, "We never involved ourselves in the substance of negotiations—that was between I.P.C. and the Peruvian government." Yet the United States had staked its national policy toward Peru on the outcome of these negotiations. By failing to become "involved," the United States virtually entrusted the future of that policy to the negotiators for I.P.C. If they did not agree with the Peruvian government, Peru would receive virtually no aid from the United States. Even after 1966, when aid was resumed, there is no evidence that the United States even tried to persuade I.P.C. to modify its terms, although, on the other hand, we constantly reminded Belaúnde that any action resembling expropriation would call down the wrath and retaliation of the United States in the form of the Hickenlooper Amendment. When I.P.C. offered, in 1968, to turn over La Brea y Pariñas—a proposal that would probably have ended the entire dispute a few years earlier—a high Embassy official reports, he was "astonished at their generosity" when he was "told" of their intention. I.P.C.'s natural and warranted impression that it was backed by the full weight of the United States undoubtedly stiffened the company's attitude, just as it restrained, and perhaps intimidated, the Peruvians.

Ironically, this impression may have actually been a disservice to the oil company, leading it to an unjustified belief in its safety from arbitrary action. Throughout this whole period, many outside observers and some U.S. officials knew that a serious clash was always a possibility. Perhaps if the United States had acted as a neutral and actively influential mediator, an earlier agreement might have forestalled the present crisis. Certainly we could have tried, as we have done successfully in reconciling disputes between American enterprises and other countries of Latin America. I.P.C., after all, was a business, and it behaved as a business. On the other hand, it was the State Department's job to examine questions of wisdom and justice, and to measure the strengths and hazards of Peruvian nationalism against the clear American interest in a friendly and developing Peru. Signs of the failure to do this are everywhere. Even though the two top Embassy officials have given more time to this question than to any other aspect of U.S.-Peruvian relatoinships, up to a few weeks ago there was no United States government study of the complex legal and economic questions involved. When asked about the background of the La Brea problem, the best-informed Embassy officer produced a booklet written and published by I.P.C. (although he later uncovered a sketchy historical summary written almost a decade ago). On almost every issue, from "the page 11 scandal" to the I.P.C. debt, one found not an independent investigation but a flat undocumented statement of I.P.C.'s position. And despite the critical importance of the negotiations leading to the Act of Talara, U.S. "experts" were both hazy and inaccurate about the basic economic issues. Perhaps it makes little difference, and perhaps I.P.C. was mostly right, but the interests of the United States were so deeply involved that surely there was some responsibility to examine the issues with detachment and independence.

In talks with many Embassy officials, the interested American observer is told confidently that "there is a lot of *golpe* talk around," although it is hard to find anyone in Lima who talks seriously about the possibility of overthrowing Velasco at this time. Constantly, the motives of those who supported the seizure are referred to as "political," or worse, and their methods attacked as lying or demagogic. Each point of the dispute is presented not as I.P.C. itself presents it, for company officials can discuss the matter with a great deal of helpful calm and detachment, but as a lawyer for I.P.C. might present the case to a suspicious court. Some of this response undoubtedly flows from distrust of a journalistic observer. Most of it, however, is believed, just as the advocate

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of a difficult legal case may come to believe in the absolute justice of his cause. "The worst lawyers," said Supreme Court Justice Felix Frankfurter, "not only want to win their case, they want to be told that they're right."

Some critics view our policy in Peru as just another and expectable example of an "immoral" dollar diplomacy or economic imperialism. Many of those who conducted that policy defend it as the "realistic" pursuit of self-interest. Thus, adversaries and advocates alike would agree on what is, in fact, the most doubtful proposition of all: that the United States was pursuing its national interest. In 1963, Peru had just elected its first progressive democratic government. Communist guerrillas were helpless against the Peruvian armed forces, I.P.C. was the largest producer of oil and gasoline, and other American enterprises were looking forward to large-scale expansion. For the next four and a half years, the dominant concern of our Peruvian policy was to protect the position of I.P.C.; and the threat of the Hickenlooper Amendment was one of the principal instruments of that policy. At least partly as a result, I.P.C. has been driven from Peru and its assets seized; Belaúnde's government was able to make little progress toward reform; democratic government has now been ended; Peruvian nationalists—including the armed forces—have concluded that their own national interest requires both increased defiance of the United States and more extensive relations with the Soviet Union; and other American investments in Peru are in danger of retaliatory measures in response to U.S. economic pressures. Throughout the hemisphere, the episode has somewhat fortified those who claim that the United States is more concerned with its business interests than with the welfare and freedom of its sister republics. Many events and forces contributed to these results, but our policy toward Peru was among them. It was, therefore, a policy damaging to our self-interest and harmful even to American investments.

It didn't work, and if it had succeeded the price would have been high. For we have interests in Peru far more significant than protection of the relatively small investment of Standard Oil. Among them are the social and economic progress of the Peruvian people, the strengthening of democracy, and the encouragement of political forces congenial—but not submissive—to the United States. Yet for half a decade United States policy in Peru, conducted at a level far below the President and Secretary of State, has allowed the interests of a private oil company to dominate pursuit of these vital long-range goals. And it was for that very reason that even I.P.C. was hurt. For it should be clear by now that foreign investment will be most secure in developing societies whose growing strength and self-confidence reduces the popular discontent and national distress that will often find a target in the activities of a foreign enterprise. Moreover, in an atmosphere of growing nationalism, political leaders find it difficult to yield the same concessions under pressure that they might readily grant to a business that had gracefully become part of the local economy, subject to the same terms and conditions that govern all enterprise in the country. It is difficult to explain such a policy except in terms of ignorance and timidity: ignorance of the true interests of the United States and timidity in pursuing long-range goals when confronted with more immediate pressures. There is also—among a, fortunately, dwindling number of diplomats—a certain disdain for Latin-American countries: a belief that we know what is best for them, and a misplaced confidence that others will yield to our will and power if we are stern enough. "You have to understand the Spanish mentality as I do," I was told by Frank Ortiz, of the American Embassy. "The conquerors came here, and they created a whole new breed of people, the kind of people who appreciate strong leadership." That appreciation, however, would seem to have diminishing relevance when applied to relations between the United States and the sovereign republics of Latin America in 1969.

Although President Nixon has postponed the deadline for applying the Hickenlooper Amendment until August, the crisis is far from resolved. Both parties continue to maintain their original positions—the United States demanding compensation and Peru insisting that I.P.C.'s debt to Peru far exceeds any possible payment for the seized properties. A special Peruvian delegation has arrived in the United States to continue discussions. Meanwhile, Peru will receive almost no aid, for, even without sanction of Hickenlooper, nearly all assistance has been halted since the seizure. Private sources of financing for Peru have virtually dried up pending the final action of the United States. Some are hopeful that this mounting economic pressure will compel Peru to change its mind before the deadline, while others suspect that increasing distress will only strengthen nationalist and anti-American forces. President Nixon has shown considerable reluctance to apply the Hickenlooper Amendment, and may yet find a way to avoid a dramatic clash regardless of the outcome of the present negotiations. From President Velasco down, Peruvian officials have expressed the hope that Hickenlooper will not be invoked, while affirming that they will take the consequences rather than yield to pressure. Only the extreme left is anxious for a clash that both U.S. and Peruvian officials know could have a serious, even revolutionary, impact. "The job of Peru is development," the Peruvian Foreign Minister told me, "but the job of the United States is world security. This is against the security of the hemisphere and of the United States, so why should you act in such a way?" Asking some of the same questions, a Senate subcommittee recently held hearings on Peru which questioned the wisdom of the Hickenlooper Amendment. The case of Peru should demonstrate that such a law can help defeat its own purpose—the protection of American enterprise. The threat of the amendment undoubtedly made it more difficult for Belaúnde and I.P.C. to reach agreement, since it made the company feel more secure and thus less willing to compromise. Now the amendment makes it extremely difficut for the Peruvian government to make any accommodation, since it would appear to be acting from fear of economic sanctions.

Moreover, the amendment gives the President no power he did not already have to cut off or suspend aid. It does, however, strip him of flexibility. After all, the United States has a large array of economic and political weapons that it can use to protect its interests, and they have proved adequate to deal with past expropriations. More often than not, the only effect of the Hickenlooper Amendment will be, as in the Peruvian case, to escalate a relatively minor matter into a major diplomatic crisis. Nor does the law permit the President to guide his actions by the manifold considerations of history and justice which make this case far more than a simple, arbitrary seizure of an American company.

If we do apply the amendment, Peru may well wish it had never heard of the Alliance for Progress. Stopping aid and sugar purchases is a hard blow, but one that Peru can probably sustain. Eliminating these benefits in such a dramatic and formal way, however, will deter other public and private financing institutions from investing in Peru. The consequent crisis and distress will affect not the United States and I.P.C.—and not even the Peruvian armed forces—but the workers, the slum dwellers, and the Indians of the countryside, who will have no comprehension of the issues or motives that have loosed upon them the wrath of their great and powerful neighbor to the north.

RICHARD N. GOODWIN.

UNTRUTHFUL ADVERTISING PROPAGANDA IN SUPPORT OF ABM

Mr. YOUNG of Ohio. Mr. President, it is really startling to read a full-page advertisement in the Washington Evening Star paid for allegedly by a Malcolm E. Smith, Jr., 527 Lexington Avenue, New York, N.Y. It is reported to me that he operates WLAX Radio on Long Island, and that he has been publicly identified with extreme rightwing fringe organizations. The author of this advertisement captioned it:

> The Real Truth About How Many U.S. Senators Are Being Tricked By Russia.

The author had the effrontery to headline:

> Every Citizen In America Will Be Told These Facts.

It is to be noted there is this further statement:

> This Advertisement Is Going To Every Important Newspaper In America with special emphasis on those states where Senators are opposed to, or undecided on, the Safeguard anti-missile system.

Mr. President, this is a lying advertisement. If Malcolm E. Smith, Jr., wrote it, he is a liar, and he is guilty of seeking to mislead the general public. If not, it would be of interest to know who is paying for this lying propaganda. The trickster who wrote this is guilty of writing blatantly false statements which I am fearful will be accepted as true and cause concern in the minds of many good people throughout our Nation. An example of the falsity of statements in this advertisement is the following:

> It is clear that America is in danger! The McNamara idea that Russia wanted "parity" is wrong! Russia is *racing* ahead of us! Khrushchev gave the reason: We will bury you.

So this liar, Malcolm E. Smith, Jr., publishes again this old statement attributing to Premier Khrushchev, who by the way was a guest of the late President Eisenhower, that he threatened war against the United States.

This fellow, Smith, Junior, is guilty of repeating false propaganda of rightwing splinter groups such as the Liberty Lobby and the John Birch Society. Some of our top generals have also been duped by reading propaganda issued by these extremist rightwing fringe organizations. Two top generals, highly respected leaders of our Armed Forces, accepted rightwing propaganda regarding former Premier Khrushchev's famous statement and ignored historic facts. They recently again quoted Khrushchev and stated that the Soviet Union is still seeking to bury us. They denied that danger of war with the Soviet Union is less now than when Stalin was dictator. In testimony before the Senate Armed Services Committee, one high-ranking general said that Premier Khrushchev threatened hostile action by his statement, "We will bury you." The truth is that of many remarks and wisecracks of

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Russian Premier Khrushchev the one which most Americans remember best is "We will bury you." Taken in full context Khrushchev made it crystal clear at the time that he did not mean war. He said:

> I do not mean war. I mean competition. You say your system is best. We say our system is the best. Let's compete and see which is best.

At that time the United States had a nuclear superiority of 3 to 1 over the Soviet Union. Now our supremacy is 5 to 1. If our generals sound off on matters pertaining to foreign policy, they should not distort historic facts. Former Premier Khrushchev and the present Premier represent the new order of Russians. Khrushchev was ousted from office to affluent retirement instead of being "liquidated." Indeed, the Communist world is breaking up. The Soviet Union, now a "have" nation, is increasingly hostile to Communist China, and veering toward capitalism.

Daily, we read in newspapers of hostilities between Chinese soldiers and Russian troops along the 6,500-mile common border separating the Soviet Union and Communist China. In fact, the Soviet Union months ago brought two divisions from Eastern Europe, and these divisions with other Russian soldiers are apparently occupying some territory from time to time claimed by Communist China. Very definitely, there is no monolithic conspiracy against the free world as some right-wing extremists have been claiming. The Communist world is breaking up as indicated by the invasion of Czechoslovakia and by hostilities between the Soviet Union and Communist China.

Malcolm E. Smith, Jr., and others of his ilk are doing a disservice to their country in distorting facts in their efforts to gain support for the Safeguard ABM boondoggle. If these are the best arguments that proponents of the ABM can muster, then this project is in even more trouble than heretofore suspected.

Smith's advertisement states:

> It is clear that America is in danger!

Then he adds:

> Khrushchev gave the reason: "We will bury you!"

This slick fellow Smith, Jr., omitted that part of Khrushchev's statement:

> I do not mean war. I mean competition.

This fellow Smith, Jr., should be subpenaed before a Senate committee and compelled to state who actually paid for the advertisement published in various newspapers for which he alleges he paid. In other words, whose money was it that paid the cost of these false statements in full-page newspaper advertisements?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for not to exceed 7 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

VIETNAM

Mr. MANSFIELD. Mr. President, Memorial Day holiday has become a time of exodus from place and pressure, even though it began as a day of quiet homage to those who paid the cost of war with their lives. It might be well for us to remember, then, at the "getting away," this year, those Americans who cannot join in the general escape. There are those who have already left their lives—in the tens of thousands in Vietnam and those whose lives—in the hundreds of thousands—are still being risked in that distant conflict.

The continuance of our involvement in Vietnam is a responsibility which the Senate shares with the President. Members of this body who are deeply concerned over the course of the war, therefore, have not only the right but the duty to seek out and to propose and to propound alternatives whether they are applicable to the diplomatic tables in Paris or to the battlefields in Vietnam. In my judgment, it is a mark not of disrespect but of the most profound appreciation for the fallen in battle to try to forestall the loss of additional American lives in Vietnam. Areas are won and lost many times on a temporary basis. Lives are lost but once and on a permanent basis.

When any Senator speaks out of his mind and heart on any aspect of this barbaric struggle, his words are not to be dismissed as irrelevant or less by others in this Government. Indeed, it would be the better part of wisdom to heed them carefully. They may be words which are not only in unison with the surge of sentiment throughout the Nation, they may also contain a basis for a more effective policy of peace.

Certainly one cannot say at this late date that the course we have followed in Vietnam—militarily or politically—has been a paragon of wisdom. At this late date, it ought to be obvious that there is no infallibility of ideas anywhere with respect to that course. We have had generals urging the bombing of Vietnam into the stone age—as though it had very far to go—and others urging extension of the war into Cambodia or wherever in Southeast Asia. Still others have asked that U.S. forces be concentrated into coastal areas, if not withdrawn from Vietnam entirely and without further delay.

Insofar as our Vietnamese policies are concerned, if Senators are fallible—and we are—so too is the Department of State, the Department of Defense, the National Security Council, and the Saigon Command.

I should add that while the military have been the recipient of late of much of the criticism for Vietnam, I think it only proper to put this criticism in context. The policy of "keeping the pressure on" so to speak, was ordained not by the men in the field, but here in Washington in the highest military and civilian circles of the executive branch. It is not even an original policy of the present administration, but rather a carry-over from one administration to the next. It has brought no curb in casualties and given no tangible indication of bringing the war closer to a conclusion.

It may well be that what we need is something of the courage which has been displayed on the battlefields to face up to our responsibilities here in Washington. It is time to consider adjusting these continuing policies—military and diplomatic—to the end that the loss of life and the hideous devastation may be reduced in Vietnam and the ground laid for a new effort of negotiations to terminate the conflict.

Speaking of courage, we might well note the birthday of one who possessed it in full measure, for the purposes of peace no less than for war, the 35th President of the United States, John Fitzgerald Kennedy. He would have been 52 years old, today, had not the shots which echoed out of another conflict—out of the conflict within this Nation—cut him down. Since his death—a death in the service of his country—this iceberg of inner dissension has emerged in its enormity to spread violence on campus and in city and town throughout the Nation. The disquiet deepens and the need to find solutions grows more urgent. As in Vietnam, there is no infallibility in any part of the Government with respect to a course which will lead to solutions. It is in order, however, for the Senate, no less than any other branch of the Government, to probe, to seek, and to urge rational alternatives.

Until a way is found to curb the violence within this Nation and to end it in Vietnam, there may be escape but there will be no surcease for any of us on this weekend or any other.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER (Mr. ALLEN in the chair) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CERTAIN CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE NAVAL AND MARINE CORPS RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting pursuant to law, certain construction projects proposed to be undertaken for the Naval and Marine Corps Reserve within the uncommitted balance of lump sum authorization provided by section 701(2) of Public Law 88–390; to the Committee on Armed Services.

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Report on the Location, Nature, and Estimated Cost of Facilities Project Proposed To Be Undertaken for the Air National Guard

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting, pursuant to law, the location, nature, and estimated cost of facilities project proposed to be undertaken for the Air National Guard within the uncommitted balance of lump sum authorization provided by the Reserve Forces Facilities Acts; to the Committee on Armed Services.

Report of Defense Procurement From Small and Other Business Firms

A letter from the Deputy Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms for July 1968-February 1969 (with an accompanying report); to the Committee on Banking and Currency.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Federal Deposit Insurance Corporation for the year ended June 30, 1968; to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration by the Small Business Administration of the disaster loan program in connection with the 1964 Alaska earthquake (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Murray L. Weidenbaum of Missouri, to be an Assistant Secretary of the Treasury.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas (Mr. McCLELLAN), I file a report on the nomination of Otto F. Otepka, of Maryland, to be a member of the Subversive Activities Control Board, and ask that this report from the Committee on the Judiciary, together with minority views by Mr. KENNEDY and Mr. TYDINGS, and individual views by Mr. BAYH and Mr. BURDICK, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A concurrent resolution of the Legislature of the State of Minnesota; to the Committee on Finance:

"RESOLUTION 7

"A concurrent resolution memorializing Congress and the President to abolish an age requirement in the aid to the permanently and totally disabled public assistance program

"Whereas the United States has appropriated substantial money to the several states for programs to assist the rehabilitation and aid in the support of disabled persons; and

"Whereas federal law has restricted eligibility to persons 18 years of ago and older, and

"Whereas the several states must comply with the federal age requirements; and

"Whereas it would be of great value to persons otherwise qualified for assistance and to the public at large that eligible citizens of any age have rehabilitation and aid benefits under this program: Now, therefore, be it

"*Resolved, by the Legislature of the State of Minnesota,* That Congress amend the Social Security Act, Title XIV, Aid to the Permanently and Totally Disabled, by deleting an age requirement as an eligibility factor, be it further

"*Resolved,* That the Secretary of State of the State of Minnesota be instructed to transmit copies of this resolution to the President of the United States, the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to the Minnesota Senators and Representatives in Congress.

"JAMES B. GOETZ,
"*President of the Senate.*

"L. L. DUXBURY,
"*Speaker of the House of Representatives.*

"Passed the Senate April 29, 1969.

"H. Y. TORREY,
"*Secretary of the Senate.*

"Passed the House of Representatives May 16, 1969.

"EDWARD A. BURDICK,
"*Chief Clerk, House of Representatives.*

"Approved May 23, 1969.

"HAROLD LEVANDER,
"*Governor of the State of Minnesota.*

"Filed May 23, 1969.

"JOSEPH L. DONOVAN,
"*Secretary of State.*"

A resolution adopted by the Ashtabula County Commissioners, County of Ashtabula, Jefferson, Ohio, requesting the Congress of the United States to refrain from enacting legislation that will directly or indirectly remove the tax exempt status of bonds and notes of Ashtabula County, Ohio; to the Committee on Finance.

A letter in the nature of a petition, from Clayton Dismas Knepfler, of Leavenworth, Kans., praying for a redress of grievances; to the Committee on the Judiciary.

A letter from Jon V. McNail, in the nature of a petition concerning a record which he felt should not be allowed to corrupt our American society and suggesting it should be censored; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 412. A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes (Rept. No. 91-207).

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes (Rept. No. 91-217);

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk (Rept. No. 91-218);

H.R. 4622. An act to amend section 110 of title 38, United States Code, to insure preservation of all disability compensation evaluations in effect for 20 or more years (Rept. No. 91-219);

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum (Rept. No. 91-220); and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap (Rept. No. 91-221).

By Mr. LONG, from the Committee on Finance, with an amendment:

H.R. 5833. An act to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes (Rept. No. 91-222); and

H.R. 8644. An act to make permanent the existing temporary suspension of duty on crude chicory roots (Rept. No. 91-223).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 83. A bill for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation (Rept. No. 91-208);

S. 275. A bill for the relief of the village of Orleans, Vt. (Rept. No. 91-209);

S. 499. A bill for the relief of Ludger J. Cossette (Rept. No. 91-244);

S. 868. A bill for the relief of the New Bedford Storage Warehouse Co. (Rept. No. 91-210);

S. 901. A bill for the relief of William D. Pender (Rept. No. 91-211);

S. 1010. A bill for the relief of Mrs. Alli Kallio (Rept. No. 91-212);

S. 1236. A bill for the relief of Homer T. Williamson, Sr. (Rept. No. 91-213); and

H.R. 2940. An act for the relief of Henry E. Dooley (Rept. No. 91-214).

By Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 728. A bill for the relief of Capt. Richard L. Schumaker, U.S. Army (Rept. No. 91-215); and

S. 757. A bill for the relief of Yvonne Davis (Rept. No. 91-216).

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MONTOYA:

S. 2285. A bill for the relief of Dr. Y. O. Amer; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2286. A bill to include Guam within the purview of the Federal Unemployment Tax Act and related provisions of the Social Security Act, to the Committee on Finance;

S. 2287. A bill to provide that the unincorporated territory of Guam shall be represented in Congress by a Territorial Deputy to the House of Representatives, to the Committee on Interior and Insular Affairs; and

S. 2288. A bill to require the payment of prevailing rates of wages on Federal public works on Guam, to the Committee on Labor and Public Welfare.

(See the remarks of Mr. INOUYE when he introduced the above bills, which appear under a separate heading.)

By Mr. MAGNUSON (for himself, Mr. HARTKE, Mr. HART, Mr. MOSS, Mr. INOUYE and Mr. PROUTY):

S. 2289. A bill to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HARRIS (for himself, Mr. Bayh, Mr. Cannon, Mr. Hart, Mr. Inouye, Mr. Mansfield, Mr. Mondale, Mr. Randolph, Mr. Ribicoff, Mr. Tydings, and Mr. Yarborough):

S. 2290. A bill to provide opportunities for American youth to serve in policymaking positions and to participate in national, State, and local programs of social and economic benefit to the country; to the Committee on Government Operations.

(See the remarks of Mr. Harris when he introduced the above bill, which appear under a separate heading.)

By Mr. CRANSTON:

S. 2291. A bill to authorize the Secretary of the Interior to establish a national wildlife refuge in the south San Francisco Bay area; to the Committee on Commerce.

By Mr. McCLELLAN (for himself and Mr. Hruska):

S. 2292. A bill to amend chapter 223, title 18, United States Code, to regulate litigation concerning source of evidence, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. McClellan, which appear under a separate heading.)

By Mr. PELL (for himself, Mr. Magnuson, Mr. Pastore, and Mr. Fong):

S. 2293. A bill to amend the National Sea Grant College and Program Act of 1966 in order to extend the authorizations for the purposes of such act; to the Committee on Labor and Public Welfare (by unanimous consent), and if and when reported, referred to the Committee on Commerce (by unanimous consent).

(See the remarks of Mr. Pell when he introduced the above bill, which appear under a separate heading.)

By Mr. MATHIAS:

S. 2294. A bill for the relief of Li Kam Lin; and

S. 2295. A bill for the relief of Chan Chung Sau; to the Committee on the Judiciary.

By Mr. CANNON (for himself and Mr. Bible):

S. 2296. A bill to authorize the Secretary of the Interior to grant easements with respect to public lands for certain purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. BYRD of West Virginia (for Mr. Dodd):

S. 2297. A bill for the relief of Maria Lynch; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. Sparkman):

S. 2298. A bill to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes; to the Committee on Banking and Currency.

(See the remarks of Mr. Byrd of West Virginia when he introduced the above bill, which appear under a separate heading.)

By Mr. HART:

S. 2299. A bill granting jurisdiction to the Court of Claims to render judgment on certain claims of the Algonac Manufacturing Co. and John A. Maxwell against the United States; and

S. 2300. A bill for the relief of Betty J. Neil; to the Committee on the Judiciary.

By Mr. HART (for himself, Mr. Burdick, Mr. Hatfield, Mr. Inouye, Mr. Javits, Mr. McCarthy, Mr. Mondale, Mr. Nelson, Mr. Proxmire, Mr. Williams of New Jersey, and Mr. Young of Ohio):

S. 2301. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

By Mr. CRANSTON:

S.J. Res. 114. A joint resolution to honor the citizen-juror and the modern jury system; to the Committee on the Judiciary.

(See the remarks of Mr. Cranston when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. MAGNUSON (for himself and Mr. Jackson):

S.J. Res. 115. A joint resolution to authorize the President to designate the period beginning November 2, 1969, and ending November 8, 1969, as "National Executive Housekeepers Week"; to the Committee on the Judiciary.

S. 2286, S. 2287, AND S. 2288—INTRODUCTION OF BILLS CORRECTING INEQUITIES AGAINST GUAM

Mr. INOUYE. Mr. President, Guam has been a possession of the United States since December 1898 and achieved territorial status in 1950. However, despite the increasing assistance given to the Territory of Guam and its citizens, Guam has not been included under the provisions or benefits of a number of laws that other citizens of the United States enjoy. We in Hawaii fully understand the difficulties and peculiar status that the citizens of Guam must bear and, therefore, I am today introducing several bills to correct a number of inequities Guam's citizens face.

One measure would extend to Guam the provisions of the Davis-Bacon Act. The Davis-Bacon Act provides that laborers and mechanics employed on the construction or repair of public buildings of the United States and the District of Columbia be paid what is known as the "prevailing wage" in the area. My bill would include the Territory of Guam under the coverage of this act.

When both Hawaii and Alaska had territorial status, the provisions of the Davis-Bacon Act were extended to them in June of 1940. I am hopeful that my measure to include Guam under the coverage of this act will receive speedy consideration by the Congress.

Another measure I am introducing today would include Guam under the national unemployment compensation program that is administered by the Federal Government. Hawaii and Alaska were covered under the provisions of this act at the start of the program. The 10th Guam Legislature has petitioned the Congress to have Guam included under the benefits of this program. Enactment of this measure would be of minimal cost to the Federal Government since the employers and employees on Guam would pay into the fund and benefits would not be received until 2 years from the date the payments were first collected.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bill (S. 2286), to include Guam within the purview of the Federal Unemployment Tax Act and related provisions of the Social Security Act, introduced by Mr. Inouye, was received, read twice by its title and referred to the Committee on Finance;

The bill (S. 2287), to provide that the unincorporated territory of Guam shall be represented in Congress by a Territorial Deputy to the House of Representatives, introduced by Mr. Inouye, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs; and

The bill (S. 2288) to require the payment of prevailing rates of wages on Federal public works on Guam, introduced by Mr. Inouye, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

S. 2289—INTRODUCTION OF A BILL TO ELIMINATE DISCRIMINATION TAXATION OF COMMON CARRIER PROPERTY

Mr. MAGNUSON. Mr. President, I introduce on behalf of myself and Senators Hartke, Hart, Moss, Inouye, and Prouty, for appropriate reference, a bill to amend the Interstate Commerce Act to provide a means to eliminate discriminatory taxation of common carrier property. The purpose of this bill is to eliminate the longstanding burden on our national transportation system arising out of discriminatory State and local taxation of interstate carrier property.

This proposed legislation contains two parts. The first part, to briefly summarize, makes it unlawful as a burden against interstate commerce for a State or locality to assess, collect, or impose a higher rate of property tax on interstate carriers than on other taxpayers. Unfortunately, interstate carriers, especially railroads, are easy prey for State and local tax assessors. They cannot just pull up their lines and terminals and leave a State when they are oppressively taxed. There is precedent for this provision in the language of section 13(4) of the Interstate Commerce Act, which declares unlawful a State's requiring a carrier to charge intrastate rates so low as to be unfair or to discriminate against, or to place a burden on interstate commerce.

The second part of the bill allows an aggrieved interstate carrier to bring suit in a Federal district court to challenge the excessive portion of a State or local transportation property tax. In such a suit, the carrier challenging any State or local tax would have the burden of proof.

In the past, I was reluctant to urge enactment of similar legislation because I believed the State taxing agencies and State courts should be given every opportunity to correct their outdated procedures which result in discriminatory taxation of carriers. But this problem is not a new one, and year after year has gone by without corrective State action. Some 9 years ago, pursuant to Senate Resolutions 29, 151, and 244 of the 86th Congress, the Senate authorized the establishment of a special study group on transportation policies in the United States. This study group submitted its national policy study report 8 years ago, including recommendations on means to eliminate State and local discriminatory taxation of carriers. This study group confirmed that there was a "studied and deliberate practice of assessing railroad property at a proportion of full value substantially higher than other property subject to the same tax rates." The study group favorably recommended a bill to eliminate this discriminatory state taxation.

Last year the Senate Commerce Committee favorably reported a bill, S. 927, identical to the one I introduce today. At the Commerce Committee hearings held during the 90th Congress on S. 927, States asked that they be given just a little more time to take care of this matter themselves. The committee agreed and amended S. 927 to allow the States 3 more years, after enactment, to correct this matter. Certainly if the States are ready and willing to provide equal justice in taxation to all their taxpayers, another 3 years should be sufficient for them to adjust their practices and laws.

As the Department of Transportation said in favorably commenting on legislation to eliminate discriminatory taxation:

> Reform in these aspects of property tax administration which affect interstate commerce should be accelerated. The present system in addition to its discriminatory aspect, results in the added burden of increased transportation costs to the consumer.

During the last Congress the Department of Transportation and the Interstate Commerce Commission expressed support for the objectives of this legislation to eliminate discriminatory State tax practices which weaken our national transportation system and burden our Nation's consumers.

I want to emphasize that this bill would in no way alter the freedom of a State to tax its taxpayers so long as interstate carriers are accorded equal tax treatment with other taxpayers. In the majority of States that now grant equal tax justice to all taxpayers, State property tax assessments and rates would in no way be touched by this bill. In the remaining States, 3 years would be provided by this measure for the States to adjust their tax practices. Even at the end of 3 years, no change would be required of any State unless and until an affected carrier could prove in court that State discriminatory tax practices exist. Only when a carrier proves in court that a State is discriminatorily taxing carrier property, would this statute have an effect on State tax practices.

Ultimately, the shipper and consumer pay the bill for discriminatory taxation of transportation. Not only are such taxes reflected in the transportation costs of goods purchased by the consumer, but also the consumers of States which do not discriminate are forced to share the cost of these burdensome tolls.

Mr. President, I ask unanimous consent that the text of the bill be printed at the close of my remarks on this proposed legislation.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2289) to amend the Interstate Commerce Act, as amended, in order to make unlawful, as unreasonable and unjust discrimination against and an undue burden upon interstate commerce, certain property tax assessments of common and contract carrier property, and for other purposes, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 2289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Interstate Commerce Act, as amended, is amended by inserting after section 25 thereof a new section 25a as follows:

"SEC. 25a. (1) Notwithstanding the provisions of section 202(b), the following action by any State, or subdivision or agency thereof, whether such action be taken pursuant to a constitutional provision, statute, or administrative order or practice, or otherwise, is hereby declared to constitute an unreasonable and unjust discrimination against and an undue burden upon interstate commerce and is hereby forbidden and declared to be unlawful: (a) the assessment (but only to the extent of any portion based on excessive values as hereinafter described), for purposes of a property tax levied by any taxing district, of transportation property pursuant to a constitutional provision, statute, or administrative order or practice, or otherwise, is hereby declared to constitute an unreasonable and unjust discrimination against and an undue burden upon interstate commerce and is hereby forbidden and declared to be unlawful; (a) the assessment (but only to the extent of any portion based on excessive values as hereinafter described), for purposes of a property tax levied by any taxing district, of transportation property owned or used by any common or contract carrier subject to economic regulation pursuant to the provisions of the Interstate Commerce Act at a value which bears a higher ratio to the true market value of such transportation property than the assessed value of all other property in the taxing district subject to a property tax levy bears to the true market vaue of all such other property; (b) the collection of any tax on the portion of said assessment so declared to be unlawful; or (c) the collection of any ad valorem property tax on such transportation property at a tax rate higher than tax rates applicable to any other property in the taxing district.

"(2) Notwithstanding the provisions of section 1341, title 28, United States Code, or of the constitution or laws of any State, the district courts of the United States shall have jurisdiction, upon complaint and after hearing, to issue such writs of injunction or other property process, mandatory or otherwise, as may be necessary to restrain any State, or subdivision or agency thereof, or any person from doing anything or performing any act declared by paragraph (1) hereof to be unlawful: *Provided, however,* That such jurisdiction shall not be exclusive of that which any Federal or State court may otherwise have: *And provided further,* That the provisions of this paragraph (2) shall not become effective until three years after the date of enactment."

Mr. **HARTKE**. Mr. President, I am pleased to join as a cosponsor of the bill to amend the Interstate Commerce Act to provide a means to eliminate discriminatory taxation of common carrier property.

The bill has both a substantive and a procedural aspect. First, it would amend the Interstate Commerce Act to declare unlawful, as an unreasonable and unjust discrimination against and an undue burden upon interstate commerce, the assessment of property of any common carrier which bears a higher ratio to its true market value than the assessed value of other property in the taxing district subject to the same property tax levy. Second, it would provide a remedy in the Federal courts for such carriers against the collection of any tax based on such unlawful assessments.

Like Senator MAGNUSON I hesitate to endorse any legislation that imposes Federal restrictions on State taxation policies. But in this case too many States have failed to take action to correct a manifestly inequitable taxation policy. By allowing the States 3 years within which to act after the legislation becomes law, this bill is eminently fair. It would be grossly unfair to the railroads and other carriers as well as to citizens of nondiscriminating States to allow the existing situation to continue unabated.

S. 2290—INTRODUCTION OF THE YOUTH PARTICIPATION ACT OF 1969

Mr. **HARRIS**. Mr. President, I introduce for appropriate reference the Youth Participation Act of 1969, a bill to provide increased opportunities for young people to serve and participate in the institutions which direct our society and control its quality.

The bill is cosponsored by Senators BAYH, CANNON, HART, INOUYE, MANSFIELD, MONDALE, RANDOLPH, RIBICOFF, TYDINGS, and YARBOROUGH.

A year ago, I introduced a similar bill. Many excellent suggestions concerning the legislation have been made since then and are incorporated in the act of 1969, resulting in a more responsive and positive program.

We cannot continue to describe or discuss America's young people in the cliches of the past.

It is not totally pertinent to say that today's young people are the best we have ever had. We do not know for sure if that is true. What is pertinent is that they are the only young people we have.

We can no longer say to youth: "The future is yours." Because today youth replies: "We don't want to wait until then."

They want to participate now.

This summer, as graduation exercises take place on the Nation's campuses, these restless young people will come forward to seek a role in our social institutions. They are vocal, well informed and well educated. They have learned the ways of power and they are impatient to exercise it.

We cannot agree with all the demands this new breed will make, nor can institutions tolerate violence or unlawful intimidation. Neither can we deny legitimate requests for a share in helping shape the policies and institutions that control their lives.

One of the most compelling facts about today's youth is their number. In 1940 the percentage of our population under 25 was 40 percent; today it is 47 percent By 1972, about half of our total population will be under 25.

This fact alone should encourage us to provide a significant role for the talents and energies of this potent natural resource.

And today's young people are more aware of the world at a much earlier age than the generations which preceded them.

At the earliest ages, they are instantly linked, through the most sophisticated communications with a starving African child, a war being fought on the other

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side of the globe, a riot in a city hundreds of miles away—and, soon, with the surface of the moon.

Not too long ago, college was a privilege of the Nation's elite. Today, 6 million young people are in college. That represents more than half of all high school graduates.

Today's young generation, eager to assume responsibility, is also the best prepared one we have ever had.

With a superior education, earlier maturity and a much quicker and greater awareness of the world around them, today's youth often grasp the realities of society with more perception than many of us who are older.

The framers of our Constitution had faith in young people. One is eligible for election to the House of Representatives at the age of 25, the Senate at age 30 and the Presidency at 35.

America has always been a young nation; and America's greatest promise has always been to her youth. But now a cruel irony threatens us—some young Americans view our established institutions with distrust and hostility.

Some display what Dr. Erich Fromm calls an "irrational destructiveness" that comes when hope is gone.

Some are simply apathetic and alienated.

Most are concerned about America's future and are committed to improving the quality of life for all our citizens.

But they are frustrated because of a sense of powerlessness—an inability to influence policies or events.

Certainly such programs as the Peace Corps and Vista have been so successful because they give young people a chance to participate, to effect changes. Yet, they are not enough.

Today's youth want more. They want a voice in shaping policy and in making decisions.

But the longer we wait to recognize this need, the greater the possibility that the racial minority will grow, capturing imagination and commitment of more young people. If this happens, more of the zeal and vigor of youth, which our country so desperately needs, may be dissipated.

While we must find a way to create meaningful programs for youth, we must beware of institutionalizing youth. Neither should we structure programs that are suited only to college students. Youth programs must be flexible enough to use the talents of all of our young people—rich and poor, black and white, more educated and less educated.

There is truth, but no originality, in the statement that youth is this country's greatest resource. The originality will be in what we do with it.

I believe we are ready to use this resource now.

The bill I am offering attempts to increase opportunities for young people to have a responsible and creative role in this country's future.

The Youth Participation Act of 1969 calls for the establishment of a Foundation on Youth Participation and a National Advisory Commission on Youth.

The Foundation on Youth Participation would be composed of a 12-member board of trustees. Members would be appointed by the President and confirmed by the Senate. Each member would serve for 3 years and would be required to be under 36 years old at the time of his or her appointment.

Subject to supervision and direction by the board of trustees, the Foundation programs would be carried out by a Director and Deputy Director. Both the Director and his Deputy would also be appointed by the President and confirmed by the Senate.

The Foundation, as its primary function, would make grants to public and nonprofit agencies which sponsor programs for youth under 25 years of age.

The Foundation would also encourage Government and industry to invest in youth participation programs.

Another function of the Foundation would be to offer technical assistance to those public and private agencies which contribute to the Foundation efforts.

The Foundation would maintain an information center on youth programs. There are presently 98 youth programs operating in this country. We need to assemble the facts concerning these programs in a central location where they are more readily accessible and easier for a young person to learn about.

In addition, the Foundation would facilitate a free exchange of information and ideas among existing youth organizations, resulting in a more efficient use of already established programs.

In addition to the Foundation, the act provides for a National Advisory Commission on Youth.

The Commission, composed of nine members, would be appointed by the President. At least four of the nine Commission members would be under 25 years of age at the time of appointment.

The Commission would be called upon to investigate matters of concern to youth, and to the Nation, such as campus disorders, and also would investigate youth programs to determine that the programs are in fact providing opportunities for youth.

The Commission would be directly responsible to the President and the Commission would advise the President and the Foundation as to ways of increasing participation of youth in our society.

Many other actions, such as providing for 18-year-olds to vote, must be taken. But the act of 1969, establishing a Foundation and a Commission to perform the functions just described, would be an important part of an effective effort to involve youth in a meaningful manner in the affairs of our society, recognizing the faith and strong hope that a majority of youth have in the future of this Nation.

Dr. Erich Fromm, when discussing hope, stated:

> Those whose hope is weak settle down for comfort or for violence; those whose hope is strong see and cherish all signs of new life and are ready every moment to help the birth of that which is ready to be born.

I hope that during this session of Congress we can offer a sign of new life and take prompt and favorable action on the Youth Participation Act of 1969, which is ready to be born.

Mr. President, I ask unanimous consent that a summary of the bill and the bill itself be printed at this point in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 2290) to provide opportunities for American youth to serve in policymaking positions and to participate in national, State, and local programs of social and economic benefit to the country, introduced by Mr. HARRIS (for himself and other Senators), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Youth Participation Act of 1969".

STATEMENT OF PURPOSE

SEC. 102. (a) The Congress finds that—

(1) encouragement of youth participation in national, State, and local programs of social and economic benefit to the country is an appropriate matter of concern to the Federal Government;

(2) American youth today are maturing—physically and intellectually—at earlier ages than ever before, yet technological and other advances have eliminated opportunities of work for an increasing proportion of the young, while requiring them to continue their education in order to acquire the skills and knowledge demanded by a sophisticated economy, and as a consequence, the period during which young people must wait to enter society as productive members in positions of power and responsibility lasts longer for youth today than for any previous generation;

(3) the extension of the period during which youth are waiting to enter society, the unprecedented rapidity of recent technological and social change and the emergence of huge, impersonal institutions have helped to produce social cleavages between older and younger Americans that are wider than the distances which separated past generations from one another, and these cleavages may grow unless the Nation deliberately creates a forum for a mutually respectful and meaningful exchange of opinions between old and young and develops viable means by which the young can participate more directly in American life and institutions and in decision making processes;

(4) acute problems of economic inequality, racial discrimination, and social inequity continue to burden the Nation and prevent it from achieving its full economic potential, from developing the full human resources of all of its citizens, and from fully realizing its democratic principles;

(5) in the idealism, energy, and imagination of American youth, the Nation possesses resources which can be mobilized to help relieve these problems, and are not now fully employed because the Nation lacks adequate institutions through which young people can channel their potential contribution to the national welfare; and

(6) programs at the national level, such as the Peace Corps, and programs at the State and local levels which rely heavily on the interest and participation of youth, now lack the necessary coordination to insure the maximum participation of youth.

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(b) In order to implement the findings set forth in subsection (a), it is the purpose of this Act to create a new program, which will help to direct the resources of youth to the solution of critical needs of the country and encourage the fuller participation of youth in American public life, by offering young people opportunities to participate in the planning, administration, and operation of programs which benefit our society and economy, and by establishing national and State forums for the discussion and resolution of problems concerning youth.

DEFINITIONS

SEC. 103. As used in this Act—

(1) "youth program" means any program designed to provide opportunities for youth to serve or participate in projects of a social or economic benefit to the local community, the State, or the United States; and

(2) "private nonprofit organization" means any organization, including any organization owned or operated by one or more corporations, agencies, or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

TITLE II—FOUNDATION ON YOUTH PARTICIPATION

ESTABLISHMENT OF FOUNDATION ON YOUTH PARTICIPATION

SEC. 201. (a) There is hereby established in the executive branch of the Government an agency to be known as the Foundation on Youth Participation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be subject to the supervision and direction of a Board of Trustees (hereinafter referred to as the "Board"). The Board shall be composed of twelve members appointed by the President by and with the advice and consent of the Senate, of whom at least eight shall be persons who at the time of their appointment have not attained thirty-six years of age. The Director of the Foundation shall be an ex officio member of the Board. In making appointments, the President shall consider recommendations from youth organizations, business and professional organizations, and from public agencies conducting or assisting programs relevant to young people.

(c) The term of office of appointed members of the Board shall be three years, except that—

(1) the members first taking office shall serve as designated by the President, four for a term of one year, four for a term of two years, and four for a term of three years; and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(d) Members of the Board who are not regular full-time employees of the United States shall, while serving on business of the Foundation, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including travel time; and while so serving away from their homes or regular places of business. All members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The President shall call the first meeting of the Board of the Foundation at which the first order of business shall be the election of a chairman and a vice chairman who shall serve for a term of one year. The vice chairman shall perform the duties of the chairman in his absence.

(f) Any vacancy in the Board shall not affect its powers and seven members of the Board shall constitute a quorum.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 202. (a) There shall be a Director and a Deputy Director of the Foundation who shall be appointed by the President, by and with the advice and consent of the Senate. In making such appointments the President is requested to give due consideration to any recommendations submitted to him by the Board. The Director shall be the chief executive officer of the Foundation. Each shall serve for a term of four years unless previously removed by the President. The Deputy Director shall perform such functions as the Director, with the approval of the Foundation, may prescribe, and be acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

(b) The Director shall carry out the programs of the Foundation subject to its supervision and direction, and shall carry out such other functions as the Foundation may delegate to him consistent with the provisions of this title.

FUNCTIONS OF THE FOUNDATION

SEC. 203. (a) It shall be the function of the Foundation to—

(1) make grants to public agencies and nonprofit private organizations, upon such terms and conditions consistent with the provisions of this title as the Board deems appropriate, for—

(A) the establishment of State programs of youth participation approved by the Board;

(B) the development and operation, by public agencies and nonprofit private organizations, of programs under which young people who have not attained 25 years of age are recruited, selected, trained, and employed in social and economic programs of benefit to local communities, especially programs which concern youth generally and programs designed to reduce poverty and physical blight, improve health, education, and welfare of the people concerned, end racial discrimination, and achieve equal justice under law for all citizens; and

(C) the development of coherent plans and programs, by such public agencies and private nonprofit organizations, which ensure the meaningful participation of young people who have not attained 25 years of age in policy making positions of governmental and private organizations which administer social and economic programs, described in subparagraph (B);

(2) encourage private industry and charitable educational foundations to invest in youth participation programs;

(3) encourage State and local public agencies to develop and adequately fund youth participation programs;

(4) provide technical assistance, either directly or by way of grant or contract, to States and otherwise encourage the establishment of appropriate programs of youth participation at the State level;

(5) establish and maintain a national information center to collect, store, and analyze information with respect to youth programs and volunteer programs conducted by Federal, State, or local public agencies or private nonprofit organizations in order to disseminate appropriate materials concerning any such youth or volunteer program (including an evaluation thereof) which the Director determines is successful in carrying out the purposes for which it was established; and

(6) establish and encourage the adoption of procedures to assure the free exchange of information concerning volunteer opportunities in Volunteers in Service to America, the Peace Corps, the Job Corps, the Neighborhood Youth Corps, the Federal volunteer program established under this title and any other relevant Federal youth program, including making available streamlined application procedures for service in such programs.

(b) No payment may be made pursuant to paragraphs (1), and (5) of subsection (a) of this section, except upon application therefore, which is submitted to the Foundation in accordance with regulations and procedures established by the Board.

LIMITATION ON PAYMENTS

SEC. 204. (a) No payment shall be made pursuant to this title in excess of 90 per centum of the cost of the program, project, or activity for which an application is made.

(b) No compensation or stipend paid to any volunteer pursuant to this Act may exceed $4,000 in any fiscal year. This limitation shall not apply to medical or travel expenses and other necessary expenses as determined by the Foundation.

(c) Assistance pursuant to this Act shall not cover the cost of any land acquisition, construction, building acquisition, or acquisition of labor or equipment.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) In addition to any authority vested in it by other provisions of this title, the Foundation, in carrying out its functions, is authorized to——

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out;

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Foundation; and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

(3) in the discretion of the Foundation, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Foundation with a condition or restriction, including a condition that the Foundation use other funds of the Foundation for the purposes of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this title;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this title, and such contracts or modifications thereof may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5) or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Board deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529);

(9) rent office space in the District of Columbia; and

(10) perform such other duties as are necessary to carry out the provisions of this title.

(b) The Foundation shall submit to the President and to the Congress an annual report of its operations under this title which shall include a detailed statement of all public and private funds received and expended by it and such recommendations, including legislative recommendations, as the Foundation deems appropriate.

TRANSFER OF FUNCTIONS

SEC. 206. (a) The functions of the President's Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity established pursuant to Executive Order 11330, approved March 6, 1967, are transferred to the Foundation.

(b) All personnel, assets, liabilities, property, and records as are determined by the

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Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred by subsection (a) are transferred to the Foundation.

COMPENSATION OF DIRECTOR AND DEPUTY DIRECTOR

SEC. 207. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(54) Director, Foundation on Youth Participation.".

(b) Section 5315 of such title is amended by adding at the end thereof the following new clause:

"(92) Deputy Director, Foundation on Youth Participation.".

APPROPRIATIONS AUTHORIZED

SEC. 208. There are hereby authorized to be appropriated such sums, not to exceed $20,000,000 in any fiscal year, to carry out the provisions of this title.

TITLE III—NATIONAL ADVISORY COMMISSION ON YOUTH COMMISSION ESTABLISHED

SEC. 301. (a) There is established an Advisory Commission on Youth (hereinafter referred to as the "Commission"), composed of 9 members to be appointed by the President from among persons who are recognized as specially qualified to serve on the Commission. In making such appointments the President shall give consideration to any recommendations submitted by the Board, and to the appointment of individuals who collectively will provide a broad range of experience, backgrounds, educational levels, occupations, age groups, ethnic origins, and regional representation. At least 4 members appointed to the Commission shall not have attained 25 years of age on the date of appointment.

(b) The terms of office of each member of the Commission shall be 3 years, except that—

(1) the members first taking office shall serve, as designated by the President, 3 for a term of 1 year, 3 for a term of 2 years, and 3 for a term of 3 years; and

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

(c) The President shall designate one of the members of the Commission to serve as Chairman. Each Chairman shall serve for a term of two years.

(d) Any vacancy in the Commission shall not affect its powers, and 5 members of the Commission shall constitute a quorum.

FUNCTIONS OF THE COMMISSION

SEC. 302. It shall be the function of the Commission to—

(1) investigate issues of concern to youth in America, including, but not limited to, student unrest, higher educational opportunities for blue collar youth, youth working conditions, and employment opportunities for youth in government;

(2) investigate, study, and evaluate youth programs conducted or assisted under any provision of Federal law to determine if such programs are—

(A) being planned and administered so as to furnish substantial opportunities for the participation of young people;

(B) engaging volunteers in ways that permit and encourage them to assist in the planning, administration, and evaluation of policies and programs;

(C) where appropriate, assigning young volunteers to work directly with clients and beneficiaries of federally assisted or conducted programs; and

(D) providing experience which leads to careers for volunteers in the fields in which they work;

(3) investigate federally conducted or assisted programs which directly affect the lives of young people, including, but not limited to, programs under the jurisdiction of the Selective Service System, the Justice Department, the Civil Service Commission, and the Office of Economic Opportunity, and determine ways of improving such programs in order to make them more responsive to the needs and concerns of young people;

(4) advise the President, the Board, and the Foundation, after consideration of the findings of the Commission, with respect to ways of increasing the participation of youth in programs administered by the Foundation;

(5) consult with the President, Federal, State and local public agencies with respect to governmental programs affecting youth in order to recommend how such programs can be made more responsive to the needs and concerns of young people; and

(6) prepare and transmit to the President and to the Congress at least twice in each fiscal year a detailed report on the activities of the Commission during the 6-month period prior to the preparation of the report, together with such recommendations, including legislative recommendations, as the Commission deems appropriate, and may, at its discretion, prepare and transmit to the President and to the Congress such interim reports as are necessary to carry out the objectives of this title.

ADMINISTRATIVE POWERS

SEC. 303. (a) The Commission is authorized to—

(1) appoint and fix the compensation of such staff personnel, including an Executive Secretary, as it deems necessary;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code;

(3) conduct such hearings as may be required for the performance of the functions of the Commission, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearings;

(4) issue, amend, and revoke such regulations as may be necessary for the performance of the functions of the Commission;

(5) enter into contracts and other agreements with Federal, State, and local public agencies, private firms, institutions and individuals for the conduct of such research or surveys as may be required in the performance of the functions of the Commission;

(6) secure from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the United States Government, or of any State, or political subdivision thereof, information, estimates, and statistics required in the performance of the functions of the Commission; and

(7) delegate to any member of the Commission any of the foregoing functions.

(b) (1) Subpenas issued pursuant to paragraph (3) of subsection (a) shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

(c) Each department, bureau, agency, board, Commission, office, independent establishment, or instrumentality referred to in paragraph (6) of subsection (a) is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission upon written request made by the Chairman of the Commission.

COMPENSATION OF MEMBERS

SEC. 304. Members of the Commission who are not regular full-time employees of the United States shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per diem, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

APPROPRIATIONS AUTHORIZED

SEC. 305. There are authorized to be appropriated such sums not to exceed $5,000,000 in any fiscal year, to carry out the provisions of this title.

The material presented by Mr. HARRIS follows:

SUMMARY OF YOUTH PARTICIPATION ACT OF 1969

Section 101 provides that the act may be cited as the "Youth Participation Act of 1969."

Section 102 sets forth the purposes of the act which are primarily related to providing better opportunities for American youth to serve in policy-making positions and to participate in National, State, and local programs of social and economic benefit to the country.

Section 103 simply defines "youth programs" and "private nonprofit organization."

Section 201 establishes a Foundation on Youth Participation in the Executive Branch of the government which would be subject to the supervision and direction of a Board of Trustees composed of 12 members appointed by the President and confirmed by the Senate. Eight of the 12 members of the Board shall be persons who have not attained 36 years of age at the time of their appointment. The members of the Board are to serve for three year terms.

Section 202 provides for a Director and Deputy Director of the Foundation to be appointed by the President and confirmed by the Senate. The Director would be the Chief Executive Officer of the Foundation and would be responsible for the programs of the Foundation subject to its supervision and direction.

Section 203 lists the functions of the Foundation which are in part: to make grants to public agencies and nonprofit private organizations for programs of youth participation; to encourage private industry and charitable foundations to invest in youth programs; to provide technical assistance to those conducting youth programs; to provide an information center for youth programs; and to encourage the adoption of procedures to assure the free exchange of information between Federal agencies having programs primarily involving youth.

Section 204 limits the payment to a program or project to 90% of the cost and also limits the compensation or stipend paid to any volunteer to $4000 in any fiscal year.

Section 205 gives the Foundation the administrative powers essential to the accomplishment of its functions.

Section 206 provides for the transfer to the Foundation the functions of the President's

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Council on Youth Opportunity and the Citizens Advisory Board on Youth Opportunity.

Section 207 establishes the compensation of the Director and Deputy Director.

Section 208 provides for an authorization of funds for the Foundation not to exceed $20,000,000, to carry out the provisions of this title.

Section 301 provides for a National Advisory Commission on Youth to be composed of 9 members appointed by the President. At least 4 of the members shall not have attained 25 years of age on the date of appointment. The term of office for a Commission member shall be three years.

Section 302 sets forth the functions of the Commission. These functions in part are: to investigate issues of concern to youth; to investigate and study youth programs; and to consult with and advise the President and make reports to the President.

Section 303 of the Act gives the Commission the administrative powers essential to carrying out its functions.

Section 304 of the Act provides for the compensation of the members of the Commission.

Section 305 of the Act provides for an authorization of $5,000,000 to carry out the provisions of this title.

S. 2292—INTRODUCTION OF A BILL TO REGULATE LITIGATION CONCERNING SUPPRESSION OF EVIDENCE

Mr. McCLELLAN. Mr. President, each morning, each afternoon, and each evening bring us new evidence from the streets of our cities, the campuses of our colleges, and the metropolitan strongholds of organized crime, that our system of criminal justice, as administered, is weak and needs strengthening. Muggings and robberies continue unabated, forcible rape, too frequently, is committed with impunity, criminal trespassing goes unpunished, and the hijackers of organized crime threaten to close down whole segments of our transportation industry. Few, if any, reputable commentators today seriously quarrel with those of us who suggest the need for wise and imaginative new legislation on topics touching law enforcement.

Earlier in this session of the Congress, along with several of my distinguished colleagues—men who share my concern about the quality of our law-enforcement efforts—I introduced S. 30, the Organized Crime Control Act of 1969, and S. 1861, the Corrupt Organizations Act of 1969. Those two bills are designed to deal forcefully with certain clearly defined needs of our criminal justice system. The Subcommittee on Criminal Laws and Procedures is now working to perfect these bills and to report them to this body at an early date.

Today, however, I wish to speak of a situation which has deteriorated recently, and on which the need for remedial action now is most pressing. I refer to the procedural problems surrounding the implementation of the so-called suppression sanction in our courts—a practice whereby logically relevant and manifestly probative evidence is excluded during the trial of an issue—as a technique of discipline for the allegedly unlawful manner in which such evidence was obtained.

Mr. President, on March 11, 1969, I addressed this body on the special challenge posed by organized crime. At that time, I expressed my concern that the administration of justice might be harmed by the Supreme Court's decision of the previous day in Alderman against United States, establishing a procedure for suppressing evidence derived from unlawful police conduct. I have now had the opportunity to examine that decision, to assess its implications, and to determine what courses of legislative action are open to us to mitigate its harmful effects. The remedy I propose is in this bill which I now rise to introduce, for myself and the distinguished Senator from Nebraska (Mr. Hruska). Mr. President, I ask that the bill be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2292) to amend chapter 223, title 18, United States Code, to regulate litigation concerning sources of evidence, and for other purposes, introduced by Mr. McClellan (for himself and Mr. Hruska), was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCLELLAN. In the Alderman decision, the convictions of Willie Israel Alderman and Felix Antonio Alderisio, in one case, and Igor A. Ivanov and John William Butenko, in another, were set aside and sent back to the lower courts for further proceedings, proceedings which may ultimately result in their escaping punishment for the crimes they committed. A necessary step in understanding this decision, therefore, is becoming acquainted with the backgrounds of these four defendants and their separate crimes.

I begin with Alderisio and Alderman. Alderisio, also known as "Milwaukee Phil," has been repeatedly identified before the Permanent Subcommittee on Investigations, in its examination of organized crime, and elsewhere, as a syndicate terrorist or "enforcer" and high-level leader of La Cosa Nostra in the Chicago area. He is engaged in the direction of gambling, loan sharking, and other illegal activities. His record goes back a number of years. He received a medical discharge from the U.S. Army in 1943 for "psychoneurosis, hypochondriasis, and defective ethical and moral outlook." In May 1962, he was arrested in a "hit" car—an automobile designed to be used in organized crime murders—that contained special, hidden switches connected to secret compartments for concealing shotguns, rifles, and pistols. He is, in short, a vicious hoodlum. Alderman, on the other hand, has a record of arrests dating back to 1930 for murder, robbery, and assault, but no prior convictions. In the 1940's, in association with the infamous Benjamin "Bugs" Siegel, he owned a large interest in a major Las Vegas gambling casino, and he has been employed, more recently, as a "pit boss" in another Las Vegas casino. He is said to have been responsible for at least 11 unsolved murders. He, too, is a notorious hoodlum.

In the trial court, Alderman and Alderisio were convicted of conspiring, in connection with the collection of a debt, to transmit in interstate commerce threats to commit a murder. At one point, during the course of the conspiracy, Alderiso flew from Chicago to the prospective victim's office in Denver, sat down, and said: "Ruby sent us. We came here to kill you." After a trial fair on the merits, both men were convicted with another, "Ruby" Kolod, now deceased, then an owner of the Desert Inn, a casino in Las Vegas. Alderman was sentenced to a term of 3 years and fined $5,000, while Alderisio was sentenced to 4½ years and fined $7,500.

The defendants' principal defense centered around electronic surveillance conducted by the FBI at the Desert Inn, surveillance that indicated that over a million dollars a month was being "skimmed"—taken without tax payment—from several Las Vegas casinos and distributed to organized crime figures throughout the United States.

I add here parenthetically that the scope of organized crime's Las Vegas "skim" is now being confirmed by the new profit figures reported since new owners have taken over some of the clubs, a process begun in late 1967 shortly after the FBI "bugging" became public. Reported profits have risen a staggering 40–45 percent per year and are now at an all-time high of $77.4 million in Clark County alone, where Las Vegas is located.

The trial judge examined, in camera, over 700 pages of surveillance logs of overheard conversations that the defendants claimed were relevant to the case; he found none relevant and refused to disclose them to the defense. The Government had contended that the privacy of innocent third parties and the lives of Government informants might be endangered by unnecessary disclosure. It was on this issue that appeal was taken.

I note that the crime occurred in 1959. They were indicted in 1964 and convicted in 1965. Now, almost 5 years later, the case is still on appeal—as yet unresolved.

II

Turning now to the other case, John Butenko was born in America of Russian parents. He graduated from Rutgers in 1949, with honors in electrical engineering, and in March 1960, he was employed by a subsidiary of the International Telephone and Telegraph Co. to work on a top secret project for the U.S. Air Force, a command and communication system for the Strategic Air Command. Butenko had top secret clearance.

Igor A. Ivanov, a Soviet national, was employed, in 1963, as a chauffeur at Antorg Trading Corp. in New York City.

In the trial court, Butenko and Ivanov were convicted of espionage conspiracy. They were arrested on October 29, 1963, while possessing top secret defense papers and camouflaged microfilm cameras and two-way radios. Three Soviet diplomatic personnel were, at the same time, charged as co-conspirators and declared persona non grata. Butenko was sentenced to a term of 30 years, while Ivanov was sentenced to 20 years.

As in the cases of Alderman and Alderisio, the defendants raised a defense centering around electronic surveillance conducted by the FBI. The Government refused to turn over surveillance logs to the defense, contending they had no arguable relevance to the conspiracy for which the defendants were tried. Fear was expressed that national security interests would be prejudiced by the unnecessary revelation of the details of counter-espionage activities.

Thus, each case presented the same issue, once in an organized crime context, and once in a national security context.

III

The two cases were consolidated for decision in the Supreme Court, and one opinion, deciding both, was handed down. For purposes of the decision, the Court assumed that the surveillance was unlawful in both instances, and left open for later resolution the lawfulness of the surveillance in Butenko, an issue now in litigation in the lower courts. In an opinion authored by Mr. Justice White, in which two other Justices, the Chief Justice and Mr. Justice Brennan, concurred, the Supreme Court held that the following the traditional view, before a defendant could raise the unlawfulness of a search and seizure, he had to have standing to object, that is, "his privacy" had to be invaded; it had to be "his conversations" that were overheard or "his house" in which the overhearing occurred. Since constitutional rights were personal, they could be asserted only personally; vicarious assertion was not to be permitted. Justices Harlan and Stewart, in partial dissent, would not extend standing to any except those whose conversations were overheard. Justice Fortas and Douglas, also in dissent, would extend standing as well to those against whom the surveillance was directed, even though their conversations were not overheard or their premises invaded.

Once illegality and standing had been shown, moreover, the Court held that all materials in the Government's files had to be disclosed to the defense. It rejected the Government's contention that only material "arguably relevant" to the case need be shown to the defense, and that it was permissible for a court, through an in-camera inspection, to winnow out the "irrelevant" from the "arguably relevant," disclosing to the defense only the "arguably relevant." The majority rested its position on the need for an adversary hearing to determine the question of taint. An ex parte proceeding was felt to be too much subject to error. The Court considered that protective orders, under which the defendant and his counsel would be enjoined from making improper use of the disclosed materials, would suffice to protect other interests.

In the disclosure aspect of the majority opinion, all Justices, save two, Justices Harlan and Fortas, concurred; they drew a distinction between the usual case and the national security case, holding that an in-camera inspection procedure was permissible solely in the national security case. Mr. Justice Harlan significantly observed:

> There is, however, at least one class of cases in which the standard considerations do not apply. I refer to the situations exemplified by *Ivanov* and *Butenko*, in which the defendant is charged, under one statute or another, with spying for a foreign power. In contrast to the typical situation, here the accused may learn important new information even if the turnover is limited to conversations in which he was a participant. For example, he may learn the location of a listening devise—a fact that may be of crucial significance in espionage work. Moreover, he will be entitled to learn this fact even though a valid warrant has subsequently been issued authorizing electronic surveillance at the same location. Similarly, the accused may find out that the United States has obtained certain information that his foreign government believes is still secret, even when our Government has also received this information from an independent source in a constitutional way. And he may learn that those in whom he has been reposing confidence are in fact American undercover agents.
>
> Even more important, there is much less reason to believe that a protective court order will effectively deter the defendant in an espionage case from turning over the new information he has received to those who are not entitled to it. For in an espionage case, the defendant is someone the grand jury has found is likely to have passed secrets to a foreign power. It is one thing to believe that the normal criminal defendant will refuse to pass on information if threatened with severe penalties for unauthorized disclosure. It is quite a different thing to believe that a defendant who is probably a spy will not pass on to the foreign power any additional information he has received. . . .
>
> The Court's failure to consider the special characteristics of the *Ivanov* and *Butenko* cases is particularly surprising in the light of the reasons it gives for creating an absolute rule in favor of an automatic turnover. For the majority properly recognizes that its preference for a full adversary hearing cannot be justified by an easy reference to an absolute principle condemning *in camera* judicial decisions in all situations. . . . If, as the Court rightly states, the propriety of an *in camera* screening procedure is a "matter of judgment", . . . depending on an informed consideration of all the competing factors, I do not understand why the trial judge should not be authorized to consider whether the accused simply cannot be trusted to keep the Government's records confidential. Nor do I understand why the Government must be confronted with the choice of dismissing the indictment or disclosing the information because the accused cannot be counted on to keep faith with the Court. Moreover, it is not difficult to imagine cases in which the danger of unauthorized disclosure of important information would clearly outweigh the risk that an error may be made by the trial judge in determining whether a particular conversation is arguably relevant to the pending prosecution. It may well be, for example, that the number of conversations at issue is very small. Yet though the Court itself recognizes that "the need for adversary inquiry is increased by the complexity of the issues presented for adjudication," . . . it nevertheless leaves no room for an informed decision by the trial judge that the risk of error on the facts of a given case is insubstantial.

Mr. Justice Black dissented without reaching the merits of the case, while Mr. Justice Marshall did not participate.

IV

Eight days after the Alderman decision, the Subcommittee on Criminal Laws and Procedures began to hold hearings on S. 30 and three related bills. Attorney General John N. Mitchell, testifying in that hearing, in response to a question from me, termed the Alderman case as a "great disappointment to the Department." He indicated:

> (T)he problems are . . . numerous, but the basis of the disappointment of the Department is that not only does the court opinion provide for the disclosure of all relevant material to the defendant's rights, but it provides for the disclosure of the entire logs of the operation, and in some of these instances, national security is involved, and in some other instances the very life and existence of witnesses are involved.

Indeed, the Department of Justice was sufficiently concerned by the Court's decision that it took the extraordinary procedure of filing a petition for rehearing—a petition which was summarily denied on March 24, 1969. On the same day, in Giordano against United States, No. 28, October term 1968, the Court remanded 17 other pending cases involving surveillance back to lower courts for further hearings. It did, however, decide in Taglianetti against United States, No. 446, October term 1968, that the in camera procedure held impermissible in Alderman for use on the question of scope of taint was permissible on the question of standing—a strange turnabout. Nonetheless, Alderman stands today, on the basic disclosure issue, as the law of the land—at least until and unless this body takes action to change it.

Elaborating on the concerns expressed by the Attorney General, Mr. Will Wilson, the Assistant Attorney General in charge of the Criminal Division, in a letter to me dated April 11, 1969, observed:

> There is little doubt that the requirement for evidentiary hearings on obviously irrelevant materials will have a substantial impact on our prosecutive efforts. Our experience has shown that the ingenuity of defense counsel is unlimited in advancing specious suggestions of the relevance of material which could not conceivably have led to any evidence used at trial. Protracted hearings have ensued because, even though a defendant realizes that he has no chance of proving taint, his most precious commodity is time. I am aware of one case where several defendants, found guilty by a jury more than four years ago, have postponed commencement of their sentences for at least two of those years as the result of an unavailing lengthy hearing (and appeal) concerning one overheard conversation, and they will presumably be able to further delay incarceration as the result of another hearing (and appeal) which will now be required.
>
> . . . [W]e have yet to discover a single instance where a case claimed by the Government to have been untainted has been proven to be otherwise by the defense. Needless to say, this constitutes a most wasteful consumption of manpower, prosecutive and judicial. Since this problem will now increase as the result of the requirement for additional hearings in cases concluded long ago, our personnel, already spread thin in our current effort against organized crime, will have to be redeployed to handle these matters. It is clear, too, that the problem will not soon disappear, for under the present state of the law there is no statute of limitations on when a defendant can raise this issue. Thus, in 1980, for instance, defendants will still be demanding records of overhearings which occurred twenty or twenty-five years before, and they will still be demanding the protracted hearings which they are now allowed. Of course where an individual was accidentally overheard many years ago on a national security device which cannot be revealed, he will enjoy, in effect, immunity from prosecution, unless we can convince the courts that the surveillances involved were constitutional.

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> **Hearings in these cases have also posed another substantial problems, that is, they have resulted in the disclosure of facts which have been pieced together by defendants in such a way as to enable them to identify sensitively placed and extremely valuable government informants, with resultant danger to the informants' lives. Some hearings in the future may also result in the revelation of overheard conversations which unjustly reflect upon the integrity of persons discussed therein. Our experience has shown that protective orders have not been effective.**

Clearly, the problems posed by Alderman are formidable.

I ask unanimous consent to have the full text of Mr. Wilson's letter of April 11, to which I have referred, printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCLELLAN. While understandably neither the Attorney General nor Mr. Wilson commented upon the effect which Alderman might have upon specific cases, the day after that case was decided, the New York Times, under the byline of Mr. Fred P. Graham, reported that "the Justice Department (might) be forced to drop some of its most important criminal prosecutions," including the prosecutions against Cassius Clay, H. "Rap" Brown, Dr. Benjamin Spock, and the militant leaders who participated in demonstrations at the Chicago convention last August. Mr. Graham indicated that the only apparent alternative to such dismissals—dismissals that, in effect, grant the defendant immunity—was for the Government to "concede (in court) that it had been tapping the telephones of many foreign embassies and since wiretapping of foreign embassies is common, many defendants in criminal cases have been overheard while calling to discuss visas and other routine matters." The decision thus promises wide, unforeseen impact. The Solicitor General, in his petition for rehearing, noted above, put it this way:

> [T]he result of the decision . . . is, in practical terms, to provide . . . [many] defendants with immunity from prosecution for all crimes past, present or future—and, we may add, to point the way for the well-advised person to obtain such immunity by simply making a telephone call.

I emphasize, too, that even where the Government does elect to make disclosure rather than to drop a prosecution, Government agents and informants may be endangered; leaks of information may occur, despite protective orders, as they have already occurred in other disclosure cases, all to the detriment of individual reputations and important investigations and prosecutions; citizens who fear the power of foreign subversive agents and cartels of criminals may be deterred from providing information and cooperation to law enforcement officials; and the fragile working relationships painstakingly and slowly developed between Federal and State law-enforcement agencies may be exposed to unnecessary stresses.

All of this, Mr. President, says little of the justice-delaying, time-consuming hearings, noted by Mr. Wilson, that will now be required to resolve farfetched claims that evidence to be introduced at trial is "fruit of a poisonous tree," litigation which will contribute in a major way to a crisis of delay in our courts. Indeed, the Supreme Court itself has acknowledged, in Desist against United States, No. 12, October term 1968, decided March 24, 1969:

> . . . The determination of whether a particular instance of eavesdropping led to the introduction of evidence at trial would in most cases be a difficult and time-consuming task, which, particularly when attempted long after the event, would impose a weighty burden on any court.

Yet the Court gave no recognition to this hard fact in its Alderman decision. Our courts simply cannot tolerate, I suggest, a rule which will impose such a "time-consuming task" unnecessarily in so many cases.

Already, delay is a pressing problem in our courts—a problem which is not answered simply by allocating greater resources to the task. For a major portion of this delay is attributable to the procedural implications of the Supreme Court's revolution in creating new rights for the accused, rights which are all too often to be vindicated at the expense of swift justice.

The President's Commission on Crime in the District of Columbia has thoroughly documented the drastic character and immediacy of this problem of delay, and the contribution of suppression and other pretrial motions to that delay. The experience of the District of Columbia is especially instructive since, as a wholly Federal jurisdiction, it has felt earliest and most heavily the impact of the Court's recent criminal decisions. The Commission studied a mass of statistical data and, in 1966, published a report that concluded that the median time between indictment and disposition in district court felony cases had increased more than 25 percent from 1964 to 1966. The backlog of district court felony cases, moreover, increased by 50 percent in that period, the highest level in 15 years. Significantly, the Commission found:

> The greatest increases in delay in felony cases appear[ed] to have occurred between indictment and trial . . . [M]edian time between indictment and trial court disposition exclusive of sentence nearly doubled between calendar years 1960 and 1965. . . .

From 1950 to 1965, the number of district court felony defendants filing motions increased by nearly one-half. As a result, in 1965, in cases where two or more motions were filed, time to disposition was double that in other cases. The Commission described the delays it found as "excessive," and observed:

> Court decisions and legislation regulating the conduct of trials and securing the rights of defendants have undoubtedly increased the amount of time required to process a criminal case in the District Court . . . .
>
> . . . . These developments, among others, have contributed to the substantial increases in motions and continuances as well as to the less significant increase in trial time. The desirability of these developments, of course, cannot be assessed solely, or even principally, in terms of their contributions to increased delays in the prosecution of felony cases. Their impact on delay, however, suggests that greater priority should attach to efforts aimed at accommodating these judicial and legislative requirements with the goal of expeditious handling of criminal cases.

The concluding words of the Massachusetts Supreme Judicial Court, in a recent case involving the application of the Miranda confession rule, *Commonwealth* v. *Scott*, Mass. Sup. Jud. Ct., decided March 11, 1969, authoritatively state the intolerable situation in which we find ourselves:

> In this matter approximately one half the trial time which consumed over ten days was absorbed in the taking of testimony relative to the warnings given to the defendants under the *Miranda* case. This transcript, containing 1,004 pages of evidence, 500 pages of which relate to *Miranda* warnings, is amply demonstrative of the reason why there is heavy and constantly increasing congestion in the jury trials of criminal cases.

This crisis in our courts can be, with profit, compared with the situation in England, where evidence is not excluded on the ground that it was obtained illegally. The average English criminal case takes 1 month from arrest to trial and 1 or 2 months to final disposition on appeal. In contrast, the passage of 5 to 10 months from arrest to trial and 20 months to final disposition on appeal in the District of Columbia demonstrates inexcusable failure of our criminal justice system to provide swift justice. Indeed, I note that the situation is getting worse rather than better, as rates of appeal in criminal cases are climbing steeply, approaching 100 percent.

If lengthy proceedings and disclosure really were invariably necessary in the determination of valid claims, then it would be, of course, the duty of government to provide the necessary judicial and administrative facilities to avoid delay and to accept the consequences of necessary disclosure. However, the simple fact is that the very great majority of the claims that evidence is "fruit of the poisonous tree" can be found on the most cursory examination to be completely groundless.

I have just received, Mr. President, in response to an inquiry I made of the Department of Justice, a letter dated May 29, signed by Mr. Will Wilson, Assistant Attorney General.

Assistant Attorney General Wilson, in this letter to me today, summarized the results of "an extensive review . . . by the Department of Justice . . . to determine the instances in which there might have been unlawful electronic surveillance affecting a case which had been brought to trial."

He indicated that there had been approximately 6,750 inquiries made by Justice Department attorneys of the FBI, to determine if particular individuals were subjected to electronic surveillance. Yet, Mr. Wilson reports, there have been only 75 to 100 cases requiring hearings on the issue of disclosure, and only three cases, two Federal and one State, have been dismissed as tainted.

This search for needles in the haystack, according to Mr. Wilson, has consumed "an enormous amount of time" of both agents and attorneys.

I ask unanimous consent to have the complete text of Mr. Wilson's letter of this date printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. McCLELLAN. Mr. President, our system of justice can no longer abide the sacrifice of swiftness, governmental confidentiality, effective law enforcement and Federal-State cooperation on an altar of will-o'-the-wisp police improprieties. We must provide reasonable limitations on, and reasoned procedures for, suppression proceedings.

To achieve this goal, I am today introducing a bill to amend chapter 223, title 18, United States Code, which is designed to avoid needless pretrial, trial, and appellate litigation of suppression issues and unnecessary and prejudicial disclosure, while preserving fully the right to present and support challenges to evidence obtained illegally.

I ask unanimous consent to have the text of the bill printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

V

Mr. McCLELLAN. Mr. President, there is no lack of power in the Congress to enact remedial legislation in this area. The Supreme Court itself in Alderman did not state that the ruling was required by the Constitution itself. Indeed, one of the most basic rules of Supreme Court adjudication is that the Court places its decisions upon constitutional grounds only where the absence of nonconstitutional grounds makes such a decision unavoidable. See *Peters* v. *Hobby,* 349 U.S. 331 (1955). Therefore, one must conclude that the Alderman decision states only a court-made rule premised on the supervisory jurisdiction of the Court over the Federal courts and not a constitutional interpretation. It is true, of course, that the decision is designed to enforce substantive rights guaranteed by the fourth amendment. However, it is settled constitutional doctrine that the details of implementation of constitutional guarantees often lie below the threshold of constitutional concern. See *Ker* v. *California,* 374 U.S. 23, 34 (1963). We are implementing Federal policy. Cf. *Adams* v. *Maryland,* 347 U.S. 179 (1954). I note, too, that section 5 of the 14th amendment provides that "the Congress shall have power to enforce, by appropriate legislation, the provisions of this article." Cf. *Katzenbach* v. *Morgan,* 384 U.S. 641 (1966). Our power here is plenary.

The bill which I am introducing contains two principal provisions. The first forbids consideration of a claim that evidence is "fruit of a poisonous tree" where the event which the evidence proves occurred more than 5 years after the alleged illegality. Since there is virtually no likelihood of taint in such a case, the adverse consequences of delay and disclosure discussed above are entirely unwarranted. The utility of such a time limitation, which is specific, easily administered, and established on the basis of concrete law enforcement experience, is aptly illustrated by the case of Emmanual Blaz Mrkonjic-Ruzic, which was recently remanded by the Supreme Court for further proceedings in light of Alderman. The brief of the Solicitor General describes the situation as follows:

> In this case, the petitioner, on one occasion five years before the date of the crime charged in the indictment, fell into an electronic surveillance and was overheard participating in one brief conversation. It is apparent from an examination of the one and a half line surveillance log entry reflecting that conversation that the overhearing of the conversation could not possibly have provided evidence against the petitioner. It would not take a trial judge five minutes to make that determination. Yet, it is also apparent from an examination of that log that the government could not disclose, except to a court, where his conversation was overheard.

In a footnote to the same brief, incidentally, the Solicitor General also pointed out:

> The government did in one instance advise a defendant in a criminal case that he had been overheard during the course of such a surveillance. Although the Court issued a protective order prohibiting the defendant or his counsel from disclosing that information, two weeks after the disclosure was made an article appeared in the newspapers reciting the facts of the surveillance.

Obviously, then, the protective order is not a wholly adequate guard against unwarranted disclosure.

This 5-year limitation is in part—and I emphasize in part—an analogy to a statute of limitations, such as are common in State and Federal law to limit the commencement of criminal prosecutions or civil actions. The passage of more than 5 years from the time of the allegedly illegal conduct makes it less likely that the existence or absence of any connection between the illegality and the evidence offered at trial could be reliably determined and more likely that a hearing on the question would be confusing and unduly long. Those considerations—and the extreme unlikelihood of taint—justify the establishment of such a specific time limitation. This provision is an excellent example of the type of rule which a legislature can far better declare than a court, and such a limitation is long overdue if our courts are not to be completely paralyzed and our law enforcement agencies hamstrung by endless litigation of tenuous claims.

The second provision of the bill applies to cases not resolved by the 5-year provision, and forbids the making of a disclosure order unless and until the court or agency finds that the information to be disclosed "may be relevant" and that disclosure is "in the interest of justice."

Application of this provision will ordinarily require in camera inspection of information when, according to the Government, there is a bare possibility of relevance. There is no duty at all under *Brady* v. *Maryland,* 373 U.S. 83 (1963), to disclose clearly irrelevant information to court or defendant. Occasionally circumstances may require the presentation of evidence in addition to in camera inspection, but such cases should be exceptional. For example, in *Aiuppa* v. *United States,* No. 124, October term, 1968, a subject of an organized crime electronic surveillance happened to be arrested by a forest ranger for violating migratory bird laws. In that case and in many other, in camera inspection or a brief hearing, or both, often can demonstrate beyond any doubt that disclosure need not be ordered.

This bill establishes two standards for determining when disclosure should be ordered. The first is contained in the phrase "may be relevant." That is a lower standard than the standard of "arguable relevance" suggested by the Department of Justice in its brief in the Alderman case. On the other hand, the phrase "may be relevant" requires more than mere speculation as to relevance, and is intended to act as an absolute floor preventing disclosure orders except where a likelihood of relevance appears.

Above that absolute floor the second standard, "the interest of justice," operates as a sliding scale permitting the court or agency to take into account every factor relevant to determining whether or not to order disclosure, such as the likelihood of danger to informants or agents, the likelihood of harm to the reputation of a third party, the constitutional or statutory source of the rule of law allegedly violated in obtaining the evidence, the likelihood that harm to the national security would be caused by disclosure, the amount and content of the information disclosure of which is sought, and the like. See *Roviaro* v. *United States,* 353 U.S. 53 (1959); *McCray* v. *Illinois,* 386 U.S. 300 (1967); *United States ex rel Coffey* v. *Fay,* 344 F. 2d 625 (2d Cir. 1965).

The Congress is perfectly free to enact these standards since Alderman was a supervisory decision, and the standard of "arguable relevance" which Alderman rejected was sufficiently different from that adopted by this bill.

Precedents other than Alderman are, however, ample to sustain the constitutionality and sound policy of enacting this provision. Federal district judges, according to tradition and existing practice, have discretion to decide, on ex parte in camera examination of materials, whether they are arguably relevant and require further proceedings to determine their relevancy. There are a number of situations well established in the law where it has been determined that, when some recognized interest militates against unnecessary disclosure of information which a litigant is seeking to discover, it is appropriate to submit the material to the district judge for in camera examination so that he may determine whether disclosure should be ordered. These include:

First. The scope of a subpena duces tecum. *Westinghouse Electric Corp.* v. *City of Burlington,* 351 F. 2d 762 (C.A. D.C. 1965); *Boeing Airplane Co.* v. *Coggeshall,* 280 F. 2d 654 (C.A.D.C. 1960).

Second. Various situations in the field of discovery. Rule 16 of the Federal Rules of Criminal Procedure provides that the trial court may deny a defendant pretrial discovery in a criminal case on the basis of an in camera showing of cause by the Government. See, also, *Pittsburgh Plate Glass Co.* v. *United States,* 360 U.S. 395, 401–410 (1959) (dissent of Brennan, J.).

Both the Civil and Criminal Rules of Procedure provide that pretrial discovery should be limited to "relevant" ma-

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terial. They cast upon the judge, prior to trial, the burden of determining what may eventually prove to be relevant. See F.R. Civ. P. Rule 26(b); F.R. Crim. P. Rule 16; *cf*. F.R. Crim. P. Rule 17(c).

Third. The Jencks statute, 18 U.S.C., § 3500(c), which provides that:

> [i]f the United States claims that any statement ordered to be produced under this section contains matter which does not relate to the subject matter of the testimony of the witness, the court shall order the United States to deliver such statement for the inspection of the court in camera. Upon such delivery the court shall excise the portions of such statement which do not relate to the subject matter of the testimony of the witness. With such material excised, the court shall then direct delivery of such statement to the defendant for his use.

The Supreme Court has expressly approved the statutory in camera procedure provided by the Jencks statute, 18 U.S.C. § 3500, as to prior statements. *Palermo* v. *United States*, 360 U.S. 343, 354 (1959).

Fourth. The discovery of prior grand jury testimony. See *Dennis* v. *United States*, 384 U.S. 855, 875 (1966).

Mr. President, this bill is as broad as the need for it. It applies to all forums and proceedings and all Federal grounds of challenge. In addition, it applies to proceedings at every stage of a case, occurring after the effective date of the act, regardless of when the proceedings were initially commenced. Application of the bill to pending proceedings is prospective and does not violate the ex post facto clause of the Constitution, since the bill governs only procedure and evidence and not the definition or punishment prescribed for crime. See *Hopt* v. *Utah*, 110 U.S. 574, 589 (1884). Furthermore, it was felt consistent with the purposes of this bill to draw a narrow exception making the 5-year limitation period inapplicable to any case pending on its effective date in which the determination of inadmissibility could be made without further evidentiary hearings or disclosure.

The bill also contains a separability clause.

The bill neither codifies nor changes present law defining illegal conduct and prescribing requirements for standing to object to such conduct. See *Taglianetti* v. *United States*, U.S. No. 466, October term 1968, decided March 24, 1969; *Giordano* v. *United States*, U.S. No. 28, October term 1968, decided March 24, 1969.

Although it ordinarily will be necessary for judges making disclosure orders to enter protective orders forbidding parties, attorneys, and any others to whom disclosure is authorized from revealing information ordered disclosed to them, no provision is made for such protective orders in this bill, for two reasons. First, many authorities which might make disclosure orders, such as Federal and State courts, already possess ample power both to make protective orders and to enforce them, despite their limited effect, in the rigorous way demanded by the confidentiality of much information relating to suppression claims. Second, the two major provisions of this bill are stated strictly in the form of prohibitions and carry no negative implication authorizing consideration of challenges to evidence which under present law would not be considered, nor authorizing disclosure orders which under present law would not be appropriate. Therefore, there is no reason to suppose that enactment of this bill would create a need for greater power to make and enforce protective orders than now exists.

VII

Mr. President, I believe that it may well be possible to develop additional provisions which could be inserted in this bill, and to change the provisions which it now contains, to make the bill more effective. I am not committed to the specific words of the bill in its present form, and would welcome such improvements. I assume that the bill will be referred to the Committee on the Judiciary, and then to the Subcommittee on Criminal Laws and Procedures, of which I am chairman. In that event, I would expect to include the bill among those measures on which the subcommittee is to hold hearings on June 3 and 4, and perhaps thereafter. I hope that the bill as presently drafted raises the most important questions in a useful way, and that we might obtain creative testimony designed to shape this bill into one which could facilitate the application of sound exclusionary rules while arresting the stagnation of our legal processes.

Mr. President, lawless behavior and disrespect for our most vital institutions have become so virulent and widespread in the United States today that Congress will be derelict in its duty if it fails promptly to take affirmative steps to improve law enforcement, such as the steps suggested in this bill. If such steps are not taken, all too often we can expect that habitual criminals will be released and protected from further prosecution after conviction of heinous crimes on reliable evidence. Officials and citizens increasingly will be misled into seeing pretrial challenges to police activity rather than trials of guilt or innocence as the battlegrounds upon which the foundations of our civilization are defended or lost. Secret Government intelligence will be furnished to the very individuals whose only use for it is to threaten not only our public agents and their work but our very institutions. The Congress must not permit the development of rules of procedure and punishment by which the freedom and security of our best citizens are surrendered to the whim and criminal greed of our worst, and by which new generations are taught that our institutions are impotent. We have a solemn duty to act, and to act now.

EXHIBIT 1

DEPARTMENT OF JUSTICE,
Washington, D.C., April 11, 1969.

HON. JOHN L. MCCLELLAN,
Chairman, Subcomittee on Criminal Laws and Procedures of the Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on (1) the effects of the *Spinelli* and *Alderman* (Kolod) decisions upon the Department's criminal prosecutions, and (2) what legislative action, if any, would mitigate the possible effects of these decisions.

SPINELLI VERSUS UNITED STATES

As you are aware, the primary issue in *Spinelli* was the sufficiency of an affidavit in support of a search warrant. The Fourth Amendment requires that "no warrants shall issue but upon probable cause. . . ." The Supreme Court, by a 5 to 3 vote, held the affidavit used to obtain a warrant against Spinelli did not show probable cause.

There is no doubt that the requirements of probable cause have increased as a result of the Court's decision. The Court took notice of the fact that the affidavit in issue was more sufficient than the one in issue in *Aguilar* v. *Texas*, 378 U.S. 108. However, it was not sufficient to meet the Court's interpretation of probable cause.

The Court held that where the government relies upon information from an informant, the affidavit must disclose the basis for the belief that the information received is worthy of credibility. This may be either by a statement of how the informant obtained his information or by such specificity of detail as to make clear that the informant was not relying on general reputation. Where the information received from the informant is not of such degree of certainty then the corroborating information on which the government relies must go, not only to the credibility of the informant, but to the criminality of the activities.

In some cases the Court's decision in *Spinelli* will make necessary more thorough investigations and more complete affidavits. It is difficult to assess the effects of the added burden at this time, but it does mean an increase in the workload involved in securing any warrants to which *Spinelli* is applicable, and also fewer search warrants issued because of the greater requirements for showing probable cause.

The Department cannot envision any legislation which could alter the *Spinelli* decision's requirements. Probable cause is the specific constitutional test to be applied to the validity of a search warrant. While we may disagree with the Court's application of the facts to this test in a particular case, unless the test itself is altered, there is little that can be done to change the results. Only a constitutional amendment could change the standard to be applied.

ALDERMAN VERSUS UNITED STATES

An appreciation of the significance of the *Alderman* decision requires some background information. After the target of an electronic eavesdropping discovered a device in his office, it appeared that the overhearings so discovered might affect some important pending or contemplated cases. Inquiry resulted in the discovery that this danger did, in fact, exist. The government, under the obligation imposed on the prosecution by *Brady* v. *Maryland*, 373 U.S. 583, undertook to advise the appropriate court of electronic surveillance. The view of the government was that its obligation extended to material "arguably relevant" to the case at hand. In the initial decision in *Alderman* (then denominated *Kolod*) the Supreme Court, which had been advised of the government's policy, held that the government could not, *ex parte*, determine the relevancy of any logs of overhearings, but that relevancy had to be determined in an adversary hearing, 390 U.S. 136. On petition for rehearing, the government stated that it would accept the determination that it could not make the determination of relevancy *ex parte*, but urged that the logs which in the government's view were not arguably relevant should in the first instance be submitted to the court for its *in camera* inspection, so that it could determine whether a hearing was necessary. The Court granted the petition for rehearing in *Alderman*, and also granted certiorari in the cases of *Ivanov* and *Butenko*, involving prosecutions for espionage, where the surveillances (which were deemed by the government to

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be not arguably relevant) had been conducted in the interest of national security.

The Court, in its decision of March 10, 1969, held that the records of the surveillance of any defendant who has standing to object to their use should be turned over to the defendant without a preliminary *in camera* examination by the district judge. [The majority held that a person whose conversation was overheard or one on whose premises the device was installed (whether he was present or not) has standing to suppress evidence obtained by electronic eavesdropping. Other persons, including co-conspirators, have no right to suppress such evidence.] The defendant would be afforded an opportunity to demonstrate at a hearing that the case against him was the fruit of the overhearings, with opportunity to the government to convince the trial judge that its proof had an independent origin. Disclosure to the defense under a protective order against general disclosure was deemed appropriate even if the surveillance was for national security, although the court left open for decision by the district court the question of whether such surveillance was legal. If held to be legal, there would then be no duty to disclose this type of overhearing.

The government had petitioned for rehearing in the *Ivanov* case with respect to the foreign affairs aspect of that ruling. The effect of the decision on that aspect is covered by that petition and by supplemental memoranda filed in two other cases, copies of which are annexed.

On March 24, 1969, the Court denied the government's petition in *Ivanov*. On the same day, the Court attempted to clarify its position on electronic surveillance in two *per curiam* decisions. *Giordano* v. *United States*, *Taglianetti* v. *United States* (copies attached).

It seems clear that *if* the District Court finds the surveillance was legal, then *no* disclosure is required. The District Court is apparently free to determine the legality of a given electronic surveillance in an *ex parte in camera* proceeding.

If the District Court finds that the surveillance was illegal, then *Alderman* requires that the defendant have access to all records of the surveillance which he has even remotely or incidentally been subjected to. Apparently this would include foreign intelligence surveillance which was found to be illegal.

However, the Court has apparently not decided whether the gathering of foreign intelligence information will be governed by a different applicable standard of reasonableness than the standard applied in domestic surveillance. (See Justice Stewart's concurring opinion in *Giordano*.)

There is little doubt that the requirement for evidentiary hearings on obviously irrelevant materials will have a substantial impact on our prospective efforts. Our experience has shown that the ingenuity of defense counsel is unlimited in advancing specious suggestions of the relevance of material which could not conceivably have led to any evidence used at trial. Protracted hearings have ensued because, even though a defendant realizes that he has no chance of proving taint, his most precious commodity is time. I am aware of one case where several defendants, found guilty by a jury more than four years ago, have postponed commencement of their sentences for at least two of those years as the result of an unavailing lengthy hearing (and appeal) concerning one overheard conversation, and they will presumably be able to further delay incarceration as the result of another hearing (and appeal) which will now be required.

While we are still in the process of compiling the facts you requested in your March 17, 1969 letter, we have yet to discover a single instance where a case claimed by the Government to have been untainted has been proven to be otherwise by the defense. Needless to say, this constitutes a most wasteful consumption of manpower, prosecutive and judicial. Since this problem will now increase as the result of the requirement for additional hearings in cases concluded long ago, our personnel, already spread thin in our current effort against organized crime, will have to be redeployed to handle these matters. It is clear, too, that the problem will not soon disappear, for under the present state of the law there is no "statute of limitations" on when a defendant can raise this issue. Thus, in 1980, for instance, defendants will still be demanding records of overhearings which occurred twenty or twenty-five years before, and they will still be demanding the protracted hearings which they are now allowed. Of course where an individual was accidentally overheard many years ago on a national security device which cannot be revealed, he will enjoy, in effect, immunity from prosecution, unless we can convince the courts that the surveillances involved were constitutional.

Hearings in these cases have also posed another substantial problem, that is, they have resulted in the disclosure of facts which have been pieced together by defendants in such a way as to enable them to identify sensitively placed and extremely valuable government informants, with resultant danger to the informants' lives. Some hearings in the future may also result in the revelation of overheard conversations which unjustly reflect upon the integrity of persons discussed therein. Our experience has shown that protective orders have not been effective.

I deeply appreciate your keen awareness of the issues presented by these decisions, your concern for their impact on our prosecutive efforts, and your recognition of the possible need for remedial legislation in this area. I have directed my staff to make recommendations in this regard, and I am hopeful that their efforts will be completed shortly.

Again, I am grateful for your interest.

Sincerely,

WILL WILSON,
Assistant Attorney General.

EXHIBIT 2

MAY 29, 1969.

Hon. JOHN L. MCCLELLAN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Reference is made to your letter of March 17, 1969, to the Attorney General, concerning the effect of *Alderisio* v. *United States* on the Justice Department's ability to bring criminal prosecutions in the areas of national security and organized crime.

Since the receipt of your letter, we have been conferring with a member of your staff in our efforts to provide to you the most useful data available.

As you know, in *Schipani* v. *United States*, No. 504, Supreme Court, 1966 Term, the United States advised the Court that an extensive review had been undertaken by the Department of Justice in order to determine the instances in which there might have been unlawful electronic surveillance affecting a case which had been brought to trial.

Since that date, we have made approximately 6,750 inquiries of the Federal Bureau of Investigation to determine whether or not particular individuals were subjected to electronic surveillance.

Only two Federal cases have been dismissed following hearings on the effect of the electronic surveillance on those pending cases. I am advised that one state case was dismissed because of tainted evidence.

Although only three cases have been affected, we have had to spend an enormous amount of time not only in processing the 6,750 inquiries and replies, but we have been involved in perhaps 75 to 100 disclosure hearings resulting from defendants' claims that their cases were tainted by unlawful electronic surveillance.

Not only has there been enormous attorney time expended, but agent time as well in making the necessary checks. As indicated, only two cases have been affected since our pronouncement in the Schipani case.

I trust this information will be helpful to you, and you may look forward to our continued cooperation.

Sincerely,

WILL WILSON,
Assistant Attorney General.

EXHIBIT 3

A bill to amend chapter 223, title 18, United States Code, to regulate litigation concerning sources of evidence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That the Congress finds (1) that hearing and reviewing claims that evidence offered in proceedings is the direct or indirect product of allegedly illegal acts and is therefore inadmissible in evidence are major causes of undue expense and delay in the administration of justice and distract effort, time and emphasis of government officials and the public from fundamental issues; (2) that present rules and practices of disclosure incident to hearing and reviewing such claims can and will unduly permit parties to obtain much information unrelated to such claims and otherwise privileged, inhibit communication by government informants, endanger the lives and safety of such informants, government agents and others, cause unjustified harm to reputations of third persons, compromise national security and other criminal and civil investigations, interfere with prosecutions and civil actions, impair Federal-State cooperation in law enforcement, and endanger the security of the United States; and (3) that when such claims concern evidence of events occurring years after the allegedly illegal acts, those consequences of litigation and disclosure are aggravated and the claims seldom appear valid and often cannot reliably be determined.

SEC. 2. (a) Chapter 223, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3503. Litigation concerning sources of evidence

"In any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body or other authority of the United States, a State, or a political subdivision thereof—

"(a) no claim shall be considered that evidence of an event is inadmissible on the ground that such evidence was come at by exploitation of an allegedly illegal act, if such event occurred more than five years after such allegedly illegal act; and

"(b) disclosure of information in connection with a claim that evidence is inadmissible because the direct product of an allegedly illegal act or come at by exploitation of such allegedly illegal act shall not be ordered unless such authority has found that such information may be relevant to determination of the admissibility of such evidence and that such disclosure is in the interest of justice.

"As used in this section 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States, and 'illegal act' means any act in violation of the Constitution or laws of the United States or any standard promulgated pursuant thereto."

(b) The section analysis of that chapter is amended by adding at the end thereof the following new item:

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"3503. Litigation concerning sources of evidence."

Sec. 3. This Act shall apply to all proceedings, regardless of when commenced, occurring after the date of its enactment. Paragraph (a) of section 3503 shall not apply to any proceeding in which all information to be relied upon to establish inadmissibility was possessed by the party making such claim and adduced in such proceeding prior to such enactment.

Sec. 4. If the provisions of any part of this Act or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

S. 2293—INTRODUCTION OF A BILL TO AUTHORIZE APPROPRIATIONS FOR THE NATIONAL SEA GRANT COLLEGE PROGRAM

Mr. PELL. Mr. President, the sea-grant college program, since its inauguration a little more than 2 years ago, has achieved a remarkable degree of acceptance and support. Indeed, it is not an overstatement to say that this program has been given an enthusiastic reception by the marine community in this country.

The approval of the program by the Congress was a recognition of both the opportunities and the problems in marine sciences, engineering, and technology. It was a recognition that the marine resources of this country had been too long neglected and that it was time to begin a program to realize the potential of those resources to meet the food, mineral, transportation, communications, and recreational needs of this country in the coming decades.

To achieve that goal, the sea-grant college program was modeled after one of the most successful Government programs ever undertaken—the land-grant college program. It was the land-grant college program, launched in the midst of the Civil War, that has been largely responsible for the development of the agricultural resources of this country into the most productive and efficient agricultural system in the world.

The sea-grant college program is an attempt to apply the successful techniques of the land-grant colleges to our marine resources. Thus, the sea-grant college program supports, through matching grants, programs to educate marine scientists, engineers, and technicians, programs of applied marine research and programs of field services to bring the fruits of research to bear directly on the problems of citizens engaged in marine activities.

Mr. President, during the first 2 years of operation, the sea-grant college program, administered by the National Science Foundation, has, I believe, demonstrated solid progress toward these goals.

In subject matter, the grants supported work in fisheries, aquaculture, ocean engineering, and management of estuarine areas, to name only a few. Geographically, the grants have gone to institutions in every coastal section of the country: The Atlantic, Pacific, Gulf, and Great Lakes areas.

As the coauthor of the original Sea-Grant College Act, I am proud indeed of the work already undertaken through the sea-grant college program. The only major problem encountered by this program to date has been the lack of funds to invest in the many worthwhile projects proposed by our leading marine science institutions.

In its first 2 years, the program has had just $11 million available in appropriated funds, and the budget request for fiscal 1970 is $10 million—an amount that will permit only minimal growth in the sea-grant college program during the coming year.

I think it is worth noting that, in just one of the projects conducted with sea-grant college program support, the University of Wisconsin discovered deposits of manganese nodules in the shallow waters of Green Bay which are estimated to have a value of more than $15 million—a value that exceeds the total amount appropriated thus far for the sea-grant college program.

I am cognizant of the need for restraint in Federal Government spending at this time; but looking forward to the future, I believe we must be prepared to provide for a substantial growth in this program if we are to realize the potential of this Nation's great marine resources.

Mr. President, the authorization for the sea-grant college program expires on June 30, 1970. To permit time for congressional action and budget planning, I am today introducing an amendment to the act providing authorization of $20, $25, and $30 million, respectively, for fiscal years 1971, 1972, and 1973.

I am very pleased, indeed, that several of my colleagues have joined with me as cosponsors of this legislation: The distinguished senior Senator from Washington (Mr. Magnuson), who has always ranked first in exercising legislative leadership in the development of our national oceanologic program; my own senior colleague from Rhode Island (Mr. Pastore); and the senior Senator from Hawaii (Mr. Fong).

A similar measure has been introduced in the other body by Representative Paul Rogers, who was the sponsor in the House of Representatives of the original Sea-Grant College Act.

This bill would provide for a simple extension of the sea-grant college program with increased levels in the authorized level of appropriations. I anticipate that in the very near future I shall be introducing additional legislation to carry out the recommendations of the Marine Science Commission in regard to the sea-grant college program.

Mr. President, I introduce a bill authorizing appropriations for the national sea-grant college program and ask unanimous consent that the bill be referred to the Committee on Labor and Public Welfare, and if and when it should be reported, that it be referred to the Committee on Commerce.

The **PRESIDING OFFICER.** The bill will be received, and, without objection, will be referred as requested by the Senator from Rhode Island.

The bill (S. 2293) to amend the National Sea-Grant College and Program Act of 1966, in order to extend the authorizations for the purposes of such act, introduced by Mr. Pell (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare (by unanimous consent), and if and when reported, referred to the Committee on Commerce (by unanimous consent).

S. 2296—INTRODUCTION OF BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO GRANT EASEMENTS WITH RESPECT TO PUBLIC LANDS

Mr. CANNON. Mr. President, on behalf of Senator Bible and myself, I introduce, for appropriate reference, a bill to authorize the Secretary of the Interior to grant easements with respect to public lands.

The purpose of this bill is to enable citizens possessing interest in private lands surrounded by or bordering public lands to gain freer ingress and egress through public lands for access to their property.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred.

The bill (S. 2296) to authorize the Secretary of the Interior to grant easements with respect to public lands for certain purposes, introduced by Mr. Cannon (for himself and Mr. Bible), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2298—INTRODUCTION OF A BILL TO AMEND THE FEDERAL CREDIT UNION ACT

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Alabama (Mr. Sparkman), I introduce, for appropriate reference, a bill to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

Mr. President, I ask unanimous consent that the bill, as just introduced for the Senator from Alabama, be printed in full in the Record.

The **PRESIDING OFFICER.** The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2298) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, introduced by Mr. Byrd of West Virginia (for Mr. Sparkman), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Section 2 of the Federal Credit Union Act (12 U.S.C. 1752) is amended by striking out paragraphs (2) and (3) thereof and inserting:

"(2) the term 'Administrator' means the Administrator of the National Credit Union Administration;

"(3) the term 'Administration' means the National Credit Union Administration; and

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"(4) the term 'Board' means the National Credit Union Board of Governors."

SEC. 2. The Federal Credit Union Act is further amended (1) by changing "Director" to read "Administrator" each place it appears therein; (2) by changing "Bureau of Federal Credit Unions" to read "National Credit Union Administration" each place it appears therein; and, (3) by changing "Bureau", each remaining place it appears, to read "Administration".

SEC. 3. Section 3 of the Federal Credit Union Act (12 U.S.C. 1752a) is amended to read:

"CREATION OF ADMINISTRATION

"SEC. 3. (a) There is hereby established in the executive branch of the Government an independent agency to be known as the National Credit Union Administration (hereinafter referred to as the 'Administration'). The Administration shall consist of a National Credit Union Board of Governors (hereinafter referred to as the 'Board'), and an Administrator.

"(b) The Board shall consist of nine members to be appointed by the President, by and with the advice and consent of the Senate. In selecting the members of the Board, the President shall designate a Chairman and a Vice Chairman who shall serve as representatives at large. In making his selection of the remaining members, one from each of the seven Federal credit union regions, the President shall receive and give special consideration to the nominations submitted by credit union organizations which are representative of a majority of the credit unions located in the reigon for which a Board member is to be appointed. The persons so appointed as members of the Board shall be selected on the basis of established records of distinguished service in the credit union movement.

"(c) The term of office of each member of the Board shall be six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the President at the time of appointment, three at the end of two years; three at the end of four years; and three, including the Chairman and Vice Chairman, at the end of six years. Terms of office shall be on a calendar year basis. No member shall serve more than two full consecutive terms of office.

"(d) The President shall call the first meeting of the Board, and thereafter the Board shall meet on a quarterly basis, and at such other times as the Chairman or the Administrator may request, or whenever one-third of the members so request. The Board shall adopt such rules as it may see fit for the transaction of its business and shall keep permanent and complete records and minutes of its acts and proceedings. A majority of the voting members of the Board shall constitute a quorum. The Board shall advise, consult with, and give guidance to the Administrator on matters of policy relating to the activities and functions of the Administration under this Act. The Board shall render an annual report to the President for submission to the Congress, summarizing the activities of the Administration and making such recommendations as it may deem appropriate. Each report shall propose such legislative enactments and other actions as, in the judgment of the Board, are necessary and appropriate to carry out its recommendations. The members of the Board shall be entitled to receive compensation at the rate of $75 for each day engaged in the business of the Administration pursuant to authorization by the Chairman, and shall be allowed travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(e) There shall be an Administrator of the National Credit Union Administration who shall be appointed by the President, by and with the advice and consent of the Senate. The Board may make recommendations to the President with respect to the appointment of the Administrator. He shall be the chief executive officer of the Administration which shall be a full time position in the executive department at level IV of the Executive Schedule (5 U.S.C. 5315). The Administrator shall serve at the pleasure of the President."

SEC. 4. (a) All functions, property, records, and personnel of the Bureau of Federal Credit Unions are transferred to the National Credit Union Administration created by this Act.

(b) The Director of the Bureau of Federal Credit Unions in office on the date of enactment of this Act shall serve as Acting Administrator of the National Credit Union Administration pending the appointment of an Administrator in accordance with section 3 of the Federal Credit Union as amended by this Act.

S. 2301—INTRODUCTION OF A BILL TO ABOLISH THE DEATH PENALTY

Mr. HART. Mr. President, I introduce, for appropriate reference, a bill to eliminate the death penalty for any Federal crime. Joining me as cosponsors are Mr. BURDICK, Mr. HATFIELD, Mr. INOUYE, Mr. JAVITS, Mr. MCCARTHY, Mr. MONDALE, Mr. NELSON, Mr. PROXMIRE, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio.

Sentences of life imprisonment would be substituted for provisions which require or authorize capital punishment.

Death sentences not executed when the bill becomes law would be changed to sentences of life imprisonment.

Mr. President, this is the third Congress in which I have introduced a bill to abolish the death penalty.

Since I first offered the proposal in 1966, the Nation has become increasingly concerned, and rightly so, about the rising crime rate. I share that concern.

There will, of course, be those who will say that, if I were concerned, I would not seek to eliminate what they consider to be a useful weapon in the war on crime.

Mr. President, I would ask those persons to examine closely the reasons why they feel the death penalty is of value and remind them that we also live at a time of growing concern about the effect on our society of a steady diet of violence on television.

An examination of those reasons and the effect executions have on the human spirit should convince them the death penalty should be abolished.

Let me start with the human spirit.

Based on my work as a member of the President's Commission on the Causes and Prevention of Violence, I have become convinced that continual exposure to television shows involving violence does have a connection with antisocial behavior.

If it is true that fiction can brutalize the human spirit, then certainly the fact of one human executing the other can have the same—if not greater—effect.

But we have long held that view in this Nation.

We have shuddered when reading about public executions during the French Revolution and their effects on the masses who watched.

We have recognized that public killings, whether sanctioned by law or not, whether in the name of aggression or defense of country, can brutalize the human spirit and we have carried out our executions in private.

Evidently we have not abolished capital punishment completely because it has been felt that on balance the penal and the nonpenal objectives of the death penalty have outweighed the effects this policy has on society.

Mr. President, if it were clear beyond doubt that capital punishment did achieve penal and nonpenal objectives, the debate over abolishing the death penalty would indeed be one of weighing pluses and minuses.

But the fact is that proponents of retaining the death penalty can only surmise that capital punishment is useful in controlling antisocial behavior, and, in fact, the strongest case against capital punishment, moral questions aside, is the lack of a case for retaining this penalty.

Mr. President, the most cited reasons for supporting capital punishment are that the death penalty:

Deters persons from committing crime punishable by death;

Precludes recidivism by convicted murderers;

Offers the public retribution for heinous crimes.

I would like to deal briefly with each of these points.

The debate over the deterrent objective of the death penalty often resolves itself into a discussion of statistics and their meaning. Statistics comparing murder rates in States with and without the death penalty support the contention that capital punishment does not deter the would-be murderer.

Proponents argue that it is impossible to estimate how many persons have been deterred from committing murder because of the death penalty, which, obviously, is true.

However, just because it is true does not make it a good argument for retaining the death penalty, because it can be argued that it deters very few persons indeed.

For example, of persons sentenced to death during the last 10 years in California, more than 40 percent were found guilty of crimes of passion. Fear of the death penalty probably has little deterrent effect on persons involved in such crimes.

Murders done while committing other crimes usually are the result of reflex decisions in which time does not permit thought of the death penalty. As a matter of fact, it could be argued that the burglar shoots someone out of fear of being imprisoned, and that fear outweighs the fear, at least for the moment, of the death penalty.

It can also be argued generally that fear of imprisonment is more real to the would-be criminal than fear of the death penalty, because the former penalty is the more understandable. The imminence of a penalty must be understood if it is

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to act as a deterrent, and few men have a sense of imminency about death.

As for precluding recidivism, it would well be argued that once having committed a murder, a person, out of fear of capital punishment, might actually commit additional murders to prevent capture. These types of crime must be classified under the heading of recidivism as well as crimes committed by persons after serving jail sentences.

It can also be argued that, inasmuch as studies indicate that paroled murderers are no more and probably less likely to commit first degree murder than other paroled felons, capital punishment prisoners, and other felons should be handled in the same way.

And, of course, if the death penalty does indeed preclude recidivism, it also precludes the exercise of a prisoner's right to continue to try to prove his innocence after conviction.

I have already touched on the question of the death penalty as public retribution.

If indeed public retribution were to be sought in executions, a premise I reject out of hand, the death penalty should not only be carried out in public, but as swiftly as possible so the crime is still fresh in the public's mind.

Inasmuch as proponents of the death penalty cite the time-taking legal procedures open to a person convicted of murder as protection against the execution of an innocent man, proponents cannot argue retribution as a reason for retaining the death penalty.

Mr. President, each of these arguments in favor of capital punishment are based on conjecture impossible of substantiation.

To use such conjectures to take a man's life, to force other humans to make a final decision about the life of another, to perhaps deprive an innocent man of his life, to continue to brutalize the human spirit is to undermine, indeed to cheapen, the value of human life in these United States.

If this Nation stands for anything, it stands for the belief that the life of each individual is to be cherished, whether he is rich or poor, black or white.

Statistics show that it is the black and the poor who most often are sentenced to death, adding a new dimension to the case against the death penalty.

Many other nations and 13 of our States have abolished the death penalty.

Congress should follow suit.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2301) to abolish the death penalty under all laws of the United States, and for other purposes, introduced by Mr. Hart (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

SENATE JOINT RESOLUTION 114—INTRODUCTION OF A JOINT RESOLUTION HONORING THE CITIZEN-JUROR AND THE MODERN JURY SYSTEM

Mr. CRANSTON. Mr. President, in London, some 300 years ago, Edward Bushell resisted an English court's pressures to change the verdict of a jury that was trying William Penn, then 25, for unlawful assembly.

In spite of threats from the bench to "set a mark" on him, regardless of a total of 2 days the jury spent locked in a room "without meat, drink, fire, and tobacco," Bushell, the leader of the jury, refused to convict young Penn for preaching to a group of Quakers.

The outraged court fined each member of the jury 40 marks—about $500 now—and when they did not pay, sent them to Newgate prison, along with Penn, who had spoken out against the "intolerable threatening" of the jury.

Bushell, a wealthy sugar importer, applied for a writ of habeas corpus and in the subsequent trial, Chief Justice Sir John Vaughn decided a jury should be independent and free from duress and punishment.

It was a landmark decision. It was the beginning of the jury system as we know it today. To be sure, there had been juries probably since the 8th century, but they had always been liable to punishment for "incorrect" verdicts.

William Penn, as we all know, came to America to found a colony. So did the benefits of that great decision come to America, and now some 200,000 times a year, our juries deliver their unfettered opinions according to constitutional guarantees. The jury system is a bulwark of our democracy, so unquestioned now that we are apt to take it for granted.

I am introducing today a joint resolution that would recognize 1970 as the tercentenary of the founding of the modern jury system and designate 1970 as "National Citizen-Juror Year."

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 114) to honor the citizen-juror and the modern jury system, introduced by Mr. Cranston, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Mr. COOK. Mr. President, at the request of the Senator from Arizona (Mr. Goldwater), I ask unanimous consent that, at its next printing, the names of the senior Senator from Nevada (Mr. Bible), the junior Senator from Nevada (Mr. Cannon), and the Senator from South Carolina (Mr. Thurmond) be added as cosponsors of the joint resolution (S.J. Res. 85) to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week."

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 206—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

Mr. DIRKSEN, for Mr. Sparkman, submitted the following resolution (S. Res. 206); which was referred to the Committee on Rules and Administration:

S. Res. 206

Resolved, That the report of the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency entitled "Effect of Lumber Pricing and Production on the Nation's Housing Goals" be printed with an illustration as a Senate document, and that there be printed one thousand additional copies of such document for the use of that committee.

SENATE RESOLUTION 207—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

Mr. ELLENDER submitted the following resolution (S. Res. 207); which was referred to the Committee on Rules and Administration:

S. Res. 207

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1968, be printed with an illustration as a Senate document.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—AMENDMENT

AMENDMENT NO. 25

Mr. MANSFIELD, for Mr. Jackson, submitted an amendment intended to be proposed by him to the bill (S. 1075) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, which was ordered to be printed and referred to the Committee on Interior and Insular Affairs.

(See reference to the above amendment when submitted by Mr. Mansfield, for Mr. Jackson, which appears under a separate heading.)

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969—AMENDMENT

AMENDMENT NO. 25

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I submit an amendment intended to be proposed by him to the bill (S. 1075) to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality, and ask unanimous consent that a statement by him relating to the amendment be printed in the Record.

The PRESIDING OFFICER. The amendment will be received, printed, appropriately referred, and, without objection, the statement will be printed in the Record.

The amendment was referred to the Committee on Interior and Insular Affairs.

Statement by Senator Jackson

Mr. Jackson. Early in this session of the Congress, I introduced proposed legislation to establish a national policy for the environment. I introduced this measure because it is my view that our present knowledge, our established policies, and our existing institutions are not adequate to deal with the growing environmental problems and crises the nation faces.

The inadequacy of present knowledge, policies, and institutions is reflected in our nation's history, and our national attitudes, and in our contemporary life. We see this inadequacy all around us: haphazard urban growth, the loss of open spaces, strip-mining, air and water pollution, soil erosion, deforestation, faltering transportation systems, a proliferation of pesticides and chemicals, and a landscape cluttered with billboards, powerlines, and junkyards.

Traditional governmental policies and programs were not designed to achieve these conditions. But they were not designed to avoid them either. As a result, *they were not avoided.*

As a Nation, we have failed to design and implement a national environmental policy which would enable us to weigh alternatives, and to anticipate the undesirable side effects which often result from our ongoing policies, programs and actions.

Today it is clear that we cannot continue to perpetuate the mistakes of the past. We no longer have the margins for error and mistake that we once enjoyed.

It was in view of this background and these considerations that I introduced S. 1075, a bill to establish a national environmental policy.

The purpose of the proposed legislation is threefold: *First,* to establish a national policy on the environment; *Second,* to authorize expanded research and understanding of our natural resources, the environment, and human ecology; and *Third,* to establish in the Office of the President a properly staffed Council of Environmental Quality Advisors.

During the hearings on this measure on April 16, Dr. DuBridge, the President's Science Advisor, and Secretary of the Interior Hickel announced that the President is considering the establishment of an interagency environmental council composed of selected Cabinet officers. As I stated at the hearings, this indicates to me: "that the President and officials in the executive branch share the belief of many of us in Congress that some reorganization is necessary. The President apparently agrees that the existing administrative establishment is inadequate for the task we face, and that a focal point for the environmental considerations of government should be designated."

It was the initial view of the Administration's representatives that the President's proposed interagency council would make an independent Council of Environmental Advisors as proposed in my bill unnecessary.

For the most part, the members of the Committee and the public witnesses did not agree with their position. There was, however, general agreement by all concerned that there is a need to restructure the Federal government to provide a focal point for environmental considerations.

It is my view that what is needed is an impartial, objective, full-time Council of Environmental Advisors in the Executive Office of the President. The interagency Council the President is considering would be useful for implementing action proposals, but the President also needs independent and impartial advice as to what action to take. The Council I have proposed would be properly staffed and equipped to provide this advice.

As a result of the April 16 hearing on S. 1075 and subsequent discussions with the Administration, I believe that there is now general agreement on the need for both an interagency Council as proposed by the President, and a high level independent body as proposed in my bill.

It is my understanding that an announcement will be made today that the President has signed an executive order to establish the interagency Council on the environment. I applaud the President's action. I intend to seek early Senate action on S. 1075 so that the President and the American people may have the benefit of the independent and impartial staff support and advice of the Council which I have proposed.

During the April 16 hearing on S. 1075, the Administration agreed that there is an urgent need to enact into law a statement of national policy with respect to environmental management, and that they would support a statutory declaration of national policy. Subsequent to the hearings, I directed the Interior Committee staff to draft an expanded statement of national environmental management goals, and to grant new authority to Federal agencies which, at the present time, have no mandate or responsibility for the management and protection of the human environment.

This expanded statement of national policy has been prepared as an amendment to S. 1075. It will become Title I of the bill and the other titles will be appropriately redesignated. Mr. President, I ask unanimous consent that this amendment be printed in the Record at the conclusion of my remarks.

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It serves a constitutional function in that people may refer to it for guidance in making decisions where environmental values are found to be in conflict with other values.

Many operating agencies do not at present have a mandate within the body of their enabling laws to give substantive attention to environmental values. This is especially true of the older Federal programs.

A properly drafted Congressional statement of national environmental policy, along with a requirement for official statements of environmental findings in Federal decisions and legislative proposals, will effectively make the quality of the environment *everyone's* responsibility. No agency will then be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions.

I am introducing this policy statement as an amendment to S. 1075 at present because I want the statement to be available to the Administration prior to the informational hearings of the Committee on Interior and Insular Affairs on June 3 and 11 on the Everglades National Park. At the June 3 hearings, I will want to have the judgment of the Administration witnesses on what the effect of this policy statement would have been had it been enacted at the time the Park was created by Congress.

Mr. President, an environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings.

It is my belief that the amendment I am introducing today will go far towards ensuring that the Federal government both sets and abides by standards of excellence; standards which will ensure that our generation fulfills its responsibilities as trustees of the environment for future generations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 29, 1969, he presented to the President of the United States the following enrolled bills:

S. 278. An act to consent to the New Hampshire-Vermont Interstate School Compact; and

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

NOTICE OF HEARING

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, June 6, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

David W. Williams, of California, to be U.S. district judge for the central district of California, vice Peirson M. Hall, retired

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Nebraska (Mr. HRUSKA), and myself.

NOTICE OF HEARING

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday, June 5, 1969, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

George Harrold Carswell, of Florida, to be U.S. circuit judge for the Fifth Circuit, vice a new position created under Public Law 90–347, approved June 18, 1968.

John F. Kilkenny, of Oregon, to be U.S. circuit judge for the Ninth Circuit, vice a new position created under Public Law 90–347, approved June 18, 1968.

Donald E. Lane, of the District of Columbia, to be associate judge, U.S. Court of Customs and Patent Appeals, vice Arthur M. Smith, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND), chairman; the Senator from Nebraska (Mr. HRUSKA), and myself.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. McCLELLAN. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

John L. Bowers, Jr., of Tennessee, to be U.S. attorney for the eastern district of Tennessee for the term of 4 years, vice John H. Reddy, retired.

Dean C. Smith, of Washintgon, to be U.S. attorney for the eastern district of Washington for the term of 4 years, vice Smithmore P. Myers, resigned.

Edward J. Michaels, of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years, vice Joseph Novak.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Thursday, June 5, 1969, any representations or objections they may wish to present concerning the above

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nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF CHANGE IN HEARING DATE ON EVERGLADES NATIONAL PARK

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Washington (Mr. Jackson) I ask unanimous consent to have a statement by Senator Jackson printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Jackson. Mr. President, there has been a change in dates for the informational hearings on the Everglades National Park which had previously been scheduled for June 3 and 4.

Under the revised schedule of the Senate Interior and Insular Affairs Committee, testimony will be taken from representatives of the Administration and the State of Florida on this matter on June 3, 1969, in Room 3110 of the New Senate Office Building at 10:15 a.m.

Testimony from major conservation associations and public witnesses will be taken on June 11 at 10:00 a.m. The location of the hearing room for the June 11 hearing will be announced at a later date.

NOTICE OF HEARINGS ON CONSUMER CREDIT INSURANCE ACT

Mr. PROXMIRE. Mr. President, I wish to announce that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 1754, a bill to protect consumers from abuses relative to excessive charges for life, health, and accident insurance pursuant to consumer credit transactions.

The hearings will be held on Wednesday, Thursday, and Friday, June 25, 26, and 27, and Monday, June 30, 1969, and will begin at 10 a.m. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, room 5300, New Senate Office Building, Washington, D.C., 20510; telephone 225-7391.

AUTHORIZATION FOR SECRETARY OF AGRICULTURE TO CLASSIFY AS A WILDERNESS AREA CERTAIN NATIONAL FOREST LANDS IN MONTANA

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished acting minority leader, the Senator from Kentucky (Mr. Cook), and I am happy to ask unanimous consent at this time for the immediate consideration, S. 412, a bill having to do with the Lincoln Back Country in Montana.

The bill was introduced by my distinguished colleague, the junior Senator from Montana (Mr. Metcalf). I am happy to say that the bill was unanimously reported today by the Committee on Interior and Insular Affairs.

The PRESIDING OFFICER. The bill will be stated by title.

The Assistant Legislative Clerk. A bill (S. 412) to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forest, in Montana, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. METCALF. Mr. President, the pending bill has important and significant bipartisan support.

Former Governor Babcock, former Representative Battin, Representative Olsen, and the distinguished majority leader, the Senator from Montana (Mr. Mansfield), have all supported the legislation.

The pending bill provides that a very fragile and important scenic area will become a wilderness area and be protected from picnickers, hikers, or any other persons who might destroy this kind of area.

This is an important watershed area. It is a forest that is significant in the development of some of the most scenic and beautiful areas in the whole western part of Montana.

Mr. President, I have an editorial entitled "The Outdoor Picture—For the Lincoln Wilderness Area," written by Dale A. Burk and published in the Sunday Missoulian of May 4, 1969. The editorial sets forth some of the arguments and summarizes the proposals for the Lincoln wilderness area.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. METCALF. Mr. President, the evidence obtained both from field hearings and hearings held before the committee overwhelmingly shows that this area should be set aside as a wilderness area, that it is a peculiar and scenic area that is admirably fitted for the wilderness administration.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Public hearings were held on the measure which is sponsored by Senators Metcalf and Mansfield and field hearings were held in the area last autumn on a similar bill at which some 80 witnesses were heard.

Committee action in ordering the bill reported favorably was unanimous.

PURPOSE OF MEASURE

S. 412 would add approximately 240,500 acres in three national forests in Montana to the National Wilderness Preservation System established by the Wilderness Act of 1964 (78 Stat. 890). The area embraces portions of the Helena, Lewis and Clark, and Lolo National Forests straddling the Continental Divide in central western Montana.

It is known as the "Lincoln-Scapegoat Back Country," or more popularly as "The Lincoln Back Country."

S. 412 would accomplish its purpose by directing the Secretary of Agriculture, who has administrative responsibility for the national forests, to classify specifically designated tracts in the area as wilderness. The effect would be to combine the Lincoln Back Country with the existing Bob Marshall Wilderness.

DESCRIPTION OF AREA

The Lincoln Back Country is typical of the scenic grandeur that is reflected in Montana's motto "The Big Sky Country". It contains vast, unbroken spaces, glittering mountains, deep forests, and flashing clear lakes and streams. It is described by the Sierra Club as a "friendly wilderness," containing "an environment essential to the survival of the grizzly bear population and other big game animals. Native cut-throat trout, an increasingly scarce game resource, is also found in substantial amounts."

Other wildlife and fish of a rare or endangered nature abound in the undisturbed mountains, meadows, and waters, and the opportunities for ecological research are highly regarded by scientists.

The southern portion is characterized by wooded rolling lands, studded with mountain lakes. Several nearby high but relatively accessible points such as Red Mountain, Pyramid, and Olsen Peaks add opportunities for zestful, rewarding climbs. This portion of the area, although possessing true wild character, is readily available to easy family hiking and saddle horse trips.

The north central portion in contrast is characterized by spectacular relatively remote peaks, high ridges and intervening canyons. These present a true challenge for those who wish to spend a little more time and effort to sample the more rugged aspects of wilderness. Here the great Scapegoat Mountain complex dominates the scene. The alpine tundra of its highlands presents a unique climax to the most adventurous type of wilderness travel.

Short, relatively easy back-country trips are available on the far nothern end and much of the eastern side of the area.

As mentioned above, the Lincoln-Scapegoat region, with its relatively undisturbed environment, represents ideal living space for a unique variety of game animals, birds, and fish. An important segment of Montana's remnant grizzly bear population has found this place much to its liking.

Elk, mountain sheep, goats, deer and moose are also there and depend, in many important respects, upon the relatively remote character of the land for their living requirements and even survival. The rare west slope cutthroat trout is well suited to its cold, clear streams and the lighter fishing pressure of trail access country. Along with the Montana grayling the area supports a variety of fish that add much to the joy of visiting this unique region. Ptarmigan, a seldom seen grouse of the alpine environment, adds special interest to the interesting bird life of the area.

Thus, a pleasing variety in topography, vegetative cover, and animal life blend in making the Lincoln Back Country an ideal area for meaningful wilderness classification.

ECONOMIC RESOURCES

Evidence was presented at the Committee's hearings, both in Montana and in Washington, that the area has very little economic resources in the way of commercial mineral deposits, or in timber reserves.

On the contrary, the overwhelming weight of the evidence was that preservation of the area's great scenic values and its rare fauna and flora by inclusion in the National Wilderness System would be the highest use to which the area could be put, both for the present and for future generations.

ALTERNATIVE PROPOSALS CONSIDERED

The Committee gave full and careful consideration to alternative proposals presented at the hearings, including that of the Forest Service for a type of modified multiple use. The members are convinced, however, that the Lincoln Back Country is too fragile, both geologically and ecologically, to permit the driving through of roads, and construction of permanent roadside and camping facilities as is envisioned. With respect to such development, the Committee adopts the finding of Dr. Arnold J. Silverman, Associate Professor of Geology at the University of Montana, consultant to the U.S. Bureau of Mines, and a member of national and international geological societies. Dr. Silverman testified at the Committee hearing:

"However, a number of disadvantages and potential dangers come readily to mind. Such a road would be expensive to maintain, because it would be in need of constant grading, clearing, and indeed in many places actual reconstruction. It does not appear probable that such a road can be maintained without an abnormal financial investment. In addition, there will be an ever-present danger to travelers of sliding and slumping. Lastly, the increased erosion caused by road construction and timber harvest will have a very detrimental effect on the streams and lakes of the area.

"For these reasons, I oppose a multiple-use plan for the area and support the proposal for the establishment of a Lincoln Scapegoat wilderness area."

Dr. Clarence C. Gordon, president of the Western Montana Scientists Committee for Public Information, testified even more pointedly:

"After reviewing the physical and biological aspects of the Lincoln Back Country, Scapegoat Mountain area, it is obvious that this country will be even more adversely affected than most mountainous areas if roading or logging be allowed. The hillsides are steep, much of the clay and fractured rock is presently held in place by plant roots to the depth of a foot or less. Even a slight disturbance of the soil will start an eroded gully. Whole mountain slopes slipped into valleys and streams during the flood of 1964.

"Development of the Lincoln Back Country-Scapegoat Mountain area will be disastrous. Leaving it a wilderness will provide a unique and valuable recreational and study center for generations."

COMMITTEE RECOMMENDATION

In enacting the Wilderness Act (Public Law 88–577), the Congress clearly reserved to itself the ultimate authority to act with respect to enlargement of the Wilderness System it created. Section 3, Article IV of the Federal Constitution imposes such a responsibility on Congress.

In this instance, the Committee unanimously recommends that Congress exercise its power and include in the System an area it finds uniquely qualified for inclusion and thus preserve the Lincoln Back Country's rare and fragile features for the physical enjoyment, the spiritual refreshment, and the enrichment of the life of this generation and future generations.

The proposal has the unqualified backing of the entire Congressional delegation from Montana.

EXECUTIVE AGENCY REPORTS

The reports of the Department of the Interior the Department of Agriculture, and the Bureau of the Budget are set forth in full.

EXHIBIT 1

[From the Sunday Missoulian, May 4, 1969]

THE OUTDOOR PICTURE: FOR THE LINCOLN WILDERNESS AREA

(By Dale A. Burk)

We endorse the establishment of the Lincoln-Scapegoat Back Country as a wilderness area. We do so because we feel the area would be best utilized in wilderness form and because plans for developing the area are totally unfounded on either need or practicality.

We have looked at both sides of the "issue" over the Lincoln Back Country and have presented a number of columns investigating the situation. On one hand we have legislative proposals by Sens. Lee Metcalf and Mike Mansfield and Rep. Arnold Olsen to establish the Lincoln-Scapegoat Wilderness. Aligned against the legislation is the U.S. Forest Service and some members of Montana's timber industry.

IN TRUE PERSPECTIVE

When viewed in its true perspective, the Lincoln-Scapegoat area of 240,500 acres is a rather small and insignificant part of the American landscape. In fact, in relationship to the whole of America it is minuscule. So is the total number of acres in America set aside as a heritage for tomorrow.

Contrary to the contention of would-be developers that such a vast area so close to the Bob Marshall Wilderness should not be added to the wilderness system, we conclude that when the entire picture is considered the 240,500 acres are small indeed.

Montana is one of the last frontiers where land is available in an undeveloped state. Montana and a few other of the western states are America's last resort for wilderness areas. They bear the burden for the entire nation. There's nowhere else to go. The job was botched up back East generations ago.

If we don't establish wilderness areas like the Lincoln-Scapegoat area in our generation, there simply will be no areas left to save in coming years.

A FRAGILE LAND

It seems incongruous that the Forest Service should base its plan for developing and managing the area on a premise that simply won't hold weight. It speaks of a need for a scenic highway that would provide access to the high country and from which "fairly large numbers of people could be distributed in small groups throughout the Zone for a real isolated or back country experience."

True? We think not in the Lincoln case. Once cut up with roads a real "wilderness" would not exist. The area would be like any other mountain area in western Montana now crisscrossed with logging roads. Existing developable areas already opened up by road could provide the "managed wilderness" tracts the Forest Service speaks of in its development plan.

AN UNPROVEN PREMISE

The major weakness with the proposed development plan is that it is based on an unproven premise that can be first tested elsewhere. Montana abounds with roads in high country terrain. We'd rather the Forest Service try its concept out on these areas first.

And we're sure it would find more spots now roaded and awaiting development than it would be able to get money to develop in the next half-dozen generations.

The point is that there's absolutely no need to carve up the Lincoln-Scapegoat area with a road. Highways now cross the Continental Divide south of the area at Rogers, Flescher, Stemple and MacDonald passes. Other similar passes in Montana's mountain country are crossed by road.

Develop them first. Try the plan out elsewhere instead of rushing in and ruining one of the last great areas that would be maintained as wilderness.

SOME SUITABLE SITES

Nowhere in the Forest Service literature did we read of a "pressing need" that such intensely-managed wilderness-like tracts be developed elsewhere. Yet the Forest Service maintains that such a need exists to provide for the recreation demands, now and in the future, for the populations of the Missoula and Great Falls areas.

If this demand exists it should be applied first in the areas already roaded. For example, in addition to the areas already mentioned, it would be tested in much of the country from the Canadian line to Idaho where logging roads already provide access to high country terrain suitable for providing "back country experiences."

We agree that more recreation campgrounds are needed. But the Forest Service isn't playing fair when it contends that it is critical to establish such campgrounds in the Lincoln Back Country area when hundreds of other suitable sites already accessible are available. Our recommendation is that we first develop these other sites.

There are so many of them available that those responsible for providing public recreation facilities would be so busy they wouldn't have time to worry about a 240,500 acre tract of land left in its wilderness state.

OTHER CONSIDERATIONS

Montana's timber industry, in spite of the fear-inducing testimony presented by some opponents of the wilderness, should never feel the loss of the rather insignificant amount of merchantable timber in the area (less than ½ of 1 per cent of Montana's allowable cut).

In fact, even if the industry lost something that never really was its in the first place, the state's economy would not stagger, as was intimated. Testimony in Washington showed that, on the contrary, extensive logging development in the area would be detrimental in the long run to the other values in the region—namely wildlife and the fishery.

The mineral potentialities of the area will really not be changed by establishment of a wilderness area. Under the wilderness act, the mineral industries would have a number of years in which to investigate for mineral resources before the area could be locked up.

The scenic road into the area would not be open long enough each year to justify the amount of appropriated funds it would take to build it. The area is deep snow country and the task of keeping the road open in the winter, as in Glacier Park, would be impossible or so costly as to be unrealistic. We feel the cost of building and then maintaining such a road would be unjustified. Money talks, and very simply appropriated "road" money could be better spent for campground facilities where roads now exist.

WHAT IS WILDERNESS?

What is the Lincoln-Scapegoat Back Country? Why does it deserve wilderness classification?

Basically because it is a beautiful land, because it can be saved, and because so little will be lost to man's so-called progress by protecting it as wilderness. We say this because the area can be lost. It is a fragile land that intensive development might destroy.

What is a wilderness? It is a land in which man can, at any time in the history of his species, enjoy the same values. The value of wilderness is endless, infinite, indestructible.

It is a land in which the wildlife values as they exist would be destroyed if man carved the land into tracts and diminished the wildlife habitat.

It is a land yet untrammelled, a land where man can still rise above that part of him that says he must destroy what is natural, that he must change what is, simply to change it.

It is a land which has value because it is what it is.

It is a land that we have today and can leave for tomorrow.

It is wilderness. It should be wilderness tomorrow, too.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question

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is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 412

A bill to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to classify as wilderness those national forest lands containing approximately 240,500 acres in the Helena National Forest in Montana, known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forest specifically described as bounded by a line on the southeast boundary of the Bob Marshall Wilderness Area at Deadman Hill running southeasterly to Bench Mark, then along the ridge of Wood Creek Hogback to the top of Crown Mountain and across Welcome Pass to the midpoint of Steamboat Mountain; thence running in a more southerly direction down the ridge between Milk and Pear Creeks, across the Dearborn River and up the Continental Divide to a point above Bighorn Lake; thence along the divide and down the ridge northwest of Falls Creek, across Landers Fork to the top of Lone Mountain; thence in a southwesterly direction to Heart Lake Trail, westward to the top of Red Mountain; thence southwesterly to Arrastra Peak; thence along Daly, Iron, and Echo Mountain Peaks, and across Windy Pass to Mineral Hill; thence across the North Fork of the Blackfoot River at the Big Slide to BM 8320, northwesterly across Canyon Creek (excluding the upper Conger Creek timber stand) to the top of Canyon Peak; thence more westerly to the top of Omar Mountain, and northward along the ridge to the southern boundary of the Bob Marshall Wilderness Area on a ridge west of Danaher Pass, and thence along the southern boundary of the Bob Marshall Wilderness Area to the point of beginning. The Secretary of Agriculture shall promptly after such classification transmit to the Congress a map and legal description of the wilderness area and such description shall have the same force and effect as if set forth in this Act. Upon its classification, such wilderness area shall be subject to the same provisions and rules as those designated as wilderness areas by the Wilderness Act of September 3, 1964 (78 Stat. 890).

HAMBURGER HILL: WAS IT WORTH IT?

Mr. YOUNG of Ohio. Mr. President, Gen. Maxwell D. Taylor announced Tuesday that President Nixon should not order any of our soldiers home from Vietnam while the talks in Paris seeking to achieve an armistice and cease-fire in Vietnam are continuing.

President Johnson, during the last 4 years of his administration as President of the United States, followed the advice given him by General Taylor. He is now living in Texas, I am sorry to say.

The fact is that Richard Nixon in his campaign for the Presidency promised to end the bloodletting in Vietnam. He promised he would end the war in Vietnam and bring the boys home. Our citizens believed him. They elected him. Our President would be well advised if he would completely disregard the views and advice of Gen. Maxwell D. Taylor. He should bring 100,000 of our troops home this year; the sooner the better. It would be a simple matter to bring them home in ships and planes, the same as they were sent over there.

That we have 600,000 men of our Armed Forces in Vietnam and Thailand fighting an undeclared, immoral, and unpopular war, and that nearly 40,000 of our Armed Forces who have fought in Vietnam have been killed in combat—additional thousands were killed in what Pentagon terms accidents and incidents, which in World War II would have been termed killed in combat—and more than 208,000 wounded may be directly attributed to the fact that President Johnson accepted and was subservient to the advice of General Taylor and all of the generals and admirals of the Joint Chiefs of Staff.

Those 55 patriots gathered in Philadelphia from the Thirteen Colonies provided in the Constitution they drafted that in the United States civilian authority must always be supreme over military authority. George Washington presided over this Constitutional Convention. Benjamin Franklin at 81 was the oldest member and Jonathan Dayton the youngest at 26. Such was their determination against militarists ruling our Republic that they provided that the President of the United States would be Commander in Chief of our Armed Forces.

Mr. President, in January 1968, I was in South Vietnam as an observer as a member of the Armed Services Committee of the Senate. While in Southeast Asia throughout most of that month, I visited every area of Laos. I was told that this would be the next South Vietnam where Americans would fight and be killed. I pray there is no truth to that allegation. Laos is a most underdeveloped country. It is not worth the life of one American GI. Fighting is now going on there. We Americans who guaranteed the neutrality of Laos have been sending our warplanes over that country. Also our CIA is there in force and also many American "military advisers."

In Thailand I visited all of our air bases and also our huge coastal base at Sattahip. All these bases appear to be permanent installations, as if Americans will be fighting and dying in Southeast Asia throughout the next 50 or 100 years. We now have approximately 50,000 men of our Armed Forces in Thailand.

I was in every area of Vietnam late in January last year just before the VC Tet lunar offensive. I was in Danang and in the area north and west of Danang, and by helicopter visited marines close to Khesanh. It was a matter of surprise and comment that in this area our marines, who are the best trained and best armed fighting men in the world, were on the defensive everywhere. This, despite the fact they are supposedly especially trained for amphibious operations and to be in the forefront of offensive military actions.

I interviewed General Westmoreland and the generals commanding in the Danang area and also in the Khesanh area. General Westmoreland and the generals under his command assured us that the VC could be heard during the nighttime coming closer and closer to Khesanh and that they had encircled Khesanh. General Westmoreland stated that he was certain that at the time of the Tet lunar holiday, some 2 or 3 days away, the VC would assault our entrenched outpost at Khesanh and that they expected to overrun it and achieve a great military victory. He said, "I have encircled the encirclers." He and leading marine generals informed us that some 40,000 men of our Armed Forces had been withdrawn from the interior and Central Highlands and that the VC were being encircled and would be annihilated when they attacked Khesanh and then tried also to overrun Danang. Our generals, notably General Westmoreland, were completely outgeneraled by General Giap of North Vietnam, the Victor over the French at Dien Bien Phu.

My escort officer discussed the matter with me before the Tet lunar holiday, commenting on the very noisy approaches made by the VC up to 1 a.m. and the comparative silence thereafter night after night. He concluded, the same as I did, that they wanted our forces to concentrate in the defense of Khesanh. Then, like a bolt out of the blue, the VC in the Tet lunar holiday struck everywhere in South Vietnam except where General Westmoreland confidently expected them. It is evident they had no intention of trying to capture Khesanh. Their forces overran and captured, holding possession for varying periods of time, 37 of 44 provincial capitals of South Vietnam. They breached the fortress-like American Embassy in Saigon. For 7 hours they held possession of our Embassy grounds. Ambassador Bunker had to flee for his life. They invaded Saigon and released 7,000 prisoners from the jails there. The VC first freed prisoners in jails of the provincial capitals, then collected huge quantities of rice and conscripted or enrolled thousands of young men into their armed forces. Many American youngsters were killed in this Tet lunar offensive. General Westmoreland, although completely outgeneraled, claimed it was really an American victory. He deceived no one, probably not even himself.

Hue, the ancient capital, was seized and held by the Vietcong for a month. During that period of terror they killed many of the inhabitants. They occupied the Citadel at the center of this beautiful city. In Hue, our heroic marines, in retaking the Citadel from the Vietcong after street fighting of many days with huge losses of lives, finally by sheer force of numbers and firepower killed or forced out all of the Vietcong.

Our generals, at a cost of priceless lives of hundreds of young marines, finally accomplished by direct overwhelming assaults what they could have accomplished with little loss of life by surrounding the Citadel until the starved survivors would have slipped away or would have been compelled to surrender. This lack of generalship and competent leadership of our troops in South Vietnam was brought home to the American people.

Now we come to Dong Ap Bia, now

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sorrowfully known to Americans as "Hamburger Hill." This 3,000-foot hill in the A Shau Valley in South Vietnam 2 miles from the border of Laos was captured by American troops following 10 days of repeated infantry assaults up the slopes of this hill and then retreats downhill.

From May 10 to May 20, some of the finest units of the American Armed Forces, 10,000 paratroopers of the 101st Airborne Division under the immediate command of Major General Zias, were ordered into the area and then our paratroopers were ordered to make front attacks against Vietcong entrenched in bunkers at the top of this hill. Commencing on May 10, repeated attacks by our bombers were followed by direct frontal attacks by our ground troops. Our generals claimed that Dong Ap Bia was of strategic importance as it overlooked the A Shau Valley and the Vietcong supply route from Laos. So, 10,000 of our boys were ordered up the valley to overrun this hill, despite the fact President Nixon in his address to the Nation stated that we seek no military victory but seek peace by negotiation. Our soldiers on 10 different occasions climbed the hill in terrific frontal assaults. On all 10 occasions they were hurled back. They called the hill "Hamburger Hill." This is symptomatic of the mentality of the commanders who cast strategy aside for repeated frontal attacks and the units they commanded were chopped up.

Elements of the 101st Airborne Division were lifted by helicopter into the A Shau Valley for a search and destroy mission in that area. Dong Ap Bia itself in the original planning had not been regarded as an objective. Then, when the men of the 101st Airborne Division came under fire from its crest, the decision was made by Lieutenant Colonel Honeycutt and other officers for a frontal assault. Day after day the fighting men of the Third Battalion of the 187th Regiment of the 101st Airborne struggled up the slopes of Dong Ap Bia only to retreat down under withering enemy fire. Honeycutt, termed "Blackjack" by his men, refused to be satisfied with calling air and artillery strikes and blasting the hill with our B–52 bombers. He kept demanding "Get those men moving! You are being paid to fight this war, not discuss it." One of his soldiers was overheard to say, "That damned Blackjack won't stop until he kills every damn one of us."

On May 12 they unexpectedly ran into rocket grenades, rapid fire from automatic weapons, lethal Claymore mines dangling from bushes and trees. They were forced back. Later there was another assault on Lieutenant Colonel Honeycutt's orders, but only by two companies instead of his entire force. They were hurled back with heavy losses. For 5 days from May 12 to the 20th, the frontal assaults continued. Two additional battalions from the 101st were brought up on May 18. Our reinforced forces again were ordered up in a frontal assault.

They nearly reached the top, but were hurled back by small arms fire and grenades. One dispirited company commander said, "Everyone is scared, but we have to go back up." Finally, on May 20, more than a week after the original frontal assault, our GI's were victorious. The hill was taken. One hundred and eighty-two rifles of the North Vietnamese forces were captured, but no prisoners. The crest of the Dong Ap Bia, now called Hamburger Hill, was scarred and smoldering. Thousands of tons of explosives and napalm had been dropped upon it. More than 600 Vietcong were killed, according to Pentagon claims. Certainly, at least 182 appear to have been killed. Pentagon reports of U.S. casualties were moderate. This was a heroic military achievement of our heroic 101st Airborne Division. It was a very tragic incident in the unpopular, undeclared war we are waging.

Mr. President, it is apparent those generals commanding our forces in Vietnam never learned what Stonewall Jackson did and his strategy at the Battle of Chancellorsville. Despite the fact that the Union Army of the Potomac confronting Lee's forces was superior in numbers, Lee and Jackson inflicted a smashing defeat to the Union Army. Stonewall Jackson, commanding one flank of General Lee's army in the early darkness of night, swung all his troops behind the entire Confederate Army and by early next morning the 11th Army Corps of the Union Army holding a wing of the Union line were breakfasting, ignorant of the fact that any Confederates were nearby. Jackson's forces suddenly came out of the woods, hit them on the flank and rear, routing them in great disorder. Our generals in Vietnam attacking Hamburger Hill acted as if they had never studied Lee's and Jackson's strategy. Instead, they flung our paratroopers piecemeal in frontal assaults. Instead of seeking to surround the enemy or assault the hill from the side and front simultaneously, there was just one frontal assault after another, killing our boys who went up Hamburger Hill.

The most that can be said for the general who ordered these continuing frontal assaults despite heavy losses is that he exerted "maximum pressure." In other words, maximum offensive strategy while peace negotiations are continuing in Paris. Immediately after the final assault, helicopters flew out the wounded and dead. Stacks of army helmets and bloody flak jackets remained behind. Then, the VC bunkers were destroyed and orders given to abandon the hill. A U.S. Command spokesman in Saigon said, "There's no tactical reason to stay there."

Our colleague, Senator EDWARD (TED) KENNEDY, properly denounced this frontal attack on Dong Ap Bia, renamed Hamburger Hill by the soldiers who fought there, and correctly termed it as a "senseless and irresponsible action." This irresponsibility on the part of our military commanders in South Vietnam cost the lives of 60 GI's killed, 25 missing, presumably dead, and 308 wounded.

Then, almost immediately following the critical comment in the Senate of the distinguished senior Senator from Massachusetts (Mr. KENNEDY), a few score of our soldiers were returned to the hill as temporary custodians. Presumably, the American flag now flies over Dong Ap Bia. Telegrams have been sent to the young widows and parents of our dead GI's, and our wounded are being cared for. Was it worth it?

A high State Department official stated, "With the Paris talks going on we don't need those gory stories in the papers." A Pentagon spokesman said, "Hamburger Hill was strategically important. It dominated the supply route from Laos to the A Shau Valley. This could have been the staging point for an attack on Hue." If so, why did the generals order its abandonment immediately after our troops drove out the VC?

Following the statement of the Senator from Massachusetts, instead of altogether abandoning the little hill, a token force of 20 or 30 GI's are now on the hill.

This hill that our generals considered so important to capture by frontal assault was held but long enough to evacuate our dead and wounded. It was then abandoned, the same as Khesanh, which our generals claimed early last year and in December of 1967 to be an important bastion and outpost, was abandoned.

THE MAO WORSHIPERS ON THE AMERICAN CAMPUSES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Connecticut (Mr. DODD) entitled "The Mao Worshipers on the American Campuses," and I ask unanimous consent to have printed in the RECORD an article entitled "West's Young Mao Idolizers Could Find Lesson in China," written by Stanley Karnow.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MAO WORSHIPERS ON THE AMERICAN CAMPUSES

Mr. DODD. Mr. President, among the student extremists who have been assaulting our university system there are many who consider themselves followers of Mao Tse Tung and wear Mao Tse Tung badges and spout quotations from his writings. This they do in the name of a newer and better society for which, they claim, they stand.

I do not think there has ever been a more spectacular example of intellectual failure or of the human capacity for self-delusion. For the fact is that Mao Tse Tung's regime in China has clamped down more brutally on student militants than any previous regime in history.

Many thousands of Chinese students have been shot. Millions of them have had their studies terminated by the regime and have been transferred at the point of a bayonet to agriculture collectives. And while the Maoist students in our own country demand student control over the administration of their universities, in Red China the students have no control at all over their universities; nor do the professors have any control. The control is entirely in the hands of the armed forces and of special workers' propaganda groups.

The distinguished Far Eastern correspondent, Mr. Stanley Karnow, points out that for the American situation to resemble the Chinese student situation, President Nixon would have to order the National Guard and labor vigilantes into U.S. colleges, with instructions to beat or brainwash unruly students or to deport them to northern Alaska.

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Mr. President, I submit Mr. Karnow's article of May 26 for printing in the Record at this point.

The article, ordered to be printed in the Record, is as follows:

West's Young Mao Idolizers Could Find Lesson in China

(By Stanley Karnow)

Hong Kong.—Even the most conservative American would be horrified if President Nixon ordered the National Guard and labor vigilantes into U.S. colleges to beat or brainwash unruly students, or deport them to northern Alaska.

Yet this is almost exactly what is happening in Red China despite Peking's pretensions to running the world's only authentic Communist state.

Thus there is something ludicrous in the spectacle of radical American and European youths sporting Mao Tse-tung badges and spouting Mao's aphorisms while young Chinese are being repressed for similarly seeking their emancipation. And there is something equally paradoxical in Peking's exhortations to "progressive" Western youths to trigger upheavals while their Chinese counterparts are being brutally subdued for displaying the mildest signs of independence.

For within the past year or more, the Red Guards and other activists initially unleashed in the Cultural Revolution have, with Mao's assent, been systematically crushed by a new Chinese bureaucracy composed of army officers and old Communist cadres.

Under the guise of making them true "proletarians," millions of youths have been shunted out of China's cities to bleak, backward villages, or forcibly recruited into military-style labor battalions in remote, arid frontier regions.

Those who have managed to remain in urban areas are being compelled to submit to controls by squads of soldiers and workers whose primary concern, like that of the Chicago police, is to maintain law and order.

In several places, effervescent young Chinese have been publicly executed for alleged "counter-revolutionary crimes." In South China last year, thousands of youths were killed by troops for the same rebellious activities they had been encouraged to pursue the year before.

Hence China's younger generation has discovered, to its vast disappointment, that the hopes and promises originally offered by Mao's utopian programs have been betrayed by harsh reality.

To appreciate the depth of their disenchantment, it is necessary to understand the tensions and pressures that have existed among Chinese youths ever since the Communists took over the country two decades ago.

As Mao himself has repeatedly stressed, the Communist victory in 1949 did not automatically turn China into a Marxist nirvana. On the contrary, Communist policies and practices led to serious class and regional differences in Chinese society.

For one thing, the rapid industrialization of China by the Communists in their first ten years of rule sharpened the traditional contrasts between the cities and the countryside. As a consequence, neglected peasants grew to envy the relative comforts enjoyed by urban dwellers.

Under the Communists, too, there arose an establishment of Party and government functionaries whose patronizing view of the masses resembled the haughty attitude of China's ancient mandarins towards the population.

These and other developments were reflected in Chinese schools and universities, where the sons and daughters of workers and peasants resented the privileged children of officials, who in turn resisted recurrent campaigns to homogenize them into the great unwashed "proletariat."

In addition, youths of all social backgrounds were frustrated by the shortage of career prospects in a structure dominated by veteran *apparatchiks* who clung to their jobs like limpets.

In 1965, as he plotted to uproot the Party and state machinery he believed had double-crossed him, Mao recognized the explosive potential of China's pent-up younger generation. When he uncorked them, therefore, the Red Guards burst forth wildly in what was essentially an expression of unprecedented freedom.

Brimming with idealism, a girl Red Guard told a European writer visiting the south China city of Canton in early 1967 that the Cultural Revolution was a "Feast of Criticism."

Young Chinese, she explained could now "write about things that have been forbidden for twenty years." They could voice their grievances openly, she went on, and overthrow anyone who failed to measure up to their standards of 'pure communism.'

"A government minister can be dismissed just like a foreman," she said. "The moment of truth has arrived, and we shall never relinquish it."

Where that girl is today is unknown. She may be knee-deep in a flooded Kwangtung paddy field or digging ditches in a Sinkiang desert. She may be in a "labor reform" camp, or living as a refugee in Hong Kong.

But wherever she is, her "moment of truth" has surely been lost in a revolution that has, like other revolutions before it, consumed its most dedicated children.

Mr. Dodd. Mr. President, I hope that many of our young student extremists will find the time to read it.

I also hope that translations of this article will be made available in the many countries where Maoist students have been able to rise to positions of leadership and influence. This thought is prompted by the news in this Wednesday's newspaper that the students of the National University of Colombia who demonstrated against the visit of Governor Rockefeller were under the control of the pro-Chinese leadership of the university's student council.

APOLLO—AND AFTER

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Alabama (Mr. Sparkman), I ask unanimous consent to have printed in the Record an editorial entitled "Apollo—And After," published in the Birmingham News on May 20, 1969.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Apollo—And After

Three more brave men are en route on another leg of the most exciting voyage in human history. Thomas Stafford, Eugene Cernan, and John Young, crewmen of Apollo 10, are taking the penultimate step toward the moon. In July, if all goes well, man will set foot on the moon's surface.

While Apollo 10 so far has been as spectacularly successful as earlier missions in this sequence, the most dangerous part of the flight is still to come—orbiting of the moon, low-level scouting of landing areas in the weird Lunar Excursion Module of the type which will be used to make a touchdown in Apollo 11, and return home.

As did the three astronauts who preceded them in lunar orbit, Stafford, Cernan and Young go not only on the thrust of the magnificent machine designed and built by Dr. Wernher von Braun's Saturn team at Huntsville, but also on the wings of the prayers of millions of countrymen and other well-wishers around the world.

As the climatic moment of American's manned space program approaches—thought has turned more and more toward the post-Apollo era.

Will the space program be continued? At what level? Toward what new goals?

These are not easy questions, for beyond the scientific and other factors involved there is the matter of money—many billions of tax dollars. Should space research and exploration continue to rate high priority? Or should the space program be cut back so more funds could be diverted to other needs?

The News understands that considerable rethinking of the U.S. space effort will be in order, and that some cutback in the level of spending, at least for awhile, is probable. But we believe that a drastic reduction in the program would be a mistake.

We are only on the beaches of the universe beyond our own small planet. There are more space seas to sail, more worlds to explore.

We cannot neglect our earthly problems and responsibilities. But neither should we lower our eyes from the stars.

Shepard, Glenn, Grissom, White, Lovell, Borman, Anders, Stafford, Cernan, Young—they are names on a roster with Columbus and Magellan and Lindbergh and thousands of famous and anonymous men and women who dared the unknown, who blazed historic trails.

Stop now? We have barely begun.

THE PUBLIC INTEREST AND THE POSTAL SERVICE—ADDRESS BY SENATOR YARBOROUGH BEFORE TEXAS UNITED FEDERATION OF POSTAL CLERKS

Mr. BYRD of West Virginia. Mr. President, there is quite a bit of discussion and comment currently regarding the new proposal by President Nixon and the Postmaster General Blount for reorganizing our Post Office Department and our postal service.

This past Saturday, May 24, 1969, our distinguished colleague, the senior Senator from Texas (Mr. Yarborough), in addressing the legislative rally of the Texas Federation of Postal Clerks, made some pointed and thought-provoking remarks regarding this proposal which I feel should be brought to the attention of Senators.

Mr. President, I ask unanimous consent that the statement of the senior Senator from Texas (Mr. Yarborough) be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Public Interest and the Postal Service

(Address by Senator Yarborough before the legislative rally of the Texas United Federation of Postal Clerks, Greenville, Tex., May 24, 1969)

Last June a Commission headed by Frederick R. Kappel, retired chairman of the Board of Directors of the American Telephone and Telegraph Company, issued a report calling for replacement of the Post Office Department by an autonomous self-supporting government-owned corporation. Autonomous means a corporation the government doesn't control; it means free of any outside control.

Now Postmaster General Blount has recommended that Congress enact a corporate post office into law and President Nixon has endorsed Mr. Blount's recommendation.

I am opposed to such a Postal Corporation because I do not believe that it is in the pub-

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lic interest, nor is it in the interest of postal employees or the postal service.

The Kappel Commission had as members a retired businessman, a banker, a dean on the Harvard School of Business Administration, five other active corporate executives, a lawyer and a labor leader.

The labor leader, AFL–CIO President George Meany, opposed the major recommendation of the report—the establishment of a postal corporation.

In view of their backgrounds, it was almost a foregone conclusion that the other members would join together to urge elimination of the Post Office Department and its substitution by a Corporation.

I do not mean, in any way, to question the integrity of these very successful businessmen, some of them executives of the biggest corporations in America. But they are geared to a market economy in which profits are the major goal, not the public service. It is hardly a wonder that this report Blount now takes as his own, stressed postal deficits, the elimination of certain public service mail delivery and a public utility approach to ratemaking.

The Postal Corporation would be required to operate entirely on a self-supporting basis. This may sound highly commendable in theory, but the real issue is the price of such an operation—what would happen to the cost of mailing a letter in small towns and rural areas, to services which cannot become self-supporting and to the nation's economic and social welfare?

The Commission has called for changes in "rates and services" to reduce the "cost-revenue gap." Translated into the utility rate-making concept the Commission so greatly admires, this means the elimination of all mail delivery that they feel does not pay for itself, of some *classes* of service and then higher rates everywhere else! Under the Commission's proposal, the Blount recommendation, of having each piece of mail pay its own way, it would probably cost a dollar to deliver a letter to a remote farm or ranch.

Rural America knows from experience of the kind of concern that the power and communications utilities have for its welfare. Until the thirties, many rural areas lacked electricity and telephone services because they were spurned by the utilities as unprofitable.

The AT&T telephone system today serves only about 20 per cent of the nation's land area although it has monopoly privileges over about 80 per cent of the population. AT&T refused to move into the countryside but sought as a matter of policy simply to cream-off the urban areas.

Only after the Rural Electrification Agency of the Federal government came upon the scene did the private utilities begin to move into rural areas. If the rural electric cooperatives have such ardent support in basically conservative rural America, it is because it took cooperative principles to bring power and telephones. Even today, in many areas of rural America, the farmer and other rural residents must pay for pole lines, as well as high rates, to get service from private utilities. And there are still parts of the nation where service cannot be obtained. *The mail, however, is delivered* in these areas, sometimes under very difficult conditions.

Modern utility rate-making as practiced by the long distance communication carriers is very revealing. The cost of a telegram is based upon a zoning plan, and the grim irony is that telegrams are frequently called in to the receiver by telephone and then delivered in the mails. The mere existence of a corporation has not prevented deterioration of the nation's telegraph service. Telephone service is also based on a zoning plan. It costs more to call Texarkana, Texas from here than Little Rock, Arkansas.

This is the kind of rate-making that may be expected of a Postal Corporation using a utility approach.

There's nothing new in zoned postal rates; they were tried during the first 45 years of the Republic. It then cost six cents to send a single sheet letter 30 miles, and 25 cents to send it 450 miles; two sheets cost double; three sheets triple, and the rate was double for a single sheet enclosed in an envelope.

Gerald Cullinan, whose book on the Post Office Department is authoritative, reports that in 1834 a farmer settled his account with a postmaster by giving the latter a "good milch cow," then worth eight dollars, in return for sending 32 letters. In those days, 25 cents would buy five dozen eggs.

The Rural Electrification Agency represents a non-profit approach to telephone and electric power services, which makes that service possible for an essential part of the nation. We cannot have a private utility profit-making approach to mail service in rural America; we cannot refuse to deliver the mail. Some of the mail must be supported, and the fairest way is through our government.

The Kappel Commission reported that it had studied the postal systems of 14 other nations, and that in 12 of these the service pays its own way. But it failed to report that in most, the service is operated by a government department—not a corporation. And in most of those nations the post office includes the telephone and telegraph services. These services explain why the postal systems of those nations cited operate in the black. Telephone and telegraph profits usually make up the deficit of the mail service. The Kappel AT&T report did not propose that telephone and telegraph service be made a part of the U.S. Postal Service as in the nations cited; instead, he would reverse the situation and take the Postal Service away from the government and give it to a corporation.

Now I'm not advocating the merging of telephone service into the post office; it is obvious that the Kappel Commission and Postmaster General Blount would not favor this solution.

The postal service of the United States is far different from that of any other nation. Neither the U.S. postal service nor the nation's economy or its geographic territory is comparable to those of West Germany, little Denmark, Ireland or Japan. The U.S. service handles more mail than those of Western Europe and Japan combined; indeed, the U.S. Postal Service, and it is a *service*, handles more mail than all other postal systems in the world combined.

The U.S. domestic postal service delivers the mail from Alaska to Florida; from Puerto Rico to Guam, It covers a land area of 3,615,-211 square miles. Population density averages about 51 per square mile, against 273 in Denmark, 215 in France, and 654 in Japan. And U.S. population density varies from several thousand per square mile in its big cities to 2.6 in Nevada and even less in Alaska.

I simply say that the Post Office provides so vital a service that Congressional supervision is merited. We want a better postal service and deepgoing reforms, but we want them within the present structure.

There is no more reason for saying that the Post Office Department must pay its own way than there would be for saying that the Commerce Department, the Labor Department, the Interior Department, or any other department of government, must pay its own way. None does. Government is a service, not a business. The very people who have been screaming for years, "Get the government out of business," now want to change a big branch and the oldest branch of government, into a business. There is no more reason for it than there would be to lease out the Police Department.

Postmaster General Blount reports a crisis in the postal service. I agree with the finding. While the volume of mail increases massively each year, facilities remain rundown and inadequate. Pay scales are far too low to attract a stable labor force. Labor-management relations are frustrated by lack of realistic machinery to resolve grievances. But the death of the Post Office, like that of Mark Twain, is grossly exaggerated.

Despite deficiencies, the U.S. Postal Service is the most efficient in the world. But it needs more modernization. I will support a program to modernize and upgrade the service without destroying the basic service concept, and without making the costs of mail delivery prohibitively high. I seek a much more efficient service based upon modern methods and facilities. I take the position that if more money is required to achieve these goals, it should be forth-coming. We cannot sacrifice the U.S. mail service to a corporation that is certain to result in higher rates, further curtailment of the service, and, I might add, rougher treatment of the postal employees.

"THE CRISIS IN AIR TRANSPORTATION"—ADDRESS BY GEN. WILLIAM F. McKEE

Mr. CANNON. Mr. President, on May 13 of this year Gen. William F. McKee spoke to the Aviation-Space Writer's Convention in Dayton, Ohio. His subject was "The Crisis in Air Transportation."

On this subject, Bozo McKee must be rated as an expert. He was FAA Administrator for over 3 years and this service followed his career in the Air Force.

In his speech he pointed out that our air transport system is more than just aircraft. It includes airports and airways and supporting ground transportation systems.

He notes that we have an air transportation crisis in the United States today and suggests the reason is the progress in aircraft has outstripped our airways system and our airports.

In this connection, Mr. President, let me remind the Senate that the FAA's high-density traffic airports regulation goes into effect 3 days from now on June 1. The regulation gives the airlines and scheduled air taxis "exclusive use and priority use" of five airports, Kennedy and LaGuardia in New York; Newark, N.J.; O'Hare in Chicago; and our own National in the Nation's Capital.

Our airways and our airports are overcrowded. They are becoming more so each passing day, and while the FAA advises this new regulation is temporary and will be lifted as soon as possible, the fact remains we cannot extend runways nor update our electronic ability in the airways overnight.

We must get started.

I hope all of us will read General McKee's excellent speech, and for that reason, Mr. President, I ask unanimous consent that the speech be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Crisis in an Air Transportation

(Address by William F. McKee, general, USAF (retired) at the Aviation-Space Writer's Convention, Dayton, Ohio, May 13, 1969)

Until about ten years ago, the pacing factor in the growth of American commercial aviation was the efficiency of the aircraft. Since the earliest days of scheduled airline service, the airlines have pressed the manufacturers for aircraft with higher speeds, longer ranges,

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and greater capacities. The manufacturers have responded enthusiastically and ingeniously. In forty years, the aircraft manufacturers have taken us from the Ford Trimotor, the Lockheed "Vega" and the DC–2, to the Boeing 747, the Lockheed L–500, and the DC–10. And, at the same time, they provided this country with the world's finest fleet of military aircraft.

All this progress is wonderful. It has given Americans the finest air transportation in the world. It has given wings to the nation's economy, both figuratively and literally. And, it has also been a credit factor in the nation's running struggle to maintain a favorable balance of trade.

But the air transport "system" of this nation is more than just aircraft. It is also airports and airways and supporting ground transportation systems. An important measure of the efficiency of a total system is the time it takes an individual to get from his office or home to his final destination. Similar measures for efficiency could be applied to cargo and mail.

Right now, we speak of an air transportation crisis in our country. Why? The answer is that progress in aircraft has exceeded progress in both the ground electronic environment or the airways system and in the airports. Progress in aircraft may also be said to have exceeded progress in national understanding of the problem. That is to say, the Federal Aviation Administration, which is responsible for the operation of the airways and parts of the Aviation Community have not been able to arouse sufficient congressional and public support to insure that sufficient funds were provided for the modernization and expansion of the airways and airport system.

If one takes an objective look at the situation, the reasons for this are easy to understand. When I say that, I am not trying to excuse myself or the FAA or the Department of Transportation. The fact is that FAA's needs have met very stiff competition of late from domestic and Defense needs. And it is also true that the American public has turned to air transportation at a rate that exceeded expectations.

This does not mean that the FAA did a bad job of estimating. I think it reflects, rather, unanticipated acceleration in the economy and in the pace of life in this country. Recently, TIME magazine ran a feature on under-anticipation, a phenomenon of the decade. The article listed a series of under-anticipation by experts. The experts—in quotation marks—predicted, for example, that before the Sixties had run their course, the stock market would be handling sales as high as ten million shares in one day. Of course, the sales record is now in excess of twenty million shares in one day.

The point should also be made that the Congress has, in general, been very sympathetic to the needs of the FAA, but the amount of money required to modernize the airways system and to expand airport facilities simply has reached levels that were politically difficult for the Congress to vote, in light of over-all national considerations.

Today, the key question facing the Congress, the Department of Transportation, the Air Lines, and General Aviation is where can we find the money to bring the quality or effectiveness of the airways/airports system in line with the exceptional quality and effectiveness of America's commercial aircraft. In recent years, this question has reached crisis proportions. The airlines, and general aviation, in order to meet the demands of the public for air transportation, have bought so many aircraft and expanded their operations so fast that the airways and the airports can no longer efficiently service the number of aircraft in the skies. And as we look to the future, the situation grows increasingly severe because the demand for air transportation continues to grow. From the standpoint of the airlines, the situation is reaching critical proportions because delays in the air and on the ground result in heavy financial losses. The larger aircraft, which represent heavy investments for the airlines are by no means being used to maximum efficiency under present circumstances. The result is that the volume of air traffic is up, but profit for most airlines is down. Almost all of the major airlines showed a decrease in net profits for the calendar year 1968. Indeed, several of them were seriously in the red. In addition, the airlines want to invest in the next generation of aircraft, but their available capital for such an investment is being depleted by current high operating costs.

I will offer you a solution I have advocated at every opportunity for the past several years. It is a solution under consideration by the Department of Transportation and the Nixon Administration. But, before I discuss that solution I would like to review with you briefly the recent growth in air transportation and then project for you the future growth, so that you can sense how vital it is that we bring about a balance between the numbers and quality of the aircraft and the effectiveness of the airways-airport systems.

In recent years, air transportation has grown at the rate of 16 to 17 per cent a year. Between 1963 and 1967, air carrier passenger miles went from 46 million to 86 million. Air cargo volume tripled in that five year period. And the hours flown by general aviation aircraft during the same five year period increased nearly fifty per cent. These figures reflect that air travel is now the most popular form of inter-city transportation. Last year, the air carriers accounted for seven out of ten common carrier passenger miles compared with two out of ten in 1951.

Let me relate this growth during the past few years to an airport to give you an idea of how desperately we need to modernize and expand the airways and airport systems. John F. Kennedy airport on Long Island is a very modern airport. When JFK was being built, the FAA calculated that JFK would be able to handle 260,000 aircraft operations per year—that is, take-offs or landings—without delays. You might call 260,000 aircraft operations the *delay-free threshold* for JFK. Yet that airport is already handling in excess of 500,000 aircraft operations per year, with the inevitable delays.

Now, let's project a few years into the future. The latest FAA projections give us these figures for the scheduled airlines. In 1968, the number of passengers was 152.6 million. The estimate for 1974 is 269.5 million; and for 1979, the figure is 429.0 million. In other words, the numbers of passengers is estimated at almost three times last year's total. The paralleling statistic of equal importance is "revenue passenger miles." And here the figure for 1968 was 106.5 billion; with the projection for 1974 being 204 billion, and for 1979, 342 billion.

The estimates for air cargo show a growth in excess of that for passengers. The growth rate is projected at 20 per cent per year. This means that by 1975, U.S. domestic and international air carriers should be flying about 20 billion ton-miles of freight and mail, compared with 5.0 billion ton-miles in 1967.

To provide service for additional passengers and freight, the air carriers are forecast to increase their fleets from a total of 2,452 aircraft at the beginning of 1968 to 3,480 by the start of 1979.

On the General Aviation side of the picture, the 1968 figure for General Aviation aircraft was 114,000. The 1979 estimate is 205,000, which means that General Aviation will be expanding at about the same rate as the airlines.

If these projected increases in the amount of commercial flying are not enough, you might also consider that there will be a greater diversity in the types of aircraft that will be flying by the end of the 1970's. There will be far more helicopters of various sorts and sizes, and there will be a whole new family of STOL aircraft. In one sense, these aircraft will complicate the aviation picture. But in another sense, they will help to alleviate some of the congestion in the airways, because they will be able to fly in air corridors not presently being used for the higher and faster flying jets.

These projections have been included in these remarks to help you to reach the conclusion that the airways and airport crisis of today is going to get worse—much worse if drastic steps are not taken quickly to improve and expand our total air transportation system—that is—airways, airports and the transportation systems to and from communities to the airports. If we do not move sensibly and energetically to make the needed improvements the growth predictions outlined ill not come to pass.

Here I would like to stress another vital and most important facet of the problem—and that is a primary responsibility of the Administrator of the FAA under the law. He carries this burden on his shoulders seven days a week, 24 hours per day. Statements have been made in the past that a high level of safety can be maintained with current FAA's funding levels through the exercise of the FAA's regulatory powers. This is simply not so. I know of no responsible person in FAA or in the Aviation Industry who will agree that a reasonable degree of safety can be maintained in today's environment with current funding levels. I suggest you just ask the airline pilots who fly to tell you what they think. The answer, I can assure you, will be loud and clear.

The question arises then "What needs to be done?" The answer has been well thought out and presented in FAA's "National Aviation Systems Plan." This Plan is a product of bitter experience, and a lot of hard work by many dedicated people. There is little disagreement, if any, between the FAA, the military, and the aviation community in regard to this Plan. The Plan covers a 10 year period, with detailed costing for the first five years and estimated for the next five.

The Plan covers the additional equipment and facilities that will be necessary to service efficiently and safely the vastly larger number of aircraft that are projected to be flying in our skies during the next decade.

I will not discuss the details of the Plan, but I would like to make some comments relative to it. First, I wish to explain what we mean when we use the term "Air Traffic Control System" or the "National Aviation System." We mean not only the control towers, the En Route Traffic Control Centers, the Controllers, the Instrument Landing Systems, radars, communications, etc., but also the operational part of the nation's airport, i.e., runways, taxiways, ramps and the high intensity lighting systems. With all of the deficiencies in the airways part of the system—and they are too numerous to mention here—the biggest bottle neck in the Air Traffic Control System is the airport.

The problem then—where do we get the money to do the job which we all know must be done. Will the Administration request the necessary billions from the Congress to come from the General Revenues of the Treasury? The answer is a "flat" *no*—and this applies whether the Democrats or Republicans are in power. Will the Congress appropriate the necessary funds if the Administration requested them? Again, the answer is a "flat" *no*. I speak from painful experience.

Since it is clearly in the National interest that the job must be done—the question is: "Where does the money come from?" The answer here is also quite clear—"From a reasonably equitable system of user charges, augmented by a fair share from general revenues which may be properly charged to the National interest."

Such a plan was unanimously proposed last year by the prestigeous Senate Commerce Committee. Overall it was a good plan

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and deserved to become law. Unfortunately, and I should say very fortunately for the country, it did not. There were disagreements within the Administration and within the Aviation Community. All of us are the losers.

I know that the new Secretary of Transportation, Mr. Volpe, and the new Administrator of the FAA, Mr. Shaffer, understand the importance of doing something *now* to improve our Air Transportation System and that they are in favor of airways/airport legislation along the general lines proposed by the Senate Commerce Committee last year. Again there is disagreement within the Administration and within the Aviation Community. On the other hand, there is a good understanding in the Congress of what needs to be done and the importance of doing it quickly. The Committees principally concerned are awaiting the Administration's proposed legislation. It is my hope, a faint one I must add, that the diverse elements within the Administration and within the Aviation Community can reach some reasonable accord and agreement on the proposed legislation. This would assure the early passage of an Airways/Airport Bill. Failing this, I think the Congress must pass legislation which in its judgment, is in the best interests of the 200 million stockholders in this corporation called the United States.

In closing I want to say just as strongly as I know how that failure to get early airways/airport legislation will result in:

A. A significant deterioration in the safety of the system.

B. Further deterioration in the operational effectiveness of the system, including more delays in the air and on the ground and more arbitrary restrictions.

C. An adverse impact on the growth of the National economy and on the Defense posture of this Nation.

I earnestly hope that we do not have a series of catastrophies to bring these points home.

OKINAWA

Mr. BYRD of Virginia. Mr. President, the Foreign Minister of Japan will arrive in Washington Saturday, May 31.

He will be in the United States to discuss the future status of the island of Okinawa.

Okinawa, and in fact the whole U.S. position in the Far East, is part of the heritage of World War II, which ended 24 years ago.

During the past quarter century, the United States has entered into mutual defense agreements with 44 nations—and has been involved in three major wars, counting World War II.

I doubt that any other nation in history, during such a short period of time, has engaged in three different major wars.

The U.S. Senate, under the Constitution, has a responsibility for foreign policy.

Too often during the past 25 years, the Senate has abdicated its responsibility in the field of foreign affairs, relying instead on the Department of State. Now I know that within that Department the overwhelming majority are dedicated, conscientious individuals; I know, too, that many of them are men of great ability.

But, I know also that whatever the reason, or wherever the responsibility may lie, the fact is that our Nation in this year of 1969 finds itself in a most unenviable position.

We are the dominant party in the North Atlantic Treaty Organization, the purpose of which is to guarantee the freedom of Europe; we are the dominant party of ANZUS—the treaty among Australia, New Zealand, and the United States; we are the military head of CENTO—Central Treaty Organization—Turkey, Iran, and Pakistan; we are the dominant partner in the Southeast Asia Treaty Organization, one of the prime reasons, according to former Secretary of State Dean Rusk, that the United States became involved in the war in Vietnam; we have guaranteed the security of Free China, and we have guaranteed the security of Japan.

As a practical matter, we have become the policeman of the world.

Can we logically continue in this role? Should we, even if we could?

Twenty-four years after the defeat of Germany, we have 225,000 troops in Europe, mostly in West Germany.

Twenty-four years after the defeat of Japan, we have nearly 1 million military personnel in the far Pacific, on land and sea.

The question of Okinawa, which the Japanese Foreign Minister is coming here to discuss, is of great significance to our position in the Pacific.

The status of the island has become the most inflammatory political issue in Japan; a clamor is rising among Japanese and Okinawans for the reversion of the Ryukyu Islands to Japanese administration.

There are many factors behind this move by Japan to regain administrative control of Okinawa, one of which is the political fate of the administraton of Prime Minister Sato.

In Japan, leftist elements, including the Socialist and Communist Parties and radical student groups, have vowed to wage a massive campaign of confrontation with the Government in 1970 to force the dissolution of the United States-Japanese Security Treaty. In addition, the same elements have coupled with this a demand that the United States withdraw completely from Okinawa.

This reminds one of the effort of elements in Panama to blackmail the United States into giving up the Panama Canal. The administration of President Johnson drew a treaty to meet the demands of the Panamanians, but strong opposition in the Senate kept the President from bringing the issue to a vote.

Okinawa is our most important single military base complex in the Far East—and is strategically located.

The United States has had unrestricted use of the island since World War II.

Beginning with President Eisenhower, each administration since 1951, has firmly maintained that the unrestricted use of U.S. bases on Okinawa is vital if the United States is to continue to have obligations in the Far East.

Sometimes the future status of Okinawa is linked to the United States-Japan Mutual Security Treaty in which the United States guarantees the freedom and safety of Japan.

Such linkage is not correct. These are two separate issues.

The Mutual Security Treaty with Japan was consummated in 1960. Either party has the right to reopen it after 10 years, otherwise it remains in effect.

But, the status of Okinawa was determined by the 1952 Treaty of Peace with Japan. There is no legal obligation to discuss reversion of the island to Japan at this time or any other time.

The United States has complete administrative authority over the Ryukyu Islands, the largest of which is Okinawa, under the provisions of article 3 of the 1952 Treaty of Peace. This peace treaty is entirely separate—and I want to emphasize that—from the 1960 Mutual Defense Treaty with Japan.

The Japanese Government recognizes the important contribution of our Okinawa bases to Japanese and Asian security and is not likely to seek the removal of our bases. The Japanese Government does, however, want administrative control of the island which supports our major military base complex in the West Pacific.

To state it another way, the Japanese Government wants the United States to continue to guarantee the safety of Japan; to continue to guarantee the safety of Okinawa; to continue to spend hundreds of millions of dollars on Okinawa—$260 million last year. But it seeks to put restrictions on what the United States can do.

Japan wants a veto over any U.S. action affecting Okinawa. It specifically wants the right to deny to the United States the authority to store nuclear weapons on Okinawa and would require prior consultation before our military forces based there could be used.

In other words, the United States no longer would have unrestricted use of Okinawa.

Our role as the defender of the Far East has enabled Japan to avoid the burden of rearmament—less than 1 percent of her gross national product is spent on defense—and thus concentrate on expanding and modernizing its domestic economy.

In defense matters, the Japanese have gotten a free ride. As a direct result, Japan's present gross national product is over $120 billion and ranks third in the world, behind only the United States and the Soviet Union.

While the peace treaty with Japan gives the United States unrestricted rights on Okinawa, the 1960 Mutual Security Treaty provides that our military forces based in Japan cannot be used without prior consultation, with the Japanese Government.

For example, when the North Koreans seized the U.S.S. *Pueblo* last year, Adm. Frank L. Johnson, commander of naval forces in Japan, testified that one reason aid could not be sent to the *Pueblo* was that approval first must be obtained from the Japanese Government to use U.S. aircraft based in Japan, those being the nearest aircraft available.

The Japanese Government now seeks to extend such authority to Okinawa.

Whether the United States should continue to guarantee the freedom of Japan, and Free China; whether we should continue the mutual defense arrangements covering the eight countries signing the Southeast Asia Treaty; plus the Philippines; plus Australia and New Zealand; plus Thailand, Laos and Vietnam, is debatable.

But what is clear-cut commonsense, in my judgment, is that if we are to continue to guarantee the security of the Asian nations—and our Government has not advocated scrapping these commitments—then I say that it is only logical, sound, and responsible that the United States continue to have the unrestricted use of its greatest base in the West Pacific; namely, Okinawa.

The demand on the part of Japan that she obtain administrative authority on Okinawa stems from President Kennedy's statement in 1962 that he looked forward to the island's reversion to Japan "when the security interest of the free world will permit."

President Johnson reaffirmed this statement, and, in 1967, he and the Japanese Prime Minister agreed that the United States and Japan should keep the status of the Ryukyu Islands under review, "guided by the aim of returning administrative rights of these islands to Japan."

While I agree that eventually the Ryukyu Islands will be returned to Japan, I think it unfortunate that public statements by past Presidents, not binding on the U.S. Senate, have aroused the hopes of the Japanese that it could be accomplished at an early date.

It would be foolhardy, in my judgment, to commit the United States to defend most of the Far East and then to give away this country's unrestricted right to use its military bases on Okinawa.

For 4 long years, we have fought the Vietnam war with one hand tied behind our back. As a result, the war has been prolonged and the casualties increased.

Let us not be so foolish as to get into a similar position by giving someone else control over our principal military complex.

It is vitally important that public attention be focused on this issue of unrestricted use of our bases on Okinawa.

I speak as one who is not sympathetic to our deep involvement in Southeast Asia, one who from the beginning regarded it as an error of judgment to become involved in a ground war there.

I speak as one who questions the wisdom of our country's committing itself to mutual defense agreements with 44 different nations.

I speak as one who feels that we cannot logically be the world's policeman.

If by the act of granting Japan administrative control over Okinawa, the United States could insure a multinational defense structure in the Far East, with increased participation by Japan—if this action would relieve our country of a measure of its heavy international responsibilities—then, I would support a reversion of Okinawa to Japanese control.

But this is not the case.

Quite the contrary. Surrender of control over Okinawa would only make more difficult our role in the Pacific.

The issue must be decided by the Senate; it was the Senate which ratified the treaty of peace in 1952, which gave to the United States the unrestricted use of Okinawa.

In my opinion, so long as the United States maintains its significant role in the Far East, the continued unrestricted use of our bases on Okinawa is vital and fundamental.

Mr. President, circumstances have made it impossible for the distinguished senior Senator from South Carolina (Mr. THURMOND) to be in the Senate today. He asked me to insert in the RECORD, on his behalf, certain remarks which he would have made had he been here in regard to the matter of Okinawa. So at this point, in behalf of the senior Senator from South Carolina (Mr. THURMOND), I ask unanimous consent that remarks prepared by him for delivery in the Senate be inserted in the RECORD, including a supplement from the Morning Star, published on the island of Okinawa.

There being no objection, the statement and supplement were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR THURMOND

Mr. President, I heartily endorse the remarks of the distinguished Senator from Virginia with regard to the return of Okinawa to Japanese control.

This is not a matter where there has to be a significant difference of opinion between the United States and the Japanese Government. The Japanese have frequently stated that the Okinawa situation need not be a point of contention. The Japanese realize that Okinawa has great significance to them as a bastion of U.S. defense forces since these defenses are as important to them as they are to us.

The Honorable Takezo Shimoda, Japanese Ambassador to the United States, recently stated in a news conference in Tokyo that Japan would have to possess its own defense power before Okinawa could be returned. He said that the U.S. bases could not be withdrawn without endangering world peace.

The problem is that it is easy to stir up negative agitation in any part of the free world over any emotional issue. Those who are seeking to destroy the U.S. presence in the Far East have been working hard fanning the flames of emotion. It is noteworthy that no agitation has been raised in Japan about the return of the Soviet-held Kurile Islands, former Japanese possessions.

These issues are especially clear to those Americans living on Okinawa. The Okinawa Morning Star, under the editorship of Robert M. Prosser, has courageously battled to keep the status of Okinawa under objective examination, so that the mutual benefits to all parties concerned may be discussed in a public forum.

Mr. President, The Morning Star recently put out a special supplement containing a number of worthy articles bearing on the situation. I submit the supplement for printing in the Congressional Record at the conclusion of my remarks.

[From the Okinawa Morning Star]

MAJOR GENERAL PAGE CITES OKINAWA'S IMPORTANCE

(By Robert M. Prosser)

Okinawa's importance as a military base will be increased rather than lessened with the conclusion of the war in Vietnam, Maj. Gen. Jerry D. Page, commander of the 313th Air Division, told members of the American Chamber of Commerce on Okinawa yesterday at the Tokyu hotel.

Okinawa by itself has no great economic potential nor is it a tourist paradise, the two-star general said. The prime and continuing usefulness of the Ryukyus is as a military base and as a deterrent to Communist aggression in the Far East, the general said.

"Within the past 25 years every time that the Communists have smiled at the outside world the United States has bent over backward to smile back," the general said. Each time that the Americans have smiled the Russians have taken advantage of the situation with aggressive military moves. When the Americans smile military budgets are slashed and if the Soviets were to smile on a sustained basis the American military potential would disappear entirely, the general reasoned. The Communists have not been able to maintain their good behavior for longer than seven years at a time, Page said a fact which keeps the United States on guard. Before the Korean War, which Page described as the Soviet's greatest military blunder, the American military budget had been to $11 billion. After the North Korean attack on South Korea, however, American military spending rose to $43 billion. The general reasoned that the Communists attack was brought about by the fact that the Russians believed that the Americans would not defend South Korea against attack and that America's soft posture toward the Communists invited attack.

Inviting the chamber members to think as Chinese Communists, Page asked what they would do if they saw an undefended Okinawa or a Ryukyu chain that the Americans were prepared to give away.

"The Communists have not changed their objectives in the past 25 years," Page said. "Only their methods have been changed. They still hope for world conquest."

"Military capability plus military resolve equals deterrent power," the two-star general said. "We are attempting to deny the Communists the use of war to attain their objectives by maintaining a strong deterrent force in the Ryukyus. By denying the Communists the use of war to attain their objectives we force them to compete with us on a peaceful basis. Under the circumstances military power is a creative force since it makes it possible for us to force the Communists to face us in peaceful competition."

"If our will to defend ourselves is lacking then our military strength is meaningless," Page said. Unless the United States maintains a flexible posture in facing the Communists then we forfeit leadership and provide the Communists with the ingredients for the decisions that they will make. We have made wrong decisions in the past and they have been expensive mistakes paid for in both lives and money. In protecting ourselves against the Communists we have any of three alternatives, Page reasoned. We can do nothing and prove to be paper tigers, we can fight a conventional war or we could fight a total war. When the United States abandons necessary bases in order to win friends the United States loses flexibility and narrows the choice that it may have to make in case of a showdown with the Communists. When we lose flexibility we must choose between being paper tigers and all-out war. Polaris missiles can be used in total war but they are not sufficient by themselves to create doubt in the minds of the Communists concerning their ability to win an all-out war.

"South Korea and Taiwan would welcome the American military bases that are on Okinawa," Gen. Page said. "However, there are disadvantages to both of those locations. Besides, he added, Okinawa provides a greater degree of flexibility than any other available base.

"Americans on Okinawa do not communicate adequately with the Ryukyuans," the general commented. As the result the Ryukyuans are not sufficiently well-informed concerning the value of American presence on Okinawa. "The Okinawans are good peo-

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ple but they are not astute or sophisticated," the general said. Few of them realize the dangers involving reversion because they have not been told.

The Air Force general described the recently released figures covering the American contribution to the Ryukyuan economy as "low." According to figures carried yesterday in the Morning Star, U.S. direct and indirect expenditures in the Ryukyus during 1968 amounted to $260,700,000. Gen. Page said that he felt that this figure was low because the Air Force and Air Force personnel alone spent $116,000,000 in the Ryukyus during 1968. Not included in the calculations made by the military, Page said, were 3,000 Air Force personnel who were on Okinawa every day on temporary duty status during 1968 nor was the spending of 80,000 Air Force passengers who were funneled through Air Force installations on Okinawa each month last year. These TDY personnel and passengers were described by the general as being heavy spenders since they were away from home. As such they contributed a great deal to the civilian economy of the Ryukyus, a fact which was not taken into account by financial observers.

Okinawa's Future Course Still Same, Declares High Commissioner Lampert

(By Robert M. Prosser)

No new policies have been recommended for the future course of events on Okinawa, Lt. Gen. James B. Lampert, high commissioner of the Ryukyus, told the American Chamber of Commerce on Okinawa yesterday noon at the Top of the Rock.

Lampert had returned only an hour earlier from a background briefing in Hawaii by military officials. The three star general emphasized the importance of foreign business on Okinawa and then outlined some of the problems facing the American administration of the Ryukyus. Answers to the problem are not immediately available but are being sought the high commissioner said.

The major topic of discussion concerning Okinawa is the question of the reversion of administrative rights of the Ryukyus to Japan, the general said. The high commissioner emphasized the "unofficial" aspect of conferences which recently took place in Kyoto concerning Okinawa and its return to Japan. The general found encouragement in the fact that there is considerable talk concerning reversion in Japan and that the subject is gaining some attention in American newspapers.

Other problems which the general said were present included objections to B52 bombers on Okinawa by left wing groups, the gold flow and labor problems. Foreign investment in the Ryukyus is a problem that has come to the fore of late the general said, with the passage of a foreign investment law by the Ryukyuan legislature. The law at present is in conflict with a military ordinance covering the same subject and the military ordinance takes precedence over the law. Despite this the GRI is attempting to place its law in operation despite its illegality. The U.S. Civil Administration in the Ryukyus has objected to the GRI law covering foreign investment on the grounds that it needlessly restricts investment in the Ryukyus. Lampert said that he was hoping that the GRI and the U.S. administration could find a "mutually acceptable" solution to the problem in order to raise the economic role of Okinawa.

Foreign business has been an important factor in making Okinawa the "economic keystone of the Pacific" the general said.

Maintenance of Okinawa as a stable and strategic military base is still the high commissioner's prime function, General Lampert said.

After describing his background in the peaceful development of atomic energy, General Lampert who described himself as "a tourist in residence" said that on a recent Sunday drive he purchased a quantity of freshly caught fish from a shop in Nago. The fish came from the immediate offshore waters. They tasted fine the general added. Left wing politicians have conducted a campaign recently similar to earlier drive in Japan to convince the people of the Ryukyus that atomic submarines were contaminating the seas off Okinawa and making fish caught in these waters unfit to eat.

Communist Peoples' Party Perfects Solution for Making Enemies on Okinawa and in Japan

(By Robert M. Prosser)

Okinawa's bumptious People's Party has again demonstrated its amazing ability to create ill-will, lose friends and alienate people. This time, posing as the spokesman for 900,000 Okinawan people, one Saneyoshi Furugen accomplished the near impossible by thoroughly angering Japan's suave and politically cool Prime Minister Eisaku Sato. Furugen is the darling of, and the spokesman for, the wild, wild far left as the representative of the Communist-kowtowing Okinawa People's party.

Furugen gained audience before Japan's prime minister as a member of a nine-man delegation which had gone to Japan to complain about the presence of B52 bombers on Okinawa. Furugen and the People's Party are better known for the variety and consistency of their complaints than for their accomplishments. As the permanent self-appointed complaint department of the Ryukyus the OPP has a 20-year record of unending complaints, accusations and tales of unmitigated grief that would bring tears to the orbs of a glass-eyed process server. During this double decade of determined woe the OPP has frequently complained and bemoaned opposing causes all in the same list of conflicting demands. To the OPP the complaint is all-important and the solution, if any, is to be avoided. Why spoil a good complaint by doing something about it, has been the political theory upon which the OPP has attempted to base its success.

As insurance against * * * to complain the OPP has blandly demanded lower taxes, higher salaries for government employes and lowered commodity prices all in the same breath. The local complaint department suffered a serious political bereavement recently when the high commissioner announced that in the future the post of chief executive would be filled through popular election. Bereft of one of their favorite and most durable complaints the OPP made haste to find some new source of political annoyance. They discovered the B52s and fell upon this new issue with shrill cries of delight like a flock of sea gulls finding a fresh cache of offal. Furugen was in the act of sticking political pins into his pelt in search of public sympathy when he made bold and told Japan's Prime Minister Sato that he wasn't sufficiently worried about the B52 issue with which the OPP was currently attempting to worry the nation. If Furugen's reasoning was bad his manners were worse. Prime Minister Sato was quick to tell Furugen that he was in no mood to be admonished on behalf of a phony * * * complainer and that Furugen could perform a great service for all by getting lost, preferably on a permanent basis.

No one should feel sorry for Furugen. He has been denounced before and no doubt will be censured again in the future for his boorish conduct unless his manners undergo radical improvement. It is unfortunate, however, that Okinawa must be represented in Tokyo by persons of Furugen's caliber. Furugen's amazing conduct in the presence of his betters is particularly unfortunate in that it occurred at the time when Okinawa is attempting to gain the political and financial sympathy of Japan. Okinawan demands for seats in the Japanese Diet for Ryukyuan observers have not been furthered by the actions of Furugen or the busy-body delegation which accompanied him to Japan to complain about the conduct of the Americans on Okinawa.

The Japanese reason with considerable logic that if they are to be beset by complaints from the Ryukyus even before Okinawa becomes Japan's official problem, then what will the conduct of the Ryukyuans be after reversion? If Furugen's conduct in Tokyo is a sample of what Japan is to expect from the Ryukyus the Japanese are likely to postpone reversion for as long as possible. And we can't say that we blame the Japanese.

Compromise Takes Two, Japan Editor Emphasizes

(By Robert M. Prosser)

The art of compromise was reviewed the other day by Masaru Ogawa, senior editor of the Japan Times, in connection with the recent and somewhat explosive statement issued by the Japanese ambassador to the United States earlier in connection with the possible return of Okinawa to Japan.

In the light of a possible Adults day truce it might be appropriate to review Ogawa's analysis of the statements by Ambassador Takeso Shimoda, veteran diplomat for Japan, and perhaps add a few notions of our own for the benefit of Americans and others who may have missed the opinions of a Japanese writer who is not a member of the Japanese left wing brotherhood of crisis creators. Ambassador Shimoda told the Japanese that if they expect the return of Okinawa they must be willing to do so on American terms which also seem to be acceptable to the majority of the Japanese people. The Americans might be willing to turn Okinawa over to a friend, Ogawa reasoned, but it is the duty of the Japanese ambassador to the U.S. to explain to the Japanese people that the Americans are unlikely to release Okinawa to an avowed enemy.

The ambassador is not a traitor to the Japanese people when he explains these facts of life to the Japanese, Ogawa said. The ambassador is only doing his duty when he explains to the Japanese people what responsible thinking in the United States dictates, Ogawa wrote. Shimoda said that anti-American struggle with helmets and staves is not the answer to the return of Okinawa to Japan and those who feel that this is the answer to all current problems are not realistic.

It is not only the task of the Japanese ambassador to the United States to explain Japanese feeling in Washington but it is also the duty of the Japanese ambassador to explain American opinion to the Japanese. Compromise and information exchange is a two-way street. Critics of Shimoda in Japan have complained that Shimoda is something less than a honorable Japanese because of his having relayed American opinion to Japan as well as carrying Japanese opinion to Washington.

"We feel strongly that it is unworthy of an independent Japan to seek the return of territory without being prepared to make due payment," Ogawa told readers of Japan Times. "Due payment" in this case is proper assurance that the American military base on Okinawa does not fall into hostile hands.

"To expect the return of the islands (Okinawa) immediately and unconditionally as our leftist elements insist, is indeed, a sign of subservience and of mendicancy, a throwback to the postwar occupation period when we depended heavily on American generosity—which we came to expect as our due.

"If we want to deal with the U.S. as an equal, we must be prepared to hold up our end. And in the instance of Okinawa, it would mean an eventual willingness to compromise after due negotiations on the status of the bases while building up our own capability for self defense which would in time enable us to replace the American presence there," Ogawa concluded.

In violently criticizing Ambassador Shimoda the Japanese leftists have contrasted Shimoda's reports with the opinions from the former U.S. ambassador to Japan, Edwin O. Reischauer whom the leftists charge is more pro-Japanese than the Japanese ambassador to the U.S. Perhaps this is a splendid time to begin our compromises. How about trading ambassadors with Japan for keeps. We'll keep Shimoda and the Japanese can keep ex-ambassador Reischauer who still insists upon talking like the sole voice of American opinion. This arrangement might please a wider spectrum of American and Japanese opinion than anything else that could be arranged on short notice.

Okinawa in Spotlight While Russ Hold Kuriles

(By Hessell, Tiltman)

(Editor's Note.—In Japan the view is widely held that the postwar era will not end until not only Okinawa and the Ryukyus also the "lost" northern island territories occupied by the Soviet Union are returned to the motherland. The Soviet Union, which seized the islands in question—Habomai, Shikutan, and Etorofu and Kunashiri, the two southernmost isles in the Kuriles chain—during the confused period that followed the termination of the Pacific war, denies that any territorial issue exists between the two nations and declines to discuss the question. There matters have rested since Japan regained its sovereign independence. Now, following the reversion of Ogasawara last June and with negotiations underway aimed at fixing a date for the reversion of Okinawa. Tokyo is belatedly blueprinting plans to raise afresh the unsolved northern territorial issue, in the following article our Asian commentator tells the story of an issue that has been deadlocked for the past twelve years.)

Tokyo.—One of the major curiosities of Japanese history as the 44th Year of Showa dawns consists of the fact that while public pressures are being whipped up among emotional Japanese for the "immediate and unconditional" return of Okinawa, little is said or read concerning the Russian-occupied island territories off the coast of Hokkaido: the only recent item in the Japanese press being a Soviet statement that maybe 18 Japanese fishermen seized by Russian patrol boats for allegedly violating so-called Soviet territorial waters will be released and returned to Japan in the near future, presumably as a New Year "present" to the nation from the big-hearted Kremlin.

The contrast between the United States record in the south, and Russia's reiterated refusal even to admit the existence of any unsolved territorial question in the north forms an interesting study. On the one hand the influential Japan Times recently declared that a sane, dispassionate appraisal of the Ryukyu situation rules out any sudden return of the islands to Japanese control, adding "it would be most unfortunate if the impatient islanders should fall under the influence of the rabble-rousers to cause a major confrontation." On the other hand, there is little comment in Japan and a deafening silence from Moscow save only for Russia's persistent and fateful "Nyet."

Since plenty is heard in some quarters in Japan concerning the sins of wicked American "imperialists" who have already returned several chunks of real estate to Japanese control, and strangely little about the Soviet imperialists who seeped into Japanese islands in 1945 and have ever since declined to discuss the matter, a recapitulation of the facts concerning Japan's northern irredenta may be recommended as interesting bedside reading this year-end.

That story first came widely to public notice in the summer of 1956, four years after Japan regained its independence, when Russo-Japanese negotiations aimed at terminating the technical state of war between the two countries ended inconclusively with an exchange of documents restoring diplomatic relations plus pictures of an historic handshake between Japan's late Foreign Minister Mamoru Shigemitsu and Soviet Deputy Foreign Minister N. T. Federenko.

It took 11 years and four months (including the seven days that the Soviet Union was at war with Japan before the surrender!) to reach that limited agreement. Another 12 years have since passed, during which nothing has changed and no progress toward a formal peace treaty has been made: the lovable Communists still occupy the two southernmost islands of the Kuriles chain plus Shikotan and Habomai, all historically and geographically integral parts of Japan's home islands. And how many more years or decades will elapse before they quit and go home only God knows.

At the time the Soviet Union uttered its first "Nyet" in August, 1956, this reporter commented: "The Soviet Union's flat rejection of Japan's territorial claims is viewed in many quarters in Japan as constituting Russia's revenge for nearly half a century during which Japan represented the main obstacle to Russian expansion in East Asia.

"In prewar days, Japan's troops in Manchuria were ordered to sleep with their arms beside them 'for you know not the day nor hour when the Russian bear will strike,' and border incidents—not excluding pitched battles between considerable forces—were frequent, with foreign newsmen in Tokyo wondering whether each clash would prove to be 'it'—the one-too-many that would touch off a second Russo-Japanese war.

"In the end 'it' did not happen until Japan's capacity to fight back had been broken by others. One week before Japan surrendered to the allied powers, the Soviet Union proceeded to make the most of the opportunity thus presented by grabbing all it had ever lost or tried to seize, plus a number of islands that had been part of the Japanese homeland throughout recorded history.

"For good measure the Red Army then proceeded to 'liberate' such machinery in the vast Mukden Arsenal as its experts considered worth shipping back to Siberia. When I visited the arsenal a few weeks after the Russians had withdrawn northwards, gaping holes in the workshops bore eloquent testimony to the thoroughness with which the Russians had accomplished that task.

"While Stalin's 'seven day soldiers' were thus looting while the looting was good, Gen. Douglas MacArthur was establishing in Japan the most benevolent occupation in history—an occupation that was terminated seven years later by a peace treaty restoring Japan's sovereignty and self-respect which the Soviet Union and its satellite declined to sign.

"When, eventually, the Soviet Union got around to opening negotiations with Japan aimed at ending the technical state of war and the resumption of normal relations between the two countries, it quickly became clear that Moscow's conception of 'peace' was one dictated by the victors to the vanquished.

"Irrelevances such as increased trade, fishing 'rights' and belated return of surviving 'war criminals' held in Russia were used to bait the hook dangled before the Japanese. But on the key-issue—the return of Russian-occupied Japanese territories (other than the Habomais and Shikotan under certain circumstances) to Japan the Russian reply was an adamant 'nyet.'

"The reply is still 'nyet.' Even though Foreign Minister Mamoru Shigemitau had indicated that Japan would waive its desire for the return of the main Kuriles and Southern Sakhalin in exchange for Russian agreement to restore Etorofu and Kunashiri—the two southernmost islands of the Kuriles which have always been Japanese territory—Moscow, which lashes the West as imperialists, continued to stand firm in its intention to retain its hold on those 'colonies' of the Soviet Union.

"Pravda and Izvestia, the official newspapers of the Russian Communist party and the Soviet government respectively, have characterized the Japanese demands for what is termed 'territorial concessions'—Russian euphemism for the return of Japanese territory to Japan—as 'unreasonable and unfounded' and we are told the Moscow observers interpreted these comments 'as indicating that Russia believes it holds all the trumps and has no intention of giving up the island.' Nevertheless, in making 'nyet' the last word Moscow may well be miscalculating. The Japanese, like the Russians, have long memories. It is at least possible that a 'peace treaty' dictated by Russia would herald the beginning of a new period of tension in the North Pacific, with the former position reversed and Japan awaiting her chance to balance accounts. Moreover, before a 'peace-loving' Moscow becomes too certain that it holds all the trumps in its cynical offers to swap trade and fishing permits for Japanese soil, it would do well to devote some thought to the repercussions of its attitude on the rest of Asia.

"Messrs Bulganin and Khrushchev have devoted considerable time, energy and charm to traveling around Asia and denouncing the wicked colonizers who exploited the weakness of other peoples, and to holding up the Soviet Union as the true friend of the under-privileged. The acid-test of such lofty sentiments has now come. Russia has the chance of proving the genuineness of its declarations by conceding to Japan terms as just and benevolent as those extended to that country by the 'imperialists' of the West."

And I concluded my reports to newspapers in Britain and the United States by saying: "Moscow may stand words on their heads but even Moscow cannot make a refusal to return Japanese territory to Japan appear respectable. Two little specks of land off Hokaido—of scant importance to anyone except fishermen who earn a living in those waters and the nation of which they have always formed a part—could build up into an international issue which will reverberate down the corridors of history long after the men who are making 'nyet' their trademark have departed from the international scene." That prediction stands.

Twelve years after the above words were written. Soviet Prime Minister Alexei Kosygin told a visiting Japanese cabinet minister that there was no territorial issue between the two countries to discuss, and the Sato administration announced plans to mount an active publicity campaign shortly aimed at securing the return of the "lost" northern territories.

"However," reported the Japan Times, "Government officials and Liberal-Democrats pessimistically believe that Soviet opposition to settling the (territorial) issue as Japan wants has become stronger than ever, reflecting the fluid international situation, the strengthening of Japan-U.S. ties, and other factors."

Just who are the Imperialists??

Japan Claims Okinawa Return Wouldn't Affect U.S. Bases

Tokyo, January 24.—Japan's desire to regain Okinawa under a formula banning nuclear weapons from U.S. bases there does not necessarily conflict with its view that the bases are important, the foreign ministry said yesterday.

The important question is timing, Naraichi Fujiyama, director-general of the ministry's public information bureau, told a news conference.

If the United States agrees to return the island to Japanese control in three to five years, Fujiyama said, Japanese Prime Minister Eisaku Sato hopes that the situation in Asia will have improved enough that the security of the Far East no longer requires bases with nuclear weapons.

Foreign Minister Kiichi Aichi told the Foreign Correspondent's Club of Japan Wednesday that the U.S. bases on Okinawa were important to the security of the Far East, "including Japan."

He also said "if it were at all possible" he would like the Okinawa bases put on the same status as U.S. bases in Japan, which by mutual agreement cannot stock nuclear weapons or employ their forces against any country without prior consultation with the Japanese authorities.

Asked if these two statements were contradictory, Fujiyama said, "There is no contradiction if you take the timing into account. The matters of timing and the bases are closely related."

He added: "It has been explained to the Japanese people that the bases in Okinawa are certainly serving as a deterrent power against any possible aggression. That, everybody understands."

On the other hand, Japan has a widely supported policy banning nuclear weapons. As long as Okinawa remains under U.S. administration, the Americans have a free hand in deciding what weapons to keep there.

The Japanese newspaper Mainichi reported yesterday that the United States has told Japan the rock-bottom American requirement is that Polaris-type nuclear-powered submarines be allowed to call at Okinawan ports.

If Japan agrees, the newspaper said, the United States would agree to remove land-based nuclear weapons from Okinawa.

Fujiyama said he did not know whether the report was true or not. He added: "I can clearly state that as far as the foreign ministry is concerned we have received no such information officially or unofficially from the United States."

Japan's Top Socialist Favors Return of Okinawa to Japanese Rule

Tokyo, January 24.—Japan's top Socialist said today the return of Okinawa to Japanese rule, if it can be accomplished this year, will make it easier for Japan to abrogate the Japan-U.S. security pact in 1970.

Tomomi Narita said if Japan can force the U.S. to give up its jurisdictional right over Okinawa, it will be a major "breakthrough" in the struggle against the security pact.

The chairman of the Japan Socialist party (JSP) was the keynote speaker at the JSP's . . . opened today.

He called on 500 of the party faithful to "fully participate in 'Return Okinawa' struggles" and lend brotherly assistance to demands that the U.S. withdraw its B52 bombers from Okinawa.

The JSP and the Japan Federation of Labor Unions (Sohyo) are spearheading a drive to call an end to the security pact, under which the U.S. is permitted to maintain military bases in Japan.

A national committee set up by the two groups have mapped a year-long program. Narita himself was outside the main Tokyo station yesterday handing out leaflets that denounced the treaty.

Nuclear Arms Removal From Okinawa "Mistake"

(By Leon Daniel)

Tokyo.—Informed American sources in Japan insist firmly that removal of nuclear weapons from Okinawa would be a grave mistake.

Although they do not say so for the record, it is known that many U.S. military leaders hold this view. It is a view that is shared by some American diplomats here.

Many Japanese demand not only the return of Okinawa to Japan, but also removal of nuclear weapons from the island base the United States considers the keystone of its Pacific defense network.

But some U.S. military leaders and American diplomats believe that the nuclear stockpile on Okinawa serves as a deterrent, particularly to North Korean Premier Kim Il-Soung, who has vowed to "unify" the Korean peninsula.

The nuclear weapons on Okinawa are tactical rather than strategic, which means they are the kind designed for "limited war" rather than an intercontinental nuclear shoot-out.

In short, they are weapons that could be employed against North Korea if that Communist nation again marches against South Korea, as it did in 1950 to start the Korean War.

So some American military men and diplomats hold that what ultimately is decided on whether to keep nuclear weapons on Okinawa, vitally affects South Korea, Taiwan and other Asian nations with which the United States has security commitments.

It is a problem that cannot be isolated to the parties directly involved—the United States, Japan and Okinawa—but must be dealt with in the light of the security of the free nations of Asia, they contend.

The United States and Japan have the question of Okinawa reversion under joint and continuous review. The United States recognizes Japan's "residual sovereignty" over Okinawa and the rest of the Ryukyu Islands but how soon Japan gets them back may ultimately hinge on whether agreement can be reached on what to do about the nuclear weapons there.

If, for political reasons, the United States is some day forced to relinquish its nuclear capability on Okinawa, it might look around for an alternative site.

Guam is considered by some military leaders to be "too far to the rear" to be an effective site for stockpiling tactical nuclear weapons. But South Korea has indicated that its southern island of Cheju-do would be a likely site.

From a strategic standpoint, U.S. military leaders consider Okinawa the best spot to stockpile tactical nuclear weapons. It is situated 1,100 miles southwest of Tokyo, 780 miles south of Seoul, 400 miles northeast of Taipei, 920 miles northeast of Manila and 900 miles northeast of Hong Kong.

Another significant advantage of Okinawa, again from a military standpoint, is that the United States now has free use of its bases there.

So even if the administrative rights over the Ryukyus are returned to Japan U.S. military men want to hold on to "free access" to their bases and the right to stockpile tactical nuclear weapons there.

Before he became the No. 3 man in the State Department, Ambassador U. Alexis Johnson told the Japanese that if they wanted Okinawa back they were going to have to fish or cut bait. In other words, he told the Japanese that it was up to them to come up with a definitive plan for the reversion of the Ryukyus.

The American position, under former president Lyndon Johnson, was that any reversion plan must assure the United States free access to its bases on the islands. American sources said that "free access" principle was understood by both sides to include the continued maintenance of nuclear weapons on Okinawa.

The government of Prime Minister Eisaku Sato of Japan still has not come up with a definitive plan for reversion. If the plan it comes up with calls for the maintenance of nuclear weapons on Okinawa, Sato can look for vigorous opposition to it from the left.

These protests likely would contribute to the mounting opposition to the security treaty between Japan and the United States which is subject to review in 1970.

President Nixon has not tipped his hand on the reversion question, one that Sato plans to discuss with him during a visit to Washington next fall. That meeting is expected to have an important bearing on the future of U.S.-Japan relations.

Japanese Ambassador Defends U.S. Position on Okinawa

The reversion of Okinawa to Japan will be brought about by mutual understanding between the United States and Japan and not by a feud between the two countries, Takezo Shimoda, Japanese ambassador to the United States, told a news conference in Tokyo Monday.

According to press reports, Shimoda made the statement after emerging from a meeting with Japanese Prime Minister Eisaku Sato and Foreign Minister Kiichi Aichi. Shimoda is currently in Japan to consult with his government on several issues, among which is Okinawa.

Shimoda compared the strategic role of Okinawa's military bases with that of Gibraltar and said that the bases cannot be removed from Okinawa without endangering world peace. The role of the bases would be hampered if nuclear weapons, reportedly stored on Okinawa, were to be withdrawn, he added.

He also said that there is a need for Japan to possess a defense power in seeking the return of Okinawa.

When asked by a reporter how he felt about the planned demonstration on Okinawa to demand the removal of B52s, Shimoda said the movement is a discourtesy to the United States because the U.S. is defending Japan and Okinawa with its bases and B52s on Okinawa. He added that he "did not know how to apologize" to the U.S. for the planned strike.

Shimoda's comments drew reactions from Okinawan politicians Tuesday.

Tomomasa Ota, secretary general of the Okinawa Liberal Democratic party (OLDP), said that Shimoda should take into account the Okinawan position on the matter. The OLDP wants the bases reduced to the level of those in Japan when reversion occurs, Ota said.

Kansai Miyara, chairman of the Socialist party, saw the hand of Sato behind Shimoda's remarks. He said Sato is sounding out local reaction. The Socialists want reversion with all U.S. bases withdrawn.

Tsumichiyo Asato, chairman of the Socialist Masses party, commented that Shimoda shows no regard for Japanese and Okinawan desires. Asato added that Shimoda should never have been allowed to make the remark.

Sanetoshi Furugen, secretary general of the Okinawa People's party called the statement traitorous and said Shimoda shouldn't have been allowed to make it.

Question of Okinawa Status Stirs Lively Senate Debate

(By John Roderick)

Tokyo, February 10.—U.S. senators and congressmen yesterday pressed divided members of Japan's ruling Liberal Democratic party to say how far, if at all, the United States should pull back in Asia.

The question of the American military presence in the west Pacific arose in lively discussions during the second Japan-U.S. Parliamentary Conference which opened here Saturday.

An American organizer of the conference said afterwards the talks demonstrated primarily that the Liberal Democrats still thinking in terms of 15 years ago when the United States insisted on a military force-in-being in this part of the world.

Protestations by the American legislators that Washington wants to know how and to what extent—if at all—the U.S. should be committed were received with some disbelief, said this source.

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The American congressmen—they included Sen. Hugh Scott of Pennsylvania, the minority whip, Sen. Clifford Case (R—N.J.) and Sen. Frank Moss (D—Utah)—came to the conclusion that the Japanese government party has prepared no unanimous views on the subject of security, which includes reversion of Okinawa, the question of Communist China and U.S. bases in Japan.

The Japanese, among them former foreign minister Zentaro Kosaka, Takeo Miki and Ichiro Fujiyama and party Vice Chairman Shintaro Kawashima, presented sharply divergent views on the return of Okinawa.

All agreed that reversion is wanted soon but disagreed on when and what status the bases should have. Afterwards, Miki told reporters the majority of the party wishes "hondo nami," elimination of prior consultation which now apply to American bases in Japan.

Prime Minister Eisaku Sato has not yet finalized his position.

U.S. Congressman Jeffery Cohelan (D—Calif.) said he believed there may be a possibility of negotiations between Japan and the U.S. on a formula which removes the nuclear weapons but continues to give the Army, Air Force and Navy free use of Okinawa.

He said he had made it "very clear" to the Japanese that if the "price is to high"—restriction of free use—the United States might have to abandon the Okinawa bases.

Russ Used Kuriles Against U.S. Plane

(By Phil Newsom)

New York.—When the Japanese carried out their surprise attack on Pearl Harbor, Dec. 7, 1941, their airplanes flew off carriers that had rendezvoused in secret at Tankan Bay, a deep cut in Etorofu Island, largest of the Kuriles.

In the summer of 1968, Russian MIG fighters rose from Etorofu to force down an American jetliner carrying American soldiers to Vietnam.

The GI's reported it appeared to be an important military installation.

Beyond that, little is known of these bleak and little islands which before Russian occupation in 1945 primarily were of importance to fishermen who sought crabs in the icy surrounding waters.

But, like Okinawa and Bonin Islands in the south, the Japanese regard them as integral parts of Japan and they want them back.

The islands involved are Habomai, Shikotan, Etorofu and Kunashiri, located just north of Japan's largest northernmost island of Hokkaido.

The Russians got them by agreement at the Yalta Conference and under terms of the San Francisco peace treaty after the end of World War II.

One basis for the Japanese claim now is that the Russians never signed the San Francisco treaty.

Aside from the territorial issue, an important factor is the safety of Japanese fishermen who find themselves in Soviet territorial waters almost the instant they leave Hokkaido.

The Russians have seized more than 1,200 Japanese fishing boats and arrested more than 10,000 fishermen since 1945.

Japanese ambassadors to Washington and Moscow are in Tokyo to report on progress of negotiations with both countries.

The United States recognizes Japan's "residual sovereignty" over Okinawa and other Ryukyu Islands and has agreed to their eventual return.

The Japanese have had no such luck with the Russians.

The Russians even have refused permission to Japanese families to visit graves on the islands.

Despite the Soviet Union's rigid stand, Japanese Prime Minister Eisaku Sato has declared that Japan cannot consider their independence restored until she has regained sovereignty over Okinawa and the northern islands.

Under the Japanese concept of strict division between diplomacy and economics, the issue is not expected to affect trade relations.

The Soviet and private Japanese interests signed a $350-million five-year agreement last summer under which Japan will buy much needed timber in Siberia. The Japanese and the Russians also are discussing joint development of copper, petroleum, natural gas, pulp and paper and a northern shipping route across the top of the Russians' land mass.

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY POLICY IN VIETNAM

Mr. PELL. Mr. President, as I read in the press that our troops have now withdrawn from Hamburger Hill, I cannot help but rise to commend the sensibleness and prescience shown by the senior Senator from Massachusetts last Tuesday when he said:

> I feel it is both senseless and irresponsible to continue to send our young men to their deaths to capture hills and positions that have no relation to ending this conflict.

All that we will have gained as a result of the operation is 600 dead North Vietnamese and National Liberation Front young men. And sometimes I wonder if that is such a gain. And what have we lost? Fifty of our finest young men killed and 300 wounded.

This whole operation reminds me of a question and answer exchange I had with Secretary Rusk on March 12 1968, when he testified before the Foreign Relations Committee. On that occasion, Secretary Rusk said we were saving the South Vietnamese. I raised the question then whether our military efforts although succesful might determine only whether the graveyard would be in non-Communist territory.

It is not a question, Mr. President, of we here in the Senate attempting to direct individual military operations in South Vietnam. The senior Senator from Massachusetts pointed to this specific operation as one symbolic of a mistaken policy.

Accordingly, I thoroughly share the views of Senator Kennedy and say, as I have said repeatedly here on the floor of the Senate, we should deescalate our military activities. Rather than continue our search and destroy policy, let us adopt a policy of military restraint consistent with the stated objectives of our negotiations in Paris.

And, let us remember that in the last week alone 265 young Americans have been killed in this war—a war in which we have become far too overcommitted; a war in which we should not be interested; a war from which with good sense and with viewpoints prevailing similar to that of the senior Senator from Massachusetts, we may extricate ourselves.

NEW YORK CITY'S CONSUMER UNIT TO FIGHT PROPOSED TELEPHONE RATE INCREASE

Mr. METCALF. Mr. President, during the past few months, the Subcommittee on Intergovernmental Relations has been holding hearings on my bill, S. 607, which, among other things, would establish an independent Federal Office of Utility Consumers Counsel and provide grants and other assistance to State and local consumers' counsels to represent the public interest of the consumer in matters concerning electricity, gas, telephone and telegraph services.

With applications for rate increases by industry-owned utilities soaring throughout the Nation, the issue of utility company overcharge is a basic one to the consumer. Witness after witness has filled our hearing record with case studies showing inadequate regulation, economic concentration, alleged antitrust abuses, unreasonable profits and restrictive practices.

Yet, the industry-owned utility companies and the National Association of Regulatory Utility Commissioners say that there is no need for a lawyer for the consumer because the companies and the regulatory agencies are perfectly capable of affording consumer protection.

Apparently, the officials of the largest city in the United States—New York City—are not about to buy the IOU-NARUC argument.

As reported in the New York Times on Sunday, May 25, the city, through its corporation counsel and assisted by a panel of utility experts and the resources of its Department of Consumer Affairs will go before the New York Public Service Commission and challenge New York Bell's $175 million rate increase application.

The main point here is that they are fighting the Bell increase and its unreasonable service charges for the consumer, not just for the city. Mrs. Bess Myerson Grant is quoted as saying:

> Since there are so few resources on the consumer's side, the initiative always rests with the utility. They set the time for a hearing on their policies. They determine which policies shall be the subject of inquiry.
>
> Only a nationwide network of vigorous and informed consumer-advocate institutions can offset the vast resources at the command of the utilities to persuade regulatory officials to see things their way.

No better argument for speedy consideration of S. 607 can be made than this statement by Mrs. Grant.

This action by New York City—taken by a duly authorized local consumer counsel is precisely the kind of activity which would be supported under the legislation. As the rate increases begin to pile up on the other areas of our country, the people will stand up and be heard—as they have done in New York. They will be heard in this Congress in a voice that will reduce the annual crowing of the utility lobbyists to a whisper.

I ask unanimous consent that the article from the New York Times be incorporated at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

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CITY HIRES UTILITY EXPERTS TO FIGHT PHONE RATE RISE

(By Peter Millones)

The city has decided to fight the New York Telephone Company's recent request to the state Public Service Commission for a $175-million-a-year rate increase.

To bolster its chances for success, the city—through its Department of Consumer Affairs—is taking the unusual step of forming a committee of utility experts from universities to assist the Corporation Counsel's office in preparing its opposition.

The formation of a group of utility experts—five of whom have been selected—foreshadows a more vigorous scrutiny by the city of all public-utility operations here, according to sources in the Department of Consumer Affairs.

THE ACADEMIC ADVISERS

The city's move comes at a time not only when the telephone company is seeking its first statewide rate increase since 1957 but also amid recurring rumors that the Consolidated Edison Company will seek higher electric rates.

Selection of the five utility experts to be part of a permanent Advisory Panel on Public Utility Matters was revealed yesterday by Mrs. Bess Myerson Grant, Commissioner of Consumer Affairs.

Corporation Counsel J. Lee Rankin said he welcomed the assistance of the advisory panel. "These cases," he said, "are enormously complex and time consuming; now for the first time we should have needed support."

The telephone company has just completed its presentation of data to the P.S.C. to support its request. The commission has recessed further hearings for about a month to give opponents and the commission staff time to prepare cross-examination of company officials.

The increases sought by the company would raise the basic monthly 75-message-unit residential telephone bill in the city to $6.19 from the present $5.60.

The company would also increase the flat-rate monthly costs elsewhere in the state and increase toll-call costs. For example, a daytime call from New York City to Albany that now costs 70 cents would cost 77 cents.

The charge for installing a telephone would be doubled to $10 under the company's proposal.

The city is expected to attack the company's rate of return, its accounting procedures, its borrowing methods and other policies, including its advertising expense.

The five advisers selected by the city thus far are:

Prof. William K. Jones of the Columbia Law School, who has written a study of the theory and practice of regulation of the Federal Communications Commission and a textbook on regulated industries.

Prof. Herman Schwartz, now on the faculty of Michigan Law School, who will be at the Buffalo University Law School next fall.

Prof. Norman Redlich of the New York University Law School, who is a former executive assistant Corporation Counsel of the city.

Prof. Leonard M. Chazen of the Rutgers University School of Law.

Leonard M. Ross, a doctoral candidate in economics at Yale, who will serve as a Junior Fellow at Harvard University in the next Academic year.

Professor Chazen and Mr. Ross will be concerned primarily with helping to prepare the city's case against the telephone rate increase.

Commissioner Grant said that a question "fundamental to the structure of the nation's communications system is why consumers aren't allowed to own their own telephone handsets which they could plug into the telephone network the way television sets, electric lights, and appliances are plugged into the electrical system."

"If customers were allowed to take their handsets with them, plugging in the handset at their new location," Mrs. Grant went on, "this expense [of new installment] could be avoided."

"Since there are so few resources on the consumer's side," Commissioner Grant said, "the initiative always rests with the utility. [They set the time for a hearing on their policies. They determine which policies shall be the subject of inquiry.

"Only a nationwide network of vigorous and informed consumer-advocate institutions can offset the vast resources at the command of the utilities to persuade regulatory officials to see things their way."]

CRISIS IN AIR TRANSPORTATION

Mr. MAGNUSON. Mr. President, much has been spoken and written about the current crisis in air transportation and the great necessity for a bold and effective expansion program for airport and airways systems. The seriousness of our present aviation problems is well illustrated by the fact that during the last session of Congress the Committee on Commerce devoted a great deal of time and effort in defining our national aviation needs and the development of the proposed legislative program. It is my understanding that President Nixon currently has a task force working upon an administration proposal and has assigned this project a high priority. I am hopeful that the administration proposal will be in final form shortly, for on June 17 our committee will undertake broad-based hearings in an attempt to update the definition of our airport-airways needs and to recommend appropriate legislation.

Gen. William F. McKee, U.S. Air Force, retired, former Administrator of the Federal Aviation Administration, recently spoke before the Aviation-Space Writers' Convention in Dayton, Ohio, on the subject "The Crisis in Air Transportation." I am sure Senators are aware of the tremendous knowledge and skill possessed by General McKee in the field of aviation. Because of the timeliness of his speech and the clear and concise analysis put forth therein, I commend to Senators a careful reading of General McKee's remarks.

I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE CRISIS IN AIR TRANSPORTATION

Until about ten years ago, the pacing factor in the growth of American commercial aviation was the efficiency of the aircraft. Since the earliest days of scheduled airline service, the airlines have pressed the manufacturers for aircraft with higher speeds, longer ranges, and greater capacities. The manufacturers have responded enthusiastically and ingeniously. In forty years, the aircraft manufacturers have taken us from the Ford Tri-motor, the Lockheed "Vega" and the DC–2, to the Boeing 747, the Lockheed L–500, and the DC–10. And, at the same time, they provided this country with the world's finest fleet of military aircraft.

All this progress is wonderful. It has given Americans the finest air transportation in the world. It has given wings to the nation's economy, both figuratively and literally. And, it has also been a credit factor in the nation's running struggle to maintain a favorable balance of trade.

But the air transport "system" of this nation is more than just aircraft. It is also airports and airways and supporting ground transportation systems. An important measure of the efficiency of a total system is the time it takes an individual to get from his office or home to his final destination. Similar measures for efficiency could be applied to cargo and mail.

Right now, we speak of an air transportation crisis in our country. Why? The answer is that progress in aircraft has exceeded progress in both the ground electronic environment or the airways system and in the airports. Progress in aircraft may also be said to have exceeded progress in national understanding of the problem. That is to say, the Federal Aviation Administration, which is responsible for the operation of the airways and parts of the Aviation Community have not been able to arouse sufficient congressional and public support to insure that sufficient funds were provided for the modernization and expansion of the airways and airport system.

If one takes an objective look at the situation, the reasons for this are easy to understand. When I say that, I am not trying to excuse myself or the FAA or the Department of Transportation. The fact is that FAA's needs have met very stiff competition of late from domestic and Defense needs. And it is also true that the American public has turned to air transportation at a rate that exceeded expectations.

This does not mean that the FAA did a bad job of estimating. I think it reflects, rather, unanticipated acceleration in the economy and in the pace of life in this country. Recently, TIME magazine ran a feature on under-anticipation, a phenomenon of the decade. The article listed a series of under-anticipations by experts. The experts—in quotation marks—predicted, for example, that before the Sixties had run their course, the stock market would be handling sales as high as ten million shares in one day. Of course, the sales record is now in excess of twenty million shares in one day.

The point should also be made that the Congress has, in general, been very sympathetic to the needs of the FAA, but the amount of money required to modernize the airways system and to expand airport facilities simply has reached levels that were politically difficult for the Congress to vote, in light of over-all national considerations.

Today, the key question facing the Congress, the Department of Transportation, the Air Lines, and General Aviation is where can we find the money to bring the quality or effectiveness of the airways/airports system in line with the exceptional quality and effectiveness of America's commercial aircraft. In recent years, this question has reached crisis proportions. The airlines, and general aviation, in order to meet the demands of the public for air transportation, have bought so many aircraft and expanded their operations so fast that the airways and the airports can no longer efficiently service the number of aircraft in the skies. And as we look to the future, the situation grows increasingly severe because the demand for air transportation continues to grow. From the standpoint of the airlines, the situation is reaching critical proportions because delays in the air and on the ground result in heavy financial losses. The larger aircraft, which represent heavy investments for the airlines are by no means being used to maximize efficiency under present circumstances. The result is that the volume of air traffic is up, but profit for most airlines is down. Almost all of the major airlines showed a decrease in net profits for the calendar year 1968. Indeed, several of them were seriously in the red. In addition, the airlines want to invest in the next generation of aircraft, but their available capital for such an investment is being depleted by current high operating costs.

I will offer you a solution I have advocated

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at every opportunity for the past several years. It is a solution under consideration by the Department of Transportation and the Nixon Administration. But, before I discuss that solution I would like to review with you briefly the recent growth in air transportation and then project for you the future growth, so that you can sense how vital it is that we bring about a balance between the numbers and quality of the aircraft and the effectiveness of the airways-airport systems.

In recent years, air transportation has grown at the rate of 16 to 17 percent a year. Between 1963 and 1967, air carrier passenger hiles went from 46 million to 86 million. Air cargo volume tripled in that five year period. And the hours flown by general aviation aircraft during the same five year period increased nearly fifty per cent. These figures reflect that air travel is now the most popular form of inter-city transportation. Last year, the air carriers accounted for seven out of ten common carrier passenger miles, compared with two out of ten in 1951.

Let me relate this growth during the past few years to an airport to give you an idea of how desperately we need to modernize and expand the airways and airport systems. John F. Kennedy airport on Long Island is a very modern airport. When JFK was being built, the FAA calculated that JFK would be able to handle 260,000 aircraft operations per year—that is, take-offs or landings—without delays. You might call 260,000 aircraft operations the delay-free threshold for JFK. Yet that airport is already handling in excess of 500,000 aircraft operations per year, with the inevitable delays.

Now, let's project a few years into the future. The latest FAA projections give us these figures for the scheduled airlines. In 1968, the number of passengers was 152.6 million. The estimate for 1974 is 269.5 million; and for 1979, the figure is 429.0 million. In other words, the numbers of passengers is estimated at almost three times last year's total. The paralleling statistic of equal importance is "revenue passenger miles." And here the figure for 1968 was 106.5 billion; with the projection for 1974 being 204 billion, and for 1979, 342 billion.

The estimate for air cargo show a growth in excess of that for passengers. The growth rate is projected at 20 per cent per year. This means that by 1975, U.S. domestic and international air carriers should be flying about 20 billion ton-miles of freight and mail, compared with 5.0 billion ton-miles in 1967.

To provide service for additional passengers and freight, the air carriers are forecast to increase their fleets from a total of 2,452 aircraft at the beginning of 1968 to 3,480 by the start of 1979.

On the General Aviation side of the picture, the 1968 figure for General Aviation aircraft was 114,000. The 1979 estimate is 205,000, which means that General Aviation will be expanding at about the same rate as the airlines.

If these projected increases in the amount of commercial flying are not enough, you might also consider that there will be a greater diversity in the types of aircraft that will be flying by the end of the 1970's. There will be far more helicopters of various sorts and sizes, and there will be a whole new family of STOL aircraft. In one sense, these aircraft will complicate the aviation picture. But in another sense, they will help to alleviate some of the congestion in the airways, because they will be able to fly in air corridors not presently being used for the higher and faster flying jets.

These projections have been included in these remarks to help you to reach the conclusion that the airways and airport crisis of today is going to get worse—much worse if drastic steps are not taken quickly to improve and expand our total air transportation system—that is—airways, airports and the transportation systems to and from communities to the airports. If we do not move sensibly and energetically to make the needed improvements the growth predictions outlined will not come to pass.

Here I would like to stress another vital and most important facet of the problem—and that is a primary responsibility of the Administrator of the FAA under the law. He carries this burden on his shoulders seven days a week, 24 hours per day. Statements have been made in the past that a high level of safety can be maintained with current FAA funding levels through the exercise of the FAA's regulatory powers. This is simply not so. I know of no responsible person in FAA or in the Aviation Industry who will agree that a reasonable degree of safety can be maintained in today's environment with current funding levels. I suggest you just ask the airline pilots who fly to tell you what they think. The answer, I can assure you, will be loud and clear.

The question arises then "What needs to be done?" The answer has been well thought out and presented in FAA's "National Aviation Systems Plan." This Plan is a product of bitter experience, and a lot of hard work by many dedicated people. There is little disagreement, if any, between the FAA, the military, and the aviation community in regard to this Plan. The Plan covers a 10 year period, with detailed costing for the first five years and estimates for the next five.

The Plan covers the additional equipment and facilities that will be necessary to service efficiently and safely the vastly larger number of aircraft that are projected to be flying in our skies during the next decade.

I will not discuss the details of the Plan, but I would like to make some comments relative to it. First, I wish to explain what we mean when we use the term "Air Traffic Control System" or the "National Aviation System." We mean not only the control towers, the En Route Traffic Control Centers, the Controllers, the Instrument Landing Systems, radars, communications, etc., but also the operational part of the nation's airport, i.e., runways, taxiways, ramps and the high intensity lighting systems. With all of the deficiencies in the airways part of the system—and they are too numerous to mention here—the biggest bottleneck in the Air Traffic Control System is the airport.

The problem then—where do we get the money to do the job which we all know must be done. Will the Administration request the necessary billions from the Congress to come from the General Revenues of the Treasury? The answer is a "flat" NO—and this applies whether the Democrats or Republicans are in power. Will the Congress appropriate the necessary funds of the Administration requested them? Again, the answer is a "flat" NO. I speak from painful experience.

Since it is clearly in the National interest that the job must be done—the question is: "Where does the money come from?" The answer here is also quite clear—"From a reasonably equitable system of user charges, augmented by a fair share from general revenues which may be properly charged to the National interest."

Such a plan was unanimously proposed last year by the prestigeous Senate Commerce Committee. Overall it was a good plan and deserved to become law. Unfortunately, and I should say very unfortunately for the country, it did not. There was disagreements within the Administration and within the Aviation Community. All of us are the losers.

I know that the new Secretary of Transportation, Mr. Volpe, and the new Administrator of the FAA, Mr. Shaffer, understand the importance of doing something now to improve our Air Transportation system and that they are in favor of airways/airport legislation along the general lines proposed by the Senate Commerce Committee last year. Again there is disagreement within the Administration and within the Aviation Community. On the other hand, there is a good understanding in the Congress of what needs to be done and the importance of doing it quickly. The Committees principally concerned are awaiting the Administration's proposed legislation.

It is my hope, a faint one I must add, that the diverse elements within the Administration and within the Aviation Community can reach some reasonable accord and agreement on the proposed legislation. This would assure the early passage of an Airways/Airport Bill. Failing this, I think the Congress must pass legislation which in its judgment, is in the best interests of the 200 million stockholders in this corporation called the United States.

In closing I want to say just as strongly as I know how that failure to get early airways/airport legislation will result in:

A. A significant deterioration in the safety of the system.

B. Further deterioration in the operational effectiveness of the system, including more delays in the air and on the ground and more arbitrary restrictions.

C. An adverse impact on the growth of the National economy and on the defense posture of this Nation.

I earnestly hope that we do not have a series of catastrophes to bring these points home.

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON THE SUPREME COURT

Mr. BYRD of West Virginia. Mr. President, on May 16, 1969, I made a statement for radio regarding the U.S. Supreme Court.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

SUPREME COURT

A storm of controversy has engulfed the Judicial Branch of the Federal Government for several years now. A primary cause has been the U.S. Supreme Court's decisions in notable cases affecting what has been called the "rights of criminals" or those accused of crimes. As a result of these decisions, questioning of suspects by police has been severely limited, the use of voluntary confessions has been restricted, and the police find it more difficult to jail persons suspected of criminal acts. Critics of the Court have said the net result is to make more difficult the job of law enforcement. As a consequence, more and more criminals go unpunished, and we begin to see a breakdown in respect for law and order in our society.

Moreover, such decisions as those which have had the result of removing prayer from public schools, and decisions limiting school officials' authority to regulate student demonstrations on school property have contributed to widespread criticism of the Supreme Court of the United States. Many citizens have begun to wonder just whose rights are being protected because they often feel that it is certainly not theirs. Furthermore, by these and other decisions the High Court has left the impression that it is doing more than just interpreting statutes and interpreting the Constitution. It appears frequently to be writing the laws of this land.

In most instances, the decisions of the Supreme Court that have come under heavy attack have been split decisions. A bare majority of the nine Justices has brought about, in recent years, radical changes in constitutional law. I think that in many cases the Judges have tended to interject their own personal philosophies rather than adhere to strict objectivity when interpreting the United States Constitution and the laws.

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But now the makeup of the Supreme Court will change. Chief Justice Warren announced last year his retirement from the Court at the end of its present session. And of course former Justice Abe Fortas has now resigned. Seldom in our history has a United States President had the opportunity to fill two vacancies on the Supreme Court so early in his administration. In the exercise of his appointive powers, President Nixon can recast the Judicial Branch of government. He can quell the temptest of controversy that has surrounded the Supreme Court for several years. And he can redirect its path to better reflect the majority's will in this country and to strengthen the principles embodied in our written Constitution.

The resignation of Mr. Fortas has lifted from the Supreme Court an immediate problem which his private dealings had created. However, the larger controversy brought on by court decisions radically departing from traditional interpretation of the Constitution can be settled only through the appointive process to which President Nixon now holds the key.

Any branch of government, to operate effectively, must have the confidence and respect of the American people. The power divided among the three branches of the United States Government is enormous. Each must be wise in the exercise of this power, and each must be especially careful it does not usurp powers not intended to be within its hands. This is especially important in the Judicial Branch. There, a great deal of power rests with a very few men. Thomas Jefferson expressed concern about this when he once wrote, and I quote, "The great object of my fear is the Federal Judiciary."

The Supreme Court was never intended to be the place for innovation or experimentation. Its force must always be one of prudence and caution—one that will always protect American citizens from excessive and over-zealous government. It follows then, that judges sitting on the Supreme Court must be cautious, restrained men able to subjugate their own fancies in their quest for objectivity. They must not be innovators or experimenters. We have enough of both of these in the other two branches of government. Moreover, the Court must not arrogate to itself the power to legislate. Restraint in the Judiciary is indispensable if it is to maintain the trust of the American people.

POLITICS AND THE POSTAL SYSTEM

Mr. BAKER. Mr. President, I recently conducted a poll in all 95 counties of the State of Tennessee on the question of whether politics should be taken out of the postal system. More than 90 percent of Tennesseans approve of that policy as set out by President Nixon and Postmaster General Blount, according to the sampling.

A total of 1,374 responded to the question, which was included in a newsletter mailed earlier in May. Of the total, 1,247 said they support the policy, compared with only 127 who voted in opposition to it.

Probably more than 200 of those favoring the policy indicated by notes and letters that the change was long past due. Many suggested that an independent agency, such as Tennessee Valley Authority, be created to operate the system. Others recommended that the mail be handled by a private organization.

There were many who opposed the policy, but who wrote that politics should be taken out of the department only after Republicans had been appointed to replace Democrats.

Based on the actions of past administrations there is sound argument for kicking all Democrats out of the system and appointing all Republicans. Every administration in history has used the system as a political sugar barrel. It has been this policy which has developed a highly inefficient, costly organization which requires drastic changes.

Postmaster General Blount, I am convinced, is sincere in his efforts to take politics out of the system. He is attempting to put it on a self-sustaining, business-like basis.

While this policy is causing great concern among a few who were counting on the patronage, it is obvious from the poll and from the reaction from throughout the country that this decision is one of the most popular made by this administration.

A vast majority of the people want a postal system which can do the job. They do not want a service organization such as this one to be a sugarplum tree that gets robbed of its best fruit every 4 years.

I was convinced when President Nixon and Postmaster General Blount announced the new policy that it was proper. I am now even more sure that it was right and that the American people feel the same way. There is no doubt about how the people in Tennessee feel about it.

THE SAFEGUARD SYSTEM

Mr. GORE. Mr. President, on May 21 three distinguished scientists appeared before the Subcommittee on International Organization and Disarmament Affairs to testify with regard to the proposed Safeguard system. These three witnesses were Dr. Donald Hornig, former science adviser to President Johnson; Dr. Gordon MacDonald of the University of California at Santa Barbara; and Dr. Eugene P. Wigner of Princeton University, a Nobel laureate. Dr. MacDonald and Dr. Wigner were among the scientists Secretary Laird had suggested the subcommittee hear.

I ask unanimous consent that the prepared statements presented by Drs. Hornig, MacDonald, and Wigner be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF DONALD F. HORNIG BEFORE SUBCOMMITTEE ON INTERNATIONAL ORGANIZATION AND DISARMAMENT AFFAIRS, MAY 22, 1969

Mr. Chairman, Members of the Subcommittee: I am grateful for the opportunity you have given me to put my views before you on the subject of the ABM. I should tell you frankly at the outset that all of the technical points regarding the proposed ABM system, the Safeguard, have at one time or another been made, so that I doubt that nothing I say will be new in that sense. What I will try to do is to paint the over-all picture as I see it and elaborate any technical questions in the discussion. I want to begin by saying that in my view the most imminent and urgent threat that confronts the U.S. and the world is the constant and continuing expansion in the level of nuclear armaments on both sides. I regard the current ABM question as only an immediate episode in deciding how we should approach the problem of nuclear arms control while preserving our own security.

As to my qualifications to discuss these matters, I note only that I have been involved in weapons development, either actively or in an advisory capacity, since 1941. My acquaintance with the ABM question began when President Eisenhower appointed me to his Science Advisory Committee in 1960.

My detailed concern with nuclear offensive and defensive systems began when President Johnson appointed me as Special Assistant for Science and Technology in January 1964, and in that capacity I had the continuing assistance of many of our best scientists and engineers. I worked closely with the Secretary of Defense, with the Director of Defense Research and Engineering, and with the military and intelligence agencies until January of this year.

The central fact that emerged during these years was that the security of the United States depended on maintaining a nuclear stand-off vis-a-vis the Soviet Union. The most essential element was that we maintain an adequate deterrent—by which I mean that it is clear to the Soviet Union we could reply to any attack by inflicting such destruction and loss of life that it would never make any sense to attack us. It also became clear that even when we had a three- or four-to-one edge over the Soviet Union in the number of rockets available to us, we never approached a first strike capability, that is, the possibility of a strike against their forces which would not bring devastating retaliation. In other words, even with a three- or four-to-one edge, the Soviet deterrent was also adequate. It is this *mutual deterrence* which is the key to peace and such stability as we have had.

The ABM question is not new. In the 1950's the Navy was assigned the Polaris missile submarine program, the Air Force was assigned the offensive rocket forces, and ABM's were assigned to the Army. Subsequently we built Polaris submarines; we built offensive rocket forces, but we never got beyond R & D on defensive rocket systems because they never seemed worthwhile. Throughout the period I was in Washington, we studied the question of defenses against ICBM's, including both ABM's and underground shelter systems but ABM's never seemed attractive. All of our studies and those of the Department of Defense indicated that an ABM system could not protect our population for at least two reasons: (1) The ABM system costs more than the rockets it could destroy so that for each increment of ABM defense the enemy could, at less cost, add enough attacking rockets to his force to maintain his destructive potential. (2) The technical difficulties were so great that the system could not be counted on and would be relatively easy to defeat.

Still, when it became clear that the Soviets were installing a limited and relatively ineffective ABM ring around Moscow, there was a renewed effort, in the Pentagon and in the Congress, in late 1966 to commit us to a $40 billion system to attempt to protect both our cities and our missiles. This was the "thick system." In particular, some elements of the intelligence community attempted to identify the so-called Talinn air defense system in the Soviet Union as a large-scale ABM deployment and used this as an argument for a large-scale U.S. deployment.

It was against this background that in January 1967, at a meeting with President Johnson, all of the four preceding Presidential Science Advisors plus all three Directors of Defense Research and Engineering, advised him that an effective ABM defense against the Soviet Union was not practicable. This point was made again in Secretary McNamara's testimony in the spring of 1967, to the Armed Services Committee.

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In his San Francisco speech of September 18, 1967, Secretary McNamara presented a particularly cogent and succinct discussion of the whole action-reaction phenomenon in the arms race and of the ABM problem. He noted that as each side made its plans on the basis of the "worst plausible interpretation" of the other's plans, each side increased its arms more than subsequent events showed to be necessary. He stated—and I concur—that if we could build an impenetrable shield over the U.S., we should certainly do so. But the effect of a leaky shield is simply to guarantee that the other side increases the quantity and quality of his weapons still further.

It should be pointed out that our own response to the limited Soviet ABM deployment was to increase our efforts in the direction of multiple warheads and penetration aids so that the Soviets are probably more—not less—vulnerable than they previously were.

Since it was generally agreed that a defense of our cities against a massive Soviet attack was not practicable—and President Nixon has also accepted this conclusion—the previous administration decided against it and in favor of the Sentinel system which it was hoped would protect us against a few primitive Chinese missiles. My technical advisors doubted that it would even do that reliably.

However, what concerned many of us was not the details of the system or its technical deficiencies but the fact that the deployment plans were patently the first phase of a "thick" system, including missile sites close to cities. It was so regarded in the Pentagon and this is presumably what made it palatable; it was a foot in the door.

The Safeguard system now proposed retains the anti-Chinese capability. Most importantly though, the President recognized the impossibility of defending our population centers and introduced a new philosophy, the protection of a small second strike force for retaliation in the event of a Soviet attack. This objective is surely sound since in a nuclear age when the casualties in a war would be tens or hundreds of millions, the objective of our forces cannot be to fight a war; it must be to make an act of war so reckless that the other side would never attempt it. If I were convinced that the protection of a credible deterrent were indeed the eventual goal and that a Safeguard was the best way to protect our deterrent I would support it. But the uneasy feeling persists that although presidents may change, Secretaries of Defense may come and go, the philosophies enunciated by our political leaders may change, the design of our ABM system hardly changes at all. It includes the same radars, the same rockets and largely the same deployment which was contemplated for the "heavy" defense. Safeguard continues to look like a first step toward a much bigger, much more expensive and still ineffective system.

The President proposed a limited effort, and if it were genuinely limited to a feasibility demonstration at one or two bases, and if I could be satisfied that the feasibility could be demonstrated in that way, I might not oppose it, but the words of our civilian and military leaders in the Pentagon when they elaborate the President's proposal are not reassuring. They always seem to be talking about something much bigger.

Now I would like to examine the reliability of our second strike forces. We have in excess of 1000 nuclear tipped rockets in hardened silos, 41 Polaris submarines carrying 656 missile launchers, with most of them hidden beneath the seas, and about 600 long-range bombers, a considerable part of them in a state of alert. We also have a very extensive network of early warning radars, over the horizon radars and other devices which would give us a warning time of about 20 minutes against a Soviet attack.

At the moment these forces are sufficiently invulnerable so that the Soviet Union is assured of destruction if they were to initiate an attack. But, of course, it is possible that in the future the accuracy of their missiles, particularly the large SS–9, could be improved so that if they were still in their silos, a large proportion of our Minutemen might be destroyed. It is possible that the Soviet Union may one day develop means to track down our Polaris submarines and either destroy them or prevent their missiles from being launched successfully. It is possible that means may be found to destroy many of our bombers on the ground. It is possible that means may be found to blind our long-range warning system. Actually, I do not believe it likely that many of these objectives can be achieved by 1975; I find it totally incredible that they *all* could be achieved on a scale which would knock out our second strike forces.

After all, the Soviet Union must assume that if they were to launch an attempted first strike, our radars would see *very large numbers* of missiles on their way, and this they would do without ambiguity. Nor, under these circumstances, would our decision making be delayed. Our missiles would be on their way before their missiles arrived. This is our surest deterrent.

Of course, questions can be raised as to whether something might go wrong. But to launch a first strike with any hope of success *the other side must be confident* that we could not retaliate and nothing I know or have heard leads me to believe he could achieve such confidence in the foreseeable future.

Therefore, I conclude that for the foreseeable future we have a reliable deterrent, provided it is equipped to penetrate any defenses he may erect. It must have this capability whether or not we construct Safeguard.

The role of the Safeguard, therefore, is not to assure a deterrent, but only to add to the deterrent and to give us the option of holding back some missiles. This is important but not vital since the other side could never assume that we would withhold our fire.

Other witnesses have pointed out the technical problems. The radars must sort out a thousand or more missiles and decide, with the aid of a massive and incredibly complicated computer system, what the individual tracks and targets are, and assign appropriate defensive missiles to each. They must distinguish between nuclear warheads and the dummies, decoys and other penetration aids. I believe that these things can eventually be done; it is doubtful whether they can be now with the present Safeguard system. But a system so complex is certain to have bugs—the history of much less complex military systems attests to that—and an ABM in which one cannot have *confidence* at the time of crisis adds to our insecurity, not our security.

I am quite willing to predict that the very deficiencies which are so fiercely debated now will be advanced in the near future as the very reason why the system must be improved or even replaced by a new model. That has happened before, too. If we go this route, we must realize that the current Safeguard proposal is only a down payment.

To conclude, I support the notion of protecting our retaliatory capability. I question whether the Safeguard ABM is the best, or even a satisfactory way to do it. I am not sure I would oppose the construction at one or two sites if that could be shown to provide the means to check out the technical questions, but I am not satisfied that it will.

However, I am convinced that this is another step in the arms race—no worse than other steps—and I fervently hope it can be deferred until the seriousness and intent of the Soviet Union can be tested in discussions aimed at halting a fruitless competition which is draining our resources and providing no increase in our security.

Statement by Gordon J. F. MacDonald Before the Disarmament Subcommittee of the Foreign Relations Committee, May 21, 1969

Mr. Chairman and Members of the Committee: I deeply appreciate the opportunity to testify on such a vital issue of our time. I will speak as an individual scientist who has been involved in defense matters for the last ten years serving as a consultant to the Defense Department and as an officer of the Institute of Defense Analyses.

President Nixon in his announcement of his decision on the Antiballistic Missile System indicated two very significant departures from the position taken by the Johnson administration. First, Safeguard will be a system designed primarily to defend the United States deterrent force. Second, Safeguard will be deployed in a phased fashion with annual reviews. I strongly endorse the President's position both with regard to a defense of the deterrent and the measured pace of a deployment in which further steps toward an overall operational system will depend on an evaluation of intelligence, progress, or lack of it, toward Strategic Arms Limitations and new technical advances relevant to defensive systems. My support for the President's position follows from a number of considerations.

First, an active defense of the deterrent cannot by itself be considered as an escalation of the arms race in that it protects only the deterrent and does not enhance any U.S. first strike capability. If the Soviets are indeed following a deterrent philosophy, an ABM defending the U.S. nuclear force does not alter the Soviet's second strike capacity. Either a deployment of a population defense system or the addition of offensive forces are escalatory in that they increase the U.S. first strike ability. Indeed I was amazed to read in the hearings of the Armed Services Committee witnesses opposing deployment of a defensive system because of the risk of furthering the arms race and indicating that the proliferation of Polaris and Minuteman would be preferable. I would also argue that both the increased Soviet deployment of offensive missiles and the deployment of an apparent population defense ABM about Moscow are escalatory.

Second, the defense of key elements of the deterrent, Minuteman sites and key command and control centers, is technically an easier job than the defense of the population, which was the primary purpose of Sentinel. The area that needs to be covered by radar is less and the concentration of defensive missiles near to the potential target can be far greater. In the defense of population high value targets are being protected and a successful system must work with a high degree of reliability. In the case of defense of the strike forces a fraction of the enemy missiles can penetrate the defense without in any major way eroding the offensive power of the U.S.

Third, a measured, phased approach will permit, *if adhered to,* the development of components and systems specifically designed to defend the deterrent. The Safeguard system uses the components of Sentinel and Sentinel was designed to protect cities, not Minuteman. If properly emphasized, research and development could, in a short time, produce a system much better suited to defending our strike forces. For example, such a system might consist of hundreds of cheap, short range radars, one to each silo, and interceptor missiles with very short ranges (less than 10 miles). Such a system might provide adequate defense of Minuteman at a cost less than that of the total Safeguard deployment.

Fourth, my analysis of available intelligence convinces me that a major portion of the Soviet offensive force, in particular the SS–9, was designed as a weapon having the principal goal of destroying Minuteman missiles and their command apparatus. This

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conclusion, if correct, is of value in interpreting the overall Soviet strategic doctrine. Since my view of the Soviet strategy is at variance with that usually presented, I would like to briefly discuss it.

Historically, the Soviets have emphasized defense as a key element in their military posture. Their military experience dating back to Napoleon has been one of defending the homeland. Just on the basis of history it might be expected that the Soviets would, in their overall strategic forces, emphasize those elements that would protect and limit damage to the homeland. Indeed, some of this flavor comes across in the writings of such Soviet strategists as Zakharov and Sokolovsky. Whatever the Soviet intentions in the strategic field are, there is the hard evidence of deployment that indicates a Soviet desire to build up, at least, a damage limiting, if not a first strike capability.

The Soviets have deployed a massive air defense system, recently supplemented by the Tallinn system and a new class of fighter aircraft. Elements of their air defense system have received extensive tests against U.S. forces and equipment in North Vietnam. In ABM the Soviets began with a system around Leningrad, which was later abandoned, probably because of technical difficulties. The Soviets now have underway a deployment about Moscow of a new system. Accompanying such moves toward active defense, the Soviets appear to have emphasized civil defense to a far greater extent than the U.S. has; such a civil defense program makes sense only in the context of an active defense which supplements a damage limiting offense. The Soviets have recently displayed a semi-space based weapon called FOBS (Fractional Orbit Bombing System). The only credible targets for FOBS are the bases of the Strategic Air Command and these certainly would be targeted in a damage limiting attack. While FOBS may not, on the whole, be an attractive weapons system, it does demonstrate Soviet intent to upgrade continually their capability of delivering large weapons at great distances. Finally, there is the continuing deployment of the SS–9, a giant missile designed to deliver 20 or more megatons. This missile was originally thought of in terms of a "city buster" but now I believe the evidence strongly points toward its role as a counter force weapon.

In summary, I believe that the primary thrust of the Soviet strategic deployment has been toward development of an offense-defense system that will guarantee the survival of the Soviet Union as a nation in the case of a nuclear war. This goal differs greatly from the stated principal purpose of the U.S. nuclear force; that is of destroying any other nation even if that nation launches a determined attack against U.S. forces. Of course, in the Soviet case, their total forces have a deterrent second strike capability while the U.S. forces also could play a damage limiting role.

The important conclusion I deduce is that we must not let our emphasis on deterrence blind us to the possibility that the Soviets are following a different path leading to the ability to limit damage in any nuclear exchange so that survival as a nation is possible. The great danger along this path is that with the capability of effectively limiting damage comes the power to launch a first strike and destroy the U.S. deterrent and the U.S. nation. This power, if achieved, can bring to an end the existing balance of nuclear might which has served well, over the past years, in maintaining world stability. How realistic is it to assume that the Soviets can achieve a first strike capability? Can an active U.S. defense guard the U.S. deterrent? A discussion of these questions requires a more detailed examination of our total strategic system and its strength and weaknesses.

A deterrent is made up of three elements, the offense, defense, and the command and control. The offense has the mission of delivering to the enemy weapons sufficient to bring about near total destruction. The command and control system activates and guides the offense and defense. The defense protects the critical elements of the total strategic system. The defense can either be completely passive providing protection by means of deception or hardening or it can in part depend on a shield of defending weapons.

The job of the defense planner is to design a deterrent which for a given cost has a maximum destructive capacity and one which will credibly survive any attack. The total cost of the system equals the sum of the cost of the three elements, offense, defense and command and control. However, the effectiveness of the total system depends not only on the sum of capabilities of each element but how the pieces work together in accomplishing the deterrent mission. The analysis of how good our strategic forces are requires not only a determination of capabilities of the various components but of how the parts of the system contribute to each other.

The offense consists of two parts—the warheads and the means of delivering them. The weapons can vary in size from the many megatons which can wipe out a large city to the tens of kilotons devices designed for special purposes. The warheads are vulnerable to attack by an active defense and highly complicated schemes have been devised to protect them. The incoming vehicle sheltering the warhead can deploy chaff designed to hide the weapon and confuse the defense radars. Or the incoming object can disgorge a number of smaller objects, some decoys, some weapons thus creating a problem of discrimination for the radar systems. The next step in sophistication is for the reentering vehicle to let loose a number of smaller objects, many carrying a weapon and each of these guided to a preselected target. Beyond such MIRV's (Multiple Independently Targeted Reentry Vehicles) lies the missile which delivers a large number of weapons, each one of which is guided to its target in real time with the target selected from the course of the battle through a command system perhaps linked by satellite communications.

The missiles can be based either at land or on sea. The Soviets with their vast expanse of geography concentrated early on spreading their land strike forces and only now are undertaking a major build-up in their submarine based force. The U.S. has followed a balanced strategy of land missiles based in a more restricted terrain and a sub-based fleet roaming over large expanses of oceans. In the future new ways of basing missiles may prove advantageous, such as surface ships, airplanes or even slowly crawling platforms continually roving on the continental shelf. The basing is chosen to provide a *passive* defense to the missile force. This defense arises either from the difficulty in identifying and locating the missiles or from the actual protection afforded by the bases. A Polaris depends on stealth for security, the land-based Minutemen depend on dispersed hardened silos for partial protection against a nuclear attack.

The U.S. in its balanced offense has built up its strategic bomber fleet which complements the land- and sea-based missile strike forces. While the Soviets have not emphasized long-range bombers, their fleet of medium-range bombers provides powerful strike forces against NATO countries. On the ground, bombers are highly vulnerable. In the past it was the U.S. policy to keep a fraction of the force in the air at all times, but a number of accidents involving nuclear weapons have altered this concept though it undoubtedly would be implemented in times of crisis.

The offense is guided by the command and control system which consists of many elements and is supposed to perform many functions. Ideally it should contain a warning element capable of alerting the President and his military commanders of an attack or an impending attack. The President or his designated authority uses the command system to ready or to launch an attack. The system should transmit and verify the command to the forces in the field, the Minuteman missiles, the strategic bombers and the far flung Polaris subs. As the battle develops the command systems should continue to function not only in guiding the course of the campaign but preparing for the recovery operations following any nuclear exchange.

Physically the command and control system consists of a few key command posts plus the communications links between the posts and the forces in the field. The passive means of defense include hardening to resist direct attack, dispersal so as to make the attack on the command system more expensive and redundancy so that the destruction of one key element of the system does not completely disrupt the total system.

Today the defensive component of the U.S. deterrent is purely passive. Silos are hardened, subs are dispersed, command posts are hidden, communication links are duplicated many times over and research goes forward in how to protect by such means the U.S. deterrent. A number of realities and possible future developments make imperative an answer to the question, can *active* defense contribute significantly to the U.S. deterrent?

In the first place the openness of American society makes it unlikely that the location of missile fields and command posts are hidden now or can remain so forever. Secondly, we must assume that developments in sophisticated means of guidance provide to the Soviets either now or some time in the future targeting accuracy sufficient to permit a counter force attack, that is an attack against the land-based missiles and the command posts. Thirdly, it is risky to assume that the Polaris force will always remain undetectable. The science of oceanography and advances in buoy and sensor technology, for example, are proceeding at such a pace that make possible new and perhaps previously unthought of schemes for monitoring the depths. Fourthly, the Soviets have begun the deployment of a defensive antiballistic missile system. If this is substantially expanded it could provide the Soviets with defense against any U.S. missiles that might survive first strike.

In brief, a great world instability would result if the Soviet Union acquired the capability of destroying the U.S. deterrent at an acceptable cost. The acquisition of such a capacity would require all of the four developments mentioned above. The Soviets would have to know of the location and means of operation of our offensive forces and command and control systems, they would have to have highly accurate missiles, they would need to know the location of the Polaris fleet and they would have to have confidence that their defense could deal with the residual U.S. threat. Further the Soviets would have to solve the problem of orchestrating their attack so that at the same time it would render largely ineffective the three principal elements of our offensive forces.

I return to the question of whether the Soviets can solve the great array of technical problems connected with the development, in the next five to ten years, of a first strike capability. The magnitude of certain problems, such as countering Polaris, is such that it would seem very improbable—that the Soviets, even devoting greater national resources than they have in the past, could indeed pose a credible first strike threat. However, the small chance that they might would suggest that the prudent course is one

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which adds to the security of our deterrent without escalating the arms race. Thus I favor proceeding toward an ABM protecting the deterrent.

No defense can be constructed that would with complete certainty protect any element of the U.S. nuclear force. A determined enemy can locally defeat a defense if by no other means than exhausting the defensive missiles. But such exhaustion comes at a cost in offensive missiles that could have been targeted elsewhere. The value of the defense in such an exchange will, of course, depend on how effective each defensive warhead is in killing reentry vehicles. If the offense involves decoys and MIRVS then the defense must either go to very large weapons or use sophisticated radar techniques for discrimination. But the increased complexity of the offensive system will almost certainly reduce its reliability and in this way its overall effectiveness.

A defense increases the uncertainty of the attacker. In the absence of an active defense, the attacker can quite precisely project the effectiveness of his own force, knowing the reliability of his missiles and the general characteristics of the foes' offensive bases. With an active defense, the uncertainty is increased enormously; a conservative defense planner would recommend an attack only if he were sure that the offense could penetrate the defense and reduce the enemy's forces substantially. The level of certainty will always be lower in the presence of an active defense. How much lower depends on many factors, including the reliability of the intelligence estimates of the defense capabilities.

What about the detailed proposal for Safeguard in which the first phase would involve partial protection of two Minuteman fields using components which were developed for a very different purpose. Despite the apparent mismatch of components to the task, I could support this initial deployment if it were viewed as an operational test and evaluation program and as a means of *readying* for full scale production of a deterrent defense. In terms of President Nixon's phased approach, a test and production readiness program makes a great deal of sense if at the same time accelerated research and development move forward on alternative components or systems specifically designed for deterrent defense. If such research does not produce competitive alternatives, then full scale production on Safeguard can proceed.

I am concerned by two features of the administration discussion of Safeguard. These discussions have not always emphasized the phased approach. Indeed it would sometimes appear that the decision being made this year is not whether two Minuteman fields will be protected but whether the total Safeguard system will be deployed. Further, there has been little or no emphasis on the great need for research and development if full advantage is to be taken of the President's phased approach.

Let me summarize my position by giving my priorities as to action required if we are to prevent the greatest of all tragedies, a nuclear war. We should give highest priority to the successful prosecution of a Strategic Arms Limitation Agreement. The negotiations will involve issues, both technical and political, that will require the best of the intellectual resources of the nation. I would hope that this Subcommittee will play a leading role in insuring that the proper sense of national urgency be given to the preparation for and the development of a suitable agreement. Second priority I would give to research and development leading to a system which can provide defense of our total deterrent force. Third priority would be assigned to phase one of Safeguard provided it is viewed as a test and readiness for production program. At the same time I would argue that it is not in the national interest to assume an answer to Safeguard now settles the question of ABM or of our strategic posture for the next decade or even the next year. The continued attention of this Subcommittee to these issues is essential if we are to achieve continuing world stability.

Biographical Sketch of Gordon J. F. MacDonald

Dr. MacDonald has served as Executive Vice President of the Institute for Defense Analyses and in September, 1968, he came to the University of California, Santa Barbara, where he is Vice Chancellor for Research and Graduate Affairs. Dr. MacDonald received his higher education at Harvard University where he was awarded his A.B. summa cum laude, A.M. and Ph.D. degrees and served as a Junior Fellow from 1952–54. He taught at M.I.T. and did research at Carnegie Institute's Geophysical Laboratory before going to UCLA in 1958 as a Professor of Geophysics. At UCLA, he became Director of the Atmospheric Research Laboratory, Associate Director of the Institute of Geophysics and Planetary Physics, and Chairman of the new Department of Planetary and Space Science.

Dr. MacDonald has been a member of the President's Science Advisory Committee since 1965 and a member of the Defense Science Board since 1967. He has served the Department of State as a member of the U.S.-Japan Committee on Scientific Cooperation and as a consultant; the Department of Commerce as a member of the Commerce Technology Advisory Board; and the National Science Foundation as a member of the Advisory Panel for Weather Modification. Dr. MacDonald has been active as a consultant to NASA serving on the Lunar and Planetary Missions Board, the Science and Technology Advisory Committee for Manned Space Flight, and the Science Advisory Committee. For the National Academy of Sciences, Dr. MacDonald has served on the Committee on Atmospheric Sciences since 1961, the Space Science Board since 1962, and is a member of the Executive Committee of the Earth Sciences Division of the National Research Council.

Dr. MacDonald specializes in the study of the earth's interior, the upper atmosphere, weather modification, and the origin of the moon and planets. In 1960, he was awarded the American Academy of Arts and Sciences Monograph Prize in physics and biological sciences for his book "Rotation of the Earth," co-authored with Walter Munk. In addition, he is the author of over 100 articles on scientific subjects.

Dr. MacDonald is also a member of the National Academy of Sciences, the American Philosophical Society, the American Academy of Arts and Sciences, and thirteen professional and scientific societies.

Statement of Eugene P. Wigner Before the Subcommittee on International Organization and Disarmament Affairs of the Committee on Foreign Relations, U.S. Senate

When thinking about the problems facing this Committee, I came to conclude that the two principal questions are: do our defenses need strengthening and, if so, what are the best ways to do this. I realize my own inadequacy for answering questions as difficult and important as these, but I sincerely and earnestly tried to come to valid conclusions.

The case for strengthening the defense of our country is easy to make. The Soviet Union has surpassed us in the most effective weapons system: its capability to deliver ballistic missiles exceeds ours by a considerable margin. It is instituting civil defense measures which are calculated to impair our deterrent capability. I wish to enlarge a bit on these two points.

The total explosive power of the missiles which the USSR can deliver exceeds ours by a factor between three and four. This will surprise many, but it is well known in our Defense Department. As far as area coverage is concerned, we are somewhat better off: the area which we can cover with a certain overpressure is 70 to 80 per cent of the area which the USSR can cover with the same overpressure. Considering that our population is concentrated in cities to a greater extent than that of the Soviet Union, the disparity is great also in this regard. It is true that the number of nuclear warheads which the U.S. can deliver exceeds that which the Soviet Union can deliver, but the number of warheads is not a measure of the fallout or of the destruction of life that can be caused. In my opinion, the best measure is what I earlier called "area coverage".

The situation is aggravated by two other factors. The first is that this country will surely not be the one to initiate hostilities; the time of any armed conflict would be chosen by our opponents. I could quote many statements by leading personalities in the USSR extolling what they call a preemptive strike against the imperialistic aggressors. The second circumstance aggravating the situation and, in my opinion, aggravating it gravely, is our neglect of civil defense. The USSR has elaborate plans for evacuating its cities, and these plans can become effective much before we can establish an effective civil defense, even if we were to start this afternoon.

I may mention in this connection that the particular form of civil defense which plays a prime role in the USSR planning, the evacuation of the cities, was found objectionable to those participating in a civil defense study. I am referring to the Little Harbor Study, the participants in which, including myself, expressed opposition to evacuation plans because they felt such plans are "provocative". The time needed for the actual evacuation is long, of the order of a day at least. Hence, evacuation can be carried out in time only if the time of the confrontation is known well ahead of time. Since this is the case only for the party which initiates the confrontation, evacuation is most useful as a measure supporting aggression. The preceding is a much condensed discussion of the rationale of evacuation planning but, unless asked to do so later, I will not elaborate on it further.

I will say, though, that the evacuation of the cities could decrease the fatalities which an opponent can inflict by a very considerable factor. I calculated that, assuming evacuation of the cities of the USSR into circles with 50-mile radii, our present missile power, including that on submarines, could cause a fatality level of about 9½ million if (a) all our missiles were used against the population, none against the military targets, (b) if the ballistic missile defense of the USSR were completely ineffective, (c) if we suffer no losses whatever from a first strike and (d) if all our submarines are on station. Naturally, though only a fraction of the numbers often quoted, 9½ million is an extremely high level of fatalities. It is based, however, on extreme assumptions and, of course, we do not know the lives of how many people a possible bellicose leadership of an opponent may be willing to sacrifice in order to assure permanent freedom from "imperialist war plotters."

Even though I wish to proceed to my next subject, I cannot help interjecting here that the tactic I am most afraid of is not an actual attack. It is, rather, the threat of an attack, preceded by the evacuation of cities. If the USSR and U.S. armaments developed in the way the present trends indicate, I greatly fear that we would have to accede to whatever demands accompany the threat just described.

The preceding comparison of the relative powers of the U.S. and of the USSR is, I am sure, known to the members of this Committee, except possibly the effectiveness of the evacuation planned by the USSR. To support this last point, in case it needs supporting, I'll quote from an article by Marshal

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V. Chuykov, head of the Russian civil defense establishment, which appeared in the January issue of a rather popular periodical, Science and Life. It came to my attention just a few days ago.

"In our country, everything possible is being done to build reliable means enabling us to protect lives in a possible war. It is well known that the task of defense of the population can be accomplished by two methods—by evacuation and dispersal of the population out of the regions which would probably be struck by the enemy, or by sheltering them in special defense installations. There are no other possibilities, but even these two give us a huge advantage over other countries, especially those of Western Europe. Our country has lots of space and a developed transportation network, our cities are surrounded by ample green belts. All this enables us, on short notice, to take people out of the cities and regions which are probable targets for the enemy into rural locations and thus sharply reduce possible losses.

"Take for example city 'A'. If today the average density of population in this city is 7,000 people per square kilometer, after the execution of dispersal and evacuation it would be lowered, on the average, to 700 to 800 people per square kilometer. In other words, the average would be lowered by eight to ten times. This means that after dispersal and evacuation, a nuclear explosion of the same magnitude would cause losses eight to ten times lower than before the implementation of these measures."

I should admit, though, that the density of the evacuated population, mentioned in this article, 700 to 800 per square kilometer, is much higher than the density which underlies my own calculations. If we adopt this figure for the density of the evacuated people, but still use the four rather unrealistic assumptions mentioned before, the number of casualties which we could inflict rises to about 13 million. I gave some details of these calculations a few weeks ago in an address to the American Physical Society, and Senator Miller of Iowa honored me by inserting the text of this address into the CONGRESSIONAL RECORD. My original calculation has been reported, independently, by Carsten Haaland of the Oak Ridge National Laboratory.

I can imagine only two conditions under which we could escape the conclusion that our defenses need to be strengthened. These are: (a) if our deterrent power, though inferior to that of the USSR, would remain, nevertheless, "sufficient", and (b) if we could be convinced that our opponents are not interested, now or later, in imposing their will on us by threats or otherwise.

As to the first condition, I very much fear that it is absent. If the civil defense plans of the USSR, in particular its evacuation program, are carried out—and I cannot see what might prevent this—our deterrent power will be gravely degraded and may become insufficient. It has been argued that the deterrent will remain effective even if the number of casualties which we can inflict were reduced because we could still destroy much, if not most, of the industrial capacity of the USSR. I doubt that we would be willing, as a result of a confrontation, to sacrifice the lives of many millions of Americans for the destruction of material goods in the USSR. The USSR could well threaten that it will demand the rebuilding of their industry as part of the price of any peace, should we carry out our threat of destruction. We know from past experience that it would be able to carry out that threat. As to the period in which the industrial production can be restored, I may recall that it took barely two years after the Second World War to restore Germany's gross national product to the prewar level, once a stable currency system was reestablished. The threat of the destruction of material goods is not a potent deterrent.

As to the second condition for the absence of a need to strengthen our defenses, that our opponents are simply not interested, now or later, in imposing their will on us, this Committee can judge that much better than I can. As for myself, I am willing to believe the statements of their leaders which accuse us of being plotters of war and promise victory over us. The increasing emphasis on the mounting strength of the USSR, as compared with that of the U.S., is unmistakable in their statements.

If we accept the thesis that our defenses need strengthening, the next question is how this strengthening should be carried out. There are, clearly, two ways: to increase our offensive strength, or to improve our defenses both of people and of installations, including military installations. The two could also be combined.

When I express a strong preference for the second, the defensive, alternative, I admit to having principally the longer range objectives and effects in mind. A world in which potential antagonists are relatively safe from each other is infinitely preferable to a world in which they can inflict, within minutes, tremendous damage on each other. The latter condition is inclined to promote antagonism, the former may lead to accommodation. Surely, disarmament is much easier if a few concealed weapons do not have decisive importance. If I accepted Dr. Rathjens' figures, I would have to say that less than one per cent of the present ballistic missile armaments of the USSR can inflict unacceptable damage on our country. Surely, no one believes that arms control can be detailed enough to uncover the concealment of one per cent of the present arsenal of weapons. Hence, disarmament is impossible unless we can improve our defenses and this remains true even if we do not accept the grossly exaggerated damage estimates of Dr. Rathjens—as I do not.

I will not dwell further on this subject—the preferable nature of defensive rather than offensive armaments. You have heard a powerful articulation of this point from Dr. Brennan. Let me instead address the question of the effectiveness of defense measures.

I cannot assert, with full confidence, that the BMD system proposed by our Defense Department will be less expensive than an equivalent increase in our offensive power. I am not able to estimate the costs accurately and I know that members of this Committee feel that no one can forecast the cost of as intricate a weapons system as the ABM with sufficient accuracy. I do know that civil defense, even the more expensive variety which the Little Harbor Study advocated instead of evacuation, would cost only a fraction of what the offensive weapons, able to annul its protective effects, would cost. As to the ABM, I cannot assert anything like this with confidence, though I am inclined to agree with Dr. Teller's guess, "that our expenditures on penetration aids were not much less and possibly were considerably higher than the Russian expenditures on defense." What he did not ad, but what I wish to supplement, is that the installation of the penetration aids, the subdivisions, etc., led also to a certain degradation of our striking power. We paid in two ways when trying to counteract the ABM of the USSR.

What are, then, the reasons for my confidence in the effectiveness of balilstic missile defense? The crudest one of these reasons is that our striking power had to be decreased when it was adjusted to the presence of the Russian ABM. Similarly, I expect that the striking power of the USSR missile force will be decreased when it will have to counteract our missile defenses. The modifications necessary for this will result in a significant decrease of the total damage the USSR missile force can inflict even if our ABM became totally ineffective as a result of these modifications. As Secretary Nitze mentioned in the course of his testimony, our answer to the Russian ABM will imply replacing 10 MT warheads by 10 warheads, 50 kt each. Such a replacement results in a reduction of the total explosive power to 5, the area coverage to 29 per cent of their pre-replacement values. The total effect on our missile strength is not too great because we have few very large warheads—none of the 20 to 25 Mt variety of the SS-9. However, the reduction of the striking power of the USSR missiles could be very significant—they have mainly large warheads.

On a more purely technical level, I can see no fundamental problem that could not be solved by a competent group of engineers and physicists. If I may delve into my past experience, the situation may be similar to that which prevailed when the chain reaction was established by the Fermi and the basic design for the Hanford reactors laid in Chicago. This may be a good opportunity to compliment those who laid the foundations for the present missile defense plans. The invention and development of the phased array radar required, in addition to underdence in the effectiveness of ballistic missile standing and inventiveness. Naturally, such qualities will be of major help also in the implementation of the present plans but there are, as far as I can see, no outstanding problems which could not be solved in a more routine fashion than the information gathering could be solved. The phased array radar was a breakthrough in this regard.

I do not mean to say that the present plans constitute a final solution of the missile defense problem. The situation is rather similar to that of a chess game. There is a counter-move to every move, even the best one. This, however, is no argument against making a good move. The difference between our situation and that of the chess player is, of course, that we have no desire to win. It would be simply embarrassing. However, we have a fervent desire not to lose and the hope that we do not lose is, I may interject, also the fervent hope of the people in Western Europe who cherish their freedoms.

I would not be entirely honest if I did not admit that another reason for my confidence is the ability, competence, judgment and integrity of members of the Defense Department who discussed these matters with me. I am referring, among others, to Dr. John Foster.

My overall confidence in the promise of missile defense does not mean that I am in agreement with all the details of the technical decisions. In fact, I concur in some of the technical criticisms of Dr. Panofsky, though of course not with his main thesis. On the other hand, I am convinced, as was also Dr. Seitz, president of the National Academy of Sciences, when he testified before the Armed Services Committee, that there is some flexibility in the plans. In one respect, and this is not a detail, I would go much further in modifying plans than previous witnesses have recommended. I would like to see the ABM deployment coupled with an expanded civil defense program. However, this is not a subject on which I should speak today.

On the other hand, when I think of the possible consequences of a refusal to authorize the present relatively modest proposal for the Safeguard system, I become very deeply concerned. Such a refusal might be considered by potential opponents of this country as a sign of unwillingness of this country to defend itself. Nothing could be more provocative than this for people who constantly speak of the doom of the capitalist system, its downfall, the unavoidable victory of the progressive system in the future war, and so on.

On the contrary, that defensive measures are not provocative has not only been declared by Kosygin in the course of the famous interview on February 9, 1967; it has also been demonstrated by the vigorous civil

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defense measures the USSR has undertaken and which went virtually unnoticed by our country. Certainly, I never heard any of the passionate opponents of our own missile defense characterize the defense measures of the USSR, civil or antiballistic, as provocative. The fact that some in the USSR dislike seeing us adopt defense measures does not alter these facts.

Let me make three points in conclusion. First that I tried to avoid repeating arguments which you have already heard. It may be good to state, though, that I concur with the criticism which Dr. Wohlstetter offered in his supplementary statement concerning the calculations on USSR first strike capability offered by Drs. Rathjens and Lapp, and which were apparently accepted by other critics of the Safeguard program, such as Dr. Panofsky. I find also other inconsistencies in these statements but will not go into details now. Let me mention next that the statements of Drs. Bethe and Killian seem to be endorsing, nay, proposing, the Safeguard system and are opposed only to the Sentinel. This is particularly true of Dr. Bethe's statement, as originally presented to this Committee:

"A completely different concept of ABM is to deploy it around Minuteman silos, and at command and control centers. This application has gone in and out of the Defense Department planning. I am in favor of such a scheme."

This part of Dr. Bethe's statement was, though, somewhat modified in the printed version.

Third, let me say that I fully concur with all of Dr. MacDonald's statement, in particular with his emphasis on the fact that a defense of the deterrent, such as the Safeguard, cannot be considered as an escalating move because it does not increase the first strike capability. It would induce the opponent to increase his armaments only if he planned a first strike. The difference between Dr. MacDonald's and my own views is based on my grave apprehension stemming from the evacuation plans of the USSR.

It is my belief that not responding to the threatening increase of the armaments of the USSR would be the most provocative behavior in which we could engage. It would encourage the most aggressive part of the USSR leadership by dangling a dangerous temptation before their eyes.

FROM RIOTS TO REBELLION TO REVOLUTION

Mr. ALLEN. Mr. President, the April 1969 issue of the Alabama Lawyer, the official organ of the Alabama Bar Association, contains an address by Hon. B. B. Gullett, immediate past president of the Tennessee Bar Association, delivered at the Law Weekend convocation at Samford University, Birmingham, Ala., one of Alabama's outstanding institutions of higher education.

The title of the address, "From Riots to Rebellion to Revolution," expresses its general theme. The factual observations and thoughtful conclusions presented in the address are timely and as valid today as they were when the address was delivered in May 1968.

Mr. President, we believe that a retrospective view of Law Day 1968, through this message, will lead us to a greater appreciation of the Law Day theme for 1969: "Justice and Equality Depend Upon Law and You." I commend the message to the thoughtful consideration of Members of the Senate and to the public in general and I ask unanimous consent that the address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

From Riots to Rebellion to Revolution

(By B. B. Gullett)

Suddenly our system of government—our way of life—has met its greatest challenge—mob rule—so I speak to you today on the unhappy subject of "From Riots to Rebellion to Revolution."

History should teach us that this road has been traveled before and that the journey sometimes is not too long. I confess that at this moment I am not only greatly concerned but frightened. In my opinion, in our race for the survival of our democratic system of government, the time now is not five minutes to 12 o'clock, but it may be 15 minutes past.

What has happened to this glorious nation which was conceived in liberty and dedicated to the proposition that all men are created free and equal?

What has happened to our people and their respect for the law and what has happened to the leadership of the Bar?

I drafted a speech more than sixty days ago, after attending the Mid-winter meeting of the American Bar Association in Chicago, where I listened to expressions of concern for the problems facing this country.

There, I heard warnings about the growth of crime in the United States—about the predicted riots of this summer—about the responsibility of the Bar to inventory its assets and to be ready to assist in the heavy additional load that would be placed on the bench and bar as the result of the anticipated racial disorder—I heard a frightening report by the former President of the Detroit Bar on how the race riots were handled—or mishandled—in Detroit last summer.

Immediately upon my return from that meeting I prepared, I thought, my talk for today. Some of the things that I predicted in it already have regrettably come to pass, and I have been forced to revise it in the light of many of the things that have transpired in the last two months. The seven days in April have stunned the nation—one of the minor casualties was my speech.

As a matter of fact, things have been moving so fast in this trying period that today's situation reminds me of an airline pilot who was flying across the United States. It was foggy outside and the passengers were very concerned because, as they looked out their windows, they could not see the wingtips to the port side or to the starboard. Finally, the pilot came over the intercom with a rather reassuring voice and he said: "I have two things to report. One is good news and the other is bad news. I would like to give you the bad news first. The bad news is that we are lost. The good news is that we are making record time."

Before we discuss our present status as a people and as a government—and how we have arrived at this point—let's discuss where we were during the infancy of this great democracy.

The great French scholar and statesman, Alexis De Tocqueville, in his renowned. "Democracy in America," writing of his visit to our country, where he had made a study of what made democracy work, was particularly impressed by the influence of the legal profession in American public affairs. He referred to it as being "the most powerful existing security against the excesses of democracy," and he added, "I question whether democratic institutions could long be maintained, and I do not believe that a republic could subsist in the present time if the influence of lawyers in public business did not increase in proportion to the power of the people."

De Tocqueville further said, "The profession of the law is the only aristocracy that can exist in a democracy without doing violence to its nature."

The important role which the Bar played in politics and government at that time is a familiar part of our history—the Bill of Rights—taxation without representation—unlawful search and seizure—trial by jury. The lawyers were indeed the leaders in the founding of the new republic.

I wonder what Mr. De Tocqueville would say if he came back to America today. Would he think that the influence of the lawyer in public business has increased either in proportion to the power of the people or the power of the government? Regrettably the influence of the legal profession has not kept pace, and that is one of the reasons why I am deeply concerned.

Three decades after De Tocqueville observed our fledgling republic, we found ourselves engaged in a civil war—the bloodiest of all wars to that time—a conflict engendered over a matter which our own hands had wrought—slavery. This problem tore the nation asunder—nor was it solved when President Lincoln, in his wisdom, decreed that a nation half free and half slave could not survive and prosper. Today the magnitude of the race problem far exceeds what it was at that time.

As youngsters we learned Lincoln's stirring Gettysburg address in which he spoke of the conflict to determine whether a government so conceived and so dedicated could long endure.

Under the leadership of the lawyers—and with renewed respect for law and order—our nation survived that test of which Lincoln spoke—and prospered, but in its transformation, many social changes which were neither welcomed, nor readily accepted, were forced upon us. Our nation grew strong and became the leader of the free world. And now when we are the richest and most powerful nation in history, we are engaged in a still greater conflict, still testing whether our system of government that you and I know can, in fact, exist. We are now concerned with the pressing question of whether our government can simultaneously fight a war on a foreign front, and put down civil disobedience and riots at home. We are faced with the urgent need for resolving deep-seated issues and critical problems so as to enable us to live in peace with ourselves and our neighbors both at home and abroad.

In the decades since Lincoln's Gettysburg address, we have made progress in many fields, but we seem to be losing the conflict for the very survival of our system of government. And, in the broader sense, we are losing the fight to be one nation indivisible under God, with Liberty and Justice for all.

It is pleasant to observe progress in road building, in transportation, in medicine, in science, in space exploration, in food, in housing, in automobiles, in clothes, in the circulation of news. It is gratifying to reflect upon the growth of our material wealth and our comforts since the days of De Tocqueville, but that's not the cheery picture I came to paint. Instead, I came today to discuss with you our troubles which are more deep-seated, more alarming and more awesome and which present a greater test of our system of government than the war about which Lincoln was speaking at Gettysburg.

When I first prepared this talk over six weeks ago, I wrote: "In our capitol city of Washington and in many other places, when night falls, thieves, thugs and marauders take over our streets. We see the ugliness of crime on all sides—violence, rioting and a general disregard for law and order. Civil disobedience and riots are about to engulf us." I have since had to change tenses and now say, *civil disobedience and riots have engulfed us*—and unless there is a rebirth—on the part of all races—of a sense of moral responsibility for law and order and for freedom under law, our system of government will perish.

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The 1968 theme of Law Day U.S.A. is "Only a Lawful Society Can Build a Better Society." In this I believe wholeheartedly but there are those who have no respect for authority or for freedom under our Constitution. Mob violence is about to become the ruling force of our land.

Respect for legal authority, for institutions, for people's rights has been replaced by arrogant unreason. Before the seven days in April, crime in its traditional sense of robbery, burglary and similar offenses was the major problem facing America. This problem has been magnified by rioting and looting.

Even before the days of the recent riots and mob violence, a great mass of people appeared to have taken a new approach as to what observance of the law means. Individuals and groups were pursuing a course of determining for themselves which laws they would respect and which laws would be disregarded. Too many people had the attitude that "good laws will be obeyed and bad ones ignored." But I say to you, who is going to determine which are the good and which are the bad laws?

This new concept of law observance according to personal choice has acquired many different facets. A few years ago who would have thought that two hundred coeds at the University of Georgia in Athens would have seized the building on the campus and staged a strike demanding later curfew law and a relaxation of the drinking rules?

Who would have thought that students who were supposedly going to college to receive an education would have seized administration buildings and caused the cessation of college activities?

Who would have thought that prospective inductees would burn their draft cards?

Who would have thought that a faculty member would have forbidden industry recruiters to interview students because these particular industries made war material used in the defense of our country?

Who would have thought that teachers would have gone on strike for higher pay and *then refuse to obey court injunctions?*

Who would have thought that a citizen of this country would have referred to our flag as a "damn rag"?

Who would have thought that a minority group would have burned down great parts of our metropolitan area and that one of its leaders would have said, "I do not call for any violence and I don't call for any riots, but the nonviolent days are over, and if we must die, let us not die like hogs in some inglorious spot"?

What brings about these conditions? Mr. Leon Jaworski, a member of the President's Crime Commission, speaking to the Conference of Bar Presidents at the recent midwinter meeting of the American Bar Association in Chicago, said it is attributable to our attitude as a nation, an attitude that no longer embraces the virtue of a high regard for law.

Mr. Jaworski, continuing, said: "Who is better equipped and more competent than the lawyer to offer the leadership necessary to reverse this dangerous trend?" I agree with him and ask who should be better equipped than the lawyer, but can we stem the tide of racial disorder and civil disobedience?

What did De Tocqueville say of the influence of the legal profession: "That most powerful existing security against the excesses of democracy." Have we lost that influence? Has the legal profession ceased to carry its obligation to the people and to the cause of democracy? I'm afraid that the lawyers have failed to exert the influence that they should have, and perhaps this is not something which happened yesterday.

No one would deny that the lawyer in the early days of this country was always willing to defend the poor, to represent defendants in unpopular causes, to fight for the rights of the people. No tradition of our profession is more cherished by lawyers than that of its leadership in public affairs. But with the tremendous population explosion, the growth of business, the complexities of everyday life, I am *afraid* the influence of the lawyer in American public affairs has not kept pace with the growth of the country and I am *afraid* that we have fumbled the ball in maintaining our security against "the excesses of democracy"; I am *afraid* our failure is not one of recent date.

I am proud of the glorious history of the legal profession, but I must concur with Mr. Justice Holmes who said in 1934: "Candor would compel even those of us who have had the most abiding faith in our profession, and the firmest belief in its capacity for future usefulness, to admit that in our times the bar has not maintained its traditional position of public influence and leadership."

Perhaps the problems are too numerous—and too great for the legal profession to solve. Wherever we look, something is wrong. America is faced with a multitude of crises—monetary, military, moral, constitutional, and social. Today we are engaged in two great conflicts—at home and abroad.

Our major problem is our domestic one. Before the seven days in April, the press was reporting the formation of vigilante committees in various cities; that the police in Kansas City, in Dearborn and in Philadelphia were conducting classes to teach women to fire pistols and rifles, and that the grand juries were recommending the arming of each individual. You were reading of the National Guard training for anticipated summer riots. And now the riots have already broken out—crime and civil disobedience are rampant—and we are doing little to solve the problem.

The report of the President's Commission on Civil Disorder which was filed prior to the untimely death of Dr. Martin Luther King cogently calls our attention to the problem that we are facing and points up the events of the seven days of April. This report said, "Our nation is moving towards two societies, one black, one white—separate and unequal. If we are heedless, none of us shall escape the consequence."

Unless immediate action is taken, the Commission said, "largescale and continuing violations could result, followed by white retaliation, and ultimately, the separation of the two communities into a garrison state." I wish this report had not been so prophetic.

Did you read the "remedy for riots" as set out in the report of the National Advisory Committee on civil disorder? It recommended the creation of 2,000,000 new jobs, new housing, better schools and welfare. It recommended a national open housing law, which Congress has since passed.

The Committee's recommendation will cost an estimated $2,000,000,000 per month, just about the cost of the war in Vietnam. I do not know whether our economy will stand that kind of appropriation. I do not know whether that program will solve the problem but unless some solution is found, I think I can project the future. We will wind up a nation of two races with the ultimate destruction of our basic system of democratic government.

Kenneth Clark, the Negro member of the committee, reached this conclusion: "This society does not have the moral nor ethical fiber to meet the problem." If this is true, our democracy is doomed.

How do we attempt to solve the race issue? That is the pressing question. Who leads the fight? The lawyers? How do we instill a new respect for obedience to the law? Do we follow the report of the National Advisory Committee on civil disorder? What is the solution?

What is your responsibility in this crisis? What is my responsibility? What is the responsibility of the legal profession?

Mr. Justice Brennan, writing on the responsibilities of the legal profession, which appeared in the *American Bar Journal*, February 1968, said:

"Society's overriding concern today is with providing freedom and equality of rights and opportunities, in a realistic and not merely formal sense, to all the people of this nation; justice, equal and practical, to the poor, to the members of minority groups, to the criminally accused, to the displaced persons of the technological revolution, to alienated youth, to the urban masses, to the unrepresented consumers—to all, in short, who do not partake of the abundance of American life."

How do we provide equality of rights and opportunities in a realistc sense as called for by Mr. Justice Brennan? I'm not sure I know, but the problem can only be solved under law. There is no way to have equality of rights and opportunities, and justice and freedom except under law.

Freedom under law depends upon voluntary compliance with the law by an overwhelming majority of the people. When this is done, the individual and society as a whole is protected by the law and thereby enjoys the blessings of liberty and the freedom of choice. Under our laws and our system of government, the law violators, who constitute such a minute percentage of the population as a whole, are punished for their violation, and so long as the law violators constitute only a small segment of our society, our law enforcement authorities can cope with the situation, but a democratic system of government is not equipped for massive law violations.

To cite an example, and I do not mean to over-simplify the proposition, I say to you that if fifty percent of the citizens of this country should refuse to file and pay their income tax, the government could do nothing about it. The processes of the Federal Government could not arrest—indict—try—convict—sentence—and confine 35,000,000 people. The courts and the administration of justice are not geared to do this. Therefore, voluntary compliance with the law is imperative for a free society and those of us who do not willingly exercise self-restraint in compliance with the law chisel at the very foundation of our government. Such acts, in effect, constitute the denial of liberty and justice to the remaining citizens.

Riots represent a total breakdown of law and order. They jeopardize our continued freedom under law. If they continue, they will destroy our whole society. There will be no law for your protection, and my protection.

I say to you that dissent under a leadership which dedicated itself to nonviolence—led to violence—and in turn *that* violence led to counterviolence in the form of murder.

The so-called peaceful march in Memphis, which Dr. King had led a few days prior to his murder, picked up in its wake the rabble-rousers, the malcontents, the vicious, the hoodlums, those bent on destruction and on looting. The tragic sequel to this nonviolent march in Memphis in turn generated the most widespread spasm of racial disorder in our history. From Washington to Oakland, from Baltimore to Denver, from Chicago to Tallahassee, fires burned, looting prevailed and Federal troops had to be called to suppress these riots. In our National Capitol, fires burned as in the War of 1812. Helmeted combat troops, with bayoneted rifles ready, guarded the White House. Twelve thousand Federal troops secured the public buildings, and machine gun posts defended the National Capitol. I say secured the public buildings—from whom? From the rioters, from the looters, from the law violators. Huge sections of Washington, Chicago and Baltimore were burned, fires broke out in Nashville, in Pittsburgh, in Kansas City, in De-

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troit, in Baltimore, in Memphis, in Oakland, in Tallahassee. Violence erupted—looting was the order of the day. The leader of the non-violent group was dead and Stokely Carmichael cried, "Go home and get your guns."

Violence can only lead to counter-violence—and mob rule is no substitute for law and order. Furthermore, in my opinion, violation of the law or violation of a valid court order in the name of nonviolence is no less a crime than the violation of law by a mob bent on destruction and looting.

In this May 1968 when the flowers and shrubs are blooming and the trees are putting out their foliage and the grass is green, our land is sick. As my pastor said a few Sundays ago, the people are sick from despair and when men lose hope, they despair, and when they despair they grow afraid, and when they grow afraid they find an object for their fear, and mixed together, despair and fear and hatred breeds in them a desperation out of which comes action often irrational, utterly violent and most often destructive.

When this attitude is prevalent among a large segment of our society, our country is in real trouble. The theme of Law Day is, "Only a Lawful Society Can Build a Better Land." This I subscribe to, but to accomplish this, we need to face our problems squarely in the light of what is best for all our people. You and I and millions of Americans must re-evaluate our blessings and our responsibilities. *It will take more than talk to cure the sickness of this land.*

This is the Springtime of crises, of hatred, of violence, of riots and of horror. Ugly hands have been put upon the honored concept of free dissent. Dissent, under law, is a part of our democratic heritage—but dissent in violation of law leads to riots—to rebellion—and to revolution.

These troublesome days have brought America to an important crossroad and to the choice of whether its people are going to be brought together in a common unity and destiny, or whether hostility, hatred, violence and bloodshed will lead them down the road to the overthrow of the democratic government. America *must* be *one* people living in harmony and dignity or it will be destroyed on the anvil of mutual hostility.

If America lives—if freedom lives—we must live under an orderly society of law. We cannot exist by mob rule. A mob never creates—it destroys. No one ever heard of a mob building a Church or a courthouse—or writing a symphony or a Bill of Rights.

Today I have focused upon the awesome problem which we must solve if our system of government is to endure. Regretfully, I have not brought you the solution, but if you, the college students, the leaders of tomorrow, clearly see the problems, perhaps together we can find a way to solve them. I pray to God we can.

In closing, listen to the words of the poet, Josiah Gilbert Holland:

"God give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands;
Men whom the lust of office does not kill;
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honor, men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking;
Tall men, sun-crowned, who live above the fog
In public duty and in private thinking."

POSTAL REFORM

Mr. GRIFFIN. Mr. President, anyone who suggests drastic changes in the way our postal service is financed or operated walks into a hornet's nest of controversy. Prof. Stanley Siegel, of the University of Michigan Law School, did not hesitate to tackle that difficult, complex subject when he recently addressed the Economic Society of Michigan.

An adaptation of his remarks, in article form, appeared in the spring 1969 issue of Law Quadrangle Notes, a publication of the University of Michigan. Whether one agrees or disagrees with Professor Siegel, his thoughtful and thought-provoking article deserves to be studied by those in the administration and Congress who now are seeking "An Alternative to Politics in the Mail."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AN ALTERNATIVE TO POLITICS IN THE MAILS

(By Prof. Stanley Siegel)

(NOTE.—Adapted from an address before the Economics Society of Michigan on March 29, 1969.)

In 1967, the American public contributed nearly $6 *per capita* to the deficit of the United States Post Office, a total of almost $1.2 billion. In 1968, after massive rate increases, the deficit will still approach $600 million. Despite the rising cost of service, its quality has declined. For example, as many of us are painfully aware, where once the American household received mail deliveries twice daily, the single delivery of today doesn't assure even overnight transmission of nearly one-third of first-class mail. This combination of increasing cost and declining service bears striking contrast to the improved efficiency of both private enterprise and other government operations. What is wrong with the postal system? The answer, at least for the government overseers of the postal system, is uncomfortable: the mechanisms of government control are totally unsuited to the running of a business enterprise.

The Post Office is affected with the public interest, but it is a business nonetheless: it provides physical communication services for stated fees. Although many of these services are subject to a statutory monopoly, some may be provided by private competitors, such as United Parcel Service and the Oklahoma-based Independent Postal System of America.

At the founding of the Nation, the Post Office was the nation's communication lifeline. It was the presence of the federal government in every outpost of the country—the vital link between the government and the people. For these reasons, the mails had been a government department in other nations; indeed, in the early days of the nation no other organization—private or public corporation, administrative agency, or public authority—had matured sufficiently to take on so massive and important a job.

Times have changed. Great private corporations have emerged and grown to extend services and produce products of every conceivable nature, and administrative and regulatory agencies have been created to police their activities in the public interest. Public corporations have been created anew or spun off from the government to conduct activities of mixed business and governmental character. Throughout this period of business and administrative transformation, the United States Post Office has slumbered like an enchanted princess in the outdated mold of its eighteenth-century creation.

But for historical accident, the Post Office might have been a private corporation subject to government regulation, such as American Telephone and Telegraph Co.; or a public corporation accountable directly to the government, such as the Tennessee Valley Authority, the British Post Office, or Canadian National Railways. Would a change in form today help to solve its massive problems?

WHAT IS WRONG WITH THE POST OFFICE

Twenty years ago, the Hoover Commission recommended that the Post Office be taken out of politics. For nearly a generation, Congress has known that nearly all the ills of the Post Office are traceable to political intervention in postal operations. In April, 1967, following a speech by Postmaster General Lawrence F. O'Brien advocating reorganization of the Post Office Department, President Johnson appointed a Commission to examine the Department's problems and make recommendations for their solution. *Towards Postal Excellence,* the report of the President's Commission on Postal Organization, concluded that a public postal corporation could most effectively address these problems.

Personnel: With 716,000 employees, the Post Office Department is one of the nation's largest employers. Unfortunately, five out of six employees are in one of the five lowest pay grades. Although the uniform nationwide pay scale makes postal jobs attractive in outlying areas where living costs are low, it is difficult—often impossible—to attract capable recruits in sufficient numbers for major urban centers, where living costs are high and postal needs greatest. Moreover, working conditions in most post offices are extremely unpleasant: antiquated buildings have poor heating systems, inadequate locker, dining, and sanitary facilities, and generally dismal decor. Poor training programs make advancement unlikely; indeed, four out of five postal employees retire in the same grade as they entered the Department. It has been claimed that political considerations enter into promotions, even at the lowest levels.

Political considerations affect appointments of top officials in all government departments, but the Post Office is unique in that the top 25,000 management positions—postmaster positions at principal post offices—are political appointees, selected by the President with Senate confirmation. Although the formal procedure calls for selection from eligibles certified by the Civil Service Commission, the process is in fact more cynical. An "advisor," usually the local Congressman of the political party in power, transmits the choice of local party leaders to the Postmaster General. If the chosen man does not qualify on the examination, he is often named acting Postmaster, and new examinations scheduled until he *does* qualify. To date—despite the introduction in the last few years of nearly one hundred bills designed to remedy the situation—attempts to eliminate political appointment of Postmasters have been futile. Postmaster General Blount has announced the elimination of the "advisor" system in his appointments of new postmasters, and President Nixon has announced support of proposed legislation to eliminate Senate confirmation, but the fate of these moves must again await the action of Congress. Until then, the managers of the Department will continue to be chosen by a process carefully designed to avoid considerations of their merits. From 1960 to 1967, two-thirds of the postmaster appointees were chosen from outside the postal system.

Finance: Aside from its staggering size, the most significant aspect of the postal deficit is that *it is not the responsibility of the Post Office Department*. The Post Office does not set its rates; *Congress* sets them. Nominally they are set in accord with the mandates of the Postal Policy Act, but in actuality they are the product of undisclosed political considerations. Ideally, rates should be set at or about the break-even point for all services except those for which a policy of subsidy has specifically been adopted. But the Department's figures show a small profit on first-class mail and enormous deficits on second-, third- and fourth-class. Although the validity of these statistics has been called into doubt, there is every indication that the most sophisticated cost-accumulation system would have little effect on the financial picture of the Department under the present rate-making structure.

Nor does the Department have much more control over its expenditures than its income. The budgetary process begins some fifteen months before actual expenditures; Congress appropriates funds for annual use in six categories, of which some 80 per cent is spent in the category of operations. The detailed appropriation process is directed toward assuring appropriate approval and legality of expenditures, rather than efficiency of financial operations. Financial statements show appropriation headings, not useful financial results. And in periods of fiscal austerity, Congress cuts appropriations without knowledge or regard for postal operations.

The appropriation process has had a devastating effect on postal modernization. Despite the existence of proven time- and labor-saving mail-handling devices, many major postal centers have done without them. The optical-scanning letter-sorting machine, now in experimental operation in Detroit, will produce enormous savings when perfected and spread throughout the system. But Congress has not appropriated sufficient funds to introduce even earlier-generation mechanized equipment in major postal centers. American Telephone and Telegraph Co. devotes more than one-third of its annual revenues to capital expenditures, but Congress appropriates a paltry 2 per cent of postal revenues to capital improvement. When AT&T introduced nationwide direct-distance dialing, the Post Office was still sorting mail into the 49-compartment cases created by Ben Franklin.

Operational Autonomy: Just as in the areas of personnel and finance, the Post Office Department is subject to pervasive outside control over all other aspects of its operations. Construction, transportation, contracting, internal management, are all the subject of some 800 pages of statutes and regulations governing the Department. Congressional hearings in 1968 reported the case of a lost lock box key that was ultimately resolved only by the office of the Postmaster General.

So detailed is the process for authorizing new postal construction that a five-year period elapses between decision to construct new postal facilities and actual construction. When new buildings are constructed, as postal logistics experts will testify, they should be placed near trunk roads and airports, since mail moves by air, and highway access is critical. Nevertheless, major new facilities, such as those in Baltimore, Maryland, and Jersey City, New Jersey, are located in downtown areas. City traffic, of course, makes movement of mail from such centers difficult and slow, but the Department has no say in their placement. The Jersey City facility, indeed, is now under investigation for purported Mafia influence in construction and subcontracting.

Similar constraints apply in so major an area as choice of the modes of mail transportation. The Department has difficulty, for example, in using freight forwarders and truck common carriers, even where these services are cheaper than rail transportation. Congressman Steed, in hearings on postal operations, summarized the extent of control over operations by the Postmaster General:

> . . . At the present time, as the manager of the Post Office Department, you have no control over your workload, you have no control over the rates of revenue, you have no control over the pay rates of the employees that you employ, you have very little control over the conditions of the service of these employees, you have virtually no control, by the nature of it, of your physical facilities, and you have only a limited control, at best, over the transportation facilities that you are compelled to use—all of which adds up to a staggering amount of "no control" in terms of the duties you have to perform.

The pervasive problems of the Post Office Department are subject to solution only through large-scale disengagement by the government. This is hardly news. This course was recommended, by one means or another, by the Hoover Commission, the President's Commission on Postal Organizations, and—in a comparable situation—by the British Select Committee on Nationalized Industries reporting on the British Post Office.

WHAT ARE THE ALTERNATIVES?

One solution to governmental problems, particularly when they involve business operations, is to spin them off to private industry. Two private-industry alternatives are open to the postal service: either sell the entire system to a business corporation, or simply allow free private competition through repeal of the statutory postal monopoly. Either presents great problems. No single investor or group of investors would snap up the opportunity to buy an unprofitable and archaic enterprise for a present value of some $1.7 billion, requiring another $5 billion in immediate modernization. And simply opening postal operations to competition leaves unanswered the question of what to do with existing facilities and employees. Nor does it face the fact that much of the required postal service, after the cream has been skimmed in profitable local delivery, would still have to be provided—perhaps with even greater deficits—by the existing system. Neither alternative faces the enormous political difficulties of attempting so radical a change in ownership and control.

The public corporation is a tenable alternative, both politically and operationally. Among the many forms in which government has conducted its activities, the public corporation has a long and respected history. Indeed, in the United States it dates back to the Bank of North America, chartered by the Continental Congress in 1781. The combination of business autonomy and political responsibility that characterizes this form has led to its use for many state and federal purposes, for example, electric power production, ports, bridges, airports, and financing institutions. The Tennessee Valley Authority is closely analogous to the Post Office in its commercial power production; and the U.K., Canada, and other nations have used public corporations to run numerous industries including, in some cases, the mails. Creation of a public postal corporation would require a departure from traditional government operation of the Post Office, but that change would be precisely what is needed to revitalize the system. The public corporation idea is not startlingly original, not unique, and not untried.

Possessed of substantial autonomy in finance, personnel, and operations, the Tennessee Valley Authority has been highly successful by any measure. It has repaid much of the government's initial investment and, while returning income to the government on its remaining investment, now conducts its commercial operations at a break-even point. Its record of labor relations is exceptional. Instrumental in achieving these successes are the powers granted to TVA: exemption from the civil service system, authority to sell bonds for capital financing, rate-making power, general managerial autonomy, and scrupulous elimination—by statute—of political interference in operational decisions. While the British nationalized industries have not achieved quite so admirable a record, the successful industries have similarly been characterized by a substantial degree of autonomy, considerably greater than that of a government department.

ESSENTIAL FEATURES OF A POSTAL CORPORATION

The Board of Directors: Whatever form a reorganized Post Office takes, an essential feature will be greatly increased autonomy both in matters of major policy and in day-to-day operations. The essentially business operations of the Post Office should be insulated from Congressional and Executive interference except on matters of overriding national policy. Virtually essential to this insulation is a board of directors, but such a board must be constituted differently from the board of private corporations. Most major private corporations today have "mixed" boards of directors, composed in part of outside, part-time directors and in part of inside, full-time officer-directors. The advantages claimed for this system are two: outsiders provide perspective, vision, and objectivity, while insiders supply detailed knowledge and immediate responsibility for results. Ever since Berle and Means' landmark study of 1932, it has been understood that corporate management—the board of directors—tends to perpetuate itself or its designees through use of the proxy system. Thus, the board in most of those corporations is "controlled" by the full-time insider-officers.

The board of a public postal corporation should be named by the President of the United States, consistently with prior practice. The board structure proposed by the President's Commission on Postal Organization is, like its commercial counterparts, mixed: six part-time Presidential appointees, and three full-time officer-directors named by the six. Such a board gives great power to generally uninformed outsiders who—unlike the outsiders in *private* corporations—are not effectively subordinate to the officer-directors. Moreover, early experience with TVA's combined policy-operations board of directors was disastrous; the board of a public corporation should be concerned with policy only. A Presidentially appointed *full-time* policy board such as TVA's has four major virtues:

A degree of executive supervision through naming of the board.

Necessary insulation of executives from politics, through board appointment.

An informed full-time board of directors, and executives responsible to the board.

Separation of policy (the board) and operations (the executives).

Personnel: No postal reorganization will be effective without total elimination of political influence in appointment of postal employees and executives. Postmaster General Blount has taken the first steps in this direction, and legislation proposed by President Nixon will, if enacted, go a long way toward meeting the problem. However, nothing short of exemption from the civil service laws will fully solve the Post Office's personnel problems.

Exemption from civil service would not be unprecedented. Nor would it herald political intervention or labor strife. TVA, which has enjoyed such an exemption from the outset, has had excellent labor relations and virtually total political insulation in its personnel process. For executives of a postal corporation, civil service exemption would have two virtues: greater flexibility in assigning responsibilities and determining pay grades, and potentially higher salaries. There is rigidity in the civil service system, much of which might be avoided through a personnel system tailored specifically to the Post Office. Moreover, the disparity between compensation of executives in major American corporations and compensation of postal officials is great. The Post Office, unlike the Justice Department or the Department of Interior, is a business; it requires long-termed business executives for its direction. The recommendations of the Kappel Commission on Executive Pay will go a distance towards eliminating the compensation gap, but it will still prove difficult to attract a top corporate executive for a salary probably less than one-fourth of what he is worth in industry.

The advantages of civil service exemption for laborers and other non-executives are also twofold. For the first place, exemption would provide increased flexibility in hiring, assignment, evaluation, and discipline—in short, a personnel system tailored to postal needs. Secondly, exemption would mean that at long last labor-management problems could be tackled by genuine collective bargaining—as opposed to legislative lobbying. Any argument that elimination of civil service will open the floodgates to political influence can be dismissed readily. Aside from the fact that the Department is presently inundated with political appointments, reference may be made to TVA—also civil service exempt—where political influence is unheard of. Fears of loss of pension and seniority rights may similarly be answered, by statutory preservation of these rights.

Interestingly, the most powerful objections to such a proposal—an indeed to postal reform generally—is likely to come from organized labor. For the existing system of statutory pay scales provides organized labor with a powerful weapon—the lobby. Elimination of this weapon will necessarily encounter opposition unless replaced with another—the strike. TVA has a strike-ban, as do other government corporations. However, AT&T and other industries of equal magnitude and importance to the Post Office have no such prohibition. Tradition and precedent aside, the arguments against the Post Office strikes seem no more convincing than those against telephone and airline strikes. If labor opposition can be overcome only by granting a right to strike, the Administration should pay that price for reorganization. In the long run, I submit, such a price would be low.

Finance: It is in the area of finance (rate structure, capital expenditures, borrowing, budgets, and auditing) that freedom of action tends to be most important—and controversial. Occasional fears are expressed that given free rein, a postal corporation would set prohibitive rates for unattractive services, eliminate essential but unprofitable operations, and gather huge profits. Of course, no such corporation would be unregulated. The President's Commission on Postal Organization, for example, suggested regulation of rates and conditions of services by an internal board of rate commissioners. Another possibility would be to create a separate government agency to regulate rates and conditions of service, or to vest such authority in an expanded Federal Communications Commission.

Whatever form rate regulation takes, two characteristics of the ratemaking scheme will be essential: 1) the initiative for setting rates and conditions of service must be in the postal corporation; and 2) the corporation should be required to break even and to set rates on an economic basis. Subsidies, if determined to be necessary, should be separately funded by Congress. Break-even operation—including possibly a return on the government's invested capital—is desirable to avoid the enormous indirect subsidy paid by the taxpayer to the users of 80 per cent of the mail service, American business. Post Office Department statistics indicate that to achieve break-even operation, rates on first-class mail should be kept relatively constant, but third-class rates increased about one-third and second-class rates *nearly tripled*. Break-even operation *is* possible. All available data indicates that the demand curves for all classes of mail are remarkably inelastic, and that only a few marginal users of third-class mail would be seriously affected by rate increases.

The advantage of granting the Post Office initiative in setting its rates and services is that the corporation must come forward with economic and operational justifications for its proposals. More importantly, changes from these proposals must be publicly explained by the body that would make such changes, whether regulatory agency or Congress. Today, by contrast, the lobbying process for favorable rates is largely covert, and Congress sets rates at the deficit level while the Post Office Department takes the blame.

The Department's inability to make necessary capital expenditures rests with the appropriation process. Congress will not appropriate the necessary funds, and it is literally impossible to pay for improvements—now estimated to require $5 billion—out of rate increases. The postal corporation should be given authority to raise capital funds through the sale of bonds. TVA has used its bond-issuing authority to advantage. Indeed, despite their lack of a U.S. Treasury guaranty, it has secured a "Triple-A" rating for its bonds. Such authority for a postal corporation, perhaps augmented by a Treasury guaranty during the early years, would be of inestimable value in bringing postal operations into the twentieth century.

Finally, the budget and appropriation process should be adjusted to meet the business needs of the Post Office. Full business-type budgets and financial statements, as well as commercial audits, should be introduced, and the corporation permitted to expend its receipts outside of the limitations of the appropriation process.

WILL POSTAL REFORM BE EFFECTIVE?

Creation of a postal corporation, by itself, will not initiate a golden age for the Post Office. In fact, unless certain critical elements of autonomy are secured, no improvement can be expected. The virtue of the corporation approach, as opposed to piecemeal reform, is that it can be used to secure all the necessary reforms at once, and to untie for all time the Congressional apronstrings. The President's Commission on Postal Organization predicts savings of some 20 per cent in a five- to ten-year period if its proposals are enacted. If such savings do materialize they will of course be welcomed. It may be safely said, however, that a reorganization which does no more than cut back the rising postal deficit while maintaining reasonable rates and service will be hailed as a success. The task is not yet to transform the Post Office into a model of American enterprise, but simply to stave off rigor mortis.

TAX FAVORITISM

Mr. YOUNG of Ohio. Mr. President, it is clear that there is a genuine "taxpayers' revolt" sweeping the country in protest against rapidly rising local, State, and Federal taxes and against our income tax law replete with loopholes. It is clear there is an urgent need for genuine tax reform.

The President has submitted his proposals to the Congress and the Senate Finance Committee and the Ways and Means Committee of the House of Representatives are presently considering these as well as other proposals for plugging tax loopholes and correcting inequities in our tax laws.

Senators are aware that the Treasury Department officials have quasi-legislative authority in interpreting tax legislation. Unfortunately, there are cases in which this power has been abused and in which the intent of Congress was not followed. Recently, Sanford Watzman, investigative reporter in the Washington bureau of the Cleveland Plain Dealer, wrote a penetrating series of articles involving a decision by Treasury Department officials which appears to be a case of blatant tax favoritism which operated for the benefit of one specific firm.

Because of the importance of this subject and of increasing widespread interest in reforming our tax laws and procedures, I ask unanimous consent that the series of articles written by Mr. Watzman and published in the Plain Dealer of Cleveland on April 27, 28, and 29, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Apr. 27, 1969]

REGULATION GIVES HANNA ORE FIRM TAX BREAK IN MILLIONS

(By Sanford Watzman)

WASHINGTON.—Under a "special" government regulation, in one of the largest cases ever to turn on a single issue, a subsidiary of the Hanna Mining Co. of Cleveland has been allowed to avoid payment of $10 million to $20 million in federal taxes.

Hanna's offspring, the Iron Ore Co. of Canada (IOC), got the opening it wanted in the closing days of the Johnson administration. A regulation tailored for IOC was put on the books, resulting in a tax return of zero money owed.

As a decree applying across the board, helping any company with a case that fits, the regulation does not name any corporation. It was drafted in such a way, however, as to make it unlikely that any other company could benefit.

The break came for Hanna after the case had been pending seven years. In its fight with the Internal Revenue Service, Hanna lost every round. But higher authorities speeded action at the end to lift Hanna's hand in victory.

It was not the edict itself that raised eyebrows in the IRS building and produced critical remarks there. Rather, it was the way it was written and the procedure followed.

As to the merits of the case, the few who know the facts acknowledged that IOC, the Hanna subsidiary, had good legal arguments which could have swayed a court. But the regulation spared IOC the necessity of going to court, or of paying up.

A Hanna spokesman asserted in an interview with the Plain Dealer that the Treasury Department action had saved IOC $10 million. An authoritative rival figure computed for this reporter was $20 million.

Other estimates by tax specialists not as close to the case range higher.

The top official identified as being involved —although he denied an active role—was former treasury secretary Henry H. Fowler, IRS is a part of the Treasury Department.

In addition to taking its case to Fowler, Hanna enlisted the aid of the Canadian government, which interceded for the company.

The other principals were Stanley S. Surrey, then assistant secretary of the treasury for tax policy, and Sheldon S. Cohen, IRS commissioner until the Nixon administration.

It was Surrey who ordered his staff to write the pro-Hanna regulation. He took this action after the chief counsel of IRS refused three times to grant relief to the company, and after Cohen declined twice to issue a favorable ruling.

Surrey himself rejected Hanna's argument the first time the case was presented to him. In the end, both he and Cohen signed the regulation that laid the issue to rest. It was approved by them on Jan. 9, 1969— 11 days before they left office.

The issue was IOC's eligibility to pay its taxes in a special way—by filing what is known as a consolidated return. It did file such a return in 1959 and 1960 with the IRS district director in Cleveland.

The return treated IOC and its own wholly owned subsidiary, the Quebec, North Shore and Labrador Railway Co., as a single tax-paying entity.

The railroad runs from Seven Islands, a Canadian port on the St. Lawrence seaway, to the ore fields at Knob Lake, some 350 miles to the north.

Starting in 1960, and without interruption since then, the railroad has been paying dividends to its parent corporation.

In 1960 these payments totaled $34.4 million. In addition, IOC that year realized a

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gain of $12.1 million from the sale of rolling stock to the railroad.

If a consolidated return were in order, these items could be eliminated from IOC's taxable income—meaning that IOC could retain the earnings tax-free.

The problem that arose was whether the railroad could be treated for tax purposes as a domestic (U.S.) corporation, although it had been chartered in Canada.

If it were held to be a strictly foreign entity, it could not be included in a consolidated tax return with IOC, which was incorported in Delaware in 1949.

In that event, the gains realized by IOC would be considered income and held taxable by the United States.

Section 1504 (D) of the U.S. Internal Revenue code assigns domestic status to foreign subsidiaries of an American company—providing that the subsidiary was organized because the laws of the host country do not permit an American corporation to operate within its borders.

This section of the code dates to the revenue act of 1928. While it applies to Canada as well as Mexico, it was put in the code because of problems that arose over American business operations in Mexico.

When the consolidated return was filed, IRS officials in Cleveland questioned it. They argued that Canadian law does not bar American companies from Canada. It would follow, then, that the foreign railroad could not qualify as a domestic (U.S.) corporation.

IOC countered that, while there was no explicit prohibition in Canadian law, there was an implicit government policy—backed by historical precedent—which had the same effect.

Cleveland officials asked IRS headquarters here for a ruling. In September 1961, IRS sent out an agent from its office of international operations to examine the returns.

The fight—with its many long counts—had begun.

Meantime, IOC continued to file consolidated returns for subsequent years pending a final decision. Railroad payments to IOC kept rolling in, reaching a total of $136.3 million by the end of 1968.

Despite these earnings, IOC did not pay a penny in taxes to the United States in those years. Company officials assert that tax liability was wiped out by foreign tax credits and other special allowances.

The dispute has been over the 1960 return. Apparently, a challenge for the other years was not in the cards, even had IOC been forced to back down from a consolidated return.

By now, the company has built up a surplus credit of $30 million on taxes paid to Canada. This money is deductible, dollar for dollar, on returns filed with IRS. The credit has run through the 1960s, leaving the surplus available for the future.

When Cohen denied a favorable ruling to IOC, all possibilities of relief from IRS itself had been exhausted. Only the IRS commissioner—and no higher authority—has the power to issue a tax ruling.

But one more avenue remained open to Hanna as an alternative to going to court. It led beyond IRS to the Treasury Department, which shares responsibility with IRS for tax regulations.

Ordinarily, regulations are drafted or changed only after Congress amends an old law or enacts a new one. The regulations interpret the law, giving guidance on how it is to be applied.

There is a difference between an IRS commissioner's ruling and a regulation. A ruling resolves a particular case. A regulation—like a law—lays down a broad policy.

A complicated procedure has evolved for promulgating new regulations. Usually, it starts with a "proposed rule making"—an initial draft.

This is published in the Federal Register as a public document. Interested parties are given an opportunity to comment on the proposal, after which a public hearing may be held. Then the regulation is republished in final form.

For a regulation to become effective, it must be signed by two persons—the assistant secretary for tax policy and the IRS commissioner. A refusal by either one to sign kills the proposal.

What had set the stage for the Hanna controversy was the fact that the then existing regulation, based on section 1504 (D), did little more than restate the law. This opened both law and regulations to varying interpretations.

So far as Cohen and his staff were concerned, the law was clear. But the company felt IRS was being unfair and rigid in its rendering of the statute.

Surrey's order that a new and expanded regulation be written was carried out by publication of his proposal in the Register on Nov. 2, 1968, just before the presidential election.

As a statement of general policy, the prospective new regulation turned out to be surprisingly specific.

It said: "the term 'laws of such country' (Canada and Mexico) includes . . . in addition to explicit statutory or constitutional provisions, any existing legislative practice or policy."

Then the specific language followed, with the regulation offering an example of a situation that might arise. This lengthy sentence, virtually a recitation of IOC's case except that IOC's name was omitted, reads:

"For example, if the laws of Canada (SIC—not Mexico) permit the ownership or operation of specified property, such as a railroad (SIC), only by a person granted a special legislative authorization, and it is established that there is an implicit (SIC) legislative policy that such authorization would be granted only to a corporation organized under the laws of such country, then a corporation organized under the laws of Canada to own or operate such property will be considered maintained solely for the purpose of complying with the laws of such country . . ."

In addition to the precise wording of the example, to other aspects of the regulation proved interesting. Both had the effect of narrowing the circle of companies that might be helped by the edict, perhaps eliminating all other corporations.

One of these features was that the regulation is retroactive, applying only to the tax years before 1966. The second was that certain qualifying tests were retained without change.

Retroactivity stemmed from the fact that IRS has two sets of regulations in the consolidated return area, one applying to the pre-1966 period and the other to the years following. The reason is that regulations in this field slowly are being revised as part of a general undertaking.

To make the Hanna regulation apply to the present and future, as well as the past, it would have been necessary to repeat the new proposal in the post-1965 regulations.

The fact that this was not done prevents any company from using the regulation today, even if it should find that for any year after 1965 its situation was similar to that of IOC.

The Plain Dealer was told that an amendment to the current regulations was also intended. However, this action was postponed in the rush to complete paperwork on the pre-1966 regulation. That was the explanation given.

The restrictive provision retained when the pre-1966 regulation was amended says:

"The option treats a foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter."

Hanna met this test because, as related earlier, it had begun in 1959 to file consolidated returns on behalf of IOC and the railroad.

The next sentence in this section holds that, once a consolidated return is filed, the filing must be repeated "each consecutive year thereafter." Hanna also met this test.

Because there was no loosening of these provisions any company seeking relief under the new regulation would have to show it had done exactly what IOC did—that is, produce a record of consistent filing of consolidated returns.

When the proposed regulation was made public, two parties availed themselves of the opportunity to comment. But their objections missed the point. Clearly, the authors were not aware of the real reason for the new regulation.

One comment was submitted by the American Bar Association on behalf of members of its committee on foreign tax problems. The second came from Chicago lawyers for the U.S. Gypsum Co.

The bar appeared puzzled. Its members observed that the decree "appears to apply only to taxable years commencing before Jan. 1, 1966."

U.S. Gypsum—and the bar members to a lesser extent—were particularly concerned about what impact the edict might have on American organizations doing business in Mexico.

Robert M. Gunn, attorney for U.S. Gypsum, told The Plain Dealer about a conversation he had had with Stanley Weiss, who was drafting the regulation for Surrey.

"We felt that a Gypsum mine might properly be cited as an example, in the same way that a Canadian railroad was," Gunn recalled.

He added: "but our main problem was that we wanted to be sure that the same regulation would be made applicable for the years after 1965."

Gunn said to this reporter: "as you have probably gathered, there was a lot of urgency about this regulation and a great desire to get it closed out in January."

"How do you account for that? Do you think it had anything to do with the impending change of administrations, any company, seeking relief under the new regulation would have to show it had done exactly what IOC did—that is, produce a record of consistent filing of consolidated returns?

"Your interpretation of that would be as good as mine. Why don't you check with Weiss? For my part, I was assured the matter would be taken care of later, and I saw no harm in waiting."

Weiss has since left the government. Reached at his law office here, he was asked what the rush was about.

"Well, this issue had been pending a long time, and there were tons of paper on it," Weiss replied. "Cohen and Surrey had already decided it, and they felt it ought to be disposed of before they left."

In spite of the comments by the bar association and U.S. Gypsum counsel, the proposed regulation was adopted without changes. No public hearing was held.

After Cohen and Surrey signed, notice of their action was published in the Federal Register on Jan. 15, 1969—five days before the Johnson administration was replaced by the new Republican team.

More than three months later, there still has been no publication of a proposal to repeat the edict in the current consolidated return regulations.

Treasury officials told The Plain Dealer this would be done. But other work, they said, has priority.

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[From the Plain Dealer, Apr. 27, 1969]

Ex-Treasury Aide Tells Why He OK'd Regulation

Washington.—Stanley S. Surrey's first reaction when approached about the regulation that bailed out the Iron Ore Co. of Canada (IOC) was to ask what had become of the regulation.

"This is a proposal," the former assistant secretary of the treasury for tax policy remarked casually, when a newsman showed him a tear sheet from the Federal Register.

Then he added, "Oh, it was finally adopted as a regulation? And without change?"

In this interview in Surrey's office at Harvard Law School, the name of the taxpayer was not mentioned.

While the regulation itself is a public document, the case that gave rise to it, like all individual tax cases, was confidential.

Asked what had prompted the decree, Surrey replied, "There were some cases in the Internal Revenue Service and IRS needed guidance."

"How many cases?"

"There aren't very many that come up under this provision in the nature of things."

As the interview progressed, gradually there came an acknowledgement that the edict was traceable to a single case.

Surrey said, "No, you can't assume that, because a regulation sets broad policy, it always covers a number of cases. But when a case does come up under this section, it's usually important because foreign governments are involved.

"Many regulations do get promulgated because of a particular problem. They don't rise in the abstract. This regulation resulted because a case came up that brought this matter to a focus."

At the same time, Surrey said, there was no way of knowing how many other taxpayers might be affected by the regulation, now or in the future. He added that there were pending cases where this was possible.

The reporter then asked Surrey why the regulation was retroactive, granting relief only for the years prior to 1966, and only to a taxpayer able to met certain requirements.

The former treasury official at first contested this interpretation; he maintained there was no time cut-off. But on examining published material shown him by the interviewer, Surrey appeared startled.

He then conceded that the reporter apparently was correct. He said, however, it had been his intention to have the regulation apply in the future as well as the past.

He asserted he did not know why this had not been accomplished, adding he would check it. Surrey then made it clear that no aide acted in his name.

He said, "I take full responsibility for all regulations I signed, and I reviewed them all."

Surrey telephoned the reporter two days later with an explanation for the lapse. He said one of his former assistants in the Treasury Department had assured him that the regulation would be made effective for 1966 and subsequent years.

"They are preparing a series of technical changes in the current-consolidated-return regulations, and this one will automatically be in that batch," Surrey said. "Mechanically this is the normal way to do it, and I'm satisfied now."

In a later telephone interview, the reporter cited that fact that the file on the proposed regulation contained a comment on the retroactive feature. This had been submitted by the American Bar Association.

Surrey said, "I did not get to see all those protests. My people looked them over and called to my attention those of substantive merit. This one didn't get called to my attention."

In this later exchange, the newsman said he knew the identity of the taxpayer and asked why the new regulation, in the process of being rewritten, had not been loosened so corporations other than IOC could benefit.

Surrey replied it was not good practice to invite trouble," since the government had no way of knowing how many taxpayers would seek relief if the decree were broadened.

He asserted the old regulation had merely been interpreted—not stretched—by the language that was added.

"After the case had been pending for a long time, why was there a rush to decide it just before you left office?" Surrey was asked.

"You clear your desk—that's sensible administration," he replied. "I believed that all problems that have been answered should be finished."

I was under no pressure. He added, "Absolutely not. I never had pressure to decide any case. The Canadian government came to see the secretary, and he told them I was handling it."

The reporter asked, "In view of the differences between you and the Internal Revenue Service, why didn't you just hold off and let a court decide the matter, if that became necessary?"

"That's not what an administrator is supposed to do, in my philosophy," Surrey said. "I was paid to decide cases myself. You can't shrink from that; that's not the way to do business.

"Furthermore, the matter got more of a public airing through publication of the proposal in the Federal Register. It gave all those interested an opportunity to comment. In court, you have to be a party to a case or get special permission to make your views known."

Surrey is 59. A graduate of Columbia Law School, he served with the Treasury Department for 10 years until 1947. He pursued an academic career before returning to the treasury as an appointee of the Kennedy administration.

He enjoys a high standing in professional circles. He had an image here as a tax reformer.

[From the Cleveland (Ohio) Plain Dealer, Apr. 27, 1969]

Did Not Know All Facts, Cohen Asserts

Washington.—Sheldon S. Cohen would not have signed the regulation in the Iron Ore Co. of Canada (IOC) case, had he known the facts as the Plain Dealer found them.

The former commissioner of the Internal Revenue Service (IRS) made this statement at his law office here, in the second of two interviews with a Plain Dealer reporter.

After discussing the edict in general terms at the first session, the newsman on the next occasion said he had learned the regulation was promulgated expressly for IOC.

"Well, I'm not surprised that you did," Cohen said. "It wouldn't have been hard to figure out."

This was a reference to the highly specific language of the decree—"For example, if the laws of Canada permit the ownership or operation of specified property, such as a railroad . . ."

IOC owns the Quebec, North Shore and Labrador Railway Co.

Cohen said he suspected the wording stemmed from sarcasm on the part of some government officials, who were assigned to write the regulation though they disagreed with the procedure being followed.

The order to draft it was issued by Stanley S. Surrey, then assistant secretary of the Treasury for tax policy. Cohen balked at first, but then agreed to sign it with Surrey.

What Cohen did not know, he said, until the reporter showed it to him was that the edict was not effective for tax years after 1965 and that it contained other provisions that further narrowed its applicability.

Cohen said he thought when he signed it that the regulation was up to date. There were no technical or procedural reasons that would have barred simultaneous promulgation of the same edict for later years, he added.

He agreed with the reporter that the new regulation was restrictive in its coverage that changes could have been made to broaden it, increasing the possibility that companies other than IOC would find some benefit in it.

Cohen said he did not give the matter his personal attention because it was Surrey's staff, rather than his own, that initiated the regulation.

He confirmed that at least twice he had refused to use his own powers to issue a commissioner's ruling, which would have had the same effect so far as IOC's individual tax problem was concerned.

"Then why did you sign a regulation?" the reporter asked. "On another occasion recently, some new rules on oil depletion allowances did not go into effect because you declined to sign what Surrey handed you."

"In that case," said Cohen, "I wasn't given an opportunity to review the material, and it was just five days before we were leaving office. The case you're inquiring about was different.

"It was always my view that the job of the IRS commissioner is to determine what the law is, and that the job of the Treasury secretary and his assistant secretary for tax policy is to determine what the law ought to be.

"At IRS, we had consistently taken the attitude that the law dealing with consolidated returns would not allow what Mr. Surrey proposed. For me to have issued a ruling would have been inconsistent.

"However, I always regarded Mr. Surrey as speaking for the secretary. Since the department had decided to set policy in this area, I decided I could go along with that, even though I wouldn't have done it on my own authority.

"I was willing to share the responsibility, but I wasn't going to shoulder it all myself. I really didn't feel that strongly about this case. After all, it did involve a set of facts which honest and competent lawyers could call either way."

Cohen was asked: "As a general rule, do you feel it was proper for taxpayers to go to Mr. Surrey's office, asking that it act as a reviewing court on decisions made by you?"

He replied: "No. The standard rule was that Mr. Surrey should throw them out. This could be very disconcerting to me and my staff. It may have happened a few times but, believe me, it occurred with greater frequency under the Republicans."

The policy of former Treasury Secretary Henry H. Fowler, Cohen said, was that IRS itself should be the administrative court of last resort in disputes with taxpayers.

At the Treasury Department level, he explained, there are officials who deal with Congress and outside pressure groups.

Consequently, he said, there is always a danger that compromises might be forced in individual cases that get caught in the political whirlpool.

Cohen asserted he had been under no pressure from higher authorities to sign the decree.

The former commissioner is 42. He is a lawyer and a certified public accountant. Before he joined IRS, he was associated with the Arnold, Fortas and Porter law firm here.

[From the Plain Dealer, Apr. 27, 1969]

Hanna: "Sure We Were Right"

Washington.—The Hanna Mining Co. was convinced it had a good case against the Internal Revenue Service, and that ultimately it could have won without a new regulation.

So said John R. Greenlee, director of taxes for Hanna.

"We persisted for so long because we felt so clearly and so surely that we were right,"

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he said. "We were prepared to go to court if necessary."

Greenlee recalled that he sent a telegram to former Treasury Secretary Henry H. Fowler after IRS turned him down. The response was a telephone call, he said, from Stanley S. Surrey, then Fowler's assistant secretary for tax policy.

"I respected Mr. Surrey as a lawyer, and I knew that if he got into this he would overturn Mr. Cohen (Sheldon S. Cohen, former commissioner of IRS)."

Greenlee asserted: "The thing to keep in mind is that we were contesting a principle. At no time did IRS file a claim against us for any amount of money.

"The principle had to be resolved first, before we could be told whether we owed anything.

"I don't see this regulation as helping only us."

[From the Plain Dealer, Apr. 28, 1969]

Surrey Saw Trend Growing—Ex-Treasury Aide Hit Tax Breaks

(By Sanford Watzman)

Washington.—"The refuge of the wealthy has been in the brains of their tax lawyers and in the technicalities of the tax law."

Author of that sentence is Stanley S. Surrey, who wrote an essay for the May, 1957, Harvard Law Review entitled: "Congress and the Tax Lobbyist—How Special Tax Provisions Get Enacted."

Surrey's focus then was on Congress. But as the assistant Treasury secretary for tax policy, Surrey exercised quasi-legislative powers himself, as in the Iron Ore Co. of Canada case.

In his 1957 article, Surrey wrote:

"These provisions run counter to our notions of tax fairness. Moreover, the tendency of Congress to act this way seems to be increasing."

He cited the so-called "Louis B. Mayer Amendment," named for the movie mogul.

"It is generally assumed that the amendment at the time covered only two persons, Mayer, retired vice president of Loew's, Inc., and one other executive in the company, and that it saved Mayer about $2 million in taxes."

Surrey continued:

"The question, 'Who speaks for tax equity and tax fairness?'," is answered today largely in terms of only the Treasury Department. If that department fails to respond, then tax fairness has no champion before the Congress.

"The Treasury, representing the executive branch, stands in the open before the Congress virtually alone as the champion of tax fairness. The main reason is obvious.

"When the issue is a special provision for one group as against the taxpaying public as a whole, what pressure group is there to speak for the public?

"Other legislation—labor laws, natural gas prices, farm legislation—brings forth strong and opposing pressure groups. But what pressure group fights against capital-gain treatment for employe stock options? Which group sees itself harmed by a 'Mayer Amendment'?

"In sum, there are no private pressure groups actively defending the integrity of the tax structure . . .

"Perhaps the most significant aspect of the consideration of special tax provisions by the Congress is that it usually takes place without any awareness of these events by the general public.

"Almost entirely, these matters lie outside of the public's gaze, outside of the voter's knowledge. The special provisions which are enacted lie protected in the mysterious complex statutory jargon of the tax law.

"This technical curtain is impenetrable to the newspapers and other information media. The public hears of debate over tax reduction or tax increase and it may learn something about the general rate structure.

"But it seldom learns that the high rates have no applicability to much of the income of certain wealthy groups. Nor does it understand how this special taxpayer or that special group is relieved of a good part of its tax burden.

"All of these matters are largely fought out behind this technical curtain. Hence the congressman favoring these special provisions has for the most part no accounting to make to the voters for his action.

"The task of educating and informing the public is formidable. To begin with, the educators are a very limited group. Most of them are in the executive branch, and hence perhaps the prime responsibility should fall on them. But in recent years that department has shown little disposition to inform the public about tax problems.

"Some of the prospective educators are in the universities. But academic knowledge and learned writing are not the keys to public education of this nature—more writing at the public information level is clearly needed. . .

"It would seem proper for the Congress to require that all retroactive tax proposals limited in application to one person or to a small group be presented as private-relief bills to be considered by the tax committees (of Congress).

"The bills would name the individuals concerned and specify the amounts involved.

"Nor is there any reason why the 'Louis B. Mayer Amendment' should not have been handled as a 'Bill for the relief of Louis B. Mayer' and the amount of the relief stated in a precise dollar figure. . .

"It is only later that the extent of the tax generosity inherent in (special) provisions is comprehended.

"But by then they are in the law, the problem of the group benefited is one of defense rather than attack, and the strategic advantages are all with that group."

[From the Plain Dealer, Apr. 28, 1969]

Fowler Says He Gave "Proxy" in IOC Case

Washington.—Former Treasury Secretary Henry H. Fowler says the Iron Ore Co. of Canada tax case was decided at a level beneath him, even though an appeal was taken to him.

"I never at any time acted to overrule the commissioner (of the Internal Revenue Service)," Fowler asserted when reached at his law office in New York. "It was my invariable rule never to sit as a one-man court of appeals in individual tax cases."

Sheldon S. Cohen, then commissioner of the IRS, had ruled against the company. The action shifted later to the office of Stanley S. Surrey, who was assistant Treasury secretary for tax policy.

Acknowledging that he had heard from company representatives and also from the Canadian government, Fowler said he responded by referring the taxpayer to Surrey.

"He had my complete proxy to deal with the matter," Fowler said. "I did not intercede and I made no attempt to influence the outcome."

"What was your general policy on whether Mr. Surrey should sit as a court of appeals?" Fowler was asked.

He replied: "On any matter involving tax policy, you would have to look to Mr. Surrey for an answer. You'd have to ask him how he handled his relationship with the IRS."

Fowler added that, in the event of a disagreement between Surrey and Cohen, he would expect the two to try to resolve it themselves. He reiterated that Surrey had his "proxy."

Asked whether he was satisfied with the decision in the Iron Ore case, Fowler said:

"I didn't examine into it at all, to be satisfied or dissatisfied. I left it completely to Mr. Surrey, in whom I reposed the greatest trust."

[From the Cleveland (Ohio) Plain Dealer, Apr. 28, 1969]

Hanna Ranks Canadian Firm as Greatest Single Investment

Washington.—The Hanna Mining Co. ranks the Iron Co. of Canada (IOC) as "our most important single investment."

"We are in a better financial position than ever before," the Cleveland industrial giant said in its 1968 annual report to stockholders.

"The $10 million increase in net sales and operating revenues is due to the additional tonnage purchased from IOC.

"We resell this tonnage to steel companies in the United States and Europe and receive our profit in the form of dividends from IOC.

"The dividends received by Hanna Mining from IOC in 1968 increased to $8,420,000, as compared to $7,207,000 in 1967."

IOC was organized in 1949 as a Delaware corporation, with Hanna's George M. Humphrey, later secretary of the Treasury, since retired, as the prime mover.

Hanna is the largest single shareholder in IOC. Besides owning 26.85% of the stock, it also has a substantial interest in two other companies that hold chunks of IOC. These corporations are identified below with an asterisk.

Although IOC has a stable of owners, Hanna alone acts as its manager. The owners are:

[In percent]

Hanna Mining Co	26.85
Bethlehem Steel Corp	17.94
National Steel Corp.*	16.83
Hollinger Mines Ltd	11.64
Republic Steel Corp	5.61
Armco Steel Corp	5.61
Youngstown Sheet & Tube Co	5.61
Labrador Mining & Exploration Co., Ltd.*	5.42
Pittsburgh-Wheeling Steel Co	4.49
Total	100.00

With Minnesota ore reserves declining, IOC in the 1950s ventured into the Canadian wilderness and found rich deposits of iron. The other companies were invited to participate because they could furnish capital and assure a quick market.

"The financial position of IOC is strong," the annual report says. "Despite the two expansion programs, it has made important reductions in its long-term debt, from $145 million to $52 million.

"At the end of the year, the Hanna portion of IOC's net worth was $47 million."

[From the Plain Dealer, Apr. 28, 1969]

Canada Concerned With IOC

Washington.—The Canadian government was "quite concerned" about the tax problems of the Iron Ore Co. of Canada (IOC), according to Stanley S. Surrey, formerly assistant secretary of the Treasury for tax policy.

Sheldon S. Cohen, past commissioner of the Internal Revenue Service (IRS), also related to The Plain Dealer that there were some letters from Canadian officials and that Canada "argued about fairness."

A spokesman for the Canadian embassy here pointed out that IOC was a taxpayer in his country and therefore was entitled to whatever services Canada could properly provide.

"At the instance of IOC, we furnished the U.S. government with a certification of facts relating to Canadian law, as they pertained to this case," the spokesman said.

He added, "We did nothing more than that. We would do the same for any company in a comparable situation. This is a normal practice."

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He added that any public release of communications in the case would have to be made by the U.S. government, since it was the addressee.

[From the Cleveland (Ohio) Plain Dealer, Apr. 28, 1969]

HANNA'S CHIEF DENIES TAX FIGHT WITH IRS

W. A. Marting, president of Hanna Mining Co., issued this statement in response to articles on tax regulations as they concerned the Iron Ore Co. of Canada (IOC), published yesterday:

This is a clear case of careless reporting and irresponsible journalism. It looks as if The Plain Dealer has been led astray by an informant in the Internal Revenue Service leaking false and misleading information.

Your reporter drew conclusions that have no foundation in fact and your headline writer was even more careless.

In the first place, the article states, "In its fight with the Internal Revenue Service, Hanna lost every round." Completely untrue. There never was any fight and there were no rounds to be either lost or won.

The article quotes a Hanna spokesman as saying "the Treasury Department action had saved IOC $10 million." Completely untrue. He never said that. In fact, he said the opposite. He made it clear to your reporter from the beginning that IOC never owed any money and that the IRS never claimed it did.

If a man agrees after seven years that you never owed him anything in the first place, he hasn't "saved" you any money.

Another example of the carelessness is calling IOC a Hanna subsidiary. Nothing could be further from the truth. Hanna has a minority interest in IOC, the majority of its stock being held by American steel companies and Canadian mining interests. Of its 16 board members, only two are connected with Hanna.

The facts of the situation are simple:

IOC never owed any tax to the United States. All of its tax people, including independent counsel, advised that there was absolutely no tax liability whatsoever.

During the Democratic regime following the Eisenhower administration, this case moved from the Cleveland IRS office to Washington. We are convinced that the purpose of this was to see if there were any possible way to tax IOC on these transactions. For seven years tax and legal experts in the IRS tried to develop some theory under which IOC could be taxed.

IOC objected to the long delay. Time after time IOC said, "Either assert a tax liability or clear us."

Obviously, if the IRS had asserted a tax, the case could have been taken to court and won.

After all of these deliberations, they finally had to admit there was no way to tax IOC and the case was closed in the final days of the Johnson administration.

[From the Plain Dealer, Apr. 29, 1969]

LAWYERS WORK ON CURTAIN THAT SCREENS TAX DECISIONS

(By Sanford Watzman)

WASHINGTON.—The "technical curtain" that obscures many big tax decisions sometimes baffles even the experts.

Government lawyers trained to write technical rules and corporate lawyers paid to interpret them spend a great deal of time speculating about why a rule was written, thereby hoping to learn more about it.

One such case involves a set of regulations published last July 3 in the Federal Register, spread across four pages and taking up 12 columns of type.

The rules tell affiliated companies how to account for earnings and profits exchanged within the group. They sanction intercorporate payments compensating one company for the "use" of its tax loss by an other.

But some insiders theorize the real purpose of the regulations—or at least an impelling ancillary purpose—was to bail out certain companies from problems they were having with other units of government.

Fanning the gossip is the fact that the regulations apparently will not substantially increase or decrease the amount of taxes the government collects. Yet the Treasury Department spent three years working on them.

They were approved by Stanley S. Surrey, former assistant secretary of the Treasury for tax policy, and Sheldon S. Cohen, commissioner of the Internal Revenue Service (IRS) in the Johnson administration.

Commenting last April on a draft of the regulations, an anonymous member of the American Bar Association's section of taxation protested that they were "impossibly complex," so much so that there was no way to anticipate the possible effects.

"The problems in determining earnings and profits are difficult enough," he objected, "without adding complications which probably have relatively narrow application and probably little impact on the federal revenue."

The comment was filed with IRS.

The same theme figured in a sharp argument some months ago between Surrey and Cohen, part of which took place in the presence of their subordinates. As the exchange grew more heated, everyone else was ordered to leave the room—and then it resumed.

Cohen confirmed the incident when this reporter questioned him about it. Surrey said he did not recall it specifically, but he did not deny it.

Cohen told Surrey he was not going to sign the regulations because they did not have sufficient tax significance. Surrey replied he had already "committed" himself to issue the rules. Cohen retorted the commitment, then, was Surrey's, not his.

But in the end, Cohen did sign. He told this reporter: "I guess that's one that I caved in on."

Sen. Everett M. Dirksen, R-Ill., was interested in getting the regulations adopted, the Plain Dealer learned. In 1965 the GOP leader was defeated in an attempt to obtain legislation similar in many respects to the later regulations.

News reports at the time linked Dirksen with some gas pipeline companies who reasoned that, if certain bookkeeping methods were blessed by IRS, then a case for higher rates could be made before the Federal Power Commission.

But so far as utility rates today are concerned, a recent Supreme Court decision involving the United Gas Pipeline Co. appears to have wiped out any benefits the utilities might have received from the regulations, one source pointed out.

In addition to Dirksen, representatives of the Mobil Oil Corp. pushed hard for adoption of the rules. The Mobil people tried to get Cohen to issue a commissioners' ruling that would permit them to do what the regulations later allowed.

When Cohen balked, they took their case to Surrey. Instead of a ruling, they got the regulations.

One report was Mobil wanted the rules so it could squeeze out from under an antitrust decree that had been handed down by a federal court in 1941, in a lawsuit involving a predecessor of Mobil and many other corporations.

This decree imposed limits on dividends that could be exchanged among members of an affiliated group of companies. The prohibition could be undermined, one source suggested to The Plain Dealer, if a trading of funds could be labeled a payment for the "use" of a tax loss, rather than a dividend.

George F. James, senior vice president of Mobile, acknowledged in a telephone interview that his company worked hard to get the regulations promulgated. He added that other corporations were similarly active.

But he denied the rules could help his company in antitrust litigation.

James said: "We simply had to have it made clear, for our own internal purposes, what was the correct method of allocating, on our books, the charges among companies in our consolidated group.

"This doesn't save us any tax money at all. The only tax advantage it would have for us would come, possibly, if we deconsolidated the corporate group or if we sold off one of the companies. However, we have no plans to do this."

When the rules were first proposed, IRS announced it was not that agency's intention to try via the regulations to influence the policies or requirements of other government agencies dealing with corporations.

However, everyone concedes that what IRS intends is one thing but how lawyers might choose to stretch it or take advantage of it, if they can, is quite another.

Writing in the Journal of Taxation in July, 1968, one authority, Arnold Jay Cohen, observed:

"The implications of these rules may go far beyond their tax aspects. It may well be that . . . their main impact will not be in the tax area, but rather in the corporate or regulatory area."

Surrey was asked about this by The Plain Dealer. He replied:

"The purpose of these regulations was to accept methods of accounting that accountants say are proper. So long as the method is right and IRS is protected, the Treasury ought to recognize it.

"No, it wouldn't concern me if someone says that the regulations might have meaning in antitrust or rate-making cases. What we do often spreads to other areas. That isn't relevant so long as we are right and IRS isn't hurt by it."

Asked about the "commitment" he had cited to Cohen, Surrey said: "At various times bills were introduced in Congress dealing with the area of these regulations. In my judgment, those bills were too generous.

"I told the Senate Finance Committee we would study the matter and try to work something out administratively. I don't think it's a good idea to clutter up the legislative books and to have people running to Congress if it's something we can handle here.

"If I used the word 'commitment,' it was in that sense. I wasn't under any pressure from Sen. Dirksen or anyone else. I don't work that way."

"Some of the news stories in 1965 reported that you were backing Sen. Dirksen's legislation," the interviewer said.

"Well, some of those stories were correct and some were not, because there were a lot of versions of the legislation," Surrey replied.

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON ANTIOBSCENITY BILLS

Mr. BYRD of West Virginia. Mr. President, on May 21, 1969, I made a statement for radio regarding antiobscenity legislation.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

ANTIOBSCENITY BILLS

Smut, obscenity, offensive sex-oriented material and pornographic literature have been with us for a long time. Only recently, however, has this filth swelled to such proportions that no family can be certain it will escape the stench. Until a couple of years ago, it was thought that the censorship laws of most states were the appropriate means to protect the general public against this type of exploitation.

The United States Supreme Court has since declared that censorship in most of its forms violates the freedom of speech or press guaranteed in the United States Constitution. Since the right of our citizens to speak out freely distinguishes our Republic more than anything else perhaps from totalitarian forms of government, we have guarded this right jealously.

But in the process of striking down censorship, the courts have left the public unprotected against a flood of unwanted pornographic filth in the form of sex-oriented materials now gluting the mails and invading the privacy of American homes. While we have succeeded in guarding the right of free speech and free press, we now face the problem of finding a new means to protect the sanctity of the home, and the health of our children against this bombardment of smut that increasingly invades our society. And certainly there is no reason why citizens should be forced to accept such mail which is insulting to adults and harmful to children.

And I believe a means has been found that could go a long way toward providing this protection. That is why I am co-sponsoring in the United States Senate two bills requested by the President.

The first bill would prohibit outright the sending of offensive sex-oriented material to any child under 18 years old. The bill is based on the New York law that has been upheld by the U.S. Supreme Court, and recognizes the special status of young people and the special need to protect them against material that could be damaging to healthy growth and development. Any smut dealer violating the federal statute would be punished with up to five years in jail and a $50,000 fine for the first offense. Further violations carry stiffer penalties.

The second bill would protect American homes against invasion of privacy and prurient advertising. The Post Office Department reports that during the last nine months 140,000 letters of protest about unsolicited salacious mail have been received. Since 1964, the number of such complaints has almost doubled. Americans resent intrusions into their homes by erotic advertisements through the mail. These ads are expressly directed at lustful interests, and, as President Nixon has said, are clearly a form of pandering. And I agree with this. Certainly our homes should be inviolate and free from such intrusions.

In 1967 Congress passed a law to help deal with these unwanted intrusions. The law permits a person receiving mail which he finds "erotically arousing and sexually provocative" to obtain from the Postmaster General a judicially-enforceable order prohibiting the sender from making any further mailings to him or his children and requires the sender to remove that person's name from his mailing list. This is a good beginning, and more than 170,000 persons have requested such orders.

The new legislation which I am co-sponsoring, however, would broaden the existing law by permitting citizens to file in advance their objection to sex-oriented advertising and to require mailers and potential mailers to respect these wishes under penalty of civil and criminal prosecution.

The bill would also prohibit the transportation in interstate commerce or through the mails of pornographic literature intended to appeal to a prurient interest in sex.

I am co-sponsoring this legislation in response to the thousands of parents who ask that something be done about the flood of pornographic mail reaching their children and who are turning to the government for help. We can act to protect the public against this unwarranted intrusion of private lives. The laws already in force have proven inadequate to the task; it is time to take steps to enact legislation that will do the job.

I am not so optimistic to believe that it will put the sex merchants completely out of business, but at least it will go a long way toward keeping this filth out of decent American homes and out of the sight of decent young American people.

REVITALIZING RURAL AMERICA

Mr. PEARSON. Mr. President, the need to create new jobs in our rural areas is one of the most pressing challenges facing America today. We simply must find ways to make our small towns and farm communities more attractive to industry if we are to halt the migration to the cities that is stripping the countryside of its best talent and flooding our urban areas with a mass of humanity that only compounds their already grave problems.

I recently enjoyed the privilege and pleasure of speaking before the Smokey Hill Electric Cooperative on this very vital subject. Knowing of the great interest of Senators in the Rural Job Development Act and the ways in which it might help to stimulate new rural career opportunities, I ask unanimous consent that the speech before the Smokey Hill Cooperative be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Revitalizing Rural America

(By Senator James B. Pearson)

When the people of Kansas several years ago gave me the opportunity to serve in the United States Senate, there was the necessity to think of Kansas as a whole and of the nation as a whole. And one problem became clear, pressing and essential. That problem was the necessity to develop, redevelop and revitalize rural America and rural Kansas.

And so several of us in the Senate conferred—Democrats and Republicans alike—counseled with farm organizations and rural experts and introduced the Rural Job Development Act. I would like to review the purposes of that measure this evening.

And in doing so, I realize I have made a lot of speeches in the countryside, in the cities, universities and indeed it was my great pleasure to address your national convention in Dallas two years ago. But in spite of these many engagements it seems to me that at a gathering such as this—an annual meeting of REA Electric Co-ops—is the most appropriate forum. For in modern times no other organization has made such a positive contribution to rural development as the REA's.

America in the last third of the 20th century is indeed a paradox, a strange mixture of success and failure. We are the strongest military nation on the globe, yet we seem unable to determine our own destiny in Vietnam. We are a leader of the world, yet few follow. To influence and win friends we have poured forth $122 billion from our Treasury yet our influence diminishes in the world and at times we seem friendless. This nation, rich beyond the wildest dreams of many people, is scarred by ugly pockets of poverty. We have made the greatest advances in equality and civil rights in the last decade within our history yet our races seem farther apart. We have spent more money on education and provided greater learning facilities than ever before known to the American people, yet there is student unrest and violence and lawlessness on the campus.

And there is a paradox in rural America also. Almost every economic indicator indicated that rural America is "better off" today. We might compare rural America today and in 1935 when the REA was first established. In 1935 only 10 percent of the farms in this country were electrified. Today 95 percent are served by electricity. In 1939 the average income of the farmer was only 40 percent of the non-farmer. In 1969 the average income of the farmer is 72 percent of the income of the non-farmer.

But statistics can be tricky. Is farm income really up? It seems to me that the real and meaningful fact is that in 1935 there were 32 million farm population while in 1969 only 11 million lived on the farm. And so farm income really isn't up. What the statistics actually show is there is simply fewer to divide up the economic pie. And the total income from agricultural endeavors is less than during the 1940's or the 1950's period.

But I do not intend to make a "farm speech." What I would like to do is discuss the problems of the total rural community, the farms, rural towns, and rural cities of a population of 30 and 40 thousand.

To cite another paradox, America's communities are dying at the two extremes of community life. On the one hand we find a deterioration in the core of the great cities, on the other hand the dying of the small rural communities. This rural community deterioration can be traced to the great rural to urban migration. And one is compelled to understand that when some of our small rural communities cease to grow and literally die that this is not acceptable nor necessary nor best for America.

These conditions and problems of rural America are not new—they are several decades old. REA provided the answer to one problem. But it has only been within the last few years that we have moved from talk to action. Your national association has been most helpful in its advertising campaign. Big city newspapers through their editorials have recognized the problem and we have begun to understand that good thoughts are nothing more than good dreams until we act.

Let me mention another paradox. It was the great trouble in the cities which finally caused us to see more clearly the difficulties of the small towns and the countryside. It was the turmoil in the hard core of the great metropolitan areas that gave us some understanding of the relationship between rural and urban life.

The headlines of the past few years have made all of us painfully aware of the problems which are incorporated in the phrase "crisis of the cities." It is a phrase of common usage but if one is to describe it in a meaningful way it must be described in terms of festering slums, rising crime rates, disintegrating families, chronic unemployment, racial tensions, congested streets, polluted air and contaminated water. And these conditions really can be traced to the overcrowding of people and the concentration of industry in the great cities. We are now beginning to realize that the problem is not just to make the cities more efficient and more livable for more and more people but how we can halt or retard the great migration from rural to urban commuities.

This tide of migration really is formed in two parts. First there is the rural poor and untrained who move to the cities and who believes he has taken the first step up the ladder of economic success. However, instead of economic success and salvation, because of lack of training or skill, he finds tenements and unemployment and the welfare roles. He all too soon falls into the slum environment and the depersonalized forces which dull responsibility.

And second it catches up in its movement the talented young, highly educated, bright and ambitious people who move to the cities for economic and social opportunities. Thus the rural community is bled of its leadership

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and human talent and its most productive resources. Ironically in this way the rural areas are subsidizing the cities.

When a rural community is in trouble, when it does, an irreplaceable and valuable part of this nation dies.

I have not meant to say that all migration is bad. In a recent discussion with the Secretary of Agriculture concerning this problem, Secretary Hardin emphasized the point that getting the right people at the right place rather than an absolute halt of migration should be our purpose. Indeed we cannot hold back the forces of urbanization. We are a nation now of 200 million people. At the turn of this century we will have a population of 300 million; moreover 75 percent of all these people will be living in three great metropolitan areas: From Boston to Richmond; from Milwaukee to Cleveland; and from San Francisco to San Diego. Urbanization will continue. But when we find slums in the big cities on the one hand and rural ghost towns on the other it is damning testimony that we fail to meet one of the great problems of our generation.

What we need is a rural-urban balance. And I believe we can achieve that balance by taking the following steps.

1. Shore up farm prices. Rewrite present farm programs to the end that we will be able to preserve the family farm system.

2. Improve rural education, housing, public services and facilities so that it can support industrial development and offer opportunities which will permit those who choose to stay in our small towns to do so.

3. Provide for a commission on balanced economic development so that grants and contracts may be equitably distributed.

4. Quick passage of the Rural Job Development Act wherein tax incentives by means of depreciation, deductions and credit can create a climate which will permit local authorities and private industry to make their own decisions about industrial development in the rural areas.

This is not a poverty measure. It is a redevelopment measure for all rural areas of the country. For unless we provide for 500 thousand new jobs every year nothing else will have any lasting effect. It is not a cure-all but I am persuaded that it is a step in the right direction.

In conclusion, let me emphasize once again my own conviction that it is the REA organization who can take the giant steps, play the significant role, and offer the bright leadership for the revitalization of rural America.

I offer you my help—I ask for yours.

APOLLO 10 MISSION

Mr. HARRIS. Mr. President, the United States has just reached another milestone in the exploration of space with the successful completion of the mission of Apollo 10.

My State of Oklahoma played a significant role in the Apollo 10 mission, because one of our native sons, Col. Tom Stafford, served as the command pilot, and along with Commander Cernan traveled closer than any other man in history to the moon's surface, making possible the lunar landing in July.

The Nation is proud of the outstanding job done by John Young, Gene Cernan, and Tom Stafford, and Oklahomans are especially proud that Stafford, a native of our State, played such an important role in this mission carrying out his duties without flaw.

I was fortunate enough to have seen the blastoff of the Apollo spacecraft, and I commend all those connected with the mission from beginning to end for their outstanding accomplishment, and to Tom Stafford I would say: Your fellow Oklahomans are proud of you for a job well done.

FREDERICK DOUGLASS, A FREE BLACK

Mr. HART. Mr. President, Cedar Hill, the home of Frederick Douglass from 1877 until his death there in 1895, stands in a deteriorated condition in the Anacostia section of our Nation's Capital—barred to public visitors since 1962.

The Christian Science Monitor recently published a series of articles on "Blacks in America: Then and Now." In his article entitled "North of Slavery and Black Abolitionists—1800–60," Prof. Edgar A. Toppin has eloquently placed the extraordinary accomplishments of Frederick Douglass within the framework of the further obstacles to freedom—encountered and overcome—by a black man who has already fought for and won his right to that freedom.

Mr. President, I ask unanimous consent that the article be printed in the RECORD. I express the hope that this empty house may once again become a living home and fitting memorial to this great American.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACK FOE OF RACISM: NO JIM CROW CAR FOR HIM

(By Edgar A. Toppin, professor of history, Virginia State College)

(NOTE.—For free blacks like Frederick Douglass, life was a constant struggle for racial equality. The battle was slow and often overshadowed by the slavery issue. This article, "North of Slavery and Black Abolitionist (1800–1860)" describes life in the North.)

Frederick Douglass strode down the platform at Lynn, Massachusetts, boarded the train to Newburyport, and took a seat in a luxurious car for the 25-mile trip. "As usual, I had purchased a first-class ticket," he narrated in his autobiography, but "I was soon waited upon by the conductor and ordered out."

When Douglass refused to leave, the conductor recruited half a dozen men to throw him out. "They attempted to obey with an air which plainly told me they relished the job," Douglass continued, and "clutched me, head, neck, and shoulders."

Anticipating their move, Douglass held on with all his might so that "in removing me I tore away two or three of the surrounding" seats, which "must have cost the company $25 or $30. . . ." This was possible because "I was strong and muscular and the seats were not then so firmly attached or of as solid make as now."

What could prompt such an assault in the early 1840's on a dignified gentleman like Douglass? He explained that "on that road," identified by him as the Eastern Railroad from Boston to Portland, "as on many others, there was a mean, dirty, and uncomfortable car set apart for colored travelers called the Jim Crow car." Since he had escaped from slavery and was "determined to fight the spirit of slavery wherever I might find it," Douglass decided against riding in the Jim Crow car.

Though sometimes beaten for his efforts, his persistence embarrassed the railroad to the point that the superintendent "ordered all passenger trains to pass through Lynn, where I then lived, without stopping."

RAILROAD DENOUNCED

The entire city was inconvenienced, and many people denounced the railroad. The superintendent responded that white passengers preferred segregation and that the railroad was not a reforming institution. The railroad argued, Douglass reported, "that until the churches abolished the Negro pew we ought not to expect the railroad company to abolish the Negro car."

Douglass' friends retorted that slaves accompanying slaveowners could ride first class but not a dignified free black. Gradually, during the 1840's, the railroads abandoned segregation in New England, bowing to resistance by blacks, abolitionist pressures, aroused public opinion, and threats of enactment of antidiscrimination statutes.

The struggle against railroad segregation in New England serves as a reminder of the presence, problems, and perseverance of free blacks in the first half of the nineteenth century. Slavery so dominates the antebellum period that there is a tendency to neglect the growing free black population. At the first census in 1790, only 8 percent (59,000) of the nation's 757,000 blacks were free.

At the last slave era census, in 1860, 11 percent (488,000) of the nation's 4,441,000 blacks were free. Since blacks were found mostly in the South, there were more free blacks there than in the North; in 1790, 32,000 in the South to 27,000 in the North and in 1860 250,000 in the South to 238,000 in the North. Both in the North and South free blacks faced many barriers, but some overcame, achieved distinction, and strove to set their brothers free.

SUPPRESSION EXPLAINED

Although the North began abandoning slavery in the revolutionary atmosphere of the 1780's, it did not abandon long-standing prejudice. Alexis de Tocqueville of France, on visiting America in 1831, found racial prejudice "stronger in the states that have abolished slavery than in those where it still exists. . . ." He found blacks free, but able to "share neither the rights, nor the pleasures, nor the labor" of whites.

In his Pulitzer-prize history of early American racial attitudes, Winthrop Jordan explains that white Americans, North and South—fearing loss of identity, lack of self-control, and sexual license—achieved peace of mind (a sense of protecting identity and purity) by cruelly suppressing and setting apart blacks, denigrating them as inferior. Thus, Jordan noted: "In fearfully hoping to escape the animal within himself the white man debased the Negro, surely, but at the same time he debased himself."

To suppress the black man, whites had to make him the great expection to their religious-political ideology of brotherhood and equality. Federal laws set the tone, barring nonwhite aliens from becoming naturalized citizens (1790), excluding blacks from the militia (1792), and barring blacks from employment as postmen (mail carriers), in 1810.

VOTING RIGHTS LOST

By 1840, New Jersey, Pennsylvania, and Connecticut stripped blacks of voting rights previously held. By 1860, only the five states of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont granted equal voting rights.

The other 13 Northern states, where 94 percent of the Northern blacks lived, did not let blacks vote, except for New York, which let them vote if they met a special property qualification (propertyless whites could vote) that many low-paid blacks could not meet.

Northern blacks encountered job discrimination. As a slave in his native state of Maryland, Frederick Douglass (1817–1895) had learned a skilled trade, working as a caulker on ships in Baltimore. After escaping in 1838, he settled in New Bedford, Massa-

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chusetts, where he sought work in caulking and coppering a vessel being outfitted for a whaling voyage.

"I was told that every white man would leave the ship in her unfinished condition if I struck a blow at my trade upon her." Working at his skill he "could have earned two dollars a day, but as a common laborer I received but one dollar."

His experience was typical. Southern white craftsmen objected to the competition of skilled slaves. But the slaveowners having a vested interest, saw to it that slave craftsmen were employed. Hence, blacks worked at many skilled tasks in the South, more so than whites. In the North, however, white workers and their unions generally restricted blacks to menial tasks.

Even a prominent abolitionist like Arthur Tappan did not hire blacks as clerks in his department store in New York City, apparently fearing the reaction of his white clerks and customers.

Some black men, unable to secure work, had to depend on the earnings of their wives as maids, cooks, and laundresses. There was a deleterious impact on family life as men unable to fulfill their roles as breadwinners sometimes deserted their families.

JOB LOSS LAMENTED

As the century progressed, the job plight of black workers worsened because of competition from newcomers, especially the Irish. In 1790, blacks were 19.3 percent of the total population, but in 1860 they were only 14.1 percent of the total population of 31,443,000 because of the great waves of immigration from Ireland and Germany in the 1840's and 1850's.

In an editorial in his newspaper in 1853, Frederick Douglass lamented that "every hour sees the black man elbowed out of employment by some newly arrived emigrant, who hunger and whole color are thought to give him a better title to the place." He listed various jobs once left to blacks that the newcomers were seizing, including porters, cooks, stewards, hodcarriers, stevedores. woodsawyers, barbers and coachmen.

Douglass therefore urged blacks to get educated for better positions, such as crafts, mechanical skills and professions. But education was not easily obtained. Blacks were taxed everywhere in the North but public schools were not always open to them on an equal basis. In some places no schools were provided, in others, only segregated schools in dilapidated buildings with lower-paid teachers.

Blacks brought suits, Douglass winning a case for his children in Rochester, New York, where he moved in 1847 to publish his newspaper, The North Star. In the Roberts case, brought in 1849 to desegregate schools in Boston (schools were already integrated in other cities in Massachusetts), Charles Sumner was the lawyer for the plaintiffs. Massachusetts Chief Justice Lemuel Shaw originated the "separate but equal" doctrine in his ruling to uphold Boston's segregated system, but the Legislature, prodded by black and white abolitionists, passed a law that desegregated Boston's schools in 1855; despite dire forebodings, integration took place peacefully.

Private schools suffered harassment. In Canterbury, Connecticut, whites threw manure in the well and storekeepers refused to sell provisions, forcing Prudence Crandall in 1834 to close her school for black girls. In Canaan, New Hampshire, in 1835, whites yanked from its foundation the Noyes Academy, that had recently opened with 28 white and 14 black youths enrolled.

Fearing that Southerners would emancipate worn-out slaves and send them North to become public wards, many states passed statutes (such as Ohio's black laws) to discourage blacks from settling. Most hotels, theaters, restaurants, and other public accommodations barred blacks. Mobs often attacked them, as in Cincinnati in 1829, New York in 1834, and Philadelphia in 1842.

In defense of slavery, Southerners cited such Northern oppression, but ignored the fact that Northern blacks were free to speak out, organize, and fight back, and also that many white allies aided them in their quest for equality.

Southern free blacks, by contrast, were treated as outcasts and increasingly restricted, for fear that their presence would make slaves discontented or that they might aid slave insurrections.

To their credit many Northern and Southern blacks did well in the face of all adversity. Some succeeded in business, including: Thomy Lafon (1810–1893) of New Orleans who left to charities, irrespective of race, a fortune of half a million dollars he had amassed in real estate, merchandising, and money lending; James Forten (1766–1842) of Philadelphia who rose from foreman to owner of a sailmaking business employing 40 blacks and whites and accumulated a fortune of $100,000 but found time to be an active abolitionist; and Paul Cuffe (1759–1817) of Westport, Mass., ship captain and owner of a fleet of ocean-going vessels who financed and carried in 1816 the first load of U.S. blacks (38 of them) returned to Africa.

MANY OVERCAME OBSTACLES

Among inventors there was Norbert Rillieux (1806–1894) of New Orleans who revolutionized sugar refining by inventing a multiple-effect vacuum evaporator that he installed on many antebellum plantations; his process is used in manufacturing sugar, soap, gelatin, condensed milk and other products.

In every field there were blacks who overcame obstacles, such as Shakespearean actor Ira Aldridge, physician-scientist James McCune Smith, painter Robert Duncanson, poet George Moses Horton, educator John Chavis, Western pioneer James Beckwourth, and heavyweight boxing champion Tom Molineaux. Encountering white hostility and prejudice, blacks developed separate institutions, including: the African Methodist, Episcopal Zion (AMEZ) denomination in 1821; the first black newspaper, Freedom's Journal in 1827; and Lincoln University in Pennsylvania in 1854.

Blacks were active in the antislavery movement. In a mass meeting in Bethel AME church in Philadelphia in 1817, blacks, led by James Horton, rejected colonization plans to ship freedmen to Africa, resolving that "whereas our ancestors" successfully cultivated America we "feel ourselves entitled to participate in the blessings of her luxuriant soil. . . ."

Bishop Richard Allen insisted that "this land . . . is now our mother country, and we are well satisfied to stay. . . ." In their opening editorial on March 16, 1827, the editors of Freedom's Journal, Samuel Cornish and John Russwurm, explained: "We wish to plead our own cause. Too long have others spoken for us."

Historians generally date militant abolitionism as beginning with the first issue on Jan. 31, 1831 of The Liberator, the newspaper published in Boston by the white abolitionist William Lloyd Garrison. It is not generally known that his largest support came from blacks, who composed three-fourths of his subscribers by 1834.

GARRISON MILITANCE FORESHADOWED

Moreover, two years before Garrison's newspaper began, David Walker (1785–1830) issued the militant and widely circulated "Appeal" (1829). published in three editions before his death. Born a free man in Wilmington, North Carolina, Walker had settled in Boston, where he established a clothing business on Brattle Street in 1827. In his "Appeal" Walker asked his fellow blacks "Are we men!! . . . Did our Creator make us to be slaves to dust and ashes like ourselves?"

He warned white Americans "that we must and shall be free. . . . And wo, wo, will be to you if we have to attain our freedom by fighting. . . . Treat us like men . . . we will all live in peace and happiness together. . . . And we will be your friends."

Walker exhorted slaves to throw off their chains, saying: "Twelve black men . . . well armed . . . will kill and put to flight fifty whites. . . . If you commence . . . do not trifle . . . kill or be killed. . . . Have you not rather be killed than be a slave to a tirant. . . ."

Inspired by such sentiments, blacks were active as abolitionist lecturers, none more effectively than such former slaves as Frederick Douglass and Sojourner Truth. They played a major role in the Undeground Railroad: William Still of Philadelphia was an important organizer; and Harriet Tubman, after escaping from slavery in Maryland risked her life by returning 19 times to lead some 300 slaves to freedom, never losing a passenger and never letting any turn back.

Thus blacks were ready when the Civil War came to fight for freedom, as will be seen in the next article.

THE RIPON SOCIETY STATEMENT

Mr. COOK. Mr. President, some Senators may not be aware of the fine work many of the younger members of the Republican Party have been doing in the area of research and comment on the great issues confronting our country. The Ripon Society epitomizes this thoughtful and intelligent group of predominantly younger Republicans who are making a dedicated effort to constructively criticize the past directions of our Government. As this society has criticized, it has also brought forward highly innovative recommendations for the improvement of our party and the Nation.

The Ripon Society recently issued a statement on the 100th day of the Nixon administration entitled "The Lessons of Victory." While I do not agree with every conclusion reached, the statement does represent a responsible Republican document which I feel should be recommended reading for all Senators. This society is an integral and important component of our Republican Party, and I commend it for its efforts. I ask unanimous consent that the article entitled "Beyond the First 100 Days: A Ripon Society Statement," be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

BEYOND THE FIRST 100 DAYS: A RIPON SOCIETY STATEMENT

We are pleased this morning on the 100th day of the Nixon Administration to release *The Lessons of Victory*, the Ripon Society's analysis of the Republican campaign of 1968. The study's generally critical assessment concludes with a call for new departures for the Republican Party and the country. From the evidence that is in, it appears that efforts to make these departures are developing in the early months of the Administration.

We in the Ripon Society have been concerned over the past six years with introducing a number of progressive programs into the mainstream of Republican debate, applying our most intense efforts in those areas in which we feel that American society has gone out of kilter under two Democratic presidents. It is in these areas that we would like to read the tea leaves on Mr. Nixon's first hundred days.

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First, there is military and war spending, which has gone without critical scrutiny since President Eisenhower warned of the dangers of the military-industrial complex. The pruning of the defense budget and the reallocation of priorities to domestic programs is a fundamental issue for American politics, and it is now symbolized in two ways, the war in Vietnam and the debate over an anti-ballistic missile system.

In both these areas, the President has made significant technical departures from the confused programs of the Johnson Administration. On Vietnam he has moved to two-track negotiations, a decided improvement. On the ABM he has revised his predecessor's misconceived program. But we cannot yet be optimistic about the general tone of the Administration in the defense area. When all is said and done, Mr. Nixon has not made a case to justify a multi-billion dollar expenditure on the Safeguard system. And in Vietnam we see no signs to justify optimism about the chances of a negotiated settlement, even though we do see signs indicating de-escalation of the American presence. Further, we caution the Administration not to fall into the trap which caught President Johnson, who was deluded by the statistical gimickry of his own bureaucracy into giving a false impression of progress in the war. We hope that the new Administration will not engage in wishful thinking about the progress of the peace.

In the broader sphere of foreign policy, the restraint and caution of Mr. Nixon's government have come as welcome relief. We would cite the quiet diplomacy of the European trip. Mr. Nixon's handling of the recent Korean provocation departed not only from the truculent tone of some of his campaign statements but also from the panicky and futile actions of Mr. Johnson after the Pueblo incident, notably the call-up of the Reserves.

In domestic policy, despite limited financial room for maneuver, the President has pledged new programs and new priorities Most important, he has determined to overhaul the welfare system, something Ripon has long recommended and which was never undertaken by the previous Administration; and, secondly, to institute a program of revenue sharing with the states and cities.

At the very least, we expect a federalization of welfare standards and tax exemption for the poor, including the working poor, with a resulting improvement of poverty conditions and social cohesiveness. Welfare reform also will reduce the incentives for migration to the cities and urban states.

If followed through, these Nixon initiatives will far surpass in their impact the contributions of the War on Poverty, with its grandiose claims and meager achievements.

As consequential as welfare reform to the cities is Nixon's commitment to a program of revenue sharing with state and local governments. Largely because of Southern Democratic domination of Congressional Committees, the Northern cities and states have been vastly shortchanged in the distribution of federal revenue. New York, for example, gets as little as one twentieth as much federal aid per dollar of federal taxes contributed as Mississippi. A substantial program of revenue sharing based on a modified per capita formula will make a major contribution toward penalizing the poorer southern states.

Also on the urban front, the Republican Administration has committed itself to rebuild the riot-torn areas of those cities whose names have become a legion of social strife in the 1960s—Watts, Harlem, Newark, Detroit, and Washington.

Advocacy of House Rule for the nation's capital, an invigorated fight against organized crime, whose basic feeding grounds are in the nation's urban cores, are other hopeful initiatives.

GOVERNMENT REORGANIZATION

One of the least dramatic but most important areas for Presidential action is the structure of the administrative process. The Johnson administration—with its preoccupation for legislative first steps—did a relatively poor job of executive follow-through. But President Nixon's determination that "administrative performance should match legislative promise" represents a worthy correction to that failing.

This determination has been reflected in several specific ways. The revival of the National Security Council, the establishment of the Urban Affairs Council, and the Cabinet Committee on Economic Policy are important developments within the White House itself. The new program for Minority Business Enterprise in the Commerce Department and the major overhaul of the Labor Department's Manpower Administration could provide improved mechanisms for dealing with the urban crisis. The Department of Health, Education & Welfare has been restructured, too, and its new office of Child Development, with its focus on the first five years of life, could be a particularly creative source of social initiatives.

Two reforms deserve special mention: (1) The decision to select postmasters through less political processes (and to reform the postal service in other ways), and 2) the establishment of common regional boundaries and headquarters for the field operations of five federal agencies (many urban experts believe this could make a great difference in the quality of federal social services to the cities). Both improvements have been urged for many years and both were long delayed for solely political reasons. Both have now been quickly implemented despite strong political counterpressures.

ECONOMIC CONCENTRATION

Also largely unnoticed, except by the business community, have been the initiatives taken by this Administration to halt the present trend toward economic concentration. In a series of articles in the Forum entitled "The Complex Society," the Ripon Society expressed its concern with the trend toward "conglomeratization" and with the business-government partnership that flourished under the prior two administrations. The Johnson administration justified inaction in this area by claiming that additional legislation was needed. Under the Nixon Administration, the Justice Department has used existing anti-trust laws to commence litigation on conglomerate mergers which restrict free competition. In addition the Administration has recognized the unhealthy effects of concentration in the banking industry and has proposed legislation to close the one-bank holding company loophole and remove the danger that institutions of finance will use their lending power to restrain competitions. Successful conglomerate litigation with the precedents established by new regulation of the banking industry, will have a healthy impact on the structure and nature of our economy and our society.

YOUTH

Finally, there is the problem of youth, symbolized by the turmoil on a number of American campuses in the President's first 100 days. Outside factors, such as the war and the draft, have exacerbated university tensions. But even without these factors students would not return to the apolitical attitudes of the 1950s. For the new generation of young people have been reared to demand meaning, responsibility and independence at an early age. Yet society is not prepared to provide roles in which they can express these values in the years before they reach adult status and financial independence. A dispersal of power, a sharing of authority with the young will be necessary if hierarchical institutions are to tap the best energies of this new generation. But this message—their message—is not getting through. Communication between the generations is breaking down, in part because debate on campus is monopolized by the loudest voices rather than by the most reasonable ones, in part because of a resort to violence that shatters the sense of community on which fruitful discourse in American institutions depends.

But in part communication is failing because of the rigidity of the generation in power, which is content to intone the principles on which its authority is based without bothering to justify them or adapt them to the needs of the younger generation. There are many older Americans who are willing to condemn the young from afar, few who are willing to reason with them face to face.

Federal legislation cannot heal the breach between the generations, but the President has the capacity to provide a mediating influence. He has already taken one step by appointing a commission to phase out the draft and replace it with an all-volunteer military—a position which Ripon has argued since 1966. But Mr. Nixon must have in addition a comprehensive program on all the various concerns of youth. Indeed, Ripon is preparing a major report to the President to provide just that.

As for non-governmental action, there is vacuum on campuses that requires the mobilization of those students who will be able to understand the wrongs of society but who will use libertarian means for righting these wrongs. On this subject, too, we expect to have more to say.

FURTHER PROBE OF MILITARY OIL PROCUREMENT IN SOUTHEAST ASIA

Mr. MONTOYA. Mr. President, I have joined the distinguished Senator from Wisconsin (Mr. PROXMIRE) in a letter dated May 27, 1969, to the Comptroller General of the United States, asking that the General Accounting Office examine most thoroughly into weaknesses and abuses in our Government procurement programs in Thailand, Vietnam, Singapore, Taiwan, Laos—indeed all of Southeast Asia—and Okinawa, dating back to January 1, 1966.

As a result of new information which Senator PROXMIRE and I have received—in the form of official DD–250–1 Government delivery receipts—there is evidence that Government officials in Southeast Asia are still failing to obtain documented verification that quantities of fuel shown on contractors' delivery documents actually have been received and that there is suspected pilferage by oil company employees. Additionally, we have evidence of similar oil procurement irregularities in connection with the U.S. AID program in other parts of Southeast Asia.

Mr. John M. McGee, a U.S. fuel inspector for the Department of the Navy, originally brought oil procurement deficiencies and shortages in Thailand to Senator PROXMIRE's and later my own attention some time ago. As a result of his courageous action, and the evidence which has been accumulating, both Senator PROXMIRE and I feel that a full probe of oil procurement inspection and distribution procedures is essential before further cures can be prescribed, and in order that the best interests of the Government, procurement management, and the public may best be served.

Senator PROXMIRE and I will have more

to say on this important subject in a few days. Meanwhile, we look very hopefully to what may be the effect of these inquiries, and would hope, too, that every Senator will join us, insofar as possible, in helping to put a stop to policies which are hostile to the welfare of the many.

SLEEPING BEAR DUNES NATIONAL LAKESHORE: DEVELOPMENT POSES URGENT THREAT

Mr. HART. Mr. President, this Congress has an opportunity to continue its history of concern for America's natural environment. We have before us this year vital issues of air and water pollution control, wildlife conservation, pesticide dangers, and many others. No area of our concern will be of greater long-range importance than our active attack on the problems that imperil the health, fruitfulness, and beauty of our land.

A significant project in the conservation field is the proposed Sleeping Bear Dunes National Lakeshore in Michigan. This is a project for which I have worked for 8 years. The Senate has approved the national lakeshore twice.

THE ALTERNATIVES ARE CLEAR

When I again introduced the Sleeping Bear Dunes legislation this year, I said I was optimistic that we would act in time. I remain optimistic that we can secure this area and preserve its beauty. The alternatives are clear: either we protect the Sleeping Bear Dunes as a national lakeshore now, or this natural area will be lost to all of us and to future generations.

The conservation-minded people of Michigan recognize these alternatives and are demanding that we act now to save "the Bear." I have been heartened and encouraged by the growing tide of concern and support expressed to me by people from Michigan and throughout the Nation.

DEVELOPMENT ENCROACH UPON THE LANDSCAPE

Recent correspondents have expressed a new sense of urgency in the need for the Sleeping Bear Dunes National Lakeshore. As James C. Ganter, a resident and businessman in the area, pointed out:

> This beautiful area is being prostituted at an unprecedent rate with unplanned and very disjointed "development."

Establishing a national lakeshore would protect the natural values of the area from this encroachment. Without that protection the region is doomed to the stranglehold of subdivision and inappropriate development. Mrs. Harold T. May, a property owner within the proposed boundaries, tells me:

> If there is to be a Dunes National Park in this area, and I still hope there is, the urgency is more acute than ever. In just the past few years we have lost so much prime natural resources through private development in this immediate area, it seems there will be little left to preserve if there is any further delay.

Mr. Walter R. Nevill likewise points out how clear the alternatives have become, stating:

> Any further delay in protection of the Sleeping Bear Dunes will not only be financially costly; it will give a reprieve to the exploiters who will proceed at an accelerated pace to destroy the basic values which currently make the area precious as a natural resource.

The greatest danger now, I believe, are ill-planned vacation subdivisions. With little or no local zoning control, these spring up to mar key natural areas in this landscape of national importance. Mr. Joel Konikow expressed the citizen's exasperation when this kind of natural treasure is "divided and fenced":

> At this stage in the development of the United States, it is a crime, and the general people are the victims, which is being perpetrated on us; the fact that the land is not ours to enjoy but is divided and fenced. Even when you want to enjoy Lake Michigan and the land around it, you can't enjoy it in peace. One feels like a fugitive.

DESTRUCTIVE LOGGING ANOTHER THREAT

Along with the problem of cottage subdivisions, Mr. George D. Ferrar reports that "there has been a step-up in the proposed area of timber harvesting—some of which is destructive logging." Mr. Ferrar points out that timber harvesting based on a sustained-yield program can maintain natural beauty. Such careful sustained-yield timber management will be permitted in the Sleeping Bear Dunes National Lakeshore. However, the destructive logging now taking place will "mar the landscape for many years to come in addition to adversely affecting forest-resource values."

These are disturbing reports, and they alert us again to the destruction that a landscape of natural beauty can sustain by encroachment and misuse. That is what we seek to stop. The Sleeping Bear Dunes National Lakeshore will avert this loss; it will sustain the landscape as a legacy of beauty for our enjoyment now and for generations in the future.

Within its 61,000 acres, the Sleeping Bear Dunes National Lakeshore will encompass the key areas of natural value and beauty. Land-use controls and zoning protections will assure the preservation of the landscape. Private rights to existing improved properties are fully protected by my bill; in a balance that will also protect the public interest.

CONSERVATION IS OUR OBLIGATION

Mr. President, in pointing out these threats to the Sleeping Bear Dunes area, I wish to emphasize that conservation of such national treasures is this generation's obligation. The Congress should act promptly with this sense of urgency. I hope that all concerned will proceed cooperatively, recognizing that further delay will prove expensive both in money and in irreparable damage to the area. I urge the administration to give this conservation program the priority it must have, so that we may maintain America's momentum of conservation progress and foresight for the future.

We must act promptly to establish the Sleeping Bear Dunes National Lakeshore, in the spirit expressed to me by Mr. James S. Henderson, of Henry, Ill.:

> I urge you to keep trying, and to try to enroll all who would pass on a land of beauty to our children, to join your efforts to conserve what is good and clean in our natural environment.
>
> I sometimes feel that the next generation of Americans may inherit a land like a junk car cemetery, unless those of us here now exert every effort to protect and preserve the land.

BIAFRAN LIFE AND CULTURE

Mr. PEARSON. Mr. President, despite the efforts of peace mediators from virtually every quarter of the globe to halt the fighting, the tragic civil war between Nigeria and Biafra drags on and on. Though the rate of death by starvation has shown a merciful decline, the problem still remains serious as does the loss of life brought about by bombing civilian areas, not to mention the deaths attributable to direct combat.

The untimely death of any human being is always deplorable, of course, and when thousands upon thousands have been killed by bombs and blockades as in the Nigeria-Biafra conflict, truly all of humanity should grieve. What is particularly tragic in this case, however, is the number of talents that have been prematurely snuffed out because of man's inability to find a negotiated path to peace.

A group of Americans concerned about the loss of this priceless talent on the Biafran side—where war's ravages have been greatest—have gotten together and formed a Committee for Biafran Artists and Writers. Headed by Miriam Reik, a professor at Temple University, the committee has been active in bringing prominent Biafrans in the creative arts to America to talk about their West African culture and their attitudes toward the war.

This past Tuesday, the committee sent to Biafra a mission which will spend the next 2 or 3 weeks studying conditions in the field and searching out further examples of the qualities of the Ibo tribal life and culture that predominate in the territory held by Biafra.

In addition to Professor Reik, the committee is sending Diana Davies, a photographer-journalist; Leslie Fiedler, a well-known man of letters and a professor at New York State University at Buffalo; and Herbert Gold, novelist, essayist, and critic.

The committee plans to submit a report, upon the group's return, which I will make available to Senators for their reference. I do this not because I necessarily share all the political attitudes held by the committee toward the issues raised by the war, but because I am very much concerned about the human aspects of this conflict. The more information we can garner about the dimensions of the human problem, the greater our chances of making the need for a peaceful settlement clear for all the world to see and demand. The rhetoric of politics and the litany of ancient grievances must not be allowed to obscure the awful tragedy that is being visited upon an entire generation—both Nigerian and Biafran—a tragedy whose barest outlines can now and again be glimpsed through occasional study missions such as that undertaken by the committee this week or the effort led by the distinguished junior Senator from New York (Mr. GOODELL) earlier in the year.

MEMORIAL DAY TRIBUTE—REFLECTIONS ON WAR AND PEACE, AND HONORING THE DEAD BY HELPING THE LIVING

Mr. MONTOYA. Mr. President, Memorial Day visits us once again, and I feel privileged to rise and pay tribute to the courage, endurance, and patriotism of those brave Americans to whom we owe the most—those who have made the supreme sacrifice and whose names are written indelibly upon every battle monument.

Spring is a particularly pleasant time of year, and May is perhaps the best month of all. Both the season and the month are favorite topics of poets. It may, then, seen somewhat incongruous that we have chosen the 30th of May as the day for honoring our war dead. Some might feel that a dark and gloomy winter's day would be more appropriate for discharging such a solemn duty.

I cannot, however, accept that view. I believe it to be absolutely fitting that we should observe the finest day of the year as Memorial Day. In this way, we make ourselves aware of all the good things of life which we as American citizens enjoy and which we continue to enjoy only because, in every period of our history, there have been young men willing to make the complete sacrifice in defense of our country and our way of life.

On this day, we are, of course, reminded of a thousand battles fought. What a record is thus presented in making right the master of might. And without the valor of our American soldiers and regiments, many of these wars might yet be in full progress.

But the conclusion of these conflicts also represents a renewal of our liberty, for we are further reminded on this day that the American people—so given to peace and occupied with schools, agriculture, technology, and Government—which does their will through the ballot box—these people have yet, when aroused, a power of resistance sufficient for any need, however great. Shake them rudely, or menace their freedom and put them in fear and there is no confronting them.

Nor can we fail, on this Memorial Day, to be reminded of our own individual service—such as it was—and of our sons and comrades—alas, too many to be named—whose honorable discharges were given them by a bullet in battle, or fever in a jungle; whose bones lie in shallow graves in the stillness of a valley, in the mountain's breast, or the ocean's deepening bed.

Believe me, I am proud of these multitudes of American soldiers. They are our immortals who wear uniforms of light. On their rolls shine heroic names, without regard to such distinctions as rank. It is for their sake that we have resolved to honor them each Memorial Day—to salute them martially with the roll of drums and thunder of cannons—so our fallen comrades know they are remembered and will never be forgotten.

REFLECTIONS ON WAR AND PEACE

Our own General Sherman is reported to have said:

> You want to know what war is? War is hell.

Anyone who saw war as he did would agree. True, war sometimes develops noble and heroic qualities in individuals or a people. But war is hell for all that.

Yet, there are some who would teach that a war from time to time is by no means a misfortune, but, rather, a necessary and healthy exercise to stir up patriotism and preserve manliness. To those eager to plunder the public under a cheap guise of patriotism, love of country will flag, they say, unless stimulated by hatred of someone else.

It is a strange fact, too, that while the medieval conception of honor—which regarded the duel as the only adequate settlement of a question of honor—has yielded to more enlightened and moral views in civilized countries, yet nations are in such cases still apt to rush to arms as the only means of satisfaction. Indeed, war is a duel on an expensive scale, and bloody wars have happened in spite of an earnest popular wish for peace on both sides, especially when the controversy was inflamed by points of honor.

What is the rule of honor to be observed by a power as strong as this Nation? Surely we cannot be expected to meekly pocket and accept real threats and insults if offered. One country alone can start a war, and the new means of nuclear warfare which could destroy mankind have loaded the balance with incalculability and uncertainty. Men and women alike continue to examine this difficult question in an effort to find ways of preventing nations from pursuing policies which can inflict on mankind sufferings far more hideous than in past centuries.

Mencius, in ancient China, when asked for guidance in matters of defense by the ruler of a small state, counseled:

> Dig deeper your moats; build higher your walls; guard them along with your people.

This has remained the classical posture up to our age. But the total wars of this and other centuries have taught us that in our search for peace, we must keep before us certain common higher goals:

First, it will be in vain to cry peace, peace on both sides of the ocean if we continue to rattle sabers and missiles in one another's faces. Nor should we judge other nations on their actions and capabilities and then expect to be judged ourselves on our intentions only. For a world without violence must also be a world of justice. In our dealings with other nations we must distinguish between self-assertion and subservience, and have scrupulous regard not only for the rights but also the self-respect of other nations in their simple human demands for the freedoms that we and other nations have long taken for granted.

Second, we should see our highest glory not so much in battles won as in wars prevented. By seeking to influence mankind, not by heavy artillery and nuclear weapons but by good example and wise counsel, other nations will instinctively turn to us as their mutual friend and preserver of peace. If the civilization of which we boast is to mean anything it must mean this: That no war is justifiable unless its cause or object stands in just proportion to its cost in blood, destruction, waste, human misery, political corruption, social demoralization, and relapse of civilization—and even then only when every expedient of statesmanship to avert it has been thoroughly exhausted.

In short, Mr. President, our manifest destiny rests upon peace, which is peace with honor. It is also the noblest aspiration of good Americans who love their country most.

Despite the superiority of our staying power, the unextinguished fire of the war in Vietnam calls for our most earnest attention. With this dark cloud of uncertainty hanging over us, we are more and more depressed by an unsettling anxiety-paralysis which must be removed or at least lessened as much and as soon as possible. I do not believe it idealistic fancy to say that the peace sentiment prevailing here and in other parts of the world can be set to work for the accomplishment of that end.

And the peace and greatness of our country is also the truest monument and highest tribute we can pay the memory of those fallen heroes who have served our Nation so well. For their task in saving our Republic will be finished, and their great deeds and duty nobly done will never cease to be prized by a grateful country, as one of its most prized possessions.

BY HELPING THE LIVING WE ALSO HONOR THE DEAD

There come to mind, too, on this Memorial Day, the words of Abraham Lincoln, whose memory is so dear to us:

> Let us strive on to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow and orphan. . . .

Lincoln was reminding us that it was not enough that we should merely remember those who died in our behalf and frame eloquent words to tell the world how much we appreciate the fact that they gave up their lives for us. And he was right; we have a far greater obligation than that. While we have little power to repay our war dead directly, we can and should honor them by making certain that we have adequately provided for their families and for their comrades who survive.

This is an obligation which we have taken very seriously, and I feel that on this Memorial Day we can take some justifiable pride in the benefits we provide for our veterans and their dependents. On an average day there are close to 100,000 patients in our Veterans' Administration hospitals; more than 3 million veterans are getting disability compensation or pensions; 1½ million survivors of veterans are receiving compensation or pensions; over 7 million loans to veterans have been guaranteed by the Veterans' Administration; more than 11 million veterans have received educational assistance under the GI bills.

Impressive as these statistics are, there is much that remains to be done. We must constantly reexamine our veterans' benefit programs to find ways to improve them. In the 90th Congress, I sponsored a bill, S. 16, which was enacted on August 31, 1967, as Public Law 90–77, the Veterans' Pension and Readjustment Assistance Act of 1967. This act brought up to

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date a number of the provisions of our veterans' benefit laws. It increased pension rates, raised educational assistance allowances, and provided full wartime rates of disability compensation for veterans of the Vietnam era. Public Law 90-77 also made many other needed changes in our veterans' laws.

I am confident that this 91st Congress will continue to improve the benefits we provide our veterans, and I have already introduced several bills with this objective. S. 1279 and S. 1607, for example, would make special provision for veterans who underwent the ordeal of imprisonment at the hands of the enemy. Other bills I have introduced would make certain improvements in the laws governing dependency and indemnity compensation payments for widows, increase some statutory awards payable as disability compensation, and remove the arbitrary 6-month limitation on nursing home care insofar as that limitation applies to veterans with service-connected disabilities.

In the coming months we will be considering these and other proposals to broaden and strengthen our system of veterans' benefits. In so doing, we will also be honoring our war dead by improving the lives of their families and the lives of their comrades.

CAUTION NEEDED ON GROWTH RETARDANTS

Mr. HART. Mr. President, some of the chemicals which we use to kill bugs and increase crop production may have monstrous, quite unsuspected effects. They may cause the unwanted death or mutation of fish and wildlife. It is possible they could, given long-term and widespread use, bring mutations and death to man himself.

An extreme example of such possibilities is reported in an article entitled "Caution Needed on Growth Retardants." The article, written by Dr. David B. Carlisle, was published in the New Scientist of November 7, 1968. It is speculative, particularly since the dosage levels used in the experiments are quite high, but it is a speculation we should all ponder.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAUTION NEEDED ON GROWTH RETARDANTS

(By Dr. David B. Carlisle)

(NOTE.—Substances like chlormequat which render plants resistant to pests can cause deformity and sterility in the offspring of locusts so treated. The possibility of similar effects in higher animals should be thoroughly investigated before such compounds are released for general use.)

The other day I bought a pot of chrysanthemums at the local florist's. Four or five years ago a pot like this would have been an unwieldy burden to carry home, with three or four foot high stems bending and breaking. But now these plants are dwarfs, easy to transport and fitting neatly into a small modern room. It's not that dwarf varieties have been bred, but rather that horticulturalists are using dwarfing sprays that cause the habit of the plant to alter, producing more and shorter stems per plant, and usually more but smaller blossoms. Compounds like 2-chloroethyltrimethyl ammonium chloride (Cycocel, chlormequat or CCC) and N-dimethylaminosuccinamic acid (Dimas or B9) have revolutionized the production of flowering plants for the house. This Christmas we may expect to see miniature azaleas crowded with blossoms and dwarf poinsettias.

These substances have other advantages too, as Dr. B. D. Smith argued recently in *New Scientist* ("Starving out plant pests", 10 October, p. 84). The application of CCC to a plant can confer some resistance to pests such as blackcurrant gall mite and aphids. The rate of development and reproduction of aphids is reduced, according to Dr. Van Emden, and later generations often die before reaching the adult stage.

On the surface then, it seems that the stage is set for a rapid expansion in the use of these plant growth retardants in agriculture. CCC appears to show no toxicity to mammals, yet it may protect plants against attacks of pests and, more important, it may induce desirable growth habits in plants. It is easy to see that wheat or rice with shorter stems will stand up to gales more readily and can be harvested even in a bad year, while the increased number of stems, and hence of ears, may more than make up for their smaller individual size.

Nevertheless, I would like to sound a note of warning and ask for fuller testing of CCC, B9 and similar compounds before they are released for general use. CCC is quite persistent and accumulates in the seed, the very part of the plant we eat from our cereal crops.

In this laboratory we have begun investigating the mechanism of the action of CCC upon locusts and cotton staining bugs. My colleagues, Dr. Peggy E. Ellis and Mr. L. J. McVeigh and I, together with Dr. Daphne J. Osborne of the Agriculture Research Council Unit of Experimental Agronomy, Oxford, have shown that direct feeding of CCC to locusts at the stage when neiosis is beginning interrupts gametogenesis and so leads to sterility. In most insects the reduction divisions which lead to gamete formation are completed during larval life, and by the time the adult emerges only yolk formation and the construction of the spermatophore remain to complete the process. CCC has no effect that we have been able to discern on adult locusts or bugs. They live a normal life span, they reproduce as freely and successfully as untreated insects, and their offspring appear to be normal.

MEIOSIS HALTED AT FIRST METAPHASE

The picture is quite different, however, when CCC is fed to locusts at the beginning of the fourth of the five larval stages, or if it is injected into them at this stage. A dose of 2000 parts per million (2 mg per g) applied to locusts at this stage leads to complete sterility, and meiosis is halted at the first metaphase (a stage halfway through the first of the two reduction divisions which lead to the formation of gametes). Weeks after a single dose, the testis remains fixed in this stage; then degeneration sets in and it finally atrophies. Much the same seems to happen in the female, but our studies are less complete here. This same sized dose administered later in life, when some parts of the gonad have completed the first reduction division, leads to delayed sexual maturation, a lower sperm or egg count and reduced reproductive performance, but not to complete sterility; it seems that only those parts of the gonad which have not completed the reduction divisions are affected by CCC.

When a tenth of the dose is applied at the earlier stage (before meiosis has begun) maturity is again delayed, but sexual reproduction is eventually possible. In experiments under these conditions, however, some of the eggs laid by parents which had received a dose of CCC as larvae developed into abnormal adults which were themselves sterile and showed monstrous deformities. I must emphasize that it is not treated animals which are deformed and sterile (though their reproductive performance is impaired) but their offspring. In terms of the direct effect of CCC on pests of crops this is great news—a compound which has useful effects on plants also protects them against pests by directly damaging them and hindering their reproduction. But what if there is some similar effect on mammals? After all, CCC depresses reproduction in plants as well as in insects—witness the smaller ears of wheat, with fewer seeds per ear. How much more likely then that unrelated animals should be affected in the same sort of way.

CCC is not toxic to adult or (apparently) to juvenile mammals so far as we know, but neither is it to adult or larval insects. Its single known effect on insects is on the early stages of meiosis. And when do these stages occur in female mammals? They take place even earlier than in insects; no more oocytes are formed after birth, since the first stages of oogenesis take place in the embryo, *in utero*. The possibility may be remote that CCC affects mammals as it does insects, but the foreseeable consequences seem to me so hideous that this must be tested before CCC is released for general use. Dr. Smith used a foliar spray of 5000 parts per million of CCC on his blackcurrants; we have produced monsters with 200 parts per million.

Let us suppose for a moment that mammals are affected like insects, and that CCC is being used at this sort of level on wheat. A pregnant woman eats bread tainted with CCC (remember that it accumulates in the seed). The daughter she bears later seems perfectly normal until puberty, which is somewhat delayed. As a married woman this girl has difficulty in conceiving a child, but does so eventually, only to bear a cripple with distorted limbs, malformed, malfunctioning organs, or even neoplasms. This is the grandchild, not the child, of the woman who ate the contaminated bread. How much harder to trace the cause than it has been for thalidomide, and how equally tragic! Remote the possibility may be, but it must be investigated. Dr. P. C. Williams, of the Imperial Cancer Research Fund, agrees with me in this and has just begun a programme of research in which he plans to test this possibility. I hope he finds that there is nothing in the idea.

PROTEST IN REVERSE

Mr. GRIFFIN. Mr. President, at a time when violent confrontations seem to be the order of the day on college campuses, it is particularly encouraging to take note of what recently occurred at Kalamazoo, Mich., Valley Community College.

A few weeks ago, the 1,500 students at that college, which opened its doors only last fall, staged a "demonstration of appreciation" for the education they are receiving.

I ask unanimous consent that an article written by four of the students as well as an editorial which appeared in the Waco, Tex., News-Tribune commenting on this event be printed at this point in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

PROTEST IN REVERSE BY STEVE DONALDSON, NILE WARNER, RICK SHAW, FLORENCE BALDWIN

It all began at a talk-in. What is a talk-in? Dr. Dale Lake, President of Kalamazoo Valley Community College, instituted talk-ins as a time and place for students to air their views. They may gripe, brag, or praise. They may ask questions about the administration, the policies, goals and future of K.V.C.C. Talk-ins are very flexible. Dr. Lake and members of the Student Congress are there. Students may drop in for as little as five minutes or as long

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as one and one-half hours. Faculty members, trustees and deans wander in and out. The coffee is hot and good; and everyone is welcome to do his or her thing.

At our first talk-in a student expressed her delight with dynamic enthusiasm of the faculty. She also commented on the many fine young minds she had discovered at the College.

Later, this same student wrote a letter to the Editor of the Kalamazo Gazette stating these same thoughts. When the letter was published, she was surprised at the number of students who approached her and told of their gratitude for K.V.C.C.

At the next talk-in a male student spoke of the good rapport existing between students and faculty members. A comment was made about the College being student-oriented. There was a question as to whether this would be retained in the future. Dr. Lake stated that the administration and Board of Trustees realized that it would take "a lot of hard work to keep it this way. But we intend to do it."

Following this talk-in, these two students discussed the possibility of involving the student body in a happening of some kind to thank Dr. Lake, the Deans, and the Board of Trustees for their efforts on our behalf.

Enlisting the aid of two students, they started planning. "How about a protest in reverse?" they asked. The reaction was both delightful and enlightening. Like a star quarterback, the student body grabbed the ball and ran for a touchdown.

Flyers were printed and passed around to students and faculty.

The first flyer began: "When a College has a poor administration it is the *right* of the students to protest."

We should have had cameras to record the facial expressions of some who read these lines. One of the instructors threw his hands in the air and fairly shouted, "I knew it! We didn't even make it through the first year."

However, the consternation subsided when the rest of the flyer was read: "Further—if a College has a good administration and faculty it is the duty of the students to show their appreciation."

A petition was drawn up thanking the Board of Trustees for the many hours they had devoted to the development of K.V.C.C. A second petition thanked Dr. Lake and the Deans for drop-ins, talk-ins, and the creation of a student-oriented, full student participation college. These petitions were signed by several hundred members of the pioneer class of 1968–69.

A collection was started to purchase some plaques for the administration and trustees. The money could have been appropriated through the Student Congress but the students wanted it to come directly from them. Quickly the fund grew—nickels, dimes, pennies, now and then a quarter. Many of these young people gave their last penny. One black student took a handful of change from his pocket, "I just need a dime for a coke," he said, and dropped the rest into the kitty. Tuesday—April 15—1:30 p.m. was the target day. Like magic posters appeared everywhere. "At KVCC You Are a Name Not a Number. Think About It?" "Welcome to K.V.C.C. The Student-Oriented College."

We were all nervous as the big day got closer. We had our time schedule worked out—but suppose something went wrong? What if - - -? Do you imagine that - - -? We crossed our fingers. I think some of us prayed. We hoped for a clear day.

Tuesday morning the atmosphere throughout the building was electric. Even the secretaries were excited. Would the misty rain let up in time?

By 1:15 the truck we were using for a platform was in place and the mike was hooked up. Five male students swept through the halls opening classroom doors and calling the students to the rally. They gathered around the truck cheering and clapping. One of the leaders stated our purpose. The students began chanting "We want the Deans. We want the Deans. Bring out the Deans." Escorted by two mustachioed, long-haired students the Deans arrived. Dean Kocher received one of the petitions. There had been some money left after paying for the plaques. It had been decided to donate this to one of the scholarship loan funds. The check was presented to Dean Chick. There were cheers. Placards waved. "Lake's No Fake. Kocher is Kool. Ross is Boss. Chick is Slick."—"K.V. C.C. the Cool School."—"Thank you for a fine first year."

Amid loud cheers and laughter the Trustees and Dr. Lake joined us. Dr. Lake was carried on the shoulders of two students. The plaques of appreciation were presented to Mr. Wollam, Chairman of the Board of Trustees and Dr. Lake.

Cheer after cheer rose on the air—exuberance, high spirits and good will were rampant.

And we all collapsed. We had done it! A Protest in Reverse! It had been successful and we all felt good.

From the top side of the generation gap the view is very exhilarating. What fun to see an idea take hold and grow. When young people can feel so much gratitude and express it in such an outgoing manner, I believe we *all* have something to cheer about. Hip! Hip! Hooray!

[From the Waco (Tex.) News-Tribune, May 20, 1969]

THESE STUDENTS AREN'T ONLY SQUARE, THEY'RE ALSO FAIR

Kalamazoo Valley Community College in Kalamazoo, Mich., opened its doors only last fall. Already its students have been involved with petitions and demonstrations.

Administration eyebrows were lifted some weeks ago when a flyer began circulating on the campus, which began:

"When a college has a poor administration it is the right of the students to protest."

Eyebrows went even higher at the next sentence:

"Further—if a college has a good administration and faculty it is the duty of the students to show their appreciation!"

It seems that the 1,500 students in the pioneer class of KVCC actually wanted to show their gratitude to the school for giving them an education. A petition was circulated thanking—of all people—the board of trustees for the many hours they had devoted to the development of the college.

A second petition thanked President Dale Lake and the deans for "the creation of a student-oriented full student participation college," a feature of which are regular "talkins" where faculty members, trustees and students informally exchange gripes, praises and opinions.

A collection was started among the students to purchase some plaques for the administration and trustees. On the day of the big "confrontation," during which the check for the plaques was presented, signs were displayed. One of them read: "Thank you for a fine first year."

Not a building was occupied, not an office ransacked, not a single nonnegotiable demand was made.

All in all, a pretty square bunch of students and teachers at KVCC—square, that is, in the original meaning of the word.

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON STUDENTS AND THE KNOWLEDGE BOOM

Mr. BYRD of West Virginia. Mr. President, on May 28, 1969, I made a statement for radio regarding graduating students and the knowledge boom.

I ask unanimous consent that the transcript of that statement be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

STUDENTS AND THE KNOWLEDGE BOOM

Nearly all of us have heard the cliche, "Get a good education. There is no better investment for the future."

This statement, of course, is true. However, I believe this misses an extremely vital point. The point is that education need not always refer to the kind one receives in college.

Educational opportunities abound in our country. These opportunities, for the most part, are the result of a tremendous knowledge boom that has hit our society. Scientists estimate that today there is twice as much to know as there was just 15 years ago. As though this were not incredible enough, the scientists go on to say that in the next 10 years the quantity of knowledge will again double. And there is no end in sight.

This creates for us all—and students especially are aware of it—a number of very real problems. What means can we find to deal with all this new knowledge and information? How can we store it for quick recall when it is needed? And, perhaps most important, where will we find the highly trained people needed to apply this knowledge effectively?

Already, we have begun to feel the crunch of a manpower shortage. A good example of this is in the field of medicine. The shortage of doctors is becoming acute in this country. Medical schools have found it impossible to keep up with the demand. A suitable solution advanced by many persons calls for a sharp increase in the number and kind of paramedical people—people who will perform some tasks ordinarily performed by doctors but which can be done as well and as effectively by technicians under the direction of a doctor. We see this practice evolving now in the medical profession as it has evolved in other scientific fields. Laboratory technicians with especialized skills and training have long kept tab on experiments and research performed in various fields.

Specialist skills are indispensable when we are faced with so much information, so much data, so many facts relating to so many problems. It has become impossible for one person to deal with every phase of the new, complex tasks that have become vital to our society.

And this is where young people will make their marks. Those graduating from high school must now decide what they will do. Will they continue their formal schooling by entering college? For some, this is the next step; and certainly the knowledge boom puts a premium on college training. But how about the majority who are not going on to college? Whatever their decisions, I can assure them of one thing: while their formal schooling may be finished, their education has just begun.

With a minimum of searching, they will find that the boom in knowledge has created intense demand for skilled technicians trained in highly specialized fields. College training alone cannot satisfy the demand. Successful management of the rapidly growing wealth of information requires skilled specialists in nearly every field—for example, technicians, laboratory specialists, quality control people, trained supporting personnel of unlimited description—all kinds of essential jobs. But without interested people, without a new crop of graduating seniors capable of applying the available knowledge, these opportunities will go begging, and the wealth of knowledge will become worthless.

The knowledge boom has left in its wake the unskilled and the untrained. While a premium is placed on formal education, an equally high value should be placed on tech-

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nical skills and training. Enterprising high school graduates have only to look about them to find that they are in great demand as trainees in technical, highly specialized jobs. College provides one path into the mainstream of our society. But we should keep in mind also that this is by no means the only path. Our nation's continued progress depends on our applying what we know. This, in turn, depends on the youth of our nation. Only in them will we find the human resources, the technical skills, the talents to do the job effectively.

WHY USELESSLY CONTAMINATE GOOD AMERICAN EARTH?

Mr. COOK. Mr. President, before the Senate adjourns, I should like to read, from the United Press International wire service, a report just issued. It reads as follows:

DUGWAY, UTAH.—The Army has admitted contaminating a remote area of Dugway proving grounds with a teacup full of deadly Anthrax bacteria.

But authorities said the threat to humans and animals is almost non-existent, at least partly because of the area's remote location.

Brig. Gen. John G. Appel, commander of the desert test center, said today a 100-square-yard area of nearly pure crystalline salt on the western Utah salt flats was contaminated with the bacteria 15 years ago "To determine how long it might present a hazard."

Similar tests by Britain during World War II indicated areas contaminated with Anthrax bacteria would be uninhabitable for more than 100 years.

The bacteria can be fatal to humans and animals if they are inhaled into the lungs or contact a cut in the skin.

I conclude my remarks, Mr. President, by asking the military, with the results of the tests by Britain, tests that have already been successfully completed, why was it necessary to contaminate 100 square yards of pure crystalline salt? Or, more pertinent still, why was it necessary to contaminate 1 square foot of American ground with tests that had already been made and the results established and proved?

ADJOURNMENT UNTIL MONDAY, JUNE 2, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 46 minutes p.m.) the Senate adjourned until Monday, June 2, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 28, 1969, under authority of the order of the Senate of May 27, 1969:

U.S. Circuit Judge

Charles A. Bane, of Illinois, to be U.S. circuit judge for the Seventh Circuit, vice Elmer J. Schnackenberg, deceased.

Securities and Exchange Commission

Hamer H. Budge, of Idaho, to be a Member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1974; reappointment.

James J. Needham, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1973, vice Manuel Frederick Cohen, resigned.

In the Army

I nominate Brig. Gen. Hal Bruce Jennings, Jr., 026995, Army of the United States (colonel, Medical Corps, U.S. Army), for appointment as the Surgeon General, U.S. Army, and for appointment to the grade of lieutenant general under the provisions of title 10, United States Code, section 3036.

I nominate the following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Arthur William Oberbeck, 020569, U.S. Army.

In the Marine Corps

I nominate Lt. Gen. Richard G. Weede, U.S. Marine Corps, when retired, to be placed on the retired list in the grade of lieutenant general in accordance with the provisions of title 10, U.S. Code, section 5233.

Having designated, in accordance with the provisions of title 10, U.S. Code, section 5232, Maj. Gen. Frederick E. Leek, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of lieutenant general while so serving.

EXTENSIONS OF REMARKS

HUBERT HUMPHREY OFFERS COMMENCEMENT ADDRESS FOR ALL AMERICA

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 29, 1969

Mr. RANDOLPH. Mr. President, this is the time of year when high schools, colleges, and universities across the entire country are conducting their commencement programs.

A great amount of wisdom and good advice is being dispensed by thousands of speakers at these programs. Deserving of careful attention also is the advice offered by former Vice President Humphrey in an article entitled "An Open Letter to America's Youth," published in Parade magazine for May 18, 1969. What he has to say should be pondered carefully by every American, young and old alike.

Mr. Humphrey's article could well be classed as a commencement address for all of us.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

An Open Letter to America's Youth

(By Hubert Humphrey)

No age group has a monopoly on idealism. The desire for justice, freedom and peace is as alive among the old as it is among the young. Idealism, nevertheless, is most apparent in the young. Our students have the time and the energy and the motivation to express their discontent with the failures of our civilization, and to try in their own way to remedy these failings. Their discontent is praiseworthy, since we live in an imperfect world.

I find it unfortunate, however, that so much of the admirable energy of our youth is being dissipated on the fringes of society. While young people have been justly proud of some of their victories, and even prouder, perhaps, of some of their efforts that ended in defeat, they are falling far short of making their power felt on our society.

It seemed, a year ago when students banded together to advance the candidacy of Senator Eugene McCarthy, that they had gained an understanding of their power. Working within the democratic system, they proclaimed their message across the country, and they were heard. Unquestionably, a large part of Senator McCarthy's success in the primaries can be credited to young people who gave so much of themselves to his campaign. They also had an impact on the push for a Vietnam peace.

Although a good bit of the protest voiced during the last election campaign was directed against me, the greatest part of it was responsible protest. The youth of America had a message, and it did not go unheard or unheeded.

HEALTHY FOR COUNTRY

Certainly, I was disturbed when some groups interrupted my public talks and kept me from communicating with others who wanted to listen, but most of the young people who involved themselves in the last campaign respected the rights of others. These young people were directed toward issues, and I think their participation was healthy for the country and for American politics. The Student Coalition—composed of McCarthy, Kennedy and Humphrey supporters—was among the most effective and hard-working campaign organizations supporting my candidacy.

Most of the students on our campuses, like most of the students who were involved in the last campaign, are concerned Americans. Most of the violent and destructive campus protests have been provoked by a relative few.

We find faults and deficiencies in all of our institutions—our universities, our government, our political parties, our corporations and labor unions, even our churches—but they will not be remedied by the actions of screaming, rock-throwing mobs. The answer lies in sustained positive action. This process of peaceful change is the foundation of a democratic society.

I urge that the doors to participation in our society be thrown open to young people who want to take an active part in the future course of this nation. It is one thing to stand on the outside and complain when our institutions seem unfair, unresponsive, irrelevant—or to resort to violence and other illegal tactics. It is another to do the work that is needed to make them fair and responsive and relevant. That is the opportunity that beckons young Americans today—as it has every generation.

In my youth, and that of most other parents of today's young people, much of our energy went to help our families and relatives survive the rigors of the Depression—and to educate ourselves like every generation, today's young people also want to be involved in building a more just and humane social order. But in most cases, their contributions are not essential to the welfare of

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their families or friends. Instead, they encounter a society which places high value on material comforts and they properly conclude that materialism is an insufficient goal, either for themselves or society.

Is it surprising, then, that a growing number of young people are searching for higher goals and are expressing dissatisfaction with society as they find it? The paradoxes of our time contribute to this alienation and frustration; proverty in the midst of wealth, unemployment in the midst of an expanding economy, or hunger in the midst of food surpluses.

What is more, our young people know the imperative need of an education, but they see universities and colleges with programs wedded to the past and with standards unrelated to tomorrow's needs. This is fertile ground for trouble. And trouble we have. What to do about it?

DON'T WAIT FOR TROUBLE

First of all, the adults ought to seize the initiative in removing these inequities and injustices. We have the power to do something about them. We should do what ought to be done through the democratic processes of orderly change—rather than being forced to take action as a result of conflict, destruction and rebellion.

The existing processes of democracy provide a forum for action—for adults and young people. But will these processes be used effectively . . . or will they be rejected for the alternatives of unrestrained mob rule and intimidation? History has demonstrated conclusively that those persons who set themselves above the rules of ordered liberty are the ultimate destroyers of the justice and freedom upon which a democracy must rest.

Every citizen has the obligation, *now*, to see that our young people have every chance to participate effectively within the system—to be heard, to be taken seriously, and to be treated as equal partners in our democratic enterprise. Parade magazine has agreed to help young people gain access to the institutions of democratic government. Anyone who is interested in learning more about the many opportunities which do exist for young people can write to me in care of Parade.

AN URGENT NEED

For those who are qualified for government service, I will be delighted to pass on names to President Nixon, with my personal recommendation that they be given special consideration. I know that our Federal departments urgently need people with a young spirit and fresh ideas.

Others may be interested in working in the political parties. I will pass on the names of young Republican volunteers to the Republican Party. As a leader of the Democratic Party, I will forward the names of those interested in volunteering for Democratic activity to the appropriate party leaders.

There are other exciting opportunities such as the Young Franchise Coalition, a broadly-based movement committed to winning the vote for eighteen year olds—an objective I have worked for since 1952.

There is no political partisanship involved in these suggestions, and none will be tolerated, by Parade or by me. I also recognize that a written request for information is no substitute for dedication and commitment which young people ultimately must generate or for the receptivity and openness which the established leaders must demonstrate if the energies and ideals of youth are to be used constructively. But I also know that many young people would welcome some specific suggestions on how they can become more fully involved in the democratic process.

More than half our citizens are under 25 years old. Yet their voice has not been heard adequately in Congress, in the top councils of government or in our political parties. That is, perhaps, the fault of my generation. Today, however, youth has an opportunity to put its idealism to work.

Its response will be a measure of its sense of purpose.

DR. EDWARD H. LEVI, PRESIDENT OF CHICAGO UNIVERSITY, URGES 2-YEAR LAW STUDIES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PUCINSKI. Mr. Speaker, recently Dr. Edward H. Levi, president of the University of Chicago, proposed that the Nation's law schools give serious consideration toward an earlier termination point for formal law training.

Dr. Levi's proposal was incorporated in an address he delivered during the program celebrating the completion of a law school building at the University of Pennsylvania in Philadelphia on March 15, 1969.

I am including in the RECORD today Dr. Levi's address and am hopeful that his bold suggestion for an earlier termination of formal law studies will help start major dialog on the subject.

I believe that there is great merit in Dr. Levi's suggestion. His excellent address follows:

DR. EDWARD H. LEVI, PRESIDENT OF CHICAGO UNIVERSITY, URGES 2-YEAR LAW STUDIES

Karl Llewellyn, outstanding law teacher of a past creative period, thought lawyers could do almost everything. He thought doing was important. A scholar of folklore and legal history, he included the proper conduct of ceremonial events among the proper doings of lawyers. With special shrewdness, he knew these events were necessary and should be done well. As a former law school dean, who in one year—stretching over two—took part in at least five separate final dedications of the very same building, I can only imagine with awe the trail of luncheons, symposia, dinners and dedications which your ten-year program to complete the law quadrangle has left in its wake. We do well to celebrate. Ten years is a long time in the history of any American university; particularly for a private university where the art of planning is a subdivision of fortune-telling and witchcraft. Ten years is a particularly long time now; both law and education are at a turning point. We must welcome the realization that the conditions of 1969 and probably the next ten years are quite different from those perceived in 1959. You have earned the good fortune of new and renewed facilities. Their significance will be in their use to meet the changes of our time.

Our period is characterized by an enormous sense of inequality, a belief in the unbounded affluence of our country, a self-concern which is within the traditions of individualism and idealism but has other roots as well, an acceptance of power and coercion as ruling principles, and of an anti-intellectualism typical of agrarian or populist movements. These views and attitudes are widely shared. They are frequently coupled with such an assurance of helplessness as to make freedom of choice seem no longer personal, or merely symbolic, or at least something not to be exercised now, or to emphasize the desirability of drastic or catastrophic change. A feeling of collective guilt is pervasive. We have a soil conducive to self-righteousness, never hard to come by, for as Edmund Burke wrote describing the attitudes of a time which we hope is not too similar to our own "history consists for the greater part of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy, ungoverned zeal, and all the train of disorderly appetites." There is a resurgence, too, reminiscent of older periods, of conviction in the inevitability and, therefore, the rightness of waves of the future. You may find this picture overdrawn and, of course, it is, Fierceness, exaggeration and wild, rapid swings in points of view are endemic in our history. But there is enough correctness in the characterization to present problems with which both law and education must deal.

Our present condition is the result of many circumstances, including the normal ones described by original sin. The attitudes and beliefs have deep roots. A combination of events has made them dominant today. To some extent the beliefs are based on reality. There has been and there is great inequality. The divisions and barriers are high. Steps to reduce them intensify awareness. There is affluence, although progress is not just purchasable—even though we may think it is—and resources are inadequate for the jobs to be done. The individualism in our country has always given high marks for getting ahead, even when individualism is used as an excuse for dropping out. We have not found a comfortable way of assuring an individual that even contentment is appropriate. So there is pressure. Even though we value the individual for what he is, we still find it necessary and so does he, to explain a lack of advancement as due to helplessness within a system. As for power and coercion, the examples cannot be avoided. The civil rights movement is seen as the creation of power necessary to counteract the coercion—and largely unlawful coercion—inherent in the society itself. The undeclared Viet Nam War harrowingly questions public and private morality and the legitimacy of violence.

Of importance to both law and education is the increased power of the communications media, with new forms and a new reach, and with an effectiveness which has made the creation of stereotypes and images a national endeavor. The stereotypes and images not only substitute for thought and discussion, they also substitute for experience. There have been times in the past when our country has had a special failing for platitudes. Now the combination of affluence, delayed entry into the world of doing, and the kind of education we have developed has made a large segment of the population more dependent upon what it is repeatedly told for its view of reality. It is not the world which is made available to the individual, but someone else's conception of it, telling him not only what is said to go on, but defining for him, in lieu of the real thing, what his reactions are. Of course, this has always been the case. One must depend upon the observations of others. But the patterns of life have changed sufficiently to make the individual particularly vulnerable to the message which substitutes for questioning and doing. Socrates taught by examining with his students certain common experiences. Today the pictures and the slogans not only come complete with the answer, when there is insufficient experience or thought to ask the question, but they operate on a level of a manufactured mythology of gods and devils. The individual is enveloped in this stuff. He is hard to reach—where does one begin?—and education is much more difficult.

Despite all the talk about the knowledge explosion and the rat race, we have a leisurely pace for education for many people in our country. At least we can say the education is long in time. Our motto seems to be "the longer, the better." Many more people are going to college and many more are going to graduate school. We have made a fetish about general education, confusing it with liberal education. We have contrasted liberal education with professional, sometimes called vocational, training, meaning by this contrast that liberal education is not serious, or is not held to a high standard of proficiency, or that it is too serious, since it is concerned with self-development, to be turned to practical ends. In a peculiar although historic way, liberal education is often equated with amateurism. As Robert Brustein has cogently written, "the word amateur comes from the Latin verb, to love—presumably because the amateur is motivated by passion rather than money. Today's amateur, however, seems to love not his subject but himself." Since he frequently has not known any subject well enough to do anything with it, he often has not learned how to read, write or think very well. So he goes on to do graduate work, or enters a law school or some other professional school.

If he goes to graduate school it is likely he does this not because he wishes to learn how to do research, but rather because he would like to get the credentials so that he can become a teacher of other students who will go to college as he did and then go on to graduate school for the same reasons. The process is self-sustaining. The professional schools are in a separate category, although the lines are blurred. In general one can say the overwhelming trend is to build up more graduate programs and more professional schools, including for example, schools of business. It is a matter of some prestige to have the graduate or professional training begin as late as possible and to go on for as long a period as can be justified. Medicine is a good example. Not so long ago a medical student was expected to spend one year as an intern; now it is almost necessary that he spend two or three years more as a resident, or perhaps five or six or more for some specialties. He may be well in his thirties when this part of his training is over. Or, take the law schools. There was a time when we hardly had them. Then we began increasing the number of pre-law years required in college. In 1925 only one state required as much as two years of college before beginning law school. Today the general minimum is to require three years of college, and leading law schools, such as the University of Pennsylvania Law School, proudly require four. All this is regarded as good. But I wonder.

Education is costly. It costs the student. It costs society. For the student, a requirement of added years of formal study preempts part of his life. Should we not have as a mild principle: the required period of formal training will be as short as possible consistent with its proper purpose? To lengthen the period in order to screen or limit entry into the professions or because this is a result of the characteristic behavior of guilds, or adds prestige—these do not seem to come within a proper purpose. Our society has an educational burden which it has not met. The need is greatest at the pre-school, primary and secondary level. It is wasteful to misallocate educational resources—to keep the total period any longer than necessary is wrong. There are other consequences of the present system. We have isolated a substantial segment of the population, denying to it experiences which it wants and needs. At the same time we have encouraged the megalomania of colleges and universities by demanding they behave as substitutes for the world at large and for the agencies of government. Thus, we have weakened the intellectual aims and life of the universities, and we have deprived students a chance to develop skills and even wisdom by working on tasks outside formal education. The results should give us pause.

On a festive occasion such as this it would be nice to conclude that these doubts and questions do concern law schools. Perhaps they don't. I hope the merits of our great law schools are obvious. Their intellectual standards are often high. They are teaching institutions in which the students share to an amazing degree in the creativity of research in the humanistic tradition. The unity of subject matter and interest and the method of instruction, which as an ideal, anyway, compels participation, not only create an intellectual community, but they provide a training in the liberal arts not otherwise given in most academic programs. We should take note that these qualities are insufficient in the minds of those who call for more social science training or research in law schools, decry the over-emphasis on the case method—which in its pure form surely has not existed for generations—and decry the emphasis on case law, believe that law students should be able to take broadening courses outside of law in other departments of the university, feel strongly that some further training in service and more explicitly in processes of law reform should somehow be a greater part of the law student's experience. I do not know whether the call for a more practical training has waned or has become lost in the effort to staff anti-poverty and similar programs. On all these points of criticism, the law schools over the last forty years—and nothing in this area is entirely new of course—have made certain adjustments and accommodations. In addition, the schools have developed, and particularly in the foreign field, intensive graduate programs of their own. But I believe it is fair to say that law schools deserve their distinction because of their dedication to the application of structural thought, with precision and persuasion, to complex human problems and transactions. This is a great contribution which, in itself, invites questions.

There are three questions. I do not suggest the answers are obvious. The first is, accepting what the law school's greatest strength is, would it not be possible to give this basic training within a two-year rather than a three-year period. I believe there is general acceptance of the view that for many students the guts of what a law school has to teach have been given within two years. The coverage would not be as great. But the suggestion is not to wipe out a third, fourth or fifth year, but rather to give a reasonable early termination point for those who wish to leave formal law training after two years of study. What an extraordinary constructive challenge to the rest of the academic world it would be if law schools took this step! I don't think they will.

The second question is why should law schools, now that some of the malaise of undergraduate and graduate education is perceived, insist that their students have completed a four-year program before their law study is commenced? I am not sure there is even a doubt but that undergraduates could do just as well as graduates in formal law study. The argument has rather been that a broad liberal arts training or perhaps a general education was necessary to make a man or a woman a good lawyer or a public servant. But law is a liberal arts training. It is one of the best. I realize the argument is that law training will replace other study, although we are not usually sure what this is. It is a fallacy, in any event, and one with particular significance for the age which we seem to be entering, to assume that education must come in these college years or not at all. We must work toward a period in which not only is self-education understood to be the education which counts, but also a period in which there is continuing access to courses and lectures, and continuing self-education throughout an adult's life.

The third question cuts deeper. Why not make law study clearly undergraduate with some courses available to all students followed by more specialized work for those who desire this? This shocking suggestion has at least three points to commend it. The first is that it is of the greatest importance that the average college student have access to some training in basic legal theory. And second, this should be offered in terms of the serious consideration of legal problems so that college education can be revitalized by a professional standard of proficiency—we once could say excellence—building upon problems which can be perceived. And third, placing the lawyer's professional education at this point would respond to the law student's desire to take other broadening courses while he is engaged in law study. Those non-law courses are usually undergraduate courses which could be more easily available to him. I do not believe this suggestion will be adopted. It somewhat follows a European model, and we believe our training for law is better. Moreover, it flies in the face of the strongly held views of both the colleges and the law schools.

I have asked these questions to put the subject of law schools and legal education in its double perspective. One perspective looks toward the problem of education in its full sweep, with its confinement of the student, the length of time involved, the misallocation of resources as I think it is, the distance it imposes between the student and the reality of doing, and the lack of standards of proficiency when work is not seriously undertaken. We must, I think, find a way to shorten this period, to provide easier means for entrance and exit from the system with time out for doing, and we must find a way to give renewed seriousness—I have avoided the use of the word relevance—both in terms of the problems looked at and the standards of excellence required. The other perspective looks towards the law and the legal profession. Law schools do not train a complete lawyer. They cannot do so. In many ways we still have an apprenticeship system. But I do not believe the Bar has created the institutions which can make the necessary internship or apprenticeship as viable, equal and serviceable as can be done. And here, too, I believe, there are consequences for the law. It is not good to develop programs which only use law students to defend and represent the poor in criminal or civil cases or to lead community action programs, thus giving rise to the public view that the successful lawyer is busy on other things, and giving rise to the law student's view that virtue is to be found only on one side. We are in danger of developing a caricature of the adversary system, forgetting that this system only operates when the institutions of the law are created, defended and reformed by the Bar. It would help if the profession had institutions of doing in which all lawyers spent some time, and which were committed to the aid of the courts, to law revision, and to work in representation through assignment or some other mechanism so that a fair spectrum of causes would be seen and senior lawyers would be available on both sides. This is easier said than done. The institution which I have barely sketched undoubtedly won't work, but I am sure there must be some way for the Bar to face up much more directly to these problems than it has. I realize that in the last few years it has done quite a bit. I am suggesting there might well be a new allocation of responsibility between the law schools and the Bar, particularly if the law school could shorten the time, and young lawyers could more quickly move into a period of supervised practice.

What a queer talk to give at the end of a celebration of the completion of facilities which so elegantly meet the needs of the great law schools of today, and enable them to preserve the community which they have created. Our great law schools must be preserved. They will be. But they will do so best in these shifting times by looking ahead, not only at their own needs, and not only at the needs of the legal profession, but at the pattern of professional life in this country, and not only of education in general, but our system of justice and our understanding of it. The responsibility is very great. It is

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a responsibility for leadership. I am sure this school, in the light of its tradition and its strength, will be among the leaders.

THE INCOME TAX SURCHARGE, PAY INCREASES, AND INFLATION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 29, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled " 'Nuff Said," published in the Savannah, Ga., Press of May 5, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

'NUFF SAID

Comments that require no editorial interpretation:

Sen. Harry F. Byrd, Jr., speaking of recent salary increases given members of Congress, the Supreme Court, Cabinet officers, and about 1300 other high-ranking executive and judicial officials: "We are in a period of high inflation. If we're going to get inflation under control there must be example at the top."

Sen. John J. Williams of Delaware, speaking on the same subject: "More than one-half of this $9 billion extra revenue that's coming in from the 10 per cent income tax surcharge, which we levied on every taxpayer in this country, will go for pay increases in the first half of this year."

TEXTILE IMPORTS SKYROCKET

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. DORN. Mr. Speaker, 2,400,000 textile employees are concerned about the fantastic increase in textile imports. For instance, textile imports reached a record monthly level of 362 million equivalent square yards in March. The March level was 45 percent higher than March 1968.

Mr. Speaker, the American people are concerned about this threat to an industry so vital to the national defense of our country. Secretary Stans is making a determined and courageous effort to protect the textile job security of the American people and preserve the defense posture of our country.

I commend to the attention of my colleagues an editorial from the Greenville News, Greenville, S.C., the textile capital of the world, and an excellent column by Mr. James K. Kilpatrick which appeared in the Washington Evening Star on Sunday, May 25.

The material follows:

[From the Greenville (S.C.) News, May 23, 1969]

NINETY-DAY NOTICE ON TEXTILE TRADE

The Nixon administration obviously hopes to work out a negotiated solution to the textile imports problem which threatens many American jobs and the economies of several states.

A negotiated and fair settlement, worked out with all countries involved, would be in the best interests of everyone. While it is necessary to protect textile markets in this country in order to keep the domestic industry strong, nobody really relishes unilateral action which could set off all sorts of trade repercussions.

Basically this section of the country clings to the ideal of free and friendly trade among nations, with as few barriers as possible. But free trade also has to be equitable.

The textile situation has special considerations. Under existing international arrangements, low-wage nations can and do flood certain segments of the manmade fibers market in this country, causing sudden disruption affecting many domestic plants and thousands of workers. A few years ago, they hit cotton with severe results. It is unfair competition from any angle.

Unlike previous administrations, the Nixon team has grasped that fact and is determined to do something about it. Preferably the solution will come through voluntary agreements with those nations in the Far East, Europe and a few in Africa which can and often do upset textile markets in the United States.

Commerce Secretary Maurice Stans' recent trips abroad were made with that purpose in mind. He was and still is trying to arrange friendly and fair agreements with all foreign nations concerned.

His efforts so far have not met like response. The Japanese attitude is especially intransigent and unrealistic. The Japanese insist on the privilege of virtually unlimited access to American markets. Japan, however, has numerous protective devices of her own.

Refusal of Japan to agree to voluntary controls prevents other countries from entering into such arrangements with the United States. As of now the prospect is not too bright for a negotiated settlement.

Secretary Stans, therefore, is quite right to issue what amounts to a 90-day ultimatum on Japan and other countries to show signs of reasonableness. He strongly indicates the administration will back legislation to put quotas on textile imports if voluntary give and take fails. Many members of Congress have quota bills ready for action.

As we have said before, we much prefer negotiated solutions to such issues, but textile state congressmen should keep their mandatory legislation updated.

[From the Evening Star, May 25, 1969]

THE TEXTILE INDUSTRY FIGHTS FOR ITS LIFE

(By James J. Kilpatrick)

SALISBURY, N.C.—Commerce Secretary Maurice Stans returned a week ago from his disappointing tour of the Far East. He went forth as a missionary preaching voluntary limitations on textile exports, but he came home with no converts. The very day after he got back, the U.S. Department of Labor hit the textile industry with a new regulation on noise levels.

Here in this textile town, it seemed too much. The industry is in deep trouble, fighting for survival against its foreign competitors. In the past seven years, imports of cotton products have more than doubled—from 720 million square yards to 1,700 million square yards—and imports of woolens and blends have gone up by 54 percent in the past year alone.

Now comes the limitation on noise, applicable to plants filling federal contracts. The rule says that factory noise must be held to 90 decibels. A typical plant manager, Thomas W. Borland of Cartex Mills, says flatly that it can't be done—not without the development of machines that haven't even been invented. Even expensive remodeling, involving carpeted floors and acoustic ceilings, won't reduce the noise level of spinning rooms and wave rooms to the newly-fixed point.

Borland looks like everyone's grandfather ought to look: Tall, white-haired, a ruddy face. He takes a visitor on a tour of his plant, talking as he goes of free trade, comparative wages, noise levels and equipment changes. His is a small mill, representative of scores of plants throughout the Carolinas. Great bales of orlon, dacron, and imported cotton arrive at the rear of the plant. The raw material passes through a long series of cleaning and carding procedures, runs through the Rockette rows of spinning bobbins, and emerges from the winding rooms as finished yarn.

Yes, it's noisy, but monster vacuum cleaners keep the place spotless and workers say they get accustomed to the racket. A reporter who strikes up conversations in drug stores, filling stations, and in the "towel stores" that dot the highways, learns that workers are merely mystified by the noise regulation. They are deeply concerned about foreign trade and the future of such towns as Salisbury. The U.S. textile industry employs 987,000 persons; the related apparel industry employs 1.4 million more. Never mind the noise. What about jobs?

This profound human concern was pressed upon President Nixon during the 1968 campaign. He promised, if elected, to seek voluntary restraints by foreign manufacturers. Stans' tour of the Orient fulfilled this pledge, but it produced no commitments from competitors abroad. They have a good thing going in the free American market; they don't want to se it curtailed.

Textile wages in the United States average about $2.28 an hour. The comparable figures are 25 cents in Hong Kong, 36 cents in Japan, 18 cents in Portugal, and 56 cents in Italy. European manufacturers are behind the U.S. in equipment technology, but Japanese mills are miniskirt modern. Shipping costs make no significant difference. Importers are having a marvelous time; the domestic industry is hurting: Its profits last year amounted to a net of 3.1 percent on sales, after taxes. Only the food industry has a smaller margin of profit.

"Either we get quotas put on imports, or many of our mills will close," Borland says. A number of members of Congress, not only from the South, but from other regions also, accept this unhappy prospect. The choice is especially galling for the South, which has preached the doctrines of free trade since the days of Jefferson and Calhoun. But some thing has to give; and if principle has to bend to reality, the realities of North Carolina count more than realities in Hong Kong.

This is not a novel dilemma. "Free trade," said Macauley, 150 years ago, "is one of the greatest blessings which a goverment can confer on a people, but it is in almost every country unpopular." If the Congress slaps on import quotas on foreign textiles, all the old devils of protectionism may swarm on Capitol Hill. Nixon is a free-trade man himself, but he can hear the political noise level rising. The astute Japanese, happily counting their profits, would do well to count these decibels, too.

WHERE ARE THE HEROES OF YESTERDAY?

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PODELL. Mr. Speaker, Memorial Day fast approaches, and this year its meaning shall be brought home to us in no uncertain terms. One cannot help but ponder wars and sacrifices of the past—those involving other lands as well as our own.

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Why do men make war and offer their lives on an altar of sacrifice? There have been acts of heroism and selflessness through the ages which defy most explanation. Leonidas and the Spartans gave their all for the laws of their land. El Cid died for Spanish unity and freedom. The French soldiers at Verdun perished by the thousands for the sacred soil of their land. The last stand of the Imperial Guard at Waterloo is yet another example of what men will do in the manner of sacrifice.

There is devotion to duty, love of country, thirst for freedom, demand for liberty, and nationalistic sentiment. All have secured the ultimate gift a person can give to a cause or belief—the life of another human being.

Our Nation was conceived in an age of turmoil, from which surfaced certain elementary ideals of human dignity which we have since sought to embody by our actions and existence. From the very beginning of our national life we have enshrined sacrifice for a noble cause. Our ideals have supported this. Our wars have reinforced this. Our young men have died for it. Our people have revered it. Always there is one strain running through all these actions and happenings. The dignity of man and his inherent right to be free does not stop with any era of history or at the threshold of our Nation. For this Americans have fought and given their all in many wars, here at home and in far-off places. Always we felt it was worth while.

That is why we say that it was worth it to give half a milion young Americans to strike the shackles from the limbs of 4 million enslaved human beings. It was correct to fight the Kaiser and the right thing to crush Adolf Hitler and prevent South Korea from being swallowed up by an aggressor. Many men have fought to enslave other men, but only our country has consistently fought to free them. Until now.

Memorial Day or Decoration Day was originally a spontaneous occasion that began after the Civil War. It was and remains a gesture of respect to the dead from the living for their sacrifice and ultimate devotion to our beliefs.

Our graveyards grow nowadays with a terrible swiftness, filling with the young men who only yesterday were their father's hopes, their mother's love and their sweetheart's dreams. In the past we could place their deaths in immediate perspective, for we knew instantly what we were struggling for. Grief could be dealt with, if not alleviated. In years afterwards, loved ones always had the consolation of knowing that their beloved had died for a cause that embodied America's highest ideals. Somehow military cemeteries of all wars and all nations are similar. I have visited several, from the Normandy beaches to the hills above the Valley of Meuse at Verdun. One wanders among the markers, noting that this one was 19 or that that one had been 21 when struck down. Always it is the young ones who perish, sent by the old to die.

As one stands overlooking one of these silent gathering places, the thoughts rush in. How many Einsteins lie buried here? How many Chopins? How many great surgeons and researchers? How many had quick laughs and warm hearts? Who among them was very sentimental or overly generous? Who had been an only son or a mother's sole support? Who had been the swift runner and who the innovator?

And before they died had they the chance to savor the beauty and warmth of life? Had they known the love of a woman and the joy of hearing their child's first cries?

How had they died? With brave words on their lips charging at the foe? Or in terror, dirt and loneliness? Did the words of glory which come so easily to the lips of the noncombatant race through their minds before they were struck in mid-flight? Their last thought? Of home? Of a woman's caress? A father's enjoinder? A thought of the Almighty? No one can know.

We can only ask ourselves whether or not it was a worthy altar upon which they laid their lives. For independence from Britain? Certainly. For the end of slavery? Of course. For stamping out Naziism? No doubt about it.

Today, however, we can and should ask the same questions about our present involvement. Let us compare what we are involved with today with the conflicts and sacrifices of the past. Do they compare? Are the sacrifices we are being asked to make today as worthy of being made as those our forebears made so freely and generously yesterday? Will pride mix with remembrance in years to come when we memorialize and revere the memory of our dead? Or will we have stained our escutcheon for the first time. Or will Americans have perished for the first time for an ignoble cause and in vain?

Let this Memorial Day be a time for soul searching as well as for memorialization and remembrance. Let us ponder our Nation, its destiny, its ideals, and what we want it to do. Those who have gone before would surely request this of us—in the name of what they died for to hand over to us. Let us give thought to what we are doing with their heritage and what we are going to pass on to our inheritors.

KEEPING TAB ON EX-OFFICERS

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 29, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago Daily News recently commented editorially on my proposal which requires defense contractors to list former military men in their employment.

I am pleased that the Chicago Daily News has endorsed this proposal.

The Chicago Daily News editorial follows:

KEEPING TAB ON EX-OFFICERS

Rep. Roman Pucinski's proposal to require defense contractors to list former military men in their employ is in the public interest. The information is particularly pertinent in the light of the costly waste and blundering sometimes involved in such contracts, and joint efforts by the military and industry to cover them up.

The Chicago congressman's measure is based in considerable part on the recent Daily News series by William McGaffin and Robert Gruenberg detailing some of the wheeling and dealing by the military-industrial complex, in the course of which the taxpayer took a drubbing.

There is nothing necessarily sinister in a former military officer's accepting a private job in an industry engaged in defense or related work. The education and training of career officers tend to qualify for that type of work. At the same time, there is no denying that an ex-officer employed by a defense contractor may have certain advantageous contacts at the Pentagon. It would help clear the air all around if the identity of such officers were a matter of public record.

We do have a reservation about the requirement that contractors list not only ex-officers but all former military personnel, including enlisted men, who have served four or more years in the armed services. Compiling the roster of ex-enlisted men would entail a great deal of paper work, and prove nothing of any consequence. The bill should apply to former officers only.

FRAUD IN AMERICA—II

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. GONZALEZ. Mr. Speaker, 1 year and 1 week ago tonight, the CBS television network produced "Hunger in America." That show was possibly one of the most shocking things ever viewed in the United States. Its implications were vast, and it produced a national wave of revulsion, indignation, and demands for action.

No one denies that there is hunger in America. But it became clear that "Hunger in America" was a vastly overstated documentary, inaccurate, distorted, and shot through with fabrications. I pointed out all these things to CBS, in a long series of letters. I also called these facts to the attention of the House. From CBS I got replies to each of my letters—each reply from an executive higher on their totem pole, each one a little more curt and a little more insulting. Not one of the letters I got from CBS showed that I was wrong in condemning their film; in fact their responses showed that they knew they had lied to me and to the country at large, but in their sense of journalistic responsibility evidently nothing matters except ratings—certainly not objectivity and accuracy.

The opening segment of the "Hunger in America" show—what they call a "teaser" in the entertainment industry, was a picture that purported to show a baby dying of hunger. But independent investigations showed repeatedly that the picture was not of a baby starved to death, but of one that was born 2 months premature, of healthy parents who were neither ill nor hungry. Those investigations were conducted by a journalist, by the Federal Communications Commission, and by investigators from the great Committee on Appropriations, and every one of them came to the same conclusion; namely, that this shocking, horrifying scene that CBS used as its "teaser" to gain and capture the attention of millions of viewers, and hence boost ratings, was a complete and blatant lie. But not only has CBS denied the truth, they brush it off as unimportant, and the findings of all investigators as mere nit-picking. Further they have gone to the trouble of promoting themselves a so-called Emmy Award, which in their view at least, will serve as a testament to the validity of their show.

Now it is revealed that CBS paid the persons who appeared on "Hunger in America." This is a clear violation of the Communications Act. CBS calls some of these payments "payments for releases" but in one case at least, a person was offered construction materials, and in another instance, a person was paid for the trouble of spending 3 days at home while awaiting the film crew's arrival. The amounts of the payments were small—usually ranging from $5 to $40 apiece. But the principle and the law are not so small. CBS might excuse itself for the payments by saying that they were for charity. But then it is plain that their "charity" hardly nicked the corporate coffers. One would expect more from the barons of the broadcast world. Or CBS might say that they paid for services rendered, or just to compensate people for their troubles. If that be so, Mr. Speaker, their wages are far below union scale for speaking parts, and they are cheating Actors' Equity out of their dues.

CBS was plainly looking for sensationalism in this film—not any objective study. They remarked to one man who cooperated with them that they were disappointed in the subjects he obtained for filming, because they looked too healthy. This gentleman pointed out that he told CBS representatives that cases of hunger were generally temporary in nature, and that in any case hunger might be present only because of other problems in the family. In the case of one family shown on the film, there might have been hunger, but there was also a father who was said to drink a great deal and stay away from home 3 to 4 weeks at a time. Yet if you believe CBS, the family was having problems because of governmental indifference and neglect.

Sensationalism requires the right kind of pictures. CBS wanted to show long lines of hungry people in San Antonio, waiting for food commodities. So they went to the commodity distribution office. When no big line of people showed up they asked that the doors to the place be closed until a line built up. The doors were closed for an hour and 45 minutes, so a line of people built up, for the benefit of the cameras. Even though the film was never used, it shows the callousness of the CBS crew, which cared not a whit about the inconvenience they were causing people, or the plain suffering that might have resulted from their tactic—they were told to get pictures of long lines of starving people, and that was one way that they could get what might seem at least to fill the bill. This incident shows clearly that CBS aimed to manufacture a story if nothing could be found that would factually support their script.

In another instance, CBS showed a girl about 11 or 12 years of age who had been arrested, they said, for soliciting for prostitution. They said that she was selling her body for food. Again the implication clearly was that governmental indifference and neglect had led this girl to her fate.

The fact is that at the time the film was made no investigation on her had been completed; indeed, she was placed in a foster home at the time of the filming and her troubles were being worked out. But she was taken out of the home and brought to a courtroom specifically so that she could be filmed as a Dickensian example of the hard life a careless and uncaring government had wrought. The television crew did not care about the facts of the matter, or the truth of the statement, or about how the girl had happened to be in the trouble she was in—they just wanted to be able to say that this was yet another example of horror in America. In fact, the child was neglected by her father, who evidently had no problems in caring for his children if he would only assume his responsibilities.

I do not find evidence of a single case where CBS attempted to document the full story of the people that they presented as being starving. There were no medical records checked on their "dying baby" segment; no interviews with medical personnel—unless those interviews happened to fit into the script; there were no efforts to trace how a family might fall into dire straits, or what might have been done to help them that was not already being done; only an effort to produce the harshest, most shocking picture possible and demand action from the Government.

Mr. Speaker, there is not a day when I do not encounter a family that has severe problems. I do not deny that there are people who are hungry, or who do not eat properly. But CBS lied and slandered in its presentation of the problem, it distorted the facts and it misrepresented the entire situation. Not only did CBS lie about the extent of the problem, it did not truthfully portray its causes, and made no effort whatever to assess what was being done about it, or how specifically more effective action might be taken.

CBS violated its public responsibility. Its conception of journalism is clearly not that which serves the truth, but that which serves CBS.

Mr. Speaker, I insert in the RECORD at this point a story from the San Antonio Express and News dated Sunday, May 25:

THE COCK PIT

In the whole long controversy over the CBS TV show "Hunger in America" there has been little, if any, public discussion of the way it illustrates the increasingly pervasive influence of massive foundations in the areas of communications and of politics itself.

It's an influence that stirs cheers from some Americans and fears in others, but it also marks a powerful new trend in public affairs that deserves honest and open examination and evaluation.

The CBS show which devoted a highly controversial one-fourth of its hour to San Antonio serves to illustrate this national trend. As far back as last July the Express-News disclosed the fact that the most shocking portion of the film—a scene purportedly showing an infant dying of hunger at Green Hospital simply was not true, and that the baby, in fact, had died of the complications of premature birth.

But it was only last Friday that a congressional committee made the flat assertion that much of the entire film appeared to have been staged. The committee report then lectured the press, radio and TV on their responsibilities for accurate newsgathering.

There seems little question but that the inspiration for the CBS show was the earlier report "Hunger USA" produced by the "Citizens' Board of Inquiry into Hunger and Malnutrition in the United States."

The Congressional committee report last week also indicted this work of the "Citizens Board" which has played a key role in the development of the national hunger controversy.

The Citizens Board was a spin-off from organizations which are now part of the "Center for Community Change" a national organization which has been heavily financed by the Ford Foundation and which—the New York Times has objected—is linked closely through its directors to the political activities of the Kennedy family.

The major organizations which were banded late last year into the Center for Community Change were the Citizens Crusade against Poverty which had established the Citizen Board of Inquiry into Hunger and Malnutrition, and the Citizens Advocate Center which helped staff the hearings and research of the Citizens Board. Included also was a "community press" which published "Hunger USA."

A member of the board of the Center for Community Change is County Com. Albert Pena who was a key advisor to CBS in its hunger filming here.

Pena was cited by CBS as authority for some of its statements about the hunger problem in San Antonio and CBS also relied on testimony given the "Citizens Board of Inquiry" at its September, 1967, San Antonio hearing in answering complaints by U.S. Rep. Henry Gonzalez as to accuracy on the San Antonio segment of the program.

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The Ruiz charges made headlines from coast to coast.

One interesting aspect of them was the fact that the text of his remarks before the Civil Rights Commission had been made available in advance to major U.S. newspapers by Washington sources connected with the escalating battle over hunger.

At about the same time Harry Huge, a Washington attorney who had been a member of the "Citizen Board of Inquiry" appeared in San Antonio and visited Green hospital with an introduction from Pena.

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Pena explained that Huge was doing a story for the original Citizens Board of Inquiry.

Huge subsequently joined Robert Cole in writing a lengthy article for "The New Republic" entitled "FBI on the Trail of the Hungar-Mongers." It centered on San Antonio and, needless, to say, was highly critical of the use of the FBI agents by the House committee—though the G-men, incidentally, did not identify themselves as such, but only as investigators for the committee.

The New Republic article also quoted Ruiz at length, noting he had substantially repeated remarks he made to the authors in his subsequent statement to the Civil Rights Commission.

Interestingly enough, Ruiz quoted from the very same portion of the 1967 San Antonio Model Cities application in proving a point about local poverty conditions as had CBS in one of its numerous exchanges with Rep. Gonzalez.

Now the House committee has had its say and it was a blockbuster. But what with the kind of virility being shown by foundation-backed groups working in the area of "social change" it will probably not be the last word in the propaganda battle over "Hunger in America" and "Hunger USA."

VENTURA COUNTY NAVY COMMANDS LEAD NATION IN YOUTH PROGRAMS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. TEAGUE of California. Mr. Speaker, I am sure my colleagues will join me in a feeling of pride in the accomplishments of the Ventura County Navy commands in the back-to-school programs.

An article from the Point Mugu, Calif., Missile follows:

VENTURA COUNTY NAVY COMMANDS LEAD NATION IN YOUTH PROGRAMS

POINT MUGU.—Navy commands in Ventura County top the nation in youth assistance programs, the Navy's Office of Civilian Manpower Management (OCMM) announced recently.

Point Mugu and Port Hueneme Navy commands average one Back-To-School program employee for every 37 full-time civilian employes, the latest statistics show.

"This is almost three times better than the nearest Navy metropolitan area," Louis T. Shook, Pacific Missile Range (PMR) employment officer said.

The Pensacola, Florida, area has a ratio of 1:92. Other metropolitan areas which include Navy bases range from 1:95 to one youth program participant for every 1,117 employees. The Navy-wide average is 1:165.

"One of the outstanding features of our program here," said Shook, "is absolute backing from top management to first line supervisors. There is enthusiasm for the Back-To-School program at every level."

Support for the program is partly based on results, Shook believes.

"The command has found that the youths are a real asset," he said, "and this attitude enhances acceptance of the program here."

The Point Mugu program enrolled 137 students during the 1968–69 school year. Some graduated or returned to full-time school work during the year.

A summer youth opportunity employment program here will recruit 175 area youths, including many now in the Back-To-School plan. Another 50 persons will be trained at Point Mugu under the Neighborhood Youth Corps' Project Value, funded by the Department of Labor.

The OCMM noted that youth programs "are strongly encouraged by the Federal Government and the Navy," but not required.

The Naval Air Systems Command, under which Point Mugu operates, has more of its activities participating than any other major component of the Navy.

HIPPIES AHOY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. WATSON. Mr. Speaker, the age-old fable about the grasshopper and the ant has never been more applicable than it is today, especially in regard to the so-called hippies and other indolents who enjoy the good life at the expense of those of us who work for a living.

Mr. Speaker, I believe that the honest, hardworking American taxpayer is justifiably sick and tired of the vermin which we have all been subjected to in recent years. As far as I am concerned, these unkempt, long-haired creeps who are constantly flaunting the law, especially on the American college campus, are a worse form of blight on the natural beauty of this country than all of the junkyards and other debris which Mrs. Lyndon B. Johnson sought to eliminate in the so-called beautification program.

The editor of Christian Economics, Mr. Howard E. Kershner, recently wrote an excellent article about these creatures which is one of the best analyses of their irresponsibility that I have ever read. I would like to include it as a part of my remarks as follows:

HIPPIES AHOY

Hippies, ahoy! The rapids are ahead. You may live as vagabonds now while you are young, while you get support from your parents, while a benevolent government tolerates your irresponsibility, while taxpayers pay for the roads you use, the buildings in which you live and afford a generous amount of charity by which, in some degree, many of you exist.

You are privileged to live the kind of lives you lead because other, responsible citizens produce the undergirding which makes your irresponsible life possible. Your illegitimate children are adopted by stable families whom you despise. Your medical needs are taken care of by hard working, diligent doctors who work, as you are unwilling to work. The motorbikes you ride and the cars you drive were not made by people like yourselves, but by men and women who are willing to discipline themselves, as you are unwilling to do, and to produce the things which you are unwilling to produce.

You can be the irresponsible creatures you are, the drones living off of the work of others, only because most of the people are not like you. If they were, then your form of life would come to an end. All would perish, or discipline would have to be imposed by some tyrannical ruler who would be obeyed as a better alternative than starvation.

What right have you to be free of discipline while sponging your very existence off of people who must submit to it? The latter will not always tolerate your arrogant assertion of the right to enjoy the luxury of the civilization they create, without contributing to it.

Moreover, you will grow old and your needs will increase. They will be far more exacting than they are now. You will need warmer clothing, better housing, a better grade of food and more expensive living in many respects. What right have you to expect that others will provide for you? And if not, how will you provide for yourselves? You have little education, few skills and little to contribute to society in return for the living which you will need.

What is ahead for you, say, after forty? It is difficult for any one to find a good job after that age, but for people like you, without discipline and without skill, what is to become of you? You will not deserve charity and you cannot assume that you will get it. The taxpayers have every right on revolt against providing for you. Your indolence and defiance of the law of nature that men must live by the sweat of their own faces do not qualify you to expect, nor to receive, help from your more diligent brethren.

You are the perfect example of the ancient fable of the grasshopper who sang away the summer as he flitted from flower to flower enjoying the nectar and the sunshine. Meanwhile the diligent ant was storing up food. When the sun was gone and the flowers had dried up, the grasshopper was hungry and cold. He said to the ant, "Give me of your food and let me share your shelter."

The ant replied,

"Have you no food and shelter of your own?" The grasshopper confessed that he had none. "But what have you done all summer?" said the ant. "I sang," said the grashopper. "You sang?" said the ant. "Well now you may dance."

Beware, young Hippies, you are wasting your substance and the precious years of your youth in indolence and short-lived sensory pleasure. Sex, dope and idleness have their limitations. You have no idea of the bitter dancing that lies ahead for you, if you do not change your ways before you have squandered your heritage of time and strength. If you do not use your youth to lay the foundation for success in maturity and comfort in age, your suffering in years to come will be unmitigated bitterness.

EXPANDED NORTH PACIFIC AIR ROUTE BETWEEN SEATTLE AND TOKYO NEEDED

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PELLY. Mr. Speaker, the people of the Pacific Northwest and especially those in the Seattle area were appalled at the recent decision of the President and the Civil Aeronautics Board which dealt them a disappointing blow in the transpacific air route case. These people felt entitled to competitive service and that if a second carrier was granted backup service with certain eastern and midwestern cities, through Seattle, as the closest gateway to the Orient the traffic would fully justify such competitive service.

Now, Mr. Speaker, the ever-alert Japa-

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"teaser" to gain and capture the attention of millions of viewers, and hence boost ratings, was a complete and blatant lie. But not only has CBS denied the truth, they brush it off as unimportant, and the findings of all investigators as mere nit-picking. Further they have gone to the trouble of promoting themselves a so-called Emmy Award, which in their view at least, will serve as a testament to the validity of their show.

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The New Republic article also quoted Ruiz at length, noting he had substantially repeated remarks he made to the authors in his subsequent statement to the Civil Rights Commission.

Interestingly enough, Ruiz quoted from the very same portion of the 1967 San Antonio Model Cities application in proving a point about local poverty conditions as had CBS in one of its numerous exchanges with Rep. Gonzalez.

Now the House committee has had its say and it was a blockbuster. But what with the kind of virility being shown by foundation-backed groups working in the area of "social change" it will probably not be the last word in the propaganda battle over "Hunger in America" and "Hunger USA."

VENTURA COUNTY NAVY COMMANDS LEAD NATION IN YOUTH PROGRAMS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. TEAGUE of California. Mr. Speaker, I am sure my colleagues will join me in a feeling of pride in the accomplishments of the Ventura County Navy commands in the back-to-school programs.

An article from the Point Mugu, Calif., Missile follows:

VENTURA COUNTY NAVY COMMANDS LEAD NATION IN YOUTH PROGRAMS

POINT MUGU.—Navy commands in Ventura County top the nation in youth assistance programs, the Navy's Office of Civilian Manpower Management (OCMM) announced recently.

Point Mugu and Port Hueneme Navy commands average one Back-To-School program employee for every 37 full-time civilian employes, the latest statistics show.

"This is almost three times better than the nearest Navy metropolitan area," Louis T. Shook, Pacific Missile Range (PMR) employment officer said.

The Pensacola, Florida, area has a ratio of 1:92. Other metropolitan areas which include Navy bases range from 1:95 to one youth program participant for every 1,117 employees. The Navy-wide average is 1:165.

"One of the outstanding features of our program here," said Shook, "is absolute backing from top management to first line supervisors. There is enthusiasm for the Back-To-School program at every level."

Support for the program is partly based on results, Shook believes.

"The command has found that the youths are a real asset," he said, "and this attitude enhances acceptance of the program here."

The Point Mugu program enrolled 137 students during the 1968–69 school year. Some graduated or returned to full-time school work during the year.

A summer youth opportunity employment program here will recruit 175 area youths, including many now in the Back-To-School plan. Another 50 persons will be trained at Point Mugu under the Neighborhood Youth Corps' Project Value, funded by the Department of Labor.

The OCMM noted that youth programs "are strongly encouraged by the Federal Government and the Navy," but not required.

The Naval Air Systems Command, under which Point Mugu operates, has more of its activities participating than any other major component of the Navy.

HIPPIES AHOY

HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. WATSON. Mr. Speaker, the age-old fable about the grasshopper and the ant has never been more applicable than it is today, especially in regard to the so-called hippies and other indolents who enjoy the good life at the expense of those of us who work for a living.

Mr. Speaker, I believe that the honest, hardworking American taxpayer is justifiably sick and tired of the vermin which we have all been subjected to in recent years. As far as I am concerned, these unkempt, long-haired creeps who are constantly flaunting the law, especially on the American college campus, are a worse form of blight on the natural beauty of this country than all of the junkyards and other debris which Mrs. Lyndon B. Johnson sought to eliminate in the so-called beautification program.

The editor of Christian Economics, Mr. Howard E. Kershner, recently wrote an excellent article about these creatures which is one of the best analyses of their irresponsibility that I have ever read. I would like to include it as a part of my remarks as follows:

HIPPIES AHOY

Hippies, ahoy! The rapids are ahead. You may live as vagabonds now while you are young, while you get support from your parents, while a benevolent government tolerates your irresponsibility, while taxpayers pay for the roads you use, the buildings in which you live and afford a generous amount of charity by which, in some degree, many of you exist.

You are privileged to live the kind of lives you lead because other, responsible citizens produce the undergirding which makes your irresponsible life possible. Your illegitimate children are adopted by stable families whom you despise. Your medical needs are taken care of by hard working, diligent doctors who work, as you are unwilling to work. The motorbikes you ride and the cars you drive were not made by people like yourselves, but by men and women who are willing to discipline themselves, as you are unwilling to do, and to produce the things which you are unwilling to produce.

You can be the irresponsible creatures you are, the drones living off of the work of others, only because most of the people are not like you. If they were, then your form of life would come to an end. All would perish, or discipline would have to be imposed by some tyrannical ruler who would be obeyed as a better alternative than starvation.

What right have you to be free of discipline while sponging your very existence off of people who must submit to it? The latter will not always tolerate your arrogant assertion of the right to enjoy the luxury of the civilization they create, without contributing to it.

Moreover, you will grow old and your needs will increase. They will be far more exacting than they are now. You will need warmer clothing, better housing, a better grade of food and more expensive living in many respects. What right have you to expect that others will provide for you? And if not, how will you provide for yourselves? You have little education, few skills and little to contribute to society in return for the living which you will need.

What is ahead for you, say, after forty? It is difficult for any one to find a good job after that age, but for people like you, without discipline and without skill, what is to become of you? You will not deserve charity and you cannot assume that you will get it. The taxpayers have every right on revolt against providing for you. Your indolence and defiance of the law of nature that men must live by the sweat of their own faces do not qualify you to expect, nor to receive, help from your more diligent brethren.

You are the perfect example of the ancient fable of the grasshopper who sang away the summer as he flitted from flower to flower enjoying the nectar and the sunshine. Meanwhile the diligent ant was storing up food. When the sun was gone and the flowers had dried up, the grasshopper was hungry and cold. He said to the ant, "Give me of your food and let me share your shelter."

The ant replied,

"Have you no food and shelter of your own?" The grasshopper confessed that he had none. "But what have you done all summer?" said the ant. "I sang," said the grashopper. "You sang?" said the ant. "Well now you may dance."

Beware, young Hippies, you are wasting your substance and the precious years of your youth in indolence and short-lived sensory pleasure. Sex, dope and idleness have their limitations. You have no idea of the bitter dancing that lies ahead for you, if you do not change your ways before you have squandered your heritage of time and strength. If you do not use your youth to lay the foundation for success in maturity and comfort in age, your suffering in years to come will be unmitigated bitterness.

EXPANDED NORTH PACIFIC AIR ROUTE BETWEEN SEATTLE AND TOKYO NEEDED

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PELLY. Mr. Speaker, the people of the Pacific Northwest and especially those in the Seattle area were appalled at the recent decision of the President and the Civil Aeronautics Board which dealt them a disappointing blow in the transpacific air route case. These people felt entitled to competitive service and that if a second carrier was granted backup service with certain eastern and midwestern cities, through Seattle, as the closest gateway to the Orient the traffic would fully justify such competitive service.

Now, Mr. Speaker, the ever-alert Japanese have recognized the potential of the timesaving northern route.

The State Department should grant Japan Air Lines' request and thereby the needs of such service will be partly met.

In turn it is to be hoped that Japan will grant similar American flight privileges so that the recent mistake of our Government will be overcome.

On this subject, under unanimous consent, I include an editorial from the May 25, 1969, Seattle Times:

SECOND CHANCE ON NORTH PACIFIC

The ever-alert Japanese have recognized what the American government apparently failed to see in its recent, disappointing decision in the transpacific air-route case.

That decision left the Seattle international air gateway with single-carrier service over the short, time-saving North Pacific route between Seattle and Tokyo.

But the Japanese have recognized the impressive traffic potential in such a route if it is provided with adequate backup service to Eastern and Midwestern cities.

A column by Robert L. Twiss elsewhere in the Times today reports on Japanese-government plans to seek two North Pacific air routes in bilateral discussions to be held between the United States and Japan, beginning next month.

One such route would link Tokyo with Chicago and New York by way of Seattle, the closest major United States point to Japan. The other route would connect New York to Tokyo via Anchorage.

Northwest Orient Airlines now is the only passenger carrier on the North Pacific Seattle-Tokyo route. Washington State parties in the transpacific-route case sought without success to convince the administration of the need for competitive service on that route to meet an expected boom in Pacific travel.

The logic of this view can be seen in the opinion of Shizuma Matsuo, president of Japan Air Lines, that air travel between the United States and Japan will double within the next six years.

Japan's interest provides Washington State governmental and trade-promotion groups with an opportunity to renew their bid for competitive service through the Seattle gateway over the North Pacific. It is to be hoped that they will make maximum use of that opportunity.

We urge the State Department to grant Japan Air Lines' request, which, of course, should open the way for additional American flight rights in Japan.

The logic of geography as well as present-day trends in international air transportation support the Japanese position.

PUCINSKI HAS A POINT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. PUCINSKI. Mr. Speaker, recently I introduced legislation which will require that all bids for defense contracts would have to list military personnel working for the company submitting such bid.

The Chicago Sun Times has commented on my proposal and I would like today to call the Sun Times editorial to the attention of my colleagues.

I am pleased to have the editorial support of the Chicago Sun Times on this proposal and I believe that the suggestion made by the Sun Times improving the legislation is most valid.

The Chicago Sun Times editorial follows:

PUCINSKI HAS A POINT

Rep. Roman Pucinski (D-Chicago), a former military officer in World War II, has raised an eyebrow at some statistics he uncovered. Pucinski says the nation's 100 largest military contractors employ more than 2,000 retired high-ranking military officers.

Pucinski has introduced a bill to require all defense contractors to list the names of retired military personnel (and their former military assignments) in bids for defense contracts.

There has been much justified criticism of military spending. An enormous amount of waste in dollars and time has been uncovered by the General Accounting Office and others.

Nor is it uncommon for the defense-contracting industry and the military services to band together to conceal the fact that millions of dollars of the taxpayers' money has been wasted.

However, if defense contractors had to list such retired officers in their contract bids, it might be much easier to follow the line of influence when contracts go far beyond the agreed upon amount or violate the time limit for delivery of military hardware.

Pucinski's bill is in the public interest. It should be modified slightly. The bill now requires the listing of all former military men—officer and enlisted—who had served four years to be identified by the defense contractor. The requirement to list the former enlisted men should be dropped. It creates unnecessary paperwork. Few if any enlisted men ever had any influence in the esoteric circles of defense procurement in the Pentagon.

HON. WILLIAM J. DRIVER

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. EDMONDSON. Mr. Speaker, it is an honor for me to join my colleagues in paying tribute to William J. Driver, who is leaving as Administrator of the Veterans' Administration. He does so, I am certain, with pride.

As head of the VA, Bill Driver administered the world's largest medical program involving some 5,000 doctors and 15,000 nurses who care for the wounds and ills of veterans and their families.

He has continuously fought for legislation to improve loan programs enabling veterans and their dependents to own a home, a farm, or a private business.

The VA has the largest program of adult education and vocational rehabilitation and training ever undertaken in this country. The VA has underwritten the GI bill, enabling millions of veterans and certain numbers of their wives and widows to attend schools of higher learning under the direction of Bill Driver.

Few men, Mr. Speaker, have so justly earned the acclaim so justly bestowed on Bill Driver today. I am proud to share in this tribute to my friend and I wish him well.

Mr. Speaker, a few years ago it was my pleasure to have the distinguished chairman, the gentleman from Texas (Mr. TEAGUE), and Bill Driver as guests in my hometown of Muskogee, Okla.

It was a most pleasant experience, and I was highly impressed with the genuine admiration the employees at the Veterans' Administration hospital and the VA regional office in Muskogee showed for Bill Driver.

He earned and received the respect of those he worked for—the veterans—and those who worked for him. This is distinction of the highest order.

HOUSE OF REPRESENTATIVES—*Monday, June 2, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

From the rising of the sun unto the going down of the same the Lord's name is to be praised.—Psalm 113: 3.

Almighty God, our loving Heavenly Father, who art clothing the world with beauty and throwing a mantle of green across the shoulders of the hills, by whose law the planets keep their courses and by whose creative thought life has risen on this planet, make us conscious of Thy presence and help us to be patient and strong in Thee.

May the thoughts of our minds be channels for Thy way. May the dreams in our hearts fulfill Thy purposes for our Nation and for mankind. May the work of our hands weed out injustice and war and cultivate the seeds that flower into justice for all and peace in our world. By Thy spirit may we have courage enough to be pioneers in brotherhood, sustaining the hands and hearts of all who seek to end strife and to bring peace to the hearts of men.

To this end guide Thou our President, our Speaker, the Members of this body and all who labor with them. Ennoble their lives by the sense of Thy presence that they may be for this generation channels through which Thy kingdom may come and Thy will be done on earth.

In the Master's name, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Wednesday, May 28, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 412. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark and Lolo National Forests, in Montana, and for other purposes.

XUM

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair desires to announce that pursuant to the authority granted him on Tuesday, May 27, 1969, he did on May 28, 1969, sign the following enrolled bills of the Senate:

S. 278. An act to consent to the New Hampshire-Vermont interstate school compact; and

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

ADDITIONAL PROPOSED MOON LANDINGS

(Mr. **CONABLE** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **CONABLE**. Mr. Speaker, I would like to add my voice to those expressing skepticism about the proposed schedule of 10 additional moon landings after Apollo 11. It is difficult for me to believe that such a repetitive program for exploration of the moon can possibly return scientific knowledge sufficient to justify the expense and the hazard to our fine young men who serve this country as the pioneers of space. A splendid success repeated too often does not remain a success but becomes a waste. NASA tells us that a Saturn V rocket mission to the moon costs $350 million. Think of the terrestrial benefits $350 million could bring in the field of, say, pollution control. I do not advocate junking the rockets already built, but I question that we are putting this magnificent hardware to its most scientifically rewarding use in sending men back to the moon time after time.

The success of Apollo is a great tribute to NASA and to the quality control of the American aerospace industry. I have long felt, however, that once we have demonstrated the capabilities involved in landing men on the moon, we should proceed to less dangerous but equally significant scientific projects. If we don't have such projects prepared at this time, because of our concentration on manned space flight, let us save some of these rockets until we can develop a purpose in unmanned space flight worthy of the investment the American taxpayer has already made in the Saturn V.

SUPPORT PRESIDENT NIXON'S ABM REQUEST

(Mr. **WYMAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **WYMAN**. Mr. Speaker, the effect on the President's strength at foreign bargaining tables of denying him his considered request for minimum protection of our missile sites would be well nigh disastrous. Representatives of allies as well as the Soviet Union would immediately conclude that the President could not produce even a minimum of accomplishment in the defense of the Nation although he is Commander in Chief. This would be a poor way to send our No. 1 champion to any foreign conference table.

More basically it can be succinctly observed of the modified ABM President Nixon requests that—

> It's better to have it and not need it than to need it and not have it.

The President wants the Safeguard system for the national security. After full consultation with legions of defense experts, the Joint Chiefs of Staff, leading scientists, and senior Members of Congress, the Commander in Chief has arrived at his opinion that Safeguard is needed to keep America strong and secure. To fail to support this modified request at this juncture in history is to fail America itself in its hour of need.

The Soviet Union has already deployed an ABM system around Moscow, consisting at present of more than 67 ABM sities. It is steadily expanding its ABM capability.

One of our principal deterrents to aggression upon us is the prospect of certain and devastating retaliation upon any aggressor. The limited ABM system President Nixon asks of this Congress would help assure us a continuing retaliatory capability which is of urgent importance to the National Security and in fact to our survival as a free Nation.

President Nixon's "minimum program essential for our security"—to use his own words—deserves the support of all Members of Congress and the American people in their own self-interest.

CONSENT CALENDAR

The **SPEAKER**. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

DISCONTINUANCE OF THE ANNUAL REPORT TO CONGRESS AS TO THE ADMINISTRATIVE SETTLEMENT OF PERSONAL PROPERTY CLAIMS OF MILITARY PERSONNEL AND CIVILIAN EMPLOYEES

The Clerk called the bill (H.R. 4246) to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING UNITED STATES CODE, TO AUTHORIZE THE SECRETARY CONCERNED TO MAKE PARTIAL PAYMENTS ON CERTAIN CLAIMS WHICH ARE CERTIFIED TO CONGRESS

The Clerk called the bill (H.R. 4247) to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDING SECTION 336(c) OF THE IMMIGRATION AND NATIONALITY ACT

The Clerk called the bill (H.R. 3666) to amend section 336(c) of the Immigration and Nationality Act.

The **SPEAKER**. Is there objection to the present consideration of the bill?

Mr. **HALL**. Mr. Speaker, reserving the right to object, I would like to inquire as to whether or not there is anything in this Federal legislation that would preclude the various States of the Union from still enacting their own requirements for voting?

Mr. Speaker, in lieu of an answer, I ask unanimous consent that this bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR THE REAPPOINTMENT OF DR. JOHN NICHOLAS BROWN AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the Senate joint resolution (S.J. Res. 13), to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Clerk read the Senate joint resolution, as follows:

S. J. Res. 13

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, which will occur by the expiration of the term of Doctor John Nicholas Brown of Providence, Rhode Island, on April 25, 1969, be filled by the reappointment of the present incumbent for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR THE APPOINTMENT OF THOMAS J. WATSON, JR., AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Clerk called the Senate joint resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

There being no objection, the Clerk read the Senate joint resolution, as follows:

S.J. Res. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian

Institution, of the class other than Members of Congress, shall be filled by the appointment of Thomas J. Watson, Junior, a resident of Connecticut, in place of Jerome C. Hunsaker, resigned, for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALABAMA SESQUICENTENNIAL MEDALS

The Clerk called the bill (H.R. 10931) to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama.

The **SPEAKER**. Is there objection to the present consideration of the bill?

There was no objection.

Mr. **PATMAN**. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1995, be considered in lieu of the House bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the Senate bill, as follows:

S. 1995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Alabama, the Secretary of the Treasury is authorized and directed to strike and furnish to the Alabama Sesquicentennial Commission five thousand silver and fifty thousand bronze medals with suitable emblems, devices, and inscriptions to be determined by such Commission subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by such Commission, but no medals shall be made after January 1, 1970. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for full payment of such costs.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes as shall be determined by the Secretary of the Treasury in consultation with the Alabama Sesquicentennial Commission.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10931) was laid on the table.

The **SPEAKER**. This concludes the call of the Consent Calendar.

THE ENVIRONMENTAL QUALITY COUNCIL

(Mr. **GUDE** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **GUDE**. Mr. Speaker, I have today sent to the President a letter commending him for his action last Thursday creating the Environmental Quality Council as a Cabinet-level post to coordinate and direct the protection of our Nation's natural resources. His action marks an encouraging new breakthrough in the efforts at controlling the enormous problems posed by increased industrialization and increased population in urban and suburban areas; and it is an achievement around which all of us who are concerned about the quality of our environment can rally.

For too many people the areas of conservation and preservation of this country's natural resources remain only a latent priority. They fail to acknowledge the real menace perpetuated upon us by a polluted, neglected environment because so often the real menace is impossible to detect without scientific assistance. The President's concern that this trend be reversed is heartening: it prods us to reject a reliance solely on visible evidence in assessing such problems and reminds us that we dare not run the risk of compounded problems caused by our inattentiveness. I submit that this type of Executive foresight has already become a hallmark of the Nixon administration.

Already several of the tasks which the Environmental Quality Council can undertake have become urgent necessities: advancing interjurisdictional coordination of programs, appropriating adequate funds for a broadbased attack on these problems, and arousing greater awareness on the part of the Nation as to the tremendous scope and the nature of the environmental difficulties. I am confident that this Council can provide the necessary guidance and impetus toward the achievement of these ends.

In light of the prospects for progress which the new Environmental Quality Conference projects, I commend the action of the President to the attention of my colleagues.

YOUTH CAMP SAFTEY SURVEY ACT

Mr. **DANIELS** of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 763) to provide for a study of the extent and enforcement of State laws and regulations governing the operation of youth camps.

The Clerk read as follows:

H.R. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Youth Camp Safety Survey Act".

SEC. 2. The Secretary of Health, Education, and Welfare shall undertake a study of State and local laws and regulations governing the operation of youth camps to determine—

(1) the extent of such laws and regulations; and

(2) the effectiveness of the enforcement of such laws and regulations by State and local authorities.

SEC. 3. As used in this Act, the term "youth camp" means—

(1) any parcel or parcels of land having the general characteristics and features of a camp as the term is generally understood, used wholly or in part for recreational or educational purposes and accommodating for profit or under philanthropic or charitable auspieces five or more children under eighteen years of age, living apart from their relatives, parents, or legal guardians for a period of, or portions of, five days or more, and includes a site that is operated as a day camp or as a resident camp; and

(2) any travel camp which for profit or under philanthropic or charitable auspieces, sponsors or conducts group tours within the United States, or foreign group tours originating or terminating within the United States, for educational or recreational purposes, accommodating within the group five or more children under eighteen years of age living apart from their relatives, parents, or legal guardians for a period of five days or more.

SEC. 4. Within one year from the date of the enactment of this Act, the Secretary shall submit to the President a comprehensive and detailed report of his findings, including such recommendations as he may deem necessary or desirable to insure the safe operation of youth camps.

SEC. 5. (a) The Secretary shall establish in the Department of Health, Education, and Welfare an Advisory Council on Youth Camp Safety to advise and consult with him in the preparation of the report required by section 4 and in the development of the recommendations included therein. The Council shall consist of the Secretary, who shall be Chairman, and eighteen members appointed by him, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service. Prior to making such appointments, the Secretary shall consult with appropriate associations representing organized camping.

(b) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 6. The Secretary of Health, Education, and Welfare shall make a study of the operation of camps and campgrounds conducted by Federal agencies. The Secretary shall include in the report required by section 4 a comprehensive and detailed report of his findings from the investigation carried on under this section, together with such recommendations as he may deem necessary or desirable to insure the safe operation of such camps and campgrounds.

SEC. 7. There is authorized to be appropriated $175,000 to carry out the purposes of this Act.

The **SPEAKER**. Is a second demanded?

Mr. **GROSS**. Mr. Speaker, I demand a second.

The **SPEAKER**. Without objection, a second will be considered as ordered.

There was no objection.

CALL OF THE HOUSE

Mr. **GROSS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 71]

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Ashley
Barrett
Bates
Berry
Biaggi
Bingham
Blanton
Blatnik
Bolling
Brademas
Brasco
Bray
Brooks
Brown, Calif.
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Burton, Calif.
Burton, Utah
Byrnes, Wis.
Carey
Celler
Chappell
Chisholm
Clark
Collier
Collins
Colmer
Conte
Conyers
Cowger
Culver
Davis, Ga.
Dawson
Delaney
Denney
Dent
Dickinson
Diggs
Donohue
Dorn
Dwyer
Eckhardt
Eshleman
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Frelinghuysen
Friedel
Galifianakis
Gallagher
Gilbert
Gray
Griffin
Grover
Gubser
Hagan
Halpern
Hanna
Hansen, Idaho
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Helstoski
Henderson
Hogan
Holifield
Jarman
Jones, Ala.
Jones, N.C.
Karth
Kirwan
Kuykendall
Landgrebe
Landrum
Leggett
Lennon
Long, La.
Lujan
Lukens
McClory
McDade
McEwen
McKneally
Macdonald, Mass.
MacGregor
Martin
Meskill
Michel
Mikva
Miller, Calif.
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nelsen
Nichols
Nix
Obey
O'Konski
Ottinger
Patman
Pettis
Philbin
Pike
Podell
Powell
Preyer, N.C.
Price, Tex.
Reid, N.Y.
Reuss
Rivers
Robison
Ronan
St. Onge
Sandman
Scherle
Scheuer
Sebelius
Smith, Calif.
Smith, N.Y.
Staggers
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Tiernan
Utt
Waggonner
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Charles H.
Winn
Wydler
Zion
Zwach

The **SPEAKER**. On this rollcall 278 members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON HOME FINANCING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mrs. **SULLIVAN**. Mr. Speaker, I ask unanimous consent that the Subcommittee on Home Financing of the Committee on Banking and Currency may be permitted to sit during general debate today.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

YOUTH CAMP SAFETY SURVEY ACT

The **SPEAKER**. The gentleman from New Jersey (Mr. Daniels) will be recognized for 20 minutes, and the gentleman from Iowa (Mr. Gross) will be recognized for 20 minutes.

Mr. **PERKINS**. Mr. Speaker, this bill deals in the most precious commodity we have—the lives of our youngsters. I want to commend, therefore, the work of our colleague, the gentleman from New Jersey (Mr. Daniels), in bringing this bill to the Committee on Education and Labor and enabling us to bring it to the floor of the House. I invite the attention of the Members of the House to the fact that this bill was approved unanimously by the Select Subcommittee on Labor, of which the gentleman from New Jersey is chairman, and subsequently was ordered reported by the full committee by unanimous voice vote. This is a tribute to the legislative skills of our colleague.

Since 1940 the American Camping Association, a voluntary organization of individuals, agency camps, school camps, church camps, and private camps, has been developing standards for accrediting camps. It is significant that the American Camping Association favors this bill.

Camps are artificially created environments whose administrators must plan carefully to guarantee that all the basic needs of group living are provided in a safe, clean, and healthful manner. Many camp activities have inherent in them a degree of hazard such as swimming, archery, riflery, and horseback riding, which fact makes it imperative that camps live up to their obligations "in loco parentis."

The committee expressed the desire that this study would not only involve the existence or nonexistence of State laws and regulations, but would also concern itself with the important aspects of implementation. State laws and regulations can be magnificent, but if the people who have the responsibility for enforcement are not doing it properly, these laws can prove meaningless.

The committee wishes to emphasize that the power to legislate does not necessarily mean that that power should always be exercised by the Federal Government. In this instance, it is the committee's belief that each State can best implement the findings of the Youth Camp Safety Survey Act through the workings of its own State legislative process.

It is suggested that the findings of this study be widely disseminated and that they be specifically provided to the National Conference of Commissioners on Uniform State Laws. This group is composed of Commissioners from each State, the District of Columbia, and Puerto Rico. These Commissioners, usually numbering three from each jurisdiction, are under express legislative authority in 33 cases and under general executive authority in other cases. The State legislatures are, of course, free to accept or reject the work of the national conference in whole or in part.

Mr. **DANIELS** of New Jersey. Mr. Speaker, the fact that approximately 7½ million children between the ages of 6 and 18 attend approximately 11,500 youth camps indicates that camping is a big nationwide industry. Today, it is common for a family in one State to send children to a camp in another State. Due to this tremendous migration of children from State to State each summer and a lack of information concerning camp safety standards, it is incumbent upon the Federal Government through its commerce power to fill this breach by conducting a field study to provide knowledge of camping laws and regulations, and most importantly, information concerning the effectiveness of their enforcement.

This bill directs the Secretary of Health, Education, and Welfare to undertake a study of State and local laws and regulations governing the operation of youth camps to determine the extent of such laws and regulations and the effectiveness of their enforcement by State and local authorities and report to the President with recommendations. The bill further directs the Secretary to study the operation of camps and camp grounds operated by Federal agencies and to include in the report findings and recommendations. An advisory council on youth camp safety would advise the Secretary in the preparation of the report and in the development of recommendations.

An appropriation of $175,000 is authorized.

The need for this bill was demonstrated at the hearings by the following statistics: 26 States have only regulated sanitation of youth camps; approximately 15 States have some safety legislation; only three or four States make any reference to camp personnel; 24, or nearly half, the States have relatively little or no regulation in the way of camp legislation.

It is hoped that with the enactment of H.R. 763 many States would be stimulated to follow the example of Michigan and Colorado. These two States have passed the best camp safety laws in the Nation. Before Michigan enacted its camp legislation, the State averaged two to four, and in 1959, six, drowning deaths per summer. From 1963, with the enactment of the State's new program of reporting, inspection and enforcement of State standards, there has been only one drowning fatality.

In 1965, there were five fatalities in Colorado camps. In 1967, with camp standards which included immediate reporting of severe illness or death, licensing and annual inspection, Colorado reported only one severe illness and no fatalities. These two examples graphically indicate that it is possible to significantly reduce and control the hazards in camping for children.

I wish to emphasize that the youth camp safety survey act in no way attempts to standardize camping. It is not the purpose of this study to either encourage or discourage in any way any camping program, specific religion, camp philosophy or camp activity. The purpose of this study is simply to find how best to reduce camp accident and disease statistics.

This bill—which was reported unanimously and with bipartisan approval from both the Select Subcommittee on Labor and the full Committee on Education and Labor—would provide national leadership to germinate the necessary interest and information so that the State legislatures, camping organizations, and parents could all benefit from this comprehensive study of youth camps.

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The well-being of our youngsters is our highest priority. I urge all my colleagues to pass H.R. 763.

I might state that the bill merely asks for a very modest authorization for $175,000. If we save the life of one child, I think it is worth the authorization that we seek by this bill.

The **SPEAKER**. The Chair recognizes the gentleman from Iowa (Mr. Gross).

Mr. **GROSS**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to the gentleman from New Jersey (Mr. Daniels), that since the States of Colorado and Michigan have adopted regulations that have practically eliminated fatalities at camps and provided for better sanitary facilities and so on and so forth, it seems to me that is the best argument anyone could make in opposition to this bill, which has all the earmarks of being nothing more than one of these foot-in-the-door propositions of the Federal Government invading the province of the States, which ought to be taking care of the regulations governing the operation of camps within their boundaries.

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I am delighted to yield to the gentleman if he will tell me why we should embark upon the expenditure of $175,000 for another advisory council in the Federal Government and for this purpose.

Mr. **DANIELS** of New Jersey. In answer to the gentleman, I would like to say this. In my remarks I indicated that there are 24 States in this country that have little of no regulations whatsoever so far as camp safety is concerned.

It is not the purpose of this legislation for the Federal Government to establish standards with respect to camps. It is merely the intent of this legislation to prod the States, particularly those States that do not have any legislation, with reference to sanitation and with respect to inspection and health safety to do something worthwhile to protect the life and limbs of our children.

I remember a number of years ago when I sent my two children to a camp in upstate New York and on the day I picked them up in the Catskills my daughter had a rash all over her body. This could have been prevented if we had some kind of adequate State camp legislation.

Mr. **GROSS**. That could have happened even with passage of this legislation and even by putting a Federal inspector in every camp in the country.

Mr. **DANIELS** of New Jersey. That is not the purpose of the act.

Mr. **GROSS**. It could still have happened; could it not?

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. **GROSS**. I yield to the gentleman.

Mr. **DANIELS** of New Jersey. It is not the intent of this legislation to put a Federal inspector in every camp. It is the intent of this legislation merely to make a study and report to the President as to what might be done to germinate the States to take some effective action.

Mr. **GROSS**. At that point, then what happens?

Mr. **DANIELS** of New Jersey. At the termination of the study we expect the State would do the proper thing.

Mr. **GROSS**. I would expect the States would do that in the absence of this legislation. Do you mean to tell me that the States of Colorado and Michigan will not pass on to other States the regulations and experience that they have?

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from New Jersey.

Mr. **DANIELS** of New Jesery. Let the record speak for itself. What has happened is that 24 States have done nothing in this field, in spite of the fact that Michigan and Colorado have done something worthwhile. Is that not true?

Mr. **GROSS**. But there is no compulsion in the bill.

Mr. **DANIELS** of New Jersey. No.

Mr. **GROSS**. Is it expected there will be Federal compulsion tomorrow, next year, or some other time?

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield.

Mr. **DANIELS** of New Jersey. There is no intent to compel any State to take affirmative action.

Mr. **GROSS**. We are looking down the road at a taxpayers' revolt in this country. If we do not start saving $175,000 here and there and $175 million here and there, we are going to be bankrupt and the gentleman ought to know it. Why embark on a program of this kind? Other States can write to Colorado and Michigan to find out what they did to correct the situation. You do not provide for any compulsion in this bill, and I am glad that is the case.

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. **GROSS**. I yield to the gentleman from New Jersey.

Mr. **DANIELS** of New Jersey. As I said before, and I repeat most emphatically, we do not provide any compulsion. It is merely suggested that the findings of this study be widely disseminated, and that the findings be specifically provided to the National Conference of Commissioners on Uniform State Laws. We do not have to spend $175 billion. This bill merely asks for a modest appropriation of $175,000. If we save the life of one child in this country by having the proper safety and sanitation legislation, I think the appropriation of $175,000 is a very, very small sum to pay, while protecting not only that child's life, but all the other 11½ million children that attend camps in this country.

Mr. **GROSS**. What are you going to do about protecting them on the way to the camp? What are you going to do about protecting them on the highways?

Mr. **DANIELS** of New Jersey. That is the responsibility usually of the parents.

Mr. **GROSS**. What is that?

Mr. **DANIELS** of New Jersey. When my children went to camp—and that was 20 years ago—it was my responsibility to see that they got there safely.

Mr. **GROSS**. Is it not the responsibility of the parent to look over the camp before sending his children there, or to inquire as to how it is operated? Is that not the responsibility of the parent as well? What you are attempting to do here is to spend $175,000 on some $100-a-day consultants, apparently.

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield further?

Mr. **GROSS**. I yield to the gentleman from New Jersey.

Mr. **DANIELS** of New Jersey. Surely it is the responsibility of the parents to see that the camp to which they send their child is a worthwhile camp, but often such information is not available. You know, when you send for a brochure, you get back a very glossy, fine, beautiful looking brochure that tells you what a wonderful camp this place is. That camp is miles and miles away from your home—say out in Colorado, New Mexico, or California—and there is no way a parent can go there except at terrific expense.

Mr. **GROSS**. What is the proposed Federal Advisory Council going to do about that?

Mr. **DANIELS** of New Jersey. About what?

Mr. **GROSS**. About wet-nursing the parents of a child that is being sent to a camp. How many additional wet nurses will this require?

Mr. **DANIELS** of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from New Jersey.

Mr. **DANIELS** of New Jersey. No wet nurses are provided in this bill whatsoever.

Mr. **STEIGER** of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. **GROSS**. I yield to the gentleman from Wisconsin.

Mr. **STEIGER** of Wisconsin. I appreciate the gentleman's yielding.

Mr. **GROSS**. Do you have trouble in Wisconsin, too? Are you incapable of communicating with Michigan and Colorado, particularly Michigan, to find out how they do such a good job of taking care of the camps in those States?

Mr. **STEIGER** of Wisconsin. I cannot respond as to whether there is communication between Michigan, Colorado, and Wisconsin on this problem. I can suggest to the gentleman that I do support this legislation, and I do so, because I think the hearings clearly indicate that this is one field about which very little is known. It is one of those fields in which there is, in my judgment at least, a legitimate reason to undertake a detailed study of the kinds of rules and regulations, the kind of action that needs to be taken by the various and sundry camps throughout this country in order to do a better job than we are now doing.

I want to say to the gentleman from Iowa—and I share his concern about spending $175,000 at a time of very tight fiscal situation—there are now hundreds of thousands, literally, of children in the United States, who are attending camps of all types throughout this country, and the number of accidents that are taking place in those camps has increased over a period of time.

Mr. **GROSS**. You do not think this bill is going to eliminate all accidents and sicknesses, do you?

Mr. **STEIGER** of Wisconsin. No; I do not at all. There is no question about

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that. But it will, I hope, at least provide a blueprint with which one can operate at the State level, or any other level that is appropriate, to find out what it is that you must do to make the kinds of alterations in structure and the kinds of changes in rules and regulations in the camps so that the children will be protected.

Mr. GROSS. The State of Michigan and the State of Colorado can tell the gentleman. As the gentleman can note in the report of his own committee, those States have set in motion certain changes that seem to have done the job. Why then do we have to extract $175,000 from the taxpayers to pay $100-a-day consultants? The information is available in Michigan, and I am sure they will dispense it if the gentleman writes them and asks for it at the cost of a 6-cent stamp and a little elbow grease to write the letter.

Mr. STEIGER of Wisconsin. The gentleman from Iowa is well aware of the fact that it often is not done as well as we think it ought to be. I wish that it were possible.

Mr. GROSS. But the gentleman is bragging about the job they have done in Colorado and Michigan. What more does the gentleman want?

Mr. STEIGER of Wisconsin. What I want is, first, a more detailed analysis of both the Michigan and Colorado arrangements, and, second, I want a central point at which we can pull together the kind of information needed.

Mr. GROSS. And how long is it going to be before the gentleman's committee comes in with a bill to put some kind of Federal adviser at $100 a day in every camp in the country, once this foot-in-the-door Advisory Council is approved?

Mr. STEIGER of Wisconsin. That is not my intent, and I do not think it is the intent of the gentleman from New Jersey.

Mr. GROSS. The gentleman from New Jersey has not said that. The gentleman from Wisconsin has said it, but the gentleman from New Jersey happens to be the chairman of the subcommittee. If we drop $175,000 into the hands of $100-a-day consultants, and there are a few conferences in plush surroundings around the country, the $175,000 will be gone. Does the gentleman intend then to come back and ask for more money for this purpose?

Mr. STEIGER of Wisconsin. I will say in complete candor, first, I do not intend to come back with a bill to propose Federal standards on all camps throughout this country. I do not think that is appropriate, and I would not support this bill if that were the intent. But, second, based upon the hearings and the testimony before the committee, I believe this is an appropriate thing to do.

If the gentleman from Iowa will yield further, I will ask the gentleman from New Jersey as to whether or not there has been such an opinion expressed on this legislation.

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Speaker, the Secretary of Health, Education, and Welfare did submit a report, and I will read from a letter from the Secretary:

> A study of State and local legislation and regulations with respect to the operation of camps such as that proposed by this bill is a necessary initial step in assuring basic protections, safety and standards, in their operation.

However, they do not specifically endorse this bill, because they say they have authority to conduct the study provided for in the bill and to seek the advice of experts. But the fact remains that HEW has not done anything whatsoever in this particular area. However, they feel that a study of this type is a good idea.

Mr. GROSS. The gentleman has not answered the question as to when the next step will be taken to expand what is being proposed here today. The gentleman has not given assurance to the House that this will be the end of this business when the $175,000 is expended.

Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I am in favor of saving the lives of all little children that we can. I would not be in the well of this House as a qualified physician had it not been for extensive experience as a camp director in my youth, and in the summertimes I worked my way through college and medical school in this manner.

At the same time, as far as my qualifications are concerned, I directed the Midwestern American National Red Cross waterfront and camp safety program for many years. I continue to serve on the Health, Camping, and Safety Committee of the National Council, Boy Scouts of America.

I think perhaps this is a "sacred cow" piece of legislation which transgresses federally on the problems of the various States of the Union. It has been aptly described as a foot-in-the-door technique.

I agree with my colleague from Iowa, it does, indeed, cite the successes of some of the States, which problems and findings are available to all others.

Mr. Speaker, in addition to that, there is a source which has not been mentioned, and is not included in the reports or any of the hearings which are available, and has not been discussed on the floor today. This is the self-policing effort of the various camping and youth agencies.

I am well aware of the activities of the American Camping Association, and I appreciate their recommendations and the need perhaps for collating this information. But I do not believe that we should establish a commission in perpetuity which is unbudgeted, wherein the Department says, "We already have the authority," without going to such organizations as the National Health Camping and Safety Council, the Boy Scouts of America, the Girl Scouts of America, the YMCA, the Camp Fire Girls and others.

Long before camps are established, including all those listed herein in the commission report, those camps are engineered, and the sites are surveyed by the regional officers and camping directors prior to approval of purchase. Long before then, other camps and other organizations are available for cross-reference, capital improvements, financing, layouts, safety, and so forth. There are loans from one national camping fraternity or organization to another of its engineers, as well as site and camp selection, camp program, waterfront safety program directors, and others.

Last year I journeyed, in the heat of the adjourning 90th Congress, to dedicate a new Girl Scout camp in the district which I am privileged to represent, which had had all of the loans of the various other agencies insofar as the regional and national camping authorities are concerned.

Mr. Speaker, in addition to the fact that this is a well self-policed area, which needs no additional spending for another commission or another study in perpetuity, there are certain Government agencies which have direct responsibilities, if we would but let them alone, or give the oversight and encouragement that is our responsibility for them to do their jobs.

Insofar as the question of transportation of children across State lines, the question of sanitation, the question of diseases spread during summer camps are concerned, where is the U.S. Public Health Service, the commissioned officers corps and the regional directors and those who have responsibilities for quarantine safety and the prevention of disease, as well as sanitation intrastate, and interstate? I say, if many of those who are "bleeding hearts" and social worker advisers and psychiatric workers, would do less toward destroying a professional uniformed commissioned corps of the Government, the U.S. Public Health Service, and would let them function and provide for them as they conceive their professional missions and objectives, then we would be in better condition to prevent some of the horrendous examples that are given in this report.

Certainly we cannot and will not, after this report is received and studied, ever attempt to put a federally authorized truckdriver in charge of every camp bus, or an adviser in every camp to regulate it nationally, whether it be danger of drowning, snakebite, falls off cliffs, or overexposure from poor layout, planning, execution, or other local responsibilities.

But as to the report, Mr. Speaker, there is a third point I want to make in noting my opposition to this bill. It is that it includes also the survey of religious camps. Now, we are opening up a tremendous "can of worms" when we go into inspecting the short-time summer camps of the various religions which are held for summer Sunday school and instructional purposes and for vacation Bible school and all other religious purposes. I believe that is a matter which will come out in the study commission's report, but the power to legislate must never mean the power to be exercised in control by the Federal Government.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I yield the gentleman 1 additional minute, and commend him for the statement he has made for he has drawn upon years of experience in connection with youth camps.

Mr. HALL. I thank the gentleman for yielding me the additional time.

Mr. Speaker, history is replete with examples where commissions of this

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type have been organized by the Federal Government and where studies and reports have been made, and then the exercise of the control is legislated thereafter. With such well self-policed bodies and such perfectly organized groups such as the Boy Scouts of America—and I stand here probably as proud as anyone wearing the Silver Antelope recognizing the service to youth in general and by all organizations, by the Boy Scouts of America, predicated on experience in camping in the great middle western area—it seems to me absurd that we would at this time take up this sort of a bill, to spend this kind of money, by organizing this type of commission.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield to me?

Mr. HALL. I am glad to yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to make sure that the gentleman is clear that the American Camping Association testified before the committee on this legislation and indicated their support for this bill. In addition to that, they pointed out that only about one-third of the camps in the United States fall within the purview of the rules and regulations of that association.

Mr. HALL. Mr. Speaker, the purview would be well within the policing of the organizations themselves. This is indeed the very reason why States have not intervened in many instances, that is, in order not to take over the functions of the organizations.

Mr. DANIELS of New Jersey. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I intend to support this legislation. I think that we could perhaps assuage the fears of the gentleman from Iowa if we created some legislative intent here. It is the intent of the committee that any rules or regulations promulgated by this study commission will be published in the Federal Register at least 30 days before they become effective so that we have a chance to see them rather than to have this commission, like many others, issue guidelines that no one ever sees until they become effective. It is the intention of this body that any rules and regulations shall be published in the Federal Register for public inspection. I believe we would strengthen this legislation with this understanding.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I will say that I do not think it is the intent of the bill, but the gentleman from New Jersey (Mr. DANIELS), the author, is here, and can provide for an interpretation of the regulations. So I would share the gentleman's thought as to the intent.

Mr. PUCINSKI. My friend from Wisconsin has dealt with these agencies long enough to know that somebody has to set up ground rules for the operation of this commission. All I say is that when these ground rules are set up they must be published first in the Federal Register so that we can see what they intend to do. I want it clearly understood this is the intent of the committee and the House.

Mr. DANIELS of New Jersey. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Speaker, this area of youth camp safety is one that has gained public attention recently. The gentleman from Iowa makes a very persuasive argument which, by the way, was also persuasive to the members of our subcommittee. This is not an area where we should seek or desire Federal regulations or laws to control youth camps, but since this has attracted public attention and there is a lack of State regulation in many States, it is much like a vacuum that is going to be filled in one way or another. I think the members of the subcommittee felt the best way for it to be filled was not by passage of Federal regulations but to encourage States, such as Iowa, that have no State regulations over camping to do the job that they should do. For that reason, as is stated in our report very clearly:

> The committee wishes to emphasize that the power to legislate does not necessarily mean that power should always be exercised by the Federal Government. In this instance, it is the committee's belief that each State can best implement the findings of the Youth Camp Safety Survey Act through the workings of its own State legislative process.

So, the very thing about which the gentleman from Iowa worries is something which we worried about in our subcommittee. It was our conclusion that the State legislature is the best place to attack this problem. My suggestion was included in this report to the effect that any of the Commissions' findings should be sent, among other places, specifically to the National Conference on Uniform State Laws and that they turn their attention to recommending a uniform code to their legislative leaders looking toward the enactment of uniform State codes.

Mr. Speaker, the gentleman from Iowa (Mr. GROSS) asks:

> How soon will it be before you will be back here with proposed Federal legislation to put into effect rules and regulations at every camp across this country?

I can answer the gentleman in this manner: The proposals are already being made. The other body has proposals for safety laws providing Federal regulations for every little camp created for summertime enjoyment. The gentleman has asked the question and I answer the question of the gentleman from Iowa, if we do not make this move to encourage the State legislatures to undertake this obligation of policing their own camps, some law such as that which is now pending in the other body will pass and we will have the Federal presence in each one of these camps.

I do not believe we can continue to argue, "Let us not have the Federal Government do it; let the States do it," and then sit by idly watching the States do nothing. I think the only way we can fulfill the kind of desire which the gentleman from Iowa has and which I share with him, is to encourage the States, to take action.

Mr. Speaker, in my opinion this bill would forestall the imposition of Federal rules and regulations.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. Would it be too much to expect the House to consider a sense-of-the-House resolution or a concurrent-sense-of-Congress resolution calling attention of the States to the fact that Colorado, Michigan, and other States have done a good job of regulating summer camps instead of always authorizing money for the support of programs such as this that suddenly balloon into costs involving millions of dollars. What this amounts to here today is another "foot in the door" for bigger and better expenditures next year and ad infinitum.

Mr. ERLENBORN. I thank the gentleman for his contribution. If a sense-of-Congress resolution would accomplish the job of getting the States to move in this area, I would certainly join with the gentleman in sponsoring it and would be happy to vote for it. I do not think it necessarily will. I feel that the approach of obtaining a compilation of State laws and some recommendations as to what State laws should provide and which seem to be doing the job is a better approach.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I shall be happy to yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to make sure that the RECORD is clear on the point which was raised by the gentleman from Illinois (Mr. PUCINSKI). I think as far as I am concerned and insofar as the minority is concerned, clearly these rules and regulations will be compiled and ought to be a part of the Federal Register.

Mr. ROSENTHAL. Mr. Speaker, I rise in support of H.R. 763, the Youth Camp Safety Survey Act. This bill is very similar to the original legislation on this subject which I introduced last year.

The problems of youth camp safety are not new, as almost any parent can testify. There are many opportunities, each summer, for children to participate in organized activities to provide them with experiences different from their everyday school experiences. Each year over 6 million children participate in over 12,000 youth camps.

But parents, and children themselves, have never had adequate means to judge the many camps in existence for their suitability, their safety and their operational standards. Instead, they have had a variety of State and local regulations, with varying degrees of enforcement, and the self-imposed standards, some of them laudable, for private camping associations.

In 1967, Senator RIBICOFF and I introduced legislation for a Federal youth camp safety program which provided both standards for all youth camps and assistance to cooperating States to carry out improved youth camp safety programs.

That legislation was the subject of a report from the Department of Health, Education, and Welfare which supported its aims but said that the Department lacked sufficient information on youth camps to judge the need for a comprehensive safety program.

In response to that report, I introduced

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the Youth Camp Safety Survey Act of 1968 to provide the information which HEW said was missing. I was, and remain, convinced that such information is already available and that we should proceed now with a program for Federal assistance to the States to improve youth camp safety.

I consider, therefore, H.R. 763 an interim measure which must eventually be perfected by legislation to set Federal standards and assist States in meeting them.

I am pleased to see that the subcommittee chairman, Congressman DANIELS, who has led the fight within this committee for youth camp safety, has proposed in H.R. 763 that the Secretary of Health, Education, and Welfare shall not only survey youth camp safety standards but also provide Congress with the Department's recommendations to insure the safe operation of such camps.

This bill also provides for the establishment of an Advisory Council on Youth Camp Safety which will advise and consult with the Secretary of Health, Education, and Welfare in the preparation of the report and the recommendations on youth camp safety.

I am confident, Mr. Speaker, that the prompt approval of this bill by the House will be an important step toward better youth camp safety. Millions of parents must decide each year, on inadequate information, which camps their children should attend and what health and safety provisions will protect them. In many cases these camps are located long distances from the family home, making thorough inspections by parents impractical or impossible. In many cases, also, the camps chosen are located in other States with unfamiliar laws and uncertain enforcement procedures.

Parents, need, and children deserve, better protection than they presently have. With the passage of this bill, the opportunities for better safety for children and better discharge of parental obligations will be greatly enhanced.

Mr. DANIELS of New Jersey. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill H.R. 763.

The question was taken.

Mr. HUNT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 151, nays 152, not voting 129, as follows:

[Roll No. 72]

YEAS—151

Adair
Albert
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Beall, Md.
Bell, Calif.
Bennett
Biester
Bingham
Boland
Broomfield
Brotzman
Brown, Calif.
Buchanan
Burke, Mass.
Button
Byrne, Pa.
Clancy
Cleveland
Cohelan
Collins
Conable
Corbett
Corman
Coughlin
Cunningham
Daddario
Daniels, N.J.
de la Garza
Delaney
Dellenback
Dent
Dingell
Donohue
Dulski
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Feighan
Flood
Ford, Gerald R.
Fraser
Fulton, Pa.
Fulton, Tenn.
Garmatz
Gaydos
Gibbons
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hansen, Wash.
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Howard
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, Tenn.
Karth
Kastenmeier
Kee
Keith
Kluczynski
Koch
Kyros
Leggett
Long, Md.
Lowenstein
McCarthy
McClory
McCulloch
McFall
Mathias
Matsunaga
Meeds
Mikva
Minish
Mink
Mollohan
Monagan
Moorhead
Morgan
Nedzi
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Patman
Patten
Pepper
Perkins
Price, Ill.
Pucinski
Quie
Rees
Reifel
Reuss
Rodino
Rogers, Colo.
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
Ryan
St Germain
Schwengel
Sisk
Springer
Staggers
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Taft
Teague, Tex.
Thompson, N.J.
Tunney
Udall
Ullman
Van Deerlin
Vanik
Whalen
Wolff
Yates
Yatron
Zablocki

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Abbitt
Abernethy
Alexander
Andrews, Ala.
Baring
Belcher
Betts
Bevill
Blackburn
Boggs
Bow
Brinkley
Brock
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burlison, Mo.
Bush
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cramer
Daniel, Va.
Davis, Wis.
Dennis
Derwinski
Devine
Dowdy
Downing
Duncan
Edwards, La.
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flowers
Foley
Fountain
Frey
Fuqua
Gettys
Giaimo
Goldwater
Goodling
Griffin
Gross
Grover
Haley
Hall
Hammerschmidt
Hosmer
Hull
Hungate
Hunt
Hutchinson
Ichord
Jonas
Kazen
King
Kleppe
Kyl
Langen
Latta
Lipscomb
Lloyd
McCloskey
McClure
McDonald, Mich.
McEwen
McMillan
Mahon
Mann
Marsh
May
Mayne
Miller, Ohio
Mills
Minshall
Mize
Mizell
Montgomery
Myers
Natcher
Nelsen
O'Neal, Ga.
Passman
Pelly
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Pryor, Ark.
Purcell
Quillen
Railsback
Randall
Rarick
Reid, Ill.
Rhodes
Riegle
Roberts
Rogers, Fla.
Rooney, N.Y.
Roth
Roudebush
Ruth
Satterfield
Saylor
Schadeberg
Schneebeli
Scott
Shipley
Shriver
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Stafford
Stanton
Talcott
Taylor
Teague, Calif.
Thomson, Wis.
Vander Jagt
Vigorito
Waggonner
Waldie
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wold
Wright
Wyatt
Wylie
Wyman

NOT VOTING 129

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Barrett
Bates
Berry
Biaggi
Blanton
Blatnik
Bolling
Brademas
Brasco
Bray
Brooks
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Burton, Calif.
Burton, Utah
Carey
Celler
Chisholm
Clark
Clay
Collier
Colmer
Conte
Conyers
Cowger
Culver
Davis, Ga.
Dawson
Denney
Dickinson
Diggs
Dorn
Dwyer
Eckhardt
Eshleman
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Frelinghuysen
Friedel
Galifianakis
Gallagher
Gilbert
Gray
Gubser
Hagan
Halpern
Hanna
Hansen, Idaho
Harvey
Hébert
Helstoski
Henderson
Jarman
Jones, Ala.
Jones, N.C.
Kirwan
Kuykendall
Landgrebe
Landrum
Lennon
Long, La.
Lujan
Lukens
McDade
McKneally
Macdonald, Mass.
MacGregor
Madden
Mailliard
Martin
Meskill
Michel
Miller, Calif.
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
Obey
O'Konski
Pettis
Philbin
Podell
Powell
Preyer, N.C.
Price, Tex.
Reid, N.Y.
Rivers
Robison
Ronan
St. Onge
Sandman
Scherle
Scheuer
Sebelius
Smith, Calif.
Smith, N.Y.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Thompson, Ga.
Tiernan
Utt
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Charles H.
Winn
Wydler
Young
Zion
Zwach

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Gilbert and Mr. Addabbo for, with Mr. Hébert against.

Mr. Brasco and Mr. Diggs for, with Mr. Utt against.

Mr. Kirwan and Mr. Tiernan for, with Mr. Kuykendall against.

Mr. Madden and Mr. Farbstein for, with Mr. Ashbrook against.

Mr. Charles H. Wilson for, with Mr. Berry against.

Mr. Miller of California and Mr. Biaggi for, with Mr. Burke of Florida against.

Mr. Fallon and Mr. Gray for, with Mr. Colmer against.

Mr. Ronan and Mr. St. Onge for, with Mr. Price of Texas against.

Mr. Moss and Mr. Burton of California for, with Mr. Henderson against.

Mr. Reid of New York and Murphy of New York for, with Mr. Lennon against.

Mr. Barrett and Mr. Blatnik for, with Mr. Smith of California against.

Mr. Brademas and Mr. Adams for, with Mr. Burleson of Texas against.

Mr. William D. Ford and Mr. Gallagher for, with Mr. Davis of Georgia against.

Mr. Hanna and Mr. Helstoski for, with Mr. Dorn against.

Mr. Podell and Mr. Nix for, with Mr. Watkins against.

Mr. Friedel and Mr. Culver for, with Mr. Rivers against.

Mr. Carey and Mr. Clark for, with Mr. Nichols against.

Mr. Clay and Mr. Scheuer for, with Mr. Long of Louisiana against.

Mr. Powell and Mr. Celler for, with Mr. Morton against.

Mr. Anderson of California and Mr. Dawson for, with Mr. Galifianakis against.

Mr. Morse and Mr. Halpern for, with Mr. Scherle against.

Until further notice:

Mr. Stubblefield with Mr. Bray.

Mr. Hagan with Mr. MacGregor.

Mr. Stuckey with Mr. Foreman.

Mr. Jones of Alabama with Mr. Landgrebe.

Mr. Obey with Mr. O'Konski.

Mr. Eckhardt with Mr. Conte.

Mr. Brooks with Mr. Bates.

Mr. Anderson of Tennessee with Mr. Dickinson.

Mr. Jarman with Mr. Morton.

Mr. Jones of North Carolina with Mr. Hansen of Idaho.

Mr. Young with Mr. Brown of Michigan.

Mr. Landrum with Mr. Sebelius.

Mr. Flynt with Mr. Thompson of Georgia.

Mr. Steed with Mr. Robison.

Mr. Stephens with Mr. Wampler.

Mr. Preyer of North Carolina with Mr. Watson.

Mr. Blanton with Mr. Wiggins.

Mrs. Chisholm with Mr. Smith of New York.

Mr. Burton of Utah with Mr. Pettis.

Mr. Collier with Mrs. Dwyer.

Mr. Cowger with Mr. Wydler.

Mr. Frelinghuysen with Mr. McKneally.

Mr. Lukens with Mr. McDade.

Mr. Michel with Mr. Winn.

Mr. Zion with Mr. Meskill.

Mr. Harvey with Mr. Denney.

Mr. Zwach with Mr. Eshleman.

Mr. Fish with Mr. Steiger of Arizona.

Mr. Weicker with Mr. Gubser.

Mr. Mailliard with Mr. Mosher.

Messrs. DEL CLAWSON, LATTA, and WAGGONNER changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

GENERAL LEAVE

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 763.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REVISING PAY STRUCTURE OF POLICE FORCE OF NATIONAL ZOOLOGICAL PARK

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2667) to revise the pay structure of the police force of the National Zoological Park, and for other purposes.

The Clerk read as follows:

H.R. 2667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter VI of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5365. Police force of National Zoological Park

"(a) The Secretary of the Smithsonian Institution shall fix the per annum rates of basic pay of positions on the police force of the National Zoological Park in accordance with the following provisions:

"(1) Private—not more than the rate for GS-7, Step 5;

"(2) Sergeant—not more than the rate for GS-8, Step 5;

"(3) Lieutenant—not more than the rate for GS-9, Step 5;

"(4) Captain—not more than the rate of GS-10, Step 5.".

(b) The table of sections of subchapter VI of chapter 53 of title 5, United States Code, is amended by adding—

"5365. Police force of National Zoological Park."

immediately below—

"5364. Miscellaneous positions in the executive branch.".

SEC. 2. (a) Section 5102(c)(5) of title 5, United States Code, is amended by adding, immediately after the semicolon at the end thereof, the following: "and members of the police force of the National Zoological Park whose pay is fixed under section 5365 of this title;".

(b) Section 5109(c) of title 5, United States Code, is repealed.

(c) The first section of the Act entitled "An Act relating to the policing of the buildings and grounds of the Smithsonian Institution and its constituent bureaus", approved October 24, 1951 (65 Stat. 634; Public Law 206, Eighty-second Congress; 40 U.S.C. 193n), is amended by striking out "That the Secretary" and inserting in lieu thereof "That, subject to section 5365 of title 5, United States Code, the Secretary".

SEC. 3. (a) The foregoing provisions of this Act shall become effective at the beginning of the first pay period which commences on or after the date of enactment of this Act.

(b) No rate of basic pay shall be reduced by reason of the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, the purpose of this bill is quite simple in that it is bipartisan. There has been no objection to it at any level.

The purpose of the bill, essentially, is to bring into line the salaries of the police of the National Zoological Park with those of the Library of Congress and bring them fairly close to parity with the other police such as the Metropolitan Police of the District of Columbia and the adjoining areas.

Mr. Speaker, the National Zoological police are now 21 percent under the Supreme Court Police, 22 percent under the Capitol Police, 42 percent under the U.S. Park Police and 26 percent under the non-Federal sector average.

The result of this has been that there has come about a tremendous turnover of these highly trained men at the National Zoological Park. Oddly enough, they receive less money than manual laborers, but they must satisfy the requirement for employment of having at least 3 years of police experience.

The Director of the Smithsonian would have under this legislation the authority to adjust the wages upward in order to bring them on a parity with the other police forces in the area. But even at the highest level they would still receive no more than the first step of the Metropolitan Police force.

This bill is sponsored by the chairman of the Committee on House Administration (Mr. FRIEDEL), and on the other side it is sponsored by the gentleman from Ohio (Mr. BOW), who is a Regent of the Smithsonian.

Mr. SCHWENGEL. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Speaker, the purpose of H.R. 2667 is to raise the salaries for the police force at the National Zoological Park to enable the Smithsonian Institution, the parent organization of the zoo, to be able to recruit and retain qualified zoo police personnel.

The salaries currently payable to the police force at the National Zoological Park are lower than for the other police organizations in the District of Columbia, and we are told there is a pressing need for the salary adjustments that could result from passage of H.R. 2667.

The bill removes the jurisdiction of the Classification Act of 1949, as amended, from all positions in the zoo police force, so that they would no longer by law come under the classification standards of the U.S. Civil Service Commission for such positions.

The legislation would however set up a four-level pay schedule for the zoo police generally along the same lines of the pay scale of the Classification Act. In so doing the bill would advance each of the four zoo police ranks two steps from their present levels.

Thus, those with the rank of private who currently are classified in grade GS-5 would receive a salary at the GS-7 level. Sergeants would move from GS-6 to GS-8; lieutenants from GS-7 to GS-9; and the captains from GS-8 to GS-10. In addition, the Secretary of the Smithsonian would receive authority under the bill to place any position on the force in any of the five steps which would comprise each of the four grade levels.

The zoo police would continue to be eligible for benefits such as retirement, life and health insurance.

A bill with identical provisions, H.R. 7195, 90th Congress, was passed by the House last year, on October 7, 1968, but was not passed by the other body prior to adjournment.

Assurances were given that this legislation, which will result in only a modest increase in cost, is very much needed to enable the Smithsonian Institution to maintain an adequate police force at the National Zoological Park and I would urge it be approved by the House.

I include the following statistical information in connection with the bill:

1. Twenty-nine positions are involved.

2. Annual salaries presently for zoo police is approximately $190,000.

3. Estimated annual increase under the conversion system the Smithsonian intends to use is approximately $28,500.

4. Comparison of starting salaries among area police systems.

	Metropolitan and Park Police	Capitol (after 2-weeks training)	Zoo	
			Present	Under H.R. 2667
Private	8,000	7,562	5,732	6,981
Sergeant	10,175	9,950	6,321	7,699
Lieutenant	11,710	11,343	6,981	8,462
Captain	13,852	13,532	7,699	9,297

5. The National Zoological Park Police force performs various functions which can be compared with other police forces in the city, particularly the Park police. They are there to prevent crime, to prevent disorder from crowds, to direct traffic, to arrest violators, control parking, give first aid, and provide information to visitors.

6. Because of inequities in police salaries, the turnover for zoo police since 1964 has been about 50%.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield such time as he may consume to the gentleman from Ohio (Mr. BOW).

XUM

Mr. BOW. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a Regent of the Smithsonian I support this legislation and would like to give my reasons for this support.

GROWTH OF ATTENDANCE AND EXHIBITION FACILITIES

The development of many additional exhibition facilities and greater visitor public attendance at the National Zoological Park reflects the increasing need for a police force with special qualifications and associated performance to assure the continued preservation of peace and protection of the public. The growing public interest in the National Zoological Park is evidenced by the fact that during fiscal year 1967, there were approximately 4,937,629 visitors using the park's facilities. In fiscal year 1968, these figures, partly as a result of the disturbances in the city during the spring of 1968, varied only slightly with 4,824,714 visitors recorded. There were 4,055,673 visitors during fiscal year 1959. This represents an average visitor increase of 17.9 percent since the last pay grade raise granted to the policemen of the National Zoological Park.

In 1962, the Congress authorized a major construction and improvement program to renovate the exhibition facilities and to remove heavy arterial traffic from the center of the National Zoological Park. This program has resulted in a material increase in visitor population since that time and we may expect a continued rise in the number of visitors as the exhibitions increase.

This large number of visitors and vehicles in the 176-acre park demands a highly experienced and responsive National Zoological Park Police force. The 3,000 animals and the wild and natural habitat of the area add significantly to the extraordinary police activities. A 24-hour vigil is mandatory, and exposure is heightened because the area is not lighted and approximately 50 percent of the terrain is wooded.

EXPERIENCE REQUIRED

The constant and large assembly of our citizens in a limited area with wildlife requires special zeal and attention unique to the National Zoological Park. Because of the heavy responsibilities for the protection of the public, including a substantial portion of young people, the National Zoological Park Police requires 3 years of police experience which has given the candidate a broad knowledge of police operations, practices, and techniques, prior to employment as a private in the National Zoological Park Police force.

JURISDICTION AND DUTIES

The police force of the National Zoological Park functions as do its counterparts in the city. The force is needed for enforcement of the law, and has the same responsibility within its jurisdictions as do other enforcement groups within their respective jurisdictions. It is there to prevent crime and crowd disorder, to direct traffic, control parking and to render first aid.

Their most valuable service is the deterrent of potential lawbreakers. The second most valuable service is the observation, reporting, and correction of conditions in the park—concerning the safety of visitors, employees, and animals. Parking and traffic control are a heavy load, as with other police departments. Police patrols protect property, animals from abuse, and the safety of visitors.

The range of services performed by the National Zoological Park policeman is much greater than that commonly found in other law-enforcement jurisdictions. Every policeman on the force is expected to serve as an information source, to enforce park regulations designed to protect the public as well as the animals, to be concerned with public safety against such hazards as overhanging branches, loose rails, icy walks; to respond to snake bites; to provide antivenom kits upon request to hospitals, to use weapons in an emergency or an animal escape; to check building temperatures and to be alert for animals which appear sick or injured; and to conduct an investigation of all accidents. They serve as the reception point for many official visitors, both foreign and from the States, as well as operating the communications center. These responsibilities require special training at the National Zoological Park for familiarity with practices, personnel, animals, and buildings.

LOW PAY—HIGH TURNOVER

As a result of the relatively low pay scales authorized for its police force, the National Zoological Park has experienced grave difficulties in recruiting policemen and retaining an adequate force. Since 1964, the turnover rate has been over 50 percent; directly attributed to changes for higher salaries elsewhere. Half of the policemen leaving, secured positions in other than police work, which resulted in a significant loss to the trained police community. We believe the following chart clearly indicates one of the principal reasons for the high turnover rate:

PRESENT POLICE SALARY PERCENTAGE DIFFERENCE (ABOVE NATIONAL ZOOLOGICAL PARK POLICE)

National Zoological Park Police	Supreme Court	U.S. Capitol	U.S. Park Police	Non-Federal sector average
Private	21	22	42	26
Sergeant	34	48	51	42
Lieutenant	33	62	46	44
Captain	46	76	52	35

That reason is low pay. The National Zoological Park policemen receive 21 percent less pay than the lowest paid recognized police force in the Washington, D.C., metropolitan area. A further example of the reasons why recruitment and retention is so difficult is shown below:

COMPARISON OF PRESENT POLICE SALARIES AT THE NATIONAL ZOOLOGICAL PARK WITH OTHER KINDS OF WORK

Position	Starting salary		Experience required	After 6 months	After 1 year	After 2 years
	Per hour	Per year				
Policeman (private)	$2.76	$5,732.00	3 years of police experience	$5,732.00	$5,924.00	$6,115.00
Manual laborer	2.73	5,678.40	None	5,907.20	5,907.20	6,136.00
Trades helper	2.92	6,073.60	Passage of simple written test	6,323.20	6,323.20	6,572.80

These situations presently exist, and clearly show the financial plight of the National Zoological Park policemen. The policeman must present himself for work in a neat and trim manner befitting a representative of the agency—which requires out-of-the-pocket expenditure for the maintenance of uniforms—only to find that he is—after 6 months—making $175 less per year than a manual laborer. The manual laborer after 2 years is still earning at least $21 more per year than the policeman. This has been a continuing cycle, since the manual laborer receives annual cost-of-living increases under the Federal wage board system, which the policeman is not entitled to, since he is a general schedule employee. In the case of the trades helper, he starts out—after passage of a simple written test, with no experience required—earning $307 more per year than the policeman—who must have 3 years of police experience. After 1 year this trades helper is making $399 more per year than the policeman. This same trades helper usually is able to advance to the journeyman level after 4 years and would be making $7,800 per year. It may be noted that a policeman who spends 18 years in the rank of private can only attain $7,456 per annum at this time. We believe the above situations clearly demonstrate why the recruitment and retention of policemen at the National Zoological Park is so difficult. An environment of high morale and esprit de corps is extremely difficult to establish and maintain under such circumstances, and it becomes obvious why we have experienced such a large loss—50 percent—of trained officers to the police community.

The following table indicates the present and proposed National Zoological Park Police salary comparisons with counterpart law-enforcement jurisdictions in the Washington metropolitan area:

POLICE SALARY COMPARISONS (SALARY RANGE OF EACH RANK)

Present National Zoological Park Police, rank, grade, and salary range	S. 883 and H.R. 2667 for more comparable salaries for National Zoological Park Police	Supreme Court	Capitol	U.S. Park Police	Non-Federal sector, average of 10 towns
Private, GS-5, $5,732 to $7,456	$6,981 to $7,913	$6,938 to $8,835	$6,965 to $9,950	$8,000 to $10,300	$7,227 to $10,020.
Sergeant, GS-6, $6,321 to $8,221	$7,699 to $8,727	$8,448 to $10,755	$9,353 to $12,338	$9,570 to $11,610 (detective)	$8,972 to $12,159.
Lieutenant, GS-7, $6,981 to $9,078	$8,462 to $9,590	$9,317 to $11,861	$11,343 to $14,328	$10,175 to $12,215 (sergeant)	$10,076 to $13,677.
Captain, GS-8, $7,699 to $10,012	$9,297 to $10,537	$11,250 to $14,319	$13,532 to $16,517	$11,710 to $13,850 (lieutenant)	$10,421 to $15,493.

XUM

It may be noted that the present starting salary for a private in the U.S. Park Police is $8,000. By contrast the starting salary for a private of the National Zoological Park Police Force is $5,732, a difference of $2,268—in other words, 40 percent less than his counterpart.

We believe the only valid comparison for salary purposes is to compare the work and responsibilities of the National Zoological Park Police privates with the work and responsibilities of the U.S. Park Police private.

On this basis, we have made a point-by-point analysis of the National Zoological Park Police private with the private in the patrol division of the U.S. Park Police. This original study was made in 1964, by the chief of our classification section; and has now been updated as of February 18, 1969. If I may, I would like to submit this in part for the record.

I will point out the conclusions which are readily apparent from this study. First, the study finds that there is no basis for comparing the total National Park Police operations with the National Zoological Park Police. We compare, instead, with the patrol division and we emphasize the comparison of the basic duties of the police privates in both cases. It was concluded that the private on either force may be confronted with serious crime at any time, and that the laws and statutes enforced and the qualifications and training required are comparable in all respects, with the exception of pay. It was noted that the National Zoological Park Police receive less on-the-job training because they must have had 3 years' of police experience prior to joining the force.

The fact that serious crimes, of the same nature generally occur in both jurisdictions is evidence of the comparability of the responsibility of the two police forces. The number of arrests on the part of the National Park Service Police is understandably larger since that police force is about 10 times the size of the National Zoological Park Police. Also, it is to be considered that the zoo is more heavily policed with the consequential greater deterrent effect.

In considering crime statistics it is significant to note that without the patrolling of police and the resulting deterrence to vandalism and crime, there would of course be a far higher incidence of vandalism, abuses of animals, thefts from parked automobiles, and accidents to visitors caused by their own misbehavarior.

We have made appropriate adjustments in our comparative study to recognize the difference in size of the National Zoological Park Police and the National Park Service Police. Consequently, the supervisory officer salaries have been adjusted—our sergeant to compare with their detective, our lieutenant with their sergeant, and our captain with their lieutenant.

DIRECT BENEFITS

The pending legislation would remove all positions in the police force of the National Zoological Park from the provisions of law—Classification Act of 1949—which requires the application of Civil Service Commission position classification standards. This action would avoid conflict with any regulations and standards issued by the U.S. Civil Service Commission.

The pending legislation would confer upon the Secretary of the Smithsonian Institution authority to fix the salaries of all positions in the police force of the National Zoological Park, within the limitations of H.R. 2667 and S. 883.

The Smithsonian Institution endorses the principles of this pending bill, recognizing that it does not fully meet the objective of Congress, which is to establish comparable salaries for like work.

Favorable consideration of this bill, however, will be most helpful in attracting and maintaining the quality of police force needed at the National Zoological Park.

Mr. GROSS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from New Jersey that the House suspend the rules and pass the bill H.R. 2667.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SHARING PROGRAM OF THE DEPARTMENT OF MEDICINE AND SURGERY, VETERANS' ADMINISTRATION

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9634) to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources.

The Clerk read as follows:

H.R. 9634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5053(a)(1) of title 38, United States Code, is amended by deleting "for the exchange of use" and inserting in lieu thereof "for the mutual use, or exchange of use,".

The SPEAKER pro tempore (Mr. ALBERT). Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the veterans' bills which will be considered this afternoon.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, this bill seeks to amend the language in section 5053(a)(I) of title 38, to conform to that used in the Public Health Service Act to achieve a more effective and improved administration of the sharing program conceived as a part of Public Law 89–785, which was sponsored by the Committee on Veterans' Affairs in an effort to approve education and training within the Department of Medicine and Surgery of the Veterans' Administration. Because it appears that the present law precludes agreements for the mutual use of community resources except in those cases where reciprocal exchanges of a Veterans' Administration resource is a part of the program, this legislation is necessary.

The measure was presented in a formal submission to the Congress.

There would be no additional cost as the result of this act.

The Veterans' Administration has many agreements with medical schools calling for the the exchange of the use of specialized equipment, but in order for such agreements to work, the Veterans' Administration is required to have something to give the medical school in return. Under the proposed bill a medical school could have a cobalt unit and if the bill were in effect, the Veterans' Administration could use it, assuming a sharing agreement existed between the two installations. Today, however, the Veterans' Administration would have to have some service or some equipment which the school desired in order for the Veterans' Administration to use the cobalt machine without paying for it.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may use or require to the ranking Republican member of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 9634. This bill will improve the Veterans' Administration's procedures for sharing special medical resources with community medical resources.

The 89th Congress enacted legislation which permitted the Veterans' Administration to share specialized medical resources with community medical facilities. The legislation was designed to permit the Veterans' Administration to acquire community medical resources for their patients and to improve medical education and training of Veterans' Administration doctors. Because of a literal interpretation of the law, however, the Veterans' Administration can only acquire the use of community medical resources when there is a reciprocal use of VA resources by the community.

The language of H.R. 9634 will permit the Veterans' Administration to acquire the use of community medical resources, regardless of whether the Government is furnishing resources or services in return.

The Veterans' Administration has requested this language and I am advised

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that its enactment would result in no additional cost to the Government. I urge that it be passed.

The **SPEAKER** pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 9634.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

MEDICAL BENEFITS FOR OLDER VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 70 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, as amended.

The Clerk read as follows:

H.R. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 622 of title 38, United States Code, is amended by inserting "(a)" immediately before "For", and by adding at the end thereof the following new subsection:

"(b) Notwithstanding the provisions of subsection (a) of this section, the Administrator may not require any statement under oath from an applicant referred to therein who is seventy-two years of age or older for the purpose of determining inability to defray necessary expenses, and such applicant shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care."

SEC. 2. Subsection (g) of section 612 of title 38, United States Code, is amended to read as follows:

"(g) Where any veteran is in receipt of increased pension or additional compensation or allowance based on the need of regular aid and attendance or by reason of being permanently housebound, or who, but for the receipt of retired pay, would be in receipt of such pension, compensation, or allowance, the Administrator may furnish the veteran such medical services as he finds to be reasonably necessary."

SEC. 3. Subsection (h) of section 612 of title 38, United States Code, is amended by inserting immediately after the words "by reason of being" the following: "permanently housebound or".

SEC. 4. Subsection (a) of section 610 of title 38, United States Code, is amended (1) by striking out "and" at the end of clause (2); (2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and (3) by adding at the end thereof the following:

"(4) any veteran for a non-service-connected disability if such veteran served in the active military or naval service in Mexico, on the borders thereof, or in the waters adjacent thereto during the period beginning on May 9, 1916, and ending on April 6, 1917."

SEC. 5. (a) The provisions of section 201 of the Revenue and Expenditure Control Act of 1968 shall not apply with respect to employees of the Veterans' Administration and such employees shall not be taken into account in applying the provisions of such section to the other departments and agencies of the executive branch.

(b) Section 4 of the Act entitled "An Act to amend title 38 of the United States Code to provide nursing home care and contract hospitalization for certain veterans living in Alaska and Hawaii, and for other purposes", approved October 21, 1968 (Public Law 90-612, 82 Stat. 1202), is hereby repealed.

(c) Subsections (a) and (b) of this section shall take effect on the date of the enactment of this Act.

The **SPEAKER** pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

The TEAGUE of Texas. Mr. Speaker, section 1 would provide that a veteran who is 72 years of age or older no longer be required in order to gain admission to a Veterans' Administration hospital for a non-service-connected disability to sign, under oath, a statement of inability to defray the necessary expenses of hospital or domiciliary care. Inasmuch as present practice relieves all individuals who are on the non-service-connected pension rolls from filing the financial data required of other applicants, regardless of their age, and service-connected veterans are admitted as a matter of right, it would appear that this section is a logical extension of the present practice and one which can be described as providing uniformity and equity for our older veterans.

Section 2 authorizes the Administrator to furnish outpatient care and such other medical services as he finds to be reasonably necessary to any veteran who is in receipt of pension or compensation based on need of regular aid and attendance or who is permanently housebound. Inasmuch as care for service-connected veterans in this category is already administered on the most liberal basis, the only substantial change would occur in the pension field and is restricted to those individuals who are the most severely disabled. The air-and-attendance group is so helpless or blind as to need the regular aid and attendance of another person. The housebound are so disabled as to require them to remain in their homes constantly.

The Veterans' Administration has a well-defined program of prehospital care and posthospital care, developed at the urging of the Committee on Veterans' Affairs, which is, in effect, outpatient care providing for preparation of the veteran prior to being admitted to the hospital and followup after hospital treatment. Section 2 is a logical, workable, and equitable extension of the existing program for an exceptionally needy group of disabled veterans.

Under present law, drugs, and medicine prescribed by a physician are furnished to veterans for their service-connected disability, they are also furnished to the veteran during periods of hospitalization and during periods of prehospital and post hospital care regardless of whether his disability or disease is service-connected or non-service-connected in character. In addition, under existing law, pensioners who are in need of regular aid and attendance are furnished drugs and medicine prescribed by a physician. Section 3 seeks to extend this provision for furnishing drugs and medicine at Veterans' Administration expense to those veterans who are receiving additional compensation or pension by reason of being permanently housebound. As in section 2, it seems to the committee that this is a logical extension to a worthy group of disabled veterans.

Section 4 provides non-service-connected medical care for any veteran who served in the active military or naval service on the Mexican border during the period beginning on May 9, 1916, and ending April 6, 1917. The committee believes that this is but a long overdue recognition of the important and valiant service of this deserving group of veterans.

The limitations imposed by Section 201 of the Revenue and Expenditures Control Act of 1968—Public Law 90-364—insofar as they place a ceiling on the number of employees the Veterans' Administration may have, are repealed by section 5 of this act. The original provisions of Public Law 90-364, were modified by section 4 of Public Law 90-612, by providing that the original limitation on employees should not apply to the Veterans' Administration in any month in which the number of such employees does not exceed the number of employees employed by the Veterans' Administration on June 30, 1966. The testimony before the subcommittee on hospitals is replete with references to the fact that the ceiling on employment is a great detriment to the successful operation of the hospital system of the Veterans' Administration.

During the past several years the introduction of certain medical care programs has been planned. These programs were specially designed to meet the requirements of veterans receiving hospital or outpatient care. In many instances they were designed to afford these patients the most up-to-date treatment available.

Included were: Alcohol treatment units, blind clinics, cardiac catheterization, clinical radioisotope, day hospitals, day treatment centers, electron microscopy, epilepsy centers, foster home care, hemodialysis units, intensive/coronary care beds, mental hygiene clinics, organ replacement centers, prosthetic treatment centers, psychiatric medical infirm units, pulmonary emphysema units, pulmonary functions unit, reference labs, speech pathology, stereotactic brain surgery, and supervoltage therapy.

Certain of these, such as hemodialysis units, organ replacement centers, and intensive/coronary care beds have life saving missions. Others, such as day hospitals, day treatment centers, foster home care, and mental hygiene clinics, are designed to further improve programs for the care of the psychiatrically disabled. They are to provide further support to the increasing effort to reduce or prevent hospitalization by providing outpatient care.

Alcohol treatment centers are designed to serve a large and growing problem and supervoltage therapy is planned to offer improved treatment to veteran patients with cancer.

During fiscal year 1969, more than 100 of these programs had been scheduled for activation. To comply with Public

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Law 90-364 it was necessary to delay them.

The patient-employee ratio of VA hospitals, 1.5, is approximately one-half of that found in well-run community hospital facilities. It compares with a level of four patient-employee relationship in the best facilities operated in conjunction with medical schools. Regardless of the amount of money available and the shortage of medical and paramedical personnel, it is essential in the judgment of the committee that this personnel ceiling be lifted insofar as the Veterans' Administration is involved if an efficient operation is to be maintained. Unless action of this sort is taken there can only be one certain result and that is a deterioration of medical care provided in the Veterans' Administration hospitals.

The committee has noted with interest the following portion of the text of the Administration's review of the 1970 budget—as inserted in the Congressional Record of April 16, 1969, by the chairman of the Appropriations Committee:

> Consistent with the employment limitation objectives, the President is asking the Congress to repeal section 201 of the Revenue and Expenditure Control Act of 1968, which imposes restrictions on hiring in the executive branch. This Administration is in full agreement with the objective of section 201, but experience administering the arbitrary formula it imposes provides ample evidence that it is an inappropriate tool for achieving its objective. The section 201 limitation imposes especially harsh penalties on agencies with high turnover rates. And it takes insufficient account of the urgency or priorities of public service or of the manpower requirements of programs the Congress has approved since 1966.

It is clear from the foregoing that the action of the committee with respect to employees of the Veterans' Administration is completely in line with the plan to repeal the mentioned section 201 limitations with respect to the executive branch as a whole.

Section 1, providing admission of veterans 72 years of age or older to a Veterans' Administration hospital without signing the statement of inability to pay is estimated to cost something less than $1,825,000 the first year. Section 2, providing outpatient care for aid and attendance pensioners and the housebound group of pensioners would cost approximately $9,503,000 the first year. Section 3, authorizing the furnishing of drugs and medicine for the housebound pensioners would cost $3,400,000 the first year. Section 4, authorizing hospital care for the Mexican border veterans is not susceptible to an estimate of cost, the VA advises. Section 5 would not result in any additional benefit costs.

Mr. ROUDEBUSH. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Indiana who sponsored this legislation.

Mr. ROUDEBUSH. Mr. Speaker, I rise in support of H.R. 693, which is under consideration here today. Not only do I strongly advocate and support the purpose of the bill, to allow those veterans aged 72 years and older, to use VA hospitals and domiciliary homes, without the necessity of proof of financial need, but for another most important reason.

That reason appears on page 3 of the bill in section 4. This section helps a limited number of our American veterans who had service on the Mexican border.

These men have never had the rights and benefits that should have been due them for their vigorous combat service.

At least, this legislation will recognize their service for eligibility to use VA hospitals.

I have long fought for this provision and others for these veterans. On January 3, 1969, I introduced H.R. 583, which would permit these hospital benefits and others not covered by this legislation.

My colleagues, this benefit is long overdue and I heartily recommend your support.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Speaker, I support this bill even though I question the wisdom of eliminating the requirement of veterans over 72 years of age filing a financial statement under oath.

There are more good things decidedly in the bill than bad so I do support notwithstanding that reservation.

Now, Mr. Speaker, I yield to the ranking Republican on the subcommittee, the gentleman from Tennessee (Mr. Duncan).

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 693. This bill in its amended form will liberalize the medical care and treatment program for older veterans and for veterans with more serious disabilities. Additionally, it will exclude the Veterans' Administration from the personnel ceilings imposed by the Revenue and Expenditure Control Act of 1968.

Existing law requires that most veterans, irrespective of age, to sign a statement of inability to defray the necessary expense of hospital or domiciliary care, prior to admission to a VA hospital for treatment of a non-service-connected disability. This is the so-called pauper's oath. Excluded from this requirement are veterans with a service-connected disability and those in receipt of pension.

Older persons who are eligible for medicare may be hospitalized in community facilities irrespective of their personal financial circumstances or their ability to pay for the necessary hospitalization. Section 1 of this bill would merely eliminate the execution of the so-called pauper's oath in the case of a veteran who is 72 years of age or older.

Section 2 of the bill will authorize outpatient treatment for veterans who, because of serious disability, are in receipt of an aid and attendance allowance or a housebound allowance, of compensation or pension. To be eligible for the aid and attendance allowance, a veteran must be so helpless or blind as to require the aid and attendance of another person. The housebound group are so disabled as to require them to remain in their homes almost constantly. This section of the bill not only provides a well-deserved benefit to this seriously disabled group of veterans, but it enables the Veterans' Administration to provide needed care and treatment on an economical basis than would otherwise be possible in a hospital bed.

Section 3 of the bill will permit the Veterans' Administration to furnish drugs and medicine to the so-called housebound group. This benefit is already available to the aid and attendance group. Its extension to the housebound group is compatible with the concept of providing outpatient care to this group.

Section 4 of the bill will authorize nonservice-connected medical care for veterans of Mexican border service between May 9, 1916, and April 6, 1917. Despite the arduous nature of the Mexican border campaign, veterans thereof are not classified as war veterans and are therefore not generally eligible for Veterans' Administration hospitalization. Such recognition, Mr. Speaker, is long overdue.

Section 5 of the bill will exclude the Veterans' Administration from the personnel ceilings imposed by section 201 of the Revenue and Expenditure Control Act of 1968. The continued operation of the Veterans' Administration, particularly in its hospital system, under these restrictive personnel ceilings will seriously hamper its ability to render prompt and high quality service and care to the Nation's veterans. Although the administration has requested the repeal of this section for all agencies of Government, the committee believes that the situation requires immediate action in the case of the Veterans' Administration.

This bill is sound legislation and I urge that it be passed.

Mr. ROGERS of Florida. Mr. Speaker, today the House is considering, under suspension of the rules, six bills which are of particular interest to the veterans of this great Nation, and especially those veterans who must receive medical care.

These six bills will expand the medical care services which can be rendered to veterans through nursing homes, outpatient facilities, and State veterans homes.

In addition, one bill will improve and make more effective the Veterans' Administration program of sharing specialized medical resources, and another will eliminate the so-called pauper's oath for any veteran who is 72 years of age or older and who seeks to gain admission to a Veterans' Administration hospital.

Mr. Speaker, I support this legislation and I am hopeful the House will pass favorably on each bill today.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 693. This bill will eliminate the so-called pauper's oath, or statement of inability to pay for hospitalization, in the case of a veteran who has reached the age of 72 and is seeking admission to a Veterans' Administration hospital for treatment of nonservice-connected disabilities. This same veteran, as well as his contemporaries who had no military service, if they are covered by medicare can be hospitalized in any community hospital irrespective of financial need. It is somewhat ridiculous to require a pauper's oath from a veteran whose sacrifice during time of

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war have maintained the security of his Nation.

I urge that this bill be passed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 693, as amended.

The question was taken.

Mr. ROUDEBUSH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 302, nays 3, not voting 127, as follows:

[Roll No. 73]

YEAS—302

Abbitt
Abernethy
Adair
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspinall
Ayres
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Biester
Bingham
Blackburn
Boggs
Boland
Bow
Brinkley
Brock
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Cahill
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cohelan
Collins
Conable
Corbett
Corman
Coughlin
Cramer
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dent
Derwinski
Devine
Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Wash.
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Jacobs
Joelson
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
King
Kleppe
Kluczynski
Koch
Kyl
Kyros
Langen
Latta
Leggett
Lipscomb
Lloyd
Long, Md.
Lowenstein
McCarthy
McClory
McCloskey
McClure
McCulloch
McDonald, Mich.
McEwen
McFall
McMillan
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
May
Mayne
Meeds
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Myers
Natcher
Nedzi
Nelsen
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pickle
Pike
Pirnie
Poage
Poff
Pollock
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Roberts
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
Satterfield
Saylor
Schadeberg
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Wis.
Stokes
Stratton
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tunney
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wold
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Zablocki

NAYS—3

Dennis
Jonas
Keith

NOT VOTING—127

Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Ashbrook
Barrett
Bates
Berry
Biaggi
Blanton
Blatnik
Bolling
Brademas
Brasco
Bray
Brooks
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Burton, Calif.
Carey
Celler
Chisholm
Clark
Clay
Collier
Colmer
Conte
Conyers
Cowger
Culver
Davis, Ga.
Dawson
Denney
Dickinson
Diggs
Dorn
Dwyer
Eckhardt
Eshleman
Evans, Colo.
Fallon
Farbstein
Fish
Flynt
Ford, William D.
Foreman
Frelinghuysen
Friedel
Galifianakis
Gallagher
Gilbert
Gray
Gubser
Halpern
Hanna
Hansen, Idaho
Harvey
Hébert
Helstoski
Henderson
Ichord
Jarman
Jones, Ala.
Kirwan
Kuykendall
Landgrebe
Landrum
Lennon
Long, La.
Lujan
Lukens
McDade
McKneally
Macdonald, Mass.
MacGregor
Martin
Meskill
Michel
Miller, Calif.
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nichols
Nix
Obey
O'Konski
Pettis
Philbin
Podell
Powell
Preyer, N.C.
Price, Tex.
Reid, N.Y.
Rivers
Robison
Ronan
St. Onge
Sandman
Scherle
Scheuer
Sebelius
Smith, Calif.
Smith, N.Y.
Steed
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Thompson, Ga.
Tiernan
Utt
Wampler
Watkins
Watson
Weicker
Wiggins
Wilson, Charles .H
Winn
Wydler
Young
Zion
Zwach

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bates.
Mr. Kirwan with Mr. Frelinghuysen.
Mr. Addabbo with Mr. Meskill.
Mr. Gilbert with Mr. Reid of New York.
Mr. Brasco with Mr. Halpern.
Mr. Biaggi with Mr. Pettis.
Mr. Miller of California with Mr. Gubser.
Mr. Celler with Mr. Morse.
Mr. Philbin with Mr. Berry.
Mr. Rivers with Mr. Bray.
Mr. St. Onge with Mr. Conte.
Mrs. Sullivan with Mrs. Dwyer.
Mr. Charles H. Wilson with Mr. Brown of Michigan.
Mr. Lennon with Mr. Martin.
Mr. Henderson with Mr. Foreman.
Mr. Murphy of New York with Mr. McKneally.
Mr. Nichols with Mr. Kuykendall.
Mr. Ronan with Mr. MacGregor.
Mr. Galifianakis with Mr. Sebelius.
Mr. Stubblefield with Mr. Burke of Florida.
Mr. Steed with Mr. Eshleman.
Mr. Fallon with Mr. McDade.
Mr. Farbstein with Mr. Wydler.
Mr. Davis of Georgia with Mr. Cowger.
Mr. Colmer with Mr. Lukens.
Mr. Carey with Mr. Harvey of Michigan.
Mr. Burleson of Texas with Mr. Collier.
Mr. Barrett with Mr. Morton.
Mr. Anderson of California with Mr. Mosher.
Mr. Jones of Alabama with Mr. Dickinson.
Mr. Long of Louisiana with Mr. Price of Texas.
Mr. Moss with Mr. Michel.
Mr. Murphy of Illinois with Mr. Denney.
Mr. Stuckey with Mr. O'Konski.
Mr. Stephens with Mr. Scherle.
Mr. Gallagher with Mr. Fish.
Mr. Brooks with Mr. Ashbrook.
Mr. Brademas with Mr. Landgrebe.
Mr. Blatnik with Mr. Robison.
Mr. Macdonald of Massachusetts with Mr. Sandman.
Mr. Evans of Colorado with Mr. Smith of New York.
Mr. Dorn with Mr. Lujan.
Mr. Clark with Mr. Watkins.
Mr. Burton of California with Mr. Wiggins.
Mr. Blanton with Mr. Hansen of Idaho.
Mr. Adams with Mr. Steiger of Arizona.
Mr. Anderson of Tennessee with Mr. Wampler.
Mr. Ichord with Mr. Thompson of Georgia.
Mr. Obey with Mr. Winn.
Mr. Podell with Mr. Weicker.
Mr. Nix with Mr. Powell.
Mr. Preyer of North Carolina with Mr. Watson.
Mr. Hanna with Mr. Smith of California.
Mr. William D. Ford with Mr. Dawson.
Mr. Flynt with Mr. Utt.
Mr. Eckhardt with Mr. Zion.
Mr. Culver with Mr. Zwach.
Mr. Tiernan with Mr. Conyers.
Mr. Young with Mr. Helstoski.
Mr. Jarman with Mr. Scheuer.
Mr. Friedel with Mr. Gray.
Mr. Clay with Mr. Diggs.

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "To amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes."

A motion to reconsider was laid on the table.

OUTPATIENT CARE FOR CERTAIN SERVICE-CONNECTED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3130) to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability.

The Clerk read as follows:

H.R. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 612 of title 38, United States Code, is amended by adding the following new paragraph:

"(3) where a veteran of any war has a total disability permanent in nature resulting from a service-connected disability.".

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The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, this measure would make available to any war veteran who has a permanent total disability resulting from a service-connected disability, complete medical services, which in effect means outpatient care for a non-service-connected disability.

While outpatient treatment for veterans is restricted to service-connected disabilities, the prehospital and posthospital care program now operative in the Veterans' Administration medical system—at the urging of the Committee on Veterans' Affairs—applies in thousands of instances to non-service-connected cases. The "pre" system permits a workup prior to admission to a hospital, "post" authorizes a followup of the care and treatment prescribed in the hospital. The operation of the pre- and posthospital care program was at one time described as being the equivalent of the construction of three 1,000-bed general hospitals.

Despite the view of the Veterans' Administration substantial evidence exists to believe that the extension of the outpatient service of veterans such as this group would cause a further decline in the inpatient care program of the Veterans' Administration hospital system and would have an overall effect in reducing cost.

The Veterans' Administration estimates, however, that the enactment of this legislation would cost approximately $8 million the first year.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, I support this bill.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may require to the gentleman from Tennessee, the ranking minority member of the subcommittee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 3130. This bill will authorize outpatient medical care to any totally disabled service connected veteran for the treatment of any non-service-connected disability.

Under existing law, service connected veterans, irrespective of the degree of disability, are entitled to outpatient treatment for their service-connected disabilities only. On the other hand, all war veterans are entitled to outpatient treatment under the so-called prebed care and posthospital care program. The so-called prebed care program in particular has made subsequent hospitalization unnecessary in many cases. It is believed that the extension of outpatient services to the totally disabled service connected veteran for the treatment of any condition will further relieve the burden upon the Veterans' Administration hospitals. Certainly, the ready availability of outpatient treatment on a timely basis will in many cases make later hospitalization for the same condition unnecessary.

Mr. Speaker, this is good legislation and I urge that it be passed.

Mr. PICKLE. Mr. Speaker, I rise in support of H.R. 3130, and would also like to make a few remarks concerning two other veteran bills just considered by the House.

H.R. 3130 would extend to any war veteran who has a permanent, total disability resulting from a service-connected disability, complete medical services including outpatient care for a non-service-connected disability.

I believe this step is an important one, and one wholly in keeping with our commitment to provide a war veteran a complete range of needed medical care. This policy is already being followed for a veteran who has been hospitalized—regardless of whether the cause for the hospitalization is service connected—and it is only logical that it would be provided in this instance.

The two other measures concern the community nursing home program. The two bills extend the periods of time authorized for veterans who need this type of care, both for those suffering from a service-connected disability, and for those otherwise eligible for hospitalization.

Just within the past year, I personally have had the opportunity to see the tremendous success of the community nursing home program, and I am not surprised that the statistics released by the Veterans' Administration reaffirm its value.

The program was established to benefit veteran-patients who have progressed to the point that they no longer need hospitalization, but do still need nursing care. The community nursing home program enables these veterans to be cared for in a private nursing home which is close to their homes and families, and the benefits of the program are many.

First, and most importantly, the patient is generally in an environment more conducive to his recovery. I understand this has been the most successful medical feature of this program, and it is one which is certainly worth promoting.

In addition, the program works to conserve medical energies, and allows VA hospitals to be maintained for those in greatest need. As soon as a patient is able to move to a nursing home, this program encourages just that.

Finally, I would note that this program has, in fact, resulted in a savings to the Government. The general cost for care in a community nursing home, under contract with the VA, is about $16 per day. This compares with an average hospital cost of over $50 per day.

It is also important to note that the nursing homes have been most responsive to the program. At one point, there was a serious question as to the application of the Service Contract Act to those homes accepting VA patients, but even when that matter was in doubt, most homes proceeded to accept VA patients whenever requested.

Mr. Speaker, the first of these community nursing home bills, H.R. 692, would extend from 6 to 9 months the time a non-service-connected veteran may spend in a private nursing home. This amendment will not affect a large number of veterans, but I believe it is a reasonable increase and one which is supported by some of the experience which has developed under the program.

The other bill, H.R. 2768, would authorize community nursing home indefinitely for a service-connected disability. The VA has indicated strong support for this amendment, and feels it will work a significant relief on the demands for VA hospital facilities.

Mr. Speaker, I am pleased to support these bills. The ideas behind these changes are most worthy and beneficial.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 3130. This bill will extend total outpatient services for the treatment of any condition to those veterans who are totally disabled from service-connected causes.

Under existing law, these severely disabled veterans are eligible for treatment on an outpatient basis for their service-connected conditions only. Considerable savings will result in the long run if these veterans can be treated on an outpatient basis early enough to forestall the need for later hospitalization. Certainly, no one can question the merit of extending this added medical benefit to those who became totally disabled as a result of military service during time of war. I strongly support the bill and urge that it be passed.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 3130.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CARE IN COMMUNITY NURSING HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 692) to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States.

The Clerk read as follows:

H.R. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 620 of title 38, United States Code, is amended by striking "six" in the last sentence and inserting in lieu thereof "nine".

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. Mr. Speaker, Public Law 88-450 authorizes the Veterans' Administration to operate within its own medical system 4,000 nursing care beds. At the same time it provided in section 620 of title 38 authority for the Veterans' Administration to transfer a hospitalized veteran patient who has reached the nursing home care stage to a public or private institution for nursing care at Federal expense for a period generally not to exceed 6 months. Both of these provisions have had the desired effect of removing from active hospital beds operated by the Veterans' Administration those patients who no longer need hospital care but truly need nursing care. It also had an effect on reducing the hospital load throughout the entire Veterans' Administration medical system. The program, both that administered by the Veterans' Administration, as well as that operated in community nursing homes under VA auspices, has worked extremely well. Statistics on the operation of this program between January and June 1968 are shown in the tables which I include as a part of my remarks.

DISPOSITION OF PATIENTS PLACED IN COMMUNITY NURSING HOMES AT VA EXPENSE BETWEEN JANUARY AND JUNE 1968

	Gains, January to June 1968										Losses, January to December 1968					
			Period of service						Service connection				Community nursing home at non-VA expense			
	Total	Average age	World War I	World War II	Korean	Post-Korean	Vietnam	Other	SC [1]	NSC	Total	Deaths	Total	SC	NSC	Other [2]
Total	4,999	67	2,898	1,763	92	21	28	197	954	4,045	4,974	568	1,470	302	1,168	2,936
Alabama	78	69	45	27	2			4	13	65	78	18	19	3	16	41
Arizona	161	69	96	47	3	4		11	30	131	161	30	43	6	37	88
Arkansas	107	67	61	39	2	1		4	28	79	107	12	81	23	58	14
California	346	64	140	153	17	2	3	31	85	261	346	34	30	8	22	282
Colorado	73	69	47	21			2	3	17	56	73	10	27	8	19	36
Connecticut	68	72	41	21	1			5	15	53	68	15	7	1	6	46
District of Columbia	22	61	6	13	1			2	6	16	20	1	3	1	2	16
Delaware	19	69	12	5	1			1	3	16	19	1	11	2	9	7
Florida	353	69	191	120	5	1		36	66	287	349	48	58	10	48	243
Georgia	82	66	42	34	2	1		3	15	67	82	6				76
Idaho	21	72	13	7				1		21	21	2	12		12	7
Illinois	404	67	246	146	6	1	1	4	54	350	404		145	19	126	259
Indiana	72	66	46	23	1	1		1	8	64	72	8	30	4	26	34
Iowa	147	73	98	43	2		1	3	21	126	146	18	39	5	34	89
Kansas	53	67	28	24		1			11	42	53	3	30	8	22	20
Kentucky	143	69	83	49	1	2		8	31	112	142	26	38	6	32	78
Louisiana	83	64	50	30	2			1	6	77	83	8	22		22	53
Maine	29	72	23	5	1				3	26	29	2	9	2	7	18
Maryland	36	65	20	15	1				6	30	36	3	10	1	9	23
Massachusetts	219	64	159	57	1		1	1	55	164	219	16				203
Michigan	10	71	7	3						10	10	2	6		6	
Minnesota	228	69	160	64	1		1	2	63	165	228	29	106	31	75	93
Mississippi	30	71	23	5	1			1	6	24	30	6	8	2	6	16
Missouri	63	63	35	27	1				14	49	63	7	19	2	17	37
Montana	21	73	17	4					3	18	21		6		6	15
Nebraska	52	72	34	15	1			2	6	46	52	8	12	1	11	32
Nevada																
New Hampshire	16	69	11	5					8	8	16		5	3	2	11
New Jersey	82	70	58	21				3	1	81	70	13	18		18	39
New Mexico	36	66	20	1	2		2	1	6	30	36		5	2	3	31
New York	48	71	33	14	1				9	39	48	1	18	4	14	29
North Carolina	88	64	37	44	1			6	19	69	88	14	26	9	17	48
North Dakota	21	69	16	4	1				3	18	21	1				20
Ohio	221	66	112	97	5			7	53	168	218	25	69	22	47	124
Oklahoma	166	66	74	69	1		11	11	30	136	166	25	16	5	11	125
Oregon	59	68	32	24	1			2	10	49	59	14	28	4	25	17
Pennsylvania	210	68	125	73	3	1		8	57	153	210	21	91	32	59	98
Puerto Rico	33	69	21	9			1	2	5	28	33	3				30
Rhode Island	44	67	21	21				2	4	40	44	8	12	2	10	24
South Carolina	68	68	47	47	2			2	6	62	68	8	26	3	23	34
South Dakota	15	69	9	6					5	10	15	5	6	1	5	4
Tennessee	166	67	89	70		2	1	4	33	133	166	40	27	6	21	99
Texas	317	68	178	121	7	2	1	8	47	270	317	28	136	24	112	153
Utah	7	72	6	1					1	6	7	3	3		3	1
Vermont																
Virginia	148	65	83	54	3	1		7	41	107	148	11	68	21	47	69
Washington	117	65	57	43	9		3	5	22	95	116	19	29	5	24	68
West Virginia	68	62	49	15	1	1		2	9	59	68	2	44	5	39	21
Wisconsin	147	70	95	47	2			3	19	128	147	14	71	11	60	62
Wyoming	2	72	2						1	1	2		1		1	1

[1] Includes patients with service-connected disabilities hospitalized for non-service-connected disabilities.

[2] Includes patients whose benefits have expired or who have obtained maximum nursing home care benefits, and who were discharged to a VA hospital, domiciliary, restoration center, or other outplacement other than a nursing home.

VA PATIENTS PLACED IN COMMUNITY NURSING HOMES AT VA EXPENSE, JANUARY TO JUNE 1968, WHOSE CARE WAS EXTENDED BEYOND 6 MONTHS

[By number of months extended]

State	Total	1 month	2 months	3 months	4 months	5 months	6 months
Total	28	2	1	3	3	1	18
District of Columbia	2				2		
Florida	4			2		1	1
Iowa	1						1
Kentucky	1				1		
Maryland	1	1					
New Jersey	12						12
Ohio	3						3
Tennessee	1						1
Texas	1	1					
Washington	1			1			
West Virginia	1		1				

VA COMMUNITY NURSING HOME PROGRAM

State	Patients placed in community nursing homes, fiscal year 1968						Patients in community nursing homes Oct. 31, 1968, care beyond 6 months					Patients requiring CNH care during 1968 not effected because—				
	VA expense		Expense other than VA						Required							
	Number	Per diem cost	Total	Medicare	Medicaid	Other	Total	Not required	Will need	May need	Additional months required	Total	Required level of care unavailable	CNH not available	CNH rejected by patient	Other
Total	8,863		4,712	903	834	2,975	3,167	702	1,927	538	17,628	2,924	810	369	815	930
Alabama	123	$11.68	32	8		24	18	4	12	2	168	83	6	4	28	45
Arizona	279	11.78	73	24		49	104	43	48	13	468	24	3	3	13	5
Arkansas	263	11.02	249	2		247	95	7	76	12	972	145			36	109
California	879	13.18	656	239	227	190	272	48	136	88	1,769	373	245	16	62	50
Colorado	131	11.96	82	18	12	52	17	10	7		84	14	1		5	8
Connecticut	176	12.00	36	13	3	20	114	54	49	11	566					
Delaware	27	11.75	10	4		6	8	6	2		24					
District of Columbia	62	11.93	32	7	10	15	29	10	10	3	156	20	20			
Florida	513	11.64	72	29		43	206	63	67	76	1,062	21	5	6	7	3
Georgia	177	11.38	78	16	40	22	69	7	51	11	192	43	18	4	15	6
Idaho	33	11.06	23	4		19	56		56		672	1			1	
Illinois	853	11.78	93	29	15	49	246	55	159	32	1,764	127	17	11	31	68
Indiana	68	12.00	72	15	5	52	31	5	13	13	240	10	2	1	2	5
Iowa	239	11.79	118	21	9	88	17	7	8	2	682	9	4	1	4	
Kansas	243	9.72	238	22	9	207	43	2	41		492	186	33	8	67	78
Kentucky	92	11.35	15	10	1	4	25	16	5	4	90	33	19	5	1	8
Louisiana	158	11.68	81	10	29	42	55	3	52		624	65	16	10	20	16
Maine	61	11.74	17	2		15	13	4	9		54	19	4	2	8	5
Maryland	82	12.33	43	2	10	31	24		23	1	83	85	21	7	1	56
Massachusetts	424	11.46	104	27	22	55	147	8	88	51	1,764	55	36	2	3	14
Michigan	50	12.36	161	38	68	55	31	29	2		192	31	22		5	4
Minnesota	308	11.20	96	13	28	55	233	5	203	25	30	36	16		5	15
Mississippi	65	11.90	70	7	13	50	16	6	9	1	36	35		4	22	9
Missouri	156	11.81	133	13	29	91	33	6	19	8	78	52	10	2	20	20
Montana	22	11.32	30	10	6	14	5	4	1		12	4	2	1	1	
Nebraska	111	11.67	118	9		109	25	1	23	1	208	42	28	1	3	10
Nevada			13		2	11						4				4
New Hampshire	15	12.00	6			6	11	11				13			2	11
New Jersey	71	11.46	26	8		18	38	15	16	7	264	98	41		17	40
New Mexico	51	11.90	32	2	1	29	16	3	8	5	32	32	6	6	18	2
New York	249	15.49	185	29	72	84	50	10	36	4	164	331	47	141	83	60
North Carolina	108	11.99	38	6		32	37	6	29	2	112	79		17	34	28
North Dakota	59	11.20	26	7	2	17	8	3	4	1	51	14	6	3	1	4
Ohio	376	11.53	133	11		122	143	62	47	34	404	82		1	55	26
Oklahoma	248	9.99	81	18	42	21	52	6	46		552					
Oregon	79	10.45	160	61	6	93	95	3	87	5	12	5			5	
Pennsylvania	349	12.67	100	22	28	50	216	74	108	34	920	154	25	20	45	64
Puerto Rico	62	10.95					13	12		1	3	23	12	3	8	
Rhode Island	86	11.99	7	4		3	28	5	14	9	276	4	1	2	1	
South Carolina	70	12.19	13	2	1	10	16	2	14		90	6	2	1	3	
South Dakota	40	10.82	42			42	5	3	2		24	57	14		24	12
Tennessee	251	12.27	49	8	8	33	148	28	94	26	1,404	35	1	6	20	8
Texas	468	11.46	313	31	23	259	115	10	92	13	434	93	55	3	19	16
Utah	11	8.30	291	25	17	249	1		1		12	27	6	10	11	
Vermont			13	4		9										
Virginia	122	11.31	54	10	2	42	26	13	7	6	174	53	11	8	10	24
Washington	220	11.15	208	55	28	125	118	24	76	18	60	90	8	6	21	55
West Virginia	116	11.12	70	2		68	28	6	11	11	112	57	9	6	32	10
Wisconsin	209	12.00	96	6	65	25	70	2	60	8	36	130	38	41	38	13
Wyoming	8	8.50	24		1	23	1	1				24			8	16

Source: "Operations of Veterans' Administration Hospital and Medical Program," House Committee Print No. 1, 91st Cong., 1st sess.

Particular attention should be given to the figures indicating that for a 6-month period only 28 patients had to be extended beyond the basic 6-month period. It thus seems that the purpose of this bill; namely, to extend the period in which a veteran may be treated in a nursing home at Veterans' Administration expense from 6 to 9 months, is a most desirable measure which cost would be minimal in view of the benefit received. The experience and statistics quoted above support this extension of 3 months.

The Veterans' Administration estimates that the cost for the first year would be approximately $5,954,000.

At this point I include a telegram from the Veterans of World War I:

WASHINGTON, D.C.,
May 29, 1969.

Hon. OLIN E. TEAGUE,
Chairman, House Committee on Veterans' Affairs, Washington, D.C.:

This is to advise of the strong support of the Veterans of World War I U.S.A. for H.R. 692 and H.R. 693. H.R. 692 badly needed to extend the period of nursing care from 6 to 9 months for those veterans in community nursing homes. H.R. 693 will permit all World War I veterans to enter a VA hospital without signing oath of inability to pay. Our average age is 76 and this provision is badly needed. We support the provision of the bill which provides drugs for housebound veterans and applaud the committee for including veterans with Mexican border service for eligibility for hospital care. The provision to repeal the personnel ceiling on VA has our wholehearted support and is badly needed if the VA medical program is to maintain a proper level of quality care.

VICTOR V. MILLER,
National Commander, Veterans of World War One.

Mr. Speaker, I yield to the gentleman from Texas (Mr. ROBERTS), a member of the subcommittee who listened to all of the testimony, so that he may give the House an explanation of the bill.

Mr. ROBERTS. Mr. Speaker, I am happy in the role which I played in the Subcommittee on Intermediate Care headed by our late colleague, the gentleman from Tennessee, Mr. Everett, which led to the enactment of Public Law 88-450.

One of the features of that law authorized the Veterans' Administration to place in community nursing homes patients who had been in Veterans' Administration hospitals, in most instances for a considerable period of time, for 6 months of care in a community nursing home at the expense of the Veterans' Administration. The program has worked extremely well. The nursing homes have been cooperative in meeting the standards and conditions of the Veterans' Administration, and this feature of Public Law 88-450 has relieved the Veterans' Administration of considerable pressure and permitted an increase in the general medical and surgical turnover rate.

Hospital costs in the Veterans' Administration today range as high as $50 per day and on an average approximate $40. In contrast, the Administrator of Veterans' Affairs may only pay a maximum of $16.50 per day for nursing home care. The savings are obvious.

The bill which I am happy to support today extends the 6-month period to 9 months during which time a patient may be maintained in a community nursing home at the expense of the Veterans' Administration. It seems a logical step forward, and it was supported throughout the hearings which were held over a period of 8 days in the months of April and

May of this year. The measure was conceived by the veterans of World War I, and received the support of all the veterans' organizations.

It was approved unanimously in the subcommittee and unanimously out of the full committee. Mr. Speaker, I hope my colleagues will support this measure.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. What standards are applicable to these community nursing homes?

Mr. ROBERTS. The VA has a complete set of standards that provide they must be acceptable to the VA. They are highly acceptable. The nursing homes take care of these eligible veterans in really better shape in many cases than they would be taken care of in a hospital, because they are where their families can come to see them. It is a highly satisfactory arrangement. They do have to meet those criteria. There is no problem with that at all. They have to have registered nurses and doctors available.

Mr. GROSS. In sufficient numbers to provide quality care for our veterans?

Mr. ROBERTS. Yes.

Mr. GROSS. The gentleman is assuring the Members of the House that the community nursing homes are equipped to take care of veterans with the same facilities or with comparable facilities that they have in the Veterans' Administration hospitals.

Mr. ROBERTS. In fact, I think the committee would be almost unanimous in saying that most of the veterans, after they have had their surgery and are in a recovery period, would prefer to be at home or be in a nursing home than be in a medical-surgical hospital.

Mr. TEAGUE of Texas. Mr. Speaker, I would like to add that, from my experience, the standards are very high.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I want the assurance of the committee that they are not being moved out anywhere to substandard conditions for care.

Mr. TEAGUE of Texas. The committee can certainly assure the gentleman that that is a fact.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I commend the gentleman and his committee for bringing this measure up, but there is another bill pending in the gentleman's committee which provides for the voluntary payment over and above the $16.50 by relatives, friends, organizations, States or municipal governments, or by the veterans themselves, who are willing to make such overpayments. As the gentleman knows, particularly in Hawaii and Alaska, $16.50 is not sufficient. You just cannot find any day-care center which will take in a veteran for $16.50 a day. The bill which I introduced would not cost the Federal Government one penny more. It would merely allow a veteran who would otherwise be denied the needed care, to be placed in a nursing home through the generosity of friends or of the State government or of the municipality. Can the gentleman tell us whether his committee is going to report that bill out?

Mr. TEAGUE of Texas. Mr. Speaker, I would say to the gentleman I think his bill has merit, but I would like to yield to someone on the subcommittee that has listened to the testimony.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Texas.

Mr. ROBERTS. Unfortunately, Alaska and Hawaii being high-cost areas, we simply have not been able to arrange a contract within the rate which has been established for this purpose. I think we are going to have to have some more hearings before we are in a position to recommend to the House an exemption from the existing rates. It is my personal opinion that ultimately we will be able to work out something for the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the gentleman. As the gentleman knows, I did appear before the subcommittee of which he is a member and at that time it was indicated that perhaps further hearings were necessary to get the viewpoints of the administration. I would deeply appreciate it if the gentleman, the chairman of the whole committee, will see to it that the subcommittee carries on that hearing, because as it is, the law is no good for Hawaii or Alaska. While it is of benefit to veterans in the other 48 States, veterans in Hawaii and Alaska get no benefit because of the high cost prevailing in those two States. The bill which I introduced would not cost the Federal taxpayer a single penny more. I appreciate the gentleman's efforts in this regard.

Mr. TEAGUE of Texas. The gentleman is aware that the committee has had a continuing interest. We did pass a bill at the last session of the Congress, I believe it was the gentleman's bill, which gave Alaska and Hawaii certain exceptions. The chairman of the subcommittee assures me that they are still considering the bill.

Mr. MATSUNAGA. I thank the gentleman.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, how does the expense per bed operation in the nursing home compare with the per bed operation in the hospital?

Mr. TEAGUE of Texas. It is about $16.40 as against $40 in a VA general hospital.

Mr. TAYLOR. The result of this legislation would be to provide service needed for veterans and at the same time save the Government some money?

Mr. TEAGUE of Texas. That is very true. It has had a tremendous effect on the availability of beds in our hospital system for veterans acutely ill.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Speaker, if I may ask the gentleman from Texas, if I understand correctly, this bill provides that a veteran, who has been in the hospital and whose condition is improving, can be put in a nursing home, and he can stay in that nursing home for 9 months instead of 6 months as previously provided?

Mr. TEAGUE of Texas. That is correct.

Mr. PEPPER. What I wish to ask the able gentleman is this. Suppose a veteran becomes old and disabled and is not particularly ill with any emergency illness, but he is nevertheless old and feeble and disabled. He has not been in the hospital and the hospital will not take him because he is a chronic case and not an emergency case. What, if any, provision is there in the law now for taking care of that veteran in either a veterans hospital as long as he lives or in a nursing home as long as he lives and continues to be disabled?

Mr. TEAGUE of Texas. This is the thing we did in Alaska and Hawaii, and we have not reached the point where we can take care of that situation generally. I would guess further down the road it will probably happen. Right now we cannot handle that kind of load in the system.

Mr. PEPPER. The reason why I ask the question is because I have a feeling—and I am sure it must be shared by many other Members—that one of the problems which will be increasingly facing us today with both veterans and civilians is that type of case: the chronically ill person, usually as the result of old age, who is not eligible for a domiciliary home because he is not ambulatory and who is not eligible for a nursing home because he has not been in a hospital. And we do not have today, other than State and local welfare or charity, any provision to take care of that gentleman.

I understand our distinguished colleague has a bill giving further services to the service-connected disabled, but I want to ask the able gentleman—and I know he has already given consideration to the problem—if he will continue to give consideration to the veteran, and we hope the civilian also, with respect to taking care of the permanently disabled, maybe to provide care in a nursing home through other than charity.

Mr. TEAGUE of Texas. I think these hearings comprising over 1,400 pages would prove the committee, under the chairmanship of the gentleman from Florida (Mr. HALEY), has had complete hearings.

Mr. PEPPER. I thank the gentleman.

Mr. JONAS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Speaker, in answer to the statement of the gentleman from Florida, much of which I agree with, I think it is obvious that many of the patients in veterans hospitals can receive ample treatment in nursing homes and at a much lower cost than is now required in the veterans hospital. But the fact is that under the regular VA program, the Veterans' Administration has 4,000 nursing home beds available for use for that very purpose, in addition

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to what is provided in the legislation now before the House. Is that not correct, I ask the gentleman from Texas?

Mr. TEAGUE of Texas. That is correct.

Mr. Speaker, Public Law 88–450 did, as the gentleman has suggested, authorized the Veterans' Administration to operate as many as 4,000 nursing care beds. As of April 30, the average daily census in these beds was 3,769. The same public law authorized the Veterans' Administration to place in community nursing homes veterans who needed nursing care and the average daily census as of April 30, for this type of care was 2,947.

Mr. JONAS. That is true. I want to ask the gentleman from Texas if it is not a fact that the Administrator now has authority, in his discretion, to extend the period of time a veteran can be cared for in a community nursing home beyond 6 months.

Mr. TEAGUE of Texas. That is true. But he has used it only in the most severe cases.

There were only 28 such instances in the first 6 months of 1968.

Mr. JONAS. Would this bill make it automatic and a requirement that the period be extended from 6 to 9 months?

Mr. TEAGUE of Texas. This would give the Administrator authority to determine if the man should be extended. Actually doctors at the VA hospital estimate the length of time a veteran will need nursing care.

Mr. JONAS. He has that authority now.

Mr. TEAGUE of Texas. Well, he wanted an indication, or more liberal authority to do that.

Mr. Speaker, I should like to yield to the chairman of the subcommittee to comment on that.

Mr. HALEY. Mr. Speaker, as the gentleman from Texas said, the Administrator has the authority now to extend this time, and he seems to be reluctant to use it. He thinks he needs a little broader authority.

I reiterate what the gentleman from Texas said just a moment ago, that he only extended that to 28 veterans, I believe, in the last year. If he needs a little broader authority, I think this will give it to him.

Mr. JONAS. The reason why I raised the question is I did not construe his letter to the chairman of the committee as seeking any broader authority. As a matter of fact, his letter indicates that the Veterans' Administration is opposed to this bill. I was trying to find out why the VA would oppose it. I now find my opinion confirmed that the Administrator of Veterans' Affairs has the exact authority that is provided for in this bill.

Mr. TEAGUE of Texas. I doubt there is a Member of the House who is more aware of how this kind of thing operates than the gentleman who has been speaking. The gentleman well knows what happens in the executive branch of the Government. We sent 68 hospital bills down there, and all but two, suggested by the VA, came back negative. It was not the VA that was negative; it was the Bureau of the Budget. Probably the rest of our bills will come back negative. I do not think they will approve a bill that costs a dime.

Mr. JONAS. The letter I read in the report was signed by W. J. Driver, Administrator of Veterans' Affairs.

Mr. TEAGUE of Texas. Which was cleared by the Bureau of the Budget and which had to so clear. The Administrator is not allowed to send one up that is not cleared. The gentleman is aware of that.

Mr. JONAS. I was trying to find out the basis on which the legislation was needed. The Administrator says he has authority to do exactly what is in the legislation.

Mr. TEAGUE of Texas. If the gentleman will talk with the VA officials privately he will find out they are for this legislation, and they were told by the Bureau of the Budget to be against it.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from Tennessee, who also has worked hard on this legislation.

Mr. DUNCAN. At the present time a veteran cannot get more than 6 months care, unless he wants to go through all of the redtape and all the way to the top of the Veterans' Administration, and then he can get it extended to 9 months. This automatically would give it to him without all of this difficulty of going all the way to the top.

Mr. TEAGUE of Texas. But he has to be found medically to need it.

Mr. JONAS. Who will pass on it, if he automatically will get the extension?

Mr. DUNCAN. That is a medical determination by the Veterans' Administration.

Mr. JONAS. Will he not have to make the same application and go through the same redtape?

Mr. DUNCAN. That will be determined by the VA doctor where he happens to be located, where they put him in the nursing home.

As the chairman has said, it has been true that the Veterans' Administration has declined a lot of worthy cases, that I know of.

Mr. JONAS. I am not arguing against the bill. But I believe the membership of the House ought to know that with respect to this bill, and the one we had a rollcall vote on earlier today, that Mr. Driver, Administrator of Veterans' Affairs, states that the VA opposes the bills. As to the previous bill, Mr. Driver stated that the VA opposed it because it was discriminatory and not because the Bureau of the Budget opposed it. I think the membership of the House ought to realize that this legislation is opposed by the VA, according to Mr. Driver's letter.

Mr. TEAGUE of Texas. Does the gentleman think our committee should wait and do nothing, just wait for the executive branch to tell us what to do? I believe these 1,400 pages of hearings proves that the subcommittee really worked on this, and knows what it is doing. I have a lot more faith in them than something coming from the Bureau of the Budget. We are not going to sit still and wait for the executive branch to tell us what to do.

Mr. JONAS. I do not advocate that you do that or that you follow every recommendation of the administration or that you take an adverse position when the administration opposes something; but I was just trying to find out in what respect this particular bill would change existing law when the Administrator of Veterans' Affairs has already stated in his letter that he had authority to what the bill authorizes.

Mr. ROBERTS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. Yes. I yield to the gentleman.

Mr. ROBERTS. What would happen at the present time is that they take a fellow at the expiration of the 6-month period back from a community nursing home to a medical and surgical hospital and put him in a Veterans' Administration hospital. They put him back there for a 6-month tour, which is something that they do not have to do. That is what we are trying to avoid by making it a voluntary situation.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Speaker, H.R. 692, and other bills on the House Calendar today, would liberalize hospital services for veterans, especially for veterans of World War I, and I am for just that.

My voting record shows that I believe in economy, but in my opinion, during recent years the Bureau of the Budget has been too strict with veterans hospitals, and those of us in Congress need to let the Veterans' Administration and the Bureau of the Budget and the President know how we feel in regard to providing hospitalization for needy veterans in veterans hospitals and nursing homes.

In my opinion, it is not only in the interest of veterans, but it is in the national interest and in the interest of the war in Vietnam and in the interest of any future wars in which we may engage that veterans who meet the financial test and who need hospitalization be provided the medical care needed as veterans in a veterans facility with dignity and not be sent to local welfare departments.

Let me remind you that the average veteran is not getting something for nothing. He paid a price for the hospitalization which he may need and may have to seek.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman.

Mr. DENNIS. I got the impression a moment ago that something was said that we are actually saving money in this bill. I want to call your attention to page 7 of the report where, if I understand correctly what the Administrator is saying in his letter that the gentleman from North Carolina referred to, he said there will be an additional cost in the next 5 fiscal years resulting from this legislation that will total about $37 million. I wonder how that corresponds with the money-saving suggestion which was made here before.

Mr. TEAGUE of Texas. I yield to the gentleman from Texas (Mr. ROBERTS) for an explanation of this.

Mr. ROBERTS. Each person occupying one of these immediate-care beds

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would be in a medical-surgical hospital bed, which would cost us $40 to $50 a day rather than a maximum of $16.50 a day. So for every dollar of cost that you are spending in this way you are spending about 20 times as much. Each of those people has to be put in there by the Veterans' Administration. They can put them in a medical-surgical bed for $40 to $50 a day or put them in a local nursing home for only $16.50.

Mr. DENNIS. If the gentleman will yield, this extends the nursing home period, does it not?

Mr. ROBERTS. Yes. But that is the period I made just before this. If he is still in after 6 months and he needs the medical care, then they put him back into a medical-surgical bed for 1 day. That is all that is required. That is to keep him in. And then they put him back in for another 6-month period.

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 692. This bill will extend the length of time community nursing home care may be generally provided for veterans from its present 6 months to 9 months.

Under existing law, Mr. Speaker, the Veterans' Administration is authorized to transfer a hospitalized veteran-patient who has received maximum hospital care but is still in need of nursing care to a public or private nursing home for a period generally not to exceed 6 months. This community nursing care program, which was enacted in the 88th Congress, has had the desired effect of freeing beds devoted to active hospital care much sooner than would otherwise be possible were it not for the nursing care program.

This has been a good program, Mr. Speaker. It has saved the Government's money and it has served to fill a long-standing void in the program of care and treatment for veterans. Experience has dictated that this program can be more effectively administered if the 6-month time limit is extended to 9 months. Therefore, I support the bill and urge my colleagues to do the same.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 692. This bill will extend the time limit during which veterans with non-service-connected disabilities can receive community nursing home care at Veterans' Administration expense from its present 6 months to 9 months.

Experience has dictated that the 6-month limitation on community nursing care is inadequate in the case of many veterans. Despite the fact that the Administrator has the authority under existing law to extend this time limit, he has exercised this authority in only 28 cases during the last 6 months. This bill will permit such nursing care for such time as is needed up to a maximum of 9 months, without the necessity of administrative action after 6 months. I urge that the bill be passed.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 692.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NURSING HOME CARE FOR SERVICE-CONNECTED DISABLED VETERANS

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2768) to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities, as amended.

The Clerk read as follows:

H.R. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That next to the last sentence of subsection (a) of section 620 of title 38, United States Code, is amended by striking out "except where in the judgment of the Administrator a longer period is warranted in the case of any veteran" and inserting in lieu thereof "except (A) in the case of the veteran whose hospitalization was primarily for a service-connected disability, or (B) where in the judgment of the Administrator a longer period is warranted in the case of any other veteran."

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, section 620 of title 38, United States Code, authorizes the placement in a community nursing home at the Veterans' Administration's expense—generally for a period of 6 months—hospitalized veterans who are no longer in need of hospital care and whose primary requirements are for nursing care. This bill would authorize such community nursing home care for veterans hospitalized for a service-connected disability without limitation as to the length of time such care may be provided. Service-connected disabled veterans are admitted as a matter of right for their service-connected disabilities to all Veterans' Administration hospitals. Veterans with non-service-connected disability are admitted on a bed available basis.

The committee concludes that in view of the demonstrated reduction in the workload of the Veterans' Administration hospital system, which the basic provisions of section 620, title 38, has accomplished, that the logical step contemplated by this bill would further reduce that workload and also reduce the cost for medical care in a Veterans' Administration hospital. Benefits of this bill now range as high as $50 a day for hospital care in contrast to approximately $16.50 a day for community nursing care.

The Veterans' Administration estimates that approval of this legislation would increase the daily nursing care load in community nursing homes by approximately 350 at $1,500,000 annually.

Mr. Speaker, I yield such time as he may require to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Speaker, I am happy to support this bill which I introduced at the request of the Disabled American Veterans.

Service-connected disabled veterans have a right under existing law to a hospital bed when they have a condition which warrants hospitalization. This has been true since the Veterans' Administration hospital and medical system was first created in 1924. Hospital care, including nursing care and doctors fee costs, is as much as $50 a day in Veterans' Administration hospitals and on an average is $40.90 for general hospitals and $21.63 for psychiatric hospitals. Nursing home care in facilities operated by the Veterans' Administration has an average per diem cost of $15.60 in contrast to $13.24 for nursing care provided in a community home at the Veterans' Administration's expense. The Congress has set an overall limit on nursing care costs in community homes of 40 percent of the rate for general care in a Veterans' Administration hospital. This means approximately $16.50 per day at the present time.

My bill provides that in the case of a service-connected disabled veteran who has been hospitalized in the Veterans' Administration hospital system, that veteran may be transferred to a community nursing home without regard to the present 6-month limitation but may be treated in such community nursing home for his service-connected condition so long as he requires such care. It seems to me that this is a case of setting correct priorities. No Member of the Congress objects, I am sure, to giving service-connected disabled veterans the medical care and treatment which their condition warrants. This bill is an extension of that philosophy and will in my judgment close a gap, and in view of the right which a service-connected disabled veteran has to a hospital bed will very likely lead to savings when this program is fully implemented.

Mr. TEAGUE of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 2768. This bill would permit the veteran with service-connected disabilities to receive unlimited nursing care in a community nursing home if the need for such care is clearly demonstrated.

Under existing law, Mr. Speaker, service-connected disabled veterans are subject to the same 6-month limitation on community nursing care as non-service-connected disabled veterans. On the other hand, such service-connected disabled veterans are admitted to VA hospitals as a matter of right for treatment of their service-connected disabilities. Such hospitalization, of course, may continue for as long as treatment is necessary.

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As a result, many service-connected disabled veterans are occupying an active hospital bed with its attendant costs, despite the fact that their disabilities have stabilized to the point where they only require nursing care.

The committee believes that the elimination of the 6-month limitation on community nursing care for service-connected disabled veterans will make more hospital beds available for the treatment of acute conditions and at the same time would permit many veterans to receive needed care in facilities closer to their homes. H.R. 2768 will accomplish this purpose. I urge that it be passed.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 2768. This bill will benefit the service-connected disabled veteran. It will extend community nursing care to the service-connected disabled veteran without regard to any time limitation.

Under existing law, the service-connected disabled veteran who has received maximum hospital benefits is entitled to up to 6 months of care in a community nursing home in the same manner as is the non-service-connected disabled veteran. This bill would remove that 6 month limitation in the case of the veteran with service-connected disabilities and permit him to receive such nursing care as is necessary.

Aside from the fact that this bill will permit the veteran to receive such care in a nursing home in his local community, it will permit the Veterans' Administration to provide the needed care at a cost of $16.50 per day instead of the $40.90 per day for care in a Veterans' Administration general hospital. I urge that the bill be passed.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 2768, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CARE OF VETERANS IN STATE HOMES

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9334) to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans homes.

The Clerk read as follows:

H.R. 9334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 641 of title 38, United States Code, is amended to read as follows:

"The Administrator shall pay each State at the per diem rate of—

"(1) $3.50 for domiciliary care,

"(2) $5 for nursing home care, and

"(3) $7.50 for hospital care,

for each veteran of any war receiving such care in a State home, if, in the case of such a veteran receiving domiciliary or hospital care, such veteran is eligible for such care in a Veterans' Administration facility, or if, in the case of such a veteran receiving nursing home care, such veteran meets the requirements of paragraph (1), (2), or (3) of section 610(a) of this title, except that the requirements of clause (B) of such paragraph (1) shall for this purpose refer to the inability to defray the expenses of necessary nursing home care; however, in no case shall the payments made with respect to any veteran under this section exceed one-half of the cost of the veteran's care in such State home."

SEC. 2. (a) Subchapter V of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 644. Authorization of appropriations

"(a) There is hereby authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and a like sum for each of the nine succeeding fiscal years. Subject to the conditions set forth in subsection (b) of this section, sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Administrator, applications for assistance in remodeling, modification, or alteration of existing hospital or domiciliary facilities in State homes providing care and treatment for veterans.

"(b) The amount which may be granted to a State home for purposes of subsection (a) shall not exceed 50 per centum of the estimated cost of the project, nor may any one State receive in any fiscal year more than 20 per centum of the amount appropriated for that fiscal year.

"(c) Grants under this section shall be made on such terms and conditions prescribed in regulations by the Administrator.

"(d) Sums appropriated pursuant to subsection (a) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated."

(b) The analysis of chapter 17 of title 38, United States Code, is amended by inserting immediately below

"643. Applications."

the following:

"644. Authorization of appropriations.".

SEC. 3. Section 5034(1) of title 38, United States Code, is amended by striking out "one and one-half" and inserting in lieu thereof "three".

The SPEAKER pro tempore. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, following the Civil War, a tier of Northern States built and operated State soldiers homes which were for the care and treatment of Federal veterans of the War Between the States. Each home, naturally, set up its own criteria for admission and some homes permitted the veteran to bring his wife with him at the time he was admitted. Originally they were conceived as old soldiers homes and operated as such. Lately they have developed into a more sophisticated type of care providing the full spectrum of care—domiciliary, hospital, and nursing. The program has expanded, in recent years, to cover homes constructed in Georgia, West Virginia, and Oklahoma.

Historically, the Federal Government has made a contribution for the care of each such State home veteran, who is eligible under the provisions of title 38 for care in a Veterans' Administration hospital. That level of payment today stands at $3.50 per day for medical care and the same amount for hospital care but a $5 rate is provided for nursing home care, the difference being that hospital care has only recently been added to the State home system.

One of the provisions of Public Law 88-450 was to create this special rate for nursing home care for State homes, and in addition it authorized a $5 million appropriation to be used on a matching fund basis for the construction of new nursing home facilities.

Basic data on these homes is shown in the material which follows:

BED CAPACITY OF STATE HOMES, MAR. 20, 1969

State and county	Name of home	Total	Domiciliary	Nursing home	Hospital
California: Napa	Veterans Home in California	2,381	1,507	402	472
Colorado: Rio Grande	Colorado State Veterans Center	150	130	20	
Connecticut: Hartford	Veterans Home and Hospital	1,225	729		496
Georgia:					
Baldwin	Georgia State War Veterans Home	390	390		
Richmond	Georgia War Veterans Nursing Home	192		192	
Idaho: Ada	Idaho Veterans Home	126	126		
Illinois: Adams	Illinois Soldiers' and Sailors' Home	1,032	543	248	241
Indiana: Tippe Canoe	State Soldiers' Home	451	293	158	
Iowa: Marshall	Iowa Soldiers' Home	610	345	119	146
Kansas: Ford	Kansas Soldiers' Home	266	232	34	
Louisiana: East Feliciana	Lousiana War Veterans Home	128	128		
Massachusetts:					
Suffolk	Soldiers' Home in Massachusetts	725	350	75	300
Hampden	Soldiers' Home	240	78	75	87
Michigan: Kent	Michigan Veterans Facility	1,083	600	477	6
Minnesota: Hennepin	Minnesota State Soldiers' Home	389	389		
Missouri: Phelps	State Federal Soldiers' Home	220	125	95	
Montana: Flathead	Montana Soldiers' Home	70	70		
Nebraska: Hall	Nebraska Soldiers' and Sailors' Home	387	291	96	
New Hampshire: Belknap	New Hampshire Soldiers' Home	64	32	32	
New Jersey:					
Middlesex	New Jersey Home for Disabled Soldiers	200	112	88	
Cumberland	New Jersey Memorial Home	331	164	100	67
New York: Chenango	New York Women's Relief Corps Home	232	152	80	
North Dakota: Ransom	North Dakota Soldiers' Home	134	134		
Ohio: Erie	Ohio Soldiers' and Sailors' Home	971	721	250	
Oklahoma:					
Carter	Oklahoma State War Veterans Home Facility	266	176	90	
Cleveland	do	230	230		
Murray	do	231	87	84	60

BED CAPACITY OF STATE HOMES, MAR. 20, 1969—Continued

State and county	Name of home	Total	Domiciliary	Nursing home	Hospital
Pennsylvania: Erie	Pennsylvania Soldiers' and Sailors' Home	285	221	64	
Rhode Island: Bristol	Rhode Island Soldiers' Home	268	130	138	
South Dakota: Fall River	South Dakota Soldiers' Home	325	255	42	28
Vermont: Bennington	The Soldiers' Home in Vermont	71	49	22	
Washington:					
Pierce	State Soldiers' Home	200	140	50	10
Kitsap	Washington Veterans' Home	510	332	120	58
Wisconsin: Waupaca	Grand Army Home for Veterans	637	138	448	51
Wyoming: Johnson	Wyoming Soldiers' and Sailors' Home	44	44		
Total beds		15,064	9,443	3,599	2,022

MEMORANDUM

MARCH 6, 1969.

To: Chief Medical Director (10).

From: Director, extended care service (126).

Subject: Nursing home care facilities, State soldiers' home (supersedes memorandum dated February 6, 1969).

1. Under 38 U.S.C. 641 the following State homes have been approved by VA Office of Jurisdiction to provide nursing home care:

	Number of beds
California: Napa County	428
Colorado: Homelake	20
Illinois: Quincy	357
Indiana: Lafayette	152
Iowa: Marshalltown	93
Kansas: Fort Dodge	22
Massachusetts:	
Chelsea	241
Holyoke	75
Michigan: Grand Rapids	469
Missouri: St. James	93
Nebraska: Grand Island	96
New Hampshire: Tilton	20
New Jersey:	
Menlo Park	88
Vineland	100
New York: Oxford	7
Oklahoma:	
Ardmore	80
Sulfur	88
Pennsylvania: Erie	64
Rhode Island: Bristol	138
South Dakota: Hot Springs	42
Vermont: Bennington	22
Washington:	
Orting	50
Retsil	80
Wisconsin: King	245
Total	3,070

NOTE.—Cumulative ADNL through January was 2,115.

2. Construction projects approved and completed: Thirteen States have been given tentative approval for 18 construction grants under 38 U.S.C. 5031–5037.

[Dollar amounts in thousands]

State	Number of beds	VA participation (estimate)	Total project (estimate)
Georgia: Augusta	192	$982	[1] $2,065
Illinois: Quincy	200	1,359	2,717
Iowa: Marshalltown	80	532	[2, 3] 1,070
Kansas: Fort Dodge	88	400	[3] 800
Missouri: St. James	60	499	998
Montana: Columbia Falls	22	158	316
Nebraska: Grand Island	100	744	[1] 2,012
New Hampshire: Tilton	50	371	743
New Jersey:			
Menlo Park (No. 1)	100	1,030	[3, 4] 2,073
Menlo Park (No. 2)	100	892	1,783
Vineland (No. 1)	100	592	[1] 1,297
New Jersey—Continued			
Vineland (No. 2)	100	$858	$2,305
Oklahoma: Norman	50	230	460
Rhode Island: Bristol	30	364	[2, 3] 753
Vermont:			
Bennington (No. 1)	22	123	[1] 252
Bennington (No. 2)	40	401	1,124
Wisconsin:			
King (No. 1)	200	1,181	[1] 2,881
King (No. 2)	200	1,545	[4] 3,344
Total	1,734	12,261	26,993

[1] In operation, 614 beds.

[2] Completed by June 30, 1969, 110 beds.

[3] Under contract.

[4] Completed by June 30, 1970, 300 beds

3. A project application for Massachusetts is in process:

[Dollar amounts in thousands]

State	Number of beds	VA participation (estimate)	Total project (estimate)
Massachusetts: Holyoke	157	$1,200	$4,220

4. The following 12 States have contacted the VA and expressed an interest in securing financial assistance under 38 U.S.C. 5031–5037:

State	Number of beds	Purpose
California	170	Remodeling.
Colorado	80	Under consideration.
Indiana	168	Planning stage.
Iowa	120	Under consideration (2d project).
Michigan	300	State appropr.ations.
Nebraska	100	Under consideration (2d project).
New Jersey	100	Under consideration (5th project).
Pennsylvania	175	Under consideration.
South Carolina	150	Planning stage.
South Dakota	100	Do.
Washington: Retsil	80	Under consideration.
Wisconsin: King	200	Under consideration (3d project).
Total	1,743	

PROJECTION

Average VA share per bed of projects approved to date: 7,024.

Potential additional beds: 1,743.

Potential additional VA participation: $12,243,000.

5. Your attention is invited to increased interest by States in (*a*) operating nursing care beds, and (*b*) number of veterans provided nursing care in State homes:

Period	ADNL	Number of approved NHC beds	Percent occupied by veterans
July 1966	939	2,246	42
July 1967	1,426	2,310	62
July 1968	2,028	2,835	72

Only one construction project (22 beds) for nursing care was completed and reflected in above data.

CRITERIA FOR ADMISSION OF VETERANS TO STATE HOMES (FOR NURSING AND MEMBER CARE) AS OF MAR. 21, 1969

Location of State home	How much of the veteran's income does the home collect? (A) Yes or no	(A) Criteria	What are the State homes requirements with respect to veteran's assets such as bank account, bonds, and cash? (B)	What are the State homes requirements with respect to veteran's property such as home, automobile, etc.? (C)	Are veterans, when admitted, required to make assignment of life insurance to the State home? (D)	In responding to cols. A, B, C, and D, indicate disposition in event of veteran's death in the State home (E)	What charges other than those covered in cols. A, B, C, and D are made to the veteran or his family or representative by the State home? (F)	Is the State home affiliated with a medical school? (G)
Augusta nd Milledgeville, Ga.	No		Not asked this question	None	No	None	Glasses, $25; dental, charge for material.	No.
Boise, Idaho	Yes	Above $65 to maximum of $40 per month. Income over $105 per month not disturbed.	Not considered in determining eligibility or monthly rate of charge.	do	No	To next of kin. If no kin or claim within 5 yrs., to State treasurer.	None	No.
Chelsea, Mass	Yes	Aid and attendance pen allowance.	If assets exceed following veteran encouraged to seek other service: Domiciliary, $2,500; acute hospitalization, $5,000; chronic hospital care, $10,000.	If real property exceeds cash values cited in col. B, encouraged to seek other services.	No	As willed by patient	3d party coverage for care, etc., on assignment by patient.	Negotiating.

CRITERIA FOR ADMISSION OF VETERANS TO STATE HOMES (FOR NURSING AND MEMBER CARE) AS OF MAR. 21, 1969—Continued

Location of State home	How much of the veteran's income does the home collect?		What are the State homes' requirements with respect to veteran's assets such as bank account, bonds, and cash?	What are the State homes' requirements with respect to veteran's property such as home, automobile, etc.?	Are veterans, when admitted, required to make assignment of life insurance to the State home?	In responding to cols. A, B, C, and D, indicate disposition in event of veteran's death in the State home	What charges other than those covered in cols. A, B, C, and D are made to the veteran or his family or representative by the State home?	Is the State home affiliated with a medical school?
	Yes or no	Criteria (A)	(B)	(C)	(D)	(E)	(F)	(G)
Holyoke, Mass	Yes	Aid and attendance pen allowance.	None	None	No	As willed by patient	3d party coverage for care on assignment by patient.	No.
Buffalo, Wyo	Yes	Not to exceed $200, but in all cases veteran retains $50 per month.	Financial statement required of all veterans who are admitted to home.	If no income and has assets, encouraged to convert assets to cash to make monthly paymets.	No	According to will or to next of kin under applicable State laws.	None	No.
Quincy, Ill	Yes	Graduated scale from $5 to $150 per month.	None	None	No	None unless liquid assets exceed $5,000, then maximum of $150 per month for period he paid less.	do	Yes.
Sandusky, Ohio	No		Eligibility established according to p. 2 of VA form 10–P–10 query.	do	No	As willed by patient Valuables and money by probate court.	do	No.
Grend Rapide, Mich	Yes	Over $60 to maximum of $126 per month.	Assets listed and evaluated as to sufficiency for support. Assignment to home made and retained unless claimed by next of kin.	Real estate and car listed; however, no assignment of such property required.	No	Assigned at time of admission and retained by house unless claimed by next of kin.	do	No.
Home Lake, Colo	Yes	$36 a month maximum from other income. None from compensation and pension income.	None	None	No	If no heirs to personal property located in 6 months, property sold for benefit of State general fund.	None except for non-veteran.	No.
Marshalltown, Iowa	Yes	If personal estate is $1,500 or more and no dependent., he pays total support. If $500 or less, charges as follows: 1st $20, none; $30, 40 percent; $70, 75 percent.	do	Home is counted as asset only if it is rented. Car not allowed as an asset.	No	Not required to sign over home. All assets after burial expenses go to next of kin.	Veteran buys his own clothes and personal items.	No.
Menlo Park and Vineland, N.J.	No		Veteran must be necessitous, insufficient income or assets to maintain himself.	Without dependents is not permitted to have property or car. Married veteran can have home and/or car if used by wife.	No	None	None	No.
Lisbon, N. Dak	No		No special provisions. Individual cases reviewed.	No restrictions	No	If no heirs or will, become property of board of trustees.	do	No.
Columbia, Falls, Mont	Yes	Approximately 20 percent	None	None	No	If no heirs or will, to State.	do	No.
Lafayette, Ind	Yes	$377 per month. Less if income not adequate. 1st $30 of compensation and pension exempt; 80 percent of balance collected.	Not admitted if liquid assets $3,000 or more—this waived if special care required—upon advice of advisory committee.	Permitted to retain property such as home, car, etc.	No	Claim for unpaid maintenance made by State. If dependent parent or minor child, no claim.	do	No.
Grand Island, Nebr	Yes	Maximum, $125 per month. Women must pay $14 minimum. $40 allowed for personal needs by State law.	Must be dependent wholly or partially on charity. Income in excess of $40, reasonable amount charged for maintenance.	See col. B	No	Personal effects and valuables as willed. Property disposed of per State laws.	do	No.
Tilton, N.H	Yes	Income from all sources in excess of $115 per home.	Not admitted if real or personal property exceeds $1,500, or if receiving unemployment compensation.	$1,500 limitat'on covers property, cash, bonds, etc. Cannot own or operate car.	No	As designated on State home application.	Cost of prescriptions	No.
Minneapolis, Minn	Yes	1st $40 exempt; on increments of $5 income, percent ranges from 10 percent on $45 to 40 percent on $100; 90 percent in excess of $100.	Veteran ineligible if total of all assets and property owned exceeds $2,000.	See col. B	No	Will is made upon admission. No claim by home.	None	No.
Norman, Okla	Yes	If veteran has dependent, no charge regardless of income. If no dependent, no charge if income $64 or less per month.	None	None	No	Claim against estate for difference between per diem cost and what veteran paid.	do	No.
Ardmore and Sulphur, Okla.	Yes	In excess of $64, charge varies from 1.2 percent to maximum of 50 percent, depending on income per month.	do	do	No	May make claim to cover difference between per diem cost and amount paid.	do	No.
Rocky Hill, Conn	No		Home acts as custodian for bonds, bankbooks, and cash. No investigation by home of resources.	do	No	Claim against estate billing home cost less Federal aid and medicare recieved.	do	No.
Erie, Pa	No		If total assets exceed $10,000 veteran not admitted.	See col. B; no dependents and income excess of $225 per month, not admittted.	No	All assets held 1 yr. If no claim, placed in welfare fund.	do	No.
Bristol, R.I	No	Not presently but planning to collect percentage in excess of $45 monthly.	Remain in veterans name but deposits and expenditures supervised by home.	No restrictions on property: cannot retain car.	No	Advised to make will. Assets become property of State.	do	No.

CRITERIA FOR ADMISSION OF VETERANS TO STATE HOMES (FOR NURSING AND MEMBER CARE) AS OF MAR. 21, 1969—Continued

Location of State home	How much of the veteran's income does the home collect?		What are the State homes' requirements with respect to veteran's assets such as bank account, bonds, and cash?	What are the State homes' requirements with respect to veteran's property such as home, automobile, etc.?	Are veterans, when admitted, required to make assignment of life insurance to the State home?	In responding to cols. A, B, C, and D, indicate disposition in event of veteran's death in the State home	What charges other than those covered in cols. A, B, C, andD are made to the veteran or his family or representative by the State home?	Is the State home affiliated with a medical school?
	Yes or no	Criteria (A)	(B)	(C)	(D)	(E)	(F)	(G)
Napa County, Calif	No		Liquid assets should not exceed $4,000. Needs 9 of dependents are considered.	Real assets not in excess of $5,000. Needs of dependents considered. Must swear inability to defray cost of care elsewhere.	No	Per will if made 1 yr prior to admission. If intestate, after 5 yrs. assets to post fund unless calimed by kin.	None except for dentures if veteran can afford to pay for them.	No.
Retsil, Wash	No		$1,000 limitation of total assets as property, car, cash, bonds, etc.	See col. B	No	To next of kin. If no heirs after 2 yrs. to State.	Charge of 50 cents a week for personal laundry	No.
Orting, Wash	No	Not presently but planning to collect percentage in excess of $45 monthly.	do	do	No	To next of kin. If no heirs after 2 yr., to State.	None	No.
Hot Springs, S. Dak	Yes	Nothing to $49; $5 from $50 to $59; $10 to $69; $17.50 to $79; maximum, $75 on $150 or more a month.	Not able to earn living, less than $1,800 income, unable to support self and dependents.	Property not a factor; may own and use cars.	No	If no will or legal dependents, home is sole heir.	If more than $3,000 cash accumulated while at home must pay maximum monthly cost until cash assets reduced to $3,000.	No.
St. James, Mo	Yes	From $2 to $200 graduated scale of 17 to 45.5 percent. Over $200 per month, 50 percent.	3 percent in excess of $750 cash added to monthly income.	3 percent of real estate over $5,000 added to monthly income.	No	As willed or to next of kin.	None	No.
Oxford, N.Y	Yes	All income in excess of $30 per month.	Required to place assets in joint ownership with home.	Generally disposed of prior to admission. Retains sufficient funds for tax payments.	Yes	Assets in excess of amounts claimed by home to State.	do	No.
Bennington, Vt	Yes	All over $100 if single and no dependents, otherwise none.	Must give evidence of no adequate means of support. All assets, property are considered.	See col. B	No	To next of kin or heir if will exists, otherwise to State.	do	No.
Fort Dodge, Kans	Yes	Maximum of $120 a month. Minimum of $35 for comfort items. If hospitalized 60 days or more, $35 reduced to $15 a month.	Not admitted if cash, bank account, or bonds exceed a figure 6 times current living expenses.	If assessed value of real property exceeds $2,000, not admitted. No request for surrender of property. Late-model car might be considered.	No	According to State laws	do	No.
King, Wis	Yes	1st $20 exempt; $30, 40 percent; $50, 60 percent; $70, 75 percent; over $70, 100 percent. If pension payments suspended due to excess assets, per diem cost may be charged to estate.	All assets in excess of $1,000 must be turned over to home.	See col. B	No	If no legal dependents, to the State.	do	No.
Jackson, La	Yes	Not to exceed $60 per month if single.	None	None	No	None	do	No.

Source; D.M. & S. Circular 10-67-157, dated July 3, 1967, Updated per telephone survey, Mar.21, 1969.

The bill would amend pertinent provisions of title 38 to increase the payment for hospital care in a State home insofar as the Federal Government is concerned, from $3.50 to $7.50; authorize a $5 million appropriation on a matching fund basis for 10 years to assist the States in remodeling and modifying or altering existing hospital and medical facilities at State homes and increase ratio on nursing care beds from the present 1½ per 1,000 war veterans population of the State to three.

It should be borne in mind that domiciliary costs in the Veterans' Administration now average $6.63 per day in contrast to $3.50 which the Government pays to a State home for similar care; that for nursing care in a State home at $5 per day, the Veterans' Administration figure on an average is $15.60 in its own facilities and for a community nursing home, $13.24. If the proposed hospital rate of $7.50 is enacted into law, this will contrast with a VA cost of $21.63 a day for psychiatric hospitals and $40.90 for care in a general hospital.

The Veterans' Administration estimates that the first-year cost of the bill would be $2,803,000. This would be increased by $2,500,000 in 1971 because of the funds for remodeling and alteration and another $2,500,000 in 1972 for the same reason.

Mr. Speaker, the gentleman from Florida (Mr. Haley) is an extremely hard-working member of the Committee on Veterans' Affairs. He chairs the Subcommittee on Hospitals in a most effective way and he and his colleagues have just concluded 8 days of hearings on the bills which the House has considered today. The Subcommittee on Hospitals deals with very complicated questions affecting the largest Government hospital and medical system in the world which provides for the care and treatment of nearly 100,000 veterans each day. Members of the committee know of the intricate problems which are involved in the health field generally and in particular, the Veterans' Administration.

The gentleman from Florida, because of his many years of service on this subcommittee, has an excellent knowledge of the problems of this system. He is devoted to the veterans of this country and has been unsparing of himself in conducting these hearings just concluded and his activity in this instance is typical of what he has done throughout his entire service on the Committee on Veterans' Affairs.

My thanks to the gentleman from Florida and all the members of the Subcommittee on Hospitals for a difficult job well done. The other members of the subcommittee are:

Messrs. Walter S. Baring, Thaddeus J. Dulski, Ray Roberts, George E. Brown, Jr., W. J. Bryan Dorn, David E. Satterfield III, Roman C. Pucinski, Edward R. Roybal, G. V. (Sonny) Montgomery, John J. Duncan, William H. Ayres, E. Ross Adair, John P. Saylor, Seymour Halpern, John Paul Hammerschmidt, Mrs. Margaret M. Heckler, Messrs. John M. Zwach, and Robert V. Denney.

Now, Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. Roberts) for a further explanation of the bill.

(Mr. ROBERTS asked and was given permission to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, one of the oldest medical programs is that provided in the State homes located generally across the northern portion of the United States. These homes, which were built following the end of the Civil War, started out as old soldiers' homes. They now provide domiciliary care, nursing care, and hospital care.

From the beginning of this State system, the Federal Government has made a contribution for the care and treatment of those veterans who are eligible for hospital care in the Veterans' Administration. The present bill increases the hospital rate for State homes from the present $3.50 Federal contribution to a maximum of $7.50 per day. In view of the going rate in Veterans' Administration hospitals of $40, and in some instances $50 a day, it is readily apparent that the Veterans' Administration is getting a real bargain in an arrangement of this sort.

Another feature of this bill is the authorization of a matching fund program of $5 million annually for a period of 10 years to assist the States in modernizing their facilities for domiciliary care. This is similar to the provisions enacted as a part of Public Law 88-450 which authorized another matching fund program for nursing care construction.

Mr. Speaker, I think this bill is meritorious and is one which all Members of Congress who are interested in care of our veterans in State homes can cheerfully and logically support.

Mr. TEAGUE of California. I yield myself such time as I may consume.

Mr. Speaker, for the reasons that the gentleman from Texas (Mr. ROBERTS) has so well pointed out, this bill has my complete support.

I now yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the ranking member on the subcommittee which considered this bill.

Mr. DUNCAN. Mr. Speaker, I rise in support of H.R. 9334. This bill will increase the Federal payments on behalf of veterans who are eligible for Veterans' Administration hospitalization but are receiving hospital care in State veterans facilities. It will also provide an incentive to those States operating domiciliary homes to update their facilities by authorizing a matching fund program for the remodeling or renovation of hospital or domiciliary facilities at State homes. Finally, it will increase the ratio on nursing care beds which the Federal Government will help finance from the present 1½ per 1,000 war veterans population to three nursing care beds per 1,000 war veterans population.

Under existing law, Mr. Speaker, the Veterans' Administration is authorized to pay each State at the per diem rate of $3.50 for domiciliary or hospital care and $5 for nursing home care for each war veteran receiving such care in a State home. Section I of H.R. 9334 will increase the rate payable for hospital care to $7.50 daily. This is proper, Mr. Speaker, since hospital care is far more costly than either domiciliary or nursing home care. Even the $7.50 daily payment as proposed by this bill is more reasonable than the $40.90 daily cost for care in a Veterans' Administration general hospital.

Section 2 of the bill will authorize a $5 million annual appropriation for 10 years to assist States in remodeling and modifying or altering existing hospital and domiciliary facilities at State homes. Funds would be disbursed on a matching basis with States desiring to remodel their existing facilities. Because the State homes are assuming a share of the Federal burden for the care and treatment of veterans at an extremely reasonable cost, the committee believes it appropriate that the Federal Government share in the cost of modernizing these State facilities.

Mr. Speaker, I support the bill and urge that it be passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I would ask the gentleman what does the Federal Government now do by way of using Federal funds to remodel State-operated veterans' homes, soldiers' homes, as they are sometimes called?

Mr. TEAGUE of California. Mr. Speaker, I am going to ask the chairman of the subcommittee, or perhaps another member of the subcommittee, to answer that question.

Mr. HALEY. Mr. Speaker, if the gentleman will yield, at the moment it is my understanding that the Federal Government participates to a limited extent in the construction of new facilities. This will allow them to modernize buildings and plants that have been in existence for 40 or 50 years. We believe this is a good bill that will permit such a facility to be modernized rather than to build a new facility. We believe we can do that to an advantage.

Mr. GROSS. The gentleman is saying that Federal support has been given to State-operated veterans' homes over a long period of time; is that correct?

Mr. HALEY. For a long, long time the Federal Government has been in this program; yes.

Mr. GROSS. I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 9334. This bill will increase the Federal payment to State homes on behalf of veterans who are hospitalized therein.

The present daily payment per veteran is $3.50. This bill will increase this payment to $7.50. The equity in this legislation is readily apparent when one compares the cost of hospitalization, $40.90 daily, in a Veterans' Administration hospital with the $7.50 daily proposed by this bill.

Since States are helping the Veterans' Administration assume its burden of providing hospitalization for the Nation's war veterans, it seems logical that the Federal Government should assume at least a reasonable part of this expense. I urge that the bill be passed.

Mr. MONAGAN. Mr. Speaker, I rise today to urge passage of H.R. 9334, a bill which among other things increases the Federal payment for hospital care in a State home for veterans from the present level of $3.50 per day to $7.50 per day. This legislation is sorely needed and marks an important step forward in having the Federal Government contribute its fair share to State veterans facilities like those in Connecticut at Rocky Hill.

Connecticut, with a bed capacity of 1,225 in its veterans home and hospital facilities, ranks second in the Nation in bed capacity for such State institutions.

My interest in having the Federal Government provide adequate reimbursement to State institutions is not new. In 1960 I introduced legislation to change the method of payment to a more equitable per diem payment, and set the per diem rate at $2.50 per day. In 1964 I supported the passage of Public Law 88-450 setting the per diem rate for hospitalization or domiciliary care in a State home at $2.50 and the per diem rate for nursing home care at $3.50. In the 90th Congress I introduced H.R. 7236 to raise the per diem rate for domiciliary care to its present rate of $3.50. While I was encouraged to see the passage of the substance of my bill, I recognized then as I do now that the Federal share must be increased substantially to ensure the continued maintenance of excellent care now provided.

I think the provisions of the bill before us today, in more than doubling present per diem reimbursement rate, authorizing a $5 million appropriation to assist the States in remodeling or altering existing hospital and domiciliary facilities at State homes and increasing the ratio on nursing care beds goes a long way in bringing the Federal contribution in line with the current costs of operating the State facilities.

The service provided to our most deserving citizens by State institutions is very valuable and I urge the House to unanimously adopt this bill today without prolonged debate.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas that the House suspend the rules and pass the bill H.R. 9334.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CADET COL. HECTOR GUTIERREZ JR.

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, in these days of student rebellion and campus turmoil, when our Nation finds many of its colleges and universities wracked with dissent and disorder, violence, and bloodshed, I take great pride in commending one of the outstanding institutions of higher learning in the Nation, Texas A. & M. University, not only for having a distinguished record in its Reserve Officers Training Corps program, but also because of the peace and tranquility that reigns over the Texas Aggie campus, where the majority of the civilian student body has shown a strong support of the ROTC, at a time when the ROTC program has been the target of campus radicals.

Today, Mr. Speaker, I take this opportunity to specifically pay tribute to a distinguished student leader, Cadet Col. Hector Gutierrez, Jr., of Laredo, Tex., 1969 commander of the corps at Texas A. & M. University, a university that developed as a land-grant college, steeped in a history of a highly successful military program that has provided a record number of officers for our Armed Forces, and has given our country some of our most distinguished military leaders.

A young man whose parents have instilled in him love for his country, Cadet Col. Hector Gutierrez, Jr., has distinguished himself as a responsible student leader seeking to uphold reason, while rejecting force, firm in his resolve to maintain true freedom on the campus, thus assuring that the will of the vast majority of the student body is respected and upheld.

I congratulate his parents, Mr. and Mrs. Hector Gutierrez, Sr., his former teachers at Nixon High School, the faculty, and his fellow students at Texas A. & M. University, for their share and role in the molding and development of this outstanding and patriotic young man, whose love for his country and faith in the democratic processes, make of him a most worthy model of American youth, one of whom we can be justly proud.

I am pleased to share with my colleagues and the readers of the Record, this most interesting article from the May 1969 edition of the Texas Aggie.

When an NBC news team went to the campus of Texas A&M University last winter to film part of a special report on ROTC, they may well have expected the same sort of anti-ROTC feelings they had encountered at some of the Ivy League schools.

If they did, they were soon disillusioned. The handful of dissenting students who, for the benefit of NBC cameras, painted peace symbols on the statue of a former Texas Governor and A&M President Lawrence Sullivan Ross were all disillusioned.

Non-ROTC students washed away the peace symbols and then guarded the statue throughout the night so that the following day the NBC crew would shoot scenes around an undefiled statute of an A&M hero.

The newsmen also witnessed at work one of the most unique student bodies in the nation—one not split by the dissension that rankles campuses from coast to coast. The key word at A&M is "solidarity."

Symbolizing this solidarity between the civilian student body and the ROTC is the popular 21-year-old cadet colonel, Hector Gutierrez '69, who commands the 2,525-man Corps.

The morning after the statue painting incident David Wilkes, '69, president of the Civilian Student Council, telephoned Gutierrez to offer his support. Wilkes told Gutterrez that the twenty-odd "dissenters" could not speak for the 13,000-member student body.

"We are," Wilkes said, "backing the Corps all the way."

Support for the ROTC Corps by the student majority, just at a time when the usefulness of the ROTC program is being seriously questioned and downgraded in other universities, and, at a time when a minority tried to imply that the majority of the students were anti-ROTC has "utterly confounded the NBC people." Gutierrez maintains. "They just could not understand it."

When viewed in the light of the pacifistic complaisance of the majority of students on such campuses where a militant minority may run amok for weeks at a time, it is not difficult to see why newsmen who had been witnesses to these tragedies would be amazed at a united student body.

Gutierrez' answer to trouble on the A&M campus is ". . . a proud 'NO!' Our students have managed to put down any attempt at violence."

The kind of student leadership that is needed to help maintain pride in the ROTC-civilian student tradition at A&M is exemplified in Hector Gutierrez.

Says Army Colonel Jim H. McCoy '40, ROTC commandant and professor of military science at A&M, "Hector has more than proved the validity of our choice. He has patience, assumes responsibility, and acts with vigor."

Gutierrez, the oldest of a family of two sisters and three brothers, was the valedictorian in 1965 at the Loredo Nixon High School. His parents, Mr. and Mrs. Hector Gutierrez Sr., commenting on their son's early interest, say, "Hector never seemed to care very much for sports, although he did play tennis. He was very interested in anything the students did, and in the student council."

Besides being first in his graduating class, he was president of the Nixon Student Council and commander of the Nixon ROTC.

"We can't account for his interest in ROTC," says Mr. and Mrs. Gutierrez, "but we do try to teach our children to love our country."

Gutierrez Sr. is a car salesman in Laredo, and Mrs. Gutierrez is a secretary at Laredo Air Force Base.

Gutierrez Jr., who serves in several student functions at A&M, is a senior mathematics major who has not yet decided what his lifetime career will be. Perhaps he will pursue a career in the Air Force, or, after serving his four-year military commitment, attend a "good business school."

Of one thing Gutierrez is certain: When he leaves the university in May, there will be someone capable of filling his shoes as Corps commander.

"Although we are no longer a military school," (A&M is coeducational) Gutierrez explains, "the Corps is throught of on the same level of The Citadel and Virginia Military Institute."

A Corps commander is selected after nomination by senior student leaders during his junior year. The selection is then approved by A&M President Earl Rudder '32, Dean of Students James P. Hannigan, McCoy, and Air Force Colonel Vernon L. Head, professor of aerospace studies.

The nominees' military class, scholastic, leadership, and disciplinary records are screened and interviews are conducted by the ROTC faculty to determine aspirations as a student leader, outlook on student life, and on life in general. Final approval of the commander is by the university president who bases his decision on leadership ability, academic standing, character, personality, and campus student activities involvement.

A typical day for the Corps commander begins at 6:15 a.m. After a 7 a.m. breakfast, Gutierrez checks at the Military Science Building, the Trigon, for information about the day's activities which flow through him to the Corps.

Classes consume most of his day, but during the open periods, Gutierrez usually is at the Trigon maintaining Corps-ROTC liaison. He normally meets with McCoy once a week and confers more frequently with his own Corps Staff.

Gutierrez files mail for Corps Staff members, brigade, and wing commanders around 3 p.m., then gets a uniform ready for Ross Volunteer drill at 5 p.m.

After dinner, Gutierrez farms out projects to his 15-member staff and meets with segments of it to iron out details. Some of the problems that may be dealt with include deciding when to have inspections and formations, how to better recognize corpsmen and students who have excelled in their school work and most important, how to improve the Corps.

"In five years," Gutierrez, predicts, "the Corps will have 5,000 members." He says that the cadets of the future will be the same caliber cadets who became generals and Medal of Honor winners, and presidents of corporations.

Voluntary Corps membership has been in effect since 1965. The Corps member spends about two or three hours a day on ROTC activities. Gutierrez says that although some cadets may leave the Corps to devote more time to their regular studies, "everybody in the Corps can still be an Aggie. It depends on how hard you work at it."

McCoy says that Gutierrez has "instigated changes for the better in the Corps, some of which were deemed impossible."

One change involved the cropping of the freshmen ROTC cadets' hair. Previously, the frosh wore their hair cut short, "convict style," for the first year. Now, freshmen are still given short haircuts, but within the boundaries of good taste.

He has also led efforts to assist freshmen in adjusting to Corps life. "While there has been no lessening in discipline, we have emphasized that freshmen be treated more as individuals," the cadet commander says.

Life on the College Station campus may seem strange to students visiting A&M from another school. Strolling across campus, the visitor may be hailed by a student who imparts—without being asked—such information as who he is, what he is majoring in, and what his hometown is, and then expects the visitor to deliver the same information. This is just the A&M students' way of "whipping out," or, greeting each other, and it happens hundreds of times every day on the A&M campus.

Another custom that shows the solidarity better than any other example is the Silver Taps tribute paid by the students to a deceased A&M student. On the night of the funeral, lights on the campus are turned out in a brief memorial ceremony. The entire student body meets in front of the Academic Building at 10:30 p.m. A squad from the Ross Volunteers fires a 21-gun salute, and then, Taps is played three times.

"I also have always taken special pride in Muster Day," Gutierrez says. "There has been a Muster Day since 1903 when the anniversary of the Battle of San Jacinto was observed. There is a memorial service for all the Aggies who have died since the previous Muster Day. Their names are called and someone answers 'Here!' because to us, they will always be part of the university."

Gutierrez spent the summer of 1968 in Poland and Russia by participating in Experiment in International Living, a nonprofit educational exchange organization devoted to fostering mutual understanding and friendship among the peoples of the world.

He studied Polish before going abroad. "I found," he says, "that I could love people who shared a completely different political ideology. I lived with a Polish family, and I had the opportunity to visit a Communist nation not as a tourist."

The 5-foot 7-inch Mexican-American says he weighed 150 pounds when he went to Poland, and gained 20 pounds there. "We had potatoes every day."

He says that in Poland, the trend is for only the older generation to go to Church. Poland has a large Catholic population. "But people of all ages had questions about America."

Gutierrez spent two weeks in Moscow before returning to the United States. Now, he is broadening his experiences there by studying the Russian language.

Don Heath.

OUR NATION'S RESPONSE TO THE INCREASINGLY URGENT PROBLEM OF POPULATION GROWTH

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

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Mr. KASTENMEIER. Mr. Speaker, on May 28, I introduced legislation dealing with our Nation's response to the increasingly urgent problem of population growth.

While major attention has been focused on the rampant population growth in the underdeveloped world, the present rate of increase in our own country cannot be maintained indefinitely without severe social and economic dislocation.

This bill, which has been introduced in the other body by Senator TYDINGS, is meant to coordinate and improve the current inadequate efforts of the Department of Health, Education, and Welfare in its implementation of our domestic population program. Establishment of a National Center for Population and Family Planning within HEW, will at long last make possible coordinated, cohesive family planning programs. In addition, this bill will increase the funds available for family planning projects, and stimulate research in methods of contraception. It will also expand and improve the research and service activities of public and private nonprofit agencies. More specifically, the Secretary of HEW will be required to develop a 5-year plan which will provide voluntary family planning services for over 5 million low-income women during their childbearing years. By focusing responsibility in one office whose sole activity is family planing, economies in both funds and efforts will be realized, disciplined planning will be encouraged, and the Congress will be able to better scrutinize and evaluate the administration of our family planning programs.

Mr. Speaker, the rewards from this legislation will be measured in terms of reduced poverty and increased family stability and individual opportunity. The success of our efforts in this field should spur and encourage less-fortunate nations to devote greater effort to their own programs and thereby contribute to the alleviation of the worldwide problem of burgeoning population growth. It is still not too late to avert the disastrous consequences to all mankind of the unchecked population explosion. But if we are to succeed in this enormous task, we must act quickly and decisively. The relatively modest authorizations called for here represent an investment in the future happiness and prosperity of all of us, and of our children. I urge all of my colleagues to give the highest priority to this bill, and by their support express their faith that we can find solutions to the problems we have ourselves created.

FOREIGN COMPETITION FACING U.S. SHOE MANUFACTURING INDUSTRY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURKE of Massachusetts. Mr. Speaker, today I call the attention of the Members of the House to a petition that is being circulated by Congressman WILLIAM BATES, assisted by Congressman WYMAN, and myself and 22 other Members of Congress, asking for signatures by the Members of Congress to a letter which is being addressed to the White House bringing to the attention of the White House the acute intensive foreign competition now facing the U.S. shoe manufacturing industry. Since 1960 imports of footwear have increased 600 percent.

Imports equaled almost 28 percent of the total domestic production in 1968. We have every reason to believe that if unchecked, this rate of increase in shoe imports will continue and cause a loss of job opportunities for American shoe workers.

Mr. Speaker, I might point out to the Members of Congress that there are 253 Members of this House who have footwear industries located in their districts. Unless we do something, the footwear industry is going to disappear from the American scene. Thousands of jobs will be lost. Once our defense industry slows down in many of these districts, we will need other industries to act as economic cushions. Many small towns are going to suffer severely.

Mr. WYMAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is it the gentleman's opinion that in the practical sense any real relief is expectable from a voluntary approach to import restrictions? Does he really believe our foreign competitors will voluntarily reduce their profitable export of shoes and leather to the United States?

Mr. BURKE of Massachusetts. I believe that this approach is the approach that the footwear industry has asked for and that the shoeworkers have asked for in America and we are following their recommendations and hope something will be done. Further, it is our hope that some of these countries will stop accelerating their exports of footwear to this country because if it does not stop it, it means that many of the shoe firms are going to close. This is the approach they have asked us to make and I am going along with their thinking upon it.

The gentleman from New Hampshire (Mr. WYMAN) has been very cooperative in this matter and, actually, he is acting in the place of Congressman BATES right now.

Mr. Speaker, it is my hope that we will be able to obtain the signatures of a majority of the Members of the House on this petition. I will have it available so that other Members of the House may be able to sign and I would be happy to have their signatures.

AMERICA'S ROLE IN THE VIETNAM WAR

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, it was with the deepest dismay that I read yesterday the remarks of South Korean President Park concerning America's role in the Vietnam war.

Frankly, America neither seeks nor needs President Park's advice with respect to our responsibility in South Vietnam. After 35,000 Americans have died in the swamps and jungles of South Vietnam, let no outsider presume to lecture the United States or its leaders as to the terms or timing of a Vietnam settlement.

For the record, America's enormous losses in Vietnam were produced not only by our own mistaken policies, but equally by the appalling undercommitment of free Asians to the war they encourage us to continue.

South Korea, to its credit, has 50,000 troops in South Vietnam. But we have over 54,000 U.S. troops stationed in South Korea—and we have been informed that if we withdraw our troops from Korea, they will withdraw their troops from Vietnam. Further, the United States pays every dime of the expense of the Korean troops in Vietnam. This includes wages, food, equipment, transportation, and all the rest. We have also been informed that when we are tired of paying these bills, the Korean troops will leave Vietnam.

I will not lengthen the record with a detailed accounting of the almost seven and three quarters billion dollars in military and economic assistance we have given the Koreans in recent years—amounting to well over $350 million last year alone—nor recite the figures of the enormous economic windfall the Vietnam war has provided Korea. But, if President Park is to speak to us, let him say that after 17 years of postwar assistance from the United States—with over 54,000 American troops still garrisoned there, and with a native population more than twice as great as North Korea—that the South Koreans are finally able to at least patrol all of the 151-mile-long DMZ separating North and South Korea. Today, America continues to actively patrol 18 miles of that front; which has cost us 37 Americans in the last 5 years. I ask President Park, after 17 years, to tell us how much longer it will be before our men can turn your self-defense back to you and come home to their families?

This is one man in this Congress who is outraged at the way we have squandered American blood and treasure in Asia—and I deeply resent the suggestion from Asian leaders that we should do no less. In fact, they should do more—much more—and quickly.

There is another voice than that of President Park to which we should be listening—the voice of the American people. It is a voice which is loud and clear with a very plain message. I hope to God, that through our new American leadership, we are going to deliver that message to the non-Communist Asians; namely, that the free ride is over—and that we have better things for our young men than to be fed into an endless Asian meatgrinder, fighting wars the Asians will not fight for themselves.

THE CONDUCT OF THE WAR IN VIETNAM

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, the American public has been told that senseless military actions in the hills and valleys of Vietnam have delayed successful nego-

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tiations at the Paris peace talks. This has a familiar ring. A little more than a year ago we were being told it was the bombing of targets in North Vietnam which was delaying the return of peace. We stopped the bombing. We seem to be no nearer to peace than we were at that time. We have tried time and again to find a basis for meaningful negotiations. In further attempts to bring peace, the United States has accepted Hanoi's choice of a site for negotiations. We then agreed to recognize the National Liberation Front as a party to the negotiations. We have even dropped President Johnson's Manila communiques stipulation that no allied troops could be withdrawn from South Vietnam until North Vietnamese troops were removed.

While these concessions were being granted, the Communists have yielded nothing. Instead of showing any indication of a sincere desire for peace, they continue to stall the negotiations at the conference table, and to launch harassing military actions in South Vietnam. Theirs is a waiting game. They know full well they cannot win—except at the conference table. Any limitation on actions of U.S. forces in the field plays into their hands, while demands mount at home for the U.S. Government to end the war and bring its troops back.

Just what is senseless military action? Our efforts for months have been primarily defensive. They have been limited to checking Communist buildups and to point defense of areas under attack by the Communists. The defense of major civilian and military areas in South Vietnam and of our own installations can hardly be called senseless. The inexcusable part is that we have been fighting a war which is largely defensive throughout our involvement in South Vietnam. The Communists have always taken heart from this fact and deduced that they could outlast us.

The Communist strategy in South Vietnam appears to be clear enough. They are seeking the establishment of a coalition government in Saigon. If they can obtain the replacement of hard-line anti-Communist members of the present Government with others who are soft on communism, plus some who are representative of the National Liberation Front, they will have gone a long way toward setting the stage for a takeover in a few years from within.

Who is to judge whether military actions in Vietnam are senseless? There are those who have spent a lifetime in study and in training for war and who are experienced in combat. Is it not better that they judge what is essential for the security of our forces? There are those at high levels who have all the facts at their fingertips which are necessary to decide the implementation of policy for the advancement of the free world cause. Are they not in best position to determine whose judgment to trust on essential military operations?

Or shall we accept the judgment of experts without portfolio whose comments may confuse the American public, and certainly will give heart to the enemy. There is a time for talking and a time for listening. There seems to be little doubt that some of the "experts" have been talking when they should have been listening.

STUDENT ANTIVIOLENCE ACT

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRAMER. Mr. Speaker, I have today introduced a bill aimed at giving law-abiding students legal standing to file a complaint with the Justice Department when they are denied free access to their school's facilities by disruptive students.

The measure also permits the Attorney General or the Deputy Attorney General to proceed on his own motion without such a complaint whenever he determines that prosecution by the United States is in the public interest and necessary to secure substantial justice.

I believe it helpful to briefly review the body of Federal law in this area inorder to demonstrate the difficulties and shortcomings that presently exist should the Justice Department determine that Federal prosecution against one or more individuals is warranted and to show thereby the pressing need for enactment of this new legislation.

CRAMER ANTIRIOT ACT

Section 2101 of title 18 of the United States Code is the Antiriot Act which I had the privilege of authoring. This provision prohibits travel in interstate commerce, or the use of any facility of interstate commerce, by any person with the intent to incite, organize or promote a riot or to commit any act of violence in furtherance of a riot, or to aid or abet any person in furthering a riot. Violators are subject to a maximum fine of $10,000 and 5 years imprisonment.

The obvious shortcoming of this measure as applied to campus disturbances is that it is only applicable when interstate travel or interstate facilities are used to further the riot. The bill that I have introduced today does not hinge on the interstate commerce clause of the Constitution but achieves its Federal nexus through the expenditure of Federal funds at educational institutions.

FIREARMS

Section 231 of title 18 prohibits the teaching or demonstrating of the use of firearms or explosive or incendiary devices or techniques with the intent that the same will be used in a civil disorder which may obstruct commerce or the conduct of any federally protected function. It prohibits the transportation or manufacture for transportation of any such device with the intent that they be used in furtherance of a civil disorder.

The weakness in this law is that it applies only to "teaching or demonstrating" but does not impose a penalty for their actual use in a disturbance.

Section 924 of title 18 imposes a penalty of not less than 1 year nor more than 10 years for using or carrying unlawfully a firearm to commit or during the commission of any felony which may be prosecuted in a court of the United States. The bill that I have introduced today carries a like provision as it relates to the use or threatened use of any firearm or destructive device in a campus disturbance. My bill further provides, however, that any term of imprisonment imposed thereunder shall run consecutively with any other penalty imposed as a result of the bill's violation and not concurrently. This is consistent with my bill, H.R. 6197, which amends the entire Firearms Act to accomplish the imposition of consecutive penalties. H.R. 6197 is presently lingering in the House Judiciary Committee with no hearings scheduled.

FEDERALLY PROTECTED ACTIVITIES

Section 245 of title 18 is designed to protect the civil rights of persons participating in or receiving benefits from various federally protected activities. Interference by force or threat of force with these rights carries a range of penalties extending to life imprisonment if death results. The bill that I have introduced today amends this section in two important respects.

First, and foremost, as presently constituted, section 245 requires a showing that a person's rights have been interfered with because he is participating in or enjoying the benefits of any program or activity receiving Federal financial assistance. The inherent weakeness in this language is that the Government must show that a student's rights were interfered with solely because he is attending a school receiving Federal assistance. This is not the reason a student is being denied the right to attend classes and pursue an education by campus revolutionaries. I have amended this section by adding "or while" immediately after "because." In this way, a student acquires a cause of action if his rights are interfered with while he is participating in or enjoying the benefits of any program or activity receiving Federal financial assistance. And this, I submit, makes a lot more sense and enforcement possible in student disorder cases.

Section 245 also presently makes it a Federal crime to interfere, intimidate or willfully injure by force or threat of force any person "in order to intimidate such person from participating in or enjoying the benefits of any program or activity receiving Federal financial assistance." Here, too, the law misses wide the mark because of the unlikelihood that the campus revolutionary is taking over a building or starting a fire simply to intimidate the law-abiding student from attending classes. The addition of the words "or while" as stated above obviates the need for seeking a prosecution under the extraordinarily complicated and difficult set of facts required by the present language.

My bill also amends section 245 in another important respect. I have added an entirely new subparagraph which clearly makes it a crime to interfere with any person attending a school receiving Federal financial assistance. The law as presently written, read in conjunction with the addition of the words "or while," may be construed to prohibit such interference. Passage of this bill with its precise new language, however, will make it absolutely certain that Congress intended

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interference with a student attending a school receiving Federal financial assistance to be a crime.

I have named this bill the Student Antiviolence Act. It is a student-oriented measure which gives conscientious students a legal weapon to combat the radical groups and individuals who are attempting to deny him an education.

Industrious, serious-minded students are presently being denied the right to attend classes and pursue an education in instances where campus revolutionaries are taking over buildings and generally disrupting the institution. College administrators are in many instances reluctant to take stiff disciplinary action against these disruptive students. I believe passage of this measure will bring to the fore the majority of college students who are opposed to this disruptive activity but are presently without adequate means to do something about it.

I wholeheartedly subscribe to the proposition that colleges and universities should have the primary responsibility for dealing with this problem. This bill preserves this responsibility by requiring the Attorney General to make a finding that, before instituting prosecutive proceedings, such action is in the public interest and necessary to secure substantial justice. This finding must be made when a complaint is filed by a student or faculty member as well as when the Attorney General undertakes an action on his own motion.

Mr. Speaker, the Federal interest in this Nation's educational institutions is significant both in terms of money and public policy. Congress, which appropriates millions of dollars annually for America's educational institutions has a concurrent responsibility to insure the taxpayer that this money is not being wasted. Passage of this measure will help protect this interest.

I have a tremendous amount of faith in the integrity and responsibility of America's youth, and I believe they should have the means to rid their campuses of the radicals who are attempting by force and intimidation to deny them an education. This bill provides such a means.

The bill provides a penalty of not more than $1,000 and imprisonment for not more than 1 year or both consistent with present antiviolence acts in title 18, chapter 245. As I have already mentioned, it provides a separate penalty of not more than $10,000 and imprisonment for not more than 10 years, or both for anyone convicted of using a firearm or any other destructive device in a campus disturbance. This latter provision closes a loophole which presently exists in the Firearms Control Act.

Following is the complete text of the bill:

H.R. 11802

A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Student Antiviolence Act of 1969".

SEC. 2. (a) Section 245 of title 18 of the United States Code is amended by adding at the end of subsection (b)(1) the following new subparagraph:

"(F) participating in or enjoying the services, facilities, privileges or advantages of any primary, secondary, or higher educational institution, public or private, or participating in or enjoying the benefits of any educational program or activity receiving Federal financial assistance; or"

(b) That portion of subsection (b)(1) of such section 245 which precedes subparagraph (A) is amended by inserting "or while" immediately after "because".

(c) Such section 245 is further amended by striking "or" at the end of subparagraph (b)(1)(E).

(d) Such subsection (b) of section 245 is further amended by inserting immediately after "or for life." the following: "In addition, any person who violates subsection (b)(1)(F) through the use or threatened use of any firearm or destructive device, as defined in section 921 of title 18 of the United States Code, shall be fined not more than $10,000, or imprisoned not less than one nor more than ten years, or both. This penalty shall run consecutively with any other penalty imposed as a result of violation of this section."

(e) Such section 245 is further amended by adding at the end thereof the following new subsection:

"(d) Whenever one or more persons are denied rights protected by subparagraph (F) of subsection (b)(1), a complaint asserting the denial of such rights may be filed with the appropriate United States Attorney. The Attorney General or the Deputy Attorney General shall prosecute in accordance with subsection (a)(1) of this section. The Attorney General or the Deputy Attorney General may proceed on his own motion without such a complaint whenever he determines that prosecution by the United States is in the public interest and necessary to secure substantial justice."

FRAUD IN AMERICA—III

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, when CBS broadcast its shocking and terribly inaccurate, and partially false show "Hunger in America" last year, it failed to acknowledge the fact that persons who appeared on the show had been paid, as is required by law.

The question is whether the FCC will require CBS to acknowledge its violation of law, and to cease and desist from further violations of it.

The FCC ought to take such action because that law has a good reason for existing.

Suppose that the precedent set by CBS is allowed to stand. In such a case a television network could make payments of any amount to persons who appear on news programs, without acknowledging payment. There would be no way to insure that the public knew whether it was seeing spontaneous news, or carefully arranged and well-paid-for acting, or lecturing, or performing, or simply, personal views. In principle, the payments CBS made are the equivalent of bribes. If such payments can be made without challenge, then it is certain that the public will in the future have no way of knowing whether they are seeing news, or manufactured scenarios. There will be no way of knowing whether a scene is faithfully depicted, or whether it is juiced up to satisfy the visual requirements of the medium, or the artistic desires of the director, or the ratings desires of the sponsors, or the shock values prized by the producers.

I do not have any doubt that CBS produced misinformation and staged scenes in its "Hunger" show because they wanted higher ratings—not because they did not know any better. After all, it is ratings alone that sell shows, and news shows are hard to sell, because they do not normally get good ratings. The news division of a network typically is relatively starved for operating money, because they do not often show a profit. The pressure is on them, just like in every other department of a network, to produce a product that sells. It is understandable why, under such pressure, a producer would resort to staging scenes, writing sensational material, paying persons interviewed, and all other manner of actions in order to hypo interest in his shows. But the crucial difference is that entertainment is one thing and news is another. Catering to ratings is not a public service, but a commercial function, and the networks seem to have lost sight of this crucial difference.

Predictably, when challenged on the accuracy of its show, CBS at first reacted by getting their local station to contact me to request a meeting between myself and the producers. Nothing so direct as a request to me—they wanted to let me feel a little pressure from them, to let me know that I was hurting my neighbor by knocking something he had broadcast—even though he and I both knew that he had no control over the content of the program.

Then CBS decided to answer by citing a few proofs here and there. And when these were refuted, bigger chiefs on the baronial totem wrote longer letters, until finally they just decided that I would not be reasonable. In fact, all I wanted, and all I want now, is some reason to believe that CBS is willing to acknowledge its error, and willing to show some sense of public responsibility and some respect for decent journalistic practice. If that is unreasonable, then I suppose I must plead guilty.

But I cannot afford, nor do I think the people of this country can afford to accede to CBS' conception of reason and responsibility. If they are immune to accountability, and if they can freely manufacture events and then report them, and then get awards for fiction reported as fact, 1984 is closer than anyone imagined. These networks control virtually every bit of information that is reported on television. That monopoly was never envisioned by the writers of the Communications Act of 1934. One can only hope, in the absence of legislation, that the networks will exercise some degree of responsibility. But if CBS is an example, that hope is slender indeed. I believe that Congress must examine its legislation, and determine whether or not we have any assurance that the networks are serving the public interest. I do not believe that we have any such assurance. The monopoly held over the air by the barons of the glass skycrapers, the arbiters of the public airwaves, ought to be examined carefully and closely by a Congress that has every reason to know the

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abuses that have been perpetrated in the name of news, and for the sake of marketing.

CAN RESUMPTION OF BOMBING OF NORTH VIETNAM BREAK THE PEACE STALEMATE IN PARIS?

The SPEAKER pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 60 minutes.

Mr. PUCINSKI. Mr. Speaker, since the bombing pause began on April 1, 1968, the United States has suffered a total of 14,639 American soldiers killed in action on the battlefields of South Vietnam.

This is almost one-half of the total number of losses that this country has suffered since the war began, or at least since our involvement in this war began on January 1, 1961.

In other words, in 14 months—from April 1, 1968, to May 24, 1969, which is only last week—the United States lost 14,639 soldiers, while our total losses for 8 years—from January 1, 1961, to May 24, 1969—were 35,530 U.S. soldiers killed.

Since January 1, 1961, through May 24, 1969, the number of allied dead in Vietnam totaled 118,029, of which 35,530 were U.S. soldiers, 3,056 were free world forces and 79,554, were soldiers of the Republic of South Vietnam.

Most Americans are not aware of the fact that during this bombing pause the United States has suffered almost one-half of its total losses. Now are they aware that since the peace talks in Paris got started on May 9, 1968—5 weeks after the bombing pause went into effect—we lost 12,579 American soldiers killed in combat in South Vietnam, or almost one-third of our total losses of 35,530 since January 1, 1961.

President Nixon, on May 14, made a very generous offer to North Vietnam when he spelled out his eight-point program for peace in Vietnam.

There is no question in my mind that every single American and, yes, I would dare say that every free man in this world wants to see the conflict in Vietnam come to an end just as quickly as possible. Mr. Nixon quite properly reflected his own desire to end the conflict as well as the desire of his fellow Americans.

I think only when we see these tragic losses of 14,639 American soldiers killed during the bombing pause and fruitless peace talks can we realize the futility of trying to deal with the Communists.

Since President Nixon made his very generous and honest offer for peace on May 14, there has been no significant affirmative response from North Vietnam and I believe that even the most altruistic and optimistic observer will have to agree that we are now in a hopeless and helpless stalemate in Paris.

There is not one iota of forward movement toward peace in Paris. The casualty rates continue to climb and every week more and more of our boys are dying in the jungles of South Vietnam.

Mr. Nixon quite properly stated in his speech on May 14 that if this needless suffering continues, this country will have to reappraise its position.

Mr. Nixon made his offer 3 weeks ago and there is no evidence whatsoever that the enemy is in any way ready to talk meaningful and significant peace.

So perhaps, Mr. Speaker, the time has come when we ought to follow the President's admonition and reexamine our position.

What is that position?

Today, North Vietnam is a sanctuary for the Communists—free of any losses from our bombers, free from bombing—free from any damage, and free from the ravages of aggression they are waging in South Vietnam.

I despair at the naivete of those who would have you believe that somehow or other when we stopped bombing North Vietnam we created a morale problem in North Vietnam.

I saw last week in one of our national magazines a statement that Ho Chi Minh is having trouble keeping up the morale of his people in their support of his war since the bombing stopped. I submit that this kind of warped reasoning is nothing more than an alibi for those who a year ago preached the doctrine of stopping the bombing and promised the American people that if we would just stop the bombing, peace would be restored to Vietnam immediately.

We remember well the speeches made by some of the most outspoken leaders in the other body—and there were some in this body—who said more than a year ago: "If you just stop the bombing, we will bring the war to an end. That is all we need. Just show some good faith to the Communists and they will sit down at the peace table and we can have peace, that glorious peace that we all seek."

Well, they were wrong; dead wrong. And the 14,639 American soldiers who have given their lives since the bombing pause began are a tragic monument to how wrong they were.

Mr. Nixon would be well advised to take a hard look at the situation today when he meets with President Thieu in Midway next week. I pray he does not follow the advice of these false prophets in Congress who never were able to understand the real menace of world communism.

Everybody in this country wants to find some way to get out of the war in Vietnam, and I join with them. But I submit perhaps the time has come when we ought to make it crystal clear to the North Vietnamese that our patience is not inexhaustible, that we are not going to let this slaughter continue, and that if there is not any forward movement and meaningful movement for peace in Paris, this country may very well have to exercise its option of resuming the bombing of the North.

There are those in the Pentagon, I am told, who believe the United States could withdraw from combat duty in the swamps of Vietnam almost immediately 100,000 of our soldiers, and eventually we could withdraw all of our troops from combat duty in South Vietnam if we did resume the bombing of the North.

And why do they feel that way? Because when we stopped bombing North Vietnam on April 1, 1968, we automatically released for combat duty 400,000 North Vietnamese troops that had been pinned down in North Vietnam on antiaircraft duty and supervising civilian repair crews working on the damage that we inflicted—400,000 troops that were tied down in North Vietnam.

It is rather significant that while we were bombing North Vietnam, the enemy casualties that we recovered in South Vietnam were for the most part Vietcong, young peasants who joined the Communist cause. I think it is of the greatest significance that today, the casualties that we recover in South Vietnam are North Vietnamese soldiers in North Vietnamese uniforms, carrying North Vietnam credentials and, in many instances, maps and charts.

There can be no doubt that since the bombing pause started, the North Vietnamese have plunged at least 100,000 of the 400,000 North Vietnamese soldiers that were relieved from home duty in North Vietnam into South Vietnam to wage aggression against our soldiers.

These fresh and well-trained North Vietnamese Communist troops, relieved from duty on the homefront since this bombing pause started, are now in Vietnam killing our soldiers.

That is why in the short span of only 14 months, we have seen American casualties mount to the extent that now we have almost half of our total casualties in Vietnam inflicted during the bombing pause alone.

The past 14 months during this bombing halt are a tragic litany of truce violations by the Communists.

Not only have they moved more than 100,000 North Vietnamese troops into South Vietnam to kill our soldiers, but we have ample evidence that there are large concentrations of North Vietnamese troops in the demilitarized zone itself, restoring Communist arms into what was supposed to have been a neutral buffer zone. The Defense Department reports more than 5,000 sightings of enemy activity in the DMZ, even though one of the conditions of the bombing halt was that there would be no armed activity in the DMZ.

So, Mr. Speaker, we have a right to ask what should be our policy toward restoring peace in Vietnam?

The withdrawal of American troops at the same time that we resume bombing of the north would have a twofold effect: First of all, it would placate American discontent with the war and deny Ho Chi Minh his greatest weapon—his belief that American discontent will force us to falter in Southeast Asia—and second, resumption of bombing would let the Communists know they are in for a long siege of attacks upon their cities. Only then, I believe, can we impress upon the Communists the need for some meaningful progress toward peace in Paris.

There is ample evidence that by forcing the Communist to return north to defend their land against renewed bombing, South Vietnam's army of more than 1 million soldiers could carry on its struggle without American ground troops if we leave them American air cover. President Thieu stated publicly he be-

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lieves his armies can defend South Vietnam without American ground troops if we leave him our air cover.

In the absence of any pressure on North Vietnam, one has a right to ask himself today why should Hanoi agree to any kind of terms other than their own terms in Paris?

Their cities are not being burned. There is no damage being done to North Vietnam. Families of North Vietnamese soldiers killed in action are not told about casualties. When a North Vietnamese soldier is killed in South Vietnam, there is no publication or notification. The people of North Vietnam are oblivious to any losses that North Vietnam is suffering in South Vietnam. There is no public criticism of the war and Ho's tightly controlled Communist press has the North Vietnamese believing they are winning the war. Most important, there is no pressure on Ho Chi Minh himself to bring the conflict to an end as there is on our own President.

The damage is being done in South Vietnam. It is the poor people of South Vietnam who are suffering the full ravages of Communist terror and subversion. It is South Vietnam that is being methodically destroyed by the Communists.

Frankly, Mr. Speaker, our own home situation is rapidly deteriorating. I agree with the commission that concluded yesterday that Vietnam is one of the main causes of discontent and the unrest on our American university campuses.

There is no question in my mind that this long, hard, costly war has created serious domestic problems.

There is no question in my mind that most Americans would rather see the monstrous cost of this war diverted to our domestic needs.

We have great needs when we see people suffering hunger in this country, and schools in need of aid, and housing and hospitals and all the other things that we need.

This war, if we include the 1970 budget, will cost the American people $108 billion. It is the second costliest war in the history of the United States.

So there is rapid deterioration on our own home front, and there is suffering on the home front in South Vietnam, while Mr. Ho Chi Minh sits back comfortably in Hanoi waiting until the whole structure collapses.

Ho Chi Minh won the struggle against the French in Paris—not on the battlefield of Vietnam. The Communists were able to get so much turmoil stirred up in France against the French involvement in Vietnam that the French Government was faced with collapse, and so the French pulled out of there helter-skelter and left a vacuum for the Communists to fill.

Ho Chi Minh is counting on history to repeat itself and on the American will at home to collapse and on our commitment to help South Vietnam also to collapse. He believes once this happens his victory will be complete.

It is the tragedy of our time that learned men in this country, responsible Members of the Congress, cannot understand that once South Vietnam falls to the Communists, the whole of Southeast Asia follows. Even at this late date there are those who question the domino theory, completely unmindful and oblivious to the fact that what the Soviet Union wants to do in Asia is to create a cordon sanitaire of Communist captive nations, very much like they have in Europe today. And when they are through with Southeast Asia, the Soviet Union then intends to set up a cordon sanitaire of captive nations in the Middle East.

This is why the Soviet Union has rearmed all the Arab States. Every single Arab army today has been thoroughly rearmed by the Soviet Union, and Soviet military leaders are today in command of these Arab armies.

And that is why 80 percent of all arms being used by North Vietnam against our troops are supplied by the Soviet Union.

The Soviet Union's timetable is to destroy the will to resist in Southeast Asia. When they have completed that test, then they will move into the Middle East and destroy Israel, because only Israel stands in the way of Soviet expansion in the Middle East. And then the Soviet Union will have its cordon sanitaire of European captive nations, a cordon sanitaire of Middle East captive nations, a cordon sanitaire of Southeast Asia captive nations; and her goal of world domination will be complete.

There are those who today admonish and urge peace at any price, unmindful that nothing has changed in the Soviet Union.

For the past 20 years, the Soviet Union has kept this world in turmoil.

The United States has been compelled to spend one trillion four hundred billion dollars in the last two decades on defense and armaments to protect itself against Soviet conspiracy and Soviet infamy. And the Soviet Union plays its options at will. They create turmoil wherever they want to, whenever they want to, and the United States for 20 years has been reacting, never quite able to pull this country together to understand the great threat and the great menace of Soviet colonialism.

Even today, in this bitter debate on Vietnam, there are those who say, "President Thieu has to accept the fact that he will have to learn to live with a coalition government or go it alone." I think it is to his everlasting credit that he is strong enough and bold enough to renounce the imposition of a Communist coalition government unless such a government is elected by the free will of the people of South Vietnam.

Why, the whole tragic story of Soviet colonialism has been written in coalition governments forced upon the smaller nations of Europe. I wish that those who urge upon South Vietnam a Communist coalition government would look at the tragic history of Europe. How do they think 180 million people were plunged into Communist captivity, except through Communist coalition governments?

The Soviet Union today has complete control of Poland, of Czechoslovakia, of Estonia, of Latvia, of Lithuania, of Hungary, of Rumania and of Bulgaria. All of these started out as coalition governments.

What some of these naive Americans cannot understand is that the Communists have indestructible patience. They want only a foothold in a coalition government, and then they create their turmoil, and they have nothing but time, and they take that time to break down the will of the righteous elements of a coalition government until they create such total panic and chaos the government finally falls and the Communists take over.

One need only look at the coalition government of Poland. Why are 38 million Poles today in Communist bondage? You show me one single nation of Europe today whose people willingly voted for a Communist government. These captive nation's are today victims of Communist oppression against their will because there were voices in America after World War II, as there are voices today, who said, "Let us put Communists in a coalition government in Poland to work out the postwar problems.

Premier Mikolajczyk went to Poland in good faith after World War II. He went there thinking that somehow or another perhaps he could help work out a program for postwar Poland in a coalition government. Well, the rest is history. Halena Wasilewska headed a group of Communists who were brought in from Moscow, trained in the art of disorder and subversion, and they very quickly tied Mikolajczyk into all kinds of knots and tied that coalition government into such hopeless turmoil that he fled in disgust. Poland became a captive slave of Russia. The same can be said of every one of the captive nations of Europe.

Today there are voices in this Congress and in this country who say, "Well, let us try some of the same in Vietnam."

President Thieu was correct when he said that China stands as an excellent example of what happens when we surrender to Communist expediency.

Mr. Speaker, those who today urge acceptance of a Communist coalition government in South Vietnam are, perhaps unwittingly, following the footsteps of those who preached this same doctrine after World War II and saw half of Europe plunged into the Soviet orbit, then saw China plunged into the Communist orbit, and then saw Cuba plunged into the Communist orbit.

Mr. Speaker, it seems to me that through all of these years they have not learned a thing. I submit to you, Mr. Speaker, that it is difficult today for those who see the clear danger of the Soviet Union's grand design for ultimate conquest in this world, to get any exposure for their views when it is popular to talk only about peace at any price. Too often the voices of those who see the clear and apparent danger of Communist subversion are ridiculed or totally ignored.

I say to you, Mr. Speaker, that the American people need to know the facts.

President Nixon was correct when he said that if this needless slaughter continues, we will have to reappraise our situation.

If, indeed, there is any merit to those who say that by resuming the bombing of North Vietnam we will force them to divert most of their troops back to the north, making it possible for the South Vietnamese to take over the bulk of the fighting and if there is any merit to the suggestion that we can withdraw large numbers of our combat troops from South Vietnam once the bombing has been resumed, then we ought to study it.

President Thieu has said that with his army of one million soldiers and 600,000 home guards the South Vietnamese are more than able to defend themselves, if we leave them American air cover. My judgment is that the American people would agree it would be better to leave the South Vietnamese air cover if we can withdraw our ground troops because our greatest losses have been on the ground, our greatest losses have been in the search and destroy missions.

I think, Mr. Speaker, one of the great distortions of our time and one of the great tragedies of our time is the statement that the South Vietnamese soldier is not a good fighter. The South Vietnamese soldier is more than able to carry his share.

I was in Vietnam. I saw the South Vietnamese troops. Even the New York Times, which is now carrying a series about the South Vietnamese soldiers, says, if you read the articles carefully, that the bulk of South Vietnamese troops are well trained and highly motivated even though the Times tries to suggest they could not defend their country alone. If we need any further proof of the gallantry of the South Vietnamese soldier, let us look at the casualty lists. The South Vietnamese have lost twice as many soldiers on the field of battle as all of us combined. South Vietnam has lost 79,443 soldiers.

Mr. Speaker, I believe we ought to let North Vietnam know that our patience is not inexhaustible. We want to be out of Vietnam as quickly as possible. We want a lasting peace as quickly as possible. We want to contribute to that peace as much as possible. However, I cannot think of anything more tragic than for us to walk away from Vietnam today and let the Communists take that country over.

In my judgment, we ought to take a hard look at this proposal and seriously let North Vietnam know that if there is no meaningful progress made toward peace in Vietnam, this slaughter of our American troops will not be permitted to continue unilaterally. If necessary, we will reluctantly have to resume the bombing.

There are those who call that escalation.

On the contrary, if we can in fact pull our combat troops out of South Vietnam and replace them with resumption of bombing of the north, my judgment is that most Americans would agree to such a quid pro quo.

It is my hope that as the President prepares to leave for Midway to meet with President Thieu, he will reaffirm his statement that if the needless suffering continues, we will have to reappraise our situation. I hope that the President will make it clear to North Vietnam that we have a right to expect from them some meaningful contribution toward peace and, if that is not forthcoming, then perhaps, if suffering exists in South Vietnam, there ought to be some suffering in North Vietnam.

I have every reason to believe that the South Vietnamese are well-trained soldiers. We have made a huge contribution to their training. They do have enough soldiers now for a 15-to-1 ratio against the Vietcong. Our generals tell us in this kind of guerrilla warfare, you need a 15-to-1 ratio in order to offset effectively the activities of a Vietcong subversive. That ratio has now been reached. So it is entirely possible that we might indeed see the day come when American combat troops can pull out of Vietnam if bombing of the North is renewed. Hanoi must understand it will not break our will or break the will of the South Vietnamese. They then have but one alternative, and that is to sit down and make some meaningful contribution to working out a peace solution in Vietnam.

Mr. Speaker, I have every reason to believe that the Government of South Vietnam wants peace. I know our Government wants peace. I believe that the whole world wants peace. What we have to do now is impress on Hanoi the fact that it is not going to continue indefinitely waging aggression against our people without suffering the consequences itself, I believe this is the only road to lasting peace. The stalemate in Paris cannot and must not continue.

RETIREMENT OF HON. WILLIAM J. DRIVER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. **HALPERN**. Mr. Speaker, it is with sincere regret that I have learned of the resignation of William J. Driver. As the Administrator of Veterans' Affairs, Bill Driver has been one of the most efficient and capable men ever to head the Veterans' Administration. His 4 years as head of this vast agency has seen many advances in the field of veterans affairs. His able administration of the third largest agency of our Federal Government has been a credit to all agencies and departments.

Bill Driver has been the kind of man that epitomizes what the Federal worker should be. He has been loyal and devoted to those he served—the 26 million veterans of this Nation. He has shown great compassion in his understanding of the needs of our veterans, and has made outstanding proposals to bring about needed changes as well as new ideas and programs.

His administration has been marked with a better understanding of the desires of the people of this country in providing benefits which are more meaningful to those who have given so much in defense of our country. We had new concepts of what service could mean with such programs as sending representatives right to the battlefields of Vietnam, even before our servicemen had completed their tours of duty, in order that they could take advantage of the many benefits which had been provided for them by Congress.

I express my appreciation to Bill Driver for a job well done—for a job in which he gave much more than was demanded because he was concerned and involved with the problems of our veterans.

I have enjoyed my close relationship with Bill Driver during his time in office. We shall miss him, and we sincerely hope that his successor will follow in his steps by providing the leadership demanded of this exacting post.

I extend my thanks and wish Bill Driver continued success in his future undertakings.

TREATYMAKING POWER: CONSTITUTIONAL AMENDMENT FOR THE INCLUSION OF THE HOUSE OF REPRESENTATIVES—SEQUEL

The **SPEAKER** pro tempore (Mr. MONTGOMERY). Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. **FLOOD**. Mr. Speaker, in June 1967 the Presidents of the United States and Panama announced the completion of negotiations for the proposed new Panama Canal treaties, which agreements would cede U.S. sovereignty over the Canal Zone to Panama, make that small and unstable country a partner in the management, and defense of the canal, and eventually give to Panama not only the existing canal but also any new canal constructed in Panama at the cost of our taxpayers to replace the existing canal.

The total expenditures of our country on the Panama Canal enterprise, including defense, from 1904 through June 30, 1968, were $6,368,009,000 and the total recoveries during the same period $1,359,931,421.66, leaving a net investment of more than $5,000,000,000.

As this projected treaty giveaway of U.S. territory and property was undertaken without constitutional authority, the reactions in Congress were dynamic, with some 150 Members of the House introducing or cosponsoring resolutions opposing such surrender and Members of the Senate also strongly opposing the monstrous proposal. The result was that the treaties were never signed. As they have never been repudiated they may be reactivated at any time.

The giveaway proposal did, however, focus wide attention on the composition of the treaty power of the United States and the importance of the House of Representatives being made a part of that power.

One of the major reasons why the House should have equal power with the Senate in the making of treaties is the provision in article IV, section 3, clause 2 of the U.S. Constitution which provides as follows:

> The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.

The wisdom embodied in this clause of the Constitution is that our Federal domains and property cannot be given away or impaired by the President and the Senate alone through the treaty process. Except for this provision, treaties could be made ceding to other countries major sections of the United States like Texas, California, and other parts of the vast Southwest as well as Alaska and Hawaii. In the grave responsibility now vested alone in the President and the Senate there certainly should be constitutional provisions to include the House of Representatives in the making of treaties.

On February 5, 1969, I introduced House Joint Resolution 394, 91st Congress, proposing an amendment to the Constitution of the United States to require the advice and consent of the House of Representatives in the making of treaties. This was followed on February 19 with a statement by me to the House on the treaty power emphasizing the fact that the historic reasons for noninclusion of the House of Representatives in the treaty making power no longer apply and why it should be included. I followed this on March 6 with a letter to Members of the House of Representatives requesting my colleagues to introduce or cosponsor like resolutions. Many have done so indicating wide support.

In looking up the role of parliaments in foreign affairs in other countries, I find that though the practice of treaty ratifications varies, the trend seems to be toward requiring parliamentary approval, even in some countries behind the Iron Curtain. Incidentally, I note that, under article 49 of the Constitution of the Soviet Union, the Presidium of the Supreme Soviet ratifies and denounces international treaties of the U.S.S.R.

In order that Congress and the Nation may have the information developed since my February 19, 1969, statement, I quote my March 6 letter and part IV of a summary of the powers of parliaments concerning the conclusion of treaties contained in the January 1969 issue of the Interparliamentary Union Quarterly.

The indicated documents follow as part of my remarks:

MARCH 6, 1969.

DEAR COLLEAGUE: The closure of the Suez Canal during the June 5–11, 1967, Arab-Israeli War diverting traffic around Southern Africa, was followed by the announcement on June 26 by the Presidents of the United States and Panama of the completion of negotiations for three proposed treaties ceding sovereignty over the U.S.-owned Panama Canal Zone to Panama, thus serving to focus wide attention on the make-up of the treaty power of our government, with some 150 Members of the Congress introducing resolutions opposing the adoption of such proposed treaties.

The indicated agreements, negotiated without the authorization of the Congress, violated Article IV, Section 3, Clause 2, of the U.S. Constitution, which provisions vests the power to dispose of territory and other property of the United States in the Congress and not in the President and the Senate alone.

In studying the history of the treaty-making power, I find that the original reasons for excluding the House of Representatives from this function of government no longer apply and that the time has come when the House should be made a part of this power. A summary of the history of the non-inclusion of the House of Representatives will be found in the June 12, 1967, pamphlet by the Library of Congress Legislative Reference Service on the "Treaty-Making Power in the Constitution", quoted by me in a statement to the House in the Record of February 19, 1969, pp. 4006–4010.

To meet the situation, I have introduced H.J. Res. 394, copy attached, and would urge all my colleagues in the House of Representatives to introduce or to co-sponsor like resolutions.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

H.J. RES. 394

Joint resolution proposing an amendment to the Constitution of the United States requiring the advice and consent of the House of Representatives in the making of treaties

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE —

"No treaty with respect to which the advice and consent of the Senate is required by section 2 of article II of this Constitution may be made without the advice and consent of the House of Representatives, two-thirds of the Representatives present concurring."

INTERPARLIAMENTARY UNION CONSTITUTIONAL AND PARLIAMENTARY INFORMATION: THE ROLE OF PARLIAMENT IN FOREIGN AFFAIRS

PART IV. PARLIAMENTARY POWERS CONCERNING THE CONCLUSION OF TREATIES

Foreign policy becomes specially manifest in the conclusion of treaties, in war and peace. This is doubtless why the role played by Parliament in the conclusion of treaties is, after decisions on war and peace, most frequently provided for in Constitutions of countries replying to the questionnaire.

Chapter I. Parliamentary influence on treaty negotiations

In general it is not possible for Parliament, neither legally nor practically, to take part in the negotiations leading up to the conclusion of treaties, because everywhere the negotiation of treaties is a matter exclusively in the competence of the Government. This holds true even though, as has been described above (Part I, chapter 5d), (p. 13), Members of Parliament have in several cases acted as members of governmental delegations, or even as agents of the Government, to prepare or conduct negotiations.

Moreover, there seems to be no instance of a Parliament which can legally bind the Government to enter into treaties.

Quite generally parliamentary influence may be brought to bear through the ordinary processes of debate and question.

Furthermore, through the right to pass resolutions Parliament is in a position to exert political influence on treaty negotiations (cf. Part II). By such resolutions or recommendations Parliament may even suggest to the Executive that it should negotiate and conclude certain treaties on certain subjects; in Belgium and the Netherlands the suggestion may even extend to the scope within which the treaty must be concluded. Although these suggestions are not legally binding upon the Government, the latter would, more often than not, take them into consideration, especially if later on parliamentary approval of the treaty has to be obtained.

Finally in the United States, as probably in other Parliaments, prior cooperation on the part of individual Members of Congress has been found to be helpful in obtaining ultimate Senate ratification of treaties.

Chapter II. Approval requirements

In many countries negotiated treaties are subject to the approval or consent of Parliament before ratification. (There seems to be no case where the consent of Parliament must be obtained before the text of a treaty has been finally negotiated. In Japan, Art. 73 of the Constitution provides that the Cabinet has power to conclude treaties, provided, however, that it is required to obtain prior or, depending on the circumstances, ex post facto approval of the Diet. It is to be assumed that "prior approval" in this context relates to ratification as the final act of the conclusion of treaties.

The Japanese provision thus appears not to deviate from the general pattern that parliamentary approval is required only after a treaty has been negotiated.

Such approval of Parliament is required in 20 of the 25 countries from which answers were received: Austria, Belgium, Cameroon, Canada, Finland, France, Federal Republic of Germany, Greece, Ireland (in exceptional cases), Italy, Japan, Jordan, Libya, Netherlands, Norway, Senegal, Somalia, Switzerland, United States and Yugoslavia.

In *Ireland* approval of the Dail is required only where an agreement (not being one of a technical or administrative charter) involves a charge on public funds.

In the other countries the situation is different: there is no participation of Parliament at all in the conclusion of treaties in Pakistan.

In Poland treaties are ratified by the Council of State, a body elected by the Diet from amongst its Members and acting as the "collective head of State."

In Great Britain it is the usual practice of the Government (known as the "Ponsonby Rule") not to proceed with ratification until a period of 21 days has elapsed from the date on which the text of the treaty is laid before Parliament. (This rule applies only to treaties requiring ratification). Thus, Parliament is given a chance to debate a treaty, if the opposition or a large majority so request. Such debates, however, seldom end in a vote.

In India treaties are not subject to the approval of Parliament, except where the treaty itself provides for its ratification by Parliament. When necessary; Government may bring forward legislation (in the form of a bill) for implementing a treaty or a motion for its ratification.

In Israel where treaties are not subject to the approval or consent of Parliament, the only reference to the submission of a treaty for parliamentary approval occurs in the Fundamental Law where it is provided that the President of the State shall sign all international agreements which have been approved by the Knesset. However, no provision in law has been made which requires such approval so that a request for approval is within the discretion of the Government. This was done only once in the case of the Genocide Convention. Since international agreements are not binding on the Israel courts, internal laws must often be enacted to give effect to treaty provisions.

When submitting such Bills, the Government usually accompanies the Bill with an explanation to the effect that the adoption of the law will enable the ratification of the treaty.

Unlike all other countries where parliamentary approval of treaties is required by the Constitution, in Canada there is neither a constitutional provision nor any strict conventions about the participation of Parliament in the ratification or acceptance of international agreements. In 1926, however, the House of Commons adopted a resolution the final paragraph of which reads that the House considers that:

"Before His Majesty's Canadian ministers advise ratification of a treaty or convention affecting Canada, or signify acceptance of any treaty, convention or agreement involving military or economic sanctions, the approval of the parliament of Canada should be secured."

The Rt. Hon. W. L. Mackenzie King who moved this resolution said in a speech in 1928 in the House of Commons:

"I submit that the day has passed when any government or executive should feel that they should take it upon themselves without the approval of parliament, to commit a country to obligations involving any considerable financial outlays or active undertakings."

And in an important statement made in 1941 he summarized the Canadian practice as follows:

"The present practice is that, except in the case of very unimportant agreements or in the case of great urgency, the Senate and House of Commons are asked to approve formal treaties, conventions and agreements, before they are ratified by or in respect of Canada."

Thus, in Canada all treaties and agreements require parliamentary approval, except (i) in the case of very unimportant agreements, (ii) in the case of great urgency, and in addition (iii) agreements which are in the form of an exchange of notes.

Agreements are made in this form either because they are too unimportant for a formal agreement, or because they are intended to be of a temporary character.

As the Canadian example shows not all kinds of international agreements are likely to be subject to parliamentary approval. Even in countries where all treaties require approval by Parliament as in Canada (see above), Japan, Libya, the Netherlands, Norway, Switzerland, and the United States, some exceptions are usual.

In Japan and Switzerland agreements or conventions of merely technical or administrative character are exempt from this requirement.

In the Netherlands the approval of the States-General is not required for (i) a convention for which a law has provided for no approbation being necessary, (ii) a convention solely concerning the execution of a convention already approved, (iii) a convention which does not contain important financial obligations, if the duration of the convention does not exceed a period of one year, or (iv) in case of time pressure. In the latter case, the convention is subsequently to be submitted for approval.

In Norway treaties of any importance are subject to the approval of Parliament or, as it is stated in the answer, the King has no right to sign a treaty without the consent of the Storting. Explicitly, however, the consent of Parliament is required for treaties (i) of "special importance," (ii) which necessitate new legislation, (iii) which necessitate a decision of the Storting, i.e. appropriation of money.

In the *United States* at last, the constitutional provision refers solely to "treaties," but there is another form of international agreement, called simply an executive agreement, that is resorted to frequently for diverse purposes and does not require the concurrence of the Senate. It is also generally conceded that the President has that authority in his capacity as the sole organ of foreign relations, or as commander-in-chief of the armed forces, but the large majority of executive agreements are made pursuant to prior statutory authorization.

Executive agreements are binding upon the national government and have been so recognized by the Supreme Court. They do not have the same force in domestic law as treaties. They are not resorted to as a device to circumvent the Senate's treaty-making role, and are not often challenged by the Senate, or by the Congress as a body, because the exigencies of modern international relations require expeditious actions and agreements which would not be feasible under treaty procedures.

Chapter III. Categories of treaties subject to approval

There is, probably, not much difference between these seven countries where all treaties are subject to approval, and some of those countries where parliamentary approval is required only for certain categories of treaties as enumerated in the Constitution.

According to Art. 50 of the Austrian Constitution political treaties and other ones as far as their text is amending or supplementing laws can only be concluded by authority of the National Council. When approving such a political treaty or one amending or supplementing laws the National Council may decide that this treaty shall be executed by the adoption of laws.

Under Art. 68 of the Belgian Constitution, treaties of commerce or treaties which could burden the State or be binding on Belgians individually are to become effective only after having received the assent of the Chambers, and no territorial change may take place except in pursuance of a law.

In Cameroon, according to Art. 12 of the Constitution, treaties on matters of federal law shall before ratification be submitted to the Federal Assembly in the form of a bill.

Art. 33 of the Finnish Constitution Act provides that treaties must be approved by Parliament insofar as they contain stipulations falling within the domain of legislation or otherwise requiring, according to the Constitution, the consent of Parliament. The latter alternative includes for instance territorial changes and appropriations.

In France and Senegal the Constitution[1] requires approval, by way of legislation, for peace treaties, treaties of commerce, treaties relating to international organization, involving a charge on public funds, modifying provisions of a legislative nature, relating to the status of persons, or involving territorial changes.

Art. 59 of the Basic Law of the Federal Republic of Germany provides that treaties which regulate the political relations of the Federation or relate to matters of federal legislation require the consent of Parliament.

In Greece, according to Art. 32 of the Constitution, treaties are concluded by the King and communicated to Parliament together with the necessary explanations. However, treaties of commerce and all treaties involving concessions which, pursuant to other provisions of the Constitution, may be enacted only by legislation, require the consent of Parliament.

In Ireland distinctions are made in Art. 29 of the Constitution between different categories of treaties. In general, every international agreement to which the State becomes a party shall merely be laid before Dail Eireann. However, any agreement involving a charge upon public funds requires approval by Dail Eireann. Neither provision applies to agreements of a technical and administrative character. Beyond that, no international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas (President of Ireland and both Houses of Parliament).

According to Art. 80 of the Italian Constitution, the ratification of treaties being of a political nature, or providing for arbitration, or involving territorial changes, charges on public funds or modifications of legislation, has to be authorized by a law.

Art. 33 of the Constitution of Jordan provides that treaties of peace, alliance, trade, navigation, and treaties involving territorial changes or adversely affecting sovereignty, or incurring financial commitments, or affesting the general or private rights of Jordanians shall not be brought into force unless approved by the National Assembly.

In Somalia Art. 67 of the Constitution provides that the Assembly shall authorize by law the ratification of political, military and commercial treaties or of treaties which involve a modification of the law or financial commitments not included in the budget.

In Yugoslavia, according to the Constitution, the Federal Assembly ratifies international treaties on political and military cooperation and international treaties which require the enactment of new, or amendment of the existing, laws. Other international agreements are ratified by the Federal Executive Council (the Government).

The following table is intended to facilitate comparison. It should however be pointed out that: the controlling power of a Parliament depends on the information available and on its watchfulness rather than on the categories of treaties that have to be expressly approved by it; the categories overlap largely. Thus, for instance, the term "political treaties" covers much of what is enumerated in other lists, and the same is true with formulations like, "relating to federal legislation", "shall be part of the domestic law", or "involving a charge upon public funds".

The table lists the categories of treaties and the countries where treaties falling under those categories (are laid on the table or) require the approval of Parliament or of one of its Chambers.

1. (a) All treaties with certain minor exceptions (approval): Canada, Japan, Libya, the Netherlands (as to procedure, see below), Norway, Switzerland, United States.

(b) All treaties ratified by a special parliamentary body: Poland (Council of State).

(c) All treaties requiring ratification laid on the Table: Great Britain, Ireland (Dail Eireann).

(d) Treaties providing for their ratification by Parliament: India, Yugoslavia.

2. (a) Political treaties, treaties regulating the political relations: Austria, Federal Republic of Germany, Italy, Somalia.

(b) Treaties on political and military cooperation, military treaties: Somalia, Yugoslavia.

(c) Alliances: Belgium (only notice given), Jordan, Switzerland.

(d) Treaties relating to international organization: France, Senegal.

(e) Treaties adversely affecting sovereignty: Jordan.

3. (a) Treaties relating to matters of (federal) legislation or to be part of domestic law: Cameroon, Finland, Federal Republic of Germany, Greece, Ireland.

(b) Treaties modifying existing law or necessitating new legislation: Austria, France, Great Britain, Italy, Senegal, Somalia, Yugoslavia.

4. (a) Treaties affecting rights or status of persons: Belgium, France, Greece, Jordan, Senegal, Yugoslavia.

(b) Treaties providing for arbitration or judicial regulations: Italy.

5. Treaties involving a charge upon public funds: Belgium, Finland, France, Ireland, Italy, Jordan, Senegal, Somalia, Yugoslavia.

6. Treaties of commerce: Belgium, France, Greece, Jordan, Senegal, Somalia.

7. Treaties involving territorial changes: Austria, Belgium, Finland, France, Greece, Italy, Jordan, Senegal, Yugoslavia.

Chapter IV. Procedure for approval

As has been seen already in the preceding chapters, not only the types of treaties requiring approval vary considerably, but also the ways in which treaties are submitted to the Parliament for approval. Apart from Great Britain and Ireland (to the extent that no approval is required) where treaties are

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[1] Art. 53 of the French Constitution and Art. 77 of the Senegal Constitution.

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merely laid before Parliament (in Great Britain as a Paper laid by command of Her Majesty—Command Paper), the following solutions can be distinguished:

"(i) In Belgium, Cameroon, France, Federal Republic of Germany, Greece, Italy, Jordan, Libya, Senegal, Somalia and Yugoslavia a treaty is submitted to Parliament in the form of a bill, that is, as an annex to a bill pronouncing approval of the treaty or authorizing its ratification; in Yugoslavia the text of the treaty is an integral part of the law by which the Federal Assembly directly expresses ratification. The bill is referred to committee and dealt with under the usual legislative procedure."

In France as well as in Cameroon and Senegal the bill authorizes either ratification of the treaty or, if the agreement does not require ratification, approval. In Greece it can be a bill authorizing the Government to negotiate and conclude a certain treaty under certain conditions or bill approving a treaty already concluded.

In Canada approval is sometimes contained in a statute, particularly if enabling legislation is required; more usually, it is in the form of a joint resolution adopted by both Houses.

"(ii) In the Netherlands the approval of the States-General may be either explicit or tacit. Under the explicit procedure a bill to approve a treaty is introduced, debated and passed in accordance with the ordinary legislative procedure. Under the tacit procedure the Government lays the text of the treaty before both Houses together with a letter asking for their agreement. Approval is assumed to have been given if within a period of thirty days no request has been made for approval to be given explicitly in the form of a bill. Such a request must be sponsored by one of the Chambers or at least one fifth of the members of both Chambers.

"(iii) In Austria, and in Canada usually (see above), as well as in Norway, Switzerland and the *United States*, a treaty is approved in the form of a resolution adopted by Parliament."

In *Ireland* (in case of an agreement involving a charge on public funds) the approval of Dail Eireann is signified by the adoption of a resolution.

In Norway, the Government presents the negotiated treaty to the Storting together with explanations. The matter is referred to a committee which reports to Parliament, with a recommendation.

In Switzerland a treaty is submitted to Parliament in the form of a simple federal decree (arreté fédéral simple) or, if the treaty is concluded for an unlimited duration or for a period exceeding fifteen years, in the form of a federal decree of general application (arrêté fédéral de portée générale).

In the *United States* a certified copy of the signed treaty is submitted to the Senate accompanied by an "executive communication" from the President requesting ratification by the Senate. The decisions made by the Senate after its deliberations in committee and in the Chamber, as provided for in detail by Rule XXXVII of the Senate, the concurrence of two-thirds of the present Senators being required, are reduced to the form of a resolution of ratification, with or without amendments or reservations, as the case may be.

"(iv) In Finland and Japan, a treaty is submitted to Parliament with the request (or motion) for approval and that approval is given by a vote, without adopting a resolution. In Finland, a treaty involving territorial changes requires approval by at least two-thirds of the votes cast. Furthermore, in Finland at least, matters relating to treaties must first be considered by the Foreign Affairs Committee."

In many countries treaties modifying existing legislation or necessitating new legislation or where the subject matter of a treaty is to become domestic law—have to be approved through enacting legislation.

Thus, in Finland, the Government submits to the approval of Parliament one or more bills purporting to bring the existing legislation in accordance with the provisions of the treaty. In Great Britain, when a treaty has been ratified, it may be necessary to introduce consequential legislation. In Ireland, when a treaty is to become part of the domestic law of the State, this has to be determined by both Houses of Parliament by enacting legislation. In India, when necessary, the Government may bring forward legislation for implementing the treaty or a motion for its ratification. In Israel, where international agreements are not binding on the Israeli courts, internal laws must often be enacted to give effect to treaty provisions. When submitting such bills, the Government usually accompanies the bill with an explanation to the effect that the adoption of a bill will enable the ratification of the treaty.

In some countries the Constitution provides for special procedure where a treaty is not reconcilable with the Constitution. In Austria, in such a case, the National Council in the resolution approving the treaty must expressly state that the treaty amends the Constitution, the resolution requiring a two-thirds majority. In the Netherlands, the law approving such a treaty must likewise be adopted by a two-thirds majority. In France and Senegal, if the Constitutional Council (in France) or the Supreme Court (in Senegal) declares a provision of an international agreement to be contrary to the Constitution, ratification may be authorized only after the Constitution has been amended.

There is no instance of a Parliament in which treaties have to be considered in secret sittings. However, in all Parliaments except that of India the House may so decide in accordance with the general rules. According to the answers received, this has never happened or is very exceptional. Probably, in committee it happens more often that treaties are considered in confidential or secret meetings (cf. above, Part III).

It may be mentioned here that there are only two Parliaments which, directly or through a special body, ratify treaties, namely the Parliaments of Poland and Yugoslavia.

In Poland, as has been mentioned above, international agreements are ratified by the Council of State acting as the collective Head of State on a motion presented by Government. This body is elected by the Diet form amongst its Members and in all its activities is subordinate to the Diet. The resolution on the ratification as adopted by the Council of State is published in the Journal of Laws as a document of ratification. In actual practice there was one instance of the Diet ratifying a treaty of special importance, the Warsaw Pact, on May 19, 1955. In this case, the motion for ratification was presented to the Diet by the Council of State. The matter was referred to the Committee for Foreign Affairs which, after preliminary examination, reported on it to the Diet. The Diet, at its plenary meeting of May 19, 1955, adopted the resolution as to the ratification of the Warsaw Pact. On the basis of this resolution, the document of ratification was drawn up by the Council of State and published, in regular form, in the Journal of Laws.

In Yugoslavia, as has been mentioned before, the Federal Assembly ratifies, according to the Constitution, international treaties on political and military cooperation, and international treaties which require the enactment of new legislation or amendment of existing legislation. Other international agreements are ratified by the Federal Executive Council (the Government). This is expressly provided for in Art. 164 (9) of the Constitution, although the instruments of ratification of international agreements, according to Art. 217 (3) of the Constitution, shall be issued by the President of the Republic.

Chapter V. Extent of powers of parliament when approving treaties

(a) *Power to Amend Treaties:* In general, Parliament has only the power to approve or reject a treaty, since the treaty submitted to Parliament has been finally negotiated. No amendment to the bill approving a treaty may affect the contents of the treaty. However, if a treaty should ever be rejected, Parliament could indicate its objections.

In Finland Parliament may, if it is still possible, request the Government to take measures to modify the provisions of the treaty in accordance with the decisions of Parliament, and if the treaty allows for reservations, Parliament may request the Government to act according to the decision of Parliament.

In the *United States*, as the only exception, the Senate is not limited to either approving or rejecting a treaty. When the Senate intends that its ratification be limited, it normally adds reservations, or proposes amendments to the treaty, in the resolution of ratification. If amendments are proposed by the Senate, the treaty must be renegotiated by the President and, when agreed to by the parties, resubmitted to the Senate for ratification, unless the only changes are the incorporation of the amendments proposed by the Senate—in which case the previous resolution of ratification (in which the amendments were proposed) usually is sufficient.

(b) *Significance of Preambles:* The preamble to a treaty may be helpful for its interpretation, in particular if it has to be construed by the courts. It is however generally held in the answers received that parliamentary approval necessarily extends to the preamble and that such extension has no special significance.

With regard to the preamble to the bill or resolution approving a treaty, it is generally held that such a preamble does not have any significance or the interpretation of the treaty in as much as it cannot bind the other parties to the treaty.

According to the Finnlish Constitution, it is doubtful whether treaties can be interpretated through legislative measures.

In India and Ireland, preambles to Acts of Parliament are not common. In Ireland, preambles may be used by the Courts as an aid to interpretation if the meaning of the text of the Act is not clear and unambiguous. The Indian answer holds that it can affect interpretation of the provisions of the bill to the extent they are not clear or are ambiguous.

A preamble to the bill authorizing ratification is not possible in France, Italy, Senegal and Yugoslavia. In Italy, however, Parliament when passing a law may come to a resolution inviting the Government to act in a certain sense, though the resolution would not have binding force.

In Switzerland, it is held that the text of the law (including a preamble) approving, or authorizing ratification of, the treaty may affect the interpretation of the treay.

The German Bundestag when adding a preamble to the bill approving the German-French treaty did not intend to influence interpretation of the treaty but only wished to clarify its approval as far as other treaties and external relations were concerned. Thus, it was meant to interpret the bill of approval, not the contents of the treaty.

Similarly, in the United States preambles to resolutions generally are useful for purpose of construing the resolutions, as indicating the intent of the legislative body in taking the action. If the Senate intends that its ratification be limited, it normally adds reservations or proposes amendments to the treaty in the resolution of ratification. In the case of the Nuclear Test Ban Treaty, however, the Senate inserted a preamble to its resolution of ratification designed to require that subsequent amendments to the treaty be submitted to the Senate for ratification.

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Chapter VI.—Referendum on treaties

In respect of referendum, reference is made to chapter 10 of Part I (p. 27–28).

Special mention has to be made here only of Norway where Parliament may decide that a consultative referendum should be held before a treaty of great importance is ratified. When an intense public debate arose out of Norway's request for membership in the European Economic Community, Parliament decided that a consultative referendum should be held before a final decision would be taken.

ITALIAN NATIONAL DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, June 2, 1946, is a significant date in the varied and tumultuous history of the Italian people. On that day, at the polls, the Italians put their trust in a republican form of government to lead them on the road to peace and prosperity. By providing a democratic framework in which the Italians could freely exercise their individual talents and put their creative energies to work, the Republic proved to be best suited to the Italian character and temperament. Indeed, in less than a generation, not only have the Italian people rebuilt a war-torn economy, but they have accomplished an economic miracle often compared with that of Germany. Handicapped by a lack of natural resources, they have managed to transform the north into one of the most vital industrial centers of Europe. And thanks to ingenious agricultural and industrial programs, the gap between the north and the south is being rapidly filled. Italian products flood world markets at highly competitive prices. Today, Italy's currency reserves, set at $5.4 billion, are the world's highest after the United States and West Germany.

Postwar Italy has also become one of the stanchest allies of the United States in Western Europe. Under the able leadership of men of vision such as Alcide de Gasperi, Italy has endeavored to secure a lasting peace in Europe by promoting the cause of an economically and politically integrated Europe, including Great Britain, in close alliance with the United States. It was at Messina that the plans for a common market were elaborated, and at Rome that the treaty establishing the European Economic Community was signed in 1957. Italy has also linked her security with that of the United States and has welcomed NATO on her shores. The skill and tact of NATO's present Secretary General Manlio Brosio, have been instrumental in enabling the organization to surmount crises and successfully adapt to changing conditions. Italy has promptly adhered to the nonproliferation treaty, and her active participation in world organizations and conferences reflects her concern for world peace.

Therefore it is with pride and admiration that I wish to pay tribute to the Italian people on the 23d anniversary of the founding of the Republic, and also to Italy's exceptionally capable and charming ambassador to the United States, Egidio Ortona. The sentimental, historical, and cultural ties which have bound the United States and Italy in the past have been reinforced and revitalized by the realization on both sides of the Atlantic that not only do we share a common heritage, but that we also share a common future.

ANDRETTI WINS BIG IN THE "INDY 500"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY. Mr. Speaker, it is my privilege today to lay claim to a distinctive honor which none of my colleagues can claim in this first session of the 91st Congress. That is, Mr. Speaker, that a member of my constituency in the 15th Congressional District of Pennsylvania piloted the winning car at the Indianapolis Speedway in the 53d annual running of the Indianapolis "500" on Memorial Day 1969.

I say "piloted the winning car" because that is what Mario Andretti, the fearless racing driver from Nazareth, Pa., did. Mario virtually flew around the 2½-mile speedway track, recording the fastest average time in the history of the Memorial Day classic—156.867 miles per hour. His average speed was nearly 4 miles per hour faster than the previous record of 152.882 miles per hour set just a year ago by Bobby Unser.

Mario Andretti took the checkered flag at Indianapolis last Friday afternoon after successfully completing the 200-lap race in his back-up car. Nine days earlier, his No. 1 car crashed on the speedway. Mario escaped from that crash with his life, having suffered only facial burns. Undaunted, he demonstrated the racing form of a real champion in Friday's race.

The victory was tremendous in many respects. Andretti received record prize money for the feat—$205,727.06—as he became the first Indy 500 driver ever to top $200,000 in winnings in a single race. Andretti also succeeded where others had failed—he provided car-owner Andy Granatelli with his first "500" victory after 23 years of trying as driver, mechanic and more recently as owner of racing cars.

The community of Nazareth in the Lehigh Valley of Pennsylvania, Mario's adopted home, is proud of its champion. I am honored to have this opportunity to recognize his spectacular feat in this Chamber and to renew the sincere congratulations I wired Mario and his family Friday afternoon.

KING'S OFFICIAL RECORD MUST BE MADE PUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentlemen from Louisiana (Mr. RARICK) is recognized for 30 minutes.

Mr. RARICK. Mr. Speaker, one of our colleagues is disgruntled because on May 26 I pointed out to the House the incredible dedication of a law school at the University of California in honor of Martin Luther King, Jr. I referred to King as an errand boy of international communism. I was not on the floor when this vituperative personal attack was leveled against me, and any objective discussion is precluded inasmuch as the complaining Member failed to address himself to any facts on King but rather confined his remarks to emotional oratory.

Having read documentation on King and having examined the RECORD available to this House, I reiterate my remarks of May 26 and suggest the following action.

I call on King's apologists to join me in demanding that the present administration authorize J. Edgar Hoover and the Justice Department to make public their files on the activities, the confidants and the financial sources of Martin Luther King, Jr. Certainly there is nothing to hide and our people are entitled to a full disclosure of the entire record to either substantiate or disprove previously published information which I insert following my remarks to be placed here in the RECORD:

[From the CONGRESSIONAL RECORD, Aug. 16, 1967]

DISCARD RIOTS

Mr. RARICK. Mr. Speaker, many excuses and explanations are being fed to the American people as to why the riots, looting, and bloodshed have occurred in our cities.

Seldom is it even suggested that so-called civil rights legislation and promoted race mixing—not poverty—is the cause.

Unless our people through their elected leaders stop this forced amalgamation the result can but be either a society of semislavery under so-called social laws, or a race war—in either event, neither can benefit America.

I trust our colleagues will read a letter recently received from Bishop C. Fain Kyle of Box 1366, Richmond, Calif., who as a Negro presents his views on the created race problem.

I also include a news release from the August 15 Washington, D.C., Evening Star:

"DISCARD,
"Richmond, Calif., August 11, 1967.

"Hon. JOHN R. RARICK,
"Member of Congress,
"Washington, D.C.

"MY DEAR SIR: Where there is no vision, the people perish! Your Negro writer was one of those able to foresee from the very beginning that these civil-rights agitators posing as crusaders would eventually and inevitably provoke a general frightening race war in this country through their hatred, bigotry and defiance manifested through these nonsensical demonstrations.

"Said foresight resulted in the establishing of the above-named anti-demonstration organization which was chartered by the State of California on November 19, 1963.

"In our first press release, we issued the following statement: 'There is no doubt but what there are in existence certain evils and inequities that need to be dealt with, but open rebellion on the part of any people is certainly not the answer and should not be tolerated in America, where we have constitutional government, and where it is every citizens constitutional right to seek redress in the courts of the land if he has been dealt wtih unfairly, or exposed to lawless violence.'

"Perhaps you can help to arrange for your humble servant to be invited to appear and testify before one of the congressional committees so that the American people can be thoroughly informed by hearing from an American-born Negro who is a very definite part of that 97 percent of the Negro popula-

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tion in this country which now and always have been opposed to demonstrations, riots, insurrection and anarchy.

"For the consideration which shall be given to this letter, please accept my sincere thanks in advance.

"Respectfully,

"Bishop C. Fain Kyle.

"Richmond, Calif.—Bishop C. Fain Kyle is Executive Director, Dedicated Independent Society Committee Against Racial Demonstrations, Inc., Presiding Bishop; Conservative Christian Churches of America, Inc., National Chairman, Christian Conservative Party, Inc., President, Conservative Broadcasting Corporation, Inc., and State Chairman, California Recall Committee, Inc.

"Each one of the above named Nonprofit Corporations recently went on record charging Dr. Martin Luther King as being directly or indirectly responsible for the chaos, anarchy, insurrection and rebellion brought about through agitation, demonstrations and rioting throughout the United States in recent years, months, weeks and days.

"This includes the Selma and Montgomery mess, shame and murders in Alabama, the Americus, Georgia, debacle and murder, riots, injuries, arson and murders in the State of Mississippi, lawlessness in Chicago, Springfield, Massachusetts, and the fair city of Los Angeles, where the nation witnessed the greatest catastrophe of its kind in history took place in Watts.

"King was severely criticized, condemned and censured by all of these organizations for being the inspiration or instigator directly or indirectly of all these sordid affairs. King was further condemned for his hypocrisy in posing as a non-violent leader and Christian Minister, when in reality just about every move King has inevitably resulted in both violence, bloodshed and murder.

"The organizations further censured and condemned King for his noticeable failure or refusal to go or even send word to Los Angeles ordering the rioters in Watts to cease and desist from all violence and lawlessness which King knew to be wrong, both morally and legally.

"Furthermore, these organizations took note of the fact that instead of King trying to do something, anything to bring a halt to the recent Los Angeles war in Watts which has brought shame upon our nation, that King left the country for a sort of vacation speaking engagement in Jamaica, West Indies, during the time the lawlessness in Watts was at its peak.

"According to the five organizations which authorized Bishop Kyle to issue this news release, the whole world should now be aware that King is a false, hyprocritical wolf in sheeps clothing, who, knowingly or unknowingly, is being used by the Communists to provoke a general frightening "race war" in this country that could very well result in the destruction of America.

"During the past several years, Bishop C. Fain Kyle has repeatedly warned and sought to alert the American people (both Negro and White) that King is the most dangerous man in the world today, that such disasters as the one that recently struck Los Angeles are inevitable under his kind of leadership, and that in due time the entire nation will become locked in a hopeless, devastating 'race war' unless King, who has openly defied Municipal, County, State and Federal Court edicts and injunctions, and gotten away with it—is shorn of his power and imprisoned for his criminal acts and deeds for defying the courts of the land."

[From the Congressional Record, Oct. 4, 1967]

Rev. Martin Luther King: Man of Peace or Apostle of Violence?

Mr. Ashbrook. Mr. Speaker, one of the most incredible cases of American naivety can be found in the strange story of Rev. Martin Luther King. While alert Americans generally seem intent on discovering the facts, discussing the issues, and developing a dialog in scores of social, economic, political, and religious areas and debating the pros and cons of the Bishop Pikes, the Rap Browns, and the George Lincoln Rockwells, there is a strange silence and lack of debate when it comes to Martin Luther King.

It it almost as if he is being consciously protected by the press which normally accepts accolades for presenting both sides of a story and piercing with rays of informative reportoral light all proper facets of national life. King is a national figure, this cannot be denied. He is one of the only men who can go from jail cell to a conference with the President of the United States. His name is known; his cause is said to be civil rights. For one reason or another, however, very little is known about the real Martin Luther King. I believe that if his true character were known, he would not be able to command a corporal's guard to follow him.

While preaching nonviolence, I believe the record clearly shows him to be an apostle of violence. While gaining major support from clergymen, I believe he has preached an expedient, totally materialistic line which is the antithesis of religious teachings. He has openly associated with the most radical elements in our society. I believe he has done more for the Communist Party than any other person of this decade.

These may sound like strong words, Mr. Speaker, but the facts are even harsher. I have heard Reverend King speak. On one occasion he may have a soulful melancholy that is, without doubt, most impressive. On another, he can rant with the best of the demagogs, and while more sophisticated than Stokely Carmichael or Rap Brown, he says, in effect, the same thing. He makes no pretense at keeping his skirts clean or his house in order. He does not have to because the past 10 years have demonstrated that the liberal community and the news media of our country will either not note or meekly forgive his indiscretions.

Take the year 1967 alone. At a time when Detroit and Newark had just witnessed a virtual guerrilla war and a chaotic lawlessness without equal in modern times, King was urging a massive dislocation of northern cities. Instead of intervening as a moderating influence he took up the cause of the rabble-rousers and threatened these dislocations which, he averred, would force the Congress to provide financial assistance for slum Negroes. Yes, he would force us. Force us in this free society. Force is a word he understands well. He added:

"This is something like a last plea to the nation to respond to nonviolence. There is a great deal of bitterness (in the slums). If there is not provided a channel of constructive action, this bitterness will lead to desperation riots and social disruption."

At a time when the incendiary statements of Brown and Carmichael were sparkling the riot-prone tensions, did King emerge as a national leader seeking to soothe these passions? No, he attended as keynote speaker the most radical assemblage of anti-Americans ever put together, and as the Communist Daily Worker approvingly and glowingly reported:

"He described vividly the racism that can praise in its history books a white Patrick Henry who sounded the call against the British redcoats while it condemns H. Rap Brown who insists that black victims of oppression in America should fight for their freedom."

Imagine that—comparing the rabble-rousers, the looters, the social misfits in America to patriots like Patrick Henry. He was further quoted as saying "Maybe the bluecoats in the ghetto are our redcoats."

The convention, the National Conference for New Politics—NCNP—heard chantings of "Kill Whitey, Kill Whitey" and the most revolutionary anti-American doctrine that could be imagined and yet the August 29–September 4, 1967, confab had the supposed "man of peace" Mr. King as their keynoter. It represented a major breakthrough for the Communist Party and King helped. For years, the Communists have chafed at the doctrine of separation which tended to keep them out of respectable liberal gatherings. In the 1930's, the liberals worked hand in hand with the Reds but the growth of anti-communism in the Nation has brought about a change in the 1950's and 1960's. Except for the more radical groups, liberals in general have tried to keep Communists from participating in their causes and at their conventions. King has consistently worked with Communists and has helped give them a respectability they do not deserve. The NCNP in Chicago represented such a breakthrough in the Red goal of "nonexclusion" that they editorialized gleefully in their organ, the Daily Worker, on August 22, 1967.

Reverend King is the hero of many militant Negro leaders although denounced by others in the black power structure. He has allied with Cassius Clay. When you study his speeches closely you are struck by the obvious fact that while ostensibly condemning racism, he himself preaches a black racism. One of the leading black racists in the country is Rev. Albert C. Cleage, Jr., who just after the terrible riot told his Central United Church of Christ in Detroit:

"There is no escape for you and when white people try to tell that good niggers can get through this golden door of integration, don't believe it. We don't even want that door because that's destroying us."

Cleage went on to say:

"We are dealing with an enemy who is not going to accept us into American life."

In extolling King, he noted:

"Dr. King led black people to understand that integration could never come to pass. He helped black men understand that 'the man' is an enemy."

In his flagrant disregard for law and order, Reverend King has given credibility to one of the most dangerous dogmas than can be promoted in an orderly society. He simply arrogates to his own inspiration the whim to disobey any law which he loosely terms unjust. Court orders, State, and Federal laws, municipal ordinances—they must all fall in front of his supposition that he has a divine right to break the law. His conduct is clearly criminal in this regard and certainly has helped develop the idea among rioters and looters that they can obey their own concepts of good and bad laws and act accordingly.

Like most power-hungry tyrants, he has gone one step too far. In disobeying a court order, he was sentenced to jail. On appeal to the Supreme Court, he was surprised to find that a usually supine and hopelessly liberal Court rose up in indignation and slapped his wrists in a strong indictment of his illegal activity. Said the Court in affirming his jail sentence on June 12, 1967:

"This Court cannot hold that the petitioners were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. One may sympathize with the petitioners' impatient commitment to their cause. But respect for judicial process is a small price to pay for the civilizing hand of law, which alone can give abiding meaning to constitutional freedom."

Mr. Speaker, this succinct statement should be burned into the consciousness of all of those who have at one time or another fallen for the pious pronouncements of Martin Luther King. Carrying the battles to the streets, as the court phrases it, is not a constitutional right. It is, in reality, criminal conduct and should not be condoned by any thinking American. I repeat again the Court's most emphatic statement:

"But respect for judicial process is a small price to pay for the civilizing hand of law,

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which alone can give abiding meaning to constitutional freedom."

At the height of the rioting fury which was sweeping the country, King joined three other civil rights leaders in issuing a cautious call for an end to violence because, among other things, it is self-destructive to the Negroes' interest. This was on July 26, 1967. Two days later King was visiting Cleveland, Ohio, on an inspection tour. He tersely expanded on his theme of violence being self-destructive when he said:

"I can't recommend burning down Cleveland. We end up getting killed more than anyone else and our businesses get burned."

No statement, Mr. Speaker, could more clearly expose the irresponsible, cynical nature of the subject of these remarks. This is typical of the manner in which he advocates "nonviolence." Burning, looting, and killing are not immoral or wrong, it would seem. Merely destructive to the self-interest of this particular minority group.

Reverend King expresses indignation over Vietnam. In this he is joined by many millions of Americans. Few of us are pleased at what is happening there but we are not disloyal to our Nation. Reverend King showed his true colors in April of this year in a major speech he delivered on Vietnam. I believe that any thinking American who will study his words must conclude as I have that he is disloyal to the United States. He maligned his country with lies and accusations that come straight from the Communist Party line. A strong statement you say. Listen to what he said. He praised Ho Chi Minh as the only true leader of the Vietnamese people. He condemned the United States as the "greatest purveyor of violence in the world today," and likened our Nation to Hitler's Germany. He condemned the late President Diem as "one of the most vicious modern dictators" and threw out wild charges like the United States may have killed 1 million children in Vietnam. He conjured up an American napalm war in Peru so he could denounce it. He said we have no honorable intentions in Vietnam and our minimal expectation is to occupy it as an American colony. These are but a few of the wild accusations of the Nobel Prize winner many people have been led to believe is a man of peace.

Even the ultraliberal Washington Post could not stomach King's blatant lies and propaganda. In an editorial entitled "A Tragedy," they roundly condemned King by saying:

"A TRAGEDY

"Dr. Martin Luther King's Vietnam speech was not a sober and responsible comment on the war but a reflection of his disappointment at the slow progress of civil rights and the war on poverty.

"It was filled with bitter and damaging allegations and inferences that he did not and could not document. He flatly charged the Government with sending Negroes to fight and die in extraordinarily high proportions relative to the rest of the population. But Negro troops constitute 11 per cent of the enlisted personnel in Vietnam (10.5 per cent of the population was Negro in 1960). Negro casualties are higher than this (22.5 per cent of killed in action) because of higher Negro enlistment for elite corps and higher rate of Negro re-enlistment. No doubt these figures reflect in part the fact that civilian employment opportunties are not as great for the Negro. But they also reflect, in part, the zeal and courage of Negro soldiers. And they reflect the fact that in this war the Negro in uniform is not limited to work battalions.

"Dr. King says the United States may have caused a million civilian casualties in Vietnam—mostly children—but he did not give any supporting authority for this statement.

"He stated flatly that 'our officials know' that less than 25 per cent of the members of the National Liberation Front are Communist—but he neglected to say what officials or where they said it.

"He contends that Ho Chi Minh knows that the bombing and shelling we are doing is 'part of traditional preinvasion strategy,' but gives no credence to our express declaration that no invasion is intended.

"He has no doubts that we have no honorable intentions in Vietnam and thinks it will become clear that our 'minimal expectation is to occupy it as an American colony.' He feels that men will 'not refrain from thinking' that our 'maximum hope is to goad China into a war so that we may bomb her nuclear installations.' It is one thing to reproach a government for what it has done and said; it is quite another to attribute to it policies it has never avowed and purposes it has never entertained and then to rebuke it for these sheer inventions of unsupported fantasy.

"He has even conjured up an American napalm war in Peru so that he could denounce it.

"Dr. King is right to reproach America for not ending discrimination and poverty. But these are failures for which every Administration in the history of the United States deserves more reproach than this one. It is strange irony indeed that the Government which has labored the hardest to right these ancient wrongs is the object of the most savage denunciation, the most unreserved criticism and the most unfair blame.

"Dr. King has done a grave injury to those who are his natural allies in a great struggle to remove ancient abuses from our public life; and he has done an even graver injury to himself. Many who have listened to him with respect will never again accord him the same confidence. He has diminished his usefulness to his cause, to his country and to his people. And that is a great tragedy."

To those liberals and bleeding hearts who have not intelligently discerned what King has been saying and doing, during his decade of prominence, this may have come as a tragedy. To those of us who have followed him closely and have been aware by both public and confidential documentation, of his questionable activity, it comes as no surprise at all. In 1967 the real King surfaced and yet where is the criticism he should be getting?

These are but a few highlights, Mr. Speaker, in the disappointing story of Martin Luther King. I say disappointing because he has had a rare oppotrunity to aline himself with an important cause and work for solutions to social ills through our democratic process. This he has not done. He has had the opportunity to work with men of good will but all too often he has alined himself with the most radical and un-American elements in our country. I now present in detail some of the background of Martin Luther King.

THE VIOLENT NONVIOLENCE OF DR. KING

"I have a deep commitment to non-violence"—Dr. Martin Luther King, Jr.

On May 4, 1963, police dogs and firehoses were used to quell a demonstration by lawbreakers in Birmingham, Ala. There had been violence plain and simple. Martin Luther King and his righthand man, Rev. Fred L. Shuttlesworth, threatened that these demonstrations would continue until there were not only promises of an end to segregation but "action." There was, they said, "no intention of relaxing pressure without such action. We negotiate from strength" and "will consider" calling off the demonstrations after the action. This was the mood of the well-known nonviolence of Dr. King.

The day following action by police dogs and firehoses, the New York Times reported that residents of Birmingham heard from the lips of King, the man who preached peace in the streets but led the lawless bands:

"Today was D-Day. Tomorrow will be double D-Day."

One seldom hears Martin Luther King's name without the "nonviolent" slogans coming in successive breaths. But quite often the nonviolence of King leads to violence of riot proportions. The big lie technique is clearly used. Repeat "nonviolence" over and over so the public will believe it and then practice violence or the encouraging of violence.

Violence accompanied King during his early days in Birmingham. It was present during the death of a fellow pastor at, of all places, a Baptist convention. It was with him in Albany, Ga. It returned with him to Birmingham and Albany. It followed him to St. Augustine, and they were together in Chicago. It is not an exaggeration to say he leaves a trail of violence in his wake.

In addition to the physical presence of Martin Luther King in flammable cities, there is the presence of King's words and ideas in every tension area across the United States. The power of Dr. King to promote violence was recognized early. Arrested for loitering in 1958, King was charged with irresponsibility by a judge who said:

"It is regrettable that this case arose . . . there was serious danger of an incident."

On many occasions, like Chicago in 1966, he goes to the scene of violence and instead of trying to settle troubled waters, he adds to the riot-producing tension.

Early statements of King reveal continued use of the phrase "direct action programs." His philosophy and purpose as outlined in his book, "Why We Can't Wait," amount to this. Note his forked tongue semantics. He admits that there is an effort to create a "crisis packed situation" but he concludes he is not a "creator of tension." He stated: "The purpose of our direct-action program is to create a situation so crisis-packed that it will inevitably open the door to negotiation. . . . Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with."

In August of this year, at a time of serious racial tension, he said virtually the same thing—again with a certain amount of double talk. King said:

"Negroes will be mentally healthier if they do not suppress rage but vent it constructively and its energy peacefully but forcefully to cripple the operations of an oppressive society."

Read that one over several times and try to tie together the words "rage" which somehow is to be "vented" to "cripple" an "oppressive society."

Louis Waldman, a leading Negro labor lawyer in Chicago, answered King's statement this way:

"The philosophy and purposes of Dr. King's program . . . is to produce 'crisis-packed' situations and 'tension.' Such a purpose is the very opposite of nonviolence, for the atmosphere-of-crisis policy leads to violence by provoking violence. *And the provocation of violence is violence.* To describe such provocation as 'nonviolent' is to trifle with the plain meaning of words.

"The perpetual crisis technique has been used by the Communist movement governout the world, both Communist governments and parties follow it. . . . It was used by Hitler in Germany, both on his road to power and after power came to him . . . It is disruptive of democratic society and institutions.

"Whether Dr. King knows it or not, or wills it or not, the policy of perpetual crisis, of provoking 'tensions' as he calls it, and of civil disobedience, are disastrous to the Negro people themselves, to civil liberties and to constitutional government. Such a policy flies in the teeth of the very purpose of our Constitution, which is clearly stated

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in the Preamble to be, among other things, 'to insure domestic tranquillity.' "

This is a damning indictment from a man who praises nonviolent approaches to problems of civil rights, and it comes not from a racist, but from a Negro who has been a champion of civil rights for decades.

Most Americans call the bloodshed, looting, fire bombing, and vandalism by its true name, violence, and to argue that these results of the King-led, -organized, and -backed marches, demonstrations, sit-ins, lie-ins, and the like are the fault of those who react against them is to argue not only against logic but also the law. The Supreme Court, in Hague against CIO, 1939, said:

"The privilege of a citizen to use the streets and parks for the communication of views on national questions must be regulated in the interests of all . . . and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order."

This opinion of the Court was reaffirmed as late as 1966. Former Supreme Court Justice Charles E. Whittaker makes the point that it is an "ancient and honored legal maxim that all men are presumed to intend the natural consequences of their acts." From this maxim comes severe condemnation of Dr. King for the broad areas of unrest and lawlessness which he promotes under the title of civil rights. Largely through the connivance of the liberal community, King has generally escaped the responsibility he deserves for the logical consequences of his civil disobedience pronouncements.

THE UNJUST LAWS

King explained his ideas on civil disobedience in terms of just and unjust laws, and how they are to be broken, during an interview on the March 28, 1965, "Meet the Press":

"I do feel that there are two types of laws. One is a just law and one is an unjust law. I think we all have moral obligations to disobey unjust laws.

"I think that the distinction here is that when one breaks a law that conscience tells him is unjust, he must do it openly, he must do it cheerfully, he must do it lovingly, he must do it civilly, not uncivilly, and he must do it with a willingness to accept the penalty."

To King the only guide whether or not to violate the law is his own particular whim or caprice. He and he alone will decide. Note that there is no mention of the fact that following one's conscience may violate the conscious obedience to the law by many other citizens. To King it makes no difference, if one accepts the penalty.

In the recent Birmingham decision, already cited, which upheld fines and jail terms for King and others who defied a court injunction against a civil rights march, the majority of the Supreme Court agreed that:

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses . . . Respect for the judicial process is a small price to pay for the civilizing hand of law, *which alone can give meaning to constitutional freedom*. (Emphasis added.)"

As usual, Reverend King tried to equate his own illegal contempt of court to Negro injustice. Appearing on the nationwide June 18, 1967, ABC program "Issues and Answers" he found the prospect of his 5-day jail sentence and the U.S. Supreme Court decision which ordered it upsetting to all Negroes. He warned the decision would "encourage riots and violence in the sense that it all but said that Negroes cannot redress their grievances through peaceful means without facing the kind of decision that we face."

This is directly false. In addition to his usual "invitation" to riots and violence, he tries to evade the real issue. He was not engaging in "peaceful means." He was engaging in illegal means, flouting the judicial process. The court decision was not saying anything to Negroes, it was a statement of the law of the land which was clearly applicable to every American. The true King can be seen in this twisting of the facts, his effort at personal martyrdom and the veiled threat of riots and violence which he uses in virtually every situation.

The value of committing acts of civil disobedience "openly," "lovingly," as it were, is commented on by Attorney Waldman, previously cited:

"Apparently, Dr. King thinks that in violating laws 'openly' he and his followers are more virtuous than those who violate laws secretly. As a matter of fact, the reverse is true. The open violation of law is an open invitation to others to join in such violation. Disobedience to law is bad enough when done secretly, but it is far worse when done openly, especially when accompanied by clothing such acts in the mantle of virtue and organizing well advertised and financed plans to carry out such violations. The secret violator of law recognizes his act for what it is: an antisocial act; he may even be ashamed of what he is doing and seek to avoid disapprobation of his neighbors. But the open violator, the agitating violator, acts shamelessly, in defiance of his neighbor's judgment and his fellow man's disapproval."

Dr. King defines unjust laws as "those in which people are required to obey a code that they had no part in making because they were denied the right to vote."

When pinned down about communities where Negroes have the right to vote, and asked whether there was still the "right" to disobey, King expanded his code for lawlessness even more:

"There may be a community where Negroes have the right to vote, but there are still unjust laws in that community. There may be unjust laws in a community where people in large numbers are voting, and I think wherever unjust laws exist people have a right to disobey these laws."

Here King jumped from Negroes to all people and from people without voting privileges to even those who do have the constitutional methods of change open to them. To him, the majority might always be wrong, the minority always right. Acceptance and promotion of this philosophy can only lead to the disintegration of American society. From it follows the chaotic situation where any one who believes, or even feels, that a law is unjust merely disobeys. The denial of freedom to the majority of Americans who obey the law is proportional to the number of persons who set themselves up as final judge and then disobey. While professing Christianity and humility, King strikes a harder blow at fundamental concepts of justice than any would-be dictator or other demagog in contemporary American history.

On the same "Meet the Press" program referred to earlier, Tom Wicker of the New York Times asked:

"How are we to enforce law when a doctrine is preached that one man's conscience may tell him that the law is unjust, when other men's consciences don't tell him that?"

King responded:

"I think you enforce it, and I think you deal with it by not allowing anarchy to develop. I think the chief norm for guiding the situation is the willingness to accept the penalty, and I don't think any society can call an individual irresponsible who breaks a law and willingly accepts the penalty."

This is more King jibberish and feigned piety. To commit murder, for example, and then willingly go to prison to pay the penalty cannot change the nature of the transgression—it is still wrong.

Willingly or not, the question is still, in Judge Whittaker's words:

"Can anyone reasonably believe that a disorderly society can survive? In all recorded history none ever has. . . . History also shows that, in each instance, the first evidence of the society's decay appeared in its toleration of disrespect for, and violation of, its law. There is no good reason to believe that similar toleration will serve us differently."

WHEN CIVIL DISOBEDIENCE BECOMES NECESSARY

Inflammatory statements, threats and actual instances of civil disobedience are evident throughout the career of Martin Luther King. In December 1959, King called on southern Negroes to practice civil disobedience, if necessary, and to break, openly, any State or local law "not in harmony with Federal law. This," he continued, "is the creative moment for a full scale assault on the system of segregation. We must practice open, civil disobedience."

In the fall of 1961 King spoke on the role of the Negro student, stated his hollow call for nonviolence and in the next breath called for "disobeying the unjust laws."

Two years later in Birmingham, King warned that city of more massive demonstrations:

"I hope civil disobedience will not be necessary but, if something is not done quickly, if Congress filibusters the civil rights bill and does not pass the public accommodation section, Negroes will have to engage in massive civil disobedience."

Ten days later he said he feared violence and warned agains that if the civil rights bill did not pass it "may lead to a night of darkness and violence."

I personally heard his threats at Howard University in 1964 during the time when Congress was debating the civil rights program, and I can assure you that he spoke not as a man of peace but as a man of violence.

In February of 1966, King and his men decided to assume "trusteeships" of a six-flat tenement in Chicago as part of a campaign to improve living conditions for the residents. King had no authority; his power was only that which is derived from police-state tactics. He simply took over. His reasoning: "morality" is more important than the law and property rights, the action was "supralegal," above the law.

In early April 1966, a circuit court judge enjoined King and his associates from entering the building, interfering, or collecting rent from the tenants, all of which they had done. There can be no denial of King's influence and the results of his "nonviolent" demonstrations and "direct action" programs.

The New York Times of July 16, 1962, stated that Reverend King "threatened a new drive for Negro rights" in Albany, Ga. Ten days later, leader King, according to the Times, set a day of penance following a night of rioting during which Negroes were arrested as they marched on city hall, hooting, laughing, and throwing bottles, bricks, and rocks at law officials. August 11, the police chief of Albany testified that the situation had been under control until King returned to the city to be tried for an illegal demonstration.

Another example of the "nonviolent direct-action" programs of Dr. King was exposed in July 1966 in the syndicated column by respected columnists, Robert Allen and Paul Scott. Their exposé reported that King and company were contacting, and enlisting, Chicago street gangs and "bringing them into the civil rights movement to fight 'the power structure'."

From a report said to be circulating through the U.S. Department of Justice, the columnists quoted these statements: King's lieutenants telling gang leaders that "the real foes are Mayor Daley, policemen, slumlords, bankers, businessmen, and school administrators"; or haranguing that this is an "unjust society"; and that "the gang members are being incited to violence instead of being taught nonviolence"; that "gang leaders have little or no understanding of civil rights, but do know how to use force." King, they said, had personally met several times with gang leaders who have a combined following of 1,000.

During the same month that King was reported to be enlisting the gangs, Chicago police battled some 300 Negroes for 2 straight hours of rioting.

Some time later, August 9, the Chicago Tribune reported that:

"The Chicago Lawn area was the scene Friday night of civil rights disorder as the Reverend Martin Luther King, Jr., led Chicago marchers into the community to promote open housing for Negroes."

The Chicago riots of July 1966 deserve elaboration. Here is a selected sequence of events: The July 12 riot broke out just 2 days after King's mass civil rights rally.

The Baltimore Sun, July 10, 1966, reported:

"In an interview . . . Dr. King acknowledged that his 'end slums campaign in Chicago is an implementation program for the concept of "black power",' but under a more palatable name.

"Dr. King acknowledged that his presence in Chicago, the street rallies, sit-ins, marches, and door-to-door campaign to sign up members of protesting [units] have more far-reaching aims than the immediate dramatization of problems of impoverished Negroes."

The next day King and Mayor Daley held a "showdown" meeting in the mayor's office. On July 14 the New York Times reported that the near West Side was tense after a police car was stoned by more than 100 Negro youths. Martin Luther King attributed the disturbance to the Mayor's refusal to make concessions to his civil rights program. This is his typical style. Rarely has Reverend King chastized looters, arsonists, and conspirators for violence. He always justifies their actions and, directly or indirectly, encourages them.

The report continued:

"Dr. King . . . spoke at the headquarters of the West Side Organization, where a sign on the wall said: 'Burn, baby, burn, boycott, baby, boycott.' Roving bands of youths and some adults . . . broke windows, looted stores, and stoned police cars and small police vans."

During the weekend of the 16th, 17th, and 18th, Governor Kerner called out the National Guard when police could not control rioting that in 3 nights included burning, looting, two deaths, 100 injuries, 300 arrests, and extensive property damage.

A few days before the riot, King stated that disrupting the flow of Chicago's traffic—a tactic of Dr. King's—would be "rough" on city officials "when they have to get 200 people off the Dan Ryan (expressway) but the only thing I can tell them is: Which do you prefer, this or a riot?" Another "nonviolent" pilot project was thus in action.

It is doubtful that the city officials made the final choice.

Chicago's Mayor Daley, as reported in the New York Times, "asserted angrily that the strife was 'planned!' Dr. King's aides were in here for no other reason than to bring disorder to the streets of Chicago," he concluded.

Following contact with the gangs mentioned earlier, it is disturbing to note that press accounts of the riots stated that Negro street gangs fanned the flames in the riot and were given credit for spreading violence to greater limits.

The Chicago Tribune reported that prior to the riots, King had shown films detailing the violence of Watts. Asked by the Tribune about this, King replied:

"The films showing the Watts riots were to demonstrate the negative effect of riots."

The films add another dimension to the activities of King that are well known by law enforcement officials. Their general reaction to King is summed up by FBI Director J. Edgar Hoover in this statement:

"Unfortunately, some civil rights leaders in the past have condoned what they describe as civil disobedience in civil rights demonstrations.

"Martin Luther King, Jr., for example, after arriving in Chicago, Ill., early in 1966 in connection with the civil rights drive there, commented about the use of so-called civil disobediance in civil rights demonstrations and said:

" 'It may be necessary to engage in such acts. . . . Often an individual has to break a particular law in order to obey a higher law.'

"Such a course of action is fraught with danger for if everyone took it upon himself to break any law that he believed was morally unjust, it is readily apparent there would soon be complete chaos in this country."

When the riots broke out on July 12, did Martin Luther King enter the scene as a moderating influence? Absolutely not. On the second day of the riot, July 13, a rally was held at a local church and King appeared with one Chester Robinson, executive director of the West Side Organization, who made highly flammatory accusations about the Chicago police. King's respectability added to the occasion. Robinson, incidentally, is an ex-convict with an extensive arrest record dating back to 1949. Such are the men King finds himself with time and time again.

The first amendment guarantees the right to assemble peaceably and to petition the Government for a redress of grievances, but it does not allow any latitude for disobedience. It is absurd to even imagine a situation where a law protects the right to disobey a law. To say this is to say that law is not law.

Throughout, the actions of Dr. King have been termed "civil" disobediences, but Justice Whittaker makes this point: "What we are confronted by, and must deal with, are active, overt, willful mass violations of our *criminal* laws. That conduct is not 'civil disobedience' in any dictionary or acceptable sense of those words. The understandable desire to avoid openly admitting advocation and commission of *crime* cannot excuse us from calling that conduct what it is. Active and overt acts willfully committed in violation of our *criminal* laws are criminal violations and not *'civil disobedience.'* "

The final result of disobedience is not only gross violations of law during riots and marches, but in this opinion of Justice Whittaker, encompasses a general furthering of lawlessness throughout the country. "Toleration and appeasements" of the "many misguided preachments and activities of Dr. King are heavily contributing causes of the general disrespect for law and hence of the crime that is now rampant throughout our Nation."

I believe it is fair to conclude that Martin Luther King has been an apostle of violence and lawlessness, not peace and nonviolence. His method has been criminal conduct and conspiracy, not civil disobedience. To call it anything else would be the same perversion of the truth that King has engaged in for years.

A MINISTER BUT OF WHAT?

Although Dr. King asks the world to believe that he is a man of God and appeals to "higher laws" in justifying his acts of law breaking, it is incredible that he should expect the people of the United States to be so gullible as to accept the Biblical and historical precedents he conjures up as valid. They are not.

To use Biblical passages as a pretext for his call to lawlessness, King must first deny the context in which the Apostles lived and preached. They had no system of appeals. There was no guarantee of freedom. There was no free speech. The parallel is invalid.

In the opinion of the dean of Talbot Theological Seminary, Rev. Dr. Charles L. Feinberg:

"Those who point to Biblical examples of resistance to authority forget the spiritual principles involved there, and are unmindful that they in that day had no such legal provisions for redress for their grievances such as we have today."

That Dr. King should disregard the total context of the New Testament, and the Book of Acts in particular, can hardly be believed.

It is also incredible that King would attempt to compare the civil disobedience of today with the Boston Tea Party. To make this comparison is, again, to forget that there were no channels of appeal or meaningful democratic remedy available to those American patriots. It is interesting to note that the Boston Tea Party and other acts against authority by the colonists were the beginnings of the overthrowing of a foreign government. We must assume that Dr. King knows this basic historic fact. His views and tactics on this point are hardly American.

Dr. King uses these methods to push into areas and communities where the residents, from mayor to fellow clergyman, say he is not wanted or needed. Some of the greatest condemnation of Martin Luther King has come from men of the church.

In 1964, delegates to the American Council of Christian Churches passed a resolution, "noting with regret that the Reverend Dr. Martin Luther King, Jr., civil rights leader and Nobel Peace Prize winner, had been represented before the world as a peace-loving Christian minister crusading in the interest of Negro life."

In 1966, Dr. J. H. Jackson, Negro leader of the National Baptist Convention, said that civil disobedience and nonviolence would not carry the civil rights movement any higher and might even lead to disrespect for law and order and to possible violence.

In 1965, a Negro alderman in Chicago, Ralph H. Metcalf, criticized King and his group, said King had "ulterior motives" in moving into Chicago with his programs and leveled the blast at King that:

"This is no hick town. The leaders can handle the situation. We have adequate leadership here."

Metcalf said that King would not be "objective."

The Chicago Tribune of June 30, 1967 reported:

"The Chicago chapter of the National Association for the Advancement of Colored People, long critical of the civil rights tactics of the Rev. Martin Luther King, Jr., has formally split with Dr. King's group. . . ."

The article added that King's group and the NAACP have been at odds over King's tactics last year in the open housing march.

Episcopal minister, Dr. Robert B. Watts, of La Jolla, Calif., is another clergyman who has scored King's disobedience stand and his apparent belief that the end justifies the means. Dr. Watts declared that no one, "however exalted he may be or regard himself, has the right to say that what was wrong before becomes morally right if the acting party is willing to be punished if caught." The doctrine of morally justified civil disobedience should be rejected, he added.

Perhaps one of the strongest statements from a fellow clergyman came in April of this year. The blunt, descriptive attack on King came from the Rev. Henry Mitchell, leader of a group of West Side Chicago ministers. Here is the account as reported by the Chicago Tribune:

"The leader of a group of west side Negro ministers declared yesterday that Dr. Martin Luther King should 'get the hell out of here" because his civil rights marching in Chicago last summer (1966) 'created hate.'

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" 'If he wants to march on the west side, let him march with rakes, brooms, and grass seed,' said Rev. Henry Mitchell . . .

"He said the ministers represented the sentiments of 50,000 Chicago Negroes who want 'peace, love, and harmony,' don't approve of civil rights marches, and 'just want to live in their communities and upgrade them.' "

Justin E. Walsh wrote in the monthly magazine, Rally, about those who use the pulpit for their strange social and political pronouncements. It seems to fit Martin Luther King, Walsh said:

"Thus the pulpit becomes a political rostrum from whence God Himself directs the defeat of Barry Goldwater, the march on Selma, or a teach-in protesting American involvement in Viet Nam. The sacral and profane become confused, religion is reduced to an adjunct of political agitation, and church attendance falls because Americans do not indorse such schemes, will not listen to preachers who do.

Possibly the answer can be found in I Corinthians 1:27. It quite prophetically says:

"But God hath chosen the foolish things of the world to confound the wise; and God hath chosen the weak things of the world to confound the things which are mighty."

In his constant preaching that the ends justify the means, King is not speaking in the Judeo-Christian heritage belief. This is crass materialism and Marxism. It is expediency not principle. It is frightening to contemplate the many leading clergymen that consciously join his cause or acquiesce by their silence. Even worse, he is being currently depicted as a modern Christian hero by a Catholic catechism series. The total picture of Martin Luther King brings one fundamental question to mind: He says he is a minister. A minister of what?

SOME OF KING'S ADVISERS AND ASSOCIATES

When one considers the backgrounds of some of Martin Luther King's advisers and associates, it is hardly surprising that some of King's activities work to the detriment of true civil rights progress and that he ends up mouthing the Communist line.

A UPI release of October 10, 1965, reported a meeting which King had with U.N. Ambassador Arthur Goldberg concerning the war in Vietnam. The release stated that "King was accompanied to the meeting by Bayard Rustin, his special consultant," and others.

On February 10, 1966, Director Hoover of the FBI had this to say about Rustin:

"At the University of Maryland last year, at a law enforcement institute held for police officers of Maryland, Virginia, and Washington, D.C., the university invited Bayard Rustin to be one of the speakers. Bayard Rustin was convicted for sodomy, a violation of the Selective Service Act and was an admitted member of the Young Communist League."

Unfortunately, this is not the only case where the backgrounds and/or activities of some of those close to King certainly harm the civil rights movement in the eyes of the public.

Rev. James L. Bevel, one of King's assistants in the Southern Christian Leadership Conference, is another of King's cohorts whose activities certainly do not reflect the sentiments of sincere civil rights exponents. Bevel was a sponsor of Vietnam Week, mentioned above, and was given leave by King to serve as national director of the Spring Mobilization Committee To End the War in Vietnam, one of two committees which planned and organized Vietnam Week. The House Committee on Un-American Activities stated that "Communists are playing dominant roles" in the Spring Mobilization Committee.

Bevel was the signer of a public appeal for funds to furnish the DuBois Clubs "Freedom Center" clubhouse in Chicago and has joined as coplaintiff with the DuBois Clubs in their suit to restrain the Subversive Activities Control Board from holding hearings on the DCA as petitioned by the Attorney General. FBI Director Hoover has publicly stated that the W.E.B. DuBois Clubs were started by the Communist Party U.S.A. as a youth front.

In addition, Bevel was a sponsor of the Chicago conference on December 28 to 30, 1966, to discuss the idea of a nationwide student strike and other forms of demonstrations protesting the U.S. effort to resist Communist aggression in South Vietnam. According to the HCUA report, "Communist Origin and Manipulation of Vietnam Week":

"Organizers of the conference have openly admitted that representatives of the following Communist organizations took part in the conference: Communist Party U.S.A.; W.E.B. DuBois Clubs of America; Progressive Labor Party (the Peking-oriented faction of the U.S. Communist movement); Socialist Workers Party (the Trotskyist Communists); Young Socialist Alliance (youth branch of the Socialist Workers Party); Youth Against War and Fascism (youth arm of the Workers World Party, a Trotskyist splinter group); National Guardian (published by Weekly Guardian Associates)."

Rev. Fred L. Shuttlesworth, according to the Cincinnati Enquirer of June 9, 1963, was elected to the presidency of the Southern Conference Educational Fund, Inc., and when contacted by the Enquirer in Birmingham, Ala., concerning the nature of the SCEF, stated:

"I have the highest regard for this organization (SCEF) for the work it has done since I have been a member of the board, and I have seen nothing on the part of any persons, with whom I have been associated, to give any substantiation to these charges."

Shuttlesworth has been a close associate of Martin Luther King and the New York Times of January 11, 1966, lists him as secretary of the Southern Christian Leadership Conference. Like King, he has been associated with a number of cited Communist fronts. He was a speaker at the 25th annual convention of the United Electrical, Radio & Machine Workers of America which, as indicated before, wash expelled from the CIO by the 1949 convention on grounds of Communist domination.

When unable to attend, he sent a statement to be read at the rally held by the New York Council To Abolish the House Committee on Un-American Activities, a cited Communist front.

He was one of 200 guests at the National Guardian's 15th anniversary dinner on November 26, 1964. The Guardian is a cited Communist publication.

According to the Mine-Mill Union of July 1965, the official publication of the International Union of Mine, Mill & Smelter Workers, Shuttlesworth was scheduled to speak at the 59th Mine-Mill International Convention, August 16, 1965, in Denver, Colo. This union was expelled by the CIO in 1950 on grounds of Communist domination.

Reverend Wyatt T. Walker, another of Martin Luther King's associates, also has several Communist fronts listed in his name. In 1962 he was cochairman in charge of conference facilities for a lawyers' conference on civil rights held in Atlanta, under the sponsorship of the National Lawyers Guild's Committee To Assist Southern Lawyers, and the National Bar Association's Civil Rights Committee in cooperation with King's Southern Christian Leadership Conference. The National Lawyers' Guild, as previously stated, has been cited as a Communist front.

Walker was a sponsor of the Yasui Welcoming Committee which in turn was sponsored by the National Guardian, a Communist front.

As in the case of Shuttlesworth, Walker was a sponsor of the National Committee to Abolish the Un-American Activities Committee, a Communist front.

Of all those associated with Martin Luther King and the SCLC, perhaps none have had such a close relationship with the Communist Party as Hunter Pitts O'Dell. A UPI release which appeared in the New York Times of July 27, 1963, reported that King stated that O'Dell had worked twice for the SCLC. King acknowledged that O'Dell "may have had some connections in the past" with communism but King added that:

"We were convinced that he had renounced them and had become committed to the Christian philosophy of nonviolence in dealing with America's social injustices."

King said O'Dell left the movement on June 26 by "mutual agreement" because of concern that his affiliation with the integration movement would be used by "segregationists and race-baiters."

The surest indication of O'Dell's break with the Communist Party would be, of course, his willingness to appear before a congressional committee and give the U.S. Government the benefit of his party experience. Indications are that O'Dell could be of immense help in disclosing the identities of 20th-century Benedict Arnolds biding their time for the downfall of the United States.

In 1956 O'Dell testified before the Senate Internal Security Subcommittee. He invoked the fifth amendment and refused to say if he was a southern district organizer for the Communist Party. Robert Morris, counsel for the subcommittee, said information had been received that O'Dell was, in fact, a district organizer for the Communist Party in New Orleans, and that O'Dell gave "directives to the professional group" in that city and that he operated under three different names—the other two being John Vesey and Ben Jones.

RIGHT DOWN THE COMMIE LINE

April 4, 1967, Rev. Martin Luther King, Jr., rose to the speaker's platform in New York City's Riverside Church and delivered what must surely be the greatest condemnation of American policy and involvement in Vietnam ever to come from a well-known citizen. His attack was ruthless, packed with misleading innuendoes and distortions. A Presidential aid was later quoted: "a speech on Vietnam that goes right down the Commie line."

More and more, King has been branching out from civil rights into the field of foreign affairs. More and more he parrots the far left, pro-Communist line.

If there were any doubt, the April 4 speech washed it away. In this speech, King lashed out at the United States, called our Nation "the greatest purveyor of violence in the world today," charged the Nation with "cruel manipulation of the poor" and, as if written by the Daily Worker, said that U.S. troops "may have killed a million South Vietnamese civilians—mostly children." Keep in mind that these are only selections from the speech.

This speech and his involvement with the Vietnam Week protests brought down on King's head an abundance of denunciations, from civil rights leaders, legislators, military men, journalists and many Negroes who believe King has gone way, way too far.

King's Riverside speech is a hideous perversion of fact, a perversion nearly without limits. He said that Americans "poison the water" of the South Vietnamese. He stated that "we kill a million acres of their crops" and that American bulldozers "destroy their precious trees" and that "they wander into the hospitals with at least 20 casualties from American firepower for each Vietcong-inflicted injury." These are King's words. To this array of absurdities he added:

"We test out our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe."

These are a few of the Communist-line invectives which King delivered on April 4. Since they were spoken, various "transcripts" of the speech have appeared, "cleansed" versions brought forward in an apparent attempt to soothe the irate response of the great majority of Americans.

For all his vocal attempts to keep his anti-Vietnam stand and civil rights separate, and on a "personal" basis, these attempts have not worked. There is a joining of the two and King has helped direct it.

At the 1966 annual meeting of the Southern Christian Leadership Conference, the group condemned the war, called it mass murder and authorized King to "throw the resources" of the organization behind efforts to end the war. It was at this time that King said he would write to the leaders of the governments involved. Doubtless, he dropped the idea when someone told him that the Logan Act, which he would have violated, forbids an individual from dealing in this way with a foreign government.

King maintains that he has never advocated a "mechanical merger" of the civil rights and peace organizations—which at other times he says are inextricably bound together—but, mechanical or not, he did release the Reverend James Bevel from the SCLC to head the Spring Mobilization Committee To End the War in Vietnam. Incidently, Bevel's wife, Diane, not long ago got back from a Hanoi pilgrimage, so that helps understand the Bevels.

CONCLUSIONS

In November 1964, FBI Director J. Edgar Hoover called Reverend King "the most notorious liar in the country." Mr. Hoover spoke with no small amount of authority or knowledge. King has avoided a direct encounter with the famed public servant because the record is clearly unfavorable to the civil rights leader. Mr. Hoover is privy to many confidential reports on Mr. King's activities just as I am, and while their nature cannot be disclosed, I can say without equivocation that Martin Luther King does not want nor can he stand a public airing of his record. I can rest my case against King with the public utterances and actions of this man and any revelation of confidential matters is entirely unnecessary.

Why has he been immune for so many years and, in the parlance of the day, "allowed to get by with murder?" There is a peculiar double standard which the liberal community consistently applies. If any prominent person, particularly a conservative, were to identify with or share a speakers' platform with a member of the John Birch Society or some group the liberals might currently be attacking, he would be maligned forever. Let Martin Luther King openly identify with Communists and radicals, have a Communist as an adviser, engage in criminal activity, appear at the most way-out meetings in the Nation and advocate racism, revolution or civil disobedience and these same people look the other way.

In the long run, Mr. Speaker, I am sure that we don't have to worry that much about the Martin Luther Kings. Our society is open enough, free enough, and resilient enough that it can withstand demagoguery. What is frightening, however, is to see the usual guardians of the public interest, ranging from the press to the Justice Department, look the other way and virtually assure such people a green light in their operations.

The press has repeatedly referred to Reverend King as a moderate. He is not. While he is not telling Negroes to arm themselves with guns or to "burn, baby, burn" like the Rap Browns and Stokely Carmichaels, he is, in a sophisticated way, agitating for the same thing. He is going to have a massive dislocation of northern cities but no violence. He says that upsetting a city without destroying it can be more effective than a riot, whatever that means. This is the enigma of Martin Luther King. He preaches nonviolence but somehow this can end up in illegal or violent actions. Then he says he is not responsible, although he himself has often participated in illegal acts.

He has thrust himself into community after community where even the Negro leaders have asked him to stay away. Only this year, King again foisted himself into the Chicago turmoil and announced his own brand of solutions to their ills. Rev. Henry Mitchell, a leader in the area King chose as a "target" asked him to leave and charged that King "created hate." King has thrust himself onto the Cleveland, Ohio, scene and promoted a boycott of a local dairy. In that particular case, he cited as some demands on that firm actions which could be a violation of the civil rights law. He also said the firm must advertise in Negro newspapers and put money in Negro savings and loan associations to avoid a Negro boycott. All in all, this is the blackmail tactic of a would-be dictator and power-hungry demagog, not a responsible leader.

By word and deed, he has been a potent force for lawlessness in our country. He has been a scofflaw. He has arrogated to himself the right to pick and choose the laws he will obey. He has set a poor example for others to emulate. He has countenanced draft evasion. He has been disloyal to his own country.

In an age when our country needs statesmen and builders, he has been a demagog and wrecker. Many of his ideas are alien to our way of life. In America, he can constitutionally say virtually anything he wants and command any following that he can muster for legitimate pursuits. It is important, however, that he be understood in his true perspective so honest and well-meaning Americans will not be duped because they did not fully understand the man, his mission, and his tactics.

(NOTE.—This contains about one-half of the original speech which appears in the CONGRESSIONAL RECORD, vol. 113, pt. 21, pp. 27814–27827.)

[From the CONGRESSIONAL RECORD, May 16, 1968]

THE UNTOLD STORY OF MARTIN LUTHER KING, JR.

Mr. RARICK. Mr. Speaker, Mr. John S. Perilloux, of Ewa Beach, Hawaii, offers a documented story of Martin Luther King, Jr., with which he feels the American people should reacquaint themselves before the past is forgotten—and history written from half-truths.

I include Mr. Perilloux' "Untold Story" in the RECORD:

"THE UNTOLD STORY OF MARTIN LUTHER KING

"(By John S. Perilloux)

"Few men have had so many words spoken and written about them as has had the late Martin Luther King, Jr. The Reverend King was the center of a storm of controversy and violence from the time he achieved prominence in 1955, when he led a successful boycott against the bus system of Montgomery, Alabama, until the day of his death in Memphis, Tennessee, on April 4, 1968. Indeed, the controversy continues even after his death.

"Because of his success in the bus boycott King gained the respect and admiration of many Americans. Overlooked by some, and unknown to most, were the character and backgrounds of the men and women chosen by King to assist him in his assault upon such formidable obstacles as segregation and racial prejudice. Had he enlisted the support of worthier people as his immediate aides, King could have been a potent force in strengthening America and uplifting his people. However, such was not the case, and from the pinnacle of success in 1955 he descended to an all-time low in April of 1967 when he called the United States 'the greatest purveyor of violence in the world today'.

"Who was this man who has been commended as a man of peace and damned as an apostle of violence? To those liberal and bleeding hearts who have not intelligently discerned what King had been saying and doing during his twelve years of prominence this may come as a shock and a tragedy. To those of us who have followed his activities closely and have been aware of his questionable activity it comes as no surprise at all. In 1967 the real Martin Luther King stood up, and yet, where is the criticism he deserved and should have gotten?

"On January 15, 1929, Michael Luther King, Jr., was born in a 13-room house in Atlanta, Georgia. When he was six his father changed both their names to Martin. He entered Morehouse College in Atlanta at the age of 15 and from Morehouse went to Crozer Theological Seminary in Chester, Pennsylvania.

"In 1955 King became pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama. On December 1st of that year a Montgomery bus driver ordered Negroes to stand so Whites could sit. One woman, Mrs. Rosa Parks, refused and was arrested. Within hours Negroes began a boycott against the bus system which was to last for more than a year. King's gift of articulateness, his willingness to defy city officials, and his apparent lack of personal motives made him the natural leader of the boycott. When the boycott ended Martin Luther King had become world-famous.

"The January 1963 issue of Fellowship reveals Rustin to be a 'friend' of Kwane Nkrumah, former Communist dictator of Ghana. The same issue of Fellowship credits Rustin with having worked to establish a 'center for nonviolence' at Dar es Salaam, Tanganyika, which has proven to be a training center for communist guerrillas. Terrorists, trained at this center, have conducted raids on Rhodesia and South West Africa.

"In September 1963, at Richmond, Virginia, Rustin said that 'more bloody Negro suffering should be encouraged so that squeamish Northern Negroes would be horrified into line'. (12) It is possible that some would be horrified. However, it is *certain* that this is part of the strategy of the communists for propagating racial warfare in the United States.

"On August 28, 1963, Rustin led a 'march on Washington'.

"On August 29, 1963, he urged that the only hope for Negroes was to 'go left'. (13)

"On February 3, 1964, Rustin was a leader of the New York City school boycott.

"On February 4 he was photographed leaving a cocktail party at the Soviet mission to the United Nations. (14)

"This, then, was the leadership of the Montgomery Improvement Association; Martin Luther King and two ex-convicts who were also communist-fronters.

"And what of Mrs. Rosa Parks, the woman who precipitated the bus boycott?

"Shortly before the incident on the bus, Mrs. Parks had attended the Highlander Folk School in Monteagle, Tennessee. (15) To fully understand the nature and purpose of this school we must go back to the early 1930's, a time when the Communist Party had great dreams and expectations for using the Negro in the Party's plans for overthrowing the government of the United States.

"It was in the 1930's that the party organized the People's Institute of Allied Religion. As part of its program this organization set up the Commonwealth College at Mena, Arkansas. It was organized around 1932 by identified communist James A. Dombrowski and fellow-traveler Myles Horton. It was cited by the U.S. Attorney General as a communist front (16) and fined $2500 for violating the sedition statute of the state of Arkansas. (17) The faculty then moved to Monteagle, Tennessee, and organized the Highlander Folk School. In addition to Dombrowski and Horton those assisting in the school's operation included Don West, district director of the Communist Party in

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North Carolina (18), and identified communist Aubrey Williams. (19)

"In 1945 the U.S. Senate rejected the appointment of Aubrey Williams as administrator of the Rural Electrification Administration because of his communist affiliations. (20).

"Aubrey Williams was President of the Southern Conference Education Fund until 1963, at which time he became national chairman of the Committee to Abolish the House Committee on Un-American Activities. (21) This organization has been cited as a communist front.

"Can there be any doubt as to what was taught at the Commonwealth College where the hammar and sickle was prominently displayed? Or at the Highlander Folk School where Rosa Parks was trained

"But who had assisted King in toppling segregation on Montgomery buses? Surely, no one man, no matter how articulate or how brave, could succeed in such an undertaking alone. And who is Mrs. Rosa Parks?

"Dr. King led the boycott as the head of the Montgomery Improvement Association which had been formed by the Reverend Fred Shuttlesworth, former convict who has also been President of the Southern Conference Educational Fund, Inc. (1) The SCEF had been formed from the Southern Conference for Human Welfare. Identified communist James A. Drombrowski was administrator of the SCHW. Paul Crouch, one of its founders, and an admitted communist from 1925 to 1942, testified that the SCHW 'was intended to lead to class hatred and race hatred, dividing class against class and race against race'. (2) The Senate Internal Security Subcommittee exposed the SCHW, stating that it was 'conceived, financed, and set up by the Communist Party in 1938 to promote communism in the Southern states'. After the SCHW was exposed the Party replaced this organization with the Southern Conference Education Fund. (3)

"This new communist front continued to use the same address as the SCHW, the same publication, the same telephone number, and almost identical officers. Dombrowski continued to serve as administrator, identified communist Aubrey Williams remained on the board, and identified communists Carl and Anne Braden were made field secretaries. After conducting an investigation the Senate Internal Security Subcommittee described the SCEF as a communist transmission belt for the South. (4)

"It is extremely interesting that the President of the SCEF was at one time the Reverend Fred Shuttlesworth, founder of the Montgomery Improvement Association and Vice President of Martin Luther King's Southern Christian Leadership Conference.

"Also in the Montgomery Improvement Association with King and Shuttlesworth was Bayard Rustin. FBI reports state that Rustin joined the Young Communist League in 1936 while at the College of the City of New York and was active in this organization on the campus and elsewhere. During World War Two he was arrested several times for advocating resistance to the war and served 26 months in Federal prisons for draft dodging. (6)

"Rustin has worked closely with the War Resisters League, the World Peace Brigade, Liberation, the Medical Aid to Cuba Committee, the Committee for Non-Violent Action, the Greenwich Village Peace Center, and similar organizations, often as an officeholder. (7) He has also been active in the American Forum for Socialist Education, a communist-dominated organization. (8)

"In 1953, in Pasadena, California, Rustin was arrested on a charge of sex perversion and went to jail after pleading guilty. (9)

"There are those who might argue that Rustin had mended his ways by 1955 when Martin Luther King hired him as his secretary and adviser. Let's follow Rustin's activities since 1955.

"In 1957 the Communist Party invited him to its 16th national convention as an "observer". (10) He has been socially entertained at the Soviet embassy and in 1958 went to Russia under the sponsorship of the Nonviolent Action Committee Against Nuclear Weapons. (11)

"In March 1967 the Southern Christian Leadership Conference was organized in Atlanta. Martin Luther King was installed as President, Fred Shuttlesworth as Vice President, and the Reverend Andrew Young as program director.

"The Atlanta Constitution of July 24, 1963, had this to say about Andrew Young:

"The Reverend Young has been headquartered rent-free in Savannah in the offices of the International Union of Mine, Mill, and Smelter Workers. The Subversive Activities Control Board, an agency of the Federal government, has found the union to be communist infiltrated. Another coincidence.

"In 1957 King was photographed at the Highlander Folk School during the Labor Day weekend. Also in attendance and photographed were Rosa Parks, Aubrey Williams, Myles Horton, and Abner W. Berry of the Central Committee of the Communist Party. (22)

"Now it would seem that the Reverend King would have gotten some inkling of the backgrounds of his associates at this school and the nature and purpose of the school itself. Nevertheless, on a form letter from school director Horton, dated May 15, 1963, the Reverend Dr. King is listed as a sponsor of Highlander. (21)

"In December 1959 King called upon Southern Negroes to practice 'civil disobedience' and to break openly any state or local law 'not in harmony with Federal law'. (32)

"In 1960 Hunter Pitts O'Dell replaced Bayard Rustin as secretary and adviser to King. Let's delve a little into O'Dell's background.

"In 1956 he refused to testify before the Senate Internal Security Subcommittee, taking the 5th amendment when questioned about his communist activities. He repeated this performance in 1958. (23) In 1962 the House Committee on Un-American Activities published a report entitled 'Structure and Organization of the Communist Party in the United States'. On page 576 there is a list of those elected to the National Committee of the Communist Party, USA, as known to the House Committee in November of 1961. Among the names is that of Hunter Pitts O'Dell.

"The facts are that O'Dell was district organizer for the Communist Party in New Orleans, Louisiana, in 1956 (23), was a member of the Communist Party when Martin Luther King hired him, and was elected to the National Committee of the Communist Party while on King's payroll.

"On October 26, 1962, the St. Louis Globe Democrat printed an article stating that King had a communist on his payroll, so King claims to have fired O'Dell at this time. However, O'Dell then went to work as administrator in the New York office of the Southern Christian Leadership Conference. The SCLC, you will recall, is an organization of which Martin Luther King was President. Pressure from the press again caused King to 'fire' O'Dell, this time on June 26, 1963. In July 1963 a reporter for United Press International phoned the New York office of the SCLC and was told that O'Dell was still administrator of that office. (24)

"In 1960 there was the restaurant 'sit in' in Atlanta, led by King. (25)

"In 1961 demonstrations in Albany, Georgia, led to his arrest. He declared dramatically when arrested that he would remain in jail until the city desegregated public facilities. Two days later he was out on bail. (25)

"In St. Augustine, Florida, after getting Negroes fired up for demonstrations King went to jail amid great fanfare. But two days later he was bailed out again so he could receive an honorary law degree at Yale University. (25) In the meantime, the aged mother of Massachusetts' Governor Peabody remained in the St. Augustine jail after having been arrested in the demonstrations. White segregationists 'Hoss' Menuci and Connie Lynch were in St. Augustine whipping up mobs into a murderous fury. King was safely at Yale.

"King's American Committee for Africa sponsored and financed the American tour of communist terrorist Holden Roberto, leader of the 'war of national liberation' which began in Angola on the morning of March 15, 1961. A thousand whites were murdered and dismembered and also about 8,000 Africans. (34)

"In October 1962 King met with communist Ahmed Ben Bella of Algeria in a hotel in Harlem. (26) From the United States Ben Bella traveled to Cuba for conferences with Fidel Castro.

"In 1963 there were the demonstrations in Birmingham, Alabama. A bomb in a church, which resulted in the deaths of four Negro girls, was described as the work of white segregationists and the Ku Klux Klan. Possible. Equally possible is that it could have been the handiwork of agents provocateurs. Remember Carl Braden? He was indicted, tried, and convicted of conspiring with Negroes to bomb the house of a Negro and then place the blame on white segregationists. (40)

"On October 5, 1963, state and local police raided the office of the Southern Conference Educational Fund at 822 Perdido Street in New Orleans. Quantities of communist literature were seized. Also seized were a check from James A. Dombrowski made out to and endorsed by Martin Luther King. There were letters from King to Dombrowski and the Bradens and a photograph of King, Dombrowski, and the Bradens. The photograph had been taken at the 5th annual meeting of King's Southern Christian Leadership Conference. (27)

"King was directly responsible for a Supreme Court ruling in 1964 in the case of 'New York Times vs. Sullivan.' The case dealt with a full-page ad placed in the Times by King and other civil rights leaders. Many statements in the ad, charging that Negroes in Montgomery were being abused, were proven false. Sullivan, a Montgomery city official was subsequently awarded a $500,000 libel judgment. The Supreme Court reversed the judgment, ruling that criticism of official conduct cannot be termed libelous without showing actual malice, which is knowledge that the statement was false or reckless disregard for whether or not it was false. (28)

"In 1964 there was the march from Selma to Montgomery. Who were the participants? An entry by U.S. Representative William L. Dickinson in the Congressional Record for March 30, 1965, will help to enlighten us.

"Mister Dickinson says there were four distinct groups participating in the march. 'One group was the Alabama Negro who participated to secure rights and privileges which he felt had been withdrawn from him illegally.' A second group were the do-gooders from out-of-state motivated by compassion for their fellow human beings. He describes the third group as 'human flotsam: adventurers, beatniks, prostitutes, and similar rabble.'

"And what of the fourth group, the ones who welded the others together and gave them cohesiveness? Who were they? In the words of Congressman Dickinson, 'the Communist Party.'

"Look at the speakers on the platform in front of the State Capitol in Montgomery or participating prominently in the march or demonstrations:

"Carl Braden, a well-known communist who was convicted of conspiring to bomb a Negro's house.

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"Abner Berry, one of the directors of the Communist Party. He was in and out of the Selma-Montgomery area.

"James Peck, who has a federal criminal record and who once tried to prevent the launching of our first nuclear submarine.

"Bayard Rustin, who by his own admission in the Saturday Evening Post was a communist party organizer for 12 years.

"Martin Luther King, who has amassed the staggering total of over 60 communist front affiliations since 1955 (41).

"On page 6114 of the Congressional Record for March 30, 1965, there is an affidavit, sworn to under oath, by Karl Prussion, a former counterspy for the FBI. Part of the wording of that affidavit is as follows:

" 'I hereby also state that Martin Luther King has either been a member of, or wittingly has accepted support from, over 60 communists fronts, individuals, and/or organizations which give aid to or espouse communist causes.'

"In the New York World-Telegram for July 23, 1964, there is an article on page 2 in which King says he is sick and tired of people saying the civil rights movement has been infiltrated by communists and communist sympathizers. He said there were as many communists in the movement as there are Eskimos in Florida.

"In November 1964 J. Edgar Hoover, Director of the Federal Bureau of Investigation, said King was the most notorious liar in the United States. (29)

"In 1965 King began to make critical speeches about U.S. foreign policy. The communist press gave extensive coverage to his speeches, often featuring them on the Communist Party's official newspaper, the Worker. In September of 1965 he called upon Arthur Goldberg at the United Nations and urged the United States to press for a UN seat for Communist China. He also asked for a halt in U.S. air strikes against North Vietnam and recommended negotiations with the Vietcong. (25) Has anyone ever heard of the Reverend King calling on North Vietnam to halt its subversion, murder, and terrorism in the South?

"In 1965 an organization known as the Citizens Crusade Against Poverty was founded. Respected author and writer George Schuyler had this to say about that organization:

"Its officers include the Soviet-trained Reuther, Martin Luther King, black power promoter James Farmer, radical socialist Michael Harrington, ADL sneak Dore Schary, the Vietnik Doctor Benjamin Spock, and a team of other such revolutionaries crimson enough to dye the Pacific Ocean a brilliant red. (30)

"Gus Hall, General Secretary of the Communist Party, USA, commented, "We are at a new stage in the struggle, because this is the crossroads where the civil rights struggle meets the class struggle". (31)

"In an interview on "Meet the Press" on March 28, 1965, King said, "I do think that there are two types of laws. One is a just law, and one is an unjust law. I think we all have moral obligations to disobey unjust laws". (32) And who is to decide which laws are just and which are unjust? King was advocating chaos and anarchy.

"The connections between the civil rights movement and the Communist Party became stronger in April of 1966 when all three South-wide civil rights organizations lined up in opposition to U.S. policy in Vietnam. These organizations were the Southern Conference Educational Fund, the Student Nonviolent Coordinating Committee, and King's Southern Christian Leadership Conference. They termed their merger a 'meshing of the civil rights and peace struggles.' (43)

"The riots which began in Chicago on July 12, 1966, broke out just two days after King held a mass civil rights rally in Soldiers Field. The Chicago Tribune reported that prior to the riots King had shown films detailing the violence of Watts. Asked by the Tribune about this King replied that the films showing the Watts riots were to demonstrate the negative effect of riots. (Negative effects such as rioters carrying off color TV sets?) During the Chicago rioting King reportedly sped from one trouble spot to another, but reporters noted that he seldom got out of his car. (32)

"The Allen-Scott Report of July 1966 states that King and company were contacting and enlisting Chicago street gangs and 'bringing them into the civil rights movement to fight the "power structure" '.

"In a speech in Los Angeles on February 25, 1967, King called for a 'merger' of the peace and civil rights movements. He called the Vietnam war the result of 'paranoid anti-communism.' (44)

"In a speech at the Coliseum in Chicago King again called for the merging of the peace and civil rights movements, saying, 'We must combine the fervor of the civil rights movement with the peace movement. We must demonstrate, teach and preach, and organize until the very foundations of our nation are shaken'. (45)

"In a statement delivered April 4, 1967, King called upon Negroes and Whites to register their opposition to the Vietnam war by becoming conscientious objectors to military service. (28)

"On April 4, 1967, the Reverend Martin Luther King rose to the speaker's platform in New York City's Riverside Church and delivered what was later described by the Presidential aide as 'a speech on Vietnam that goes right down the commie line'. In his speech King called the United States 'the greatest purveyor of violence in the world today'. He charged the nation with 'cruel manipulation of the poor' and said that U.S. troops 'may have killed a million South Vietnamese civilians—mostly children'. He added 'We test our latest weapons on them. Just as the Germans tested out new medicines and new tortures in the concentration camps of Europe. (32)

"On April 13, 1967 Michael Laski, Chairman of the Communist Party, USA, (Marxist-Leninist), told a press conference in New York: King knows what's going on. He is allowing himself to be utilized by the Communist Party. . . . King willingly enters into an alliance with the Communist Party. . . Mr. King receives financial support from organizations and individuals that are tied to the Communist Party. He knows what is happening, and so does James Bevel. (33)

"James Bevel just happens to be one of the top men in King's Southern Christian Leadership Conference. Bevel helped to organize the Spring Mobilization Committee and in July 1967 met with North Vietnamese and Vietcong officials in Stockholm, Sweden. Bevel's wife, Diane, visited Hanoi in December 1966 and conferred with women in Ho Chi Minh's government. (35)

"One of the strongest statements from a fellow-clergyman came in April 1967 from the Reverend Henry Mitchell. As reported by the Chicago Tribune; The leader of a group of West Side Negro ministers declared yesterday that the Reverend Martin Luther King should "get the hell out of here". His civil rights marching last summer "brought hate".

"The Chicago chapter of the NAACP, long critical of the civil rights tactics of King formally split with King's group. (46)

"From August 29, 1967 to September 4, the National Conference for New Politics held its convention in Chicago. Every subversive organization in the United States was represented. A par-list of organizations which participated include:

"Clergy and Laymen Concerned About Vietnam.

"Draft Resistance Union.

Southern Christian Leadership Conference.

"Student Nonviolent Coordinating Committee.

"W.E.B. DuBois Clubs.

"Revolutionary Action Movement.

"Socialist Workers Party.

"Progressive Labor Party.

"Communist Party, USA.

"The keynote speaker for the convention was Martin Luther King. Part of his speech follows:

"These are revolutionary times. All over the globe men are revolting against old systems of exploitation and oppression. Out of the wombs of a frail world new systems of justice and equality are being born. We in the West must support these revolutions. . . . A morbid fear of communism has made Americans the arch anti-revolutionaries. This has driven many to feel that only Marxism has the revolutionary spirit. Communism is a judgment of our failure.

"We have deluded ourselves into believing the myth that capitalism grew and prospered out of the Protestant ethic of hard work and sacrifices. The fact is that capitalism was built on the exploitation of black slaves and continues to thrive on the exploitation of the poor—both black and white.

"The way to end poverty is to end the exploitation of the poor and ensure them a fair share of the government's services and the nation's natural resources. We must recognize that the problems of neither racial nor economic injustice can be solved without a radical redistribution of political and economic power. (36)

"Lenin couldn't improve on that speech.

"On September 21, 1967, King was made an honorary lifetime member of ILWU local 10 in San Francisco. (37) The ILWU, you will remember, is the labor union which was expelled from the CIO when it was found that the ILWU was communist-dominated. The leader of the ILWU, Harry Bridges, is a communist and was ordered deported from the United States. The deportation order was overruled by Roosevelt's Supreme Court at the urging of Eleanor Roosevelt. (38)

"In November 1967 King was guest speaker at the National Labor Leadership Assembly for Peace in Chicago. In his speech King denounced the Johnson administration. (39) If communist press reports were accurate the 'left wing' of labor dominated the convention. The Worker of November 19, 1967, says, 'This was the most significant anti-war gathering of labor leaders ever held in this country. The conference radiated awareness that here was the force capable of mobilizing the decisive factor of the people, the working class, against the Vietnam war.' Communist Harry Bridges got a standing ovation when he addressed the closing session.

"On March 5, 1968, the Honolulu Star Bulletin carried an article in which King stated that flame throwers in Vietnam are fanning the flames in the cities of the United States.

"In 1967 King began planning for massive demonstrations in Washington, D.C. The demonstrations were scheduled to take place beginning on April 22, 1968. In addition to recruiting thousands of the poor, he planned to organize and train black militants involved in last summer's riots for major roles in his campaign of massive civil disobedience.

"King revealed this in private conferences with Stokely Carmichael, the pro/Vietcong, pro/Castro revolutionary, and other black militants.

"At one point in their meeting Carmichael said that the time had come to begin disrupting American cities *'to help our Vietcong comrades-in-arms'*. King, while stressing that he was vigorously opposed to the Vietnam war, argued that if such an objective were announced for his campaign it would backfire. King's plans included:

"(a) Selection of five cities in which to train 100 neighborhood leaders. The suggested cities were Chicago, Cleveland, St. Louis, Houston, and Atlanta.

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"(b) Contacts would be made with the residents of the poor community. Young men who were actively involved in last summer's riots were to be sought out and trained as leaders.

"King also told Carmichael, 'To dislocate the functioning of a city without destroying it can be longer lasting, more costly to the society. It is more difficult for the government to quell it by force. The disruption of the cities you want will come much easier'.

"King also reported that ousted Congressman Adam Clayton Powell would play a major role in the Washington demonstrations. Powell himself has said, 'My return to Washington in April will help rock the entire country'. (42)

"Take a close look at this again, ladies and gentlemen. Stokely Carmichael recently returned to the United States after conferring with Fidel Castro, North Vietnamese officials, and communist revolutionaries in many countries in Africa, Asia, and Europe.

"James Bevel, who is on the staff of the SCLC which is drawing up the battle plans for the disruptions, conferred with North Vietnamese and Vietcong officials in Stockholm last July.

"Adam Clayton Powell was in California recently where he attempted to organize students, white as well as black.

"This is the groundwork for a revolution, and the only people who can possibly benefit from such a coalition are the enemies of the United States.

"In late March of 1968 King's attention was drawn to Memphis, Tennessee, where a garbage collectors strike was in progress. He went to Memphis and organized a demonstration which culminated in a riot. During the burning and looting which followed, a 16-year-old was killed. A judge issued an injunction prohibiting any more demonstrations because of the explosiveness of the situation in Memphis, but King promptly announced he had no intention of obeying. He had again decided to disobey an 'unjust law.'

"On April 4, 1968, Martin Luther King was killed by a sniper's bullet fired by someone who has not as yet been apprehended, despite a massive investigation instigated by Ramsey Clark. The odd circumstances surrounding the murder are again suggestive of an agent provocateur.

"On April 11, 1968, U.S. Representative John R. Rarick of Louisiana inserted in the Congressional Record a news item concerning King. In volume 114, part 8, page 9816, there is the following:

"[From the Yakima (Wash.) Eagle, Nov. 30, 1967]

"The first disclosure that an FBI report existed which tied Martin Luther King to communism was published in Washington Observer Newsletter No. 13 in the February 15, 1966 issue.

"At that time Attorney General Nicholas Katzenbach refused to turn over this file to the House Committee on Un-American Activities. In fact Katzenbach, in the presence of Lyndon Johnson, lied and denied to Congressman John Bell Williams that the file even existed.

"WO is now happy to report that the FBI report is not only in the hands of HCUA, but copies are also in the hands of Congressman John J. Rooney of New York.

"The lawmakers were so shocked at what they read in the FBI report that they plan to summon King before their committees and delve deeply into his involvement with communist conspirators. When the FBI agents had King under surveillance they observed him meet a well-identified Soviet espionage agent at Kennedy Airport in New York. They also secured evidence that King was receiving large sums of money from a well-known American communist agent who gives King instructions which he implicitly obeys. The Federal agents also adduced evidence of his unsavory personal conduct in Washington hotels and elsewhere and the fact that he had violated the Mann Act (white slavery). This is a violation of the U.S. criminal code, but neither Attorney General Katzenbach nor his successor, Ramsey Clark, would allow the FBI to present the evidence to a Federal grand jury.

"The record of Martin Luther King strongly indicates he had been grossly irresponsible in learning the backgrounds of his associates and associations or that he chose to use them for his own ends. The only other conclusion that a reasonable person can come to is that Martin Luther King covertly and consciously attempted to promote the cause of the Communist Party.

"DOCUMENTATION

"(1) Louisiana Legislative Report on the Southern Conference Education Fund, part 1, pp 13–14.

"(2) Communism and Race in America, p. 36.

"(3) Senate Internal Security Subcommittee Report, Southern Conference Educational Fund, Inc., p. 1.

"(4) The Communist Attack on U.S. Police, p 26.

"(5) Louisiana Legislative Report on the Southern Conference Educational Fund, part 1, p 13.

"(6) Allen-Scott Report, August 16, 1963.

"(7) National Review, August 20, 1963.

"(8) Annual Report—1957, Senate Internal Security Subcommittee, pp 36–40.

"(9) This information is recorded in the files of the Pasadena Police Department under Rustin's official arrest number 33194.

"(10) Daily Worker, February 25, 1957, p. 1.

"(11) Boston Globe, February 5, 1964.

"(12) Ibid.

"(13) Richmond News-Leader, September 27, 1963, editorial.

"(14) Boston Globe, February 5, 1964.

"(15) Testimony of J. B. Matthews given before the Florida Legislation Committee, volume 1, p 24.

"(16) New York Times, April 28, 1949, p 6.

"(17) Report of the Louisiana Legislative Committee on Un-American Activities, entitled "Activities of the Southern Conference Educational Fund", part 1, p 25.

"(18) Testimony of Paul Crouch, leading Communist Party official in the South at the time. See House Committee on Un-American Activities, May 16, 1949, pp. 191–193.

"(19) 'Southern Conference Educational Fund, Inc.' Report of the Senate Internal Security Subcommittee, p. 45.

"(20) J. B. Matthews, testimony before the Florida Legislation Investigation Committee, volume 1, p. 21.

"(21) It's Very Simple, by Alan Stang.

"(22) Photographs may be obtained from The Councilor, 1827 Texas Avenue, Shreveport, Louisiana, price $1.

"(23) St. Louis Globe-Democrat, October 26, 1962.

"(24) UPI story in the Jackson, Mississippi, Clarion-Ledger, July 26, 1963.

"(25) Reader's Digest, September 1967.

"(26) New York Times, October 14, 1962.

"(27) Activities of the Southern Conference Educational Fund, Inc., in Louisiana, part 2, p. 81.

"(28) Reader's Digest Almanac, 1968.

"(29) North American Newspaper Alliance, November 19, 1964.

"(30) George S. Schuyler in American Opinion, January 1968.

"(31) The Worker, February 13, 1966.

"(32) U.S. Representative John Ashbrook in Congressional Record.

"(33) Gary Allen In American Opinion, July-August 1967.

"(34) New York Times, March 20, 1961, p. 3.

"(35) Esquire, November 1967.

"(36) Gary Allen in American Opinion, November 1967.

"(37) Imua Fact Finder, 568 Alexander Young Bldg., Honolulu, Hawaii.

"(38) Gary Allen in American Opinion, March 1967.

"(39) Imua Fact Finder #3, December 1967.

"(40) New York Times, December 14, 1954, p. 26, and October 2, 1964, p. 6.

"(41) Congressional Record, volume 111, part 5, page 6333.

"(42) Human Events, March 2, 1968.

"(43) The Worker, April 26, 1966.

"(44) The Worker, March 12, 1967.

"(45) The Worker, April 2, 1967."

[From the Congressional Record, May 26, 1969]

CALIFORNIANS HONOR COMMUNIST ERRAND BOY

(Mr. Rarick asked and was given permission to extend his remarks at this point in the Record and to include extraneous material).

Mr. Rarick. Mr. Speaker, the California taxpayers are now forced to perpetuate the memory of an international communism errand boy.

Their new University of California law building was dedicated as the M. L. King, Jr., Law Building, appropriately by outgoing Chief Justice Earl Warren.

Perhaps it is a fitting tribute to a man whose only claim to fame was disobedience of the law—save those which served his own ends and conveniences. Or was this action by the regents felt necessary to prevent the building from being burned? Makes about as much sense as UNESCO's eulogizing the bloody dictator, Lenin, as a humanist.

Perhaps this is the beginning of a trend in the naming of law schools and buildings after others famous in connection with the law—such as the James brothers, John Dillinger, or Bonnie and Clyde.

Many wonder why the present administration does not authorize the Department of Justice to tell the American people the truth about King and his lifetime of subversion and immorality and exploitation.

Or does it, too, fear it has more to gain by suppression of the truth than by telling the American people the facts.

A clipping from Parade for May 25 follows:

"Q. I understand that California's Governor Ronald Reagan would not permit a new law building at a University of California campus to be named in honor of the late Martin Luther King, Jr. Is this so?—Henry Ackerman, Berkeley, Calif.

"A. The governor voted against naming the building after King. The reason, he explained, was because King has not been a lawyer. The majority of the regents, however, outvoted the governor, and the new law building at the Davis Campus of the University of California is now known as the Martin Luther King Jr. Law Building. The building was dedicated by U.S. Supreme Court Chief Justice Earl Warren."

[From the Congressional Record, May 28, 1968]

THE KING AND HIS COMMUNISTS

Mr. Rarick. Mr. Speaker, more and more documentation on the Southern Christian Leadership Conference—SCLC—continues to be brought to light.

The leaders of this mockery of names and titles must be exposed for what they are so that our people knowingly will never be duped into emotional submission.

This must be one of our foremost duties to our constituents—to get them the facts so they can decide for themselves the truth and knowing they will remain free.

Under unanimous consent I submit a report from the American Opinion magazine in 1965 titled, "The King and His Communists" by Alan Stang, and an article from Time for May 1968 for inclusion in the Congressional Record, as follows:

"THE KING AND HIS COMMUNISTS

"(By Alan Stang, a former business editor for Prentice-Hall, Inc., and a television writer, producer, and consultant (Mike Wallace Interviews and Biography))

"(Note.—Mr. Stang is a frequent contributor to American Opinion and is author of the Western Islands bestseller, It's Very Simple: The True Story of Civil Rights, a book which we heartily recommend to our readers.)

"It was Sunday morning in Alabama. It was clear. It was cool. It would be a perfect day. And the most wonderful thing about it was that a foreboding, pervasive sense of nonviolence hung heavy in the air—a premonition of nonviolence in the afternoon.

"Selma was so full of nonviolence it was fit to bust.

"At one end of the bridge were the troopers, mounted and afoot, billies in hand. Nothing much needs to be said about them. Everybody knows, don't they, that all white Alabamians, especially the police, are filled with hatred and police brutality.

"At the other end of the bridge were the others, meek, innocent, pure, abused: the 'Civil Rights' fighters. Nothing much needs to be said about them. Everybody knows that they were stuffed with love. They were full of it, crammed with it, there was no way at all you could jam in any more of it.

"The troopers tensed. The marchers marched.

"Was this going to be it at last? Were we finally going to get some nonviolence going—most people were basically so peaceful—you had to spend such a long time lying before you got any of it at all, and then what you got might not even be decent.

" 'For weeks,' Newsweek of March 22, 1965, explains, 'Martin Luther King had been escalating his Selma voter-registration campaign toward the state he calls "creative tension"—the setting for a paroxysm of segregationist violence that can shock the nation to action. . . .'

" 'The Negroes' rationale in holding night marches,' explains the New York Times of February 24, 1964, 'is to provoke the racist element in white communities to show its worst.'

"Believe me, you don't know what work is until you've tried to provoke some nonviolence.

"And then at last, O Happy Days, the troopers were charging across the bridge, kicking and clubbing and tear gassing—gosh, it was wonderful. It was great. Man you talk about nonviolence! *Newsweek* of March 22, 1965, tells it this way: '. . . At a half-walk, half-run, troopers shoved and clubbed the marchers into retreat. Behind them, the sheriff's cavalry mounted a Cossack charge into the scattering column. . . .'

"Cossacks! You get it? You remember the Cossacks. They were the crowd who used to ride down the luckless, Russian workers on orders of the Tsar. Later on, the 'workers' made a 'revolution.' You may have heard about it.

"But Alabama Cossacks didn't do it on orders of the Tsar. The only reason they were there at all it seems, was that the March had been forbidden, because of this very premonition of nonviolence, by an order from George Wallace, the Ivan the Terrible of American society, otherwise known as the Governor of the once sovereign state of Alabama—if you will pardon the expression.

"Now, what's the point to all this nonviolence? We know it's about 'Civil Rights,' of course; but why must the nonviolence get so bloody? What's the theory behind it? Well, the man behind it is of course the 'Reverend' Dr. Martin Luther King Jr., and he tells us about it all in *Saturday Review* for April 3, 1965:

"1. Nonviolent demonstrators go into the streets to exercise their constitutional rights.

"2. Racists resist by unleashing violence against them.

"3. Americans of conscience in the name of decency demand federal intervention and legislation.

"4. The Administration, under mass pressure, initiates measures of immediate intervention and remedial legislation.

"Ladies and gentlemen, here it is from the man himself. Let's spell it out—in English:

"1. 'Nonviolent demonstrators'—that's anyone who, say, has a pair of sandals and needs a bath—go into the streets to provoke the hicks.

"2. 'Racists'—that's anyone, say, who doesn't have a pair of sandals and doesn't need a bath—finally lose their heads, or are simply forced to use violence—as in Selma.

"3. 'Americans of conscience'—that's a reader of the *New York Times*, a professor at Yale, or anybody calling himself a clergyman—put on the pressure for more federal intervention to promote collectivism that leads to Communism.

"4. The Administration—I don't know who that is—under mass pressure (you know what this is), sends in more troops and passes more laws.

"In short—and remember that this is from the massive brain of the man himself—the violence that usually occurs in a King Production isn't unexpected, isn't to be avoided, isn't something to be sorry about. It is exactly what he wanted. It is the point to the whole Production.

"It is in fact, says Dr. King, the *only reason* for a 'nonviolent' demonstration: To generate pressure on the Congress to install more collectivism.

"As we have seen, the Selma March, for instance, caused the lightning passage of the 'Voting Rights' Bill, under which the federal government, rather than the states, now conducts voting registration—the point being, of course, that in any dictatorship, whether Communist or Nazi, all the power must be centralized.

"So when Dr. King sees the troopers, he isn't sorry. Land O'Goshen, no! He's glad; the 'paroxysm' is on its way! He loves to see his own supporters get their skulls cracked.

"You see, when the nonviolence broke out in Selma, for instance, the skull of King—as chance would have it—was safe in Atlanta.

"What does it all mean? What's behind it? What manner of man is Martin Luther King?

"Well, there are all sorts of opinions. The 'Reverend' Ralph Abernathy, for instance, explained on the Selma March, according to the *New Yorker* of April 10, 1965, that King was 'conceived by God.' Legend has it, we read in *Newsweek* of April 2, 1965, that after his conviction for leading the Montgomery Bus Boycott, Negroes gathered outside shouting: 'Behold the king! Long live the king!'

"Talk about cult of personality!

"Ladies and gentlemen, I'm going to make a lot of wild charges; I'm really going to throw them around. But you never know. There may be a 'Liberal' among us. Maybe even somebody from the Anti-Defamation League. So let's avoid speculation, opinion, and evaluation for the moment, and begin with a simple narration of the known facts.

"Before 1955, nothing much happened to this King of Kings. *Time* of January 3, 1964, tells us that he did try to commit suicide twice. But, then, life is lonely for prophets and such an act may not always denote emotional instability. Lots of people try to kill themselves just to get some attention.

"But then, on December 1, 1955, a nonviolent lady named Mrs. Rosa Parks, who is a Negro, refused to move to the back of the bus in Montgomery, Alabama. 'I don't really know why I wouldn't move,' says Mrs. Parks, according to *Time* of February 18, 1957. 'There was no plot or plan at all. I was just tired from shopping. My feet hurt.'

"Is it possible? Yes, it is 'possible.' But what is definite is that Mrs. Parks had no doubt been prepared for the adventure by a recent educational experience that included a course at an institution by the name of the Highlander Folk School, then located in the town of Monteagle, in the State of Tennessee. The Highlander Folk School was organized with the assistance of a gentleman by the name of Don West. Don West, of course, was at the time District Director of the Communist Party of North Carolina. The Highlander Folk School was of course a Communist Training School, teaching the overthrow of the U.S. Government—and authoritatively cited as such by several agencies of your government.

"It was of course the Montgomery Bus Boycott, launched by Mrs. Parks of the Communist Highlander Folk School, that put Dr. King on the long road to nobelfication. He would not again attempt suicide; he had all the attention he needed. You may recall that Dr. King did his work at the head of an organization by the name of the Montgomery Improvement Association (M.I.A.). The Montgomery Improvement Association had been formed by the 'Reverend" Fred Shuttlesworth. Now, the 'Reverend' Fred Shuttlesworth is probably a very wonderful gentleman I am sure, but he is also a former convict, says the Joint Legislative Committee on Un-American Activities of the State of Louisiana, and 'has been affiliated with several communist-front organizations.'

"The *New York Times* of August 22, 1965, tells us that his Cincinnati congregation—composed of Negroes—may soon ask the 'Reverend' Shuttlesworth to resign. A suit has been filed, which charges 'that Mr. Shuttlesworth had usurped the power of the church trustees and officers and assumed absolute authority over the church's property. It also alleged that he had deposited funds of the church in institutions without authorization of the trustees and that he had denied members the right to call a meeting of the congregation." And Judge Frank M. Gusweiler of Common Pleas Court has issued an injunction, forbidding Mr. Shuttlesworth from spending any church funds.

"What they basically want the 'Reverend' Shuttlesworth to do, says a committee—a 'freedom' committee (that's right)—of the worshippers, is 'to treat the officers and members of the church as intelligent human beings and not as illiterate slaves as he does now.'

"According to a spokesman for the 'Reverend' Shuttlesworth—and you will remember that all of this is from the pages of the *New York Times*—the trouble is caused by jealousy of the 'Reverend' Shuttlesworth's 'Civil Rights' activities—jealously 'inspired by white persons.'

"One of these activities, we read in the *New Yorker* of April 10, 1965, was the Selma March—conducted, as chance would have it, By Dr. Martin Luther King.

"Another former convict is a gentleman by the name of Bayard Rustin. Dr. King thinks very highly of Mr. Rustin. He describes him, according to the *Washington Post* on August 11, 1963, as 'a brilliant, efficient and dedicated organizer and one of the best and most persuasive interpreters of nonviolence.'

"In 1953, the Pasadena Police Department described him differently. Arrest record No. 33914 includes Mr. Rustin's qualifications as a sexual pervert.

"The *Allen-Scott Report* for August 16, 1963, says of the qualified Mr. Rustin:

"*As a student at the College of the City of New York in 1936, Rustin joined the Young Communist League* and was active in its operations on the campus and elsewhere.

"*In World War II, he was arrested several times for making speeches advocating resistance to the conflict against Hitler and Mussolini. As a professed conscientious objector, he served 26 months in the federal prison at Ashland, Ky., and Lewisburg, Pa.* [Emphasis mine.]

"He says he resigned from the Young Communist League in 1941. What probably happened was that he was graduated.

"*National Review* of August 20, 1963, says 'Rustin worked closely, often as an office holder, with: the War Resisters League, the

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World Peace Brigade, *Liberation* magazine, the Medical Aid to Cuba Committee, the second General Strike for Peace, the Monroe (N.C.) Defense Committee, the Committee for Non-Violence Action . . . the Greenwich Village Peace Center, and any number of other groups, ad hoc committees, petitions, etc., few of which are arrestingly wholesome. . . .'

"Mr. Rustin has also been active in a group called the American Forum for Socialist Education, which is Communist dominated, says the Senate Internal Security Subcommittee.

"In 1958, Mr. Rustin got involved in a trip to Russia sponsored by a group known as the Nonviolent Action Committee Against Nuclear Weapons.

"The January, 1963, issue of *Fellowship* reveals Mr. Rustin to be a 'friend' of Kwame Nkrumah, the Communist dictator of Ghana.

"In September of the year, he was in Richmond, Virginia, where he suggested, says the *Richmond News Leader* of September 27, 1963, 'that more bloody Negro suffering should be encouraged so that squeamish Northern Negroes would be horrified into line. . . .'

"He was fresh from the March on Washington, which he conducted on August twenty-eighth to help pass the 'Civil Rights' bill, the day after which he urged that the only hope for Negroes was to 'go left.'

"On February 3, 1964, Mr. Rustin successfully conducted the New York City school boycott. On the next day, photographers recorded his departure from a cocktail party at the Russian mission to the United Nations. He has a real feel for comedy, Bayard does. He says he was there to discuss 'artistic freedom' in Russia.

"And finally, as chance would have it, Mr. Rustin somehow managed to find employment, in the year of 1955, as 'secretary' and 'adviser,' to a Very Important Person.

"The person's name was Martin Luther King—as chance would have it.

"So the three of them—ex-con and Communist-Fronter Fred Shuttlesworth, ex-con-and Communist-Fronter Bayard Rustin, and the 'Reverend' Dr. King—went ahead and improved Montgomery.

"After they had improved Montgomery for more than a year, they held a meeting in Atlanta, in March of 1957, at which they formed the Southern Christian Leadership Conference (S.C.L.C.).

"The meeting probably couldn't have been called in February because Mr. Rustin, Dr. King's 'secretary' was then attending the sixteenth national convention of the Communist Party. He had been officially invited, as an official 'non-Communist' observer, you see. The observers observed in a signed statement that:

". . . The sessions of the convention were democratically conducted with vigorous discussion of all matters brought to the floor. There were many indications that no individual or group was in a position to control the convention.

"You will recall that at the time, the Animals were trying to shed the image they deserved for crushing the Hungarian Revolution. But that didn't bother Bayard Rustin and the other observers, who also said:

"Finally, we wish to protest vigorously against the continuance by Senator Eastland's Senate Internal Security subcommittee of the un-American practice of governmental inquisition into political opinions and activities. . . .

"My goodness, these 'non-Communist' observers come in handy, don't they?

"The President of the Southern Christian Leadership Conference is the 'Reverend' Dr. King.

"The Vice-President of the Southern Christian Leadership Conference is the 'Reverend' Fred Shuttlesworth. And the 'Reverend' Fred Shuttlesworth is the new President of the Southern Conference Educational Fund.

"The Southern Conference Educational Fund, ladies and gentlemen, has been described by *three* agencies of your government—the House Committee on Un-American Activities, the Senate Internal Security Subcommittee, and the Joint Legislative Committee on Un-American Activities of the State of Louisiana—as a department of the Communist Conspiracy. It was organized by Communists. It is run by Communists. It is the most important Communist organization in the South.

"Mr. Carl Braden of Louisville, Kentucky, who serves as field director of S.C.E.F., has been named under oath as a member of the Communist Party. Mrs. Anne Braden, also of Louisville, Kentucky, and editor of the *Southern Patriot*, which is published by S.C.E.F., has also been named under oath as a member of the Communist Party.

"Mr. Braden is a former convict, of course. While in Louisville, he was convicted of a felony—a little matter involving some dynamite. And Mrs. Braden was indicted for sedition. It seems she doesn't care for our form of government.

"Carl Braden is also listed on its letterhead as one of the 'national sponsors' of the Fair Play for Cuba Committee which sponsored member emeritus Lee Harvey Oswald, the 'lone fanatic'—which is a Communistic Front. Braden was one of the main speakers at the F.P.C.C. dinner in New York on April 28, 1961.

"Benjamin E. Smith and his law partner, Bruce Waltzer, take part in the general management of S.C.E.F. Both are under indictment for multiple violations of the Louisiana Subversive Activities and Communist Control Act. At a closed meeting of the S.C.E.F. on February 3, 1964, at the Roosevelt Hotel in New York, Benjamin E. Smith, explained as follows: 'Come June, armies will take the field.' 'These armies are coming to strike. The Southern Conference Educational Fund is one of those armies.' 'The Southern Conference Educational Fund occupies a unique place in the South, it furnishes a staff organization supervising others.' 'There will be strikes, sitdowns, movements, we must play our part.' 'Revolution is on its way.'

"Mr. Aubrey Williams was President of S.C.E.F. until 1963, when he got so busy as Chairman of the National Committee to Abolish HUAC—which is a Communist Front—that he decided to make himself President Emeritus. As Director of the National Youth Administration under President Roosevelt, Mr. Williams was Lyndon Johnson's boss. He also held other important jobs in the New Deal. In 1945, however, the U.S. Senate rejected his appointment as Administrator of the Rural Electrification Administration, after his affiliations with the Communist apparatus had been placed in the record.

"On March 19, 1954, Mr. Williams testified before the Senate Internal Security Subcommittee that he had made the following statement in a speech in New York on September 11, 1947:

"It is my belief that it is precisely at this point that we take our stand and defend the right of any Communist to *maintain his position as an employee of the Government of the United States* . . . [Emphasis mine.]

"In April of 1954, at Hearings held in New Orleans by the Senate Internal Security Subcommittee, Mr. Williams was identified as a Communist Party member by one witness who had been in the Party, and was identified by another witness as one who had accepted Communist Party discipline.

"It was Mr. Williams, a Communist, whom the 'Reverend' Shuttlesworth—friend and colleague of the 'Reverend' Dr. Martin Luther King—recently replaced as President of S.C.E.F., a Communist organization.

"Mr. Williams died recently. There is always something sad about the death of a man even a professional criminal and Communist like Aubrey Williams.

"The Executive Director of S.C.E.F. is Dr. James A. Drombrowski. At the S.I.S.S. Hearings in March of 1954, John Butler, former Alabama Communist Party official, testified that on July 8, 1942 he attended a meeting of Communist Party leaders in the Thomas Jefferson Hotel, in Birmingham, Alabama, at which Alton Lawrence introduced James A. Drombrowski as a member of the Communist Party. Butler said this meeting of Communist Party leaders was held in Drombrowski's own hotel room.

"The Joint Legislative Committee on Un-American Activities of the State of Louisiana has preserved a letter dated September 21, 1960, from Carl Braden to James A. Drombrowski, which shows that the 'Reverend' Fred Shuttlesworth—friend and colleague of Dr. Martin Luther King—was using the Bradens to write his news releases.

"In fact, ladies and gentlemen, on October 7, 1958, the 'Reverend' Dr. King himself wrote a letter to Anne Braden, who as you will recall is a Communist and had been indicted for sedition by the American State of Kentucky, Louisiana Committee Counsel Jack Rogers explains at a hearing that 'in this [letter] *King urges Anne Braden and her husband, Carl, both Communist party members to become permanently associated with the Southern Christian Leadership Conference. . . . Of course, the Bradens were well identified publicly as Communists long before the date of this letter.*' We offer the letter.

" 'The next document is a letter from Martin Luther King to James A. Drombrowski, dated August 16, 1960. It shows *the friendly personal relationship that had developed between these two men by that time*. It is very brief, I will read it to the Committee. It says: "Dear Jim: This is just a note to acknowledge receipt of your letters of recent date. *We, too, were more than happy to have you in our home,* the fellowship was very rewarding. I will expect to hear from you when Bishop Love returns to the country. At that time we can set the date for an Atlanta meeting. Very sincerely yours, Martin.' " [*Emphasis mine.*]

"Committee Counsel Rogers testifies furthermore that Dr. King actually filed a lengthy affidavit in the Federal Court in New Orleans strongly supporting James A. Drombrowski and the Southern Conference Educational Fund as 'integrationists' of good character, and that Dr. King refused to repudiate the affidavit even after Mr. Rogers showed him absolute proof that they were all actually Communists.

"Indeed, a photograph exists which shows the 'Reverend' Dr. King along with Anne Braden, Carl Braden, and James Drombrowski (the last three all identified Reds), the back of which reads as follows in Drombrowski's handwriting: 'The 6th Annual Conference of the Southern Christian Leadership Conference, Birmingham, Alabama, September 25 to 28, 1962.'

"And there is a check, issued by the Southern Conference Educational Fund, signed by Benjamin E. Smith and James A. Drombrowski, and dated March 7, 1963, to the order of Dr. Martin Luther King Jr., in the amount of $167.74, with a notation on it: 'New York expenses'—and the endorsement, on the back of Dr. Martin Luther King Jr.

"The Committee concludes that the Southern Christian Leadership Conference—*headed by Dr. King*—is 'substantially under the control of the Communist Party through the influence of the Southern Conference Educational Fund and the Communists who manage it.'

"It is important to repeat that nothing of what we have said so far is speculation, rumor, hearsay, or opinion. All it is a simple narration of the known facts—some of them—to be found, among many other places, in a report entitled *Activities of the Southern Conference Educational Fund, Inc. in Louisiana*, issued by the Joint Legislative

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Committee on Un-American Activities of that State and available now from American Opinion.

"Also of interest is the career of the 'Reverend' Andrew Young. The 'Reverend' Andrew Young was trained at the Highlander Folk School, which as we have seen is a Communist Training School.

" 'Before its charter at Monteagle was revoked,' the *Atlanta Constitution* of July 24, 1963, tells us, 'the Highlander School received support from the International Union of Mine, Mill & Smelter Workers.

" 'An officer of the union, now under indictment on a charge of filing a false non-Communist affidavit, was one of the directors of the Highlander School.

" 'The Reverend Young has been headquartered rent-free in Savannah in the offices of the International Union of Mine, Mill & Smelter Workers. The Subversive Activities Control Board, an agency of the Federal Government, has found the union to be Communist infiltrated. The Mine-Mill Union has appealed the finding to a Federal court of appeals.'

"The 'Reverend' Andrew Young, we read in the *New Yorker* of April 10, 1965, was one of the directors of the Selma March, which was headed, of course—as chance would have it—by Dr. Martin Luther King. In fact, the 'Reverend' Andrew Young is Program Director for the Southern Christian Leadership Conference—which is headed, of course, by Dr. Martin Luther King. As chance would have it.

"On the Labor Day weekend of the year 1957, at this same Highlander Folk School—a Communist Training School—many humanitarians gathered to discuss 'civil rights.' A photograph of the events records the presence of Mrs. Rosa Parks. That's *the* Mrs. Rosa Parks. The 'Reverend' Dr. Martin Luther King Jr. was there, of course, with his close friend and associate, the 'Reverend' Ralph Abernathy. A photograph records the Abernathy presence. Another photograph shows the 'Reverend' Dr. King addressing the assemblage—perhaps at the very moment when he piled praise on School Director Myles Horton, whose 'noble purpose and creative work' he says he has long admired, possibly because it has included some cash to Dr. King.

"Mr. Horton's creative work consists of having run, with Communist James Drombrowski, an outfit called Commonwealth College, which was convicted under the laws of the American State of Arkansas of displaying the hammer and sickle and openly teaching Communism—and which on April 27, 1949, was cited by the U.S. Attorney General as a Communist Front; and of operating the Highlander Folk School, a Communist Training School. His 'noble purpose' is apparently to Communize the South.

"Dr. King also mentioned Aubrey Williams—a Communist—whom he called "one of the noble personalities of our times."

"Still another photograph—the best—shows the following comrades enjoying a lecture: the 'Reverend' Dr. King; Aubrey Williams, a Communist, and then President of S.C.E.F., a department of the Communist Conspiracy; Myles Horton, friend and teacher of Communists, and director of this Communist school; and Abner W. Berry, of the Central Committee of the Communist Party.

"Comrade Berry looks bored, but the others seem to be enjoying the lecture very much. In fact, on a form letter from Director Horton, dated May 15, 1963, the 'Reverend' Dr. King is listed as a Highlander sponsor.

"As chance would have it.

"Then there is the interesting case of a gentleman who is sometimes known as Mr. Hunter Pitts O'Dell. 'The Senate Internal Security Subcommittee declared today,' we read in the *New York Times* of September 16, 1956, 'that a "smoothly coordinated" Communist underground was operating in New Orleans as late as last spring. The panel made public in support of its finding the transcripts of hearings held in that city in April."

"The subcommittee said that American Communists "sought to infiltrate labor unions, churches, farmer organizations, parent-teacher organizations, channels of public opinion and other streams of influence in our society . . .

" 'Much of the Senate panel's case was built up at New Orleans from material found by New Orleans policemen in the abandoned apartment of one Hunter Pitts O'Dell. Mr. O'Dell had been identified in previous testimony as being the district organizer of the Communist party in New Orleans.'

" 'On April 12, 1956, identifying himself as Hunter Pitts O'Dell, a New Orleans waiter,' we read in the *St. Louis Globe-Democrat* of October 26, 1962, 'he testified before the Senate Internal Security Subcommittee. He invoked the Fifth Amendment and refused to say whether he was a southern district organizer for the Communist Party.

"Robert Morris, counsel for the sub-committee, said information had been received that O'Dell was, in fact, a district organizer for the Communist Party in New Orleans; that O'Dell gave 'directives to the professional group' in that city, and that he operated under three different names—the two other names being John Vesey and Ben Jones.'

"In 1958, when O'Dell was living in Montgomery, he again declined to answer on grounds, *et cetera*.

"In 1962, the House Committee on Un-American Activities published a two-volume study entitled *Structure and Organization of the Communist Party of the United States*.

"On Page 576, there is a list of those elected to the National Committee of the Communist Party, U.S.A., as known to the House Committee in November of 1961.

"Among the names was that of Hunter Pitts O'Dell.

"With this as a reference, Mr. O'Dell went looking for a job. And in 1960 he landed one. It was quite a job.

"As chance would have it, he went to work for an outfit called the Southern Christian Leadership Conference, headed by a gentleman by the name of Dr. Martin Luther King.

"Who says an intelligent, young Negro in America can't make good?

"But 'racists' and 'imperialists' naturally began to complain: 'A Communist has infiltrated to the top administrative post in the Rev. Martin Luther King's Southern Christian Leadership Conference,' we read in the *St. Louis Globe-Democrat* for October 26, 1962.

" 'He is Jack H. O'Dell [another alias], acting executive director of conference activities in southeastern states, including Georgia, Alabama, Mississippi and Louisiana.'

"So Dr. King developed an interesting strategy.

"You may have heard of it.

"We call it lying.

"Like Bayard Rustin, Dr. King has a real feel for comedy. He developed the strategy of firing O'Dell.

"After he got fired, Mr. O'Dell was probably pretty broken up. But in America you can't keep a good man down. He landed another job, this one with the 'Reverend' Andrew Young, who as you will recall was trained at the Communist Highlander Folk School by Communists, and is program director for the Southern Christian Leadership Conference, which is headed, as chance would have it, by Dr. Martin Luther King.

"After that, O'Dell got still another job—as Administrator of the New York office of the Southern Christian Leadership Conference, which is headed, as chance would have it, by Dr. Martin Luther King.

"Legend has it that they got on great, until the odor got to be too much even for the American Press.

"Dr. King acted, swiftly, decisively.

"He fired O'Dell.

" 'King said the Negro, Jack H. O'Dell of New York, left the S.C.L.C. the second time June 26 by mutual agreement,' we read in a U.P.I. story inserted in the CONGRESSIONAL RECORD for July 31, 1963, 'because of concern that his affiliation with the integration movement would be used against it by 'segregationists and race baiters.'

"That ended it.

"Some time later, in the summer of 1963, U.P.I. had an interesting story inserted in the *Congressional Record* for July 31, 1963. It seems that the *Atlanta Constitution* had published a report that O'Dell was still working for S.C.L.C. as Director of the New York office. So U.P.I. called the office.

" '. . . *A Staff employee who answered the telephone Thursday morning told United Press International O'Dell was still with the office as administrator of the New York operation*. Later in the day the same office said he was not connected with the agency and had no knowledge of his whereabouts.

" 'King told reporters he could not understand why anyone in his office would say O'Dell worked there when he doesn't . . .' [*Emphasis mine.*]

"It's quite a strategy.

"So it's very reasonable to assume, wouldn't you agree, that Hunter Pitts O'Dell, of the National Committee of the Communist Party, may very well be working with Martin Luther King right now.

"In fact, we read in the *Boston Globe* of April 15, 1964:

"Official warnings have again been given to King about another, even more important associate who is known to be a key figure in the covert apparatus of the Communist Party. After the warnings, King broke off his open connection with this man, but a second-hand connection none the less continues . . . [*Emphasis mine*].

"Ladies and gentlemen, there's no need to go on. I am sure you will agree. In fact, we *can't* go on—you see, they only allow us ninety-six pages per issue of the magazine. So let's leave it at that, and remind ourselves again that all we have recorded here is a simple narration of the known facts—some of the known facts. There are others—many others—as I say. So there's no need to mention, for instance, that the American Committee for Africa, which Dr. King allows to use his name, sponsored and financed the American tour of Communist terrorist Holden Roberto, the Butcher of Angola; or that in October, 1962, King turned up in a Harlem hotel with Communist Ahmed Ben Bella, of Communist Algeria, who joined him in a statement that the two injustices of colonialism and American segregation are 'linked.'

"What do you make of it?

"As you know, it is my usual practice to garnish even the most minor assertion with a wagon load of evidence. But I now take the position—after Los Angeles—that to add to the obvious facts that the 'Civil Rights movement' was not only planned by the Communists, but was begun, is staffed, and is conducted by the Communists—and has only one real purpose: the destruction and Communization of America—would be an unforgivable redundance.

"Readers of my book—or of *Two Revolutions at Once*, by Robert Welch—will know that the Communist 'revolution' now going on in this country, under the cloak of 'Civil Rights,' consists of two parts. The first is the drive for a Soviet Negro Republic, an independent 'nation,' consisting of several Southern states—and is of course conducted by the 'Reverend' Dr. King. It is the Soviet Negro Republic that the current 'voter registration campaign' is all about—a campaign which includes the amazing spectacle of the Attorney General of the United States boasting publicly that he is forcing the sovereign states to register total illiterates.

"The second part of the Communist scheme also bears a faint resemblance to the activi-

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ties of the 'Reverend' Dr. King—as chance would have it. It consists of course of forcing more and more legislation through the Congress under the cloak of 'Civil Rights,' all of it designed only to destroy the states and concentrate the power.

"Recent developments leave little doubt about the 'Reverend' Dr. King. As we have seen, he has begun a new series of the usual violent and money-making visits—but for the first time including cities of the North—complete with the usual hints of guerrilla warfare if Americans do not immediately come to heel. He has recently decided to conduct American foreign policy himself, by negotiating our defeat directly with North Vietnam, apparently having lost patience with Dean Rusk—and who can blame him? And at this writing he has just landed in Los Angeles to establish what he calls a 'community of love,' but in actuality of course simply to return to the scene of the crime. The man behind Dr. King on the television screen when he was interviewed on arrival in Los Angeles looked very much like Bayard Rustin, who of course is an authority on establishing 'communities of love.' Mr. Rustin was also allowed to accompany Dr. King to Oslo for the Prize; they go everywhere together.

"Angeleños of all colors should keep their backs to the wall, until the verified departure of the King and the Thing.

"It is unfortunately true that some American Negroes have suffered from injustice, and obviously true that the *few remnants* of this injustice must be erased.

"But ladies and gentlemen, it is equally and much more dangerously true that the 'Civil Rights movement' which is supposedly designed to erase them *is* what we have said it is, *only* what we have said it is, and *nothing else but* what we have said it is.

The interesting question remains of why Dr. King does it.

"It is remotely possible that Dr. King was not already a practicing Communist when he was selected to conduct the Mongomery Bus Boycott. That is possible.

"If this was the case, there can be no doubt that he was broken in slowly, in the usual way, step by planned step, until the ultimate revelation, when it was fully explained to him what he had become.

"Dr. King says he did it because he wanted to create a 'community of love,' whatever that is. He says he felt a moral obligation; that it was his duty. And most important, he says he wants nothing for himself. He couldn't care less about material things, you see. He's above all that. In fact, we learn from Mrs. King, in *Redbook* for September, 1961:

"There was a time when he was quite concerned about his personal appearance. Today I have to remind him that he needs a new suit. Our trip to India in 1959 to study Gandhi's independence movement made a deep impression on him. He became even more committed to non-violence and much less interested in material things. At times he has even talked seriously about whether or not he should own anything that's not absolutely necessary for the rest of the family.

"My goodness, he's quite a little gentleman.

"In fact, we read in *Newsweek* for December 21, 1964:

"To share his moment of triumph, Dr. King had brought with him the largest entourage in Nobel Prize history—some 26 relatives, friends, and aides. 'We are all of us very poor people,' said one, explaining that they had scraped together the money for the trip from savings accounts, pension funds, and 'travel now, pay later' arrangements.

"Gosh! Ain't it terrible? The poor Negroes down in the South!

"As it happens, ladies and gentlemen, the senior 'Reverend' King, a Southern Negro, had earned the money down in the South to pay for his son's college education. Mrs. Martin Luther King Jr. is a graduate of Antioch—that's right. *Commonweal* of June 10, 1960, tells us that the father of the "Reverend" Abernathy—King's colleague and cell mate—had his own *five hundred acre* plantation—in Alabama!

"You know—this makes me mad! My father did not have the money to send me to college and to graduate school. But I went. I invoked an unusual procedure—I worked. I drove a taxicab. My father also does not own a five hundred acre plantation. I bawled him out about it as soon as I got the news about the "Reverend" Abernathy. You see, I got all kinds of funny feelings in the "racial integrity." Maybe I'll go out and organize a spontaneous riot.

"It's enough to make you wish you were a Negro down in the South.

"Once again the fact is dramatically and irrevocably proved that Communism is not caused by "poverty," or by "hunger," or by "sickness," at all. The cause of Communism is so simple that many honest men have missed it, and many dishonest men have hidden it.

"Communism is caused by criminals.

"There is no other cause of Communism.

"You see—as Dr. King is well aware—there are essentially two types of degenerate thug; the big timer, and the small timer. The small timer is represented by a specimen such as John Dillinger. Sure, John liked robbing and killing and beating people up—bad mannered stuff like that—but you must admit that at the mention of his name you can't help but feel a touching nostalgia. There was a refreshing sincerity about the man; he told you straight out what he wanted. He didn't claim that he was robbing you and beating you up for your good; he was perfectly pleased to admit that he was doing it for his own good.

"That was his mistake.

"A big timer would have known that the first thing to say was that he was doing it for you. They want nothing for themselves, this type. Everything they do is for your own good. Classic specimens of this variety are called Socialists, of course, and they include for instance, the things known as Stalin and Hitler.

"Whatever the type, they believe, because of their own insignificance, that it is impossible for men to deal fairly with each other, and that a man has only two real choices; whether to be master, or whether to be slave. Like all sure losers, they blame the system for their own insignificance. They talk only of power, and deal only in force.

"All of which makes it now seem reasonable to theorize that as a smart, young man on the make, Dr. King quickly found out how the wind was blowing.

"Ladies and gentlemen, the time has come. J. Edgar Hoover is wrong. Martin Luther King *isn't* the 'most notorious liar in the country.' He's the *biggest*. He isn't notorious enough. That this man cannot be only tolerated, but honored and admired, quoted and consulted—by the President of the United States—is a travesty compared with which that nemesis of the innocent known as Earl Warren can seriously be called a judge.

"King has no real interest in the real welfare of black—or white—Americans.

"He is only interested in tricking them both into civil war—and in lifting their money.

"He doesn't mind that it is exactly because of his own activities that Negroes aren't making the progress he complains they aren't.

"He doesn't really mind that many Negroes are illiterate—as long as they register and vote for him.

"What he really wants is to be a black plantation boss giving orders to 'his people.'

"In a rational society, he would be a carny barker or a snake oil saleman in a crooked side show.

"So let's do it. Let's do it now.

"As you know, the origin of the exact science of ducknology is irrevocably lost in the mists of antiquity, although it is undoubtedly based on the master principles discovered by Aristotle—the first great extremist.

"Let's apply them.

"The Thing walks like a duck.

"It smells like a duck.

"It looks like a duck.

"It quacks like a duck.

"Ladies and gentlemen, there can be only one explanation. I can not even imagine any other explanation.

"It's a duck."

[From the CONGRESSIONAL RECORD, May 29, 1968]

MARTIN LUTHER KING—A STUDY

Mr. RARICK. Mr. Speaker, Church League of America, 422 North Prospect Street, Wheaton, Ill., on its News and Views Report for May 1968, has issued a 55-page comprehensive documentary on M. L. King, Jr., entitled "His Three-Pronged Attack On: 1. Christ and the Bible, 2. The United States of America, 3. Law and Order."

Any of our colleagues desiring comprehensive documentation will want this Church League report.

I am asking that a few portions of the report follow my remarks in the RECORD. Deleted from reproduction in the RECORD are news clippings and speeches such as Congressman ASHBROOK's from the CONGRESSIONAL RECORD of April 4, 1967, Congressman DERWINSKI's of January 22, 1968, Congressman RARICK's for March 25, 1968, and the House Appropriations Report on "Law and Order" for 1967:

"MARTIN KING'S THREE-PRONGED ATTACK

"In recent days the United States was treated to one of the biggest doses of mass hysteria and idolatry through the media of public communications in the history of any nation of the civilized world. The occasion was the demise of a Negro man by the name of Michael King, born with this simple name as recorded on his birth certificate, with the name changed to 'Martin Luther' by his father to imply an affinity for religious causes after the fashion of the famous leader of the Protestant Reformation in Germany, Dr. Martin Luther.

"Few of the masses of United States citizens had available for their study the undisputed and documented facts concerning the late Mr. King's life which would stand up under oath in any court of law or before any United States Congressional Investigative Committee—facts which, for some unknown reason, the public was denied by the same supposedly responsible mass media of communication.

"Mr. King was hailed over the ether waves, through the printed page, on the theatre screens, and in orations from the pulpit, classroom and government chambers as everything from a modern Messiah to one of the greatest leaders of all of history. Such words as 'crucifixion' and 'resurrection' were used in reference to Mr. King.

"Politicians who formerly scorned him over television and from the public platform assumed a countenance of mourning and mortification. Some public leaders who had denounced him as a rabble-rouser and an instigator of violence and revolution, suddenly eulogized him as a great apostle of peace and love.

"What is the truth concerning Martin Luther King's views on theology, his country and law and order? While being called a 'Christian' was he in reality a Christian believer as defined by Holy Scripture? While stating that he was for bringing about social justice within the United States of America, was he actually loyal or disloyal to the United States of America? While declaring that he came into cities as an apostle of non-violence (the type which Mahatma Gandhi advocated—satyagraha), did he actually contribute to the breakdown of law and order and the rise of anarchy throughout the United States?

"The Church League of America can only come to the conclusion after looking at the record, as made by Mr. King himself, that many people who were swayed by the hysteria following Mr. King's regrettable departure from this world have a lot of catching up to do on their home-work. It is time for people to deal in facts and not in emotion. The orderly conduct of a civilized society is at stake and with it the lives and property of millions of people!

"Martin Luther King, Jr.

"Activities in his religious life

"Martin Luther King was born in Atlanta, Georgia, on January 15, 1929, into a devoutly religious home. At the age of 29 he became the minister of Dexter Avenue Baptist Church after turning down several other offers.[1] He began to work with Atlanta's Intercollegiate Christian Council. King's training had consisted of finishing his high school education at age 15, going to Morehouse College in Atlanta, and attending Crozier Seminary in Chester, Pennsylvania, where he received a B.D. degree in Divinity in 1951 and the Pearl Plafkner Award for scholarship. While at Crozier, Mr. King became president of the student body and was graduated at the head of his classes. It was here that he was influenced by Dr. Mordecai Johnson, president of Harvard, a strong believer in Gandhi, Hindu non-violent resistance leader. Finally, King obtained his Ph.D. degree from Boston University in 1955 where he was a Louis Crozier Fellow.[1]

"Was co-chairman of the Prayer Pilgrimage for Freedom.[2]

"Editor-at-large of the *Christian Century*.[3]

"Attended the National Council of Churches' General Assembly in 1960. Was a speaker at the 18th Ecumenical Student Conference on the Christian World Mission, 1960.

"President of the Southern Christian Leadership Conference.[4]

"Assistant pastor at Ebenezer Baptist Church.[5]

"Sponsor of a statement calling for peaceful resistance to Communism and for unilateral disarmament—pamphlet called 'A Christian Approach to Nuclear War' put out by the Church Peace Mission.[6]

"Was unable to attend the Baptist World Alliance youth conference in Beirut, Lebanon, July, 1963.[7]

"Was speaker at the Second Methodist Conference on Human Relations, August 26–30, 1963.[8]

"Contributor to *Motive* magazine—a Methodist youth publication.[9]

"Keynote speaker at the Union of American Hebrew Congregations convening in the Hilton Hotel in Chicago.[10]

"Honorary chairman of the Baptist Action for Racial Brotherhood Committee of the American Baptist Convention.[11]

"Listed as a speaker at 'Freedom Now' meeting sponsored by the Milwaukee civic and religious community held in Milwaukee City Auditorium, 1/27/64.[12]

"Addressed the 1964 American Baptist Convention where he received the first annual Edwin T. Dahlberg Peace Award.[13]

"Is one of the leaders of the Alabama Christian Movement for Human Rights.[14]

"Spoke at a meeting of the Central Conference of American Rabbis; asked them to join with him 'in a creative witness to our joint convictions of equality and racial justice.' Consequently, 16 rabbis and one Jewish layman participated in a civil rights demonstration in St. Augustin, Florida. The 17 were arrested on June 18, 1964.[15]

"Spoke in two Protestant churches in Communist East Berlin.[16]

"Had a 25-minute session with Pope Paul VI.[17]

"Spoke at the 61st general convention of the Protestant Episcopal Church, Rt. Rev. Arthur Lichtenberger praised him as 'one of the great men of our times.' [18]

"Because of his increasingly heavy schedule, King could not accept an editor-at-large assignment for the *Christian Century*.[19]

"Dr. Martin Luther King was to be among the speakers for the Montreat, North Carolina, Christian Action Conference, August 19–22, 1965. He was to be a keynote speaker at the meeting.[20]

"Activities in his secular life

"Became president of the Montgomery Improvement Association after graduation from college.[21]

"Married Coretta Scott, a singer, and now has four children.[1]

"Speaker at the 25th anniversary celebration of Highlander Folk School, once declared a Communist training school.[22]

"Was on the National Advisory Committee of the Congress of Racial Equality.[23] Of C.O.R.E., Senator Eastland stated in the *Congressional Record*, vol. 107, pt. 7, pp. 8956–8957, 'This organization is the war department of those who sell hate, collect donations, and sow the seeds of discord in this country. Since its inception, its creed has been lawlessness, and its tactics have followed the pattern set by communist agitators the world over.'

"Editorial contributor or member of the Fellowship of Reconciliation,[24] radical pacifist organization which opposes military defense.

"Head of the Congress of Racial Equality.[25]

"Made a speech at the War Resisters dinner honoring A. J. Muste.[26]

"Ad Hoc Committee on the Eisenhower-Khrushchev talks to Explore the Requirements of Peace—member.[27]

"Sponsor of the National Committee for a Sane Nuclear Policy.[28]

"Led a successful boycott to integrate Montgomery's city buses.[29]

"Honorary co-chairman of the Africa Freedom Day to benefit the African Defense and Aid Fund sponsored by the American Committee on Africa.[30]

"Member of the National Committee of the American Committee on Africa.[31]

"Sponsor of an appeal for Morton Sobell, convicted atom spy, in article, "1,200 clerics urges Ike free Sobel." [32]

"Writer for *Liberation*, a leftist, pacifist magazine.[33]

"Fellowship of Reconciliation—member of advisory council.[34]

"Editorial contributor, *Fellowship*, a pacifist magazine of the Fellowship of Reconciliation.[35]

"Listed as a supporter of Sobell's release from prison sponsored by the National Committee to Secure Justice for Morton Sobell.[36]

"Contributor to radical *Liberation*.[37]

"On the advisory committee of Congress of Racial Equality.[38]

"On the national committee of sponsors of the American Freedom of Residence Fund.[39]

"Launched a drive to double the voting strength of Negroes in the South before the 1964 Presidential election.[40]

Participant in the conference sponsored by the Alabama Christian Movement for Human Rights, Student Nonviolent Coordinating Committee, and Southern Conference Educational Fund. The conference was on "The Deep South: Ways and Means to Integration" in Birmingham on April 13–14, 1962.[41]

"Slated to be principal speaker at the annual reception of the New York Friends of the Southern Conference Educational Fund to be held in the Biltmore Hotel in New York City, 2/8/63.[42]

"Member of the Committee to Secure Justice for Morton Sobell according to a leaflet of February, 1963.

"Spoke for the New York Friends of the Southern Conference Educational Fund. Guests were invited to make reservations through William Howard Melish, identified by Louis Budenz as a Communist.[43]

"Sponsor of Highlander Center, 1625 Riverside, Knoxville, Tennessee, the newly formed group out of Highlander Folk School.[44]

"Photograph of King allegedly attending the Highlander Folk School is printed in the *Augusta Courier*, 7/8/63. In ansewr to a question from Lawrence Spivak on "Meet the Press," King said he was 'there' (Highlander Folk School) 'only an hour' and that he 'made a 45 minute speech.' The program appeared on T.V. on March 28, 1965.

"Spoke at Cobo Hall along with Detroit Mayor Cavanagh and Walter Reuther. It was the end of the 'Walk to Freedom' program, June 23, sponsored by the Detroit Council of Human Relations.[45]

"Endorsed a Cobo Hall meeting in Detroit on November 8–10, 1963, headed by Rev. C. L. Franklin who led the Detroit June 23 Freedom Walk. At this meeting Negro leaders from 15 Northern cities planned to establish a Northern Negro Leadership Conference.[46]

"The Justice Department furnished a rented car to transport King in Alabama.[47]

"Contributing author to *Renewal* magazine published by exploratory program in journalism of the Chicago City Missionary Society.[48]

"Contributor for *Liberation*.[49]

"Conducts workshops in nonviolent demonstrations, Said the workshops had two goals: instruction in methods of nonviolent action and speedup in voter registration.[50]

"In Oakland, California, a mass rally addressed by Martin Luther King, Jr., drew 17,000 participants.[51]

"Endorsed Lyndon B. Johnson and said Goldwaterism must be defeated.[52]

"Was a special student at the University of Pennsylvania and Harvard.[53]

"Participated in Selma March.[54]

"Aid Received from Religious Sources

'The Synod of the Reformed Church of America sent a gift of money and commendation to the Southern Leadership Conference headed by Martin Luther King.[55]

"Aid Received from Secular Sources

"Speakers at rallies in support of King and his activities were Dr. Herbert Aptheker (member of the National Committee of the Communist Party in the U.S.A.), Mrs. Alva Buxenbaum (National Chairman of the Progressive Youth Organization), and Elizabeth Gurley Flynn (late secretary of the Communist party).[56]

"Gus Hall, general secretary of the Communist Party, U.S.A., and Benjamin Davis, Secretary of the Communist Party, U.S.A., protested the arrest of King in wires to President Eisenhower.[57]

"King's attorneys charged in the Georgia state court of appeals that King's constitutional rights were violated when he was sentenced to a four-month prison term for violating probation in a traffic case.[58]

"A rally was held under the auspices of the 'Emergency Committee to Support Birmingham' to back King and his efforts in Birmingham. The principal speaker was Rev. Fred Shuttlesworth. Other speakers were James Farmer and the late Malcolm X.[59]

"Sammy Davis, Jr., gave $20,000 to King.[60]

"Was backed by a $50 contribution from the Wisconsin Democrats for 'human rights campaign.' [61]

"A photograph shows King and three officers of the Southern Conference Educational Fund, all 3 identified Communists, together. A check was made payable to King

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Footnotes at end of article.

personally and deposited by him in his Southern Conference Educational Fund.[62]

"King received $50,000 in cash and pledges for use in the Southern Christian Leadership Conference by the New York Central Labor Council.[63]

"Union Boss Hoffa presented King with a $25,000 check and said that the donation 'was authorized by the international executive board and we have no intention of changing our position.' [64]

"Announcements made by King

"Asked President Eisenhower to end what King called 'a reign of terror in Montgomery, Alabama.' His charges were dismissed by the city's police commissioner as 'the rantings of a rabble-rousing agitator.' [65]

" 'I was immediately influenced by the social gospel . . . Christ furnished the spirit and motivation while Gandhi furnished the method . . . The choice today is no longer between violence and nonviolence. It is either nonviolence or nonexistence . . . I have tried to embrace a realistic pacifism.' He pays glowing tribute to Walter Rauschenbusch and Gandhi as influencing him the most.[66]

"Announced at a news conference in New York City 6/10/60 that he and Asa Philip Randolph planned to use at least 6,000 pickets at both Democratic and GOP national conventions as a protest against segregation.[67]

" 'Addressing Freedom Forum in Schenectady, New York, last week, said he favors admission of Peoples China to the United Nations.' [68]

"Spoke in Los Angeles to 'spur voter registration.' [69]

"Was critical of the F.B.I., especially in Albany, Georgia.[70]

"In a sermon delivered November 15, in New York City King is quoted as saying that reports of alleged Southern outrages against Negroes filed with the F.B.I. 'produced no action.' [71]

"Called on President Kennedy to sign an executive order to outlaw segregation.[72]

"Made a statement 'we are through with gradualism . . . we want our freedom now.' [73]

"J. Edgar Hoover told a House Appropriations Committee that communists are infiltrating the Civil Rights movement. King said that that statement was a smear and that Hoover 'has allowed himself to aid and abet the fallacious claim of Southern racists and extreme right wing elements.' [74]

"After receiving the American Baptist Convention's first annual Edwin T. Dahlberg Peace award, King, a member of the American Baptist Convention said, 'Nothing could be more tragic, than for the civil rights movement to become "all Negro" ' [75]

"Spoke at a civil rights rally in Chicago on June 21, 1964. Urged continuance of demonstration, boycotts, rent strikes, and other means of protest.[76]

"Was among those who issued a statement urging Negroes and their friends to impose a moratorium on marches, mass picketing, and other mass demonstrations, until after the presidential election. The statement urged friends of civil rights to concentrate on voter registration, enforcement of the civil rights laws, and other appropriate forms of political activity. The statement declared that 'racism' had been injected into the campaign by the Goldwater forces.[77]

"Wanted the Democrats to endorse a 10-year $50 billion 'bill of rights' program to aid the 9,000,000 poverty-stricken American families.[78]

"In his July-August Newsletter, King implied that anti-Semitism may have been a factor in racial outbursts in New York City and Rochester.[79]

"Declared Barry Goldwater was a man indifferent to civil rights, peace and poverty.[80]

"Supports C.O.F.O. and said that it was 'one of the most creative instruments in the civil rights movement.[81]

"Called for a grand alliance of American intellectuals, liberals, labor union and religious leaders to fight the battles in the civil rights struggle. Said the next final step in the fight for civil rights would be for the movement 'to work in the field of political action and reform.' [82]

"Advocated Communist China's membership in the United Nations. Said it would help toward disarmament efforts.[83]

"Called for a withdrawal of all troops and mercenaries from the Congo.[84]

"Complained to President Johnson that many federal judges 'abuse and misuse' their power. He told Johnson that it was important that large numbers of Negroes be assigned top jobs in local levels of the President's antipoverty program. He and his staff arrived in Washington in the private airplane of Gov. Nelson A. Rockefeller.[85]

"Johnson, Humphrey, Katzenbach and King conferred on voter registration. He asked the justice department to seek an injunction against the prosecution of more than 3,000 Negroes arrested in Selma.[86]

"Said, 'I would strengthen a channel that is already in existence, the United Nations . . . I would work to bring about universal disarmament and set up a world police force through the United Nations . . . I would also consider some form of world government. As we grow and come to see the oneness of mankind and the geographical oneness of the world, made possible by man's scientific and technological ingenuity, more and more we are going to have to try to see our oneness in terms of brotherhood. This does not mean that everyone has to agree at every point. There can be a world government where diversity exists, and this would lessen many tensions that we face today; and it would also enable everybody to understand that we are clothed in a single garment of destiny, and whatever affects one nation directly in the world, indirectly affects all.' [87]

"Autographs King has made

"Signer of statement calling for suspension of nuclear-weapons tests sponsored by the National Committee for a Sane Nuclear Policy.[88]

"Signer of Church Peace Mission statement calling for cancellation of nuclear-weapons tests.[89]

"Signer of open letter to the House of Representatives opposing the Committee on Un-American Activities sponsored by the Southern Conference Educational Fund.[90]

"Signer of Manifesto of Southern Negro Leaders against Passage of New Sedition Laws by the States.[91]

"Signer of a full page advertisement supporting President Eisenhower's Invitation to Khrushchev and Appeasement Line with Respect to the U.S.S.R.[92]

"Signer of statement of Negro Leaders against proposed new sedition laws sponsored by the Southern Conference Educational Fund.[93]

"Signer of paid full page advertisement in the New York *Times*, 2/8/60, sponsored by the National Committee for a Sane Nuclear Policy favoring ban on further U.S. atomic testing.

"Signer of advertisement sponsored by the National Committee for a Sane Nuclear Policy—'Agenda for Geneva' end all nuclear Tests—Total Disarmament.[94]

"Signer of telegram to President Eisenhower sponsored by the Southern Conference Educational Fund.[95] Advertisement was titled 'Must Southern Negroes Turn to the U.N.?'

"His name appeared on a leaflet advertising a mass meeting in Washington, D.C. on November 19–21, 1960 for the National Appeal for Freedom for Morton Sobell.

"Signed paid advertisement in the Washington *Post*, 7/31/58, demanding that the House Committee on Un-American Activities, 'stay out of the South.' [96]

"Signer of petition to the 87th Congress to abolish the House Committee on Un-American Activities.[97]

"Signer of clemency petition sponsored by the Southern Conference Educational Fund to President Kennedy on behalf of Carl Braden.[98]

"Signer of petition for clemency for Carl Braden—also denounced the House Committee on Un-American Activities and the Senate Internal Security Subcommittee.[99]

"Signer of letter to President Kennedy sponsored by the National Committee for a Sane Nuclear Policy to ask that the United States remain steadfast in its determination to succeed in test ban negotiations.[100]

"Initiator of petition to President Kennedy asking clemency for Carl Braden, convicted field secretary of the Southern Conference Educational Fund.[101]

"Signer of a statement sponsored by the National Committee for a Sane Nuclear Policy to guide the United States in conference negotiations with the Soviet Union on the future of Germany and West Berlin.[102]

"Initiating signer of petition sponsored by the Southern Conference Educational Fund to the President for Clemency for Carl Braden.[103]

"His name appeared on a press release of November 1961 of the National Clemency Appeal on behalf of Frank Wilkinson and Carl Braden.

"Signer of charge that 'HUAC (sic) threatens national security'—the appeal was addressed to the House of Representatives from an Ad Hoc Committee.[104]

"One of 550 prominent Americans who signed a petition to President Kennedy to pardon Junius Scales.[105]

"Signer of plea on behalf of the Communist Party leader of North Carolina convicted under the 'membership clause' of the Smith Act, Junius Scales, to pardon him.[106]

"Signer of statement opposing resumption of nuclear tests sponsored by the National Committee for a Sane Nuclear Policy.[107]

"Signer of an appeal to desist from testing while negotiating with the Soviet Union for disarmament agreements—Clergymen's Message to the President Opposing Resumption of Atmospheric Nuclear Tests.[108]

"Signed a letter asking clerics to deliver sermons and lectures on the first Sunday in January denouncing both the House Committee on Un-American Activities and the Senate Internal Security Subcommittee.[109]

"King sent a telegram to Jesse Gray, identified as an organizer of the C.P. of Harlem which said: 'You have my absolute support in your righteous and courageous effort to expose the outrageous condition that Negroes confront as a result of substandard housing conditions.'

"Associates of Dr. King

"At Morehouse College in Atlanta King came under the influence of the President of the College, Benjamin E. Mays, who has an extensive record of support of communist fronts and causes.[110]

"In the Youth March for integrated schools of Washington, D.C., in 1958 Martin Luther King was co-chairman of the group along with a veteran supporter of Communist fronts, A. Philip Randolph. Again, Rev. King made the pages of the Communist *Worker* which reported: 'Rev. King said: The Oppressed Always Marched for Freedom.' On May 17, 1959, the *Worker* devoted the entire front page and fourteen columns of print to the March. That King's Washington March was aided and engineered by the Communists is attested to by the *Worker*. On page 15 they said: 'Large number of the Left (Communist) forces actively aided in mobilizing support for the Youth March and were in vast audience.'

Footnotes at end of article.

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"*Challenge*, official publication of the Young People's Socialist League (11/1/58) headlined the story and pointed out that the Marchers' White House Student delegation leader and 14 of the main youth organizers were members of the Young People's Socialist League.

"Bayard Rustin (a joiner of Communist fronts) was secretary to King from 1955 to 1960 and helped to organize the Southern Christian Leadership Conference.[111]

"At the sixth annual confernce of the Southern Christian Leadership Conference in Birmingham, September 25–28, 1962, Anne Braden, Carl Braden and James A. Dombrowski (identified as Communists) spoke.[112]

"King met with Ben Bela of Algeria in New York.[113]

"Allegation is made that the American Committee on Africa (of which King is a member of the National Committee) sponsored a tour of the United States by Holden Roberto, an African terrorist of the Angola-Congo region.[114]

"Rev. John B. Thompson, a veteran supporter of communist fronts, introduced Myles Horton, director of Highlander Research and Education Center, as the "grandfather" of Martin Luther King explaining that King has stated he owed his entering the civil rights movement to Rosa Parks, a Highlander alumna.[115]

"Has accepted and is almost certainly still accepting communist collaboration and even communist advice.[116]

"Urged the Bradens to become permanently associated with the Southern Christian Leadership Conference according to a letter dated October 7, 1959, to Anne Braden in which King also thanks Carl Braden for his participation in a meeting.[117]

"King was advised to have Hunter Pitts O'Dell dismissed from his organization because he was an identified communist. Either he failed to do so or later rehired him because just over a year ago O'Dell was again on King's payroll as director of the Southern Christian Leadership Conference office in New York City.[118]

"Bayard Rustin introduced Martin Luther King to Kwame Nkrumah, communist dictator of Ghana.[119]

"Arrests of Dr. King

"Sentenced to four months imprisonment for parole violations—Atlanta, Georgia, picture and story.[120]

"Vowed to be arrested for committing an act of civil disobedience to dramatize the integration campaign. That was his 14th arrest. He was charged with trespassing, intent to breach the peace and conspiracy.[121]

"Arrested for not having a permit to parade in Selma, Alabama. This one was his first since he won the Nobel peace prize in November and apparently was part of a plan prepared . . . by the Southern Christian Leadership Conference.[122]

"Awards for Dr. King

"In *Times* magazine in 1956 he was selected as one of the "outstanding personalities of 1956."

"Received the Spingarn Medal at the NAACP Convention in Detroit in June, 1957.

"Received the 1957 Social Justice Award given by the Religion and Labor Foundation.[123]

"Received an award from Local 6 of the Hotel and Restaurant Union after membership poll 'overwhelmingly voted him the American who made the greatest contribution in the past year to the improvement of race relations.' [124]

"Recipient of the St. Francis Peace Medal, the first Catholic reward he received.[125]

"Was given the North American Voice of Fatima award, also the Third order of St. Francis.[126]

"Named Man of the Year by *Time* magazine.[127]

"Received an honorary doctor's degree from Yale University.[128]

"Two papers, published in Oslo, one of them a church paper, urged that Dr. Martin Luther King, Jr., be awarded the 1964 Nobel peace prize. Earlier, in February 1964 eight members of the Swedish parliament nominated Dr. King as candidate to receive this award. The *Christian Century* endorsed Dr. King for this award.[129]

"Was awarded the Nobel peace prize. He 'has consistently asserted the principle of nonviolence' the Oslo Nobel Institute said in its statement announcing the award.[130]

"Awarded the John F. Kennedy Prize by the Catholic Interracial Council in Chicago.[131]

"To be honored at a dinner sponsored by the National Conference of Christians and Jews.[132]

"Accounts Dr. King has made of the civil rights movement

"Article, 'The Negro Revolution in 1964' published in the Southern Christian Leadership Conference *Newsletter*, January 1964, page 7.

"Wrote 'Why We Can't Wait' reviewed in the *Chicago Tribune*, 6/28/64.

"Author of 'Strength to Love' published by Harper and Row.[133]

"Author of 'Stride Toward Freedom: The Montgomery Story' published by Harper and Row.[134]

"Author of 'Why We Can't Wait' published by Harper and Row and reviewed in the *Christian Century*, 8/19/64, page 1045.

"Appraisals of Dr. King

" 'The subject of real headshaking is the Rev. Martin Luther King, Jr. His influence is very great. Yet he has accepted and is almost certainly still accepting communist collaboration and even communist advice.' [135]

" 'He is nothing but a dastardly misleader, and is leading the Negroes in the South down the road to bloodshed and violence.' [136]

" 'To rally the masses against imperialism we need also slogans that correctly express the nature of today's struggle for Negro rights . . . The right of Negroes to be the administrator of Civil Rights laws, interpreters of their provisions and enforcers and judges of violations, must be recognized. One of the movements that developed and shook the world in the field of Negro liberation . . . is the Martin Luther King Improvement Association. This movement inspired Negroes of other cities to conduct similar struggles. So powerful was this movement, that the young Martin Luther King emerged five years ago from an obscure clergyman to prominence as an international figure. King, Abernathy, Shuttlesworth and other prominent ministers in the South are the most authorized spokesmen for this movement.' [137]

"King was accused by President J. H. Jackson of the National Baptist Convention at Kansas City, Missouri, of 'designing the tactics that led to a fatal riot' and the death of the Rev. A. O. Wright of Detroit.[138]

"An editorial in the Oakland *Tribune* of 10/14/61 entitled, 'A Foolish Statement' indicated that King called for recognition of Red China by the United States.

"Editorial in the *Christian Century, 'Last Chance for White Alabama?'* Supports King's defiance of local court orders to cease demonstrations.[139]

"Advised by Billy Graham to 'put the brakes on a little bit' in Birmingham demonstrations. Graham was criticized for his advice by the Fellowship of Reconciliation.[140]

"Commended by the American Baptist Assembly.[141]

"Of King the late Manning Johnson, former negro communist, and later a U.S. Government witness, said:

" 'Rev. King is doing the negroes considerable harm. Rev. King has none of the qualifications, nor the wisdom to give leadership to the negroes of the South in this period. He has at the present time organized masses of negroes, and he has got them worked up to a frenzy to the extent that they are willing to follow him although he is misleading them.' [142]

"Two very favorable letters suggest that Martin Luther King's 'letter from a Birmingham Jail' should be placed on the same level as Holy Scripture.[143]

"Strom Thurmond read into the *Congressional Record* a statement giving much data on King on August 13, 1963.

" 'Two American Negro agitators were recently arrested in Birmingham, Alabama. Their names are Rev. Martin Luther King, Jr., and Rev. Ralph D. Abernathy. These two men are expert professional riot-makers. They have been in contact with advisers in direct links with the Soviet Secret Service and extremist African groups operating from Europe.' [144]

"Was denied the right to speak at the University of Maryland in 1962.[145]

"At the 176th General Assembly of the United Presbyterian Church in the U.S.A., spring of 1964, the Presbytery of West Tennessee made an overture to the effect that the church 'refrain from inviting Rev. Martin Luther King, Jr., and any and all others who share his persuasion to disregard and violate constitutional laws, to speak at its sessions.' No action was taken on the overture.[146]

"Gus Hall stated that the Communist Party leaders in the United States 'consult with and advise top Negro leaders in their Civil Rights campaigns . . . Members of the Communist Party are very active in all the Negro organizations engaged in the Civil Rights struggle.' [147]

"In a survey which was conducted by the New York *Times*, and in which 190 New York Negroes were interviewed, three out of four said that, of all their leaders King was doing the most for Negroes. Results of the survey were released on July 27, 1964.[148]

"J. Edgar Hoover called King 'the most notorious liar in the Country' and never retracted that statement.[149]

"After King spoke at the Southern Baptist Theological Seminary in May, 1961, three churches in Alabama voted to withold funds from the seminary.[150]

"Former president Harry Truman called Dr. King 'a troublemaker.' [151]

"Thomas J. Dodd, (D. Conn.) a strong supporter of King's civil rights activity in the past, spoke against him.

"Negro Bishop C. Fain Kyle issued a news release in which he charged King as 'directly or indirectly responsible for the chaos, anarchy, insurrection and rebellion brought about through demonstrations and rioting throughout the United States in recent years, months and weeks and days.' He suggested that King be 'shorn of his power and imprisoned for his criminal acts and deeds for defying the courts of the land.' " [152]

"ITEMS FROM VARIOUS NEWSPAPERS ON MARTIN LUTHER KING

"1. Called for Federal laws to ban discriminatory hiring practices by state and local courts and law-enforcement agencies, to establish uniform jury-selection procedures, and to make it a Federal crime to kill a civil rights worker.

"Also said that he would continue to speak out 'as an individual and as a minister' against the war in Vietnam. (New York Times, November 11, 1965.)

"2. Called the Vietnam war 'bad for our nation and the world,' and suggested that those opposed to it be permitted to substitute civil rights activity for military service. (Chicago Tribune, January 13, 1966.)

"3. Conferred with Archbishop John P. Cody, head of the Catholic Roman Catholic Archdiocese on racial problems in Chicago. (Chicago Tribune, February 4, 1966.)

"4. Police boosted their protection of King after a telephoned death threat, which came shortly before King spoke in a church and at-

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Footnotes at end of article.

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tacked the Chicago Board of Education for its decision to build a new high school in the Kenwood district. (Chicago Daily News, February 4, 1966.)

"5. Urged residents of the East Garfield Park district of Chicago to be 'dissatisfied' until improvements are made in housing, employment, and educational facilities. (Chicago Tribune, February 6, 1966.)

"6. Was scheduled to speak at the Illinois Wesleyan campus at Bloomington, Illinois. (Chicago Daily News, February 9, 1966.)

"7. Threatened to lead economic boycotts against local industries which refuse to hire negroes for 'bigger and better jobs.' (Chicago Tribune, February 12, 1966.)

"8. Editorial noted that King is shifting part of his emphasis from slums to job discrimination. Editorial also demonstrates that negroes are better off economically than King would have us believe. (Chicago Tribune, February 15, 1966.)

"9. Told labor leaders that his civil rights movement in Chicago will emulate labor's techniques and seek its financial support. (Chicago Tribune, February 17, 1966.)

"10. Received pledges of $20,000 to $25,000 as a starter after he asked labor unions for financial support. (New York Times, February 17, 1966.)

"11. Urged people to join his proposed 'union against slums.' (Chicago Tribune, February 18, 1966.)

"12. Said that he will meet Muslim leader Elijah Muhammad in Chicago. (Chicago Daily News, February 18, 1966.)

"13. Said that his campaign to get 'bigger and better' jobs for negroes would begin with bread, milk, soup, and soft drink companies. (Chicago Tribune, February 19, 1966.)

"14. Said that he backs dissident teachers and parents who seek the ouster of the principal of Jenner Elementary School in Chicago. (Chicago Tribune, February 22, 1966.)

"15. Met for the first time with Elijah Muhammad, leader of the Black Muslims. (Chicago Daily News, February 24, 1966.)

"16. Three civil rights organizations led by King 'assumed trusteeship,' without court authority, of a building in a slum on Chicago's west side. (Chicago Tribune, February 24, 1966.)

"17. Editorial criticized King and three civil rights organizations with which he is associated for 'assuming trusteeship' over a building. (Chicago Tribune, February 25, 1966.)

"18. The action of King and the West Side Federation in assuming what they called 'trusteeship' of an apartment building was blasted as illegal by judges, lawyers, and real estate officials. (Chicago Tribune, February 25, 1966; New York Times, February 26, 1966.)

"19. Erwin A. Salk, a Chicago mortgage banker, alleged that King's takeover of a building may be justified. (Chicago Daily News, February 26, 1966.)

"20. King was sued in Circuit Court by the owner of a building which was taken over by him and three organizations of King's followers in a self-proclaimed 'trusteeship.' (New York Times, March 5, 1966.)

"21. A top aide of King said he 'welcomed' a Circuit Court suit challenging King's takeover of an apartment. The aide said that the civil rights groups which took over the building 'welcomed' the suit, because it would enable the court 'to speak of the right of citizens and tenants to take emergency action such as we took.' (Chicago Daily News, March 5, 1966.)

"22. Sided with the Rev. William H. DuBay in urging priests to organize into a union 'in order to protect their human rights.' Rev. DuBay has been suspended by James Francis Cardinal McIntyre of Los Angeles for 'irreverence and disobedience.' (Chicago Tribune, March 6, 1966.)

"23. The Chicago Committee of One Hundred condemned King's method of assuming 'trusteeship' of a building. (Chicago Tribune, March 8, 1966.)

"24. A newspaper item indicated that tickets for King's 'Freedom Festival' are almost sold out. (Chicago Daily News, March 8, 1966.)

"25. An editorial criticized King's illegal procedures. (Chicago Tribune, March 8, 1966.)

"26. Will speak to Southern Methodist University students and faculty. He will also speak at the International Convention of Christian Churches, where he will participate in a three-man panel which will discuss the role of the church in relation to civil rights. (Dallas Morning News, March 13, 1966.)

"27. Made the following statement: 'When it is appropriate, we will encourage sit-ins, stand-ins, rent strikes, boycotts, picket lines, marches, civil disobedience and any form of protest and demonstrations that are nonviolently conceived and executed.' (Chicago Sun-Times, March 13, 1966.)

"28. Urged negroes to 'come forth out of your slum shock.' He described 'slum shock' as the condition of persons who do little or nothing to end slum conditions. (Chicago Tribune, March 13, 1966.)

"29. Chicago Alderman Charles Chew Jr. urged King not to attend a special conference of local religious leaders called by Mayor Richard J. Daley. (Chicago Daily News, March 16, 1966.)

"30. Turned down an invitation to meet Mayor Richard J. Daley on the ground that previous commitments would prevent him from attending the meeting. (Chicago Tribune, March 17, 1966.)

"31. Article states that relations between King and Mayor Daley are officially cordial, but that a state of undeclared war exists between many of their key supporters. (New York Times, March 24, 1966.)

"32. The East Garfield Park Community Organization, a key organization in King's anti-slum campaign, subjected two West Side landlords to a three-hour grilling and gave them 10 days to produce building permits for repair of ten of their buildings. (Chicago Daily News, March 24, 1966.)

"33. Stated that he was not leading any campaign against Mayor Daley of Chicago. (Chicago Tribune, March 26, 1966.)

"34. Told an audience in Paris, France that in Chicago 41% of the housing for Negroes is considered substandard. (Chicago Tribune, March 29, 1966.)

"35. King and singer Harry Belafonte were honored as heroes in Sweden. (Chicago Tribune, April 2, 1966; also article, Miami, Florida newspaper, undated.)

"36. Has been given a public service award by the Sidney Hillman Foundation of the Amalgamated Clothing Workers of America, (AFL–CIO). (Chicago Tribune, April 6, 1966.)

"37. King and his agents were enjoined from entering or collecting rents from a building which he had previously taken over in what he called a 'supralegal' move. They were also ordered to submit an accounting in 20 days of any rents collected. (New York Times, April 6, 1966; Chicago Tribune, April 6, 1966.)

"38. King stated that he would fight a court order ending his 'trusteeship' of a building in Chicago. (Chicago Daily News, April 6, 1966; Chicago Tribune, April 7, 1966.)

"39. Editorial praised the decision of a Circuit Court judge who enjoined King from confiscating a building on Chicago's west side. (Chicago Tribune, April 7, 1966.)

"40. On arriving in Miami, Florida, King stated that his staff researchers had found 'hostility and alienation' and that 'these could manifest themselves here as they have in all other urban ghettos through misguided violence and rioting.' (New York Times, April 12, 1966.)

"41. The court-appointed receiver for a building previously seized by King stated that King should educate tenants in cleanliness rather than seize slum buildings. The receiver reversed his previous decision to ask for demolition of the building after he found it in better condition than he expected. (Chicago Tribune, April 12, 1966.)

"42. Article By Arthur Krock blames 'the preachment of Dr. Martin Luther King that individuals have a right to select the laws they will obey on their judgment of which is or is not just and discriminatory' as one of several causes for a riot of negro juveniles which began at a Maryland amusement park and erupted onto the streets of Washington, D.C. (New York Times, April 14, 1966.)

"43. Ernest R. Rather, president of the Chicago Committee of One Hundred, charged that King is hurting negro property owners by distorting census figures of negroes living in substandard housing. Mr. Rather charged that King's figure of 41 to 46% is false, and that census statistics, as interpreted by department of urban renewal officials, show that less than 20% of non-whites now live in substandard housing in Chicago. (Chicago Tribune, April 18, 1966.)

"44. Was scheduled to address a pep rally in support of a boycott of Jenner Elementary School in Chicago. (Chicago Daily News, April 20, 1966.)

"45. Chauncey Eskridge is an attorney who is representing King in an appeal of a court order barring King from interfering in the operations of a building in Chicago which he (King) took over two months previously. Eskridge is himself owner of a building and he was one of the landlords subpenaed by the Illinois Commission on Low Income Housing. He claims that the violations in the building he owns were subsequently corrected. (Chicago Tribune, April 24, 1966.)

"46. Urged negroes to vote as a bloc in the Democratic primary in Alabama. (New York Times, April 30, 1966.)

"47. Disassociated himself from a 'Black Nationalist' stand taken by the new chairman of the Student Nonviolent Coordinating Committee. (New York Times, May 28, 1966.)

"48. King stated that he sees a 'long, hot summer of sustained, nonviolent action programs' for Chicago. Stated that there will be marches, sit-ins, and even tent-ins in the suburbs and at real estate firms to protest housing segregation. (Chicago Daily News, May 28, 1966.)

"49. Called for the Federal Government to spend $100,000,000,000 in the next 10 years to obtain equal rights for negroes. Also called for a halt to the bombing of North Vietnam and said that we should make clear a willingness to negotiate with the Vietcong on ending the war. Also called for the admission of Red China to the U.N. and diplomatic recognition of that country by the U.S. (Chicago Tribune, May 30, 1966.)

"50. Likened the civil rights movement in the United States to the recent uprising by Buddist monks in Vietnam. (Chicago Tribune, June 1, 1966.)

"51. Made a list of 50 demands on the city of Chicago, including fair employment practices, a guaranteed annual income for everyone, the scattering of negroes throughout the city, the setting up of 10 new towns, each with 30% negro population, and the increase of welfare payments by 10%. (Chicago Daily News, June 11, 1966.)

"52. To receive a $100,000 check for his Southern Christian Leadership Conference from the Martin Lurther King fund in Sweden. (Chicago Tribune, July 2, 1966.)

"(All items in this report are stated as they appeared in the newspaper sources as given.)"

FOOTNOTES

"[1] Fellowship of Reconciliation booklet; Martin Luther King and the Montgomery story (no date).

"[2] *Worker*, 4/21/57, page 2 *Daily Worker*, 6/7/57, page 3.

"[3] *News and Views*, 3/59, page 1.

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"[4] *Atlanta Journal*, 3/10/60.

"[5] *Idem.*

"[6] Pamphlet and list of sponsors, dated 4/6/62.

"[7] *Christian Century*, 9/14/63, page 1086.

"[8] *Christian Century*, 9/18/63, page 1139.

"[9] *Motive*, 10/63, page 56.

"[10] *Chicago Tribune*, 11/15/63.

"[11] *Baptist Bible Tribune*, 1/10/64, page 7.

"[12] Program leaflet.

"[13] *Christianity Today*, 6/5/64, page 39.

"[14] *Christian Century*, 8/12/64, page 1012.

"[15] *Christian Century*, 8/28/64, pages 1061-2.

"[16] *Los Angeles Times*, 9/14/64.

"[17] *Chicago Tribune*, 9/19/64.

"[18] UP release, 10/15/64.

"[19] *Christian Century*, 11/18/64, page 1422.

"[20] *Presbyterian Journal*, 4/28/65.

"[21] Fellowship of Reconciliation booklet: Martin Luther King and the Montgomery Story (no date).

"[22] Official program, 8/20 to 9/2/57.

"[23] Letterhead, 1958.

"[24] *News and Views*, 8/58, page 2.

"[25] *National Republic*, 11/58, back cover.

"[26] War Resistors League *News* for March–April 1959.

"[27] Announcement of meeting, 9/20/59.

"[28] Leaflet dated 2/60 and 4/61.

"[29] *Atlanta Journal*, 3/10/60.

"[30] *New York Times*, 4/4/60.

"[31] Letterheads dated 9/24/58 and 5/17/60.

"[32] *Worker* 11/27/60, page 2, also, National Guardian, 11/28/60.

"[33] Leaflet, 3/28/61.

"[34] *Fellowship*, 11/1/61.

"[35] *Idem.*

"[36] Sobell Committee newspaper, 11/61, page 4.

"[37] Letterhead, 1961.

"[38] Letterhead, 1961.

"[39] *Progressive*, 1/62, advertisement.

"[40] *Charlotte Observer*, 4/6/62.

"[41] *National Guardian*, 4/30/62, page 6.

"[42] Letter mailed on 1/8/63 by the Southern Conference Educational Fund.

"[43] *Tocsin*, 2/13/63, page 2.

"[44] Letterhead, 5/15/63.

"[45] *Christian Century*, 9/11/63, page 1112.

"[46] *Worker*, 11/10/63.

"[47] *Chicago Tribune*, 11/16/63 and Chicago *Daily News*, 11/9/63.

"[48] *Christian Century*, 11/27/63, page 1482.

"[49] *Liberation* masthead, 1/64.

"[50] *St. Petersburg Times*, 4/20/64.

"[51] *Christian Century*, 8/12/64, page 1021.

"[52] *Chicago Tribune*, 10/12/64.

"[53] *Who's Who in America*, Vol. 31, 1960–61, page 1590.

"[54] *Chicago Tribune*, 3/31/65.

"[55] *Christianity Today*, 7/5/63, page 33.

"[56] *Worker*, 5/14/63.

"[57] *Worker*, 10/30/60.

"[58] *Chicago Tribune*, 2/9/61.

"[59] *Worker*, 5/14/63.

"[60] Committee on Christian Laymen, *Progress Report*, 6/63.

"[61] *Chicago Tribune*, 6/5/63.

"[62] Louisiana Joint Legislative Committee on Un-American Activities 11/19/63, Report #4, pp. 100–101.

"[63] *Chicago-Tribune*, 3/31/65.

"[64] *Atlanta Times*, 4/1/65.

"[65] *Atlanta Journal*, 3/10/60.

"[66] *Christian Century*, 4/16/30.

"[67] *New York Times*, 6/10/60.

"[68] *Worker*, 10/22/61, page 8.

"[69] *Los Angeles Times*, 6/16/62.

"[70] *New York Times*, 11/19/62.

"[71] *People's World*, 11/24/62, front page.

"[72] *Chicago Tribune*, 5/28/63.

"[73] *Christianity Today*, 8/2/63, page 47.

"[74] *Daily Worker*, 5/5/64.

"[75] *Christian Century*, 6/3/63, pages 724–5.

"[76] *Christian Century*, 7/8/64, page 894.

"[77] *Christian Century*, 8/12/64, page 1005.

"[78] *Chicago Daily News*, 8/20/64.

"[79] *Christian Century*, 9/30/64, page 1196.

"[80] *Chicago Tribune*, 10/30/64.

"[81] *Stamford*, Conn. *Advocate*, 12/1/64.

"[82] *Chicago Tribune*, 12/10/64.

"[83] *Chicago Tribune*, 12/7/64.

"[84] *Chicago Tribune*, 12/4/64.

"[85] *Chicago Tribune*, 12/19/64.

"[86] *Chicago Tribune*, 2/10/65.

"[87] *Redbook*, magazine, 1/65.

"[88] *Nation*, 2/22/58, pages 162–163; *New York Times*, 8/13/59, page 17.

"[89] Press release, 12/2/57; and press release, 4/21/58.

"[90] *Washington Post* and *Times Herald*, 7/31/58, page B8.

"[91] Press release, 6/12/59.

"[92] *New York Times*, 9/17/59.

"[93] *Southern Patriot*, 9/59, page 4.

"[94] *Washington*, D.C. *Post*, 3/13/60.

"[95] *New York Times*, 3/30/60.

"[96] National Committee To Abolish the HOUA booklet, 1960.

"[97] *Washington*, D.C., *Post*, 1/2/61, two page advertisement.

"[98] *New York Post*, 5/2/61, page 1.

"[99] *Worker*, 5/14/61, page 12; *National Guardian*, 5/15/61, page 3.

"[100] *New York Times*, 5/26/61.

"[101] *Southern Patriot*, 6/61, page 4; and letter soliciting signer of petition, 6/61.

"[102] New York *Times*, 7/20/61, page 13; and New York *Herald Tribune*, 7/20/61, page 13, (full page advertisement).

"[103] Petition, 9/19/61.

"[104] *New York Times*, 2/22/62, page 17 (advertisement).

"[105] Petition, 4/3/62.

"[106] Press release, 4/5/62.

"[107] *New York Times*, 4/10/62; page 31; and New York *Times*, 4/16/62, page 30 (advertisement).

"[108] *New York Times*, 4/19/62, page 25 (advertisement).

"[109] *Tocsin*, 1/14/62, page 1.

"[110] "Thirteen for Christ" by John Howard Griffin, pp. 33–34.

"[111] *Congressional Record*, vol. 110, pt. 8, p. 10186.

"[112] Louisiana Joint Legislative Committee on Un-American Activities, 11/19/63, Report #4, pp. 100–101.

"[113] The *Register*, 10/21/62.

"[114] American Committee on Africa (leaflet; Tenth Annual Report)

"[115] *Tocsin*, 1/22/64, page 3.

"[116] *Congressional Record*, vol. 110, pt. 8, p. 10186.

"[117] *Tocsin*, 5/25/64, page 4.

"[118] *Atlanta Times*, 11/26/64.

"[119] (American Friends Service Committee—flyer-undated)

"[120] *New York Times*, 10/26/60.

"[121] *Chicago Tribune*, 6/12/64.

"[122] *Chicago Tribune*, 2/2/65.

"[123] Program of luncheon, April 24, 1957.

"[124] *Daily Worker*, 5/28/57, page 3.

"[125] *Stamford Advocate*, 11/63.

"[126] *Times-Picayune*, 11/10/63.

"[127] Associated Press release (no date.)

"[128] *New York Times*, 6/16/64.

"[129] *Christian Century*, 8/12/64, page 1006.

"[130] *Chicago Daily News*, 10/14/64.

"[131] *Chicago Daily News*, 10/26/64.

"[132] *Atlanta Times*, 1/21/65.

"[133] *Christian Century*, 8/19/64, page 1045.

"[134] *Idem.*

"[135] *New York Herald Tribune*, Joseph Alsop. column (no date.)

"[136] Louisiana Legislative Committee hearings, Part II, March 6–9, 1957, pages 203–208.

"[137] From the Communist Party document, 'Draft Resolution,' 10/25/59, by Pettis Perry—House Committee on Un-American Activities, Appendix to Hearings dated 6/10/60, Part 4, pages 2338–2349.

"[138] News Interview in Kansas City, Missouri, 9/9/61, reported in the *New York Times*, 9/11/61.

"[139] *Christian Century*, 5/1/63, page 574.

"[140] *Ecumenical Press Service*, 5/10/63, page 1.

"[141] *Ecumenical Press Service*, 5/31/63, page 2.

"[142] Louisiana Joint Legislative Report on Un-American Activities, Subversion in Racial Unrest, Part II, page 203.

"[143] *Christian Century*, 8/7/63, page 986.

"[144] *Intelligence Digest and Weekly Review* of England, 5/63.

"[145] *Christian Century*, Jan.–June, 1964, page 501.

"[146] *Christianity Today*, 6/19/64, page 30.

"[147] *St. Louis Globe Democrat*, 1/12/64.

"[148] *Christian Century*, 8/12/64, page 1005.

"[149] *Chicago Tribune*, 11/19/64.

"[150] Christian Century, 11/20/64, page 1431.

"[151] *San Francisco Chronicle*, 4/13/65.

"[152] Bishop Kyle's news release (undated)."

VIOLENCE COMMISSION SHOULD STUDY EVENTS IN BERKELEY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. COHELAN) is recognized for 10 minutes.

Mr. **COHELAN**. Mr. Speaker, events in Berkeley, Calif., over the past 2 weeks have sickened the entire country.

There has been needless violence and over-reaction on all sides. There have been exaggerated and inflammatory statements. And there have been nearly 2 full weeks of confrontation and tension on the campus and streets of Berkeley.

At this moment it is not so important to fix the blame for the events which have transpired as it is to find a solution which will provide for the return of an environment suitable to rational dialogue and inquiry.

But in the longer run, public confidence can be maintained only if a full and impartial investigation and report of the events can be produced. Then it will be possible to learn from past mistakes how to avoid similar or even more violent occurrences in the future.

Last week I wrote to Dr. Milton Eisenhower, Chairman of the National Commission on Causes and Prevention of Violence, again asking that his respected Commission review the events of these last 2 weeks in Berkeley. I have in my letter attempted to inform Dr. Eisenhower of the incidents reported since I had first asked him for an investigation.

I believe this letter may be of interest to the readers of the RECORD, and I ask that it be included at the conclusion of my remarks.

The events in Berkeley can serve to teach us all a lesson if only we will inquire. I most urgently request the help of the Violence Commission in making the facts available.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 28, 1969.

DR. MILTON EISENHOWER,
Chairman, National Commission on Causes and Prevention of Violence, Washington, D.C.

DEAR DR. EISENHOWER: I would like to take this opportunity to expand on my telegram of May 21 requesting your distinguished commission to initiate an investigation into the Berkeley disorders of this month.

My great concern after carefully reviewing the events of the past 13 days is that we are witnessing in our community a marked escalation of violence in student-police confrontations which may well establish an alarming precedent for future disorders both here and elsewhere around the country.

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We in the Bay Area have long witnessed the growing animosity and hostility, leading in recent times to open violent confrontations.

In the last several years, we have seen the Bay Area become a crucible for student and demonstrator tactics and police response. The mood and the tactics of both sides in confrontations around the country frequently have their roots in earlier incidents here.

The level of violence in these confrontations continues to rise steadily and we were all appalled at the heights to which it rose in the Chicago convention disorders which your organization so carefully and objectively examined with significant impact on both sides.

Student disorders began with sit-ins, then gave way to the physical occupation of University buildings and finally to street clashes. Police response has ranged upward from the simple patrol of rallies to club-swinging mass arrests and now to the use of firearms as a means of crowd dispersal.

In my judgment, and now in the judgment of many of my fellow citizens, a most serious new level of violence has been reached with the present disorders in Berkeley.

If I may, I would like to outline some of the more significant incidents of the past 2 weeks. None of these has yet been subject to the scrutiny of a formal investigation so that we have a clear understanding of the facts. The news media reports, however, are generally in agreement over what has transpired in our community.

On May 15, apparently in response to a flurry of rock throwing and other incidents, law enforcement officers opened fire on a main boulevard in Berkeley with shotguns.

One young man, James Rector, positioned on the roof top of a theatre overlooking the street scene was fatally wounded by a shotgun blast. The County Pathologist, Dr. Alan McNie, attributed Rector's death after a post mortem examination "to shock and hemorrhage due to multiple gunshot wounds. . . ."

Three pellets were removed from his body and are being examined by ballistics experts for an accurate determination of their type. Preliminary and reliable reports from law enforcement and medical officers, however indicate the pellets were approximately ⅓" in diameter, about .30 calibre size, and "consistent with double aught buckshot."

Physicians at Herrick Memorial Hospital who treated several dozen wounded, including two newspaper reporters, have reported in the news media that at least four other persons were hit with pellets of the same general description.

Alameda County Sheriff Frank Madigan whose officers were armed with shotguns and are generally believed responsible for the shooting, said the men were issued only "birdshot," the size of BB's. He noted, however, that double aught buckshot shells are part of the ammunition normally carried by the officers.

Two photographs so far printed in local newspapers depict at least two of the shooting incidents.

One photograph shows an officer sighting along his shotgun barrel at the back of a man fleeing down a street nearly 2 car lengths away. The photographer, Emmit Wallace, 26, a student, told the San Francisco Chronicle that he snapped the photograph a split second before the officer fired and hit the man.

The Daily Californian, student newspaper on the Berkeley campus, has printed a photograph which reportedly shows an officer on Telegraph Avenue firing up onto the rooftop, hitting James Rector.

There has been widespread and repeated use of teargas and "pepper fog," frequently under questionable circumstances. There have been several reports from teachers at McKinley and Whittier Elementary Schools that teargas was used near their schools without apparent regard for the effect on young students in class at the time. On may 16 after the arrival of over 2,000 National Guardsmen in the area someone in a commanding position authorized a National Guard helicopter to make a gas-spraying run across the University's Sproul Plaza.

Authorities reported that the decision to use the helicopter was made under the clear and present threat of a large, menacing crowd which has been warned a few minutes earlier that gas would be dropped if it did not disperse.

A number of news media representatives on the scene, however, questioned strongly that there was any threat of any significance and also reported that the people in the area where completely ringed by National Guard troops and were unable to escape. Additionally, some even questioned that such an order to disperse was issued or at least that if so it was unable to be heard in many areas of the Plaza. The gas from the helicopter attacks spread widely over the area including private residences, local business, and even Cowell Memorial Hospital.

On May 22 nearly 500 persons were arrested during a demonstration and transported by bus to the Alameda County Rehabilitation Center at Santa Rita for detention. Among the group was Mr. Tim Finley, a reporter for the San Francisco Chronicle, who wrote a lengthy account of the treatment of the prisoners by jail deputies.

Mr. Finley's report, supported by statements from many individuals also arrested, indicated that prisoners were verbally and physically harassed by deputies, forced to lie down on an asphalt lot for several hours and only allowed to turn their heads once every half hour, and were in custody for nearly 14 hours without food.

Additionally, many persons reportedly were refused access to toilet facilities for several hours, and were needlessly and repeatedly awakened throughout the night by guards whose apparent intent was harassment for its own sake.

These are a few of the more vivid incidents which have taken place in Berkeley in the last 2 weeks. I am sure that a thorough investigation would probably uncover many many more.

As this letter is being written, Berkeley is facing the distinct possibility of another mass confrontation on Memorial Day, not less than 48 hours away.

There has been a statewide call by leaders of the "People's Park" movement for young people to come to Berkeley and join in a mass rally and march, possibly culminating in the physical removal of the park fence, which has become a symbol of the conflict. At the same time state officials are saying that they have the fullest intentions of meeting any threat to the community with whatever force they deem necessary.

I have the deepest concern for the violence potential in this confrontation and respectfully submit and strongly believe that an announcement of the Commission's intention to investigate the entire Berkeley disorders could be of significant assistance in cooling passions and preventing new violence.

At the same time, the terrible significance of what has transpired in Berkeley demands the closest scrutiny by a neutral organization with the eminence and acceptance with which I feel the Commission is held.

I would appreciate your earliest possible response to this request.

Sincerely yours,

Jeffery Cohelan,
Member of Congress.

UNDER SECRETARY WALKER SAYS ADMINISTRATION PLANS TO DO NOTHING ABOUT HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Nixon administration has decided to take a "do-nothing" attitude about holding down interest rates.

This morning's Wall Street Journal quotes Dr. Charls Walker, the Under Secretary of the Treasury, as saying "the Treasury will not take a stand one way or the other on the matter" of high interest rates.

With the country faced with the highest interest rates in more than a hundred years, this is a shameful statement for a high Government official to utter.

Dr. Walker's attitude should dispel any doubt about who is running the Treasury Department. It is obviously the bankers—the big bankers.

Dr. Walker is quoted as saying:

> We believe in a market approach. The market makes better decisions than a bureacracy makes.

In other words, Dr. Walker is saying this administration is not going to do a thing that the banks do not want done. They will not even use the powerful force of moral suasion to hold down interest rates and protect the public.

It is the responsibility of high public officials—such as the Secretary of the Treasury and the Under Secretary—to do everything possible to hold down interest rates and to urge the banking community to stop gouging the public. But this administration now says it will not do that. It will not do its duty—its sworn duty—to protect the public interest.

Mr. Speaker, when these interest rates climb once again, this administration, the Secretary of the Treasury and his underlings, will share the blame right along with the big banks. They have agreed to lie down and play dead and let the banks do as they please about high interest rates.

Mr. Speaker, Dr. Walker's statement of surrender to the big banks was made in New York late last week after I had sent the Secretary of the Treasury a telegram asking that he issue a public statement demanding that the banks not raise the prime interest rate. Mr. Speaker, I place in the Record a copy of this telegram.

May 29, 1969.

David M. Kennedy,
Secretary of the Treasury, U.S. Treasury Department, Washington, D.C.

Reports persist that the large commercial banks are planning still another assault on the American people through an increase in the prime lending rate. As you know, an increase in the already usurious 7½ per cent prime rate will send a shockwave through the entire economy, raising interest rates on every item.

As Secretary of the Treasury you have the power to stop this latest effort to increase interest rates. I urge you to announce today that you and the Nixon administration are flatly opposed to any increase in the prime rate.

I urge that you demand that the commercial banks refrain from any conspiracy to jack up the rate. Such a statement, coming from the Secretary of the Treasury, would stop the increase.

Another increase in the prime rate will all but halt an already badly depressed housing market and will raise the price of goods to millions of American families. Another increase is totally unnecessary and it is nothing more than an attempt by the banks to gouge the American public during a critical economic period.

The big commercial banks believe that this administration is more concerned about their welfare than the welfare of the American people. They are convinced that they can raise the prime rate without criticism from you or the administration. You now have the power to prove them wrong in this instance by coming down hard in a public statement opposed to a higher prime rate.

Mr. Secretary, I hope you will use the great powers of your high office to protect the American people. I hope sincerely that you will choose the public interest over the bank interest.

Wright Patman,
Member of Congress, First District of Texas.

HIGH INTEREST RATES INCREASE THE COST OF LIVING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, Leon Keyserling, former Chairman of the Council of Economic Advisers, has been a consistent battler against high interest rates.

Through the years, Mr. Keyserling, one of the Nation's most respected economists, has done much to clear away the fog surrounding monetary policy and to set the record straight about the effects of high interest rates on the economy.

Mr. Speaker, earlier this year, Mr. Keyserling addressed the Consumer Assembly of Greater New York, and his speech is one of the best analyses of the effect of high interest rates on inflation that has ever been produced. Mr. Keyserling plainly states that high interest rates are one of the main factors in causing inflation.

Mr. Keyserling says:

> The rising interest rates, because people have to borrow, are just as much an element in the cost of living as the rising price of meat, or the rising price of bread, or the rising price of medical care, or the rising price of housing, of which the interest rate is a part.

Mr. Speaker, I place in the Record the text of Mr. Keyserling's address as it was published in the Co-Op Contact, a publication of the United Housing Foundation.

Prices—Interest—Taxes—and the Consumer

(By Leon H. Keyserling)

My friends, I have heard the very excellent remarks of your public servant and my friend, the Attorney General. Speaking within the scope of his range of public service, he has talked about ways of protecting the consumer against the private crimes of infamous people. I'm going to talk today about the public crimes of famous people; about the public as distinguished from the private crimes in the so-called war against inflation. For although no one is more desirous than I of stopping what the consumer thinks inflation does to him, I have been trying and would like to continue to try, with your help and understanding, to stop what is done to the consumer in the name of fighting inflation.

Broadly speaking, while I appreciate the immense importance of controlling the private crimes of the infamous, I think that the public crimes of the famous, insofar as they bear upon prices and income distribution, affect the consumer as much, and maybe even more, than the private aspects of the matter.

First of all, let's try to get a few matters straight. I object not in the slightest to concentration upon the problem of inflation, which I will define very simply as rising prices, and specifically a rising cost of living. I object not at all to maximum concentration upon that problem, so long as it is not transmuted into a frenzy and a scare, under the smokescreen of which the consumer is plundered in the name of fighting inflation.

Therefore, and for this reason only, even at some risk of being misunderstood, I would like to bring a few simple matters to your attention.

First, George Washington could throw a dollar across the Potomac because a dollar could go further in those days—and ever since the price level, with some periodic interruptions, has been rising in the United States. The price level rose more during the fifty years before 1919, than during the fifty years since. And, during each ten-year period within the last fifty years, the average annual increase in prices has tended to be about the same, except during the years of the Great Depression, the reflation thereafter and the aftermath of World War II. So we are not now living in a "new age" of inflation.

Second, during the past thirty years, despite rising prices, the American people have enjoyed higher standards of living, made more rapid increases in social progress, and (with all their faults which I am ready to concede) achieved perhaps more improvements, not only in the distribution of income, but also in other social gains and civil rights, than any other people in human history at any time. It therefore does not make sense to say that a rising price level is our only problem; that we should become so concentrated upon dealing with that one problem that we forget about everything else; and that we should leave in the hands of those in public positions who are dealing with that one problem the control of the destiny of everything else that happens to us, while our attention is distracted by their crocodile tears about what inflation does to the average person.

To get down to brass tacks, the real concern of the consumer is not what price he pays, but what his income can buy. To take a simple illustration: When I was a youngster in South Carolina, a well-paid cook got six dollars a month. Now, that's not a slip of the tongue, not six dollars a week, six dollars a month. Today the same job pays about a hundred dollars a month, which is not munificent, but it's more than sixteen times as much.

Meanwhile, prices have come somewhere between doubling and tripling. So the cook can buy from about five to six times as much; sleep in a house instead of a hut; eat a varied diet rather than rice with a little cow peas over it; ride on a paved road instead of a rutted sand road; possibly even have a car; have some years of schooling though not enough, while in that time she had none; have medical care, when at that time there was none within reach, not even a practical nurse; and perhaps may be concerned with the problem of integration and the quality of the school, when at that time, in that place, there were no schools within reach of blacks or whites or anybody else.

This is merely an illustration of the fact that what raises the standard of living of particular people is the increase in the per capita output of the country, and how it is distributed among the people. If that increase were at a maximum rate, and if the distribution were proper, it would not matter what the price level were.

So why does it matter what the price level is, and why does it matter so much what the perpetrators of the public crimes do about inflation? The reason is this, and I can use as an analogy a game of bridge, or pinochle or poker. I can't play poker, because I can never learn to remember the relative values of the different combinations—it's too hard for me.

Therefore, let's get back to bridge, but it's all the same. Let's deal a hand of cards to four people, and they have certain combinations of cards, and each of those cards has a certain purchasing power in taking tricks. The Queen has a higher purchasing power than the Jack. Then, the tournament referee comes along and says, "I'm going to change the value of the cards. I'm going to reduce the purchasing power of each card. All the Aces will be worth Kings, all the Queens will be worth Jacks, all the Tens will be worth Nines, and so forth, and the Twos will be worth Ones, and this will apply to each of the four hands. In that event, there's no change in the game, and all four players are right where they were. None of the players is any better off, and none of the players is any worse off. If you changed it the other way, and raised all the Queens to Kings and all the Aces to Double Aces, and the Twos to Threes and so forth, nobody would be any better off or any worse off."

But suppose that, in the alternative, the referee said, "I'm going to change the Queens to Kings in some hands, and in other hands I'm going to change the Queens to Tens." That would redistribute the purchasing power, and that would make a difference.

This is the real problem in connection with prices. Either under falling prices, stable prices, or rising prices, there may result a better or worse distribution of purchasing power or income, and I don't need to tell this group what a better distribution is. We still have a very unsatisfactory income distribution in the United States. Too much is going to too few, and not enough to too many, in terms of the buying power of their incomes.

The next important thing to bear in mind is that rising prices, or inflation, do not automatically worsen income distribution. I can give you an example of when falling prices distributed the income worse. The best example would be the Great Depression. Prices fell tremendously, but who was worst hurt? The people who could least protect themselves, the people who got unemployed and had no income, the people who had no savings, the people who had no resources. Many of the people at the top were hurt considerably, and they were scared, but if they were well enough protected, they rode it out relatively well.

So this was an example of falling prices being damaging, not because the change in the price in itself means anything, but because the falling prices in that instance redistributed income badly.

In contrast, from 1939, which was the end of the Great Depression to, let us say 1953, partly during World War II, and partly after World War II, prices, in the main, rose. They rose very substantially, but we had one of the most profound redistributions of incomes in a favorable direction than we've ever had in the United States.

Negroes had opportunity for industrial employment which they had never had before. Women were able to work who had never been able to work before. Collective bargaining brought a better distribution of national income, and so did farm price supports, despite all the invectives leveled against them, and so did social security, and so did many other things. In this instance, a rising price level was combined with an equitable distributive program, which we called equity of sacrifice during the war, and didn't have any particular name for after the war. The rising prices were accompanied by a great improvement in the incomes, both absolute and relative, of those

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lower down, and a relatively much more rapid increase in their living standards than in the living standards of those higher up.

Let us now ask: What's the trouble with the current war against inflation? The trouble with the current war against inflation is that, in the name of fighting inflation, and while shedding crocodile tears about inflation and how inflation inflicts its cruelest curse upon those who are unable to protect themselves, while uttering all these shibboleths and all these tear-jerkers, the programs which are adopted to fight inflation are inflating the fat, starving the lean, repealing many of the social gains and social thinking that we earlier achieved, and distributing income in the wrong direction on a larger scale than was ever done before by our national public policies.

Lest I seem politically ungenerous, let me hasten to add that I was talking about the Eisenhower Administration, the Kennedy Administration, the Johnson Administration, and perhaps the Nixon Administration. The great money manager in the United States (and I'm going to talk about money policy as prime examples); the great architect of income redistribution in the wrong direction, and I've said this many times, is Mr. William McChesney Martin who served as Chairman of the Federal Reserve Board under Truman, Eisenhower, Kennedy, and Johnson, and who foreseeably will serve under Nixon. I am not one of those who believes that it is always to the great credit of a man that he can serve all masters equally well. Sometimes it is not.

There is not much basic difference in the fundamental economic and social thinking of the recent Secretary of the Treasury, Mr. Henry Fowler, and the prospective Secretary, Mr. David Kennedy, or between the new Chairman of the Council of Economic Advisers, Mr. Paul McCracken, and the recent Chairmen—Walter Heller being the best known. I'm not saying this to pillory individuals. I'm saying this, and it's an optimistic note in one sense, that we have as good a chance to change some of these policies under the new Administration as under the old, and that what happens will depend upon the people, upon their understanding of the issues, and upon how vocal they are.

We organize people into groups such as this and others, in order that they may know what it's all about, but unfortunately they have been so brainwashed that they do not yet know.

Now, let's get down to the specific policies. I refer to the money policy. Since 1952, we have, with very slight interruptions, experienced a staggering increase in interest rates—tight money and rising interest rates. All of us have been told, and most of us believe, that this is the prime weapon in the war against inflation.

How can this be so? Inflation is a rise in the cost of living, in what you pay for what you get. More than half the people in the United States spend more money per year than they earn after taxes. In other words, they are net borrowers, and they borrow very heavily, relative to their incomes. They borrow to rent or to own a home, because even rent payments cover capital costs. They borrow to buy a car to go to work. They borrow to send the wife to the hospital when there's a long illness. They borrow to send a child to college. They borrow for the refrigerator or the television set. They're borrowing all of the time.

Furthermore, they're borrowing because they have to borrow, and that shows the difference between the private crimes and the public crimes. It is all very well, and I favored the bill, to reveal to consumers what interest they're paying, and also to reveal to them, as friend Colston Warne is helping so much to do, the relative values of the goods they buy. But in the final analysis, how far does it go to reveal how much the loan is costing them, if they have to pay the high interest anyway because they haven't got the money and because that's what the rate is? It helps with some, but it's not the main problem.

The rising interest rates, because people have to borrow, are just as much an element in the cost of living as the rising price of meat, or the rising price of bread, or the rising price of medical care, or the rising price of housing, of which the interest rate is a part. Yet, we are told that these rising interest rates help to fight inflation.

During the past seventeen years or so, because excessive interest costs have been increasing year by year, 150 billion dollars has been transferred out of the pockets of those who borrow money, and into the pockets of those who lend the American people back their own savings. About 9 billion a year has been transferred out of the pockets of the young couples getting married and renting houses. In this year alone, 17 to 25 billion dollars will be transferred out of the pockets of these young people and into the pockets of those who do not need income supplementation in the form of the higher and higher interest rates they receive.

This is being done to consumers through national public policies. I haven't got time to prove it here today, but this is being done by the Federal Reserve System and its local affiliates, in one way or another. It is being done by a national system, created by law, membership appointed by the President, living under theoretical Congressional supervision. In addition, there are specific interest rates, such as the interest rate on housing, and the interest rate on small business loans, and the interest rate on farm loans, and the interest rate on college loans, which are set directly by the Congress.

So we now have in operation a set of national policies—I call them national crimes—to feed the fat and starve the lean by this interest rate monstrosity.

To give you one more example of the significance of 17 to 25 billion dollars a year: If that amount of money, under different policies were used in other ways, what could it do? We're talking about welfare payments, guaranteed incomes, a minimum-income floor for people, and I'm for these measures. I won't go into the details, except to say that it is not only my estimate, but also the estimate of most economists who have looked into the subject, that 11 to 13 billion dollars a year would be enough to bring all of the 30 million people in the United States who are below the poverty-income ceiling as it is rather stingily defined, up above the ceiling. In other words, about half of the money that is being transferred by rising interest rates alone to the wrong people, if transferred to the right people, would be the quickest and shortest and most direct way of getting rid of the problem of poverty, and I think that has something to do with the problems of consumers.

Why are we told that this interest rate crime is desirable? The argument runs this way. By lifting the interest rate, people borrow less. Some people can't borrow, and if they can't borrow there's less economic activity. If there's less economic activity, there'll be less pressure on the economy, and if there's less pressure on the economy there won't be as much inflation. Therefore, while this remedy seems to be painful, it's really helpful. Thus runs the prevalent fairy tale. But let's get at the truth of the matter.

Suppose that, during World War II, you didn't have enough meat to go around. Some people were saying that there was a very simple remedy for that. Let's just let the price go up, and let the price ration the meat. The affluent people will be able to continue to buy it, and the poorer people with the large families won't buy it, and they'll go back to eating rice and beans, and then the demand for meat will be less and the price will go down. What would our response be to that kind of argument?

Yet, this is just what the perpetrators of the rising interest rates are saying. We will raise the price of money, and we will try to reduce the pressures on the economy by sharing out the people who are most vulnerable, people about whom we are shedding the crocodile tears won't get in at all. Now the proof that this is what they are saying is to be found in their current argument that national policies should deliberately promote some more unemployment "to stop inflation." Not too much more unemployment, they say, just enough of it.

Well, I haven't got time here to go into all of the reasons why this whole argument is entirely erroneous. There is, in the main, no positive connection between the amount of unemployment and the amount of price stability. I can prove that there frequently is more inflation when there's more unemployment, and so forth, but let's put this aside. Let's suppose there were something to their argument. Even then, they would be saying to the man who has a job at $4,000 a year, 'you become unemployed, and you take $1,500 a year on relief or on unemployment insurance, or $2,000 a year to make it simple. You take a 50% reduction in income, and then the inflation won't be quite so hard on the people who have nice jobs and good pay, and Leon Keyserling won't have to pay 1% more on the next Cadillac car that he buys, or on the next fur coat that he buys for his wife, because very recently she hadn't been working to support him.'

Now what kind of a people are we, when we take the word of those who say to those suffering from unemployment, which even today is terribly high among some vulnerable groups as we all know; who say to the other people whom they want to make unemployed; who say to the old people for whom they don't want to spend more money for pensions or Social Security benefits, although three-quarters of them are poor; who say to the people in the slums that they don't want to provide universal, prepaid medical care, although 40% of all consumers as we know can't afford it at costs within their means—what kind of people are we, when we listen to those who say that it would be inflationary to use enough of our vast national income to meet these pressing needs, but who at the same time insist that we should use 17 to 25 billion dollars a year of our national income to pay higher and higher interest tribute to the affluent and rich?

Some of our other natural economic policies, in recent years, have moved in the same direction of feeding the fat and starving the lean. In 1964, we undertook very massive tax reductions, and a family with an income of $300,000 a year got a 35% increase in disposable income, and a family with an income of $3,000 a year got a 2% increase. When I talked to the New Frontiers among us, they said,—"well, you have to do that. These families at the lower level pay so little taxes that when you reduce taxes of course you can't reduce theirs as much." I said, "Well, you don't start with the idea that the object is to reduce taxes. You start with the idea of whom you want to help, and if you can't help people by reducing taxes, then let's go some way that does help them, the right people. And, furthermore, you're not right anyway, because, instead of these tax reductions beginning at the top, if you had increased the exemptions from $600 to $1,800, which you should have done, this would have helped the middle income families and the lower middle income families and even the poor families, and we would have been inflating the lean instead of inflating the fat, and this would have been a good kind of inflation."

Also, when they decided upon those tax reductions for the wrong people, they starved the capacity of the government to spend money for essential public purposes, which the consumer needs most of all. Aid to education, aid to public schools, aid to teachers, aid to the municipalities which are in trouble, aid to take the poison out of the airs and waters, aid to health services, and so forth and so on. So, they deliberately decided to stimulate the economy by handing the money out to the people who were stimulated already, and depriving themselves enduringly for at least ten years ahead, and we're seeing the results now, of the tax revenues needed to do the things the consumer needs. In short, they have squandered the money, both in the tax reductions and in the interest payments for the people who didn't need it.

This doesn't even make the economy perform better, it makes the economy perform worse, and it'll become still more unstable because of this maldistribution of income, but I haven't got time to go into that.

Now finally, they imposed a tax surcharge of 10%. You would have thought, that since the tax reductions fed the fat and starved the lean, that when they started turning the other way, they'd start to remedy some of it. But they slapped on a 10% surcharge. Everybody knows that a 10% tax increase applied "equally" to families at all levels violates the whole American principle of taxation according to ability to pay, and hurts those most who need help most.

We have consumers coming to meetings, and I hope you won't take this critically, talking about all of the little minutiae of this and that and the other things, and talking about a hundred different programs to help the consumer, and hardly bothering to really concern themselves very deeply with these two tremendous things. If you take the tax policy and the money policy together, they are distributing today easily 20 to 25 billion dollars a year, away from the kinds of consumers we're interested in, and toward the kind of people who don't need it and aren't entitled to it and shouldn't get it.

Consumers include everybody: consumers are citizens, consumers belong to all kinds of organizations, consumers are employed people, and unemployed people, and people who need health care, and people who need everything. I think the large consumer movements have got to interest themselves more in these large questions.

The war against poverty has been thus far a disappointment, in many respects, because of this open-minded desire to cover the waterfront, has led to a thousand different kinds of poverty programs, spawned by all the sociologists, the do-gooders, and street corner philosophers, done at the local level all over the country. This represents failure to distinguish between genuine democratic participation and pseudo-participation in lieu of basic public responsibility. And what's happening to the schools in the City of New York is another example. I want to see our public schools come up to uniform high standards for the training of Americans. I don't want to see the schools of Mississippi and in Brownsville and in Yorkville and in Westchester County becoming more and more dissimilar, because the parents—and the children already in those schools happen to be so different. Should we compound this, and make them more and more different in the name of a spurious participation?

In the war against poverty, we should concentrate on a few big things, jobs, income guarantees, Social Security improvements, health and welfare, and housing, to develop strategic attack pointed at the real basic elements in the problem.

Why didn't we? Because so many are interested in a diletante approach. I merely use this an an example of the fact that I think the consumer, who is everybody, has got to get back to the basic things that I have been talking about, and I'm not enamored of them because I'm an economist or a specialist. These are the big things. These are the things that mean a thousand dollars to the consumer for every hundred dollars or fifty dollars that is met by these other subsidiary aspects of protecting the consumer which I'm for also.

And, on taxes, when we look at all taxes, the sales taxes, the property taxes, the local taxes, the state taxes, instead of just the Federal income tax, the $3,000 a year family pays a larger portion of its income in taxes than the five, and the five larger than the ten, and the ten larger than the twenty, etc., even not counting the evasions. We put through a big Federal program of revising taxes, without even talking about that.

Now I suggest that we start focusing upon the two tremendous instruments of national policy affecting the consumer—the tax policy and the money policy, and we can add other things also. If we get those straightened out, or even begin to get them straightened out, or dissipate some of the clouds, or call attention to some of the public crimes, we will be making an immense contribution to the well-being of the consumer and to the well-being of the whole economy, and to the return of those progressive policies of taxation and money policy which we did follow for many years, but have certainly abandoned with magnanimous equanimity, more recently, whether we have had Republican or Democratic Administrations.

A STUDENT LOOKS AT BERKELEY

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, the other day the mother of a student at the University of California in Berkeley showed me a letter which her daughter had just written to her. This student is a junior and, her mother tells me, has not been politically involved. She wrote in part:

> I take it you aren't hearing much about the state of affairs at Berkeley. Without going into the whole thing—the place is as if occupied by a foreign army. Two thousand national guardsmen are camping in the People's Park. Thirty-eight people were shot. One died—a spectator—a freshman. The owner of a movie theatre was blinded. A classics graduate student was shot in the face coming out of the library. Those are all I know about but some other people are in pretty bad shape. There is a 10 o'clock curfew. Helicopters circle overhead and drop tear gas—huge amounts quite indiscriminately. Public gatherings are illegal. ———'s professor was called to see why twenty members of ———'s poetry class were meeting at her house off campus. ———'s professor was arrested for vagrancy one night while driving back from a movie.
>
> Five hundred people were arrested yesterday. Some were just eating lunch in a nearby restaurant. The bail is $750–$1,000. Guys are getting beaten in jail. A friend of ——'s was walking down Shattuck two hours after a demonstration. Police grabbed him, twisted his arm, and broke it. Yesterday two guys were beaten up in front of our house. Twenty medics were arrested. A friend of a friend who runs a nursery school said parents are calling up asking what to do because their kids wake up screaming at night. ——— was there when the cops gassed the junior high school kids as they came out of school. The local news radio station was ordered off the streets. ———, one of the good regents, said that when parents will allow things like this to happen to their own children there is a fascist state.
>
> Local merchants, citizens, and professors are trying to do something but all they get are answers from Reagan like:
>
> "The confrontation was a deliberate provocation by a well-organized group who had stockpiled (bricks) ammunition to use against the police."
>
> Those aren't the exact words but you can see the attitude. This seems to be just one step farther than Chicago. It is amazing how many things can be put in jail for—taking pictures, provoking a riot (that can cover anything), insulting a police officer, being in the wrong place at the wrong time, being a medic. Once arrested no one ever heard of the writ of habeas corpus. It's sort of funny how people get punished before the trial (beaten or shot).

Mr. Speaker, the letter speaks for itself. The situation recounted in this letter is a national tragedy.

FOOD VERSUS BOMBERS

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, two articles on the front page of the May 31 Washington Post help dramatize the dilemma facing our Nation.

One article spoke of the cost of "closing the hunger gap" at a cost of $2.93 billion. This conclusion was reached in an unpublished Budget Bureau study. The study, according to the Post, concludes:

> Every dollar spent on feeding the hungry poor, particularly small children, is returned many-fold in enhanced learning and earning capacity and productiveness later in life, and in avoidance of the social and medical costs of brain damage, blindness and other handicaps that can result from malnutrition.

The other article discussed the AMSA, an Air Force proposal for a new advanced manned supersonic aircraft. Its total cost is estimated at $8 to $12 billion. The article went on to say:

> While Air Force leaders have publicly said a new bomber is "urgent" other Pentagon strategists see AMSA's main value as a way to force Russia to spend billions on air defense.
>
> This type of economic warfare, though little discussed, is very real as the United States and Russia try to keep each other off balance.

Mr. Speaker, the Nixon budget does not contain sufficient funds to close the hunger gap. The budget does have room, however, for $100 million, added to $35 million in carryover funds, to shorten the design phase and start full-scale engineering development of AMSA. Previous allocations have averaged about $20 million yearly.

Mr. Speaker, I do not know whether or not the Soviet Union has malnourished children as we do in the United States. I do know that it is madness to build a new strategic bomber fleet to force new spending on the Soviet Union for air defenses while we continue to let hunger go unchecked at home.

MILITARY GRANT AID PROGRAM

(Mr. FRASER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FRASER. Mr. Speaker, Friday I was quoted in the Washington Post as favoring "killing" the military grant aid program. Although I am deeply critical

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of this program, I have not yet reached the point of wanting to end it altogether. Because the reporter with whom I spoke is very competent, the erroneous impression probably originated with me.

Mr. Speaker, I do want to point out why I have been deeply concerned with the military grant aid program. Perhaps its most distressing aspect is the indiscriminate manner in which the aid is handed out. In administering this program we give it to authoritarian rulers of all kinds—in the name of freedom. A senior editor of Look magazine concluded recently after a trip to Greece that "we are spending around $40 million a year of American taxpayer's money for aid to a government that rules by torture."

Greece is the most current example of the amoral character of the military grant aid program. If one looks at all the countries of Western Europe today, it is striking that our grant aid goes to nations ruled by dictators. They include Spain, Portugal, and Greece.

In Latin America we continue to give aid for many years to Argentina. We cited Peru as a prime example of how our military aid would successfully alter the attitude of the Peruvian military toward democratic institutions; look at the result. Brazil, under virtual dictatorship, has received this aid for many years.

For some Americans it is enough, of course, that these governments are anti-Communist. I hope that someday we will have learned our lesson. Rulers who care little about democracy will quickly make their deals with the Soviet Union when it suits their ends. What is more, totalitarian regimes rarely encourage the political, social, and economic progress which most nations badly need.

I do not believe that the granting or withholding of military aid alone will have any great impact on events in these countries. I do believe that the United States should disengage itself from the relationship created by giving military aid to dictators who hold democratic values in contempt, imprison their opposition, censor their newspapers, and engage in various kinds of other suppression, including torture. Perhaps if our vital security interests are involved we can justify such a course, but that is seldom the case.

The United States must be true to its own sense of decency and morality. U.S. influence in the past has been augmented by demonstrating such decency and morality in the conduct of our affairs. We need to return to that standard.

Military grant aid has never been carefully scrutinized by the Congress. Many problems have beset that program: excessive staffing, personnel who embraced the views of the oligarchy in the country in which they serve, and high-level personnel who see in the military aid program a means of achieving "stability" without reference to the wishes of the people themselves.

Perhaps if military aid programs are not reformed and limited to nations whose governments respect the rights of their people, the entire military aid program should be killed. I would prefer to see reforms and policy changes, because such a reformed program of military aid would best serve the interests of the United States.

Mr. Speaker, to illustrate some of the examples I mentioned earlier of the bankruptcy of our military aid policy, I ask that the following three newspaper articles be reprinted in the Record. The one on Argentina appeared in today's Washington Post. The other two, on Greece and Brazil, were printed in the New York Times of Sunday, June 1.

Violence Shatters Illusion of Stability in Argentina

(By John M. Goshko)

Buenos Aires, June 1.—As Argentina counts the casualties from last week's outburst of violence and civil strife, it is becoming clear that one of the chief victims is the image of President Juan Carlos Ongania and his government.

Propelled into the presidency by a 1966 military coup, Ongania has been touted by his admirers as precisely the sort of stern, paternalistic leader needed to bring order and stability to this country of 23 million people.

His aim, he announced on taking power was nothing less than a "revolution" that would completely remake the bases of Argentine social, political and economic life. The job, he hinted, might take 10 years or more, and in the interim the military-backed regime would decide what was good for Argentina.

Now, the image of Ongania as the man who restored order and set his countrymen back on the road to hard work and morality has been badly tarnished by a spontaneous explosion of resentment that touched almost every corner of Argentina.

Its culmination came last week in the industrial city of Cordoba, where for three days students and workers fought the army in an orgy of violence that left at least 11 people dead and more than 30 injured.

[In Cordoba today, two labor leaders charged with "public incitement to rebellion" were sentenced by a military court to seven and eight years in prison, the Associated Press reported. Light sniper fire broke out last night and continued early today in Cordoba, where troops still control the streets.]

Although order is being restored in Cordoba and elsewhere, it is clear that the forces that Ongania has so decisively dominated since 1966 are again in foment. What the interaction of these forces and the military strongman will be is, at this point, less clear.

Underlying this struggle is Argentina's continued agony in attempting to extricate itself from the shambles left by the demagogic dictatorship of Juan Domingo Peron during the 1940s and '50s.

When Peron finally was overthrown in 1955, he left behind an economy in ruins, a runaway rate of inflation and his power base, a labor movement that had been rewarded with special political and economic privileges.

UNIONS BLOCKED MOVES

During the ensuing years, this virtual veto exercised by the unions over Argentine life frustrated the efforts of successive civilian governments to restore stability. Finally, on June 28, 1966, the armed forces deposed elected President Arturo Illia and replaced him with Ongania, former commander in chief of the army.

Under the dour and conservative Ongania, Argentina has suffered from a case of political schizophrenia. His government, although clearly to the right of center, has from the outset been composed of two contesting factions.

One, the so-called liberal group, has tended to emphasize economic matters, seeking an eventual return to democracy—but only after the economy has been rebuilt along private enterprise, big-business-oriented lines. Its chief spokesman within the regime is the economy minister, Adelbart Krieger Vaasena, and it is the faction that has given the regime its chief economic direction until now.

The other faction, usually referred to as the nationalists or the corporativists, has vague ideas about turning Argentina into a highly centralized, statist-oriented country rather than falling back on the traditional model of democracy. Its focus is chiefly political, and its principal representative within the Cabinet is considered to be Guillermo Antonio Borda, the Interior Minister and Ongania's principal political adviser.

DELAYS CHOICE

Until now, the two groups have coexisted uneasily within the government, waiting for Ongania to make a choice between them.

The President, however, has steadfastly deferred any decisions about future political directions concentrating instead on economic matters and on more immediate problems of neutralizing potential political rivals.

Outwardly, the system seemed to be working. In the political sphere, the government successfully managed to break the backs of such one-time power sources as the traditional political parties and the labor movement, most of whose leaders were forced into an openly collaborationist stance.

On the economic side, Krieger's policies also seemed to be achieving dramatic results in reducing inflation, attracting new investment and generally getting the economy revved up again. This was done, however, by resorting to wage freezes and other measures that put the brunt of austerity on the working classes.

As a result, the Ongania government entered 1969 with a reputation for being among the most stable in Latin America. The majority of Argentines were described as being "relieved" at no longer having to worry about the uncertainties of politics. Abroad, the regime's economic policies were being held up by Washington and such institutions as the International Monetary Fund as a model for the rest of the hemisphere to follow.

But there were deep pockets of discontent, and eventually they came together to create an explosion much like the one that hit the de Gaulle government in France a year ago.

DISSIDENTS UNITE

As in the French situation, the two forces that merged to bring rioting and bloodshed to Argentina were the university students and the workers.

The students seemed to have become fed up with the government's attempts to assert strict control over the national university system, with the low-budget priority it assigned educational matters and with its attempts to impose a stifling Jansenist Catholic morality on Argentine intellectual and artistic life.

The workers, in contrast to most of their titular leaders, were never convinced of the need to give up their long-held privileges or to carry the major brunt of austerity. And, as their resentment deepened, they began unobstrusively but increasingly to listen not to the collaborationist leadership of the General Labor Confederation but to a breakaway rebel faction headed by Raimundo Ongaro, who preached defiance.

There were other factors as well. One was the increasing role of Catholic priests in encouraging workers to protest and attacking the social injustices of the regime. Another was the restiveness created by an abortive terrorist campaign by extreme leftist Peronists earlier this year.

The igniting spark came on May 15 when students at the University in Corrientes staged a demonstration to protest a rise in cafeteria prices. In scuffling with the police,

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a student was shot to death, and the result was a wave of nationwide campus protests.

SOLIDARITY SOUGHT

The students touched a sensitive nerve in the Argentine populace. Workers and even middle-class shopkeepers began joining the student demonstrations in a gesture of solidarity.

As the incidents mounted and the regime replied with force and intransigence, Ongaro was able to lay the groundwork for a highly successful 24-hour general strike. In contrast to past strike efforts that the government had suppressed, worker sentiment this time was so aroused that even the rival collaborationist labor faction was forced to join the strike plan.

It was Thursday night—the eve of the strike—that the explosion came in Cordoba, a city that is both the site of an important university and the center of the Argentine automobile manufacturing industry. Police opened fire on a column of workers marching toward the center of town from the Ika-Renault auto factory, and within hours the city was in a virtual state of civil war.

THE LESSON?

Now the question puzzling observers here is what lesson—if any—has been learned from the bloodbath. Some think the regime has been shaken and will move toward a more conciliatory stance—one that might take some of the burden of austerity off the working classes and dispel past vagueness about the political future.

Others, however, think the regime will consider any effort at conciliation as an admission of weakness and a possible threat to its announced economic goals. Accordingly, they look for an even greater tightening of the dictatorship.

Many point to the example of Brazil, where similar signs of public restiveness toward a military-backed strongman regime resulted last December in a campaign of repression.

In Brazil, the effect of the clampdown was to take real power away from the President, Arthur da Costa e Silva, and place it squarely in the hands of the armed forces officer corps. Today, one can hear many predictions in Buenos Aires that much the same thing will happen here.

[From the New York Times, June 1, 1969]

Greek Military Court Convicts 37 More of Antiregime Activity

Athens, May 31.—Thirty-seven Greeks were convicted today of having plotted against the nation's army-backed regime. At the same time, security forces continued a wave of arrests of suspects including a former defense chief, Vice Admiral Spyridon Avgeris.

The number of Greeks convicted of sedition by military tribunals in the last three weeks rose today to 125 when the Salonika court-martial condemned 37 out of 39 persons charged as members of the leftist antiregime organization known as Patriotic Front.

Four men were given life terms, five got between 15 and 25 years in jail, 14 from six to 13 years, nine from 13 months to 5 years, five had suspended sentences and two were acquitted.

The five-officer court in the northern Greek city returned the verdicts after an all-night sitting at the close of the 16-day trial. Total sentences passed by military courts since May 12 for political offenses added up to 802 years, plus 10 life terms.

FORMER OFFICERS ARRESTED

As the wave of mass trials apparently drew to an end—none were slated for the coming week—security forces put under arrest a number of retired officers and civilians.

An official statement said the retired officers had been arrested because they were engaged in activities "directed against public order, security and tranquillity."

Admiral Avgeris, who was ousted and retired after King Constantine's abortive attempt to unseat the military rulers on Dec. 13, 1967, was arrested in his Athens home.

Another officer given a dishonorable discharge for backing the King's bid, Col. Nikolaos Zervoyiannis, was also arrested, bringing the total number of retired officers rounded up this week and scheduled for deportation from Athens to at least 12.

Qualified sources said it was unlikely that all the arrested officers were together in a subversive plot. Their seizure and banishment to remote Greek islands was seen both as a punitive and a deterrent action.

In the last two years, some 2,000 officers were ousted from the forces as a precautionary move by the regime.

The action against the former officers was followed by large-scale arrests of civilians in Athens in the last four days. Reliable reports said about 50 persons were rounded up each night and taken to security police headquarters.

Most of them are being released after several hours of questioning, but a large number are still held at the headquarters building.

This action followed the stepping up of antiregime activity, including several explosions of home-made bombs in downtown Athens and Salonika in the last two weeks.

Ex-U.S. Aide Joins Protest to Brazil—Gordon and Other Experts Assail Faculty Purges

Washington, May 31—A former high State Department official once closely identified with United States support for the military-dominated Government in Brazil has joined American professors in a written protest against recent faculty purges in Brazilian universities. The document was cabled to Arthur da Costa e Silva, President of Brazil today.

The former United States official is Lincoln Gordon, now president of Johns Hopkins University, who served from 1961 to 1966 as Ambassador to Brazil and until early 1967 as Assistant Secretary of State for Inter-American Affairs. He is one of 10 American specialists in the field of Latin-American studies who signed the cablegram. It was one of two such protests circulated at more than 20 colleges and universities in the United States and sent to Brazil this weekend with a total of more than 300 signatures.

"My objection to the removal of the professors is part of my general feeling of grave concern over the arbitrary use of power in Brazil since December," Dr. Gordon said in a telephone interview.

PRESIDENT RULES BY DECREE

Last Dec. 13, President Costa e Silva, a retired army marshal, dismissed the Brazilian Congress and assumed the right to rule by decree.

Since December, there have been reports from Brazil of widespread arrests and press censorship designed to silence opposition to the Government. A month ago, by Presidential decree, 68 professors were involuntarily retired without explanation from the country's two largest universities.

Dr. Gordon's first public protest over the course of events in Brazil is viewed here as a personal echo of a slow change in United States policy toward Brazil that has been going on since the former Harvard economist left the embassy in Rio de Janeiro.

United States officials say the policy of drawing back from close identification with Brazilian Governments since 1964 began under John W. Tuthill, Dr. Gordon's successor, and has accelerated since last December.

PERSONIFIED U.S. SUPPORT

For many Brazilian politicians and political observers, Dr. Gordon personified thorough U.S. support for the austere reformist government of Humberto Castello Branco, another army marshal, who assumed the presidency after a military-civil revolt toppled President João Goulart in 1964.

Dr. Castallo Branco died in 1967. Dr. Gordon's present open opposition to President Castello Branco's successor, Mr. Costa e Silva, would be likely to arouse wide interest in Brazil, but the organizers of the cabled protest said they did not believe the informally censored press would be encouraged to report their cablegrams.

According to reports from Brazil, there has been no press comment on the forced retirement of such internationally known professors as Florestan Fernandes, a sociologist; Isaias Raw, a biochemist; and José Leite Lopes, a physicist.

The same reports said that the 68 professors as a group had no common political denominator, but that all had been interested in the reform of university structures transplanted to Brazil from Europe.

These reforms, according to the reports, are opposed by other professors with personal access to members of the Costa e Silva Government.

The telegram signed by Dr. Gordon was drafted by a committee of the Latin American Studies Association, an academic association with more than 700 members, and signed by Prof. John J. Johnson, chairman of the committee on Latin-American studies at Stanford University, and Prof. Charles Wagley of Columbia University, among others.

It urged President Costa e Silva "immediately to remove the restrictions that your Government has imposed upon scholars and permit them to return to their institutions and to work in a free and open intellectual environment."

The second cablegram was drafted by a committee including Prof. Alex Inkeles of Harvard University and Myron J. Weiner of the Massachusetts Institute of Technology. It was signed by 283 scholars at 23 American colleges and universities, including Max Milikan, the director of the Center for International Studies at M.I.T.

HONEY PROMOTION AND RESEARCH BILL

(Mr. LANGEN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LANGEN. Mr. Speaker, I am today introducing a self-help bill to aid honey producers of this Nation. Not only would this bill enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey, but it would also protect their markets through sensible import controls.

The promotion and research features of this measure reflect a most commendable desire by our honey producers to promote their own industry at their own expense. They are not asking us for money. All they want is the enabling legislation that merely makes it possible for the honey industry to move ahead with its promotional plans at no expense to the Federal Government.

Our honey producers, wanting to maintain their markets and experience a desirable industry growth pattern, wish to assess themselves in an orderly manner in order to raise the funds necessary to carry out promotion and research. This bill would allow the produc-

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ers to assess themselves at a rate that would not exceed 15 cents per 60-pound can of honey. The funds collected would be used for research, development, advertising, and such other expenses as would be deemed necessary by the Secretary of Agriculture.

Any promotion plan devised under the terms of this bill would have to be submitted to the producers in a referendum. It would go into effect only if two-thirds of the voting producers approved the plan. Individual producers who did not wish to participate at all could demand and receive a refund of his assessment. Thus, any plan would be voluntary on the part of the producers.

One feature of my bill differs with other honey promotion bills that have been introduced. Under this legislation, realistic import controls would be imposed. It would not prohibit foreign honey suppliers from shipping honey into this country, but it would hold imports generally at past percentage levels. The import section of this bill is needed. It would make little sense to encourage the American honey producers to spend their own money to expand and promote markets for their product, only to permit foreign suppliers to usurp that market at no expense to the foreign producer.

Mr. Speaker, when any industry such as our honey growers want to assess themselves to promote their own products, we should give them the opportunity. And in giving them the opportunity, we should also give them some assurance that their efforts will not be dissipated in the glut of imports. I believe this bill, which I have titled the American Honey Promotion and Research Act, will accomplish both purposes.

MILITARY JUSTICE ACT OF 1968

(Mr. PIRNIE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PIRNIE. Mr. Speaker, the crisis in the military lawyer ranks continues critical. No one who is aware of the low retention rates of the four services can question the validity of that statement. However, despite the fact that this is a recognized problem which can reach desperate proportions, action by the Department of Defense on my bill, H.R. 4296, has been delayed. Congress created the urgency by passing the "Military Justice Act of 1968"—a landmark law which becomes effective on August 1 of this year. We are, therefore, particularly obligated to see that it is implemented.

Several times in remarks to the House, I have referred to the "Military Justice Act of 1968" and the effect it will have on the military justice system. I have noted that an additional 800 military lawyers will be required to carry out the mandate of that act. In order to more fully comprehend the scope of the crisis, I suggest the reading of an article which appeared in the May 1969 edition of the American Bar Association Journal, entitled "The Military Justice Act of 1968." The authors, both career JAG officers, have detailed the changes which will occur as a result of the act. The last sentence in the article characterizes the legislation as follows:

> It is a tribute to the American ideal of justice and a true demonstration of democracy in action that in the midst of war, we should see fit to extend rather than diminish the due process rights accorded to members of the armed services.

Yet this will be a hollow gesture or a terrific embarrassment if we do not provide the machinery to insure that experienced legal officers are available to carry out the requirements of the Military Justice Act of 1968. My bill seeks to do just that by providing professional pay and a continuation bonus for career military lawyers. I invite every Member to study the appended article:

THE MILITARY JUSTICE ACT OF 1968

(By James A. Mounts, Jr., and Myron G. Sugarman)

The Military Justice Act of 1968 (Public Law 90–632), which President Johnson signed into law on October 24, 1968, makes the most sweeping changes in the Uniform Code of Military Justice[1] since that code was enacted in 1951. The Uniform Code of 1951 gave the services a uniform system of due process. Now the 1968 legislation places the military system of criminal justice well ahead of most civilian systems insofar as the accused's due process rights and benefits are concerned, and it conforms much of the military procedure to the civilian. The 1968 act brings added benefits to the military accused, while at the same time increasing military efficiency by eliminating much of the need for line officers to spend time handling military justice matters.

The 1968 act represents a combination of various positions advocated by the services and by members of Congress.[2] It makes extensive changes in the Uniform Code in five areas; use and authority of military judges; court-martial procedures; accused's right to legally qualified counsel; release of accused from confinement pending appellate review (military "bail"); and appellate review.

The new law makes extensive changes in the procedures of general courts martial. The first involves the use of judges in the administration of military justice. Currently a law officer, who must be a trained lawyer, presides over a general court martial. The act changes the name of the law officer to military judge, makes the military judges of general courts martial part of an independent judiciary and authorizes an option of trial by military judge alone without court members. The act also brings about procedural changes, long advocated by The Judge Advocate General and the United States Court of Military Appeals, designed to allow the military judge to assume a true judicial role.

The act's provisions for trial by military judge alone will benefit the accused by giving him another option within the system and will increase efficiency in many cases. The accused will have the right, knowing the identity of the military judge, in all general courts martial, except capital cases, to request trial by a military judge alone, just as in the federal court a defendant may waive his right to trial by jury. The accused's request will be granted if the military judge approves. The prosecution has no right, as it has in civilian practice under Rule 23a of the Federal Rules of Criminal Procedure, to veto the accused's request, but it is limited to making arguments to the military judge as to the appropriateness of trial by a one-officer court.[3] The one-officer court option will increase efficiency by releasing many line officers from court-martial duty for their primary duties. Proceedings will move faster in those cases tried by a judge alone.

The military accused will reap a benefit from this option. If he feels a trained lawyer will hear and decide his case more effectively than a panel of his fellow service members, he may request trial by a judge alone, as did one third of the defendants in contested federal criminal cases in fiscal year 1967. If an accused fears that line officers who would make up the panel of court members might be biased against him, he will now have the option to be tried by a judge who is completely independent of the command.

A system of independent judicial officers has been prescribed for the Army since 1958 by administrative regulation; now the independent judiciary is a statutory requirement. Judges of general courts martial will be responsible only to The Judge Advocate General, or his designee, for direction and fitness reports. They will not be responsible, for example, to the Army area or post commander in whose area the trials at which they preside are conducted. The purpose of this provision is to prevent commanders from exercising any indirect influence over the procedures and results of cases.[4]

The changes in the Uniform Code increase the powers and prerogatives of military judges. These provisions will save the time of court members and improve the internal efficiency of the military justice system. They will place the military judge on a par with judges of federal district courts in many respects. When these changes are coupled with changes in court-martial procedure brought about by the act, the result will be a court martial closely resembling a federal criminal trial. The military judge will have the authority to hold pretrial and other sessions without the necessity of assembling the court martial and members. He will be able to rule on interlocutory motions raising defenses and objections; for example, on the admissibility of evidence or a confession. If the regulations of the individual services permit, he will also be able to conduct the arraignment and take the accused's plea.

Under current practice the court martial must be formally assembled and the members present before these procedures can take place—court members are excused from the courtroom while many of the above procedures take place. Now they will be able to utilize this time performing their primary functions. There will be no need to assemble the members of the court merely to have jurisdiction to proceed with the business of the court. The military judge will be able to hold posttrial sessions to adjudicate remands from appellate agencies; the act eliminates the inconvenience of gathering together court members for these sessions.

The military judge will be able to rule finally on challenges to court members on all questions of law and all interlocutory questions, including motions for findings of not guilty and for continuances, other than the factual issue of the accused's mental responsibility. No longer will these decisions be subject to being overruled by the court members. As in the federal courts, the military judge, when sitting alone, will determine all questions of law and fact arising during the proceedings and will adjudge an appropriate sentence if the accused is convicted. He will make a general finding unless requested to find the facts specially. The act also gives the military judge the authority to forbid the taking of depositions if this should become necessary.

The act streamlines court-martial procedure in many other respects. Regulations of the service secretaries may prescribe that oaths need not be administered to counsel and military judges in every case, as is currently required. Rather they may provide, for example, that the oath may be taken once for all cases in which the counsel or judge is to serve. Additionally, except in capital cases in which a guilty plea may not

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Footnotes at end of article.

be accepted, the judge may enter a finding of guilty after a plea of guilty without the formality of a vote by the court members.

In the view of many, the most significant changes in military justice brought about by the new law involve the special court martial. The special court martial is the military equivalent of a civilian court that can try only misdemeanor cases. A special court martial has jurisdiction to impose a maximum of six months' confinement and a bad-conduct discharge.[5] Current law provides the accused in a special court martial with counsel who must be a commissioned officer but who need not be a qualified lawyer.[6] The services have made efforts to staff these courts with legally qualified officers, although not required by law to do so. The Air Force, for example followed a policy of providing all defendants at special courts martial with legally qualified defense counsel. All the services have permitted the accused to be represented by his own attorney at courts martial.

The act amends Article 27 of the Uniform Code to require that an accused be afforded the opportunity to be defended by legally qualified military counsel unless such counsel cannot be obtained because of "physical conditions or military exigencies". This right to qualified counsel may be waived, and it may not apply, for example, where hostilities or geographic location makes it impossible to provide a lawyer. However, under these circumstances the officer who convened the court martial must indicate in a written statement attached to the trial record the reasons that necessitated trial at that time and place.

The act also amends Article 19 of the Uniform Code to provide that a special court martial may award a bad-conduct discharge only if the accused has been afforded legally qualified counsel. In this situation the law does not permit a waiver of the right to counsel by the accused, and physical conditions or military exigencies do not excuse the requirement for representation by qualified counsel. The consequences of a bad-conduct discharge are so significant that Congress felt that servicemen should be represented by counsel in those cases.[7]

These changes in the Uniform Code place the military significantly ahead of most civilian jurisdictions. Few states and federal circuits require that counsel be appointed where the possible punishment is six months' confinement or less. The new legislation provides that counsel will be appointed at the accused's request without regard to his financial status. He also may employ his own lawyer, who need not be a member of the Armed Forces, if he desires. The act does not require that the prosecutor (trial counsel) in a special court martial be a qualified lawyer. However, the Uniform Code has required that the defense counsel be legally qualified if the prosecutor is so qualified.[8]

The act permits a convening authority to detail a military judge to a special court martial at his discretion. The intent is to permit a trained judge to preside at those special courts martial that involve complicated issues of fact and law.[9] The act requires that a military judge be assigned to a special court martial authorized to award a bad-conduct discharge, unless he cannot be detailed because of physical conditions or military exigencies. If this requirement is not met, the reasons must be stated in writing and appended to the record of trial for review on appeal. A verbatim record of trial also is required if a special court martial adjudges a bad-conduct discharge. If a military judge has been detailed to the court martial, the accused will have the same right to trial by military judge alone as does the accused before a general court martial.

The act also makes changes affecting the summary court martial, the military equivalent of the civilian magistrate or commissioner court. No counsel is required or appointed; one commissioned officer, generally not a lawyer, acts as judge, jury, prosecutor and defense attorney. Under present law an accused may refuse trial by summary court only if he has not previously been offered nonjudicial punishment under Article 15 of the Uniform Code. The act amends Article 20 to permit an accused to refuse to be tried by summary court martial in any case, even if he has refused punishment under Article 15.

This change will permit an accused to be represented by a lawyer free of charge, if he wishes fully to litigate his case, every time he is faced with the possibility of punishment, no matter how minor.[10] He may refuse Article 15 punishment and trial by summary court. The convening authority may then bring charges at special or general court martial, where the accused will be defended by a qualified lawyer. It should be noted, however, that depending on the maximum sentence possible for the alleged offense, an accused who chooses to move his case to a higher-level court may thereby increase his risk of punishment.

The act provides a method for release from confinement pending appeal. A convening authority or other authority having jurisdiction over the individual will have discretion to release an accused from confinement pending appeal of his court-martial conviction. Unlike most civilian release on bail, no bond or monetary deposit will be required. This provision is a significant step forward. In some cases an accused has served his entire term of confinement by the time his case is reversed on appeal. Those released pending appeal will be required to serve their sentences when the sentences are approved on review and ordered executed. They will obtain no credit against their sentences for the time during which they were released.[11]

The act makes significant changes in appellate procedures. The Uniform Code currently provides for at least one review of every court-martial decision. More serious cases are given additional rights of review. Under the new act the right to review is broadened in cases involving minor offenses, and the stature and independence of military appellate judges are increased.

The act changes the name of the boards of review to courts of military review and the titles of the board members to appellate military judges. Civilians may be appointed to these courts by The Judge Advocate General of an armed service. Provisions on command influence similar to those applying to military trial judges apply to members of the courts of military review.

The act amends Articles 69 and 73 of the Uniform Code to broaden the jurisdiction of The Judge Advocates General to grant rehearings and to review cases not otherwise reviewed by the courts of military review. Whereas this review is now limited to general court-martial cases not involving punitive discharges or sentences of more than a year's confinement, the new act extends it to all court-martial cases. Furthermore, the time for filing petitions for rehearing is enlarged from one to two years. The Judge Advocates General are given the power to review and either to vacate or modify in whole or in part the findings or sentence, or both, in any court martial which has been reviewed finally but has not been reviewed by a court of military review. Application for review under the new provisions must be based on grounds of newly discovered evidence, fraud on the court, lack of jurisdiction over the accused or the offense, or error prejudicial to the substantial rights of the accused.

It is important to note that, with the exception of the amendments to Articles 69 and 73, the provisions of the act do not take effect until August 1, 1969. During the intervening period a joint service committee will rewrite the *Manual for Courts-Martial* to implement the act. The new manual will have the title *Manual for Courts-Martial, 1969, Revised Edition*. In addition, regulations implementing the law in each armed service will be written. Until these regulations and the manual are completed, it will not be possible to spell out with detailed certainty just how the changes in the Uniform Code will operate in practice. It is clear, however, that the act is a major step forward for military justice. It places the military, once again, ahead of most civilian jurisdictions in terms of the rights afforded to an accused. It is a tribute to the American ideal of justice and a true demonstration of democracy in action that in the midst of war we should see fit to extend rather than diminish the due process rights accorded to members of the armed services.

FOOTNOTES

[1] 10 U.S.C. § § 801-940.

[2] The act passed the House and Senate as H.R. 15,971, 90th Congress, 2d Session. It was originally introduced in the House of Representatives by Representative Charles E. Bennett of Florida. The Senate amendments were sponsored by Senator Sam Ervin, Jr., of North Carolina. The substance of the act is drawn in large part from earlier bills introduced by Mr. Bennett (H.R. 226, 90th Congress, 1st Session, and H.R. 12,705, 90th Congress, 2d Session) and Senator Ervin (S. 2009, 90th Congress, 1st Session) and from a series of bills introduced in the 88th Congress. Other parts of the act derive in large measure from a series of Department of Defense proposals.

[3] S. REP. No. 1601, 90th Cong., 2d Sess. 4 (1968).

[4] *Id.* at 9.

[5] 10 U.S.C. § 819.

[6] 10 U.S.C. § 827(c).

[7] *Supra* note 3, at 5.

[8] 10 U.S.C. § 827(c).

[9] *Supra* note 3, at 4–5.

[10] There is one minor exception. A service member attached to or embarked in a vessel may not demand trial by court martial in lieu of nonjudicial punishment under Article 15. 10 U.S.C. § 815.

[11] *Supra* note 3, at 14.

ROTC—NASHUA EDITOR, CLAIRE BARRY, WRITES A RINGING DEFENSE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, Claire Barry, managing editor of the 1590 Broadcaster, a weekly "shopper" published in Nashua, N.H., has written a first-rate, ringing defense of the ROTC. The editorial makes the interesting point, that if ROTC is done away with, the military would be forced to increase its reliance on officer candidate schools, which, in turn, would deplete the enlisted ranks by several thousand and tend to force larger draft calls. The very ones who cry against ROTC are, in fact, increasing their own vulnerability to draft, that is, assuming any of them are in fit mental or physical shape to be worthy of serving their country in the first place.

I commend Claire Barry for an excellent editorial which I offer at this point for the RECORD:

ROTC VITAL TO NATION

It seems incredible that some members of the New Hampshire State Legislature would seriously consider abolishing ROTC as a part of the curriculum at the University of New Hampshire. The ROTC training program has, for many years, supplied junior officers to all branches of the service at very little cost to the taxpayers.

The ROTC program is not compulsory. It is available to those students who wish this in-college training. The backbone of the Army is its junior officers, and when there is a shortage of these men, they must be obtained elsewhere. One source is Officers Candidate School, which, in turn, depletes the regular ranks of the enlisted men.

This necessitates a larger call-up to fill out the required number of personnel. Eliminating ROTC as a college-connected subject will only increase the number of men called up in the draft.

There is a great deal of talk about ROTC college credits, and the seemingly handing-out of these credits just for appearing in uniform at a class.

A student enrolled in the ROTC program at the University of New Hampshire receives only two credits for this class. This class consists of training, field trips, drill, and logistics, and military science, for which they are tested and receive grades. The course is not a "gut" course, as the easier courses are called by those not taking them. It also teaches the young men the value of self-discipline and working for the betterment of their country.

Is there a conspiracy afoot? First, gun laws are being passed daily which will prohibit the law-abiding peaceful citizen from obtaining and using guns of any kind. Now, an effort to undermine the basic officer supply potential by downgrading and eliminating ROTC as a college subject. For many years, members of ROTC have served their country honorably and well.

These students are willing to add this to their curriculum, and not at the expense of other subjects, which means they must work just a little harder than the non-ROTC enrollee.

There is certainly nothing wrong in the student who does not wish to participate in this course. That is his prerogative. But the choice should be left up to the individual, and made available to all students who wish to participate in this program.

ROTC trained officers have been a major supply of officers to fight with the troops in Vietnam. They have also been a part of the military scene in other major conflicts. They have been readily available and willing to serve their country.

It is a well-known fact that there are more junior officers needed than any other rank, and every year there are thousands who are graduated from college, and immediately enter into service, already trained and of immediate worth in the service of their country.

Were it not for these ROTC officers, many of the "protestors" would be drafted into service, and unable to carry out their campaign against eliminating ROTC from the college curriculum.

It is almost understandable why the cowards of the country are protesting ROTC, but for members of the venerable State Legislature to also voice this opinion is completely incomprehensible.

REPORT OF CONGRESSIONAL CONFERENCE ON THE MILITARY BUDGET AND NATIONAL PRIORITIES

(Mr. KASTENMEIER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASTENMEIER. Mr. Speaker, I am pleased to include in the RECORD the full report of the Congressional Conference on the Military Budget and National Priorities. The proposals contained in this document came out of the Conference on the Military Budget and National Priorities held here in Washington last March 28 and 29. In 2 days of broad ranging deliberations the congressional participants, academicians, former Government officials, weapons experts, and economists discussed such major issues as deployment of the ABM and MIRV, settlement of the Vietnamese war and the burgeoning military budget. The substance of their comments is reflected in the report issued by the congressional sponsors. The report emphasizes that the fundamental problem is not military, but civilian.

The report concludes:

> It is not the uniformed military which has created the present situation, but the civilian leadership and the institutions they have created to centralize and expand the performance of national security functions.

The list of distinguished participants included the following:

Richard Barnet—Co-Director, Institute for Policy Studies, Washington, D. C.; former Consultant to the Department of Defense and State Department.

Richard Falk—Professor of International Law, Center for Advanced Study in the Behavioral Sciences, Stanford, Calif.; former consultant to Senate Foreign Relations Committee.

General William Wallace Ford, U.S. Army, ret.

John Kenneth Galbraith—Professor of Economics, Harvard University; former Ambassador to India.

Richard Goodwin—Author and writer; former special assistant to Presidents Kennedy and Johnson.

George Kahin—Professor of Government and Director, Southeast Asia Program, Cornell University, Ithaca, N. Y.

George Kistiakowsky—Professor of Chemistry, Harvard University; former science adviser to President Eisenhower.

Arthur Larson—Director, World Rule of Law Center at Duke University, Durham, N. C., former special assistant to President Eisenhower and Director of USIA.

Hans Morgenthau—Professor of History, Government and International Relations, University of Chicago.

Fred Warner Neal—Professor of International Relations, Claremont Graduate School, Claremont, Calif.; former consultant in Russian affairs to the State Department.

Gerard Piel—Publisher and editor of *Scientific American*.

Marcus Raskin—Co-Director, Institute for Policy Studies, Washington, D. C.; former staff member of the National Security Council, White House.

George Rathjens—Professor of Political Science, Massachusetts Institute of Technology; former special assistant to the President for science and technology; former Director, Weapons Systems Evaluation Division, Institute for Defense Analysis.

Leonard Rodberg—Professor of Physics, University of Maryland, College Park, Md.; former Bureau Chief, U.S. Arms Control and Disarmament Agency.

Charles L. Schultze—Professor of Economics, University of Maryland; senior fellow, Brookings Institution; former Director of the Bureau of the Budget.

Jeremy Stone—Professor of Economics, visiting scholar, Stanford University; former member of The Hudson Institute.

Herbert York—Professor of Physics, University of California; former Director of Research and Engineering, Department of Defense; former Vice-chairman, President's Science Advisory Committee.

Adam Walinsky—Former legislative assistant to Senator Robert F. Kennedy.

I am also pleased to list the names of the 45 congressional signers of this report:

SENATORS

J. William Fulbright (Ark).
Harold E. Hughes (Iowa).
George S. McGovern (S. Dak.).*
Walter F. Mondale (Minn).
Gaylord Nelson (Wis).*
William B. Saxbe (Ohio).
Joseph D. Tydings (Md).
Harrison A. Williams, Jr. (N.J.).
Stephen M. Young (Ohio).

CONGRESSMEN

George Brown, Jr. (Calif).*
Phillip Burton (Calif).*
Hugh L. Carey (N.Y.).
Shirley Chisholm (N.Y).
William L. Clay (Mo.).
John Conyers, Jr. (Mich).*
Charles C. Diggs, Jr. (Mich).
Bob Eckhardt (Tex.).
Don Edwards (Calif).*
Donald M. Fraser (Minn).*
Jacob H. Gilbert (N.Y.).
William J. Green (Pa.).
William D. Hathaway (Maine).
Augustus Hawkins (Calif).
Ken Hechler (W. Va.).
Henry Helstoski (N.J.).
Robert W. Kastenmeier (Wis).*
Edward I. Koch (N.Y.).
Robert L. Leggett (Calif.)
Allard K. Lowenstein (N.Y.).
Abner J. Mikva (Ill.).
Patsy T. Mink (Hawaii).
William S. Moorhead (Pa.).
Robert Nix (Pa.).
Richard L. Ottinger (N.Y.).
Bertram L. Podell (N.Y.).
Thomas M. Rees (Calif).
Henry S. Reuss (Wis.).
Benjamin S. Rosenthal (N.Y.).*
Edward R. Roybal (Calif).
William F. Ryan (N.Y.).*
James H. Scheuer (N.Y.).
Louis Stokes (Ohio).
Robert O. Tiernan (R.I.).
Lester L. Wolff (N.Y.).
Frank J. Thompson, Jr. (N.J.).

Mr. Speaker, I commend the contents of this report to all of my colleagues. The basic issues discussed at the conference go to the core of congressional control over our military budget and the wisest allocation of our Nation's resources.

The report follows:

REPORT OF CONGRESSIONAL CONFERENCE ON THE MILITARY BUDGET AND NATIONAL PRIORITIES

I. INTRODUCTION AND RECOMMENDATIONS

On March 28, 1969, two separate but ironically related events occurred which insistently pointed to the most urgent public issue of our time: the role of the military-industrial establishment in the United States.

The first event of that day was the death of Dwight David Eisenhower, himself a hero of the American military heritage. As a departing President he had startled the nation by his Farewell Address, in which he had warned of the rise of a military establishment supported by an immense arms industry which "has the potential for a disastrous rise of misplaced power." In the eight years following President Eisenhower's speech, at least $500 billion dollars has been sunk in military expenditures, including a disastrous war in Vietnam, a misguided intervention in the Dominican Republic, and more than forty-two treaty commitments to as many countries to intervene "in case of aggression." In the same period of time, acute problems

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* Indicates original sponsors of conference.

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of poverty and distress have remained unresolved within the United States itself.

These misplaced priorities were the basis for the other event of March 28, the Congressional Conference on the Military Budget and National Priorities, which brought together in Washington, D.C., former government leaders, foreign policy scholars, experts on weapons technology, economists, Congressmen and Senators to investigate the actual enormity of that "misplaced power" of which President Eisenhower had warned. The non-Congressional participants in the Conference were the following:

Richard Barnet—Co-Director, Institute for Policy Studies, Washington, D.C.; former Consultant to the Department of Defense and State Department.

Richard Falk—Professor of International Law, Center for Advanced Study in the Behavioral Sciences, Stanford, Calif.; former consultant to Senate Foreign Relations Committee.

General William Wallace Ford, U.S. Army, ret.

John Kenneth Galbraith—Professor of Economics, Harvard University; former Ambassador to India.

Richard Goodwin—Author and writer; fromer special assistant to Presidents Kennedy and Johnson.

George Kahin—Professor of Government and Director, Southeast Asia Program, Cornell University, Ithaca, N.Y.

George Kistiakowsky—Professor of Chemistry, Harvard University; former science adviser to President Eisenhower.

Arthur Larson—Director, World Rule of Law Center at Duke University, Durham, N.C.; former special assistant to President Eisenhower and Director of USIA.

Hans Morgenthau—Professor of History, Government and International Relations, Claremont Graduate School, Claremont, Calif.; former consultant in Russian affairs to the State Department.

Gerard Piel—Publisher and editor of *Scientific American*.

Marcus Raskin—Co-Director, Institute for Policy Studies, Washington, D.C.; former staff member of the National Security Council, White House.

George Rathjens—Professor of Political Science, Massachusetts Institute of Technology; former special assistant to the President for science and technology; former Director, Weapon Systems Evaluation Division, Institute for Defense Analysis.

Leonard Rodberg—Professor of Physics, University of Maryland, College Park, Md.; former Bureau Chief, U.S. Arms Control and Disarmanent Agency.

Charles L. Schultz—Professor of Economics, University of Maryland; senior fellow, Brookings Institution; former Director of the Bureau of the Budget.

Jeremy Stone—Professor of Economics, visiting scholar, Stanford University; former member of The Hudson Institute.

Herbert York—Professor of Physics, University of California; former Director of Research and Engineering, Department of Defense; former Vice-chairman, President's Science Advisory Committee.

Adam Walinsky—Former legislative assistant to Senator Robert F. Kennedy.

The Conference was initiated by members of the House and Senate in the conviction that Congress must reassert its control of military policy and that it can raise the level of congressional analysis of these critical issues by making more effective use of available technical and scholarly expertise. Our purpose was to articulate the basic issues of the militarization of American society and to make concrete proposals for restoring democratic control over the military budget.

Our country is in danger of becoming a national security state. Since the end of World War II, we have spent more than one trillion dollars, or two-thirds of the total expenditures of our Federal Government, on armaments and armed forces. Today 80 percent of our Federal expenditures go for defense and defense-related costs—an amount greater than all Federal, state, and local outlays for social security, health, education, housing, and agriculture. And yet the military budget continues to increase each year, spurred by a seemingly self-propelled mechanism which operates with little or no attention to merit or national need.

In spite of these vast expenditures, and in spite of the creation of a security establishment which today dominates much of our national life, Americans feel less secure than ever before. While external threats have receded in importance, many of our countrymen believe their nation has lost its way, and they feel a growing threat from within our cities. Many now ask whether the major threat to the security and well being of this country arises from the possibility of attacks from without, or the possibility of decay and disintegration from within.

The deepening concern

It is often said that our nation is becoming a welfare state. We are much closer, in terms of the money we spend, to becoming a warfare state. Enormous military budgets are approved with the most superficial criticism and evaluation by either the Congress or the public. They have defaulted, alleging that the military knows best and that the military budget is a purely technical matter. In reality, however, that budget involves the most fundamental political choices, providing the ability to intervene around the world and setting the direction of the economy and national priorities within our own country.

As the military budget continues to rise, with strong pressure to make it rise still more rapidly in the next few years, Americans are manifesting a growing concern with the size of the defense budget and its pervasive social effects. Members of Congress and the public are alarmed at the growing militarization of our society and the extent to which we are supporting a national security establishment, while neglecting the desperate needs of many of our people for housing, health care, education, and the other elements of basic human existence. They question why new programs for missiles and anti-missiles are proposed while funds for education and job training are cut. They show growing impatience with the Vietnam war, which continues even after being thoroughly discredited.

The military establishment is losing its former image of infallibility. Clearly the disastrous war in Vietnam is responsible for this changed attitude. There is a new feeling that Congress must play a larger role in the determination of foreign and military policy, if the voice of the people is to be heard effectively and if future military disasters are to be avoided.

The ABM issue has brought before the American public the central issue of an unnecessarily-escalating technology and the relation between this technology and the arms race. It has raised questions about congressional control over matters of national security, about the uses and abuses of secrecy, about the possibility that decision-making may be passing from human beings to machines in this technological age. But this new questioning attitude is not yet sufficiently widespread to have led to any decrease in the military budget or transfer of funds to more pressing domestic programs.

The national security establishment was created in the late 1940s and early 1950s in response to what we perceived as an immediate threat to our nation's survival. Today we are learning that, much as we may differ in economic and philosophic terms with Communist countries, they are as interested in coexistence, and as concerned with economic development, as we. No other country has extended its military influence around the world in the way we have, and yet we continue to feel insecure—but now this insecurity reflects deep concern for the internal fabric of our own country. While we have been at our most powerful, in a strictly military sense, during the past few years, our prestige around the world and our influence with foreign governments have diminished markedly, as our position of leadership and our reputation for wisdom have suffered under the impact of a misguided intervention in Vietnam.

The world has been radically transformed since our national security policies were set in motion in the late forties. We believe that in an age of nuclear weapons, ABM, MIRV, chemical and biological weapons no government can any longer guarantee the safety of its citizens. We see a growing recognition that nuclear weapons can be used only to deter their use by others, and cannot be translated into effective political influence or even military power in a local conflict. We are learning that the power of our country to influence the course of world affairs is more limited than we had believed and is dependent on more than our military strength. And we see intense conflicts breaking out within what we once viewed as a monolithic Communist bloc of nations.

It has come as a painful fact to recognize that today security from attack depends on preventing conflict, not on having the ability to win it. No one can win a nuclear war, and the existence of nuclear weapons must lead us to look beyond weapons and alliances to the more fundamental demands of our national security. However, it is a sad fact that we are today no closer to establishing the conditions for enduring peace than we were twenty-five years ago, when the nuclear age began. The policies we have been pursuing have instead led to growing nuclear arsenals on both sides, the forfeiture of our influence with countries around the world, the rise of military dictatorships in many of the nations we have been supporting, and our first military failure since the War of 1812. In the eyes of many of our own people, especially the young, this country has forfeited the right to leadership of the forces of liberty and justice. While this tragic disaffection can be attributed to many sources, surely our overreliance on military power is one of the principal elements in the discontent we see around us.

Much of this discontent must focus on budgetary questions, for it is the way we spend our public resources that reflects our national priorities and determines our nation's future. We used to believe that our country was wealthy enough to afford both guns and butter, both extensive military expenditures and investments in our domestic needs. We have now learned, through the bitter experience of Vietnam, that this is not possible. The American people will not accept substantially higher taxation, and so our national needs must be met from a Federal budget which represents a relatively constant portion of our national income. This implies, of course, that if we are to increase substantially our expenditures on domestic needs, we must correspondingly reduce our expenditures on the military. While it is proper to say that our boys overseas must have anything they need, we are now recognizing that our children at home should have the things they need too.

The Founding Fathers recognized that among our national goals were "to form a perfect union, establish justice, insure domestic tranquility" and only then, fourth on the list, "to provide for the common defense." What they understood, and what we are remembering again today, is that our national security is composed of more than the inviolability of our territory. It requires that we become a free and united society, enlarging the liberty and welfare of our people and extending justice to all who make this country their home. Should we be diverted from these pursuits, we will have lost our national security and our reason for existence as a nation, even though our military strength be the greatest on earth.

Whither America?

Senator J. William Fulbright has pointed out that for twenty-five years we have been thinking of our nation as a world power, losing sight of the fact that it must also be a national society. We must reassert the prime importance of achieving a viable society within our land, before we can expect a moral influence upon the rest of the world. One psychoanalyst has described our national malady as necrophilia. We put billions of dollars into killing while we talk as if we love life, in effect, to death. The result is a growing alienation of our young people from such a society and rising despair among all segments of our society.

The youth of America, both black and white, is starting to react against the militarization of our economy and our nation. We will either bring the military-industrial complex under control or, once this new generation starts voting and taking an active leadership in the politics of this country, we will have a new President and a new Congress who will.

The young people see that the institutions we have created are destroying the livability of the world. They question why they are being asked to make senseless sacrifices for meaningless policies. They look at the way we are killing each other in war and on our highways, expending vast sums of money in military enterprises that create problems instead of solving them. They see the way we are destroying the environment in which we live, polluting the air and the fresh water, killing the animals and the birds, destroying the forest and the beauty of the world, all in the name of progress and profit.

The young people know this and they are not prepared to tolerate it. Either our generation will respond to them, or there will be major changes in this country when the new generation comes to power.—Senator GAYLORD NELSON

Our country has become not only a great power but a great empire. Are we prepared to pay the price of that position? The Swiss historian Burkhardt said, "A great nation has only one purpose, and that is to get more power. But what it gives up in the process is freedom." What is actually at issue, then, is the transformation of the United States into a different sort of civilization—into a national security state. The country and the Congress must ask themselves whether they can ever regain control of the agencies which form that state without reducing them substantially in size and restructuring them so that they serve national purposes more clearly. Can we ride this tiger, attempting to control it here, and setting budgetary limits there, or must we instead undertake the long and difficult task of dismantling the national security establishment? And can we simply replace one bureaucracy with another—the national security establishment with, perhaps, the domestic welfare bureaucracy? Or must we, instead, be examining how to make democracy work again, how to give people in their communities the ability to make the necessary decisions on the way their money is spent and the way they live their lives?

Congressional leadership

The Report which follows is a distillation of the discussions of the Conference and includes direct quotations from the comments of the participants. Although the recommendations of the conference generally express our views, as sponsors we do not necessarily adopt as our own each and every statement and conclusion stated in this Report.

The sponsors regard the proposals made in this Conference as important contributions to their own thinking about the formulation of American foreign policy. They believe the report deserves the attention of their congressional colleagues, members of the Executive branch, and the American people. Our responsibility goes far beyond partisan considerations.

The most urgent challenge confronting Congress today is to reassert control of the military bureaucracy and the policy decisions it has preempted. This can only be accomplished by effective congressional leadership backed by a broadly-based, informed, and concerned public constituency. Toward this end we propose:

(1) Creation of a congressionally authorized Defense Review Office, similar to the General Accounting Office, to provide authoritative information and analyses for Congress in the defense area.

(2) Establishment of a Temporary National Security Committee, on the model of the Temporary National Economic Committee of the 1930s, composed of members of Congress and private citizens. This committee should conduct a critical examination of the institutional structure of the military-industrial establishment and provide the necessary information which the Congress and the nation can use to restore balance to our national priorities.

(3) Formation of a Congressional Joint Committee on National Priorities to provide a continuing forum for the review and evaluation of existing and planned Federally-supported programs.

(4) Reduction in the use of security classifications in order to open public access to relevant information and reduce the tendency to concentrate decision-making powers in the hands of those having access to classified information.

(5) More active use of hearings in the States and Congressional Districts to help shape new perspectives on national needs and priorities and elicit views at the grass-roots level. Such hearings could provide the basis for a full congressional debate on the State of the Nation.

(6) Encouragement of privately funded research centers competent to subject defense programs to critical examination. These steps would provide some of the necessary institutional support for the reshaping and prudent reduction of the defense establishment that must occur if we are to free resources and reverse the trend towards a "national security state."

In the nuclear age, our prime objective must be to prevent conflict and establish the international conditions for an enduring peace. The United States will make a larger contribution to this work if it lessens its reliance on military power and works more vigorously at the task of building and strengthening its own society.

II. THE NATURE OF THE NATIONAL SECURITY ESTABLISHMENT

President Eisenhower's death has reminded us of his warning to "guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex."

Under the National Security Act of 1947, a group of institutions, including the Department of Defense, the National Security Agency, the Central Intelligence Agency, part of the Agency for International Development, and the Atomic Energy Commission, have established and developed the bureaucratic base for an extensive national security apparatus. This apparatus is supported and buttressed by the new breed of federally-subsidized corporations which produce hardware for the military. The labor unions too have been brought into this structure. Today more than 3.5 million civilian workers are directly involved in national security programs.

Vast and varied armaments have been built—seaborne forces, airborne forces—all in the name of flexibility and greater action. We have failed to recognize that the ability to wield this force generates a powerful temptation to use it. The very existence of these forces places greater demands upon our civilian leadership for wisdom and restraint, qualities which, as we have sadly learned in Vietnam, are sorely lacking in our political system today. And, through the system of security classification, this apparatus has been liberated from the normal restraints of public debate and congressional judgment, even as its power grows and its ability to intervene in new conflicts increases.

The Kennedy Administration took office in 1961 with the avowed aim of establishing greater civilian control over the military. Yet the harsh fact is that military considerations today play a greater role in determining American policy than at any time in our national history. In the name of efficiency we unified the operations of the armed services, introduced the techniques of computer management, and encouraged closer interactions between the military and industry. As a result, power once checked by rivalries and inefficiency is now wielded as a single force, defying effective democratic control. From this perspective we can see the present ABM fight as a test of whether or not the national security state is sunk in concrete for this next generation. If the ABM or the war in Vietnam cannot be stopped, Congress may well become no more than an ornamental debating society, and the impotence of our political institutions will be manifest.

Our problem is essentially one of uncontrolled bureaucratic power which, in the manner of all bureaucracies, governs in its own interest and in accordance with its own parochial view of not only that interest, but of the world.

The principal instrument of power of this bureaucracy is fear. It is fear that gave it this enormous power and autonomy in the '50s and '60s and caused us to consolidate and delegate power. This power was born in an age of fear, and it will be curbed only as we resist fear, only as we look upon the world, communist and noncommunist, with a certain calm intelligence.—John Kenneth Galbraith

We built the national security establishment to meet what was felt in the late '40s to be an important national need, but we now see that these institutions reinforce each other and eliminate the possibility of effective countervailing institutions. Unless we see our continued military buildup as an institutional problem, we will not be able to make any lasting change in the direction of our society or our foreign policy.

We should be clear on one point: It is not the uniformed military which has created the present situation, but the civilian leadership and the institutions they have created to centralize and expand the performance of national security functions. The military has been asked to make decisions and accept responsibilities for which it was not prepared, either by professional background or by the structure of military organizations. Too often responsibility has been abdicated to the military to make broad policy choices, to define the threats—and therefore the priorities—facing this country, and to determine the proper response to these threats. This far exceeds the more specific traditional tasks of developing battle plans and training men to carry them out. It is the abdication of civilian responsibility and the loss of balance in the exercise of national choices that have produced the dangerously distorted situation in which we find ourselves today.

It is customary for military leaders to plan on the basis of a "greater than expected threat." They assume that the Soviet Union will produce more ICBMs than one might ordinarily expect, a larger ABM system, and so on. Having made these conservative as-

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sumptions, it is not surprising that they propose enormous appropriations and gigantic procurement programs. It is at the civilian policy-making level where there has been repeated failure. It is the civilians who should look beyond the projections of the military to the impact of the proposed measures on our domestic society, as well as on our foreign policy. They should be the ones to arrive at a realistic total perspective, rather than expecting it of the military.

Today, however, these civilian policymakers have become an intrinsic part of the military apparatus, more attuned to its viewpoint than to a wider national perspective. Just as the introduction of sophisticated weapons technology has civilianized the military, causing colonels to become the purveyors of abstract analyses and the silent partners of corporate managers, so the availability of these weapons in larger quantities has militarized the civilian hierarchy, leading it to seek answers to political problems in military hardware and enabling it to "project our power" over much of the globe.

The problem to which we must address ourselves is how to resist this interwoven bureaucracy, so large and entrenched, so zealous and parochial, so unrestrained by any effective counter-balancing force in our society. This vast establishment conjures margined or imagined "threats" to justify its continued existence. It is itself a threat to our society, disturbing its tranquility and threatening the survival of freedom within it. Just as we have built up this apparatus over the past twenty-five years, we must now begin the task of reducing the size and influence of the institutions which make up the national security establishment.

Growth with decay

Our prosperity and pattern of growth are built upon an industrial complex which relies on the defense budget to maintain high rates of employment and to support the bulk of technological innovation. Closely aligned with the great corporations involved in the defense establishment are labor interests and the interests of the new social classes built on education and technology.

We have created a series of new "pension classes" who are directly dependent on the national security establishment and on expenditures voted by Congress for old wars and new. The new educated class is dependent on the national security structure through the universities, which have received a large portion of their support from military-related agencies. Half of the trained engineers and scientists in this country are working for the national security establishment, providing the driving force for new weapons expenditures and generating a demand that we "keep the laboratories hot" even as tensions cool. This technical apparatus cannot easily fit into the civilian sector of our economy, and so becomes a permanent force for high defense expenditures. And the elevated status of their "high technology" has drawn our brightest minds away from the more mundane—but more urgent—problems of our domestic economy.

We have been using the new economics, with its emphasis on the use of the Federal budget to maintained economic stability and prevent cyclic depressions, without also recognizing that not all Federal expenditures are of equal value to the country. By placing the largest portion of our budget in the defense sector, we have deeply disturbed the balance which societies must maintain between the civilian and military sectors of their government and between their public and private outlays.

In our mistaken application of Keynesian economics, we have failed to recognize that the nature of our public expenditures will determine the kind of society we build with the resulting economic growth. Some expenditures contribute to a betterment of the society and enhance the quality of life for all our citizens, while others, although they may seem to contribute to the growth of the economy, in fact have detracted from our national well-being. Perhaps we need to make a more accurate accounting of our economic growth, recognizing that some expenditures subtract from the nation's welfare, even as they add to its economy.

It has been pointed out that in today's accounting both the production of cigarettes and expenditures on cancer research add to economic growth, when in fact, of course, they cancel each other out or, as at present, subtract from the health of our society. If we go ahead with the ABM and MIRV programs, they will appear in our accounting as economic growth, when in fact they will be destructive to the society, demanding further wasteful expenditures and making inevitable further decay in our cities and alienation of our people.

One must then ask whether our massive defense budget is in fact a way of dealing with foreign problems, or whether it has become instead a way of preserving a pattern of advantage within the United States. Is the defense budget a means of avoiding a confrontation with a series of domestic problems we have never solved, rather than merely a reason why we have not solved them? The swollen military budget gives us a ready-made excuse to avoid facing, as individuals and as a society, our failure to achieve justice and equality for all our citizens.

The question we must face is not what the Chinese or Vietnamese or Russians are, but who the Americans are and what kind of country this is, and what it is in our society which is leading us to go further in this direction.—Adam Walinsky

III. VIETNAM AND THE LESSONS OF INTERVENTION

The killing in Vietnam goes on. The war must be ended, and at the earliest possible date. We have put more than half a million troops into South Vietnam but have not been able to beat down the opposition of the North Vietnamese and the Viet Cong. Dr. George Wald has said they have a secret weapon: they are more willing to die for their cause than we are to continue killing them.

The Vietnam war is destroying that unfortunate country and eroding the foundations of our society as well.

We are engaged in a war 10,000 miles away for aims we can't define and which we can't win and don't seem able to end but which has contributed enormously to a malaise in the U.S. so severe that for the first time in our history the validity of some of our most cherished institutions has been called into question.—Fred Warner Neal

Even our military position has been undermined. As General William Wallace Ford has noted, "the war in Vietnam has divided our people and weakened our military strength because of that division. You cannot create disenchantment among nearly all the youth of the country and expect to have a strong military posture."

Toward a Vietnam settlement

Because of misconceptions and misunderstandings about the war, Congress has a special responsibility to begin now to tell the American public the political realities facing us and the possibilities for bringing the war to an end. Today's discussions of the war or peace aim of this country, or of the relationship the United States will have to Southeast Asia when peace comes, remain obscured by obsolete and empty rhetoric. There must be specific discussion now of our national security interest in that area. If the President is truly interested in negotiating an end to the war, such a discussion by the Congress will in fact help him, since one cannot reverse a set of assumptions on which our entire policy has been based without wide discussion by the public.

If Congress is to make such a responsible contribution to ending the Vietnam war, it must unshackle itself from the erroneous assumptions and faulty judgments of the past. Any reasonably viable political settlement in Vietnam will require a change in the underlying premises of the war, not a mere alteration in tactics. We will have to recall that it was the United States which, in contravention of the Geneva Accords, helped create and sustain a separate South Vietnamese state and chose the leadership of that state.

The myths that must be overcome include the allegation that what is basically a civil war is a case of outside aggression, that an unpopular and narrowly based military clique in Saigon can enlist the support of a majority of South Vietnamese people and that the National Liberation Front is a puppet of Hanoi without significant popular backing in South Vietnam.—George Kahin.

At this point our primary national interest is in extricating ourselves from Vietnam. The present military leaders in Saigon, however, have had a personal interest in continuing the massive U.S. military presence in Vietnam and are reluctant to see genuine progress toward a settlement that would allow our withdrawal.

As a result of past American policies in support of this military leadership, most noncommunist South Vietnamese are without political representation and are cut off from working out their own accommodation with the NLF. Many of the moderate political leaders of South Vietnam are in jail. (It was reported on the floor of the Vietnamese Senate that 16,000 new political prisoners were incarcerated during 1968.) If meaningful negotiations are to go forward, the currently-unrepresented elements must participate in working out a settlement.

If we are to exert the kind of pressure that will force the present Saigon regime to accept a peace settlement, we must begin now to withdraw our troops from Vietnam.

The creation of a coalition government for South Vietnam must be considered as a necessary transition stage, as well as a possible pattern for the final settlement achieved through national elections or a referendum held under the aegis of an interim transitional coalition. The transitional stage has been neglected in most public discussion, but it is a vital period if the government which emerges from the settlement is to be a lasting one. It is manifest that neither the Saigon government nor the NLF trust the other to carry out an election, and an initial period of shared power must precede the holding of any elections to create a permanent government. Such an interim coalition could also maintain basic administrative functions during the period of withdrawal of foreign troops.

Avoiding more Vietnams

If we are not to find ourselvs drawn into more Vietnams, the national security institutions which led us into the present quagmire must be reshaped and refocused. A new foreign policy must be evolved. Our national defense policy should be built around those core interests which are so vital that if they were violated they would threaten the very existence of the nation itself. In areas removed from our own interests, we can afford to seek or support settlements based on neutralization or on internationally agreed upon solutions which will avoid big-power intervention and eventual conflict.

Many of the "threats" for which we maintain military forces exist not because of a core interest, but bcause we have taken a particular historic position in a particular part of the world (for instance, in Berlin and Korea). We must now reconsider the extent to which the maintenance of these positions is appropriate. It is questionable, for instance, whether our decision to defend the Vietnam demarcation line ever had any

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validity in the face of the Geneva Agreement. Nevertheless, it has been used to justify our military intervention.

We have believed that military and political policies that succeeded in one era of history were applicable to all places at all times. The apparent success of the policy of containment in Europe led us to believe that containment would also be successful in Vietnam, the Middle East, and elsewhere. But relations between the major powers have changed so radically, and conditions in these areas are so different from those in Europe, that entirely new perspectives are necessary. In particular, a policy directed at maintaining the status quo in the name of containing communist influence is futile.

We have learned that internal forces will control the development of new nations to a far greater extent than any elements over which we or the Soviet Union have any control. We must now accommodate ourselves to this realization and remove earlier vestiges of our misunderstanding of this country's role in the world. We can no longer permit military perspectives to obscure our perception of political realities.

A basic alteration in our policy of intervention and our foreign military commitments will be needed to correct the results of past mistakes. The defense establishment has evolved these commitments by making small, incremental decisions; these then develop a momentum of their own which involves us ever more deeply in internal disputes over which we have little control.

There is, for instance, a series of dangerous situations today in the Southeast Asia area, all attributable to decisions made without adequate knowledge of relevant political factors, without the knowledge of Congress, and apparently inconsistent with either immediate or long-term American interests. Kuomintang forces remain in Burma, Laos, and Thailand, supported by us and exacerbating the internal problems these countries face. It has been reported that our country has transported large numbers of Cambodian South Vietnamese to the Thai frontier, where they have carried out regular intrusions into Cambodian territory. (Indeed, in the recent past there have been three times as many military incidents on the Thai-Cambodian border as on the Cambodian-South Vietnamese frontier.) Such entanglements are reminiscent of those which led us into Vietnam.

Many of our overseas installations were originally created to serve military needs that no longer exist. But the Defense Department has developed new rationalizations for keeping these bases—particularly the desire to maintain a U.S. military presence as a base for political influence. Recognizing the drive among the peoples of these countries for national independence and greater democracy, we do not want our primary relationship defined by military bases or advisory missions. Our interests would often be better served if the bases and the military advisors were gone.

Away from intervention

If any branch of government is to force a re-examination of past commitments, it must be the Congress. But if Congress is to play a responsible role in our policy in the Third World, it must be informed of these situations and must play a role in creating or halting them. Secrecy in the initiation of new U.S. interventions is futile and self-defeating, and the Congress must insist on full, open, and current information, and must create mechanisms for reviewing our foreign commitments.

Congress should also insist that we begin to reduce the number of men in our standing army to a level more suited to peacetime. There are few world situations in which this country would not have adequate time to build from its large reserves and enormous productive capacity, should danger arise. The maintenance of a constantly accelerating level of technology, and of enormous armies which sit around waiting for a crisis to occur, are themselves important elements of instability and a prime cause of conflict and American intervention. We should take into account not only the risk of war, but also the need in Senator William Saxbe's term, to "take a gamble for peace." While we cannot guarantee against a disruption somewhere in the world to which we cannot instantly respond, there are other needs for these resources and more effective, multilateral approaches which this country can use to advance toward a peaceful world.

IV. ABM, MIRV, AND THE NUCLEAR ARMS RACE

The last clear chance

The strategic balance, which is now at its most stable position in years, is about to be thrown askew. The United States is beginning to deploy an anti-ballistic missile system and to install multiple, independently targetable warheads on its long-range missiles. Together, these will add new fuel to the arms race and create an environment of uncertainty and tension that will decrease our safety and make nuclear war an ever larger threat.

Today both the United States and the Soviet Union possess large, invulnerable strategic forces of nuclear weaponry. Each is confident that it has an effective deterrent to nuclear attack. Most Americans feel secure from the danger of nuclear war, and threats of nuclear bombardment, such as were uttered during the late '50s and early '60s are no longer heard. Through improved satellite reconnaissance, each side is confident that it knows what strategic forces the other possesses, and it can infer that its own deterrent is secure from destruction in a surprise attack.

This relatively stable situation can be preserved through an agreement between the United States and the Soviet union to refrain from the further construction of ICBM bases, and from the inauguration of ABM and MIRV deployment programs. Such an agreement could be an early result of the much-delayed strategic arms limitation talks between these two countries. The possibility that irrevocable steps will be taken before such an agreement is achieved lends the gravest urgency to the initiation of those talks. Once large-scale ABM deployment begins and MIRV testing has been completed, the nuclear genie will be out of the bottle, and it is unlikely that the stability we now enjoy will ever return again.

In spite of the sense of urgency felt by all informed observers, the Administration has delayed in responding to apparent Russian willingness to begin these talks. We continue, instead, to develop and install these new and dangerous weapons, apparently still operating on the obsolete notion that we can find security in a continuing arms race.

Military thinking as it still prevails in the main body of the military establishment, is obsolete; it operates with categories which were appropriate for a conventional war but are completely inappropriate for a nuclear war.

Within the framework of conventional war, the arms race was a perfectly rational instrument of national policy. The more machine guns you had, as compared with your enemy, the better off you were. When it comes to nuclear weapons, the arms race becomes a complete absurdity, once you have the ability to destroy your enemy several times over, even under the worst of circumstances. But we seem still unable to understand this basic difference.—Hans Morgenthau

We should attune our thinking to the realities of the nuclear age. Now we imagine the worst the Russians can do during the next decade, and then respond to it. We should, instead, forestall these further steps by an agreement which would halt what Robert McNamara called this "mad momentum"—while there is still time. And while these talks are proceeding, we should delay deploying the Safeguard ABM system and halt the MIRV program. This will give us the last clear chance to stop the arms race.

The search for a first-strike capacity

Halting the nuclear arms race should be the first defense and foreign policy goal of this country. Instead, we have been setting the pace in the arms race since the nuclear age began.

Since the 1950's the Defense Department has operated on the assumption that, while the Soviet Union might start a war through a ground attack in Europe, we would be the ones who would start the strategic nuclear exchange. Under this scenario our missiles would reach the Soviet Union before theirs could get off the ground. This strategy, though, requires that we buy many more weapons than the Soviet Union, since we cannot be sure that each of our weapons will function properly and strike its target accurately. The Defense Department has spent billions of dollars in an attempt to maintain such a first-strike posture.

To obtain the weapons needed for this purpose, the Defense Department has fostered three different "missile gap" scares in the last ten years. The first was the original missile gap of 1960. At a time when there was not a single Soviet ICBM deployed, this country was led to near hysteria over the prospect that the Russians might have large numbers of missiles within a very few years. Later we learned that they actually built only three percent of the missiles predicted by 1963, and they took seven years to close the missile-gap-in-reverse which we had opened up in the interim.

Then came the anti-missile gap. The impression was created by civilian officials in the Department of Defense that the Soviet Union was building an ABM system throughout their country and that we had to increase the number of warheads targeted on the Soviet Union to ensure we would penetrate it. The result was the MIRV program. We are, at a cost of more than $5 billion, introducing new types of missiles with multiple warheads, each capable of being directed with high accuracy at a separate target. The number of targetable warheads in our arsenal will increase from 2,400 to between 8,000 and 10,000, if the MIRV program is completed.

Now it has been revealed that the Soviet Union was not deploying an extensive ABM system after all, but has stopped with a small (and now obsolete) system deployed around Moscow. Nevertheless, the MIRV program continues to move forward.

This year we have been presented with a third missile gap involving the SS–9, a large Russian missile which the Pentagon is now describing as a first-strike weapon against our Minuteman force. In response to this newly-discovered gap, base on an exaggerated description of the capacity of such missiles to threaten our ICBMs, we are told we must proceed with construction of an ABM system. Since our ABM system will be at least ten times larger than the one the Russians have deployed, there will thus again be a gap in reverse, this time an anti-missle gap.

The Defense Department has seized on the buildup of SS–9 missiles to argue that we must have a defense of our land-based missiles. Even without our land-based force, we would have a sufficient deterrent, since each of our 41 invulnerable Polaris submarines can destroy more than a dozen Russian cities and inflict awesome loss of life, not to mention the destruction which could be inflicted by our fleet of B–52 bombers and the tactical aircraft we have deployed around the world.

The Soviet Union has at this time only a small fleet of missile-launching submarines, and the Safeguard ABM system will diminish still further the effectiveness of this deterrent. Faced with the imminent threat of accurate, independently-targetable multiple warheads and a U.S. ABM system, the Soviet Union will have to multiply its missile force as quickly as possible if it is to maintain an effective retaliatory capacity.

What is the pattern here? It is one of undermining the Soviet deterrent while complaining that the other side may, in the future, undermine ours. The techniques of the Department of Defense go far beyond their traditional underestimate of costs of U.S. weapons and their over-estimate of effectiveness. The Department invariably exaggerates the Soviet threat and uses these exaggerations to get public and Congressional support for weapons that will undermine the Soviet deterrent. This means a permanent arms race.—Jeremy J. Stone.

The MIRV threat

We will not repeat here the well-known arguments regarding the dangers of deploying an ABM system that will accelerate the arms race without providing greater security for anyone. However, the dangers of MIRV are not so widely appreciated.

With missile accuracy increasing, it will soon become possible for one missile, carrying up to ten independent warheads, to destroy several of the opponent's missiles on the ground. Either side can then, by striking first, destroy the other's missile force and his ability to retaliate. To the extent that he relies on land-based missiles, his deterrent will be gone.

The MIRV issue is an immediate one compared with the ABM. The latter will take many years to be fully operational, but, once MIRV is fully tested by either country there will be no way of determining whether that country has deployed them, or in what numbers. Once testing has passed the point where deployment is possible, we can no longer have a self-policing arms agreement with the Russians. The place to halt the MIRV program is in the test phase, which began in this country in the fall of 1968 and is continuing.

We can halt our testing of MIRVs because we know that the Russians have not proceeded to deploy their ABM system, nor are they testing MIRVs themselves. The Soviet Union has been testing multiple warheads, but theirs are not yet independently targetable. Their warheads do not appear to have independent guidance and so do not pose a threat to our Minuteman missiles, which are protected in concrete underground silos and must be attacked with high accuracy to be destroyed.

Our MIRV program began in response to the threat of a Soviet ABM system. Now that the Russian ABM system no longer appears to be a significant threat, the Pentagon has adopted another and far more dangerous rationale for MIRV—that it will allow us to attack missile sites in the Soviet Union. The Defense Department wants to develop just the first-strike capability we are told to fear from the Soviet Union. Just as we have reacted with both missile and anti-missile deployments to the suggestion that they may be building a first-strike force, so they will surely respond if we should continue to seek a capacity.

We should, instead, suspend our MIRV program by halting the flight testing of MIRVs, and should consider resuming this testing only if it appears that the Russians are again pursuing an extensive ABM program. The testing of MIRVs intended for penetration of an ABM system would take no more than eighteen months, as compared to the five to seven years required to deploy an ABM system. We would know in the very early stages if they were going ahead with such an ABM program, and there would be no danger that the Russians could achieve a significant lead.

The testing of MIRVs can be easily detected by our unilateral intelligence. Long-range flight tests of ICBMs can be observed with radar and other detection devices, and the multiple warheads can be seen as they descend. In addition, the accuracy of the individual warheads must be determined by use of an extensive detection net in the target area, and this can also be observed through reconnaissance satellites and other means. Thus, if we were to halt our MIRV testing and then agree with the Soviet Union that neither side would resume such tests, this would be a self-enforcing, easily-policed agreement.

TOWARD THE MISSILE TALKS

If the Russians perceive that, through our MIRV program, we have developed the ability to destroy a substantial portion of their missile force in a first strike, they will not be able to agree, during the upcoming missile talks, to halt the further buildup of their deterrent. Just as we cannot tolerate their achieving a first-strike capability, so they cannot permit us to achieve one. If we want to halt the buildup on both sides, it is most important that the MIRV and ABM programs be halted on our side, while the talks proceed, and the Soviet Union should be asked to halt deployment of its SS–9 missile. It is of equal importance that the missile talks begin as soon as possible, before these programs have proceeded further.

The irony of the situation is that, in the forthcoming missile talks, we hope to persuade the Russians to abstain from the very weapons programs which are now being irrevocably set forward by our own Defense Department. While the talks go on, there should be a moratorium on both sides, with a halt in the further installation of new ICBMs and in the introduction of MIRV and ABM. The fears expressed by the Defense Department regarding Russian capabilities involve possible developments in the 1970s, and an agreement to halt the buildup now would insure that such fears could be put aside.

V. MILITARY EXPENDITURES

The continuously rising budget of the defense establishment provides vivid testimony that neither the Executive nor Legislative Branch is exercising proper control over our military programs and commitments. Defense expenditures have risen from $13 billion in 1950, to $43 billion in 1960, to more than $80 billion this year. There is every indication that military spending will continue to rise, unless a major change in national priorities and budget practices is effected.

This year, the Armed Services budget requests to the Secretary of Defense totalled $110 billion; these were reduced to $80 billion in the Office of the Secretary of Defense. When the Vietnam War ends, there will be strenuous pressures from the military to purchase the items omitted from this year's budget, including a large number of new ships, a new strategic missile, a new manned bomber, a battle tank, an anti-submarine aircraft, an Air Force interceptor, and a variety of other new weapons for an already bloated arsenal. Programs now approved will generate pressures for expansion as well. For instance, not only will the Army-developed Safeguard ABM system be augmented with additional radar sites and interceptor missiles, but the Navy is advocating development of its SABMIS system, a ship-based anti-ballistic missile system estimated to cost at least $6 billion, and the Air Force is working on an airborne missile defense system, to cost about $16 billion. It is clear that unless military spending is limited as a deliberate decision of national policy, the momentum of these institutions will carry the budget upward to ever higher levels.

A cessation of hostilities in Vietnam and a withdrawal of troops would make available budgetary savings of about $20 billion which could be available for domestic programs or other purposes. Considering only the present costs of approved systems and such fixed items as pay increases for military and civilian employees of the Pentagon, Charles Schultze has estimated that the fiscal 1971 military budget for non-Vietnam purposes will be $12 billion to $13 billion higher than the current budget. By fiscal 1973 or 1974, the military budget will rise by $20 billion to $25 billion, on the basis of approved programs and pay increases alone.

It has not been widely noticed that this process of absorbing Vietnam savings in other parts of the military budget has already begun. The fiscal 1970 budget submitted by the Johnson Administration included a reduction of $3.5 billion in the estimated costs of the Vietnam War. However, this first installment in the "Vietnam dividend" was more than offset by an increase of $6.6 billion in non-Vietnam military spending. This includes $4.1 billion in new defense programs and $2.5 billion in military and civilian pay raises. Thus the first opportunity to transfer our Vietnam spending to civilian programs was passed up in favor of additional spending for defense.

Thus it is clear that in the absence of any change in our defense plans the non-Vietnam military budget will rise by an amount sufficient to replace what we are spending in Vietnam. Indeed, there are reasons for thinking that actual spending will rise even higher. First, there will be an inevitable cost escalation as already-approved systems go into production. These programs include the procurement of Minuteman III, Poseidon, the Safeguard ABM, four nuclear-powered aircraft carriers, 40 destroyers, a new class of fast attack submarines, and a Navy fighter interceptor, at a total cost of at least $3.6 billion for this fiscal year alone. And the costs of these systems are certain to rise. During the last 15 years the average cost of a missile was three time the original estimated cost while the cost of aircraft averaged a little over twice as much as had been expected. Recent experience with the F–111 fighter-bomber and the C–5A cargo plane shows that these "unexpected" rises are still normal.

Second, the new weapons proposed by the Armed Services not yet approved by the Secretary of Defense, will cost large sums of money, if they are accepted in succeeding years. Further, if we go ahead with ABM and MIRV, there will be an escalation in the cost of our strategic forces as the Soviet Union reacts to these weapons and we respond to these reactions.

The future budgetary consequences of present strategic policy may prove to represent an unstable equilibrium. Either decisions will be made to reduce those expenditures, or they may themselves create a situation in which further expenditure increases will occur. To the extent that this evaluation is correct, the post-Vietnam fiscal dividend will either be significantly increased by policies that reduce military spending, or it will be significantly eroded by further additions to that spending. There may be no intermediate position.—Charles Schultze

The American economy will continue to grow even without significant inflation, generating $15 billion to $17 billion a year more in Federal revenues. Five years from now the total growth or "fiscal" dividend will provide $100 billion in Federal funds over and above those being spent today. However, the various claims on this dividend, including those from the military will make this gain illusory, at least under present circumstances.

If we assume that the income tax surcharge will be dropped once the Vietnam War is over and that existing Federal programs will increase in cost even without program improvement simply to take account of a growing population, then the $100 billion fiscal dividend by fiscal year 1974 will be reduced to about $30 billion. The increase in weapons system costs described above can easily con-

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sume the $30 billion leaving nothing for new or expanded domestic programs.

Estimates such as these assume unchanged tax rates except for a dropping of the surcharge. Clearly, from the point of view of logic and economics, a United States which every five years adds to its productive output the equivalent of the output of West Germany, can do anything out of that growth it sets its mind to, including transferring a large portion of it to public uses rather than private consumption. However, as a practical political matter there seems little likelihood of raising existing tax rates very much. If we believe that domestic programs must have substantially more funds, these must come from the bloated budget of the Defense Department.

Robert Benson, a former Defense Department official, has suggested that even without any change in our foreign policy or military objectives, the Pentagon could save at least $9 billion by eliminating such programs as the manned orbiting laboratory (which duplicates work already being done by NASA), reducing inefficient turnover in the assignment of military officers and effecting other efficiencies in the use of military manpower, changing contracting practices so that greater performance and economy is required of defense contractors, eliminating unneeded and obsolete weapons systems, and cutting back some of our unnecessary overseas troop deployment. A careful and critical examination of the military budget, including a review of the purposes of our armed forces in relation to the goals of our foreign policy as well as a review of the impact of the defense establishment on the country, could result in substantial added savings. But Congress must develop the will and the structure for doing this.

A study group at Columbia University, under the direction of Professor Seymour Melman, has estimated the savings that could be achieved from such a critical study. In particular, they noted that present force levels assume we must be prepared to fight three wars simultaneously—a major nuclear war in Europe, a major conventional war in the China area, and a small war elsewhere in the Third World (for instance, in Latin America). With such an assumption, of course, almost any force level could be justified. If more realistic contingencies are assumed and the defense of our own shores is taken as the primary and proper role of our armed forces, substantial savings can be made.

Our armed forces could be cut by at least a million men. Reductions in the cost of maintaining these ready forces, as well as savings from a halt in our strategic arms buildup—and, of course, a halt in the Vietnam conflict—could lead to a reduction in defense expenditures of more than $50 billion. That would reduce the defense budget to pre-1960 levels. Clearly, a fresh examination of our defense expenditures is badly needed to enable us to substantially re-allocate our resources to pressing domestic needs.

VI. STRENGTHENING THE CONGRESSIONAL ROLE—RECOMMENDATIONS FOR ACTION

The Congress of the United States has failed to exercise its constitutional function of supervising the raising of our armed forces and overseeing their use in foreign wars. Instead, a vast national security apparatus has been created with the silent acquiescence of the Congress.

Tens of billions of dollars are appropriated for the Defense Department with little or no debate, and the views of the public on our defense programs are seldom sought. In one series of hearings before the House Armed Services Committee, covering 3,000 pages of testimony, 300 witnesses appeared; 298 came from the Defense Department and two from the National Rifle Association. With this imbalance in perspective, it is not surprising that there has been only the most superficial questioning of defense expenditures.

If the trend toward increasing militarization of our society is to be reversed, Congress must challenge the assumptions and the programs of the Executive Branch and assume responsibility for the future military affairs of this country. To do this it must have not only new institutions that will permit it to gather the information and the insights it needs, but a new view of itself and its role in American society.

Is there an information gap?

Since the defense budget sets the direction of our economy and foreign policy for years to come, its size and content should be the subject of the deepest congressional study and debate. At present, however, the budget receives only the most superficial attention from most Congressmen and Senators. Congress does not have the capacity today to make detailed comparisons of weapon systems and military programs. Furthermore, even such analyses will not provide the necessary raw material for the exercise of Congressional authority. Technical decisions on the design of weaponry can properly be made by military officers and defense officials, but the desirability of individual weapons systems cannot be assessed without examining the foreign policy obectives they are supposed to serve. With respect to ABM and MIRV, for example, the questions do not involve the specifics of hardware, but must focus on whether we are prepared to accept a situation of mutual deterrence and relative parity with the Soviet Union, or whether we are to continue to seek an offensive first-strike capability. Similarly, the issues raised by the existence of our overseas bases go far deeper than the desirability of air conditioning in the officer's quarters (an issue which has occupied a considerable portion of the time of the Armed Services Committees).

Many members of Congress feel an urgent need for more facts if they are to deal effectively with the military. With greater information, they could question more competently and persuasively the funding requests for weapons and standing forces. However, additional information alone will make it no easier for the Congress to control the military, as witness the performance of the Armed Services Committees. These committees are deluged with technical data and evaluations. Having failed, however, to develop an independent basis for judging relative priorities, they have been unable to make effective use of their surfeit of information. It is not the classified facts which the Congress needs, but a world view which can challenge the analysis of the military.

The Congress has been "mousetrapped" over the last 30 years, as the Executive Branch has evolved into a technology-based institution and developed methods of analysis which have tended to focus attention on the technical means, with the policy ends lost in a maze of figures and charts. Congress must develop its own perspective, using an independent set of operating assumptions, not those of the military.

The United States now has military installations around the world, including 429 major and 2,972 minor overseas military bases staffed by a million men. These cost us billions of dollars, disturb our international balance of payments, and create implicit commitments to the countries involved which return to haunt us when crises erupt. And yet most of these bases are maintained simply because they were set up long ago, not because a public evaluation of our national objectives indicates they are needed.

Congress should be asking why such bases should be established and what national commitments are involved in their maintenance. Such basic decisions are now made by the Executive Branch in a context which minimizes debate, avoids consideration of the costs as well as the benefits, and often does not even bring before Congress or the American people the fundamental decisions at the time they are made.

As another example, we are currently going into procurement of the F–14 aircraft for the Navy and Marine forces. Over the ten-year period in which that aircraft will be operational, the total cost of the program will be at least $20 billion. Nevertheless. Congress has not adequately examined the contingencies and military assumptions on which this new aircraft was based.

We spend $10 billion to $12 billion a year maintaining forces sufficient to fight China in a land war in Asia. This is an explicit assumption on which our military strength is based, and yet such a national policy has never been debated. (In fact, most people do not even know that it is a specific assumption with respect to our military budget.)

There is now no framework for such a debate, except that developed within the Pentagon. No other national institution is capable of performing such analyses and providing an adequate counterweight to the Pentagon assessment. A major overhaul of the congressional committee structure may be needed before such a counter-institution can develop. The current committee structure of Congress evolved before the Executive Branch adopted the tools of technology and modern economic analysis. It thus tends to look for direction inward towards the Executive Branch, with its complex programs and advanced technology, rather than outwards towards the country and the world, discovering our country's needs and providing some of its own answers. The existing committee structure could be made to work if Congress wished to take hold of the issue, recognize the need for fundamental questioning of the defense establishment, and reestablish its authority in the military area. It could then confront the Executive Branch on how well it was meeting the needs of the country. The Senate Foreign Relations Committee, in its recent examination of the ABM issue, has shown that this can be done on a single, well-focused issue. In general, though, the rigid committee framework has prevented such boundary-crossing.

When the institutions exist for confronting the Executive and the military they will provide a focus for those private citizens and research institutes which now possess information that Congress could use for its independent critique. These groups now can contribute their knowledge and insights only to individual Congressmen and Senators who become concerned about particular, discrete issues. New Congressional institutions would provide a continuing base for gathering such information and for developing the critical perspective that will permit its effective use.

Renewing the dialogue

An effective dialogue must be restored within this country on our foreign and military policies. New mechanisms must be created within the Congress to provide the kind of institutional support needed to support this dialogue. The present structure tends to compartmentalize decisions, and it must be surmounted to see the direction the country is going.

Congress can successfully challenge the military establishment only if it develops an authoritative perspective for questioning the judgment of the Defense Department. At the present time it tends to abdicate its judgment in the face of military expertise. However, the decisive questions in the field of national security are not scientific or managerial but moral and political—and on such questions the people and the people's representatives are as qualified to pass judgment as the so-called experts. Even if they do not know the technical intricacies of a piece of military hardware, they can assess the likely consequences of the use of that hardware.

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And they will not be burdened with the pressures, felt within the bureaucracy, to produce any new weapon, just because it can be built.

The introduction of modern techniques of systems analysis has allowed the Pentagon to support a request for almost any weapon system and has curtailed the inter-service rivalry which formerly allowed the President to balance one service against another in restraining such requests. Congress cannot decisively win an argument on an individual program, for there is no limit to the ingenuity which can be used to justify a particular weapon or a particular base or a particular program. Instead, general policies and national priorities should be set by Congress, and requests for individual items should be required to conform to these guidelines.

For the Congress to escape from the present bureaucratic trap, it must have new ways of considering the budget. It should begin to hold local budget hearings in Congressional Districts and in the States, asking the American people how they want their money spent, whether they want to continue spending the largest portion of their tax dollar on the Vietnam War and future wars. Such grass-roots hearings in each of the Congressional Districts around the country would provide a forum for exposing social conditions in the country and mobilizing the public to insist that tax dollars be spent on the real needs of the people of our nation.

These hearings could take place each fall and winter. Then, rather than passively receiving the President's State of the Union message and waiting for his program, Congress could engage in extended debate early in the spring, conducting its own State of the Nation examination. Through this State of the Nation debate, Congress could develop its own perspective on priorities for the nation, with which it would provide directives to the various committees that apportion the Federal budget among the agencies of the Executive Branch.

Congress could develop a new kind of national budget, divided not along agency lines but apportioned according to national needs. It could insist that the Executive Branch, and particularly the Defense Department, present its budget request in terms of objectives or "missions," rather than in an agency or "forces-in-being" framework. It could ask how well our military programs serve the foreign policy objectives of the country, rather than how sophisticated hardware we are buying. It could ask how well we are doing as a nation in educating our populace and providing for the health needs of the country, and so on.

From this examination could come new views of national priorities, yielding guidelines with which the Congressional committees would confront the requests from the Executive agencies. In this way Congress would place the military budget in a setting where it would be compared with other national programs, providing the transfer mechanism presently lacking in the budget process.

One advantage of such a broad look would be a clearer understanding of how specific Federal programs affect each locality. If a particular defense program were cut back, Congress could see which areas of the country would be affected and what other Federal programs might be increased to minmize severe economic dislocations. Congress would thus open to public discussion the entire question of the Federal role in facilitating such conversions from one set of priorities to another.

Sources of expert advice

Congress and the public will need the assistance of many experts and independent research centers around the country who can bring the expertise and informed analyses of the academic community to bear on our defense budget and foreign policy. These should be funded by private foundations, so they may attain an independent view of Government programs and provide a variety of views and judgments. They need not have access to classified information to do useful work, and, indeed, they might benefit by not having this particular restraint upon their ability to criticize the defense establishment.

However, such outside centers cannot, alone, provide the full resources which Congress will need for a successful encounter with the military. There should also be a permanent Defense Review Office, analogous to the General Accounting Office, providing Congress with independent reviews of Defense Department programs. Such an agency could, for instance, alert Congress to such programs as the MIRV project and the extensive chemical and biological warfare program of this country, which many members are only now discovering. This agency would have access to top secret information and would be as informed as the advocates of these weapons programs within the Defense Department. Democracy cannot function properly in a technological age if only the Executive Branch of the Government has access to detailed technical analyses. Congress, being directly responsive to the public, must have equal means of evaluating and understanding the implications of government programs.

A Defense Review Office would provide a group of independent, well-informed civilians who would examine, on a full-time basis, the desirability of particular budgetary decisions. It might also have associated with it a senior consulting board as an advisory arm to Congress, available for informed judgement as one equalizer to the present disparity in expertise between Congress and the Executive Branch.

Breaking the secrecy barrier

Congress will have to deal more directly with the problem of military secrecy. The security classification system which has developed since 1947 must be drastically revised. Very much less information must be kept behind the bars of secrecy, in order that information will be available for the political judgments Congress and the public must make. Decisions which today are removed from public view must be brought before Congress for its overall policy judgment.

Serious examination of the entire question of classified information is needed. Congress should take a fresh look at why information is classified. From whom is the information being kept? (The Russians clearly know far more about our military operations than do the American people.) Can very much more information be made available to the public? Just whom is the classification system protecting? Can we do away with the system altogether? It is, after all, a relatively new institution in American life, and it plays a major role in protecting the national security apparatus from public criticism and control.

As one example of the misuse of classification, the MIRV program was developed and carried on for three years without the knowledge and awareness of most members of Congress. While the Armed Services Committees were informed, they did not appear to question the value or desirability of the program, nor was the rest of the Congress informed about its significance. Only when there were press leaks, long after the program had begun, did the public become aware of its existence. It is only now that its significance is becoming clearly understood.

Congress should insist on its right to know what the defense establishment is doing. It has allowed the Pentagon full discretion in using security classification, forgetting that there is a diminution in our freedom each time an additional matter of national policy is kept from the public. The deployment of major U.S. Air Force units to privileged bases in Southeast Asian countries ought to have been reported to Congress before it happened; in fact, these units were only discovered later, when they became obvious to local observers. It is not enough that such actions were reported to a select subgroup of the Congress, for this type of committee has tended to be unrepresentative of the Congress and the country as a whole.

Undoubtedly some information will always remain classified, but defense officials should not be allowed to hide policy decisions behind the assertion that national security prevents them from revealing the necessary information. Secret details are seldom essential to understanding any of the larger issues. Herbert York, a former director of Defense Research and Engineering, has suggested that "critical decisions" with respect to the triggering of nuclear devices are "passing from statesmen to technicians, from high to low levels, and from human beings to machines." After he made this remark, Pentagon officials asserted that it was unfortunate that those who made such statements had not been briefed on our most recent ideas about the national command and control system. No doubt there are secret details about this system, but the issue raised does not depend on such details but rather on the simple fact (arising from the curvature of the earth and the flight time of ICBMs) that today the time available for decision is no more than twenty minutes. The generalization that the authority in these life-and-death decisions in passing to low-level authorities cannot be hidden behind claims of secrecy. As in this case, Congress should be able to question defense officials more closely, not just about details but about fundamental policy, and not just about public issues such as the ABM system but about many other policies and weapons systems as well.

While in principle the absence of information need not prevent Congress from exercising its proper function of oversight, in practice no Congressman feels equipped to take on defense problems unless he is buttressed with full and authoritative information. The Congressman must have an answer to the assertion, by those "in the know," that "if you only knew what I know, you wouldn't feel this way." While rational arguments can be a partial answer to this, only authoritative information can be a full response to it and can effectively deal with the uncertainty which such an approach creates.

Often advice is sought from outside individuals who are believed to have had access to defense information through their security clearances. However, except on narrow issues of military technology, there is almost no information that is presently classified which cannot be obtained as well from a careful reading of the newspapers. Thus, an absence of classified information need not prevent the broad body of Congressmen from making the kind of policy judgments which they should be making.

In particular, more timely information must be available to Congress to enable its members to end the practice of voting funds for programs about which they know nothing. Congress should insist that the Executive take whatever risk is involved in releasing classified information, rather than accept the erosion of the democratic process that results when decisions on the allocation of national resources are made solely on the basis of secret information. Greater disclosure might even improve the information available to the Executive Branch, since some classified information is wrong (e.g., projections on the course of the Vietnam war) but is not subject to debate and challenge because of its classification.

Beyond committee parochialism

Unfortunately, past experience with non-Congressional bodies does not provide much hope that over a long period of time they can remain truly independent in order to provide

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fundamental criticisms of the Defense Department programs. There is, indeed, serious question as to whether any group could maintain the necessary independence, over the long run, except a group of Congressmen. No other group would have the necessary constitutional authority or the base of political support. No other group could speak out without considering the views of its sponsors, nor would it have the authority to demand answers to critical questions from the Executive.

There are places in the Congress now where the access to information and the independent political support exist, and where this type of analysis and criticism should be done. There is no reason, in principle, why the Armed Services committees must spend their time examining the minutiae of military programs. Under present circumstances, though, these committees cannot be depended on to provide useful examinations of broad policy issues. For this the Congress must turn to some other mechnism or body.

A mechanism to overcome the rigidities of the present structure could be based on the precedent of the Temporary National Economic Committee, which functioned in the late 1930s. Congress could establish a Temporary National Security Committee, composed of members of Congress and qualified outside experts. The original TNEC conducted a searching study of the structure of the American economy, one that is still an outstanding source for understanding the national economy as it existed before World War II. A Temporary National Security Committee could look at the institutional structure of the military-industrial complex, at the relation between military policy and the economic interests which depend on the military establishment, and the economic and social impact of this enterprise upon American society. It would provide the American people with a detailed picture of the massive system they have created and the direction in which it is leading the country.

Congress could also create a Joint Committee on National Priorities, along the lines of the Joint Economic Committee set up twenty-two years ago, to conduct continuing, broad investigations of the implications and objectives of American defense policy and of its relative priority in the national budget. The Secretary of State could be asked to deliver a "posture statement" to the Congress, in much the same manner as the Secretary of Defense does now, defining the assumptions and objectives of our foreign policy. These statements could be reviewed and analyzed by this Joint Committee, providing a focus for the annual congressional debate on national issues, as well as material for research institutions to study and criticize.

If we must, indeed, cross the institutional barriers that now exist, it is not clear that new Congressional institutions alone will accomplish this task. Congress must act more meaningfully as a whole, with each member dealing with a much broader field than customarily falls within the domain of an individual committee. The members of Congress could then act more effectively as representatives of the people on broad issues of national policy, rather than as experts on narrow subjects making policy for the entire nation through their committee assignments. Congress as a unified body might then be able to redress the balance of power which is today so skewed in favor of the Executive Branch.

More thorough review by the Congress could generate more careful examination by the Executive Branch as well. The existence of a Joint Committee would, for instance, encourage the Bureau of the Budget to probe more deeply into military policy than it has in the past. Under present circumstances it can question the Joint Chiefs of Staff on technical questions, but not on matters of overall defense policy. The defense budget is subjected only to a *joint* review, in which Budget Bureau examiners travel to the Pentagon to examine, along with Defense Department officials, the budget submissions of the individual services; the completed budget then goes directly to the President. The Defense Department would, in this new framework, be treated like all other agencies, which must submit an *independent* review by the Budget Bureau, before their budgets are transmitted to the President.

The Congress should also, through the Government Operations Committee or another appropriate committee, begin on its own initiative to propose machinery whereby real issues of social cost effectiveness could be raised within the Executive, particularly where military needs could be compared with nonmilitary requirements of the society. Perhaps the Cabinet must evolve into an operating agency, with the ability to examine issues of national priorities in a way that will not leave the military budget "above the battle," as it is now.

One must look then, to a range of institutions to provide the analytical counterpoise to the Pentagon which is so badly needed. However, the fundamental decisions that must be made if the direction of this country is to be altered will require political actions substantially beyond these institutional changes. Indeed, structures already exist which could be used for the necessary analysis and criticism, if the political will to use them were developed. New institutions will make the task easier, but they will not eliminate the need for a gathering of those political forces which agree that the national security establishment must be brought under greater control and substantially diminished in size and influence.

One possible way of dealing with the power relationship that currently exists, and over a time altering it, would be to apply a steadily decreasing dollar limitation to the military budget, forcing defense officials to limit their operations and cut back the farflung expanse of the armed forces. The magnitude of the reductions would emerge from a reassessment of national priorities within the Congress. Just as there is no end to the possible weapons that can be sought, and no absolute criterion for deciding whether to purchase them, so there is no authoritative scientific standard which can be used to decide the amount by which the budget should be reduced each year. This is indeed more a political than a technical issue, depending upon both the perspective of the Congress on the place of American military force in the world and the rapidity with which it would like to see a transition to an economy which emphasizes our domestic needs.

WRITER ALLAN BROWNFELD SEES "GENERATION GAP" A RELIGIOUS QUEST FOR MEANING

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I take this opportunity to draw to the attention of the House and readers of the CONGRESSIONAL RECORD, an excellent commentary on the "generation gap" written by Allan C. Brownfeld and published in the May 15 issue of Roll Call.

With sharp perception, Mr. Brownfeld puts the gap in perspective, apportioning the blame properly, in my opinion, among all generations.

Of course, man cannot live by bread alone, but our generation has allowed itself and others to forget.

The article is well worth careful reading.

THE GENERATION GAP

(By Allan C. Brownfeld)

There are those who say that the gap between the generations is illusionary, purely manufactured by the headline-writers and by those young militants who, being able to boast of little else, boast of their youth. Even there, it seems, they are not totally committed to the concept that "You can't trust anyone over 30." What they seem to mean is that "You can't trust anyone over 30 with whom you disagree." Dr. Spock remains a hero, as does Professor Herbert Marcuse. These men were past thirty before the Depression, yet the alleged "gap" between them and their young admirers seems nonexistent.

Many of the critics of the New Left and student activism, especially those in the generation of their parents, attempt to present the view that the rebellion of today is analogous to the youthful rebellion entered into by every generation. There is, such observers note, nothing unique, about what is happening today.

In his recent volume, "The Conflict of Generations," Professor Lewis Feuer expresses the view that student rebels are simply acting out their hostility against their fathers. He considers this history's proof of the Oedipus complex, and does not consider the student rebels of the 1960s different in nature from student movements which have existed at other times in history.

Professor Feuer is, of course, of the generation of the fathers, and he sees the youthful revolt in those terms. His theory should not be dismissed lightly, for there is an important element of the traditional generational revolt in the student rebels of today. But there seems to be a great deal more than that, for the times in which we live are unique and the transitional period we are now going through as we enter a technological age has been repeated only a few times in the world's history. The young people of today stand upon the bring of a new world. Many are looking romantically to the old and are challenging the future. Others are attempting to search into the past and discover the essential elements of civilization which must be carried with us into the future. Still others, faced with the challenges of an uncertain age, have turned to destruction and chaos.

Though all of us, young, middle aged, and old live in the mid-twentieth century, only the young, those who have come of age after the conclusion of World War II, are truly of this period. Those who lived through the depression or through World War II, have been frozen by the dramatic and intense experience of those days.

The Southern writer, Walter Hines Page, wrote this with regard to the generation which lived during the Civil War in the South: "It (the Civil War) gave everyone of them the intensest experience of his life, and ever afterwards he referred every other experience to this. Thus it stopped the thought of most of them as an earthquake stops a clock. The fierce blow of battle paralyzed the mind. Their speech was the vocabulary of war * * * they were dead men, most of them, moving among the living as ghosts; and yet, as ghosts in a play, they held the stage."

The young are the only ones who are, in a sense, frozen with the dramatic and intense experience of these days. They do not relate the upheavals of today to the past, for they know no past, except through the books most of them do not read, to their great misfortune. They live in the present and wonder what kind of future they may hope for in so transient and unstable a world. If there is a generation gap it is of this nature. The generations need interpreters to understand one another, and these seem few and far between.

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A young man growing up in Europe one or two hundred years ago would have faced a situation in which the major decisions in his life were pre-ordained. More than likely, he would have been born in the same house in which his father had been born, almost surely in the same town. He would pursue the same means of earning a living as did his father. If the father was a tailor or a butcher, the son would also live his life in this manner. His marriage would be arranged. His own range of choice-making was very slight. Life was circumscribed by religious faith and communal custom. The individual was part of the community, the group. His responsibility was more that of playing out his role than grasping life as a horseman at the reins and riding in whatever direction he willed.

Today, man's situation is far different. Today, young people have almost unlimited choices with regard to career, location, marriage partners, and other basic elements of life style. Certainly, there are restrictions. The draft claims two years out of the lives of many young men. Some start life in humbler surroundings than others, thereby limiting upward mobility. Yet, on the whole, the young man or woman coming of age in America at this time has perhaps a greater freedom to choose his pattern of living than has any individual at any time in history.

Freedom to choose, however, becomes a very difficult task when no one provides any knowledge or information about the basis upon which such choices may be beneficially be made. At one time the family, the school, and the church spent a good deal of time pointing young people in particular directions which they considered to be valid. Today the family is in a state of disarray, the school pursues a "value free" curriculum, and the church doubts its own message, being swept away in the modern tide of relativism. Not too long ago, "The New Yorker" featured a cartoon in which one priest said to another: "I would not be so presumptuous as to tell the congregation what was right and what was wrong."

Young people today are asking the very "ultimate questions" about life, death and purpose which Paul Tillich said was part of man's nature and which the modern world says is no longer part of man's concern. Where they will find answers to such questions in what they view as a materialistic and de-humanized age, is difficult to say. In searching for values, many in the student movement have taken the negative turn toward nihilism and violence. In addition, many seem blind to the dangers of totalitarianism. But it is the nature of every vacuum that someone attempts to fill it. If it is not filled with what is good, it will be filled with what is not.

Because many young people have rejected the past as a vehicle through which the present may be understood and placed in perspective, few realize that others have gone through similar searches for value and meaning. They speak of love as if it were their own discovery. Chesterton noted that "Christianity has never been tried and found wanting, it has been found difficult and has never been tried."

In a sense which few in the older generation realize, much of the student movement is, in fact, a religious quest for meaning. This point was made by English poet Stephen Spender: "The grievances and demands of the students, the issues and confrontations, reasonable or unreasonable as they may in themselves be, excusable or deplorable—express their total rejection of the depersonalizing forces of modern society. The feeling of the young is that the claims, the powers, the 'production' of this world are opposed to the spirit, flesh, imagination, instincts and spontaneous self-realization which are life."

As we enter the technological revolution, as we move further and further into the mass society, we must be as concerned with the quality of life which young people will face in the future, as we are with the quality of the material things with which they will be able to tinker.

Man, it must not be forgotten, does not live by bread alone. It is the substance beyond bread for which young people seem to be yearning. Despite all of the faults and dangers, there is something in that search which may, in the long run, save our society, and Western civilization itself. The real generation gap may be this very search. Too many in the older generation, it appears, have given up along the way.

THE APOLLO PROGRAM AND BEYOND

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, along with my fellow citizens I am happy about the successful flight of Apollo 10 and excited about the prospects for the Apollo 11 "landing on the Moon" mission scheduled for July. The national psychological uplift we have received from each new, successful space adventure has been of great proportion, but we must not lose sight of the very real problems that exist here on earth that demand our time, talents, and money.

I have just read with some dismay that NASA is now projecting a manned mission to Mars as the next logical step in our Nation's space program. In my opinion, space projections into the 1980's are premature since there is so much we do not know about the environment of Earth and its oceans. What we really need is a reevaluation of inner space goals and priorities established elsewhere.

We have only scratched the surface in terms of problems connected with the proper utilization of our resources, and we have barely resolved the critical issues facing today's human race. Tremendous strides have been made in the technology to support man in space; now is the time to redress our efforts for the progress and salvation of man on Earth.

An editorial in the May 27 edition of the New York Times brings this point very close to home, and I include the editorial following my remarks in the hope that my colleagues will now direct their attention, with renewed interest, at the many problems here on Earth:

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The triumphant splashdown—right on target and right on time—of the Apollo 10 astronauts after their epochal reconnaissance of the moon was a perfect ending to an extraordinary achievement. This was the most complex and most difficult technological feat in human history.

Yet from blastoff at the preassigned time, through the climactic hours when the lunar module swept within nine miles of the moon's nightmarish surface, to the final precise landing, it all went off almost without a hitch.

The faultlessness of Apollo 10's performance in the neighborhood of the moon was at once a demonstration of what this great country is capable of doing and a reminder of its failure to make comparable application of that capacity to the solution of problems here on earth. If Americans can reach the earth's satellite 250,000 miles away, why can't they all live in decent houses, enjoy adequate diets, receive adequate medical care and benefit from the levels of education that their native endowments permit them to absorb?

The Apollo 10 astronauts were indeed envoys of all mankind, and their triumph was ultimately a triumph for all men. But here in the United States the justified applause for this superlative achievement must be tempered by a quickened realization of the essential tasks still unaccomplished within the nation's borders.

In spectacularly demonstrating the heights this country can reach, Apollo 10 inevitably calls attention to the valleys that still crater the American landscape. This striking contrast only emphasizes the need for more adequate action and more effective efforts here on earth, even while the inspiring assault on the frontiers of space moves forward toward new and ever greater accomplishment.

MEMORIAL DAY 1969

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, Memorial Day is a day set aside wherein we pause to pay tribute to those who have given their lives in the service of their country—men who died to defend this Nation against physical takeover so that its people might live as an example of how free men are able to establish and perpetuate a free society.

The memorialization of our fallen heroes has been a long and honorable tradition since 1869. But today, in the midst of yet another war, there is a tendency by many to forget those who gave their last full measure of devotion to a country in times of national crisis. I cannot reflect upon this day without recalling those of my friends in World War II who, in the performance of their duty, made the supreme sacrifice that we might live a few more years under a system of government that is ever-changing, yet ever free.

And then when we thought world peace was within our grasp, and we believed that all the sacrifices of 292,000 combat deaths in 4 bloody years of war were to be realized, another outpost of freedom was invaded and we had to send men into combat for the fourth time in this century to a far-off place called Korea. In guarding the fragile light of freedom in that small nation, 34,000 Americans gave their lives. We then finally realized, as at no other time, that the maintenance of freedom was going to be a never-ending and frequent task that is not always easily defined or easily understood.

There is no such thing as an "explainable" war, yet if we are to live in freedom, if we are to maintain the moral leadership of the free world, if we are to bend our every fiber to help others in the world enjoy or gain the benefits of freedom, then when forced we must defend the principles of freedom wherever and however they are challenged.

This past Memorial Day must be remembered as a dedication to the youth of this country who have given their lives in defense of the principles of freedom. The majority of those who died in combat in World War II were under 30; the overwhelming majority of those who died in combat in Korea were under 25; and 48 percent of those who have fallen in

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Vietnam have been under the age of 21. It is the flower of this Nation's youth that we should dedicate this day, this year.

But today when Americans are falling in defense of freedom, in defense of our commitments to the free world, and in defense of the principle of self-determination, there is an undercurrent of cowardly talk and action by another type of "youth" which denigrates all we have accomplished and all that our fallen heroes have sacrificed. Rather than take up their places in the swamps, forests, and highlands of Vietnam to defend what is right and honorable, the campus cowards tear down the institutions at home that were built and preserved by the blood of an earlier youth. I know one cannot send such people to defend freedom, as defense of freedom is too precious a job to be entrusted to the irresponsible. Instead we have sent the flower of our youth. They fight under impossible restrictions and suffer the indignities and deprecations by those at home lacking the will to fight.

In memoriam to those loved ones who have stayed behind, and to those that face the awful uncertainties of combat with courage, this Nation dedicates this past Memorial Day with the fervent prayer that on the next such day their job has been completed successfully and no more Americans are dying on battlefields.

DRAFT REFORM

(Mr. BURLISON of Missouri was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BURLISON of Missouri. Mr. Speaker, a few days ago President Nixon sent his message on draft reform to the Congress. At that time I expressed serious reservations about the plan, particularly continuation of college deferments as under past Selective Service programs.

In my May newsletter to my constituents, an analysis of the President's proposal and my response to it was stated. Following is the portion of said newsletter which relates to the draft issue, as well as editorial comment by the Cape Girardeau Southeast Missourian, a prominent newspaper in Missouri's 10th Congressional District:

[From Representative Bill D. Burlison's Newsletter, vol. 1, No. 4]

Draft Reform

The President last week sent to Congress a proposal for revamping our military induction procedures. The plan calls for a random selection. Many of you will recall that long ago I advocated such a plan. However, my main complaint has been the special treatment accorded those who are able and willing to attend college. The President's proposal retains this discriminatory policy of college deferment. So Mr. Nixon's plan is not as "random" as we might like to think.

Space will not permit an exhaustive discussion of this issue, but let me mention just a few reasons why the college deferment is unfair and unwise.

The most obvious is the advantage given to those best equipped financially. Economic preferment should have nothing to do with when and whether a young man serves his country. Presently, a disproportionate share of our war casualties are borne by our poorer citizens. The most feasible explanation for this is that the more affluent are less vulnerable to the draft because of the "education loophole."

This system encourages students to go to college who do not have the intellectual capacity nor the motivation and who would not otherwise attend. Those who have had an opportunity to observe these students readily see the unfortunate waste of time and resources of both the families and schools involved.

In conjunction with the last mentioned point, it should be observed that the system discourages marginal students from taking academically rigorous courses, in order to make better grades insuring continued deferments. And it is widely known that some institutions and professors have shown tendencies to lower academic standards rather than send the marginal student to the draft.

A not so obvious inequity is perhaps what some would term a perverted sense of values and priorities. For example, why should a student of Greek Drama be deferred while an apprentice carpenter is not.

The argument is made that abolition of college deferments would stifle education. This is not true. Much evidence is available to indicate that the teenage student has a stronger motivation for formal education after he has a couple of more years of maturity. In addition, he has a more accurate concept of what he desires as his life's work. Maybe it could be said that some of the actions in our campuses today are some reflection of immaturity. The education benefits available under the GI Bill serve to guarantee that service will not impede education—rather the opposite is true.

It is recognized that the position here taken may not be popular. A larger and larger percentage of our people are finding college education possible, and as we parents know so well, it is usually the parents, rather than the students themselves, who most want the college deferment.

Hopefully, shortly and before the draft controversy can be resolved, the war will be over and no draft necessary. Until that time, however, our hallmark should be fairness and equity among all our people.

[From the Cape Girardeau (Mo.) Southeast Missourian, May 27, 1969]

The Draft and College Deferments

Rep. Bill D. Burlison has put his finger on a sensitive spot in the nation's draft apparatus and he is eminently correct.

He has called college draft deferment "unfair and unwise" and has cited his reasons.

His principal complaint, the 10th District Congressman said, is the special treatment accorded those "who are able and willing to attend college."

This preferential attention is retained in President Nixon's proposal for draft reforms, Mr. Burlison observed.

He will ask why it is that a student of Greek drama should have deferred status while an apprentice carpenter does not.

The universities and colleges of this country have been a safe haven for many draft dodgers who are afraid to stand up to their responsibility as citizens.

They have used student deferments not only for undergraduate education, but to continue on with graduate degrees, all for the purpose of evading armed forces service at the time of the war in Vietnam.

This does not imply that all are dishonest. But the facts are too clear that a disproportionate number are simply academic draft dodgers, professional students as long as the war lasts and they can continue to get deferments.

Rep. Burlison is right when he says there is no content to the argument that drafting of students would stifle education.

Walls are bulging in the nation's colleges and universities. Academic life has become impersonal. Classes are huge. There are sufficient quality students that the removal of some under new procedures would not damage the quality of education.

The nation needs men and women who are qualified by education to advance its interests in all fields of endeavor. Of that there is no doubt.

But let it always be remembered that there exists within the mainstream of American life a solid, stable body of men and women who are not qualified for and have no interest in educational pursuits.

These people are just as entitled to deferment because of their contributions to American life as are those who are by temperament and inclination able to go to college. They are no less intelligent than the latter, by any stretch of the imagination.

Rep. Burlison has spoken well. There should be no college deferments anymore than there should be for any other category of American citizen.

FORTAS, A LOGICAL CULMINATION OF NEW DEAL LIBERALISM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, David Broder, the distinguished political commentator, recently called the Fortas affair "in many ways the logical culmination of New Deal liberalism." It is a striking thought with which I agree.

In his column for May 20 as published in the Washington Post, Mr. Broder concisely traces the tragic lines of reasoning by which New Dealers grew smug and self-satisfied; how their own financial self-interest came, almost miraculously—as if by divine fiat—to coincide with the public interest. Until, at last, we come to Fortas, who appears genuinely not to understand why he should not have accepted $20,000 a year for life for the good of sweet charity.

I bring this matter to the attention of the House in all sincerity and in no sense at all of victorious, self-satisfied crowing. I do so as a warning—a warning particularly to my own party. The continuing collapse of traditional "liberalism" because of its inability to cope with the needs of our times, makes it more than likely that my party will enjoy a long period of power and responsibility.

It is important to remember that power corrupts. It is vital, especially for those who are coming newly into power, to study the record of this corruption. We are human; we are all vulnerable. It is a great temptation to be both rich and virtuous.

In that spirit, then I offer Mr. Broder's brilliant exposition for the Record:

Fortas Case Demonstrated a Corrupt Strain in Liberalism

(By David S. Broder)

In his letter of resignation from the Supreme Court, Associate Justice Abe Fortas defended his fee from the Wolfson Family Foundation—whose head, a former law

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client, had continued to consult with the Justice on his legal problems with the Government—with these words:

". . . Its program—the improvement of community relations and the promotion of racial and religious cooperation—concerned matters to which I had been devoting much time and attention . . . . Because of the nature of the work, there was no conflict between it and my judicial duties."

Official Washington was shocked by the Fortas case, but it should not have been. It has been a long time coming—more than 30 years—but, tragically, it was in many ways the logical culmination of New Deal liberalism.

Two years ago, John Kenneth Galbraith wrote in his book "The New Industrial State" that "only the innocent reformer and the obtuse conservative" can be unaware of the ways in which "the interests or needs of the industrial system are advanced with subtlety and power. Since they are made to seem coordinate with the purposes of society, Government action serving the needs of the industrial system has a strong aspect of social purpose. And . . . the line between the industrial system and the state becomes increasingly artificial and indistinct."

All the Fortas case really shows is that Galbraith's dictum applies to the Supreme Court as well as to the other branches of the Government. The evolution has been plain.

The New Deal, which brought Fortas and his friend, Lyndon B. Johnson, to Washington, was a merger of two elements, an old-fashioned political liberalism committed to civil liberties and (later) to civil rights and a new economic liberalism based on the use of governmental power to expand and redistribute the national wealth.

The economic program, which was dominant, was originally directed to the relief of the Depression problems of unemployment and poverty. Though many of its pump-priming efforts failed, the New Deal reaped the economic benefits of World War II and liberalism emerged in the postwar period as a sponsor of a variety of public programs—military and civilian, foreign and domestic—that kept the industrial system prosperous.

Like many others of his generation, Abe Fortas made the transition from public servant in that early war on poverty (he was general counsel of the Public Works Administration at 29) to private practitioner handling legal problems for the industries that profited from the Government-induced prosperity.

As Max Frankel of the New York Times said, Fortas pioneered in the pattern of "brokerage between the rich and the mighty, for both noble and profitable causes." He was, for many years, both a skilled advocate for his private clients and a cherished counselor to Lyndon Johnson, who shared his view of the compatibility of liberal politics and private profits.

In their world, there was no sharp line between private and public interests. As a lawyer and as a Justice, Fortas was also a White House insider. And the presidential assistants with whom he worked knew they could join the Fortas firm, or others like it, at handsome salaries when their White House duties were finished.

To those who said the system was suspect, the reply was always that it served the cause of liberalism, of freedom and of social justice. Just as the profits of Fortas' private law practice allowed him to serve as indigents' counsel in landmark civil rights and civil liberties cases, so the profits of the war-inflated, Government-subsidized economy permitted Democratic Presidents from Truman through Johnson to pay for the education and welfare programs they passed.

The operating principle of the liberal program from the New Deal through the Great Society was the purchase of public programs through the guarantee of industrial prosperity. It seemed a perfect marriage—but the blurring of public and private interests at its root was essentially corrupt.

That Fortas' particular involvement was with a businessman indicted and later convicted of stock fraud may be regarded as accidental. But the intimate interweaving of private and public interests symbolized by his dealings with Wolfson is all too typical of the political tradition from which we came.

The New Left campus radicals who are trying to destroy the institutions of liberalism have long contended that liberalism's achievements in the social welfare-civil rights area are simply window-dressing or accidental byproducts of what is essentially a corporate-governmental mechanism for providing profits and protection to the privileged.

By confirming the radicals' view of the system, particularly at this moment, Fortas has compounded a personal tragedy into something of a national calamity.

FARMINGTON—6 MONTHS LATER

(Mr. HECHLER of West Virginia was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, I was honored to attend Memorial Day services in the James Fork United Methodist Church in Farmington, W. Va. for the 78 men who lost their lives in the November 20, 1968, explosion and fire at the Consolidation Coal Co.'s Farmington No. 9 Mine. The impressive interdenominational services were attended by the families of the 78 men, President and Mrs. W. A. Boyle, of the United Mine Workers of America; President John Corcoran, of Consolidation Coal Co., my distinguished colleague who represents Farmington, Robert H. "Bob" Mollohan, and Dr. and Mrs. Harvey Wells, of Morgantown, W. Va., who have been instrumental in leading the fight to protect coal miners against pneumoconiosis.

The ministers conducting the services were the host pastor, Rev. John A. Barnes; the Right Reverend Monsignor Joseph Wanstreet, of St. Peter's Roman Catholic Church, Fairmont, W. Va.; Rev. Gene Holt, West Farmington United Methodist Church; and Rev. James M. Kerr, Barrackville, W. Va., United Methodist Church.

I insert in the Record the memorial services program, which also lists the names of the 78 men who were honored. I also insert a series of excellent articles on the Farmington No. 9 disaster which appeared in the Panorama Sunday magazine of the May 25 issue of the Morgantown, W. Va., Sunday Dominion Post:

Order of Worship: James Fork United Methodist Church, May 30, 1969, Memorial Day

Prelude.

Hymn No. 440, "Sing with All the Saints of Glory."

Invocation by Rt. Rev. Monsignor Joseph Wanstreet.

Responsive Reading No. 642, "I will Greatly Rejoice," Leader: Rev. Gene Holt.

Prayer by Rev. John A. Barnes, Pastor.

Scripture Lesson: Selections from Old and New Testaments, Rt. Rev. Monsignor Joseph Wanstreet.

Anthem, "Come Unto Me," by Franz Joseph Handel, by Main Street United Methodist Choir.

Message: "Hope in the Resurrection."

Hymn No. 439, "Christ the Lord Is Risen Today."

Memorial Heading, "A Psalm of Life," by Henry Wadsworth Longfellow. Read by the Rev. James M. Kerr.

Benediction by Rev. Gene Holt.

Postlude.

Pianist, Mrs. Inez Pitzer.

In memory of—Arthur Anderson, Jr., Jack Armstrong, Thomas Ashcraft, Jimmy Barr, Orvil Beam, John Bingamon, Thomas Boggess, Louis Boros, Harold Butt, Lee Carpenter, David Cartwright, William Currence, Dale Davis, Albert DeBerry, George Decker, Howard Deel, James Efaw, Joe Feris, Virgil Forte.

Wade Foster, Aulda Freeman, Jr., Robert Glover, Forrest Goff, John Gouzd, Charles Hardman, Ebert E. Hartzel, Simon Hays, Paul Henderson, Jr., Roy Henderson, Steve Horvath, Junior Jenkins, James Jones, Pete Kaznoski, Sr., Robert Kerns, Charles E. King, James Kniceley, George R. Kovar, David Mainella, Walter Martin.

Frank Matish, Hartzel Mayle, Dennis McDonald, Emelio Megna, Jack D. Michael, Wayne Minor, Charles Moody, Paul O. Moran, Adron Morris, Joseph Muto, Randall Ray Parsons, Raymond Parsons, Nicholas Petro, Fred Rogers, William Sheme, Robert Sigley, Henry Skarzinski, John Sopuch, Russell Snyder.

Jerry Stoneking, Harry Strait, Albert Takacs, William Takacs, Dewey Tarley, Frank Tate, Jr., Goy Taylor, Hoy Taylor, Edwin Tennant, Homer Tichenor, Dennis Toler, John Toothman, Gorman Trimble, Roscoe Triplett, William T. Walker, James Henry Walter, Lester Willard, Edward Williams, Lloyd Wilson, Jerry Yanero.

[From the Morgantown (W. Va.) Sunday Dominion-Post, May 25, 1969]

Farmington: 6 Months Later

(By Wendell R. Cochran)

Farmington—Metal studs for aluminum siding protrude from a house in this small mining town. Odds are that the job will never be finished.

The owner of the house and 77 of his fellow miners are "in the mine," as the locals say. "In the mine" here is short for dead, short for "trapped six months in Consol No. 9."

It was last Nov. 20 that Consol No. 9 seared its way into national prominence for the second time in 15 years with a major coal mining disaster.

Since then, many things have happened. The death of the 78 men have focused worldwide attention on mine safety. America poured out her heart to the 78 families, dumping $290,000 worth of money and materials into this town of 900.

"The community is settling back to normal," one teacher in the local high school said here recently.

But is it really?

The mine remains sealed. There is still no way to know how the 78 men died or to determine why the mine suddenly exploded early on that November morning.

The same man who said the community is settling back to normal predicted another outburst of raw emotion when the mine seals are broken and the recovery crews begin work.

As I looked at the Llewellyn portal recently I understood why the families might not be able to soberly witness the recovery operation.

I remembered the weekend after the explo-

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sion: the knots of women and miners standing around listening to portable radios wishing for hopeful news, news that would not; could not come.

The scene of a mother jerking with sobs as she greeted her son who was called back from Vietnam still is vivid in the brain.

There are no scenes like that today outside Champion Store. But neither are there many visitors to the store. The store owner described the business as "about half" what it was Nov. 19.

The reason: the miners who worked at Farmington were many more than 78. But most of them lived outside of Farmington and only stopped at Champion Store for groceries or a smoke after work.

"They won't come near here now," the owner lamented. Chances are they won't again until the mine reopens.

And while it might appear that Farmington is returned to normal; the opening of the mine is the chief topic of conversation.

Rumors of the reopening have run rampant, right along with the rumors about the cause of the explosion and the distribution of the relief funds.

"First it was Jan. 15—then Feb. 15. Now it's May 15—Hell, we'll be lucky if it's Aug. 15," a man commented wryly.

On the same lot with the Champion Store is the small mine office, moved there since the explosion. Reopening is the only thought there.

A list of the order in which the miners are to be recalled is posted on the wall.

And the occasional visitors ask:

"How's it look?"

The mine officials say:

"From our samples, it look's real good for going in."

The only question of reopening is when. There are 35 square miles of untouched coal still in Consol No. 9. The company can't quit.

And it appears that many of the men who were working at Consol No. 9 in November will go back as soon as it reopens.

Some may be afraid, but they'll go back because mining is what they do.

But their sons may not. In a town where going into the mines was nearly the accepted way of life, that may be the most significant factor to have come out of the Consol No. 9 explosion.

At any rate, it is clear that Farmington and nearby Mannington have not returned to normal.

True, the press of the world is gone, leaving only a crushed film container and a crumpled strip of exposed movie film in its wake.

There are no more public outbreaks of emotion.

But the changes are under the surface and not so noticeable.

One man described it best:

"You look around for someone to go fishing with, an old fishing buddy. He's not there. He's in the mine."

[From the Morgantown (W. Va.) Sunday Dominion-Post, May 25, 1969]

SEVENTY-EIGHT MINERS MAY NOT HAVE DIED IN VAIN—PERHAPS

(By Ray Martin)

"There can be no question that the health and safety of employes in the coal mining industry must be given first priority"—John Corcoran (Dec. 12, 1968).

When all the coal dust settles and the television cameras turn in another direction as the Cassandras of the typewriter focus on yet another unsolved problem of humanity, the Nov. 20, 1968, disaster at Farmington No. 9 mine at Mannington will go into the annals of history on a par with Ralph Waldo Emerson's verse about the farmers' shot at Concord that was heard around the world.

As mining disasters go, the death toll at the Marion County mine owned by John Corcoran's firm, Consolidation Coal Co., established no records as such—save one: It was the first mine to be the scene of a second disaster. On Nov. 13, 1954, sixteen men lost their lives at what was then the Jamison No. 9 mine.

Explosions of gas and dust in coal mines have caused death and injury to miners and destruction of workings in all countries where coal is mined underground. In the United States the first reported explosion was in 1810; explosions have continued to the present.

The danger to men in a mine when an explosion occurs is not always measured by the violence created or by their nearness to the area through which flame and violence extend. As many, perhaps more, men have died from gases and lack of oxygen (known as "afterdamp") than have been killed by the blast and heat.

Mine explosions often are caused by a combination of factors, including concentration of methane in air, formation of clouds of dust, and the presence of a flame or spark. These explosion factors have varied with changes in mining methods and practices over the years, but the basic causes have always been the same.

Understanding of the causes and acceptance of ways to guard against explosions and their effects have been slow to spread from investigators to officials and then to bosses and miners. To a considerable extent there has been a belief that explosions were a mining risk that might be put off but could be prevented. Such belief is based on the human failure to maintain and observe necessary precautions.

Like the shot heard 'round the world in the 1800s, the disaster at Farmington has set in motion a tidal wave of public indignation that shows little sign of receding. The mere fact that Farmington No. 9, where 78 men remain entombed, is used as a focal point in discussions relative to mine safety and health irks some coal industry officials. As an example, Laurence E. Tierney Jr., chairman of Eastern Coal Corp., rebuked a government speaker at the American Mining Congress coal convention in Pittsburgh earlier this month, in this fashion: "That's in the past," adding that Farmington was "being used to create mass hysteria for political purposes."

A lot of things have happened since that fateful day last November. Things which tend to shatter the long-standing belief that because the miner works below ground and out of sight he and his employer are beyond the bounds of human decency and the reach of laws applicable to society as a whole.

The tragedy at Farmington No. 9, when viewed in the light of the technology required for space and undersea exploration, has spawned a virtual plethora of Diogenes' carrying a multitude of lamps in search of the truth—the truth of how and why miners could be subjected to abuses which no other American worker must endure and who is responsible.

Many of the so-called "instant experts," as the United Mine Workers Journal has labelled them, have succeeded in convincing the bulk of the American populace that the coal miner and his dignity is more valuable than a piece of machinery. This is in stark contrast to the days when coal operators would tell their miners: "Take care of that mule. I can always hire another man, but I have to buy a mule."

The modern day Diogenes' have led Government officials to concede that they have been derelict in their responsibility in enforcing laws and regulations. These concessions have showed a conspiracy with the coal industry which placed greater emphasis on coal production and the development of new uses for coal than concern for the miner who makes it all possible.

One industry group spokesman admitted that while his group had some "enlightened" members its public position had to reflect the lowest common denominator of the membership.

The current penchant for truth has led educators, such as West Virginia University President James G. Harlow, to call for a new look at the roles of mining schools.

Equipment manufacturers admit that their equipment meets the demands of their customers—equipment geared for increased production. An official of one such company said: "We gave them what they were screaming for—production. The producers could have put more impetus on safety, but they didn't, and now they're paying for it."

Such philosophy has led to language such as this appearing in proposed laws now under consideration in the Congress: "The first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the miner."

Although coal industry spokesmen like Stephen F. Dunn, president of the National Coal Association, say: "The industry does not believe profits should be put ahead of the health and safety of mine workers," many "instant experts" and friends of coal miners assert that some members of Congress insist on the passage of legislation which puts the dollar sign ahead of the miners' health and safety.

One thing appears certain, however, and that is that before the first anniversary of Farmington No. 9's latest disaster is marked the nation will have improved mine safety and health laws of some kind. The President and a sufficient number of Democrats and Republicans in the Congress have committed themselves to this goal.

In the six months that have intervened since No. 20, 1968, West Virginia witnessed the passage of a so-called "black lung" law, which makes the disease compensable under workmen's compensation laws. The precedent is now spreading to other states.

Although the UMWA is claiming credit for passage of the law at Charleston, the miners themselves filled the halls of the Capitol and the galleries of the House and Senate chambers until passage of the bill was assured. The miners were criticized for leaving their jobs to exercise their rights and once they succeeded individuals and groups which had opposed them began to claim the victory themselves.

The coal miner and his "friends" are not only concerned about deaths in the mines from explosions. They want something done about the deaths and injuries which occur daily in the mines.

In West Virginia during the month of April, 16 workmen died in work-related accidents and there were 3,894 lost-time accidents. Thirteen of the deaths were recorded in the state's coal mining industry and 999 of the lost-time accidents were in the same industry. The state's industrial fatalities left 14 widows and 22 children under 18 years of age.

Concern has been expressed by many that the monthly report to the State Compensation Director (shown here) doesn't reflect an accurate survey of the unsafe conditions of the state's mines. It records only those cases in which compensation awards are made. The critics maintain that many times an injured employe is returned to the payroll within a 24-hour period to avoid payment of compensation, which in the case of a high accident ratio employer prevents increases in insurance premiums.

The following is a list of injuries, by class, reported during the month ended April 30, 1969:

STATE MONTHLY COMPENSATION REPORT

		Regular subscribers		Self-insurers		Total	
		Fatal	Non-fatal	Fatal	Non-fatal	Fatal	Non-fatal
A-1	Coal mining	11	621	1	362	12	983
A-2	Coke manufacturing		7		3		10
A-3	Strip coal mining	1	16			1	16
B-4	Woodworking		56				56
B-11	Sawmills and logging	1	62		6	1	68
C-4	Quarrying and ore mining		17				17
D-1	Glass manufacturing		115		30		145
D-6	Potteries and flat glass manufacturing		76		9		85
D-7	Brick and tile manufacturing		16				16
E-1	Iron and steel manufacturing		46		89		135
E-10	Machine shops		259		25		284
E-20	Sheet metal goods manufacturing		120		9		129
F-3	Municipalities	1	53			1	53
F-4	State and county departments		39				39
F-5	State road commission		43				43
F-6	Welfare A.D.C.U		3				3
G-11	Auto operation and repair		166		2		168
G-13	Pile driving and dredging		10				10
G-16	Gas works operations		18		5		23
G-18	Electric, water, and telephone		68		11		79
H-4	Chemicals, manufacturing		90		29		119
J-2	Textile and garment manufacturing		53		16		69
J-4	Laundry and drycleaning		8				8
J-5	Rubber and leather goods		47				47
K-3	Building material	1	29			1	29
K-4	Retail stores		321		8		329
K-6	Wholesale, warehouse, dairy		118		1		119
L-1	Tunneling and excavating		27				27
L-4	Structural steel		24				24
L-11	Electric lines construction		22		10		32
L-15	Building construction and repair		216				216
L-22	Street and road construction		39				39
L-30	Plumbing		49				49
L-33	Oil and gas production and distribution		36		18		54
L-47	Locks, dams, bridge construction		21				21
L-49	Trucking, heavy hauling		76				76
L-54	Steel erection, not otherwise classified		20		1		21
M-4	Scrap iron, junk		15				15
N-2	Paper and paper goods manufacturing		19		1		20
N-5	Printing and publishing		22				22
O-1	Bakeries, hotels and restaurants		97				97
O-4	Agricultural		25				25
O-7	Milling, ice manufacturing		28				28
P-7	Clerical office employees		37		1		38
P-8	Salesmen and engineers		8				8
	Total	15	3,258	1	636	16	3,894
	Grand total						3,910

Note: Number of widows left by these fatalities, 14; number of children, under 18, left by these fatalities, 22.

The six-month anniversary of the Farmington No. 9 disaster has also seen the seeds of revolution within the ranks of the United Mine Workers of America grow. For nearly 40 years no one challenged the leadership of the UMWA. In 1964, Steve (Cadillac) Kochis of Clarksville, Pa., campaigned for the UMWA presidency against W. A. (Tony) Boyle and lost.

As of the present time three rank and file miners are seeking the UMWA presidency. In addition to Kochis, two Morgantown miners are presidential aspirants. They are Elijah Wolford and Basil A. Callen.

Many miners have expressed dissatisfaction with the alleged lack of aggressiveness of the UMWA in the field of safety and health and a shortage of democracy within the union. The UMWA Welfare and Retirement Fund has also come under fire from within the union ranks and as well as externally. There is growing support for a Congressional investigation of the UMWA and its Welfare Fund.

The UMWA has been finding trouble on other fronts, too. Several courts have said the union conspired with large coal companies to drive small non-union coal companies out of business.

As the tidal wave of public indignation rolls onward, many observers hope that the dingy sign at the West Virginia border which reads: "Welcome to West Virginia, the Switzerland of North America!" will begin to have true meaning. An English journalist, seeing one of the signs, declared that it should be changed to read: "Welcome to West Virginia, the Albania of North America!"

Coal mining and its attributes of the past contributed to the Englishmen's observation. Farmington No. 9's disaster has afforded the state and the nation a golden opportunity to break with an oppressive past and join a progressive future—a future that will advance Appalachia in many respects and allow it to become an equal partner with the other states of the nation.

If this comes to pass the 78 miners who died at Farmington will not have died in vain.

[From the Farmington (W. Va.) Dominion-Post, May 25, 1969]

FARMINGTON NO. 9 AND NOW

(By George A. Crago)

The explosion and mine fire at Farmington No. 9 mine of Mountaineer Coal Co. last Nov. 20, in addition to the tragic loss of life, dealt the community a crippling blow and disrupted the economy of the area.

The mine disaster produced a chain of events which, in some respects, have not changed to any great extent six months later.

Federal and state mine inspectors check the "seals" each week, and Mountaineer Coal keeps an eye on them on a day-to-day basis.

When it was decided on Nov. 29 to seal the mine, it marked the beginning of a long vigil, making sure that the seals were not disturbed by human effort or by natural elements.

Atmospheric pressure has its effect on the coverings over the shafts and portals. In layman's language, the outside pressure and the pressure below the seals can change enough to disturb the seals, so that they must be watched and maintained constantly.

It is the effectiveness of the seals which determines how long the mine must remain closed. Recently, Leslie C. Ryan, state inspector-at-large for the northcentral section of West Virginia, reported that methane in the mine was up to about 90 per cent, well above the explosive point, and that the carbon monoxide content of the mine was "leveling off."

Mr. Ryan said that progress was being made toward the point where atmospheric conditions inside the mine would make an entry into the mine possible.

He hastened to add, however, that no one had discussed the reopening of the mine, and before that can be done, there will have to be complete accord of all parties concerned that it is safe to break the seal on a portal preparatory to entering the mine.

Federal and state inspectors and representatives of Mountaineer Coal and the United Mine Workers of America must agree on reopening the mine, just as they agreed last fall that it was not possible to extinguish the fire short of sealing the mine.

There have been indications that even after all parties are agreed on the feasibility of reopening No. 9 mine that the company will want additional time to make doubly sure that nothing will go awry.

There was the possibility, although not confirmed, that mules and horses might be used in the early stage of re-entry for hauling materials inside the mine, rather than using electrical equipment.

Mr. Ryan had pointed out that there were two possible methods of entering the mine. Using what he described as an air-lock method, workmen would pump air into a restricted section of the mine to determine that there was no evidence of smouldering debris. As each section was cleared, the barriers would be set back and another section would be inspected.

The alternative would be to start up the huge ventilating fans and send fresh air through the mine to dilute the gas and restore normal air conditions in the mine.

No determination has been made on the method to be used, the state mine inspector said.

The No. 9 mine produced 2,198,000 tons of coal in 1967, to put it in the category of the major mines.

According to Keystone Coal Buyers' Manual the mine's equipment at that time included six RT mining machines, 15 mobile loading machines, 12 rock dusting units, 10 roof bolting machines, 14 pumps, eight continuous miners, 19 mine locomotives, 224 mine cars and 21 shuttle cars, along with compressors and other equipment.

Paul Stanek, personnel director for Mountaineer Coal, said recently that there were about 300 men idled by the explosion and fire, and that all of the men now are employed or have been offered jobs in one of the company's mines. Mountaineer Coal is a division of Consolidated Coal Co.

Although not directly related to the Farmington mine disaster, the drive for "black lung" legislation gained public support from persons who had become aware of the hazards of coal mining. "Black lung" legislation was intended to provide greater benefits for miners afflicted with pneumoconiosis.

Mines throughout the state were closed as miners walked off the job in support of the black lung effort. Miners returned to the pits in this county March 9 and 10. Governor Arch A. Moore Jr. signed the pneumoconiosis measure March 11. It was hailed variously as a fair, good, or insufficient measure according to the point of view of the individual.

A related action was the designation of a special study group by W. A. (Tony) Boyle, president of the United Mine Workers, to study dust conditions in the mines of this union district.

Latest reports indicated that the union had not been successful in getting the support of the companies for this study. Company spokesmen were said to have withheld their approval until a number of administrative and operational details were worked out.

The special dust survey group included John Darcus, Carroll Rogers, Burdette Crowe, Harold Tracy and Ronald Meadows.

Still unresolved was another important matter, the distribution of the funds that have been contributed by persons and organizations from all parts of the country, including special efforts by newspapers and television stations.

The Marion County Disaster Fund, with $90,776.68 reported in its bank account at the first of the month, and the Citizens Mine Disaster Committee with $200,003.09 on hand, resorted to a "friendly suit" in Marion County Circuit Court in an effort to determine a fair and equitable manner of distributing the money to the survivors of the 78 men who lost their lives in the No. 9 mine disaster.

The bill of particulars listed 223 persons, the wives, children and next of the kin of the men.

L. Clyde Riley, secretary-treasurer of UMWA District 31, sought the court's assistance in behalf of the Marion County Mine Disaster Fund, while Dominick J. Romine, an attorney, filed the suit on behalf of the Citizens Mine Disaster Committee.

It was reported earlier that the cases might be combined when they were considered by Circuit Court Judge J. Harper Meredith, but this action has not been verified.

The committee, in its suit, suggested two plans for distributing the money.

According to one plan, half of the money would be given on a per capita basis to the widows, or if there were no widow, to the infant children. The other half would go to the children on a per capita basis.

The second plan suggested that one-half of the money go to the widows, as in the first plan, with the remaining half to the widows and children alike. This plan would permit the widows to participate to a greater extent than under the first proposal.

While the problems relating to Farmington No. 9 remained unresolved, coal continues to pour from the other mines of Mountaineer Coal, whose president, David H. Davis, has disclosed that Robinson Run mine now is producing 7,000 tons of coal daily, and by the end of the year should reach 8,500 tons daily with employment increased to 350 men.

The company anticipates production of 10,000 tons of coal per day by 1970, and 14,000 by 1973, with a payroll of 450 workers.

Looking ahead to 1974, the goal is 15,000 tons daily, with a work force of nearly 500 men. This mine will supply coal to the new Monongahela Power Co.'s Haywood plant near Shinnston, using a four-mile-long conveyor belt, longest in Northern West Virginia.

Williams Mine eventually will be joined to Robinson Run to produce an even larger operation.

HUMOR IN SCHOOL CRISIS

(Mrs. GREEN of Oregon was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, throughout history, times of great crisis have produced some of our great humor. There is no question but that our schools are in a state of great crisis at the present. Newspapers daily carry the story of the latest strife to a depressing degree. I might be discouraged from reading the papers if it were not for the efforts of some of our excellent satirists who have applied their pens lightly to this subject. Their humorous insights into the turmoil surrounding us have contributed greatly to our understanding of the problems facing higher education.

Satire is the highest form of humor. It releases tension and allows problems to be placed in proper perspective. Its prick punctures self-righteousness and self-importance. Its edge cuts through to the core of our social problems. I believe solution of the problems confronting our campuses would be much more easily arrived at if the parties involved were able to look at themselves through the eyes of the satirist.

So that others may enjoy some of the excellent humor produced on the problem of campus unrest, I insert in the RECORD at this point several representative articles:

[From the New York Times, Mar. 25, 1969]

OBSERVER: INTERPRETATIONS ON A TUFFET

(By Russell Baker)

WASHINGTON, Mar. 24.—Little Miss Muffet, as everyone knows, sat on a tuffet eating her curds and whey when along came a spider who sat down beside her and frightened Miss Muffet away. While everyone knows it, the significance of the event had never been analyzed until a conference of thinkers recently brought their special insights to bear upon it. Following are excerpts from the transcript of their discussion:

Sociologist: We are clearly dealing with a prototypical illustration of a highly tensile social structure's tendency to dis- or perhaps even de-structure itself under the pressures created when optimum minimums do not obtain among the disadvantaged. Miss Muffet is nutritionally underprivileged, as evidenced by the subminimal diet of curds and whey upon which she is forced to subsist, while the spider's cultural disadvantage is evidenced by such phenomena as legs exceeding standard norms, odd mating habits and so forth.

COMMUNICATIONS FAILURE

In this instance, spider expectations lead the culturally disadvantaged to assert demands to share the tuffet with the nutritionally underprivileged. Due to a communications failure, Miss Muffet assumes without evidence that the spider will not be satisfied to share her tuffet, but will also insist on eating her curds and whey. Thus, the failure to pre-establish selectively optimum norm structures leads to . . .

TUFFET SECURITY

Militarist: Second-strike capability, sir! That's what was lacking. If Miss Muffet had developed a second-strike capability instead of squandering her resources on curds and whey, no spider on earth would have dared launch a first strike capable of carrying him right to the heart of her tuffet. I am confident that Miss Muffet had adequate notice from experts that she could not afford both curds and whey and at the same time support an early-spider-warning system. Yet curds alone were not good enough for Miss Muffet. She had to have whey, too. Tuffet security must be the first responsibility of every diner. . . .

Book Reviewer: Written on several levels, this searing sensitive exploration of the arachnid heart illuminates the agony and splendor of Jewish family life with a candor that is at once breath-taking in its simplicity and soul-shattering in its implied ambiguity. Some will doubtless be shocked to see such subjects as tuffets and whey discussed without flinching, but hereafter writers too timid to call a tuffet a tuffet will no longer. . . . .

Editorial Writer: Why has the Government not seen fit to tell the public all it knows about the so-called curds-and-whey affairs? It is not enough to suggest that this was merely a random incident involving a lonely spider and a young diner. In today's world, poised as it is on the knife edge of. . . .

WHEY-OUT FANTASY

Psychiatrist: Little Miss Muffet is, of course, neither little, nor a miss. These are obviously the self she has created in her own fantasies to escape the reality that she is a gross divorcee whose superego makes it impossible for her to sustain a normal relationship with any man, symbolized by the spider, who, of course, has no existence outside her fantasies. She may, in fact, be a man with deeply repressed Oedipal impulses who sees in the spider the father he would like to kill, and very well may some day unless he admits that what he believes to be a tuffet is, in fact, probably the dining room chandelier and that the whey he thinks he is eating, in fact, probably. . . . .

Flower Girl: This beautiful kid is on a bad trip. Like. . . .

MEANINGFUL EXPERIENCE

Student-Demonstrators: Little Miss Muffet, tuffets, curds, whey and spiders are what's wrong with education today. They are irrelevant. Tuffets are irrelevant. Curds are irrelevant. Whey is irrelevant. Meaningful experience! How can you have relevance without meaningful experience? And how can there ever be meaningful experience without understanding? With understanding and meaningfulness and relevance, there can be love and good and deep seriousness and education today will be freed of slavery and Little Miss Muffet, and life will become meaningful.

Child: This is about a little girl who gets scared by a spider.

(The child was sent home when the conference broke for lunch. It was agreed that the child was too immature to add anything to the sum of human understanding and should not come back until he had grown up.)

[From the Washington (D.C.) Evening Star]

STUDENT MILITANTS PLOT IN COMFORT

(By Paul Hope)

The weekly meeting of the SBDFPR (Students for Beating the Draft and Fomenting Peaceful Revolution) was in progress in Ivy Hall.

The SBDFPR used to meet in a dirty basement of a rundown building off the campus but after the last confrontation, the university president said he didn't see why they shouldn't set up shop right on the premises. For one thing, it would be closer to whichever university building they might want to take over next. And it also was convenient to the chemistry labs, which would make it handier to get materials for some of their peaceful pursuits.

The president wasn't aways so accommodating. There even was a time when he threatened to have the whole bunch arrested. But, as he said, there was nothing he had ever said or will say that couldn't be modified by circumstances. And, as they say, things change so fast in this modern age.

The university even has taken to having dinner brought in for the weekly meeting of the peaceful revolutionaries. At the last one, the students demanded a pre-dinner martini.

At this particular meeting, one of the leaders called Jerry was talking about the ROTC and another called Mark was instructing in the ways of the peaceful protest.

"Man, we've got to do something about that ROTC. They're out there teaching those guys to carry guns," said Jerry.

"Yeah, that's right," said Mark. "Say, Jerry, would you give me a hand with this fulminate of mercury I just had sent over from the chemistry building."

Turning to the assembled students, who were sitting cross-legged on the floor (the university had offered overstuffed chairs but they liked sitting on the floor), Mark said: "We're going to make some blasting caps tonight. I've told you how much to measure of each ingredient. Now, first mix the alcohol and the acid. Then pour on the mercury. Now put the powder you have left in the empty catridge cases and, there, you have a dandy blasting cap."

The ROTC cadets marched by outside, their guns clattering.

"It's absolutely immoral, the way they teach those guys to shoot and kill," said Jerry.

"Stoke, for God's sake, will you keep your beard out of the gun powder when you're smoking. You're apt to blow us all up," Mark remonstrated with one of the newer SBDFPR members.

"The way I see it," said Jerry, "any peace-loving students like us have a right to be free of any military influence like the ROTC. They even make them take a bath every day."

"Okay, men," said Mark, "now we're going to talk about incendiary time bombs. You should all have a copy of the New Left Notes we put out in February. If you don't, get a copy of the April 28 Congressional Record; Rep. Cederberg put in the text we passed out at a high school basketball game in Denver; it's on page H3164. Turn to the part on potassium chlorate.

"It would not be advisable to carry potassium chlorate around but we will show you how to make it by using other chemicals which would not be of a suspicious nature and are readily available. You need an automobile battery, either 6 or 12 volts will do, two carbon rods from dry cell batteries, a set of battery cables and clamps, one nonmetal pot, one pound of table salt and one pound of potassium chloride. You fill the pot with water and . . ."

"The last time I went home," interjected Jerry, "my old man said I ought to join the ROTC and I told him, 'No, sir, I'm a peaceful man.' I said the only time I'd use a gun is to take over a college or shut down a plant or evict the draft board and things like that. Say, Mark, do you put the fuse in before or after you put the oil and gas in the bottle for this Molotov cocktail?"

Eldridge, another young leader, got to his feet. "I think it's about time for the discussion on instructing fellow students in how to beat the draft," he said.

Just then the university president knocked.

"Could I interrupt you new patriots for a moment," he said. "I have your after-dinner smoke . . . marijuana, just as you ordered. If you like, you may retire to the library for that."

[From the New York Times, Feb. 18, 1969]

Observer: Boom, Boom, Boom Goes the Campus

(By Russell Baker)

Washington, February 17.—With the controversial dynamiting of Oaksapp University's historic old Slingborn Hall by student militants, the crisis of the American campus took a fresh turn last week.

Progressives in the field of higher education had long regarded Oaksapp as a model institution. Curriculum had been abandoned five years ago following protests in which President Dixby Dross was hanged from the historic old Oaksapp oak on the quadrangle, once the traditional site of campus football victory celebrations.

At the same time, Oaksapp instituted a system of student autonomy, gave undergraduates the right to unlimited chapel cuts and granted amnesty to the leaders of S.E.S. (Students for an Exterminated Society) who had led the demonstrations.

RELEVANT CAMPUS

A recent report by the American Association of University Students, an organization established by the National Congress of Campus Activities in 1967 to police the nation's universities, commended Oaksapp for its "relevance to today's world."

In doing so, it pointed to the installation of billiard tables in every dormitory, the licensing of liquor sales in the gymnasium and the decision to divide the school year into two six-week semesters.

Why then, alarmed educators have asked, were the students moved to dynamite historic old Slingborn Hall? The answer seems to be that Oaksapp, for all its "progressive" adaptation to student needs, has failed to recognize that there is a new mood on the American campus today.

SURLY NEW MOOD

The spokesman for the new mood is the radial SURL (Student Union for Retirement Learning), which was formed last summer at a secret conference held at the Saginaw Blues Festival. The so-called Saginaw Manifesto declares that American universities have willfully and callously disregarded their obligation to prepare the concerned students of this country for retirement."

Hod Cassowary, the 43-year-old chairman of Oaksapp's SURL chapter, put it succinctly the morning after the dynamiting. "Students are tired of devoting 25 years of their lives to universities and then being turned out without so much as a gold watch," Cassowary said.

In meetings with student administrators before the explosion, Cassowary found the president and the trustees, whose average age is 19, "out of it." "I've been on this campus long enough to have earned seven master's degrees and four Ph.D.'s if we hadn't done away with curriculums," Cassowary declared, "and yet my needs are blithely ignored by a power structure of pipsqueaks. 'What are you complaining about?' they asked me. 'We let you have women in the dormitory any time you want.' "

It is now agreed that President Burke, who is twenty years old, alienated many of Oaksapp's more decrepit students when he lightly dismissed Cassowary's demands with a quip. "Old Hod's just hod under the collar," he told the press. His prestige was further damaged when SURL seized his office, rifled his mail and discovered that he had been in correspondence with the Y.M.C.A., the 4–H clubs and other youth-oriented arms of the power elite.

To many persons, SURL's demands seem purposely devised to outrage the universities. Its central demand is for a program under which every student would be able to retire, leave college and live on a full pension at the age of 45. Progressive educators argue that there is justice in this demand.

If the universities are not going to prepare the individual to survive in an extra-campus environment, they believe, it is only fair for the universities to provide their own guarantees of post-college security. The university student today, it is argued, becomes perforce a disadvantaged member of society because of a system which denies him an education.

COURSES FOR SUPERANNUATES

SURL also demands that Oaksapp establish a special department of retirement studies with courses in shuffleboard, European touring and checkers. This, of course, would violate the theory of unstructured curriculum.

Finally, Cassowary has demanded that Oaksapp be relocated in Jamaica or a similar environment "more relevant to the needs of retirement education." President Burke is open minded about this proposal. "If there are a few more dynamitings," he says, "we'll have to rebuild somewhere."

[From the Washington (D.C.) Post Apr. 24, 1969]

Professor's Stand Is Firm—But Brief

(By Art Buchwald)

One of the things that impresses people about the student demonstrations is the strong stand that some members of the faculty are taking on the issues.

I was on the campus of Northamnesty University and ran into a professor who was trying to stop his nose from bleeding. His clothes were torn up and he was walking with a pronounced limp.

"What happened, professor?" I asked, as I helped him search for his glasses.

"The militant students just took over my office and threw me down the stairs."

"Why, that's terrible," I said.

"From *my* point of view it is, but I think we have to look at it from *their* point of view. Why did they throw me down the stairs? Where have we as faculty failed them?"

"Are you going to press charges?"

"On the contrary. If I pressed charges, I would only be playing into the hands of the repressive forces outside the University who would like nothing better than to see the students arrested for assault."

"But they did assault you?"

"Yes. I have to admit I was surprised about that. But there was one heartening note. As they threw me down the stairs, one of my students yelled, 'It isn't you, professor. It's the system.' "

"That must have made you feel better."

"As I was tumbling down, the thought did occur to me that at least there was nothing personal in it."

"Say, Professor, isn't that the Philosophy Building going up in flames?"

"I believe it is. Now, why did they have to go and set fire to the Philosophy Building?"

"I was going to ask you that."

"I'm not quite sure, because I haven't seen any of the students since they threw me down the stairs. My guess is that it probably has to do with something the administration and the students are at odds about."

"But that's a terrible thing to do."

"I don't think we should make judgments until all facts are in. I would say burning down a philosophy building could be interpreted as an unlawful act. At the same time, there are moments when an unlawful act can bring about just reforms."

"But the books, the records, the papers are all going up in smoke. Shouldn't we at least call the fire department?"

"I don't believe the fire department should be called until the faculty has met and voted on what course of action should be taken. There are times when a fire department can only inflame a situation. We should also hear from the students who started the fire and get their side of it. After all, they have as much stake in the University as anyone else, and if they don't want a philosophy building, we should at least listen to their arguments."

"I never thought of it that way," I admitted. "Professor, I know you can't see very well without your glasses, but I believe the militant students over at the quadrangle are building a scaffold. They wouldn't hang anyone, would they?"

"They haven't before," the professor said. "But it's quite possible that this is their way of seeking a confrontation with the establishment."

As we were talking, a group of students rushed up and grabbed the professor. "We got one here," the ringleader shouted. "Get the rope."

"Don't worry, Professor," I shouted as I was pushed away by the mob. "I'll get the police."

"I wish you wouldn't," he said calmly as the students led him toward the scaffold. "If we don't let the students try new methods of activism, they'll never know for themselves which ones work and which ones are counterproductive."

[From the Washington (D.C.) Post, Feb. 18, 1969]

Key Demand on U.S. Campuses: The Right To Be Incompetent

(By Art Buchwald)

As student demonstrations on campuses continue, the demands of the militants keep escalating. Some of the demands are reasonable, but others have built-in mouse-traps. A few that I question have to do with student demands that universities take in people whether they're qualified or not; that all students who have flunked out be allowed to return to school, and that professors abol-

XUM

ish the system of grading students for their courses.

I believe that in the liberal arts departments you might not have to be too concerned about high standards—you've seen one economics professor, you've seen them all—but it's in the sciences and professions that you can get a little tensed up.

If our future doctors, lawyers, engineers and scientists no longer have to face stiff qualifying examinations, or if the schools refuse to grade them on their abilities, some very weird situations might arise.

A patient goes into a doctor's office.

"What seems to be the trouble?" the doctor asks.

"I have a pain in my side, doctor."

"I don't know anything about pains in the side."

"I thought you were a medical doctor. At least that diploma says so."

"Are you some kind of a racist?"

"No, I'm a patient."

"Well, it so happens I am a medical doctor. I just didn't do very well in anatomy. Never cared much for it. As a matter of fact, we locked up the dean of the medical school until he agreed to drop anatomy as a required course. We got him to do away with biology also."

"But if you didn't like anatomy or biology, why did you become an M.D.?"

"A man has to be something."

Meanwhile, across town a man was being tried for first degree murder and his lawyer and he were listening to the prosecutor.

"I want you, ladies and gentlemen, to send this man to the chair."

The defendant turns to his lawyer and asks, "Can he do that to me?"

The lawyer shrugs. "Beats hell out of me."

"But you are my lawyer. Don't you know what the law says?"

"I never told anyone this before, but I never really cared much for law. Matter of fact, all during school I had this girl and she had an apartment and . . ."

"Look, I don't care about your girl. My life is at stake. If I lose, will you at least make an appeal?"

"What's an appeal? You start studying about all this legal mumbo jumbo in college and you won't have any social life at all."

"But the law says . . ." the defendant cried.

"What does the law say? And don't go too fast because I want to write all this down. I never did take notes in school."

The third scene could take place 20 years from now at the new Mayor John V. Lindsay Bridge connecting Long Island with Connecticut.

The engineer is standing on the platform with the dignitaries.

"Well, Mr. Doubleday, you built a mighty fine bridge."

"That's my job."

"It seems to be sagging at one end. Is that the way it's supposed to be?"

"I'll build the bridges—you cut the ribbon."

"Look, there goes the first truck over the bridge—it's falling. Doubleday, the entire bridge is falling!"

"Sorry about that, I never could figure out how to use a slide rule."

CHARITY AND THE PRIVATE SECTOR

(Mr. FULTON of Tennessee was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, it is encouraging and gratifying when the private sector of our Nation utilizes its talents and abilities to assist and promote worthy charitable causes.

Such is the case with one of our major motion picture industries, Universal Pictures, and its outstanding film production of the hit Broadway musical, "Sweet Charity."

On June 7, 1969, there will be a premiere of this motion picture in my congressional district, Metropolitan Nashville-Davidson County. The beneficiary of this premiere will be the Nashville Memorial Hospital.

From 1959 to 1962, a group of dedicated individuals began their work which culminated in the construction in June of 1965, of a new hospital to serve the East Nashville and metropolitan area of Davidson County. It is a full service, nonprofit, community hospital of 211 beds, effectively meeting the medical needs of a major section of my congressional district.

The Women's Hospital Auxiliary of Nashville Memorial Hospital has a unique history. It was formed in 1962, long before construction even began on the new hospital. These ladies dedicated themselves to fundraising efforts and, in addition to funds raised during their campaign, the more than 200 volunteers have made personal gifts of over $30,000 to the hospital. Their many hours of volunteer work at the hospital have saved thousands of dollars, helping to keep hospital costs as low as possible.

Universal Pictures is to be commended for their willingness to utilize their production of "Sweet Charity" to such a worthy cause. It is my understanding that "Sweet Charity" has premiered in a number of cities across the Nation for equally worthy charitable organizations.

It should also be pointed out that Scholastic magazine has awarded the production of "Sweet Charity" its coveted "Bell Ringer Award." This award is presented to films of unusual merit which are eminently suitable for secondary school students.

The charity premieres of "Sweet Charity" is an outstanding example of how our motion picture industry is contributing so notably to the good of the community at large and to the cultural heritage of our Nation.

THE 23D ANNIVERSARY OF THE ITALIAN REPUBLIC

(Mr. ANNUNZIO was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, today, June 2, marks a stirring event in the rich history of Italy; for on this day, in 1946, the great Italian people gave a resounding vote of confidence for parliamentary democracy as the form of government best suited to lead Italy on the road to recovery and peace.

In the ensuing 23 years, this democratic government has brought the Italians out of war and devastation into a new era of individual freedom, national integrity, economic stability, peace, and prosperity.

June 2, 1946, was, indeed a new beginning. The remarkable achievements of the Italian Republic in the past 23 years have amply shown that the Italians made the right choice.

Italy has succeeded not only in rebuilding its economy, but in rendering it extremely competitive in world markets as well. Fiat is one of Europe's largest automobile manufacturers and the Italian electric appliance industry has outpaced all its European rivals. In fact, last year Montgomery Ward bought 100,000 Italian—Ignis—refrigerators and freezers for distribution in America. Of 3,200,000 refrigerators made in Italy in 1967, 2,100,000 were exported. The Italians have captured 28 percent of the French market and 17 percent of the German market. Last year, the Italians manufactured 2,200,000 washing machines and exported over a million of them. This year, Italian manufacturers are moving into the television, dishwasher, and other appliance markets.

Italian textiles and leather goods are exported to markets around the globe. Rome and Florence rival Paris in the world of fashion. Today, Italy is one of the most outstanding and active members of the Common Market, and her gross national product is expected to rise again this year about 5 percent, as it did last year.

Mr. Speaker, Italy, through the centuries, has maintained an advanced civilization and has served as the font of Western culture. History has singled out the achievements and contributions of the Roman Empire, the Italian Renaissance, and the Risorgimento. Today, the Republic of Italy continues in this noble tradition, and its recent contributions in literature, music, the arts and sciences have achieved worldwide relevance, acceptance, and acclaim.

There are special bonds of affection between Americans and the people of Italy, for today there are in the United States over 25 million Americans of Italian descent.

I am particularly gratified this year over the tremendous recognition accorded to the Italians by the Congress of the United States. Last year, the Congress passed and the President signed into law on June 28, 1968, the Monday holiday bill. Beginning in 1971, Columbus Day will be celebrated throughout our land as a national legal holiday on the second Monday in October of every year.

We must fully realize the importance of this official recognition which we can now extend to Christopher Columbus. In America we celebrate as legal holidays Memorial Day, Veterans Day, Thanksgiving Day, and others, but these holidays mark an important event in the history of our country and do not honor an individual. The only person whom we have honored with a national legal holiday is the Father of our Country—George Washington. And now, the second person whom we in America will honor is the father of all immigrants—Christopher Columbus.

On September 8, 1966, the House of Representatives passed legislation to provide for procurement of a marble bust of Constantino Brumidi, the great Italian artist who has come to be known as the "Michelangelo of the Capitol" because he labored for more than 25 years to beautify the Capitol of the United States with his stirring murals, his colorful paintings, his bold and moving frescoes, and the exquisite bronze stairways which he designed. Evidence of Brumidi's artistic genius can be found everywhere in the Capitol Building which owes its interior beauty to him more than to any other man.

On April 30, 1968, the bust of Constantino Brumidi, which was executed in imported Italian marble by sculptress Jimilu Mason, was dedicated in impressive ceremonies in the Rotunda of the U.S. Capitol. His Excellency, Hon. Egidio Ortona, the Italian Ambassador to the United States, was present and participated in these dedication ceremonies.

Brumidi's bust has now been placed in the Senate wing of the Capitol, and it is there for all to see. This is indeed appropriate recognition for the great Italian artist who once said:

> My one ambition and daily prayer is that I may live long enough to make beautiful the Capitol of the one country on earth in which there is liberty.

On April 25, 1969, the Chairman of the Atomic Energy Commission, Dr. Glenn T. Seaborg, informed me of the AEC decision to name the nuclear accelerator at Weston, Ill., in honor of the late Dr. Enrico Fermi.

The accelerator is now under construction, and formal dedication and naming of the Enrico Fermi Laboratory will not take place until major construction work has been completed and the facility is in operation, probably in the fall of 1972. The accelerator will have an energy of 200 billion electron volts—Bev—greater than now available at any accelerator.

Dr. Fermi was an Italian immigrant who came to the United States shortly before he won the Nobel prize in physics. He is regarded as one of the greatest physicists of our time and has come to be known as the Architect of the Atomic Age because his experiments in Illinois led in 1942 to the first self-sustaining nuclear chain reaction ever to take place.

I am delighted over the Atomic Energy Commission's decision to name the Weston accelerator in honor of Dr. Enrico Fermi, for this will be the first Federal nuclear facility in the United States to be named in honor of the eminent Italian physicist who is indeed highly deserving of this recognition.

The outstanding recognization given by the Congress of the United States to the accomplishments that Italians are making not only to America, but to the world, enhances the genuine feeling of friendship that the people of America have for the people of Italy.

I join my colleagues in the Congress in hoping that this friendship shall continue to flourish and that Italy and the United States shall continue to work together to bring peace to the peoples of the world.

I extend my best wishes to the people of the Italian Republic, as well as to the Italian-Americans in my own Seventh Congressional District of Illinois, and throughout our country, who are joining in the celebration of this happy occasion. May the Republic of Italy continue to experience peace and prosperity in the years ahead.

Mr. Speaker, I am happy to insert at this point in the CONGRESSIONAL RECORD an editorial which appeared in the Chicago Sun-Times today. I take this opportunity to commend and congratulate the editorial staff of the Chicago Sun-Times for this outstanding editorial and for their genuine interest in promoting a lasting and meaningful friendship between the people of Italy and the people of the United States. The editorial follows:

PROUD DAY FOR ITALY

This is a proud day for Italy and for all of Chicago's Italian-Americans. It is the 23d anniversary of the founding of the Italian Republic.

The end of World War II left Italy in a shambles. There was immense war damage, hunger and misery. But the Italians, a proud and hardy people, were determined to build a future.

Their first and proudest structure was a new government. In April, 1945, the first representative body was given the job of putting together the regulations for the election of a Constituent Assembly. On June 2, 1946, the Italian voters cast their votes for a republic.

Italy's recovery from World War II, its welcome into the Atlantic Alliance by the nations it had fought against, its entry into the United Nations in 1955, are benchmarks of its comeback from the immense damage done by the war. We salute our friends of Italian extraction in Chicago and the people of Italy on this anniversary.

REQUEST TO BUILD AN ABM SHOULD BE DENIED

(Mrs. MINK was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, one of the most critical issues pending before the Congress is the President's request that we continue building an ABM system.

The legislature of Hawaii has adopted a resolution petitioning the President and the Congress to reverse the decision to deploy an ABM system and specifically to reverse any plans to locate such a system in the State of Hawaii.

The legislature observes:

> The orderly development of the State of Hawaii lies in its potential to create and expand understanding and trade among diverse cultures and peoples rather than its being an armed outpost of American power.

I agree that the request to build an ABM should be denied. Because of its significance, I submit this resolution at this point in the RECORD.

SENATE CONCURRENT RESOLUTION 16

Concurrent resolution petitioning the President and the Congress of the United States to reconsider the deployment of anti-ballistic missiles and the location of an anti-ballistic-missile system in the State of Hawaii

Whereas, the United States is devoted to furthering world peace, and to decreasing the tensions of the world's arms race, and to preventing nuclear weapons proliferation; and

Whereas, eminent nuclear physicists, including Nobel prize winners, science advisers to Presidents Eisenhower, Kennedy and Johnson, and scientists who have been active in developing the Nation's weapons systems, as well as personnel of the Department of Defense have stated that no anti-ballistic missile system can adequately protect a country from sophisticated nuclear attack and that the present United States superiority is a deterent to both sophisticated and simple offensive nuclear threats; and

Whereas, hunger and disease are as great a danger to peace and internal security as hostile arms, and huge military expenditures for quickly obsolete weapons systems prevent the use of funds to alleviate poverty, thereby increasing world insecurity; and

Whereas, the orderly development of the State of Hawaii lies in its potential to create and expand understanding and trade among diverse cultures and peoples rather than its being an armed outpost of American power; now, therefore,

Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1969, the House of Representatives concurring, that the President and the Congress of the United States be, and they are, respectfully petitioned to reverse the decision to deploy an anti-ballistic missile system and to locate a part of the system in the State of Hawaii; and

Be it further resolved that the President and the Congress of the United States be, and they are, respectfully requested to explore actively all possibilities which would lead to reduction of both offensive and defensive nuclear missile systems among nations, a nuclear non-proliferation treaty and gradual multilateral disarmament, and expanded non-military efforts to alleviate poverty and hunger at home and abroad; and

Be it further resolved that duly certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate Pro Tempore, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Defense, Senator Hiram L. Fong, Senator Daniel K. Inouye, Representative Spark M. Matsunaga, and Representative Patsy T. Mink.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PREYER of North Carolina (at the request of Mr. ALBERT), for today, June 2, 1969, on account of official business.

Mr. MCKNEALLY (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. MORSE (at the request of Mr. GERALD R. FORD), for the week of June 2, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. NICHOLS (at the request of Mr. BEVILL), for today, on account of official business in his district.

Mr. LENNON (at the request of Mr. BOGGS), for an indefinite period, on account of illness.

Mr. ADDABBO (at the request of Mr. ANNUNZIO), for Monday, June 2, 1969, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. PUCINSKI, for 60 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. FLOWERS), to revise and extend their remarks and include extraneous material:)

XUM

Mr. Flood, for 15 minutes, today.

Mr. Rodino, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 15 minutes, today.

Mr. Rarick, for 30 minutes, today.

Mr. Cohelan, for 10 minutes, today.

Mr. Lowenstein, for 60 minutes, on June 4.

Mr. Halpern (at the request of Mr. Hastings), for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. Wylie (at the request of Mr. Hastings), for 30 minutes, on June 4; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Daniels of New Jersey during consideration of the bill H.R. 763.

Mr. Perkins (at the request of Mr. Daniels of New Jersey) immediately preceding the remarks of Mr. Daniels of New Jersey on the bill H.R. 763.

Mr. Thompson of New Jersey during consideration of the bill H.R. 2667 today, and to include extraneous material.

(The following Members (at the request of Mr. Hastings) and to include extraneous matter:)

Mr. Hastings.
Mr. Erlenborn.
Mr. Quillen in four instances.
Mr. Teague of California.
Mrs. Heckler of Massachusetts.
Mr. Pettis.
Mr. Langen.
Mr. Wyman in three instances.
Mr. Hosmer in three instances.
Mr. Cunningham.
Mr. Lipscomb in two instances.
Mr. Steiger of Wisconsin.
Mr. Bob Wilson.
Mr. Buchanan in two instances.
Mr. Horton.
Mr. Ashbrook.
Mr. Esch.
Mr. Don H. Clausen.
Mr. Poff.
Mr. Snyder.
Mr. Whalley.

(The following Members (at the request of Mr. Flowers) and to include extraneous matter:)

Mr. Long of Maryland in three instances.
Mr. Fisher in four instances.
Mr. Marsh in two instances.
Mr. William D. Ford.
Mr. Powell in two instances.
Mr. Carey.
Mr. Cohelan in four instances.
Mr. Hays in two instances.
Mr. Brown of California in four instances.
Mr. Rarick in four instances.
Mr. Daniel of Virginia.
Mr. Corman in five instances.
Mr. Rosenthal in two instances.
Mr. Olsen.
Mr. Johnson of California.
Mr. Rooney of Pennsylvania.
Mr. Waldie.
Mr. Ryan in four instances.
Mr. Minish.
Mr. Pickle in two instances.
Mr. Gonzalez in two instances.
Mr. Hawkins.
Mr. Ullman in five instances.
Mr. O'Hara in four instances.
Mr. Edwards of California.
Mr. Vanik in two instances.
Mr. Wolff in three instances.
Mr. Eilberg.
Mr. Morgan.
Mr. Rogers of Florida in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 412. An act to authorize and direct the Secretary of Agriculture to classify as wilderness the national forest lands known as the Lincoln Back Country, and parts of the Lewis and Clark Lolo National Forests, in Montana, and for other purposes; to the Committee on Interior and Insular Affairs.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced that on May 28, 1969 he signed enrolled bills of the Senate of the following titles:

S. 278. An act to consent to the New Hampshire-Vermont Interstate School Compact; and

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

ADJOURNMENT

Mr. FLOWERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 3, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

812. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of the United States for the fiscal year ended June 30, 1968 (H. Doc. No. 91–124); to the Committee on Government Operations and ordered to be printed.

813. A letter from the Chairman, Joint Committee on Internal Revenue Taxation, transmitting a report on refunds and credits of internal revenue taxes for the fiscal year ended June 30, 1966, pursuant to the provisions of section 6405 of the Internal Revenue Code of 1954 (H. Doc. No. 91–125); to the Committee on Ways and Means and ordered to be printed.

814. A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting notification of the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, pursuant to the provisions of 10 U.S.C. 2233a(1); to the Committee on Armed Services.

815. A letter from the Under Secretary of the Navy, transmitting notification of the intention of the Department of the Navy to donate a surplus locomotive engine to the East Carolina chapter of the National Railway Historical Society, Greenville, N.C., pursuant to the provisions of 10 U.S.C. 7545; to the Committee on Armed Services.

816. A letter from the Comptroller General of the United States, transmitting a report on the administration and effectiveness of the work experience and training project at the Gila River Indian Reservation, Ariz., under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare; to the Committee on Education and Labor.

817. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for expenses of the President's Council on Youth Opportunity; to the Committee on Education and Labor.

818. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes; to the Committee on Foreign Affairs.

819. A letter from the Comptroller General of the United States, transmitting a report on opportunities for reducing costs of hospitalization, medical services, and drugs provided to Federal employees for job-related disablements, Bureau of Employees' Compensation, Department of Labor; to the Committee on Government Operations.

820. A letter from the Comptroller General of the United States, transmitting a report on legislation needed to avoid servicemen's bearing wartime mortality costs under the servicemen's group life insurance program, Veterans' Administration; to the Committee on Government Operations.

821. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

822. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize appropriations for expenses of the National Council on Indian Opportunity; to the Committee on Interior and Insular Affairs.

823. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map of "Principal Natural Gas Pipelines in the United States, 1968"; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MacGREGOR: Committee on the Judiciary. H.R. 7906. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce (Rept. No. 91–279). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARENDS.

H.R. 11780. A bill to amend the Military Selective Service Act of 1967 in order to provide for a more equitable system of selecting persons for induction into the Armed

Forces under such act; to the Committee on Armed Services.

By Mr. CONTE:

H.R. 11781. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11782. A bill to amend the Internal Revenue Code of 1954 to reduce percentage depletion rates for oil, gas, and certain other minerals to 15 percent, and to provide that percentage depletion shall not be allowed in the case of mines, wells, and other natural deposits located in foreign territory; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 11783. A bill to amend the Federal Hazardous Substance Act to provide for child-resistant packaging to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting any hazardous substance, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 11784. A bill to amend the Internal Revenue Code of 1954 to provide relief to certain individuals 65 years of age and over who own or rent their homes, through a system of income tax credits and refunds; to the Committee on Ways and Means.

By Mr. PERKINS (for himself, Mr. Brademas, Mr. Ayres, and Mr. Quie):

H.R. 11785. A bill to amend Public Law 85–905 to provide for a National Center on Educational Media and Materials for the Handicapped, and for other purposes; to the Committee on Education and Labor.

By Mr. HAYS:

H.R. 11786. A bill to amend the Merchant Marine Act, 1936, to encourage shipbuilding, and for other purposes; to the Committee on Merchant Marine and Fisheries.

H.R. 11787. A bill to clarify and strengthen the cargo-preference laws of the United States, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HORTON:

H.R. 11788. A bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11789. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGEN:

H.R. 11790. A bill to enable honey producers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for honey, and for other purposes; to the Committee on Agriculture.

By Mr. McKNEALLY (for himself and Mr. McCulloch):

H.R. 11791. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. MORGAN:

H.R. 11792. A bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic economic, social, and political institutions, and for other purposes; to the Committee on Foreign Affairs.

By Mr. O'NEAL of Georgia:

H.R. 11793. A bill to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. RIVERS:

H.R. 11794. A bill to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania:

H.R. 11795. A bill to exempt from the antitrust laws certain joint newspaper operating arrangements; to the Committee on the Judiciary.

By Mr. WHALLEY:

H.R. 11796. A bill to prohibit certain weather modification activities over land areas of the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 11797. A bill to increase from $600 to $1,000 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age and blindness); to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 11798. A bill to extend the life of the Lewis and Clark Trail Commission, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROWN of California:

H.R. 11799. A bill to provide that the membership of local selective service boards reflect the ethnic and economic nature of the areas served by such boards; to the Committee on Armed Services.

H.R. 11800. A bill to establish an urban mass transit trust fund, and for other purposes; to the Committee on Banking and Currency.

H.R. 11801. A bill to amend section 592 of the Tariff Act of 1930 (19 U.S.C.A. 1592), and for other purposes; to the Committee on Ways and Means.

By Mr. CRAMER (for himself, Mr. Broyhill of North Carolina, Mr. Skubitz, Mr. Wyman, Mr. Cleveland, Mr. Roth, Mr. King, Mr. Clancy, Mr. Devine, Mr. Snyder, Mr. Scott, Mr. Whitehurst, Mr. Chamberlain, Mr. Broyhill of Virginia, Mr. Mizell, Mr. Harsha, Mr. Edwards of Alabama, Mr. Collins, Mr. Bob Wilson, and Mr. Duncan):

H.R. 11802. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 11803. A bill to provide for orderly trade in iron ore, iron, and steel mill products; Committee on Ways and Means.

By Mr. SAYLOR (for himself and Mr. Gerald R. Ford):

H.R. 11804. A bill to provide for the establishment of the Gateway National Recreation Area in the States of New York and New Jersey, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HAMILTON:

H.J. Res. 753. Joint resolution proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. MOSS (for himself and Mr. Keith):

H.J. Res. 754. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.J. Res. 755. Joint resolution to authorize appropriations for expense of the National Council on Indian Opportunity; to the Committee on Interior and Insular Affairs.

By Mr. LOWENSTEIN:

H. Con. Res. 279. Concurrent resolution expressing the sense of the Congress that the United States should begin to reduce its military involvement in Vietnam; to the Committee on Foreign Affairs.

By Mr. CLAY:

H. Con. Res. 280. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. KARTH:

H. Res. 429. Resolution that the Committee on Science and Astronautics be allowed to conduct certain inquiries; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

200. By the SPEAKER: Memorial of the Legislature of the State of Oregon, relative to allocating a fixed percentage of the revenue from national forest lands for investment in intensive forest management practices and roads; to the Committee on Agriculture.

201. Also, a Memorial of the Legislature of the State of Tennessee, relative to appropriations for fiscal year 1969 relative to sections 235 and 236 of the Housing and Urban Development Act of 1968; to the Committee on Appropriations.

202. Also, Memorial of the Legislature of the State of Florida, relative to the collection of sales and use taxes, documentary stamp taxes, and intangible taxes from national banks by the State of Florida; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11805. A bill for the relief of Carlo Parpan and Pacida Sarda Flores and minor children Carlo, Mark, and Jonathon Flores; to the Committee on the Judiciary.

By Mr. CONTE:

H.R. 11806. A bill for the relief of Ashwani Kumar; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 11807. A bill for the relief of Victoria B. Toia; to the Committee on the Judiciary.

By Mr. DONOHUE:

H. Res. 430. Resolution to refer the bill (H.R. 4561) entitled "A bill for the relief of the estate of Capt. John N. Laycock, U.S. Navy (retired)," to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

128. By the SPEAKER: Petition of the Board of Councilmen, city and county of Denver, Colo., relative to the presence of chemical and nuclear materials near the city and county of Denver; to the Committee on Armed Services.

129. Also, petition of the City Council, Pittsburgh, Pa., relative to the antiballistic-missile system; to the Committee on Armed Services.

130. Also, petition of Antonio Escalera, Santurce, P.R., relative to redress of grievances; to the Committee on the Judiciary.

131. Also, petition of Geraldine M. Vickers, Lawndale, Calif., relative to redress of grievances; to the Committee on the Judiciary.

132. Also, petition of Cosimo Fiorillo, Boston, Mass., relative to redress of grievances; to the Committee on Post Office and Civil Service.

133. Also, petition of the Board of County Commissioners, Ashtabula County, Ohio, relative to the tax exemption on municipal bonds; to the Committee on Ways and Means.

XUM

SENATE—*Monday, June 2, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou in whom we live and move and have our being, enter our hearts and fit us for Thy service. Cross the threshold of our inner being and make us to be at home in both the world of the visible and the invisible, the temporal and the eternal. Enable us to live bravely in the world which is, while we labor for the world which is to come. In daily duties make us seekers of truth and servants of justice. In days of strife and storm lock our fortunes to Thy purposes, that we may choose Thy will as our will, Thy way as our way, Thy peace as our peace, and help win for the world that freedom which will enable all nations to bring their glory and honor into Thy kingdom.

In the name of Him who came to set men free. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 29, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of May 29, 1969, the Secretary of the Senate, on May 29, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received on May 29, 1969, see the end of the proceedings of today, June 2, 1969.)

WAIVER OF CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 195 and the succeeding measures in sequence.

The VICE PRESIDENT. Without objection, it is so ordered.

PREVENTING TERMINATION OF CERTAIN FEDERAL OIL AND GAS LEASES

The Senate proceeded to consider the bill (S. 1193) to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 3, line 1, after the word "within," strike out "fifteen days" and insert "twenty days"; so as to make the bill read:

S. 1193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 31(b) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(b)), is amended by changing the period at the end thereof to a colon and adding the following: "*Provided,* That if the rental payment due under a lease is paid on or before the anniversary date but either (1) the amount of the payment has been or is hereafter deficient and the deficiency is nominal, as determined by the Secretary by regulation, or (2) the payment was calculated in accordance with the acreage figure stated in the lease or made in accordance with a bill which has been rendered by him and such figure or bill is found to be in error resulting in a deficiency, the Secretary shall notify the lessee of the deficiency and such lease shall not automatically terminate unless the lessee fails to pay the deficiency within the period prescribed in the notice."

Sec. 2. Section 31(c) of the Mineral Leasing Act of 1920 (41 Stat. 450), as amended (30 U.S.C. 188(c)), is amended to read as follows:

"(c) Where any lease has been or is hereafter terminated automatically by operation of law under this section, for failure to pay rental on or before the anniversary date or for failure to pay the full amount due and the deficiency is not nominal and payment was not made in accordance with the acreage figure stated in the lease or in accordance with a bill rendered by the Secretary and it is shown to the satisfaction of the Secretary of the Interior that such failure was the result of error or neglect on the part of the Department of the Interior, or where any lease has been or is hereafter terminated automatically by operation of law under this section for failure to pay rental on or before the anniversary date, but within twenty days after such date it is shown to the satisfaction of the Secretary of the Interior that such failure was either justifiable or not due to a lack of reasonable diligence on the part of the lessee, the Secretary may reinstate the lease if—

"(1) a petition for reinstatement, together with the required rental, including back rental accruing from the date of termination of the lease, is filed with the Secretary; and

"(2) no valid lease has been issued affecting any of the lands covered by the terminated lease prior to the filing of said petition. The Secretary shall not issue any new lease affecting any of the lands covered by such terminated lease for a reasonable period, as determined in accordance with regulations issued by him. In any case where a reinstatement of a terminated lease is granted under this subsection and the Secretary finds that the reinstatement of such lease will not afford the lessee a reasonable opportunity to continue operations under the lease, the Secretary may, at his discretion, extend the term of such lease for such period as he deems reasonable: *Provided,* That (A) such extension shall not exceed a period equivalent to the time beginning when the lessee knew or should have known of the termination and ending on the date the Secretary grants such petition; (B) such extension shall not exceed a period equal to the unexpired portion of the lease or any extension thereof remaining at the date of termination; and (C) when the reinstatement occurs after the expiration of the term or extension thereof the lease may be extended from the date the Secretary grants the petition."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–205), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of S. 1193 is to confer discretionary authority on the Secretary of the Interior to prevent, administratively, termination of certain oil and gas leases on Federal lands and to reinstate terminated leases under the limitations and conditions set forth below. Thus, the measure would enable the Secretary to do equity and at the same time relieve Congress of the necessity of considering private bills for one or the other of the above purposes. Such bills have been introduced in each Congress since 1954. The bill would accomplish its purpose by amending the appropriate sections of the Mineral Leasing Act of 1920, as amended (41 Stat. 450; 30 U.S.C. 188(b) and 188(c)).

BACKGROUND AND NEED

Prior to 1954 nonpayment of annual rental in connection with a noncompetitive oil and gas lease did not terminate the lease. Rather, the lessee remained liable for rental payments for the full term even though he may have abandoned his lease completely. In 1954, the 83d Congress amended the act by Public Law 555 to provide for the termination of a noncompetitive oil and gas lease "upon failure of a lessee to pay rental on or before the anniversary date of the lease, for any lease on which there is no well capable of producing oil or gas in paying quantities." This termination provision is automatic and was designed as a relief measure at the time.

The 83d Congress measure remedied the problem then presented, but created a new one. The automatic termination provision resulted in the termination of a number of oil and gas leases for failure to pay exact or timely rental in circumstances which appeared to warrant equitable consideration. The Secretary was not authorized to grant any waiver or other form of relief. To correct this situation, legislation was proposed in 1962 which would give the Secretary discretionary authority to reinstate these leases where the failure of payment was justifiable or not due to a lack of reasonable diligence on the part of the lessees. It was recommended by the Department that the Secretary be given the authority for future cases as well as cases occurring between 1954 and 1962. Congress, however, limited the authority to past cases only.

In a number of cases since 1962, the law has operated to terminate leases where a rental payment was timely but it was short by a minimal amount. In one instance, the entire legislative procedure was required because of an error of 14 cents in rental payment resulting from a mistake by the Department itself. In other cases, the rental payment was timely, but it was deficient by a substantial amount. The 1954 act has been construed to apply to these cases as well as those where no payment has been made at all. In still other cases, payment is made in the correct amount, but it is not timely.

Failure to pay fully the exact amount of the annual rental or to pay it timely may have resulted, in a given case, from a variety of circumstances. Some examples are: errors in published notices, arithmetical errors in reminders, errors in totaling acreages of irregular lots and subdivisions, delay in the mails caused by transportation strikes, and delays caused by acts of God such as the 1964 earthquake in Alaska. Some of the deficiencies result from Bureau of Land Management error, and some result from an error on the part of the lessee.

The Bureau of Land Management has instituted a number of procedures designed to prevent clerical errors. They still occur, however, and leases have been terminated. As a practical matter, it is nearly impossible to prevent all errors, in view of the great volume of leases handled in Bureau of Land Management land offices each month. At the hearing, Assistant Secretary of the Interior Harrison Loesch testified there were some 90,000 oil and gas leases outstanding.

PROVISIONS OF MEASURE

S. 1193 is general legislation designed to provide authority to do administratively what hitherto has had to be done through the legislative process.

Section 1 deals with two types of lease situations which under present law require termination. One is where the rental payment, while made on time, is deficient by a nominal amount. The other is where the lessee paid the amount of rent billed to him by the Department, but the bill was in error and the error resulted in the deficiency. Under S. 1193, in these cases the Secretary must notify the lessee and the lease will not terminate if the lessee makes up the deficiency within the time presented in the notice.

Section 2 deals with leases that have terminated by operation of law for failure to pay the rental on time, or where the deficiency in rent payment is not nominal. In these cases, the bill provides that in order to have the lease reinstated, the lessee must, within 20 days of the anniversary date of the lease, show to the satisfaction of the Secretary that the failure to make timely payment, or to pay the full amount, was either justifiable or was not the result of lack of reasonable diligence on his, the lessee's part.

Under such circumstances, the Secretary may reinstate the lease if the lessee files a petition for reinstatement and tenders full rental payment, including back rental accruing from the date of the termination. A further condition of such reinstatement is that no valid lease has been issued on any of the land covered by the terminated lease.

The Secretary must allow a reasonable period of time, as determined in accordance with regulations to be issued by him, before issuing any new lease on the lands covered by the terminated lease.

In the event there have been administrative or other delays in the reinstatement and the Secretary finds that such delay has deprived a lessee of a reasonable opportunity to continue operations under the reinstated lease, the Secretary may, at his discretion, extend the lease term for a reasonable period. However, the extension may not be for a time longer than the period beginning when the lessee knew, or should have known, of the termination and ending on the date the Secretary grants the reinstatement petition. Also, the extension may not exceed the time remaining on the lease term at the date of termination. If the reinstatement occurs after the expiration of the lease term, the lease may be extended, subject to the above limitations, from the date the Secretary grants the petition.

THE COMMITTEE AMENDMENT

The committee amended S. 1193 by striking out "fifteen days" on line 1 of page 3, and in lieu thereof substituting "twenty days". This amendment is based in part on a suggestion made in the hearings by departmental witnesses and in part on a factual situation which is the subject of a bill, S. 689, sponsored by Senator Stevens, now pending before the committee which is a case in point. In this case, rental checks were mailed by the lessee in Houston, Tex., to the land office in Anchorage, Alaska, on September 18, 1967, but were not delivered until October 3, 1967, some 2 weeks later. The anniversary date of the lease was October 2, 1967, and thus under present law the leases were automatically terminated.

The time limitation is new to this year's bill, and was written in to prevent an unscrupulous lessee from using the reinstatement privilege as a means of speculation. That is, absent such a limitation, a lessee might deliberately allow his lease to terminate in order to see what companies were interested in the lands covered by his lease. Then he would obtain reinstatement and sell to the applicants at an inflated price.

It is the committee's intention that the time limitation provision will prevent such misuse of the administrative process for private speculation, and the Secretary is urged to be particularly watchful for any such activity.

COMMITTEE RECOMMENDATION

A bill similar in purpose to S. 1193 was considered by the committee in the 90th Congress. This was S. 1367, submitted by the Interior Department. It passed both the House and Senate in different forms, but no conference to reconcile the differences was held. The committee believes the current measure is a good compromise between the positions of the Senate and House on the 90th Congress bill, and that the time limitation in S. 1193 for establishing good faith and due diligence remedies what otherwise might have been a flow in the legislation.

There can be no question but that the legislation is needed, both to permit equity to be done to good faith Federal lessees and to relieve Congress with respect to the number of private bills required to accomplish the purpose of this measure on an individual basis.

Accordingly, the committee unanimously recommends prompt enactment of S. 1193, as amended.

EXTENSION OF TIME TO COMPLETE INSTITUTIONAL INVESTORS STUDY

The joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. Res. 112

Whereas additional time is required for the Securities and Exchange Commission to complete its study, and file a report with respect thereto, pursuant to section 19(e) of the Securities Exchange Act of 1934; and

Whereas the actual amount to be expended by the Commission in making such study and report will not exceed the original authorization of $875,000; and

Whereas an increase of $70,000 in such authorization is required because of the sums heretofore appropriated pursuant to such authorization $70,000 will be returned unexpended to the Treasury as of June 30, 1969: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 19(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(e)) is amended—

(1) by striking out in paragraph (1) "September 1, 1969" and inserting in lieu thereof "September 1, 1970"; and

(2) by striking out in paragraph (4) "$875,000" and inserting in lieu thereof $945,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–206), explaining the purposes of the joint resolution.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF JOINT RESOLUTION

Senate Joint Resolution 112 would amend section 19(e) of the Securities Exchange Act of 1934 to extend by 1 year from September 1, 1969, to September 1, 1970, the time in which the Securities and Exchange Commission is to study and make a report to the Congress on institutional investing practices in the securities market. In addition, the joint resolution would increase the amount authorized to be appropriated for this study from $875,000 to $945,000.

GENERAL STATEMENT

The Committee believes that the letter dated May 14, 1969, with attachment, from the Chairman of the Securities and Exchange Commission fully explains and fully justifies the need for this extension of time in which to complete the study and the need for the increased authorization. The letter with attachment from the Chairman of the Securities and Exchange Commission follows:

Securities and Exchange Commission,
Washington, D.C., May 14, 1969.

Hon. John Sparkman,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: As you know, for a number of reasons there was a protracted delay in starting the institutional study authorized under Public Law 90–438. It is now moving as originally planned, but it is obvious that the study cannot be completed within the time limit of the original resolution.

The situation is set forth in detail in the attached memorandum which is in support of the request the Commission is now making that the time limit be fixed at September 1, 1970, rather than the present September 1, 1969. It is not expected that this extension will result in the expenditure of any more funds than were originally authorized.

Commissioner Richard B. Smith consented to personally oversee the study's operations and has devoted considerable time thereto. Both of us are available at your convenience, and we are most anxious to discuss the matter further, looking toward the introduction and consideration of a resolution changing the time limitation.

With kind regards, I am,
Sincerely,

Hamer H. Budge,
Chairman.

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CERTAIN CIVILIAN EMPLOYEES AND FORMER CIVILIAN EMPLOYEES OF THE BUREAU OF RECLAMATION

The bill (S. 83) for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) each of the following employees, former employees, and estates of deceased employees of the Bureau of Reclamation who received the overpayment of compensation listed opposite his name for the period from March 30, 1952, through August 13, 1966, inclusive, or any portion or portions of such period, which overpayment resulted from administrative error, is hereby relieved of all liability to refund to the United States the amount of such overpayment:

Name	*Overpayment*
Adriance, Mary S	$40.00
Albee, Stanley	10.96
Anderson, E. L	15.99
Chavez, Nicolas	15.08
Emmett, Wyllis L	9.62
Fife, Rowland W	1,324.62
Gallegos, Joseph M	50.60
Gallman, W. Brooks	10.96
Guerra, Ciro	14.34
Gutierrez, Ely E	19.65
Johnson, C. P	401.60
Marmon, Walter	14.42
Moss, R. A	12.80
Peavy, Patrick	1.44
Sanchez, Ernest G	1,534.77
Torres, Sinesio	429.60

Each such employee or former employee who has at any time made any repayment to the United States on account of any such overpayments made to him (or, in the event of his death, the person who would be entitled thereto under the first section of the Act of August 3, 1950 (5 U.S.C. 5583)), shall be entitled to have an amount equal to all such repayments made by him refunded if application is made within two years after the date of enactment of this Act.

(b) For purposes of the Civil Service Retirement Act and the Federal Employees' Group Life Insurance Act of 1954, each overpayment for which liability is relieved by subsection (a) of this section shall be deemed to have been a valid payment.

Sec. 2. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for any amounts for which liability is relieved by the first section of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–208), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

STATEMENT

The committee in the 90th Congress reported favorably S. 3517 which is identical to S. 83 of the 91st Congress, and in its report on S. 3517 of the 90th Congress, stated as follows:

"The Department of the Interior recommends enactment of S. 3517 and in its report, in part, states the following:

"'This private bill covers a group of 16 employees of the Bureau of Reclamation, who received overpayments of salaries. These overpayments were discovered during comprehensive reviews of personnel and payroll records after routine audits of the records disclosed some irregularities.

"'Of the 16 overpayments, 12 resulted from miscalculations of the waiting periods required for periodic step increases and four from failure to recognize the mandatory waiting period before promotion required by the Whitten amendment. The overpayments range from $1.44 to $1,534.77 for a total of $3,906.45.

"'In recognition of the fact that the overpayments resulted from adminstrative errors and the employees were in no way responsible, we do not believe they should be required to make restitution. Although we have temporarily suspended action to collect the overpayments without this legislation we are without legal authority to relieve the employees of their obligation for repayment. In several instances, the repayment will constitute a hardship on the employees concerned."

"'After a review of all of the foregoing, the committee believes that the legislation is meritorious and recommends that the bill, S. 3517, be considered favorably.'"

In view of the foregoing action of the committee in the 90th Congress in its favorable report on S. 3517, the committee adheres to its former recommendation and recommends that the bill S. 83 be considered favorably.

VILLAGE OF ORLEANS, VT.

The bill (S. 275) for the relief of the village of Orleans, Vt., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 5103 (d) of title 39, United States Code, the Postmaster General is authorized and directed to (1) receive and consider any claims of the village of Orleans, Vermont, for the repayment of six unpaid United States money orders issued to such village in 1945 for the aggregate amount of $527.31, and (2) provide for the payment of the face value of such money orders to such village.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record, an excerpt from the report (No. 91–209), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation is to authorize and direct the Postmaster General to receive and consider any claims of the village of Orleans, Vt., for the repayment of six unpaid money orders issued to the village in 1945 in the aggregate amount of $527.31. The bill would require the Postmaster General to provide for the payment of the face value of the money orders to the village.

STATEMENT

This bill (S. 275) is identical to S. 839 of the 90th Congress which was passed by the Senate and on which the House took no action. The facts of the case as contained in the report requested from the Post Office Department and as quoted verbatim in the report (No. 1238) of the Committee on the Judiciary in the 90th Congress accompanying S. 839 when it was passed by the Senate, are as follows:

The Department is prohibited by law from paying a money order after 20 years from the last day of the month of original issue. Also, claims for unpaid money orders are forever barred unless received by the Department within that period (39 U.S.C. 5103(d)).

It is our understanding that in 1945 the treasurer of the village of Orleans purchased six money orders totaling $527.31, to be used for payment to the Province of Quebec, Canada, of a duty tax on certain securities. Later it was determined that there was no tax liability on the securities, and consequently the money orders were not used. The present board of trustees of the village was unaware of the money orders until recently, when they turned up in the personal effects of the deceased village treasurer.

Pursuant to the law cited above, records relating to the subject money orders have been destroyed. We, therefore, have no way of knowing whether duplicate money orders were issued in this case. If they were, enactment of S. 839 would constitute a double payment.

We would suggest the probabilities are that duplicates effecting a refund to the village were issued, since in all likelihood the question of the unused money orders and what to do about them arose when the village authorities met to discuss the financial affairs of the village. Presumably, the original money orders were lost or mislaid at the time; in which case it is reasonable to expect that the village would file for duplicates.

Enactment of legislation such as S. 839 would make it incumbent upon the Department to maintain money order records indefinitely. This would be contrary to the policy established by Congress in enacting section 5103(d) of title 39, United States Code; namely, that the records of the Department cannot be maintained indefinitely to adjudicate the millions of money orders issued annually.

At the request of the committee, the sponsor of the bill has produced an affidavit from the village of Orleans, which the committee believes overcomes the objection of the Department. The affidavit indicates that in this case there is no danger of a double payment.

In agreement with the previous action in the 90th Congress, the committee recommends the bill favorably.

NEW BEDFORD STORAGE WAREHOUSE CO.

The bill (S. 868) for the relief of the New Bedford Storage Warehouse Co. was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the New Bedford Storage Warehouse Company of New Bedford, Massachusetts, the sum of $365.98 in full settlement of the claims of said company against the United States arising out of services performed for the United States Coast Guard, pursuant to Government bill of lading A–0022724. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the

RECORD an excerpt from the report (No. 91-210), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The proposed legislation authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, to the New Bedford Storage Warehouse Co. of New Bedford, Mass., the sum of $365.98 in full settlement of the claims of said company against the United States arising out of services performed for the U.S. Coast Guard, pursuant to Government bill of lading A-0022724.

STATEMENT

This bill (S. 868) in the 91st Congress is identical to S. 3484 and H.R. 10851 in the 90th Congress. H.R. 10851 passed the House of Representatives but no action was taken in the Senate.

The Department of Transportation recommends enactment of this legislation.

In its report to the Committee on the Judiciary of the House of Representatives under date of October 19, 1967, the Department states:

"The bill will permit payment for charges of moving the household effects, of Mr. Max E. Baldwin from Fairhaven, Mass., to Greenfield, Mo. According to the carrier the shipment was delivered at destination on August 10, 1960. Mr. Baldwin was discharged from the Coast Guard in July 1960. The First Coast Guard District was unable to obtain a receipt from him that the goods had been delivered. This is necessary before payment can be made by the Coast Guard. On October 21, 1963, the matter was forwarded to this office for settlement; however, the statute of limitations had run on August 10, 1963.

"The Coast Guard made additional attempts to obtain a receipt from Mr. Baldwin without success. On March 16, 1964, the claim was forwarded to the General Accounting Office for settlement. Payment was denied because the statute of limitations had run. While a receipt from Mr. Baldwin was never obtained, there is little doubt that delivery was made. There is no record that any complaint of nondelivery was made.

The Department of Transportation, therefore, recommends enactment of H.R. 10851."

Since there is no evidence that the company ever acted with less than reasonable prudence and diligence, nor is there any question but that the household effects of the delinquent consignee were safely delivered by the company, the committee is of the opinion that the bill should be approved. Accordingly, it is recommended that the bill, S. 868, be considered favorably and so reported to the Senate.

WILLIAM D. PENDER

The bill (S. 901) for the relief of William D. Pender was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William D. Pender, an employee of the Department of the Army, the sum of $3,602.69, in full satisfaction of all claims of the said William D. Pender against the United States for compensation for the loss of household goods and personal effects which he had to abandon in Fairbanks, Alaska, after he was incorrectly informed by the Department of the Army personnel that such goods and effects could not be stored or shipped at Government expense incident to his transfer from Fort Greely, Alaska, to Fort Belvoir, Virginia, and which could not otherwise be disposed of by the said William D. Pender because of prohibitively high commercial storage rates and the shortage of time between the issuance of transfer orders and the reporting date at his new duty station: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-211), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay to William D. Pender the sum of $3,602.69 for the loss of his household goods and personal effects.

STATEMENT

This committee approved a similar bill for this claimant in the last Congress which passed the Senate but no action was taken in the House of Representatives.

The Department of the Army, which approves the bill, set forth the facts of the case in reporting on a similar bill in the last Congress as follows:

This bill would authorize and direct the Secretary of the Treasury to pay $6,292.40 to Mr. Pender for his claims against the United States for the loss of his household goods and personal effects which he abandoned in Fairbanks, Alaska, after being incorrectly informed by Army personnel that such property could not be stored or shipped at the expense of the United States pursuant to his transfer from Fort Greely, Alaska, to Fort Belvoir, Va.

The Department of the Army has no objection to the bill if amended as suggested in this report.

Official records disclose that on September 5, 1962, Mr. William D. Pender, a resident of Alaska, received notification that he had been selected for an appointment as a nuclear powerplant operator at the Fort Greely Nuclear Powerplant. He reported to duty on the next day and worked at Fort Greely until September 20, 1962, when he began preparing for his departure to Fort Belvoir, Va., for a 48-week course pertaining to the operation of nuclear powerplants. He states that he was told by administrative personnel on Friday, September 21, 1962, that his goods could not be stored at Government expense over 90 days or shipped to Fort Belvoir. It is not clear when Mr. Pender was finally told that he could not store or ship his goods at Government expense but his travel orders, dated September 6, 1962, limited him and his wife to 400 pounds of hold baggage. He and his wife left by plane to the Fort Belvoir area on September 22, 1962, after disposing of most of their household goods to the Salvation Army because of prohibitive rates of commercial storage in Alaska. The only property not disposed of consisted of four boxes of clothes stored commercially, a box of tools stored with a neighbor, and a table and a record player stored with Mr. Pender's sister. The travel orders, dated September 6, 1962, were erroneous and were amended on November 6, 1962, to include shipment of Mr. Pender's household goods, but no administrative means were available to compensate him for his loss. Mr. Pender returned to Alaska following completion of the course of Fort Belvoir.

The Department of the Army does not oppose a bill of this nature when a civilian employee has sustained financial loss resulting from an erroneous administrative determination as to travel allowances. The travel orders, dated September 6, 1962, were clearly erroneous in restricting Mr. and Mrs. Pender to 400 pounds of hold baggage pursuant to a permanent change of station. The amount provided for in the bill represents replacement value as indicated by prices in the Sears and Roebuck catalog of all of the property disposed of by Mr. Pender when he departed Alaska for Fort Belvoir. A more reasonable means of reimbursement, however, would appear to be the estimated depreciated value of the disposed of property which is the method of reimbursement normally used when a claim is filed against the United States for loss of property pursuant to a permanent change of station. In an interview held in Alaska with Mr. Pender on April 18, 1966, Army personnel attempted to make an estimate of the depreciated value of Mr. Pender's property. Mr. Pender, however, could not recall with any precision the acquisition dates of many of the items. As some items were accumulated over a 12-year period, the most reasonable evaluation of all of the property would appear to be on the basis of a mean period of 6 years for depreciation, an estimated value of $4,527.69. This figure, however, should be further reduced to $3,602.69 because of Mr. Pender's action upon his departure for Fort Belvoir in entrusting to his neighbor a box of tools which were never returned and in carelessly disposing of other small items of substantial value, such as a rifle, a shotgun, and a tape recorder, which could have been stored commercially or entrusted to his sister.

In a letter, dated March 28, 1966, to the Department of the Army, Mr. Pender stated that his financial situation was marginal and his living costs were extremely high because he lives in an isolated area of Alaska. In an earlier letter to a Member of Congress, Mr. Pender stated that he was $5,000 in debt and that the financial hardship of replacing his household goods had caused that indebtedness. In view of these equitable considerations, the Department of the Army has no objection to the bill if amended as suggested in this report.

The cost of this bill, if enacted as introduced, will be $6,292.40. If enacted as suggested in this report, the cost will be $3,602.69.

The committee believes that the bill is meritorious and recommends it favorably.

MRS. AILI KALLIO

The bill (S. 1010) for the relief of Mrs. Aili Kallio was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay to Mrs. Aili Kallio, out of any money in the Treasury not otherwise appropriated, a sum of money to be determined as provided in section 2 of this Act, in full settlement of any claim she may have against the United States because of failure to receive merchantable title to a tract of land containing 24 acres more or less, located within the southeast quarter

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southwest quarter, section 19, township 51 north, range 32 west, Michigan Meridian, Baraga County, Michigan, by deed recorded on the land records of Baraga County, Michigan: *Provided*, That prior to such payment Mrs. Kallio shall convey by deed in form acceptable to the Secretary of the Interior all her right, title, and interest in the above described property to the heirs of William Owen.

SEC. 2. The Secretary of the Interior, after taking into consideration such appraisals as he deems necessary or appropriate, shall determine the fair market value of the property described in section 1, as of the effective date of this Act, and shall notify the Secretary of the Treasury of said sum which shall be paid as provided in the first section of this Act.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–212), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The proposed legislation authorizes and directs the Secretary of the Treasury to pay out of any money in the Treasury not otherwise appropriated, a sum of money to Mrs. Aili Kallio as full settlement of any claim she may have against the United States because of failure to receive a merchantable title to a tract of land of approximately 24 acres, located within the SE¼SW¼ sec. 19, T. 51 N., R. 32 W, Michigan meridian, Baraga County, Mich.; provided that prior to such payment Mrs. Kallio shall convey by deed in form acceptable to the Secretary of the Interior all her right, title, and interest in the above described property to the heirs of William Owen.

STATEMENT

The Committee on the Judiciary in the 90th Congress reported favorably S. 2036. That bill was passed by the Senate but was not considered by the House. S. 1010 in the 91st Congress is identical to S. 2036. In its report on S. 2036 the committee stated:

The Department of the Interior has no objection to the enactment of this legislation.

The property described in the bill is part of the original allotment of one William Owen, deceased allottee No. 262 of the L'Anse Reservation, Mich. William Owen died testate July 10, 1918, and his will was approved by the President on September 20, 1921. Mr. Owen willed his entire estate to his surviving wife, Emeline Owen, who subsequently died Feb. 27, 1919. When the will of William Owen was approved, the Assistant Commissioner of Indian Affairs notified the special agent in charge of the Mackinac Agency (now L'Anse) that approval of the will by the President removed the restrictions on the lands and that they were no longer under the supervision of the Indian Office.

In 1923, Margaret Duggan, as administratrix of the estate of Emeline Owen, conveyed the land described in the bill, together with other lands, to Edward Sicotte for a consideration of $1,100. This transaction was approved by the Baraga County Court. This action was taken by Mrs. Duggan after the Assistant Commissioner had advised the special agent in charge that approval of William Owen's will by the President removed the restrictions on the lands. However, the Solicitor subsequently held that approval of a will by the President of an Indian who died after February 13, 1914, did not effect the removal of restrictions on Indian lands (Solicitor's opinion of February 11, 1944, M–33441). Mrs. Kallio, in 1934, prior to the Solicitor's opinion, purchased the land described in the bill from Mrs. Sciotte for a consideration of $850. Mrs. Kallio has stated that she first became aware of the default in the title when she attempted to sell the land in 1965.

There are 14 heirs to this parcel of land. The majority of the heirs refuse to convey their interests in this land in order to assist in clearing the title. At the same time, since the orginal conveyance was made in good faith upon advice from the Bureau of Indian Affairs that the property was no longer restricted, the present record titleholder should not, after having paid consideration and having acted in good faith, be penalized by being required to forfeit her right to the land without reimbursement.

The property in question is located approximately 2½ miles north and east of L'Anse, Mich. It fronts a paved, all-weather county road. There are no improvements on the land; however, there are 10 acres of cleared, idle cropland and 13.5 acres of timberland. Government appraisers, as of July 1967, have estimated the fair market value of the land to be $2,000. Mrs. Kallio, in a written statement, has acknowledged her willingness to accept this amount.

After a review of the facts of the case as set forth in the report of the Department of the Interior and in a report directed to the Honorable Philip A. Hart, the sponsor of this legislation, from the Minneapolis area office of the Department of the Interior, the committee is of the opinion that the bill should be approved. Accordingly, it is recommended that the bill, S. 2036, be considered favorably and so reported to the Senate.

The committee adheres to its recommendation on S. 2036 and recommends that S. 1010 be considered favorably.

HOMER T. WILLIAMSON, SR.

The bill (S. 1236) for the relief of Homer T. Williamson, Sr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Homer T. Williamson, Senior, of Warner Robins, Georgia, is hereby relieved of all liability for repayment to the United States of the sum of $490, representing overpayments of salary received by him as a civilian employee of the Department of the Air-Force at Warner Robins Air Force Base, Georgia, for the period from September 3, 1963, through April 12, 1965, as the result of administrative error in adjusting the salary of the said Homer T. Williamson, Senior, upon completion of the two-year period during which he was entitled to retain the rate of pay he was receiving prior to a demotion due to a reduction in force. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Homer T. Williamson, Senior, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act. No part of any amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–213), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to relieve Homer T. Williamson, Sr., of all liability to refund to the United States the sum of $490 representing an overpayment of salary received as an employee of the Department of the Air Force at Robins Air Force Base, Ga., from September 3, 1963 through April 12, 1965.

STATEMENT

A similar bill for this claimant, S. 2200 of the 90th Congress, was favorably reported by this committee and passed by the Senate but no action was taken on it by the House of Representatives.

The Department of the Air Force has advised the committee that it has no objection to the enactment of the bill.

In its report on the bill, the Department of the Air Force sets forth the facts as follows:

"Effective September 3, 1961, Mr. Williamson's pay grade was changed from GS–5 to GS–4. He was entitled to, and granted salary retention under section 5337 of title 5, United States Code. Under Air Force regulations in effect on the date of his change to the lower grade, the rate of pay he would have received in that grade, had he not been eligible for salary retention, was GS–4, step g. GS–4, step g, was the maximum scheduled step rate of the grade at the time.

"At the expiration of the salary retention period, September 3, 1963, Mr. Williamson was erroneously placed in GS–4, step 10. GS–4, step g, (now step 7) plus any step increases he would have earned prior to the end of the salary retention period, was the rate of pay he should have received at the expiration of the salary retention period.

"A factor which may have contributed to the error in establishing Mr. Williamson's rate of pay was the change in the number of scheduled step rates of the compensation schedule upon enactment of the Federal Employees Salary Reform Act of 1962 (Public Law 87–793). That act eliminated longevity step increases and included them in the regular rate range.

"The error was discovered in a GAO audit in 1965. Corrective action was taken on all personnel actions. Mr. Williamson was informed of the overpayment and of his indebtedness to the Government. He repaid the indebtedness at the rate of $10 per pay period and had repaid in full as of April 16, 1967. There is no evidence of lack of good faith on the part of Mr. Williamson or administrative officials.

"Relief was granted by the Congress in a precedent case, Private Law 90–44, "For the relief of Charles H. Thurston." The Thurston case involves the identical type of administrative error as that involved in the Williamson case. Overpayments to both employees were questioned by GAO auditors at the same time on the same GAO Inquiry No. 5Q 0188, dated May 27, 1965.

"Based upon a review of the circumstances of the case and the precedent case, the Department of the Air Force interposes no objection to enactment of the bill."

The committee believes that the bill is meritorious and recommends it favorably.

HENRY E. DOOLEY

The bill (H.R. 2940) for the relief of Henry E. Dooley was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–214), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay Mr. Henry E. Dooley, Mount View Terrace, Manchester Center, Vt., the sum of $394.49 in full settlement of his claims against the United States for reimbursement of the cost of transportation of the automobile of his son from San Francisco, Calif., to Manchester Center, Vt., after receipt of official notification that his son was missing in action in Vietnam.

STATEMENT

In its favorable report on the bill, the House of Representatives set forth the facts of the case as follows:

The bill, H.R. 2940, was introduced in accordance with the recommendations of the Comptroller General of the United States contained in a communication transmitted to the Congress by the Comptroller General as a meritorious claim. Section 236 of title 31 of the United States Code provides for special report to the Congress by the Comptroller General when he determines that despite the fact that a claim submitted to the General Accounting Office cannot be settled under existing law, it contains elements of legal liability or equity which justifies the consideration of a matter by the Congress.

The claim embodied in the bill is for reimbursement of expenses incurred by Mr. Dooley in personally transporting the motor vehicle of his son, Lt. (jg.) James E. Dooley, U.S. Navy, 686509, from San Francisco, Calif., to Manchester Center, Vt., during the period November 30, 1967, to December 10, 1967. His son was reported missing in action on October 22, 1967, while on a combat mission over North Vietnam. Following receipt of notice of his son's missing status, Mr. Dooley traveled to San Francisco, Calif., and drove his son's automobile to his home in Vermont for safekeeping pending a final determination of the son's status.

Mr. Dooley's claim was disallowed by the Claims Division of the General Accounting Office on March 4, 1968, for the reason that the law and regulations do not provide for reimbursement of the transportation expenses which he incurred. Mr. Dooley protested the action taken on his claim and urged that in the circumstances involved and in view of the savings which accrued to the Government as a consequence of his moving the car at personal expense, the claim should be allowed.

Provisions for the payment of pay and allowances and for travel and transportation benefits in the case of members of the uniformed services in a missing status are contained in chapter 10 of title 37 of the United States Code, 37 U.S.C. 551–558.

With respect to items of pay and allowances, section 552 of title 37 provides that a member in a missing status is, for the period he is in that status, entitled to the same pay and allowances, as defined in chapter 10, to which he was entitled at the beginning of that period or may thereafter become entitled. The term "pay and allowances" is defined in section 551 of title 37 as meaning basic pay, special pay, incentive pay, basic allowance for quarters, basic allowance for subsistence, and station per diem allowances for not more than 90 days.

As to travel and transportation benefits of such members, section 554 of title 37 provides, in material part, as follows:

(b) Transportation (including packing, crating, drayage, temporary storage, and unpacking of household and personal effects) may be provided for dependents and household and personal effects [which term may include one privately owned motor vehicle] of a member of a uniformed service on active duty * * * who is officially reported as * * * absent for a period of more than 29 days in a missing status * * *."

* * * * *

(e) In place of the transportation for dependents authorized by this section, and after the travel is completed, the Secretary concerned may authorize—

"(1) reimbursement for the commercial cost of the transportation; or

"(2) a monetary allowance at the prescribed rate for all, or part, of the travel for which transportation in kind is not furnished. * * *."

Under that statutory authority the shipment of the automobile of Mr. Dooley's son unquestionably could and would have been provided by the Government, had it been requested, at a cost considerably in excess of the amount of Mr. Dooley's claim. However, the committee observes that such a resolution was complicated by the fact that the serviceman is missing in action.

However, the General Accounting Office invited the attention of the Congress to the act of March 7, 1966, Private Law 89–218 (80 Stat. 1617), in which Mr. and Mrs. Earl Harwell Hogan, of Pine Bluff, Ark., were authorized to be paid the sum of $120 as reimbursement of the cost of transportation of the automobile of their son, the late Lowell S. Hogan, specialist, U.S. Army, from Bremen, Germany, his last duty station, to Pine Bluff, Ark. Private Law 89–213 states that Mr. and Mrs. Hogan transported their son's automobile at their own expense in reliance upon the erroneous advice of agents of the United States, who misinterpreted U.S. Army regulations pursuant to which such transportation was authorized to be made at the expense of the United States.

The General Accounting Office concluded that in the circumstances of his case, Mr. Dooley's claim contains such elements of equity as to justify its reporting with a recommendation that he be reimbursed for the expenses involved in the transportation of his son's automobile. The General Accounting Office recommended that authorization be given to pay Mr. Dooley the sum of $394.49, consisting of the following items: $152.35, his plane fare to San Francisco, Calif.; $92.29 for lodging; $63.50 for food; and $86.35 for gasoline and oil.

The committee agrees that the facts of this case merit legislative relief and recommends that the bill be considered favorably.

The committee concurs in the action of the House of Representatives and recommends that the bill, H.R. 2940, be considered favorably.

CAPT. RICHARD L. SCHUMAKER, U.S. ARMY

The Senate proceeded to consider the bill (S. 728) for the relief of Capt. Richard L. Schumaker, U.S. Army, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 5, after the word "of" where it appears the second time, strike out $2,752.16," and insert "$2,268.48,"; so as to make the bill read:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Richard L. Schumaker, United States Army, is hereby relieved of all liability for repayment to the United States of the sum of $2,268.48, representing the amount of overpayments of basic pay and allowances received by the said Captain Richard L. Schumaker for the period from May 21, 1966, through July 31, 1967, as the result of administrative error in determining his years of service for pay purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Richard L. Schumaker the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part or any amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–215), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to conform the relief of liability for repayment to the United States representing the amount of overpayments of basic pay and allowances received by Capt. Richard L. Schumaker to the sum computed by the Department of the Army as the total amount overpaid. The Department of the Army is not opposed to the bill if it is amended as suggested.

PURPOSE

The purpose of this legislation, as amended, is to relieve Capt. Richard L. Schumaker, U.S. Army, from all liability to repay the United States the sum of $2,268.48, representing the amount of overpayments of basic pay and allowances received by Captain Schumaker for the period from May 21, 1966, through July 31, 1967, as the result of administrative error in determining his years of service for payment purposes. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this bill. The bill would further authorize and direct the Secretary of the Treasury to pay to Captain Schumaker the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of the bill.

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STATEMENT

The Department of the Army has no objection to the enactment, as amended, of this legislation. The Department of the Army's records disclose that Captain Schumaker applied for appointment as a Reserve officer for service in the Army Reserve on December 11, 1965. Under the applicable Army regulations (AR 140–101) he was eligible for appointment to the grade of first lieutenant due to his qualifications, including a bachelor of science degree in medical technology from the University of Tennessee and over 3 years professional experience in his field. In fact, on February 1, 1966, the commanding general, 3d U.S. Army, recommended that he be appointed a first lieutenant. On May 11, 1966, Captain Schumaker was tendered an appointment as a second lieutenant and assigned to the Medical Service Corps. He was concurrently ordered to active duty. He accepted the tendered appointment on May 21, 1966.

The tender indicated that he was credited with no "years of service in an active status" notwithstanding the fact that his qualifications made him eligible for such credit for each year, month and day of professional experience in his field. "Service in an active status", credited for education and professional experience under section 3353 of title 10, United States Code, and Army Regulation 140–101, is constructive service for the purpose of determining grade in which the individual will be appointed. It is not creditable for the purposes of determining base pay (37 U.S.C. 205 and par. 10103(c), Department of Defense Pay and Entitlements Manual).

On December 9, 1966, then Second Lieutenant Schumaker applied to the Army Board for the Correction of Military Records for correction of his military records to show that on May 21, 1966, the date he entered on active duty, he was credited with 3 years, 8 months and 11 days of "service in an active status" and on that date was appointed a Reserve in the grade of first lieutenant. On January 26, 1967, upon the recommendation of the Army Board for Correction of Military Records, the Secretary of the Army directed that his records be corrected to show:

"a. that he was tendered and accepted appointment in the grade of first lieutenant, U.S. Army Reserve, on May 21, 1966, and entered on active duty in such grade on that date; and

"b. that he was credited with 3 years, 7 months and 28 days service in an active status on that date."

On April 7, 1967, the Department of the Army informed Captain Schumaker that, due to the correction of his military records, he was entitled to certain back pay for the period May 21, 1966, through February 13, 1967. Included with the correspondence was a statement entitled "Computation of Payment Due Under Provisions of 10 U.S.C. Section 1552," and a completed form which he need only sign and submit to claim the amount due.

Captain Schumaker signed and submitted the prepared form for the collection of the net amount, $1.433, the Department of the Army found to be due him after deducting $446.53 for Federal Insurance Contributions Act and Federal income tax. He was paid this amount.

However, it appears that the Department of the Army in computing the amount of back pay due Captain Schumaker made an error in "years of service." The "years of service" as computed under section 205, title 37, United States Code, should have been "less than 2 years of service" instead of the 3 and 4 "years of service" used by the Department of the Army in figuring out his back pay. The "years of service" error was carried forward in computing Captain Schumaker's basic pay for the period February 14, 1967, through July 31, 1967. Captain Schumaker was promoted to the grade of captain on May 21, 1967.

In August of 1967 the Department of the Army discovered that Captain Schumaker had been overpaid and finally in August of 1968 after many reexaminations of his account it was determined that, as of June 20, 1968, he owed the Government $2,268.48 less $350 paid by Schumaker for a net debt of $1,918.48 computed as follows:

MAY 21, 1966–FEB. 13, 1967

Paid as:

First lieutenant (3) .at $489 a month, May 21–June 30, 1966	$652.00
First lieutenant (3) at $504.60 a month, July 1–Sept. 22; 1966	1,379.24
First lieutenant (3) at $521.40 a month, Sept. 23, 1966–February 1967	2,450.58
Total	4,481.82

Entitled to pay as:

First lieutenant (0) at $342.60 a month, May 21–June 30, 1966	456.80
First lieutenant (0) at $353.70 a month, July 1, 1966–Feb. 13, 1967	2,629.17
Total	3,085.97
Total paid for period	4,481.82
Total entitlement for period	3,085.97
Amount overpaid	1,395.85

FEB. 14–JULY 31, 1967

Paid as:

First lieutenant (4) at $521.40 a month, Feb. 14–May 20, 1967	1,685.86
Captain (4) at $583.20 a month, May 21–July 31, 1967	1,360.80
Total	3,046.66

Entitled to pay as:

First lieutenant (0) at $353.70 a month, Feb. 14–May 20, 1967	1,143.63
Captain (0) at $441.60 a month, May 21–July 31, 1967	1,030.40
Total	2,174.03
Total paid for period	3,046.66
Total entitlement for period	2,174.03
Amount overpaid	872.63
Amount overpaid, May 21, 1966–Feb. 13, 1967	1,395.85
Amount overpaid Feb. 14–July 31, 1967	872.63
Total amount overpaid	2,268.48

The numerical notations in parenthesis in the above computation represent years of service creditable for basic pay purposes, e.g., "first lieutenant (3)" denotes a first lieuaenant with more than 3 but less than 4 years service creditable for basic pay purposes. "Captain (0)" denotes a captain with less than 2, and therefor no, years of service creditable for basic pay purposes.

The Department of the Army concedes that overpayment to Captain Schumaker was caused solely by its administrative error and there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of Captain Schumaker or any other person acting on his behalf.

In view of the above, if the bill is amended to substitute the amount of $2,268.48 for the $2,752.16, the Department of the Army is not opposed to the bill.

The committee accordingly recommends that favorable consideration be given to S. 728, as amended.

YVONNE DAVIS

The Senate proceeded to consider the bill (S. 757) for the relief of Yvonne Davis, which had been reported from the Committee on the Judiciary, with an amendment, on page 1, line 6, after the word "of" strike out "$561.05" and insert "$536.05"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Yvonne Davis of Old Town, Maine, the sum of $536.05. Such sum represents the amount of hospital and medical expenses incurred by the said Yvonne Davis in connection with an ear operation performed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was, as a dependent parent of a member of the Armed Forces, entitled to hospital and medical care in civilian facilities at the expense of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–216), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill, as amended, is to authorize and direct the Secretary of the Treasury to pay the sum of $536.05 to Yvonne Davis, of Old Town, Maine, representing the amount of hospital and medical expenses incurred by the claimant in connection with an ear operation perfomed on her in a civilian hospital in Bangor, Maine, after having been erroneously advised by medical personnel at Dow Air Force Base, Maine, that she was entitled to hospital and medical care in civilian facilities at the expense of the United States.

STATEMENT

A similar bill was reported favorably by this committee in the 90th Congress, but no action was taken in the House of Representatives. The facts are contained in the report of this committee on S. 2026 of the 90th Congress and are as follows:

Mrs. Davis is the dependent mother of a member of the Women's Army Corps (WAC), Cp4c. Deborah F. Davis, WA8120775, Headquarters Company, WAC, Fort Myer, Va. As such a dependent parent (residing in a dwelling place provided by the member), she was entitled to hospitalization and medical care in facilities of the uniformed services, subject to the availability of space and facilities and capabilities of the medical staff. At the time involved, the Dow Air Force Base Hospital did not have an otolaryngologist on its staff, and, therefore, lacked the surgical capability required to perform an operation of the type needed by Mrs. Davis, the operaation being a stapedectomy. As a parent, she was not entitled to any care from civilian sources under either the original Dependent's Medical Care Act or under the 1966 amendments. However, in the outpatient visit to the Air Force Hospital, Dow Air Force Base, November 28, 1966, Mrs. Davis was advised by an Air Force medical officer that she was entitled to obtain hospitalization and medical care from civilian sources at U.S. expense. Thereafter, her civilian physician had her admitted to the Eastern Maine General Hospital,

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Bangor, Maine, and she underwent a stapedectomy operation at that hospital December 12, 1966.

Whereas the circumstances releated would justify a private law to reimburse Mrs. Davis is, of course, a matter of legislative discretion. The stapedectomy, while necessary to prevent a further loss of hearing, may not have been desired by Mrs. Davis if she had been properly advised that she was not entitled to medical care at the expense of the Government. However, since she had been advised to have the operation by her civilian physician and since it could not be performed at the Dow hospital, it can be argued that there was no reasonable alternative to obtaining the operation, if at all, from civilian sources. On the other hand, she might well have decided to make arrangements for the operation where she could have been accommodated on a space-available basis.

In view of her clear reliance on the erroneous information given to her by an Air Force medical officer, the Department of the Air Force believes that the uncertainty in the case should be resolved in favor of Mrs. Davis and the Department would, therefore, have no objection to an award to her in the amount of $536.05. This award reflects the $561.05 in medical and hospital costs incurred by Mrs. Davis reduced by $25 representing the contribution she would have been required to make to such costs by law had she, in fact, been a dependent of a member of the uniformed services eligible for medical and hospital care in civilian facilities at Government expense.

Inasmuch as Mrs. Davis was erroneously informed by an Air Force medical officer as to her eligibility for medical and hospital care in civilian facilities at Government expense, the committee is of the opinion that she should be reimbursed for her expenses involved.

The committee is in agreement with the Department of the Air Force that in view of Mrs. Davis' reliance on the erroneous information given her by an Air Force medical officer, the case should be resolved in her favor, and accordingly, the committee recommends that the bill, S. 2026, be considered favorably.

In light of the foregoing the committee adheres to its recommendation and recommends that the bill, S. 757, as amended, be considered favorably.

TECHNICAL CORRECTIONS IN TITLE 38, UNITED STATES CODE

The bill (H.R. 684) to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD, an excerpt from the report (No. 91–217), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXPLANATION OF THE BILL

The committee bill amends title 38 of the United States Code (veterans' benefits) to make certain technical corrections, eliminate obsolete terms and references, and to correct misspelled words and typographical errors which have occurred in the various amendments to title 38 since the veterans' laws were codified in 1958. The bill makes no substantive changes in present law; it merely makes technical corrections. The Committee on Finance agrees with the Committee on Veterans' Affairs of the House as to the desirability of making these changes and has approved the House bill without amendment.

The specific changes made by the bill are fully explained in the report of the Veterans' Administration, which follows:

REPORT OF VETERANS' ADMINISTRATION

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR
OF VETERANS' AFFAIRS,
Washington, D.C., March 3, 1969.

Hon. RUSSELL B. LONG,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans' Administration on H.R. 684, 91st Congress, an act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes, as passed by the House of Representatives on February 17, 1969.

The purpose of H.R. 684 is to make certain technical changes in title 38, United States Code, in order to eliminate obsolete provisions contained therein, to provide for technical conformance of title 38 with other laws which have recently been enacted, to correct minor errors which have been discovered, and to repeal certain obsolete savings provisions which are no longer applicable.

The bill, as passed by the House, contained several amendments recommended by the Veterans' Administration.

We are enclosing, for the information of the committee, a section-by-section analysis of the bill.

In light of the above, we believe that H.R. 684 furthers the desirable effort of keeping title 38 current, and therefore recommend favorable consideration by your committee.

We were advised by the Bureau of the Budget in regard to our report to the House Committee on Veterans' Affairs on H.R. 684 as introduced, that there was no objection from the standpoint of the administration's program to the presentation of that report to that committee.

Sincerely,
W. J. DRIVER, *Administrator.*

EXTENSION OF TEMPORARY DUTY SUSPENSION ON CERTAIN CLASSIFICATIONS OF YARN OF SILK

The bill (H.R. 2718) to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn and silk was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–218), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 2718 is to continue for 3 years, until the close of November 7, 1971, the suspension of duties on certain classifications of spun silk yarn which expired on November 7, 1968.

GENERAL STATEMENT

Public Law 86–235, approved September 8, 1959, suspended for 3 years (until the close of November 7, 1962) the import duties imposed under paragraph 1202 of the old tariff schedules of the Tariff Act of 1930 on spun silk or schappe silk yarn (not dyed or colored, singles of more than 58,800 yards per pound, or plied of more than 29,400 yards per pound). The period of suspension was continued for an additional 3 years by Public Law 87–602, approved August 24, 1962, and by Public Law 89–229, approved October 1, 1965.

H.R. 15798 of the 90th Congress, a similar bill to H.R. 2718, was unanimously approved by the House on June 4, 1968. The substance of H.R. 15798 was also approved by the Senate. However, due to a failure of the two Houses to agree on an unrelated Senate amendment to H.R. 15798, the bill was not enacted.

Spun silk yarns are of two principal types: standard spun-silk schappe) yarn and silk-noil (bourrette) yarn. Standard or schappe spun-silk yarns for general textile use are manufactured from long parallelized silk fiber stock recovered from waste cocoons and silk filature waste and are used for making sewing thread, decorative stripings for fine worsteds, lacing cord for cartridge bags, and, in combination with other fibers, certain types of necktie fabrics, shirtings, dress, and suiting fabrics, upholstery, and drapery materials.

The silk-noil type of yarn is made from shorter length, and hence cheaper, silk fiber stock than schappe and must be spun on wool-spinning machinery. The material used consists of silk noils discarded as byproducts in preparing silk waste for spinning in standard spun silk yarns. Such yarns have few civilian uses except in mixture fabrics containing other fibers. Their chief use is in the weaving of silk cartridge cloth for powder bags for large-caliber ordnance.

The suspension of the duty was made in order to enable domestic producers of fine-yarn fabrics to import fine silk yarns free of duty, thereby making it more economical to produce fine-yarn fabrics in competition with imported similar fabrics. The committee is advised that the same reasons which justified the original suspension of the duty justify the continuation of the suspension.

The bill provides that the entry or withdrawal of any article which was made after November 7, 1968 (the termination date of the last suspension of duty), and on or before the date of enactment, may be liquidated or reliquidated as though such entry or withdrawal had been made after the date of enactment. Such liquidation or reliquidation of an entry or withdrawal is subject to a request being filed therefor with the customs officer concerned on or before the 120th day after the date of enactment.

No objection to the continuation of the suspension of duty has been brought to the committee's attention.

BILL PASSED OVER

The bill (H.R. 4622) to amend sec. 110 of title 38, United States Code, to insure preservation of all disability compensation evaluation in effect for 20 or more years was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

EXTENSION OF TEMPORARY DUTY SUSPENSION ON ELECTRODES FOR USE IN PRODUCING ALUMINUM

The bill (H.R. 10015) to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–220), explaining the purposes of the bill.

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There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 10015, as amended, is to continue until the close of December 31, 1970, the suspension of duties on electrodes imported for use in producing aluminum.

GENERAL STATEMENT

Under the permanent provisions of the Tariff Schedules of the United States, electrodes of the kind covered by the bill are currently dutiable under item 517.61 at 10 percent ad valorem, the second stage of a five-stage reduction from 12.5 to 6 percent ad valorem agreed to in the Kennedy round. However, the duty on electrodes imported for use in producing aluminum was suspended from October 7, 1965, under Public Law 89–241, until July 15, 1966, was further suspended by Public Law 89–434 until July 15, 1968, and to July 15, 1969, by Public Law 90–571.

Electrodes of the type covered by the bill are used in the electrolysis of alumina into aluminum. These electrodes, including both anodes and cathodes, are consumed in great quantities in the electrolysis process.

Your committee is informed that there is presently insufficient production of electrodes to satisfy domestic requirements. However, the committee is also informed that new plant capacity is being developed to produce electrodes for future domestic consumption. For this reason, the committee agreed to the bill as passed by the House limiting the suspension of duty for a period of 18 months, until December 31, 1970.

TEMPORARY SUSPENSION OF DUTIES ON METAL SCRAP

The bill (H.R. 10016) to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–221), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 10016, as passed by the House and approved by the committee, is to continue to the close of June 30, 1971, the existing suspension of duties on metal waste scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States.

GENERAL STATEMENT

Legislation for the temporary suspension of the duties on various metal scrap was first enacted in 1942 (Public Law 497, 77th Cong., act of March 13, 1942, 56 Stat. 171). With various changes the suspension was continued from time to time depending upon the scarcity of the particular metals at the time.

This bill would continue for 2 years (until July 1, 1971) the temporary suspension of the duties on certain metal waste and scrap, etc., provided by item 911.12 of the Tariff Schedules of the United States; principally such metal scrap as iron and steel, aluminum, magnesium, nickel and nickel alloys. As before, the bill would not suspend the duties applicable to waste and scrap of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy, nor would it suspend the duties applicable to articles of lead, lead alloy, zinc, zinc alloy, tungsten, or tungsten alloy.

ARTICLES TO WHICH BILL APPLIES

Item 911.12 of the Tariff Schedules of the United States applies to—

(1) Metal waste and scrap (provided for in pt. 2 of schedule 6 of the schedules), except copper, lead, zinc, and tungsten waste and scrap;

(2) Unwrought metal (except copper, lead, zinc, and tungsten) in the form of pigs, ingots, or billets (*a*) which are defective or damaged, or have been produced from melted down metal waste and scrap for convenience in handling and transportation without sweetening, alloying, fluxing, or deliberate purifying; and (*b*) which cannot be commercially used without remanufacture;

(3) Relaying or rerolling rails; and

(4) Articles of metal to be used in remanufacture by melting (except articles of lead, zinc, or tungsten, and not including metal-bearing materials provided for in schedule 4 or in pt. 1 of schedule 6 of the schedules, and not including unwrought metal provided for in pt. 2 of schedule 6 of the schedules).

BACKGROUND INFORMATION

Scrap of various nonferrous metals, whether imported or of domestic origin, may be considered for most purposes simply as relatively small components in the total U.S. supplies of the respective metals, although some manufacturers depend wholly on metal scrap as a source of raw material. The relation of iron and steel scrap to the total supplies of iron and steel is somewhat different from that existing with respect to nonferrous metals. This is because the economical production of steel by the open-hearth process requires that part of the iron-bearing materials used consist of heavy melting scrap. Thus, much iron and steel scrap constitutes a material important to the domestic production of steel. Despite the fact that imports of scrap metals have not in the past few years constituted important components of the total supplies of the various metals, the imports in some cases have represented important sources of the metals for limited numbers of consumers of such metals in some sections of the country.

The rates of duty on the principal types of ferrous and nonferrous metal scrap, the suspension of which would be continued by the bill, are shown in the following table:

Type of scrap	Item No.	Rate of duty
Iron and steel	607.11 or 607.12	22 or 30 cents per long ton plus additional duties on alloy content.
Aluminum	618.10	1.2 cents per pound.
Nickel and nickel alloy	620.02	Free.
Tin and tinplate	607.10 or 622.10	Do.
Magnesium	638.55	23 percent ad valorem.

Relaying and rerolling the rails would, in the absence of this legislation, be dutiable at the rate of one-twentieth of 1 cent per pound plus additional duties on alloy content under items 610.20 to 610.21 of the Tariff Schedules of the United States. Other metal articles not considered scrap within the meaning of the traiff classifications but imported to be used in remanufacture by melting are also exempt from duty under items 911.10 to 911.12 of these schedules. Such article would be dutiable, in the absence of special legislation, at various rates too numerous to mention in this report.

CONCLUSION

The Committee on Finance has received no information which would indicate any opposition to the legislation. Interested departments and agencies have indicated that they have no objection to the legislation. The U.S. Tariff Commission has indicated that the conditions which prompted the initial suspension of duty on metal scrap and the continuations thereof to the present time have not materially changed.

BILLS PASSED OVER

The bills (H.R. 5833) to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes, and (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots were announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that these two bills go over.

The VICE PRESIDENT. The bills will be passed over.

LUDGER J. COSETTE

The bill (S. 499) for the relief of Ludger J. Cossette was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ludger J. Cossette, of Gonic, New Hampshire, a retired employee of the Post Office Department, the sum of $84.96, in full satisfaction of all claims of the said Ludger J. Cossette for additional compensation for emergency services performed by him for such Departments at its request, payment heretofore received by him for such services having been limited, by reason of his retired status, to the difference between the amount earned and the amount payable to him for the same period as retirement annuity: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–224), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the bill is to pay to Ludger J. Cossette of Gonic, N.H., a retired employee of the Post Office Department, the sum of $84.96 for additional compensation for emergency services.

STATEMENT

A similar bill for this claimant, S. 2584 of the 90th Congress, was approved by this committee and was passed by the Senate but no action was taken on it by the House of Representatives in the 90th Congress.

The U.S. Civil Service Commission advised the committee that it would have no objection to the enactment of the bill.

XUM

In its favorable report to the committee on the bill in the 90th Congress the Civil Service Commission said:

"Mr. Cossette, a retired employee of the Post Office Department, was reemployed for a total of 36 hours during the pay period beginning February 26, 1966. His net earnings for the service were $7.56. These earnings were limited by reason of his retired status, to the difference between his annuity and the amount that he would otherwise have earned if he had not been a retired employee. The civil service retirement law requires that the salary of a reemployed retired employee, such as Mr. Cossette, be reduced by an annuity allocable to the period of employment. The purpose of this provision is to prevent a reemployed retired employee from receiving a windfall of both salary and annuity covering the same period of time.

"S. 2584 would authorize payment of $84.96 to Mr. Cossette. This is the amount by which his earnings were reduced because of his retired status. The Commission has consistently viewed as undesirable any private bill which would single out one person for benefits not available to others similarly situated. In this case, however, we believe such legislation may be justified. Mr. Cossette did not seek this employment but performed the service on an emergency basis as a favor to the postmaster. It also does not appear that he was ever informed that his pay would be limited to the difference between his gross earnings and annuity for the period of employment. We therefore consider it patently unfair that Mr. Cossette, an experienced postal employee, worked almost a full week for $7.56.

"In view of these exceptional circumstances, the Commission would have no objection if Congress acted favorably on S. 2584."

The committee believes that the bill is meritorious and recommends it favorably.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar beginning with No. 385.

There being no objection, the Senate proceeded to the consideration of executive business.

The VICE PRESIDENT. The nominations on the Executive Calendar will be stated, as requested by the Senator from Montana.

EXPORT-IMPORT BANK OF THE UNITED STATES

The bill clerk read the nomination of John Conrad Clark, of North Carolina, to be a member of the Board of Directors of the Export-Import Bank of the United States.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE TREASURY

The bill clerk read the nomination of Murray L. Weidenbaum, of Missouri, to be an Assistant Secretary of the Treasury.

The VICE PRESIDENT. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, that concludes the call of the Executive Calendar.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The VICE PRESIDENT. Without objection, the Senator from Illinois is recognized for 10 minutes.

SENATOR KENNEDY AND VIETNAM STRATEGY

Mr. DIRKSEN. Mr. President, I feel impelled to make some observations with respect to the statements made by the distinguished majority whip of this body, the Senator from Massachusetts (Mr. KENNEDY). He and I have much in common. Not only do we share membership in this great body, but also we entered Army service as privates—I in World War I and he with troops abroad in 1951. Nothing so enriches the kinship of the uniform as experience which comes from having been a private.

Often do I think back to those days when one stood reveille, did KP—kitchen police—duty, mended one's own clothes, washed his own mess kit, learned squads right and squads left, and performed a score of other duties to sharpen one's strategic and tactical expertise.

But one learns in due course that war is a tactical and strategic art. Objectives are to be assessed. Targets and positions must be evaluated. High ground and its importance in stopping infiltration must be equated with the cost in lives. The value of high ground was not lost on the Germans 25 years ago this week when they occupied the high promontory overlooking both Omaha and Utah Beaches and held it against every assault for more than 30 hours. To conclude that our military leaders in Vietnam were "senseless and irresponsible," as my distinguished colleague and private-at-arms put it, in taking Hamburger Hill, came as something of a shock. It did not dislocate my affection for him, but it did jolt my estimate of his wisdom and judgment.

Since that first statement on the Senate floor 2 weeks ago, he has spoken to a college graduation group in the course of which he was quoted as saying that senseless military actions in the hills and valleys of Vietnam "have delayed successful negotiation at the Paris peace talks."

All this has a slightly familiar ring. It sounds a bit like another Senator from Ohio who graced this body in 1861—more than a hundred years ago. His name was Benjamin Franklin Wade. He was chairman of the Committee on Conduct of the War. When General McClellan remained rather deliberate, with President Lincoln's approval, Senator Wade went to the White House and demanded that Lincoln throw McClellan overboard. "Who do I put in his place?" asked Lincoln. "Anybody," snorted Wade. Very cooly Lincoln said, "Wade, anybody will do for you but I must have somebody." All this because of the military conduct of General McClellan.

If what is being done in Vietnam is senseless and irresponsible, the Senator from Massachusetts should contact the Commander in Chief and suggest that he dismiss our military commanders and find others.

But I have an idea that the President, the people of this country, and our knowledgeable leaders are not about to do anything of the kind. They are more likely to recall what the historian Titus Livius, better known as Livy wrote 2,100 years ago when General Paulus was selected to conduct the war with Macedonia in 168 B.C. Here is what Livy wrote:

> Lucius Acmiluis Paulus, a Roman Consul who had been selected to conduct the war with the Macedonians, B.C. 168 went out from the Senate into the assembly of the people and addressed them as follows, according to the historian, Titus Livius (Livy):
>
> "In every circle, and, truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass that territory should be entered; where magazines should be formed; how provisions should be conveyed by land and sea; and when it is proper to engage the enemy, when to lie quiet.
>
> "And they not only demonstrate what is best to be done, but if anything is done in any other manner that what they have pointed out, they arraign the counsul, as if he were on trial before them.
>
> "These are great impediments to those who have the management of affairs; for everyone cannot encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own ability be questioned through the folly of the people, rather than to dismanage the public business with a high reputation."

I might say, parenthetically, that they attached to Fabius the term "delayer," and yet that was the tactic he should have used. Paulus continued:

> I am not one of those who think that commanders ought at no time to receive advice; on the contrary, I would deem that man more proud than wise, who regulated every proceeding by the standard of his own single judgment.
>
> What then is my opinion

XUM

> That commanders should be counseled, chiefly, by persons of known talent; by those who have made the art of war their particular study, and whose knowledge is derived from experience; from those who are present at the scene of action, who see the country, who see the enemy; who see the advantages that occasions offer, and who, like people embarked in the same ship, are sharers of the danger.
>
> If, therefore, anyone thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me into Macedonia.
>
> He shall be furnished with a ship, a horse, a tent; even his traveling charges shall be defrayed.
>
> But if he thinks this too much trouble, and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot.
>
> The city, in itself, furnishes abundance of topics for conversation; let it confine its passion for talking within its own precincts, and rest assured that we shall pay not attention to any councils but such as shall be framed with our camp.

That is what Livy wrote in "History of Rome" Titus Livius, volume 13, book XLIV, chapter 22.

That could have been written yesterday. It could have been gleaned from the pages of the CONGRESSIONAL RECORD. It is as fresh as new-mown hay. It is as true as the stars in their courses.

But all this has a very serious aspect. Hanoi quickly picked up this criticism. It was broadcast. Even the word "senseless" was used.

And what could be the impact on troop morale and discipline? When Senators, 12,000 miles removed from Hamburger Hill, call the 10-day action "senseless and irresponsible," can it be interpreted in any other way than a direct reflection on the judgment and competence of our field commanders in Vietnam. If this is to be taken as the home-guard appraisal of the skill, judgment, and capability of our commanders, what does it do to troop confidence?

General Paulus said it all 2,100 years ago when he observed:

> If, therefore, anyone thinks himself qualified to give advice respecting the war which I am about to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state but let him come with me into Macedonia.

Mr. MANSFIELD. Mr. President, I listened with a great deal of interest to the measured remarks of the distinguished minority leader, and I noted with interest his reference to something which happened before the birth of Christ, and which has become part of Roman history.

I also noted that he started his remarks by saying that both he and the distinguished assistant majority leader had much in common, not only because they share membership in this particular body, but also because in their military service they both started out as privates. I think I could join with my two colleagues in that respect, having been a seaman second class in the Navy, a private first class in the Marine Corps.

It is my recollection and understanding that the distinguished senior Senator from Massachusetts likewise achieved the high rank of private first class, and he was disappointed that he was unable to make corporal.

But I think that what he had to say he had a right to say; just as what the distinguished minority leader has said he had a right to say. Members of this body are supposedly mature in judgment; Members of this body are responsible for every word they say; and Members of this body have to account to the people of the States from which they come for their actions as well as their words.

In my opinion, Vietnam is a barbaric, tragic, and senseless war. It is a war in which we never should have become engaged because, in my opinion, it is not vital to the security of the United States. This statement is nothing new with me. I have made this statement time and time again on the floor of this Chamber, and I have made it to the people of the State of Montana, whom I have the honor and privilege to represent.

I think, as far as Vietnam, is concerned, it strikes into the heart and mind of every one of us, regardless of our personal feelings on the war.

I picked up the Great Falls, Mont., Tribune this morning and noted that up to Memorial Day 179 citizens of my State had made the ultimate sacrifice, and that in 1 year to the day—from Memorial Day 1968 to Memorial Day 1969—nine citizens of the city of Great Falls had made the supreme sacrifice. The totals were for a small city and a small State of less than 700,000 in population—the price which Montana has paid in this war—and for what? For what?

Just ask yourselves that question.

The distinguished minority leader refers to the importance of a particular hill. It is my understanding that after that hill was taken—and it took 12 assaults to achieve the objective—it was abandoned. It is my understanding that there were other hills in the same vicinity just as important, I would assume, as was the particular hill in question. It is my further understanding that the general who was responsible for this undertaking, said in effect—and I think I quote him almost exactly—that "The hill had no strategic value."

Well, as I tried to say last Thursday, hills can be taken and lost, hills can be held for a long time or held temporarily, but lives once taken are gone forever. The taking of a life is permanent.

The distinguished minority leader mentioned Fabius, referring to him as "Fabius the Delayer." Fabius fought for years and years and finally he won, but he won at a terrific cost in lives. Nevertheless, Rome survived.

We will survive, in spite of the tremendous cost now approaching 40,000 dead in Vietnam, well over 200,000 in casualties, and almost $100 billion in cost. We will have to live with this mistake which we have made and do the best we can to find a way out of it.

So far as Hanoi's picking up the words of a Senator in this body is concerned, they have been doing that for 3 or 4 years, ever since the war started. And, may I say, in reverse, that we in this country have picked up the words of prominent officials in Hanoi, when it suited our convenience, and we have also released secret documents, when it suited our convenience—documents which indicated that the enemy was losing the war and that we were winning it, and that victory was just around the corner. Well, gentlemen, we know where we stand in that respect at the present time.

I would say that on the eve of President Nixon's meeting with President Thieu at Midway on Sunday next, it would be well for us to try to show a degree of coordination and unity behind Mr. Nixon. On the basis of what he has done to date and what he said in his speech—I think it was the 14th of May, wherein he laid out the points which allow him great maneuverability and flexibility—I believe he will uphold what the aims of America are in this war and not what may be someone else's.

We have borne a great burden in manpower, in treasure, and in tragedy and I have every confidence that the President of the United States meant what he said in his speech to the Nation on Vietnam, and I have every confidence that he will uphold his position when this meeting occurs on Sunday next.

Mr. President, so far as I am concerned—and this is nothing new with me—every Senator, whether he be Republican or Democrat, whether he be hawk or dove, will have the right and should have the right to speak as he sees fit, because he does have to answer to his colleagues, to his people, and to the Nation for what he says. Of all the people in all branches of Government outside of the President and Vice President, we are subjected to the will of the people who sent us here. We are answerable to them and we are answerable for every act we take and every word we utter.

I think it is one of the great privileges of this body that we have the right to speak from our hearts and from our minds, and to state honestly what we think about this or any other subject which is of vital interest and import to the Nation.

Mr. DIRKSEN. Mr. President, I make two observations. The question of whether we should or should not be in Vietnam is not before us. We are confronted with the stark fact that we are there and that we have one-half million Americans in Vietnam today.

They are under very able leadership. The question is whether that leadership now shall be undercut and whether remarks shall be made that reflect upon that leadership and have a chance to impair the confidence of the troops who have to do the fighting.

That is the point I make.

I would have been shocked, I think, if, as a soldier on the Western Front over 51 years ago, similar remarks had been made on this floor about those who were our commanders, indicating what the strategy in World War I should have been.

Thus, it is always a question of making certain that discipline is not impaired and morale is not impaired.

That is the point I make. And that is the point that must necessarily be criticized, and, whenever it occurs, I shall certainly speak my piece at any time and at any place, and take issue with those who do it.

I do not for a moment contest their right to say it. They can say what they like, and it can be as frivolous or as meaningless as they have capacity to make it; but I am not going to let it go by unchallenged in the interest of those who are doing the hard fighting in Vietnam 12,000 miles from this Chamber.

Mr. MANSFIELD. Mr. President, so far as leadership is concerned, I think we should place that particular matter in its proper context.

A soldier carries out his duties and his obligations. He is directed by the authorities here in Washington as to the sort of procedure under which he must operate. It is my understanding—and I think it is the correct one—that when the bombing of the north stopped, around the first of November last year, orders were issued under the previous administration to "keep the pressure on."

If that policy is still the policy of this Nation in Vietnam, then I think the fault lies not with the military leaders in the field but with the high military, political, and civilian leaders in this country who are responsible for the laying down of policy.

So far as the military is concerned, it is their duty and their obligation to carry out that which is laid out for them to do. They have no choice in the matter. But, so far as making policy is concerned, we should remove any stigma from Vietnam and its leadership and the soldiery there, and place whatever blame there is where it belongs—right here in Washington.

Mr. DIRKSEN. Mr. President, I cannot imagine someone looking at a battle map in the Pentagon and then indicating whether there should be an assault upon Hill 927, which has been dubbed Hamburger Hill. That determination had to be made there.

It has been related that it had no strategic value. The fact is that as soon as they took Hamburger Hill, they then proceeded methodically to flush out the enemy wherever they found them.

In that respect, it was an undertaking that the military people thought should be undertaken, and they equated it with whatever the cost should be. It was a military judgment in the field and not here.

Mr. MANSFIELD. If I may reply to the distinguished minority leader, he is referring to one particular incident which I did not mention by name. What I am referring to is the general policy which has been in effect since the bombardment of the north stopped on November 1, 1968, and what seems to be a continuation of that policy up to this time—a policy which is an inheritance from the previous administration.

APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Texas (Mr. YARBOROUGH), and the Senator from Vermont (Mr. PROUTY), to the 22d assembly of the World Health Organization to be held at Boston, Mass., beginning July 8, 1969.

WASHINGTON STAR MAKES USEFUL CORRECTION OF PROXMIRE FIGURES ON THE DISTRICT OF COLUMBIA INCOME

Mr. PROXMIRE. Mr. President, a few weeks ago, I told the Senate that the District of Columbia is the richest city of those cities with a population of between 500,000 and 1 million in the country; that it had a larger percentage of families with incomes over $10,000 than any of the others; that it had the highest average family income; and that it had the smallest proportion of families with incomes below $3,000 per year.

I suggested that these figures suggested that the District could solve most of its poverty problem itself, if it were unleased and given home rule.

In an excellent article in yesterday's Washington Star, James Welsh concedes my basic argument on the relative wealth of the District and its capacity to meet its problem, but vigorously disputes validity of the figure of $14,222 that I offered as the average household income in the District for this year 1969.

Mr. President, I think Mr. Welsh is right. I had taken the figure from a study which the Library of Congress secured from Sales Management Magazine's Survey of Buying Power and the Editor and Publisher Market Guide.

Mr. Welsh does a highly plausible job of showing, from the most recent Department of Commerce figures of District of Columbia personal income and the District's own figures of the number of households, that this $14,222 is probably much too high for the average income—even if average is defined as the arithmetic mean instead of the median. The Welsh analysis suggests that the figure I used is probably $4,000 or more too high.

Mr. President, to supplement the Welsh analysis, I would call attention to the figures I published at the time of my statement showing the proportion of families with incomes above $10,000 in 1967. Washington had the highest proportion of such families, but it was still only a little more than 30 percent. Obviously the median average was less than $10,000 in 1967, and probably less than $9,000. It was very likely well below $10,000 in 1969.

Mr. President, I think the Welsh article places this numbers game in a far more realistic and appropriate context than did the stark figure of $14,222 which I used in my original speech. I ask unanimous consent that the article by Mr. Welsh, entitled "High Income Report for District of Columbia Questioned" be placed in the RECORD at this point. And I congratulate Mr. Welsh on handling a complicated statistical mare's nest with an unusual sense of proportion and fairness.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AVERAGE $14,222? HIGH INCOME REPORT FOR DISTRICT OF COLUMBIA QUESTIONED

(By James Welsh)

Residents of the District may be considerably less affluent than they recently were pictured.

"A whopping $14,222" is the annual average household income within the city, Sen. William Proxmire told the Senate a couple of weeks ago.

That's the kind of statement that sends economists and statisticians scurrying. Any number of them, staffers of the District government, the Census Bureau and other agencies, have been busy since then, checking a welter of figures.

As a result, they are prepared to say that $14,222 figure is much too high, especially if the figure is interpreted as what the typical family makes in a year.

The Mayor's Economic Development Committee, for instance, has conducted a study based on a sampling of Social Security payments, that will show the typical income figure below $10,000. The District statistical information office worked up a quick study last week, also picking apart that $14,000-plus figure.

These studies have not been made public yet. One problem is that no one involved wants to cross Sen. Proxmire. He is chairman of the Senate Appropriations subcommittee on the District. And a chief purpose of his speech was to show that the city deserves home rule and has "the financial muscle" to solve many of its problems. Who in the District government wants to fight that?

On the other hand is the apprehension of city officials that Congress, if it gets the idea the city is swimming in affluence, will do less than it might about poverty and other social problems.

Another problem is that the whole issue is a statistical minefield. Until next year's census, there is not enough information to support a precise calculation of income. As one economist put it:

"We have just enough information to get in a good fight and confuse everyone."

Proxmire's information came by request from the Legislative Reference Service of the Library of Congress. That unit did no original research but rather performed a library function, preparing readily available data in table form.

Its sources for income from 1967 to 1969 were two publications—Sales Management Magazine's "Survey of Buying Power" and the Editor and Publisher Market Guide. The figures were compiled for Washington and 15 other cities of 500,000 to 1 million population.

No one among the study's critics seriously disputes one conclusion, that Washington is tops in income among the 16 cities, with a disproportionate share of people making more than $10,000 and relatively few people in the poverty class. But the dollar amounts themselves are another matter.

Economists with the city government and the Census Bureau privately question the methods of Sales Management and Editor and Publisher in assembling income data, some going so far as to say the data is worthless. This comes despite the fact that business firms throughout the country, starved for accurate marketing information, rely heavily on these figures, especially those put out annually by Sales Management.

HOW MUCH IS AVERAGE?

Then comes the problem of definition. That $14,222 figure is listed as "average household income."

One statistical bramblebush involves the word "average." Another involves "household."

With income distribution, the average always is higher than the median, or typical, income. Median income is a half-way figure, with half the incomes above, and half below it. In any city, some people have extremely high incomes, pulling the average above the median.

Most economists believe the median a better figure to use. But in the absence of a census count, it is a very difficult figure to determine.

XUM

A household consists of all the persons who occupy a housing unit. It might be four secretaries in an apartment, pooling four separate incomes. It might be two or more families in the same house, as with a young married couple living with parents.

Census officials don't like the household-income measurement, they much prefer family income or individual income. In any calculation, the average or median household income is always higher than the average or median income of families and single persons added together.

POSSIBLE PROCEDURE

A rough calculation of income in the District might be made this way:

The Department of Commerce's "Survey of Current Business" published a preliminary figure for 1968, showing total personal income in the District as $3.65 billion. This included all wages, salaries, income from business, and government payments such as pensions and welfare stipends.

Last year, according to city figures, there were about 279,000 households in the District. No one has a precise total of families and single persons here, but if this total is in the same proportion to households as it was when the 1960 census was taken, it can be said that last year 353,000 families and individuals were living in the District.

With that total divided into the Department of Commerce's income figure, the average income comes out to $10,300.

SOME MODIFICATIONS

No one is prepared to say how far the median, or typical income falls below the average, although one District economist guessed it could be as much as 20 percent.

If the median is 10 percent below the average, the typical income in the District last year would have been $9,300. In view of government estimates that incomes are rising about 5 percent annually, that figure goes up to $9,800.

Confronted with all this, Dr. Herman Miller, a top official of the Census Bureau, had no real quarrel with it, but commented: "It will probably confuse people about as much as all the other calculations."

But a $9,800 income estimate might make the poor feel a little less poor than that $14,222 average. It might make the family that's actually in the $14,000 bracket feel a little better, too.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 3 minutes.

The PRESIDING OFFICER (Mr. Schweiker in the chair). Without objection, it is so ordered.

A NEW MANNED BOMBER

Mr. PROXMIRE. Mr. President, I have released a nonsecret and unclassified reply to my April 7, 1969, letter to Secretary of Defense Laird.

The original reply marked "secret" was returned by me to the Pentagon in line with my practice of refusing secret and classified material.

My April 7 letter questioned whether the Air Force should build a new manned bomber—AMSA—which would not be delivered for almost a decade. AMSA stands for advanced manned strategic aircraft.

The reply was signed by John S. Foster, Jr., director of Defense Research and Engineering.

I am delighted to get this unclassified letter. It shows that by insisting on full information one can get a reply which is responsive and yet nonsecret. This is in the public interest and necessary to public understanding. I intend to follow the same practice in the future and to insist on responsive, nonsecret replies to questions concerning the huge defense budget.

Concerning the substance of the letter:

First. I am gratified that Mr. Foster has said in unqualified terms that production of this plane will not take place now. I am pleased that the decision to initiate development of the plane, according to Mr. Foster's letter "in no way implies a decision now to produce or deploy the system" and that "production decisions can be delayed until the uncertainties are resolved."

Congress should also have advance notice of any decision to move into production. Congress should have the chance to approve or disapprove that decision. I will seek additional guarantees from the Pentagon that the Air Force will not move into production until Congress has specifically agreed to that action.

Second. Once again the Pentagon appears to be grossly underestimating the ultimate costs of a weapons system. The figure of $25 to $30 million each is hard to believe. This is a highly sophisticated plane which, if produced, will not be delivered in quantity until 10 years from now.

This looks like the biggest underestimate of a long list of underestimated costs by the Pentagon on major weapons systems. The figure strikes me as unrealistic, unreliable, and unattainable.

This plane will have a weapons system and avionics system many times more complicated that the C–5A cargo plane, whose costs now are over $40 million each. The Pentagon is kidding the public and itself when they estimate a cost of $25 to $30 million per plane for the AMSA.

Third. While I favor a policy of greater emphasis on research, development, testing, and engineering, and the development of working prototypes before production on mammoth weapons systems begins, the figure of $1.8 billion for R.D.T. & E. for this plane is very, very high. It represents 20 percent of the total funds that the Director estimates a fleet of 200 planes will cost. This job should be done more efficiently and for far less money.

Fourth. The AMSA program should be kept flexible. No final decisions should be made now. I question whether a plane should ever be built.

This plane will be obsolete before it flies. As long ago as 1962 the President and Secretary of Defense decided against such a plane on grounds that it would be obsolete before it could be delivered in large numbers.

The Russians do not have such a plane nor plans to build one. They do not consider it necessary or desirable.

Mr. President, why do we need a new manned bomber in an age of sophisticated missiles? What can a bomber possibly do that a missile cannot do better and cheaper?

If it is said these planes are to be used in conventional warfare, what can they do that a B–52 cannot do which justifies $1.8 billion for development and $10 to $20 billion as a minimum for production?

I ask unanimous consent that the full text of the Pentagon's nonsecret reply to my letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

May 27, 1969.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Secretary Laird, who is away from Washington, asked me to send you an unclassified reply to your letter of April 7, 1969 in place of the classified letter he sent to you last week. Before answering the specific questions on AMSA, I would first like to address our general objectives for the AMSA program and our intended approach to its development.

Basically, we view AMSA as an economical replacement for the B–52 bomber. We also visualize AMSA as having better survivability and penetration characteristics than does the B–52, and believe it appropriate to incorporate improved capability made possible by the increases in technology during the 20 years since the B–52 was in the design phase.

We do not know precisely how long the G&H models of the B–52 can be kept in the force before they wear out. We can estimate that the B–52 C–F models will require extensive and expensive modifications to extend their life past 1977–78. Because of such uncertainties and because of the long lead times involved in development of a new manned bomber system, I believe it prudent to initiate development of such a system at this time. (I would hasten to point out that our proposal to start development on AMSA in no way implies a decision now to produce or deploy the system.) Production lead time is not nearly as long as development lead time and we believe that production decisions can be delayed until the uncertainties mentioned above and those connected with the threat are better resolved.

We would like to start development now in order to reduce the time between a production go-ahead and IOC to a time interval more compatible with intelligence lead time. Thus, our basic objective is to formulate a development program where significant progress can be made but which contains adequate flexibility allowing a configuration freeze to be made far enough downstream so that the system, when delivered, will be what we want and need at that time.

During the last nine or ten months, the Air Force has investigated various development approaches tailored to achieve the above mentioned objective. We have tentatively selected one of these approaches and are now in the process of further refining it to better meet our objectives. Although all details of the program are not yet defined, our general approach will be to initiate development after selecting an airframe and engine contractor toward the end of this calendar year. We do not propose to then initiate the development of the entire avionics system with selected contractors. Our objective here is to extend competition on some elements of the avionics systems until adequate requirements analysis and subsystem tests have been accomplished.

The program we propose to initiate at this time would extend through the design, fabrication and flight test of several experimental airplanes and their subsystems. A production commitment might be made prior to completion of this development program provided the need was clear and technical performance milestones were satisfactorily achieved.

Now let me attempt to answer the questions in your letter.

XUM

First, we do not intend to pursue "contract definition" as outlined in DOD exhibit 3200.9. The past three and one-half years of advanced development effort on AMSA has provided the technical data which is normally part of the output of a formal contract definition phase. Instead, we propose to proceed on into engineering development which would normally follow contract definition phase, but without a production commitment at this time. However, by contract award, we will have defined a contract on which this development will be based.

Second, the additional FY 70 funding does not, as mentioned above, commit us to build any production airplanes. The initiation of the development program at this time will provide us with test results on an engineered AMSA configuration and appropriate subsystems upon which future production decisions can confidently be made.

Third, we have made no commitment nor do we now have any plans to buy a specific force size of AMSA airplanes. Therefore, it is not possible to allocate development cost on a per unit basis. However, the RDT&E program is estimated to cost about $1.8B. We cannot at this time give any firm costs on production units since this is dependent on the system configuration and negotiations with the contractors that will participate in the program. However, based on the past three and one-half years of preliminary design effort, we estimate the production airplans will cost about $25M to $30M when bought in quantities in excess of 200 airplanes.

Fourth, we have not decided on a force size at this time. I believe that the number of planes that you mentioned should be considered as the upper limit of the procurement and represent the number of AMSA airplanes necessary to duplicate the task performed today by the B–52 fleet. The fleet size will be determined based on our forecasted strategic needs at the time a production decision is made. If the number of planes you suggested were ultimately procured, I would estimate the program cost to be about $9B not including operating costs.

Fifth, we believe it important to maintain a deterrent posture with a mixture of all three elements of our strategic force—bombers, land based missiles and sea based missiles. The mixture is a hedge against any one of the elements failing to deter a potential enemy. The mixture also compounds his problems and fragments his resources in trying to negate our deterrent. For example, defense against the bomber attack requires a basically different system than that required against the ballistic missiles. In similar fashion, he might attack the land based missiles with ICBMs but these would not be effective against the sea based missiles. In general, we are not trading off bombers versus missiles to arrive at a single system for our strategic deterrent. To do so is a high risk approach allowing an enemy to focus his resources against that system. In view of the consequences involved, a high risk approach to strategic deterrence is not an approach consistent with national security objectives.

Sixth, since we view AMSA as an economic replacement for the B–52 force, it is difficult to see how the replacement of over 600 B–52s with far fewer AMSA airplanes could be interpreted as a provocative action or an escalation of the arms race.

Additionally, I would like to note that we do not consider AMSA as a replacement for the FB–111. When the decision was made to develop the FB–111, it was considered to be an interim measure and not as a strategic system with the 20-plus years lifetime of the B–52 force. Again, we consider AMSA to be the B–52 replacement and intend to tailor its characteristics so that it will endure as the strategic bomber with a lifetime similar to that realized by the B–52 force.

The additional FY 70 funding has been proposed because the program we now visualize has a shorter competitive period for some of its elements resulting in an earlier start on some elements of detailed engineering as compared to the previous program.

I trust that the above information answers your questions on the objectives of and approach to the development of AMSA. I will be pleased to answer any additional questions that you have on this matter.

Sincerely,

John S. Foster, Jr.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. SPARKMAN:

Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission.

EXECUTIVE SESSION

Mr. SPARKMAN. Mr. President, the Committee on Banking and Currency unanimously voted in favor of recommending to the Senate the confirmation of the nomination of Hamer H. Budge to be a member of the Securities and Exchange Commission. The nomination has just been reported.

I ask unanimous consent—and I may say this is agreed to by both sides of the aisle—that the Senate proceed in executive session so that we may take up that nomination at this time.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider executive business.

SECURITIES AND EXCHANGE COMMISSION

The PRESIDING OFFICER. The nomination will be stated by the clerk.

The legislative clerk read the nomination of Hamer H. Budge, of Idaho, to be a member of the Securites and Exchange Commission.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination?

Without objection, the nomination is confirmed.

Mr. SPARKMAN. Mr. President, I ask that the President be notified immediately of the confirmation of the nomination.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, JUNE 5, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be officially excused from attendance upon Senate business from Wednesday, June 4, until Friday, June 13, 1969, for the purpose of attending a meeting of the United States-Canadian Parliamentary Group in Ottawa, Canada, and to spend a little time in Montana at this particular time of the year.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESS AND THE TOBACCO INDUSTRY

Mr. LONG. Mr. President, in today's Washington Post an editorial appeared entitled "Bowing to the Tobacco Lobby."

The problem raised by the discovery of the connection between cigarette smoking and cancer, heart disease, and other diseases requires that either Congress or certain regulatory agencies take action in the public interest.

I, for one, do not care to see the tobacco people badly injured, or driven out of business. It seems to me that in this situation it might be very appropriate for Congress to dedicate some of the money raised from the cigarette tax to pay the tobacco industry for any loss it might suffer if it were compelled to quit advertising cigarettes on television, radio, and the other media controlled by Federal regulatory agencies.

The problem is one that we cannot ignore, and the fact that we have failed thus far to serve the public interest has done nothing to reduce the rate at which people smoke tobacco, or in fact the rate at which new young people are recruited as smokers. People are led to believe that there is something in smoking that involves good taste, or makes one more desirable as a man or as a woman, as the case may be. Evidence would tend to indicate that since the disclosures have come forth, we have more or less played the part of a patsy for the tobacco industry, letting them go ahead and expand their sales while failing to take any significant action to inform the public of the health hazards, or do anything to limit the advertising of the product.

I have for some time considered drawing up a bill to help the tobacco industry divert its efforts into other lines, by means of grants, insured loans, subsidies, or whatever it would take to concentrate the efforts of the industry into something more constructive and more in the public interest. The fact that Congress has thus far done so little about the disclosures achieved by public and private agencies is clear evidence, on the face of it, that we should be thinking in terms of some sort of effective action in this general area. I expect to draft and introduce legislation along that line sometime soon.

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I ask unanimous consent to have printed in the RECORD the editorial entitled "Bowing to the Tobacco Lobby," published in today's Washington Post.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

BOWING TO THE TOBACCO LOBBY

The House Commerce Committee has put itself in a very awkward position. By a vote of 22 to 5 it has reported out a bill which has as its chief purpose the suppression of information about the health menance of cigarettes. In the face of growing concren over deaths resulting from cigarettes, the Committee has yielded to the tobacco lobby in shameful fashion.

The main thrust of the bill is not altered by the fact that it would also require a somewhat stronger warning on cigarette packages. Its basic purpose is to stay the hand of regulatory agencies in dealing with this hazard to health until 1975. If passed, the bill would prevent the Federal Communications Commission from putting into effect the ban on television and radio advertising of cigarettes, which it already tentatively approved. It would also thwart a proposed Federal Trade Commission requirement that cigarette ads include a warning that smoking may cause death from cancer and other diseases.

Nearly six years ago the Surgeon General's Advisory Committee on Smoking and Health concluded that "cigarette smoking is causally related to lung cancer" and that the death rate from coronary artery disease, the foremost killer in America, is 70 per cent higher for cigarette smokers. Much independent research since that time has confirmed these findings of lethal consequences from smoking. Yet a substantial majority of a congressional committee supposed to represent the people in their respective districts has voted to prevent any effective remedial action from being taken.

This comes uncomfortably close to being a public-be-damned attitude. To put it bluntly, a freeze on any type of regulatory action against the promotion of cigarettes for six years would be bound to contribute, at least indirectly, to many thousands of unnecessary deaths. The country cannot afford such slavish obeisance before the tobacco industry. In dealing with any such widespread habit as smoking the Government must of course feel its way. It can take only one step at a time. But with conscientious regulatory bodies prepared to take such cautious steps, it would be an outrage for Congress to say that this one cause of death must be given free rein to help the tobacco industry. If Congressmen will permit themselves to think realistically about this issue and about the probability of a backfire against the callous demands of the tobacco lobby, they will consign this reckless Commerce Committee bill to the grave that it deserves.

UNITED STATES BUYS "GREAT SOCIETY" FOR JOHNSON

Mr. WILLIAMS of Delaware. Mr. President, in the May 11, 1969, issue of the Philadelphia Inquirer there appeared an article by Saul Kohler entitled "United States Buys 'Great Society' for Johnson."

This article calls attention to the elaborate expenditure of Government funds to build a replica of the President's office for ex-President Johnson.

The Federal Government has always recognized the need for providing facilities for ex-Presidents, and as a Member of Congress I have supported such steps. There can be no justification, however, for this Texas extravaganza. The expenditure of this large sum is not necessary to perpetuate the memory of the Great Society—the unpaid bills that were charged to the future generations will remain as a sufficient reminder.

I ask unanimous consent that this article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

UNITED STATES BUYS GREAT SOCIETY FOR JOHNSON

(By Saul Kohler)

WASHINGTON, May 10.—The Great Society of Lyndon B. Johnson, while it may be down, certainly is not out.

It isn't likely to be, so long as the government underwrites the expenses involved in immortalizing the former President—right down to a Texas replica of the White House oval office, $454,981 in annual salaries for employes and consultants, a brand new $440,000 post office and federal building for Johnson City, Tex. (pop. 385), and machines ranging from a $10,155 typewriter with a brain to a security-minded waste basket for $445.50.

Those are some of the expenditures in the name of transition disclosed in a survey by The Inquirer.

Originally, the Presidential Transition Act of 1963 provided that the changeover take six months. Several congressmen now suggest that it be extended to a year, but a recent opinion by Comptroller General Elmer B. Staats suggests 18 months.

Meanwhile, that Johnson inventory in Texas includes:

The $12 million Johnson library building being constructed by the University of Texas, for which informal planning began in 1966, and construction in 1967. It is here that the oval office replica will be built, right under the helicopter landing pad on the roof.

$208,400.62 worth of office equipment, $148,550.31 of it for Mr. Johnson's office in Austin. The ex-President also maintains offices in Dallas and Johnson City. The Austin offices are provided and maintained by the operators of the Commodore Perry and Driskill Hotels. The government is leasing basement office space in the Johnson City Bank until the new post office building is completed.

Salaries of $28,000 a year for an executive assistant and two special assistants to Mr. Johnson. The former is Wyatt T. (Tom) Johnson Jr., who served as deputy White House press secretary under Mr. Johnson.

Consultant fees of $100 a day for Walt Whitman Rostow (who works 12 days in each of the government's 24 pay periods) and for Yoichi R. Okamoto (who works 10 days). Rostow, former Presidential adviser, thus would receive $28,800 annually, and Okamoto, the photographer who was assigned to the White House in the Johnson years, $24,000.

The bulk of the staff is assigned to the Lyndon Baines Johnson Library from various departments of the government, and the 29 employes may return to their normal duties later. The transition staff consists of 14 persons.

The library, actually a complex which will include a 100-seat auditorium, a 205-seat lecture hall, archives and audio-visual research facilities, will be completed next April.

Office facilities for former Presidents heretofore have been limited to:

A suite in the Waldorf-Astoria Hotel, New York, for Herbert Hoover.

Office space in the library building at Independence, Mo., for Harry S. Truman.

The residence formerly occupied by the president of Gettysburg College for Dwight D. Eisenhower.

The Johnson City post office would have two stories and a penthouse, with elevators, air-conditioning, a fallout shelter and exterior parking.

Johnson City, the seat of Blanco County, is about 40 miles west of the state capital at Austin. Its principal industry is agriculture.

"The principal requirement for the building is to meet the growing needs of the postal service in the postal area served by the Johnson City post office now located in inadequate leased facilities," a high government official wrote last September.

"In addition, the boyhood home of President Lyndon B. Johnson, located in this community, has been included in the National Register of Historic Places. . . . The community thus attracts numerous visitors.

"It is appropriate, therefore, that federal activities serving the community and its environs be housed in a federal building which reflects the full dignity of its location."

At present, the government pays $1860-a-year rent for the space occupied by the Post Office and Department of Agriculture.

While waiting for the luxurious new facility, the government has spent $10,418 to refurbish the basement of the Johnson City Bank for the President's use—the bank collects $1 a year as rent—and $59,850 for administrative equipment.

The office machines and furnishings include an IBM "selectric" typewriter for $10,155; two similar but smaller models at $7210 each; $5890 worth of dictating and transcribing equipment, and a "destroyit" waste basket which shreds scrap paper for security reasons, at $445.50.

There also is a stapling machine worth $159.44 and an envelope opener which cost $245.

The justification for the high-priced library staff is contained in a confidential memorandum, which says in part:

"The staff of the Lyndon Baines Johnson Library performs a wide range of services for former President Johnson and his immediate staff. The library director (Chester A. Newland, at $26,264 a year) and his assistants respond directly to the many written and oral inquiries addressed to former President Johnson regarding his papers and other historical materials, the other research resources available through the library, and all aspects of the library's current and projected activities.

"The library staff performs essential services in locating and furnishing previous correspondence and information from the former President's papers necessary to respond to the continuing heavy volume of his current correspondence.

"It provides from his papers background material and data required by the former President and his staff in preparing statements, speeches and articles or other writings for publication. It also provides copies of photographs and motion picture footage intended for use by the former President in his varied activities."

The mail unit which handles Mr. Johnson's correspondence is multilingual since much of his mail comes from abroad.

The idea of the oval office, identical to the Chief Executive's work room at the White House, came from Mr. Johnson.

And this is the justification for it:

"A former President requires suitable accommodations for the reception of distinguished guests and officials, without sacrificing the privacy of his home or business office . . ."

Mr. Truman has available to him an office in the Truman Library, and Gen. Eisenhower had an office in Gettysburg.

But neither matched the grandeur and solemn splendor of the Oval Room in Texas, where no visitor will be able to forget that Lyndon B. Johnson once was President of the United States.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

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The bill clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SAFEGUARD PROPOSAL

Mr. MANSFIELD. Mr. President, the Senator from New Hampshire (Mr. McIntyre) delivered an address this past week to the New Hampshire Council on World Affairs entitled "To Strike a Balance—A Constructive Alternative to Safeguard."

I feel that this speech is a useful addition to the dialog, and, accordingly, I ask unanimous consent that it be printed in full at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

To Strike a Balance—A Constructive Alternative to Safeguard

(By Senator Thomas J. McIntyre)

Only a few times in our Nation's history have we faced a more far reaching, more profound, more truly significant debate than we face today in dealing with President Nixon's proposal to deploy the so-called Safeguard system.

You have to look back in our history to the raging controversy over the League of Nations after World War I or the bitter discussion over Lend Lease before Pearl Harbor to find our people as involved and as deeply concerned as they are today over Safeguard.

As in those cases, the immediate question at hand is most significant as a symbol of a much broader issue. The Safeguard debate is the most visible public focus of a searching national review in which Americans are presently engaged—a review of the size and role of the defense establishment in American life.

This review involves a cluster of basic questions which Americans of persuasions are asking of themselves and their government. Questions such as:

How much defense is enough?

How much deterrent is sufficient?

How much can we afford to spend on the military when our domestic needs are so vast and urgent?

What are America's international responsibilities in a troubled, divided, and hungry world?

Are we doomed to an unending arms race or can we somehow turn the corner with a secure arms limitations agreement with the Soviets?

How do we protect ourselves and others against a Russia which invaded Czechoslovakia and which continues to pile up strategic arms at a horrifying rate?

How does a democratic society assert its legitimate control over a new, powerful, and often independent complex of military and industrial institutions which have arisen in the last generation?

These questions transcend politics, station in life, and background. I do not need to remind anyone here of President Eisenhower's frank and open warning about the possible dangers of "misplaced power" rising out of the combined influence of a huge military establishment and big defense contractors. More recently, the distinguished former Marine Corps Commandant, General David M. Shoup, one of our valiant war heroes spoke out about the increasing influence of the "burgeoning military establishment and the associated industries which fuel it."

So these are not dove questions—nor hawk questions. They are *American* questions—ones which we as responsible citizens and representatives should properly be asking.

It is not enough merely to pose these questions rhetorically—as if the answers were self-evident. Nor is it enough merely to mouth these questions solely as expressions of the human feelings of frustration, fear, and anger about the violent world we live in.

Nor is it enough to ask only some of these questions. For example, it is no more useful to inquire only into the rising cost of the military and the threat of an arms race than it is to focus exclusively on the threats to our national safety.

This national review of the size and the role of the military must be searching, open-minded, and balanced. *It must be balanced.*

I feel the need for a balanced approach is especially crucial in this particular case before us tonight—President Nixon's proposed Safeguard system.

In my review of the maze of conflicting testimony on the Safeguard, I have focused on five basic issues which I feel must be confronted and balanced in coming to a decision on the proposal.

First, will the Safeguard system work?

Second, will the deployment of Safeguard intensify the arms race?

Third, will the deployment of Safeguard help or hinder the negotiation for a secure arms limitations agreement with the Soviets?

Fourth, is there a Soviet threat to the strategic balance? And if so, is an ABM system the best way to react?

Fifth, how would the deployment of the Safeguard system affect our efforts to meet our urgent domestic needs?

Let's examine each of these in turn.

The question of whether the Safeguard system will work cannot be answered with a simple "yes" or "no." The system has five basic parts—a long-distance radar, a short-range radar, a long-range missile (Spartan), a short-range missle (Sprint), and a computer which ties together the entire system. Each of these components has been tested and is capable of working as a separate unit.

Still the Safeguard would be the most complex weapon system ever built. Since its mission is defense and since it would have to react to surprise, its requirements for accuracy, speed, and reliability would be far more demanding than in any previous system. The crucial question about Safeguard's dependability is whether its components will work together as a reliable integrated system.

Expert witnesses—both for and against the system—agree that at least three vital questions remain about the Safeguard's workability as a system:

1. Would the radars and the computers work reliably together as an integrated system?

2. Is it possible to write a computer program for so complex a system?

3. Can such an intricate system be maintained at the necessary "hair-trigger" state of readiness over long periods by operational military crews—as distinguished from the teams of scientists and technicians who tested the individual components?

I believe we would need better answers than we now have to these questions in particular, before we could deploy the Safeguard system with a high degree of confidence in its reliability.

The second basic consideration for me has been whether the deployment of the Safeguard would intensify the arms race.

The first phase of the President's proposal, which calls for deployment at two Minutemen sites in Montana and North Dakota, is designed for the defensive purpose of protecting our deterrent. The Sprint missiles travel only a very short distance and obviously could not be used to attack the Soviets. The Spartans have a longer range, but would have to be substantially modified to be used as an offensive weapon against Russia. Hopefully the Soviets would not misread our intentions.

But no matter what our actual interest, no matter what the precise military effect of the deployment of this first phase, we still would be adding more and new kinds of nuclear weapons to our arsenal if we deployed even at two sites. And this could be used as an excuse by the Soviets to add to theirs.

The probability is even higher that the later stages of Safeguard contribute to an intensified arms race. Although these phases of Safeguard are designed primarily to protect our deterrent by defending SAC bases, more Minutemen sites, and Washington, D.C., this full system would also have the incidental effect of establishing a continental radar system covering most American cities.

Soviet planners would no doubt react to this full system in the same way that we reacted to their installation of an ABM system around Moscow—by adding more and new kinds of offensive weapons.

In fact, the Soviets would probably overreact. Whatever the actual reliability of the Safeguard, the Soviet planners would respond on the assumption that it would be highly reliable as we did with their low grade system around Moscow. We would then be faced with the prospect of having to react to their over-reaction—and on and on and on.

Therefore, there is little doubt in my mind that the full deployment of the Safeguard and to some extent even the deployment of the weapons in the first phase would intensify the arms race.

Of course, no matter what we do, the Soviets may pursue their side of the arms race just as fiercely. We all must face up to that awful possibility. This potential Soviet threat to the strategic balance has been a third and very crucial consideration for me—a consideration which I deeply feel to be essential to any balanced analysis of Safeguard.

Let me make it clear at the outset that I regard this strategic nuclear balance as the surest guarantee of avoiding nuclear war now and in the foreseeable future.

We cannot choose between national security and nuclear peace. We cannot at this point have one without the other. The gravest and most horrible threat to our safety is a nuclear exchange, and nuclear peace depends on our having sufficient strength to maintain the strategic balance. Hopefully, in the future we might be able to limit, perhaps even to scale down, the level of strategic arms. But until that occurs the maintenance of the strategic balance is essential to avoiding nuclear war.

If the stability of this strategic balance were ever drastically altered so that the Soviets began to believe that they could destroy our deterrent and escape retaliation, then and only then might they be tempted to try a nuclear attack. Therefore, the credibility of our deterrent is absolutely essential to a secure peace. Everyone of the witnesses who testified on the Safeguard before the Armed Services Committee—both in and outside the government, both for and against the system—agreed on this fundamental premise.

For now, until at least the mid-1970's our deterrent and the strategic balance are secure beyond doubt, according to Secretary of Defense Melvin Laird.

But the Soviets are presently building their strategic weapons at a very rapid pace, and it is very difficult to tell whether they will be able to alter the basic strategic balance in the mid-1970's.

They are rapidly building large numbers of gigantic missiles which are clearly designed to threaten our Minuteman Force.

They are rapidly building attack submarines which might, in the future, be able

XUM

to threaten our presently invulnerable Polaris submarine force.

They are rapidly building their own Polaris-type submarines which might, in the future, threaten our SAC bomber bases.

If the Soviets continue this buildup, they might be able to threaten our deterrent forces, alter the strategic balance, and we would have lost our most secure existent guarantee against a nuclear war.

It is extremely difficult to assess the severeity of this potential threat to the strategic balance. It is unclear whether the Soviets will continue to build at such a feverish pace. It is unclear whether they would be able to overcome future improvements in our own strategic capability.

It is unclear whether they would be able to overcome future improvements in our own strategic capability. Even if they had sufficient weapons, it is very unclear whether they would be able to mount an attack with sufficient coordination and precision to destroy our deterrent forces completely.

The difficulty of assessing this potential threat to our deterrent and developing an adequate response, is compounded by the long lead-time that is required to develop and deploy weapons. By the time we would know for sure that the Soviets could threaten the balance, we might not have enough time to react effectively. This is especially crucial with the radars and computers in Safeguard which require an especially long lead-time to rest and integrate as a system.

Even if we would conclude for certain that the Soviet threat to our deterrent will be substantial by 1975, it is unclear whether the Safeguard system would be the most effective way to react.

There are other alternatives which some have proposed as being more effective at less cost. For example:

—We might super-harden our Minuteman sites—we might increase or improve our offensive weapons—or—we might develop ways of insuring the continued invulnerability of our Polaris submarines.

But however difficult it is to assess the potential threat to our deterrent—however difficult to choose an effective response—I feel very strongly that the security of our deterrent must be a prime consideration in any balanced analysis of the Safeguard system.

But if the security of our deterrent is essential to the uneasy kind of peace we now have with the Soviets, we must also seek a less tense and a less frightening kind of peace for the future.

To the human spirit, to a nation's soul, the quality of the peace is as important as its existence.

We must therefore make every effort to negotiate a secure arms limitations agreement with the Soviets. I was particularly impressed that all the witnesses before the Armed Services Committee—both advocates and critics of the Safeguard system—agreed unanimously on the importance of our pursuit of such negotiations.

Despite this agreement, there is a wide disagreement on whether Safeguard would help or hamper our progress with such negotiations. The critics of Safeguard have argued that the introduction of this new weapons system might raise doubts in the minds of the Soviets about how interested we really are in arms limitations. The critics also point out that the newness and the unknown capability of the ABM would unduly complicate an already complex task of reaching such an arms agreement.

However, the effectiveness and security of any such arms limitations agreement with the Soviets must depend on the Soviets believing that they have some interests similar to ours. Such an agreement must be rooted in this kind of mutual self-interest. I believe that our continued development of the Safeguard might drive home to the Soviets the fact that they have a stake in keeping the arms race in check, too. If they knew that we could deploy an ABM system—a new kind of system which would require heavy expenditures on their part to overcome—then this might be precisely the kind of incentive that would bring them to the bargaining table for real talks on arms limitations.

We must also be aware that in any such bargaining process, whether it be for arms limitations, or peace in Vietnam, the President's ability to negotiate effectively depends in large part on the general belief that he enjoys the confidence of the American people. A flat denial of the President's request for the Safeguard system could be construed as a vote of no confidence and might therefore hamper his ability to negotiate an honorable peace in Vietnam and an effective arms limitation with the Soviets. If at all possible, and if other considerations would permit, I want to help preserve as much as possible of the President's bargaining effectiveness as he seeks a more peaceful world.

A fifth major question I have asked about the Safeguard system is the effect its deployment would have on our effort to meet our urgent domestic needs.

It is unclear how much this system may finally cost. The President's proposal to deploy the system at only two sites would cost at least 2.1 billion dollars, not including several hundred million for related research and developemnt. This deployment would give momentum to eventual deployment of the whole system which the Administration says would cost in the neighborhood of 8 billion dollars, again not including related R and D.

Yet it might cost more. Recent overruns of cost estimates for other weapons systems—especially new ones—cast considerable doubt on the reliability of initial projections. I notice a recent article in the *Manchester Union Leader* which reported that the highly respected Defense Marketing Service at McGraw-Hill Company has completed a study estimating that the eventual total cost of the entire Safeguard system might be in excess of 13 billion dollars.

That amount of money would carry out our present hunger programs at the present rate for nearly a decade.

It would finance aid to elementary and secondary education for more than four years.

It would finance Federal law enforcement, anti-crime programs until the year 2030 (60 years).

Of course, it has been properly pointed out that if we become vulnerable to a nuclear attack, our domestic needs might go up in smoke along with the rest of our society. But it is equally true that our domestic needs are now so urgent and divisive that unless we somehow meet them, we might have no Nation to defend.

So what we desperately need is a balance of domestic and military priorities. As Senator Mike Mansfield recently said, "You have to achieve a balance somehow between external and internal security."

I feel that the American people want this balance and in order to achieve it we must somehow turn the corner on our spiraling defense costs.

During the past few months as I have tried to evaluate the Safeguard system, I have made every effort to seek the very best information I could from sources both in and outside government—both for and against the system. As a member of the Senate Armed Services Committee, a member of the Senate Preparedness Subcommittee and as chairman of the Subcommittee on Military Research and Development, I have felt a special responsibility to arrive at an independent and informed decision. I have devoted literally scores of hours in the past weeks in hearings and at briefings, questioning nearly half a hundred experts. I have read several dozen studies and reports on this subject both for and against Safeguard. I have also benefited from hundreds of thoughtful and informed communications from people in New Hampshire and throughtout the Nation. As I have weighed the mass of evidence and conflicting arguments, I have constantly sought to strike a balance of the five basic considerations I have discussed thus far.

I have concluded that a simple "Yea" or "Nay" to the President's Safeguard proposal does not in my opinion give such a satisfactory balance.

A simple "Yea" vote would deploy a system of uncertain reliability. The first phase would gain us little in actual protection of our deterrent. The cost would be enormous and the money expended might better be allocated to our internal problems. A simple "Yea" to the deployment of more nuclear weapons especailly as called for in the full system, would accelerate the arms race.

On the other hand a simple "No" vote as I pointed out above might hamper our attempt to negotiate an effective arms limitation treaty with the Soviets. A simple "No" might, to some extent, limit the President's bargaining position in his search for a more peaceful world. A simple "No" might mean that we would be unable to react in time if the Soviets continue to develop a threat to the basic strategic balance which is our essential guarantee against a nuclear war.

Since neither a simple Yea nor Nay meets the complex of issues I have discussed here tonight—issues which I feel to be crucial—I have been seeking in recent weeks a constructive and balance alternative to Safeguard.

Such an alternative must be carefully conceived. It cannot be an artificial compromise designed for political convenience. It must arise from a genuine effort to meet all the issues I've discussed.

I have heard of some such compromises which had no substance once their surface was scratched. For example, I have heard of one compromise which would deploy the Safeguard system at only one base. I guess this was designed to allow someone to say to one side: "See, we've cut back the President's proposal," and to the other side: "See, we are still deploying more weapons."

This is more a political compromise than a constructive alternative. Deployment at only one base would completely leave out the chance of an interplay of the radar and the computers between two locations. This problem of the interaction of the electronic components and related questions are the most difficult technical problems in the proposed safeguard system—problems which we must solve if we are to retain the option of meeting a clear Soviet threat in the mid-1970's. Deployment of the system even at one base, still leaves us with a system of uncertain reliability. The deployment of weapons, even if halved in number, would not relieve the fear of an intensified arms race.

But while such a political compromise is artificial and ill-conceived, I believe there *is* a constructive alternative to the Safeguard which naturally and logically emerges from a balanced review of the five considerations I've discussed tonight.

Let me state this alternative simply and briefly:

1. Deploy no ABM missiles at the present time. Require full Congressional review and approval of any future deployment of such weapons.

2. Continue our research and developmental testing of the radar and computer components of the Safeguard system, and install two sets of radars and computers so that we can test them as an integrated system.

The precise location of the two test installations is not as important as the essential features of the alternatives. There are two obvious possibilities: We could install the radars and computers at the North Dakota

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and Montana sites suggested in the President's proposed first phase of Safeguard, or we could add to our present testing apparatus in the Kwajalein Island area in the Pacific. There are advantages and drawbacks to each of these.

Installations in North Dakota and Montana could be seen as the first step toward eventual deployment. But on the other hand, this location would be cheaper and would involve no substantial delay in the development of the potential to deploy in the future.

The Kwajalein location would cost us both more time and more money. It would also be difficult to continue other kinds of research and development at the same place. On the other hand, this location could not in any way be construed as a foot in the door to future deployment of an operational system.

Whichever location is chosen is not so important as the basic ingredients of the alternative:

No deployment of the weapons in the system now;

No future deployment without Congressional review and agreement;

Continued research and development of the radar and computers at two sites so that we can test the integration of the system.

If we adopt this alternative we would not be contributing in any overt way to an intensification of the arms race, because no weapons would be deployed.

The Soviets would have an incentive, rooted in their own self-interest, to enter promptly into effective negotiations for arms limitations, because we would be developing the capacity to deploy at a later date.

This alternative would save hundreds of millions of dollars which could be used at home. I am told by an authoritative source in the Administration that we would save at least 10 percent of the cost of deploying the first phase of the system.

If through our testing, we eliminate the bugs before any costly full deployment of the system, this alternative could save us billions in misspent funds.

We would preserve our ability to counter any clear Soviet threat to our deterrent in the mid-70's. I have been assured by authoritative Administration sources that we would not substantially delay our ability to deploy a Safeguard system in the future if we adopted this alternative for this year. Our development and testing of the interceptor missiles is well enough along that a decision not to deploy this year would not hamper our development of the total system. We would have more time to evaluate intelligence information on Soviet strength and to calibrate a more precise response.

The thorough testing of this system will give us a much more reliable system if we ever need to deploy it.

We would concentrate on the most difficult technical problems in the system—the integration of the radars and the computers, the development of the computer program, and the effectiveness of uniformed military operational personnel.

We would avoid any possibility of accidental firing of nuclear weapons in the early testing stages of the systems. We would have time to work on the difficult problem of maintaining Presidential control over the firing of nuclear weapons.

In sum, the alternative I am proposing would not intensify the arms race; it would help us secure an effective arms limitation agreement; it would seek to answer the hardest questions about the system's workability; it would symbolize our turning the corner on defense spending; and it would preserve our ability to meet in time any clear Soviet threat to the strategic balance in the 1970's.

I am hopeful that my proposal will appeal to a broad range of opinion.

It meets the pressing need for further testing and development of the system—a need stressed by every witness who appeared before the Senate Armed Services Committee, regardless of whether they supported or opposed Safeguard.

And above all it strikes a balance in our consideration of the twin problems of achieving national safety and a secure peace.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for such time as I may require.

The VICE PRESIDENT. Without objection, it is so ordered.

SECRETARY ROMNEY SHOULD MEET HOUSING GOALS

Mr. PROXMIRE. Mr. President, the housing goals established by the Housing Act of 1968 can be met. While I am pleased that the Secretary of Housing and Urban Development, Mr. George Romney, has accepted those goals, I am alarmed at his repeated statements downgrading our ability to meet them.

While he has accepted them in principle, he has denied them when they are expressed in specific terms. But a housing goal is no goal at all if it is not expressed in the number of units to be built or the number of people to be housed, or the degree to which the needs of all American citizens can be met for a decent home in a suitable living environment as the 1949 act called for two decades ago.

EXCUSES, EXCUSES

The Secretary says he is for the goals, but that we do not have the resources to meet them.

He says he accepts the goals but is not prepared to endorse the production schedules forecast in the past to carry them out.

He is for them, but says they cannot be carried out until three preconditions are met; namely, first, until inflation is brought under control, second, until a "systems breakthrough" to new high volumes of production is made, and third, until Congress provides the funds to get the job done.

The Secretary is wrong on all three counts. These are excuses or defenses against the Secretary's unwillingness to meet the specific goals Congress has established for this year and next year and the years which follow.

The fact is that he can meet the goals next year if he will try. They can be met before inflation is finally brought under control, before a new "systems breakthrough" is reached, and with the funds already available or which can reasonably be expected from Congress.

Mr. Romney is "poor mouthing" and making excuses now so that if he fails to meet the goals he can say a year from now, "I told you so." The Secretary should stop building alibis and start building houses.

NATION CANNOT WAIT

We cannot wait until every problem in the world is solved before we meet our housing goals. If we wait until inflation is under control, or the Vietnam war is over, and a systems breakthrough is accomplished, we will never succeed.

Let us examine the Secretary's objections.

On the point of a "systems breakthrough" alone, there is a great deal of confusion. One finds it difficult to distinguish between Mr. Romney's "Operation Breakthrough," talk of a "systems breakthrough," and the need for industrialized housing.

I think the Secretary has somewhat muddied the waters. Let us distinguish between a new "systems breakthrough," and Mr. Romney's "Operation Breakthrough."

"SYSTEMS BREATHROUGH"

The talk of a new breakthrough or of some new material or method of process of production which will dramatically change the housing industry has been going on for years. Every year such a "breakthrough" has been just around the corner. And every year that dramatic breakthrough has not come.

If we have to wait for it, we will wait forever.

If we have to count on it before our housing goals are met, we will wait for the millennium to arrive.

It would be fine if a "systems breakthrough" were reached. But that is not needed, at least stated in the way Mr. Romney has stated it.

There now exists in the housing industry an abundance of materials and a variety of methods which if organized efficiently and used appropriately could bring dramatic reductions in housing costs.

The use of existing prefabrication techniques and large scale production, both on and off the site, could bring great savings in housing costs if applied more generally.

APPLY EXISTING STATE OF THE ART

What we need to do is to apply the best techniques of the existing state of the art more widely. We need not wait for a dramatic "new systems breakthrough" either in materials or construction processes in order to realize major reductions in costs.

As the Douglas Commission said, after a full year's study, on this point:

> There are many who believe that more ambitious departures from present patterns and major technological breakthroughs are the wave of the not-very-distant-future. Engineering and architectural journals are filled with new ideas for revolutionizing the construction process and for applying advanced systems approaches to the problems of meeting the Nation's housing needs.
>
> A vision of the future is necessarily speculative, and many judgments about the potential savings and advantages of the construction technology of tomorrow remain acts of faith. Talk of major technological breakthroughs is not new; it has been part of the just-around-the-corner school for 40 years.

Mr. Romney must not wait for new dramatic breakthroughs before he tries to meet the housing goals.

That is the kind of talk which led the industry to laugh the recent "In Cities" project out of court.

If Secretary Romney waits for the dramatic breakthrough instead of combining existing prefabrication techniques with existing large-scale production, he will fail. As they say in the industry, if he

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goes down that path, "He will break his pick."

The Secretary should get on with the job of organizing his Department and the industry to meet the 1970 housing goals. The public should not be misled by excuses that the new "breakthrough" did not arrive.

OPERATION BREAKTHROUGH

Now, what about the Secretary's Operation Breakthrough as distinguished from the general talk about new systems breakthroughs?

By promoting industrialized housing, the Secretary is going down the right path. By calling it Operation Breakthrough, he, unfortunately, calls up all the connotations and symbols associated with the mumbo-jumbo of HUD press releases over the last decade.

By asking for a series of prototypes to be tested for marketability and in an actual setting or physical environment, the Secretary is pursuing correct policies.

But the initial announcement that only 30 to 40 units of each prototype is to be built is wholly insufficient.

In fact, that fails to carry out the mandatory language of section 108 of the Housing Act of 1968. That language calls for at least 1,000 units a year of at least five prototypes for 5 years, or 25,000 units to test whether costs can be reduced by mass-production methods. As the author of that amendment, I think I know what I am talking about. It is required.

If we are to get a genuine test of whether industrialized housing can succeed in cutting costs, a far larger number of units must be built than the 300 to 500 units overall Mr. Romney proposes. Cost cutting can only come with volume. And industrialized builders almost universally agree that a producer needs to build at least 1,000 units before the efficiencies of mass production begin to offset the huge initial capital costs involved in factory-built housing.

Finally, while "Operation Breakthrough" is to be welcomed, it must not become an excuse to put off a major effort to meet the 1968 Housing Act goals.

The 300 to 500 units under Operation Breakthrough will not be built for 22 months or more, according to the HUD announcements. As the Secretary made the success of Operation Breakthrough a precondition of meeting the housing act goals, that means he has thrown in the towel for 1969, 1970, and 1971.

That must not be done. Operation Breakthrough, with its strengths and its limitations, must not become an excuse for inaction, postponement, and delay.

WHY THE GOALS SHOULD BE MET AND HOW TO MEET THEM

Now, let me turn to two general areas that directly relate to the housing problem. The first is what our housing needs are and why, as a society, we have a moral obligation to meet them.

The second major area is how these needs can be met, how the housing goals can be reached, and why we should no longer accept excuses from the Secretary about them.

Contrary to the Secretary's statements, the funds, the land, the resources, and the technology are now at hand to meet the goals.

We should not and must not accept additional excuses from the Secretary that the goals cannot be met.

HOUSING NEEDS

Based on census figures, there are in this country about 7 million substandard housing units which should be removed. This is the number of houses which are so dilapidated or lack elementary plumbing that they are unfit to live in and should be destroyed and replaced.

In addition, there are about 4 million standard housing units which are overcrowded. That is to say, there is more than one person per room living in the same house, which is the census test for overcrowding.

About 4 million new units need to be built to house the second family in these standard overcrowded units and in the substandard overcrowded units.

We, therefore, need a total of at least 11 million units merely to replace existing dilapidated units and to house those in overcrowded units.

CONSERVATIVE STATEMENT OF NEED

This need is very conservatively stated. This is true because:

First, the estimates are based on census data. A unit with no kitchen, with plumbing in the basement although the unit is on the second floor, with inadequate total space or sleeping space, with an absence of light or ventilation, or with low ceilings, to use several examples, would not necessarily be included as a "substandard" unit.

Because of these inadequate definitions, the census data underestimates housing needs.

Second, the data is based solely on the condition of the house and makes no judgment about the environment. If the house is unfit to live in because it is surrounded by freeways or railroad tracks; if noxious fumes pour down on it from nearby factories; if the lot next door is littered with garbage; if there are no street lights; if there is an absence of police protection; if a liquor store is on the corner in a residential neighborhood; if there is a rendering works in the block; if the noise level is excessive; or if the streets are not paved or if there are potholes in the blacktop; such a unit would not be classified as substandard if its physical condition met certain standards and it had a minimum amount of indoor plumbing.

So our housing needs based on census data are grossly underestimated.

GENERAL AGREEMENT ON NEEDS

But with all their shortcomings, the census figures are the best we have. In addition, a number of committees, commissions, and agencies have come to roughly the same overall estimates as to the amount of housing we should build if we are to meet these needs plus those brought about by new family formation, conversions, mergers, vacancy rates, and so forth.

Working independently, the Douglas Commission, the Kaiser Committee, and the Department of Housing and Urban Development all estimated that we need to build from 2.25 to 2.6 million total housing units a year if we are to meet our housing needs in the next decade. Because of the inclusion or exclusion of rehabilitated and other types of units, the estimates of our overall housing needs by these three groups vary by about 10 percent, which I think indicates their validity.

But the estimates of all three groups of the number of units which should be built each year for low- and moderate-income families are almost precisely the same.

NEED 500,000 TO 600,000 UNITS FOR LOW- AND MODERATE-INCOME FAMILIES

The Douglas Commission called for 500,000 units a year, exclusive of those for the elderly, for low- and moderate-income groups.

The Kaiser Committee and HUD called for 600,000 units a year, including rehabilitated units and units for the elderly. So I think these are about the same.

The Douglas Commission stressed building more units for the abject poor, the poor, and the near poor than did HUD and the Kaiser committee. As such units require a somewhat larger subsidy, the differences in the numbers recommended can be accounted for in large part by this difference in emphasis. In all cases, while the number of units might vary, the costs would be almost the same.

As a consequence, virtually every independent group which has examined housing needs agrees that we need to build from 500,000 to 600,000 units a year of subsidized housing if the housing needs for low- and moderate-income groups are to be met in the next decade.

These facts, in my judgment, are sufficient reason for us to insist that the housing goals be met.

MORAL OBLIGATION TO MEET HOUSING GOALS

But there are other reasons why we must bend every effort to meet our housing goals. In addition to the actual housing needs, we have certain moral obligations to meet these needs because of past failures.

Let me spell these out.

The first is the failure of society and HUD and succeeding administrations to meet the 1949 Housing Act goals.

In 1949, Congress provided that 135,000 units of public housing a year for 6 years would be built. This was a total of 810,000 units of public housing for 6 years.

The same 1949 act also authorized the urban renewal program. The compact was that when urban renewal cleared the slums, the public housing provision of the law would provide housing for many of the poor who were displaced.

Like the animals in Noah's Ark, the two programs were to proceed together.

FAILURE TO BUILD PUBLIC HOUSING

We tore down the slums. We left huge vacant spaces in the center of our cities. But we did not build the public housing.

Urban renewal destroyed some 400,000 housing units. These units by definition housed the poor, however badly. But only about 20,000 public housing units—mind you, urban renewal destroyed 400,000—have been built on urban renewal sites during the 20 years of the program.

And the unvarnished facts about the total amount of public housing built, as brought out by the Douglas Commission, are that in 20 years we built only two-

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thirds of the number of public housing units we were pledged to build in 6 years.

These facts heighten our moral obligation now to meet the housing goals of the 1968 act.

MORE HOUSING DESTROYED THAN BUILT

The second fact is that through public actions over the past 2 decades, our society has destroyed more housing for poor people than we have built.

Under urban renewal, highway programs, equivalent demolitions, demolitions for public housing sites, under housing code enforcement, and through other public actions, more than a million units housing poor people have been destroyed.

The Douglas Commission estimated that another 750,000 units will be destroyed through public actions in the next 5 to 6 years.

In recent years, we have never built more than 100,000 units of all kinds of subsidized housing. Thus, if we continue at the recent rate we will destroy in the next 5 to 6 years about 50 percent more units for poor people than we build.

These facts, too, heighten our responsibility to meet the housing goals of the 1968 act.

RED LINING

A third past policy which calls for some redeeming action was that until the spring of 1967, the Federal Housing Administration—FHA—refused to guarantee loans in the ghettos of the central cities of this country.

The policies of the FHA not only failed to help the poor. The policies of the FHA were not merely neutral. But FHA policies were actively hostile to the housing needs of the poor. This is a great moral stain on the conscience of the Nation.

This policy was called red lining. It was named for the real or mythical red lines drawn around certain geographical areas of the central cities where FHA refused to insure, where banks and savings and loan companies then refused to make loans, and where, under Federal housing code laws and regulations, no funds could be spent to upgrade blighted areas or to prevent their further deterioration. These funds to the cities for housing code enforcement and for grants and loans to the occupants, could be spent only in the "declining" or the "gray areas," but not in the slums or areas designated for future urban renewal, or in those areas which had hit bottom.

The public policies followed by the FHA and urban renewal essentially abandoned the poor and the homes of the poor in the blighted areas of the central cities.

BULK OF SUBSIDIES TO MIDDLE AND UPPER INCOME GROUPS

The fourth thing we did was to provide far more housing subsidies to the wealthy than to the poor. This may surprise many who have been led to believe that housing subsidies go to the poor and that the well-to-do are somehow self-sufficient. I think it shocks many people when they hear that the wealthy in this country have received more subsidies for housing from the Federal Government than the poor have received.

Mr. Alvin Shorr of the Department of Health, Education, and Welfare has made some interesting calculations for the early years of the 1960's. He finds that the value of the housing subsidies for those with middle incomes or more was three and one half times as great as the value of the housing subsidies for the poor.

Mr. Shorr estimated that the poor received $820 million a year in housing subsidies. He included in this amount the public housing subsidy, 25 percent of welfare payments as an estimate of the payments for rent, and the actual dollar savings from income tax deductions.

But middle- and upper-income groups received not $820 million, which the poor received, but $2.9 billion a year in housing subsidies when measured by the actual dollar savings for the deductions from the Federal income tax they received for mortgage interest paid and for personal property taxes.

Mr. Shorr did not count the total deduction but only the actual tax savings. Thus, if a family in the 25-percent income tax bracket deducted $100 for interest paid, Mr. Shorr counted only $25 as the subsidy.

An even more shocking fact is that the upper 20 percent of income groups—this is only the richest one-fifth of our people—received $1.7 billion a year in housing subsidies, or twice as much as the $820 million received by the lowest 20 percent of income groups. Just think of that: The wealthiest 20 percent, since 1960, have received twice as much in subsidies for housing as the poorest 20 percent in our society.

Middle- and upper-income groups should have no objection if the Federal Government subsidizes those at the lower end of the economic ladder when the former have received so much more in housing subsidies than those who need subsidies most of all.

MORAL DIMENSION TO NEEDS

These facts—first, the failure to build public housing; second, the destruction by public action of more housing for poor people than has been built; third, the policy of red lining by the FHA, and fourth, the fact that the highest one-fifth of income groups receive twice the amount of housing subsidies as do the lower one-fifth of income groups—give a moral dimension to the statistics on housing needs which neither the country nor Congress nor Secretary Romney can ignore.

HOW TO MEET THE HOUSING GOALS

In his testimony before the Subcommittee on Housing of the House Banking Committee on May 12, Secretary Romney proclaimed time and again that while he favored the housing goals, they could not be met in present circumstances.

Among the key points he listed. "If we are going to have a chance of meeting—or even approaching—the housing goals expressed in the 1968 Act" was the "funding of programs enacted by Congress to provide housing for low and moderate income families."

FUNDS ARE AVAILABLE NOW

This also must not be used as an excuse. With the funds available now, plus those which we can reasonably expect Congress to appropriate, there is no shortage of funds which prevents the Secretary from meeting the housing goals for next year.

The funds are there if the Secretary will use them. Let me be specific.

PUBLIC HOUSING FUNDS

There is available for fiscal year 1970 some $473,500,000 to pay for the local public housing "contract reservations."

No further appropriation is needed. These funds are available and can be used now. With no further action by Congress the Secretary can start almost 160,000 new public housing units.

Secretary Romney has no reason or excuse not to meet the public housing goals of the 1968 act.

SPECIAL ASSISTANCE AND MODERATE INCOME FUNDS

There are a variety of programs administered by HUD where Congress has made funds available to the administration, and particularly to the previous FNMA—Fannie Mae—and the new GNMA—Ginny Mae—so that the mortgages under a variety of subsidized programs can be purchased by GNMA.

These funds are available and can be used with no further appropriation from Congress. They can be used for the 221(d)(3) or moderate income program.

They can be used for the special assistance programs under FHA sections 220 and 221 of the housing laws. These latter sections provide funds for subsidized housing in urban renewal areas, rehabilitation programs, and for relocation activities, among other programs.

The funds which are available under these programs are almost unlimited. They include:

First, $467 million in unused special assistance money. These funds are available and can be used by Secretary Romney now.

Second, $421 million in authority for GNMA to buy mortgages, which has not been used.

Third, $500 million in additional funds for the moderate income or 3 percent 221(d)(3) program which the Congress made available under the 1968 act. This was done so that there would be no shortage of money while the 221(d)(3) program was being phased out and the new home ownership and rental subsidy programs under sections 235 and 236 were phased in.

DOUBLE TALK

The funds are there. Under the 1970 budget proposed by President Johnson, it was proposed that the $500 million be deferred until fiscal year 1971. But in the new Nixon budget, the President unfortunately asks that these funds be rescinded.

The Secretary of HUD, Mr. Romney, can hardly claim that success in meeting housing goals is conditional upon enough funds from Congress when, under one of the main programs, the Nixon administration is asking that the funds for at least 25,000 units of moderate income housing be rescinded. This is doubletalk.

MODERATE PROGRAM CAN WORK

The moderate income housing program is just now getting into high gear. It has tremendous advantages.

Let me list a few of them.

Under it, there is little risk to the investors. Construction loans are insured. The interest rate is subsidized down to 3 percent. The program guarantees the long-term mortgages. There is what is called a "Ginny Mae takeout"; that is, Ginny Mae, the corporation, buys the mortgages and provides the money to the original financiers.

This program has widespread public support. Its sponsors are nonprofit or limited dividend groups. Some of the finest subsidized housing in the country has been built under it, such as the marvelous La Clede project in St. Louis.

Yet at the same time the Secretary is poor-mouthing and making excuses that he cannot meet the 1968 Housing Act goals because of a possible limitation in funds from Congress, he and the administration are asking that $500 million in authority for this program be rescinded.

That, I think, is ridiculous.

The fact is that the Secretary has over $1.3 billion for the moderate income and the special assistance programs which is available and can be used now with no further action of any kind by the Congress.

THE NEW 1-PERCENT PROGRAMS

Secretary Romney is correct in saying that Congress must appropriate funds before the new 1-percent homeownership and rental programs can be carried on. These programs are known as the section 235 and 236 programs and were first authorized in the 1968 Housing Act.

These programs are very popular. Funds in the amount of $25 million for each of the programs, or a total of $50 million, have already been used up. The programs were so popular these funds had to be rationed. The administration has asked that an additional $50 million for each of them be appropriated as a supplemental appropriation this year—fiscal 1969. They are asking for $100 million for each program for next year.

The House Appropriations Committee originally provided only $25 million. But, they have now increased the amount to $75 million for each program. They did this, however, only after Mr. Romney got members of his own party to switch and vote for the funds.

Congress will provide most of this money if the Secretary's own party will support him. There are enough votes from liberal and progressive Democrats in both the House and the Senate to fund these programs provided only that the President's own party supports them.

Mr. Romney has his work cut out for him. But before he blames Congress for the lack of funds, he should see to it that members of his own party support their President.

In summary, it is fair to say that there are not only enough funds to meet the housing goals for fiscal year 1970, but there are more funds available and already provided by Congress than the Secretary and the administration are prepared to use.

The lack of funds is no excuse.

URBAN RENEWAL FUNDS

Urban renewal has not been one of the major housing programs. Basically it has been a land assembly program. Nonetheless, it does have some impact on the amount of housing built. Due to the changes in the 1968 Housing Act requiring that 50 percent of the housing in urban renewal areas be built for low- and moderate-income families, it will have a greater impact on low-income housing in the future.

Thus, while not critical, this program must be considered when we ask whether or not sufficient funding now exists to meet the housing goals.

Again the answer is "Yes." Funds for urban renewal are appropriated 2 years in advance. Unlike almost every other budget appropriation, urban renewal gets a 1-year time lead.

As a result Congress has already appropriated funds in the amount of $570 million for urban renewal for fiscal year 1970. This includes those model city funds which are to be used in urban renewal areas.

Here, too, the funds are available without further need to ask Congress for appropriations.

AN ABUNDANCE OF SITES

Let us turn to the next problem usually given as an excuse for the failure to meet our housing needs; namely, the problem of land or housing sites.

URBAN RENEWAL SITES

Here, too, the answers to many of the difficulties are within the Secretary's own purview.

The first thing he should do is to pay a visit to his own Assistant Secretary for Housing Assistance who runs the urban renewal program.

Urban renewal has cleared thousands of acres of land in the central cities of this country. Vast acres still lie idle.

In the center of Cleveland, in Detroit, and in St. Louis, to name only three, there are an abundance of housing sites on existing urban renewal land.

Less than half of this land has been "committed," to use a technical urban renewal phrase. That means that no specific contract or arrangement has yet been made for the particular use of the land.

Under the 1968 Housing Act, in future urban renewal projects at least 50 percent of the units must be subsidized housing. But the 25-percent requirement does not apply to the existing projects.

This land lies empty at the same time we hear complaints that there is no land or sites for housing for low-income families.

The Secretary should call in the mayors. He should urge them to review these sites. He should press them to build public housing and 235 and 236 housing and moderate-income housing on these sites.

These sites are controlled by the city governments. They have been subsidized by Federal money. In the emergency which this country faces to house poor people in the central cities, these sites should be used.

CITIES OWN TAX-DELINQUENT SITES

There are other places to build as well. The cities have taken hundreds of sites—in Philadelphia, in Chicago, in New York, in Detroit, and in St. Louis—because of tax delinquency. Why not build on them?

USE FEDERAL LAND

Then there are hundreds of acres of land which the Federal Government owns in the central cities of the United States. Some of this land can be used.

FHA AND VA FORECLOSED UNITS

There are thousands of FHA and VA foreclosed units. Why not use more of these to house low-income families?

These are actions which the Secretary can take or urge his subordinates to take and which should be or should become public policy of the United States.

VACANT LAND IN MAJOR CENTRAL CITIES

There are other opportunities too. In Research Report No. 12 of the Douglas Commission, entitled "Three Land Research Studies," some amazing facts about land use in our largest cities are brought out.

OVER ONE-FIFTH OF LAND UNDEVELOPED

Some may not believe it, but 22.3 percent of the land inside American cities of 100,000 people or larger is "undeveloped." In the cities of over 250,000 in size, some 12.5 percent of the land is "undeveloped." The data is given city by city.

SURVEY THE LAND

Of course not all of this land is available or suitable for housing sites. But some of it is. I call upon the Secretary, using the Douglas study as a source, to join in a cooperative effort with the cities to survey the over one-fifth of their land which is "undeveloped" for its possibilities for housing sites, parks and recreation centers, and community facilities which would make it possible to build decent housing in a suitable living environment in the central cities where it is now said no, or few, housing sites exist.

Mr. President (Mr. EAGLETON in the chair), these are just some of the ways in which land and sites can be found for housing America's low-income families.

MOVE ON BUILDING CODE REFORM

Now let us look at the question of building codes, which have often prevented or slowed down or added to the cost of building decent housing in the central cities and suburbs.

These things need to be said about building codes.

THE PROBLEM

First of all, building codes are State police powers exercised by the localities. But they are "State" powers.

Second, under the provisions of the national "model" building codes, most modern practices, products, techniques, and processes are sanctioned and approved. This includes plastic pipe, plumbing trees, and electrical harnesses, to name a few.

Third, the problem arises when the localities either have no "model" code in effect, or change those codes by local ordinance, or fail to keep the codes up to date to admit new products and processes approved by the national "model" codes.

Fourth, this prevents the application of mass production techniques for industrialized builders, or even for conventional builders who attempt large-scale production, because the plans and products and specifications have to be altered every time some local municipal boundary line is crossed.

That is the problem.

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THE ANSWERS

The answers are several in number.

First, the States, whose police powers are being exercised by the localities, should pass legislation providing that any local builder can build, or any industrialized housing can be erected which meets the provisions of one of the national model codes.

The States need merely provide that where there is no code, the provisions of an existing national model code should apply. Where there is a local code which is restrictive, the States should provide that any housing which meets the provisions of a national model code can be built regardless of local restrictions. Since codes are State police powers, the States have every right to do this. An alternative is for the States to adopt one of the national model codes as the "State" code and provide that its provisions take precedence over any local code provisions which are more restrictive. HUD could draft enabling legislation on this matter within a matter of days. The Governors could be called in and urged to present such legislation to their legislatures as soon as they meet.

USE FEDERAL CARROT TO REFORM CODES

Second, the Federal Government should tie the things the States, cities, and independent businesses and building institutions want, such as water and sewer grants, FHA guarantees, and perhaps highway and public works funds, tie these "goodies" to the existence in the State and localities of a model code which is up to date and which has not been amended.

Third, the urban renewal areas and on city and federally owned sites, the cities and the Federal Governments have the power now to provide that mass produced or industrialized housing which meets the provisions of existing model codes can be built. There need be no delay at all in moving in these areas.

UMBRELLA ORGANIZATION NEEDED

Finally, some mechanism needs to be established, such as the Douglas Commission recommended, to make certain that the standards used in the national model codes are both safe and up to date.

The Douglas Commission proposed that the National Academy of Sciences act as an umbrella agency for both private and Government groups to do research on new techniques and to test them once they are developed.

The research and testing would not be done by the Academy, but would be done by private industry, testing laboratories, and Government agencies. But the standards would be set by the Academy. When the standards were met, either objective or performance standards, this could be certified by the academy.

By this method, a stamp of approval from a prestigious source could be placed on new products and processes.

This would insure their adoption by the national code groups. That, combined with State legislation and conditions imposed by the Federal Government for water and sewer grants, FHA insurance, highways, and public works projects, would insure that such standards were included in local codes.

The most modern products and modern techniques and processes could be used. The only test would be, Do they meet fair and objective standards?

That is a way by which the most difficult problems associated with building codes can be solved.

HUD should get on with the job of carrying out these constructive Douglas Commission recommendations.

RESTRICTIVE PRACTICES

One of the constant and repeated assertions about the building industry is that the unions in the industry are involved in numerous and repeated restrictive practices which result in higher costs, impede the building of housing, and may prevent us from reaching our housing goals.

This issue is highly complex. It is confusing. There are more rumors and myths and misinformation about restrictive practices than almost any other subject.

Let me try to distinguish fact from fiction and indicate what needs to be done so that this issue does not impede us in meeting our housing goals.

First of all, let us state a few facts.

Eighty percent of the housing in this country is built by nonunion labor. Let me repeat, 80 percent—four out of five—of the houses in this country are built by nonunion labor. That is not generally known. Many of the arguments, true or false, about restrictive practices in the construction industry revolve around building skyscrapers, bridges, and highways, but not housing.

The fact is that in the suburban and smalltown and rural areas of this country, the workmen are nonunion and dependent on the employer. In the large central cities where unions are strong, they are often equal to and sometimes hold the upper hand over the employer in this fragmented industry.

Thus, union restrictions, even where they exist, affect only a small portion of the homebuilding industry. And that fact is generally not known.

MANY RESTRICTIONS DUE TO PRODUCERS

Fact No. 2 is the many restrictive practices in the industry have nothing or little to do with the unions. Instead, they are fights between and among producers and contractors. Or they are zoning or subdivision restrictions or are imposed as fire safety provisions. Take the most notorious restriction in recent years; namely, the prohibition of the use of plastic pipe in drain, vent, and plumbing units. Basically this is a fight between the cast iron soil pipe industry and the plastics industry. In most areas it is not a union restriction. But the unions often receive the general criticism.

In some places wood frame exteriors are prohibited for multifamily housing of three stories or less. This is obviously restrictive and ridiculous. The Douglas commission determined that wood frame exteriors were prohibited by 25 percent of the building codes in the country.

This restriction is generally not just a union restriction. It is done, allegedly, on grounds of fire safety and is a fight between the lumber interests on the one hand, and the brick and mortar and other groups, on the other.

This is another place where fact needs to be separated from fiction.

Third, some items which are said to be restrictive practices, especially with respect to the use of tools, have legitimate safety reasons behind their exclusion. In other cases, genuine job security is at stake. There are gray areas involved in both these issues. But the building industry is one of the most cyclical of all industries. It is like a roller coaster in terms of what gets built from year to year. It is also highly seasonal. There are often high hourly rates, but workers end up getting a relatively low annual income especially if tight money or the weather restricts building.

COLLECTIVE BARGAINING

Fourth, there are restrictive practices, or what outsiders might call restrictive practices, which are the result of the collective bargaining process. Unions may gain the right to certain rules or conditions, generally because it involves safety or job security, only by giving up 10 or 15 cents an hour in wages. This then becomes an agreement, reached not only by the unions but also by the employer. When, in turn, some employers organization or uninformed outside group charges the unions with an unfair restriction, they fail to mention that there were two sides and that the unions gave up something, in work conditions or pay, for the agreement.

The famous Philadelphia door case is an example of such collective bargaining agreement. The Supreme Court did not, as is widely charged, prohibit the use of prehung doors or prefabricated products.

This was a case in which the unions and the employers had a contract that prehung doors would not be handled on the job. The provision of the contract was attacked as an illegal secondary boycott under the Landrum-Griffin Act. The court determined that such was not the case. But that decision did not prohibit the use of prehung doors or prefabricated products, elsewhere or in general, as is so often charged.

As the Douglas Commission wrote on this point:

> The Supreme Court has, unfortunately, been widely misunderstood in these ruling. The door case often is cited as holding that prefabricated components are considered bad by the courts or that a union at any time may refuse to work on a job which uses such components. In fact, the decision states only that exclusion of such products, *where they threaten job security*, may be a legitimate subject of a collective bargaining agreement and enforceable as such.

RESTRICTIONS NOT PRACTICED

Finally, one finds some restrictions written into contracts which are never practiced, and some restrictions which are practiced which are never written into contracts. The latter stems most often from the fact that the national building trade unions have limited local jurisdiction which is due to the fragmented and dispersed nature of the industry.

Let me give an example. In New York City it was charged that the ironworkers required the onsite bending of reinforcing rods. It is more efficient if rods are bent in the shop before reaching the site.

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When the Douglas Commission brought this charge to the attention of the union, they replied that the general rule is that materials and work which can be done or fabricated in the shop, and which by practical work operations can be moved to the field, are accepted and handled on the site when received there.

The union said that it knew of one or two local exceptions to this rule, but said that of the total tonnage of reinforcing rods installed, 99 percent or more are bent in the shop, and not on the site.

THE ANSWERS—HIGH VOLUME NEEDED

What are the answers, then, to the real or imagined restrictive practices found by organized labor in the industry?

The first is to get a high level of production. That is why Mr. Romney should meet the housing goals. Many restrictions can be overcome if we increase the total amount of new housing built each year from the present level of 1.5 million units to the 2.25 to 2.5 million units recommended by the various commissions, committees, and experts in the field.

Many restrictions will end when the reasons for them end. That is why meeting the housing goals is so important.

The second answer is to get continuity of production. Together with a high volume of production, the restrictions which flow from the highly cyclical and highly seasonal nature of the industry can end. This is another reason why the Secretary should work to meet the housing goals.

There is an old saying that a high tide floats all the boats. With high production and continuity of production, the fears and reasons for restrictions end. Trade-offs can be made. Practices necessary because of the small amount of work or the seasonality of work can be given up when work is there the year around.

ADVANCE NOTICE

There is another general rule which must be practiced. That is bring the unions and the employees in at the beginning of efforts to build new projects, to use new materials or tools, and to do things differently.

This past recess I had a chance to meet with the building construction trades people, the union people, in the city of Milwaukee. They agreed that what they were most interested in was an opportunity to consult in and be a part of the new approaches and new processes involving new technologies.

Advanced notice can avoid jurisdictional disputes. Early warning or early notice has been successful time after time.

The schools in California are now built by mass produced or systems methods. The unions were brought in at the beginning. New methods and devices have been used. But there has been no trouble, because they were informed and because they shared in the increase in productivity.

The same was true in the national homes experiment in Chicago where the unions were brought in ahead of time and where mass production techniques were used without difficulties.

PROTECT AGREEMENTS

Finally, there must be much more widespread use of project agreements. Under the Housing Act, there will be a great opportunity to aggregate markets and to build a large number of units in specific projects or in a particular city or area.

Project agreements can be and should be negotiated with the building trades for the conditions of work and hourly pay and tools and methods to be used.

Numerous project agreements involving the space industry, defense contracts, and large public works have been successfully negotiated time and time again in the past. This successful method must be applied to the housing industry.

It is the best possible way to avoid restrictions, to bring work continuity, and to provide an abundance of housing.

Thus, by a high level of production, by continuity of production, by advance notice and early discussions with the unions, and by project agreements, those genuine restrictive practices which actually impede the construction of housing can be overcome.

SUMMARY

HUD has the funds needed to meet the housing goals. These funds exist now. These funds for public housing, urban renewal, special assistance, and the moderate-income program, plus those Congress is in the process of appropriating, provide more than enough money to meet the housing goals for this year and next.

The land is available. Half the existing urban renewal areas are vacant and with no specific plan to build on them. The cities have hundreds of tax delinquent sites. The Federal Government owns vast acreages in the cities. There are thousands of VA and FHA foreclosed units where the poor could be housed under the leased-housing programs. Twenty-two percent of all land in the 130 largest cities of the country is still "undeveloped," according to the Douglas Commission study.

The States and HUD should move on the building code problem by providing through State legislation and Federal action that conventional and industrialized building can take place provided only that the up-to-date provisions of the national model building codes are met. Furthermore, it is already within the powers of the cities and the Federal Government to build without restrictions on city land, urban renewal sites, and Federal land inside cities.

The problem of genuine restrictive practices can be overcome by both a high level and continuity of production, by advanced notice and discussion with the unions, and by the use of project agreements.

For all of these reasons, there is no excuse for the Secretary to temporize any longer over meeting the housing goals established by the 1968 Housing Act.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMUNITY CREDIT EXPANSION ACT

Mr. **PROXMIRE**. Mr. President, on May 13, I introduced S. 2146, The Community Credit Expansion Act, which seeks to provide more credit in our troubled inner cities and depressed rural areas. The proposed legislation would operate primarily through existing financial institutions and would seek to increase the supply of business credit, mortgage credit, and mortgage credit in both urban and rural poverty areas.

One title of the bill would establish a new kind of bank whose leading activities would be confined primarily to poverty areas. While many banks have taken a renewed interest in ghetto loans. it seems evident that without some form of Federal inducement an appreciable attack upon the problem will not be forthcoming.

I firmly believe that the Community Credit Expansion Act, or something like it, would provide the incentive to the private financial community to increase substantially their financial commitment in urban and rural poverty areas.

Mr. President, an article published recently in the Christian Science Monitor described the problem of obtaining an adequate flow of investment capital in urban poverty areas. I ask unanimous consent that the article, written by Richard A. Nenneman, be published in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Bank Setup for Ghetto Loans?

(By Richard A. Nenneman)

New York.—Money, money, who's got the money for black economic development?

The banks, the savings and loan associations, and the life-insurance companies, that's who.

Look at them: 14,000 commercial banks with $400 billion; 500 savings banks with another $70 billion; 1,600 life-insurance companies with $300 billion; and 6,000 S&L associations with $150 billion.

In any discussion of the private sector's role in ghetto development, what these institutions can do and decide to do with their money is a foremost factor. How they use their money depends on several things; the potential profits available; the risks involved; and rules, regulations, and habit.

Large blocs of money are going to come into the ghetto in two ways: through loans to black business and through real-estate lending. It is the commercial banking system that makes the business loans. The other institutions jointly hold the nation's individual savings. Savings banks, S&L's, and life-insurance companies will have their effect mainly through what they can do to upgrade real estate in the ghetto and to find ways for blacks to own their own homes.

DIFFERENT CHALLENGES

The two types of institutions operate under different kinds of regulation and face different challenges in the ghetto.

To take the banks first, they are a heavily regulated industry. Besides stiff federal rules, most of them have state interest-rate ceilings. The best credit risks pay the lowest interest rates.

But in these times of record high interest

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rates, everyone is paying a stiff price for money. And the "reward" of the highest interest a bank can charge is not sufficient to cover much degree of risk. This is a major reason no large amounts of bank money have flowed to ghetto businesses in the past.

Many banks in major cities are trying to find ways to increase their ghetto lending. The First Pennsylvania Bank & Trust Company in Philadelphia has been a leader. Some banks have opened special departments to ghetto lending (mainly because they need personnel with an extra degree of understanding and experience for the job).

Yet bank lending under normal conditions can't do the job. There aren't enough blacks that qualify for loans. Their business experience often is too brief. And what they often need is equity—the original investment money—which banks by law cannot provide.

Thomas R. Wilcox, vice-chairman of New York's First National City Bank, said "We will lower our lending criteria by perhaps one notch in making a business loan in the ghetto. But we don't feel we can go much farther than that."

Yet Mr. Wilcox is personally deeply committed to economic improvement in the ghetto. How would he have the banking system do more? Through something like the legislation introduced on May 13 by Sen. William A. Proxmire (D) of Wisconsin, called the community credit expansion bill.

Senator Proxmire's bill may be rewritten before it gets as far as committee hearings. But its basics are appealing. Drawing on last fall's subcommittee hearings of the Senate Committee on Banking and Currency, it is his conclusion that none of the existing institutions can adequately fund ghetto needs.

Senator Proxmire would set up national development banks, which commercial banks could operate as subsidiaries. The development banks would have preferential access to funds. In lending, they would dig deeper down into the risk barrel, and follow through with close supervision of the loans. The banks would also have limited authority to guarantee loans made in the ghetto by other financial institutions.

DEALS REQUIRE RISKS

There is at least some evidence that this kind of development lending could work. In New York, for instance, the Urban Coalition has provided (through corporate gifts) $1.25 million in funding for a new corporation, Coalition Venture, which acts very much as a development bank. Although it has had only $1 million to lend, it has been able to leverage this money and get an additional $4 million in commercial bank loans.

John Baker, the president of Coalition Venture, said, "The banks won't make a ghetto loan unless everything is sewed up as perfectly as their other loans. We don't have many deals like that in the ghetto."

Since Coalition Venture was set up less than a year ago, it has made 31 loans. Three of them are to ex-convicts, one to an ex-junkee—"and not ex very long either," said Mr. Baker. "We require that our borrowers know their area, but not necessarily know it as businessmen."

Through taking the long end (the most distant maturities), Coalition Venture has committed its first $1 million in donated capital to ghetto loans and gotten the commercial banks to come in for another $4 million. It is peanuts compared with what needs to be done, but an exciting example of the way money can be leveraged.

The funds for Coalition Venture came from contributions from New York corporations. Nearly $250,000 of the initial grant of $1,250,000 was set aside for overhead and to pay the expenses of an affiliate organization, Coalition Management, which provides continuing management-consultant services to the companies to which loans have been made. Most of the consulting services are provided free by members of New York consulting firms.

NEW STRUCTURE URGED

While Coalition Venture is small, it seems to be an example of how a community credit bank could work closely with ghetto businessmen, ferret out those with management talent, and at the same time attract traditional sources of money for the less risky parts of their operation.

Mr. Wilcox at Citibank stresses his belief that the banking system cannot, on its traditional terms of operating, meet the financial needs of the ghetto. A local structure must be built, he feels "strong enough for the work that needs to be done."

The problem with the savings institutions and the life-insurance companies is somewhat different. Here they are dealing primarily in real estate, whose value gives some protection to their mortgage loans. There are still risks involved in collecting money from individual wage earners, but not the risks one takes on in lending to a business.

The approaches taken by the savings institutions have varied. The most widely publicized has been the $1 billion life-insurance industry commitment made last year. This April it was raised to $2 billion; more than $900 million of the original money had been committed (although not actually disbursed).

PROGRAM CRITICIZED

The savings banks and S&L's are privately somewhat critical of the life-insurance industry's approach. They feel that to a certain extent it is playing the numbers game.

However, the program is impressive. It puts the life companies on the spot, in the first place, to sign up and be on record for how much money each one will put into ghetto mortgages. Then through using the Life Insurance Association as a clearinghouse to qualify ghetto loans, it helps to see that the loans get made at normal interest rates.

Moreover, not all of the $1 billion the companies originally agreed to lend is protected by FHA insurance. Nearly $100 million has been lent to hospitals or nursing homes in or near ghetto areas; $20 million to shopping centers and supermarkets; $15 million for other retail space, and $15 million for welfare and recreation space.

These loans have helped build installations that provide both community services and jobs. In another category, at least $50 million has been lent to build factory and warehouse space. This directly increases ghetto employment.

NEW PROJECTS FOUND

The life companies are finding they can do things they just didn't think about before. For instance, John Hancock in Boston agreed to take 10 percent of the Unity Bank's initial stock offering, in effect giving the Boston black bank a partial underwriting. In the end, Hancock did not actually have to pick up that much of the stock.

The second billion is expected to go even more into nongovernment guaranteed loans than the first. But how much of a dent does this billion, or even $2 billion, make in the ghetto? "Even $10 billion a year wouldn't make a large dent in the need," says Mr. Wright. "The need is so great, and the funds have been disbursed in some 200 cities."

Yet, in getting things moving, it does represent a start. It also raises the question of where larger amounts of money are going to come from. The $1 billion a year represents about 10-to-15 percent of new mortgage commitments made by the life companies. (About half of their cash flow of $16 billion goes into mortgages, another half into securities.) If a larger percentage is going to be diverted to ghetto mortgages, obviously it must be at the expense of some other kind of lending.

SEVERAL PROJECTS NOTED

The trade associations of the savings banks and S&L's have not engineered anything as complicated as the $1 billion life-insurance program. The close to 7,000 S&L's and savings banks are mostly local institution's locally owned or controlled. The trade associations have served mainly to pass on information on what is being done and how to do it.

Several major programs, such as Boston's rehabilitation project which took in 2,000 units have been accomplished under Section 221-d-3 of the 1965 National Housing Act. The paper work is apparently rough the first time around. After that it gets easier.

Saul Klaman, economist for the National Association of Mutual Savings Banks, says massive money will flow into the ghetto only with government guarantees. He would like to see the FHA emphasize that its main interest today is in seeing money flow into the ghetto.

He also sees a big opportunity for the savings institutions in Sections 235 and 236 of the 1968 Housing Act, if it is adequately funded. These provide for the government to subsidize the interest part of a mortgage payment. This makes it easier for a poor person to own a decent home, and also gives the government the most for its dollars spent (as opposed to former programs in which the government bought the whole mortgage).

The private financial sector is on the move looking for innovative ways to use its money. Parts of it may still need a stronger motivation to get involved in the ghetto. But given the need to make a profit and the restrictions under which most financial institutions operate, the largest volume is going to get done in tandem with a system of government guarantees and subsidies. These can make further private action feasible with the best leveraging possible for the federal budget dollars that are spent.

PRIVILEGES ACCORDED U.S. OIL PRODUCERS

Mr. MONDALE. Mr. President, for some time I have been concerned about the privileges our Government has accorded oil producers. Oil producers benefit from the 27½ percent oil depletion allowance, from drilling allowances, and from import quotas against foreign oil. Recently, before the Subcommittee on Antitrust and Monopoly testimony was presented showing that despite—perhaps because of—all of these protections, U.S. oil is more expensive than it would be without the Federal import quota.

I ask unanimous consent that an editorial entitled "Oil's Special Privileges," published in the St. Paul Dispatch, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the St. Paul (Minn.) Dispatch, 8, 1969]

OIL'S SPECIAL PRIVILEGES

Special favors long enjoyed by the petroleum industry through federal tax laws and protection against competitive imports are under attack in Washington.

Interesting information is being developed by the Senate Antitrust Subcommittee. Senators from the New England states are giving a special push to the hearings because oil burning industries in that region charge they are forced to pay exorbitant fuel prices which handicap business development.

Oil imported from the Middle East could be bought in the Northeast for about $2 a barrel if it were not kept out by federal import quotas. Instead, consumers are paying $3 to $3.50 a barrel for oil from the American Southwest.

A Texas specialist in oil economics, Professor Henry Steele of University of Houston, said that 95 per cent of the oil produced in the United States could meet Middle East price competition and still be profitable. A combination of federal and Southwest state controls, he testified, is subsidizing this 95 per cent of domestic production unnecessarily.

The import quotas against foreign oil were put into effect in the 1950s as an "emergency" measure but have continued ever since through the influence of the petroleum industry in Washington. The New York Journal of Commerce and other eastern publications are urging that the quota system be abandoned. The Journal of Commerce says: "The program was never anything more than a crude device for the escalation of domestic oil prices for the benefit of the few at the expense of consumers." It adds that it holds no sympathy "with those who feel that this (northeast) area somehow owes a lucrative living to those who, having already the advantage of a 27½ per cent depletion allowance, somehow figure the nation owes them more."

In reference to the depletion allowance, a Yale economist, Arthur W. Wright, testified that such special tax benefits "should be scrapped as an inequitable, wasteful, problem-ridden government aid program." He said that if any section of the oil industry can prove real need for financial aid from the government, this should be provided by a small direct subsidy, not through wide open tax loopholes which cost the Treasury more than a billion dollars every year.

The petroleum industry has many powerful friends in Congress from the Southwest states. It is difficult for consumer interests to break through this protective barricade. Nevertheless, the New Englanders are hopeful of gaining some concessions. They have shown the need for a thorough reexamination of the oil quota system and the special tax benefits. All members of Congress interested in consumer problems should carry on the fight, for New England is not the only region which would benefit from reforms.

DAG HAMMARSKJOLD COLLEGE: A BOLD NEW EXPERIMENT IN HIGHER EDUCATION

Mr. TYDINGS. Mr. President, a new college, named in honor of the second Secretary-General of the United Nations, is coming to Maryland. This is no ordinary institution of higher education, but is rather a new model which to me offers real promise of relevance at a time when colleges and universities are torn by student unrest.

Dag Hammarskjold College is designed as an international college, a 4-year independent, coeducational liberal arts institution. To be located on a beautiful tract of land adjacent to Merriweather-Post Pavilion in the new city of Columbia, Md., the college will have a pervasive cross-cultural philosophy of education.

I am pleased to announce to you that I have accepted a position as an overseer of this college. The board of overseers is distinguished, I might add, by the presence of our Republican colleague, the distinguished Senator from Oregon (Mr. Hatfield).

Dag Hammarskjold College is built on the premise that we live in a global village, that reason requires we deal effectively with rapid cultural change, and that higher education can be made relevant to our world situation.

The college has designed its philosophy and program after careful study of creative colleges, not only in the United States, but from schools around the world.

The president, Dr. Robert L. McCan, received his bachelor of divinity degree from Yale University, a doctor of philosophy from the University of Edinburgh, and was visiting scholar in higher education for 2 years at Harvard University. Since leaving the Protestant ministry in 1963, Dr. McCan has been on the frontiers of education specifically preparing for the founding of this college. While studying at Harvard he was assistant professor in philosophy of higher education at Boston University. In 1965 Dr. McCan accepted a position in the policy and planning division of community action programs in the U.S. Office of Education as Acting Branch Chief for Behavioral Sciences. Since late in 1967 he has devoted full time to the development of Dag Hammarskjold College.

Dag Hammarskjold College is scheduled to open in the fall of 1970 with a small faculty and a first class of 120 students. Total enrollment of 1,440 will be reached by 1978. Approximately a fourth of the students will be off-campus at any given time in work, travel, and study-abroad programs.

Sixty percent of the faculty and students will come from abroad. Nine countries, in addition to the United States, will be represented. These countries are in widely scattered geographical areas of the world, and provide opportunity for the building of a miniature world community on the campus.

There has been an incredibily active and dedicated group of laymen and professional educators who have nurtured the dream and developed the college to its present level. Between May and September of this year there will be a summer gifts campaign conducted by these volunteers and friends of the college. Their short-term, widely based effort is designed to provide $250,000 for specific development needs, including expansion of staff, architectural planning, and funds for a major capital gifts campaign which will begin in the fall. Persons who contribute as much as $1,000 will be recognized as founders of the college.

The board of overseers are:

Mr. James D. Grant, chairman, vice president, National Institute of Public Affairs, Washington, D.C.

Mr. Richard J. Barnet, codirector, Institute for Policy Studies, Washington, D.C.

The Reverend Gordon Cosby, pastor, Church of the Saviour, Washington, D.C.

Dr. Paul F. Geren, president, Stetson University, De Land, Fla.

Mr. Donald E. Graham, officer, Washington Metropolitan Police Department.

Mr. B. Neal Harris, Manufacturing Development, Plastics Division, Gulf State Paper Corp., Cockeysville, Md.

The Honorable Mark O. Hatfield, U.S. Senator, Oregon, Washington, D.C.

Dr. Roy J. Jones, director, Center for Community Studies, Howard University, Washington, D.C.

Miss Jimilu Mason, sculptor, National Council of the Arts, Alexandria, Va.

The Honorable Glenn A. Olds, U.S. Ambassador, U.S. Representative to the United Nations Economic and Social Council, New York, N.Y.

Mr. Bernard Rapaport, president, American Income Life Insurance Co., Waco, Tex.

Mrs. James W. Rouse, Baltimore, Md.

Dr. Rustum Roy, director, Materials Research Laboratory, University Park, Pennsylvania.

Dr. Herbert Striner, director, Project Development, W. E. Upjohn Institute for Employment Research, Washington, D.C.

The Honorable Joseph D. Tydings, U.S. Senator, Maryland, Washington, D.C.

Dr. J. Earl Williams, director, Human Resources Center, University of Houston, Houston, Tex.

These representative endorsements of the college throw shafts of light on the enthusiastic response the college plan has received:

James W. Rouse, president, the Rouse Co. It is an exciting concept, responsive to the pressing needs of the United States and the world beyond. We are very pleased to make available to Dag Hammarskjöld College a site in Columbia appropriate for your needs.

Philip R. Harris, Ph. D., senior associate, Leadership Resources, Inc. It is a magnificent conception, well worthy of investment. You have done your planning well, consulted with a wide variety of professionals, and incorporated some of the latest and best thinking about higher education.

J. Ned Bryan, director, Special Study on Talent Development, U.S. Office of Education. There is a refreshing realism about the plan of operation. Controlled enrollment and modular units providing for meeting the objectives of close faculty-student involvement. In my judgment Dag Hammarskjöld College has the potential and promise of fulfilling an unmet need in the arena of American higher education.

CRISIS ON OUR CAMPUSES

Mr. PERCY. Mr. President, recently I had the privilege of attending a 3-day meeting conducted by Dr. Robert A. Goldwin, director of the Kenyon College Public Affairs Conference Center, with approximately 20 academicians, public officials, civil rights leaders, students, and journalists, including David Broder, national political reporter for the Washington Post. I had just returned from a tour of 10 college campuses in Illinois, where I had participated in intensive seminars with student leaders representing every point of view.

The situation on the campuses is critical, and we have much additional study ahead of us to understand fully the changing phenomena which our Nation is witnessing. The campus today stands as a microcosm not only of some of our Nation's greatest problems, but also of its greatest challenges and opportunities.

David Broder, whom I consider to be one of America's most astute and competent political analysts, has discussed this problem, with his usual insight, in a recent column. I concur with his conclusions.

I ask unanimous consent that his article be printed in the Record.

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There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Cleveland Plain Dealer, May 14, 1969]

Is Peaceful Order Vanishing?

(By David S. Broder)

Gambier, Ohio.—Something very strange has happened in America, almost without our noticing it. The professor and the politician have reversed roles. The campus has become the arena of battle and the capital the place where people fretfully try to understand what is happening at the front.

For several years this reporter has had the occasional privilege of participating in the meetings of the Kenyon College Public Affairs Conference Center, which offers short intensive seminars on major issues to small groups of writers, political leaders and academics.

Customarily, the dialogue has taken the form of the journalists and politicians telling the professors how the problem under discussion looks at close range and asking the academics whether, from their rather detached perspective, they have other views and other solutions to offer.

This year, as we discussed the condition of American democracy, it was the professors, some of them still in semishock from the latest campus confrontations, who were asking help from the journalists and politicans in understanding and responding to the crisis that had overtaken their lives.

Despite their agitation, the message they brought from their campuses was plain enough. It is not one we can ignore—not when it comes from men of decency and wisdom, of both races, whose urgency of tone conveys as well as their words the danger they sense.

What they are saying, if I correctly understand them (the rule of privacy of these conferences prevents direct quotation or attribution), is something like this:

The agitation on the campuses is not simply, or primarily, a student-led effort at reform of college curricula and campus life. Whatever the effect in these areas (and there was disagreement whether they have helped or hurt the instructional program and college routine), the militants' demonstrations have introduced techniques of coercion and violence that are inimical to the life, not just of the university, but of any free institution.

Intimidation of students, faculty and administration members, both by physical means and by verbal abuse, is increasingly commonplace. (Again, the testimony comes from members of both races.)

If the tactics are inherently dangerous to freedom, so too is the philosophy of at least some of the agitators. Black militants, in control of some black-studies programs, are preaching a counsel of despair that could condition the leaders of the next generation of Negroes to believe that race war is literally the only tactic for achieving their ends.

White militants of the SDS variety are inculcating a philosophy that glorifies the realization of "self" through the flouting of established norms and the gratification of personal needs through violent action. The resulting intellectual atmosphere is hauntingly reminiscent to some refugee professors of pre-Nazi Germany.

Both the black and white militants show ignorance or disregard of the civilities by which a peaceful social order is maintained—the traditions of fair play and tolerance which underlie our democratic institutions.

All this, and more, the professors were saying. And if they are even partly correct—as I fear they are—this situation is much more critical than the ivory tower politicians and journalists like myself have realized.

PROXMIRE HEARINGS ASK IS THERE "A RIGHT TO PRY AND POKE?"

Mr. NELSON. Mr. President, "Is your yard neat and uncluttered? Do you have a satisfactory number of bathrooms? If you drink, is it because of marital trouble, business, or personal desire? And how do you get along with your wife?"

According to a report in this week's National Observer, "Senator William Proxmire marveled at these and other questions as he read them from the check lists that insurance inspectors use when they investigate a new customer," at hearings of the Subcommittee on Financial Institutions.

The senior Senator from Wisconsin has "drawn up a bill to regulate the companies that investigate consumers for credit, insurance, and jobs." The evidence drawn out by Senator Proxmire and reported in the National Observer indicates that no area is more in need of regulation than the prying and poking into the lives of everyone of us by consumer investigators. The most astonishing revelation at the hearings was reported in the Observer as follows:

> One consumer group witness told the tale of a pseudonymous "Charlie Green" who was hounded from job to job for five years by an unfavorable employment report whose existence he did not know of. "Charlie" was repeatedly rebuffed and mistrusted by employers who thought he was a dishonorably discharged soldier who lied about his past when he applied for jobs. The rules of the reporting agency kept them from telling Charlie about the report.
>
> Charlie Green was in "absolute trembling fear for my family and myself" when a personnel officer at one company accidentally tipped him off in 1967 to the existence of the unfavorable report. With the aid of a lawyer he eventually got the credit-reporting agency to agree to collect its false report, but even now it refuses to let him or his lawyer see the corrected document. Senator Proxmire said his own staff had confirmed Charlie Green's story.

All Senators represent millions of "Charlie Greens." The hearings revealed that the liberties the credit industries take with secret dossiers on private citizens is truly terrifying. The carelessness with which the information is gathered and then disseminated to almost anyone who wants it is inexcusable and in need of regulation. I ask unanimous consent that the Observer report be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the National Observer, May 26, 1969]

Do Credit Men Have Right To Pry and Poke?

Is your yard neat and uncluttered? Do you have a "satisfactory" number of bathrooms? If you drink, is it because of marital trouble, business, or "personal desire"? And how do you get along with your wife?

Sen. William Proxmire marveled at these and other questions as he read them from the check lists that insurance inspectors use when they investigate a new customer. The Wisconsin Democrat has drawn up a bill to regulate the companies that investigate consumers for credit, insurance, and jobs. Last week he invited them to testify during five days of hearings by a subcommittee of the Senate Committee on Banking and Currency.

"Does an insurance company have the right to pry and poke into any aspect of a person's life?" the senator asked. Testimony seemed to show that legally they do. It also revealed that the same set of credit-reporting agencies investigate people for insurance, check on their credit ratings, clear them for would-be employers, and keep dossiers on more than 100,000,000 Americans.

KEEP FILES CONFIDENTIAL

The senator's bill would compel these companies to keep their files confidential, give citizens a chance to correct their records if mistakes turned up, and to inform them if unfavorable information was put into their files from public records. The bill would also bar the companies from stockpiling intimate information unless it had some valid business need for it. Companies that used an investigator's report to refuse credit, jobs, or insurance would have to tell the customer where the report originated.

Witnesses from the credit-reporting companies and their clients in the business community generally testified against the bill. A spokesman for a trade group of 2,200 credit bureaus said it would cost so much to implement that credit companies might stop giving credit to poor people and concentrate on better credit risks. A banker said lenders needed even more information than they were getting now, not less. An insurance spokesman said some of the seemingly personal questions they asked had a real bearing on insurance risks; a policy holder with marital troubles might be murdered by his wife, for instance.

SEVERAL INVESTIGATIONS

A succession of consumer groups, however, testified that the bill ought to be even stronger. The executive director of the Consumer Federation of America urged that consumers be allowed to see their credit-bureau record, something the Proxmire bill will not compel, and scarcely any credit bureau will allow. The general secretary of the National Consumers League suggested that it be made illegal for a credit bureau to record gossip about someone's private life. A spokesman for the Louisiana Consumers League urged that credit bureaus be barred from doubling as bill collectors, as many do.

The hearings were the most thorough of several investigations that have started in both houses of Congress because of complaints that false or misleading credit-agency reports have deprived consumers of reputations, jobs, and credit.

One consumer group witness told the tale of a pseudonymous "Charlie Green" who was hounded from job to job for five years by an unfavorable employment report whose existence he did not know of. "Charlie" was repeatedly rebuffed and mistrusted by employers who thought he was a dishonorably discharged soldier who lied about his past when he applied for jobs. The rules of the reporting agency kept them from telling Charlie about the report.

Charlie Green was in "absolute trembling fear for my family and myself" when a personnel officer at one company accidentally tipped him off in 1967 to the existence of the unfavorable report. With the aid of a lawyer he eventually got the credit-reporting agency to agree to correct its false report, but even now it refuses to let him or his lawyer see the corrected document. Senator Proxmire said his own staff had confirmed Charlie Green's story.

Other witnesses testified that credit-reporting agencies have the right to gather intimate information about anybody, and legally are free from damage caused by their mistakes. The personal information they sell to stores, insurance companies, and employ-

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ers is covered by a legal doctrine called "qualified privilege," which requires a victim of their mistakes to prove that they injured him maliciously or through gross negligence. No laws specifically govern credit bureaus in 49 of the 50 states, and the manager of a credit bureau in Columbus, Ohio, said he did not even need a license for his business.

Senator Proxmire sought through questioning to show the size and power of this unregulated industry. The president of the Retail Credit Co. of Atlanta, for instance, testified that his company kept files on 45,000,000 Americans, issued 35,000,000 reports each year, and employed 8,500 investigators who interviewed 200,000 persons daily. He said 80 per cent of their work was insurance investigations, and the balance divided among credit checks, employment checks, and "other commercial purposes."

The executive vice president of the Associated Credit Bureaus, Inc., said that the 2,200 credit bureaus in his trade association had files on 110,000,000 Americans. The chairman of the board of Credit Data Corp., Harry C. Jordan, said his customers could get a report in three minutes on any of the 27,000,000 consumers recorded in his computers. Mr. Jordan said records on 7,000,000 persons had been put into his computers in the past year.

Much of Senator Proxmire's questioning was aimed at what he seemed to believe was the inexpensive and casual way in which these potentially ruinous reports were gathered, and on what he believed was a "perverse incentive to dig up dirt."

The president of the Atlanta company, for instance, confirmed under this questioning that his inspectors made an average of 10 or 11 investigations every working day, and that this included travel time between appointments with informants and, in some bureaus, typing up their own reports.

MORALS VERSUS SMOKING

"Are your inspectors trained psychiatrists?" the senator asked, wondering how these quickie investigations could determine the state of a marriage or the reasons why somebody drank. He also noted that out of hundreds of life-insurance check lists that he had examined, only one asked if the applicant smoked, while many asked for "character and morals," or "types of associates." The senator reckoned that smoking was as likely as bad morals to hasten someone's death, and complained "you rarely ask about smoking, but have on these forms again and again questions about . . . moral behavior."

Senator Proxmire also came up with a pair of manuals for the office managers of two credit-reporting companies. Both of them told managers to keep track of the percentage of cases in which investigators dug up unfavorable information about someone. One of the manuals told managers to keep after any investigator who didn't maintain the "minimum corporate standards of 14 per cent."

Most industry spokesmen said the public was well protected by the desire of insurance companies to sell insurance, of stores to give credit, of lenders to lend money, and of employers to hire employes. "If the credit-reporting agency gives out unjustified negative reports, it will soon be out of business," a banker testified. An insurance spokesman said only 0.6 per cent of new or renewed automobile insurance policies were canceled each year on grounds that could be remotely connected with reports from credit-reporting agencies.

Industry spokesmen repeatedly pointed out that the Associated Credit Bureaus had recently adopted a code of ethics for its 2,200 members, and that it covered most of the points raised by Senator Proxmire. But a spokesman for the association conceded that a television network that tried to get past the privacy clauses of the code had illegitimately managed to get records on 10 of the 20 people it asked for in December from member bureaus. And the consumer representative from Louisiana brought an affidavit from two persons who said a member credit bureau had violated a disclosure provision of the code just four days before the hearing.

Mr. Jordan of the Computer Data Corp. said his company collected information about a consumer's credit history instead of his personal life, and refused to part with it except for the purpose of granting credit to someone. He said his company did not belong to the association because its rules would compel him to share his files with other companies who used the information for employment investigations and for what the association calls "other bona fide business transactions," but which Mr. Jordan calls "virtually anything."

"If data banks of the sort we operate are to survive without creating mechanisms for a police state," Mr. Jordan warned, "they must be very carefully insulated from access for purposes other than the announced one."

Michael Malloy.

NORTH VIETNAM'S TREATMENT OF PRISONERS OF WAR

Mr. TOWER. Mr. President, one of the most disurbing aspects of the Vietnam war has been the complete refusal of the Hanoi government to abide by the Geneva Convention rules with respect to captured American soldiers. The rules developed by the Geneva Convention are simple and direct.

The legal duty of the North Vietnamese to abide by these rules cannot be questioned. It is specifically called for in the Geneva Convention rules for prisoners of war. But Communist nations have never shown any significant respect for international agreements or the niceties of law. It is probably naive to hope that they would do so in this instance.

There is, nevertheless, a compelling reason for North Vietnam to honor the prisoner-of-war provision of the Geneva Conference. That reason, Mr. President, is human decency. If the Hanoi regime would have us believe that it is sincere in its desire for peace and harmony in Southeast Asia, let it demonstrate that it understands an elemental concept of humanity—the fair treatment of helpless prisoners incarcerated in camps many, many miles from American assistance.

The United States has made every effort to induce the North Vietnamese to abide by the most elemental of the Geneva rules: The release of the names of Americans being held captive. On May 19, Secretary Laird requested that the North Vietnamese provide a list of all soldiers held in prisoner-of-war camps. This is a simple request, one which would in no way limit the exercise of any legitimate North Vietnamese right. If this simple request were honored it would bring an end to one of the cruelest tragedies of the war.

It would bring an end to the fear and doubt shared by the many wives, children, mothers, and fathers who do not know for sure whether their loved ones are alive or dead. There are many who bear the burden of North Vietnam's inhumanity: at present, more than 1,300 U.S. servicemen are listed as either prisoners of war or missing in action. Of these, nearly 800 are airmen who were downed over North Vietnam. There is reason to hope that many of the missing in action are in fact prisoners of war.

But we do not know this. The families of these men do not know. They do not know because the Hanoi regime refuses to indulge in the elementary humanity of providing a list of all American soldiers held in prisoner of war camps.

Xuan Thuy, chief of the North Vietnam delegation to the Paris peace talks, has declared that Hanoi would not promptly release a list of U.S. prisoners held in North Vietnam. This refusal in inexcusable. Its purpose and intent can only be to extend the period of worry, of doubt, of fear for the families of the Americans missing.

I urge Xuan Thuy and his superiors to reconsider. I call upon those who criticize American firmness in Vietnam to protest the inhumanity of the North Vietnamese as manifested by their callous refusal to end the needless suffering of American civilians. Perhaps the great force of world opinion with which this Nation often seems so preoccupied can provide an impetus to the North Vietnamese to demonstrate an understanding of human decency.

For myself, I can only add my voice to that of Secretary Laird and implore that Hanoi abandon its policy of needless cruelty with regard to this matter and urge it to demonstrate the spirit of humanity which is a necessary prerequisite to the establishment of peace and harmony in Southeast Asia.

Once Hanoi has responded in a responsible manner to this simple request of Secretary Laird, I am hopeful that the North Vietnamese will respond in a like manner to the Secretary's other suggestions. Specifically, the Department of Defense has urged the North Vietnamese to take the following steps:

First. Release all U.S. prisoners whom they hold. The seriously sick and wounded should be returned immediately.

Second. Assure that all prisoners receive proper medical care and adequate food.

Third. Permit regular, impartial inspections of prisoner-of-war facilities.

Fourth. Allow a free flow of mail between the prisoners and their families.

These are all reasonable requests. If North Vietnam will respond rationally and sincerely, they can be met. Its response would represent a much-needed indication that the Hanoi regime is genuinely interested in peace through negotiation.

Mr. President, so that Senators may have the opportunity to study in detail the report of the Department of Defense with respect to prisoners of war in North Vietnam, I ask unanimous consent that the report be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Briefing on U.S. Prisoners of War and Missing in Action Personnel

The U.S. Government and the Government of the Republic of Vietnam have placed great emphasis on proper treatment of enemy prisoners of war held in South Vietnam. We have recognized the requirements of the Geneva Convention relative to the treatment of prisoners of war.

At the same time we repeatedly have expressed our desire that the enemy honor its

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obligations under the Convention and that it properly treat U.S. personnel captured by them.

North Vietnamese and Viet Cong forces captured in South Vietnam are detained by the Government of the Republic of Vietnam in PW camps which are inspected regularly by the International Committee of the Red Cross.

In accordance with the Geneva Convention, sick and wounded prisoners have been released and repatriated to North Vietnam. We have provided such treatment not only because it is required by the Convention but also because it is the humane thing to do.

We have hoped that our adversaries would reciprocate. Regrettably, the North Vietnamese and the Viet Cong have not followed our example. There is clear evidence that the enemy is treating the U.S. prisoners it holds inhumanely.

On numerous occasions, the United States has appealed to the enemy to respect the requirements of the Geneva Convention which North Vietnam endorsed in 1957.

The purpose of this briefing is to express Secretary Laird's continuing and deep concern regarding treatment of U.S. servicemen listed as prisoners or missing in action in Southeast Asia.

Today, there are more than 1300 U.S. servicemen classified by the Services as either prisoners of war or missing in action.

Of the more than 1300, nearly 800 were downed over North Vietnam. Most are pilots and we believe a substantial percentage of the missing may be prisoners.

The families of these hundreds of servicemen have lived for months and years under the continuing anxiety and pressure of uncertainty as to the status and well-being of their loved ones.

Despite repeated attempts by the U.S. Government and neutral organizations, the North Vietnamese and the Viet Cong have consistently refused to release the names of those U.S. prisoners whom they hold.

Secretary Laird is deeply concerned by Hanoi's continued refusal to identify the U.S. prisoners whom it holds. On several occasions, he has expressed his respect for the magnificent patience and courage shown by the hundreds of wives, children and parents who for so long have hoped to learn about the status of their loved ones.

The magnitude of this unnecessary inhumanity has increased with each passing month. There now are more than 200 U.S. servicemen listed as prisoners or missing in action in Southeast Asia who have been in those categories for more than three and one-half years. This is longer than any U.S. serviceman was held a prisoner during World War II.

We now have more than 500 American servicemen who have been listed as PWs or missing for more than two years. The first U.S. pilot, whom we believe is still a prisoner, was captured in August 1964.

The North Vietnamese authorities have made statements, both publicly and privately, to the effect that American prisoners of war were being treated humanely. However, it has been impossible to verify such claims because North Vietnam adamantly has refused neutral inspections of the places of detention.

Hanoi's claims of proper treatment and its controlled visits with a handful of selected news people are not adequate substitutes for complete and impartial inspections.

Most information regarding the status of American prisoners has come in the form of propaganda films and photographs which the North Vietnamese have sold or made available to various news sources throughout the world. It is regrettable that we must rely on such often distorted information to determine the status of U.S. prisoners.

Many of these films and photographs have implied that our prisoners were being well treated, that they were permitted to communicate freely with each other, that they were allowed to correspond freely with their families, and that they were receiving proper medical treatment. Examination of this information, however, raises serious questions as to whether such has been the case. In fact, our analysis indicates that this is not the case, and that the provisions of the Geneva Convention are being disregarded.

In some instances, North Vietnamese propaganda has generated false hopes among American families because the identity of the prisoners shown could not be clearly determined. In one case, 20 different wives believed that a prisoner shown in a propaganda photo was her husband. This prisoner remains unidentified.

It now has been more than six months since the bombing of North Vietnam was halted. During that time we have had no releases and almost no information on American prisoners. In the past five years, North Vietnam has chosen to release only six pilots. All six had been held for relatively short periods of time, ranging from three to seven and one-half months.

Three of the six returned had been listed as missing in action and, thus, the announcement by Hanoi of their prospective release was the first indication that they were even alive.

Some of the propaganda photos made available have shown U.S. pilots alive on the ground after their capture by the enemy. Regrettably, no information has been received since their initial captivity, again causing severe and unnecessary anguish to the families involved. Commander A. C. Brady and Major W. S. Gideon are two such cases.

Another example is Major J. H. Kasler who was shown as injured when captured but has not been heard from since.

One propaganda film showed a display of 18 ID cards of pilots. This is an unacceptable substitute for determining the status of U.S. prisoners.

There have been indications that American prisoners in North Vietnam have been mistreated physically. In 1965 and 1966, captured U.S. prisoners were paraded through the streets of Hanoi. Some were seriously injured, as in the case of Lt. D. G. Rehmann, who suffered serious burns when downed in December 1966.

In addition, we believe that the great majority of American prisoners have been isolated from contact with the outside world.

Several propaganda photographs released have shown U.S. prisoners in such solitary confinement. All six pilots released by North Vietnam in 1968 confirmed that they had been held in isolation for varying periods of time.

Such isolation can have serious adverse effects on the long-term welfare of those detained under such circumstances.

North Vietnam released films also raise serious questions as to whether the prisoners are receiving proper medical care. Recent photographs show that some prisoners are continuing to suffer from injuries incurred at the time they were downed.

For example, several prisoners have been shown still using crutches after many months of captivity. LCDR H. A. Stafford injured his left arm and shoulder when shot down in August 1967. Today, his left arm appears to be noticeably smaller raising questions as to what medical treatment was offered.

One photo shows LCDR J. S. McCain, III, shortly after capture in October 1967. He was pictured in extensive casts because both arms and his right leg were broken. Hanoi has not indicated what his present condition is, and thus we are concerned about what treatment Commander McCain has received in the past 18 months.

One recent film included an elaborate spread of food which only two prisoners are shown carrying. Neither is shown actually eating the suspiciously large portions.

Recently, an Italian journalist met Lt. Robert Frishman, who was captured in October 1967. In the interview, published in L'Europeo a few weeks ago, Frishman stated that his right arm is significantly shorter than his left. He also stated that he had lost a substantial amount of weight since his capture. He, too, confirmed that he had been held in isolation by indicating that the reporter was the first person he had spoken to in almost a year and a half.

Weight loss by other prisoners has also been confirmed in propaganda films. One such case is Seaman D. B. Hegdahl who weighed over 200 pounds at the time of capture and obviously has lost considerable weight in the past 18 months. We observe similar indications in photographs of Lt. J. Crecca, Jr., and Colonel R. Risner.

In viewing the propaganda information which the North Vietnamese have chosen to release from time to time, the same few prisoners appear in the pictures. This raises the obvious question as to the status of the vast majority who are not paraded before the cameras.

We welcome any information concerning U.S. prisoners regardless of the source. However, we want to reiterate that these propaganda films are no substitute for the information and impartial inspections required by the Geneva Convention.

Propaganda films and photographs are misleading. One example was the distorted information released by North Korea during the captivity of the Pueblo crew. North Korean propaganda stated that the Pueblo crew was well fed, that they were permitted to exercise regularly, and that they could communicate frequently with each other and with their families.

We now know that these photos were staged and that, for the most part, the portrayed benefits occurred only when the photographs were actually taken.

We have seen similar "staged" photographs such as this scene of a purported capture of a U.S. pilot in North Vietnam. Other photographs have implied that our prisoners were permitted to attend religious services. However, recent photographs show only a handful of prisoners actually present for such services. And, it is noted that they are carefully separated which suggests either that Hanoi wants the room to appear full or that the men are kept apart so that they cannot communicate.

Another film attempted to indicate that the prisoners were enjoying recreational activities by playing table tennis, but the facial expressions and lack of animation are positive indications that it is a staged event.

Regular exchange of mail between prisoners and their families is a guaranteed provision of the Geneva Convention. Such a flow of mail simply has not been permitted by the North Vietnamese.

In the past five years, less than 100 prisoners have been allowed to write to their families. Even at that, the frequency of writing for this limited number of prisoners averaged less than two letters per year.

If these few writers had been allowed to write the number of letters and cards as permitted under the Geneva Convention, their next of kin would have received 18,000 letters and cards. Thus far, they have received less than 600.

We have no indication that any letters were received by families from September 1968 until late April 1969. Since then, some dated in late 1968 were received by families.

A recent North Vietnamese propaganda film suggested that U.S. prisoners had received Christmas mail and were permitted to celebrate the Christmas season. In the

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first place, the film shows only a handful of prisoners.

Secondly, the film purports to show prisoners opening Christmas mail when, in fact, they are reading letters dated in March, April and July of 1968. In two cases, the film indicated that the prisoners were opening Christmas cards when, in fact, the mail shown were Easter cards sent months before.

In December 1968, U.S. next of kin forwarded more than 714 Christmas packages. We have no confirmation of whether any were actually received by the American prisoners.

As part of the Secretary of Defense's concern for these men, he has directed a thorough review of the benefits available to the families involved. It is his intention that the military services and the Office of the Secretary of Defense must do all that is possible for the next of kin.

On several occasions, Defense Department officials have met with groups of wives and parents whose husbands and sons are listed as prisoners or missing in action. We can attest to the bravery and personal courage of these dedicated American families.

Secretary Laird and the Department of Defense continue to hope for meaningful progress in the Paris discussions and progress leading to the release of all American prisoners.

In the meantime, however, we appeal to North Vietnam and to the Viet Cong to respect the rights of prisoners of war and to comply with the Geneva Convention.

Specifically, we urge them to take the following humanitarian actions:

1. Release all U.S. prisoners whom they hold. The seriously sick and wounded should be returned immediately.
2. Assure that all prisoners receive proper medical care and adequate food.
3. Permit regular impartial inspections of prisoner of war facilities.
4. Allow a free flow of mail between the prisoners and their families.

AMERICAN OVERCOMMITMENT

Mr. TYDINGS. Mr. President, the National Commitments Resolution, Senate Resolution 85, authored by the Senator from Arkansas (Mr. FULBRIGHT) and the Committee on Foreign Relations, is scheduled to come before the Senate for a vote shortly. This is an extremely important resolution, one that I wholeheartedly support.

The realities of international relations are continually shifting. To be effective, the foreign policy of a nation must constantly be reappraised and revised to meet these new realities.

I am deeply disturbed by the distressing evidence that American foreign policy has failed to adjust to developments that have radically altered the international community over the past decade.

Following World War II, the United States stood alone as the sole deterrent to Soviet ambitions to fill the power vacuum resulting from the destruction of Europe and the disintegration of the colonial system is Asia and Africa. America was compelled to bring her power to bear in every corner of the globe to create a new balance of world power. To have done less would have been irresponsible and dangerous.

However, by 1960, the world was no longer a bipolarized community. A new Europe had emerged. Japan and China confronted each other once again as major powers in Asia. Latin American and African nations were struggling to chart their own destinies free from the domination and direction of outside powers.

The result of these developments is a world today in which every conflict is no longer a test of strength between Washington and Moscow. Many international disagreements simply do not constitute major threats to our security.

In addition, we have learned in Vietnam—at the terrible cost of nearly 40,000 lives and $100 billion—that we are relatively powerless to work our will in certain types of situations far from our shores.

Our inability to perceive these changes and adjust accordingly has led to an expensive and dangerous overextension of U.S. foreign commitments.

We have tragically intervened in two civil wars in the Dominican Republic and in Vietnam. We are on the verge of falling into the same folly in Thailand, where we currently have stationed more than 40,000 troops.

We have a quarter of a million American troops stationed in Europe 25 years after the end of World War II. We have 50,000 troops in Korea 15 years after the end of the Korean war. We have more than 2 million military-connected Americans stationed abroad. We have 343 major bases and 1,927 minor bases outside the country—many of which are obsolete and irrelevant—occupying 4,000 square miles of foreign soil at an annual operating expense of $13.5 billion.

The cost of this overcommitment is high. It is responsible for our balance-of-payments deficit and our gold drain. As a major component of our defense budget, it prevents us from reordering our national agenda to attack many domestic problems that challenge us at home.

Most important, this overextension of American commitments threatens to involve us in conflicts throughout the world in which we do not belong and in which American boys will needlessly lose their lives.

A thorough review of our present policies and international commitments is long overdue. If American security and world peace are to be preserved, the President and Congress can delay no longer on this pressing matter. By enacting the national commitments resolution, Congress will be taking a major step toward reclaiming its constitutional responsibilities over the conduct of our foreign relations.

HUMAN RIGHTS COMMISSION ADOPTS SPECIAL COMMITTEE PROCEDURE

Mr. PROXMIRE. Mr. President, Mrs. Rita E. Hauser, the U.S. Permanent Representative to the U.N. Commission on Human Rights recently was the keynote speaker at the 63d annual meeting of the American Jewish Committee. Pointing out that this country had acceded to only two minor treaties among the many human rights conventions developed by the U.N. Human Rights Commission and other U.N. bodies, Mrs. Hauser called the U.S. position "anomalous," "most distressing," and "illustrative of a roadblock to international human rights in countries where political power is decentralized and local prerogatives treasured."

The most serious roadblock to human rights progress, Mrs. Hauser declared, is "the slow development of implementing machinery in the growing body of human rights law."

However, she hailed as a "landmark not only for the United Nations, but for international law" the procedure adopted at the last session of the Human Rights Commission in March which allows for a special committee to review petitions from individuals or groups alleging violations of human rights. This committee will report to the Commission those petitions that reveal a consistent pattern of gross violations, she explained, and the Commission may then, with the consent of the State concerned, conduct a confidential investigation of the charges. Mr. President, I am very much pleased to see that Mrs. Hauser is taking such an early and active interest in the need for the ratification of the Human Rights Conventions, and I hope that the Senate will follow soon.

THE NEW YORK TIMES ENDORSES DDT BAN AND PESTICIDE COMMISSION

Mr. NELSON. Mr. President, this morning the New York Times joined the campaign to improve sanctions on the use of persistent pesticides, including a ban on the use of DDT.

Heeding the warnings of many scientists, biologists, ecologists, and conservationists that the continued use of persistent, toxic pesticides are contaminating the total environment, the New York Times commended Dr. Lee A. DuBridge, President Nixon's science adviser, for giving the pesticide problem top priority on the agenda of the new Environmental Quality Council.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 2, 1969]

CURBING DDT

Dr. Lee A. DuBridge, the President's science adviser, has placed the problem of DDT high on the agenda of the new Environmental Quality Council of which he has been named executive secretary. So much is already known about the damage inflicted by DDT that the Council should waste no time in mapping a program to control the use of this dangerous pesticide.

The Food and Drug Administration has had to seize a batch of coho salmon from Lake Michigan with far higher residues of that compound than the five parts to a million considered safe. Assistant Secretary of the Interior Leslie L. Glasgow told the Senate Commerce Subcommittee about shrimps imperiled by high DDT levels in their nursery areas; of the failure of Lake George trout to reproduce because of DDT in the eggs; of the extermination of "many thousands of robins" infested with the same substance; and of the decline in health of mallards and pelicans that had fed on DDT-contaminated fish.

The bald eagle—symbol of this country—is approaching extinction largely because of the effect of DDT on its fertility. David Brower, the California conservationist, recently testified before a House committee that the

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average person carries more DDT in his body than is permitted in the meat he eats, with consequences that caused Senator Hart to wonder whether Americans are not already "an endangered species."

DDT has been an extremely useful weapon against malaria, encephalitis, and other historic scourges of man, but the question today is whether the dangers it poses do not outweigh the benefits. We think they do—especially since less harmful substitutes for DDT are available.

What Senator Gaylord Nelson, chairman of the Senate subcommittee, has in mind is, first, a complete ban on the interstate shipment of DDT, and, second, establishment of a National Commission on Pesticides. This would be a continuing agency, made up of representatives from the appropriate government departments and from citizens in the fields of science, conservation, agriculture and private enterprise. Its task would be to investigate problems arising from the use of pesticides, to monitor the build-up of their resides in the environment, in fish and wildlife, and in man, and to stimulate development of compounds that would break down more rapidly after use than those now known.

For pesticides in general this approach is rational and the objective unimpeachable. As for DDT, it is in no further need of study. Sweden and at least two states, Arizona and Michigan, have prohibited its use. Its harmful effects are by now scarcely more debatable than the use of ground glass in the public reservoirs.

WILLA CATHER COMMEMORATIVE STAMP

Mr. HRUSKA. Mr. President, it is with a sense of pride that I have joined my distinguished colleague from Nebraska (Mr. CURTIS) in introducing a bill (S. 2279) to provide for the issuance of a special commemorative stamp marking the 100th anniversary of the birth of a great writer, Miss Willa Cather, of Red Cloud, Nebr.

Few writers receive the widespread acclaim of literary critics and the general public. Such recognition is limited to only the best. That Miss Cather was one of the best is evidenced by the following facts:

First. She enjoyed widespread circulation of her works among the general reading public.

Second. She was awarded, among other honors, the following: the Pulitzer Prize in 1923 for "One of Ours"; the French award, Prix Femina Americaine for "Shadows on the Rock" in 1931; the Mark Twain Society Silver Medal in 1934 for "My Antonia"; and the Gold Medal, American Academy of Arts and Letters.

Further evidence of Miss Cather's greatness is found in the fact that all of her works are still in print and selling even though it is over 22 years since her death.

Miss Cather's works, which are widely studied in schools throughout the country, have always been popular in other countries. In fact, her works are widely available in translations and still enjoy great popularity in many European countries.

Mr. President, in view of Miss Cather's accomplishments it is only proper that we honor her memory by issuing a stamp marking the 100th anniversary of her birth which was December 7, 1873.

Mr. President, although Miss Cather was greatly admired and loved by people throughout the Nation and world, she holds a very special place in the hearts of Nebraskans, because she was one of us.

Although she was born in Virginia, she grew up in Nebraska; she was educated in Nebraska; she wrote and published her first works in Nebraska; and she always looked on Nebraska as her home. Miss Cather's strong feeling for our State is reflected in the fact that six out of her 12 novels were set in Nebraska.

Mr. President, I respectfully urge that all Senators join with us in this effort to honor a great American, a great Nebraskan, and a great lady on the occasion of the 100th anniversary of her birth.

THE DRUG PROBLEM

Mr. MURPHY. Mr. President, the drug problem is one of the most serious facing our Nation. It is particularly important because of its growing influence among the country's youth. In some instances, there are reports that the drug problem is reaching the elementary school grades. This is shocking! Every parent, every school, every church, and every community in this country should educate themselves to this problem, be alert to the signs of its use, and be prepared to truthfully and frankly answer questions that young people might have on drugs.

The growing concern over the drug problem is evidenced by the fact that I have received resolutions adopted by over 100 California cities urging Congress to consider closing to minors the State's border with Mexico unless they are accompanied by a parent or a responsible adult. I wrote to the Senator from Texas (Mr. YARBOROUGH), chairman of the Committee on Labor and Public Welfare urging that hearings be held in southern California on the drug problem. I am hopeful that our committee will soon be able to go to California and take a look at the situation firsthand.

Mr. President, I ask unanimous consent that my letter to Senator YARBOROUGH be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 22, 1969.

Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR YARBOROUGH: As a member of the Senate Subcommittee on Health and Drug Abuse, I congratulate you for calling hearings to spotlight the growing drug problem in this nation. You may be assured of my full cooperation.

There was a time when the drug problem was a phenomenon that we associated with the slums. This is no longer true today, for drug abuse has clearly spread to the suburbs. More recently, there has been growing national concern with the use and abuse of drugs by our college students. As alarming as this was and is, we now hear that drug use has spread to our high schools and our junior high schools. We even hear reports that it has reached the elementary level. The explosive use of drugs represents a "clear and present danger" to America and to its youth.

California is particularly alarmed. I have received, at last count, resolutions from 92 cities in California and another resolution from the State Legislature expressing great concern over the drug problem and urging the Congress to hold hearings in Southern California on the drug problem. Particularly, these resolutions urge that Congress consider the closing of the California-Mexican border to minors unless they are accompanied by a parent or responsible adult. In view of the great interest and the seriousness of the drug problem in California, I would be most grateful if the Committee would hold hearings in San Diego and, perhaps, Los Angeles, to investigate the drug problem.

I appreciate very much your cooperation.
Sincerely,

GEORGE MURPHY.

Mr. MURPHY. Mr. President, Dr. Hardin B. Jones, professor of medical physics and physiology and assistant director of the Donner Laboratory of the University of California at Berkeley, has written a paper entitled "What Parents Should Know About the Drug Problem." Because of the critical importance of the subject, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT PARENTS SHOULD KNOW ABOUT THE DRUG PROBLEM

(By Hardin B. Jones, Donner Laboratory, University of California, Berkeley)

Social pressures among the young to use the dangerous drugs are widespread and, unless the trend is reversed, as much as half of this generation of young people may acquire crippling drug addiction or habituation. Although the effects of some of these drugs are said to be mild, there is reason to doubt the accuracy of such statements and more reason to accept the growing evidence of long-range harm. Every community and every school has been infected to some extent by this newly unleashed social disease. Parents must become informed about the drug movement and use their considerable influence to increase the possibility that their children will decline use of drugs, or to help them to stop if they have become habitués. Most parents with such problems do not become aware of the situation as soon as they might if they understood the common signs of use and the way people are drawn into the habit.

FACTS ABOUT DRUG HAZARDS

Drug use is not new. Mind affecting substances, especially alcohol, have been used commonly since the most ancient times. Marijuana and opiates have a long history but they are both associated with the socially impaired. Inaccurate claims are made that drugs of the present craze (marijuana, the amphetamines, LSD, etc.) are less harmful, or no more harmful, or just as socially justified as whiskey and tobacco. The intoxication produced by marijuana ("pot") is relatively mild when compared to the amphetamines, LSD, and the hard narcotics, morphine and heroin. Perhaps unfortunately, unlike alcohol, marijuana does not induce staggering or other easily visible symptoms and does not interfere noticeably with control of the muscles. The alcoholic drunk is partially protected by not being able to hide his condition or to carry out his deluded inclinations.

Pot, unlike alcohol, produces no hangover effect nor any known danger to the liver. But it does affect the mind and there is evidence that personality may be permanently changed and that effects are cumulative. Many users claim the change is for the better; they see only escape from the

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problems, challenges, and satisfactions of the real world. Most chronic pot users are incapable of having long-range goals of accomplishment and some of them hold this aimless existence to be ideal.

The defense of marijuana by comparing it with alcohol or tobacco is shallow. As most parents know, alcohol and tobacco cause harm; but the measure of that harm is not widely understood. Each year about 25,000 deaths from automobile accidents (half the total of traffic deaths) are attributed to drivers under the influence of alcohol. About half of the 2,400,000 traffic injuries per year are similarly attributable to drivers affected by alcohol; more than 200,000 of the injured are left with partially impaired bodies as long as they live. Each year about 50,000 persons die from liver disease of a type which is almost exclusively the result of chronic overuse of alcohol. Heavy chronic use of alcohol is also a contributing factor to many other deaths.

Alcohol is the commonest cause of irresponsible and even criminal conduct in the adult population. It may soon be displaced in this role, however, by the mind-disorienting drugs. Alcohol has dulled many minds and kept those persons from achieving top performance; the new drugs are much more of a hazard in this way and, in comparison, the severe effects of alcohol are probably relatively negligible. But it is obvious that alcoholism is no small problem.

Tobacco and alcohol probably rank one and two, respectively, as causes of death, if we consider their direct and indirect effects and weigh the years of life lost by their victims through relatively early deaths. It is shocking to realize that both are elective diseases. Nearly one death in three in the adult population can be attributed to the fact that half of the adult population smokes and that the risks of all degenerative diseases are more than doubled for smokers. Furthermore, smokers impair the quality of their lives, since they are always less vigorous and have twice as much chronic disease as nonsmokers of the same age. There statistics indicate the serious consequences of two habits that have captured most of our adult population.

Even if marijuana were no worse than tobacco or alcohol, it would be a grave threat to future generations to let them saddle themselves needlessly with another such habit. In fact, however, drugs impart still greater hazards. The hippie cult started four years ago with sweet, naive young people being induced to "expand their perceptions." Many of them today look aged and sick. They are. A result of this kind could have been anticipated from a consideration of the physiological hazards of drug use.

Since marijuana is the most widely used drug, consider its characteristics:

1. It is habit forming.

2. With continued use, it is addictive, perhaps more so than cigarette use.

3. Although it does not lead to use of harder narcotics through *chemical* addiction, it promotes an attitude of curiosity about them and its use increases the chance of exposure to them.

4. Its effect is cumulative. One indication of this fact is seen in that usually, in initial trials, no response is noted; hallucinatory intoxication may require the use of 3 to 5 marijuana cigarettes. In later trials, intoxication can be induced with a single cigarette or less.

5. It is very mild in *immediate* harmful effects, and its harmful effects are small in comparison to the effects of the amphetamines, LSD, or Opiates and other hard narcotics. Since it does interfere with normal perception, it can place the user in situations dangerous to himself or others.

6. Long-range *physical* effects have not been established but are almost sure to include the cancer-producing result of inhaling the products of combustion and distillation of vegetable matter, as in the case of tobacco. *Mental* effects of the cumulative impact of repeated hallucinations are spectulative but probably real. Hallucination by definition is misevaluation of sensory information and disturbs the reference memory.

7. Marijuana use tends to cause the abandonment of goals and ambitions.

Some exaggerations about marijuana effects by well-meaning opponents of the drug fad have added to propaganda for its use as those points were discredited. Harm from misuse of all drugs is nevertheless evident. Exaggeration about the degree of harm is unnecessary and should be avoided lest it discredit proper cautionary views.

The drug user is unprepared to understand the long-range hazards of drugs. As with Russian roulette, which is safe until it is fatal, the individual whose personal experience with drugs has not yet created a serious problem for him is usually convinced that drug use is safe. Apparently only those who have had a frightening experience with drugs give them up readily.

Drives to satisfy hunger and sexual desire are powerful forces which can condition reasoning and decision-making. The hard narcotics produce sensual experiences that resemble these appetites. The marked linkage between drug sensation and sexual sensation may relate to the nature of some drugs and the inner workings of the brain. The claim by some drug users that drugs enhance sexual pleasure may merely reflect the fact that *any* psychological conditioning in that direction can enhance sexual enjoyment. Regardless of the mildness of the starting point, as drug use continues there is greater cumulative probability that the person will try harder, more addictive drugs. Drugs are habituating and sensually conditioning as well as addictive. Addiction to hard drugs and to tobacco can be broken, but the person remembers the sensual conditioning. Former smokers often "dream of smoking."

Although many thousands of drugs are known through discoveries from ancient times to the present, none have been found which impart sustained benefits to normal individuals. Drugs may correct certain deficiencies and abnormalities; but no drugs enhance normal function in those who are well or make the body as fit as it can be made through simple hygienic principles. No drugs increase learning, or the speed or accuracy of problem-solving. All these processes are so complex chemically and so delicately and well balanced in persons of good health that it is unlikely that any random tampering with the chemistry of the brain will ever produce beneficial changes. We expect no superpersons to emerge from drug use now or in the future.

The claim by some that marijuana does not lead to heroin use is explained as a simple matter of arithmetic. Before 1964, it was apparent that many heroin users had "graduated" from marijuana use. Since that time, marijuana use has increased by several hundred times. The limited heroin supply has increased about three times, but this increase is negligible in contrast to that of marijuana. There simply is not enough heroin to supply the potential users who have tried marijuana and want a bigger kick. They have turned instead to the amphetamines, LSD, and most recently to barbiturates. But throughout the whole recent pattern, heroin use is noted to be increasing. Heroin use seems to be limited only by the supply. Current information about increased production of opiates in China and the Middle East points to a massive danger from heroin in the immediate future due to international economic advantages from drug traffic.

FORCES PUSHING THE YOUNG TOWARD DRUGS

In the past, our culture rejected drug addiction as improper, foreign to our way of life. The drug addict was an unpopular outlaw. The general attack on all authority that is part of the recent sweep of revolutionary forces has created a pressure to use drugs of all kinds and a specific drive to liberalize restrictive laws, including legalization to use of marijuana. Supporters of this anti-establishment front choose to link drug use to protestation of the war in Vietnam. Typically, when an adult member of the academic community is cornered about his support of drug use, he immediately counters with the *non sequitur,* "But isn't the war in Vietnam a worse horror?" One such colleague at Berkeley recently said to me, in answer to my complaint about his attitude toward drugs, "This country is on the wrong side in the Vietnam War, and as long as it is, we will alienate the youth of this country."

It was once unthinkable that a segment of the educational profession, however alienated from society privately, would start the drug craze and keep it going. The schools and colleges have been flooded with drug information: how to do it and what to expect, together with suggestive phrases such as mind-expansion. Mind shrinkage would be a more accurate term, but cautionary information has, for the most part, been minimal. Timothy Leary and other high priests of the drug cult have unchallenged access to many young people.

HOW PARENTS CAN RECOGNIZE POSSIBLE DRUG USE

1. Marijuana produces redness of the eyes. Some drugs cause dilation or constriction of pupils. The facts that youngsters get red-eyed easily from lack of sleep, too, and that they have wide pupils when they are not out in the sunlight make these symptoms uncertain by themselves.

2. Some drugs produce drowsiness and clumsiness. Since most normal young people don't bump into things often, these may be signs of trouble.

3. Marijuana and LSD commonly produce abrupt changes in goals and work habits. Those who have the hardest drive for goals and performance seem to be the most affected. This is an important clue, but youngsters are changeable for many normal reasons also.

4. Know the smell of marijuana smoke and the appearance of "grass." Your police department can arrange for you to recognize this evidence. The smell is hard to hide; at illicit pot parties, there is often an attempt to cover the characteristic sweet odor by burning incense. Therefore, burning incense is often a clue.

5. If your youngster is reported to be nude in a public place or to be generally incoherent, he is possibly intoxicated with LSD.

6. A succession of disappearances of articles of value from your household would be reason to suspect that someone with access to these things has become addicted to hard drugs.

7. Diet pills are usually composed of one of the amphetamines. Drug users often take a number of pills at a time for the mental intoxication sought. An amphetamine user has an abnormal feeling of power. He is easily triggered into violence. In San Francisco's Haight Asbury hippie community, there have been nearly thirty murders in the first four months of 1969, all believed to be linked to amphetamine intoxication.

8. Barbiturates are the active substances in most sleeping pills. They are currently being used on a massive scale to induce intoxication. Their chief symptom is drowsiness.

You are more likely to pick up information about drug use by other families' children than about your own. If so, you have an urgent obligation to see that those parents are informed quickly, privately, and confidentially.

AVAILABLE COUNTERMEASURES

The greatest safeguard is candor. Today's generation is direct; most will not hide information except to protect another person. Parents have to make an effort to keep the confi-

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dence of their children. Communication is always possible and success depends, in large part, upon two-way honesty.

Parents should be aware of some specific precautions and be ready to take certain measures that are of the nature of prompt first aid. If your child appears to be under the influence of LSD, don't leave him alone for whatever time it may take for his recovery. He may fatally injure himself unless closely supervised. If he seems to have taken any of the amphetamines, remember that he will tend to feel like Superman and may therefore endanger himself and others. No amphetamine user should drive a car. Many alcoholics switch to barbiturates because the cost is less and the intoxication lasts longer. If you have barbiturates at home, keep them out of reach.

If you face a drug use problem, seek help from your minister, your physician or local medical society, the juvenile authority, or some professional organization. Community associations are being formed to help with these problems. But be certain that your source of aid has a solution acceptable to you. Some plans to rehabilitate drug users involve substitution of sensual conditioning such as sensitivity training, itself controversial.

It will be unwise for you to cope with a drug addiction problem by hiding it. Most drug addicts become sly and deceitful. You will need professional assistance.

In combating marijuana use, a community effort is helpful, with coordinated efforts from other parents, physicians, schools, churches, and youth organizations such as Scouts. The law enforcement agencies are sympathetic, well informed, and usually willing to help parents confidentially by identifying evidence of drug use and suggesting local professional help.

No countermeasure is as effective as prevention. Be alert to possible dangers and offer solid opportunities to the young to participate responsibly in useful activtiy.

Let the school or college administration responsible for your child know that you expect to be informed about any use of drugs and that you hold the school responsible for giving reasonable cautionary advice on the subject.

ENCOURAGEMENT TO PARENTS

Parents and other adults have confused feelings about their own kinds of shortcomings. Smokers and drinkers are generally aware, when challenged, that these habits are unhealthful, but they rarely face the problem. Their children see the hazards easily when they are six to eight years old and worry about their parents intensely, but the parents are "hooked" on their cigarettes and liquor. Since they can't stop, except by great effort, they rationalize and minimize the problem. They don't understand enough about their plight to discuss it with their children intelligently.

At a little older age, when children are trying to find out how to be adults—and they all want to be adults—they, too, are likely to take up smoking and drinking if this is the pattern of their parents. This behavior pattern existed long before the drug craze began. Teenagers had already swung to hard liquor ten years ago, when unsupervised teenage parties began to be the fashion as a result of the cult of permissiveness. The youngsters were just mimicking the more obvious characteristics of the less responsible part of adult society. Adults are now really dismayed about the drug hazard; but many of them are in a poor position to guide their children about it since they understand little about the problem and have not done well themselves with alcohol and tobacco. For example, fifteen years ago when the first clear information became available that smoking had serious harmful consequences equivalent to rapid aging, 70% of physicians but only 45% of all adult men were smokers. Today, it is estimated that 55% of adult men smoke but only 7% of physicians have continued the habit. This is evidence that the average adult doesn't understand the facts about cigarette smoking effects.

Why shouldn't the average adult be confused about the smoking problem? His personal experience says he is alive in spite of it, the ads in his newspapers and magazines and on TV encourage him to smoke, and his rare casual encounter with scientific evidence to the contrary has added only apprehension and not real understanding. There is little he can discuss about the matter to the satisfaction of his children.

Parents have great impact on their offspring. Most parents have successfully imparted a set of values, a sense of purpose, and some reason for life. In today's turmoil, parents must do more.

Parental preparation has kept most students from being swept into the wave of sexual permissiveness. College surveys show about the same fraction of "sexually liberated" students now as in former decades. The difference is that the sexually liberated are advertising their activities and organizing groups to promote similar activities. The moral fiber of our people is a good deal tougher and of higher purpose than suggested by accounts of depraved behavior. Generally, parents can still reach their children—even as young adults—if they are accurately informed, objective, and truthful in their approach and convincing by their example.

Most teachers, most of the time, in most locations, have goals of morality and purpose which are similar to those of the average parent. Parents and school administrators should see that misguided teachers, such as the irresponsible former professor, Timothy Leary, do not have opportunities to preach the cult of drug use. If depraved behavior is unopposed or condoned, it is likely to spread. To prevent that spread, parents must be alert to recognize the condition and must learn to oppose these influences and give sound advice to their children.

Parents tend to exaggerate the hazards of drugs because they are more concerned than informed. They must become knowledgeable if for no other reason than the fact that no argument loses more quickly than that which is revealed to lack accuracy. Besides, there are so many frightful factual statements to be made about the drug problem that there is no need to exaggerate.

It isn't the parents' fault not to have anticipated this destructive wave of drug use propaganda. But parents and all responsible persons must oppose the propaganda and the drug clique. The current political disorders, of which the drug movement is a facet, involve various conflicts between the generations. The conflicts must not be allowed to grow deeper. Most youths are not alienated but only struggling to find their independent way of life.

Those of the parental generation must always impart to the young the will to achieve useful life. Today's achievement is largely through mental effort, so that disorientation of the mind threatens the individual's greatest asset. Youth can falsely perceive its vigorous, new body as indestructible, and its agile mind rejects the notion that it, too, will eventually slow to the mental pace of old age. They should be concerned to think that they will slow down faster and to even lower levels through use of drugs. The will to live for high purpose needs to be taught to the young, and it must be taught by resolute, not dissolute, adults.

"WHAT AMERICA MEANS TO ME"—ESSAY CONTEST IN WICHITA FALLS HIGH SCHOOLS

Mr. TOWER. Mr. President, every year the Rotary Club in Wichita Falls, Tex., sponsors an American Essay Contest in that city. Members of the senior classes of the five high schools in Wichita Falls are invited to submit a short essay explaining "What America Means to Me."

Because these essays express the feelings of intelligent young people in the Wichita Falls community, and because I believe they represent the unspoken sentiments of a majority of young Texans, I ask unanimous consent that the five winning essays, written by Mr. Jerry Hays, of Hirschi High School; Miss Sherley Simons, of Notre Dame High School; Mr. Tony Lynn Edwards, of S. H. Rider High School; Miss Annie Ruth Webster, of Booker T. Washington High School; and Mr. Mel Horany, of Wichita Falls High School, be printed in the RECORD, as follows:

There being no objection, the essays were ordered to be printed in the RECORD, as follows.

WHAT AMERICA MEANS TO ME

(By Jerry Hays, Hirschi High School, Wichita Falls, Tex.)

Just recently I went down and reported to my local selective service board, in short I signed up for the draft. When I signed that little slip of paper I did no more than wiggle my hand in the preprogrammed plan of writing my name. That was purely physical. In principle I was doing much more. I was putting my name down in representation of me as saying, "I will serve the United States of America if called upon." In this I am vowing to finally repay to a very small percentage all of the friendships, happiness and freedoms that this country has given me in the past eighteen years. Pay for these with my life if necessary. For fighting for the United States would be like fighting for a brother, or more rightly a father. America is my life.

The very word America stands for everything that I do every day. It stands for waking up to the sun, not barred by iron or shadowed by fear. It stands for being able to take a deep breath without having to hide my actions. And even more important, America stands for being allowed, with that first breath or any breath, to say what comes to my mind. This makes the air a million times sweeter. Make that over a billion times sweeter, because that is how often, every day, an American draws in a free breath and exhales a free thought. Everything that I do is American. My walk, free, creative, individual. Not uninformed and wide as in the march of the communist. The way that I salute my country is American. Hand over heart, warm and close, into me. Not stiff and rigid away from me, away from the individual. Not a salute of power but a salute of friendship. These are the things that I do every day as an American. But there is one day on which I do these things that is more important than any other day anywhere in the world. That is Sunday. The day when an American can not only say what he wants, but he can believe what he wants. No forced marches to the church, no state religions, just freedom. What I feel on Sunday is God. And shouldn't I? For the United States of America is God's country. That is what America means to me.

WHAT AMERICA MEANS TO ME

(By Shirley Simons, Notre Dame High School, Wichita Falls, Tex.)

George Orwell, in his story, "Animal Farm," depicts a life of hard manual labor forced upon the animals. The animals win their freedom but as the years pass they find they must work from dawn til dusk and take orders from the pigs. Soon they realize that their dream of freedom is gone.

Freedom has never been a dream to me. It was given to me with no strings attached because I was born in America. Since then,

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freedom has always been the value shaping me as an American.

When I wake up in the morning I can see the sun clearly through my window and as I say my prayers I can truly thank God for all He has given me.

Freedom is usually considered a privilege or a right. Of course freedom is this but it means more to me. It is something I can build on and believe in. Speaking, worshipping and believing as I wish are all guaranteed by freedom and these are the ideals that make me a proud American.

In today's society I find it necessary to know the people around me. I do this by communicating with them. This would be almost impossible if I could not speak freely. Freedom of speech is not only guaranteed in the United States Constitution but, more impressive, it is guaranteed in every free American.

I also cherish freedom of religion. Having the right to believe in God and worship Him as I want is important to me as an American. Looking at a tree or a river, I sometimes wonder what I would see if I were not living in a free country. The tree, I imagine, would be destroyed and the river would be used to transport fighting soldiers. Then, as I drift back to reality, I hear myself say, "God, please do not let it happen here." And at that instant I know how fortunate I am to be an American.

A third freedom I enjoy is believing in my purpose. Before I can share my ideas with others I have to believe that they are worthwhile. I have to believe in myself and as an American I can do this.

Finally, and most important, I possess the freedom to live. This may sound strange at first but many people cannot live. A small child born in Biafra is surrounded by hate before he has a chance to love. He lives in poverty and so many times he never even hears the word freedom. I do not consider this living.

Yet I can live. I am free to obtain any education. I am qualified to work for myself and others. And because I am an American I can walk proudly down the street every day.

Don Black, a noted composer, summarizes freedom in these words: [1]

"Stay free where no walls divide you.
You're free as a roaring tide,
So there's no need to hide.
Born free and life is worth living,
But only worth living if you're born free."

WHAT AMERICA MEANS TO ME

(By Tony Lynn Edwards, S. H. Rider High School, Wichita Falls, Tex.)

America means several things to me, not the least of which are the freedoms I can enjoy as a citizen of this country. There are an infinite number of freedoms, both great and small, which are fundamental to the American way of life. I wish to speak of but four of these freedoms which I hold most dear. The first, and possibly the most vitally needed freedom, is the freedom to worship as I please. This freedom is vital in that is supplies an important need to the human spirit, that of seeking something greater than man. It is in America that I am able to worship with the greatest freedom and without fear of persecution. On the other hand, if I do not wish to worship, I am not forced to do so. Thus, the choice of whether or not to worship is left up to the individual and not some government.

The second important freedom is the freedom of education. There is no other country in the world which offers such vast educational opportunities as does America. The teachers are well trained and educational facilities are the most modern anywhere. The most important part of this educational system, though, is the fact that I have the freedom to decide if I wish to take advantage of it. This is not always the case in other countries such as the Soviet Union or other communist countries. Under Communism, I would be forced to either go to a graduate school or a trade school after competing high school. In America, though, I could decide whether or not to go to college, or, if I did not want to go to college immediately, I could travel, or I could go to work. In any event, I would be able to make the choice as to my educational pursuits.

The third freedom I wish to discuss is the freedom of opportunity. As the saying goes, "Nowhere but in America can a man be born a pauper and grow up to be a President." This is what makes America the "land of opportunity." The right to decide what you want to do and the right to strive for this goal is possessed by all American citizens. I, as an American, can choose my life's work, whether it be to own a business, to explore space, or to lead the country. I have the chance to do these things or a thousand others because of the freedom of opportunity.

The final freedom I wish to discuss is the freedom of expression. Freedom of expression is important because it is one of the basic rights of people upon which America was founded. It is a necessary part of our democratic form of government in that democracy is government of the people, by the people, and for the people. To have this kind of government that is representative of the people, it is essential that the people be able to express their ideas and criticisms freely and without fear of reprisal. For example, if I felt that a law was endangering my constitutional rights as a citizen, I could express my feelings in this matter and attempt to get the law changed, all without fear of government reprisal. America is one of the few countries in the world where such criticism is allowed. Thus, freedom of expression is what makes American government truly a government of the people.

America means many things to me, but above all it means a land of freedom and opportunity where all people can live their lives as they please.

WHAT AMERICA MEANS TO ME

(By Annie Ruth Webster, Booker T. Washington High School, Wichita Falls, Tex.)

What does America mean to me? According to Webster's *New Collegiate Dictionary*, Americanism is defined as an attachment to the United States, its traditions, its interest, or ideas. But to me, as a senior in high school, Americanism stands for many gifts: justice, equality, individuality, unification, but more important—freedom.

Freedom, if applied incorrectly however, is the most dangerous gift anyone can receive. It can be a two-edged sword that will destroy me as an American unless I learn how to use it. Unlike my ancestors, who had only to fight for freedom, I face a greater challenge for I must live with it. As I look at the country today, I see all around me a drastic decline in morals: cheating, where once there was honesty, promiscuity, where once there was decency, crime, where once there was respect for human rights. Everywhere there seems to be a growing laxness, an indifference, too much permissiveness and a lack of integrity that terrifies people, including me, who think about these declines in morals.

Since our country won its independence, something in Americans view authority with suspicion. "Give us more freedom!" has been our constant cry. This was valid when it was directed against tyranny or oppression, but the concept of freedom has been pushed beyond that. The freedom now claimed by Americans has come to mean freedom from all unpleasantness: from hardship, from discipline, from the stern voice of duty, from the pain of self-sacrifice, from all the ideals that our country was originally based on.

As a nation, we have clamored for total freedom. Now we have just about reached that place and I have to face the bleak and chilling truth that we have discarded one external restraint after another and have not learned how to restrain ourselves. Some of the outcries for total freedom are: "Give us fewer rules, or more elastic ones!" This demand has weakened our courts of justice and has shaken the foundations of our churches. "Give us more leisure time and less work!" This one sounds inviting and alluring, but at the end of the road lies boredom. "Give us freedom to decide moral questions for ourselves!" This cry ignores the fact that, once morals become relaxed, it is hard to justify any morality at all.

It is this truth that causes, deep in my soul, the uneasiness that I feel despite America's prosperity and power. It is the knowledge that Americans have abandoned their ancient certainties and so far have found nothing to replace them. It is the premonition that unless Americans learn to control themselves, this climate of ultra-freedom may be replaced by a climate of repression. It is the fear that, if we do not learn to guard and preserve our own best values, then some form of tyranny will surely attempt to take them from us. This is no idle fear; it took Babylon one thousand years and Rome five hundred years to decline and fall, but we have no such comfortable margin. Time and distance have diminished; the clock of history ticks faster.

Therefore, I am not going to think so much about the freedom from tyranny that my ancestors won, but I will think about the chaos that freedom will bring to me if I do not use it wisely. I am going to face the fact that, in the proportion to which I dismiss my external restraints, I have a solemn moral obligation to restrain myself.

This can never be easy but the time has come when I, as an American, must look straight at some of the ugly areas of our society: the divorce statistics, the crime statistics, the weakening of family ties, the swirling clouds of racial hatred, the sex permissiveness on our campuses, the grim persistence of alcoholism, and the increase use of drugs.

Also I should ask myself, to what extent do these things stem from a distorted concept of freedom which leaves men free to be selfish, free to be weak.

If personal freedom of choice is my goal and America's ideal as a nation, then our first and fundamental choice must be not to abuse that freedom. This is what independence truly means: self-discipline. And this, we Americans would do well to remember when we see the flag we love blazing against the sky, symbolizing Americanism.

WHAT AMERICA MEANS TO ME

(By Mel Horany, Wichita Falls High School, Wichita Falls, Tex.)

If I were to say to someone foreign to this great land, "I am proud to be an American." He would probably reply, "Sure, but why, what's so great about America?"

Other than the inalienable rights, such as life, liberty, and the pursuit of happiness, America has many other qualities which are prominent, and meaningful to me. One cannot point out freedom as the basis for our country without understanding the respect that Americans have for it, and the mutual respect for other's freedom. Through the ages, Americans have lived and died for the cause of freedom; now in this contemporary world men continue to die, but as I see it their deaths are not only for the preservation of our freedoms but the freedoms of others as well.

I think America is making positive strides for the improvement of the fundamental beliefs we all enjoy, and those that America stands for such as, equality, self-improvement, and most important—peace. To say that America is faultless, or guiltless in respect to all matters of worldly concern is ridiculous, but to put the blame chiefly on

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[1] "Born Free," composed by Don Black.

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America is absurd. America is the heart of the free world, take her away in isolation, and the rest of the free world dies. Why, because here in America we know of no better form of government, and her people will not allow a change which might take away from their basic freedoms. Of course, not all Americans are completely satisfied that this is the best system, and those who have openly expressed their dissatisfaction are trying to cause a collapse of what I believe is the finest place on earth to live.

No, in my eyes America is not perfect, we have our share of civil strife and trouble among ourselves, but ours is not the first generation to have faced such problems, and those who advocate a separate society to solve our problems are leading us toward the greatest hypocrisy America could fall into. America has always been a symbol of the respect for all men, and equality of opportunity, and equality before the law. To separate would be an open declaration of our deceitfulness. America means to much to too many to allow misguided few to lead us astray.

Nor do I believe that youth lie at the center of the turmoil and trouble we sometimes have to endure. Today, America is youth, and youth is America, and to deny the young people their opportunity to question the established lines of thinking, would be a vicious blow to democracy. But to permit destruction of almost 200 years of learning and improvements would be an even more detrimental blow.

Yes, America is a conglomerate of many years learning, added to man's ability to think optimistically and all built on a base of compromise. I think that America is and always will be a vast compromise—white—black, rich—poor, Christian—Jew, and many other forms of people who have learned to cooperate with one another. Without compromise America would have been lost long ago, but because of it we all can claim a share in its never ceasing development.

We Americans have much to be thankful for, and for this reason we all should strive for continued lines of communication between people not only in our nation, but in other nations as well. I believe in America, and I believe in her people, and for this reason I will gladly tell anyone, "I am proud to be an American."

THE NEW CONSERVATION

Mr. NELSON. Mr. President, the Capital Times of Madison, Wis., recently published an excellent article profiling the activities and philosophy of the Environmental Defense Fund, an organization that is building the case around the country for an ecological ethic in law which gives due consideration to the impact of our activities on the environment.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Capital Times, May 19, 1969]

"NEW MILITANCY" IS TYPIFIED BY EDF: CONSERVATIONS ESCALATE FIGHT TO SAVE ENVIRONMENT

(By Whitney Gould)

Not long ago, the term "conservationist" was apt to evoke images of grey-haired ladies in sensible shoes, who planted pansies along sterile boulevards, and ruddy-faced souls who took pack trips into the Rockies.

Not that these activities were by any means unworthy. But they tended to reinforce the suspicion that conservationist were talking primarily to themselves. They were always interested in clean air and in saving the red woods, but rarely did they have an effective lever to translate their concerns into action, relying, in their confrontations with decision makers, more on moral persuasion than anything else.

Now, as the sulfurous fumes of big-city air take their toll in economic as well as physical terms; as pollutants deaden lakes and waterways; and as commerce encroaches on beauty spots—conservationists are beginning to realize that moral force, and even aggressive lobbying, are not enough.

"The sense of being fenced in—it's so obvious now," says Mrs. Owen (Lorrie) Otto of Milwaukee, one of the state's impassioned conservationists, "Before, it seemed that there was always somewhere you could go to get away from things. Now even those places are being spoiled."

Mrs. Otto's sense of urgency is shared by many. And it is at the root of a growing militancy in the conservation movement.

The movement has developed a broader base—with lawyers and environmental scientists, as well as citizens who are simply interested in conservation—and a pragmatic thrust.

Unique among the "new conservationists" is the Environmental Defense Fund, Inc., of Brookhaven, N.Y., an alliance of ecologists and lawyers who literally take their opponents to court. Their motto: "Sue the bastards."

At Mrs. Otto's instigation, the EDF, with its crusading attorney, Victor J. Yannacone of Patchogue, N.Y., was invited last year to handle the case for petitioners for a ban on the use of DDT in Wisconsin. Hearings on the petition are expected to conclude this week before the state Natural Resources Department.

Though up to now it has failed to win actual court decisions, EDF's earlier battles eventually led to a prohibition on DDT spraying for mosquito control in Suffolk County, N.Y., and a similar prohibition against DDT use for Dutch elm disease in 55 Michigan cities. (The state later banned the pesticide outright.)

When arguments in the Wisconsin case are completed some time this summer, the group will pursue its air pollution fight against a Missoula, Mont., paper pulp mill.

In its efforts to protect the environment through legal action, EDF has picked up support from older conservation groups which up to now have not been identified with such aggressive tactics. The National Audubon Society lends financial backing to EDF through a grant from its Rachel Carson Fund; the Wisconsin division of the Izaak Walton League of America is one of the petitioners in the Wisconsin DDT fight, along with the Michigan Audubon Society and the Citizens Natural Resources Association of Wisconsin. (The Wisconsin petitioners will be discussed in the second of these articles.)

EDF relies on litigation rather than lobbying for legislation because, in Yannacone's words, 'sad experience has shown that at this time in American history litigation seems to be the only civilized way to secure immediate consideration of basic principles of human rights . . . . All of the major social changes which have made the United States of America a better place to live have their basis in fundamental constitutional litigation. Somebody had to sue somebody before the legislature—in enlightened self interest—took long overdue action."

In pressing suits in courts of equity, EDF taps from its reservoir of scientists throughout the country, who are competent to testify on everything from pesticides to air pollutants. The group is also beginning to marshal an army of attorneys and law professors and students who are, in essence, writing a whole new body of common law, through which citizens can assert what Yannacone believes is their fundamental constitutional right to a clean environment.

At the core of that law is the conviction that "this generation holds all of its natural resources as a kind of trust for future generations," as Yannacone puts it.

"There is absolutely no justification," he says, "other than pure survival-of-the-fittest theory, to permit a user of water to convert a crystal brook into a sewer."

EDFers are accused, among other things, of fighting progress.

"But we're not," insists executive director Dr. Joseph Hassett, of the University of New Mexico. "We're only against progress when it leads to the degradation of the environment and the belittling of man himself."

Yannacone challenges the purveyors of this sort of "progress" to calculate the cost of replacing or restoring an ecologically unique area like the Everglades to its original state. "Come into court," he invites polluters, "and show us you have considered the long-range damage you may do."

Hassett also questions the old notion of the sanctity of property.

"A legal title," he says, "brings social responsibility, so that a piece of land is not simply 'mine,' in the capitalistic sense, but mine to use as long as it is not detrimental to someone else's rights."

The industrialist whose factory daily spews toxic compounds into the air, even though he may be turning out one useful product after another, clearly violates the right of others to a clean environment, Hassett believes.

"We have this love affair with technology," he laments. "And industry thinks it's doing you a big favor, no matter how much it degrades the environment."

EDF's "call to arms," in short, is for a redefinition of values—the surrender of the notion that man is continually at war with nature and is charged with subduing it, to the realization that he is only a small part of the total environment, and must live in it.

"We have come a long way from the days when man could move only as fast as his legs could carry him, when his house was close to the earth and his food was only what he himself could pluck or kill," writes ecologist Barry Commoner of Washington University in St. Louis, in the March issue of "Environment."

"Man knew then that he was dependent upon nature, and was a part of it. We pride ourselves on the technological marvels that make our cities the tallest, our travel the swiftest, our living conditions the most comfortable and our weapons the deadliest of any man has created. Bemused by our own accomplishments, we forget that like our primitive ancestors, we are dependent on the rest of nature.

"Unless we learn to match our technological power with an increased understanding of what it is doing to the natural world, we may stress the living environment to the point of collapse, and find that it will no longer support us."

ENVIRONMENTAL QUALITY: A GOOD START

Mr. TYDINGS. Mr. President, last Thursday, President Nixon created an Environmental Quality Council in the Executive Office of the President. Its purpose is to coordinate the many Federal activities affecting the environment and to provide a top level study group to focus on particular areas of immediate concern. The President's action is a welcome step in the difficult effort to restore and enhance the quality of man's environment. As one who is deeply concerned with conservation, I am delighted to see the President move forward in this area.

The President's action reflects the deep desire of the American people to put a

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stop to the pollution of our air, land, and water. It recognizes the growing public dismay over the adverse impact that our private and public development programs have had on the environment. Too often roads, electric power plants, and other examples of our industrial and technological progress have been constructed without first considering how, and to what extent they will disturb the delicate ecological balance.

The President's action recognizes the need for the coordination from a conservation point of view of Federal projects and policies. With a government so large, the left hand often does not know what the right hand is doing and the result is governmental programs that are contradictory in purpose and harmful to the environment.

The question arises, however, if this interdepartmental council will in fact provide the coordination required. Interdepartmental councils and commissions tend to issue compromise recommendations that are so watered down to suit everyone involved that they in fact mean very little. Members, understandably perhaps, seek to protect the interests of their own departments and thus no significant common policy is achieved. I wonder whether this will happen here.

I wonder, too, whether the President can find the time to preside over this council. His time is precious and the demands of the office so great that I am afraid he simply will not be able to pay adequate attention to the council. An office in the White House concerned with environmental quality needs a chairman whose sole concern is environmental quality, who wears no other hats and can devote full time to what will be a most difficult position. He should be an individual appointed by the President with the advice and consent of the Senate to serve at the pleasure of the President.

There can be no doubt that an "overview" environmental council of this type is definitely required. I feel strongly though, that the council or agency responsible for protecting our environment should have greater muscle than that proposed by the President for his council. Both concern and coordination are indeed vital. But standing alone, they are insufficient to achieve a quality environment.

The council or agency should have the authority, as a matter of course, to review all governmental policies and programs prior to their implementation. Additionally, it should have the power to delay for a limited time specific projects deemed particularly harmful. It should operate in the area of conservation much like the Bureau of the Budget operates in the field of executive spending.

Nevertheless, the establishment of this council is a step in the right direction. The task of restoring the quality of our environment is most difficult and the President's action is most welcome. I feel strongly, however, that the authority of the council should be increased to include the power of review and delay.

On April 15, I introduced legislation, S. 1818, to create such a council by legislative action to be chaired by a full-time director. It would be called the Office of Environmental Quality and be located in the Executive office of the President. The Committee on Public Works will hold hearings on this bill and others of like intent within a few weeks and it is my hope that on the basis of these hearings the Congress will pass legislation establishing a fully staffed Environmental Quality Council with the vital, additional authority to review all governmental programs with an eye to their environmental impact and to delay specific projects which would be harmful.

OCEAN EXPLORATION AND DEVELOPMENT

Mr. MURPHY. Mr. President, on May 20, I introduced S. 2204, a bill to establish a National Oceanic Agency. At that time, I expressed my strong convictions that I felt that we should be moving ahead with ocean exploration and development. It is my contention that both economic and national security considerations compel us as a nation to look seaward.

On May 28, the Oakland Tribune, in an editorial entitled "To Reap the Sea's Resources," endorsed the establishment of a National Oceanic Agency. As the editorial observed:

> Although 1969 may well be best remembered as the year man sets foot on the moon, national legislation introduced by California Senator George Murphy could be the starting point of a program of exploration and development which could conceivably have a far greater impact on mankind than a moon landing.

Earlier, on May 6, the Long Beach Press-Telegram in an editorial said that it is "time to use the riches of the oceans."

Mr. President, I ask unanimous consent that both editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Oakland Tribune, May 28, 1969]

TO REAP THE SEA'S RESOURCES

Although 1969 may well be best remembered as the year man sets foot on the moon, national legislation introduced by California Sen. George Murphy could be the starting point of a program of exploration and development which could conceivably have a far greater impact on mankind than a moon landing.

Senator Murphy proposes the establishment of a National Oceanic Agency, designed to reorganize the United States' oceanography program and to coordinate an assortment of programs now being undertaken by 23 separate government agencies.

Oceanography, generally considered one of the lesser sciences, has been elevated within recent years to a place of far greater prominence.

The reason is the vast potential that oceanography promises, a potential to yield sea food and minerals of untold abundance to a world half underfed and already being depleted of its land resources.

The world's population is outracing its food supply and extensive famine is feared as early as the next decade in Africa, Asia, the Middle East and Latin America.

There is hope—indeed, perhaps the only hope—that massive famine can be avoided by a far greater reaping of the resources of the sea.

The proposed National Oceanic Agency would concentrate and coordinate activities in such areas as marine food products, mineral extraction, pollution, water supply, medicinal raw materials, exploration and mapping.

Creation of a National Oceanic Agency as proposed by Sen. Murphy would be an important first step toward assigning oceanography the national priority it deserves.

[From the Press-Telegram, Long Beach (Calif), May 6, 1969]

TIME TO USE THE RICHES OF OUR OCEANS

The oceans have long been said to contain "untold" riches.

The fact that these riches are "untold" outlines the problem facing scientists and educators interested in the relatively young field of oceanography.

This information gap is a serious one which has held back ocean development, not only in the United States, but throughout the hungry world.

Today in Long Beach a group of educators and scientists from all sections of the United States and Mexico are meeting in the second day of a three-day conference dealing with the oceans, industry and education.

Sponsored by the Pacific Western Region, American Society for Oceanography, whose president is Louis F. Jobst Jr., director of marine development for the city and port of Long Beach, the conference is a major attempt to assess the present status of education for marine science and technology in the United States and the requirements of industry for trained personnel in the field.

Discussions at the conference are ranging over all aspects of oceanography—industry and commerce, engineering-science, data, recreation, military, food and minerals.

Such wide-ranging talk is important for little is really known about what is needed to develop our ocean resources. Even such a simple thing as an up-to-date inventory of known resources would, in fact, be highly useful.

Some hard decisions are going to have to be made in this country—and the rest of the world, too, for that matter—about developing and exploiting the oceans.

As a nation we have faced up to the problem of conquering space. Certainly we can no longer neglect our last big frontiers on earth—the oceans.

Hopefully this conference—in a city which has jumped wholeheartedly into the oceanographic swim—will not only provide some obviously-needed answers but will raise some new questions—questions which will lay the groundwork for developing a national commitment to learn about and to utilize the oceans of the world.

A TIME OF TESTING

Mr. McGEE. Mr. President, the Wall Street Journal recently published an excellent article written by Mary Joan White of the Washington bureau of the Deseret News, Salt Lake City. In it, she retraced the history—at least a portion of it—which has lead the Nation to a time of testing. Now is such a time, as certainly as were Lincoln's days. There are many who would divide the American people, sure in their own minds that only their view is moral, convinced in their attitudes that they would rather ruin society if they cannot rule it. The parallel to earlier days of testing is well drawn and I ask unanimous consent that Miss White's article, entitled "A Time of Testing," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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[From the Wall Street Journal, May 20, 1969]

A TIME OF TESTING—TODAY'S TENSIONS PARALLEL THOSE OF THE PRE-CIVIL-WAR PERIOD

(By Mary Joan White)

". . . our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

"Now we are engaged in . . . testing whether that nation, or any nation so conceived and so dedicated, can long endure. . . ."

With the omission of nine words, the opening paragraphs of Lincoln's Address at Gettysburg are forever relevant to the United States of America. Their validity in our own time is sobering.

This nation is undergoing a period of testing of a nature that it has not faced since Lincoln spoke. The parallels are sufficient to recall Hegel: "Peoples and governments never have learned anything from history, or acted on principles deduced from it."

In the 1860s the question of the place of the Negro in America society was the tinder that ignited public discourse and left the rule of law ashes in the fires of unreason. Good men saw certain questions as matters of higher moral law to which even the principles embodied in the Constitution should bow. Radicals at both extremes used the race issue to stir public passion, obscuring fundamental principles of democracy and implying that, in the immediate crisis, they were of only secondary importance. The moderates allowed it to happen. Each side practiced rule-or-ruin politics. To gain its own legitimate or illegitimate ends, each was ready to sacrifice the ideal of a people governing themselves by majority rule, one side in order to prevent its application, the other to extend it.

Between the extremes, the center itself divided. James Buchanan was still President when South Carolina seceded. Believing no minority had the right to override the majority or destroy the union, he nevertheless held that the majority could not coerce the minority as a matter of principle or of national survival.

The most frightening present-day parallel to the ante-bellum period is the tendency to permit modern radicals to divide society on the basis of "morality" instead of promoting debate on the nature of the problems confronting society and the most effective means of solving the problems.

As long as slavery was a political, economic and social problem (albeit with moral overtones), the states were able to deal with it; its extension was limited and the trade curtailed. There was hope for eventual solution as late as 1850. But when the problem was forced beyond the political arena and became a moral issue, compromise and patience were no longer possible. Where once an *institution* had been condemned, subsequently fellow citizens were castigated as immoral or evil. The government of the people ceased to exist on a national basis and only war restored it.

In that war more than 617,500 men died. Legal slavery also died. Whether slavery could have been abolished short of war is questionable, but it is certain that the methods employed by the radicals stirred public passions to the point that leaders who tried to work through to a peaceable, just solution were cut off. Nor did the fearful price buy true freedom for the Negro. The nation has not finished with the bitterness, political division and racial injustice that survived the war.

Instead of sectional lines, racial and generational lines are being drawn today. Militant blacks and radical youth are attacking the problems of an admittedly imperfect society in terms of moral issues and with any means at hand. Viewing problems primarily as moral issues, however, has major drawbacks; Oneself and one's own solutions are necessarily seen as right. Anyone who does not support one's programs is at least blind; those who oppose or offer alternatives are not only wrong but immoral. If one's opponents are immoral, why quibble about the tactics used against the ungodly?

WHERE RESPONSIBILITY RESTS

Society must not permit itself to be divided into factions, each seeing itself as the guide on the only road to light. Moderates must speak out in defense of justice, but also in defense of fair and legal roads to justice. Legitimate authority must act judiciously to curb excesses of those who would reject all authority but their own. Whether we be parents, teachers, university administrators or government officials—or simply law-abiding, tax-paying, caring voters—we are responsible.

If a diverse people are to rule themselves, the majority (or its delegates) must decide and the minority must submit, even if the decisions are repugnant or hurtful. The minority can only try by persuasion to alter the balance. If the minority refuses to submit, society fragments and chaos results: Either the majority enforces its will by any means necessary, including war, or a period of anarchy ensues, historically followed by a tyranny of those most willing and able to use extreme measures. Self-government is dead. The founders of this nation did temper the harsh requirements of majority rule in the cause of individual liberty. Perceiving the danger implicit in "the greatest good for the greatest number," a possible tyranny by the majority, they wrote into the Constitution certain safeguards.

In their attitudes and strategy, the young radicals and black militants are the direct descendants of both the abolitionists and the Southern radicals, an uneasy mix surely. Like the abolitionists, they have a rather arrogant assurance that they are so right, that they are above the law in their choice of means to their ends. Like the Southern radicals, they are so committed to their own view of the issues that they insist on being allowed to rule or ruin the system. Their attitude and more extreme methods are absolutely totalitarian.

Latter-day Buchanans find it difficult to condemn illegal methods employed in the name of reform. Like Buchanan, they deplore the excesses but deny society's responsibility to curb them.

FINDING THE PROPER COURSE

What is the proper course for a minority that finds some aspect of national or institutional policy accepted by the majority to be morally and ethically repugnant? Must conscience be sacrificed to majority will? Or must punishment be accepted as the price of exercising one's conscience? That dilemma accounts for much of the current hesitance to act in cases of clear violation of the law.

No very agreeable solution has been found. The dissenter can stifle his objections, exile himself, accept punishment—or limit his protest to legal forms. Society, of course, can ignore the violation of its laws, but it does so at its peril. Particularly when the minority is a sizable one, to ignore disobedience of the law is to encourage wholesale disrespect for the rule of law. To excuse a violation committed in the name of conscience is to set each man's conscience above that of the majority.

The response must be to examine the issue of the individual's right to heed his conscience in relation to the importance of a people's right to self-rule. The collapse of free democratic government that safeguards basic liberties ends the individual's free exercise of conscience. The obverse does not hold. The doctrine of individual nullification is no more valid in the 1960's than was its states' rights ancestor in 1795.

Harsh as it is, the paramount importance of the right of a majority to govern must be defended—even at the cost of the use of force.

The contemporary protest movement was born in the Rev. Martin Luther King's Montgomery bus boycott. Its current form is a perversion of those unquestionably legal, peaceful and productive origins. Now the movement embraces seizure or destruction of property; violence or threat of it against persons; the systematic harassment of law-enforcement personnel; the denial of the right of others to free speech and legitimate action; the impairment of academic freedom. Current tactics differ not only in degree but in nature from Dr. King's non-violent civil disobedience that constituted no threat to the persons or rights of others or the rule of law. He never demanded amnesty for violating the law; He broke only those laws whose legality he wished tested against Constitutional principles, thereby forcing the law to live up to its ideals.

Where authorities do not make the mistake of using undue force against illegal forms of protest (thereby casting the protesters in the role of innocents whose demands must be granted in recompense), legal protest will serve as well and gain more of significance: Concessions rationally evolved in a spirit of community and cooperation stand more chance of being effective, leave no residue of bitterness and division, establish no precedents of disrespect for the rights of others.

In the closing days of the Convention of 1787, many of the participants were less than perfectly satisfied with their efforts at creating a Constitution. It was understood that some of the leading political figures of the day would oppose its ratification. Nearly at the end of his public service, Benjamin Franklin rose. Addressing the dissidents, he called on each to "doubt a little of his own infallibility . . ."

As for the rest, Franklin recognized that all had some fault to find with the Constitution, yet he urged support for it because he said, "I expect no better, and I am not sure it is not the best."

ABM VITAL TO AMERICA

Mr. FANNIN. Mr. President, there has been a great deal of irresponsible and ill-considered talk on the current issue of development and deployment of the ABM to protect America from nuclear blackmail. None of this talk ever explains why it is proper for the Soviets to deploy an ABM system, but improper for us to do so.

The usual double standard regarding news seems to apply—responsible proponents of the President's system get short shrift and back pages, while any little voice raised in opposition rates at least a 20-point headline and often more.

I have mentioned this before, Mr. President, in several speeches on the Senate floor, that some ABM opponents play fast and loose with statistics; they even contradict themselves. Just a few weeks ago one voice was raised saying that ABM could ultimately cost $400 billion. This morning's press carries reports of a critic saying the cost could be $20 billion. I think the contrast and conflict speaks worlds for the value of this kind of information, Mr. President.

My colleague from Arizona (Mr. GOLDWATER) has long been a responsible voice in this vital area His reasoned and calm approach to the problem of national defense gets far fewer headlines, however, than some of the semi-hysterical screaming or half-baked notions of passing curbstone "defense experts."

In order that the record may show some balance and a measure of reason,

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I ask unanimous consent that two excellent presentations on the intricacies of the ABM issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAPITOL NOTES: ABM SYSTEM VITAL TO UNITED STATES

(By Senator BARRY M. GOLDWATER)

If Sen. Edward Kennedy were somehow to find himself President of the United States tomorrow, the chances are strong that he would go along with an anti-ballistic missile system like the Nixon administration's Safeguard or something very similar.

The same goes for such other staunch opponents of the ABM as Sens. J. William Fulbright (D-Ark), Albert Gore (D-Tenn) or John Sherman Cooper (R-Ky).

The reason is simple: No president and no secretary of defense can afford the risk involved in leaving the American people without any semblance of missile defense.

It is one thing to stand outside the arena of direct responsibility and inveigh against the large expenditures that would be required for an American ABM system; it is quite another to be personally responsible for the safety of 200 million Americans.

The awesome decision responsibility to forego the construction of a defense system comparable to what the Soviets already have deployed is one that neither President Johnson nor former Defense Secretary Robert McNamara could bring himself to face.

McNamara delayed several years after intelligence reported the beginning of the Russian ABM system before he proposed the "thin" ABM system known as the Sentinel.

Raising objection to huge expenditures proposed by an administration is very easy when the responsibility does not belong to the person doing the objecting. But when you consider that the lack of a missile defense could mean the difference between losing or saving more than 60 million American lives, you get some idea of the problem confronting Nixon and Defense Secretary Melvin Laird.

It makes no difference whether the ABM opponents actually convince themselves that the Safeguard system will fail to function. It is better to gamble on perfecting a workable system than to be charged with needlessly risking 60 million or so lives.

There are many paradoxes. One of the strongest reasons the Nixon administration wants to go ahead with a Safeguard ABM is the belief that such action is the surest way to bring about meaningful arms-control talks with the Soviet Union. Ironically, Senate opponents argue that its approval would provoke the Soviets, endanger the prospects for productive negotiations, and result in escalation of the arms race.

Conveniently, these senators skip the fact that the Soviet Union showed no interest in engaging in arms-control negotiations until the United States decision to go forward with the Sentinel ABM system. The Soviet Union initiated the opportunity to have arms-limitation talks just four days after the Sentinel system was announced.

The Russians no doubt believe they have an advantage over us with their well-advanced ABM system. Our best intelligence indicates that they presently have 67 ABM missile sites deployed around Moscow.

The Soviets are now in the third phase of their ABM deployment: They deployed first in 1962 in the Leningrad area; they launched the second phase in Moscow some years later and are presently developing a third generation of ABMs.

Sen. Henry Jackson (D-Wash), chairman of the Senate subcommittee on atomic weapons, reports that the Russian system deployed in the Moscow area covers far more than the capital city of the Soviet Union. He described the Moscow deployment as an "area defense covering hundreds of miles" which is presently being modified so that it can be oriented and used against missiles coming from China as well as other geographic locations.

REMARKS BY SENATOR BARRY GOLDWATER OF ARIZONA BEFORE THE NEW JERSEY BANKERS' ASSOCIATION, ATLANTIC CITY, N.J., MAY 22, 1969

Good morning, ladies and gentlemen. It is with a great deal of pride and gratitude that I appear before you today to try and add my small contribution to your very important proceedings. I believe it is a temptation of every public official when addressing a meeting of bankers to feel that he must, per force, confine his remarks to questions of a financial nature. The mind jumps automatically, it seems, to questions of monetary policy, money supply, tax proposals, interest rates so on and so forth. But I am not convinced that this is a good idea. I'm sure I don't have to come here and relate to you, actually as an amateur in many of these subjects, what the latest developments are. I know that you all read and keep up with the statements of such experts as William McChesney Martin, Arthur Burns, David Kennedy, Congressman Wilbur Mills and all the other public officials who are at this moment contributing to and formulating economic and fiscal and monetary policies for the future.

No, today I should like to talk to you about a different, if related, subject. My reference here is to a subject which more and more is beginning to engross the attention, not only of the Congress and of the public media, but also of the American people. My subject is the anti-ballistic missile proposal. Now here we have a subject which I don't believe is being sufficiently and adequately explained to the American people by our newspapers. For example, it is difficult to find in the public print the very incisive and important pronunciations by such people as Admiral H. G. Rickover and Professor Eugene Wigner, who holds all of the big four scientific awards that this world has to offer. Nor do we see in the public press any great deal of attention given to statements by members of the Joint Chiefs of Staff and of experts in the Nixon Administration's defense establishment.

No, the emphasis is in the other direction. For example, just let Senator Edward Kennedy get two known opponents to the ABM system to prepare a lengthy report, which weighs about ten pounds and contains nothing new, and you will find papers like the *Washington Post* devoting eight and ten columns of space to its contents. The difference between this report and the great multitude of treatises and papers which have been presented in support of the ABM is that Mr. Kennedy's boys are against it. Now they use a variety of arguments, one of which is that it would cost too much. I submit the Russians have been building a missile defense for five years, and we have known about it for five years. Suppose we had started, even a year after the Russians. Think of what it would have meant in dollars and cents, when you count in inflation and what inflation has done to defense costs in the last four years. I submit that it may be costly to go ahead with the Safeguard today, but at our present rate of increase and inflation, think of what it would be if we had to start one five or ten years from now.

No, on the cost factor I cannot credit the opponents of the ABM system. And for one very important reason. You cannot estimate a cost on millions of lives and the possibility of their being wiped out in an enemy attack on this country. You cannot estimate the cost of millions of lives or even one life in dollars and cents that might, if they didn't go to an ABM system, be channeled into American ghettos.

Now, understand me well. I am not for expending this nation's entire substance in military hardware to the exclusion of welfare, to the exclusion of rebuilding our cities, to the exclusion of increasing the level of health and welfare for our many underprivileged people. No, I'm not at all. But I say to you that the welfare of these people will mean nothing at all unless they are safe.

Now it's a wonderful thing to dream of a world in which everyone is so reasonable and so civilized and so dedicated to co-existence that expenditures for defense against possible nuclear attack are unneeded. Unfortunately, we do not live in such a world. We do not have an adversary who is mellowing. Despite all the statements from the left, Soviet Russia is getting tougher and stronger by the minute. Czechoslovakia is a case in point. The Soviets' increased armaments, their growing Navy in the Mediterranean, their arming of the Arab nations, their emphasis on more and better and heavier explosives, metatonage, ICBM's—all of these things point to an adversary of ours who is arming to the teeth and deploying a defense against any possible missile attack from outside its border.

Now against this backdrop, we are told that if we go ahead with a skeleton, rudimentary type missile defense system that the Russians will regard it as provocative. Well, I'll be darned. Wouldn't that be too bad. Actually, the Russians wouldn't. Kosygin has said time and again when asked about the ABM, "Oh, that's a defensive system. That's not provocative; that doesn't mean anything." That's the way the Russians regard an ABM system.

Actually the American opponents to the ABM system want to skip the hardware of a military missile defense system and try for a political miracle instead.

The miracle, of course, would be the negotiation of an airtight arms limitation agreement with the Soviet Union protected by adequate inspection provisions.

The word "miracle" is used advisedly in the light of the long Soviet record of broken agreements plus our experience in trying to negotiate past agreements which included provision for inspection on Soviet soil.

This total reliance on the possibility of reaching mutual agreement as opposed to the deployment of even a skeleton missile defense is not just one man's argument. It was the basic theme running through each and every argument presented to the Senate Armed Services Committee for rejection of the Nixon Administration's Safeguard ABM program.

Scientists such as George W. Rathjens and W. K. H. Panofsky, for example, spoke of the possibility of agreement as though it might be just around the corner. Indeed Rathjens saw a Soviet-American agreement to curtail the strategic arms race as "the least costly, highest confidence measure of all." Panofsky told the committee that agreed limitations or reduction of armaments "appears at last to be in sight."

These assurances certainly have no basis in fact. No evidence has been brought forward to indicate any possibility of an arms limitation agreement with the Soviet Union.

And even if there were, the lack of an American counterpart to the Soviet's Galosh missile defense would have the United States entering into such an agreement from a position of comparative weakness. Of course, the opponents of the ABM system do not see it that way. For example, Abram Chayes, Harvard Law School Professor, had this to say before the committee:

"I conclude that from the standpoint of achieving strategic arms limitation agreements, we are much better off in the position we are now in—with no ABM on our side and an obsolete one, difficut to upgrade, on theirs—than if each side were engaged in competitive deployment."

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If we are to accept this conclusion, we must accept a Harvard Law Professor's estimation that the Soviet ABM system, now in its third stage of advanced deployment, is obsolete. I, for one, am not willing to accept any such conclusion. It calls for a gamble that can be counted in millions of lives.

But even should we accept this argument, we have Mr. Rathjens' assurance that it cannot be accepted with confidence. He testified as follows:

"The sad fact is that while we can have almost no confidence in an ABM system working, an adversary can have almost no confidence that it will not work. Thus, we must expect the Soviet Union to react to even a "light" or "thin" deployment . . . not because an ABM system will be effective and not because it will be expanded, but simply as a conservative hedge against those possibilities."

One of the ironies of the present debate is the great emphasis the scientific community (or the most vocal part of it) is placing upon the impossibility of our even knowing whether the Safeguard ABM system would work. This is the same group which supported so strongly the Nuclear Test Ban Treaty which is what makes it impossible for us ever honorably to discover if a missile defense system is workable.

It should be recalled that the Russians made their high altitude missile tests prior to agreeing to the Test Ban Treaty. Therefore, their scientists and military men have the required knowledge to know what does work and what does not work.

It should also be recalled that the Nuclear Test Ban Treaty was supposed to facilitate and hasten the conducting of meaningful arms limitation talks with the Soviet Union. It has been some years since we ratified that treaty, but nothing has transpired to hasten the kind of talks it would take to bring about any reasonable and safe mutual reduction of arms.

One particularly baseless argument of the ABM critics is the one that states that an effort by the United States to catch up with the Soviet Union in the area of missile defense would signal the start of a new arms race. The plain fact is that our delayed decision to go ahead with an ABM was *not* the start of a new arms race; rather it was a decision not to lose a race already in progress, and one in which the Soviets threaten to leave us far behind.

It is my considered opinion that we are now debating in this country the most important question to come before this Congress in many years. I say this because, despite its many technical aspects and its possible non-workability, we are speaking here about an ultimate system to protect this nation's deterrent capabilities and to defend 200 million American lives against the possibility of an enemy attack. I am not convinced that Safeguard is the final answer, nor am I convinced that Safeguard is the most effective ABM device we could proceed with at this time. It may well be that Safeguard will not be the system ultimately deployed.

But we are not here talking about alternatives. The critics of Safeguard offer no substitutes in the form of defensive hardware. They would like us to reject Safeguard and rely on Soviet intentions. No, let us make no mistake about this. What this issue boils down to is whether this country is to have even a rudimentary counterpart to the elaborate, three-stage, Soviet defense system known as Galosh. The argument is over whether we have something to match against Soviet defenses or nothing at all. And let's make it very clear we are not here talking about an offensive weapon system.

As I see it, this controversy has a symbolic nature as well as a pragmatic side. I begin to sense that the ABM controversy arises at a time when we are actually at a crossroads in this nation's approach to the entire subject of national security and worldwide commitments in the name of freedom.

In effect, our choice is either to move ahead and keep abreast of the times, or hearken back to that period in the 20's and 30's when isolationism, disarmament and the downgrading of the military and the ROTC were being pushed the same as they are now. And conditions today have some marked similarities. People are tired of war. Many yearn for the comforting isolated days of an earlier era. Many want to risk again the dangers of unilateral disarmament in the face of rising armed strength in the potential enemy camps.

This is completely understandable, but it is regrettable that the opponents of Safeguard must appeal to this human temptation in their determined and deliberate attempts to achieve what they mistakenly believe would be a more comfortable balance of power between this country and the Soviet Union. The forces which today are mounting a concerted attack on almost every item in this nation's defense budget are also making a test case of the ABM controversy.

Thus, we are seeing all of the arguments against military activity, defense projects, security measures, lumped together in the attempt to defeat Congressional approval for an American ABM.

We are today hearing the same kind of arguments that were used twenty years ago in a futile attempt to get this nation to forego the development of a hydrogen bomb while our Russian adversaries in the Cold War pushed ahead with their own H bomb. The critics of an American ABM system tell us "ad nauseam" that if we are to approve even the most rudimentary ABM system that we will single-handedly become responsible for escalating the nuclear arms race. These so-called experts overlook conveniently—seldom even mention—the fact that the Russians have been building their own ABM system for five years without provoking escalation of the arms race. When the Russians began their deployment, our Defense Department scarcely moved a hair. In fact, it took Secretary McNamara several years even to concede what the Armed Services Committees of both the House and Senate and all intelligence agencies throughout the world knew for a fact: That the Russians had begun to erect a system for defending Leningrad, Moscow and other areas of Russian territory from the possibility of an attack from beyond her shores. It wasn't until last year, when the Russians began an advanced phase of their ABM deployment that Mr. McNamara saw fit to recommend that maybe it would not be a bad idea to explore the idea of a little protection for the United States.

I have sat through many hours of testimony in the Senate Armed Services Committee on the question of whether it is feasible for the United States to proceed with the Safeguard ABM. In addition to that, I have read a great many thousands of words on this subject and a large percentage of what I have heard and read has been arguments against the Nixon Administration's first major defense project. And I am struck by the similarity of the arguments that run through all the papers and treatises that have been presented, especially those from the scientific community and the academic world in opposition to this proposal. Boiled down, they all come around in various degrees of directness to an expressed fear that something we do in the field of defense may upset or irritate the Soviet Union. We are told with an amazing, if questionable, certitude that approval of the Safeguard ABM system will destroy the possibility of our engaging in arms limitation talks with the Soviet Union. This has no basis in truth. The fact of the matter actually is that the Russians didn't even entertain the idea of such negotiations until after we announced our determination to build a missile defense.

If the Russians are truly interested in arms limitation agreements, they can demonstrate this interest easily enough. All they have to do is to remove or destroy their own ABM system so that we will not have to build one to reach that level of "parity" about which Secretary McNamara and his aides always spoke. I must remind you that we have to assume that the Russians are sincere if we are going to credit any of the arguments of the American left which claim that the true road to peace in our times lies through speedy negotiations with the Soviet Union. We have to believe that they are as desirous of avoiding an escalation of the arms race as are the opponents of the American ABM system. And the only sound and logical way for the Russians to avoid such escalation is for them to stop building defense systems which the United States may not be permitted to duplicate.

THE PESTICIDE PERIL—XII

Mr. NELSON. Mr. President, recent claims that DDT is "absolutely safe" were refuted by a University of Wisconsin Medical School professor at hearings held by the Wisconsin Department of Natural Resources on a petition filed by various citizens groups to ban DDT in Wisconsin as an environmental pollutant.

Dr. Theodore Goodfriend, as assistant professor of internal medicine and pharmacology, said that a compound could not be determined absolutely safe until a long list of specified tests was made on the compound. Such tests would have to determine the effect of the compound on hormones, adrenal reaction, carbohydrate metabolism, and many other aspects. Those for hormones alone would have to be on fetus and embryo effect, lactation of the mother, secondary sex characteristics, and more, he said. And it would require observations over several generations to learn the effects on fertility.

Dr. Goodfriend's testimony disagreed with that of Dr. Wayland J. Hayes, formerly chief toxicologist for the Public Health Service, who claimed that DDT is "absolutely safe" after conducting experiments in which he increased the dosages of DDT for humans and no detectable clinical effect had been produced.

Dr. Hayes also said that his experiments revealed that any effects from DDT decreased when the dosage was lowered or withdrawn. This was a direct contradiction to earlier testimony from Dr. Alan B. Steinbach, a neurophysiologist from the Albert Einstein College of Medicine in New York City, who reported that the effects of DDT are irreversible.

In laboratory experiments on insects and shellfish, Dr. Steinbach found that DDT caused tremors and death or an inability to make a desired motion. He said these effects were similar to those of other toxins such as poisonous spiders or novocain in that they disrupt the passage of an impulse along a nerve. However, whereas the effects of the other toxins wear off, DDT does not.

Mr. President, I ask unanimous consent to have printed in the Record articles published in the Milwaukee Journal and the Milwaukee Sentinel, reporting on the testimony of Dr. Goodfriend, Dr.

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Steinbach, and Dr. Hayes at the Tuesday, May 20, hearings in Madison, Wis.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee (Wis.) Sentinel]

DDT EFFECT DEBATED

(By Quincy Dadisman)

MADISON, WIS.—Nothing occurring in nature has the same effect on nerves as DDT, a New York scientist told the natural resource department hearing on a proposed ban on the insecticide Tuesday.

Alan Steinbach, a neurophysiologist, said that the toxin of botulism, which had been suggested as a cause for the decline of predatory bird populations around Lake Michigan, affects the nerve terminals, but that DDT affects the Axon conduction process in the nerve itself.

"It does not act the same as DDT," he said. "There is no reason to expect any naturally occurring toxin to act like DDT."

Steinbach testified earlier that the effect of DDT on nerves in laboratory experiments was to interfere with the passage of sodium ions through the cell membranes, either slowing the passage of nerve impulses or causing nerves to "fire repeatedly."

Steinbach said that other experimenters had worked with a polychlorinated biphenyls, compounds used in industry, which have been suggested as a cause of some of the effects laid to DDT.

He said that those experimenters had reported the effects of the compounds on nerves were different from the effects of DDT.

Wayland J. Hayes, a former head of a United States public health service toxicology laboratory and now of Vanderbilt university, Nashville, Tenn., returned to the stand for cross examination. His interrogation turned into a battle of semantics between him and Victor J. Yannacone, jr., the attorney for the petitioners for the DDT ban.

Yannacone drew from Hayes a statement that DDT is "absolutely safe."

Questions and answers were traded, with Yannacone questioning Hayes' use of "safe" while Hayes attempted to point out that by safe he meant "showing no clinical signs of effects."

Hayes said, "There's no evidence that DDT reacts chemically in the tissues. There is some evidence that it acts physically on the nerves, but there is not enough evidence to know what happens."

Hayes disagreed with Steinbach's remarks and said the "Clinical effects of DDT are clearly reversible, both as regards effects on the nervous system and changes in the cells of the liver. When DDT is removed, changes regress."

[From the Milwaukee (Wis.) Journal, May 21, 1969]

MEANING OF SAFETY ARGUED AT DDT HEARING

(By Richard C. Kienitz)

MADISON, WIS.—Arguments over the words "absolutely safe" occupied most of Tuesday's testimony at the natural resources department hearing on whether DDT can be banned in Wisconsin as an environmental pollutant.

Dr. Wayland J. Hayes, Nashville, formerly a chief toxicologist for the public health service, repeated that in tests on prisoners and DDT plant workers, DDT had been shown to be absolutely safe.

However, Dr. Theodore Goodfriend of the University of Wisconsin medical school said a compound could not be called absolutely safe unless a long specified list of tests was made. He is an assistant professor of internal medicine and pharmacology.

TWO MEDICAL DOCTORS

Hayes returned to the stand Tuesday for cross examination after having been called earlier by Atty. Willard Stafford, Madison, representing the DDT manufacturers.

The two are the only medical doctors to have testified in the hearings.

Hayes said the way to determine effect was to increase dosages until it was determined what might happen. He said this was done with DDT in tests and it produced no detectable clinical effect.

"The point is," Hayes said, "a latent effect is only latent until you can measure it in someone. We've already gone into it at (such) great length that we did try to find effects."

THE 19 YEARS OF TESTS

Any subclinical effects would have produced some observable evidence in the 19 years of his tests, he said.

Goodfriend was called as a rebuttal witness by Atty. Victor Yannacone, Patchogue, N.Y., representing the Citizens Natural Resources association, which petitioned for the declaratory ruling to get the hearing.

Goodfriend said that before he could say a compound was absolutely safe, he would have to know its effect on hormones, adrenal reaction, carbohydrate metabolism, among other things. Each would require a series of tests, he said.

Those for hormones alone would have to be on fetus and embryo effect, lactation of the mother, secondary sex characteristics, and more, he said.

Then, in regard to fertility, he said, observations over several generations would be needed.

There was a dispute over whether Goodfriend was qualified to testify on the subject. He said that while he had taken part in only one experiment with DDT, he was thoroughly familiar with the necessary methods through his other work. He has been doing research on measurement of small quantities of hormones that regulate blood pressure and blood vessels.

Hayes disagreed with another Yannacone witness on the effect of DDT on nerve muscle reactions.

Alan B. Steinbach, a New York neurophysiologist, had declared that in comparison with novocain, curare and other toxins, DDT's effect was irreversible with the result that it prolonged damage.

Hayes said that in his experience any effects from DDT decreased when the dosage was lowered or withdrawn.

He said this happened with most chemicals. Asked about radiation, he admitted that clinical evidences of damages turned up years later.

THE YOUTH VOTE

Mr. McGEE. Mr. President, despite the new left's disdain for our democratic processes, and its efforts to dissuade the young from participation in these, figures show that voting among younger voters actually improved in the 1968 election. Still, we could all wish that the actual turnout of younger voters had been better than the 50.6 percent.

Yet the record should show that, as Columnist Bruce Biossat recently wrote:

> The militants are high on the decibel count but short on real influence.

I ask unanimous consent that Mr. Biossat's column, which I have taken from the Wyoming State Tribune for May 21, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MYTHS ABOUT THE YOUTH VOTE

(By Bruce Biossat)

Of the 78.5 million Americans who voted for president last November, just 7.4 per cent were under 25 years of age.

A small part of that percentage represents people under 21. In Georgia and Kentucky, eligibility begins at 18. In Alaska it is 19, in Hawaii 20.

The rest, 7.2 per cent, were in the 21–24 age bracket.

No doubt the young militants of the New Left will contend that these figures represent an effective boycott by young voters against the establishment's voting processes—or against the available major candidate choices.

Sorry. Some 50.6 per cent of the people in the 21–24 age category turned out to vote for president. That may not sound too impressive when set against the total national turnout of 67.3 per cent of the eligibles, but it is better than young voters were doing back in the 1950s—when 40 to 45 per cent was a good showing.

The fact is that young people never have had a very good voting record. Militants who try to argue that they engineered a stay-away movement will have to explain, however, why the figures are a shade better this time.

Four years ago, when the choices were Lyndon Johnson and Barry Goldwater, people under 35 accounted for 24 per cent of the Presidential vote. This time, with the choices President Nixon, Hubert Humphrey and George Wallace, people under 35 represented 25.8 per cent of the total. Those at the lower end of the age spectrum obviously contributed to this modestly improved showing.

The reasons why the young do not vote in impressive numbers have less to do with angry militancy or disillusionment than with such simple facts as extreme mobility preoccupation with either late college or early job efforts, military, and attention to the other distractions of the young.

It is interesting, too, to see how the younger population brackets vote. According to the Gallup poll, voters under 30 went 47 per cent for Humphrey, 38 per cent for Nixon, 15 per cent for Wallace. Voters lumped by Gallup in the 30- to 49-year bracket were a few points weaker for Humphrey and stronger for Nixon, with Wallace exactly the same.

Thus if Gallup's age breakdowns matched the Census Bureau's source of other figures in this report, the proportion under 35 voting for Humphrey would be down a bit from the pollster's "under 30" category.

Nevertheless, the Humphrey vote stands out as strong. The figures make it hard to remember that the young militants' ugly, disruptive noise in the 1968 fall campaign was directed heavily toward the Democratic nominee.

Most of the time the disrupters left Nixon entirely alone. And much, though not all, of the anti-Wallace noise in the campaign halls was produced by young blacks.

So, for all their noise, the Young Uglies did not prevent young people in America from voting for Humphrey by a substantial margin. And they did not stop Wallace from doing slightly better with the younger elements than he did in the population as a whole.

The conclusion has to be that the militants are high on the decibel count but short on real influence. They expended a great deal of energy for very little effect—positive or negative.

More than a year and a half ago, election expert Richard Scammon told this reporter that the proportion of Americans under 35 voting for president in 1968 would rise to about 26 per cent from the 24 per cent level reached in 1964. He made the forecast before he knew that even one young college autocrat would be out in the streets in 1968 trying to shout Hubert Humphrey down. And he missed the actual percentage figure by .2 per cent only.

HILLSDALE COLLEGE COMMENCEMENT

Mr. GRIFFIN. Mr. President, on Sunday, June 1, I was privileged to deliver the commencement address at Hillsdale College at Hillsdale, Mich. It was an inspiration to meet members of the faculty and the student body at this outstanding small college.

That the Hillsdale campus has experienced no student disruptions in recent months is due in part. I am sure, to the quality of leadership and administration provided by President J. Donald Phillips.

I ask unanimous consent that a copy of my commencement address be printed at this point in the Record, and that it be followed by a letter from President Phillips dated July 22, 1968, which was sent last summer to all students and prospective students of Hillsdale College.

There being no objection, the material was ordered to be printed in the Record, as follows:

Commencement Address by the Honorable Robert P. Griffin, U.S. Senator, Hillsdale College, June 1, 1969

President Phillips, distinguished guests and officials of the College, members of the faculty and graduates:

I am pleased to see that all 200 members of this graduating class are still in their seats. As yet, no one has walked out—and no one is shouting obscenities or even carrying a sign.

Since this is such a peaceful and orderly setting—at the moment—Hillsdale College may not seem like the place for a commencement speaker to focus upon the current wave of student unrest and violence that has aroused the Nation. But I submit that this is an ideal place to discuss such a topic—for a number of reasons.

First of all, let me remind the graduates here that you are about to become members of the alumni association. If not already, you are soon to be taxpayers and parents—in short, part of the "establishment" that is under attack. Very soon you will be looking at the "generation gap" from the other side of the divide.

Mark Twain once wrote:

"When I was a boy of 14, my father was so ignorant that I could hardly stand to have the old man around.

"But when I got to be 21, I was astonished at how much he had learned in seven years."

My purpose today is not to condemn the aggressive impatience of youth. Rather, I thought I might take this opportunity to welcome you into the ranks—and, perhaps, to provide a bit of insight and perspective concerning the challenge which you are about to face as new members of the "establishment."

Within the past two weeks, state troopers had to clear Dartmouth's administration building; 45 students were fined and sent to jail for 30 days.

At Purdue, state police moved in with chemical mace to disperse demonstrators. Tear gas was necessary in the Nation's capital when 100 students occupied buildings at Howard University.

Needless to say, the list is longer. Here in Michigan, student violence has rocked the campus at Ferris State.

At Berkeley, the Hamburger Hill of higher education—thousands of national guard troops are necessary to maintain order.

Movement leaders who demanded free speech several years ago are the very ones now who deny free speech through violence to any one who opposed their views.

Surely, the greatest shock of all for the Nation came with the appearance of guns in the hands of students on the campus at Cornell.

Some who assess the current scene believe that a mood of violence has spread across our land—that a kind of madness is loose which threatens our very existence as a nation. In this season of bewilderment, there is an unfortunate rush to generalize—to indict all college administrators and to condemn all college students. Surely, this is a time to keep your head—even when those about you seem to be losing theirs. This is a time to reach for solid ground—to maintain some perspective.

As we survey with deep concern the violence disrupting our society today, it is no consolation to note—but still it is a fact—that violence is not peculiar to our nation or to our time.

Back in 1741, more than 30 years before the Boston tea party there was a terrible riot. When it was over, 13 Negroes had been burned alive, more than 100 Negroes and whites were convicted of arson, and 22 people were hanged.

In 1863, during the Civil War, some poor Irish immigrants started a riot in New York City. They complained bitterly that the burden of the draft fell inequitably upon them, and they feared the loss of their jobs to newly-freed Negro slaves.

When the riot was over, 1,000 people had been killed, more than 8,000 were injured, and vast areas of New York City had been put to the torch.

Our times are new, our circumstances are different, and our problems are more complex. But it may be important—though certainly not comforting—to keep in mind that even such violence as we have known is nothing new.

Today, in different ways, young Americans are saying to their elders: "You have failed us."

And in a very real sense, they are right. But, let me suggest that, throughout human history, no matter how great the progress, each generation has always fallen short of its own hopes—as well as the expectations of the new generation.

As brand new members of the "establishment," perhaps you may not fully appreciate an explanation provided by the thoughtful, liberal George Kennan. But I'll bet your parents will. He wrote this:

"In most of the reproaches with which our children shower us, there is an element of justification.

"But there is a point somewhere along the way in our adult lives when enthusiasm flags, when idealism becomes tempered, when responsibility to others—yes, and affection for others—compel greater attention to the mundane demands of private life.

"There is a point when we are impelled to place the needs of our children ahead of a defiant idealism, and to devote ourselves to the support and rearing of these same children—in order that at some future date they may have the privilege of turning upon us and despising us for the materialistic faint-heartedness that made their maturity possible."

We hear a great deal today about the "generation gap." There is, and there has always been, a generation gap. Incidentally, every reliable study and survey confirms that the new generation of Americans is not only more "hip" and "hippie," they are more intelligent, better educated, more interested in politics and government, and they have greater potential than any generation in the history of our nation.

Although it may not have been apparent to those who read the newspapers or watched television newscasts during the past several weeks, nevertheless it is a fact that the vast, overwhelming majority of the nearly 7 million college students in this nation were not involved in riots. Instead, they have been very busy preparing for final exams.

And it seems important to point out that while there are more than 2,500 colleges and universities in the United States, only about 20 have been hit by violent disruptions.

At the same time, it could be a serious mistake to take too much comfort from historical comparisons or such statistics. A national Gallup poll, released only a week ago, indicated that a majority of college students today are in sympathy with goals of the revolutionaries. Thus, it is possible that we may have seen only the beginning—or a part of the iceberg, so to speak.

It is important to recognize that the current crop of college students is not only blessed with higher IQs—but their circumstances are quite different from their predecessors in other important respects. For the first time in our history, most college students are not preoccupied today with concern about bread and butter for themselves. They are products, and live in the environment of, an affluent society. Not having to worry about their own economic survival, they have the time and opportunity—as well as the burning desire—to concern themselves with the problems of others.

College students today are issue oriented. In many cases, their relative affluence, youthful enthusiasm, and genuine idealism have generated a deep, personal concern about the Vietnam War, the thrust of nuclear war, the importance of the individual, those who live in poverty, as well as the plight of our cities and other social, political and economic issues of the day. Many are appalled by the gap between the promise and the performance of our society.

Of course, most students simply have not experienced many of the things that make their elders a bit more cautions. Living through a depression has had an indelible imprint on those over 50. The rationing of gas and sugar during World War II is still a memory for those over 30. But a vast majority of those in college today have known only affluence and relative economic security.

In a sense, then, the unrest and dissatisfaction of our campuses today is a phenomenon of our affluent society—a byproduct, if you please, of the very progress and economic success which the older generation has produced.

This should not be a problem. Instead, this concern, this enthusiasm and idealism of youth—this unselfish eagerness to deal with the needs of others—can, and should be, a great blessing for our nation—rather than a curse.

The challenge before us is to make sure that will be the case.

We would take a long step in that direction, I submit, if somehow we could focus a little more attention on what's right about our society.

We hear a great deal about the few who destroy. But there is plenty of evidence that the energy and idealism of today's youth is being channeled in positive, and constructive activities.

Let me read from an editorial which appeared recently in the student newspaper at Allen University:

"The student body has united to initiate a plan to build up Allen University, rather than tear it down. The plan originated because one senior had a dream. He dreamed that Allen had new buildings, a broader curriculum, a larger student body, and was an accredited institution.

"Being aware of the turmoil on college campuses today, Allen students realize that this is a reverse twist, but we have decided to work with the administration to make Allen University one of the top-rated schools in the nation. . . .

"We have announced that instead of protesting and throwing bricks, we are joining hands, and with the help of God and our college president, raising $100,000 for the preservation and uplifting of our Alma Mater.

"Certainly we could demonstrate, boycott classes, occupy an administration building but what would be achieved? . . . We believe that activism in the manner of a positive program will result in far more progress than would the negative program of violence and demonstration. . . .

"Be assured that we, the students of Allen University want to be heard . . . But we feel that we will be heard because we don't have to shout above the clatter of the militant battle cries. We are not accepting what the militants are saying, which is to fight the establishment.

"Yes, we have to admit that we are different.

"The difference is that we are thinking about ourselves and for ourselves, and we are proud of the difference.

"We are also proud of being black. We, too, think that black is beautiful. We are also proud of our black schools; proud of our black ancestors who toiled to build and maintain a black university: a university owned and operated by blacks. If we tear it down, we will not be fighting the establishment; we will only be fighting ourselves."

The other day, I put another item in the Congressional Record. It revealed that administration eyes were lifted several weeks ago at Kalamazoo Valley Community College when a flyer began circulating on campus, which began like this:

"When a college has a poor administration, it is the right of the students to protest."

And the flyer continued as follows:

"Further, if a college has a good administration and faculty, it is the right of the students to show their appreciation."

Whereupon, to make a long story short, the 1,500 students in that small college proceeded to demonstrate peacefully their appreciation for the wonderful education they have been receiving.

Not a building was occupied, not an office was ransacked, not a single non-negotiable demand was made.

All in all, I guess you'd have to say that they seem to be a pretty square bunch of students and professors at Kalamazoo Valley Community College—square, that is, in the very best sense of the word.

I do not suggest that we can ignore or seek to minimize the danger posed by some elements on some campuses today. Ordinarily, it is not easy to shake the indifference of the vast silent majority in this country. But, as James Reston pointed out in a recent column, the sight of guns and endless headlines about campus violence has aroused them—the middle aged and the middle class—those who are caught in the middle between rebellious kids and aging parents—between the mounting burdens of inflation and taxation. It is not surprising that this silent majority is putting great pressures on Congress to get this movement of student violence under control.

I do not say that there is nothing that Congress can, or should, do about the situation. Senator McClellan's Permanent Investigating Sub-committee, of which I am a member, is currently undertaking an in-depth investigation of the organization, the financial support and objectives of the S.D.S. and other extremist groups which have been involved in campus disorders.

But, at the same time, I raise a concern that under the strong emotional pressures of the moment, there is some danger that Congress could over-react—that Congress could go too far in subjecting education to the control and direction of a centralized government.

Perhaps we can pass some new laws. But what good will that do, if laws already on the books are not enforced. It seems clear to me that any meaningful answer depends necessarily upon the existence and support at each college and university, of an enlightened, understanding but firm administration.

Whatever the politicians may say or promise, in the final analysis, each college and university must decide for itself whether it will be a center of learning or a battleground for undisciplined rebels.

I'm extremely proud to be here today, on this beautiful campus at Hillsdale College, and to commend President Phillips, the board of trustees, the faculty and the student body for the splendid example which all of you, working together, are providing for the rest of the Nation.

And, now, at the cost of being considered a bit square, I should like to conclude by sharing with you some words of hope expressed by Gen. Douglas MacArthur to the members of another graduating class:

He said:

"I hope your education . . . has molded you for your roles as custodians of the Republic; that it has taught you to be strong enough to know when you are weak, and brave enough to face yourself when you are afraid; that it has taught you to be proud and unbending in honest failure, but humble and gentle in success; to learn to stand up in the storm but to feel compassion for those who fall; to have a heart that is clear and a goal that is high; to master yourself before you seek to master others; to learn to laugh, yet never forget how to weep; to reach into the future, yet never neglect the past; to be serious, yet never to take yourself too seriously, and, finally—in all these ways—that it has taught you to be a good citizen of your country and the world."

Thank you.

HILLSDALE COLLEGE,
Hillsdale, Mich., July 22, 1968.

To Our Hillsdale College Students:

We are looking forward to greeting you in September and hope that the summer has been good to you.

The following expression is probably quite unnecessary for any of our students and is not made because of any special knowledge or expectation. But, these increasingly tense and complex times seem to require that we know in advance what the college position will be in certain areas.

Attendance at Hillsdale College is a privilege and not a right!

Hillsdale College is dependent financially on the philanthropy of alumni, business and industry, trustees and friends. Their support comes from knowledge and approval of the college's purposes, methods and products. It is this philanthropy which has paid the difference between the actual cost of your education and the amount which you pay.

Such historical support must identify, even to a casual observer, certain continuing moral obligations. Furthermore, there is a legal continuing obligation to the States which gives our college the corporate right to exist.

These obligations can only be fulfilled if the administration of the affairs of the college remains with the duly nominated officers and offices: The Board of Trustees, the President, other administrative offices and the faculty.

Wisdom would direct that in these fast-changing and complicated times, and with the improved preparation of young people for college, their ideas, suggestions, and desires should be sought and should be thoughtfully considered. But, organized society calls for the use of representatives by reason of the fact that insufficient time would be available to deal with each student separately on each idea that may develop.

Therefore, the Student Federation is the vehicle through which students should typically find the means of having their ideas heard, discussed and transmitted. In addition, many faculty an administrative committees, where appropriate, will invite student representation in order to give greater assurance that the ideas of students get into the main stream of thoughts for the management of the college. Nor will any individual student be denied access to a hearing of his ideas within available time.

The author of this statement has been a national spokesman in defense of the good intent and high purposes of today's youth. No one believes more strongly nor deeply in the intelligence, the high ideals, and the good objectives of youth. But, this conviction does not accept anarchy as a solution, nor does it permit turning over the authority of the campus to youth or adults who lack the experience to carry out the avowed purpose and responsibility of Hillsdale College.

The right of dissent has been an honored American tradition. That privilege has always been and will be respected at Hillsdale College.

But, the administration may never deny the rights of those students whose principal objective is the peaceful and orderly use of the resources of personnel and facilities of the college for gaining their formal education. Nor has the administration the legal or moral right or privilege to delegate governance of its institution to students whose intelligence and creativity is earnestly respected but whose perspective for and experience in organizational management is yet far too limited to take on the management of affairs of the college.

Therefore, let it be known that any act of violence or intimidation, any seizing of any portion of property or any unauthorized activity which prevents the normal operation of the college in any way by any individual or groups of individuals will be considered in direct opposition to the necessary operation of the college, and action sufficient to the cause will be taken immediately, including the possibility and probability of suspension or expulsion, regardless of the number involved. Similar action will be taken against those who advocate such described activities.

This statement is made to clarify any remaining doubt of what our policy shall be regarding this phase of our relationships. It is submitted now in order that any student may still have adequate time to select another college if the above terms are not acceptable. Moreover, the college shall use its offices to help such a student find a college or university more acceptable to his or her personal purposes.

Cordially,

J. DONALD PHILLIPS.

ECONOMICS OF ST. LAWRENCE SEAWAY

Mr. PROXMIRE. Mr. President, Eric Schenker, associate dean for social sciences at the University of Wisconsin, is one of the foremost authorities on the economics of the St. Lawrence Seaway. As associate director of the Center for Great Lakes Studies, Dean Schenker has devoted a great deal of time and energy to the manifold problems confronting the Seaway-Great Lakes system.

At a recent appearance before the Canadian Transportation Research Forum, Dean Schenker delivered a paper entitled "The Future of U.S. Great Lakes Transportation With Particular Reference to Containerization and General Cargo." His paper includes a detailed analysis of traffic forecasts for the seaway over the next few decades, and considers various approaches toward improving the traffic picture on the seaway. Among other things, Dean Schenker concludes that any across-the-board hike in seaway tolls would not be advisable at this time.

I ask unanimous consent that Dean Schenker's analysis of the St. Lawrence Seaway be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

The Future of U.S. Great Lakes Transportation With Particular Reference to Containerization and General Cargo*

(By Eric Schenker, professor of economics and associate director, Center for Great Lakes Studies; project assistant, Stephen M. Hagins)

In any discussion of the future of transportation on the Great Lakes, general cargo and containerization assume unique roles, the former because of its effect on the port and community, the latter because of its untold potential. It is the purpose of this paper to inquire into the roles of general cargo and containerization in the future of Great Lakes overseas shipping, and to point out some of the policy issues which must be resolved for Great Lakes Seaway transportation to have a bright future.

Although general cargo represents only ten per cent of Great Lakes-Ocean shipping, "general cargo traffic has the greatest impact upon the port and the community. It produces the highest revenue per ton for the dock workers, shipping services, and the port—generating an estimated $23 per ton of direct community income." [1]

While the stream of benefits from general cargo traffic on the Great Lakes has been substantial since the opening of the St. Lawrence Seaway in 1959, containers and their substantial cost advantages have not yet made really significant appearances on the Great Lakes. By permitting more efficient handling of cargo, containers substantially reduce the time necessary for ships to be unloaded and reloaded; since the majority of transport cost is incurred while the ship is in port, the fast turnaround offered by containerships can itself cut costs by 25 per cent.[2] In addition, containerization substantially lowers packing costs, the incidence of damage to cargo, losses due to pilferage, and therefore insurance rates. It is not unreasonable that efficient use of containerships at modern container facilities could cut the costs of shipping to 25 per cent of the cost now incurred by conventional vessels at conventional terminal facilities.[3]

The future of containers however bright, is not without its problems. The efficient use of containerships and containers requires a specialized terminal facility, with an open quay, a large apron, and an open marshalling area of ten to twelve acres; such a berth would presently cost about *$4.5 million.*[4] While it is true that conventional ships and conventional general cargo facilities can handle some of the smaller containers, much of the efficiency and much of the resulting cost reduction are lost. In addition, the cost of deadheading necessitates that there be some reasonable balance in trade between container-using areas. A similar problem arises in delivery of containers from the port to respective consignees.

With this brief background for general cargo and containers as a starting point, it is appropriate for us to turn our attention to the present and future of general cargo and containers. The U.S. Army Corps of Engineers has compiled an excellent analysis[5] of Great Lakes-Overseas general cargo traffic and projections for overseas general cargo traffic at individual U.S. Great Lakes ports.

Assuming (1) that there will be no major wars, national or world-wide depressions, (2) that the controlling depths at major Great Lakes harbors will be deepened to the 27 foot depth of the Great Lakes connecting channels, the Welland Canal, and the St. Lawrence Seaway, (3) that canals and waterways between Lake Erie and Lake Ontario and in the St. Lawrence River will be adequate to handle the projected volume of traffic, (4) that terminal facilities will be available to accommodate berth service ocean vessels, and (5) that *certeis paribus*, an overseas shipment will move by the most economical route, the Corps of Engineers makes the following projections:

TABLE I.—PROSPECTIVE TOTAL DIRECT GREAT LAKES-OVERSEAS GENERAL CARGO TRAFFIC[6]

[In thousands of short tons]

Ports and harbors	1,975	1,985	1,995	2,005	2,015
All harbors	5,600	6,700	7,600	8,450	9,200
Some selected harbors:					
Oswego, N.Y	65	80	95	108	120
Rochester, N.Y	35	50	60	65	70
Port of Buffalo, N.Y	305	355	395	435	475
Erie, Pa	130	160	183	204	224
Ashtabula, Ohio	100	120	125	130	130
Cleveland, Ohio	565	720	825	930	1,035
Rouge River, Mich	310	345	380	410	440
Saginaw River, Mich	95	15	130	145	160
Muskegon, Mich	86	99	111	122	133
Burns, Ind	165	240	285	330	370
Port of Chicago, Ill. (including Calumet Harbor and River, Lake Calumet, and Chicago Harbor)	2,080	2,330	2,520	2,710	2,900
Kenosha, Wis	61	68	73	77	80
Milwaukee, Wis	615	715	805	885	960
Manitowoc, Wis	5	6	7	7	8
Green Bay, Wis	152	185	198	207	215
Other harbors	831	1,112	1,408	1,685	1,880

Source: U.S. Army Corps of Engineers, Great Lakes-Overseas General Cargo Traffic Analysis, North Central Corps of Engineers, Chicago, Ill., March 1967, p. 133.

[6] These figures exclude the commodity classification of iron and steel scrap from general cargo.

Another study was made for the Department of Commerce by the Stanford Research Institute in November, 1965. Their projections, made in terms of high and low estimates for general cargo traffic on the St. Lawrence Seaway are summarized in Table II below:

TABLE II.—PROJECTED SEAWAY GENERAL CARGO TONNAGE

	Short tons
1970:	
High	5,500,000
Low	4,100,000
1975:	
High	6,700,000
Low	4,900,000
1980:	
High	7,600,000
Low	5,600,000
2000:	
High	11,200,000
Low	7,400,000

Source: Stanford Research Institute, Economic Analyses of St. Lawrence Seaway Cargo Movements and Forceast of Future Cargo Tonnage, U.S. Department of Commerce, 1965, p. 83.

In January, 1969, the Department of Transportation issued a set of traffic forecasts for the St. Lawrence Seaway prepared by the EBS Management Consultants, Inc.[7] This was an exhaustive study which included 1980 traffic projections for all major groups of commodities which are transported via the Seaway. The EBS estimates of 1980 cargo traffic on the St. Lawrence Seaway are summarized in Table III.

The reader will note that there is a slight problem which arises in the comparison of Corps of Engineers, SRI, and EBS estimates. The Corps of Engineers' definition of general cargo excludes iron and steel scrap. The SRI estimates include this commodity. In addition, iron and steel products represent such a large part of general cargo traffic that EBS saw fit to make separate projections for these commodities; therefore, when comparing EBS figures to the others, it is necessary to consider "Iron and Steel" and "General Cargo" as general cargo. It is also important to bear in mind that the Corps of Engineers projections do not include Canadian general cargo estimates while both SRI and EBS estimates include Canadian traffic in their analyses.

TABLE III.—1980 TRAFFIC FORECASTS FOR THE ST. LAWRENCE SEAWAY

[In thousands of short tons]

Major commodities	1966 (actual) base year	1980 (estimate)			
		Present system			
		Unchanged competitive position	Expected competitive position	4-week extension	Enlarged system
Wheat	11,191	10,335	11,160	11,445	11,160
Corn	3,388	7,070	6,535	6,785	6,725
Barley and rye	1,495	1,765	1,765	1,840	1,765
Soybeans	1,230	2,325	2,140	2,655	2,239
Minor grains and oilseeds	1,280	815	740	740	740
Iron ore	15,506	14,500	14,500	14,620	14,500
Coal	1,225	1,350	1,350	1,350	1,350
Fuel oil	2,085	3,150	3,150	3,150	3,150
Other bulk	966	2,445	2,445	2,445	2,445
Iron and steel	3,422	4,945	4,606	4,606	4,606
General cargo	7,462	9,300	5,676	6,337	5,676
Total	49,250	58,000	54,067	55,973	54,356

As is obvious from Table III, EBS made several different projections, the first being based upon the assumption that the competitive position of the Seaway relative to railroads, Atlantic, Pacific, and Gulf coast ports would remain stable. Their second projection took into account their estimate of the change in competitive positions by 1980. It is noteworthy that the EBS projection, after estimated diversions to competing modes of transportation, is substantially higher than either the Corps of Engineers or SRI projections.

Additional projections were made for the St. Lawrence Seaway Authority of Canada by the firm of Kates, Peat and Marwick.[8] The KPM projections were in terms of total tonnages, and not broken down into bulk cargo and general cargo figures, so that those forecasts are of limited usefulness in our present discussion. The Battelle Institute has made estimates for future general cargo and container-suitable traffic at the port of Cleveland[9]; while informative, these projections were based on a less rigorous analysis than the Corps of Engineers or EBS study. Prior to the publication of the EBS study, we carried out an estimation of the future

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Footnotes at end of article.

container-suitable general cargo traffic on the Great Lakes. Since the Corps of Engineers projections lay between the SRI high and low projections, we deemed it reasonable to conduct our study in terms of the Corps of Engineers' estimates.

Certainly not all of the general cargo traffic will be suitable for containerization. To project the level of container-suitable traffic on the Great Lakes, as shown in Table IV below, this general cargo was divided into three categories: (A) goods that will fit into a container and are of sufficient value to warrant the expense of using a container for their overseas movement, (B) low-valued goods that would physically fit into a container but, because of their relatively low value, would only be containerized in order to fill boxes that might otherwise move to or from a port empty, and (C) general cargo that won't fit into a container, is of very low value, or that for some other reason would not be containerized. It is important to remember, however, that in 1964 fully 657,927 short tons, or 21.8 per cent of general cargo traffic at the ports of Chicago, Cleveland, Detroit, Milwaukee, and Toledo were container-suitable,[10] but only a small amount of this container-suitable traffic was actually shipped in containers.

TABLE IV.—ESTIMATED CONTAINER-SUITABLE TRAFFIC ON THE GREAT LAKES

[In short tons]

Year	Imports	Exports	Total
1975	756,000	616,000	1,372,000
1985	905,000	737,000	1,642,000
1995	1,026,000	836,000	1,862,000
2005	1,141,000	930,000	2,071,000
2015	1,242,000	1,012,000	2,254,000

Source: Eric Schenker, The Effects of Containerization on Great Lakes Ports, Center for Great Lakes Studies, University of Wisconsin—Milwaukee Special Rept. No. 2, 1968.

On the basis of the Corps of Engineers' estimates of 6,700,000 tons of general cargo traffic on the Great Lakes in 1985, we have projected that 1,642,000 tons, or 24.5 per cent, would be container-suitable. A similar percentage of the EBS 1980 projection of general cargo traffic would be 3,800,000 tons of container-suitable traffic. Therefore it would seem that the opinion expressed by EBS[11] that 3,400,000 tons of general cargo traffic would be diverted from the Seaway because of containerization would seem to approach an absolute maximum in losses of cargo due to a deterioration of the Seaway's competitive position.

Perhaps more important to our discussion of the future general cargo traffic on the Great Lakes than the projected level of container traffic on the Lakes is the distribution of this container traffic among the major Great Lakes ports. These projected figures are presented in Table V.

As pointed out by the above projections, general cargo traffic and containers have a great potential on the Great Lakes; however, realization of the potential depends on the favorable solution of a large number of problems which currently face the Seaway. The following discussion attempts to point out some of the controversial issues which have arisen in the Seaway's first ten years, but this list should by no means be considered complete.

PUBLIC INVESTMENT

While this paper will not enter into the long standing debate over the relative merits and demerits of public enterprise, it must be pointed out that in the absence of public investment, Seaway trade would be almost non-existent. The Federal government invested over $400 million in the Seaway route.[12] In addition, the U.S Army Corps of Engineers has undertaken costly dredging operations at Great Lakes harbors, so that deep-draft ocean vessels may be accommodated. At present, the Canadian government is discussing a $180 million project of twinning locks on the Welland Canal, in order that recently experienced traffic jams of ships waiting to pass through the canal might be avoided.

TABLE V.—PROJECTED CONTAINER—SUITABLE GENERAL CARGO TRAFFIC AT PRINCIPAL GREAT LAKES PORTS

[In short tons]

Port	1975	1985	1995	2005	2015
Chicago	478,000	536,000	580,000	623,000	667,000
Cleveland	175,000	223,000	256,000	288,000	320,000
Detroit	171,000	205,000	233,000	258,000	282,000
Milwaukee	169,000	196,000	221,000	243,000	264,000
Toledo	97,000	117,000	133,000	148,000	160,000

Source: Eric Schenker, The Effect of Containerization on Great Lakes Ports, Center for Great Lakes Studies, University of Wisconsin—Milwaukee Special Rept. No. 2 1968.

TABLE VI.—U.S. GREAT LAKES PORT DEVELOPMENT EXPENDITURES 1946–70

[Dollar amounts in thousands]

Year	Grand total outlays	Average annual outlay	Outlays for general cargo facilities	Average annual outlay for general cargo facilities	Outlays for special purpose facilities	Average annual outlay for special purpose facilities	Percent of annual outlays going for general cargo facilities	Percent of total outlays going for special purpose facilities
1946–55	$97,840	$9,784	$10,840	$1,084	$87,000	$8,700	11	89
1956–57	49,196	24,598	15,474	5,737	33,722	16,861	31	69
1958–60	50,089	20,036	27,965	11,186	22,124	8,850	56	44
1961–62	17,622	7,049	13,296	5,318	4,326	1,730	75	25
1963–65	35,891	11,964	14,541	4,847	21,140	7,147	41	59
Projected 1966–70	11,500	2,300						

Source: American Association of Port Authorities, Port Development Expenditure Survey, Washington, D.C., table III, p. 10A.

Local governments, too, have invested millions of dollars in port facilities to serve and attract overseas traffic. Port development expenditures since 1946 are summarized in Table VI. Not only are the proposed expenditures for the 1966–70 period the lowest (in terms of average annual expenditure) for the Great Lakes since World War II, they will be much smaller than the proposed expenditures for the development of competing ports on the Atlantic, Pacific and Gulf coasts.

In 1966, of the 63,905,553 tons of Canadian cargo traffic that passed through the St. Lawrence Seaway and the Welland Canal, only 1,403,452 short tons, or 2.2 per cent, were general cargo.[13]

Furthermore, there are no fully integrated container facilities on the Great Lakes, nor are any planned. Toronto and Hamilton, however, have stressed container needs at several new general cargo terminals, which emphasizes an unprecedented open dock area for boxes and vehicles.

SEAWAY TOLLS

Hand-in-hand with the issue of public investment goes the debate over Seaway tolls. Although the original agreement on tolls expired in 1966, the United States and Canada have agreed to maintain tolls at 1966 levels until 1970. However, Canada's share of toll revenues has been increased from 71 per cent to 73 per cent; this represents a decline in U.S. toll revenue of 7 per cent. In addition, Canada has begun charging lockage fees in the Welland Canal, fees which will be increased by $20 per annum per lock to a maximum of $100 per lock in 1971.

The legislation authorizing the development of the Seaway required that the Seaway be self-supporting and that the bonded debt incurred in construction of the Seaway be retired in 50 years. However, it is a long standing premise that all waterways in the continental U.S. be open to use without charge. Since the Great Lakes are forced to compete with toll-free facilities on the Atlantic Coast, on the Mississippi system, etc., some misallocation of resources is inevitable.

Whether the Seaway will be able to pay off its bonded debt in the required fifty years is an open question; the wisdom of paying off the debt within that time period is still another. It is often suggested that the way to make the Seaway pay for itself is to raise tolls. It is readily seen that for some commodities, notably wheat, barley, and rye, there is no effective competitor with Seaway transport. Therefore, it would not be anticipated that a change in tolls would cause a diversion of traffic of sufficient magnitude adversely to affect Seaway revenues, and, in truth, one would expect that Seaway revenues would rise. However, in the transportation of those commodities for which the Seaway faces strong competition, e.g., general cargo, a rise in tolls could be expected to cause a change in the volume of, say, general cargo, which could be sufficient in magnitude actually to decrease the revenue of the Seaway obtained from the transportation of general cargo. Therefore, it would seem that an across-the-board toll hike to raise Seaway revenues would be ill-advised.

GOVERNMENT CARGOES AND TRANSPORT REGULATION

The role of investor is not the only role that the Federal government plays in shipping on the Great Lakes. Military and related cargoes shipped by the Department of Defense and relief cargoes shipped by the Department of Agriculture constitute a considerable portion of the volume of Great Lakes-Overseas traffic. Although a large percentage of Defense Department exports are produced in the dense metropolitan areas of the Great Lakes region, relatively few of them up to now are shipped overseas from Great Lakes ports. The reason for this incongruous situation lies in the U.S. Cargo Preference Laws. These statutes prohibit Defense Department cargo from moving in foreign-owned vessels, when an American-owned vessel is in the same administrative district. This restriction is doubly detrimental to the Great Lakes shipping because (1) Great Lakes-Overseas traffic is carried predominantly in foreign-owned vessels, and (2) the Great Lakes ports lie within the same military administrative district as New York and other North Atlantic ports. There is no incentive for ships' captains to bring their vessels into the Great Lakes for government cargo when this cargo will be brought to them at Atlantic ports (at reduced rail rates as allowed under Section 22 of the

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Footnotes at end of article.

Interstate Commerce Act). There exists an analogous problem with rail rates in general, for Eastern railroads often charge lower rates from the Midwest to the Atlantic coast than to closer Great Lakes ports. In one instance, it was cheaper to ship from Kalamazoo, Michigan to New York (750 miles) than to Muskegon, Michigan (75 miles).[14]

In January, 1969, the Department of Defense announced that military vessels would begin transporting cargo via the Great Lakes. The vigor with which this new policy is pursued and the future transportation needs of the Department of Defense will determine both the benefits reaped by the Great Lakes ports and the extent to which old inequities are rectified. However, it would be clearly premature to make any estimate of the change in policy at this time.

TABLE VII.—ESTIMATED CAPITAL COST OF EXTENDING THE SAILING SEASON OF THE PRESENT SEAWAY SYSTEM

Length of season extension	Total cost	Icebreaking	Locks, aids to navigation, etc.
2 weeks	$259,000,000	$246,000,000	$13,000,000
4 weeks	343,000,000	299,000,000	44,000,000
6 weeks	494,000,000	358,000,000	136,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969, table VI–6.

TABLE VIII.—ESTIMATED CAPITAL COSTS OF ENLARGING TOTAL SEAWAY SYSTEM DIMENSIONS

Element	Channel depth		
	31 foot	32 foot	34 foot
Locks and channels	$2,950,000,000	$3,307,000,000	$4,402,000,000
Ports and harbors	343,000,000	413,000,000	544,000,000
Total	3,293,000,000	3,720,000,000	4,496,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternative to the St. Lawrence Seaway System," January 1969, table VI–5.

TABLE IX.—ESTIMATED CAPITAL COST OF EXTENDING THE SAILING SEASON OF AN ENLARGED SEAWAY SYSTEM

Season extension	Ship size permitted		
	1,000′ x 105′ x 29′	1,200′ x 115′ x 30′	1,400′ x 125′ x 32′
2 weeks	$3,595,200,000	$4,038,400,000	$5,281,200,000
4 weeks	3,688,800,000	4,136,700,000	5,381,700,000
6 weeks	4,001,600,000	4,492,700,000	5,773,100,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969, table VI–7.

TABLE IXA.—ESTIMATED COST OF PAIRING ALL LOCKS IN THE ST. LAWRENCE SEAWAY SYSTEM

	Capital costs
Size of proposed locks:	
1,200′ x 110′ x 33′	$1,697,000,000
1,400′ x 125′ x 34′	1,838,000,000
1,600′ x 140′ x 36′	1,933,000,000

Source: U.S. Coast Guard, "Report of Technical Subgroup—St. Lawrence Seaway Task Force," November 1968, as quoted in EBS Management Consultants, Inc., "An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System," January 1969 table VI–2.

In addition, Great Lakes-Overseas shipping is currently hampered by a seasonal interruption in traffic. Freezing temperatures and other factors force a shutdown of the Seaway for about four months of the year. Whether the 370 miles of Seaway subject to severe ice problems can be kept ice free is a difficult technical question. Finding economic justification for such an undertaking is quite another one.

The EBS study included estimated costs of an extension in the Seaway season, as well as estimates of the costs of pairing all locks, and deepening channels. Summaries of those estimates are presented below.

After making the above capital cost estimates, EBS made annual cost estimates (assuming a 4.6 per cent rate of interest) and projected the annual benefits, based on their traffic projections, that would accrue from the following four projects.

Project A: Expanding the entire Seaway system to the maximum dimensions of the new Poe Lock, which are 1200′ x 100′ x 33′ with a channel depth of 31′ and a channel width of 600′.

Project B: Enlarging the system to 32′ channel depth throughout to permit vessels with maximum dimensions of 1200′ x 115′ x 30′.

Project C: Extending the Seaway season by four weeks.

Project D: Both B and C.

With the estimated benefits from each of the above projects discounted at a 4.6 per cent rate of interest, only Project C paid for itself within 25 years; the four-week extension of the Seaway season was estimated to pay for itself in (what seems to be a fairly rapid) seven years.

REGIONAL INTERESTS AND THE PORT PROMOTION PROBLEM

Conflicting regional interests sustain the political and regional competition controversies which surround the Seaway. Metropolitan areas near the Great Lakes are anxious to see the Seaway developed to its full potential. Atlantic and Gulf coast interests oppose development and extension of the Seaway, as they opposed the initial construction of this competing transport facility.

Great Lakes ports handle only one-tenth of the import-export traffic of their hinterland. When one considers that a shipment of one ton of general cargo creates between $35 and $50 of direct and secondary income for local workers, it is evident that increased hinterland traffic would provide enormous economic gains. Needless to say, such gains would be largely at the expense of Atlantic and Gulf coast ports.[15]

Since there is so much to gain by increasing the share of the Great Lakes imports and exports which its own ports handle, it is indeed surprising that the Great Lakes ports do not unify their promotional efforts to compete traffic away from the Atlantic and Gulf coasts. Table X summarizes the promotional expenditures of the Great Lakes ports.

There is some tendency for the Great Lakes ports to treat each other as competitors; they certainly compete for traffic in some areas of their hinterlands, but in truth, their fortunes rise and fall as one. While it might not be profitable for a ship to travel the Great Lakes only to call at a single port, it might be quite profitable to include stops

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Footnotes at end of article.

TABLE X.—SURVEY OF UNITED STATES AND CANADIAN GREAT LAKES PORTS ON TRADE PROMOTION PROGRAMS, CALENDAR YEAR 1968

	Erie	Detroit	Buffalo	Cleveland	Toledo	Duluth	Chicago—(City and regional) [1]	Rochester	Toronto	Hamilton	Milwaukee	Total
I. Salaries and wages:												
A. Managerial staff pro rata on promotion	19,200	24,909	None	22,000	70,000	25,000	....	9,000	50,000	None	18,000	238,109
B. Full-time staff employees	9,000	21,930	20,250	30,000	97,550	10,100	....	None	60,000	25,500	21,870	296,200
C. Part-time staff employees	None	None	None	None	5,400	None	....	None	1,050	(2)	5,000	11,450
II. Travel and promotion, domestic	8,293	3,500	3,000	10,000	30,000	6,000	....	6,000	25,000	3,000	4,000	98,793
III. Trade promotion offices (other than home):												
A. United States:												
1. Salaries	None	None	None	None	None	21,000	....	None	4,200	None	None	25,200
2. Other expenses	None	None	None	None	None	10,000	....	None	1,200	None	None	11,200
B. Overseas:												
1. Salaries	None	None	None	14,000	(3)	10,000	....	None	16,000	None	3,000	43,000
2. Other expenses	None	None	None	(4)	7,000	2,000	....	None	4,800	None	None	13,800
IV. Overseas trade missions	1,300	None	2,000	7,500	12,000	2,000	....	None	[5] 13,000	1,500	[6] None	39,300
V. Automobile rental and car allowances:												
New car furnished	Yes	No	No	No	No	No	....	(8)	(9)	No	No	....
Car allowance and maintenance	900	2,000	4,950	3,000	(7)	1,000	....	(8)	(9)	2,050	1,350	15,250
VI. Printing and advertising:												
A. Bulletins, circulars, brochures, and tariffs	554	9,000	8,950	30,000	26,000	12,000	....	None	15,000	4,300	4,500	110,304
B. Advertising space	2,641	6,419	7,500	35,000	9,800	3,000	....	1,500	25,000	10,500	10,000	11,360
C. Other (matches, pads, novelties, etc.)	425	None	None	10,000	500	None	....	None	(10)	800	1,000	12,725
Direct promotional total	42,313	67,758	46,650	161,500	258,250	102,100	....	16,500	215,250	47,650	68,720	1,026,691

Footnotes at end of table.

TABLE X.—SURVEY OF UNITED STATES AND CANADIAN GREAT LAKES PORTS ON TRADE PROMOTION PROGRAMS, CALENDAR YEAR 1968—Continued

	Erie	Detroit	Buffalo	Cleveland	Toledo	Duluth	Chicago—(City and regional)[1]	Rochester	Toronto	Hamilton	Milwaukee	Total
VII. Miscellaneous:												
A. Subscriptions, books, and periodicals	150	1,035	150	2,000	2,500	1,000	....	200	3,000	200	1,000	11,235
B. Membership dues and fees	496	1,482	300	2,500	2,300	1,000	....	1,000	3,000	150	3,000	15,228
C. Telegraph, telephone, and postage	2,327	5,000	1,650	3,000	12,000	3,000	....	2,000	6,000	2,400	3,000	40,377
D. Equipment rentals (other than autos)	None	None	600	None	250	None	....	450	None	None	None	1,300
E. Special contract services, research, etc	None	None	10,000	2,300	13,700	None	....	None	(3)	6,000	None	32,000
F. Official and promotional entertainment	(8)	None	400	1,000	9,500	1,500	....	None	8,950	2,000	4,000	27,850
G. Other	None	None	4,950	None	None	None	....	None	8,000	1,500	None	14,450
Indirect total	2,973	7,517	18,050	10,800	40,250	6,500	....	3,650	28,950	12,750	11,000	142,440
Grand total	45,286	75,275	64,700	172,300	298,500	108,600	....	20,150	244,200	60,400	79,720	1,169,131
Additional promotional expenditures (not budgeted on yearly basis)												
VIII. Films:												
A. Original production costs	None	None	125	5,000	3,500	6,500	None	....	30,000	6,500	22,738	74,363
B. Distribution costs	None	None	None	None	(1)	1,000	None	....	(9)	100	100	1,200

[1] No special funds allocated for trade promotion programs; Department of Economic Development, State of Illinois, has established a seaport development department for this purpose.

[2] See VII E.

[3] By contract.

[4] Included in I.

[5] Minimum.

[6] 1968.

[7] 11 cents per mile.

[8] Included in II.

[9] Included in VII F.

[10] Included in VI A.

[11] See VI C.

Source: Prepared by Robert K. Jorgensen, port traffic manager, board of harbor commissioners, Port of Milwaukee.

at several Great Lakes ports en route. It would therefore behoove the Great Lakes ports to embark upon a unified campaign promoting the Great Lakes as a transport facility. To make this need even more obvious, it is only necessary to point out that the $1.2 million that the Port of New York spent on promotional expenditures in 1964[16] is more than the 1968 expenditures of all the Great Lakes ports put together!

CONCLUSION

After a decade of operation of the St. Lawrence Seaway system, Great Lakes shipping faces a tremendous potential. The future of general cargo traffic, the container revolution, and Great Lakes ports offer great promise, but this promise cannot be realized until some substantial obstacles are overcome.

One of the greatest problems now facing the Great Lakes is the declining level of public investment. The nature of public investment is a discontinuous one; projects are undertaken and their results thoroughly scrutinized before new projects are contemplated. The future of Great Lakes shipping rests heavily upon the twinning of the locks of the Welland Canal, the building of container and other terminal facilities, perhaps some extension of the Seaway system, and other public projects. If the decline in public investment that we now observe is merely a momentary pause in the flow of investment funds, then it is possible that the potential of the Great Lakes may yet be reached; meanwhile, Atlantic, Gulf, and Pacific coast ports continue to improve their port facilities at a rate far greater than that of Great Lakes ports. If the decline in investment improvements in Great Lakes ports' facilities is not soon arrested and reversed, the outlook for Great Lakes overseas transportation will be indeed bleak.

While it is necessary to look ahead to new investment possibilities, we must also focus our attention on the repayment of debts incurred for previous projects, notably retirement of the bonded debt on the St. Lawrence Seaway. There is considerable disagreement over the sufficiency of present tolls to provide adequate funds for debt retirement. There is still further disagreement over the effect of a toll increase upon total Seaway revenues and the ability of the Seaway to meet its financial obligations. However, there is no doubt that higher Seaway tolls would result in less traffic through the Seaway than there would have been in the absence of the toll increase.

In addition to being a builder of transport facilities, the government is also a user and a regulator of them. The Departments of Defense and of Agriculture ship a considerable volume of cargo overseas; the future amount of this government cargo, and the share of it which is transported on the Great Lakes, will contribute significantly to either the growth or the stagnation of Great Lakes shipping. The share of government cargo which Great Lakes ports will handle depends on what action will be taken to eliminate inequities in the U.S. Cargo Preference Laws and in inland rail freight rates as permitted under present legislation and regulation.

Certainly any of the gains that the Great Lakes ports could realize from the alteration of government statutes and regulations might be made partially at the expense of other ports on the Atlantic, Gulf, and Pacific coasts. We therefore would expect, and indeed have seen, unified opposition to changes in the legal structure by other ports and railroads. It would appear to be in the interest of Great Lakes ports to lobby for favorable legislative changes, much as rival ports and railroads have done. In addition to promoting their own interests in the halls of Congress, it would behoove the Great Lakes ports to unite in promotion of the Great Lakes as a transport facility. Effective pursuance of their common interests on the part of all Great Lakes ports is a *sine qua non* for a prosperous future of transportation on the Great Lakes.

FOOTNOTES

*Research for this paper was supported in part by the University of Wisconsin-Milwaukee Sea Grant Program

[1] Eric Schenker, *Future General Cargo Traffic and Terminal Requirements at the Port of Milwaukee*, Center for Great Lakes Studies, University of Wisconsin-Milwaukee, Special Report No 5, September, 1968, p 3.

[2] Eric Schenker, *The Effects of Containerization on Great Lakes Ports*, Center for Great Lakes Studies, University of Wisconsin-Milwaukee, Special Report No 2, February, 1968, p. 2.

[3] A. Lyle King, "Port Operations and Planning of Facilities for Container Handling," *World Ports*, May, 1967, p. 15.

[4] Schenker, *The Effects of Containerization of Great Lakes Ports, op. cit.*, p. 4.

[5] U.S. Army Engineer Division, North Central Corps of Engineers, *Great Lakes-Overseas General Cargo Traffic Analysis to Accompany Great Lakes Harbors Study*, Chicago, Illinois, 1967.

[7] EBS Management Consultants, Inc., *An Economic Analysis of Improvement Alternatives to the St. Lawrence Seaway System*, final report submitted to U.S. Department of Transportation, January, 1969.

[8] Kates, Peat, and Marwick, as quoted in *Committee on Canadian-American Studies, Writing on Canadian-American Studies*, Michigan State University, 1968, pp. 71–91.

[9] Battelle Memorial Institute, *Market Analysis Study of Container-Suitable International Traffic at the Port of Cleveland* to the city of Cleveland, Columbus, Ohio, May 22, 1967.

[10] Schenker, *The Effects of Containerization on Great Lakes Ports, op. cit.*, Tables #2 and #18.

[11] EBS Management Consultants, Inc., *op. cit.*, pp. 1–5.

[12] Otto Eckstein, *Water Resource Development*, Harvard Press, Cambridge, Massachusetts, 1958, p. 184.

[13] The St. Lawrence Seaway Authority and the St. Lawrence Seaway Development Corporation, *Traffic Report of the St. Lawrence Seaway*, 1966, Table 6, p. 7.

[14] Werner Viet, "The St. Lawrence Seaway and the World Trade," *The Torch*, October, 1965, pp. 50–54.

[15] Eric Schenker, *The Port of Milwaukee, An Economic Review*, University of Wisconsin, Chapters 2 and 9.

[16] *Wall Street Journal*, December 7, 1964.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON DONATION OF CERTAIN SURPLUS PROPERTY TO THE EAST CAROLINA CHAPTER, INC., NATIONAL RAILWAY HISTORICAL SOCIETY

A letter from the Under Secretary of the Navy, reporting, pursuant to law, the intention of the Department of the Navy to donate certain property to the East Carolina Chapter, Inc., National Railway Historical Society, Post Office Box 3096, Greenville, N.C. 27834; to the Committee on Armed Services.

PROPOSED FOREIGN ASSISTANCE ACT OF 1969

A letter from the Acting Secretary, Department of State, transmitting a draft of proposed legislation, to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes (with accompanying papers); to the Committee on Foreign Relations.

Proposed Legislation To Authorize Appropriations for Expenses of the Office of Intergovernmental Relations

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes (with accompanying papers); to the Committee on Government Operations.

Proposed Legislation To Authorize Appropriations for Expenses of the President's Council on Youth Opportunity

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the President's Council on Youth Opportunity (with accompanying papers); to the Committee on Government Operations.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration and effectiveness of the work experience and training project at the Gila River Indian Reservation, Arizona, under title V of the Economic Opportunity Act of 1964, Department of Health, Education, and Welfare (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on legislation needed to avoid servicemen's bearing war-time mortality costs under the Servicemen's Group Life Insurance Program, Veterans' Administration (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for reducing costs of hospitalization, medical services, and drugs provided to Federal employees for job-related disablements, Bureau of Employees' Compensation, Department of Labor (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of the Export-Import Bank of the United States for the fiscal year ended June 30, 1968 (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Authorize Appropriations for Expenses of the National Council on Indian Opportunity

A letter from the Acting Director, Bureau of the Budget, transmitting a draft of proposed legislation to authorize appropriations for expenses of the National Council on Indian Opportunity (with accompanying papers); to the Committee on Interior and Insular Affairs.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JACKSON:

S. 2302. A bill to amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services; to the Committee on Armed Services.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. MONDALE:

S. 2303. A bill for the relief of Mario Augusto Roca; and

S. 2304. A bill for the relief of Luis Arturo Espana; to the Committee on the Judiciary.

By Mr. MUNDT:

S.J. Res. 116. Joint resolution to authorize appropriations for the expenses of the President's Council on Youth Opportunity; and

S.J. Res. 117. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. Mundt when he introduced the above joint resolution, which appear under separate headings.)

S. 2302—INTRODUCTION OF A BILL TO CLARIFY THE STATUS OF GUAM WITH RESPECT TO PAY AND ALLOWANCES OF MEMBERS OF THE UNIFORMED SERVICES

Mr. JACKSON. Mr. President, I introduce a bill "To amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services."

The very able Representative of the Territory of Guam, Mr. Antonio B. Won Pat, has brought to my attention that section 101(2) of the 1962 Uniformed Services Pay and Allowances Act defines Guam as a "possession." Of course, Guam is and has been since 1950 an unincorporated territory of the United States. It would appear that the provision in the 1962 Uniformed Services Act relating to Guam was an oversight. In order to clarify the situation, Mr. Won Pat has requested that I introduce amendatory legislation.

I ask unanimous consent that the letter addressed to me by Mr. Won Pat, under date of April 23, 1969, be inserted in the Record following my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the Record.

The bill (S. 2302) to amend title 37, United States Code, so as to clarify the status of Guam with respect to pay and allowances of members of the uniformed services, introduced by Mr. Jackson, was received, read twice by its title, and referred to the Committee on Armed Services

The letter, presented by Mr. Jackson, follows:

Territory of Guam, U.S.A., Office of Guam's Representative in Washington,
Washington, D.C., April 23, 1969.

Hon. Henry M. Jackson,
U.S. Senator, Senate Committee on Armed Services, Old Senate Office Building, Washington, D.C.

Dear Senator Jackson: This letter is addressed to you in your dual capacity of a ranking majority Member of the Armed Services Committee and Chairman of the Committee on Interior and Insular Affairs. The subject matter involves the political status of Guam.

As you know, in 1950 the 81st Congress enacted Public Law 630 (64 Stat. 384), the Organic Act of Guam. The bill that became the law was worked out in the Senate Interior Committee on large measure by Senator Anderson, who headed an *ad hoc* subcommittee to consider the Organic Act bill which was submitted to the Truman Administration.

Sec. 3 of this Act provides:

"Sec. 3. Guam is hereby declared to be an unincorporated territory of the United States . . ."

This language is substantially that of the Virgin Islands Organic Act (See 48 USC 1541), and throughout the years, Guam and the Virgin Islands have been deemed to be on a basis of equality, politically speaking.

Yet, the realization recently has been brought home to us that the cited provision of the Guam Organic Act has been repealed, in some substantial aspects, by Section 101(2) of the 1962 Uniformed Services Pay and Allowances Act (76 Stat. 451; 37 USC 101). This Section states: "(2) 'possessions' includes the Canal Zone, Guam, American Samoa, and the Guano islands."

This provision reduces the political status of Guam, with respect to the Pay and Allowances Act at least, to that of the Guano islands despite the unequivocal declaration, in substantive language, in the Organic Act that we are a territory of the United States. It is perhaps significant to note that the status of the Virgin Islands is undisturbed by the Pay and Allowances Act, and is specifically recognized in Sec. 305 of the Act relating to foreign duty pay.

Manifestly, it is desirable that the Armed Services and the Armed Services Committees be aware of Guam's status as a "territory", and therefore I ask that, on behalf of the people of Guam, you introduce legislation to amend the Uniformed Services Pay and Allowances Act by striking the word "Guam" from the definition of "possessions" as set forth in Section 101(2). For your convenience, I have taken the liberty of drafting such an amendment, and respectfully submit it to you herewith.

Sincerely yours,

Antonio B. Won Pat.

SENATE JOINT RESOLUTION 116—INTRODUCTION OF JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE PRESIDENT'S COUNCIL ON YOUTH OPPORTUNITY

Mr. MUNDT. Mr. President, I introduce a joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

I ask unanimous consent to have printed in the Record a letter on the subject, together with a copy of the proposed joint resolution.

The PRESIDING OFFICER. The joint resolution will be received and approriately referred; and, without objection the letter and joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 116) to authorize appropriations for the expenses of the President's Council on Youth Opportunity, introduced by Mr. Mundt, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S.J. Res. 116

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the President's Council on Youth Opportunity, established by Executive Order No. 11330 of March 5, 1967.

The material presented by Mr. Mundt follows:

XUM

Executive Office of the President, Bureau of the Budget,
Washington, D.C., May 23, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity.

The President's Council on Youth Opportunity was established by Executive Order No. 11330 of March 5, 1967. The Council is responsible for coordination, evaluation and encouragement of Federal youth opportunities' programs and for assuring effective program planning for summer youth programs. The Executive Order designates the Vice President as Chairman of the Council and provides for a membership consisting of representatives of the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, the Interior, Justice, and Labor, the Civil Service Commission, and the Office of Economic Opportunity.

The President's Budget for 1970 includes an estimate of $357,000 for the expenses of this Council, the appropriation of which is dependent upon the enactment of authorizing legislation.

Accordingly, I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

Phillip S. Hughes,
Acting Director.

SENATE JOINT RESOLUTION 117—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE OFFICE OF INTERGOVERNMENTAL RELATIONS

Mr. MUNDT. Mr. President, I introduce, for appropriate reference, a joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations.

I ask unanimous consent that a letter, and the attached proposed joint resolution, be printed in the Record.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the letter and joint resolution will be printed in the Record.

The joint resolution (S.J. Res. 117) to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes, introduced by Mr. Mundt, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the Record, as follows:

S.J. Res. 117

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for expenses of the Office of Intergovernmental Relations (referred to hereafter as the "Office"), established by Executive Order Numbered 11455 of February 14, 1969.

Sec. 2. (a) The Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for level IV of the Federal executive salary schedule.

(b) The Deputy Director of the Office shall be compensated at a rate of basic compensation not to exceed the rate now or hereafter provided for GS–18.

Sec. 3. The Director of the Office is authorized—

(a) to appoint and fix the compensation of such personnel as he deems necessary without regard to (1) the provisions of title 5, United States Code, governing appointments in the competitive service, and (2) the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and to general schedule pay rates, *Provided,* That, except as provided in section 2 of this Act and subsection (b) of this section, no person shall receive compensation in excess of the rate now or hereafter provided for GS–15;

(b) to fix the compensation of two employees at rates of basic compensation not to exceed the rate now or hereafter provided for GS–17; and

(c) to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate now or hereafter provided for GS–18.

The material presented by Mr. Mundt follows:

Executive Office of the President, Bureau of the Budget,
Washington, D.C., May 23, 1969.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations.

The Office of Intergovernmental Relations was established by Executive Order No. 11455 of February 14, 1969. The purpose of the Office is to advise and assist the Vice President with respect to his intergovernmental relations' responsibilities as the President's liaison with executive and legislative officials of State and local governments.

The Executive Order places the Office under the immediate supervision of the Vice President and provides for a Director and Deputy Director of the Office to be designated by the Vice President. The proposed resolution would provide that the Director would be compensated at a rate not in excess of that for Level IV of the Executive Schedule and the Deputy Director at a rate not in excess of that for GS–18. In addition, the resolution would provide that compensation for two other positions may be at a rate up to the maximum pay for GS–17.

Upon signing the Executive Order establishing the Office of Intergovernmental Relations, the President stated that ". . . the Office will assure State and local officials access to the highest offices of the Federal Government, especially those having a direct impact on intergovernmental relations, so that Federal programs, policies and goals will be more responsive to their views and needs. It will seek to strengthen existing channels of communication and to create new channels among all levels of government."

I urge early and favorable consideration of the enclosed draft resolution.

Sincerely,

Phillip S. Hughes,
Acting Director.

ADDITIONAL COSPONSOR OF A BILL

Mr. SPARKMAN. Mr. President, at the request of the Senator from Kentucky (Mr. Cook), I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky (Mr. Cook) be added as a cosponsor of the bill (S. 1832) to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 28—SUBMISSION OF RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE INCORPORATION INTO THE INTERSTATE SYSTEM OF U.S. ROUTE 219

Mr. SCHWEIKER, on behalf of himself, Mr. Byrd of West Virginia, Mr. Javits, Mr. Randolph, and Mr. Scott, submitted the following concurrent resolution (S. Con. Res. 28); which was referred to the Committee on Public Works:

S. Con. Res. 28

Concurrent resolution to express the sense of the Congress with respect to the incorporation into the Interstate System of U.S. Route 219

Whereas U.S. Route 219 passes through the Appalachian Region of New York, Pennsylvania, Maryland, West Virginia, and Virginia where one of the most critical problems is the lack of good access into and through the area, and

Whereas making U.S. Route 219 a part of the Interstate System will help remove this portion of the Appalachian Region from its isolation, and

Whereas U.S. Route 219 passes through or is adjacent to more of the natural resources of America than any other highway east of the Mississippi River, and

Whereas U.S. Route 219 as a major north-south artery would play a key role in improving the national defense capability, and

Whereas the present U.S. Route 219 is largely inadequate, obsolete, and dangerous: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the State highway departments of those States within which U.S. Route 219 is located, together with the Secretary of Transportation, should designate, as soon as possible, such route as a part of the National System of Interstate and Defense Highways in accordance with, and for the purpose of, title 23 of the United States Code.

NOTICE OF HEARINGS ON MINING AND MINERALS

Mr. JACKSON. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuel of the Senate Interior Committee, I announce that public hearings on S. 719, for the establishment of a national policy on mining and minerals, has been scheduled for Thursday, June 12, at 10 o'clock in the committee room, 3110 New Senate Office Building.

This proposed legislation is of potential far-reaching importance to our national security and economic development as well as of immediate concern and interest to all of the mineral-producing States and the minerals industry.

The participation in the hearing of any Member of the Senate as well as that of other interested and informed persons will be welcomed.

S. 719 is sponsored by the distinguished senior Senator from Colorado, Senator Allott, for himself and Senators Bellmon, Bennett, Bible, Cannon, Church, Dominick, Fannin, Hansen, Hruska,

Jordan of Idaho, **McGee**, **Metcalf**, **Moss**, **Stevens**, and **Young** of North Dakota.

AUTHORIZATION FOR SECRETARY OF SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until noon, Thursday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent that during the same period all committees be authorized to file reports, including all minority, individual, and supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO THURSDAY, JUNE 5, 1969

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Thursday next.

The motion was agreed to; and (at 1 o'clock and 40 minutes p.m.) the Senate took an adjournment until 12 o'clock noon, Thursday, June 5, 1969.

NOMINATIONS

Executive nominations received by the Senate May 29, 1969, under authority of the order of the Senate of May 29, 1969:

Renegotiation Board

William Henry Harrison, of Wyoming, to be a member of the Renegotiation Board, vice Jack Beaty, resigned.

William Scholl Whitehead, of Virginia, to be a member of the Renegotiation Board, vice Herschel C. Lovelass, resigned.

Commission on Civil Rights

Stephen Horn, of California, to be a member of the Commission on Civil Rights, vice John A. Hannah, resigned.

U.S. Attorney

John P. Milanowski, of Michigan to be U.S. attorney for the western district of Michigan for the term of 4 years, vice Harold D. Beaton, resigning.

James M. Sullivan, Jr., of New York, to be U.S. attorney for the northern district of New York for the term of 4 years, vice Justin J. Mahoney, resigning.

U.S. Marshal

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years, vice James E. Byrne, Jr., resigned.

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina for the term of 4 years, vice Hugh Salter.

Walter J. Link, of North Dakota, to be U.S. marshal for the district of North Dakota for the term of 4 years, vice Anson J. Anderson.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 2, 1969:

Export-Import Bank of the United States

John Conrad Clark, of North Carolina, to be a member of the Board of Directors of the Export-Import Bank of the United States.

Department of the Treasury

Murray L. Weidenbaum, of Missouri, to be an Assistant Secretary of the Treasury.

Securities and Exchange Commission

Hamer H. Budge, of Idaho, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1974, reappointment.

EXTENSIONS OF REMARKS

NEW EEOC CHAIRMAN SUPPORTS INCREASED POWERS TO ENFORCE CIVIL RIGHTS LAWS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HAWKINS. Mr. Speaker, equal opportunity for all Americans is a goal with which I am greatly concerned. During this and the preceding Congress I have introduced legislation to remedy a salient weakness in Federal civil rights law—the inability of the Equal Employment Opportunity Commission to enforce its decisions.

There is a pressing need for this legislation. Millions of our citizens still suffer under discriminatory employment practices that while prohibited, manage to survive because the relevant law has no teeth. As a result, these people see the Federal commitment to equal opportunity as empty, surely not a healthy situation in a democratic society.

Hopefully, a meaningful law will be passed. In the meantime, we have been assured that the limited powers presently available to EEOC will be vigorously implemented. William H. Brown III, the new EEOC Chairman, has forcefully indicated that despite recent political rumblings by some Members of Congress, he does not intend to soft-pedal the Commission's efforts. This is as it should be.

Mr. Brown's personal style combines the diplomatic and legal arts that are suitable to his position, and not incidentally, will be absolutely necessary when the Commission gets "cease and desist" powers. His views were the subject of a very informative article in the Christian Science Monitor of May 21, which I include in the Record so that it will be available to all concerned. The article follows:

Job Bias Chief Sets Rigid Guides

(By Lya Shepard)

Washington.—If the public can expect anything from William Hill Brown III, the slender, soft-spoken Philadelphia lawyer insists, it is that "the law is going to be enforced—vigorously and fairly."

That sort of assurance hardly makes news when uttered by most federal agency heads. But the case of Mr. Brown is special.

The onetime postman and taxicab driver has just replaced tough-talking Clifford L. Alexander Jr. as chairman of the embattled Equal Employment Opportunity Commission.

Mr. Alexander, target of Senate conservatives over alleged "harassment" of businessmen, never minced words in attacking job bias to which minority workers were subjected.

By contrast, the man tapped by President Nixon to head the five-member EEOC lacks the outgoing Democrat's fiery style, but not his fervor for civil-rights causes.

During an interview in his 12th-floor office near the White House, Mr. Brown indicated that his sense of EEOC priorities is very much in line with that of Commissioner Alexander.

"Too many times people in business have tended to equate the idea of hiring hardcore [unemployed] workers with "equal employment,'" he said, gazing through a window at the Potomac and the faraway hills of Virginia.

"They've forgotten about the many, many thousands—if not the millions—who have been employed steadily at jobs without hope of being upgraded. This is an area of prime concern to me."

Mr. Brown, now the holder of a $38,000-a-year post, may have been recalling his own father who has worked as an elevator operator and starter in a Philadelphia department store for most of the past 40 years.

"So many times," he observed, "the businesses are willing to employ people at entry-level positions. But as you move up the ladder to skilled and white-collar positions, the percentage of minority workers drops off dramatically."

In its controversial Los Angeles hearings this March, the EEOC found what Mr. Brown terms "horrendous examples" of such black ceilings in the areospace and filmmaking industries.

BARRIERS DEPLORED

During these hearings even the mild-mannered Mr. Brown joined Mr. Alexander and Commissioner Vicente T. Ximenes in deploring the barriers facing blacks and Mexican-Americans.

"If you think you've done a good job," he scolded one television network spokesman, "then not only ABC but the country is in bad shape."

Last week in a Denver speech before electrical-power executives, the new EEOC chairman charged that the industry was "the worst employer of minorities of any industry grouping."

The same accusation was leveled a year ago. Since then, Mr. Brown said, "we have seen more motion than action by most of you, and I am not disposed to see another such year go by."

Though Mr. Brown is a Republican (appointed to the EEOC by President Johnson), Sen. Everett McKinley Dirksen (R) of Illinois sought at first to block his confirmation. A meeting between the two men arranged by Sen. Hugh Scott (R) of Pennsylvania managed to persuade the GOP floor leader to relent.

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Today Mr. Brown would like to strengthen the EEOC's structure in several ways. He says he has solid White House backing. "Just prior to the time I was sworn in," the new chairman recalled, "the President told me the commission would have the 100-percent support of his administration to do the job we were charged with doing."

Mr. Brown maintains that "the key thing" is the EEOC quest for "cease and desist" powers to back up its fact-finding efforts. The commission now must rely on the Justice Department's Civil Rights Division and the Labor Department's Office of Federal Contract Compliance (OFCC) to enforce the law.

"It's absolutely imperative that we have this power," the chairman says. He also hopes to coax Congress to grant a larger budget and staff for EEOC investigations.

At present, it takes the commission's field staff from 18 to 20 months to process a complaint—"much too long" in Mr. Brown's opinion.

A Brookings Institute report recently suggested that the Labor Department's OFCC should be transferred to the EEOC to end duplication and overlap. Mr. Brown said he would favor that step only if given the added personnel to perform the larger job.

CONSOLIDATION SUPPORTED

"We're already running shorthanded both in terms of money and people," he explained. "If we were to get any added obligations, we would need a substantial increase in budget and staff."

Yet the EEOC chairman admits that such a consolidation would muffle many of the red-tape complaints often voiced by businessmen.

Before Commissioner Alexander stepped down as chairman, he fired a broadside at the Justice Department for its slow start in filing "pattern or practice of resistance" suits. The criticism prompted Assistant Attorney General Jerris Leonard to suggest that it would be "morally wise and sound" for the Democrat to resign from the commission.

Mr. Brown was asked to comment on Mr. Leonard's remark. He responded by upholding "the inherent right of every public servant to be critical." But he gently reproved Mr. Alexander in the same breath.

"I think both Commissioner Alexander and Mr. Leonard have a right to be critical of each other, if they wish," he said, noting at the same time that his colleague's jab at the first three months of GOP civil-rights enforcement might have been thrown too soon.

"The more equitable thing to do," Mr. Brown contended, "would be to look at this administration a year from now to find out what it has done."

PETITIONS CONCERNING POLITICAL REPRESSION IN SOUTH VIETNAM

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, June 2, 1969

Mr. FULBRIGHT. Mr. President, I have received several petitions signed by a number of teachers and students at the University of California concerning political repression in South Vietnam. I understand that the petitions originated with Dr. David Marr, a lecturer in Southeast Asian history at the university who served as an intelligence officer with the U.S. Marines in South Vietnam.

I ask unanimous consent that the petitions and the names of the signers be printed in the Extensions of Remarks.

There being no objection, the petitions were ordered to be printed in the Record, as follows:

REPRESSION IN SAIGON AND THE FATE OF PEACE NEGOTIATIONS

We, the undersigned University of California teachers and students call your attention to a number of acts of political repression engineered in the past three months by our "duly elected allies," the regime of Nguyen Van Thieu in Saigon. Some highlights include: smashing by police of a nonviolent Christmas eve, 1968 Catholic peace procession; continuous harassment of Saigon University Student Union functions and long-term jailing of student leaders who favor an immediate cease-fire; recent sentencing of Thich Thien Minh, a popular Buddhist monk, and a number of young followers to terms from three to twenty years hard labor.

In addition to the undoubted (and hardly new) perversions of justice and humanity involved here, we consider such Saigon government actions to constitute a serious obstruction to negotiated peace in Paris. President Thieu *knows* how many Vietnamese want an immediate settlement, *knows* how small the chances are of his surviving politically the massive readjustments implicit in such a settlement, and is determined to prevent at all costs the re-emergence to his left of a significant urban coalition that can negotiate meaningfully with the NLF.

By condoning Thieu's actions, the United States is helping to condemn thousands more Americans and Vietnamese to bloody graves. We therefore call on President Nixon at minimum to send an official letter of diplomatic protest to President Thieu regarding the ongoing political repression. If this has no effect, we ask the U.S. Government to consider a temporary withholding of selected aid allocations to Saigon—until President Thieu perceives just how serious is the desire of the American people for Peace.

Martin Z. Rivlin, Jonthan Unger, Jonthan S. Grant, Martha M. Kendall, Orville Schell, David G. Marr, John M. Nicholl, Felicia Oldfather, Jeffrey G. Barlow, William S. Asper, Rochelle Weintraub.

Philip Daro, Dawn Urbais, Peter Parrish, Lance Arnes, Marvin C. Borden, Paul J. Grabcawicy, Dennis Fitzgerald, Ruben O. Collett, Spence Fried, Steven Miller, John Thomas Quinn.

Chris Jenkins, Joseph Fischer, Daniel S. Lev, Franz Schusmann, Carol Brosgart, David J. Baker, Margaret L. Lyon, Karin Lind Taylor, Fred L. Goss, Neely Karl Slinhard, Lawrence Christian.

Lucy Wren Turner, Robert ———, Brian Rennex, ——— ———, Hatti Cheirjoycethere, Steven Goldfield, Leland Lena, Barbara E. Lena, Lee S. Bach, Roger W. Agay.

Phillis O'Donnell, Norma Jacobs, Kathleen Gillerd, Murine Turret, Gene Goldenfeld, David Hern, Jane Sprague, Michael Duggan, Kendall Green, Pat Wolf, Rick Feinberg, Jonathan S. Grant, Rhonda Berry, Emily Bach.

KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. LONG of Maryland. Mr. Speaker, Capt. John L. Nalls, and Pfc. Stephen M. Thompson, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their courage and honor their memory by including the following articles in the Record:

CHEVY CHASE MARINE DIES—CAPT. JOHN L. NALLS IS KILLED IN VIET AIR COLLISION

WASHINGTON, May 20.—Capt. John L. Nalls, a Marine pilot from Chevy Chase, Md., was killed in a midair collision Sunday over the South China Sea the Department of Defense announced today.

Captain Nalls, who was 26, was killed when, as his fighter was being refueled by an air tanker, a helicopter crashed into the tanker. Seven other persons were killed.

He was the husband of the former Corrie van Hemert, a secretary in the office of Senator Charles McC. Mathias, Jr. (R., Md.). The couple lived at 4711 Cumberland avenue.

A native of Washington, Captain Nalls graduated from Woodrow Wilson High School there in 1960 and George Washington University in 1965. He played baseball in both high school and college.

He joined the Marine Corps in March, 1966, and went to Officers Candidate School in Quantico, Va., and then received flight training at Pensacola, Fla.

In addition to his wife, he is survived by his parents, Mr. and Mrs. James W. Nalls, of Washington; three sisters, Mrs. Patricia Dixon, of Rockville, Mrs. Janet E. Nazarian, of Glen Falls, N.Y., and Mrs. Mary Lou Baden, of Edgewater, Md., and two brothers, James W. Nalls, Jr., of Silver Spring, and Charles H. Nalls, of Washington.

A memorial service will be held at 3 P.M. Saturday at the Chevy Chase Presbyterian Church.

VIET BLAST KILLS S. M. THOMPSON—MARINE PRIVATE DIES AFTER BLAZE SETS OFF SHELLS

Marine Pfc. Stephen M. Thompson. son of Mrs. Regina Traguccio, of 4028 Southclare road, was killed by an accidental explosion in Vietnam May 13, the Department of Defenes announced yesterday.

Private Thompson was trying to put out a trash fire when the blaze detonated some artillery shells. He suffered fragment wounds and third degree burns of the entire body.

The incident occurred at a fire support base about 25 miles south of Quang Tri where Private Thompson was stationed with the field artillery of the 3d Marine Division.

NATIVE OF BALTIMORE

A native of Baltimore, Private Thompson graduated from Herring Run Junior High School.

He worked in the records department of the Johns Hopkins Hospital before enlisting in the Marine Corps in September, 1967. He had been in Vietnam since September, 1968.

In addition to his mother, his survivors include five sisters, Mrs. Sheila Milligan, of Baltimore; Miss Mary Thompson, Miss Agnes Tranguccio, Miss Phyllis Tranguccio and Miss Toni Tranguccio, all at home; a brother, Robert Thompson, of Baltimore, and his maternal grandparents, Mr. and Mrs. Leonard Cacano, of Baltimore.

MADISON AVENUE READIES ATTACK ON INFLATION

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. O'HARA. Mr. Speaker, I recently read an article in the Los Angeles Times about the Advertising Council's plans for an intensive, nationwide advertising campaign against inflation. I looked with great care at the dateline on the newspaper, and it said May 19, 1969. I still think I may have been reading from a newspaper to be printed in 1984.

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"The campaign," the story said, "will not tell consumers to slow down their spending, give advice to businessmen, campaign for renewal of the income surtax, tell workers to moderate wage demands, or blame the Vietnam war for inflation." No, Mr. Speaker, it will do none of these things. Instead, quoting Archie K. Davis, chairman of the Wachovia Bank & Trust Co. of Winston-Salem, N.C., the campaign "will condition the collective mind so that when something is done, they will know it will be to their best interests."

That is about the most frightening sentence I have read this year.

The Advertising Council, a "nonprofit" offshoot of the U.S. Chamber of Commerce, is going to "condition the collective mind" so that when something—anything, I guess—is done about inflation, the "conditioned collective mind"—that means you and me and our constituents, Mr. Speaker—will simply warm up with delight, like one of Dr. Pavlov's conditioned dogs, drooling at the sound of a dinner bell, whether there is any food there or not.

Mr. Speaker, I agree wholly with the Advertising Council that inflation is a bad thing. But I think it is very frightening when tax-exempt funds are to be used to "condition" the American people to accepting whatever they are told will fight inflation.

The newspaper story continues:

> Coincidentally, this mind conditioning effort is getting underway at a time when the Nixon administration is opening its campaign to win congressional approval for renewing the surtax passed last year as an anti-inflationary weapon.

The newspaper reporter's use of the word "coincidentally" suggests he may not have had the experience some of us have had with the splendid understanding and rapport that exists between the U.S. Chamber of Commerce, the Advertising Council's parent organization and the present administration.

I do not care how anyone feels about the surtax—whether one agrees with candidate Nixon that it ought to be repealed, or with President Nixon that it ought to be made permanent. That is a matter of judgment, on which honest men will differ. But I feel very deeply that the American people and their Congress should be left free to make up their own minds about what they want to do about inflation, whether they want to continue the surtax, or perhaps cut back on the high interest rates that have themselves become a major cause of current increases in the high cost of living, or whatever. I certainly think we should be wary of attempts to "condition" the public mind so that any measure that is described as "anti-inflation" will get some kind of automatic knee-jerk reaction of approval.

One of the most dangerous trends in the politics of this Nation has been the tendency—and it has been equally visible on the right and on the left—for a few people to decide for themselves what specific measures are needed to serve a broadly approved goal, and then to proceed to denounce anyone who does not accept those tactics as being against the goal. The extremist right-wing says it is "for patriotism" as all of us, indeed, are, and then denounces anyone who does not share the ultra-right wing's specific views on what is patriotic as being "against patriotism." The New Left decides that almost anything that can be done to end racism is "inadequate," and so it proceeds to denounce anyone who advocates any such steps as "racist." Now along comes the Advertising Council seeking to implant in everyone's mind a laudable dislike for "inflation." and "coincidentally" along comes the Nixon administration with a tax measure it supports as "anti-inflationary." I will not delve into the intentions of the Advertising Council, Mr. Speaker; I will ask only if the effect of the Advertising Council's "conditioning" program would not be to make impossible opposition to any proposal adequately ballyhooed as "anti-inflationary."

There is a splendid story told about Abraham Lincoln.

Lincoln once asked a friend, "If we agree that 'dog' means 'horse,' can we say that you rode to town today on a dog?"

When his friend answered that, under those conditions, he could indeed agree that he had ridden to town on a dog. Lincoln pointed out, "I don't think so, you and I can't change a horse into a dog just by saying so."

In an age of highly sophisticated advertising techniques, it becomes dangerously possible to change a horse into a dog by just saying so. In such an age, proposals like that of the Advertising Council are deeply disturbing indeed.

I include the article entitled "Madison Avenue Readies Attack on Inflation" at this point in the RECORD:

[From the Los Angeles Times, May 19, 1969]

PRIVATE, FEDERAL DRIVES DOVETAIL: MADISON AVENUE READIES ATTACK ON INFLATION

(By Murray Seeger)

WASHINGTON.—Like litter in the streets, forest fires and automobile accidents, inflation is to be a target of a million dollar advertising campaign.

"We have done Savings Bonds, Zip Code and Smokey the Bear," Robert P. Keim, president of the non-profit Advertising Council, reminded reporters at the White House.

Now, with a budget of $8 to $10 million in donated air time and print space, the Advertising Council will take on "inflation, the current form of economic instability."

"This will be a good tough one for us," Keim said.

The council is a 26-year-old industry-supported organization that conducts public service advertising campaigns.

Although Keim and a committee supporting the new project were introduced by Treasury Secretary David M. Kennedy after meeting with President Nixon, the council stressed that this is not a federal program. The President issued a statement in conjunction with the council's announcement reiterating his position that "we can cool inflation only if we deal with fundamentals."

In addition, Mr. Nixon said, "We must curb 'inflation psychology.' When people understand what is behind the sharply rising cost of living, they see that tax measures essential for a strong budget are better than the cruel tax of inflation." He said he did "indeed welcome" the advertising campaign.

CONDITIONING PROCESS

The campaign will not tell consumers to slow down their spending, give advice to businessmen, campaign for renewal of the income surtax, tell workers to moderate wage demands, or blame the Vietnam war for inflation.

Instead, it "will condition the collective mind so that when something is done, they will know it will be to their best interests," said Archie K. Davis, chairman of the Wachovia Bank and Trust Co., Winston Salem, N.C., and also chairman of the National Chamber Foundation.

An offshoot of the U.S. Chamber of Commerce, the foundation is paying for a five-year economic education program prepared by the Joint Council on Economic Education. The Advertising Council will carry the message of that program to the public.

Coincidentally, this mind conditioning effort is getting under way at a time when the Nixon Adminiinstration is opening its campaign to win congressional approval for renewing the surtax passed last year as an anti-inflationary weapon.

The Administration's economic "troika," Secretary Kennedy, Budget Director Robert P. Mayo and chief presidential economic adviser Paul W. McCracken, have been invited to appear before the House Ways and Means Committee Tuesday for the first time since they took office.

At that time, they will plead for the Administration's plan to continue the full 10% surtax beyond its June 30 expiration date until Dec. 30. It would then fall to 5% for the next six months.

Still, according to congressional sources, the Administration will have a tough fight on its hands to win renewal of the surtax.

Some liberal members of Congress are insisting on action to reform the tax laws before the surcharge is moved. But the official view is that the attitude is a blind.

To counter this attitude, the Administration is beginning to step up its anti-inflation public relations campaign. Herbert Stein, a member of the Council of Economic Advisers, made a new speech on the subject Thursday. Three Cabinet members, Kennedy, Labor Secretary George P. Shultz and Commerce Secretary Maurice H. Stans, made similar pleas during the last week.

Previously, the Administration had concentrated on setting what it considered the proper policy lines for slowing down economic activity and removing inflationary pressures. It avoided the type of public exhortations common to the Johnson Administration.

SERVICE TO THE BLIND

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. DERWINSKI. Mr. Speaker, the Hammond, Ind., Times recently carried an article telling of the unusual service to the blind which my constituents, Dr. and Mrs. Ray Sanders, of Lansing, Ill., have developed.

At a time when international and national news media continually focus on the radical and ruthless elements of society, it is refreshing to read about a humanitarian project of this type.

The article follows:

GIFT TO SPOUSE CREATES "TAPESPONDENTS"

(By Edith Ladick)

Little did Mrs. Raymond Sanders realize four years ago when she gave her husband a tape recorder that the gift would completely monopolize her free time and give a new dimension to her life.

Mrs. Sanders was recently appointed assistant director of the newly formed Blind

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and Handicapped Division of Anselm World Tape Forum. Its aim is to develop friendships all over the world.

It is part of Anselm Forum, Inc., formed 37 years ago to further human relations and is directed by Reuben Olson of Gary, Indiana.

Mrs. Sanders is presently taping with 30 blind and handicapped "tapespondents."

In 1966 Dr. and Mrs. Sanders visited the Middle East and developed a professional colored slide show in three 40-minute sections, complete with appropriate background music and commentary. Tape and slide shows were also developed from their 1967 trip to Spain, Portugal, and Morocco and 1968 trip to Great Britain. The shows are sent all over the country and shown throughout the Calumet area to clubs, churches, and schools as well as in their home at 3328 S. Manor Drive.

Dr. Sanders, who is an osteopathic physician in Schererville, designed a projection room in the basement of their home where as many as 27 have been seated comfortably. The projection screen is hung permanently in front of the room.

Dr. Sanders has also built a control panel at the side of the projection room to operate the lighting, slide projector, and tape recorder simultaneously. He has remodeled another room in the basement into a tape recording studio, complete with tape library. The library contains tapes which are not erased. Of particular interest to the blind are the tapes of Harold Ewins of Capetown, South Africa. They have sounds of jungle animals, capture of an elephant, and sea gulls fluttering above the water. Another are the tapes of Nellie Sweeney, New South Wales, Australia, blind singer, organist, and composer. She plans to publish her own hymn book.

The Sanders have made many other friends through taping. After viewing a tape slide show of Weymouth, England, they decided to include the area in their tour last summer. A tape was sent to Eric Stillwell, overseas representative of the Indiana Recording Club. He opened his home to them and was their guide on Labor Day weekend. Mrs. Sanders contributes taped material for his monthly taped magazine to the blind.

Palm Banks, blind tape enthusiast in Decatur, Georgia, played Santa Claus at Christmas for Mrs. Sanders' mother, Mrs. Olga Carlson. She took the many knitted socks made by Mrs. Carlson to the Home for Handicapped Children in Decatur.

Mrs. Sanders received a letter this week from Frank Senn, Jr., blind organist at the Holiday Inn of Buffalo, New York. After hearing her sing on tape, Senn wants to play the organ on tape, send it to Mrs. Sanders, and have her add the singing.

Mrs. Sanders has sung with the Merchandise Mart Chorus, Trinity Evangelical Covenant Church Choir, and the Aristocrats of Song. She is an international judge and member of Sweet Adelines, Inc., women's barbershop harmony group.

In addition, Mrs. Sanders is quite creative and has numerous handcraft projects, but her first love is serving the blind and the handicapped.

RETIREMENT OF CHARLES L. VICKERS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HOSMER. Mr. Speaker, on June 30, Mr. Charles L. Vickers will retire as general manager of the Port of Long Beach, a post he has held for the past 11 years. During the time he has been in his present position, the port has experienced the greatest growth in its 58-year history in both physical development and cargo movements, going from 7 million tons 11 years ago to nearly 20 million tons in 1969.

Mr. Speaker, I would like to pay tribute to Charlie Vickers for 45 years to dedicated service and leadership in building the Port of Long Beach into the world's most modern port.

Charlie was born in Ethan, S. Dak. He came to Long Beach when he was of high school age, attending Poly High School.

When he first came to work in the harbor, silt was still being dredged out of the entrance channel from the devastating 1913, 1914, and 1916 floods in the Los Angeles River. Back then, the port only had one wooden pier with two berths on it. Now it has 60 deepwater berths.

During his early years in the port, Charlie was employed by the city and the Army Engineers, working on beach erosion problems, dredging, breakwater construction, shoreline contours, and surveying.

From 1937 on he rose successfully from surveyor, assistant harbor engineer, assistant general manager, and to general manager in 1958.

Perhaps, the most dramatic way to describe how the port has developed over the years he has served is to say that in the early days it was hard put to handle an 11,000-ton oil tanker drawing 25 feet of water. Today it can handle supertankers weighing over 100,000 tons and drawing 50 feet of water.

The Port of Long Beach's top executive has a broad engineering background and his thinking is international in scope.

By increasing the size of the port and by providing the most modern facilities obtainable, it attracts more shipping. This increases imports and exports, which in turn raise the annual income of everyone directly and indirectly involved in world trade.

This is especially true in the Pacific Basin area where the majority of our foreign trade is generated. So in developing the port, it has helped hundreds of millions of people to raise their standards of living.

Vickers has served as a director of the Long Beach Community Hospital, International Association of Ports and Harbors, Community Chest, and has been president of the Los Angeles-Long Beach Propeller Club, World Trade Week, and first vice president of the California Association of Port Authorities.

He was made a knight in the Order of Leopold II by the Belgium Government, a member of the National Defense Executive Reserve. Local 13 of the ILWU honored him as the City of Hope Man of the Year.

His successor will be the port's assistant general manager, Thomas J. Thorley. We wish him well.

Mr. Speaker, I would like to add my personal congratulations to Charlie Vickers for all he has done for the port, the city of Long Beach, the State of California, and the Nation. I wish him a pleasant retirement.

DRISKILL ERA ENDING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. PICKLE. Mr. Speaker, as a member of the Capitol Historical Society, I have more than a passing interest in preserving the history and traditions of the Nation's Capital.

This interest has quite naturally spilled over into a separate, but related, field. There is in Austin, Tex., a building that has been a part of the history of my district since 1886—I refer to the fabulous and old Driskill Hotel. This magnificent old building, fittingly marked with a plaque and medallion designating it a historic Texas landmark, this fine reminder of our past may be torn down. It may even be leveled and a gleaming, antiseptic parking garage erected in the spot where history once dwelled.

The Driskill closed today. No more rooms are to be rented. The hotel was to be closed earlier, but was kept open in deference to the Texas legislators and lobbyists who have resided there during the current legislative session. But the Texas Legislature said they would adjourn sine die today—and so did the Driskill.

It is a pity. This grand old lady has been hostess to a President, scores of Governors, even more legislators, hordes of reporters, lobbyists, and socialites of eight decades.

Part of the first floor will remain open for an indefinite period—just the essentials: The barbershop, two private clubs, and a few offices. But the elegant charm of a bygone era may be lost forever.

On a typical day, the Governor of Texas can be found breakfasting in the elegant dining room. A score of the wiser reporters are nearby waiting for some big news of the day.

In the past, inaugural balls have been staged here for Gov. Preston Smith, Gov. William P. Hobby, Gov. Miriam Ferguson, and Gov. Dan Moody.

Many a political caucus has been held here and much of the legislative history of Texas written within its walls.

An early historian wrote:

> Governors have walked through its lobby arm in arm with legislators and confidential advisors on their way to conferences at which grave problems of state were resolved or more seriously complicated.

Among the historic decor of the old hotel are the eight mirrors which Emperor Maximilian ordered as a gift for his wife, Carlotta. The gold leaf framed mirrors were to hang on the walls of Chapultepec Castle in Mexico. Maximilian was executed and Carlotta died in Europe. The mirrors now hang in the Maximilian room, which was specially designed for them.

An Austin historian, Mary Starr Barkley, once said:

> Probably no place in the Austin area is more heaped with history than the Driskill Hotel.

Financial troubles, which have plagued the hotel since its opening, have become too burdensome. The managers of the hotel would keep it open if they could, but the daily operations have become daily losses. They have treated their help right, however, in closing the hotel. Over $200,000 was spent in severance pay—but that is little consolation for people who have invested their lives in that romanesque structure.

For example, we might lose one of Austin's finest gentlemen—Theodore Youngblood. About 46 years ago, Youngblood became a busboy at the Driskill while he tried to support two boys, a wife, and attend college in the same breath. Youngblood made it fine—his boys have both graduated, his wife is still by his side, and he is now the supervisor of the hotel's party and banquet service.

He may also be out of a job now.

This is a nostalgic pill for a man who was once the only man the Secret Service would let enter the President's quarters.

There is a faint breath of optimism in the wind. A save-the-Driskill group has been organized and an Austin architect, Max Brooks, is doing his best to save the hotel from the bulldozer and the sledge hammer.

He only needs two things: Public support and money. Public support can be mustered because the hotel is loved by nearly all Austin natives and visitors. The money may be another story altogether.

If the Driskill goes, I want it to be remembered. Once it was called the finest hotel south and west of St. Louis. It could be again.

I hope so. The hotel was closed once before. During those troubled times, one faithful employee kept a key to the front door. I wish I knew where that man could be found today.

RESOLUTION AGAINST THE ABM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ROSENTHAL. Mr. Speaker, the New York City Council recently received a resolution, with broad sponsorship, against the construction of the ABM. The sponsors of this resolution represent many communities and neighborhoods within New York City. They respond, I believe, to the growing determination of the citizens of New York, and other cities, that popular expression of views on national policy must be organized and effectively directed to elected public officials.

I welcome this initiative by New York City and its representatives. I hope the Congress will respond by a decisive rejection of the ABM.

The resolution follows:

RESOLUTION 1969

Resolution by the City Council of The City of New York Calling Upon the Congress of the United States to Refrain from Appropriating the Funds Necessary for the Deployment of the Safeguard Missile System and urging that the monies saved by Such Action be Spent Towards the Promotion of Equal Opportunity and Social Harmony within Our Nation's Cities

(By Messrs. Manes, Bernstein, Weiss, Merola, Mrs. Greitzer, Friedland, Low, Katzman, Lazar, Moskowitz, Scholnick, Knigin, Lebron, Sadowsky, Cohen, Rios, Sharison, Thompson, Maze.)

Whereas, The cost of the recent presidential decision to deploy the Sentinel Anti-Missile system is conservatively estimated at $6,000,000,000 to $7,000,000,000 and

Whereas, The system has provoked considerable disagreement as to both its technical feasibility and political desirability and

Whereas, The Defense Department has exhibited a history of spending billions of dollars on weapon systems that become obsolete before they are completed and

Whereas, It is universally accepted that millions of Americans are daily faced with a multitude of problems that severely limit their present and future well being and

Whereas, An enlightened government has the responsibility to endeavor to provide equal opportunity for all of its citizens and

Whereas, The greatest danger facing the United States is the slow disintegration and polarization of our Nation's social framework, and

Whereas, Needed economic and social programs within our Cities are not properly funded or are non-existent and

Whereas, This intended deployment will only further siphon off funds badly needed for our Cities and

Whereas, It will be more practical as well as morally correct for our national government to make the commitment needed to eliminate social imperfections before our nation's flaws become its permanent failures and

Whereas, The deployment of these systems may abrogate a portion of the newly ratified treaty to prevent the proliferation of nuclear weapons; now therefore be it

Resolved, That the City Council of The City of New York does respectfully call upon the Congress of the United States to refrain from appropriating the funds necessary for the deployment of the Sentinel Missile System and be it further

Resolved, That the City Council urges that money saved on this action be spent towards the promotion of equal opportunity, social harmony and badly needed capital projects within the Cities of our nation.

Referred to the Committee on General Welfare.

MEAT CUTTERS' UNION SEEKS TAX REFORM

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. COHELAN. Mr. Speaker, the Executive Board of the Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, has issued a strong policy statement on tax reform legislation. This 500,000-member food industry labor union emphasizes the inequities in the present tax system and points out that "it asks sacrifice of those Americans least able to provide it."

I want to congratulate the executive board of this important union for its stand and action. I know from my past work with the Amalgamated—especially in the battle against the Mexican farm labor importation program—that it is a determined group which will fight against great odds until it wins.

Mr. Speaker, I include the policy statement on tax reform of the Amalgamated Meat Cutters & Butcher Workmen, AFL–CIO, in the RECORD:

POLICY STATEMENT OF THE INTERNATIONAL EXECUTIVE BOARD OF THE AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN (AFL–CIO) CONCERNING TAX REFORM, APRIL 29, 1969

The Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) has long called for actions to correct the inequities and injustices of the existing federal, state and local tax systems. We have long urged (1) the closing of loopholes, which allow the rich to escape their fair share of payments, and (2) the reduction of low and middle income rates, which impose special hardships on wage earners.

At long last, the nation is aroused about tax inequities. A "taxpayer's revolt" is in progress. Increasingly, a large number of Americans are seeking tax reform.

We are delighted with these developments. We fully support the hard-hitting letter which our Union's Executive Officers, President Thomas J. Lloyd and Secretary-Treasurer Patrick E. Gorman, sent to Chairman Wilbur D. Mills of the House Ways and Means Committee. It is an important and forthright statement of the views of our Union. We urge the Committee to heed the proposals of the letter.

The present tax system represents nothing short of robbery of wage and salary earners. It asks sacrifice of those Americans least able to provide it. It bestows tax benefits and credits upon those Americans who have the greatest means to meet their tax responsibilities.

It literally undermines other national policies established by the President and Congress concerning the economy, agriculture, poverty and urban reconstruction. It undermines the citizen's belief in justice and his adherence to law and order.

The time for change is now.

We urge Congress to overhaul completely the tax system by eliminating every single loophole which distorts the tax structure in favor of corporations and the upper income brackets. This includes the investment credit, oil and resource depletion, hobby farms, capital gains, real estate, and other gimmicks.

We urge Congress to reduce the tax burden shouldered by lower and middle income families.

We urge Congress not to renew the surtax unless tax reform legislation is previously enacted.

We urge state and local governments to reconsider their tax laws and to make them just and equitable. (In many cases, these tax structures are even worse than the federal one. Some states and communities, in fact, depend largely on the tremendously retrogressive sales tax.)

The Amalgamated recognizes that wishing changes will not make them come about. Action is necessary. Our Union has worked and will continue to work to make tax reform a reality.

We therefore instruct our Washington Office to continue the campaign for tax reform in collaboration with the AFL–CIO and other Unions and allied Organizations. To support the efforts of the International Union, we strongly urge our Local Unions:

1. To conduct meetings and forums among their members and other interested citizens on the injustices of the present tax system and the need for tax reform, and
2. To accelerate sharply the letter writing campaigns now underway to Congressmen and Senators urging the speedy enactment of thorough-going and meaningful tax reform.

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ON CITIZENSHIP, PATRIOTISM

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. DANIEL of Virginia. Mr. Speaker, we are all aware that violent actions and so-called nonnegotiable vocal demands of some of our young people receive widespread publicity, while all too often discerning and perceptive dissertations by other young people get comparatively little notice.

A few days ago a senior from James Blair High School in Williamsburg, Va., Mills A. Bradshaw, Jr., presented a penetrating analysis of the general unrest being evidenced by members of the younger generation. The occasion for his remarks was an assembly program at Oak Hill Academy, a small Baptist-operated secondary school in Grayson County, Va.

Young Bradshaw's remarks were considered of such import the editor of the local newspaper, the Galax Gazette, reprinted the speech in full. I concur in the editor's thinking and feel this young high school senior's remarks are deserving of even wider distribution and include them in the RECORD:

ON CITIZENSHIP, PATRIOTISM

(EDITOR'S NOTE.—Last Friday at Oak Hill Academy, Mills A. Bradshaw, Jr., a senior at Williamsburg's James Blair High School, spoke at the Oak Hill Academy assembly on "Citizenship and Patriotism." He was introduced by Richard C. Gwathmey, of Bruington, Va., Commissioner of Revenue of King and Queen County and whose daughter, Emmi, attends Oak Hill. Because of the pertinence of the talk, The Gazette reprints it in full.)

(By Mills A. Bradshaw)

Not too many months ago we read in the newspaper about a group of individuals who became dissatisfied with the conditions under which they were living. It was a group of Negroes in Watts. They were living in poverty and they blamed their condition on society as a whole. They demanded a change and when it didn't come they used violence. They rioted and burned and looted and killed. When I read about it I condemned them.

Another time it was a group in Detroit. When I read about their rioting I condemned them. Another time it was a group of students in Berkeley, California. They were dissatisfied with the role of the students. They wanted a greater role in governing the campus. They protested, they demonstrated, and they seized control of the administration building. When I read about them I condemned their actions.

It happened again at Columbia University, Duke and Cornell and many more colleges across the nation. When I read of these, I was angered at their demonstrations. Another time it happened at Concord in New England. These protesters were dissatisfied with their government and in the end tried to overthrow it. They protested and even used gunfire to win their cause. The administration they were overthrowing was King George of England and the year was 1776. When I read about them I couldn't condemn these dissenters; they founded our mighty nation.

It was a confrontation similar to this that I came against when I met at Williamsburg with the Student Burgesses. The theme for the conference was Patriot and Protester—Can we be Both? Here I was, condemning the dissenters of today and yet my country was founded by dissenters in an age of protest. I was sure that I was in favor of the protest and even violence our forefathers resorted to, and I was just as certain that I was against the rioters and protesters of today. But the circumstances seemed similar so I had to decide what justified protesting and what were the limits to protest techniques.

After considerable thought I came across three basic differences between the American Revolution protest and many of those we see today. The first is the cause being fought for. In the Revolutionary War the cause was one of basic political freedom. The colonists had been taxed without having a voice in the government. They had been forced to feed and house soldiers placed in the colonies against the desires of the colonists. Their commerce was restricted by taxes and finally by the closing by the king of one of their harbors. They were restricted from voicing their opinions about their government. Basic freedoms that I wouldn't hesitate to protest for.

Each of these is a political freedom necessary for the very existence of democratic principles and they aren't petty violations of total freedom. Our society wouldn't survive if we weren't able to vote at least indirectly on our taxes, if we were forced against our will to provide food and shelter for troops in our homeland that we didn't request, if we were not able to trade with other nations because of unbearable taxation, or if we were unable to vocally express our thoughts on our government.

Looking at the racial disturbances we see slightly different causes. The National Advisory commission on Civil Disorders blames most of them on "frustrations of powerlessness". In other words, many of the rioters felt that they couldn't change their present status. They felt unable to get out of poverty, unable to gain the respect of the nation, unable to get a decent job. They felt unable to get a proper education. From their frustrations they turned to violence. But freedom from frustration is not a basic political freedom. Our constitution doesn't provide for a guaranteed good job, it doesn't guarantee freedom from poverty, it doesn't guarantee a good education. Our society provides the opportunity for all of these but they aren't basic political rights.

Looking now at student revolts we get even further from basic freedoms. Most of the student protests in high schools center around dress codes. Students complain because the administration won't allow long hair or short skirts. They complain that their right to freedom of expression is being violated. Perhaps by not too great a stretch of the imagination we can agree that total freedom of expression is not being allowed. This is where we have to consider what freedoms and expressions of freedom are worth fighting for.

Some individuals argue that we should promcte the exercise of First Amendment rights and not merely tolerate it. In other words we should encourage people to do whatever can be justified as exercising the rights of free speech, free press, freedom of religion and so on, and not just put up with people who do this. It seems to me that this is an attitude cf: do everything you can get away with. Just try to imagine what would happen if eveyone tried to practice whatever he could justify as freedom of expression. Our soldiers in Vietnam would be unable to fight because the long hair would be in their eyes, we wouldn't have many students in school because they would all be off expressing themselves at the beach, and our parents could be expressing themselves by boozing it up in the middle of mainstreet every night.

We certainly don't want to see how far we can stretch our rights, we just want to protect our basic rights. If the only complaint students have is the dress restrictions they should be thankful.

More recently on the college level the complaints have centered around the fact that students don't have a major voice in school administration. They complain because they can't set up the school curriculum and they can't help hire and fire teachers. But what basic freedom is being violated here? I don't remember anywhere in the Constitution where I was given the right to choose what teachers I wanted to teach me and what I wanted to hear them talk about. Each student has the choice of what college he wants to attend. If he doesn't like the instructors or the influence of the students at any institution he doesn't have to go there. He should consider himself fortunate to have been accepted at the college of his choice and he should abide by the rules that he asked to live under as a student at that institution.

The student revolts aren't in defense of any basic political freedom.

The second difference is the methods used before violence was resorted to. Before the American revolution our colonial fathers sent emissaries to the king asking him to give them the rights of all Englishmen. They sent letters requesting the same. All these were ignored. They sent stronger notes and finally boycotted English goods. They formed Committees of Correspondence to explain to people their complaints and reasons for their protest. Finally when the king sent troops against them they used force in return.

Generally speaking, we didn't see a similar restraint before the racial disturbances. Many of them began without the general public even knowing that a problem existed. To my knowledge, peaceful means were often neglected and demands and violence were the starting point.

Student revolts are often similar. They begin by demanding specific changes and if they don't come immediately violence does.

I have to speak in generalities here because some of the student protests have come only after exhausting any other means of action. The same is true in many of the racial disturbances and if we look closely even our colonial forefathers used unnecessary violence. There was no compelling reason for them to have the Boston Tea Party. They could have peacefully just refused to purchase the tea rather than destroy it.

What I'm suggesting is "Don't fight the administration; use it." If you can accomplish your objective by legal, peaceful means don't resort to violence. The success of your mission will often depend on it. Use tactics that won't alienate the crowd if possible. Supposing I had a date this weekend and since I live in Norge, which is ten miles from anything, I would need the car. Would I go up to my Dad and say, "Dad, give me the car or I'll put sand in your gastank." You can bet your life I wouldn't. Even if I had needed the car to go get him a birthday gift, if I go about it that way I'll never get the car. Instead of that I'd use the line of least resistance. "Dad, you remember Karen, the girl who thinks your mustache look's so neat? How about loaning me the car, so I can take her out this weekend? And if you want me to clean up the yard for you I'll be free all Saturday morning."

It's just common sense to use a bit of diplomacy along the line of least resistance.

The third difference is the respect each group gave to the rights of others. In the American Revolution only rarely did the colonists infringe upon the rights of others. With the Boston Tea Party they destroyed the property of some merchants whom they didn't agree with. But for the main part they only protected their own rights. They defended their homes, and only destroyed in self-defense when attacked. They remained within their own lands, they didn't disrupt other lands.

Our racial disturbances certainly didn't follow this standard. The looting and burning that took place wasn't in protection of anyone's rights. It was a grave infringement upon the rights of others. And the students aren't following the rules, either. They occupy buildings, they destroy records, they block

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traffic, they deface public property. What rights are they defending? None at all. In fact they go so far as to deny others the right to protest. Just last month we read about some students from the University of Virginia who were demonstrating on the lawn of the Capitol in Richmond. In and of itself this was not illegal although it didn't gain much support for giving 18-year-olds the right to vote. The problem was that when some pages came out to demonstrate in favor of the current administration, they wouldn't allow it. The student demonstrators attempted to tear down the banners of the pages. They not only wanted to exercise their rights to the fullest extent but they wanted to deprive all others of this same right.

There's the old adage: "A friend is a friend to the end of my nose." But as soon as he steps on my rights he has lost my support. If more dissenters would remember this they would be a lot more successful and a lot more popular.

And a lot of the things people are demonstrating for would not violate the rights of others.

Protest is justified for protection of our basic rights if we can't achieve our objective peaceably and so long as we don't violate the rights of others. The only problem is, how do we know which rights are basic? What we can do without violence? and what the rights of others are? Perhaps the protesting students think that the right to decide what they want to wear and hear in class is a basic right; maybe the poor think it's a government responsibility to provide food, clothing and shelter for them, maybe students don't realize they can have an administration voice legally by evaluating the teachers responsibly and informing the administration, maybe they don't know what restrictions there are at college and that they can choose what college they want to attend. Maybe the poor don't know that they can elect candidates to office, receive job training, help themselves under the present system. Maybe students dont' know they are violating another's rights when they destroy records, occupy buildings, and block traffic; maybe rioters don't know they are violating another's rights when they loot and burn.

This is where we find a job to do. If people don't know what their basic rights are, if they don't know how to effect a change peaceably and legally and if they don't know the rights of others we can't expect them to act responsibly.

"Education makes a people easy to lead, but difficult to drive; easy to govern but impossible to enslave." This is why we must educate ourselves and help to educate others. We need this education not just in how our government works but in all skills. Anyone who does receive a good education will understand his role in society, he will have the knowledge and skill necessary to obtain a good job and keep out of poverty. He won't have reason to riot and loot and burn. If he has a good education he will know how to correct evils in our society without using violence.

"Education makes a people easy to lead, but difficult to drive; easy to govern but impossible to enslave."

THE POSTAL CORPORATION

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. OLSEN. Mr. Speaker, it was most interesting to read in the June 4, 1969, issue of the Federal Times an editorial entitled "The Postal Corporation." I am confident it will be of interest to my colleagues since it points out some of the pitfalls embodied in the administration bill we received last week regarding the conversion of the Post Office to the postal service.

I sincerely hope my colleagues, especially those who may have been misled by some of the administration propaganda, will take time to study this editorial carefully.

THE POSTAL CORPORATION

The plan to turn the post office into a corporation again is in the limelight. It is there because it is politically expedient for this course of action at this time.

The needs and the problems of the post office are growing. The public is demanding more and better service. The postal employes are tired of poor working conditions and substandard salary levels.

The Congress is in a quandary. Legislators know they will face the wrath of the voters if they try to put through additional postage rate increases at this time.

The easiest way for them to get rid of the problem is to pass it on to someone else. Thus, the postal corporation looms as a possible answer.

The corporation could raise postal rates and trim service. The public could complain, but the complaints would have far less effect than they now have when directed at the congressmen.

Just how effective would a corporation be in actually solving the problems and improving the service? We doubt it could contribute much.

The basic need of the postal service is money—scads and scads of money. A switch to a corporate structure is not going to reduce this need. On the contrary, it could increase it substantially.

It has been the refusal of Congress to provide the funds in the past which has created many of the problems the department faces today.

Advocates of the corporation plan talk of the need for modernization and automation. This is not a new concept. We had experimental post offices and "test periods" on new equipment decades ago. Some of the "test equipment" still is in the test stage because the money was not available to put it into widespread use.

If the corporation is unable to get the money from the congress, it will have to turn to the only other source—the mail user. The effort to turn mail delivery from a service to the public into a service which can at least break even financially is bound to bring major rate hikes.

Recent testimony before a congressional committee put the amount needed for modernization at five billion dollars.

Former deputy postmaster general Fred Belen summed up the problem beautifully in his appearance before the House Post Office and Civil Service Committee.

He said: "Change of name or skeletal form will not result in the change or disappearance of the problems which result primarily from growth rates. The postal system will take its problems with it regardless of where it goes, what it is called, or who heads it."

There is no magic in a corporation plan which will answer this. If more money and better management is the need, why not provide it within the framework of the present structure, or at least in a modification of the present system?

Congress ought to ignore the political pressures and face up to its responsibility to provide the nation with an adequate postal service. Instead, it seems to be leaning toward finding a convenient dumping ground to bury the problem.

The answer is not simple. The cost of the Vietnam War is staggering. The demand for domestic anti-poverty programs is compelling—and will have to be met. The congress will have to decide the priority it wants to put on postal service. And, the growing mail load makes it urgent that the decision be made now.

Further complicating the proposed transfer is the matter of the post office share of the retirement fund deficit. Who will pick up the tab for it?

Construction costs are immense. Even if the new corporation inherits all of the existing real estate, it still will be faced with a huge building program to eliminate the deplorable old buildings and accommodate the burgeoning mail volume.

In the light of all these problems, we do not feel that the change to a postal corporation would be the best course of action—at least, not for the present.

OMNES ESTES SIGNIFICANTES—DEAN CARLSON MAKES EVERYONE FEEL IMPORTANT

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. JOHNSON of California. Mr. Speaker, for more than a quarter of a century, Dean Wallin J. Carlson, better known to generations of students as "Dean C," has served as registrar for Chico State College. In this impersonal era of statistics, computers, and numbers, Dean Carlson had the warm personal ability to treat people as individuals, as important individuals.

Dean Carlson is retiring and I want to join his many friends in paying respect for the wonderful job he has done over the years and to wish him well for the future.

No better tribute to this outstanding man can be made than that which was made by the Chico Enterprise-Record. So that this may be shared with my colleagues, I include the Enterprise-Record editorial, entitled "Ommes Estes Significantes," in the RECORD at this point:

OMNES ESTES SIGNIFICANTES

Down through the years, one of the hardest things about going to college always has been "getting in." For millions of young people throughout the nation, the period between high school graduation and actually sitting down in a classroom as a bona fide college student has been one of great nervous strain.

The tension and worry always has been enhanced, of course, by what youngsters describe as "the cold, impersonal, mathematics-like nature of the process of application, acceptance and registration."

We've had youngsters who were going away to college tell us: "Gee Whiz, it makes a fellow feel like some kind of a little number in a gigantic lottery. It's as if you were trying to communicate through a deep fog with some sort of a machine that is regarding you with a chilly eye. Oftentimes, this initial feeling stays with a guy for months and months. Some kids never are able to lose the feeling that they are considered by the institution as a factor rather than a person."

Needless to say, the process can be even more nerve-wracking for exceptional cases, such as transfer students (with another institution inserted between the high school and the college) and foreign students (whose prep work or other secondary records may even stem from a different nation).

Surely the difficulties of this initial period have contributed greatly to the general unrest which now is sweeping many institutions of higher learning throughout the land. The feeling of being a "little number in a big lottery" and the general lack of recognition as a "person" has left thousands of students less than comfortable in their campus surroundings.

Happily, however, all the foregoing would have to be relegated to the rank of the "exception rather than the rule" insofar as our own Chico State College was concerned during the period in which colleges and universities boomed after World War II.

And the credit for making Chico State a place where "getting in" did not amount to a traumatic and depersonalizing experience must go to an unusual educator named Wallin J. Carlson, better known to generations of students and alumni as "Dean Carlson" or simply "Dean C."

Dean Carlson originally came to Chico State as an instructor in business in 1938, making him one of the two or three "true pioneers" insofar as current oldtimers on the faculty are concerned. Within a few years after his arrival, however, Dean Carlson was named Registrar—and it was in that post, for the better part of a quarter of a century, that he built the record under which thousands of students over the years were enabled to regard Chico State as a "college" rather than as an institution. First impressions are of deep importance, of course, and Dean Carlson and his staff made such a deep and warm impression of multitudes of incoming students that they came to regard his as "Mr. Chico State," and continued to do so through their time on the campus and into their post-college adulthood.

To the fresh-cheeked high school graduate from either a Shasta County whistle-stop or the sophisticated neighborhood of a metropolitan area, Dean Carlson was the one who made the transition from prep school to college a procedure in which the youngster felt that he (or she) was being regarded as a person and that his case was being considered across the desk or through the mails by another person, a person who truly was interested in him.

To the veteran who was returning to studies after time out for service in World War II or Korea, Dean Carlson was the one who helped shake the dust from his educational records of the past and helped him undergo the intricacies of the GI Bill—and, in a sense, helped him feel more comfortable returning to the classroom "as a guy older by several years" than his classmates.

To the foreign exchange student (in this realm, Dean Carlson was an innovative pioneer), the Registrar was an understanding and helpful link between a far distant land and the green lawns and ivy-grown buildings of Chico State. Language barriers notwithstanding, Dean Carlson somehow managed to enable this young person to get off to a good start in adapting to the strange culture of his new campus "home away from home."

Even when enrollments began to feel the brunt of the post-war "baby boom" and necessitate the introduction of mechanization in the registration process, Dean Carlson and his staff managed to maintain the personalized attitudes so many other colleges and universities had long ago lost. This aspect of Dean Carlson's tenure was, of course, perhaps the chief hallmark of his ability to imbue his entire staff with interest and zeal to match his own.

Up until a year or so ago—whether he went by the title of Registrar or Associate Dean of Students in Charge of Admissions and Records—Dean Carlson played a major role in shaping Chico State College and, more importantly, in making the procedures of "getting in" an easier and happier one for the young people.

It is not surprising, then, that word of Dean Carlson's impending retirement this year has spread among alumni throughout the nation, even throughout the world, and that nostalgic and laudatory comment has begun coming in.

It is appropriate that Dean Carlson's faculty colleagues and former students already are planning several functions to officially record the mark he has left on Chico State College in particular and on education in general. One such session was scheduled today by the Student International Club and the MacArthur Scholarship Committee.

Even without such formal manifestations, however, the place of Wallin J. Carlson in educational history is secure. To faculty colleagues, students, alumni, and even to admiring townspeople, he always will be "Dean Carlson" and regarded as one of their happiest links with Chico State College. It seems reasonable to say that, had there been more like him during the past quarter century, higher education on a national basis might be far less a battleground than it is today.

We don't know if Dean Carlson ever adopted a motto. But it strikes us that an appropriate one might be devised from the philosophy he adhered to and practiced: Omnes Estes Significantes—Every Person Is Important.

OEO DIRECTOR RUMSFELD'S STATEMENT ON POVERTY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, Donald Rumsfeld, the new Director of the Office of Economic Opportunity, testified this morning before the House Committee on Education and Labor.

His statement deserves the attention of the Congress. It is forthright, candid, and perceptive. I was pleased to find the Director call for a 2-year extension of the Economic Opportunity Act.

It is my belief that Don Rumsfeld, in his first appearance before the Congress in his new role, has set a sound course for improving OEO and its operation.

His statement follows:

STATEMENT OF HON. DONALD RUMSFELD

Mr. Chairman, Members of the Committee, I am pleased to appear before this distinguished Committee on proposed amendments to the Economic Opportunity Act of 1964.

During my first week as Director, I have been wrestling with the details, problems, and prospects of the Office of Economic Opportunity. I will attempt to be as complete as possible in my responses to your questions. I do not presume to have all the answers, or all the information, but I am determined to pursue the answers we all seek. A comprehensive review of the OEO and its activities is needed, and I intend to complete it as soon as possible.

President Nixon is sending to the Congress a proposed amendment to the Economic Opportunity Act of 1964 to extend the authorization for appropriations from June 30, 1969 to June 30, 1971. This extension, providing for a request for $2.048 billion for FY 1970, will furnish a sound framework for change in the agency's policies and operations. More comprehensive improvements, he feels, should be made after careful study by the new Director and the staff of the Agency.

A two-year extension, the President believes, will improve the management of this program by allowing longer-range planning and making possible more orderly and efficient allocation of funds. It will lead to better recruiting by guaranteeing to those whose talents are needed that the commitment to deal with these problems exists. It should improve the potential for results by insuring the continuity and flexibility that an innovative agency needs. The extension will give greater assurance to those who initiate experiments that even though a particular program may not prove successful, the lessons learned will be put to use, and the larger effort will continue.

This is not a commitment simply to continue present programs. It is a commitment to find out what works and what does not, to review the performance of these programs, and to utilize new knowledge. Our efforts over the past years have not been as successful as we might have hoped. We must develop more systematic approaches to identifying the needs of the poverty population and to devising effective solutions to those needs.

The people served by OEO deserve this. The people of the Nation require it.

I believe that the Office of Economic Opportunity should assume the role outlined in the President's February 19 Message—to be the innovating agency, an incubator for new programs, devising and developing new approaches to the problem of poverty. The changes being made—the delegation of Head Start and the Job Corps—should enable the Office of Economic Opportunity to fulfill this role more effectively. Organizing and managing innovation in the social field is no easy task. In developing new programs, as well as evaluating on-going ones, we must apply tough standards of measurement. We must set our goals high—but we must also set them precisely and clearly enough so that we will know whether or not they have been achieved.

Innovation will be meaningless unless it is coupled with penetrating evaluation. We must define objectives in both qualitative and quantitative terms. We must test alternatives, and we must be equipped to measure progress or failure against defined goals. We must not be afraid to admit failure, for we may learn as much from programs which appear to fail as from those which succeed.

In the same sense we must admit how little we know about the problems of the poor. The admission of a lack of knowledge may be the first step toward knowledge—and toward solving these problems.

I am now searching for new talent, men and women with the energy, dedication and intelligence needed to carry out the tasks ahead—the research, planning and evaluation necessary for improvement in these programs. I am seeking people with the competence to institute higher standards of operation. At the present time, some 20 of the top 59 positions in the Office of Economic Opportunity are vacant.

I am establishing a number of study teams to examine some of the more critical issues. I don't anticipate that these teams will produce fully satisfactory answers to our questions, but they will be at least help to outline some of the ways to get answers—some of the information we must have to reach decisions.

One issue which we must study is the relationship between the Community Action Agencies funded through the Office of Economic Opportunity and the Community Demonstration Agencies funded through the Department of Housing and Urban Development. Over 30% of CAA funds are spent in the present 150 Model Cities. The need for close coordination and cooperation between these two programs is of a high priority to the Administration.

Another critical issue concerns the role of the states in OEO programs—How do we bring states into a more meaningful and

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active role in programs funded through the Office of Economic Opportunity. OEO provided some $6.5 million to fund State Economic Opportunity Offices in 1969, for technical and planning assistance to the Governors and local agencies. The Administration is now engaged in an intensive review of the role of States in many federal activities. I believe that we can find new and better ways to involve the States in dealing with the problems of poverty.

The Office of Economic Opportunity has been devoting roughly 28% of its resources to rural poverty, but there is still a lack of sufficient information in this area, due in part to insufficient research and experimentation. OEO, working with the States, should be able to help to develop mechanisms for dealing with elements of rural poverty, such as scattered pockets of the poor over large areas. I know that members of this Committee have expressed concern about this problem and, with your support and advice, I would hope to devote greater attention to it.

The evaluation of programs must be one of the most important activities of the Office of Economic Opportunity. It appears to be one of the most neglected. OEO has only recently completed the first evaluation of the national impact of one of its major programs. Until last year, this Agency had no systematic process for initiating and conducting evaluation. The state-of-the-art of evaluating social programs is still primitive. I intend to devote more of OEO's resources to evaluation and to work with other federal agencies in developing a more effective evaluation capability. I believe that the Congress should be made aware of the results of such evaluations so that the Legislative and Executive Branches are dealing with the same set of facts.

Also important is the question of delegation—how best to insure that a program's focus is preserved once direct operating responsibility is passed to a department. The recent debate on the delegation of Job Corps and Head Start raised such questions as: How should a delegated program be monitored and evaluated so that it continues to accomplish its original goals? What, ideally, should be the stages of delegation or transfer? Should the experimental activities of the program be left to OEO? How should delegation relate to transfer?

It was the original intention of those who developed the anti-poverty program that this process of delegation would be a means of disseminating and strengthening the programs of the Office of Economic Opportunity. There has been a negative attitude toward delegation—a tendency to avoid it—because a program ready for delegation usually has a degree of acceptance and a constituency, and there has been a concern that delegation might weaken support for the OEO. The process of delegation can be developed as a positive process. To be able to make sound decisions and defend them intelligently—decisions that really help the poor—we must develop a policy for relating delegation to the goals and operations of our programs. This is particularly significant in that roughly two-thirds of OEO funds will not be under the direct control of OEO.

We must find a means of fulfilling more effectively the goals of community action. The questions being raised concern means of achieving greater responsiveness, of strengthening and improving performance. Much of our domestic controversy focuses on the issue of whether a particular institution—a government agency, a legislature, a university—is sufficiently responsive to the needs of the time and to those it serves. The basic strength of our system—and its capacity to deal with poverty—springs from the fact that the institutions of our society do change and can respond. Progress here lies not only in encouraging institutions to be more responsive, but in convincing nonparticipants that they can participate in and benefit by the change.

To conclude, I must confess my concern at how little hard analysis of these questions there has been. None could have expected the problem of poverty to be totally eradicated in four years. But I believe that by this time we could have hoped to accumulate a useful body of knowledge about the problem and about the impact of programs now underway, and the success or failure of our efforts. I believe that the people of the Nation have a right to ask why so little is known about the effects of these programs.

I assure this Committee that I will work with you to devote the agency's resources and energy to producing answers, and to attempt to use this knowledge. The President has indicated the spirit in which we must proceed: "The men and women who will be valued most in this Administration," he said in his Message to Congress of February 19, "will be those who understand that not every experiment succeeds, who do not cover up failures but rather lay open problems, frankly and constructively, so that next time we will know how to do better."

The founders of this program, some of whom are on this Committee, clearly recognized the need for flexibility: "As conditions change," President Johnson stated in his Message to Congress in 1964, "and as experience illuminates our difficulties, we will be prepared to modify our strategy."

Many of our conventional attitudes about problems of poverty and the Office of Economic Opportunity ought to be re-examined. The men and women to be served by this program will not be content with words and gestures. Posturing cannot replace accomplishment.

We must heed the hardship and despair of the poor, the deep hurt of poverty and its impact on individual human beings. We must build the knowledge and stamina to provide for real gains in opportunity and human dignity. The President has made this commitment. I join him in it. I look forward to working with this Committee on these and other questions now facing the Agency.

LETTER TO THE EDITOR OF THE WASHINGTON DAILY NEWS

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. POWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

MAY 29, 1969.

The EDITOR,
The Washington Daily News,
Washington, D.C.

DEAR SIR: As a former newspaper editor myself, I can well appreciate the wide latitude of reportorial expression and judgement that determines both the news content of a story as well as its placement in the newspaper.

Whether a sensational crime story is placed on Page 1, Page 3 or Page 35 would depend on the editorial propensities of three different editorial points of views such as the *New York Daily News, The Chicago Today* and the *New York Times*.

But one practice which has diminished significantly in American reporting is the labelling of people involved in crimes or court cases. Years ago, most white newspapers labelled people by race—today, very few do. *The Washington Daily News* is a rare exception.

In a city which is now 74% Black, the relevance of race is even more archaic in reporting the apprehension or conviction or trial of a suspect. What does it prove?

Yes, when a serious crime is committed and a suspect is at large, his race is indeed quite relevant. But, how does the factor of his race become significant after his apprehension or his court trial?

Why not label people by religion as well—John Doe, Catholic; Ellen Doe, Jewish; Joseph Jones, Protestant? Or, if the *Daily News* is going to be consistent, why not label all races: thus, John Doe, Chinese; Mary Doe, Spanish; Albert Jones, Philippino.

Perhaps the *Washington Daily News* believes that the identification of criminal suspects and others contributes to a healthier racial climate and to a better understanding between the black and white races. If the editors so believe, of course, then one cannot quarrel with their decision as editors.

But from the heavy volume of mail which I have continued to receive protesting the *Daily News'* practice, I am convinced that the *vast majority* of the District's Black citizens are deeply offended by this editorial practice. And since black people comprise the majority of the nation's Capital, the *Daily News* has placed itself in the curious position of publishing a newspaper which ignores the expectations and personal feelings of that majority.

With every good wish.

Very truly yours,

ADAM C. POWELL.

SOVIET MARITIME STRATEGY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HOSMER. Mr. Speaker, the Center for Strategic and International Studies at Georgetown University has just completed an incisive study of Soviet seapower. The 14-member panel of American and European experts, cochaired by Hanson Baldwin and Lawrence W. Martin, concluded that the Soviet Union has developed a plan of strategic priorities and a highly coordinated maritime program which challenge the basic interests of the world's major non-Communist seapowers.

Because of the timely importance of this topic, I have asked that the panel's findings as reported in the New York Times, May 30, 1969, be set forth below:

SOVIET IS FOUND BY STUDY GROUP TO SEEK CONTROL OF WORLD'S SEAS

BRUSSELS, May 28.—A panel of American and European analysts has concluded that the Soviet Union has embarked on a maritime strategy of challenging the United States and other non-Communist sea powers for control of key areas around the Eurasian land mass.

This Soviet policy is based on the continuing expansion of the navy and merchant marine, the panel noted in an analysis issued today. The study was made by 14 analysts assembled by the Center for Strategic and International Studies of Georgetown University in Washington.

The policy means that the Soviet Union will "attempt to control the Baltic Sea, the Black Sea and ultimately the Mediterranean," the panel said.

"The policy also envisions," it continued, "Soviet predominance in the Sea of Japan to the east, the Greenland-Iceland-Faeroe Islands gap to the west, and the Indian Ocean to the south."

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STRAITS MAY BE GOAL

Control of the Bosporus and the Dardanelles, through which its fleets pass to the Mediterranean, is a probable objective of the Soviet Union.

"Beyond these goals," the panel reported, "the Soviets want to gain dominant influence at several major junctions of the world's seaways." The group identified these as the Suez Canal, the Bab el Mandeb, leading from the Red Sea to the Gulf of Aden, the Strait of Malacca, between Malaya and Sumatra, and the Strait of Gibraltar.

The panel predicts that in pursuit of these ends the Soviet Union will "mostly likely" try to limit and eventually stop non-Communist naval operations in areas they consider strategically important to their plans.

Hanson W. Baldwin, one of the panelists and former military editor of The New York Times, called "the substitution of blue water horizon for the landlocked concepts of the Soviet past" one of "the epochal events of the 20th century" that probably insures the extension of the frictions of the first half of the century to "distant seas and many continents."

The panel's report has been welcomed by diplomatic and political leaders of the North Atlantic alliance. Long concerned by the growth of Soviet sea power and the apparent complacency and indifference with which the process has been viewed, they hope the analysis will promote efforts to meet it.

This means, in the first instance, the United States for the report makes clear that the Soviet challenge is directed first of all at the United States Navy, the world's largest and most powerful.

In important categories of sea power, the panel found, the Soviet Union already surpasses the United States and is gaining in others. The Russians may have many more conventionally powered submarines, "unparalled" long-range surface-to-surface cruise-missile systems on surface ships and submarines and a sizable missile-equipped fleet of patrol boats, the report said.

The Soviet Union is said to be "catching up" in Polaris-type ballistic missile submarines and helicopter carriers. Its modern fleet and land-based air power in the Mediterranean is said to pose a "major political threat" to the United States Sixth Fleet.

The North Atlantic Alliance acted today to meet this threat when the Defense Planning Committee agreed to organize an emergency naval force in the Mediterranean. But the ultimate force envisaged, six destroyers, is far weaker than the Soviet squadron.

THERE OUGHT TO BE A LAW

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mrs. HECKLER of Massachusetts. Mr. Speaker, "There Ought To Be a Law" was the title for a very thoughtful editorial by WBZ Radio-Television in Boston earlier this month. Contrary to the idea conveyed by the title initially, the editors maintain that Government's responsibility in dealing with campus disorders is not through Federal intervention on the university campus, but through the implementation of action-oriented programs to conquer the pervasive ills of our society which kindle social anger and disturbance. I offer the full text of the editorial for consideration of all my colleagues, who share my concern over the crisis on our campuses:

THERE OUGHT TO BE A LAW

(Delivered by James R. Lightfoot, general manager, WBZ Radio, and Winthrop P. Baker, general manager, WBZ–TV)

Campus rebellions continue to dominate the news across the country. And as usual, in times of such unrest, many people are inclined to mouth that old phrase—"There ought to be a law against that sort of thing." So it's no surprise that there are a host of proposals for government intervention into campus affairs, a real crackdown on students.

We don't profess to know just how this campus mess will be straightened out. But we're convinced of one thing. Congressional or legislative intervention of this sort would be a disaster. There are ample legal means of dealing with campus disorders right now. Police action has already been taken to clear buildings and restore order at Harvard, Dartmouth and a number of other campuses. We support this type of move as an unpleasant necessity.

One of the men who had to make that type of decision was Harvard's Nathan Pusey. Significantly he told a "Meet the Press" audience on WBZ–TV that the answers to the crisis must come from within the university itself—primarily from the faculty and students.

This doesn't mean that there's nothing for government to do, that there shouldn't be a law. But what's needed is local, state and federal action to deal with the rot in our society—poverty, prejudice, slums and materialism. These are conditions that have angered many responsible students. They have been trying to give American society a message it ought to listen to. Unfortunately much of it has been garbled by the actions of a maniac minority. The university and if necessary the police can deal with the troublemakers. The challenge for government is to defuse the anger of the responsible majority—not with negative acts of repression but a positive attack on society's many ills.

VIOLENCE AND UNREST ON THE CAMPUS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, recently, I testified before the House Special Committee on Education which is investigating campus violence and unrest.

With the thought that my remarks might be of interest to some of my colleagues, I include them in the RECORD. This problem is the greatest domestic problem we have today. It must be brought under control immediately. My remarks follow:

STATEMENT OF CONGRESSMAN DON H. CLAUSEN BEFORE THE SPECIAL HOUSE SUBCOMMITTEE ON EDUCATION REGARDING CAMPUS VIOLENCE, MAY 15, 1969

Mr. Chairman, members of the House Special Subcommittee on Education, I sincerely appreciate this opportunity to briefly outline my views and those of the majority of my constituents from the 1st District of California who, in ever increasing numbers, are expressing their impatience and their growing concern over the problem of campus disruptions and violence.

Twice in my lifetime, I've heard talk and seen evidence of anarchy or revolution in America. The first time was in the late 20's and early 30's when, as a young boy, I heard people talk about changing a system of government that permitted people to go hungry in a land where food was plentiful, but money was short.

Today, such talk is being heard again. Not from people who are hungry or without jobs, but, surprisingly enough, from people of affluence who are personally convinced and advocate that the only way to bring about "meaningful change" in America is through the destruction of our educational, governmental and social institutions. Regrettably, many young people, today, are not sure, or so they say, that they want to belong to this society.

At the outset, then, I want to comment on the timely, articulate, and profound statement made to this special subcommittee by Dr. Nathan M. Pusey, President of Harvard University on May 8. I applaud Dr. Pusey's statement that "very serious injury is being done to the academic enterprise" and I commend his conviction that it is the responsibility of the academic community to resolve the conflict now raging on our campuses.

I feel compelled to say, however, that, in my judgment, there is far more at stake than just the "academic enterprise" and I question whether or not the academic community is prepared to deal with open anarchy or revolutionary style guerrilla warfare at our educational institutions, should it come to that.

I also question if the academic community is prepared to cope with the reaction that is now beginning to set in as a result of the disruptions and violence that have occurred at our colleges and universities. Throughout the Nation, we are witnessing what appears to be a growing "citizens reaction" to this turmoil. I refer, specifically, to the ever-increasing school bond and school tax elections going down to defeat, which is but one manifestation of what is becoming known as the "taxpayers revolt."

We are also witnessing, I believe, the beginning of a reaction by those students who, until now, have been standing on the "sidelines" and watching quietly or completely ignoring the destruction of their schools and the disruption of their educations. Many of these students, and I don't think the militants should take them for granted much longer, are now saying: "We are the losers—the militants don't care about an education"! The overwhelming majority of our students are dedicated and responsible citizens with a genuine desire to acquire the best our educational institutions can offer. These students see how their future and their educational opportunities are jeopardized by these "rule or ruin radical revolutionaries."

Although the circumstances are much different, we have seen what happened in Communist China when even government-sanctioned violence got out of hand, as was the case in this instance. As a result of the thorough job the Red Guards did there, many of mainland China's universities are still closed today. The ultimate confrontation that erupted between students who wanted an education and the rampaging Red Guards resulted in an unprecedented blood-letting.

At present, there is a minority (although their numbers grow daily) that has achieved a significant measure of success in turning responsible dissent into militant anarchy. Dr. Pusey calls them "active revolutionaries" and, in my judgment, I believe we should accept his term because it has, indeed, become a "revolution in the making."

Within the past sixty days, guns have been used by students and police against each other on the campus. Just this week I read a story appearing in the San Francisco Examiner titled "Get Guns, Reds Tell Berkeley Militants". It describes an organization known as the Bay Area Revolutionary Union as "Communist-inspired" and reports it has

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circulated leaflets urging Berkeley militants to "arm themselves with guns against the police". Reportedly, the leaflet tells readers to "reach informed groups to discuss and apply the thoughts of Mao Tse-tung"!

While I agree that our educational administrators have the fundamental responsibility for maintaining order within their areas of jurisdiction, to date, there has been too little evidence that, as a group, they are willing to exercise that basic responsibility or have demonstrated any real willingness to stand up to the confrontation that threatens to destroy their institutions. And, it may be later than we think.

With few exceptions, student demands have been met with an attitude of "let's not rock the boat". Many unreasonable and unwarranted and even non-negotiable demands have been meekly accepted and agreed to. Too often, student violence and specific violations of law have resulted in amnesty or a mere "wrist-slapping".

It is fitting, I believe, that Bayard Rustin, one of the most active and ardent Negro civil rights leaders, should remind us that: "There is a great irony in the demands now being made by black college students for separate black studies departments, for in essence those students are seeking to impose upon themselves the very conditions of separatism and inequality against which black Americans have struggled since the era of Reconstruction . . ."

And I share Mr. Rustin's view that: "I reserve my most severe criticism for those white students and faculty members who are aiding and abetting the separatist's demands and for those frightened administrators who do not have the courage to reject their demands."

This is not the summer of 1968 and it is not just academic freedom that is at stake now! We are rapidly approaching the summer of 1969 and neither campus violence nor student revolution can any longer be condoned in the name of "academic freedom" or (in the current cliche) in the name of "meaningful change".

With more and more schools closing daily, and with more and more teachers and faculty members quitting their jobs in disgust or fear, I believe we in the Congress have a responsibility to the people in this country to be aware of and, if necessary, to respond to the serious crisis that now exists on many of our campuses today.

Many students today are raising political, not academic, questions—yet we in the "political arena" have, in effect, been told to stay out of the campus turmoil. The most militant students allege that we, in government, are not addressing ourselves to the compelling questions of our time—yet they resort to public confrontations rather than communication or dialogue in an attempt to seek solutions.

Recently, Attorney General John Mitchell said: "I recognize that the students of today are an 'involved generation' who wish to tell us—as strongly as possible—that they are dissatisfied with many aspects of American life . . . but I must draw the line at those actions which seriously disrupt a university and which involve a substantial denial of rights for those students who wish to pursue scholarship and civility."

While I grant and feel strongly that our colleges and universities remain autonomous in academic affairs, I too must draw the line when violence and criminal conduct or the denial of basic constitutional rights are being practiced and tend to disrupt or deny the dedicated and responsible students and faculty members the basic right of acquiring and/or dispensing the best education our institutions can provide.

In that regard, I believe violence in a school is not unlike violence in any other institution; whether it be a factory, a labor union hall, a sport arena, a church, or a public facility or building. If it is beyond the capability of local officials to control, then it is clearly in the best interest of public safety, good order, and domestic tranquility to call in those security forces necessary to maintain and restore order.

The fact that present disorders are a nation-wide problem, that they involve taxpayer supported schools and often disrupt Federally-financed programs, and that Federal criminal statutes are being violated, gives the Federal government not only a substantial interest in the problem, but an inherent responsibility to those who are "footing the bill."

All of us in representative government are anxious to see the leadership of the academic community resolve campus problems. But, unless they do, there is going to be a mighty outcry from the people in this country who are getting fed up with disorders and disruptions on the campus.

Unless the administrators of our educational institutions can and do restore order and some semblence of discipline, then I predict that one of two things will happen. Either an increasing number of responsible and concerned citizens will demand that their elected representatives intervene and insist that educational appropriations be curtailed, or they will intensify their efforts to defeat every school bond and school tax election presented to them.

In addition, those volunteer contributors to higher education endowments and scholarship funds will be withholding their donations.

And this, in the final analysis, could achieve what these revolutionary anarchists are trying to accomplish—the total destruction of our educational system in this country!

So, in my judgment, it has become abundantly clear that we, as a Nation, have no choice but to demand from the academic community a much firmer policy of control over their institutions and a closer and more coordinated line of communication with local, State, and Federal security organizations in order to rid ourselves of these "campus destroyers" once and for all.

The future of America and her educational institutions is at stake—this emergency must be resolved quickly before it is too late!

D-DAY REVISITED—BLATANT DISRESPECT TO THE GALLANT MEN WHO FOUGHT AND DIED AT NORMANDY BEACH

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HORTON. Mr. Speaker, one of the bloodiest battles in the history of this Nation was fought June 6, 1944—just 25 years ago—on the beaches of Normandy in France. This was D-Day, marking the beginning of the final drive to end the decade of tyrannical rule by Adolf Hitler.

The men who died on those now famous beaches—Omaha, Utah, Red, Juno, and others—gave up their lives in hopes of creating a better world. It was a good and solemn thing in which they participated.

It is regrettable that on this anniversary, 25 years later, some find it necessary to capitalize on what these brave soldiers, sailors, and airmen took part in. The television program—"D-Day Revisited,"—which was viewed last night could have been a fitting and informative tribute to the men who took part in the Normandy invasion. But instead it was a transparent attempt to capitalize on their efforts to promote the rerunning of Darryl F. Zanuck's "The Longest Day," a motion picture produced a few years back and now ready for re-release.

There may be some historical justification for such motion pictures. But it seems to be in bad taste to tie the marketing of such entertainment to the gallant efforts of the men who died on those beaches a quarter century ago.

The facade fell away quickly as soon as the first promotion spot came on the television screen, advertising the fact that the motion picture "would soon be seen at your neighborhood theater."

It is Mr. Zanuck's business when and how he merchandises his products. However, a 60-minute commercial in prime viewing time on television stretches the creditability that he produced this show for any reason other than making money.

The poor taste of this television program is only compounded by the fact it was broadcast just 2 days after Memorial Day and less than a week before the solemn 25th anniversary of this momentous invasion.

Such a transparent commercial effort can only discredit the valiant deeds of those who shed their blood on the beaches of Normandy. The lives and memories of these men are far too valuable to be used for such crass commercialism.

REMARKS OF HON. JOHN P. SAYLOR AT THE 75th ANNIVERSARY OF THE ST. ROCHUS LODGE, CROATIAN FRATERNAL UNION, JOHNSTOWN, PA., MAY 18, 1969

HON. THOMAS E. MORGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. MORGAN. Mr. Speaker, I come from a district in western Pennsylvania where there are many Americans of Croatian extraction. It is a pleasure therefore, for me to insert in the CONGRESSIONAL RECORD the fine tribute to the members of the St. Rochus Lodge, Croatian Fraternal Union, Johnstown, Pa., by my colleague from Pennsylvania, the Honorable JOHN P. SAYLOR, on the occasion of their 75th anniversary. His remarks follow:

REMARKS OF HON. JOHN P. SAYLOR AT THE 75TH ANNIVERSARY OF THE ST. ROCHUS LODGE, CROATIAN FRATERNAL UNION, JOHNSTOWN, PA., MAY 18, 1969

Of all American freedoms, the two most basic, certainly, are freedom of political expression and freedom of religion. And to Croatian people throughout the world these particular freedoms have a special historical significance.

Following the experience of centuries of toil and drudgery without political power of any kind, the people of the Balkans began to organize, politically, toward the close of the Sixteenth Century. Feudal masters were taxing their hard-earned wealth to the point of rendering every man a pauper and regulating all they did in the most oppressive

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manner. The people protested, quietly at first, then angrily. In 1573 a spontaneous peasant uprising rocked all of Croatia and in that moment the Croatian political conscience was born. Repressive governmental measures stamped out the peasant uprising, but could not stifle the burning desire for political reform.

The struggle for religious freedom was no less drastic and no less painful and disturbing. When the Reformation movement attracted the attention of the Croatian people, in the 1590's, it was savagely suppressed by edict of the Archduke Ferdinand, and many Croatians fled the country in fear of their lives, a large number settling in Prussia. As time passed however, the Prussian government began to utilize oppressive measures to prevent the free expression of the people, and many of the Croatian group decided once again to move on, in search of liberty and religious independence. Their goal became the far-off American hinterlands, where it was said that freedom really existed.

One group of Croatians accompanied an expedition to the Colony of Georgia, settling on the Ebenezer River, there to introduce to the New World the silkworm industry. They found that here indeed was true freedom of religion and, comparatively speaking, freedom of political expression. They wrote home of this phenomenon and in short time other Croatians were on the way.

A port-of-call for most Croatians sailing to the New World was New Orleans. Until the middle of the Nineteenth Century this was the chief Croatian settlement in the Country. There they engaged in the oyster industry, controlling it for many decades. Not all of them were fishermen, however. With the discovery of large iron and coal deposits, to the Northeast, shortly preceding the American Revolution, many Croatians traveled up to Pennsylvania and Ohio and other places where the mining industry was starting up. As time passed, more came, and, as the industry grew, so grew the Croatian communities in the mining areas. Centuries of hard physical labor had fitted the Croatian people to the task, and many hundreds of them took advantage of the fact. Out of this migration, Johnstown came into being.

Development of the locomotive and the establishment of the Baldwin Locomotive Works in 1831 gave steel a tremendous new outlet in eastern Pennsylvania, and in short time western Pennsylvania was equally active. Johnstown became a major coal and steel center, and from the start the Croatian people had much to do with its productive capacity.

Croatians also were subject to the call of adventure, and when gold was discovered in California, many of them joined in the Gold Rush. These advised their friends and relatives in the old country of the fortunes to be made in mining the wonderful "shiny metal" on the Pacific Coast, and soon a host of ships were sailing from their native shores carrying scores and scores of Croatian prospectors to the Golden State of California. There, they found, of course, that there were far more prospectors than there was gold enough to go around, and many of them responded by returning to the ways of their fathers, taking up again the tools of agriculture.

Croation immigrants are generally recognized today as the pioneers of the apple, grape, and fishing industries of California and along the whole Pacific Coast. It is recorded that a Croatian apple dealer was the first man engaged in the apple business in Watsonville, in the Pajaro Valley, in the 1870's. This date marks the beginning of this universally-known industry. The author Jack London described in his novel *The Valley of the Moon* the magnificent creation of the apple industry in the Pajaro Valley—an industry which, in London's words, transformed 12,000 acres of veritable jungle into an "Apple paradise." As London observed, the work of the Croatians in the Pajaro Valley was "one of the most wonderful demonstrations of the United States," and a true credit to its creators.

In the matter of a century's time, following the arrival of the first Croatians at the Ebenezer River, in Georgia, there were some 50 Croatian colonies throughout the land. Ties of race or kinship, language and culture, and the need for social exchange inevitably drew the Croatians together, to a remarkable extent. Adjustment to the New World was rendered easier where the immigrants from the same village or district could settle together and speak their own language, sing their own songs, eat their native food, and follow their old customs.

As noted in the matter of a century's time, following the first arrival of Croatian immigrants in North America, there were some 50 Croatian settlements in existence. By the close of the Revolutionary War there were more than 200. By the close of the Civil War the number was up to 600. At recent count, the number exceeded 1,000.

From an early date the Croatian people in America banded together, for many worthwhile purposes. Predominantly wage earners, they understood the value of cooperation in time of need, when jobs were scarce, when sickness plagued the land, when debts piled up, and when other emergencies prevailed. In addition to all this was the common background of everyone involved. No wonder, then, that fraternal organizations came to be a feature of the Croatian American way of life.

Soon upon arriving here, the Croatian immigrant came to realize that when he got sick there was no household group to take care of him as there had been in Europe. In America, he was dependent on the sympathy of his companions, who were not as close to him as his family had been. Accordingly, mutual benefit societies were established to provide for him in case of sickness or other difficulties.

At the beginning, the societies remained merely small local organizations, but eventually a trend developed toward federation along national lines. Your organization, the Croatian Fraternal Union, is a case in point. Chartered in 1894, it has attracted a following throughout the Country and stands today a leader in every Croatian American community from Maine to California.

The great strides, natural and spiritual, made by the Croatian Fraternal Union during this Century must be attributed, at least in part, to your remarkable leadership, which has invariably kept in mind the interests of the Croatian community, in general, and the organizations membership, in particular. The courage, initiative, industry, perseverance, and foresight of their policies has helped to build a better Croatian American community in every respect. Without such leadership, the tremendous gains of the last generation would have been impossible.

It is a great pleasure to have been with you on this occasion, and I wish you well in the knowledge that you will ever persevere in the manner that has rendered the Croatian people among the outstanding members of American society.

SCHOOL CRISIS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. BOB WILSON. Mr. Speaker, one of San Diego's most distinguished publishers, Mr. Joe Holmes of the San Diego Dispatch, recently published a gutsy editorial essay on the current crisis in the schools. I include as a portion of my remarks the following editorial from the San Diego Dispatch of May 23, 1969:

BABY, YOU ARE NOT GOING TO RUN THE SCHOOLS

(By Joe Holmes)

To the militant, rebellious students of this country, I have a message.

You will not be given administrative control of the schools you are now attending.

You will not be allowed to violate the law in pursuit of either a worthwhile or meaningless case.

You will not be allowed to publish school publications which are permeated by filth.

You will not be allowed to disrupt the educational pursuits of the majority of fine young people attending school.

You will not be allowed to berate, maim or malign those public and school officials who have the courage to disagree with your mass protests.

You will not be permitted to seize and wreck school buildings as you attempt to intimidate school administrators.

You will not be permitted to march in force as a guerilla tactic under the guise of orderly dissent.

Who am I to bark these orders at you?

I am a member of the silent majority or as you would call me . . . the establishment . . . the older generation . . . those symbols to you of decadence and decay.

We don't do much marching. We don't do much protesting. In this competitive society we work to survive. We work to keep what we have and fight for a bit more, whether it be a house, car, job, business, bank account or semblance of well-being.

And when any of this seems to be in danger, we react.

We react by a different sort of march of protest than what you have developed. We march to the real expresso house of a democracy, the voting booth.

That's where we tell it like is. And like it is, is like this.

Your attempts to gain voice in schools is, largely, unacceptable.

Where there are administrators who give in to you, they will be replaced. Where there are schools which are constant caldrons of turmoil, the funds will dry up from the silent majority taxpayers and the silent majority benefactors.

Because of your tactics, what you hope to achieve is going to cost you what you now have.

Baby, you are not going to run anything until you grow up and only then, when you earn it.

BREAKTHROUGH IN THE CONTROL OF INFANT MORTALITY

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. POFF. Mr. Speaker, one of my distinguished constituents, Dr. Leon J. Arp, professor of industrial engineering, College of Engineering, Virginia Polytechnic Institute, Blacksburg, Va., has made what experts in the field acknowledge to be a major breakthrough in the control of infant mortality.

In cooperation with authorities at Roanoke Memorial Hospital, Roanoke, Va., Dr. Arp has demonstrated the utility of a new respirator which he designed. When used with special nursery techniques, the respirator has proven to

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be remarkably effective in reducing the present high mortality rate for infants who suffer respiratory distress. The impressive empirical data is sketched briefly in a letter dated May 23, 1969, addressed to me by Dr. Arp, and which I quote in its entirety.

The letter follows:

VIRGINIA POLYTECHNIC INSTITUTE,
COLLEGE OF ENGINEERING,
Blacksburg, Va., May 23, 1969.
Hon. RICHARD H. POFF,
U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN POFF: Eight years ago one of my infant twin sons developed some respiratory distress shortly after birth. Although he seems to have survived this difficulty without apparent ill effects, I have remained concerned about the general inability to be able to effectively cope with this problem.

Two years ago (June 1, 1967) a study was started at the Roanoke Memorial Hospitals in Roanoke, Virginia to determine if a new respirator, which I designed specifically to meet the special and critical requirements of the newborn with R.D.S., would be effective when used with special nursery techniques in reducing the present high mortality rate for these distressed infants. The answer to that question has been an unqualified "yes."

I am enclosing a copy of Table 4 from our paper which will appear in the (July-August) issue of *Anesthesia and Analgesia*. This paper presents the clinical applications of the new infant respirator. A paper which analyzes the special requirements of the newborn and the new respirator appears in the (May–June) issue of the same Journal. I will forward reprints of all of our publications to you just as soon as I receive them.

I would like to make a few comments in regard to the data which is presented in Table 4. As you know, one can never be certain with the larger infants whether they would have survived without intervention or not. Therefore, I believe it unwise to try to show statistically that infants have been saved in the weight groups above 1,500 grams. I, of course, believe we have saved many in this group, but proof would be difficult to obtain. How does one really prove how sick a baby is without delaying treatment so long that only God could save him?

The situation is entirely different, however, for the low birth weight infants. No one denies that only about 29.3% of the infants weighing no more than 1,500 grams survive. Likewise, the reported survival rate for those weighing no more than 1,000 grams has been a dismal 10 to 15%. These figures include those infants who had no respiratory distress and survived.

Since the beginning of our work at Roanoke Memorial Hospitals we have been able to obtain the first massive reduction in mortality from newborn respiratory distress in more than 20 years. The survival rate for infants weighing no more than 1,500 grams, all with respiratory distress, is now 46.3%. The survival rate for those weighing no more than 1,000 grams is now 31.6%. These figures show a tremendous improvement over any figures reported in the past. It should be noted, in order to stay on the conservative side, that I have not included those who survived with no respiratory distress. If I had included those infants, as was the case in the reported figures of 29.3% and 10 to 15%, our figures would be almost unbelievable.

One final comparison should be made. From June 1, 1965 to the beginning of our study, June 1, 1967, the survival rate for infants, all with R.D.S., and weighing 1,500 grams and less at Roanoke Memorial Hospitals was 14.4%. During this same two year interval prior to this study the survival rate for those with R.D.S., and weighing no more than 1,000 grams was 5.9%.

There can be no doubt or argument about what has been done for the low birth weight infants. It is also very unlikely that what has been done for the small infants would not also apply to those weighing more than 1,500 grams. However, with all of the variables involved with the larger infants, it would be nearly impossible to prove this beyond any doubt for everyone, even with a controlled study. Common sense, however, will tell everyone that what has obviously worked for the smaller infants must also work for the larger ones.

To this date, I have been reasonably successful in persuading the lay press not to publish what they had been able to learn about this work until after we were well published in the official medical press. I have been forced, because of this, to make a decision on whether to work with them to try to insure the technical accuracy of what they will print or to let them do the best they can on their own. Past experiences with the lay press have been so bad in the field of medicine that I believe it would be far better to try to control the technical accuracy of what is printed by having a news conference with prepared releases rather than take a chance on their usual inaccuracies and exaggerations. In an attempt to to try to obtain a reasonable sense of proportions and accuracy we are going to hold a news conference at Roanoke, Wednesday, May 28, 1969 in the auditorium of the Roanoke Memorial Hospital at 10:00 A.M. to publicly announce this brekathrough and the availability to physicians of the Flying Intensive Care Nursery service. A second conference, like the first, will be held at the Plaza Hotel in New York City at 10:00 A.M., May 29, 1969.

All of the information to be presented at the news conferences has been published by Medical Journals. The Journal publications are: *Anesthesia and Analgesia* (May–June) 1969, and (July–Aug.) 1969. *Virginia Medical Monthly* (May) 1969, *Pennsylvania Medicine* (May) 1969, *Medical Annals of the District of Columbia* (May) 1969, *Michigan Medicine* (June) 1969, *Journal of the Indiana State Medical Association* (June) 1969, and the *Ohio State Medical Journal* (July) 1969.

It is my sincere hope that this rather long letter has been worth the effort and time which was required to read it. If I can answer any questions which you may have in regard to our work, I can be reached at 552-6574.

Sincerely yours,

LEON J. ARP, Ph. D.,
Professor of Industrial Engineering.

TABLE 4.—SUMMARY OF RESULTS FROM THE CLINICAL APPLICATIONS OF THE ARP INFANT RESPIRATOR

	All weight groups combined		0 to 1,000 grams		0 to 1,500 grams		1,001 to 1,500 grams		1,501 to 2,000 grams		2,001 to 2,500 grams		over 2,500 grams	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total number of live births	4,156	100.0												
Number with respiratory distress	200	4.8	19	9.5	41	20.5	22	11.0	38	19.0	45	22.5	76	38.0
Number with mild respiratory distress and not treated with the respirator (all infants in this group survived)	99	49.5	1	5.3	5	12.2	4	18.2	15	39.5	25	55.6	54	71.1
Number with more severe respiratory distress and treated with the respirator	101	50.5	18	94.7	36	87.8	18	81.8	23	60.5	20	44.4	22	28.9
Number treated with the respirator to survive	73	72.3	5	27.8	14	38.9	9	50.0	21	91.3	19	95.0	19	86.4
Total number with respiratory distress to survive	172	86.0	[1] 31.6	19	[2] 46.3	13	59.1	36	36	94.7	44	97.8	73	96.1

[1] The average survival rate for all infants, including those not in respiratory distress, weighing no more than 1,000 grams, given by Yerushalmy, is about 15 percent (26).

[2] The average survival rate for all infants, including those not in respiratory distress, weighing no more than 1,500 grams, given by Yerushalmy, is about 29.3 percent (26).

Note: This table includes only infants with respiratory distress syndrome.

THE SISTER IN TODAY'S COMPREHENSIVE MEDICAL CENTER

HON. WAYNE L. HAYS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. HAYS. Mr. Speaker, under permission to extend my remarks in the RECORD, I include an article by Sister Mary Immaculata entitled "The Sister in Today's Comprehensive Medical Center," which appeared recently in the magazine, Hospital Progress. Sister Mary Immaculata has received a master of science in nursing degree from the Catholic University of America and is assistant administrator of St. John Hospital, Steubenville, Ohio.

The article follows:

THE SISTER IN TODAY'S COMPREHENSIVE MEDICAL CENTER

(By Sister M. Immaculata, RN, OSF)

Today, the concept of the hospital center is changing from that of an institution which provides general medical-surgical care to one which provides the broadest possible scope of health care and health facilities. Within this changing system, the sister, whether she be an administrator, nurse, medical secretary or technician, must redefine her role and function if she is to effectively fulfill both her apostolic and professional obligations.

Rapid changes in technology and in the basic philosophy and funding of medical and social care, and an awareness of overwhelming and no-longer-to-be-ignored needs have prompted a major reappraisal of the goals and functions of various health professionals. This reappraisal has led, on the one hand, to experimentation in role expansion and role change and, on the other, to some experience of role confusion, discomfort and concern.

In reappraising her own position, the hospital sister should begin by evaluating her attitude toward changes in the health profession. The modern voluntary health center presents new challenges to a sister's religious life; the ever-increasing complexities of hospital administration, nursing care, nursing service, and other hospital services place great pressure upon her spiritual and professional life. As a professional she must keep abreast of current developments in her area of work; she must act as a leader and, at the same time, maintain the standards of patient care and service. Urged by the Church to greater apostolic endeavors, the hospital sister, as a religious, must be far more zealous than ever before.

Efforts must be made to eliminate any conflict between the sister's apostolic and professional obligations. Religious communities should aid each sister in this task by providing her with the *means, time and education* necessary to fulfill these obligations. Continuing education must be provided and encouraged so that the sister will be prepared to participate and contribute in a manner equal to or above that of her average lay counterpart. Religious community leaders are responsible for providing such educational opportunities in the form of workshops, institutes, conferences, seminars, up-to-date tests, reference books and other resource materials.

In addition, each sister must be willing to recognize her own assets and liabilities. Likewise, the religious community must take a personal interest in each sister and attempt to discover how she best fits into the medical center's work. A sister should be evaluated according to her intellectual ability, her competence and her interests. Efforts should be made to assign a sister to work in an area for which she has both preparation and preference. There seems to be no obvious gain in assigning a sister to a position which makes her dissatisfied and unhappy and in which she can function only as an obedient religious. On the contrary, those sisters who are properly prepared and placed in their desired areas of work contribute greatly to the successful operation of the health center. This contribution need not be made on a key or administrative level. Numerous positions are filled effectively by the sister who performs to the best of her ability with true zeal and personal satisfaction.

It cannot be denied that religious and laymen are equally responsible for ensuring the most effective, comprehensive, comfortable and safe care to all people at a price they can afford. Beyond this, it is expected that the hospital sister's performance will be an inspiration to patients, co-workers and other personnel. It will be, only if it is governed by the rules, regulations and procedures which affect lay personnel. The sister should not operate as if her religious status exempts her from adhering to the policies and regulations which govern all other employes.

Effective planning demands consistent regulations. Personnel policies governing sick leave, vacations, holidays and leaves of absence and fringe benefits should be the same for the sister and the layman. By such consistent professional relations with their coworkers, hospital sisters show their respect for and approval of policies that are concerned with equitable treatment of employes and effective patient care and service.

The principle of "convincement by involvement" is applicable to the sister in the medical center. Sir Leslie Stephens has said, "The only way in which one human being can properly attempt to influence another is by encouraging him to think for himself instead of endeavoring to instill ready-made opinions into his head." A program is acceptable only if all the persons involved are given a chance to participate in the planning and operation of the respective program.[1]

Here again the religious community must allow the sisters to be creatively active in the medical center's programs and activities. On this point, a statement issued by The Catholic Hospital Association in February, 1968, under the heading "Staff Nurse Experience for Young Religious Who Are Nurses," is worth noting. The CHA Committee on Nursing Service recommends to major superiors, administrators and directors of nursing service the following consideration:

"All religious graduating from preservice nursing programs—associate degrees, diploma, and baccalaureate—should be assigned as staff nurses in their first positions in nursing. Promotional opportunities should be considered the same as for their lay counterparts—either vertically in administrative positions in nursing or horizontally in clinical specialist positions."

The above recommendation was approved by the CHA Council on Professional Practice and Patient Care in March, 1968, and by the CHA Board of Trustees in April, 1968.

EVALUATE LIMITED ASSIGNMENTS

The time has come when religious communities engaged in care of the sick must re-evaluate the traditional policy of reassigning a sister every six to eight years. If a sister is doing a good job, is happy in doing it and is considered an asset to the center, she should be permitted to remain in her position. Often we fail to realize the amount of regression that takes place when lines of continuity and long-range as well as intermediate planning are interrupted by replacing an individual who is considered merely "instrumental." It is very doubtful that such actions are beneficial to the medical center since additional time and money are required to develop job competence in an "understudy." Too often such changes prove expensive, and the public whom we are serving becomes the victim of higher medical expenses. Sisters have a maximum responsibility to seek ways to minimize such drawbacks.

The recommendation made above does not preclude the fact that the hospital sister should be subject to performance evaluations. If she is unhappy in her position or is performing unsatisfactorily, she should be transferred to another position in which she can more readily meet expected requirements and achieve personal satisfaction. Religious community leaders have a grave responsibility to help the sister overcome the obstacles she may encounter within the framework of her assignment.

Because the hospital is gradually becoming a community health center, an institution able to assume the responsibility of providing comprehensive health services, the hospital sister must recognize the need for change. She must recognize, as well, that some Catholic hospitals have long been noted for their resistance to change. Yet change is an inevitable element in the world and the essence of progress.

Why must present patterns of patient-care services change? What factors indicate the need for a new approach to patient care? The reasons are many. The demands of hospital care are far greater today than they were a decade ago. Doctors are demanding closer and steadier care for their patients; administrators are having difficulty getting enough nurses to staff even the critical areas, and the cost of nursing care is rising to such an extent that hospitals are finding it hard to budget and balance their books. Nor is the patient more content. Recent figures show he receives professional nursing care only eight minutes of every eight hours. The nurse is probably unhappiest of all. She would like to spend more time with her patients, but her many other responsibilities do not permit it. One solution to such current problems is the concept of progressive patient care.

PROGRESSIVE PATIENT CARE

Progressive patient care may be defined as the organization of facilities, services and staff around the medical and nursing needs of the patient. A hospital that has implemented progressive patient care is comprised of five units: an *intensive care unit*, for patients who are critically ill; an *intermediate care unit*, for patients requiring a moderate amount of nursing care; a *self-care unit*, for patients who are either physically self-sufficient but still require a great deal of restorative care, or who were admitted to the hospital for diagnostic studies; *long-term care unit*, for patients needing prolonged or rehabilitative assistance, requiring the services of the hospital; and an organized *home care program* that is hospital-based.[2]

Progressive patient care regards the individual patient's medical and nursing needs as the pivot of hospital services. Hence this concept of patient care is especially suited to the establishment of comprehensive medical service centers in which a wide spectrum of services and facilities for both inpatients and outpatients are available.

The concept of the clinical nurse specialist is another suggested approach to a more effective system of patient care. The image of the professional nurse has changed from one who administers direct nursing care to one who guides and administers the nursing care of patients. The clinical nurse specialist is to nursing what the physician specialist is to medicine. Her primary responsibility is quality nursing care. She diagnoses the nursing needs of the patient and formulates a nursing care plan for other members of the nursing team. In this role, there are many possibilities for the sister who is a clinical nurse specialist, as Sr. Leon Douville, DC and Sr. Marilyn Emminger, DC, point out in their study of *The Sister as a Clinical Specialist*.[3] Such possibilities cannot be overlooked by religious communities, who have been searching for ways in which to use their sisters to the greatest advantage both for the Church, the community and the sisters' own spiritual and professional development.

PENETRATING QUESTION

Any long-range plan which proposes change should be based on the answer to this question: "Is our primary objective to exercise control or influence?" Today's hospital sister must answer this question in terms of her philosophy, her Christian commitment to people requiring health care and her concern for the best interests of the community.

Modern organization of health services radically departs from some traditional patterns. It demands that the sister become directly involved in today's community health center on a level equal to or above that of the secular professional and along lines suggested by David B. Wilson, MD, director of University Hospital, Jackson, Miss., and past president of the American Hospital Association. Dr. Wilson identifies four issues as being particularly pertinent to hospitals today: *manpower, reimbursement, planning* and *effectiveness*. The federal government is very active in all of these areas. Hospitals are living in a fishbowl and must be prepared to reveal to the public the complete details of their operations.[4] If those details are not in order, hospitals may be forced to face some very embarrassing revelations. Sisters, too, must recognize the part they play in the *manpower, reimbursement, planning* and *effectiveness* issues of today's medical health center.

The personal needs of the hospital sister can be met through her role in health service only if she is prepared to respond totally and effectively to the challenge presented by the health needs of society. In addition to the challenges described above, she, as a religious, must commit herself to Christ's work of healing. The sponsors of a Catholic-affiliated health facility must commit its unified strength and continuity to health care. Moreover, as a civic as well as Catholic health facility, the medical center must strive to identify unmet needs and help meet them through community effort.

Footnotes at end of article.

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APOSTOLIC AND PROFESSIONAL LIVES

Today's hospital sisters undertake many functions that are recognized by their communities as integral to the sisters' apostolic and professional lives. Within the comprehensive medical centers, effective interaction between the sisters and the employes of the various departments permits the philosophy of the institution to permeate the different areas and levels of the medical center. At the same time, this interaction does not prevent the sister from being with the community at the times prescribed or from participating in the "family life" of the sisters. What is required of her are individual planning and the willingness to function as a dedicated and competent member of her religious community and of the health team in today's comprehensive medical center.

FOOTNOTES

[1] Lewis E. Weeks and John R. Griffith, ed. "Progressive Patient Care," An Anthology, Ann Arbor, University of Michigan, 1964, p. 21.

[2] *Ibid*, p. 35.

[3] Sister Leon Douville, DC and Sister Marilyn Emminger, DC, *The Sister as a Clinical Specialist*, St. Louis, Conference of Catholic Schools of Nursing, 1966.

[4] David B. Wilson, MD, "Voluntary Hospitals Face Critical Years," *Hospital Topics*, March 1968, p. 27.

THE JOURNEY AHEAD

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ESCH. Mr. Speaker, to commence is to begin. Commencement ceremonies mark the conferring of diplomas, the closing of a period of education and the beginning of a new chapter in the lives of the recipients of the diplomas.

Commencement addresses sometimes emphasize the closing aspect, sometimes the beginning. Ideally, they tie the two together with a thought that enhances the value of what has gone before by relating the past to the journey ahead.

The commencement address delivered by our colleague, JOHN N. ERLENBORN of Illinois, at St. Procopius College in his district, clearly falls in this category. What he had to say, however, has meaning, I believe, not only to the students who were that day graduating from college but to us in Congress, as we contemplate solutions to the many problems this Nation faces.

The address follows:

COMMENCEMENT ADDRESS AT ST. PROCOPIUS COLLEGE BY JOHN N. ERLENBORN, MAY 25, 1969

I am going to refer to two texts today in developing a theme about Freedom and Slavery; and in doing so I am going to borrow, first, from the Bible, and, second, from English literature.

The first is one of the most famous lines from the Bible—so famous, indeed, that many are surprised to learn that it is in the Gospel according to St. John. In speaking to some of the Jewish elders, Jesus said, "You shall know the truth, and the truth shall set you free."

All of us want to be free, and perhaps the most stirring line of our National Anthem tells the world that we are the land of the free and the home of the brave. There is a certain poetic license in this, for not very many of us are truly free; and there are even some of us who aren't very brave.

The second element of my text comes, as I say, from English literature—from the poem *Herakles* by Robert Browning. "A man in armour," wrote Browning, "is his Armour's slave."

He does not intend it that way. He intends that his armor shall protect him from harm—that it shall free him from the slings and darts of his enemies while he goes about smiting his opposition hip and thigh.

So much for my two texts on freedom and slavery.

In this country, men for the first time were privileged to establish a government based upon the consent of the governed; and to seek—in the words of the Constitution—"to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity . . ."

That was quite an undertaking, and of course we haven't fully lived up to it yet. But we're working on it.

Man hasn't lived up to the Ten Commandments, either; but we keep trying.

We believe that men are most likely to solve their problems if they are free to discuss them, to find probable solutions, to test those solutions, and then to learn to apply what is good in them while discarding what is bad.

Sometimes, I hasten to add, it is difficult to know what is good and what is bad, what is true and what is false. There was a time, I suppose, when it was safe to judge by the appearances—but today, the woman who looks like a dumb blonde may be, in reality, a smart brunette.

All too often, men have rallied to labels, have wrapped themselves in the appearance of virtue rather than in virtue itself. They have been more interested in strengthening their point of view, or—if you will—in strengthening their prejudices, than in finding what is best for our country or how they can best serve their fellow men.

Over the years, for example, some have prided themselves on their liberalism; and these people have sneered at conservatives. At the same time, others have declared themselves to be conservatives. To them, "conservative" is a title of honor and it is shameful—well, almost shameful—to be a liberal.

Both of these kinds of men have wrapped themselves in the armor of a label; and they are, as Browning wrote almost a century ago, enslaved by their own armor.

It is my privilege to serve in the House of Representatives. In that place there are drawn together 435 men and women from every part of the country. Some are from wealthy constituencies and some from poor; some are from literate constituencies and some from illiterate; some are from farms and some from cities; some are good men and some are bad; and I cannot close this list without mentioning that some are conservative and some are liberals.

Some wear these labels only for convenience and make up their minds on a basis of good sense; but others wear the labels as armor—and they are enslaved.

On any controversial question—the antiballistic missile, or the boycott of grapes, or Federal aid to education—the armored liberal first inquires—not, "What are the facts?"—he first inquires "What is the liberal position?" "What side are my liberal friends on?"

At the same time, the enslaved conservative moves instinctively to the opposite pole—to where his fellow conservatives are.

To these people, the only thing worse than being on the wrong side of the argument is being in the middle.

Now let me sketch for you a most interesting journey—or, rather, pair of journeys—of recent years, journeys in which the liberals have moved from left to right, and the conservatives from right to left.

By definition, a liberal is said to be interested primarily in individual freedom and, by common consent, a conservative is more likely to emphasize law and order—compliance with the mores and the laws of the community.

In the furtherance of the individual freedom in this century, the liberal has fitted the individual workman into unions and has fostered the growth of big government; while the conservative has sought to avoid a vast accumulation of power in Washington and has spoken favorably of individual liberties.

A generation ago, in the quest for peace, the liberal espoused internationalism. The cause of peace would be served, he said, if we in the United States were more concerned about our brothers across the sea. We are all citizens of the world, he told us; and some conservatives used the epithet, "One Worlder," as one of scorn.

This conservative tended to be a nationalist, and even isolationist. We were secure, he said, behind our moats, the Atlantic on one side and the Pacific on the other. He heeded to the letter Washington's farewell admonition about staying out of foreign alliances. The conservative dominated our foreign policy in the 1920's and 1930's.

The liberal stood for more trade and tariffs for revenue only; the conservative was prone to blame our entry into World War I on the liberals, and he kept us out of the League of Nations.

Twelve million of the sons of this liberal and this conservative went off to fight in World War II; and they went to places their fathers had never heard of—Guadalcanal, the Murmansk Run, and Remagen Bridge.

These young men came back. They had that world-wide vision that the liberals had been talking about; and the United States helped organize the United Nations. We led in the formation of the North Atlantic Treaty Organization. The liberals purred and the conservatives fulminated against the Marshall Plan and, a little later, foreign aid.

All these things were done in the interests of collective security, and that was the key to peace. While the liberals went merrily on their way, conservatives had to content themselves with deploring Communist infiltration into almost every department of government.

The liberal, priding himself upon his tolerance of change, was often scornful of this preoccupation of the conservative. For his part, the conservative often became so suspicious of Communism that he opposed all change.

Each drew his label about him like armor, and each became a slave to that armor.

In the middle fifties, we sent a few hundred men to help some little country in Asia, but it was no war. Our men were advisers. Nobody was much concerned when President Kennedy increased the number of advisors from 750 to 15,000 in 1961 and 1962, nor even in 1964 when we raised the number of advisers to 23,000 and Congress approved the Gulf of Tonkin Resolution.

During the years 1966 and 1967 it began to dawn on the liberals that collective security agreements and treaties might not of themselves guarantee peace, and could lead to our armed intervention in other parts of the world. And about the same time conservatives were embracing the concept that Communist Aggression and expansion could be thwarted only by credible mutual security agreements.

Parallel evolution had taken us to the point where the conservatives had become internationalists and the liberals changed to neo-isolationists.

Now, we began to hear eminent liberals reasoning that we were in a war because, in the first instance, we had given aid to a little country called South Vietnam; and may-

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Footnotes at end of article.

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be we wouldn't be involved in that far-away place if we had kept our aid to ourselves.

Suddenly, it was the liberal who told us that we cannot police the whole world. Suddenly, the liberals were urging us toward a new isolationism.

The conservative shouted, "Win or get out!" But he didn't really mean that we should get out. He meant we should win. The liberal shouted, "Hell, no! We won't go!" And strangely enough both of these people want peace. Each believes he is pointing us toward a path of peace.

I may be guilty of foolhardiness when I suggest that we might—and let me underline the tentative character of my verb—we might have avoided this war in Vietnam if our liberals had spent a little more time listening to our conservatives; and our conservatives had given some more consideration to the liberal point of view.

President Nixon touched upon this point in his Inaugural Address. He said, in part:

"We cannot learn from one another until we stop shouting at one another, until we speak quietly enough so that our words can be heard as well as our voices."

I say, be careful about shouting at your fellow man. Inflammatory words don't often sound ~~the same~~ to the listener as they do to ~~the speaker~~. A label which may serve as armor against having to think things through may also serve as a prison which prevents a man from hearing both sides or from thinking about what's right and what's wrong.

We must shed this type of armour and practice a bit of tolerance of the views of others. You know what tolerance is. It's that uneasy feeling that comes over you when you begin to realize the other fellow may be right after all.

In our busy and complex world, it is both easy and convenient to substitute names for thinking. It is easy to brush off a discomforting statement with a curt dismissal: "Look who's talking—just a young punk with long hair who needs a bath. He's a hippy."

And it's convenient for a college student to reject the advice of his elders: "Just a bunch of old fogies. They haven't had a new thought since the gay 90's."

In this kind of world, police quickly become fascist pigs, student activists become revolutionaries, and college presidents become agents of the military-industrial complex.

It doesn't matter what these people say, for obviously nobody needs to listen to a pig, or a revolutionary, or an agent of the military-industrial complex. And as I mentioned a few minutes ago, no liberal needed to listen to a reactionary isolationist; and no conservative ought to consider what a muddle-headed liberal might be saying.

How willingly we wrap ourselves in the armor of labels and become its slave!

Perhaps it would be well for the youngsters to listen for a while to the older people; and to consider that their parents' generation has contributed much to the betterment of the world. The material improvement is most often mentioned, because it is visible and measurable. I submit, however, that the generation which was born between—let us say—1905 and 1935 and which now ranges in age from the mid-thirties to the mid-sixties—these are the people who make up what is known as the Establishment, and they have contributed grealy to the betterment of their fellow men.

These contributions have been intellectual, scientific, cultural, physical and even spiritual.

They have a right to be heard. Their words need to be considered.

By the same token, it may be well for the oldsters to examine some of the articles of faith which our young people are trying to proclaim. To be sure, the youngsters have not been particularly adept at getting their message across. They might do better, now that they have gotten our attention, if they would pay more heed to good grooming, to well-combed hair, and to a schedule of regular baths.

What I want to say is:

Let's not be overly concerned about labels.

Is he a liberal? Let's not place as great importance on that as on what he has to say.

Is she an old fuss-budget? Let's forget her age for a time and give her an opportunity to express her point of view.

Is he a hippy? But perhaps if we listen we can find something with which we can agree—perhaps we can find some common ground on which we can meet. And perhaps we can expand that common ground.

Let us go to the root of the questions before us, concerning ourselves less with labels than with the good that can be done.

Let us remember that labels change—and times change—and people change.

You know, throughout most of my life—until just the past few years—the flapper has been regarded as the epitome of the new freedom for women. It was the flapper who raised women's skirts so as to show her ankles and even the calves of her legs to her horrified elders.

I was about the age of these seniors—perhaps a little younger—when it came to me one day (and I don't mind saying it was a shocking revelation) that, before I was born, my mother had been a flapper.

I had always regarded her as old fashioned. Nice, of course, but not really with it. And—let's face it—when I was 20, she was old fashioned. She was no longer the carefree young thing who defied the Establishment. Now, whether she liked it or not, she was part and parcel of the Establishment.

I repeat, labels change, and liberals become conservatives. Times change and peace becomes war. People change, and flappers become matrons. Customs change and Catholics may now hear the Mass in English.

My friends, if we spend our time on these external things—if we wrap ourselves in the armor of labels, such as flapper, hippy, or moss-back, or Establishment—then we become the slaves of the wrappings and the labels become our masters.

Abraham Lincoln had this thought when he sent his annual message to Congress in 1862. He wrote:

"If there could ever be a time for mere catch arguments (which is another term for labels) that time surely is not now. In times like the present, men should utter nothing for which they would not willingly be responsible through time and eternity."

I am sure you seniors will know what I mean when I say that the certificate which you are about to receive is only a wrapping; and the degree is a label. Wrap yourself in the armor of that degree, and you will become a slave to it.

On the other hand, if you use your education as a weapon to cut your way through the catch arguments to discover truth, then you will be free—and your 16 years of schooling will have achieved its purpose.

I suppose I could have said all that I have intended to convey today in a very few words—in a few short sentences: The best advice I can give to any young man or young woman upon graduation is this: Keep an open mind, receptive to the wisdom others may possess regardless of the label they wear. And don't allow the label placed upon you to become your prison, for remember in your research for truth, and that is what our lives are all about, "A man in armor is his armor's slave."

With these precepts in mind you may be successful in your search for truth "and the truth shall set you free."

And now I remind you that you have only 11,000 working days at your disposal before you will be ready to retire at age 65.

Young people! Get busy! Make the most of those days!

LAKE OKEECHOBEE, FLA.

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ROGERS of Florida. Mr. Speaker, I am today asking the Secretary of the Army to cancel a proceeding which he personally ordered involving an application to mine minerals from Lake Okeechobee, Fla., and to deny the permit request on the grounds that the company no longer holds title to the minerals.

The Secretary ordered the Corps of Engineers to proceed with the processing of a permit application filed by Coastal Petroleum Co., to remove minerals from the submerged lands under the 700 square mile fresh water lake, in spite of the known opposition of the State government which owns title to the lands in question, and contrary to a published official agreement which existed between the State and the Army districts having jurisdiction in Florida area matters.

The basis of the Coastal permit application was a lease which had been granted by the State over 20 years ago. That lease has now been canceled by official action of the State cabinet.

Coastal Petroleum no longer has a lease on the submerged lands, and therefore cannot mine minerals. The permit request should be denied forthwith, and the public hearing scheduled for June 12 canceled.

The company may wish to contest the lease decision in the courts. But there is no longer any grounds for an Army public hearing on an application which can now be denied on the simple fact that the company does not have title to the minerals it seeks to mine from the lake, until the courts may determine otherwise. If the courts reinstate the lease, the company may reapply and I would hope the Army would deny the application on the basis of the damage mining will cause to fish and wildlife, flood control, and water pollution. But as of today, there is no legal basis for the permit application, and the Secretary should so order by denying the application without hearing.

STEUBEN SOCIETY OF AMERICA OBSERVES 50TH ANNIVERSARY

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. REUSS. Mr. Speaker, this spring, the Steuben Society of America is observing its 50th anniversary. The Steuben Society was founded to further un-

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derstanding between Germany and America, and between Americans of German descent and Americans of other origins. More broadly, members of the society have dedicated themselves to pursuit of the ideals of public service and patriotism exemplified in the life of General von Steuben, the German-born military adviser to George Washington who helped train the Continental Army and who subsequently became an American citizen. Over the years, members of the society, in my own State of Wisconsin and across the Nation, have compiled a notable record of civic leadership and service to those in need. The society has never faltered in its adherence to the guiding principles of unity, tolerance, charity, and justice. Today, those principles are as relevant to American life as they were when the society adopted them in 1919. I wish to salute the Steuben Society and its members for their many accomplishments over the past 50 years, for their continuing work on behalf of national unity and international understanding, and for their contribution to the vigorous life of communities throughout the Nation.

WHEN IS A DETERRENT A DETERRENT?

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. MOORHEAD. Mr. Speaker, one of my constituents, Mr. K. H. Wood of Pittsburgh, has recently written to me expressing his concern about many of the world's problems, particularly the missile system.

He has enclosed an article written by Dorothy Thompson which incorporates some of the views concerning deterrents expressed by the late General Eisenhower and Winston Churchill after World War II.

Though written 14 years ago, the philosophy expressed in the article is timeless, and I include it here in the RECORD for the attention of my colleagues:

[From the Post Gazette, Mar. 11, 1955]

IS H-BOMB SUPERIORITY A DETERRENT OF WAR?

(By Dorothy Thompson)

NEW YORK, Mar. 10.—In reading Churchill's sober—and, in passages, sublime—speech to the House of Commons on March 2, I recalled a talk I had with General Eisenhower in Paris on April 1, 1952. President Truman had just declared his intention not to seek the presidency again and it seemed certain that the general would do so, but he had not yet spoken and would not discuss political questions. Instead we talked about his philosophy of life.

I now recall his affirmation that the world had had no ease from tension in which fully to digest the "enormous and tragic" experience of World War II. That, perhaps, is the root of the matter. This generation has endured that experience without innerly evaluating it. One thought during the war that nobody would emerge from it as he had been before; that the experience of slaughtered millions, falling cities, unexampled brutality and unforgettable heroism, would induce a universal conversion, rendering insignificant the various contending ideologies and ushering in the great revolution for civilization and humanity.

But the soul is not purged by pity and terror except as it spiritually digests the experience of them and sublimates it into new moral values impelling new actions. Only thus does suffering purify.

There was such recognition in Churchill's speech on defense and the hydrogen bomb; of wonderment that the abyss is still there, yawning with infinitely more hideous depths than the one into which he gazed without falling in 1940. He still gazes without falling. Interpidity is the core of his character. But he does not gaze without being profoundly shaken. He spoke far more candidly than any other leader has done of the world in which we find ourselves, the prime fact of which we prefer not to face—treating it as though it were not really a fact, but rather a Jules Verne popular science tale.

The fact, of course, is the H-bomb. And even Churchill, who has foreseen the possibilities in nuclear fission since 1931, does not pretend to know how it can be controlled. He said, "It may well be that by a process of sublime irony, we have reached a stage in history where safety will be the sturdy child of terror, and survival the twin brother of annihilation."

This is the theory of mutual possession as a deterrent. The Russians, he is convinced, will not start a war as long as the United States has great nuclear superiority, though "in three or four years or even less" the Soviets will probably be capable (as America already is) of inflicting "crippling if not mortal injury" on any country. He thinks that at such a point the risk of war may be less "when each realizes that global war will mean mutual annihilation," and the aggressor can count on instantaneous massive reprisals. At that point, he hopes, genuine and effective disarmament may be achieved.

It boils down to building deterrents and postponing disarmament until each side will be able to annihilate the other. Then, at last, that great act of conversion may occur.

But suppose it does not? We assure Moscow that we will not make a preventive war. But the fact is that preventive war is the only logical form of war in the H-bomb era.

The overwhelming advantage is with the side that delivers the first "crippling, if not mortal injury," above all, at the nuclear plants of the main enemy. With effective nuclear parity the deterrent of "massive reprisals" would not offset that advantage if either or both sides believed war unavoidable.

The "deterrent," therefore, is only in the goodness or badness of the human heart; only in the act of conversion.

Churchill spoke movingly of "watching little children at their merry play and wondering what would lie before them if God wearied of humanity."

But God endowed humanity with the freedom to weary of him. It will not be because of God's weariness if man destroys mankind.

VIRGINIA MILITARY INSTITUTE GRADUATION

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. MARSH. Mr. Speaker, the class of 1969 of Virginia Military Institute, Lexington, Va., was privileged to hear, on Sunday, May 18, 1969, an address by the Honorable Stanley R. Resor, Secretary of the Army.

Because I believe Secretary Resor's remarks will be of interest to the House, particularly with respect to his assessment of the importance of the ROTC program to the readiness of our defense forces, I include the text of his address at this time, as follows:

REMARKS BY THE HONORABLE STANLEY R. RESOR

General Shell, Members of the Board of Visitors, Members of the Class of 1969 and their Parents and Friends, Ladies and Gentlemen:

I am grateful for your invitation to share this important day with you. As General Shell noted, it is a day of mixed emotions—a day that affects each of us here in quite different ways. Some are filled with nostalgia; others are eager with anticipation; a sense of continuity is mixed with a feeling of change. It is a time for looking forward and a time for looking back.

In the words of your most illustrious graduate, General George Catlett Marshall, at a commencement address here in June of 1940, "This is a day of high emotions to you men of the graduating class; it is the culmination of your period of preparation for life. You step off this morning on your own, to make your way in the world. To your parents this is a morning of profound pride and satisfaction, far beyond any such previous reactions. Maybe to some of them it is the moment for a sigh of profound relief. The hazards of youth have not sunk your ship. You are across the bar and safely started on your way." From those words it would appear that a concern for the hazards of youth is not one peculiar to today's parents.

As Cadet Smith has so well noted, we are today in a time of questioning—and the defense establishment is not going unnoticed. The ABM, our involvement in Vietnam, the size of the defense budget, our overseas bases and commitments are all under close public scrutiny. I want to address today that aspect of the debate which concerns the role of ROTC in our educational institutions. This seems a particularly appropriate time and place, for all of you have had ROTC training, and many of you have accepted commissions in the armed forces. I have chosen this subject not only because of its topical interest, but because I believe that resolution of the issues which are involved in ROTC on the campus bears on some of our most vital concerns.

Let me start by emphasizing the importance which ROTC has in our system. The ROTC program is now the primary source of officers for the active Army, and a significant contributor to the officer corps of the other Services. We plan that it will continue to be. But its full importance is not indicated solely by counting the number of lieutenants commissioned. To appreciate its importance fully we must recognize the influential positions to which its graduates have advanced. For example, there are currently 147 general officers on active duty in the Army who were commissioned through the ROTC program. At one point both of our Field Force Headquarters in Vietnam were commanded by lieutenant generals who started their careers as ROTC cadets. At another time five of our divisions in Vietnam were commanded by major generals with ROTC backgrounds. At the present time, the Assistant Vice Chief of Staff of the Army, the principal military advisor to the Paris negotiating team, and newly appointed Deputy Commanding General of our forces in Vietnam, received their commissions out of the ROTC program.

This is by no means a full catalog of the successful ROTC graduates. But it emphasizes the important contribution the ROTC program makes to our military leadership and our national security.

ROTC is more than a means for procuring officers. It serves two larger goals of greater

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importance to the nation and to the men who are involved. First, as it appeared to General Marshall when he spoke here in June 1940, so it appears to us today, that for the foreseeable future we must maintain the ability to provide for our national security through an adequate defense establishment. Second, we must all of us be prepared individually to commit time and make sacrifices in public service, both out of obligation to our nation and for reasons of self-fulfillment.

Taking the first point, we have since the end of World War II based our security on collective defense. We have learned that we cannot rely on a "Fortress America." Our lives and our nation's welfare and well being are inextricably tied to other free nations. History has taught us that it is better to help those nations remain free than to have to rush to their defense as we did in World Wars I and II. Further, the existence of an open, outward-looking, humane society in the United States depends upon the vitality of similar societies elsewhere. Nothing has changed to warrant a retreat to isolationism. We still have our commitments to aid free nations of the world in their struggle to preserve independence and live in peace. This does not mean that we have, or must assume, the role of "world policeman." It does mean that it is in our interest to fulfill our commitments, for which we have already paid a heavy price, to those international arrangements which help to preserve world peace. So long as we pursue those commitment, it is necessary to maintain a sizable military establishment and to possess the ability, if the need arises, to expand that establishment. ROTC, as the principal source of officers for our armed forces, is essential to both those goals.

I mentioned that ROTC is important also in that it provides a way for men both to fulfill their obligation of service to their country as well as achieve personal fulfillment. The first point needs no elaboration. In justification of the second I remind you of the ancient Greek conception of happiness, namely, the exercise of vital powers along lines of excellence in a life affording them scope. I believe that in our nation today it is in the arena of public service where happiness, as described by the ancient Greeks, can most likely be found. Nowhere is this more true than in military service. The challenges of military service and a military career require the exercise of all of a man's vital powers, intellectual and physical. The traditions of our military services insist on excellence, and the scope of concerns of the military are as broad as one can possibly envision for any single institution.

There is another, and fundamentally important reason why we should preserve ROTC in our institutions of higher learning. As an authority on the process of revolution has pointed out, "Brave men are not uncommon in any system, but there is a tendency in most systems to make courage and a disciplined openness of mind to the significant facts, mutually exclusive." He saw in this tendency the explanation for the downfall of many nations. We can avoid this tendency, and we can ensure that our officers possess a disciplined openness of mind to the significant facts, only so long as they come to the armed services with the best possible education. The best way to do that is to draw our officers from our college graduates.

It is not only important to the Services that we keep men of breadth of vision in our military establishment, it is important to the nation as well. Our military leadership is called upon to make decisions vital to us all. It is thus not only desirable but necessary that that leadership be as enlightened and as broad of vision as possible. Again it is to our universities where we must turn for such men.

For example, our attention is currently fixed on the war in Vietnam. We recognize that there are several wars in Vietnam: the tactical war, the political war, the psychological war, the economic war, the war of the military advisor and the war of the negotiator. At all levels of all of these wars, from platoon level to national level, you will find American military officers leading, counseling, or advising. It is thus a matter of prime concern to the people of this country whether these Americans in uniform are equal to the tasks before them and whether they are representative of the nation whose uniform they wear. I can assure you that they are, and I know of no better way to assure an affirmative answer to such questions in the future than through continuation of ROTC.

There is a somewhat more practical reason why we need to draw heavily from our universities in manning the officer corps of our defense system. The tasks that lie ahead in all of our armed forces are of ever-increasing complexity and diversity. They will challenge the best of minds, and a fair share of such minds are needed in the uniformed services to meet this challenge. Some thirty years ago when our present general officers were commissioned, none of us could have anticipated the responsibilities they now fulfill. Similarly, none of us can foresee the world in which you members of today's graduating class will live and work thirty years hence. We do know, however, that to cope with that world our leadership must have the benefit of a broad education, such as you and our ROTC graduates throughout the country receive. It is only with such leadership that we can have confidence for today and hope for tomorrow.

ROTC has proven itself the most successful way to assure a broad representation of backgrounds and philosophies in our officer ranks. It is fortunate that no single institution can meet the Services' requirements for officers. The Army alone commissions over 15,000 new officers through the ROTC program annually. They come from all over the nation. They are educated in some 350 different colleges and universities and in a wide variety of academic disciplines. Thus the ROTC officers entering the Services each year provide the best possible guarantee of a truly representative and diverse officer corps. To be strong and healthy, our Service leadership must be as varied in background as the nation itself. ROTC assures that it will be.

Acceptance of the importance of ROTC to the nation's defense and to the men it serves does not mean that the program cannot be improved. Indeed, its very viability depends on constant improvement to keep it abreast of the changes occurring in the field of education and to meet the changes occurring in the military profession itself.

In recognition of the expanding fields of knowledge, the academic and intellectual content of the ROTC curricula continue to be increased. By capitalizing on improved instructional techniques, the time devoted to the more mechanical phases of training continues to be reduced without loss of effectiveness. We do not resist change but use it for progress and improvement. We are striving to make the ROTC program reflect the fact that there can be a mutually reinforcing relationship between the academic and military disciplines in the education of the whole man. The history of VMI proves that it can be achieved.

The ROTC program is reviewed regularly not only by the Services but also by distinguished civilian educators. It is a large program, hosted by a multitude of autonomous institutions. They embrace a great diversity of educational philosophies, and their academic programs may differ from one college to another and within the same university. For these reasons, the program must allow latitude for harmonizing the Services' requirements with the colleges' requirements. We have recently adopted policies which will go further toward ensuring that such harmony can be achieved.

It is for these reasons that I am deeply convinced of the importance of ROTC to the nation. It is much more than a means of procuring officers for our armed forces. It provides those who choose, an opportunity to serve their country and exercise their vital powers in the pursuit of excellence. It is a way to ensure that our armed forces are led by men who are not only brave but who have a disciplined openness of mind to significant facts. It is a way to ensure that our armed forces are led by men educated to deal with the complexities of the modern world. And it is a way to ensure that the leaders of our armed forces are representative of all of the people of the United States.

It is in this broad context that I look with such admiration on VMI. The present Corps of Cadets has been drawn from 43 states and 3 foreign nations. The members of this graduating class will join the ranks of the more than 9,000 who have graduated from VMI since it was founded 130 years ago. Those graduates have established an enviable record and have been recognized in many ways, including the Medal of Honor and the Nobel Peace Prize. So too, many in this graduating class will go on to distinguished careers in the military service and in the public and private sectors of civilian life.

Sixteen or more years ago you began your education. Now you have completed four years of arduous college studies. A foundation is laid, built on your innate abilities, your enthusiasm, your ideals. Now the education of adulthood and leadership begins. You go forth to serve your country in positions ever more challenging and responsible. A great opportunity to learn and to grow and to serve lies ahead of you, positions which afford a great opportunity for acceptance of responsibility of which your valedictorian has spoken so eloquently. Here at VMI you have made the beginning which will enable you to seize that opportunity. The future of our nation, and its security, depend on your achievements. I have the utmost confidence in that future.

I know that you can say of your experience at VMI what General Marshall said: "This institution gave me not only a standard for my daily conduct among men, but it endowed me with a military heritage of honor and self-sacrifice."

Good luck and Godspeed.

GEN. OMAR BRADLEY SPEAKS OUT ON THE 25TH ANNIVERSARY OF D-DAY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. TEAGUE of Texas. Mr. Speaker, General of the Army Omar N. Bradley, who was known during World War II as the "GI's General," has made some profound remarks in a D-Day tribute to those men who gave their lives on the eventful day. His remarks entitled "That We May Learn To Live as Bravely as They Died," appeared in the Sunday magazine supplement This Week for June 1, and I am privileged to insert it in the RECORD:

A D-DAY TRIBUTE BY GENERAL OF THE ARMY OMAR N. BRADLEY: "THAT WE MAY LEARN TO LIVE AS BRAVELY AS THEY DIED"

Twenty-five years ago next Friday the largest amphibious assault in history invaded the continent of Europe, denying the designs of aggressors who would covet and destroy the free world. I was there that day. I can recall that mist-shrouded dawn, the camouflaged LST's, the strong bodies that hurled them-

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selves across the sands and into battle on the Normandy beaches.

Many of those earnest young men who left their homes to defend them returned to those homes to live, work and worship in freedom. Too many never returned. They lie buried on the quiet cliffs overlooking Omaha Beach, beneath rain-whipped elms in our national cemeteries in England, or in a hero's grave in their home communities. Our allies, England and France, gave us land on which to bury our dead. They gave us courage and friendship when our need was desperate. And they gave us their sons to fight side by side with our own.

We honor on this anniversary not only those brave soldiers who died on D-Day, but the generation after generation of young sons who have had to die in conflicts visited upon them by issues remote from their everyday lives, in bitter struggles that have scarred the progress of all mankind, wasting the youth and resources of all nations.

We pause today to take comfort and strength from those of our dead who have already given this nation so much. We pause to learn—if we can—how men might live as charitably together in peace as they die for each other in war. We pause to ask why it is that men cannot live as bravely as they die.

Our lost young sons are partly the victims of your folly, and mine. They are the victims of all peace-loving peoples who turn their backs on the ills of the world. And if the United States ever stoops to expedients to avoid the difficult decisions that come with defense, we shall once again run the dangers of all half-way measures and waste our strength and conscience as a force for good.

If we cringe from the necessity of meeting issues boldly—with principle, resolution and strength—then we shall simply hurdle along from crisis to crisis, improvising with expedients, seeking inoffensive solutions, drugging the nation with an illusion of security which does not really exist.

The United States has matured to world leadership; we must steer by the stars, not by the lights of each passing ship. If we are to scamper from crisis to crisis, fixing principles and policies to the whim of each day, we shall place ourselves supinely and helplessly at the mercy of any aggressor who might play on our public opinion and decimate our resolution at will.

In this 25th anniversary week of D-Day, we pay homage to the strong, the weak, the leaders, the led, the brave, the fearful—to all who perished where only God could witness their charity to their fellow men.

Proudly—but reverently, sadly—we honor them. We pray they will ever rest in peace.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. PICKLE. Mr. Speaker, the Hill-Burton hospital construction program has been one of our most outstanding contributions in the field of health care, and I am proud to serve on the committee which has jurisdiction over it.

There have been several unique features of the Hill-Burton Act which, in my view, have proven especially valuable in providing health care.

The matching grant, which has been the mainstay of Hill-Burton for over two decades, has worked to assure that health care is a joint venture between the Federal and State governments. This approach has increased from 50 percent in 1946 to 90 percent today the supply of hospital beds needed as compared to the available supply. These figures reveal a tremendous success, and I believe it is wise that we continue in this basic method.

Admittedly, there are now certain reasons for departing from the strict requirements of the matching grant, but by and large these reasons do not outweigh the entire program, and the bill reported by the committee recommends new programs to handle needed loan guarantees and interest subsidies.

Another aspect of the traditional Hill-Burton program is that individual projects within each State are subject to clearance by a State Hill-Burton Advisory Committee. This point has been one of the most flexible features of the program, and it is one which has helped to have the question of health priorities within a State solved by those most knowledgeable of the facts. It has been one of the best possible vehicles for assuring that the States use the funds in the way which will give the greatest improvement in the State.

State Hill-Burton Boards now have the authority—and they have had it since 1964—to transfer all or any part of its funds for new hospitals and other facility construction to modernization if the State agency determines that the purposes of the program will be better served by making such transfer. This is another point of great flexibility in the existing program, and I believe it adequately responds to the challenge that the present Hill-Burton program does not place adequate emphasis on modernization as compared to new construction.

It is also significant that the committee has not changed the present formula for determining each State's entitlement under new construction funds or under modernization funds. Under existing law, grants for construction are allotted among the States on a formula based on population and per capital income of a State. Modernization grants are allotted among the States under existing laws on the basis of population, financial need and the need for modernization of the respective States.

The committee examined these formulas very closely. They were the subject of criticism by some, but I feel that the choice of keeping the existing formula is a good one. It has served us well since 1946, and it has given us marked improvement in our hospital capabilities.

Perhaps one of the most important features considered in this new legislation is that of balancing geographically the supply of health facilities. Hill-Burton already has made a significant contribution toward supplying our national hospital needs, and the real problems remaining are not now so much problems of adding new beds, but rather are problems of getting the maximum use of those we do have. The committee has found that there is a greater need to balance the supply of beds between rural and urban areas, and in this connection there is an important question of the proper role of the comprehensive State and area health planners.

In an effort to get the most mileage out of each health dollar, the committee has recommended that planning agencies be given the opportunity to comment on any specific project, but that they not have authority to veto or override the Hill-Burton advisory agency. The report goes on to specify that the views of the planning agency will be given "considerable weight" by the sponsors of the projects, and I believe it is important that this point be clearly stated.

As medicine becomes more sophisticated, the question of comprehensive health planning becomes a question of getting the most out of every available medical item; it becomes a question of coordination. With medical equipment and facilities becoming more specialized and expensive, it is only logical that a community of interest and cooperation be established among all hospitals in a given area. Before new facilities are constructed or modernized, a hospital should look to its neighbor to see that the course to be followed is in fact the one which will make the greatest overall improvement in the health care available in that area.

This kind of coordination should be done for all types of hospitals—public, private nonprofit, and governmental.

But at the same time, I feel it is important that we keep the proper perspective between the respective importance and size of the comprehensive planning programs and the Hill-Burton program. The latter has been with us for many years; it has demonstrated important improvements in our health care; and it unquestionably is the moving force in all Federal health programs.

For this reason, I strongly support the policy now set by the committee whereby comprehensive planning is achieved, but the traditional Hill-Burton programs are also preserved.

Mr. Speaker, when H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969 comes before the House this week, I am hopeful that it will have the strong and wide support of my colleagues.

OUR NATION'S CRIME PROBLEM

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I have joined with many other of my colleagues as a cosponsor of House Resolution 17, a bill to create a select House committee to study and investigate all aspects of crime in the United States.

My past experience, as a practicing attorney and a local judge, coupled with my service on the Judiciary Committee of both the Michigan Constitution Convention and the Michigan Senate before I came to the U.S. House of Representatives, adds to my particular concern about the national crime problem and our response to it.

House Resolution 17 established the purposes of this committee to be the full and complete investigation and study of all aspects of crime in the United States, including:

First. Its elements, causes, and extent;

Second. The preparation, collection, and dissemination of statistics thereon, and the availability of reciprocity of information among law-enforcement agencies, Federal, State, and local, including exchange of information with foreign nations;

Third. The adequacy of law enforcement and the administration of justice, including constitutional issues pertaining thereto;

Fourth. The effect, directly or indirectly, of crime and disturbances in the metropolitan urban areas;

Fifth. The effect, directly or indirectly, of crime on the commerce of the Nation;

Sixth. The treatment and rehabilitation of persons convicted of crimes;

Seventh. Measures for the reduction, control, or prevention of crime;

Eighth. Measures for the improvement of detection of crime; law enforcement, including increased cooperation among the agencies thereof; and the administration of justice; and

Ninth. Measures and programs for increased respect for the law.

The prime author of this legislation, Mr. PEPPER, the distinguished gentleman from Florida, has outlined the special areas of concern of the committee as being crime in the District of Columbia, police complaints against Supreme Court rulings on the rights of accused persons and violence on college campuses which involves violation of the law.

But the whole focus of the investigation must of necessity be the present outcry of decent people who feel threatened by our rising crime rate. This includes inner-city residents here in Washington, D.C., and all across the country who fear for their safety, suburbanites who find their homes vandalized, add parents who hear that crimes among our young people, both the privileged and the underprivileged, are continually on the rise. No element of our society seems to feel safe. In fact recent national statistics show the greatest percentage increase in crime to be occurring in the residential suburbs.

This problem is too big to ignore any longer. It deserves the most concerted expenditure of our energies and resources that we can muster. Our people are restive; they are truly troubled by the problem and they look to us for help. Some even blame us. If we had only passed this or that law, if we only had overruled certain Supreme Court decisions we would not be faced with our present crime problems. Certainly we must hear them and weigh the suggestions we receive.

As a citizen and a lawyer and as a representative of the people of my congressional district I have searched for answers to these problems as every concerned citizen must. When I or anyone close to me is victimized my temper shortens. Yet beyond this immediate angry reaction, which I think everyone has at one time or another, we must search for solutions that will really work if we are to get at the problem and not just make a lot of noise accompanied by table thumping and hand wringing.

I hear people I know to be otherwise decent, contributing citizens, who out of a sense of total frustration with crime, advocate actions which come close to the measure of a repressive totalitarian society. Their frustration with the problem is great. They see our present effort to deal with crime, and I am not talking only of organized crime, but crime as it affects the average American citizen, as a miserable failure. They see the courts, not as upholders of the law, but as betrayers of the law.

Knowing this I am pleased to see established a committee, with a distinguished and balanced composition, including our own Congresswoman from Michigan, Mrs. MARTHA GRIFFITHS. This committee can take an overview of present efforts. They can examine the problem objectively and hopefully come up with some sensible recommendations.

Crime has been with us since the dawn of civilization. All of our efforts have failed to eradicate it from our lives. Being realistic, I do not think that in our lifetimes we will see the end of it. Yet it can and must be controlled. Proper approaches can reduce crime rates, can eliminate the environmental conditions in which much crime breeds today, and can return the average citizen once again to a certain sense of security.

There are many avenues of approach to the problem, but I think the committee should address itself first to the ones that we hear most frequently. Although I have strong reasons to doubt that Supreme Court decisions such as the Mallory, Miranda, and Wade cases are causing our rise in crime rate, I think the best way to determine that is to fully investigate the matter. Once we examine the effects of these decisions I think we will find that their impact on the crime rate is minimal. Yet in the uncertain world we live in I am ready to listen and to be persuaded by the facts as they are developed.

It has been my understanding that the vast majority of those who perpetrate "reported" crimes are never apprehended and a majority of those arrested are never brought to trial because prosecuting officials cannot make a sufficient case to justify bringing them to court. This leaves our courts dealing with and applying those Supreme Court cases to a very small percentage indeed of the crime rate rise we hear about.

The recommendations of the District of Columbia Crime Commission offer a model that we would do well to study. If crime is a big business, then let us attack it in a big way.

The interconnection between types of crimes deserves far more analysis. For example, there is strong indication that narcotics addiction causes a rather substantial percentage of the crimes against property, and often against the person. Narcotics addicts commit crimes in order to support a very costly "habit." Our efforts at narcotics addiction control and efforts to go after narcotics suppliers should be greatly increased—not only in an effort to stop addiction per se, but for the resulting reduction that this will cause in crimes such as larceny and burglary.

Murder most often occurs between family members. The New York City Police Department has an exemplary program of special police forces trained to deal with family disputes. Their example should be carefully examined in any effort to reduce murder rates.

Fifteen-year-olds have the highest crime rates for any age group. The crime rate for men is higher than it is for women. Why? These are all dull dry statistics—but we can learn from them and we should. Along with the war in Vietnam and the need for tax reform, crime is the biggest topic of citizen concern in this country. We should not be afraid to ask unthinkable questions in our search for new solutions. The old solutions are not working and people are disallusioned because of this. It is always hard to adapt to change, but we must, for the present crime situation is just not acceptable.

FULL FUNDING FOR EDUCATION PROGRAMS

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. O'HARA. Mr. Speaker, on May 20, Mr. William Simmons, deputy superintendent of schools for Detroit, testified before the Subcommittee on Appropriations for the Departments of Labor, and Health, Education, and Welfare. His testimony related to the necessity of full funding for the educational programs which the Congress has enacted and for which the present administration has scheduled major budget reductions. Mr. Simmons' testimony speaks for itself, but I cannot refrain from adding my emphatic endorsement to the point he makes when he says:

> One can but wonder why additional dollars cannot be made available for educational programs for a nation so wealthy as ours. It appears that funds can be found for a variety of activities that pertain to the general welfare, except in the field of education. Yet, it is seldom that our leaders do not cite adequate education for all as the basis for a more progressive and stabilized nation.

Indeed, Mr. Speaker, in an age when we can always find a few extra billions here or there to send men to the moon or to pay for increasingly complex and expensive weapons systems, it is remarkable that we seem unwilling to provide the kind of schools which are necessary if we are going to have people literate enough to fly spaceships and man complicated weapons. There are better reasons, I believe, than these to support full funding for education, but even if military and space hardware are our primary interest, education pays off in those terms, too.

Under unanimous consent, I include Mr. Simmons' testimony in full at this point in the RECORD:

TESTIMONY OF WILLIAM SIMMONS, DEPUTY SUPERINTENDENT, DETROIT PUBLIC SCHOOLS, BEFORE THE U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON LABOR, HEALTH, EDUCATION, AND WELFARE, TUESDAY, MAY 20, 1969

Mr. Chairman and Members of the Committee: I am William Simmons, Deputy Superintendent of Schools, Detroit, Michigan.

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I am pleased to have this opportunity to appear before this Committee to testify in support of a new nationwide movement for full funding of all educational programs.

My testimony today will be offered in two parts. The first part will be a discussion of the need for full funding of all educational programs in Detroit. The second part will be a discussion of the need for full funding of the impacted area legislation, Public Laws 815 and 874. All programs are fully operative in Detroit and, combined, represent a major part of our educational expenditures.

Before I begin my basic discussion, I would like the Committee to know that I completely endorse the comprehensive statement made by Carl D. Perkins, Chairman of the House Labor and Education Committee, before this body on Wednesday, May 14. This statement of the need for full funding of all educational authorizations is a document that clearly details the case. The fulfillment of the goals enunciated rests now in the hands of this Appropriations Committee.

PART I

The financial plight of the urban school districts is well known to this Committee. The Detroit Public Schools, for example, face a grave fiscal situation that, if not reversed, will seriously impair the educative process for boys and girls served by the School District of the City of Detroit. This fiscal year the school district requires an additional $8.4 million if a deficit is to be avoided. To begin school in September with a continuation of the present program, an additional $23.1 million will be required. Where these amounts, totaling $31.5 million, will come from is a part of the dilemma.

The State has been petitioned for additional funds to help meet this financial crisis. Should funds be forthcoming, it is probable that there will only be some $5 million made available to the City of Detroit. The local taxpayers, in November of 1968, were asked to approve a millage increase with no success. This situation is typical of the situation in most of the large city school districts. The only difference is a matter of degree relating to numbers of pupils and the rate of decline in local taxation. Upon consideration of the monetary demands that are now being made on the school district from the community and from professional organizations, combined with existing deficits, it can be concluded that the fate of the schools is not hopeful.

In the midst of fiscal crisis, federal funding from such pieces of legislation as the Elementary and Secondary Education Act has provided the only monies that the Detroit Public Schools have had for program improvement for several years. Funds allocated to the school district under the various pieces of legislation, especially ESEA, have made possible a concentrated attack on problems related to the education of educationally and economically disadvantaged children of the city. The funds received have provided the only dollars available for some beginnings in the explorations necessary in the area of compensatory education especially as it relates to curricular improvement and teacher training. The major difficulty has been that the funds available from federal sources have not been sufficient. Indeed, the funds have only produced "pilot" or "demonstration" programs and, therefore, do not speak to the total needs of students in the school district, particularly so-called disadvantaged students.

Public education, especially urban public education, must, in the midst of inadequate local and state funding, look to federal grants-in-aid to help remedy the multiplicity of problems which confront it. This is true for all public education, but especially true for public education as it relates to urban centers which have become the depositories of the economically disadvantaged children of the nation.

The extension of the Elementary and Secondary Education Act for two years represents a step in the right direction; that direction is the provision of funding assurances for local school districts for more than one year at a time, allowing for more sensible planning and greater continuity in programming. Inasmuch as action in the United States Senate on this matter is still pending, the possibility of a five-year extension is still hoped for.

The school community and staff are agonized and perplexed with the "on again, off again" planning that is experienced by public school systems. Greater understanding of educational planning and the solution of educational problems would be a result of assurances of funding for longer periods and the more effective programming that could take place.

Education as a behavioral science must have the opportunity to operate long-term projects as necessary to accomplish definitive results in modifications of pupil behavior. This longer funding assurance and program life will provide the opportunity for modification of program elements to favor the inclusion of only those elements that show signs of success. This implies that more reliable information about successful program components would be possible through more carefully applied and longer lasting evaluative techniques.

Where forward funding exists, it exists in only a modified way. That is, funding guarantees are uncertain and dependent on annual congressional action or they are limited to a percentage of the present funding level. Not even is there an allowance for normal "cost-of-the-program" increases experienced as a result of wage and product cost increases. Indeed, there is not the kind of assurance that would lead to planning which can guarantee at least continuity of the existing degree of service to clients from one year to the next.

Federal funding legislation, therefore, must begin to establish forward funding statements within their text which will guarantee the continuity of program that leads to more effective solutions to educational problems.

The problem of inadequate appropriations to finance federally funded educational programs is well known. Authorizations passed by Congress are realistically recommended and are based on known needs. Final appropriations, on the other hand, are almost always far less than the amount originally authorized. This immediately indicates that existing needs will be met only to a limited extent. At no time during the operation of the Elementary and Secondary Education Act have adequate appropriations been made to meet the needs of those who expected to be served. Indeed, the appropriations for the present fiscal year were not adequate to continue the federally financed programs of the prior year because the maintenance of the same level of appropriations did not take into consideration the increased cost of doing business that is experienced in every part of the private and public sector.

The restricted allocations of federal funds have put the conduct of most programs under an operational uncertainty that strikes at the effectiveness of the program itself and simply invites unrealistic criticism.

Therefore, one of the decisions that must be made if we are to expect anything other than minor degrees of success with federal funding is the establishment by the Congress of higher levels of appropriations as compared with authorizations.

The appropriations by the Congress for federal educational programs administered by the State have not been sufficient to maintain educational programs in the State of Michigan or in the school districts of the state. The 1966–67 expenditure for all school districts in Michigan for federal educational aids for all programs was approximately $125.48 million. In 1967–68, the appropriation level provided only $121.5 million to Michigan, and in 1968–69 the appropriation had declined to $112.5 million. The decline in the allocation to the State of Michigan, in effect, caused a shrinkage of funds in the local units. ESEA, Title I, has barely maintained its average allocation, and the only program with a constant increase over the three-year period was the impacted area program, Public Law 874.

The Nixon budget for fiscal 1970 reduces even further the allocations for the State of Michigan, which, without question, will mean less funds for the local educational agencies. A review of that budget shows that there will be $3.85 million less to spend on educational programs in Michigan in fiscal 1970 than in the current fiscal year.

The effect of the decreases in Michigan on the Detroit Public Schools is especially significant, since Detroit has 16% of the total school population and 39% of the children who qualify as educationally deprived under Title I programs. Should the Nixon budget be adopted, there would be no funds for ESEA, Titles II and III, or NDEA, Titles III and V-A. The only programs where there might be a possible increase in allocations to Detroit would be ESEA, Title I, Vocational Education, and Adult Education. The increases in these programs, based on the statewide allocation, would be insignificant.

The recommendation for the elimination of all but "A" category pupils under Public Law 874 would remove an allocation of approximately $1 million to Detroit, and almost double that amount should the public housing pupils be added to the act. The point which must be made is when allocations in a budget are shifted from one program to another without additional funds being added to the total, urban school districts suffer the most because these districts participate fully in all of the federally funded programs. What we need in the urban school districts is full funding of all educational programs. A table showing the effect of the Nixon budget on certain of the educational programs in Michigan that have provided substantial amounts to Detroit is shown in Attachment No. 1. The allocations to Detroit for the ESEA programs are shown in Attachment No. 2. Needless to say, the decline in the state allocations will mean discontinuation of certain program elements in the Detroit Public Schools.

The impact of the cuts in ESEA, Titles II and III, NDEA, Titles III and V–A, and LSCA, Title I, were described by Dr. Ira Polley, State of Michigan Superintendent of Public Instruction, in a letter to all members of the Michigan congressional delegation. The reasons for continuing of funding these programs, to which reasons Detroit concurs, are dramatically described program-by-program in his attachement to that letter as follows:

Regarding Title II, ESEA:

1. 400 libraries have been opened in public school buildings.

2. 2½ million books have been purchased for those libraries.

3. Districts with very limited resources, or with large numbers of poor children have been able to obtain special help to provide learning materials to their children.

4. School systems have expended their own funds to train library aides and to support the education of additional professional school libraries.

5. Librarians are personally convinced of the value of this service, as the following quote from a librarian to the state department indicates: "The Title II materials have given us much more flexibility in the classrooms, many more supplementary materials and excellent resources for the children's studies. We are not conducting classes in the traditional manner where children all sit in rows and recite from memory. Instead, children are taken on field trips out of the institution to become familiar with community living. Title II supplementary books, such

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as "Who Will Milk My Cow" and "Bin-Bang Pig" or lovely big colored picture charts of animals, give tremendous motivation to the children. Traditional textbooks are also outdated for most retarded children. Instead, the teachers use many creative materials which are most applicable and encompass many of Title II materials."

Regarding Title V–A, NDEA:

1. In 1967–68, 339 school districts, including 680,000 students, participated in NDEA-supported counseling services, and 388,000 students participated in NDEA-supported testing.

2. In 1967–68, over forty schools experimented with elementary guidance programs for troubled young children.

3. Under a new approach by the state department, four community colleges have employed recruitment counselors who recruit and help poor students go on to college.

In the words of this program's director, "Total loss of NDEA V–A will terminate counseling and guidance services to students in several communities where such services have recently been implemented, and the LEA cannot yet carry programs without help."

Regarding Title III, NDEA:

1. Requests for NDEA funds received from the local school districts have been double the amount of the allocations by the federal government; out of present federal appropriations, the state department, therefore, is able to match only one-half of the requests for equipment.

2. The number of submitted projects has ranged from 480 to 575 each year in this decade.

3. Participation in the program has averaged 93.2% of the public school membership. Those schools which have not participated are the smaller school districts which do not feel they would receive sufficient funds to make the effort worth-while.

4. This year, 462 school districts with 1,825,390 pupils requested funds under the "regular" NDEA, Title III, distribution. In that distribution districts which have a lower SEV behind each child receive a larger share of NDEA funds.

5. This year, for the first time, the state department has made a separate distribution of funds to schools which have large percentages of poor children. Under this program 39 school districts in the state are using $975,000 in equipment grants to improve instruction in schools serving many poor children.

6. In the words of the NDEA, Title III, program director: "With the present economic situation in the State of Michigan and the voter resistance to voting extra allocated operational millage, the elimination of NDEA, Title III, will merely compound the problems in local districts of providing sound educational programs. It is also our feeling that NDEA, Title III, is one of the better federal programs because equipment and programs developed under this Act are financed by the cooperation of federal funds and matching local funds. The matching of federal funds by local school districts, I am sure, means that much more effort and thought is given to the need, type and use of equipment in the educational process."

Regarding Title III, ESEA:

1. A cutback of approximately 30–32% being proposed by the United States Congress in the FY 1970 Title III funding levels will require the state department to reduce the budgets of most Michigan projects by 40% with the following implications:

Approximately 500 school districts are being served by Title III projects. Thirty-five districts, acting as fiscal agents, will receive reduced budgets.

There are over 1.7 million public and nonpublic school children touched in some way by these projects. These children will receive less.

The two areas critical to the success of Title III, dissemination and evaluation, will be reduced or eliminated.

The number of children and professional personnel receiving innovative services will be reduced.

Some excellent projects will decide to terminate and have so indicated such action at this date.

Overall quality, a distinguishing feature of Title III, will be reduced.

2. Other cuts may be;

An out-door learning laboratory in Traverse City, where potential school dropouts find a way to stay in school until they graduate.

A Metropolitan-Flint program to help the parents of deaf children help the child learn at home during his first years of life.

A program which brings learning specialists to Kent County rural schools to work with individual children who seem unable to achieve in their classes.

A seven-county effort in the midpart of the state to strengthen elementary and junior high instruction in seven districts.

A program in an urban center to cut class size sharply in schools serving poor children.

A program in the Upper Peninsula to help retarded children learn new job skills.

Regarding LSCA I and II:

1. As a result of federal aid, the state has been able to grant from $350,000 to $400,000 to libraries throughout the state for books and for hiring of additional librarians and library aides. These libraries have employed staff, rented space, and started services in anticipation of continued federal support.

2. The state legislature has raised the level of its spending for the libraries of the state, partly in response to the federal presence.

3. The state department of education has employed consultants to work with local library people in improving their services to all citizens.

4. Magazines and other periodicals are purchased by the state libraries and circulated statewide, a service particularly useful to isolated rural libraries.

5. Films and records are made available where none would be otherwise.

6. The construction program has provided over 44 new public libraries, including both branch libraries in the inner city and new facilities in rural communties.

PART II

The extension proposed for the impacted area legislation coincides with the extensions proposed for all other educational programs enacted by the House in H.R. 514. Public Laws 815 and 874 are now scheduled to expire June 30, 1972. The extension proposed will make possible full implementation of forward funding and will remove many of the uncertainties that will undoubtedly affect the level of appropriations for fiscal 1970 and future years, while, at the same time, providing local educational agencies with an opportunity to achieve program continuity that is not possible under shorter extensions. Since the federal revenues provided under Public Law 874 become part of the general fund operating budgets of local school districts, such assurances are necessary at an early date because of their impact on the total school program. The dependence of local educational agencies on this vital revenue source has become increasingly important as school districts across the country are planning educational programs in the face of serious revenue deficits.

The appropriations for the impacted area legislation have been a hotly debated issue before every session of Congress since the laws were enacted in 1950. The regular appropriation process generally has not provided for the funds necessary to permit 100% payment for all applicants. It is only through the supplemental appropriation process that adequate funding has been made possible.

This year, the impacted area legislation is faced with a most serious situation. The Johnson budget recommendations for fiscal 1970 propose that the expenditure level of Public Laws 815 and 874 be limited to $300,000,000. The Nixon Administration further reduced the $300 million to $187 million. The latter budget limitation, if enacted by the Appropriations Committee, would, in effect, eliminate payment to all school districts except those with large concentrations of "A" category pupils. The Johnson Administration recommendation carried with it recommendations for the revisions of the basic legislation to the extent that almost all districts receiving impacted area funds would be eliminated from the program.

The proposed program limitations from the former Administration are detailed hereafter, and it is assumed that the estimated entitlement for full payment would be $622 million. It now appears that the program would not be fully funded at less than $650,594,000. Significantly, nothing was provided in either budget for the funding of the major disaster section of the act. Should payments under this section be required, there would be a proration of payments under the $187 million limitation to both the "A" category pupil and the Section 6 pupil.

Fiscal year 1970

[In millions]

A. Estimated entitlement under present law	$622
B. Proposed amendments:	
1. Require school districts to absorb the cost of education equal to 6% of enrollment for section 3(b) children	−140
2. Reduce the rate of payment to 25% for section 3(b) children where the related Federal property is in another school district	−117
3. Eliminate one-half State and National average per pupil payment rates for both sections 3(a) and 3(b)	−75
4. Eliminate from the definition of Federal property those properties which are outleased by the Federal Government and on which taxes are paid	−21
5. Eliminate counting children in 13th and 14th grades	−4
6. Savings provision to prevent more than 25% reduction per school district in first year	+35
Total reductions (net)	−322
C. Entitlement adjusted for proposed reductions	300
D. President's budget for 1970	300

The budget proposals of both the Johnson and the Nixon Administrations are completely inadequate in terms of the impacted area program. Since it is apparent the latest budget intends to fund only a small portion of the program, the inadequacies of the initial budget should be discussed.

The total impact of these drastic amendments, which provide a budget saving of $322 million, would vary from school district to school district, since there are few instances where all amendments would be applicable to a given local educational agency. It is apparent, however, that the 6% absorption proposed in Amendment No. 1 and the change in the definition of federal property proposed in Amendment No. 4 would eliminate most large school districts now in the program. Proposed Amendment No. 2 would provide a serious cutback in funds to all school districts across the country that could meet the new qualifying requirements. The elimination of the floor provision in proposed Amendment No. 3 would seriously reduce the level of payment to districts qualifying under the new restriction and would have a serious impact on those

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southern states which are now participating under the national average floor provision. Proposed Amendment No. 5 would eliminate those school districts that are now counting as eligible pupils in grades 13 and 14. This amendment is particularly damaging to school districts in California and other states where the counting of such pupils is permitted under state law.

These two laws appear to be caught in the revenue cap that has been placed on all educational programs in the proposed budget for fiscal 1970. An analysis of the educational appropriations recommended in the budget for fiscal 1970 reveals what appears to be little more than a shifting of funds. The increases in Elementary and Secondary Education Act funds, particularly in Title I, appear to be made at the expense of other educational programs. The tragedy of this type of an approach is that it takes money from one educational pocket of the local educational agency and places it in another pocket. The philosophy that federal educational funds should be concentrated to do a particular job loses its impact because all federal funds that are received in most school districts are combined in such a way that they have the maximum effect on federally supported educational programs.

The impacted area school districts of this nation are caught in a budget squeeze. The limitations proposed by the Administration are premised on the theory that the large city school districts do not get impacted area school aid. The Committee hearing record on H.R. 514 will show that all of the superintendents from the largest cities in this nation who testified during the second week of testimony supported the impacted area program. They suggested these funds would, in part, permit them to reduce the revenue deficits they are facing in the general fund budgets which must be maintained if they are to adequately satisfy the maintenance of effort provisions in the other programs that produce funds for the disadvantaged.

One can but wonder why additional dollars cannot be made available for educational programs from a nation so wealthy as ours. It appears that funds can be found for a variety of activities that pertain to the general welfare, except in the field of education. Yet, it is seldom that our leaders do not cite adequate education for all as the basis for a more productive and stabilized nation. What we need in the support of all educational programs is more dollars, not dollars shifted from one educational program to another. While one can debate the possibility of combining programs, new programs, and the possibility of greater local and state funds for education, the fact that exists today is that the federal educational dollars, almost without exception, determine whether a school district is making forward progress or whether it has simply deteriorated into a balanced budget approach to education.

The House, in enacting H.R. 514, added a new category to Public Law 874, that of children living in public housing. The thrust of this proposal is to relieve in part the serious situations that have developed in many communities across this nation, particularly in impacted areas, when federal housing brought in pupils and then left school districts to provide school buildings and school services that were not possible without depleting the regular program of the school districts involved. Under the housing provision, this section would require an appropriation of $250 million.

The need for separate funding of this new provision was made clear in the enacting legislation and the discussion that preceded the adoption of this program by the committee. All categories of this legislation should be fully funded at the rate required for each category, and not one category at the expense of another.

The continuation of the impacted area program in school districts across this nation is not inconsistent with the need for more educational funds for the educationally disadvantaged. Funds provided to most impacted area districts are the funds that make the difference between a marginal educational program and a complete educational program. Pupils with expectant mobility must have a complete education if they are to fit into new school situations without becoming a burden to the receiving district.

I would make one further plea in behalf of the school construction provisions of Public Law 815. School districts presently qualifying under this law which has provided so many classrooms for the children of the nation are in a fiscal bind. Even though they have qualified for grants under this law, construction programs are not possible in many cases because of budget limitations during the fiscal year in which the classrooms are most needed. Indeed, there is a question as to whether or not the priority system, made necessary by the lack of funds, will not exclude many school districts who, under the laws as authorized by the Congress, will meet all eligibility requirements. An appropriation of $255 million to pay applicants eligible during fiscal years 1967, 1968 and 1969 is required if the housing needs of these districts are to be met. An additional $80 million will be required to pay out in full the requirement for fiscal 1970.

CONCLUSION

In conclusion, I would urge the Committee to report an appropriation bill that would provide for the full funding of all federally authorized educational programs. Less than full funding during these days of edducational crisis, in effect, places education low on the list of national priorities when there is little question that the education of our boys and girls should appear in the highest order of any national rating scale.

ATTACHMENT NO. 1.—MICHIGAN DEPARTMENT OF EDUCATION—EFFECT OF NIXON BUDGET RECOMMENDATIONS ON FEDERALLY FUNDED EDUCATIONAL PROGRAMS

	1967–68 spending	1968–69 allocation	1969–70 Nixon budget	Increase or decrease
ESEA I:				
Grants	$34,300,000	$32,400,000	$36,400,000	+$4,000,000
Administration:				
Regular	343,000	324,000	364,000	+40,000
Migrant	82,000	145,000		
ESEA II:				
Grants	4,400,000	2,200,000	0	−2,200,000
Administration	226,000	116,000	0	−116,000
ESEA III:				
Grants	7,900,000	6,300,000	4,400,000	−1,900,000
Administration		474,000	327,000	−147,000
ESEA IV: Administration			100,000	+100,000
Adult Education:				
Grants	800,000	900,000	1,000,000	+100,000
Administration	96,000	104,000	(1)	
Vocational Education:				
Grants	10,000,000	9,200,000	9,900,000	+700,000
Administration	298,000	375,000	(1)	
NDEA III:				
Grants		3,400,000	0	−3,400,000
Administration		86,000	0	−86,000
NDEA V–A:				
Grants	1,000,000	700,000	0	−700,000
Administration	77,000	84,000	0	−84,000
LSCA I:				
Grants	600,000	450,000	0	−450,000
Administration	800,000	900,000	700,000	−200,000

[1] Our choice.

ATTACHMENT NO. 2.—DETROIT PUBLIC SCHOOLS—ELEMENTARY AND SECONDARY EDUCATION ACT YEARLY FUND LEVELS

	1965–66	1966–67	1967–68	1968–69
Title I—Educational programs for disadvantaged	$11,999,074	$11,221,532	$11,281,162	$10,370,415
Title II	705,476	712,195	1,069,275	(1)
Library materials and supplies			37,000	
Title III			20,722	(2)
Supplementary educational centers and services				2,000,000
Adult education ESEA amendment to title III		244,767	648,776	501,519
Title V				82,154
Grants to strengthen State departments of education				(3)
Title VI			155,338	113,247
Education of handicapped children				(4)
Title VIII				400,000
Dropout prevention				(3)

[1] Pending allocation from the State of Michigan.

[2] Not elsewhere classified.

[3] Proposed.

[4] Pending additional funding for a $202,145 proposal.

MONETARY AND STAFF CHANGES NECESSITATED IF NIXON BUDGET IS PASSED

	1967–68 spending	1968–69 allocation	1969–70 Nixon budget	Increase or decrease under Nixon budget	Remarks on Losses and gains, State Department positions
DECREASE					
ESEA II:					
Grants	$4,400,000	$2,200,000	0	−$2,200,000	Lose 4 professional and 8 clerical positions.
Administration	226,000	116,000	0	−116,000	
NDEA III:					
Grants		3,400,000	0	−3,400,000	Lose 3 professional and 2 clerical positions.
Administration		86,000	0	−86,000	

Footnotes at end of table.

MONETARY AND STAFF CHANGES NECESSITATED IF NIXON BUDGET IS PASSED—Continued

	1967-68 spending	1968-69 allocation	1969-70 Nixon budget	Increase or decrease under Nixon budget	Remarks on Losses and gains, State Department positions
DECREASE—Continued					
NDEA V-A:					
Grants	$1,000,000	$700,000	0	−$700,000	Lose 3 professional and 3 clerical positions.
Administration	77,000	84,000	0	−84,000	
ESEA III:					
Grants	7,900,000	6,300,000	$4,400,000	−1,900,000	Hire 5 professionals and 2 clerical out of funds which were not tied down this year.
Administration	(1)	474,000	327,000	−147,000	
LSCA I:					
Grants	600,000	450,000	0	−450,000	Alternatives are (1) Drop as many as 4 professionals and 4 clerical people, or (2) drop ⅓ of the periodicals distribution program.
Administration	800,000	900,000	700,000	−200,000	
INCREASE					
ESEA I:					
Grants	34,300,000	32,400,000	36,400,000	+4,200,000	ESEA I: Hire 2 professional.
Administration:					
Regular	343,000	324,000	364,000	+40,000	Migrant only: Our choice, hire a professional and a clerical.
Migrant	82,000	145,000	----------	----------	
ESEA IV—Planning and evaluation: Administration.	----------	----------	100,000	+100,000	Gain 4 professional and 2 clerical positions.
Vocational education:					
Grants	10,000,000	9,200,000	9,900,000	+700,000	Our choice: Might be able to add State staff by taking credit for itinerant trainers.
Administration	298,000	[2] 375,000	(3)	----------	
Adult basic education:					
Grants	800,000	900,000	1,000,000	+1,000,000	Our choice: Hire 1 professional and 1 clerical.
Administration	96,000	104,000	(3)	----------	

Note: Totals, grants losses, −$8,850,000; grants gains, +$5,000,000; net loss, −$3,850,000.

Administration losses, $631,000; administration gains, partly our choice.

Personnel losses, 10 professional, 13 clerical; personnel gains, 13 professionals, 6 clericals; net gain, 3 professionals, net loss 7 clerical.

[1] Does not apply.

[2] Estimated.

[3] Our choice.

RESTRAINT IN SPEECH

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WYMAN. Mr. Speaker, recklessness in the use of words—overstatement, exaggeration, describing merely troublesome events as catastrophic disasters—all these contribute materially to public confusion on the subject of freedom of speech. Every thoughtful citizen owes it to himself, as well as his community, to use appropriate restraint in speech whatever the subject.

Unless such restraint prevails, reckless overstatement in speech nationwide can become as calamitous as the lack of judicial restraint has proved to be in many decisions of the Warren Court. In this connection the letter of R. M. Vassell, appearing in yesterday's Washington Star, is deserving of widespread consideration:

LIMITS FOR FREE SPEECH

YOUNG REPUBLICAN CLUB,
Omaha, Neb.

SIR: The right and privilege of free speech is a precious commodity produced only in those truly democratic nations of this world. America is a mass producer of free speech, and the quality of our product is generally excellent. I say "generally excellent" because there are those citizens of the United States who abuse free speech and who rail against society without sense or reason. If America is ever destroyed, it will be by the cult of the ranters from within and not by ICBMs from without.

The ranters attack the President's peace moves on Vietnam and the strategy of battlefield generals, in the comfort of the dome of the nation's Capitol or on the country's campuses. The ranters do not practice responsible free speech, but loose speech which is unlike responsible free speech. Loose speech will lose the war in Vietnam faster for the U.S.A. than any amount of infiltrators from the Ho Chi Minh Trail. Use the product called free speech carefully, lest it become loose speech, which is a weapon against democracy.

R. M. VASSELL,
Moderator, St. Mary College.

JOB CORPS CAMP CLOSING: FALSE ECONOMY, LITTLE SENSE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. BROWN of California. Mr. Speaker, nobody allows cost overruns for the Job Corps.

Priorities certainly do not seem to matter, not at least when poor and underprivileged persons are at stake. Congress feels free to allocate billions of dollars to longrun investments such as public works, highways, the supersonic transport, but when it comes to human—rather than physical capital—the tendency is to demand huge and immediate returns.

The decision to eliminate 59 Job Corps centers is a hasty, foolish, indeed, costly solution that the Nixon administration has found in its searching of where to pare Government programs. I oppose the President's move; in fact, I would favor expansion of the Job Corps program, and the establishment of even more rural camps.

In April, the Los Angeles County Board of Supervisors went on record strongly protesting the closing of Job Corps centers in general, and specifically the Fenner Canyon Civilian Conservation Center near Palmdale in Los Angeles County. The board asked that, if the Fenner camp is closed, then it should be turned over to the county for juvenile camp work or possibly for road camp work. The motion before the board was made by Supervisor Warren M. Dorn, and I would like to put his motion in the RECORD at this point. I would also like to include an article from the May 22, 1969, Los Angeles Times, entitled "Closing of Job Corps Center Causes Rush on L.A. Facility," which is a poignant reminder of the effects that will be seen nationwide from camp closings.

I include the following:

MOTION BY SUPERVISOR WARREN M. DORN, APRIL 22, 1969

I move that the Board of Supervisors go on record as favoring the retention of the Fenner Canyon Civilian Conservation Center near Palmdale in the Fifth District. This job training camp was established four years ago with the cooperation of the Forest Service and the County Fire Department, based in part upon our county's success with the juvenile camp work in fire prevention and conservation. The U.S. Forest Service has supervision of this job corps center and estimates that over half a million dollars worth of work was done last year by the young men at this camp to help prevent forest fires, as well as to build and maintain camping areas for recreational purposes.

I further move that if the federal government does close down this facility, that it be turned over to the county for juvenile camp work or possibly road camp work. It is my feeling that rather than curtailing and closing down these kinds of training facilities, they should be expanded. If this facility is no longer needed by the federal government, then perhaps the county could lease it for $1.00 a year, and use it in our welfare training program or in fire prevention, camp construction and maintenance, road building, etc. In any event, there are over 11,000 able-bodied people on welfare in this county today who lack skills or who are just not employable who could be trained at this facility or who could work there in lieu of a mere handout in the way of welfare from the county as directed and controlled by the federal and state government.

I further move that a copy of this board's motion be sent to the Secretary of Labor, to our California delegation in Congress, and to the President and Vice President.

[From the Los Angeles Times, May 22, 1969]

CLOSING OF JOB CORPS CENTERS CAUSES RUSH ON LOS ANGELES FACILITY

(By Jack Jones)

A Los Angeles facility to help former Job Corps enrollees readjust to city life has found itself deluged because of the closing of 59 Job Corps centers around the nation.

Los Angeles Gatehouse at 955 S. Western Ave., established more than a year ago by the federal Office of Economic Opportunity (OEO), had 180 returning corpsmen checking in last week—more than usually appear during an entire month.

As a result, said Larry E. Sommers, Gatehouse director, his staff is scrambling to find jobs and training positions for the young people being phased out of Job Corps—many with training incomplete.

At the same time, regional OEO officials are working with two volunteer groups—Joint Action in Community Services (JACS) and Women in Community Service (WICS)—in an effort to enlist citizens willing to help find jobs, places to live, transportation and other services for returnees.

CORPSMEN BEING HUNTED

Although displaced job corpsmen are being notified by the closing centers to check in with Gatehouse, Sommers said he feels "there are 400 to 500 in town that we don't even know are here."

As soon as notification is received that a Los Angeles youth has left a Job Corps center, Sommers attempts to contact him by mail. In many cases, it turns out, the address given is phony. Some former enrollees are unhappy and have no desire to be found.

Sommers said locations are then made by staff counselors. Some are lured in by mailed notices that final checks are waiting.

Gatehouse has placement specialists who work closely with the California State Employment Service and private industry to find jobs or training spots for the former corpsmen.

Under a directive from the U.S. Department of Labor, CSES can provide interim stipends of $52 a week for up to four weeks for those waiting to find work or training.

Sommers and his placement supervisor, Jerry Steorts, indicated they are getting some good community support in the way of volunteer help and job offers—but need much more to catch up.

Neighborhood Youth Corps jobs are now being made available to Job Corps returnees, they said, and some welding program slots have been opened for ex-corpsmen at both the Watts and East Los Angeles skills centers.

Sommers said one problem is that most of the returning trainees live in those areas already with the highest unemployment and the poorest transportation.

"It's hard to shake them out of those areas," he observed.

Gatehouse also is facing some difficulties in compiling all the training achievement data necessary to place numerous returning job corpsmen because paperwork is not always completed at those closing centers where staff personnel are moving out to new jobs themselves.

In the rush on Tuesday, Leon Massey Jr., 17, back from the Oak Glen Job Corps Center 27 days ago, was one who was headed for a job.

Barry Kelly, former football coach at the clearfield (Utah) Job Corps Center and now a placement specialist at Gatehouse, had found him a spot as a cook in a hamburger stand on Vermont Ave.

But Massey was fairly lucky. He had nearly completed his cook training in Job Corps and was about ready to come home anyway.

"It was a good program," he said. "I was there long enough to get something out of it."

INDIVIDUAL RESPONSIBILITY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. PETTIS. Mr. Speaker, it is my sad duty to report the passing of a great California legislator and a great American, L. Stewart Hinckley, of Redlands, Calif. Mr. and Mrs. Hinckley were killed in an airplane accident May 8, 1969, a tragedy that saddened their many thousands of friends all over the State and Nation.

Stew Hinckley served as the assemblyman for the 73d District in San Bernardino County from 1946 to 1954 and again from 1962 until his retirement this year. A Republican, he had great support from the Democratic Party and won the nomination of both parties each time he ran for assembly until California abolished the open primary. He never lost an election.

From 1954 to 1961, Mr. Hinckley served the Eisenhower administration as Director of the Farmers' Home Administration for the Western States.

With his military service, when he was a member of the 63d Antiaircraft Artillery in the Army during World War II, Mr. Hinckley had compiled 26 years of service to his State and Nation.

Mr. Hinckley brought to his legislative duties a broad background with his firsthand knowledge of agriculture, familiarity with business and alertness to labor's needs. His supporters called him "a businessman with a workingman's outlook." He was lauded by educators as one whose voting record showed that he had the welfare of schools and children at heart. He fostered legislation to combat organized crime, narcotics traffic, vice, and gambling. He was outspoken in his concern for conserving California's natural resources. He called for stronger support for mental hospitals, and as chairman of the Assembly Fish and Game Committee, he devoted much energy toward improving the legislation so important in that field.

Stew Hinckley counted as his greatest legislative achievement his successful effort in getting the first bills through the assembly which established the Feather River project. This is the greatest public works project ever conceived by man, and it will soon bring vitally needed water more than 400 miles from northern California to the south. This project will stand as a fitting monument to Stewart Hinckley.

Bertha and Stew Hinckley were devoted to their family, their community, and their country, and they will be greatly missed by all.

EISENHOWER LEFT VALUABLE LEGACY

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. LIPSCOMB. Mr. Speaker, during these times of riots, disrespect of law and order, and advocacy of extremisms, the voice of moderation is critically needed. Dwight D. Eisenhower bequeathed to us that creed of moderation.

The general's legacy is reviewed in a May 19 editorial of the Progress Bulletin, Pomona, Calif., which I am inserting in the RECORD under leave to extend my remarks:

[From the Progress-Bulletin, May 19, 1969]

EISENHOWER LEFT VALUABLE LEGACY

Dwight D. Eisenhower accomplished many things in a long and brilliant career of public service. It may be, however, that he will be remembered longest for the legacy of moderation that he has left the nation. Moderation was the basis of the General's Middle-of-the-Road political philosophy. But, moderation was obviously more than a political philosophy to Eisenhower. It was a creed. And, in these critical, turbulent times, the creed of moderation bequeathed to us by the former president is a foundation upon which all Americans can stand and face the future with confidence.

In one of his last messages to his fellow citizens—an article appearing in The Reader's Digest, under the title "We Must Avoid the Perils of Extremism"—General Eisenhower applied his philosophy and his creed to the contemporary scene, and he did so with a heartening sense of optimism. In one passage he said, ". . . I for one refuse to become pessimistic about America's future. Granted that storm signals are up, I believe nevertheless that we as a people have the good sense to place patriotism and human understanding above the arrogance of personal prejudice—and that we can and will solve peacefully the problems that beset us. I believe that we will do so through our traditional reliance upon the philosophy of moderation—or Government by Common Sense."

As a student of American history, Eisenhower noted that most of our great presidents—Washington, Lincoln and Theodore Roosevelt among them—were men of the Middle Way. He characterized the extremists of both left and right as people who spill off the ". . . one-way highway of progress" into the gutters. He believed that extremism comes easily" . . . to men who have doped themselves with delusions of their own unblemished virtue and the rascality of others . . . The Middle-of-the-Road American—Negro or white—has put up with a lot from the extremists." Eisenhower never felt that a Middle-of-the-Road American is simply a fence-sitter and pointed out that it often takes more courage to occupy the center than any other position ". . . for you are then subject to attack on both flanks."

Eisenhower was not above compromise and considered it a highly useful tool within the limits of basic principles. He was keenly aware of the dangers of today's extremism. On the one hand, he pointed out that there are those who want to socialize everything. On the other, there are the far-out conservatives who want to do away with the graduated income tax, stop social security, abolish all regulatory agencies, smash the labor unions and confine the functions of the federal government to running the military establishment and the post office and conducting our foreign affairs. While accepting a measure of governmental responsibility in social welfare, he warned, ". . . I have said to those who espouse the completely paternal government that they are advocating the road to national bankruptcy and human ruin . . . you cannot place millions of citizens on a permanent dole and leave them there to rot in mind and spirit . . . This today is at the root of our tragic difficulties in the slums."

Eisenhower left a word of advice to youth: "It will soon be your country to run . . . When you have a just and reasonable cause, protest all you wish, but remember that there can and should be order and decency in democratic protest. Stand up and be counted when troublemakers try to rob you of your right to an education. If it becomes necessary for the forces of law and order to move in and quell such disturbances, give them your support." At the conclusion of his brief article, the General and former President of the United States said, "In this article I have tried to set forth some of the guideposts of the Middle Way. I would hope with all my heart that during the next few years our country will unite under the President in giving this Common-Sense approach a chance."

The Eisenhower legacy of moderation will be considered by many the foundation on which to build an even greater nation in the future.

MEMORIAL DAY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WALDIE. Mr. Speaker, the Nation has paused this past weekend to honor its gallant men and women who died in the service of this country. Many citizens have visited the resting places of the hon-

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ored dead, others have given but a moment to reflect on the complete sacrifice.

One man, Mr. William Stone of Walnut Creek, Calif., wrote a moving poetic tribute to those we honor on Memorial Day and I submit it for the Record and for the edification of all the Members of Congress:

Memorial Day

(By Bill Stone)

White crosses gleaming row on row,
Ghost like in the twilight glow;
For those who gave their last full measure,
Of their devotion, blood and treasure,
Making resolute our nation great,
Regardless what may have been their fate;
Lying silently in a lonely grave,
Remembered for the life they gave.

The sacrifice so nobly paid,
For freedom's cause were not afraid;
Faced bayonet, heard cannons roar,
Knowing full well what lay in store.
Vigilance the price for liberty,
Compassion for the enemy.
Greater love hath no man than this,
Giving his life for a friend of his.

With thankful hearts we decorate
The grave of our fallen comrade;
Praying to God that He will give
Our nation courage it may live,
Refreshing daily our memory,
This debt we owe to keep us free.
The nation sorrowful with bowed head,
Reverently honor our valiant dead.

AN OUNCE OF PREVENTION FOR LABOR AND MANAGEMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ASHBROOK. Mr. Speaker, several years ago, on July 20, 1967, I inserted in the Congressional Record a document issued by the Progressive Labor Party entitled "The Vietnam Work-In," a manual of instruction for radicals directed at reaching and influencing American workers against the war in Vietnam. As is generally realized by now, the PLP is a revolutionary-motivated organization which split off from the Communist Party U.S.A. early in the 1960's over ideological differences involving Red China. The manual outlined the proper approach for radicals to take in securing jobs in industry with a view to winning over workers to PLP's anarchistic goals. Although the project met with little success at that time, the idea of reaching the American worker was not forgotten.

Just recently the work-in manual reappeared again with but minor changes in its text. This time the target is not exclusively the war in Vietnam but any issue which can win supporters to the camp of the revolutionaries. The latest version of the manual is being circulated by Students for a Democratic Society—SDS—the organization which has been the driving force fostering disruptive activities on college campuses.

Leaders in business and industry should give careful attention to this latest program of the SDS. One problem that our leaders in the business and industrial world can do without is the disorder and violence which paralyzed campuses throughout the Nation in recent months. SDS leaders seek to sow discontent among the Nation's workers as they did among small factions of duped students. Needless to say, it takes but a comparatively small number of malcontents skilled in the science of disruption to amplify worker's complaints, heretofore peacefully mediated, with the hope of creating disorder.

Labor leaders, too, should be concerned with the SDS workers program. The latest issue of the FBI Law Enforcement Bulletin, the June issue, features a statement by Director J. Edgar Hoover concerning the possible takeover of the SDS by Communist elements oriented to both Moscow and Peking. Years ago labor leaders had the good sense to rid their ranks of a number of unions whose priorities of allegiance ranked Moscow before the United States and the American workingman. Like management, the ranks of labor can well do without the ill will, disorder, and destructive agitation visited upon college campuses in recent months. Management and labor will continue to have their honest differences which are eventually resolved by compromise and mediation. Without vigilance and resolute action both segments of our society might well be faced with a rule-or-ruin force "bent on anarchy and nihilism," to quote Director Hoover.

Barron's, the national business and financial weekly, in its issue of May 19 called attention to the presence of revolutionary elements which, if unchecked, could create serious trouble for both labor and management. Plainly called for here is a joint effort by leaders of both factions to alert all involved concerning the destructive plans of these revolutionary groups. As in the case of the college campuses, appeasement and concessions will result in losses to both management and labor.

I include the article, "Comes the Revolution," from the May 19 issue of Barron's in the Record at this point:

Comes the Revolution—U.S. Industry Had Better Look to Its Defenses

Henry Ford II, chairman of the board of Ford Motor Co., and Walter Reuther, president of the United Auto Workers of America, may sit at opposite ends of the bargaining table, but they really have a good deal in common. One way or another, of course, they both make a living from the production and sale of cars. Moreover, each man in his own right can point with pride to a richly deserved reputation for social consciousness. A recent head of the National Alliance of Businessmen, Mr. Ford worked tirelessly to find jobs for the so-called hard-core unemployed; in 18 months his own concern has put some 13,000 on the payroll. The redheaded Mr. Reuther is the very model of a flaming liberal, under whose aegis the UAW has proclaimed its solidarity with the California grape workers, contributed to the notorious Child Development Group of Mississippi (which the Office of Economic Opportunity, for legal reasons, once felt compelled to disown); and helped launch the militant Citizens Crusade Against Poverty.

Late last month Messrs. Reuther and Ford, albeit unwittingly, happened to share another distinction: that of being denounced as ruthless exploiters of minorities and racists to boot. On Friday, April 25, at Ford Motor's assembly plant at Mahwah, N.J., a group of workers known as the United Black Brothers walked off the job, and, with help from Students from a Democratic Society and the Black Panthers, threw up a picket line and temporarily disrupted production. "The fight against Ford's racism and abuse . . . has been joined . . . ," shrilled a UBB flier; "Power to the workers." In an interview published in the Guardian, self-styled "independent radical newsweekly," a spokesman elaborated: "At Mahwah, the watchword is production . . . everything is sacrificed for production. The company doesn't care about human beings, just units. . . . The workers' only tool against management is the union, but under the last contract the local union officials' salaries are paid by management, so who do you think they represent? The UBB is a black organization, but it represents all workers, black, white and Puerto Rican, because all workers are sacrificed equally for the sake of production. . . . We know we have no representation; we have no redress in the UAW."

Life-long champions of the underdog and perennial good guys, Messrs. Reuther and Ford must have been jolted to find themselves so abruptly cast in the unfamiliar role of villain. Along with the rest of U.S. industry, however, and perhaps much of organized labor as well, they had better get used to the idea. "Enlightened" or otherwise, capitalism today has come under direct assault from a hit-and-run coalition of radical students and alienated members of minority groups who seek not to achieve higher wages, improved working conditions or more jobs, but—as in colleges and universities throughout the country—to shake the Establishment and ultimately bring it down. Scorning such bourgeois expedients as collective bargaining, they opt for tactics like infiltration—SDS has issued its members detailed instructions for a summer "work-in"—intimidation, boycott, sabotage and violence. "If production is the central arena in which capitalism will be slain," solemnly explains a Guardian pamphlet called Black Workers in Revolt, "it follows that the hand that holds the wrench shall be the hand that holds the gun." Hard to believe, perhaps—as most Cubans must have found Castro, or Cornell a handful of armed undergraduates. But like their comrades on campus, the revolutionaries on the picket and assembly lines mean business. They also play for keeps.

After the fashion of totalitarians from Karl Marx to date, they make no secret of their aims. At a meeting last winter at the University of Michigan, the national council of SDS endorsed a proposal to "continue efforts to expand . . . beyond the campus and into working-class constituencies." A former SDS leader, now a New Left journalist, went on to observe: "SDS must become more than an organization of college students and broaden its base to include all young people oppressed by capitalism. The proposal urges new efforts in organizing among high school students, young people in the military, dropout and forced-out unemployed young people, and especially young workers in factories." Toward this end, SDS (and an offshoot, Movement for a Democratic Society, or MDS) are working hand-in-glove with various radical labor splinter groups which have sprung up of late, notably among rank-and-file auto workers. Starting with the Dodge Revolutionary Union Movement (DRUM) last summer, the radical coalition, now known as the League of Revolutionary Black Workers, has branched out to embrace Ford and two other Chrysler plants. A spokesman recently was quoted as saying, with more passion than grammar: "I think it's inevitable that there has to be a revolution in this country, that the ruling class has to be overthrown. . . ."

Such rhetoric sounds like the old jokes that started "Comes the revolution. . . ." However, these people are in grim earnest and they are not stopping at words. On the contrary, the past few months have seen one radically inspired thrust after another at corporate enterprise. In February hundreds of students from riot-rocked San Francisco State College joined the picket line of refinery workers striking against Standard Oil Co. of California. (Last week a smaller group picketed the annual meeting of Standard Oil Co. of New Jersey; "we know the companies are separate," said one, in a new departure on collective guilt, "but they've run by essentially the same kind of people.") In Seattle the University of Washington SDS pinned a United Fruit recruiter against an office wall and forced him to watch a film purporting to depict his company's depredations in Latin America; a GE recruiter was driven off the Queens College campus. In the nation's capital, nine anti-war demonstrators broke into the offices of Dow Chemical Co., ransacked the files and splattered blood over the walls. In Detroit DRUM and its allies have staged a series of wildcat walkouts and are constantly threatening the Big Three with boycott.

The latest outburst of the kind, at Ford's assembly plant in Mahwah, N.J., was ostensibly triggered by a racial epithet which a supervisor is alleged to have hurled at a Negro worker. Be that as it may, the radicals lost no time in exploiting the affair. Within 48 hours—though nobody outside the plant ordinarily would have known about it—a picket line, beefed up by SDS members and Black Panthers, appeared at Mahwah, menacing enough to intimidate workers into staying home and compel management to suspend two night shifts. While things have quieted down, sporadic picketing continues and tension runs high. The United Black Brothers have set forth a list of eight demands. If management fails to meet them, the aforementioned flier warns: "We will not be responsible for any actions taken against the oppressive and racial (sic) policies of the Ford Motor Co."

Mahwah ought to open industry's eyes. For if Henry Ford II, with his flawless liberal credentials, can be attacked as an economic royalist and racist, anyone can. Devotion to good works, including finding jobs for members of minority groups, plainly yields no immunity. Indeed, there is reason to suspect—as Barron's ("The Jobmongers") argued last July—that such efforts are begging for trouble. Turnover among beginners tends to be high, a condition that builds up resentment against both organized labor (which collects a non-refundable initiation fee and several months of union dues) as well as management. Layoffs hit hardest at low-seniority workers recruited from the hard-core unemployed, an unfortunate fact of life into which Ford Motor Co. now has run. To judge by Mahwah, finally, industry is sadly unprepared for what may come. For management has failed to take a firm stand. After warning 16 workers about breach of contract, it discharged only three. Meanwhile, though no witnesses to the alleged affront could be found, the offending supervisor has been quietly removed from the scene—to defuse the situation, so a company spokesman told us—and his future is uncertain. All we can say is that Ford has had better ideas.

Like university presidents and college deans, who until lately pooh-poohed warnings from such careful and courageous reporters as Alice Widener ("Ten Days in April"; "The Detonators"), corporate executives may try to shrug off the mounting evidence of a radical conspiracy against private enterprise. We can only remind them that those who refuse to learn from history—or from what's happening in front of their noses—are doomed.

OBSCENITY IN THE MAILS

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ULLMAN. Mr. Speaker, we have waited too long to regulate the flow of obscene advertising through the U.S. mail. We must no longer grant free license to advertisers who have no respect for a common code of decency or for the privacy of the average American family, and who use sexual sensationalism to promote their products. For this reason, I have introduced legislation, H.R. 11110, which would not interfere with the right of free expression, but would provide citizens protection against the intrusion into their home of this unwanted, offensive mail.

My measure is patterned after the President's proposal which was recently introduced as a part of a broader bill affecting postal operations. I fully support the administration on this issue, and have introduced this bill because I think that it takes the most effective approach to the problem, and has the greatest possibility of being acted upon by the House.

The people who are probably the most indignant about the recent proliferation of sexually oriented advertising are those parents who wish to protect their minor children from exposure to this literature. Some high State courts have already held that it is the proper role of the government to protect minors from lascivious material, and have supported the absolute prohibition of mailing sexually oriented advertising to children. I think that the Federal Government should go further than this to permit all citizens, whether or not they are parents, to request that advertising of this nature be kept out of their mailboxes.

I do not quarrel with the necessity of protecting our right to free speech, and respect of the court's efforts to safeguard these essential guarantees for a free society. However, I think that in the case of pornographic advertising, the right must be counterbalanced with an equally important right to personal privacy. The American public needs a means of preventing the steady intrusion into their homes of this offensive material.

There are laws on the books which were designed to provide the individual this sort of protection, but they have proven inadequate and unworkable. Under these laws, it is not until the addressee and his family have received and inspected the literature that they have any recourse. Often the envelope is unmarked, giving no clue to its contents. Many residents complain that when they do take steps to have their names removed from a company's mailing list, their postmaster tells them that he has no way of guaranteeing that this can be done or that the individual will not continue receiving such mail. I think that the most workable means of providing protection is to allow citizens to request that none of this mail be delivered from anyone, and have this request respected, by providing stiff penalties to those who persist in sending such advertisements.

I am not advocating that the Federal Government act as a censor of the public's reading material. However, I believe that we must consider how far the freedom of one individual can go before it becomes an infringement of another's right to privacy. This is why I am asking Congress to create a method which will not ban a certain class of literature, but will simply enable the American public to protect itself from the unwanted intrusion of this offensive advertising into their homes.

REPRESENTATIVE EILBERG INTRODUCES THE EXTRAORDINARY TAX RELIEF ACT OF 1969

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. EILBERG. Mr. Speaker, today I have introduced the Extraordinary Tax Relief Act of 1969. This bill is designed to provide relief to certain individuals over 65 years of age who own or rent their homes and who are paying a disproportionate share of their limited incomes for property taxes. My bill will provide them some relief through a system of tax credits and refunds for that portion of their property tax which is more than they can afford.

Low income and old age is not a transitional problem that given present trends will solve itself. Unless action is taken now in a variety of areas most of our senior citizens will not have sufficient incomes to live out their retirement years in a manner which allows normal participation in community life. Three out of every 10 people who are age 65 and older—in contrast to one in nine of younger people—were living in poverty in 1966. Yet many of these people did not become poor until they became older. Half of all people now 65 and over are 73 and older. In the years ahead, the increase will be particularly great in the older age brackets. With the population 65 and older projected to rise by some 50 percent during 1960–85, the population 85 and older may double. Thus the retirement revolution in this Nation reflects two trends. At one end, there is an increase in the number of persons over 73 and, at the other, more and more early departures from the work force are taking place.

National economic growth, while putting added dollars into the pockets of the working group, increases the pressures on the retiree substantially. A rise in earnings of 4 percent annually—not an unrealistic estimate in view of present conditions—means that consumption levels will approximately double in two decades. This eventuality will place those living on fixed incomes in an increasingly difficult position in the marketplace. Earnings drop as advanced age curtails already limited earnings opportunities. In comparison to the age group 65–72, only half as many men 73 and over and a third as many women worked in 1962 and the earnings of these older workers

XUM

were significantly lower. The overwhelming proportion of people retiring today receive total pension income—from both public and private pensions—which is only 20 to 40 percent of the average earnings they received immediately prior to retirement. Of families retiring in the next decade and a half, it can be projected that almost 60 percent of those with preretirement earnings between $4,000 and $8,000 will receive a pension income which is less than half these earnings. Projections to 1980 indicate that about half the couples and more than three-fourths of the unmarried retirees will receive $3,000 or less in pension income.

Figures which I have gathered indicate that there are now some 20 million Americans in the age brackets over 65. Nine million of these are men and 11 million are women. Nine out of every 10 older men and 8 out of 10 women live in their own households either as heads or wives of heads of households. For most older people, the major—and often only asset—is the home they own. Assets readily available for daily living are meager, especially for the aged with the lowest incomes. Financial assets amounted to less than $1,000 for 37 percent of the couples and for more than half the unmarried men and women according to a 1963 survey by the Social Security Administration. Almost all aged persons saved for their retirement years and have accumulated some resources in the form of liquid assets, equity in their homes or real estate, and so forth. Persons in the retirement ages have more financial assets and less debt than the population generally. Two estimates of asset holding by the aged in 1962 are available.

	Federal Reserve Board estimate	Social Security Administration estimate
Average assets:		
Total	$30, 008	$15, 109
Liquid assets and market securities	4, 957	3, 783
Median assets:		
Total	9, 860	5, 840
Liquid assets and marketable securities	950	570

These two estimates of asset holding differ because the surveys differ, not only in definitions, but in the units surveyed. The survey unit used in the Social Security Administration's study produces a lower value of assets because each aged couple or nonmarried person is treated as a separate unit. In the Federal Reserve Board Survey, data for such persons who are members of a family—and these are the older persons who have the least assets—are pooled with data for the family unit.

Regardless of which dollar amounts are used, the major asset of older people is the owned home—not readily convertible to cash for daily living—and the lower the income, the lower the assets.

The hope that assets are an important potential for improving the income situation of today's older people has focused attention on the possibility of raising incomes through conversion of assets into income prorated over the remaining life expectancy. Data from the 1963 Social Security Administration survey provides a measure of such potential income. Each unit's assets were assumed to be capable of earning a 4-percent rate of return. The principal and appropriate interest amounts were then divided over the expected remaining years of the unit's life in equal annual sums so that the assets would be exhausted at the end of that period. The annual amount computed in this way was added to current money income—less income actually received from assets.

Use of this procedure obviously ignores the question of feasibility or desirability of this form of asset management for the individual. Particularly unrealistic, for example, is the conversion of the owned house or farm or other business assets into prorated assets. The effect on median income of assuming that assets are converted into life annuities may be summarized as follows:

Unit	Actual income	Potential income	
		Excluding home equity	Including home equity
Married couples	$2, 875	$3, 130	$3, 795
Nonmarried men	1, 365	1, 560	1, 845
Nonmarried women	1, 015	1, 130	1, 395

The median potential income is about 10 percent greater than actual income when home equity is excluded and more than 30 percent greater when home equity is included. This reflects the fact that asset holdings are greater at the higher income levels than at the lower. The addition of distributed assets to income increases the inequality of income distribution. Of those with incomes of less than $3,000, fewer than one in four, had asset holdings great enough to shift their income to a higher $1,000 interval. Use of potential income other than the home equity would still leave more than one-third of the aged couples and about two-thirds of the nonmarried group with insufficient income to live independently at the modest but adequate standards established by the Department of Labor's Bureau of Labor Statistics for that period.

I have introduced legislation in this Congress which would provide for an annual cost-of-living increase for social security beneficiaries tied to the upward trend in the Consumer Price Index. I have also stated my belief that the President's action in reducing the social security increase request from 10 percent as proposed by former President Johnson to 7 percent is foolhardy. I do not believe that the way to achieve a budget surplus is to take the money for the surplus out of the pockets of social security recipients. Also, I have sponsored legislation which will increase to $3,000 the amount which a social security beneficiary can earn and not suffer any reduction in his benefit level. Finally, I have sponsored legislation which will improve the Federal civil service retirement system substantially and insure the solvency of the retirement fund. I have striven during my years in the Pennsylvania State Legislature and during my two terms as the representative of the Fourth Congressional District to initiate and support measures which are designed to increase and at least maintain the buying power of those older Americans living on fixed incomes.

The Extraordinary Tax Relief Act of 1969 which I have introduced today is, in my opinion, part of the answer to assuring that those of our citizens living on fixed incomes can have the buying power of these incomes maintained and increased. From the statistics on increases in the property tax nationwide, and the analysis of the incomes of our senior citizens which I have given here, it appears obvious that homeownership is becoming an increasing burden on our older citizens.

I do not believe that any of us want our senior citizens to sell their homes and convert the money they receive into lifetime annuities if they desire not to. The majority of these citizens have worked most of their adult lives to get these homes and for us to allow them to lose them because they cannot pay their increasing property tax bill would be doing both the Nation and these citizens a grave disservice.

The Extraordinary Tax Relief Act of 1969 which I have introduced is designed to ease the property tax burden on those low-income elderly persons whose property taxes are excessively high in relation to their total income by allowing them a credit against their Federal income tax for that portion of their property tax which is determined to be excessive.

We all know that older people living on fixed incomes have trouble making ends meet and that increasing property taxes have made this more and more difficult. When these people purchased their homes, property taxes were much lower than they are now and they had a regular income. In urban areas especially, the problem of rising property taxes and their effect on the limited-income senior citizen has been substantial. In these areas also, incomes have been substantially eroded by inflation. We know that these elderly people do not want to move from their homes. We also know that moving is a traumatic experience for these people more than for any other group.

To cope with this problem, the bill I have introduced today provides property tax relief to those over 65 who have a total annual income of $3,500 or less. Those whose incomes are too low to pay Federal taxes will receive a tax refund on the excessive amount of their property taxes while others will receive a tax credit. To assure that the relief which the bill provides will go only to those who need it, applicants will be required to list all forms of income which they receive including: Adjusted gross income, support money, public assistance, the gross amount of any pension or annuity, nontaxable interest received from the United States or any other governmental entity, workmen's compensation, and the amount of "loss of time" insurance payments. Claimants will not have to report gifts from nongovernmental sources, surplus food, or other relief of this kind supplied by a governmental entity.

The maximum amount of property

taxes which can be considered in establishing the Federal tax credit or the tax refund which would be accorded to low-income senior citizens under my bill is $300. The tax credit or refund will be available not only to homeowners but to apartment dwellers as well. For renters my bill assumes that, to the extent that landlords can shift the property tax burden to tenants, low-income senior citizens in rented quarters also feel the pinch of increasing property taxes. Thus the bill provides the assumption that 25 percent of the annual rent payment will be considered as the property tax credit for the purposes of the tax credit or tax refund.

Property taxes are considered as unusually high if they exceed a certain percentage of household income. These percentages are increased as household income increases. After determining the amount of the tax which is excessive, a percentage of this excessive part will be relieved under my bill.

To determine how much of a tax credit or refund a claimant under this bill will receive the following formula is used:

I		II	III	IV	V
"If household income is—		Then the allowable claim is the product of—	times the amount by which eligible property taxes and rent exceed the sum of—	plus—	of household income in excess of—
At least—	but not more than—				
0	$500	.75	0	0%	-----
$500	1,000	.75	0	3%	$500
1,000	1,500	.60	$15	6%	1,000
1,500	2,000	.60	45	9%	1,500
2,000	2,500	.60	90	12%	2,000
2,500	-----	.60	150	15%	2,500

Some examples of the tax refund or credit which a household would receive under my bill are as follows: A family with an annual household income of $400 would receive $225. A family with an annual household income of $700 would receive $221. A family with an annual household income of $1,200 would receive $163.80. A family with an annual household income of $1,600 would receive $147.60. A family with an annual household income of $2,200 would receive $111.60. A family with an annual household income of $3,000 would receive $60. A family with an annual household income of $3,500 or more would receive no refund or credit under the bill.

In States which have enacted legislation similar to the bill which I have introduced today, the fiscal impact on the economy has not been too great. However, I feel that my bill will help the State and local governments avoid even this slight drain on their available resources since it appears that the major reason why more States than Wisconsin and Minnesota have not enacted such legislation is because even the minimal financial impact of the tax credits or refunds involved could well push them over the brink to fiscal disaster.

The Wisconsin law was passed in 1964 and liberalized in 1966. In 1967, it provided tax relief to 69,000 low-income elderly families who own or rent their homes with an average payment of $94.78. Thus, $6.3 million was lost to the State treasury even though the amount granted came to about 1 percent of the total property tax collections in the State. About 98 percent of the money paid out under this law was in the form of tax refunds to households whose income was low enough so they did not have to pay taxes.

The Advisory Commission on Intergovernmental Relations has recognized the need that some property tax relief be provided for the elderly in its reports, State and local finances—significant features. The most serious problem with the property tax, especially as it applies to low-income senior citizens, is that it tends to be regressive and those with lower incomes tend to pay a larger percentage of their incomes in property taxes than those with higher incomes. I believe my bill will reduce the regressivity substantially without causing the slightest fiscal dislocation to State or local governments. Most importantly, this bill will increase the buying power of our senior citizens living on fixed incomes and allow them to keep their hard-won homes.

INVESTORS LEAGUE INC. WILL RECOGNIZE OUTSTANDING MEMBERS OF HOUSE AND SENATE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. FISHER. Mr. Speaker, the prestigious Investors League, Inc., devoted to the cause of good government, is wielding a wholesome influence in behalf of a lofty cause. The league is advancing the cause of free enterprise—which is the very soul of Anglo-Saxon civilization. This is indeed a commendable objective, for which this organization is being widely acclaimed.

Under leave to extend my remarks in the RECORD I include a letter recently received by me from the Investors League. The letter follows:

Congressman O. C. FISHER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FISHER: In our tours around America, we continually see our fellow citizens, the majority of whom are working, raising families, contributing their money and talent to community betterment, voluntarily paying their taxes, and still having the energy to ponder the many problems of our times.

The American private enterprise system has helped almost 90% of us to enjoy a piece of the American dream. Too often today we are prone to criticize individuals and institutions including our economic system which is based on risks and rewards and has enabled Americans to enjoy a gross national product larger than the next five countries of the world.

Last fall the Investors League formed a Congressional Awards Committee to honor annually the two United States Senators and two Congressmen who, in the opinion of the Committee, have contributed the most to the American enterprise system in each session of Congress. This is one way in which the 24 million Americans who have invested in our business system can acknowledge the contribution made to strengthen the country.

What a wonderful goal it would be if 100 million Americans could be helped to become investors in the private enterprise system!

Sincerely yours,

WILLIAM JACKMAN,
President, Investors League, Inc.

JOHN T. MCCARTY,
Chairman, Congressional Awards Committee.

VIVA CHAVEZ

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. BROWN of California. Mr. Speaker, California's Imperial Valley is part of what Nicholas von Hoffman, the astute young Washington Post feature writer, terms "the other California—the valleys, flat, hot, laborious, where they grow the food, the fruit, the grapes."

Two weeks ago, my friend Cesar Chavez led a group of grape strikers on a march through Imperial Valley, through the area in which I was born and where I grew up, through the beauty and the heat over the Mexican border to bring attention to the maneuverings of some grape producers who are bringing laborers across the border in an effort to break the 4-year strike.

I have supported the huelga over these past 4 years, and I will extend my backing—and whatever else I can do—for as long as this vital drive continues to extend and maintain decent working and living conditions for grapeworkers.

Nicholas von Hoffman accompanied the marchers through Imperial Valley. He was there in Brawley, and reported on problems faced by Mexican-American students in the local high school. And, as von Hoffman points out:

> The students' complaints are the usual ones you can hear from minority kids if you care to listen to them talk about their schools.

I picture not only the problems of Brawley, but also those same sentiments which are raised almost daily in my constituency of East Los Angeles.

I would now like to insert Nicholas von Hoffman's article, "Viva Chavez," into the RECORD along with a story from the May 23 Los Angeles Citizen describing further the Imperial Valley march.

[From the Washington (D.C.) Post,
May 21, 1969]

VIVA CHAVEZ

(By Nicholas von Hoffman)

BRAWLEY, CALIF.—There are two Californias. There is the California of the beaches, the mountains, the good places to eat, the resorts, the places where you do your California dreamin.' The other California is of the valleys, flat, hot, laborious, where they grow the food, the fruit, the grapes.

Bakersfield, Delano in the San Joaquin are in the second California of stoop-labor and heat. So is this town, Brawley, a green place in the desert of the Imperial Valley, about 30 miles from the Mexican border. It's not too much of a place with its drive-ins and its used car lots, their plastic pennants forever fluttering. It's a town that reminds you a little bit of Greenwood, Miss., except that the Government-subsidized irrigation has made it richer and there are palm trees, those giraffes of the vegetable world.

The other day there was a Mexican man on the highway which runs south from coachella through desert where there is nothing to see but sand, scrubble brush and the signs of real estate developers proclaiming the coming of lakes, marinas and planned retirement cities. A robust old man he was, not feeble, but bowlegged, redfaced, wearing a strawhat and carrying a sign which read, "Slow Down, Marchers Ahead." Heavy, articulated diesel semis hauling onions and alfalfa and sugar beets drove with undiminished speed and noise past him. Their wind almost blew him off the hot highway, but he held his position, following them with his head and his eyes as they rolled off into the desert. He wouldn't give up.

A half mile up the road came the marchers. They wouldn't give up either. There weren't many of them, maybe 40 or 50 grape strikers walking down the highway being led by a woman in a straw cowboy hat. She carried the gold and white canvas painting of Our Lady of Guadaloupe on a staff. Slightly behind her on either side were men carrying the American and Mexican flags.

For four years the Mexican-Americans have had their strike, their *huelga* as they call it, against the grape growers and for social justice. They and their leader, Caesar Chavez, have marched, picketed, vigiled, struck, fasted, implored and prayed to little purpose. Only 11 companies have signed contracts with the union. But they're like the old man. They don't give up. Instead they think up more tricks and stunts to perform so they can catch the national attention and press their claims on somebody who will honor them.

This latest contretemps which ended on the Mexican border a few days ago is an attempt to hook up with the Mexican labor movement to prevent the importation of strikebreakers from the other side, something the American government is suppose to stop but does not. It is another example of the growing number of complaints that the government primarily serves the powerful and the well organized and not the weak and disorganized.

Recently Washington has paid the farmworker's union some attention. However, Chavez wishes the Secretary of Labor hadn't bothered because he regards the Administration's proposals for new legislation as a union-busting scheme wrapped up in the language of philanthropy. "For 35 years the growers have opposed all legislation, they've been against everything, including child labor regulation and minimum wages, but now they turn around and support this law," says Chavez, a quiet, pious man around whom a cult of admiration akin to Martin Luther King's is building.

Chavez, like King, has integrated non-violence into his working philosophy of life, but unlike King, Chavez can be very specific about law and technicality. He is not only a leader of "la raza" as the Mexican-Americans collectively call themselves, but a man who heads a labor union and wants the protection of government supervised union elections, something farmworkers have never had. He doesn't want what the Nixon Administration is offering because he believes it would put farm workers under the jurisdiction of the grower-controlled Department of Agriculture, would forbid strikes during harvest time, and then, after defanging and disarming the union, would force it into compulsory arbitration. It would also make secondary boycotts of grapes in supermarkets illegal. It's been the attempt to boycott grapes being sold by supermarket chains that have dramatized the strike and spread the word of it across the country. The marchers here carried signs saying "Abajo Safeway" (Down with Safeway).

"They should give us a Wagner Act as they did the other unions in the 1930s when they were young and weak. They should give us the same protection and freedom the Wagner Act gave the other unions for an equal length of time. If we had an equal chance in the local courts and in the importation of strikebreakers, we could beat them in the fields anytime," says Chavez who emphasizes it was only after the unions were organized under the Wagner Act that restrictions on boycotts and striking were put on them in the form of Taft-Hartley law which was designed to limit the power of overly strong unions, but which effectively destroys new unions.

When the marchers reached Brawley they were joined by several hundred high school kids who are in revolt because the school has forbidden them to wear a button proclaiming the "Mexican-American Revolution," or so says Loupe Sabala, their 18-year-old leader. "They said our button meant violence even after we explained that we meant revolution through education. They said they were for our goals but the button would cause so much turmoil that they had to ban it," he explains.

The students' complaints are the usual ones you can hear from minority kids if you care to listen to them talk about their schools. They say they are discouraged by the teachers from trying to enroll in the academic classes that lead to college and the professions, that they are put down, that their culture and history is ignored and that kids who speak Spanish only are dumped into classes for the mentally retarded. Now they are aroused, imbued with a new sense of la raza that makes them identify themselves with all Mexican-American aspirations and pushes them to take their place in the line of march when their parents hang back with the frightened conservatism of older people whose whole lives have been one long squelch.

They are marching in the valleys of the second California. The laws of Washington or not they will walk on, hopefully without violence, hopefully still believing in our system of government and economics, hopefully still reciting their litany of militance and progress:

"Que Viva La Hulga!
Que Viva Virgen de Guadaloupe!
Que Viva Caesar Chavez!
Que viva La Causa!
Que Viva La Raza!"

[From the Los Angeles (Calif.) Citizen, May 23, 1969]

LONG MARCH PAYS OFF: ANOTHER GRAPE STRIKE LOOMS WITH "GREEN CARDER" SUPPORT

(By Sal Perrotta)

The countdown for another grape harvest showdown between the United Farm Workers and Coachella Valley growers is ticking off the final days toward a strike in the vineyards.

A meeting set for tonight in Coachella may signal the start of picketing in a matter of days, according to Jim Drake, United Farm Workers organizing Committee (UFWOC) administrative assistant to Cesar Chavez.

Full scale grape picking is slated to begin in early June.

Optimism for a successful strike has pervaded planning especially since last Sunday's rally in Calexico, which culminated a 100-mile trek by grape pickers through the desert to the Mexican border.

Drake said that Mexican nationals—pickers permitted to work on the U.S. side of the border on temporary green cards—are more responsive than ever to UFWOC's appeal for support.

"We hope to consolidate previous inroads we've made with gains last Sunday in communicating with 'green carder' crew leaders," Drake said.

"We're offering to treat them the same as our own members in asking that they respect picket lines."

This would include a guarantee of seniority in the union once contracts are signed and the possibility of strike benefits, according to Drake.

The UFWOC official said that the strong prospect of greater support from Mexican pickers is the result of a combination of several factors.

The United Farm Workers first of all has taken a different course in communicating with "green carders," Drake said.

"We're not just asking them to stay away," he said, but have appealed to them to join us because our intention is not to shut them out of their jobs."

The Mexican press also has been "more positive" in coverage of the situation and the march was a singularly important element in changing attitudes, he said.

"The march came across as a 'gut issue' to the Mexicans," Drake said. "I think they really saw for the first time the plight of farm workers on this side of the border."

Another major factor was the appearance of Sen. Edward M. Kennedy at last Sunday's rally.

"His personal support of the strike and his urging 'green carders' to listen to Cesar (Chavez, UFWOC director) to respect picket lines and join the union had a tremendous effect," according to Drake.

Kennedy told a crowd of about 1000 in Calexico last Sunday that he had traveled the 3000 miles from Washington to tell farm workers that "the voice of Cesar Chavez is being heard in Congress."

"Injustices to farm workers can no longer be tolerated," he declared.

He also told the cheering throng that it has been 50 years since child labor was abolished in the textile mills in Massachusetts and that it is about time child labor be prohibited in the fields.

Since then, leaflets printed in Spanish and distributed at the border inform readers of Kennedy's position—"respect the picket lines, join the union."

Growers attempting to counter apparent gains of UFWOC with "green carders" are taking full page ads in newspapers painting a picture of lush jobs awaiting pickers in the vineyards.

Sharing the platform with Kennedy at Calexico were Sen. Ralph Yarborough (D-Texas) Sen. Walter Mondale (D-Minn.), and Rep. John Tunney (D-Riverside).

Yarborough and Mondale had led the last five miles of the march to the border, started in Indio May 11 to dramatize UFWOC's campaign to organize the Mexican farm worker commuters.

The number of marchers reached its peak Sunday after a low of 35 during the week as the group braved intense heat of the Coachella and Imperial Valleys, at times hitting a sweltering 106 degrees.

While UFWOC officials made final plans for the strike, their boycott of California table grapes gained more international significance.

Dominion Stores Ltd., the largest retail grocery chain in Canada, agreed to support the boycott. Canada represents the largest export market for California grapes, having purchased about $20 million worth a year in the past.

A GROUP OF QUEENS COUNTY, N.Y., ATTORNEYS PRESENTED BY CONGRESSMAN BENJAMIN ROSENTHAL

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ROSENTHAL. Mr. Speaker, this morning it was my distinct pleasure to sponsor a group of attorneys from the Queens County Bar Association—New York City—for admission to practice before the U.S. Supreme Court.

I was delighted to have been asked to participate in the presentation of these individuals to the Court, and am taking the liberty of listing their names herewith in the RECORD, as follows:

A GROUP OF QUEENS COUNTY, N.Y., ATTORNEYS PRESENTED BY CONGRESSMAN BENJAMIN ROSENTHAL

Harry Berlin, Lee H. Bostic, Thomas J. Dillon, Terry S. Eleftheriades, Albert I. Gilman, Miss Patricia F. Gilmartin, Ira M. Harlton, Kenneth R. Hendra, Eli Katz, John W. Kenny.

Robert P. Leighton, Arthur W. Lonschein, Robert I. Mandel, James J. McDonald, Harold B. McLaughlin, Raymond F. O'Brien, Miss Marjorie O'Connell, Andrew J. Orensky, Miss Joan E. Osterndorf, John F. Osterndorf.

Joseph J. Regan, Jr., Milard K. Roper, Lawrence R. Schneider, Ronald J. Schwartz, Joscelyn E. Smith, Francis J. Valentino, Donald Warren, Jerome M. Weinberg, Fritz Weinschenk.

KILLED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. LONG of Maryland. Mr. Speaker, Sp4c. Robert M. Higginbotham, an outstanding young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD.

HIGGINBOTHAM, MATHEMATICIAN, DIES IN VIETNAM

Army Spec. 4 Robert M. Higginbotham, a promising theoretical mathematician who was named the outstanding senior in the University of Maryland's 1967 graduating class was killed in action in Vietnam last week, the Defense Department reported yesterday.

The father of the 23-year-old Rockville soldier called his son's death "a complete and tragic waste. His life has gone for nothing in a senseless military adventure."

Specialist Higginbotham, a member of the Americal Division, was killed May 14, the Pentagon said, when the armored personnel carrier he was driving was hit by enemy rocket fire near Chu Lai in Quang Tin province southeast of Da Nang.

TANK, APC DRIVER

"Bob left here feeling he was never coming back," the soldier's father, Charles A. Higginbotham, said yesterday. "He thought things were looking up, but his first feelings were right."

Specialist Higginbotham had been in the Army for a year and a half and for the past eight months had been driving tanks and the lumbering personnel carriers around Vietnam.

"His greatest fear," his father said, "was that he would get caught in one of those carriers when it was hit. The survival rate of their drivers is almost zero."

PLANNED GRADUATE WORK

The Rockville soldier had joined the Army after college graduation when his draft deferment ended.

He had planned to do graduate work in theoretical mathematics—where his talents had won him honors at Maryland—but decided to delay his further studies when he was reclassified, his father said.

"We never could understand," Mr. Higginbotham said, "how the Army decided to make a tank or personnel carrier driver out of him. The Army's placement people must have majored in stupidity, it always seemed to us."

Specialist Higginbotham, who was born in Washington and lived in the metropolitan area most of his life, was a graduate of Our Lady of Good Counsel High School in Wheaton, Md.

He is survived by his parents, Mr. and Mrs. Charles Higginbotham, of 14416 Pecan drive, Rockville; a sister, Pamela, and his grandmothers, Mrs. Ida Higginbotham, of New Martinsville, W.Va., and Mrs. Florence Evart, of Santa Rosa, Calif.

ACT NOW TO PROTECT THE U.S. SHOE INDUSTRY

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WYMAN. Mr. Speaker, the time to act to ward off the threat of extinction to a major segment of our national footwear industry is now. Not only are there many domestic jobs at stake in this situation—a factor which should be a principal consideration when the Federal Government enters into import agreements—but also involved is the prospect of economic chaos in those small towns and cities across the Nation which literally survive from local shoe plants. Supporting industries are also concerned and the danger signals for these are flashing.

The evidence is undeniable that the products of many of our factories cannot compete with low-labor costs overseas. The wage disparity factor involved results in a general loss of American production due to reduction in demand for the product produced under the necessarily higher wage scale.

The answer should rest on what will best benefit the American industry. This does not require a complete cutoff of foreign imports. But we should make certain our domestic interests are protected in this matter. All that is needed is a fair competitive situation—and I am certain American industry, given this opportunity, will still come out ahead.

The following two articles written by Lloyd M. Hampton, Washington editor of Leather and Shoes magazine, are illustrative of the chaotic condition in certain segments of the footwear industry at this time. There is no doubt but that, unless something is done now to offset this situation, the same conditions will spread throughout the entire footwear industry and into supporting industries.

Congress can and should act on H.R. 7696 to achieve orderly marketing in place of the chaos now prevailing for much of the American footwear industry.

The above-mentioned articles follow:

[From the Leather and Shoes magazine, Feb. 1, 1969]

TARIFF FAILS TO MENTION WAGE DISPARITY FACTOR

(By Lloyd M. Hampton)

The sobering testimony offered by domestic shoe industry witnesses before the U.S. Tariff Commission in the fall of 1968 indicated repeatedly that the crux of the rapidly escalating imports crisis lay in the existing chasm-like U.S.-versus-foreign wage differential.

As succinctly expressed last Oct. 28 by Alan H. Goldstein of the National Footwear Manufacturers Association, "The price advantage of imports is due entirely to the difference in labor costs between American factories and factories in Europe and Asian countries. Practically all imported footwear is producted at wage and hour costs that would be illegal in the United States."

In another statement, Irving R. Glass, representing U.S. tanners, made it clear to Tariff hearing panel members that "The strength of import competition and the growth of shoe imports rests on comparative labor costs."

Yet interestingly, a careful review of the Commission's Jan. 17 report to the President on its probe of the economic state of the U.S. nonrubber shoe sector failed to turn up any reference—cursory or otherwise—to the wage differential question, this despite the important consideration it would seem to deserve if expert testimony by high, responsible industry officials is any criteria.

According to industry spokesmen, the U.S. footwear manufacturer views the wage difference factor as something with which he is unable to cope. This, in addition to the shoe trade's admitted inability to offset higher labor costs here, although the industry enjoys a 25 to 30 percent greater productivity than any other nation, would appear to provide an adequate incentive for any force investigating trade, Tariff included, to want to study in-depth an issue as pertinent as the wage disparity matter.

Unfortunately, however, this most central wage question about which many say the shoe imports situation primarily revolves apparently was not held by Tariff at the time of its investigation to be of sufficient significance to warrant even mentioning in its recently-released report to the White House.

As a result, the report's incompleteness becomes a matter of sizeable concern. Why? Because it was widely understood at the probe's outset last year that the study was to be as President Johnson termed it a "comprehensive" one. It would appear to have fallen short of that request. Thus, a report that was supposed to thoroughly acquaint the new Chief Executive and the Congress with all facets of the footwear imports problem instead supplies only part of the information required—hardly a sound basis upon which to form the right, most equitable judgment relating to the mounting imports situation.

To say, as Tariff sources told this column, that the wage imbalance question was not discussed in the report because such foreign data was not readily available, is amazing in light of figures unearthed by the footwear industry.

For instance, during the October 1968 Tariff proceedings, domestic shoemen laid before the Commissioners such "not readily available" foreign footwear information as Italy's basic hourly wage of 50 cents, plus all fringe benefits coming to about another 50 cents;

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Spanish footwear plants being reliably reported to be paying their workers approximately a total of 40 cents per hour; Japanese hourly wages amounting to around 35 cents which, including fringe benefits, total less than one quarter of U.S. wage and fringe considerations.

Also, in Hong Kong, a female footwear employee is doing good to earn $50. a month for a 10-hour day, 60-hour week; in Taiwan, a footwear girl worker may earn from a low of $13. to $14. monthly to a high of 11 cents per hour for a 60-hour week; and, in France, with the hikes made a short time before the October Tariff hearing, wages and fringes were placed at less than half those in this country.

The government agency's footwear probe covered more than an eight month span—beginning April 29, 1968—yet time limitations, it maintained, prevented the gathering of the overseas wage data. Further, sources pointed out, even if wage figures from abroad had been assembled in time, they would not have produced a valid comparative picture. In order to achieve this it was explained, other required—but equally unobtainable—information such as productivity, etc., was needed.

The wage disparity factor is what the growing imports peril is said to be all about. Being at the root of the U.S. imports flood, it certainly provided one of the more basic reasons for the Tariff shoe investigation. Because it was not even touched upon in the final Commission report, the study can be seen to be lacking in vital content critical to comprehensive review, evaluation and comment by the just-installed Administration.

[From the Leather and Shoes magazine, Feb. 1, 1969]

SHOE IMPORTS WILL TOP U.S. OUTPUT, TARIFF SAYS

(By Lloyd M. Hampton)

WASHINGTON.—As seen by the U.S. Tariff Commission, domestic consumption of nonrubber footwear will probably continue to expand at a pace somewhat higher than the Nation's population growth rate; both U.S. production and imports are likely to continue to increase, with imports outstripping this country's output on an annual basis.

These and other projections were included in the Commission's recently-completed report covering its investigation of the economic condition of U.S. nonrubber shoe producers and what effect imports have on the domestic industry, including the competitive relationship between foreign footwear deliveries received here and their products.

PROBE STARTED IN APRIL 1968

Over eight months in the making, the 110-page report was sent to the President Jan. 17.

Basically a fact-finding study, it offers no recommendations. If any move is made to alleviate the imports crush, it will have to come from the White House and Congress after both sectors have had a chance to review the report.

Ordered by President Johnson last April 29, the report covers a broad spectrum of information on U.S. producers of nonrubber shoes, including their financial experience and participation in foreign trade; U.S. consumption, production, sales, imports, exports and prices of the articles; U.S. Tariff treatment; channels and methods of distribution; the impact of imports on the domestic footwear industry.

NO CUT IN PROFITS AHEAD

As viewed by Tariff, increasing imports held no added threat to the U.S. shoe producer's profits.

According to the Commission's report, technological developments and ingenuity of design and style are seen as "substantially" advancing the competitive position of U.S. manufacturers, this in the face of a likelihood that imports will "somewhat" outdistance domestic yearly production.

Taking this into consideration along with the prospect that both U.S. production and imports are likely to go on climbing, Tariff was moved to comment: "Under these circumstances, the anticipated rise in imports might have no greater effect on the profitability of domestic producers' operations—in the overall—than at present."

Referring to smaller footwear operations, the Commission felt that some of these producers "probably would continue" to function "at low levels of profit." However, many of them, the report stated, "would likely be significantly affected by competition not only from imports of nonrubber footwear, but also from sales of nonrubber footwear by their larger domestic competitors and from sales of other types of both imported and domestic footwear" such as canvas-rubber.

SHOE IMPORTS UP "MARKEDLY"

Other remarks contained in the Tariff report included the following:

U.S. consumption: Since 1955 the annual U.S. consumption of nonrubber footgear has grown at an average annual rate slightly greater than that of the U.S. population—about two percent compared with 1.5 percent. Since the mid-1950's, consumption of the shoes in this country has increased less rapidly than other types.

U.S. production: The annual growth rate of nonrubber footwear since the mid-1950's has averaged around 0.8 percent. Thus, the average annual output of such footwear was about a tenth greater in 1965–67 than in 1954–56. The output in 1966—a record year—was about seven percent larger than that in 1963. Output dropped in 1967 to about the 1963 level, but recovered in the first eight months of 1968 to an annual rate slightly greater than the record level of 1966. In recent years, footwear for women and misses has accounted for nearly 50 percent of the annual output of the nonrubber articles. About half of the domestic nonrubber footwear sold in the U.S. in 1967 was marketed at wholesale at less than $4 per pair.

U.S. exports: The volume of U.S. shipments abroad of nonrubber shoes has gone down almost annually since the mid-1950's. Yearly exports of such footwear, which have been equal to less than one percent of domestic production for some years, declined from 4.6 million pairs in 1955 to 2.2 million pairs in 1967. Overseas shipments in 1968 were probably at about the same level as those in 1967. Footwear with leather uppers have made up most of the U.S. exports of nonrubber shoes.

U.S. imports: Annual imports to the U.S. of nonrubber footwear "have increased markedly" in recent years, and have supplied an increasing share of domestic consumption of such goods. Deliveries here in 1967 were double those in 1963 and many times those in the mid-1950's; moreover, imports in 1968 probably were nearly 40 percent greater than those in 1967. Imports accounted for 12 percent of the nonrubber footwear sold in the U.S. in 1964, 18 percent in 1967, and probably 22 percent last year. Imports generally supply a larger share of the women's and misses' nonrubber shoes marketed here than they do of either men's, youths' and boys' or children's and infants'—23 percent compared to 11 percent and 10 percent, respectively, in 1967. Vinyl footwear, marketed mainly through retail outlets, offer very inexpensive shoes to the consumer; these outlets include the discount chains, dime-store chains, drug stores, and other stores featuring low-priced merchandise.

MERGER ROLE CITED

Additional observations by Tariff indicated there has been a decrease since the mid-1950's in the number of U.S. firms and individual plants making nonrubber footwear. These developments, however, started long before nonrubber footwear was imported in appreciable volume, the Commission said, further noting that they resulted, in part, from a substantial number of mergers.

Most of the establishments stopping production of nonrubber shoes were small plants that employed less than 250 workers the government agency said, adding: "Consequently, the share of U.S. output concentrated in firms producing more than two million pairs each is moderately larger currently than a decade ago."

RETAILERS EYE IMPORTS

On price trends, the report emphasized that since the mid-1950's the wholesale prices of leather footwear have upped more sharply than those of nondurable manufactures and of wearing apparel. "Rising wholesale prices have stimulated retailers' interest in imports," Tariff pointed out, continuing that "retailers, like producers, are reluctant to alter their price lines."

Where employment and wages are concerned, the report mentioned among other things that (1) U.S. nonrubber footwear producers employed about the same number of production workers in 1968 as in 1963 but about six percent fewer than in 1954–56; (2) the average number of weekly hours per worker, however, was slightly higher, and the wages earned were materially higher, in 1968 than in 1963; (3) the rise in weekly hours per worker probably reflected in part a short labor supply; (4) to the extent labor shortages limited U.S. output or delayed deliveries such shortages probably stimulated imports here of nonrubber footwear.

In the area of profit-and-loss experience of U.S. manufacturers, Tariff held that "The profitability of the domestic producers of nonrubber footwear has improved materially since 1963."

Total annual net profits of all producers were estimated to have doubled between 1963 and 1967. Large firms turning out nonrubber shoes reported generally that earnings were higher in the first half of 1968 than in the corresponding 1967 period, the Commission said.

SOMALIA—FOREIGN AID AFFLUENCY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. RARICK. Mr. Speaker, in the remote African country of Somalia, its citizens are subjected to competitive foreign aid.

So far, the U.N., Soviet Russia, Communist China, the United States, Italy, and 16 other countries are all contributing financial assistance to gain preferential influence.

And not unlike other foreign aid projects, where political considerations take precedence over economic aid, no one is benefiting.

I insert a report from Berbera, Somalia, by C. C. Miniclier, as follows:

SOMALIA IS TOP RECIPIENT OF FOREIGN ECONOMIC AID—COUNTRY IS GEOGRAPHICALLY STRATEGIC SPOT

(By C. C. Miniclier)

BERBERA, SOMALIA.—Two Soviet destroyers tied up at the new, Soviet-built port here, and took on water as their crews watched Soviet films ashore and visited with countrymen running the port.

Berbera, opposite the former British strategic port of Aden, is the best natural harbor in Somalia and the Soviets have built excellent dockside facilities to handle machinery repair, administration and storage.

A fenced, air-conditioned Soviet compound of modern apartment buildings is nearby and three radio transmitters, including one said by experts to be powerful enough to communicate easily with Moscow or Vladivostok, are in working order.

All this is of strategic convenience to Soviet naval, fishing and oceanographic vessels. It is also one of the few major aid projects in Somalia which is a success.

HIGHEST AID

The United Nations, Soviet Russia, Communist China, the United States, Italy and some 16 other countries have poured more than $400 million in aid into Somalia since it gained independence in 1960. A U.N. official estimates this is the highest aid, per person or per square mile, than any country has received in its first nine years.

But casual visitors, and Somali citizens, are hard put to show where it went.

On the sand-strewn streets of Mogadiscio, the capital, and in Hargeisa, the country's second largest city, water is still sold by the gallon from small wagons drawn by donkeys.

In march, before some rain fell, water in Hargeisa was down to a five-day supply and was selling for the equivalent of $1.42 for 16 gallons.

This is a country where the average income is $60.

There are no railroads; only 10 communities are connected by telephone; only 17 of the 86 doctors in the country are Somalis and there are only about 31,000 students in all the country's schools. The population is about three million.

AID GRAVEYARD

"Somalia is the absolute graveyard of aid schemes," a Western diplomat told a reporter.

It also offers a study of what too much aid too quickly can do to a country's balance of payments.

Rice, petroleum, cement and gray sheeting, a particular type of cloth used in most Somali clothing, can be imported only from specified aid-giving countries to meet Somalia's debt to them.

Although Somalis prefer the texture and price of rice from Thailand, only Egyptian and U.S. rice may be imported—to meet credit demands.

American and British service stations in Somalia distribute Soviet petroleum because of Somalia's debt to Russia. Only Egyptian and Soviet cement and Soviet gray sheeting are imported for the same reason, say government sources.

Several aid projects stand as monuments to poor planning.

The United States financed a major fish processing plant at Alula, on the Gulf of Aden, after a fisheries man noted large numbers of tuna in the area.

But someone forgot to tell him that tuna move about. They'd left by the time the plant was finished. It is now idle among drifts of sand. A quick trip down the beach to two smaller Italian fish plants would have shown that smaller, seasonal plants work best with the fish in the Gulf of Aden.

MAJOR EXPORTS

Meat and bananas are Somalia's major exports.

The Soviets have completed what visitors report is the ultimate word in a clean, efficient meat-packing plant at Kismayu. But someone forgot to tell the Soviets that Somalia's customers don't buy tinned or sausage meat, such as the plant produces. The customers are largely Islamic and meat exports of camels, goats and sheep are live, on the hoof.

Agriculture research projects, educational efforts and medical assistance by several foreign countries have had varying success.

Why so much aid to an arid, undeveloped country of largely nomadic peoples?

It is a strategic spot geographically, controlling southern approaches to the Red Sea, and everyone would appear to be afraid of being outdone.

The Soviets followed the Americans and built a fish plant; the Americans built a port, too, at Kismayu near the Soviet meat plant. Americans and Communist Chinese have rice growing schemes. Communist China plans to improve Hargeisa's water supply as the Americans improve the water supply at Mogadiscio.

The final draft of the Somali Republic's Planning Commission program for 1968–70 took a hard look at Somalia's wealth of aid and less than rich results:

"More often than not political considerations had to take precedence over economic and, in the process of decision making, inadequate attention was given to the requirements of plan implementation."

ILL CONCEIVED

Noting that a number of aid projects "turned out to be ill-conceived" due to a lack of feasibility studies, the report adds: "Perhaps the single most important factor responsible for the disappointing performance of the five-year plan was the deficiency of the administrative machinery of government."

ABE LEVINSON

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to call to the attention of the U.S. Congress and the American people the article on Abe Levinson, one of the three founding brothers of the Levinson Steel Co., as an outstanding industrialist and a fine member of his good community. We are glad to include this article by Aaron P. Levinson, a nephew and president of the Levinson Steel Co., as a fitting tribute to this fine American:

When I heard Rabbi Goldblum's eloquent eulogy of Abe Levinson, I was touched. There was so much about Abe that was captured so beautifully—the comparison to the sabra, tough on the outside and soft and sweet on the inside; his description of Abe's distinctive trait of making great demands on himself before he made demands on others; his love of family and friends. But as I listened, I knew that Abe's greatness could never be really captured in a short eulogy. Abe was not a simple man. Even though a flowery treatise on Abe's life would not befit the man, one cannot be too brief even if only to touch on the highlights of his character, his temperament and his personality.

To accept Abe you had to accept the whole man. Some of his principles and convictions and the things on which he placed emphasis might have been different than yours, but his total impact on those who really knew him and on his family and his company was great. He was not a man who needed blue ribbons or fancy titles. He went about the business of helping to make Levinson Steel a great company in his own way—in the final analysis, a very effective way. His direct and sometimes seemingly blunt style was sometimes not fully understood by those who did not know him too well. But no one could know Abe Levinson for a long time without loving him. He truly passed the test of time with those who knew him best.

In the early days of the company's history, Abe and his brothers in the business were a great team. They complemented each other. Brother Sam had a great business mind and was the out-front member of the team. Jack was the buyer and the man with great merchandising ability. Monnie learned the administrative skills and ran the office, and Abe achieved excellence in production. He understood his men and knew how to get the shop team working together. It is true that Abe never asked a man to do a job he couldn't do himself. In the early part of his career, he welded and operated a burning torch and bucked up rivets and ran a crane. He knew every skill required to fabricate a finished steel structure. Without any formal engineering education, he could often spot an error in layout or fitting. He knew the details of every contract on the company's books, and he knew every man in his shop. He knew their families and he knew their problems. Those in the shop who have been around long enough to know Abe, really loved him. Abe Levinson never went for fancy management terms, but he didn't have to. All he really had to do was talk the language of his people and at that he was an expert. An expression on his face or a little gesture with his hands could sometimes say more to his men than the fanciest of fancy speeches.

I will never forget the time some of the men gathered around Abe on one of his birthdays. Freddy Pfeffer, one of the men in Abe's layout crew, sheepishly handed Abe a package crudely wrapped and covered with greasy finger marks. As he shoved it into Abe's arms, he said simply, "This is from the boys." There was a long moment of silence as Abe fingered the package, then tore off the paper to discover a beautiful Browning shotgun. They knew Abe enjoyed fishing and hunting. Abe looked at the gun and then looked up at the men gathered around him and said, "you clowns," as everyone grinned from ear to ear.

Abe knew his men—he worked with them, fought with them, hunted and fished with them and visited them in their homes. The overflow crowd which poured into the Schugar Funeral Home the morning of the service was a great tribute to Abe and to the esteem which the community felt toward him. Not only were there personal friends and business friends and family, but scores of the men who work in the Levinson shop came to pay their last respects—even some men long retired like Luther Powell and Louis Tallerico. Eddie Wright, chief shop steward, when he heard about Abe's death bowed his head and said to Harry Stein, "Whatever success I have had in my life, I owe a large part of it to Abe Levinson." As Charlie Reed walked by the casket, he said to me, "Abe was the best friend I ever had."

But Abe Levinson wasn't just a shop man. He knew the psychology of people in every walk of life. My Dad, when he was President of the company, often asked Abe to accompany him on business trips. His straightforward style and Sam's great personality complemented each other. Abe was often a great help in winning customers for Levinson Steel. His knowledge and understanding of production instilled confidence in prospective buyers.

Abe, for many years, was a seven day a week guy. He often said, "That shop is my life." Every once in a while he stayed in the shop all night when something wasn't just right. He attended his shop and his shop problems much as a mother would watch over a sick child. Abe's special kind of spirit and dedication caught on with every person on his team. I remember so vividly the words of wisdom which came out of his mouth. When I was just learning something about the Levinson plant and about supervision, he said, "Our men really are pretty smart if you just give them a chance. If a new man isn't doing his job right, it's usually your fault, not his. New men are sometimes ashamed to tell you if they don't understand." Then he proceeded to tell me how

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to be sure they did understand. Even in the early thirties, Levinson had night crews and Abe knew so well the fundamentals of correlating the work of the first and second shifts. I would always watch with amazement as he and his right hand man, Yossell Goldstein would instruct second shift men, never missing a detail—and then painstakingly have it all played back to be sure he was understood. He knew the basic elements of industrial psychology and training and motivation. He just called them by other names and his methods worked. Everyone was anxious to prove himself to Abe and this added up to a loyal, hard working team.

Even though he often said, "That shop is my life," there really was another part of Abe's life equally important—his family. Nothing and no one was more important than Bess and the kids and the grandchildren. Even though Abe was strong willed and when he made up his mind, he was hard to deter, there was always one person he listened to, the one person who really watched over him and made sure that he didn't neglect his health—Bess. I think I knew a little about that relationship because you see, Abe was my Dad's brother and Bess is my mother's sister. Besides that, Abe and Bessie were my godfather and godmother. If there was ever a woman of strength, quietly behind the scenes, giving a man a feeling of self-confidence, it was Bess Levinson with Abe. A historian could have written a book about the Abe-Bess Levinson team.

And Abe was so pleased and proud of his son, Joel, and his sons-in-law, Morry Podolsky and Harry Stein. The partnership he had with his boys in Levinson's production team added richness and joy to his life. Abe had outstanding children and he knew it. Like his brother, Sam, it was not always easy for Abe to express praise and admiration, but privately to me, he talked much about the accomplishments and the sense of responsibility of Joel, the understanding and common touch of Harry, and the pragmatism, persistence and diligence of Morry. His daughters and daughter-in-law, Natalie Podolsky, Judy Stein and Toba Levinson, were exactly the kind of women he loved and admired—sweet and loving, devoted to their husbands and children—and very important people in their own rights. Every grandchild had a special place in Abe's heart: Morry and Natalie's Sharon, Barbara, and Gary, Sharon's husband, Stephen Freedman, and great granddaughter, Randi Sue; Judy and Harry's Steven, Robin and Mitchell; and Joel and Toba's Jeffrey, Eric, Andrew and Mark. This was Abe's family. He left them a rich heritage and great memories.

But the thing that is closest to my heart about Abe is the personal relationship I developed with him. There were times in his life when I thought Abe was from the old school and was holding us back. I realized later that often when he held us back, we needed to be held back. But despite brief periods of orneriness and stubbornness, when the chips were down, when major decisions had to be made, when others were pushing the panic button, all of us could always count on Abe to bring reason into focus. In the 36 years I worked with Abe, he never once let me down. During the past eight or ten years, since my father became ill and died, Abe was of invaluable help to me. I needed Abe's advice. I needed his words of encouragement. I needed his kind of wisdom. Even though when he reached his 70th birthday, there was an automatic retirement written into many of the corporation's legal documents, I knew that we all needed Abe's presence on the scene as long as he had the physical capability to be there. We changed the legal documents and I went to Abe's home right before his birthday and asked him not to retire. Abe stayed on. He showed up at the office and at the plant daytime and nighttime, sometimes when the pain in his leg was almost unendurable. And then quickly and quietly, he died, but he died the way he wanted to, with his boots on.

There was greatness in Abe Levinson—the greatness that is made of humility, love of fellow man, love of family, simple tastes, diligence and hard work. His memory will always be an inspiration to those of us who were privileged to know him.

A. P. LEVINSON.

HON. WILLIAM ORVILLE DOUGLAS

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. EDWARDS of California. Mr. Speaker, the following article from the New York Times of May 26, 1969, is an excellent short biography of the distinguished Associate Justice of the U.S. Supreme Court, William Orville Douglas:

AT 70, THE "YOUNGEST" JUSTICE OF ALL: WILLIAM ORVILLE DOUGLAS

(By Sidney E. Zion)

WASHINGTON, May 25.—During a recess at the trial of Dr. Benjamin Spock in Boston last year, word filtered out that the Supreme Court had upheld the Federal statute making it a crime to burn draft cards. "What was the vote?" a dejected radical lawyer asked. "Seven to Douglas," an observer answered. Everyone chuckled but nobody was surprised. In his 30 years on the Supreme Court, William Orville Douglas has often stood alone in defense of civil liberties that other justices could not or would not recognize.

And now he stands alone again, under fire for receiving outside income as an officer of the Albert Parvin Foundation. The Justice, who resigned from the organization Friday, has replied to critics by charging that a Federal tax investigation of the foundation was "manufactured" to force him off the bench.

Seventy years old, of middle height, ruddy complexion, and Spencer Tracy style, Justice Douglas, his heartbeat aided by a pacemaker, is seen by his admirers as "the youngest man on the Court."

"Bill is the only one of them that has consistently kept faith with the kids," a lawyer friend says. "He's an existentialist figure, really, always his own man, fearful of neither people, forces nor establishments. Who else would have tried to stop the Army from sending boys to Vietnam, just as he once tried to keep the Government from executing the Rosenbergs? When the heat is on—and it's on now—the only guy on that Court I'd bet on to stand up is Bill Douglas."

His enemies, political and racial conservatives ranging from distinguished Harvard law graduates to rural Southern segregationists, would not disagree with that estimate. Indeed, for many of them his penchant for "standing up" is enough reason to impeach him, an effort that was made in 1953 in the House of Representatives after he issued a stay of execution to Julius and Ethel Rosenberg, the convicted atom spies.

FOURTH MARRIAGE

A less serious but perhaps just as heartfelt attempt to impeach him came in the summer of 1966 when Justice Douglas married his fourth wife, the then 23-year-old Cathleen Heffernan, less than a month after his third wife, 26-year-old Joan Martin, had divorced him and remarried.

The Justice was first married in 1923 to Mildred Riddle. The marriage produced two children, William Jr. and Mildred Riddle Douglas (now Mrs. Frank Welles Jr.). The couple were divorced in 1953 and the next year Justice Douglas married Mercedes Hester Davidson. After their divorce, in 1963, he married Miss Martin, and three years later Miss Heffernan.

But despite some sniping in the House at his "moral character," Justice Douglas has remained as unconcerned, apparently, as he has always been over criticism from all quarters.

His professional critics are mostly lawyers and professors who continue to follow the philosophy of the late Justice Felix Frankfurter, roughly defined as "judicial restraint," or as President Nixon likes to call it, "strict constructionism."

They have long accused Justice Douglas of being "result-oriented." By this they mean that he assertedly ignores established precedents in order to reach results that he favors.

He dismisses this criticism as frivolous, stating that his rulings are based on his interpretation of the Constitution, which he believes is firmly planted in history.

"The American Government," he once wrote, "is premised on the theory that if the mind of man is to be free, his ideas, his beliefs, his ideology, his philosophy must be placed beyond the reach of government."

In the early 1950's this view, held also by Justice Hugo Black, came into sharp conflict with that of a majority of the court. Led intellectually by Justice Frankfurter, the Supreme Court upheld one after another governmental incursion on free speech and association, aimed at what was widely termed the "menace" of domestic Communism.

Arguing that the First Amendment was intended to protect all speech, including the Communists', who he once described as "miserable merchants of unwanted ideas," Justice Douglas spent most of these "McCarthy years" in dissent.

The phrase "Black and Douglas dissenting" became a commonplace, and at the same time a banner to which a generation of law students rallied, much as an earlier generation had marched to the music of "Holmes and Brandeis dissenting."

BORN IN MINNESOTA

William O. Douglas was born in Maine, Minn., on Oct. 16, 1898, the son of a circuit-riding Presbyterian minister who died when his son was 6. The family moved to Yakima, Wash. in 1904.

A childhood victim of polio, Mr. Douglas strengthened his legs by mountain climbing, a diversion that has occupied him ever since and that led him into a lifetime devotion to conservation.

Young Douglas was the valedictorian at Yakima High School, then president of the student body and a member of Phi Beta Kappa at Whitman College in Walla Walla. His education was financed by a scholarship and odd jobs including window washing.

He arrived in New York in the early twenties with six cents in his pocket and an admissions slip to Columbia Law School. In 1925 he graduated second in his class, worked for a while with a Wall Street law firm and then joined the faculty at Yale.

From there he was recruited in 1934 by Joseph P. Kennedy, the late President's father, to work on the Securities and Exchange Commission, of which he became chairman in 1936, and in 1939, at the age of 40, he was named to the Supreme Court by President Roosevelt.

In 1944, Mr. Douglas came close to being nominated for the Vice Presidency of the United States. President Roosevelt, agreeing to drop Henry A. Wallace, said he would take either Justice Douglas or Harry S. Truman. The nod, of course, went to Mr. Truman, who became president in April of 1945.

In an interview two years ago in Parade magazine, Justice Douglas said that had he become President instead of Mr. Truman, "there would have been no Hiroshima" and the Cold War with China as well as the Korean and Vietnam wars might have been avoided.

On the other hand, the Supreme Court

would have been without its most liberal member, its quickest and many feel most brilliant mind, its fastest writer and surely its most colorful and controversial character.

It is authoritatively reported that William O. Douglas, having written a dissent in a case and being impatient to leave town on one of his many world tours, dropped in to see the Justice who was supposed to be writing the majority opinion.

"I just can't seem to write the damn thing, Bill," the jurist said.

Whereupon, Justice Douglas offered to write the majority opinion. And he did, thus becoming the first Justice to write a ruling to his own dissent.

If the story is apochryphal, the fact is that they don't tell stories like that about anybody else but Bill Douglas.

L. R. LINDGREN RETIRES

HON. J. IRVING WHALLEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WHALLEY. Mr. Speaker, when L. R. Lindgren joined the staff of the Pittsburgh Press in 1945, he was told by his editor: "Write it the way you see it."

For the past 24 years as a columnist and correspondent covering the Pennsylvania State Legislature in Harrisburg for the Press, and for 26 years before that as a reporter for other newspapers, Mr. Lindgren has written it as he saw it. This week, he retired from the newspaper business, wrote "30" to his column writing, and has embarked on a well-earned and well-deserved retirement.

Mr. Speaker, I first met Mr. Lindgren when I was a member of the State Legislature in Harrisburg. He was one of the most respected and most admired of the newsmen covering the capital liegislature. His column, called "State Commentary," was widely read, his facts were accurate, and he was respected not only by the men and women about whom he wrote, but by his colleagues in the news business as well.

We are all sorry that he will no longer be reporting for the Press but we wish him well in his retirement and assure him that the doors of our offices and homes as well as our hearts will always be open to him.

Mr. Speaker, the newspaper profession will miss one of its great journalists.

Under unanimous consent I submit his final column, "Reporter's Adieu," for inclusion in the CONGRESSIONAL RECORD, as follows:

STATE COMMENTARY: REPORTER'S ADIEU

(By L. R. Lindgren)

HARRISBURG.—This is my last column for The Pittsburgh Press—the last of more than 1200 I have written from beneath the dome of the Capitol.

After more than 50 years as a reporter, at age 65, I am retiring effective today and turning over my beat-up typewriter to Patrick Boyle, a young (33) and aggressive (wow!) writer who, I predict, will ring a lot of bells in the years to come.

I am leaving the staff of one of the great newspapers of the world, published in one of the great cities of the world.

The people of Pittsburgh have every right to be proud of The Press—just as The Press is proud to help them forge a better community in which to work and play and live the good life.

The Press is great because it has a great staff and I'll miss everybody on it, with the possible exception of that unknown figure who, like an automaton, has kept an eye on my extremely modest expense accounts through the years.

I am grateful to The Press for giving me a free hand in reflecting Capitol goings-on for our readers. When I joined the staff in 1945, I asked if there was any particular policy I should know about.

"Write it the way you see it," I was told.

And that's the way it has been ever since.

I am grateful, too, to the people who have read me and especially to those who have taken the time and trouble to comment on my pieces.

I have been praised to the skies and laid low in spades. The plaudits have nurtured the ego bruised by the blasts.

As I come to the end of the road—"30" we call it in the newspaper world—somehow I can see again in my mind's eye a framed motto which hung above my father's desk:

"Most of my troubles never happened."

Most of mine didn't either. And those that did were my own fault.

"30."

TREASURY SECRETARY DAVID M. KENNEDY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. DERWINSKI. Mr. Speaker, Secretary of the Treasury, David M. Kennedy, is one of the Illinois contributions to the administration team and he is held in high regard in my home State by all who have had the opportunity to associate with him.

Therefore, I deem it of special interest to the Members to insert into the RECORD a resolution adopted by the Illinois Bankers Association commending Secretary Kennedy:

RESOLUTION—TREASURY SECRETARY KENNEDY

Whereas, one of the great strengths of our nation is the ability to attract highly qualified, knowledgeable individuals of excellent character and bearing to serve the high offices of government; and

Whereas, the people of the State of Illinois are justifiably proud of their tradition and heritage in sending to our Federal government in Washington extremely capable people, one of the outstanding of which, we sincerely and firmly believe, is David Matthew Kennedy, Secretary of the Treasury; and

Whereas, Secretary Kennedy is eminently qualified through years of service in numerous capacities both in private industry and in prior government positions; and

Whereas, his qualifications have been previously reviewed in accordance with Constitutional procedures and have been adjudged unblemished and of the highest calibre;

Now, therefore, be it resolved, we the Illinois Bankers Association in annual meeting assembled this 27th day of May 1969, does hereby commend the Secretary not only for his willingness to make the sacrifice necessary to serve his country and for his conduct of the Treasury Department, but also for his forbearance. We call to the attention of the elected representatives of our Federal Government the fact that the continual abuse heaped upon him does damage to our system of government by tending to make public office unattractive to those people best qualified who unselfishly contribute their time, devotion, and talent to their country's service.

NUCLEAR ACCIDENTS AND THE ABM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. BROWN of California. Mr. Speaker, proponents of President Nixon's Safeguard ABM always seem to have another reason favoring their position whenever a previous argument seems to be doubtful.

If ABM is not effective against the Russians, then, of course, it can always be aimed against Chinese threat. And, if there is not any Chinese danger which might be relevant, then there is the chance that somebody might accidentally set off a stray missile which would have to be stopped—and only ABM could do it.

The logic may be simple. So then, also, is it ridiculous. It does not take much figuring to realize that as you increase the number of nuclear weapons available, the probability of "nuclear accident" also rises. And there is no safety in numbers when one is dealing with nuclear warheads.

Last week's Saturday Review contains a valuable analysis of the problem of nuclear accidents and the ABM as written by Dr. Joel Larus of New York University. Under unanimous consent I submit the article, for inclusion in the CONGRESSIONAL RECORD, as follows.

[From the Saturday Review, May 31, 1969]

NUCLEAR ACCIDENTS AND THE ABM

(By Joel Larus, professor of politics at New York University and the author of *Nuclear Weapons Safety and the Common Defense* (1967))

The current debate about the utility of deploying an anti-missile system to protect this country's deterrent capability has again raised a number of basic questions about the possibility and consequences of an American-caused nuclear weapons accident. Because the safety of our atomic and hydrogen arsenal relates so closely to top-secret command and control procedures, reliable information about U.S. anti-accident techniques and experiences is most difficult to obtain and even more ticklish to evaluate sagaciously. Yet the public fears the possibility of such incidents, and their anxiety is not assuaged by the events of recent years. Last fall, for example, when Washington announced that the Sentinel system was going to be located in Chicago, Detroit, Seattle, Boston, and New York, local residents determinedly challenged the wisdom of installing missiles close to urban centers when an inadvertent detonation of a nuclear warhead could not be discounted. One Congressman reports that this fear dominated all other considerations in the hundreds of letters he received from constituents protesting the Pentagon's decision.

The more recent announcement of the Nixon Administration that it planned to deploy a limited ABM system, Safeguard, in the remote areas around the Minuteman silos, primarily in Montana and North Dakota, has lessened the general public's concern about nuclear weapons safety, but there is no reason for indifference or complacency. Even though the Safeguard system may be located in thinly populated states and not near lead-

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ing industrialized centers, it does no necessarily follow that a mishap at such a site could not affect the lives and well-being of Americans residing in cities far from Montana and North Dakota. If an ABM accident should take place, the site of greatest probability is the area near the Safeguard system, but a computer running amuck or an unfavorable wind pattern could mean plutonium poisoning for many people hundreds of miles from the missile location.

One way to estimate the chance for an ABM failure and also to have some background information about the safety features of this country's nuclear arsenal, is to review our successes and failures in twenty-four years of watching over atomic and nuclear bombs (in military parlance, "safing the nukes"). When America's record of nuclear mishaps—"Broken Arrows"—is examined, one conclusion is inescapable: the human mind has been unable to construct a safety system for nuclear weapons that is accident-free, no matter how much time, money, and technological genius are assigned to the project. (According to military terminology, a Broken Arrow is any unplanned occurrence involving the loss of, destruction of, or major damage to a nuclear weapon or its components that results in an actual or potential hazard to life or property.) It is well to remember that mechanical and human failures are as much a part of the age of nuclear technology as mushroom clouds and fireballs.

There are two types of nuclear mishaps that could bring about accidental radioactivity. Most serious is the unauthorized, unintentional, or inadvertent nuclear explosion that results in a full-scale chain reaction. This type of detonation might be the result of a mechanical error, a human failure, or a combination of both, but no matter what the source of the accident there would be a Hiroshima-type explosion replete with the multifold problems of toxic radiation.

It is generally agreed that an American-sponsored accidental chain reaction detonation has a very low probability. In the years since the first atomic bomb was dropped, this country has produced thousands of nuclear weapons of all shapes, sizes, and yields. They have been transported about the entire world, and in the process they have been assembled, disassembled, inspected, loaded onto delivery vehicles, unloaded, checked and rechecked to maintain their efficiency. Squadrons of Americans of various temperaments and emotional characteristics have been trained to detonate both strategic and tactical systems under a variety of conditions and circumstances, many of which have not been especially conducive to the good mental health of the personnel involved. In spite of the innumerable opportunities for an accidental Hiroshima to have taken place, America's safety record insofar as this first category of possible failures is concerned has been perfect. The technicians who designed our safety controls (essentially a complex interacting arrangement of locks and switches that must be triggered in sequence) have established a safety record unequaled in the history of military technology.

Were it not for two Broken Arrow incidents that took place in 1960 and 1961 it would be possible to be even more sanguine about our future record of no-yield incidents. These accidents dramatically illustrate why there is always a possibility that as a result of extraordinarily bizarre circumstances there could be an accidental chain reaction.

In the Goldsboro, North Carolina, failure, which took place in January 1961, a SAC B–52 bomber on a training mission was carrying two 24-megaton bombs. The pilot, realizing that his plane was going to crash, had sufficient time to jettison one bomb. It was parachuted and landed in a field completely intact. There was no explosion of any type. A terse and uninformative Air Force press release stated that one of the unarmed nuclear devices the plane carried had been dropped safely by parachute and had been recovered undamaged. The second bomb was found in the plane's wreckage.

For the last eight years physicist Dr. Ralph Lapp has maintained that the Pentagon's investigation of the Goldsboro incident had revealed a frightening situation. He alleged that in falling to the earth five of the six interlocks built into the bomb had been set off and that only a single switch prevented the 24-metagon weapon from producing a yield detonation. Washington adamantly refused to offer any more particulars concerning the post-accident condition of the safety system. Recently the Air Force was forced to come clean and reveal just how unpredictable mechanical safeguards on nuclear weapons can be, even those designed with infinite care and tested meticulously. Goaded by Congressman Sydney R. Yates of Illinois, who was determined to prevent the installation of the Sentinel system near Chicago, the House Appropriations Committee recently asked for an authoritative answer to the Goldsboro bomb mystery. In reply, the Air Force admitted that their inspecting teams in 1961 had found that four of the six safety mechanisms during the accident had moved to the "go" position. In other words, only two safety systems remained in a locked position, and the remaining group of four had acted in a completely unscheduled and potentially dangerous fashion. Pentagon and AEC officials prefer to call attention to the two devices that remained uncompromised, but a more relevant issue is to determine why there were so many failures and whether it can happen again.

An earlier Broken Arrow incident took place at McGuire Air Force Base (New Jersey) in June 1960. This accident is especially noteworthy in view of the extended debate about the reliability of the computer-programed Safeguard system and its hair-trigger reaction time. If information available from nongovernmental sources concerning the McGuire mishap is authentic—and in my opinion the source of the account is highly reliable—the incident highlights the problem of protecting an incredibly complex weapons system from being triggered by totally unexpected sources.

Some of the facts about McGuire are not in dispute. At 2:51 p.m. smoke and fire began to emerge from one of fifty-six Bomarc missile shelters. Two minutes later local fire crews arrived, and by 3:05 the entire missile complex was evacuated. For the next several hours, officers and enlisted personnel, reinforced by firemen from adjacent communities, fought heavy flames and smoke. According to *The New York Time's* account, the missile's propellant fuel ignited, its atomic warhead fell into the molten pool of fire, split open, and released radioactive material into the environment. The Air Force admits that radioactivity was present during the incident, but maintains that the fire started when a high-pressure bottle of helium exploded from unknown causes.

The uncorroborated version of the origin of the fire is considerably more alarming. This source alleges that while the Bomarc's crewmen were at dinner, they noticed that their unattended missile was preparing itself for an unauthorized launch. Rushing frantically to their station the men succeeded in aborting the erection. The account continues:

"Even after detailed investigation there is no real understanding what series of factors caused the electronic brain controlling Bomarc firing . . . to issue the fire order to that nuclear weapon. The hypothesis is that a combination of the radio signals from passing police cars plus the tunes being played by a local disc jockey happened, in one of those occurrences of statistical probability, to combine into a signal that fed itself into the electronic brain as a fire order."

To date, the Defense Department declines to comment on this version of the McGuire accident.

As mentioned earlier, there is a second category of nuclear mishaps that can cause accidental radioactivity. In my opinion it has a much higher probability factor than the full-scale yield detonation accidents and consequently is the greater menace. It involves the nuclear bomb or missile that becomes ruptured when unusual energy inputs or physical stresses react unfavorably with the TNT component of the weapon. The heat or shock causes the TNT girdle enclosing the plutonium to explode, and the entire weapon blows apart. As soon as the integrity of the outer metal casing is destroyed, fissionable (not fissioned) material is strewn about the situs of the accident. Radioactive plutonium dust contaminates everything it contacts, and all human and animal life is endangered in this "hot" area.

Since 1945 the United States has caused an indeterminate number of this type of accidents. If the Pentagon's figure of thirteen nuclear weapons accidents is complete and accurate, this country has been responsible for one Broken Arrow incident every two years on the average since Hiroshima. If the tally is closer to twenty or twenty-two mishaps, as some non-governmental sources believe, this country has had approximately one potentially catastrophic emergency every year since the end of World War II. Whatever the exact number, there is no disputing the fact that American bombs or missiles that have been accidentally blown apart (but not detonated), have jeopardized the lives of residents of at least three countries, injured an unknown number of homes and factories, and contaminated the natural resources of at least three parts of the globe. No one has died or experienced lasting injury as a result of these Broken Arrows (at least not according to the unclassified information), but each failure exemplifies the radioactivity crisis that arises when a nuclear weapon scatters undetonated plutonium.

In January 1966, for example, four hydrogen bombs fell on Palomares, Spain, an isolated farming hamlet on the Mediterranean coast. Before this incident was over, the Defense Department and the Atomic Energy Commission, assisted by a small army of civilian experts, had staged the most expensive, intensive, harrowing, and feverish land and sea search for a man-made object in world history.

The accident took place when a B–52 on a training mission and a KC–135 tanker collided about 30,000 feet above the Mediterranean. Either a fire broke out in the tanker during the refueling mission and spread to the bomber, or the planes failed to rendezvous properly. In any event, both planes plummeted to earth, scattering wings, fuselages, engine sections, wheel assemblies, and jet fuel over a wide area.

The four hydrogen bombs are believed to have been either the 20- or 25-megaton variety, and all were being transported in the customary unarmed condition. Each bomb landed in a different impact area in or about Palomares. One embedded itself in a dry river bed east of the village. It was found within hours after the crash and was undamaged except for some severe dents. It caused no radiation contamination problems. The second and third bombs slammed to the earth with such impact that the TNT exploded. Within seconds millions of particles of plutonium dust blanketed wide areas of Palomares.

Because plutonium is one of the most toxic substances known to man, American and Spanish authorities lost no time in beginning emergency clean-up operations. Plutonium has a half-life of 24,000 years, and the maximum permissible burden that the human system can tolerate is a speck-like amount described as two-billionths of a gram. Persons who inhale or ingest as little as 2/10,000ths of an ounce of plutonium dust can become deathly ill. As an added complication, alpha radiation from the plutonium is considerably more difficult to detect than any other type of radiation. An Air Force publication advised search teams to hold detection instruments within one-eighth inch of the surface to be tested in order to obtain a reliable Geiger counter reading. The booklet adds that it is nearly impossible to secure an accurate count when surfaces such as plowed earth, wheat stubble, and gravel roads have to be checked for radiation exposure.

For the next three months the 234 families of Palomares became internationally famous as the soldiers, airmen, and civilians scoured the countryside for evidence of radiation contamination. The economy of the village all but collapsed because hundreds of pounds of tomatoes, which normally would have been sold throughout Spain, were thrown away or left rotting on the plants because the Geiger crews could not work quickly enough. Local farmers within a 640-acre zone were barred from entering their fields. Teams of medical specialists examined each man, woman, and child, testing in a variety of ways for traces of plutonium poisoning. Only a few of the local peasants could understand the situation; for the rest it was simply *el desastre*.

Before the land was returned to the owners, the United States had packed 1,750 tons of radioactive Palomares soil and vegetation into 5,000 sealed metal drums. The contaminated pieces of the two planes were similarly encased. This debris—the dung of the nuclear age—ultimately was brought back to the United States and buried in a nuclear graveyard in South Carolina.

The fourth hydrogen bomb that fell at Palomares caused even greater complications. This weapon came to rest about five miles offshore on a ledge 2,500 feet below the surface of the Mediterranean. A force of sixteen ships was assembled and included several midget submarines, scuba teams, underwater specialists, sonar experts, and oceanic photographers. For about eighty days the 3,000 men carried out this aspect of the recovery assignment. It was imperative that the fourth weapon be returned to American custody not only because of security considerations, but also because we needed to know if the bomb had ruptured and plutonium had contaminated the sea and its marine life. When brought to the surface on April 7, the bomb's outer casing was deeply dented but, miraculously, without a rupture. It is alleged that the underwater operation alone cost this country $6 million.

The Palomares incident does not end with the recovery of all the bombs. In the succeeding three years press reports occasionally have told how the accident has changed life in the area. A battery of four Geiger counters still runs continuously to monitor the region for signs of plutonium radiation. Each villager continues to receive $66 per month if he permits Spain's Nuclear Energy Committee to check his body daily for evidence of overexposure to radiation. Up to now the farmers have received $700,000 on various claims they presented to the United States, and eleven cases are still pending. What cannot be altered with American bounty is the attitude that the Spanish people now have about the village and its farm products. All that grows in Palomares is suspected of being radioactive, and so there is no market for its fruits and vegetables. Fifty per cent of the people are reported to have been forced to migrate to more attractive farm areas. According to one resident, life has gone from the town and within a few years it will be quite empty.

The most recent Broken Arrow to be reported took place in January 1968 near a runway at the Thule Air Force Base in northern Greenland. A B-52 crashed and exploded while attempting to make an emergency landing. The plane admittedly was carrying four 1.1-megaton hydrogen bombs. On impact all broke into fragments and scattered plutonium over the frozen surface of North Star Bay. Winds up to 27 miles per hour, temperatures in the 20-30 degree-below-zero range, daylight for only three or four hours at a spell, and continual swirling snows and Arctic storms added to the general emergency situation. In fact, this recovery operation was carried out on the most inhospitable site yet encountered by a Broken Arrow task force. The impact area was about a mile long and half-a-mile wide. Within this region were found thousands of pieces of the plane, all highly radioactive and dangerous to the body.

Immediately following news of the crash there was considerable concern that plutonium might have entered the ice and waters of the bay. The Danish government placed a prohibition on all fishing in the seas near the accident site, and this restriction lasted for three months. In addition, it banned local fox hunters from any trapping whatsoever in the Thule area, and this order remained in force for nine months. Available sources do not mention what steps were taken to protect the Eskimos from eating the meat of seals, walruses, and polar bears, but presumably such procedures were necessary because these animals might have been contaminated from eating radioactive marine life.

As in all Broken Arrow mishaps, the most complex and costly problem is cleaning the ground area so that it is no longer "hot." At Thule, tons of radioactive snow and ice were an immediate hazard and had to be removed and secured. Teams of men were assigned the task of gathering the snow, ice, and the remains of the B-52 for shipment to the United States.

The main reasons why Congress should not authorize the Safeguard system have been explained at length elsewhere and need only be reviewed here. They are (1) that the ABM deployment could escalate the arms race at a time when there may be a real opportunity to achieve a nuclear détente with the Russians; (2) that the sytem is predicated on invalid assumptions concerning the strategic options open to the Chinese and Russians in the coming decade; and (3) that the estimated $6-to-$7-billion cost of the system ought to be used to help remedy our domestic problems. A fourth reason against the ABMs has been offered here: Nuclear weapons have a propensity to become involved in human and mechanical error situations, and when these Broken Arrow mishaps take place, the impact area and its environs are contaminated with toxic plutonium. The deployment of more nuclear weapons than is uncontrovertibly necessary to maintain America's deterrent posture is unwise because it invites future accidents.

ITALIAN NATIONAL DAY—JUNE 2, 1969

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. MINISH. Mr. Speaker, on June 2, 1946, the people of Italy endorsed the democracy of the Italian Republic and ushered in a new era in Italian history. By building upon the lessons of defeat, they hoped to reconstruct an Italy of peace and prosperity. The obstacles to the achievement of this goal were great. The end of the Second World War left Italy ravished and demoralized. One-quarter of the railroad tracks were gone, one-third of the bridges destroyed, one-half of all powerplants had been bombed, and almost two-thirds of the nation's road network no longer existed.

Today, just 23 years later, we are able to witness the products of Italian industriousness and creativity. Italy is once again surging ahead. She has rebuilt her economy with such great success that she now ranks eighth among the world's industrial nations. She is also one of the world's top trading nations. Unemployment has virtually disappeared. Italian goods and services are internationally applauded. Some of Italy's most important and well-known products include motor vehicles, tires, typewriters, textiles, and leather goods.

Italian creativity has also excelled during the postwar period. In 1946, with the return of democratic institutions, came the return of artistic freedom. The result has been an impressive list of Italian accomplishments in literature and art, in music and dance, in film and fashion: Names like Giacometti and Balla in art; Quasimodo and Silone in literature; Fellini, Antonioni, and Ponti in films; and Pucci and de la Renta in fashion.

The wonderful versatility of Italian creativity and the industry of the Italian people are characteristics which the Italian immigrants brought with them to our own country. From Christopher Columbus, through colonial times and the industrial revolution, to our modern society, Italian-Americans have given color, richness, and vitality to the United States.

Thus, on the anniversary of the Italian Republic, I am proud to honor the creativity and charm, the beauty and intelligence of Italian culture which has made a lasting contribution, not only to our own history, but to all the world.

ITALIAN NATIONAL DAY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WOLFF. Mr. Speaker, on June 2, 1946, a national election brought the promise of democracy to wartorn disillusioned Italy. Twenty-three years later, that nation stands beside other great democracies of the world as awesome proof that the courage, culture, and convictions of a people can overcome unbelievable odds and rise to the heights of prosperity and accomplishments. For the Italian Republic, whose anniversary we celebrate today, holds the esteem of all persons who know the virtues of democracy or look with envy at the gift of freedom that they themselves may never possess.

The success of Italy as a Republic, it should be noted, was not merely a result of fortuitious events. On the contrary, Italy and her people, as they have done since the time of the Roman Empire, contributed the totality of abilities, manpower, and idealism to shape her into a model of economic, cultural, scientific, educational, and commercial success. The results clearly speak for themselves.

Today Italy ranks eighth among the world's industrial nations. The Government, however, has not chosen to rest on this plateau, I would like to point out. She is currently involved in a second phase of a policy to improve the economy of predominately agricultural southern Italy where poverty persists. She is determined that the entire nation will have the fruits of economic prosperity.

It is not only in this area that the Republic has flourished and shown leadership skills. Virtually every area of life has been touched with Italian genius. Music, art, science, banking, and fashion are just a few of the endeavors in which she has shown like a brilliant jewel. And like a precious gem she has enhanced all who have come in contact with her. We of course have grown into a prouder more capable nation because of her contributions and the contributions made by Americans of Italian ancestry.

Indeed, few other nations can boast of having offered so much to so many areas of civilization. From the time of the Roman Empire and the Renaissance until the nuclear age, she has continued to weave her unique abilities into a distinct design in the fabric of civilization.

Certainly not all of her history exemplifies continual triumphs and discoveries. She has know the anguish of world wars, the brutality of political tyranny, and the shattering disillusionment of abject poverty and occupation. Unlike some other nations, however, she has chosen to enfold these trials as a learning experience and use them to attain latter successes.

This day is particularly meaningful, I feel, inasmuch as the United States has played an integral role in many events which have led to Italy's present estimable position. For in exchange for the rich infusion of talent and energy brought to the shores of the United States, we have helped to break the chains of Fascist tyranny which once bound her, and subsequently nurtured her attempts to achieve maturity.

I am proud that our Government has shown friendship, sympathy, and generosity throughout these 23 years. Moreover, I am pleased that we as a nation have had the opportunity to benefit from the vast contributions of our Americans of Italian ancestry.

And on her anniversary, I would like to send our respects and best wishes to her and her people, who arduously have attained maturity, and will ultimately continue to show the rest of the world how capable, cultured, and courageous a republic can be.

POSTAL REFORM A MUST

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. DULSKI. Mr. Speaker, our Committee on Post Office and Civil Service has been holding hearings since April 22 on the need for a vast overhaul of the postal service. It is essential that the Congress act promptly to remove the shackles from postal management so it will have the authority to do the job which it has been assigned.

Responsibility without authority is shallow, indeed.

There is really relatively little dispute as to where the weaknesses lie in the present postal organization. The essential disagreement is whether the corrections can be made within our present Post Office Department, or whether it will be necessary to convert the Department into a nonprofit corporation.

Postmaster General Blount, after 4 months in office, now has the backing of the President in his decision that the answer lies in converting the Department into a corporation.

The Postmaster General comes before our committee on Tuesday for the first of what we expect to be three or four sessions to explain his views to our committee in open session.

My own view was made clear on the opening day of the 91st Congress when I introduced H.R. 4 to accomplish all of the improvements recommended by the Kappel Commission, yet keeping the postal service within the framework of the present Government Department.

Mr. Blount is entitled to his views and we will hear them, also those of Frederick Kappel, the Chairman of the Presidential Commission which made the study during the Johnson administration.

Perhaps the most important development so far in these discussions of postal reform is that there has surfaced such widespread agreement that the Department does need surgery—it does need reform.

The question becomes really whether we are going to do it with a scalpel or with a meatax. My preference is the scalpel.

Mr. Speaker, my hometown newspapers in Buffalo, N.Y., are adding their views to the picture, and although I do not agree with their conclusions as to the necessity for going to a corporation, I believe it only fair that their views be aired as follows:

[From the Buffalo (N.Y.) Courier-Express, May 25, 1969]

CORPORATION MIGHT IMPROVE POSTAL SERVICE

President Nixon has given his tentative approval to the creation of a public corporation to operate the United States mail. All details of the plan have not yet been revealed but all we can say is that if it will improve mail service, we're all for it. For more than a decade we have been paying more and more money for less and less postal service. A reversal of that trend would indeed be welcome.

Postmaster General Winton M. Blount has recommended the plan and has scheduled meetings for next week with members of Congress to explain the operation. We don't know how much of this time schedule is due to the work of Rep. Thaddeus J. Dulski, Buffalo Democrat who heads the House Post Office and Civil Service Committee.

But we should note that when Rep. Dulski called for a hearing on postal reform, Mr. Blount urged a delay on grounds that the department couldn't get ready for a hearing then. He asked for immedaite consideration of a boost in postal rates but no talk about reform. Rep. Dulski refused to delay the hearing and now the postmaster general—less than a month after he said the department couldn't get ready for a hearing—is proposing reform which goes far beyond the scope of Rep. Dulski's suggestions.

The Blount plan is similar in many respects to the recommendations submitted last year by a commission on postal organization headed by Frederick R. Kappel. One of its principal objectives is to insulate postal operations from political influence.

Politics undoubtedly contributes its share to the problem, but eliminating political influence is not going to cure the situation by itself. Most postal employes are, for the most part, outside the political sphere now, protected as they are by the Civil Service law and by the grievance procedure of a strong union, but the level of service varies greatly from station to station. In some offices the employes are courteous, hard-working and efficient; in others they are just the opposite.

However, if a corporation could—as Mr. Blount suggests—keep postal service from deteriorating and keep postal charges from skyrocketing, we certainly are all for it.

[From the Buffalo (N.Y.) Evening News, May 29, 1969]

PUSH POSTAL REFORM

The Nixon Administration proposals for sweeping postal reforms now prove beyond any doubt that the troubles crippling our present postal system—as seen from the presidential level and regardless of political party—require drastic institutional change.

The Nixon recommendations agree in substance with those first advocated by Lawrence F. O'Brien, former postmaster general, and backed both by President Johnson and by a presidential commission he appointed.

What all these Republican and Democratic figures in the executive branch agree upon is that a TVA-like corporation should replace the existing Cabinet-level postal department.

The suggested corporation, administered by a nine-member board, would be self-supporting, where the present system gobbles up $1 billion a year in taxpayer subsidies, and would be authorized to borrow money for capital improvements, to handle employe relations and pay free of now-dominant political considerations, and to fix postal rates, subject only to congressional veto.

A key figure in the impending debate in Congress, by virtue of his chairmanship of the House Post Office Committee, is Rep. Dulski of Buffalo.

He has his own recommendations about postal reform, many of them excellent, but he is as yet unconvinced of the merits of the Nixon-LBJ-O'Brien idea of a postal corporation. Rep. Dulski sees lawmakers probably unwilling to surrender control over postal rates and wages. Moreover the postal unions and the third-class mail lobbies oppose the presidential reforms.

But we believe reasonable objections to the corporation idea can be overcome. It would free Congress from intense and sometimes unhealthy lobbying pressures on raises. Since lawmakers would retain a veto, they would be surrendering no significant control over rates. The soaring volume of mail mitigates against any cutback in the 720,000 postal employes. And the Nixon plan pledges that all employes would be transferred into the new corporation with essential rights intact and with fair grievance procedures.

What must not be allowed to happen is that some generalized and blind fear of change, either by entrenched postal unions or by the lobbies for subsidized junk-mailers, should determine the character of a revitalized postal service. The present system verges too close on collapse for that.

Mr. Speaker, Jack Wilson in his Potomac Fever column in the Washington, D.C., Post, has had several pungent comments on postal reform, including:

Ford recalls 382,000 cars—GM says its truck wheel collapse—Lockheed's helicopter goes sour. Mr. Nixon, are you sure you should turn the Post Office into a corporation?

Of course, there's one thing about a corporation—you can't get a job through politics unless you're related to the boss.

There'll be some advantages if Nixon turns the Post Office into a corporation—every big stockholder can be sure of getting a low ZIP code.

A WORD FOR ADMIRAL SHARP

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. RARICK. Mr. Speaker, another indignant American has come to the defense of Admiral Sharp.

I insert an article from the Honolulu Advertiser, written by George D. Synon, rear admiral, U.S. Coast Guard, retired, as follows:

In Defense of Admiral Sharp

(By George D. Synon)

Your May 8 reprint of the Washington Post editorial, slyly titled "Admiral Sharp's Knife," casts an unearned slur on a brilliant and dedicated officer. It is doubly unmerited since the views expressed in Sharp's Reader's Digest article are widely held by countless military experts.

The Post editorial, however, is consistent with the record of that newspaper for denigrating the military profession at every opportunity. No newspaper, with the possible exception of the New York Times, has done more to undermine the confidence of the public in the conduct of the Vietnam war by the military than has the Washington Post.

As you well know, the strategy and to a great extent the tactics of the Vietnam effort were more significantly influenced by the coterie of liberal-intellectuals which surrounded President Johnson than by the Joint Chiefs of Staff and the principal field commanders.

This group was a legacy from President Kennedy. It included not only such people as Secretary McNamara, the Bundy brothers, Walt Rostow, Dean Rusk and the rest, but the liberal press, as well. It was they who thought we could fight a limited war, employing limited means and with limited objectives, against an enemy for whom the war was unlimited. They believed that by whittling away at the enemy's forces in South Vietnam and pacifying the countryside, but restricting our airpower mainly to interdicting enemy movement from north to south the enemy would finally become discouraged and quit.

By this strategy, we would avoid giving unnecessary offense to either Russia or China. Instead, it is we who have become discouraged and are now about to emerge from the Vietnam conflict with few, if any, of our original objectives accomplished and at the cost of a bloody and humiliating loss of life and treasure.

Now that Sharp comes forward and pins the blame for this "no-win" strategy exactly where it belongs, he is accused by the Post of "rewriting history" and has his "competence and his intelligence" impugned as well. The use of language of this sort is in keeping with that of the racial leftist press and is unseemly of even so left-leaning a journal as the Washington Post.

It is useful to take a look at the situation as it existed at the time of President Kennedy's assassination to see what basic errors were made by the Johnson Administration that led to the later strategy of graduated response which has proved so abortive and ineffectual.

Kennedy, following Eisenhower, had made a limited but increasing commitment in South Vietnam having as its main objective support of the Diem regime, which despite its many faults had considerable genuine support among the South Vietnamese people. No decision had then been reached to augment our so-called advisers in Vietnam—who at the most numbered not more than 15,000 officers and men—by significant larger numbers having a direct combat mission.

If he realized the folly of committing U.S. troops to a land war in Asia, as did Eisenhower, it is likely that Kennedy would have drawn back, rather than become more heavily engaged, despite the pressures of the Gulf of Tonkin incident and others.

Not so, President Johnson. When Johnson came to power he sought diligently to capture the popularity that had been enjoyed by JFK. He made it plain that none of the former president's policies was to be disturbed. But he also knew that the then-existing commitment in Vietnam was fraught with unfavorable political repercussions if handled improperly. Rather than take a chance and see South Vietnam go down the drain, Johnson made the fateful decision to go in, in force.

It was at this point that the possible consequences of that decision must have been carefully evaluated, at least by the Joint Chiefs of Staff. If we were unwilling to risk a confrontation with China or the Soviet Union, or both, as a result of sending in combat forces the proposed action should have been rejected. Instead, we either misguessed or underrated the determination of the enemy and the degree to which his allies would support him.

Let it be granted, however, that the Joint Chiefs concurred in the basic decision to commit combat forces in Vietnam, once it became apparent that Russia and China intended to provide North Vietnam with weapons and important logistic support, surely it must have been obvious, not only to the Joint Chiefs, but also to others having a voice in the direction of the war that North Vietnam should be brought to her knees in a hurry, before her outside support could become a telling factor in the war. This is just what Admiral Sharp sought to do.

Aside from Sharp's Reader's Digest article, the best evidence indicates that the Joint Chiefs were in accord with him that the only way of reaching an early military decision was to employ airpower to knock out the logistical and military installations, including roads, harbors, bridges, in addition to the not-yet-ready missile sites, from which the North Vietnam war effort was supported.

Instead, we laid off targets whose destruction was likely to disrupt the North Vietnamese civilian economy or cause excessive loss of civilian life. We studiously avoided the destruction of targets that might give offense to China or Russia. Our strategy degenerated into one of graduated response, stepping up our own war effort only as the enemy increased his. We gave him control of the timetable; he has not relinquished it yet.

The source of this Fabian strategy can be ascribed only to the civilian overlay between the president and the Armed Forces, with Robert McNamara its leading exponent. The president, of course, made all the final decisions but it cannot be doubted that he was swayed by the people closest to him.

During this time, true to his oath of office and to our tradition of civilian control of the military, Sharp kept his silence and did his best to implement a strategy with which he did not agree. Now that he is retired Sharp is speaking out, as is his right, "to warn the American people against the folly of conducting a major war on a piecemeal basis."

The Washington Post and the liberal-intellectual overlay of which it is a part know that they have much to answer for as a result of the tragic disaster that has overtaken us in Vietnam. The Post rightly predicts that others will come after Sharp with a similar purpose "to re-write history." For the Post to seek to silence them by invective and vituperation is unworthy of the American press. It makes one wonder just who wields the knife.

PRESIDENT NIXON'S POSTAL REFORM MESSAGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ERLENBORN. Mr. Speaker, the official seal of the Post Office Department shows a galloping pony in full stride, a reminder of the great days when the mail was delivered on horseback by courageous men who defied danger in order to do their job. The spirit which that symbol represents still characterizes our postal employees. It is reflected, too, in what has become a kind of unofficial motto for the postal workers. I am thinking, of course, of those famous words adapted from those of the Greek historian, Herodotus, which appear on the front of the general post office in New York City:

> Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds.

Like the galloping pony, those words represent the dedication of our postal employees.

Unfortunately, however, the way in which our Post Office is organized does not do justice to the spirit of those who work for it. It saddles them with inefficient techniques, with impossible financing arrangements, with machinery long out of date, and with a promotion system that often fails to reward ability. It is a system left over from the days of the pony express, and it cannot do an adequate job in modern society. What snow and rain and heat and gloom of night cannot do, the organizational structure of the modern Post Office has brought about. As a result, there are many occasions when the appointed rounds of our postal couriers are not swiftly completed, their spirit and sense of responsibility notwithstanding.

What can we do about it? Men have asked that question for some time. And those who have asked it most frequently and most intelligently, have generally come to the same answer: make the Post Office into a public corporation with new arrangements for finance, for employee bargaining, and for general direction. These recommendations are expressed clearly and persuasively in the recent message on postal reform which the President has sent to the Congress. I trust that all Members of this body will read that message carefully and ponder both the problems it discusses and the answers it suggests. Let us be sure that the galloping pony which symbolizes our postal system does so because it sums up the morale and courage of our postal workers and not because it represents our failure to introduce modern techniques and a modern organizational structure.

XUM

CORPORATE CRIME

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. ROSENTHAL. Mr. Speaker, Ralph Nader provides an excellent example of how much good can come from one man's efforts. The American marketplace has been much improved because of his work in behalf of consumer justice.

Mr. Nader has recently made some statements that deserve the attention and thoughtful consideration of the Congress and the public. The statements follow:

[From Business Today, Summer 1969]

CORPORATE CRIME

(By Ralph Nader)

On September 10, 1968, the General Accounting Office presented the Congress with a report on enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act. The conclusion was startling: the Agricultural Research Service of the U.S. Department of Agriculture, which is the enforcing arm for the Act, had never requested the Justice Department to prosecute a single case in 13 years. "This was true," the GAO stated, "even in instances where repeated major violations of the law were cited by the Agricultural Research Service." The Report showed that of 2,751 samples of products tested and reviewed during fiscal 1966, 750 were found to be in violation of the law. Of these, 70 percent or 520 were in "major" violation of the law.

The GAO report on pesticide non-enforcement did not provoke outrageous editorials or concerned commentary from Congress. No cries for law and order were heard for these corporate violators. For anyone who has observed the decline of moderate statutory penalties and their decreasing imposition, this double standard—one for individuals and the other for corporations or officials acting behind corporate frameworks—is not surprising. But it is exceedingly unjust and can lead to even more serious public harm than already has been the case.

For corporations, increasing in size to rival many nation states, impact the society in far more profound ways than a few decades ago. They can rapidly destroy the biosphere with their pollution of air, water and soil. Their products are sped to market in great numbers before adequate tests are conducted for direct and side effects on consumers. Ford Motor Co. jars a region's ecology by dumping 20% of all industrial wastes into Lake Erie whose deterioration may be irreversible. Drug companies can affect the lives, health and genetic inheritance of thousands of people before detection if rigorous standards and deterrents are not operating.

A few examples will illustrate this double standard and the absence of effective sanctions for deterrence of corporate irresponsibility. A few months ago, an elderly man was caught stealing $6 from a telephone booth in Maryland. He was sentenced to three years in jail. Horse thieves in Colorado—especially if they are Indians or other minority group members, have been sentenced to 15 years in jail. Two men robbed a sailor, without physical violence, of $1 late last year and were given 10 years in jail by a Virginia judge.

These instances of individual crime represented primarily the theft of something of economic value and were not characterized by violence, though the potential could have materialized in two of the three cases.

Consider, by comparison, the following examples of corporate crime. In the Spring of 1967, a Lake Central Airlines plane, a Convair 580, crashed in Ohio, killing 38 people. The subsequent investigation by the Federal Aviation Administration proved beyond any doubt that the crash was caused by a "soft piston" defect leading to the separation of the propellor and penetration of the fuselage. Allison Division of General Motors built this component and, although knowing of this serious defect *before* the crash, did not advise the airlines with the 18 defective Convairs to ground the planes and disassemble them for inspection. Thirty eight people died. The FAA fined Allison $8,000. That was the only penalty even though Allison had been cited many times by the FAA in the past for irregularities in propellor production quality and safety. This was the taking of something of economic value and deprivation of life by such corporate negligence and knowing failure of warning after the company discovered the defect.

Greyhound Corporation—a highly profitable company in diversified activities—has had a practice of repeatedly regrooving rear tires in a pattern that gives little traction to these rear-heavy, high speed buses. Crashes have occurred with loss of life owing in whole or part to such slippery tires. There have been no enforcement actions urged by the federal government until a Greyhound crash occurred with worn tires in May 1967 in New Jersey with one fatality and many injuries. The case still has not come to trial but the maximum fine under the law is $500.

The trend against even the provision of adequate penalties in the law—quite apart from their use on corporate crime or criminal negligence—has been alarming. What every corporate lawyer in Washington now aims at in any new consumer protection law is to delete any provision imposing criminal penalties on companies even when they knowingly and willfully violate the law in such a manner as to take human life. Thus, the auto safety, radiation control, gas pipeline safety and other recently enacted statutes have been stripped of criminal penalties even for knowing and willful violations.

Companies that refuse to call back dangerous products—whether in the auto, food or drug area—or take inordinate time to do so, are not subjected to criminal penalties in the auto cases and trivial criminal fines in the food or drug area.

The struggle for the rule of a just law against street crime and avoidably dangerous products and lethal pollution of our environment is a struggle against violence. Violence comes in many styles from corporations producing their products. It is incumbent for citizens to react with concern and indignation as they do now for street crime. When gas pipelines explode owing to knowingly dangerous maintenance, when tires fail because companies do not recall them for defects, when toys burn or maim children because of the most dangerous design and materials, when meats are doused with illegal chemicals to make them palatable and presentable, when people breath air filled with toxic elements and gasses, a civilized society must see such acts as acts of violence and apply sanctions on companies and their officials. Sanctions go beyond traditional penalties and deter by meticulous adaptation to the particular corporate act. Thus, sanctions can include recall orders, suspension of company officials or of a particular plant, or a temporary public trusteeship of part of a company's operation deemed seriously contrary to public health, safety or interest—to name only a few.

It is clear that as this double standard becomes more and more unjust, those at the bottom of the economic ladder will take their cue increasingly from the lawless privileged at the top of the ladder. The moral and law-abiding tone of a society takes its depth from the top of the economic hierarchy. If violence and property theft is conceived only in terms of street crime, the law will never bring under its rule major sources of violence proceeding from the workings of an industrial society.

WHAT WE ARE MADE OF?—TIME FOR A DEEP LOOK AND A STEADY RESOLVE

(Remarks by Ralph Nader before the 1969 convention of the American Society of Newspaper Editors, April 17, 1969, Washington, D.C.)

It is with some dismay that I find myself addressing this distinguished gathering just before lunch. For my topic is that most basic of consumer products—food—and my theme is that it needs a most basic cleaning up. If what I have to say upsets you in a gritty sort of way, let me state at the outset that you have every right to be upset. For food becomes *us* in a very short while and our relationship to this consumer product could scarcely be more intimate.

The $100 billion food industry is in need of thorough public scrutiny and reform. The only difficulty is that it does not know this as it continues to increase its prices, its profits and its myths. This is an unfortunate delusion for this industry to be harboring.

In the short time available, I would like to describe aspects of the deepening malaise, deception and indifference to the responsible exercise of very considerable power by the performance of the food industry and its subgroups.

The decisive motivations that drive the food processors and the maximization of their sales, profits (which includes progressive reduction of costs) and the avoidance of undesirable regulatory and consumer feedback. This all seems innocent enough until one observes more closely just how spacious an arena for maneuvering against the public interest has been staked out by the industry. This has been accomplished incrementally over the years by the rapid development of technologies, chemicals, merchandising and packaging techniques to deny the consumer the information for critical feedback, to divert his attention to wholly extraneous, emotional appeals having nothing to do with the quality or price of the product, and to mask the true condition of the foodstuffs from the consumer's natural detection facilities. Thus, the dimension of most peoples' reaction to the food they eat is narrowed to an appreciation of just those responses that the processors can manipulate so easily. These deal with palatability, tenderness and appearance cum acceptable or not repugnant odor. If the particular food product can satisfy the narrow evaluations, it is home free, quite apart from any serious lack of nutrition, wholesomeness and purity. Home free, that is, as far as the consumer is concerned. Try this test on yourself next time someone asks you how a particular meal was and see if your reaction is restricted to one or more of these three responses. Such induced and meekly accepted conditioned response by most of us makes a mockery of consumer sovereignty and the disciplining force for quality of the marketplace implicity in an opportunity for intelligent choice or rejection.

What is the consumer consuming? Let a few representative illustrations do for the many that time does not permit to be discussed at length:

1. The little consumer—infants—are being exposed to nitrate residues from the heavy use of nitrogen fertilizer in various farm acreage. Professor Barry Commoner of Washington University in St. Louis reported last year on the increasing incidence of nitrate poisoning discovered by European public health officials among infants that was traced to the consumption of unrefrigerated American-processed baby food. The more precise extent of this toxic hazard to infants is not fully known in this country because no one is trying to find out in any systematic way. The food industry is not in-

terested in being burdened with this knowledge.

2. The rapid rise in antibiotic utilization for artificial growth stimulation and health promotion in poultry and red meat animals is raising the risk of residual transfer to the human organism, particularly if antibiotics are applied a few days prior to slaughter. Even the placid National Acadamy of Sciences and the FDA are worried about this one. What are the direct and synergistic effects on humans of such ingestion and how effective will these drugs be when they are needed for medical purposes? Existing regulations are too weak and poorly enforced. But these antibiotics sure make for a growth industry.

3. Fat content in meat is an acknowledged major contributor to heart disease. Fat content in many processed meats has been going up in recent years, according to the U.S. Department of Agriculture. Why? Because fat is cheaper than meat and since they are mixed together, the consumer rarely can tell the difference. How bad is the situation? Well, the USDA issued a few months ago (December) a proposal to set a maximum fat content of 30% for the class of finished sausage products that includes frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst and similar products. The meat industry, led by the American Meat Institute, is strongly opposing this requirement. Fat as a cost reduction technique is terribly congenial to the industry's tastes. Look how well it works with the most expensive breakfast meat product called bacon. Some people, it may be, may want to pay hard dollars for fat in their bologna, but they have a right to know how much fat they're buying and other more fastidious consumers should not have to buy meat with a high, latent material that isn't meat at all.

4. Consumers Union went out shopping for fresh pork sausage recently. CU subjected the sausage samples to laboratory tests. Thirty percent of the federally inspected sausage and forty percent of the infrequent Illinois inspection failed CU's tests for absence of filth or acceptably low bacteria counts. (Last month 60 persons came down with trichinosis in Missouri). CU also found that one-eighth of the federally inspected sausage and more than one-fifth of the other sausage contained insect fragments, insect larvae, rodent hairs and other kinds of filth. The sausage samples tested included most major brand names.

5. USDA reports in 1962 and 1967-68 covering non-federally inspected plants (a category accounting for 25% of the nation's meat supply) showed evidence of selling 4D animals (dead, dying, diseased and disabled animals) for human consumption, repulsively unsanitary conditions in the plants (rodents, vermin, etc. have access to the meat preparation and storage areas for example) and the use of illegal additives or untested additives to color, season and preserve the putrid meat so as to render it palatable. Other USDA reports on poultry preparation revealed substantial prevalence of diseased poultry being sold to unsuspecting buyers throughout the country. Much of this substandard meat and poultry is routinely funnelled into city slums. USDA inspected plants are not without their problems. The meat industry likes to throw away only bones; all meat, no matter what its condition is a tempting subject for "reconditioning" or "doctoring". Not even the better companies, such as Hormel, are above doctoring such once-rejected meat by the first retail buyer for subsequent resale to supermarkets in the slums and some in the suburbs. Millions of pounds of meat are destroyed by federal order every month but many more get to market. Bad meat is still good business.

6. The fish inspection bill is once again before Congress. The fish industry, backed by such law firms as Covington and Burling, is confident that the bill will go nowhere this year. The confidence is based on the industry's power to lobby, not on conditions in its plants. Two years ago, FDA's Deputy Commissioner Rankin offered data, since re-confirmed, on conditions in the smoked fish industry: an examination of 15 plants disclosed that 13 were operated under conditions judged to be potentially dangerous and six of these were judged to be imminently hazardous to consumers of the finished product. The FDA, severely limited in resources for inspection, still manages to seize numerous shipments every month involving decomposed fish and fish products, the presence of coagulase, positive staphylococci, and parasitic oopepods. Frozen breaded shrimps containing bacterial filth, leaking canned fish, frozen whitefish with parasitic cysts, caviar containing borates, imported dried fish containing maggots are some other illustrations.

Consumers Union has conducted several tests over the past decade and will conduct more shortly. Here is part of CU's tally: Ninety-eight of one hundred twenty samples of frozen raw breaded shrimp tested contained coagulase positive staphylococci (1961); 55 of 120 samples of cod, haddock, and ocean perch fillets judged substandard quality (1963); 85 percent of 646 cans of salmon (51 brands) showed a tendency toward mushiness or discoloration (1966); 17 samples of 18 frozen salmon steaks (three brands) were so rancid that no cooking method could disguise the bad flavor (1966). Like so many foods that are unwholesome they are bad bargains in an economic sense.

7. Water pollution—sewage and industrial waste—in bays and off-shore areas, where shell fish are harvested, is a mounting peril. The FDA just recently seized 21,000 pounds of frozen fish out of the Great Lakes because of dangerous pesticide levels in the salmon. Environmental pollution finds its way in other food products as well. Is the food industry pushing for pollution controls? No. Is the food industry adopting and developing techniques for detection of such pollution? Only very slowly, at best.

8. Every week, FDA puts out its little known "Weekly Recall Report." It is little known because FDA does little to publicize it. Some food recalls of late include Cookies (rodent filth) Egg Yolk Solids (contamination, Salmonella—a fast spreading foodborne menace generally). Imitation Pistachio, lemon, mint etc. Flavors) contained decertified color FD & C green #1). Candy (high acidity), a Sugarless, pre-sweetened Drink (mislabeled, contains 24 to 30% dextrose), assorted frozen pastries (for contamination, petroleum hydrocarbons), Chocolate flavored drink (contamination, mold & insect fragments), Plain Chocolate Candies (M&M's, Contamination, Salmonella), Peanut candy (contamination, Aflotoxin), Kidney Beans (Insect infested), Evaporated Milk (rusty, leaking and exploding cans).

9. Cyclamate, an artificial sweetener in diet soft drinks is beginning to cause the FDA worry after years of assurances that it was safe. Tests have shown that it leads to chromosome breakage in rats; humans are just being tested now. Other less serious afflictions are known to result from not overly generous consumption of these artificially sweetened drinks. Like many other additives to food and drink, the FDA has permitted a sell now, test later posture by the companies. FDA has admitted that it has heavily relied on summary assurances by food companies about additives and has not checked in detail the raw test data. FDA now recommends that a child drink no more than two 10-ounce diet drinks a day containing cyclamates.

10. More and more additives are pouring into our foods. The growth of chemical additive use in foods is being stimulated by the fast rise of convenience foods—so-called. Joseph G. Jarrell of Hercules, a producer of additives, declared that convenience foods are more likely to require "special flavorings, flavor enhancers, color and other additives to make up for the partial loss of flavor, color, texture and other properties caused by processing." The food industry is moving rapidly into developing food substitutes—simulated meats, simulated orange juice, simulated coffee all of which will require a wide variety of food additives. The industry's attitude toward the consumer is epitomized by the following advertisement which apepared in the magazine Food Technology:

"With Western Dairy Products' new *tasteless* (their emphasis) sodium caseinate called Savortone, you can now successfully use sodium caseinate as an emulsifier and binder for sausages, salad dressings, oil emulsions and egg substitutes . . . You can use it wherever you like, and never wonder for a minute what the consumers will think. They'll never know."

The industry's attitude toward its own responsibilities in testing the various effects, short and longer range, of their additives is reflected in the tragically low research and testing budget, most of which goes to developing new convenience foods using more additives and not on the effects of these additives on the human organism. The level of technical competence in the food laboratories is low, as judged by the producers of food additives who sell to these companies. (See Chemical and Engineering News, Oct. 10, 1968.)

One of this century's greatest geneticists, Dr. Hermann J. Muller put this kind of problem in proper focus:

"What we are concerned with . . . is the possibility of (food additives, drugs, narcotics, antibiotics, pesticides, air pollutants and water pollutants) being mutagenetic, that is, producing mutations in the genetic material, and being thereby damaging not only to the directly exposed individuals but even to their descendants.

"It is now important to know what substances have such effects, how they may be recognized and dealt with, and in what ways the effects will be expressed in the exposed and subsequent generations."

Over the past several years, leading geneticists and biologists meeting at scientific symposia have expressed alarm at the lack of national policy and commitment to learning what the somatic and genetic impacts on people are from the thousands of chemicals including food additives; that are confronting us. When scientists such as Dr. Rene Dubos, Dr. Richard A. Kimball (Oak Ridge Laboratory), Dr. Marvin Legator (FDA) and Dr. Matthew Meselsen of Harvard show deep worry, it is time we all became concerned about the need for safety guidelines and monitoring procedures.

What permits the food industry to manipulate its products for sales-maximization (including preservation over time for nationwide distribution) and cost reduction in ways that place the risk of harm on the consumer is the absence of comprehensive, operating standards of evaluation. It is also the difficulty of tracing the cause and effect of this silent type of violence to tissue and cell structure over long periods of time or even in cases of food poisoning outbreaks, the search for the responsible agent is difficult because of the many variables or inputs. This very difficulty requires a strategy of prevention at the source, not a wait and see attitude resulting in disastrous consequences of the type foreshadowed in the thalidomide tragedy.

There is still a widespread impression that government is watching out for the consumer ever since the pure food law was passed early in the century. The fact is that FDA neither has the resources, nor the regulatory dedication nor adequate authority to keep up with the proliferating abuses in the food industry. To conduct research, inspection, review test results and enforce the law, FDA was provided with $23,056,000 for 1969—less than a fourth of the cost of one atomic submarine. According to Dr. S. S. Epstein of the Children's Cancer Research Foundation, (Boston), there are only three laboratories in this country specifically evaluating the potential health hazards of chemical mutagens—all small efforts. A 1967 Health, Education and Welfare report, "A Strategy for a Liveable Environment," bewailed the fact that unlike most government regulatory agencies, the FDA "does not have subpoena authority either to summon witnesses or to require firms to divulge pertinent records." Hundreds of firms, which the FDA is supposed to monitor routinely refuse every year to allow the FDA to conduct to conduct inspections or furnish quality or quantity formulas or to review safety or health control records. In 1965, 216 firms refused to give the FDA permission to review shipping records. This prevents FDA from getting at hazardous situations early in the time of their development. FDA has itself been unduly meek, failing to publicize its drastic needs for the protection of the consumer and reflecting a passive enforcement policy. Its educational function has lagged greatly, even with reports by the National Academy of Sciences and the AMA Council on Foods and Nutrition warning about the loss of essential nutrients in foods, and the Report of the National Commission on Community Health Services warning about existing food hazards and inadequate public health controls that "have created the potential for massive nationwide outbreaks of food-borne illnesses."

The time has indeed come for the public to expect the food industry to shoulder its burden of proof of health and safety in its products, to end its secrecy, to extend its inspection, testing and research and to emphasize wholesomeness, purity and nutrition above gimmickry and packaging appeals. The issue of food safety and quality will be a large one in 1969!

Statement of Ralph Nader Before the Executive Reorganization Subcommittee of the Senate Committee on Government Operations, March 20, 1969, on S. 860—To Establish a Department of Consumer Affairs

Mr Chairman, distinguished Members of the Senate Subcommittee on Executive Reorganization, thank you for the opportunity to express my views on S. 860 and the needs out of which this proposal emerges.

It is clear that this subcommittee intends to establish a record during these hearings that will not only document the necessity of a major organizational proposal for consumer protection but also help sharpen the shape which any such organization should take to fulfill such a mission. My statement will strive to keep this objective in focus.

Consumer abuses come in two basic forms—(a) they reduce real incomes and misallocate resources by way of frauds, shoddy merchandise and other deceptions or bilking schemes and (b) they inflict violence on consumers by way of hazardous products, unprovided services or environmental pollutants. The spectrum of consumer abuses in the health and safety areas must cover the involuntary consumption of toxic or otherwise dangerous man-inflicted materials in air, water and soil.

Any discussion of consumer abuses must also include the critical issue of corporate irresponsibility. The economy of this country is a corporate economy. The corporate institution is by far the major manufacturer, processor and vendor of goods and services. What external and internal incentives and restraints obtain for the corporate entity and the people who work in a corporate framework are fundamentally related to the protection and fairness or lack thereof that are accorded consumers. Likewise, what privileges, immunities and defenses prevent the public accountability of corporate behaviour and divert it toward antisocial practices are pertinent to fairness and safety for consumers.

It is useful at the outset to itemize a number of abuses, practices and phenomena—in no way exhaustive of the corporate predations but in a small way reflective of conditions that merit the profound concern that has convened this subcommittee. Subsequent to the completion of this list, a few lessons will be drawn on a more general plane.

1. During the winter of 1967–1968, Montgomery Ward mailed notices to its charge account customers in some 32 states telling them about "Charg-all Insurance Protection." "I think you'll call it great," said Ward's President, Edward S. Donnell in the cover letter. The customer was told that he soon would receive a certificate evidencing the insurance of his indebtedness to Ward for amounts between $30 and $3,000. The coverage provided for payment of the indebtedness in the event of death or disability of the customer. Ward would be the beneficiary.

The insurance plan was a means of protecting Ward's claim against the customer while avoiding costly collection expenditures against the estate of a deceased customer or directly against a disabled customer. The premium was to be .10 per month per $100 or fraction thereof owed to Ward. Contrary to the usual contractual doctrines, the failure of the customer to make an affirmative refusal of the coverage obligated him to pay the insurance premium. In order to avoid the coverage, the customer was told he must (a) deduct the premium from his bill or (b) call Ward or (c) fill in an enclosed card. If one of these courses of action was not taken, the customer was covered. Only the first bill listed the insurance premium separately. Customers complained of nearly discarding the announcements because they were sent out on bulk mail rates and appeared like junk mail. They also complained that the mailings did not include postage paid envelopes to facilitate refusals. Insurance Commissioner Hunt of Minnesota said that:

"It is unreasonable to believe that all of Ward's charge customers will read the letter from Ward's President, E. Donnell and will understand that they are going to be charged for the credit life insurance unless they take affirmative action to reject it. It is outrageous for people to be coerced into paying for something they don't want." Maryland Insurance Commissioner Newton Steers called the plan "high-handed."

A burst of criticism followed and a number of insurance departments investigated the matter along with the Senate Antitrust Subcommittee. But despite all this activity, the operation of the plan was virtually unaffected, with the possible exception of its operation in Minnesota. Company representatives agreed to print boxes on the bill so that the customer can refuse the insurance by checking the appropriate box. However, the customer still must take affirmative action to refuse coverage. The bill form required in Minnesota is slightly different. It requires a more explicit bold face type explanation of the charges. However, the customer must still decline the insurance coverage. And the explicit explanation is only on the first bill.

A class suit against Montgomery Ward's "revised" plan is now pending in Illinois and demands recovery of the premiums. The suit alleges that the plan is virtually identical to the original one and that the customer is still not given an adequate explanation of what the coverage is (e.g. age limits, preexisting conditions void the coverage for disability, etc.). Worse, if the customer neglects to check either the box indicating refusal or acceptance, he is assumed to have accepted. In any event, the choice of boxes is only on the bill for the first month of coverage. The abuse remains.

2. Last year the Federal Trade Commission released a report on lumber grading, inspection and marketing (lumber prices have skyrocketed to a 50% increase in the past year in many lines). The report stated:

"The masquerading of low grade lumber for high grade lumber has bilked consumers of millions of dollars, has lowered the margin of structural safety in innumerable dwellings, and, in the affected market areas, has impaired competitive mores among surviving wholesalers, retailers and contractors."

The abuse remains.

3. Last April, during the week of disturbances which took 37 lives throughout the nation, a negligently maintained leaky pipeline blew up in Richmond, Indiana, taking 41 lives and seriously burning over 100 other persons. No federal or state law applied to this disaster. The Indiana Public Service Commission didn't believe it even had authority to investigate formally this explosion. No law and no order was applied to the gas company and its induced violence.

4. Antitrust officials at the Justice Department know that price fixing is rampant throughout the economy but simply do not have the manpower to deal with this criminal corporate violation. Price fixing keeps prices higher for consumers than they would be if competition prevailed. The electric price fixing conspiracy involving General Electric, Westinghouse, Allis Chalmers and other companies was prosecuted in 1960–61 by the Justice Department. It cost consumers over a billion dollars. It cost G.E. Westinghouse et al about $500 million in punitive damage settlements and this sum was promptly written off as "ordinary and necessary" business expenses. Corporations who pay out such damages after criminally violating the antitrust laws can share their pain with the general taxpayer under present Treasury rulings.

5. Oil import quotas, by keeping high the domestic price of oil and blocking the importation of cheap and less polluting foreign petroleum, are costing the U.S. consumer at least $3–$5 billion a year according to Executive Branch estimates. These and other quotas are consumer issues.

6. Automobile bumpers—those chrome, ornamental, eyebrows—are designed to maximize repair costs and knowingly so. Fender sections and other captive parts sell well with bumpers that cannot protect the vehicle in collisions exceeding 2 mph and some bumpers fail that standard. Recently, Edward Daniels, an Automobile Club of Michigan insurance executive, released a study that indicated an annual loss to motorists of $1 billion due to ornamental bumpers. A functional bumper—designed to protect against impacts up to a modest 10 mph—would save the motorist that much money, he said. Do the auto executives know this? Of course they do. But they go on looting the public by design. A billion dollars is diverted from other purchases such as food, furniture, medicine, clothes. This is an illustration of the misallocation of resources as a result of corporate venality.

7. Over a year ago, Dr. James Goddard, Commissioner of the Food and Drug Administration, predicted that the federal government would force withdrawal from public use about 300 drugs—some of them "family favorites"—found to be ineffective for the treatment of the medical conditions for which they had been prescribed. Both prescription drugs and patent medicines—under 1,600 brand names—were to be involved. Hope is still springing eternal.

8. The U.S. Department of Agriculture is proposing a rule limiting fat content to 30% in various processed meats. The meat industry is opposed. Hams with 30% water content abound in parts of the country such as California. What is the dollar buying here? Does the consumer know? Here is an advertisement from the magazine Food Technology which reflects the prevailing spirit:

"With Western Dairy Products' new tasteless (their emphasis) sodium caseinate called Savortone, you can now successfully use sodium caseinate as an emulsifier and binder for sausages, salad dressings, oil emulsions, and egg substitutes . . . You can use it wherever you like, and never wonder for a minute what the consumers will think. They'll never know."

What's on the labels is not all that is in the meat product. Last year, *Consumer Reports* tested fresh pork sausages—including leading brands and found some distressing things. One-eighth of the Federally inspected sausage and more than one-fifth of the other sausage contained insect fragments, insect larvae, rodent hairs and other kinds of filth. In typical samples, CR found that 30% of the federally inspected sausage and 40% of the sausage subject only to infrequent Illinois inspection failed the tests for absence of filth or acceptable low bacteria counts. CR stated that such findings suggest "unclean packinghouses, unsanitary ingredients and inadequate inspection." These tests even jarred the U.S. Department of Agriculture—not an inconsiderable accomplishment.

9. William B. Keiser of Allison Park, Pa., was driving his new Pontiac on October 25, 1968, when his left front wheel bearing failed. The repairs did not come under the warranty, according to his dealer. Mr. Keiser objected and wrote to Pontiac's home office. He wrote again. He still has not received any answer even though his original letter stated that he had purchased a mere 13 Pontiacs since 1953 for his family use.

10. In 1962, the Surgeon General submitted a list of 150 physicians and scientists who were candidates for the Advisory Committee on Smoking and Health to the Surgeon General, to the Tobacco Institute. The Tobacco Institute was given the right to veto anyone on the list without any reason given. Although the final committee came out with a report that was critical of cigarette smoking, this unique access of an industry trade group appears at least inappropriate.

11. Congressman John Dingell obtained information during his recent inquiries into the effectiveness of private industry standards that the formula observed by the American Hotel and Motel Association does not produce hygienic linen. Under these standards the bacteria count in laundry is only slightly reduced after being washed in one of the more highly advertised home laundry preparations. Rep. Dingell stated that the evidence showed "pathogens such as staphylococcus to be only slightly deterred by the very laundering process that we rely upon to remove them completely. Our European brothers are rather more advanced than we are in that their home laundry equipment contains a booster unit to increase the temperature of the water. This increases the bacterial kill rate considerably. However, as indicated in a letter from the DuPont Company, this higher water temperature has a softening effect on plastic pipe which quite probably would damage a plastic plumbing system.

12. The flammable fabrics act, the truth-in-packaging act, the oil pipeline safety act, the regulation by the ICC of household moving van practices, the pesticide act, and drug advertising enforcement have been serious or colossal failures. Consumer legislation is highly vulnerable to deceptive packaging. It is also often starved for funds. This deprivation, of course, is not new. The combined budgets of the Federal Trade Commission and the Antitrust Division of the Justice Department have always been trivial as compared with the task they are given to accomplish and the size of the economy. The record budget for the two agencies combined was about $22 million last year—less than 10 hours gross receipts of General Motors. As discussed earlier this week, the FTC does not even use its funds to full effect.

13. For several decades, interstate motor carriers like Greyhound have had their accident reports kept secret by the Federal Government. Until late last year, the Government accident reports on carrier crashes were secret. This secrecy has shielded both carriers and the ICC (now in the Department of Transportation's Bureau of Motor Carrier Safety) from public evaluation and contribution. It has also kept the facts from the victims of these crashes, thus protecting the carriers from legal accountability. It is not surprising, therefore, that defective conditions and hazardous practices (such as Greyhound's use of repeatedly and poorly regrooved rear tires) have persisted.

There are a number of lessons to be drawn from such situations as briefly noted above.

The idea that consumer abuses stem overwhelmingly from fringe or marginal firms is utterly untenable, notwithstanding FTC Chairman Paul Rand Dixon's self-serving declarations to the contrary. Whether it is drugs, automobiles, lending, packaging, cigarettes, pesticides, flammable fabrics, pipelines, air and water pollution—big business is intensely implicated in the abuses and industrial violence directly and consciously.

Present Federal authority leaves out many areas of consumer protection from any form of attention or action. The National Commission on Product Safety—established last year for a two year period—has illustrated this well in its short existence. The Commission has found startling hazards in many toys—of an electrical, mechanical or thermal nature. It has found child deaths through refrigeration entrapment and nibbling leaded paint peeling off slum walls continuing without remedy. It has found that many sources of existing information—such as that held by insurance companies on product hazards—have not been tapped by any level of Government. It found that the Federal Housing Administration was not requiring safety glass in all F.H.A. approved homes—a simple step that could save many lives and thousands of injuries every year. It found that there were no adequate standards to prevent serious burns, particularly on children, from gas-fired floor furnaces. The Commission has documented durable failures in private standards groups and certifying groups such as Underwriters' Laboratories. No standards by Government exist for power lawn mowers, washing machines, stoves and other appliances which literally cause hundreds of thousands of injuries every year.

The level of non-enforcement of laws against corporate transgressions is most disturbing for those who believe that law and order should apply to the rich as well as to the poor. The U.S. Department of Agriculture sits on serious violations of the pesticide laws for years and does not refer them to the Justice Department for prosecution. General Motors waits for as long as three years, shunning its own inspector's reports, before recalling 2.5 million Chevrolets. No Government official calls for law enforcement here for such delay in recalling vehicles with exhaust leakage into the passenger compartment. The elitist mores are such that, instead, G.M. received praise for *not* delaying further and waiting for more deaths to be documented as carbon monoxide victims.

The attached supplement dealing with the Hormel Co. plant in Southern California discloses hitherto unrevealed information of gross abuses relating to the sales of rotten meat, even though Federal inspectors are at the plant presumably enforcing Federal laws.

The articulated sanctions in laws dealing with corporate crime are deplorably weak. Wilfull and knowing violations, for example, of the auto safety law, the gas pipeline law, the radiation control law—to name a few—do not carry with them criminal penalties. Lawyer-lobbyists had them deleted. The penalties for violations of the air and water pollution laws are encumbered with incredible delays which when endured then leave the Government with only the crudest and thereby difficult to apply sanctions.

The Federal Trade Commission, for most of its enforcement work, can only order cease and desist decrees which lets the violator keep his ill gotten gains and frees him to try and design around the decree. Corporate violations affect far greater numbers of people than the conventional street crime in fact and in potential. Pollution of the air with deadly contaminants is a continuing assault in the streets—to name but one hazard outside the plants. Yet while the penalties for individual crime (three years in prison were awarded two youths last year in Maryland who stole 300 lbs. of tobacco and admitted their guilt when apprehended, returning the tobacco as well) outside the corporate framework far exceed the feather swishes that go for corporate penalties—even those not deductible or passed on to the hapless consumer.

A great tool of government for consumer protection has been rarely used—that is, prototype research and development for safety and health purposes. Non-polluting engines (external combustion for instance) have not been developed by the auto companies for other than technical reasons. The government could have done so for a fraction of the amount soaring away in the ill-advised Super-Sonic transport program. The same exemplary and motivating function could have been performed for safer cars, a less noiseless environment, fire preventive techniques and retardants. The sums expended would have been returned manyfold in lives saved and diminished waste. The federal government has still not developed a policy toward individual inventors, both without or within companies. Thus the nation is losing much of its citizen inventiveness to the stifling environment of corporate collectivism. Yet, the data are impressive in still showing that major innovations still come from individuals, often working alone, and not committees within corporations.

Particularly in the era of the computer, the government's consumer information function is very weak. It is weak in not utilizing and disseminating existing data in its possession but also gathering additional data. The situation reaches almost ludicrous levels when the inspection and procurement (school lunch) branches of the Department of Agriculture do not communicate over contaminated food coming to the attention of one or the other. The tremendous, deceptive waste of advertising that is selling not distinctive qualities but brand name identification could be reduced sharply with objective, point of sale consumer information from a central computer bank. Similarly, many such displays of waste and misallocation of resources could be diminished by such information programs.

Corporate executives are not called upon to answer for these consumer frauds or asked to testify before the Congress, I am referring to the top two corporate executives, not subordinates. Such executives insulate themselves from these and many other dialogs. They should not be allowed to do so. It is striking what a difference there is in having them present. It is also striking how few committees of Congress demand their presence. Your subcommittee showed this clearly when it demanded that the heads of General Motors, not the subordinates, show up if that company were to testify. The impression made on these gentlemen—Messrs. Donner and Roche—at the hearings led to their ordering the energy absorbing steering column into production. They received an education in vehicle safety design in Washington, not in Detroit or New York behind cloistered offices. Top corporate have preferred access to government—advisory committees, social occasions at which key business is discussed, top appointments, quick

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response to their inquiries for appointments or information. It is time that citizens, through Congress, had comparable access to corporate executives in public.

As presently organized, the Federal Government has not engendered the creative ideas for consumer protection that are so badly needed. Problems begging for detailed remedies include the handling of complaints, but their bucking over from one agency to another; the decentralization of enforcement, the development of local and State consumer protection bodies, the process by which problems can be anticipated at their earliest stages through early targeting that could come from a freer flow of information; the lack of due process and freedom of dissent in the corporate structure which leads to incalculable damage; the best way to resolve conflicts between buyer and seller that simply are excluded from the judicial arena owing to time, expense and other factors.

There is a high priority in investigating the so-called lobbying infra-structure that undermines and could continue to undermine any consumer activity in Government. Included are trade associations—such as the Automobile Manufacturers Association and the American Iron and Steel Institute and the National Coal Policy Conference—and corporate law firms such as Covington and Burling and Hogan and Hartson and Arnold and Porter. The gentlemen who run these operations are eminent specialists in cutting down consumer programs in their incipiency or undermining them if they mature. They are the masters of the ex parte contact, the private deals and trade-offs, the greasing of the corporate wheels and the softening of the bureaucrats' will. They could tell this Committee a great deal about the obstacles and tactics which consumer drives and administration must deal with. Without such knowledge, the administrative structure cannot be devised and implemented effectively. I am sure that such citizens as Lloyd Cutler and Thomas Austern and Edwin Rockefeller—all of whom deal with the consumer in their distinctive ways as corporate attorneys—would be pleased to come before this Subcommittee and provide its members with their views and experience.

The stresses to which consumer interests have been subjected to in the marketplace, in the environment and in policymaking arenas have brought about in recent months a number of proposals to defend his interests. Senator Metcalf has introduced legislation to create an agency that would represent consumers at rate-making hearings for utilities. Senator Hart has proposed an independent consumers information foundation. Congressman Ottinger has proposed a Federal "environmental ombudsman" to protect natural resources from damage and destruction resulting from Federal agency actions. S 860 envisages a more comprehensive institution, assuming that its concept of consumer interests is sufficiently broad.

There is much in this bill with which I agree. There is a definite need for a distinct arm of the Federal Government to promote and represent the consumer interest by performing the following functions—*investigation, research* and *testing, information dissemination, handling complaints* and *advocacy before agencies and courts* and presentations before Congress. I do not find persuasive, however, the depositing of various regulatory functions including the transfer of several consumer laws from other departments and agencies to the proposed Department. Giving the Department of Consumer Affairs such a regulatory role would (a) simply refocus the entire lobbying environment on the Department; (b) weaken the Department's strong advocate role because it would have to referee between competing interests in its administrative hearings and rule-making roles; (c) further lighten any public interest burdens from other Departments and regulatory agencies and (d) generate *needless* opposition to any Department by established agencies apprehensive of losing their programs. To be effective, a consumer agency must not have anything to give to industry or commerce, as it most assuredly would if it had a regulatory role. Having something to give would attract the same forces that undermined or controlled other agencies. The thrust of a consumer agency, in my judgment, is to assist in the reform of other agencies to perform in the public interest, not to progressively relieve them of that horizon in their deliberations.

The prospects for any form of consumer agency or Department receiving the support of the present Administration are readily dim. There is nothing in the campaign literature and the interregnum to assure the public that the Administration's leaders understand consumer problems much less expect to do something about them. In fact, on more than one occasion just the contrary was the case.

Since taking office, the Administration has confirmed its pre-inaugural stance. The debacle in trying to fill the President's special assistant for consumer's affairs office continues in low key by the absence of any candidate for the post. It is now clear that the Attorney General is going to abolish the Office of the Consumer Counsel in his Department. This Counsel was to have a key role inside and outside the Justice Department as an advisor, advocate and idea-generator for consumer protection in areas ranging from policy-making to development of a Consumer's Bulletin that has been also called a Consumers' Federal Register. There is no one holding the post now as it has been kept vacant since the Johnson appointee resigned.

In other Departments and agencies, consumer protection proponents are running for cover or being eased out from top to surprisingly lower staff levels. In the Department of Transportation, the Federal Highway Administrator, Francis Turner, is having a field day, with the permissive support of the Secretary, in rooting out all people who questioned in the slightest the advisability of paving over America with highways, balancing the nation's transport system, reducing the voracious appetite of the highway lobby, staying the irrational misuse of land in cities and country and striving to make vehicles safer. Mr. Turner's relentless drive is now placing the National Highway Safety Bureau, with whom he battled as Director of the Bureau of Public Roads, under the grip of his concrete-asphalt minded administration. The Food and Drug Administration has suddenly mellowed rapidly in its enforcement and rule-making activities. Appointments of a high caliber in the Department of Health, Education and Welfare are being held up by retrograde medical merchants with strong lines into the new Administration.

About the only contribution to the protection of the consumer by the new Administration was the inadvertant public exposure given to the transparent nullity that is the Good Housekeeping Seal. An Administration composed of leading Presidential advisors from advertising agencies, ex-lobbyists for industry and multi-millionaire construction and manufacturing magnates can be forgiven a short period of transition from one role to another. But the forces building up in this country for clean air, water and soil, for product safety and justice in the marketplace will not long wait upon an Administration which continues such a blend of indifference and callousness. Your hearings will afford a needed forum for conveying the word down Pennsylvania Avenue—if indeed anyone down there is listening.

Thank you.

SUPPLEMENT

The George A. Hormel Co. plant of La Mirada, California is almost new; in fact less than two years old. It is considered a showplace of modern meat preparation. And indeed the stainless steel atmosphere would appear to be an ideal setting for the preparation of such appetizing items as Buffet Ham Loaf, Sunday Bacon, Smoked Polish Sausage, Sirloin Steaks and Prosciutto. The Hormel Company (based in Austin, Minnesota) is a leader in the industry averaging about ½ billion in sales each year. A good example from Hormel sets a standard for the industry. Unfortunately, however, the escorted guests in this Hormel plant at La Mirada do not get to see all. What they miss would be more enlightening than what they are shown. If the guests were permitted to see all, they would see Hormel scalers repacking old meat in new packages with recent code dates in order to disguise the true age of the product. These visitors might also see, if they were permitted to, the storage area which holds the Hormel meats obscurely referred to as #2 meat. This innocent-sounding name is actually the plant euphemism for rotting and adulterated meat which will be sold to some Southern California supermarkets, with their knowledge, and to some school districts without their knowledge. And if our visitors were permitted to stay long enough they would witness a host of other deeply upsetting practices.

Some regular buyers of Hormel products seek to protect the persons they serve by requiring all meat to be code dated upon arrival. This is obviously a prudent measure on the part of buyers of a perishable commodity and this requirement no doubt gives them a sense of security. One such buyer is Certified Grocers of California. The sham quality of the dating becomes clear whenever the shipping instructions say: "Do not short smoked hams to Certified Groc. If lots are too old, rebox and put new code date on each box." And a more general instruction regarding demanding buyers: "As a reminder—try to enter Code Dates on recap (the repackaging) for Certified, Safeway, Market Basket and accounts who require a close call date."

Another tough customer for the Hormel plant is nearby Vandenberg Air Force Base. This is a lucrative and active account so that a special procedure was set up to service it and at the same time avoid the inconvenience of Vandenberg's dating requirement: "On all Smoked Meats, Sliced Bacon, Wieners and Packaged Lunch Meats, there must be a current code date not past seven (7) days. This is according to the rules and regulations of the Air Force Base. The Pork Loins and Spare Ribs should be left uncoded until time of shipment. Each Friday (x employee) will notify (y employee) the amount of fresh pork products that will be delivered to Vandenberg on the following Thursday. On this basis we should do the coding two days prior to shipment."

These buyers, despite their efforts, are getting stale meat and there is reasonable probability that it cannot or at least should not be eaten. Many other buyers, however, are *certain* to be getting meat which is not edible. This is Hormel's #2 meat. Officially #2 meat does not exist. The price list contains no designation or prices for anything list #2 meat. The pricing policy with regard to #2 meat was best explained by a Hormel salesman, who sells a great deal of meat to San Diego schools. This salesman responded to a memo from his superior which complained that he had not been getting enough for the #2 meat. The salesman retorted: "I sell all the *junk* (emp. in original) I can for as much as I can get for it. I can't do more."

The accepted practice for disposing of spoiled meat is destruction or sale to rendering plants. Sales by the La Mirada plant to

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rendering plants consist almost wholly of bones. Decayed meats need not be wasted in this way. They can be sold directly to supermarkets, many of them in Los Angeles ghetto areas but some in Orange County (map referred to not printed in RECORD[1]), to processors who "doctor" the product and in turn sell to ghetto supermarkets and even to unsuspecting school districts. One supermarket, not far from the Watts riot area, is among the plant's best customers. It buys virtually nothing except #2 meats. Number 2 Kolbase bought at $.30/lb. is sold at $.90/lb. to the area's poor residents. Here again, the poor pay more for less—much less.

Recently hundreds of pounds of inferior #2 meats—specifically wieners—had to be returned by a half dozen schools at least. They were black and full of fat. Not even doctoring at the La Mirada plant could save this shipment.

Specifically what is #2 meat? The words of the original buyers who rejected the meat speak for themselves:

1. Moldy liver loaf.
2. Sour party hams.
3. Leaking bologna.
4. Discolored bacon.
5. Off condition (euphemism for rotting) hams.
6. Slick and slimy spare ribs.

These are the actual reasons given by customers for rejecting meats. In each case credit was given the customer and each company credit memorandum contains the notation "transfer to #2." In one case the customer's shipment arrived in such a bad state that slimy and rotten spare ribs had to be dumped on the spot. A few from this batch were actually returned to the plant. They also were transferred to #2. In two other cases customers returned ribs for "sliminess, discoloration, stickiness." They received special treatment. They were marked "transfer to cure and smoke." This resurrected meat will emerge as "Windsor Loins", which actually sell for more than fresh pork chops.

On January 22, 1969, Von's grocery rejected a shipment of hams, saying that they were "discolored—excessive moisture." The meat was resold the same day to a supermarket which regularly buys number 2 meats. The plant lost only $4.47 on an original sale of $23.18. Better Foods on that same day rejected 4 pieces of ham because of "discoloration, internal fat, and cavities." A cash sale of the meat as #2 for $11.00 meant that the plant lost only $5.98 on a $17.79 sale. In one case a store returned meat saying it was "black—extremely discolored." It was cured and smoked and sold at only $1.82 under the original price of $22.80. Occasionally, things get even too bad for regular #2 buyers. One of them recently returned boneless party hams because they were sour. They were sent back to #2 for another resale attempt.

There are a number of other buyers who regularly purchase meat which is not quite #2 but yet is not quite meat. The Hormel plant, obviously operating without compunctions, obligingly supplies these quasi-meat products. One very large restaurant located on the site of a famous Los Angeles tourist attraction regularly orders frankfurters with almost no meat. There is a special recipe and denomination for these franks, which are even inferior to the standard franks with large quantities of cereal. This same outfit's regular orders, for one of its other sufficient dishes, something called "ham trim" which insiders say is floor sweepings. Another interesting item supplied in large quantities to processors and supermarkets specializing in ghetto trade is pork melts. Pork melts sell for about 10 cents per lb. and have no obvious culinary value. Yet one processor recently purchased 3,000 lbs. of pork melts. This had nothing to do with food fads. Pork melts are a staple item for processors. When mixed with fat ground meat, pork melts "melt" and give the whole mixture a red appearance.

School children, the poor and, with surprising regularity, rich suburbanites in the Los Angeles area are eating these sub-meat products. And even the Federal Government is not immune. At mentioned earlier, the La Mirada plant supplies Vandenberg AFB on a regular basis. The evidence is that authorities at the base are careful to see that the men are receiving meat of adequate quality. The date coding system, as we have seen, offers no protection of quality. But the deception goes further. For instance, on January 23, 1969, the appropriate officer at Vandenberg rejected a large shipment of beef patties. The reason for the rejection was simple. The order had stated that the patties were to be delivered frozen. The meat was shipped back to the La Mirada Plant, refrozen and shipped back to Vandenberg the next week. The inspecting officer, knowing nothing of the deception, accepted the meat as a different shipment.

TWO MARYLANDERS DIE IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. LONG of Maryland. Mr. Speaker, Sgt. Ernest J. Hughes and Sp4c. William L. McGowan, two fine young men from Maryland, were killed recently in Vietnam. I would like to commend their bravery and honor their memory by including the following article in the RECORD:

TWO FROM STATE DIE IN VIETNAM—SILVER SPRING INFANTRYMAN, ESSEX SERGEANT KILLED

An Army career sergeant from Essex and an 18-year-old infantryman from Silver Spring are the latest Maryland casualties in Vietnam, the Department of Defense announced yesterday.

They are:

Sgt. Ernest J. Hughes, 28, the husband of Mrs. Shirley Hughes, of Middletown, Ky.

Spec. 4 William L. McGowan, son of Oscar D. McGowan, of 12508 Atherton drive, Silver Spring, and Mrs. Evelyn Hammond, of Hagerstown.

Sergeant Hughes, a member of the 21st Infantry was killed May 12 during an attack on his base between Da Nang and Chu Lai.

A 10-year veteran of the Army, Sergeant Hughes had been in Vietnam since last October. He had previously served in Korea and Germany, among other places.

He was born in Essex and was graduated from Stemmers Run Junior High School.

SIX SURVIVORS

In addition to his wife, his survivors include a 5-year-old son, Joseph; his parents, Mr. and Mrs. Edward Hughes, of Deep Point, Md.; and two brothers, Edward Hughes and James Hughes, of Essex.

Services will be held at 9 A.M. tomorrow at the Connelly funeral establishment, 300 Mace avenue.

Specialist McGowan was killed May 14 in Phu Bai, his stepmother, Mrs. Oscar McGowan said yesterday. She said no details were given.

He joined the Army in July, 1967, after dropping out of Hancook High School near Hagerstown. He was born in Hagerstown.

Specialist McGowan received his basic training at Fort Bragg, N.C. He spent nine months in Germany before being sent to Vietnam in September, 1968.

In addition to his parents, his survivors include a brother, Seaman David McGowan in the Navy at Pensacola, Fla.

NORTHERN VIRGINIA CITIZENS GROUP SLATES ABM DEBATE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. BROWN of California. Mr. Speaker, it is imperative that all citizens—throughout the country—realize all the implications behind the struggle now occurring both in Congress and across the Nation concerning deployment of President Nixon's proposed ABM system.

Washington, D.C., ended up as one of the lucky areas to receive protection from Safeguard, but so far, public debate here has been minimal. Hopefully, though, that situation is changing.

Tomorrow night, Tuesday, June 3, the Northern Virginia Coalition of Citizens Concerned About the ABM will hold a town meeting to discuss the President's proposals on ABM. The recently formed coalition consists of nine citizens groups—seven opposing ABM and two which have taken no stand but wish to have public airing on the question.

I view the town meeting concept as a powerful means of presenting the many aspects of the ABM debate, and I urge those persons here in the Washington area who feel they need to know more about ABM to attend the meeting.

Mr. Speaker, I include the following press release describing the town meeting be in the RECORD at this point:

FORMATION OF NEW COALITION OF NINE NORTHERN VIRGINIA GROUPS TO SEEK INCREASED PUBLIC DISCUSSION OF ABM

In mid-March, President Nixon announced his plans for the Safeguard anti-ballistic missile system. Although 15 cities had formerly been chosen for ABM sites (including Boston, Chicago, Dallas, Detroit, Los Angeles, New York, San Francisco and Seattle) the sites were removed from population centers due to citizen concern and public education.

Among the remaining missile sites are the countrysides of Montana and North Dakota and one city, Washington, D.C.

The governors of Montana and North Dakota have expressed their opposition to the Safeguard in their backyard and the citizens in these states have oragnized in protest.

In the absence of initiatives by local governing bodies, The Northern Virginia Coalition of Citizens Concerned About the A.B.M. have requested the Arlington, Alexandria, Fairfax and Falls Church city councils to hold hearings on the ABM.

Since there has been no response from the Council fathers we are now, publicly, asking for open hearings.

Concern is mounting so rapidly, however, that we have planned a Northern Virginia Town Meeting for Tuesday, June 3rd at T. C. Williams High School to debate the ABM.

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[1] Map does not show markets outside the Los Angeles area (San Bernardino, Riverside) and does not show processors who specialize in selling to markets in low income areas.

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The members of the debate team supporting the ABM are:

Charles Lerch, Institute of Defense Analysis.

Richard Fryklund, Special Advisor to the Deputy Secretary of Defense.

Members of the opposing view are:

Dr. George Rathjens, Professor of Political Science, M.I.T.

Dr. Jeremy Stone, author, member of Council, Federation of American Scientists.

Robert Goralski of NBC News will be the moderator of this debate.

We deeply regret the silence of our elected and appointed Virginia leaders. Although the ABM vote is scheduled for mid-June, we sincerely hope that the Town Meeting will be the beginning of an 11th hour intense round of discussions and hearings on this most controversial and critical of issues.

Sponsoring Groups: Langley Hills Friends Meetings, New Democratic Coalition of No. Va., Northern Virginia Action Committee, Northern Virginia Clergy and Laymen Concerned About Vietnam;

Parkfairfax Citizens Association;

Support Christian Action House Church of the Little Falls Presbyterian Church;

Spectrum, George Mason College;

Virginia United Methodist Board of Christian Social Concerns, and Washington Area SANE.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 1969*

The House met at 12 o'clock noon.

Rabbi Louis Kaplan, Congregation Ohev Shalom, Nether Providence, Pa., offered the following prayer:

Lord:
In commencing this session of the House of Representatives,
Begin we must by expressing gratitude for being alive.
Even as we have risen from sleep,
Rouse us, too, we pray from our shackles of yesterday—
The fetters of ignorance, resistance to worthwhile change,
Yielding complacency, inertia, and other shortcomings.

Aid us to attain a healthy discontent
Now concerning what we have done, as well as a
Determined and renewed enthusiasm for what we can do.

Joining high resolve with noble goals,
Understanding with genuine compassion,
Spur these leaders, especially to translate
The Biblical challenge "to do righteousness and justice"
Into legislation enabling more
Children and adults, in this Nation and elsewhere, to
Enjoy their "unalienable rights" in the human family.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested.

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation;

S. 275. An act for the relief of the village of Orleans, Vt.;

S. 499. An act for the relief of Ludger J. Cossette;

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army;

S. 901. An act for the relief of William D. Pender;

S. 1010. An act for the relief of Mrs. Aili Kallio;

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely;

S. 1236. An act for the relief of Homer T. Williamson, Sr.; and

S.J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934.

ELECTION TO COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 431) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 431

Resolved, That Barry M. Goldwater, Jr., of California, be and he is hereby elected a member of the standing committee of the House of Representatives on Science and Astronautics.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR SUBCOMMITTEE ON URBAN GROWTH, COMMITTEE ON BANKING AND CURRENCY, TO SIT TODAY DURING GENERAL DEBATE

Mr. ASHLEY. Mr. Speaker, I ask unanimous consent that the Subcommittee on Urban Growth of the Committee on Banking and Currency may have permission to sit during the session this afternoon during general debate.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRIBUTE TO THE LATE TRUMAN WARD, MAJORITY CLERK

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I join with other Members of Congress and congressional employees in mourning the passing of the majority clerk of the House of Representatives, Mr. Truman Ward. Mr. Ward passed away this past Sunday. This fine gentleman was born and raised in Clarke County, Miss., the district which I represent. He served the Members of Congress with great devotion and loyalty. He held the position of either majority or minority clerk for some 48 years. Mr. Truman Ward assumed his duties in 1921 at the age of 29. In talking of his work on Capitol Hill, Mr. Ward recently pointed out there were no longer any Members of Congress still serving that were here when he first came to work. We will all certainly miss his warmness to people, his professional ability, and the outstanding service he rendered to his country.

I am sure all Members of Congress join with me in sending our sincere condolences to Mr. Ward's wife, daughter, three sons, and 12 grandchildren. Members of Congress may pay their respects to Mr. Truman Ward's family at the Joseph Gawler's Sons Funeral Home from 2 this afternoon until 9 tonight. The funeral will be held at 11 tomorrow morning in the sanctuary of the Capitol Hill Metropolitan Baptist Church.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to my colleague from Mississippi.

Mr. ABERNETHY. Mr. Speaker, we were all saddened on learning that our good friend and valuable employee, Truman Ward, had passed away.

I had not been a Member of this body but for a day or so when I first became acquainted with Truman. In fact, he went to the trouble of making a personal visit to my office that we might get acquainted. Then and there he made suggestions and gave me the benefit of counsel which I as a new Member found most helpful. This was typical of Truman Ward. He was unselfish. He was tender and kind. He was never too busy to advise with me or other Members about the printing needs of our offices. He did a good job for all of us.

Truman was good to the employees, too. Scores of them found their way to and secured employment on Capitol Hill through his personal efforts. For all who called on him he gladly and happily rendered favors and services to the full extent of his capacity.

We will miss Truman. Yes, we will miss him greatly. And as time moves by we shall never forget him or the service he rendered as a faithful employee on Capitol Hill.

His family has our sympathy.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the majority leader, the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, I am sure all of my colleagues were saddened as I was, to learn of the death on Sunday of Mr. Truman Ward, clerk of the majority room in the House of Representatives. A familiar figure among Members and employees of the House of Representatives, Truman Ward joined the House staff in 1921, shortly after coming to Washington. As clerk of the majority room, he performed countless services for Members and staffs. As many know, not only did he serve the printing needs of Democratic Members but he also functioned as an unofficial placement officer for Capitol Hill employees.

All of his friends on Capitol Hill and in the House of Representatives will miss Truman. Mrs. Albert joins me in extending to Mrs. Ward and his family our deepest sympathy.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. I share the expression of the gentleman from Mississippi and others concerning Truman Ward. Although I did not know Mr. Ward intimately, I am very familiar with his loyalty, his ability, and his total devotion to the legislative branch and, more particularly, the House of Representatives. I join with others in expressing to his family our deepest sympathy in this hour of sadness.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the majority whip, the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I would like to associate myself with the remarks that have been made about Mr. Ward. I can think of no one who has served the Members of the House who could be better described as almost irreplaceable. Truman Ward, in his quiet, efficient way, was tremendously helpful to all of us in the operation of our offices, the preparation of printed material, the securing of office help, guiding new employees, and in many other ways, too numerous to recount. I join with all the others in expressing condolences to his family, and I trust that we will be fortunate enough somewhere within that family to find a successor.

Mr. MONTGOMERY. I thank the gentleman from Louisiana, and all others who have spoken, for their remarks.

Mr. McCORMACK. Mr. Speaker, I am sure that the fact of the tragic passing of Truman Ward has already come to the attention of his legion of friends among the Members of this House. He died on Sunday, June 1, after a lifetime spent in the service of the House of Representatives. Last rites are to be held tomorrow, Wednesday, at the Capitol Hill Metropolitan Baptist Church, Sixth and A Streets NE., at 11 a.m., and interment will take place at National Memorial Park.

He was born 76 years ago in Enterprise, Miss., and, after spending his early years and young manhood there, he came to Washington to serve the House of Representatives in 1921. What a record of dedicated, devoted, and enthusiastic service he set during his lengthy career as a faithful steward of the interests of the Members of this Chamber.

Equal to his dedication to the House, however, was his devotion to his religion. He joined the Capitol Hill Metropolitan Baptist Church in 1922 and was a member of its board of deacons from 1943 until his death. His fellow church members, like his fellow employees of the House, and like the Members of the House, lament his loss for myriad reasons. They will miss his friendly presence among them. They will have lost his desire to be helpful which was combined with the practical ability needed to be very helpful indeed. They will have been deprived of his unfailing cheerfulness, his abundant energy, his understanding of his fellow man, his scrupulous integrity, and his profound religious belief.

Those of us who have, over the years, sought his assistance, can testify to these qualities which made him universally popular. He had an intuitive understanding of the needs of Members in the production of their newsletters and other printed communications with the constituents of their districts. To that intuitive understanding was coupled the distilled wisdom of almost a half century of experience in the legislative process at the national level.

There was very little about the Congress of the United States that Truman Ward did not know, and it speaks well for this institution to which we are all devoted that this knowledge induced in him an incontestably high regard for the House of Representatives and for its Members and employees.

Truman Ward was truly a man whom we shall greatly miss in our daily tasks, both as a friend and as an utterly competent and thoroughly obliging employee of the House. To his widow, Gladys, and to his three sons, we offer the assurance, in these hours of grief, that we are well aware that this House will not be served by his like again. We say to him, from the very depths of our hearts, "Well done, thou good and faithful servant."

Mr. PICKLE. Mr. Speaker, regardless of which side of the isle we occupy, all of us have lost a friend. Truman Ward, clerk of the majority room, died Sunday.

For nearly 48 years, Mr. Ward served the Hill. Somehow, the press room will continue—but it will not be the same. All of us can remember the times that Truman Ward pulled out a print job under impossible deadlines.

Most of us owe him a great deal. I cannot recall how many of my assistants that Truman Ward has "trained." I wonder how many people on the Hill owe their jobs to this white-haired gentleman who greeted everyone with "Good morning, Judge."

More than a printer, Truman Ward was a person who cared about his fellow man. He was one of our living traditions. For the 76 years of his life, Truman Ward was an example to all of us. We shall miss him.

Mr. CHARLES H. WILSON. Mr. Speaker, I am deeply saddened to learn of the recent passing of our good friend and invaluable aide, Truman Ward. Over the years he smoothed the road in many ways by helping Members to effectively communicate thoughts, ideas, and activities to millions of constituents across the country. At a time when lack of communication is being blamed for all sorts of problems, Truman's friendly and helpful office certainly did a great deal to assure that we could effectively communicate with voters on vital issues.

For 48 years, as clerk of the majority room, Truman Ward's good humor and generous assistance made him an extremely popular Capitol Hill figure. We shall miss him. A native of Enterprise, Miss., he began his remarkable Washington career in 1921 and served continually the needs of Congress until his death. In addition to his work as majority printer, Truman was an able and willing helper to dozens of staff members, newcomers, and friends seeking jobs and guidance in Washington. He was always a welcome and needed port in a storm during the political turmoil that is so much a part of life in Washington; above all, he was a good friend. To Gladys Ward and the other members of his family, I extend my sympathies at the loss of this fine and well respected man, Truman Ward.

GENERAL LEAVE TO EXTEND

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of the late Truman Ward.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERSONAL EXPLANATION

Mr. FISH. Mr. Speaker, on June 2, 1969, while I was unavoidably detained at an important meeting in my district the House took two rollcall votes on H.R. 763 to provide for a study of State laws concerning the governing operations of youth camps, and on H.R. 693 to provide that veterans 72 years of age shall be deemed unable to defray hospital expenses.

I request that it be made a matter of record that had I been present, I would have voted in the affirmative on both bills.

PERMISSION FOR SUBCOMMITTEE ON HOME FINANCING, COMMITTEE ON BANKING AND CURRENCY, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, on behalf of the gentlewoman from Missouri (Mrs.

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SULLIVAN), I ask unanimous consent that the Subcommittee on Home Financing of the Committee on Banking and Currency may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader, in view of this request, if we are going to proceed to the Hill-Burton bill and discussion and debate thereof today, or is that to follow on another day?

Mr. ALBERT. That is to come probably tomorrow.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FIRST ANNUAL REPORT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-126)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), I am herewith transmitting to you the first annual report on the administration of this Act. This report, prepared by the Department of Health, Education and Welfare, describes activities undertaken to carry out the purposes of this Act during the 1968 calendar year as well as plans for further implementation of the Act during the current year.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1969.*

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FRANK KLEINERMAN

The Clerk called the bill (H.R. 3377) for the relief of Frank Kleinerman.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PEDRO IRIZARRY GUIDO

The Clerk called the bill (H.R. 5000) for the relief of Pedro Irizarry Guido.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JOHN VINCENT AMIRAULT

The Clerk called the bill (H.R. 2552) for the relief of John Vincent Amirault.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PROVIDING FOR REFERRAL OF CLAIM OF JESUS J. RODRIGUEZ

The Clerk called House Resolution 86, providing for referring the bill (H.R. 1691) to the Chief Commissioner of the Court of Claims.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. JOHN W. BOOTH III

The Clerk called the bill (H.R. 1808) for the relief of Capt. John W. Booth III.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MRS. BEATRICE JAFFE

The Clerk called the bill (H.R. 1865) for the relief of Mrs. Beatrice Jaffe.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. AILI KALLIO

The Clerk called the bill (H.R. 1999) for the relief of Mrs. Aili Kallio.

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

MRS. EZRA L. CROSS

The Clerk called the bill (H.R. 4744) for the relief of Mrs. Ezra L. Cross.

There being no objection, the Clerk read the bill, as follows:

H.R. 4744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 8119 to 8122, inclusive, of chapter 81 of title 5, United States Code, relating to "Compensation for Work Injuries," are hereby waived in favor of Mrs. Ezra L. Cross of Flint, Michigan, and her claim for compensation for the death of her husband, Ezra L. Cross, a former employee of the Agency for International Development, who died on September 30, 1961, shall be acted upon under the remaining provisions of such chapter in the same manner as if such claim had been timely filed, if she files such claim with the Department of Labor (Bureau of Employees' Compensation) within six months after the date of the enactment of this Act.

Benefits shall accrue by reason of the enactment of this Act from a period beginning not more than five years from the date of death of Ezra L. Cross, such period to be determined by the Bureau of Employees' Compensation; except that hospital, medical, funeral, and burial expenses which are deemed reimbursable shall not be reduced by operation of this limitation.

With the following committee amendment:

On page 2, lines 4 through 10, strike the language contained therein and insert:

"No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment; except that hospital, medical, funeral, and burial expenses which are deemed reimbursable shall not be reduced by operation of this limitation."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

COMDR. EDWIN J. SABEC, U.S. NAVY

The Clerk called the bill (H.R. 5419) to provide relief for Comdr. Edwin J. Sabec, U.S. Navy.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALFRED LORMAN

The Clerk called the bill (H.R. 3006) to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948.

There being no objection, the Clerk read the bill, as follows:

H.R. 3006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the War Claims Act of 1948, Alfred Lorman, a former citizen of Austria, shall be deemed to have become a citizen of the United States on June 22, 1944, the date that he became eligible to take the oath of allegiance to the United States, and the Foreign Claims Settlement Commission shall receive and determine such claim in accordance with all other provisions of War Claims Act of 1948, as amended, and the award, if any, made by the Commission shall be paid by the Secretary of the Treasury from the War Claims Fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMALIA P. MONTERO

The Clerk called the bill (H.R. 6375) for the relief of Amalia P. Montero.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LT. COL. EARL SPOFFORD BROWN

The Clerk called the bill (H.R. 6377) for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve, retired.

There being no objection, the Clerk read the bill, as follows:

H.R. 6377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Earl Spofford Brown, lieutenant colonel, United States Army Reserve (retired), O–1080178, is relieved of all liability for repayment to the United States of the sum of $3,522.81 representing the amount of overpayments in longevity pay received by him for the period from June 1, 1942, through May 31, 1961, while he was serving as a member of the United States Army, resulting from administrative error on the part of Army personnel.

Sec. 2. The Comptroller General of the United States or his designee shall relieve disbursing agents of the Army, Navy, and Air Force from accountability or responsibility for any payments described in section 1 of this Act, and shall allow credits in the settlements of the accounts of those officers or agents for payments which are found to be free from fraud or collusion.

Sec. 3. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to the said Earl Spofford Brown, the sum of any amounts received or withheld from him on account of the overpayments referred to in section 1 of this Act. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person, violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 2, lines 12 and 13, strike "in excess of 10 per centum thereof".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. CLYDE NICHOLS

The Clerk called the bill (H.R. 6850) for the relief of Maj. Clyde Nichols, retired.

There being no objection, the Clerk read the bill, as follows:

H.R. 6850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Major Clyde Nichols (United States Air Force, retired) of Chattanooga, Tennessee, is relieved of liability to the United States in the amount of $3,836.09, representing overpayments of base pay received by him for the period beginning April 1, 1953 and ending December 31, 1962, as a result of inclusion by the Air Force, through administrative error, for pay purposes of three years and nine months of service by the said Clyde Nichols as a midshipman in the United States Naval Reserve. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Nichols an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

On page 1, line 6, after "base pay" insert "and flight pay".

On page 1, line 7, strike "April 1, 1953" and insert "December 18, 1954".

On page 2, line 13, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. VITA CUSUMANO

The Clerk called the bill (H.R. 1462) for the relief of Mrs. Vita Cusumano.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MISS JALILEH FARAH SALAMETH EL AHWAL

The Clerk called the bill (H.R. 1707) for the relief of Miss Jalileh Farah Salameth El Ahwal.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JAMES HIDEAKI BUCK

The Clerk called the bill (H.R. 2208) for the relief of James Hideaki Buck.

There being no objection, the Clerk read the bill as follows:

H.R. 2208

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, James Hideaki Buck may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Howard J. Buck, a citizen of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANKLIN JACINTO ANTONIO

The Clerk called the bill (H.R. 2224) for the relief of Franklin Jacinto Antonio.

There being no objection, the Clerk read the bill, as follows:

H.R. 2224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Franklin Jacinto Antonio may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Cal Carinio Jacinto, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCESCA ADRIANA FATTA (MILLONZI)

The Clerk called the bill (H.R. 2536) for the relief of Francesca Adriana Fatta (Millonzi).

There being no objection, the Clerk read the bill, as follows:

H.R. 2536

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Francesca Adriana Fatta (Millonzi) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Santo Millonzi, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendments:

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On page 1, line 4, strike out the name "Francesca Adriana Fatta (Millonzi)" and insert in lieu thereof the following: "Francesca Adriana Millonzi".

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Francesca Adriana Millonzi".

A motion to reconsider was laid on the table.

RUEBEN ROSEN

The Clerk called the bill (H.R. 2890) for the relief of Rueben Rosen.

There being no objection, the Clerk read the bill, as follows:

H.R. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rueben Rosen shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARTIN H. LOEFFLER

The Clerk called the bill (H.R. 3165) for the relief of Martin H. Loeffler.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALEKSANDAR ZAMBELI

The Clerk called the bill (H.R. 3166) for the relief of Aleksandar Zambeli.

There being no objection, the Clerk read the bill, as follows:

H.R. 3166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Aleksandar Zambeli, who was lawfully admitted to the United States for permanent residence on July 8, 1962, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RYSZARD STANISLAW OBACZ

The Clerk called the bill (H.R. 3167) for the relief of Ryszard Stanislaw Obacz.

There being no objection, the Clerk read the bill, as follows:

H.R. 3167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ryszard Stanislaw Obacz, who was lawfully admitted to the United States for permanent residence on January 29, 1964, shall be held and considered not to be within the classes of persons whose naturalization is prohibited by the provisions of section 313 of the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

YOLANDA FULGENCIO HUNTER

The Clerk called the bill (H.R. 3172) for the relief of Yolanda Fulgencio Hunter.

There being no objection, the Clerk read the bill, as follows:

H.R. 3172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yolanda Fulgencio Hunter may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. William Foster Hunter, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 7, after the names "Mr. and Mrs. William Foster Hunter," strike the remainder of the bill and insert in lieu thereof the following: "a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHO JOHNNY

The Clerk called the bill (H.R. 3188) for the relief of Cho Johnny.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that Calendar No. 84, H.R. 3188, be recommitted to the Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MARIA DA CONCEICAO EVARISTO

The Clerk called the bill (H.R. 3376) for the relief of Maria da Conceicao Evaristo.

There being no objection, the Clerk read the bill, as follows:

H.R. 3376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(25) of the Immigration and Nationality Act, Maria da Conceicao Evaristo may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided,* That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided* further, That this exemption shall apply only to a ground for exclusion of what the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRY BUSH

The Clerk called the bill (H.R. 3560) for the relief of Harry Bush.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MISS MARIA MOSIO

The Clerk called the bill (H.R. 5107) for the relief of Miss Maria Mosio.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

VISITACION ENRIQUEZ MAYPA

The Clerk called the bill (H.R. 6389) for the relief of Visitacion Enriquez Maypa.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CHOI SUNG JOO

The Clerk called the bill (H.R. 9979) for the relief of Choi Sung Joo.

There being no objection, the Clerk read the bill, as follows:

H.R. 9979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Choi Sung Joo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Gerard J. Byrne, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NORIKO SUSAN DUKE (NAKANO)

The Clerk call the bill (S. 537) for the relief of Noriko Susan Duke (Nakano).

There being no objection, the Clerk read the bill, as follows:

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Noriko Susan Duke (Nakano) shall be held and considered to be within the purview of section 323(c) of such act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ERNESTO ALUNDAY

The Clerk called the bill (S. 648) for the relief of Ernesto Alunday.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

RODRIC STEWART PENCE (JOO, JAMES)

The Clerk called the bill (H.R. 3044) for the relief of Rodric Stewart Pence (Joo, James).

There being no objection, the Clerk read the bill, as follows:

H.R. 3044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Rodric Stewart Pence (Joo, James) may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Rodric H. and Barbara Ann Colline Pence, citizens of the United States, pursuant to section 204 of the Act. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, strike out the word "Act". and insert in lieu thereof the following: "Act: *Provided,* That the natural brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES F. WEGENER

The Clerk called the bill (H.R. 1828) to confer U.S. citizenship posthumously upon James F. Wegener.

There being no objection, the Clerk read the bill, as follows:

H.R. 1828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That James F. Wegener, a native of Canada, who was scheduled to become a citizen of the United States through naturalization on May 27, 1968, shall be held and considered to have been a citizen of the United States at the time of his death on May 10, 1968.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GIUSEPPE DELINA

The Clerk called the bill (H.R. 3373) for the relief of Giuseppe Delina.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

PROMOTION OF HEALTH AND SAFETY IN THE BUILDING TRADES AND CONSTRUCTION INDUSTRY

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) and, pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 427 provides an open rule with 1 hour of general debate for consideration of H.R. 10946 to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

It is the purpose of H.R. 10946 to promote health and safety standards in the construction industry, to rectify the serious oversight in existing Federal statutes which presently provide safety standards to protect workers in supply and service industries under Federal contract, and to correct these problems by authorizing the Secretary of Labor to set standards which contractors and subcontractors would be required to meet on Federal, federally financed, or federally assisted construction.

Suppliers, service contractors, construction contractors—these three categories constitute the great bulk of Government contractors. In all three cases, it is public policy that their employees must be paid the prevailing wage in the area in which they are employed. In two of the three cases safe and healthful working conditions must be provided for the employees. Only construction has no Federal safety or health standards or protection for workers performing Federal contracts.

H.R. 10946 would amend the Contract Work Hours Standards Act by requiring the contractor or subcontractor contracting for any part of the work to assure that any laborer or mechanic or other employee shall not be required in the performance of a contract to work in any place or under any working conditions which are unsanitary, hazardous, or dangerous to his health and safety. It further requires the Secretary to develop and promulgate as a part of the legislation minimum safety and health standards with appropriate consultation with an advisory committee.

The Contract Work Hours Standards Act applies to any contract involving the employment of laborers or mechanics:

First, on a public work of the United States; of any territory; or District of Columbia;

Second, to which the Federal Government—including any Federal agency or instrumentality—any territory, or District of Columbia, is a party, or which is made for or on behalf thereof; or

Third, which is financed in whole or in part by loans or grants from the Federal Government and to which Federal laws providing wage standards for such work apply.

The Secretary or his representative is authorized, for purposes of programing and enforcement, to inspect places and practices of employment, issue such orders and make such findings of fact as are necessary to carry out the intent of the legislation, and gain compliance with the safety and health regulations adopted as a part of this section. To carry out these provisions and to permit court review, the Secretary and the U.S. district court shall have the authority and jurisdiction provided by the Walsh-Healey Act.

In violation cases the Secretary would be authorized to use certain administrative procedures and, where necessary, to seek injunctions.

An employer charged with noncompliance would be given full opportunity to be heard, and the contractor would be

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afforded due process of the courts including the right of judicial appeal.

In the event the Secretary determines noncompliance, the governmental agency for which the contract work is done shall have the right, upon notification by the Secretary, to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional costs to the original contractor.

The Comptroller General is directed to distribute to all Government agencies the name of each violator transmitted to him by the Secretary and, unless the Secretary recommends otherwise, the violator is prohibited the awarding of a contract for a 3-year period.

A big portion of the estimated $3 billion which accidents cost the construction industry every year could be saved to the industry and its customers by the investment in an effective Federal construction safety program.

The legislation concerns only Federal construction contracts or federally financed contracts; therefore, the Federal Government has the responsibility for protection of the lives of workers employed on its projects.

Enactment of the legislation can be expected to—

First, reduce the number of serious accidents;

Second, provide minimum national uniformity in safe work practices;

Third, reduce contractor liability by meeting accepted safety standards;

Fourth, reduce contract costs through improved operational efficiency;

Fifth, improve competitive status of companies through reduced costs;

Sixth, improve the safety skills throughout the construction industry by training workers on Federal projects who then move on to private construction projects;

Seventh, assist States to upgrade their safety posture through improved national programing; and

Eighth, save the Government millions of dollars in construction costs.

In 1968, 2,800 construction workers were killed on the job, which is the highest annual death rate for any one industry in the United States.

During the last 10 years, in each year there has never been less than 2,300 construction workers killed per year.

In the last 10 years there has never been less than 209,000 construction workers disabled per year. The construction industry includes 4 million workers and another 20 million workers who are dependent on this industry.

The annual economic dollar value of this industry to the gross national product is over $90 billion.

Mr. Speaker, I urge the adoption of House Resolution 427 in order that H.R. 10946 may be considered and enacted by an overwhelming vote.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill which is commonly referred to as the construction safety bill became embroiled in some controversy last year, I believe it was in August or perhaps in September, when an effort was made to bring up a somewhat similar bill, although I wish to point out I think this bill is substantially different in many respects when the effort was made to bring up the construction safety bill under suspension of the rules.

At that time some of us, including myself, took to the well of the House and objected to the consideration of this legislation under a procedure which would bar the offering of any amendments. We did so, not because we disagreed with the very important principle of trying to implement better working conditions and assure safety for construction workers, but because we felt the language of the bill was somewhat loosely drawn and particularly with respect to the manner in which these standards would be drawn up by the Secretary of Labor was veiled in some doubt.

There was some doubt in our minds as to whether or not the provisions in the bill last year, as they dealt with the subjects of administrative review and judicial review, were adequate to assure due process for those who might become involved with the procedures or with the provisions of this law.

When you talk about the cancellation of a contract or when you talk about the possible blacklisting of a contractor for 3 years, you are talking about a very substantial right. I do not think anyone in this Chamber would deny or take issue with the fact that it is up to the Congress to draw legislation in such a way as to assure due process to anyone who may be subject to the terms of this act.

Mr. Speaker, I want to compliment the Committee on Education and Labor on the bill they are presenting for our consideration today, or which will be in order upon the adoption of this rule. I think they have answered the objections that we had to the legislation last year. I think in redrawing or redrafting the legislation and providing for an advisory committee which will be tripartite in nature with one-third of the representatives of the contractors, one-third from representation of organized labor and the building trades; and one-third representing the general public, these would include individuals from the States who are particularly qualified and have the expertise in this area of safety.

They have given us a mechanism, I think, whereby the Secretary of Labor can frame and proceed to promulgate standards for safety in the construction industry that will be realistic and will not impose an impossible burden of hardship.

They will reflect I think the concern that we all have for the safety of construction workers in our country and, yet, they will be the kind of standards which will not hamper and impede what is perhaps the most important basic industry in our country.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am happy to yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Speaker, I wish to compliment the distinguished gentleman from Illinois (Mr. ANDERSON) for the part that he has played in perfecting this bill, making it one which I feel everybody in this Chamber can support.

He has been very careful to see that due process of law has been afforded to every affected group, and no Member in the Chamber has been more interested in trying to work out a bill that would be equitable all the way around than the gentleman from Illinois. The gentleman from Illinois has offered several amendments that he has discussed with the subcommittee, particularly the gentleman from New Jersey (Mr. DANIELS). Those amendments are acceptable because we feel they make a better bill.

Mr. ANDERSON of Illinois. I thank the chairman. At this point I would like to indicate what those amendments are:

On page 2, line 23, after the word "section," we would insert the following words: "after an opportunity for an adjudicatory hearing by the Secretary."

Again, this language will carry out what I feel sure is the intent of the bills authors, that there should be a hearing for anyone affected by the provisions of this bill.

On page 3, line 4, an amendment that I shall offer would strike the words "a violation" and insert in lieu thereof the word "noncompliance," this is simply a change in language, a drafting change which I think is self-explanatory.

Again, on page 3, line 5, after the word "Secretary," I would insert the following: "after an opportunity for an adjudicatory hearing by the Secretary."

On page 4, line 23, we would strike "paragraph (1)" and insert the following: "subsections (b) or (d)."

This is to assure that the provisions of the bill which relate to administrative review and judicial review. They relate to both the possible blacklisting of a contractor and to the cancellation of the contract.

The last amendment which I will offer has been discussed with the chairman, the gentleman from Kentucky (Mr. PERKINS), and the gentleman from New Jersey (Mr. DANIELS), and to which they have both agreed:

On page 5, line 6, we would strike the following language:

> The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside.

And insert in lieu thereof the following language:

> The Court shall have power to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Secretary or the appropriate government agency.

I think these amendments serve to carry out, as I have said, the intent of the drafters and to insure the rights of administrative and judicial review.

I do wish to raise one other point while I have the floor, and that is on page 6 of the report the committee makes the statement that some governmental agencies, such as the Corps of Engineers and the Bureau of Reclamation, have good safety programs. This is true, and I have with me some statistics on the Corps of Engineers that indicate very clearly that

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for fiscal 1968, for example, the Corps of Engineers had a record, a frequency rate of 4.61, and what that means, that is the number of lost-time accidents per million man-hours of work, or the number of days charged. They had during fiscal 1968 a frequency rate of only 4.61, and the average for the entire construction industry, I am informed, was 13.21. So it is true that the Corps of Engineers does have—and these figures make it very clear—a very excellent program at the present time, and I do want to take this time to express the hope, and indeed to try to have this as a part of the legislative record surrounding the passage of this bill, which I support, that in promulgating standards, the Advisory Committee will certainly take into consideration the very fine record of safety that the Corps of Engineers, the Bureau of Reclamation, and some of these other Government agencies have already established, and that they will do nothing, either by inadvertence or design to interfere with or to compromise the existing standards of safety which we feel are very good and very high.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am glad to yield to the chairman of the committee.

Mr. PERKINS. I think the Members of this body recognize the great safety record of the Corps of Engineers.

The Department of Labor certainly would be derelict if it failed to consider and benefit from the experience of the Corps of Engineers and the standards developed by the Corps that have worked out so well.

I agree with the gentleman from Illinois that it is the intent of the committee that those safety standards be seriously considered. Most contractors are already familiar with the standards and there need be no radical changes involved.

Mr. ANDERSON of Illinois. Mr. Speaker, I am very pleased that the distinguished chairman of the committee agrees with me in that regard and that we have this as a definite part of the record we are making on this legislation.

Because of the changes which have been made, many of the people who talked to me last year were deeply concerned that there were not adequate safeguards in the legislation for administrative and judicial review.

I think people like the Association of Plumbing and Heating and Cooling Contractors and some others have said to me they are in favor of this bill, in favor of this legislation. I think it important to note that at this time as well.

I have one other point I want to make, and then I will be pleased to yield to the gentleman.

I note on page 4 of the report, I believe in the fourth paragraph down from the top of the page, the committee has stated:

> A provision of the Walsh-Healey Act provides for the use of such State and local officers and employees as the Secretary of Labor find possible to assist in the administration of this act. The committee deems it wise for the Secretary to utilize such assistance where he finds competent, trained, and qualified State personnel to exist.

I am very pleased the committee undertook to put that language in the report, because again one of the concerns some of us had was that in dealing with a $91 billion industry—which is what it is said the construction industry represents, with fully one-third of the labor force of this country either directly in construction or dependent upon the construction industry—we are talking about a very significant segment in the economy. We certainly do not want to create any great, gigantic, ever-burgeoning bureaucracy in Washington to oversee the whole construction industry. We do not want hundreds of people on the payroll if we can avoid it. Therefore, I was pleased to note the committee's concern with this problem and the suggestion that the Secretary in carrying out the standards, in implementing the provisions of this act, will utilize the services of State and local personnel that are qualified to police safety standards. It pleases me, because I think it will help avoid setting up, as I have said, what otherwise would be a very top-heavy bureaucracy in Washington trying to oversee the entire construction industry.

So, Mr. Speaker, I support the adoption of the rule that would make consideration of H.R. 10946 in order, and with the acceptance of the amendments which I have detailed here for the House, and which the chairman has indicated he accepts, and likewise the chairman of the subcommittee has indicated he accepts, I feel this is a good bill and one which I can and will support.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, I think I have made it clear that, as far as my committee is concerned, we do accept the amendments mentioned by the gentleman from Illinois.

There is one further amendment I would like to ask the gentleman from Illinois about. On page 3 of the bill, there is a minor technical amendment in line 7. After the word "financial", we see a comma. That comma should be deleted. The words "financial guarantee" should not be separated by a comma.

I think the gentleman will agree to that deletion.

Mr. ANDERSON of Illinois. The gentleman from Kentucky has previously discussed that technical amendment. I would certainly agree that the amendment should be accepted.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. DULSKI).

(By unanimous consent, Mr. DULSKI was allowed to speak out of order.)

CONGRESS MUST SET GUIDELINES FOR FUTURE REDISTRICTING

Mr. DULSKI. Mr. Speaker, a bipartisan group of New York Members of the House are joining me today in sponsoring legislation to establish guidelines for future congressional redistricting.

No guidelines exist in law now and it has become essential that Congress act in the light of the many harassing court challenges which have resulted from the original one-man, one-vote ruling of the Supreme Court of the United States.

Our proposal is to set a leeway for each district of 2½ percent in population above or below the mean average for the districts in a State. In New York State, for example, the mean average for the 41 districts under the 1960 decennial census was 409,324.

As the court decisions stand today, new congressional districts must have zero variance from the mean average. This is ridiculous and completely unrealistic—yet this is the way the court decisions have left the situation in the absence of legislative directive.

If the States are to avoid endless harassment after the redistricting upon the basis of the 1970 decennial census, it is mandatory that Congress enact legislation to install reasonable guidelines in law.

It is not the job of the court to set the guidelines, it is the job of Congress. The endless court challenges which have faced New York and other States in the past several years make indelibly clear the necessity for putting specific guidelines into law.

It should be noted that the courts seem to be attributing greater validity to census data than is the Census Bureau itself.

The Census Bureau itself acknowledges that its population headcount in 1950 and 1960 was only 97 percent accurate.

What is more, today's extremely mobile population makes census figures outdated before they are compiled officially. Thus the Court's zero-target—or as the Court says: "absolute equality"—is actually unattainable across the board.

Setting a 2½-percent variation allowance is within the range of census data accuracy and will permit the States to have slight leeway that can avoid much disruption to normal geographic lines.

The Supreme Court's ruling in April this year forced the State to begin preparations for another million dollar congressional reapportionment of the State for the 1970 election.

The Court ruled that the State's 1968 redistricting did not meet the Court's zero-variance interpretation, although the redistricting plan was approved at the time by a lower Federal court.

Our bill also includes a section aimed at avoiding the necessity for another redistricting in New York in advance of the 1970 decennial census.

It provides that any State whose present districts in Congress are within 10 percent of the average shall be considered the district for the November 1970 election. New York meets this criteria, with a variance of about 6 percent each way based on the 1960 census—the only basis for statewide redistricting.

I recognize that for New York to avoid the new redistricting for the 1970 election, even under the provision of this bill, New York would have to ask the Supreme Court to set aside its earlier ruling in the light of the legislation.

Whether the Court would agree remains to be seen, but I believe the effort should be made since the special redistricting will cost the State about a million dollars and will be done on the

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ridiculous basis of census data that is nearly 10 years old.

New York State will need to redistrict again on the basis of the 1970 census because the State is expected to lose one or more districts under national reapportionment.

The most important job for Congress—and the sooner the better—is to put specific guidelines in law so that New York and other States will know exactly in their 1971 redistricting what is the maximum variance from the State average.

Cosponsors of the bill with me—all New York Members—include: Mr. ADDABBO, Mr. BIAGGI, Mr. BINGHAM, Mr. BUTTON, Mr. FARBSTEIN, Mr. HALPERN, Mr. HASTINGS, Mr. HORTON, Mr. KING, Mr. MCEWEN, Mr. OTTINGER, Mr. PIKE, Mr. POWELL, Mr. STRATTON, and Mr. WOLFF.

Mr. MADDEN. Mr. Speaker, I move that previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10946, with Mr. HANLEY in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, the bill, H.R. 10946, to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, is a bill most worthy of your support.

Some people have been laboring under the impression that construction safety legislation is not necessary since they allege construction workers are already protected under the Walsh-Healey Act or the Service Contracts Act. I want to set the record straight right now, before saying anything further in support of the legislation: Our committee has found that construction workers presently are not protected by any Federal safety or health laws. The result of this lack of protection is that thousands of men are being needlessly killed or disabled each year.

The Walsh-Healey Act was enacted in 1936. It provided that employees of supply contractors doing contract work for the Federal Government would be provided safe and healthful working conditions. In 1966 we enacted the McNamara-O'Hara Service Contracts Act to provide similar protection to employees of service contractors doing Federal contract work. But in the case of construction workers the law is silent on the question of the safety of their working conditions while doing similar work under Federal or federally assisted contracts. This is a serious oversight, and the time has come to correct it.

The matter of construction safety is not new to the Congress. Hearings were held by our committee during the 90th Congress on legislation similar to that before us today, and a construction safety bill was reported out late in the 90th Congress. Unfortunately, it was reported too late in the second session to be granted a rule, and it was brought up on the suspension calendar. Because of certain technicalities and questions which were raised during the House debate, the bill failed to get the required two-thirds vote to pass under suspension of the rules. But the bill did receive a solid majority vote.

The Select Subcommittee on Labor of our committee, however, did not base its action this year on the hearings during the 90th Congress. Under the leadership of my able friend and colleague, the gentleman from New Jersey (Mr. DANIELS), the subcommittee again explored the need for this legislation and it held 3 days of hearings on the original construction safety bill, H.R. 3290, which was introduced at the beginning of this Congress. All interested parties were given an opportunity to testify or submit statements. Testimony was also taken from the Secretary of Labor, Mr. Shultz, and the Under Secretary of Labor, James Hodgson.

The legislation received the support of the Department of Labor and the unanimous bipartisan support of the Select Labor Subcommittee and the full House Education and Labor Committee. The clean bill, H.R. 10946, which was reported by the committee, was cosponsored by 31 committee members, including myself.

Our committee carefully studied the questions which were raised during the debate last year on this same issue of construction safety, and we feel the grounds for criticism of the legislation have been eliminated in H.R. 10946.

I believe we have a good bill here. It provides the construction worker with the protection he needs and deserves while providing at the same time, substantial protection to construction contractors from possible arbitrary action by the Secretary of Labor in enforcing the safety and health standards required by the legislation.

Thirty-six years have passed since the Walsh-Healey Act was enacted. The Congress recognized at that time the need to act to protect certain workers. Three years ago we enacted the Service Contracts Act to protect another group of workers. In each case the Congress acted to aid workers it had a special responsibility and obligation to protect since they were doing work under Federal or federally assisted contracts. We have a similar obligation to construction workers. When I think of the thousands of men who have been killed or disabled on Federal jobs because we did not act 36 years ago to protect them, I become all the more determined to act now to do what we should have done long ago.

I want to emphasize that this legislation is only related to the protection of construction workers on Federal or federally assisted projects. The bill is not a comprehensive bill for the entire construction industry, but only that segment of the industry engaged in contract work for, or assisted by, the Federal Government.

There has been concern in some quarters over how the Secretary will go about setting up the safety and health standards required by H.R. 10946. As my colleagues are aware, Mr. Speaker, the Secretary of Labor already has similar authority under the Walsh-Healey Act and other safety laws. This legislation provides however that he will be required to consult with an advisory committee made up of representatives of the construction industry, representatives of workers primarily engaged in the construction industry, and the public. This advisory committee will advise the Secretary in his formulation of the safety and health standards. The bill also provides that the Secretary can appoint special advisory and technical experts or consultants to aid him in carrying out the functions of the committee.

In writing this construction safety legislation, our committee endeavored to be fair to all parties concerned. We did our best to give everyone the opportunity to be heard on the matter, and we carefully considered each suggestion from industry, labor, and committee members, as to exactly how the problem should be approached and what language should be used.

My colleagues on the committee on both sides of the aisle have agreed with me on the need for immediate action by the Congress in this area. I urge the Members of the House to join us in supporting and passing H.R. 10946.

Mr. Chairman, we have a bill here today that everyone in this Chamber should support. It will save thousands and thousands of lives and should be enacted.

Therefore, Mr. Chairman, I urge the members of this committee to enthusiastically support this legislation.

Mr. ERLENBORN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as you are all aware, the mood of this Nation and its people is fast moving toward seeking those values that have basic fundamental meaning. The mood seems to be saying we will consider nothing except those things that are for individual human good. In other words, everything we plan, create or do should be solely aimed at human values, not material values but human values.

We are considering today legislation that reaches toward the thinking and demands of this Nation's people. H.R.

10946 is legislation dealing in human values. It establishes procedures which will go a long way toward protecting people from death and injury while they are engaged in earning a living and raising a family.

In this, the most technically advanced Nation in the world, we are still in the comparative dark ages when it comes to protecting workers on the job. The workforce of any nation and particularly the United States is its greatest asset. Its skills are America's strength and greatness and the skilled construction worker among the most prized.

Yet last year at least 2,800 skilled construction workers were killed and at least a quarter of a million disabled. I use the term "at least" because we do not even have a system to accurately record the deaths and disabling injuries in the construction industry.

I do not intend to discuss costs of this tragic happening, for as I said earlier, this is legislation dealing with human, not materialistic values.

Construction workers employed by contractors performing work on Federal projects are the only workers who are not protected from accidental death and injury by Federal law. All other workers employed under Federal contract at least have some statutory safety and health protection, inadequate as we know some of it to be.

H.R. 10946 represents legislation which I believe to be in a form that President Nixon meant when he said in October 1968:

> I believe better occupational safety and health are needed on both Federal and State levels. A good place to begin would be with proper uniform safety standards on all Federal Construction.

It is my view that when protective legislation is normally drawn up there is a tendency to draft language that is punitive in nature rather than corrective. In the case of safety and health, the trend is normally toward punishing the employer rather than attempting to assist the employer in approaching the problem of accident prevention in a constructive fashion.

H.R. 10946 is not formed in a punitive sense. Rather, it directs the Secretary of Labor toward administering the law from an accident prevention programing posture rather than a punitive enforcement approach. To be more specific it directs the Secretary to:

Educate and train in accident prevention techniques;

Establish Federal safety and health standards after full consultation with those involved with the industry;

Establish an Advisory Board to consult with and assist the Secretary in administering the construction safety and health program;

Collect, analyze, and publish accident data for program guidance and industry use;

Requires the use of the Administrative Procedures Act and public hearings in the development of standards of safety and health; and

Provides in those instances where formal compliance action is found necessary, full administrative and judicial review to the contractor involved.

I believe that H.R. 10946 stands as a model piece of safety and health legislation which will serve to answer our concern of preventing the tremendously high loss of life and injuries to the construction workers.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would ask the gentleman if there are any financial costs in connection with this proposed legislation, either now or anticipated in the future?

Mr. ERLENBORN. I am not certain what the gentleman from Iowa means by "financial costs." Does the gentleman mean the cost of enforcement, of fines against the industry?

Mr. GROSS. That is right. The cost for this legislation.

Mr. ERLENBORN. There is no authorization for an appropriation. I suppose obviously that any place where we have the administration of an act, and where we have people who are on the payroll involved in its administration that there are some costs, but they are not identified in this instance by any separate authorization or appropriation.

Mr. GROSS. There is no indication that I could find as to the number of man-hours necessary to administer this proposed legislation.

The gentleman has no estimate of that either, is that correct?

Mr. ERLENBORN. I have no estimate.

Mr. DANIELS of New Jersey. Mr. Chairman, if the gentleman will yield I will be glad to respond to the questions posed by the gentleman from Iowa.

Mr. ERLENBORN. I will be glad to yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

As the chairman of the Select Subcommittee on Labor which conducted the hearings, I would like to respond to the inquiry of the gentleman from Iowa by stating that I have been advised that approximately 25 percent of the 4 million construction workers are employed on Federal projects, so that would represent approximately 1 million such workers. The cost of administering the safety and health aspects of this bill are estimated to be approximately $2 per person, so that this would come to a total of approximately $2 million per year.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from New Jersey stated that it will cost approximately $2 million per year from the Federal Treasury for the administration of this law. Am I correct that that is what the gentleman states; that it will cost $2 million from the Federal Treasury for the administration of this law?

Mr. DANIELS of New Jersey. The gentleman is correct, it will cost the Federal Government $2 million to properly administer the law.

Mr. GROSS. I thank the gentleman for yielding.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Iowa.

Mr. GROSS. Is there $2 million budgeted?

Mr. ERLENBORN. I would have to answer the gentleman from Iowa and say, in my opinion, it is not budgeted since the bill has not been passed and it has not been considered in the budget for the Department for this year.

If the gentleman from New Jersey has any other information, I will be happy to yield to the gentleman.

Mr. DANIELS of New Jersey. The gentleman's understanding is absolutely correct.

Mr. ERLENBORN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois has consumed 7 minutes.

Mr. SCHERLE. Mr. Chairman, last year when the construction safety bill came before the House under suspension of the rules, I voted against it, because, in my judgment, it was not satisfactory. I felt that it was full of loopholes, that there were question as to just what it covered and whether there were administrative safeguards and protection for all parties.

Today, however, I am a cosponsor of the construction safety legislation under consideration. The bill before us is a good bill, a workable bill, and a fair one.

I support this legislation because there are provided definite guidelines in the standards and safeguards for the prime contractors as well as workers. Such safeguards were lacking in the bill defeated by the 90th Congress. I support its passage particularly with the inclusion of my amendments which include judicial review. This legislation is not punitive in design. It makes a positive approach to the problem while providing the mechanism for the effective enforcement of the legislation.

Although I did not participate directly in the hearings held during the 90th Congress, since I was on another subcommittee at that time, it disturbed me to learn that since those hearings, deaths and injuries have increased. Last year alone, more than 2,800 construction workers died on the job and some 250,000 were disabled. Hopefully a good safety program can be established and those statistics will decrease in the future.

This legislation limits the Federal Government's major area of responsibility to its own contract work. It does not provide for an overall construction safety program. Instead, it relates only to Federal, federally assisted, or federally financed construction projects, and the States are still free to run their own safety programs without any interference from the Federal Government.

The Nixon administration realizes the value of the construction industry to this country, and it is aware of thousands of injuries and deaths each year in this industry which might be avoided with a safety program. Secretary of Labor Shultz and Under Secretary Hodson appeared before our subcommittee, and they endorsed construction safety legislation.

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I hope the House will act favorably on H.R. 10946.

Mr. PERKINS. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey (Mr. DANIELS).

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I am pleased to join my distinguished colleague, the chairman of the Education and Labor Committee, Mr. PERKINS, and members of the committee in support of the committee's bill, H.R. 10946, legislation to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

During the past 50 years Congress has enacted a number of laws dealing with occupational safety, but these are generally limited in scope and effectiveness; the same can be said of State statutes that deal with this subject. At present there are federally established safety standards for certain employee groups such as longshoremen and railway workers, while the construction and building trades industry has no Federal safety or health standards or protection for workers performing Federal contracts.

The startling statistics of death rates and injuries revealed by the Building Trades and Construction Department of the AFL–CIO are proof of the urgent need to provide effective health and safety regulations for those persons working on Government contracts. With 2,800 construction workers killed in 1968, the construction industry represents the highest death rate for any industry in the United States. Over the past 10 years, we have witnessed an annual average of 209,000 injuries in this industry. These figures are approximately twice the average rate for all of industry and show a comparable lack of improvement.

With such appalling facts confronting us, the need is apparent for the legislation we are considering here today. H.R. 10946 assures that provisions will be made to grant the necessary health and safety protection to construction workers on Federal projects by authorizing the Secretary of Labor to set standards which contractors and subcontractors would be required to meet on federally financed construction. This bill would insure that no employee would be required to work under any conditions which were unsanitary, hazardous or dangerous to his health and safety.

Under the provisions of H.R. 10946, the Secretary of Labor, after consulting with a nine-member advisory committee, which includes members representing contractors, construction workers, and the general public, would be required to set minimum safety and health standards for Federal or federally aided construction work. The Secretary is also authorized to inspect places and practices of construction employment and to seek compliance with the safety standards through the U.S. district courts if necessary.

In the event of noncompliance with the safety standards, the Federal agency for which the work was being done, is authorized to cancel the contract of any contractor of subcontractor, and to enter into other contracts while charging any additional cost to the original contractor.

The bill prohibits the awarding of contracts, for a 3-year period, to any contractor found guilty of noncompliance. A contractor may be blacklisted only after a formal agency hearing, and he maintains the right to petition the U.S. Court of Appeals for a review of the ruling. If the ruling is sustained, the contractor may, after complying with the safety requirements, petition the Secretary of Labor before the end of the 3-year period to be removed from the blacklist.

To assure a well-rounded safety and health program the bill authorizes the Secretary of Labor to set up programs for the education and training of employers and employees in the construction industry. The Secretary is also authorized to require reporting of construction injuries and their causes and costs.

Improving occupational health and safety has been a subject of increasing concern to me. During the last Congress and again this year, I joined several of my colleagues in sponsoring broad occupational health and safety legislation in the belief that maximum on-the-job protection should be guaranteed to every worker. The legislation we are considering today covers only those workers on federally assisted projects but it is an encouraging step in what I hope will be a genuine Federal commitment to safe and sanitary working conditions throughout industry.

In the near future, the Education and Labor Committee will begin hearings on the Occupational Health and Safety Act of 1969. It is my hope that these hearings will result in the enactment of an effective and far-reaching measure which would extend protective coverage to all our industrial workers. In the interim, however, we have the opportunity to demonstrate our support for an excellent bill in H.R. 10946, and our endorsement of improved safety and health standards in the federally financed construction industry.

Mr. DANIELS of New Jersey. Mr Chairman, I rise in support of H.R. 10946, the construction safety bill. As chairman of the Select Subcommittee on Labor, I had the privilege of conducting the hearings on this legislation, and I strongly urge the enactment of H.R. 10946.

In 1936 Congress acknowledged its responsibility to protect the health and safety of workers employed on Federal contracts in the supply industry by passing the Walsh-Healey Act.

Then in 1965, with the passage of the Service Contracts Act, Congress further delineated its responsibility for insuring safe working conditions for laborers engaged in the service industry on Federal or federally financed projects.

To date, the third major contractor with the Federal Government—the construction industry—has never been required by Federal statute to insure that laborers employed on Federal construction contracts have safe and healthful working conditions. This bill recognizes that the Federal Government does have a special obligation to protect this one remaining class of workers when working on Federal contracts.

In testifying before the select subcommittee, Secretary of Labor Shultz stated:

> I favor enactment of legislation along the general lines of H.R. 3290, which recognizes the Federal Government has a special obligation to those who work on Government contracts and extends safety and health protections to the one remaining class of workers who do not now have the benefit of those protections.

The death and disability statistics illustrate the urgent need for this bill. Since 1959, deaths in the construction industry have never been below 2,300. The 1968 death total of 2,800 represents the highest in any industry in the United States. Since 1959 there has never been less that 209,000 construction workers disabled per year.

The preponderance of the testimony before the subcommittee supported the principle of the Federal Government—as opposed to State government—enforcing safety standards under provisions of this bill because these Federal standards would apply only to Federal or Federally financed construction contracts.

This bill carefully enumerates procedures for promulgating and enforcing Federal safety standards under the provisions of the Administrative Procedures Act. An aggrieved party may seek relief in the U.S. district courts. The Select Subcommittee on Labor considers that these measures will provide the contractor and subcontractor with adequate safeguards against arbitrary or discriminatory action by the Secretary of Labor while simultaneously encouraging the development of uniform safety standards on Federal construction projects.

I would like to briefly review the major aspects of this bill. Every contractor or subcontractor on Federal or federally assisted construction projects would be required, as a condition of his contract to assure that no laborer or contractor employed in the performance of the contract would have to work under unhealthy, hazardous, or dangerous working conditions.

In setting minimum health and safety standards, the Secretary of Labor will consult with a nine-member Advisory Committee. The Committee will include three representatives of the construction industry, three representatives of employees primarily engaged in the construction industry, and three public representatives who will be selected by the Secretary on the basis of their professional and technical competence and experience in the field of construction safety and health. The purpose of the Advisory Committee will be to advise the Secretary in the formulation of construction safety and health standards and other regulations.

Before promulgating any standards, the Secretary must also hold a formal public hearing under the provisions of the Administrative Procedure Act.

The bill authorizes the Secretary of Labor to make inspections, hold hearings, issue orders, and make decisions to

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gain compliance through the U.S. district courts if necessary.

If the Secretary of Labor determines that a contractor or subcontractor is in noncompliance, the agency for which the work is being done would have the discretion under the legislation to cancel the contract and enter into other contracts, charging the additional cost to the original contractor. Where the contract is financed in whole or in part by loans or grants made, guaranteed or insured by the Federal Government, the agency responsible would have similar discretion to withhold the assistance.

The legislation also provides for a blacklisting procedure by which the awarding of Federal contracts could be prohibited for up to 3 years to any contractor blacklisted for willful or grossly negligent failure to comply with the safety standards. But such blacklisting could only occur after a formal agency hearing, and the blacklisting could be terminated by the Secretary before the end of the 3-year period upon a finding that the blacklisted party will comply responsibly with the standards. In any case, the blacklisted contractor could appeal to the U.S. court of appeals under H.R. 10946 for relief from the blacklisting penalty.

I want to emphasize that we feel this legislation provides for full administrative and judicial safeguards.

During the committee hearings there was widespread agreement that to assure a well-rounded safety and health program a training and education program was vital. H.R. 10946 directs the Secretary of Labor to establish programs for the education and training of employers and employees in the avoidance of unsafe and unhealthful working conditions covered by the provisions of the legislation.

The bill also authorizes the Secretary to require reporting of construction accidents and injuries on projects covered by the provisions of the legislation. With more complete data on accidents and injuries and their causes and costs, a more effective safety program, as well as a more effective education and training program, can be administered.

I want my colleagues of the House to understand that this legislation does not interfere with State safety and health programs for construction work. We are dealing only with Federal or federally assisted projects, and the States are free to require their safety and health standards on projects within their jurisdiction. What we have found, however, is that most States do not have adequate safety laws to protect construction workers, and the States that have fairly good laws lack effective enforcement.

Not only will this legislation save thousands of lives and prevent many more disabling injuries, but it will also save the Federal Government and the Nation millions of dollars—possibly even billions of dollars—each year in reduced accident costs, work delays, and improved operational efficiency.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. DANIELS of New Jersey. I am happy to yield to the gentleman from Nebraska.

Mr. DENNEY. The thrust of this legislation is correct in that we want to establish safety for the million workers that are on federally assisted projects.

It seems to me a year ago we had quite a controversy on the floor concerning a bill similar to this one. Would the gentleman outline the differences between the bill his committee had under consideration and the bill we had here?

Mr. DANIELS of New Jersey. I will be happy to do so. The gentleman's colleague, sitting immediately behind him, enumerated the differences earlier today when he spoke on the rule.

Last year when this bill came to the floor under a suspension of rules, it did receive a majority vote, but it failed to obtain the necessary two-thirds vote. The principal objections as I understood them to be, were to the fact that it failed to provide adequate review under the Administrative Procedures Act or through judicial processes. In this bill today, the contractor, should he receive a stop notice or a cancellation of his contract from the Secretary of Labor, may ask for an adjudication either under the Administrative Procedures Act or by applying to the court.

In fact, before such a harsh and dreadful step as to cancel a contract is taken, the Secretary of Labor himself may also apply to the U.S. district court for an order.

Mr. DENNEY. In the select committee hearings was there any representative of the contractors' association that favored this bill?

Mr. DANIELS of New Jersey. The Contractors' Association did appear, but my recollection, if it is correct, is that it did not support it. The bill we have under consideration today, however, is a clean bill, different from the original bill. I can give the gentleman the number of the original bill.

Mr. DENNEY. The contractor would be required, if he received a cease-and-desist order, to have the expense of going to court?

Mr. DANIELS of New Jersey. Naturally, he would have to hire his own lawyers, but there are adequate protective measures in this bill not only with reference to cancellation of a contract but also with reference to blacklisting.

Mr. DENNEY. Under the Administrative Procedures Act is what the gentleman is referring to there? Is that correct?

Mr. DANIELS of New Jersey. That is correct.

The CHAIRMAN. The chair recognizes the gentleman from Illinois (Mr. Erlenborn).

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Chairman, because of some remarks I made earlier today when we were discussing the rule, I did want to add one bit of information to what I was discussing at that time; namely, the safety record of the Corps of Engineers.

The chairman of the committee at that time agreed with me they had a fine record, and in the promulgation of the new safety standards we hope that the advisory committee will do nothing to interfere with work already being done. In that respect, I would like to insert in the Record a copy of a news release of the Department of the Army, Office of the Corps of Engineers, as follows:

National Safety Council Awards Presented to Chief of Engineers

Howard Pyle, President of the National Safety Council and former Governor of Arizona, today presented two Safety Council Awards of Merit to Lieutenant General William F. Cassidy, Chief of Army Corps of Engineers, for the safety records established in 1968 for Corps of Engineers contractor operations as well as work performed by its own civilian personnel.

In accepting the awards from Governor Pyle, General Cassidy said: "Safety and accident prevention always receive full attention at every echelon within the Corps of Engineers. This sustained interest is the real reason the Corps has earned these awards. I accept them on behalf of all of those whose work has helped make these awards possible.

"It is not only important that we design each project properly from the engineering standpoint, but we must build it with care to eliminate accidents during construction and assure safe operations during the life of the facility," General Cassidy added.

The Corps of Engineers own operations last year had an average accident frequency rate 60 percent better than the frequency of federal agencies reporting to the National Safety Council. The Corps severity rate was 35 percent better than that of all the government agencies.

During the same period, contractors working on Army Corps of Engineers projects registered an accident frequency rate 50 percent better than the construction industry's average, while their severity was 10 percent better, according to records maintained by the National Safety Council.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Kentucky, the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I have visited numerous projects in the congressional district I represent on which the Corps of Engineers were supervising construction. They had their own engineer on the job even where the contract had been let to private contractors. A Member of Congress cannot even go on that job unless he has a helmet on his head and uses other equipment necessary for his safety.

I think it would be useful not only to the advisory committee, but also to the Department of Labor to consider the standards that have been set up by the Corps of Engineers. It would be unfortunate if the Department or the advisory committee failed to consider the safety standards of the Corps of Engineers considering their great safety record. We are all proud of that record.

Mr. ANDERSON of Illinois. Mr. Chairman, I am delighted the chairman shares my feelings in that regard.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. I likewise wish to concur in the remarks of Chairman Perkins with reference to the Corps of Engineers and the Bureau of Reclamation. According to the testimony, they have established wonderful safety standards, and it is hoped that this com-

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mittee which will advise the Secretary of Labor will take into consideration the high standards they have already established. We hope they will do so, and we know they will do so, for they are directed by this bill to consult prior to the promulgation of any rules or standards.

I should like to take this opportunity to report that the bill was reported favorably by all the members of the subcommittee, and it was cosponsored by 31 of the 35 members of the full committee, and it was reported favorably with no objection whatsoever by the full committee.

Mr. ANDERSON of Illinois. Mr. Chairman, if I may I should like to conclude by saying that in taking favorable action, as I hope we will, on this measure, we should not in any way imply thereby that the industry has not been interested in the question of safety up to now or that somehow it has been completely derelict in this regard. Quite to the contrary, the Associated General Contractors have had a longstanding interest in safety and have pioneered safety in construction. The AGC "Manual of Accident Prevention in Construction" has been recognized for several decades as the guide for safety in the construction industry and has been reprinted in several foreign languages.

Five foreign nations have translated the AGC "Manual of Accident Prevention in Construction" for application by contractors in their efforts to reduce construction accidents. They are: Japan, Spain, Norway, Israel, Afrikaans—Netherlands—plus those nations comprising the Inter-American Construction Association where the translation has been prepared for the Inter-American Federation of the construction industry by the Inter-American Safety Council.

For years this document has been recognized by the American Standards Association as the standard for the industry.

I think it well, while we consider this subject, we do pause to give some recognition and to pay some tribute to the fact that the industry has not been derelict in its responsibility and has on its own initiative been trying to develop the standards that will promote safety within the construction industry.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Gaydos).

Mr. GAYDOS. Mr. Chairman, I wish to add my voice in support of H.R. 10946, a bill to promote safe working conditions on federally financed construction projects.

Within the next 40 years statisticians tell us that America must put in place as much construction as was put in place during the first 180 years of our existence as a nation. Already we are told that there is a critical shortage of skilled construction workers. That is why the Nation can no longer tolerate the frightening toll of accidents which cost the construction industry millions of lost man-days of work each year.

For every day of work lost through a strike, 8 days are lost through construction accidents. The loss in dollars and cents through these accidents, staggering as it is, can be estimated with some degree of accuracy, but who can measure the suffering and the anguish of a family bereft of its wage earner?

Like mining, construction work is inherently dangerous. The work environment is conducive to accidents. Consequently, like mining, construction work needs special safety attention.

Accidents in the contruction industry can never be eliminated completely, but we owe it to the men working in the construction industry, to their families, and to the Nation as a whole, to make every effort to eliminate those hazards which are preventable.

H.R. 10946 is a step in this direction. It is time that the Federal Government promulgated a set of reasonable and effective safety standards for the work it finances.

It seems inconceivable to me that there should be any argument on this score. Two thousand construction men are being killed each year and thousands of others are being permanently maimed and rendered unfit to follow the trade they know best.

This is a toll the Nation can ill afford, and that is why I am strongly in favor of passage of H.R. 10946. The welfare of the Nation dictates passage of this measure, my conscience dictates passage of this measure, and I urge its adoption promptly.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Kentucky.

Mr. PERKINS. I wish to take this opportunity to compliment the distinguished gentleman from Pennsylvania (Mr. Gaydos). As it happens, we have two distinguished members on our committee from the great State of Pennsylvania, Mr. Dent and Mr. Gaydos. Mr. Gaydos succeeded another outstanding Member, our former colleague, Congressman Holland.

During the brief period of time he has been on this committee, no member on the committee has worked harder than the gentleman from Pennsylvania (Mr. Gaydos). He has been untiring in his efforts in behalf of safety, education, and other matters coming before the committee. He deserves much credit for his contribution to the legislation we are now considering.

Mr. GAYDOS. I thank the gentleman from Kentucky, the distinguished chairman of our committee, for his kind remarks. I want the gentleman to know that it has been my pleasure not only to be a member of this committee but of this subcommittee.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. Pucinski).

Mr. PUCINSKI. Mr. Chairman, I rise in support of this bill. I am proud to be one of the cosponsors of this legislation, and I congratulate the gentleman from New Jersey (Mr. Daniels) and the chairman of the full committee (Mr. Perkins) for moving it through his committee.

It is perfectly proper that the Federal Government set the highest standards of safety on federally financed projects in the construction industry. The building trades constitute one-third of the American labor force either directly or indirectly affected by construction. Certainly the standards set on federally sponsored projects in safety will sooner or later have an effect on the entire industry There is no question but that this industry is one of the pillars of our whole economy. We are now reaching for a trillion-dollar economy in our country, and we all know that the building industry has played a key role in the growth of that economy. So I am pleased that we are today passing legislation which will improve safety standards particularly as we recall the statement made by the gentleman from New Jersey that last year there were more than 2,000 construction workers who suffered serious injuries engaged on federally sponsored projects.

So, Mr. Chairman, I am pleased to vote for this legislation. This is landmark legislation which will have wide results as we move along in raising the entire safety standards for the building trades and construction industry.

Mr. PERKINS. Mr. Chairman, I yield such time as he may require to the distinguished gentleman from New York (Mr. Biaggi).

Mr. BIAGGI. Mr. Chairman, the fundamental and rather simple purpose of H.R. 10946, the construction safety bill, is to provide safe workplaces for construction workers on Federal construction projects and on federally assisted projects. As a matter of public policy, manufacturing workers on Federal supply contracts have long been given this basic protection by the Walsh-Healey Act. More recently the McNamara-O'Hara Service Contracts Act provided Federal safety standards for workers providing services to the Federal Government. Since construction is much more dangerous than manufacturing, this legislation is a long overdue step in the direction of reducing the toll of unnecessary accidents to the workers of this industry.

Although this bill is essentially conservative in applying only to Federal and federally assisted projects, its passage and effective enforcement would make a big impact on construction deaths and injuries as well as carry out our undoubted obligation to protect the lives of workers on Federal jobs. Federal construction is a significant part of the industry's output. Good Federal safety standards would save many lives on Federal jobs; they would also have a multiplying effect which would save lives throughout the entire industry.

I and my colleagues have been impressed by testimony which has demonstrated beyond any doubt the urgent need to do something about preventing accidents in this industry. A current annual rate of 2,800 deaths and a quarter of a million injuries speaks for itself. And the trend is upward. If effective action is not taken, the record is going to get worse, not better.

The primary cost of these accidents of course is counted in lives lost, in severe injuries—in human suffering of all kinds. But there is also vast economic waste to the industry and to its customers, of which the Federal Government is a major one. Preventable accidents cost this industry billions of dollars every year. A small investment in good Federal standards and good enforcement would pay big economic dividends to the industry and to our national economy. More important, it would save thousands of valuable lives and prevent untold human suffering.

Mr. PERKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Chairman, I rise to support this legislation and to pay my respects and compliments to the chairman of the full committee and the chairman of the subcommittee and the ranking member on the minority side for their efforts to get this bill before us at this early date.

This bill has been controversial over a period of many years. However, like everything else, as time goes on we get a little more mellow and recognize the justice of something which a few years ago looked like an impossibility. We believe that this will help the industry and the building trades themselves. The building trades have deteriorated over a period of years simply because we have paid too little attention to them and to give them an opportunity to upgrade themselves and their trades. Without question the building trades are the backbone of our entire Nation's economy. Without the building trades all of us, with all of our colleges and universities at our disposal, would have very little to do, because it is the man who has to use his head and his hands and his heart who creates our basic prosperity in a democracy like ours which has an industrial economy.

I am sorry, Mr. Chairman, that I will not be here tomorrow to vote for this legislation, because I committed myself, after seeing the whip notice, to a meeting of a convention of the glass bottle workers and will be too far away to get back in time for a vote tomorrow at around 1 o'clock. However, I thought that the bill would come up for a vote today inasmuch as it only had an hour debate with little or no controversy. But due to a primary as I understand it in New Jersey and out of respect to the New Jersey Members, there will not be a vote on this measure today. I am hoping that there will be a unanimous vote on it, however, tomorrow.

Mr. Chairman, it is my opinion that the building trades ought to feel that they have the confidence of the Members of Congress in the kind of vote we can give to them tomorrow and hope that you certainly do that.

Again, let me say that this legislation is long overdue and I am happy to raise my voice in its defense and in support thereof.

Mr. PERKINS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Michigan (Mr. O'Hara), who has done an awful lot of work on this legislation.

Mr. O'HARA. Mr. Chairman, I rise in support of this legislation.

First, I want to congratulate the chairman of the subcommittee, the gentleman from New Jersey (Mr. Daniels), and the chairman of the full committee, the gentleman from Kentucky (Mr. Perkins), for the outstanding work they have done on this bill.

Mr. Chairman, 9 months ago, the House considered, under suspension of the rules, a construction safety bill generally similar to the one under consideration today.

A clear majority of the Members present, and very nearly a clear majority of the membership of the House voted for that bill, and it only failed of passage because it was being considered under suspension of the rules.

The details of the bill we are considering today are somewhat different than those of last year's proposal.

I am given to understand that some of the objections which were advanced last year by the contracting industry have been met, and that this bill should be acceptable to all parties concerned. But the basic concept of this legislation has not changed, and I can say again what I said last year about that bill. To understand the context of this legislation is to understand the argument for it.

For three decades, Mr. Chairman, Government contracts for the supplying of goods to the United States have contained a clause requiring the contractor to provide his employees with safe and healthful working conditions, and to pay them not less than the prevailing minimum wage.

Contractors providing services to the United States have been under a similar obligation, and their contracts have contained a similar provision for nearly 5 years now.

Contractors who undertake to build or repair buildings for the U.S. Government have long operated under a similar requirement with respect to the prevailing wage but they have been, alone among Government contractors, free from any obligation to provide their employees with safe working conditions. And this has been true, Mr. Chairman, in spite of the fact that construction is, outside of mining, the most dangerous industry in the Nation.

This bill, like last year's bill, seeks nothing more than to place construction contractors on the same footing with other types of contractors in their dealings with their employees. This bill should pass, and I am convinced that it will pass. But I do want to add one thing to that statement.

I want to say most emphatically that this bill of and by itself, is not sufficient to meet the serious and growing problems of occupational safety and health in America.

There are pending before the Education and Labor Committee not less than four bills dealing with the broader question of general occupational health and safety. One of those bills is identical to one which was recommended over a year ago by President Johnson. Another is identical to the bill reported to this House by the Education and Labor Committee last summer, but never considered on the House floor. Two others are new bills, introduced by myself and the gentleman from New Jersey (Mr. Thompson) bearing a generic resemblance to last year's proposals.

We have not yet heard directly from the administration, but in the hearings, the Under Secretary of Labor said that he hoped the House would pass a construction safety bill, but not in lieu of a broader bill. His exact words were:

> In the view of the Department, it would thus appear that some sort of comprehensive approach toward improving the working conditions and practices of all industries, including, of course, the building and construction industry as a whole would be desirable.
>
> However, legislation along the lines of H.R. 3290, which is confined to providing safe and healthful working conditions for the one group of employees working under Government contracting authorities who are not presently protected by Federal law, would be a step forward. The Federal Government would thus round out its safety coverage of those who work under its contracting authorities.

I rise to second that hope today. This bill is a good one, and in and of itself, it will make the life and health of the construction worker, performing his trade on a Government contract, considerably safer. But unless we enact a broader bill, covering all employees, that vast majority of American working men who are subject now to serious hazards to their safety and health, will continue to be so exposed.

I want, then, Mr. Chairman, to take this opportunity to urge upon the gentleman from New Jersey (Mr. Daniels) and upon all my colleagues, the importance of finishing the job so well begun, by enacting a comprehensive occupational safety and health act before another year passes and another 14,000 American workers are killed in on-the-job accidents.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. Yes.

Mr. GROSS. What is this I have been hearing about putting over a vote on this bill until tomorrow?

Mr. PERKINS. I am sure that the gentleman can get that information from the distinguished Speaker. I understand, that he had made a commitment. We are ready, but the Speaker made a commitment and we must honor that commitment.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, I thought it worked very well last year when the leadership of the House insisted that business be carried on normally and as usual on all days. I thought that the past performance of the House in declaring certain days out of bounds as far as votes are concerned had been eliminated. I am surprised to hear that a vote today has been put over. I am wondering if this is to be the accepted practice from here on out, that votes will be put over from day to day without any notification to the Members of the House.

Mr. PERKINS. I am sure the gentleman from Iowa knows that I cannot answer that question. It has been the practice in the past to postpone votes—complete general debate and postpone votes when certain States were having primaries.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield further to the gentleman from Iowa.

Mr. GROSS. The gentleman has been here for the last year or two, I have seen the gentleman here quite consistently, and that has not been the practice in the last year or two.

Mr. PERKINS. I would respectfully say to the gentleman that it has been the practice for over 20 years.

Mr. GROSS. Does the gentleman know whether the old situation is going to be revived with this vote being put over, and whether there will be votes being put over when there is a primary for Illinois, or an Iowa primary?

Mr. PERKINS. Let me say to my distinguished friend that we had a primary last week, and no vote was put over for any Members from the Kentucky delegation. I presume that certain Members of the New Jersey delegation asked the Speaker to postpone the vote.

Mr. GROSS. Does the gentleman from Kentucky feel discriminated against?

Mr. PERKINS. No; I do not feel discriminated against.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Illinois (Mr. ERLENBORN) have any further requests for time?

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 10946

A bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Contract Work Hours Standards Act is amended by adding at the end thereof the following:

"SEC. 107. (a) It shall be a condition of each contract which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or contractor employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on the record after an opportunity for an agency hearing. In formulating such standards, the Secretary shall consult with the Advisory Committee created by subsection (e).

"(b) The Secretary is authorized to make such inspections, hold such hearings, issue such orders, and make such decisions based on findings of fact, as are deemed necessary to gain compliance with this section and any health and safety standard promulgated by the Secretary under subsection (a), and for such purposes the Secretary and the United States district courts shall have the authority and jurisdiction provided by sections 4 and 5 of the Act of June 30, 1936 (41 U.S.C. 39). In the event that the Secretary of Labor determines noncompliance under the provisions of this section of any condition of a contract of a type described in clause (1) or (2) of section 103(a) of this Act, the governmental agency for which the contract work is done shall have the right to cancel the contract and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of a violation, as determined by the Secretary, of any condition of a contract of a type described in clause (3) of section 103(a), the governmental agency by which financial, guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 104 of this Act shall not apply to the enforcement of this section.

"(c) The United States district courts shall have jurisdiction. for cause shown, in any actions brought by the Secretary, to enforce compliance with the construction safety and health standard promulgated by the Secretary under subsection (a).

"(d)(1) If the Secretary determines on the record after an opportunity for an agency hearing that, by repeated willful or grossly negligent violations of this Act, a contractor or subcontractor has demonstrated that the provisions of subsection (b) and (c) are not effective to protect the safety and health of his employees, the Secretary shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

"(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Secretary otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Secretary, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, he shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Secretary's action he shall inform all agencies of the Government thereof.

"(3) Any person aggrieved by the Secretary's action under paragraph (1) may, within sixty days after receiving notice thereof, file with the appropriate United States court of appeals a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, who shall thereupon file in the court the record upon which he based his action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Secretary, if supported by substantial evidence, shall be final. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(e)(1) The Secretary shall establish in the Department of Labor an Advisory Committee on Construction Safety and Health (hereinafter referred to as the 'Advisory Committee') consisting of nine members appointed, without regard to the civil service laws, by the Secretary. The Secretary shall appoint one such member as Chairman. Three members of the Advisory Committee shall be persons representative of contractors to whom this section applies, three members shall be persons representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies, and three public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

"(2) The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations, and with respect to policy matters arising in the administration of this section. The Secretary may appoint such special advisory and technical experts or consultants as may be necessary to carry out the functions of the Advisory Committee.

"(3) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including travel-time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

"(f) The Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by the Act, and to collect such reports and data and to consult with and advise employers as to the best means of preventing injuries."

SEC. 2. The first section and section 2 of the Act of August 13, 1962, are each amended by inserting "and Safety" after "Hours" each time it appears.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, had come to no resolution thereon.

ROGERS INTRODUCES BILL TO AMEND SOLID WASTE DISPOSAL ACT

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, I am today introducing legislation to amend and strengthen the Solid Waste Disposal Act of 1965.

This bill, the "Resource Recovery Act of 1969," would extend the existing law for 3 years and add two new sections to the existing law.

First, the Secretary of Health, Education, and Welfare would conduct studies and investigations on economical means of recovering useful materials from solid wastes, recommended uses of such materials for national and international welfare, and the market of such recovery.

In addition, the Secretary would study appropriate incentive programs—including tax incentives—to assist in solving the problems of solid waste disposal as well as practicable changes in current production and packaging practices which would reduce the amount of solid waste.

Second, the Secretary would be authorized to make grants to any State, municipality, or interstate or intermunicipal agency for the construction of solid waste disposal facilities, with incentives for new and improved methods for dealing with solid wastes.

This second point is important to those States and communities that desire more modern facilities to handle their solid waste problems, but are financially unable to meet the cost of such facilities on their own.

Indeed, some of these States and municipalities participated in planning programs for solid waste management under the existing law, but the existing law does not provide for carrying this planning into actual construction of facilities.

Mr. Speaker, we are a nation of users, not consumers. We buy, we use, and we throw away.

It is estimated that within a few years, Americans will discard each year more than 30 million tons of paper, 4 million tons of plastics, 48 billion cans, and 26 billion bottles; more than 3.5 billion tons of solid wastes are being thrown away in this country every year and the annual cost of handling and disposing of these wastes amounts to $4.5 billion.

During the past 30 years, solid wastes have been deposited by mining, milling, and processing to the extent that some 7,000 square miles of land have been covered or damaged, an area six times the size of Rhode Island.

If future generations of American are to inherit adequate, economical supplies of our natural resources, we must move now to find new ways of reusing solid wastes.

WASTE OF WOMANPOWER

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, there is in this country a great waste of manpower, or more correctly, womanpower. Too often, the fine talents and acumen of the American woman is lost—even though they have completed their college education.

Among the women who choose to work, statistics indicate more than ever before are employed. However, these figures are misleading. The number is high partially because it is a reflection of our population growth. But the sad fact remains that women are not continuing their education and, consequently, are granted only second-rate jobs. There are dramatic exceptions, but they are few.

At the University of Texas recently, Mrs. Walt Rostow addressed a colloquim on the need for continuing education for women. Mrs. Rostow says that education is now at a "moment of lost purpose."

Women today, as well as other groups, are not utilizing education as effectively as in the past, Mrs. Rostow said.

More women are candidates for doctoral degrees, she noted, but the percentage is down. More women are employed, but "ask yourself what jobs they are doing," she said.

In an overview of education's role in American history, Mrs. Rostow credited it as one of three major "social escalators," and said that education helped to move the country from an underdeveloped to a mature economy.

However, now that the development goal has been reached, education seems to have "lost sight of its role," she said.

Viewing education from an optimist's position, Mrs. Rostow said that its influence is not ended. It is time for all groups involved, with emphasis on women, to "retool" for the new end, or purpose, education will serve in a mature society, she added.

The colloquium served as a planning phase for a proposed program of academic opportunity for mature women students. During small group discussions, the participants submitted suggestions and questions which will shape the program.

Dr. Alice Whatley, program director and assistant professor of home economics, said:

> At this time the program is concerned with services. Many of these are already in existence on the campus, but often are unknown to the women.

She added:

> We are concerned with preparing such a smooth pathway for the return to school that no woman can resist the temptation.

Dr. Bryce Jordan, UT Austin vice president for student affairs, extended an official welcome to the men and women invited to participate in the colloquium.

WHY SHOULD TAXPAYER SUBSIDIZE RACIST CALL TO ARMS OF INSURRECTIONISTS?

(Mr. MINSHALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, since when is the American taxpayer expected to subsidize the racist call to arms of such insurrectionists as Stokely Carmichael, FBI fugitive Eldridge Cleaver, and other militants as part of a Government-sponsored "adult remedial reading course"?

This is precisely what is recommended by the Urban Reports Corp. of Cleveland, Ohio, under contract with the Economic Development Administration.

The 188-page report, "A Survey of Remedial Educational Materials for Job Training Centers," currently is being circulated by Assistant Secretary for Economic Development Robert A. Podesta as a guideline for job training centers.

It is outrageous, and I am today writing to both the Secretary of Commerce and Mr. Podesta asking that the recommended booklist be withdrawn from circulation immediately and revised.

This is not a matter of book banning. The course in remedial reading ostensibly is to teach these people how to read, how to improve their literacy so that they can advance themselves economically. I do not buy the argument, given on page 174 of the document, that each book was "examined for its presentation, its relevance to young adults, its appeal to readers who are not 'hooked on books,' and who read on a seventh-grade level. Although some of the selections may seem more difficult, we believe that interest in the book will be a compelling force for comprehension."

By what authority does the Urban Reports Corp. and the Department of Commerce assume that an adult student, struggling to improve his reading skills, will "relate" better to the anti-American militancy of Cleaver's "Soul on Ice," Carmichael's "Black Power," or Lython's "The Goddam White Man"?

Why would he not relate equally well to George Schuyler's books, not one of which is listed? Schuyler is one of the most articulate, successful, and toughminded Americans writing today, black or white. His life is a legend, brilliantly told in his autobiography "Black and Conservative." He has written extensively, including novels, on African culture and current African politics, areas in which American Negroes are voicing loud interest these days.

George Schuyler has devoted his entire life to helping build this Nation, not destroy it. Do not the job trainers feel their remedial reading students might relate to a Negro who grew up in America when Jim Crow laws were real and terrible and who helped beat down racial barriers through reason, hard work, and an unshakable love for our Nation, whatever its faults, and a determination to work within the framework of the Constitution to make it a better country for all people.

Whatever our remedial reading students want to read on their own time is their business. I repeat this is not a matter of book banning. "Soul on Ice" is a best seller, Leroi Jones, Carmichael, Malcolm X—their works are available on loan from public libraries everywhere.

My point is this: taxpayers everywhere, myself included, are fed up to the teeth with those who would destroy our country, who are trying to turn it inside out with violence and manufactured hatred, and we are particularly fed up with weakminded governmental agencies funding programs which encourage that sort of activity.

For the benefit of my colleagues I am including in the RECORD the complete list of books selected for adult remedial reading courses in job training centers. Many of them are of outstanding merit. Others are so obviously, appallingly militant that it passes understanding why they were included.

I am convinced that the Government can do better than encourage its adult students to cut their literary teeth on what often comes close to treason. The list follows:

Adamson, Joy. *Born Free.* (Bantam pap. ed.).

Archer, Elsie. *Let's Face It.* Lippincott.

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Ashe, Arthur, Jr. *Advantage Ashe.* Coward-McCann.

Baldwin, James. *Blues for Mister Charlie.* Dial. (Dell pap. ed.).

Baldwin, James. *Going to Meet the Man.* Dial.

Baldwin, James. *Nobody Knows My Name.* Dial.

Baldwin, James. *Notes of a Native Son.* Beacon Press.

Baldwin, James. *Tell Me How Long the Train's Been Gone.* Dial.

Beach, E. *Run Silent, Run Deep.* Holt. (pap. ed.).

Benjamin, Robert S. *Call to Adventure.* World.

Bishop, Elizabeth. *The Ballad of the Burglar of Babylon.* Farrar, Strauss, & Giroux.

Bonham, Frank. *Burma Rifles.* Crowell (Berkley Pub. pap. ed.).

Bonham, Frank. *Durango Street.* Dutton.

Bontemps, Arna. *Famous Negro Athletes.* Dodd, Mead.

Bontemps, Arna. *Lonesome Boy.* Houghton.

Bontemps, Arna. *Story of the Negro.* Knopf.

Bontemps, Arna. *100 Years of Negro Freedom.* Dodd, Mead.

Braitwaite, Edward R. *To Sir With Love.* Prentice-Hall.

Brown, Jim. *Off My Chest.* Doubleday.

Buckley, Peter. *Okolo of Nigeria.* Simon & Schuster.

Burden, Shirley. *I Wonder Why . . .* Doubleday.

Burgess, Leonard. *Rebound Man.* Franklin Watts.

Caldwell, Erskine. *In Search of Bisco.* Farrar, Strauss & Giroux.

Canaway, W. H. *A Boy Ten Feet Tall.* (Ballantine pap. ed.).

Carawan, Guy. *Ain't You Got a Right to the Tree of Life?* Simon & Schuster.

Carlsen, Ruth C. & Carlsen, Robert G. eds. *The Great Auto Race & Other Stories of Men and Cars.* Scholastic Book Services.

Carmichael, Stokely & Hamilton, Charles V. *Black Power.* Random House.

Carruth, Ella Kaiser. *She Wanted to Read.* Abingdon Press.

Chandler, David. *The Ramsden Case.* Simon & Schuster.

Chesnutt, Helen M. *Charles Waddel Chesnutt.* Chapel Hill.

Clark, Walter V. T. *The Oxbow Incident.* Gilberton.

Clarke, John Henrick ed. *American Negro Short Stories.* Hill & Wang (Amer. Century Series).

Clayton, Edward T. *Martin Luther King: The Peaceful Warrior.* Prentice Hall.

Cleaver, Eldridge. *Soul on Ice.* McGraw-Hill.

Cole, Ernest. *House of Bondage.* Random House (A Ridge Press Book).

Daley, Arthur. *Kings of the Home Run.* Putnam.

Davis, Sammy Jr. *Yes I Can.* Farrar, Straus & Giroux.

Davis, V. T. *The Devil Cat Screamed.* William Morrow.

Davidson, Basil. *A Guide to African History.* Doubleday (Zenith Books).

Davidson, Basil. *Black Mother.* Little, Brown & Co.

Davis, Russell & Ashabranner, Brent. *Strangers in Africa.* McGraw.

Davis, Russell G. & Ashabranner, Brent K. *The Choctaw Code.* Whittlesey House (div. of McGraw Hill).

Dobler, Lavinia & Brown, William A. *Great Rulers of the African Past.* Doubleday (Zenith Books).

Donovan, Robert J. *P.T. 109.* (Fawcett pap. ed.).

Doyle, Arthur Conan. *Adventures of Sherlock Holmes.* Globe Book (expressly written for 7–8 gr. reading level).

Duberman, Martin B. *In White America.* Houghton. (New Amer. Lib. pap.).

DuBois, W. E. *The Souls of Black Folk.* Smith, Peter (Fawcett pap. ed.).

Elman, Richard M. *Ill-at-Ease in Compton.* Pantheon Books.

Ellison, Ralph. *Invisible Man.* Random (New Amer. Lists, pap. ed.).

Elliott, Lawrence. *George Washington Carver, the Man Who Overcame.* Prentice-Hall.

Fair, Ronald L. *Many Thousand Gone.* Harcourt.

Fair, Ronald L. *Hog Butcher.* Harcourt.

Farman, A. L. ed. *Teen-Age Outer Space Stories.* Lantern Press.

Farmer, James. *Freedom—When?* Random House.

Felsen, Henry G. *Boy Gets Car.* Random.

Felsen, Harry. *Hot Rod.* Dutton.

Fleming, Ian. *Doctor No.* MacMillan. (New Am. Lib. pap.).

Fleming, Ian. *Goldfinger.* MacMillan (New Am. Lib. pap.).

Fleming, Ian. *Thunderball.* MacMillan New Am. Lib. pap.).

Forester, C. S. *The Last Nine Days of the Bismarck.* Little, Brown.

Garagiola, Joe. *Baseball is a Funny Game.* Lippincott.

Gibson, Althea. *I Always Wanted to be Somebody.* Harper.

Golden, Harry. *Mr. Kennedy & the Negroes.* World. (Fawcett pap. ed.).

Graham, Lorenz. *South Town.* Follett.

Graham, Lorenz. *North Town.* Crowell.

Graham, Shirley. *Brooker T. Washington.* Messner.

Graham, Shirley. *The Story of Phillis Wheatley.* Julian Messner.

Graham, Shirley. *There Was Once a Slave . . . the Heroic Story of Frederick Douglass.* Julian Messner.

Graham, Shirley. *Your Most Humble Servant.* Julian Messner.

Graham, Shirley & Lipscomb, George D. *Dr. George Washington Carver, Scientist.* Julian Messner.

Greene, Mary Frances & Ran, Orletta. *The School Children Growing Up in the Slums.* Pantheon Books.

Gregory, Dick. *From the Back of the Bus.* Dutton.

Gregory, Dick. *Nigger.* Dutton (Pocket book, pap. ed.).

Grey, Zane. *The Arizona Clan.* Watts (Large type ed.).

Griffin, John H. *Black Like Me.* Houghton. (New Am. Lib. Pap. ed.).

Guy, Rosa. *Bird at My Window.* Lippincott.

Hansberry, Lorraine. *A Raisin in the Sun.* (play). Random House.

Hansberry, Lorraine. *The Sign in Sidney Bruestein's Window,* (play). Random House.

Harte, Bret. *The Outcasts of Poker Flat & The Luck of Roaring Camp.* Regents Publishing.

Haycraff, Howard ed. *The Boys' Book of Great Detective Stories.* Harper.

Heinlein, Robert. *The Man Who Sold the Moon.* New Am. Lib. (pap. ed.).

Hemingway, Ernest. *A Farewell to Arms.* Scribner.

Hemingway, Ernest. *Hemingway Reader.* Scribner.

Hemingway, Ernest. *Short Stories.* Scribner.

Hentoff, Nat. *I'm Really Dragged but Nothing Gets Me Down.* Simon & Schuster.

Hentoff, Nat. *Jazz Country.* Harper (Dell paper).

Hershey, John. *The Algiers Motel Incident.* Knopf. Bantam Books. (paper ed.).

Huie, William Bradford. *Three Lives for Mississippi.* WCC Books.

Hughes, Langston. *Famous Negro Heroes of America.* Dodd, Mead.

Hughes, Langston. *The Best Short Stories by Negro Writers.* Little, Brown.

Hughes Langston. *The Best of Simple.* Hill & Wang. (Amer. Century Series).

Hughes, Langston. *The Book of Negro Humor.* Dodd, Mead.

Hughes, Langston. *The Dream Keeper & Other Poems.* Knopf.

Hughes, Langston. *The Panther & the Lash.* Knopf.

Hughes, Langston. *Something in Common & Other Stories.* Hill & Wang. (Amer. Century Series).

Hughes, Langston & Meltzer, Milton. *A Pictorial History of the Negro in America.* Crown.

Jackson, Jesse. *Anchorman.* Harper.

Jackson, Jesse. *Call Me Charley.* Harper & Row.

Jackson, Mahalia. *Movin' On Up.* Hawthorn Books.

Jones, James. *The Ice Cream Headache,* & Other Stories, Delacorte.

Jones, James. *The Pistol.* New Am. Lib. pap. ed.

Jones, Leroi. *Black Music.* Wm. Morrow.

Jones. Leroi. *Blues People.* (Apollo pap. ed.) Morrow.

Jones, Leroi & Neal, Larry. ed. *Black Fire.* Wm. Morrow.

Johnson, James Weldon *The Autography of an Ex-Coloured Man.* Knopf.

King, John T. & King, Marcel H. *Stories of Twenty-three Famous Negro Americans.* Steck-Vaughn Co.

King, Martin L. *Where Do We Go From Here?* Harper.

Knebel, Fletcher & Bailey, C. *Seven Days in May.* Harper.

Kugelmass, J. Alvin. *Ralph J. Bunche, Fighter for Peace.* Julian Messner

Lee, Harper. *To Kill a Mockingbird.* Lippincott.

Lee, Irvin H. *Negro Medal of Honor Men.* Dodd, Mead.

Lettau, Edward & Wakin, Edward. *At the Edge of Harlem.* Wm. Morrow.

Levy, Bill. *Return to Glory.* World.

Lewis, Claude. *Cassius Clay.* (Macfadden pap. ed.).

Lord, Walter. *A Night to Remember.* Holt. (Bantam pap.).

*Lythom, David. *The Goddam White Man.* Simon & Schuster.

Mailer, Norman. *Short Fiction of Norman Mailer.* Dell (pap. ed.)

Mather, Melissa. *One Summer In Between.* Harper & Row.

Mayerson, Charlotte Leon, ed. *Two Blocks Apart: Juan Gonzales & Peter Quinn.* Holt, Rinehart & Winston.

Mays, Willie. *Willie Mays: My Life in and Out of Baseball.* Dutton.

MacLean, A. *Guns of Navarone.* Doubleday (Washington Sq. pap. ed.)

McCarthy, Agnes & Reddick, Lawrence. *Worth Fighting For.* Doubleday.

McLean, Allan C. *Ribbon of Fire.* Harcourt.

Meltzer, Milton & Meier, August. *Time of Trial, Time of Hope; the Negro in America.* Doubleday (Zenith Books.).

Melville, Herman. *Moby Dick.* Adapted from Four American Novels. (abridged text).

Miers, Earn Schenck. *The Story of John F. Kennedy.* Wonder Books.

Miller, Floyd. *Ahdoolo!* Dutton.

Nathanson, E. M. *The Dirty Dozen.* Random (Dell pap.).

New York City Bd. of Ed. *Call Them Heroes.* (Bks. 1–4) Silver Burdett Co. (subsid. of Time, Inc.).

Oliver, Paul. *Conversation with the Blues.* Horizon Press.

O'Neill, Eugene. *Emperor Jones.* ed. by M. Herzberg. Appleton.

Ottley, Roi & Weatherby, Wm. J. ed. *The Negro in New York.* Oceano Publications.

Patterson, Floyd. *Victory Over Myself.* Bernard Geis.

Parks, Gordon. *A Choice of Weapons.* Harper & Row.

Ptoski, H. A. & Brown, Roscoe C. Jr. *The Negro Almanac.* Bellwetler.

Poe, Edgar Allan. *The Gold Bug & Other Stories.* McGraw.

Robinson, Jackie. *Baseball Has Done It.* Lippincott.

Robinson, Jackie & Duckett, Alfred. *Breakthrough to the Big League.* Harper & Row.

Rodman, Bella. *Lions in the Way.* Follett.

Rollins, Charlemae Hill. *They Showed the Way*. Crowell.

Russell, Bill. *Go Up for Glory*. Coward-McCann.

Schaefer, Jack. *Shane*. Houghton.

Schoor, Gene. *Jackie Robinson*. Putnams.

Schulberg, Budd, ed. *From the Ashes: Voices of Watts*. New Amer. Lib.

Scoggin, Margaret C. *Escapes & Rescues*. Knopf.

Serling, R. *Stories from the Twilight Zone*, Bantam (pap. ed.)

Shapiro, Milton. *The Roy Campanella Story*. Julian Messner.

Shapiro, Milton. *The Willie Mays Story*. Julian Messner.

Shute, Nevil. *On the Beach*. Harper (pap. ed.).

Silverberg, Robert. *Planet of Death*. Holt, Rinehart & Winston (Pace Setter Books).

Spellman, A. B. *Four Lives in the Bebop Business*. (Pantheon Books).

Sterling, Dorothy & Quarbs, B. *Lift Every Voice*, Doubleday (Zenith Books).

Sterne, Emma Gelders. *I Have a Dream*. Knopf.

Stevens, Shane. *Go Down Dead*. Wm. Morrow.

Stratton, Madeline R. *Negroes Who Helped Build America*. Ginn.

Swift, Hildegarde H. *North Star Shining*. William Morrow.

Terkel, Louis. *Giants of Jazz*. Crowell.

Thomas, Piri. *Down These Mean Streets*. Knopf.

Tregaskis, Richard W. *Vietnam Diary*. Holt.

Trevor, E. *The Flight of the Phoenix*. Harper. (Avon pap. ed.).

Tunis, John. *All-American*. Harcourt.

Tunis, John R. *The Kid Comes Back*. Morrow.

Tunis, John. *Yea! Wildcats*. Harcourt.

Uris, L. *Battle Cry*. Putnam.

Ward, B. H. ed. *Year's Pictorial History of the American Negro*.

Washington, Booker T. *Up From Slavery*. Doubleday.

Watson, Willie Mae. *We Honor Them*. (2 v.) New Readers Press, Box 131, Syracuse, N.Y. 13210.

Westheimer, D. *Von Ryan's Express*. Doubleday (New Am. Lib. pap. ed.)

Woodson, Carter F. & Wesley, Charles H. *Negro Makers of History*. 5th ed. rev. The Associated Publishers.

Wright, Richard. *Black Boy*. (Harper pap. ed.)

X, Malcolm. *The Autobiography of Malcolm X*. Grove Press.

X, Malcolm, *Malcolm X Speaks*, Merit.

Young, Desmond. *Rommel: The Desert Fox*. Harper.

A NATIONAL POLICY ON THE ARTS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, soon the House will be considering amendments to legislation and appropriations concerning Federal participation in the arts. Coming before us once again will be the issues of the John F. Kennedy Center for the Performing Arts and the National Endowment for the Arts. In the past there have usually been severe limitations on debate and a lamentable absence of probative information when arts proposals are brought before us. It is opportune for us to start to gather some of the newly developing facts right now.

A highly qualified private citizen whose views on the arts deserve our thoughtful attention is M. Robert Rogers, the managing director of the Washington National Symphony Orchestra. Mr. Rogers was an adviser on the arts to President Eisenhower, who expressed his high regard in writing on several occasions. In recent years he has guided the privately organized National Symphony into becoming the best attended in the United States at its subscription concerts. If I may be permitted a prideful aside, I note that he is bringing his fine orchestra to my home State of New Jersey this summer, for three performances at the Garden State Center and one at the new Waterloo Village Festival of Music.

Our distinguished colleague across the Capitol, Senator Dirksen, called attention last Monday—page 13601 of the Record for May 26, 1969—to a provocative and cogent article by Mr. Rogers, "The Congress and the Arts," published in the Washington Post of May 25. I would like to commend to Congress a commentary broadcast by Mr. Rogers yesterday, June 2, över radio station WGMS AM–FM, Washington, D.C.:

A Forthright National Policy on the Arts

(By M. Robert Rogers)

Yesterday there was a commentary broadcast by Radio Station WGMS on the subject of Government subsidy of the arts. By implication, if not directly, the commentator called for the United States to spend $300-million a year on the arts so that our nation might keep pace with Canada in cultural development. This ambitious financial figure is attributed to Nancy Hanks, the president of the Associated Arts Councils which recently held its annual convention in Canada. She was quoted from The New York Times as saying, when it somes to Government involvement in the arts, "Canada is light years ahead of the United States."

These comments come on the eve of Congressional consideration of appropriations for the Kennedy Cultural Center and the National Endowment for the Arts. Thus, they appear to be directed at Congress. Since it is possible to be a champion of the arts and yet have opinions different from those heard yesterday, I have been invited to make some relevant remarks.

First, let us see how the figure of $300-million for the arts was derived. It is a simple projection, in ratio to population, of the $25-million that the Canadian government is said to allot annually for culture. The complaint is then made that our Congress last year authorized only $6-million for the arts. This happens to be the 1969 budget of the National Endowment for the Arts.

However, there is a lot more Federal funding of culture than is to be found in the Arts Endowment. Offhand I can think of at least ten executive departments or agencies which maintain arts activities. For example, the largest employer of musicians in Washington is not the privately supported National Symphony Orchestra. It is the Department of Defense, which pays for and operates the splendid bands and orchestras of the Army, the Navy, the Air Force, and the United States Marines.

The Departments of State, Interior, and HEW all have cultural budgets adding up into the millions. The Smithsonian Institution has plenty going in the arts, including a new Division of the Performing Arts. Under the Smithsonian banner is the virtually autonomous National Gallery of Art, and coming along is the Hirshhorn Gallery of Modern Art. Also vaguely under the Smithsonian is the increasingly expensive John F. Kennedy Center for the Performing Arts, which now has a price tag of more than $66-million and last week revealed that it is $20-million short of completion money.

In the TV-radio field, the USIA and the newly authorized Public Broadcasting Corporation produce cultural programs. Even the proverbially penurious District of Columbia has a modest budget for artistic activities. And, believe it or not, Congress itself has for some time been firmly in the performing arts by way of the celebrated concerts produced by the Music Division of the Library of Congress.

I suspect that it all adds up to considerably more than Canada's $25-million. However, I cite the facts—as opposed to the slogans of some promoters of the arts—not to suggest that the United States should stand still in the matter of Federal attention to the arts. Rather, I think it is important that Congressmen, as the elected representatives of the people, should have before them the most reliable information available when they consider proposals for extensions of the Federal role in support of the arts.

Hard facts in this field are not easy to come by, as the National Endowment officials recently admitted in testimony before Congress on March 27. They said, in part: "Research should be given the highest priority due to an appalling lack of concrete information in and about the arts."

It follows that the immediate priority for the Arts Endowment should be methodical and objective research that will lead to the basic information Congress needs in order to legislate intelligently. While the facts are being developed, it might be advisable for artists and arts executives with axes to grind for themselves and their organizations to keep their cool. Especially they should forbear from contributing further to the "explosion of words" that the Ford Foundation says is the only demonstration of a so-called cultural explosion in our land.

Presidents Eisenhower, Kennedy and Johnson have all agreed that the appropriate role in the arts for the Federal Government is to help create a national atmosphere in which the arts may become more accessible to all Americans.

One fact that needs no research is the high quality that major American arts organizations have achieved mainly through private means. In passing, it is pertinent to mention the high level of music programs originated day-in and day-out by WGMS, which is privately owned and operated by an American corporation, RKO-General. No publicly-operated Canadian radio station can touch it in its self-chosen, specialized field.

If Canada is indeed "light years ahead" of the United States in the matter of government subsidy, our northern neighbors are light years behind us when it comes to organized artistic endeavors like our established museums, symphony orchestras, and opera and ballet companies. With due respects, they have not yet produced a Winslow Homer, nor a George Gershwin, nor a Eugene O'Neill. Nor, either, a Van Cliburn, a Leontyne Price, a Duke Ellington. Neither Canada nor the United States, nor any other nation, can legislate genius into existence.

For us, a fitting national objective at this time is to air not so much for more artistic activity, but for the preservation and wider distribution of what we have. This requires a forthright, uncomplicated national policy on the arts—something we do not have. Perhaps the Nixon Administration will apply its talents to bringing sense and order into this highly variegated field.

LET US CARE FOR HIM WHO SHALL HAVE BORNE THE BATTLE

(Mr. DENNIS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DENNIS. Mr. Speaker, yesterday I voted against H.R. 693, a bill to amend title 38 of the United States Code to provide that veterans 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital and medical care, and for other purposes.

I wish to state my reasons for that vote; and in doing so I shall lay down certain general principles which guided my thinking in this matter and shall then apply those principles to the provisions of this particular bill.

Abraham Lincoln said in his second inaugural address:

> Let us . . . care for him who shall have borne the battle and for his widow and his orphan.

I certainly subscribe to that doctrine. On the other hand I am not convinced that every one of us who ever served in the Armed Forces is thereby forever after entitled to liberal public assistance in respect to his non-service-connected disabilities.

At the same time we are now in a severe governmental fiscal and budgetary crisis, coupled with spiraling inflation, ever-higher taxes, and most recent congressional action designed to keep and hold a $193 billion budgetary ceiling. This effort must obviously fail if we continue to increase expenditures even beyond those favored and requested by the executive departments.

I now apply these general principles to H.R. 693, and note the following:

First. Under H.R. 693 the previous requirement of inability to pay in order to obtain free Veterans' Administration hospital and domiciliary care for a nonservice-connected disability is removed in the case of persons 72 years of age or older, by means of a conclusive legal presumption that all such persons are unable to pay.

In other words a millionaire veteran 72 years of age or older is now to be entitled to hospital care for a non-service-connected disability, at public expense.

He may thereby deny a bed to a younger veteran who is in fact unable to pay.

The objection to this is very well put in the letter to the chairman of the House Committee on Veterans' Affairs written by the Administrator of the Veterans' Administration and reproduced on page 5 of the committee report, as follows:

> This proposal presents a basic issue as to whether a veteran's advanced age alone should be considered a sufficient basis for an exception to the longstanding requirement that care at Government expense for *conditions wholly unrelated to his military service* may be furnished only to a veteran who is financially unable to provide necessary care for himself. If a veteran is well able to pay, there would seem to be no reason for distinguishing his case on the ground that he is older than some other veteran.
>
> Enactment of the bill would give the aged veteran who is able to defray medical costs access to a Veterans' Administration bed when otherwise he would not qualify and in some instances would deprive a younger veteran of prompt admission for needed care who is clearly unable to defray the cost. To this extent the bill is discriminatory. It would inspire unfavorable comparisons at the community level and subject the entire veterans hospital program to criticism. We are unable to recommend favorable consideration of this proposed amendment.

The Veterans' Administrator estimates a first year cost, as a result of this provision, of $1,825,000, and $3,650,000 per year by the third year, and thereafter.

I see no justification for this provision. As the Administrator says:

> If a veteran is well able to pay, there would seem to be no reason for distinguishing his case on the ground that he is older than some other veteran.

Second. Section 2 provides unlimited outpatient treatment for a group of about 144,000 veterans, at an estimated expense of $9,503,000 to $12,490,000 per year, which the Veterans' Administrator criticizes, in his same letter to the chairman of the committee, in the following language:

> The majority of this group are receiving increased monetary benefits because of *non-service-connected disabilities*. The proposed legislation would authorize unlimited outpatient treatment for this group but would not provide a similar benefit to *seriously disabled service-connected veterans* who are not entitled to the increased monetary benefit. Such preferential treatment of the nonservice-connected veteran would represent an anomalistic departure from the traditional priority accorded service-connected veterans in matters of medical care. The Veterans' Administration does not favor this change in emphasis.

Third. Section 3 provides for increased outpatient furnishing of drugs and medicines at an estimated additional cost through fiscal year 1974 of $19,000,000, and is likewise opposed by the Administrator of the Veterans' Administration because it "poses a question as to how far the Government is prepared to go in granting medical services on a permanent basis for those whose disabilities originated in civilian life."

In view of the foregoing it is my judgment that H.R. 693 fails to meet or to satisfy the general principles I expressed at the beginning of these remarks, and I therefore voted "no."

THE NEED FOR AN OPEN MIND ON CONGLOMERATES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. TUNNEY) is recognized for 10 minutes.

(Mr. TUNNEY asked and was given permission to revise and extend his remarks.)

Mr. TUNNEY. Mr. Speaker, in recent months a great deal of attention of the business world and of the legislative and executive branches of the Government has been focused on the growth of so-called conglomerate companies.

Such companies do not in themselves represent a new development, for nearly all of our large industrial concerns are to some extent diversified enterprises engaged in more than one type of business. What is new is that in recent years, through use of tender offers and other forms of mergers, the size and number of these companies has greatly increased. For example, in 1968 there were 4,462 reported mergers—50 percent more than in 1967. In 1968 there were 188 large companies having assets of $12.4 billion which were acquired by others. A significant portion of these mergers and acquisitions do involve the so-called conglomerate companies.

As a result, Congress plans to investigate the growth of these companies to explore whether legislation is needed to limit such growth while the Antitrust Division of the Justice Department has brought suit to test whether existing law covers such acquisitions.

Conglomerates have been criticized on the grounds that they concentrate too much economic power in a single economic enterprise. It is also stated that the individual components of these companies, supported as they are by the capital of the entire enterprise, gain an advantage over those of their competitors who are not parts of larger corporate entities. Further, it is said that when a company is taken over by a conglomerate its management and control is moved from the local community to a large financial center such as New York as a result of which local needs and interests come to be overlooked.

However, the conglomerates themselves make quite the opposite argument. They say that size alone does not make them bad, and that frequently large size makes for greater efficiency which through loss savings and lower consumer prices benefits the economy as a whole. Prof. Donald Turner, of Harvard, a former head of the Antitrust Division, has himself taken the view that size alone is not grounds to condemn an industrial company even if it has grown by merger. They further say that the companies they acquire tend to be those in need of modern management and financing—which is why the acquired companys' stockholders are willing to accept the conglomerate's offer—and that in providing such needed services they are actually made better able to compete. Thus competition is actually enhanced rather than restricted. They further contend that rather than harming the local communities in which acquired companies are located, ownership by a conglomerate actually helps them since the local business is strengthened by infusions of new capital and more efficient management. Indeed, many of the more successful conglomerates appear to have retained local management wherever they demonstrate competence to do the job.

I feel that the entire issue should be explored and I am glad that Congress in this session will give the matter its close attention. What I feel is most important is that we do not prejudge the case, but that we should wait till the evidence is all in. The criticisms of conglomerate companies have received wide publicity. It is time to make sure that the conglomerates themselves have an opportunity fully to present their side of the case. Then we can see whether or not they have made a useful contribution to the American economy. If, as I suspect it will, it develops that in some cases conglomerates are desirable while in others they are not, then we must take care to see that in prohibiting the bad we do not eliminate the good. We do not wish to have legislation become a shield for inefficient companies behind which they can continue to operate in a manner free from challenge by vigorous growing businesses. What we want is legislation de-

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signed to maintain a free enterprise system, so ordered that competition and efficiency can grow and flourish, and so that small companies may have the opportunity to continue their participation in the economy.

CALIFORNIA WATER PROBLEMS—PERSPECTIVES AND PROSPECTS

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from California (Mr. SISK) is recognized for 30 minutes.

Mr. SISK. Mr. Speaker, on the 28th of February, before the Commonwealth Club of California in San Francisco, an excellent presentation on the California water plan was made by William R. Gianelli, the director of the California State Department of Water Resources.

Although I do not wish to convey the impression that I am personally in agreement with every statement made by Mr. Gianelli, I find that the speech gives us an outstanding overview of the basic concept of the California water plan and of the underlying philosophy behind it.

In view of the fact that all of the Members of Congress occasionally find themselves involved in California's water problems, I believe Mr. Gianelli's remarks would be helpful to all of the Members.

The full text of Mr. Gianelli's speech is as follows:

CALIFORNIA WATER PROBLEMS—PERSPECTIVES AND PROSPECTS

(By William R. Gianelli)

Mr. Chairman, I appreciate your kind words of introduction. I realize that my appearance this noon has received a considerable share of what the advertising experts call "advance billing". In fact, so vivid an image seems to have been built up that when your reception committee met me at the door they asked me where I had left my red costume and horns.

Since I have no desire to contribute to a masquerade, I came as I am. I intend to speak frankly and fully. I do so in the sure knowledge that the Commonwealth Club is interested in facts rather than fear, in firm accomplishment rather than fancy, and in reality rather than emotion.

As one of your members for many years, I have learned that your interest in public problems extends beyond personal preference, beyond narrow partisanship, sectionalism, or ideology. Therefore, I appreciate your invitation to be the speaker at the Friday luncheon. While it is an honor I share with all of the people in our Department of Water Resources, the role I play is somewhat different than theirs. This is because the definition of a "Director"—whether of a public agency or a symphony orchestra—is the fellow who stands up and faces the music.

I find, however, these days that the music is not being played as it was written. The notes are not ringing true. It is time we return to the original score and, as Al Smith used to say, take a good "look at the record".

A little over a month ago I stood on one of the levees on Sherman Island located in the Sacramento-San Joaquin River stream and watched floodwaters cover that island of the Sacramento-San Joaquin River stream system. It was one of those sights which left me with a most depressed feeling: to watch 10,000 acres of some of the finest agricultural land in the United States be flooded by 10 to 20 feet of water.

At the same time, I recalled some 35 years back when, as a teenage Sea Scout living in Stockton, I used to sail around the Delta channels in the summertime along with a number of friends whose parents farmed in the Delta area. In those years, these farmers were constantly worrying about the intrusion of ocean salt water in the Delta area in the summer and fall months due to lack of natural flows within the Sacramento-San Joaquin River stream system to repulse the ocean.

Then it occurred to me that these two observations, basically, were examples of California's water problems; namely, too much water in the wrong place at the wrong time; and, on the other hand, not enough water in the right place at the right time.

A few days after watching the flooding of Sherman Island last month, I had occasion to fly up and down the Sacramento and San Joaquin Valleys. I couldn't help being impressed that our own Oroville Dam, during the peak floodflow in January, was able to hold back some 143,000 cfs while discharging only 20,000 cfs. The flow past Oroville during the height of the high water was reduced to one-seventh of what it would have been if the Dam had not been there. The citizens of Yuba City and Marysville, many of whom were flooded out in 1955, had been protected from possible catastrophe this year.

Farther south. I flew over the site of New Melones Dam which has been authorized for construction by the U.S. Army Corps of Engineers, but upon which construction has not been started. I also flew over the site of New Don Pedro Dam on the Tuolumne River, which has just begun its preliminary construction phases under a joint agreement between the City and County of San Francisco and the Turlock and Modesto Irrigation Districts. If New Melones and New Don Pedro had been completed, the flood problems on the lower San Joaquin River would have been alleviated. We would not have had a levee failure at the junction of the Stanislaus and San Joaquin Rivers which resulted in the flooding of many hundreds of acres.

You may not realize that the big reservoirs which provide much needed flood control in the Sacramento and San Joaquin Valleys are multi-purpose reservoirs. They would not be in existence unless distant water users guaranteed the repayment of the water supply features. This is true on the Mokelumne River where Comanche Dam, built by the East Bay Municipal Water District, stopped the flood-waters of the Mokelumne River in the vicinity of Lodi this year. Comanche Dam exists because people in the East Bay Municipal Water District guaranteed and are paying for the water supply features of both the dam and reservoir.

In the vicinity of Modesto, downstream areas will be provided with flood control protection when New Don Pedro is completed, again primarily because the people of San Francisco are guaranteeing to defray the cost of the water supply features of New Don Pedro.

And so it is with the State Water Project's Oroville Dam. The people in the vicinity of Marysville and Yuba City are afforded flood control primarily because the State Water Project users in the north San Francisco Bay, the south San Francisco Bay, the San Joaquin Valley, and Southern California have guaranteed to pay the major share of the cost of Oroville Dam and Reservoir.

It is upon these concepts that the California Water Plan and the State Water Project have been conceived. Our job is to solve the imbalance in supply and, at the same time, to help meet flood control needs in the North and provide fishery enhancement and recreation generally as part of water projects.

The first beneficiaries of the State Water Project were Northern Californians, a fact which is often forgotten. Since 1962, water has been delivered to local contracting agencies in Alameda and Plumas Counties and, since 1965, to Santa Clara County. Recreational and economic benefits for the North come from the first three completed reservoirs of the five authorized by the Burns-Porter Act in the Upper Feather River Basin: Frenchman, Antelope, and Lake Davis. These projects are primarily for recreational and fish and wildlife enhancement.

In addition to the Northern California counties I mentioned as recipients of water through 1965, last year we delivered water to local districts in Napa, Stanislaus, Kings, and Kern Counties. Also under the $130 million fund set aside in the Davis-Grunsky Act, local agencies are receiving state loans or grants for local projects relating to domestic water supply and to fish and wildlife enhancement and recreation. Since 1959, 50 Davis-Grunsky projects have been approved. Thirty-nine of these are north of Fresno.

This is the way the original score was written and the way it was intended to be played when enacted by the Legislature in 1959 and ratified by the people in 1960. Many years of debate in the Legislature resulted in the design of a project which will benefit all Californians and which will deprive no area of the State to benefit another. Though the composition is clear, some critics have been introducing false notes. Propaganda has been widely disseminated in some areas of the State, including the San Francisco Bay area, that the State Water Project is a gigantic scheme to steal the water of Northern California for the benefit of Southern California and to leave the area north of the Tehachapi mountains a barren desert.

This untruth has been resurrected, dusted off, propped up, and masqueraded as if it were part of today's picture. Times have changed; no longer can we afford to look into a rear-view mirror. No longer can anyone stand before an intelligent audience and say that Northern California currently lacks surplus water. No longer can flood protection be denied. But, in the present realm of economics we must join water supply features with flood control features. We have arranged for federal funds to pay for the flood control features, and we have arranged for the water users to pay for the water supply. We have taken a statewide perspective because we are not divided by geography or commerce, or communication, and certainly not by problems.

The health, safety, and welfare of all Californians is our concern—from the Klamath Basin to the Imperial Valley. It should be a matter of pride that California leads the nation in making a statewide attack upon the problems of water resources and their developments. In the State of New York, four major departments and seven different divisions within departments have responsibilities for water supply. In New Jersey, the responsibility is spread over four departments and six divisions. In the region of which New York is a part, 13 federal agencies have planning responsibilities.

In the West, the trend is in the California direction, toward responsibility on a statewide basis and in a single department. It only confuses the picture to call for a return to the fractured pattern of the past. The clarity and simplicity of the California arrangement is being copied by Texas and Arizona, among other states.

In addition to our Department with major responsibilities in statewide planning and development of the State Water Project, the 1967 Legislature created the State Water Resources Control Board, combining the quasi-judicial functions of water rights and water quality. This Board is completely independent of our Department, its five members serving staggered four-year terms under appointments by the Governor. Last week your speaker made reference to these Board members particularly those from Northern California, stating that two of them were former members of our Department. This is not true. The Chairman was a successful businessman and Mayor of St. Helena before he joined the Board; the Engineer is from Porterville having practiced as a successful consulting engineer in the San Joaquin Valley for over 25 years, and the third is a successful attorney from Placerville—none of these three has been associated with my Department as employees. Along with the other two members from Southern California, these three are most capable of protecting the State's interests in water quality and water rights in a completely objective manner. It is interesting to note the attacks on these people by those who have received or anticipated decisions not to their liking.

The Department's constituency embraces *all* Californians. Full "area of origin" safeguards are expressed in the California Water Code. This Code also includes the Burns-Porter Act. Under these safeguards, priority for its own water requirements is granted to an area of origin before supplies or exchanges can be made with regard to another area.

Similar safeguards for Delta water are also part of the law of this State. With respect to the Delta, the Legislature determined that a water supply sufficient to maintain and expand agriculture, industry, urban, and recreational development in the Delta was necessary. This determination controls policy for releases into the Delta and for export from the Delta.

The important point is that many Californians, including those from San Franicsco and the East Bay as well as Southern California, have exported water away from areas of origin. With nearly everyone dipping into the sources of water and exporting it, a statewide policy had to be nailed down in the law, and it was. Some critics cry that they lack legal protection, but this protection is clearly expressed in the law. Their real objection appears to be that we are carrying out a law which they do not like.

Those who criticize plans for the Peripheral Canal fail to discuss the whole story. There are many references to "taking *our* water" or "tapping the Sacramento's fresh water" at Hood and bringing it around the outside of the Delta. But, I fail to hear an honest discussion on how the Canal will actually be operated. It should be clearly pointed out that the Canal will be engineered to release fresh water directly into Delta streams and channels at eight different points on a regulated basis. We must recognize that merely increasing the flow of the Sacramento at the Delta's northern edge would fail to solve the *whole* problem of the Delta. To freshen water in the Delta's interior channels and streams, a westerly outflow is needed. Direct releases from the Peripheral Canal would provide this.

Peripheral Canal planning goes back many years. It was even part of the California Water Plan of 1957. Between 1961 and 1965, four plans were considered by an Interagency Delta Committee which included the Department, the Bureau of Reclamation, and the Corps of Engineers. Each plan was judged, not for how much water it would bring to the pumping plants on the southern edge of the Delta, but from those benefits which the Water Code says *must* be considered: water quality and supply in the Delta, flood control and drainage, the maintenance of fish and wildlife, and recreation.

The only plan which met all the objectives was the one providing for a Peripheral Canal skirting the Delta's eastern edge, but containing—as critics ignore—eight release gates for fresh water to be poured directly into the Delta's streams and channels.

At a public hearing before the California Water Commission, the Peripheral Canal was enthusiastically supported by commercial fishing and sportsmen's groups, by the Department of Fish and Game, and the Department of Parks and Recreation.

So, in evaluating the words of the fright peddlers, one cannot be too cautious. Sincerity can always be admired, but a narrow perspective is deplorable. Progress only exists in a rational atmosphere. Criticism that merely muddies the waters and makes a big splash, only exposes how wet the critics are behind the ears.

Now, let's take a look at facts about water quality in the Delta.

A preliminary water quality agreement has been reached by those most concerned: The Department, the Bureau of Reclamation, the Sacramento River and Delta Water Association, the San Joaquin Water Rights Committee, and the Delta Water Users Association. Their standards provide for water quality conditions throughout the Delta area which constitute a vast improvement over historic natural salinity conditions. The standards have been agreed to by groups that represent 90 percent of the agricultural interests in the Delta.

In addition, the Department has signed agreements with the City of Antioch and with the Contra Costa County Water District concerning the purchase of substitute supplies. The County interests represent over one-half of the assessed valuation within the County. Just last year, the Legislature created a Delta Water Agency with authority to negotiate with the U.S. and the State of California in order to assure an adequate water supply and suitable water quality and to implement the preliminary agreements reached.

I might add that, before I became Director of the Department, I was directly involved, as a private consulting engineer on behalf of Delta interests, in negotiations that led to the preliminary agreement on these water quality standards. These criteria, I firmly believe, are fair and equitable to all concerned. They give protection to the Delta water supply and guarantee adequate salinity control. I supported the proposal then, while on the other side of the fence, and I support it fully now as Director of Water Resources.

We feel that the Delta problem can most intelligently be dealt with from the standpoint of hydraulics rather than politics. Hydraulics involves theories of liquid motion. Politics involves the practice of perpetual emotion.

Our perspectives are statewide and our prospects are bright. We look beyond the flood control, the recreational, and the Delta environmental problems to future sources of water supply. Planning for future development of our North Coastal resources is a cooperative effort involving local, state, and federal efforts.

As part of our perspective, investigations of future water resources extend beyond conventional dam and reservoir. We are studying the possibilities of obtaining new water supplies through desalting sea water, waste water reclamation, improved watershed management, weather modification, and regional developments in the 11 western states.

Attention to local needs and cooperation with local and state agencies and the Federal Government are characteristic of our moves in these areas.

The Department's activity is carried on by a staff which consists of more than 1,000 graduate engineers, 1,000 technicians, and almost half as many administrative professionals. We have more than 400 construction inspectors and supervisors, an equal number of trades and maintenance craftsmen, and more than 770 office personnel.

Only myself and my 3 deputies are appointed by the Governor. We 4 are engineers and have had public service experience in state or federal water resource agencies totaling approximately 100 man-years. The Department's employees are all career public servants; they come from many areas of the State; they represent thousands of man-years of experience; and, they are problem-oriented in the best technical sense. They are professionals of broad perspectives.

The prospects facing California are strongly linked to the breadth of perspective we adopt. This is not a time for anyone or any group to become an emotional dropout from California's promising future. California has been described by one promising writer as "America tomorrow", "the direction in which America is heading", and a "prototype for the rest of the Nation". As a State, California contains 1 out of every 11 Americans. Californians enjoy the highest incomes and the most leisure, drive the most automobiles, and have the most color television sets, color telephones, swimming pools, backyard patios, and pleasure boats.

But we are also first in the serious things: our agriculture leads the nation; our economy is larger than any foreign country except Russia, West Germany, Great Britain, and France. California has 21 Nobel Prize winners in the sciences, a third of all living American Nobel Laureates in the Arts and Peace Prizes, and a quarter of the membership in the National Academy of Sciences. We have done more for ourselves in the field of water development than any other state and we're doing it in a way in which I believe our citizens can be proud.

We rejoice in these superlatives but, at the same time, we recognize the heavy responsibility that is implied. One of these responsibilities is that of carrying on intelligent discussions of public problems and issues including water at a high level and with full regard for the facts.

The problems of nature are the same everywhere, whether they involve battling disease, irrigating farmland or desert, exploring outer space or the inside of the atom. We expect differences. We know that what seems impossible—especially in controlling nature for man's benefit—is impossible only until somebody does it. Because California is a "somebody" state, and because we believe the direction of our efforts is uphill, we strive to be problem-oriented in our approaches. We will continue to do this—to seek healthful, constructive, and thoughtful public participation.

We appeal most of all for a broad perspective on the part of all Californians.

The statewide view must continue to guide us in California water development. We cannot afford to let narrow self-interest upset the plans made for all of the people.

We must move ahead under the concept that is pioneered in California law—a state water project which will benefit all Californians and which will deprive no area or interest to benefit another.

Viewed in the broad perspective that is proper, our prospects are bright for continuing water developments for water conservation and distribution, flood control, recreation and enjoyment of fish and wildlife.

WOUNDS INFLICTED BY LAW ENFORCEMENT IN BERKELEY

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, on Friday, Memorial Day 1969, an estimated 25,000 persons marched peacefully in Berkeley without serious incident. The peaceful march, I believe, was a return to sanity in that troubled city.

However, the wounds of Berkeley, wounds which have national implications, are deep. There has been a further division among the American public.

As illustrations of these divisions, I will include three recent newspaper articles in this Record at the close of my remarks. The first is by Bob Gillette, science writer for the San Francisco Examiner. In an article published May 29, he discusses the wounds inflicted by law enforcement on May 15 in Berkeley. The second is by Nicholas von Hoffman and in the June 2 Washington Post he discusses the wounds and bitterness inflicted on a generation by the events in Berkeley. Mr. von Hoffman outlines the wise compassionate views of Fred Dutton, a member of the University of California Board of Regents and the former distinguished Assistant Secretary of State under President John F. Kennedy. In addition I would like to include in the Record an account of the gassing at Berkeley written by A. V. Krebs and published in the National Catholic Reporter on May 28, 1969. Finally, a young constituent of mine, a young man I know personally, wrote me an account of the actions of the police and National Guard in Berkeley. His remarks are significant as he had been called to active duty there. I am not revealing his name for obvious reasons, but the full letter is on file in my office and I am acquainted with him. I include his letter, changed only to protect him, in this Record.

It is my belief that it is time for us to seek new solutions to the campus crisis. It is time to realize we cannot govern our colleges by force. We cannot allow war to be declared between the generations.

There are answers, instead of violence. Let us address ourselves to those answers, instead of to recriminations.

The above-mentioned articles follow:

[From the San Francisco (Calif.) Examiner, May 29, 1969]

Doctors Protest Berkeley Shotguns

(By Bob Gillette)

Doctors who worked long hours tending the wounded in Berkeley after a bloody clash with police on May 15 are expressing anger and dismay at the use of shotguns to quell civil disorder.

The doctors believe the public does not fully appreciate the maiming power of fine birdshot and marble-sized buckshot.

And they fear that the debacle of two weeks ago may be repeated—tragically and unnecessarily—in response to a mass march planned in Berkeley tomorrow.

So far, the doctors say, the shotgun toll includes:

One death, three punctured lungs, two eyes blinded and a third damaged, a shatter-fracture of the lower leg and a ruptured bowel complicated by a massive internal infection.

INSANITY

Dr. Henry Brean, the chief radiologist at Herrick Hospital in Berkeley, and at Cowell Hospital on the university campus, said he is "one of many" physicians anguished by the human damage they have witnessed.

"I've got no brief for violence the kids committed," he said in an interview.

"But the indiscriminate use of shotguns is sheer insanity."

He asked rhetorically, "Hasn't anyone ever heard of firehoses?"

Another doctor, three surgeons who tried—and ultimately failed—to save the life of 25 year old James Rector, told The Examiner:

"Anyone here who has any sense of humanity has been horrified by what happened. As a resident of Berkeley and as a physician, I never expected to see these kinds of injuries in civilian life."

SOLD TO KILL

Another X-Ray specialist at Herrick Hospital, Dr. Klaus Dehlinger, observed that "Buckshot is sold to kill deer. That fact speaks for itself."

Brean and Dehlinger, who helped diagnose nearly all of the 40 to 50 wounded persons at Herrick and Cowell hospitals, emphasize that doctors are "not the organizing kind, not the protesting kind."

Nonetheless, half a dozen of the angry doctors have volunteered an eloquent protest: an inventory of major wounds.

The victims include five persons struck with double-? gauge buckshot pellets, a third of an inch in diameter. Only one victim of buckshot, James Rector, has been previously reported.

(Birdshot, a sixteenth of an inch in diameter, was the only ammunition authorized for use by Alameda County Sheriff Frank Madigan.

THE DAMAGE

Of the five buckshot victims:

One young man suffered a commutated, or shattering, fracture of the main bone in his left leg below the knee.

Four persons suffered wounds of the soft tissues. Among them was James Rector and a young man who sustained a ruptured bowel.

Ten persons admitted to Herrick Hospital had been wounded in the legs, arms, trunk and face with birdshot. One victim carried 125 pellets in his body, "and there may have been more," Dr. Dehlinger said, "That was all we could see in the X-rays."

Birdshot accounted for severe damage to the eyes of two persons. Some 130 persons were reported injured by gunfire, rocks, bottles. One policeman sustained a minor stab wound.

AN ACCOUNT

A surgeon at Herrick hospital, who asked not to be identified, gave this account of his view of the violence:

"I had just finished in surgery when it all happened, when the wounded began coming in.

"It was Thursday, and we were supposed to have an earthquake disaster drill Saturday. But a girl said on the public address system that the drill would go into effect immediately—and that this was not an exercise."

One of the arrivals was James Rector, shot at close range on Telegraph Avenue.

"This young boy had picked up three slugs—the sort of thing you'd expect from a machine gun.

"But it wasn't. It was buckshot from 30 feet. His belly was ripped apart."

WAYWARD SLUG

His spleen, part of his pancreas, and his left kidney were removed. He died four days later from a hemorrhage of the aorta, the main artery leading from the heart. Doctors later found that a wayward slug had nicked and weakened the great vessel.

The most seriously wounded survivor is now Alan Blanchard, a carpenter at the Telegraph Repertory Cinema in Berkeley.

Blanchard, the father of a five week old child, is under care at the University of California Medical Center.

Both his eyesockets were heavily damaged by birdshot, fired as he watched the melee from an apartment house sundeck.

George Pauley, his employer and co-owner of the cinema, said Blanchard is not an activist and has never been associated with street protests.

BENEFIT

To help defray Blanchard's medical expenses, Pauley plans to give him the box-office receipts from four shows a week—Friday and Saturday at midnight, and Saturday and Sunday matinees.

To augment the theater money, contributions to a trust fund for Blanchard and his family are also being sought.

It will be 10 days or more before doctors know the extent of Blanchard's blindness. Physicians at Herrick Hospital are fairly certain that it will be total.

[From The Washington (D.C.) Post, June 2, 1969]

Breeding Cop Haters

(By Nicholas von Hoffman)

"A society that hates its young people has no future," says Fred Dutton, the only member of the University of California's Board of Regents to be with the students, the street people and the park. As such, he has a hard time on a board made up mostly by Ronald Reagan and a lot of multi-millionaires who, he says, "live in another world like the outer Patagonians."

"I'm basically a 'cop-out,' a conformist who wants to make the system work but I see the kids coming to us on the board and they can't get through to us. They get silence so I've been getting an education myself—the popular word is radicalization—because I see the older society beating up kids for no reason at all," says Dutton, a 45-year-old lawyer and straight politician who was appointed to the Board by former California Gov. Pat Brown.

When Fred Dutton says he's seen the older society beating up its kids, he's not using a figure of speech. He was at the Chicago Democratic Convention last summer and physically intervened to save some of them. Likewise a few weeks ago it was Dutton who raised a rumpus at a Regents' meeting, when he saw a policeman walk over to a white student who was talking to a black girl on a Berkeley lawn and clubbed him over the head. Neither the sergeant, nor the captain commanding the police detachment could give Dutton the name of the officer who did it.

Dutton is rare because he is an older person who has taken time to see how younger people are frequently treated. Few people have seen the photograph in the Black Panther Party newspaper of a California lawman drawing a bead with a shotgun on a single, fleeing, white, bearded youth. The student who took the picture is quoted as saying, "I was looking out the window Thursday afternoon and I saw some 50 people standing on the corner. Then they all started to run. The pigs came around the corner and one stood there like he was going to shoot. I never dreamed he would. The pig took his time aiming. The guy fell down in the street howling. The pig took off, and someone dragged the guy into the house. His right buttock and hip were bloodied from birdshot wounds."

The letters, pamphlets, pleas, cries and strangled gurgles coming in here from infuriated, impotent, "occupied Berkeley," are incredible and sad. Here's one from a young math instructor who was arrested after he told the National Guardsman to go love-off somewhere because they were bothering his girl while the two were walking to work: ". . . I soon discovered in conversation with fellow criminals that what I had done was far more serious than their crimes: two undergraduates had been arrested for giving the finger to a helicopter—one of them was riding on a bicycle while he was committing this criminal act, and his bicycle was arrested with him. It was in the paddy-wagon on the way to jail, too. Another undergraduate had picked up a used tear gas cannister for a souvenir. He was seen carrying it by a cop and was arrested. Another fellow was arrested for watching the arrest."

There's nothing especially unique about Berkeley except the use of guns by the police who heretofore have saved firearms for blacks. The hassling and hazing of kids, especially the more flamboyant middle and upper class kids, goes on all over the nation with the results that we're breeding 5 million cop haters. Pig is no longer a three letter word for a four-footed animal and "oink" is becoming the real slogan of the Pepsi generation.

Many of us who're older are suffering from a King Lear complex. We're becoming obsessed with the notion that our sons and daughters are plotting to strip us of our gerontologically derived power and position and throw us out into the streets. So Fred Dutton remarks, "Joe Alsop says people like me are traitors to our own age group, but I think there's a whole bunch of people in their later 30's and early 40's who're being radicalized—people who were obedient and went off to Korea without asking themselves any questions."

There are some like that who're perking up and coming to life but there appears to be a stronger tendency in older people to inflict on the young what was once inflicted on them. Instead of remembering the miserable high schools, the sadness of their own conscription, the social arrangements that thwarted their own youthful sexuality, older people often say, "Well, I went through it, so why can't they?" What that statement really means is "I can't tolerate the idea of these young ones not suffering what I suffered. Make them go through it too."

The "it" they went through was a social processing that produced Richard Nixon and his silent majority, that docile, uncreative, tight-fisted mass who assent to anything any short-haired man in a business suit tells them to do. This is the ungenerous life of mildly paranoid home-ownership, and it is what the sons and daughters of the rich and near rich are objecting to, with the people's parks and their clothes and their sexiness. Fellows like the Attorney General pick this fact up and that's what makes him carp about permissiveness, but what's the point of having an affluent society if you can't loosen up and enjoy and enjoy some more. Puritanical social discipline is for times of scarcity and national emergency.

The kids in effect are saying, "Hey, there's plenty of money so let's pass the wealth around to everybody (blacks, Mexicans, old people) and have a good time. Man, don't give us this jive about national security, we know Ho Chi Minh isn't going to paddle over here in a rowboat. Relax, hang loose and dig your head and your body."

Fred Dutton knows this and that's why he says, "The park is cultural escalation. It's the kids telling us to keep our hands off their private lives, their shacking-up arrangements, their games. Harvard will have a park in eight months. This will be as important as the Free Speech Movement was. The park is symbolically very important."

But Fred Dutton can't get the message across to the Patagonian millionaires on the board of regents so there will be more fighting between the kids and the blue meanies.

[From the National Catholic Reporter, May 28, 1969]

WHY TEARS AND BLOOD OVER BERKELEY'S PEOPLE'S PARK?

(By A. V. Krebs)

BERKELEY, CALIF.—About 3,000 persons—most of them University of California students—had just finished a silent vigil for a young man who died after being shot by police in a Berkeley street battle.

The mourners decided to march the four blocks from where they were—Sproul plaza, the site of Berkeley campus protests—to a disputed piece of land called "People's Park," located in the university's south campus area.

But Berkeley police and California national guardsmen drove the students back onto the campus with volleys of tear gas, just as they had on the previous four days when the students tried to make the same march.

As the students returned to Sproul plaza, more lawmen formed a tight circle around its perimeter, and campus police took positions on the balcony of the nearby student union building.

Suddenly, a national guard helicopter swooped in over the tops of buildings and past the Campanile, the huge campus tower, and started billowing tear gas which was quickly blown to the ground by the 'copter's overhead rotor blades.

The campus police on the student union building joined in the tear gas attack, throwing large grenades of it at the students, who started fleeing.

Girls fell on the grass. Some screamed. Some threw up. Other students were chased into a nearby building and lawmen lobbed tear gas grenades in after them.

The tear gas drifted beyond the plaza. At the campus hospital, some patients had to be removed from their rooms, and one was placed in an iron lung after having some difficulty breathing. And, a group of small children in a university building received a strong enough dose to make them sick.

By the time the May 20 incident ended, 85 persons had been arrested.

The controversy and bloodshed at Berkeley are over a piece of land, about 150 yards long and 90 yards wide, located in a largely residential area. On one side are university dormitories and the school's long-range plans are to build student housing on it.

The university bought the land more than a year ago, paying just over a million dollars for it. At the time, it had a few old buildings on it, and some of Berkeley's hippy-type "street people" lived in them until the university tore them down. The lot was an eyesore.

Then about six weeks ago some students and some of the city's street people began cleaning the lot up, and clearing off the foundations left from the old buildings, and making it into a park.

They went out and panhandled about $700 from business places to buy things. They put down some sod, built play apparatus for children, put up a platform that can be used as a stage, and planted flowers, vegetables, and even a small corn field.

Some people, including Gov. Ronald Reagan, have charged the project was politically motivated, and that some of the students and street people undertook it to bring on a confrontation with the university.

But the students and street people say they really wanted a park. After completing some of the work, most of which they did on week ends, they held a dedication service, and named it People's Park.

"This is the first meaningful work experience of our lives," one of the park builders said.

But about a week after the clean-up campaign began, the university warned that it would soon be using the land for its intramural sports program. On May 14, it put up "No Trespassing" signs, and the morning of May 15 it installed an eight-foot-high chain link fence around the property.

Later, on May 15, the students and street people held a protest rally at Sproul plaza, and started a march on the park. This led to the violent clash with lawmen during which the young man, James B. Rector, was fatally wounded. More than 100 other persons were hurt.

Rector, who was from San Jose, had come to Berkeley to visit some friends. He was standing on top of a building watching the battle when he was hit.

Before he died, he told the doctor who treated him that he looked down from the rooftop and saw a policeman aiming a shotgun at him. He said he turned to run, and then was shot in the left side.

An autopsy revealed that Rector died from "shock and hemorrhage due to multiple gunshot wounds which perforated the aorta"—the main artery carrying blood from the heart.

The battle raged for much of the afternoon. Police said bottles, bricks and pieces of concrete reinforcing rods were thrown at them. They responded, first with tear gas and then shotguns. There also were claims they used .30-caliber rifles in a few instances.

By nightfall, more than 400 outside police officers were in the city, including San Francisco's tactical squad, which lent the law enforcement during the violence at San Francisco State. That evening Governor Reagan ordered the national guard in, and a curfew was imposed.

The Berkeley city council, meeting while national guardsmen stood guard in a circle around the city hall, called for a grand jury investigation of the controversy and the violence.

Ron Dellums, a black councilman, drew applause as he condemned "violence and brute force" and that "because of inabilities to solve problems a young man is dead." He said the city should "tell Governor Reagan that we are tired of Sacramento controlling us."

The governor, meanwhile, was telling newsmen in Sacramento that "the issues (in Berkeley) have become clouded and some may be misinformed or misled into belief in a so-called 'cause' which in reality is nothing more than a deliberate and planned attempt at confrontation."

The governor's office declined to say how many national guardsmen were called to Berkeley. One spokesman said revealing the number "might be advantageous to the enemy." Other estimates placed the total at about 2,000, and many of them were staying in People's Park.

The state's board of regents, who were meeting in Los Angeles during the Thursday gun battle, later affirmed that "we have full confidence in the Berkeley administration and the law enforcement agencies."

One regent, Fred Dutton, however, said he felt that "if the students developed the land with their own resources, then they should have their park."

During the helicopter tear gas raid, Father James Conway, a Paulist at the university Newman center, was standing in front of the center watching the fleeing students.

"I prayed a blessing two weeks ago in the People's Park that it would be a source of peace and brotherhood, not of bloodshed and violence," the priest said.

"Seeing now how the university administration and the city has reacted to the students and street people's simple desire for their own park, I should instead have asked for the surrounding community to be a source of peace and brotherhood."

DEAR DON: I was activated to serve in Berkeley California as a member of the National Guard. The situation that exists there can only be described as intolerable for the people of Berkeley. Upon returning to the Ninth District I became aware of your efforts to investigate the situation. I hope that what I observed may be of some help in your investigation or in obtaining one.

It became evident from the first day of arrival that the perpetrators of violence were the police and especially the Alameda Sheriff's department. They seemed to display a degree of vengeance and reprisal against the youth while performing their duty. The first day I was on guard duty on the street corner of a main intersection a long haired youth was passing. One of the Alameda Sheriffs tripped him then hit him across the back with his club. The youth did nothing wrong (other than walking down the sidewalk) to bring about the attack and the sheriff just laughed and walked away. When questioned the cop could give no rational explanation; he wore no badge number.

The next day I witnessed the Alameda sheriffs handcuff a youth (his hands to his ankles) rolled up the windows of a car, threw him inside and then tossed in a tear gas grenade, and slammed the door. They kept him in there for ten minutes. The overreaction of the police was sickening to watch, on at least two occasions I observed gangs of officers beat a demonstrator or bystander. At one point an officer drew his shotgun and pointed it at a crowd of students by a building because one student had thrown a rock, he intended to shoot everyone in the crowd. Fortunately he was restrained by the Berkeley Police who seemed to be more restrained. On Monday night I was in the Berkeley Police Department Headquarters and overheard the following. The captain of police, "Tomorrow the quota is one hundred arrests you are to drive up in your squad car jump out and grab the nearest individual, and place him under arrest for failing to disperse. The arrest forms are already made out—just fill in the names." This plan was carried out by the police on Tuesday one of my friends was arrested while coming home from school two blocks from his residence. On Thursday the plan was repeated. We were told by our commanding officers to let straight individuals through our lines but to herd everyone with long hair into the Bank America parking lot. I feel that both these are adequate examples of violation of civil rights, by the police. We were also told by our company commander that the police were justified in their indiscriminate beatings and gassings because of the obtrusive language they had been subjected to. But our commander felt they were guilty of over reaction. I hope that you are enabled to get a federal investigation and it is able to come up with some findings that will put a cease to the violence perpetuated by the police. I am not alone many of my fellow guardsmen hold the same feelings of disgust. Any effort you make will be thoroughly appreciated. If you wish more detailed statements of what I observed please contact me.

Respectfully yours,

——— ———.

[From the San Francisco (Calif.) Examiner, May 29, 1969]

COED'S VIEW OF UC RIOTING

(NOTE.—The following letter was written to V. M. Hanks, a San Francisco professional photographer, by his daughter, Penny, a sophomore at UC, Berkeley, expressing her views and opinions of problems in Berkeley. Penny's dormitory is near Sproul Plaza.)

MAY 25, 1969.

DEAR DADDY: It was so good talking to you the other night—sometimes wish we could talk more often, especially now with so much going on around me over here.

I wish also that you could actually be here to see the kind of things that are happening all around me. The whole thing is so confusing and so terrifying.

I feel that my own thoughts on the situation are the same basically as those of the majority of students at Berkeley. I'm young and idealistic I guess, as are most people here.

On the one hand I feel like my idealism (and that of most of my peers) is being exploited and twisted by radical student groups such as the SDS, and it makes me so angry. It seems you can't believe in a legitimate cause without someone using it as an excuse to try and rip down the structure of our society.

But what I've seen around here lately shows me there are changes which must be made—and soon.

This People's Park issue is not as I see it, the major concern of the majority now. Yes, I know that land belongs to the University and that people don't have a right to claim property which just isn't theirs.

Perhaps I would rather see a park there than a playingfield or whatever, but all I can do is voice my preference and hope to be heard. I understand fully that the property is not mine to "take over," and here again I know I speak for the majority.

MAIN CONCERN

What is the main concern now is the way the situation is being handled by our so-called "keeper of the peace."

I for one cannot attend the University that I love feeling like I'm part of "the enemy" in an occupied city. I have lived for the past while in fear, not of the student dissidents and demonstrators, but of our officers of the law.

For awhile now I've been afraid to go on campus, because I know that at any time I could be choked in a cloud of gas or pelted by gunshot, just on the way to or from school.

I'm not speaking from what I have heard, but rather from what I myself have experienced. I've seen some of the injuries done to people who've just happened to be in the right places at the wrong times.

A LIE

And I can tell you now that Alameda County Police Chief Madigan was lying when he said that only birdshot the size of BBs was used. I have helped dress the wounds of people who've been hurt, and I know. I haven't been outside in the middle of anything, but when someone comes to your "inside" gushing blood you just can't ignore it.

Daddy, I've breathed so much tear-gas I'm becoming immune to it. As casually as one would say "shut the window, please, it's cold," we say "shut the window, please, the gas is coming in."

TRAPPED

I've seen "crowds" of two people gassed inside of the quad of our dorm unit by police on the other side of the fence by the parking lot. I've also seen gas thrown and shots fired at people who are running away—in other words, already dispersed.

I've also seen police march and drive people up the street one way only to be met by another battalion of police at the other end and the people, who now can't possibly disperse, are gassed and-or-arrested en masse.

I have a friend who was shopping on Shattuck Avenue the other day (this boy is no more likely to be out provoking police than I am) and when he saw trouble ahead he asked an officer which way he should go to avoid it. The officer pointed him in the direction of a parking lot and when he neared it he was arrested along with hundreds of others.

HER FEAR

This kind of thing just can't go on. You've always taught us respect for law and order, but I feel that what's going on with the police here now is unlawful and certainly disorderly.

This is not to say I don't feel that there are certain violent demonstrators who should be arrested, but when someone like me who's been brought up as I have has to be afraid, not of student demonstrators, but of the police—then somewhere there's something wrong.

I only hope that people outside wake up in time to do something about it, before it's too late.

Love and confusion,

PENNY.

TITLE VI ENFORCEMENT

(Mr. EDWARDS of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, several weeks ago, I was dismayed to discover that the Department of Defense had awarded a contract to the Ingalls Shipbuilding Co., of Pascagoula, Miss., in violation of the Department's own regulations with respect to enforcement of title VI of the Civil Rights Act of 1964. The Department of the Navy awarded the contract even though equal employment opportunity deficiencies had been documented and no affirmative action plan existed which would correct the situation. On May 19, in telegrams to Secretary of Defense Laird and Secretary of Labor Shultz, who has responsibility for the Office of Federal Contract Compliance, I protested the award of the contract and urged that no further contracts be let until title VI regulations were complied with.

As a result of congressional protests, Department of Defense and Department of Labor representatives met with the Ingalls Co. on May 22 and Ingalls filed an affirmative action plan as required by law.

I consider this series of events very serious. It indicates that Federal agencies are not meeting their responsibilities to administer title VI evenhandedly and effectively. The Members of this Congress cannot assume responsibility for policing each contract awarded by the Department of Defense or any other Department to assure that there was compliance with Federal civil rights regulations. Surely, we have a right to expect that an agency of the Federal Government can and will enforce Federal laws against discrimination and its own implementing regulations fully and effectively.

Mr. Speaker, I insert at this point in the RECORD copies of my telegrams to Secretaries Laird and Shultz and the responses of their Departments which indicate that the original contract was let with total disregard for the law of the land:

HON. MELVIN R. LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.:

I have been informed that the Department of Defense recently awarded contracts totalling $128 million to the Ingalls Shipbuilding Company of Pascagoula, Mississippi. Further, I understand that the contracts are expected to be part of a series of negotiated contracts with the Ingalls Company. I am extremely concerned about this report because of the extremely poor record of this company in the area of compliance with Federal laws banning discrimination in employment. This record would ordinarily make Ingalls ineligible for Federal contracts by reason of Executive Order 11246. I therefore ask that you inform me whether the Ingalls Shipbuilding Company filed a written affirmative action plan spelling out in specific terms the steps it would take to comply with Federal laws regarding nondiscrimination by Federal contractors. If such a plan was filed, I would appreciate you forwarding it to me. In addition, please keep me informed as to whether the Department of Defense intends to award further contracts to this company and as to the safeguards that will be required.

DON EDWARDS,
Member of Congress.

HON. GEORGE P. SCHULTZ,
Secretary of Labor,
Department of Labor,
Washington, D.C.:

I have been informed that the Department of Defense has recently awarded contracts

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totalling $128 million to the Ingalls Shipbuilding Company of Pascagoula, Mississippi and that this company is in violation of Federal laws banning discrimination in employment by Federal contractors. I also understand that further contract awards for the Ingalls Company are expected. Please advise me as to whether the letting of the original contracts was cleared by the Office of Federal Contract Compliance. If such a review was not undertaken, please advise me as to what action you now intend to take with respect to the contracts already awarded. In addition, please advise me as to what action you intend to take with respect to the additional contracts for Ingalls which are now in the pipeline.

DON EDWARDS,
Member of Congress.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., May 27, 1969.

Hon. DON EDWARDS,
House of Representatives,
Washington, D.C.

DEAR MR. EDWARDS: Secretary Laird has asked that I respond to your telegram of May 19, 1969 regarding a recent contract award by the Department of the Navy by the Ingalls Shipbuilding Corp. of Pascagoula, Mississippi. As indicated in your telegram, this contract was awarded by the Navy without completing our required pre-award compliance check on equal employment opportunity matters. Our inquiry into this matter has revealed that the award was made on May 1, 1969 and our new requirement for completing pre-award checks for negotiated contracts became effective on January 31, 1969. Prior to that time we required such checks only on formally advertised contracts in accordance with Department of Labor regulations. This company was selected as a source for negotiation of the contract in question in May, 1968 and negotiations on the final form of agreement had been in progress for almost one year. During final stages of these negotiations the Navy Department neglected to apply our new pre-award regulations to this contract.

At the time of this award, the company had submitted an extensive written affirmative action plan to the Contracts Compliance Office of the Federal Maritime Administration and discussions were in progress to develop a supplement to this plan. We are pleased to report that on May 22, 1969 representatives of Ingalls Shipbuilding Corp., The Maritime Administration, the Department of Labor and the Department of Defense met and completed an acceptable written supplement to the original copy of the company's affirmative action plan. Accordingly, the Ingalls Shipbuilding Corp. has now been formally determined eligible for this award.

This Department cooperated closely with other agencies in communicating to the company the urgent necessity for immediate resolution of this problem. We believe that this action is consistent with our obligation to fully carry out the equal employment opportunity program provided in Executive Order 11246 and related Department of Labor regulations.

Please accept our assurance that steps have been taken within the Department of Defense to reiterate and emphasize to all procurement contracting officers their obligation to complete pre-award checks on all contracts in excess of one million dollars in value.

A similar response has been transmitted on May 24, 1969 to Senator Edward M. Kennedy. We hope that this is fully responsive to your inquiry and are pleased to report on the resolution of this matter.

Sincerely,

L. HOWARD BENNETT,
Acting Deputy Assistant Secretary, Civil Rights and Industrial Relations.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., May 23, 1969.

Hon. DON EDWARDS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: This is in response to your telegram regarding the Ingalls Shipbuilding Company contract.

It is our understanding that the Navy as the contracting agency in this case, erred in not following the established procedure of consulting with the Maritime Administration before issuing the contract in question. The Maritime Agency is the Government's compliance agency for the shipbuilding industry. Had the Navy done this, it would have learned that the Ingalls Company did not at the time of contract issuance have an approved Equal Employment Opportunity affirmative action program to correct deficiencies on record. Such a program had earlier been submitted by the Ingalls Company to the Maritime Administration but it was still under review and discussion at the time the contract was let.

On learning of this circumstance, the Company was advised that its contract was subject to cancellation and action was immediately taken to reach a compliance understanding. Following a series of conferences between Government and Ingalls Company officials an affirmative action program meeting Government standards and requirements has now been approved and agreed to. Maritime Administration, DOD and OFCC officials participated in these meetings.

Inasmuch as the Ingalls Company now has an approved affirmative action program to correct deficiencies, no further action at this time is necessary with respect to additional contracts for which the Ingalls Company may be considered. However, the compliance agency will be conducting periodic checks of the Ingalls Company to see to it that it remains in a compliance posture.

Sincerely,

J. D. HODGSON,
Under Secretary of Labor.

"WEDDING" OF UNION PACIFIC AND CENTRAL PACIFIC RAILROADS—ROLE OF REV. DR. JOHN TODD

(Mr. CONTE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, last month marked the 100th anniversary of the "wedding" of the Union Pacific and the Central Pacific Railroads at Promontory Point, Utah, which signified the completion of the transcontinental railroad.

One of the more interesting highlights of this unique event in American history is the role which Rev. Dr. John Todd, of Pittsfield, Mass., played on this momentous occasion.

The Berkshire Eagle, in a special report on May 10, detailed this fascinating story. Under permission to extend my remarks, I would like to insert the following excerpts from that story into the RECORD:

REV. DR. TODD'S 315TH WEDDING

(NOTE.—Just 100 years ago today the pastor of the First Church put the brakes on a brawl.)

(By Morgan Bulkeley)

One hundred years ago today the picturesque wedding of the Union Pacific and the Central Pacific railroads was performed on a bleak, sage-brush plateau at Promontory Point, Utah, with the Rev. Dr. John Todd of Pittsfield officiating. In a real sense, a divided nation became one.

Best man for the Union Pacific was its vice president, Thomas Clark Durant, a native of Lee; and representing the Central Pacific along with its president, Leland Stanford, was its vice president, Mark Hopkins of California, whose wife later retired to the ancestral home in Great Barrington as "America's richest widow and mistress of 50 millions."

The Great Day of May 10, 1869, . . . saw the fruition of an almost impossible dream: the joining of the Atlantic and the Pacific by railway. The obstacles had seemed insurmountable. They include the quite probable risk of failure, post-Civil War uncertainties, currency inflation leading to exorbitant prices for labor and material which has to be transported to remote frontiers, Indian perils, the Rocky Mountains, legal and congressional battles and investigations, company dissentions and astronomical financing problems.

For the Rev. Dr. John Todd, it was the 315th wedding he had performed since he came to Pittsfield Jan. 1, 1842, as minister to the First Congregational Church. He had come his own hard way since borrowing a pair of shoes at age 6 to attend his father's funeral. He graduated from Yale in 1818 and, after Andover Theological Seminary, served as pastor in Groton, Northampton and Philadelphia.

One news dispatch from Promontory Point bemoaned his long prayer over the golden spike and described him as "a distinguished but unspectacular country parson from the East." The reporter did not know Dr. Todd's long story and must not have heard his short prayer.

His biographer says: "The county of Berkshire was to him the most beautiful region in the world. In all this region he was recognized as a kind of bishop, taking the lead from sheer weight and energy of character." Shortly after his pastorate of 31 years began, he confessed: "I actually had my toes touched with frost in the pulpit." But later the Lord evened things up by burning the Bulfinch Church, and his house to boot. He found his Pittsfield neighbors "a great, rich, proud, enlightened, powerful people. They move slowly but tread like the elephant . . . are a very critical audience . . . have 10 times more intellect than all my other places."

Dr. Todd was the noted author of the best-selling "Student's Manual" of his day and of other books including "Serpents in the Dove's Nest." He was a fanatical temperance leader who vowed he would never again lecture in the old Union Church after a theatrical company played "The Reformed Drunkard" there. Yet, cryptically, he is purported to have thanked a friend for a jar of brandied peaches: "I don't care much for the fruit but enjoyed the spirit in which it was given."

At the time of the great railroad completion, the 69-year-old Dr. Todd was retired, and his many friends and parishioners had sent him "with quite a party from Pittsfield" on a trip to the West Coast where he was received "as a kind of holy fossil to be handled with care." It was entirely happenstance that he made the first transcontinental train trip and discovered the section from Omaha to San Francisco surprisingly shortened from three months by way of wagon to one week.

It was lucky circumstance for all those present at Promontory Point on May 10, 1869, that the Pittsfield pastor happened along. For virtually alone he gave dignity to an occasion that might otherwise have been a champagne fiasco in the national eye.

The date had been set for Saturday, May 8, but two days before that, 400 disgruntled workers had shunted the luxurious car of Dr. Durant onto a Piedmont siding where they threatened his life if he wired for soldiers rather than for their $80,000 in back pay. The money arrived next day, and he was released, but the ceremony had to be postponed until Monday. This gave more time for celebration and carousal.

About 20 tents and some wooden shacks comprised the ephemeral little junction that mushroomed from grass and sagebrush. There was no water nearer than eight miles, but no one cared. In the night the muddy street at 5,000 feet above sea level had turned to ice. The cold kept visitors shuttling between the town's five saloons and the potbellied stoves in their railroad cars. The "Hell-on-Wheels town" began to roll with its confusion of law and lawlessness, officials and ruffians, millionaires and penniless coolies, wives and camp followers. A lynching was narrowly averted.

Monday dawned clear and sunny. The many conflicting accounts seem to agree on little else but that on the abiding presence of the Wasatch Mountains. Old glass-plate photos show two railroad grades with tracks, sidings and switches, a telegraph line, and an anachronistic 20-star flag flying from a telegraph pole. (There were 37 states at the time.) More than 20 newspapers had one or more reporters present, and these variously concluded that between 500 and 3,000 attended the shotgun wedding. The only foresight was shown by Dr. Todd, who left a copy of his two-minute prayer at Ogden for telegraph to President Grant and the nation.

Finally Dr. Durant's shining Pullman chugged in, and the velvet-frocked VP stepped into the mud to shake hands with Stanford and Hopkins leading the Central Pacific's delegation. Several unexpected companies of the 21st Infantry Regiment en route to California also disentrained just in time to partly control the pressing crowd, and their band struck up a lively tune. The white-haired Dr. Todd was seen descending with a delegation of Mormon saints just as the coolies from the West and the paddies from the East laid the last ceremonial laurel tie, predrilled to receive the four commemorative gold and silver spikes. Wires were so connected that each blow of the sledge would be reported in most of the larger cities coast to coast.

The crowd pushed in so that very few could actually see and hear what happened. Two Wells Fargo stages on their last run arrived just in time to mark the passing of one era and the beginning of another. At 12:25 p.m., the majestic Dr. Todd intoned his two-minute invocation: "Now on this beautiful day, in the presence of these lonely hills and golden summits, we render thanks that Thou hast by this means brought together the East and the West, and bound them together by this strong band of union. . . . Bless the waters that wash the shores of our land, the Atlantic of thy strength and the Pacific of thy love . . ." The telegraph tapped out: "At last we have done praying; the spike is about to be presented."

HOW RELIABLE IS OUR NEWS?

(Mr. WHITEHURST asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, all too often in recent years the reporting by members of the news media has been filled with inaccuracies which have been either embarrassing or positive harm has occurred. A particularly poignant article was recently published in the American Legion magazine entitled "How Reliable Is Our News." The authors, Roscoe and Goeffrey Drummond, themselves respected members of the press, have exposed several cases of false reporting or distorted news writing. Mr. Speaker, I think the article ought to be reprinted in the Record and wish to insert it at this time:

How Reliable Is Our News?

(By Roscoe and Geoffrey Drummond)

(Note.—A famous columnist and his son wrestle with false images of America and distortions of issues put before the people by the press, TV and political and intellectual leaders—and wonder where it will take us.)

The peaceful processes of democratic government are in serious jeopardy in the United States today. We'd better look long and carefully at what's happening—and do something about it—before it's too late.

It was about a year ago that Life magazine put this caption on a somber and foreboding editorial: "Wherever We Look, Something's Wrong."

That's fair comment. There's much that's wrong and much that needs to be corrected.

But what is most wrong and most needs to be corrected is a false image of America which is being imposed upon the American people by much of its mass media—the image that wherever you look, nothing's right.

This distorted image is a perilous disservice to the nation.

Have no doubt about it, such a continuously projected image leads to national impotence.

It tends to produce such a sense of helplessness and hopelessness that public support for what needs to be done weakens and wanes.

If we are to succeed in freeing the aggrieved, the frustrated and the impatient from the temptation to yield to violence, they must be able to see that the democratic process in America has worked, is working and can be made to work even better.

But much of the media is undermining confidence in democratic institutions by making government almost always look as bad as it sometimes is.

We are not appealing for a Pollyanna to guide television or radio or the press. We are not appealing for counter distortion. We are not advocating government censorship. We are not proposing to break the mirror of a free press because so much of the image it is presently reflecting is out of focus.

We are appealing for perspective and balance and for a wider awareness by the media that they have a responsibility to do more than sell bad news because it is more exciting. They have a responsibility to use that precious guarantee of the Bill of Rights—freedom of the press—to help democracy work better at a time when it must be near its best to survive. Without it there will be no freedom of the press for anybody.

Ponder these bleak words from John W. Gardner, former Secretary of Health, Education and Welfare and one of the most thoughtful commentators on the state of the nation:

"Our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12-year-olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

"Among the dissenters today we hear a few with a special message. They say, 'we don't need reform, we need revolution. The whole system is rotten and should be destroyed.' "

They are a minority, a minute minority, and some of them don't really believe what they say. But don't let this be reassuring. There is a deadly peril imbedded in it. The peril is that if any large number of Americans are induced to accept the false image of their nation—the image that wherever you look, virtually nothing is right—then we will be standing at the brink of national impotence, political lethargy and the pervasive conviction that nothing can be put right because so much is wrong.

This is why it is so vital to see how this false image is being spread.

It is being spread by many commentators willing to distort and slyly conceal in order to manipulate our opinions.

It is being spread by much of the mass media which make trouble their favored client. They have so long accepted the premise that bad news produces readers and viewers and good news produces only boredom that they have neglected to examine whether this premise isn't out of date and whether it is adequate to enable today's democracy to function as it must function to survive.

And, finally, these false images in which, wherever you look, nearly everything is wrong—because what is right is too widely ignored—are promoted by a range of purposeful destructionists who think that the Bill of Rights is for burning for everybody but themselves and whose goal is to tear the nation apart without offering any idea of how they want to put it together again—if it could be put together again.

In watching for distortions in the press, it is a fair question to ask why relevant material was omitted in two recent book reviews of the late Robert F. Kennedy's recently published "Thirteen Days," dealing with the Cuban missile crisis. In each case the same omission permitted conclusions which the full facts could not support.

One review was by David Schoenbrun in the New York Times Book Review. The other was by Prof. John Kenneth Galbraith in Book World. In the first case the late Adlai Stevenson is made to appear to be a martyred dove, wrongly abused in the highest councils of President Kennedy's Adminstration. In the second case a similar conclusion is implicit, though not so clearly stated.

Read normally, by the normally informed reader, these reviews would seem pretty innocent and persuasive. But when read closely by one whose work brought him in contact by most of the facts, then their tactic emerges.

Here is the subtle paragraph from Mr. Schoenbrun, former CBS radio and TV correspondent in Paris and Washington and now a free-lance newspaper ad magazine writer:

"Stevenson . . . alone suggested we accept Khrushchev's offer of a trade-withdrawal, our missiles in Turkey against their missiles in Cuba, for which he was soundly chastised . . . Why are the doves always considered less patriotic, less courageous than the hawks?"

Who would say that is not a reasonable question—at least from the facts as Schoenbrun stated them?

To the same point, here is the way Harvard Professor Galbriath, economist and National Chairman of Americans for Democratic Action, wrote it in his Washington Post Book World review:

"In contrast, the man who calls for caution, a close assesment of consequences . . . must have great courage. He is a real hero and rare. . . . In particular, it was Adlai Stevenson who was willing to trade some obsolete nuclear weapons in Turkey . . . for similar action by the Russians in Cuba."

But the facts are not as stated and the facts Schoenbrun and Galbraith should have stated, to be honest with their readers, were explicitly set out in the Kennedy book they were reviewing.

Here they are verbatim, and the italicized words show what was omitted by the two reviewers:

"(Stevenson) at the Saturday meeting strongly advocated . . . that we make it clear to the Soviet Union that if it withdrew its missiles from Cuba, we would be willing to withdraw our missiles from Turkey *and Italy and give up our naval base at Guantanamo Bay.*"

Obviously there is a considerable difference

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between proposing that "we trade some obsolete nuclear weapons in Turkey" and the actual proposal Stevenson advanced, that we also abandon nuclear weapons in Italy and give up the base at Guantanamo Bay.

President Kennedy rejected this proposal, not with any implication that Stevenson was considered "less patriotic," as Schoenbrun wrote, but on the ground that the United States "could not abandon Guantanamo Bay under threat from the Russians."

Stewart Alsop of Newsweek was the first to spot the revealing omissions in these two reviews and he offered this warning to future unwary readers:

"The reasonably sharp-eyed reader will note how in both reviews the suppression of a vitally important fact makes it possible to suggest a false conclusion. This is symptomatic of a larger phenomenon—the tendency of liberal-intellectuals to transform into nonfacts all facts that do not fit neatly into the current fashionable liberal-intellectual dogma . . . Adlai Stevenson, in the Pavlovian world of the liberal-intellectual, was a certified Good Guy. Therefore it is not necessary to examine what he actually proposed—it must have been good.

"The Pavlovian tendencies of the liberal-intellectuals constitute a serious political phenomenon. They are politically influential, especially in New York where most American opinion is manufactured. . . . It could turn out to be a very serious matter for President Nixon who is, in the Pavlovian liberal world, a certified Bad Guy."

Take another example of the art of switching facts. Early in his campaign for the 1968 Democratic Presidential nomination, Sen. Eugene McCarthy advocated that the best way to end the Vietnam War was for the United States to pressure the elected South Vietnamese government to accept, without any elections, members of the Viet Cong into a coalition as a pre-condition to peace.

Vice President Hubert Humphrey retorted sharply. He said that's like "putting a fox in the chicken coop"—putting unelected Communists into a coalition government so they could later stand for election as part of the government.

Now, a year later, Senator McCarthy is musing in a conversation with Look Senior Editor Joseph Roddy, and Roddy records it as follows: ". . . (Senator McCarthy) knew he had had some effect on the stand the U.S. took now in Paris. 'I didn't ever ask them to do what I *said* they should do,' he insisted. 'I only asked them to do what they would *have* to do.' He knew the National Liberation Front would have to be represented in peace talks, and he had said so a year back. 'Now, we've agreed to put Humphrey's fox in the chicken coop. But a year ago, we all knew that would have to be done. Why did they wait the year?' "

Sounds pretty farseeing, doesn't it? McCarthy showing how right he was all along and now proved so by events—with Humphrey's phrase thrown back at him with apparently telling effect.

But is it true? Is there something missing, a misplaced fact, which makes McCarthy's words seem devastatingly conclusive because of a crucial omission?

There is a distortion; there is an omission. Probably you have already noticed it. Humphrey did not say that having the National Liberation Front (political arm of the Viet Cong) represented in the Paris peace talks would be like putting a fox in the chicken coop. Humphrey, as did President Johnson, always said the Viet Cong could be represented at the conference table, but what Humphrey opposed was putting unelected VC into the government of South Vietnam as a condition for settling the war.

But, as reported in Look, McCarthy took Humphrey's opposition to an enforced, unelected Communist coalition and applied it to the peace talks and thus sought to show that Johnson (together with Nixon) had wasted a year by not "putting Humphrey's fox in the chicken coop" much earlier.

No reader of Look, a year later, should be required to spot the switch.

Here's another example. At a Congressional hearing before the Joint Economic Committee, a well-known professor of economics was testifying on the annual report of the President's Council of Economic Advisers. He tore it apart. He could find nothing good to say about any of it. He would summarize statements he attributed to the Council and then proceed to show how utterly untenable they were.

When the President's chief economic adviser read this testimony later, he scratched his head in disbelief. He couldn't recall any of the views which this very quotable professor so easily tore apart as ever having been put into the report in the first place. So he wrote the witness a letter asking him if he would cite the passages from which he had so vigorously dissented. He got his answer right back. It said in effect: "My Dear Friend . . . Surely you've been around Washington long enough not to be naive. You know I can't cite the reference which you request. I was only having a little fun."

It may have been fun for the professor. It may not have hurt the standing of the Chairman of the Council of Economic Advisers. But do you think many of the nation's lawmakers knew that their witness was tossing imaginary balls in the air to see how they would bounce? How many TV viewers and newspaper readers, when they got a headline like, "Professor Deprecates Economic Report," realized that he was making things up in order to tear them down—and that it was just fun and games?

It is not amusing. It is evil. One antidote is: Readers, be aware.

The mass media are beginning to examine themselves with more than ordinary critical detatchment. Usually the press goes after everything and everybody but itself. There is a new mood, at least a beginning mood, of self-examination and self-questioning. That's good.

Alan L. Otten, one of the knowledgeable and perceptive writers for the Wall Street Journal, put some facts forthrightly in an article on the pervasive public dissatisfaction with much reporting.

"Almost everyone these days," he wrote, "has his favorite story about inaccurate or distorted reporting in newspapers and magazines, on TV and radio."

Then he listed a wide range of complaints. He told of a neighbor who taxed him with the fact that so many reporters showed surprise that President Nixon was handling his job so well. "Why should they be surprised," he asked, "except that they have been wrong about him for years?" Wallace supporters felt most of the press wholly unfair. Humphrey often found his campaign speeches buried at the bottom of the accounts of militant protesters who were heckling him. The critics went on and on.

"Skepticism about news stories is, of course, nothing new," Otten continued. "For decades, the far left decried the Capitalist press, and more recently, the far right weighed in with attacks on major newspapers and magazines and broadcasters as corrupt cohorts of 'the Eastern liberal Establishment.'

"Now, however, more and more ordinary middle-of-the-roaders seem to be joining the extremists in proclaiming 'you can't believe a word of it.' "

This is a serious credibility gap, a widening credibility gap between the media and the public. It should give the media concern. This lack of credibility grievously impaired the effectiveness of President Johnson. Since a credible, fair-minded, responsible, fair-reporting press in all its forms is essential to demorcratic government, any wide and continuing credibility gap between press and public cannot fail to impair the functioning of our free society.

This is why it is vital to look at what's happening.

Something dangerous is happening and no one has put his finger on it more earnestly than W. Willard Wirtz, former Secretary of Labor, who during his years in public life became deeply concerned by the gap between what he saw as reality in American life and the image of American mirrored in the media.

The Overseas Press Club of America, made up mostly of U.S. correspondents who have served abroad, asked Mr. Wirtz to lay it on the line—and he did. Here is the way he sees it:

"First, if the idea of democracy should ever be invalidated, it would be because it came about that more and more people knew less and less that was true about more and more that was important.

"Second, this is the direction of things today.

"Third, the responsibility for this lies significantly, though not by any means entirely, with the mentors of the mass media."

This kind of indictment has been made before and neither the press nor the nation has fallen apart.

Is it any different today than before?

It is. It is so different that the survival of a free press and the survival of democratic government in America is at stake.

Why? Why are the stakes so great today?

Because in the past most of the criticism of the media came from extremist minorities or from those who had a grudge or a special bias of their own. But today, as the Wall Street Journal article pointed out, "more and more ordinary middle-of-the-roaders seem to be joining with the extremists in proclaiming 'you can't believe a word of it.' " What Otten is saying here is that there is developing a mass distrust of the mass media on the part of rank-and-file viewers, readers and listeners. This is why the media must stop, look and listen.

The situation is different today because we are confronted with such very acute and lacerating national problems—racial tension, rising crime, poverty in the midst of plenty, unlivable and almost ungovernable cities—that unless the media reflect a true and balanced picture of the nation, democratic government will falter and we will have neither the unity nor the spirit to do what is needed. When "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it,' " then a confused and distrustful public opinion is the easiest prey to the extremists and the distructionists.

What's wrong? We wonder if too much of the media isn't continuing to practice an outdated and, in today's world, a dangerous and self-defeating journalistic theory—the theory that bad news gets readers and viewers and good news turns them off, that conflict sells and news of things going rather well bores?

At any rate, the mirror which much of the media holds up to the nation has so many built-in distortions that the reflection is almost constantly out of focus, a false image of America in which, wherever you look, nearly everything is wrong.

This isn't telling it like it is; it is telling it like it isn't. The worst is magnified; the best comes into view like what you see through the wrong end of a telescope.

Isn't this what is causing many to wonder if the media aren't greatly overplaying the draft-card burners, the drug addicts and the lovers of four-letter words, and underplaying the generation of students now harder at work than ever before and demonstrating it by manning the Peace Corps to the brim?

Isn't this what is causing many to ask why the media give such alert attention to every incident of isolated indecency and immorality at a Job Corps camp. And did it without putting it in the context of tens of thousands of inherently decent but previously dead-end kids—many of whom are being pulled back at these camps from what would otherwise have been lifetime commitments to indecency and immorality?

Isn't this part of what is causing two dangerous trends in the United States—more and more middle-of-the-roaders proclaiming they can't believe a word they read and many others tending to accept as true what is substantially distorted.

These effects, ominous unless checked soon, imperil the media themselves and impair the functioning of democratic government.

Whose side is the press on in the cause of racial justice, Willard Wirtz asked the reporters, and his answer was:

"Any self-righteous answer about neutrality on the side of truth leaves the question of what ethic there is—except selling more papers—for giving daily front-page advertising to any white supremist or nonwhite racist who coins an ugly phrase—while there is only occasional notice on the inside page of the rest of a nation's throwing off the shackles of centuries' bondage of bigotry.

"This overstates it. But not much.

"Nobody wants the press to play Pollyanna. But why shouldn't the causes of riots, be covered as fully as their consequences?"

A Duke University student wrote his parents that he had pleaded with a national TV network to cover a significant, campus-wide student protest which turned out to be highly successful. The network said no. It looked to be too peaceful. It was—and hardly anybody knows about it.

It seems evident that the character of oral and printed journalism is changing and the talent is not equal to the change. The trend is away from old-style, straight reporting and toward much more interpretive and analytical reporting. This can be valuable if there is no other purpose than to bring out the meaning of the news, but it needs great skill and maturity on the part of the reporter and a degree of objectivity which many of today's ideologically oriented reporters disdain.

During the past year it was frequent that a major speech by the Secretary of State or the Secretary of Defense or some other public official, dealing with the complex problems of peace and security, was dominated by an account of a few student militants with pictures of the pickets in an adjoining front-page column and the speaker's main point buried in the "continued" part of the story.

This is coverage which distorts and hurtfully fails to inform.

Recently several hundred editors and correspondents were guests of the Department of State at a wide-ranging, two-day background briefing at which the new top officials of the Department spoke. Toward the end of the first day two or three of the guests, well-known for their opposition to much of U.S. foreign policy, got up during the question period and attacked the speakers as "banal" and "untruthful." This was a minor incident in the proceedings but it dominated news stories the next day.

Following is a shocking case of inaccurate, in absentia, unverified reporting and editorial writing which explains why "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it.'"

Mr. Fred L. Hartley, president of the Union Oil Co., whose firm's drilling produced the oil leak off the Santa Barbara coast, was testifying before a Senate subcommittee.

He was quoted the next day in The New York Times, which reported he had said: "I'm amazed at the publicity for the loss of a few birds." This made Mr. Hartley seem complete calloused.

He didn't say it—either to the Committee or to anyone else. It doesn't appear in the transcript of the testimony. The New York Times wasn't even present during the period of Hartley's testimony when he was supposed to have said it. Another reporter filled him in—on what wasn't said.

The Times reporter didn't check.

The same misquotation—or imagined quotation—appeared later in the Wall Street Journal. It wasn't checked.

It appeared in Time magazine. It wasn't checked.

David Brinkley picked it up—without checking it.

Finally, the Washington Post wrote an editorial using the non-quote as a real quote with a title which read: "The Loss of a Few Birds." [It said, in part, "for sheer insensitivity, blind and arrogant, this seemed unbeatable."]

Hartley wrote quite a few letters to the editors protesting being "maligned by a grossly inaccurate quotation." In the end, Union Oil bought ad space in about 100 papers to tell the truth. Let it be said that the Post, the N.Y. Times, The Wall Street Journal and Mr. Brinkley all publicly apologized after Mr. Hartley and his company started their war of protest.

It certainly seems to many that too much of the media give more than due attention to the militant and violent destructionists, particularly those non-student leaders who go under the deceptive title of "Students for a Democratic Society" who want to demolish our democratic society to see if something else wouldn't be nice to have.

But all responsibility for the out-of-focus image of America does not belong to the media.

There are other causes and they, too, bear upon whether democratic government is going to survive in the United States or be stifled by national confusion and impotence.

Too few people are drawing the necessary line between civil rights and civil wrongs and too few leaders either among the political liberals or the academic community are speaking out against those who want to use freedom of assembly for themselves only and deny it to others.

The Christian Science Monitor said in an editorial more than a year ago:

"To date the forewarners of possible McCarthyism (Joe McCarthyism) have been shown to be largely wrong. Free speech, free disagreement, free protest are strong and open in the United States. This is no small victory in times of such tension and disagreement. Let nothing come along to spoil it."

But something has come along to spoil it. We refer to the mounting instances in which the most extreme anti-Vietnam, anti-draft, anti-university, anti-almost-everything protesters resort to harassment and violence to prevent others from peacefully using the rights of free speech and assembly.

The Bill of Rights is a single garment. It can't be divided. Unless the right of the majority to expound its views and to assemble freely is protected from those who resort to force and disorder to suffocate public debate, we are undermining everybody's right to free speech and assembly—minority and majority alike.

It's happening.

Last year the Vice President of the United States, the Chairman of the Joint Chiefs of Staff, the Secretary of State, the Secretary of Defense, the U.S. Ambassador to the U.N. and the Secretary of Agriculture were all targets of violent, anti-free-speech demonstrators who either attempted to rough them up, overturn their automobiles, prevent them from entering an auditorium or stir up such jeering that they could hardly be heard.

The worst thing is that the nation has seen so much harassment and disdain for peaceful assembly that we have gotten used to it. Those who understand the Bill of Rights are neglecting to speak out. They even condone its callous violation.

Example: At the University of Wisconsin, two members of the Johnson Cabinet were hooted and heckled so raucously and so violently that the civil right of free assembly was turned into a civil wrong of a free-for-all and they couldn't finish their speeches to students who wanted to listen.

And what was the odd and disheartening response of such a supposedly civil libertarian as Senator McCarthy? Did he condemn this civil wrong? Did he say that now is the time for every man to come to the aid of the Bill of Rights? What he said was that spokesmen for the President of the United States ought to be able to find places other than college campuses to expound their views!

What better place for the exposition of controversial opinion than the college campus? What more appropriate place to practice free speech than the home of free inquiry?

On another occasion, an undergraduate at Columbia University maneuvered his way to a middle-row, front seat in the college hall where the Selective Service Director of New York State was—at the request of the students—to discuss the draft and its application to them. After the introduction and opening remarks, this young man rose to his feet, reared back and hurled a big, fat, mushy pie into the face of the speaker.

Some may have been disposed to laugh. We weep—and we hope others will join in crying, at least when we pause to realize that this act did not just smear the face of one individual; it stained the face of the Bill of Rights.

The heart of the matter is that in a free society, with free speech, peaceful assembly and the secret ballot, anyone who tries to hinder others from using these rights is undermining everyone's freedom, including his own.

If we are going to continue to turn peaceful assembly into a free-for-all, there will be more than pies thrown and the end of that road will be the assassination of the Bill of Rights itself.

Liberal columnist Max Lerner, who gives no comfort to the destructionists, wisely notes:

"The same college instructors who are shocked by the ax-handling minorities blocking Federal marshals from entering school buildings in Georgia and Alabama, will find themselves on the side of the bat-wielding minorities trying to close down a university building in San Francisco."

Now, if the central theme of this article is to be fully proved, it must be demonstrated with evidence that the image of America, which flashes so constantly before the minds of Americans, is, in fact, distorted—the image that wherever you look, hardly anything is right—and that what's right with America usually comes out muted and murky.

Has the democratic process in America been working and can it be made to work even better if we don't lose sight of what's right with it?

It can, but only if we get a truer image so that what's right can be seen in perspective.

The evidence of what's right with America is impressive and heartening. Here are salient samples; many more could be cited.

Racial Justice: More wrongs have been righted and more things which are just have been achieved in the past decade and a half than were accomplished over the 90 years from the end of the Civil War to the milestone decision of the Supreme Court in 1954, which laid the legal basis for complete racial justice and equality of opportunity.

Except for hard pockets of delay, public places are open on an equal basis, the right to vote is assured and black and white voter

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are joining to elect Negroes to posts of high governing authority.

Human Welfare: In the last four years the federal government has invested twice as much in education as it invested in the previous century. It is now investing three times as much in health programs as it invested five years ago. Government and private enterprise jointly accept the proposition that "poverty has become intolerable in this country because it is unnecessary" (from a report by the National Association of Manufacturers), and are beginning to do more about it. Not enough? Of course not, but enough to provide the evidence of things to come.

American Youth: We should reject the idea that most young people and students have lost their way smelling flowers, smoking marijuana and storming around the campus. Alienated over politics? It only seems so. College students used the political process by springing to the aid of Senators Kennedy and McCarthy. Gravely aliented over the Vietnam war? Nobody likes war. Nobody wants to be drafted. But the desertion rate of GIs in South Vietnam is lower than it was in Korea and 50% lower than in WW2. We have, for the most part, a committed and compassionate younger generation. More than 300,000 college students are voluntarily helping the disadvantaged.

State of the Economy: The United States, including the government, has been managing in economic affairs with increasing wisdom. Not one of the bleak predictions that large-scale unemployment would follow the end of WW2 and that another depression would be upon us in the 1940's, in the 1950's, in the 1960's has come true; all have been proven wrong. Today, the U.S. economy is the most productive in the world. Khrushchev's boast that "we'll bury you" is ashes. Nixon is taking the hard decisions necessary to reduce inflation and there is evidence he will stay with them to the benefit of everybody.

Foreign Policy: There is a tendency among many to believe that the United States bungles just about every enterprise to which it puts its hand in foreign policy. False. All is not well in this turbulent world but everything has not gone wrong for this democracy of ours by any means; and we ought not to forget how much has gone right during all the postwar years when we've been acting to protect our own freedom by helping other nations protect theirs. There is no reason for defeatism or apology in a record like this:

(1) saved Greece and Turkey from being dragged behind the Iron Curtain; (2) rescued Western Europe by means of the Marshall Plan from the overhanging threat of Communist take-over; (3) saved West Berlin from the Soviet attempt to starve its two and a half million people into submission; (4) turned back the armed Communist aggression against South Korea; (5) acted to protect the independence of Lebanon and Taiwan, (6) struck from the hands of Nikita Khrushchev the instrument of nuclear blackmail in Cuba.

Every country whose safety from oppression we have helped secure—because our own safety was at stake—is a free and independent nation today. When we ponder these achievements in the cause of human freedom, we have every reason to shed the myth of helplessness and frustration.

All this and much more show that the American system of government by peaceful consent of the governed has been animate, vital and productive. One of the first requirements of making it more productive, more vital, more animate is to proclaim the story of what has been done, not hide the light under a bushel.

The purpose is not to promote smugness, not to slow needed reform with self-satisfaction, but to accelerate it by giving those who are understandably frustrated the evidence of things to come and a determination to use democratic institutions, not erode them through despair.

Consider these words from Washington Star writer Crosby S. Noyes:

"Where is that old fighting spirit that Americans were supposed to ingest with their breakfast cereal? As things are now going, we are well on our way to becoming a race of Pavlovian pessimists in which anyone who tries to sound the faintest note of encouragement is booted out of the hall.

"Somewhere in this large land, there are surely plenty of holdouts who still believe that we are capable of facing up to our problems and who are willing to come up with the resources, the talent and—yes—even the optimism to try."

There surely are—and let's make way for them.

TAXATION OF INTEREST ON MUNICIPAL BONDS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, the financial press on Tuesday, May 20, reported that Monday's markets had been a "shambles," bringing renewed price reductions on recent municipal bonds. That is almost "run of the mill news" now. A nearby county of considerable wealth, and experiencing continuing boom rates of development, has recently paid interest rates on new tax exempt bond issues that are higher than the rates paid 3 years ago on 10-percent-down home mortgages in that county. The neighboring metropolis, Baltimore, has bumped against a legal rate ceiling in issuing bonds for an essential addition to its water supply. The instances of high rates and thwarted community development could be multiplied by the hundreds, in a time period that goes back almost disastrously far. If the instances of high interest rates and thwarted development are not quickly made matters of history only—if they are allowed to continue into the future—then they will become disastrous indeed. New shopping centers, new apartment houses, new manufacturing plants will be built in many areas of the Nation. But the communities with inadequate water, sewers, roads, schools, libraries, hospitals, playgrounds, and other public buildings, will find life very unsatisfactory, and, of course, the commercial and industrial facilities will lose their value because they will not get the quality of employees they need, nor the transportation, nor the necessary public utilities.

The financial problems of the municipal governments demand resolution. Their resolution requires that the Federal Government shall not be so single minded about drawing off the maximum possible amount of the community's financial resources for Federal programs. The Federal Government must reduce the draft for its own account which it makes on the Nation's finances; and must assist the municipalties directly, as well as through reduction of competition, to obtain less expensive and more adequate financing of their own needs. In designing such actions, the Federal Government must not overlook the too long unmet demand for equitable sharing of tax burdens; the Congress must meet that demand in all of its restructuring of finances.

I have proposed a method of lowering the cost of municipal facilities, while making the Federal tax structure more equitable. My bill, H.R. 10035, would guarantee the payment of interest and principal on new bonds issued by municipal governments, to assure that they will be issued at the most favorable possible interest rates for such sizes and maturities of bonds. Then my bill H.R. 10035, would finance that guarantee, plus an interest subsidy to the municipality from tax revenues; Federal tax revenues would be increased, equitably, by taxing the interest received on new issues of municipal securities.

Most investors in new local bond issues are obtaining a higher net yield than could be obtained from taxable bonds of any sort. Municipal bonds always have subsidized the bank, the wealthy individual, or the corporation, which sought the highest net return with minimum risk from a long-term investment.

When new municipal bond issues become taxable, at the same time that the guarantee fund in my bill makes them even more safe than they have been in recent decades, the bonds will continue to attract investors among corporations and in the upper tax brackets among individuals. The taxes on interest income from municipal securities may well be close to 50 percent of that income. Taxpaying investors, of course, will demand higher gross yields—higher interest rates—from municipal bonds. But if the rates paid by the local government should increase by 2 or 2½ percentage points, bringing them above Federal bond levels and into the range of corporate bonds, the additional Federal revenues obtained from taxing that interest—revenues equal to 3 or 4 percentage points on the interest paid by the city—would provide an adequate fund for paying the local government more than the increase in interest charges.

My bill, in short, proposes to make the Federal tax system more equitable, and to apply the revenues obtained from a more equitable tax system, to lowering the net cost of essential improvements in community facilities.

ANOTHER "PRO" FOR SAFEGUARD

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the enthusiasm and alacrity with which opponents of President Nixon's Safeguard missile defense system have attacked the deployment of antiballistic missiles have made the opposition appear more formidable than it is. This is particularly true with regard to the opposition of various scientists to ABM deployment. The Detroit News in an editorial in its May 27, 1969, edition notes that scientists are sharply divided on the ABM issue and that many of the most prominent nuclear physicists in the country are in favor of Safeguard. The editorial I have cited specifically takes note of support given the Safeguard proposal by Dr. Albert Wohlstetter of the University of Chicago. Mr. Speaker, I place the Detroit News editorial in the RECORD at this point. The editorial follows:

> ANOTHER "PRO" FOR SAFEGUARD
>
> Foes of the proposed Safeguard missile defense system make sweeping claims of overwhelming scientific and scholarly opposition to that system. The truth is that scientists and scholars are sharply divided on the issue. Proponents of Safeguard are both numerous and distinguished.
>
> The most recent scientific voice raised in behalf of Safeguard and in criticism of Safeguard's foes is that of Dr. Albert Wohlstetter, of the University of Chicago, long acknowledged to be one of the nation's leading nuclear strategists.
>
> Dr. Wohlstetter not only finds Safeguard necessary to American security, but also finds the opponents mistaken and in some cases "plainly absurd." He puts his scientific reputation on the line by naming names and offering precise criticism of the opposition's arguments.
>
> He charges that Dr. Ralph Lapp, former official of the Atomic Energy Commission, performed calculations containing "blatant errors" which were picked up and repeated by other scientists. He criticizes Dr. George Rathjens, a former disarmament official, for erroneous computations leading to a mistaken conclusion as to the effect of a surprise attack by Soviet missiles on American Minuteman missiles.
>
> So the scientific debate is not one-sided. The fact is, you can find reputable men to quote on both sides of the great antiballistic missile argument.
>
> What the matter boils down to, then, is a question of how much faith should be placed in the ability of the administration to reach sound decisions on the basis of the best information available to it.
>
> Since Mr. Nixon probably has more complete information than the ABM foes possess, and since he is an intelligent man who usually deals realistically with the facts before him, we trust his decision.
>
> Obviously, it would have been easier for Mr. Nixon to have avoided the ABM squabble. But he clearly believes the security of the nation is at stake and chooses to endure the criticism rather than gamble with American lives. This choice on his part constitutes the strongest argument of all for going ahead with Safeguard.

HEARINGS ON NATIONAL CREDIT UNION ADMINISTRATION

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on June 17 the Banking and Currency Committee will begin hearings on H.R. 2 and its companion bill, H.R. 8445, which would create a National Credit Union Administration for the supervision and regulation of Federal credit unions.

This legislation has been introduced on a bipartisan basis by 23 members of the Banking and Currency Committee.

Witnesses for the first day of the hearings will be Secretary of Health, Education, and Welfare, Robert H. Finch, Commissioner of the Social Security Administration, Robert M. Ball, and J. Deane Gannon, Director of the Bureau of Federal Credit Unions. On June 18, representatives of credit union associations will testify. The committee will mark up the bill on June 18 and 19.

LOSS OF MR. LEON HERMAN, SENIOR SPECIALIST AT LIBRARY OF CONGRESS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I was grieved to learn yesterday of the death of one of the outstanding employees of the legislative branch, Mr. Leon Herman, senior specialist at the Library of Congress, who passed away on Saturday, May 31, following a sudden heart attack.

Mr. Herman was an eminent and wise specialist on Soviet Communist economic affairs and he has been invaluable to the Joint Economic Committee in the staff assistance that he has rendered us on numerous occasions.

As a consultant to the Joint Economic Committee, he was responsible for planning and carrying out the numerous studies on the Soviet economy which the Joint Economic Committee conducted. These have had a major impact in promoting public knowledge and insights into the enigmatic Russian regime. He has been an adviser to our staff in connection with all of the hearings that we have held on the Soviet Union. Moreover, it was he who did the major work in planning and preparing the definitive two-volume study of the Joint Economic Committee entitled, "The Economy of Mainland China." At the present time, he was engaged in an up-dating of this pioneering study, as well as up-dating of our Soviet Union studies. A third examination in preparation, under his supervision, dealt with the economies of the Iron Curtain countries.

Leon Herman possessed a rare combination of talents which the committee came to admire and depend on. He had a vast knowledge of the Soviet Government, economy, and culture. He knew the language well and could familiarize himself with firsthand information. He was a first-rate economist and was, therefore, always able to make realistic appraisals of economic phenomenon. The committee and staff knew they could always rely on his wisdom and sound judgment. We shall miss him sorely.

He also served many other Congressmen and committees. In addition to the Joint Economic Committee, he aided the Senate Foreign Relations Committee and the Senate Judiciary Committee, as well as the Senate Aeronautical and Space Sciences Committee. His chapters in books, articles, and reviews in professional journals are too numerous to list. His most recent is a forthcoming article on COMECON to appear in Columbia University's World Business Review.

Mr. Herman served as adjunct professor at the American University's School of International Service. He has lectured widely and regularly, especially at the national, industrial, Army, Navy, and Air Force War Colleges. As in the past, Mr. Herman has been associated with the Council on Foreign Relations, the American Management Association, and the Committee for Economic Development.

Travel to the Soviet Union and in Eastern Europe was a frequent pattern of Mr. Herman's schedule. Notable were his trips with the Committee for Economic Development Exchange and with Senator JACOB J. JAVITS, of New York.

In a very real sense, the many committee studies that he helped us on will serve as monuments and reminders of his great capacity, skill, and humanity.

SECRETARY KENNEDY'S BANK TIES PREVENT A FIGHT AGAINST HIGH INTEREST RATES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, late last evening I received a letter from the Secretary of the Treasury, David M. Kennedy, purporting to set out the Nixon administration's program to combat high interest rates.

Mr. Speaker, this is one of the most tepid answers I have ever received from a public official. It is as weak as dishwater and if it represents the extent of the administration's monetary policy then the American people are, indeed, in trouble.

Mr. Speaker, the Secretary of the Treasury—who has just come to Washington from the chairmanship of the board of the Continental Illinois National Bank of Chicago—says he "hopes and expects" his fellow bankers "will act responsibly within the context of the present situation of the credit markets."

This apparently is as far as the Secretary is willing to go in using the great powers of his office to head off another round of interest rate increases—increases in the prime lending rate charged by the big banks.

This is no more than a light tap on the wrist with a velvet hammer.

A Secretary of the Treasury is supposed to do more than sit around "hoping" that the banking industry will act "responsibly." He is charged with the responsibility of using the powers of his office to see that the banks do, indeed, act responsibly and in the public interest. "Hoping and expecting" are not enough from such a high official of the Federal Government.

David Kennedy does not have the courage to stand up and tell his banker friends that they have gone far enough in raising the prime rate. He does not have the courage to face his former colleagues in the banking industry and tell them in unmistakable terms that this administration will fight any attempt to raise interest rates, prime or otherwise. He does not have the courage to tell his friends "this is far enough—there will be no more gouging of the public by the big banks."

Past administrations, less banker-oriented, have forced the banks to stop interest rate increases. Members of this House, I am sure, recall that in December of 1964, President Johnson issued a stiff blast at the big banks and forced them to rescind an increase in the prime interest rate.

But this is too much to ask of David Kennedy, the banker.

Mr. Speaker, David M. Kennedy is a pitiful sight trying to carry out a public office while he is totally tied to the bank-

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ing community through both personal financial arrangements and a lifelong set of associations and attitudes.

Once again, the public is seeing the danger of having a fox guard the henhouse in the White House.

David Kennedy cannot do his duty to the American public and at the same time earn financial rewards from the Continental Illinois National Bank. Continental Illinois National Bank is the Nation's eighth largest commercial bank and it is paying the Secretary more benefits each month than the Secretary is receiving in salary from the Federal Government.

And when he considers a question of demanding that the banks stop raising interest rates, he must balance this with the great financial rewards he is receiving from this same bank.

Can he really, in good conscience, say "no" to a bank that faithfully mails him a pension of $4,800 each month?

Can he say "no" to a bank that pays his health insurance and his life insurance each month?

Can he say "no" to a bank that has promised him $200,000 when he retires as Secretary of the Treasury?

Can he say "no" to a bank that has granted him a stock option worth $1.3 million to $1.5 million and which he has exercised while serving as Secretary of the Treasury?

Can he say "no" to a bank in which he continues to hold stock?

Can he say "no" to a bank in which he has participated in a $645,000 profit-sharing plan.

The Secretary of the Treasury is a kept man—kept by the banking industry which he has never left.

With this background, it is not surprising that he answers my request for action on interest rates with a weak watery letter that leaves the banks free to raid the public again.

In his letter, Mr. Kennedy discusses inflation and indicates that high interest rates are not the fault of the banks but says they are the result of "serious inflation and the expectation of rising prices in the future."

So in one fell swoop the Secretary absolves the banks of any blame for jacking up the cost of money. It is all the fault of that age-old bugaboo of the Federal Reserve and of Republican administrations—inflation.

It could not be, in the world in which David Kennedy lives, that the banks might be profiting from these high interest rates. In the world in which David Kennedy lives, the banks are benevolent institutions which raises prices only to save the country and to prevent inflation.

When the grocer raises his prices, he is contributing to inflation. But, in the never, never land of David Kennedy, the banker is fighting inflation when he raises prices.

This "Alice in Wonderland" view is traditional for the banks and their allies. The truth is that high interest rates add to the cost of every consumer item on the shelves. And the problem is intensified by the fact that many low- and moderate-income families must borrow to survive.

To fight inflation with high interest rates is just like using gasoline to fight a fire. High interest rates are themselves inflationary. Their cost is hidden in every item of the consumer price index.

Mr. Speaker, I hope the Secretary of the Treasury will take time to look at a recent speech of Leon Keyserling, former Chairman of the Council of Economic Advisers, in which he said:

> The rising interest rates, because people have to borrow, are just as much an element in the cost of living as the rising price of meat, or the rising price of bread, or the rising price of medical care, or the rising price of housing, of which the interest rate is a part.

Mr. Speaker, so long as the Nation's eighth largest bank has an insider in the Treasury Department, the chances of getting lower interest rates are slim. The Secretary's tepid letter makes it obvious that he will not turn his back on his friends and benefactors in the banking industry.

The Secretary says that he hopes the banks will act "responsibly."

Is it too much to hope the same of the Secretary of the Treasury?

ANTITRUST, FREE COMPETITION, AND MERGERS OF CORPORATIONS

(Mr. BURTON of Utah asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of Utah. Mr. Speaker, Alice in Wonderland was moved to exclaim, "curiouser and curiouser" when she saw the topsy-turvy conditions existing in her make-believe land.

Or maybe she had a vision of what would happen in Washington last week when the press reported on a strange flurry of secret and not so secret activities about economic reports and Government policy.

First there was a report, prepared many months ago by an eminent panel of economic authorities, at the request of the then President Johnson, and dealing with matters of antitrust, free competition and mergers of corporations.

Now this report was gotten up for President Johnson by a task force, as it is called, but never released by him. Who was it then, of all people, but an appointee of President Nixon, Mr. McLaren, the Assistant Attorney General, who last week made the report public. And, even more confusing, the report proposes the exact opposite of many actions taken by Mr. McLaren, in his dealings with the business community.

So much for that. But there is more.

Now it unfolds, according to a story in the Washington Star, as also reported by the Associated Press and Washington Post, among others, that a second task force, also made up of eminent economists and business executives, has prepared another report—this one at the request of President Nixon, and dealing with the question of economic competition, antitrust, and the like.

This report also discusses conglomerate mergers, and urges caution and care in moving against mergers, at least until more is known about their impact upon economic life in America.

And what has happened to this report? Well, it has not been made public. It is still a secret, although the Justice Department has confirmed the enterprise of the press and agreed that such a report, as prepared by a President Nixon task force, does exist.

What are we to make of it all?

What we have is a Republican-appointed official publicizing a Democratic-prompted report, and refusing to divulge a Republican-sponsored one, while at the same time, absolutely ignoring many of the basic findings of both reports.

This entire question of conglomerates is complex and thorny. Many in Government could stand at least a basic education about the matter—particularly when the sources are admittedly authoritative. And maybe an explanation from Mr. McLaren about what he is after, what his plans are, and how he justifies his actions.

I enter into the RECORD the following press comments about these economic reports:

[From the Washington (D.C.) Evening Star, May 22, 1969]

HAND OFF CONGLOMERATES, SECRET NIXON STUDY URGED

(By Stephen M. Aug)

A secret study made for President Nixon on antitrust policy strongly urged the Justice Department not to undertake action against conglomerate mergers, it was learned today.

"Vigorous action on the basis of our present knowledge is not defensible," said the study, made by a nine-member task force appointed by Nixon before his inauguration.

The recommendations by the group—made up of seven professors and two industry executives—appear to conflict sharply with the direction taken by the Nixon administration.

Richard W. McLaren, assistant attorney general in charge of the Justice Departments Antitrust Division, has filed three major cases so far to break up conglomerate mergers. He has said he is willing to risk losing some cases to find out how far present laws "will take us in halting the current accelerated trend toward concentration by merger."

The third suit was filed yesterday in Chicago to prevent the takeover of B. F. Goodrich Co., the nation's 82nd largest corporation, by Northwest Industries Inc., the 63rd largest. The government contended the merger, which has been vigorously resisted by Goodrich, would be anticompetitive and encourage the trend toward economic concentration.

The task force study also rapped the Federal Trade Commission and other regulatory agencies.

It said the FTC's undertakings in the antitrust area have done little to maintain and strengthen competition, its efforts to protect small businessmen have been inadequate, and it's "over-zealous enforcement of consumer-protection" laws has not helped consumers, but rather businesses "whose interest lies in protecting their market."

It urged Nixon to issue a general policy statement that would encourage agencies to permit greater competition in the industries they regulate.

Asked for comment on the report, McLaren said, "it's a different group and they came out with some different answers." He added, however, that he agreed with the task force on the need for greater competition in regulated industries and another proposal, an increase in price-fixing penalties, which it termed "largely nominal at present."

The task force "go-slow" approach is sim-

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ilar in some ways to the attitude of Johnson administration antitrust lawyers, who declined to prosecute conglomerates—widely diversified corporations—on the grounds present laws would not support such challenge.

The Justice Department yesterday made public an antitrust policy study completed last summer at the request of former President Lyndon B. Johnson.

LEGISLATIVE PREREQUISITE

It recommends that if conglomerate mergers—those between companies in unrelated businesses—are to be fought successfully, further legislation is necessary.

Under existing law, it said, the detection of possible anticompetitive effects of conglomerate mergers "rests, in general, on factual and theoretical judgments that are more speculative" than those in merger cases involving firms in competing businesses.

It found also that the present merger movement—despite the already large and increasing activity—does not mean that concentration of economic activity into a few giant firms is imminent.

The report recommends legislation to channel merger activity into fields in which it would increase competition.

SOCIAL MATTERS INCLUDED

The Nixon task force urged the Justice Department "to resist the natural temptation to utilize the antitrust laws to combat social problems not related to the competitive functioning of markets."

"We seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power," it said.

The report said also that the Antitrust Division should not be burdened with such tasks as "combatting of organized crime or the achievement of general political goals." Atty. Gen. John N. Mitchell has suggested use of antitrust laws to combat organized crime.

In its criticism of regulatory agencies, the task force said there is generally "excessive rigidity, expensive review of economically trivial details, and frequent failure to achieve any important results."

CUBS ON ENTRANCE

While the commissioners should encourage entry of new firms into business, it said, "the practice is universally the opposite: to prohibit or ration with utmost severity the entrance of new firms."

It also urged more freedom in price competition—and assailed the agencies' common practice of approving minimum rates, saying they should instead concentrate on setting maximum rates.

Although it did not name the Interstate Commerce Commission, it singles out the trucking industry as one in which "there is no respectable case for economic regulation."

Among other key points, the Nixon task force:

Refused to endorse new legislation or use of existing law to deconcentrate highly concentrated industries—such as auto makers—by dissolving their leading firms.

GUIDE LINE SHIFT URGED

Called for revision of the Justice Department's merger guidelines, announced last year, which it termed "extraordinarily stringent, and in some respects indefensible."

The task force was directed by George J. Stigler, a professor of law at the University of Chicago. Other members were Ward S. Bowman, Jr., Yale law and economics professor; Roland H. Coase, University of Chicago economist; Roger S. Cramton, public regulations professor at the University of Michigan; Kenneth W. Dam, University of Chicago law professor; Raymon H. Mulford, president of Owens Illinois Glass Co.; Richard A. Posner, Stanford University professor; Peter O. Steiner, University of Michigan economist and Alexander L. Stott, vice president and controller at American Telephone & Telegraph Co.

[From the New York Times, May 22, 1969]

TRUST-LAW SHIFT URGED

(By Eileen Shanahan)

WASHINGTON, May 21.—Radical changes in the anti-trust laws that would permit the Government to break up large companies that dominate an industry have been recommended by a group of noted lawyers and economists. They were appointed by President Johnson to study the antitrust laws.

The report of the Johnson task force, which was made public today by the Justice Department also recommends legislation spelling out just what kinds of acquisitions may and may not be permitted by the large, widely diversified companies known as conglomerates.

Briefly, this portion of the report proposes that an acquisition by a conglomerate of a company that is among the top four in its industry would be prohibited but that an acquisition of a nondominant company would not be.

If the standards covering conglomerate mergers, as set forth in the task force's report, were enacted into law, some mergers that have recently been attacked by the Justice Department would be legal.

Other recommendations of the task force include a considerable relaxation of the prohibitions against price discrimination contained in the Robinson-Patman Act and considerable tightening of the rules concerning patent licensing.

The task force also proposed a number of other changes in the antitrust laws, including establishment of a 10-year limit on the ability of the Government to undo old mergers.

The task force, which was headed by Prof. Phil C. Neal of the University of Chicago Law School, was appointed by President Johnson in December, 1967, and made its report to him in July, 1968.

For reasons that have never been explained, Mr. Johnson refused to let the report be made public. It was made public today by the Justice Department with the specific concurrence of President Nixon. Richard W. McLaren, head of the Justice Department's anti-trust division, said that publication of the report "is not in any sense an official endorsement of it in whole or in part but is simply designed to make the report available for study and comment."

DIVERSE VIEWPOINTS

Despite Mr. McLaren's disclaimer, it seems likely that the report will have considerable influence, largely because of prestige of the task force members, who appeared to have been carefully chosen to represent all viewpoints.

Among the 12 members of the task force, there was only one who dissented from virtually all the major recommendations of the report. That was Prof. Robert H. Bork of Yale, who has long been known as an advocate of almost complete freedom to merge.

More limited dissents were registered by Paul W. MacAvoy, a professor of economics at Stanford and Richard E. Sherwood, who is in private law practice in Los Angeles.

The leading companies in the automobile, steel, computer and many other industries would have to be split up if the proposals of the task force to break up oligopolies were adopted.

The task force defines an oligopolistic industry (one dominated by a few companies) as one in which four companies have at least 70 per cent of the market.

VOLUNTARY STEPS

If such concentration is found to exist, after investigation by the Justice Department and the Federal Trade Commission, the oligopoly companies would be given a year to take voluntary steps—such as selling off assets—to reduce their degree of economic power, under the task forces' proposal.

If adequate voluntary action is not taken, the Government could then order steps, to be completed within four years, to reduce the market share of the oligopoly companies to a maximum of 12 per cent each.

Divestiture would not be the only permissible means of reducing market shares, although the task force indicated it would probably be the most common one.

But if an adequate reduction of concentration could be achieved through liberalized licensing arrangements or changes in contracts (pressumably including Government contracts) then this would be permitted.

As has been the case under present antitrust laws, the standards the task force would set up for disapproval of new mergers would be stricter than those for breaking up old companies.

There would be several different tests for the legality of new mergers—which would actually cover acquisitions by any large company and not just by conglomerates.

First of all, the acquiring company would have to have sales of $500-million or assets of more than $250-million for its acquisition of a "leading company" in an industry to be prohibited.

A "leading company" is defined as one of the top four in an industry in which the top four companies have at least 50 per cent of the market. To meet the definition of "leading company" the concern in question would also have to have more than 10 per cent of the market and the market itself would have to involve sales of more than $100-million.

Under these tests, the Justice Department would not have been able to bring two of the three cases against conglomerate mergers that have been brought since the Nixon Administration came into power.

The acquisition of the Jones & Laughlin Steel Corporation by Ling-Temco-Vought, Inc., would be legal under the task force proposals, because J. & L. ranks only sixth in the steel industry.

The acquisition of the Canteen Corporation by the International Telephone and Telegraph Corporation also would probably be legal under the task force proposals because the top four companies in the food-vending market do not have 50 per cent of the market, nor do they in the narrower market line of in-plant feeding.

It appeared at first glance, however, that today's suit challenging the acquisition of the B. F. Goodrich Company by Northwest Industries, Inc. would still be possible, even if the task force proposals were written into law.

As for the Robinson-Patman Act, the task force proposed that no discriminations in price between different customers be considered illegal unless they (1) were systematic and part of a pattern of favoring larger customers, or (2) threatened the elimination of a "significant" competitor, or (3) involved discrimination of a geographical basis with sales below cost in some areas—the type of price discrimination by chain groceries that led to adoption of the Robinson-Patman Act in the first place.

The major proposal of the task force dealing with patents provides that, "if the patentee chooses to license others rather than exploiting the patent himself, he shall make such licenses available on nondiscriminatory terms to as many competitors as may desire it."

The task force would also require publication of all patent license agreements and

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would ban enforcement of a patent against some infringers if the patent owner has not taken "reasonable steps" to enforce the patent against others.

[From Business Week, May 24, 1969]

THE SWITCH ON MERGERS: REPORT OF PANEL PICKED BY JOHNSON RUNS COUNTER TO NEW TACK ON CONGLOMERATES

President Nixon's chief antitruster, Richard W. McLaren, performed the unpleasant job this week of releasing a Johnson Administration task force report on the antitrust laws that was weak where he has been emphatically strong—but strong where he has been quietly weak.

The report, written last summer by a blue-ribbon panel of lawyers and economists headed by Dean Phil C. Neal of the University of Chicago Law School, was implicitly critical of the attack on conglomerates that got under way as soon as McLaren took office.

Using the argument that the giant diversified companies are dangerously increasing industrial concentration, the Justice Dept.'s Antitrust Div. has sued Ling-Temco-Vought, International Telephone & Telegraph, and this week Northwest Industries. The Neal group pointedly warned that any attack on conglomerates through the existing Clayton Act would have to be through a "contrived interpretation."

The Neal task force also proposed a major change in the patent laws to require equal treatment of licensees and rewriting of the Robinson-Patman Act.

It was only after a lot of public—and private—heat was applied that the Neal report saw the light of day. President Johnson ordered it early last year, during a short burst of public controversy about conglomerates. Delivered to the lameduck President in June, it was confined to the dustbin until it was picked up as a weapon by opponents of the Justice Dept.'s new look at conglomerates.

The last bit of pressure came from LTV's James J. Ling, whose company was selected as McLaren's first test case. Sitting on the same panel with the Republican head of the Antitrust Div. on Wednesday, Ling talked of a "still secret" report that would "exonerate the conglomerate movement of any monopolistic tendencies." He demanded that the report be released. Without comment, the Justice Dept. complied later in the day, handing out Xeroxed copies to reporters.

Alternative. Actually, the Neal group was not all that concerned with defending the conglomerate movement—or James Ling. Its real disagreement was only over whether existing law covered diversified mergers. Denying that the Clayton Act was adequate, it suggested that Congress draft a new law barring any company with assets of more than $250-million from acquiring any market leader in a concentrated industry, where four companies have more than 50% of the business.

The panel also urged Congress to write new legislation that would eventually lead to the breaking up of big companies in highly concentrated industries such as autos, flat glass, tobacco, and organic chemicals. The proposed law would allow courts to declare that an "oligopoly" existed in any industry where four companies accounted for more than 70% of sales. In such a case the companies would be given one year to reduce their share (presumably by spin-offs) to no more than 12%. If they did not do so voluntarily, the government could get a court order directing the required action within four years.

This is just the sort of head-on attack on oligopoly that McLaren's Democratic predecessors dreamed of—and occasionally proposed. But so far McLaren has viewed such a campaign as too disruptive even to be talked about.

[From the Washington (D.C.) Post, May 23, 1969]

CAUTION URGED WITH MERGERS

(By Morton Mintz)

A Nixon Administration task force report on competition warns against vigorous action on conglomerate mergers because of inadequate knowledge about them.

This finding runs counter to the policy of the Justice Department. Backed by Attorney General John N. Mitchell, Richard W. McLaren, Assistant Attorney General in charge of the Antitrust Division, has filed three suits to break up major conglomerate mergers.

A member of the task force said yesterday that the report is "ill-suited to the tastes of McLaren and Mitchell." McLaren had no comment and declined—at least temporarily—to release the report.

The head of the task force—seven professors of law and economics and two business executives—was University of Chicago Economist George J. Stigler. The group was appointed in January by then President-elect Nixon and submitted its report in March.

A member of the task force, asking not to be named, noted that the unit called for an immediate study of the financial operations of conglomerates in securities markets.

In a 10-month-old report released by the Justice Department Wednesday, a Johnson Administration task force staked out a different position on conglomerates—one intended to make acquisitions by these large diversified corporations consistently procompetitive.

The recommendation of the Johnson advisers: a law to prevent any large firm from acquiring any leading company in an industry in which four leaders have half or more of the market.

The Nixon task force member reached yesterday confirmed one publication's account of additional differences between the views of most of his colleagues and the Justice Department:

ORGANIZED CRIME

In an interview last Friday, McLaren said that steps have been taken to use the antitrust laws against "strong-arm" business methods—an idea McLaren and Mitchell discussed at their first meeting in January in New York City. But the Nixon task force said the Antitrust Division should not be responsible for tasks such as "combatting organized crime or the achievement of general political goals."

MERGER GUIDELINES

These were promulgated late in the Johnson Administration. McLaren said that he uses them, and hopes to enlarge them with "more specifics." But the Stigler group called them "extraordinarily stringent, and in some respects indefensible."

But the Stigler unit and McLaren agree on other points. Both want criminal antitrust penalties sharply increased from the present $50,000, for example. Both are concerned about ways to make regulatory agencies stimulate competition in the industries in their jurisdiction (the task force said that insofar as trucking is concerned, there is "no respectable case for economic regulation").

The most controversial recommendation of the Johnson consultants was for a law to attack existing industrial concentration by forcing "oligopoly" firms to reduce their share of the market to a maximum of 12 per cent. The Nixon advisers want no such legislation—or, for that matter, use of existing laws to dissolve dominant firms such as General Motors. McLaren, in the interview, indicated that his views were along similar lines.

[From the Wall Street Journal, May 23, 1969]

STUDY OF CONGLOMERATES FOR NIXON URGES NO ANTITRUST SUITS TO BAR THEIR MERGERS

(By Louis M. Kohlmeier)

WASHINGTON.—The growing conglomeration of antitrust studies of conglomerates includes a secret one made for President Nixon soon after his election last fall.

The Nixon study is thinner and less formal than most, but, like the others that have been finished thus far, it hasn't made any perceptible impression on its intended beneficiaries.

A major recommendation is that the Justice Department not sue to prevent conglomerate mergers—meaning those of companies that aren't competitors. "Vigorous action on the basis of our present knowledge is not defensible," the study asserts.

But Richard W. McLaren, the Chicago lawyer Mr. Nixon picked to head the Justice Department's Antitrust Division, has undertaken a crusade against large conglomerates, filing suits to stop them from taking over companies that are leaders in their industires. His targets have been among the nation's largest conglomerates—Ling-Temco-Vought Inc., International Telephone & Telegraph Corp. and Northwest Industries Inc.

PRESENT LAW SEEN SUFFICIENT

Mr. McLaren is trying to prove that big conglomerate mergers can be dealt with under existing antitrust law and thus there isn't any reason for Congress to enact a new law. His suits have been approved by his boss, Attorney General Mitchell, and Mr. Mitchell is perhaps closer to the President than anyone else in the Nixon Administration.

The Nixon study wasn't released by the Justice Department. The department's public information office confirmed yesterday that such a study had been made, but refused to release it, although the same office the day before had released the antitrust study that had been prepared last year for President Johnson, which he had kept secret.

The public information office defended its secrecy on the Nixon report by saying that it was more informal than the Johnson study and was written to be read in confidence by Nixon Administration officials.

Details of the study were confirmed elsewhere.

Both the Nixon and Johnson studies were headed by University of Chicago academicians. But there are differences between the two. George J. Stigler, University of Chicago Law School professor who headed the Nixon group, is generally regarded as a conservative on antitrust matters. Phil C. Neal, dean of the same school, headed the Johnson group and has a more liberal reputation.

The other members of the Nixon group were six professors of law or economics and two industry executives—R. H. Mulford, president of Owens-Illinois Inc., and Alexander L. Stott, vice president of American Telephone & Telegraph Co. The 11 other members of the Johnson group were professors or practicing lawyers.

On conglomerate mergers, the Nixon study group says "we seriously doubt that the Antitrust Division should embark upon an active program of challenging conglomerate enterprises on the basis of nebulous fears about size and economic power."

It also says antitrust laws shouldn't be used to combat "social problems," "organized crime" or for the "achievement of general political goals." Attorney General Mitchell has suggested using such laws to break up syndicated gambling rings and other operations of organized crime.

The Nixon task force is critical of the Federal regulatory agencies, which control private industries that in general are exempt from antitrust laws. It takes the agencies to task for "excessive rigidity, expensive review of economically trivial details and frequent failure to achieve any important results." And it criticizes them for using their licensing powers to restrict entry into regulated industries and for restricting price and rate competition in the airline, railroad and other industries.

The study singles out the Interstate Commerce Commission's regulation of the trucking industry, saying "there is no respectable case for economic regulation" of trucking.

It also criticizes the Federal Trade Commission, saying its "overzealous enforcement of consumer-protection" laws hasn't helped consumers so much as it has protected some small businessmen. The criticism apparently relates to the FTC's enforcement of the Robinson-Patman Act which bars manufacturers from giving price discounts to big customers unless the discounts and other allowances also are made available to small retailers.

COMPARISON OF STUDIES

The Nixon group doesn't recommend any new legislation or the use of present antitrust laws to attack large companies in highly concentrated industries where a handful of corporations have the lion's share of total sales.

The Johnson group advocated a new Concentrated Industries Act to break up companies in "oligopoly industries" where four or fewer companies account for 70% or more of total industry sales. That group also proposed a new Merger Act to prevent large conglomerate companies from acquiring big corporations in concentrated industries.

President Johnson didn't propose any such laws to Congress and didn't disclose that they had been recommended. President Nixon has remained silent about his task force's report as his antitrust chief has attacked large conglomerate acquisitions.

A third antitrust study was recently completed by the antitrust section of the American Bar Association. It's a formal and voluminous document that brings antitrust laws up to date by tracing and explaining court interpretations of those laws in recent years. It doesn't contain recommendations, however.

CONGRESS TO USE REPORTS

All three reports will become part of the antitrust literature that Congressional committees will use later this year when they begin hearings on what, if any, new legislation is needed to deal with conglomerates and concentration.

In addition, Congress by September will have the benefit of at least two other studies. The FTC is studying conglomerate mergers. And the American Bar Association is studying the FTC, at President Nixon's request.

The House Antitrust subcommittee is makin its own study of conglomerates, and also is awaiting the FTC's study. The Senate Antitrust subcommittee, which already has held lengthy hearings on concentration and conglomerates, is awaiting the FTC report too.

[From Newsweek, June 2, 1969]

ANTITRUST: "LET'S TURN IT LOOSE"

For months there had been talk in conglomerate circles of a secret antitrust report prepared for President Johnson by a blue-ribbon task force of professors and lawyers under the direction of Phil C. Neal, dean of the University of Chicago Law School. The report, kept secret by the Johnson Administration, was said to recommend concentration of the Justice Department's fire on such giants as General Motors rather than on conglomerate mergers. In effect, it was rumored, the report would undercut the anti-conglomerate stand of President Nixon's antitrust chief, Richard W. McLaren.

Last week, almost a year after it had been submitted to the White House, the task force's report was made public—at the specific behest of McLaren himself, who went to Mr. Nixon and said, "Let's turn it loose."

The report's main target proved indeed to be the giants of what it called the "oligopolistic" industries, those where "monopoly power is shared by a few very large firms." It proposed a Concentrated Industries Act that would require divestiture of interests by companies dominating such fields as autos, steel and computers. In short, its message was break up GM, not Litton or Ling-Temco-Vought.

THE TERMS

But the conglomerates were by no means let off—certainly not to the extent they had hoped. The report recommended a second law, the Merger Act, that would prohibit the acquisition by "large" companies (i.e., with sales of more than $500 million or assets of more than $250 million) of "leading companies" in their field. Even so, the task force took a more lenient view of conglomerate mergers than McLaren has put on the record. "An active merger market," it said, "suggests a healthy fluidity in the movement of resources and management in the economy toward their more effective utilization." (Another, still-secret Presidential study apparently supports conglomerates even more forcefully.) Furthermore, the Neal study's proposed legislation—should it ever be enacted—would apparently invalidate the two major cases McLaren had already launched, one against the acquisition of Jones & Laughlin Steel by Ling-Temco, the other against the acquisition of the Canteen Corp. by the International Telephone and Telegraph Corp. Neither J&L, the sixth-largest steelmaker, nor Canteen, a food vendor, would meet the report's strict definition of what constitutes a "leading company."

Why had McLaren urged release of a report that, however musty and academic, could only make his life more difficult? McLaren's answer, as he put it in a cover letter transmitting the report to Congress, was that its publication "is simply designed to make the report available for study and comment." It was not, he took pains to point out, "in any sense an official endorsement" of the report. Certainly it was putting no brakes on McLaren's own merger-challenging course. On the same day the report was made public, his antitrust division took its third major anti-conglomerate action with the filing of a suit, in Chicago, to prevent the bitterly contested take-over by Northwest Industries, Inc., of B. F. Goodrich Co.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Messrs. MORGAN, GALLAGHER, JOHNSON of California, RANDALL, PEPPER, PICKLE, ANDREWS of North Dakota, STAFFORD, LANGEN, and HORTON (at the request of Mr. BOGGS), members of the Canada-United States Interparliamentary Group, for today and the balance of the week, on account of official business attending meetings of Canada-United States Interparliamentary Group.

Mr. AYRES (at the request of Mr. GERALD R. FORD), through June 13, on account of official business as U.S. delegate to ILO Convention.

Mr. DANIEL of Virginia (at the request of Mr. BOGGS), for Tuesday, June 3, and the balance of the week on account of Armed Services Committee business.

Mr. KYROS (at the request of Mr. BOGGS), for Tuesday, June 3, through Thursday, June 12, on account of official business.

Mr. BROWN of Ohio (at the request of Mr. GERALD R. FORD), through June 10, on account of official business in France and England as a representative of the House Committee on Interstate and Foreign Commerce on matters relating to transportation and communications—to wit: Railroad research centers at Vitry, France, and Derby, England; the French mail delivery service by air; air cushion cross-channel ship between England and France; the supersonic transport and other aviation developments, including the displays of two companies for his district, Grimes Manufacturing & Textron, Inc., at the International Air Show in Paris; and public and private broadcast communications facilities in France and England.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. HALPERN, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. CAFFERY) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. TUNNEY, for 10 minutes, today.

Mr. SISK, for 30 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. PATMAN in four instances.

Mr. SCHERLE (at the request of Mr. ERLENBORN) to extend his remarks following Mr. ERLENBORN.

(The following Members (at the request of Mr. HASTINGS) and to include extraneous matter:)

Mr. HASTINGS.
Mr. STEIGER of Wisconsin.
Mr. PETTIS.
Mr. CEDERBERG.
Mr. SAYLOR.
Mr. RIEGLE.
Mr. BOB WILSON in three instances.
Mr. SCHWENGEL.
Mr. KLEPPE.
Mr. MATHIAS.
Mr. ASHBROOK.
Mr. ZWACH.
Mr. MCCLURE.
Mr. WYMAN in three instances.
Mr. BUCHANAN in two instances.
Mr. MIZELL.
Mr. AYRES.
Mr. DENNEY.

(The following Members (at the request of Mr. CAFFERY) and to include extraneous matter:)

Mr. EILBERG.
Mr. LONG of Maryland.
Mr. DADDARIO in two instances.
Mr. ASHLEY in three instances.
Mr. WILLIAM D. FORD.
Mr. ROSENTHAL in five instances.
Mr. O'HARA in three instances.
Mr. BROWN of California.
Mr. PICKLE in two instances.
Mr. HICKS in two instances.
Mr. ANDERSON of California.
Mr. SLACK in two instances.
Mr. CONYERS in three instances.
Mr. DANIELS of New Jersey.
Mr. GRIFFIN in two instances.
Mr. ZABLOCKI in two instances.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken

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from the Speaker's table and, under the rule, referred as follows:

S. 83. An act for the relief of certain civilian employees and former civilian employees of the Bureau of Reclamation; to the Committee on the Judiciary.

S. 275. An act for the relief of the village of Orleans, Vt.; to the Committee on the Judiciary.

S. 499. An act for the relief of Ludger J. Cossette; to the Committee on the Judiciary.

S. 728. An act for the relief of Capt. Richard L. Schumaker, U.S. Army; to the Committee on the Judiciary.

S. 757. An act for the relief of Yvonne Davis; to the Committee on the Judiciary.

S. 901. An act for the relief of William D. Pender; to the Committee on the Judiciary.

S. 1193. An act to authorize the Secretary of the Interior to prevent terminations of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; to the Committee on Interior and Insular Affairs.

S. 1236. An act for the relief of Homer T. Williamson, Sr.; to the Committee on the Judiciary.

S. J. Res. 112. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn or silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap; and

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 4, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

824. A letter from the Comptroller General of the United States, transmitting a report on savings by routing cargo through the military port at Subic Bay in the Republic of the Philippines, Department of Defense; to the Committee on Government Operations.

825. A letter from the Director, Office of Economic Opportunity, Executive Office of the President, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

826. A letter from the Secretary of the Treasury, transmitting a report on the status of active foreign credits of the U.S. Government and of international organizations, as of June 30, 1968, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

827. A letter from the Secretary, Export-Import Bank of the United States, transmitting a report on the amount of Export-Import Bank insurance and guarantees issued in April 1969 in connection with U.S. exports to Yugoslavia, pursuant to the provisions of the Export-Import Bank Act of 1945, as amended, and the applicable Presidential determination; to the Committee on Foreign Affairs.

828. A letter from the Chairman, Interagency Committee on Mexican-American Affairs, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Interagency Committee on Mexican-American Affairs; to the Committee on Foreign Affairs.

829. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in the case of certain aliens found admissible to the United States under the provisions of section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

830. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to the provisions of section 212(d)(6) of the act; to the Committee on the Judiciary.

831. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

832. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to the provisions of section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

833. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the highway beautification program for the fiscal year ending June 30, 1971; to the Committee on Public Works.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Brasco, Mr. Burton of California, Mr. Button, Mr. Donohue, Mr. Farbstein, Mr. Friedel, Mr. Gallagher, Mr. Gilbert, Mr. Gonzalez, Mr. Horton, Mr. Koch, Mr. Leggett, Mr. Mikva, Mrs. Mink, Mr. Ottinger, Mr. Podell, Mr. Powell, Mr. Rogers of Colorado, Mr. Scheuer, Mr. Wolff, Mr. Clark, and Mr. Price of Illinois):

H.R. 11808. A bill to amend the Small Business Act to make crime protection insurance available to small business concerns; to the Committee on Banking and Currency.

By Mr. ASHLEY:

H.R. 11809. A bill to establish a National Commission on Pesticides, and to provide for a program of investigation, basic research, and development to improve the effectiveness of pesticides and to eliminate their hazards to the environment, fish and wildlife, and man; to the Committee on Agriculture.

H.R. 11810. A bill to prohibit the sale or shipment for use in the United States of the chemical compound known as DDT; to the Committee on Agriculture.

By Mr. AYRES (for himself, Mr. Perkins, Mr. Gerald R. Ford, Mr. Bell of California, Mr. Erlenborn, Mr. Dellenback, Mr. Esch, Mr. Steiger of Wisconsion, Mr. Hansen of Idaho, and Mr. Ruth):

H.R. 11811. A bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. CAREY:

H.R. 11812. A bill to amend part B of title XVIII of the Social Security Act to include prescription drugs among the medical expenses with respect to which payment may be made under the program of supplementary medical insurance benefits for the aged, and to authorize the Surgeon General to make drugs available without charge to individuals eligible under such progarm in certain cases where such drugs are critically needed but are not regularly available; to the Committee on Ways and Means.

By Mr. COLLIER:

H.R. 11813. A bill to amend title 13, United States Code, to increase the penalties for wrongful disclosure of information by employees of the Bureau of the Census; to the Committee on Post Office and Civil Service.

By Mr. DANIELS of New Jersey (for himself and Mr. Olsen):

H.R. 11814. A bill to amend the Railroad Retirement Act of 1937 to provide for equal treatment of men and women with respect to eligibility for annuities on the basis of age 60 and 30 years of service; to the Committee on Interstate and Foreign Commerce.

By Mr. DEVINE (for himself and Mr. Kyl):

H.R. 11815. A bill to amend section 1461 of title 18, United States Code, relating to the mailing of obscene matter, to define obscene, lewd, lascivious, indecent, filthy, and vile, and for other purposes; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 11816. A bill to establish a Joint Committee on Environmental Quality; to the Committee on Rules.

By Mr. DULSKI (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Button, Mr. Farbstein, Mr. Halpern, Mr. Hastings, Mr. Horton, Mr. King, Mr. McEwen, Mr. Ottinger, Mr. Pike, Mr. Powell, Mr. Hanley, Mr. Stratton, and Mr. Wolff):

H.R. 11817. A bill to prescribe standards for congressional redistricting, and for other purposes; to the Committee on the Judiciary.

By Mr. EDWARDS of Louisiana:

H.R. 11818. A bill to amend the Internal Revenue Code of 1954 to provide a basic $3,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. ICHORD (for himself and Mr. Hungate):

H.R. 11819. A bill to provide for orderly trade in footwear; to the Committee on Ways and Means.

By Mr. KING:

H.R. 11820. A bill to amend title 28, United States Code, to establish certain qualifications for persons appointed as judges or justices of the United States; to the Committee on the Judiciary.

H.R. 11821. A bill to establish a Small Tax Division within the Tax Court of the United States; to the Committee on Ways and Means.

H.R. 11822. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 11823. A bill to amend the laws under which Federal financial assistance is provided for schools in federally impacted areas, so as to include in the computations the number of children living in federally assisted low-rent housing; to the Committee on Education and Labor.

By Mr. McMILLAN:

H.R. 11824. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. MATSUNAGA (for himself and Mr. Holifield):

H.R. 11825. A bill to repeal the Emergency Detention Act of 1950 (title II of the Internal Security Act of 1950); to the Committee on Internal Security.

By Mr. MOLLOHAN:

H.R. 11826. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

H.R. 11827. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 11828. A bill to amend the Internal Revenue Code of 1954 to increase from $600 to $1,200 the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemptions for a dependent, and the additional exemptions for old age and blindness); to the Committee on Ways and Means.

By Mr. O'HARA:

H.R. 11829. A bill to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11830. A bill to assure the safe passage of all students enrolled in institutions of higher learning, and for other purposes; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.R. 11831. A bill to provide for an additional staff employee for each Member of the House of Representatives representing a congressional district which is the only congressional district authorized for an entire State; to the Committee on House Administration.

By Mr. PURCELL:

H.R. 11832. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any other country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Agriculture.

By Mr. ROGERS of Florida:

H.R. 11833. A bill to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROONEY of Pennsylvania:

H.R. 11834. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TAFT:

H.R. 11835. A bill to amend title 39, United States Code, to provide extra compensation for officially ordered or approved time worked by postal field service employees, on any day designated by Executive order as a national day of mourning; to the Committee on Post Office and Civil Service.

By Mr. TAYLOR:

H.R. 11836. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. WILLIAMS:

H.R. 11837. A bill to require the termination for 1 full year of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the termination for 1 full year of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

By Mr. BETTS:

H.J. Res. 756. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mrs. DWYER:

H.J. Res. 757. Joint resolution to authorize appropriations for expenses of the Office of Intergovernmental Relations, and for other purposes; to the Committee on Government Operations.

By Mr. KING:

H.J. Res. 758. Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the Supreme Court to declare any provision of law constitutional; to the Committee on the Judiciary.

H.J. Res. 759. Joint resolution proposing an amendment to the Constitution relating to the appointment of members of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 760. Joint resolution to provide for the issuance of a commemorative postage stamp in honor of Robert Francis Kennedy; to the Committee on Post Office and Civil Service.

H.J. Res. 761. Joint resolution designating January 15 of each year as "Martin Luther King Day"; to the Committee on the Judiciary.

By Mr. POLLOCK:

H.J. Res. 762. Joint Resolution to authorize the President to issue a proclamation designating the 30th day of September in 1969 as "Bible Translation Day"; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.J. Res. 763. Joint resolution to provide for the designation of the period from August 26, 1969, through September 1, 1969, as "National Archery Week"; to the Committee on the Judiciary.

By Mr. WYMAN:

H. Con. Res. 281. Concurrent resolution, support of gerontology centers; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOWNING:

H.R. 11838. A bill for the relief of Robah N. Browder; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 11839. A bill for the relief of Parviz Faramarzi; to the Committee on the Judiciary.

By Mr. FALLON:

H.R. 11840. A bill for the relief of Mrs. Maria Anastasia Mendoza and her minor children, Gavino Nora Mendoza and Maria Nora Mendoza; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11841. A bill for the relief of Robert A. Pickering; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 11842. A bill for the relief of Ludger J. Cosette; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

134. The SPEAKER presented a petition of Zora B. Hays, Asheville, N.C., relative to the Supreme Court, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

PRIZE LETTERS CALL FOR RETENTION OF NATIONAL ANTHEM

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. SAYLOR. Mr. Speaker, each year the Anita, Pa., Post Office in Jefferson County sponsors a letterwriting contest for the sixth-grade class of the Parkview Elementary School. Dorothy J. Nelson is the postmistress at the Anita facility. With the assistance of the sixth-grade English teacher, Mrs. Zimmerman, the children choose a topic they wish to write on, do their own research, and submit letters for judging.

This year 29 letters were submitted on the subject of the national anthem. All the letters express very clearly my own feeling that it would be a terrible mistake for Congress to change our national anthem. I am sure that after reading the prize letters, Members of Congress will be as impressed as I am that these representatives of the younger generation are concerned with saving the valuable traditions of our country.

I have appended to my remarks, the

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prize-winning letters in the two divisions of the contest. First prize for the girls was captured by Cindy Brown; second prize went to Becky Young; and third prize went to Pam Brady. Douglas Lyle captured the first prize for the boys; Tom Kurtz received second prize; and Kevin Baranoski won third prize.

The prize letters follow:

FIRST PRIZE—GIRLS

ANITA, PA.,
March 26, 1969.

DEAR MRS. NELSON: We are facing a problem. Should we change our National Anthem? Some people want to change our National Anthem just because some notes are too hard to sing. I think this is a very poor way to feel. Everything has to be easy to do these days or no-one is interested in doing it.

Another reason I have heard of its being changed is because it is not modern, which may be true, but the words tell a story that is part of our history. I think it would be very wrong to change our National Anthem because everyone all over the world is familiar with the tune and the story it tells.

Sincerely yours,

CINDY BROWN.

SECOND PRIZE—GIRLS

PUNXSY, PA.,
March 26, 1969.

DEAR MRS. NELSON: I don't think the National Anthem should be changed. It was our first National Anthem to be written, and should be the only one. It was based on what our men were fighting for. It is based on the flag which stands for freedom and what is right. If we changed everything our forefathers have done, we won't have anything to stand for later on in life.

It is like removing a root on which the country was built. It would be like removing something the older people cherished for so long. It would be like parting with an old friend or something that could never be replaced. So I don't think we should change it.

Yours truly,

BECKY YOUNG.

THIRD PRIZE—GIRLS

ANITA, PA.,
March 26, 1969.

DEAR MRS. NELSON: Have you heard that some people would like to change our National Anthem. They would like to change it to My Country 'Tis of Thee, or America the Beautiful. They said it was easier to sing these songs.

I don't think this is right. I don't think we should change it when we have had it for about forty years.

I think Francis Scott Key would be very proud of his poem. But just think how he would feel if someone changed it.

Just as every country has a National flag, every country has a National Anthem, and the one we have now is very beautiful.

John Stafford Smith wrote very beautiful music to Francis Scott Key's poem. He too would be very proud to know that his music became our National Anthem.

The words to the Star-Spangled Banner are beautiful, and have a great meaning. I don't see why anyone would want to change it. As for me, I don't want it to be changed.

Sincerely yours,

PAM BRADY.

FIRST PRIZE—BOYS

REYNOLDSVILLE, PA.,
March 25, 1969.

DEAR MRS. NELSON: I think we should not change the National Anthem.

It has been our heritage since September 1814. The sight of the American flag still flying over Fort McHenry after a fierce battle lasting several days and nights inspired Francis Scott Key to write the song.

With the trouble in our land today the anthem serves as an inspiration to our fighting men stationed all over the world. So I think we should not change the National Anthem.

Sincerely yours,

DOUGLAS LYLE.

SECOND PRIZE—BOYS

PUNXSUTAWNEY, PA.,
March 25, 1969.

DEAR MRS. NELSON: I don't think we should change our National Anthem because it has been our official anthem for 38 years. Its stirring words were written by Francis Scott Key while he was watching the bombardment of Fort McHenry. Some of the words in it are taken from our Bible. If they change the words of the anthem it will not be ours, as it tells the story of our flag.

It is what Key saw and felt in his heart and it is not up to the people to change it. We should all ask ourselves if we want it changed or not.

Yours truly,

TOM KURTZ.

THIRD PRIZE—BOYS

DE LANCEY, PA.,
March 26, 1969.

DEAR MRS. NELSON: Some people want to change the National Anthem and some don't. I think we shouldn't change this song because we have had it for many years. It was written by Francis Scott Key and was adopted as our National Anthem in 1931. It is now part of our history.

All Americans know this song as our National Anthem. If we change this song it would cause much confusion. Some of the famous singers say it is a good anthem. This is why I think we should keep the National Anthem.

Yours truly,

KEVIN BARANOSKI.

KENNEDY, TUNNEY JOIN CALIFORNIA GRAPE BOYCOTT

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. MATHIAS. Mr. Speaker, the State of California has recently become the center of a nationwide controversy which has led to the boycotting of stores which sell our table grapes.

Legislation is now before the Senate which attempts to settle this controversy and provide necessary guidelines to protect the interests of all concerned—farmers, workers, and the housewife or consumer.

The bill—S. 2203—authored by Senator GEORGE MURPHY is aimed at assuring the uninterrupted flow of an adequate supply of food products from our farms to consumers.

Mr. Speaker, under unanimous consent I submit for the RECORD a column from the Long Beach, Calif., Press-Telegram, by L. A. Collins, Sr., which I believe discusses this situation very informatively and shows how it is being made a nationwide issue:

KENNEDY, TUNNEY JOIN GRAPE BOYCOTT

(By L. A. Collins, Sr.)

When Sen. Edward Kennedy and Congressman Tunney flew to Calexico to join the farm workers committee seeking to organize grape workers in California they, in effect, endorsed the movement to picket and boycott stores that sell table grapes. The leader of the force is Cesar Chavez from the Delano area where he has been trying to organize the farm workers for several years. Aided by unions in other areas, stores have been picketed in a secondary boycott to put pressure on the growers to accept union control of their farms. If the movement is successful we may expect the same illegal boycott of other California farm products in the organizing effort. Statements by Kennedy and Tunney support this effort which affects not only the workers but also retail stores and consumers.

Their statements on the issue would make it appear the vineyard workers are terribly underpaid and deserve to be organized to bargain with the growers. This is not borne out by the official Crop Reporting Board of the U.S. Department of Agriculture. That report shows California farm workers are the highest paid in the whole United States. The report shows the average for the U.S. is $1.20 an hour. The California rate is shown as $1.60 an hour. A report by the growers shows that grape workers are paid a basic wage of $1.50 an hour. But they are also paid 15 to 25 cents a box they pick. The average on that basis amounts to about $2.50 an hour.

Sen. Kennedy indicates he is trying to help the army of workers who are migrants without homes who are left helpless after the harvest season. Actually about 90 per cent of the grape workers in the Delano district—where the union is concentrating its efforts to organize the workers—are permanent residents of that area. About 5,000 of them work in the vineyards during crop picking seasons. About half that number are employed the year around.

Many of these workers are not heads of families. Many are housewives, students and casuals working the crop season—September through December—to supplement their family income. Most of the family heads are employed the year around irrigating, pruning, stripping, fertilizing and other work in growing the crop. The higher-than-most-farm-worker-incomes have been existent in the Delano area for many years.

It is this better-than-average pay that has given the union so much trouble in signing up workers. The present strike has been going on several months. If the union could sign up a majority of the workers it would have reason to ask the government to enforce negotiations between the union and the growers. The union has failed to get the workers to sign up—so it has taken the road to illegal boycotts hoping to hurt the industry in selling the crops. They have been successful in a few cases where chain stores have discontinued buying the table grapes. But these chains are small in number and the competing stores have more than made up for the lost outlets.

This writer would support NLRB action to assume power over labor-management problems if a majority of the workers signified they wished to be represented by the union. But where this is lacking he supports the growers who are fighting against the higher costs that would be incurred by union domination. The cost of such increases would have to be passed on to consumers.

A DIRECT POPULAR VOTE METHOD

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DADDARIO. Mr. Speaker, recently the Connecticut State Chamber of Commerce unanimously adopted a resolution urging the adoption of a direct popular vote method of election for our President and Vice President. Carl N. Hansen, president of the Connecticut State Chamber of Commerce, Inc., wrote to me on May 23, pointing out that both on the national level and within the State of Connecticut there is strong support for electoral reform. His letter provides strong statistical evidence of these sentiments, including the results of several polls, and therefore I would like to bring it to your attention:

MAY 23, 1969.

Hon. EMILIO Q. DADDARIO,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DADDARIO: The following resolution was proposed and unanimously adopted at our Board meeting Wednesday, May 7, 1969:

"The Connecticut State Chamber of Commerce supports abolition of the Electoral College and urges Congress to adopt a direct popular vote method to elect our President and Vice President.

"A direct vote for the President would sweep away possible abuses of the current method, including those that could arise from the right of state legislatures to direct methods of choosing electors, the right of electors to disobey instructions, and the advantages of big states over small states. It would also eliminate the possibility that the popular vote winner would not be elected President."

Popular support for reform is strong both throughout the nation and in Connecticut. A 1966 membership referendum, conducted by the National Chamber of Commerce, revealed that 90% of the respondents favored reform. A nation-wide Gallup Poll, conducted in late 1968, indicated that 80% of those polled support immediate reform of the system. And, a recent survey of over 4,000 employees of the Travelers Insurance Company has revealed that over 80% favor the direct election of the President.

I trust you will give this matter serious consideration.

Sincerely,

CARL N. HANSEN,
President.

TRIBUTE TO HOWARD N. WAYMIRE

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ANDERSON of California. Mr. Speaker, I rise today to pay tribute to Mr. Howard N. Waymire, retiring principal of Leuzinger High School in Lawndale, Calif., for his 29 years of outstanding service in the field of secondary education.

Mr. Waymire began his career at Leuzinger High School in 1940 as a teacher of industrial arts. He was appointed chairman of the industrial arts department in 1942 and named boys' vice principal in 1947. In 1950 Mr. Waymire was promoted to director of guidance and curriculum. Ten years later, the Centinela Valley Union High School District board of trustees named Mr. Waymire principal of Leuzinger High. He has served in this capacity for nearly 10 years, providing guidance and leadership to a high school of 2,200 students and 100 faculty members.

Howard Waymire was born in Norwalk, Calif., on April 12, 1908, the son of a successful building contractor. A short time later the Waymire family moved to Overton, Nev., where Howard attended the public schools. In 1926 he graduated from Maopa Valley High School.

Mr. Waymire attended the College of Engineering at the University of Reno, married his wife Vern, and moved to Los Angeles where he received his AB degree in 1939 with a major in English from Occidental College. Later he received a master's degree in education and an administrative credential from the University of Southern California.

It was, however, his abilities in woodworking, machine shop, and welding that got him his first teaching job, and began nearly a three-decade career at Leuzinger.

Mr. Waymire's service to Leuzinger has been closely paralleled with service to the community. He is a member of the Hawthorne Kiwanis Club, the YMCA board, and a founding member of the Fine Arts Association of the Centinela Valley. He was also affiliated with the Hawthorne Symphony Association and the school district's Citizens Advisory Committee.

Mr. Waymire won the respect of faculty members at Leuzinger for his dedicated support of projects in classroom teaching which stress innovative approaches to learning. As one of the strong supporters of fine arts in the school and community, his tenure as principal saw Leuzinger recognized for its outstanding theatrical productions.

On June 11, 1969, Howard Waymire will be honored by a testimonial dinner for his unselfish devotion and dedication to education and the community. It is my privilege to join in saluting Howard N. Waymire for the outstanding job he has done as principal of Leuzinger High School.

OIL PATCH PATRIOTS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. GRIFFIN. Mr. Speaker, the spring issue of Petroleum Today contains an article on the vital national security role of the Emergency Petroleum and Gas Administration and the volunteer executives who man it.

The article features the leadership of Emmett Vaughey, administrator of region 3 of EPGA. A noted and respected independent oil producer of Jackson, Miss. Mr. Vaughey is a worthy example of business executives, who give freely of their time and talents when called to Government service. Because of their love and faith in America, these men perform important missions that have no glamour and little publicity.

I commend the following article to my colleagues:

OIL PATCH PATRIOTS

"Gentlemen, the United States has been attacked by an enemy using nuclear weapons."

The oil executives in the large meeting room stirred uneasily. The government official on the platform glanced at his papers and continued: "The information we now have shows that untold numbers of people have been killed and the oil industry throughout the South has been badly hit.

"The refinery at Pascagoula, Mississippi, is 60 percent destroyed and still burning. Most of the other refineries in the region have been knocked out. A few are still working at full capacity, but they mainly produce fuel oil—not gasoline. Hospitals, civil defense, and the military are clamoring for gasoline, and our surviving storage tanks are only half full.

"All right, gentlemen. What are you going to do about this?"

For Emmett Vaughey, a dapper, white-haired Mississippi oilman sitting in the front row of this Atlanta motel meeting room in December 1968, the words were familiar. He'd heard them before at other similar meetings Government officials had talked dispassionately about nuclear attacks or limited wars like Vietnam, of refineries wrecked or hurriedly converted to wartime fuel production.

The words were also familiar because they were part of a script, a script which had been outlined several years earlier by Vaughey and other oilmen.

Vaughey, a quiet-spoken petroleum executive in his 60's, heads his own independent production company in Jackson, Mississippi. He is also the administrator of Region 3 of the Emergency Petroleum and Gas Administration (EPGA). Region 3 extends from North Carolina to Florida and then west to Mississippi. Vaughey is responsible for mobilizing the petroleum industry in this area during wartime or periods of international unrest. The 75 other men in the Atlanta meeting room were also mostly petroleum industry volunteers.

That morning last winter, Vaughey had looked about the meeting room. Many of the men were ones he himself had recruited. "These are all good men," he remarked. "There's plenty of work piling up back on their office desks while they participate in these test exercises. But they've decided this is a job worth doing. And their companies agree with them about this and let them do it."

The purpose of the Region 3 test exercise was to simulate the problems the men would encounter if their section *were* hit by nuclear bombs. If it happened, these are the men who would apply federal direction to the petroleum industry in their area.

On the podium, John Ricca, deputy director of the Office of Oil and Gas and a full-time "exercise director" with EPGA, was describing other exercises that had been held across the country

Vaughey nodded at Ricca. "John has a specially tough job. I've just got my 40 volunteers to keep tabs on. But he's got his work with Oil and Gas, and then he's in charge of EPGA. That's eight regions with over 600 men. He's got to run these exercises, evaluate them, plan for new ones. It's a grueling job."

When Ricca finished speaking, exercise kits were handed out and the volunteer reservists quickly walked off to their rooms to work on their particular problems. Though this was only a game exercise, the problem had been carefully prepared by the Office of Oil and Gas staff so as to seem *absolutely* realistic.

Amid a haze of cigarette and cigar smoke, the reservists in the various state groups hung up their jackets and began to hammer out the steps they would take once telephone communications resumed.

"You have to treat the exercise like the genuine thing," one of the reservists later explained. "People are dead, the industry is wrecked, and there you are in a room with a telephone and a pack of cigarettes, and you've got to get the oil and gas moving again. So what do you do?"

Buzz. The first step is simple, the reservists agree. Pick up the phone and get to the governor or the people at the state resource agency. Let them know you are on top of the problem. Now the job becomes more complicated. Get in touch with the refineries and terminal operators. How much fuel do they have? Get to the state resource people who have already pooled tank trucks and barges. What transportation is available? No oil moves without your say-so.

Now—who gets oil first and how do you get it to them? Are there enough operating personnel in the refineries or will you have to bring them in?

Is there enough electricity, water, and gas to run the industry?

One man on a phone in a room arguing, shouting, pleading, with the weight of a mangled industry on his shoulders.

This is the way it would be; and this is what the reservists attempted to describe in a written report during the first day of the EPGA exercises.

As the men worked, Emmett Vaughey circulated about the motel, stopping in at various rooms.

"Our biggest problems are procedural questions. The men wonder about things like, 'Do I have the authority to freeze deliveries?' 'How do I do it?' Fortunately, we have a lot of state resource officials sitting in on the exercise. These are the people we'd be talking to in a real crisis, and they are working out the procedures right here with us."

By the end of the day, most of the now exhausted reservists were finishing up their written reports. The next morning, they convened in the meeting room. It was now assumed, for the purposes of the exercise, that the time was 20 days after the initial nuclear attack. Telephone wires had been repaired and the states in the region could now communicate with regional headquarters and with one another.

"This is where I get busy," says Vaughey. "We divide the room up into regional divisions for transportation, marketing, and refining, and put the various men in each division together. Reports are exchanged. The marketing people work out their major problems and then present them to the refinery people. The refinery people get together with the transportation group to find out how they can get their products moving around the region."

Through the afternoon, Vaughey wandered from group to group. Officially, the exercise was over at 5 p.m., but Vaughey continued to move about the room talking to his volunteers. He missed a flight that was to take him to New Orleans for a business meeting. Finally, almost reluctantly, Vaughey packed and dashed for the airport.

Several days later, sitting in the deep shade behind the porch columns of his Colonial-style home in Jackson, Mississippi, Emmett Vaughey talks about the problems of keeping oil flowing. "You begin with the premise that without petroleum, the nation would come to a standstill. You can't name an industry that doesn't need oil or gas. But there are times, like World War II, when the demands are so great that you have to start balancing priorities. This was why the government created the Petroleum Administration for War, or PAW, back in 1941. It had the incredibly complex job of balancing civilian and industrial oil needs against the requirement for keeping the oil moving to armies all over the world."

Vaughey is no newcomer to the business of moving oil. He got his start in the petroleum industry digging ditches in the Oklahoma oil fields back in the 1920's and according to his own estimate, has done "just about every job you can find in the oil business." During the Korean War, he moved to Washington with his wife and daughter and went to work for the Petroleum Administration for Defense (PAD), which was a successor to PAW.

"But the trouble with both PAW and PAD was that we had to wait till we got into a shooting war before we established them. Then in 1962, the National Petroleum Council, which advises the Secretary of the Interior about oil matters, was asked to correct the situation. In the event of another war, the country couldn't afford to wait months while a new organization was set up. We needed a standby organization that could be activated at a moment's notice. So EPGA was founded in 1963."

Actually, it took two years to work out the basic framework of the new organization, and Emmett Vaughey was one of a group of oilmen who flew up to Washington every month to help hammer out the shape of EPGA. Then Emmett and the others spent another two years developing the training techniques.

Vaughey had nothing but praise for his volunteer reservists. "Most of these men give many days to studying manuals and participating in these exercises. They are doing all this to prepare themselves for something they hope will never happen. It takes character and dedication to work on a job which you hope will never be needed."

EUROPEANS SMILE OVER SST LEAD

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. BOB WILSON. Mr. Speaker, I would like to share with my colleagues the following article from the San Diego Union regarding French and British advances in the development of a supersonic transport. As a nation that has had the unquestioned lead in air transportation, it is inconceivable that we would let Russia, France, and Britain pass us by. We must build the SST and maintain our position in front with the fastest and best aircraft in the world's airlanes.

The article follows:

EUROPEANS SMILE OVER SST LEAD

(By Thomas Nuzum)

PARIS.—France and Britain's flying needle, the Concorde, has given Europe a shot in the arm.

Europe finally has taken the lead over the United States in the key industrial sector of civil aviation, French newspapers chortle as a result of the first flight of the Concorde prototype on March 2 from Toulouse.

The British press has been more reserved about the Anglo-French supersonic transport. Some papers call it a joint triumph in technology. But others note that the plane's 10 years of development was a $2 billion gamble that has yet to pay off commercially.

"It flies but so did the pterodactyl," commented the Manchester Guardian. The pterodactyl was the awkward flying lizard that became extinct.

FRENCH PROUD

The prestige-conscious French are proud that Concorde will use as much power as the Queen Mary. Commercially conscious Britons note that all that power will only fly an average of 130 passengers across the Atlantic.

It will be eight months before test pilot Andre Turcat tries the prototype out at its top speed of 2.05 times the speed of sound. Many more months will pass before it is certain if operating costs will stay within the extremely narrow profit margin of Mach 2 planes.

Profitability will determine whether the two countries can sell 250 Concordes at $20 million each in order to break even.

Military planes only hit supersonic speeds for a few minutes at a time. Concorde must keep it up for two hours straight in order to span the Atlantic in around three hours.

THREE COOLING SYSTEMS

To keep passengers from being fried if the air-conditioning system breaks down, the plane has two other cooling systems in reserve. Although the air temperature is 68 degrees below zero at Concorde's cruising altitude of 65,000 feet, no cool air will be available.

Air will be taken into the air-conditioning system hurling along with the rest of the plane at 1,380 miles an hour. Wing edges, the plane's nose and air intakes will suddenly compress the air so greatly that it will heat up to 261 degrees.

This hot air flowing along the plane's surfaces would bake those inside without unique air-conditioning systems. Air taken into the conditioners will be further compressed by jet turbines until its temperature rises to 1,110 degrees.

This highly compressed air will pass through two heat exchangers in the wings. It will be cooled by the relatively "cool" air outside and by fuel in wing tanks to a mere 390 degrees.

THIRTEEN BELOW ZERO

Then this air will be allowed to decompress as it spurts into pipes along the skin of the fuselage. Decompression will cool the air instantly to 13 degrees below zero.

It is supposed to keep the passengers' cabin at 70 degrees. Air-conditioning problems of America's supersonic transport will be still tougher. At the top speed of 1,800 miles an hour, outside air will be compressed until its temperature is 570 degrees compared with a mere 260 around Concorde.

To penetrate the atmosphere with the least possible air friction, Concorde's fuselage was designated nearly as slender as a needle. It is only 9½ feet wide although 194 feet long. There will only be room for four passengers to sit abreast. The wing span of the production models will be only 33 feet, 10 inches.

Concorde is scheduled to be certified for commercial service in 1973 or 1974.

THE DISGRACE OF INDIFFERENCE TO DISHONOR

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. WYMAN. Mr. Speaker, it must be a shock to columnists like Marquis Childs to encounter face to face the nihilistic cynicism of some modern young people. Mr. Childs' description of such an encounter appeared recently in the Washington Star and is as disturbing in retrospect as it must have been in person. For the utter lack of patriotism and loyalty it indicates must result from a failure on the part of parents and teachers. It could not just happen, and it is disturbingly prevalent among the hippie sect—each of whom is somebody's child.

It is as basic a truth as the fact that day follows night that the freedom and material prosperity we now enjoy in America was earned or preserved for us by courageous Americans, many of whom gave their lives in the process.

Each generation must be prepared to risk lives if it is to remain free. Representatives of a society that has possessions or a way of life that other people want must be ready to fight in order to protect and preserve it so that it may be passed on to its children to enjoy.

As for the putrefying characters described by Mr. Childs, they have nothing, for their souls are apparently lost.

We used to reflect on the profound lines of the poem:

> Breathes there a man with soul so dead
> Who never to himself hath said:
> "This is my own, my native land!"

It is tragic that there should be such driftwood in human form in this beautiful land of ours—that is still the land of opportunity if you are willing to apply yourself.

FEARS OF NEW VIOLENCE DARKEN A BRIGHT SPRING DAY AT HARVARD

(By Marquis Childs)

CAMBRIDGE, MASS.—An obliging legislature having changed three holidays during the year to fall officially on Monday, this state alone among the 50 observed Memorial Day on May 26, thereby making a long weekend. It turned out one of those perfect spring days when in full sun the great elms on Boston Common, in their new green, look as though they had been washed with a brilliant dye.

For Harvard the weekend was a respite, a truce of sorts after the shattering storm—the "bust" as it is called locally—that left the University divided into hostile factions. The 4 a.m. police action to end a sit-in at University Hall stirred passions such as Fair Harvard had never known before.

The fear is that the storm will break again on commencement day, June 12. Whether Harvard will ever be the same is being asked—hopefully by the student left determined to break up the old power structure, and despairingly by many who see the precedent of disruption and violence setting a pattern that will make it impossible to return to the tranquility of the past, when Harvard stood, as all Harvard men believed with no undue humility, in the forefront of scholarship and research.

On this last long weekend before the end of school, Harvard Yard was quiet. For many, exams are still to come and, what with the excitement of rallies, protests, and demonstrations, a lot of extra cramming was going on to make up for lost time.

Liberated spirits among the young sprawled on the banks of the Charles River, Harvard and Radcliffe in happy amity soaking up the sun. Beads, bells, costumes of every weird variety, the Indian predominating—this was Harvard that even 10 years ago would have been unrecognizable.

But the weekend was not all cramming mixed with la dolce vita. Students for a Democratic Society were out on the street corners pushing their radical biweekly, the Old Mole. The name is taken from the quotation from Karl Marx on the masthead, "We recognize our friend, our old mole, who knows so well how to work underground, suddenly to appear: the revolution." Mole is shrewdly, even brilliantly, edited to exploit all the discontents of the young. The first page of the current issue is splashed with red and headlined: "Outcry From Occupied Berkeley." Heavy stress is put on disruption in the high schools as the next front being opened up.

Cliche though it is, "generation gap" says more about what is happening in universities and colleges across the country than anything else. The alienation at times seems to be total. The young have little to say to their elders.

This reporter came on an incident on Cambridge Common that dramatized the alienation with the theatricality that would give a professional dramatist pause. A tall man wearing the uniform of the Disabled American Veterans stood arguing in a closely packed knot of the young. On his overseas cap was the legend Sr. Vice Commander Disabled American Veterans of Massachusetts.

The young were mostly hippie types, bearded, long hair. Cambridge is attracting hippies from all over the country as San Francisco once did. Three men and one young woman had faces painted dead white with symbols around the eyes and mouth, part of a street theatre. They were not hostile to the tall veteran so much as contemptuous.

"I suppose you call yourself a hero, do you?" one of the young men, more conventionally dressed than the others, said.

"No, I don't call myself a hero," the veteran replied. "I was in the Korean War, I was shot up a bit."

"Why did you go?"

"I went because it was my duty."

"Would you say what Stephen Decatur said?" This from one of the painted faces. " 'My country, may she always be right, but my country, right or wrong.' "

"Yes, I would say that."

"So even if your country wasn't right, like in Vietnam, you'd go out and shoot 400 gooks."

This brought derisive laughter. A bit later the veteran called it off and shrugged his way out of the crowd. No, he wouldn't give his name? He didn't want publicity. He just wanted to see if you could talk to these people.

The incident took place against the backdrop of a Civil War monument, a standing figure of Lincoln, topped by a uniformed soldier of the Northern army, the sides defaced by swastikas, names, smears daubed on. I stood copying the inscription when a young woman detached herself from another group to say, "What are you copying down there, you big four-letter word. We'll make you pay for copying that."

The inscription was:

"The soldiers and sailors of Cambridge whose names are inscribed here died in the service of their country in the war for the maintenance of the Union. In perpetual memory of their valor and patriotism . . ."

SALUTE TO GENERAL KOSTER

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. SCHWENGEL. Mr. Speaker, the citizens of West Liberty recently paid tribute to one of their outstanding citizens, Maj. Gen. Samuel W. Koster. General Koster is presently serving as Superintendent of the Military Academy at West Point. I join wholeheartedly in the tribute paid to General Koster by the citizens of West Liberty and by a recent editorial in the Muscatine Journal:

WEST LIBERTY'S SALUTE

West Liberty paid tribute yesterday to one of its sons who has gained distinction in the service of this nation.

Major General Samuel W. Koster, superintendent of the United States Military Academy at West Point, came back to the hometown Tuesday to be the commencement speaker for the West Liberty High school senior class of 1969.

General Koster was the guest of honor at a luncheon sponsored Tuesday noon by the West Liberty Chamber of Commerce. It was a chance for him to greet many of the friends he knew as a boy in West Liberty and his schoolmates from the Class of '37.

Willard Salemink, West Liberty Chamber of Commerce president, summarized the situation accurately when he said "We often have commencement speakers who tell the graduates to set their objectives, work hard and attain their goals. Today, we honor a man who has done exactly this."

Dr. John Carey, a lifelong friend who introduced General Koster at the luncheon, recalled that "Sam" was a perfectionist and a good student. He was also a school athlete, "the center on two of the better basketball teams this high school ever produced."

General Koster graduated from the U.S. Military Academy in 1942. He is a veteran of World War II and the Korean conflict. He was commander of the 23rd Infantry Division in Vietnam until he was named in June, 1968, as superintendent of the U.S. Military Academy at West Point.

West Liberty has a right to be proud of General Samuel W. Koster. He has served this country faithfully in war and peacetime, and continues to serve in the important job of educating the young men who will be the backbone of the Army officer corps in the future.

PROBLEM OF PERSISTENT PESTICIDES

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ASHLEY. Mr. Speaker, I am introducing legislation today to counter the serious threat to the environment, fish and wildlife, and man posed by the indiscriminate use of persistent pesticides. To meet this danger, I am proposing two bills: The first would ban the use of DDT in the United States; and the second would establish a National Commission on Pesticides to improve the effectiveness of pesticides and to eliminate their hazards to the world we live in.

Well documented research has indicated that pesticides are a basic cause of serious disruption of the ecological balance, of permanent injury and death to fish and wildlife, and a potential threat to the health and welfare of the general public. The persistent pesticides do not disintegrate rapidly—for example, DDT remains about 50-percent toxic for 10 years—and thus accumulate in sufficient concentration to kill wildlife and fish through the poisoning of foodstuffs they eat or by interfering with reproduction.

Scientists have discovered decreasing reproduction rates in both birds and fish. In many birds, DDT and other persistent pesticides have caused a thinness of the eggshell, thereby increasing egg breakage and decreasing overall reproductive success. This phenomenon has brought the penguin of the Antarctic, the petrel of Bermuda, and the bald eagle and peregrine falcon of the United States to the point of extinction.

At the same time, many fish face reproduction problems because these pesticides penetrate the yolk sac and poison the main source of young fish. This phenomenon caused the death of a mil-

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lion coho salmon fry last spring. Only recently, the Food and Drug Administration impounded 28,150 pounds of Lake Michigan coho salmon. The FDA found that the salmon contained 19 parts per million of DDT and three-tenths of a part per million of Dieldrin—both levels considered hazardous by both the FDA and the World Health Organization.

Many scientists are concerned that the reproduction capabilities of other fish may be harmed. This is especially so in the case of lake trout, which spend 6 or 7 years in the water before sexual maturity as compared with only about 2 years for the salmon. The New York Health Commission has, in fact, reported that high concentrations of DDT are being found in the lake trout of New York's central and northern lakes.

What is especially frightening about the ever-increasing number of cases of affected wildlife and fish is that the pesticides have managed to travel so far to reach the animal in question. Thus, in order to infect the coho salmon, DDT and Dieldrin probably traveled hundreds of miles through air, water, and soil, and were consumed through the normal food chain of up to half dozen organisms. Moreover, the Bermuda petrel never go to the mainland and there certainly is no DDT spraying in the Antarctic where penguins are becoming extinct.

The effect of the wide use of these pesticides on man are just beginning to become apparent. At the 1968 Lake Michigan Water Pollution Conference, spokesmen for the U.S. Bureau of Commercial Fisheries testified that the concentration of pesticides could reach a level lethal to man and aquatic life if the heavy use of pesticides is continued. During a recent conference on pesticides in Stockholm, evidence was presented that DDT, even in very small quantities, could affect human metabolism. One of the studies cited was Russian research that indicated that Russian workers whose jobs bring them in contact with DDT and other organochlorine pesticides were found to suffer from changes in the liver which slowed down the elimination of wastes from the body.

Dr. Robert Risebrough, an environmental scientist at the University of California at Berkeley, stated that the effect on man may be serious. He has found enough accumulation in man to stimulate enzyme production, which acts as catalysts for bodily processes, such as digestion. And more recently, a Swedish scientist found that breast-fed infants are ingesting twice the amount of DDT compounds recommended as a maximum daily intake by the World Health Organization. What is perhaps most frightening is the likelihood that these findings represent merely the top of an iceberg.

In the United States, two committees have pointed out the dangers of environmental pollution caused by pesticides. The Wiesner Committee in 1963 urged cutbacks in the use of such persistent pesticides as DDT:

> The accretion of residues in the environment (should) be controlled by orderly reduction in the use of persistent pesticides. As a first step, the various agencies of the Federal government might restrict wide-scale use of persistent insecticides, except for necessary control of disease vectors. The Federal agencies should exert their leadership to induce the States to take similar actions. *Elimination* of the use of persistent toxic insecticides should be the goal. (Emphasis added).

The report of the environmental pollution panel of the President's Science Advisory Committee in 1965 also dealt with this subject. It recommended:

> Research should be encouraged toward the development of pesticides with greater specificity, additional modes of action, and more rapid degradability than many of those in current use.
>
> Pesticide effectiveness should be increased and total environmental contamination decreased by further research leading to the more efficient application of pesticides to the target organisms.

Reaction around the world is only beginning to take form. Sweden has just banned the use of DDT for a period of at least 2 years. According to the London Observer, this is the first time any nation has instituted such a sanction on a pesticide.

Several States in the United States have recently started to meet the problem. Arizona, concerned with increased residues of DDT in milk and other food products, has banned DDT for 1 year. The Pennsylvania State Senate Committee has recommended banning DDT from use in the fields and forests.

Michigan, Illinois, and Wisconsin have already issued recommendations against the use of DDT for the Dutch elm disease, one of the primary targets of DDT use in the United States today.

It is time that we, too, recognize the dangers of pesticides. I think the case for banning DDT is clear, particularly since other less persistent pesticides are now recommended for the areas where DDT was previously used. Moreover, a permanent National Commission on Pesticides would provide a significant step toward better and safer control of our environment. We must act today, Mr. Speaker, before any permanent damage is done to man and his environment.

PACKAGING AND LABELING ASPECTS OF SPECIAL INTEREST TO THE CONSUMER

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, Mr. Walter Melleng, a very active senior citizen who lives in Kearny, N.J., was kind enough to send me an article from Consumer Bulletin, which is worthy of the attention of all Members of this House and all persons who read the CONGRESSIONAL RECORD.

The article deals with deceptive methods of packaging and points out the need for stricter regulation to prevent consumer frauds.

Mr. Speaker, I include this article at this point in the RECORD:

PACKAGING AND LABELING ASPECTS OF SPECIAL INTEREST TO THE CONSUMER

It is said that the public and Congressional concern about deceptive packaging rumpus started because Senator Hart discovered that the boxes of shredded wheat consumed by him, Mrs. Hart, and their children were becoming higher and narrower, with a decline of the net weight from 12 to 10¼ ounces, without any reduction in price. There were still twelve biscuits, but they had been reduced in size. Later, the Senator rightly complained of a store-bought pie in a handsomely illustrated box that pictured, in a single slice, almost as many cherries as there were in the whole pie.

The manufacturer who increases the unit price of his product by changing his package size to lower the quantity delivered can, without undue hardship, put his product into boxes, bags, and tins that will contain even 4-ounce, 8-ounce, one-pound, two-pound quantities of breakfast foods, cake mixes, detergents. A study of drug store and supermarket shelves will convince any observer that all possible sizes and shapes of boxes, jars, bottles, and tins are in use at the same time, and, as the packaging journals show, week by week, there is never any hesitation in introducing a new size and shape of carton or bottle when it aids in product *differentiation*. The producers of packaged products argue stoutly against changing sizes of packages to contain even weights and volumes, but no one in the trade comments unfavorably on the huge costs incured by endless changes of package sizes, materials, shapes, art work, and net weights that are used *for improving a product's market position*.

When a packaging expert explained that he was able to multiply the price of hard candies by 2½, from $1 to $2.50 by changing to a fancy jar, or that he had made a 5-ounce bottle look as though it held 8 ounces, he was in effect telling the public that packaging can be a very expensive luxury. It evidently does come high, when an average family pays about $200 a year for bottles, cans, boxes, jars and other containers, most of which can't be used for anything but stuffing the refuse can or the trash burner.

An article in Supermarket Merchandising noted that wrapped in Avisco cellophane "plebeian mixtures of ground ham and pork" go at $1.39 a pound, all because "of the garnish of a pineapple ring and a red cherry"—"Not a bad way of handling ham and pork scraps that were formerly discarded."

"Six rosettes" of ground chuck were "quality priced" at "6 cents more per pound to cover additional handling and packaging materials." Mr. X's "smart tricks have yielded smart profits," the article concludes.

THE CONSUMER'S RIGHT TO COMPARE

Packagers resent the idea of having commodities compared on cost-per-ounce basis; this, they hold, degrades the brand concept and disregards quality differences. Yet they may as well get used to this idea of price comparison, for government agencies intend to aid consumers in comparing unit prices; the point is strongly made and emphasized in the law itself, in its very first paragraph.

Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents, and should facilitate value comparisons. That's what the law says. In that respect, it's not a bad law. We doubt that the principle will be soundly implemented.

THE NEW LAW

The new Fair Packaging and Labeling Law has major defects, among which are: *1*) the fact that its administration is divided among three government agencies, with very different outlooks and approaches to problems of industry and consumers; 2) the door is opened wide to an endless, unmanageable series of hearings and regulations (Regulations already total about 40,000 words and their language is so intricate and involved and in so many cases related to clauses in prior legislation affecting the scope and details of the work of the Food and Drug

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Administration and the Federal Trade Commission that only big business concerns can afford the staff and legal counsel which will make the rules understandable); *3*) it allows slack filling if it is "functional," which means that slack fill is permitted if it "helps to protect the contents," or if the manufacturer chooses to fill by an inherently inaccurate method because it is fast, the law will not stop him. (It has not stopped him in the past, under previous legislation, because the trial court held that the manufacturer's convenience was more important than a design of package that would not deceive the consumer); *4*) as to the vital matter of naming the ingredients, a major loophole is provided in that no "trade secret" need be divulged; *5*) many products are excluded from the operation of the new law; meats and meat products, poultry and poultry products, tobacco and its products, seeds, insecticides and fungicides, certain drugs, liquors, certain containers; *6*) postponements of enforcement are freely permitted—as they were under the Food, Drug and Cosmetic Act—when the bureau chief considers this to be "in the public interest."

Hereafter, competition on the basis of small differences of weight or volume may not be the unquestioned right of the manufacturers; we may be coming to a stage where standardized weights and volumes of packages of cereals and cake mixes are to be expected, such as we now have with flour, bread, beans, sugar, and many other commodities. Figures in even ounces, pints, and half pints, without the familiar 0.1 and ⅞ ounce appendages, are surely coming, as the government gets deeper into the problem of control of packaging.

INCOMPLETE ADDRESSES PERMITTED

The new packaging law requires, as did the Food and Drug Act, that the package shall give the address of the producer or distributor, but the Federal Trade Commission has "interpreted" the law, paralleling a long-established similar ruling by the Food and Drug Administration, to mean that the address *need not be* one that will enable the Post Office Department to deliver a letter to the firm in question.

We hold that the address provided on the label on the package should be one that is sufficiently complete and detailed that the consumer can use it to make contact with the manufacturer or distributor on any product which he happens to have bought and about which he may wish to enter a complaint for replacement of or redress for an unsatisfactory article.

The reasoning of the Food and Drug Administration and the Federal Trade Commission as to why the full address is not necessary is too long to give here. It will suffice to say that on this the governmental reasoning is entirely unconvincing.

The consumer should not be required to locate a city directory or telephone directory of a distant city to find out how he can reach by letter or telegram the maker of Boffo corn flakes or Pinko brand bug spray. In case of poisoning of a child, as happens often with household articles, it may be a matter of the utmost importance that the physician be able to make *immediate* contact with a manufacturer of an insecticide or oven cleaner to identify some ingredients of the product. The manufacturer should, as a plain duty to the public, go beyond the government requirement and furnish his full name and address on the package label and in all accompanying wrappings, boxes, or booklets.

We believe that consumers may expect a long period of ineffective and unsatisfactory enforcement of the new law. This will come in part from the inherently involved nature of governmental procedures, the complication that the law is enforced by three different bureaus, and in part from the fact that the law as passed is obscure in meaning and the regulations under it as set up by the Food and Drug Administration and the Federal Trade Commission are exceedingly involved and capable of being understood only by highly-paid professionals.

The law can do some good with its labeling provisions and its expected reduction of diversity, but there are some who doubt whether the results will be worth the cost to industry and the taxpayer. It would be far better if the industry were to set its own house in order, without government compulsion, by voluntary standardization of package sizes and weights, elimination of slack fill and deceptive package shapes, use of large, clear, contrasting lettering showing weights and ingredients, lettering meant to be located and read quickly, and last, by bringing the light of reason to package designers who tend to work too close to the edge of legality and sound business ethics.

Industrial leaders should bear in mind that to avoid serious and costly trouble with the anti-trust laws, groups of business firms setting up standardization committees to establish package sizes, weights, and labeling principles, *must* include fair representation of consumers and those government departments that are properly concerned with a particular commodity.

LIFE ON THE FARM IS GREAT BUT IT SHCULD PAY BETTER

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. KLEPPE. Mr. Speaker, Laurel Hannegrefs, a student at Minot State College, Minot, N. Dak., presented to me in a recent letter some views on the current farm situation which I would like to share with my colleagues. I believe they will be especially interested in the discussion of the values of rural living and the fact that low farm prices are destroying this cherished way of life. The text of the letter follows:

LIFE ON THE FARM IS GREAT BUT IT SHOULD PAY BETTER

This letter is a response to the questionnaire my parents received in the mail recently. The issue about which I wish to comment is federal legislation to help increase grain prices for the farmers. The price of everything else in this country seems to be skyrocketing but that of grain. Farmers must buy high-priced equipment but they do not get enough income from their crops to pay for the machinery. Therefore, most farmers find themselves so far in debt that they have to worry and work the rest of their lives to get out.

Maybe I'm prejudiced because I grew up on a farm, but I feel that if something were done to increase farm prices, a few other problems would be taken care of, too. For one thing, if grain prices were increased, there would very likely be a reduction in the migration from rural to urban areas. Farmers are forced to give up and look for work in the cities if they don't receive enough money for their grain to support their families. Therefore, if grain prices were increased so that farmers could support families, it follows that they would be less anxious to look for work in the cities and more content to stay on the farm.

Another problem which might be affected by a price increase in grain is the youth problem—the unrest and dissatisfaction in youth today. I grew up on a farm and I will never regret it. I feel farm children discover a world that city children never get the real opportunity to see. It is a difficult world to describe, but it involves freedom, beauty, appreciation of animals and nature. It is living with nature and God and appreciating them both. A young person who grows up on a farm seems to be less restless and dissatisfied because he can find so many things to do on a farm. City children, however, have such a limited play area and limited activities that they often resort to pranks and trouble to occupy their time. As they grow older, they need cars and beverages to create excitement.

Farm youth often resort to such things, too, but there may be less chance of it because they have duties to attend to on the farm. Farm children find a freedom from all the people, cars, and other city problems. They find security within their own families whose members often work closely together to keep the farm going. City youth are often so unfamiliar with this freedom and security due to their city problems that they turn to rebellion and demonstrations. But if more children are to be given the opportunity to grow up on a farm, the grain prices must be increased so that their parents can afford to live on a farm and raise their children on it.

Yes, the small farmers are becoming the victims of many problems including income and competition from big farmers. One of the main solutions may be an increase in grain prices so that farmers can continue to enjoy the freedom and security of their homes and land.

WHEN JOHNNY COMES MARCHING HOME

HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. HICKS. Mr. Speaker, in these times of tension and turmoil, it would seem appropriate to remind America and our friends that the U.S. Government is not sitting still.

Steps are being taken; progress being made. We know of the various social programs designed to make life more livable for black Americans and those burdened with ghetto birth.

But little is known of the work in this field which is being done by the Department of Defense, to many minds an improbable agency for social betterment. Among the Department's programs is project transition, which is of particular interest to me since I am able to observe it at first hand. There is a project transition at Fort Lewis, Wash., which is located in the district I represent in Congress.

From July 1, 1968, through March 31, 1969, more than 1,900 soldiers received training in skills in the Fort Lewis program, and another 3,500 received vocational counseling. Business, industry, schools, and the Federal Government participate in this excellent cooperative program to prepare servicemen to make the transition from service life to civilian life. More important in most cases, it enables them to make the vital transition from a disadvantaged past to a promising future.

One of the most distinguished of foreign correspondents in Washington,

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D.C., has done the people of America and Great Britain a real service in bringing such efforts to their attention. He is Donald Ludlow, Washington correspondent for the Daily Mirror, one of the most widely circulated newspapers in the world.

Mr. Ludlow has had a most distinguished career gathering news in many parts of the world, including many years in the United States. His perceptive story in the May 16 editions of the Daily Mirror outlines the background of "Black Johnny" in the armed services, and what happens when our black servicemen come home.

I commend his story to the attention of my colleagues.

I insert the story as follows:

In a death cell at the State penitentiary in Columbus, Ohio, sits bearded Fred "Ahmed" Evans, Black militant and former sergeant in the American Rangers, a Commando outfit.

His crime: leading a shooting spree that killed three police officers and a Negro passerby, an incident that sparked off three days of race riots in Cleveland, Ohio, with arson and looting and cost seven more lives. Three of Evans's followers have yet to be tried for murder.

Evans, 37, won his stripes in Korea, reenlisted, lost his stripes, hit a White officer, served eighteen months' hard labor in an Army prison and was given a dishonorable discharge.

He has been described as "a nonviolent man who preached Black pride." But blood is on his hands. Unless he is reprieved, Evans will be the first man to go to the electric chair in America in two years and the first in Ohio in six years.

His fate is not so important as the fears that men of his calibre, trained in the arts of killing and guerrilla war, have aroused in the hearts of White and moderate Black America.

The middle class of both races, angry with each other but prepared to talk rather than fight it out, are asking: What happens when Black Johnny comes marching home from Vietnam?

The average age of the returning Negro serviceman will be about twenty-two-and-a-half; he will be restless, "battle-prone," highly skilled in the use of all kinds of weapons and explosives—and himself explosive material for the racial tensions to which he will be returning.

The risks of battle aside, he will have lived well in the Forces with good food, good clothing, money in his pocket. He will not be prepared to live less well, much less see his family in the squalor of the ghettos.

Just how dangerous an element in American society, already torn with unrest, is Black Johnny likely to be?

First some figures: currently there are some 66,000 Black Americans in the Vietnam Forces, 45,000 in the Army, 8,700 in the Marines, 9,300 in the Air Force and 2,800 in the Navy.

Negroes make up 10.7 per cent of the total of American servicemen in Vietnam—little short of the 11 per cent which his people represent in America's total population.

Black Johnny is certainly doing his share in Vietnam by anybody's standards and he will want his share when he comes back.

Will he turn from war abroad to civil war at home?

Views vary widely. With crime rampant in the streets of every American city—ninety killings in Washington this year—fear will obviously mount at the return of the young Black lions.

The White House, the Pentagon and Congress are well aware of this fear and are trying to "cool" it. A questioner is answered by a question: Why should a Black Vietnam veteran be any more dangerous than a White Vietnam veteran?

The questioner is reminded that after every war the civilians have been frightened of the returning soldier: "They have given him a gun and taught him how to use it."

Just the same, this time greater efforts than ever before are being made to see that the Vietnam veteran—Black and White—should be helped to readjust to civilian life.

The Pentagon is running a multimillion dollar scheme called "Operation Transition" which, during the last six months of a young veteran's service, is designed to better his lot in life. He can get a high school diploma and if he has not acquired a skill in the services he will be taught one.

Private industry is co-operating, notably the giant motor car makers of Detroit, always looking for good mechanics. The American branch of Volkswagen has joined in the scheme.

Operation Transition has been going less than two years but the results seem rewarding. And Black Johnny is taking more advantage of it than White Johnny—twenty per cent of the trainees are black, double their percentage in the Forces.

By the end of June, one thousand men will have been trained as law officers—and a fifth of them will be Black.

The Veterans Administration, a branch of the Pentagon, with a budget of 7,000 million dollars a year, is offering bigger and better benefits such as: cheap medical care, educational care, support through college, even, if a man is married, cheap insurance, guaranteed housing loans, widows' pensions and child support. And Black Johnny is taking advantage of these benefits to get ahead.

Black veterans are also re-enlisting in the Services at much higher rates than their White comrades. Here are the figures:

Army: Whites 12.8 *per cent, Blacks* 31.7 *per cent.*

Navy: Whites 16.7 *per cent, Blacks* 22.5 *per cent.*

Marines: Whites 9.7 *per cent, Blacks* 15.9 *per cent.*

Air Force: Whites 17.5 *per cent, Blacks* 26.9 *per cent.*

A top official of the House Armed Services Committee told the other day about a young Negro veteran who came to ask his Congressman to help him get back into the Army after Black militants had been pressuring him to join them.

The young Negro said: "Man, I've seen enough of war. None of the leaders have seen a real battle and know what it means. We Black men can fight for our rights, but if we fight with guns we're sure going to lose."

War is an ugly thing, but it does have a maturing quality.

INFLATION COSTS MULTIPLY

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ZWACH. Mr. Speaker, redundant as it may sound, inflation is our most serious national problem. The fire from this destructive force caused by feeding champagne appetites on beer incomes, has so rotted and destroyed our socioeconomic bases that we must face the possibility of our Nation crumbling.

Certainly we live in a fools' world to continue our spend-happy ways and to be completely oblivious to the deepening smoke and heat arising from the fire below us.

The editor of one of the great daily newspapers in Minnesota, the St. Cloud Daily Times gives us an on-the-spot analysis of the great damage that reckless spending has already done. In order to share Mr. Harold Schoelkopf's views, I am reproducing his editorial:

Inflation Costs Multiply

(By Harold Schoelkopf)

One of the gravest domestic problems that face the American people is inflation, and there seems to be no sure or certain remedy for it.

The American dollar, once worth 100 cents, has declined in value, at latest calculations, to something like 42 cents in buying power.

Of course, almost all residents of this country suffer from inflation, but those who are hardest hit are those who live on fixed incomes—the pensioners, the retired persons on pensions, the folks whose incomes have not kept pace with the inflationary spirals, and those whose incomes have not increased. There are even wage earners who still live on incomes set 10 to 20 years ago, and who now are forced to dip into frugal savings to meet current bills.

Meanwhile the costs of almost everything are going up and up. Our tax bills zoom upward to heights unimagined even a few years ago. The social security deductions from pay checks move higher and higher. Even our little items like fishing licenses cost more these days, and there is no apparent end in sight.

While these costs increase, those on fixed incomes are more and more moved to seek relief on public welfare payrolls, and these in turn have reached levels undreamed of. A lot of independent people who thought they had laid aside an adequate "nest egg" for their declining years, are forced to turn to the counties for enough money to give them their daily bread.

There are other folks, who have reached and passed the normal retirement ages, who cannot quit their jobs simply because the costs of their simple living cannot be met by whatever retirement incomes they may have, or the supplemental social security checks.

Retirement incomes or pensions, in some instances available only to a favored few, fall far short of providing the incomes needed for a modest livelihood, and so more and more elderly folks, who have worked most of their lives to make a living, are forced to turn to the relief rolls, or if they are still able, to try to secure some other "moonlight" jobs to make ends meet.

There used to be a time, and not so many years ago, either, as time is measured, when prudent, hard-working wage earners could set aside a few dollars a week or a month in a savings account to provide for the sunset years of life, but those times have long since passed. Now the government, federal and state, dips into those savings, and takes its lion's share of an accumulated interest, and in many cases, requires that the principal sums be included to meet tax demands.

Those of us who are now figuring our state and federal income taxes are well aware of this situation, and there is little if any relief in sight.

Taxes on homesteads, that some families have taken years to acquire, are growing so high that the householders are not any longer able to meet their tax bills, and must give up their lifetime homes to seek much more modest domiciles. The number of families forced to sell their homesteads at bargain prices is growing year by year, and the elderly folks pay the ultimate penalty of parting with their homes or having them taken from them.

These things happen in an America that prides itself on its great prosperity, the growth of its national product, the affluence of so many of its people, but what is overlooked is the fate of so many millions of the little folks who have no relief, no redress, no forum in which to express their hardships.

Yes, indeed, this is a rich (although perilously close to a bankrupt nation) but the riches of the domain do not filter down to the people most deserving of help and consideration. Many of those elder citizens who held their heads high in past years as home owners and prompt taxpayers, are finding it next to impossible to meet their ever increasing costs of mere survival.

This is a prosperous thriving America? There are millions of persons who like to have that statement spelled out in plain language.

CONGRESSMAN HORTON SUPPORTS AMENDMENT TO EQUALIZE DISTRIBUTION FORMULA OF FUNDS IN THE MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. HORTON. Mr. Speaker, tomorrow, my colleague from New York (Mr. Ottinger) is offering an amendment to the Medical Facilities Construction and Modernization Amendments of 1969 to eliminate the inequitable distribution of funds in the bill which favors predominately rural States.

As a Congressman whose district and State are severely affected by this inequity, and is in dire need for additional medical facilities, I fully support Mr. Ottinger's proposal.

The Hill-Burton distribution formula was fine in 1946—it was intended to stimulate the growth of much needed hospitals in underdeveloped States. That need has been largely met. It is now an out-dated formula because of the needs of larger numbers of people in the more populous States.

Mr. Ottinger's proposal will not increase the total amount authorized in this bill. It will merely allocate funds more fairly based solely on population, per capita income, and need for facilities. It will assure that the people of all States are treated fairly.

I urge my colleagues to support this amendment.

CHARLES J. EIB—ONE OF THE "GOOD PEOPLE"

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. SLACK. Mr. Speaker, each and every one of us serving in Congress must stand up to the buffetings of daily controversies. We attempt to reflect by our actions the wishes of our constituents so that our work will give meaning to the phrases "government of the people, by the people, and for the people." We try our best, but we do make mistakes.

Yet, when we face an uncertain outlook, when we are beset by doubts, when the choices to be made are all without promise, we do what we must because each of us is sustained by the confidence and trust of certain individuals whom we know to be "good people" back home.

They are the Americans who form the solid moral base on which all of our national power has been built. They work. They build. They hold organizations together. They set the tone of life in their communities. They take satisfaction from every good fortune met by every neighbor. Each and every one of them is irreplaceable.

Today it is my melancholy duty to take note of the passing of one such man, Charles Johnson Eib, owner and editor of the weekly Nicholas Chronicle published at Summersville, W. Va., in my congressional district. For 55 years he was connected in one way or another with weekly newspapers. During those years he was a vital and constructive force among the people of the area he served. Like many other persons who knew him, I shall miss his calm and rational counsel and his energetic good cheer. He came, he was with us for a span of years, he helped whoever he could however he was able, and now he is gone and we are the poorer for his passing.

Mr. Speaker, I commend to your attention the obituary of the late Charles Johnson Eib, along with a tribute to him by the Reverend L. Bruce Cooper and an excerpt from Publisher's Auxiliary which reported the start of his career 20 years ago:

Charles J. Eib

Charles Johnson Eib, 67 years of age of Summersville, Nicholas County, died Saturday morning, May 24, 1969, in the Charleston Memorial Hospital following a long illness. He was the son of the late Charles Burton and Maude Johnson Eib and was born at Peel Tree in Barbour County on the 21st day of May, 1902.

He was a member of: the First United Methodist Church of Summersville, the Board of Stewards, the Summersville Lodge A.F. & A.M. No. 76, the B.P.O.E., the Summerville Lions Club, the Summersville Chamber of Commerce, and a former official in the West Virginia press association.

Mr. Eib was Editor of the Buckhannon Record at the time of his graduation from Wesleyan College. He acquired a Journalism Degree from West Virginia University and was once selected by the Publishers Auxiliary as Editor of the Week, a national recognition, while he was owner and publisher of the Barbour Democrat at Philippi. He had been owner and publisher of the Nicholas Chronicle at Summersville, for the past eight years.

He is survived by his wife, Kathryn Jane Kincaid Eib, of Summersville, two sisters, Miss Irene Eib and Mrs. Blair Simons, both of Elkins. One niece, Mrs. Carl J. Johnson, Jr., and one great niece, Miss Kristen Johnson, both of Upper Mont Clair, N.J.

Funeral services were conducted Monday afternoon at 2 p.m., at the First United Methodist Church at Summersville with the Rev. Virgil Ware officiating, assisted by the Rev. L. Bruce Cooper and burial followed in the Walker Memorial Park at Summersville.

[From the Summerville (W. Va.) Nicholas Chronicle, May 29, 1969]

A Tribute to Charles J. Eib

(By Rev. L. Bruce Cooper)

Some seven or eight years ago, Charles and Jane Eib came to our town, to become neighbors and citizens with us. Being a Pastor of long service, I have watched the Town develop and grow. I soon discovered that we have received valuable citizens with the coming of Charles and his good wife to be with us. I found Charles to be a Christian gentleman in every respect. He soon became one of the leaders in helping to make this a better town and place to live.

He was for every good program both for the expansion and development of the Town, as well as one who tried always to keep a spirit of warmth and good will among all our citizens. He was never on guard to keep anything out that would divide and bring anything mean or ugly within our mids't. Charles was a Methodist and was educated in the Methodist School. Yet, he seemed that in some way he too, belonged to me. It must have been because he was interested in all Ministers and Churches, while he was loyal to his own. He was a member of our Team, the team that is ever working for the betterment of Summersville, and the happiness and pleasure of our people. God must be especially pleased with those who do justly and love mercy and walk humbly with their Lord year after year. Of their reward, the half has never yet been told. John Bunyan, in his immortal "Pilgrim's Progress" describes the Christian pilgrims when they reached the gates of the Celestial City. According to his description several of the King's Messengers came out to meet them. These were clothed in white and shining rainment, and their melodious voices echoed throughout heaven. They greeted the pilgrims at the gate. Over the gate was written. "Blessed are they that do His commandments, that they have the right to the Tree of Life, and may enter in through the gates into the city." The bells ring for Christian and his companion, and the Messengers said "Enter ye into the joy of our Lord." Good bye Charles, for a little while, we'll see you in the morning.

[From Publisher's Auxiliary]

Editor-of-the-Week: Eib Was Industriously Weeding Potato Patch When Publisher Saw Him and Offered a Job

This is Charles Eib's birthday. The editor of the Barbour Democrat and the Philippi (W. Va.) Republican was born 47 years ago today, May 21, in Barbour county, the son of Mr. and Mrs. Charles B. Eib. He attended Belington high school and West Virginia Wesleyan college.

He started his 35-year newspaper career when he was but 12 years of age. He was working in the garden of his home, cutting out the weeds in the rows between the potatoes.

"Being in a hurry," he explained. "I was making the weeds fly, so that I could take part in a ball game which was in progress on a neighboring lot.

"Fred E. Thompson, then publisher of the Belington Progressive, a weekly in our home town, happened to pass along the street and seeing that I appeared to be industrious, stopped and offered me a job in his printing plant," Eib continues.

So began a career that included at the outset, sweeping out the shop, running errands and setting type and, years later, editing such West Virginia papers as the Buckhannon Record, Grafton Press, Follansbee Review and the Preston Republican in Terra Alta and operating jobs on other dailies and weeklies in West Virginia and Ohio.

"When Mr. Thompson purchased a typesetting machine, his sister became the regular operator," Eib recalled, "But a few months later she was offered another job, and I became the operator.

"I didn't particularly care for the printing office at first, but the $3 a week . . . came in mighty handy, so I stayed with the Progressive until I completed high school. Of course, I received several raises from my starting salary. I stayed in the business because it offered steady employment at good wages. This work often meant long hours, but as long as one had the will to work, there was always an opportunity to make a good livelihood."

Then there was the time an auto dealer asked him to buy a new car.

"I explained I had just taken over the paper (in his home town) and was not able to make the purchase at that time," Eib said. "He insisted that I buy, and told me that he would take care of the financial end. I bought the car, and in a few weeks I received a large advertising order from a national gasoline company, for which the auto man was distributor, which amounted to within a few dollars of the price of the car.

"Neighboring publishers could not understand how I got such a large advertising order."

In Eib's opinion, the newspaper business may not be the best profession in the world, and perhaps not the most profitable, but it is one which continually offers a challenge—"to produce a better paper, to turn out a better printing job, to put over a community project."

"Then, too, there are always obstacles to be overcome," he adds. "Such as a balky machine, a new process, or new ideas to work out; one never needs to worry about what will happen next."

Eib says he has found it difficult to accumulate anything, either in equipment or money, when working on a fixed salary. It's easier, he claims, "to accumulate a little more of this world's goods as one goes along than it would be working on a fixed salary."

Eib's first venture into politics didn't prove as successful as his expertness at hoeing potatoes. He was a candidate for delegate to Democratic national convention, but ran fourth in a four-man race—"and so became cured." Formerly, he was Democratic chairman of Barbour county. He also is a former secretary of the West Virginia Journalism conference and his local Rotary club. At present, he is active in the Kiwanis club, Masons, Elks and Moose.

As to hobbies, Eib notes:

"For the past three years, I have found little time to indulge in them. Heretofore, I have been a wide reader; I like movies, too. Also, bridge, good plays, golf. Used to like tinkering with radios, and was interested in an amateur station, but have given this up. Like sports of all kinds, because sports, like life, often offer the unexpected at the most unexpected times."

AMERICA'S TURMOIL

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. CEDERBERG. Mr. Speaker, there is a growing need for our citizens to clearly understand and be genuinely concerned about the turmoil abroad in our land. The following speech which appeared in the June 9, 1969, issue of the U.S. News & World Report by James L. Robertson, Vice Chairman, Board of Governors of the Federal Reserve System, is one of the best I have read on this subject.

A "CONCERNED CITIZEN" SPEAKS ABOUT AMERICA'S TURMOIL

(A most unusual speech was made on May 22 in Omaha, Nebr., by James L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System. It was not reported generally in the press because it was delivered by a banker talking to bankers, and he would normally be expected to discuss financial matters. But he didn't. Instead, he addressed himself in a most penetrating way to the problem of the hour in America—the disturbances and disorders and threats of revolution, particularly among the nation's youth.

(Mr. Robertson has had a wide experience in government, first as a clerk in the U.S. Senate Post Office and later as a special agent of the Federal Bureau of Investigation. After graduate work at Harvard Law School, he joined the legal staff of the Office of the Comptroller of the Currency and rose to the post of First Deputy Comptroller. He has been a member of the Federal Reserve Board for 17 years, three of these as Vice Chairman. The full text of his speech is printed below.—DAVID LAWRENCE, Editor.)

(By James L. Robertson, Vice Chairman, Board of Governors, Federal Reserve System)

A truck driver was sitting all by himself at the counter of the Neverclose Restaurant down by the depot in my hometown, Broken Bow, Nebraska. The waitress had just served him when three swaggering, leather-jacketed motorcyclists—of the Hell's Angels type—rushed in, apparently spoiling for a fight. One grabbed the hamburger off his plate; another took a handful of his French fries; and the third picked up his coffee and began to drink it.

The trucker did not respond as one might expect of a Nebraskan. Instead, he calmly rose, picked up his check, walked to the front of the room, put the check and his half-dollar on the cash register, and went out the door. The waitress followed him to put the money in the till and stood watching out the window as he drove off. When she returned, one of the cyclists said to her: "Well, he's not much of a man, is he?" She replied: "Nope. He's not much of a truck driver either—he just ran over three motorcycles."

Like the trucker's response, mine will be different, too—hopefully though without running over any motorcycles. As a central banker, I might be expected to talk about the awesome domestic and international financial problems which are the subject of my official concern. I am concerned about those problems and especially the need to combat inflation hard enough and fast enough to keep it from getting out of hand.

I will be glad to discuss those matters later, in response to questions, if first you will let me speak briefly—not as a central banker, but as a concerned citizen—about a matter which is or should be of deep concern to each and every citizen of this great land. I refer to the crisis that is manifest in the chaotic conditions that have developed in many of our institutions of higher learning, and even in some of our high schools.

I find myself increasingly troubled by these developments. It might be inaccurate to say that people are apathetic about it, but too many of us are seemingly content to be hand-wringer, head-shakers, and condemners. This is not the way Americans typically respond to difficulties. We tend to be activists and problem solvers. Our motto when confronted with a difficulty is: "Don't just stand there; *do* something!"

Today, we appear to have too many people, mostly young ones, who think of themselves as problem solvers and activists but who want to *undo* something. They want to undo and destroy what it has taken men centuries to build. They have an almost ferocious conviction of their own righteousness and wisdom. They see themselves as the only real devotees in the world of the true, the good, and the beautiful. But to those of us who have lived a little longer and acquired a little more knowledge, and a little more experience, what they seek is neither true, nor good, nor beautiful.

One of the advantages that age has over youth is that we have been in their position, but they have never been in ours. We know those fiery passions, that hot idealism, that unshakable certainly that one has within his grasp the solutions to all the world's problems. But experience has taught us that reason is a better guide to action than passion, that beautiful dreams of the young idealists sometimes end up as bitter nightmares, and that those men who had the greatest certainty that they had the final solution to all problems have ended up portrayed in the history books as tyrants and enemies of mankind.

This is not to say that we should discourage the dreams of the idealists and the aspirations of our youth. Quite the opposite, we should encourage those dreams and aspirations and pay heed to the expressions of dissent which flow therefrom, for there is the source of orderly change and progress. But we must teach them what we taught their older brothers, what we ourselves were taught, and what our fathers were taught—that our wants and aspirations must be tempered to accommodate the legitimate wants and aspirations of others who live with us on this planet; that other people have rights and that these rights are embodied in laws that have been worked out over hundreds of years to make it possible for men to live together in some degree of harmony and to work for common ends; that these laws are our protection against others trampling on our rights; that if we ignore or destroy the law, we jeopardize our own liberty as well as the liberty of others.

We have recently seen a distinguished Harvard professor and Nobel Prize winner explain and justify the behavior of those who would destroy the law by saying, in effect, that these young people want something very badly and they have not been able to get it in any other way. This is very much like explaining and justifying the behavior of a child who throws a tantrum in a department store by saying that the youngster wanted a toy fire engine very badly and had no other way of getting it. Sensible parents know that children must be taught at an early age that throwing temper tantrums is not an acceptable way of getting what they want. This is done by punishing—not rewarding—those who engage in unacceptable conduct.

Society must do the same. The good parent is not the permissive one who tolerates and encourages temper tantrums in children. The overwhelming majority of parents realize this and hence it is possible to walk through our department stores without having to step over the bodies of screaming children lying in the aisles pounding their fists upon the floor.

Unfortunately, this is not true of our colleges, where mass teen-age temper tantrums have become a regular part of the campus scene.

The other day the Chief of Police of Los Angeles retired after a quarter century of service and stated that he was about ready to write off a whole generation of young Americans because of their attitude toward authority. Now, we cannot afford to write off a whole generation of young Americans—not even its small minority about whom I am talking. Every generation plays a vital role in the process of keeping civilization alive. We cannot write off a generation if we hope to transmit to the generations to come the values that man has laboriously nurtured and protected over the centuries.

Our country has survived and prospered because of the ideas on which it was founded. People from all parts of the globe came here to live. They spoke a variety of languages and had widely disparate economic, social, and cultural backgrounds. Yet they succeeded in building a great nation.

A nation is more than a collection of human beings who live in the same geographical area. To constitute a viable nation, these human beings must sense a community of interest, must share a common set of operational values.

America's glory lies in the fact that it won voluntary acceptance of its values from men and women of widely different backgrounds. This was perhaps largely because so many were attracted to this wild country in its early days precisely because they were impressed by what we stood for. Many had fled from authoritarianism and tyranny, to live in a land that offered them both liberty and justice.

This has always been the kind of country that allowed wide latitude to its citizens in both speech and action. However, it was expected in return that the citizens would respect and support the institutions, laws, and customs that were essential to the survival of a society of this kind.

It was expected, for example, that the citizens would accept the principle of majority rule, and obey the laws approved by the majority.

It was expected that the majority would respect the constitutional safeguards erected to curb its power and safeguard the rights of minorities.

It was expected that when the majority decided that the national interest led the country into conflict with a foreign enemy, all citizens, regardless of their personal views or national origin, would support and defend the United States. Thus it was that Nebraska's great statesman, Senator George W. Norris, after having vigorously opposed America's entry into the first World War, declared his unstinting support for the Commander-in-Chief once war was declared.

Underlying these operational principles were some commonly accepted moral values that helped bind the American people together. We shared a belief in the Judeo-Christian religious and ethical values—respect for truth, respect for human dignity, consideration of the rights of others, and a common conviction that man had a higher purpose in life than animalistic gratification of his sensual desires.

It is true that we have made many mistakes and that our practices have not always matched our beliefs, but we have generally recognized the value of aspiring for more than we could hope to achieve. And we were generally understanding and tolerant of our human and social imperfections, knowing that it was vain to expect to build Utopia here on earth.

The ideas that made this nation what it has become—a beacon in a dark world—did not spring up overnight. They were not the product of any single individual. They grew and developed over centuries before they reached their present development here.

These ideas will not die overnight, but what is transpiring at this moment in our country is a concerted effort to bring about their demise. The turmoil on the college campuses is but a symptom of it. A minority, but an articulate and activist minority of young people—young people who may be future teachers, writers, and political leaders—apparently have been persuaded that the cementing ideas that made this a great nation are false. Indeed, some of them deny that this nation has achieved anything praiseworthy. These young people have a different set of ideas and ideals.

They believe that freedom of expression for those with whom they disagree should not be tolerated.

They believe that laws which are not to their liking should be ignored and flouted.

They believe that their country is generally wrong in its disputes with foreign countries and hence they have no obligation to give it any support or to rise to its defense.

They proclaim their respect for truth, but they show little interest in undertaking the kind of arduous and dispassionate search for facts that is essential if truth is to be found.

They profess profound respect for the rights of all men, but they physically assault those whose opinions differ from their own, invade the privacy of their offices, rifle their files, and boastfully publish private correspondence of others to achieve some political advantage.

John W. Gardner, in his recent Godkin Lectures at Harvard, put it well when he said:

"Sad to say, it's fun to hate. . . . That is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty."

But as he and many others have pointed out, it takes little imagination to visualize the kind of state these youthful revolutionaries would create if they had the power. Constitutional safeguards for the rights of even those who arrogate power unto themselves—let alone everyone else—would cease to exist. There would be no freedom of expression. Truth would be what the rulers believed, not what objective investigation might show. Personal privacy would disappear.

The age of Orwell's Big Brother would be upon us, for the historic pattern of continuing *violent* protest is clear. First comes revolution, with the overthrow of the good along with the bad, followed by chaos, and finally by dictatorial control. Only then could the long, agonizing struggle to obtain the four freedoms begin anew.

Perhaps because of the obvious risk of losing so much for so little, some of us are tempted to say: "It can't happen here!" But it happened, in our lifetime—in Russia, Italy, Germany, all of Eastern Europe, China, and Cuba.

It could not happen here if we took greater pains to preserve and protect the operational values of our society.

It will happen here if through carelessness we permit these values to be lost to that generation that some people are already prepared to write off.

We must appreciate that changes in basic ideas take place slowly, almost imperceptibly. What has happened on our college campuses is merely a reflection of an attack on our basic ideas that has been going on for many years. When the competing ideas begin to produce the kind of overt behavior we now observe, they have already secured a strong and dangerous foothold.

The question is, are we prepared to battle for the preservation of the ideas that made this country great? Do we believe in them enough to insist that they be transmitted to succeeding generations? Or will we—beset by doubts and uncertainty—decide that it is too much trouble to stave off the onslaught of the totalitarians?

Our survival as a free nation may well depend on our answer to this question: Is it too much to ask that our youth be taught—at school as well as at home—to value and respect the ideas that have given this country unexampled freedom as well as material abundance?

I, for one, do not think we price liberty too high when we ask that those who wish to enjoy it give their allegiance to the institutions and ideas that make it possible, even while seeking to change them through nonviolent dissent.

Edmund Burke once said, "The people never give up their liberty but under some delusion."

What is the source of the delusion that has led so many of our brightest youth to place liberty in jeopardy? If we are to be more than hand-wringers and head-shakers, we must probe for the answer to that question.

For me, it is difficult to escape the conclusion that the finger points at those of us who have neglected the education of our youth, and especially at those who condone, forgive, and even justify violations of law and outrageous assaults upon the rights of others.

Would that every parent and teacher take upon himself the responsibility of conveying to the young the wisdom contained in Burke's words:

"Men are qualified for civil liberty in exact proportion to their disposition to put chains upon their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and the good, in preference to the flattery of knaves."

PRELUDE TO INDEPENDENCE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DOWNING. Mr. Speaker, each year the restored Colonial Capitol of Virginia at Williamsburg is the scene of the "Prelude to Independence." The occasion commemorates the activities of Virginians which paved the way for the Declaration of Independence, July 4, 1776.

This year we were honored to be addressed by former Vice President Hubert H. Humphrey. I am pleased to include his remarks today in the Extensions of Remarks:

REMARKS BY THE HONORABLE HUBERT H. HUMPHREY

I am grateful for the invitation to join in celebrating the memory of the Great Virginians whose decisions made here almost two centuries ago led the way to American independence.

A celebration such as this has a direct bearing on our mental health as a nation. For in a very real sense, a nation like an individual, can be a victim of amnesia. If it loses the memory of its own past, it can be at a loss to know what it is in the present, and what it wants to be in the future.

Today, I want to dwell on the relationship between living Americans and a sense of the American past. I am convinced that this matter is of central importance to all other topics now at the focus of American attention.

Every generation looks at the world through the prism of its own experiences. My own generation was no exception.

We came to maturity at a time of great trouble in the world. All units of economic value had collapsed Totalitarian dictatorship and democratic appeasement destroyed the hope for peace.

All of us knew that something was profoundly wrong in many aspects of American life. Yet, with few exceptions, my generation did not feel hostile to the whole of the American past, we did not reject the entire web of legal and political institutions we inherited from other generations. Nor did we call for their overthrow in a thrust of violence and force.

Our thoughts and actions were governed by a political equation between the idea of progress and the idea of order, on the side of progress, we insisted that laws and institutions can no more resist the need for change than a grown man can wear the clothes which fit him as a boy.

We are convinced that if the need for change was denied while life moved on, the predictable result would be a violent explosion that could shatter existing institutions.

On the side of order, we insisted that if

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existing institutions were simply destroyed in the name of progress, the people would find their hope for liberty and progress destroyed in an unlimited war of all against all. There would be no standard of conduct to which all alike could appeal.

By striking a balance between the two sides of the equation, we came to a definition of our own task, namely: To cleanse and purify the body of existing laws and institutions and to retain what was best in them. That which was conserved became the foundation on which we could raise a bridge binding the American past to its unfolding future.

It would be an abuse of language to say that everything my generation hoped to do was done. Nor did everything that was done, gain the objects in view. At some points, there was a short fall between intentions and achievements.

What my generation achieved, however, was no small thing. We laid the basis for a tremendous advance in the material and intellectual conditions of American life, and for a world security system that has thus far spared us the carnage of a nuclear war.

How do things stand today?

Serious minded and vocal members of the rising generation of young people have framed a troubled indictment which demands our attention regardless of whether or not we agree with what it said. The indictment, stripped to its essentials, goes like this:

The whole order of American politics, inherited from the past, has lost its relevance in the face of rapid, accelerated and pervasive changes. These changes, differing in quantity and quality from any experiences in the past, have broken the link between public talk and the possibility of being heard, between urgent needs and the capacity of our established institutions to respond to them. In fact, the structure of the institutions, and the people who control the levers of effective power in them, makes it impossible to effect changes in society in an orderly and coherent way.

And the indictment continues:

Only a person who denies the evidence of his own senses can deny the shameful reality of two Americas in our midst—the one affluent and often indifferent, the other miserable and seething with frustration.

It is a reality made all the more offensive when placed alongside the fact that affluent America is in a position to enjoy the benefits of an economy, an educational system, and a communications network, all more highly developed in America than any other nation known in human history. Yet it chooses wilfully not to see or care very much about how the other America, the deprived America, lives.

And the indictment concludes:

There is a clinching proof that the structure of American politics inherited from the past has lost its relevance to present needs. It can be seen in the order of values which governs the mechanism of American politics when it comes to the allocation of national resources. It is a mechanism geared almost automatically to pour out limitless billions of dollars in support of armament systems beyond the limits of rational and justifiable needs.

Yet the same system strains at a gnat when asked to support programs designed to deal with dangerous conditions in our internal security—the crisis conditions in our cities, in our impoverished rural areas, the crisis conditions of inequality opportunity, the crisis conditions of hunger, unemployment, educational deprivations among the submerged one-fourth of our population, white and black alike.

It is a system geared to pour out untold billions of dollars in order to put two men on the moon, but is sullen and canker-hearted when asked to help put a dispirited man back on his feet right here on earth.

Most of the young people who have framed this anguished indictment stop with the indictment itself. They do not go on to say that existing institutions must be destroyed or overturned, or that the necessary changes of modernization should be entrusted to disorderly or even violent means.

They retain a residue of respect for the political and legal system inherited from the past.

But they demand repair and remedy—they seek above all to humanize our institutions—to broaden the base of participation and to open the avenues of opportunity. This young generation of responsible radicals is filled with anger and indignation over our failures to do what it knows can be done. Yes, impatient, angry, but not irresponsible—such are their characteristics.

They deserve our thanks, not our rebuke, to them we must listen and act. They remind us that freedom's work is never done—that the American revolution is a continuing one, unfinished and ever changing.

If we fail, the shape of our future is already visible to us in a miniature prototype. I refer to the activities and motivations of a still small group of young people—white and black alike—who have been pressing an "age-war" more virulent than any previously known in American history.

The members of this small group, whether in the colleges or the ghettos, despise the kind of social changes that are made in small steps. Change—for this new breed of rebels—must be total, beginning with an assault on all existing institutions and social relationships.

In one breath, the young rebels insist on absolute truth. "Tell it like it is." In a second breath, they are suspicious of any truth, saying that it is only a lie concocted in the interest of what they call "the establishment."

In one breath, they insist on the right for full participation in self-government. In a second breath, they say that the more a man is involved in the life of organized society, the more he is likely to be corrupted by it.

In one breath, they insist on a neat and rational order for society. In a second breath, they say that orderly thought and action imprison a man and corrupt the honesty of his responses. Orderly thought must therefore be displaced by a stress on spontaneity, by a direct response to immediate circumstances, by a purifying, discontinuous happening.

The young rebels of whom I speak are not troubled by the fact that they have no coherent program for action, or that their impulses—generous in some respects, dangerous and absurd in others—discharge themselves in almost any direction and in almost any form.

Since they view themselves as an elite—an embodiment of the total good—they feel morally armed with the right to make only their own voice heard and to gag all others.

They feel morally armed to prevent any other people from meeting, to invade any assembly or classroom, to break up any proceedings where people of divergent views seem to be engaged in a rational, groping search for a common understanding. They, the destroyers—the nihilists—to them and their tactics, we must not yield.

If there is any ground for comfort in all this, it is that we have been forced anew to consider the meaning of dissent and civil disobedience in American politics—or more particularly, the tradition of dissent and civil disobedience stemming in good part from the great Virginia dissenters whose work we honor today.

The great Virginians who labored here were not schoolboys. They were mature men, leaders in their respective communities, heads of substantial enterprises, with much to lose if they erred, they were not given to rash adventures, nor given to raising hell just for the hell of it.

Before they embarked on their great act of dissent and civil disobedience which led to a revolt and then a revolution, they carefully debated among themselves the most difficult of all political questions.

At what point does the need for "order" in the state and society take precedence over the need for "justice" in the state and society—or the other way around?

How much injustice is tolerable for the sake or order?

How shall the modes of protest be expressed? Against what objects? Decided by whom?

Who shall say if the avenues of legal relief for the redress of grievances exist in point of fact? Who shall say if these avenues exist only on paper, but not in the world of real things?

The great Virginians recognized that unless they asked and at least struggled with possible answers to these old questions, they could become useless to themselves and to the cause they intended to promote by their dissent.

They could become useless if they were to bring to their act of dissent the wrong kind of behavior, the wrong kind of strategy, the wrong sense of their own moral autonomy.

They could become useless, if the act of civil disobedience were permitted to degenerate into a breaking of all laws, good or bad, simply because they are laws.

They could become useless, even if their initial cause was just if by lack of moral and intellectual discipline they were to open the gate to indiscriminate dissent and to indiscriminate civil disobednience as a way of life.

Their act of civil disobedience was not a private act. It was not a conspiracy in a corner. It was a public act made in the open by a regularly constituted representative body of the community, a public act agreed to only after a full debate and an approving vote.

Instead of coupling their civil disobedience with a clamor for amnesty if they failed to carry their object, they made it clear that they were prepared to suffer the loss of their fortunes and even their lives if their revolt should fail.

They ventured to prove that they had resorted to civil disobedience only because they exhausted every available constitutional means for a redress of their grievances, or only because the constitutional means as they existed on paper were in fact inoperative in practice.

They made it abundantly clear that they were not protesting in the abstract, but that in breaking the law binding them to the British Empire, their object was to bring to birth the terms of a new policy under which they could live more happily.

They clearly distinguished, in the words of George Washington "between oppression and the necessary exercise of lawful authority . . ." and between the "spirit of liberty and that of licentiousness." That is why, once they had unanimously instructed the Virginia representatives at the Continental Congress to propose independence for the American colonies, they allowed no gap to develop in the legal structure of Virginia itself.

They promptly went to work on a new constitution for the independent state of Virginia—a constitution which by law, enlarged the market place for public freedom, enlarged the political space in which more Virginians than ever before would have the right of access to the public realm, to their share in public power, to participate in the conduct of public affairs with its discussions, deliberations and decisions.

In short, the whole object and achievement of the Great Virginia dissenters was to uphold the concept of law by establishing it on a broader basis of consent than had been

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possible when Virginia was held in tutelage by the English monarchy and parliament.

For all these reasons, the great Virginia dissenters led the way to a durable and positive achievement in independence—as against the trail of wreckage left in the wake of some of our present-day advocates of violence.

Does politics have any answer to give to the case of America's young rebels of today who seek to manipulate other people by coercive means—by gun-play, fire-bombs, intimidation, physical assaults, kidnappings?

I hesitate to say. If, as some medical men believe, the pattern of behavior has all the earmarks of paranoia, then politics may have to be guided by the psychiatric profession in dealing with the sickness.

It is my view, however, that politics can at least keep their numbers small instead of gaining them new recruits from among young people who still retain a residue of respect for the legal and political forms inherited from the past.

Before I come to the ways and means, let me note two sets of realities that are often overlooked and that lie at the heart of our present predicament.

First, there was the oversight of the comfortable people in the United States who on the one hand applauded the actions of Dr. Martin Luther King, Jr., which gave currency to the strategy of non-violence, but who on the other hand, turned away when it came time to remedy the injustices and discriminations which prompted Dr. King into the streets.

These comfortable people saw the non-violent strategy simply as an instrument for restraining restive Negro Americans.

This oversight was the father to other things that were overlooked. For example, the very success of the non-violent methods used in getting long-needed civil rights legislation on the statute books created the illusion that the battle for civil rights was over. In fact, it had only begun.

The laws, all indispensable in themselves, had only established the conditions for legal equality between the constitutional rights of whites and blacks alike.

They did not, of themselves, achieve a condition of equity measurable in terms of concrete rights—the right to a job of decent pay, the right to adequate income if one cannot work, the right to an education which spurs rather than hobbles human creativity, the right to decent housing in safe neighborhoods, the right to a decent diet, and the right to access to the benefits of modern medical science.

Those of us who battled year in and year out to reconstruct an edifice of legal equality between the two races were not under any illusion about what had been accomplished even when the year 1964 brought the legislative effort to the peak of success.

We knew this was only a down payment on the larger and more difficult task of translating legal language into improved material conditions in the day to day life of Americans who were black.

We also knew that if there was a default or failure of nerve with respect to this larger, more difficult task, two things would happen:

First, there would be a tendency on the part of people whose hopes for a better life had been aroused, to lose faith in the normal operations of the law as the best instrument for the promotion and distribution of justice.

Secondly, and in a related degree, if the non-violent tactic which had helped get necessary civil rights law on the statute books did not lead directly to tangible social improvements, the predictable result would be an escalation of social tensions and a loss of capacity to solve the problems of social justice by peaceful means within the framework of law.

If these two melancholy predications were to be proven false, it was also clear from where the primary remedial initiative must come. It must come primarily from the privileged segment of our society. The main beneficiary of all the good things our society has to bestow.

It could not be expected to come from the segment of the American population that had been denied for so long full participation in America's economic, social and political life.

Unfortunately, the privileged segment of our society did not provide that initiative in a measure commensurate to the need. Unlike the signers of the declaration of independence they did not pledge their lives, their fortunes, their sacred honor to secure these rights.

Everyone, of course, still talks about the urgent need for peace between the white and black races in America. But what kind of peace? On what terms? Achieved how? Where? By whom?

A peace which depends on walls and moats each race builds around itself, announces on its face that the spirit of war is in the air. A peace which comes after human rages have spent themselves in violence is of the kind covered by the cry of Isaiah: "In peace is my bitterest bitterness."

Peace has something to do with the habits of the heart in the encounters of daily life, and with perceptions that are a guide to actions which are beyond the reach of the law.

It has something to do with the truth that the white and black races in America are like two mountain climbers tied to the same rope. Their fate is indivisible. If they do not move in mutual support of each other, then as surely as the law of gravity exists, they will fall together into a deadly abyss where violence will be the rival of violence.

Above all, peace has something to do with justice, with equity, and with measures in the public realm that promote justice and equity in the private realm of daily experience.

The specific things that have to be done should no longer be a subject of mystery. They were clearly stated in the report of the Kerner Commission. They were restated again a year later—this year—in the study released by Urban America and the Urban Coalition.

Through these and similar sources, we have again been told—and it is true—that poverty remains a pervasive fact of American life, and that the continued disparity between this poverty and general affluence was and remains a source of alienation and discontent.

We have again been told—and it is true—that ghetto schools continue to fail, and the small amount of progress made in improving the quality of these schools has been counterbalanced by a growing atmosphere of hostility and conflict in many cities.

We have again been told—and it is true—that there are no programs that seriously attack the continued existence of the slums.

Each of these failures states the need for remedial measures. The question is not whether we have the power of mind required to devise the social inventions that can give effective form and force to the remedial measures. We have that inventive power. And, we have the means and the resources. The question is, do we have the will—the determination. Will we make the commitment?

That inventive power and that commitment will not be brought into full play unless all of us are keenly aware of the stakes at issue. They are the same stakes which confronted the great Virginians of the American Revolution after the American War had been won—to establish a government under a new constitution for a more perfect union.

As in their case, so now in our own, we are confronted with the need to prove anew that men can establish good government through reflection and choice, rather than entrust their future to the play of accident and force.

Here I come to the second reality that is often overlooked. It is that the traditional dividing line between domestic and foreign affairs has become in all our cardinal questions as indistinct as a line drawn through water.

What we do in the world arena has a direct bearing on what we can do at home. What we must do at home, has a direct bearing on what we can and must do in the world arena. And precisely on this account—we must be clear about our national priorities. The paramount priority requiring persevering patience and yet a sense of urgency, is the attainment of peace in Vietnam, and I know that the President is as interested in achieving peace, as was the former President, and I pledge myself to support the President in his quest for peace.

The growing debate focused on the anti-ballistic missile system is only symptomatic of the more fundamental decisions that must be reached over the size and nature of military spending.

Unless we are successful now in slowing down the nuclear arms building, it can be predicted without qualification that we will be caught up in a new spiraling arms race that will cost hundreds of billions of dollars, and be meaningless in securing either side any military advantage. The level of danger will be raised—the balance of terror more precarious.

It can be predicated, further, that as this military spending accelerates, our urgent domestic needs will be neglected and our efforts to mobilize the country in getting at the running sores in our internal life will fall woefully short of need.

We may then find ourselves in the peculiar position of a people devoured from within by bitter and embittering social conflicts, while our outer face is that of a superpower bristling with weapons systems, but all amounting to a hard shell encasing an empty center.

We must come to see that our security is threatened more immediately and more directly by the missiles of hate and bigotry and injustice and violence that are loose within our own borders, rather than the nuclear missiles of the Soviet Union that are checked by the policy of mutual deterrence. And we must set our priorities accordingly.

Surely high on the list of priorities is to promptly initiate discussions with the Soviet Union directed toward halting the expansion of both offensive and defensive nuclear weapons. Already precious time has been lost.

To complicate this urgent task by injecting issues of trade and political disputes of many years standing is both dangerous and unrealistic.

To wait for Congress to act on the issue of the ABM before initiating negotiations is neither necessary nor desirable. The time to negotiate is now.

If the negotiations are successful, then we will be spared the cost of the weapons. If the negotiations should fail, we will know, at least, that we tried to save mankind from an experience of dangerous escalation in armament. The world looks to us for moral leadership. We dare not default.

Let me speak candidly: In this time of rapidly rising tension and festering alienation, to delay in coming to grips with the issue of arms control and our social and economic problems is to only intensify the danger. It is like trying to cap a volcano only to find that in the end it explodes with even greater force and destructive power.

We paid dearly in the 1960's for our failure in the 1950's to come to grips with the problems of race, urban decay, education, and poverty.

The price will be higher and the level of danger will be greater if, in the next two to four years, we fail again to set our national priorities wisely and make the national investments that the American society so desperately needs.

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This cannot be a time of relaxation, of taking it easy, of again turning our faces from the unmet human needs around us.

Yes, now, as in the time of this Nation's birth, we must resort to the terribly difficult ways of civilized and rational men—fearlessly striking down that which hobbles our national growth but always with a decent respect for the opinions of others, always with a firm grasp on democratic principles and liberties, and always with an unclouded view of where we are ultimately headed. This is the spirit of the American Revolution.

I recall the words of Adlai Stevenson—"Democracy is not self executing. We have to make it work, we have to understand it . . . not only external vigilance but unending self-examination must be the perennial price of liberty, because the work of self government never ceases."

With a sense of urgency and destiny as if creating a new nation, we must ventilate the clogged stale channels of political participation and social opportunity. The refreshing winds of change must be directed to constructive purposes through debate and dissent—through dialogue and discussion—until decision and direction are achieved.

This is the meaning of government by the consent of the governed—the social contract of equals. To do less would be disrespectful of our heritage and unworthy or our priceless legacy of freedom and independence.

ABM DESERVES "YES" VOTE

HON. GLENARD P. LIPSCOMB

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. LIPSCOMB. Mr. Speaker, a great newspaper, the Los Angeles Times, editorially endorsed the "Safeguard" ABM system on June 1.

The Sunday editorial on the ABM issue stated:

> The Times, after careful weighing of the arguments on both sides, urges Congress to vote "yes."

It further states—

> This recommendation is based on the conviction that such action offers the best hope of preserving the credibility of our strategic deterrent without jeopardizing prospects for an arms limitation agreement with Moscow.

For review by my colleagues, the Los Angeles Times editorial is inserted in the RECORD under leave to extend my remarks:

[From the Los Angeles Times, June 1, 1969]

ABM DESERVES "YES" VOTE

(ISSUE.—President Nixon's ABM proposal has been debated for weeks. Has anyone come up with a workable alternative?)

For weeks a national debate has raged over whether Congress should vote "yes" or "no" on President Nixon's proposal to go ahead with the prototype phase of the so-called "Safeguard" system of antiballistic missile defense.

The Times, after careful weighing of the arguments on both sides, urges Congress to vote "yes."

This recommendation is based on the conviction that such action offers the best hope of preserving the credibility of our strategic deterrent without jeopardizing prospects for an arms limitation agreement with Moscow.

Although the fact has tended to get lost in the confusion and acrimony of debate, Mr. Nixon is in full agreement with the ABM critics on the fundamental importance of a Soviet-American accord on arms limitation.

Such an agreement, negotiations for which are expected to begin in July or August, would enable us to channel more money into education, housing, urban transportation, job training, etc., without any impairment of our national security.

If past experience means anything, however, the talks are likely to drag on for years. Meanwhile, we cannot rationally ignore the potential peril represented by the continuing Soviet buildup in offensive missiles and missile-firing submarines.

The great attraction of the Administration's Safeguard proposal is that it offers the President a relatively inexpensive means of keeping his options open in a period when nobody knows whether the Russians will opt for arms control or an intimidating nuclear capability.

No one, least of all President Nixon, questions that as of now we could absorb a surprise Soviet missile attack and still have enough missiles and bombers left to destroy the Soviet Union in retaliation.

But, as the President has observed, the Russians may be "substantially ahead of us in overall nuclear capability" by 1972 or 1973—if we stabilize our forces at present levels while they continue building ICBMs and Polaris-type submarines at the recent rate.

At best, U.S. acceptance of an inferior power position would leave the world vulnerable to nuclear blackmail on the part of the Soviets.

At worst, it could tempt the Soviet Union into believing that it could make a surprise nuclear attack on the United States without suffering devastation in return. Obviously, the problem is to keep them convinced otherwise—but by means which will not endanger an arms control agreement.

President Nixon's answer is Safeguard—a limited ABM system which admittedly could not protect U.S. cities from a Soviet saturation attack, but which is designed to insure the survivability of enough Minuteman ICBMs to deter the Russians from making the gamble.

Safeguard's total cost is estimated at $8 billion, including warheads, if it proves necessary to build the whole system. But President Nixon has made it amply clear that he hopes it will not be necessary.

In essence, the President is asking congressional approval to go forward on two prototype installations for completion by 1973. Cost of the prototypes is estimated at $2.1 billion—or an average of $400 million annually for five years, which is just about one-half of 1% of our total defense budget.

Whether the rest of the system ever would be built depends upon the progress of arms control talks. Construction even of the prototypes could be halted anytime a workable system of arms limitation is agreed upon.

A number of prominent scientists have expressed skepticism that Safeguard will actually work. But equally prominent scientists are convinced that it will.

The Russians are unlikely to gamble on who is right, As one eminent scientist put it, "They will be deterred by the very fact that it might work"—and deterrence, after all, is the name of the game.

Another charge by the critics is that Safeguard will endanger the arms control talks. But the Kremlin, which already has an ABM of sorts around Moscow, has given no such indication.

Several alternatives to Safeguard have been proposed, but none appear to offer the same combination of protection for our deterrent and consistency with the goal of arms control.

We could, for example, step up deployment of offensive missiles to offset the Russian buildup, but this might indeed look provocative to the Kremlin and impair chances of ending the arms race.

Another alternative, previously favored by The Times, would be to hold off on approval of Safeguard pending a reading on the progress of the arms control talks.

But the negotiations may go on a long time. And the Administration argues persuasively that if Safeguard does not go forward now, costs would go up and it could not be built in time for the potential period of peril beginning in 1973.

In the absence of a "compromise" that will satisfy this objection, Congress should vote "yes" on Safeguard.

IDAHO BUSINESSWOMAN FOILS CRIME

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. McCLURE. Mr. Speaker, the Idaho Federation of Business and Professional Women's Clubs brought to my attention some time ago the heroic act of one of their members, Mrs. Langdon, of Twin Falls, Idaho. This week, that organization will honor their former State president for the brave action which probably prevented serious harm to a small child.

I include in the CONGRESSIONAL RECORD at this point, a copy of the article which describes the incident. I am sure you will all be heartened to learn that there still are those fine American citizens who are willing to become involved in the events surrounding them.

The article referred to follows:

BUSINESS AND PROFESSIONAL WOMAN ACTIVELY ENGAGED IN CRIME PREVENTION

Under a heading "Twin Falls Citizens Praised for Getting Involved" in the Times News of Twin Falls, Monday, August 5, 1968, is the following news item:

"Action by a Twin Falls businesswoman and several other concerned citizens drew praise Monday from Twin Falls Police Judge Harry Turner.

"Judge Turner said that in the present day, when everyone is more concerned with not getting involved than helping a fellow man, it is encouraging to find citizens who will get involved in the interest of justice.

"A Twin Falls city police report Monday showed that Mrs. Marion Langdon probably prevented a serious crime Sunday when she bothered to go to the assistance of a crying child.

"Mrs. Langdon witnessed a man take the youngest, a little girl, and lead her toward a house. They first entered the house, then immediately left going to a shed at the back of the property. At this point the little girl began crying.

"When Mrs. Langdon when to the child's assistance and questioned the man as to whether or not he was the child's father, he ran. She called to a passing automobile and others in the area to follow the man while she called the police department.

"Officers reported the man was in custody of four other interested citizens when they arrived.

"The suspect was in custody Monday charged with disorderly conduct and being drunk in a public place.

"Others who assisted Mrs. Langdon were identified on the police report as Jim and Rick Lockhard, Kimberly; Jim Ledbetter, 436 Jefferson Street and Charles McNiel, a serviceman home on leave from the U.S. Navy.

"The three children told officers a man gave the older youngsters money to go to the store and gave the little girl two quarters to go with him."

(NOTE.—Mrs. Langdon, who owns and operates a business in Twin Falls, is a past state president of the Idaho Federation of Business and Professional Women, and is a member of the Mountain Home BPW club. She is certainly living according to our Collect, and is "out in front" in preventing crime. Congratulations, Marion). (Marion also was selected Idaho Mother of the Year several years ago.)

A PEOPLE TO PEOPLE IDEA—A PARTNERS PLANE FOR PEACE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. FASCELL. Mr. Speaker, 3 weeks ago today, 351 delegates from 17 nations of the hemisphere rose to their feet and cheered the approval of a resolution which asked President Nixon to make available one aircraft to serve the cause of peace and understanding in the hemisphere.

These Partners of the Alliance delegates were from 37 States and from 38 areas of Latin America. They were meeting in Salt Lake City in search of new ways to carry the Alliance for Progress to the people through self-involvement.

In 1968, citizens in the Partners of the Alliance in the United States sent more than 660 tons of agricultural, educational, and hospital equipment to their Partners in Latin America. All packing and shipping arrangements were made by those private citizens, but the tragedy, Mr. Speaker, is that countless tons of additional equipment and large numbers of technical assistance volunteers could have been added to the development resources had transportation been available.

It is my understanding that the Partners have not been able to accept many contributions of excellent equipment because their warehouses already are bulging with an estimated 800 tons of equipment that despite their best efforts they are unable to transport.

In 1968, 350 volunteer technicians were involved in Partners development projects with transportation assistance from AID. During that same period, however, 1,250 additional volunteers from the United States and 560 program volunteers from Latin American nations traveled on Partners project missions under private funding. Though this is an outstanding record of private response to the challenge of the Alliance for Progress, it is again a tragedy that countless other professional and technical volunteers who were ready to give of their time and talents were unable to do so because of a lack of transportation assistance.

While the ship *Hope* plows the seas in its great humanitarian undertaking to teach and to heal, the time has arrived for another bold effort—a Partners' Plane for Peace—which can bring the citizens of the hemisphere together in an even closer working relationship.

Mr. Speaker, the resolution adopted at the Fourth Inter-American Conference of the Partners of the Alliance pointed to the thousands of aircraft assigned to military and defense purposes throughout the world. The resolution petitioned the President to assign one plane to serve the cause of peace and understanding in the hemisphere. I join with the citizens of the 75 Partners committees throughout the hemisphere in asking that a Partners Plane for Peace be made available to match people and equipment with needs and opportunities.

CHAUTAUQUA INSTITUTION

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. HASTINGS. Mr. Speaker, I am pleased to call attention of the House to an article in the Washington Post concerning one of the most notable centers in the world for education, entertainment, culture, and recreation.

The article deals with Chautauqua Institution, an expansive, tree-shaded summer colony on the shores of Lake Chautauqua in southwestern New York State. There is not anything like it in the Nation today which typifies more the essence of America.

Under the leadership of its president, Dr. Curtis W. Haug, Chautauqua Institution today is a worldwide showcase for all that is superlative in the arts, music, and literature as well as serving as a forum for figures of national and international prominence in all fields of endeavor.

Presidents have made some of their most important pronouncements from the platform of the amphitheater. President Franklin Roosevelt made his famous "I hate war" speech there and Theodore Roosevelt called it the "most American spot in America" and truly it is.

The above-mentioned article follows:

CHAUTAUQUA

(By Matillda D. Mascioli)

"It's an institution," claims its president. "It's a crazy house!" counters a wag. "It's where you find your thing," adds a teenager.

It's all of this and more. For snuggled on the shores of a lake in the southwestern corner of New York State is a spot for a family vacation. It's Chautauqua—the place Teddy Roosevelt called the "most American spot in America."

Though Chautauqua was founded in 1874 by the Rev. John Heyl Vincent, a religious editor, as a retreat for Methodist Sunday school teachers, today it is a bubbling, booming cultural mecca. No less than the beat of Count Basie thumps out over the waters of Lake Chautauqua.

"Don't confuse us with those traveling tent shows, orators and revivals you've heard about," bristled an old-timer in a rocking chair on the veranda of the Athenaem Hotel as she watched the day's arrivals and departures. "They took our name but had no ties with us. Those circuses folded up in the '20s and we're still here!"

At Chautauqua you can write—or read—a poem or a novel; play the violin, oboe, flute, or horn; take ballet lessons, birdwatch, weave, paint; see a movie, opera or play; attend concerts or lectures on world crises; get expert tips on the stock market. You can even learn to tune a piano. Or you can just loll by the lake, swim, cruise, water ski, go fishing, hike in the woods and play shuffleboard.

You name it; Chautauqua has it. Everyone is encouraged to be himself, improve himself, and to have fun doing it.

Last year over 50,000 persons spent at least a day or all of an eight-week season pusuing the program of fun and fact-finding that the Chautauqua institution offers every July and August. The town swarmed with people of all ages, from babies in perambulators to senior citizens with canes. A large proportion were young people.

A gatehouse and a high fence around the grounds mark Chautauqua on New York State Highway 17J, 16 miles north of Jamestown. Entrance is by paid admission. Daily, weekly, or season tickets range from $1 for a 12-hour weekday stay to $60 for the entire eight-week season. The gate fee entitles admission to practically all events except operas, plays, classroom courses and a few special programs.

A gateway parking lot takes care of your car for the duration of your stay. Cars are permitted on the grounds only for deliveries and unloading or loading of baggage. "In Chautauqua you walk," commented our rocking-chair informant. "Even people with chauffeurs have to walk for we've left many of our fine old trees standing right in the middle of the streets."

Rooms and apartments are also available in private homes and church houses. Pleasant eating places are everywhere, all with extremely modest prices. A note to the Publicity Department, Chautauqua Institution Chautauqua, New York 14722, will bring you a packet of pamphlets.

The biggest bargain is the ten-cent, round-trip scenic bus ride of the 700-acre enclave. The route starts and ends at Bestor Plaza, the town's hub. Radiating off Bestor Plaza are quiet, narrow streets shaded by enormous trees. Small, square houses with verandas, curlicued cornices and handkerchief lawns line both sides. Round globes, nostalgic of a past era, light Whyte street, the main intersection.

As the bus jogs along you become aware of bird warbles mingling with violin arpeggios, piano cadences and flute tones—the "cacophony of Chautauqua." What appears to be a scattering of shacks in the woods turns out to be "Piano Village," a series of studios for piano practice. George Gershwin wrote his "Concerto in F" in one of them.

An eight-sided white building stands at one intersection. Over the door a sign reads "The Octagon Poets." There recognized and fledgling poets meet to read, discuss and write poetry. On the lakefront is the ballet studio. Around the bend are the Boys' and Girls' Clubs.

At the other end of town is the Recreation and Education Center. Classes start with 3-year-old toddlers who learn to use toys, books, playground slides, seesaws and sand piles. For high school youngsters there are courses in English, history, mathematics, the sciences and typewriting. For college students and adults the program offers not only usual studies with particular emphasis on the arts, but also such topics as fund-raising techniques, study of the Chinese language, and—as a sign of the times—a seminar on narcotics education.

Everyone is bound sooner or later to meet in the amphitheater, a 7000-seat open-sided structure where lectures, religious services, movies and jam sessions take place.

But the temptation to relax lures many away from all this intellectual stimulation. A cruise on the "Gadfly," which tours the lake, shouldn't be missed. The lake is famous for muskie, which the New York State Conservation Department breeds in hatcheries just above Chautauqua. Water skiing, canoeing and sailing regattas are all part of the program.

ROMULUS TOWNSHIP BEGINS HOME CONSTRUCTION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call the attention of my colleagues to a successful program now underway in the township of Romulus, in my congressional district, to provide low-rent housing for families who will be relocated because of an urban renewal project.

Utilizing the Department of Housing and Urban Development's turnkey program, Romulus Township has begun construction of 101 homes on scattered sites in the community. This project is an excellent example of how local communities are making effective use of the many and varied programs that have been authorized and funded by Congress.

Romulus Township officials made their first application for this program in September 1966. Working closely with my office and with the Department of Housing and Urban Development, they obtained $15,000 in planning funds early in 1967.

On January 10 of this year, the Department approved a $1,906,334 loan to enable the community to proceed with its plans. The homes will include 52 duplexes and 49 single-family units. They will be built by the Urban American Land Development Company, and then purchased by the township's Housing Commission for rental. Annual contributions by the Federal Government will enable the Commission to keep the rents within the means of low-income families.

The Housing Commission will sell long term bonds to repay the HUD loan, and then retire the bonds with the rental income.

I am very proud of the farsighted community planning on the part of Romulus officials which has made this program possible. I am also proud to be serving in a Congress which has enabled local communities to solve their problems through cooperation with Federal agencies.

Romulus Township is a community of nearly 20,000 persons, with an area of 36 square miles, making it one of the largest municipalities in my district. The township has already made some moves toward becoming a city, and all recent estimates show Romulus to be on the verge of a great population boom.

The low-rent housing program was conceived and brought into being by a dedicated group of officials, which includes Roderick Smith, supervisor; Alfred J. Perry, clerk; Joseph Wallis, treasurer; and Trustees Ellis Pennington, Jimmie C. Raspberry, and James Stewart.

Others who have served as township officials during the past 3 years include Edmund Bizek, supervisor, and Norbert Wegienka, trustee.

Current members of the township's Housing Commission are Eugene Wilson, president, and John Guerst, Felix Rogalle, Ernie Davis, Sadie Ward and Donald Harris. Former members are Vira Petraska, Bernard J. McGrane, Alfrida Melvin and David Layne.

To this outstanding group of public servants, I offer my sincere congratulations for an excellent example of how enlightened cooperation between Federal and local agencies can help progressive communities plan for the future, and put Federal tax dollars to work on local projects to benefit local residents.

WHAT EISENHOWER REALLY SAID

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. BOB WILSON. Mr. Speaker, in recent months, reams of paper have been devoted to speculation and comment on former President Eisenhower's parting words regarding the military-industrial complex. A great deal of distortion has crept into the original meaning of his words. The following editorial from Navy magazine put the General's words regarding defense industries and the necessity of maintaining a strong defense posture into a more balanced perspective and I include this editorial in the RECORD:

WHAT EISENHOWER REALLY SAID

When the tough old soldier finally succumbed at 79 after an unprecedented number of heart attacks and other illnesses, the nation lost one of the greatest and certainly the best loved leaders of our age. We still leave to history a detailed appraisal of Dwight D. Eisenhower's record as Allied Commander in Europe in World War II and as President of the United States. He had his critics during both periods, particularly as President. But if he failed to do some things some people feel he should have done, Ike unquestionably was victorious in war and successful in keeping the United States prosperous, strong and at peace during his years in the White House.

His breadth of view was well known. He coined the term "parochial" for those military leaders and others who judge things only by partisan or preconceived concepts. Although a West Pointer, General Eisenhower immediately saw the tremendous advantages of the Polaris submarine and a nuclear power surface Navy and pushed such developments more than any other President. He backed aircraft carriers and strategic air and missile power, often to the dismay of the Army. We say no more about the late former Commander-in-Chief for two reasons. NAVY published a full length article about him in March. And we feel the urgent need to comment on a current movement which uses another term he coined.

We refer to the powerful current of anti-militarism that is sweeping the country which blames "the military-industrial complex" for most of our current ills. In his farewell address as President, Ike warned against the *potential* danger of large armed forces and a huge arms industry gaining "unwarranted influence" in our nation, while at the same time stressing that both were "vital" to our survival.

The phrase, quoted completely out of context, has become the catch-word, the spearhead of an attack against anything concerned with maintaining an adequate U.S. national defense and almost everything America has stood for. Not only the militant radicals, but respected liberal Senators, editors, columnists, commentators, scientists and professors have used the phrase as "proof" that not only should defense spending be drastically cut to add billions immediately to solve the real problems of poverty and the cities, but also in support of anything they personally oppose concerning the military. They lose sight of the totally important factors of military strength needed to preserve the Republic.

These sophisticated leaders of American thought—who are quick to accuse others of the crime of lifting statements out of context—use the bare phrase or a sentence or two of Eisenhower's comment in a way that undoubtedly would distress him if he were here. The alleged "military-industrial complex" is cited constantly as a reason to vote down the ABM, new warships, planes, and other proposed weapons systems. The term appears in every argument for abandoning the ROTC, military research at universities, barring military or defense industry recruiters from campuses, ending the draft and in favor of any number of unilateral disarmament proposals, pulling out of Viet Nam without honor and turning the other cheek at whatever North Viet Nam does to us.

Eisenhower's oft-quoted warning about the dangers of a combination of large armed forces and a big defense industry did indeed warn of the "potential for the disastrous rise of misplaced power" which could endanger American liberties and democratic processes.

But this was only a small part of what he said in a speech primarily concerned with his great desire to maintain peace. He warned against the danger of global Communism, and then said:

"A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

He noted that the U.S. military organization and American industry had greatly changed since pre-World War II days, when we had no armaments industry and when "American makers of plowshares could, with time and as required, make swords as well."

"But now," he added, "we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions" and a 3.5 million man military establishment. His warning against the "potential" of a "military-industrial complex" gaining "unwarranted influence" and endangering "our liberties or democratic processes" followed.

What Life magazine called the current "highly emotional general attack on the U.S. military establishment" has stimulated new Congressional investigations into Pentagon "waste" and charges that the "military" has dominated U.S. foreign policy, overcommitting the nation around the world. There has indeed been "waste" in that a number of weapons systems have been cancelled either because they failed to measure up to standards, were outmoded before they were ready, or were late and costs ran up and performance improvement proved marginal. But war is waste, and this is the nature of the game. Pentagon decision-makers must agonize between chancing mistakes on risky new weapons with great promise or catastrophe if they wait until the other side achieves some technological breakthrough that would leave the United States open to attack. Russia has been building a new prototype fighter plane almost every year and scrapping it in favor of a new model. All nations always have done the same thing with the same results and the same charges of "waste." Some of it could have been avoided, and top military officers must bear a share of the blame.

But it is important to note that civilian leaders, not only in the Pentagon but also in the White House and State Department, for the past eight years, have made the major decisions on weapons systems and strategy—not the uniformed leaders who now are getting the most criticism. They did not make the decisions on major strategy in the Viet Nam War, on the Bay of Pigs, in the Cuban Crisis, or in leaving the Northwestern Pacific so unguarded as to make the *Pueblo* and EC–121 incidents possible.

Military officers, unhappy at being the targets of recent attacks, resent even more the fact that General David M. Shoup, retired Commandant of the Marine Corps, and long a military maverick, joined the assailers with a vitriolic attack on the officers corps as the leaders of the "military-industry complex" in an article in Atlantic magazine. He accused many of them, in effect, of being "war lovers." Another retired Marine officer, Colonel Robert Heinl, now military analyst of the Detroit News, accuses Shoup of "going sour" on his profession and country because of frustrated "political ambitions" and a "desire for publicity."

The origins of the present attack on the military are clear. General Earle G. Wheeler, chairman of the Joint Chiefs of Staff, blames it on "frustration" against the Viet Nam War, which "has gone on so long," with no clearcut outcome, along with a rejection by many Americans of our involvement in "other nations' security affairs" in unpopular wars like Korea and Viet Nam, as well as the huge cost of new weapons.

There is no question but that U.S. military policy and force levels are in for a thorough reexamination. But this can have its good side. In reviewing overseas commitments including the maintenance of many divisions and air units in Europe, which Mr. Eisenhower criticized, Congress can take a good look at alternate and more economical strategies, such as the seabased one. But, looking back on history, we are concerned lest the new wave of antimilitarism gets out of hand. We recall the fervent belief in the '20s of the Kellogg Treaty solemnly outlawing war. And how Senator Gerald Nye, and his Subcommittee Counsel, Alger Hiss, almost convinced the American people, in a highly publicized Congressional investigation, that the "merchants of death" (munitions makers) were largely responsible for wars, causing many Americans to ignore Hitler and other aggressors. Somehow, the current attack on the "military-industrial complex" smacks of the Nye-Hiss "merchants of death" campaign of the '30s which almost left America unguarded when World War II came.

FARM GRAB

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. MOLLOHAN. Mr. Speaker, last week this body imposed a limitation of $20,000 on the Federal aid to any one farm. Since then, there have been a number of editorials from newspapers in my home district in West Virginia, and not one of them has opposed that restriction.

Representative of the feelings of these newspapers in the State of West Virginia, the Intelligencer of Wheeling. This newspaper has long served West Virginians by being a watchdog of Government spending and Government programs. The following editorial is another effort to save money for the taxpayer by that newspaper:

[From the Intelligencer, May 31, 1969]

FARM GRAB: CORPORATE WINDFALLS ONLY CASUALTIES OF CEILING ON BENEFITS

The $20,000 farm aid limit voted by the House of Representatives strikes this newspaper as the soundest piece of agricultural legislation advanced in a long time.

Yet the proposal already is under fire, and from no less a person than the new Secretary of Agriculture, who has expressed the hope that "The Senators will reverse this action."

Mr. Hardin's reasons, as reported in Washington press dispatches, seem a bit obscure. He is not, he told reporters at a press conference called to explain his viewpoint, judging the "morality or ethics" of big benefit payments to large corporate farmers. But he doesn't feel that this is the appropriate vehicle for dealing with the subject. The House tacked on the $20,000 ceiling as an amendment to the agricultural appropriation bill. Hardin says the time to consider the subject of benefit limits is when Congress takes up revision of general farm programs next year.

The time to slap on a limit, if it is to be done at all, is now when the business at hand is the appropriation of money. If, as the Secretary of Agriculture seems to feel, there is danger in the limitation of reactivating an old cotton program under which big growers would continue to get unlimited support, Congress assuredly can take care of that in separate legislation. By next year the political situation may be unfavorable.

The bilg stated purpose of agricultural aid as it has evolved during the past quarter of a century or so was rescue of the family farmer. It hasn't worked out that way. Farm families by the millions have been deserting the land, more and more of their acreage falling into the hands of big operators who took advantage of the federal subsidy to expand their holdings.

It was inevitable, perhaps, even desirable, that agriculture, especially where big crops like grain and cotton are concerned, would become big business in the mass production sense. But there is no more economic reason or social justice in subsidizing a big mechanized farm than in helping a steel mill or a coal mine.

The House has taken a first step in a good direction by putting a ceiling on the amount any individual operation can collect. Unlike Mr. Hardin, this newspaper hopes the Senate supports rather than reverses the House action.

A BLUEPRINT FOR PEACE IN VIETNAM

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, today President Nixon departs for Midway Island for a round of talks with President Thieu of South Vietnam. From these meetings could come new and innovative alternatives toward ending the war in Vietnam, and securing a viable and lasting peace throughout Southeast Asia.

Yesterday, I was privileged to communicate to the President some of the views of us in the Congress and throughout the Nation share regarding our overinvolvement in Vietnam and the search for peace there that we all so diligently hope and pray will soon come to pass.

Today, I should like to share with my colleagues some of the thoughts and recommendations I have conveyed to the President on the eve of his departure for Midway.

One of the real agonies of Vietnam, which explains in part, not only our involvement in the war but much of the dissention, confusion, and misunderstanding that prevails over this question, has been the failure of the past to explain to the American people the historical background that led up to the deployment of U.S. fighting men in the Vietnam conflict.

The plain truth is, that the people in this country have never been told the full story or the complete truth about the virtual collapse of the Southeast Asia Treaty Organization—SEATO—and its inability or refusal to respond and provide security for free people when aggression first "raised its head" in South Vietnam. Regrettably, SEATO, the regional security organization, established under the U.N. Charter for the purpose of defending free people and free nations against aggression has flatly failed to effectively respond or "handle" the threat to these countries' internal security.

Another failure, with regard to informing the American people, has been to neglect "telling it like it is"—that this conflict in Vietnam is a "new kind of war" commonly known as "guerrilla warfare"—completely unlike the conventional wars of the past. In a conflict wherein unconventional strategy and tactics are employed by the enemy, many people are still trying to evaluate and make judgments on the conduct of the war using conventional terms.

Back in August of 1968, Candidate Nixon had this to say before the platform committee in Miami:

> The (Johnson) Administration has either not recognized that this is a new and more complex kind of war, or has not seen its significance. The result is that the old style, conventional military aspects have been overemphasized, and its other dimensions—psychological, political, economic, even diplomatic—have gotten too little attention. . . . We need far greater and more urgent attention to training the South Vietnamese themselves, and equipping them with the best of modern weapons. As they are phased-in, American troops can and should be phased-out. This phasing-out will save American lives and cut American costs. Further, it is essential if South Vietnam is to develop both the military strength and the strength of spirit to survive now and in the future. It is a cruel irony that the American effort to safeguard the independence of South Vietnam has produced an ever-increasing dependency in our ally. *If South Vietnam's future is to be secure, this process must now be reversed.*

This is precisely why I have, since 1965, advanced the so-called phase-in/phase-out concept through the creation of a free Asian security force which would, on a carefully conceived, realistic, and methodical timetable, phase-in motivated, trained, and properly equipped South Vietnamese and other Southeast Asian manpower as U.S. troops are phased out or phased back to the initially acceptable advisory and supporting role previously agreed upon as the U.S. commitment to those SEATO countries threatened with Communist subversion or aggression.

Such a security organization, in my

judgment, is the only way in which free nations in Asia will be able to fill the security vacuum that was created around the free nations of Asia following the withdrawal of the French security forces from that part of the world and the subsequent reluctance on the part of SEATO to fulfill its defense obligation to the participating nations.

That the United States had to respond at all to the conflict in Vietnam is totally unrealistic when you stop to think of the 1 billion people in Southeast Asia who are perfectly capable of defending themselves.

This is why I firmly believe and strongly recommend that, if we are to prevent future Vietnams, SEATO must either be updated and revitalized—or replaced by a mutual and more viable security organization in Southeast Asia that would require a pro rata sharing of the manpower needed from each participating nation to provide the security that is now totally lacking in the Pacific Basin communities.

Since January of this year, a concerted effort has been underway to provide the training and modern equipment needed by South Vietnam's armed forces to permit them to assume their rightful burden and increased responsibilities for the actual conduct of the war until such time as a reasonable and honorable settlement of the conflict can be negotiated in Paris.

Thus, as I see it, the "phasing-in" stage is, in fact, well underway and this is the direction we must take.

In an editorial appearing in the Hearst newspaper in March 1968, Editor in Chief William Randolph Hearst, Jr., had this to say:

> Now here is the crux of my thinking. The U.S. has some 500,000 men over there fighting their war. This is about one man for every 400 of our total population. If the Asian countries only equalled this effort—and they should do more with the enemy at their borders—they could, and should, field an army of around a million. Besides this great numerical advantage, it would have a tremendous psychological effect. Right now, Ho Chi Minh has the advantage of being able to say he is fighting what he calls white imperialists. With a million or more Asians facing him on the battlefield, the picture would be put in proper perspective, to say the least.

Mr. Hearst and I have consistently agreed on this approach. Unbeknown to each other, Bill Hearst and I were publicly expressing similar points of disagreement and disenchantment with the conduct of the Vietnam war. He wrote an editorial, "Plugging the Dike in Vietnam," while I developed a "blueprint for peace"—the "phase-in, phase-out" concept through the creation of a free Asian security force."

Our suggestions were similar then, and if you read President Nixon's platform statement of 1968, you will note the same ring of similarity in his announced objectives and recommendations for a satisfactory solution to the Vietnam problem. I am pleased to see him following through on his previous position.

I am also pleased to see President Thieu traveling to and communicating with other Southeast Asian leaders. This is absolutely essential if we are ever going to develop the firmed-up SEATO or free Asian security organization required to help solve the Vietnam problem and prevent further Communist encroachment and/or subversion of the other free Asian countries of South Korea, Taiwan, the Philippines, Indonesia, Singapore, Malaysia, Thailand, Laos, Burma, Cambodia, Australia, and New Zealand.

We, in the States, have 200 million people. There are 1 billion people in Southeast Asia. Is it not fair to expect that the prime source of manpower required for the "antiguerrilla" and "counterinsurgency" ground forces come from these countries that have the primary threat to their security?

I say absolutely, and it is this message I have asked President Nixon to convey to President Thieu and all the free Asian leaders:

As I said in the Congressional Record of March 18, 1968:

> My own judgment is that such a program is feasible—that the manpower is available, that the idea is practical, logical, and fair, and that the free Asian nations can be convinced of this diplomatically . . . It suggests a broad but positive and orderly plan for reducing U.S. involvement in Vietnam without any sacrifice to our basic security requirements. Further, it would place the conduct of the war in the hands of the Asians themselves, who must now take a new look at the ground rules.
>
> With security as the key, I can forsee the Free Asian Security Force providing the type of security that SEATO and the U.N. were expected to provide.
>
> Eventually, however, there must emerge the kind of regional cooperation among the nations of the Pacific Basin that will promote economic growth through a type of Asian-Pacific Common Market. How can this be accomplished? Here we can export our free enterprise system in the same way we helped Japan recover from the ashes of World War II to become the strongest economic power in the Far East in less than 15 years.

As President Nixon has said:

> Vietnam does not exist in isolation. Around the world, we should mobilize our diplomatic forces for peace . . . We need such an effort not only to speed an end to the war in Vietnam, but also to lay the groundwork for the organization of a lasting and larger peace. Certainly one of the lessons from the agony of Vietnam is that we need a new diplomacy to prevent future Vietnams.

The potential for future Vietnams is all around us—in Laos, Thailand, Burma, South Korea, the Mideast, Eastern Europe, in Africa, and South and Central America.

If we are, in fact, going to avoid future entanglements such as Vietnam, then, certainly, a "new diplomacy" must now be forged out of the jungles and the graveyards of Vietnam. A diplomacy, I submit, that places far greater emphasis on political, diplomatic, and economic initiatives—rather than on military crusades. As there is, as President Nixon has said, no military solution to the conflict in Vietnam, neither is there a military solution to present or future foreign problems.

The world has grown weary of war and in our quest for peace, we have become embroiled in such national controversy as whether or not Saigon should have a so-called "coalition government." In the first place, President Nixon has not suggested or proposed a U.S.-imposed "coalition government" on the people of South Vietnam. Instead, he talked of "free and open elections" by all the people of Vietnam and their right "to self-determination." Quite frankly, this is not a proper or fitting matter for the United States to determine and I believe the President has made this absolutely clear.

In this regard, I believe we should stop kidding ourselves. In Communist terminology, "coalition government" is a tool whereby the Communists are handed a tool for the complete domination and imposition of their will on the people concerned. We have seen this pattern develop not only in Eastern Europe after World War II, but more recently in Laos where the Communists are "using" Laos as part of the Ho Chi Minh Trail to ferret men and supplies to South Vietnam.

The key point I want to make is this:

Can you imagine the impact a strong free Asian security organization would have on the negotiators from Hanoi, the Soviet Union and Red China—North Vietnam's principle military equipment suppliers?

As Mr. Hearst stated:

> If the Asian countries equalled our effort, they could field an army of a million men.

If Hanoi and the Communist negotiators in Paris fully realized that they would have to face the manpower supplied from 1 billion Asians backed by our military and technical training programs, I think they would change their attitude and their "tune" at the negotiating table in Paris.

Simultaneous to this, however, we must demonstrate by deeds, not just words, our strong desire and intention to cooperate economically and diplomatically to help accelerate free nation building in their part of the world, with all of the associated benefits—the most important of which is a vastly improved standard of living.

OCEAN RESOURCES AND MARINE BIOMEDICINE

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. PETTIS. Mr. Speaker, Dr. Bruce W. Halstead, director of the International Biotoxicological Center of the World Life Research Institute in Colton, Calif., today presented testimony before the Committee on Merchant Marine and Fisheries which I would like to call to the attention of the entire House. He explains the need for a national marine biomedical program of worldwide scope and outlines procedures necessary to getting such a program underway. He lists areas of study vital to determination of information we must have if we ever hope to properly and safely develop the full potential offered by the sea.

Dr. Halstead's full testimony follows:

> The term "marine biomedicine" as used in this presentation is concerned with such disciplinary areas as marine biochemistry, pharmacology, pharmacognosy, toxicology, nutrition, micobiology, physiology, epidemiology, taxonomy, ecology, pathology, ethnobiology, medicine, marine biomedical litera-

ture documentation and retrieval, bionics, technology and instrumentation that have a bearing on national and international marine-derived solutions to health problems. Although the aforementioned areas appear to be of greatest concern, marine biomedicine is not necessarily limited to these subjects. In brief, marine biomedicine is concerned with those aspects of the total marine biotope that have both a direct and indirect bearing on man's health and welfare.

INTERNATIONAL SCOPE OF MARINE BIOMEDICINE

International cooperation in the scientific study and use of the sea and its biomedical resources is imperative for the following reasons: The world ocean covers 71 percent of the earth's surface. Most countries have sea coasts and make some use of the sea, although national jurisdiction extends over only a small fraction of the ocean's area; the remainder is common property. The waters of the world ocean and their contents intermingle without serious restraint. Many oceanic processes are of large scale and are driven by forces of planetary dimension. The organisms inhabiting the sea are influenced by these processes and forces, and their distribution, abundance, and behavior are often influenced by events occurring far beyond the territorial limits recognized by man (FAO Fisheries Rept. No. 41, Suppl. 3, October 1967).

In this regard, it is recommended that a national marine biomedical program should be global in scope and integrated with the international cooperative efforts of such organizations as the Food and Agriculture Organization of the United Nations, World Health Organization, Scientific Committee on Oceanic Research, International Biological Program, International Council for the Exploration of the Sea, and other international agencies. A more detailed report of the recommendations of these organizations appears in a booklet entitled "International Ocean Affairs; a Special Report of the Joint ACMRR/SCOR/WHO (AC) working group on the Implementation of the United Nations Resolution on the Resources of the Sea" published in FAO Fisheries Reports No. 41, Suppl. 3, FRM/R41 Suppl. 3(En), Rome, October 1967.

In order to fulfill the the need for protein for the world's burgeoning populations, many countries including the USA will have to augment drastically both agricultural and marine resources. If it is decided to increase the harvesting and to start the herding of marine animals, then it is essential to study not only the health safety of potential food species but also the organisms in their food chain which are potential contributors to biotoxicity and pathogenicity in man.

RECOMMENDATION FOR A SYSTEMS MANAGEMENT APPROACH

It is recommended that a systems management approach be used in order to avoid useless duplication of effort and funding. The systems approach has been used with much success in the development of the space program, and it is believed that it would contribute materially to the successful operation of the projected marine biomedical program. It is believed that present grant-in-aid methods are inadequate to meet our future national oceanographic requirements.

Industrial management techniques, engineering "know-how," economic data evaluation methods, etc., can be of value in developing procedures for the utilization of marine biomedical resources. There is need for further exploration of the manner in which industry, government, and academic institutions can work together in areas of mutual interest.

THE NEED FOR A NATIONAL MARINE BIOMEDICAL COORDINATING COMMITTEE

If our national goals are to be achieved, leadership from our national Government must be forthcoming. It is most urgent that marine biomedicine be recognized by our leaders in Government as a specific disciplinary entity, that our existing deficiencies in this field be clearly understood, and that adequate governmental organization be provided to deal properly with the subject. It is apparent that some facets of marine biomedicine merit greater attention and fiscal priority than others.

Since the subject matter is multifaceted and international in scope and comes within the purpose of several Federal agencies, a coordinated approach is highly desirable. It is therefore recommended that a standing Marine Biomedical Coordinating Committee (MBCC) be established and that this committee operate under the National Council for Marine Resources and Engineering Development (or its successor—if the present Council should be disbanded).

It is further suggested that the membership of this committee include representatives of the following groups: President's Scientific Advisory Committee, National Council for Marine Resources and Engineering Development (or its successor), Department of Health, Education, and Welfare (Public Health Service, National Institutes of Health), Department of Interior (Bureau of Commercial Fisheries and Federal Water Pollution Control Administration), National Science Foundation, Environmental Science Service Administration, Department of Commerce, Atomic Energy Commission, Department of State, National Aeronautics and Space Administration, Department of Defense (ONR), and a select number of consultant specialists from universities, research institutes, industry, and biological and medical professional societies.

The purpose of the MBCC would be to establish national goals and to coordinate programs of interagency, national, and international importance in the area of marine biomedicine. The MBCC could serve a useful function as a scientific advisory body to the U.S. Congress. The activities of MBCC should be assisted by means of a full-time executive secretary and a clerical staff.

ESTABLISHMENT OF NATIONAL INSTITUTE OF MARINE MEDICINE AND PHARMACOLOGY

The Congress of the United States should be encouraged to establish a National Institute of Marine Medicine and Pharmacology (NIMMP) within the Department of Health, Education, and Welfare. The institute should be established for the purpose of conducting and supporting marine research with a view to advancing scientific knowledge in marine biochemistry, pharmacology, pharmacognosy, toxicology, nutrition, microbiology, epidemiology, physiology, taxonomy, ecology, pathology, to ethnobiology, bionics and technology as it may relate to the causes, diagnosis, prevention, treatment, and control of physical and mental diseases and other impairments of man. The NIMMP should have an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to marine medicine and pharmacology. The institute should be authorized to provide training and instruction, establish traineeships and fellowships, and provide research grants to public or other nonprofit institutions. An international exchange of graduate and post-doctoral students should be encouraged. Numerous landlocked schools and universities are desirous of obtaining access to marine field facilities. Every attempt should be made to provide access to adequate educational and research facilities for these inland institutions. Educational programs should also be provided for the training of skilled technicians. There is urgent need for more adequate support of educational programs in marine biomedicine.

THE NEED OF REGIONAL MARINE HEALTH LABORATORIES

The Public Health Service presently operates three marine health laboratories. These are situated in Washington, Rhode Island, and Alabama. These laboratories are concerned with the general areas of the health aspects of water pollution control, nutritional values and health hazards of sea resources, marine biotoxicology, infectious agents, hypersensitivity reactions to marine products, physiological effects of the marine environment on man, pharmaceuticals and drugs from the sea, and other general marine health problems. The present support level of these laboratories is inadequate. These laboratories should be upgraded, adequately funded, and their operations expanded. These regional laboratories should be adequately equipped for advanced sophisticated analytical research.

It is further recommended that additional sites be considered for the establishment of regional marine health laboratories in Alaska, Hawaii, Rhode Island, California, Florida, Texas, or the Virgin Islands. One or more of these laboratories should serve as technical documentation centers.

THE NEED OF REGIONAL MARINE BIO-MEDICAL FIELD LABORATORIES

There is urgent need for international field research facilities for investigators needing to work in specific geographical (continental or insular, temperate, subtropical, tropical, or polar) oceanic regions. Field research units would in most instances be minimal field facilities but with maximum accessibility to field resources. These laboratories would be used primarily for the procurement of living specimen materials, ecological, physiological, and other types of activities that could not be conducted to a greater advantage elsewhere. Each laboratory would be of a standard format and would have collecting gear, diving equipment, and small vessels (approx. 45 ft.) suitable for making local field studies.

The following field sites are recommended on the basis of their strategic environmental and geographical locations. These field units could be operated either under contract with a private nonprofit organization or directly by a governmental agency. Recommended sites are as follows:

Trust Territory (Palau,* Jaluit), Line Islands (Palmyra), Samoa, New Caledonia,* Society Islands,* Great Barrier Reef,* Korea,* Japan,* Ethopia, India,* Virgin Islands (St. Johns*), Cozumel, Honduras, Canal Zone,* Indonesia (Ambon*), Thailand,* Seychelles, East Africa,* Aegean-Adriatic areas, British Isles,* West Africa, Azores, Brazil,* Galapagos Islands,* ,Gulf of California*, Pt. Barrow, Alaska,* Palmer Station, Antarctica.*

Most of these localities are readily accessible by air transportation.

Particular attention is directed to the fact that the greatest assemblage of marine organisms possessing biodynamic substances is found within the Malay Archipelago (Sumatra, Java, Lesser Sunda, Moluccas, Timor, New Guinea, Borneo, Celebes and the Philippines). It is noted with deep regret that the United States has not used to advantage one of the richest biotic provinces in the world which is available to our country through Palau in the Trust Territory. Palau lies on the eastern border of the Malayan Archipelago and is about 400 to 600 miles northeast of Ambon in the Moluccas where the Soviets had almost completed building an enormous oceanographic facility for the Indonesian Government. It is highly recommended that a biomedical research laboratory be established in Palau at the earliest possible moment.

THE NEED FOR A NATIONAL RESEARCH VESSEL FACILITY

A single large research ship (5,000 ton class) should be made available and equipped as a national facility for marine biomedical

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* Indicates that there is an existing facility, but most of these present facilities are in dire need of more adequate support.

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investigations. In addition, it is recommended that smaller vessels (approx. 45 ft. in length) be assigned to regional field facilities for local operations. These vessels should be specially designed for biomedical ocean work and adequately equipped for survey, collecting, and diving operations. Special attention needs to be directed to the problem of refrigeration and low temperature requirements suitable for the preservation of venoms, enzymes, etc. Many scientists are desirous of investigating biomedical problems but are unable to obtain the necessary logistics support. Laboratory and research vessel facilities are urgently needed for biomedical studies.

INSTRUMENTATION NEEDS

It is imperative that the effectiveness of instrumentation to be used at sea be increased, since this is the major avenue by which the effectiveness of the research investigator can be improved. The design of instruments intended for use in the marine environment is at present left to the ingenuity and usually meager facilities of the individual who needs them. Although miracles are achieved by this route, it subverts time of biologically trained men, and their lack of training in engineering and some of the physical sciences is often evident in the result.

It is therefore recommended that funding for research and development of instrumentation, collecting devices, diving research vehicles, and data handling and processing equipment be specifically directed towards that segment of our economy which can best satisfy this need—industry. In order to guide the selection of projects to be funded, it is suggested that review panels be set up within the framework of the Marine Biomedical Coordinating Committee for this purpose. These review panels would have the specific task of making recommendations of areas of technology and instrumentation which need improvement. The means for effecting this improvement would be left to industry and engineers, working in close collaboration with scientists.

RECOMMENDED AREAS OF MARINE BIOMEDICAL RESEARCH

The following are some suggested areas of marine biomedical research which are urgently in need of attention. Undoubtedly there are other priority areas which have been overlooked, but these suggestions provide a rough guideline to the scope of marine biomedical research that is needed.

Taxonomy and ecology of medically important marine organisms, particularly dangerous marine animals of all types. Studies should include photographic documentation of their habits, habitat, identification, etc.

Screening of marine organisms for biological activity.

Investigation of the food web of marine orangisms.

Study of triggering mechanisms in the production of toxicity cycles in marine organisms.

Uses of marine organisms as biomedical research tools.

The investigation of industrial waste product contaminants involved in the food web of marine organisms.

The use of marine organisms as sources of new drugs.

Investigation of marine biochemical substances as models for the development of new synthetic chemicals.

Evaluation of health safety standards for new marine-derived foods.

Development of laboratory culture techniques of marine organisms that are likely to serve as sources of either new foods or useful biochemical agents.

Clinical aspects, diagnoses, treatment and prevention of marine biotoxications and other marine-induced diseases.

Study of disease processes in marine organisms.

Epidemiology of marine biotoxications.

Mass aquaculture techniques for the production of food and useful biochemical agents.

Study of the effects of aquaculture as it relates to environmental disease production and control mechanisms.

Origin of toxic and other biologically active substances in marine organisms.

Development of surveillance systems of commercial marine food and drug products.

The study of the use of marine organisms by primitive native groups.

Chemical and pharmacological properties of biologically active marine substances.

Marine bionics.

Chemotaxonomy of marine organisms.

Investigation of food detection and sensory mechanisms in marine animals.

A national file for the storage and retrieval of marine health information.

Investigation of the nutritional potential of plankton.

Investigation of marine pathogenic microorganisms.

The study of hypersensitivity reactions to marine organisms.

Physiological effects of the marine environment on man.

The relationship of marine organisms to the Man-in-the-Sea Program.

Health aspects of ocean pollution.

Anatomy of the venom organs of marine organisms.

Physiological hazards relating to diving, such as: effects of pressure, inert gases, increased oxygen tensions, etc.

PUBLICATION OF RESULTS

There is a dearth of useful marine information that is available to both the scientific and lay public. Greater attention needs to be directed to the quality, publication and public dissemination of scientific findings. Adequate funding should be provided for the publishing of investigative results in technical journals and well illustrated manuals, monographs, and books. Documentary educational films are needed for civilian and the Military. The production of these films should be encouraged and funded.

ECONOMIC RETURNS

Benefits to be derived from biomedical research are both immediate and long-term. Laboratory studies have shown that there is a vast spectrum of marine bioactive substances having antibiotic, antiviral, and fungicidal properties. There is evidence that many of these substances will have immediate commercial potential. There is also a great variety of systemic drugs affecting the nervous system, cardiovascular, urinary, gastrointestinal, and various other organ systems. Some of the greatest medical problems facing mankind today are concerned with the chronic degenerative diseases, cancer, heart disease, neurological disorders, mental health, arthritis, etc. Marine organisms provide an untapped wealth of plants and animals that either store or produce a fantastic array of complex chemical substances, many of which offer exciting possibilities as new therapeutic agents.

World fisheries are beginning to expand rapidly into tropical seas, and greater attention is being directed to shallow-water shore fisheries operations. There is urgent need for a more effective utilization of the so-called "trash species" in warm water areas. The utilization of a broader spectrum of tropical marine organisms as food products has brought about an unprecedented confrontation with an enormous array of poisonous marine organisms. Toxic marine organisms range throughout the phylogenetic series of plants and animals. The toxicity of some of these poisons are about 10,000 times that of sodium cyanide or about 3,000 times that of our better war gases. With the necessity of developing protein concentrates from an ever increasing variety of marine organisms, it is urgent and necessary that the edibility of all marine organisms be evaluated, particularly if they are likely to be used in the production of protein concentrates.

The prospects of using protein resources from the sea for human and animal consumption are becoming increasingly more difficult as toxic industrial wastes are being discharged into the marine environment. The devastating outbreaks of Minamata disease in Japan document the serious threat that industrial wastes contribute to the food economy of the sea. The Minamata situation points up the fact that in the future we must be prepared to cope with toxic products from both natural and industrial sources which become incorporated in the complex food web of the sea. In the preparation of FPC we may also encounter a concentration effect of trace elements and other industrial chemical compounds that could eventually result in serious disease problems. This is an area of research that is going to require carefully controlled long-term chronic toxicity studies. At the moment there is no evidence that any serious consideration is being given this subject.

Important economic by-products will also result from a national effort in biomedical oceanography in the area of education. New job opportunities will be developed and new educational programs will be required.

The untapped biochemical wealth of the sea offers some of our richest resources with the promise of immediate returns as nutrients and useful therapeutic agents which are likely to prove to be highly effective against some of mankind's most devastating ills. Marine biotoxins play a dual role of being able to preserve life as well as to destroy it. We must learn how to utilize these substances for the benefit of all mankind.

NEED FOR INDUSTRIAL-GOVERNMENT LIAISON

Provision should be made to establish an effective liaison between government and industry. If the biochemical wealth of the oceans is to be successfully utilized, there must be brought about a much closer working relationship between government and industry. Most pharmaceutical companies are not in a position to undertake the expensive logistics, procurement, and documentation program that is required before a marine organism can be assayed for its pharmacological properties. These initial studies will of necessity have to be funded by government. A great deal of fundamental research will be required in order to develop commercially feasible aquaculture techniques for the rearing of marine organisms having marine pharmaceutical potential. It is noteworthy that at least one commercial company (Aquarium Systems, Inc., Wickliffe, Ohio) is presently exploring the rearing of marine pharmaceutical organisms. It is important that some sort of a cooperative program be established with private enterprise so that compounds having commercial potential can be profitably marketed and thereby enhance our economy. This is a very critical area that must be carefully evaluated if these biochemical products are to be of economic value to our nation.

LACKAWANNA OPPOSES OIL DRILLING IN LAKE ERIE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DULSKI. Mr. Speaker, the issue of underwater drilling for oil and gas has had prominent attention of late, particularly in view of the accident off the California coast.

There is now a proposal for oil and gas drilling in Lake Erie about which the people of the Niagara frontier are rightfully concerned.

Lake Erie already has a serious pollution problem with which local, State, and Federal officials are striving to deal as fast as possible.

Our people are worried that oil and gas drilling may add new complications to an already extremely difficult situation.

On May 20, I submitted for the CONGRESSIONAL RECORD a resolution from the legislature of Erie County, N.Y., in vehement opposition to the proposed lake drilling.

Now the City Council of Lackawanna, N.Y., has passed a resolution expressing its opposition "to any drilling for oil or gas in Lake Erie because of the imminent dangers of pollution."

The resolution urges Governor Rockefeller and our State and Federal legislators to "take any and all action to prevent such drilling."

The council approved the resolution by unanimous vote and a copy of the resolution, No. 30, signed by Council President Melvin D. Wodzinski, has been sent to all parties.

The anxiety of our people in the Buffalo area is very clear and I hope that there will be careful consideration of all of the aspects of the drilling proposal before final action is taken.

INCREASE MINORITY REPRESENTATION ON DRAFT BOARDS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. BROWN of California. Mr. Speaker, even though President Nixon shows interest in at least one aspect of selective service reform—a lottery draft concept—I doubt if any changes will be occurring in the near future.

For young men now subject to inequities and distortions contained in the current draft apparatus, the prospect of future reform does not mean very much. Too many present regulations and practices utilized by the Selective Service System seem to me to be flagrant repudiations of basic democratic concepts upon which our Nation was formed.

Already this session I have introduced a bill (H.R. 8428) calling for a 5-year transition to a full volunteer military, with a lottery draft employed during the interim. I still stand behind my position that even though a volunteer army may offer certain grave dangers, on balance it is a better system than the current draft-oriented military—with or without a lottery mechanism.

In addition to that bill, I have indicated my support of draft reforms proposed by other colleagues. In April I joined with my friend from New York (Mr. KOCH) in a bill (H.R. 10500) clarifying the definition of conscientious objectors; soon, I will be a cosponsor of a proposal by my friend from Texas (Mr. ECKHARDT) which seeks to give registrants the right of legal counsel before a draft board.

This week, I entered a new bill which asks for change in another facet of the Selective Service System—minority representation on draft boards.

Three years ago, I discovered that in the parts of Los Angeles County where there was a heavy concentration of Mexican-American citizens, the three draft boards serving those areas only had one Mexican-American member. Furthermore, he was the only person of Mexican-American descent in all Los Angeles County—and there are over 600,000 Mexican-Americans in the county—to be on a draft board.

Given the wide autonomous powers granted individual draft boards, composition of the boards may result in varying responses to similar situations. That is, there could be deferment or drafting of some men in some communities who would have been given a different status in a different community. Whether or not the racial and economic makeup of boards has contributed to the range of policies taken by different boards is hard to either say or prove, but I believe it certainly could have such implications and is a matter that should be corrected.

Since 1966, when I first brought up the underrepresentation of Mexican Americans on Los Angeles boards, there has been some improvement in getting better minority participation. Within a year—by July 1967—Mexican-American board members jumped from only that one to six. Now, nine Mexican Americans serve on boards throughout Los Angeles County.

Yet, still more needs to be done. If the proportion of Mexican Americans on Los Angeles County boards were to be "truly representative of the community they serve"—as President Johnson ordered in his 1967 draft reform address—instead of nine, there would be 20 Mexican Americans serving today.

Since President Johnson's speech, nationwide minority membership on boards has risen. According to a chart in the May issue of "Selective Service," the monthly publication of the national Selective Service System, between March 1967 and March 1969, the number of minority group members serving on local boards increased from 801 to 1,688.

Over that period, Negro membership zoomed about 230 percent—from about 300 to nearly 1,070—and from about 37 percent of all minority board members to around 63 percent. The percentage growth of Spanish-surnamed members rose the least of all minority groups, going up about 26 percent over the 2-year period.

The bill I introduced yesterday (H.R. 11799) aims at further increasing minority participation on local selective service boards. It says that the "President, in making such appointments, and the Governors or other officials, in making recommendations for such appointments, shall insure that the individuals forming the membership of a local board substantially reflect the ethnic and economic composition within the boundaries of the area which such board serves."

I believe additional minority representation would help, in part, to assure fair and equitable treatment for all registrants, and could also provide better community participation and acceptance with board actions.

JUDGE JOHN S. SIMMANG

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. PICKLE. Mr. Speaker, central Texas has lost a great leader and all of us have lost a great friend. Hon. John S. Simmang, district judge of the 21st Judicial District of Texas, died recently of a heart attack.

Judge Simmang was widely known at all levels—he worked with Presidents and Governors, but he also sat at the table with the common man.

Judge Simmang began practicing law in his native Giddings in 1929. Although he was widely traveled, he never had any desire to leave Lee County. His father, the late E. T. Simmang, practiced law in Giddings beginning in the late 1800's. His brother was also an attorney.

The judge served as Lee County attorney from 1954 until 1969, when he resigned to accept the post as district judge. This career was never to be fulfilled. Judge Simmang died after having served only 5 months. This loss will be keenly felt.

His son, Michael, has continued the family law tradition. Mike is the district attorney, a job he took the first of this year.

From 1938 until 1952, Judge Simmang served as judge of his county. He was cocounsel for Bluebonnet Electric Co-op for 27 years. During his tenure, this co-op strung lines into the back country and generated power for thousands of people.

Not content with these credentials, Judge Simmang also served as president of the Texas Association of County Judges. During this tenure, he personally worked to make the dream of farm-to-market roads a reality.

John Simmang was a common man in philosophy, but not in action. He was without equal in getting things done. For example, he served on the Giddings Chamber of Commerce, the volunteer fire department, the industrial foundation, and the State school committee.

The list of his service organizations fills a telephone book.

Judge Simmang was an astute Democratic worker. Years ago, he joined hands in helping a young man in his bid for election to Congress. That young man later became President of the United States—Lyndon B. Johnson.

Judge Simmang was born in Giddings in 1906. He died in 1969. In those years between, John Simmang carved out a new central Texas. He carried his area to heights they never dreamed of. In a quiet but firm manner, this man asked

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all of us to deliver more than we thought we could—and then he would hold our hand until we did, helping over the rough spots.

The years of John Simmang's life were a gift to all of us. I will miss him sorely, as will all his many friends.

Mr. Speaker, let me close by including remarks written by a young man Judge Simmang encouraged. This tribute is written by Buddy Preuss, editor of the Giddings Times and News—one of the Judge's own:

LEE COUNTY HAS LOST A FRIEND

(By Buddy Preuss)

The people of Lee County have lost a friend with the passing of Judge John S. Simmang.

This man loved Lee County and its people like few others I have ever known.

Yet the prominence of becoming District Judge didn't change his attitude about the common people. He had dined with the highest dignitaries of this nation, including Presidents and Governors. But his heart always came back to his beloved Lee County, the place of his birth and childhood, where he followed in his father's footsteps as an attorney in the practice of law.

Although Judge Simmang had associated with the highest officials of the land, he was more often than not seen dressed in work clothes associating with people of all races in this area who truly earned their living by the sweat of their brow. He, too, spent as much time as possible at his farm with his cattle.

Judge Simmang loved the outdoors. Nothing probably hurt him more in this respect than the decision of the Corps of Engineers to drain Flag Pond when the Somerville Dam was built. Yet just last week, he made an all-out effort to help obtain lights for the Neils Creek Park on the Lee County side of the Somerville Lake. He realized the importance of these lights in protecting those Lee Countians and others who were using this park for recreation.

It was announced at all three Lee County Sheriff's Posse rodeos last week that Judge Simmang had donated lights above the bucking shoots so that his people could better enjoy the sport of rodeos.

These are just a few of the recent contributions Judge Simmang made to this community. Thousands of things he has done for untold numbers of individuals and families in Lee County will never be known. It didn't make any difference whether you were rich or poor, black or white. If it was help you needed, the Judge was there to give it.

Not only did he often give free legal advice to those who couldn't afford his services, but often reached down into his pocket to help those who needed it. And he made countless contributions to various churches and civic organizations.

The "little man" meant just as much to Judge Simmang as the fellow with lots of money and great honor. Thousands in this area will testify to this fact.

He had reached the height of his career with his election as District Judge last November. It is quite possible that he could have had appointments to even higher judicial offices had he wanted it. But Judge Simmang didn't want to leave Lee County. The good life among his friends meant more to him than a high political position. So his short 5 months as District Judge still allowed him to live in the place of his youth.

He was happy these past few months, probably happier than he had ever been. Yet he was the first to admit the shortness of life on this earth. He talked about it almost as if he expected not to be here much longer. Still he loved life and lived it.

Those living in Bastrop, Burleson and Washington counties were already beginning to realize the fairness of Judge Simmang on the bench. He received a very complimentary article just last month from the publisher of the Brenham newspaper. These are the kind of men we need more of on the benches of our courts. Fair, yet not so liberal to be too lenient to those found guilty of a serious crime.

It hurts me to thinks that the Judge could not have been spared long enough to fill at least one term as an example to the judicial branch of our government.

I will never forget how Judge Simmang about two years ago accepted a county court case, the first held in nearly 2 decades in this county. He knew it wouldn't make him any money in big fees, but he was fighting for a principle. And without principle a man's word or his character means nothing.

So Judge Simmang and his son Michael won a court case which allowed $500 for 3 "wolf dogs" which had been shot by a man because he claimed the dog was disturbing his cattle. The dog belonged to a colored gentleman who had been hunting wolves as sport for years, helping to cut down on the wolf population in this area.

Whatever Judge Simmang believed in, he would fight to the end for it. This is the way it was with his political beliefs. Back when Lyndon B. Johnson first campaigned for Congressman in this 10th District, it was Mr. John who headed his campaign in the Lee County area. And he backed Lyndon Johnson all the way to the Presidency.

Both LBJ and the Judge were instrumental in getting the LCREC, now Bluebonnet Electric Co-Op, for Giddings. It's meant a lot to the economy of this community and has helped to give electricity to the entire rural area.

The Judge also served at one time as President of the County Judges & Commissioners Association, helping to get roads for rural areas.

One of Judge Simmang's most recent contributions to this community came just last year when the Giddings State School Committee, of which he was a member, helped obtain the State School for Boys to be located at Giddings. Although the Judge did not live to see this become a reality, the School will be a monument to his untiring work for a better communtiy. And it will employ several hundred people, most of whom will be the "common people" he cared so much for.

Yes, Judge Simmang will be missed. But then he is finally getting to rest from his labors. It can be said of him, "Well done, thou good and faithful servant."

He was a servant of the people.

THE ECONOMICS OF MANPOWER POLICY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. STEIGER of Wisconsin. Mr. Speaker, the need for a more effective national manpower policy was eloquently expressed by Secretary of Labor Shultz in a speech he gave recently before the Associated Employers of Illinois. I am inserting the distinguished Secretary's speech in the RECORD because of my conviction that his wards clearly indicate that the time has now arrived to develop a more comprehensive approach in the manpower field. The speech follows:

THE ECONOMICS OF MANPOWER POLICY

(Remarks by Secretary of Labor George P. Shultz, Associated Employers of Illinois' luncheon, Chicago, Ill., May 23, 1969)

Manpower policy 50 years ago consisted of putting a "Help Wanted" sign in the window, or a classified ad in the local newspaper, or calling on a private employment agency.

These methods continue today and serve individual purposes but they are not adequate for a national Manpower Policy.

We know that an acute shortage of labor on the one hand and substantial idle manpower on the other add up to economic waste.

Those are the circumstances today. It is this waste that a national manpower policy seeks to overcome. These circumstances are further complicated by inflation, which we are dealing with as firmly as we can without throwing the economy into reverse.

Manpower training programs serve a twofold purpose:

1. The direct social benefits of giving the hard-core unemployed a sense of usefulness to themselves and society are well known.

2. The economic effects of an active manpower policy are not so well known.

The major promise of manpower programs as a tool of economic policy was stated quite articulately by Gosta Rehn and adopted by the Council of the 22-country OECD (Organization for Economic Cooperative Development) in 1964:

An active manpower policy has the special advantage of being expansionist with regard to employment and production but anti-inflationary with regard to costs and prices."

In terms of the current economic situation the challenge is to take the steam out of inflation while defeating the upcreep of unemployment. Manpower programs can increase the supply of useful labor and thereby increase the ability of the economy to match output and demand.

If manpower policies are to be fully effective in supporting both economic and social objectives, however, further strengthening and more flexibility is needed in three major areas—the public employment service, the unemployment insurance system, and manpower training programs.

In the first of these areas—the public employment service—we have seen some progress, including

The separation of unemployment insurance from placement functions, so that the emphasis can be shifted to placement, particularly for the hard-core, who are seldom part of the unemployment insurance system,

Steps toward computerizing labor market information,

The elimination of job discrimination, and

The coordination of employment service operations with training and other programs for the disadvantaged.

Yet, despite these improvements, problems remain. To date, there has been little training of employment service personnel. State salary levels have remained inadequate. And virtually no preparation has been made for possible large-scale lay-offs.

In the unemployment insurance system, immediate action is needed to correct such deficiencies as the inadequacy of unemployment insurance benefits which are typically low in relation to the past income of the unemployed, especially the male head of household; coverage for only 3 out of 4 workers; and the fact that half the States still refuse benefits to many trainees.

Our training programs also need improvement. We have not yet, for example, developed adequate measures of the number of people who need training. Even with the uncertainties concerning need, however, there are indications that only a limited number of those who require training are getting it.

In addition, we have not yet fully met the training needs of the nation's youth, even though youth have been one of the special target groups for manpower programs.

Steps needed to strengthen all these programs—the unemployment service, the unemployment insurance system, and training programs—can be taken under present authority, programs, and funding.

We are planning, for example, or have already begun:

Vacancy surveys to pinpoint training needs that exist side by side with unemployment.

To direct more training and placement to service jobs—insurance, banking, hospital work and other manpower shortage areas that are less vulnerable to economic downturn than are jobs in the goods producing areas.

To set up Job Banks in 36 cities, and computerize job-matching in the employment service systems of 3 or 4 States next year.

To shift out-of-school Neighborhood Youth Corps training opportunities to preparation that leads to jobs in the public or private sector.

To expand successful programs—like JOBS—to more cities, and non-profit and public sector organizations.

To streamline administration.

To give the States more freedom and flexibility to tailor job training to local and individual needs.

But these changes, though important, would not be enough to deal with a rise in unemployment. If that happened, resources to combat the rise must be available quickly. This means considering such ideas as whether or not training and work experience opportunities should increase automatically if unemployment rises, and whether Governors should be able to command additional manpower resources for spot unemployment problems.

In order to have resources for long-run economic purposes, we can also make substantial manpower investments that would provide economic strength, and greater production and productivity.

These investments would include:

Greatly expanded upgrading of the workforce.

Determined steps to avoid occupational accidents and diseases.

Prisoner training and placement.

More extensive training of welfare clients and steps to bridge the gap from school to work.

By taking steps in all these areas, the nation's manpower policies can become a permanent, flexible, and sizable means of attaining both full employment and economic stability.

WHAT AMERICA MEANS TO ME

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. MILLER of Ohio. Mr. Speaker, on May 22, 1969, the Civitan Club of Marietta, Ohio, awarded a scholarship to Bruce Dunn, 131 Oakwood Avenue, Marietta, Ohio. One of the requirements to apply for this scholarship was to write an essay on "What America Means to Me."

With the actions of many young people across this Nation, the rioting and boycotting of colleges, it is refreshing to find a young man of the caliber of Mr. Dunn. I believe that this essay shows what the majority of the young people in this country feel for America.

Mr. Dunn's ambition is to become a doctor of veterinary medicine and he will enter Ohio State University in the fall of 1969. He has been an outstanding citizen not only in the community but at his school. He was tapped for National Honor Society and has won several honors in speech contests. Also, he has spent many hours assisting teachers in the field of chemistry and agriculture.

I submit Mr. Dunn's essay for inclusion in the RECORD at this point so that my colleagues and other concerned Americans may share the thoughts of this patriotic young American:

WHAT AMERICA MEANS TO ME

In today's world of growing strife and discord, it is reassuring to know that there is still one nation which will defend to the death man's basic freedoms. These basic freedoms of speech, press, and religion, contained in a single document nearly two hundred years ago, are guaranteed to any person in these United States, regardless of race or creed. Even when the freedoms are used to reach out and strike down the same government which protects these rights, our American way of thinking feels it must defend these citizens all the more. Thus, America means to me the protection of certain basic rights given to man, often abused and often restricted in other nations.

One has only to look back at his heritage to find ancestors coming from many countries in Europe. People have come from Britain, Ireland, Germany, France, Poland, and many other nations from all over the world. They have immigrated to the great melting pot of the world, where the only true natives were the American Indians. What was the one thing that so many people of such widely different backgrounds found in a strange country so very far from their own homes? I believe that they were looking for freedom. And the only way that many could ever find freedom was to start to build it in a new and untamed land. Although these people were often separated by a language barrier, they were commonly united by one will and one desire. With this common goal in mind, these early pioneers tried to and did overcome any obstacle in their path, often paying the price with life itself.

Yet, today, many of us seem to have slammed the door on our proud heritage. We have forgotten the sacrifices made at Valley Forge, Bull Run, and Pearl Harbor, so that we may enjoy a more perfect way of life in this country. Instead, many are picking up the protest marchers' sign and picketing against the very rights which make America such a great country to live in. These very people who value freedom of speech and expression refuse to realize that it takes every citizen of a nation working together to protect these freedoms.

To me, America has not only proven herself first in freedom, but also first in many other fields. For example, my basic field of interest, agriculture, has progressed more in the past two hundred years in America than in the rest of man's known history. Only in this nation was land available to anyone who wished to settle and work it. Instead of returning all of their profits to the state, the early pioneers who were willing to work were able to pass on a meaningful existence to their children. American agriculture has progressed a long way from the time of the fork and mule to today's modern push-button farms. This was all done through hard work and Yankee ingenuity.

When he had nearly completed the settling and exploration of the wilderness on this earth, the American pioneer turned to a new and vast wilderness—outer space. Although another nation was the first to put a manned system into outer space, America was quick to see the importance of exploring a new frontier where man exists as a speck of dust. Brave new explorers, willing to risk their lives in much the same manner of our early pioneers, set forth into space with not even the promise that they would return alive. Yet while an astronaut is in space, each and every American seems to be with him and a part of his family. These men who are willing to risk their lives to explore new possibilities for the success of future generations are the real heroes of American history today. This is only one of the reasons why I can say with pride, "I'm proud that I'm an American."

America has meant the difference between success and failure to many of our modern inventions. Only in this nation have equal chances been given to anyone willing to search for and come up with a new idea. By our laws the rights and inventions of individuals are protected so that a government or another individual may not steal the rewards of another's work. Evidence of equal opportunity in this field is shown through the hundreds of inventions of such men as Thomas Edison. Often the right to investigate new ideas is taken away from the citizens of other nations. America has meant to me the opportunity to give birth to ideas of my own.

Education is the backbone of a nation. The welfare and economy of the nation stem from that education, no matter how poor or how good. We, who live in the United States, are fortunate to have the best education system in the world. It is no longer only the rich man who is educated. Ever since America's early public history there has been some form of free public education available to anyone willing to take advantage of it. Today, free public education is given to every male and female of this nation from kindergarten through the twelfth grade. But education does not stop here. College is available to anyone willing to meet the scholarship requirements. Federal aid or scholarship funds are available to almost one fifth of those who attend our colleges today. Therefore, it is not necessary for the education of any American today to stop after a few years in grade school.

Even though one does not have the aptitude for a college education, vocational training schools are available to develop the best talents of anyone willing to attend. People graduating from these vocational training courses are well prepared to enter into a useful place in society, instead of an unemployment line.

While proving herself first at home, America has often stepped out of her boundaries to help another nation, whenever in need. This has meant our men leaving our shores and fighting in behalf of another people. Any nation wishing our assistance for the sake of freedom and peace has never been turned away. Often this has brought rash criticism and ill feelings against the United States, but this we have withstood. The very survival of many small countries has been due to the fact that only the United States was willing to stand up for the underdog.

Along with revolution and war come the needs of many innocent individuals involved. These innocent ones are the children, the aged, the sick and the invalids or victims of circumstances. While being mighty in war, America has proven herself mighty in the time of need. We have moved to share our abundance with those who are less fortunate, even though those less fortunate may be our enemies of tomorrow. Thus, America has proven herself as an humanitarian nation. This has meant to me that an individual or a nation is truly great when he can bend to help his fellow man.

In summary, one can look at his heritage to see what America has meant to him. I am

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proud of my native land and proud to be an American because of some of the reasons I have discussed. Yet these are but a few examples of what makes America and her people great. The United States can function as a republic only when I, as a citizen of this country, am willing to take the responsibility of voicing my own opinion in the operation of its government. This nation will continue to be the greatest in the world so long as we are a government "of the people, by the people, and for the people!"

PRESIDENT FERDINAND E. MARCOS

HON. WILLIAM H. AYRES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. AYRES. Mr. Speaker, as the Republic of the Philippines celebrates the 23d anniversary of its independence, it is increasingly evident that this vibrant young republic, under the dynamic leadership of President Marcos, is a major force in Asia in the struggle against communism. It is one of the main bastions of freedom in the Pacific.

For this reason, it is important for us to be adequately informed of the accomplishments of President Marcos' administration—a period that coincides with our involvement in the war in Vietnam.

I am most grateful to my good friend, Dr. Diosdado M. Yap, editor and publisher of Bataan magazine and president of Capital Publishers, Inc., for the valuable information he has given me about the achievements of the Marcos administration. Dr. Yap has condensed the full text of President Marcos' fourth and last state-of-the-nation address delivered during the opening of the fourth session of the Sixth Congress of the Philippines.

In reviewing the accomplishments recorded by this administration during the last 3 years, Dr. Yap pointed out that President Marcos has recommended bold proposals for legislation this year to "sustain the significant gains we have in major areas." His third year in office, President Marcos stated, was the year when "we expanded our scope to include the public services, foreign relations, domestic and foreign commerce, and industry. This year as distinguished by the confirmation of our competence for progress."

President Marcos further stated that the material achievements during the era of his stewardship "represent, above all, a transformation of the Filipino spirit, from defeatism, sloth, and self-depreciation to a new level of energy, self-esteem and the will to achieve our goal." This spiritual and intellectual transformation is the "new Filipinism."

ACCOMPLISHMENTS

In summarizing the 114 printed pages assessing the current state of the nation, the following outstanding accomplishments, among others, must be enumerated:

First. Built more concrete roads than were ever built from the turn of the century to 1965.

Second. Reduced in 3 years by almost 50 percent the backlog of schoolrooms which had accumulated through the decades.

Third. Made spectacular breakthrough in rice production which enabled the Philippines to export this staple for the first time in history.

Fourth. Raised the land reform program to the level of serious action for the first time. At the end of 1965, a total of only 12 municipalities had been proclaimed land reform areas. From January 1966 to October 1968, the present administration declared 50 municipalities as land reform areas.

Fifth. Initiated bold and decisive support to the growth of private industry. The board of investment, created in 1968, has set up a system of priorities in our accelerated industrialization effort.

Sixth. Investment has increased. The private sector has regained faith in the government. In fiscal year 1965–66, the total paid-up capital investment by newly registered corporations, partnerships, and single proprietorships was P323.7 million. In fiscal year 1967–68, this amount rose to P478.4 million, an increase of 47 percent.

Seventh. The economy, in a state of ruin at the end of 1965, has gained new life. This is reflected in the growth rate achieved in 1968.

Eighth. The external stability of the currency has been maintained. In the last quarter of 1968, as a result of these measures, we had a $25 million surplus. Before that, we had successive deficits, ranging from $14 million to $38 million.

Ninth. Community development projects increased by 427 percent. This increment has benefited more than six million people.

Tenth. Obtained unprecedented benefits for labor.

Eleventh. Industrial peace was maintained. The incidence of strikes was reduced by 65 percent compared with the previous administration.

Twelfth. Gave the country its first workable manpower development program.

PROPOSED LEGISLATION

The President made the following proposals for immediate legislation:

First. Creation of a presidential commission to study the possibility of major changes in our Government system to eliminate obstacles to growth.

Second. Establishment of a trust fund from which can be drawn increases in teachers; salaries, cost-of-living allowances, and other fringe benefits.

Third. Opening up of adequate channels for public school teachers to communicate their grievances.

Fourth. Complete and immediate embargo on the importation of all luxury and nonessential goods.

Fifth. New resources of revenue to be provided to finance the legitimate requirements of our people for improved living conditions.

Sixth. A tax on foreign stocks, land, and buildings acquired abroad by residents of the Philippines.

Seventh. Present tariff rates should be assessed and revised to promote industrialization.

Eighth. Congress to define exactly the areas in which we are prepared to extend temporary national treatment to foreigners, and the areas in which we are willing to give only most-favored-nation treatment.

Ninth. Review of the present government schemes of financial assistance to private industry to favor Filipino capital and, at the same time, discourage importation of nonessentials.

Tenth. Appropriation of the Rice and Corn Administration be increased to 40 million a year.

Eleventh. Appropriation of a sum sufficient to liquidate long overdue obligations of the RCA.

Twelfth. Congress and the executive should adopt as a basic policy that investments in agriculture from now on be concentrated as much as possible below the typhoon belt.

Thirteenth. The creation of a special fund for peace and order.

Fourteenth. Integration of all police agencies of Manila and suburban areas under a Metropolitan Command patterned after Scotland Yard.

Fifteenth. Examination of the possibility of giving the national government more latitude to step into the peace and order problems on the local level.

Sixteenth. Setting up branches of the Court of Appeals and the Court of Agrarian Relations in various regions.

Seventeenth. Establishment of a research and advisory staff for every court of first instance.

Eighteenth. Judges of first instance with unreasonable number of undecided cases be denied the privilege of being reassigned to another jurisdiction until they have cleared their dockets.

Nineteenth. Enactment of a law defining the guidelines for the creation of private corporations for a public purpose.

Twentieth. Enactment of an export incentive bill.

Twenty-first. Enacting of a law authorizing the President to designate export processing zones.

Twenty-second. Establishment of more science high schools.

Twenty-third. Creation of a fund to support more barrio high schools.

Twenty-fourth. Creation of a special fund for the University of the Philippines.

Twenty-fifth. Revision of the UP Charter to guarantee academic freedom and self-determination.

Twenty-sixth. Revision of charters of government colleges and universities so as to provide for student membership in the boards of regent.

Twenty-seventh. Establishment of a P3 million permanent trust fund, the earnings of which will finance the expenses of student organizations.

Twenty-eight. Passage of a Magna Charta for students.

Twenty-ninth. Mustering of the will and the funds to declare Central Luzon as a land reform area by 1969.

Thirtieth. Grant of congressional authority to sell the lands now occupied by Fort Bonifacio, Camp Aguinaldo, Camp Crame, and other government properties in the four cities of the metropolitan area, the proceeds to constitute a huge fund to finance land reform and agriculture.

Thirty-first. Immediate enactment of the pending manpower development bill.

Thirty-second. Authorizing the Mindanao Development Authority to borrow money from foreign sources to finance major turn-key projects.

Thirty-third. Updating of existing laws on power distribution so that cheap power may be extended to all.

Thirty-fourth. Changing the entire orientation of our public housing policy to suit needs of the low wage-earners.

Thirty-fifth. Establishment of a workable unemployment insurance scheme.

Thirty-sixth. Creation of a workers' bank with GSIS and SSS providing seed.

Thirty-seventh. Immediate passage of pending medicare bill.

Thirty-eighth. Appropriation of sufficient funds to reactivate public defenders.

Thirty-ninth. Creation of a Textbooks Commission for Public Schools.

Fortieth. Establishment of trade and cultural relations with countries of Eastern Europe.

The biography of President Marcos follows:

BIOGRAPHY OF H. E. FERDINAND E. MARCOS, PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES

Of all the present Asian leaders, President Ferdinand E. Marcos of the Republic of the Philippines shows every sign of becoming the most persuasive and most deeply committed to the cause of democracy, both as a system opposed to communism and dedicated to peace with freedom.

It is not difficult to believe in this, for Ferdinand Marcos, born on Sept. 11, 1917, belongs to the generation that grew up in a time that was still stirred by World War I and in a country that was imbued with the democratic ideals learned from America, and passionately embraced by a people and their leaders who longed for freedom.

Ferdinand Marcos was a studious youth, as reflected in his high grades from elementary school through high school and college, and it was because of his serious mind that he soon became conscious of politics and the dynamics of government. Pursing a law course in the state university, the University of the Philippines in Manila, he became a student leader and participated in student demonstrations against certain national ills at the time and for the early attainment of independence.

His life suddenly took a dramatic turn, when even as he was finishing his law course, he was accused of the murder of a political enemy of his father, Mariano Marcos, a public school teacher turned politician, who served a term as representative in the Philippine Legislature and later was appointed governor of Davao province in Mindanao. The young Marcos was subsequently convicted by the local court in a highly controversial decision. He appealed his case while still in detention, at the same time continuing to review for the bar examinations.

He passed the bar in 1939, with one of the highest grades in bar history, and won his case, Philippines-Northern Luzon. This unit fought inside enemy lines in the rugged terrain of the Cordilleras range in the Mountain Province.

During the Liberation Campaign, President Marcos fought in one of the decisive battles of the war, the Battle of Bessang Pass, which led to the capture of General Yamashita, the commanding general of the Japanese Imperial Forces in the Philippines.

President Marcos emerged from the war with nearly every medal and decoration for courage and gallantry the Philippine and American governments could bestow on a soldier. He received, in all, 27 medals and decorations, making him the most decorated Filipino soldier in World War II. Four of his decorations were for five wounds sustained in battle.

His first taste of civil administration was his assignment to establish a government in the areas cleared of Japanese by his outfit, in Northern Luzon. He continued to do this, first as combat officer then as judge advocate general and civil affairs officer of the USAFIP–NL. From this experience, he went actively into public service.

He served as a technical assistant to President Manuel A. Roxas, the first President of the Republic of the Philippines, in 1946, then led a mission of Filipino officers in 1947 to Washington, D.C., to secure from the U.S. Congress arrears-in-pay and other benefits for Filipino World War II veterans.

In 1949, at 32 years, he ran for the Philippine Congress, and won a seat as representative of the second district of his home province, Ilocos Norte, in Northern Luzon. It was the same district once represented by his father. This lanuched his political career.

He served as Congressman for three consecutive terms—one term is four years—and after his third term, he ran for senator and won the highest number of votes among the senatorial candidates. That was in 1949. As with his career in the Lower House, he was a leading senator, occupying vital positions of leadership.

In the Senate, he was minority leader and then President. He also served as a member of the National Economic Council, the Council of Leaders and the Council of State.

A prolific lawmaker, he established a record during his terms in both Houses for the most number of important bills introduced, many of which were passed. He pioneered in land reform legislation, championed the Land Tenure Act in the House and steered the passage of the Land Reform Code in the Senate. He also worked to strengthen trade unionism, was cosponsor of the Magna Carta of Labor and the Anti-Scab Law.

President Marcos, had, indeed, a broad interest as legislator, which ranged from agriculture to civil liberties, economics to foreign relations. It was as though he was rehearsing for the Philippine presidency, for which he set his hat from the jump-off point of the senate presidency, which he held at the time he broke off with the then President Macapagal and the Liberal Party, and joined the Nacionalista Party.

In the Nacionalista Party national convention of 1965, he fought a hard but masterly battle, with the odds against him, being a neophyte member of the party while contesting the presidential nomination with veteran Nacionalista leaders. The resounding triumph of President Marcos, in a way, indicated what was to come in the presidential campaign that was to follow. As it turned out, it was an uphill battle all the way, but the votes ultimately gave President Marcos a clear-cut mandate from the people.

In his first six months in office, President Marcos spiritedly faced up to the crisis in government, which had to contend with low morale, depressed public funds, and an economic slump. Today, there is a new briskness in government operations, resumed economic activity, and fresh public confidence in the national leadership.

In foreign relations, President Marcos unequivocally reiterated Philippine support of the free way of life and the Philippines' staunch opposition to communism, as proven by his vigorous advocacy of Philippine assistance to South Vietnam in its struggle against communist aggression. He has also sparked the resumption of Philippine diplomatic ties with the Federation of Malaysia, the recognition of Singapore, and the rapproachment between Malaysia and Indonesia. He has enunciated a policy of support for any move to strengthen economic, cultural and mutual defense agreements among friendly Asian countries, in the interest of common development and stability.

VOCATIONAL EDUCATION IN A TRILLION DOLLAR ECONOMY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. PUCINSKI. Mr. Speaker, on May 30 I addressed the Career Academy annual convention in Milwaukee and discussed America's great need for a workable and effective program of vocational education in our schools to acquaint our young people with the world of work and what it means to be an adult.

Following is the text of my remarks:

VOCATIONAL EDUCATION IN A TRILLION DOLLAR ECONOMY

In his book, "Making Education Relevant," Marvin Feldman of the Ford Foundation said:

"We can no longer tolerate an educational system which ignores the world of work; where occupational studies are considered inferior to general studies, and where youngsters in vocational courses do not receive the training necessary for entry into college and those in college preparatory courses are denied vocational experience which relates their learning to reality."

The United States is now in its 10th year of continuous, expanding prosperity—a standard of living unmatched in the history of the world. Within a very short time, our nation will be a trillion dollar economy.

In the midst of this abundance and this plenty, we are confronted with disorders in high schools and colleges, civil discontent, hunger and poverty. How can this be?

Sixty percent of America's high schools have experienced some form of disorder—to a lesser or greater degree—and I suspect the most prevelant cause is a disenchantment by young people with the type of schooling they get.

In the midst of our unequalled prosperity, more than 4,000,000 Americans are unemployed—the vast majority willing and anxious to work.

Within the next 2 weeks, approximately 1,000,000 high school graduates will enter the job market, to a great extent unprepared for anything but unskilled labor.

Some 26 million young people have entered the nation's job market for the first time in the last 10 years. Of this number, a minimum of 30% were under-educated for the specific jobs available.

Only 1 student in 10 who leaves school without a bachelor's degree has some preparation for a specific occupation.

Thirty percent of the able-bodied unemployed in America this very morning are between the ages of 16 and 19.

This pool of potential talent is going to waste because American education has consistently and brutally ignored the one common ingredient in all of our lives.

Our educational system has relied on and continued to stress rote memorization of history, language and the arts, while at the same time failing to incorporate these subjects into an equally important discipline—the world of work.

Only one student in 5 goes on to college after completing high school. The other 80% enter the labor market, most of them ill-prepared and poorly trained to confront technology head on. These young people have spent 10 to 12 years behind desks in classrooms, and most of them can count on the fingers of one hand the hours they have spent actually preparing for the real world.

I am not suggesting, nor would I, that we ignore the scholastic disciplines. And I do not propose to engage in a debate with those who favor the liberal arts to the exclusion of technical skills.

I do propose a massive restructuring of our system of education in America. Our present system—and I speak to you today with more than 10 years of solid work in looking into all aspects of American education—our present system is unrealistic. It fails to serve the young people it is supposed to be preparing for life.

Far too many students are bewildered and confounded by the sheer choices with which they are confronted when they leave school. And far too many of them are blocked from making any sort of meaningful choice because they have not been exposed to legitimate work experience.

It is for this reason that I strongly believe that this last third of our 20th century belongs to vocational educators.

For years vocational educators have been striving to interest their colleagues in the merits of correlating the skills, training, and information available in education to encourage students to explore the outside world and to prepare them to live in it as productive adults, not national liabilities.

For too long occupational education has floundered in the backwater of American life. All too often young people were being trained for outmoded jobs.

We need a major restructuring of our thinking in education today. We need a curriculum geared to the world as it is, in which students will earn their living and develop as adults. If there is a salvation for American education, I firmly believe it lies in a greater emphasis on developing occupational skills.

This is why I believe we need to enlist the help of proprietary schools such as your own Career Academy to train the massive labor force America needs as it passes a trillion dollar economy in the 70's and reaches for a 4 trillion dollar gross national product by the end of this century.

Our children are not stupid; neither are they interested in being preserved in cocoons of ignorance and shielded from learning what it is to be adult until that magical age of 21.

Occupational training can offer a workable, exciting solution to educating our children. It can offer them distinct choices. It can acquaint them with methodolgy and technology and give them a firm grounding in the skills they will need to find jobs that mean something, not only to them, but to their communities.

We need an entirely new sense of direction in job training too! One of the major faults in our massive job training programs instituted by the Federal Government in recent years is that we have tried to train people primarily for entry skills. We have trained them to do only that which will get them on a payroll—any payroll—as quickly and painlessly as possible.

But in our effort to help them earn their own way, we neglected Step 2, which is to provide them with the training necessary to progress in their jobs. As a result, too many of our Federal programs have been a tragic and costly failure; and too many thousands have abandoned these instant jobs feeling discouraged, disappointed, and enraged.

Most of them feel they've been conned. And many of them are right. The tragedy is that you can never get them to try again.

We have the means to reach these young people and to offset and eliminate their restlessness and dissatisfaction in our nation's private trade schools.

We don't need new programs, for the techniques and technology that already are available are more than adequate for this massive task.

There are in America today more than 7,000 private trade schools which could absorb with no delay—immediately; tomorrow—more than 1 million hard-core unemployed for meaningful training programs, and your own network of Career Academies scattered throughout the United States is the most effective of them all. Career Academy is the Cadillac of trade schools in America.

All of these schools have been approved for their academic standards by the Veterans Administration and are today training tens of thousands of young men benefitting from the G.I. Bill of Rights.

We have gone through a noble experiment in job training in this country only to see program after program fail to reach its goal.

The huge cost of the Job Corps; the millions of dollars spent on manpower retraining; the highly touted National Alliance of Businessmen which was to have spent $2 billion training the hard-core unemployed for meaningful employment—all of these have had—at best—only limited results.

That is why I so firmly believe the time has come when we ought to put this whole program of occupational education into proper perspective.

For the very young people still attending elementary and high school, we ought to fully fund the Vocational Education Act of 1968 which I sponsored, and which would bring meaning to American public education.

For those who are now out of school or who seek a faster orientation in a meaningful occupation, I propose the Federal government fully utilize this very impressive network of trade and career schools we have in America.

Your own Career Academy is today a national asset because it has the know-how, experience, and the capability of closing the gap between those unprepared for gainful employment and the employer who so desperately needs their services. We need only look at the weekend want-ad columns to see jobs begging to be filled.

Your Career Academy has developed an outstanding capability in recruiting, training, and above all, in placement after the training cycle, in meaningful employment.

America's trade schools offer the greatest hope for job training.

Contrast your orderly and systematic approach to job training with some of the government-sponsored programs, and you will see what I mean.

I submit that a hard-core unemployed American has three strikes on him when he tries to go the route of being trained by an employer. First of all, because he is considered hard-core unemployed, his fellow workers in his new job environment subliminally display an antagonism toward his presence; the foreman or other supervisor in the plant—already overburdened with his normal responsibilities—rebels against the extra responsibility of training the so-called hard-core unemployed recruit; and finally, the recruit himself—bewildered and inexperienced—becomes easily frustrated and drops out of the training program at the slightest provocation.

This is why the drop-out rate in the recruitment efforts of hard-core unemployed is so unnecessarily high and costly to the taxpayer.

In my judgment, it is a tragic mistake not to utilize the proprietary schools of this country with their excellent record of achievement in this great effort to deal with hard-core unemployment in America.

Your own experience as administrators of these schools teaches you that the orderly process of occupational training, which you can provide even to those totally unskilled, gives a student confidence, competence, and stability.

During the whole course of training, the student develops work habits which prove invaluable to himself and to his future employer.

It is for this reason that I have proposed to the Secretary of Labor that if we really want to have effective programs of training, we enlist your help. For you can provide that bridge between the world of unemployment for the hard-core unemployed and the meaningful world of work. All over this country employers are finding, in ever-increasing numbers, that this transition is not as easy as they thought.

In a growing number of situations, American industry which has invested in plants in the ghetto, is now finding that the absentee rate among the hard-core unemployed which employers try to train themselves, is making the venture so costly that in too many instances they have abandoned these projects.

Training or retraining of those who were unemployed or underemployed is a job for the experts. There is no short cut to produce "instant workers" and the sooner this nation learns this truism, the sooner we will start making meaningful progress toward fulfilling the needs of America's expanding industry.

In this room today we have men and women who hold the key to the future of America's economic progress.

Our nation cannot achieve a trillion dollar economy and train a force of 100 million workers to keep that economy going without your help.

More than a decade ago, Paul Goodman in his book *Growing Up Absurd* recommended that students be trained for eventual employment by allowing them to combine school with a job. He proposed that schools, with the cooperation of business and industry, offer work experience programs to students to help them develop skills and receive academic credit.

Such a work experience program would be for all youngsters in high school wishing to take advantage of the opportunity, and it would have the added advantage of assisting needy students to continue their education.

Mr. Goodman's idea was a brilliant one ten years ago and a brilliant one today. It is surely no secret to any parent or anyone who cares to read a newspaper that students drop out of school largely because they find it irrelevant and unrelated to what they are going to do for most of their lives.

About 95% of the young people who lose their first jobs lose them not because of any lack of potential ability or intellectual proficiency; they lose them because they just don't know what is required of them on the job.

Work experience helps the student to feel a sense of achievement and of growth and maturity. He learns to recognize the value of work and, hopefully, learns that regular attendance at school and work pays off.

That is why I maintain that this last third of our 20th century belongs to you as vocational educators. You have the skills and the ability to make productive adults out of unemployable adolescents.

Among the more than 7,000 vocational education schools in America, Career Academy here in Milwaukee surely ranks among the most distinguished of this group.

Last spring the report of the National Advisory Commission on Civil Disorders reported that nearly 80% of the persons involved in disturbances were employed in intermittent, low-status, unskilled jobs.

Dr. Kenneth Clark and countless other experts in the field of social science have repeatedly stressed the importance of jobs that provide the worker with dignity, opportunity, and respect. Surely this is not asking too much of a nation that was founded on the premise that every man has value and integrity that should be nurtured in freedom.

It is imperative that we create courses of study so welded to employment that students are permitted the widest number of career choices. Unskilled labor is becoming obsolete and options for the poorly educated decline daily.

With a curriculum that involves the student in preparing for his own future, that develops his skills and self-knowledge, and that also gives him a broad view of the humanities and their application to his own world and his place in it—it is logical to expect that a great number of students will be motivated to remain in a school environment until they earn their diploma.

That diploma means a passport to income and a worthwhile career in a trillion dollar economy. Seeing to it that every able-bodied American youngster has that passport to opportunity is my responsibility as Congressman and yours as vocational educators.

LOS ANGELES ATTORNEY APPOINTED CHAIRMAN OF INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ROYBAL. Mr. Speaker, it is a real pleasure for me to offer my congratulations to a fellow Californian, Mr. Martin G. Castillo, of Los Angeles, on his appointment as Chairman of the Interagency Committee on Mexican-American Affairs.

Mr. Castillo brings with him an excellent background of education, personal knowledge, and professional experience to his new position on the Federal level, and I am confident he will be able to do an outstanding job of continuing and advancing the vital work already begun by the Interagency Committee.

A 37-year-old attorney, member of the Los Angeles law firm of Leis, Gershan & Castillo, and graduate of Loyola University Law School, Mr. Castillo is a former fighter pilot who currently holds the rank of captain in the U.S. Air Force Reserve.

I am particularly happy about Mr. Castillo's appointment because knowing of his deep interest in improving opportunities available to America's Spanish-surnamed citizens, I believe that, as Chairman of the Interagency Committee, he will maintain the tradition of strong, active leadership in identifying and meeting the unique needs of the Nation's second largest minority group.

Because of his intimate knowledge of the problems, challenges, and potentialities of the Spanish-speaking community, Mr. Castillo is a strong advocate of the proposition that every American, regardless of race, color, creed, national origin, or ethnic background, should be offered a chance to enter into the mainstream of all aspects of our Nation's life—to obtain a full share of the tremendous economic, social, and educational benefits of our great land.

I know Mr. Castillo will make every effort to fulfill the Interagency Committee's Presidential mandate, both to assure that Federal programs are reaching the Spanish-speaking community and providing the assistance required, as well as to seek out new policies and programs that are relevant and meaningful to this significant segment of our country's population.

And, since the Committee is the only Cabinet-level voice within the executive branch designed specifically to represent Spanish-surnamed Americans in the highest Government councils, Mr. Castillo will now be in a position to make a major contribution toward achieving the Committee's goal of increased jobs, better housing, improved health care, and wider educational opportunities for members of the Spanish-speaking community.

THE DEFENSE DEBATE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ROSENTHAL. Mr. Speaker, there has been significant press, radio, and television coverage of the recent Congressional Conference on the Military Budget and National Priorities. The Conference report, issued June 1, inspired many newsstories and much editorial comment.

As an originator of the Conference, I have been pleased to see this reaction for it fulfills a basic purpose of the Conference: to inspire discussion among citizens on what our national priorities are and where defense spending finds its place among them.

The Long Island Press on Monday, June 2, 1969, contributed the following intelligent comment on this discussion:

THE DEFENSE DEBATE

> A welcome sense of reason is emerging in the debate over the role of the "military-industrial complex" in national affairs. Too much of the debate has been animated by emotional tirades for and against the defense establishment.
>
> Apologists for giving the Pentagon carte blanche too often cry "communist menace" to justify enormous expenditures with a minimum of constraint and questioning. The result has been the creation of a vast and powerful force within America that has taken on a life of its own, espousing policies and taking actions that often inhibit any genuine approach to peace.
>
> On the other hand, too many, like the Nobel Prize winning biologist, George Wald, go to the simplistic extreme of just wishing away the realities that bother them. This is all one world, he said in a recent, widely hailed speech, and "the thought that we're in competition with Russians or with Chinese is all a mistake and trivial."
>
> It may well be a mistake, but it won't be a trivial one until the Russians and Chinese agree with Prof. Wald that there is no competition.
>
> As a panel of American and European analysts pointed out the other day in a study of Soviet naval policy, the Russians are embarked on a maritime strategy aimed at controlling the seas of the world. There is nothing trivial about this—or about the various communist pressures throughout the world, in the Middle East and Middle Europe, in Latin America and Asia. Does Prof. Wald or anyone else really believe that if we simply throw away our bombs and bombers the rest of this world will follow suit?
>
> The ugly fact of life is that there is deadly competition, mutual distrust, feeding on each other. We must do all possible to end this, but until there are guarantees that all agree on arms controls, we dare not weaken our defense capability.
>
> But it is one thing to acknowledge the need to maintain our military strength. It is another to let the military dominate our national existence, and draw on our resources far beyond any rational need. And it is here that voices of responsible criticism are raised with relevant urgency.
>
> Last week, a House-Senate economic subcommittee blasted the Pentagon's wasteful procurement policies that artificially inflate the budget and line the pockets of defense contractors.
>
> In a blistering report, the congressmen showed that "the evidence is convincing that procurement expenditures can be substantially reduced without diminishing national security. In the past, literally billions of dollars have been wasted on weapons systems that have had to be canceled because they did not work . . . The result of the absence of effective cost controls, has resulted in a vast subsidy for the defense industry . . ."
>
> Pentagon officials quickly agreed with the report. They pointed out it dealt with practices occurring under the previous administration and they said the Nixon Administration is overhauling the purchasing procedures.
>
> That's fine for a beginning. Executive initiative is essential. But so, too, is constant and vigorous congressional review. And this, among other things, was what has been proposed by 45 congressmen in a report, issued last night, on the proceedings of a conference on military budget and national priorities held in March.
>
> The report was signed by nine senators and 36 representatives, including five Long Island Democrats: Benjamin Rosenthal, a sponsor of the conference, and Shirley Chisholm, Lester Wolff, Allard Lowenstein and Hugh Carey. It called for the creation of a Defense Review Office to analyze defense spending for Congress; a temporary national security committee to look into military-industry relationships, and a reduction of security classifications.
>
> These are welcome signs that Congress is ready to take away the Pentagon's blank check that has allowed 80 per cent of our federal expenditures to go into defense costs, an amount greater than all federal, state and local outlays for social security, health, education, housing and agriculture.
>
> Readjusting this gross imbalance need not in any way endanger the basic needs of national defense. Indeed, if we can divert the billions now being wasted into domestic channels crying out for assistance we shall be doing a great deal to strengthen the national security by building up our internal strength.

THE WAR MACHINE UNDER NIXON

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. RYAN. Mr. Speaker, during its first 4 months in office, the Nixon administration has repeatedly pointed to rising inflation in the economy as the major problem confronting the Nation.

In order to reduce inflation, the administration has emphasized making substantial cuts in Federal expenditures. The bulk of the proposed budget cuts for fiscal year 1970 are in the domestic area. Although it has recommended some reduction in the military budget, the plain fact is that the President has taken $3 from civilian needs for every $1 from the military budget.

The substance of the reductions proposed for the military for the coming fiscal year are examined in the detail that is so often lacking in the Armed Services Committees of Congress in an article by I. F. Stone which appears in the June 5 issue of the New York Review of Books. In addition to examining how these so-called reductions actually conceal an increase of nearly $3 billion in non-Vietnam defense expenditures, the article, entitled "The War Machine Under Nixon," discusses the broader implications of putting the acquisition of weaponry and nuclear overkill above starved domestic programs.

If the allocation of resources proposed in the administration's budget for fiscal year 1970 is indeed an indication of where, as Mr. Stone puts it, "Washington's heart is," there is little doubt that the heart of this Government belongs to the Pentagon.

The waste and extravagance which have permeated defense spending for the past decade constitute one of the most scandalous episodes in our history, especially in light of the continued postponement of vital domestic needs in our society.

The reallocation of resources which is so urgently needed if we are to meet our numerous domestic problems, on the basis of the budget it has presented to Congress for fiscal year 1970, is not to be the policy of the Nixon administration. Given that fact—and I think we must recognize that it is a fact—it is up to Congress to assume the responsibility of halting the runaway spending of the Pentagon and rechannel the resources of the Federal Government into domestic programs that offer solutions to our multiple domestic needs.

The article by I. F. Stone on the defense budget follows:

[From the New York Review of Books, June 5, 1969]

THE WAR MACHINE UNDER NIXON

(By I. F. Stone)

In government the budget is the message. Washington's heart is where the tax dollar goes. When President Nixon finally, and very tardily, presented his first budget proposals in mid-April in a mini-State of the Union message, he said "Peace has been the first priority." But the figures showed that the first concern of the new Administration, as of the last, was still the care and feeding of the war machine.

Only Nixon's style had changed. "Sufficiency" rather than "superiority" in nuclear armaments remained the new watchword. But in practice it was difficult to tell them apart. Administrations change, but the Pentagon remains at the head of the table. Nixon's semantics recalled John F. Kennedy's eight years earlier. The Eisenhower Administration had waged battle for four years against the bomber gap and the missile gap with the slogan of "sufficiency." "Only when our arms are sufficient beyond doubt," was Kennedy's elegant riposte in his Inaugural, signaling a new spiral upward in the arms race, "can we be certain without doubt that they will never be employed." The rhetoric was fresh but the idea was no different from John Foster Dulles' "position of strength." This is the *plus ça change* of American government and diplomacy. It emerged intact after Nixon's first three months in office, too.

At a press conference four days after his budget message, Nixon said again that "sufficiency" in weaponry was "all that is necessary." But a moment later he was clearly equating it with nuclear superiority. He said he didn't want "the diplomatic credibility" of a future President in a crisis like that over Cuba's missiles "impaired because the United States was in a second-class or inferior position." A press corps obsessed with the latest plane incident off North Korea did not pause to consider the implications. Was "diplomatic creditbility" to be measured in megatons? Were we preparing again to play a thermonuclear game of "chicken," to see who would blink first at the prospect of instant incineration? Was this not the diplomacy of brinkmanship and the strategy of permanent arms race?

No correspondent asked these questions, and Nixon did not spell out the inferences. His tone was softer, his language more opaque, than that of the campaign, but the essential "security gap" theme had not changed. The main emphasis of Nixon's first months in office, the main idea he tried to sell the country, turned out to be that it was in mortal peril of a Soviet first-strike capacity. The new Administration sought to overcome a mounting wave of opposition to the ABM and to the military generally, by ringing the bells of panic.

True, the Secretary of State often seemed to deny the perils the Secretary of Defense painted. Which was the party line? It was indicative that when visiting editors were given a press kit on the ABM April 7, with a covering letter on White House stationery, signed by Herbert G. Klein as Nixon's "Director of Communications," the only thing new in that kit, the only news it contained, *and the one bit on which nobody commented*, was the "document" the Administration had chosen as the first item. It was a reproduction of a column in which Joseph Alsop three days earlier had exuberantly portrayed the "grim" (a favorite Alsop word) dangers of a first strike from Laird's new monster, the Soviet SS–9. The leading journalistic Pied Piper of the Bomber Gap and the Missile Gap had been enlisted by the new Administration to help it to propagate a new Gap. If the White House stationery and the Klein signature were not enough to make Alsop's nightmare official doctrine, the reproduction of the column carried at the bottom of the page this imprimatur, "Prepared under the direction of the Republican National Committee, 1625 Eye St. N.W., Washington, D.C." The candor was dazzling.

The Budget Bureau fact sheets which accompanied Nixon's spending proposals sought to create the impression that on the military budget, as on so much else, Nixon in power was reversing the course set by Nixon on campaign. "Military and military assistance programs account for $1.1 billion (27%) of the $4.0 billion outlay reduction [for fiscal 1970]," said one fact sheet, "and $3.0 billion (55%) of the cut in budget authority." But, as we shall see, while the cuts in domestic civilian programs proved all too real, those in the military budget were either dubious or deferrals.

There was in the Nixon budget one complete and dramatic about-face on the FB–111. Six months earlier, just before the election, at Fort Worth, where General Dynamics was building this new strategic bomber, Nixon had promised to make the F–111 "one of the foundations of our air supremacy." Now it was put permanently on the shelf. Procurement of the bomber was cut back sharply for fiscal 1969, which ends June 30, and abandoned altogether for fiscal 1970. Only the F–111D, the Air Force fighter version of this plane, was to stay in production a while longer.

Thus *finis* was soon to be written to the career of the multi-purpose, multi-service plane originally known as the TFX, one of McNamara's most costly misjudgments. But on this, as on almost every other item of apparent economy in the Nixon-Laird revisions of the Pentagon's budget, the few hundred millions saved in fiscal '69 and '70 were linked to commitments which would cost literally billions more in the decade ahead. Every short step back hid another leap forward in expenditures.

The TFX was McNamara's effort to stall off the drive of the bomber generals to commit the country to an entirely new manned bomber in the missile age. He gave them the FB–111, the bomber version of the TFX, instead. Laird reduced FB–111 procurement in fiscal '69 by $107 million and eliminated altogether the planned outlay of $321 million in fiscal '70. But he then added $23 million for fiscal '70 to speed "full scale engineering" of the new intercontinental bomber AMSA (Advanced Manned Strategic Aircraft) for which the Air Force and the aviation industry have been lobbying for years. "The FB–111, Laird told the Senate Armed Services Committee March 15, in an echo of of the lobby's arguments, "will not meet the requirements of a true intercontinental bomber and the cost per unit has reached a point where an AMSA must be considered to fill the void."

It will be quite a void. The cost overruns, which had more than doubled the price of the FB–111, now, became the excuse for going ahead with a far more expensive bomber. The net saving of $405 million in fiscal '69 and '70 ($107 plus $321 minus $23 million) will commit the country to a new plane which Senator Proxmire told the Senate April 22 will cost at least $24 billion during the next decade. Such illusory economies place heavy first mortgages on the future in favor of the military and at the expense of social needs.

Even so, there was hidden in the F–111 cutback a $200 million consolation prize for General Dynamics. The formal budget document [1] carried an increase of $155.7 million for "Production of F–111D at minimum sustaining rate related to FB–111 cancellation." I was puzzled by this reference to a "sustaining rate." What was being "sustained"—military needs or General Dynamics?

I found a fuller explanation when *Aviation Week & Space Technology* arrived for May 5. It said the revised Nixon procurement plans for General Dynamics F–111D provided $599.8 million for aircraft "plus $56 million for advance procurement and $71.4 million to cover excess costs generated in fiscal 1968." It said the total of $727.2 million "represented a sharp increase over original fiscal 1970 plans of $518 million." Indeed this is an increase, though *Aviation Week* did not say so, of $209.2 million rather than the $155.7 specified in the budget message.

The increase had been approved by Deputy Defense Secretary David Packard—a director of General Dynamics until his Pentagon appointment—to counterbalance a cut of $320.9 million in the FB–111 program. It would "enable General Dynamics to retain its present production facilities." Not only did thirteen of these fighter planes crash in their twenty-six months of operations [2] but Senator Curtis of Kansas, in a comprehensive Senate speech last October 3, said they were not maneuverable enough as fighters. They are effective only as tactical bombers against enemy forces like those in Vietnam, which have no air cover of their own. Yet the government was not cutting back on its original plan to buy 331 of these F–111D's.

This in only one of many examples in the budget of how easily the Nixon Administration finds millions for such dubious military purposes but not for urgent social needs. The $200 million consolation for General Dynamics is the same amount—a very inade-

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Footnotes at end of article.

quate amount—Nixon set aside in his budget message for riot-devastated cities. Nixon got a lot of publicity out of his order to give this urban program priority, but it didn't have enough priority to be a $200 million addition to the budget. It was just deducted from the meager amounts already available for other urban purposes.

II

Those who still look for the "shape" of the Nixon Administration are bound to remain bewildered. Shape is another word for policy, and policy requires the substitution of decision for drift. The campaign promised decision from one direction, the right. The situation requires decision from another direction, which might be called the left. Nixon turns out to take his stand—though that is too strong a word—in the middle of makeshift compromises. Whether on electoral reform or tax reform or poverty, feeble and inadequate half-measures are the rule. This shapelessness is the shape of the new Administration.

Hand-to-mouth decisions are standard in all governments, and inertia is basic in politics as in physics. But drift is only safe in quiet waters; to let inertia have its way in stormy seas is to risk disaster. Richard Nixon in the Sixties is beginning to resemble Calvin Coolidge in the Twenties, when the country kept cool with Cal, just before going over the brink with the stock market crash and the Great Depression.

To let inertia reign in the American government is also to let the military dominate. The sheer size of the military establishment, its vast propaganda resources and its powerful allies in every business, locality, and labor union affected by the billions it spends every year, gives it momentum sufficient to roll over every other department and branch of the government. In the absence of a strong hand and hard choices in the White House, the Pentagon inevitably makes the decisions. If nothing else, it makes them by default.

But there is more than default, and more than meets the eye, in the military budget. The readiest source of campaign funds and political support for nomination and election as President lies in the military-industrial complex. It is also the most skillfully hidden source. I suspect that the 1968 campaign, like the 1960, was preceded by deals which called for a buildup in military procurement. This would help to account for the steep increase in appropriations by the Kennedy Administration despite its discovery on taking office that the "missile gap" did not exist.[3]

The two plums the military-industrial complex most wanted on the eve of the 1968 campaign was the ABM and AMSA, a new advanced strategic bomber. In 1966 the Armed Services Committees of both houses recommended extra funds to speed both projects. A Congress still comatose on military matters dutifully voted the money. But McNamara refused to spend it. Johnson made two moves during the following year which cleared the way for both projects. In September 1967 he forced McNamara to swallow the bitter pill of advocating a "thin" ABM system in which the Secretary of Defense clearly disbelieved. Two months later Johnson made the surprise announcement—as much a surprise to McNamara as to the press—that he was shifting the redoubtable Pentagon chief to the World Bank. That cleared the way for AMSA, too, and with both projects it also cleared the way for the 1968 campaign.

As late as January 1968, in his last posture statement as Secretary of Defense, McNamara was still fighting a rear-guard action against AMSA. He argued that the principal problem lay in the growing sophistication of Soviet air defenses. "Repeated examination of this problem," he told Congress, "has convinced us that what is important here is not a new aircraft but rather new weapons and penetration devices."

AMSA began to inch forward when Clifford replaced McNamara. In Clifford's first posture statement last January, he struck a new note when he declared the FB–111 would be too small to carry the new weapons and penetration devices McNamara had in mind. One wishes one knew more about this, since it seems unlikely that McNamara would have overlooked so simple a point. While Clifford said "we are still uncertain whether a new intercontinental bomber will be needed in the 1970s," he more than doubled the research and development funds for AMSA, increasing them from $30 million in fiscal 1969 to $77 million in fiscal 1970, "to keep the program moving."

The Nixon-Laird revisions two months later went further. They not only added $23 million more for AMSA but authorized the Air Force to move into the engineering phase, the last stage in R and D before procurement. "Now, after a very careful review," Laird told the Senate Armed Services Committee March 27, "we have decided to cut off the FB–111 program . . . and concentrate our efforts on the development of a new strategic bomber, AMSA." General Dynamics, which lost out when Nixon phased out FB–111, will be one of the bidders on AMSA.

ABM and AMS together could spell $100 billions in electronic and aviation contracts in the years ahead. AMSA itself may prove a bigger gamble and a far more costly error than the TFX. *Space/Aeronautics* for January published a special issue plotting future trends in strategic warfare. It pointed out some of the pitfalls which may lie ahead for AMSA. About eight years elapse between concept definition and actual production in developing a new bomber. But Pentagon intelligence has never been able to come up with estimates of enemy threat valid for more than two or three years. "Thus," this Conover-Mast publication for the aerospace industry concluded, "there is no way of telling, the critics of AMSA claim, whether we would be committing ourselves to a system we really need or to what will end up as an immensely costly mistake."

The survey admitted that AMSA would be "less vulnerable than the B–52 and perform better," but added philosophically that "in a nuclear exchange time is too important an element for bombers to have any real effect." In other words even the fastest bomber may have no targets left after the far swifter missile exchange is over. One firm intelligence forecast emerged from the survey. "If AMSA is built," *Space/Aeronautics* said, "it will probably be our last strategic bomber. Once the present generation of Air Force commanders is gone, the top-level manpower will not be there to produce the sort of pressure that has kept AMSA alive for so long." Once the bomber admirals are dead, the clamor for a new bomber will die out, too. But the last fly-by will cost plenty.

III

AMSA is only one of many new military projects hidden in the new 1970 budget which will add billions to the future costs of government. "The present inflationary surge, already in its fourth year," Nixon said in his April 14 message, "represents a national self-indulgence we cannot afford any longer." But the principal beneficiaries of that indulgence are the military and their suppliers. And they seem to be exempt from anti-inflationary measures.

Fully to appreciate what the miltiary is getting one has to begin with a disclosure made in the Budget Bureau's presentation of Nixon's budget revisions. Nixon had to squeeze $7.3 billions out of the normal civilian and welfare activities of the government in fiscal 1969 (which ends June 30 of this year) in order to meet the expenditure ceilings imposed by Congress when it enacted the 10 percent surplus income tax. This reduction over and above Johnson's budget for FY 1969 was made necessary by certain "uncontrollable" items. An example is the interest on the public debt which rose by $300 millions. But the biggest uncontrollable item, ten times that much, or $3 billion, was an increase in Vietnam war costs over and above those originally estimated by Johnson.

So all sorts of civilian services during the current fiscal year have had to be pared to meet the unexpected increase in the cost of the Vietnam war. Now let us couple this revelation about the 1969 budget with a basic decision made by Johnson in the 1970 budget. In that budget Johnson for the first time, on the basis of his decision to end the bombing of the North, which was very costly, and perhaps in expectation of less combat on the ground in the South,[4] forecast the first sharp cutback in Vietnam war costs. This was estimated as a savings of $3.5 billion during fiscal 1970.

This was to be the country's first "peace dividend." But instead of applying this $3.5 billion in the 1970 budget to starved civilian and welfare services, or to reduction of the deficit, Johnson added this $3.5 billion *and $600 million more* to the money available for the Pentagon to spend o procurement and activities other than those connected with the Vietnam war. *The total increase in the non-Vietnamese military budget as projected by Johnson was $4.1 billion more, even though he estimated the Vietnam war was going to cost $3.5 billion less.*[5] In his April 14 message, Nixon said of our domestic needs, "what we are able to do will depend in large measure on the prospects for an early end to the war in Vietnam." The Johnson 1970 budget projected the first slowdown but proposed to use the savings entirely for military expansion. Nixon went along with that decision.

From the Pentagon's point of view there could not have been a smoother transition than the shift from Johnson to Nixon. Nixon revised Johnson's social and welfare programs downward but left his military budget essentially untouched. It read like the handiwork of the Johnson who was the ally of the military and the armament industries as chairman of the Senate Preparedness subcommittee during the Fifties. Johnson's last defense budget was not only the highest ever sent Congress—$81.5 billion as compared with the World War II peak of $80 billion in fiscal 1945—but laid the basis for a huge expansion in spending during future years. It gave the go-ahead signal to a wide variety of projects the armed services had long desired.

Nixon had campaigned on a "security gap" but Johnson left few if any gaps to fill. "The number of new programs spread through the new defense budget," *Space/Aeronautics* commented in its February issue, "is astounding in comparison with the lean years from fiscal 1965 to 1969." Among them were $400 million for "major developmental activity on no fewer than six new aircraft" and—biggest item of all—an increase of $1.64 billion to a total of $2.85 billion for the Navy's surface ship and submarine building program. Arms research and development was boosted $850 million to a total of $5.6 billion, including work on such new monsters as missiles which can be hidden on the ocean floor.

This farewell budget also put Nixon in a bind. As *Space/Aeronautics* pointed out in that same editorial, if Nixon tried to cut back appreciably on the Johnson budget, he would open himself to "security gap" charges. On the other hand "if he doesn't defer or cancel at least some of them, and if the war in Vietnam cannot be brought to an honorable close some time next year, he will face a crushing arms bill in fiscal 1971, when many of these starts begin to demand more money." That was the risk Nixon and Laird preferred to take.

Footnotes at end of article.

IV

Nixon claims to have cut $4 billion from 1970 outlays, and taken $1.1 billion, or 27 percent, from the military. Critics have protested that he took $3 from civilian needs for every $1 he took from the military. But even this is illusory.

From another point of view, even if we accept the Nixon cuts at face value, the military will have $3 billion more in fiscal 1970 for non-Vietnamese war purposes than it had in fiscal 1969. We have seen that Johnson budgeted a $3.5 billion cut in Vietnam war costs for fiscal '70 and then added $4.1 billion to the military budget for projects unconnected with the Vietnam war. If you deduct Nixon's $1.1 billion from that $4.1 billion the Pentagon is still ahead by $3 billion.[6] If Nixon had applied the whole projected saving of $3.5 billion on Vietnam to civilian use or deficit reduction, the fiscal 1970 total for national defense would have been reduced to $97,499 million. All Nixon did was to *cut the Johnson increase* by a fourth.

Even this may turn out to be—at least in part—a familiar bit of flim-flam. Since Johnson began to bomb the North in 1965 and take over the combat war in the South, almost every annual budget has underestimated Vietnamese war costs. These have had to be covered later in the fiscal year by supplemental appropriations. The under-estimate in fiscal 1969, as we have seen, was $3 billion. The fiscal 1970 budget is running true to form.

The biggest "economy" item in the Nixon military budget is $1,083.4 million, which is attributed to "reduced estimates of ammunition consumption rates." [7] Just how much of the estimated $1.1 billion "saving" in outlays for fiscal 1970 will be the result of lower consumption of ammunition in Vietnam was not made clear. The $1,083.4 million is given as a net reduction of obligational authority in fiscal 1969 and 1970. It is one of the three main items in that $3 billion cut in obligational authority for fiscal 1970 which make it possible for the new Administration to claim that 55 percent of the total cut in obligational authority for 1970 ($5.5 billion) came from the military. Obligational authority is not necessarily or entirely translated into actual outlays during the fiscal year in which it is granted.

This projected cut in the rate of ammunition consumption is in addition to Johnson's projected cut of $3.5 billion in Vietnam war costs. Though Laird does not blush easily, even he seems to have been embarrassed by this particular "economy." "To be perfectly frank," said Laird, who rarely is, when he first broached this item to the House Armed Services Committee on March 27, "I think the ammunition consumption rates for Southeast Asia are based on rather optimistic assumptions, particularly in view of the current Tet offensive." Yet, under pressure from the White House to show more economy, the optimism rose sharply in the next four days. The following table shows the change in estimated savings for ammunition and its transportation in millions of dollars in those four days:

	Mar. 27	Apr. 1
Ground munitions	−$380.0	−$460.0
Ammunition transport	−34.4	−34.4
Air munitions	−417.9	−511.9
Ship gun ammunition	−47.1	−77.1
Total cuts	879.4	1,103.4

These figures are for total obligational authority for fiscal years 1969 and 1970. Perhaps the Administration hesitated to make public its actual outlay estimates for these two years, since they may easily turn out to be higher rather than lower, and may have to be met later in the year by a supplemental appropriation. Between March 27 and April 1 Laird boosted the estimated reduction in total military outlays for FY 1970 from "about $500 million" to $1,113 million. Most of the increased "economy" seems to have come from this ammunition item.

There are several indications in the official presentations themselves which lead one to think Laird was right to be queasy. The original 1970 budget projected consumption of 105,000 tons a month in ground munitions through December 1970. Actual consumption in January was given as 96,000 tons, but that was before the recent enemy offensive got under way. The consumption of ammunition must have risen sharply with the fighting in February, March, and April, but when I asked the Pentagon for the monthly figures since January, I was told they could not be given out. "We can only say," an official spokesman told me, "that the Secretary's projections are being borne out." If that is true our troops must have been meeting enemy attacks with switch knives.

Another indication—how I love tracking down these liars!—appears in what we know about the volume of bombs dropped on South Vietnam and Laos since we stopped bombing the North. The Pentagon's own figures on total tonnages dropped show little change. Total tonnages dropped in September and October last year, before the bombing of the North stopped, were almost 240,000. Total tonnage dropped in January and February of this year, when it was dropped only on Laos and South Vietnam, was more than 245,000. There was an increase of 5,000 tons. That increase makes the estimate of a saving of more than a half billion dollars in air munitions for fiscal '69 and '70 look very phony indeed.

Laird himself said consumption of air munitions was rising. On March 27 he told the House Armed Services Committee that while consumption had been estimated at 110,000 tons per month for the twenty-four months from January 1969 to December 1970—that doesn't sound like much *de*escalation ahead, at least in the air!—"actual consumption is now running at about 129,000 tons per month." Yet he projected a saving of $42.5 million on air munitions in fiscal 1969 and $375.4 in fiscal 1970. When he got back to the committee four days later, he placed actual consumption even higher, at 130,000 tons a month, but also projected higher savings! Now he was to save $89.5 million on air munitions in fiscal 1969, or twice the figure four days earlier, and $442 million for fiscal 1970, an increase of $47 million over the earlier estimate. Yet Laird said he saw "no indication that consumption will decline by very much during the next twelve-to-eighteen months." How then were expenditures on air ammunition to be lower than expected when the tonnage of bombs dropped was running higher than expected? Non-Euclidean geometry is not half so exotic as Pentagon arithmetic.

The ammunition figures for Vietnam are stupendous. The original Johnson-Clifford '70 budget in January projected the cost of ammunition in Vietnam during fiscal 1970 at $5.2 billion. This expenditure of shot and shell over Vietnam is two-and-a-half times the total 1970 revised Nixon budget of $2 billion for the Office of Economic Opportunity (down $132 million), and more than twice the revised elementary and secondary education outlay for '70 which he set at $2.3 billion (down another $100 million).

V

After this razzle-dazzle on ammunition, the next largest item of military saving in the Nixon-Laird budget revisions is the ABM. Let us return to the formal document sent Congress by the President. There on page 17 [8] are given "principal changes in 1970 budget authority resulting from 1969 and 1970 Defense program changes." The second largest of these is $994 million for "Reorientation of the antiballistic missile program to the new Safeguard system." This and the ammunition item make up almost $2.1 billion of that $3 billion cut in military obligational authority on which the new Administration commends itself.

A businessman in financial difficulties who thought up such savings for his stockholders would soon be in jail for embezzlement. The "reorientation" of Sentinel into Safeguard may reduce spending in fiscal 1970 but only by adding at least $1.5 billion and possibly $5.5 billion more in the next few years. This is an expensive rebaptism or, better, if we consider the phallic significance of these monsters, re-circumcision. Nixon had an easy way out of the ABM fight if he wanted one. He could have announced that like Eisenhower he had decided to keep the ABM in research and development until he was sure it would not be obsolete before it was deployed.

If he had been a little more daring, and a little less beholden to the military-industrial complex, he might have cut billions [9] from the military budget immediately by offering a freeze on all new deployment of strategic defensive and offensive missiles if the Russians did likewise as a preparation for strategic arms negotiations. This would not only save at least $5 or $6 billion in the new fiscal year but ensure our present nuclear superiority and fully guarantee against first strike nightmares.[10]

Nixon chose instead a tricky stretch-out. This offered some reductions in the new fiscal year, as compared with Johnson's ABM proposal, but at the expense of higher costs later. This ingenious compromise made it possible to offer an apparent saving to the taxpayer *and* larger eventual orders to the electronics and missile industries. This not only fulfilled the Administration's promise of New Directions but enabled it to move in opposite directions at the same time. Johnson's Sentinel was estimated to cost $5.5 billion; Nixon's Safeguard, variously from $6.7 to $7 billion, or $1.5 billion more. This may prove another official underestimate. An authoritative service which covers all developing major weapons and aerospace systems for industrial and governmental subscribers places the total cost of Safeguard much higher.

This is DMS, Inc. (Defense Marketing Service), a ten-year-old service now a part of McGraw-Hill. I had never heard of it until an anonymous reader sent me a reproduction of its report on Nixon's Safeguard. I checked with its Washington office by telephone and was given permission to quote it. Its detailed analysis places the total cost of the system at $11 billion and ends by warning that "in a program as complex as Safeguard, historical experience indicates costs in the long run are likely to be considerably higher." When Senator Cooper put the DMS analysis into the *Congressional Record* May 8, he noted that it did not include "about $1 billion AEC warhead costs." This would bring the total cost of Nixon's Safeguard past $12 billion.

Since the ABM authorization will soon be before Congress and this defense marketing service is known only to a restricted circle, we give its computations here:

Perimeter acquisition radar (PAR)	$560
PAR unit cost is estimated at $80 million, will be installed at 7 sites	
Missile site radar (MSR)	1,500
MSR unit cost is estimated at $125 million; will be installed at 12 sites	
Spartan missile	1,050
Unit cost of Spartan when deployed is estimated to be $3 million; DMS believes there will be 350 missiles installed	
Sprint missiles	560
Unit cost is estimated at $800,000; DMS believes 700 missiles will be deployed with a greater number at Minuteman sites than at other sites	
Data processing subsystem	1,500

Footnotes at end of article.

Includes new generation computer, memory banks, displays, tapes and discs plus an extensive amount of software	
Command, control and communications	$500
Warheads	210
Figure assumes 1050 warheads at a cost of $200,000 each. AEC funds are used for development and production	
Construction	2,100
Figure assumes construction costs will average $300 million annually through 1975	
Total investment for 12 sites	7,980
Research and development	2,400
Figure assumes R&D costs of $350 million per year through 1975. Does not include the $150 million per year which will support work on new radars and interceptors	
Operations and maintenance	700
Figure based on an average operation cost of $100 million annually through 1975	
Total Safeguard cost through 1975	11,080
Assumes no cost overruns.	

The DMS report notes that we have already spent $4.5 billion on the ABM from fiscal 1956 when the Army started the Nike Zeus program, through fiscal 1968, and that the research efforts which made Nike-Zeus obsolete before it could be deployed are still going on, at a cost of $350 to $500 million annually. "A number of new concepts as well as hardware," the report said, "are currently under investigation." These threaten Safeguard with obsolescence too. "Preliminary research," DMS said, "has pointed the way toward the following types of advances": One was radars of much higher frequency so the interception "would be made with either a much smaller nuclear warhead or even a conventional high explosive charge." Another was a new third stage for Spartan so the missile could fly out at greater ranges and "maneuver through a cloud of decoys to find and destroy the real warhead." A third—most expensive of all—was "defensive missiles carried either in ships or large aircraft deployed closer to the enemy's launching sites."

We give these details to show that in embarking on the ABM we are embarking on a wholly new sector of the arms race with a high rate of obsolescence to gladden the hearts of the electronics companies and of A.T.&T., whose Western Electric has long been the main contractor. The reader should note that the three advances cited in the DMS report are relatively simple and foreseeable developments. All kinds of "far-out" possibilities are also being investigated. The secret hope which lies behind all this Rube Goldberg hardware is that some day somebody will turn up a perfect ABM defense and thus enable the possessor to rule the world because a power so armed can threaten a first strike, knowing it will be immune to retaliation.

The most candid expression of this viewpoint was made by Senator Russell during the defense appropriations hearings in May of last year. "I have often said," Senator Russell observed, "that I feel that the first country to deploy an effective ABM system and an effective ASW [anti-submarine warfare] system is going to control the world militarily."[11] This control of the world, however, may be on a somewhat reduced basis. Six months later, during the Senate's secret session on the ABM (November 1, 1968), Senator Russell admitted, "there is no system ever devised which will afford complete protection against any multiple firing of ballistic missiles . . . we will have no absolutely foolproof defense, I do not care how much money we spend on one, or what we do." Senator Clark replied that casualties would be so high as to destroy civilization "and if there are few people living in caves after that, it does not make much difference." To which Russell made his now famous rejoinder, "If we have to start over again with another Adam and Eve, I want them to be Americans and not Russians." (*Congressional Record*, E9644, November 1, 1968.) Thus we would at last achieve an unchallengeable Pax Americana! And thus the ABM turns out to be another variant of the military's unquenchable dream of an Ultimate Weapon, to leap some day like a jackpot from a slot machine if only they go on pouring money into R and D.

VI

I would ask the reader's indulgence for one more foray into the labyrinthine depths of the Pentagon budget. Deeper knowledge of these recesses is necessary if we are ever to hunt down and slay the dragon. I want to deal with the next largest source of the Nixon military "economies." These involve deferrals of expenditures amounting to about $480 million. Most critical comment has been content to note that mere deferral of spending is not real economy, since what is saved in fiscal '70 will be spent later. There is a more important point to be made. These deferrals, if closely examined, provide additional proof of how recklessly and wastefully the Pentagon dashes into production before full testing and evaluation have been completed, before it knows, in other words, that these expensive weapons will work. We will see how much pressure it takes to make the Pentagon admit this elementary error.

To grasp the full significance of these so-called "economies" of Nixon and Laird we must see them against the background of revelations by two Senators, one the leading pillar of the military in the Senate establishment, Senator Russell; the other, a former Secretary of and long-time spokesman for the Air Force, who has turned against the military-industrial establishment, Senator Symington.

During the secret debate on the ABM last November 1, Russell told the Senate one of the "most serious mistakes" he had ever made as Chairman of the Armed Services Committee, which passes on all military requests for authorization, and as chairman of the Senate subcommittee, which passes on all defense appropriations, "was in allotting vast sums to the Navy for missile frigates before we knew we had a missile that would work on them." He said "we built missile frigates, we built missile destroyers and missile escort ships" on the basis of "unqualified" testimony of "everyone in the Department of Defense and in the Navy" that effective missiles were being developed. "It probably cost the taxpayers," Russell said, "$1 billion, because they have had to rebuild those missiles three times.

A more comprehensive statement of the same kind was made to the Senate by Symington on March 7 of this year. He put a table into the CONGRESSIONAL RECORD (at page 5602 that day) which showed how much had been spent on missiles in the past sixteen years which were no longer deployed, or never had been deployed, because of obsolescence. The total was fantastic. Symington gave the names, the expenditures, and the life-span of each missile. The total cost of those no longer deployed was $18.9 *billion* and the cost of those which were abandoned as obsolete or unworkable *before* deployment was $4.2 billion. The total was $23 billion. Imagine what those wasted billions could have done for our blighted cities!

Symington's table was introduced to underscore his point—buttressed by past testimony from McNamara—that the ABM would soon be another monument to this kind of expensive obsolescence. Another inference to be drawn from this table is how many billions might have been saved if the Pentagon had not rushed so quickly into these miscarriages. Behind the glamorous names which flashed through the appropriations hearings and the ads in the aeronautical and military trade journals—Navaho, Snark, Dove, Triton, and even Plato (what did he do to deserve *this* honor?)—lies an untold story of beguiling missile salesmanship and drunken-sailor procurement methods. It might be worth billions in future savings if a Congressional investigating committee really dug up the full story and its lessons.

The need for such an investigation becomes plain if one examines the funny thing which happened to SRAM (acronym for short-range attack missile) on Secretary Laird's way to and from the budget forum on Capitol Hill between March 27, his first appearance before the House Armed Services Committee, and his second appearance on April 1, just four days later. SRAM is one of the new missiles which have been under development. It is supposed to be mounted on a bomber so it can be rocketed into enemy territory from a position more than a hundred miles away from the enemy's defense perimeter. The idea is to circumvent the enemy's defenses by stopping the bomber out of their range and lobbing the missiles over them.

SRAM has had several predecesors, all expensive, of course; it is not a simple contraption. The predecessors appear in Senator Symington's table. Crossbow, Rascal, and Skybolt were earlier attempts at a stand-off missile; they cost a total of $962.6 million before they were abandoned prior to deployment. Hound Dog A, which cost another $255 million, is another missile in the same family which is no longer deployed. SRAM is very different in capability, range, and complexity. SRAM is intended to do for the bombing plane what penetration aids do for the ICBM. SRAM is supposed to carry all kinds of devices to confuse the radars of the enemy defense.

When Laird appeared before the House Armed Services Committee on March 27 he referred, without further explanation, to "delays experienced in the SRAM development production program." The original Johnson-Clifford budget last January for fiscal 1970 called for the modification of all seventeen B–52 squadrons of series G and H at a total cost of about $340 million to enable them to carry SRAM. The "modification kits," as Laird described them, were to be bought from Boeing "at a total cost of about $220 million," and it was planned to buy kits for twelve squadrons in 1970, leaving the rest to be modified in 1971. Laird proposed to save $30 million in fiscal '70 by equipping only ten squadrons in '70 and the remaining seven in '71. He said "This change will give us a smoother program."

But the White House and the Budget Bureau, desperate for ways to cut, put pressure on the Pentagon and four days later Laird was back before the Armed Services Committee. Now instead of $30 million he proposed a deferral of the SRAM program amounting to $326 million. It now appeared that he had been less than candid with the committee. The cryptic references to "delays" turned out to be quite an understatement. He came forward with new changes in the SRAM program, all of them—he explained—"related to the difficulties encountered in the development of this Short Range Attack Missile." Now it was not "delays," but "difficulties."

Laird went on to quite a revelation. "We have now reached the conclusion," he told the committee, "that procurement of operational missiles should be deferred until the test program conclusively demonstrated that they will work as intended." So "we have deleted most [but not all!] of the missile procurement funds" from fiscal '69 and '70, for a total cut in the two years of $153 million.

Then he proposed to defer not only the missiles but the modifications designed to enable the B–52s to carry them. "Inasmuch as

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Footnotes at end of article.

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we do not know when operational missiles will be available," Laird said, "we have also deferred all special SRAM modification work on the B–52s and FB–111s." The total net deferral—after adding $17 million to R and D for "a greater portion of the overhead cost" (another consolation fee?)—was to be $326 million.

This shows how much pressure it takes to squeeze the fat out of the military budget, and a little more candor out of the Pentagon. Why didn't Laird tell the committee on March 27 what he revealed on April 1? But for the extra pressure, the Pentagon would have gone on with procurement of the SRAM before knowing whether it would work, and with modification of the strategic bombers to carry the missiles before it was sure that it would have the missiles. What if further testing modifies the missile, and this requires a change also in the kits which modify the planes to carry these missiles? Why risk the waste of millions?

The SRAM story raises similar questions about Laird's rather cryptic references in his budget presentation to a similar deferral of "about $160 million" in the Minuteman ICBM program. The most important part of that "saving" is due, as Laird told House Armed Services on March 27, to "a slowdown in the deployment of Minuteman III." This is the Minuteman which will carry MIRV–"mutiple independently targeted reentry vehicles," i.e., additional warheads independently targeted. It was tested for the first time last August 16 with three warheads.[12] "While we are confident," Laird said, "that the Minuteman III will perform as intended, we believe it would be prudent to reduce somewhat the previously planned deployment rate, at least through the FY 1970 procurement lead-time." Why only somewhat, and what does somewhat mean for the whole program? "This delay," Laird went on, "would serve to reduce the amount of overlapping of R & D and production and provide more time for production." Why risk has overlapping altogether until testing has been completed? Laird himself said he was planning to accelerate operational testing "to help ensure that the missile is working well before we return to the originally planned rate in FY 1971." "Mr. Chairman," Laird said, patting himself warmly on the back, "this reflects our determination to minimize cost overruns resulting from R and D modifications after production has commenced." But perhaps more serious cost overruns could be avoided if Minuteman III, like SRAM, were subjected to further deferrals.

A franker if ironic account of the Minuteman III cuts appeared May 5 in *Aviation Week*. It says "The reason for the reduction is fear of reliability problems with the new missile." It said the Air Force had "decided 'to reduce the concurrency of development and production' of the missile in order to insure reliability of all components." Even the Foreign Service could not have hit upon a smoother phrase to equal that "concurrency of development and production." *Aviation Week* added, "The cutback was publicized by some Defense Dept sources as evidence of US willingness to reduce strategic offensive armaments prior to arms reduction talks with the Soviets, but that was not the reason."

This effort to make the Minuteman cuts look like evidence of Pentagon enthusiasm for arms talks originated in Laird's own presentation on April 1. In a super-slick conclusion he told the Committee, "Our decision to slow the Minuteman III deployment—though necessitated for other reasons—provides a period of time in which arms limitation agreements could become effective at a lower level of armaments. . . . It remains to be seen, of course, whether our potential adversaries will similarly indicate with actions that they, too, are serious about desiring meaningful arms limitation talks." These are the moments when Laird sounds as if he were dreamed up by Molière.

But beyond any question of personality or politics, the almost irresistible momentum of the military machine which is slowly transforming American society finds its ultimate rationale in the theory of deterrence. It is to this and the permanent arms race it generates that I would like to turn in a concluding article.

FOOTNOTES

[1] House Document No. 91–100. 91st Congress, 1st Session. *Reductions in 1970 Budget Requests. Communication from the President of the United States*, p. 17.

[2] AP in Omaha *World Herald*, March 7, 1969.

[3] Carl Kaysen, who was Kennedy's Deputy Special Assistant for National Security Affairs, has given us more precise figures than I have ever seen before in the chapter on "Military Strategy, Military Forces and Arms Control" in the Brookings Institution symposium, *Agenda For The Nation* (Doubleday, 1969). He wrote (pp. 562–3) that the decisions of 1961 and 1962 by Kennedy "called for the buildup by 1965 of a US strategic force of nearly 1,800 missiles capable of reaching Soviet targets; somewhat more than a third were to be submarine-launched. In addition, some 600 long range bombers would be maintained. *This was projected against an expected Soviet force of fewer than a third as many missiles and a quarter as many bombers capable of reaching the United States.*" (Our italics.) The "overkill" was worth billions to the aviation and electronics industries.

[4] According to a little-noticed press release by Senator Stephen M. Young (D. Ohio), a member of the Senate Armed Services Committee, which has access to much information otherwise secret, Johnson had originally planned a cutback of troops in Vietnam. Young asked Nixon to recall two divisions before July and more later with an announcement, "We have accomplished our objectives in Vietnam. Our boys are coming home." Young said Johnson had decided on a similar announcement last year but was talked out of it by the Joint Chiefs of Staff.

[5] Since I have been challenged on this "peace dividend" by some colleagues, and others have wondered by what elaborate computation I arrived at it, I give the source, p. 74 of *The Budget of the U.S. Government for Fiscal 1970*. It says, "As shown in the accompanying table outlays in support of Southeast Asia are anticipated to drop for the first time in 1970—declining by $3.5 billion from 1969. This decline reflects changing patterns of combat activity and revised loss projections. *Outlays for the military activities of the Department of Defense, excluding support of Southeast Asia, are expected to rise by $4.1 billion in 1970, to provide selected force improvements.*" (Italics added.)

[6] Even that understates the case. Down near the bottom of the budget outlays table of the Nixon revisions is $2.8 billion more for "civilian *and military* pay increases." (Our italics.) Laird in his April 1 presentation said this would add $2.5 billion but failed to make clear whether this was for the whole government or only for Pentagon civilian and military—almost half the civilian employees of the government work for the Pentagon. Clifford in his 1970 statement gave a figure of $1.8 billion for Pentagon pay increases but did not make clear whether this included the civilian employees. So pay raises will add between $1.8 billion and $2.5 billion to this $3 billion figure.

[7] See page 17 of House Document No. 91–100, 91st Congress, First Session.

[8] House Document No. 91–100. Reductions in 1970 Appropriation Request Communication from the President . . . together with details of the changes. 91st Congress, First Session.

[9] The Johnson budget for 1970 placed the expenditure for strategic forces at $9.6 billion as compared with $9.1 in 1969 and $7.6 in 1968. Much of this is for deployment of new weaponry.

[10] "Such a freeze," Senator Percy declared in a speech April 17, "should be acceptable to the Defense Department. Secretary Laird has testified that our missiles on land and under the seas as well as our long-range bomber force present an overwhelming second-strike array. If a freeze—fully verifiable by both nations through satellite reconnaissance as well as other intelligence sources—is put into effect, the US deterrent will remain credible into the foreseeable future." But if the deterrent remains credible, what will the poor missile salesmen do?

[11] Department of the Army, Senate Hearings, Department of Defense Appropriations for fiscal 1969, 90th Congress, Second Session, Part II, page 868.

[12] "On August 16, said a special survey in *Space/Aeronautics*, page 88, last January, "Poseidon and Minuteman III were launched with ten and three warheads respectively."

THE 161ST BIRTHDAY OF JEFFERSON DAVIS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. GRIFFIN. Mr. Speaker, today, I think it is appropriate that we take a few moments out to acknowledge the birthdate of one of the giants of America, a man whose moral courage and strength of purpose stand out in history.

Few Americans, Mr. Speaker, remember Jefferson Davis other than as the great President of the Confederate States of America. What most of us do not realize is the place of distinction occupied and richly deserved by this man who looms large, even in an age which produced such great figures as Lincoln, Daniel Webster, and Henry Clay.

Jefferson Davis was born on this day, June 3, in 1808, on the site of what is now Fairview, Ky. The Davis family moved, when the young Jefferson was still very small to Woodville, Wilkinson County, Miss. It was here that he grew up along the banks of the Mississippi River.

At age 16, Davis accepted an appointment to the U.S. Military Academy at West Point where he formed ties and attachments which were to serve him well in later life. Among these early close friendships were Albert Sidney Johnston, Robert E. Lee, and Joseph E. Johnston.

Widowed in 1835 after only 3 months of marriage to Sarah Knox, a daughter of the then Col. Zachary Taylor, Davis returned to Vicksburg, Miss. For the next few years, he occupied his time in cotton planting and reading constitutional law.

In 1845, Jefferson Davis was elected to the U.S. House of Representatives. During that same year, Davis formed and cemented the liaison with Varina Howell, a 19-year-old belle of Natchez, Miss., who was to be the great love of his life.

The outbreak of war with Mexico saw Congressman Davis resign his seat in the House in exchange for command of the First Mississippi Volunteers. After receiving severe wounds as a result of his heroic service, Davis returned to Mississippi and was appointed to the U.S. Senate. While in that body, he distinguished himself as chairman of the Committee on Military Affairs.

In 1851, after yielding to the urgings of the Democratic organization of the State of Mississippi, Davis saw the only political defeat of his career in his campaign for Governor. In 1853, he was appointed as Secretary of War in the Cabinet of President Franklin Pierce. His service in this capacity can only be described as brilliant. During his tenure he was instrumental in obtaining pay raises for military troops, extensive improvements at West Point and Army posts, expansion of the Army, improved coastal defenses and in the engineering of the Gadsden Purchase.

Returning to the Senate in 1857, Davis attempted to close the ever widening gap between North and South, to make the voice of reason heard over that of radicalism. Even after the secession from the Union of South Carolina in December 1860, Davis remained a reluctant secessionist advocating that it should be turned to only as a last resort. Mississippi's secession a month later, however, brought Davis' resignation from the Senate. Returning to Mississippi he was immediately given a commission as major general in the armed forces of Mississippi.

Before he could accept his command, however, the convention meeting at Montgomery, Ala., chose Davis as the provisional President of the Confederate States of America; his inauguration taking place on February 18, 1861. A second inaugural was held on February 22, 1862, with the formal adoption of the permanent Confederate Constitution. Davis' primary concern during the first year of his Presidency was to avoid, at all costs, an open outbreak of hostilities with the North. President Lincoln's call for 75,000 volunteers and his decision to reinforce the U.S. garrison at Fort Sumter, in Charleston, S.C., with the subsequent fall of the fort, made war inevitable.

Davis led the new nation into a war against truly hopeless odds. With only one-fourth the white population of the Northern States, only a small percentage of the manufacturing capacity of the North, no navy, no powder mills, and an overwhelming lack of arms and materials. The South, nevertheless, mobilized and hundreds of thousands of young men abandoned their educations, their farms, and their families to rally to the Confederate colors.

But, cotton and courage could not make up for the essentials of war, and as the conflict progressed, the Confederacy was gradually bled of its substance and its life's blood. Even after the simultaneous fall of Gettysburg and Vicksburg in July 1863, Jefferson Davis continued to inspire his people.

Shortly after the fall of Atlanta to General Sherman in September 1864, an interview with Jefferson Davis appeared in the Atlantic Monthly. Its author, Edmund Rule, described Jefferson Davis as "a man of peculiar ability."

Our interview—explained why with no money and no commerce, with nearly every one of their important cities in our hands, and with an army greatly inferior in numbers and equipment to ours, the Rebels have held out so long. It is because of the sagacity, energy and indomitable will of Jefferson Davis. Without him, the rebellion would crumble to pieces in a day.

On April 9, 1865, General Lee surrendered to General Grant at Appomattox Courthouse, Va., thus ending the military action of the Civil War. President Davis was taken prisoner at Irwinville, Ga., on May 10 of the same year.

Imprisoned at Fort Monroe, Va., Davis was accused of treason. Conditions during his confinement were so bad that his health was severely impaired and he was released in 1867. Treason charges were dropped in 1868.

After the fall of the Confederacy, and the years of reconstruction, Davis was repeatedly urged to reenter the Senate. But, he refused to ask for amnesty. On December 6, 1889, at the age of 81, Jefferson Davis died in New Orleans of complications following a bronchial ailment. His body was returned to Richmond, Va., the Confederate Capital in 1893 for reburial.

Today, marks the 161st anniversary of the birth of this great man, Mr. Speaker, and I think it is fitting that he should be remembered on this date for what he was. As an officer in the U.S. Army, as a Member of this House, of the Senate, as Secretary of War and as President of the Confederate States of America, Jefferson Davis distinguished himself as a soldier and statesman. Although his cause was not nationally popular, his integrity, courage and spirit were held in high esteem by friend and foe.

A STUDY IN PATRIOTISM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. WYMAN. Mr. Speaker, one of the most perplexing things about modern society is the lack of patriotism in the attitude of many of the younger generation. This phenomenon cannot be attributed solely to the Vietnam war.

Who has failed to inculcate genuine patriotism in the hearts of our young people? Is it parents? Teachers?

In this connection, the following column, written by Allan C. Brownfeld, and appearing in a recent issue of Roll Call, deserves thoughtful review:

A PATRIOTISM FOR TODAY

(By Allan C. Brownfeld)

On the night before her execution, Edith Cavell, speaking to the Rev. Mr. Gahan, noted that "Patriotism is not enough. I must have no hatred or bitterness towards anyone."

The modern world seems to be short both on patriotism and on love. In our own country, some have said that we must defend policies of the government, whether they are right or wrong. But is this the level of loyalty we really demand? Cannot we say, with Camus, that we wish to love our country, but to love justice at the same time? Can't we agree with Edmund Burke who, in his Reflections On The French Revolution, wrote that "To make us love our country, our country ought to be lovely?"

Memorial Day is a time when we reflect upon patriotism, upon the nature of love for one's country, upon the sacrifices which nameless men have suffered, often for feelings they cannot express, for reasons they do not understand. For, as Pascal knew, "the heart has its reasons that reason doesn't know." We love our country, perhaps, simply because it is ours, as we love our parents. But this is not enough. Patriotism is, in a sense, a nobler gesture and feeling. Jesus said that even the criminals love their friends and families. Patriotism of this kind is only a primitive defense of one's hearth. And patriotism, of course, is basically this at the beginning. But then it grows outward. "Love," as the lyric has it, "isn't love till you give it away."

Modern critics advance the view that to love one's country means, somehow, less love for mankind as a whole. They urge that men abandon feelings of kinship with a nation or a culture or a civilization, and transfer this feeling of affinity to all men. The goal of men truly living in peace and brotherhood, regardless of their race, their tongue, their religion, or other peculiar national attributes, is surely a good one. It is the traditional goal of our Judeo-Christian religious heritage, as it is of other world religions.

The question, then, relates not to goals but to means. Do we achieve world brotherhood and harmony by denigrating natural feelings of love and loyalty to one's own country, or do we achieve this by nurturing love of country while at the same time opposing both chauvinism and the concept that love of country somehow implies support for the transient policies of a particular government in power?

In this, as in most other areas, the best answer seems to come with some observation of man's nature. It is easier to achieve worthy goals by enhancing man as he is, rather than by tinkering with him. No one has yet changed man's nature, though dictators and tyrants have often made the attempt. Kipling may have understood a portion of this when he wrote: God gave all men all earth to live./But since our hearts are small,/ Ordained for each one spot should prove/ Beloved over all.

The man who is happy with his family is most likely to be happy with the world and with the people he sees and meets. The man who has good feelings toward his country is likely to have good feelings toward other men. Unfortunately, patriotism and love of country have often been used by destructive personalities to stimulate bigotry and hatred. In our own country we have had movements which tried to limit the concept of who was an American. This country, various groups at various times have said, is a "white man's country," or a "Christian country," or a country only of the native born, or a country only for those whose ancestors reached its shores at a specific time. This is not patriotism. It has been answered many times. The Negro leader A. Philip Randolph criticized those who said that this was a country for white men. It was, he said, a country for all of those who had fought and worked and sweated and died for it.

Religion has often been used in the same exclusionary manner. Jonathan Swift saw that men had "enough religion to make them hate but not to love one another." The same may be true with a certain kind of patriotism which looks inward in this manner and is truly destructive. If the critics of the modern world oppose it, they are right. But patriotism which is outward, which springs from love of the land, from happy memories, from ideals which look to all and are not limiting, such patriotism may be the very foundation upon which the brotherhood and peace we seek may be built.

If we destroy love for the things we love first and most naturally, how can we achieve the universal love we seek in the long run? This problem was posed by C. S. Lewis when he challenged the modern intellectual critics who destroyed man's capacity to do the very things they later complained he was not doing.

He stated: "In a sort of ghastly simplicity we remove the organ and demand the function. We make men without chests and expect of them virtue and enterprise. We laugh at honor and are shocked to find traitors in our midst. We castrate and bid the geldings be fruitful."

Part of the feeling of alienation which is inherent in the modern world rests with our growing urbanization, our lack of feeling for natural beauty, our lack of connection with places. John Ciardi wrote, "I have a country, but no town. Where I was born is Interstate Highway 66." Often we cannot return to the scenes of our childhood for the bulldozer has been there first. When a building gets old enough to have memories inhabit the structure, we tear it down. The National Presbyterian Church here in Washington, D.C. has been replaced by an aluminum and glass office building. So what if Presidents prayed there, and history stopped there for moments of meditation and reflection? The old church was demolished and, for many Americans, their ability to gather strength from their roots has been destroyed by the destruction of such roots. "God," Cowper wrote, "made the country and man made the town." Men cannot give their ultimate loyalties to man made things.

Those who muse over the meaning of patriotism on this Memorial Day would do well to consider the fact that the old formulas are not keeping with the situation of today. The patriotism we must recapture is unlike the patriotism we have lost, just as the technological society toward which we are moving is unlike the agrarian society from which we have come. But even in this new world, the honor we hold for those who have paid with their lives for our freedom to reflect as we will, is unchanged. In fact, it is greater. For in a world where free reflection is stifled in all too many places, we still have the ability to chart our own course. Perhaps this is all men can ever really ask.

And patriotism never means that a country has not made mistakes, even grievous mistakes. It does not mean that we must blindly support what our country does if we find it to be wrong. But to love means to help make things better, and not to destroy, to correct flaws, to chart new and better courses. To love means never, in the midst of problems, to withdraw from the relationship. Patriotism demands even more of the critics, and it demands the tolerance of those who agree, as well as those who disagree. From such a patriotism a better world can be built and this after all, is our goal.

COUNTY ACTION FOR CONSUMERS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. ROSENTHAL. Mr. Speaker, Nassau County of New York has an outstanding program of consumer protection which is becoming a model for local government throughout the country.

I was recently honored to address the county's first consumer conference. My remarks follow:

REMARKS BY MR. ROSENTHAL

Your Office of Consumer Affairs has been highly successful in protecting and representing the consumers of this county—so successful that it serves as the motivation and model for my legislation to provide federal grants for the establishment and strengthening of state and local consumer protection offices.

Your determination to hold this conference and the themes you have selected show that your Office of Consumer Affairs understands the plight of the American consumer.

Your panel discussion on the "Problems of the Low-Income Consumer" shows that the consumer struggle cannot be fought with the calorie charts of the home economist or the measuring cup of the homemaker.

The consumer revolution confronts the very integrity of the free enterprise system. If that system is to endure, its ultimate goal must be to provide goods and services that are fairly priced, safe, and effective. Today, a crisis in confidence exists for the consumer in the free enterprise system.

For the 20 million poor in our society, the movement toward this goal of equity in the marketplace will determine to what extent they shall enjoy the material fruits of our technological society—whether they are able to obtain credit at fair rates of interest; whether the food they purchase is as cheap, nutritional and wholesome as the food purchased from supermarkets in affluent areas; whether their salaries will be garnisheed and their jobs lost because they were pressured into buying a product at an inflated price. If left unfulfilled, the legitimate demands of the poor will become more and more radical.

On the other hand, your panel discussion on "Consumer Problems of Suburbia" suggests your proper refusal to accept the myth that the only valid consumer complaints concern the unconscionable door-to-door salesman, the disreputable ghetto merchant, or the fraudulent home repair operator. The reality, of course, is that the plight of the consumer is a 24 hour-a-day, 365 days-a-year phenomenon that affects the rich as well as the poor, the educated as well as the uneducated and involves some of our largest and seemingly most reputable industries and producers.

When we talk about economic crime in America, we think of the bank embezzeler or the Wall Street manipulator. But economic crime in America also involves the executives of our nation's largest plumbing fixture firms who bilked consumers out of hundreds of millions of dollars by fixing prices; economic crime also involves the deliberate effort of certain automobile companies to stifle the development of exhaust fume inhibitors and non-pollutant automobile engines; it involves the everyday deception of consumers by fake, misleading or uninformative advertising.

Economic crime in America involves the widespread practice by manufacturers of cleverly shrinking the contents of their packaged products without, at the same time, telling the consumer or reducing the price. Hearings to be held soon by my Special Consumer Subcommittee will show that hundreds and probably thousands of packaged food and toiletry products have experienced such subtle weight decreases and thus causing "hidden" price increases to consumers: Did you know, for example, that the Betty Crocker Country Corn Flakes that was 11 ounces in 1965 is now 10 ounces; that the Franco-American spaghetti that used to be 27 ounces is now 26½ ounces; that the 8 ounce can of Libby chile is now 7½ ounces? Prices go up and contents go down.

Are you aware that the Jergens Lotion that was 12½ ounces is now 10½ ounces; that the 8 ounce can of Breck Hair Set Mist is now 7 ounces; that 12½ ounce family size Halo Shampoo has shrunk by one ounce? Some of you may be interested in knowing that the 21 ounce package of Serutan is now only 18 ounces.

What is incredible to me, however, is that the "public-be-damned" attitude on the part of some producers extends to issues of health and safety. If the consumer revolution is to be won, it is absolutely necessary that society expand its traditional definition of crimes of violence. The number of persons needlessly killed in auto accidents each year is almost 100 times greater than the total death toll in all the riots in our cities in the last three years; deaths relating to gas pipe line and coal mine safety and occupational hazards far exceed the total number of persons killed in felonious assaults in this country annually. The number of hospital patients electrocuted annually by faulty equipment is five times the total death toll in our riots of the last three years.

How callous is industry's disregard for the public health and safety?

Hearings of the National Commission on Product Safety showed that the Hankscraft Model 202-A electric steam vaporizer could easily be tipped over by a child thus drenching him with scalding water. What is especially startling is that the manufacturer refused to take the vaporizer off the market even though more than 100 liability suits had been instituted against the company—40 of them involving explosions.

The Public Health Service has long reported serious burns on small children at the rate of 60,000 a year caused by the country's 4 million gas-fired floor heaters. The American Gas Association held that essentially nothing could be done. But in three weeks and for an $800 fee, a small Baltimore, Maryland firm devised several ways to eliminate the hazard.

For decades, serious injuries resulted from electric wringer washing machines. Since the late 1940's a mechanism which stops the rollers when the victim gets caught has been available to manufacturers at a cost of from $1 to $3. But a voluntary industry-wide standard did not take effect until October 1968, although almost 200,000 persons, half of them children, were being injured each year.

If American industry, then, is often unwilling to protect the consuming public from harm, who then will stand between people and dangerous products? Can we afford the luxury of relying on private organizations that test or rate products? Certainly Consumers' Union's work is excellent—but its resources and the circulation of its magazine are limited. Can we rely on the Underwriters Laboratories which, though performing a useful function, approved 100,000 color television sets with defective tubes that leaked excessive x-radiation?

And what about those magazines that award commendation or guarantee seals? The Goodhousekeeping Institute says it devotes an entire floor to research and testing facilities at an annual cost of approximately $1 million. But I don't always share Good Housekeeping's enthusiasm for its advertisers' products. Let me tell you why:

(1) In June of 1968, the FDA showed that the Sheffield Bronz Paint Corporation of Cleveland violated the Hazardous Substances Labeling Act in that its spray paints were falsely labeled as "non-toxic", even though they were actually highly flammable and toxic.

Three months later, in September 1968, Sheffield Quick Spray Enamels and Lacquer were advertised in the pages of Good Housekeeping, bearing its Seal of Approval;

(2) In April of 1969, the FDA reported that a shipment of Gold Medal flour contained rodent contamination, yet in the same month, Gold Medal flour was advertised in Good Housekeeping proudly displaying the famous Seal;

(3) In 1967 the FDA had withdrawn from the market a quantity of Land O'Lakes butter because it had a strange odor and the flavor of a petroleum distillate, but Land O'Lakes still bears the Good Housekeeping Seal.

(4) In January 1967 the FDA charged that

a shipment of Del Monte canned peaches shipped by California Packing Corporation, Sacramento, contained mold and had been prepared under unsanitary conditions, yet Del Monte peaches still carry the Good Housekeeping Seal.

(5) In the September 1968 issue of Consumer Reports, the Mirro-Matic Electric Coffee Pot was downrated for having a very sharp edge on top of the pot, for having no strength control and for misstating cup capacity. And yet in the following issue of Good Housekeeping, the Mirro-Matic Electric Coffee Pot was advertised with the Good Housekeeping Seal.

(6) In June 1968, Lees and Mohawk Indoor/Outdoor carpeting was rated "not acceptable" by Consumer Reports because of flammability problems, yet in November 1968, Mohawk and Lees were both advertised in Good Housekeeping with its Seal of Guaranty.

If that's not enough, I can also report that more than a dozen products bearing the Good Housekeeping Seal are presently under investigation by the Federal Trade Commission for false or misleading advertising.

Obviously, private organizations alone cannot protect consumers; government must necessarily take the lead in providing this protection.

The arena of consumer protection is one in which all levels of government can and should participate. Our role is to find out precisely what each level of government—local, state and federal—can do best to help the consumer.

Let me suggest a division of responsibilities.

A local government can capitalize on its intimate knowledge of local problems. In this county, we have an outstanding example of an effective consumer program because it is devoted to helping Nassau residents solve Nassau problems.

The local government can also educate. It can inform consumers of their rights and remind businessmen of their responsibilities.

The local government can also give immediate assistance—it can arbitrate disputes between consumers and local merchants or local representatives of national firms.

But local government cannot cross interstate lines. It cannot determine, on its own, if the practices of a local outlet are an isolated example of consumer fraud or part of a statewide or national pattern of deception. It must rely here on state and federal authorities.

What should the role of the state be in consumer protection? New York State, for example, has an excellent and active consumer frauds division under the Attorney General. Our state has improved and expanded consumer education programs. But, when Governor Rockefeller eliminated the Office of Consumer Council, he made statewide consumer protection essentially a one dimensional legal operation which offers a tiny fraction of the consumer services available through your Nassau County Office.

The great advantage the state government has is its ability to cover the larger economic unit with a uniform system of legal protection which benefits both the consumer and the businessman. But there are serious limitations at the state level, too. The most outstanding shortcoming is the states' inability to deal with interstate problems like auto safety, meat inspection, fair packaging and gas pipeline safety.

Another serious defect is the fact that industry lobbyists are in a position to exercise great influence over decisions of state regulatory bodies. So while the consumer gets important help from both the local government and at the state capital, the help is often too late and too limited.

I would like to tell you that consumer protection in Washington is far better, but that would be a blatant case of false advertising. Although the consumer issue has great visibility in Washington, there is no even-handed and effective representation of consumers' interest in the councils of government. Spokesmen who are committed to the consumer interest either don't exist at all or have little control over the decision-making processes of government.

The results are sometimes depressing. The Food and Drug Administration is charged with protecting the consumer against unsafe drugs, foods, cosmetics, and other products. And yet FDA has approved chemical agents for food products without adequate testing—only to later withdraw them on the basis of tardy studies. Oil of calamus, used for years in fruit, chocolate, root beer, vanilla, and many other food products, was withdrawn in 1968 because it was found to cause malignant tumors in animals. Another food additive, NDGA, was removed from the general safe list only after Canadian studies showing that it may result in hazards to health, resulted in its being banned there.

The consumers' fair weather friend, the Department of Agriculture, administers the Federal Insecticide Act, which is intended to protect the public from dangerous doses of poisons in pesticides. Sixteen years ago, both the Food and Drug Administration and the Public Health Service warned the Department of Agriculture of a possible health hazard from vaporizing devices that use pesticide pellets containing the chemical Lindane. These vaporizers are used in restaurants, so that you and I may have been exposed to the chemical many times over. Last June, the Agricultural Research Service which approved the use of these devices, despite the devastating evidence against Lindane, said that it would allow Lindane pellets for use in the vaporizers. But, after the release of a congressional report last February, with further damaging evidence against Lindane, the Agricultural Research Service tested Lindane vaporizers under restaurant conditions, and reported that, "By the end of five days' exposure, practically all food . . . contained illegal residues of Lindane." And so last month, the Department of Agriculture did what it should have done sixteen years ago and finally cancelled the registrations permitting Lindane pellets in more than thirty products.

Or consider the Federal Housing Administration's persistent refusal to require safety glass for sliding patio doors in homes whose mortgages it insures. The additional cost for each unit would have been $10. Although the Public Health Service reported 100,000 serious injuries a year resulting from collisions with patio doors, FHA did not change its position until I threatened them with a public hearing.

Why has the consumer been virtually ignored by so many federal agencies? The key to understanding the consumers lowly status is his lack of representation when decisions are made that vitally affect his interests.

In 1963 and 1964, the Department of Agriculture asked for comments on two significant changes in beef grade standards. Beef grade standards are important to the consumer because they provide guides as to the quality of meat. Although more than 800 people provided the Department with comments on both changes, only a handful were private consumer representatives. The reason: the Department does not solicit consumer opinion on proposed changes in grades and standards.

The Milk Marketing Administration of the Department of Agriculture sets the minimum price which farmers receive for their milk. These government decisions determine the minimum price you pay for milk. During all the milk marketing proceedings from 1963–1968 held in New York City and affecting all of New York State, no spokesman appeared for the consumer. The same pattern holds true throughout the nation.

The Oil Import Administration of the Department of Interior holds hearings to set import limits for inexpensive foreign petroleum products. These quotas directly affect the price you pay for fuel for automobiles, furnaces, and a host of other products. In all of the hearings held in the last five years by the Oil Import Administration, not one private consumer spokesman was present to testify on behalf of average citizens. The Oil Import Administration never represented the consumers interest in a way that would have led to lower gasoline and fuel prices. Before setting quotas, consumer representatives should have been actively sought out.

This persistent indifference of federal agencies toward their consumer protection responsibilities leads me to one inescapable conclusion: a central agency must be established in Washington to vigirously represent the consumer, and consumers must organize at the local and national levels and lobby in their own self-interest. To the extent that this conference goes beyond education to consumer action, it provides the proper catalyst for change.

But consumer advocates must adjust their strategies for change to a basic fact of life in the legislative process: once a law is passed, the problem that the law was intended to solve is not automatically corrected. Quite to the contrary, the forces that opposed that type of consumer protection legislation in Congress, swarm to the regulatory agencies administering the law and ultimately accomplish their objective there.

And so, what consumers must do is agitate for change. They must demand new laws when necessary, but they must always insist that existing laws be vigorously enforced and adequately funded.

This is what the consumer revolution is all about.

STUDENT DEFIES ATTACKS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. BOB WILSON. Mr. Speaker, each morning the front page of the newspaper is filled with stories and vivid pictures of campus violence and disorder, but yet we fail to see news space allotted to the hardworking, nonviolent majority of students whose primary purpose is still to obtain a good education. The following story from the San Diego Union, which describes the activities of one young dedicated Vietnam veteran who refused to allow the hippies and militants to hinder his education, is an inspiring one and I would like to share it with my House colleagues:

LOS ANGELES STUDENT DEFIES ATTACKS, PRESSES BID TO HALT STRIFE

LOS ANGELES.—When militants threw up barricades at entrances to Los Angeles City College this spring, they reckoned without Stephen Frank, 22, a handsome veteran of the Vietnam war.

Frank promptly organized a group of 20 students who tore down the barricades so other students could get to their classes. And he incurred the continuing enmity of the militants.

Since then he has been working to repair damage from fires and acts of vandalism at the junior college, and speaking out against the violence he believes threatens his education, as well as that of 18,500 other students on the campus.

He received a complimentary letter from

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President Nixon. He also has been mobbed, threatened and beaten.

THREATS, OBSCENITIES

Militant Negroes, muttering obscenities and threats, shadow him from the moment he steps on the campus. At night meetings, he is warned he will not get home alive.

While he was distributing leaflets in the student center, he was attacked by members of the Black Student Union, who smashed in his face and split his lip.

"Sure I'm scared," the stocky war veteran admitted. "I'm scared every time I walk on that campus. But the militants can't be allowed to prevent the rest of us from getting an education."

Frank is the national president of Voices in Vital America (VIVA), founded nearly three years ago by a group of UCLA students who felt anti-Vietnam war groups on campus presented only one side of the story.

Originally incorporated as the Victory in Vietnam Association, the group changed its name a year ago because the old label had become a misnomer.

NONPARTISAN GROUP

Although VIVA members pack gift boxes for servicemen, the group does not actively support the war. It is nonpartisan and currently interested in uniting college students opposed to violence and disruption on their campuses.

Frank joined VIVA last November, two months after returning to City College after a two-year stint in the Army, including eight months with the Ist Infantry Division in Vietnam.

"My social science teacher assigned the class to go hear a speech by Black Panther leader George Mason Murray on Nov. 8," Frank explained.

"He talked about the flag being a piece of toilet paper and said the only way to deal with Nixon and (U.S. Senate candidate Max) Rafferty was to put a bullet through their heads. I stood up and said I favored free speech, but that I was opposed to violence. Four goons from the BSU picked me up and carried me out. From a speech at my own school! And they weren't even students here," Frank said, still amazed.

"That's when I joined VIVA."

FOUNDED CHAPTER

He founded the Los Angeles City College chapter, which now has 200 members. In March, he was elected national president of the 35-campus organization, with chapters at Tulane, Yale, University of Florida, Ohio State, and Southern Illinois University.

Wearing a VIVA button on his bright red sweater, the speech major set up a table in the center of the campus to pass out VIVA literature.

"Militants overturned my table and burned 200 posters. A couple of days later, I called a rally in front of the administration building. About 200 people showed up. We were passing out literature and a mob suddenly jumped on the table and tried to push me off.

"Their reasoning was that VIVA or any group opposed to the student strike has no right to free speech.

"All students have grievances. I have grievances. But that doesn't mean I'm going to overthrow the government or set fires in classrooms. There are ways of redressing grievances in an orderly fashion.

"ORDERLY DISSENT

"We want to educate students on the problems of violence and show them the right way to solve their problems. We have an ombudsman program. Each campus has an ombudsman, someone who knows how to get things done. Students go to the ombudsman with their problems, and he tries to solve them. Changes are needed, but we must have orderly dissent."

As far as Frank is concerned, he sees nothing extraordinary in removing barricades at City College.

"When I got to school March 12," he recalls, "there were cafeteria tables piled up six feet high and eight feet wide across the entrances. I just started moving them, and other students came up and began to help. I told them not to get involved in a physical confrontation. Several times we retreated down the steps for a few minutes to avoid violence.

"Sure, I was scared, but I wanted to show the other students that if they show some backbone they can stop the militants from having their way. I think the closing of the school by the militants was a denial of the educational rights of others."

AMERICAN VETERANS COMMITTEE RESOLUTION ON EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. RYAN. Mr. Speaker, during its first 4 months in office, the Nixon administration has exhibited an alarming lack of understanding of its responsibility for enforcing equal employment opportunity among Government contractors. As one who has been greatly disturbed at the failure of Government agencies to vigorously enforce fair employment practices throughout Government and Government-subsidized industry, I was appalled by the Department of Defense's recent overruling of its own compliance staff in the case of three large textile firms—Burlington Mills, Cannon Mills, and J. P. Stevens. Such action—taken as it was in the face of strong recommendations for sanctions from compliance officials in both the Department of Defense and the Office of Federal Contract Compliance—only reinforces the reluctance many contractors have to eliminating employment obstacles to minorities. The message to industry—that it is not necessary to take requirements of equal opportunity seriously—will not be lost.

Similarly, the harassment of intimidation of Government officials charged with enforcing equal employment opportunity also diminishes the credibility of the Government's commitment to EEO programs. The attack on Clifford Alexander, former Chairman of the Equal Employment Opportunity Commission, by Senator EVERETT DIRKSEN—and the announcement one day later from the White House that Mr. Alexander would be replaced—will seriously impair the ability of the Commission to enforce equal employment opportunity. Coming as it did in the wake of a vigorous campaign by Mr. Alexander to expose and investigate discriminatory employment practices, the effect of this action, again, will be to tell industry that it need not take Government regulations prohibiting unfair employment practices seriously.

Mr. Speaker, the administration has a moral and legal responsibility to enforce the executive orders and Federal statutes which outlaw discrimination in employment.

During the course of last year's Presidential election, a good deal of attention was devoted to the issue of law and order. In the context of the campaign, lawlessness was primarily used to characterize the manifest expression of dissatisfaction and despair by minorities, poor people, students, and others concerned by the inverted and illogical way in which our national resources are being expended.

What was largely ignored, however, was the "lawlessness" which exists in the Government with respect to the enforcement of congressionally approved prohibitions against discriminatory employment practices.

One-third of the jobs in the National economy are attributable to Federal spending. If equal employment were enforced, millions of jobs, jobs previously denied minority citizens through discrimination, could be opened up to citizens now unable to earn a decent living wage.

The executive orders and statutes prohibiting unfair employment practices must be enforced if all our citizens are to have an equal opportunity to share in the affluence of this society. If the administration will not fulfill that responsibility, then it is up to Congress to insure that these laws are vigorously carried out.

I include in the RECORD the text of a resolution on this issue adopted by the National Board of the American Veterans Committee at their May 3–4, 1969, Boston meeting:

RESOLUTION ADOPTED BY NATIONAL BOARD, AMERICAN VETERANS COMMITTEE MAY 3–4, 1969, BOSTON, MASS.

EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

I

AVC expresses its grave concern over the recent actions of the Department of Defense in the handling of its Equal Employment Opportunity Program for Defense Contractors. The return to a practice of direct informal dealings between high Department of Defense officials and top officials of defense contractors which in the past has proved barren of results in promoting effectively equal employment opportunities has seriously impaired the usefulness of this program. Such direct dealing not only in effect grants immunity for past violations and from regular enforcement procedures but also demoralizes the administrative staffs within the Department of Defense and of Labor charged with the administration of the program. For they find themselves by-passed and their authority undermined. Only a return to strict accounting for progress to be achieved under well-defined action programs and their enforcement through regular established procedures, where compliance lags, can restore the damage done by the Defense Department's handling of its program in its dealings with the big Textile firms of Burlington Mills, Cannon Mills and J. P. Stevens.

Moreover, it is time that the Department of Defense publicy account for its stewardship of the equal employment opportunity program for defense contractors. Information on its activities and results in the form of detailed statistical data on initial hiring, upgrading and promotion of minority group employees have been unavailable to the public. General reassuring answers are no longer sufficient. We call on the new Secretaries of Defense and of the military departments to publish full data on the operation of the program so that the success or failure thereof can be assessed and steps taken to render it more effective. We call on the cognizant Congressional committees to obtain and publish relevant information and to exercise their influence to render the program truly useful.

II

We further urge that the Civil Service Commission of the United States take new steps not only to continue to combat or prevent discrimination against employees but also to foster the employment of minority group civil service employees, their promotion to higher positions in the career civil service, than has hitherto been attained, and the correction of earlier acts of discrimination which have prevented in numerous individual cases promotions and advancement of civil service employees belonging to minority groups in the same manner and to the same extent as their white majority fellow employees.

III

We protest the harassment of public servants who devote their best efforts to the promotion of equal employment opportunity in business, industry and Government for employees belonging to minority groups. Instead of senatorial censure they deserve the support and commendation of the National Administration, of Congress and of all citizens intent upon ending discrimination in employment and all other aspects of public and private life. We commend in particular Clifford Alexander, the former chairman of the Equal Employment Opportunity Commission for his efforts to promote equal employment opportunity in accordance with the laws of the United States and hope that as a member of the EEOC he will continue his efforts in the cause of fair employment for all.

HOUSE OF REPRESENTATIVES—*Wednesday, June 4, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

God be merciful unto us and bless us; and cause His face to shine upon us.—Psalm 67: 1.

O Thou who art the bright sun of the world sending Thy light unto all Thy creation, shine Thou upon our hearts as we pray this moment, driving away the darkness of evil and enabling us to walk without stumbling, to live without soiling our lives or the lives of others, and to serve our country without fear and with fidelity.

Consecrate with Thy presence the way our feet may go, the way our minds may think, and the way our hearts may feel, that our work may be well done and our lives be filled with the glory of Thy spirit.

Bless our Nation with the grace of Thy favor, our leaders with the greatness of Thy wisdom, and our people with the goodness of Thy love.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

AMENDING RAILROAD RETIREMENT ACT TO BAR DISCRIMINATION ON BASIS OF SEX

(Mr. DANIELS of New Jersey asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I introduced a bill yesterday to bar discrimination on the basis of sex by the Railroad Retirement Act. This act provides that men who have 30 years of service under the act may not retire with a full annuity until they are 65 years of age. Women on the other hand may retire without loss of annuity if they have 30 years service at age 60. This is discrimination and it is illegal, I contend, under the Civil Rights Act of 1964.

Last week I cosponsored a House resolution which would amend the Constitution to prohibit discrimination against women because of their sex. Now I have introduced a bill to bar discrimination against men. Equal pay for equal work is a principle I have always supported. Similarly, fringe benefits should be the same for male and female workers who have made equal contributions to a retirement system.

Mr. Speaker, earlier this year I reintroduced legislation to provide for optional retirement after 30 years of service under the act regardless of age. This bill, H.R. 1040, is now pending before the Interstate and Foreign Commerce Committee. I mention this bill because in no way do I want the RECORD to show that I intended the bill I have introduced today to be a substitute for H.R. 1040. Rather, today's bill is intended to bring the Railroad Retirement Act into compliance with the view that men and women who make similar contributions should receive equal benefits. I shall continue to fight for earlier retirement rights for all persons—men and women alike who are covered by the act.

THE WORLD-FAMOUS REPUBLICAN CONGRESSIONAL BASEBALL TEAM

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to inform my colleagues, on both sides of the aisle, that the world famous Republican congressional baseball team held its first practice Tuesday morning.

Again this year, our untarnished record in the rollcall congressional baseball game is on the line. But if Tuesday's practice is any indication, my Republican comrades need not fear for the honor and the glory of the Grand Old Party.

Although our distinguished and illustrious ranks have been diminished by the loss of Congressman Don Rumsfeld to OEO, the depth and talent of the Republican sluggers have been strengthened considerably by the addition of Representatives WILMER "VINEGAR BEND" MIZELL, BARRY GOLDWATER, JR.—who will be playing right field—LOWELL WEICKER, and WILLIAM WHITEHURST.

Such a panorama of athletic prowess, including such veteran base-stealers and home-run hitters as "MIDAS-MITT" MICHEL, "RAPID" DON RIEGLE, "ALL-AMERICAN" MATHIAS, among many others, has never before been fielded for the rollcall baseball game.

My only hesitation is that the fans at R. F. K. Stadium, on June 17, after watching us demolish the Democratic baseball team, will be very disappointed watching the Senators and the Orioles.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman from Florida.

Mr. HALEY. In case of emergency, would you consider shifting Congressman GOLDWATER over to left field?

Mr. CONTE. Maybe center field but never left.

POSTAL REFORM LEGISLATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, while I willingly joined the gentleman from Nebraska (Mr. CUNNINGHAM) in cosponsoring postal reform legislation, I feel it necessary to make practical comments on the legislative status.

Yesterday the Postmaster General commenced his presentation before the House Post Office and Civil Service Committee and it was apparent that he has a real selling job to do.

In my judgment the House Post Office and Civil Service Committee will eventually bring forth a bill providing for reform of the Post Office Department. Many provisions will undoubtedly differ from the proposal submitted by the administration. I intend to work within the committee to bring out a practical bill.

Earlier in this session I introduced H.R. 9640 to prohibit political influence with respect to appointments, promotions, assignments, transfers, and designations in the postal field service and to revise the laws governing the appointment of postmasters. I will offer sections of that proposal as amendments to the postal reform measure.

It is my judgment that the bill will be subject to considerable revision on the floor of the House. The Postmaster General has effectively described the archaic structure of the Department. In his presentation he provides basic arguments for reform of the Post Office. The upgrading of postal service with emphasis on modern techniques is certainly in the public interest.

HEALTH AND SAFETY IN THE BUILDING TRADES AND CONSTRUCTION INDUSTRY

(Mr. McDONALD of Michigan asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McDONALD of Michigan. Mr.

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Speaker, today I am confident the House will pass H.R. 10946, a bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects. I will support this legislation not only as a Representative who recognizes the need to protect construction workers under Federal contract, but also as a member of a building trades union and as a contractor.

Due to my past experience, I can speak of the many injuries and deaths I have personally witnessed at construction jobsites. In fact, I have narrowly escaped serious injuries myself on several occasions. I find it most alarming that never less than 2,300 construction workers have been killed and never less than 209,000 have been disabled during any given year since 1959.

Furthermore, it is estimated that in 1969 alone, work accidents will cause a loss of approximately $3 billion. In light of these shocking figures I wholeheartedly concur with Secretary of Labor Shultz when he indicated his support of legislation "which recognizes the Federal Government has a special obligation to those who work on Government contracts and extends safety and health protection to the one remaining class of workers who do not have the benefit of those protections."

For these reasons, I plan to vote for H.R. 10946.

THE PRESIDENT'S SPEECH AT THE AIR FORCE ACADEMY

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, today President Nixon is making a speech at the Air Force Academy in Colorado, which, in my opinion, should command the attention of every American and of all the world.

It sets forth, as well as I have seen anywhere, just what it is that this country is trying to do. He makes clear that we are prepared for new initiatives in the control of arms. He stresses the civilian control of our defense establishment, and he encourages the responsible critics who reveal waste and inefficiency in defense procurement.

But he demonstrates true and badly needed leadership when he states:

> I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions.

I hope that the thrust of this speech will be conveyed into every home in America and will be carried throughout the world in the most vigorous manner possible, not only by the commercial news people but by the U.S. Information Agency as well.

In my judgment this speech today, along with the President's remarks on college disorder yesterday, go a very long way toward restoring a sense of leadership to the Presidency—a sense of leadership in both domestic and international affairs for which America and the world have been crying out these past several years.

POSTAL REFORM

(Mr. SCOTT asked and was given permission to address the House for 1 minute.)

Mr. SCOTT. Mr. Speaker, my purpose in asking for a special order on Monday next is to talk with the membership of the House with reference to the various bills now before our Post Office and Civil Service Committee to reform the postal service.

I have considerable concern about proposals that would eliminate civil service protection and benefits for approximately one-fourth of all our civil service employees, more than 700,000 employees of the Post Office Department.

Mr. Speaker, there are a number of matters in my opinion about which the Members of the House should be cognizant before commitments are made by the Members for or against the Postmaster General's proposals.

I am also concerned about to whom the proposed corporation would be responsible. I think the people of this country look to Congress to protect their interests in this field. The purpose of the special order is to discuss these matters. I would ask any of my colleagues who are interested to join with me in that discussion at that time.

MRS. KATHERINE HARROLD'S SUGGESTION THAT MAIL AND PACKAGES TO SERVICEMEN IN COMBAT AREAS BE SENT WITHOUT CHARGE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, Mrs. Katherine Harrold, of Indianapolis, Ind., is one of my constituents who, in fact, is an elected public official herself.

It is with considerable pride that I pay tribute to her today for contributing the excellent idea which has taken form in the legislation I have just introduced.

Mrs. Harrold's very logical idea is that those who supply the servicemen to go into combat areas be permitted to send mail to them, including reasonable sized packages, without charge.

If this legislation should become law, and it certainly should, Mrs. Harrold will have become the benefactress of every American who has a loved one serving in the Armed Forces where there is danger.

PERMISSION FOR COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT DURING GENERAL DEBATE TODAY

Mr. DULSKI. Mr. Speaker. I ask unanimous consent that the Committee on Post Office and Civil Service may be permitted to sit during general debate today. We have cleared this with the Postmaster General and he feels he has sufficient time this afternoon to attend the meeting. Second, it has been cleared with the ranking minority member of the Post Office and Civil Service Committee.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

CALL OF THE HOUSE

Mr. PELLY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 74]

Adams
Anderson, Ill.
Andrews, N. Dak.
Ayers
Barrett
Bates
Berry
Bevill
Blatnik
Bray
Brock
Brown, Calif.
Brown, Ohio
Burke, Fla.
Cahill
Camp
Carey
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Conyers
Cowger
Culver
Daniel, Va.
Davis, Ga.
Dawson
Dent
Dickinson
Dorn
Downing
Eckhardt
Edmondson
Fascell
Flynt
Ford, Gerald R.
Foreman
Friedel
Fulton, Tenn.
Gallagher
Gettys
Gray
Green, Pa.
Gubser
Hagan
Hanna
Harvey
Hays
Hébert
Helstoski
Horton
Johnson, Calif.
Kirwan
Koch
Kyros
Langen
Lennon
McKneally
Macdonald, Mass.
Miller, Calif.
Mills
Mollohan
Morgan
Morse
Moss
Murphy, Ill.
O'Konski
O'Neill, Mass.
Ottinger
Patman
Pepper
Philbin
Pickle
Podell
Powell
Price, Tex.
Randall
Rivers
Ronan
Rooney, Pa.
Rosenthal
St. Onge
Sandman
Scheuer
Sebelius
Slack
Springer
Stafford
Steed
Stephens
Sullivan
Thompson, Ga.
Tiernan
Wilson, Bob
Wilson, Charles H.
Winn
Young

The SPEAKER. On this rollcall 333 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROFESSIONAL PHOTOGRAPHY WEEK IN AMERICA

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 77) to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 77

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, as a tribute to the importance of professional photography in American life and in recognition of Photo Expo, the largest photographic exhibition ever held in the United States, the President is authorized and requested to issue a proclamation designating the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America", and calling upon the people of the United States and interested groups and organizations to observe such week with appropriate ceremonies and activities.

Mr. McCLORY. Mr. Speaker, I am pleased to give my support to the adoption of Senate Joint Resolution 77. It has been said many times that one picture is worth a thousand words. Certainly the photograph, and particularly the photographs of the skilled professional photographers of America, have informed and enlightened the citizens of our Nation.

Next week, the professional photographers of America are meeting in New York City where "Photo Expo," the largest photographic exhibition ever held in the United States, will also take place.

It is entirely fitting that the House of Representatives has acted today to adopt Senate Joint Resolution 77 sponsored by my colleague and the minority leader of the other body—Senator EVERETT M. DIRKSEN.

The adoption of this resolution gives assurance that a Presidential proclamation will be issued to commemorate the week beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America." I am confident that the President's message will be gratefully received by all in attendance at the professional photographers meeting taking place in New York City.

Mr. Speaker, I take this occasion also to extend my congratulations to Professional Photographers of America, Inc., and its distinguished president, Earl G. Stanton, as well as to the other officers and members of this organization. It is the world's oldest and largest association of professional photographers, with its headquarters in my State of Illinois.

Mr. Speaker, I salute the professional photographers of America.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROMOTION OF HEALTH AND SAFETY IN THE BUILDING TRADES AND CONSTRUCTION INDUSTRY

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10946, with Mr. HANLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Before rising on yesterday the Committee had agreed that the bill would be considered as read and open to amendment at any point.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: On page 3, line 7, after the word "financial" strike the comma

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. ERLENBORN

Mr. ERLENBORN. Mr. Chairman, I offer a series of amendments, all of which have been agreed to by the majority and the chairman of our committee, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ERLENBORN: On page 2, line 23, after the word "section" insert the following: "after an opportunity for an adjudicatory hearing by the Secretary"

On page 3, line 4, strike the words "a violation" and insert in lieu thereof the word "noncompliance"

On page 3, line 5, after the word "Secretary" insert the following: "after an opportunity for an adjudicatory hearing by the Secretary"

On page 4, line 23, strike "paragraph (1)" and insert the following: "subsections (b) or (d)"

On page 5, line 6, strike the following: "The Court shall have jurisdiction to affirm the action of the Secretary or to set it aside"; and insert in lieu thereof the following: "The Court shall have power to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Secretary or the appropriate government agency."

Mr. ERLENBORN. Mr. Chairman, I offer this series of amendments en bloc on behalf of my colleague, the gentleman from Illinois (Mr. ANDERSON). Yesterday in debate on the rule Mr. ANDERSON explained these amendments that he intended to offer. Because the unavoidable absence of the gentleman from Illinois from the House has made it impossible for the gentleman to offer these amendments, I am offering these amendments on his behalf.

The amendments were thoroughly discussed yesterday during debate on the rule. These are mainly technical amendments to provide for an adjudicatory hearing by the Secretary before he determines noncompliance, and gives the court additional authority not merely to sustain or reject the findings of the Secretary, but would give the court authority to modify and enforce the decree as modified.

Mr. Chairman, as I stated in offering these amendments en bloc, they have been agreed to by the chairman of our committee, and I urge the adoption of the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. ERLENBORN).

The amendments were agreed to.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in the last session of the 90th Congress, I rose in support of H.R. 2567, legislation covering the same subject matter as the legislation we are considering today. At that time, I stated that while I was in full support of the urgent need and purpose of construction safety legislation, I expressed reservations as to the particular language of the legislation as proposed at that time.

Today, we have before us H.R. 10946 which I submit is a considerably more complete piece of legislation overcoming the reservations that I previously held.

Substantial direct and indirect costs that are the result of high on-the-job accident rates comprise extremely significant but most often ignored items in the bid-cost structures of the construction industry. The excessively hazardous nature of construction work, also is cited as a justification for the generally higher wage scale relative to comparable skilled crafts and I might say that there is considerable merit to such a position. Some unions have required premium or hazard rates for particularly hazardous jobs. On this rationale alone H.R. 10946 can bring significant economic improvements in addition to the incalculable benefits from preventing human suffering.

Accident rates in the construction industry have historically been substantially higher relative to rates in other major industries. Over the years, disabling injuries in the construction industry have comprised about 11 percent of all disabling injuries due to industrial work accidents and have constituted about 20 percent of all industrial deaths.

It is also noteworthy that the construction industry in 1967 lost almost 33 million man-days of work due to disabling injuries during that same year, 1967, only 5,160,000 man-days were lost due to strikes in the construction industry.

The industry's high accident rate is directly reflected in exceptionally high expenditures per man-hour for workmen's compensation premiums. According to a very recent study by the Bureau of Labor Statistics of employee compensation, building construction contractors in 1965 made expenditures of 11 cents per man-hour for workmen's compensation premiums or about 2.5 percent of total employee compensation. This 11 cents amounted to 3 cents an hour more than employer expenditures for unemployment compensation which was 8 cents per man-hour. During that same year, 1965, insurance premiums in manufacturing were only 3 cents per man-hour.

While impressive efforts of individual safety-conscious contractors can be cited, the typical safety program is still fairly limited. Typically because jobs are usually of short duration, there is a tendency to overlook hazardous conditions and gamble on the risk that nothing will happen. Despite a degree of effort by contractor associations, unions, and insurance companies, some contractors do not follow approved safety practices. The

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extent of coverage, adequacy of enforcement and recency of standards of State safety codes vary widely and mitigate against industrywide programing.

Safety experts contend that the construction industry, because it is so nomadic in employment structure and ever changing in working conditions, can only achieve effective accident prevention by systematic efforts and national standards. The Federal Government which expends a major percentage of construction dollars annually on its projects is the natural leader in reducing accidents in the industry. By the Federal Government assuming the leadership role in its construction activities it may reasonably be assumed that the benefits of its programing efforts will produce a valuable spin-off effect on the entire industry.

I would like to dwell for a few moments on the specific provisions of H.R. 10946.

First what is its coverage? Its coverage is limited to those Federal construction projects wherein the Davis-Bacon Act and other similar wage acts apply. It does not cover, and the report specifically states this, anything that is solely in the nature of a Federal loan guarantee or insurance including loan guarantees or insurance issued by the FHA and VA for individual home ownership.

Second, what does it authorize the Secretary of Labor to do? Briefly it allows the Secretary to establish safety and health standards but only after he has coordinated them with a statutorily established advisory board and has held public hearings. I am particularly pleased by the provision establishing the advisory board which is contained in this bill. This board is a reality because of my efforts and the support of the subcommittee. Further, it directs the Secretary to offer programs of safety education and training to employers and employees. It requires him to collect accident and injury data to measure the program's needs and results.

It also authorizes the Secretary to inspect Federal construction activities and seek compliance. Should the Secretary find it necessary he may resort to one of several legal sanctions to gain compliance. He may seek compliance under the Administrative Procedures Act before a hearing examiner or he may seek injunctive measures through the district courts or he may elect to seek to place the noncomplying contractor on the Comptroller General's list restricting the individual contractor from bidding on future contracts for 3 years. Also, the Secretary, if he finds it necessary may recommend to the contracting Government agency that the agency cancel the existing contract.

H.R. 10946, at the same time, provides the contractor with measures of appeal at every stage of any compliance action the Secretary may elect to use. An employer charged with noncompliance of the proposed law or regulations would be given full opportunity to be heard under the Administrative Procedures Act. If the Secretary seeks compliance in the district courts, the contractor would be afforded due process of the courts including the right of judicial appeal.

Another major intent of this legislation which the committee highlighted in its report was to utilize such State assistance in the administration of the act as is possible.

In closing, I would like to cite the position of the President on the need for construction safety legislation.

President Nixon in a letter dated April 20, 1969, to Mr. C. J. Haggerty, president of the Building and Construction Trades Department, AFL–CIO stated:

> Our changing economy and social structure requires new measures and new methods of administration. For example, stronger construction safety laws are needed to stop the needless annual toll of lost lives, injuries and loss of wages.

Mr. Chairman, one of the points which has been under consideration during discussion of H.R. 10946 is that part which relates to the Secretary of the Department of Labor consulting with the Advisory Committee on Construction Safety and Health. I received a telegram from the commissioners of the Department of Industry, Labor, and Human Relations of the State of Wisconsin in which they urged an amendment to include requirements to have a full-time paid safety standards board to include State agency representatives with board empowered to use voluntary Advisory Committee in addition to Labor Department staff.

Mr. Chairman, I rise at this time to inquire of the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), or the gentleman from New Jersey (Mr. DANIELS), as to whether or not the language found on page 5 of the bill which states that three such representatives "shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field," would encompass the capability of enabling a State representative to serve as a member of that Advisory Committee?

Mr. PERKINS. Mr. Chairman, if the gentleman will yield. There is no doubt in my mind. It is the intention of the committee that the language is broad enough to permit the representative from a State to serve as one of the public members on this tripartite Advisory Committee.

Mr. STEIGER of Wisconsin. I appreciate the comments of the gentleman from Kentucky.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. DANIELS of New Jersey. I would like to read and call to the attention of the gentleman from Wisconsin the remarks of the gentleman from Illinois (Mr. ANDERSON) which appeared in the CONGRESSIONAL RECORD of June 3, 1969, on page 14572 wherein he addressed his remarks particularly to the subject matter that the gentleman from Wisconsin has raised.

The remarks are as follows:

> Mr. Speaker, I want to compliment the Committee on Education and Labor on the bill they are presenting for our consideration today, or which will be in order upon the adoption of this rule. I think they have answered the objections that we had to the legislation last year. I think in redrawing or redrafting the legislation and providing for an advisory committee which will be tripartite in nature with one-third of the representatives of the contractors, one-third from representation of organized labor and the building trades; and one-third representing the general public, these would include individuals from the States who are particularly qualified and have the expertise in this area of safety.

Mr. STEIGER of Wisconsin. I appreciate the contribution of the gentleman from New Jersey. I simply took this time to make sure the record is clear. I think it would be agreed both on our side and on the majority side that the State representatives clearly would be eligible to serve as a part of the tripartite board.

Mr. DANIELS of New Jersey. I certainly do agree with the gentleman's interpretation in that regard.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back the balance of my time.

Mr. REID of New York. Mr. Chairman, I move to strike out the last word and rise in support of the bill.

Mr. Chairman, I rise in strong support of H.R. 10946, a bill to promote health and safety in the building trades and construction industry in all Federal and federally financed or assisted construction projects.

This bill would authorize the Secretary of Labor to promulgate Federal safety standards on Federal construction projects after public hearings and consultation with an advisory board, and would thereby extend to workers in the construction industry protection which is already provided to employees of Federal suppliers and service contractors.

In 1968, approximately 2,800 construction workers were killed on the job—this is the highest death rate for an industry in the United States. Over 20 percent of the workers killed yearly and over 11 percent of the workers disabled in on-the-job accidents in the United States are in the construction industry. The frequency rate for construction accidents is nearly double the national average.

This bill, insofar as it will raise safety standards for construction workers on Federal projects, will also reduce the number of serious construction accidents and the number of injuries to employees. I hope that the Congress will later enact the full occupational health and safety legislation to insure safe and healthful working conditions for all employees in this Nation; certainly this bill is a good beginning—but broader legislation is vital.

Mr. SAYLOR. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to direct a question to the gentleman from Illinois (Mr. ERLENBORN).

A short time ago the gentleman introduced a number of amendments which were agreed to and the gentleman made the statement that they were agreed to by both the majority and the minority members of the committee.

Yesterday one of our colleagues, the gentleman from Illinois (Mr. ANDERSON) talked to me about certain amendments. Were these the amendments which the gentleman from Illinois (Mr. ANDERSON), spoke to us about yesterday?

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman.

Mr. ERLENBORN. The answer is "Yes."

Mr. SAYLOR. I thank my colleague.

Mr. Chairman, I yield back the balance of my time.

Mr. HALPERN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in enthusiastic support of this bill which is designed to promote health and safety in the construction industry on all Federal, federally financed, or federally assisted projects. I joined in cosponsoring this legislation after coming across some very disturbing statistics.

I understand that last year, in 1968, there were over 2,800 construction workers killed in this country. In that same year, over 230,000 construction workers were injured. No other industry has such high death and injury figures, and the main reason why these figures are so high is because there is not a good safety program in this industry.

Some States, including my home State of New York, have fairly good safety laws, but most States have a problem of enforcement because of their limited resources, and the demands which are made upon their budgets from other quarters. It seems clear to me, however, that generally one would have to concede that construction safety laws in this country are wholly inadequate.

I was surprised to learn that although Federal law provides protection to workers in the service and supply industries doing contract work for the Government, there are no Federal laws providing similar protection to workers in the construction industry doing similar contract work. I feel that this oversight in the law must be corrected and this bill would provide protection to construction workers on Federal contract projects.

Provisions have been written into my bill providing for administrative safeguards and judicial review to protect contractors from arbitrary and discriminatory actions by the Secretary of Labor in enforcing the safety program.

I feel this legislation provides an approach to the problem which will be fair to all parties and which will provide the construction workers on Federal, federally assisted and federally financed projects with the protection they need.

I believe enactment of my bill will reduce the number of serious accidents and greatly decrease the number of deaths of construction workers. It can also be expected to save the Government millions of dollars each year through reduced construction time and costs. At the present time accidents and deaths delay project completion dates, increase contractor liability and injury compensation costs, and the consequence is that increased costs are passed on to the Government through higher contract costs.

H.R. 10946 would reduce contractor liability when the contractor meets accepted safety standards, and there would be fewer accidents and deaths and therefore fewer job delays. There would also be improved operational efficiency and improved competition through reduced costs.

Enactment of this legislation would also encourage States to have similar construction safety programs if they do not already have one, and other States that already have such a program would be encouraged to improve it.

The bill will provide for minimum national uniformity in safe work practices on all Federal contract projects.

I am happy to note that the House Education and Labor Committee has unanimously reported the construction safety bill. I hope this legislation can soon be passed by the House, as each day's delay means more men killed or disabled for lack of an adequate safety program. I urge my colleagues in the House to give overwhelming support for this much-needed legislation.

Mr. WAGGONNER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to ask the chairman of the committee, the gentleman from Kentucky (Mr. Perkins), a question which has to do with his understanding of the use of a word which is on page 6, line 1 in subparagraph (2) which says:

> The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations.

I would like the distinguished gentleman from Kentucky, the chairman of the committee, to tell me what the congressional intent is with regard to the use of the word "shall" in this instance?

Mr. PERKINS. Mr. Chairman, if the distinguished gentleman from Louisiana will yield, the committee used a mandatory word and not a discretionary one. When we used the word "shall," we intended that before the Secretary formulates any construction, safety and health standards that he must first consult the advisory committee.

The Advisory Committee "shall" advise the Secretary. That is mandatory. If the Secretary should attempt to formulate safety and health regulations without first consulting the advisory committee, his action would be null and void.

Mr. WAGGONNER. I thank the gentleman. I have just one further question. We had a situation similar to this with regard to a provision written into the highway beautification bill several years ago where the Secretary of Transportation was supposed to consult with the State officials, which he did, and then totally ignored them. It is not intended that these people on this advisory committee be totally ignored as they were in that instance, is it?

Mr. PERKINS. We did not use the word "may" which would give some discretion, we use the word "shall." It is mandatory that the Secretary consult the Advisory Committee before regulations are formulated.

Mr. WAGGONNER. I thank the gentleman.

Mr. EILBERG. Mr. Chairman, I rise today to add my voice to those who have spoken in support of the bill we are considering today to promote health and safety in the building trades and construction industry. This legislation is in my opinion absolutely essential.

I am alarmed that in 1968 over 2,800 construction workers were killed and no other workers, including miners, suffered greater loss of life. This shocking statistic is placed in sharp relief by the fact that construction workers suffered 20 percent of all work-connected deaths in 1968. Construction workers also suffered a higher disability rate than workers in any other industry when, in 1968, over 230,000 were disabled. This means that construction workers suffered at least 10 percent of all disabling injuries on the job.

The need for the legislation we are now considering is dramatized further by the fact that the construction industry injury frequency rate of 32 million man-hours was higher than any other industry with the exception of underground coal miners who had a rate of 36. Also, construction workers lost 33.5 man-days of work due to injuries which is almost equal to the man-days lost nationally in all strikes in 1967. The construction accident cost was $3 billion in 1968 and this was 50 percent of the national wage loss due to accidents. Since about $91 billion will be spent in 1969 on construction—10 percent of the gross national product—I think the bill we are now considering is absolutely essential to the health and welfare of the many construction workers across this Nation.

I have carefully studied H.R. 10946 and I would like to take this opportunity to congratulate the chairman and members of the committee on a job well done. In this bill they have provided an effective approach to the problem while at the same time providing the contractors with appropriate safeguards against arbitrary action by the Department of Labor in enforcing its provisions.

During the 90th Congress, I was disappointed that similar legislation did not pass when it failed to receive the required two-thirds vote necessary to pass under a suspension of the rules. Passage of this legislation today will not bring back the 10 construction workers who have been killed every day for the past 10 years but it will protect their sons from the same fate.

It is clear to me that we must act to provide construction workers with the safety and health protection that they need, especially when they are working on Federal, federally financed or federally assisted construction projects. I believe this is an area of primary responsibility for the Federal Government.

Contrary to what many of the contractors who testified before the Education and Labor Committee would have us believe, safety programs in the construction industry are not nearly what they must be. I know that some Federal agencies such as the Corps of Engineers and the Bureau of Reclamation do have good safety programs. But these two agencies are exceptions to the general rule. The fact is that there is no system of uniform standards among the Government agencies and there is a general lack of will to enforce what standards that do exist.

It is important to note that this legislation will not only benefit construction workers but will be of invaluable assistance to contractors as well. It will reduce injury compensation costs, improve efficiency, lower contract costs, improve competition and reduce contractor liabil-

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ity when the accepted safety standards are met.

H.R. 10946 establishes a training and education program in the field of safety and health for the construction industry. My understanding is that this program will be limited to the projects which are covered by the bill. But, nevertheless, it will surely generate improved training and educational programs by contractors and labor organizations. Through the program, additional materials and information will be available on safety techniques and training methods and, as a result, the whole industry will benefit.

Further, I am pleased that this bill provides for a better reporting system for accidents and injuries and their causes than has been in effect previously. From my experience I know how important it is to have all the facts before you make a judgment and how necessary it is to know the cause before you can prescribe a remedy. Under the new reporting system which, under this bill, the Secretary is directed to initiate, more information will be available on accidents so that decisive measures can be taken to insure that they will not recur.

From the extensive hearings which have been conducted on the subject of occupational health and safety, it is apparent that the industry cannot do the job on its own. I don't think we can afford to let another year go by and with it ignore the thousands of construction workers who would be killed and disabled by our failure to take action to aid the construction industry in improving safety and health conditions for its workers. The need is too great and the human cost is too too high.

Some will no doubt say that safety programs cannot be legislated. I disagree. Congress legislated the Walsh-Healey Act in 1936 and 3 years ago the Service Contracts Act was passed. Back in the 85th Congress the Maritime Safety Act was passed.

The record of all the programs which were initiated as a result of this legislation has been one of success and improved working conditions for the workers covered by the legislation. I believe the same results can be achieved by passage of H.R. 10946 and I urge all my colleagues to join with me in voting for passage of this much-needed legislation.

Mr. **BOLAND**. Mr. Chairman, I want to express my support for H.R. 10946, a bill to promote health and safety standards in the building trades and construction industry.

In the area of labor legislation, the Federal Government has a role which it has not played often enough in recent years, that of setting an example by establishing high standards. Where it contracts with private contractors, it can set whatever standards justice dictates, for its pays the bill.

At present, for the three major categories of Government contractors, suppliers of goods, service contractors, and construction contractors, Federal law sets standards which require the payment to their employees of wages prevailing in the area in which they are employed. In two of the three categories, supplier contractors and service contractors, Federal law now also requires that safe and healthful conditions of work must also prevail for all employees. Only in contracts for construction is there no Federal requirement that safe and healthy working conditions be provided.

H.R. 10946 closes this gap. It does so by adding to the Contract Work Hours Standards Act a requirement that Federal and federally financed construction contracts contain a provision, applicable to any contractor or subcontractor contracting for any part of the work, assuring that any laborer, mechanic, or other employee shall not be required to work in any place or under any working conditions, which are unsanitary, hazardous, or dangerous to his health or safety.

This measure, Mr. Chairman, came from committee with bipartisan, unanimous support. Both H.R. 10946 and its companion measure, H.R. 10947, number among their sponsors members of both parties. The bill's objectives were endorsed by Secretary of Labor Shultz in testimony before the committee. Representatives of both labor and management also appeared in support of the objectives of the bill. Objections raised to earlier drafts of the bill, such as H.R. 3290, were considered and met in the committee considerations. H.R. 10946 is a joint effort to meet a problem—agreed to by practically all of the parties concerned.

Let me mention but two issues, where objections were met and clarifying language inserted in the bill. One concerned the scope of the law. The second clarified and delimited the authority of the Secretary of Labor to formulate minimum health and safety standards to assist contractors or subcontractors in meeting the bill's proposed requirements.

In the first instance, the question was raised whether the scope of the bill might not be construed as extending to cases where the Federal Government, by providing guarantees or insurance, only assists construction. Examples would be the Federal Housing Authority or the Veterans' Administration, who provide such assistance to foster individual homeownership.

The bill now clearly states that assistance cases are outside the scope of the law. Only construction financed in whole or in part by Federal loans or grants is within its scope.

The second instance concerns the authority of the Secretary of Labor. The bill now provides that he may promulgate health and safety standards only after public hearings and consultation with an advisory committee. The conduct of these hearings is formal and is required to be governed by the Administrative Procedure Act.

The Advisory Committee to assist the Secretary in formulating standards is tripartite in composition, with three representatives of contractors, three representing the building trades industry employees, and three representing the public. The public representatives must have competence in the field of construction safety. The rights of all parties are now safeguarded by the bill.

Mr. Chairman, there is one last point I wish to make. Some may have doubted that there was a need for such a bill. Do not the States have laws protecting the health and safety of all workers, including construction workers? Are there not well-established standards for such work? Why go through this involved process of having the Secretary of Labor devise and promulgate new standards?

In answer, Mr. Chairman, let me say that there are, today, no nationally accepted set of standards concerning safety in construction. Nor does the Secretary of Labor have, at present, authority to promulgate or enforce such standards, if they existed. The States are not doing an adequate job of enforcing such standards as they have. And the standards they have are not themselves adequate.

Allow me to cite some of the information brought out in the course of the consideration of this bill, H.R. 10946, in support of my statements, and of the bill.

According to the National Safety Council, over 20 percent of the workers who are killed each year in accidents, on the job, are killed in construction work. Over 11 percent of the workers disabled in such accidents are maimed in the construction industry. The frequency rate for on-the-job accidents is almost twice the national average for all industries. Measured in terms of severity, the number of days lost to accidents, construction has a higher figure than any industry with but three exceptions, mining, lumbering, and marine transportation.

Last year, there were 2,800 construction workers killed on the job. This was the highest death rate for any industry. There can be no question but that Congress can act to reduce these figures. It has the power to do so, and it thus cannot avoid the responsibility. We must act to pass H.R. 10946.

The **CHAIRMAN**. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 10946) to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects, pursuant to House Resolution 427, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The **SPEAKER**. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 428

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11102) to amend the provisions of the Public Health Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendments in section 2, page 2, lines 23 through 25, and page 3, lines 1 and 2, and on page 5, lines 8 through 23, recommended by the Committee on Interstate and Foreign Commerce, now printed in the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, House Resolution 428 provides an open rule with 2 hours of general debate for consideration of H.R. 11102, Medical Facilities Construction and Modernization Amendments of 1969. The resolution also provides that it shall be in order to consider without the intervention of any point of order the amendments in section 2, page 2, lines 23 through 25, and page 3, lines 1 and 2, and on page 5, lines 8 through 23.

The reasons for waiving points of order against certain sections of the bill are: In the bill as introduced, the authorization of loan guarantees—page 2, section 2—applied only to nonprofit private facilities. The bill was reported amended to include also in this section "public" facilities and the question of germaneness might be raised. Points of order are waived against the language in subsection (b) on page 5 because it constitutes an appropriation in a legislative bill.

H.R. 11102 would extend for 3 years the present program of matching grants to the States for construction and modernization of health facilities, with some modifications in the present program. It would establish a new program of Federal guarantees for loans made for construction or modernization of public or nonprofit private hospitals and other health facilities, with an added provision for an interest subsidy on such loans.

Since the inception of this program, slightly over $3 billion in Federal funds have been matched by slightly over $7.2 billion in non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided approximately 2,800 other health facilities such as public health centers, diagnositic and treatment centers, and rehabilitation facilities.

There is a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

This legislation would add to the existing program a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization.

It provides for not more than $300 million of guaranteed loans for each of the next 3 fiscal years. The amounts available for guaranteed loans are to be allocated among States under a formula which considers population, per capita income, and need for construction and modernization.

Under the guaranteed loan program, the bill provides that the Government will pay a subsidy on each loan of 3 percent on loans made to private nonprofit groups. Public hospitals and facilities are included in the guaranteed loan program; however, the interest subsidy is excluded.

The cost of the legislation would be for fiscal year 1971, $298.6 million; fiscal year 1972, $312.7 million; fiscal year 1973, $326 million—a total of 937.3 million for the 3 years.

Mr. Speaker, I urge the adoption of House Resolution 428 in order that H.R. 11102 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

What arguments were used before the Rules Committee in behalf of waiving points of order, particularly to page 5, lines 8 through 23? Does the gentleman recall the arguments made in behalf of waiving of points of order?

Mr. MADDEN. The authorization of the loan guarantee applies only to nonprivate facilities. The bill was reported amended to include also in this section public facilities, and the question of germaneness might be raised, and points of order are waived against the language in subsection (b) on page 5 because that constitutes appropriation on a legislative bill.

Mr. GROSS. I thank the gentleman for his explanation.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the distinguished gentleman from Indiana, House Resolution 428 does provide an open rule and 2 hours of debate for consideration of H.R. 11102, Medical Facilities, Construction, and Modernization Amendments of 1969, which we ordinarily refer to as the Hill-Burton Act.

The points of order were waived in accordance with the statement of the gentleman. In addition, there is a transfer of funds provided on page 5.

The purpose of the bill is to extend for 3 years the current program of matching grants to the States for use in the construction and modernization of hospitals and other health facilities. The bill also creates a new Federal program of loan guarantees with an interest subsidy for loans made for either the construction or rehabilitation of public or private nonprofit hospitals and other health facilities.

Authorizations contained in the bill total $937,300,000 over a 3-year period. Broken down they total:

Fiscal year 1971	$298,600,000
Fiscal year 1972	312,700,000
Fiscal year 1973	326,000,000

The program has been a success. Since its inception in 1946 over $10,000,000,000 in hospital and other health facilities have been constructed. Of this total expenditure about $3,000,000,000 has been Federal funds; the rest have come from local tax efforts and private gifts. The need is, however, great for continued effort.

The loan guarantee program will be continued under the bill, with a new provision—an interest subsidy of 3 percent. This will be available on loans to private nonprofit groups on construction loans for hospitals and health facilities. It is believed this will stimulate construction and rehabilitation of facilities.

Loan guarantees will also be extended to public bodies constructing health facilities or hospitals or modernizing existing ones. This is done to help them get funding at better rates and so to stimulate construction and rehabilitation efforts.

Current law permits a State to transfer all or part of its Federal funds for new hospitals to modernization of existing facilities if the State determines it is in the best interest to do so. This authority is continued by the bill to ensure flexibility in meeting the existing needs.

Mr. Moss, Mr. Dingell, and Mr. Ottinger have filed additional views. They support the bill but will offer a series of amendments. They believe the funding formula should be modified to reflect the ever-increasing needs of urban America, and to ensure that the greater portion of the funds are used to meet this need. They also believe more stress should be laid on modernization of existing facilities by increasing funding for this purpose and by cutting back on new construction funds. They also propose an additional $15,000,000 for use in constructing of community diagnostic and treatment centers in urban areas.

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The bill was reported unanimously by the committee.

Mr. Speaker, I urge adoption of the rule.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 11102, with Mr. St Germain in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers), will be recognized for 1 hour, and the gentleman from Illinois (Mr. Springer), will be recognized for 1 hour.

The Chair recognizes the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

I should like to commend the gentleman from Indiana (Mr. Madden) and the gentleman from California (Mr. Smith) for their explanation of the bill. I believe they went into it rather fully.

Mr. Chairman, the bill under consideration today is a good bill. It is one that has been carefully worked out both in the subcommittee and in full committee.

The Hill-Burton program has been in effect since 1946, and is one of the most successful Federal/State partnership programs on the books. Throughout its history, this program has been extended for relatively limited periods of time, ranging between 3 and 5 years, so that the Interstate and Foreign Commerce Committee has kept in very close touch with the program throughout its lifetime.

This year our Subcommittee on Public Health and Welfare held 4 days of hearings on this program, and then the subcommittee and the full committee held a total of 5 days of executive sessions on the bill.

I think it would be fair to say that all members of the committee support the bill, although a few members disagree with specific details, but support the overall program. The bill calls for appropriations totaling $937 million over a 3-year period for an extension of the existing program of matching grants for construction or modernization of facilities. In addition, the bill provides for a new program of guaranteed loans of up to $300 million a year. These loans would be made to either public or nonprofit private groups by private lenders for construction or modernization of health facilities. These loans would be guaranteed both as to principal and interest by the United States, and where the loan is made to a private nonprofit borrower, an interest subsidy would be paid, amounting to 3 percent of the unpaid balance of the loan per year.

Under the program originally enacted in 1946, over $10 billion of hospital and other health facilities construction has been carried out. Slightly over $3 billion in Federal funds have been matched by slightly over $7.2 billion non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided approximately 2,800 other health facilities such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

Mr. Chairman, information furnished by State agencies administering the program indicate a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

The reported bill would add to the existing program a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization of hospitals and other health facilities. This program would be in addition to the existing program administered by the Federal Housing Administration and the Department of Health, Education, and Welfare under which mortgages may be insured by the Federal Housing Administration upon payment of a premium for such insurance.

The principal advantage to be derived from the guaranteed loan program will be the substantial stimulation this program will give to private groups to obtain financing for new hospital construction. We anticipate that the full amount of guarantees will be utilized each year, providing a substantial increase in health facility construction and modernization. The initial budgetary impact will be relatively slight in comparison with the substantially increased construction and modernization which we believe will occur as a result of the combination of loan guarantees and interest subsidies contained in the bill.

With respect to the grant program, we believe it has demonstrated its value over the years, and should be continued as is provided in the bill.

Mr. Chairman, the extension and revision of title VI of the Public Health Service Act now pending before this House must be considered, and its final form determined, in the light of the fact that it is but one part, though an important part, of the Nation's overall health program. It is the point of departure in this Congress in our joint efforts to increase the efficiency, strengthen the capacity, and control the alarming rise in cost of our country's health care delivery system. The directions charted by this legislation can have a positive impact on each of these areas of legitimate Federal concern far beyond the initial impact of the dollars directly authorized.

Mr. Chairman, the program under this bill is badly needed. Our current national needs for hospital and other health facility construction and modernization are in excess of $16 billion. We feel that this bill will make a substantial contribution toward meeting this need and we recommend its approval by the House.

Mr. NELSEN. Mr. Chairman, I yield myself such time as I may consume.

In the period immediately following World War II there was a great need for hospital beds in rural areas. Without such beds medical care for large portions of the population was nonexistent. Doctors willing to serve in smaller towns had no facilities with which to carry on the kind of medicine necessary. From that need came the Hill-Burton Hospital Construction Act which provided funds on a matching basis with States and towns. State plans setting priorities were required, and this created the pattern for operation of the act. It was a well conceived scheme to get the job done, and time has proved it so. Today great advances have been made toward meeting the need.

As time went on it became apparent that changing times called for changing emphasis in medical facilities and in the creation of several new kinds of facilities. The practice of medicine was changing along with business, Government, and the inclination for more people to crowd into metropolitan areas. Ideas about proper treatment were emerging which required new approaches to facility construction as well. As a result, Congress has added to Hill-Burton in recent years. In addition to traditional community hospital beds for those who need intensive care, long-term care facilities, diagnostic and treatment centers, and rehabilitation centers have been added. The program has proved a great blessing to the ill. It has helped millions of Americans back to good health through improved hospital care and expanded care facilities. More and more communities have worked these into the local health care plan. Aside from Hill-Burton, but certainly part of the same pattern and purpose, have been the facilities for community mental health and mental retardation which now include care for drug addicts and alcoholics.

Hill-Burton has not been standing still. It may not have charged off in new directions at the first suggestion of those with specialized problems which were peculiar to a small area, however. When the need for modernization of city hospitals was first brought to light, a modest start was made by providing some funds which could be used for this purpose. I

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must point out that even the original law probably could have been interpreted to cover the situation adequately. The problem seemed to be that of competition for the funds at State levels. There is no doubt that many modernization projects are of such magnitude that to finance them would blot up all the funds available for an entire State. Large teaching hospitals are the backbone of the system for creating new health professionals without which no hospitals will be able to operate. Many of them are now very old and have been neglected or put off in the dizzy spiral of costs. That is recognized.

It is for that reason as much as any other that the levels of authorization have not been drastically reduced for construction in the bill before the House today. It is also for that reason that H.R. 11102 leaves it up to each State to decide whether rural beds are in great need. The presumption would be that only a positive determination of a present pressing need for rural hospital beds would keep the money from other, newer priorities.

There will be a great deal of discussion here today about a principle of allotting money to the States which has been present in the Hill-Burton scheme for a long time and which is known as the squaring factor. This means that to determine how much money is initially allotted to a given State, one must determine the population of the State and then square its allotment percentage after the population figure has been divided into the available funds. It will be said, no doubt, that this is unduly preferential to rural areas or at least unduly harsh on States with large populations. There is no doubt that the formula thus applied helps States like Kentucky, Louisiana, West Virginia, Tennessee, and my own State of Minnesota. That is because they are the ones that need help the most.

What happens when we remove the squaring factor? Fourteen States would lose more than one-half million in formula funds apiece. Two of them, Kentucky and Louisiana, also Puerto Rico, would lose over 1 million each. And who would gain? States like New York, California, Ohio, and Massachusetts would gain. The formula was intended to put the money where there was the least possibility of reaching the goal without it. Now those as has want a bigger cut. If they have large problems, and I am sure they do, they also have far better chances to meet them.

It is very possible that no change in formula without massive Federal grants giving unreasonable percentages to large projects would solve the modernization problem of the big-city hospitals. An almost complete scrapping of Hill-Burton as we know it would result. There are those who argue that this is just dandy because the rural areas and smaller communities do not need help any more. That is strictly not so. The whole system of delivering health services is in a State of quiet—and in some corners not so quiet—revolution. Needs for new kinds of facilities and new systems, new equipment are going to continue and possibly increase everywhere. Big cities do not have a monopoly on health problems and they will not have. A complete shift in grant emphasis just is not the answer, and the bill which came from the committee recognizes that fact.

A new and very special program has now been included which we feel does attack the problem sensibly. Only by getting private funds involved will large modernization projects ever get off the ground. It has been difficult to interest private money in long-range loans based upon public or nonprofit operations of such institutions. No one should be blamed for this. It is a fact of life which we hope the bill can change. The new program would allow hospitals to borrow from private sources with a guarantee of that loan by the Federal Government, and in the case of nonprofit hospitals a further assist by way of an interest subsidy of 3 percent. We believe this method will prove cheaper to taxpayers. Over the 3-year period covered by this legislation loans up to a total of one billion eight hundred million dollars can be guaranteed. This is not hay.

If one has read the additional views to the committee report, he might get the impression that the use of grant funds for modernization is almost impossible or at best a dribble because the specific amounts assigned to modernization alone are smaller than those assigned to construction categories. To properly inform you on this point I wish to draw your attention to the fact that transfers among these various categories are possible at the discretion of the State authorities, where I certainly feel such discretion should lie. It is most interesting to note that the transfer authority is a one-way street. Funds may be transferred away from construction but not to it.

States can and should work out priorities for logical use of the grant funds which come to them. And if modernization is the problem, it can be so determined and handled accordingly. It is interesting to note, however, that only one of the big States has made any sizable or even significant shift of funds into modernization in the last 3 years although the authority has been there. The flexibility built into this program as found in the bill reported by the committee makes complete sense. It allows States to attack their individual problems but does not try to solve the internal bickerings by freezing the bulk of the funds in one category.

There are other innovations in the present bill which merit your attention because they demonstrate again the way the committee, and in past years the Congress, has tried to upgrade and streamline Hill-Burton. For one thing, the definition of "hospital" has been changed to eliminate some administrative roadblocks which have shown up. A project which wishes to include such things as home-care units and self-care units now must process its application through more than one channel. By including such items in the definition, a project may be treated as a whole and save considerable administrative duplication. Provision would now be required for extended care facilities in new projects.

The whole process for delivering medical services is being scrutinized under the partnership for health programs across the country. Many of these are just nicely getting underway. This bill makes it possible for such organizations, where in existence, to at least look over Hill-Burton projects. As time goes on we can and must bring all long-range planning and priority-setting machinery into gear. This is a first and very important step.

In my opinion the bill reported to this House by the Committee on Interstate and Foreign Commerce is a well considered, reasonable bill which gets at the problems of health facility construction in realistic terms and in a way which is fair to all of the wide variety of interests involved. I recommend its passage as reported.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN), the chairman of the subcommittee.

Mr. JARMAN. Mr. Chairman, H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969, is the best of several alternative approaches in respect to providing Federal construction assistance in overcoming the present problems associated with the Nation's health facilities. In brief, these problems are essentially twofold: The extent of existing health facility capital needs, especially capital for modernization, and the need to encourage a better balance or mix of community health facilities, integrated in the functional sense. The Nation presently needs an additional 85,000 acute care beds, 893 public health centers, 149,413 additional long term care or extended care beds, 872 outpatient centers and 388 facilities for rehabilitation, at a total cost of $5 billion, at today's prices. However, the Nation's gravest health facility problem in terms of cost is to modernize or replace health facilities containing some 455,000 acute and long term care beds, at an estimated cost of $10.8 billion. Equally important, increased emphasis must be placed upon coordinated, community level health planning leading to a better balance or mix of community level health facilities and other health resources, integrated in the functional sense, capability of providing the full spectrum of facilities and services necessary to the continuity of patient care.

The bill properly addresses itself to this two-pronged problem by retaining those aspects of the existing health facility planning and construction program which have demonstrated their effectiveness in respect to these problems while, at the same time, changing and expanding the existing program in those areas where the need for such change and expansion has been clearly demonstrated. In summary, the bill would extend the authority for 3 years, the existing and proven portions of the grant program, provide new authority to administer a 3-year program of loan guarantees with interest subsidies, and loan guarantees, without interest subsidies. In addition,

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the bill contains new authority for direct Federal grants to assist in the modernization of emergency rooms of general hospitals, as well as including several other overall provisions which would modify the existing program to deal more directly with specific health facility and health planning problems which have been clearly identified since the program's last extension in 1964.

For example, section 2 of the bill properly expands the Federal effort in dealing with the existing health facility needs through the creation of a 3-year $900 million loan guarantee program, with 3-percent Federal interest subsidies, which would assist privately owned nonprofit health facilities in both modernization and construction of additional health facilities. This alternative was selected after thorough consideration of all the facets connected with expanding the authority under the existing grant program to the extent necessary to have an appreciable impact on the Nation's health facility modernization and construction needs which are presently approaching $16 billion. Further, the interest subsidy provision will tend to reduce or at least slow the rate of ever-increasing individual patient-day costs since the payment of interest on loans will in part be assumed by the entire Nation rather than the individual patient.

At the same time the bill provides equally adequate loan guarantee assistance for the construction and modernization of publicly owned health facilities. Although interest subsidies would not be available to publicly owned health facilities, seeking loan guarantee assistance, publicly owned health facilities, unlike private nonprofit health facilities do have certain equalizing capital formation advantages such as their revenue or tax base, as well as the incentive of the tax-free status of the interest earned on their bonds.

The bill does not provide for direct Federal aid to health facilities which may be in need of emergency construction assistance since it was felt that the ongoing health facility planning efforts of the States were best able to determine where assistance is imperative, rather than through any direct Federal assistance program, which may or may not be compatible with a particular State's health facility planning effort. Further, the unnecessary proliferation of Federal health facility assistance program, especially when not a part of a State's ongoing planning efforts can frequently impede the execution of rationally developed State and community-level health plans.

The bill maintains the proper balance or quality of methods by which funds are allotted to the States by continuing the existing allotment formula for grant funds for new construction and continuing the health facility modernization need factor, as well as relative population and income in allotting modernization grants to the States. Recognizing further the merits of employing the health facility need factor, its use has been extended in the bill, along with relative population and relative income, in allotting loan guarantees to the States.

After lengthy consideration of the existing priority preference for the construction of additional health facilities in rural areas, it was agreed that each State could best decide, through their annual health facility plan, whether a rural area preference was in fact needed. Accordingly, the rural area priority preference was modified, to be made optional on the part of the States.

Section 3 of the bill provides the authority to administer a 3 year, $30 million authorization of direct Federal grants to assist in the modernization of emergency rooms of general hospitals. This provision, we feel, will have an affirmative impact upon the Nation's capability to deliver emergency health services to victims of highway and industrial accidents as well as other forms of mishaps. Since the provision provides for direct Federal project grants, it is expected that it would be administered in such a way to complement the State health facility planning efforts by seeking State agency consultation and assistance in its administration, especially as it relates to the States developing a State plan for emergency care services as a part of the State health facilities plan.

Section 13 of the bill is directed to assisting the further development of a coordinated community level health planning process, as well as insuring that the several community-level, federally assisted health facility and health planning efforts are mutually complementary. The section requires that the local areawide health planning agency bodies assisted under 314(b) of the Public Health Service Act be provided an opportunity to review the applications for assistance under the program. In the absence of a local areawide health planning agency assisted under 314(b), the State Community Health Planning Agency would be provided an opportunity to review applications for assistance under the program. In this way, we feel we have provided the basis for the necessary involvement of other health planning activities and at the same time have not placed upon the State agency administering this program and the project sponsors, an inordinately severe administrative burden.

The bill also recognizes the necessity for improving the continuity of care that is delivered to patients of general hospitals by requiring that general hospitals receiving assistance under this program agree to provide extended care services within the general hospital. However, since it is recognized that there may be some instances where it may not be possible or desirable for extended care services to be included in every general hospital assisted, there is adequate provisions for waiving this requirement.

Mr. Chairman, I urge the passage of H.R. 11102.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

Mr. STAGGERS. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. OTTINGER).

Mr. OTTINGER. Mr. Chairman, I want to congratulate my respected chairman (Mr. STAGGERS) and the distinguished chairman of the subcommittee (Mr. JARMAN) for the generally excellent job they did with this bill. This legislation incorporates many advances and improvements. In the report, and in some provisions of the bill, moreover, the committee recognizes the unquestionable shift in health needs in this Nation from the rural areas, for which Hill-Burton was originally designed, to the urban areas.

In another major advance, this legislation makes a start toward use of Federal aid to improve delivery of health services to the people rather than the past emphasis which has been mostly on assisting hospitals and the medical profession without regard for how they are serving people. I am particularly appreciative of the new definition of "hospitals" to include extended care facilities. Many of our hospitals today are overcrowded because there are a great many people occupying acute care beds who should not be there. Old people and convalescents who need care but who are not sick and, therefore, do not need treatment are occupying beds designed for the critically ill. This is primarily the result of the lack of adequate extended care facilities.

Expanding the definition of "hospitals" to include extended care facilities will make it possible to create alternative facilities for such people. Because these facilities are less expensive to build and much less expensive to operate, we can also then make significant inroads on our soaring hospital costs.

The new emergency room provisions of the bill will go a long way toward meeting the need for these facilities.

The use of financial statements from the hospitals is going to help us a great deal in trying to hold down the tremendous rise in the cost of hospital attention.

Mr. Chairman, these are good provisions and deserve support. My quarrel with the bill as reported by the committee is that it simply has not gone far enough to keep up with the rapidly changing conditions in our Nation. It has not taken the basic step that will make its really good provisions effective.

For example, in spite of its advances, the bill would extend for 3 years the basic Hill-Burton formula which gives such tremendous advantage to rural areas and seriously slights our growing urban areas.

The old Hill-Burton formula may have made sense in 1946 when the crying need was for medical facilities to serve rural areas. But, as the committee properly points out, the Hill-Burton Act has done a tremendous job to meet this rural need so that we now are to the point where we have satisfied 90 percent of the needs of the country in terms of hospital facilities. Parenthetically, I think it wise to point out that many and perhaps most of the facilities that have been built are already obsolete and in desperate need of modernization.

The committee admits the rural emphasis of the existing program in the report on page 8, and says:

> The program, therefore, provided priorities in construction of new hospital bed capacity for facilities serving rural areas. . .

The committee claims that this rural emphasis of Hill-Burton funds distribution has now shifted. The fact is it has not. Some 70 percent of the Hill-Burton funds at the present time go to communities with populations under 50,000.

A table is provided on page 9 which is intended to show that Hill-Burton money presently is being spent with an urban emphasis. That table has one of the most remarkable definitions of "urban" I have ever seen. It includes under the category "other urban," communities between 2,500 and 50,000 population. "Rural," it defines as only communities of 2,500 and under. Using that definition, the report purports to show that the majority of funds has been spent in "urban" areas—busy metropolitan centers of 2,500 "citified" souls. I think that is clearly misleading.

A community of under 50,000 is really rural and a hospital built in such a community serves a rural population. Certainly a community of 2,501 people cannot be accurately described as urban. If you take the figures for "other urban" and put them where they belong, with those that are labeled "rural," it proves conclusively and dramatically that the great majority—some 70 percent of Hill-Burton funds—do in fact still go to rural communities. In fact, a large majority of the funds go to communities of under 15,000 population and a large majority of the funds go to build small, inefficient hospitals with between 30 and 50 beds.

Now, simple reason argues that this rural emphasis must be changed.

Furthermore, the bill extends this loaded and inequitable formula to all the new grant programs with the exception of the modernization program. It extends the rural formula to the diagnostic center program. It extends it to the programs for extended care and rehabilitation facilities. Thus, the effort to meet the real health needs of the Nation is diverted and frustrated by a 20-year-old special-interest formula that has long outlived its usefulness.

I am going, therefore, to offer an amendment to change the formula to that which is used presently for modernization. It is a fair and equitable formula that gives no special advantage to any region. It is based on population, per capita income, and need. Not only is this fairer, it will make it possible for us to start meeting the urgent, unmet health needs in this country today.

Another problem with this bill is the failure to recognize the changed health priorities in this Nation. The committee states in its report that 90 percent of the need for new hospitals in the country has been met. The committee admits in its report the need for modernization is the overwhelming need all over the country. All the testimony before the subcommittee confirmed the primacy of the need for modernization.

Today we have in the country a situation where one-third of our hospital beds are obsolete. On page 6 of the committee report, it is pointed out that the burden is growing at an appalling rate. The report states that an additional 41,000 hospital beds every year are being added to the obsolete category.

Page 4 of the committee report shows that the need for all new construction in the country is $5.3 billion whereas the need for modernization is almost double that or $10.5 billion, with some 455,130 hospital beds requiring modernization.

Yet, the committee set exactly the opposite priorities in its authorization. The committee reduced the funds for modernization from $65 million last year to only $50 million next year and increased the amount for new hospital construction from $130 million to $135 million. It also added another $100 million for new construction programs for other medical facilities.

The need is 2 to 1 for modernization; the program is more than 4 to 1 construction. If that is not topsy-turvy I do not know what is.

Now the committee says the bill has an expanded provision under which the State agency can shift funds from new construction to modernization. That is an improvement, but it certainly is not enough. First, the State agencies naturally are going to follow the priority set by the Congress. We have not got the right to ask them to do otherwise. Second, setting priorities is a responsibility that Congress should exercise. To rely on a State agency to correct our misset priorities is an abrogation of our constitutional responsibility.

We know what the needs are. We know what the priorities should be. Why are we afraid to specify that modernization should receive the largest proportion of the funds provided under this act?

The gentleman from Michigan (Mr. DINGELL) is going to offer an amendment which will in effect reverse these priorities without substantially changing the total amount of funds.

One of the greatest needs throughout the country today is for providing facilities that can deliver health services where the people are and where the need is greatest. That was what Hill-Burton did for the poor rural communities, principally in the South when the need was greatest there. Now the need is in our urban centers and particularly in the economically deprived sections within those urban centers. Can we do less than help them as we helped the rural areas before?—especially since our program would not favor the urban areas as Hill-Burton favored the rural areas, but would only treat all areas equally.

Through our magnificent programs of medical research, we have amassed a tremendous amount of knowledge as to how to treat illnesses and accidents and yet we have largely failed to deliver these services to the people who most need them.

While there are funds for diagnostic and treatment facilities provided in the committee bill, they are tied to the Hill-Burton formula with its rural bias. In addition, the diagnostic and treatment facilities that are provided have to be constructed in connection with an actual hospital service.

And there is the nub: Hospitals are not built in the impoverished urban centers.

The diagnostic facilities that are really needed should be built where the people are—not where the hospitals are. The committee bill does have a waiver provision for special situations. But what they consider as a special situation is in fact the rule. And the only way to meet the conditions as they are is to provide diagnostic and treatment centers separate from hospitals to serve our urban poor. This ought to be the predominant theme of our effort rather than the special exception under this provision.

My colleague from New York (Mr. FARBSTEIN) will offer an amendment that will add $15 million to this program, earmarked specifically for urban diagnostic and treatment centers that do not require physical connection with a hospital. The committee's $20 million for centers to serve other areas will be unchanged.

In 1966 we provided for comprehensive health planning agencies to develop community oriented plans for meeting the health needs of our States. These agencies are now set up in every State of the country. In some States they are doing a good job in coordinating the needs for new hospitals and other kinds of facilities, such as extended-care, treatment, and rehabilitation facilities. In other areas, they are getting started in this job.

One of the great problems we have with the soaring hospital costs that we are experiencing all over the country today is that we are using so many of our health resources inefficiently. We are building hospitals that do not really serve community needs and as often as not we are not using them well. A community will build a hospital because of pride in having a hospital, even though there may be a perfectly good hospital that is underutilized within a few miles of the proposed construction. We cannot afford that today.

Within the State of New York, the Blue Cross program has proposed a 49.3-percent increase that will go into effect next month. This is becoming an unbearable burden for our people. We have to start making optimum use of the facilities available and building only the kind of new facilities that will serve our real needs. This is especially true of acute-care hospitals which are the most expensive kind of health facility to build and operate.

Now in an area where coordination is so important, more consultation with comprehensive health planning groups, as provided in the committee's bill, is not enough. These comprehensive health planning groups were created in the 90th Congress to give local communities a greater role in developing their health facilities and services. The expressed purpose of the program is to coordinate health programs, to do away with waste and inefficiency in the delivery of our health facilities. Having established this program, it is important that we really use it. What should be required is not just consultation but a clear finding that any program funded under this act is "consistent" with the comprehensive health planning, if any, adopted by the local comprehensive health planning group.

The gentleman from Texas (Mr. ECKHARDT) will offer an amendment to that effect.

Lastly, there are within many communities of the United States today

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really desperate situations with respect to the delivery of health services. The Public Health Service released a survey during the last Congress which showed that 143 communities were in such critical situation. These communities were served by health facilities reporting annual occupancy rates of better than 90 percent—in many cases better than 100 percent. They had no alternative service and were unable to use any of the existing aid programs. There is a tremendous need for alleviating these emergency situations through a program of direct grants and loans. Therefore, the amendment which I offered last year providing for $100 million in grants and $35 million in loans directly to the communities in most critical need will be offered. This proposal was approved by the committee in the last Congress and was added to the administration's "partnership for health" bill. Unfortunately, it was narrowly defeated in floor action. The gentleman from Rhode Island (Mr. Tiernan) will offer the amendment this year.

The committee has provided a new loan guarantee program that does not follow the loaded Hill-Burton formula. There are many good features of this program, but I still have grave doubts about it. The principal difficulty, as recognized by the committee itself in its report, is the same as with all such loan programs: the person who pays the additional cost of interest on the loan is the patient. He has to pay these medical costs at a time when he can least afford to pay them, when he is sick or hurt and not producing income. I think we ought to be thinking more in terms of total direction for the future, in terms of extending the grant programs rather than the loan program.

I would like in closing to point out that the administration in its testimony on this bill actually supported all five of these amendments that will be offered. The Under Secretary of Health, Education, and Welfare, John G. Veneman, in his testimony before the Health Subcommittee on March 25 of this year, made the following remarks:

> When the Hill-Burton Program was initiated, the country had less than 60 percent of the general hospital beds needed for the care of its people. The most critical shortages existed in rural areas, where many families lived hours away from lifesaving care. As a consequence, the program required a rural emphasis. It has served its purposes well. Today, despite rapid population growth, 90 percent of the nation's need for general hospital facilities is fulfilled, thanks in large measure to Hill-Burton. We believe now that the priorities have changed and the needs for today are basically two fold: (1) modernization or replacement of existing and obsolete acute-care facilities in hospitals; (2) expansion of kinds of medical facilities that cost less thus can help control skyrocketing medical costs.

His testimony called for the very programs that we are now proposing in these amendments. The amendment of my distinguished colleague from Michigan (Mr. Dingell) will assure that the highest priority is given to modernization. The amendments of my colleagues from New York (Mr. Farbstein) and from Rhode Island (Mr. Tiernan) will help to fulfill the second priority.

Under Secretary Veneman did not stop there. He recommended that grants be made "on the basis of population, per capita income, and the need for the construction or modernization," replacing the outmoded Hill-Burton formula. My amendment would put this into effect.

Mr. Veneman also called for the establishment of diagnostic and treatment centers to serve the urban poor saying:

> Facilities for ambulatory care services such as those provided by hospital out-patient clinics and separate health centers will help balance our entire health delivery system.

This would be achieved by an amendment to be offered by my colleague from New York (Mr. Farbstein).

Further, Mr. Veneman recommended:

> Each project seeking financial assistance under this (legislation) should be submitted for review and comment to the appropriate areawide planning agency created under the provisions of section 314(b) of the PHS Act. The State Hill-Burton plan should be approved by the State health planning agency created under section 314(a) before awards from the State allotment are approved and funded.

The amendment to be offered by my colleague from Texas (Mr. Eckhardt) would carry out this recommendation.

Finally, he called for the establishment of a separate fund "reserved for direct project grants to be made by the Secretary after consultation with the States, for innovative projects or projects reflecting critical needs of national significance."

The program established by the amendment to be offered by my colleague from Rhode Island (Mr. Tiernan) would conform to the program described in Mr. Veneman's testimony.

The testimony can be found on pages 21 through 25 of the report of the Subcommittee on Public Health and Welfare of the House Interstate and Foreign Commerce Committee on Hospital and Health Facilities Construction and Modernization, serial 91–8.

Obviously, the enactment of these amendments will go a long way toward bringing the proposed legislation in line with the recommendations of the administration.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I will gladly yield to the gentleman from Kentucky.

Mr. CARTER. Mr. Chairman, I was interested in the gentleman's statement to the effect that 70 percent of the funds have been used in rural areas. I cannot find that in the report, and I wonder where the gentleman got such information.

Mr. OTTINGER. I got it from the committee report in the table on page 9. If the gentleman will add to the funds labeled "rural" those labeled "other urban," which the footnote indicates as representing communities with a population from 2,500 to 50,000, he will find they constitute 70 percent of the funds authorized.

Mr. CARTER. But in checking those funds I do not find that is so.

Mr. OTTINGER. Mr. Chairman, if the gentleman will add "other urban" funds to the funds labeled "rural" in the tables, he will find that.

Mr. CARTER. I see no reason to add the figures labeled that way, and I do not find these figures to bear out what the gentleman said.

Furthermore, in answer to what the gentleman said on this, I find there is yet a great need in rural areas for more construction. For instance, the commissioner of health of my State visited me today and told me they had requests for millions of dollars for new construction, and according to the present bill, only $4 million would be available, and if the amendment offered by the gentleman passes, my State would lose $43 million and other States would lose, and the gentleman's State of New York would gain.

Certainly I cannot agree with such an amendment, and I doubt the statistics submitted by the gentleman at the present time. I do not think the table will bear this out.

Mr. OTTINGER. Mr. Chairman, the statistics submitted are quite accurate. Furthermore, what I am proposing is only a shift in the emphasis of the program. The rural areas would not be eliminated. All we are proposing is to do away with the loaded formula which has given rural areas such an unequitable advantage. We are asking not that the more highly industrialized States be favored, but merely that they be treated equitably.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I will be glad to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I commend the gentleman for his statement in one respect, and that is in criticizing the archaic practice of the Census Bureau in considering anything greater than 2,500 should be considered urban. I am not sure the count should be 50,000, but I am sure it is over 2,500.

For instance, suppose we have a district of 5,000 people and no district over 50,000, would the gentleman consider the need for a hospital in that area?

Mr. OTTINGER. Yes. We do not eliminate that. We try to change the emphasis. Today we have about 75 percent of our population living in urban areas.

Mr. HUNGATE. Is it not possible to have a hospital in a city of two or three thousand within 10 or 15 miles of a city of perhaps half a million?

Mr. OTTINGER. That is why we try to provide a requirement for coordination with the health planning agencies so that the needs of the surrounding communities and the central cities will be taken into account.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman an additional minute.

The CHAIRMAN. The gentleman from New York is recognized for an additional minute.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I am pleased to yield to the gentleman from Minnesota.

Mr. NELSEN. Mr. Chairman, did I understand the gentleman from New York to say that the grant money for construction could not be used for modernization?

Mr. OTTINGER. I did not. I said there was a provision for shifting funds from construction to modernization, but the priority we put on that is the reverse of the priority it should be. In other words, we provide $135 million for construction as against $50 million in the first year for modernization. That priority, we believe, ought to be reversed.

Mr. NELSEN. I just wanted to be sure we understood that. Under the Hill-Burton formula and under the authority granted to the States, moneys that presently are given for construction can be transferred to modernization under the authority granted to the States, under the authority set up by law of the Congress of the United States.

Mr. OTTINGER. That is correct. The States really should not be left to make this decision against the picture of a congressionally mandated priority of 2 to 1 in favor of new construction. They ought to be able to make these shifts in terms of the reverse.

Mr. NELSEN. Mr. Chairman, I yield 7 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, certainly I feel that the Hill-Burton Act has done a wonderful lot of good throughout our country, both in our cities and in our rural areas.

I know the need is great for improved medical care and for increased facilities both in our urban areas and in our rural areas. I feel that the present bill would expand the Hill-Burton Act to take care of such a need.

We have at the present time $135 million for new construction, in grants. I feel that this might well be increased, rather than that the formula be changed.

I want to bring to the attention of the Members, Mr. Chairman, that if the formula were changed 33 of our 50 States would lose money. Some would gain.

I must say that the need for more hospitals is evident not only in the rural areas but also in the urban areas. As I visit the hospitals throughout my district I find that even though they have had additions in the past few years they are still overcrowded, and patients are in the halls.

Just because a hospital is small does not mean it is inefficient. A hospital becomes an integral part of a community, and certainly it is appreciated by the people to whom it is a boon, a great help.

I certainly do not want to see the funds for the rural areas, or for 33 of our 50 States, diminished, as would be the case under the amendments which the distinguished gentleman from New York will offer later.

As for the comprehensive planning groups, of course, in that area we do have these groups in every State of our 50 States. But they are just starting. At the present time they have not reached the stage of competence, where they could take over the administration of Hill-Burton funds, such as the present groups in each State. It is my feeling that within the next 2 years, perhaps, these comprehensive planning groups can take over. Certainly their assistance is asked for under the present bill.

Of course, it has been brought out—and it is true—that the Hill-Burton Act will provide for diagnostic centers, usually within the hospitals but not necessarily so. These can be built outside the hospitals. Also, we have extended care units and rehabilitation centers, which will be extremely helpful and will lessen the load on our hospitals. That is the purpose of our extended care units.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from New York.

Mr. FARBSTEIN. It is admitted there is an insufficient number of hospitals throughout the country, and especially in the rural areas. Instead of building hospitals, with the tremendous cost involved, does the gentleman not believe we would be better advised to build health care centers, wherein physicians would work and there would be treatment for those people who need hospital care when they cannot get hospital care because of the tremendous distances between them? Would they not get ample treatment in the health care centers, and, in those situations when a hospital is absolutely necessary, could they not then be transferred to the hospital?

They will serve the rural areas as well as the poor areas where they have large health care centers rather than hospitals.

Mr. CARTER. As it happens, the diagnostic and treatment center is not a place for hospitalization. You cannot do caesarian sections in such a place. You cannot take care of hemorrhaging patients in a diagnostic and treatment center. You cannot insure the aged and the infirm and people who are really sick. They must be in a hospital and must have hospital care. Such centers, of course, would be of help to any community anywhere, whether yours or mine, but they do not take the place of hospitals.

Mr. FARBSTEIN. Granted, but——

Mr. CARTER. I refuse to yield any further at this time.

To lighten the load on the hospitals in New York or Kentucky or anywhere else we must have extended care facilities, because all of our hospitals have been overloaded by older people on medicare who stay longer than the physicians want them to. Extended care units have been expanded and should be expanded in your city and mine.

Mr. FARBSTEIN. Will the gentleman yield further?

Mr. CARTER. Only for a question and not a speech.

Mr. FARBSTEIN. Using your own argument earlier, you said that the hospitals are being overloaded and you wanted the health care centers. Could not the health care centers take the place of those hospitals in those situations which did not involve the extended treatment that you suggest?

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the distinguished gentleman from Florida.

Mr. ROGERS of Florida. If the gentleman will read the bill, he will find these facilities are all provided for in the bill. If the State decides that it meets the problem in your State, it may be done there.

Mr. CARTER. A diagnostic and treatment center is not a place where you keep these patients. They are places where diagnoses are made and treatment is done on an outpatient basis. Of course in any physician's office we try to diagnose the illness and the treatment of patients. This is not a place for patients to stay. They are helpful and necessary, but they do not supplant a hospital.

Mr. FARBSTEIN. Will the gentleman yield further?

Mr. CARTER. For a short question and not a statement.

Mr. FARBSTEIN. In answer to the gentleman from Florida, is it not a fact that under the Hill-Burton Act, however, these centers must be tied to hospitals?

Mr. CARTER. That is absolutely not according to the law. It does not require that it be in a hospital.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Florida.

Mr. CRAMER. I am very obviously interested in doing what needs to be done with regards to encouraging the construction of adequate hospital facilities, particularly in view of medicare and the great demand for hospital beds, because most facilities in the country are being overtaxed. As I understand it, I ask my distinguished colleague, we presently have two basic programs in existence; namely, the Hill-Burton Act, which is a program of direct grant money, and then you have your title XV of the FHA insurance program, which was passed last year, which is the FHA insured program.

Mr. CARTER. Yes, sir.

Mr. CRAMER. I, for one, have been very critical of the fact that this emergency insurance program has not been tooled up. As far as I know, there has been one loan made to one hospital. It is my opinion they have been dragging their feet on this and perhaps even dragging their feet intentionally, in the hopes of getting this bill, which does not come into being until 1971, anyway, and they have been discouraging the use of tools now available for use in the FHA insurance program. Why else would only one project have been approved? In view of that, I will ask this question: On page 5 of the report it says:

> The committee does not feel that the program provided in this legislation should serve as a substitute for the existing FHA insurance program. Rather, the three programs (grants, guaranteed loans, and insured loans) should complement each other, with projects determined to have the highest priority qualifying for grants of guaranteed loans, or a combination of both, and projects having a lower priority under these programs receiving loan insurance.

What does that mean? For instance, let me give you a specific example: At the Cedars of Lebanon Hospital in Miami, Dade County, an area where there is a clear need to fill a 2,900-bed deficit, according to the 1969 Florida plan, Cedars of Lebanon has requested FHA insurance. What happens to them now? That is question No. 1.

Question No. 2 is: What happens, or is it possible in the future to have this——

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, is it possible to have in the future under this language a combination which is possible today—FHA insurance and Hill-Burton funds? And why the low priority for loan insurance is what I want to know?

Mr. ROGERS of Florida. Mr. Chairman, would the distinguished gentleman from Kentucky yield?

Mr. CARTER. I would be happy to yield to the gentleman from Florida.

Mr. ROGERS of Florida. I am sure the gentleman from Florida (Mr. CRAMER) would want the State to determine the priorities. I am sure he would not disagree with this.

Mr. CRAMER. I agree with that.

Mr. ROGERS of Florida. Then, on that basic point we are in agreement, that the States should decide what areas have the greatest priority. It was stated this way because we felt that probably hospitals that are going to be built would probably want to have a higher priority in order to qualify for a direct grant under the Hill-Burton Act, under the State regulations or a guaranteed loan where they would have 3 percent of their interest paid. And, in fact, if they can qualify for either of those under the State plan, then they can come into the other and there would be a combination.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, I would like to explain this, because this is extremely important and is a matter which I feel deserves a full explanation.

Do I understand that Dade County having a 2,800- or 2,900-bed deficit according to the 1969 plan, and there is a program to add 500 beds to Cedars of Lebanon and they are going to do it on the basis of an insured program under FHA, if they, in fact, get FHA insurance, does that 500 beds having been constructed under that program delete the possibility or remove the possibility of the additional beds being built under the Hill-Burton Act?

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman from Kentucky will yield further, this change of priority, if any, has got to be determined by the Hill-Burton State agency.

Mr. CRAMER. At the present time they cannot?

Mr. ROGERS of Florida. No. In effect it would not bar them from building other beds under Hill-Burton if the State priority establishes their right. It would not bar them.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. NELSEN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, the point is this: How does the lower priority get into it? Let us assume the reverse of the Cedars of Lebanon approach, that a 500-bed hospital is built under the Hill-Burton Act. Can they go ahead in that same area and put up 500 more beds under this FHA insurance program?

Mr. ROGERS of Florida. Of course they could if sufficient State priority is established.

Mr. CRAMER. Under the present circumstances they cannot build the 500 beds with FHA insurance and Dade County still retain their priority for a grant under Hill-Burton. They could construct those 500 beds under the insurance provisions, but they have no right to 500 more beds under Hill-Burton according to present policy, as I understand it, and this causes a problem. It comes out of the Hill-Burton priorities by reducing the beds needed by 500; does it not?

Mr. ROGERS of Florida. I do not believe that is correct. Here is what would happen. Your Hill-Burton program is going to set your priorities throughout the area. These are concurrent programs that can be run and set up, and we are simply saying that if in your area they preferred qualifying or should prefer a higher priority, your hospital group may think that they would rather qualify under a direct grant; or, second, under a guaranteed loan before they go to FHA. This would be to their advantage to have a higher priority. I think this is what we are trying to say in the committee report.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS of Florida. Mr. Chairman, I want to say that the committee spent a great deal of time considering this legislation. We have tried to gear the legislation to meet the needs of today. I believe the committee has done an excellent job in doing this, and as the debate unfolds as we get into the 5-minute rule, I believe it will be evident that we have a very balanced program here to meet the health needs of this Nation, and that we are trying to bring about some innovations through this legislation that will reduce costs, and start a reduction in the cost of hospital care.

I believe that should be of primary importance to the Congress, as I believe it will be to the American people.

Mr. Chairman, I strongly support H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969.

Your committee held 4 days of hearings in March on legislation recommended by the Department of Health, Education, and Welfare, on a bill introduced by the distinguished chairman of your committee (Mr. STAGGERS) and by myself with other members of the Subcommittee on Public Health and Welfare.

Following these hearings, there were three executive sessions of the subcommittee and two such sessions of the full committee before agreement on the bill was reached.

The bill before us represents much deliberation and I recommend its passage. It is a bill which is fashioned to meet the needs of today.

This bill will carry forward for 3 years the existing grant programs for construction and modernization of public or other nonprofit hospitals and public health centers, facilities for long-term care, diagnostic or treatment centers, and rehabilitation facilities.

Eight hundred and seventy million dollars would be authorized for these grant programs for the 3 fiscal years.

In addition, a new program has been adopted to better meet the needs for hospital beds in the Nation.

A guaranteed loan program, coupled with a subsidized interest program, would encourage private lending institutions to become more active in the realization of construction and modernization of hospitals and other health facilities.

The bill reported by your committee provides for not more than $300 million of guaranteed loans per year for each of the next 3 fiscal years, beginning July 1, 1970.

The interest subsidy would be a maximum of 3 percent. Total cost of this portion of the bill would be a maximum of $37.3 million for the 3 years.

In addition, your committee has provided for authorization of $10 million for each of the 3 fiscal years for the modernization of emergency rooms. There are many hospitals, particularly in urban areas, where emergency rooms have become, in effect, outpatient facilities for many residents. The situation is serious, and as a result, the emergency rooms are often unable to meet their intended purpose. This money is intended to help correct that situation.

Since 1946 Federal-State cooperation under this program has meant much to the citizens of this Nation in meeting our hospital needs. There is much more to do, but this bill will continue to move us forward in meeting our needs.

Mr. EDMONDSON. Mr. Chairman, I support this bill to authorize additional Federal grants and loan guarantees for construction and modernization of hospitals and other medical facilities, and commend the committee on its work.

The shortage of hospital beds set forth in the committee report is an acute national problem which Oklahoma shares with her sister States.

If we are to close the gap between facilities and public needs, this bill is essential. I have received literally dozens of letters from Oklahomans, who are close to this problem, certifying to the need for this measure.

I am sure it will be overwhelmingly approved.

Mr. CAMP. Mr. Chairman, I urge adoption of H.R. 11102 primarily because it is basically an extension of an already existing program at almost the same levels of financial commitment as they are at the present time.

Of significant importance is the loan guarantee program which will be of great benefit to those projects where direct grants are not sufficient and bond money is difficult to obtain. The loan program might salvage many projects that would not otherwise proceed.

The 3-year extension of the Hill-Burton program is essential to the comprehensive program of health and hospital planning for my district and the entire State of Oklahoma.

Mr. McKNEALLY. Mr. Chairman, I support H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969.

Since 1946, when this program was originally enacted, literally hundreds of thousands of hospital and nursing care beds have been provided throughout the country. In addition, this program has made possible the establishment of many other health facilities such as diagnostic and treatment centers.

While these accomplishments are very gratifying, in that they represent the furnishing of a great majority of the Nation's hospital and health needs, there remains a substantial job to be done. This bill which extends the present program of matching grants for 3 years, and establishes a new loan guaranty program, is vitally needed to cope with the problems still confronting us.

However, since the enactment of the original legislation certain circumstances have changed. I refer to the formula for allocating funds to the States. Back in 1946, there was an urgent need to assist rural areas. Now that need has been met to a very great extent and the formula should now be revised to allocate the funds more evenly between rural and urban areas.

The gentleman from New York (Mr. OTTINGER) will offer an amendment to H.R. 11102 which will change the formula to bring about this needed change, and I support him in this endeavor. I trust that my colleagues will do likewise.

Mr. YATES. Mr. Chairman, H.R. 11102 is a vitally important piece of legislation. Its purpose is to stimulate the construction of new hospital facilities and the modernization of medical facilities already in being. The bill addresses itself to one of the most important aspects of the growing crisis in medical care, the lack of adequate medical facilities, particularly in urban communities.

While the progress that has been made during the last 20 years under the Hill-Burton program is heartening, it is not enough. The Public Health Service estimates that in the next 10 years more than $7.2 billion will be required to meet the projected need for new general hospital facilities. Despite the great gains made in recent years, the increased demand for hospital and related medical services all across the country can only be met by new construction. This bill provides funds for that construction.

But the most pressing need is in the area of modernization of existing medical facilities. The situation in many urban hospitals is critical, and unless some assistance is forthcoming it is going to get worse. As things stand today, nationwide, $10 billion is required to bring our health facilities up to acceptable standards. An additional $10 billion will be required over the next decade in the continuing fight against obsolescence. In Chicago alone, it has been estimated that $372.8 million is required for modernization, and that figure does not include current and future needs for additional beds. This bill does not provide all the funds that will be needed, but it is a start.

The need for modernization, especially in urban medical care facilities, is probably best understood in terms of cost. The soaring costs of medical care are such that in some instances it causes such worry that illnesses are aggravated. Dr. Robert Coles has stated before a Senate subcommittee that—

> People are sick and then become even sicker because of what has happened to them financially. . . . It is not only a financial disaster, but a severe psychological disaster.

Of all the various components of the medical care price index, daily hospital charges have increased the most dramatically. The postwar increase in hospital room rates, as shown in the Consumer Price Index, has been 441 percent, compared with 71 percent for all consumer prices, 125 percent for all medical care prices, and 107 percent for physicians' fees. The average rate of increase for hospital room rates has thus been more than three times that of the overall consumer price index.

By modernizing our existing hospital facilities, the productivity of nurses, doctors, and other medical personnel can be greatly increased.

Last August we passed the Health Manpower Act, which is designed to encourage careers in the health field. There is a drastic shortage of doctors and nurses—we are short 50,000 physicians and four or five times that many nurses. Modern facilities will make medical careers more attractive and individually more productive for all medical personnel—doctors, nurses, technicians, and all the other people connected with the medical care profession.

The health manpower situation is measured not only in numbers of employees, but in the amount of medical care each of those employees is able to dispense in the course of his workday. This bill will enable hospitals to modernize their services, increase their productivity, and improve their efficiency. It will improve the overall capability of our medical care delivery system, and the net result will be that we will begin to reach a point where we can hold the line on the escalating cost of illness.

It is important also to put this bill in the larger context of the urban crisis. The modernization of urban hospitals and other medical facilities will make it possible for them to extend their services to more and more citizens. This legislation will hasten the day when serious illness is no longer a tragedy for a middle income family, threatening their economic survival. Modern facilities will mean that the increased supply of health care services will be more accessible to the poor, thereby making some inroads into stopping the cycle of poverty.

Dr. Jack Geiger of the Tufts-New England Medical Center has referred to the health of the poor in the United States as "an ongoing national disaster." He went on to say that—

> The poor are likelier to be sick, and the sick are likelier to be poor. Without intervention, the poor get sicker and the sick get poorer.

It is incumbent on us to do whatever we can to avoid that situation. I urge support for the Medical Facilities Construction and Modernization Amendments of 1969. It is an important step in limiting medical care costs and increasing the amount of medical services available to those who require them.

Mr. HALPERN. Mr. Chairman, our Nation's hospitals are in desperate need of help. One-third of them are already said to be "intolerably obsolete"; the other two-thirds struggle to maintain a balance between the ever-increasing costs of ordinary medical services and the need for modernization of facilities. Even today's prohibitive costs for rooms and services have not been able to stem the tide. It is for this reason, Mr. Speaker, that I join my distinguished colleagues in rising to support the Medical Facilities Construction and Modernization Amendments of 1969.

Testimony received by the committee considering this legislation has clearly indicated the urgency of the problem. In my own city of New York the hospital review and planning council tells us that virtually every hospital facility in New York City requires extensive alteration, if not complete replacement. Ultimately, of course, if we fail to voice our support for this bill the cost will be paid in human terms. Can we in good conscience deny to any of our citizens the benefits of 20th century medical care in modern facilities?

We must remember too that the cost of not acting now will be paid by future generations. The fact that fully one-third of our hospitals are already woefully inadequate should be sufficient warning of what is to come if we do not act affirmatively on this legislation.

Clearly, the need is paramount and the results would be disastrous were we not to act. We will, of course, have the opportunity to consider amendments to improve various aspects of the legislation and I trust that the House in its wisdom will carefully consider any such amendments particularly the one by the distinguished gentleman from New York (Mr. OTTINGER), which I enthusiastically support and which I trust will prevail.

We are asked now to voice our support and our concern for the quality of hospital care throughout our Nation and I urge my colleagues on both sides of the aisle to join in support of this bill and to approve the strengthening amendments.

Mr. SKUBITZ. Mr. Chairman, I am proud to assert that I joined in the introduction of the Hill-Burton bill which is before the House today and was also instrumental in its development into its present form. It is the unanimous judgment of the Subcommittee on Health and Welfare that the provisions of H.R. 11102 as it was reported to the full committee contained a well-balanced equitable program for construction and modernization of the various kinds of health facilities needed throughout the country.

The whole problem of delivery of health services does and will require new and different facilities in every corner of the United States. No area or type of community has a monopoly on need. The bill before the House recognizes this fact by providing money for construction with a slight nod in the direction of the less populous States. But the bill also makes funds available for modernization and loan guarantees on a different formula which is less rigid and makes possible more liberal allocations to the areas with the older, larger hospitals.

The sums provided in this bill are just about what is being currently spent for these purposes. The only additions are for upgrading emergency rooms and the sums required to pay the interest subsidies on guaranteed loans. These two items account for $67 million out of a total of $937 million for the entire 3-year program.

A small change in the present law which may result in large improvements later is that which will hereafter require hospitals receiving assistance to annually report costs and charges. One reason the alarming spiral of hospital costs continues is the lack of sound information on its true causes. Information gathered under this provision may lead to reversal of this trend. Let us hope so.

H.R. 11102 is recommended to my colleagues in the House and I urge its passage.

Mr. HANLEY. Mr. Chairman, I rise in support of H.R. 11102, the proposed Medical Facilities Construction and Modernization Amendments of 1969 and in support also of several amendments which will be offered during consideration of the bill.

The Hill-Burton program, initiated in 1946, has been partially responsible for over $10 billion in hospital and other medical facilities construction. A Federal investment of just over $3 billion has been matched by about $7.2 billion in non-Federal funds, leading to the construction or expansion of over 9,800 facilities. These projects have provided 425,000 inpatient care beds in hospitals and nursing homes, and have provided nearly 2,800 other health facilities such as public health centers, diagnostic and treatment centers, and rehabilitation facilities.

While I fully support the basic purpose of the bill, I am disappointed that the basic approach of the Hill-Burton program has not been changed to reflect new needs and new priorities which have developed over the years.

Today, there is simply no justification for a rural orientation to this program. Clearly, urbanized States like New York have by far the greatest need for a Federal helping hand in the providing of first-class hospital facilities for their citizens. This has been a fact for some time now, but the program has not been changed to reflect this changing need. I feel that it should be changed, and I feel that States like New York can no longer afford to be shortchanged and slighted by Federal programs which Congress refuses to change to keep pace with changing needs and priorities in America.

Federal assistance for hospital construction began in 1946, and its chief priority, as indicated by the formula which allocated the funds, was to stimulate construction in rural, poor States. The point was made during the Interstate and Foreign Commerce Committee's hearings that the Hill-Burton program, as originally developed, has largely achieved its goals. Dr. H. Phillip Hampton, member of the Council on Legislative Activities of the American Medical Association, presented figures which indicate the need for immediate reevaluation of the Hill-Burton allocation formula. The data prepared by Dr. Hampton shows that in 1948, the eight States with the highest per capital income had an average of 3.92 hospital beds per 1,000 population, while the corresponding figure for the eight States with the lowest per capital income was 2.61. By 1966, however, the eight low-income States had completely caught up with the high-income States. The high-income States still maintained an average of 3.92 beds, but the figure for the low-income States had risen to 3.93 beds. In the face of this fact, it would be unreasonable to continue to allocate hospital construction funds with a formula heavily weighted in favor of the lowest income States.

The Hill-Burton program, which is administered in close cooperation with State agencies, requires a continuing and up-to-date supply of information about the needs of the various States for facilities and for modernization of existing facilities. The need for the construction of facilities continues, but it is outstripped now by the need for modernization. States have indicated that 455,130 acute and long term care beds require modernization at an estimated cost of $10.5 billion. These figures represent more beds and more money than have been involved in the whole 23-year history of the Hill-Burton program.

In New York State alone, it is reported that of the 358 general hospitals in the State, only 128 are acceptable by today's health standards.

It seems to me that the time has come to remove the rural, poor State orientation given to the Hill-Burton program in 1946 and to invest it with an orientation that recognizes that the critical construction and modernization needs are in the urbanized metropolitanized States.

There was a partial recognition of this in 1966 when Congress added to the program a separate category of modernization funds. These funds are distributed among the States in accordance with a formula based on population, the extent of need for modernization, and the financial need of the States as determined by per capital income. The law also permits the States to transfer funds allocated for construction into the State modernization program.

The problem is that while New York is getting its fair share of modernization funds, this fair allocation is not being extended to cover the construction grants where the bulk of the funds are. During fiscal year 1968 New York State, representing 9.1 percent of the national population, received only 6 percent of the funds appropriated for construction grants. However, it did receive 8.7 percent of the modernization money. The rub comes when we recognize that modernization funds, in fiscal 1968, represented only 18 percent of the Hill-Burton total. A fair share of 18 percent is not fair at all, particularly when we reflect on the fact, already stated, that modernization needs now exceed the total accomplishments of the program since 1946.

I believe that all of the funds allocated under the Hill-Burton program should be allocated with the formula which governs the modernization program. In this way, each of the States will have its fair share of the funds and will be in a position to determine for itself how its new construction and modernization needs are going to be met. I noted above that New York received in fiscal year 1968 approximately 8.7 percent of Hill-Burton modernization funds, it received only 6 percent of the far larger amount set aside for construction. The bill proposed by the Interstate and Foreign Commerce Committee recognizes the increasing priority for help in urban and metropolitan areas within each of the States, but it does not take the logical step of recognizing this need to be national in scope. The law limits the amount of Hill-Burton money New York and other urban States receive even while it pays lipservice to the pressing needs in urbanized States.

We hear a great deal today about the struggle going on within Congress, reflecting the divisions among the American people, to reestablish priorities so that areas where need is significantly and demonstrably greatest are given the most attention. In a small way, we can contribute to such a reordering by changing the Hill-Burton formula so that its funds can help where help is needed most.

Mr. NELSEN. Mr. Chairman, I wish to insert at this point in the RECORD a letter I received from Mr. David M. Kennedy, the Secretary of the Treasury, addressed to Bob Finch, Secretary of Health, Education, and Welfare, expressing concern with respect to the loan guarantee and interest subsidy provisions in this bill. It was requested of me that this be made a part of the RECORD:

THE SECRETARY OF THE TREASURY,
Washington, June 4, 1969.

The Honorable ROBERT H. FINCH,
Secretary of Health, Education, and Welfare, Washington, D.C.

DEAR BOB: I am deeply concerned with the proposal by the House Committee on Interstate and Foreign Commerce that the Federal Government guarantee the payment to private investors of interest on obligations of public bodies which is exempt from Federal income taxation. Such a provision appears in the proposed new section 621(a) of the Public Health Service Act, which is incorporated in the Medical Facilities Construction and Modernization Amendments of 1969 (H.R. 11102) reported by the Committee on May 20, 1969.

The report of the Committee recognized that the Treasury Department opposes such Federal guarantees of tax-exempt obligations, and the report cited the arguments made against such guarantees in the 1962 report of the President's Committee on Federal Credit Programs: (1) the cost in tax revenues to the Federal Government would generally exceed the benefits of tax exemption received by borrowers; (2) such Federally-guaranteed tax-exempt securities would be superior to direct Federal obligations themselves, and their increasing

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volume would adversely affect Treasury financing; and (3) the availability of increasing amounts of high-grade, tax-exempt issues would tend to attract funds from investors that should appropriately seek risk-bearing opportunities. The House Committee stated that it agrees with the substantial validity of these arguments, but was of the opinion that competing considerations outweighed them. In light of the problems in the tax-exempt market and the undesirable precedent which would be set by acceptance of this legislation, I feel that I must recommend against this action.

Encouragement by the Federal Government of an additional volume of tax-exempt obligations will add to the present extreme pressures on the tax-exempt bond market and will tend to increase the interest rates which all State and local borrowers will be required to pay. The municipal bond market is especially vulnerable to such competition from Federal programs because of the limited nature of that market.

Moreover, as you know, there is currently a great deal of sentiment in the Congress and elsewhere for tax reform, including the problem of tax-exempt interest on municipal bonds. While it is a very complicated problem, which I will not attempt to discuss here, I am sure you would agree that the Federal Government should not be adding to the problem by encouraging an additional volume of tax-exempt bonds through the device of a Federal guarantee.

My concern with tax-exempt guarantees goes beyond the hospital financing program. There have been many recent proposals for Federal guarantees of municipal bonds for a wide variety of capital projects for health, education, transportation, housing, and other public facilities. The Treasury Department has successfully resisted this proposed method of financing new programs, and it would be extremely difficult to approve this financing device for one purpose and at the same time hold the line against its widespread use in other areas—which I am firmly convinced would not only be bad tax and debt management policy but would be a great disservice to the States and localities themselves.

As you know, we have under active consideration a number of proposals to assist States and localities, ranging from revenue sharing plans to specific assistance to high priority programs such as the financing of health facilities. Moreover, we are considering other means of alleviating pressures on State and local financing in the tax-exempt bond market, and I believe it would be counter to our efforts in this regard if new programs of guaranteed tax-exempts were authorized now.

Sincerely,

David M. Kennedy.

Mr. SPRINGER. Mr. Chairman, the Hill-Burton hospital construction program has been with us now for nearly a quarter of a century. Starting with a limited goal—the creation of new hospital capacity in basically rural areas—it has been expanded gradually to meet the problems which have emerged. New kinds of institutions which are parts of or connected with hospitals have been added. New kinds of services have been provided for. Modernization of outmoded hospitals in larger communities has been recognized as a necessary activity if the whole hospital system within the States is to accomplish its goal of providing beds and at the same time providing trained health professionals and new techniques. Changes have been many while the structure of the scheme has remained intact. Like a certain automobile which I will not name, we have made changes only to make it better and not to make it appear like something new.

The Members of the House will recall that last year the Committee on Interstate and Foreign Commerce came forth with a bare 1-year extension of the Hill-Burton authority. There had been some new thinking on the problems of the bigger hospitals and how to assist them. The other body had turned out a piece of legislation which included a new method of financing large projects. The whole package hit at a very late date in the Congress when there was obviously no time to rush in with such a new idea and ask the House to accept it blindly although many members of our committee were attracted to it. The promise was made then that we would study the whole Hill-Burton program, including the new ideas, and bring legislation to the House fairly early this year.

Whether one considers this to be early could be questioned perhaps, but the committee has done its work and now presents what it believes to be a well-balanced program for the orderly continuance of Federal assistance in the field of hospital and related facility construction. There are new features to traditional grants and the addition of a loan program for the first time. Some features leave room for difference about their desirability, and that should be ironed out here this afternoon.

I would like to describe briefly, but fairly fully what I think we have here. First of all, the bill—H.R. 11102—continues grant assistance to the States for the construction of nonprofit and public hospitals, long-term care facilities, diagnostic, and treatment centers and rehabilitation facilities at the rate of $235 million a year for the next 3 years. That is about the amount being presently spent for these same items.

It would be difficult to make comparisons straight across the board because the law now combines construction and modernization money, and we have separated them this time. Money for modernization will be available for the last three types of facilities mentioned above, whereas it is presently available only for the modernization of hospitals. Although projects for modernization of these newer kinds of facilities may not be numerous, it should be recognized that they are, in many instances, part and parcel of older hospitals physically or organizationally, and as such may need upgrading if and when the parent institution makes such plans.

Modernization money is authorized at levels of $50 million, $55 million, and $60 million over the next 3 fiscal years. These amounts are misleading if considered entirely alone, however. First of all, a State may, if it feels it desirable or necessary, transfer money from construction to modernization. At least one State has done so in the past in significant amounts. That means that all of the money received under the formula can be used in modernization. In addition, the new program which I will mention later involving loans is expected to take up a great deal of the slack in this area.

Several very significant changes have been made which, like the subtle changes in the auto, are not very noticeable but designed to make it run better. One of these is a requirement that all projects for construction or modernization include definite arrangements for extended care. Hard core intensive care has proven to be of questionable benefit when the patient cannot have the benefit of extended care facilities. Either he loses ground because of less than adequate care of this type, or a badly needed bed is tied up for the purpose. The time to make such provision is when a project is planned. Extended care facilities often are an integral part of the hospital plant, but if this is not possible or practical they can be separated physically. The committee also found that there are now some organizations which wish to create extended care facilities within some communities. If these can be made available to the hospital upon a realistic contract basis, the requirement can be met.

Another change is brought about by revising the definition of a hospital. Because we have added new categories of facilities through the years, we have inadvertently created an administrative bottleneck. It is highly desirable that any project to build or expand a hospital should include provisions for all possible services. Extended care we will now require. Other kinds of services needed to make the most efficient use of bed space are things like self-care units, home-care services, and training of personnel. In the past such items have had to be the subject of separate applications and resulted in snafus caused by duplicating and overlapping administrative redtape. If it is, in fact, one project, and the services are desirable services for a hospital to offer, it should be considered as one. By this small change in the definition of a hopsital I think we have accomplished this goal.

Because of its beginnings Hill-Burton has always looked to the rural hospital as its primary objective. This is comforting to the small communities, but not at all realistic today. State agencies must assess the entire problem and establish practical priorities for the whole State. The bill before us frees these State agencies from giving special consideration to rural projects although they may do so if the situation warrants such action.

Comprehensive health planning under the Partnership for Health Act on a regional and areawide basis is beginning to show results in many places. Eventually such organizations will be scrutinizing overall health programs everywhere. The objective is coordination of facilities with all other aspects involved in the delivery of health services to the public. Certainly Hill-Burton projects are a major part in that puzzle. Surely the areawide planners should have a look at Hill-Burton projects as part of their education if nothing else and as part of their planning as it proceeds. Because such organizations were not yet widespread, it was considered premature to require complete coordination in all instances. The bill does provide that where areawide planning organizations exist, they shall have an opportunity to consider Hill-Burton projects and obviously to make suggestions. Eventually these two programs and

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others as well should be in full gear. The committee felt that for this time any stiff requirement of full coordination would frustrate both programs, but it also serves notice that the planning function must proceed, and it recognizes the necessary connection between them.

Because Congress and the public are deeply concerned about the rising cost of health services, a provision was added to require full financial reporting by all hospitals receiving any kind of assistance under the act. It is hoped that by learning more about both costs and charges involved in hospital operation we may find some of the answers to the problem.

What might be described as a new program is the provision of grants for the upgrading of emergency rooms in larger hospitals. The bill provides $10 million a year for 3 years. Several publications have done what might be called exposés on the conditions in most emergency rooms. Poor equipment and inadequate help where probably the need is the most critical undoubtedly contribute to many deaths each year.

And now to turn to the really new feature of the bill—the provision of guaranteed loans and interest subsidies for both construction and modernization of health facilities. Costs being what they are, it is seldom possible for a State to furnish all of the grant money for an ambitious hospital project in a sizable community. Even if this were not so, the amounts required from the community to meet its share become forbidding obstacles. For some years there have been funds available through the Department of Housing and Urban Development which have been helpful in some cases. This program is not in any way touched by H.R. 11102. But a great need still exists.

The bill before us today would provide for the guarantee of funds up to $300 million in fiscal 1971, $600 million in 1972, and $900 million in 1973. Nonprofit hospitals could borrow money in the market for entire projects or to supplement grants. The loan and grant together must not exceed 90 percent of the project cost. Each State will have an allotment for guaranteed loans, and projects will require State approval for loan purposes in the same manner as for grants. If approved for a loan guarantee, the project can then also qualify for an interest subsidy of 3 percent. This should bring the debt service load within the reach of most groups. The income allowed for medicare and medicaid can hardly be expected to pay out for a large building or expansion program, but it can make fairly modest interest rates feasible.

All of these programs together—construction, modernization, emergency room, and interest subsidies—amount to $931.3 million over the next 3 fiscal years. It should be pointed out, however, that the only new spending will be for the emergency room projects—$30 million over 3 years—and interest subsidies—$37.3 million over the next 3 years. All other amounts are at or very close to current spending levels.

Recognizing that there are some small differences among us as to priorities and spending levels, I think we have a basically sound bill here that most Members can accept and support. It goes further than suggested legislation by the administration in that it continues the support for new construction, and thus makes available for both construction and modernization in the form of grants about the same amounts we have been spending. The committee did not feel that the magnitude of the problem now facing health facilities justifies radically new approaches at this time.

I feel certain that the sums appropriated under the authority granted in this bill will be carefully watched and judiciously used by the Department of Health, Education, and Welfare. I am certain that the objective of the administration is exactly the same as the objective of this body—to see to it that the American public has adequate health facilities and to use any authority it may have to that end. In the light of this conviction I can recommend this bill to my colleagues in the House and express my hope that we will pass it in substantially the form approved by the committee.

Mr. BOLAND. Mr. Chairman, almost 23 years ago, on August 13, 1946, President Truman signed into law the Hospital Survey and Construction Act. Cosponsors of that historic legislation were Senators Lister Hill of Alabama, and Harold Burton of Ohio. In the more than two decades since that date, the words "Hill-Burton" have been part of the language of, not only the hospital world, but also of the public at large. The Hill-Burton program stands as a striking example of what can be done with Federal assistance to private as well as public groups for the achievement of major public goals. That initial legislation and the program that followed evolved from the recognition that the health of the Nation is a national resource and that Federal leadership and financial encouragement were warranted in preserving and augmenting that resource.

One of the most remarkable aspects of the program is the way it has grown through the years to meet needs as they arose or were discovered. The 1946 bill simply authorized a survey of needs, a development of State plans, and a program of grants for the construction of hospitals and public health centers. In the 20 years since, other bills have extended the basic program and increased authorizations, and have included programs of planning and research and programs for the construction of other important health facilities—facilities such as nursing homes, diagnostic or treatment centers, rehabilitation units, chronic disease facilities. In 1964, Congress took a giant step when it authorized a broad new program for the modernization of obsolete facilities. I feel that a great part of the reason for the continuing success of the program has been its flexibility in responding to new needs as they have become evident.

Today we are preparing to take another major step into the future as we consider the bill before us, H.R. 11102, the Medical Facilities Construction and Modernization Amendments of 1969. I want to commend the Committee on Interstate and Foreign Commerce, whose members have done a fine job in bringing this comprehensive and innovative bill before us. The bill extends the aspects of the Hill-Burton program that have operated so successfully over the years, and initiates new programs to meet new problems confronting the health care facilities of our country.

The legislation, however, has two drawbacks of more than routine significance. The first—and most dramatic—is the bill's continued emphasis on the construction of rural hospital facilities at the expense of urban projects. The second is the continued emphasis on construction rather than modernization. I strongly support the proposed amendments seeking to reverse—or, at least, balance—these priorities.

The funding of new construction and modernization of hospital and other facilities is a difficult and critical area. This bill, besides extending the existing grants program, also creates a new program of federally guaranteed loans, combined with an interest subsidy for construction and modernization of hospitals and other health facilities. The grants program and this new program of loan guarantees and interest subsidies, when added to the program of FHA-insured mortgages for hospital construction enacted just last year, will present a strong and varied source of financing which will go a long way toward meeting our needs for construction and modernization.

The bill has several other far-reaching provisions. The one which requires that every hospital receiving a grant for construction or modernization must have arrangements for care of its patients who require such care in extended care facilities will help considerably to reduce the cost of care for patients and to free overcrowded acute-care beds where they are desperately needed.

The provision defining the proper relationship of State or areawide planning agencies regarding the opportunity to consider and comment on specific projects will help to bring much needed coordination and planning to the broad spectrum of health care.

The program of project grants for the modernization of hospital emergency rooms should assist these emergency rooms, which substitute for the family doctor in many areas of our society, to better cope with their increasing workload and responsibility.

Over two decades ago the Hill-Burton program led the way to new concepts and practices in Federal-State partnerships, grants to public and other nonprofit institutions, State and areawide planning for health facilities, hospital administrative research, and hospital design and construction standards. The patterns of operation established and refined through the years have served as models for other Federal programs, especially those that are State administered.

The bill before us today will allow the Hill-Burton program to pioneer anew with the proposal for a grant-and-loan plan for construction of new facilities, and modernizing and replacing obsolete hospitals. It provides new methods of financing to provide a massive attack on a prodigious problem. This new system of Federal aid will point the way to the future—both for Federal-State partnership and for methods of meeting urgent needs speedily and efficiency.

I strongly urge the enactment of H.R. 11102.

Mr. REID of New York. Mr. Chairman, I rise in support of the Ottinger amendments, which would revise the formula for allocation of hospital aid funds under the Hill-Burton Hospital Act.

In 1946, when Hill-Burton was first adopted, there was a clear need for new health facilities in this Nation's rural areas. Today, in 1969, the needs of our urban areas are just as great—and yet we still spend approximately 70 percent of Hill-Burton funds in cities of less than 50,000.

In my judgment, the formula now being used to allocate hospital aid funds results in discrimination against the desperately crowded inner cities. The amendments being offered by my colleague from New York would end that discrimination by providing more money for modernization—which most city hospitals need—and shifting the now rural-based grant formula to one based on per capita needs.

An editorial in this morning's New York Times stated that these "amendments are an important beginning in putting the money where the need is most urgent." I commend the editorial to the attention of my colleagues.

Mr. BIAGGI. Mr. Chairman, I rise to add my voice to those supporting this vital bill for the construction and modernization of hospitals and other medical facilities throughout our land. The Hill-Burton hospital construction program has made an immeasurable contribution to the health of our Nation in the 22 years of its existence, and the enactment of the bill before us today will enable the program to draw new vigor for the important work of the future.

The section of the bill authorizing a new guaranteed loan and interest subsidy program will broaden the availability of financing for hospitals and other health facilities. Many more facilities requiring funds for construction, expansion, or modernization will be able to obtain such funds with this new program than otherwise could with just the existing grants program alone. This broader availability of financing is essential if this country is to progress on the road to good health care for all.

The part of the bill authorizing grants for the modernization of emergency rooms in hospitals will help to improve this increasingly important aspect of health care. More and more people are turning to the emergency room for the kind of care that used to be handled by the family doctor. The emergency rooms of our hospitals need assistance if they are going to be able to meet this growing reliance on their services. This section will provide that assistance.

This bill is perhaps the most revolutionary and innovative bill in the history of a revolutionary and innovative program. It does a great deal in changing the program to meet the changing needs of our time. I do feel, however, that it is not innovative enough and requires several more changes before it can really meet the most important problems facing us in the provision of health care. For this reason, I am happy to add my support to necessary amendments of H.R. 11102.

The first of the amendments is that which would change the formula by which construction funds are allocated to the States. The present formula utilizing the squaring factor discriminates grossly against the States with the greatest need. When the Hill-Burton program was first created back in 1946, its main purpose was to establish hospitals and health centers in the smaller, primarily rural communities across our Nation, for these were the areas which had the greatest obvious need. The use of the squaring factor which provided proportionately more aid for the low-income States containing these rural areas made sense at that time. Now, it is time we realize that the original purpose of the 1946 legislation has been largely met. Today it is the higher income States with large urban areas which have the greatest need. Few question this, but nonetheless the greatest proportion of the funds still go to the rural areas. If we look at the figures, we see that in fiscal years 1965 through 1968, almost 70 percent of the funds under the Hill-Burton programs were allocated to communities with populations of less than 50,000.

There can be little question that the existing allocation formula discriminates against highly urbanized States. My own State of New York is a case in point. Senator JAVITS, in his testimony before the committee, reported that his staff had figured that in 1965, New York State, with 9.4 percent of the Nation's population received 5.5 percent of Hill-Burton funds, while the State of Alabama with 1.8 percent of the population, received 4.7 percent of the funds. This inequity must not be allowed to continue. So I recommend that the squaring factor be eliminated, and that we substitute for it a new formula utilizing a test of need for facilities.

I also wish to support the amendment which would change the allocation of funds between new construction programs and modernization programs to bring them more in line with existing needs. Although there is incontrovertible evidence that modernization is the primary need in health facilities, this bill provides twice as much support for new construction as for modernization. This is unquestionably inequitable, and the allocations should be reversed.

The latest figures on unmet needs of health facilities based on a compilation of estimates developed by the individual States indicate an existing shortage of about 85,000 new general hospital beds with an estimated cost of $2.9 billion and over 164,000 long-term beds at an estimated cost of $1.6 billion. These are serious needs, but they are dwarfed in comparison with the needs for modernization. There are 240,624 general hospital beds in need of modernization at a cost of $7.2 billion and 214,506 long-term-care beds needing modernization at a cost of $2.1 billion. We have delayed a long time in doing enough to meet the needs for modernization and the costs have increased. If we continue to delay, the costs undoubtedly will continue to increase.

When a hospital is in need of modernization, this means that the facilities are in such condition that the hospital cannot do even an adequate job of caring for its patients. Again, to cite my own State as an example, in January of this year State Commissioner of Health Ingraham reported that only 128 of the 358 general hospitals in New York are acceptable by the health standards of today. Similar situations exist in many other areas of the country; and if we are going to attempt to remedy this problem, as we must, then we must put the Federal assistance where it truly belongs, in the modernization of obsolete facilities.

I give my full support to the amendment designed to correct what is possibly the most serious deficiency in our national health program—the lack of community diagnostic and treatment facilities to meet the health needs of our low-income metropolitan areas. Poor health is an important factor in maintaining the urban poverty cycle and there is presently a critical shortage of facilities to deal with the problem. This proposed amendment would provide $15 million in grants for the construction of community diagnostic or treatment centers which serve metropolitan areas with low per capita income.

Adoption of this amendment will benefit the hospitals in my congressional district. These hospitals are Albert Einstein, Bronx Municipal, Abraham Jacobi, Misericordia, Parkchester General, Pelham Bay General, Westchester Square, Bronx State, Montefiore, and Van Etten.

A fourth amendment which warrants support requires that all health facility funding under H.R. 11102 be consistent with comprehensive health planning programs established pursuant to Public Law 90-174. Congress created comprehensive health planning programs to provide a way for decentralizing health planning and coordinating health programs so as to do away with duplication and waste. This planning can never be effective unless the comprehensive health planning groups are given a meaningful role in developing health services in their respective States. The present bill fails to do this and the proposed amendment would correct this deficiency.

Finally, I support the amendment which establishes a program of direct assistance in the form of grants and loans to critical hospitals—hospitals so antiquated and overcrowded that they are unable to serve their communities and hospitals which are not getting the help they need under any other program. This amendment was supported by a Public Health survey which showed that at that time 143 of the Nation's private, nonprofit hospitals were in critical condition.

I strongly urge the enactment of these important amendments. With them added to the original bill, I feel that the Medical Facilities Construction and Modernization Amendments of 1969 will be able to adequately meet the problems of health care in our time.

Mr. GIAIMO. Mr. Chairman, I rise today in support of the Medical Facilities Construction and Modernization Amendments of 1969 and, more specifically, the newly proposed guaranteed loan program for hospital construction.

In my opinion, this innovative concept is absolutely vital to the future of health care service in America. I say this because I believe that this Nation's medical and hospital facilities are in desperate need of improvement. This country does not have adequate facilities to care for the sick and the injured. We can send a man to the moon, yet we cannot provide enough beds for our hospitals. We can waste millions of dollars on unworkable defense projects, yet the cries of the ill go unheeded. We can give away millions of dollars in subsidies to wealthy farmers, yet the poor of this country cannot get adequate health care.

This situation must be corrected, and I believe that this loan program can help.

The hospitals of this country want to accommodate all persons who are ill. They want to build, to expand, and to modernize, but they cannot get adequate funds or, in some cases, any funds with which to carry out these projects.

This measure would provide guarantees for $900,000,000 in loans for the construction and modernization of hospitals and other health facilities over a 3-year period. The record clearly shows why this is necessary. Over one-quarter of a million new hospital beds are needed.

This program would provide an impetus to private groups to obtain financing for construction and modernization. With the interest subsidy contained in this bill, the cost of a loan would be reduced considerably. As all Members of this body know, the prohibitive interest rates in this country are strangling the borrowers. For example, repayment of a loan of $10,000 at 7½ percent interest over 25 years will require interest payments totaling $12,170. How can we hope to encourage long-term borrowing for construction unless we ease this interest burden?

The Hospital of St. Raphael, which is located in my district, serves as a good case in point. This is a nonprofit hospital which needs to expand. This program could well help such a hospital by guaranteeing a loan and providing a needed interest subsidy. I am sure that all of you here have similar situations in your congressional districts. This bill will help to alleviate this problem.

This bill, I believe, would also help stem the ever-increasing cost of hospitalization. I have heard many comments and read many letters from constituents who are constantly complaining about the rising cost of medical care. The hospitals do not want to charge more money; they want to help those who cannot afford health service, but they have to have money with which to constantly improve their services and facilities. Where does this money come from? It comes from the patients. This proposal will take some of the financial burden away from them.

Mr. Chairman, we must act now, for the opportunity is here. Let us take this step. Let us give the American people a program that will benefit patients, doctors, hospitals and, in fact, everyone and everything connected with the business of keeping America healthy.

Mr. PEPPER. Mr. Chairman, I am greatly pleased by the action of this House today in considering the Medical Facilities Construction and Modernization Amendments of 1969, since this legislation extends and improves what is commonly called the Hill-Burton program initially recommended by the Senate Subcommittee on Wartime Health and Education, which it was my privilege to head during the early 1940's.

The hospital construction program was instituted to meet the desperate need to provide new facilities, primarily in the rural areas of our country which could least afford them. Today, we have the opportunity to take a significant step in recognizing that the hospital facility shortage has shifted from the rural to urban centers of population.

Although States would continue to receive allotments based on a formula affording the highest percentage to States with the least per capita income, the bill eliminates the mandatory rural priority of these funds in distributing grants and loans within the State.

This can have a very significant effect on urban areas within a State. In March of this year, I spoke at a fund-raising drive for South Shore Hospital and Medical Center on South Miami Beach. The hospital is located in an area with a high concentration of those over the age of 60 and is in desperate need of expansion funds, as are most hospitals in the Greater Miami area.

At that time I called for a more urbanized attitude from the State's Division of Community Hospitals and Medical Facilities in the allocation of Federal-State Hill-Burton hospital construction and modernization funds. Up to now, the State has been locked into following the guidelines of rural priority as originally written into the Hill-Burton bill.

Should today's amendments be approved here and by the other body, as I believe and hope they will be, and then signed into law, Florida and other States undergoing rapid urbanization will be in a position to give immediate attention to the need for new hospitals and, more importantly, hospital expansion in the cities.

In the Miami Beach speech, I had pointed out that it had been 10 to 12 years since Dade County—Greater Miami—had received priority treatment for Hill-Burton funds even though 25 percent of the State's permanent population lives there and a 40-percent shortage exists in the number of needed hospital beds. This does not even take into account the seasonal visitor, of which Greater Miami is fortunate to attract due to its favorable climate and other allurements.

With the final approval of the Medical Facilities Construction and Modernization Amendments of 1969, Florida will be able to consider setting up special unit area designations for areas of principal need such as Miami Beach and St. Petersburg. Also, hopefully, we will more adequately provide for additional hospital beds to accommodate the special needs of areas that host a large seasonal population.

We have come a long way since the Senate Subcommittee on Wartime Health and Education initiated a hospital construction program to meet the critical deficiencies which the committee uncovered in the Nation's hospital facilities. Much later we continued by adopting a medicare program to deal with the individual's inability to pay for adequate hospital care which was also documented by the studies of our committee.

My interest in health legislation matured during that experience with the subcommittee and it has continued through the enactment of many substantial health programs over the last quarter of a century.

I am, therefore, personally gratified to see this effort to meet the health needs of our people move forward by enlightened legislation such as is before us today.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. NELSEN. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

Mr. OTTINGER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-two Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 75]

Adams
Anderson, Tenn.
Andrews, N. Dak.
Ashley
Ayres
Baring
Barrett
Bates
Berry
Bevill
Blatnik
Bray
Brock
Broomfield
Brown, Ohio
Burke, Fla.
Burton, Utah
Cahill
Camp
Carey
Chappell
Clark
Clausen, Don H.
Conyers
Cowger
Culver
Daniel, Va.
Davis, Ga.
Dawson
Dent
Dickinson
Fascell
Flynt
Ford, Gerald R.
Foreman
Friedel
Gallagher
Gubser
Hagan
Halpern
Hansen, Wash.
Harvey
Hays
Hébert
Helstoski
Horton
Ichord
Johnson, Calif.
Kirwan
Kyros
Langen
Lennon
McKneally
McMillan
Macdonald, Mass.
Miller, Calif.
Mills
Mollohan
Morgan
Morse
Moss
Murphy, Ill.
O'Konski
Olsen
Patman
Pepper
Philbin
Pickle
Podell
Powell
Price, Tex.
Randall
Rivers
Ronan
Rosenthal
Roudebush
Sandman
Schadeberg
Scheuer
Sebelius
Sikes
Springer
Stafford
Steed
Stephens
Teague, Tex.
Thompson, Ga.
Watson
Whitten
Wilson, Charles H.
Winn
Young

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. St Germain, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 11102, and finding itself without a quorum, he had directed the roll to be called, when 339 Members

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responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1969".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

Mr. SAYLOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to direct a question to the chairman of the committee.

In examining this bill which sets up a new structure for loans and grants to hospitals, I find absolutely no reference to the oldest of our labor acts, namely, the Davis-Bacon Act.

It has been my understanding that in all of the prior legislation covering the Hill-Burton program the contractors were required to comply with the provisions of the Davis-Bacon Act.

Can the gentleman from West Virginia explain to us why such a provision is not included in this bill?

Mr. STAGGERS. I shall be happy to do so, if the gentleman will yield.

Mr. SAYLOR. I would be happy to yield to the chairman for that purpose.

Mr. STAGGERS. I would like to explain to the gentleman that the Davis-Bacon Act is in the bill. I would cite to the gentleman the reply to an inquiry that I made of the Department of Health, Education, and Welfare just to clarify this point. The reply reads as follows:

> DEAR CHAIRMAN STAGGERS: In reply to your inquiry, the provision of the Davis-Bacon Act applies to the loan guarantee provisions of H.R. 11102 as well as to the grant provisions of the same bill. Specifically, lines 24 and 25 of page 6 and lines 1 and 2 of page 7 state that the provisions of the Davis-Bacon Act will apply to the loan guarantee program.

The letter is signed by Dr. Harald Graning, Assistant Surgeon General.

Therefore, it is clear that Davis-Bacon is included in the bill.

Mr. SAYLOR. I want to thank the chairman of the committee for this information, because I think this will relieve the minds of a great many people who are concerned with whether or not the provisions of the Davis-Bacon Act were to be included in this act.

Mr. STAGGERS. The provisions of the act are specifically included.

Mr. CLEVELAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to inquire of the chairman of the committee concerning certain aspects of this legislation. My question, Mr. Chairman, is whether or not the committee by this legislation has made it explicitly clear, and has made it mandatory that under no circumstances could a project that might have been started but which is not yet completed and has not yet completed all the arrangements for a loan, receive benefits under the modernization program where there will be some subsidy of interest.

As I read the bill it does not make it clear that this type of situation could not be covered. Nor does it make it clear that a State agency could not certify to the Secretary such a project if indeed the State agency wished to do so. And I wondered if it was the intention of the committee that under no circumstances would any pending project be barred from relief under this legislation?

Mr. STAGGERS. Mr. Chairman, if the gentleman from New Hampshire will yield, the bill is not specific on this issue of the loan going back and being covered retroactively. Is that the part that the gentleman is talking about?

Mr. CLEVELAND. Yes; and I am talking, too, about situations which we have a project that may have already been started, but is not as yet completed, and has not completed all arrangements for its final loan. This would not be something that could go back 10 or 15 years, or even 3 or 4 years. The situation I have in mind would be where a project is caught right in the middle of this legislation.

Mr. STAGGERS. That would be an unusual situation. I doubt whether we are going to find many situations such as the gentleman refers to where construction has started and is going on today, with final completion of the loan to be made later.

I would say that my interpretation is that this would be entirely left up to the State agency as to what should be done in this case, but they would have to abide by the law.

Mr. CLEVELAND. It would be the understanding of the gentleman, then, that there would be some discretion in the State agency in regard to that type situation?

Mr. STAGGERS. They would have to obey what the law is. I hate to exactly interpret that right now, but I would say this: I just cannot conceive of any situation such as the gentleman refers to arising where you would have started a facility and you have not made final arrangements for funding, but I would say if there was such a situation it would have to come up before the State agency, and then the State agency would determine it according to the law.

Mr. CLEVELAND. If the State agency thought that some modernization project was worthy of support, even if it had started and perhaps made tentative arrangements for a loan, the State agency hands would not be totally barred by this bill to recommend interest subsidy for its loan. Is that a fair statement?

Mr. STAGGERS. I want to be as clear as I can, and I cannot make too much of a commitment, but I would say this: That the State agency would have to abide by whatever the law says. There are certain parts of the bill where I believe the State agency could make a discretionary judgment on it, but they would have to abide by whatever the law says.

Mr. CLEVELAND. Mr. Chairman, I thank the gentleman. His views have reassured me as to my particular concern and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LOAN GUARANTEES AND INTEREST SUBSIDIES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 2. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating section 621, 622, 623, 623A, and 625 (42 U.S.C. 291k–291o), and all references thereto, as sections 641, 642, 643, 644, and 645, respectively; and by inserting after section 610 (42 U.S.C. 291j) the following new part:

"PART B—LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

"AUTHORIZATION OF LOAN GUARANTEES

"SEC. 621. (a) In order to assist nonprofit private agencies to carry out needed projects for the construction or modernization of nonprofit private hospitals, facilities for long-term care, diagnostic or treatment centers, and rehabilitation facilities, the Secretary may, during the period July 1, 1970, through June 30, 1973, and subject to the limitations contained in this part, guarantee, to non-Federal lenders making loans to such agencies for such projects, payment when due of principal of and interest on loans approved under this part.

"(b) No loan guarantee under this part with respect to any construction or modernization project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under this title with respect to such project, exceeds 90 per centum of the cost of such project.

"ALLOCATION AMONG THE STATES

"SEC. 622 (a) For each fiscal year, the total amount of principal of loans which may be guaranteed under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 601, and need for modernization of such facilities.

"(b) Any amount so allotted to a State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that, with the consent of the State, any such amount remaining unobligated at the end of the first six months of such next fiscal year may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amount so reallotted to a State shall be available for the purposes for wihch made until the close of such next fiscal year and shall be in addition to the amount allotted and available to such State for the same period. Any amount allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that, with the consent of the Virgin Islands,

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American Samoa, Guam, or the Trust Territory of the Pacific Islands, as the case may be, any such amount remaining unobligated at the end of the first of such next two fiscal years may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to any other of such four States which have need therefor. Any amount reallotted to a State under the preceding sentence shall be available for the purposes for which made until the close of the second of such next fiscal years and shall be in addition to the amounts allotted and available to such State for the same period.

"(c) Any amount allotted or reallotted to a State under this section shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a loan guarantee is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by a nonprofit private agency. If two or more such agencies join in the project, the application may be filed by one or more such agencies. Such application shall set forth all of the descriptions, plans, specifications, assurances, and information which would be required under the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications submitted under that section, such other information as the Secretary may require to carry out the purposes of this part, and a certification by the State agency of the total cost of the project, and the amount of the loan with respect to which a guarantee is sought under this part.

"(b) The Secretary may approve such application only if (1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan with respect to which a guarantee is sought under this part, (2) he makes each of the findings which would be required under clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder and he finds that there is compliance with section 605(e), (3) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and (4) he also determines that the applicant is otherwise unable to secure the amount of such loan upon reasonable terms and conditions, and that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interest of the United States and are otherwise reasonable and in accord with regulations, including a determination that the date of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e) (1) The United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee under this part, unless the Secretary for good cause waives its right of recovery, and upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOANS

"SEC. 624. (a) Subject to the provisions of subsection (b), the Secretary shall pay to each holder of a loan guaranteed under this part, for and on behalf of the hospital or other medical facility for which such loan was made, (1) one-half of the interest which becomes due and payable on such loan, or (2) if lower, the interest which would become so due and payable at an interest rate of 3 per centum. Each holder of a loan guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, $300,000,000; for the fiscal year ending June 30, 1972, $600,000,000; and for the fiscal year ending June 30, 1973, $900,000,000.

"LOAN GUARANTEED FUND

"SEC. 626. (a) There is hereby established in the Treasury a loan guarantee fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation to enable him to discharge his responsibilities under any guarantee issued by him under this part and for payment of interest under this part on the loans so guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital for the fund.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under guarantees issued by him under this part and for payment of interest on the loans so guaranteed, he is authorized to issue to the Secreary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund."

GRANTS FOR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 3. Title VI of the Public Health Service Act is amended by inserting after part B (inserted by section 2 of this Act) the following new part:

"PART C—MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the modernization of emergency rooms of general hospitals, there are authorized to be appropriated $10,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of modernization of emergency rooms of public or other nonprofit general hospitals. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

EXTENSION OF DURATION OF EXISTING GRANT PROGRAMS; SEPARATE AUTHORIZATION FOR MODERNIZATION GRANTS

SEC. 4. (a) Section 601 of the Public Health Service Act (42 U.S.C. 291a) is amended by adding at the end thereof and below paragraph (b) the following new sentence: "In order to assist the States in carrying out such purposes, there are authorized to be appropriated—

"(c) (1) for grants for the construction of public or other nonprofit hospitals and public health centers, $135,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(2) for grants for the construction of public or other nonprofit facilities for long-term care, $70,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(3) for grants for the construction of public or other nonprofit diagnostic or treatment centers, $20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years;

"(4) for grants for the construction of public or other nonprofit rehabilitation facilities, $10,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years; and

"(5) for grants for modernization of the facilities referred to in the preceding subparagraphs, $50,000,000 for the fiscal year ending June 30, 1971, $55,000,000 for the fiscal year ending June 30, 1972, and $60,000,000 for the fiscal year ending June 30 1973."

STATE ALLOTMENTS

SEC. 5. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"SEC. 602. (a) (1) The Secretary shall make allotments among the States from the sums appropriated for such year under subparagraphs (1), (2), (3), and (4) of section 601(c) as follows: Each State shall be entitled to an allotment bearing the same ratio to the sums appropriated for such year under subparagraphs (1), (2), (3), and (4), respectively, of section 601(c), as the product of—

"(A) the population of such State, and

"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) The Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated under subparagraph (5) of section 601(c), on the basis of the population, the financial need, and the extent of the need for modernization of the facilities referred to in section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations, section 602(b) (1) of such Act is amended by—

(1) striking out "$50,000" in subparagraph (A) and inserting in lieu thereof "$100,000";

(2) striking out "$100,000" in subparagraph (B) and inserting in lieu thereof "$200,000";

(3) striking out "$200,000" in subparagraph (C) and inserting in lieu thereof "$300,000";

(4) striking out "or for the modernization of facilities referred to in paragraph (a) or (b) or section 601," in subparagraph (C); and

(5) adding after and below subparagraph (C) the following new subparagraph:

"(D) $100,000 for the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands and $200,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraph (c) of section 601,".

(c) Effective with respect to allotments from such appropriations, section 602(e) of such Act is amended to read as follows:

"(e) Upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

"(1) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

"(2) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title,

the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency."

RURAL AREA PRIORITY

SEC. 6. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, section 603 (a)(1) of such Act (42 U.S.C. 291c) is amended by striking out "rural communities and areas with relatively small financial resources" and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities".

CLARIFICATION OF MEANING OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 7. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, so much of the section of such Act herein redesignated as section 645(f) (42 U.S.C. 291o) as precedes clause (1) is ameded by inserting "(whether as inpatients or outpatients)" after "ambulatory patients".

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

SEC. 8. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and", and by adding after paragraph (12) the following new paragraph:

"(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which are structurally part of or physically connected with, and under the supervision of the professional staff of, such hospital; except that if the State agency determines that it would be inadvisable to require that such extended care services be provided in facilities that are structurally part of or physically connected with such hospital, the Secretary may waive the requirement that such services be provided in such facilities."

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 9. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970, the first sentence of subsection (c)(1) of section 606 of such Act (42 U.S.C. 291f) is amended by striking out "2 per centum" and "$50,000" and inserting in lieu thereof "3 per centum" and "$75,000", respectively.

FEDERAL SHARE OF COST OF CONSTRUCTION

SEC. 10. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

"(b)(1) The term 'Federal share' with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

"(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601, the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66⅔ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

"(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal shares established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method or methods for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal shares and such method or methods of determination for projects in such State approved during such fiscal year shall not be changed after such approval."

WAIVING OF RIGHT OF RECOVERY

SEC. 11. Section 3(b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88–443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made (or judicially ordered) prior to the enactment of this paragraph."

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 12. (a) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraph (1)(B) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The section of such Act herein redesignated as section 645(a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(f) The amendments made by this section shall apply for purposes of part B of title VI of the Public Health Service Act and with respect to allotments (and grants therefrom) from appropriations pursuant to section 601(c) of the Public Health Service Act.

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

SEC. 13. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out "State agency and" and inserting in lieu thereof "State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project which".

XUM

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: "No grant may be made under this subsection after June 30, 1970, to any agency or organization to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, practicing physicians serving such area, and the general public."

DEFINITION OF HOSPITAL

SEC. 14. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(c) is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

(b) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(h) (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

(c) Effective July 1, 1970, section 604(a) (3) of such Act (42 U.S.C. 291d) is amended—

(1) by inserting "(A)" after "shall include", and

(2) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health professions personnel, and (B)".

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 15. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FINANCIAL STATEMENTS

"SEC. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services,

during the period with respect to which the statement is filed."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 23, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 2, line 25, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 1, insert "and of public health centers," immediately after "facilities,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, strike out line 22 and all that follows down through and including line 7 on page 5, and insert in lieu thereof the following:

"(b) Any amount allotted to a State for a fiscal year ending prior to July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of the State, any such amount remaining unobligated at the end of the first of such next two fiscal years may be reallotted (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amount reallotted to a State under this subsection shall be available for the purposes for which made until the close of the second of such next fiscal years and shall be in addition to the amounts allotted and available to such State for the same period."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 6, line 8, immediately before "nonprofit" insert "public or".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 7, line 6, insert after "(4)" the following: "in the case of an application made by a nonprofit private agency,".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 8, strike out line 24 and all that follows down through and including line 4 on page 9 and insert in lieu thereof the following: "(b), in the case of a guarantee of any loan under this part with respect to a nonprofit private hospital or other medical facility, the Secretary shall pay to the holder of such loan, for and on behalf of such hospital or other medical facility, the interest which becomes due and payable on the guaranteed loan at an interest rate of 3 per centum per annum."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 14, line 24, strike out "The" and insert in lieu thereof "For each fiscal year, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 11, strike out "The" and insert in lieu thereof "For each fiscal year, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 15, line 13, insert "for such year" after "appropriated".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 16, line 4, strike out "or" and insert in lieu thereof "of".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 18, strike out line 18 and all that follows down through and including line 1 on page 19 and insert in lieu thereof the following: "services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospital. If the State agency determines that it would be inadvisable to require that such extended care services be provided in facilities that are structurally part of, physically connected with, or in immediate proximity to, such hospital, the".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 20, line 22, strike out "shares" and insert in lieu thereof "share".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 20, line 25, strike out "or methods".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 2, strike out "shares" and insert in lieu thereof "share".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 21, line 2, strike out "or methods".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 22, line 17, strike out "part B" and insert in lieu thereof "parts B and C".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: On page 23, line 19, insert "and" immediately after "facilities,".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. OTTINGER

Mr. OTTINGER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ottinger: On page 14, strike out line 24 and all that follows down through and including line 17 on page 15 and insert in lieu thereof the following:

"Sec. 602. (a) For each fiscal year the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such fiscal year under subparagraphs (1), (2), (3), (4), and (5), respectively, of section 601(c), on the basis of the population, the extent of the need for construction of the facilities referred to in such section (or, in the case of allotments from appropriations under such subparagraph (5), the extent of the need for modernization of such facilities), and the financial need, of the respective States."

The CHAIRMAN. The gentleman from New York is recognized in support of his amendment.

Mr. OTTINGER. Mr. Chairman, this amendment is the one which seeks to change the Hill-Burton allocation formula so that the urban States, containing the majority of the population and the greatest need, will be treated equally with the rural States.

Now, let me point out that this has nothing to do with the distribution of funds within a State. In other words, the fact that you live within a rural area of New York State would have no influence on the increase in funds you would receive under the revised formula. The money goes to the State agency, New York will get $3 million additional, and that will be applied by the State agency to the State's needs, regardless of whether a particular area in the State is rural or urban.

The original Hill-Burton formula, which this amendment seeks to change, is based on a squaring of the per capita income. This is a loaded formula which discriminates against the urban States in favor of the rural States. The result of that has been that 70 percent of the Hill-Burton funds have gone to rural areas, that is, communities with a population of less than 50,000. That is a different definition than the committee used in defining rural areas. The committee defined rural areas only as communities with 2,500 population or less, an exercise in creative definitions that defies reality.

The amendment is designed to change the method of figuring allotments to the States under the Hill-Burton program by removing the squaring factor and substituting a simple, unloaded formula which treats all States alike. The formula is the same as the committee has provided for modernization. Under it, you distribute funds according to population, per capita income and need.

At the time the Hill-Burton program was first enacted in 1946 there was no question but that the greatest need for construction of health facilities was in the rural Southern States. Thus the allotment formula enacted in the 1946 legislation provided for the squaring factors which resulted in allocating a disproportionately large share to those States.

When one sector of the country needed help, all of the sectors of the country joined to provide it.

But now the situation has changed. It is the urban States that are in trouble. The method of figuring the allotment percentage should be amended accordingly. Now when the rural Southern States needed help, we adopted a formula that favored them. You might think that now that the urban States are in trouble, we would propose a formula that gave them an advantage. But that is not what we are proposing. We are proposing a formula that treats all States equally. We do not ask for more than our fair share.

Secretary Veneman, Under Secretary of the Department of Health, Education, and Welfare, in testifying before the Health Subcommittee on March 25 of this year, specifically put the administration on record in full favor of this amendment. The Under Secretary said:

> Grants should be made on the basis of population, per capita income, and the need for construction and modernization.

That is what this amendment would provide. I think it goes to the heart of the difficulty in the bill as the bill is presently constituted.

There is no question that there is a continuing need in the rural areas. Nor is there any question that the really concentrated need at the present time is in the urban areas, which at the present time get the least funds. The amendment would meet both needs fairly.

The excellent editorial in today's New York Times expresses the need well. I submit it for my colleagues' consideration:

[From the New York Times, June 4, 1969]

HELP FOR THE HOSPITALS

Nothing fails like yesterday's success. When Congress passed the Hill-Burton Hospital Act a quarter century ago, it made sense to direct the flow of Federal funds to rural areas in small towns, where there was then a critical shortage of medical facilities.

But in 1969, the hospital crisis is in the bigger cities. It is no longer logical to spend approximately 70 per cent of Hill-Burton funds in cities of less than 50,000. This rural formula has become nothing less than flagrant discrimination against the desperately crowded inner cities. It is equally illogical to devote two-thirds of the money to new construction and only one-third to modernization. Unlike the small towns of a generation ago, the big cities have hospitals. What they need is money to renovate them.

In response to these changed conditions, Representative Ottinger of New York plans to offer several amendments when the House of Representatives considers the renewal of the Hill-Burton Act today. His amendments would shift the rural-based grant formula to one based on per capita needs and would reverse the amounts authorized for hospital construction and hospital modernization respectively.

He would also have Congress provide $15-million for community diagnostic centers, require that all allocations of funds meet with the approval of a regional comprehensive health planning agency to avoid duplication or insufficient use of scarce hospital space, and permit the Federal government to give direct assistance to certain hospitals which have reached the stage of crisis.

Much more Federal money for the nation's urban hospitals is essential. A visit to any hospital waiting room or emergency ward would convince members of Congress of the desperate character of the conditions which now prevail. The Ottinger amendments are an important beginning in putting the money where the need is most urgent.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I have not had a chance to study the gentleman's amendment. I would like to ask him if in any way his new formula would direct the allocation of Federal funds within the States, or does it just apply to the allocation to the States?

Mr. OTTINGER. It applies only to the allocation to the States, not within the States. It applies to the funds authorized under each section.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. Dingell, and by unanimous consent, Mr. Ottinger was allowed to proceed for 2 additional minutes.)

Mr. OTTINGER. The States are specifically given authority to switch funds between categories. The amendment in no way affects this. It only applies to the allocation of funds between the States.

Mr. HALL. Mr. Chairman, I have often made the statement that I support this program as long as the administration remains within the States as far as bed surveys and allocations of matching funds for beds within the various States remains there. But I would resist placing the administering of grants in the hands of a Federal arbiter. Can the gentleman answer yes or no that this does not place in the hands of a Federal arbiter the allocation of funds within a State, should his amendment pass?

Mr. OTTINGER. It would not in any way. It is a fixed formula to the States.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, if the gentleman has two States, both of which have grave need in the rural areas, and one of which has a large urban area and one of which does not, is it the plan—the law as it now exists would discriminate particularly strongly against that State which might happen to have a large metropolitan area with great need and also has great need in its rural areas—so that in the State which would have great areas of need in urban areas, the rural areas would not be treated equally with the States which did not have those large urban areas? There would be double detriment to the States where the need might be as great both in rural and urban areas.

Mr. OTTINGER. The gentleman is absolutely correct.

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. ROGERS of Florida, and by unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. ROGERS of Florida. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Florida.

Mr. ROGERS of Florida. Mr. Chairman, I think the House should not be given the wrong impression with this fact. There is not so much a rural or urban factor that is really important, but it is what the income is to the people, so the present formula for grants not for modernization, but construction under the guarantee program, but for the grant program is really geared as to whether it is a poorer State or a richer State. It is the poorer States that have been benefited by this formula, and I think that would be a more correct statement than saying whether it is rural or urban.

Mr. OTTINGER. The effect of the application of that formula is that 70 percent of the funds have gone to rural areas.

Mr. ROGERS of Florida. To the poorer State.

Mr. OTTINGER. Not only to the poorer States, but to rural areas.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. The existing program contains two separate formulas for allocating funds: One is for new construction which uses the square of the allotment percentage, which is proposed to be amended by the gentleman's amendment; and another formula has been in the law since 1964, for allocation of modernization funds, which does not use the square of the allotment percentage, but is based on populations, per capita income, and need for modernization. This formula takes care of the needs of the more urban States.

Further, in the reported bill, the new loan guarantee program uses the formula the gentleman's amendment recommends, so that this takes care more adequately of the needs of the urban States.

In other words, the reported bill contains three formulas, one which is slanted toward the poorer States, and the other two slanted toward the urban States. I think that this is a pretty fair compromise, and therefore oppose the gentleman's amendment.

As the gentleman from Florida mentioned, the grant program has necessarily been toward those who are in need, the poorer States. It does not say, in those States, as to how the State agency shall allocate the funds. They can allocate the funds to the urban areas or to the rural areas. This has nothing to do with that.

This is only one of the three formulas. I hope the Members will understand this. The other two are actually slanted toward the urban areas of this country.

The loan guarantee program carries $300 million. I believe we have tried to be fair. The subcommittee did, and the full committee agreed with this. We still need some in the poorer States of the Nation.

Those agencies can allocate as they wish under this grant program. We have the construction program and also the loan program which are actually slanted toward the urban areas.

So, Mr. Chairman, I oppose the amendment.

Mr. NELSEN. Mr. Chairman, I rise in opposition to the amendment and move to strike the requisite number of words.

Mr. Chairman, I join the chairman of the committee in opposition to the amendment.

I wish to point out, I noted on the desk of one of my colleagues a letter pointing out his particular State would get more money under the proposed amendment. I did not receive a letter. My State would get $1 million less.

I want to point out that 32 States and Puerto Rico would lose under this amendment.

What the chairman of the committee has said, that the economic factors still need to be considered, is correct.

I also wish to point out that New York State, or any other State that would gain under this formula, must have in mind that under the guaranteed loan and interest subsidy programs they will have the need factor available to them, so that when they have the total package of the loan formula approach plus the need factor in the guaranteed loan they are going to do pretty well.

It seems to me this is a well-balanced program the way it is set up.

I wish to call attention to the question which was asked by my very distinguished colleague, Dr. HALL, relative to distribution within the States. The States will determine where the money goes, but someone in Washington will determine what the State will get. It will no longer be on a formula basis.

I want to call attention to the loan program I handled in REA. We had a formula; as a result a fairer distribution resulted.

Certainly when we go in the direction, as we do in the guaranteed loan, on a need factor, it seems to me we are applying two different rules of approach for two different situations and that in my judgment will be good and in the public interest.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman from New York.

Mr. OTTINGER. The formula which is provided I am proposing for construction is the same formula the committee approved for modernization. It is as much a fixed formula as the committee's formula. There is no room for discretion for the Secretary to decide whether money will go to one place or to the other. It is a fixed formula, based on population, per capita income, and need. The only difference is that it is fair. Every State gets treated the same.

Mr. NELSEN. You are revising the formula, however.

Mr. OTTINGER. That is correct. We are putting out a different formula, a simple, direct formula without any gimmicks to give an extra benefit to a special interest or locality.

Also, the loan guarantee program is not nearly as advantageous to the public as the grant program. The bankers may like it, but the people will not. Under the loan guarantee, the patient has to pay the interest, which will increase the hospital costs.

I am sure my friend from Minnesota would not dispute the economics of this situation. The hospital will have to pay the interest on the loan. And, of course, it will have to pass that cost on to the individual who uses its services. Now, the time when the individual uses the hospital's services is exactly the time when he can least afford to pay for it. He is sick or injured and he is, therefore, unable to work. The net effect of the loan program will clearly be to place the expense on the man who can least afford to pay for it. A grant program is financed by all of the taxpayers. They are taxpayers because they are producing income. Thus, the investment through a guarantee program is a little like an insurance policy. When we have the money, when we are producing income, we contribute a little bit to create and support the facilities that we will need if we are taken ill or are hurt.

Mr. NELSEN. I thank the gentleman for his observation, but I still feel the approach we have made in this bill is the better one. I do oppose the amendment as proposed by the gentleman from New York.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. ECKHARDT. In discussing this bill and in looking at the effects, it seems to me under the new formula as proposed by this amendment the poor States would lose much more drastically and in much larger proportions than other States would gain. My State of Texas, for example, would gain somewhat by the change, but States that are strictly rural would lose extremely drastically. Therefore the amendment would have great impact on the poor States whereas aid to the rich States would tend to be in a lesser degree. Do you find that to be true?

Mr. NELSEN. I think that is true. Some of the States would lose a great amount. For example, Puerto Rico would lose $2 million. As you go down the line you will find that a $1 million loss is not uncommon, under the Ottinger amendment as set up in this bill.

Mr. ECKHARDT. And in those States there would be a larger proportion of losses than gains.

Mr. NELSEN. I think so. I have not

added up the score, but I think you are right.

Mr. HALPERN. Mr. Chairman, I rise in enthusiastic support of this amendment and commend the gentleman from New York, the very able and distinguished gentleman, for offering it. I associate myself with the views and the reasoning which he put forth in behalf of his amendment.

The amendment provides, in my opinion, the equity that this kind of legislation must have. I feel it will greatly improve the bill and I trust the amendment will prevail.

Mr. PUCINSKI. Mr. Chairman, I rise in support of this amendment.

I think that once and for all we ought to start recognizing in some of this legislation that 78 percent of our Nation's population is now centered in 12 major urban areas. That is where the need is the greatest. I have no objection, certainly, to a bill that will try to bring help to all of the communities of the country, but I think the gentleman is correct when he tries to redirect the formula into the areas of greatest needs, which are the 12 major urban areas. You are all aware of the fantastic out-migration from certain of the rural communities in the country into the large urban areas. I wonder how this House expects these urban areas to meet the rising medical needs and the other ever-increasing social problems that this migration is imposing on our large urban areas. We are one big Nation. We ought to start recognizing that we have some common problems, whether you are from an urban or a rural area. While we support and certainly intend to continue supporting assistance to the rural areas of this country, we ought to recognize that something as important as medical aid, the greatest need today exists in the 12 major urban areas where 78 percent of this Nation's population is concentrated.

The amendment offered by the gentleman from New York does not hurt the rural areas of this country, but it does address itself to the vastly increased problems in these areas of high concentration of social needs.

Mr. Chairman, I hope that the House will support the amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. Yes. I yield to the chairman.

Mr. STAGGERS. I do not know whether the gentleman was on the floor awhile ago when I stated that there were three formulas in the bill.

Mr. PUCINSKI. Yes. And I heard the gentleman say that.

Mr. STAGGERS. Two of them have definitely the greatest amount of money slanted toward the urban areas. The greater amount by far. We say after the overall sums go to the State, they can put it in any urban areas they have or other areas. However, we do have the other formula slanted more to the poorer areas. We tried to be fair and balance it in order to make our Nation more or less an integral country. We say that the urban areas need more, and we are trying to provide more for them.

Mr. PUCINSKI. I am well aware of the distinguished chairman's honest and sincere effort to make this a good bill. I have the highest respect for him and we all owe him a debt of gratitude. However, I find it very difficult to justify in my own mind the fact that a populous State like Illinois, with 10½ million people and one of the 12 large urban areas which have suffered this in-migration, receives only $4.5 million under this bill, while the State of Alabama—and I have no quarrel with the State of Alabama; it is a fine State—receives $4.1 million, with a much smaller population. When we look at the per capita needs of the great metropolitan areas such as Chicago and then look at the per capita needs of Atlanta, as well as other parts of the country, the disparity becomes very clear.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. Yes, I yield to the gentleman from West Virginia.

Mr. STAGGERS. We have provided in the bill money for construction and loans. This is the grant program to the poorer States that cannot afford it. That is what we are talking about. When we get into those poor areas we say, "All right, distribute it as you see fit." If we did not do this your large cities would take everything we have. I am sure the gentleman would like to have equalization and what we are trying to do here is to balance the situation.

Mr. PUCINSKI. I think we ought to start facing up to one stark reality. The poorest communities of the Nation today are these 12 major areas that have suffered this fantastic impact of in-migration from rural areas of America. Based upon a per capita basis, whether it is the city of New York, whether it is the city of Chicago, whether is is the city of Detroit or whether it is the city of Boston, you will see the huge social problems that the taxpayers of those communities have to try to solve and finance from local taxes because of this tremendous migration.

I say to you that we ought to start facing up to the fact that the real problem is in the urban areas and try to bring them some meaningful help in dealing with the mounting problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER).

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 42, noes 57.

Mr. OTTINGER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. OTTINGER and Mr. STAGGERS.

The Committee again divided, and the tellers reported that there were—ayes 51, noes 75.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. TIERNAN

Mr. TIERNAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIERNAN:

On page 12, at the end of line 2 add "; EMERGENCY FINANCIAL ASSISTANCE FOR COMMUNITY HOSPITAL SERVICES"; and at the end of line 6 add "AND EMERGENCY ASSISTANCE FOR COMMUNITY HOSPITAL SERVICES".

On page 12, line 21, strike out "under this part" and insert in lieu thereof "from appropriations made under section 631".

On page 13, line 8, strike out "under this part" and insert in lieu thereof "from appropriations under sections 631 and 634".

On page 13, line 11, strike out "of this part.'" and insert in lieu thereof "of those sections,"; and after line 11, insert the following:

"EMERGENCY GRANTS FOR COMMUNITY HOSPITAL SERVICES

"SEC. 634. (a) The Congress finds that certain public and nonprofit private hospitals in the several States are unable to meet the present urgent health service needs of the communities served by the hospitals or to participate in comprehensive health services programs or planning to meet future needs due to a critical lack of adequate facilities and services; that there do not now exist adequate sources of public or private financing to provide the direct emergency assistance needed to resolve this critical condition; and that this results in a serious threat to the health, welfare, and safety of the communities involved and of the Nation.

"(b) In order to provide emergency assistance to those hospitals found to be in critical condition as provided in subsection (c) and in the cases where the communities they serve would otherwise be deprived of needed health services, the Secretary is authorized to make direct emergency grants of up to 66⅔ per centum of the cost of any project to provide necessary facilities and services in accordance with the provisions of this section. No grant of assistance for any single project under this section may exceed 7½ per centum of the amount appropriated under this subsection. For the purpose of making emergency grants as provided in this section there is authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1970. Sums appropriated under this subsection shall remain available for obligation for the two fiscal years following the fiscal year for which they are appropriated.

"(c) Public and nonprofit private hospitals may qualify as critical hospitals and may be eligible for assistance under this section if the Secretary finds that—

"(1) the average rate of occupancy or the demand for necessary and essential facilities and services of such a hospital so far exceeds reasonable capacity that the community served is deprived of health services of a type and quality conforming to generally accepted standards;

"(2) full and effective use is being made of the existing facilities of the hospital and of other health facilities available to the community;

"(3) the needed assistance is not available from other public or private resources; and

"(4) the failure to provide the needed facilities or services constitutes a threat to the health, welfare, or safety of the community.

"(d) Any hospital seeking emergency assistance under this section shall apply to the Secretary, declaring itself to be in critical need of emergency assistance and setting forth—

"(1) evidence of eligibility under the provisions of subsection (c) in such manner and detail and with such supporting data as the Secretary shall require;

"(2) a detailed description of the project for which emergency assistance is being requested, specifying the deficiencies in health services that the project will correct, and how the project, if approved and completed, will—

"(A) meet the health services needs of the community it serves,

"(B) be coordinated with existing health services available to such community, and

"(C) be integrated with health services programs approved or planned for the community, State, or region in which the hospital is included;

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"(3) the estimated cost of completing the project, set forth in such manner and detail as the Secretary shall require;

"(4) the amount of emergency assistance, under this section, that will be required to complete the project; the period of time during which such assistance will be utilized; the source and the amount of funds, other than the grant assistance requested under this section, but including any emergency loan requested under section 635, which will be used to complete the project;

"(5) reasonable assurance that adequate financial assistance will be available to support and maintain the added or expanded facilities or services after the project requested under this section is completed;

"(6) reasonable assurance that wherever any project for which assistance under this section is requested involves construction, all laborers and mechanics employed by contractors or subcontractors in the performance of such construction will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F. R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

"(7) agreement that the Secretary may exercise such review authority as he deems advisable in accordance with the provisions of subsection (b).

"(e) The Secretary may approve such application if he determines that—

"(1) the hospital making application for assistance is eligible for assistance under subsection (c), and that the hospital has complied with all relevant provisions of this section;

"(2) the project described in accordance with subsection (d) will help to correct existing deficiencies in health services available to the community, will help to enable the hospital to provide health services of a type and quality conforming to generally accepted standards and conforms to local, State, or regional health planning and programs;

"(3) sufficient funds are available from amounts appropriated under subsection (b) to make the grants of assistance covered by such applications; and

"(4) the project covered by such application is entitled to priority over other projects for which applications have been received under this section but which have not been approved under this subsection.

In making the determination under paragraph (4), the Secretary shall give special consideration to hospitals participating in health services development programs authorized under section 304.

"(f) For the purpose of determining whether a hospital is eligible for assistance under subsection (c) and whether an application conforms to the conditions for approval under subsections (d) and (e), the Secretary is authorized to visit any hospital submitting an application for assistance, to review any relevant records, and to make or request surveys of health facilities and services of the community served by the hospital.

"EMERGENCY LOANS

"SEC. 635. Any hospital unable to secure adequate funds to pay that portion of the project cost not covered by the emergency grant requested under section 634, may apply to the Secretary for an emergency loan and the Secretary is authorized to loan such a hospital up to 90 per centum of that portion of the project cost not covered by the grant provided under that section if (1) the Secretary determines that the hospital is unable to secure the needed funds from other public and private sources, and (2) the Secretary approves the requested emergency grant under section 634. No such emergency loan shall exceed 90 per centum of 33⅓ per centum of the total project cost approved by the Secretary. Each such loan authorized by this section shall bear interest at the rate of 2½ per centum per annum on the unpaid balance thereof and shall be repayable over a period determined by the Secretary to be appropriate, but not exceeding fifty years. In order to make the loans provided for in this section, there are authorized to be appropriated $45,000,000 for the fiscal year ending June 30, 1970. Sums appropriated under this section shall remain available for obligation for the two fiscal years following the fiscal year for which they are appropriated.

"SURVEY OF HOSPITALS AND COMMUNITY HEALTH SERVICES NEEDS

"SEC. 636. To carry out the purposes of sections 634 and 635, the Secretary shall conduct a survey of public and nonprofit private hospitals in the Nation and shall evaluate the type and quality of facilities and services available from such hospitals. Based upon this study, the Secretary shall establish and maintain criteria for determining generally accepted standards of health services and shall report the results of the survey and his determinations to Congress and the President no later than January 1, 1970. Thereafter the Secretary shall revise the survey and his determinations annually and shall report to the President and Congress at the beginning of each session of Congress. Such reports shall include estimates of the cost of meeting the emergency needs of critical hospitals, the availability of funds from public and private sources to meet such costs, and recommendations for additional appropriations under sections 634 and 635 if he finds that such are needed to meet emergency situations. For the purpose of preparing and maintaining the survey according to the provisions of this section, the Secretary is authorized to cooperate with and utilize the resources of such public and private organizations as he deems necessary and advisable.

"DEFINITIONS

"SEC. 636. As used in sections 634 and 635—

"(1) The term 'hospital' includes facilities furnishing domiciliary care.

"(2) The term 'project' includes additions to existing hospital plants, alterations, enlargement, or remodeling of existing buildings, equipment, instruments, and furnishings, and programs involving personnel."

Mr. TIERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. TIERNAN. Mr. Chairman, this amendment establishes a program of direct assistance in the form of grants and loans to critical hospitals, hospitals that are so antiquated and overcrowded that they are unable today to serve their communities, and hospitals that are not getting the help that they need under any other program in this bill.

Mr. Chairman, this amendment was supported by a public health survey in 1966 which showed at that time that there were 143 of the Nation's private nonprofit hospitals in critical condition. These 143 hospitals were located in 29 States throughout our country.

This amendment would provide for $100 million of direct grants and also loans from the agency loans of $45 million during the fiscal year 1970.

I would like to point out to the committee that these 143 hospitals which were referred to in the survey in 1966 had an occupancy rate at that time in excess of 90 percent of reasonable capacity.

They also found there were 1,289 hospitals that were then experiencing an occupancy rate of between 80 percent and 90 percent.

I would point out to the Members that this was in 1966 before medicaid and medicare was passed. The burden on our hospitals in my State alone and in your State as well today is double that.

For example, in 1966, there was not one hospital that came within the survey in my State. The Miriam Hospital, which is a general hospital, had an occupancy rate of about 112 percent of capacity as of August 1968.

The Roger Williams Hospital had an occupancy rate of 96.1 percent of capacity.

The Institute of Mental Health Hospital had an occupancy rate of 102 percent.

Mr. Chairman, these facts and these figures to me mean that we have to face up to the point that it is not a question of rural or urban—because these hospitals are all throughout our country today. That survey in 1966 showed that 29 of our States were in this situation.

Mr. Chairman, I urge support of this amendment and I think it is most needed at this time. It would provide for a very modest program—a program, I think, which will show great results and great benefits to all of the people in the country.

Mr. Chairman, I urge the acceptance of this amendment and the passage of the bill as amended.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, reluctantly.

Mr. Chairman, I know that the gentleman who has offered the amendment has a very good purpose in doing so, but I would like to point this out. The committee agreed on this amendment 2 years ago and it was taken out of the bill here on the House floor when the partnership for health program was up.

The bill that we have before us today is a complete self-contained program and meets the Nation's needs within the limits of our budgetary situation. To provide a new program of project grants would, in my opinion, be a mistake at this time. This amendment to this bill was offered in the Committee on Interstate and Foreign Commerce some weeks ago and the committee overwhelmingly rejected the amendment. I supported that action in committee and I now urge the defeat of the amendment.

Mr. Chairman, when the moneys are allocated to the States in the programs that we have, it certainly can go to these critical areas and hospitals immediately. That would be up to the judgment of and under the jurisdiction of the State agency.

So, as I say, I reluctantly oppose the amendment offered by the gentleman.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman.

Mr. NELSEN. Mr. Chairman, it is also true, is it not, that the private nonprofit hospitals which were referred to come under the terms of this bill and get a loan guarantee plus interest subsidy; is that not also true?

Mr. STAGGERS. That is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. It is identical to the amendment I offered last year to the partnership for health program, which was adopted by the Committee on Inerstate and Foreign Commerce, and narrowly defeated in the Committee of the Whole House on the State of the Union.

In my opinion, the amounts of money that we are allocating for our medical facilities under this bill are really very inadequate. In fiscal 1971 it amounts to a mere $298 million in all of its provisions. We weigh that against $6.8 billion for agricultural subsidies. We weigh it against $5 billion for highway construction, primarily out of the Highway Trust Fund. We weigh it against approximately $4 billion for space. The priorities of this country just do not seem to make sense, when desperate health situations in communities all over the United States are not being adequately taken care of.

The medical facilities situation is truly desperate in many communities. We had articles in our newspapers in New York City that showed people having to wait an average of 8 hours in city clinics in order to be able to see a doctor, people actually dying while sitting in the chairs waiting to get X-rays. What we do here, recognizing the fiscal problems facing the country and the tremendous inflationary threat we have, is to provide a relatively modest amount, $100 million additional in grant money, to go to those communities that have the most critical needs. The criteria under which this money is to be allocated is very carefully set out in the amendment.

I would like to read it to you because it really puts money where it counts. This is subsection (c) on page 3 which states as follows:

> (c) Public and nonprofit private hospitals may qualify as critical hospitals and may be eligible for assistance under this section if the Secretary finds that—
>
> (1) the average rate of occupancy or the demand for necessary and essential facilities and services of such a hospital so far exceeds reasonable capacity that the community served is deprived of health services of a type and quality conforming to generally accepted standards—

That means you have to have a community that is not being adequately served with health facilities. Continuing to read—

> (2) full and effective use is being made of the existing facilities of the hospital and of other health facilities available to the community—

So there can be no duplication of facilities under this provision. Continuing—

> (3) the needed assistance is not available from other public or private resources; and
>
> (4) the failure to provide the needed facilities or services constitutes a threat to the health, welfare, or safety of the community.

What paragraph (4) means is that in order for a community to receive this money, there must be a finding that there is a threat to the health, welfare, and safety of that community. It means that without this provision, communities suffering that kind of threat will not get the help that they need. We have this critical need. We do not have sufficient funds to cover all the critical needs of this country. The Public Health Service survey, to which the gentleman from Rhode Island referred, showed 143 communities that were in a desperate situation at that time, 2 years ago. At the present time I assure you those 143 communities, and others besides, are in even worse shape.

I urge the House to provide at least a small amount to the areas that are in critical need under the provisions of this amendment.

In support of this, I submit for the RECORD, the report prepared for the last Congress by the Surgeon General on the need for this legislation. It will do a great deal to dispel a lot of misapprehensions that seem to be current regarding the needs of hospitals and the best way to make health care available at reasonable cost to the people who need it:

REPORT BY SURGEON GENERAL WILLIAM H. STEWART

1. How many hospitals in the Nation are presently overcrowded? What percentage of these are overcrowded primarily due to inadequate or antiquated facilities and what percentage due primarily to improper use of facilities?

Specific data regarding the number of "overcrowded" hospitals are not available. On an overall national basis, nonfederal short-term general hospitals show an average occupancy of 76 percent—an average considerably below an "overcrowding" level. However, within communities, an even within individual hospitals, overcrowding does exist. For example, one or more hospitals within a single community or area may be running at a very high occupancy rate whereas other hospitals in the same community are running at low occupancy. Within a single facility, one or more nursing units may be overcrowded whereas others, particularly in the obstetrical and pediatric services, may be only partially utilized

The most recent survey accepted by the Public Health Service indicates that 143 of the Nation's private and nonprofit hospitals may be classed as critically overcrowded since they experience average annual occupancy rates of 90% or more of reasonable capacity and since there are not adequate alternative facilities available within the communities they serve.

Another 1289 hospitals serving similarly deprived communities experience occupancy rates of between 80% and 90%, substantially above the national average. It should be realized that in order to average out to 90% a hospital may experience actual occupancy in excess of 100% at certain times. Because of the wide variety of administrative methods and operating standards, it is not possible to set an acceptable occupancy rate that leaves room to accommodate seasonal and other fluctuations; however, any hospital experiencing an average annual occupancy rate of 90% or more exceeds the safe limit.

Not all of the overcrowding can be ascribed to lack of adequate facilities. In some cases, improved administrative procedures could speed patient turnover and more efficient use of facilities. In such cases, the occupancy rate could be reduced without expanding facilities.

Areawide and community planning groups are seriously concerned with this problem and are developing solutions appropriate to their local needs. Such solutions may take a number of different directions. The appropriate one for one community may be to stimulate greater use of the low occupancy facilities. In another community, because of the poor condition of a low occupancy facility, the high occupancy facility may be expanded and one or more of those with low occupancy abandoned.

The obsolescence of a hospital is not usually directly related to the factor of overcrowding. In fact, the converse is more generally the rule. The public is to an increasing degree demanding care in facilities they think appropriate and to the extent they have a choice they select the modern hospital. It is true of course that quality care facilities may be structurally or functionally obsolete and still run at extremely high occupancy rates.

However, even where the hospital is not physically overcrowded, obsolescent facilities and services can produce the same result as overcrowding by overtaxing the hospital's ability to meet the needs of the community.

2. How many hospitals are presently without treatment and service facilities appropriate to the needs of the communities they service?

There is no question that some communities are now deprived of some essential services or facilities. The survey released last year pinpointed 97 communities, served by 143 hospitals, that were critically short of one essential: bed space. However, this was only *one* survey dealing only with *one* problem.

We are aware of certain key problem areas, but there has not been comprehensive survey of facilities and there is consequently no accurate gauge of how many hospitals lack facilities appropriate to the needs of the communities they serve.

Specific reports from hospitals and some areawide planning agencies show the need for expansion or addition of certain services within a given community or area. Because of the scattered nature of such information at this time, the data have not been compiled on a national basis. Vastly differing circumstances and requirements of individual communities would make a national summary *of available* statistics highly unreliable and misleading, rather than helpful as a planning tool. For example, one community may find it desirable to provide care for certain chronic diseases through a home care program, which is not based in a hospital, whereas another community with the same essential problem may find it desirable to provide such service in a nursing home or in some instances from the outpatient department of the hospital. Other communities may plan to provide care for such patients in a general hospital even though such action results in higher costs to the patient and to the community in general.

Determining the needs of a community or area for health service facilities and services is the most serious and difficult problem in the health field today.

Individual hospitals and health service facilities are unlikely to have the resources to take the kind of broad assessment of total community needs and alternative facilities that may be available. In their individual planning and programming efforts, they may in some instances undertake diagnostic or treatment procedures or services which they are not staffed or equipped to provide and the result may be expensive and ineffective duplication of services.

For this reason, the Public Health Service has given a high priority to the activation of support of areawide planning agencies, working in cooperation with State agencies, which have as their primary purpose the

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establishment of service, bed, and facility needs of communities and hospitals within a given area. The Public Health Service also provides technical assistance to and support of Hill-Burton State agencies in an effort to improve the planning process.

The Public Health Service does not now have the authority that would be needed to compile and maintain a truly meaningful evaluation of the inadequacies of facilities or services available to specific communities.

3. How many hospitals need renovation and/or modernization?

Hill-Burton State agencies report that 3,327 of the 6,716 existing general hospitals have 272,000 beds which are functionally or structurally obsolete and in need of modernization or replacement. These 272,000 beds represent more than one-third of all existing general short-term beds in the country. All told, some 70,000 beds require complete replacement; the balance require modernization to correct structural or functional deficiencies of the physical plant.

This does not automatically mean, however, that replacement or modernization of the beds is the only answer or even the best answer. Development of alternative care facilities, earlier preventive treatment, increased and more readily available outpatient services—all of these may offer a better solution to a given hospital's problems. In addition, we are convinced that improved hospital operations—including the use of automated systems, improved administrative and treatment techniques, and better physical planning and utilization may greatly offset the need for support of a greatly increased effort in health services research and development, consistent with the President's intentions to establish a National Center for Health Services Research and Development.

By making the results of such research available to hospitals, health service facilities, and local, State and regional planning groups, the Public Health Service can make great strides in helping those hospitals with adequate funding improve and modernize their facilities and services. However, the Public Health Service does not now have the authority to offer direct assistance to hospitals that lack the financial resources to apply the results of the research to their operations.

4. What is the most critical need facing hospitals in general—staffing, better administrative methods, wider use of alternative care resources or what?

As the question indicates, hospitals are faced with multiple problems and because of the significance of efficient hospital operation to total health care, the approach of the Public Health Service has been comprehensive in attempting to solve such problems.

Staffing of professional and technical positions in hospitals is a continuing problem. Training programs geared to the attraction of promising persons into the health field are operated by the Public Health Service, and in addition, grant programs for the construction of facilities to train health professionals, technicians and technologists have been in operation for the past few years.

The application of better administrative methods, including automated techniques and systems, to hospital operations has been a primary goal of the Public Health Service for several years. The Public Health Service has supported to the extent the Congress has made funds available research, development and demonstration projects which hold promise of improving administrative and operational methods employed by hospitals. We believe a substantial increase in such research is required, and legislation recommended by President Johnson and now pending in Congress would authorize a much expanded research and development program in the whole field concerned with delivery of personal health service.

The use of alternative care services and facilities is not only of real significance, but is essential in, delivering efficient and economical comprehensive health care. Many patients occupying expensive acute general hospital beds could be given adequate care in long-term care beds which are more economical to construct and operate. Similarly, some patients could receive adequate care on an outpatient basis rather than being admittted to an expensive acute general bed. Better planning of services for communities and areas and a more sophisticated approach by physicians to the economical utilization of all community health facilities are some of the factors which will contribute to improvement of this situation. The pending conference on rising medical costs to be held June 27 and 28, 1967, will address itself in part to this problem.

However, as we have pointed out before, the effective application of the results of Public Health Service studies depends, in part, upon the availability to the hospital of adequate financial resources. The Public Health Service now has no authority to render direct assistance to individual hospitals or communities that may be facing emergency situations with inadequate financial resources.

5. What is the role of the hospital in a total community medical program? Is the hospital as we know it becoming less important or perhaps less efficient than alternative health care systems or is it becoming more important as the "core" facility in a balanced network of community medical services?

In most communities the hospital has become or is becoming the focal point or core unit for comprehensive health services. Despite its many shortcomings, the hospital is a more efficient health care unit than alternative care facilities, and as the primary facility through which health services are provided its importance, significance, and influence in health care matters within communities will continue to grow.

It is quite possible that hospitals and health facilities serving some communities may not have had the financial resources to keep pace with this changing pattern of community use and, consequently, some communities may not have available the full and necessary range of health services. This was indicated in the survey of hospitals referred to earlier.

6. What resources does the Public Health Service have for helping hospitals to improve their services?

A wide variety of resources are provided by the Public Health Service for helping hospitals to improve their services. Extramural and intramural research programs pertaining to the design, organization, and operation of hospitals are operated by the Public Health Service as well as a program aimed at stimulating experimentation and innovative design and construction. In addition, professional and technical staff are available to provide consultation and informational assistance to hospitals in many areas of hospital operation. Moreover, a highly competent staff of architects and engineers is available to provide assistance regarding the design and functional layout of new hospitals or the expansion, replacement, or modernization of existing facilities. Also, the Public Health Service operates grant programs to assist in the construction of facilities to train physicians, nurses, dentists, pharmacists, and other types of professional, technical and paramedical personnel essential to hospital operation. The Public Health Service also operates programs geared to attracting promising persons in the health field and thus increasing the availability of trained professional and technical health personnel. Finally, mention must be made of the substantial contributions from the basic research programs on specific diseases as administered by the National Institutes of Health.

The Public Health Service does not now have authority to provide any direct financial assistance to hospitals in implementing improvement programs.

7. What are the limitations on your resources for assisting hospitals?

The resources of the Public Health Service for assisting hospitals are appropriate and adequate, within the limits of present authority and funding. At the same time, however, it should be recognized that most health professionals are in short supply and some difficulties are encountered in recruiting experienced staff to deliver technical assistance and consultation regarding such matters as hospital operations, health facility planning, and health service and facility research, particularly at salary levels available for Civil Service employees.

The Public Health Service does not have authority for direct emergency financial assistance to hospitals or health facilities, even if they are in critical condition.

8. Are the existing mechanisms for planning and funding for hospital services flexible and responsive enough to meet the changes in patient population brought about by suburban growth and the dramatic changes in population in our central cities?

Because certain provisions in the existing mechanism for planning and funding of hospital construction projects do not appear to be responsive, the President in his Health Message of February 28, 1967, informed the Congress that a National Advisory Commission on Health Facilities would be appointed to study our needs for the total system of health facilities, and to consider the future and possible redirection of the Hill-Burton program. For example, the present formula structure of the Hill-Burton legislation probably would have to be modified to make a substantial impact on the tremendous backlog of hospital modernization needs, particularly the needs of the quality care hospitals located in our more urban centers of population. Such problems as this together with others which may not be responsive to current problems will be the subject of intensive study by the National Advisory Commission to be appointed by the President.

Mr. RYAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of this amendment, which would establish a program of direct financial assistance to hospitals in critical need. It authorizes $100 million for an emergency fund for the fiscal year 1970 and, as the gentleman from New York (Mr. OTTINGER) pointed out, it is directed toward emergency situations. Two years ago the Committee on Interstate and Foreign Commerce itself reported out, as part of its Partnership for Health Act in that year, a similar provision, and in view of the fact that the committee supported it then, I would hope that the committee would support it now.

The impetus for the committee's action came from a survey by the Public Health Service which showed that 143 private and nonprofit hospitals were seriously overcrowded and that the communities in which these hospitals were located were unable to provide alternative health care facilities. The 143 hospitals cited by that study had an annual average occupancy rate of 90 percent of their capacity; 1,289 other hospitals studied were experiencing occupancy rates of between 80 and 90 percent substantially above the national average.

Even though the program of emergency assistance was not accepted on the floor, nevertheless the committee's instincts were right in bringing it to the floor, and 2 years later the conditions which then prompted the committee to report it out favorably are considerably more acute. As a matter of fact, the additional burdens placed on hospitals as a result of expanding medicare and medicaid coverage assures that the demand on hospital services will continue to outstrip the ability of private and public hospitals to keep pace with the demand.

In the city of New York, Harlem Hospital, the major health care facility in Harlem, has been almost forced to close because of the critical financial condition which it faces. It simply does not have the money to provide the services to meet the health needs of the residents of the community. Since the crisis in that hospital is similar to that faced by other hospitals in New York City, Harlem residents have no adequate alternative for health and medical services.

This amendment would provide direct emergency grants up to 66⅔ percent of the project cost in the situation where there is a direct threat to the health, safety, and welfare of the community. It is essential to have this kind of emergency funding, especially where there are no alternative health care facilities.

I respectfully disagree with the chairman of the committee, who said that funds for this purpose might be available under the present law or other provisions of this bill. However, funds would not be available for emergency projects to provide services which are essential to meet the health needs of community residents.

This amendment would make them available for that purpose also, and I urge its approval in order to prevent further deterioration of health care services.

Mr. ROGERS of Florida. Mr. Chairman, I rise in opposition to the amendment.

As the chairman of the committee has said, this amendment was considered very carefully by the full committee and it was overwhelmingly rejected.

The picture has changed a great deal since 1966. We have had medicare come in. For instance, depreciation costs are now reimbursable from the medicare program. We have allocated funds in this bill to take care of all sorts of situations: To build new hospitals, to build long-term care facilities, to build diagnostic and treatment facilities, and for the modernization of facilities and the emergency room facilities.

But in addition to those funds, we have also provided a guarantee loan program of $300 million for the first year, to go up to $600,000,000, and then $900,000,000—$300 million additional for 3 years—so that adequate funds to meet these needs can be made available. It is a State decision under the State Hill-Burton program.

This amendment would change that whole approach and allow the Secretary to come in, no matter what the State plan is, and do whatever he desires.

We do not think that is good administration, and the committee has rejected it. I would urge this body to reject overwhelmingly the amendment, just as the committee itself did.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. OTTINGER. The committee report states the present need for new construction is $5.3 billion and modernization $10.5 billion, or a total of $15.8 billion, whereas over a 3-year period the committee has provided only for approximately $987 million.

Mr. ROGERS of Florida. Mr. Chairman, if the gentleman will permit me, that figure does not even include the loan guarantee program.

Mr. OTTINGER. An additional $300 million.

Mr. ROGERS of Florida. Per year, which is almost another $1 billion right there.

Mr. OTTINGER. It still does not come anywhere near the needs.

Mr. ROGERS of Florida. The gentleman knows we cannot do all of this in 1 year or 2 years. These needs amount to billions of dollars. We have a balanced program to meet the health needs of the people, and this is what the bill is designed to do.

Mr. OTTINGER. If the gentleman will yield 1 minute further, I would like to point out that on page 6, section (e), subsection 2, of the amendment, there is a requirement that the Secretary make findings for any grant that it "conforms to local, State, or regional health planning and programs." We do not go around the State agencies, as the gentleman indicated.

Mr. ROGERS of Florida. I would urge rejection of the amendment.

Mr. NELSEN. Mr. Chairman, I rise in opposition to the amendment.

I wish to restate the point which has been made by my colleague from Florida. There is $300 million the first year, $600 million the second year, and $900 million the third year. There is also a loan guarantee on those amounts, plus an interest subsidy. In addition to that, in the grant areas, for modernization of facilities, there is $50 million in 1971, $55 million in 1972, and $60 million in 1973.

Without question the total hospital needs in the country are extensive. We admit that perhaps they far exceed the total dollars available under this program; however, we are approaching the problem as best we can.

I believe the bill is adequate so far as our ability to meet the needs is concerned. I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. Tiernan).

The question was taken; and on a division (demanded by Mr. Tiernan) there were—ayes 25, noes 64.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dingell: On page 13, line 23, strike out "$135,000,000" and insert in lieu thereof "$60,000,000"; and on page 14, strike out lines 13 through 17 and insert in lieu thereof the following:

"(5) for grants for modernization of the facilities referred to in the preceding subparagraphs, $135,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years."

On page 16, beginning in line 20 strike out "other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers,".

On page 17, after the comma at the end of line 6 insert "or to transfer a portion of an allotment for grants for modernization to an allotment for grants for the construction of public or other nonprofit hospitals and public health centers,".

Mr. DINGELL. Mr. Chairman, I want to stress that the function of this amendment is not really to change the discretion of the State agencies but rather to reflect the critical need which our committee found in connection with the problems of modernization and new construction.

I want to stress that the State agency still may spend the money according to the priorities it sees most necessary in the light of the needs of the State.

But what this does is to seek to authorize a change in terms of public policy as expressed by the Congress, so that we will reverse the policy, so that there will be double the amount of money for modernization that there will be for new construction, as opposed to the situation where we find ourselves now, with double the money for new construction that we have for modernization.

The reason is that there has been a finding and indeed there has been testimony by almost every witness who appeared before our committee that the critical and urgent need in the field of hospital construction and hospital services is not so much construction any more but, quite the contrary, there is now a need for modernization of existing facilities.

My amendment will authorize $50 million for the construction of public or other nonprofit hospitals and public health centers for the fiscal year ending June 30, 1971. It will provide $135 million for modernization of health facilities for the same period of time. In effect I am proposing that we switch the authorizations proposed in the bill for the two programs. In fiscal year 1970 under existing law $130 million is authorized for new construction grants and $65 million is authorized for modernization grants. The bill before us today would increase the amount for construction and decrease the amount for modernization. Every witness who appeared before our committee and addressed himself to the problem testified that the need for modernization is twice as great as the need for new construction. As it appeared in the additional views, this is clearly topsy-turvy legislation. Any rational allocation of funds must provide for twice as much for modernization as is provided for new construction.

Let me stress here that I am not proposing to increase the authorization. I am merely proposing to switch the authorization for modernization and the authorization for construction. The total funds authorized for fiscal year 1971 will remain precisely the same.

The strongest support for my argument comes right out of the majority views in the report of the Committee on Interstate and Foreign Commerce. If my

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colleagues will turn to that document, they will find the report notes, and I am now reading:

> Information furnished by State agencies administering the program indicate a present need for an additional 85,007 acute care hospital beds, 893 public health centers, 164,430 additional long-term beds, 872 diagnostic and treatment centers, and 388 rehabilitation facilities, with a total estimated cost of $5.3 billion. In addition, 455,130 acute and long-term care beds require modernization at an estimated cost of $10.5 billion.

What the report is saying is that there are double the needs for modernization that there are for new construction.

This amendment, although not tying the hands of State administrators in apportioning the moneys within the jurisdiction of the respective States, would make the congressional intent reflective of the finding of need as between modernization and new construction.

Mr. Chairman, $10.5 billion is almost twice $5.3 billion and $5.3 billion includes long-term beds, diagnostic and treatment centers, and rehabilitation centers, which are not included in the authorization. It is said that the needs for modernization can be taken care of by transfer authority given to State agencies. That expresses a most extraordinary legislative principle. We are here attempting to legislate for the broad needs of the Nation and to lay down legislative policy. We are saying in this bill that if the need is different in the view of the State agencies, they may then change their allocation.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. DINGELL asked and was given permission to proceed for 2 additional minutes.)

Mr. DINGELL. So what we find ourselves in is a very strange set of circumstances whereby we are legislating and stating to the State agencies that they may disregard the broad national findings of need and policies that the Congress expressed. What I am trying to do here is to bring the statement of congressional intent more in line with what we find to be very clearly the need. It is time to let Congress face up to its responsibility and authorize money if it finds the need for it to be greater for modernization than for new construction.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my friend from Minnesota.

Mr. NELSEN. Under your amendment would it allow a transfer from modernization to any other category?

Mr. DINGELL. It would. It would not change that aspect of the bill as drawn. It simply seeks to make the congressional policy and the allocation we make which may later be changed by the State agencies more in conformity with what our real findings of the need happen to be.

Mr. NELSEN. Is it also true, however, that under the terms in the present provisions the State agencies may transfer from construction to modernization?

Mr. DINGELL. That is absolutely correct.

Mr. NELSEN. That is, in order to meet these needs?

Mr. DINGELL. That is the point I just indicated. But I also commented on the novelty of that approach. We make the finding as to need and then we proceed to authorize funds totally inconsistent with that set of circumstances.

What I am trying to do is to continue the flexibility to allow the State administrators to meet the real needs as they find them, and to lay out a legislative basis whereby we approve the funds on a proper and correct legislative basis. The flexibility remains with the State administrators. What we are doing in the bill as drawn is shifting it from the Congress to the State agencies. I do not believe that this is the kind of decisionmaking burden that the Congress should place upon State agencies, particularly in view of the priorities which have been so well established during the course of the hearings.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment, and I do so reluctantly. I say this because I am sure the gentleman from Michigan has a good intent in what he proposes. But I would like to suggest that the modernization needs are great in this country, but the construction needs too are great.

The bill permits the State agencies to eliminate the existing priority for rural communities in allocating construction funds, which will benefit urban areas. Another reason why I oppose the amendment is that more is involved here than just switching money from construction to modernization. The formula for distributing modernization money differs from the construction fund allocation formula. Because of these different formulas, the gentleman's amendment would provide greater sums for the urban States than they would get under the existing setup in the bill. Under existing law the Secretary of Health, Education, and Welfare has prescribed regulations providing that the State agency shall give priority to projects for modernization in densely populated areas.

So, Mr. Chairman, I reluctantly oppose the amendment because I believe we have adequately taken care of the problem in the bill. The subcommittee worked quite hard on this bill. I do not agree with everything contained in the bill, but we worked for 4 days holding hearings and spent 3 days on the markup of the bill and I believe for this reason we should leave the bill as it is and proceed with it to see that the State agencies have the right to give any priority they want to give to their modernization and construction program. In addition to that we have provided the additional $300 million annually in loan guarantees in order to give emphasis to the areas where they need modernization and construction money.

Mr. NELSEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, it is my feeling that the modernization feature is certainly one that has been recognized in the bill, and the guaranteed loan, and the interest subsidy were intended largely to meet this need. Also, as has been pointed out by the author of this amendment, under the authority granted the State money may presently be shifted from construction to modernization, and consequently it seems to me the needs are fully met.

Therefore, Mr. Chairman, I oppose the amendment.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I believe if we were to provide adequately to meet all of the great hospital needs of this country we could not do so with even twice the amount proposed in this legislation. The facts are that the needs far, far exceed the amount of money that we are providing.

My good friend, the gentleman from Minnesota (Mr. NELSEN), and the chairman of the committee, have stated in spite of the amounts we are authorizing, we are really giving the State agencies the opportunity to do as they see fit: to use the money for construction or modernization.

I believe that the authorization of funds by Congress has more significance. I believe we are setting the priorities. We are in effect providing guidelines for the States.

If what we are doing is to allow the State agencies the opportunity to use the money for either modernization or construction as they choose, then why do we not take the simple course and in one provision authorize a total of $185 million to be used for construction or modernization? Why make separate authorizations at all? What is the significance of an authorization under such a concept?

I am afraid that I take very seriously Congress' responsibility for setting priorities in the expenditure of the taxpayers' funds. I believe that when Congress authorizes twice as much money for one program as for another, it is stating the legislative belief that it is going to take twice as much money to solve one problem as it will to solve the other. I believe that when we tell the State agencies that we are providing them with $135 million for new construction and $50 million for modernization, we are telling them to spend something more than $2 on construction for every $1 they spend on modernization. Yet we know—the committee itself concedes—that exactly the reverse is needed.

Therefore, Mr. Chairman, I urge the adoption of the amendment.

Mr. ROGERS of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I believe we ought to put in perspective here quickly what we are talking about doing if we adopt this amendment, and that is taking money from new construction.

Now, modernization is necessary, but when we modernize let us not forget that at least we have got a bed in being where someone can be taken care of. New construction means we do not ever have a bed at all, and that is what we need to provide also.

Mr. Chairman, let us not underemphasize the need for new beds in every community, in the big cities, in the rural areas, and in every State.

Do the Members know how many new

beds it is estimated we need right now? 85,000 new beds.

Do the Members know how many long term new beds we need? We need 164,000. And this just begins to start with the problem.

So let us not get off balance here on what we are doing, and what the committee has given as its considered judgment on the approach we should make.

We want to do moderization, and we have put $300 million for the guaranteed loan program through which they can go into modernization if the State so decides.

Furthermore, under this present bill that the committee is presenting to the Members, the States can transfer funds from construction to modernization if it is so needed in that State. But do not forget that we need, and need vitally, new beds to take care of the sick people of this country. Therefore, Mr. Chairman, I would urge emphatically that the House reject this amendment.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would ask the gentleman from Florida how many beds are in need of modernization? There are 455,130 beds which need modernization according to the committee's own report.

Mr. ROGERS of Florida. Exactly, and those are beds in being. I agree with the gentleman that there are beds that need modernization, beds that need to be cleaner and need to be nicer and modernized, but we want to provide something over 250,000 beds that are not even in being.

Mr. OTTINGER. It is not just cleaner or nicer. Many of the hospitals are really obsolete in the sense that they can not do their job, people are not getting the care they need and it is dangerous.

Mr. ROGERS of Florida. Two hundred and fifty thousand new beds are the minimum needed to take care of the job.

Mr. OTTINGER. It is not fair to say these funds are just for modernization. Another thing that should be pointed out is that the loan guaranty program funds can be used for new construction as well as modernization.

Mr. ROGERS of Florida. And for modernization also, and the gentleman knows that.

Again, Mr. Chairman, I urge rejection of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: On page 23, strike out lines 2 through 10 and insert in lieu thereof the following: "State agency, the application is for a project (A) which is consistent with the comprehensive regional, metropolitan area, or other local area plan or plans, developed under section 314(b), that cover the area in which such project is to be located, or (B) if there is no such plan or plans, which is consistent with the comprehensive State health plan (if any) developed under section 314(a) by the State in which such project is to be located,".

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) is recognized in support of his amendment.

Mr. ECKHARDT. Mr. Chairman, I first want to compliment the committee and the subcommittee and the chairman for the excellent work on the bill—in which I agree in general.

Mr. Chairman, this amendment is both mild and salutary. It would require that programs proposed by the Hill-Burton State agencies must be consistent with plans adopted by comprehensive health planning groups where such plans exist.

I suggest that the language of the original bill on page 23 contains somewhat weaselly words with reference to the States participation. The bill reads as follows: "opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area."

When the Congress in 1966 enacted the comprehensive health planning amendments, it was with the realization that lack of planning and control in the health services had resulted in fragmentation, unnecessary and costly duplication and a lack of unity in the attack on poor health care. The legislation was passed in an effort to eliminate those problems, and many States and localities have gone a long way toward implementing the provisions of that act and unifying their planning of health services.

We must go a step further in respect to the Hill-Burton program and integrate it into the entire planning process. It is not enough simply to provide for the planning agencies to be given the opportunity only to consider and comment upon specific projects. The State Hill-Burton plans should be approved by the State comprehensive health planning agency if that agency is to carry out the legislative mandate to coordinate health planning within the State.

If we are to provide some small hope that spiraling health costs can be controlled and even reduced, we must provide the opportunity for utilization of the best information on health needs available and utilization of experience with proven new arrangements and mixes of health services including some services not dependent on facilities alone.

Now I think one of the most salient tendencies in the Congress today is to make the States partners with the Federal Government. But the State or local government should not be a silent nonvoting, nonparticipating stockholder in a venture in which all of the decisions are made elsewhere. For that reason, I suggest this amendment which I think in no respect alters the main direction of the bill and I do hope there will not be serious objections to this amendment.

Mr. BINGHAM. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. BINGHAM. Mr. Chairman, the problem of making adequate health care available to all citizens has a number of dimensions. Hospital service personnel, both professional and nonprofessional, are in short supply. Government funds to help cover the cost of public health care facilities are desperately inadequate. Costs of hospital care of all kinds are skyrocketing. But perhaps most serious is the fact that total health care facilities, particularly in major urban areas, are generally inadequate in quantity and quality.

The situation in my own district, and throughout the city of New York, is intolerable, and growing worse. Hospital facilities are overcrowded. It is not uncommon for patients in urgent need of surgery to wait a month or more for hospital admission. Nursing home facilities for convalescing patients are in short supply, so convalescing patients tie up hospital beds for unnecessarily long periods of time, contributing to overcrowding. The New York City Health and Hospital Planning Council estimates that at least 11,000 additional nursing home beds are needed immediately to begin to relieve patient backlogs and admission delays in regular hospitals.

Many existing hospital facilities in New York City are in critical need of improvement and modernization. Emergency care facilities are particularly inadequate. Patients requiring emergency care for an injury in any of the major New York hospitals will have to wait as long as 8 hours for attention, unless brought in on a stretcher with severe injuries. Reliable estimates indicate that about $1 billion or more would be needed to bring existing medical care facilities up to 1969 standards in the State of New York alone.

Federal assistance for medical facilities construction and modernization under the Public Health Service Act, the so-called Hill-Burton legislation, has been the major stimulus and contributor to medical facilities improvement and expansion since 1946. The original purpose of this legislation was to provide for the construction of medical facilities in the areas that then needed them most—the rural areas of the Nation. Partly due to the successful operation of the program, the primary area of need has shifted considerably over the years from a predominantly rural deficiency in medical facilities, to what has now become a predominantly urban deficiency. While the rural areas have been building and improving their medical facilities at a relatively rapid rate with the help of Hill-Burton funds, urban areas have been experiencing rapid population growth and changing social conditions which require greatly changed and expanded medical facilities. These growing needs for innovative and improved medical facilities in urban areas simply have not been met.

Despite the fact that the predominant need for new and improved medical facilities now exists in the cities, we have continued to funnel the bulk of Federal funds under the Hill-Burton program to rural areas. In fiscal years 1965 through 1968, for example, almost

70 percent of the funds under this program were allocated to communities with populations less than 50,000.

We must take determined steps now to provide greater Federal assistance for expanded and improved medical facilities in our urban areas. The formula for allocation of Hill-Burton funds among the States must be revised to reflect direct indices of need for facilities—such as population and per capita income—along with the factors traditionally taken into account in the formula. The balance between funds available for new construction and funds available for modernization of existing facilities must be shifted in the direction of greater emphasis on modernization to meet the needs of the cities, where many medical facilities built prior to the Hill-Burton program are falling into disrepair and require modernization. Federal legislation must be broadened to permit Hill-Burton funds to be used for such facilities as community diagnostic and treatment centers separate from hospitals to meet the particular needs of the urban poor. Finally, special emergency funds must be made available to assist certain hospitals which have been found to be particularly overcrowded and for which no alternative local facilities are available. A list of 143 such critically overburdened hospitals—average annual occupancy 90 percent or more of capacity—and an additional 1,289 heavily overburdened hospitals—average annual occupancy 80 to 90 percent of capacity—were cited in a 1967 survey by the Public Health Service. Most of these impacted hospitals are located in urban areas, and several of them serve my own district. Nothing has been done since 1967 to lighten the burden on these institutions or to provide the patients who depend upon them for care with adequate services. Funds must be earmarked now to provide direct emergency aid in the form of grants and loans to these hospitals and the communities they serve.

I strongly favor and support efforts to press for these kinds of needed improvements in the Hill-Burton program, along with its extension through 1973. I am pleased to associate myself with several of my colleagues in the House who are proposing changes in this legislation that will allow us to begin to improve health care in our urban centers by beginning to reverse the current downward trend in the quality, quantity, and general adequacy of city health care facilities.

Mr. STAGGERS. Mr. Chairman, I rise—again reluctantly—in opposition to the amendment offered by my colleague.

Mr. Chairman, I oppose the amendment because I think it is premature. There is no question but that we need better coordination of our health programs than we have had in the past. However, I do not think that in our enthusiasm to do something that sounds like a good idea, we should give responsibility to people who may not be ready yet to assume these burdens.

The State comprehensive health planning agencies nationwide are just now beginning to work well. We know this. The legislation creating them came out of our committee in the recent past. They are now just getting into operation. But some States are much further along than others. I do not think we should base our decision for all the States on the performance of a few that might be doing a much better job than others, thereby creating unnecessary confusion in the programs of those States which have not as yet made as much progress as we otherwise would like to have seen them make. I think the time is coming when what the gentleman has proposed will probably have to come, but I do not think that time is now. The subject was considered very carefully by the subcommittee, as I understand, and was voted down by the majority because they felt that this is not time for this to take place.

As I said before, I reluctantly oppose the amendment.

Mr. CARTER. Mr. Chairman, I move to strike the requisite number of words.

It is true that we do have comprehensive health planning agencies in all our States but, of course, they are, so to speak, in their infancy. They actually have not had opportunities to make decisions regarding the present hospitalization plans. We do have Hill-Burton agencies in every State, and they have done a responsible job. Within the next year or two it is planned that the comprehensive health agencies take over, but at the present time it is felt that they simply do not have the expertise that is necessary.

Mr. Chairman, in view of this fact, I oppose the amendment and urge my colleagues to do likewise.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Is the gentleman familiar with the provision in the amendment that states only that the plan must be consistent with the comprehensive regional metropolitan area plan? It does not necessarily have to be slavishly in conformity with that plan. If the plan is not a comprehensive plan, it simply needs to be implemented. I believe that is all this amendment would provide.

Mr. STAGGERS. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. CARTER. I yield to the chairman of the committee.

Mr. STAGGERS. Who determines what is consistent? I think that is the key to the whole thing. You would have to have someone determine what is consistent. As my colleague from Kentucky has said, these agencies are already set up in the States, and they have been working well for a number of years. Here we are trying something new and then require that construction projects would have to be consistent with their plan, but who is going to determine what is consistent?

Mr. CARTER. Whenever the State comprehensive planning agencies say they are capable and can do planning, then we will accept that statement, but even at the present time their plans will be considered. They will be consulted, and in the near future, when they have reached the proper level of experience, they will be permitted to make the determination.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Texas.

Mr. ECKHARDT. I say that the State Hill-Burton agency would determine consistency.

Mr. CARTER. This will be left to the State Hill-Burton agency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FARBSTEIN

Mr. FARBSTEIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARBSTEIN: On page 14, line 5, insert "(A)" after "(3)"; and in line 8, insert before the semicolon the following: ", and (B) for grants for the construction of public or other nonprofit diagnostic or treatment centers (whether or not physically connected to a hospital) that will be located in, and will provide services for residents of, any area determined by the Secretary to be a metropolitan area with low per capita income, $15,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years".

Mr. FARBSTEIN. Mr. Chairman, the bill before us today provides $20 million each year for 3 years for construction of diagnostic and treatment centers. I offer my amendment with the intent of beginning to meet the medical need of the central cities. I ask $15 million to build public health care centers in depressed areas. Hospitals in central cities are today unable to meet the medical needs of the poor in the depressed areas. With this $15 million we will be able to build independent public health care centers, where children and parents can seek medical care when they are ill, and be treated in public health care centers not necessarily directly linked with hospitals. Today our central city poor have to go to a hospital dispensary and wait 1, 2, or 3 hours before they get any attention. Many never receive medical attention at all.

I appreciate the fact that there is not enough money in the Federal budget to provide all the hospitals that are needed, but, by means of my amendment, the Federal Government will be able to aid in the construction of independent health care centers that will have one, two, or three doctors, and be able to take care of the majority of people who need assistance. We will be able to obviate the long wait they have in the hospitals, and provide them with needed medical care.

I do not think this is snake oil. Presently we have 48 public health care centers throughout the United States funded through OEO. Thirty-six of them were built in central cities. Unfortunately we have not yet faced up to the need for these public health care centers in the inner-core areas where the people are unable to get treatment soon enough in the hospitals.

Under a similar program funded through section 314(e) of the Public Health Service Act, 14 more of them are being built. As a matter of fact, one of them is in my own district; and it is independent of a general hospital. But the

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HEW program lacks the authority to actually construct. The authority for HEW to construct $15 million worth of health centers is needed so when the OEO health center program—having proven its value, and as such no longer experimental in nature—is transferred to HEW, which the President has indicated he will do, the Public Health Service will have the authority and funding to construct independent public health care centers for the underprivileged.

When it becomes necessary for someone who is being treated in a public health care center to receive treatment from a hospital, the health centers have been able to negotiate with hospitals to obtain the best treatment required. The public health care centers have proven extremely necessary and valuable. I ask that this be permitted to be extended.

This amendment is part of an effort to close what is perhaps the most serious gap in our health facilities program—the lack of an adequate program to establish community diagnostic and treatment facilities to meet the critical health needs of our metropolitan areas with low per capita income. My amendment will add to the $20 million authorized for grants for the construction of diagnostic or treatment centers associated with hospitals, an additional $15 million specifically reserved for the creation of new public or other nonprofit diagnostic or treatment centers which will serve metropolitan areas with low per capita income, and are not necessarily associated with either new or existing hospitals.

At the present time, we are doing almost nothing to bring decent health care to much of what is the most distressed segment of our society. The most substantial effort to provide health care in the inner city is the neighborhood health centers program of the Office of Economic Opportunity, but even this effort is extremely limited in purpose and scope. This program operates some 48 health centers throughout the country, but of that number 12 are in rural areas and only 36 are in urban settings. When these projects are all fully operational, they will serve about 1 million persons. This is an extremely small number when one thinks of the total need.

The program cannot expand much beyond what exists today so there is not much hope that it can reach many more persons. No new funds for new projects have been provided for this year and are not likely to be provided. Further expansion is to be considered on a case-by-case basis and the Bureau of the Budget has recommended that no new projects be funded.

Furthermore, the OEO program under which most of the present centers have been built is intended to serve as an innovative and experimental program, searching for new and better ways to provide care in this type of setting. These health centers were never really intended to meet the obvious national need for a regular system of day-to-day health care in the inner city. This need is to be met apparently by a section of the Public Health Service Act designated 314(e), "Project Grants for Health Services Development."

This section already is financing some 14 neighborhood health-center-type facilities, including one in my own district in New York City. The present administration has announced that it will be transferring the operation of OEO's centers to the Department of Health, Education, and Welfare, and they will almost certainly be put under this section. There are several limitations and problems with this section. For one, it does not have nearly enough money to do an adequate job. My office has learned that, in addition to the 14 projects already being funded, HEW has at least 30 other worthy proposals that should and could be supported if they had enough money.

Another problem with the use of section 314(e) for these centers is that there is no direct authority under this section for the construction of facilities, only authority to rent and renovate existing facilities, and this is clearly not enough. The OEO has had authority to construct new facilities, utilizing a somewhat devious route through the Federal Housing Administration. Inasmuch as many of the local neighborhood health center staffs are organized as group practices, it has been possible to obtain FHA group practices guaranteed loans for the construction of new facilities.

The enactment of my amendment will eliminate many of these problems. It will put the program under the Public Health Service where the present administration wants it to be; it will authorize the construction of new facilities; and it will provide sufficient funds to at least begin the kind of effort the problem demands.

There are several other considerations concerning this type of approach to health care in the inner city that make my proposal attractive. For one, at the present time much health care in these areas is relegated to hospitals, because there is simply no place else to go for care. The cost of hospital care is very high. The development of outpatient facilities in the neighborhoods not associated with or connected to hospitals can reduce the costs of care quite significantly.

Another factor to consider is that these neighborhood centers operating without any connection with a hospital will be operated and controlled by an organization of residents of the community. For those times and cases when patients do need to fall back on hospital care, this community corporation will have the flexibility and leverage to negotiate with any hospital they choose to obtain this care in, at reasonable costs.

I don't think there can be any question but that there is a real need to stimulate the construction of community diagnostic and treatment centers that will effectively serve the poor of our big cities. I feel that my amendment can be a worthwhile response to this need and I urge your strong support.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman I thank the gentleman for yielding.

I commend the gentleman from New York for the amendment which he has offered, and I associate myself with the gentleman's sentiments.

Mr. FARBSTEIN. Mr. Chairman, today there are 30 independent health care centers ready and waiting for funding from HEW. All that is needed is a little money. I am not asking for much money. I am not asking for $300 million or anything like that. All I want is $15 million for each of the next 3 years in order that the independent health care centers can be built. I do not think it is asking too much to ask the Members to give this aid for the depressed areas by passing this amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. OTTINGER, and by unanimous consent, Mr. FARBSTEIN was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. FARBSTEIN. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would like to commend the gentleman for a very fine amendment. Too often we develop expensive health facilities and do not get the services to the people who really need them. We find in our urban areas there are people who never have really had any kind of health care whatsoever, because the hospitals are too far from them. In Watts in Los Angeles, there are no health care facilities. We have had great disturbances there, and the people have to travel for the better part of an hour to get to the hospital.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. FARBSTEIN was allowed to proceed for 1 additional minute.)

Mr. FARBSTEIN. Mr. Chairman, appro to what the gentleman has just said, with regard to a public health care center that is not connected with a hospital, we will be able to treat the individuals who do not need hospital care. We have many depressed areas throughout the entire country that need care that can be handled immediately and more inexpensively in the health care centers.

In that way I believe we will save hundreds of millions of dollars and make unnecessary the building of additional hospitals throughout the country.

I hope that my amendment will be adopted.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do so reluctantly again, because I can understand the gentleman's intention. His intentions certainly are good, but this problem has been considered by the committee in every aspect.

The committee had before it measures proposing priorities for construction of these facilities, and carefully considered all the pros and cons. Some witnesses appeared before the subcommittee who were for it, and some appeared who were against it, so the subcommittee had all the different views before they acted. The subcommittee, after hearing all these views, voted to reject the amendment. I support the decision of the subcommittee, and therefore oppose the gentleman's amendment.

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There is earmarked in the bill $20 million for this specific program, and in the other loan program which has been provided, of the $900 million, any amount they want can be allocated to these projects, if the State so decides.

It is just a matter of degree. Some could say, "Let us cut off $10 million." Some could say, "Let us put on $15 million." Some could say, "Let us put it all into these centers."

We all recognize these centers do great work. The subcommittee, in its wisdom, tried to allocate the funds the best places they saw fit, after extensive hearings and deliberations, with discussions both ways, to determine what the overall program should be.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. FARBSTEIN. The $20 million the gentleman spoke of refers to centers attached to hospitals. What about those areas that do not have hospitals? Where are those poor unfortunates going to get treatment?

On the $900 million of which the gentleman spoke, this in no way will benefit these individuals, because today there are 36 that were built through the OEO and antipoverty funds and only 12 through Public Health Service funds. Those are solely for the purpose of renovation. This is a temporary program, a demonstration. When it is taken over by HEW they will be under the regulations of this law unable to build any independent health care centers unless they are attached to hospitals.

Mr. STAGGERS. Mr. Chairman, I do not believe the gentleman's amendment would change any of this.

I should like to say that the diagnostic centers now do not have to be attached to the hospital in any way. This is not in the present bill.

Mr. FARBSTEIN. It is in the law. Read the bill.

Mr. STAGGERS. No.

Mr. FARBSTEIN. Here it is.

Mr. STAGGERS. If the gentleman would read the bill, I believe he would find it is different.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FARBSTEIN).

The question was taken; and on a division (demanded by Mr. FARBSTEIN) there were—ayes 8, noes 68.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RYAN

Mr. RYAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN: On page 25, after line 21, add the following new section:

"SEC. 16. Section 605(a) of the Public Health Service Act is amended by striking out "and" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "and", and by adding at the end thereof the following new paragraph"

"(7) adequate and enforceable assurances that the public or nonprofit private agency or agencies filling the application will pay to persons displaced from their places of residence or business by or as a result of the construction of the project, amounts covering the moving expenses and direct losses of property incurred by such persons as a result of such displacement within the same monetary limit and subject to the same conditions as those applicable to the relocation payments provided for under section 114 of the Housing Act of 1949."

Mr. RYAN. Mr. Chairman, I believe it is incumbent upon the Federal Government to require that relocation payments and assistance be provided to persons and businesses displaced as a result of construction or modernization financed under this act.

I have been a firm and consistent supporter of Federal assistance for the expansion of the Nation's health care facilities. But particularly in urban areas, where vacant land is not readily available, the construction and expansion of any facility, including hospitals, often conflicts with other interests. My amendment would soften the side effects which often accompany expansion of federally financed facilities in the surrounding community.

Institutional expansion in a city often causes grave personal hardship and expense to individual residents of the community, who are displaced from their homes. These hardships are compounded when there is no relocation assistance. Thus, the construction of a health care facility, however desirable from the standpoint of increasing health care services, must be balanced against the displacement and inconvenience caused to residents of the affected community.

Where Federal funds enable an institution to expand into the community, and thereby result in the displacement of persons from their homes, I believe the Federal Government has a responsibility to require that relocation assistance be provided.

Similarly, proprietors of small businesses are frequently displaced on short notice. Unlike larger businesses and corporations, they do not possess sufficient political influence to have an impact on the location of a new institution or on the expansion of an existing one. If they are forced to move to another neighborhood, they may lose the neighborhood customers who are the mainstay of their business. They face moving expenses, higher rental fees and, in some cases, the prospect of being driven out of business altogether. Again, where Federal funds allow institutions to expand into the community, relocation assistance guarantees to small businesses should be required by the Federal Government.

Under this amendment the benefits which are now provided in section 114 of the Housing Act of 1949 relative to relocation payments in connection with construction financed under the urban renewal program would also be available to construction and modernization financed under this legislation. These benefits include moving expenses and relocation payments. Section 114 provides that a family displaced shall receive assistance in finding housing, and a relocation adjustment up to $500 where the family is unable to find suitable housing within 20 percent of its income. This payment works in the same way as the rent supplement program except that it cannot total more than $500 nor can it be extended over 1 year. It is similarly available to individuals who are single and over 62 years of age.

In the case of small businesses or nonprofit organizations, a small business displacement benefit of $2,500, and in addition moving and property loss compensation up to $3,000 would be payable.

In the Housing and Urban Development Act of 1965 relocation benefits were extended to displacement as the result of low-rent public housing, mass transportation, public facility loans, open space, and urban beautification, and neighborhood facilities, in addition to urban renewal. But persons displaced as a result of the expansion of institutions of higher education or health care do not receive relocation assistance guarantees.

In order to insure equitable treatment for persons displaced by construction under the provisions of the pending bill, I urge the adoption of my amendment to require the applicant to furnish adequate and enforceable assurances of relocation payments.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. RYAN. I shall be glad to yield to the gentleman from New York.

Mr. OTTINGER. I thank the gentleman for yielding.

Mr. Chairman, I support the gentleman's amendment. I think the problem that he points up is tremendous in every city across this country. His amendment, if adopted, would rectify that situation.

Mr. RYAN. I thank the gentleman for his support, and I hope the members of the Committee of the Whole will support this amendment which will not result in any additional cost, but will place a requirement upon any applicant, either a public or a nonprofit private agency, to submit with its application to the Surgeon General of the United States assurances that adequate relocation payments will be made. That is the essential point of the amendment, Mr. Chairman.

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment and again I do so reluctantly. I realize the intent of the gentleman from New York to take care of his constituents and others across the country. There is no right of eminent domain contained in this bill. Of course that right could be exercised by the States. But this would also affect the private hospitals and private industry that are trying to bring about construction of these facilities. Therefore, such money would either have to come from the people who are trying to construct the hospital or facility or force the money to come out of Federal Government funds which we allocate for building hospitals and beds.

It is my opinion that the communities, the States and the cities, ought to be able to take care of this problem and I am sure they will. They have provision for it. Further, I do not feel that this is the proper place for it.

The CHAIRMAN. The question is on

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the amendment offered by the gentleman from New York (Mr. Ryan).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. St Germain, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, pursuant to House Resolution 428, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. EDWARDS of Alabama. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. EDWARDS of Alabama. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Edwards of Alabama moves to recommit the bill H.R. 11102 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. NELSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 351, nays 0, answered "present" 1, not voting 80, as follows:

[Roll No. 76]

YEAS—351

Abbitt
Abernethy
Adair
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Biaggi
Biester
Bingham
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Byrnes, Wis.
Cabell
Caffery
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Clay
Cleveland
Cohelan
Collier
Collins
Colmer
Conable
Conte
Corbett
Corman
Coughlin
Cramer
Cunningham
Daddario
Daniels, N.J.
Davis, Wis.
Dawson
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Farbstein
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, William D.
Fountain
Fraser
Frelinghuysen
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Leggett
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McMillan
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morton
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Passman
Patten
Pelly
Perkins
Pettis
Pike
Pirnie
Poage
Poff
Pollock
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
St Germain
St. Onge
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—0

ANSWERED "PRESENT"—1

Edwards, Ala.

NOT VOTING—80

Adams
Anderson, Ill.
Andrews, N. Dak.
Ayres
Barrett
Bates
Bevill
Blatnik
Bray
Brock
Broomfield
Brown, Calif.
Brown, Ohio
Burke, Fla.
Cahill
Camp
Carey
Chappell
Clausen, Don H.
Conyers
Cowger
Culver
Daniel, Va.
Davis, Ga.
Dent
Dickinson
Evins, Tenn.
Fallon
Fascell
Flynt
Ford, Gerald R.
Foreman
Frey
Friedel
Gallagher
Gubser
Hall
Harvey
Hays
Hébert
Helstoski
Horton
Johnson, Calif.
Kirwan
Kluczynski
Kyros
Langen
Lennon
McKneally
Macdonald, Mass.
Miller, Calif.
Mills
Morgan
Morse
Moss
Murphy, Ill.
O'Konski
Patman
Pepper
Philbin
Pickle
Podell
Powell
Price, Tex.
Railsback
Randall
Rivers
Ronan
Sandman
Scheuer
Slack
Springer
Stafford
Stephens
Stuckey
Thompson, Ga.
Udall
Wilson, Charles H.
Winn
Young

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Gerald R. Ford for, with Mr. Edwards of Alabama against.

Until further notice:

Mr. Hébert with Mr. Anderson of Illinois.
Mr. Kirwan with Mr. Ayres.
Mr. Carey with Mr. Bates.
Mr. Kyros with Mr. Railsback.
Mr. Barrett with Mr. Morse.
Mr. Miller of California with Mr. Andrews of North Dakota.
Mr. Rivers with Mr. Hall.
Mr. Charles H. Wilson with Mr. Chappell.
Mr. Evins of Tennessee with Mr. Harvey.
Mr. Randall with Mr. O'Konski.
Mr. Fallon with Mr. Broomfield.
Mr. Brown of California with Mr. Patman.
Mr. Dent with Mr. Sandman.
Mr. Davis of Georgia with Mr. Price of Texas.
Mr. Adams with Mr. Springer.
Mr. Morgan with Mr. Cahill.
Mr. Mills with Mr. Helstoski.
Mr. Lennon with Mr. Burke of Florida.
Mr. Bevill with Mr. Stephens.
Mr. Fascell with Mr. Brown of Ohio.
Mr. Gallagher with Mr. McKneally.
Mr. Hays with Mr. Horton.
Mr. Murphy of Illinois with Mr. Stafford.
Mr. Moss with Mr. Gubser.
Mr. Kluczynski with Mr. Podell.
Mr. Philbin with Mr. Bray.
Mr. Ronan with Mr. Langen.
Mr. Slack with Mr. Camp.
Mr. Young with Mr. Foreman.
Mr. Macdonald of Massachusetts with Mr. Blatnik.
Mr. Johnson of California with Mr. Don H. Clausen.
Mr. Culver with Mr. Brock.
Mr. Flynt with Mr. Cowger.
Mr. Pepper with Mr. Thompson of Georgia.
Mr. Pickle with Mr. Dickinson.
Mr. Udall with Mr. Winn.
Mr. Stuckey with Mr. Scheuer.
Mr. Conyers with Mr. Friedel.
Mr. Daniel of Virginia with Mr. Powell.

Mr. EDWARDS of Alabama. Mr. Speaker, I have a live pair with the gentleman from Michigan, Mr. Gerald R. Ford. If he had been present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JARMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONGRESSMAN ANNUNZIO CALLS ATTENTION TO CHICAGO DAILY NEWS EDITORIAL COMMENDING REPUBLIC OF ITALY ON 23 YEARS OF OUTSTANDING PROGRESS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, on Monday, June 2, 1969, the Italian Republic celebrated the 23d anniversary of the establishment of their democratic form of government, and I included in my remarks in the Congressional Record on that date an editorial from the Chicago Sun-Times commemorating this important occasion.

Today, I am delighted to insert in the Record an editorial which appeared on June 2 in another of Chicago's leading newspapers, the Chicago Daily News. The Daily News editorial commends the outstanding progress that the Republic of Italy has made during the brief span of 23 years of existence. This achievement becomes even more impressive when one takes cognizance of the fact that Italy suffered more heavily than any other Western nation except Germany in the devastation and destruction of World War II.

The Chicago Daily News editorial follows:

Italy: 23 Years a Republic

By a comfortable, though not overwhelming, margin of 12,717,923 votes to 10,719,284, the people of Italy exactly 23 years ago elected to become a republic instead of a monarchy. From the vantage point of this 23d anniversary, the choice was clearly a good one.

Modern Italy—good neighbor and strong ally—has come a very long way since the dark days of World War II—and since the dark years just after the war, when the Communists tried powerfully but vainly to draw the nation behind the Iron Curtain.

Chicago and Italy serve one another in many ways. Our city's cultural debt to the Italian people is great and growing. Modern Italy leans heavily upon Chicago for manufactured goods of many kinds.

But a more personal link is Chicago's people of Italian descent—a proud and sensitive and productive people whose inherited gifts add richness and flavor to this capital of the American heartland.

In their behalf, and in behalf of all Chicagoans, *I migliori auguri alla Repubblica Italiana.*

COAL MINE HEALTH AND SAFETY

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, there is a great stirring in the coalfields among the rank and file of coal miners who are determined in 1969 that effective coal mine health and safety legislation be passed by Congress and followed up with effective enforcement. In addition, there is a determination on the part of thousands of coal miners that their union must and will obtain the type of aggressive leadership which has been so sorely missing in recent years. As soon as the United Mine Workers of America can obtain aggressive leadership which will fight for the full protection of the health and safety of its members, then and only then will legislation enacted by Congress be administered effectively.

Elijah Wolford, a Morgantown coal miner who has announced for the presidency of the United Mine Workers of America, recently sent a letter to President Nixon in which he outlined 12 specific recommendations in pending coal mine health and safety legislation. Mr. Wolford also testified before the House and Senate committees considering this legislation. Under unanimous consent, I include the text of a recent news article describing Mr. Wolford's key points.

Another very encouraging development occurred last week in the surprise announcement of the candidacy of Joseph A. Yablonski for the presidency of the United Mine Workers of America. Mr. Yablonski has already gotten off to a very fast start in capturing the imagination of the rank and file of the coal miners who are sincerely interested in once again making the United Mine Workers of America a union genuinely concerned for the health, safety, and welfare of the members. Under unanimous consent, I include an excellent article in the Wall Street Journal of June 2 describing Mr. Yablonski's campaign and platform. I am sure that this candidacy will spur additional support for stronger health and safety legislation in Congress, and at last provide the kind of protection which coal miners throughout the Nation deserve and has too long lacked.

The material referred to follows:

Mine Safety Plan Is Sent White House

Morgantown, W. Va.—One of three rank-and-file members of the United Mine Workers of America seeking the presidency of the union has sent a letter to President Nixon urging 12 specific recommendations in pending coal mine health and safety legislation.

Elijah Wolford, a Morgantown coal miner, Saturday urged the President to give rule-making authority to the director of the U.S. Bureau of Mines, and suggested that all mine safety training be carried on at the expense of coal operators.

Wolford also recommended the President urge inclusion of the 3.0 milligram level of dust recommended by the U.S. Public Health Service rather than the 4.5 milligrams in the present bill.

Elimination of the Federal Coal Mine Safety Board of Review was urged by Wolford.

The veteran miner called for setting minimum fines as well as maximum fines to be levied against any member of coal mine management which violates or causes violation of health and safety laws.

Wolford wrote the President he would be "glad to meet with you or any of your representatives at your convenience to discuss the miners' views, and the need for these 12 points being incorporated in your bill."

Wolford also recommended:

Installation of one intake airway independent of all other intake air headings.

Requirement of a specific amount of fresh air at the working face of the mine.

Isolation of conveyor belt and haulage headings from the intake air going to the working face of the mine, and return airways be kept clear of obstruction.

Each miner be supplied a gas mask with transparent face cover.

Clearance on the so-called clearance side of haulage ways should be increased from 24 to 30 inches, and that 20 inches clearance be required on the wire side.

Trolley wires or insulated feeder lines should be six inches above the highest piece of equipment moving on the haulage ways.

Where the above not possible, the wire should be 12 inches to the side of the widest piece of equipment moving on the haulage way.

[From the Wall Street Journal, June 2, 1969]

Yablonski's Challenge to Boyle's Presidency of Mine Workers Could Spur Bitter Fight

Pittsburgh.—The Nation's coal producers are worried about the prospects of a bitter fight for control of the United Mine Workers union.

Such a fight looms as the results of last Thursday's announcement by Joseph A. Yablonski, a union leader for more than two decades, that he'll seek to challenge incumbent W. A. (Tony) Boyle in the December election.

One coal industry official declared that a Boyle-Yablonski contest would be "extremely unsettling for the industry, to put it mildly." He expressed fear that strikes might spread across the coal fields as supporters of each man attempt to demonstrate how much backing he has. Ultimately the whole industry could be closed down this way, he adds.

With his announcement, Mr. Yablonski, a UMW International executive board member since 1942, brought to the surface his long-standing resentment of Mr. Boyle and his seven-year rule of the mine workers.

Coal insiders say Mr. Yablonski, who is known as "Jock," is a long-time member of the union's powerful "Eastern establishment" that fumed when former UMW leader John L. Lewis designated Mr. Boyle as his ultimate successor. "Boyle was a staff man, and not one of them," says a coal company president. "Only Lewis' tremendous personal power got Boyle through the early part of his presidency."

At the same time, they say, Mr. Yablonski, a coal miner for 35 years, was an old-line trade unionist whose primary concern was the welfare of the union. Accordingly, although he was opposed to Mr. Boyle at first, he became—in public, at least—one of his ardent backers.

In 1966, Mr. Boyle—in an effort to tighten his control of the union—removed Mr. Yablonski from his power base as president of the UMW's big and potent District 5, headquartered in Pittsburgh. He had served as District 5 chief since 1958. Mr. Boyle replaced him with Michael Budzanoski, the current District 5 head.

It was at this point, Mr. Yablonski says, that he decided to challenge Mr. Boyle for the presidency of the 120,000-member union.

PUBLIC POSTURE MAINTAINED

Even so, Mr. Yablonski maintained his public posture in favor of Mr. Boyle. At last fall's UMW convention in Denver, after Mr. Boyle had refused a gift check proffered by the executive board, Mr. Yablonski took the microphone and told cheering delegates:

"Now, what are you going to do for this fellow? He won't accept an increase in salary; he won't accept a gift from his fellow officers. I guess about the only thing that we can do is to really try to the utmost of our ability to provide honest-to-God, loyal support for him and his administration that they deserve."

The attitude of the stocky, bespectacled Mr. Yablonski, who speaks in a gravelly voice and has bushy eyebrows in the style of Mr. Lewis, was completely opposite at his Washington press conference last week.

He charged then that an "insufferable gap" has opened between the union's leaders and its members. The 59-year-old board member charged the Boyle administration with being lax on coal-mine safety, too cozy with the industry, intolerant of dissent, and undemocratic.

"I participated in and tolerated the deteriorating performance of this leadership," he said, "But with increasingly troubled conscience. . . . I can no longer tolerate the low state to which our union has fallen."

A spokesman for Mr. Boyle, who has come under increasingly heavy attack from both within and outside the union in recent months, said there wouldn't be any official comment on the Yablonski statement.

TWO WELL-KNOWN SUPPORTERS

With Mr. Yablonski were two well-known supporters; Ralph Nader, consumer crusader who lately has trained his ire on the UMW, and Joseph L. Rauh, former general counsel of the United Auto Workers union and a leading figure among Liberal Democrats and in Americans for Democratic Action.

Mr. Nader said he'd have no official role in the campaign. "I am just interested in seeing there is a debate and contest on the issues involved." Mr. Rauh said he would act as Mr. Yablonski's chief counsel during the campaign.

Mr. Yablonski's lengthy platform, stressed greater union attention to miners' health and safety conditions, issues that led to strikes mainly in West Virginia earlier this year in defiance of Mr. Boyle. Mr. Yablonski said he would place more emphasis on safety in union negotiations with coal producers. Mr. Boyle, on the other hand, has long believed the best way to improve safety conditions is with Federal legislation.

Several campaign promises by Mr. Yablonski would affect the union's relationship with the industry if he were elected. Declaring that "a union must retain an arms-length relationship with management," he promised "an end to demeaning and unproductive ties to the coal industry, including the severance of union membership in the National Coal Policy Conference," an industry-promotion group.

He also promised to demand "a substantial increase" in the 40-cent-a-ton royalty unionized mines pay to finance the UMW pension and welfare fund. And he advocated liberalizing the fund's eligibility rules and benefits, both of which have come under heavy criticism from miners and others.

MANDATORY RETIREMENT

Additionally, he said he would advocate mandatory retirement at age 65 for officers, overhaul the union's paper to permit presentation of dissenting views, establish a complaint office in Washington, and call a special convention to pave the way for secret-ballot elections of officers in districts that currently are under control of trustees appointed by union hierarchy.

To get on the ballot against Mr. Boyle, the challenger must be nominated by 50 of the UMW's roughly 1,300 locals. Nominations will be made in July and August; the election will be held Dec. 9. At least two other dissident candidates for president have declared their intention to run, and Mr. Yablonski said he didn't know if a coalition reform ticket could be arranged.

BAR FALSE AIRLINE ADVERTISING OF UNREALISTIC SCHEDULES

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, there is an intolerable situation of air traffic delays at major airports in the United States. And the newly instituted Federal Aviation Administration rules governing flight operations at certain high-density airports cannot possibly succeed as long as the airlines are permitted to establish and advertise unrealistic schedules.

The airlines are severely overscheduled and advertise departure times that are physically impossible to keep, even under the best of circumstances. Because promised departure times cannot be adhered to I believe the airlines are engaged in deceptive advertising and that such deception must be ended.

I might note that I reject as more doubletalk the airlines' contention that departure time means when you leave the gate. A reasonable period of up to 15 minutes from the time an aircraft leaves the gate until it is airborne is expected. But anyone who travels a good deal knows that delays of an hour or more due to "air traffic" are common.

I have written to the Federal Trade Commission asking that the airlines be enjoined from false and misleading advertising that promises arrival and departure times which simply cannot be met. Under leave to extend my remarks I wish to include that letter in the RECORD at this point:

JUNE 3, 1969.

HON. PAUL RAND DIXON,
Chairman, Federal Trade Commission, Washington, D.C.

DEAR MR. CHAIRMAN: Now that the Federal Aviation Administration regulations governing the number of flights permitted at high-density airports have gone into effect it is especially urgent that immediate action be taken to correct an inexcusable fraud being perpetrated on airline travellers.

I have reference to advertisements and printed schedules that promise departure times which are physically impossible to maintain.

Moreover the obvious inability to adhere to departure schedules means that arrival schedules will also be broken thus disrupting plans at airports to which the delayed flights are headed. And, of course, all of these built-in delays cause severe hardship on travellers who are misled by false promises.

Although I do not wish to personalize this matter my experience in flying to Washington yesterday morning on the 9:30 American Airlines flight from LaGuardia is indicative of the problem. We spent a full hour on the ground after boarding the plane and were told air traffic delays were the cause. These are institutionalized delays caused by the impossibility of adhering to promised schedules. A similar situation obtained last evening when I was to return to New York. Although the weather was clear I was told there would be departure delays of up to one hour because of "air traffic." It is clear that the FAA regulations can not solve this problem of deception and action is urgently needed to require honest, realistic scheduling by the airlines.

While emphasizing experiences at LaGuardia are merely symptomatic of a wider problem, I wish to suggest that by advertising departure and arrival times which cannot be kept even under the best circumstances that the airlines are engaging in misleading and deceptive advertising. I request that such false advertising be ended and that the airlines be required to reschedule their flights or their advertising in accordance with the realities at the various airports.

It is fair to expect that new schedules will be drawn in accord with the new FAA regulations. Once established the new schedules should be properly advertised so as to end the abuse of commercial air travellers who are drawn to airports with impossible promises, made to wait for extensive periods for take-off and all too often arrive at their destination too late.

Your prompt attention to this matter is appreciated and I look forward to hearing from you in the near future.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES, THE AIR FORCE ACADEMY

(Mr. HALL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. HALL. Mr. Speaker, our President and Commander in Chief of the armed services, is just completing a commencement address at the U.S. Air Force Academy near Colorado Springs on issues of basic importance to our national security. I am asking that it be published for all concerned to read, study, and use as an example for discussing the problems on which the individual liberty of all, and the freedom of the nations of the world depend. Obviously, the President feels very deeply about these things and they are relevant to matters of great public interest today. Oftentimes the public interest is not backed with complete and distilled information—military intelligence—on which the Commander in Chief must act. This excellent address will help clarify the issues to all Members and the public.

It is high time that we did away with the paradoxes of power and might, backed up by right on one hand; and fear, expediency, and concession on the other. The President clearly sets forth America's role today as that of keeping the peace with dignity and honor. While recognizing the strength of the invaders, would-be rulers, and oppressors, he encourages strength, and "will to do," without desire or control on our part. He gives examples and derides the scofflaws and skeptics, while urging the renaissance and regeneration of stamina toward American idealism. While avoiding "strawman" issues, he urges that we cleave through to the bony structure of support for one world at peace while maintaining national dignity and sovereignty. He puts into proper context, the current discussion of the military-industrial complex and completes the statement of past President Eisenhower, which so many careless ideologists have failed to do.

Finally, Mr. Speaker, the President and Commander in Chief offers a new credo not only for the men of the armed services, but for our Nation as a whole and the peoples of the world. Added to

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this, humility and unremitting faith in God, there is no question but that it is the "gauntlet thrown down" and challenge, which none can fail to pick up and run unrelentingly toward repurpose and the American ideal, putting into factual effect the evangelism requisite of the United States of America toward moral stamina and individual freedom and dignity around the world.

I commend its adoption for all, and include it in the RECORD at this point:

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio alley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world derided as a form of militarism. It is important that you recognize the strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this age of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gains moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

ROGERS PRAISES PRESIDENT'S SPEECH ON CAMPUS RIOTERS

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, over the past several years there has been a growing concern over the violent activities of a minority of our Nation's students in universities and colleges.

Members of Congress, including myself, have spoken of the need to bring these disorders under control and to again allow our places of learning to return to the task of educating the majority of students who do want to learn.

Because of my concern, I was heartened to hear the President's remarks at the graduation exercises at General Beadle State College.

I think that the fact is significant that the President made mention not only of the violent few who have disregarded the rights of others, but also of the permissive faculty which has abandoned their responsibilities.

For these people who call themselves educators are equally guilty for encouraging this lack of understanding of a democracy and our democratic process.

I hope that the President's comments that our society has up till now restrained its resources for physically quelling these disorders can be construed as a firm warning that our society will not long continue to exercise this restraint if these disorders continue.

I have long believed that those who proclaim themselves as leaders of revolution are indeed heady with their own power. In reality, they can move and speak only because of the basic tenets of our democracy which allows them this privilege, a privilege which they have to date abused, while wrapping themselves in the cloak of self-righteousness.

I think one quote in the President's speech was most cogent.

> In a free society, the rights of none are secure unless the rights of all are respected.

Campus rioters have not respected the rights of others. We have witnessed the few infringing the rights of the many.

As the President pointed out, our democratic process has the wherewithal to forcefully see to it that those rights are not infringed. And I hope that the President's remarks can be taken as an indication that in the very near future this intolerable situation will be brought to an end.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Florida. I am glad to yield to the gentleman from Florida.

Mr. HALEY. I should like to associate myself with the remarks of my distinguished colleague from Florida and thank him for bringing this to the attention of Congress.

Mr. ROGERS of Florida. I thank the gentleman.

FOREIGN AFFAIRS: DOUBLE-EDGED LIES

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, on May 14, President Nixon very eloquently and forthrightly described to the American people, and to the world, our objectives in Vietnam and our efforts to achieve an honorable and lasting peace in that area. The President's speech was well received because it was honest and laid the cards on the table. We can only wish the other side were as forthright. Unfortunately, all too many Americans fail to recognize that the Communists, who are experts at propaganda, have used and are using not only distortions of facts, but double-edged lies as a revolutionary warfare tactic to achieve their conquest of South Vietnam.

A column by C. L. Sulzberger, which appeared on the editorial page of the May 30 issue of the New York Times, describes how Hanoi has used propaganda and the direct lie to influence public opinion. Mr. Sulzberger says:

> Revolutionary warfare is most ingeniously practiced by Hanoi and its greatest success has been in the United States itself, major political battlefield of the Vietnam conflict.

Mr. Sulzberger's column follows:

FOREIGN AFFAIRS: DOUBLE-EDGED LIES

(By C. L. Sulzberger)

CHICAGO.—The political aspect of Revolutionary Warfare is at least as important as its military aspect and the two are hitched in tandem. In this strategy, propaganda is of maximum importance and it often uses lies to accomplish its ends.

During March, 1969, one example of this came when Hanoi decided to blame Washington for the Communist offensive in South Vietnam although that offensive had actually been decided by Resolution Eight of COSVN (the Central Office, South Vietnam) last October. Troops assigned to it began marching down the Ho Chi Minh Trail through Laos from North Vietnam late in 1968 and fresh supplies were moved out from Cambodia and secreted in advance caches.

COMMUNIST PRETENSE

The offensive began February 22 but stimulated hostile public reaction abroad, damaging the Communist position at Paris peace talks. Hanoi then took a major decision along lines described in the March 20, 1969, issue of "Foreign Report," newsletter of the London "Economist."

This said: "They opted for the direct lie; for the line that the present Communist attacks were essentially a countermeasure against an American 'offensive'. . . . Directives were issued to Hanoi's agents in all the leading western centers—in Paris, London and Stockholm—to push this line relentlessly. . . . The most extraordinary thing is that so many intelligent people have swallowed the story."

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This is, indeed, extraordinary since the offensive was planned before President Johnson completely halted U.S. bombing of North Vietnam. Painstaking military preparations took place throughout late 1968—with no reference whatsoever to U.S. operations. Nevertheless, Hanoi subsequently pretended it only assumed the initiative in response to American offensive action—which is patently impossible because of the length of time required to plan and mount its own offensive.

Revolutionary Warfare also lies to friends. An example occurred with a Soviet agent who spoke Vietnamese, sent to inspect the guerrillas in 1965 and help Moscow decide how far it should commit itself.

DUPING MOSCOW

An important Communist officer, Lieut. Col. Le Xuan Chuyen, participated in this particular hoax and later defected. The following is taken from his taped account: "The Russian was interested in finding the extent of the development of the Front (N.L.F.). He wanted to find out about the level of military activities. . . .

"The Front wanted to convince the Soviet Union not to bow to the United States. . . . They wanted to have the full support of the Soviets and all the aid that could be sent. . . . At that time the Soviet Union was undecided."

The Russian came in from Cambodia to see "the Military Region Headquarters Commander and Staff." It was difficult to arrange a real meeting so "a Special Scene" was prepared. The Front designed a setting which "looked like a real command headquarters to be used by a talented general in command of a guerrilla army hundreds of thousands strong. . . .

"The lady [titular] Gen. Nguyen Thi Dinh [not to be confused with the N.L.F. diplomat, Mme. Binh] was installed in a place quite close to the border, with the full trimmings, equipment, facilities and manpower, all the appearance of a real headquarters. . . . She was also supposed to be a common woman who had emerged from the masses. . . .

"The atmosphere was tense and seemed to reflect the active situation on the battlefield. The Russian looked very impressed with what he saw and when the men from COSVN, who really direct the Front, were sure that the time was ripe to exploit the situation they brought the Russian inside to interview Mrs. Dinh. . . ."

A telephone was run from Mrs. Dinh's "headquarters" to a nearby bunker where an experienced Vietcong general, Nguyen Chi Thanh, sat eavesdropping. "Whenever she had to face a really difficult question from the Russian . . . she excused herself to take a phone call. It was of course from Nguyen Chi Thanh who told Mrs. Dinh the answers. . . . Mrs. Dinh looks quite impressive but frankly she really lacks experience.

A GOOD LAUGH

"They had a good kick out of laughing at the Russian. They even killed a couple of chickens to celebrate. . . . The Kremlin had been fooled and for that reason they were most elated."

Similar techniques have often been applied on the American people. Revolutionary Warfare is most ingeniously practiced by Hanoi and its greatest success has been in the United States itself, major political battlefield of the Vietnam conflict.

TEXT OF THE PRESIDENT'S ADDRESS ON THE CHALLENGE OF REVOLUTIONARIES ON CAMPUS

(Mr. STEIGER of Wisconsin asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, on June 3, President Richard Nixon addressed the General Beadle State College in Madison, S. Dak. The President in his statement expressed the view of many of us that violence, whether on a college campus or elsewhere, cannot be condoned. He said in his speech:

TEXT OF PRESIDENT'S ADDRESS ON THE CHALLENGE OF REVOLUTIONARIES ON CAMPUS, GENERAL BEADLE STATE COLLEGE, MADISON, S. DAK.

Freedom: A condition and a process.

As we dedicate this beautiful new library, I think this is the time and the place to speak of some basic things in American life. It is the time, because we find our fundamental values under bitter and even violent attack; it is the place, because so much that is basic is represented here.

Opportunity for all is represented here.

This is a small college: not rich and famous, like Harvard or Yale; not a vast state university like Berkeley or Michigan. But for almost 90 years it has served the people of South Dakota, opening doors of opportunity for thousands of deserving young men and women.

Like hundreds of other fine small colleges across the nation, General Beadle State College—has offered a chance to people who might not otherwise have had a chance.

The pioneer spirit is represented here, and the progress that has shaped our heritage.

In South Dakota we still can sense the daring that converted a raw frontier into part of the vast heartland of America.

The vitality of thought is represented here.

A college library is a place of living ideas—a place where timeless truths are collected, to become the raw materials of discovery. In addition, the Karl E. Mundt Library will house the papers of a wise and dedicated man who for 30 years has been at the center of public events. Thus, more than most, this is a library of both thought and action, combing the wisdom of past ages with a uniquely personal record of the present time.

VALUES UNDER CHALLENGE

As we dedicate this place of ideas, therefore, let us reflect on some of the values we have inherited, which are now under challenge.

We live in a deeply troubled and profoundly unsettled time. Drugs, crime, campus revolts, racial discord, draft resistance—on every hand we find old standards violated, old values discarded, old precepts ignored. A vocal minority of the young are opting out of the process by which a civilization maintains its continuity: the passing on of values from one generation to the next. Old and young across a chasm of misunderstanding—and the more loudly they shout, the wider the chasm grows.

As a result, our institutions are undergoing what may be their severest challenge yet. I speak not of the physical challenge: the forces and threats of force that have wracked our cities, and now our colleges. Force can be contained.

We have the power to strike back if need be, and to prevail. The nation has survived other attempts at this. It has not been a lack of civil power, but the reluctance of a free people to employ it, that so often has stayed the hand of authorities faced with confrontation.

The challenge I speak of is deeper: the challenge to our values, and to the moral base of the authority that sustains those values.

At the outset, let me draw one clear distinction.

CONCERNED WITH CONDUCT

A great deal of today's debate about "values," or about "morality," centers on what essentially are private values and personal codes: patterns of dress and appearance, sexual mores; religious practices; the uses to which a person intends to put his own life.

These are immensely important, but they are not the values I mean to discuss here.

My concern today is not with the length of a person's hair, but with his conduct in relation to his community; not with what he wears, but with his impact on the process by which a free society governs itself.

I speak not of private morality but of public morality—and of "morality" in its broadest sense, as a set of standards by which the community chooses to judge itself.

Some critics call ours an "immoral" society because they disagree with its policies, or they refuse to obey its laws because they claim that those laws have no moral basis. Yet the structure of our laws has rested from the beginning on a foundation of moral purpose.

That moral purpose embodies what is, above all, a deeply humane set of values—rooted in a profound respect for the individual, for the integrity of his person and the dignity of his humanity.

At first glance, there is something homely and unexciting about basic values we have long believed in. We feel apologetic about espousing them; even the profoundest truths become cliches with repetition. But they can be live sleeping giants: slow to rouse, but magnificent in their strength.

Let us look at some of those values—so familiar now, and yet once so revolutionary:

Liberty: recognizing that liberties can only exist in balance, with the liberty of each stopping at that point at which it would infringe the liberty of another.

Freedom of conscience: meaning that each person has the freedom of his own conscience, and therefore none has the right to dictate the conscience of his neighbor.

Justice: recognizing that true justice is impartial, and that no man can be judge in his own cause.

Human dignity: a dignity that inspires pride, is rooted in self-reliance and provides the satisfaction of being a useful and respected member of the community.

Concern for the disadvantaged and dispossessed: but a concern that neither panders nor patronizes.

The right to participate in public decisions: which carries with it the duty to abide by those decisions when reached, recognizing that no one can have his own way all the time.

Human fulfillment: in the sense not of unlimited license, but of maximum opportunity.

The right to grow, to reach upward, to be all that we can become, in a system that rewards enterprise, encourages innovation and honors excellence.

In essence, these all are aspects of freedom. They inhere in the concept of freedom; they aim at extending freedom; they celebrate the uses of freedom. They are not new. But they are as timeless and as timely as the human spirit because they are rooted in the human spirit.

Our basic values concern not only what we seek but how we seek it.

Freedom is a condition; it also is a process. And the process is essential to the freedom itself.

We have a Constitution that sets certain limits on what government can do but that allows wide discretion within those limits. We have a system of divided powers, of checks and balances, of periodic elections, all of which are designed to insure that the majority has a chance to work its will—but not to override the rights of the minority or to infringe the rights of the individual.

What this adds up to is a democratic process, carefully constructed and stringently guarded. It is not perfect. No system could be. But it has served the nation well—and nearly two centuries of growth and

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change testify to its strength and adaptability.

They testify, also, to the fact that avenues of peaceful change do exist. Those who can make a persuasive case for changes they want can achieve them through this orderly process.

To challenge a particular policy is one thing; to challenge the government's right to set it is another—for this denies the process of freedom.

FOREMOST VALUE DENIED

Lately, however, a great many people have become impatient with the democratic process. Some of the more extreme even argue, with curious logic, that there is no majority, because the majority has no right to hold opinions that they disagree with.

Scorning persuasion, they prefer coercion. Awarding themselves what they call a higher morality, they try to bully authorities into yielding to their "demands."

On college campuses, they draw support from faculty members who should know better; in the larger community, they find the usual apologists ready to excuse any tactic in the name of "progress."

It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The student who invades an administration building, roughs up the dean, rifles the files and issues "non-negotiable demands" may have some of his demands met by a permissive university administration. But the greater his "victory" the more he will have undermined the security of his own rights.

In a free society, the rights of none are secure unless the rights of all are respected. It is precisely the structure of law and custom that he has chosen to violate—the process of freedom—by which the rights of all are protected.

We have long considered our colleges and universities citadels of freedom, where the rule of reason prevails. Now both the process of freedom and the rule of reason are under attack. At the same time, our colleges are under pressure to collapse their educational standards in the misguided belief that this would promote "opportunity."

Instead of seeking to raise lagging students up to meet the college standards, the cry now is to lower the standards to meet the students. This is the old, familiar, self-indulgent cry for the easy way. It debases the integrity of the educational process.

There is no easy way to excellence, no short-cut to the truth, no magic wand that can produce a trained and disciplined mind without the hard discipline of learning. To yield to these demands would weaken the institution; more importantly, it would cheat the student of what he comes to a college for: his education.

No group, as a group, should be a more zealous defender of the integrity of academic standards and the rule of reason in academic life than the faculties of our great institutions. If they simply follow the loudest voices, parrot the latest slogan, yield to unreasonable demands, they will have won not the respect but the contempt of their students.

THE RIGHTS OF STUDENTS

Students have a right to guidance, to leadership, to direction; they have a right to expect their teachers to listen, and to be reasonable, but also to stand for something—and most especially, to stand for the rule of reason against the rule of force.

Our colleges have their weaknesses. Some have become too impersonal, or too ingrown, and curricula have lagged. But with all its faults, the fact remains that the American system of higher education is the best in this whole imperfect world—and it provides, in the United States today, a better education for more students of all economic levels than ever before, anywhere, in the history of the world.

This is no small achievement.

Often, the worst mischief is done by the name of the best cause. In our zeal for instant reform, we should be careful not to destroy our educational standards, and our educational system along with them; and not to undermine the process of freedom, on which all else rests.

The process of freedom will be less threatened in America, however, if we pay more heed to one of the great cries of the young today. I speak now of their demand for honesty: intellectual honesty, personal honesty, public honesty.

Much of what seems to be revolt is really little more than this: an attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth.

We should welcome this. We have seen too many patterns of deception:

In political life, impossible promises.

In advertising, extravagant claims.

In business, shady deals.

In personal life, we all have witnessed deceits that ranged from the "little white lie" to moral hypocrisy; from cheating on income taxes to bilking insurance companies.

In public life, we have seen reputations destroyed by smear, and gimmicks paraded as panaceas. We have heard shrill voices of hate, shouting lies, and sly voices of malice, twisting facts.

INTELLECTUAL GYMNASTICS

Even in intellectual life, we too often have seen logical gymnastics performed to justify a pet theory, and refusal to accept facts that fail to support it.

Absolute honesty would be ungenerous. Courtesy compels us to welcome the unwanted visitor; kindness leads us to compliment the homely girl on how pretty she looks. But in our public discussions, we sorely need a kind of honesty that has too often been lacking; the honesty of straight talk; a doing away with hyperbole; a careful concern with the gradations of truth, and a frank recognition of the limits of our knowledge about the problems we have to deal with.

We have long demanded financial integrity in public life; we now need the most rigorous kind of intellectual integrity in public debate.

Unless we can find a way to speak plainly, truly, unself-consciously, about the facts of public life, we may find that our grip on the forces of history is too loose to control our own destiny.

The honesty of straight talk leads us to the conclusion that some of our recent social experiments have worked, and some have failed, and that most have achieved something—but less than their advance billing promised.

This same honesty is concerned not with assigning blame, but with discovering what lessons can be drawn from that experience in order to design better programs next time. Perhaps the goals were unattainable; perhaps the means were inadequate; perhaps the program was based on an unrealistic assessment of human nature.

We can learn these lessons only to the extent that we can be candid with one another. We face enormously complex choices. In approaching these, confrontation is no substitute for consultation; passionate concern gets us nowhere without dispassionate analysis. More fundamentally, our structure of faith, and faith depends on faith, and faith depends on truth.

The values we cherish are sustained by a fabric of mutual self-restraint, woven of ordinary civil decency, respect for the rights of others, respect for the laws of the community, and respect for the democratic process of orderly change.

The purpose of these restraints is not to protect an "establishment," but to establish the protection of liberty; not to prevent change, but to insure that change reflects the public will and respects the rights of all.

This process is our most precious resource as a nation. But it depends on public acceptance, public understanding and public faith.

Whether our values are maintained depends ultimately not on the Government, but on the people.

A nation can be only as great as its people want it to be.

A nation can be only as free as its people insist that it be.

A nation's laws are only as strong as its people's will to see them enforced.

A nation's freedoms are only as secure as its people's determination to see them maintained.

A nation's values are only as lasting as the ability of each generation to pass them on to the next.

We often have a tendency to turn away from the familiar because it is familiar, and to seek the new because it is new.

To those intoxicated with the romance of violent revolution, the continuing revolution of democracy may seem unexciting. But no system has ever liberated the spirits of so many so fully. Nothing has ever "turned on" man's energies, his imagination, his unfettered creativity, the way the ideal of freedom has.

Some see America's vast wealth, and protest that this has made us "materialistic." But we should not be apologetic about our abundance. We should not fall into the easy trap of confusing the production of things with the worship of things. We produce abundantly; but our values turn not on what we have, but on what we believe.

We believe in liberty, and decency, and the process of freedom. On these beliefs we rest our pride as a nation; in these beliefs, we rest our hopes for the future; and by our fidelity to the process of freedom, we can assure to ourselves and our posterity the blessings of freedom.

I believe the President's statement is a significant one. As we attempt to deal with the problems of our society it is necessary to have a high degree of presidential leadership. I am confident that President Nixon will make this speech but the first of a number of talks on this subject. It must be recognized that orderly processes are required before one can accomplish change. This, it seems to me, is what the President has said and I commend him for his continuing concern for the problems of all Americans.

DETRICK SAFETY RECORD IMPRESSIVE

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEALL of Maryland. Mr. Speaker, recently much has been said in this House about the biological and chemical warfare programs carried on under the Department of Defense. On several occasions statements have been published which would seem to indicate that there is a great danger to the general public in the development, testing and transportation of lethal chemicals and biological agents.

One of the primary installations responsible for reseach in the area of biological warfare is an installation in my district, Fort Detrick, at Frederick, Md. Soon after the charges were made, the

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command at Fort Detrick undertook a study to determine the reliability of the safety methods used at the base. I have recently received a reply from the Department of the Army with the results of this investigation and include them in the CONGRESSIONAL RECORD for all to see. This statement from the Army incidentally was sent by them to the news media.

I think it is most interesting to note the safety record of the base in relation to other industries which are quite common in many communities. As you will see from the statistics, Fort Detrick has a record that should be praised rather than criticized. It is also quite pertinent to note that in the 26 years that Fort Detrick has been in operation there is no record of any nonemployee in the community ever having been infected by contact with a biological agent from the base. This is truly a remarkable achievement.

The material referred to follows:

MAY 2, 1969.

The Department of Army accident record is commendable. The record for all types of occupational injuries, which include industrial, mechanical, biological and chemical accidents in the Army, and at Fort Detrick in particular, is excellent.

During the 1964 to 1968 period the frequency of on-the-job injury at Fort Detrick was ten times less than that for all federal civilian employees. For the statistically minded, this comparison is made in terms of the frequency rates for disabling injuries, from any occupationally connected cause, per million man hours of work. These rates are: 0.66 for Fort Detrick, 1.40 for the communications industry, and other such rates as electrical utilities 5.17, all federal civilian employees 6.90, all industry 7.22, printing and publishing 12.61, and the mining of underground coal 35.27. The industry figures have been published by the National Safety Council in its 1968 edition of Accident Facts.

Prior to the beginning of 1960, when new vaccines and improved safety equipment came into general use at Fort Detrick, the number of infections in the laboratory each year was high in comparison to other major biological research institutions. The reason for this is that, in comparison to Fort Detrick, only a small percentage of the employees in these other institutions was engaged in hazardous work.

During the 17 years from 1943 through 1959 there were 370 accidental infections at Fort Detrick. In the last nine years, 1960 through 1968, there were 50 cases of which 19 were hospitalized. This reflects an increasing effectiveness of the safety precautions at Fort Detrick that also is documented by the fact that in the calendar years 1966 and 1967 there were no hospitalized cases. In 1968 to the present there have been *no* infections.

Every effort is being made to continue this excellent record. This unusually fine performance relies in part on reporting and investigating the cause of a large number of nominally trivial accidents. This is because, in any work area, the reporting of minor first aid cases warns the safety director of potential accident situations which, if uncorrected, might possibly lead to serious injuries.

At Fort Detrick the encouragement to report even the most minor accidents and incidents resulted in 3330 accident reports during 1954–1962, about half of which were in the laboratories and these primarily consisted of minor cuts, abrasions and incidences of glassware breakage or droppage that occurred but did not result in injury. In this inclusive figure of 3330 accidents, there were 158 infections of which 21% did not require hospitalization.

One of the major concerns at Fort Detrick is the protection of the surrounding community from any disease being studied in the laboratories. All air from infectious disease laboratories is incinerated or filtered. The sewage is sterilized. All laboratory trash is burned or otherwise decontaminated. Even the clothing of Fort Detrick laboratory employees is sterilized and laundered in a special laundry on the installation. Special gastight cabinet equipment, and other cabinets with carefully controlled air flow, have been developed to prevent escape of microorganisms. These cabinets have proved themselves to be so valuable in protecting personnel that they have been adopted for use in a special laboratory of the Public Health Service National Cancer Institute, and at the Lunar Receiving Laboratory in Houston, Texas, where the moon samples will be received sometime this year.

In continuation of this policy of caution for the community health, local and national public health officials are kept fully informed of all matters that may conceivably affect the public. There have been three deaths resulting from laboratory infection at Fort Detrick during the 26 years of the installation's existence. These were reported to the scientific community and to the press. In other biological laboratories the number and frequency of deaths from laboratory infections is about six times greater than at Fort Detrick. For example, a report by a Public Health Service investigator in 1961 revealed that, in the United States and abroad, there was a history of 2,348 infections with 107 deaths. This results in a fatality rate over six times that of Fort Detrick. Another survey reported fatality rates for laboratory infections ranging from twice the Fort Detrick rate for United States Hospital personnel, to ten times that for foreign countries. This survey was part of a doctoral thesis written in 1965 by G. Briggs Phillips, of the Fort Detrick safety staff, for the Division of General Education and Center for Safety Education at New York University.

A case of pneumonic plague in 1959 proved to be an excellent test of Detrick's highly organized and specialized medical treatment facilities. The history of this disease shows that those who contract plague seldom live unless treated within 24 hours. At Fort Detrick the patient became ill in the morning, was admitted to the Fort Detrick hospital in the afternoon, diagnosis was made by the next morning, the Frederick County Public Health Officer was notified that same day, and with his concurrence health measures were taken to treat the patient and prevent spread of the disease. All efforts were successful. The patient was cured and the disease did not spread.

In the U.S. during 1950 to 1968 there were 34 cases of plague with 11 deaths, according to the Public Health Service Communicable Disease Center Bacterial Disease Section in Atlanta. Throughout the world in 1965 there were 1,326 cases of plague, of which 120 died.

Standards for safe shipping containers, to be used in the transportation of infectious materials, were not the subject of special Federal regulations in 1953, except for medical diagnostic specimens sent through the mail. At that time Fort Detrick, on its own initiative, began testing the strength of containers for transport of these materials, by dropping them from various heights onto a concrete surface. On 24 May 1956 a 2½ gallon bottle of living poliomyelitis virus vaccine, from a commercial pharmaceutical laboratory, broke open and leaked at the Washington National Airport during a cargo transfer. Although Detrick was not involved, its personnel were asked to decontaminate the aircraft.

As a result of this incident the Public Health Service issued Federal Regulation 42 CFR 72.25 that set the standards for transportation of infectious materials and limited the transportable quantities to one gallon per container. Since that time the Army has continued its tests to insure that no microorganisms will leak from the container, even after drops from extreme heights to hard soil and concrete. In 1965, representatives of the Department of Defense, Army, Air Force, Navy, and Public Health Service began a series of meetings to establish requirements for safe shipping containers for infectious materials. As a result, in 1966 three cargo aircraft containing shipping containers were crashed at takeoff and landing speed, exceeding 138 miles per hour, into an immovable concrete wall. The containers survived without leakage. These tests resulted in setting standards for packaging and shipping.

The net effect of the precautions employed by Department of Defense and Fort Detrick is that there has never been any leakage of infectious material during a Department of Defense shipment, nor has any member of the general public ever been infected.

YOUTH FOR DECENCY RALLY IN BIRMINGHAM, ALA.

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, on Sunday last, it was my distinct pleasure to attend a Youth for Decency rally in Birmingham, the city it is my privilege to represent in Congress.

I found it highly encouraging, amid all the turmoil on campuses across the Nation and the violent demonstrations by a portion of our youth, to see young people so concerned about seeking positive solutions to today's problems.

A crowd of several thousand came to hear six young Americans speak out for decency and democracy. Many of those attending the rally dashed under the bleachers when a downpour drenched Legion Field, but they remained through the rain to hear the program.

The young people's addresses covered nearly every sphere of contemporary life. Alabama's Junior Miss, Carol Ann Crowgey, spoke on "Belief in God and That He Loves Us"; Negro policeman Frank Horn on "Love of Country"; Negro radio newsman "Tall" Paul White on "Love of Family and Respect for Authority"; former Girls' State President Cathy Johnson on "Reverence for One's Self," and Stan Moss, "Equality of All Men."

The rally was organized by a young coastguardsman, Steve Gilbreath, who was granted leave to attend the rally. His coorganizational committee members were Ray Smith and Jeanus Wallace, vice presidents; Debbie Gilbreath and Cindy Butler, secretaries, and Sandi Harding, treasurer.

A choral group which calls itself Sing Out Valley provided some very fine music for the rally which radio personalities Doug Layton and Tommy Charles emceed.

Mr. Speaker, my district is not unique in the desire by many of its youth to spread democracy through decency. Rallies of this type are going on throughout the Nation. I wish they would be as thoroughly covered by our news media as the campus riots.

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The media give little coverage to a gathering of thousands of young people who meet for a decency rally, but the story of a few militants protesting or seizing an administration building often finds its way into headlines.

The young people who spoke in Birmingham are not passivists—they are not content to sit back and let the world go by. When they find things that need to be changed, and there are such things, they work toward that change, but not through violence and anarchy.

These young people, I think, represent the majority of American youth and are an indication that this country still has an outstanding future.

Mr. MIZELL. Mr Speaker, throughout the years that I was active in professional baseball and ever since then, for that matter, I was associated with youth in one way or another.

I learned a long time ago that the young people of this Nation warrant the respect, the understanding, and the love of their elders. Given a chance, a young boy or girl accepts and takes on responsibility with unbounded energy.

The Youth Decency Rallys are indications of this—evidence that the young people of today will not sit back and allow their reputations to be blemished by an irresponsible minority.

The young people are the heart of this Nation—and it is gratifying to know that they are accepting the responsibility of going all out to insure that America remains a decent and beautiful place to live. I feel that the Congress of the United States should commend these fine young people for the wonderful work they are doing. We have a responsibility to support those things which promote the ideals of this country. The youth decency programs do exemplify the philosophy this country was founded on.

I would like to join my distinguished colleague, the gentleman from Alabama (Mr. Buchanan), in asking for the unanimous endorsement of Congress for this truly American movement.

FOUNDATION OF ALL GREAT REPUBLICS IS THE QUALITY OF THE PEOPLE THAT INHABIT THAT NATION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, the foundation of all great republics is the quality of the people that inhabit that nation. America has always been a great Nation because its leaders and people have been progressive, honest, and educated. In our rapidly changing world, the need for a highly educated populous is becoming more urgent and apparent. However, as this need is increasing so is the cost involved in providing higher education for our people.

One of the hallmarks of American culture is the reliance of the individual on providing for his own needs. In the past, American students have both worked and attended school at the same time. However, this era is quickly passing. Because of the academic community's increasing demand on the student's time and the skyrocketing cost of education, the burden of financing the higher education of our youth has fallen on the parents, the university, and the Government. Presently, in a public university, it costs the average male student at least $964 for tuition, room and board for 1 academic year, and the average cost in a private university is $2,048 for 1 academic year. Thus, it is readily seen that there is a great need to provide some assistance to those parents who are providing higher education for our Nation's youth.

I believe that when someone spends a large sum to provide himself or his children with a higher education, he is spending money in the national interest, and it is only fair that the Nation try to ease his burden through our tax laws.

Therefore, today, I am introducing a bill that will provide a tax credit for higher education. The basic provisions of my bill are:

A 100-percent tax credit on the first $200 spent on the cost of higher education; 75 percent tax credit on the next $300; 25 percent tax credit on the next $1,000.

In order to help equalize the benefits among different tax brackets, I am providing for a 1 percent reduction from the tax credit for those earning an adjusted gross income in excess of $25,000. Thus, as an individual reaches a higher tax bracket, the tax credit will be smaller for him than for an individual in a lower tax bracket.

The tax credit will be available to anyone who pays the specific expenses of an individual to obtain a higher education. It will be available to students trying to put themselves through school. It will be available to parents trying to help their children through college and it will be available to anyone who contributes additional financial aid. Thus, this measure would help to create individual scholarships where the donor would receive a tax credit. Colleges and universities could encourage their alumni to give scholarships to deserving students.

I am well aware of the fact that many of our graduating high school seniors are not going to college but plan to attend post-secondary schools such as business, trade, technical, and other vocational institutions. It would be discriminatory to exclude individuals who are attending these institutions. Therefore, in my definition of institutions of higher education, I include the above-mentioned institutions.

There are many students in college today who are receiving full or partial scholarships. If my bill were enacted, many of these scholarships would no longer be needed by the students holding them, thus opening the way for more needy students to receive this financial aid. For example, the median family income of students receiving scholarships is $8,436. Most State-supported schools have a tuition cost of less than $600. My proposal would provide a maximum of $650 in tax credits to any one individual.

In the Fourth Congressional District, there are many fine institutions of higher learning such as Georgia State College and DeKalb Junior College. Georgia State's tuition cost for three quarters is $315. Under the provisions of my bill a student attending this institution would receive a $296.25 tax credit. The tuition cost for two trimesters at DeKalb Junior College is $220. Under my plan, a tax credit of $215 would be granted to anyone incurring the cost of attending DeKalb Junior College.

In conclusion, Mr. Speaker, I must point out that a dollar spent on education today means thousands of dollars saved on welfare rolls in future generations. My bill will allow the individual to provide for his own education without seeking the assistance of the Federal Government.

I therefore urge the House to consider this measure at the earliest possible date.

MATT DeMORE HONORED AT TESTIMONIAL DINNER

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FEIGHAN. Mr. Speaker, at a dinner at the Sheraton-Cleveland Hotel on May 31, more than 1,500 persons from all walks of life paid honor and tribute, richly deserved, to Matt DeMore in recognition of his service to members of the International Association of Machinists & Aerospace Workers. It has been my good fortune to know Matt very well for three decades and I was happy to be among those present. Under leave to extend my remarks, I include an article from the program written by Anthony Mazzolini, labor editor of the Cleveland Press, and the remarks by Matt DeMore:

Meet Matt DeMore—From Newsboy to Labor Statesman

(By Anthony Mazzolini)

The measure of a man's success in life is not how much wealth he accumulates, but how much he helps his fellow-men.

By this measurement, Matt DeMore has achieved a notable success. He has led a life rich in assisting his fellow-men to improve their lives.

He has done this not only as a union member and officer for nearly 40 years, but also as an outspoken, articulate champion of causes designed to help all men and women, whether they belong to a union or not.

For example, Matt was one of the labor leaders who participated in the long fight to provide fair treatment for the nation's elderly.

He could, if he was the boastful kind—which he is not—claim credit for helping to constantly improve the Social Security program, to provide increased payments for millions of pensioners. He also was a leader in the fight for Medicare, which established the principle that senior citizens are entitled to hospital and medical care—and that a single major illness should not be permitted to wipe out their life savings, or imperil the financial stability of their children's and grandchildren's families.

Now that he is retiring, Matt may benefit from these endeavors himself . . . but he certainly didn't have himself in mind when he was actively preaching the cause of the elderly.

He also fought for the interests of the young and the middle-aged. Thousands of families were able to live a better life because of the wage increases and other benefits won for them by Matt DeMore, the dedicated union negotiator.

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Matt's courage has been tested—and he met the challenge successfully—on many occasions during his career as a labor leader.

He did not hesitate in 1959 to criticize Michael V. DiSalle, then Ohio's governor, for sponsoring a bill that Matt said would put every union in Ohio out of business.

Matt's outspoken criticism helped kill the bill sponsored by DiSalle, who had been swept into office in 1958 in labor's great and successful fight to defeat a so-called "Right-To-Work" proposal, which was really a scheme to kill unions.

Matt was a leader in this fight by all organized labor in Ohio.

Who can forget Matt, blood streaming from his head, after he was clubbed by police in 1949 during the strike at Warner & Swasey? Matt was on the picket line with his members. That's where he thought he belonged.

Many honors have come to Matt DeMore during his long career, but he never lost touch with the rank-and-file of the International Association of Machinists and Aerospace Workers.

His door was always open to members when he served as president of District 54 in Cleveland.

Matt was born in Cleveland on April 5, 1903.

He never forgot his humble beginnings. He came from a large family, and worked as a newsboy at age 9. Two years later, he was working part-time as a clerk in Palevsky's Hardware Store.

He left East High School at age 16 to take a job as a blacksmith's helper for the Michigan Central Railroad in Detroit.

After two years, he returned to Cleveland in 1920 to become a maintenance machinist at the Electric Vacuum Cleaner Co., now the Vacuum Cleaner Division of General Electric.

He helped organize IAM Lodge 439 at the plant, becoming a member in 1935. He served as shop steward before he was elected president in 1936.

In 1938, he was elected president of District 54 at the age of 35. He was one of the youngest major union officers in Cleveland.

He was re-elected District 54 president 22 consecutive years. During his presidency, District 54's membership grew from 4500 to more than 20,000.

Matt also served as legislative director of the Ohio State Council of Machinists and as vice president of the Cleveland Federation of Labor and Ohio AFL–CIO.

He also served on the Regional War Labor Board and on the Cleveland War Manpower and War Production Committees during World War II.

During the Korean War, he was a labor member of the Regional Wage Stabilization Board. In the 1950's, he was on the Ohio Advisory Committee on Workmen's Compensation.

His record of achievement was recognized in 1961 when he was elected a general vice president of the IAM and was assigned to the northeast region with headquarters in New York.

He served there until 1964, when he was assigned as resident vice president in IAM headquarters in Washington. In 1965, he was elected general secretary-treasurer without opposition.

This made Matt the second ranking officer of this great union, serving more than 900,000 members in all 50 states and the ten Canadian provinces.

Needless to say, Matt won a wide reputation as a sound and sensible executive and counsellor, working as an effective player on the IAM team which continued to win major benefits for its members.

He was also a respected voice in the top levels of organized labor in America.

And his voice always spoke for what he considered the best interests of the rank-and-file.

Matt DeMore never forgot that a union exists primarily to serve its members. And he has always served them well.

One of the nice things about Matt's retirement, from the viewpoint of this community, is that it will bring Matt and his wife, the former Mary Bacha, "back home." They are returning here to live close to their five children and 14 grandchildren.

REMARKS BY MATT DEMORE, GENERAL SECRETARY-TREASURER, IAM, AT DISTRICT 54 TESTIMONIAL DINNER, CLEVELAND, OHIO, MAY 31, 1969

As I look around this room—and see so many warm and wonderful friends—I can assure you that underneath the rough exterior that stands before you there beats a heart that's been deeply moved by all that has been said and done here tonight.

This is a moment I shall never forget. For at this moment I cannot imagine any man on the face of the earth who could feel more fortunate and highly blessed. Certainly, no one could feel a deeper sense of gratitude. And as I stand here and think back over the years that so many of us have worked—and sometimes fought—together, I feel not only a sense of gratitude but a sense of wonder. I wonder what I could possibly have done in my life to really deserve the honor of a gathering such as this.

In saying that I am not being falsely humble. It was my good fortune in life to have had an opportunity to serve a cause I believe in—a cause that has been worth every ounce of effort, energy and inspiration I had to give.

That cause was, of course, the cause of unionism—and unionism, by any definition, is the cause of the working people.

I have now reached that place in life where it is permissible to look back. And when I do I see an almost unbelievable difference—the difference that unionism has made in the life of the average American.

It is hard to believe—in times like those we enjoy today—that things could change so much in so short a time. When I was working at the old Electric Vacuum Cleaner Company—back in the early 30's—a skilled tool and die maker earned a top rate of 60 cents an hour. Production workers made 50 cents an hour—if they were men—and 30 cents an hour if they were women. There wasn't much you could do on $20.00 a week. But as individuals—standing alone—there also wasn't much you could do *about* it. We tried, of course. First we formed an independent union and twice we went out on strike—once in 1933 and once in 1935. The company whipped us both times. And so finally the time came when we decided the only way we could make progress was to join up with a real union.

We wanted a union that was honest, progressive, militant and democratic. When we affiliated with the District 54 and the IAM in the summer of 1935 that is what we got. A lot of years have passed since we made that decision. But I don't think any of the people who made it have ever regretted their choice. In the passage of the years the old Electric Vacuum Cleaner Company—like so many small, independent concerns—got swallowed up by a corporate giant. It became the Vacuum Cleaner Division of General Electric. And it's a good thing that we had the Machinists Union—and not an independent—when that happened.

For once we joined the Machinist Union—we had District 54 behind us—and with District 54 in our corner—we began to make progress.

Today, after many long years of bargaining, people who work in my old plant have progressed from 30 to 60 cents an hour wages to scales that range from $2.01 to $4.30 an hour. Where we used to get a one week vacation after five years and two weeks after 10 years, they get one week after one year, two weeks after two years, three weeks after 10 years and four weeks after twenty years.

They also enjoy benefits we never heard of—including a cost of living clause, a health and welfare plan, pensions and supplemental unemployment benefits.

This is what unionism has meant in just one plant in just one place. It has meant a better standard of living, better homes and greater security for hundreds of families.

To measure the impact that the organized labor movement has had on America and the American way of life—we need only to multiply this one experience by the experience of millions of other unionized workers from one end of this great country to the other. That is why I feel proud and lucky in my life. I happened to come along at a time in our nation's history when the conditions of life and labor for most working people were desperate.

Through unionism we transformed desperation into hope, we changed fear into dignity and we translated poverty into decency. That, I think, is something to be proud of. And that is why I am grateful to have had the opportunity to serve the union cause.

Now, of course, the time has come for me to retire from the battle—and to leave the field to others. In the past few months many people have asked me—"How does it feel to reach retirement age?" And I almost feel like saying "Who—me?" At 55 retirement seemed an eternity away. At 60 it still seemed no more than a remote possibility in the distant future. And then, one morning—far sooner that I ever thought possible—I woke up and there it was—my 65th birthday staring me right in the eye.

And though it has come faster than I had expected I am happy to move aside and make room for new blood and fresh leadership. Just as I am proud of the past I am also confident of the future. The IAM is blessed with an abundance of capable leadership at every level. Like those of us who have gone before, leadership in the IAM will continue to be developed out of the ranks of the membership. With this leadership the dimensions of our union's services and effectiveness will continue to grow.

Certainly, the challenges of union leadership will become more difficult. The officers and representatives of unions today have to know much more than we did 30 years ago. As benefits have broadened contracts have become longer and more legalistic. As the rights of the workers have increased so have their expectations. As labor's role in society has expanded so has its relationships with other private and public agencies.

Despite the difficulties and challenges that lie ahead I believe that with its new leaders the IAM will continue to grow as a force for economic and social justice in America.

Officially my retirement from the office of General Secretary Treasurer will take effect on June 30. Though I am retiring from office I want to assure you that I am not retiring from a full and active life. As some of you know I am going to be associated with the National Council of Senior Citizens. This organization is working with—and seeking the some goals as—the labor movement. So in a sense I will still be serving the cause I have served all these years. That is a cause I will continue to serve—as well as I can—for as long as I can.

And so, let me say once more to each and every one of you—*Thank you.* Thank you not only for your friendship and generosity tonight but for your friendship and support through the years.

In Italian we don't say goodbye—we say *Arrivederci,* which means, of course, "I'll be seeing you."

And since I *will* be seeing you it is not goodbye but *Arrivederci* that I say to you now.

DISSEMINATION OF OBSCENE MATERIALS

The SPEAKER pro tempore (Mr. MOLLOHAN). Under a previous order of the House the gentleman from Ohio (Mr. WYLIE) is recognized for 30 minutes.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. WYLIE. Mr. Speaker, I have requested this time to focus the attention of this body on the urgent and pressing problem concerning the dissemination of obscene materials.

Last weekend, while at home in my district, I received several telephone calls from constituents protesting the receipt by mail of the latest piece of smut literature being widely distributed. The problem has reached such proportions that action by Congress should be taken immediately.

House Members are aware of the problem as evidenced by the fact that 126 bills, on this subject involving 158 authors, have been referred to the Committee on the Judiciary. Another 39 obscene materials bills with 48 authors have been referred to the Committee on Post Office and Civil Service.

President Nixon has called for action in his message to Congress on May 2. The President recommended a three-phase attack by calling for:

First. A prohibition against sending offensive sex materials to any person under 18 years of age.

The second part of the President's message would prohibit the sending of advertising designed to appeal to a prurient interest in sex, and it would apply regardless of the age of the recipient;

The third phase would provide a means whereby persons could prevent smut advertising from being mailed into their home.

On May 7, H.R. 11031—which would prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors—was introduced by the gentleman from Ohio (Mr. MCCULLOCH) for himself, the distinguished minority leader, and 23 other House Members, to implement the first part of the President's message.

On March 6, 1969, Congressman HUNT and I introduced a similar bill H.R. 8397 which would prohibit the dissemination through interstate commerce or the mails of obscene materials to persons under the age of 18 years. It would restrict the exhibition of movies or other obscene matter to such persons. There is an additional section in our bill which would provide that the Supreme Court and Courts of Appeals would not have jurisdiction to review any determination that material was, in fact, designed primarily to appeal to a minor's prurient interest. In this aspect it is in line with suggestions made on the subject by Senators MANSFIELD and DIRKSEN.

Since the introduction of H.R. 8397, I have received over 500 letters and 3,000 names on petitions in support of our legislation. Among the petitions was one from Buckeye Branch 78 of the National Association of Letter Carriers containing 838 names of letter carriers which stated that if our obscene literature bill is passed, it would "help relieve us of the guilty conscience of having had to handle such filth." We are also in receipt of a letter from Mr. James H. Rademacher, president of the National Association of Letter Carriers, in which he states:

> I want you to know of our unequivocal support for any legislation which would prohibit dissemination through the mails of obscene materials. Since our members daily find themselves compelled to deliver such smut to youngsters and to enraged citizens, it is only natural that people who carry the mail are vitally concerned over the liberty which the smut peddlers do have.

The scope of the problem is emphasized by a reading of U.S. Supreme Court cases on the subject. In 1957 the Supreme Court of the United States developed the so-called "Roth" test to determine whether material is obscene. The test then stated was "whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interest"—*Roth 1. U.S.*, 354 U.S. 476, p. 489.

In 1964, the Court, in affirming the Roth test, held in the Jacobelli case that "contemporary community standards" means contemporary national standards and not local ones. (*Jacobelli* v. *Ohio*, 378 U.S. 184, pp. 192–3).

In 1966 in *A Book Named "John Cleland's Memoirs of a Woman of Pleasure"* v. *Attorney General of Massachusetts*, 383 U.S. 413, the Court at page 418 elaborated on the Roth test by holding that in order to find matter to be obscene the following three tests must coalesce:

> (a) the dominant theme of the material taken as a whole appeals to a prurient interest in sex; (b) the material is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and (c) the material is utterly without redeeming social value.

On the same day the Woman of Pleasure case was decided, the Supreme Court handed down the *Ginzburg* v. *U.S.*, case 383 U.S. 463, creating a new test involving a consideration of the manner in which the material is being distributed, that is whether a "pandering" element could be found. The Court said:

> Where an exploitation of interests in titillation by pornography is shown with respect to material lending itself to such exploitation through pervasive treatment or description of sexual matters, such evidence may support the determination that the material is obscene even though in other contexts the material would escape such condemnation.

From all these cases, the Supreme Court developed a definition of obscene as something which to the average person, applying contemporary standards, the predominant appeal of the matter, taken as a whole, is to prurient interest; that is, shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond the limits of candor in description or representation of such matters and is matter which is utterly without redeeming social importance.

Then the Supreme Court apparently qualified that test in *Redrup* v. *New York*, 386 U.S. 767 (May 1967) by applying a "variable" standard concept saying what is "obscene" varies according to the audience to which it is directed.

There is a ray of hope. In *Ginzberg* v. *New York*, 390 U.S. 629 the Court upheld a criminal obscenity statute which prohibits the sale to minors of obscene material and based on its appeal to minors and not on whether or not an adult might find the matter obscene. The Court stated:

> The well-being of its children is of course a subject within the State's Constitutional power to regulate.

Based on the second Ginzberg case many of us have introduced bills to prohibit the mailing of materials which "would be harmful to minors." That phrase is defined as:

> That quality of any description or representation, whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which—
>
> (a) predominantly appeals to the prurient, shameful, or morbid interest of minors;
>
> (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
>
> (c) is utterly without redeeming social importance for minors.

Obviously, to me, if these tests are met, the material is obscene.

I have sent several pieces of such material to the Post Office Department and to the Justice Department protesting on behalf of my constituents and myself. The material was obviously obscene and totally objectionable. Yet, very little is done because it is pointed out that although the Federal statutes prohibit the transportation of "obscene" matter through the mails, in interstate commerce and its importation from abroad, and broadcasting in obscene language, the term "obscene" is not defined in these statutes.

However, in 1967, Congress created the Commission on Obscenity and Pornography—Public Law 90–100; 81 Stat. 253. One of the duties of the Commission is "to evaluate and recommend definitions of obscenity and pornography." The Commission's final report is to be issued no later than January 31, 1970.

People writing to me have not had the benefit of the confusion of the Supreme Court cases and regard material which is obscene in everyday terms such as is found in Webster's Seventh New Collegiate Dictionary—as "disgusting to the senses, repulsive, abhorrent to morality or virtue, specifically designed to lust or depravity."

The dictionary definition of "obscenity" is not the legal definition of "obscenity," however.

The standard dictionary definition which emphasizes the disgusting and loathsome aspects of the "obscene" and the Supreme Court-legal definition which emphasizes the prurient appeal—which is the sexually exciting aspect—express somewhat different concepts of what is obscene.

We are told that this is the age of sexual enlightenment and that there is no longer a role for obscenity as a legal concept.

Obscenity laws, we are to believe, serve no useful purpose. Countries such as Sweden and Denmark, we are informed, have very liberal laws which permit all sorts of obscene material to be circulated and the inhabitants of these countries, we are to believe, are well adjusted sexually and are, therefore, well adjusted citizens who live in a Utopia. Sweden has the highest suicide rate in the world and Denmark is not far behind.

Our own society has never been as permissive as in recent years and if the distribution of smut reduced the number of sexual and other crimes, we should be crime-free, judging from the quantity of obscene material which is being circulated. But, this, of course, is not the case.

To those who argue that more liberal practices relative to the publication of all material, obscene, violent, and what have you act as a safety valve, I would point out that although our society has never permitted greater license in sexual matters than at present, nevertheless, rape and other violent crimes have steadily increased in the United States in recent years.

Thornstein Sellin, the sociologist-statistician has said:

> The United States has the worst crime statistics of any major country in the Western world.

Most of the increase in crime is attributable to youthful offenders. New York Times, September 1, 1968, page E5.

Where is the point where permissiveness reaches total depravity? Is that point close to being reached in this country and at what consequences to us? One may speak disdainfully of puritanism but at least one could walk the streets in relative safety 30 years ago. In what large city in this country can the same claim be made today?

The connection can be demonstrated between the increase in pornography and the increase in crime. There is much evidence that the flooding of the market with obscene material undermines the moral fiber of our society, weakens the teaching and guidance of the home, the church and other organizations which contribute to the stability of our country.

One of the major points which those who oppose all censorship of obscenity make is that there is an absence of scientifically substantiated evidence that obscenity is harmful. Is this really true? What is "obscene" and whatever it is, is it harmful?

Most of what is obscene is designed to be pornographic, most of it is produced for pornographic purposes, that is, to make money in the pornographic market. This material has no other reason for its existence. It is a recognition of this motivation, this "pandering" to obscene taste to make money that the Supreme Court of the United States emphasized in its decision in the recent *Ginzburg* case—383 U.S. 463 1966. In upholding the conviction of the defendant for using the mails to send obscenity, the Court stressed the character of the material in the context of the circumstances of its production, sale, and publicity and held that while the material taken alone might not be hard-core pornography, when the other factors were also considered it was obscene and could be barred from the mails. The Court strained and added there is respectable authority that obscene material is injurious and that the possibility of harmful effects on youth cannot be dismissed as frivolous.

The subject has received so much attention in my district that it was the topic of a Columbus Town Meeting program on April 27. The sole purpose of this independent forum is to provide information on current issues, local to international. This association, supported entirely by public contributions, has been in existence for 30 years.

This is, indeed, one of the really serious problems confronting our Nation. We only need to look to history to know that where there is moral decay there is political decay. Great nations have risen and fallen; throughout history, one thread is common to the fall of all great nations—moral decay.

Edward Gibbon, in his book "The Decline and Fall of the Roman Empire," attributes a major part of the fall of the Roman Empire to moral decay—to a breakdown of the family—to open promiscuity. The triumph of the barbaric hordes is attributable, in part, to the abolition of arts and ambition through wanton indulgence in lust and cruelty, resulting in a loss of patriotism and the will to fight oppression according to Gibbon.

Arnold J. Toynbee in his book, "A Study of History," and more specifically in the chapter on the "Disintegration of Empires," makes the observation that one of the ways a society destroys itself is through the passive attempt in which the soul "lets itself go" in the belief that by giving free rein to its own spontaneous appetities and aversions it will be "living according to nature" and will automatically receive back from that mysterious goddess the precious gift of creativity which it has been conscious of losing.

In this the passive response is a sense of promiscuity in which the soul surrenders itself to the melting pot. In the medium of language and literature and art this sense of promiscuity declares itself the currency and of a similarly standardized and composite style of literature, painting, sculpture, and architecture.

There is no lack of evidence a breakdown of our Western society could result through abandonment or return to nature. From this we may tentatively draw the cynical conclusion if through abandonment our Western Civilization has broken down, its disintegration cannot be far behind.

The flood of indecent books, pornographic films, and obscene plays, if allowed to continue, cannot help but have a harmful effect on our youth and coming generations.

FBI crime statistics show that three-fourths of all arrests for crime in the United States last year were people under 25 years of age. The largest class of criminals in the United States are 15 years of age, and the second largest class are 16-year-olds. One thousand five hundred teenagers a day are afflicted with venereal diseases. Rape in the United States has increased 78 percent since 1960, and this rate rose 7 percent from 1966 to 1967 over the Nation. The FBI recently released figures showing that the increase in rapes over the 1967 total was 17 percent over the Nation.

The Director of the Federal Bureau of Investigation, Mr. J. Edgar Hoover, has stated:

> A peddler who assaults our children's minds is as clearly a sexual offender as a man who molests a child's body.

Rapes and molestations are only a small part of the problem. Sexual promiscuity among young frequently leads to smoking marijuana, taking LSD and other drugs.

The individual has a right of privacy not to be deluged and snowed under by unwanted mail especially if it offends his morals. In addition, parents have a right to guide the teaching of their family insofar as what is morally obscene and what is not. If an individual wants to go out of his way to obtain obscene material, to see an obscene show or purchase an obscene book, I might question his judgment but that is up to him. I do not want it dumped on me and my constituents do not.

The Post Office Department estimates that 100 million pieces of obscene mail are carried each year at a profit estimated to be about $500 million a year. Much of it goes to teenagers for whose names the companies sending this literature pay a lot of money. They operate on the theory that if they can mold the teenager to their way of thinking, they have him hooked and will have a steady customer for years.

I know that other Congressmen must have had similar experiences. The people of the United States are demanding action, and we must give them action. I suggest that hearings begin immediately toward the enactment of meaningful legislation on this subject.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I take this opportunity to compliment the gentleman from Ohio for his fine presentation today and also for his unstinting effort to combat the latest wave of not ordinary smut but the filthiest of filthy smut.

This latest wave of pornographic literature to emanate through our postal system and to be transmitted by it, apparently, has been aimed at business houses and business concerns. Over the past weekend I have had reported to me over 40 telephone calls from prominent business concerns and people in my district about this one paper that emphasizes what we are discussing today.

It is high time that we begin to take a very serious look, and stop squawking about what we should be doing and simply do it.

The bill that you have cosponsored with me, in my estimation, will be one of the answers to this problem.

I simply cannot let this opportunity pass by without saying simply to you as my learned colleague from the State of Ohio that you are making a magnificent contribution.

Mr. WYLIE. I thank the gentleman for his generous remarks.

I wish to say I am proud to be a coauthor with the gentleman from New Jersey (Mr. Hunt) on the bill H.R. 8397.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I am happy to yield to my able colleague the gentleman from Ohio.

Mr. DEVINE. Mr. Speaker, I too would like to join in commending our colleague from the 15th District of Ohio for his leadership in trying to prevent some of this pornography and obscenity from being circularized across the Nation and particularly in the way it gets into the hands of the youth of this Nation.

The gentleman now in the well and I happen to share the capital county of Ohio, Franklin County, in which the capital city of Columbus is located. We both receive tremendous volumes of letters, particularly from professional people—from doctors and dentists and lawyers—who have been involuntarily receiving this lascivious, this pornographic, this lewd, this obscene and trashy material from these purveyors of filth.

The citizens are rightfully outraged when they receive this material in their homes. The great danger exists that small children as well as teenagers may open this kind of mail.

I have in my possession a vast quantity of this material that has been forwarded to me by irate constituents demanding that the Federal Government do something about this.

I have introduced two of the so-called administration bills and I introduced another one yesterday—a fourth bill designed to do something about this problem. This last contribution was made after a considerable amount of research by members of my staff and myself relating to the subject of pornography.

We deplore the attitude of the Post Office Department, as it has been constituted, in looking for excuses not to do something.

We came up with the idea that perhaps the theory followed in the gun control legislation, under which firearms are considered unmailable, could be followed in relation to the material. It seems to me if they can outlaw the mailing of things like firearms in the U.S. mails, they could likewise outlaw this type of filth and material that does reach the residents of our various communities.

I think all of us should lean on the chairman of the Post Office and Civil Service Committee and the other committees where legislation on this subject has been referred in order that prompt hearings be had and that this matter be aired fully. Let them take the materials that have come into my hands and into the hands of the gentleman in the well. Let them take a look at the type of junk that is being sent across the nation and let us indeed pass meaningful legislation that will help clear this very serious problem.

Again I wish to commend the gentleman in the well (Mr. Wylie), for his leadership in this particular area.

Mr. WYLIE. I thank my very competent colleague for his statement. I know of his hard work and continuing interest in this problem. I am interested in the bill which my colleague introduced yesterday and the theory behind it. It is most interesting. I think, too, we should have some hearings on his bill H.R. 11815 because of his unique approach to the problem. I wish him success with his bill.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I associate myself with the gentleman's remarks. There is no question that this is a serious problem. I was interested in the remarks made by my colleague because it becomes quite apparent that the campaign of sending out the most filthy kind of literature is a nationwide campaign. I think as we talk to the various Members of Congress from different parts of the country, we find that the same type of literature is being mailed to communities all across the Nation. It is rather interesting that they are selecting the business houses of these communities. I have been deluged with similar mail that has been sent to my office by businessmen in my district. Apparently the people are just going down a mailing list that is being peddled by someone somewhere and sending this mail out.

I congratulate my colleagues for the various efforts that have been made here to deal with this problem. I am not sure where the answer lies. Every effort we have made has been stymied by the various decisions of the Supreme Court. My own contribution in this effort has been to try to put some sort of curb on this mailing business. In this connection I have introduced legislation which would bar the sale of mailing lists which would be used for the distribution of pornographic literature in interstate commerce. I do not know whether my bill would solve the problem in dealing with this subject. But when I introduced the bill, I said I was putting it in in desperation because of the many efforts made by this Congress to deal more effectively with this problem have been rebuked by the various Court decisions. It is my hope that somewhere along the line we can find some effective vehicle to deal with the problem. I am amazed at the kind of filth that is going through the mails. You almost have to ask yourself if indeed democracy is self-destructive if our society cannot deal with this problem. For that reason I congratulate the gentleman for taking the time today and calling our attention to this problem.

The whole country is deeply disturbed about the problem. It seems almost incredible that an organized society, such as ours, a nation of laws, cannot deal effectively with this traffic in filth.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from New Jersey.

Mr. HUNT. I should like to commend the gentleman for his contribution. I would call to your attention the fact that when I said this was the filthiest material I had ever seen, I believe I pointed out that it had been mailed to many, practically all the business houses in my district. I thought it might at this time be appropriate to insert in the Record the name of this company so we might know who we are dealing with in these terms.

This has an address shown as "Cinema Products, Post Office Box 333, North Ridge, Calif., 91324." This is not from an ordinary 25-cent address listing, but these envelopes have the address typed on them individually. Someone has gone to great pains to get a mailing list.

I feel the same as the gentleman does. The literature I have in my hand enclosed in this envelope would make a kangaroo blush. That is how filthy it is. I have a 20-year-old daughter. I even hesitate from time to time to permit my secretaries to read or look at such filth as this, in order that we might make a record of it.

I am frustrated, the same as the gentleman and other Members of the House, about our inability to circumvent certain decisions that have been handed down by our higher court. Somewhere along the line, with all the legal brains we have in the Congress of the United States, we must find some way to get an effective law to halt this flow of pornographic filth that is emanating from various and nondescript origins, so we can compel someone to place in jail those who are found guilty.

For the life of me, I just cannot understand why we cannot get such a bill. I hope the bill introduced by my colleague, Mr. Wylie of Ohio, and me, can begin to fill this gap and that we can get around the decisions that have been hampering us.

I know the people of this country demand it. I know the gentleman demands it. I have listened to him speak on this floor, and I know his attitude. I compliment him on his insistence. But I think it is time for the House, all 435 Members of the House, to get together and say that we want something done now. We do not want to talk about it any more. We want to do it. We want this wiped out.

I ask the gentleman to use his good offices and those of his committee to get this bill to the floor and to do it without any further equivocation.

Mr. PUCINSKI. Mr. Speaker, if the gentleman will yield further, I think there might be one flicker of hope. Obviously, I cannot speak for anyone but myself, but I feel that perhaps with the appointment, approved by the Senate, of Supreme Court Chief Justice Burger, we may notice some change in the attitude of the Supreme Court. If all the things are true that I have read about his views and his judgments and his sober outlook on the needs and problems of this Republic, it is entirely possible that the trend of the past few years in the Supreme Court may be reversed and that legislation we perfect in this Chamber will be upheld.

There is no question in my mind that the Supreme Court has made a mockery of the democratic process. Nobody in this country wants to deny any citizen his complete rights under the Constitution of freedom of the press, freedom of speech and freedom of assembly, but when we see the literature to which the gentleman has referred in his remarks, we must take some action.

I might say the same mailing house the gentleman is talking about is distributing the very same filthy literature in Chicago in my district to merchants and to people—all unsolicited. There is no question about the problem when we look at the literature going through the mail, and when we see the obscene films. We find we cannot take our children to the movies today. There are any number of times when I have a free evening and would love to take my children to a movie, but we cannot find a decent film in the directory to which we can take our children.

Years ago there used to be 8-minute stag films shown at smokers. Today those same people go to Hollywood and make 90-minute films, put titles on them, put phony plots around them, put some actors in them, call them art, and distribute them to the whole country.

One company has been incorporated and is making a fortune on such films.

However, it seems to me there now is a flicker of hope that Judge Burger is going to bring some new direction to this country and put some new hope into this fight against pornography.

Mr. WYLIE. I thank the gentleman from Illinois for his very worthwhile and well-stated contribution.

I know that most of the obscene literature mailed over the weekend went to business establishments, but the thing which bothers me more than anything else, more than the deluge of obscene material to business establishments, is the fact that much of it goes into homes where there are minor children. I had an experience where a very obscene piece of literature was delivered to my office by a parent. It had been mailed to her 12-year old son. There was no question about the fact that it was mailed to the boy, because his name was different from that of his father. It went to the address of his father. One cannot imagine how filthy this piece of literature was.

As the gentleman has suggested, these mailing lists are very valuable and are being sold across the Nation. If we can curb this practice it would be of some help. There is a real hope, as was suggested, from the Supreme Court.

As a matter of fact, the bill which Congressman Hunt and I have introduced, H.R. 8397, follows the guidelines of the Supreme Court in the so-called second Ginzburg case. The Supreme Court has invited the Congress of the United States to enact a law which would in effect prohibit the dissemination of certain materials to minors, or to persons under the age of 18 years, which would be similar to the statute from the State of New York from which this case arose.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Ohio.

Mr. DEVINE. Just in order that the Record may be made unmistakably clear, to indicate that the persons speaking here on the floor today in opposition to obscene mail are qualified in this regard, the gentleman in the well (Mr. Wylie), is a former city attorney. He has engaged in the prosecution of criminal offenses over the years. He has great background and experience in this field. The gentleman from New Jersey (Mr. Hunt) is a known criminologist who has been in this field for many years of his life, in addition to having been a lieutenant in the New Jersey State Patrol. I happen to have been a prosecuting attorney for a number of years, and I have seen probably the raunchiest type of material one could imagine going across my district attorney's desk. I am not easily shocked, but indeed the material being sent through the mail and getting into the hands of these youngsters is of the worst and basest kind.

I must repeat, something must be done.

The gentleman in the well (Mr. Wylie) has worked in this crusade, and he appeared on what was known as the Columbus Town Meeting, an hour television program, and very ably debated this question with professors and others.

I believe an aroused public is going to demand proper legislation in this field.

Mr. WYLIE. I thank the gentleman very much.

Now is the time for action. This Congress owes it to the people of our great Nation.

Mr. HUNT. Mr. Speaker, I thank the gentleman from Ohio (Mr. Wylie) for reserving this time today in order that attention might be focused on the accelerating traffic in obscene and pornographic materials.

Because of the widespread use of the U.S. mails by organizations and individuals which profit from this depraved smut peddling, the Post Office Department's figures on the magnitude of complaints are convincing of the need for more stringent laws to forbid the use of this vast distribution network for such activities. Through April 1969, covering the first 10 months of fiscal year 1969, the Post Office Department received 172,000 complaints about unsolicited, sexually-oriented materials from their recipients. In the corresponding 10-month period for the fiscal year ending June 30, 1968, the Department received 131,000 such complaints, and for all of fiscal 1968, almost 168,000 were recorded. In the first 2½ months following the effective date, April 14, 1968, of the provisions of Public Law 90–206 prohibiting pandering advertisements in the mail, the Department recorded action on almost 20,000 cases in which the addressees received pandering advertisements that he, in his sole discretion, considered to be "erotically arousing or sexually provocative." Through April 1969 of the current fiscal year, the number of complaints handled in accordance with this act is roughly estimated at 87,000.

Although I believe the Post Office Department, in conjunction with the Department of Justice, has made an honest and diligent effort to enforce not only the provisions of this most recent Anti-Pandering Law, but the postal obscenity statute as well, the fact of the matter is that present laws, limited as they have been by decisions of the courts, are inadequate to the task of curbing the generation of smut at its source, before it enters the mails or the facilities of interstate commerce.

I am most encouraged by the President's reaction to the seriousness of this problem with the submission to the Congress of a message containing three positive legislative proposals. When enacted, and if effectively enforced with the judicious backing of the courts, these measures will materially alleviate the corruption of mind and morals with which obscenity and pornography are inseparably related. Congressman Wylie and I have sponsored legislation which is specifically designed to combat the flow of obscene materials into the vast market of our minor children, those under 18 years of age. I believe this is paramount; it is given priority among the President's proposals.

There is some thought that legislation should not be considered by the Congress until the Commission on Obscenity and Pornography submits its findings and recommendations, due no later than January 31, 1970. In all frankness, I can think of few issues which are as replete with evidence, testimony, and judicial precedents as that of traffic in obscenity and pornography, nor is there any position which commands such broadly based public support than that determined to curb this traffic. The idea of a commission in 1967, when the law creating it was adopted, was timely enough to mollify somewhat mounting public pressure for congressional action in this field. But the tide is flowing again and will not ebb until substantive legislation is adopted. The time for action is now and I believe the legislation, circumscribed by the President's announced guidelines, need not be complicated by fancy semantics or imponderable constitutional questions with which Congress cannot deal without the Commission's report.

I would reiterate and emphasize what the President said in his May 2 message:

> There are constitutional means available to assist parents seeking to protect their children from the flood of sex-oriented materials moving through the mails. The Courts have not left society defenseless against the smut peddler; they have not ruled out reasonable government action.
>
> Cognizant of the constitutional strictures, aware of recent Supreme Court decisions, this Administration has carefully studied the legal terrain of this problem.
>
> We believe we have discovered some untried and hopeful approaches that will enable the federal government to become a full partner with states and individual citizens in drying up a primary source of this social evil.

I earnestly believe these proposals are a responsible effort and are within the means and body of knowledge of the Congress to deliberate intelligently without further delay. The Commission's report may uncover something which has not yet been revealed to those who have studied this problem over the years, and its recommendations may point to even further and more stringent measures to isolate the peddlers from their prime markets. Whatever the eventualities, there can be no substitute for taking what reasonable action can be taken, and which the American people are appealing to the Congress to take now.

Mr. CLANCY. Mr. Speaker, today we are confronted with a domestic crisis of gigantic proportions. The permissive attitude of a small minority is eroding and destroying the spiritual vitality of our country. The decent citizens of this Nation have had disgusting, unwanted obscenity and pornography foisted upon them and their children for far too long. The consequences of exposing especially the impressionable young people to salacious literature, photographs, films, and so forth, are tragic. Whether through the mails or at the corner newsstand, it is impossible to calculate the devastating damage done by this material.

Freedom of speech, expression, and the press are inherent characteristics of a democratic society. We must realize, however, that freedom brings with it responsibility. The two are inseparable. We must also realize that our actions have effect upon others and this must determine what is right and what is wrong. These freedoms are not so sacred that we can say it is more important to preserve them than to preserve society.

The recent trend, both in court decisions and subsequently in the media, has been toward the extreme of upholding the right of the individual above that of society. Recent films, publications, and mailings demonstrate the growing momentum of permissiveness.

The Supreme Court has gone far in allowing society's rights to be negated by the right of the individual. The very permissiveness that has made the new floodtide of obscenity possible rests squarely with the Supreme Court.

This compelling problem requires our immediate attention and action. The need for strong, emphatic, and enforceable obscenity control legislation at both the State and Federal level is clear. The time has come to act decisively in order to stamp out the poison of pornography in our Nation. In order to alleviate this domestic crisis. I have joined in introducing two bills, recommended by the President, to halt this trend and to protect our homes and children.

The bills have been carefully drawn to meet the Court's interpretations of the first amendment. The first bill places a flat ban on sending any obscene material to a person under 18 years of age. If the bill becomes law, it will be a Federal crime to use the mails or other means of commerce to deliver to anyone under 18 years of age material dealing with a sexual subject in a manner unsuitable for young people. It would be up to mailers to remove from their lists the names of anyone under age. A first violation would be punishable with a prison term up to 5 years and a $50,000 fine. This proposal is based on a New York statute which has been upheld by the Supreme Court.

The second bill makes it a Federal crime to mail or transport in interstate commerce an advertisement intended to produce a market for obscene materials by stimulating the prurient interest of the recipient. This form of pandering could bring a maximum penalty of 5 years or $50,000 for the first offense.

There are additional bills introduced by my colleagues that have great merit and should also receive the prompt and careful attention of the committee's authorized to consider these matters.

It is time to stand up for decency in America.

Mr. SCHERLE. Mr. Speaker, the gentleman from Ohio (Mr. WYLIE) is to be commended for taking this time today to bring to the attention of the public the serious problem of pornography which is now sweeping this Nation. Each week my office receives an increasing amount of pornographic material which is sent unsolicited to the residents of my congressional district.

The only defense available against this type of smut, much of it aimed at teenagers, is a section of the 1967 Post Office bill which states that any person who finds such unsolicited material objectionable may notify their local postal officials in writing that he does not wish to receive any additional mail from that sender. If that person receives another mailing of any kind from that sender following a 30-day period after the official complaint has been filed, the Post Office Department will ask the U.S. Attorney General to apply for a Federal court order directing compliance. Failure to observe this court order may be punishable by a fine or imprisonment.

Since January 1968, when this law went into effect the Post Office Department has already issued 134,000 stop orders and over 450 cases are pending today in the Department of Justice for Federal court orders.

Much more is needed to stop the peddlers of this filth. There are many meaningful proposals to curb the growing menaces of pornography and yet maintain to the fullest extent the constitutional right of free speech.

I agree with Representative WYLIE that the time for congressional action against pornography is now.

GENERAL LEAVE

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks immediately following my remarks on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE PRESIDENT'S RESPONSIBLE SPEECH ON THE ROLE OF THE MILITARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, in his address to the graduating class at the Air Force Academy this morning, President Nixon conscientiously and clearly articulated America's need for maintaining a strong national defense. This was a speech unmistakably needed at this time in our history when so many are openly ashamed of our defense capability and so willing to condemn its maintenance and reject its improvement.

It was a speech which I believe can be endorsed by almost all those concerned with military spending—supporters and foes alike—except perhaps the isolationists, the unilateral disarmers, and those who are blinded by the glare of the spotlights and deafened by their own rhetoric. It was not a militaristic, saber-rattling speech, but a carefully reasoned and balanced analysis of the proper place of the military in the Nation.

To those who see military spending as preventing attention to our myriad domestic problems, the President said:

> Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

And he added:

> I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapon system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

The President acknowledged his concern over the growth of the so-called military-industrial complex, then said:

> I believe our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

And he made a most important point regarding what kind and how much defense we must have as a nation and why we must have it:

> I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, not on our fervent hopes about their intentions.

Mr. Speaker, I was greatly impressed with President Nixon's speech, and would hope that those who would make our Armed Forces a scapegoat for their frustration would carefully read his words.

SCHOOL PRAYER ISSUE VERY MUCH ALIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, the Washington Star of June 2 carried a UPI dispatch reporting on a commencement speech given at the University of Bridgeport by Julian Bond, the Georgia legislator, who created such a furor in that State several years ago when he condemned this Nation's position and ac-

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tions in Vietnam while praising the courage of young draft resistors. Mr. Bond asserted that the older generation had lost its authority over the young, and directed these words to the parents in the audience:

> You've already lost. . . . If you think you are faced with militant young people today, just see what today's 7- and 8-year-olds have waiting for you 5 to 10 years from now, when they grow up.

I do not know who supplies Mr. Bond with speech material, but this excerpt from his Bridgeport speech had a familiar ring. Back in December 1968, the House Committee on Un-American Activities, of which I am a member, held hearings on the disruption of the Democratic Convention in Chicago at which Tom Hayden, one of the key figures in the revolutionary organization, Students for a Democratic Society, testified. During his testimony Mr. Hayden stated:

> If you think that you have had militant people before you in these hearings, you have yet to see what the 7- and 8-year-olds are going to bring you over the next 5 or 10 years.
>
> You have taught them very well to have no respect for your authority . . . you have lost all authority. And when a group of people who have power lose their authority, then they have lost. You have lost, period.

While the similarity between the statements of Messrs. Bond and Hayden are curious, to say the least, the salient point to remember is that Mr. Hayden and others with anarchistic motivations are actively working to bring about a loss of authority by parents and authorized officials. The Students for a Democratic Society—(SDS)—is, of course, the organization which has been the prime mover of many of the disorders on college campuses in the recent past. Its avowed policy is to either rule or ruin and its long-range goal is the destruction of the American way of life.

In marked contrast is the constructive approach to the problems of youth endorsed by the present administration. The New York Times of April 28, 1969, carried an article on the weekly White House interdenominational religious services under the heading, "Nixon Hopes Youth Turns to Religion," in which the President is hopeful that more and more of America's youth look to religion as an answer to today's "crisis of the spirit."

The resumption of weekly religious services at the White House is another recent encouraging indication that a reemphasis of moral values is taking place in our society. Who can forget the inspiring Christmas message broadcast to earth by Astronauts Borman, Lovell, and Anders just recently in which passages from Genesis reaffirmed our dependence on divine providence? In those fleeting moments of December 24 the religious heritage of our Nation was once again proclaimed for all to hear.

It is ironic, therefore, in view of our religious foundation as a nation, that our young people cannot offer prayers voluntarily in the schoolroom as has been the custom in many public schools in years past. If there were ever an issue in which large numbers of citizens have made their wishes known, only to be ignored, it is on the issue of school prayer. In my remarks in the CONGRESSIONAL RECORD on April 13, 1967, entitled "Making God Popular in Schools," I cited several cases of newspaper accounts testifying to the extent to which public opinion endorsed voluntary school prayer. For example, Columnist Bruce Biossat in the Washington Daily News of June 23, 1964, stated:

> By contrast with all this, 93 of the 98 congressmen who appeared were in support of constitutional change. They and many of their fellows have been buried in the greatest avalanche of mail in congressional history.

In response to the stated wishes of so many citizens, I and many other Members of Congress introduced legislation calling for a constitutional amendment to clarify the status of voluntary prayer in the public schools. Unfortunately, legislation of this nature has never been voted out of committee in the House, and similar legislation has failed to get the necessary number of votes in the Senate. During the present Congress I have again introduced voluntary prayer legislation which I am hopeful will receive favorable action by Congress.

The need for a clarifying of this issue is evident. The Chicago Tribune of March 27, 1969, carried an article entitled "Schools Defy High Court on Prayer Ban," in which it cited findings of Prof. Richard B. Dierenfield of Macalester College. According to the professor's survey, as of 1966 nearly 13 percent of the Nation's public schools and nearly 50 percent of the South's schools were continuing devotional readings. As Senator Everett Dirksen has pointed out, the U.S. Supreme Court has never clarified its position on the matter of voluntary prayer in public schools, for in the case of Stein against Oshinsky the Court refused to review the petition of the parents of 21 children of differing faiths to permit voluntary prayer in public schools.

This is not the only case in which, I have taken exception to the Supreme Court ruling on an issue with religious significance. In my remarks on April 13, 1967, cited above, I noted that the members of the Court had disapproved of the placing of the inscription, "In God we trust," above the bench in the courtroom of the U.S. Supreme Court. Justice Warren, in answer to a query, stated in part:

> After consulting with all the members of the Court, I advise you that I would not approve the bills or the inscription referred to therein . . . It is believed that ornamentation other than that provided in the original plans would detract from the total concept of the building.

Here again, in my opinion, the Court's position runs counter to the sentiments of a majority of the American people. The elected representatives of the people in the Senate and the House saw fit to have the inscription placed on their chamber walls. In addition, I do not recall any widespread clamor to have the inscription removed from coins of the United States. As with other issues of late, the preference of the members of the Court by no means reflects the feelings of the American public whom they have been appointed to serve.

In the final analysis, corrective action regarding Court decisions will be effected when the American people demand such changes in sufficient numbers. Popular support will not necessarily effect changes unless constant pressure is applied upon elected officials year in and year out, if need be. In the case of voluntary school prayer, it has been demonstrated that an overwhelming majority are in favor of corrective action. When their elected officials get the message that public demand will not let up until changes are made, the chances of remedial action will be greatly increased.

The reference above made by Tom Hayden of the destruction-bent Students for a Democratic Society concerning our 7- and 8-year-olds might well prove true if positive efforts are not made now to fortify our young people with religious and moral values. What better first step to take than by making it possible for them place reliance upon the God our Founding Fathers through the exercise of voluntary prayer in the public schools.

DO NOT OVERLOOK WHAT CAN BE DONE

While I feel that Congress has been unnecessarily slow in moving to establish the basic right of prayer in school by rectifying the Supreme Court decision, it is also obvious that many good people throughout the country wring their hands as if nothing can be done. While a constitutional amendment is needed, it is not at all clear that all of the fears expressed by patriotic citizens and groups are well founded. In fact, God need not be taken out of the classrooms and should not be taken out.

A very important distinction was noted by UPI staff editor Louis Cassels when he wrote:

> The start of a new school term is a good time to list once again the specific activities which the Court ruled out—and those which it permitted and even encouraged.
>
> In the *Engel vs. Vitale* case of 1962, the Court held that it is unconstitutional for a public school to require the recitation of an official non-sectarian prayer as part of a classroom religious exercise.
>
> The following year, in *Abingdon School District vs. Schempp,* the Court said that a public school may not require the reading of a portion of the Bible or the recitation of the Lord's Prayer as part of a classroom religious exercise.
>
> That is all that the Court has forbidden public schools to do.
>
> The Justices went out of their way to state that there is no constitutional objection to the following school activities:
>
> Use of the Bible as a reference work for teaching secular subjects.
>
> Study of the Bible for its literary and historic qualities.
>
> Objective instruction in comparative religion or the history of religion and its role in the advancement of civilization.
>
> Reciting historical documents, such as the Declaration of Independence, which refer to God.
>
> Singing the National Anthem or patriotic hymns such as *"America,"* which have religious themes.
>
> The Court not only said the aforementioned things may be done in public schools; it strongly suggested that they should be done.

This is very much in point. The 1962 Supreme Court decision by no means outlawed all references to God in the classrooms. It is certainly disgusting to consider, as Mr. Cassels put it, that the Bible can be considered as an historical document rather than the inspired work that most people consider it to be. Yet, consider this footnote to the majority decision in this famous Engel case:

> There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain references to the Deity or by singing officially espoused anthems which include the composer's professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God.

Often we overlook the fact that the Supreme Court in its 1963 decision declaring that no State or locality may require a recitation of the Lord's Prayer or Bible verses in public schools, nonetheless "took pains to explain that it was not attacking the religious basis of our national life," as James Reston wrote in the New York Times, June 19, 1963.

In one section of its majority opinion the Court testifies at length to belief in a Supreme Being throughout American history:

> The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself. This background is evidenced today in our public life through the continuance in our oaths of office from the Presidency to the alderman of the final supplication, *"so help me God."*
>
> Likewise each house of the Congress provides through its chaplain an opening prayer, and the sessions of this court are declared open by the crier in a short ceremony, the final phrase of which invokes the grace of God.
>
> Again, there are such manifestations in our military forces, where those of our citizens who are under the restrictions of military service wish to engage in voluntary worship . . .
>
> It can be truly said, therefore, that today, as in the beginning, our national life reflects a religious people who, in the words of Madison, are *"earnestly praying, as . . . in duty bound, that the Supreme Lawgiver of the universe . . . guide them into every measure which may be worthy of His . . . blessing."*

In another section of the 1963 majority opinion, the Court affirms:

> The First Amendment, however, does not say that in every and all respects there shall be a separation of church and state. Rather, it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. (343 U.S., at 312.)

Again this 1963 decision points out:

> In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities.
>
> Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistent with the First Amendment.

While these Supreme Court decisions recognize that belief in God is at the heart of American life, it should be kept in mind that they do nevertheless prohibit religious exercises in public schools.

One of the basic reasons I believe that a constitutional amendment should be offered is the wilderness area which has been created following the 1962 and 1963 decisions. Many schools have wanted to "play it safe." To take no chances, they have cut down on Easter and Christmas observances and have secularized baccalaureate services. Few of these steps were required but they indicate how a decision can influence local boards of education and administrators who want to take the safe route.

The American Association of School Administrators through a special commission stated on June 30, 1964:

> The Commission believes that the public school curriculum must give suitable attention to the religious influences in man's development.
>
> A curriculum which ignored religion would itself have serious religious implications. It would seem to proclaim that religion has not been as real in men's lives as health or politics or economics. By omission it would appear to deny that religion has been and is important in man's history—a denial of the obvious. In day-by-day practice, the topic cannot be avoided. As an integral part of man's culture, it must be included.
>
> Whatever else the Supreme Court decisions may or may not have done, they have stimulated the public schools to a search for appropriate means to deal effectively with religion as one of the great influences in man's history . . .
>
> The Commission recognizes three distinct policy areas, related to each other and to the subject of this report, where explicit educational policy, adequate materials, and effective methods need to be developed.
>
> In one large area, recognition must be given to the role of religion and the religious in literature, in history and the humanities, and in the arts.
>
> In a second area ways must be found to portray the part played by religion in establishing and maintaining the moral and ethical values that the school seeks to develop and transmit.
>
> Finally, the public schools are called on to build an understanding of the relationship between civil government and religious freedom, and to prepare youth for citizenship in a multifaithed society.

TEACH WHAT CAN BE TAUGHT

Within the limits set by the Supreme Court, there are more than a few opportunities for educators to develop the curriculum so that it faithfully reflects the recognition of God as an integral part of American life.

One thing that teachers can do right now is to make suitable reference to such facts as the following:

First, the Mayflower Compact: 41 pilgrims on the deck of the Mayflower in 1620 prepared the first written constitution of our land. It opened with these words: "In the name of God, Amen," and stated that the long and difficult voyage to the New World had been "undertaken for the glory of God." They signed it "solemnly and mutually in the presence of God."

Second, Declaration of Independence: This profound document, the cornerstone of American freedom, provides a clear and unshakable basis for our Constitution, Bill of Rights, and all subsequent legislation in behalf of human rights. As finally approved by the Founding Fathers, the declaration makes these four specific references to the dependence of our Nation on God: "the laws of nature and of nature's God," "that all men are created equal, that they are endowed by their Creator with certain unalienable rights," "appealing to the Supreme Judge of the world for the rectitude of our intentions," "with a firm reliance on the protection of divine providence."

Third, Thanksgiving Day: From the very start of our Nation, one day each year has been set aside to render thanks to Almighty God. The Chief Executive officially asks each citizen to express gratitude to a bountiful Creator.

Fourth, the American seal: On every dollar bill the seal is pictured with the "eye of God" directly above the pyramid. The words "Annuit Coeptis" signify:

> He (God) has favored our undertakings.

Congress approved this design on June 20, 1782.

Fifth, oath of office: The oath taken by Government employees, witnesses in court, and those seeking passports concludes with the prayerful petition: "So help me God." This practice was originated by George Washington when he took his first oath of office as President of the United States, April 30, 1789.

I have read the inaugural addresses of our Presidents and every one of them referred to God and beseeched his help and guidance in the assumption of the trying responsibilities of the office.

Sixth, national anthem: Francis Scott Key composed the "Star Spangled Banner" during the bombardment of Fort McHenry on the night of September 13, 1814. For 117 years, this song was popular as a patriotic hymn. On March 3, 1931, Congress adopted the "Star Spangled Banner" as our national anthem. It closes this way:

> "Praise the Power that hath made and preserved us a nation.
> Then conquer we must, when our cause it is just
> And this be our motto—'In God is our Trust'."

Seventh, national motto: A joint resolution was also adopted by Congress on July 20, 1956, establishing "In God We Trust" as the national motto of the United States:

> Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the national motto of the United States is hereby declared to be "In God We Trust."

Eighth, State constitutions: My own State of Ohio has "grateful to Almighty God for our freedom" written into the constitution. In fact, 49 of the 50 State constitutions recognize our dependence on God Himself as the source of human rights and liberties. Here are other excerpts from some of the State constitutions:

> Alaska: "We the people of Alaska, grateful to God and to those who founded our nation and pioneered this great land."
>
> California: "We, the people of the State of California, grateful to Almighty God for our freedom."
>
> Florida: "grateful to Almighty God for our constitutional liberty."
>
> Georgia: "We the people of Georgia, relying upon the protection and guidance of Almighty God . . ."
>
> Hawaii: "We the people of the State of Ha-

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wail, grateful for Divine Guidance and mindful of our Hawaiian heritage . . ."

Illinois: "We, the people of the State of Illinois, grateful to Almighty God for the civil, political and religious liberty . . ."

Massachusetts: "We, therefore, the people of Massachusetts, acknowledging with grateful hearts the goodness of the great Legislator of the universe . . ."

Michigan: ". . . grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings . . ."

Missouri: "We, the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness . . ."

New York: "We, the people of the State of New York, grateful to Almighty God for our freedom . . ."

Pennsylvania: ". . . grateful to Almighty God for the blessings of civil and religious liberty . . ."

Texas: ". . . invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution . . ."

Ninth, pledge of allegiance: On April 20, 1953, a resolution was introduced in the House of Representatives to add the words "under God" to the pledge of allegiance to the flag. Both the House of Representatives and Senate adopted the resolution. It was made the law of the land when President Eisenhower signed the bill on June 14, 1954. The pledge now reads:

> I pledge allegiance to the flag of the United States of America and to the Republic for which it stands; one nation under God, indivisible, with liberty and justice for all.

While it may be clearly debatable how religious we are as a people and how deep our commitment is to the faith of our fathers, it cannot be argued that our Government was founded on anything except those Judeo-Christian principles which come from the Bible. While we are waiting to stem the tide which has resulted from the Supreme Court decision, we can nonetheless affirmatively point out many of the truths which are here stated and remind ourselves that our Constitution, our Government, our way of life has a deep religious heritage which should be militantly portrayed rather than shrinkingly withdrawn.

Tenth, legislative sessions: In the Ohio Legislature and in the U.S. Congress, each session has been opened with a prayer. There are chaplains in the House and Senate who are full-time officers of Congress here in Washington and at least part-time members of the legislative family in Columbus. No Supreme Court decision has deterred our legislators from conducting their deliberations in the atmosphere of religious commitment.

THE PRESIDENT'S ADDRESS AT THE AIR FORCE ACADEMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LIPSCOMB) is recognized for 5 minutes.

Mr. LIPSCOMB. Mr. Speaker, the President in his address today at the Air Force Academy has presented an important message on America's role in the world today and on the responsibilities of protecting freedom beyond our Nation's shores. Demonstrating the courage of a great leader in these times of controversy and of fundamental differences of opinion, our President candidly and forcefully stated that America cannot be left in peace if we do not actively assume the burden of keeping the peace.

Explicitly ruling out unilateral disarmament, the President said that the direction America must take today is one of commitment to preserving world peace by maintaining our Nation's military strength to meet the long-range obligations to itself and to the free world.

As to the level of military strength required of us, the President carefully noted that the critical question in defense spending is "how much is necessary?" In answering this question so vital to our Nation's future, America is indeed fortunate that our President has recommended defense decisions which will maintain our national security. Recognizing that in this age of science mistakes in military policy can be irretrievable, the President stated:

> But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

The President deserves America's fullest support as he recommends defense decision based on the hard realities of the offensive capabilities of our adversaries. These are indeed difficult decisions and the President has not taken the easy road to basing these decisions on our fervent hopes about our adversaries' intentions.

Although the isolationists' call for creating an Utopia in America certainly has superficial appeal, President Nixon's defense recommendations are designed to secure lasting world peace by refusing to weaken our military strength to the point of submission to the political philosophy which challenges democracies all over the globe and seeks world domination.

President Nixon deserves our fullest support, for any peace obtained as a result of weakness on our part, or by our unilateral reduction of arms, or by turning away from the pleas of freedom in suppressed countries can only be a false illusion—one of temporary peace—and one which results in the demise of freedom and democracy as we now enjoy it.

INFORMATION BOOKLET FOR HIGH SCOOL GRADUATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 5 minutes.

Mr. ESCH. Mr. Speaker, as a special service to high school graduates in Michigan's Second Congressional District, I have compiled a booklet of information which I believe will be useful to them. This information includes not only scholarship and funding information for further education in a college or vocational school, but also details regarding selective service rules and regulations, proposed changes in the Selective Service System and information on various means of satisfying military requirements.

I believe that this information would be useful to students around the Nation and hope that this forum will assist in making it available on a broad basis:

Information Booklet for High School Graduates

This booklet attempts to give briefly the possibilities of obtaining college loan or scholarship aid from all available sources. In addition to those mentioned in this booklet, there are countless loan, scholarship, and work-study opportunities at the individual colleges and universities and you should not overlook the possibility of obtaining some kind of financial assistance from the college or university of your choice.

You may have to combine several sources to finance your educational program. Complete information on the details of such programs can be secured *only* by writing directly to the institution.

If you have a good high school record and need financial help, you should proceed as follows:

1. Check with your high school guidance counselor, principal or advisor for scholarship information.
2. Write to admission directors at the colleges in which you are interested. New scholarship programs are being established every day and it would be impossible to list them all in this booklet.
3. Write to foundations and private businesses which offer special grants, such as the General Motors and Ford Foundation Scholarship Plans; the Kroger Company; Sears, Roebuck Foundation; Procter & Gamble; etc.
4. Write to the College Scholarship Service of the College Entrance Board, 475 Riverside Drive, New York, New York 10027. They will provide information on their services and a parental financial statement upon request.
5. Write to the Division of Student Financial Aid, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20201, for a copy of "Federal Aids for College Students." There is no charge for this publication. This booklet is also available through my office at 501 Cannon House Office Building, Washington, D.C. 20515.

FEDERAL ASSISTANCE—THE DEFENSE STUDENT LOAN PROGRAM

In 1958, President Eisenhower signed into law the National Defense Education Act in which most colleges and universities in the United States participate.

High School graduates who have been accepted for enrollment by colleges and universities and who need financial help for educational expenses are eligible for student loans.

An undergraduate student may borrow up to $1,000 each academic year—to a total of $5,000. Repayment does not begin until 9 months after college; interest also does not begin until then. Repayments at 3% interest per annum may be extended over a 10-year period although the school may require in minimum repayment of $15 a month.

The "Teachers' Forgiveness Clause" in this program provides that if a borrower becomes a full-time teacher in an elementary or secondary school or an institution of higher education, up to half of the loan may be forgiven at the rate of 10% for each year of teaching service. Borrowers who elect to teach in certain eligible schools located in areas of primarily low-income families or to teach handicapped children may qualify for cancellation of their entire obligation at the rate of 15% per year

The colleges and universities—NOT the Federal Government—approve and make the loans. A student desiring this financial assistance should make application directly to the college or university which has accepted him.

A booklet containing a summary of this loan program and listing participating colleges and universities may be obtained by writing to the Department of Health, Education, and Welfare, Office of Education, Washington, D.C. 20201 or to me.

FEDERAL GRANTS AND GUARANTEED LOANS

One of the final acts of the First Session of the 89th Congress was the Higher Education Act of 1965, which authorizes both Federally-financed grants and guaranteed student loans.

The grants are available through colleges and universities for students found to be in exceptional financial need. The maximum annual grant will be $1,000.

The colleges and universities will determine who is to receive the scholarships, and in what amount, so that application should be made directly to the college the student is attending or plans to attend.

Special emphasis will be placed upon identifying able students while they are still in high school with the promise of scholarship aid upon graduation from high school.

GUARANTEED STUDENT LOAN PROGRAM

Under this program, students may borrow from a local commercial bank, savings and loan association, mutual savings bank, insurance company, credit union, or other eligible lender to help meet college costs. The loan is made directly to the student, and is, in turn, guaranteed against default by a guarantee agency designated for each State. Loans may range up to $1,500 per year. Repayment may begin not less than nine nor more than twelve months after the student leaves college. For such loans, the Federal Government will pay a portion of the interest charges for eligible students.

TRAINING FOR TEACHERS OF HANDICAPPED CHILDREN

Grants are available through selected institutions for individuals for training as teachers or specially trained education personnel for children who are mentally retarded, seriously emotionally disturbed, hearing, speech or sight impaired, crippled, or otherwise health impaired. Available are traineeship grants for full-time senior year undergraduate study as well as post-graduate study. For information write: Division of Handicapped Children and Youth, U.S. Office of Education, Washington, D.C. 20201.

The War Orphans' Education Program offers assistance to the children of deceased or permanently and totally disabled veterans in certain categories. Financial aid is available for the education of children of veterans who are, or who died while, permanently and totally disabled from or whose death was due to disease or injury incurred or aggravated in the line of duty during the Spanish-American War, World War I, World War II, the Korean Conflict, the Vietnam Conflict and the induction period. The latter is the period, exclusive of war time, when young men are liable to induction under the Universal Military Service and Training Act.

Children of the above veterans may be entitled to help for 36 months or 4 academic years. Those who attend approved colleges, vocational and business schools can receive $130 monthly if on a full-time basis. Those on a ¾ time basis may receive $95 monthly and those on half-time may get $60 monthly.

To inquire about this program, write to the Veteran Administration Office nearest to your home, or to me.

FEDERAL LOAN ASSISTANCE FOR VOCATIONAL STUDENTS

Students attending public and private vocational schools (including private schools operated for profit) may also apply for loans under a loan guarantee program highly similar to that described above. Such students are also eligible for Federal interest benefits.

Information concerning this assistance may be obtained through local Commissions for Higher Education, from high school counselors and from the business, trade, or vocational school the student plans to attend.

The United Business Schools Association maintains a listing of schools it has accredited. Many of these schools offer general work or service scholarships to eligible students. Some also offer work-study program. For a listing of these accredited business schools and additional information write: Accrediting Commission for Business Schools, 5057 Woodward Avenue, Detroit, Michigan 48202.

THE FIELD MEDICINE

Federal: The Health Professions Educational Assistance Act of 1963, as amended in 1965, provides for loans up to $2,500 per year for students pursuing a full-time course of study leading to a doctorate degree in medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and surgical chiropody. The 1965 Amendments provide for scholarships up to $2500 per year for students in schools of medicine, osteopathy, dentistry, and optometry. Specific enquiries should be addressed to the institution to which students have applied for admission, or at which they are enrolled.

Medical Social Work: Medical Social Work Section, National Association of Social Workers, 2 Park Avenue, New York, N.Y. 10016.

Physical Therapy: American Physical Therapy Association, 1740 Broadway, New York, N.Y. 10019.

Medicine: Council on Medical Education and Hospitals, American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610 or Association of American Medical Colleges, 2530 Ridge Avenue, Evanston, Illinois 60201.

Occupational Therapy: American Occupational Therapy Assn., 251 Park Ave., South, New York, N.Y. 10010.

NURSES

If you are interested in a career as a nurse, or in furthering your education if you are presently in nursing, you may want to contact the following sources for information: Department of Information Services, National League for Nursing, 10 Columbus Circle, N.Y., N.Y. 10019.

The National Foundation, 800 Second Ave., New York, N.Y. 10017.

The 8 and 40 Tuberculosis Nursing Scholarship Fund assists students in securing advanced preparation for positions in supervision, administration or teaching with a direct relationship to tuberculosis control. Write: Box 1055, Indianapolis, Indiana 46206.

A list of institutions offering nursing traineeships is available at no cost from the Division of Nursing Public Health Service, Room 407, 800 No. Quincy St., Arlington, Va. 22203.

The Nursing Student Loan Program provides for the establishment of a student loan fund in those public or nonprofit schools of nursing which wish to participate.

Talented high school graduates in need of financial assistance to enter and complete basic programs in nursing should apply for admission to the schools of their choice. Once admitted, they are eligible for loans under this Act. For information, write: Division of Community Health Services, Rm. 810, 800 N. Quincy St., Arlington, Va. 22203.

Students may cancel up to 50% of their loan for full-time employment as a professional nurse in any public or nonprofit private institution or agency. For each complete year of service, the rate of cancellation shall be 10% of the loan, plus interest, which is unpaid on the first day of employment.

PRIVATE FINANCIAL ASSISTANCE

In addition, there are hundreds of private scholarships and loans available at every college and university in the Nation. I have listed some of the major funds. However, only the financial aids officer at your college can give you a full breakdown on the funds which are available. Among the private scholarship and loan funds which are available are the following:

The National Merit Scholarship Program awards 4-year scholarships which may be used in any accredited college or university in the United States. Students are selected through a process starting with nation-wide competitive examinations. This is a national program, and students compete each year for over 2,300 awards ranging from $100 to $1,500 per pear in value. Applicants must take the National Merit Scholarship Qualifying Test in the year preceding high school graduation, normally as juniors. For detailed information, consult your high school counselor or write the National Merit Scholarship Corporation, 990 Grove Street, Evanston, Illinois 60201.

The National Achievement Scholarship Program awards 4-year scholarships to outstanding Negro students in an annual nation-wide competition. Winners may use their awards at any accredited college or university in the United States and receive from $250 to $1,500 per year. Over 250 awards are given annually. The program is administered by the National Merit Scholarship Corporation. For detailed information, consult your high school counselor or write the National Achievement Scholarship program, 990 Grove Street, Evanston, Illinois 60201.

Knights of Columbus Educational Trust Fund: Scholarships are available to sons and daughters of Knights who were killed or disabled as a result of military service during World War II, the Korean War or the Viet Nam War. In addition, special $1000 scholarships are awarded for undergraduate study at The Catholic University of America, Washington, D.C., for sons and daughters, brothers and sisters of living or deceased members of the Knights of Columbus. Write to the Supreme Secretary, Knights of Columbus, Drawer 1670, New Haven, Connecticut 06507.

Westinghouse Science Scholarships and Awards: The Science Clubs of America conduct an annual talent search for outstanding students who are interested in science. 40 winners are selected with the top five getting $25,000 in scholarships and the other 35 awards of $250 each. Information may be obtained from the Science Clubs of America, 1719 N Street, N.W., Washington, D.C. 20036. Deadline for all materials is December 27.

The Elks have scholarship programs for children of members who were killed or died in the armed services. Applications should be made directly to the lodge of which their father was a member.

Fraternal Order of Eagles offers medical, dental and educational assistance to minor children of Eagle members who lost their lives while in the armed services. For information contact the local Eagle Aerie or Eagles Memorial Foundation, 4710 14th St., W., Bradenton, Florida 33505.

The AMVETS grant scholarships to high school seniors whose fathers are deceased or disabled veterans of World War II or the Korean War. Write: AMVETS, 1710 Rhode Island Avenue, N.W., Washington, D.C. 20036.

American Association of University Women Educational Foundation: Awards about 50 fellowships. Write American Association of University Women, 2401 Virginia Avenue, N.W., Washington, D.C. 20007.

The Hattie M. Strong Foundation makes loans without interest or collateral up to $3,000 to students who are within 2 years of their final degree. Loans are based almost entirely on need—top limit of $1,500 per year per student. For additional information write the Hattie M. Strong Foundation, Room 409, 1625 Eye Street, Washington, D.C. 20006.

The Woodrow Wilson National Fellowship Foundation grants 1,000 fellowships for first year graduate students interested in college teaching careers in the liberal arts field. Current grants are contingent upon availability of funds beyond June, 1968. Write the Wood-

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row Wilson National Fellowship Foundation, Box 642, Princeton, New Jersey 08540.

Foundation for Independent Education, 224 Clarendon Street, Boston, Massachusetts. Approximately 8 to 10 scholarships valued at $300 are awarded annually to attend private junior colleges. For information write: Funds for Education, Inc., 319 Lincoln Street, Manchester, New Hampshire 03103.

Church Scholarships are available through many denominations. 500 National Methodist Scholarships are awarded to outstanding students in over 100 accredited Methodist institutions. Students may also obtain loans from the Methodist Student Loan Fund while attending any institution of higher education accredited by its regional accrediting association. Write, Department of Student Loans and Scholarships, P.O. Box 871, Nashville, Tenn. 37202. The American Baptist Student Aid Fund also awards national scholarships and further information on this program may be obtained by writing, American Baptist Student Aid Fund, Valley Forge, Pa. 19481. The United Presbyterian Church U.S.A. offers 50 scholarships to qualified Presbyterian youths entering 45 church-related colleges. Application forms may be secured from the Board of Christian Education, United Presbyterian Church, 425 Witherspoon Building, Philadelphia, Pa. 19107. The Lutheran Churches affiliated with the Lutheran Council in the U.S.A. have a unified graduate scholarship program in social work for qualified Lutheran applicants. For details write: Division of Welfare Services, LCUSA, 315 Park Avenue South, New York, New York 10010. The National Jewish Welfare Board, 145 East 32nd Street, N.Y., N.Y. 10016, will furnish information about careers in social group work and scholarship help for graduate social work education.

FINANCIAL AID BOOK-SHELF

There are many books about financial aid for students. Here are a few that tell about privately operated aid programs as well as those operated by the Office of Education and other Federal agencies. Many school and public libraries have them.

Comparative Guide to American Colleges for Students, Parents, and Counselors, by James Cass and Max Birnbaum. Published by Harper and Row, 49 East 33d Street, New York 10016. Paperback $4.95.

How About College Financing? by S. Norman Feingold. Published by the American Personnel and Guidance Association, 1605 New Hampshire Avenue NW., Washington, D.C. 2009. 30¢.

Need a Lift? American Legion Scholarship Information Service, Box 1055, Indianapolis, Indiana 46206. 25¢

Nursing Student Loan Program: Information for Students. U.S. Public Health Service, Washington, D.C. 20201. Single copies free.

The Health Professions Student Loan Program. U.S. Public Health Service, Washington, D.C. 20201. Single copies free.

A Letter to Parents: Financial Aid for College by Sidney Margolius. Available from the College Entrance Examination Board, 475 Riverside Drive, New York, New York 10027. Free to high school counselors. (Ask yours.)

A National Catalog of Scholarships and Other Financial Aids for Students Entering College, by Oreon Keeslar. Published by the William C. Brown Company, Dubuque, Iowa 52001. Paperback $6.95.

College Costs Today. New York Life Insurance Company, Career Information Service, Box 51 Madison Square Station, New York, New York 10010. Free.

Facing Facts About College Costs. The Prudential, Education Department, Box 36, Newark, New Jersey 07101. Also available from any Prudential Life agent. Free.

IF YOU DO NOT KNOW WHICH SCHOOL YOU WANT TO ATTEND

Four admissions information centers have been established to help high school seniors and graduates looking for colleges and colleges looking for prospective students. These centers charge a nominal fee and function as clearing centers where the records of student applicants are reviewed by interested colleges. Any student who has not made up his mind about college might find the services of these centers most useful:

1. American College Admissions Advisory Center, 12th & Walnut Streets, Philadelphia, Pennsylvania.
2. College Admissions Assistance Center, 41 East 65th Street, New York, New York.
3. College Admissions Center, 610 Church Street, Evanston, Illinois.
4. Catholic Colleges Admissions and Information Center, 500 Salisbury Street, Worcester, Massachusetts 01609.

Every young man has military obligations to the United States under the Selective Service Act of 1967. However, the military does not need all the young men who are available and the Selective Service System has been established to select those who must serve.

Most selective service troubles arise because of, first the registrant's ignorance of, or carelessness about, his rights—especially the right of appealing any new classification given by the local board; and second the registrant's failure to keep his local board informed of changes in status, qualification, and location.

All contact with the appeals to your local Draft Board should be put in writing. Registrants should keep copies of all correspondence with their local board and should put in writing for inclusion in their file all verbal communications with the local board, including telephone calls and summaries of personal appearances. This reduces the chance of misunderstanding.

The following are the general rules and regulations of the Selective Service System at the present time. If questions arise, you should contact your draft board immediately. My office will also be glad to provide you with assistance and information, although I have absolutely no power to make a determination on your specific case.

GENERAL RULES AND REGULATIONS

1. A Selective Service local board places a registrant in a deferred class when it determines that the national interest would be best served by continuing the individual registrant temporarily in a civilian status.

After the young man registers at the age of 18, his local board mails him a Classification Questionnaire. The information submitted in this and subsequent questionnaires is the foundation for classification; but the registrant, his employer, his university, or a dependent may submit new or supplemental information. For men seeking occupational deferment, employer information supporting occupational deferment should be filed at the time of employment, and should be kept current thereafter.

2. A registrant has the right to request a personal appearance before his board within 30 days of the date of mailing of any notice of classification by the local board. Following such personal appearance, he will be given a new classification card, and will have the right to appeal that classification within 30 days. A personal appearance before the local board is not required, and any registrant may bypass this step and make a direct request for appeal. However, he forfeits his right to a personal appearance if he appeals before requesting a personal appearance.

Along with the Classification Notice mailed to registrants classified in Classes I–A, I–A–O and I–O, there will be forwarded information that a Government Appeal Agent is available to them for legal advice on Selective Service matters, particularly in connection with appeals.

A request for a personal appearance or for an appeal should be sent to the local board. Requests for appeal should be accompanied by supporting letters and documents from teachers, employers, dependents, or others to justify the registrant's claim.

A *personal appearance* can be made only before the registrant's own local board. However, a registrant has the right to request a transfer of his *appeal* to the appeal board having jurisdiction over his principal place of employment or place of residence, if his local board is in a different state or jurisdictional area. The request for transfer must be made at the same time that the appeal is requested. The local board will forward the entire file to the appeal board, which may change or sustain the classification given the registrant.

3. Denial of deferment at the state level may be appealed to the President within 30 days if the vote of the appeal board was split. If the vote was unanimous, the registrant, an employer, a school, or a disinterested agency such as the Scientific Manpower Commission, may seek review at State Selective Service Headquarters and following that review, may seek further review at National Selective Service Headquarters in Washington, D.C. The State Director in the local board state, the State Director in the appeal board state, or the National Director of Selective Service may take an appeal to the President following unanimous classification by the appeal board.

4. A registrant cannot be inducted during the time any appeal is pending. No local board may deny an appeal.

5. No deferment is valid for a period longer than one year. However, most deferments may be renewed. The registrant and his employer or his school should apply for a continuation of the deferred classification prior to its expiration. The registrant is responsible for keeping his local board up-to-date on his status. In the case of undergraduate students, the request for continued deferment shoud be made on Form 104 and must be supported by Form 109, or any revised versions thereof that may be issued.

6. If an induction order has not been issued, the local board may be asked to re-open a classification if new information is supplied by the registrant or others in his behalf. The local board *must* reopen only when the new information, if true, would require placing the registrant in a new classification (such as I–S), or if ordered to re-open by the State or National Director of Selective Service. They *may* re-open when the new information would justify a change in classification, and was not considered in previous classification action. When a classification is re-opened and considered anew by the local board, rights of appeal are reestablished.

7. Registrants who have passed their 26th birthday without fulfilling their military obligation are dropped next to the bottom of the call list. Registrants deferred under authority of regulations issued by the President remain liable for service until they are 35 years old.

STUDENT DEFERMENT

High school and 2 year college students

8. The full-time, satisfactory high school student who is ordered for induction shall be deferred in Class I–S. This deferment classification ends when he graduates or reaches age 20 or ceases satisfactorily to pursue a full-time course of study. The student

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seeking this deferment should ask the school principal to write to the local board giving the pertinent information. School principals should notify their students that such deferment is available.

Students in a two year college program not leading to a baccalaureate degree may be deferred in Class II–A.

Undergraduates

9. Presidential regulations provide that any undergraduate student who is satisfactorily pursuing a full-time course of instruction at a college or university shall be deferred at his request until he completes his baccalaureate degree, fails to pursue satisfactorily a full-time course of study, or attains the age of 24, whichever occurs first. The student must request such deferment in order to be placed in Class II–S, and in so doing he forfeits his right to deferment for fatherhood after completing his education, unless his induction would create a hardship for his dependents.

Additionally, until his thirty-fifth birthday, he shall be subject to call in the prime age group (see Number 35) if calls are placed by age group and if he ceases to be in a deferred class. However, he is not restricted from occupational deferment because he has been deferred as a student. The request for student deferment should be made on SSS Form 104.

College students under age 19 should *not* request student deferment, since the student is not currently subject to induction and should not incur the liabilities of II–S classification until he needs the deferment to stay in school, and has successfully completed his freshman year.

The student must provide his local board each year with evidence that he is satisfactorily pursuing his full-time course of study.

10. The undergraduate student who elects not to request student deferment, or who is not found eligible for student deferment, and who is ordered for induction during a school year, shall be placed in Class I–S(C) if he is satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning, provided he has not previously been placed in Class I–S(C). He will be retained in this classification until the end of his academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is earlier. He is not prohibited from later classification in II–S if he is otherwise eligible.

At the expiration of the I–S(C) classification, a student is subject to induction in the regular order of call unless he is further deferred. If calls are placed by age group, he will be subject to call in the prime age group, but his right to fatherhood deferment is not forfeited.

11. A student's academic year includes the 12-month period following the beginning of his course of study or its anniversary.

A full-time course of instruction requires that the student earn within one calendar year a sufficient number of credits to represent a direct proportion of his total required number of credits. For example, a student in a four-year baccalaureate course should have earned one-fourth of the credits required for his degree at the end of his first academic year, half at the end of his second academic year, and three-fourths at the end of his third academic year.

Graduate students

12. A student shall be placed in Class II–S if he is satisfactorily pursuing a course of graduate study in medicine, dentistry, veterinary medicine, optometry, osteopathy, or such other subjects necessary to the maintenance of the national health, safety, or interest as are identified by the Director of Selective Service upon advice of the National Security Council. In February 1968, the NSC found that no other subject areas were essential, at that time. A new appraisal may be made later.

13. A full time graduate student shall not be considered for occupational deferment because he is engaged in teaching part time. However, men who are not full time graduate students and who are teaching a regular class load may request occupational deferment if replacements of similar competence cannot be obtained. See Occupational Deferment.

14. The I–S(C) classification is not available for students who have been deferred as undergraduates in Class II–S after June 30th, 1967, and have completed their baccalaureate degree. Students deferred in II–S only as graduate students after June 30, 1967, may be eligible for I–S(C) classification. District Courts have ruled both for and against their eligibility. Students not eligible for deferment who begin a school term and are ordered for induction during that term should request postponement of induction till the end of the quarter or semester.

OCCUPATIONAL DEFERMENT

15. The Director of Selective Service may from time to time upon the advice of the National Security Council identify needed professional and scientific personnel and those engaged in and preparing for critical skills and other essential occupations. In mid-February, 1968, the lists of essential activities and critical occupations were suspended. However, occupational deferments are available at the discretion of local or appeal boards on the basis of the national health (safety or interest; and on the basis of community need. If new lists are issued later, they will be available through Selective Service.

In general, occupational deferments may be granted to persons whose work is considered essential to the national health, safety or interest; who cannot be replaced with a person of similar competence; and whose removal would cause a material loss of effectiveness in the activity.

16. A request for occupational deferment should be made as soon as the registrant is working in an essential job. In the case of graduating students, both the registrant and the potential employer should notify the registrant's local board prior to graduation that employment has been accepted. A formal request for deferment can be made as soon as the registrant is actually at work.

Information supplied to the local board will be the basis of classification. Therefore, all pertinent facts should be supplied at the time deferment is requested. An appeal board cannot consider information not previously considered by the local board.

The Selective Service System must be provided with full information as to the critical nature of the skill of the registrant, including a detailed description of his training, his specific job duties, and their relationship to the national health, safety, or interest.

Employers should submit additional information regarding the steps they have taken to find a replacement for the employee; or in the case of a new employee the recruitment measures used by the company, and their degree of success in filling the company's needs for professional employees.

A registrant classified as I-A by a local board may request a personal appearance and/or appeal for a II-A classification (occupational) within 30 days of mailing of notice of classification. His employer may appeal within the same period only if he had, prior to the I-A classification, supplied the local board written information in support of an occupational deferment. An employer who has not established appeal rights may provide all pertinent information to support the employee's appeal.

Both the registrant and the employer should place an appeal simultaneously rather than having either of them work unilaterally in requesting deferment.

The employer may request the local board to reopen the classification of the registrant upon receipt of new evidence, if, at the time, the registrant is not under an order to report for induction.

17. State Advisory Committees on Scientific, Engineering and Specialized Personnel provide information and advice to the State Director and to local and appeal boards concerning the utilization and essentiality of scientific, engineering, and other specialized personnel not in the professions of the healing arts.

Selective Service registrants in these categories, or their employers, should request that the appropriate State Advisory Committee review their files. Request should be made to the appropriate local board, via the State Director, that the file of the registrant be referred to the State Advisory Committee. If it has not been done earlier, request review at the time the appeal letter is sent.

These Committees will be generally familiar with the work of companies and industries within their state, but they must have adequate information on the duties of the individual registrant under consideration to determine whether his continued deferment is in the national interest.

Apprentices

18. Any registrant who is preparing for a skilled trade or occupation through an approved apprentice program shall be placed in Class II–A. Upon completion of his training program, the registrant will be eligible for new consideration in Class II–A, if his employment is essential to the community or to the national health, safety or interest.

Doctors, Dentists, and Allied Specialists

19. Special calls may be placed from time to time for medical specialists, who are subject to induction to age 35.

20. Commissioned officers of the Public Health Service are not required to register for Selective Service while on active duty in the Public Health Service, provided the officer is assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the Environmental Science Services Administration.

Members of the Reserve of the Public Health Service on duty prior to June 30, 1967 and assigned to duty other than that specified above, shall not be required to register nor be liable for active military duty.

21. Doctors, dentists and allied specialists, including immigrants, are liable to registration and training and service up to age 35.

ROTC STUDENTS

22. ROTC *students* are deferred in Class I-D until completion of college work. There is no such thing as permanent deferment or exemption from service for ROTC *graduates*, except under conditions of extreme personal or community hardship which cannot be alleviated by temporary delay.

RESERVISTS

23. There are two branches of the Reserve—the Ready Reserve and the Standby Reserve. The Ready Reserve may be called up on very short notice. Generally, Standby reservists would be called up only after all Ready Reserve Units were called.

24. Under current screening regulations, reservists who have critical civilian occupations but do not have critical military skills are screened as a matter of regular policy from the Ready Reserve to the Standby Reserve, with the following exceptions. Reservists who have served only their active duty for training—a period of six months or less—and reservists who have signed a Ready Reserve agreement may not be screened into the Standby Reserves.

In all cases, the possession of critical military skills overrides the possession of critical occupational skills as listed by the Department of Commerce.

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25. Members of the Standby Reserve are under the jurisdiction of the Director of Selective Service, and are further screened as I-R (available) or II-R (working in a critical occupation).

Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be re-transferred to the Ready Reserve whenever the reason for his transfer to the Standby Reserve no longer exists.

26. Both employers and reservists should make certain that the reservist has been properly screened. Applications for screening should be made prior to the issuance of alert orders or orders to active duty.

Requests for screening should be made as follows: Army Reservists should write to the Commanding Officer, U.S. Army Administrative Center (Attn.: AGAC-RA-X) 9700 Page Blvd., St. Louis, Mo. 63132. In the Navy, application should be made to the Naval District in which the reservist resides. Air Force reservists should apply to the major Air Command of jurisdiction. Marine requests should be addressed to the Commandant, Marine Corps, Washington, D.C.; and Coast Guard reservists should write to the Commandant, Coast Guard, Washington, D.C. Both Army and Air National Guard should address application for screening to the State Adjutant General.

27. Members of the Ready Reserve may be assigned to an active unit or they may be members of the Ready Reserve pool. Those reservists who are not assigned to an active unit are subject to individual call to active duty.

Reservists assigned to an active unit, but who are not in good standing in that unit and who have from nine to twenty-four months of active duty may be transferred to their draft boards where they can be drafted for two years up to age 35.

28. A registrant may enlist in a Reserve unit at any time prior to the issuance of orders for him to report for induction, or prior to his scheduled date of induction if a determination has been made by the Governor of the state (for the National Guard) or the President (for the Regular Reserve) that the strength of the Ready Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction. A reservist shall be classified in I-D and shall remain eligible for that classification so long as he serves satisfactorily as a member of an organized unit of the Ready Reserve or the National Guard.

ORDER OF INDUCTION

29. *This is the current order of call.*

When a call is placed without designation of age group or groups, the order of call shall be:

(1) Selective Service Delinquents, age 19 or over; oldest first.

(2) Volunteers under 26 in the order in which they volunteered.

(3) Single non-volunteers and men married after August 26, 1965, age 19 to 26, oldest first.

(4) Non-fathers married on or before August 26, 1965, age 19 to 26, oldest first.

(5) Non-volunteers 26 to 35, youngest first.

(6) Non-volunteers between 18½ and 19, oldest first.

PRESENT REGULATIONS PROVIDE FOR THE FOLLOWING CLASSIFICATIONS

Class I–A: Available for military service.

Class I–A–O: Conscientious objector available for noncombatant military service only.

Class I–C: Member of the Armed Forces of the United States, the Environmental Science Services Administration or the Public Health Service.

Class I–D: Member of reserve component or student taking millitary training.

Class I–O: Conscientious objector available for civilian work contributing to the maintenance of the national health, safety, or interest.

Class I–S: Student deferred by statute.

Class I–Y: Registrant qualified for military service only in event of war or national emergency.

Class I–W: Conscientious objector performing civilian work contributing to the maintenance of the national health, safety, or interest.

Class II–A: Registrant deferred because of civilian occupation (except agriculture and activity in study).

Class II–C: Registrant deferred because of agricultural occupation.

Class II–S: Registrant deferred because of activity in study.

Class III–A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

Class IV–A: Registrant who has completed service; sole surviving son.

Class IV–B: Official deferred by law.

Class IV–C: Alien deferred by law.

Class IV–D: Minister of religion or divinity student.

Class IV–F: Registrant not qualified for any military service.

Class V–A: Registrant over the age of liability for military service.

I have long believed that the present draft system is inequitable and that it imposes unnecessary uncertainty on young men during the period in which they make the most important decisions of their lives. The question of who shall serve in the Armed Forces when not all persons must serve has always been a troublesome one. I have worked since I came to Congress to make our selective service laws more fair and I was gratified when this effort received support from President Nixon.

The President has proposed a number of major changes in our draft system in order to make it more equitable. His proposals are now pending before the Congress and it seems likely that they will be enacted within the next few months.

As a guideline to the effect this proposal will have on the draft status of young men who are now completing high school, I am quoting directly from the President's message to the Congress outlining his proposals and the way in which they will be implemented:

4. Continue the undergraduate student deferment, with the understanding that the year of maximum vulnerability would come whenever the deferment expired.

5. Allow graduate students to complete, not just one term, but the full academic year during which they are first ordered for induction.

6. In addition, as a step toward a more consistent policy of deferments and exemptions, I will ask the National Security Council and the Director of Selective Service to review all guidelines, standards and procedures in this area and to report to me their findings and recommendations.

I believe these reforms are essential. I hope they can be implemented quickly.

Any system which selects only some from a pool of many will inevitably have some elements of inequity. As its name implies, choice is the very purpose of the Selective Service System. Such choices cannot be avoided so long as the supply of men exceeds military requirements. In these circumstances, however, the Government bears a moral obligation to spread the risk of induction equally among those who are eligible.

Moreover, a young man now begins his time of maximum vulnerability to the draft at age nineteen and leaves that status only when he is drafted or when he reaches his twenty-sixth birthday. Those who are *not* called up are nevertheless vulnerable to call for a seven year period. For those who *are* called, the average age of induction can vary greatly. A few years ago, when calls were low, the average age of involuntary induction was nearly twenty-four. More recently it has dropped to just about twenty. What all of this means for the average young man is a prolonged time of great uncertainty.

The present draft arrangements make it extremely difficult for most young people to plan intelligently as they make some of the most important decisions of their lives, decisions concerning education, career, marriage, and family. Present policies extend a period during which young people come to look on government processes as particularly arbitrary.

For all of these reasons, the American people are unhappy about our present draft mechanisms. Various elements of the basic reforms which I here suggest have been endorsed by recent studies of the Selective Service System, including that of the Marshall Commission of 1967, the Clark panel of that same year, and the reports of both the Senate and the House Armed Services Committees. Reform of this sort is also sound from a military standpoint, since younger men are easier to train and have fewer family responsibilities.

My specific proposals, in greater detail, are as follows:

1. *A "youngest-first" order of call.* Under my proposal, the government would designate each year a "prime age group," a different pool of draft eligibles for each consecutive twelve-month period. (Since that period would not necessarily begin on January 1, it would be referred to as a "selective service year.") The prime age group for any given selective service year would contain those registrants who were nineteen years old when it began. Those who received deferments or exemptions would rejoin the prime age group at the time their deferment or exemption expired. During the first year that the new plan was in operation, the prime age group would include *all* eligible men from nineteen to twenty-six, not deferred or exempt, so that no one would escape vulnerability simply because of the transition.

2. *Limited vulnerability.* Each individual would experience maximum vulnerability to the draft only for the one selective service year in which he is in the prime age group. At the end of the twelve-month period—which would normally come sometime during his twentieth year—he would move on to progressively less vulnerable categories and an entirely new set of registrants would become the new prime age group. Under this system, a young man would receive an earlier and more decisive answer to his question, "Where do I stand with the draft?" and he could plan his life accordingly.

3. *A random selection system.* Since more men are classified as available for service each year than are required to fill current or anticipated draft calls, Selective Service Boards must have some way of knowing whom to call first, whom to call second, and whom not to call at all. There must be some fair method of determining the sequence of induction for those available for service in the prime age group.

In my judgment, a fair system is one which randomizes by lot the order of selection. Each person in the prime age group should have the same chance of appearing at the top of the draft list, at the bottom, or somewhere in the middle. I would therefore establish the following procedure:

At the beginning of the third month after Congress grants this authority, the first of a sequence of selective service years would begin. Prior to the start of each selective service year, the dates of the 365 days to follow would be placed in a sequence determined by a random method. Those who spend the following year in the pool would take their place in the draft sequence in the same order that their birthdays come up on this scrambled calendar. Those born on June

21st, for example, might be at the head of the list, followed by those born on January 12th, who in turn might be followed by those born on October 23rd. Each year, a new random order would be established for the next year's draft pool. In turn those who share the same birthday would be further distributed, this time by the first letter of their last names. But rather than systematically discriminaing against those who come at the front of the alphabet, the alphabet would also be scrambled in a random manner.

Once a person's place in the sequence was determined, that assignment would never change. If he were granted a deferment or exemption at age nineteen or twenty, he would re-enter the prime age group at the time his deferment or exemption expires, taking the same place in the sequence that he was originally assigned.

While the random sequence of induction would be nationally established, it would be locally applied by each draft board to meet its local quota. In addition to distributing widely and evenly the risk of induction, the system would also aid many young men in assessing the likelihood of induction even before the classification procedure is completed. This would reduce uncertainty for the individual registrant and, particularly in times of low draft calls, simplify the task of the draft boards.

4. *Undergraduate student deferments*. I continue to believe in the wisdom of college deferment. Permitting the diligent student to complete his college education without interruption by the draft is a wise national investment. Under my proposal, a college student who chooses to take a student deferment would still receive his draft sequence number at the time he first enters the prime age group. But he would not not be subject to induction until his deferment ended and he re-entered a period of maximum vulnerability.

5. *Graduate Student Induction*. I believe that the induction of men engaged in graduate study should be postponed until the end of the full academic year during which they are first called to military service. I will ask the National Security Council to consider appropriate advice to the Director of the Selective Service to establish this policy. At present, graduate students are allowed to delay induction only to the end of a semester. This often means that they lose valuable time which has been invested in preparation for general examinations or other degree requirements. It can also jeopardize some of the financial arrangements which they made when they planned on a full year of schooling. Induction at the end of a full academic year will provide a less damaging interruption and will still be consistent with Congressional policy.

At the same time, however, the present policy against general graduate deferments should be continued, with exceptions only for students in medical and allied fields who are subject to a later special draft. We must prevent the pyramiding of student deferments—undergraduate and graduate—into a total exemption from military service. For this reason the postponement of induction should be possible only once for each graduate student.

6. *A review of guidelines*. The above measures will reduce the uncertainty of young men as to when and if they may be called for service. It is also important that we encourage a consistent administration of draft procedures by the more than 4,000 local boards around the country. I am therefore requesting the National Security Council and the Director of Selective Service to conduct a thorough review of our guidelines, standards and procedures for deferments and exemptions, and to report their findings to me by December 1, 1969. While the autonomy of local boards provides valuable flexibility and sensitivity, reasonable guidelines can help to limit geographic inequities and enhance the equity of the entire System. The 25,000 concerned citizens who serve their country so well on these local boards deserve the best possible framework for their decisions.

Ultimately we should end the draft. Except for brief periods during the Civil War and World War I, conscription was foreign to the American experience until the 1940's. Only in 1948 did a peacetime draft become a relatively permanent fact of life for this country. Now a full generation of Americans has grown up under a system of compulsory military service.

I am hopeful that we can soon restore the principle of no draft in peacetime. But until we do, let us be sure that the operation of the Selective Service System is as equitable and as reasonable as we can make it. By drafting the youngest first, by limiting the period of vulnerability, by randomizing the selection process, and by reviewing deferment policies, we can do much to achieve these important interim goals. We should do no less for the youth of our country.

RICHARD NIXON.

THE WHITE HOUSE, *May 13, 1969*.

There are more than 40 ways in which a young man can fulfill his military obligation. No listing of this nature can include all of the alternatives within major categories but I hope that this list will outline the major programs. For specific information you should contact the military recruiters listed at the end of this article.

It is important to point out that no guarantee of special training or assignment is binding on the military unless a notation is made in writing on your enlistment papers.

ENLISTMENT ALTERNATIVES INTO MILITARY SERVICE

Army enlisted programs

1. Regular Army enlistment (over 50 job fields): Graduate Specialist Program, Choose-It Yourself System, and Combat Arms Program.
2. Enlisted Reserve (2 year active option).
3. Enlisted Reserve (active training option).
4. Army National Guard.

Army officer programs

5. U.S. Military Academy at West Point.
6. Army Reserve Officers Training Corps (ROTC).
7. Army Officers Candidate School (OCS).
8. Direct appointment programs.
9. Warrant Officer Flight Training.
10. National Guard Officer Candidates.
11. National Guard Flight Training.

Navy enlisted programs

12. Regular Navy Enlistment (over 68 job fields).
13. Minority Navy Enlistment.
14. Naval Reserve Enlistment.

Navy officer programs

15. U.S. Naval Academy at Annapolis.
16. Naval Reserve Officer Training Corps (NROTC) Regular.
17. Naval Reserve Officer Training Corps (NROTC) Contract.
18. Navy Enlisted Scientific Education Program (NESEP).
19. Navy Officer Candidate School (OCS).
20. Naval Reserve Officer Candidate (ROC).
21. Naval Aviation Reserve Officer Candidate (AVROC).
22. Naval Aviation Cadet (NAVCAD).
23. Naval Aviation Officer Candidate (AOC).
24. Naval Aviation Officer Candidate (NAOC).
25. Naval Officer Candidate Airman (OCAN).

Air Force enlisted programs

26. Regular Air Force Enlistment (over 47 job fields).
27. Air Force Reserve Non-Prior Service.
28. Air National Guard.

Air Force officer programs

29. U.S. Air Force Academy.
30. Air Force Reserve Officer Training Corps (AFROTC).
31. Air Force Officer Training School (OTS).
32. Airman Education and Commissioning Program (AECP).

Marine Corps enlisted programs

33. Regular Marine Corps Enlistment (about 37 job fields).
34. Marine Corps Enlisted Reserve.
35. Marine Corps 6-Month Training Program).

Marine Corps officer programs

36. Marine Corps Officer Candidate Course (OCC): ground option and aviation option.
37. Marine Corps Platoon Leaders Class (PLC): Ground option, and aviation option.
38. Marine Aviation Cadet.

Coast Guard enlisted programs

39. Regular Coast Guard Enlistment (over 30 job options).
40. Coast Guard 6-Month Reserve.

Coast Guard officer programs

41. Coast Guard Reserve: RL program, and 2X6 Program.
42. U.S. Coast Guard Academy at New London.
43. Coast Guard Officer Candidate School (OCS).

U.S. merchant marine

44. U.S. Merchant Marine Academy at Kings Point.

For further information regarding enlistment opportunities, contact the recruiting stations in or near the Second Congressional District. The stations include:

AIR FORCE

406 East Liberty, Ann Arbor, 662–1463.
300 North Grand Ave., Lansing, 489–9644.
6305 W. Jefferson, Detroit, 841–8850.
Post Office Building, Monroe, CH 2–2552.

ARMY

223 East Ann, Ann Arbor, NO 5–7357.
300 North Grand, Lansing, 489–9644.
16820 Jas. Couz, Detroit, 342–9600.
128 W. Maumee, Adrian, 265–2913.
126 S. Monroe, Monroe, CH 1–6666.

COAST GUARD

238 Lafayette Building, Detroit, 226–7746.

MARINES

206 North Huron, Ypsilanti, 483–9644.
300 North Grand, Lansing, 489–6806.
468 Federal Building, Detroit, 226–7758.
Post Office Building, Monroe, 241–0293.

NAVY

220 North Main, Ann Arbor, NO 5–5693.
300 North Grand, Lansing, 484–8215.
421 Lafayette Building, Detroit, 226–7790.
204 N. Broad, Adrian, 263–3696.
Post Office Building, Monroe, 241–6942.

MATSUNAGA URGES REPEAL OF EMERGENCY DETENTION ACT OF 1950

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 30 minutes.

Mr. MATSUNAGA. Mr. Speaker, yesterday I joined with the gentleman from California (Mr. HOLIFIELD) in cosponsoring a bill that would repeal the so-called concentration camp authorization law, more specifically, title II of the Internal Security Act of 1950.

This Emergency Detention Act bothers me because it violates the constitutional guarantees and judicial traditions that are basic to our American way of life. And, while it has not been invoked since its enactment, it appears to be a contin-

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uing threat to many who are engaged in a legitimate inquiry into some of the values and assumptions of our society.

The statute also concerns me because its genesis was in the tragic experience of Americans of Japanese ancestry in World War II, an experience which most Americans now recall, if at all, as unnecessary and unwarranted. To Japanese Americans who were incarcerated in America's concentration camps during World War II, this travail is one that they believe ought not to be visited upon any other American, individually or as a group, strictly on the basis of race, religion, color, national origin, or attitudes, regardless of the exigencies of the moment or the crises that may be confronting the Nation.

LEGAL QUESTIONS INVOLVED IN TITLE II

As a lawyer, I find that title II of the Internal Security Act of 1950 is repugnant to the accepted traditions and precedents of our legal system. For example, title II authorizes detention not on the basis of an actual act committed in violation of law, but on the basis of mere suspicion—of a mere probability that, during proclaimed periods of internal security emergencies, the detainee would engage in, or conspire to engage in, espionage or sabotage.

Title II moreover, fails to provide for trial by jury, or even before a judge, substituting instead a preliminary hearing before a departmental hearing officer. The suspect is assumed to be guilty, for there is no presumption of innocence. The accused need not be confronted by the facts which led to his detention, for the Government is not required to produce any evidence.

There is no appeal to the courts, only to another administrative hearing board composed of members appointed de facto, and paid by the Attorney General, the very official authorized to detain the suspect in the first instance.

The elementary safeguards guaranteed by our Federal and State constitutions and our judicial practices to the most hardened of criminals and the most dangerous of traitors are denied by title II to the most innocent of our citizens under mere suspicion during certain emergencies.

When title II was offered as an amendment to the internal security bill during Senate consideration of the measure in 1950, Pat McCarran, then chairman of the Senate Judiciary Committee, opposed it as "a concentration camp measure, pure and simple." Senator KARL MUNDT, formerly a Member of this body, characterized its authority as "establishing concentration camps into which people might be put without benefit of trial, but merely by executive fiat." The distinguished and beloved dean of the House, then, as now, the chairman of the Judiciary Committee (Mr. CELLER), led the fight against this "vicious totalitarian, un-American" bill, as he termed it.

President Truman vetoed the bill, but Congress overrode his veto in the then prevalent atmosphere of the Korean war when being "soft on communism" was thought by many to be treasonable.

In the opinion of many attorneys who have studied title II, its provisions on the emergency detention of a person under the stated conditions are clearly unconstitutional. They believe that the courts when confronted with an appropriate case will invalidate title II. However, since litigation on the merits may not be possible until title II has been invoked, it seems that the responsibility to erase this repugnant law from the statute books rests with the Congress.

EVACUATION OF JAPANESE AMERICANS IN WORLD WAR II

Proponents of title II at the time of its enactment nearly two decades ago justified it on the basis of the World War II evacuation and incarceration of some 110,000 persons of Japanese ancestry from the west coast. Two-thirds of those evacuated in 1942 were native-born American citizens, while the other one-third were aliens who were denied citizenship by the laws of their adopted country.

It may be of interest to my colleagues to know that, although I am of Japanese ancestry and resided at the outbreak of World War II in Hawaii, which is some 2,300 miles closer to Japan than the west coast and which was actually attacked by the enemy, I was not evacuated or detained in an evacuation camp. Some 250,000 other Hawaii residents of Japanese ancestry were likewise free of restrictions on their personal freedom.

On the grounds of military necessity, however, the commanding general of the central Pacific area did invoke martial law for the entire population and the civil courts ceased to function until the military emergency in Hawaii was considered to be over.

On the Pacific coast, however, the commanding general of the western defense command declared that "military necessity" demanded the mass exile and detention only of persons of Japanese ancestry because of the fear that some among them might possibly engage in subversive activities.

At a time when the courts in the west coast States were functioning normally and without restriction, no criminal or civil charges of any kind were brought against any individual evacuee, or against all the evacuees as a minority group. No trial or hearing was ever held. Because a few Federal officials, including a military commander who did not consider the danger to be sufficiently great to invoke martial law, assumed that among a hundred thousand people there must be some who might be disloyal and who might engage in espionage or sabotage, all persons of Japanese ancestry on the west coast were forced to leave their homes and go into the hinterland to be imprisoned in the only concentration camps ever maintained in American history.

Ironically, those in charge of that mass movement and internment suspected that persons of only one ancestry, and not others whose racial strains were traceable to nations with whom the United States was also at war, might be so subversive as to require group incarceration. Moreover, only those of Japanese ancestry residing in a certain area of the country were considered of such questionable loyalty as to necessitate their detention as a group.

Eugene Rostow, then dean of the Yale Law School, described the west coast evacuation as "our worst wartime mistake," while President Truman's Civil Rights Committee declared that it was "The most striking mass interference since slavery with the right to physical freedom." Today, all responsible Americans view the 1942 action as a blot on our Nation's history, and regard it as a chapter that must never be repeated.

It is not surprising, therefore, that Japanese Americans are found in the forefront of the drive to repeal a law which, if enforced, would inevitably lead to a repetition of that wartime tragedy.

URGENCY OF REPEAL

Following the enactment of the Internal Security Act in 1950, six detention camps were prepared and maintained by the Department of Justice from 1952 to 1957—two in Arizona and one each in Pennsylvania, Florida, Oklahoma, and California.

Beginning in 1958, Congress stopped appropriating funds for their continued maintenance, so these camps were either abandoned or converted to other uses. With these camps no longer in existence, and with the unreasoning anticommunism of the early fifties no longer a political fetish, title II was more or less forgotten.

About 2 years ago, however, rumors were rampant that the Government was again preparing detention camps, under the authority of the Emergency Detention Act for dissidents, activists, militants, and others with whom those in public office might disagree.

These wild rumors spread through the black ghettos, across the college and university campuses, and among war protestors. They were publicized by the so-called underground press and given credence by some authors of books and other publications.

The rumors apparently are still being exploited by certain self-styled leaders of present-day movements to escalate confrontations and to foment revolution, unrest, and violence.

The present national climate shows that it is not enough for Justice Department officials to deny the existence of emergency detention camps, or for the Government to say that it does not intend to build them or that there are no present plans to invoke title II.

As President Truman stated in his 1950 veto message:

> It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions. The basic error of these sections is that they move in the direction of suppressing opinion and belief.

A recognition that the repeal of title II is an urgent matter affecting our total society is evidenced in the resolution which was unanimously adopted in Atlantic City on April 23, 1969, by the National Delegate Assembly of the National Association of Social Workers, representing more than 50,000 of the people who are most directly and intimately concerned with the great social problems of today.

In resolving to "participate actively with other organizations seeking repeal

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of the Emergency Detention Act," the NASW found that—

> The major problem in American society today is the growing hostility among ethnic and political groups, and the alienation of the individual—and the NASW believes that the optimum growth and development of the individual is possible only in a society free from suspicion and fear.
>
> The danger exists today under this law of detaining groups and individuals in detention camps with loss of all constitutional rights—and the NASW is based on the humanitarian and democratic ideals and is committed to the principles of the dignity of the individual and of his right to constitutional protection, including fair hearing and due process.

JAPANESE AMERICAN CITIZENS LEAGUE ACTIVE

As the only national organization of Americans of Japanese ancestry, with chapters and members in 32 States, the Japanese American Citizens League (JACL) is deeply conscious of its unique responsibilities in seeking the repeal of this "concentration camp" law.

Founded as a national entity in 1930, it unsuccessfully protested the military evacuation and internment of 1942, when most of its members were euphemistically "relocated" as suspect Americans. Because of that unforgettable personal experience, JACL members, perhaps more than any other group of Americans, know the full meaning and significance of "emergency detention." They have learned from bitter personal involvement that no American is safe in his constitutional freedoms unless all are secure in those fundamental rights and liberties that are the hallmark of our American way of life.

When title II was being proposed as an amendment to the internal security bill 19 years ago, the JACL was in the vanguard of the opposition. When a Presidential veto was applied, the JACL urged that the veto be upheld.

Last year, when the JACL held its 20th biennial national convention in San Jose, Calif., its delegates unanimously approved on August 23, 1968, the following resolution:

> Whereas, we Americans of Japanese ancestry, from previous experience in emergency detention, recognize the danger of title II of the Internal Security Act of 1950 (Emergency Detention Act), to the civil rights of all Americans, and
>
> Whereas, the Emergency Detention Act provides that, during periods of "internal security emergency", any person who *"probably* will engage in, or *probably* will conspire with others to engage in, acts of espionage or of sabotage" can be incarcerated in detention camps, and
>
> Whereas, a person detained under the Emergency Detention Act will not be brought to trial under law, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, where the detainee must prove his innocence but the government is not required to furnish evidence or witnesses to justify the detention,
>
> Therefore, be it resolved that the Japanese American Citizens League (JACL) reaffirms opposition to Title II of the Internal Security Act of 1950 (Emergency Detention Act), and it be further
>
> Resolved that the JACL National Board establish an *ad hoc* committee to develop and coordinate an active program, coupled with consideration of necessary financing, to repeal or amend the Emergency Detention Act.

Pursuant to this resolution, National JACL President Jerry Enomoto, of Sacramento, Calif., appointed Ray Okamura, of Berkeley, and Paul Yamamoto, of Oakland, Calif., as cochairmen of the National JACL Ad Hoc Committee To Repeal the Emergency Detention Act. As might be expected, both were among the 110,000 persons who were evacuated from the West Coast 27 years ago. This JACL Committee has been most active in informing the public at large of the dangerous implications of title II and rallying support for a concerted repeal effort.

My distinguished colleague from Hawaii in the other body, Senator Daniel K. Inouye, and 24 other Senators have cointroduced similar bills to repeal the Emergency Detention Act, and some of my colleagues in this body have also done so. I strongly urge others who believe in justice and fair play to join in cosponsoring this legislation which would remove the legal sanction for American concentration camps and thereby uphold the constitutional safeguards for individual liberty. A law as repugnant to our American way of life as the Emergency Detention Act should not be permitted to remain in our statute books.

DETENTION CAMPS: COULD THEY HAPPEN HERE?

The SPEAKER pro tempore (Mr. Mollohan). Under a previous order of the House the gentleman from California (Mr. Holifield) is recognized for 30 minutes.

Mr. HOLIFIELD. Mr. Speaker, yesterday I joined with my colleague, the gentleman from Hawaii (Mr. Matsunaga) in introducing a bill to repeal title II of the Internal Security Act of 1950.

The Internal Security Act of 1950 was passed by the Congress over the veto of President Truman. Title I establishes the Subversive Activities Control Board.

Title II, which is often referred to as the "Emergency Detention Act," provides that the President of the United States may declare an "internal security emergency," when any of the following occur:

First. Invasion of the territory of the United States or its possessions;

Second. Declaration of war by Congress;

Third. Insurrection within the United States in aid of a foreign enemy.

When such an "emergency" is declared, the Attorney General is authorized to apprehend and detain citizens about whom there is "reasonable belief"—not proof—that they might engage in "acts of espionage and sabotage" either individually or with others.

In the years since this measure was enacted, no Government official has put it to use. The fact that it exists, however, has been the basis for serious anxiety among certain segments of the population. These anxieties generally are brought about because of our memories of the way such camps were used in Nazi Germany. And the fact that U.S. citizens of Japanese extraction were once incarcerated in "protective custody" does little to allay fears that this could happen again—in America.

Imprisoning men for their alleged political beliefs—no matter how much we may disagree with them—is not consistent with any of the basic tenets of our country. However, as long as title II is on the books, it could be used, and some American citizens would probably be arrested and detained before its constitutionality could be ruled on by the courts.

What is at stake, therefore, is the possible imprisonment of those who are thought to be "suspect" for one reason or another—whether in wartime or in a period of heightened national anxiety about freedom of thought or expression. Let me make it clear that the repeal of title II in no way hampers our methods of dealing with the crime of treason. The Constitution provides a definition and prescribes the penalty for that crime, yet requires full and due process of law for conviction.

I see no need for the provisions of title II, and because of the danger they pose to American citizens, this section must be repealed.

My feelings on this are, of course, influenced by events which took place in my home State of California during World War II. I was a freshman Congressman then, and I clearly remember that nearly 110,000 Japanese living on the west coast were systematically rounded up and sent to "relocation centers" until the war reached an end. These people had not committed any crime—they simply were of Japanese descent. This happened to American citizens within their own country. The Japanese were the victims of a wave of wartime hysteria which swept over reasonable citizens who felt that the "security" of the country necessitated the removal of innocent people from their homes.

While there are no records of any Americans of Japanese descent ever participating in acts of sabotage or espionage against this Nation, still many Americans assumed that their loyalties were questionable because of their ancestry. I am proud to say that I spoke out against this so-called "protective custody" at the time, though I was in a small minority who dared to do so.

There were no trials or hearings for these American citizens, and families were uprooted from their homes and taken to the relocation centers. That this could happen in America—then and now—is hard to believe. Title II of the Internal Security Act sanctions this practice and makes it lawful.

The record of Japanese-American citizens during World War II is well known. The 442d Infantry Regimental Combat Team, composed entirely of Japanese—Nisei—in Hawaii distinguished itself repeatedly during the war in Europe. Senator Daniel Inouye, of Hawaii, was a member of this team which won for itself the highest commendations and respect of a grateful country. The team was the most decorated unit in our military annals for its size and length of service.

Other Japanese volunteered for intelligence work in the Pacific—and some were killed by their own troops in the American forces by mistake. In California, inmates who were permitted to leave the camps participated to their fullest capacities in production efforts to end the war quickly.

The process of "protective custody"

had already begun when I was elected to Congress in 1942. It was never authorized by any specific Federal law. I have never forgotten what those times were like, and I never want to see anything like what happened then happen again in this country. That kind of hate and hysteria have no place in America.

I voted against enactment of title II of the internal security bill when it was first passed in 1950. It was returned to the Congress by President Truman with the following message:

> It is not enough to say that this probably would not be done. The mere fact that it could be done shows clearly how the bill would open a Pandora's box of opportunities for official condemnation of organizations and individuals for perfectly honest opinions.

I agreed with the President, and I voted to uphold his veto. It was, unfortunately, overturned, and the bill became law.

The World War II experience I have discussed shows that it is very possible for the constitutional guarantee of "due process" to be denied Americans on the basis of a definition of "internal security emergency". It could happen again, quite easily, to some other segment, either ethnic or political, of the population—and this time it would be authorized by specific statute.

There are many other laws which effectively and constitutionally provide for this Nation's safety and protection in times of war, invasion and insurrection. We have no need for laws such as title II which can only foster mistrust between citizens and their government.

For these reasons, Mr. Speaker, I urge the repeal of title II of the Internal Security Act of 1950.

THE LAW ON TRIAL

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Michigan (Mr. DIGGS) is recognized for 30 minutes.

(Mr. DIGGS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. DIGGS. Mr. Speaker, the tragic events of March 29, 1969 at the New Bethel Baptist Church in Detroit is a classic example of "The Law on Trial." In order to put this important case in proper context I submit the following report from one of America's most respected and constructive agencies, New Detroit, Inc., together with additional comments:

THE NEW BETHEL REPORT: "THE LAW ON TRIAL"

(By the Law Committee, New Detroit, Inc.)

Paul D. Borman, associate dean, Wayne State University Law School.

Arthur M. Bowman, director, Neighborhood Legal Services, Inc.

George E. Bushnell, Jr., past president, Detroit Bar Association (Disqualified at his request—Member, State Judicial Tenure Commission).

Philip F. Colista, acting dean, University of Detroit Law School.

Michael Domonkos, professor of law, University of Detroit Law School.

Gilbert Donohue, professor of law, University of Detroit Law School.

John Feikens, Sr., chairman, Law Committee, New Detroit, Inc.

William B. Gould, professor of law, Wayne State University Law School.

Michael S. Josephson, professor of law, Wayne State University Law School.

Archie Katcher, first vice president, Detroit Bar Association.

Raymond W. Krolikowski, Attorney at Law.

Senator Emil Lockwood, majority leader, Senate of the State of Michigan.

John E. Mogk, professor of law, Wayne State University Law School.

Thomas J. Morcom, task force leader, Law Committee, New Detroit, Inc.

Harold E. Mountain, past president, Detroit Bar Association.

Thomas L. Munson (concurring), past president, Detroit Bar Association.

Harold Norris, professor of law, Detroit College of Law.

Frederick A. Patmon, attorney at law.

William T. Patrick, Jr., president, New Detroit, Inc.

Representative William A. Ryan, speaker, House of Representatives of the State of Michigan.

Stephen H. Schulman, professor of law, Wayne State University Law School.

Louis F. Simmons, Jr., past president, Wolverine Bar Association.

Myron H. Wahls, president, Wolverine Bar Association.

Edward M. Wise, professor of law, Wayne State University Law School.

Senator Coleman A. Young, co-chairman, Law Committee, New Detroit, Inc.

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INTRODUCTION

The tragic events of March 29, 1969 at the New Bethel Church have considerably increased racial tensions in our community. To a significant extent the reporting of events subsequent to this incident as they involve the Recorder's Court have contributed to the divisiveness.

In making the statement public, New Detriot seeks to act as a reconciler in the Detroit community through the education of the public to a greater understanding of the laws involved in the case. The integrity of our Constitutional order rests on public support and such support cannot exist without public understanding. Our city desperately needs mutual trust and confidence. Self-government cannot exist without self-discipline. All authority must be accountable. Such mutual trust, self-discipline and accountability can be encouraged by greater understanding of our laws and of the role of the judiciary in interpreting and applying them.

At the outset we emphasize that the question is not whether the Judge's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probably cause and the right of counsel, there is no "perfect ruling."

In evaluating the Judge's rulings, the only legitimate inquiry is whether such rulings had reasonable basis in the law. A judge need not be perfect, for the appellate process assures a remedy for those who dispute a ruling.

In our opinion there is more than merely a justifiable basis for his conduct and exercise of judicial discretion. There is little question that Michigan law placed upon this Judge, as a presiding judge of the Recorder's Court, the responsibility of being available for and making a judicial inquiry into challenges of illegal detention.

Accordingly we adopt the position paper hereto annexed in the hope that, with the understanding that a knowledge of the facts and of the law brings about, our community will be reconciled and reunited. In the name of the rule of law, we urge all in our community to respect and defend the independence and the integrity of the judiciary. Only in this way can we preserve, protect and defend the liberty and security of every person in our City.

STATEMENT OF FACTS

The relevant facts as presented to Judge George W. Crockett appear to be:

1. The Detroit Police Department was called to the New Bethel Church shortly before Midnight on March 29, 1969 as the result of a shooting in which tragically one police officer was killed and another wounded. The police subsequently took into custody some one hundred and forty-two persons who were found inside the Church.

2. Approximately six hours later, the Presiding Judge of the Recorder's Court for the City of Detroit was contacted by two private citizens, and told that the Detroit Police had taken upwards of a hundred people into custody including at least thirty women, some of whom were accompanied by children; that all of the persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends.

3. The Judge then proceeded to the First Precinct Station where he met with the Detroit Police Commissioner and requested a list of all of those held in custody so that their names could be inserted on a Writ of Habeas Corpus which he had prepared. The Judge also requested and was granted a room for the hearings on the Writ, and he asked that the Wayne County Prosecutor be notified of such hearings.

4. The Habeas Corpus proceedings commenced at 6:40 A.M. Sunday morning and were open to the public. The cases of thirty-nine suspects were then heard and determined as follows: fifteen Detroit residents were released on One Hundred Dollar personal bond to reappear at noon; one man (the Church janitor) was discharged with the consent of the Prosecutor; one man from Ohio was released without bond and ordered to reappear at noon; twenty-two persons from out-of-town were remanded to custody until noon.

5. The Judge then ordered the release of another Detroit resident on One Hundred Dollar personal bond. At this point the Prosecuting Attorney entered the room and countermanded the Court's order releasing this suspect. Notwithstanding the Court's warning of contempt proceedings, the Prosecutor in the presence of the Court directed the police to retain the suspect in custody and further ordered that no additional suspects be brought before the Court. The Court had no alternative but to recess.

6. At noon of the same day, the Court reconvened and approximately one hundred and thirty prisoners were released either at the request of the Assistant Prosecuting Attorney or with his consent. The sixteen suspects who were ordered to reappear did so.

7. The Assistant Prosecuting Attorney requested an adjournment of the hearing for twenty-four hours on seven of the remaining suspects—four of whom had tested positive on a nitrate test; one who, though not tested, was believed to have had nitrate traces on his hands; and two others who showed no signs of nitrate but were wanted by the Assistant Prosecutor for further investigation.

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8. The Court denied the motion and granted the Writ releasing the seven suspects on the grounds that the People did not show probable cause to hold them and that the Police violated the Constitutional rights of some of the suspects by denying the right to counsel during the administration of the nitrate tests.

Based upon the foregoing facts, certain legal issues are raised. These issues relate to (1) the Court's prompt inquiry at the police station of the allegations relating to the incommunicado detention of the suspects; (2) the issuance of the Writ of Habeas Corpus; and (3) the release of seven suspects over the Assistant Prosecutor's objections.

At the outset of this discussion we must emphasize that the question is *not* whether Judge Crockett's rulings were legally flawless. In the interpretation and application of Constitutional standards regarding detention, probable cause, and the right to counsel there is no "correct" ruling. The very complexity of these problems demand that a judge be given wide latitude in his judgments, for only he has full access and exposure to all the relevant facts. Thus, in evaluating Judge Crockett's rulings based upon the evidence presented to him, the only legitimate inquiry is whether such rulings were plausibly based in the law.

I. THE PRESIDING JUDGE OF THE RECORDER'S COURT HAD THE AUTHORITY OF LAW TO GO TO THE POLICE STATION TO INQUIRE AS TO THE ALLEGATIONS THAT PEOPLE WERE THERE BEING ILLEGALLY DETAINED

At approximately 5:00 A.M. on Sunday morning, March 30, 1969, Judge George W. Crockett, Jr. was awakened at his home by a State Representative, James Del Rio, and the pastor of New Bethel Church, Reverend C. L. Franklin, and told "that a homicide had occurred at or near New Bethel Church . . . sometime around midnight of last evening; that the Detroit Police had taken upwards of a hundred people into custody including at least thirty (30) women, some of whom were accompanied by children; that all of the arrested persons were being detained at the First Precinct Station and had been refused permission to make phone calls or otherwise contact attorneys, relatives or friends; that these prisoners were not being held pursuant to any warrant or other court order."[1] As Presiding Judge of the Recorder's Court, Judge Crockett was "charged with the general supervision and superintendence of the work of the Court."[2] Subsection c) of that rule also requires that applications for Writs of Habeas Corpus be presented to the Presiding Judge.

We believe that Judge Crockett's response to the complaints of Representative Del Rio and Reverend Franklin must be viewed in the context of his duties as Presiding Judge. The purpose of a Habeas Corpus proceeding "is to cause the release of persons illegally confined, to inquire into the authority of law by which a person is deprived of his liberty . . ."[3] The importance of these proceedings in preventing any prolongation of an illegal detention has been explicitly recognized in Michigan. Writs of Habeas Corpus are returnable "forthwith, *or at the nearest available time or place*" (Emphasis added).[4]

Moreover, the Michigan Supreme Court recently held that in the protection of a criminal suspect's rights, "Magistrates of Michigan . . . (are) on legal duty at all times; Sunday, holidays or no."[5] It appears that these specific mandates, which show no reverence for either the hour or the day, create a duty in a Presiding Judge notified of an illegal confinement to determine whether immediate judicial intervention is required to preserve the rights of citizens within his jurisdiction.

The facts whch confronted Judge Crockett in the early morning hours of Sunday, March 30. 1969, illustrate precisely the kind of exigent circumstances which make the twenty-four hour on-call availability of judges necessary. The law does not require that the one hundred and forty-two (142) persons being held at the police station be without remedy until Tuesday morning (Monday was a court holiday), since this would subordinate the rights of the individual to mere formalities.

II. THE JUDGE HAD THE AUTHORITY OF LAW IN ISSUING THE WRIT OF HABEAS CORPUS WHETHER IT BE DEEMED TO HAVE BEEN UPON THE ORAL APPLICATION OF TWO CITIZENS OR UPON HIS OWN MOTION

Substantial controversy has surrounded Judge Crockett's issuance of the Writ of Habeas Corpus for the one hundred and forty-two (142) persons held at the First Precinct Police Station. From this controversy the serious charge that the Judge abused his judicial responsibilities has emerged. The import of this charge warrants a thorough examination of the pertinent law.

Under Section 600.4316 of Michigan Compiled Laws, a judge empowered to grant the Writ of Habeas Corpus may do so upon "proper application." The application "may be brought by or on behalf of any person restrained of his liberty."[6]

Thus, either Representative Del Rio or Reverend Franklin *could have* brought a formal complaint requesting the Writ. Nevertheless, Judge Crockett chose to bring the Writ in his own name. Whether this decision was made in order to save time or for some other reason is immaterial. Since it was Del Rio and Franklin who brought the facts to the Judge's attention and requested that the Judge act, in a real sense they were the complaining parties. Although Section 712.3 of the Michigan Court Rules envisions a formal written application for a Writ of Habeas Corpus, it is reasonable to conclude that under the circumstances the oral application was sufficient and that Del Rio and Franklin did "properly apply" for the Writ. This view is consistent with that of the commentators Honigman and Hawkins stating, "the form and sufficiency of all pleadings must be determined 'by construction of the rules which will secure substantial justice on the merits . . .'"[7] Consequently, if the Recorder's Court Judge is deemed *not* to have the power to issue a Writ on his own motion a liberal interpretation of the oral application is appropriate. "(T)echnical defects in the pleadings should not forestall relief if an illegal detention is . . . brought to the judge's attention."[8]

Still another basis for the propriety of the Writ issued in this case is found in the language of M.C.L.A. § 600.4307 giving "*any* person" (including the Judge) the right to bring an action for Habeas Corpus. The breadth of this provision elevates the scrupulous protection of the Constitutional rights of those detained over technical standing requirements.

Finally, we must go to the provisions of Michigan Court Rule § 712.7 which grant at least some Michigan judges the power to issue Writs on their own motion:

"Any Justice of the Supreme Court, any judge of the Court of Common Pleas, and any judge of the Circuit Court may issue a writ of habeas corpus, or an order to show cause, upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty."

The question remains whether a judge of the Recorder's Court of the City of Detroit has the powers enumerated in Court Rule § 712.7. Some guidance is provided in M.C.L.A. § 726.17 which sets forth the powers of a judge of the Recorder's Court with respect to Habeas Corpus. It read as follows:

"The judge of said Recorder's Court *shall possess the same power to grant writs of habeas corpus*, returnable before himself, to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the Judges of the Circuit Courts of the State, in matters before said Circuit Court." (Emphasis added.)

While we have found no case which challenges the power of a Recorder's Court judge to issue a Writ of Habeas Corpus on his own motion it is arguable that the use of the word "grant" in § 726.17 as opposed to the word "issue" suggests that a Recorder's Court Judge is denied the power clearly conferred upon judges of both the Circuit Courts and the Court of Common Pleas. This interpretation is not supported by the purport of the legislation establishing the Recorder's Court which has sought to equate that Court's powers with those of the Circuit Courts. The general jurisdictional section of the statute creating the Recorder's Court is M.C.L.A. § 726.11. Among other things, it empowers the Court to: "do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, *and especially to issue all writs and process, and to do all acts which the circuit courts of this state, within their respective jurisdictions, may, in like cases, issue and do by the laws of this state* . . ." (Emphasis added).

On the basis of the foregoing analysis, we conclude that the Writ of Habeas Corpus issued by Judge Crockett, whether it is deemed to be upon the oral application of Del Rio and Franklin or his own motion is supported by the laws of Michigan.

III. THE JUDGE'S RELEASE OF SEVEN SUSPECTS, NOTWITHSTANDING THE OBJECTION OF THE ASSISTANT PROSECUTOR, IS AUTHORIZED BY THE LAW

It is important to note that on Sunday, March 30, 1969, there were actually two sessions at which persons held in custody were brought before the Court. The first session (hereinafter, Morning Session) convened at approximately 6:40 A.M.[9] and was recessed at about 8:00 A.M. The second session (hereinafter, Afternoon Session) reconvened at noon and continued through the afternoon.

During the Morning Session thirty-nine cases were heard. Fifteen Detroit residents were released from custody on One Hundred dollar personal bond and one Ohio resident was released on his personal bond. All sixteen were ordered to reappear at noon. Twenty-two persons from out-of-town were remanded to custody.[10] Only one person, the Church janitor, was discharged and this was with the consent of the Assistant Prosecutor. By virtue of these actions and the Prosecutor's actions, final disposition of the Writ of Habeas Corpus was postponed for several hours until noon.

At the commencement of the Afternoon Session the Assistant Prosecutor, Jay Nolan, informed the Court that the police had released "upwards of a hundred people" in accordance with the understanding he had with the Court because their investigation determined that "we had no basis to hold them."[11] Of those arrested at the time of the hearing neither the Assistant Prosecutor nor the Court knew exactly how many people had been taken from the New Bethel Church.[12]

Contrary to the reporting at the time, it is now clear that virtually all (132) of these persons were released by or at the request of the Assistant Prosecutor. Thus, if there is any dispute it must involve the release of the seven persons whom the Assistant Prosecutor sought to retain in custody. As to these seven the question is: did the prosecution offer sufficient legally obtained evidence against these persons to establish probable cause that each had committed a crime? If such evidence was not offered to the Court, the detention of such persons was improper and the Judge was obliged to order their release.

Recognizing that the Court must rule upon the legality of a detention based only upon the evidence offered at the Habeas Corpus Hearing an examination of such evidence is required. Against two men the Assistant

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Footnotes at end of article.

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Prosecutor offered no evidence other than the fact that each was inside the Church when taken into custody. A third man had been taken from the Church; although he refused to take a nitrate test there was evidence that a police detective saw a "speck" of nitrate on his hands. As to the remaining four suspects who had been taken from the Church, the paraffin nitrate tests showed positive signs of nitrate on their hands.

If the seven suspects in question were lawfully under arrest by Constitutional standards at the time of the hearing, their continued custody was legal and the Writ should have been denied. On the other hand, if they were not under arrest or if the arrests were not made upon probable cause, further restraint would be in violation of their Constitutional rights. The question could be easily disposed of if we can conclude that there was sufficient legal cause to justify the arrest of all one hundred and forty-two persons found in the New Bethel Church. In such instance each of the seven men were lawfully arrested and their continued detention on the same basis as the arrest would be proper. This position is not without appeal and it merits substantial discussion.

A. Were the seven suspects under lawful arrest at the time they were taken into custody at the New Bethel Church?

This aspect of the discussion is devoted to the concept of "arrest" as it relates to various preconditions set forth by the courts and the United States Constitution. We are aware of the terms, "arrest for investigation" and "limited detention" which imply a lesser standard of cause and a narrower invasion of liberty. Such concepts, if valid, provide a reasonable incubation period during which the detention may mature into a full blown arrest. Insofar as these terms are applicable to the situation at hand they are discussed in another portion of this paper.

The principle that it is better to allow some guilty men to go free than to subject citizens to easy arrest is deeply embedded in the Fourth Amendment.[13] As a consequence, the notion of "probable cause" is an essential safeguard to the individual liberties of every American citizen. Yet while the Bill of Rights protects a person from arbitrary invasions of his person or property, it authorizes arrests where the officer has probable cause to believe that a person has committed a felony. Thus, if the police had probable cause to believe that each of the seven suspects in question had committed a felony at the time they were first taken into custody, it follows that they had probable cause to hold these men and the Writ should have been denied.

In this case the police responded to a call for help by a wounded officer. When they arrived at the scene they found two seriously injured policemen—one officer later died in the hospital.[14] According to Commissioner Spreen's statement, which was given to the Judge during the early morning conference at the police station, responding police units "entered the New Bethel Church, Philadelphia and Linwood, and the responding officers were met with a hail of gunfire. When additional officers arrived at the scene, they were successful in entering the church under fire and effected the arrest of many of the participants . . . three rifles, three hand guns and a quantity of ammunition have been confiscated. A group of persons are in custody for questioning in the matter." [15]

If we assume these facts to be true, the officers had probable cause to believe that a *felony had been committed.* Moreover, they had probable cause to believe that *the felony had been committed by some person or persons in the New Bethel Church.* The question remains, however, whether this nature of probable cause was sufficient to justify the arrest of all one hundred and forty-two (142) persons.

In examining this question we are not insensitive to the difficult circumstances which confronted the police. The situation was most volatile—it was late at night in an area of substantial social unrest. An attempt to properly isolate and interrogate the one hundred and forty-two (142) possible assailants and witnesses may have been dangerous as well as impractical. In addition, the crime involved was a most serious one which warranted vigorous pursuit of the criminals.

As Mr. Justice Jackson pointed out in his dissent in *Brinegar* v. *United States,*[16] when the public interest is great and the offense grave, the courts will strive hard to sustain actions by the police which are fairly executed and in good faith. However, exigent circumstances can do no more than justify a liberal construction of probable cause; they cannot dissolve the requirement. "(I)f subjective good faith alone were the test, the protections of the Fourth Amendment would evaporate, and the people would be 'secure in their persons, houses, papers, and effects' only in the discretion of the police." [17]

One basic principle which must remain inviolate is that guilt is personal. In the absence of evidence of conspiracy each person is entitled to be judged only upon the evidence against him as an individual. Group guilt or guilt by association has no place in our law. Speaking for the majority in the *Brinegar* case, Justice Rutledge stated:

"The history of the use, and not infrequent abuse of the power to arrest cautions that a relaxation of the fundamental requirements of probable cause would 'leave law abiding citizens at the mercy of the law officers' whim or caprice.' "

Thus, "the constitutional validity of an arrest depends upon whether, at the moment the arrest was made, the officer had probable cause to make it—whether at that moment the facts and circumstances within his knowledge and of which he had reasonably trustworthy information, is sufficient to warrant a prudent man to believe that *the suspect* had committed or was committing an offense." (Emphasis added.)[18]

It has been repeatedly emphasized by the Supreme Court, that where there are numerous actual or potential suspects, without further evidence of individual guilt, *all of them may not be arrested,* nor may any one be arrested at random. In *Wong Sun* v. *United States,*[19] an informant had said that "Blackie Toy," the proprietor of a laundry on Leavenworth Street, had sold an ounce of heroin. There were several Chinese laundries on this street, and apparently more than one Toy. It was held that the arrest of one of them was unlawful because there was no showing that the officers "had some information of some kind which had narrowed the scope of their search to this particular Toy." (Emphasis added).

Similarly in *Mallory* v. *United States,*[20] involving a rape by a masked individual, the only three persons who fit the general description of the rapist and who had access to the basement where the rape occurred were arrested. The court said: "Presumably, whomever the police arrest they must arrest on 'probable cause.' *It is not the function of the police to arrest, as it were, at large and to use an interrogating process at police headquarters in order to determine whom they should charge before a committing magistrate on 'probable cause'* " (Emphasis added).

While the police had at the New Bethel Church one hundred and forty-two (142) suspects, it was never shown to Judge Crockett by the Prosecutor that they had information at the time of the detention as to any person or persons which could narrow the focus of guilt to meet probable cause standards. The very fact that all one hundred and forty-two (142) persons including the women and children were taken into custody and that all but ten were ultimately released by the police or the Prosecutor because they "had no basis to hold them" [21] fails to support any contention that the police had probable cause at the time of the arrest. Since the Assistant Prosecutor presented no evidence to the Court which would distinguish the seven suspects he sought to retain from the rest of the persons taken from the Church en masse, it must be assumed that the Assistant Prosecutor's concession of no probable cause was equally applicable to them at the time they were taken into custody.

This conclusion does not suggest that the police are helpless in such situations. Had the prosecution introduced any evidence that the shooting had occurred from inside the Church in the presence and view of all the persons inside, it is possible that sufficient inferences of a conspiracy among such persons could be elevated to probable cause. Similarly, had the prosecution offered any evidence which would connect the guns or ammunition with any person or persons, probable cause may have existed. Unfortunately, there was no such evidence presented. Instead, the Assistant Prosecutor's sole reliance on the mere presence of each suspect in the Church was made clear throughout the Transcript.[22]

As a result of the foregoing analysis we conclude that in the absence of evidence and coherent argument to establish a conspiracy among the one hundred and forty-two (142) persons taken from the New Bethel Church, a ruling that there was no showing of probable cause to justify the arrest of any of these persons is amply supported in the law. Consequently, as to those suspects whose continued detention was sought with no further cause than their presence in the Church (only five of the seven showed signs of nitrate), a finding of no probable cause and a granting of the Writ of Habeas Corpus was justified. A more detailed discussion of the release of the two non-nitrate suspects further supports the propriety of the Court's actions.

One of these suspects was a resident of New York. The Assistant Prosecutor asked the Court to retain custody over this man for a short period of time so that the police could check for a criminal record. At this point the Court stated:

The Court. It is not solely whether this man has a record. What is there that you think justifies this Court in detaining this man? What relationship does this man have to the alleged criminal acts or act?

Mr. Nolan. Your Honor, he was arrested in the premises where the—after the shooting on the street and the officers undertook to enter and there was firing inside there. Other than that, that is the extent of what I have.

The Court. All you have against this man is that he was among the hundred who were attending whatever the affair was and he is from New York?

Mr. Nolan. Yes, sir.

The Court. Is that all?

Mr. Nolan. Yes, sir.[23]

At this point the Judge ordered the subpect released and Mr. Nolan requested that the Court maintain jurisdiction over the person by placing him on bond. The Court asked defense counsel whether he would agree to such a procedure; counsel opposed the suggestion. The Court pointed out that it had no authority to confine the suspect to Detroit by way of personal bond and released him because the prosecution had "not shown anything to establish some probable cause to indicate that this man is guilty." [24]

The other non-nitrate suspect was Alfred Hibbitt. The Assistant Prosecutor requested a 24-hour adjournment. Defense counsel asked the purpose for which the prosecution sought to hold the suspect and the Assistant Prosecutor stated:

Mr. Nolan. In the alternative, his physical presence will not necessarily contribute

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to our investigation. I want to be frank with the Court. Our concern is that after we—with the possibility of a showup, there could quite likely be a showup. But other than that, we don't intend to question him or give him a nitrate test or anything like that. He had his.[25]

Ultimately, with the assurance of the defense counsel that the suspect could be produced if called, the Court released Mr. Hibbitt on $1,000 personal bond. Over a week later, the Prosecutor's office issued a warrant on Mr. Hibbitt and in accordance with the Court order he voluntarily gave himself up to the police without incident. Based upon the foregoing facts we conclude that the Court's release of these men was totally consonant with the law.

B. Was there legal cause to hold the five suspects who revealed evidence of nitrate while they were in custody?

At a Habeas Corpus hearing the prosecution must show probable cause to hold the suspect at the time of the hearing. This fact indicates that there may have been a legal basis to find such cause against the suspects who revealed particles of nitrate from the paraffin test. Three issues are raised by Judge Crockett's ruling as to these men: (1) does the existence of nitrate on the hands of a suspect combined with the presence at the Church provide probable cause that he was involved in the shooting?; (2) may the results of the nitrate tests be used to show probable cause if they were taken after an arrest made with less than probable cause?; (3) may the results of the nitrate tests be used if such tests were taken while the suspect was being held incommunicado and not advised of his right to counsel?

After an extensive colloquy with the Assistant Prosecutor and defense counsel,[26] the Court discharged one of the suspects who had tested positive for nitrate on the paraffin test administered by the police. The Court stated:

"You still have the right to get a warrant if you have sufficient evidence to show probable cause and you have the right to come back to this Court and I am sure that any judge of this Court will give you a warrant under those conditions. For the present *you fail to show probable cause and the police have violated a Constitutional right of this defendant*" (Emphasis added.)[27]

It is not absolutely clear whether the Court released this suspect (and the other four) because even with the nitrate test there was no probable cause or on the grounds that the nitrate tests were unconstitutionally administered and without them there was no probable cause. Since he referred to the tests as "impermissible"[28] the latter interpretation is probably the correct one. However, we will evaluate the first alternative as well because it is material to the development of the whole question of probable cause.

1. Was there probable cause to believe that the suspects evidencing nitrate traces committed a crime?

Although the Supreme Court has indicated in *Mallory* v. *United States* and *Wong Sun* v. *United States* that there can be no probable cause where the evidence points equally to several suspects all of whom could not be guilty, the discovery of nitrate traces on five persons found inside the Church adds materially to the likelihood that each was involved in the shooting. Whether it adds enough depends, of course, on the reliability of the nitrate test. If it is reasonably reliable and it may be legally considered, a finding of probable cause is appropriate.

The theory of the test is that nitrates contained in gun powder often become embedded on the surface of the skin after a gun is fired. To perform the test, layers of warm liquid paraffin, interleaved with layers of gauze for reinforcement, are brushed or poured on the suspect's skin. The warm sticky paraffin opens the skin's pores and picks up any dirt and foreign material present at the surface. When the paraffin cools and hardens, it forms a cast which is taken off and processed with certain chemicals. If blue dots appear, it provides evidence that the suspect has recently fired a weapon.

In practice, however, the authorities are virtually unanimous that the test is entirely unreliable. *The President's Commission on the Assassination of President Kennedy* (Warren Report) pointed out that in experiments run by the F.B.I. it was shown that, "A positive reaction is . . . valueless in determining whether a suspect has recently fired a weapon."[29] One reason for this is that "contact with tobacco, Clorox, urine, cosmetics, kitchen matches, pharmaceuticals, fertilizers, or soils, among other things, may result in a positive reaction to the paraffin test."[30]

Henry W. Turkel, M.D., the coroner for the City of San Francisco, ran independent and controlled tests and he concluded: "It is doubtful that anyone would have sufficient trust in the dermal nitrate test to bring a criminal charge or institute a criminal proceeding on the strength of the findings of this test alone . . . In sum total . . . the test (is) less than worthless."[31] Finally, he points out that:

"The inspectors of the Homicide Detail of the San Francisco Police Department were questioned as to their recollection of cases in which paraffin glove tests served in any degree to incriminate or clear a suspect or defendant. Not one instance was recalled where it served a positive role, despite their cumulative forty-nine years on the detail."

On the basis of the foregoing facts, we conclude that the nitrate test is sufficiently unreliable to warrant a finding that a positive result on such test without other substantial evidence does not establish probable cause to believe a suspect has been involved in a shooting.

2. May the results of the nitrate tests be used to show probable cause if they were taken after an arrest made on less than probable cause?

Assuming the positive results of the nitrate tests would provide sufficient cause to hold the suspects at the Habeas Corpus hearing, serious Constitutional questions are involved in the use of such tests here. The record leaves little doubt that the nitrate tests were administered *after* the suspects had been removed from the Church to the police station. In fact, the Assistant Prosecutor requested additional time from the Court to complete these tests (it is noteworthy that the tests were performed even though the Judge specifically denied this request and asked that no tests be given prior to the Habeas Corpus hearing).[32] Thus, if the original detention is deemed to have been an illegal arrest, the evidence which derives immediately from such an arrest is considered the "fruit of the poisonous tree" and it may not be used for any purpose in the prosecution of the arrestee.[33]

If, on the other hand, the detention which led to the nitrate tests was proper even though there was insufficient probable cause to authorize an arrest by Constitutional standards, the evidence might be considered. This result is possible if we can conclude that the police had a legal right to move the suspects from the Church to the police station without placing them under full arrest. Herein we must discuss the concept of a "limited detention."

To some courts an arrest invoking the Fourth Amendment standards occurs as soon as a person is taken into custody and restrained of his full liberty, even for a short period of time.[34] There is, however, authority for the position that every detention of an individual does not constitute an arrest. These courts would make a distinction between an arrest and an investigatory detention and permit the detention "on grounds less stringent than the probable cause requirement for an arrest."[35] Inasmuch as the Supreme Court declined to decide whether persons may be detained for investigation on less than probable cause,[36] the question is open.

Recently, the highest court in New York endorsed the practice of reasonable investigatory detention stating:

"The public interest requires that such interrogation (while a citizen is restrained of his liberty) not be completely forbidden so long as it is conducted fairly, reasonably, within proper limits and with full regard to the rights of those being questioned."[37] The Second Federal Circuit put it more strongly:

"This prerogative of police officers to detain persons for questioning is not only necessary in order to enable the authorities to apprehend, arrest, and charge those who are implicated; it also protects those who are readily able to exculpate themselves from being arrested and having formal charges made against them before their explanations are considered."[38]

Even more to the point the *Vita* court stated at p. 534 "the plain unvarnished fact that without such power society would often find itself helpless to solve crimes and protect its members." The same concern for public safety is reflected in the Uniform Arrest Act, a statute proposed in 1942 by the Interstate Commission on Crime (adopted in three states) which permits the police to detain for questioning any person against whom the officer has a reasonable suspicion.[39]

The case which confronted the Detroit Police at the New Bethel Church provides a perfect example of a situation where a detention for investigation might be appropriate. At the time of the police entry they had no way of knowing which persons of the one hundred and forty-two (142) found in the Church had been involved in the shooting. Moreover, to question all one hundred and forty-two (142) persons at the Church may have been as dangerous as it would have been chaotic. Under the circumstances the removal of these persons to the police station where screening, sorting and questioning could be carried out in a more orderly fashion was reasonable. The importance of preserving material witnesses is recognized in Michigan as in other states by conferring upon the Judge the power to order the custody of such a witness. In view of all of these facts we believe that the police action taken at the New Bethel Church in regard to the detention and subsequent relocation of persons for whom there was insufficient probable cause was not unreasonable.

Assuming then that a pre-arrest detention was appropriate so that the police could pursue a prompt and thorough course of investigation, we must consider whether the discovery of nitrate traces on five of the suspects was a legitimate part of the detention. In this case the nitrate tests were performed at about 9:00 A.M. Sunday morning,[40] that was after the Morning Session and about nine hours after the detention began. This fact raises the important issue of time. The purpose of permitting a pre-arrest detention is to afford the police an opportunity to complete some preliminary investigations which may result in probable cause to arrest. Yet even the few courts which have advocated such detention powers have been emphatic that the detention be brief. The Uniform Arrest Act states, "the total period of this detention shall not exceed two hours."[41] The detention approved of in *United States* v. *Rundle*,[42] was "reasonably brief . . . only five to ten minutes." The New York Court also expressed a concern for the duration of the

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detention approving a one hour detention and emphasizing the need for brevity by stating, "Lengthy detention on mere suspicion breeds abuse of those safeguards which a civilized society must erect to protect even the most reprehensible of its members." [43]

Only the *Vita* case provides language which might justify the nine hour detention of the suspects *prior* to finding probable cause. In that case, they approved an eight hour detention where the circumstances justified it and where the "investigation was conducted with dispatch . . ." [44]

These authorities cast substantial doubt upon the legality of the nine hour detention prior to the discovery of evidence which may have permitted a finding of probable cause. Under the law, a pre-arrest detention must result in either release or arrest upon probable cause within a short period of time. If the suspect is detained beyond that point he is considered under illegal arrest and evidence which derives therefrom (e.g., positive nitrate results) cannot be used. In this case, however, the detention of one hundred and forty-two (142) persons complicates the investigatory process substantially. There may have been some reason why the paraffin tests could not have been administered sooner. In any event, the mere passage of time under these extraordinary circumstances should not preclude the evidence.

Unfortunately, other safeguards were ignored during this prolonged detention. Each court which has authorized the use of investigatory detention has insisted upon the zealous protection of the suspect's Constitutional rights. The New York Court concluded its opinion as follows:

"We hold merely that a suspect may be detained upon reasonable suspicion for a reasonable and brief period of time *for questioning* under carefully controlled conditions *protecting his Fifth and Sixth Amendment rights. Mass detentions for questioning are never permissible.*" (Emphasis added.) [45]

Not only does this case involve a "mass detention" which runs afoul of the law, but during the detention the suspects were held *incommunicado* and without being informed of their Constitutional rights. Judge Crockett's emphasis of this point at the Habeas Corpus hearing was quite legally sound. Moreover, the suspects in issue were not merely *questioned* during the detention. The courts have made it clear that even when a pre-arrest detention is lawful the police may not search the suspect without probable cause.[46] A nitrate test is clearly beyond "questioning." Although the Supreme Court has probably conferred the power to take a nitrate test against the will of the suspect, such a test, like the taking of a blood sample, would be considered a search and the requirement of probable cause *prior* to the test is explicit.[47] The search and extraction of nitrate traces from the skin is not conceptually different from the search of one's pockets for a gun. Thus, we must conclude that upon any theory of pre-arrest detention, the Court's ruling that the nitrate tests in this case were impermissible was consistent with the law on this point.

One last possibility must be discussed with regard to the prosecution's legal right to further detain suspects without probable cause. This relates to the concept of arrest for investigation which is a rather unsubtle variation of a "pre-arrest detention."

Professor Wayne LaFave, appointed by the American Bar Association to study arrest procedures in the United States, reported that in Detroit "arrests for investigation" were a common practice.[48]

The importance of this fact is that the concept of arrest for investigation implies, as does pre-arrest detention, that at any time of the detention the police have insufficient evidence to justify an arrest for a specific crime. The difference is that under the arrest for investigation practice, the police detention is thought to be a matter of "right" and few if any safeguards are afforded. The Detroit Bar Association has been concerned with this problem for years and as early as 1960 the Special Civil Rights Subcommittee sought to end the practice in Detroit. The problem was so great in fact that they reported somewhat proudly that the number of "illegal arrests" in Detroit were being reduced by almost 25% (nevertheless they considered about 31% (or 13,000) of all arrests that year as being without probable cause and therefore illegal).[49]

This history makes it clear that when Judge Crockett refused to allow continued detention solely to permit investigation, he was not breaking new ground in insisting that the practice was illegal. Not only had the Civil Rights Subcommittee sought to eliminate such arrests but a well-publicized report from Washington, D.C., declared in 1962 that arrests for investigation were unconstitutional, unwise, and unnecessary.[50] It pointed out further that in well over 90% of the cases the police ultimately released the suspect without ever bringing charges.[51]

LaFave's article further indicates how the practice of holding suspects for the purpose of investigating them has been effectively sanctioned by the Detroit Courts and the Prosecutor's Office. If a Writ of Habeas Corpus was brought by or on behalf of a person held in investigatory custody, it was the practice of the Prosecutor to request and the Court to grant an adjournment for up to seventy-two hours so that the police might complete their investigation. This is precisely the technique employed by the Assistant Prosecutor who in at least one case asked the Court to adjourn for twenty-four hours so the police could check the record of an out-of-state suspect.[52]

In view of the long history of unhampered power of the police to arrest suspects for investigation, it is understandable that both the Prosecutor and the police were disturbed and surprised by Judge Crockett's refusal to permit this illegal method of investigation. Moreover, any rebuke of the police which may be implicit in the holding that the arrests were improper may be unfair in the face of reasonable reliance on the assumption that the Detroit Judiciary would continue to ratify the practice that the Prosecutor's office sanctioned.

However, notwithstanding the good faith of the police in "removing" the suspects en masse to the police station, the validity of the conduct must be viewed in terms of the individual rights involved. In addition, the long acceptance of a liberal policy toward investigatory arrests should not have affected Judge Crockett's analysis of the Constitutionality of the practice. Indeed, the Canons of Judicial Ethics of the American and Michigan Bar Associations require that a judge resist pressures from whatever source in applying the mandates of the Constitution. Canon Three states: "It is the duty of all judges in the United States to support the Federal Constitution and that of the State whose laws they administer: in doing so, they should fearlessly observe and apply the fundamental limitations and guarantees."

The law on arrests for investigation is not equivocal; an arrest cannot be made for investigation without charging the defendant with the commission of a legally defined crime.[53] Moreover, suspects cannot be arrested and booked on technical charges necessary to give the police time to work on the investigation.[54] [55] The Horsky Report at p. 60 referring to the efficacy of arrests for investigation, on less than probable cause, concludes that "the prosecutor cannot introduce in evidence articles taken from the prisoner—not even his fingerprints." The reasoning of the Horsky Report is directly applicable to the nitrate test results and such evidence is unavailable to the Prosecutor.[56]

Finally, we cite the thoughtful opinion of Judge Sobeloff in a case strikingly pertinent to the one at hand:

"In ordering the issuance of an injunction we have not blotted from our consideration the serious problems faced by the law enforcement officer in his daily work. His training stresses the techniques of the prevention of crime and the apprehension of criminals, and what seems to him to be the logical and practical means to solve a crime or to arrest a suspect may turn out to be a deprivation of another's constitutional rights. And where one policeman is killed and another wounded, the police and the public, too, are understandably outraged and impatient with any obstacle in the search for the murderer. While fully appreciating the exceedingly difficult task of the policeman, a court must not be deterred from protecting rights secured to all by the Constitution.

"The Police department is society's instrumentality to maintain law and order, and to be fully effective it must have public confidence and cooperation. Confidence can exist only if it is generally recognized that the department uses its enforcement procedures with integrity and zeal, according to law and without resort to oppressive measures. Law observance by the police cannot be divorced from law enforcement. When official conduct feeds a sense of injustice, raises barriers between the department and segments of the community, and breeds disrespect for the law, the difficulties of law enforcement are multiplied." [57]

In view of our analysis of the issues involved we conclude: First, that the nitrate tests were not sufficiently reliable evidence to require a finding of probable cause to hold the suspects. This conclusion is supported by the apparent lack of confidence in such tests shown by the Prosecutor's office. Although they had positive test results they neither sought a warrant nor brought a charge. Second, that even if the tests were *prima facie* probable cause, the tests were taken in such a questionable time and manner that their exclusion by the Judge was fully justified.

3. May the results of the nitrate tests be used if such tests were taken while the suspect was being held incommunicado and not advised of his right to counsel?

The Court's ruling in this regard was primarily based upon *Wade v. United States*,[58] a recent United States Supreme Court case which held that a line-up for identification purposes was a "critical" stage which entitled the suspect to the presence of counsel. Thus, if the taking of a paraffin nitrate test is analagous to a line-up in that the lawyer is needed to assure fairness of the procedure, the police committed Constitutional error in failing to offer each suspect the assistance of counsel. On the other hand, if a nitrate test is closer to fingerprints, where the method of taking them is well established and the reliability recognized, no counsel is required. The courts have not yet resolved this issue and the Judge's ruling might well turn upon factual considerations relating to the specifics of nitrate testing and not legal rules. In this regard the well-known deficiencies of the test may be a relevant factor in that a knowledgeable attorney could assure that foreign materials are not touched by the suspect. One court has lent credence to the Judge's position, however, as it refused admission of the results of such a test after specifically distinguishing it from fingerprinting.[59] Although this judgment is probably the most questionable of those discussed, we must conclude that Judge Crockett's ruling was not so far afield of the established law in this area as to warrant even the slightest implication of incompetency or impropriety.

IV. CONCLUSION

The Judiciary is not so sacred that it is beyond criticism. Every judge of this land has

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an obligation to the people and the right of citizens to disagree with or protest any ruling is ingrained in our political system. However, when the criticism turns to vituperative accusation, and the integrity and competency of a judge is challenged, we think there is a special need for sober examination of the situation. Now Detroit is disturbed that much of the criticism surrounding Judge Crockett's rulings after the New Bethel shooting has been provoked by inaccurate reporting of facts and inadequate understanding of the law. We hope that this memorandum will be helpful in dispelling widespread misapprehensions of fact and law, explaining the juricial role in our legal system and restoring calm and perspective to our society.

Not every lawyer or judge will agree with every ruling made by Judge Crockett. There has never been a judicial ruling yet that has met with unanimous approval. Yet neither legal disagreement nor the frustration resulting from our inability to immediately solve every crime and catch every criminal can justify a personal attack upon a Court which has exercised its authority in good faith and with the support of state laws and the United States Constitution. Based upon our examination of the facts and law involved in this case, we are convinced that Judge Crockett's actions were taken in good faith with ample legal basis. We hope that this will be the end of the matter.

FOOTNOTES

[1] Certificate On Habeas Corpus Hearing, March 30, 1969, pp. 2-3, hereinafter "certificate."

[2] *Rules for the Recorders Court of the City of Detroit* (Feb. 1955), Rule I.

[3] *People v. McCager*, 367 Mich. 116 (1962).

[4] GCR 712-5.

[5] *People v. Hamilton*, 359 Mich. 410, 416 (1960).

[6] M.C.L.A. § 600.4307.

[7] M.C.R.A. § 712.3, Commentary p. 127.

[8] M.C.R.A. § 712.3, Commentary p. 127.

[9] Certificate 6.

[10] Certificate 7.

[11] Transcript 11.

[12] Transcript 11, 69.

[13] *Henry v. United States*, 361 U.S. 98, 104 (1959).

[14] Certificate 5.

[15] Certificate 5.

[16] *Brinegar v. United States*, 338 U.S. 160, 183 (1948).

[17] *Beck v. Ohio*, 379 U.S. 89, 97 (1964).

[18] *Beck* v. *Ohio*, supra.

[19] *Wong Sun* v. *United States*, 371 U.S. 471, 481 (1963).

[20] *Mallory* v. *United States*, 354 U.S. 449, 456 (1957).

[21] Transcript 11.

[22] Transcript 41, 44, 57.

[23] Transcript 41, 42.

[24] Transcript 43.

[25] Transcript 39.

[26] Transcript 45-51.

[27] Transcript 51.

[28] Transcript 58.

[29] Warren Report, p. 561.

[30] Warren Report, supra.

[31] *Journal of Criminal Law and Criminology* 281, 283 (1955).

[32] Transcript, 49-50.

[33] *Wong Sun* v. *United States*, 371 U.S. 471, 485 (1963).

[34] *United States* v. *Mitchell*, 179 F. Supp. 636 (D.C. 1959).

[35] *United States* v. *Rundle*, 274 F. Supp. 364 (1967).

[36] *Rios* v. *United States*, 364 U.S. 253 (1960).

[37] *People* v. *Morales*, 290 N.Y.S. 2d 898 (1968).

[38] *United States* v. *Vita*, 294 F. 2d 524, 530 (1961).

[39] Uniform Arrest Act § 2, 28 *Virginia L. Rev.* 351, 321 (1942).

[40] Transcript 47.

[41] Uniform Arrest Act, Section 2(3), *supra*.

[42] *United States* v. *Rundle, supra*, p. 369.

[43] *People* v. *Morales, supra*, p. 907.

[44] *United States* v. *Vita, supra*, p. 531.

[45] *People* v. *Morales, supra*, p. 907.

[46] *United States* v. *Rundle, supra*, p. 370.

[47] *Schmerber* v. *California*, 384 U.S. 768 (1966).

[48] "Detention Investigation by the Police: An Analysis of Court Practices," *Wash. Univ. L. Quar.*, June 1962, pfl 338.

[49] 28 Detroit Lawyer 21, 22 (1960).

[50] Kamisar, Book Review, 76 *Harv. L. Rev.* 1502, 1504 (1962).

[51] *Report and Recommendations of the Commissioner's Committee on Arrests for Investigation, District of Columbia*, (Horsky Report 1962 p. 58.

[52] Transcript 41.

[53] *Collins v. United States*, 289 F. 2d 129 (5th Cir. 1961).

[54] *Staples v. United States*, 320 F. 2d 817 (5th Cir. 1963).

[55] *Manual v. United States*, 355 F. 2d 817 (5th Cir. 1965).

[56] See also *Bynum v. United States*, 262 F. 2d 465 (1958).

[57] *Langford v. Gelston*, 364 F. 2d 197 (1966) at p. 204.

[58] *Wade v. United States*, 388 U.S. 218 (1966).

[59] *Brooke v. People*, 339 P. 2d 993 (1959).

CONCURRING REPORT—WITH COMMENTS

I concur with the majority report's conclusion that Recorder's Court Judge George W. Crockett, Jr. was not guilty of judicial misconduct in his handling of the 142 arrestees resulting from the horrible events at the New Bethel Church.

To state it positively, I believe that under applicable law Judge Crockett acted within permissible and accepted limits of judicial discretion in holding court at the precinct station and in his decision of the several legal and factual issues that came before him on that Sunday.

Since the majority and I now agree in substance on the validity of Judge Crockett's conduct with respect to his convening of court early Sunday morning, his issuance of the Writ of Habeas Corpus and his decision to release the so-called "nitrate suspects" on the evidence (or lack of it) then before him, I shall confine my remarks to the arrest issue (without detracting in any way from the conclusion stated above) and to comments that I think should be made.

I cannot accept the main thrust of the majority as to the original arrests. After all discussion is sifted, I interpret them to conclude that the arrests were probably unlawful. I refuse to decide that issue. We don't know that we have all pertinent facts (and the majority proceeds only on the facts presented to Judge Crockett) and I would leave final determination to a proper tribunal where all the facts are presented and tested. This is one area that likely will be thoroughly explored in any later trial of those who were arrested in the church.

But I don't think the legality or illegality of the arrests is necessarily pertinent to Judge Crockett's hearings on the Habeas Corpus Writ. Obviously, if the original arrests were unlawful the continued detention could not be justified. But I am not at all sure that Judge Crockett made any such determination. At least his conduct in holding some and bonding others is not consistent with such a ruling.

But assuming the arrests were lawful under present Constitutional law, the persons in custody were entitled to know the charges against them and have a speedy hearing as to the lawfulness of their continued detention. When Judge Crockett learned early on Sunday morning that there were no charges and no evidence to support a charge, he acted within the permissible bounds of judicial discretion in discharging the janitor and ordering others to return at noon.

By noon, most of those arrested had been released and Judge Crockett had to decide only as to the few remaining. And he could act then only on the basis of the evidence presented to him. While some judges and lawyers might differ with the conclusions he reached, there is no sound basis for saying that there was any judicial impropriety in the action he took.

COMMENTS

1. The confusion inherent in a mass arrest situation

Ever since July of 1967, various groups have been working on plans for handling mass arrests and the processing of prisoners in the event of another emergency. At least one of these plans called for the establishment of temporary court facilities in the several precincts to facilitate the speedy processing of arrested persons. It is obvious that these plans have not been perfected and communicated to the necessary officials. I suggest we waste no further time and put the plans in order so that all concerned will know the ground rules under which they will work. I agree that in emergencies the court should be taken to the precinct if safe to do so, but I do not agree that court should be held in a police station. Any coordination and advance planning should take this into account.

While I have concluded that Judge Crockett had a Constitutionally valid base for his decisions, I cannot say that other judges could not have decided differently and also been legally correct. The facts and circumstances always enter into and control the Constitutional accuracy of a decision as to the violation of a given individual's rights.

When the facts are confused or unknown, the circumstances in dispute and the pressures great, it is not surprising that reasonable judicial minds might vary in their conclusions. But the judge on the spot can only make them on the basis of the evidence properly before him.

I am seriously concerned with the possible consequences of the majority conclusion that the original arrests in the church were probably unlawful. We don't yet have all the facts necessary to decision, but most of us have heard the police network tape which reported shooting from the church. If the police on the scene reasonably believed this to be true, I believe they were fully justified in entering and securing the church, using only the force necessary to do so. To say as some have said that any further investigation must have been conducted on the scene seems to me to require that we must invite a riot rather than make the necessary arrests and conduct the investigation and court hearing in a protected area. I do not believe that this is good sense or good law.

2. The nitrate suspects

As stated above, I agree with the majority that Judge Crockett faced issues of law and fact which he decided within the bounds of permissible judicial decision. This is not to say that all lawyers and judges would agree with his conclusions. But the right to decide necessarily includes the right to be wrong. And this is the reason for appellate courts. I have no doubt that the Constitutionality and reliability of nitrate testing in the absence of counsel for the accused will be decided soon—perhaps as a result of this incident. Until it is decided, lawyers and judges will differ as to what that decision should be. But Judge Crockett was acting as a judge and not an interloper when he made his decision to refuse to consider the nitrate evidence in determining probable cause for continued detention.

CONCLUSION

If this city is not to be permanently divided, then we must hold fast to the rule of law and not of men. If we don't, the only alternative is law enactment and enforcement by brute force. An independent judiciary is an indispensable part of our rule of law and must be preserved and defended. It may need reforming and enlarging, but it must remain. If it does not, our liberties go with it. I have yet to meet the man or group of men to whom I would entrust the power to decide my rights and privileges independently of the law. Have you?

Respectfully submitted,

THOMAS L. MUNSON.

STATEMENT BY JUDGE GEORGE W. CROCKETT

The distortions of fact and the confusion over this Court's actions in the March 29th incident at New Bethel Baptist Church in Detroit, Michigan compel me to make certain facts clear. I am personally deeply affronted by reports and stories which have clearly and deliberately twisted the truth and the law in this matter.

More serious than any harm to me personally is the profound damage being done to this Court and to our entire community by those who would use this tragic affair to intensify community hostilities which are already so deep and divisive.

The actions taken by me in my capacity as presiding judge, following the New Bethel Church shootings and the mass arrests, were legal, proper and moral. Indeed, it is precisely because I followed the law, equally and without partiality, that questions and accusations are being raised. If I were to have reacted otherwise, if I were to have ignored my judicial and constitutional responsibilities and followed the often accepted practices of condoning long police detentions, of ignoring prisoners' rights to counsel and of delaying the hearing on writs of habeas corpus, possibly the adverse publicity about Judge Crockett may have been averted. But in doing so, justice would have been denied.

I deplore the senseless shooting of the policemen. I also deplore the armed assault on a church, particularly a church occupied by men, women and children, whom we must presume to be innocent until and unless evidence to the contrary is presented. I deplore, too, that so many innocent people were rounded up by the police, incarcerated for many hours in violation of their rights as citizens, and that some officials who are sworn to enforce equal justice have complained because I have done so.

Michigan law requires—does not suggest, but requires—that "any judge who willfully or corruptly refuses to consider an application action, or motion for habeas corpus, is guilty of malfeasance in office."

Moreover, "any justice of the Supreme Court and any judge of a Circuit Court may issue a writ of habeas corpus . . . upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty." By statute, Circuit Court, as used in this rule, includes Recorder's Court.

Justice last Sunday demanded a prompt judicial examination and processing of the persons arrested. If there was any sound legal basis for their detention, they were detained; otherwise they were entitled to be released and they were released upon reasonable bond.

Let us review the sequence of events following the shooting of the officers and the storming of the church by police, which occurred some time before midnight Saturday.

At 5:00 a.m. I was called—not by the police but by Representative Del Rio and Reverend C. L. Franklin, the church's pastor, who came to my home and awakened me. As presiding judge of this Court for the day, I went immediately to the police station. I requested a list of the prisoners and was told—about six hours after they were taken into custody—that police didn't know whom they were holding.

I then talked with Commissioner Spreen who agreed to furnish a list. He also agreed to set up a courtroom on the first floor of the police station. I requested that the Prosecutor be called, and Assistant Prosecutor Jay Nolan arrived. The press was present. Mr. Nolan, the police and I agreed on the processing of the prisoners. They were to be brought immediately outside the temporary courtroom in groups of 10, beginning with the women. But they appeared before me individually and each was interviewed separately by me in open court.

The cases of 39 arrestees were then heard and determined as follows: 15 Detroit residents were released on $100 personal bond to reappear at noon; 1 man (the church janitor) was discharged with consent of the Prosecutor; 1 man from Ohio was released on $100 personal bond and ordered to reappear at noon; 22 persons from out-of-town were remanded to custody until noon.

All persons released on personal bond appeared at noon as directed.

Further hearings were terminated by the entrance of the Wayne County Prosecutor who, in the presence of the Court, issued verbal orders to the police countermanding a court order. The Prosecutor, in the presence of the Court, prevented the police from producing any further arrestees for the hearing.

I have condemned the Prosecutor's action as not only contemptuous, but also as having racial overtones.

Subsequently, in a letter to presiding Judge Robert E. DeMascio dated April 1, I declined to press the formal contempt charge. To pursue the contempt proceeding, I felt, would aggravate the already tense community confrontation.

Moreover, the Prosecutor himself, after the contempt incident, and before the Court reconvened at noon and after the Court reconvened, himself released or requested the release of some 130 arrestees.

It is essential to emphasize that the vast majority of those released, approximately 130 persons, were released with the Prosecutor's concurrence. Despite this fact, the press has several times referred to my actions in terms of "unwarranted leniency". There was no unwarranted leniency.

By noon, the number of prisoners whose disposition was under question had been reduced sharply. Out of approximately 142 persons arrested, only 12 remained to be processed. Two of these prisoners I ordered held without bond because there was evidence to do so. Another I released on $1,000 bond after his attorney said he would vouch for him.

The other 9 prisoners were those who, police said, had positive nitrate tests. On this question, I hold that such tests are unconstitutional when taken without the presence of counsel or at least upon advice to the prisoner that he is entitled to counsel at this critical step in his interrogation. For me to have held those 9 men, without objective evidence and under those circumstances, would have been improper. The police had many hours to identify those nine men. They should know who they are. If those men committed a crime, the police must gather evidence to make a case that will hold up in court. They still can do so if their investigation warrants it.

I am most anxious that criminals be apprehended, tried and brought to justice. But I will not lend my office to practices which subvert legal processes and deny justice to some because they are poor or black.

I understand, of course, why the hue and cry arose. An angry Prosecutor, lacking police evidence or testimony which might produce a probable suspect, and resentful that ordinary and undemocratic police practices were challenged, chose to divert public attention to Judge Crockett. And some of the media, particularly the Detroit News, picked up that lead and began their campaign to help the police and the Prosecutor's office continue their efforts to dominate and control the courts and legal processes. The judiciary cannot allow its independence to be threatened in this fashion.

Finally, and regretfully, let me repeat that this whole case does have racial overtones.

Can any of you imagine the Detroit Police invading an all-white church and rounding up everyone in sight to be bussed to a wholesale lockup in a police garage? Can any of you imagine a church group from, let us say, Rosedale Park, being held incommunicado for seven hours, without being allowed to telephone relatives and without their constitutional rights to counsel? Can any of you justify the jailing of 32 women all night long when there was admittedly not the slightest evidence of their involvement in any crime? Can anyone explain in other than racist terms the shooting by police into a closed and surrounded church?

If the killing had occurred in a white neighborhood, I believe the sequence of events would have been far different. Because a terrible crime was committed, it does not follow that other wrongs be permitted or condoned. Indeed, constitutional safeguards are needed even more urgently in times of tension than in ordinary times.

The best guarantee to avert the kind of social disaster that occurred in Detroit in 1867 is prompt judicial action with strict observance of constitutional rights.

I intend to continue to maintain law and order in my court by dispensing justice equally and fairly, by protecting each individual's rights, and most importantly, by upholding the independence of the judiciary and the dignity of this court.

If the real dangers to our community are to be uprooted, let the news media and all other forces of truth and justice concentrate on the underlying causes of crime and social disorder as described by the Kerner Commission and as identified by virtually every responsible commentator in America. The causes are steeped in racism . . . racism in our courts, in our jails, in our streets and in our hearts.

THE EMERGENCY SMALL LOAN PROGRAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 30 minutes.

Mr. FARBSTEIN. Mr. Speaker, recently I introduced the Emergency Small Loan Act of 1969, legislation amending the Economic Opportunity Act of 1964. My bill would make the emergency small loan program a separate program under the community action program with separate appropriations under the Economic Opportunity Act of 1964. The emergency small loan program was initiated by an amendment proposed by me in 1966 to the Economic Opportunity Act of 1964. After receiving appropriation for one year, fiscal 1967, funding was made a discretionary function of the community action program. The authorization for the emergency loan program terminates June 1969, thereby lending some urgency to the bill which I have introduced.

In my survey of the 15 areas in which the emergency consumer loan program has been operating, I have found example after example which not only substantiates my judgment that the program is working well, but also indicates that the program ought to be expanded. One of those examples is to be found in the Organized Community Action Program, Inc. of Troy, Ala. Troy is located in Pike County, Ala., which falls in the Second Congressional District. This district has been ably represented in Congress since 1965 by a man with a great interest in the problems of the poor in his district, the Honorable WILLIAM DICKINSON.

The operation of Organized Community Action Program, Inc., of Troy, provides an excellent example of the need, not only for the continuation of the small loan program, but for a separation in appropriations and expansion in funding. As of January 31, 1969, the Organized Community Action Program, Inc., had made a total of 375 loans of which 60 had been paid in full and 13 written off as uncollectable. The 60 loans repaid represent 15.8 percent of the total loans made and the 13 loans written off amount to 4.2 percent of the total loans. At the time of the report, loans were being repaid at the rate of $1,598 per month. As in the case of other areas in which this program has been operating, quite a few of the loan accounts are past due, but this is partly because of the past nature of the program, since the clientele comprises the bottom rung of the poverty ladder. It is felt that a flexible approach on repayment will secure repayment and also will be more likely to instill confidence and maintain the dignity of the recipient.

In Troy, Ala., additional funds could provide for a field man who could make personal contact, counsel with people, and refer those people to other sources of help. In many other localities, such consumer counseling has been an additional benefit which has come from the operation of the program.

An emergency consumer small loan program is of far greater value to the poor than to others, because when personal crises and hardships overburden them, they have few recourses for assistance. Because they are poor, commercial lending agencies will not undertake the risk of assisting them. But as long as they remain near the abyss of poverty, they will live their lives with the continual threat of suffering merely a step away. The real import of the emergency loans is to encourage the poor to extricate themselves from their problems by their own efforts, stimulating those abilities which have atrophied amidst the stifling conditions of poverty, and developing the sense of dignity required for sustaining self-reliance and further achievement.

The Organized Community Action Program, Inc., of Troy, Ala., is a proven success; the emergency consumer small loan program has demonstrated its value in one area after another; and the program as a whole deserves separate funding on an extended scale.

PANAMA CANAL MODERNIZATION AND CANAL ZONE SOVEREIGNTY: SUPPORTED BY AMERICAN LEGION AND ZONE AFL–CIO

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, over the past decade, I have repeatedly spoken in and out of the Congress in the interest of an isthmian canal policy derived from a reasoned line of thought. For a time, it seemed as if mine was a lone voice, but gradually the key ideas took root, and, despite the silence of the major part of the mass news media, they have sprouted and grown.

In an effort to defend our indispensable sovereignty over the Canal Zone threatened by the ill-advised proposed new Panama Canal treaties, in 1967 about 150 Members of the House introduced concurrent or House resolutions opposing the projected surrender. This action served notice on the world that the Congress would not approve such surrender of U.S. exclusive control and ownership of the strategic transisthmian canal. Public support of this stand in our country has been overwhelming.

As regards the important matter of providing increased transit capacity, many comprehensive statements in the Congress have cleared away the fog of confusion that has so long obscured the subject of the type of canal and thus led to the introduction of bills in both the House and Senate that would authorize the major modernization of the existing Panama Canal. For additional information, I would invite attention to the volume of my addresses on Isthmian Canal Policy Questions published as House Document No. 474, 89th Congress, with special attention directed to the valuable engineering analyses of former principal engineer, E. Sydney Randolph of the Panama Canal that are quoted in it.

One of the most gratifying developments in these regards has been the actions by various organizations, among them the National American Legion, its Canal Zone chapter, and the Canal Zone AFL–CIO labor unions in congressional hearings. The stand of the last was quitted by me in the RECORD of May 26, 1969, pages 13780–13782. As to the Legion, that great veterans' organization, after deep study of the problems involved, at its 50th annual convention in 1968, opposed the abrogation of U.S. rights concerning the operation and security of the Panama Canal. In May 1969, it strongly advocated the program of modernization of the Panama Canal known as the Terminal Lake-third locks plan as provided in current bills previously mentioned.

The indicated American Legion resolutions and Canal Zone AFL–CIO position follow as part of my remarks and are commended for careful study by all Members of the Congress, executive agencies, and other interests concerned with the canal question:

RESOLUTION 487—50TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

Committee: Foreign Relations.

Subject: Panama Canal.

Purpose: To oppose abrogation of U.S. rights concerning operation and security of the Panama Canal.

Whereas in 1903, the United States and the Republic of Panama entered into a treaty "to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans;" and

Whereas by that treaty, the Republic of Panama (for a lump-sum payment of ten million dollars in gold, plus an annuity now amounting to nearly two million dollars) granted to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of the canal, and granted to the United States all the rights, power and authority, within the zone mentioned, "which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority;" and

Whereas the Panama Canal now represents a total U.S. investment to date of nearly five billion dollars, and is a vital strategic asset to the United States for hemispheric defense and our own national security; and

Whereas the Panama Canal also is of great economic importance to the United States, inasmuch as 70 percent of traffic through the Canal either originates or terminates in U.S. ports, and Canal operations represent a net gain for U.S. balance-of-payments of more than 40 million dollars annually; and

Whereas despite the above stated considerations, representatives of the United States and the Republic of Panama have negotiated three new treaties concerning United States canal rights in Panama; and

Whereas these three treaties, if ratified, would

(1) abrogate the 1903 treaty and eliminate all known rights, power and authority of the United States in the Canal Zone,

(2) substitute a weak and perhaps inefficient form of international administration over the present canal,

(3) compromise and probably render impossible our ability to defend the canal in times of crisis (or even to insure its security in normal periods),

(4) abandon both our capital investment and its earnings,

(5) give the existing canal outright to the Republic of Panama on or before the last day of 1999,

(6) provide that the United States might construct—at our expense—a second (i.e., "sea-level") canal across Panamanian territory, the ownership of which would revert to Panama—at no cost to that country—60 years after the opening of such canal, or the year 2067, whichever is the earlier; and

Whereas The American Legion has consistently expressed its strong opposition to any weakening of the United States sovereign rights, power, and authority over the Panama Canal and the Canal Zone: Now, therefore, be it

Resolved by The American Legion in National Convention assembled in New Orleans, Louisiana, September 10, 11, 12, 1968, That The American Legion reaffirms its positions heretofore taken with regard to the Panama Canal and the Canal Zone, and opposes any new Canal treaties that would abrogate the essential provisions of the 1903 U.S.-Panama Treaty; and be it further

Resolved, That we urge both the House of Representatives and the Senate of the United States Congress to adopt a joint resolution expressing it to be the sense of the Congress and the American people that the Government of the United States shall maintain and protect its sovereign rights and jurisdiction over the Panama Canal, and that the United States Government shall in no way forfeit, cede, negotiate, or transfer any of these sovereign rights or jurisdiction to any other administration, government, or international organization.

RESOLUTION 41—NATIONAL EXECUTIVE COMMITTEE OF THE AMERICAN LEGION MEETING OF MAY 8–9, 1969

Commission: Foreign Relations.

Subject: Panama Canal.

Whereas full control and ownership of the Panama Canal and Panama Canal Zone were obtained by the United States by treaty and by purchase; and

Whereas the total investment of the United States in the Canal enterprise, from 1904 through June 30, 1964, including defense, was $6,368,000,000; and

Whereas proposed new Panama Canal treaties, announced by the Presidents of the United States and Republic of Panama on June 26, 1967, as having been negotiated, would abrogate our basic 1903 treaty with Panama, give the Republic of Panama sovereignty over the Canal Zone, make the Republic of Panama a partner in the management and defense of the Canal, and ultimately give to the Republic of Panama, without the slightest reimbursement for the investment of the United States: 1) the existing Canal; and/or 2) any new Canal that may be constructed in the Canal Zone or in the Republic of Panama to replace it, at enormous cost to the United States; and

Whereas the occasion of these treaties of June 26, 1967 has cleared the way for constructive action by the United States under current treaty provisions toward the major increase of capacity and operational improvement of the existing Panama Canal, now approaching saturation, in line with the program for modernization developed in the Canal organization during World War II and approved by the President, Franklin D. Roosevelt, as a post-war project, known as the Terminal Lake-Third Locks plan; and

Whereas this lake lock proposal being an enlargement and improvement of existing facilities, requiring no additional lands, waters or authority, does not require a new treaty with the Republic of Panama and would serve the best interests of the United States and the Republic of Panama; and

Whereas the expenditure of $76,357,405.00 on the original Third Locks Project suspended in May 1942, and an estimated expenditure of $81,257,097.00 on the enlargement of Gaillard Cut to provide a two-way ship channel in the summit level, scheduled for completion in 1971, together, represent substantial commitments by the United States for the modernization of the existing Canal; and

Whereas The American Legion has long had the Canal problems under study, and on September 12, 1968, in Resolution No. 487, approved by National Convention, reiterated its historic policy in favor of U.S. sovereign control of the Panama Canal and Canal Zone; and

Whereas proposed legislation to provide for Terminal Lake-Third Locks modernization of the existing Panama Canal has been introduced in the 91st Congress by Representative Daniel J. Flood as H.R. 3792, and by Senator Strom Thurmond as S. 2228; Now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in St. Louis, Missouri, May 8–9, 1969, That The American Legion:

1. Re-affirms its full support of the basic and still existing provisions of the 1903 Treaty and the continued, undiluted and indispensable sovereign control by the United States of the Canal Zone and Panama Canal; and
2. Supports the enactment of legislation as proposed in H.R. 3792 and S. 2228, or similar measures in the 91st Congress, for the increase of capacity and the major operational improvement of the Panama Canal in accord with the principles of the Terminal Lake-Third Locks Plan; and
3. Urges that all further negotiations with the Republic of Panama be deferred pending action by the Congress of the United States on these measures; and
4. Respectfully urges the Congress of the United States to take prompt action on the pending bills.

STATEMENT OF CANAL ZONE JOINT LABOR COMMITTEE, PRESENTED TO THE HOUSE MERCHANT MARINE AND FISHERIES SUBCOMMITTEE ON THE PANAMA CANAL, MAY 6, 1969, BALBOA, C.Z.

Madam Chairman and members of the committee: Thank you for affording us an opportunity to meet and discuss with you and your committee matters which are of vital concern to all employees of Federal agencies on the Canal Zone. The members of our group here today represent the majority of the employees, both citizens and non-U.S. citizens employed by the Panama Canal Company-Government, and the U.S. military agencies in the Panama Canal Zone.

The Canal Zone Joint Labor Committee, composed of the officers and members of the National Maritime Union, the Master, Mates and Pilots Association, and the Central Labor Union and Metal Trades Council, AFL–CIO, is extremely pleased to welcome you and the members of the Panama Canal Subcommittee back to the Canal Zone.

Madam Chairman, it is our unanimous desire to offer to you, and the members of your committee the full support, knowledge, and experience of our entire membership towards maintaining and/or improving the efficiency of each of the U.S. agencies in the Panama Canal Zone.

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NEW SEA LEVEL CANAL VERSUS MODERNIZATION PLAN

The modernization plan outlined in H.R. 3792, 91st Congress, first session, is a technically sound concept which will provide the best operational canal at the least possible cost for the next 75 years or more. It should be noted that all realistic sea level plans have provided for tidal locks or tidal regulating structures and that the proposed waterway would not be a Strait of Magellan but merely a restricted channel canal with tidal locks, which structures would be more complicated than the present locks.

The joint committee, after reviewing the various plans, fully supports the Flood, Thurmond, Rarick and Gross bills which provide for the complete modernization of the present waterway.

NUCLEAR EXCAVATION FOR NEW CANAL REMOTE

Mr. Speaker, one of the many angles that I have observed in the interoceanic canal situation is that the people of Panama are kept better informed than the citizens of our own country. A recent example of the service of the Panama press is a news story concerning the proposal for using nuclear explosives for mass canal excavation published in the May 8, 1969 issue of the Panama Star & Herald, Republic of Panama, an Isthmian newspaper founded in 1849.

The news story emphasizes that the possibility of nuclear excavation for canal purposes is "becoming more and more remote" and altogether impossible in the Canal Zone area. It also raises questions about the economy of such excavation.

In these connections, I would invite attention to the 1968 book by Edward Teller, Wilson K. Talley, Gary H. Higgins and Gerald W. Johnson on "The Constructive Uses of Nuclear Explosives" published by McGraw-Hill, particularly pages 215–27. This part of the book sets forth valid technical information useful to engineers and geologists in countering arguments of sea level advocates for canal excavation by nuclear power.

The indicated news story follows as part of my remarks:

NUCLEAR BLASTS FOR NEW CANAL SAID REMOTE

The possibility of using nuclear devices for digging a sea-level canal either in Darian, Panama, or in the Choco, Colombia, is becoming more and more remote, according to a Panamanian engineer who is thoroughly familiar with the canal project.

He is Francisco J. Morales, who recently was a guest lecturer at the Massachusetts Institute of Technology on the sea-level canal topic.

Morales said geological evidence on both routes—Darien and Choco—show clearly that the prospects of using nuclear explosives are not as bright as they appeared at first.

He said the geological medium and the proximity of population centers in Panama and Colombia to the region where the explosions would occur are the two main factors in the picture. He pointed out that 35-megaton explosions—the equivalent of 35 million tons of TNT—have been proposed for blasting peaks along the proposed canal routes.

A Washington announcement recently said the Atomic Energy Commission lacks funds to complete the series of five tests requested by the Sea-Level Interoceanic Canal Studies Commission. One test has been carried out and funds are available for only one more.

Morales said further tests are really not necessary.

"Cratering experiments may yield additional experience, additional knowledge on various aspects of the problems, but the cratering itself, as a result of the explosion, will not vary," Morales said. He pointed out that the two routes—Sasardi-Morti, in the Darien and Atrato-Truando in the Choco—lie over large sections of unstable soil.

"Present technology for excavation through cratering by nuclear devices cannot produce the very soft slopes required for the stability of banks on this type of soil," he declared.

Regarding the possible use of more powerful devices, Morales warned: "The larger the unit charge for explosions, the larger the dangers resulting from nuclear explosions: radioactivity, seismic disturbances and pressure and sound waves." Pointing to the proposal for using 35-megaton charges in some places, Morales said this raised serious possibilities of damages to installations in Panama or Colombia, depending on where the waterway is built.

On the other hand, Morales added, any reduction in the force of the nuclear devices employed for blasting the canal would mean a larger number of devices and higher expenses for handling, setting and safety. Thus, he added, the argument of economy for the use of nuclear explosions would disappear.

STATEMENT OF CHARLES L. SCHULTZE ON THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Pennsylvania (Mr. MOORHEAD) is recognized for 30 minutes.

Mr. **MOORHEAD**. Mr. Speaker, the Economy in Government Subcommittee of the Joint Economic Committee is conducting 8 days of hearings on the military budget and national priorities. I firmly believe that reordering our national priorities is the most important issue facing Congress this session. The issue seems to be one of what sense of values is going to prevail in this country.

Why is it that the Nation goes on year after year allocating something like 80 percent of our controllable Federal funds for military purposes when massive blights of poverty, serious disillusionment of the young, and urban decay are endangering the very fabric of American life as surely as any foreign threat?

Charles L. Schultze, the former Budget Director, testified yesterday before the Joint Economic Committee with both great candor and courage. Mr. Schultze admitted that the Budget Bureau had not always asked the right questions in their scrutiny of the military budget. He pointed out that in certain situations they examined alternative weapon systems but never asked the crucial question of whether the system was actually necessary for our national security.

During my 10 years in Congress I have heard no more thoughtful or helpful presentation.

Mr. Speaker, I think that Mr. Schultze's testimony is so timely that I wish to insert it in the RECORD for the thoughtful consideration of my colleagues:

STATEMENT OF CHARLES L. SCHULTZE

(NOTE.—Charles Schultze is a senior fellow, Brookings Institution, professor of economics, University of Maryland. The views expressed in this paper are those of the author and do not necessarily represent the views of the trustees, the officers, or other staff members of the Brookings Institution.)

Mr. Chairman, members of the committee, the Committee's decision to hold hearings on the military budget and national economic priorities is not only welcome but timely. Over the next several years, the Executive and the Congress will be faced with a series of basic decisions on military programs and weapons systems, whose outcome will largely determine not only the nation's security and its military posture, but also the resources available to meet urgent domestic needs. It would be most unfortunate if those decisions were made piecemeal, without reference to their effect on nonmilitary goals and priorities. Moreover, any one year's decisions on military programs—and, in fact, on many elements of the civilian budget—cast long, and usually wedge-shaped shadows into the future. Their cost in the initial budget year are often only a small fraction of the costs incurred in succeeding years.

For these reasons there are two major prerequisites to inform discussion and decision about military budgets:

First, the benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities, which, in the context of limited resources, their adoption must necessarily sacrifice.

Second, the analysis of priorities must be placed in a longer-term context than the annual budget, since annual decisions—particularly with respect to large military forces or weapons systems—usually involve the use of scarce national resources, and therefore affect other national priorities, well into the future.

I might also add, parenthetically, that a review of military budgets in the context of a long-run evaluation of national priorities can directly serve the interests of national security itself. In the past year there has sprung up a widespread skepticism about the need, effectiveness, and efficiency of many components of the defense budget. This is a healthy development. But it must be harnessed and focused. In particular it must not be allowed to become a "knee-jerk" reaction, such that any proposed new military program is automatically attacked as unneeded or ineffective. We still live in a dangerous world. Effective and efficient provisions for the national security should rightfully be given a high priority. I believe that a proper balancing of military and civilian programs can best be achieved by a careful and *explicit* public discussion and evaluation of relative priorities in a long-term budgetary context. Neither the extreme which automatically stamps approval on anything carrying the national security label, nor its opposite which views any and all military spending as an unwarranted waste of national resources, has much to recommend it as a responsible attitude.

In this context I should like to discuss with the Committee three major aspects of the problem of national priorities:

A five-year summary projection of federal budgetary resources and the major claims on those resources.

A more detailed examination of the basic factors which are likely to determine the military component of those budget claims.

Finally, some tentative suggestions for improving the process by which defense budget decisions are made, designed particularly to bring into play an explicit consideration and balancing of national priorities, both military and civilian.

I. THE BUDGETARY FRAMEWORK

By definition, the concept of "priorities" involves the problem of choice. If, as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problem of priorities would not arise. But once we recognize that we face limits or constraints, that we cannot simultaneously satisfy all the legitimate objectives which we might set for ourselves, then the necessity for *choice* arises.

There are various kinds of constraints. There is probably some limit to the public "energy" of a nation. Psychologically, the nation and its leaders cannot enthusiastically pursue a very large number of energy-consuming goals at the same time. The psychic cost is too high. Sometimes we face limits imposed by the scarcity of very specific resources. What we can do quickly, for example, to improve the availability of high quality medical care is limited in the short run by the scarcity of trained medical personnel. But the most pervasive limit to the achievement of our goals, even in a wealthy country like the United States, is the general availability of productive resources. If the economy is producing at full employment, additions to public spending require subtractions from private spending—and vice-versa.

From the point of view of public spending, the practical constraints we face are even tighter than this. I think it is a safe political prediction that during the next five years or so, and particularly once a settlement in Vietnam is reached, federal tax rates are unlikely to be raised. Reforms may, and should, occur. But the overall yield of the system is unlikely to be increased. If this judgment is correct, then the limits of budgetary resources available are given by the revenue yield of the existing tax system—a yield which will, of course, grow as the economy grows. And even those who believe that the needs of the public sector are so urgent as to warrant an increase in federal tax rates are likely to agree that an examination of long-term budgetary prospects should at least start with a projection of revenue yields under current tax laws.

Assuming for purposes of projection an initial constraint imposed by existing tax laws, it is then possible to determine roughly how large the budgetary resources available to the nation will be over the next five years, for expanding existing high-priority public programs, for creating new ones, for sharing revenues with the states or for reducing federal taxes. The magnitude of the budgetary resources available for these purposes—the "fiscal dividend"—will depend on four basic factors:

1. The growth in federal revenues yielded by a growing economy;
2. The budgetary savings which could be realized from a cease-fire and troop withdrawal in Vietnam;

(These two factors, of course, *add* to fiscal dividend available for the purposes listed above. The next two *reduce* the fiscal dividend.)

3. The "built-in" or "automatic" increase in civilian expenditures which accompanies growing population and income. (This expenditure growth must be deducted before arriving at the net budgetary resources available for discretionary use.)
4. The probable increase in non-Vietnam military expenditures implicit in currently approved military programs and postures. (This increase must also be deducted in reaching the net fiscal dividend which can be devoted to domestic needs. Needless to say, of course, changes in military programs, policies, and force levels can affect this total.)

The net result of these four factors—the revenue yield from economic growth, the savings from a Vietnam ceasefire, the built-in growth of civilian expenditures, and the probable growth of the non-Vietnam military budget—measures the fiscal dividend available for meeting domestic needs.

Let me summarize the likely magnitude of each of these four budgetary elements five years from now. More precisely, I will attempt to project them from fiscal 1969 to fiscal 1974.

If we assume that economic growth continues at a healthy but not excessive pace, and that—optimistically perhaps—the annual rate of inflation is gradually scaled down from the current 4½ percent to a more tolerable 2 percent, federal revenues should grow each year by $15 to $18 billion. This is, of course, a cumulative growth, so that by the end of five years federal revenues should be about $85 billion higher than they are now. It is highly likely, however, that once the war in Vietnam is over, or substantially scaled down, the present 10 percent surcharge will be allowed to expire. The yield of the surcharge five years from now would be some $15 billion. This must therefore be subtracted from the $85 billion revenue increase, leaving a net $70 billion growth in federal revenue between now and fiscal 1974.

A second potential addition to budgetary resources is the expenditure saving which could be realized upon a Vietnam ceasefire and troop withdrawal and a return to the pre-Vietnam level of armed forces. The current budget estimates the cost of U.S. military operations in Vietnam at about $26 billion. As I have pointed out elsewhere,

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however, this figure overstates somewhat the additional costs we are incurring in Vietnam. Even if our naval task forces were not deployed in the Gulf of Tonkin, they would be steaming on practice missions somewhere else. Hence some of the costs of those forces would be incurred even in the absence of fighting in Vietnam. Similarly, our B–52 squadrons, if not engaged in bombing missions, would be operating on training exercises. And the same is true for other activities. As best I can judge, the truly incremental, or additional, costs of Vietnam—which would disappear if a ceasefire and a return to pre-Vietnam force levels occurred—amount to about $20 billion. These savings would not, of course, be available the day after a ceasefire occurred, but would gradually be realized as withdrawal and demobilization occurred.

Within perhaps 18 months to two years after a ceasefire, this $20 billion in budgetary savings would be available to add to the $70 billion net growth in budget revenues—a total gross addition of $90 billion to resources available for other public purposes.

From this $90 billion, we must, however, make several deductions before arriving at a net fiscal dividend freely available for domestic use.

We can expect a fairly significant built-in growth in federal civilian expenditures over the next five years. As the GI's come home from Vietnam, educational expenditures under the GI bill of rights will naturally increase. Even if interest rates rise no further, the roll-over of older debt into new issues will increase interest payments. Expenditures under the Medicaid program will rise, although at a slower pace than in the last few years. A larger population and income almost automatically lead to higher public expenditures in many areas: more people visit national parks and the Park Service's outlays grow; more tax returns are filed and the Internal Revenue Service must expand to handle them; as airplane travel increases, federal expenditures on air traffic safety and control rise; and so on down the list. Social security benefits will almost certainly rise sharply if past practice is followed under which the Congress tends to raise benefit levels more or less in line with payroll revenues. For all of these reasons, I believe one must allow for a "built-in" growth of federal expenditures by some $35 billion over the next five years. Subtracting this $35 billion from the $90 billion additional resources calculated above leaves $55 billion for the fiscal dividend.

But yet another deduction must be made. Barring major changes in defense policies, military spending for *non-Vietnam* purposes will surely rise significantly over the next five years. There are *five* major factors working towards an increase in military expenditures.

1. *Military and civilian pay increases*. There are now 3½ million men in the Armed Forces. In addition some 1.3 million civilian employees, about 45 percent of the federal total, work for the Department of Defense. As wages and salaries in the private sector of the economy rise, the pay scales of these military and civilian employees of the Defense Department must also be raised. The military and civilian pay raise scheduled for this coming July 1 will add some $2.3 billion to the Defense budget. If we assume, conservatively, that in succeeding years private wage and salary increases average 4 to 4½ percent per year, the payroll costs of the Pentagon will rise by about $1½ billion each year.

2. *The future expenditure consequences of already approved weapons systems*. A large number of new and complex weapons systems have been approved as part of our defense posture; the bulk of the spending on which has not yet occurred.[1] Some major examples are:

The Minuteman III missile, with MIRV's; cost, $4½ billion.

The Poseidon missile, with MIRV's; cost, including conversion of 31 Polaris subs, $5½–$6½ billion.

The Safeguard ABM system, with a currently estimated cost, including nuclear warheads, of some $8 billion, plus hundreds of millions per year in operating costs.

The F–14 Navy fighter plane in three versions; the 1970 posture statement indicates that the entire F–4 force of the Navy and Marine Corps may be replaced by the F–14. If so, the total investment and operational cost of this system over a 10-year period should be well in excess of $20 billion.

A new F–15 air-to-air combat fighter for the Air Force.

Three nuclear attack carriers at a currently estimated cost of $525–$540 million each.

62 new naval escort vessels, at an investment cost of nearly $5 billion.

A number of new amphibious assault ships.

A new Navy anti-submarine plane, the VSX, at a cost of $2–$2½ billion.

A new continental air-defense system, including a complex "look-down" radar and an extensive modification program for the current F–106 interceptor.

These do not exhaust the list of new weapon systems already a part of the approved defense posture. But they do give some idea of the magnitude of the expenditures involved.

3. *Cost Escalation*. The weapons systems costs given for each of the systems listed above represent current estimates. But, as this Committee is well aware, past experience indicates that final costs of complex military hardware systems almost always exceed original estimates.

A study of missile systems in the 1950's and early 1960's revealed that the average unit cost of missiles was 3.2 times the original estimates.

The nuclear carrier Nimitz, now under construction, was estimated in 1967 to cost $440 million. One year later the estimate was raised to $536 million. No new estimates have been released, but given the rapidly rising cost of shipbuilding, it is almost certain that this latter figure will be exceeded.

In January 1968 the Defense Department proposed a plan for building 68 naval escort vessels at a total cost of $3 billion. In January 1969 the estimated costs of that program had risen to $5 billion.

The cost of modernizing the carrier Midway was originally given as $88 million, and the work was scheduled to be completed in 24 months. In January 1969 the cost estimate was doubled, to $178 million, and the time estimate also doubled, to 48 months.

The Air Force's manned orbiting laboratory (the MOL) was originally announced by President Johnson at a cost of $1.5 billion. The latest estimate was $3 billion.

In many cases the rising unit costs of these systems forces reevaluation of the program and a reduction in the number purchased. The F–111 program is a classic case in point. Consequently the *aggregate* costs of the procurement budget do not rise by the same percentage as the inflation in *unit costs*. Nevertheless, cost escalation does tend to drive the total military budget upward.

4. *Weapons systems under development, advocated by the Joint Chiefs of Staff, but not yet approved for deployment*. In addition to weapons systems already approved, there are a large number of systems, currently under development, which are being advocated for deployment by the Joint Chiefs. Among these items are:

The AMSA—advanced manned strategic aircraft—a supersonic intercontinental bomber designed as a follow-on to the B–52. President Johnson's proposed 1970 budget requested $77 million for advanced development. Secretary Laird proposed an additional $23 million to shorten design time and start full-scale engineering development. This $10 million will be supplemented by $35 million of carryover funds. The investment cost of the AMSA, if procurement decision is made, are difficult to estimate, but it is hard to see how they could be less than $10 million.

The main new battle tank is now in production engineering. Depending on the number purchased, a procurement decision will involve investment costs of $1 to $1½ billion.

A new advanced strategic missile in super-hard silos is being advocated by the Air Force.

A new attack aircraft, the AX, is under development for the Air Force.

The Navy is proposing a major shipbuilding and reconversion program to replace or modernize large numbers of its older vessels.

A new continental air defense interceptor, the F–12, is being advocated by the Air Force.

A new underwater strategic missile system (the ULMS) is under development for the Navy.

In the normal course of events, not all of these new systems will be adopted in the next five years. But, in the normal course of events, some will be.

5. *Mutual escalation of the strategic arms race*. The United States is currently planning to equip its Minuteman III and Poseidon missiles with multiple independently targeted reentry vehicles (MIRV's). MIRV testing has been underway for some time. The original purpose of MIRV's was as a hedge against the development of a large-scale Soviet ABM system, in order to preserve our second-strike retaliatory capability in the face of such Soviet development. Recently, however, Pentagon officials have indicated that we are designing into our MIRV's the accuracy needed to destroy missile sites—an accuracy much greater than needed to preserve the city-destroying capability of a retaliatory force. Secretary of Defense Laird, in recent testimony before the Armed Services Committee, for example, asked for additional funds to "improve significantly the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets."

Putting MIRV's with hard-target killing capabilities on Poseidon alone will equip the U.S. strategic forces with 4000–5000 missile-destroying warheads. Viewed from Soviet eyes the United States appears to be acquiring the capability of knocking out Soviet land-based missile force in a first strike. It might be argued that the difficulties of attaining a hard-target killing capability on our MIRV's are so great that the objective will not be realized for many years, if ever. But without attempting to evaluate this observation, let me point out that what counts in the arms race is the Soviet reactions to our announcement. And, like our own conservative planners, the Soviets must assume that we will attain our objectives.

The United States has announced that in answer to the 200-Soviet 22–9's—which may be expanded and MIRV'd into 800 to 1000 hard-target warheads—it will build an ABM system. What must the Soviet reaction be when faced with the potential of 4000–5000 hard-target killers on Poseidon alone? As they respond—perhaps with an even larger submarine missile force than now planned, or by developing mobile land-based missiles—we may be forced into still another round

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[1] For most of the systems listed below, the decision to procure the item has already been made. In a few cases, such as the Navy's VSX antisubmarine plane, procurement has not yet been approved, but development is well along, and official statements of Defense Department officials have already indicated that the system is most likely to be approved.

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of strategic arms building. This may not occur. But its likelihood should not be completely discounted.

I have seen several arguments as to why a new round in the strategic arms race will not be touched off by current U.S. policy. I think they are dubious at best. One argument notes that the U.S. development of MIRV's and ABM is being made against a "greater-than-expected" threat—i.e., a Soviet threat larger than current intelligence estimates project. Hence, runs the argument, should the Soviets respond to our new developments, this response has already been taken into account in the "greater-than-expected" threat against which we are currently building. Consequently, we would not have to respond ourselves with a still further strategic arms buildup. But this misses the very nature of "greater-than-expected" threat planning. Once the Soviets proceed to deploy a force which approaches the *current* "greater-than-expected" threat, then by definition a *new* "greater-than-expected" threat is generated, and additional strategic arms expenditures are undertaken to meet it. This is the heart of the dynamics of a strategic arms race.

Another argument is often used to discount the mutual escalation threat posed by MIRV's. Multiple warheads, it is argued, make an effective large area ABM practically impossible to attain. Hence, deployment of MIRV's destroys the rationale for a large-scale, city defense, ABM. So long as MIRV's do not have the accuracy to destroy enemy missiles on the ground, this argument might indeed have some validity. But once they acquire hard-target killing capability—or the Soviets think they have such capability—they are no longer simply a means of penetrating ABM's and preserving a second-strike retaliatory force; they provide, in the eyes of the enemy, a first-strike capability, against which he must respond.

Given these various factors tending to drive up the cost of the non-Vietnam components of the military budget, by how much are annual defense expenditures, outside of Vietnam, likely to rise over the next five years? Obviously, there is no pat answer to this question. Any projection must be highly tentative. But assuming the increase in civilian and military pay mentioned earlier, calculating the annual costs of the approved weapons systems listed above, and allowing for only modest cost escalation in individual systems, it seems likely that on these three grounds alone non-Vietnam military expenditures by 1974 will be almost $20 billion higher than they are in fiscal 1969. They will, in other words, almost fully absorb the savings realizable from a cessation of hostilities in Vietnam. And this calculation leaves *out* of account the possibility of more than modest cost escalation, the adoption of large new systems like the AMSA, and a further round of strategic arms escalation.

I might note that the 1970 defense budget—even after the reductions announced by Secretary Laird—already incorporates the first round of this increase. From fiscal 1969 to fiscal 1970, the *non-Vietnam* part of the defense budget will rise by $5½ to $6 billion, after allocating to it the Pentagon's share of the forthcoming military and civilian pay raise. In one year, almost 30 percent of this $20 billion rise will apparently take place.

Starting out with an additional $70 billion in federal revenues over the next five years, plus a $20 billion saving from a cease-fire in Vietnam, we earlier calculated a $90 billion gross increase in federal budgetary resources. From this we substracted the $35 billion growth of "built-in" civilian expenditures and now we must further substract a $20 billion rise in non-Vietnam military outlays, leaving a net fiscal dividend in fiscal 1974 of something in the order of $35 billion, available for discretionary use in meeting high priority public needs or additional tax cuts. That $35 billion, in turn, is itself subject to further reduction should major new weapons systems be approved, or should another round in the strategic arms race take place.

Let me make it clear, of course, that there is nothing inevitable about this projection of military expenditures. Some of the weapons systems I listed are in early stages of procurement. Other areas in the military budget can be analyzed, reviewed, and if warranted, reduced as a budgetary offset to the new systems. Hopefully, disarmament negotiations if held quickly, may prevent mutual strategic escalation. My projection assumes that no changes in basic policies, postures, and force levels occur. It is obviously the whole purpose of these hearings to examine that assumption, in the context of other national priorities.

II. THE BASIC FACTORS BEHIND RISING MILITARY BUDGETS

While the budget projection summarized above discusses some of the specific weapons systems which are likely to cause the defense budget to expand sharply in the next five years, it does not address itself to the underlying forces which threaten to produce this outcome. In the first half of the 1960's the military budget ran at about $50 billion per year. With those funds not only were U.S. strategic and conventional forces maintained, they were sharply improved in both quantity and quality. Both land- and sea-based missile forces were rapidly increased. Similarly dramatic increases in the general purpose forces were undertaken. Fourteen Army divisions, undermanned, trained primarily for tactical nuclear war, and short of combat consumables were expanded to over 16⅓ divisions, most of them fully manned. Equipment and logistic supply lines were sharply increased. The 16 tactical air wings were expanded to 21. Sea-lift and air-lift capability were radically improved.

In short, on $50 billion per year in the early 1960's, it appeared to be possible to buy not only the maintenance of a given military capability, but a sharp increase in that capability. By the early 1970's, taking into account general price inflation in the economy plus military and civilian pay increases, it would take $63–$65 billion to maintain the same purchasing power as $50 billion in 1965. Yet, as I have indicated earlier, even on conservative assumptions the non-Vietnam military budget is likely to approach $80 billion by fiscal 1974—$15 to $17 billion more than the amount needed to duplicate the general purchasing power the pre-Vietnam budget had—a budget which already was providing significant increases in military strength. Why this escalation? What forces are at work?

While there are a number of reasons for this increase, I would suggest that four are particularly important.

First, the impact of modern technology on the strategic nuclear forces. During most of the 1960's the primary goal of our strategic nuclear forces was the preservation of an "assured destruction capacity"—the ability to absorb an enemy's first strike and retaliate devastatingly on his homeland. In turn this capability provided nuclear deterrence against a potential aggressor. In general this could be described as a stable situation, in part because of the technology involved. To mount a first strike, an aggressor would have to be assured that he could knock out all—or substantially all—of his opponent's missiles. Since missiles did not have 100 percent reliability and accuracy for this task, more than one attacking missile would have to be targeted on the enemy missile force. For every missile added by the "defender," the attacker would have to add more than one. Hence, it was easy to show that first-strike capability could not be attained, since the opposing side could counter and maintain his second-strike capability as a less-than-equal cost. And, of course, the existence of mobile submarine launched missiles made the stability of the system even greater.

But the development of MIRV's, and more critically the development of guidance systems which are designed to make them accurate enough to "kill" enemy missiles on the ground, changes this balance. Now a single attacking missile, with multiple warheads, can theoretically take out several enemy missiles. The advantage to the first attacker rises sharply. Strategic planners on both sides, projecting these developments into the future, react sharply in terms of the danger they perceive their own forces to be facing. Add to this the development of ABM, which—however initially deployed—raises fears in the minds of enemy planners that it can be extended to protect cities against his submarine launched missiles, and escalation of the strategic arms race becomes increasingly likely.

The impact of changing technology on strategic arms budgets, therefore, is one of the driving forces which changes the prospects of post-Vietnam military expenditures from what they might have seemed several years ago.

The second major factor in driving arms budgets up is the propensity of military planners to prepare against almost every conceivable contingency or risk. And this applies both to force level planning and to the design of individual weapons systems. Forces are built to cover possible, but very remote, contingencies. Individual weapons systems are crowded with electronic equipment and built with capabilities for dealing with a very wide range of possible situations, including some highly unlikely ones.

If military technology were standing still, this propensity to cover remote contingencies might lead to a large military budget, but not to a rapidly expanding one. As technology continually advances, however, two developments occur: (1) As we learn about new technology, we project it forward into the Soviet arsenal, thereby creating new potential contingencies to be covered by our own forces; (2) The new technology raises the possibility of designing weapons systems to guard against contingencies which it had not been possible to protect against previously.

Continually advancing technology and the risk aversion of military planners, therefore, combine to produce ever more complex and expensive weapons systems and ever more contingencies to guard against.

Let me give some examples.

According to Dr. John S. Foster Jr., Deputy Director of Defense Research and Engineering in testimony before the Senate Armed Service Committee last year, the Poseidon missile system was originally designed to penetrate the Soviet TALLINN system—a system originally thought to be a widespread ABM defense. When this system turned out to be an anti-aircraft system, the deployment decision on the Poseidon was not revised. Rather it was continued as a hedge against a number of other possible Soviet developments, including in Dr. Foster's words the possibility that "the Minuteman force could be threatened by either rapid deployment of the current Soviet SS–9 or by MIRV'ing their existing missiles and improving accuracy."

Once the Soviets began to deploy the SS–9 in apparently larger numbers than earlier estimated, however, this gave rise to the decision to deploy a "Safeguard" ABM defense of Minuteman sites.

In short the sequence went like this: (1) The Poseidon deployment decision was made against a threat which never materialized; (2) despite the disappearance of the threat against which it was designed, the Poseidon was continued, presumably as a hedge against other potential threats, including faster-than-expected Soviet deployment of the SS–9; (3) but now a decision

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has been made to hedge against the SS–9 by building a "hard-point" ABM—so we are presumably building the Poseidon as a hedge against a number of possible Soviet threats, including the SS–9, and then building a hedge on top of that; (4) finally, new technology has made it possible to design a hard target killing accuracy into the Poseidon—an accuracy not needed to preserve our second strike capability against either the SS–9 or a Soviet ABM. The technology is available—why not use it! Yet the existence of that capability may well force a major Soviet response.

Another example of hedging against remote threats is the currently planned program of improvements in our continental air defense system. The existing SAGE system cost $18 billion to install but is apparently not very effective against low-altitude bomber attack. Although the Soviets have no sizable intercontinental bomber threat, the decision has been made to go ahead with major investments in a new air defense system. The major reasons given for this decision are these: to deter the Soviets from deciding to reverse their long-standing policy and develop a new bomber; to guard against one-way Kamikaze-type attacks by Soviet medium-range bombers; and to protect those of our missiles which would be withheld in a retaliatory strike. There is admittedly no direct threat to be covered. But a number of more remote threats are covered. And since we cannot defend our cities against Soviet missiles, it gives small comfort to have them protected against as yet non-existing bombers or Kamikaze attacks.

Another case in point is the new F–14 Navy aircraft. Both the F–111B and its successor, the initial version of the F–14, were designed to stand off from the carrier fleet and, with the complex Phoenix air-to-air missile, defend the fleet from a Soviet supersonic bomber plus missile threat, in the context of a major Soviet attack against our carrier forces. But as the Senate Defense Preparedness Subcommittee noted last year, this threat is "either limited or does not exist." Or as Chairman Mahon of the House Appropriations Committee noted, "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date."

The problem of what contingencies and risks are to be guarded against goes to the very heart of priority analysis. Primarily what we buy in the military budget is an attempt to protect the nation and its vital interests abroad from the danger and risks posed by hostile forces. We seek either to deter the hostile force from ever undertaking the particular action or, if worst comes to worst, to ward off the action when it does occur. Similarly, in designing particular weapons systems, the degree of complexity and the performance requirements built into the systems depends in part on an evaluation of the various kinds of contingencies which the weapon is expected to face. Now there are almost an unlimited number of "threats" which can be conceived. The likelihood of their occurrence, however, ranges from a significant possibility to a very remote contingency. Moreover, the size of the forces and complexity of the weapons systems needed to guard against a particular set of threats depends upon whether the threats materialize simultaneously or not. If they do not occur simultaneously, then very often forces developed to meet one contingency can be deployed against another. But the probability of two or more remote contingencies occurring simultaneously is obviously even lower than either taken separately.

Clearly we cannot prepare against every conceivable contingency. Even with a defense budget twice the present $80 billion, we could not do that. The real question of priorities involves the balance to be struck between attempting to buy protection against the more remote contingencies and using those funds for domestic purposes. In any given case, this is not a judgment which can be assisted by drawing up dogmatic rules in advance. And, since it is a question of balancing priorities, it is not a question which can be answered solely on military grounds or with military expertise alone—although such expertise must form an essential component of the decision process.

For what it is worth, it is my own judgment that we generally have tended in the postwar period to tip the balance too strongly in favor of spending large sums in attempting to cover a wide range of remote contingencies. And, as I have pointed out, this tendency—combined with the relentless ability of modern technology to create new contingencies and new systems to combat them—threatens to produce sizable increases in the defense budget.

A third important factor which is responsible for driving up the size of defense budgets is "modernization inflation."[2] The weapons systems we now buy are vastly more costly than those we bought 10 or 20 years ago. The F–111 A and the F–14A, for example, will cost 10 to 20 times what a tactical aircraft cost at the time of Korea. A small part of this increase is due to general inflation. But by far the largest part is due to the growing complexity and advanced performance of the weapons. In the case of tactical aircraft, speed, range, bombload, accuracy of fire, loiter time, ability to locate targets, and other characteristics are many times greater than models one or two decades older. The same kinds of performance comparison can be drawn between modern missile destroyers and their older counterparts, and between modern carriers and their predecessors. We pay sharply increased costs to obtain sharply increased performance. Yet seldom if ever is this advance in "quality" used to justify a reduction in the *number* of planes or carriers or destroyers or tanks. If bomb carrying capacity and lethal effectiveness is doubled or tripled, then presumably a smaller number of new planes can do the same job as a larger number of old planes. But the numbers generally stay the same or increase. As a consequence, modernization inflation primarily causes a net increase in military budgets rather than providing—at least partially—a reasoned basis for maintaining military effectiveness while reducing the level of forces.

In some cases, of course—for example, Soviet fighter aircraft—rising enemy capabilities may reduce the possibility of substituting quality for quantity. But the same kind of argument is hard to adduce for such weapons as carriers or attack bombers.

The fourth, and perhaps most important, reason for increasing military budgets is the fact that some of the most fundamental decisions which determine the size of these budgets are seldom subjected to outside review and only occasionally discussed and debated in the public arena. This problem is most acute in the case of the budget for the nation's general purpose forces. The fundamental assumptions and objectives of the strategic nuclear forces are more generally known and debated. But the assumptions, objectives and concepts underlying the general purpose forces—which even in peacetime take up 60 percent of the defense budget—are scarcely known and discussed by the Congress and the public. Congress does examine and debate the wisdom and effectiveness of particular weapons systems—the TFX, the C–5A, etc. But choices of weapons systems form only a part of the complex of decisions which determine the budget for our general purpose forces.

Those decisions can conveniently be classified into four types:

1. What are the nation's *commitments* around the world? While our strategic nuclear forces are primarily designed to deter a direct attack on the United States, our general purpose forces have their primary justification in terms of protecting U.S. interests in other parts of the world. At the present time, we have commitments of one kind or another, to help defend some 40-odd nations around the world—19 of them on the periphery of the Soviet-Eastern European bloc and Communist China. Almost all of these commitments were made quite some time ago, but they are still in force. Unless we wish to rely solely on "massive retaliation" as a means of fulfilling our commitments, they do pose a fundamental "raison d'etre" for general purpose forces of some size.

2. Granted the existence of these commitments, against what sort of *contingencies* or *threats* do we build our peacetime forces? A number of examples will help illustrate this aspect of decision making:

Pre-Vietnam (and, barring changes in policy, presumably *post*-Vietnam), our general purpose forces were built to fight *simultaneously* a NATO war, a Red Chinese attack in S.E. Asia, and to handle a minor problem in the Western Hemisphere, a' la' the Dominican Republic. Obviously the forces-in-being would not be sufficient, without further mobilization, to complete each of these tasks. But they were planned to handle simultaneously all of the three threats long enough to enable mobilization to take place if that should prove necessary.

The Navy is designed, among other tasks, to be capable of handling an all-out, non-nuclear, protracted war at sea with the Soviet Union.

The incremental costs of maintaining in-being a force to meet the Chinese attack contingency, probably amounts to about $5 billion per year. When in 1965 the nation decided to begin Federal aid to elementary and secondary education—which has subsequently been budgeted at less than $2 billion a year—a major national debate took place. To the best of my knowledge, there was no public comment or debate about the "Chinese contingency" decision. Yet the decision was not classified—it was publicly stated in the unclassified version of the Secretary of Defense's annual posture statement several years running. This is not to say that the decision was necessarily wrong. Rather, I want to stress that it has a very major impact on the defense budget, yet was not, so far as I know, debated or discussed by the Congress. This lack of debate cannot be laid at the door of the Pentagon, since the information was made available in the defense posture statement.

3. Granted the commitments and contingencies, what *force levels* are needed to meet those contingencies, and how are they to be based and deployed?

The Navy, for example, has 15 attack carrier task forces. The carrier forces are designed not merely to provide quick response, surge capability for air power, but to remain continually on station during a conflict. As a consequence, because of rotation, overhaul, crew-leave, and other considerations, one carrier on station generally requires two off-station as back-up. Thus for *five* carriers on station, we have *ten* back-up carriers. (The "on-station" to "back-up" ratio depends on the distance of the station from the carriers' base. The 2/1 is an average ratio.)

The pre-Vietnam Army 16⅓ active divisions with eight ready reserve divisions. The 16⅓ division force is supported by a planned 23 tactical air wing (only 21 were in-being pre-Vietnam).

The Navy has eight anti-submarine carrier task forces.

Defense plans call for a fast amphibious assault capability, sufficient to land one division/air wing in the Pacific and ⅔ division/air wing in the Atlantic.

The force levels needed to meet our contingencies are, of course, significantly affected by the military decisions and capabilities of our allies. The U.S. situation in NATO, for example, is strongly affected by whether or not the divisions of our NATO allies are equipped with the combat consumables and rapid fire-power weapons enabling them to conduct a prolonged conventional war.

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[2] This is the term used by Malcolm Hoag.

4. With what *weapons system* should the forces be equipped? Such questions as nuclear versus conventional power for carrier and carrier escorts, the F–111B versus the F–14, the extent to which the F–14 replaces all the Navy's F–4's, must, of course, be decided.

Let me hasten to point out that there is no *inexorable logic* tying one set of decisions in this litany to another. Do not think that once a decision has been made on commitments that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process.

Some examples might help:

There is no magic relationship between the decision to build for a "2½ war" contingency (NATO war, Red Chinese attack, and Western Hemisphere trouble) and the fact that the Navy has 15 attack carrier task forces. In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy was allocated 15 capital ships. All during the nineteen twenties and thirties, the Navy had 15 battleships. Since 1951 (with temporary exception of a few years during the Korean war) it has had 15 attack carriers, the "modern" capital ship.[3] Missions and "contingencies" have changed sharply over the last 45 years. But this particular force level has not.

If one assumed, for example, that the Navy's carrier force should provide "surge" support to achieve quick air cover and tactical bombardment during an engagement, and then turned the job over to the tactical Air Force, the two-to-one ratio of back-up carriers to on-station carriers would not have to be maintained and the total force level could be reduced, even with the same contingencies. The wisdom or lack of wisdom in such a change would depend both upon a host of technical factors and upon a priority decision—does the additional "continuation" capability as opposed to "surge" capability buy advantages worth the resources devoted to it, on the order of $300–$400 million per year in operating and replacement costs per carrier task force.

Similar questions arise in other areas. Does the 16⅓ division Army peacetime force need 23 tactical air wings for support, or could it operate with the Marines' one-to-one ratio between air wings and divisions? Granted the 15 carrier task forces, must all of their F–4's be replaced by F–14's, as the Navy is apparently planning?

In short there is a logical order of decisions—commitments to contingencies to force levels to weapons systems—but the links between them are by no means inflexible, and require continuing review and oversight.

As I mentioned earlier, I am impressed by the fact that the Congress tends to concentrate primarily upon debate about weapons systems to the exclusion of the other important elements of the general purpose component of the defense budget. Many of the elements involved in military budget decision making cannot, of course, be made subject to specific legislation—I find it hard to see how the Congress could, or should, legislate the particular contingencies against which the peacetime forces should be built. But the Congress is the nation's principal forum in which public debate can be focused on the basic priorities and choices facing the country. It can, if the proper information is available and the proper institutional framework created, critically but responsibly examine and debate *all* of the basic assumptions and concepts which underlies the military budget. And it can do so in the content of comparing priorities. The Congress can explicitly discuss whether the particular risks which a billion dollar force level or weapons systems proposal is designed to cover are serious enough in comparison with a billion dollars worth of resources devoted to domestic needs to warrant going ahead. By so doing, the Congress as a whole can create the kind of understanding and political climate in which its own Armed Services and Appropriations Committees, the President, his Budget Bureau, and his Secretary of Defense can effectively review and control the military budget.

This brings me to my next point. The size and rapid increase in the defense budget is often blamed on the military-industrial complex. Sometimes it is also blamed on the fact that the Budget Bureau uses different procedures in reviewing the military budget than it does in the case of other agencies.

The uniformed Armed Services and large defense contractors clearly exist. Of necessity, and in fact quite rightly, they have views about and interests in military budget decisions. Yet I do not believe that the "problem" of military budgets is primarily attributable to the so-called military-industrial "complex." If defense contractors were all as disinterested in enlarging sales as local transit magnates, if retired military officers all went into selling soap and TV sets instead of missiles, if the Washington offices of defense contractors all were moved to the West Coast, if all this happened and nothing else, then I do not believe the military budget would be sharply lower than it now is. Primarily we have large military budgets because the American people, in the cold war environment of the nineteen fifties and sixties, have pretty much been willing to buy anything carrying the label "Needed for National Security." The political climate has, until recently, been such that, on fundamental matters, it was exceedingly difficult to challenge military judgments, and still avoid the stigma of playing fast and loose with the national security.

This is not a reflection on military officers as such. As a group they are well above average in competence and dedication. But in the interests of a balanced view of national priorities we need to get ourselves into a position where political leaders can view the expert recommendations of the military with the same independent judgment, decent respect, and healthy skepticism that they view the budgetary recommendations of such other experts as the Commissioner of Education, Surgeon General, and the Federal Manpower Administration.

I think the same approach can be taken with respect to the procedures used by the Budget Bureau to review the Budget of the Defense Department. In all other cases, agency budget requests are submitted to the Bureau, which reviews the budgets and then makes its own recommendations to the President subject to appeal by the agency head to the President. In the case of the Defense budget, the staff of the Budget Bureau and the staff of the Secretary of Defense jointly review the budget requests of the individual armed services. The staff make recommendations to their respective superiors. The Secretary of Defense and the Budget Director then meet to iron out differences of view. The Secretary of Defense then submits his budget request to the President, and the Budget Director has the right of carrying to the President any remaining areas of disagreement he thinks warrant Presidential review.

Given the complexity of the Defense budget and a Secretary of Defense with a genuine interest in economy, efficiency, and effectiveness, this procedure has many advantages. It probably tends to provide the Budget Director with better information on the program issues than he gets from other Departments. I think the procedure might perhaps be strengthened if the practice were instituted of having the Budget Director and the Secretary of Defense *jointly* submit the budget recommendation to the President, noting any differences of view.

But essentially, this procedural matter is of relatively modest importance. The Budget Bureau can effectively dig into and review what the President wants it to review under this procedure or many others. It can raise questions of budgetary priorities—questioning, for example, the worth of building forces against a particular set of contingencies on grounds of higher priority domestic needs—when and only when the President feels that *he* can effectively question military judgments on those grounds.

In my view therefore, the issues of the military-industrial complex, and of budget review procedures are important. But they are far less important than the basic issue of public attitudes, public understanding, and the need to generate an informed discussion about the fundamentals of the military budget in the context of national priorities.

With this in mind, let me suggest a few tentative proposals for improving public understanding and putting the military budget in a priorities framework.

III. TENTATIVE PROPOSALS FOR IMPROVING MILITARY BUDGET DECISIONS

The proposals I have in mind are addressed primarily to the Congress. As I noted earlier, many of the basic assumptions and concepts which determine the size of the military budget do not lend themselves, in the first instance, to direct legislative actions. But the Congress has another historic function—focusing public understanding and debate on important national concerns as a means of creating the framework within which both the Congress and the President can take the necessary specific actions. It is to this second function that my proposals are addressed.

As you know, each year for the last eight years the Secretary of Defense has submitted to the Congress an annual *posture statement*. This statement contains a wealth of information and analysis, and lays out most of the basic assumptions and concepts on which the military budget request is based. But, as I pointed out earlier, one of the most fundamental determinants of the military budget, particularly the general purpose forces, is the set of overseas commitments in which we have undertaken to defend other nations. Yet the Secretary of State submits no annual posture statement covering his area of responsibility and concern. Because of this lack of a State Department posture statement, the Defense posture statement each year has devoted its lengthy opening sections to a review of the foreign policy situation.

Recommendation 1. The Secretary of State should submit to the Congress each year a posture statement. This statement should, at a minimum, outline the overseas commitments of the United States, review their contribution or lack of contribution to the nation's vital interests, indicate how these commitments are being affected and are likely to be affected by developments in the international situation, and relate these commitments and interests to the military posture of the United States.

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[3] This observation is reported by Desmond P. Wilson, *Evolution of the Attack Aircraft Carrier: A Case Study in Technology and Strategy*, Ph.D. Dissertation, M.I.T., February 1966.

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The Defense posture statement itself could be much more useful to the Congress and the nation if two important sets of additional information were supplied:

Recommendation 2. The Defense posture statement should incorporate a five-year projection of the future expenditure consequences of current and proposed military force levels, weapons procurement, etc. This need not, and should not, be an attempt to forecast *future* decisions. But it should contain, in effect, the five-year budgetary consequences of past decisions and of those proposed in the current budget request. And not only should this sum be given in total, but it should be broken into meaningful components.

One of the major problems in priority analyisis is the fact that the first year's expenditures on the procurement of new weapons systems is very small. Hence it is quite possible in any one year for the Congress to authorize and appropriate, in sum, a relatively small amount for several new systems which, two to five years in the future, use up a very large amount of budgetary resources.

All sorts of technical details need to be worked out if this proposal is to be useful. What is a "decision" about a weapons system? The Defense Department plans, for example, call for three nuclear carriers to be built. Procurement funds have been requested for only two so far. Should the cost of the third be included in the projection? But with a little goodwill on both sides, these questions could be ironed out. Let me also note, that I am aware that the Congress—relying on past experience with cost escalation—may want to increase the official projections of many weapons systems costs in order to get a more accurate idea of the overall total.

Recommendation 3. The Defense posture statement should include more cost data on relevant components of forces and weapons systems. What is the annual cost of the forces we maintain in peacetime against the contingency of a Chinese attack in South East Asia? What is the systems cost of constructing and operating a naval attack carrier task force? What is the cost of buying and maintaining one tactical airwing? What is the annual cost of operating each of the navy's eight anti-submarine warfare carriers? These are precisely the kinds of information needed to make possible a rational and responsible debate about the military budget in the context of national priorities.

Given this information, it seems to me that the Congress could organize itself to use it effectively. To that end, very tentatively I would suggest the following recommendations:

Recommendation 4. An appropriate institution should be created within the Congress to review and analyze the two posture statements in the context of broad national priorities, and an annual report on the two statements should be issued by the Congress.

I use the peculiar terms "an appropriate institution" because I am not familiar enough with either Congressional practices or Congressional politics to specify its title more closely. Whether this institution should be a new Joint Committee, an existing Joint Committee, a Select Committee, an *ad hoc* merging of several Committees, or some other form, I do not know. But I can specify what I believe should be the characteristics of such an institution:

It should review the basic factors on which the military budget is based, in the context of a long-term projection of budgetary resources and national priorities.

It should have, as one part of its membership, Senators and Congressmen chiefly concerned with domestic affairs, to assert the claims of domestic needs.

It should not concern itself primarily with the technical details of weapons systems, procurement practices and the like; while these are very important, they are the province of other Committees. It is the "national priorities" of the military budget which should be the essence of the new institution's charter.

Above all, it should have a top flight, highly qualified staff. The matters involved do require final solution by the judgment of political leaders, but in the complex areas with which the new institution would deal, its deliberations must be supported by outstanding, full-time, professional staff work.

The institution I have described would have no legislative responsibilities. But I do not believe that makes it any less important. After all, the Joint Economic Committee has no legislative mandate. Yet in the past twenty-two years, its activities have immeasurably increased the quality and sophistication of public debate and of Congressional actions on matters of economic affairs and fiscal policy. Should an institution such as I have described be created, I would only hope that twenty-two years from now it could look back on an equally productive life.

REGULATION OF MOTOR VEHICLE SIZES AND WEIGHTS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Illinois (Mr. KLUCZYNSKI) is recognized for 15 minutes.

Mr. KLUCZYNSKI. Mr. Speaker, prior to 1956, regulation of motor vehicle sizes and weights was left entirely in the hands of the individual States.

When Congress, in 1956, adopted the plan to construct a 41,000-mile Interstate Highway System, many of us felt it was time for the Federal Government to share the responsibility for regulating sizes and weights to be operated on that system. We decided that the best way to do this would be to fix maximum standards which a State could not exceed without losing its Federal highway money.

Therefore, we included such a provision in the 1956 act. In determining the standards to be adopted, we took the best thing available to us at the time—standards approved 10 years earlier—in 1946—by the American Association of State Highway Officials for application to the roads of that era.

We viewed these standards as temporary and, in the same bill, instructed the Bureau of Public Roads to study the matter and submit recommendations for standards compatible with the new and improved roads and bridges. We had expected that this could be done in 2 or 3 years, but the Bureau wanted to await completion of the $26 million Illinois road test, and its recommendations were not submitted until 1964. In other words, the Bureau studied the matter for 8 years before submitting its report. We have now had that report for 5 years.

Last year, the Senate passed and the House Public Works Committee reported a bill which was consistent with the Bureau's 1964 recommendations. It would have increased the single-axle limit from 18,000 to 20,000 pounds; the tandem axle limit from 32,000 to 34,000 pounds; the width limit from 96 to 102 inches; and would have replaced the flat arbitrary gross weight limit of 73,280 pounds with a scientific formula based upon the length of the vehicle and the number of axles.

As in 1956, last year's bill would have left regulation of length entirely to the States because of obvious regional differences with respect to dependence on truck service; differences in terrain, and differences in traffic and population density.

Absence of a length limit resulted in thoroughly publicized and advertised allegations that the bill would authorize 105-foot, triple-trailer trucks, weighing 138,000 pounds. These allegations, coming at the 11th hour before adjournment, stalled the legislation and prevented its enactment.

I am today introducing a new bill which, I trust, will eliminate the confusion, misunderstanding, and attacks which we witnessed last year.

It contains the same axle and width limits, and the same gross weight formula as last year's bill—all recommended by the Bureau of Public Roads and endorsed by the American Association of State Highway Officials.

In addition, the new bill would apply a Federal length limit of 70 feet. This should preclude the kind of attacks made against the legislation last year.

I hope so, because the truck and bus industries are important factors in the economic and social welfare of the United States and are entitled to fair treatment. They have been denied technological advance for 13 years. In the meantime, Congress has appropriated millions of dollars from the general fund in promotion of the technology of other forms of transportation.

In 1956, the truck and bus owners accepted heavy user charges to help provide new and better highways which would make technological advances possible in commercial highway transportation. Denial of the limited advances which might be possible under the proposed standards would amount to betrayal not only of the truck and bus industries, but also the shippers, communities, and passengers who depend on truck or bus service.

YAF VERSUS SDS, OHIO STATE UNIVERSITY

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the current issue of Counterpoint, the newsletter of Ohio Young Americans for Freedom, makes a most interesting report on the handling of SDS at Ohio State University. On May 8, the annual ROTC spring review was scheduled at the University and the following report is most significant:

SDS SETBACK AT OSU

May 8 was "May Day" at Ohio State University, an annual class holiday devoted to contests, games, King and Queen of the May contests, a carnival, and a review of the campus ROTC contingent. The last of the aforementioned was not looked upon with approval by the SDS, especially because OSU boasts of the largest ROTC units in the nation. Adding fuel to the fires of SDS indignation was the meeting of the OSU Trustees the same day to consider an "Open Housing" proposal that had previously been tabled. The local underground SDS rag for the week held forth on three issues "racism"—if the housing proposal was not passed; "imperialism" and "racism" in the form of the ROTC; and (if the two other issues fell through) "war research" by the university. The SDS paper contained directions for making a Molotov cocktail and called a student strike for the day after May Day (a Friday which most students miss anyway while taking a long week-end).

The SDS battle plan called for snake-dances through the ROTC ranks and throwing eggs and fire-crackers. A building takeover was also contemplated. The real goal of SDS was to provoke a confrontation with the police so that the phony issue of "police brutality" could be raised and student sympathy elicited; then a strike might work. Strike leaflets were already printed with the date left blank to be filled in later.

The day started off badly for SDS. At the Trustees' meeting, the housing rule was passed, cancelling one possible issue. All the SDS leaders could do was mutter about the Trustees being "puppets" (of whom is left unanswered). Then, the ROTC parade was cancelled due to rain and the awards ceremony moved into Mershon Auditorium. SDS would be forced to get inside the hall in order to disrupt the scheduled events.

The radicals might have been able to accomplish their goals were it not for a coalition of YAF members and other opponents of SDS. YAF leaders (including Bert Brainard, Steve Mayerhofer, Pat Burns, Mike Stanley, Dave Sherman, Norm Berls, and many others) distributed blue armbands to ROTC supporters and directed the "blue forces" with a bull-horn. The YAF-led forces physically blocked several SDS attempts to storm the front door of the auditorium. SDS chants of "Ho, Ho, Ho Chi Minh, NLF is going to win" and "F**K ROTC" were drowned out by YAF-led chants of "Go Home, SDS", "Up With America", and "Neo-Nazi SDS". There was some scuffling and a few punches were thrown on both sides, but there was no real violence thanks to the numerical superiority of the anti-SDS faction. More important, the confrontation with the police that SDS had hoped for was avoided as fellow students had the situation well in hand. One SDS member burned a small American flag and was promptly run out of the area by some patriotic students nearby. The flag-burner has since been arrested and charged.

SDS decided to call it a day after this ignominous defeat, and were unable to call for a student strike. By their efforts, the anti-SDS forces at OSU defended their rights to an education.

A cloud on the horizon is that President Nixon announced the next day, apparently on the strength of the May 8 results, to speak at the Commencement exercises June 7. In addition, General Westmoreland will be speaking June 6. These events are too much of a temptation for SDS to ignore. Plans are now being formulated by the radicals to bring supporters from all over the country to help "get Nixon and Westmoreland." OSU-YAF will again do its best to maintain an open campus.

Further the following article is also related to this subject:

Debating the New Left

As more and more people start realizing that SDS affects them, they begin looking around for a youth group that is willing and able to meet the radicals in open debate. YAF is the only organization that they can turn to. Thus more debates and speaking engagements are opened up for YAF members. The following examples are from Columbus, but similar opportunities are available throughout the state.

Ohio YAF Chairman Steve Mayerhofer opposed an old-line liberal at a "Founders Day" debate on "Student Revolt" at Capital University in Columbus, March 5. April 15, Mayerhofer debated the local head of SDS at the Columbus Jewish Center. May Day, he spoke at Upper Arlington High School under the auspices of the Students for Political Awareness.

The following Sunday, May 4, OSU Chairman Bert Brainard appeared with Mayerhofer and Ohio Treasurer Pat Burns on a pilot talk show on WMNI radio in Columbus. Mayerhofer debated another local SDS leader at a 3-part forum sponsored by the Columbus YMCA, May 7, 14, and 21. The debate on May 21 received good coverage in the Columbus *Citizen Journal*. May 13, Mayerhofer spoke at the installation meeting of the Franklin County Teen-Age Republicans. May 16 two OSU-YAF members, Mike Stanley and Dave Sherman debated two SDS members before an adult church group. OSU chairman Bert Brainard spoke at a church youth group May 25. OSU member Norman Berls spoke to a high school class on YAF and SDS May 27.

The above does not include the numerous debates, TV and radio interviews, and speeches actively sought and obtained by Columbus YAF members. Obviously the opportunity is available for any YAF member to spread the conservative message. Your job is to become an authority on some subject and make yourself available.

PRESIDENT'S STAND ON COLLEGE DISORDER

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon's speech at Madison, S. Dak., yesterday, deserves the high praise of all Americans.

Referring to the "demands" of the extremist minority he said:

> It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The President very rightly called attention to the legitimate needs of today for honesty—both personal and public honesty—in the social structure. Let us do away with sham and pretense, and get down to the basic nub of truth as young people, especially, want to do.

But at the same time let us do it with real perspective. Let us not destroy what is good. The continuing revolution of democracy should be recognized for the force that it is for liberation of man's spirit and imagination. President Nixon said what needs to be said.

MISS ANGELA CAPPUCCILLI WINS CATHOLIC YOUTH ORGANIZATION ORATORIAL CONTEST

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous material.)

Mr. HANLEY. Mr. Speaker, recently one of my constituents, Miss Angela Cappuccilli, of Syracuse, N.Y., competed in the national oratorical contest sponsored by the Catholic Youth Organization. I had occasion to chat with her shortly after she delivered her winning address in Syracuse and was tremendously impressed with her depth and her compassion. The speech she delivered in Syracuse was also given here in the national finals. Although she was not one of the winners, I felt her efforts and her insight should be brought to the attention of my colleagues.

Her remarks follow:

"Why God, Why

"Morns abed and daylight slumber.
Were not meant for man alive.
Clay lies still, but blood's a rover,
Breath's a ware that will not keep.
Up, lad: when the journey's over
There'll be time enough to sleep."

There is no time for sleep. It involves hours, precious hours, whose minutes could be engaged in combating the horrid realities which labels a man as illiterate, poverty stricken, and lost in a world of injustices. Indulging in the luxury of sleep, however, is one aspect of nature which cannot be avoided. We must allow ourselves rest but Senator Robert Francis Kennedy allowed himself only enough to balance the weight of service. Few men possess this love of life that Senator Kennedy had; few strive as hard as he; fewer care as much as he.

Bobby Kennedy ignited a spark able to inflame the hearts of the migrant workers in California; to kindle the desirous love between the white society and our black brothers of Harlem and Mississippi; able to move a generation of boundless energy, when all others failed.

By what standards are we able to judge a man who could, by birthright, live life in the most elegant fashion but choosing to spend his whole life trying to decipher the mumble-jumble of poverty, illiteracy, sickness, and war? What fulfilled the passions of Bobby Kennedy's soul? Was it his love of Almighty God; his love of family; love of fellow man; of country? He united all these fulfillments in a common effort to further the cause of equality. He strove to raise man from the gutter to which he was so disgustingly thrown, to the heights of greatest glory which our God wished him to attain. In his own way he wished to better the lot of his fellow man. Senator Kennedy believed, "The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason, and courage in a personal commitment to the ideas and great enterprises of American society."

Bobby Kennedy was labeled a political opportunist by some, a power monger, and ruthless by others. In truth he was all of these. He took advantage of all opportunities, wealth, and position, in a ruthless zeal to extend our world to a Camelot for all.

Yes, my friends, it is about time that we face the facts. "It's obscene," he said, "It's obscene. The richest country on earth, and this. . . ." We see pictures of starved, naked children being eaten alive by rats. We see pictures of ungodly war which has ripped to threads the fabric of life, woven so painstakingly by our brothers. Bobby Kennedy wept when he witnessed the starvation of these poor children whom he thought of as his own. He sought to patch the torn fabric

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of life of his brothers; to stitch this fabric with the needle of equal opportunity, love, and brotherhood.

Being able to recognize a disorder, realize one's human failings, and a desire to correct both is a trait one must attribute to Robert Kennedy. There is a difference between a man who accredits himself with a reasonable amount of knowledge, and a man who wishes to further his education and apply his learnings in a sincere effort to alter the course of evil. When expressing an idea on education Robert Kennedy said, "Men and women with freed minds may often be mistaken, but they are seldom fooled. They may be influenced, but they can't be intimidated. They may be perplexed but they will never be lost." Bobby Kennedy tried never to be fooled, intimidated, or lost. He made Americans sit up and take notice. When Senator Kennedy spoke, people listened. He filled the empty wards of hollow politicians. Robert Kennedy was a man of truth. Never did he sacrifice his beliefs to appease others. For he believed a compromise in truth meant a compromise in his duty toward his fellow man, a cause which *must* be whole and entire. He said of men who bent the truth, "I don't work that way." And, he didn't. Bobby never spoke on and on just for the sake of being quoted, or to fill time. He was blunt, to the point, and most important, to the truth. He set a goal for which all men could reach.

But before we reach the ever-awaited end, we must strive for peace and happiness in this life. We must not only save ourselves, but Jesus said that we must bring someone with us; Bobby Kennedy wanted to bring the whole world with him. He wanted to save an entire race of men persecuted because of a pigment. He wanted to raise an entire neglected class of men looked down upon because, to put it in modern terms, "their annual output, exceeds their annual input."

Senator Kennedy wanted to right this unforgivable wrong. As he put it, "I think we can do better." He experienced in his heart the feelings of the so-called "forgotten American" of the lower and middle classes, whom politicians appeal to for votes. But Senator Kennedy sought more than a vote. He wished to express an honest desire to make the heavy load of a good man, just a little bit lighter.

It has been said, "When through one man a little more love and goodness, a little more light and truth comes into the world, then that man's life has had meaning." Bobby Kennedy pushed his love and goodness, light and truth. He sold his wares that would not keep.

This is what Robert Kennedy lived for. Every moment of his life was filled to the fullest extent. He could not tolerate a human being with God-given talents, who wasted time. As we have so tragically seen, he had no time to waste.

Let us remember him in this way: "My brother need not be idealized, or enlarged in death beyond what he was in life, to be remembered simply as a good and decent man."

NEW BETHEL BAPTIST CHURCH—REPORT FROM DETROIT

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, since my remarks on April 28, concerning the murder at the New Bethel Baptist Church, on page 10530 of the RECORD, I have received additional reports from Detroit shedding more light on the occurrence and background of the characters involved.

I insert correspondence received this date from Mr. Ralph Jenkins, city editor of the Redford Record of Detroit Mich., and several news columns from his paper, as follows:

THE DETROIT
SUBURBAN NEWSPAPERS, INC.,
Detroit, Mich., June 2, 1969.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RARICK: It was good to note in the *Congressional Record* that you have brought to the attention of the House the background of the New Bethel Baptist Church shootings, issue of April 28.

There has been some hesitancy on the part of many of our political and civic leaders to face the fact that the killing of one policeman and the wounding of another was part of a conspiracy to overthrow our government.

To bring you up to date, petitions signed by 200,000 of our citizens have now been filed for the removal of Judge Crockett, whose background is provided in part in one of the enclosed clippings.

The head of the Bethel Church, the Rev. C. L. Franklin, who rented the church to the leaders of the Republic of New Africa, has also been taken to court on a charge of possession of marihuana, found in his luggage when he returned here from a trip to Dallas.

You are congratulated on bringing attention to the situation in Washington.

Very cordially yours,
RALPH JENKINS,
City Editor.

P.S.—The Max Fisher who is mentioned as being among the supporters of Judge Crockett has recently been appointed by the President to be a special consultant in the new national urban development project.

[From the Detroit (Mich.) Redford Record, Apr. 23, 1969]

WAYNE UNIVERSITY NEWSPAPER SAYS BLACK COPS NOT LOYAL

Negro policemen of Detroit, Wayne County and the State "no longer consider themselves representatives of their respective departments, or the government" and their allegiance is now pledged to "the liberation of black Americans."

So announced the Wayne State University newspaper, the "South End," in a full-page statement attributed to "the Guardians, Black Police Officers for Equal Justice."

Donald Gray, a detective in the Wayne County sheriff's office, is president of the Guardians, an association of Negro law enforcement officers largely concentrated in the Detroit area.

Gray was instructing a class in police-community relations at Wayne State when he was handed a copy of the "South End," which has been conducting a campaign of racist propaganda for the last eight months.

He said he had never seen the statement before, that the Guardians has not authorized it, and that it "disturbed and embarrasses" him. Gary said that the statement will be discussed at the next meeting of the Guardians. He said he knew none of the leftist militants who control the "South End."

"Obviously, as police officers, we are sworn to obey orders," Gray said. The statement in the "South End" bore the name of the Guardian association, but not the signature of any officer of the Guardians.

William Green, a turnkey at the Wayne County Jail and past-president of the Guardians, said he did not have the authority to discuss the statement, but said it "gives us a new problem." He said he "has an idea where it comes from."

Roman Gribbs, Wayne County Sheriff, said he had only praise for the Negro members of the department, saying they had proved themselves "fine officers."

The Guardians have a membership of about 200 and include four State troopers. A state-wide membership drive has been planned.

Much of the "South End" statement was a denunciation of the Detroit Police Officers Association, described in the statement as "a union of white policemen which issued a list of demands, just three days after the attack on the New Bethel Baptist Church, for such war-like materials as bullet-proof tires, armor-plated cars, and bullet-proof windshields."

Police forced entry into the church on March 30, after a policeman was murdered and another wounded when they approached several uniformed men carrying rifles outside the church. The building had been rented to the Republic of New Africa, a separatist organization which has a uniformed, armed auxiliary, the Black Legion.

"As Guardians," the statement in the university paper read, "we make it known that black officers will no longer close their eyes and ears to abusive use of the law as applied to the black community or any other citizen who is confronted by the law in the City of Detroit.

In an article entitled "Judge Crockett and the Struggle for Freedom," the tax-subsidized Wayne State (student) paper Monday referred to Detroit's police as "what are euphemistically known by the local honkey dogs as Detroit's finest."

Twelve pages of the April 10 issue were devoted to a defense of Crockett and his release of prisoners rounded up after the shooting, at an impromptu night court session set up in the First Precinct Station in Police Headquarters.

There was no campus news in the issue, which carried, as in the past, the emblems of the Black Panther Party. President William Rea Keast on Feb. 14 complained to the paper's editor, John Watson, a bearded negro militant, about the paper's "looseness of statement" and its "pet prejudices."

Watson has ignored Keast and the university administration says it is powerless to act, although staff salaries of "South End" are paid by the university and the university meets the paper's printing costs.

[From the Detroit (Mich.) Redford Record, Apr. 24, 1969]

BLACK POLICE REVOLT PLANNED IN MICHIGAN

(Exclusive)—Detroit, Wayne County and State law enforcement agencies face a new problem in police administration, an apparent "revolt" against existing authority by members of the Guardians, an all-black organization of city, county and state police officers. At a meeting held April 15 at the Randora Hotel, 98 Garfield St., Detroit, this newspaper learned, agreement was voiced on a statement appearing in the "South End," Wayne State University's leftist, militant-controlled newspaper.

The statement, signed "Guardian Organization," said that "black police of City, County and throughout the State will no longer consider themselves representatives of the mayor of any city, their respective departments, or the government per se."

Any immediate effect of the movement on further recruiting of negro police officers and on the question of loyalty to their superior officers—Police Commissioner Johannes Spreen, Sheriff Roman S. Gribbs and the State police commissioner, Frederick E. Davids—appeared to depend on further scrutiny by the Attorney-General's office and other legal authorities on the amazing document presented at the Guardians meeting.

Announcement that "our membership is on record as supporting the statement" came from County Detective Donald Gray, president of the Guardians. He said about 100 attended the meeting, including some

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"guests" and members of the Phoenix organization, consisting of Detroit Negro firemen.

The statement said the reason for the move was that "it has been verbally and visually demonstrated by these offices (the law enforcement agencies) that their concern lies only with the existing oppressive structure of the system."

Gray said he knew nothing about the statement before it was published and said it "disturbed" him and that the meeting was called to review it.

"But one of our people had authorized it," Gray said. "It was in print, so what could we do but support it?"

He said he did not wish to name the man who drew it up.

"Was the statement written in the office of the 'South End'?" Gray was asked.

"I have been asked that before," he replied. "But I can't answer that."

The membership, he said, agreed that henceforth a committee of five would pass on Guardian statements before making them public.

Questioned later by Sheriff Gribbs, the Guardian's president (Donald Gray) said that a member of his organization, whom he would not name, did talk with a member of the "South End" staff in connection with the content and form of the statement when it was being prepared.

Gray also said that no "formal vote" was taken at the April 15 meeting on the statement, and that arguments pro and con were voiced. However, it appeared clear despite conflicting reports of meeting, that the statement was not disavowed by the organization.

Gray said the concensus of black "Guardian members" was that Detroit police have "overreacted" to incidents in the past. He said the recent action of the Detroit Police Officers Association in starting a state-wide petition drive for the removal of Recorder's Judge George W. Crockett, Jr. for his release of prisoners held for questioning in the murder of a white policeman and the wounding of another at a black separatist convention on the night of March 29 "did not help much" in the discussion of the members on whether to uphold the statement.

Twenty-three of those arrested in the shooting were from other cities, including seven from New York. A New Yorker, Rafael Viera, was released by police during one of the two court sessions hastily called by Crockett, who is a negro. Viera later was rearrested in New York and faces extradition to Michigan on a charge of slaying Patrolman Michael Czapski. Police claimed they had insufficient time to process and question those arrested.

Much of the 1,200-word Guardian statement is an attack on the Detroit Police Officers Association.

"Our Allegiance," the statement reads, "is now to the professional enforcement of the Constitution of the United States, the rights of all persons as given under the Constitution, the laws of the land, and the liberation of black Americans."

However, the Federal constitution is a statement of basic principles that have been open to wide interpretation by the courts and not a compilation of definitive laws set forth in State law and local ordinances. Police heads point out the absurdity and impossibilty of an individual policeman trying to make "on the scene" interpretations of constitutional questions during a riot or holdup, or while he is being fired upon by law-breakers.

BLACKS TO VIOLATE OATH OF OFFICE?

The oath of office taken by police officers takes cognizance of this. The Detroit police oath states that, "I will support the Constitution of the United States and the Constitution of the State of Michigan and will faithfully enforce the laws of this state and perform the duties of a police officer to the best of my ability, and will obey the rules and regulations of the department and carry out all orders which may be lawfully given me by my superior officers."

The oath taken by deputy sheriffs also pledges loyalty to state law. The oath administered by the DPOA to its members further states that the members shall keep themselves "free from outside influence and domination."

Referring again to the Federal constitution, the Guardian statement appears to contradict its earlier reference by stating that "the black community has witnessed with their own eyes and heard with their own ears, as did their brothers and sisters of this country, that the establishment admits that the Constitution of the United States is not meant for minorities or the poor."

Detective Gray's superior officer, Sheriff Gribbs said he had not had a chance to talk with Gray but that he understood that the Guardian statement had some "amendments" and that he was waiting to hear from Gray.

STILL "WAITING" FOR COPS TO "REPORT"

A sheriff's aide said it had been expected that members of the sheriff's intelligence unit would have a report on the meeting eleven days ago, and the action taken. "Perhaps they haven't had time to report," he commented.

Another question that has arisen since the shooting of the Detroit policemen by uniformed Black Legion members who are a part of the Republic of New Africa (RNA) separatist movement is the participation of the Guardians in the Black United Front (BUF).

The BUF has some 40 affiliates, including the Guardians. These include the Black Panther Party, the "South End" and the Frederick Douglas Gun Club. Members of the Guardians took part in a pro-Crockett rally at the Old County Building.

The Detroit police oath prohibits policemen from being members "of any political party or any organization which advocates the overthrow of the government of the United States by force or violence." The Black Panthers are led by revolutionary Eldridge Cleaver, now believed to be out of the country to escape arrest for violation of parole.

Sheriff Gribbs said his policy has been one of non-interference with the actions of his men when they are off duty, except that they are expected to conduct themselves as good citizens.

The sheriff's force has a personnel numbering about 500, of whom about a third are negroes. William Green, a turnkey at the Wayne County Jail, is past-president of the Guardians. There are about 500 negro policemen in the Detroit police department.

The Guardian president said that the Guardians now number about 200 and include a few State troopers, but that a statewide membership drive is contemplated.

[From the Detroit (Mich.) Redford Record, May 1, 1969]

The Inside Story—The Facts About Lawyers Who Support Judge Crockett: Radicals Rally To Aid Judge Crockett

(By our political editor)

Exclusive: You have to know the players in order to follow the game that is underway to keep Judge George W. Crockett, Jr. on the Recorder's Court bench.

The rash of hurriedly drawn up statements by various lawyers' groups in support of Crockett could give the public the impression that bar association members are right behind the judge in his handling of the after-hours court sessions, called by him to speed the release of suspects in the shooting of two policemen, one fatally, on the night of March 29.

The latest move to support this misconception is a 26-page "report" of the law committee of New Detroit, Inc., which document now is awaiting approval, or rejection, by the New Detroit board of trustees.

If the report is accepted (and this would have nothing whatever to do with the final disposition of the Crockett case by the Michigan Supreme Court) it will be another case of Detroit politics making strange bedfellows.

Crockett supporters starring as "name throwers," would thus draw into the controversy such figures as New Detroit board members, Joseph L. Hudson, Jr., Max Fisher, William Patrick, Walker Cisler, Henry Ford II and others, who certainly have little truck with militant racists, black or white.

A way out for this group would be to let the Crockett matter rest where it is at present, before the State Judicial Tenure Commission, which may wish to make up its mind, for recommendation to the high court, without "guidance" from outsiders.

This newspaper has learned that individual lawyers and law firms involved in the very cases before Judge Crockett that raised such outcry are now in the front ranks of the drive to keep him in office. Further, that the leaders in most every leftist movement in Michigan for the past 20 years are lined up in support of a "keep Crockett" campaign.

First, there is the report of the law committee of New Detroit. It was written by Harold Norris, a Detroit College of Law teacher; Michael Josephson, an assistant professor of law at Wayne State, and Thomas Marcom, a Negro member of the New Detroit staff who is also an attorney for the Wayne County Suburban Legal Service, a "poverty war" agency. Endorsers of the report include F. Phillip Colista, temporarily acting dean of law at the University of Detroit.

Norris at various times from 1951 to 1959 served as vice-president, administrative secretary and executive secretary of the Detroit chapter, National Lawyers Guild. Colista was administrative secretary of the chapter in 1964. Judge Crockett was a vice-president of the national Guild in 1965 and 66, and his former law partner, Ernest Goodman, was president of the national organization in 1965, 66 and 67.

Crockett and Norris were members of the advisory board of the Guild's Detroit chapter in 1962, when Harry M. Philo, another former Crockett law associate, was executive secretary. More on Philo later.

For about 20 years the National Lawyers Guild has been a target of Congressional investigations. A committee of the House, looking into subversive activities described the Guild in 1961 as "the foremost legal bulwark of the Communist Party, which from its inception has never failed to rally to the legal defense of the Party and individual members, including known espionage agents," in short, a Communist "front."

As early as 1950, a long House report described the Guild as "an appendage of the Communist Party whose proclaimed 'benevolent' purposes were designed to lure non-Communist lawyers into the organization, where they would become subject to Communist influence and would serve Communist objectives."

The Detroit chapter of the National Lawyers Guild held its annual dinner two weeks ago at the Gold Key Inn, Lodge and West Grand Blvd. The featured speaker was William Moses Kunstler, whose clients have included the Black Panthers, Rap Brown, Stokely Carmichael, Jerry Rubin and other agitators in recent disorders. His topic was "The Movement and the Lawyers."

Kunstler said that "Detroit is now one of the most important centers for radical activity in the United States." He said he did not want to talk just to lawyers: "I want to meet and talk to members of he Movement in Detroit—the people who daily suffer the repression of a reactionary establishment."

The Detroit chapter of the Lawyers Guild has thrown its support to Crockett and thus the chapter officers bear scrutiny. The presi-

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dent now is James T. Lafferty, a civil rights activist. Vice presidents are D. William Maki and Warfield Moore, Jr. Cornelius Pitts is administrative secretary and Donald Hobson is executive secretary.

Maki, Moore and Pitts are with the law firm headed by Judge Crockett's former law partner, Harry Philo. The firm, now Philo, Maki, Moore, Pitts, Ravitz, Glotta, Cockrel and Robb, is located at 2761 East Jefferson-av.

Hobson is associated with the law firm of Goodman, Eden, Robb, Millender, Goodman and Bedrosian, which is headed by Ernest Goodman, the former partner of Judge Crockett in the firm of Goodman, Crockett, Eden, Robb and Philo.

Among attorneys in the courtroom of Judge Crockett on March 31 for hearings on prisoners taken from the New Bethel Church after the shooting of the policemen by black separatists in Detroit for a national convention was Kenneth Cockrel, of the Philo firm.

Cockrel represented Alfred Hibbitt, who was released on Cockrel's promise to produce him when wanted. Subsequently re-arrested, Hibbitt is now charged with assault with intent to murder, in the wounding of Patrolman Richard Worobec.

When Judge Joseph E. Maher held Hibbitt for trial and set bond at $50,000 after a preliminary hearing that had lasted nearly all of two days, Cockrel, Justin Ravitz, another member of the Philo firm, and Milton Henry, all representing Hibbitt, accused the court of not letting them present more of their case.

Hibbitt has been identified by a police witness as one of the RNA riflemen he saw fire at Patrolman Worobec. Thus, the prosecution established the "reasonable cause" required in preliminary examinations to hold a prisoner for trial.

But Cockrel harangued a crowd of about 40 persons outside the courtroom. A tape recording of his speech has Cockrel calling Judge Maher "this honkey dog, fool, who calls himself a judge. They're not judges, they're not prosecutors—they're racists, rogues, bandits, thieves and pirates!"

Because of his conduct in and outside the courtroom Cockrel now faces a hearing on May 12 at which he must show why he should not be found guilty of contempt of court. The action was instituted by Judge Maher, who referred to the "frivolous and untimely motions" which he said were introduced by the defense attorneys, prolonging the Hibbitt hearing unnecessarily. Cockrel could get 30 days and a fine of $250, as well as face State Bar charges.

Another organization that threw its support to Crockett is the Wolverine Bar Association. The President is Myron H. Wahls, who represented Willie James Thomas, one of the shooting case prisoners, before Judge Crockett.

The Michigan chapter of the American Trial Lawyers Association, in supporting Crockett, added its bit to the controversy. The trial lawyers have about 600 members, according to President James W. Baker, of Bay City, but the resolution supporting Crockett was adopted by about 30 board members, meeting in the Detroit office of Morton Schneider, the chapter secretary. The board of trial lawyers includes Harry M. Philo, a former law associate of Crockett. Philo, reached in California, had a member of his firm, Ronald Glotta, represent him.

CITE CROCKETT CONDUCT DEFENDING REDS

A panel of Michigan Circuit Court judges in March, 1954, publicly reprimanded Crockett for his conduct when he was a defense attorney in the trial of 11 Communist leaders who were convicted in New York federal court of conspiracy to overthrow the government by force and violence.

The presiding judge, Harold R. Medina, accused five defense lawyers, including Crockett, of deliberately trying to get a mistrial through disorder in the courtroom and harassment of the court. Crockett served four months in a Federal jail.

The grievance committee of the Michigan Bar then cited Crockett and recommended to the judges' panel that he be reprimanded. Speaking for the panel, Judge Herman Dehnke, of Harrisville, said that Crockett's defense of the charge "left much to be desired."

"There is a substantial doubt," Judge Dehnke said, "as to whether he has a reasonable adequate understanding of an attorney's obligations and responsibilities. He should disabuse his mind of the notion that rules of proper trial conduct are insufferable shackles.

"It was not the nature of the case (the New York trial) but his conduct that was responsible for his present difficulties."

Judge Dehnke told Crockett: "We feel that you have many mistaken and erroneous notions, however excusable they may be to yourself. Look around to other attorneys. Many have defended unpopular causes and earned great reputations—but they stayed within proper decorum."

Crockett excaped disbarment in the 1954 proceedings and resumed his Detroit law practice.

CFR—CONTROL BY THE UNELECTED

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, a recent series of papers by the Dan Smoot Report, Box 9538, Dallas, Tex., may not provide answers to all the problems confronting the American people but it certainly offers an annotated insight into the personalities who appear to be in charge of the direction of our country.

Mr. Smoot identifies the CFR connections and this alone should arouse enough public interest that the people will want to find out what the CFR is, what its objectives are, and how it has been able to seize the decisionmaking positions of our Government through several succeeding administrations. The people will demand to know how the CFR, a small minority, came to have such a mysterious control over the officials elected by the American people.

Mr. Speaker, I insert a series of three Dan Smoot Reports relating to the Council of Foreign Relations in the RECORD at this point:

[From the Dan Smoot Report, May 19, 1969]

NIXON AND THE CFR

In the November 19, 1968, issue of *Deseret News*, Sydney J. Harris, liberal columnist, approvingly commented:

"It is probably better for the nation that Nixon was elected than Humphrey, for social realities will force Nixon to do pretty much the same things Humphrey would have done, but Nixon will encounter less bitterness and opposition than Humphrey would have."

Conservatives feel otherwise. The American Conservative Union supported Nixon last year, heartily approving when candidate Nixon, campaigning in Dallas, promised to clean house in the State Department. Now, ACU complains that Nixon has done the opposite of what he promised. Since his election, Nixon has complimented the State Department for having "the best career service in the world." [1]

The American Conservative Union notes that Nixon has kept in key positions "virtually all the men who have been directly responsible for formulating and executing the disastrous foreign policy America has had for the last eight years, indeed the last 20 years." [1]

It is not "social realities" that cause "Nixon to do pretty much the same things Humphrey would have done"—it is the reality of a powerful cabal which has controlled the federal government for a generation. The "men who have been directly responsible for formulating and executing the disastrous foreign policy America has had for the last . . . 20 years" are, for the most part, members of the Council on Foreign Relations (CFR) or of related organizations.

CFR people dominate the Nixon administration. Is the President a puppet, or is he merely yielding to an influence that harmonizes wtih his own basic convictions? It is a good question.

The Council on Foreign Relations was founded in 1919 by Colonel E. M. House and a coterie of young intellectuals enamored of socialism. House—Woodrow Wilson's all-powerful adviser—wanted the United States converted into a socialist dictatorship, and integrated with other socialist dictatorships. He created the CFR as a study group which would "educate" American leaders to promote, and condition the public to accept, the kind of international socialism he envisioned.

By the end of World War II, the tax-exempt CFR had become the controlling center of a complex network of tax-exempt organizations which was, and still is, in effect, the invisible government of the United States.

Membership in the Council on Foreign Relations is restricted to 1400—700 *resident* members (American citizens who reside or work within 50 miles of City Hall in New York City), and 700 *non-resident* members (American citizens who reside or do business outside that 50-mile radius).

The CFR has local affiliates, called Committees on Foreign Relations, in 34 cities. Membership in these Committees is limited to a score or so of important people.

Among the most influential of CFR members during the late 1930's and early 1940's, when the CFR cabal was taking control of policy-making functions inside the federal government, were such people as Alger Hiss and Lauchlin Currie, later identified as Soviet espionage agents; and Owen Lattimore, later identified as a "conscious, articulate instrument of the Soviet international conspiracy."

I do not intend to imply that the Council on Foreign Relations ever was a communist organization. Boasting among its past members four Presidents of the United States (Hoover, Eisenhower, Kennedy, Nixon) and many other high officials, both civilian and military, the CFR can be termed, by those who agree with its objectives, a "patriotic" organization.

The fact, however, that communists worked for many years as influential members of the CFR indicates something about the CFR's objectives. The ultimate aim of the Council on Foreign Relations (however well-intentioned many of its members may be) is the same as the ultimate aim of international communism: to create a one-world socialist system and make the United States a part of it.[2]

President Nixon was a member of the CFR from 1960 to 1964. His non-resident membership as a Californian lapsed after he moved to New York City. Nixon's official attitude about the CFR and his former membership in it was expressed in a form letter which his staff sent in answer to inquiries during the 1968 political campaign. From the letter:

"Mr. Nixon has never attended a meeting of the Council on Foreign Relations. He is not

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Footnotes at end of article.

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currently a member, although several years ago he shared membership with former President Eisenhower, former President Hoover, and a host of other distinguished Americans. . . .

"The Council on Foreign Relations . . . is purely and simply a group which supports independent research in world affairs. It takes no positions. It is not a policy-making body. It advocates nothing but research of foreign affairs as a contribution to public opinion. The individual member is in no way bound to any such findings."

The overwhelming preponderance of CFR "contribution to public opinion" is diametrically opposed to enlightened concepts of liberty and benign neutrality advocated by the Founding Fathers. It is an evasion to assert that the CFR neither makes nor advocates policy.

Individual members of the CFR (or of groups interlocked with it by the overlapping of personnel) have held, for many years, policy-making positions in government, in huge foundations, in educational institutions, in the communications industry, in finance, in big churches, in big labor unions, in big business, in political parties, in civic clubs, in Negro-agitation groups, in one-world organizations.

These individuals formulate the policies of the federal government. A vast network of opinion-forming agencies, owned or controlled by individual members of the CFR-combine, influences Congress and the public to accept the policies which CFR people formulate.

Nixon's cabinet members are not directly affiliated with the CFR; but it is apparent that Nixon's cabinet is an administrative staff, selected to execute policies formulated by others—by advisers to the President and lower-echelon appointees in the various departments.

A roll-call of these lower-level officials reveals that CFR members are still in control of the executive branch of the federal government as they have been for a generation. Here are *a few* of the CFR members on the Nixon team:

George Ball, special consultant on relations with communist nations; *Jacob Beam*, Ambassador to the U.S.S.R.; *William P. Bundy*, foreign policy adviser; *Ellsworth Bunker*, U.S. Ambassador to Saigon; *Arthur Burns*, Counselor to the President; *Philip Kingsland Crowe*, Ambassador to Norway; *Carl J. Gilbert*, special representative for trade negotiations; *General Andrew J. Goodpaster*, chief military adviser; *Henry A. Kissinger*, chief foreign policy adviser; *Franklin A. Lindsay*, chief of Organization of the Executive Branch Task Force; *Henry Cabot Lodge*, chief negotiator at Paris; *Henry Loomis*, deputy director of USIA; *Paul W. McCracken*, chairman of the President's Council of Economic Advisers; *Robert D. Murphy*, the President's personal representative on foreign policy: *Richard F. Pedersen*, counselor and executive secretary of the State Department; *Nathaniel Samuels*, Under Secretary of State for Economic Affairs; *Glenn T. Seaborg*, chairman of the Atomic Energy Commission; *Joseph J. Sisco*, Assistant Secretary of State for Middle East and South East; *Gerard C. Smith*, Director of Arms Control and Disarmament Agency; *Helmut Sonnenfeltd*, National Security Council consultant on Soviet Affairs; *Charles Yost*, Ambassador to the UN.

Note the record of some of these CFR men on Nixon's team:

George Ball—special consultant on relations with communist nations—has always been soft on communism. He was a leader in the Kennedy administration's muzzling of the military, to keep high-ranking officers from criticizing communism. A specific indication of Ball's attitude can be found in his comment on Jomo Kenyatta (head of the savage Mau Mau, who became President of the new African nation, Kenya). A few days after Kenyatta had dedicated a communist training institute, Ball called him "a pretty mature individual trying to follow something of a middle path." [3]

Ball entered service during the Roosevelt administration in World War II. A veteran political supporter of Adlai Stevenson, he was appointed to the Number Three post in the Kennedy State Department. He soon became Under Secretary of State, and retained that position in the Johnson administration.

Ball is not only a member of the Council on Foreign Relations, but also of the Atlantic Union Committee—a group that has been working for a generation to federate western nations under one regional government, as an initial step toward one-world government. Nixon himself has supported this movement.

William P. Bundy began a ten-year career with the CIA in 1951. In 1953, Senator Joseph McCarthy revealed that Bundy (a son-in-law of Secretary of State Dean Acheson) had contributed $400 to a defense fund for Alger Hiss, who had been exposed as a Soviet spy. McCarthy said Bundy had written a memorandum, giving three reasons for aiding Hiss: (1) It would help Acheson (who testified in Hiss's defense); (2) exonerating Hiss was imperative; (3) the Hiss case was important to the Democrat Party.

From 1961 to 1964, Bundy was a high official in the Defense Department. In 1964, Johnson appointed him Assistant Secretary of State for Eastern Affairs.[3] Bundy was one of Johnson's key advisers on Vietnam. Now, CFR-member Bundy is one of Nixon's key advisers.[4]

Ellsworth Bunker was brought into the State Department by Dean Acheson in 1951. Since then, he has had numerous ambassadorial assignments. In 1962, as a special envoy of the Kennedy administration, he helped negotiate the final conquest of West New Guinea by Achmed Sukarno, then communist dictator of Indonesia.[3] Now, CFR-member Bunker is Nixon's Ambassador to Saigon.

A member of the Atlantic Union Committee, Bunker is a devotee of world government.[3]

Robert D. Murphy, who served Presidents Roosevelt and Eisenhower as personal representative on foreign policy, now serves President Nixon in the same capacity. In 1953, CFR-member Murphy helped negotiate the shameful Korean armistice. In 1958 (after Eisenhower had sent Marines to Lebanon, ostensibly to protect that country from communists led by Rashid Karami), Murphy was assigned the task of helping select a new Lebanese President. Murphy chose Fouad Chehab, a tool of Gamal Abdel Nasser, communist dictator of Egypt. Chehab chose, as his Prime Minister and Minister of Defense, Rashid Karami, the communist leader from whom the Marines were protecting Lebanon.[5]

Helmut Sonnenfeldt (when in the Eisenhower State Department) was alleged to have passed the contents of secret telegrams from State Department files to the Israeli embassy. The Department of Justice could not prosecute, because the State Department said it was not in the interest of the U.S. government to declassify the secret telegrams.[4]

CFR-member Sonnenfeldt is now President Nixon's expert on Soviet affairs.

CFR members *Arthur Burns* and *Henry Kissinger* were given the two most influential positions in the Nixon administration. CFR member *Jacob Beam* was given what the President regards as the most important diplomatic assignment.

FOOTNOTES

[1] Article by Karen Klinefelter, The Dallas Morning News, Mar. 3, 1969, p. A14

[2] For a detailed account of the origins, operations, and personnel of the CFR cabal, see The Invisible Government, by Dan Smoot. Pocketbook edition, $1.00; library edition, $4.00

[3] Biographical Dictionary Of The Left, Volume One, by Francis X. Cannon ($1.00 from American Opinion, Belmont, Massachusetts 02178), pp. 11, 26, 27–8

[4] The Herald of Freedom, Feb. 7, 1969

[5] "American-Soviet Relations—Part III," The Dan Smoot Report, Jan. 5, 1959, p. 6; "Red Star Over Texas," The Dan Smoot Report, Oct. 23, 1961, p. 340; American Opinion, Feb., 1969, p. 36

[From the Dan Smoot Report, May 26, 1969]

BURNS, KISSINGER, AND BEAM

Of all Nixon appointees, Arthur Burns and Henry Kissinger are the two with the most influence. They hold the key positions in the Nixon administration. They are not only members of the Council on Foreign Relations, but also of the Atlantic Union Committee—which means they are devotees of one-world government. Nixon appointed CFR-member Jacob Beam Ambassador to the U.S.S.R.

Arthur Frank Burns was born in Austria in 1904. His family came to the U.S. when he was a boy, He graduated from high school in New Jersey, then went to Columbia, where he got GA, MA, and PhD degrees.

In 1930, Burns became associated with the National Bureau of Economic Research. In 1945, he succeeded Wesley C. Mitchell as director of research. Mitchell, who had a profound influence on Burns, was affiliated with many communist fronts.

In the 1930's and 1940's, Burns, serving in various capacities, was in and out of the Roosevelt administration, where he was also brought into contact with many notorious communists and pro-communists.

Although he had previously been a Democrat, Burns supported Eisenhower in 1952. Eisenhower appointed him a member of the President's Council of Economic Advisors.

Burns is essentially a socialist. *Who's Who in World Jewry*, 1965, listed him as a trustee of the Twentieth Century Fund, founded in 1919 by a wealthy Boston merchant, Edward A. Filene, who was affiliated with pro-communist organizations. The twentieth Century Fund has financed fabian socialist activities in the United States for half a century. Among the officials of the Fund have been such people as Arthur Schlesinger, Jr., John Kenneth Galbraith, J. Robert Oppenheimer (at one time a self-confessed communist), and Evans Clark (another friend of the Soviets).[1]

As Counselor to the President, Burns has cabinet rank. Ronald L. Zeigler, Nixon's press secretary, says that Burns is the ranking member of the White House Staff. Actually, his position amounts to that of Deputy President of the United States.[2]

In the December 3, 1968, issue of *The Wall Street Journal*, staff reporter Henry Gemmill says:

"When the Republican Convention in Miami this summer picked Richard Nixon for President, one of the most disgusted onlookers was a 45-year-old Harvard professor named Henry Kissinger. 'All of us Rockefeller-rooters were disappointed, of course,' recalls a Kissinger teammate, 'but Henry was really bitter.' "

On December 2, 1968, Nixon appointed Kissinger Assistant to the President for National Security Affairs. Kissinger (a member of the Council on Foreign Relations) has the same job in the Nixon administration that Walt W. Rostow (a CFR member) had in the Johnson administration, and that McGeorge Bundy (a CFR member) had in the Kennedy administration: head of the National Security Council and primary formulator of foreign policy in government. Nixon has made it plain, however, that he will give Kissinger a more significant role

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Footnotes at end of article.

in policy-making than Rostow or Bundy had in previous administrations.

On December 23, 1968, *U.S. News & World Report* said:

"William Rogers, the next Secretary of State, will center his attention on reorganizing and running the Department. The broad lines of policy in foreign affairs are to be set by Mr. Nixon and his aide, Henry Kissinger."

Henry Alfred Kissinger was born in Germany, came to this country at age 15 (1938) as a refugee from nazi Germany, became a naturalized U.S. citizen in 1947. He has BA, MA, and PhD degrees from Harvard.

He has worked for the Rockefeller Brothers Fund, has served as Research Secretary of the Council on Foreign Relations, and, for 10 years, was Nelson Rockefeller's chief foreign policy adviser. He was a special consultant to Presidents Eisenhower, Kennedy and Johnson. He became a full professor at Harvard in 1962, in the Center for International Affairs.

At a seminar of the International Association for Cultural Freedom, held at Princeton in December, 1968 (after Kissenger's appointment had been announced). Kissinger told those present, "The doors of the White House will always be open to your ideas." Those present included representatives from communist countries, American black-power advocates, known pro-communist leaders from foreign nations, and the usual assortment (at gatherings like this) of the most influential and dangerous of American liberal-radicals: Arthur Schlesinger, Jr., McGeorge Bundy, George Ball. The seminar was financed by the Ford Foundation.[3]

Such liberal-radicals (including socialists John Kenneth Galbraith and Adam Yarmolinsky) all expressed delight at Nixon's appointment of Kissinger. Indeed, Yarmolinsky (with known communist-front affiliations) said he would "sleep better with Henry Kissinger in Washington."

In a syndicated column published December 5, 1968, Joseph C. Harsch (a member of the Council on Foreign Relations) said:

"Kissinger has grown up in the foreign policy group which revolves around the Council on Foreign Relations in New York. Here he came to know, and work with, the whole cluster of top men in banking and industry who make up the true inner core of the so-called 'Eastern Establishment.' "

Harsch said Kissinger was one of the first "among the top experts" to conclude that military victory in Vietnam is neither possible nor desirable.

Kissinger, a one-world socialist, urges arms-control and eventual disarmament. Most people would *like* to live in a world where national war machines are not necessary; but any effort to make such a world by negotiating arms-control with communists (or any other totalitarians) is suicidal folly. Communists make a policy of lying, to trap the U.S. into commitments it will keep, while the communists freely violate the same commitments.

It is likely that Kissinger's most baneful influence on Nixon will involve the dangerous business of negotiating arms-control with the Soviets. In fact, that influence began to show immediately after Nixon's inauguration.

In a column syndicated by The New York Times News Service, January 31, 1969, James Reston (a CFR member and admirer of Kissinger) said:

"In his first White House news conference, President Nixon has followed quite closely the ideas of Dr. Henry Kissinger . . . on how to negotiate with the Russians. . . .

"The aim of foreign policy . . . [Kissinger] argues, is not 'total security' . . . but the 'relative security' that comes . . . from . . . international agreement on the permissible aims and methods of foreign policy.

"This is significantly different from Nixon's suggestions in the campaign that maybe security through military 'superiority' was attainable."

In a column dated December 5, 1968, CFR-member Reston said:

"Kissinger worked very closely with Jerome Wiesner . . . and others on the formulation of the 'strategy of equilibrium' for dealing with the Soviet nuclear threat. . . . This stable deterrent system, it should be noted, did not rest, as Mr. Nixon's campaign speeches seemed to rest, on the assumption that the United States must always have a clear superiority in military arms over the Soviets."

Jerome Wiesner (also a member of the CFR, and a determined advocate of disarmament) was one of the most powerful men in the Kennedy administration. Before joining the Kennedy administration, Wiesner (according to *The New York Times*) "made no secret of his belief that the United States at times had been almost as much to blame as the Soviet Union for blocking agreement on arms-control."[4] It is noteworthy that CFR-member Wiesner (cohort of CFR-member Kissinger, President Nixon's foremost foreign-policy adviser) is co-author of a report condemning President Nixon's plan to install a limited defensive system to protect the United States against ballistic-missiles attack from red China and the Soviet Union.[5]

Henry Kissinger has participated in at least one Pugwash Conference. The Pugwash conferences—semi-secret occasional meetings between Soviet communists and American liberals with compatible views—were originated by Cyrus Eaton, wealthy pro-Soviet Canadian-American industrialist. Arms-control is always a major topic at the conferences.

Nixon's insistent emphasis (during the political campaign last year, and since) on the importance of negotiations with the Soviets, indicates that the President considers the U.S. Ambassadorship to the Soviet Union the most important of all diplomatic posts. To this post, Nixon appointed CFR-member Jacob Dyneley Beam.

Beam started his State Department career as a clerk in the U.S. Consulate in Geneva. From 1934 to August, 1940, he was attached to the U.S. Embassy in Berlin. While there, he was on the staff of William E. Dodd, last U.S. Ambassador to nazi Germany. Martha Dodd, the Ambassador's daughter, was a Soviet espionage agent in Berlin, specializing in seducing nazi and American officials.[6]

Howard Trivers was also in the U.S. Berlin Embassy in the late 1930's. Though he and Beam had been classmates at Princeton, indications are that Martha Dodd brought the two together in Berlin. Trivers is believed to have been a member of a courier service in Berlin, organized by Martha Dodd while her father was Ambassador.[6]

Later (1947), when Jacob Beam became chief of the division of Central European Affairs of the State Department, Howard Trivers was his assistant.[6]

Beam was made Ambassador to Yugoslavia in 1952. During 1953, he was acting head of the U.S. Embassy in Moscow. From 1957 to 1961, he was U.S. Ambassador to Poland.

Using sex to corrupt, communist agents freely infiltrated the U.S. Warsaw Embassy while Beam was Ambassador. More than a dozen U.S. Embassy employees were involved in the sex-espionage scandals. Among them was Irvin C. Scarbeck, second officer of the Embassy. He had an affair with Urzula Discher, a 22-year-old blond who was a communist agent. She set Scarbeck up for a raid, which led to blackmail, which led to the theft of classified documents from the Embassy. Scarbeck was indicted, tried, and sentenced to 30 years. The sentence was later reduced.[7]

A detachment of Marine guards, assigned to the U.S. Embassy while Beam was ambassador, engaged in revels with Polish girls.[7]

The wife of one Embassy official had an affair with a Soviet agent.[7]

A code clerk involved in an illicit relationship was permitted to resign.[7]

Ambassador Beam himself had a notorious affair with Madame Jerzy Michalowski, a high official in the Polish communist party. Her husband at the time was Director General of the Polish Foreign Ministry. He is now Polish Ambassador to the U.S.

Madame Michalowski obtained from Ambassador Beam details about dispatches which were being sent to the CIA in Washington by Lt. Col. Michael Goleniewski, a communist official who was serving in Poland as a double agent for the U.S. Thus exposed, Goleniewski had to flee to West Berlin on December 24, 1960, his usefulness to the U.S. at an end.[8]

Edward Symans and Daroslav Vlahovich were on Ambassador Beam's staff in Warsaw. Symans was a communist spy whom Beam had first known in Berlin. Vlahovich was transferred to Warsaw at Beam's personal request. State Department security officials strongly suspected that he also was a communist spy.

Thomas A. Donovan was attached to the U.S. Embassy in Warsaw while Beam was Ambassador. Later, when serving in West Berlin, Donovan was involved with communists in a way that has never been explained to the American public. It was discovered that Donovan frequently went to East Berlin, where he made unauthorized telephone calls to communist officials of the Polish foreign ministry.[8]

From 1961 to 1966, Jacob Beam was Assistant Director of the U.S. Arms Control and Disarmament Agency. From 1966 to 1969, he was U.S. Ambassador to Czechoslovakia.

Only a handful of U.S. Senators voiced objections when Nixon rewarded Jacob Beam for his years of service by naming him Ambassador to the U.S.S.R.

FOOTNOTES

[1] The Herald of Freedom, Feb. 21, 1969.

[2] AP dispatch from Wash., D.C., Jan. 24, 1969.

[3] The Herald of Freedom, Jan. 24, 1969.

[4] The New York Times Magazine, Sept. 3, 1961.

[5] "An Evaluation Of The Decision To Deploy An Anti-Ballistic Missile System," a report prepared by Jerome Wiesner and Abram J. Chayes (also a CFR member) for Senator Edward M. Kennedy and other Senate disarmament liberals, as described in an article by John W. Finney, The Dallas Morning News, May 7, 1969, p. A4 and an AP dispatch from Wash., D.C., May 7, 1969.

[6] The Herald of Freedom, Feb. 9, 1968.

[7] "Choice of Beam Triggers Concern," by James J. Kilpatrick, The Dallas Times Herald, Mar. 10, 1969, p. A22.

[8] "Liberty Lowdown," April, 1969.

[From the Dan Smoot Report, June 2, 1969]

MORE ON THE NIXON TEAM

As a candidate, Richard Nixon promised to clean house in the State Department. As President Nixon has appointed, to the most sensitive posts, men identified with the policies and conditions that candidate Nixon had condemned.[1] *Charles Yost* is one of this group. Nixon campaigned as a tough law-and-order man, but appointed to high office *James Farmer*, Negro militant who has been among the foremost in fostering lawless violence. As a candidate, Nixon denounced the practice of busing school children to force racial integration; but he appointed as Commissioner of Education, *James V. Allen*, the nation's leading advocate of the busing insanity. Having promised to protect American interests abroad, Nixon sent, to protect American interests in Peru, *John N. Irwin, 2nd*, a

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specialist in surrendering American interests. Having promised sleepless vigilance over the security of the nation, Nixon appointed, as "security consultant," *Nicholas Katzenbach* who had just given security clearance to one of the most notorious security risks ever to hold a federal job.

Charles W. Yost: President Nixon appointed Charles Yost (a member of the Council on Foreign Relations) Ambassador to the U.N.

Charles Woodruff Yost (born at Watertown, New York, in 1907) has an AB from Princeton. He attended the international school of the University of Paris for one year, and took a communist indoctrination course at the Anglo-American Institute, First Moscow University, in 1934. This was on the occasion of his third trip to the Soviet Union.[2]

Yost's first trip to the Soviet Union (in 1929) was before the U.S. government had given the Soviets diplomatic recognition. Harold Ware and Lement Upham Harris (important American communists) were in the Soviet Union in 1929, the year when the Soviets were training American agents to form communist espionage cells in agencies of the U.S. government.[2]

In 1935, Yost entered the new deal administration of Franklin D. Roosevelt as an assistant in the Resettlement Administration, where a communist cell was operating. Lee Pressman, a communist, was general counsel of the Administration.[2]

In 1941, Yost represented the State Department on the Policy Committee of the Board of Economic Warfare. The assistant director of this Committee was Frank Virginius Coe, communist spy. Two other communist agents, Nathan Gregory Silvermaster and Michael Greenberg, were connected with the Board of Economic Warfare.[2]

Yost became a close friend of Alger Hiss, State Department official, later convicted of perjury for denying he was a Soviet spy.[2]

In the spring of 1945, Yost (as assistant to the Chairman of the U.S. Delegation at the U.N. Conference on International Organization) worked with Alger Hiss, Philip Jessup, and Leo Pasvolsky in helping create the United Nations. Later that year, Yost was Secretary General of the U.S. Delegation to the Potsdam Conference—the same position his friend Alger Hiss had held at the Yalta Conference.[2]

Yost was a member of the Institute of Pacific Relations (IPR), which the Senate Internal Security Subcommittee characterized as a transmission belt for Soviet propaganda in the United States—revealing that many influential IPR officials were traitors, or under the influence of traitors, whose allegiance lay in Moscow.[2], [3]

In June, 1956, Scott McLeod (then administrator of the Bureau of Security and Consular Affairs) listed numerous State Department employees whom the Bureau considered dangerous security risks.[4] Yost was on the list.[2]

Charles Yost has had many important State Department jobs, including several ambassadorships. In 1961, he was assigned to the U.S. delegation at the UN. He served under Adlai Stevenson and Arthur Goldberg, until he retired in 1966. Upon retirement, he was hired by the Council on Foreign Relations.[2]

In September, 1968, Yost (still employed by the CFR) submitted a statement to the Democrat Party Platform Committee, asserting that the "chief threat to international and U.S. security is not . . . communist aggression," but the arms race. Yost said:

The U.S. should begin, unilaterally, restricting major new programs of arms development and production, while continuing to seek for arms-control agreements with the Soviets.

The U.S. should unilaterally halt all bombing in Vietnam, without requiring any concessions from the communists.

The U.S. should welcome communist China into the United Nations.

The Soviet invasion of Czechoslovakia was "an internally defensive rather than an externally aggressive action."[5]

President Nixon has said the Yost appointment is "one of the best" he has made.[2]

James Farmer: On February 12, 1969, President Nixon appointed James Farmer Assistant Secretary of Health, Education and Welfare for Administration. Robert Finch, Secretary of H.E.W., said Farmer would have "a voice across the department."[6]

Farmer has been a radical socialist throughout his adult life.

He has been on the board of directors of the American Civil Liberties Union, which was founded by communists and pro-communists in the 1920's. He has been an official of Americans for Democratic Action, a powerful fabian-socialist group. He has been a sponsor of Committee for a Sane Nuclear Policy (SANE), whose aim is to disarm the United States of nuclear weapons. He has been an official of the Fellowship of Reconciliation, one of the most radical of pacifist organizations. He has been an official of the National Association for the Advancement of Colored People (NAACP), a racial-agitation group founded in 1909 by liberals and socialists, many of whom became communists after a communist party was organized in the U.S.

James Farmer has been among the foremost in making the communist catch phrase, "police brutality," a byword of rioters. He has also been at one with communists in demanding civilian review boards to oversee, and thus to emasculate, police operations.

For many years, Farmer held high offices in the socialist League for Industrial Democracy (LID). LID is the parent group of many organizations (among them, Students for a Democratic Society—SDS) which have spread the poison of socialism, race hatreds, criminal anarchy, and hatred of America.

In 1942, Farmer helped found Congress of Racial Equality (CORE), and became its national director. Under his leadership, CORE operated schools of subversion, becoming one of the most vicious violence-inciting Negro agitation groups.[6] [7]

As CORE director, Farmer organized and participated in the "Freedom Rides" through the South in 1960—communist-supported operations which began the escalation of "civil disobedience" into guerrilla warfare in our cities. For violations of law as a "Freedom Rider," he spent 40 days in jail in Louisiana.[8]

On May 25, 1961, Senator James O. Eastland, chairman of the Senate Internal Security Subcommittee, reported:

"From investigation and examination of the facts and records, there can be little doubt, in my judgment, but that this group [CORE] is an arm of the communist conspiracy. They are agents of worldwide communism."[8]

In August, 1964, when Negro-agitation leaders were trying to stop all Negro riots and demonstrations until after the presidential election (in order to prevent a white backlash that might help Barry Goldwater and hurt Lyndon Johnson), Farmer, as director of CORE, joined with Student Nonviolent Coordinating Committee (SNCC) in refusing to call a moratorium on demonstrations. An NAACP official said:

"CORE thrives on keeping the pot boiling, whether there's anything cooking in it or not."[9]

Farmer resigned from CORE in 1965. In 1968, he ran unsuccessfully for Congress from New York City, as the candidate of both Liberal Party and the Republican Party.

Farmer promises to work on the Nixon team for the same ideals and causes he has always supported.[6]

James V. Allen, Jr.: William Loeb, editor of the *Union Leader* (Manchester, New Hampshire) supported Nixon in 1968. In the February 13, 1969, issue of his newspaper, Mr. Loeb had this to say about Nixon's appointment of Dr. James V. Allen, Jr. (longtime commissioner of New York public schools), as U.S. Commissioner of Education:

"The New York Commissioner of Education has demonstrated, by his conduct of that office, that he is at the very forefront of the compulsory-association, compulsory-integration, and compulsory-mixing group of educators in the United States.

"Commissioner Allen has ruthlessly destroyed the neighborhood school concept in New York State and forced the busing of Negro students into white schools and white students into the Negro areas.

"All the people in the United States who voted for Dick Nixon, thinking there was going to be an end of this type of destruction of the neighborhood school concept, must feel terribly double-crossed by this incredible appointment . . . one of the biggest double-crosses of the century.

"When he was seeking the nomination, Nixon told the Southern delegates he was against racial school busing, and he certainly gave the impression to the voters in the election he was against it.

"Now he puts in as commissioner of education the leading exponent of racial school busing!

"It is pretty hard to excuse that type of behavior, that type of deception, that type of double-crossing by any standards known to decent people. . . .

"President Nixon has now indicated, by his action in appointing Allen as U.S. Commissioner of Education, that he just doesn't give a hoot how he misled these folks who voted for him or what they want to think. This is a completely amoral position. You don't double-cross people in this way if you are a decent human individual."

John N. Irwin, 2nd: Peru, which claims territorial fishing rights 200 miles from her shores, has seized numerous U.S. fishing craft on the high seas many miles from the nearest point of Peruvian soil. Since 1946, we have given Peru about $450 million in aid, and still continue to give her aid. One of the principal units in the Peruvian Navy, which makes possible the outrageous depradations on U.S. fishing vessels, was formerly a U.S. destroyer.

In October, 1968, a military coup elevated the pro-communist Velasco to the presidency of Peru. Soon thereafter, Velasco expropriated Standard Oil properties in Peru—without compensation.

President Nixon sent CFR-member John N. Irwin, 2nd, to Peru as special envoy for negotiations to protect American interests. Irwin (while serving as Number Two man on Lyndon Johnson's treaty-negotiating staff with Panama) was the man who made the infamous proposal (endorsed by Johnson) that the U.S. give away the Canal Zone to pacify the communist-controlled mobs in Panama City.[10] In May, 1969, Peru told us to get our military missions out of the country. Our State Department bowed to the demand, with "profound regrets," while vowing eternal friendship for Peru.[12]

Nicholas DeB. Katzenbach: John Paton Davies, an American consul in China in the late 1930's, became a warm friend of Chinese communist leaders. He was a main architect of pro-communist State Department policies which helped communists conquer China in 1949. Davies was fired and rehired a few times during the Truman and Eisenhower administrations. He was last removed from a federal job in 1954. For 15 years thereafter, John Paton Davies was barred from service

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in the federal government because he was a security risk.[11]

In 1969—just five days before Lyndon Johnson left office—Johnson's Under Secretary of State, Nicholas DeB. Katzenbach (a member of the Council on Foreign Relations) reinstated John Paton Davies, saying it was "clearly consistent with the interest of national security" for Davies to be appointed a consultant to the State Department and to the Arms Control and Disarmament Agency. President Nixon appointed Katzenbach as State Department "security consultant."[11]

As indicated in this and the two previous issues of this *Report*, President Nixon has appointed, to key positions, men who stand for the opposite of what *candidate* Nixon promised the American people.[1]

FOOTNOTES

[1] "Nixon And The CFR," and "Burns, Kissinger, And Beam," The Dan Smoot Report, May 19 and 26, 1969, pp. 77–84, available at prices listed below

[2] The Herald of Freedom, Jan. 10, 1969

[3] The Invisible Government, by Dan Smoot, Pocketbook edition, $1.00; library edition, $4.00

[4] "Communist Spies In The State Department," The Dan Smoot Report, Mar. 23, 1964, pp. 94–5

[5] Editorial, (Lynchburg, Virginia) News Leader, Jan. 18, 1969

[6] The Herald of Freedom, Mar. 7, 1969

[7] Column by George Schuyler, Alexandria Daily Town, Sept. 7, 1965

[8] "Activities in the Southern States," speech by U.S. Senator James O. Eastland (Dem., Miss.) containing official documents from the Senate Internal Security Subcommittee and House Committee on Un-American Activities, Congressional Record, vol. 107, pt. 7, pp. 8956–8970.

[9] Article by Wesley Pruden, Jr., The National Observer, Aug. 24, 1964, pp. 1, 11

[10] Pan American Headlines, Apr.-May, 1969

[11] Richmond, Virginia, News Leader, Jan. 28, 1969

[12] "Peru's Demands Accepted by U.S.," Associated Press story from Washington, May 25, 1969

NO GENERATION GAP IN THE FOXHOLES

(Mr. **KOCH** asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **KOCH**. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Village Voice on May 29, 1969, written by Edwin Fancher entitled "No Generation Gap In the Foxholes."

In a very simple yet meaningful way, he expressed a view which has long been the subject of intense discussion, esoteric dissertations, and simple folk ballads. Almost from the beginning of time, it has been the old men who have planned and continued the wars and the young men who have fought and died in them.

The idea advanced by Mr. Fancher is that we end the policy of exempting from military service in time of war those over 26 and require everyone up to 45 to serve. He says:

> Middle-aged men make excellent soldiers.

He also proposes that:

> This new draft policy should be supplemented by a national call for volunteers up to 60 years of age for combat service in Vietnam. This would provide an invitation to many Congressmen and board chairmen and editorial writers to get into the front lines and personally kill Communists, if that's what they really want to do. The National Rifle Association alone should be able to contribute several volunteer divisions of crack sharpshooters for our infantry.

To date, Mr. Speaker, the U.S. military casualties in Vietnam are 35,530 deaths and 227,573 wounded. The South Vietnamese civilian casualties are 10,027 deaths since 1967 and the wounded figures are not available. The North Vietnamese figures for both deaths and wounded are not available. The Vietnamese military casualties on both sides are 583,949 deaths, and the wounded figures are not available.

Perhaps if we executed Mr. Fanchers' proposal, as he suggests:

> We might be surprised to discover that this long, brutal war would somehow, mysteriously, be brought to a sudden end.

The article follows:

NO GENERATION GAP IN THE FOXHOLES

(By Edwin Fancher)

This terrible war goes on, American forces launch new offensives on "Hamburger Hill," casualties increase, and President Nixon proposes to revise the draft law to focus on 19-year-old boys. The new administration seems as impotent as the old one to bring the war to an end. American youth daily demonstrates its opposition to the war, but is unable to influence our government to end it. Perhaps this is a time to reconsider one of the unique historical facts about this particular war, and what we might do about it.

The Vietnam war differs from all previous major American wars, except the Korean War, in that it has been fought almost exclusively by youth between 18 and 25 years of age (the average age of draftees is 20½ years). During the Civil War the Union Army drafted men from 18 to 45, although 98 per cent of the soldiers were volunteers, and often older. During World War I the first draft law was limited to men from 21 through 30, but was shortly amended to include ages 18 through 44. During World War II the draft selected men from 18 through 44. A similar, or greater age range was typical of all the major foreign armies in combat in both World Wars I and II. For instance, during World War II, the Russians drafted men from 16 to 60.

The practice of limiting conscription to youths between about 18 and 22 was traditional in Europe only during peace time. The rationale for such a practice is obvious. If a standing army larger than can be provided by volunteers is needed in case of emergencies, it is less disruptive to marriage and career to serve immediately after the completion of schooling, rather than later in life. Furthermore, this practice provides the largest possible reserve of trained men who can be called up to active duty in case of war. Our present draft policy was established after World War II, and was copied from this European tradition.

The Korean War was our first major war fought by a "peace time" army of drafted youths. There may have been some justification for this at the beginning, on the ground that the war started so suddenly that our standing army of youthful draftees was the only immediately available force to meet the emergency at the time. Once the fighting had started, however, the draft could have been extended to older men, as in World War II, but it was not. A dangerous precedent had been established.

In the case of the Vietnam war, the situation was altogether different. There was no sudden emergency. This war was engaged in slowly and deliberately over a period of many years as a matter of national policy. There was certainly no excuse for expecting a conscript army of youth, many too young to vote, drafted on the basis of a policy of peace time preparedness, to fight a major war for this country.

The continuation of a "peace time" draft law as the basis for selecting soldiers to fight a major war is one of the most horrendous examples of discrimination in American history—discrimination on the basis of age alone. I suspect that the main reason 18 and 20-year-olds were selected to do our fighting in this war is that they are one of the least powerful groups in our society. They are powerless in much the same way that Negroes have been powerless in America: they have little influence, few skills, no money, and aren't even allowed to vote. The policy of exempting practically all mature men over 26 from the duty of defending their country in time of war (surely, those responsible for this war must believe that our armies are fighting to defend us) is immoral, and a reversal of our historical traditions.

There are no valid military reasons why we have not extended the draft of men up to the age of 45, as we did in World War II. We know from previous wars that middle-aged men make excellent soldiers. We know it from our enemies in Vietnam who use many older men in combat (North Vietnam drafts men up to 45). We know that middle-aged men often have better judgment, more patience, and better skills than younger men in combat. And we know that even older men, perhaps up to 60, who may lack some of the physical endurance of youth, could still participate in some of the bloodiest fighting in Vietnam. Much combat duty requires little more than holding fortified positions against enemy artillery and infantry attack. Such battles require courage and steadfastness, but little physical ability beyond the strength to pull a trigger.

Clearly, there is no military reason not to draft middle-aged or older men for combat duty in Vietnam. The fact that this country has chosen not to do so until this time indicates that the real "draft dodgers" in this war are the millions of middle-aged and older American men who are exempt by law.

President Nixon has suggested to Congress that our present draft law be changed to a lottery system focused on drafting 19-year-olds. I want to suggest that Nixon's proposed law be opposed by an alternative proposal: namely that a new draft law be passed to include all American males, on a lottery basis, between 21 (voting age) and 45. Certainly, no American deprived of the vote should be asked to die for his country.

Furthermore, I propose that this new draft policy should be supplemented by a national call for volunteers up to 60 years of age for combat service in Vietnam. This would provide an invitation to many Congressmen and board chairmen and editorial writers to get into the front lines and personally kill Communists, if that's what they really want to do. The National Rifle Association alone should be able to contribute several volunteer divisions of crack sharpshooters for our infantry.

The aggressive advocacy of the above policy would force Americans over 26 to make a commitment on this war one way or the other. If middle-aged Americans really support the war, let them demonstrate it in the only way that counts, by fighting it themselves, personally, on the field of battle, where the next body blown to bits may be their own.

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American colleges fester with rebellion, and youth charges the older generation with hypocrisy. And they are right; there is hypocrisy in American men sending their sons to do their dying in a war that youth doesn't believe in. If American men believe in this war, let them fight it, let them personally endure the terror of military combat, the fear of imminent death or mutilation, the agony of 100 "Hamburger Hills." There would be no generation gap in the foxholes. But, if they really don't want to personally go into combat, let them commit themselves with all their powers to influencing our government to end this war. Now.

Of course, we don't know what the result of drafting mature men for combat duty might be. We might be surprised to discover that this long, brutal war would somehow, mysteriously, be brought to a sudden end.

THE MAILER MONORAIL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, some original thoughts and suggestions do come out of campaigns—and in New York City where a primary battle is currently being waged, a proposal has been submitted for taking private cars out of the Borough of Manhattan and encircling the island with a monorail. The idea is that of Norman Mailer and Jimmy Breslin, Democratic candidates for mayor and city council president of New York.

The Mailer-Breslin idea is an exciting one for it tackles some of New York's major problems: traffic congestion, air pollution, and noise. And it confronts the threatening prediction that by 1985, Manhattan, if it follows its present course, will be forced to receive 1.5 million commuter cars a day—twice as many coming in today.

The Mailer-Breslin team has suggested that a 26½-mile monorail—with spurs to outlying areas—be built around the island of Manhattan atop the West Side and East Side Drives and completing the circle at the Battery and 155th Street. In most instances of public conveyance construction in our cities today, a major stumbling block is presented by the high cost of land and difficulties in getting right-of-way agreements. In addition, subways require excavation costing millions of dollars. These costs are eliminated by the Mailer-Breslin plan in that it proposes to employ land and air-rights already owned by the city. Consequently, they figure that the planning, construction, and equipping of the system will cost only $5 million a mile as compared to the $37.5 million a mile it costs to build a subway. While this probably is an underestimate, such a project at even double the cost would be a bargain.

Monorails present a unique configuration in this country, but in an international context they are not new. Indeed, the city of Wuppertal, in Germany, still uses a monorail transit system built in 1901.

The complement to the monorail is the jitney bus linking it with existing subways running up and down Manhattan. This, in turn, would enable the city to eliminate private automobiles from portions of its core. The Mailer-Breslin proposal admittedly is a radical one. But, our problems, too, are reaching such proportions that a radical response is required. And, I believe that this proposal, fresh in thought and unique in application, should be given consideration by the city of New York now and not discarded as campaign rhetoric. This one has substance. A lot of constructive thinking has gone into the Mailer-Breslin plan and so I am writing to the mayor of New York today and I am urging him, through the Metropolitan Transportation Authority, to hold hearings and give it thorough consideration.

For the benefit of my colleagues and those interested in new thinking on mass transit, I am submitting the Mailer-Breslin plan for insertion in the RECORD, as follows:

MAILER-BRESLIN POSITION PAPER II: TRANSPORTATION

No one living or working in New York is unaffected by the city's traffic and transportation ills. It is estimated that more than half the people using our subways lose 20 to 40 days yearly in excess commuting time to inadequate and frustrating trains, while taxis, private cars, trucks, and buses inch along at an average speed of 6 miles per hour. These three million gasoline vehicles attack our ears with their din, clog our streets, befoul our air, damage our lungs and hearts. Each day 9,600,000 pounds of carbon monoxide are deposited onto the streets by cars alone.

The future is even gloomier. According to the Federal Power Commission, vehicle registration will be doubled by 1985. Midtown will be forced to receive, if possible, not the present 750,000, but 1,500,000 daily commuter cars. At that point our average rate of progress through the streets is likely to be reduced to 6/10 of a mile per hour.

It is therefore obvious that New York must have a new public transit system. The improvement of existing services must be combined with the creation of thoroughgoing new facilities. This is no longer an option but a necessity. Therefore we propose a feasible plan: that the city finance and build a system of high-speed monorails and free connecting jitney buses. Supplementing subway and bus facilities, such a system would not only serve the two million people working in the midtown area, but obviate the need for private automobiles in Manhattan.

During the period of the monorail's construction, however, New York must take more immediate steps to relieve its traffic and transportation crisis. Interim improvements are many and inexpensive. We suggest the following:

Improve subway service. All experts agree that the rapid transit system must run at speeds of at least 30 miles per hour and, yet, the present subway barely manages 20 miles per hour—and at an annual financial loss of 85.5 million dollars. An improved schedule of one and two-car, air conditioned trains could be instituted. These smaller high-speed cars will come through stations every 90 seconds and eliminate long waits in lonely stations. The cars can be insulated against noise and, where station facilities permit, be equipped with separate doors for entrance and exit.

Present rush-hour schedules can be retained, but a system of graduated starts should be introduced so that more trains will run between heavily used stops and better serve concentrated areas. The city's buses have used this plan successfully, and if adopted by the subways would reduce the number of cars traveling to the end of the line, nearly empty at both ends of the run.

The smaller, high-speed trains and graduated rush-hour schedule would save both time and money. Presently 85 per cent of our subway cars are inoperative six or seven hours a day, while five rush hours daily account for 55 per cent of total subway use.

Subway directions must be improved. Stations and lines should be color-keyed for easier use. Complete, consistent, and intelligible maps must be prepared and each subway car should display a map showing the routes and stops for that particular train. Subway cars themselves should be color-keyed. A central passenger information service for all methods of public transportation must also be established. A combination of the Paris-Metro system, where an electronic board lights up a color-keyed route when a destination button is pushed and the telephone request system used in London should also be adopted.

We must also expand bus service, especially on cross-town routes. Express buses, like those which run into central Manhattan from Riverdale and Bayside, now save thousands of people an hour or more daily. An increase of these commuter buses at various central points throughout the five boroughs would drastically reduce the 750,000 commuter cars entering midtown every day.

Individual neighborhoods should be encouraged to establish extra transportation to meet their particular needs. These Neighborhood Auxiliary Transportation Systems (NATS) could link up with the centralized, municipal system and benefit both individual areas and the city as a whole. Such systems have been tested in Harlem and proved successful. They should be encouraged, perhaps with financial aid or loans from the city.

Yet ultimately New York's transportation problem can only be solved through major if not radical moves. We must ban all private cars from the island of Manhattan. Their convenience is a sad myth. Midtown is nearly impenetrable from midday to dusk and each single breakdown ties up hundreds of thousands at bridges, tunnels, and expressways. The noise and congestion of our streets, as well as the pollution of our air—we have the worst air pollution of any city in America—all dictate the measure. Ambulances, firefighting equipment, taxis, and buses would remain, their engines and exhausts regularly inspected to minimize pollution of the atmosphere. Doubtless, the loss of private cars would work a hardship on some, but surely it would benefit the many. Even so, such legislation could not be put into effect without an alternate and superior means of transport at hand, and so we come to the heart of our proposal: a high-speed monorail skirting Manhattan with spur lines to the other boroughs terminating at vast city-sponsored parking areas. Coordinated in midtown with a supplementary network of jitney-buses and improved subway and bus services, such a system would not only be efficient—which is to say fast and comfortable and allowing for the elimination of all private cars on Manhattan—but inexpensive as well. Clearly it is the way New York must go . . . But first a look at the specifics.

Running at speeds up to seventy miles an hour, the two-way, double-laned monorail would run some thirty feet above the West Side and East Side Drives, circling the Battery and 155th Street. Making eight stops at Manhattan Queensboro, and Triborough Bridges, at Broadway and mid-155th Street, and along the West Side at 125th, 96th, 42nd, and Chambers Streets, the monorail trains would circle the Island of Manhattan, a twenty-six and a half mile route, in less than thirty minutes. Going around Manhattan twice every hour, each twenty-four car train, capable of seating 576 people, could carry 2304 passengers an hour. The entire system, calculated at forty-two trains, could move 96,768 additional people every hour during peak rush-hour periods, or thereby supplement the five-hour rush period by a half-million extra passengers.

Lightweight, low-roofed cars measuring thirty feet in length and six in height would seat twenty-four passengers and permit no standing. Everyone traveling would be assured a seat. Rapid entrance and exit would be through transparent gull-wing doors swinging upward on both sides of the car, exposing parallel rows of individual bucket seats into which passengers would slide. Seats themselves would be separated by plexiglas partitions to assure comfort and create in effect, a private compartment for every traveler. Each of these would naturally be heated and air conditioned. The trains themselves would run suspended from monorails raised on stanchions, mainly along Manhattan's river drives. Electrically powered, they would run by a single conductor manning the lead car. The entire system would be computerized so as to insure the steady progress of each train and to avoid the tie-ups and delays characteristic of our present subway system.

Spur lines serving such central and accessible areas as Port Morris or Hunts Point in the South Bronx, the Maspeth Creek basin in Queens, and Brooklyn's Navy Yard would compliment the main system and merge with the Manhattan line at the appropriate bridge terminals. Each of these areas is chosen for its proximity to existing subway and highway arteries and could easily accommodate massive new parking facilities for commuters approaching the city by car. Each spur would consist of a continuous monorail loop. The Queens link, the longest of the three, would run eight miles roundtrip, and its six trains, each doing the route in less than eight minutes, would carry 55,296 passengers an hour. Ultimately an extension would be added to the then-existing Queens line which would run seventeen and a half miles along the Long Island and Brooklyn-Queens Expressways to LaGuardia Airport and then on along the Grand Central Parkway to Van Wyck Expressway and Kennedy Airport and Aqueduct, finally circling back to the Maspeth Creek parking area and main spur into Manhattan. Both JFK and LaGuardia Airports could share the expense of this spur as it would serve their customers and facilitate service. Brooklyn and Bronx loops, circling five and three miles respectively, would each run five trains and have an approximate capacity of 43,200 passengers during peak rush hours. The overall system would in effect, be a system—simple, efficient, practical, and serving not only those living in Manhattan but the millions who work in the city's main borough.

Compared to the Metropolitan Commuter Transportation Authority's Phase I subway expansion costs of thirty-seven and a half million dollars per mile, our proposed monorail would be relatively cheap. It would require no excavation, no rerouting of electrical, sewage, or gas mains. It would run on city-owned rights of way. It would require no land purchase. Running fifty-eight trains, or 1393 cars, over its forty-two and a half mile route, it would cost, it is estimated, no more than five million dollars a mile for planning, construction, and equipment, with the system as a whole coming in at around two hundred fifty million with extra cars, emergency equipment and repair facilities.

Throughout Manhattan's midtown area a system of jitney buses, linking with both monorail and existing train terminals, would supplement the improved rapid transit system. These jitneys would eventually phase out our present buses in midtown. On carefully chosen routes—indicated in the accompanying chart—these would run circularly, doing seven crosstown and four uptown-downtown loops within the 32nd-59th Street, First-Ninth Avenue area. Their block by block coverage would be maximum, unlike any present bus or subway system. Pedestrians would have to walk no further than two or three streets to reach either direct or transfer jitneys, and since they would be far more numerous than our present buses, and the traffic almost non-existent, waits would never exceed two or three minutes.

The jitneys themselves would be smaller and more maneuverable than conventional city buses. Like San Francisco trolley cars, or the caravans designed by city planner, Mary Hommann, they would be open on both sides, with large running board aprons for standing. During bad weather their accordion sides would be closed. Each would seat 38 and stand upwards of 25. They would stop every other block, and their open sides would permit rapid entrance and exit. They would afford unparalleled and actually pleasurable transportation to our city's busiest and most populous area.

Economically, our system is more than feasible, it's practical. Funds for constructing and operating the monorail and jitney systems could be raised through an increase in both gasoline taxes and car registration fees. A modest raise of fifty per cent in gas taxes—six to seven cents per gallon—and a similar increase in vehicle license fees—from the present average of $35 to $45 yearly—would bring the city an additional 58 million dollars every year, one fifth the cost of the entire monorail network. Further revenue could come in the form of parking fees collected at municipal garages. At a daily rate of $2.00 per car, these parking facilities would gross two and a half million every week, or $124,000,000 yearly, one half the cost of a six-tiered garage for 75,000 automobiles. Then too, the twenty cent monorail fare would constitute a source of further revenue, especially significant because it would come from previously car-driving commuters. With daily commuter traffic of 500,000 vehicles into midtown Manhattan alone, this additional money could easily amount to thirty-five million per year. The electric jitneys, estimated at $25,000 each, would replace our worn out, $35,000 city buses as the occasion arose, and so would partially compensate for their lack of fare revenue. Incalculable would be their savings in terms of time and cleanliness.

It is therefore obvious that not only must New York have a new transit system but that such a system is possible in every respect. A combined program of improving present facilities and creating new ones—the monorail and jitney network—as well as eliminating automobiles from Manhattan can both solve the city's transportation dilemma and make it a far better place in which to work and live. Such a program is no longer an option. In our time it is a necessity.

APPENDIX A

NEW YORK MONORAIL COSTS

(Computed at $5,000,000 per mile including planning, construction, and equipment)

Manhattan: 26.5 miles (155th Street Crosstown, West Side Drive, Battery Park, East River Drive; 8 stops at Manhattan, Queensboro, and Triborough bridges, Broadway on 155th Street, along the West Side Drive at 125th, 96th, 42nd, and Chambers Streets)—$132,500,000.

Queens: 8 mile spur loop (Queensboro Bridge, Veronon Blvd., Long Island Expressway, Hill Blvd., Maspeth Creek parking area; 2 stops at Queensboro Bridge and parking area)—$40,000,000. 17.5 mile supplemental system (Maspeth Creek parking area, Long Island Expressway, Brooklyn Queens Expressway, LaGuardia Airport, Grand Central Parkway, Van Wyck Expressway, John F. Kennedy Airport, Southern Parkway loop to Aqueduct, Queens Blvd., Grand Avenue, Maspeth Creek parking area)—$87,500,000.

Brooklyn: 5 mile spur loop (Manhattan Bridge, Flatbush Avenue to L.I.R.R. Station, with link to Navy Yard parking area; 2 stops)—$25,000,000.

Bronx: 3 miles (Triborough Bridge to Port Morris parking area; 2 stops)—$15,000,000.

Total Mileage: 42.5 miles (60 miles with supplementary airport link).

Total Cost: $250,000,000 (with extra cars and repair facilities).

APPENDIX B

RAPID TRANSIT—SUBWAY

	Subway	Total (plus bus)
City operating cost/year	$369, 345, 944	$481, 344, 956
Net income/year	283, 866, 338	379, 991, 260
Loss from operation	86, 471, 556	101, 345, 696
Number of people using transit/year (1968)	1, 303, 465, 841	1, 738, 372, 297
Number of route miles (total track mileage)	[1] 966	[2] 1, 522

[1] Miles.
[2] Transit miles.

Note: Cost of recently acquired subway cars: $107,000 to $137,600 (depends on specifications).

Total number of cars purchased since 1953:

Regular cars	4, 060
Low alloy, high-tensile steel with stainless steel exteriors and aluminum roofs	400
Similar to above, plus air conditioning (contracted for)	400
Total	4, 860

APPENDIX C

SURFACE TRANSPORTATION—BUS

	Bus	Total (plus RT)
City operating cost/year	$111, 999, 012	$481, 344, 956
Net income/year	96, 124, 872	379, 991, 260
Loss from operations	14, 874, 140	101, 345, 696
Number of people using bus/year (1968)	434, 906, 456	1, 738, 372, 297
Bus route mileage	[1] 556	[2] 1, 522
Revenue from bus fares	$91, 338, 829	

[1] Miles.
[2] Transit miles.

Source: Transit Record ,vol. XLIX No. 3 March 1969.

APPENDIX D

RAPID TRANSIT—SUBWAY BREAKDOWN OF REVENUES AND EXPENSES FOR YEAR

	Amount	Percent of operating revenue
Revenues:		
Passenger revenue	$276,040,980	97.51
Advertising	6,036,684	2.14
Other (building rental, property equipment, miscellaneous)	788,724	.27
Total	282,866,388	100.00
Expenses:		
Maintenance of ways and structures	59,430,228	21.10
Maintenance of equipment	62,937,771	22.25
Operation of cars	164,741,384	58.24
Power	43,221,984	15.28
General and miscellaneous (including rentals)	84,358,057	29.70
Total	414,689,524	146.48
Credit from city for transit police	—45,343,580	16.03
Total operating expenses and rentals	369,345,944	130.45
Net loss	86,471,556	30.45

CANADA INCREASES FOREIGN AID

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the foreign aid bill recently sent to the Congress by the Nixon administration proposes a total appropriation of $2.6 billion—with $2.2 billion being allocated for economic aid and $375 million being allocated for military assistance grants to countries bordering the Communist world.

It is instructive to note that this current proposal is itself $135 million less than the foreign aid bill proposed in January of 1969. It is even more instructive to note that this foreign aid reduction of $135 million has been offset by a post-January gain of $16 billion in the Nation's gross national product.

I cite these figures in order to place in proper perspective the foreign aid achievements of our neighbor country Canada. While the United States proposes to reduce foreign aid, Canada proposes to increase its foreign aid. Moreover, while the United States proposes to reduce its foreign aid from 0.029 to 0.026 percent of a rapidly rising gross national product—now $903.3 billion—Canada is moving resolutely toward a goal of foreign aid amounting to 1 percent of its GNP. To reach this end, the Canadian Government has recommended an increase of 17 percent in its proposed foreign-aid budget for the coming year, a rise that will bring foreign aid to over one-half of 1 percent of Canada's GNP. Thus Canada, in terms relative to its GNP, is making nearly twice the effort of the United States when it comes to foreign aid.

A recent article in the New York Times explains the Canadian foreign-aid program in greater detail and places United States and Canadian foreign-aid programs in historical perspective. Canada views the skillful use of foreign aid as a tool for developing future customers for Canadian exports, thereby keeping the Nation's world trade balance in equilibrium. Canada also sees foreign aid as a means for augmenting the nation's political influence with emerging underdeveloped countries; in this respect, India and Central American countries have been the focal points of Canada's foreign-aid effort. Clearly the Canadian Government, as the article shows, believes an expanded foreign-aid program to be in the political interest and the economic interest of the Canadian people. Should the reverse be true for the United States?

The New York Times article follows:

In a Year of Budgetary Austerity, Canada Is Significantly Increasing Her Expenditures for Foreign Aid

(By Jay Walz)

Ottawa, May 28.—In a year when Canada's Government is making austerity its policy keynote, the exception seems to be in foreign aid.

Prime Minister Pierre Elliott Trudeau has just budgeted a 17 per cent increase over last year's aid spending. While Canada's contribution in the field has been about one-tenth of United States expenditures for foreign assistance in recent years, the increase here is significant.

The Prime Minister's policy contrasts sharply with President Nixon's. Today, in announcing the smallest fund request in the history of United States aid, Mr. Nixon spoke of budgetary restraint and the light of the balance of payments. He was also clearly influenced by Congressional opposition to aid spending.

Canada's planned increase of $50-million will raise to $338-million her aid program for the coming year. The bills it will pay range from a $19.5-million interest-free loan for a high dam in India to textbooks for a history course in Ghana.

Originally Canadian foreign aid was directed mainly to Commonwealth countries and regions in which the Commonwealth was most interested. Now it reaches 72 countries.

Although the program moves ahead slowly and cautiously, it appears to be far more popular in Canada than the foreign aid program is in the United States. The pending debate over the budget in the House of Commons is not nearly so crucial here as it would be in the United States Congress.

First, Mr. Trudeau's Liberal party has a firm control of the House of Commons. Moreover, there is little doubt that when it comes to aid, the opposition is pushing Mr. Trudeau to do more rather than less.

Foreign aid, as influential Canadians see it, is Canada's big opportunity to make an impact on the underdeveloped but politically dynamic "third world" in the nineteen seventies. Canada feels herself closely bound to this group of nations standing outside the East-West struggle.

There are also pragmatic reasons for Canadian enthusiasm for foreign aid. The nation sorely needs customers; her world trade balance remains in equilibrium only because of vast United States investment and purchases of raw materials, including oils, and some manufactured goods, notably automobiles and parts.

Many economists maintain that Canada cannot hope to free herself of American economic domination until she develops many more markets overseas. Then she could maintain her relatively advanced economy by exploiting, without United States help or support, her tremendous resources of wheat, forests, oil, minerals and manufactured products.

The poorer countries of Asia and Africa can become good customers only if they develop basically strong economies, and a growing number of Canadians believe it to be in Canada's own best interests to help these countries to achieve this.

Canadian foreign aid grew out of the Government's participation in a 1950 conference in Colombo, Ceylon, at which plans were made to help newly independent Commonwealth countries in South and Southeast Asia. Since then $1-billion of Canadian assistance has been channeled through the Colombo plan.

India has been a major recipient of almost every type of aid in the Canadian repertoire—teachers, scholarships, technicians, advisers of all kinds, gifts of grain, and loans and grants. One of the world's highest power dams, now rising in a granite-faced gorge of the western Ghats Mountains at Idikki, South India, is perhaps the most spectacular example of Canadian largess in that country.

There are other, far flung examples of the Canadian aid effort. In Saigon there is a new 72-unit housing center for refugees, and another, twice as large, is under construction. The Vietnamese call the new development Place du Canada.

NEVER ASKS THEIR POLITICS

There is a Canadian-built clinic, staffed by Canadians and Vietnamese, in the central South Vietnamese town of Quangngai. Robert MacLaren, a Canadian staff officer who made an inspection trip there recently, reports: "We have 200 or 300 tuberculosis patients a day. We never ask about their politics."

Another form of Canadian aid comes as wheat donations to countries short of food. In the last three years Canada has given away 1.5 million tons, although grain sales on the world market are a vital factor in the Canadian economy.

Within Canada, 2,073 students from developing countries are getting schooling as a form of foreign aid. Many of these are Vietnamese, studying under scholarships.

And recently Canada has shown special interest in the economic development of the Caribbean islands, where Mr. Trudeau seeks stronger diplomatic and economic ties.

There are new Canadian-built schools and student residences in the West Indies, for example.

The Canadian International Development Agency has developed considerable skill in identifying donor with recipient without being heavyhanded. The rule is that administrative overhead must be held to a minimum. In South Vietnam, for example, one attache in the Canadian Embassy supervises all field activities, including the work of a staff of 20, including doctors, nurses, therapists and teachers.

The Canadian "presence" is low key—free from the imposing headquarters, large personnel and chauffeured limousines so often the resented symbols of the United States aid programs. This may be why, as one Canadian field officer says, "Many people may be more willing to give us credit for what we do than they are to acknowledge the often more bountiful aid they receive from Americans."

Another aspect of the Canadian program is its selectivity. As Maurice F. Strong, head of the Canadian International Development Agency, put it recently: "Our aid program is concentrated in those areas in which we feel that Canada has special interest and where Canadian resources can best contribute to development."

TYPICALLY CANADIAN

This has meant that Canadian aid is sometimes much more difficult to come by than American. To get financing for an electric transmission project, Ghana, whose western orientation is toward Britain and the Commonwealth, had to agree with governments of Togo and Dahmoey on a plan to provide hydroelectric power to coastal regions of the two French-speaking countries. Some observers found the result "typically and appropriately Canadian"—an example of applying the principle of bilingualism and biculturalism abroad as well as at home.

A significant recent development is Ottawa's attachment for the French-speaking countries of Africa. By strengthening its presence there, the Government strives to counter Quebec's dramatic initiative to speak and act for French Canada both here and abroad.

Though Canadian activity has been increasing year by year until it has become a cause of national pride, it is still under the halfway point to the target—1 per cent of the gross national product—set by international agreements. Estimates indicate that in the last fiscal year, there was some improvement over the 1967–68 year, when Canadian aid abroad represented 0.44 per cent of G.N.P.

HARSHA NOTES MORE DOD PROCUREMENT ABUSE—SAYS HE IS DRAFTING LEGISLATION TO END IT

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, on May 15 and on May 26 I called attention to two examples of how Department of Defense procurement practices restrict free competition and waste taxpayers' money.

On May 27 I noted that the report, "The Economics of Military Procurement," published, that day, by the Economy in Government Subcommittee of the Joint Economic Committee, did much to underscore the propriety of my presentation.

Against that background, I today call attention of this body to a military procurement practice which, in addition to violating the sane and sound business practices which made this Nation great, strong, and prosperous, has violated the procurement regulations and, in at least one case, Federal law.

I note, first, Armed Services Procurement Regulation 1–311, subject, "Buying-in," which says:

> 1–311 "Buying In".
>
> (a) "Buying in" refers to the practice of attempting to obtain a contract award by knowingly offering a price or cost estimate less than anticipated costs with the expectation of either (i) increasing the contract price or estimated cost during the period of performance through change orders or other means, or (ii) receiving future "follow-on" contracts at prices high enough to recover any losses on the original "buy-in" contract. Such a practice is not favored by the Department of Defense since its long-term effects may diminish competition and it may result in poor contract performance. Where there is reason to believe that "buying in" has occurred, contracting officers shall assure that amounts thereby excluded in the development of the original contract price are not recovered in the pricing of change orders or of follow-on procurements subject to cost analysis.
>
> (b) To avoid or minimize the opportunity for "buying in" on a procurement which is likely to be succeeded by one or more "follow on" procurements, the Government should obtain from the contractor a binding price commitment covering as much of the entire program concerned as is practicable. Such a commitment may be secured through employment of one of the following procurement techniques:
>
> (1) multi-year procurement, with a provision in the solicitation that a price may be submitted only for the total multi-year quantity (see 1–322.2); or
>
> (2) priced options for additional quantities which, together with the quantities being firmly contracted for, equal the anticipated total program requirements (see 1–1504).
>
> (c) In addition to the use of the techniques noted in (b) above, it is important that other safeguards be provided against the contractor's recovering, through subsequent overpricing, from any initial loss situation due to "buying in." For example, see 3–813 with respect to the amortization of nonrecurring costs, and 3–801.2(c) concerning price quotations which the contracting officer considers unreasonable.

The two cases of competition-restriction and dollar-waste which, on May 15 and 26, I noted, occurred within the Army Electronics Command. As I also noted, however, this practice has long been rampant within the entire structure of the Department of Defense; so has that which would seem to be a clear-cut violation of the regulation against "Buying-In."

Consider the following five representative cases on which I have information in my files:

First. The Army Electronics Command And The AN/PRC–25 () Radio Set.

Second. The Army Electronics Command And The AN/ARC–54 () Radio Set.

Third. The Army Electronics Command And The AN/PRT–4 Radio Set.

Fourth. The Naval Ship Systems Command And The AN/TRC–97 () Radio Set.

Fifth. The Oklahoma City Air Materiel Area and the AN/GPA–118 Indicator Group.

I recite these cases in that order:

First. The AN/PRC–25( ) case.

In February 1964, Model Engineering & Manufacturting Co., Huntington, Ind., under Army Electronics Command Invitation AMC(E)–36–039–64–15, was low bidder, at $604.05 per unit, to manufacture a "walkie-talkie"-type radio set (AN/PRC–25 ()). Model received a contract (04535) which started at $5,900,000.

In subsequent open competition, under Invitation AMC(E)–36–039–65–602, in April, 1965, Model dropped its unit price to $505. Then, in secret negotiations with the Army Electronics Command, Model got another $3,000,000 under claim of "extraordinary financial consideration."

Examination of the authoritative Summary of Awards by Frost and Sullivan, Inc., New York, N.Y., shows that Model, after becoming absorbed as Ling-Temco-Vought's Memcor Division, got most of the dozen contracts which the Army Electronics Command negotiated for this equipment in 1968; to this company, those contracts meant more than $20,000,000 at an average price of $740 per unit for about 30,000 units—and that was roughly $236 higher per unit than the last competitive bid submitted by Model before its absorption into the LTV conglomerate empire.

At this time, the Army Electronics Command is offering another procurement action for open bidding which, identified as DAABO5–69–B–0421, covers another 13,500 units of the AN/PRC–25 ( ). Under the Army Electronics Command's long-established pattern of ever-more suspect performance, it would be less than surprising, public exposure not becoming a deterrent, if LTV Memcor returned to the lower price to retain the integrity of its production line, knowing that additional money might be forthcoming, upon request, Armed Services Procurement Regulation 1–311 notwithstanding.

Second. The AN/ARC–54( ) case.

Between June 1956, and August 1963, the Army Electronics Command, under Contract DA–36–039–73084, paid Collins Radio, Cedar Rapids, Iowa, $2,636,431.11 to develop an airborne communication set known as AN/ARC–54( ) and described as a frequency modulated receiver capable of operating over 800 channels in the frequency range of 30 to 69.95 megacycles.

Under claim of urgency of requirement, the Army Electronics Command, in August 1963, gave Collins Radio Contract DA–36–039–AMC–02818 for $5,468,040 to cover 900 units at a unit price of $5,620, plus ancillary items such as "repair parts" at $500,000, test fixture sets for $143,621, mechanical gauges at $54,290, and so forth.

The Army Electronics Command followed this award to Collins Radio with a second award which added $3,765,005.52 to the original contract for another 853 units at $4,413.84 per unit.

It was not until November 1964, that competitive procurement was permitted for this equipment. At that time, under Invitation AMC(E)–28–043–65–500, the bidding led to an award to Admiral Corp., Chicago, for $1,538 per unit for a single year requirement, or $1,381 for a multi-year requirement.

The significant fact here was that Collins Radio quoted an unsuccessful $2,994 per unit for the single-year requirement, or $2,881 for the multi-year requirement against its first competition for this equipment; yet, shortly thereafter, the Army Electronics Command negotiated additional contracts for $7,800,000 (03041), and for $10,000,000 (02228) for a unit price of more than $4,000—despite the fact that, still on file with the Army Electronics Command, was Collins' earlier bid for $2,994.

Third. The AN/PRT–4 case.

At this time, in U.S. District Court, Southern District, New York State, a company named Ovitron has filed suit charging General Motors Corp., with purposefully, intentionally, bidding below cost in a recent Army Electronics

Command procurement proceeding which covered a two-piece squad radio set known as AN/PRT-4/AN/PRR-9.

Briefly, the background on this action is this:

Around 1961, the Army Electronics Command gave General Motors' Delco Division a sole-source, non-competitive contract to develop this set.

In June, 1966, the Command gave Delco a secretly-negotiated, sole-source contract for $69,879.39 to cover this equipment at a unit price of $1,044.68.

Two weeks later, the Command gave Delco a secretly-negotiated, sole-source, non-competitive contract for $4,200,000 to build another 7,821 units at $543 per unit.

In January, 1967, in response to Army Electronics Command's bidding Invitation DAAB07-67-B-278, Ovitron quoted a multi-year requirement at $211.61 per unit. Delco bid $169.75, and got the contract.

Ovitron charges that this, from GM's Delco Division, which had been getting $543 per unit on a sole-source, non-competitive basis, was below Delco's production cost, and was submitted to block competition.

Meanwhile, even as this now legally-contested phenomenon was being recorded in one office of the Army Electronics Command, still another office of that Command was negotiating with Delco for parallel requirements for this identical equipment, adding about 7,449 units for a total of $2,109,038, for an average of $283 per unit, which was roughly $850,000 higher than the $169.75 per unit which, under momentarily competitive circumstances, Delco had bid for this same equipment in January, 1967.

Then, on January 28, 1969, the Army Electronics Command, suddenly deciding that this same radio set needed "product improvement," handed Delco another $200,000 as a "starter" for that improvement of that same product for which Delco had already received $69,879.39 to develop and another $4,200,000 to build.

Fourth. The AN/TRC-97 ( ) case.

In a two-step transaction in 1963, the Naval Ship Systems Command processed procurement of a Tropo-Scatter Radio Communication Set identified by the code name, "Trans-Horizon."

Under Invitation N600-883-63, bids were opened on June 28, 1963. The lowest bid came from RCA, Camden, at $67,310 per unit; it got the contract (NObsr-89545) for roughly $6,000,000.

In June, 1965, the Naval Ship Systems Command gave RCA, Camden, a secretly-negotiated, sole-source, non-competitive contract for "follow-on" requirements for this equipment—by that time known as AN/TRC-97(). These negotiations, conducted under Requisition No. 627D2-56063, resulted in the Naval Ship Systems Command's giving RCA, Camden, contract NObsr-93356, initially funded at approximately $15,000,000, in which the original unit price was doubled.

Fifth. The AN/GPA-118 case.

In March, 1967, procurement officers of Air Materiel Area, Tinker Air Force Base, Oklahoma City, opened bids—under Invitation F34601-67-B-0343—for a Plan Position Indicator Group (AN/GPA-118) which could be described as a complex television set used in conjunction with other equipment to track aircraft at a military or civilian airport.

In a field of seven bidders, Dayton Electronic Products, Dayton, Ohio, was low with $982,450. Yet the contract (F34601-67-C-4565) went to Tridea Division of Conductron, Pasadena, Calif., which, as fourth highest bidder, quoted $1,170, 930.

On January 11, 1968, the Comptroller General of the United States, under Decision B-161722, declared this action "plainly illegal," and directed its cancellation in favor of low-bidding Dayton Electronic Products.

The shocking response of the Tinker Air Force Base procurement people was cancellation of the entire requirement, their previous claim of urgency of need seemingly forgotten, and issuance of a secret Military Interdepartmental Procurement Request to the Federal Aviation Administration covering procurement of a replacement system identified as the "BRITE 1." Under claim of urgency of requirement, this substitute for the AN/GPA-118 was authorized on a sole-source, noncompetitive basis from ITT, Fort Wayne, Ind., for $1,000,000.

After a Dayton appeal was rejected by Assistant Air Force Secretary Aaron Racusin and his technical aide, Lt. Col. Romeyne Werdung, the Dayton company instituted a congressional inquiry. The result: Suspension of this apparently not-so-urgently-needed equipment pending consolidation of Air Force, Navy, and FAA requirements under FAA evaluation.

Not the least of the Dayton company's suspicions regarding this weird case stemmed from the odd conduct in the Pentagon appeal meeting—in Secretary Racusin's office—in which Colonel Werdung started out by arguing that the AN/PGA-118 was highly complicated and technically superior to the Brite 1. In midflight, the colonel was interrupted by Secretary Racusin who suggested that it was the other way around, that the Brite 1 was highly complicated and technically superior to the AN/GPA-118, and that the latter was not suitable for Air Force requirements.

Without missing a beat, Colonel Werdung, thusly prompted by his civilian superior, changed his flight pattern accordingly in behalf of the Brite 1 and soared off in the opposite direction—against the AN/GPA-118.

If, by that time, the Dayton people were, at best, a bit confused, at worst, convinced that they had "been had," it was quite understandable.

Yet, to date, no one in the Air Force—at Tinker nor in the Pentagon—has even been reprimanded—for what the Comptroller General found to be "plainly illegal" in this strange and suspect deal, nor for the cynical circumvention of his order to cancel the Tridea contract in favor of low-bidding Dayton Electronic Products. And the confused and confusing Lieutenant Colonel Werdung remains in charge of whatever it is he does as a technical aide to the Assistant Secretary of Air Force.

Quite candidly, in most serious consideration of the military procurement cases which, previously, I have noted and in consideration of these, today, I must conclude that I was unnecessarily kind in suggesting that this outrageous conduct might have been nothing worse than indifference or stupidity.

In the interest of the most expeditious end possible to this practice, I hope to be able to introduce obviously much-needed remedial legislation some time next week.

GENERAL LEAVE

Mr. JONES of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 10946) to promote health and safety in the buildings and trades and construction industry.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Yates, for an indefinite period commencing June 9, on account of illness in family.

Mr. Camp (at the request of Mr. Arends), for today, on account of official business.

Mr. Patman (at the request of Mr. Boggs), for today, on account of official business.

Mr. McKneally (at the request of Mr. Arends), for the balance of the week, on account of official business as a member of the Board of Visitors to the U.S. Military Acadamy.

Mr. Charles H. Wilson (at the request of Mr. Boggs), for today through June 11, on account of official business.

Mr. Flynt (at the request of Mr. Boggs), for today, on account of official business.

Mr. Chappel (at the request of Mr. McCormack), for today, on account of official business.

Mr. Burke of Florida (at the request of Mr. Cramer), for June 2 through June 6, on account of official business as a member of the Foreign Affairs Committee.

Mr. Bevill (at the request of Mr. Albert), for today, on account of official business in district.

Mr. Ashbrook (at the request of Mr. Arends), for June 9 through June 19, on account of official business as a delegate to the ILO Convention.

Mr. Pelly, for June 9 through June 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Scott, for 1 hour, on June 9.

(The following Members at the request of Mr. Steiger of Wisconsin:)

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Mr. TALCOTT, for 15 minutes, on June 5; to revise and extend his remarks and include extraneous matter.

Mr. EDWARDS of Alabama, for 1 hour, on June 9; to revise and extend his remarks and include extraneous matter.

Mr. HOSMER, for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. LIPSCOMB, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

Mr. ESCH, for 5 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. JONES of Tennessee) and to revise and extend their remarks and include extraneous matter:)

Mr. MATSUNAGA, for 30 minutes, today.

Mr. HOLIFIELD, for 30 minutes, today.

Mr. DIGGS, for 30 minutes, today.

Mr. FARBSTEIN, for 30 minutes, today.

Mr. FLOOD, for 15 minutes, today.

Mr. MOORHEAD, for 30 minutes, today.

Mr. KLUCZYNSKI, for 15 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. LOWENSTEIN, for 30 minutes, on June 11.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ADAIR.

Mr. MIZELL (at the request of Mr. BUCHANAN) to follow his remarks during the 1-minute speeches today.

Mr. MCCLORY prior to the passage of Senate Joint Resolution 77 and to include extraneous matter.

Mr. HUNT to follow Mr. WYLIE.

(The following Members (at the request of Mr. STEIGER of Wisconsin) and to include extraneous matter:)

Mr. KEITH.

Mr. RIEGLE.

Mr. CEDERBERG.

Mr. MCDONALD of Michigan.

Mr. RUTH in five instances.

Mr. ASHBROOK in three instances.

Mr. WYMAN in two instances.

Mr. GOODLING.

Mr. UTT in two instances.

Mr. REID of New York in two instances.

Mr. WEICKER.

Mr. MICHEL.

Mr. FULTON of Pennsylvania in five instances.

Mr. PELLY.

Mr. MILLER of Ohio in two instances.

Mr. DERWINSKI in two instances.

Mr. MCCLORY.

The following Members (at the request of Mr. JONES of Tennessee) and to include extraneous matter:

Mr. MONAGAN.

Mr. MATSUNAGA in two instances.

Mr. WILLIAM D. FORD.

Mr. DIGGS.

Mr. ROONEY of Pennsylvania in two instances.

Mr. FRASER in two instances.

Mr. RARICK in three instances.

Mr. HOWARD in two instances.

Mr. MARSH in two instances.

Mr. NIX.

Mr. GIAIMO in two instances.

Mr. PATTEN.

Mr. ST GERMAIN.

Mr. WOLFF in three instances.

Mr. HAWKINS.

Mr. DONOHUE in six instances.

Mr. MOORHEAD.

Mr. GONZALEZ in two instances.

Mr. BROWN of California in four instances.

Mr. SATTERFIELD.

Mr. EDWARDS of California in two instances.

Mr. O'HARA in two instances.

Mr. SIKES in five instances.

Mr. DULSKI in four instances.

Mr. ANDERSON of Tennessee in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. TUNNEY.

Mr. HECHLER of West Virginia in three instances.

Mrs. HANSEN of Washington in two instances.

ADJOURNMENT

Mr. JONES of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, June 5, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

834. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

835. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of an order entered under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to the provisions of section 13(c) of that act; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. FALLON: Committee on Public Works. H.R. 1035. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; with amendment (Rept. No. 91–283). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. S. 1104. An act for the relief of Thi Huong Nguyen and her minor child, Minh Linh Nguyen (Rept. No. 91–280). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1438. An act for the relief of Yau Ming Chinn (Gon Ming Loo) (Rept. No. 91–281). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 1531. An act for the relief of Chi Jen Feng (Rept. No. 91–282). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 11843. A bill to provide for orderly trade in textile articles; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 11844. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

By Mr. BRASCO:

H.R. 11845. A bill to assure an opportunity for employment to every American seeking work and to make available the education and training needed by any persons to qualify for employment consistent with his highest potential and capability, and for other purposes; to the Committee on Education and Labor.

H.R. 11846. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11847. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. CELLER:

H.R. 11848. A bill to provide a deduction for income tax purposes, in the case of a disabled individual, for expenses for transportation to and from work, and to provide an additional exemption for income tax purposes for a taxpayer or spouse who is disabled; to the Committee on Ways and Means.

By Mr. GRAY:

H.R. 11849. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 11850. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in lands located in the State of Florida to the record owners of the surface thereof; to the Committee on Interior and Insular Affairs.

By Mr. HOWARD:

H.R. 11851. A bill to provide for the more effective prevention and treatment of alcoholism; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 11852. A bill to provide for the mailing of letters and parcels at no cost to the sender to members of the U.S. Armed Forces in combat areas overseas, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. JONES of Tennessee:

H.R. 11853. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture.

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By Mr. McKNEALLY:

H.R. 11854. A bill to reclassify certain key positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11855. A bill to modernize the U.S. Postal Establishment, to provide for efficient and economical postal service to the public, to improve postal employee-management relations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McKNEALLY (for himself and Mr. McCulloch):

H.R. 11856. A bill to amend the Voting Rights Act of 1965; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 11857. A bill to prohibit the leasing of submerged lands in Lake Erie for exploration, development, and removal of minerals, and to rescind all such existing mineral leases; to the Committee on Interior and Insular Affairs.

By Mr. PERKINS:

H.R. 11858. A bill to amend title II of the Social Security Act to provide that the special monthly benefits which are payable thereunder to uninsured individuals at age 72 shall be payable without regard to the time at which such age is attained; to the Committee on Ways and Means.

By Mr. PODELL (for himself, Mr. Findley, Mr. Annunzio, Mr. Conte, Mr. Eilberg, Mr. Pryor of Arkansas, Mr. Railsback, Mr. Fulton of Pennsylvania, Mr. Evans of Colorado, Mr. Minish, Mr. Green of Pennsylvania, Mr. Nix, Mr. Murphy of Illinois, Mr. Carey, Mr. Hawkins, Mr. Daniels of New Jersey, Mr. Steiger of Wisconsin, Mr. Dent, Mr. Stokes, Mr. Charles H. Wilson, Mr. Lujan, Mr Feighan, Mr. Coughlin, Mr. Tunney, and Mr. Madden):

H.R. 11859. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. SHIPLEY:

H.R. 11860. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 11861. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 11862. A bill to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. VANIK:

H.R. 11863. A bill to provide Federal grade standards for bacon; to the Committee on Agriculture.

By Mr. VANIK (for himself and Mr. Rodino):

H.R. 11864. A bill to amend title II of the Social Security Act to provide a 15-percent across-the-board increase in monthly benefits, with subsequent cost-of-living increases in such benefits and a minimum primary benefit of $80; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 11865. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. WRIGHT:

H.R. 11866. A bill to amend the Internal Revenue Code of 1954 to provide that any unmarried person who maintains his or her own home shall be entitled to be taxed at the rate provided for the head of a household; to the Committee on Ways and Means.

H.R. 11867. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. COUGHLIN (for himself, Mr. Blackburn, Mr. Lujan, Mr. Fulton of Pennsylvania, Mr. Powell, Mrs. Heckler of Massachusetts, Mr. Sebelius, Mr. Camp, Mr. Wold, Mr. Lukens, and Mr. Fish):

H.R. 11868. A bill to provide appropriations for sharing of Federal revenues with States and their local governments; to the Committee on Ways and Means.

By Mr. HALEY:

H.R. 11869. A bill to amend section 312 of title 38 of the United States Code to provide that poliomyelitis developing a 10-percent degree of disability within 1 year from the date of discharge of certain veterans shall be held and considered to be service connected; to the Committee on Veterans' Affairs.

By Mr. KLUCZYNSKI (for himself and Mr. Denney):

H.R. 11870. A bill to amend section 127 of title 23, United States Code, relating to vehicle weight and width limitations on the Interstate System; to the Committee on Public Works.

By Mr. NIX:

H.R. 11871. A bill to expedite delivery of special delivery mail, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE of Texas (for himself and Mr. Brown of California):

H.R. 11872. A bill to amend chapters 34 and 35 of title 38, United States Code, in order to increase the rates of educational assistance and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

H.R. 11873. A bill to amend chapters 34 and 35 of title 38, United States Code, in order to increase the rates of educational assistance and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. VANIK:

H.R. 11874. A bill to authorize the Secretary of Commerce to conduct research and development programs to increase knowledge of tornadoes, squall lines, and other severe local storms, to develop methods for detecting storms for prediction and advance warning, and to provide for the establishment of a National Severe Storms Service; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.R. 11875. A bill to provide transportation allowances to wives of servicemen stationed in the Vietnam area for visits by them to their husbands under certain conditions; to the Committee on Armed Services.

By Mr. ZWACH:

H.R. 11876. A bill to amend section 1482 of title 10 of the United States Code to provide for the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered; to the Committee on Armed Services.

By Mr. ASHBROOK:

H.R. 11877. A bill to provide for the inscription in the courtroom in the U.S. Supreme Court Building of the phrase "In God We Trust"; to the Committee on Public Works.

By Mr. BELL of California:

H.R. 11878. A bill to provide for the establishment of a model demonstration program in the field of vocational-technical education under the aegis of a joint powers board of education operating a regional occupational center located in the south bay area of Los Angeles County, Calif.; to the Committee on Education and Labor.

By Mr. BUTTON:

H.R. 11879. A bill to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11880. A bill to provide that the receipts from all Federal gasoline and automotive excise taxes shall be placed in the highway trust fund to be used for road improvement purposes only, to eliminate the State matching requirements in the Federal-aid highway program, and to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. FALLON:

H.R. 11881. A bill to amend the River and Harbor Act of 1965 to increase the authorization for certain works in connection with the Chesapeake Bay Basin; to the Committee on Public Works.

By Mr. PELLY:

H.R. 11882. A bill to amend the Interstate Commerce Act and the Federal Aviation Act of 1958 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence; to the Committee on Interstate and Foreign Commerce.

H.R. 11883. A bill to amend the Merchant Marine Act of 1936 in order to exempt certain wages and salary of employees from withholding for tax purposes under the laws of States or subdivisions thereof other than the State or subdivision of the employee's residence, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. REID of New York:

H.R. 11884. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans, to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Ways and Means.

By Mr. STRATTON:

H.R. 11885. A bill to designate the Defense Intelligence School as the "National Defense Intelligence College," and to establish the grade for the position of commandant of such college; to the Committee on Armed Services.

By Mr. TUNNEY:

H.R. 11886. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ULLMAN:

H.R. 11887. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOB WILSON:

H.R. 11888. A bill to amend section 8336(c) of title 5, United States Code, to include the position of immigrant inspector in the category of hazardous occupations; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself and Mr. AYRES):

H.J. Res. 764. Joint resolution to authorize appropriations for expenses of the President's Council on Youth Opportunity; to the Committee on Education and Labor.

By Mr. RUTH:

H.J. Res. 765. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.J. Res. 766. Joint resolution proposing an amendment to the Constitution of the United States granting to citizens of the United States who have attained the age of 18 the right to vote; to the Committee on the Judiciary.

By Mr. WAMPLER:

H.J. Res. 767. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. LOWENSTEIN:

H. Con. Res. 282. Concurrent resolution on urgency of arms control negotiations; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Res. 432. Resolution relative to the Mormon Church Auxiliary observing the centennial of the YWMIA; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

203. The SPEAKER presented a memorial of the Senate of the State of Arkansas, relative to memorializing President Dwight David Eisenhower, which was referred to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 11889. A bill for the relief of Peter C. Tan; to the Committee on the Judiciary.

By Mr. CLANCY:

H.R. 11890. A bill for the relief of T. Sgt. Peter Elias Gianutsos, U.S. Air Force (retired); to the Committee on the Judiciary.

By Mr. McCLORY:

H.R. 11891. A bill for the relief of Josip Ribaric; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 11892. A bill for the relief of Guiseppe and Angela Agate; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 11893. A bill for the relief of Yee Shaw Ping and his wife, Louie So Sin, and their children, Suey Jean and Suey Chung; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 11894. A bill for the relief of Manuel Andrade; to the Committee on the Judiciary.

By Mr. PETTIS:

H.R. 11895. A bill for the relief of William R. Karsteter; to the Committee on the Judiciary.

By Mr. REES·

H.R. 11896. A bill for the relief of Poorandokht Rashti Broumand; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 11897. A bill for the relief of Antonio Praticante; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 11898. A bill for the relief of Ferdinand Joseph Methot, Marie Pascaline Methot, Paul Henri Methot, John Arthur Methot, and Rene Noel Methot; to the Committee on the Judiciary.

By Mr. TIERNAN:

H.R. 11899. A bill for the relief of Maria Laura Pereira DeMaura; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

135. The SPEAKER presented a petition of John Oranc, Corning, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE PENSION AND EMPLOYEE BENEFIT ACT OF 1969

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. REID of New York. Mr. Speaker, I am today introducing the Pension and Employee Benefit Act of 1969. This bill is a comprehensive legislative proposal to deal with the major problems and defects in our private pension plan system. It is identical to S. 2167, recently introduced by my distinguished colleague from New York, Mr. JAVITS, in the other body.

The principal features of the legislation are outlined below. I would like to point out, however, that neither Senator JAVITS nor I are committed to every single detail in this measure. There are a number of points that are still under discussion, but it is our hope that the introduction of specific legislation will stimulate hearings and discussion on this vital problem. There are now over $100 billion in private pension plans, yet there is almost no Federal regulation of the conduct of these plans, no minimum standards governing their establishment or operation, and, far too often, no practical means by which a beneficiary can secure his rights. Certainly some Federal oversight is necessary to correct these problems.

The legislation we have introduced would accomplish the following:

First, the bill would establish minimum vesting standards for pension plans, thereby giving assurance that no pension plan could set its eligibility standards so high as to deny pension eligibility to all but a few employees.

Second, the bill would establish minimum funding standards, thereby giving assurance that pension funds will be operated on a sound and solvent basis, enabling the fund to deliver the benefits which have been promised.

Third, the bill would establish a program of pension plan reinsurance so that plans meeting the vesting and funding standards of the bill would be insured against termination, and retirees would be insured against loss of benefits if an employer goes out of business before the plan has been fully funded.

Fourth, the bill would provide for the establishment of a special central portability fund, participation in which would be on a voluntary basis, enabling pension plans to have a central clearinghouse of pension credits for persons transferring from one employer to another.

Fifth, the bill would establish certain minimum standards of conduct, restrictions on conflicts of interest, and other ethical criteria which are to be followed in the administration of pension plans and other plans providing benefits for employees.

Sixth, the bill would establish a U.S. Pension and Employee Benefit Plan Commission to administer the requirements of this bill. The Commission would be given sufficient enforcement powers to insure compliance, but the bill also provides for judicial review, insuring to the maximum feasible extent against arbitrary exercise of the Commission's powers.

Seventh, the bill consolidates in the Commission most existing Federal regulatory standards relating to pension and welfare plans, thereby relieving employers, unions, insurance companies, and banks of the necessity of dealing with multiple Federal agencies—such as the Labor Department under the Disclosure Act or the Treasury Department under the pension provisions of the Tax Code. Under this bill, a qualification certificate from the Pension Commission will be sufficient to satisfy substantially all Federal regulatory statutes governing employee benefit plans.

And eighth, the bill establishes Federal court jurisdiction of suits involving pension plans, and provides a simplified method for enforcement and recovery of pension rights.

FOREIGN AID IN PERSPECTIVE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ADAIR. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Wall Street Journal, May 27, 1969]

FOREIGN AID IN PERSPECTIVE

While the Nixon Administration examines all aspects of foreign aid in order to determine a future course, one point to remember is that there are limits to what this nation, or other industrial countries, can do to help the less-developed lands.

A great deal of talk has been heard lately of the "failure" of development efforts in the 1960s, as New York's First National City

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Bank notes in its Monthly Economic Letter. The implication often is that the wealthier countries have turned niggardly with their aid, and that therein lies the chief, if not the sole, reason for the alleged failure.

Yet the total official and private flow of funds for development reached a record high of $11.5 billion in 1967, 80% above the level of a dozen years before. According to National City, early data indicate a further rise in 1968 that is likely to continue this year.

Moreover, the only internationally agreed goal for development was contained in a 1961 United Nations resolution, which called for an average 5% annual growth rate in the gross national products of the less-developed countries by the end of this decade. That goal was largely achieved in the 1960–1967 period.

Rising gross national products, of course, can be meaningless by themselves. The sad fact is that in too many countries economic growth has been almost matched by population growth, with the result that the average citizen is little if any better off. "The annual growth rate of per capita income," National City reports, "is only about ½ of 1% in South Asia, 1% in Africa and less than 2% in Latin America."

Some of the poorer countries have begun taking steps toward reasonable and humane population control. A number of them, too, are making belated efforts to upgrade their own agriculture, realizing at last that a country that would become an industrial state must first think of feeding its people.

The U.S. can and should continue to encourage progress along both those lines. In these areas and in others, though, the basic decisions must be those of the less-developed countries themselves and not the U.S.

Poorer nations are going to have to start putting to use some of the lessons learned in the past decade: That development at best is a gradual, not an overnight process; that central economic planning can slow, instead of speeding, development; that a proper climate for private enterprise, foreign and domestic, can make significant contributions to progress.

In all of this the U.S. and other industrial nations can and should continue to lend a hand. If real improvements are to be made, however, the poorer countries must recognize that development is in many ways a do-it-yourself project.

THE HIGHWAY AS A KILLER

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. McDONALD of Michigan. Mr. Speaker, I have been concerned for many years over the hazardous conditions prevailing on hundreds of our Nation's highways.

As a member of two public works subcommittees vitally concerned with this problem, I have spent long periods of time seeking ways to cut down the annual slaughter of some 55,000 human beings.

There are numerous causes of highway accidents besides bad driving. Poor layout and construction, improperly placed signs, contour deficiencies, and off-road hazards such as pointed guardrails—these are only a few of the conditions that can result in tragic death.

We in Congress have been aware of this problem. State highway officials and Federal highway officials also have been aware.

But the general public has not, as a body, been aware of this treacherous situation.

So it is very helpful when a national magazine with the circulation of Life spotlights the problem, as it did in its May 30 issue under the cover title "Our Deadliest Highways."

As Life notes on its cover, "Bad U.S. highways cause one-third of all accidents."

Mr. Speaker, Life's word-and-picture presentation on this subject should be read by every American. The pictures in particular are most graphic.

The sardonic humor of highway officials in Illinois should not be lost on us. As the sign in one photo notes:

> Danger—Entering 55 Miles of Treacherous Hiway 20.

As the driver is leaving, another sign comments:

> Congratulations—You Have Survived Hiway 20.

Mr. Speaker, I would like to congratulate the editors of Life for this extremely valuable public service. It is a classic example of responsible journalism, and I trust that its message will get through to every American.

The article referred to follows:

THE HIGHWAY AS A KILLER

Here is something to remember for Memorial Day: more Americans will die in traffic accidents this year than have died in the entire Vietnam war. The blame for such an appalling statistic was once pinned mainly on "the nut behind the wheel." Then Ralph Nader showed that defects in the cars were a contributing factor. Now safety experts are focusing on a third cause: the highway itself. The problem is not just the old roads, but some of the newest and sleekest, and since they carry more traffic faster, they are proving to be even more efficient killers. State highway departments have been more interested in multiplying the miles of new expressways than in making them safe. Many new roads have sharp curves and blind spots, while guardrails, median barriers, signs and signals are often missing. Safety guidelines instituted after a Congressional investigation in 1966 are just beginning to be observed.

Of the old deathtraps, none is worse than two-lane U.S. 20, a coast-to-coast route that was built 49 years ago. In the western Illinois hills, the road is a winding ribbon—only 18 feet wide with no shoulders—and the tractor-trailers that hurtle down it pass so close that their suction can pull cars off the road. Narrow misses like the two pictured here are common. Signs have been posted to warn of the 40-foot dips, bends and blind spots. At one deadly crossing near the town of Lena, a doctor, his wife and four children were wiped out when a truck hit them broadside. But the signs on U.S. 20 haven't stemmed the death rate, which is now running almost four times the national average.

Miscalculations and oversights account for most of the dangers that abound on the roadways built in the last decade. For example there is an unbanked 80-degree curve on Cleveland's Innerbelt that racks up cars regularly. The road was constructed only eight years ago. This summer the curve will be rebuilt at a cost of $308,000. Few danger spots are simply the result of penny-pinching although the decision to build an elevated section of Chicago's Dan Ryan Expressway in 1960 without any shoulders was made for reasons of economy. But the economy was false—that road is Illinois' top killer.

Even with care in design and a willing expenditure of funds, unexpected factors may make a highway unsafe. California's surrealistic nightmare, Interstate 15, is a case in point. Laid out across the Mojave Desert, straight and wide and beautiful, for a time it killed proportionately more people than the much smaller road it had replaced. Highway hypnosis is brought on by its long, uninterrupted sight lines. On the Baker grade, an 18-mile-long hill, the median strip is so wide that a driver can forget that the other half of the roadway is there; motorists whose cars stall from overheating have been known to turn around and coast back against traffic to get help. When a wrong-way driver smashed into a bus last year and 20 died, the state finally put up big red warning signs: "You Are Going Wrong Way."

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. FULTON of Pennsylvania. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be left in peace if we do not actively assume the burden of keeping the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

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One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe, makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world derided as a form of militarism. It is important that you recognize that straw man issue for what it is: The outward sign of a desire by some to turn America inward; to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this age of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gain moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man wno will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

CENTRALIZATION OF FEDERAL SCIENCE ACTIVITIES

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DADDARIO. Mr. Speaker, last Friday, on May 30, I submitted to the Subcommittee on Science, Research, and Development, which I have the honor to chair, what I believe to be a significant study on "Centralization of Federal Science Activities."

This is a subject which has been much discussed throughout the Federal and scientific communities and which deals primarily with the possible reorganization of the various science activities in the executive branch.

While the report makes no recommendations in this matter, it does raise the question of whether the Government's science activities should be combined under one organization, in whole or in part, or otherwise be revamped. It further describes a new model organization, the National Institutes of Research and Advanced Studies, as a point for focusing discussion.

The area I am describing is one in which the Science Subcommittee has specific responsibilities, for it directly affects our national research and development effort as well as the technological transfer of that effort toward important uses by current society. In other words it impinges on our science resources and how they are being managed.

Mr. Speaker, because this matter is gradually becoming more significant and more difficult to deal with, we believe that it is important to ascertain the views of a variety of experts, within the Government and without, on the desirability of such a move as well as the possible structure of it. Consequently, it is the intention of our subcommittee to hold hearings on this subject at the earliest practicable date, probably during the latter part of July. We would hope that these hearings will help to channel and crystallize the wealth of creative and currently diverse thought which exists in the scientific arena.

It is also our hope that upon the completion of this inquiry, the subcommittee will have concrete recommendations to bring before the House and its appropriate committees.

CUT IN OFFICE OF EDUCATION ALLOCATIONS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. HOWARD. Mr. Speaker, I am appalled by the $500,000,000 cut in Office of Education allocations by the administration's budget. This money represents the approximate cost of fighting the war in Vietnam for 5 days. As one who has had a great deal of public school experience, I believe that this budget cut will be devastating for our schools. For this reason, I want to commend my colleague, FRANK THOMPSON, JR., of New Jersey, for his recent statement concerning this reduction, to the Appropriations Committee. At this time, I want to include that statement in the RECORD, as follows:

STATEMENT BY REPRESENTATIVE FRANK THOMPSON, JR.

Mr. Chairman and members of the subcommittee, I want to thank you for your courtesy in permitting me to appear before you today. I know that you have much to do as you consider the 1970 budget. So, I appreciate very much the opportunity to be here.

I come here because I am deeply concerned about the future of education in this country. We all know of the fianancial crisis of our urban area schools. We know of the increasing demand for higher education—and the strained resources of our colleges. At the very time when our educational needs are greater than ever before the budget you have before you recommends a *decrease* of $500,000,000 in Office of Education appropriations for next year. At a time when primary and secondary enrollments are *increasing* 2 percent per year and when college enrollments are *increasing* 8 percent each year the present budget contemplates *decreasing* Office of Education expenditures by 14 percent next year. This increased enrollment tells only part of the increased need for finances in education since cost of instruction per student also grows markedly each year. At a time when the weak and inflexible tax base of state and local governments are burdened to the breaking point, the budget sent to Congress shifts an increasing burden to state and local governments. All of this is occurring in the context of unprecedented prosperity. Our Gross National Product is higher than it has ever been. I have no doubt that this nation can afford increasing expenditures in education. I think we owe our children the best possible education. This budget does not provide for that kind of education.

I fear that if these cuts are permitted to stand the quality of education provided our students will decrease, the ability of schools and colleges to keep up with changing technological needs will diminish, the creation of new capacity to educate burgeoning enrollments will suffer, and the quality of educational opportunity will be impaired. I also fear that if we short-change our educational needs at this point in history, we will pay for it many times over in the future. I believe deeply that these are not expenses that we can defer. A year of lost opportunity in education can never be regained. A year of substandard instruction can never be corrected. Our neglect now will haunt us in the future.

This is why I'm here today. I hope that this subcommittee will not accept these recommendations of the President. There are several cutbacks which I find especially disturbing.

Library Services. The President's budget has singled out libraries for particularly heavy cuts in the 1970 budget. Elementary and Secondary school library resources (Title II of the Elementary and Secondary Education Act) have been cut from $50,000,000 to nothing. Grants for public libraries (under Title I of the Library Service and Construction Act) will be cut in half—from $35,000,000 to $17,500,000. Construction of public libraries (Title II, L.S.C.A.) will be cut from $9,185,000 to nothing. Aid to College libraries will be cut in half—from $25,000,000 to $12,500,000. Funds for training librarians have been cut in half—from $8,250,000 to $4,000,000. Even acquisition and cataloging by the Library of Congress has been cut from $5,500,000 to $4,500,000.

These proposed cuts are appalling. They will stop Federal assistance for the construction of new public libraries in the future—and may very well jeopardize present projects receiving Federal funds. At least 276 pending projects, in locations throughout the country, will not receive funding. In some instances these libraries do not now have their own buildings. In other instances the buildings are in a dilapidated condition and do not invite extensive public use. In still other instances, there is a need for branch libraries to bring library services within reach of more people.

The proposed budget will also make it difficult for public libraries to expand (or in some instances even keep) existing services. Expansion of collections will be impaired as it becomes necessary to curtail acquisitions. In some instances services will be diminished. Mobile libraries, which often mean the difference between service and no service, will be curtailed. Many libraries may have to adopt shorter hours. Planning for new and better service will decrease. The reduction in college library resources will also decrease the ability of these libraries to make new acquisitions, to bring old collections up to date, and to acquire the very latest research reports.

The cut in library aid to elementary and secondary schools is likely to be particularly damaging. It will severely limit these schools in acquiring up-to-date instructional materials, textbooks, and music materials for use in educational activities.

On top of all this, the budget proposes cuts in training of librarians. This will mean that in future years we won't have the necessary talent to staff our libraries. Coupled with this is a decrease in funds for the Library of Congress in areas which service libraries throughout the country.

All of these proposed reductions must be considered in light of the function of libraries in the education enterprise. They are the storehouse of basic materials. They can literally make the difference between a mediocre and a high quality education. They can provide a source of stimulation to an otherwise muffled existence—helping children to develop aspirations and to acquire knowledge they otherwise would not receive. Libraries are particularly likely to pay rich dividends in the educational process. That is why I want to encourage you to restore these funds.

College Student Assistance. Federally aided student assistance is particularly important in a time when college costs are increasing much faster than the general increase in the cost-of-living and when it is becoming increasingly important for students to receive college training. National Defense Student Loans, College Work-Study Grants, and Educational Opportunity Grants have helped many receive a college education who, without this help, would have been unable to go to college. That is why I think it especially important that these programs receive vigorous Federal support.

The budget Congress is now considering proposes cutbacks in these programs or such small increases that colleges will not be able to meet the requests (and need) for student assistance as enrollments continue to rise. If the budget proposals are allowed to stand, many fewer students will receive aid next year. And those who will be hardest hit will be first year students, since most colleges will continue to aid students already receiving aid but will refrain from making new commitments.

The budget proposes cutting funds for National Defense Student Loans from $190,000,000 to $155,000,000. This will result in at least 44,000 fewer students receiving loans next year. And many of those who will continue receiving loans will only receive part of what they received this year. For example, at Rider College, a private college in Trenton, New Jersey, officials estimate that they will be unable to make any new loans to first year incoming students. And the average loan for continuing students will be decreased from $500 to $300. This comes at a time when Rider College has found it necessary to increase tuition charges for next year's students.

The College Work-Study program, with carry-over funds, will spend about $161,900,000 this year. Under the budget proposal there will be $161,200,000 available next year. This may seem to be a modest cut, but it must be considered in light of two facts. Wages to students paid by this program increase each year in line with prevailing wage rates. And recently, the number of institutions which qualify to participate in this program has increased by more than 20 percent. This means that the number of students receiving this aid at any given college will decrease markedly. Nationally, 20,000 fewer students will be able to receive funds through this program next year.

Funds providing Educational Opportunity Grants will increase next year under budget proposals. But most of this increase will be absorbed by students already in the program. Because of the forward funding authorized for first year grants in this program, cuts in this year's budget will decrease the number of students receiving first year's grants by 40,300 next year. And next year's budget makes no provision for increasing the number of first year grants.

We may not see the impact of the budget cuts in this area for several years. There is little doubt that these cuts will have the direct impact of keeping hundreds of students who could otherwise benefit from a college education next year. And this cutback will not only be felt by the very poor in our society. It will also affect low income families whose children qualify for grants or loans, but who cannot get them because of these cuts.

In addition to these undergraduate aids, the budget proposes to cut N.D.E.A. Title IV college teacher fellowships from $70,000,000 to $61,469,000. This will result in about 2,000 fewer fellowships being awarded to graduate students next year. It will also put further pressures on the shortage of college faculty—a pressure being felt by colleges all over the country. This is, again, a cut that we will stand to regret at a future date, if we permit it to stand.

The reduction in student aid will have an impact at every university in the country. The example of Princeton University in Princeton, New Jersey offers striking evidence of how a few cuts here and there can add up to affecting a substantial number of students. Princeton is a relatively small school as universities go today. Yet the reductions in student aid will affect a total of almost 300 students there—173 undergraduate and 118 graduate students. The number of students affected by reductions proposed by the 1970 budget is as follows:

(1) National Defense Student Loans—140 fewer students will receive loans next year.

(2) Work-Study Program—27 fewer students will receive Work-Study grants next year.

(3) Educational Opportunity Grants—This program will support 6 fewer students at Princeton next year.

(4) National Defense Education Act Fellowships—The University will lose 42 of 202 fellowships received in 1969.

(5) NASA—15 of 24 fellowships will be lost next year.

(6) NSF Regular Fellowships—20 of 175 fellowships will be lost next year.

(7) NSF Traineeships—6 of 65 fellowships will be lost next year.

(8) Reduction in research grants will require reducing by 35 the number of students receiving aid as a result of these grants.

College Construction. Grants to colleges to aid in the construction of needed facilities has increased over the last few years. It has never reached as high as it should have; but it did assist colleges through some very crucial years in making available adequate facilities with which to educate vastly expanding enrollments. Without this aid crowded conditions would be even worse. New campuses could not have been developed. And pressures to raise student charges, which were already high, would have been even greater. It is therefore with a great deal of consternation that I look upon a budget which proposes to cut aid for these vitally needed facilities. In states where vigorous attempts are being made to develop a higher education system, these cuts come at a crucial time. Valuable years of planning will be lost. Developing a delivery system will be stunted. And it will be years before families in many communities have easily accessible higher education facilities.

In my own state of New Jersey, Federal aid for college construction will be reduced from $5,674,000 this year to $1,165,000 next year. This decrease of $4,509,000 represents a cut of more than 80 percent in this vital area. In New Jersey, funds for constructing public community colleges—which are vitally needed there—will decrease from $2,248,000 to $1,165,000, a cut of about 50 percent. I think that this is outrageous. It will be a blow to New Jersey higher education from which we may never recover.

Nationally, the budget proposes to cut funds for vocational and community college construction from $50,000,000 to $43,000,000. This will curtail the development of new colleges. And it will considerably diminish the provision of easily accessible higher education institutions to thousands of our students. Aid for construction of other undergraduate facilities will be cut out completely (from $33,000,000, this year) and aid for graduate facility construction will also be cut out completely (from $8,000,000 this year). Expansion in all phases of higher education continues, and if these cuts are allowed to stand we will find ourselves in the unhappy situation a fews years hence without the capacity to educate those who knock at the door. The shrinking capacity (relative to demand) could reach real crisis proportions. And when it does we will discover just how false our economy move this year will be. For if the past few years serve as any guide, construction costs increase each year. Materials, finance, and land charges will go up, not down. Deferring our needs in this area could thus be especially expensive.

Vocational Education. The budget for vocational education contains no provision for work-study grants authorized by the Vocational Education Act of 1963. It reduces basic grants, which provide needed flexibility to the states from $234,216,000 to $230,336,000. And it reduces funds for research and training from $11,375,000 to $1,100,000.

The general impact of the vocational education budget is a serious one for states and local school districts. Basically, the money is shifted from general categories which provide some flexibility to states and local districts into inflexible categories by earmarking funds more than it has in the past. Although shifting emphases are sometimes necessary as we attempt to meet new needs, I don't believe that we should leave present programs to flounder as a result of lack of financing. That is why I believe that we should leave the general grants program and the research and training provisions at their present level of funding. I don't want to see present programs suffer. I want to see states and local school districts retain some flexibility in how they spend their money, since needs vary from district to district. In the State of New Jersey, according to the State Vocational Education office, the present budget will require reductions in funds to 198 school districts in the state. This will affect 152,540 students.

The present budget makes no provision for vocational work-study grants. I find this appalling. This program fills a gap that is not filled by college work-study, by Office of Economic Opportunity programs, or, indeed, by any other Federal program. It has permitted aid to students, in existing vocational education institutions, which has permitted many to acquire a skill which fits them for today's job markets. Summer programs utilizing this money have kept thousands of youth off the street while providing them an education which they considered relevant.

The entire area of vocational education meets a need that cannot be met by any other segment of education in the country. The Vocational Education Act of 1963 provided a thrust in the right direction. It has helped this segment of education begin to meet a need that was not met before. I think that this Congress and this subcommittee should do all that it can to provide a viable vocational education program.

Assistance to Federally Affected Areas. This established Federal program has, through the years, provided much needed Federal assistance to many local school districts throughout the country. It has been especially useful in providing small and middle sized communities with the assistance necessary to provide an educational program for children whose parents worked on Federal property. Where these children comprised a large percentage of the school-age population, and where enrollments were subject to rapid fluctuation, this aid was, and is, indispensable to providing an educational program. In 1970, under present formulas, the state of New Jersey qualifies for $15,350,000 of this aid. Under the budget proposals the school districts in the State will receive $4,200,000. In practical terms this means that many districts in the State are likely to fail completely. And others will have to operate severely curtailed programs in order to stay in operation. Nationally, the budget proposes to reduce this year's appropriation from $505,900,000 to $187,000,000. If these cuts are accepted, and the remaining money is distributed in accordance with Administration plans, it will mean that this assistance will be paid on 400,000 students next year. This compares with 2,400,000 this year. If the aid is distributed under the same formula next year as it was this year, it will mean that schools will receive about 25¢ next year for every $1 they receive this year.

I believe that this aid must continue. School districts have come to depend upon it. It means the difference in local schools and no local school in hundreds of school districts. In others it means the difference in providing good and poor instruction. It must be continued.

Elementary and Secondary Education. During the past several years funds have been provided to elementary and secondary school for equipment and minor remodeling. The budget will cut the $78,740,000 appropriated for this year for this purpose, to nothing for next year. This has permitted renovation of school buildings throughout the country. It has also permitted schools to acquire modern equipment for up-to-date instruction.

The budget has also deleted the $17,000,000 which was appropriated for guidance, counseling and testing this year. This money has established counseling programs which test students, advise them of the type of curriculum which they should pursue, inform them of the job opportunities available, and encourage them to complete their secondary education.

I think that both of these programs deserve a much higher priority than this budget has assigned to these items. The dropout rates in our high schools are higher than ever. Basically, we must help our schools do the job we expect them to do. We cannot point a finger of shame at our schools, delineate their faults, and then turn our backs on them when it becomes our turn to help them do their job. We must have improvement in our educational system. A child in school is better than one in the streets. Are we going to save our money while we lose our children? I don't think that the 91st Congress wants to go down in history as the Congress which sacrificed our children to economy.

Some of the amounts I've been talking about seem like small sums particularly in the budget which calls for nearly $200 billion in expenditures, and in a year when our Gross National Product is at its highest. But in individual schools and colleges the cuts are likely to make a significant difference. For example, Trenton State College, in Trenton, New Jersey stands to lose the following from reductions in the Office of Education budget alone:

Higher Education Facilities Act (title I and II)	$1,666,000
Higher Education Act (title VI A)	17,000
NDEA loans	5,450
College work-study	1,150
Educational opportunity grants	21,619
Training teachers of deaf, mentally disabled, retarded children	22,600
Total	1,733,819

I plead with you to restore these funds. With the increased number of students and the increased cost of instruction we actually lose ground when our expenditures remain constant. I think that the least we owe our children is to maintain our efforts in the educational area. If we maintain this effort we may be able to retain some of the gains we've made in this area in recent years. If we don't, we will surely lose them—and it will be impossible to ever recover them. This is an area in which the proposals which have been made are the best examples of false economy I have ever seen. These budget proposals tamper with some of the most fragile elements of our society. I hope that this Committee will do what it can to put a stop to this now.

DEFENSE COSTS NOT EXCESSIVE

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. SATTERFIELD. Mr. Speaker, on Sunday, June 1, 1969, the Sunday Star carried a column by James J. Kilpatrick, dealing with defense costs and some of the serious inventory shortages, particularly in the Navy, which I find alarming and which cannot be ignored if we are to avoid disaster. Mr. Kilpatrick's observations about the drawdown upon naval aircraft reserves, as well as a lack of replacements, demands the careful consideration of every Member of Congress. The article follows:

DEFENSE COSTS NOT EXCESSIVE

The tidal wave rolls on as May goes into June: It is impossible to pick up a newspaper without reading fresh blasts against the Pentagon—against the generals, the admirals, the top brass—against the whole "military-industrial complex" that is said to be dominating our society and exhausting its wealth.

Everyone is jumping aboard this juggernaut—peacenik students, conscience-stricken colleges, whole coveys of U.S. Senators. A House subcommittee publishes a damning report on Pentagon procurement procedures. Such gifted cartoonists as Herblock and Oliphant treat us daily to caricatures of bloated generals playing billion-dollar games. The military budget, we are told, is no longer sacrosanct: Defense spending will be cut to the bone.

In the midst of this orchestrated howling, it is not easy to raise a small voice of reason. Yet the voice has to be raised: This nation is not spending too much on defense. We probably are spending too little.

Sure enough, vast sums have been spent badly, on tanks that won't run, and planes that won't perform, and missiles that go awry. Defense Secretary Laird has a prodigious task ahead of him, in cracking down on defense contractors who have been taking advantage of the government. Laird is a tough hombre, and will do what has to be done.

But the demand that the U.S. spend less for national security is a demand that makes no sense—not at a time when the Soviet Union is upgrading its navy and expanding its missile program. Regardless of the outcome in Vietnam, our general purpose forces must be kept at high levels. To permit their erosion, in effect, is to abandon commitments; eventually, such a course involves the piecemeal yielding of most of the world to advancing Soviet power.

Sad to say, that is the course the false economizers are pursuing. The consequences of this folly already are appearing.

For a case in point, consider the critical situation that has developed in the field of naval aviation. The Navy maintains an inventory of roughly 8,250 planes. Six years ago, the average age of a Navy plane was about three years. Today the average age is more than seven.

Upwards of 2,400 naval aircraft already have outlived their service life; another 2,000 will reach that point of obsolescence within three years. Naval Reserve wings have been stripped of planes and parts. Nothing remains in mothballs. The Navy's inventory of fighters has dropped from 1,700 to 1,100 in eight years. Vice Admiral Thomas F. Connolly, head of naval aviation, has a blunt phrase that sums it up: We are engaged, he says, in "unilateral fiscal disarmament."

It will be five years before the Navy's proud new multipurpose plane, the swept-wing F–14, begins to arrive in significant numbers. Grumman Aircraft is building this beauty; and in view of the outcry over Lockheed's runaway costs on the C5A, it may be in order to note some of the hard-nosed provisions of Grumman's contract on the F–14.

The Navy wrote into that contract certain specific requirements on design and performance—weight, range, acceleration, landing speed, and the like. Penalty clauses are attached. If Grumman goes over the maximum weight by as much as a hundred pounds, a $440,000 penalty will be imposed. Grumman will have to pay $1 million for every 10 miles of range by which it misses. The penalty for missing the maximum approach speed is $1 million a knot. The company is confident that it will meet these requirements, on time, within the target price.

The Navy ought to be ordering 1,000 planes a year at a cost of $4.8 billion. The economizers threaten to whack this replenishment schedule almost in half—and the Navy is not alone in its appropriation troubles. All our basic defense forces are in the same fix. This way lies disaster; that's where we're headed now.

RICKOVER VIEWS ON ARMS DEBATE

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. CEDERBERG. Mr. Speaker, the views of Admiral Rickover, as expressed in a letter to Senator PASTORE and reported in the following article by columnist James J. Kilpatrick, are particularly timely. His letter is a forceful answer to those who would downgrade the need for a strong defense posture. It follows:

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

(By James J. Kilpatrick)

Several weeks ago, Sen. John O. Pastore wrote to Adm. H. G. Rickover. The senator asked for the admiral's views on where the nation is going and what needs to be done in a military way at a time of national debate on preparedness.

Rickover responded with a letter that merits the widest possible reading. Let me give him the floor:

"The first point I would like to make," Rickover wrote, "is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forgo recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

"I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us to win World War II. The war itself was prolonged because the Congress—heeding the 'merchants of death' argument—in 1939 prohibited shipment of war materials to Britain and France.

"Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants, charged with the awesome responsibility to secure our country against foreign conquest? Or are they private individuals not accountable for

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the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer?

"Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

"As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8 percent of total U.S. goods and services. Omitting the costs of the Vietnam war, and allowing for inflation, our armed forces have less buying power today than a decade ago.

"In the Soviet Union, on the other hand—according to the annual report of the congressional subcommittee on foreign economic policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. . . .

"If history teaches anything, it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. . . .

"As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second 'absolute right inherent in every Englishman.' Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. . . .

"There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily."

MEMORIAL DAY SERVICES OF 1969, GETTYSBURG NATIONAL CEMETERY, ADDRESSED BY JOE BARTLETT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. GOODLING. Mr. Speaker, Abraham Lincoln dedicated the Gettysburg National Cemetery November 19, 1863.

On Friday, May 30, 1969, the 102d consecutive Memorial Day exercises were held at this cemetery, and all nature appeared to put on one of its finest displays. The sun shown from a cloudless blue sky, and a gentle breeze was responsible for a comfortable temperature. The purple beeches, the stately old oaks, the magnificent hemlocks, the beautiful pines and firs—all these added dignity to the occasion.

In the course of this ceremony, little children performed a touching act of respect by sprinkling blossoms on the veterans' graves. Anyone present who was not thrilled by this tribute to our honored dead is cold indeed. One can only hope that in the years ahead, it will not be necessary for those children of another generation to strew flowers upon the graves of others who were required to make a supreme sacrifice in our country's interest.

It has been said that Gettysburg is a place where patriotism survives and thrives. Each year speakers are inspired to pay a glowing tribute to our honored dead at the site of the Gettysburg National Cemetery. This year was no exception, and the distinguished speaker was our senior reading clerk in the House of Representatives, Joe Bartlett.

Joe's address was both meaningful and inspirational, as he spoke of the debt we owe to those of the past and of democracy's hope for the future. Because of the highly significant and moving nature of Mr. Bartlett's message, I insert it into the Record. Also, I insert the ceremony's opening prayer, delivered by Rev. Arthur F. McNulty, Jr., vicar, Prince of Peace Episcopal Church, Gettysburg; and the closing prayer, which was presented by Rev. Peter A. Posca, assistant pastor of St. Francis Xavier Church, Gettysburg.

We were honored to have in attendance the distinguished Representative from Michigan, the Honorable Philip E. Ruppe, his lovely wife, and two of their children.

The material referred to follows:

Opening Prayer

(By Rev. Arthur F. McNulty, Jr.)

Almighty God, Who guides us into the pathway of peace. On this Memorial Day we offer up our prayer for those who have given their lives that we can be free. May we turn the fields of battle hallowed by their blood into fields of peace hallowed by our hearts. May we turn the armaments of hate into the implements of love. May we turn the fear of yesterday into the hope for tomorrow. Take our hands, Dear God, and use them to create this peace. Take our minds, Dear God, and give us the knowledge of this love. Take our vision, Dear God, and let us see this hope. And take our hearts, Dear God, and set them on fire with Thy spirit. Now and forever. Amen.

Closing Memorial Day Prayer

(By Rev. Peter A. Posea)

On this Memorial Day, Lord, we want to remember every one who has died for this nation: from the first to do so to those dying in Vietnam today. We include, too, those whose lives have been given fighting for freedom at home. Lord, we know you are not the property of our nation or of any nation. Every Man's spilled blood is a sign of your judgment upon us all, the blood of those who fought for this country and the blood of those they killed. We cannot claim you like a flag or use you like a slogan. We know you are not a God of nations and wars but of communities and peace. We ask that the memory of these dead may bring us to a great love of being alive, and of those good things for which it is right to lay down our lives as they did. We ask this in Jesus' name. Amen.

Memorial Day Address by Joe Bartlett, Gettysburg National Cemetery, May 30, 1969

Reverend Clergy; Mr. Chairman, Colonel Shriver; Mr. Mayor, Colonel Weaver; my dear friend, Congressman George Goodling; and my fellow citizens.

Before we turn our thoughts to heroes of another day, may we take solemn note of the men of our Armed Forces who have served and fought, bled and died, in the cause of freedom, in Southeast Asia.

Their exemplary conduct and valor is unexcelled in all the annals of our history. They take their rightful place in the most honored ranks, and in the grateful hearts, of our Nation.

Even at this very hour in Vietnam, they close with a relentless enemy. We pray that soon, freedom may be secured, and the fighting ended. Until then, let us be ever mindful of these brave men in the vanguard of our defense.

As Benjamin Franklin was leaving the Constitutional Convention in Philadelphia in September of 1787, he was asked:

"What kind of a government have you given us, Mr. Franklin?"

To which he replied:

"A Republic, Sir—if you can keep it!"

For nearly two centuries now, Americans have been striving, against recurring challenges, *to keep* that Republic.

We are met today on ground hallowed by perhaps the most significant struggle in the entire history of that Republic.

We meet here to pause, and to reflect, in reverent respect for those who have died that this Nation might live.

The words of Abraham Lincoln's perfect eulogy still clutching at our hearts, persuades me of the inadequacy of my puny attempts to describe their sacrifices, or to define our debt or our duty.

And no words could possibly match the beautiful, touching tribute, of your little children, gently sweeping across the graves, strewing flowers of remembrance.

We will never forget that scene—but far more importantly, these children will never forget that experience! As long as they live, they will be better citizens because, as a child, they had the opportunity to take part in this lovely pariotic expression.

Children have a wonderful simplicity about such things. When my young daughter, Laura, was three or four years old, I gave her a little flag on a stand, that had been presented to me. She put it on the window sill in her room, where she could watch it while the breeze unfurled its colors. She was very proud of that little flag. She saluted it. She practiced her pledge of allegiance to it. She was eager to learn everything she could about the flag.

Someone—not I—told her that if the flag dropped to the ground it was defiled and must be burned.

One day she came to me, obviously very upset. Through her tears she blurted out her story that the breeze had blown her flag to the floor. Clutching her little flag, she begged that she did not want it burned.

"Daddy," she implored, 'don't you think my flag would be all right again if I just kissed it?"

You can imagine what that did to her "Daddy!"

Would you like to meet Laura?

[Laura Bartlett was received by applause; as was her sister, Linda Bartlett; and their mother, Mrs. Virginia "Jinny" Bartlett.]

It is inspiring just to be in Gettysburg. Your good neighbor, General Lester Light, was discussing this in Washington the other day. He concluded with the obvious: "Gettysburg," he enthused, "is one place where patriotism still thrives!"

And indeed it does! Perhaps more than any other community in this country, in Gettysburg patriotism is your occupation and your preoccupation—your labor and your love. And it does you great credit!

In an atmosphere such as you enjoy here, it must come to you as shocking and appalling—as it does to the better part of your fellow countrymen—that there is abroad in our land, a vile and vociferous element, ignorant of the meaning of our heritage, insolent toward our institutions; people who would willfully and wantonly do serious harm to the very fabric of our form of government.

Their actions ask (if they do not): "Why should we keep the Republic?"

Some no longer even question, but arrogantly demand the destruction of our institutions as the only acceptable way to achieve their selfish purposes. And they have not the vaguest concept of the consequences of such anarchy!

Even while we deplore their irresponsible attacks, we would do well to deal with their questions: "Is our form of government obsolescent?" "Is our Republic worth keeping?"

Governments are instituted *to serve men*. And when they no longer meet the needs of their people, they have, of course, outlived their usefulness.

Has the Republic that the Constitutional Convention gave us in 1787, outlived its usefulness in a mere 182 years? How goes this government of ours in this year of 1969?

Permit me to qualify my answer: During the past three decades, it has been my privilege to play a small role in the inner workings of that institution which is the keystone of our Republic—the House of your elected Representatives. And I have come here today, for one purpose above all others—to bear witness to the incredible genius and the inestimable worth of our republican form of government!

As I have come to know its virtues intimately, so have I come to recognize its weaknesses.

No less a person than Winston Churchill is supposed to have described democracy as the worst possible form of government—*"except for all the others!"*

Democracy is, by its very nature, expensive. Democracy is inherently, inefficient. Any form of arbitrary government can show a better "cost-to-effectiveness" ratio. Any dictator can move from situation to decision to action, with far greater dispatch.

But, unfortunately, he likely will have dispatched with our voices and our liberties—if not our heads—in the doing.

Democracy, too, has its price. Democracy is not a spectator sport, whereby we can sit on the sidelines and watch others carry the ball. Democracy—if it is to work—requires the active participation of each and every citizen.

Democracy can keep in perspective the persuasions of special interests, only while the general interests of the nation are being heard from and attended.

If you have ever wondered if we have a responsive government, may I testify most assuredly that we do. Oh my! how the Congress and the agencies of government can act when the voice of the people is clear!

It has been aptly put that, in a Republic, the people get a government as good as they, by their participation, provide. Or, as good as they deserve.

Truly, our government is a direct reflection upon us, whether that image is good and becoming, or otherwise.

Around the Capitol we are given to judge the people of an area by the kind of men they choose to send to Congress to represent them. (Parenthetically, may I say, that hundreds of my associates, whom you have never met, hold you, the people of the 19th District of Pennsylvania, in very high esteem!).

In that regard, may I attest that the Members of Congress, generally, are an outstanding group of public servants. Able, widely experienced, dedicated, and honorable. Tomorrow's history, I am confident, will compare them favorably with the giants of the past.

But a truism, of which I am equally certain, is that public officials will be just as faithful to their trust, as you, their constituents, by your expressed concern, cause them to be!

Though you may not think it fair, you must accept it as a fact, that, in a Republic, the ultimate burden and the ultimate blame lies with the people; for with the people lies the ultimate power!

So, what will history say of us? What will it say of our stewardship of this Republic, given to us by our founding fathers, and passed along to us by succeeding generations of patriots?

As an instrument of government, will we keep it as vital and as valid as we received it?

And of the future? We know not what challenges await us. We know only that there will certainly be challenges, and we hope we may be equal to them.

I mentioned earlier the "incredible genius" of our system. For to watch it working is to admire it in wonder. I have long been convinced that our Constitution is too exquisite a framework of government to be explained, except that its brilliant authors were favored with the collaboration of Divine guidance.

Neither is there any explanation that will satisfy me, for the outcome of countless crises we have faced as a nation, and over which we have somehow, miraculously, prevailed—no explanation, except that we have been granted the generous grace of a merciful and almighty God.

And today, as the problems of the Republic loom larger than ever—from within and far away—while we work for the solution of these problems, let us pray our cause may be worthy of the only Sure Ally in time of trouble; for though the wrong seems oft so strong, God *is* the ruler yet!

And at this hour, when we pause to remember those who have given their lives for us, let us be prayerfully grateful that their sacrifice was not altogether in vain; that the Republic they served so sublimely, lives yet.

We have, I believe, a sacred covenant with these dead—*to live*—to live in keeping with the beliefs for which they died.

Democracy is not something locked up in the vaults of the National Archives in Washington. Democracy dwells in the hearts of our countrymen—or not at all!

So, let us drink deeply of the inspiration of this hallowed place.

Let us fill our souls with the flavor of grateful remembrance and pride of country.

And on this, the first day of the rest of our lives, let us resolve to do our part . . . to help . . . *to keep* this cherished Republic . . . that this government of the people, by the people, and for the people shall *not* perish from the earth!

RUMSFELD'S PROMISE OF WISER SPENDING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MICHEL. Mr. Speaker, now that the Senate has confirmed our former colleague, Don Rumsfeld, as Director of the Office of Economic Opportunity, we have noted his pledge for a closer evaluation of various anti-poverty programs.

A good place to start might be right in our own home State of Illinois and, specifically, in East St. Louis and Chicago where large sums of Federal money have been wasted with no appreciable results.

An editorial appearing in the June 3, 1969, edition of the Chicago Tribune points out the efforts of my good friend and colleague, Congressman Ed Derwinski, in trying to get to the bottom of this rather smelly situation. We must all hope that Congressman Derwinski will get some answers and even more importantly that there will be changes and improvements in these job training projects so that they will accomplish the objectives for which they were established and not become just another rathole for the disposal of the taxpayers money. Under unanimous consent I submit the editorial for inclusion in the Congressional Record, as follows:

Rumsfeld's Promise of Wiser Spending

A two-year extension of the federal anti-poverty program was proposed yesterday by the Nixon administration. The cost for the first year was placed at 2 billion dollars.

Donald Rumsfeld, director of the office of economic opportunity, said the President had decided to ask Congress for a two-year program to make possible longer-range planning and "more orderly and efficient allocation of funds." He said evaluation of the anti-poverty ventures had been neglected in the past but would have high priority in the Nixon administration.

Let us hope that these promises will be kept. As a starter, how about an evaluation of the 1.7-million-dollar job training program in East St. Louis which was featured by shootings, robberies, and burglaries at the training center? This program blew up last March, but a million dollars in federal funds is expected to be provided to get it moving again soon.

"We made a few mistakes in the first program, and we hope to correct them this time," said Lewis F. Nicolini, director of the Regional Manpower administration in Chicago. He complained that his office is handicapped by lack of staff for proper supervision of training projects. If so, the remedy would seem to be an adjustment of staff to make sure that all projects are watched.

Mr. Nicolini's office is the same one which failed to give proper supervision to a Chicago project to train 200 installers of aluminum siding. Auditors have been trying for months to find out what happened to $387,000 in federal funds granted to this program, which graduated only nine trainees. Apparently most of the money was wasted and stolen.

Rep. Edward J. Derwinski [R., Ill.] asked the labor department for an explanation of this fiasco but got no response. Yesterday he asked the department if it knew what it was doing in reviving the East St. Louis project.

The importance and urgency of training "hard core" unemployed persons are recognized, and most taxpayers probably accept the necessity for a certain amount of experimentation. But there is no excuse for repeating mistakes that waste tax dollars.

Before voting another 2 billion dollars for anti-poverty programs Congress should get some assurance that the administrators will close up the ratholes.

ONE YEAR LATER

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. HAWKINS. Mr. Speaker, Resurrection City is no longer a physical entity in front of the Lincoln Memorial, but the memory of it and the hopes of many of its residents still live. Not all of the poor who dwelt for a time in our midst left their dreams and hopes behind in the mud by the Reflecting Pool. Many returned to their homes inspired and determined to make their own unique contributions toward solving the massive problems of poverty in their communities.

One such group is the Household of God Bible-Way Church, Inc., located in my district in Compton, Calif. A member of the group has written a summation of the accomplishments and future plans of this group. I am pleased to bring it to the attention of my colleagues, as follows:

ONE YEAR LATER

When the Government evicted and jailed the Rev. Dr. Ralph David Abernathy, President of the Southern Christian Leadership Conference, and many of his followers of Resurrection City, Washington, D.C., a year ago, they said that it was all over, in essence, that there would be no Resurrection from the dead. Many wept, many gave up, many believed that there was no hope, many accepted the militant attitude, some mocked them, some accused them of being unrealistic and insincere, some of the Government officials pierced them in the side with their false charges and their financial statement as to the cost of the demolition of Resurrection City. Many of the poor had begun to believe that that was the death of Resurrection City.

"Thou fool, that which thou sowest is not quickened except it die," and "that which thou sowest—thou sowest not that body that shall be." People are working from coast to coast, day and night, White and Black hand in hand, to reverse the priorities of the richest country in the world with 30 million Americans who are forced to lead lives of poverty and despair. . . .

One such person lives here in California, South Central Los Angeles, in the Watts-Willowbrook Area. He is the Rev. J. H. Mims, pastor of the Household of God Bible Way Church, located at 12611 Willowbrook Avenue, Compton, California. Rev. Mims and his group made news from coast to coast, when they took their little old yellow school church bus and went to Washington, D.C. to join their fellow poor in the Poor People's Campaign. They did not return home and cry about how poor they were. Rev. Mims and his group took a little initiative and went to work because prior to their departure, they too, had a dream . . . A dream for the Household of God Condominium in Watts to resettle families now living in over-crowded, ramshackle dwellings. Most of the families survive on a small pension, supplemented by welfare aid or what aid they can get.

Within the past year, Rev. Mims and his staff, working day and night solicited jobs and aid for people. They have acquired jobs for more than fifty teenagers and thirty adults. At their own expense they sent more than $500.00 worth of gifts, clothing, and toys to the people in the Delta of Mississippi. One man 62 years old learned his ABC's by a toy donated by Mattel Toy Company. Shoes and clothing made many have a Merry Christmas. Five of the group gave up their holiday vacation to caravan the things to Mississippi, with trailers attached to their cars. They showed concern with the poverty stricken in another area. This they classify as foreign mission work.

With little or no money these people returned with a mind to work. First they developed some run-down property near the church into a guest house and rehabilitation center to house emergency cases, such as fire, storms or flood eviction victims. The guest house serves as a place where interested parties can come and live or visit with the indigent people of their community. Recently this place was televised for the benefit of informing the community. Rev. Brother Timothy Brown, who was the driver of the bus, stands ready to welcome all to be his guest at the guest house. They hope that they shall soon be able to develop their rehabilitation center to a point where they can offer at least one hot meal a day to those in need.

Being inspired by what they saw and the love that was shown in the many different cities, they had a desire to rebuild their store front church into a modern sanctuary as a sense of pride to their community and as an expression of their new found inspiration, they joined hands and dedicated themselves to this idea. Now in the midst of a burned down, rat infested poverty stricken area of Willowbrook, which has more of the poor people per square mile than any other community in the Los Angeles Area, they have a beautiful suburban type church which is a sight to behold. They have a Head Start Program for children which is second to none, meeting all of the requirements of the Health Department, Fire Department, and Building and Safety Department. This is a feat in itself that few of the churches can claim, thereby saving the Government many dollars by not having to install costly portables in the community.

They are now preparing for another long hot summer. Along with three acres of playground space which have been developed with trees and shrubs, swings, slides, they are now remodeling an old double two-story garage into a little off street theatre and recreation center (16 mm. film needed or help in this area). They have now applied for a license to become a child day care center which will mean employment for approximately seven people which also would provide for the children while their mothers would work in order to rise above the welfare program eliminating the burden of the tax payer.

Rev. Mims says we still hope to build a condominium but we must do first what we can for ourselves then maybe someone or some group will come along to help us sincerely to help ourselves. To his people he says most folk are always willing to help you serve at the table in the poor house because their service in this manner is the only food that will quench their starving ego. They don't want to help you out of the poor house. If they did these folks would starve to death. He tells his people to stop depending and waiting on others to help do for you what you can do for yourself.

To depend upon and believe in what the word Emmanuel means (God with us) with this kind of instruction and faith in their leader you can never visit this little creative environment and not see someone working in and around in that community. Rev. Mims and the Household of God members are trying to elevate as much as possible.

This then is Resurrection City. The weak are growing strong. The proud are becoming humble. The unknown are becoming known. The Outcast are becoming respectable and they have a Dream that they and their poverty stricken community will one day by the sweat of their brow and the help of others rise above the poverty level.

ROTC TRAINED ASTRONAUTS

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MONAGAN. Mr. Speaker, I believe that every college administrator and certainly every Member of Congress who may be concerned about the wisdom of continuing ROTC college programs should read with appreciation an article written by my constituent, John Chamberlain, and published throughout the country in his syndicated column.

The article, "ROTC Trained Astronauts," points out among other things that Navy Comdr. John Watts Young and Navy Comdr. Eugene Andrew Cernan, two of the Apollo 10 astronauts, received their first military training in ROTC.

I think no more need be said but I commend the column to our college folk as must reading, as follows:

[From the Waterbury (Conn.) Republican, May 30, 1969]

ROTC TRAINED ASTRONAUTS

(By John Chamberlain)

It might be of interest on Memorial Day, when we are supposed to indulge in the anachronistic convention of rendering homage to our patriotic heroes, that two of the Apollo 10 astronauts received their first military training in ROTC.

Navy Comdr. John Watts Young, the commander of the ship which remained in a 70-mile-high orbit of the moon while "Snoopy," the lander module, was making its exploratory descent to within 10 miles of the lunar surface, was a member of the Naval Reserve Officers Training unit at Georgia Tech. and Navy Comdr. Eugene Andrew Cernan, who was in the two-man Snoopy crew, was in ROTC at Purdue in Indiana.

As of the moment of writing this column, I have looked in vain through our so-called mass media of the written word to find any mention of the fact that ROTC contributed to the training and the discipline of two of the three men chosen to make the most perilous space voyage to date. But practically every issue of the media contains some long account of the fumbling and temporizing and double-talk of college administrations who are bowing to the demands of Students for a Democratic Society to kick the ROTC off campus.

Memorial Day, hah! What were the soldiers of the Blue and the Gray in the War Between the States but a "bunch of stooges" for the military-industrial complex of Abe Lincoln's and Jeff Davis's day?

You feel like asking what's the matter with our college presidents, deans, faculties and trustees in not facing up to the SDS anti-patriots. But you also wonder about the failure of the services to provide good P.R. work in defending the ROTC institution that helps produce men like Navy Comdr. Young and Navy Comdr. Cernan. Why aren't we told how many men in the moon-shot program are ROTC graduates?

There is a positive side to the ROTC question that was never once brought out by the Navy or by NASA (National Aeronautics and Space Administration) when the radicals at Columbia University, for instance, were agitating to throw out the local Naval Reserve Officers Training program.

The biographies of Comdr. Young and Comdr. Cernan ought to be rubbed in the faces of the college faculty members who have bowed to the demands of the SDS. The face-saving argument heard at Harvard and at Yale and at Stanford is that ROTC courses lack "intellectual content." This is a fine thing to be bringing up at this point in the history of American university course substance.

You can study hotel management at Cornell (and I'm not against it), you can get credit for a course in fly-casting at some of the middle western universities, you can turn innumerable courses in so-called sociology into a year's participation in totally unscientific bull sessions. If this sort of thing gets the blessing of the SDS, there is absolutely no argument against the "intellectual content" of ROTC even when it doesn't give the student any rigorous appreciation of the fine points of Clausewitz on the relations between war and diplomacy.

Congress is so angry that it is cracking down on giving federal money for scholarship grants to campus rioters. At the rate we are going it will be doing any boy or girl a favor if we make it impossible for him (or her) to attend college. The boy or girl of the future will get more "intellectual content" just by avoiding certain of the learned ones of our college faculties who don't seem to know that there is such a thing as the law of trespass, or the law of assault and battery.

XUM

AN EDUCATOR SUPPORTS ROTC

HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. WEICKER. Mr. Speaker, in recent weeks we have read and heard reports about violence and demonstrations on campuses throughout the Nation protesting our military Reserve officers training programs. In many instances, college officials have been timid in their support of ROTC as a means of preserving the citizen-soldier program as the mainstay of our national defense posture. Today I would like to share with my colleagues the remarks on ROTC of a respected and honored educator, Dr. Homer D. Babbidge, Jr., president of the University of Connecticut:

> It is a great pleasure to welcome you to these ceremonies recognizing the accomplishments of cadet members of the University's Reserve Officer Training Programs. I take pleasure in commending those who are to be honored here this evening, and in thanking those who sponsor the awards themselves. And I would compliment also the officers and men who staff the Army and Air Force Reserve Officer Programs; they are in my judgment a credit to their services, and a great asset to the University community.
>
> R.O.T.C. is under attack on many college campuses across the Nation. At the University of Connecticut, such attack has been scattered and localized, but the issue has, in fact, been joined. Arguments will, predictably, range all the way from the need for improvements to demands for its abolition. And we do not know fully, at this time, what the consensus is within our student, alumni and faculty bodies. But there is no reason for you to be in doubt with regard to the views of the President of the University. I am *for* R.O.T.C.
>
> I know of no human institution—R.O.T.C. included—that cannot stand improvement. And there is every reason to believe that officials of the Department of Defense are quite prepared to accommodate legitimate institutional recommendations for change in the program. And I am confident we will see many such changes in the next few years. These changes will, appropriately, vary from campus to campus.
>
> But these changes at the University of Connecticut, at least, will strengthen, not weaken the R.O.T.C. as a means of preserving the citizen-soldier as a mainstay of our Nation's defense structure.
>
> The University of Connecticut is dedicated, by both its Federal and its State charters, to the provision of instruction in military science and tactics. The University of Conneticut has a proud tradition of preparing citizen-soldiers for service to their Nation in both peace and war. Those charters and that tradition have my respect and support, and I intend to lend my personal and official efforts to their preservation.

SAVE THE SPECIAL DELIVERY SERVICE

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. NIX. Mr. Speaker, I will today introduce a bill that will preserve a vital postal service, the special delivery service. I understand the desire on the part of the new team in the Post Office Department to eliminate postal services that are not revenue producing. The special delivery service, because of the nature of the service, cannot reach a break-even point.

Postmaster General Blount has decided to raise special delivery rates and cut the number of deliveries a day. This will bring in increased revenue but will reduce a vital service.

The special delivery service is vital because in our crowded urban cities, especially on the eastern seaboard, the last mile of a mail delivery is the most difficult. There is a need for a service that can provide speed for letters, that serves a middle ground between telegrams and regular mail.

This bill will set a floor under special delivery service so that it cannot be reduced any further and the public will continue to receive the same service. I think otherwise the pattern that is becoming apparent will continue; that is, of raising postal rates and reducing services.

This is also an example of the need for constant congressional intervention where a vital public service is concerned. If we ever have a postal corporation, the raising of rates and the lowering of service standards will continue on nonmoney-making postal routes. The only guide for Congress as to what a postal corporation will be like is to examine examples of management decisions before the corporation takes effect. Once a corporation becomes a matter of law, nonpaying services will be reduced with ease. I think rural Congressmen should watch our hearings very closely before they take a stand on the postal corporation, since in economy drives in the postal service the first areas hit are rural areas, and I cite the example of the threatened cutback in rural service by Postmaster General Watson last fall during an economy drive. Rural areas do not have the population to provide the revenue necessary to balance the postal budget.

I ask the Postmaster General, and I will send him a letter to this effect, to delay his plan of drastically reducing special delivery service by July 1 until my subcommittee and the Post Office and Civil Service Committee has the opportunity to thoroughly examine the question.

EXTRACT FROM ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969

HON. JAMES R. MANN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MANN. Mr. Speaker, today marks the decennial graduation of officers from the U.S. Air Force Academy. America takes great pride in her fighting men, and in particular the men upon whom the great burdens of decision must rest. Today, 670 young men will assume these burdens as commissioned officers in the U.S. Air Force. We wish them well.

In an address to the graduating class and the Academy, the President of the United States in his capacity as Commander in Chief of the Armed Forces, offerred a nine-point credo for the "defenders" of our Nation. I interpret this word to mean all Americans, civilian as well as military, who are committed to the defense of the principles which have fortified this great Nation of ours, and indeed, the free world, through many trials and tribulations.

I would like to share this nine-point credo with my fellow "defenders" here in Congress and throughout the Nation:

> EXTRACT FROM ADDRESS BY THE PRESIDENT AT THE COMMENCEMENT EXERCISES AT THE AIR FORCE ACADEMY, JUNE 4, 1969
>
> I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.
>
> I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.
>
> I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.
>
> I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help insure a sound prosperity and high employment.
>
> I believe that moderation has a moral significance only in those who have another choice. The weak can only plead. Magnanimity and restraint gain moral meaning coming from the strong.
>
> I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.
>
> I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.
>
> I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.
>
> And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

THE VOTING AGE SHOULD BE LOWERED TO 18

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. TUNNEY. Mr. Speaker, the youth today are seeking participation and involvement in our society and governmental process. However, few avenues are open through which they can make meaningful contributions to the improvements of our Nation.

I am reintroducing a bill proposing an amendment to the Constitution granting to citizens of the United States who have attained the age of 18 the right to vote.

Lowering the voting age to 18 would strengthen the fabric of our democratic society. We have told our young people that they may participate in war, but not in their Government. I strongly urge my colleagues to help prepare for the leadership of tomorrow by investing in the youth of today. Robert Kennedy had this to say about the youth of today and their role vis-a-vis the Federal Government:

> We may find some of their ideas impractical, some of their views overdrawn. Still, there is no question of their energy, of their ability, above all of their honest commitment to a better and more decent world for all of us. It is for us now to make the effort, to take their causes as our causes, and to enlist them in our own to lend to their vision and daring the insight and wisdom of our experience.

I believe that the time has come to do everything possible to enlist young people into our Government. They need our experience and we their youth, vigor, and vision. We can sustain with them a mutually beneficial contact which will attempt to bridge the generation gap and provide for responsible and responsive leadership for tomorrow. I implore the Congress to act. Let us provide for those talented young men and women who want to sincerely participate in and contribute to the workings of our Government.

Presidents Eisenhower, Kennedy, and Johnson have supported a constitutional amendment to lower the voting age. I feel that the hour in history has arrived to replace action with words, to replace spectators with participants. This amendment should be enacted to insure a future America blessed with the idealism, enthusiasm, and imagination of youth, tempered and commonsense of experience.

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. UTT. Mr. Speaker, under unanimous consent, I place in the Extensions of Remarks of the RECORD today an article by James Kilpatrick which appeared in the Washington Evening Star of Tuesday, June 3, 1969. The article is entitled "Rickover Views on Arms Debate Merit Attention," and it contains excerpts from a letter from Adm. H. G. Rickover to Senator JOHN PASTORE concerning the military needs of this Nation at the present time. The article follows:

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

(By James J. Kilpatrick)

Several weeks ago, Sen. John O. Pastore wrote to Adm. H. G. Rickover. The senator asked for the admiral's views on where the nation is going and what needs to be done in a military way at a time of national debate on preparedness.

Rickover responded with a letter that merits the widest possible reading. Let me give him the floor:

"The first point I would like to make," Rickover wrote, "is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

"I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us to win World War II. The war itself was prolonged because the Congress—heeding the 'merchants of death' argument—in 1939 prohibited shipment of war materials to Britain and France.

"Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants, charged with the awesome responsibility to secure our country against foreign conquest? Or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer?

"Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

"As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8 percent of total U.S. goods and services. Omitting the costs of the Vietnam war, and allowing for inflation, our armed forces have less buying power today than a decade ago.

"In the Soviet Union, on the other hand—according to the annual report of the congressional subcommittee on foreign economic policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. . . .

"If history teaches anything, it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. . . .

"As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second 'absolute right inherent in every Englishman.' Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. . . .

"There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily."

TRUMAN WARD

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. CORMAN. Mr. Speaker, there is not one among us who cannot say as Members of the House, "Truman Ward has been here ever since I can remember." Regardless of our own longevity—the success some of us have had in persuading voters to return us again and again to Congress—none of us has outserved Truman Ward. I do not mean merely in terms of time, either. This unfailingly courtly gentleman was not only a master of his craft which enabled us all to communicate with the citizens we represent, but unswerving in his devotion to the best interests of the House of Representatives. He served these interests by freely sharing the vast store of knowledge he had gained over the years with all who crossed his path, whether as Members of the House, as staffers, as caretakers or custodians or casual passers-by. He shared not only knowledge, but his pride in this institution known as the House of Representatives. His death leaves a void which probably can never really be filled because truly, he has "outserved" us all.

REPORT TO CONSTITUENTS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. KEITH. Mr. Speaker, I submit for inclusion in the Extensions of Remarks of the RECORD my current Washington Report which will be sent to my constituents this week. Some of the subjects discussed in this newsletter are of national importance.

My colleagues may be interested in incorporating these items into their own reports to their constituents.

The text follows:

WASHINGTON REPORT FROM CONGRESSMAN HASTINGS KEITH, 12TH DISTRICT, MASSACHUSETTS, JUNE 1969

TEN YEARS IN CONGRESS AND BUSIER THAN EVER

DEAR FRIENDS: When I came to Washington in 1959, our nation was at peace at home and abroad. My constituent mail centered on the proposed Cape Cod National Seashore and the crisis in the cranberry industry. But the intervening years have bred a litter of extraordinary problems: violence at home and abroad; a skyrocketing cost of living; unprecedented pollution of our environment—and a host of others!! Accordingly, my job has changed—whereas my predecessor had a staff of 4, mine numbers 12, some of them specializing in the complicated work of the Committees on which I serve.

SOME IMPORTANT ISSUES ON WHICH WE ARE AT WORK

Merchant marine: While our merchant fleet has been encountering heavy seas and fog in recent years, the Russians have been building 10 times as many vessels as the U.S. Newly appointed Maritime Administrator, Andrew Gibson, graduate of the Massachusetts Maritime Academy, is the most knowledgeable official to hold that post in more than a decade. Congress awaits his plans for improvement of the Merchant Marine so that we can again be a prime competitor in shipping American goods to world markets.

Consumer protection: Recently, Congress has enacted a host of consumer protection measures—the Wholesome Meat Act and a Poultry Inspection bill among the foremost.

Last winter, I travelled to Norway and Portugal to see how they operate their fish inspection programs. The trip provided a good basis for my own recently introduced bill calling for mandatory fish inspection.

New Bedford, always tops in quality seafood, should be aided by this legislation as competing ports have to meet our high quality standards.

DWIGHT D. EISENHOWER, 1890–1969

General Eisenhower's death brought back memories of my war-time service as a Major on his staff . . . Some have said: "He was this Century's finest Soldier-Statesman." To this I would add, that much of the peace and the stability which we have enjoyed in recent years we owe, in large measure, to him.

Oil pollution: The voices of irate Cape Codders, joined by Californians also threatened by oil pollution, are now being heard. If the Senate concurs with the already-passed House bill on this subject, Secretary Hickel will have the ability to stop further oil drilling in areas like the Santa Barbara Channel and Georges Bank. The Coast Guard will have the authority to prevent the messes like that of the Torrey Canyon disaster.

The haddock shortage on Georges Bank is so serious that it has brought together, in an attempt to find a solution, the divergent segments of the American fishing industry, as well as our foreign competitors. The problem of conservation of fishing resources will be high on the agenda of an international conference slated to get underway in Warsaw very shortly.

Endangered species: Is the alligator to meet the same fate as the heath-hen and the passenger pigeon? Not if our endangered species bill is enacted. For several years Congress has been listening to testimony from concerned nature-lovers. At last we have legislation which will take the profit out of poaching.

The ABM has been a cause of much concern in the past few months. The Administration maintains that we must have this anti-missile in order to protect our "second-strike" missiles from a Russian first-strike. Opponents of the system call it a "Maginot Line in the Sky" and question the Pentagon's assessment of the Russian threat.

An increasingly skeptical Congress, which has watched many cases of wasteful defense spending brought to light in the past few months, will be grappling with this all-important issue in the upcoming weeks.

Oil import quotas: I have joined with other Massachusetts Congressmen in filing legislation to gradually eliminate the quotas on imported oil. Our domestic oil industry doesn't need the quota system which has enabled it to reap great profits at the expense of New Englanders. If Congress acts favorably on our bill, savings for the consumer could amount to $7 billion.

Campus unrest and its causes: College campuses during the past year have been marked by increased unrest. Many people—in and out of the Congress—are calling for a "crackdown" on "troublemakers," and a shutoff of Federal funds to violence-plagued colleges.

I believe, as President Plimpton of Amherst College said in a recent letter to President Nixon, that turmoil among young people and among those who are dedicated to humane and reasoned changes will continue until the Congress and the Nation tackle more effectively the major social problems of our country.

Part of this turmoil comes from the distance separating the "American Dream from the American Reality." Educational institutions are rightly dedicated to inquiry into basic problems and have opened students' eyes to the shoddiness of many aspects of our society.

However, protest which ignores the rights of the majority and which resorts to violence and the destruction of property, crosses the boundary between reform and revolt. It cannot be tolerated.

Outside forces should not have to be involved in our college difficulties. The best prospect for a resolution of the problems lies within the universities themselves. Enlightened leadership from officials like President Plimpton, and a reasoned response from truly concerned students are our best hopes for putting an end to violence on the campus.

ODDS 'N ENDS

My daughters, Carolyn, and Helen Brink, recently attended Tricia Nixon's masked ball at The White House . . . . Carrie graduates from Smith this month—in September she'll be teaching in a ghetto area.

Helen's husband, Rusty, begins active duty with the Army in July . . . The Post Office Department is considering issuing a special commemorative stamp honoring the 350th Anniversay of the Pilgrims' landing at Plymouth. We now have a new Washington office: 2344 Rayburn House Office Building. Come in for cranberry juice!

Sincerely,

HASTINGS KEITH,
Member of Congress.

COPPER EXPORT QUOTAS NEED REEVALUATION BY U.S. DEPARTMENT OF COMMERCE

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. PATTEN. Mr. Speaker, due to the international demand for copper and the resultant higher prices for this commodity outside of the United States, a major problem has been created in the United States relative to critical shortages that have been created due to the large amounts of exports. One plant in my district produces 11 percent of the U.S. copper supply—the United States Metal Refining Co. at Carteret, N.J.

The study that is subsequently set forth reveals these results:

First. Effective export control makes more scrap available to domestic consumers and insures greater employment in U.S. plants.

Second. Effective export control acts as a brake on inflationary prices.

Third. Effective export control makes more copper available to domestic industry.

In addition, this study calls for the U.S. Department of Commerce to reevaluate its "export control program." Restoration of the original quota of 33,000 tons from the 50,000 quota is called for. The effects of this reduction are expected to relieve some of the dire shortages that are now confronting the industry and also attempt to reduce the inflationary pressure on the market.

Due to the impact that this problem may have in many other Members congressional districts, I am herewith making it available for their information.

Correspondence and data relative to the impact of this problem follow:

UNITED STATES METALS REFINING CO.,
New York, N.Y., May 28, 1969.

Hon. EDWARD PATTEN,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE PATTEN: United States Metals Refining Company, a subsidiary of American Metal Climax, Inc., operates at Carteret, New Jersey, a major copper smelter and refinery, employing 1800 people. This plant produces approximately 11% of the U.S. copper supply. As members of an industry-wide committee representing custom smelters and brass and bronze ingot makers, we visited the Department of Commerce on May 27th in an effort to rollback the export quota of copper and copper-base alloyed scrap—our main source of raw material. A copy of the Committee's letter dated May 23rd is attached for your information.

You will recall that during October 1968, we visited you in conjunction with members of the U.S. Steel Workers of America, who represent our employees, in connection with the export of scrap. Through your efforts the Department of Commerce curtailed the flow of scrap to Canada effective 1st of January 1969. This action has been extremely helpful.

The attached letter presents information showing there is an increased demand from domestic consumers for scrap supplies and a further aid in providing sufficient raw material for the custom smelting industry, as well as the ingot makers, is required. Any assistance you can give us in obtaining a rollback in the export quotas will be deeply appreciated.

Respectfully yours,

MELVIN KRIEGEL,
Vice President.

SECONDARY METAL INSTITUTE,
New York, N.Y., May 23, 1969.

Mr. F. D. HOCKERSMITH,
Acting Administrator, Business and Defense Services Administration, Department of Commerce, Washington, D.C.

DEAR MR. HOCKERSMITH: As the Department of Commerce prepares to review the export quota program for copper scrap and copper-base alloy scrap for the second half of 1969, we should like to point out that consumers of these grades of scrap in the United States are facing critical shortages of materials and that inflationary price levels have resulted from such shortages.

The demand for copper scrap and copper-base alloy scrap is worldwide and the scarcity creates inordinate hardships for domestic consumers, such as copper refineries, secondary smelters, brass and bronze ingot manufacturers, foundries, etc. One result has been the abnormal competition among the domestic consumers for the scrap tonnage available after exports of scrap, and this in itself has caused a disturbance in the flow of scrap through normal and traditional channels.

The demand for both virgin copper and for scrap has become so sharp that not a day passes without some comment on this in the daily newspapers. On May 8, in the American Metal Market, Copper Range president James Boyd was quoted as saying: "Despite the attempt by the Government to slow down the boom, copper—at least virgin copper—remains in short supply and we expect it to remain so throughout the year".

In the same issue, the well known U.K. firm of Philipp & Lion, was quoted as follows: "The U.S. scrap shortage has been endemic ever since the refiners absorbed large tonnages after the end of the U.S. strike last year and rushed to turn it into refined material in order to assuage the serious shortage of electro created by the strike. There is no reason to suppose that the scrap shortage is diminishing to any large extent . . ."

These reports have been echoed daily by other experts and authorities in the field. One only has to analyze the price pattern in copper scrap to see clearly how the supply squeeze has been contributing to the inflationary pressure on the U.S. economy.

As of May 20, the published price of No. 2 copper scrap was 48¢, or approximately 5¢ over the price quoted at the beginning of the year. But—and this must be remembered—the published scrap price had already declined about 4½¢ a lb. from its 1969 high, which very recently was about 10¢ over the price at the start of the year.

About a year ago (June 25, 1968) the Department of Commerce broadened the existing quotas for copper scrap and copper-base alloy scrap, from 33,000 tons per annum to 50,000 tons per annum. Our committee, in its memorandum of May 27, 1968, warned that the copper market was in a precarious position and that any increase in export quotas would have a harmful effect on the domestic market. What we warned about did, in fact, happen.

Here is a brief comparison of prices last June when the Department of Commerce permitted the scrap quota to be increased and as of today, one year after that increase—prices based on American Metal Market.

June 25, 1968: IME cash copper, L 475 (50.50 cents); U.S. producers, 42 cents; No. 2 copper scrap, 36 cents.

May 20, 1969: IME cash copper, L 604 (64.40 cents); U.S. producers, 46–50 cents; No. 2 copper scrap, 48 cents.

For some time now, the IME copper prices have been recognized as the highest in the Free World. Based on this market for copper, the foreign demand for U.S. scrap has first priority and is limited to the amount of the export quota. The remaining amount of scrap is sold to domestic consumers.

We firmly believe that the additional 17,000 tons which were permitted to be exported—plus the unknown quantities of ex-quota scrap which have been shipped—have had the specific effect of contributing to the shortages that now exist in the United States and have also added to the inflationary aspect of the market by putting sharper pressure on prices of scrap supplies.

It should be clearly remembered that the United States is a net importer of copper and that for every pound of copper contained in scrap which is exported, we have to import a pound of additionally finished copper. Since the price of finished copper is commensurately higher than that of copper contained in scrap, this exchange leads to a drain of dollars and aggravates the U.S. balance of payments.

Only through an effective export control program can the U.S. Government reduce the domestic scarcity of scrap and keep a rein on inflationary price levels.

The effectiveness of export controls on scrap can be clearly illustrated in Tables I & II: (Statistics: U.S. Bureau of Census)

TABLE I.—EXPORTS OF COPPER SCRAP

[In tons]

Destination	Unalloyed	Alloyed	Total
October to December of 1968:			
Total	7,890	15,074	22,964
Canada	7,058	4,773	11,831
All other	832	10,301	11,133
January to March of 1969:			
Total	1,917	12,091	14,008
Canada	1,349	1,181	2,530
All other	568	10,910	11,478

What stands out strikingly in Table I is the fact that when the Department of Commerce imposed export quotas for Canada—it reduced exports to Canada by 9,300 tons but—*it left the amount of exports to other destinations virtually unchanged.*

TABLE II.—SUPPLY OF COPPER SCRAP

[In tons]

	Copper scrap purchases by copper refiners	Total exports of unalloyed copper scrap [1]	Total supply
1969	90,384	[2] 2,556	92,940
1968	66,122	14,429	80,551
1967	87,903	2,394	90,297
1966	84,301	9,717	94,018
1965	75,015	15,860	90,875
1964	69,305	6,589	75,894
1963	61,949	3,489	65,438

[1] For the period January to April.

[2] Projected.

Statistics: U.S. Copper Association and U.S. Bureau of the Census.

Table II shows that during the January-April 1969 period, purchases of copper scrap by copper refiners hit an all-time high. We have listed such purchases over a seven year period, also showing exports of unalloyed copper scrap and the total supply. It would seem obvious that the reduced exports in 1969 (as a result of the imposed Canadian quota) resulted in heavier purchases by copper refiners. The imposition of quotas to Canada has proven to be most helpful to U.S. consumers of scrap.

We draw the following results from our studies:

1. Effective export control makes more scrap available to domestic consumers and insures greater employment in U.S. plants.

2. Effective export control acts as a brake on inflationary prices.

3. Effective export control makes more copper available to domestic industry.

The outlook for copper supply (both virgin and scrap) is not encouraging. With insufficient refined copper available, competition for scrap supplies will become even keener. There are several factors which should be considered in analyzing the future scrap supply:

1. Since last year, there has been additional pressure on the available supply by the entrance into the purchasing picture of a large copper company. There has also been revived buying by other consumers who were not as heavily in the market previously.

2. It is also apparent that the domestic refineries are expanding their operations and require larger tonnages of scrap to fill their capacity. Many of these domestic refineries have open capacity and could use additional tonnages of scrap but they simply cannot secure sufficient material. In this regard, allowing scrap to be shipped to a foreign country on conversion simply removes that much work from the labor force in the United States. Bear in mind that the labor force in domestic refineries include a large percentage of minority workers.

3. Another factor that is putting heavy pressure on scrap, is the diminishing supply of imported blister material from certain copper-producing countries. Because of rising nationalism in many of these countries, they are either building facilities to refine their own blister, or shipping it elsewhere for higher world prices. As a result, many of the U.S. companies that formerly were dependent upon blister for their furnaces will either have to do without it or will have to replace it with scrap.

Brass and bronze ingot manufacturers are particularly hard hit by the scarcity of scrap and the serious competition for supplies available to consumers. Because of the dislocation in the flow of scrap, custom smelters have had to purchase certain grades (such as yellow brass, for example) which normally move to ingot manufacturers. Ingot-making grades, having a high copper content, are desirable export items and are therefore in short supply domestically. It is reported that inventories at ingot manufacturing establishments are low and that the scramble for available material grows more competitive daily.

If this critical situation continues at its present pace—and we anticipate that it will become even worse—a number of domestic consumers will be faced with decisions to reduce operations and lay off workers in their plants. It will simply be impossible to operate if scrap is not available.

It is therefore urgent that the Department of Commerce re-evaluate its export control program.

We think it was a mistake to have increased the quota last year from 33,000 tons to 50,000 tons.

We now ask that this 50,000 ton quota be revised and that the Department of Commerce reimpose its original quota of 33,000 tons.

We also urge the retention of the present Canadian scrap quota which has proved to be very effective.

We believe that the reduction of 17,000 tons in the quota will help immeasurably in relieving some of the dire shortages which are now plaguing the industry and also help to reduce the inflationary pressure on the market.

Sincerely yours,

BEN KAUFMAN,
Chairman, Copper & Brass Liaison Committee, Secondary Metal Institute, H. Kramer & Co., Chicago & Philadelphia.

MEMBERS OF THE COMMITTEE

William Bullock—W. J. Bullock, Inc. Fairfield, Ala.

Paul Fine—Federated Metals Division, American Smelting & Refining Co., New York, N.Y.

Theodore Gruen—International Minerals & Metals Corp., New York, N.Y.

Robert Jacobson—Reading Metals Refining Corp., Ft. Lee, N.J.

Melvin Kriegel—American Metal Climax, Inc., U.S. Metals Refining Division, New York, N.Y.

Ralph Saffer—New England Smelting Works, Inc., West Springfield, Mass.

Milton Schwab—Franklin Smelting & Refining Co., Philadelphia, Pa.

HUNGER IN ILLINOIS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MIKVA. Mr. Speaker, although there has been much talk about what the Federal Government should do about the problems of hunger in America, there has been all too little action. This body's action in providing full appropriations for existing Federal hunger programs in the recent agriculture appropriations bill was a step in the right direction—but only one step. There remains much to be done both legislatively and administratively before we can boast that there is no longer hunger in our Nation.

One of the resources which remains largely untapped in our fight against hunger and malnutrition in America is the ability of individual States to recognize and react to this pressing need of its citizens. Recently, I was pleased to read the testimony of Rev. Jesse L. Jackson

on this subject before the committee of the whole of the Illinois House of Representatives. Reverend Jackson is a constituent of mine, and leader of the foremost community self-help organization in the city of Chicago—Operation Breadbasket, a part of the Southern Christian Leadership Conference. Jesse Jackson's testimony contains both an astute analysis of the problems of hunger and poverty and some specific suggestions for State and local action to help solve them. I commend these remarks to the attention of my colleagues.

The testimony referred to follows:

TESTIMONY OF REV. JESSE L. JACKSON

We come before this body to make an appeal concerning the greatest domestic crisis of this century. We face great divisions in this state and in the nation at large. There are divisions between young and old, (which we casually call "the Generation Gap"), divisions between hawks and doves over how we prosecute a war which persecutes a nation of poor people. There are divisions growing out of racial antagonisms which polarize the relationships between blacks and whites in this society. There are divisions between the rich and the poor, the "haves" and the "have-nots." Poverty itself is a form of oppression which threatens man's existence, for men will steal before they will starve. The Book of Proverbs warns us that if a man is given too much, he will deny the Lord, but also that if a man is given too little, he will steal and defame the name of the Lord. (Proverbs 30). It is understandable that those who are malnourished, and who thus might be physically deformed or psychologically impaired by this circumstance, are in a state of destitution, desperation, and despair. It is also understandable that these people might resort to violence for a solution to their problems. However, their leaders must have the vision to see beyond their predicament to the elimination of poverty, which is the root of their dilemma.

For example, on the surface Cairo is racially tense; but underneath, its greatest problem is that hunger and starvation, poverty, unemployment, underemployment, and a seasonal welfare system have driven people into an advanced state of cannibalism. Poor blacks and poor whites have come to feel that the elimination of each other as competitors for basic needs of life is the solution to their problem. We know that the elimination of poverty is the only answer to theirs and the nation's major crisis. As long as the majority of families in Cairo have incomes of under $3,000 per year, the problem there will not be solved, and may in fact become even more severe.

Last night, as every night, two-thirds of the world went to bed hungry because of maldistribution, poor transportation, and, in some instances, the scourage of war and international crisis. Thus it is understandable though not justifiable that this condition would exist in many parts of the world. In some instances, the lack of agrarian development and technology accounts for the problem. In many instances the topography and eroded and depleted soil is the reason. In other instances the land is over-populated, resulting in under production and consumption beyond the available supply. For instance a nation such as India can elicit a compassionate response to their hunger problem from those who understand the gravity of this cycle of under-production and overconsumption.

America, however, over-produces and under-consumes. We live in a land of surplus at one end, and starvation at the other end. The great problem is the corruption at the level of distribution which reinforces the gap between the over-fed and the under-fed, between the greedy and the needy.

In this nation of 200 million people with a gross national product of over 900 billion dollars, we still have (conservatively) 40 million people listed as "poor," that is with incomes of less than $3,000 a year for a family of four. This is validated by government research and categorized by hunger committees as malnourished due to insufficient commodities.

But fully 10 million of the 40 million who are included in that 1/5 of the nation listed as destitute, are children with bloated stomachs and brain damage, who resort to eating red dirt, laundry starch, and lead paint. Physicians call this disease *pica* where hunger manifests itself in these abnormal ways.

It is understandable but not justifiable that this would be true in states that are not blessed with fertile soil or where the ecology does not provide but the resources such as rivers and lakes which attract manufacturing industries or firms. However the state of Illinois cannot be judged with the state of Utah, for our soil is fertile, here in Illinois. Moreover, Illinois is the number one agricultural export state in the nation, and the number one manufacturing export state in the nation. According to recent studies, Illinois is the third wealthiest state in the nation. The state possesses some 329 million dollars of earmarked monies in special funds, and a total of 861 million dollars in all earmarked funds. This is money that we choose not to spend or to make available to the general treasury funds.

Our abuse of opportunities to feed the hungry and eliminate poverty in this state is most vividly expressed by the fact that we levy the same taxes for corporations as we do for individuals, thus compelling the poor to pay more. Illinois has the second highest sales tax in the nation, outranked only by the tax levied in Alabama. Moreover since 60% of the state revenues are from sales taxes, the poor bear the burden of providing the major share of state revenues. Illinois likes to compare itself with New York and California in citing its achievements; however if our corporation tax compared to that assessed by New York or California, the burden of the poor would be measurably lightened.

Some 97 million dollars comes into Illinois in subsidy payments to affluent farmers, according to Representative Paul Finley; these payments are made to farmers not to grow food or fiber. Yet the state has not chosen to match a six million dollar grant to conduct a school lunch program. As a result only 14,000 children in Cook County could receive free school lunches, when there are actually some 200,000 poverty families with school-age children in that area. Again, according to the Senate Select Committee on Nutrition and Human Needs, there are some 629,000 Illinois households where hunger is a daily reality.

The Governor indicated that this figure is not valid enough for him, but that his own research is not complete on this matter. Thus he has disregarded an official report, but has not chosen to utilize the research or the resources of his own office. His research is not faulty in finding persons to tax or draft for military service. We feel that the research suggested on the part of the Governor is for the most part a farce. It is evident that hunger is not on the Governor's agenda.

Families on welfare are forced to live on welfare budgets which guarantee that they will starve or steal. Reputable physicians state that a balanced diet for a family of four for three meals a day costs $7.00, using the National Research Council's minimum nutritional standards. The state allots only $2.17 a day for a family of five. The ceiling on Public Aid deepens the hunger of its recipients. The 125 million dollar reduction proposed by House Speaker Ralph Smith is tantamount to declaring a murderous war on the poor, and represents a commitment to genocide.

We can applaud the Governor's courage as expressed by his request for a state income tax, but we regret and deplore his priorities. We cannot support the tax bill as it is presently written, for we did not know about it and did not help formulate it; it came from the top down, formulated by the Few for the Few and to victimize the Many. Those representing the poor cannot see the elimination of poverty, nor the forces that create poverty, in the Governor's proposal. We could support the tax proposals, but only on certain conditions:

(1) that the Governor would consider the 629,000 Illinois households who are in poverty and hunger serious enough to declare hunger in this state a disaster. This would mean invoking the man-made disaster act.

(2) That this state recognizes earthquakes, fires, floods, as acts of nature or God, as acts of disaster, the state should also recognize erosion of soil, misuse or improper use of funds and the existence of massive hunger, as man-made disasters. In such man-made disasters, the state would employ all the necessary emergency apparatus, such as emergency food and medical supplies, to cope with the situation.

(3) That a percentage of the income tax sufficient to eliminate hunger would be earmarked for that purpose.

(4) That the state initiate forthright drives to give people vocational training for jobs, and would conduct concerted attacks on those trade unions which lock black and poor people out of the job market.

(5) That the Governor would understand the irreparable psychological damage to the poor and the disinherited created by the suggestion of Representative Ralph Smith that the allotments to sustain them be reduced in this state legislature. We are saying that in this session of the legislature, where Mr. Ogilvie reigns as Governor, not he but the Speaker of the House asked that the monies be reduced from $47 per month to $32 per month. This means that the budget for food for poor people is cut from 18¢ to 10¢ a meal. If this was done and he remained silent, the silence would sanctify the cruelty and would be a betrayal of the poor.

Men of justice cannot halt between two opinions when tens of thousands of lives are at stake.

The Governor should challenge Superintendent of Public Instruction Ray Page to use his office to see that the food programs are properly administered and extended to all in need. He should challenge Public Aid Director Harold Swank to request that this session of the legislature enact a hunger tax sufficient to eliminate the malnutrition plaguing 629,000 Illinois households.

The bills presented by Representative Robert Mann and those bills presented by a number of the black legislators deserve greater attention on the part of the Governor as they would provide a constructive approach to the alleviation of the problems of poverty and hunger.

We contend that the very attitude of the public toward the poor and toward welfare must be changed. Why cannot this change begin in the Land of Lincoln. We maintain that those persons on welfare should not be seen as criminals or prisoners, nor as the results of an innate will not to work. Rather the poor must be seen as products or as results of advanced technology. It must be recognized that their years of blood, sweat, tears, cheap labor, and human sacrifice helped to usher in that advanced technology. These years represent an investment that should not be returned marked "Insufficient Funds."

As opposed to "welfare" we should use the term and develop the concept of *human subsidy*. The poor would then not be viewed as prisoners who have committed some wrong, but would be recognized as the very vanguard of the twentieth century. Let us strike the word "welfare" from the records, remove all reference to the Paupers Act, and subsidize the poor just as we presently subsidize the rich.

In this way we would employ the under-

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standing of authentic worship as expressed in Biblical writings of the prophet Micah, the sixth chapter, verses 6 through 8, namely, we will follow his admonition to do justice, to love mercy, and to walk humbly before God by walking honestly and acting decently before our fellow man.

DEFENSE DEPARTMENT STRIKE INTERFERENCE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ANDERSON of Tennessee. Mr. Speaker, American workers have suffered and are suffering, because their Defense Department and their Armed Services purchase goods from plants where a strike is in progress. The AFL–CIO and its affiliated unions have sharply protested for many years, but to no avail.

The Department claims that "it takes no sides in labor disputes." But its purchases from plants where such disputes exist and where strikebreakers are in action clearly harms workers.

The Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, has faced many problems, because of Defense Department purchases for over a decade. It is currently concerned about large-scale procurement by the Department and its auxiliary units from the Lorenz Neuhoff meatpacking empire.

This strike began at the Frosty Morn Packers in Clarksville, Tenn., and has spread from there. I have repeatedly contacted the Defense Department about its interference with proper collective bargaining processes.

The executive board of the Amalgamated, a 500,000-member union, has voted a strongly worded policy statement to express its views on the Defense Department and armed services actions.

I sincerely hope, Mr. Speaker, that the Defense Department will reconsider its procurement policies concerning plants which are involved in a labor dispute. It is high time it did.

I insert the policy statement by the executive board of the Amalgamated Meat Cutters and Butcher Workmen, AFL–CIO, in the RECORD at this point:

DEFENSE DEPARTMENT STRIKEBREAKING

The Defense Department and the Armed Services of the United States often and repeatedly act as strike breakers. They use tax dollars—many of which have been paid by wage earners—for large scale purchases from firms which are being struck by their workers. Many efforts of wage earners to organize or to achieve decent collective bargaining agreements have been defeated because of the willingness of the Defense Department to deal in this dirty business.

It is irrelevant to the Department that the product it is purchasing can be bought from hundreds of other firms which follow enlightened and fair labor policies. It is irrelevant to the Department how bad conditions at the plant are. Department officials arrogantly state that they "do not take sides in labor disputes" and continue the strikebreaking purchases. If a plant can produce with a scab force, the Department of Armed Services will buy.

Dozens of Cases: The Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) has, in more than a decade, called several dozen such situations to the attention of officials of the Defense Department. We have appealed to them to stop the purchases while the strike exists. We have offered to provide alternate suppliers. We have received sometimes polite, sometimes arrogant brushoffs.

Other Unions have had the same experiences. Some of the most viciously anti-labor employers have counted, in the midst of bitter strikes, parts of the Defense Department among their best customers. This occurs when many private firms have taken their business elsewhere.

The appeals of Congressmen and Senators on behalf of the striking workers have also been of no avail. The Department is determined in its anti-labor policy. It repeats endlessly that it "does not take sides in a labor dispute" while making it possible for the employer to battle his workers.

Neuhoff Problem: Currently, units and auxiliary parts of the Armed Services are assisting the Lorenz Neuhoff empire in fighting the efforts of his workers to improve their conditions by organizing into unions. The strikes at the various Lorenz Neuhoff plants are battles against incredibly substandard wages, against 19th Century labor conditions, against fantastically dangerous working conditions. But the Armed Services continue to support Lorenz Neuhoff's efforts to maintain these conditions by buying the products.

The Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO) therefore condemns the Defense Department and the Armed Services for their strike breaking purchases. We hereby label them with the name they have earned—SCAB.

Change Now: We take this action in sadness. For we believe the Department and the Armed Services should represent all of the people of the United States and should be pointed to with pride. We regard it as tragic that they stubbornly adhere to the policy of helping to beat back wage earners.

We urge the President of the United States—the Commander in Chief of the Armed Forces—to end the strike breaking evil of the Defense Department. We hope his actions will remove the name of SCAB from the Department.

FIFTH SUMMIT CONFERENCE OF EAST AND CENTRAL AFRICAN STATES

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DIGGS. Mr. Speaker, two major documents that illuminate the problems of southern Africa deserve the attention of this House. In southern Rhodesia, Ian Smith's regime has just proposed a new constitution that will institutionalize racial separation and insure the continuing political and economic domination of that country's 4.4 million African inhabitants by its 235,000 whites. In April, in Lusaka, Zambia, the leaders of 14 independent African states issued a remarkable manifesto on southern Africa. It rejects black as well as white racism. It calls on the white minority regimes to recognize that all men have equal rights to human dignity and respect and to move toward the gradual emancipation of their black majorities before racial strife becomes inevitable. I wish to make the text of this manifesto a part of the RECORD of this House. It follows:

MANIFESTO ON SOUTHERN AFRICA

1. When the purpose and the basis of States' International policies are misunderstood, there is introduced into the world a new and unnecessary disharmony, disagreements, conflicts of interest, or different assessments of human priorities, which provoke an excess of tension in the world, and disastrously divide mankind, at a time when united action is necessary to control modern technology and put it to the service of man. It is for this reason that, discovering widespread misapprehension of our attitudes and purposes in relation to Southern Africa, we the leaders of East and Central African States meeting at Lusaka, 16th April, 1969, have agreed to issue this Manifesto.

2. By this Manifesto we wish to make clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of color, race, religion, or sex. We believe that all men have the right and the duty to participate, as equal members of the society, in their own government. We do not accept that any individual or group has any right to govern any other group of sane adults, without their consent, and we affirm that only the people of a society, acting together as equals, can determine what is, for them, a good society and a good social, economic, or political organization.

3. On the basis of these beliefs we do not accept that any one group within a society has the right to rule any society without the continuing consent of all the citizens. We recognize that at any one time there will be, within every society, failures in the implementation of these ideals. We recognize that for the sake of order in human affairs, there may be transitional arrangements while a transformation from group inequalities to individual equality is being effected. But we affirm that without an acceptance of these ideals—without a commitment to these principles of human equality and self-determination—there can be no basis for peace and justice in the world.

4. None of us would claim that within our own States we have achieved that perfect social, economic and political organisation which would ensure a reasonable standard of living for all our people and establish individual security against avoidable hardship or miscarriage of justice. On the contrary, we acknowledge that within our own States the struggle towards human brotherhood and unchallenged human dignity is only beginning. It is on the basis of our commitment to human equality and human dignity, not on the basis of achieved perfection, that we take our stand of hostility towards the colonialism and racial discrimination which is being practiced in Southern Africa. It is on the basis of their commitment to these universal principles that we appeal to other members of the human race for support.

5. If the commitment to these principles existed among the States holding power in Southern Africa, any disagreements we might have about the rate of implementation, or about isolated acts of policy, would be matters affecting only our individual relationships with the States concerned. If these commitments existed, our States would not be justified in the expressed and active hostility towards the regimes of Southern Africa such as we have proclaimed and continue to propagate.

6. The truth is, however, that in Mozambique, Angola, Rhodesia, South-West Africa, and the Union of South Africa, there is an open and continued denial of the principles of human equality and national self-deter-

mination. This is not a matter of failure in the implementation of accepted human principles. The effective Administration in all these territories are not struggling towards these difficult goals. They are fighting the principles; they are deliberately organising their societies so as to try to destroy the hold of these principles in the minds of men. It is for this reason that we believe the rest of the world must be interested. For the principle of human equality, and all that flows from it, is either universal or it does not exist. The dignity of all men is destroyed when the manhood of any human being is denied.

7. Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the Administrations of these States because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of doctrines of human inequality. What we are working for is the right of self-determination for the people of those territories. We are working for a rule in those countries which is based on the will of all the people, and an acceptance of the equality of every citizen.

8. Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of the colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these States, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

9. As an aftermath of the present policies it is likely that different groups within these societies will be self-conscious and fearful. The initial political and economic organizations may well take account of these fears, and this group self-consciousness. But how this is to be done must be a matter exclusively for the peoples of the country concerned, working together. No other nation will have a right to interfere in such affairs. All that the rest of the world has a right to demand is just what we are now asserting—that the arrangements within any State which wishes to be accepted into the community of nations must be based on an acceptance of the principles of human dignity and equality.

10. To talk of the liberation of Africa is thus to say two things. First, that the peoples in the territories still under colonial rule shall be free to determine for themselves their own institutions of self-government. Secondly, that the individuals in Southern Africa shall be freed from an environment poisoned by the propaganda of racialism, and given an opportunity to be men—not white men, brown men, yellow men, or black men.

11. Thus the liberation of Africa for which we are struggling does not mean a reverse racialism. Nor is it an aspect of African Imperialism. As far as we are concerned the present boundaries of the States of Southern Africa are the boundaries of what will be free and independent African States. There is no question of our seeking or accepting any alterations to our own boundaries at the expense of these future free African nations.

12. On the objective of liberation as thus defined, we can neither surrender nor compromise. We have always preferred, and we still prefer, to achieve it without physical violence. We would prefer to negotiate rather than destroy, to talk rather than kill. We do not advocate violence; we advocate an end to the violence against human dignity which is now being perpetrated by the oppressors of Africa. If peaceful progress to emancipation were possible, or if changed circumstances were to make it possible in the future, we would urge our brothers in the resistance movements to use peaceful methods of struggle even at the cost of some compromise on the tiring of change. But while peaceful progress is blocked by actions of those at present in power in the States of Southern Africa, we have no choice but to give to the peoples of those territories all the support of which we are capable in their struggle against their oppressors. This is why the signatory states participate in the movement for the liberation of Africa under the aegis of the Organisation of African Unity. However, the obstacle to change is not the same in all the countries of Southern Africa, and it follows therefore, that the possibility of continuing the struggle through peaceful means varies from one country to another.

13. In *Mozambique* and *Angola*, and in so-called *Portuguese Guinea*, the basic problem is not racialism but a pretence that Portugal exists in Africa. Portugal is situated in Europe; the fact that it is a dictatorship is a matter for the Portuguese to settle. But no decree of the Portuguese dictator, nor legislation passed by any Parliament in Portugal, can make Africa part of Europe. The only thing which could convert a part of Africa into a constituent unit in a union which also includes a European State would be the freely expressed will of the people of that part of Africa. There is no such popular will in the Portuguese colonies. On the contrary, in the absence of any opportunity to negotiate a road to freedom, the peoples of all three territories have taken up arms against the colonial power. They have done this despite the heavy odds against them, and despite the great suffering they know to be involved.

14. Portugal, as a European State, has naturally its own allies in the context of the ideological conflict between West and East. However, in our context, the effect of this is that Portugal is enabled to use her resources to pursue the most heinous war and degradation of man in Africa. The present Manifesto must, therefore, lay bare the fact that the inhuman commitment of Portugal in Africa and her ruthless subjugation of the people of Mozambique, Angola and the so-called Portuguese Guinea, is not only irrelevant to the ideological conflict of power-politics, but it is also diametrically opposed to the politics, the philosophies and the doctrines practised by her Allies in the conduct of their own affairs at home. The peoples of Mozambique, Angola, and Portuguese Guinea are not interested in Communism or Capitalism; they are interested in their freedom. They are demanding an acceptance of the principles of independence on the basis of majority rule, and for many years they called for discussions on this issue. Only when their demand for talks was continually ignored did they begin to fight. Even now, if Portugal should change her policy and accept the principle of self-determination, we would urge the Liberation Movements to desist from their armed struggle and to co-operate in the mechanics of a peaceful transfer of power from Portugal to the peoples of the African territories.

15. The fact that many Portuguese citizens have immigrated to these African countries does not affect this issue. Future immigration policy will be a matter for the independent Governments when these are established. In the meantime, we would urge the Liberation Movements to reiterate their statements that all those Portuguese people who have made their homes in Mozambique, Angola or Portuguese Guinea, and who are willing to give their future loyalty to those states, will be accepted as citizens. And an independent Mozambique, Angola, or Portuguese Guinea may choose to be as friendly with Portugal as Brazil is. That would be the free choice of a free people.

16. In *Rhodesia* the situation is different insofar as the metropolitan power has acknowledged the colonial status of the territory. Unfortunately, however, it has failed to take adequate measures to re-assert its authority against the minority which has seized power with the declared intention of maintaining white domination. The matter cannot rest there. Rhodesia, like the rest of Africa, must be free, and its independence must be on the basis of majority rule. If the colonial power is unwilling or unable to effect such a transfer of power to the people, then the people themselves will have no alternative but to capture it as and when they can. And Africa has no alternative but to support them. The question which remains in Rhodesia is therefore whether Britain will re-assert her authority in Rhodesia and then negotiate the peaceful progress to majority rule before independence. Insofar as Britain is willing to make this second commitment, Africa will cooperate in her attempts to re-assert her authority. This is the method of progress which we would prefer; it could involve less suffering for all the people of Rhodesia, both black and white. But until there is some firm evidence that Britain accepts the principles of independence on the basis of majority rule, and is prepared to take whatever steps are necessary to make it a reality, then Africa has no choice but to support the struggle for the people's freedom by whatever means are open.

17. Just as a settlement of the Rhodesian problem with a minimum of violence is a British responsibility, so a settlement in *South West Africa* with a minimum of violence is a United Nations responsibility. By every canon of international law, and by every precedent, South West Africa should by now have been a sovereign, independent State with a Government based on majority rule. South West Africa was a German colony until 1919, just as Tanganyika, Rwanda and Burundi, Togoland, and Cameroon were German colonies. It was a matter of European politics that when the Mandatory System was established after Germany had been defeated, the administration of South West Africa was given to the white minority Government of South Africa, while the other ex-German colonies in Africa were put into the hands of the British, Belgian, or French Governments. After the Second World War every mandated territory except South West Africa was converted into a Trusteeship Territory and has subsequently gained independence. South Africa, on the other hand, has persistently refused to honour even the international obligation it accepted in 1919, and has increasingly applied to South West Africa the inhuman doctrine and organisation of apartheid.

18. The United Nations General Assembly has ruled against this action and in 1966 terminated the Mandate under which South Africa had a legal basis for its occupation and domination of South West Africa. The General Assembly declared that the territory is now the direct responsibility of the United Nations and set up an ad hoc Committee to recommend practical means by which South West Africa would be administered, and the people enabled to exercise self-determination and to achieve independence.

19. Nothing could be clearer than this decision—which no permanent member of the Security Council voted against. Yet, since that time no effective measures have been taken to enforce it. South West Africa remains in the clutches of the most ruthless minority Government in Africa. Its people continue to be oppressed and those who advocate even peaceful progress to inde-

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pendence continue to be persecuted. The world has an obligation to use its strength to enforce the decision which all the countries cooperated in making. If they do this there is hope that the change can be effected without great violence. If they fail, then sooner or later the people of South West Africa will take the law into their own hands. The people have been patient beyond belief, but one day their patience will be exhausted. Africa, at least, will then be unable to deny their call for help.

20. *The Union of South Africa* is itself an independent sovereign State and a Member of the United Nations. It is more highly developed and richer than any other nation in Africa. On every legal basis its internal affairs are a matter exclusively for the people of South Africa. Yet the purpose of law is people and we assert that the actions of the South African Government are such that the rest of the world has a responsibility to take some action in defense of humanity.

21. There is one thing about South African oppression which distinguishes it from other oppressive regimes. The apartheid policy adopted by its Government, and supported to a greater or lesser extent by almost all its white citizens, is based on a rejection of man's humanity. A position of privilege or the experience of oppression in the South African society depends on the one thing which it is beyond the power of any man to change. It depends upon a man's colour, his parentage, and his ancestors. If you are black you cannot escape this categorisation; nor can you escape it if you are white. If you are a black millionaire and a brilliant political scientist, you are still subject to the pass laws and still excluded from political activity. If you are white, even protests against the system and an attempt to reject segregation, will lead you only to the segregation, and the comparative comfort of a white jail. Beliefs, abilities, and behavior are all irrelevant to a man's status; everything depends upon race. Manhood is irrelevant. The whole system of government and society in South Africa is based on the denial of human equality. And the system is maintained by a ruthless denial of the human rights of the majority of the population—and thus, inevitably of all.

22. These things are known and are regularly condemned in the Councils of the United Nations and elsewhere. But it appears that to many countries international law take precedence over humanity; therefore no action follows the words. Yet even if international law is held to exclude active assistance to the South African opponents of apartheid, it does not demand that the comfort and support of human and commercial intercourse should be given to a government which rejects the manhood of most humanity. South Africa should be excluded from the United Nations Agencies, and even from the United Nations itself. It should be ostracised by the world community. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity, and to benefit by the strength given through friendly international relations. And certainly Africa cannot acquiese in the maintenance of the present policies against people of African descent.

23. The signatories of this Manifesto assert that the validity of the principles of human equality and dignity extend to the Union of South Africa just as they extend to the colonial territories of Southern Africa. Before a basis for peaceful development can be established in this continent, these principles must be acknowledged by every nation, and in every State there must be a deliberate attempt to implement them.

24. We reaffirm our commitment to these principles of human equality and human dignity, and to the doctrines of self-determination and non-determination and non-racialism. We shall work for their extension within our own nations and throughout the continent of Africa.

ELIMINATION OF GRADE CROSSINGS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. HOWARD. Mr. Speaker, the National Association of Railroad Passengers has strongly endorsed Federal assistance to railroads to make hazardous grade crossings in the Northeast Corridor safe. The NARP was formed in 1967 to serve as a spokesman for the Nation's railroad passengers. NARP has urged prompt action on pending legislation, not only for reasons of safety but so that the high-speed trains now operating in the Northeast Corridor can be operated at higher speeds.

There are thousands of my constituents who commute by rail in the Third Congressional District of New Jersey. I have been highly pleased with the work of the National Association of Railroad Passengers, and have high praise for its chairman, Anthony Haswell, and its executive director, Woodruff M. Price, for their fine contribution on behalf of railroad passengers throughout the United States. I think the letter addressed to Representative JOHN C. KLUCZYNSKI, chairman of the Subcommittee on Roads of the House Committee on Public Works, will be of interest to my colleagues and for this reason I am placing the text of the letter in the RECORD:

NATIONAL ASSOCIATION OF
RAILROAD PASSENGERS,
Washington, D.C., May 27, 1969.

Re elimination of grade crossings.

Hon. JOHN C. KLUCZYNSKI,
Chairman, Subcommittee on Roads, House Committee on Public Works, Washington, D.C.

DEAR MR. CHAIRMAN: The National Association of Railroad Passengers strongly supports legislation now before your Committee to authorize Federal assistance for the elemination of hazardous grade crossings in the Northeast Corridor.

NARP was formed in 1967 to serve as the spokesman for the railroad passenger. Our interest in this legislation is two fold. We are of course concerned with the grave safety hazard posed by these grade crossings, especially in view of the beginning of high speed service between New York-Washington and Boston. Unguarded grade crossings are not only a constant hazard to the motorist, but a potential danger to the passenger trains rider, should a high speed train be involved in a crossing accident.

The second reason that NARP supports these bills is that unprotected grade crossings are creating a serious impediment to the efficient operation of high speed trains. This is particularly true on the New Haven portion of the Corridor. The TurboTrain has not been able to operate at its designed speed because of the number of grade crossings on its run. In this regard, we would urge the Subcommittee to approve legislation which will apply to the entire Northeast Corridor, as the greatest number of crossings lie between New York and Boston.

The TurboTrain is one of the best hopes for a solution to the problem of efficient, profitable inter-city passenger service. But the demonstration now underway will demonstrate nothing unless the TurboTrain can operate at its designed speed. The highly successful Metroliner has demonstrated that by reducing travel time by an hour or an hour and a half, many passengers will be attracted from increasingly crowded highways and airways. At present the TurboTrain because of operating restrictions has only reduced the Boston-New York run by 15 minutes. It is therefore vital that these restrictions be eliminated so that the TurboTrain can prove its worth. It would surely be folly to allow the grade crossing problem to be the Achilles' heel to a government funded demonstration project.

We need not repeat to this Committee which has jurisdiction over money spent to subsidize other forms of transportation, such as trucks, airlines and barges, that the railroad industry has been almost totally ignored in the Federal transportation budget. The modest assistance proposed by this bill will not only lead to safer roads and railroads, but will give the railroad industry some sorely needed assistance.

In conclusion we would urge the Subcommittee to give serious consideration to extending this assistance on a nationwide basis. The grade crossing problem exists everywhere there are railroads, not only in the Northeast Corridor. In 1967, for example, throughout the country 1,632 people were killed and 3,812 were injured. Spending the money to protect these crossings seems a small price to pay in terms of the lives that would be saved and injuries prevented.

We would appreciate if this letter were made part of the permanent hearing record on H.R. 4808, H.R. 8955 and related measures.

Respectfully,

ANTHONY HASWELL,
Chairman.

MEMORIALIZING CONGRESS TO ESTABLISH A NATIONAL CEMETERY IN GLOCESTER, R.I.

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ST GERMAIN. Mr. Speaker, I respectfully request permission to revise and extend my remarks and to include a copy of a resolution passed by the Rhode Island General Assembly on May 16 entitled "Resolution Memorializing Congress To Establish a National Cemetery in Glocester, R.I."

The resolution follows:

MEMORIALIZING CONGRESS TO ESTABLISH A NATIONAL CEMETERY IN GLOCESTER, R.I.

Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

Whereas, In every other region of the country there are at least for national cemeteries, but in New England there are none; and

Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

Whereas, The historically rich state of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now therefore be it

Resolved, That the general assembly of Rhode Island and Providence Plantations hereby respectfully requests congress to enact such appropriate legislation to establish a national cemetery in Glocester, Rhode Island so that veterans can be properly laid to rest in a cemetery befitting their service to this country; and be it further

Resolved, That the Secretary of State be and he hereby is auhorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress of the United States in the hope that they will give his matter their personal attention.

I, August P. La France, Secretary of State of the State of Rhode Island and Providence Plantations, hereby Certify that the aforegoing is a true copy of resolution (H. 1860) entitled "Resolution Memorializing Congress to Establish a National Cemetery in Glocester, Rhode Island," taken from the records in this office and compared with the original resolution (H 1860) passed by the General Assembly at the January Session, A.D. 1969 and approved by the Governor on the sixteenth day of May, 1969 and now remaining on file and of record in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the State of Rhode Island, this twenty-eighth day of May, anno Domini 1969.

AUGUST P. LA FRANCE,
Secretary of State.

A BILL TO AMEND THE FOREIGN ASSISTANCE ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. REID of New York. Mr. Speaker, last Wednesday I introduced, along with the gentleman from California (Mr. Moss) and a bipartisan group of 13 other Members, a bill to amend the Foreign Assistance Act to provide for a program of investment guarantees in Latin American countries to encourage local participation in self-help community development projects.

Our bill, if approved by our colleagues, would authorize U.S. Government guarantees on the repayment of up to 25 percent of loans made by private banks and other institutions in Latin America to groups of campesinos for rural and urban community development projects. The private Latin American banks making the loans would assume the remaining 75 percent of the risk. The loans could be used to finance waterpumps, wells, farm machinery, schoolhouses, short access roads, improved seed, fertilizer, and pesticides, small health centers, sanitation facilities, or whatever other items a community itself feels is important to its development.

Although our proposal would be administered through the Agency for International Development, the loans would go directly to the people. It is hoped that this procedure will provide communities with quick, visible, and practical improvements to assist development. The campesinos involved, because they would repay the loans, would retain their own dignity. The plan would bypass local governments and put funds to use directly—without their being diluted through bureaucracy.

A program similar to the one we are proposing has been administered by the Pan American Development Foundation for the past 2 years. The repayments record of campesinos participating in the foundation's program has been 95 percent on loans involving more than 400 different community projects costing $700,000.

It is anticipated by Latin American banking officials that the rate of default under our proposal will be less than 5 percent, and will certainly not exceed that figure. If the United States, through the Alliance for Progress program, were willing to risk the loss of $1 million, we could guarantee $20 million worth of loan money. If the United States guarantees $20 million, private Latin American banks have indicated their willingess to add $60 million, making a total of $80 million available for loans for community projects. We would therefore get $80 worth of development for each $1 potentially lost—which is surely a better rate of return than we normally achieve.

In the foreign aid message sent to the Congress May 28, the President said:

> We must enlist the energies of private enterpise, here and abroad, in the cause of economic development. We must do so by stimulating additional investment through businesslike channels, rather than offering ringing exhortations.

Mr. Speaker, I cannot think of a more practicable proposal than this one for encouraging the investment of Latin American banks in projects in their own countries. The legislation has the support of officials of the Agency for International Development and the Department of State. It will have the support of the campesinos of Latin America, who must now borrow money at usurious rates, if at all. A number of my colleagues indicated their interest in the growth of democratic institutions in 1966, when they added title IX to the Foreign Assistance Act. Mr. Speaker, I commend this legislation to their attention and urge its early consideration by this body.

U.S. DISSENTERS ENCOURAGE HANOI

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. UTT. Mr. Speaker, I would like to place in the Extensions of Remarks of the RECORD an article by David Lawrence which appeared in the Washington Evening Star of June 3, 1969. The article is entitled "U.S. Dissenters Encourage Hanoi," and points out the way North Vietnam is exploiting the criticism, being expressed by certain prominent Americans, of the President's policies in Vietnam. I believe that this article deserves wide attention.

The article follows:

U.S. DISSENTERS ENCOURAGE HANOI

(By David Lawrence)

The war in Vietnam is being prolonged and peace talks in Paris are not making progress. The North Vietnamese, aided and supported by the Soviet and Chinese Communists, are determined to make no concessions of importance. They insist upon the abject withdrawal of American troops from Southeast Asia.

The persons responsible for the weakening of the position of the American government at the negotiating table are here in the United States. Some of them are Communists who help to instigate riots and disturbances in many countries. Some of them are misguided individuals in the colleges who are opposed to the war in Vietnam. Some of them are members of Congress who are attacking their own Government in the midst of war—an unprecedented instance of what would have been regarded as disloyalty during past wars.

Dissension within the United States has been one of the biggest benefits to the Communist cause. An example of how much America is being damaged by internal criticism is to be found in a broadcast made at 8 o'clock yesterday morning over CBS radio by Bernard Kalb from Hong Kong. He said:

"North Vietnam is exploiting Senator Kennedy's recent criticism of President Nixon's policies on Vietnam. Interestingly, the senator's remarks were featured today in several Vietnamese language news broadcasts—that is, broadcasts for domestic consumption—indicating that Hanoi believed that this criticism of Washington's policy would boost or strengthen North Vietnamese morale.

"In its broadcast, Radio Hanoi maintained that—and this is a quote—'Statements by U.S. senate leaders show that progressive Americans resolutely oppose the Nixon policy of supporting the traitor administration of Nguyen Van Thieu.' Thieu is president of South Vietnam.

"The Hanoi broadcast named Senators Kennedy, Mansfield, Javits and Mondale, but they concentrated on the remarks made by Senator Kennedy.

"Radio Hanoi quoted the Massachusetts senator as sharply criticizing the Saigon regime. About two weeks ago, Senator Kennedy spoke out for the first time in the Senate against the Nixon administration's Vietnam policy, charging that military action such as the recent battle for Hamburger Hill were both senseless and irresponsible."

President Thieu of South Vietnam is convinced that, even if the Communists accept some form of peace settlement at Paris, they will be doing so just to obtain the withdrawal of allied forces. He made a speech to that effect on his visit to South Korea a few days ago. He said:

"Afterward, as they have done so often in the past, they can violate again the agreement and reinfiltrate their troops to renew and reactivate the war while the machinery for allied troops to intervene again will be much more cumbersome."

Secretary of State William P. Rogers, who has been traveling throughout Southeast Asia, has talked frankly with friendly governments who have expressed privately their fears about our policy. The belief is growing that the dissenters inside America will influence future decisions and that a bigger war in Asia may come within a few years if the United States pulls out now and there is no firm guarantee that Communist aggression will cease.

The prospect of obtaining national unity has recently been dimmed by speeches in Congress criticizing military strategy and otherwise belittling the military command. This is something that encourages our adversaries to believe that the disunity in America must inevitably result in the equivalent of surrender.

There has been some quibbling about the fact that no actual declaration of war has ever been made with respect to Vietnam. But the truth is that Congress not only has by joint resolution authorized the use of American military forces in Southeast Asia, but has appropriate [illegible] regularly to carry on the Vietnam war. There was no declaration of war when the United States entered the Korean war under the auspices of the United Nations, and Congress had ample opportunity then, as it has today, to pass a resolution opposing the continuance of the war.

The United States is engaged in a war involving more than a half-million men in the armed services, but is being harmed by the discord at home. In fact, the casualties have increased and the war has been lengthened due to the belief of the enemy that America is full of dissatisfaction and will eventually accept "peace at any price" and order its forces to come home.

CONGRESS MUST SET GUIDELINES FOR FUTURE REDISTRICTING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DULSKI. Mr. Speaker, a bipartisan group of New York Members of the House joined me Tuesday in sponsoring legislation to establish guidelines for future congressional redistricting.

No guidelines exist in law now and it has become essential that Congress act in the light of the many harassing court challenges which have resulted from the original one-man, one-vote ruling of the Supreme Court of the United States.

Our proposal is to set a leeway for each district of 2½ percent in population above or below the mean average for the districts in a State. In New York State, for example, the mean average for the 41 districts under the 1960 decennial census was 409,324.

As the court decisions stand today, new congressional districts must have zero variance from the mean average. This is ridiculous and completely unrealistic, yet this is the way the court decisions have left the situation in the absence of legislative directive.

If the States are to avoid endless harassment after the redistricting upon the basis of the 1970 decennial census, it is mandatory that Congress enact legislation to install reasonable guidelines in law.

It is not the job of the court to set the guidelines, it is the job of the Congress. The endless court challenges which have faced New York and other States in the past several years make indelibly clear the necessity for putting specific guidelines into law.

It should be noted that the courts seem to be attributing greater validity to census data than is the Census Bureau itself.

The Census Bureau itself acknowledges that its population headcount in 1950 and 1960 was only 97 percent accurate.

What is more, today's extremely mobile population makes census figures outdated before they are compiled. Thus the Court's zero-target—or as the Court says: "absolute equality"—is actually unattainable across the board.

Setting a 2½-percent variation allowance is within the range of census data accuracy and will permit the States to have slight leeway that can avoid much disruption to normal geographic lines.

The Supreme Court's ruling in April this year has forced the State to begin preparations for another million-dollar congressional reapportionment of the State for the 1970 election.

The Court ruled that the State's 1968 redistricting did not meet the Court's zero-variance interpretation, although the redistricting plan was approved at the time by a lower Federal court.

Our bill also includes a section aimed at avoiding the necessity for another redistricting in New York in advance of the 1970 decennial census.

It provides that any State whose present districts in Congress are within 10 percent of the average shall be considered the districts for the November 1970 election. New York meets this criteria with a variance of about 6 percent each way.

I recognize that for New York to avoid the new redistricting for the 1970 election, even under the provision of this bill, New York would have to ask the Supreme Court to set aside its earlier ruling in the light of the legislation.

Whether the Court would agree remains to be seen, but I believe the effort should be made since the special redistricting will cost the State about a million dollars and will be done on the ridiculous basis of census data that are nearly 10 years old.

New York State will need to redistrict again on the basis of the 1970 census because the State is expected to lose one or more districts under national reapportionment.

The most important job for Congress—and the sooner the better—is to put specific guidelines in law so that New York and other States will know exactly in their 1971 redistricting what is the maximum variance from the State average.

Cosponsors of the bill with me include: Messrs. ADDABBO, BIAGGI, BINGHAM, BUTTON, FARBSTEIN, HALPERN, HANLEY, HASTINGS, HORTON, KING, MCEWEN, OTTINGER, PIKE, POWELL, STRATTON, and WOLFF, all of New York.

SECRET DIPLOMACY—THE ENEMY'S ADVANTAGE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RARICK. Mr. Speaker, in his Public Affairs Bulletin—6157 Kellogg Drive, McLean, Va. 22101—Gen. Thomas A. Lane, U.S.A.F., retired, presents a most enlightening view of secretly negotiated international agreements and reminds us that this type of defeatist diplomacy, inconsistent with American principles, can only serve as another weapon for the enemy in pursuing the ultimate downfall of these United States.

I include General Lane's June 10 Public Affairs Bulletin in the RECORD:

U.S. GOVERNMENT DISTRUSTS THE PEOPLE

WASHINGTON.—Years ago, in revulsion against the Yalta and other agreements negotiated by a sick President, the American people clamored for "open covenants openly arrived at". The people felt that their representatives should stand forthrightly for what was honorable and reasonable, that secret agreements could only be damaging to their interest.

Today our President says that open diplomacy is not practicable. Our diplomats have persuaded him that progress can be made only in secret negotiations. In recent decades, some practical adjustments of interest have been reached with the Soviet Union through such talks.

The error in this resort to secret diplomacy is that we accept the Soviet standard of international conduct. We negotiate secretly while they revile us publicly. It is demeaning to engage in such talks at all.

When diplomacy had higher standards of objectivity, friends and enemies were recognized and treated accordingly. Enemies were opposed until they changed their attitudes. It would have been dishonest to pretend to your own people that an enemy harbored no evil designs against you.

Why does the United States bow to Soviet diplomacy which makes a mockery of our principles? We say we are not interested in words, only in deeds. But Soviet leaders know the importance of words in shaping the minds of men. If the Soviet Union insists on prosecuting the propaganda war, we should win that war before turning to other issues. We should expose the cynical fraud of a communism which promises utopia and delivers a dungeon.

Far from winning the propaganda war, we are not even fighting it. We have abandoned the field to the enemy. Our officials never speak harshly to Soviet counterparts. They have based their hopes of peace on avoiding offense to the enemy. It is futile to suppose that expressions of firm resolution can offset the effect of such behavior. Negotiation under such conditions can only be a process of surrender.

This shameful posture of our diplomacy influences other traditional attitudes in government. Because our leaders seek to avoid offense to the other side, they must try to suppress domestic attitudes in conflict with their policy. They must keep the real dimensions of Soviet aggression from the American people for fear that the people, fully informed, would compel the government to oppose Soviet expansionism. Every abrasive facet of our confrontation with the Soviet Union is concealed or misrepresented.

This is the nature of American politics today. Our leaders, ably seconded by our news media, have embraced the false thesis that stopping Soviet aggression would lead to nuclear war. They can avoid the confrontation they fear only by keeping the truth from the American people. This is the heart of the credibility crisis in our society.

In the May 24 issue of Human Events, Phyllis Schlafly and Chester Ward called upon President Nixon to publish the strategic war plans of the Soviet Union delivered to us in 1961 by Colonel Oleg Penkovsky, a senior officer of Soviet Military Intelligence. Penkovsky was discovered and executed. Presidents Kennedy and Johnson kept the Soviet plans secret. Exposure would have been inconsistent with their courtship of Soviet favor. It would have aroused public concern and forced our presidents to change their policies. That is why the people could not be trusted with information of enemy plans. Mrs. Schlafly and Admiral Ward argued cogently that the information should have been publicized long ago to inform our people about the nature and intentions of the enemy we face.

President Nixon can never be credible while he adheres to the Johnson standard of diplomacy. He must return government to the old standard of revealing all information which does not compromise our own security and adjusting diplomacy to the judgments of the American people.

A President who does not trust the American people cannot be trusted by them. This is the Johnson lesson.

THE SHIFTING BALANCE OF NUCLEAR POWER

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RIEGLE. Mr. Speaker, although I have serious reservations about the deployment of the ABM system at this time, I do feel that both sides of the issue must be thoroughly discussed and evaluated. Along this line, I am submitting for the RECORD today some thoughtful remarks prepared by a proponent of the ABM system. The author, Mr. Richard J. Whalen of the Center for Strategic and International Studies, has set forth a thoughtful case which I believe should be incorporated in the public dialog. The text of his remarks follows:

THE SHIFTING BALANCE OF NUCLEAR POWER

(By Richard J. Whalen)

I

Gentlemen, it is an honor and privilege to be with you in the Grove today.

My friend, Admiral Arleigh Burke, the Director of the Center for Strategic and International Studies, told me before I left Washington: "Dick, the Bohemian Club has a rule—they don't talk business while they're in the Grove."

Obviously, the rule does not apply to the *public* business. Under our democratic system of government, it is ultimately we who determine the basic policies, and thus the destiny, of our country. We meet in this magnificent forum as free men to consider a vitally important piece of public business.

Sometime this summer, Congress will vote on President Nixon's proposal to begin deployment of the Safeguard antiballistic missile system. Since Mr. Nixon announced his decision in March, a national debate has been raging on the ABM. It is our responsibility to inform ourselves on this issue, make a judgment, and then make our views known to those who represent us in Washington.

The immediate questions before Congress are narrow in scope: whether or not to begin construction of ABM defenses around two Minuteman bases in Montana and North Dakota; and whether or not to acquire the additional sites that would be needed in later phases of the Safeguard program, should the decision be made in the future to go ahead with a full deployment.

Much of the debate on these questions has been politically inspired, emotional, and confusing in its technical complexity. It is very easy to ignore the whole argument, trusting that the experts will thrash out their differences and the politicians will reach some compromise. This attitude is reflected in an early Gallup poll, which showed almost two-thirds of those polled having no opinion on the ABM. Americans generally seem to believe that not very much is at stake.

I would suggest that the stake in the ABM dispute is enormously greater than many recognize. Indeed, we may be deciding now what kind of world we will be living in ten years from now, and perhaps whether America and other free societies will survive in the world of the late 1970s.

In my conservations around the country, I find that Americans of all persuasions are becoming weary of involvement in the fate of other nations. We are anxious to turn inward and devote attention and resources to the ills of our own strife-torn society. Our disillusionment grows out of our agonizing national experience in Vietnam, where we are waging the longest and least popular war in our history. Our thoughts of the future are strongly colored by Vietnam's domestic backwash of student unrest and mass protest. We want an end to all that, as swiftly as possible. And while we are at it, we want an end to dubious foreign entanglements that might lead to another Vietnam and further domestic upheaval. We want, in a word, *peace*.

Unfortunately, history is not like an indulgent parent, who gives us what we want when we want it. The world of our desires remains distant from the world of reality, and it may elude us entirely if we fail to see our present situation clearly and act accordingly.

The changing mood of America has not gone unnoticed overseas. When I was in Western Europe early this year, participating in a study of the impact on NATO of the Soviet invasion of Czechoslovakia, I found that European officials, scholars, and strategists were keenly interested in the capture of the *Pueblo*. Although they were too polite to express it in so many words, the source of their concern was obvious. They were asking themselves: If the United States could not go to the assistance of a warship bearing its own flag, would it come to *our* aid in a time of crisis?

Since then, the North Koreans have committed an even more brazen and murderous outrage, and the United States has done nothing about it. From Japan to West Germany, our allies have become more apprehensive. Of course, they publicly praise our restraint. Privately, however, they are preparing for a time when the pledges of the United States may prove unreliable.

In its annual survey of the global military and political scene, the Institute for Strategic Studies in London said this spring: "The future historian may mark the year 1968 as the close of a twenty-year era of American history in which . . . the pattern of international politics had to a very large extent been determined by American policy alone." Further on, the Institute reported as a fact "the end of the American desire and ability to be *the* universal and dominant power."

If this is indeed a fact, and the visible evidence supports it, we have entered a period of transition toward an unknown destination. One kind of world order is ending and something else, unclear and uncertain, is emerging. This great change forms the broader framework of the ABM decision.

II

Let us look at the world order which America dominated.

It grew out of the Second World War, the first truly global conflict in mankind's history. The United States alone came out of that destructive war much stronger, with a monopoly of unprecedented nuclear power, but without any clearcut objectives. If we had been ambitious and ruthless, we then had the means to establish a worldwide empire.

However, we were armed, not for conquest, but for peaceful cooperation. We were inspired, not by imperialist dreams, but by moral idealism. In our terrible innocence, we regarded other peoples as essentially Americans at heart, lacking only the experience in democracy and the material prosperity necessary to fulfill what we assumed was a universal aspiration.

In spite of ourselves, we soon acquired an empire of a sort. We fell heir to the wreckage of other empires. We assumed the obligation of defending war-ravaged allies and former enemies alike. Practically to every nation seeking it, we extend our promise of protection, asking almost nothing in return. And we sealed this one-sided bargain with a fantastic outpouring of material aid.

To be sure, there was a motive of self-interest mixed with our idealism. After the Iron Curtain fell on Eastern Europe, we sought to protect ourselves against the *potential* threat of Communist expansion, especially in divided Europe. But the reality of the period we call the Cold War, as we look back on it, was overwhelming American strength and obvious Communist weakness. We had the power to enforce the restraining lines we drew.

The exception proving this rule was Korea. There, the Communists were uncertain as to where America had drawn the line, and uncertainty tempted them into a miscalculation. Americans were frustrated by this strange "limited war," but it seemed virtually a disaster to Communist strategists—an adventure leading to grave setbacks. For as a result of the Korean War, the United States embarked on a policy of permanent mobilization and rapidly built a large peacetime military establishment. We also built a network of bases around the Communist camp.

From the early 1950s to the early 1960s, although there was much ideological bluster from the Communist camp and continual probing along the line, the vast superiority of American military power, especially nuclear power, enforced, if not genuine peace, at least a favorable truce. Under our nuclear umbrella, our conventional land and sea forces could intervene at will in local trouble spots. We may recall, as an illustration of America's freedom of movement in those years, the intervention in Lebanon in 1958, when Marines waded ashore to be greeted by ice cream peddlers and girls in bikinis.

Of course, we respected *both* sides of the line between East and West. When anti-Communist uprisings occurred in East Germany, Poland, and Hungry, we turned a deaf ear to the pleas for help from the captive nations. The Republicans who had attacked Franklin D. Roosevelt and the Yalta agreements so long and loud, in the end, confirmed that Eastern Europe lay within the Soviet sphere.

More than that: the United States began looking hopefully toward the Soviet Union as a partner in maintaining the stability of a divided world. When, in 1956, France and Great Britain, intervened in the Middle East and occupied the Suez Canal, we joined with the Soviets in condemning our allies and forced their withdrawal. It was then that Britain's Harold Macmillan sent a terse, cryptic message to his old friend, President Eisenhower: "OVER TO YOU."

Over to us, at our insistence, came full responsibility for policing the non-Communist world. Our allies, who had recovered to the point where they might have shared some of our peace-keeping burdens, were told, in effect, don't bother.

III

Now, let us look at how this world order dominated by America began to change.

In the perspective of history, the events of a year or even a decade lose much of their significance. What matters is the decisive event, the turning-point, and the new trend it indicates.

According to the conventional wisdom, such a decisive event occurred in October, 1962, when, under the American threat of nuclear retaliation, the Soviet Union removed its offensive nuclear missiles from Cuba. Out of this crisis, we are told, came a tacit understanding, not only between President Kennedy and Premier Khruschev but their successors as well, that neither side would again push its ambitions to the brink of nuclear war. Their common, overriding stake was survival.

The Cuban missile crisis did represent a turning-point. But I strongly disagree with the conventional wisdom. The Soviet leaders were frightened by the risk of nuclear war, but there is no evidence that they were converted to the cause of peace. We are no closer to *detente* than we were seven years ago. Meanwhile, the Soviets—and this, I believe, is the true turning-point—are very close indeed to gaining nuclear superiority.

The haze of instant myth obscures the way in which the Cuban missile crisis was actually resolved. The Soviet Union had at the time fewer than 75 intercontinental ballistic missiles, which were vulnerable to attack. It backed down before our manifest nuclear superiority. Even if the Soviets had been mad enough to attack first, and Khrushchev was no mad man, we had the means utterly to destroy the Soviet Union as a modern nation. And the threat of such destruction, as Secretary of Defense McNamara later testified, was the only reason for the humiliating Soviet withdrawal of their missiles.

President Kennedy carefully saw to it that Khrushchev's humiliation was not complete: by agreeing to retreat, Khrushchev gained, as he later boasted, an American guarantee that no further attempt would be made to overthrow Castro's regime. This was the concrete outcome of the missile crisis: an American agreement to tolerate what had earlier been branded intolerable: a base for Communist subversion within the Western Hemisphere.

Thus, while we respected the Communist sphere, the Soviets did not respect ours. While we took as the objective of our military power the maintenance of the status quo, they took as theirs the overthrow of the status quo. While we identified nuclear war as the greatest danger, they identified nuclear inferiority as the greatest obstacle to their ambitions.

I do not use the advantage of hindsight in stating these conclusions. Immediately following the missile crisis, Soviet leaders stated their views plainly. The Soviet Minister of Defense, the late Marshal Rodion Malinovsky, declared that the U.S.S.R. had to accelerate its efforts to exploit the strategic potentials of modern science and technology. He promised:

"We do not intend to fall behind in development or be inferior to our probable enemies in any way. . . . In the competition for quality of armament in the future . . . (our) superiority will ever more increase."

But we ignored such words as empty saber-rattling. We listened instead to the much more encouraging words of President Kennedy, who described peace as "the necessary rational end of rational men." Speaking at American University in June, 1963, the President expressed the belief that the United States could influence the Soviet Union by example. "We must conduct our affairs in such a way," he declared, "that it becomes in the Communists' interest to agree on a genuine peace." This would not come about immediately he concluded, but "at least we can help make the world safe for diversity."

The echo of Woodrow Wilson struck a deep response among the idealistic, optimistic American people. We had never surrendered our belief that an inherent harmony exists among all men and nations, if only they will seek to *understand* each other. Our vision was of a world naturally tending toward peace. As long as our power was vastly superior and our enemies were deterred, we could imagine that our vision was being fulfilled.

But the vision of the world held by the men who succeeded Khrushchev was of a world naturally tending toward conflict, according to the doctrines of Marxism-Leninism. To say this is not to deny the possibility of change within the Soviet Union; it is merely to inject realism where wishful thinking runs rampant. The evolutionary softening of the attitudes of Soviet leaders must inevitably take generations, for the Communist system rigorously promotes orthodoxy and guards the apparatus by which the ruling elite reproduces itself.

For seven years, under Presidents Kennedy and Johnson, Robert S. McNamara served as Secretary of Defense, becoming perhaps the most influential Cabinet member in our history. He believed the United States could anticipate a softening of Soviet attitudes before it occurred. We attempted to influence the strategic policy of the Soviet Union by our example. We stabilized the number of our land- and sea-based offensive missiles. We steadily reduced spending for strategic forces, dropping from $11.3 billion in 1962 to $6.8 billion by 1966. We scrapped many advanced projects and stretched-out others. The aim of our research and development effort was shifted away from innovation, which was deemed provocative to the Soviets, and toward refinement of existing weapons. We were determined not to lead an arms race, which was praiseworthy. But we were also told by prominent scientists, who aggressively ventured into politics, that even a technological race was futile: we had reached a "plateau." That was dangerously untrue.

Thus, the dubious objective of our foreign policy, preserving the status quo, filtered back into our defense policy, which adopted as its goal a nuclear stalemate. Yet it was only the sustained effort to preserve our superiority, technological as well as military, that made possible our static foreign policy.

While the United States declined to exercise the initiative in strategic weapons, the Soviet Union bent every effort toward seizing it. The Soviets developed and deployed as rapidly as possible not only offensive missiles but also the first antiballistic missile system in the world. The official reaction from Secretary McNamara was approval. It seemed obvious to him that the Soviets were seeking the same capability we had attained earlier: an Assured Destruction capability—that is, the ability to ride out a first strike and then retaliate so devastatingly that the enemy, weighing the damage he could not prevent, would be deterred from striking. No one knew what level of damage the Soviets would deem "unacceptable," but Secretary McNamara ventured what seemed to him a "reasonable" assumption: The destruction of one-fifth to one-fourth of the Soviet Union's population and one-half to two-thirds of its industrial capacity, he declared, "would certainly represent intolerable punishment."

Secretary McNamara, an extremely able and intelligent man, was also an intellectually arrogant man. Because he was so thoroughly persuaded of the logic of Assured Destruction, which he could "prove" by using statistical tables, he assumed the Soviet defense planners would also be persuaded. He scoffed at the early Soviet ABM defenses. Indeed, he lectured the Soviets directly in his public statements. "If our assumption that the Soviets are also striving to achieve an Assured Destruction capability is correct, and I am convinced that it is, then in all probability all we would accomplish by deploying ABM systems against one another would be to increase greatly our respective defense expenditures, without any gain in real security for either side."

The Soviets, under men like Marshal Malinovsky, weren't listening — and why should they? *They* alone were responsible for defending the Soviet Union. If technology promised to make a defense against missiles possible, they would commit the nation's resources to making it as effective as they could. Soviet leaders, such as Premier Kosygin, publicly declared that antiballistic missiles were *not* provocative. What was wrong with preventing the deaths of millions of people in the event of a nuclear war? The American Joint Chiefs of Staff agreed with Kosygin, and twice unanimously recommended that the United States go ahead with deployment of its own antiballistic missile system, but Secretary McNamara overruled them.

The Secretary of Defense, so intrigued with his brilliant logic, became a man in the grip of a fixed idea. Because he believed there was no point in the Soviets' attempting to achieve nuclear superiority, he predicted flatly that they would stop building offensive missiles. As late as 1965, he said they had given up the attempt to match our missile force in size. But the Soviets, once again, disappointed Mr. McNamara. They not only continued their buildup, they accelerated it. Soviet missile production surged ahead, from an annual rate of perhaps 40 in 1962 to a rate of close to 300 in 1968.

Today, the Soviets have surpassed us in the number of land-based missiles. They have built and are continuing to build, a large force of SS–9 missiles, each capable of delivering 25 megatons with a high degree of accuracy. They are building nuclear submarines similar to our Polaris. They have demonstrated the capability of putting nuclear weapons into orbit. This buildup is the result of having out-spent the United States by better than two-to-one on strategic nuclear forces during the 1960s. Just as important, the Soviets are very close to achieving technical parity. While our expenditures on research and development remained stable in the 1960s, theirs were growing by more than 10 percent a year.

From the mid-1960s, as the Soviets stubbornly continued to deploy both offensive and defensive weapons, Secretary McNamara tried to hedge against growing uncertainties by improving the quality of our offensive missiles. The United States made plans to put a new front-end on our Minuteman and Polaris missiles, consisting of several warheads, each capable of being guided to a different target. The multiple independently-targeted re-entry vehicle, known as MIRV, introduced a radical new element into the strategic nuclear equation, for the number of missiles alone no longer determined the balance of power. Now, each Soviet launcher became merely a vehicle to carry a number of warheads—how many, our intelligence satellites could not tell us.

It should be noted here that MIRV was being developed in our highly secret laboratories in the early 1960s, at the very time when prominent scientists were asserting that strategic technology had reached a plateau. Also coming into view at that time were future improvements in the guidance accuracy of missiles which disarmament-minded scientists not only failed to predict, but said were impossible. In this age of science, we accord scientists a unique authority, even in areas of inherent uncertainty and in fields outside their competence. We are especially trusting and superstitious when scientists tell us emphatically that what we want to believe.

IV

Now, we come to what may be called the moment of truth, the beginning of the ABM drama that soon will reach a climax in the Congress.

When the Johnson Administration reluctantly decided that the deployment of an antiballistic missile system could be delayed no further, it proposed to take certain necessary steps for preposterous reasons. Secretary McNamara, speaking in San Francisco in the fall of 1967, announced a decision to deploy the Sentinel ABM system, as it was then called, around major American cities as a defense against the threat from Communist China in the late 1970s. In passing, he mentioned that such a system might also be useful to protect our Minuteman missiles against a Soviet attack.

In Congressional hearings that winter, expert witnesses demolished the nuclear "Yellow Peril" as the major justification for deploying an ABM system. Obviously, the only threat justifying ABM came from the Soviet Union. To admit the existence of such a threat, however, would have undermined not only Secretary McNamara's logic and the deterrent forces based on it, but also the Johnson Administration's almost desperate hopes for *detente* and for Soviet assistance in getting out of Vietnam on acceptable terms.

The whole debate over ABM, therefore,

has been warped by the tyranny of fashionable opinions. Only slowly, by stages which have needlessly confused the American public, has the rationale for deploying an ABM system been brought into conformity with reality. We have dropped the idea of defending cities, except for Washington, and we have focused on the potential danger to our land-based retaliatory missiles.

The result of this realistic policy by the Nixon Administration has been to open up for debate the intentions of the Soviet Union. Those in America who want to get out of Vietnam tomorrow, who want to cut back drastically on military spending, who want to retire into self-indulgent isolation—all those who have a strong vested interest in presuming that Soviet intentions are benign are emotionally opposed to an ABM system based on a prudent assessment of Soviet capabilities.

Am I unfair to critics of the Safeguard system? Perhaps to some, but not to such leading opponents as Dr. Jerome Wiesner, who commands attention as the former science adviser to President Kennedy, but whose credentials for judging the political and strategic implications of nuclear-weapons are dubious.

Early in 1967, Dr. Wiesner and I spent much of an afternoon together, discussing the issues raised by ABM. He conceded that the idea of defending Minuteman silos might have a great deal of merit, if the Soviet threat increased—as it has. Toward the end of our interview, he cautioned me to take care in quoting him. It was surely his right to be quoted accurately. But his concern had a different motive. He said he did not want his words presented in a way that would offend unnamed parties in the Soviet Union. He explained that he went to the Soviet Union each year, keeping up contacts made at the Pugwash disarmament conferences, and he wished to be permitted to enter the country.

I must confess that I was appalled. Dr. Wiesner, a free man in a free society, hailed as a man of science committed to free inquiry, was perfectly willing to censor his opinions in order to please the authorities in a state where individual freedom did not exist. Ordinarily, it is wrong to look beneath a man's arguments and inquire into his motives. But, in the case of some of the opponents of the Safeguard system, I must admit that I profoundly distrust their motives. They are engaged in the falsification of reality in order to preserve cherished illusions.

V

At this point, we may briefly consider some of the opposing arguments raised. For example, we hear speculation that the Safeguard system will cost fantastic sums of money, running into the scores of billions of dollars. Such speculation is intended solely to frighten the public. For the first year, Safeguard would cost about $900 million. The Administration estimates the cost of a full deployment, between now and the mid-1970's at some $8 billion. That works out to around two billion dollars a year—which is less than we are currently spending in Vietnam *each month*. A more relevant comparison is this: The average annual cost of the full Safeguard program is estimated at *less than one-fifth* what the United States was spending for defense against manned bombers at the end of the 1970s. As we grow richer, apparently, we can afford to do less to defend ourselves.

The Soviet Union, unhappily, does not share this curious philosophy. With a gross national product roughly half the size of ours, the Soviets maintain a level of defense spending at least equally as large—and they, of course, are not consuming $25 billion a year in Vietnam.

Consider the argument that Safeguard won't work. Eminently qualified experts testify that it will indeed work in meeting the threat against which it is designed. To the layman, this may seem a standoff, and perhaps a reason for waiting until we are certain. Why spend money, after all, on something that won't do the job?

The essence of the changing strategic situation is *uncertainty*. Judgments concerning the effectiveness of highly complicated weapons systems are inherently uncertain. We know that the Soviets are deploying extensive ABM defenses—sixty-seven sites around Moscow alone—but we do *not* know how effective these defenses are. Because we are uncertain, we have spent billions of dollars, and we will spend billions more, equipping our missiles with devices enabling them to penetrate Soviet defenses. To the extent that the Soviets have forced us to make these expenditures, and to the extent that we reduce the payload our missiles can deliver, their defenses have already "worked" very satisfactorily.

In the task of strategic analysis, there is a measurement called "the cost-exchange ratio," which expresses the relationship between offensive and defensive costs. Early in the 1960s, the cost-exchange ratio was officially assumed in the United States to be about 100:1, that is, $100 spent on defense could be overcome by spending only an additional dollar on improving the offense. So rapidly has the technology of defense advanced during the 1960s that the present cost-exchange ratio is approximately 1:1 or parity. Conceivably further technological advance or a breakthrough we cannot anticipate would shift the ratio decisively in favor of the defense. If we do not now begin ABM deployment, we shall be prevented from discovering what we don't know.

But this is heresy among those who have committed themselves and our security to the proposition that, in the nuclear age, the offense possesses an eternal advantage. This proposition underlies our present strategic posture. The difficulty is that the Soviets seem to reject the proposition. They give every indication of believing precisely the opposite—namely, that the dynamic force of technology can carry them past stalemate, or parity, and provide them with a nuclear superiority that can be demonstrated without war and exploited to achieve political objectives.

This, too, is heresy in the view of those who until recently shaped our strategy. They assume that "superiority" is a meaningless concept under conditions of mutual deterrence. They are wrong. Just as deterrence is a state of mind—the opponent's state of mind, so the concept of superiority is highly subjective. The Soviets know from bitter experience how it feels to be inferior. In their minds, superiority may be the absence of the feeling of inferiority and freedom from the strategic inhibitions it inspires. When we assess the immense Soviet buildup, with its heavy claim on scarce resources, it is unreasonable to assume that they have invested so much merely to draw even with the enemy. The investment undoubtedly has been justified on the basis of a future political payoff.

If the Soviets should come to believe they possess superiority, how might they demonstrate it? Obviously, in a confrontation with the United States. Such a showdown could occur in the explosive Middle East: the Soviets might extend the umbrella of their nuclear deterrent over their Arab allies in the next round of their war with Israel. Or a confrontation could occur over the fate of the symbolic city of West Berlin, the encircled and indefensible western enclave which survives only because of the American nuclear guarantee. Or the Soviets, just to be certain the world did not miss the point, might re-introduce missiles into Cuba and announce that they were there to stay.

VI

We cannot predict the future; we can only weigh probabilities. Dr. Philip E. Mosely, Professor of International Relations and Director of the European Institute at Columbia University, who has devoted much thought to the political consequences of the shifting balance of nuclear power, has sounded this warning: "In any future period in which (the Soviet Union) might attain either nuclear equality or nuclear superiority, however that may be measured in terms of the ration between offensive and defensive systems, we would be prudent to assume that Soviet policy would be tempted to undertake a more extensive, more acute, and more dangerous range of risks in order to pursue its declared long-range ambition to reshape the world according to its dogma."

During the Cold War, we took very seriously the threat to our security contained in declared Soviet ambitions, even though the Soviet Union, outside Europe, lacked the means to fulfill those ambitions. In recent years, the Soviet Union has begun to gain a truly global military capability: for the first time in Russian history, Moscow commands a large and growing blue-water navy, the classical instrument of imperialist expansion; the Soviets have entered the Mediterranean in strength, they dominate the Middle East waterways, and they are moving toward the Persian Gulf and the Indian Ocean. They have reactivated their sea-borne infantry, similar to our Marines, and built a pair of helicopter carriers, the nucleus of quick-reaction forces capable of local intervention. Moreover, in justifying their occupation of Czechoslovakia, the Soviets have declared the doctrine of the "limited sovereignty" of states within the Socialist Commonwealth, the scope of which Moscow will define as events dictate. It may be extended to embrace not only the Eastern European satellites but *any* socialist state in the world.

While the Soviet Union moves toward acquiring the means of global maneuver and intervention, thus fulfilling the potential of a decade ago, the perception of the Soviet threat within the United States has declined dramatically. We have put the Cold War of the 1950s behind us, and we are unable or unwilling to recognize that a quite different, more menacing contest has succeeded it—what I call the *Second* Cold War, in which we confront, not a weak opponent whose chief weapon is propaganda, but a very strong opponent who challenges us face-to-face.

Much of what has happened to the United States can be summarized in a single word: Vietnam. While we have been utterly preoccupied with the tragic war in Southeast Asia, the Soviets have been free to move in the world. To Soviet strategists, Vietnam may appear more and more the opposite of what Korea was—an historical opportunity to seize global dominance while the United States is tied down. Contrary to the wishful thinking that persists in Washington, it is difficult to see why the Soviets should want the Vietnam war ended. Supplying the North Vietnamese costs the Soviet Union perhaps a billion dollars a year, compared with the United States' commitment to South Vietnam of at least $25 billion annually and 545,000 men. In a time of rising tension between the Soviet Union and Communist China, America's military presence in Southeast Asia serves Moscow's vital interests by keeping Peking off-balance.

Just as important, the Vietnam war has divided and demoralized our society. Instead of our turning to meet the rising Soviet challenge, in our anger and frustration we have turned against each other. Most especially, we have turned against the military establishment and practically everything connected with national defense. The military deserve to be criticized for their waste, their bureaucratic rigidity, their astonishing naivete concerning modern revolutionary warfare, and a number of other shortcomings. But the military does *not* deserve to be made the scapegoat for the failings of an entire system and society.

We are "down" on the American military today as part of a general deflation of our self-image. In a time of runaway prosperity,

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we are sunk in a psychological depression the like of which America has seldom if ever experienced. We sense that we are losing our grip, both at home and abroad. We are making the military the scapegoat because, for more than a generation, we have defined America's power and position in terms of military strength. Our military power, so enormous and impressive, has stood as a substitute for hard thought concerning the nature of the modern world, the forms of conflict within it, and the uses and limits of military power.

The United States has won the conventional military war in Vietnam, but it is losing the unconventional political war. Trapped in the habits of mind of another era, we have outfought the enemy, but he has *out-thought* us.

On the domestic political front, where the outcome of the revolutionary struggle in Southeast Asia may ultimately be decided, we have trapped ourselves in comforting illusions. As these have collapsed, so has our morale and our self-image. "To endure the pain of power," Stewart Alsop has written, "a nation needs a conviction of its own righteousness. Our agonized effort to prevent a Communist minority from taking over by force in South Vietnam is surely at least as righteous as imperial Britain's wars. . . . And yet we have no Kipling to celebrate the war in Vietnam, and a sense of our righteousness is precisely what we wholly lack."

We are, in a word, *drained* of the sustaining idealism and sense of mission with which we entered the world and assumed leadership only a generation ago.

VII

It is quite different with the Soviets. They are a rising New Class of convinced imperialists, full of a sense of their own righteousness and ruthlessly willing to use their power. In these circumstances, with the United States yearning to pull back and the Soviet Union eager to move forward, the danger of nuclear war through miscalculation is growing. Though we endlessly argue over Soviet intentions, we forget that they continually assess *our* intentions as well. If we appear bent on headlong retreat from world politics, our weakness may tempt the Soviets into aggression and confrontation, with possibly disastrous consequences.

We are living, according to Milovan Djilas, in "the most crucial moment in history since World War II." Djilas, the well-known Yugoslav writer, may be the best-informed source available to the West on the workings of the Communist mind. He was a Communist revolutionary before World War II and a frequent wartime emissary to Stalin. He became vice president of Yugoslavia under Marshal Tito, but his growing intellectual disenchantment with communism led to his imprisonment. In his cell, he wrote *The New Class,* a revealing study of the bureaucratic police-state from inside the system.

The Soviet invasion of Czechoslovakia, Djilas wrote early this year, was not the end of a policy, but the beginning of one—"a new policy of aggression, not only by economic and political subversion, but by raw, naked military force. And unless altered in time from without, this course will inevitably lead to a collision with vital interests of the West which will have to be defended—even by arms." Djilas, who personally knows many of the Soviet ruling elite, offers this urgent advice: ". . . the West must rid itself of any lingering illusions that the present Soviet leaders are sophisticated men who eventually will come to their senses." Instead, they are frightened, heavy-handed bureaucrats, who will resist change within the system and their empire at any cost. If peace is to be preserved Djilas declares, "the West must ensure that it possesses overwhelming military superiority"—the margin must be so great that "even the Soviet bureaucracy can understand it."

The argument for deploying the Safeguard anti-ballistic missile system comes down to this: if it is *not* deployed, the danger of nuclear war will increase.

The United States, if it defends neither its population nor its land-based missiles, presents an inviting target to the mind of the Soviet military bureaucrat. He faces questions he may be tempted to solve. How reliable are his missiles? Will they strike close enough to assure the destruction of their assigned targets in the United States? How effective is his anti-submarine warfare against Polaris submarines? How heavy a counterattack can his ABM defenses handle? What level of damage will he accept in order to assure the destruction of the United States?

In short, the Soviet planner enjoys "a bookkeeper's dream." It may be possible for him to design a plausible mathematical model of a first-strike attack. But with the introduction of ABM defenses in the United States, the model breaks down, for now there are questions entirely outside the control of the Soviet planner. He cannot say with the necessary degree of confidence how effective the American defenses are, and how much of the minuteman force will survive an attack. At the very least, he must redesign and reequip his missiles, a very expensive undertaking. Even then, he may be forced to conclude that the Soviet Union must settle for a second-strike capability, which, of course, is precisely what the United States desires.

I do not suggest that the Soviets are planning their missile forces for a first-strike attack, as Secretary of Defense Laird did early in the ABM debate. We simply do not know. But we do know enough concerning Soviet capabilities, and we have created enough doubt concerning our intentions that prudence requires a deployment of Safeguard.

In the age of deterrence, nuclear weapons are manipulative symbols of power. If they must ever be used, deterrence has failed and catastrophe looms. An ABM defense lends itself superbly to bluffing and blackmail. In the next decade, the mere existence of Soviet ABM defenses, if the United States has none, could exert psychological influence on both sides. Especially in view of the selective "re-Stalinization" of the Soviet Union and its recent unpredictable behavior, it is easy to imagine a suddenly belligerent turn in Soviet policy. The President could face an ultimatum aimed at Western Europe or even the United States itself. In the absence of an ABM defense, the range of his options would be greatly reduced. He would face, in John Kennedy's phrase, the grim choice between humiliation or holocaust.

A limited deployment of Safeguard would serve many important purposes: It would not only help restore the strategic balance, but would strengthen the hand of those within the Soviet system who oppose the new policy and counsel restraint. Safeguard could cope with the accidental firing of a missile; in its absence, and if the Soviet threat continues to grow, our deterrent must be on a nervous hair-trigger. Safeguard could counter the threat expected from Red China until well in the late 1970s.

Moreover, Safeguard would check the recent estrangement of our European and Asian allies by enhancing the credibility of our promise to protect them in a time of crisis. If the United States is determined to disengage from certain overseas commitments, and to shift some of the burdens of defense to allies such as Japan, which are fully capable of assuming them, then Safeguard may prove essential to an orderly transfer of responsibilities. We would prefer to see the world order dominated by America replaced by another, in which free nations form regional defense arrangements which weigh more heavily in the overall balance. The only way to achieve this may be to maintain the foundation of the old order in good repair while the new one is being built.

Having said all that, I must say this: neither Safeguard nor any other weapon by itself will ensure the security of the United States, the preservation of peace, and a world in which men are free. The strength and security of our nation ultimately rests on the *character* of our people and our leaders. If we lack will, determination, and courage, if we prefer immediate satisfactions to the pursuit of demanding, long-term goals, we are already self-defeated. If we are paralyzed by fear of war, we will shrink from the risks necessary to maintain peace. Finally, if we do not believe that our survival is at stake, and bear ourselves as men under a mortal test and the judgment of history, we shall not survive. The final safeguard lies within each of us.

COLUMBIA UNIVERSITY REFORM

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. THOMPSON of New Jersey. Mr. Speaker, our attention has been riveted on the campus disturbances which have rocked the land for the past few months. One of the real difficulties in trying to understand these situations is that after the initial explosion we usually hear very little about what happens when relative calm returns to a campus. The strident denouncing of the disturbances often obscures the substance of student grievances or improvements in conditions which facilitate recovery. For these reasons, it was refreshing to see a recent article by David Holmstrom in the Christian Science Monitor. Mr. Holmstrom has gone back to Columbia University, which just 1 year ago was in the midst of one of the most massive of the student-administration confrontations of recent years, to see what has happened in the intervening year. He found that procedural reforms have done much to cool the tensions there. This report merits the attention of my colleagues and I include it in the RECORD at this time:

COLUMBIA UNIVERSITY REFORM COOLS STUDENT REVOLT

(By David Holmstrom)

NEW YORK.—Reform, the nemesis of revolution, has instituted itself at Columbia University. With the first meeting of the new 101-member universitywide senate, Columbia has progressed in one troubled year from the image of a powderkeg to a firecracker.

While many universities and colleges across the country were faced with violence and consistent disruption during the academic year, Columbia has managed to meet the continuing campus ferment with a mixture of toughness and a new receptivity to change.

Symbolic of Columbia's new confidence is the fact that graduation ceremonies this year were held at Low Plaza in the heart of the campus. Last year they were guarded by hundreds of uniformed policemen at nearby St. Johns Cathedral.

Even though in some respects student discontent at Columbia is as great as it was in the past, the improvements in administrative receptivity, the initial efforts at educational reform the creation of the senate, and a more thoughtful approach to community relations have helped to defuse the atmosphere.

The most significant change—with the potential to affect all future university poli-

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cies—is the establishment of the university senate. With its creation, two university organizations will dissolve: the Student Council, which for 22 years was an ineffectual body, and the University Council—created in 1890—which was an advisory body to the president.

The new senate will be composed of 42 tenured faculty members, 15 nontenured faculty, 21 students, nine administrators, two alumni, six staff members, and six representatives from affiliated institutions.

It will have broad powers ranging from educational policy to making decisions affecting community relations. The structuring of the senate was primarily the work of the executive committee of the faculty in conjunction with the work of such student groups as Students for a Restructured University (SRU).

Prof. Michael Sovern, chairman of the executive committee of the faculty, said in April he felt that Columbia would have had a senate within the next five years, but that "the disruptions [here] affected the pace of change and the content" of a senate. At the first meeting of the senate Professor Sovern addressed the body and said, "We greet you with relief," and was given an ovation for his tireless work.

CORDIER GIVEN CREDIT

Columbia observers also give much credit to acting president Andrew W. Cordier for creating the new mood at Columbia. The former executive assistant to the Secretary-General of the United Nations, and dean of Columbia's School of International Affairs, Dr. Cordier often works from 14 to 18 hours a day.

He keeps an "open-door" policy and has said publicly several times, "I've found that if you listen to anyone long enough, they will eventually say something that you can agree with." But early in the year he made it clear that the "university could not accommodate those students" whose aims were to destroy the university.

While SDS activity continued all year, including several occupations of buildings, Dr. Cordier never called in the police and kept a steady flow of information from his office concerning the university's response to most of the issues involved.

This coolness, mixed with genuine university reform on several of the specific issues which triggered last spring's disruption, kept SDS from any kind of instant radicalization of moderate students. On several occasions Dr. Cordier was one step ahead of the student revolutionaries.

A STRONG MOVE

The day before there was to be a strike by students demanding the end of the campus Naval Reserve Officers Training Corps, an announcement was made that the university trustees had decided to phase out the military program by 1972. Dr. Cordier said, "This type of program is not appropriate for the university."

It represented the strongest move taken by a major university against a military program. It also reflected the sentiment of many students and faculty members, who had urged the end of the program for years.

At the same time the administration worked toward changing it's own inadequacies, a growing number of students rejected the confrontation tactics of SDS while still supporting the general thrust of SDS demands as they reflected the larger issues in society.

Also, an ideological split in SDS ranks hindered their effectiveness throughout the year despite declarations to the contrary. And the black students, pressing for the right to select the head of a black studies center, would not align themselves with SDS as they, too, occupied a building in protest. This further negated SDS strength because the major plank in the "spring offensive" had been support of the black movement as well as high-school rebellions.

In short, while many Columbia students continue to "rebel" against the injustices of society and capitalism, SDS proved incapable of gaining wide support. "I suspect they'll have just as much trouble next year," said a student member of the new senate. "We don't want to run the place or destroy it," he said, "we just want to be listened to and respected."

During the first meeting of the senate, an exchange occurred which isolated one of the continuing problems at Columbia or any large university.

The students of the senate asked for a 10-minute caucus to discuss the various faculty candidates for chairman of the executive committee of the senate. A faculty member stood and said it would be detrimental to the new spirit of the senate if separate groups began caucusing.

He stressed the importance of setting the wrong traditions. A bearded, bushy-headed student stood next and said, "The problem for us is that we simply don't know the faculty members and would like just a few moments to compare notes on what we might know." With a slight air of embarrassment the senate "recessed."

Earlier a student had said that he thought the most promising result of the troubles at Columbia was the breakdown of formality. "We are all being forced to get to know one another," he said.

FOGGY BOTTOM'S COMMUNICATION HAZE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. FRASER. Mr. Speaker, one of the continually pressing problems of American foreign policy is our relationship to Communist China. As seen in the Taiwan military buildup of 1962, the lack of diplomatic channels results in gross misreadings of each other's intentions. I believe these situations can be avoided only if we initiate formal communication lines with the People's Republic of China.

In the following Washington Monthly article, James C. Thomson, Jr., of Harvard University, uses his witty insights to explore our "communication gap" with China. Mr. Thomson has worked at both the White House and the State Department.

THE CULTURE OF BUREAUCRACY: THE MISSING AMBASSADOR

(By James C. Thomson, Jr.)

Three years ago Dean Rusk is said to have complained to a staff aide that "some young men around here think we're going to change our China policy. I can tell you," he added with a flash of anger, "they're dead wrong."

As it turned out, Secretary Rusk was proved right at the time. What is more, his words may well hold true for the future, despite his retirement.

The reason is not, as many would expect, the bureaucratic monolith. Quite the opposite. The reason—or at least one reason—is the large variety of views within the federal establishment as to what China is.

Consider this list, by no means complete, of some of the casts of mind one finds among the policy-makers and analysts in the various echelons of bureaucracy:

1. The dead-telephone approach: China viewed as a switchboard that simply won't take our calls. "The difficulty," as Mr. Rusk put it on April 11, 1966, "is that the other side keeps hanging up the phone." To be sure, we *do* talk to them at Warsaw, and they *do* talk back. But what they *say* is so outlandish as to be undeserving of the ear. (The dead-telephone approach is often a cover for the deaf-ear approach.)

2. The exotica approach: China viewed as Tierra del Fuego. "Tell me," one used to be asked, "about the newest bizarre development in that Cultural Revolution of theirs." "Incredible! They really closed down their whole educational system?" The questions are not foolish, but the tone becomes troubling: amused and benign disbelief bordering contempt. ("What will they think of next!") Here China is viewed as quaintness re-visited, recalling those questions of yesteryear about pigtails, birdsnests and puppydogs. More ominously, the China-watchers themselves become tagged with quaintness—as purveyors of exotica, collectors of curios, not serious policy men. In the process, China again fails to surface as a serious policy problem.

3. The behemoth approach: China viewed as a Frankenstein monster, a bad and dangerous thing, not at all quaint. This approach stresses China's vastness, belligerence, irrationality, and—most emphatically—its nuclear capability. Mr. Rusk's nightmare of "a billion Chinese on the mainland, armed with nuclear weapons" is widely unsettling (tapping, one assumes, our collective unconscious about the Golden Horde, if not the Yellow Peril). A first response among behemoth-type planners is to "take out their nukes"—a thought one heard sometimes in the Pentagon during the mid-60's. Fortunately, wiser heads have prevailed, and the behemothers appear to be out of fashion—though a China-oriented ABM might yet give them a new grip on the defense budget.

4. The trees-but-never-the-forest approach: China viewed as raw data. This is the affliction of specialists long resigned to detachment from the policy process. Their talents are increasingly focused on the mastery of occult knowledge, to be exchanged within the fraternity of China-watchers—questions, say, of the development of Red Guard factions within factions in the suburbs of Canton between January and February 1967—or questions of fertilizer production in Southeast Szechuan. The questions are not unimportant; but they tend to narrow and even deaden minds that deserve wider scope. (One is reminded of Ambassador Galbraith's famous comment, at one stage in the Laos negotiations, that the State Department's secret weapon in the struggle against communism is apparently the microscope.)

5. The friendly beast approach: China viewed as a large shaggy dog. If you pat it and feed it and let it run around the house, things will surely get better. Such humane optimists were seen around the government in the early 1960's when China seemed to face a severe food crisis; some thought, at the time, that Maoism might be tranquilized by masive offerings of wheat. Flickerings of the same approach are said to have characterized, surprisingly, President Johnson's view of the Chinese as decent people in need of shoes, schools, roads, and hospitals—a cast of mind perhaps more accurately described as "the indigent Mexican approach."

6. The psychiatric approach: China viewed as psychotic—or at least as a very disorderly neurotic. "China has gone mad"—one heard the words quite frequently (hardly surprising when even such a veteran observer as Theodore White regrettably entitled his great documentary film "China: The Roots of Madness"). The diagnosis of insanity produces at least two prescriptions for treatment: try forms of therapy, say the dovish psychia-

trists; no, tighten the straitjacket of containment, say their hawkish opponents.

7. The terra incognita approach: China viewed as a blank space on the map. Most characretistic of Assistant Secretaries of State, this approach conceives of Asia as the chain of nations on China's periphery—the Great Arc of Free Asia. It lauds their stability and commitment to the Free World; it stresses their growth rates and political development; it boasts their progress toward regionalism. Those who would interrupt the confident official rhetoric by posing questions about China are dismissed as "Sino-centric"—a term of bureaucratic opprobrium. (Sino-centrists should go away and teach at small colleges.)

8. The wait-for-China-to-shape-up approach: China viewed as a juvenile delinquent. The Chinese have been bad, we are told, but sooner or later they will repent. To Mr. Rusk, they must change their "behavior"; and now, to Mr. Nixon, they must change their "attitude." Those who wait for China to shape up seldom ponder some puzzling questions: why the Chinese behave the way they do, why they hold such attitudes—and whether there might just be something we might do to help change both behavior and attitudes.

9. The now-is-not-the-time approach: China viewed as a problem to do something about, but not now. Now is not the time because Mao Tse-tung is alive, or because he is dead, or because we don't know whether he is alive or dead; now is not the time because Chou En-lai is up, or Lin Piao is down, or Mrs. Mao is sick, etc. Prior to 1966, now was not the time to change our stance on China's admission to the United Nations because China was fierce and confident and strong. In 1966 and since then, now was not the time to change our stance because China was preoccupied and convulsed and weak. (Now is, of course, never the time.)

10. The don't-rock-the-boat approach: China viewed as the creator of waves. The view here is that you don't shift China policy because it will rock the boat. What boat? Actually, several. The oldest though smallest boat is Taiwan (Taiwan's helmsmen tell us that if we move on China policy, they will, in effect, hold their breaths until they are blue in the face; and the threat usually works). A more recent boat is Russia—or more specifically, the Soviet-American détente. If we move on China, say our gifted Soviet specialists, it will alarm the Russians. Other potential boats are the Thais, the Indians, and even the Japanese. (The antiboat-rockers assume that we have no skill at persuasion, reassurance, maneuver, and preventive diplomacy; and they may well be right.)

All of these views co-exist in a kind of negative equilibrium. Over the years each has become drearily familiar in Foggy Bottom. When China is discussed, everyone knows what everyone else will say. And everyone knows that each discussion will adjourn without agreement.

Why so? Because a fundamental rule of bureaucracy is that no action flows when no action is required. The missing element in our intramural discussions is that time-honored State Department prod, the incoming cablegram from our embassy overseas. An incoming cable usually requires a reply. And it is in the drafting and clearing of replies that policy is made.

But on China these days—and over the past two decades—where are the incoming cables? From Embassy Taipei, where our man, afflicted with the inevitable case of localitis, argues staunchly for the interests of his clients. From Embassy Warsaw, where our man requests instructions as to how to keep his footing in those spasmodic forensic contests with his Chinese counterpart. And from Consulate General Hong Kong, where our skilled physicians squat outside the patient's door, peering through the keyhole.

But from Embassy Peking? Alas, no. Why alas? Because in the absence of a steady stream of messages from that vital center of the China problem—from our ambassador speaking as a lawyer for those clients—Washington need not reply, hence it need not act, hence policy need not move.

It is useful to recall that even in the darkest days of our relations with Stalin's Russia, our man in Moscow kept us on our toes—not merely by reporting, but by urging, protesting, provoking, pleading. Those incoming cablegrams forced the bureaucrats to think, to fight, and sometimes even to innovate, on the subject of Soviet-American relations.

Not so with China—in the past, in the present, or, one glumly concludes, in the foreseeable future.

TEENS AGAINST CANCER

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. SIKES. Mr. Speaker, one of the most heartening demonstrations of good work on the part of high school students that I have noted is at Rutherford High School in Panama City, Fla. For 6 years, Rutherford High School students have participated in the Bay County April Cancer Crusade, and they have raised over $35,000 during these years. Significantly, they are No. 1 in the Nation for "Teens Against Cancer." It was my pleasure to address the Rutherford High School classes through the helpfulness of the telephone company from my office on today, and I feel that my congratulatory statement to the Rutherford students may be of interest to my colleagues. These students deserve commendation for providing an example which would be worthy of any group anywhere. My remarks follow:

Good morning to Rutherford and to all of those who are present as your guests. This is Congressman Bob Sikes speaking to you from my office in the Capitol at Washington. I am happy to extend my congratulations to the seniors on Senior Recognition Day and to all students at Rutherford for their great accomplishment in the fight against cancer.

This is a welcome opportunity for me. I have always known that Florida high school students represent the quintessence of enthusiasm. However, the recent accomplishment of Rutherford in raising more money for cancer research than any other high school in the country is certain proof of how inexhaustible that enthusiasm really is and how important it is when applied in the right places.

There is a very important lesson for all of us in your endeavor. It is this: an enthusiastic group of people, sharing a common goal, can be a tremendous force for good. And because you have taken top honors over your contemporaries, many other people have witnessed an important clue to the real character and attitude of high school students.

I can't imagine a more worthwhile project than the one you selected and carried out so well. You can be proud of what you have done; I know I am proud of you. And let's not forget the fine help of your teachers and the local sponsors of the Cancer Crusade.

Cancer is an insidious disease, causing the death and disability of thousands of Americans every year. Through the generosity and concern of young students like you, the medical profession will be able to make additional progress toward finding cancer cures. Your unstinting demonstration of fellowship and mutual helpfulness is greatly needed. The spirit which you demonstrated in your support of cancer research is an important ingredient in the success of any endeavor.

What a lonely, hazardous place this world would become if everyone adopted the attitude that he is not his brother's keeper. Your wonderful accomplishment—and it is a wonderful accomplishment—proves without a doubt that you have recognized your duty to succor those who are in need of help.

In any community, through a network of organizations, we all have the privilege and the responsibility to help conduct the affairs of a free people. Volunteers, like yourselves, can help so much to make our communities a better place in which to live.

You have done a superlative job, and in the process you have strengthened America a little more and you have proved yourselves worthy.

I commend you most heartily on your efforts.

LAND AND WATER CONSERVATION RESOURCES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. WILLIAM D. FORD. Mr. Speaker, with the Memorial Day weekend just over I wonder how many American families had leisury uncrowded weekends. I think it is far more likely that most felt the pinch of insufficient national recreational resources in a nation with ever-growing leisure time for its citizens. How many had to share beaches almost elbow to elbow with the others who were there, how many had to wait in long lines of cars to enter national parks, national forests, wildlife refuges and other national recreational areas?

With this memory still fresh in our minds I would like to draw attention to H.R. 11072, cosponsored by Congressman JOHN DINGELL, me, and seven other Members of the House. This is a bill to amend the Land and Water Conservation Fund Act of 1965 to increase from $200 million to $400 million the funds paid into the land and water conservation fund. The purposes for which moneys in the fund are used include: First, the acquisition of land, waters, or other interests within the national park system for recreation uses; second, the acquisition of holdings within national forest system; third, the acquisition of lands for areas needed for the preservation of species of fish and wildlife threatened with extinction; fourth, the acquisition of lands for incidental recreational purposes for inclusion in wildlife refuges; and fifth, matching grants to States for programs of land acquisition and development of outdoor recreation facilities, both rural and urban.

Under the present law moneys derived from sales of certain surplus property, the unreclaimed tax on motorboat fuels, and various entrance and user fees charged by national parks and Federal recreation areas are put into the land and water conservation fund. Under H.R. 11072 the difference between the revenues derived from the resources under the present law and $400 million could be paid into the fund out of income from oil and gas leasing activities under the Outer Continental Shelf Lands Act.

The moneys now available to the fund at this time have not proved adequate to the very worthy purpose for which it was established. To provide adequate funding would certainly be in the national interest. We need to act now in order to preserve our natural recreational resources for future generations.

LINO M. LOPEZ

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. EDWARDS of California. Mr. Speaker, a distinguished citizen of my district is being honored for his work in the Santa Clara Valley in improving the condition of his people and in furthering the cause of peaceful and happy relations between all who live in the valley. Lino M. Lopez, executive director of the Mexican-American Community Service Agency, has devoted his life to aiding his fellows of all races.

Mr. Lopez is retiring from his job as executive director of the Mexican-American Community Services Agency, Inc., to undertake a new role as a teacher at the University of Redlands. Those of us who have known and worked with Mr. Lopez over the years in San Jose recognize the great contribution he can and will make at that fine university. I am sorry to see Mr. Lopez leave San Jose, but I congratulate Redlands on its choice, he will be a real addition to its staff.

The list of Mr. Lopez's memberships in San Jose shows his devotion to this city and its people. It ranges from the Commission on Social Justice of the Archdiocese of San Francisco to the Central Coast Counties Area Planning Committee of the State Department of Rehabilitation. From the start of his career, Mr. Lopez has worked directly with youth and has concentrated on helping us overcome the great social problems of the day. His work before he came to San Jose illustrates his devotion to his fellow man. While in Pueblo, Colo., he was instrumental in starting the Annual Colorado Latin American Conference, now the Colorado Federation of Latin American Groups.

In 1953, Mr. Lopez was honored by the Anti-Defamation League with its America's democratic legacy citation for intergroup understanding. In 1958, he received the valuable citizen award of the Colorado Federation of Latin American Groups, and in 1961, the outstanding citizen award of the Latin American Educational Foundation. In 1962, he was appointed to the U.S. Civil Rights Commission Colorado Advisory Committee.

For the last 5 years he has served us well here. I welcome this opportunity to join in honoring Mr. Lino M. Lopez and I extend my greetings to all of the San Jose citizens who will honor Mr. Lopez on June 6. He has served all of us well.

LACK OF PHILOSOPHER-JURISTS HAS LED TO COURTS' DECLINE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DERWINSKI. Mr. Speaker, an extremely interesting commentary on the controversy evolving around the Supreme Court was carried in the Friday, May 30, New World, the official newspaper of the archdiocese of Chicago, in a column contributed by Mr. Frank Morriss. His commentary certainly contains a timely and interesting analysis of the courts.

I submit the article as follows:

[From the New World, Chicago, Ill., May 30, 1969]

LACK OF PHILOSOPHER-JURISTS HAS LED TO COURTS' DECLINE

(By Frank Morriss)

The low estate of our courts, including the highest federal one, is more the result of our changed appreciation of what law is and what jurists should be than anything else.

When law becomes an instrument of political or even sociological policy and jurists become parade marshals for such policy, then debasement of the courts is inevitable.

On the other hand, when law is respected as the application to eternal principles, then the integrity of both judge and petitioner is upheld.

Every judge, but especially those on the Supreme Court, should be a philosopher. He will be honest to the degree that he is a philosopher—that is, a "lover of wisdom"—for it is impossible truly to love wisdom and put material gain ahead of it.

Unfortunately, modern understanding of law militates directly against a judge being a philosopher.

In fact, so does modern understanding of philosophy, which now is considered not to be the probing of ultimate reality, but, rather, the truth about man, which becomes the measure of either law or philosophy.

In this, you invite the triumph of the idea of self service. It is self service in which the dishonest man is expert.

In at least the past three decades, law gradually has become simply the lever to work such changes and experiments as the people are willing to tolerate. In such a situation not only is the philosopher unneeded, he becomes definitely an undesirable and an embarrassment.

For the philosopher does not judge legality by what an administration wants or the people will accept, but on what the truth is.

Ironically, it was the Supreme Court justice with the reputation of being a greater philosopher than any who sat on that bench before or since who most contributed to this state of things.

Oliver Wendell Holmes Jr. was a philosopher, but unfortunately of the school that had ended in philosophy being merely a kind of science of what man desires and how he reacts.

The idea that rights are outside the practical realm and completely unrelated to man's own desires or abilities was nonsense to Holmes.

It was only one short step in the course of a few years after Holmes' death to the point where the laws were being judged on how well they fulfilled man's desires.

Law, then, of course, begins to operate completely apart from morality or metaphysical truth. It is not necessarily immoral or untruthful—it simply isn't concerned.

Man's responsibility—once presumed by the law—begins to be denied, for when you speak of responsibility you speak of morality.

Now there is almost the unwritten presumption to the contrary—that is, a presumption that man is not responsible for his acts, at least for his acts against authority, regulation, order.

Law is seen as a sociological norm only, and the lawbreaker is some sort of a sociological deviant. He doesn't fit in with what the majority views as useful and workable.

The minority, under such a system, quite rightly begin to ask why the majority desire in regards to society should govern simply because it is useful and workable.

And the new jurists find logic in such questioning because they are legally logical enough to appreciate the argument, and philosophically impoverished enough not to see that society should be truthful and not pragmatic.

Because a thing works is no guarantee that it is good. Mere sociological order is not necessarily of benefit to man's nature. Nazism and Communism imposed a quite workable sociological order. Unfortunately, both represent moral and metaphysical disorder and do damage to the spirit of man.

The men who wrote our Constitution were deeply imbued with appreciation for the natural law, and the Constitution is a natural law constitution.

Its concept of authority is that it is an absolute coming from God and His creation, and its concept of the limitation of authority is that man has rights beyond the touch of any human legislator or judge.

These rights are fulfilling for man's nature; they do not impose themselves on any other; they protect individual integrity, but not at the expense of any other man's rights or integrity.

We have come a long way from that noble vision. Rights more and more are being interpreted as freedom for man to do as he pleases. Rights are related by modern jurists to conduct, not to man's nature.

They are related to man's sociological or economic fulfillment, but not at all to his integrity as a man.

The Constitution began to be stretched by politicians and lawyers who became jurists. The stretching was done so that certain social experiments could be allowed, experiments that the men who wrote the Constitution would have said could only erode man's independence.

From an understanding that citizens need help when they cannot succeed in the basics of life, our jurists have moved us to accept the idea that society should not even ask citizens to try to succeed.

This is the idea of the easy way. And, of course, dishonesty, double dealing, soft ethics are the easiest ways of all.

TRIBUTE TO THE LATE TRUMAN WARD, MAJORITY CLERK

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. FLYNT. Mr. Speaker, I join with my colleagues in paying tribute to our long-time and faithful friend, Truman Ward.

We are privileged for having had the services which Truman Ward rendered as majority clerk of the House. His advice on printing and prompt efficiency in handling our massive volume of printed matter were gladly given; his advice and friendly counsel were always worth hearing.

His feeling for all people and willingness to help any who came to him were genuine attributes which few have, and even fewer take time to exercise. New-

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comers seeking employment and many of those displaced by political winds owe their jobs to the efforts of Truman Ward.

There are now few who are part of the operation of Congress, as Members or employees, who can remember a time, 48 years ago, before Truman Ward came to work for the House of Representatives. We will miss him. His death makes an indelible imprint on our hearts. His friendship, integrity, unselfish dedication, and tireless service will not be forgotten.

Mrs. Flynt and my staff join me in extending our condolences and heartfelt sympathy to his family and the staff of his office.

THE MYTHICAL "GENERATION GAP"

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RARICK. Mr. Speaker, the problem of today's youth in becoming oriented to our society and surroundings has been explained away by fanatical professors as a "generation gap."

However, Gen. Thomas A. Lane in his Public Affairs bulletin for June 7 returns the problem to its proper perspective by showing that any "generation gap" is a mere figment of the socialist professors' creative imaginations and a convenient cliche for obscuring their own culpability.

I include General Lane's comment in the RECORD:

UNIVERSITIES BETRAY ACADEMIC RESPONSIBILITY

WASHINGTON.—In a series of reports called "Generations Apart", CBS television has been exploring the generation gap. Interviewing was done on campus by John Lawrence, a recently graduated college newspaper editor.

The first two parts of the series covered the domestic scene. They reported general statistics and gave contrasting views of youths and their parents, of youths at work and youths in college. Unfortunately the interviews were shallow and fleeting. What seemed to be the logical questions were not asked. There was conflict, but why?

The survey reported some general conclusions which confirmed other polls and agreed with observed conditions. Traditional loyalty to our political institutions and readiness to fight for our country are stronger in young people who have gone to work from high school than in those who are in college. Traditional concepts of family and individual morality are stronger in young working people than in college students. The most obvious lesson of the survey is that the colleges are alienating our youth from the basic precepts of our society. Of course these alienated students are also at odds with their parents.

Eighteen years ago, Regnery published William F. Buckley's "God and Man at Yale". Buckley reported the cynical exploitation of student innocence by liberal professors who derided traditional concepts of morality and condemned our political organization of society. He reported the obtuse indifference of the university administration and trustees to this shocking abuse of academic responsibility.

Perhaps the book warned a few parents to send their sons and daughters to better colleges but it had little effect on the climate of higher education. The domination of university policy by the socialist intellectuals was formidable.

This CBS report reveals the inroads which a sustained betrayal of youth has made in our society. Instead of being introduced to the great minds and great ideas of history which found a happy confluence in our American political experience, American students are getting on too many campuses the shallow rationalizations of nineteenth century materialism. The discredited prophecies of Marx and the perversion of history contained in his dialectical theory are presented not as morbid error but as valid criticism of our political order. The role of teacher is debased by men of shallow intellect and narrow vision who posture before youth as seers.

This condition of our colleges and universities is cause for grave concern. No honest society can pass off such a condition as a mere generation gap. Some differences of age and outlook are natural and ineradicable but they are not to be confused with the ravages of a corrupt educational system. The extent of the corruption is still limited. Its progress is measured by the campus disorders. It is nevertheless a pernicious condition which demands correction.

The first question is whether the trustees of our institutions have the mind and the heart for the task. Can they restore high standards of academic responsibilty and clean out the pollution of recent decades? Surely this is where the responsibility rests. Governmental intrusion on the campus can be terminated by ending subsidies to education and making all higher education dependent upon the approval of its patrons.

It is symbolic of this age that young people, heirs to the world's finest political order, with all the treasures of human wisdom open to them, are enticed by the cheap and gaudy pretensions of marxist revolution. They are betrayed by elders who would substitute the hedonism of a permissive society for the discipline of truth. Public comprehension of the event is obscured by the mindless debate about a generation gap.

UNITED MINE WORKERS' LEADERSHIP

HON. KEN HECHLER

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. HECHLER of West Virginia. Mr. Speaker, a recent issue of the Charleston, W. Va., Gazette reprinted the complete text of a letter to John L. Lewis written by Ralph Nader, which contains information of concern and interest to all Members. Accordingly, under unanimous consent I submit the letter for inclusion in the CONGRESSIONAL RECORD, as follows:

MAY 22, 1969.

JOHN L. LEWIS,
President Emeritus, United Mine Workers of America, Alexandria, Va.

DEAR MR. LEWIS: The health, safety and well-being of the coal miners of this country depend on how vigorous and competent the United Mine Workers' leadership is in the defense and advancements of miners' interests. To say that the UMW's present leadership has failed in this mission is to constitute an understatement. Incompetence, sinecurism, waste, remoteness from the rank and file, misuse of Union funds and violations of democratic electoral procedures in an epidemic manner have become a way of life for W. A. Boyle's administration. Without a strong, efficient, democratic Union, the mine workers are left without defenders, without representatives who will fight for their health, their safety and their dignity in labor-management relations. Your historic struggle for the coal miners decades ago informed the country of the hazards and cruelties of coal mining and the callousness of coal corporations. In recent years, the Union that you built has deteriorated into a state of sycophancy toward the coal operators on such crucial matters of health and safety. Old and new miners are embittered with their Union's leaders; several thousand miners in Charleston, West Virginia booed the name of Tony Boyle and hurled their anger and contempt at Union headquarters as they marched by it on the way to the state Capitol earlier this year. Mr. Boyle had to receive a resolution by these miners before he went to West Virginia. The gradual destruction of the Union's strength and stature by Mr. Boyle's administration is reaching crisis proportions. In the interests of the coal miners and the hope for a reformed Union leadership, the following information is brought to your attention as a partially representative sample of the Union's malaise under the present administration:

1. Union leadership has been derelict in not pushing for health and safety laws at the state and federal levels and in ignoring the need for more comprehensive workmen's compensation laws, particularly to cover black lung disease. The Bituminous Coal Operators Association has set the pace on these issues for the Union's leaders and the pace has been to do nothing. Black lung became a major issue in 1968 in spite of Mr. Boyle and his Union bureaucracy, not because of them. People outside the Union—especially three West Virginia physicians—organized and informed the miners about the need for legislation. The Union leadership stood on the sidelines and hurled epithets at the reformers. Even now, while giving lip service to safety and compensation laws, the Union leadership avoid getting on the ramparts and out of their Executive suites. Coal operator muscle is what is being felt in Congress not UMW muscle for stronger health and safety laws. Meanwhile, black lung disease remains massive in coal country.

2. The perpetuation of Mr. Boyle and his colleagues in office is secured by the use of at least 550 bogus locals (not having the 10 active miners minimally required by the UMW Constitution—Article 14, sec. 1) controlled by pensioned, retired miners whose impoverished state is exploited in the direction of automatic voting for the present leadership. These locals are illegal by the UMW's own Constitution. Other electoral irregularities or illegalities include the practice of "electing" leaders of the Districts on the Executive Board by shouting them in at the Convention. This was done in 1968 for a majority of the Districts who were nominated and "elected" by resolution instead of being elected by the membership from the District they represent.

3. The level and nature of UMW leadership expenditures at Conventions are shocking. Over a million dollars was spent at the 1964 Convention (and preparations for) to insure certain changes in the Union Constitution that would serve to perpetuate the incumbent leadership and secure a $50,000 a year pension for the Union's present President. Moreover, $390,000 were spent at the 1964 Convention ostensibly on 5 bands which played at the Convention. Tens of thousands of dollars are spent on souvenirs. Zippo lighters and the like at these Conventions by a Union that claims it cannot afford but one full time safety man at its national headquarters in Washington. The UMW's Safety Division is composed of one man—Lewis Evans.

4. Mr. Boyle has encouraged and demanded a saturation campaign of hero-worship and adulation that is characterized by an intensity comparable only to authoritarian or totalitarian rulers of various foreign nations. At the 1968 Convention, an expensive to produce, professional rendition of the Ballad of Tony Boyle was sung. Massively expensive

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bands are brought in to engage in 100 minute long hooplas for the leader. His fiats, clothed in the guise of resolutions proffered for delegate approval, do not tolerate dissent. Those who have been known to dissent at Conventions are thrown out or stomped on by "White Hats" brought in for the occasion. The United Mine Workers Journal—the only communication link with the miners—brooks no dissent, no letters to the editor column. Rather it is filled with long, redundant praises of Mr. Boyle. In one recent issue of 24 pages, his picture appeared 28 times. Among the Executive Board and other top Union officials, the kinds of discussions which were carried on before Mr. Boyle's ascension are no longer carried on. Conformity and rigid acquiescence are the norms.

5. Probably in no other unionized industry are workers discharged with such frequency, without cause and without indignant defense by the Union for its men. The Union does not stand by its men and the men are saying this with greater openness and forcefulness. They accuse Union officials of informing on them to management, of using management to get men fired who question Union operations and of tolerating inadequate grievance procedures.

6. While Mr. Boyle blasts forth at Conventions against non-union coal operators, he endorses just the opposite by his actions—actions that are not generally known to the rank and file. For example, Mr. Boyle is on the Board of Directors of the National Bank of Washington which the UMW decisively controls by its ownership of approximately 75% of the Bank's stocks. Mr. Boyle votes this stock on behalf of electing Stephen R. Woodzell, President of Potomac Electric Power Co., to the Bank's Board of Directors. PEPCO buys coal from Solar Fuel of Somerset County, Pennsylvania and P.B. & S. Co. of West Virginia and Pennsylvania. These companies are non-union coal operators. What Mr. Boyle says for the record is quite different from what he does in the Bank's Board Room. The Bank does not benefit the coal miners; in fact, it milks the Welfare and Retirement Fund by virtue of the fact that the Fund does not receive interest on millions of dollars deposited in the Bank. The UMW leadership—some of whom reap substantial fees from the Bank—countenance this $3 or $4 million deprivation of the Fund. There are also reports from reliable sources that UMW has a part interest in a company that has been selling coal rights to land in West Virginia to a non-union operator.

7. Perhaps the most dismaying behavior of Mr. Boyle and his colleagues has been towards you. At the present time, with the growing criticism of the incumbent UMW President, Mr. Boyle and his group have commenced praising you. They know that only John L. Lewis remains as the hope of the coal miners who desire a reformed, responsive, fighting Union leadership. Fearing you, they have performed in recent years some interesting acts, overt and covert, to freeze you out. Incredible as it may sound to you, Mr. Boyle for several years has made it clear that he does not smile on those who seek counsel from you or who show that their old loyalties to you cannot be displaced by abject fealty to Mr. Boyle. Mr. Boyle wants to displace you as Chairman of the Board of Trustees for the UMW Welfare and Retirement Fund. Boilerplate resolutions began to come to Union headquarters as if they were spontaneous. Here is one such boilerplate resolution from Local Union No. 8126, Whitwell, Tenn.:

"Whereas, The most Honorable John L. Lewis, President Emeritus and father of the United Mine Workers of America, has been a servant and a very great and good leader for the United Mine Workers of America and all laboring people for approximately three decades, and . . . Therefore, be it Resolved, That the Most Honorable President W. A. (Tony) Boyle be elected to serve in the capacity of our President Emeritus John L. Lewis, who is Chairman of the Board of Trustees for the UMW Welfare and Retirement Fund. (1968)"

Last summer, Mr. Boyle maneuvered through his National Policy Committee a resolution backing him for your position on the Fund and leaving out any reference to the fact that this would double Mr. Boyle's salary unless he refused to take it. The resolution never surfaced at the negotiations with the coal operators, probably because Mr. Boyle realized what an uproar there would be from the rank and file which he could not perhaps control with the knee-jerk efficiency that he controls the Policy Committee. The older workers who remember their struggles and your leadership would not stand for this powergrab.

It is clear that you should resist any attempts to displace you and that, more, you should reject any effort to obtain your approval or acquiescence regarding the deplorable and self-serving leadership of the UMW and their disgraceful policies or non-policies. What is needed is a strong, competent Union serving its members with dedication and propriety and rejecting the electoral violations and the rigged elections with bogus locals. Your assistance in these directions can be invaluable and crucial in recovering the dreams that you worked for during many decades of difficulties. The industry is reaping record sales and record profits; its profitable future is being recognized by all economic analysts. Consequently, the coal industry should share such returns with the men who make them all possible and provide these men with a safe and dust-free environment.

Thank you for whatever consideration you may extend to these pleas.

Sincerely yours,

Ralph Nader.

MORMON CHURCH AUXILIARY OBSERVES CENTENNIAL

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. BURTON of Utah. Mr. Speaker, I should like to call to the attention of my colleagues an event in my State this month; that is, the world conference of the Young Women's Mutual Improvement Association, an auxiliary organization of the Church of Jesus Christ of Latter-day Saints. The YWMIA, as we know it at home, was organized November 28, 1869. This organization has touched the lives of hundreds of thousands of young women from the age of 12 to 24 in promoting patriotism, obedience to law, health, education, and morality. Mr. Speaker, I am today introducing a resolution regarding this centennial which calls on the Members of the House of Representatives to take note of this milestone in Mormon Church history and commends this organization for its fine work.

The resolution follows:

H. Res. 432

Whereas the young women's auxiliary of the Church of Jesus Christ of Latter-day Saints—the Young Women's Mutual Improvement Association (YWMIA)—was organized November 28, 1869, and is therefore observing its centennial this year with a series of activities in all local congregations of the Church throughout the world, and

Whereas the YWMIA has contributed to the betterment of hundreds of thousands of young girls and women over the past century through organized programs of dance, drama, music, speech, sports, camping, homemaking and spiritual counsel, and

Whereas the YWMIA has made an invaluable contribution to preparing young girls for their futures and helping them to make meaningful contributions to their families, their church and to their communities, and

Whereas the highlight of the YWMIA centennial will be the annual MIA World Conference on June 27, 28, and 29, at Salt Lake City, Utah; be it

Resolved, That the U.S. House of Representatives pays tribute to this fine organization and commends it for the contributions it makes to the youth of its sponsoring organization and to the nation itself, by helping to develop wholesome, well adjusted, talented young women with high personal ideals and devotion to God and country.

FIELD MARSHALS IN THE SENATE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DERWINSKI. Mr. Speaker, the San Diego Union is known for its forthright editorial policy. This fact was evident in its editorial Saturday, May 24, commenting on the criticism of military activities in Vietnam by widely quoted Members of the other body.

I submit the article as follows:

[From the San Diego Union, May 24, 1969]

Field Marshals in the Senate

In a major position statement May 14 President Richard M. Nixon said he does not consider it necessary, or in the national interest, to surrender in Vietnam.

To the contrary, Mr. Nixon said the integrity and security of the United States more than ever demand a peace with honor in Southeast Asia.

At a minimum this peace requires self determination for South Vietnam, removal of the North Vietnamese invaders and a tranquility that brings American men home.

Six days after the President's outline of the minimum conditions for honorable peace, Sen. J. William Fubright, in an act which can bring only comfort to the enemy, said the United States will have to get out of Vietnam even it it has to settle for less than a standoff with the Communists. This is defeat.

And this week Sen. Edward M. Kennedy castigated the President for the nature and scope of our military operations in Vietnam, in effect seeking to direct tactics from the Senate floor.

Questioning the wisdom of the President and the performance of the military forces he commands, Senator Kennedy declared: "I feel it is senseless and irresponsible to continue to send our young men to their deaths to capture hills and positions that have no relation to ending this conflict."

Senators Fulbright and Kennedy are not the first politicians who have sought to criticize military operations from the sanctuary of a political rostrum or seek to direct the tactics of a war from afar.

The total unoriginality of the two critical senators is best illustrated by the comments of the Roman general, Lucius Paulus, in 229 B.C. when he was faced with a precisely similar circumstance:

"Commanders," he said, "should be counseled chiefly by persons of known talent, by those who have made the art of war their particular study and whose knowledge is derived from experience; by those who are present at the scene of action, who see the enemy, who see the advantages that occasions offer and who, like people embarked on the same ship, are sharers of the danger.

"If, therefore, anyone thinks himself qualified to give advice respecting the war which I am to conduct, let him not refuse assistance to the state, but let him come with me into Macedonia.

"He shall be furnished with a ship, a tent, and even his traveling charges will be defrayed. But if he is thinking that this is too much trouble, and prefers the repose of the city life to the toils of war, let him not on land assume the office of a pilot."

Well, senators?

DR. CHARLES A. CANNON

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RUTH. Mr. Speaker, one of the outstanding leaders in the Nation's textile industry, Charles A. Cannon, chairman of the board of Cannon Mills Co., was recently awarded an honorary doctor of business administration degree by Catawba College in Salisbury, N.C.

The citation, read by Dr. Johnny L. Young, chairman of the Catawba faculty senate, praised Mr. Cannon for his "leadership in a dynamic industry, his service as champion of youth and for his devotion to improving the opportunities of his fellow citizens."

In the presence of Dr. Martin L. Shotzberger, 16th president of Catawba College, the degree was conferred by Adrian L. Shuford, of Conover, president of the Catawba board of trustees.

The honorary degree to Mr. Cannon was the fourth of his career. He had previously received degrees of doctor of laws from Duke University and Presbyterian College, Clinton, S.C., and doctor of textile science from North Carolina State University.

Mr. Speaker, this news item from the Kannapolis, N.C., Daily Independent reminds us again that America is a land of opportunity:

DR. CHARLES A. CANNON

The citation read by Dr. Young said:

"President Shotzberger, I have the honor to present for the degree, Doctor of Business Administration, Charles A. Cannon of Kannapolis, N.C.

"Born in Concord, Cabarrus County, North Carolina and educated in the public schools of that city, at Fishburne Military Academy, and at Davidson College, Charles A. Cannon entered the textile industry a half century ago. He quickly rose to prominence in leading his industry to its present state of robust vigor.

"He served through two world wars by coordinating the efforts of manufacturers to meet the staggering needs of our country when she was fighting for her life.

"Early in his career, he became known as a tenacious fighter for equitably priced cotton, reasonable trade laws and enlightened labor relations.

"He has been untiringly devoted to raising the level of public health and making the best hospital facilities available to Cabarrus and surrounding counties. The Boys Clubs of America, the YMCA, schools and colleges have found in him a sustaining force in promoting developed minds, healthy bodies and strong character.

"In a time of national depression and again in World War II, Charles Cannon demonstrated how strong men react to adversity. When the state of North Carolina faced the possibility of being unable to meet the payroll obligations to its teachers and other employes, it was he who influenced loan sources in the metropolitan centers to come to the aid of a destitute state.

"When in World War II, wage ceilings failed to rise with the needs of laboring families, he pressed successfully for their relief.

"His judgment has been recognized by numerous national honors from banking, the textile industry, and from humanitarian organizations.

"With his gracious wife, he encouraged restoration of historic shrines and the elevation of the cultural level of the entire region.

"For his leadership in a dynamic industry, his service as a champion of youth, and for his devotion to improving the opportunities of his fellow citizens, Catawba College is honored to confer the degree of Doctor of Business Administration upon Charles A. Cannon."

OCCUPATIONAL SAFETY IN THE TEXTILE INDUSTRY

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. O'HARA. Mr. Speaker, the executive council of the Textile Workers of America has recently approved a resolution calling for action by both the Congress and the executive branch with regard to the severe industrial health hazards faced by workers in the textile industry. In the 90th Congress, lengthy hearings were held by the Select Subcommittee on Labor on legislation to establish Federal standards for industrial health and safety, and I can assure the House, as an active participant in those hearings that the resolution of the textile workers is a conservative estimate of the health hazards faced by workers in this industry.

The resolution speaks for itself, Mr. Speaker, and I include it in the RECORD at this point:

RESOLUTION ON OCCUPATIONAL HEALTH HAZARDS IN THE TEXTILE INDUSTRY

The health and welfare of textile workers are being threatened by the failure of management to take adequate measures to protect employees from occupational hazards on the job.

Recent scientific investigations have indicated alarmingly high incidence rates of lung disease among certain cotton textile workers resulting from inhaling cotton dust. A study of 2 cotton textile mills in the United States revealed that 25% of the carders and 12% of the spinners were suffering from byssinosis, a lung disease which eventually causes permanent disability. If this and other studies prove representative of the industry as a whole, it means that about 8,000 card room workers and 9,000 spinning room workers are currently suffering from this disease.

Disability awards by the Social Security Administration indicate that textile workers have been disabled by certain respiratory conditions at rates from 40 to 122% higher than the average for all workers. Population studies are urgently needed to determine the full extent of disabling respiratory disease among retired cotton textile workers.

Asbestos fibers represent an especially dangerous hazard to textile workers. The danger of asbestosis—a disabling lung disease caused by asbestos fiber—has long been known. However, the measures taken by management to reduce the concentrations of asbestos fiber in the air have not been adequate to eliminate the incidence of asbestosis. Moreover, in recent years, cancer of the lung has frequently been associated with asbestosis. A rare type of cancer associated with asbestos dust has been afflicting large numbers of asbestos workers.

Another health hazard which textile workers have been exposed to for years is the excessive level of noise prevalent in many parts of the mill. Recent scientific studies have shown that significant hearing loss results from steady exposure to noise levels in excess of 80 decibels. The level of noise in various sections of a textile mill run as high as 125–130 decibels, with typical measures of 110 for broad looms, 95 for knitting machines, 115 for braiding machines, 105 for winding machines.

It is the responsibility of management to safeguard workers against occupational hazards in the plant. Standards set by the respective state governments have been grossly inadequate. Moreover, the resources applied by the states to enforce these standards have been pitifully small. An average of 40 cents a year per worker is spent by the states for development and enforcement of safety standards.

The efforts to enact a federal Occupational Safety and Health Law last year were frustrated by the powerful business lobby. According to *America's Textile Reporter*, "industry witnesses found the bill objectionable because it provides for the establishment of mandatory Federal standards."

The latest attempt to achieve a specific measure of protection for the health of workers has been stalled by the action of Secretary of Labor Shultz in postponing the implementation of an amended regulation issued by former Secretary Wirtz in January. This regulation would have required firms engaged on federal government contracts to limit the exposure of their workers to noise to 85 decibels, with the proviso that a 92-decibel level would be permitted until January 1, 1971. Secretary Shultz has stayed the implementation of this regulation until May 17, 1969. Therefore, be it

Resolved, by the Executive Council of the Textile Workers Union of America, AFL-CIO, CLC, that:

1. We call upon the textile industry to take immediate and effective measures to insure that the dust and noise exposure faced by textile workers is reduced to the absolute minimum.

2. We invite all employers to join with us in sponsoring an industrial hygiene program in which the resources of medical science and industrial engineering may be enlisted to find the most effective means of eliminating all on-the-job health hazards.

3. We urge the United States Public Health Service to undertake a study of the incidence of byssinosis among cotton textile workers and of prevalence of disabling respiratory disease among retired cotton textile workers.

4. We reaffirm our support of the Occupational Safety and Health Bill and urge the Nixon Administration to support federal standards.

5. We request Secretary of Labor Shultz to implement the amended regulations under the Public Contracts Act setting a maximum noise standard of 85 decibels.

FREEDOM OF CHOICE

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. COLLINS. Mr. Speaker, education of our youth is the primary concern of every parent in this country. They want and deserve the best education that is possible.

A few years ago a progressive system of education was developed known as freedom of choice. Under this plan, any youngster was entitled to go to any school in his community. He might prefer the school because of subjects offered, because of teachers, because of facilities, because of better racial balance, or for whatever reason he or his parents chose. This is complete democracy as it gives a full freedom of choice to every individual.

The courts prefer to keep the school system in constant turmoil. With court reversals and new rulings there is no opportunity to build educational stability. The eventual aim of the courts is apparently to have every child spend from 1 to 2 hours on a bus every day.

Every thinking citizen will be interested in reading the excellent editorial that appeared in the Washington Evening Star on May 31, 1969:

FREEDOM OF CHOICE

Federal judges, whose incompetence to dictate policy to a public school system has been rather convincingly demonstrated here in Washington, are moving on a broad front to strike down "freedom of choice" plans in school attendance.

If the judges were saying that these plans are "free' in name only, that in fact they do not afford a free choice to both black and white children, there could be no quarrel with their position. But this is not what they are saying. Their position is that freedom of choice plans, no matter how free the choice may be, are not producing a degree of integration that is satisfactory to the judges, and that therefore they are unlawful. This without any clue or hint from the judges as to what degree of integration would be satisfactory to them.

Earlier this month a three-judge federal court in Jackson, Mississippi, rejected a request from the Department of Justice and civil rights attorneys that they outlaw freedom of choice plans in 20 to 30 south Mississippi school districts. The three-judge court said: "The freedom of choice plan in all of these cases is universally acclaimed by both races in all schools as being most desirable, most workable and acceptable by everybody. No one testified to anything to the contrary or to anything better. . . . No parent or child in any school has complained to anybody of any discriminatory treatment . . . or any failure of the freedom of choice plan to operate effectively."

The Department of Justice and the civil rights lawyers have taken an appeal from this ruling to the Fifth Federal Circuit Court, and that tribunal probably will reverse the three-judge court.

One may anticipate a reversal because the judges of the Fifth Circuit Court, in their infinite wisdom, have just overturned a ruling by federal district judges in Louisiana which had approved freedom of choice plans in 37 cases. The appellate court said the Louisiana plan had not resulted in enough integration, and this again without saying how much integration is enough.

What this means is that local school officials in the affected districts must compel, or try to compel, an unspecified number of white children to attend predominantly Negro schools, and an unspecified number of black children to attend predominantly white schools.

The Louisiana superintendent of schools says this will have "a very, very bad effect on public schools." If there are those who doubt this, they might take a hard look at what pressure for integration has produced in the public schools of our own city. The result has been, not integration in any meaningful sense, but a form of resegregation which to say the very least, has not improved the quality of public school education for children of either race.

SALUTE THE AIR FORCE ON ARMED FORCES DAY

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. SIKES. Mr. Speaker, at a time when the headlines are filled with charges and countercharges involving our military forces, when suspicion is being cast upon the motives or the capability of some of our leaders, when discord generally racks our Nation—it is refreshing to read what the editorial writers of the Playground Daily News in Fort Walton Beach, Fla., think of the men who wear the uniform. It is a gratifying change, and I am confident what is said in the editorial is an expression of the feelings of most of us toward our "neighbors in blue."

The editorial which appeared in the Playground Daily News on May 14, 1969, follows:

SALUTE THE AIR FORCE ON ARMED FORCES DAY

Saturday is Armed Forces Day, and in the Playground area 'Armed Forces' means Air Force.

Sure, we count among our citizens members of the Army, Navy, Marine Corps and Coast Guard, and we are proud to have them among us. But Fort Walton Beach is an Air Force town—the Sonic Boom City. And Valparaiso is the official 'home' of Eglin Air Force Base, the world's largest Air Force installation.

Air Force men are often fond of calling themselves civilians in blue suits, modestly discounting their role as military strategists and leaders. But to the Playground area, just what is an Air Force man?

We would answer the question this way—based on recent, typical news accounts.

An Air Force man is the guy who lives next door to you. He's the fellow who borrows your lawn mower—or maybe you borrow his.

He's the man whose training has made him alert and resourceful enough so he can save the life of a tourist (given up for dead) at the beach.

He's the man who buys his magazine from your son in junior high school. Maybe he's the owner of the big dog who chased your cat up a tall pine tree.

He's the man whose widow will put aside some of her inheritance to provide leadership awards for Choctawhatchee's ROTC unit in his memory.

He's the man whose daughter will babysit with your youngsters and whose wife will swap recipes with yours over the hedge in the back yard.

He's the man whose son has been in eight schools in the past eleven years, but who still is named 'STAR' Student for the county.

He might be the man who wakes you up gunning his Mustang down the street at three o'clock in the morning.

But he's the same guy who is quietly gone one day and turns up in news reports of heroic action over North Viet Nam.

He's the man who decides to retire here and make this his home, too. He's the man who becomes part of the backbone of the business and professional community. He's the biggest booster of the Chamber of Commerce, or he puts his talents to work and takes a job teaching your children.

He's the president of the local Service Club, or maybe you see him on Sundays in church with his family.

He's the guy who invites you over for barbecue (and burns it on his new grill.)

He's the man who arranges a fishing trip for handicapped children just for the fun of seeing the joy in their faces.

He's the man who keeps the peace in a dozen European countries or watches the jittery borders of Korea, for the kind of pay that would make most men smile in disbelief.

He's the man whose family manages without him while he is on solitary, isolated assignment somewhere where he can't take them.

He's just an ordinary guy—the man next door. A good neighbor, a dependable friend; a man who cares about the country and the community.

A civilian in a blue suit. You know him because he stands a little taller because he wears it.

In other words, an Air Force man. We salute him.

ESSAY WINNER IRENE LEE PRESENTS CASE OF THE HANDICAPPED

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MATSUNAGA. Mr. Speaker, our present domestic crisis has led many Americans to reassess many of their longstanding notions of the American dream, or vision of equal opportunity.

A recent essay written by a young Hawaiian citizen, Miss Irene Lee, has underscored the need for recognizing the 22 million handicapped Americans for whom the gates of opportunity have often been closed as the result of a misunderstanding of their physical potentials. Rehabilitated handicapped persons, as Miss Lee has forcefully emphasized, ought to be viewed not as "business risks, but rather investments."

Miss Lee's essay took first place in the "Ability Counts" Survey Contest sponsored locally in Hawaii by the Governor's Committee on Employment of the Handicapped in cooperation with the Disabled American Veterans, Department of Hawaii, and the Hawaii State Federation of Labor AFL–CIO. The essay also received an honorable mention rating from the President's Committee on Employment of the Handicapped.

I believe my colleagues will find it of great interest to read Miss Lee's prize-winning essay, which I am pleased to submit for inclusion in the RECORD:

WHAT EVERY EMPLOYER SHOULD KNOW ABOUT HANDICAPPED WORKERS

(By Irene Lee, W. R. Farrington High School, Honolulu, Hawaii)

Is the American dream, the vision of equal opportunity, still alive? Are all Americans given the change to pursue happiness and promote their general welfares? No, the American dream is not alive for all Americans. Equal opportunity does not knock at every door, nor does every door open for the twenty-two million handicapped Americans. Often, persons are deprived the privilege of proving themselves, for doors of employment are blindly shut to those who are not in full physical capacity. Employers often pass up the opportunity to hire good workers because they have not been made aware of handicapped persons' potentials.

The average employer seeks a worker with skill, experience, some background training, and education. He seeks a worker who can adjust emotionally to the job situation, a person who is dependable, safe, and productive. The employer knows what sort of person he wants, but does he know he can find the qualities of a top-notch employee in a handicapped person?

Not all employers know that during the period of rehabilitation, handicapped persons receive individual vocational and guidance counseling. They do not know that the handicapped individual has been aided by experts to fit his abilities to suit the particular job he is capable of doing. After a person has been fitted for a job, he is trained. Expert consideration, advice, and training make for personalized job fitting. This in turn makes for efficient, qualified workers, who are able to perform as well as any other employee.

When handicapped persons are given the opportunity to prove themselves, they perform diligently and dependably. A recent six month survey of one hundred workers compares the dependability of the handicapped employee to the unimpaired employee. Three handicapped workers as compared to four unimpaired employees left their jobs in the same span of time. Not only are handicapped workers stable employees, but also they are regularly punctual. Of the same hundred workers, 3.4 days were missed by handicapped persons as compared to 3.8 days missed by unimpaired workers over a period of one hundred days.

Possibly because the handicapped worker knows the seriousness of injury and the torturous trials of recuperation, he is a cautious, safe employee. Handicapped persons across the nation have accumulated an admirable safety record. They take added safety precautions for they realize that a little extra time and a little extra care make for a lot safer working situation. Safety saves the employer undue worry and added business expenses.

Patience and extra care also make for quality production. One who has known personal trials and has overcome obstacles through perseverance and patience can confront working situations with a calmer, more analytical approach. Handicapped workers have proven that they can produce as much as any other average worker. They can meet situations squarely and thoughtfully.

Handicapped workers are not business risks, but rather investments. They are trained and educated; their skills have been developed with expert guidance. Not only are the handicapped dependable, punctual, and safe, but also they are productive and emotionally stable. Cumulative records have shown such results and so do personal case histories.

Jobs, such as mat weaving, painting, and commercial design, which require patience, artistic creativity, and manual dexterity, are excellent jobs for some handicapped persons. In Hawaii, the mat industry relies heavily on handicapped workers for production of intricately woven lauhala products. Artistic creativity can also be combined with managerial know-how. For example, one of the partners in a prominent commercial design firm in Honolulu is a crippled man. Government agencies hire engineering draftsmen and programmers who are physically hindered. Physical impairments do not handicap the creative mind. The handicapped do perform just as capably as any other workers. Handicaps do not interfere with job performance if a person is placed in the right job.

Not all workers will fit well in all jobs, but when a worker has the needed capabilities and he has been expertly trained, he has within him the potential for success. Given a chance to prove his worth, such a worker can become a valuable, productive individual utilizing his human resources. By giving handicapped persons a fair chance, employers across the nation will be working toward the reality of opportunity for the twenty-two million handicapped Americans. They will be striving to keep the American dream alive.

PAY TV—THE FCC CREATES A LEGAL THICKET

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ASHBROOK. Mr. Speaker, recently many people have expressed grave concern over the FCC's determination to authorize pay TV beginning June 12. I believe their concern is warranted on several points—but primarily because the FCC is creating a legal thicket with this proposed area of broadcasting.

If the Commission is allowed to proceed unchecked by Congress it will be the Congress, the Members of this House, who will be called upon at some later date to unsnarl the communications systems which will be tangled in this issue.

The FCC has ignored the views of the House Interstate and Foreign Commerce Committee and has set itself up as totally independent of the legislative branch. The FCC has indirectly ignored the views of the Congress and of the people.

Mr. Speaker, I am unalterably opposed to this system of pay TV which is projected by the Commission. Congress, I believe, should assume the initiative; first, in halting FCC actions to license stations; and second, by thoroughly investigating to determine whether the Federal Communications Commission even has the authority to regulate in this area.

Regardless of the conditions imposed now and the regulations on the books, if pay TV is established on a nationwide basis, I feel it will only be a matter of time until the public will have to pay for many of the major sports events which now are viewed on conventional TV at no cost. This is the camel's nose under the tent. Pay TV should be summarily rejected. Television licenses are very valuable and there is no evidence that there is an economic hardship on those who have these licenses. The public should not be gouged in a system of charges for movies, athletic events, and other special features which could be eventually shifted from conventional TV to pay TV.

Although in deciding to accept applications for pay TV broadcasting, the Commission established regulations which are supposed to protect the viewer, I do not believe they will succeed, and this is a basic reason for my opposition.

The FCC has attempted to prevent siphoning of programs from conventional to pay TV. I do not believe they will be able to do this. On the other hand, there is nothing compusory about the FCC's decision. No one will have to pay for anything, unless, of course, he chooses to subscribe to a pay TV system. The Commission has also attempted to provide protection by requiring that no pay TV operation may be established unless there are four or more conventional stations already serving the area.

It is interesting to note the degree to which the FCC will go in circumventing the wishes of Congress. A resolution directed specifically at the FCC and its proposals for pay TV by the House Commerce Committee is abundantly clear:

> Be it resolved that . . . it is the sense of the Committee that the Federal Communications Commission should further refrain from acting upon its order until the end of the first session of the 91st Congress or completion of action upon legislation.

An earlier resolution was even more to the point:

> It has not been established to the satisfaction of this Committee that authority to license Subscription Television operations comes within the power of the Commission.

It makes little difference to the Commission that it has acted over the direct objections of the Congress—objections expressed by the Commerce Committees of both House and Senate. In fact, in the report prepared and published in the Federal Register, the Commission notes on the second page:

> The Commerce Committees of both houses of Congress have expressed their views either questioning the jurisdiction of the Commission to license STV (subscription TV) operations or stating that such operations should not be authorized by the Commission without specific authorization by law.

In a classic example of the growing self-sufficiency of the administrative bureaucracy, FCC Chairman Rosel H. Hyde replied September 3, 1968, that additional delay "would constitute, in effect, a failure of the administrative process."

What he is saying is that the Commission is going to have its way regardless of what the Congress might want or think best.

There is serious question that the Commission has the authority to regulate in this new area. Yet it goes its merry way and worries only about its flatulent "administrative process" rather than abuse of delegated power.

The Commission has the preliminaries worked out in this way. They will begin accepting applications to establish pay TV as of June 12. Unfortunately, in some areas a scare campaign has misled many people into thinking that after this date they will be forced to pay to watch their television. This is totally false. There is nothing compulsory about the program.

After being granted a license, a pay TV station would transmit a garbled signal. Either the audio portion or the video portion—or both in some instances—would be unintelligible. Any TV set could receive the signals but only a set which has a decoder would be able to unscramble this signal. The subscriber would pay a charge to have this decoder installed on this set. When the station transmits a program he wants to see, all he would have to do is activate the decoder and then pay the prescribed charge for this service.

Such a system has been operated on a trial basis. The FCC authorized an experiment in pay TV in Hartford, Conn. The test began in June 1962, and through a series of 3-year extensions continues today. Statistics gathered from this trial run indicate that during one period about 85 percent of the programing was of feature films; about 5 percent was sports and 5 percent special entertainment. Remaining time was devoted to educational programing. Feature films consisted primarily of movies which had been recently released to movie houses and which—because of the cost—could not have been purchased and run by conventional networks. Sports included programs such as those generally blacked out in the area, or ones usually shown on closed-circuit TV in theatres. A heavyweight fight between Sonny Liston and Cassius Clay was one of these. Special entertainment included plays, opera, ballet, concerts, and recitals, variety, and nightclub programs. The cost of viewing these programs varied from $3 for the title fight to a minimum of 50 cents. The average cost of the feature films was just over $1. In Hartford, the installation cost of the decoder was $10 and there was an additional monthly rental cost of $3.25. The operators of the Hartford station said that the average weekly expenditure for the service was $1.22. You can easily see how the charges would mount in such a system. This is the "gouging" to which the public would be exposed.

My primary opposition to pay TV is based on my concern that it, like so many other Government-controlled operations, will get out of hand. Then the viewer stands to lose. He would be faced with an additional cost; an added bill where there once was a free service.

This is a legitimate concern but there is more involved. There is the question of a Federal agency operating beyond the scope of its delegated authority; there is the question of congressional inaction and condescension; and there is the concern that with this decision the Commission is creating a tangle of legal questions involving public utility requirements, copyright laws, broadcasting rights, networks, satellites, CATV, radio, and commercial interests.

There is already confusion between pay TV and cable TV or CATV. Cable TV systems have operated for several years and in several areas of the 17th Congressional District. Generally they service areas which regular commercial stations do not reach, or reach with weak signals. Subscribers hook directly into a cable which transmits the television picture and sound. CATV subscribers pay an installation charge and a flat monthly fee.

Cable TV is relatively new. The FCC and the Congress are still studying its particular problems and effects on the broadcasting industry. Yet, before these problems are satisfactorily answered the Commission complicates the issue with its authorization of a pay TV system. Even now proponents of pay TV are busily studying the possibilities of cable-pay TV.

It is obvious to me that Congress must begin to exert its legitimate control.

In addition to the problems inherent in the Commission's decision, a recent advertising campaign has substantially contributed to the problem by inflaming this already critical issue.

I have asked the Federal Trade Commission to investigate an ad published reventy in TV Guide which misrepresents the impact of pay TV and charges that viewers will be compelled to pay to watch their sets. This is outright misrepresentation of fact and I believe the clear intent was to arouse readers. This is a very carefully worded statement and it was done either through gross ignorance and irresponsibility or much more likely, through deliberate intent.

I have asked the Federal Trade Commission to investigate the circumstances surrounding the ad and I have also suggested that the FTC request from TV Guide its reason for accepting for publication such blatantly false advertising.

While I totally oppose the authorization grant for pay TV, the issue should be decided on the facts, not on smear statements and scare tactics.

PROFESSOR GARDNER URGES FREE USE OF INTELSAT BY UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. FRASER. Mr. Speaker, the advent of communication satellites provides an unparalled opportunity to draw the nations of the world together for the interchange of ideas and information for peaceful purposes. Satellite television has immeasurable advantages over shortwave radio. Not only does television have a greater impact than voice broadcasts, but the quality of satellite television is far better and it has a much broader range of coverage than shortwave radio.

One of the limiting factors on the use of communication satellites is the cost of renting channels from the International Telecommunications Satellite Consortium—Intelsat. Free use of satellites by the United Nations would help bring the story of United Nations activities to the people of the world as well as to help meet the U.N.'s need for better communications to manage its worldwide operations.

The problems associated with satellite television have been recently explored at hearings held by the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Affairs.

I commend to your reading a most comprehensive statement presented at the subcommittee hearings on May 14, 1969, by Richard N. Gardner, Henry L. Moses, professor of law and international organization, Columbia University, and formerly Assistant Secretary of State for International Organization Affairs. His statement contains a number of recommendations including the free use of communication satellites by the United Nations. Mr. Gardner's statement, entitled "International Political and Legal Ramifications of Satellite Broadcasting," follows:

INTERNATIONAL POLITICAL AND LEGAL RAMIFICATIONS OF SATELLITE BROADCASTING

"Wars," in the words of UNESCO's constitution, "begin in the minds of men." To eliminate war, we must somehow change the attitude of national groups toward one another and move toward cooperation instead of conflict.

Dramatic new techniques of communication are now becoming available to help us do this. Foremost among these is the communications satellite, which offers us an unprecedented instrument to promote world understanding. Future historians may judge the communications satellite to be as important a scientific breakthrough as the atomic bomb.

One might even say that the world is witnessing a fateful race between two types of scientific development. On the one hand, there are the terrible new weapons that can destroy mankind—intercontinental ballistic missiles, orbital bombs, and chemical and bacteriological warfare. On the other hand, there are developments like communication satellites that could unite all of mankind into one radio or television listening audience. Through a strange coincidence of scientific development, the period in the late 1970s or early 1980s when the Chinese are likely to be able to deliver sophisticated nuclear warheads around the world in large quantities could also be the time when the Chinese people might be reached with radio and TV programs sent directly from communication satellites to home receivers.

The world is already well into the age of the communication satellite. The satellites now stationed over the Atlantic and Pacific Oceans by the International Telecommunication Satellite Consortium (Intelsat) not only represent a massive addition to intercontinental telephone capacity, but they also make possible the simultaneous transmission of television programs.

However, this is only the beginning. We are on the verge of a breakthrough to a new kind of communication satellite that will represent a change perhaps even more revolutionary in its political and economic implications than that represented by existing communication satellites.

The present satellites are *point-to-point satellites*, which will relay communications from one ground station to many stations simultaneously, thus bypassing the necessity of distribution through the conventional ground communications network. Within a year or two such satellites could be available to transmit FM radio or TV to specially equipped community or village receivers. Within five or 10 years such satellites could also be available to broadcast directly into home radio or TV sets over an area of a million square miles.

The difference between broadcast satellites and point-to-point satellites is both economic and political. Because they bypass the need for expensive ground relay systems, broadcast satellites may be cheaper and more effective than alternative means of communication for reaching large areas, particularly in less developed countries like India, Pakistan, Indonesia and Brazil.

Broadcast satellites also raise the possibility of broadcasting to the citizens of a country without the consent and perhaps even over the opposition of its government. The prospect of bypassing national broadcasting networks has alarmed some people.

In the corridors of the United Nations, one delegate from a less developed country has remarked: "The heads of foreign states will soon be able to address my people, but our own president will not be able to do so. What is the U.N. going to do to help us?"

Of course, it can be argued that space broadcasting is merely an extension of the broadcasting on shortwave now carried on by such agencies as the Voice of America, the British Broadcasting Corporation, and Radio Moscow. It is, however, a significant extension. Unlike shortwave broadcasting, radio programs broadcast from space will be indistinguishable, so far as quality of reception is concerned, from radio programs broadcast locally. And television programs sent from space will have a substantially greater psychological impact than shortwave radio broadcasts.

The heart of the political problem can be summed up thus: Countries with no immediate prospect of carrying on space broadcasting fear that the United States, the Soviet Union or possibly a joint European satellite authority may use this technology to send their people political or commercial messages that the governments do not like. Unless it is possible to allay the fears of such countries about uncontrolled communication with their populations and give them an interest in the use of this technology for their own benefit, the enormous potential of broadcast satellites may never be realized.

Indeed, some influential voices have already urged crippling restraints on space broadcasting. A French official of the International Telecommunication Union went so far as to propose that, in the absence of general agreement among all countries, space broadcasting should be prohibited. A Swedish professor has urged that we should "set aside, with respect to outer space, the old terrestrial principles of unlimited information and opinion" in favor of exclusive control by a world agency that would have to "refrain from the dissemination of programs against which objections are raised even by a minority."

Acceptance of this view would mean no space broadcasting at all, since no agreement is likely to be achieved with the communist countries in the foreseeable future on the ground rules for joint management of such a system and on the type of programs that should be transmitted. Communist countries have been urging a ban on the use of space for "war propaganda," which could embrace any ideas which communist leaders conceived to be harmful to their own interests. It is difficult to see why the Soviet Union should be given a veto over a joint U.S.-Indian venture to provide India with a broadcast satellite system, or a similar undertaking in Europe resulting from agreement among the North Atlantic nations.

The legitimacy of space broadcasting has already been debated in the International Telecommunication Union. Under the I.T.U.'s Convention and Radio Regulations, the airwaves cannot be used for any purpose unless frequencies are set aside for that purpose. When frequencies are allocated, and the regulations of the I.T.U. are otherwise complied with, all members are obligated by Article 47 of the Convention to avoid harmful interference. The question raised in the I.T.U. is whether space broadcasting is a legitimate use of the airwaves for which frequencies should be allocated, thus affording space broadcasting legal protection from jamming and other harmful interference.

In 1959 the Radio Regulations were amended at the initiative of the Nordic countries to prohibit so-called "pirate broadcasts" from ships at sea. As a result, paragraph 422 of the Radio Regulations now reads:

> The establishment or use of broadcasting stations (sound broadcasting and television broadcasting stations) on board ships, aircrafts or any other floating or airborne objects outside national territories is prohibited.

If broadcast satellites are included in this definition, their broadcasts would also be prohibited and would not be afforded protection from harmful interference under the I.T.U. Convention and Radio Regulations.

This question was raised directly in 1963, when Working Group 4B of the I.T.U.'s Extraordinary Administrative Radio Conference considered broadcasting from satellites. The French delegation proposed that paragraph 422 of the Radio Regulations be amended to prohibit the establishment and use of sound broadcasting and television broadcasting stations on any space object. The United States urged the conference to recommend that, until such time as bands were allocated for broadcast satellites, experimental programs for the development of a broadcast satellite service should be carried on in technically suitable bands now allocated to the broadcast service—on condition that there be no interference with established broadcasting services operating in such bands.

After some discussion, it was agreed that experimental space broadcasting could be conducted in accordance with the present Radio Regulations. Whether broadcast satellite operations, as opposed to mere experiments, could be undertaken in accord with the Radio Regulations was not determined.

The question of space broadcasting is now under study by Group 4 of the I.T.U.'s International Consultative Committee. It is certain to come up when new frequency allocations are proposed for space communications at the Extraordinary Administrative Radio Conference expected to be held in 1970 or 1971.

The time has come to develop a program for the cooperative use of space broadcasting in the service of human needs. Unless such a program is developed soon by those who believe in an open world society broadcast satellites may be blocked or impeded by one or more of the following possibilities:

(1) Failure of the I.T.U. to allocate the necessary frequencies for space broadcasting;

(2) A decision in the I.T.U. or the United Nations denying the legality of space broadcasting, or

(3) A decision giving *exclusive* control of space broadcasting to an international agency operating on the basis of unanimous agreement.

To avoid these possibilities, we need a program that will emphasize, not the competitive penetration of populations for propaganda or commercial advantage, but cooperative ways of using broadcast and point-to-point satellites for world understanding and development. The following are some possible elements in such a program:

First, we should proceed as rapidly as possible with the development of broadcast satellites.

The U.S. Communication Satellite Corporation (Comsat), which is already studying space broadcasting, should be encouraged to finance some of the research and development itself. The U.S. National Aeronautics and Space Agency should maintain a supplementary program to the extent necessary to get the job done.

The development of a network of broadcast satellites should be the number one outer space objective of the United States and its partners in the 1970s. In terms of its consequences for the future of humanity, this could be at least as important as landing a man on the moon and sending instruments to gather data on Mars or Venus.

Comsat and its partners in Intelsat should be encouraged to provide broadcast satellite service as well as point-to-point satellite service. These services involve the same technology. Where direct broadcasting is serving an essentially public purpose, such as the establishment of a national TV network, the governments concerned—let us say India or a group of Latin American countries—could build the ground stations and pay Intelsat to put up the satellites, with financial assistance for the purpose from national or international aid agencies.

Second, we should promote international understanding of the benefits which space broadcasting can bring to mankind, particularly to the less developed countries, by encouraging studies in appropriate international organizations, including the United Nations, UNESCO, and the I.T.U. It is gratifying that the General Assembly has asked its Outer Space Committee to study satellite communications, including broadcast satellites, and that a subcommittee will meet this summer to consider the political, economic and social aspects of the problem.

Third, we should help organize pilot projects, under the auspices of the U.N. and UNESCO if possible, to demonstrate the use of space broadcasting for political and economic development. Such projects, which initially would involve broadcasting from satellites to community receivers, could assist national efforts in the eradication of illiteracy, the introduction of new agricultural techniques, or the encouragement of family planning.

India would be an excellent place in which to start. It is the perfect case of a less developed country with large areas not covered by adequate terrestrial facilities, where space broadcasting offers a cheaper and more effective means of communication than microwave and cables.

Fourth, we should encourage national aid agencies and international lending agencies such as the Inter-American Development Bank, the Asian Development Bank, and the International Development Association to finance the establishment of communication satellite systems in less developed countries, not only for point-to-point satellite communications, but for space broadcasting as well. National and international technical assistance agencies should help train local nationals in the use of satellite communications.

Fifth, the U.S. and other countries with a potential capability for space broadcasting should reassure friendly governments that broadcast satellites will not be used to send political or commercial messages to their populations against their will.

It would be difficult to do this is any case. In the early stages, the government concerned would prohibit the special equipment (community receivers, special antennae for home receivers) needed to receive broadcasts. Jamming of such broadcasts, though more difficult and expensive than the jamming of shortwave broadcasts, is nonetheless possible. If a less developed country lack the resources to jam by itself, it might get foreign assistance in doing so.

Quite apart from the technical difficulties involved in trying to impose space broadcasting, political considerations would preclude it in countries where the United States or another space broadcaster wished to maintain good relations. And the broadcasting of commercial messages would be futile in a country whose government was not prepared to permit importation of the commodities.

A satellite broadcasting system for India should be programmed by the Indians themselves. Satellite broadcasting covering many countries, as would be the case with Latin America, should be programmed on a cooperative and regional basis by the countries of the region themselves. Assistance in programming could, of course, be provided upon request by foreign governments or international agencies. But in each case the receiving countries, through their appropriate broadcasting entities, should control what programs are broadcast to their people.

To this general rule of broadcasting by consent there should be but one limited though important exception: we should not foreclose the possibility of communicating with the populations of hostile states in a critical period of international relations.

Sixth, we should initiate discussions and resolutions in the United Nations and UNESCO that will encourage the cooperative development of space broadcasting. Initiatives in the international forums endorsing cooperative activities provide the best way of avoiding decisions restricting use of the new technology.

Seventh, we should seek a decision in the I.T.U. allocating radio frequencies for space broadcasting operations (frequencies have so far only been allocated for experiments). If we engage an adequate number of developed and less developed countries in cooperative studies and pilot projects, a sufficient majority in the I.T.U. will have been of self-interest to vote for the frequency allocation.

Eighth, we should use communication satellites to bring the story of U.N. activities, including U.N. proceedings, to the people of the world.

Such use is now very limited, partly because of the cost of renting channels from Intelsat. I believe it would be in the interest of Intelsat, as well as in the interest of the entire world, that channels be made available to the U.N. without charge.

Free use of satellites would also help meet the U.N.'s urgent need for better communications to manage its world-wide operations. During the Middle East crisis of June, 1967 the U.N. was seriously handicapped by its inadequate communications arrangements—the Secretary-General and his staff did not know what was going on in the area until many hours later. The U.N. will never be an adequate peacekeeping agency until it has better communications facilities at its disposal.

Satellites are becoming so big and small additions to capacity so inexpensive that channels could be made freely available to the U.N. without impairing the economic basis of the Intelsat system. This would be a good "public relations" investment for Intelsat: It would broaden international support for the Intelsat arrangements as well as encourage U.N. use of point-to-point and broadcast satellites.

I hope, therefore, in the negotiations now underway in Washington, the U.S. delegation will propose, and other delegations will agree, that Intelsat facilities be made available without charge to the United Nations—for radio and TV programs produced by the U.N. and also for the U.N.'s own internal communications needs.

In December, 1961, the U.N. General Assembly noted "the potential importance of communication satellites for use by the United Nations and its principal organizations and specialized agencies for both operational and informational requirements." In the spirit of this resolution, U Thant has set in motion within the Secretariat a study of how the U.N. might use new communication techniques like satellites to help accomplish its objectives.

When the Secretary-General's study is completed, I hope he will propose, and I hope the General Assembly will approve, a substantial expansion of the work of the U.N.'s Radio and Visual Services Department now budgeted at the totally inadequate figure of $2 million.

Equally important, the Assembly should adopt a resolution:

(1) Providing for an annual "State of the World" TV and radio address by the Secretary-General which U.N. members would be asked to carry on their TV and radio networks, and

(2) Urging U.N. members to devote at least one hour a week of prime TV time (or radio time where TV does not exist) to programs produced at U.N. headquarters.

The Radio and Visual Services Department of the U.N. Office of Public Information has already demonstrated its capacity to produce such programs—some showing the executive activities of the U.N. at headquarters and in the field, others giving representative and balanced highlights of U.N. debates.

Many U.N. members provide no radio or TV reporting to their populations on U.N. activities. Many allow their people to hear only those parts of U.N. debates that represent their national point of view. One hour a week of U.N.-produced programs, including highlights of debates, could be a useful corrective. It would surely be a great step toward peace if the people of Egypt and Israel, for example, could have even a few minutes exposure per week to another view of the Middle East problem.

We should have no illusions that those U.N. members with tightly closed national societies would immediately implement such a resolution. But a resolution of this kind might well mobilize international and domestic opinion upon them to implement it after a number of years. At the very least, it would reveal very clearly which countries are really prepared to take practical steps toward international understanding and a more effective United Nations—and which are not prepared to do so.

The United States should take the lead in demonstrating the possibilities of promoting international understanding through communication satellites. We should give the Soviet leaders the opportunity to talk directly to the American people at regular intervals on TV in return for the same privilege for our leaders in the Soviet Union.

The possibilities opened up by communication satellites for world development and understanding are truly exciting. They provide an opportunity to create more open national societies, which are not merely desirable for their own sake, but are essential ingredients of a peaceful international community. To make use of this opportunity, however, we will need to display the same ingenuity in political and social arrangements that we have already demonstrated in the technical sphere.

TRIBUTE TO THE LATE TRUMAN WARD, MAJORITY CLERK

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. DANIELS of New Jersey. Mr. Speaker, all of us in this House, regardless of whether we sit on one side of the aisle or the other, lost a great and good friend this week. For 48 years Truman Ward served the Members of this House with great distinction, impartiality, and devotion. His place will be hard to fill.

Mr. Speaker, our late friend came to this House in 1921 at the age of 29 and served as majority or minority clerk from that time until his passing last Sunday at the age of 76.

Born in Enterprise, Clarke County, Miss., where his early years were spent, Truman exemplified the finest traditions of the Deep South he loved so well. Kindly and thoughtful, his life was spent in the service of others.

Mrs. Daniels joins with me in extending our deepest sympathy to Truman's widow and his three fine sons.

SPEECH BEFORE NATIONAL SAFETY COUNCIL'S HOME SAFETY SPRING WORKSHOP

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. EDWARDS of California. Mr. Speaker, in today's technological world, the phrase, "survival of the fittest" is almost irrelevant. Mr. Charles C. Johnson, the Administrator of the Consumer Protection and Environmental Health Service summed up the situation very adequately when he said:

> We live in troubled times, and they show all too clearly the terrible interplay of forces between man and the whole bio-community of which he is part. We find ourselves today catapulted into a new kind of world which we approach as strangers in a strange land.

The wonders of science, electronics, medicine have allowed even the most unfit to compete with the fittest so that their chances for survival are nearly equal. But nearly equal does not assume that these chances are all that good, they are merely different. Where man need not worry as much about the effects of disease, weather, or sudden attacks from wild animals, he must now worry about the dangers that may arise from those very things which are protecting him from his past fears.

An invention is defined as the combination of old things to create something new. It is unfortunate, however, that with many inventions, too many new things are created, not all of which are desirable. The introduction of the birth control pill has gone a long way toward solving our population problems but in its wake has created new health hazards. The color television has brought the movies into our homes but has also brought the dangers of harmful exposure to radiation. The new trend in music with electronically amplified instruments, Ralph Nader warns us, creates a volume of noise that impairs our hearing. Man can no longer possibly expect to understand and control his environment in all its complexity and this loss of understanding and control leaves him wide open for accidents which he can neither predict nor prevent. What better reason could explain the appalling statistics which reveal that each year over 100,000 deaths and 50 million injuries occur as a result of accidents.

Mr. Thomas F. Williams, Director of Public Affairs for the Consumer Protection and Environmental Health Service in the Department of Health, Education, and Welfare spoke last week before the National Safety Council's Annual Home Safety Spring Workshop. His insightful analysis of our Nation's tremendous responsibility for anticipating and preventing accidents is both a warning and an urgent call for a reevaluation of man's relation to his environment. He summarizes the Government's past contributions to accident prevention as significant and substantial, but nonetheless inadequate and asserts that it is time to discard outmoded concepts and obsolete thinking. Just as our Government

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has sworn to protect those rights it guarantees us in the Bill of Rights, Mr. Williams believes that the Government must protect our most newly recognized right, the right "to be protected against unreasonable risk of bodily harm from products purchased on the open market." He urges Government not to rest on its past laurels. "To do so," he warns, "would be to turn our backs on the future—and the future, judging by the past, is not to be trusted that far." It is men such as this, with the foresight and concern to plan for tomorrow that will ultimately enable us to trust that future and I include Mr. Williams' speech in the RECORD and commend it for most careful consideration by the Members of Congress:

It is a pleasure to be here and to have this opportunity to participate in the National Safety Council's Annual Home Safety Spring Workshop. I have been asked to speak on the Accident Prevention program of the Department of Health, Education, and Welfare. I will do that. But I trust you will accept, in addition, a few remarks that range beyond my assigned topic; for it is the view of the Consumer Protection and Environmental Health Service, a new agency of Health, Education, and Welfare, for which I work, that our Department's accident prevention efforts can be of little avail unless everyone concerned with the problem in both the public and private sectors of society, begin to abandon some of our most cherished ancient convictions about the problem and try to find contemporary reality instead.

At their polar extremes, the two most hotly defended emotional convictions about accident prevention run from the one end where it is asserted that virtually any attempt to tamper with man's environment toward the end of making it a less dangerous place is a waste of time and money and maybe psychologically damaging to the proper development of a species which, after all, must face enough challenge to remain alert, lean and reasonably aggressive. At the other end it is asserted that virtually all potential hazards to life and limb can and should be eliminated by society. All the square corners should be rounded off the tables, kitchen knives properly labelled, dulled and locked away and the whole world made-in the disparaging words of the opposition—perfectly idiot proof.

Every person in this room takes a personal view of man's capacity to deal with the accident prevention and other social problems at some point on the line that runs between these two extremes. The particular point of view selected, psychiatry has by now made very clear, has little to do with the problems themselves but depends instead on forces, mainly unconscious, deriving from the total experience of each individual's life. The Consumer Protection and Environmental Health Service is not under the illusion that it can do very much about the emotional proclivities of individuals but it does believe that constructive action toward cutting the toll of accidental injuries will be greatly enhanced when most of us share a common view of the fundamental nature of the physical environment in which we live.

The first piece of reality which all of us must face is that over 100,000 deaths and over 50 million serious injuries occur in the United States each year as the result of accidents. We can all agree there should be fewer of each. This being so, perhaps we can move on to another area of agreement on the nature of reality, despite the broad spectrum of views on the nature of man which we represent.

A salient characteristic of our time is that the impact of urbanization, scientific discovery and the rapid translation of scientific knowledge into applied technology has drastically altered the human environment. But the human being has not been drastically altered. We still have the same physical and psychological proclivities and needs that our cave-man ancestors had. The question we must answer, then, is "To what extent may the individual be realistically expected to protect himself from environmental hazards today?"

As for the Consumer Protection and Environmental Health Service, we cannot agree with anyone who thinks that a human being, evolved through many millennia to survive in the natural hazards of primeval forests and plains is necessarily equipped to protect himself in the technological jungle of 1969, nor can we agree with those who would want the government to issue each citizen a steel helmet because there is a possibility that someone may be struck by a falling meteorite.

The problem of accident prevention and injury control permeates the entire fabric of society. Every Federal agency has responsibilities for portions of it and, of course, every component of the U.S. Department of Health, Education, and Welfare has peripheral or direct concern.

Precisely because this is true, we think it was quite appropriate indeed to place the injury control responsibilities of the Public Health Service within the Consumer Protection and Environmental Health Service at the time the Public Health Service was reorganized last summer. Accident prevention is fundamentally an environmental and consumer problem. It is noteworthy in this regard that virtually every one of the several categorical programs now consolidated in the Consumer Protection and Environmental Health Service has a concern for one or more of the many aspects of the problem of accident control. We regard the problem as a major—and surely as one of the most urgent—of our environmental concerns. We are attempting to mount an effective attack on all the causes of preventable injuries, and we are seeking, and will continue to seek, the best ways to accomplish this. But for this assertion to be meaningful, I must tell you something about our new organization and its mission.

The Consumer Protection and Environmental Health Service was established by Presidential Order on July 1, 1968, to provide a new impetus and direction to the National effort to improve the environment and protect the consumer, and to provide a focus on man—on his total health and well-being—as the center of all our environmental concerns.

It includes the Food and Drug Administration, headed by Dr. Herbert L. Ley, Jr.; the National Air Pollution Control Administration, headed by Dr. John T. Middleton; and the Environmental Control Administration, headed by Assistant Surgeon General Chris A. Hansen. For the first time in the Department of Health, Education, and Welfare, we have brought all these organizations, dealing with protecting human beings from environmental hazards, together in a situation where they can be mutually supportive.

We have come to recognize that the human environment consists not only of the land, air, and water that give us life but includes also the food we eat, the drugs we ingest, and all the thousands of products which we consume or use in this complicated world. Our mission is to advance understanding of the impact of environmental change on man, to develop criteria and standards on permissible levels of human exposure to environmental impacts, to exercise fully the several regulatory authorities we have, to assist industry and government at all levels by promoting the application of techniques to control or prevent environmental hazards, and to help State and local governments develop effective environmental and consumer protection programs.

Our Administrator, Mr. Charles C. Johnson, Jr., has made it very clear that he expects the Consumer Protection and Environmental Health Service to provide a sound, coordinated program in the accident prevention field at the Federal level. Since our accident prevention efforts will be carried out within the context of an organization so broadly concerned with environmental and consumer problems, we hope to avoid some of the parochial pitfalls which have marred the full effectiveness of injury control activities in the past.

For example, the Bureau of Occupational Safety and Health within the Environmental Control Administration is concerned with on-the-job hazards. The Bureau of Radiological Health has responsibility for administering the new Electronic Products Act—protecting the public from radiation hazards associated with television sets, microwave ovens, and other products of our new technology. Other bureaus in that Administration are concerned with such hazards as improper housing, noise, rodents and other home and community conditions that clearly relate to the incidence of accidental injury. Our growing mountains of garbage and trash offer a safety hazard, particularly in our crowded cities, so our Solid Waste Management program has a bearing on accident prevention.

The activities of the National Air Pollution Control Administration are inevitably linked to the problems of both air and ground traffic safety.

The basic commitment of the Food and Drug Administration is, and has always been, to protect the American consumer from product hazards. It has specific authority under the law to regulate foods, drugs, medical devices, cosmetics, and hazardous substances. It is, as you probably know, concerned with all aspects of pesticide use—from the controls necessary to prevent accidental ingestion or misuse of these products to the prevention of hazardous residues on food products. It is concerned with safety closures on bottles, with adequate labelling, and with other controls to prevent accidental ingestion of drugs, poisons, and other hazardous substances.

We have established an Office of Product Safety within the Food and Drug's Bureau of Medicine. A number of different programs relating to hazardous products which had been dispersed throughout the Public Health Service were brought together in this office, including the product safety aspects of the Public Health Service Injury Control Program. We in the Consumer Protection and Environmental Health Service feel that, because of the Food and Drug Administration's specific responsibility for consumer protection and because of its long experience in dealing with industry in the control of hazardous products, this Administration brings a special commitment and competence to this highly important part of the injury control problem.

On the other hand, the Injury Control program in the Environmental Control Administration retains its special responsibility for environmental hazards in the home and community—which are so integral a part of the Environmental Control Administration's basic commitment—and for the behavioral aspects of this complicated problem of accident prevention.

At the time of this reorganization, guidelines for coordination between the Food and Drug Administration and the Environmental Control Administration were provided. Moreover, mechanisms were established for common surveillance of accidental injuries and deaths, for we believe that the paucity of epidemiological data in this field has been an obstacle to effective control action by all levels of government, industry and private organizations.

A national surveillance network is now being established. This will include the epidemiological studies which have been under-

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way for some years—in Denver, Boston, and Cincinnati. In addition, however, a new hospital reporting system is scheduled to go into effect July 1, 1969. We believe this expanded surveillance system will give us much better answers on the nature and extent of injuries. The goal for the first year's operation of this new system is 150,000 reports.

When an analysis of these reports reveals that the cause of injury was primarily behavioral or environmental, the Environmental Control Administration will take action.

When the cause is deemed to be in product design or manufacture, the Food and Drug Administration will act to eliminate or minimize the product hazard. The Food and Drug Administration plans to conduct in-depth investigations during the next year of approximately 1,300 injuries associated with mechanical, electrical, and thermal properties of products and to analyze, wherever possible, the products themselves.

As the Food and Drug Administration har moved along in its product safety program, it has found, to no one's surprise, I am sure, that the very concept of what constitutes "product safety" has never been entirely clear. Product safety is a problem whose scope and magnitude are only now emerging, and which has only recently begun to command the public attention it merits. Work done to date in the Office of Product Safety of the Food and Drug Administration has shown clearly that behavioral and environmental patterns, can create hazards in product use which should be anticipated in product design. It is clear that the full solution to even the most apparently simple and obvious product hazard will seldom be simple or one-dimensional.

As we look back over the past decade or two, it seems to me that the injury control efforts of the Public Health Service, of the National Safety Council, and of the many other governmental and private organizations directly concerned have made some very substantial contributions. The National Safety Council has, for many years, provided a forum for safety advocates from all facets of our society. Members of the Council have shown that adequate attention to safety pays off in sharply reduced on-the-job injury rates. A joint effort by the Council, the Public Health Service, and the American Medical Association spelled success in establishing the value of auto safety belts and winning public acceptance for this life-saving device. You have led the way in public education in traffic and home safety. Passage of the Flammable Fabrics Act of 1967, and the safety features now on late model cars show that our Nation is making progress toward a safer environment.

However, as we look to the future, I don't think there is any question that the pattern of past efforts will be judged inadequate. The Nation is beginning to recognize that over 100,000 accidental deaths and over 50 million injuries every year constitute not only a national catastrophe but a national scandal. This concern is a part of the growing interest in all aspects of consumerism and environmental health and reflects an understanding that it is time to discard outmoded concepts and obsolete thinking, and to take a brand new look at what is happening to man in the world of the 20th Century.

The Congress, in 1967, recognized a new human "right"—the right "to be protected against unreasonable risk of bodily harm from products purchased on the open market," and it established the National Commission on Product Safety to study the problems associated with maintaining this "right." The Commission has already made a major contribution to our recognition and understanding of these problems. It has not only shown us the scope and magnitude of the risks associated with the thousands of consumer products we use, but even more importantly, has made it abundantly clear that some of our Nation's most hallowed concepts about the workings of its system will have to be updated if we are to adequately protect our citizens. It has shown us the folly of assuming that self-interest and business competition can necessarily be relied upon to motivate all manufacturers to produce safer products. It has shown us that we cannot be complacent about the "voluntary standards" system which have seemed in the past the very hallmark of enlightened industrialism. The Commission has already done much to help us all discard some of our outmoded concepts and obsolete thinking. When its final report is made in 1970, I am sure it will mark a milestone in our progress toward a safer environment.

The Consumer Protection and Environmental Health Service does not believe that our current accident prevention and product safety efforts are adequate for the task that lie ahead. We will strive to make them so, you may be assured. We do believe that we are moving in the right direction—in the direction of differentiating realistically among the many complex facets of the injury control problem and of considering all opportunities for corrective action, no matter where they may appear—in our own Department, in any other Federal agency, or in with industry.

Until recently, it seems to me, our goal—the very target of the National effort in this field—has been unclear. We were like the fellow who shoots first, then draws circles around the bullet hole and claims a bullseye. I do not think it unfair to suggest that this has been a characteristic of the efforts of many concerned with the complex problem of accident prevention in the past. I can recall that only a decade ago many people who were much in favor of placing "Speed Kills" signs on every telephone post in sight seemed absolutely convinced that nothing was to be gained by attempting to modify in any way for reasons of safety the motor vehicle in which the driver was reminded that he might be killed. I am sure we can all think of many other examples.

I spoke earlier of the broad diversity of views any group of people will bring to the question of how safe our environment must be to be safe enough. I suggested that we could nevertheless make great strides toward curtailing accidental deaths and injuries, provided we could agree on the reality of our contemporary environment.

With each year that passes our world becomes more certainly a place where our senses cannot be relied upon to perceive hazards we are exposed to. In our homes, the color TV set in the living room, the microwave oven in the kitchen may produce X-radiation, but we cannot feel it. The food in the refrigerator contains pesticides and other residues or additives but we cannot taste or smell them. Dozens of modern appliances contribute to our comfort but, if they are poorly designed or defective, they can produce shocks, burns, or lacerations we have no reason to be prepared for. When we travel, the poorly designed or defective automobile, train, bus or plane gives no adequate warning of disaster ahead.

These hazards and many more are byproduct problems of our tremendous advances in science and technology. In our pursuit of the undeniable benefits of technological progress, we failed to consider all the consequences. We failed to accurately perceive and agree on the nature of reality. We must fail no longer. Each year the rush of science and technology toward an uncharted future accelerates, and the penalties for failure to consider consequences will grow more severe.

Last November at a symposium on human ecology, Mr. Charles C. Johnson, the Administrator of the Consumer Protection and Environmental Health Service had this to say about our contemporary environment. "We live in troubled times, and they show all too clearly the terrible interplay of forces between man and the whole bio-community of which he is part. We find ourselves today catapulted into a new kind of world which we approach as strangers in a strange land. At times, the very structure of society seems in danger of being overwhelmed by a torrent of technological change which man has set in motion but sometimes seems incapable of controlling. Urbanization, a soaring population, and inequities nurtured in the darkness of the past and long ignored have released a slumbering discontent which jars the very foundations of the American dream. In our cities, this discontent has shown itself in attempts to destroy what no longer seems tolerable. Among our young people, there is a kindred frustration—and they would turn their back on a society which they find 'irrelevant.'"

If this description strikes you as relevant to the reality of our time and place, then I think you will agree that your organization and mine and all the others intended to promote the health and welfare of people cannot rest on their laurels. To do so would be to turn our backs on the future—and the future, judging by the past, is not to be trusted that far.

THE TELEGRAPH AND HUMAN PROGRESS

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. DONOHUE. Mr. Speaker, I would like to include a very timely and instructive article on the history and development of the telegraph, by Mr. Walter J. O'Leary, that appeared in the May 24, 1969, issue of the Boston Catholic Diocese newspaper, the Pilot.

Mr. O'Leary is a widely recognized writer and lecturer, from personal experience and research, on the fascinating subject of the telegraph, its initiation and expansion, and I am sure that all Record readers will find his article, that follows, most interesting and informative:

Invention of Telegraph Marked Milestone in Human Progress

(By Walter J. O'Leary)

Communication history was made 125 years ago this month. It was on May 24, 1844, that Samuel Finley Morse, inventor of the magnetic telegraph, transmitted his historic message: "What hath God wrought" from Washington to Baltimore. It marked the first practical means of unifying the nation in the dispensation of news and the elimination of the distances. The Telegraph is the forerunner of all the marvelous inventions of the past century and a quarter to benefit mankind in the field of communications.

Samuel Finley Breese Morse was born in Charlestown, Mass., on April 27, 1791, the son of Jedediah Morse, D.D., and Elizabeth Ann Breese. His father was born in Woodstock, Conn., on August 23, 1761; went to Yale, studied theology and was finally settled as Pastor of the First Congregational Church in Charlestown, on April 30, 1789. His mother was the daughter of Samuel Breese and Rebecca Finley. She was born in New York City, September 29, 1766. Rebecca's father, who was born in Ireland, came to America as a youth; distinguished himself as a preacher and a divine. He afterwards became President of Princeton College in New Jersey.

Samuel, the eldest of three brothers, prepared himself for college at Phillips-Andover

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Academy, and at the age of 14 entered Yale College, graduating in 1810. His tastes during his youth led him strongly towards art rather than science. In 1811 he became a pupil of Washington Allston and went to England to study art. He remained there four years. Upon his return to America, he enjoyed considerable success as a portrait painter along the Atlantic seaboard. Not financially to be sure. Many of his paintings are displayed prominently in museums here and abroad. When LaFayette came to this country after the War for Independence, he was commissioned by the city of New York to paint his picture. In 1825 he became one of the founders of the National Academy of Design.

1827 marked the year of his interest in electricity. He learned from J. F. Dana of Columbia College the elementary facts of electromagnetism. He also learned from two other Americans: first, from that illustrious philosopher Benjamin Franklin, whose experiments in a very crude way proved the identity of lightning and electricity; secondly, from Joseph Henry, Professor of Physics at the Albany Academy, later a Professor at Princeton and Secretary of the Smithsonian Institution who made the highly important discovery that by winding a plain iron core with many layers of insulated wire through which the electric current was passed, he could at will, charge and discharge the iron core with magnetic power.

Thus Henry produced the electro-magnet which was the beginning of the ingenious fluid. The discoveries of Henry are of great importance in the progress of electric science and form the basis upon which all subsequent inventions have been made in the electrical field.

The possibility of using Professor Henry's electro-magnet was the concern of Professor Morse on board the packet ship "Sully" from Havre to New York in the winter of 1832. Between this date and 1836 when he perfected his apparatus it has been said that he lived in poverty. He interested Alfred Vail, of Morristown, New Jersey with his invention and he became a collaborator of Morse in helping to perfect it.

Shortly thereafter Morse moved his apparatus to Washington and demonstrated it before President Van Buren and his Cabinet. A Bill was presented to Congress to finance construction of a telegraph line from Washington to Baltimore. It was finally approved in 1843 and Congress appropriated $30,000 to build the line.

Many persons were engaged in the construction of the first telegraph line. One of these was the Honorable Francis Ormond Johnathan Smith, a member of Congress from the Portland, Maine district; Editor of the Maine Farmer, an agricultural paper of considerable influence. Smith was awarded the contract to construct the line. The work entailed digging a ditch two feet deep along the right of way of the Baltimore and Ohio Railroad, into which was to be placed lead pipes containing two conductors covered with cotton yarn, saturated in a bath of hot gum shellac. The estimated cost of construction was $100.00 per mile. The man hired to do this work was Ezra Cornell who eventually became a millionaire and Cornell University's greatest benefactor.

Cornell was a man of little formal education. He worked as a Carpenter, Machinist, a Miller and also operated a pottery. In 1841 he purchased the patent rights to market a plough from Messrs Barnaby and Mooers in the states of Maine and Georgia.

He went to Maine in 1842 to introduce the plough to the farmers. There he met F.O.J. Smith who immediately became interested when he demonstrated it to him on his farm in Westbrook in August 1843. It was just the thing Smith needed to dig his trench. Both men became fast friends and Cornell was contracted to lay the pipe line.

When only 10 miles of pipe had been laid and $23,000 expended, it was found that water got into the pipe, grounding the conductors and the labors of all went for naught.

Learning that pole line construction had proved satisfactory in England, this method was pursued and the line finally completed early in May, 1844. All the world knows now that history was made on the 24th of that month when Morse tapped out his memorable message from the Capitol building in Washington to Alfred Vail at the Railroad depot in Baltimore.

It was the good fortune of this writer to serve in the U.S. Signal Corps 25 years ago when the Centennial of this event took place. Here is what I wrote in my diary:

"May 24, 1944. Wednesday. Up early. Released from duty today for Sunday work. After breakfast went to the Pentagon to be photographed for compulsory change of building passes. Photographer not in sight. Decided not to linger. Want to attend commemorative ceremonies at the Capitol. Reached there before 11 a.m. when the program began.

"The U.S. Marine Band was assembled on the Rotunda floor and played numerous pieces to suit the occasion. The Hon. Alfred L. Bulwinkle, Vice Chairman of the Committee, opened the proceedings and introduced the Hon. Burton K. Wheeler, the Massachusetts born Senator from Montana, and Chairman. Rev. James S. Montgomery, D.D. gave the Invocation and Rev. Frederick Brown Harris, D.D. the Benediction.

"Senator Wheeler spoke on the history of communications and their necessity to the Nation, particularly during the time of War. He remarked that Morse was in Washington when his wife died in New Haven, Conn., it was seven days before he received the news.

"The second part of the program was held on the ground floor of the original Capitol building beneath the small rotunda. Here, the Hon. Warren R. Austin, Senator from Vermont had additional remarks to say about the occasion, and then Miss Mary Livingston Morse, a great grandaughter of the Inventor unveiled the Flag from a Bronze plaque containing words of the Centennial in recognition of what took place 100 years earlier.

"The third and final part of the program took place in the original Supreme Court Room now used as a reference library by Representatives. Admittance to this room was by pass only due to its small area. After a while I too was admitted, due principally to the uniform I wore. "Here, Mr. Ernest E. Norris, President of the Southern Railway Company, a former Telegrapher himself, reenacted the sending of the famous message on the instrument Morse invented to Mr. Roy B. White, President of the Baltimore and Ohio Railroad, who was at the Depot in Baltimore. Reporters and Moving Picture cameras were on hand to record the historic proceedings. The maximum speed of Morse's machine is not over five or six words per minute."

Progress and expansion followed quite rapidly after the 1844 event. Mr. Henry O'Reilly, an Albany N.Y. journalist and his associates built a line from Baltimore to Philadelphia, west through Pennsylvania to Louisville, St. Louis and to New Orleans.

Ezra Cornell built a line from Philadelphia to the west side of the Hudson River. No method of insulation had yet been perfected to operate a telegraph circuit under water.

From high masts erected on the Palisades near Fort Lee and on the heights at Fort Washington on the New York side, a line was put across the Hudson River that was used for ten years. Cornell built the line to Albany and across New York State to the middle west. He was in Boston late in 1845 soliciting support to finance the building of a line into this City.

In the short space of ten years there were so many separate telegraph companies that separately their owners realized very little profit from their investments. It was in 1856 that many of them consolidated to form the present Western Union Telegraph Co. at Rochester, N.Y. Hiram Sibley became its first President. He and the newly formed company had ambitions of extending their lines to Europe by way of Bering Strait and across Siberia after Cyrus W. Field experienced two disasters trying to lay a cable across the Atlantic.

Mr. Sibley's western venture was quickly abandoned when the Great Eastern steamed into Hearts Content, Newfoundland in 1866 after playing out 2500 miles of cable from her three massive holds.

The hardships encountered by Cyrus Field in accomplishing his feat is a story in itself. In fact when one looks over the long lists of scientists, inventors and contributors to the progress of communication, they too were giants in their work of accomplishment. Wheatstone, Volta, Amuere, Faraday, Thomson, Carty, Bell, DeForest, Marconi, Edison, Hertz and MacKay.

Perhaps it is just as well that Morse and all the others were not born at an earlier date. We would never have known of Gilpin's Ride; the tales of the Pony Express or have a chance to observe the annual April 19th Marathon Classic in memory of that famous Athenian runner Pheidippides if they were.

ENDING THE VIETNAM WAR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. ROSENTHAL. Mr. Speaker, the country's impatience for an end to the war in Vietnam is rising again. After an election year whose theme was frustration and bitterness because of our tragic involvement in that war, the Nation granted the new administration a decent interlude for policy decisions. That period has ended.

The administration's desire for time to negotiate its predecessor's dilemma must now face the country's desire to end that involvement even if the disengagement is awkward. This administration's dilemma is clear: either end the war rapidly or inherit a new responsibility for its continuation.

While saving face is an old problem for a nation's leaders, it must not be allowed to obscure the primary need to save lives and to start the reconstruction of both the political and economic life of all Vietnam. American lives will be saved only when American troops withdraw.

Let us begin that withdrawal now, without delay or diplomatic dance or a prolonged search for proper formulas. Let us discuss the political accommodations which the Saigon regime must make by showing that regime that it must assume alone its political responsibilities which our presence has so long delayed.

When Saigon sees that our support has ended for its political repression, imprisonment of dissenters and denial of representative government, the South Vietnamese can get on with their problems of building a workable and responsive government.

Richard Falk, a distinguished critic of our Vietnam role and professor of international law, has outlined the stages of our withdrawal and the corresponding events in Vietnam in the following address he gave recently at Portland State-Reed College ceremonies. The version below has been revised and clarified and represents Professor Falk's latest views:

A PLAN TO END THE VIETNAM WAR

(By Richard A. Falk, Milbank professor of International Law Center for Advanced Study in the Behavioral Sciences and Princeton University)

1. Peace for Vietnam depends on the acceptance of three propositions:

I. The Saigon regime headed by Nguyen Van Thieu does not want to end the Vietnam War by reaching a political compromise; therefore, so long as progress in Paris depends on the assent of Saigon the prospects for a negotiated end of the war are virtually non-exisitent;

II. The United States should not seek to end its involvement in Vietnam without simultaneously seeking peace and rehabilitation for that devastated country; the policy of gradual "deAmericanization" of the war at this late stage results in arming the Saigon government with heavy modern weaponry so that it can carry on the fight indefinitely, not *only* against the NFL, but against many moderate non-Communist groups in South Vietnam.

III. The United States, North Vietnam, and the NLF all would benefit from a negotiated compromise ending of the war such as is the proclaimed objective of these three parties in Paris, but such a compromise cannot be brought to pass until the Saigon regime can be induced to make changes in its leadership and policies with respect to ending the war; these changes cannot be brought about so long as moderate third force political leaders are imprisoned rather than invited and encouraged to participate openly in the political and governing process of South Vietnam.

2. In light of this analysis the key focus for American policymakers is how to bring about changes in the Saigon regime such that it would work toward rather than against a negotiated compromise of the war. At present, it is evident that the United States possesses little leverage on the Saigon regime. The only way for the United States to obtain leverage in this situation is to initiate a process of phased withdrawal of the armed forces. The effects of withdrawal are difficult to anticipate, but almost anything is preferable to either a continuation of the present stalemate with the destructive effects or some kind of plan to "de-Americanize" the war by further training and equipping the armies of Saigon to fight on for a long period of time after the departure of American troops.

The emphasis on these issues also represents a criticism of the policies of President Nixon's Administration that have appeared to look toward "de-Americanization" to end the war in the likely event that neither progress toward a four-party negotiated settlement is made in Paris, nor a unilateral deescalation of NLF–DRV combat operations occurs. If this is a correct reading of prevailing thinking in Washington, then it will add one more disastrous phase to the series of disasters that have accompanied American involvement in the affairs of Vietnam since its inception in the early years of the 1950's. President Nixon's approach to peace in Vietnam seems more designed to secure a thinly disguised *political victory* than a *negotiated compromise* in Vietnam. My proposal of phased withdrawal, followed by a genuine political compromise, is developed as an alternative to either stalemated diplomacy in Paris or de-Americanization in Vietnam.

3. By now it should be evident to all that the United States military mission in Vietnam has been able to prevent victory by the National Liberation Movement. This mission has been accomplished at great cost in blood, treasure, and prestige. Even in the United States important sectors of our society have lost confidence in the integrity and wisdom of the government. In Vietnam the damage and devastation is awesome, and it is continuing: more tonnage of bombs is dropped per month on the tiny agricultural country of South Vietnam than on the whole of Europe during the height of World War II.

4. To incur such high costs to accomplish such a meager political mission requires an explanation. To prevent, in reality to delay, an NLF victory is very different than securing on behalf of the Saigon regime. Not long before he became a presidential adviser, Henry Kissinger wrote: "the guerrilla wins if he does not lose. The conventional army loses if it does not win." (*Foreign Affairs*, Jan. 1969, p. 214). Why, then, have more than 535,000 American troops, supported by the greatest arsenal of counter-insurgency weaponry ever assembled (the helicopter support has been estimated as alone worth more than 1,000,000 combat troops) been unable to achieve victory, especially when fighting alongside more than 1,000,000 troops of the Saigon armies? The armed forces of the United States have been able to destroy but not to succeed in Vietnam, because in a war of revolutionary nationalism it is the allegiance of the people that finally and decisively counts. The Saigon regime is isolated to such an extent that the most prominent leaders of non-Communist political groups are in jail for advocating some kind of political compromise to end the war. To advocate in Saigon what is official South Vietnamese policy in Paris continues to be a serious crime. Anti-Communist newspapers in South Vietnam are censored or closed repeatedly for criticizing the Thieu regime. As recently as March 15, Thich Tien Minh, one of the few Buddhist student leaders not yet imprisoned, was arrested with fifty student followers and sentenced to 10 years of hard labor. His crime: the advocacy of peaceful settlement through negotiations and a coalition government.

5. The Saigon regime knows that it cannot survive peace. If the present rulers are lucky they will physically escape the wrath of their countrymen. When the Americans leave the government of Thieu and Ky is almost certain to collapse or be displaced. The leaders in Saigon have demonstrated that they understand that their fate is linked to the continuation of the war and to the maintenance of the massive American presence: they opposed President Johnson's original limited bombing halt as of March 31, 1968, and they opposed the complete halt of bombing North Vietnam as of October 31, 1968 and often have advocated the resumption of bombing in the North; they opposed the Paris negotiations and have done all in their power to obstruct the continuation of peace talks; they imprison all moderate anti-Communist political leadership in South Vietnam; they spread all sorts of groundless rumors about NLF plans for mass reprisals.

6. Why, then, does the Saigon regime propose to meet directly and secretly with the NLF to discuss a settlement? The proposal is a tactic designed to confuse the American government and to undermine criticism. It is not a serious offer of a political compromise. In fact, the probable objective of the Saigon government is to demonstrate that no settlement can be reached by non-military means. The central conclusion, then, follows: it is impossible to settle the war in Vietnam by negotiations if a condition is that the terms of settlement should be acceptable to the present government of South Vietnam.

7. If this analysis is correct, then what should the United States do about it? If it does nothing, then the prospects are for a continuation of the military stalemate, with high casualties, periodic bursts of official optimism (never gloom), and a renewed and rising cycle of protest and repression here at home. The welcome speeches by Senators Aiken and Scott at the beginning of May have given the signal that President Nixon's 100 days of domestic grace are over. At present, there is little leverage that the United States possesses. Secretary of Defense Melvin Laird recently returned from South Vietnam in March with the startling discovery that no Americans should be withdrawn until all North Vietnamese troops have left South Vietnam *and* the armies of the Saigon regime have received training and modern equipment such as to provide "an indigenous capability." Only then can they avoid defeat, prevent political collapse, and hope to hold their own against the NLF. The military and political balance remains highly unfavorable and the glimmer of light all but disappears from the end of the tunnel. The failure of the South Vietnamese Armed Forces has been primarily a matter of its unwillingness to fight against the NLF. One never hears about the inabilities of the DRV or NLF to fight the American forces, despite their vulnerability to American bombing patterns and their markedly inferior equipment and firepower. The lop-sided kill ratios in Vietnam are characteristic of all colonial wars in which different levels of military technology meet in combat. The bitter irony is that the Vietnamese on our side are a conscript, mercenary army that, by and large, lacks political will; it is remarkable that despite the remoteness and unpopularity of the war, American military units engage in more combat with far greater motivation than do their ARVN counterparts. Never throughout the war have the armies of Saigon given the slightest indication that the issue of the war involved a defense of the homeland against a foreign invader (i.e., North Vietnam), but this has been until very recently our account of the war. Although the war cannot be won by those on the American side, defeat can be prevented indefinitely at high costs; in such circumstances Saigon has virtually no incentive at all to seek a political compromise.

8. What should be done? The United States should begin at once to withdraw its armed forces at the rate of between 50,000 and 100,000 per two months at least so long as (1) Saigon keeps non-Communist third force political leaders in prison and discourages third force politics; (2) Saigon fails to broaden its regime to include moderates, including several of the prominent figures who have in the past been punished for advocating a political compromise; (3) Hanoi reciprocates at least to the extent of avoiding major initiations of military combat. The American withdrawal should take place in a certain context of ambiguity so as to enable maximum leverage over both the Saigon regime and over the NLF and Hanoi, that is, by providing the former with incentives to terminate the withdrawal process and the latter with incentives to continue it. The United States would finally recover some initiative and be in a position to exert some leverage. In any event, the stalemate would be broken, a way down and out would have been created, and some alternative found to the present cruel and destructive war of attrition. Almost anything is better than what we are doing now. Either the Saigon regime cooperates in the search for a compromise or it collapses or it abdicates or it demonstrates, most unexpectedly, its capacity to fight on or negotiate alone. As withdrawal proceeds American policy should be under constant review in terms of attaining as soon as possible peace and political compromise for Vietnam.

9. We need to have some idea about the character of such a political compromise. In essence, there would need to be three main groups represented in a coalition national government; the NLF, the third force constituencies, and the army and civil service. It would be essential to appoint a strong,

moderate as Minister of the Interior, that is, as the person in charge of police functions in post-war South Vietnam and to suspend those portions of the Constitution based on civil war conditions. A provisional coalition government can most effectively be established by negotiations among the principal interest and ethnic groups of South Vietnam rather than through elections. The completion of the process of withdrawing foreign forces should be scheduled to occur during a transitional period no longer than 18 months, and possibly much shorter. Several distinct international observations teams (without enforcement functions) could be gradually built up during this period staffed by neutral and probably by non-Asian countries and supported by neutral financing. Our observation team would observe elections on a village and province level that would take place six and twelve months after a cease-fire can be established. Another observation team would investigate and report on allegations of reprisal. National elections open to all parties and all platforms (including planks on reunification) would be scheduled to occur within two years of the cease-fire. The elected government would have a mandate to convene a convention to draft a post-war constitution for South Vietnam.

A Vietnam Reconstruction Agency, staffed by international civil servants and funded from American and possibly other sources, would give aid to the governments in Saigon and Hanoi for purposes of reconstruction. Reunification, if it occurs, would be the result of negotiations between the elected governments of North and South Vietnam. Within three months of a cease-fire, however, normal economic, cultural, and social relations between the two parts of Vietnam would begin to be re-established. Serious consideration should also be given to encouraging the formation of a free trade area among all parts of what was formerly Indochina. A separate conference of principal world states should be convened before national elections are scheduled so as to ratify the Vietnam settlement, re-examine the prospects for reinvigorating the neutralization plan for Laos, and explore the possibility of securing some kind of endorsement of principles of peace for Asia by China, the United States, and the Soviet Union. The phasing of the proposal is designed, above all, to facilitate rapid and assured progress toward peace in Vietnam; therefore, obligations have been left vague, conditions have been omitted, and the process of war-termination has been designed to discourage its disruption or reversal by all sides to the Vietnam conflict.

The proposal, in summary, is conceived of comprising three phases and having the following constituent parts:

Phase I: immediate incremental withdrawal of U.S. forces, at the rate 50,000–100,000 per two months, terminable by major DRV–NLF escalation of war *and/or* by GVN release of political prisoners, broadening of its regime, and permitting its third force politics to occur (the ambiguity as to termination is intentional).

Phase II: negotiated settlement—

Immediate termination of offensive operations developing as soon as possible into a cease-fire, complete withdrawal of foreign forces and elimination of foreign bases; and substantial disarmament of domestic armed forces of NLF and ARVN within 3–6 months after withdrawal of foreign forces completed.

Coalition government (NLF, army-civil service, third force groups) (strong control of police by third force Minister of Interior) (suspension of those constitutional provisions prohibiting certain forms of political advocacy or based on civil war conditions).

Observed elections in stages (local, province, national) to be completed within two years of cease-fire. National elections will not be held in the event that the observer group directorate recommends their postponement. If elections are held, then the government will convene a convention to draft a new constitution for South Vietnam.

Gradual build-up to 10,000 of international observer group with distinct teams having investigative and reporting functions and independent funding in relation to political activity and complaints of reprisal.

Reunification, if at all, by free inter-government negotiations *following* national elections in South Vietnam or, in the event elections are postponed no sooner than five years from the date of formal cease-fire; normalization of relations between North and South Vietnam within three months after total cease-fire.

Economic reconstruction planned according to the priorities of the two governments, funded by the United States at $1–2 billion per year for a minimum of three years, and administered by a small agency staffed by international civil servants.

Guarantees and pledges by all parties on reprisals and an offer of political asylum by the United States to as many as 10,000 Vietnamese.

Conference of guaranty to ratify the settlement in Vietnam, scheduled to occur after the cease-fire and before the national elections; China, the Soviet Union, and the United States are essential participants and would seek to agree on a code of behavior to maintain peace in the area. India, Japan, and possibly France, Australia, and Pakistan would also be invited to participate.

Phase III: sustaining peace—

Partial or total withdrawal of observer groups within 30 days at the discretion of the head of the elected national governments in South Vietnam or, in the event elections are not held, by the provisional government at any time after three years from the date of cease-fire.

Annual meeting of the conference of guaranty to review progress toward peace in Asia and examine opportunities for neutralization of countries vulnerable to intervention.

Normal diplomatic and economic relations between the United States and all Asian countries, including North Vietnam and China.

HERMAN KENIN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. GIAIMO. Mr. Speaker, I wish to draw the attention of the House to the remarks of Mr. Herman Kenin, president of the American Federation of Musicians, to the 21st convention of the International Association of Concert Managers. Mr. Kenin is a vice president of the AFL–CIO and is a former member of the National Council on the Arts. For many years he has been a prominent leader in the effort to establish and maintain a constructive relationship between government and the arts in our country. As president of one of the oldest and most effective organizations working in behalf of music and the musician in the United States and Canada, he is an outstanding spokesman for the many men and women who do so much to bring joy and beauty to our lives and to enrich the society we are defending and developing.

Mr. Kenin speaks of the need to broaden the opportunities in our land for our people to partake of the arts. He speaks, also, of the work which organized labor, through the AFL–CIO, is now engaged in to help bring this about.

Within the coming months this body will again be asked to extend the programs of the National Foundation of the Arts and the Humanities. Mr. Kenin tells of what labor is doing in this field and why. The reasons motivating labor are the reasons that should move all of us in this Chamber to do more in support of these very worthwhile programs.

Mr. Kenin's remarks follow:

ADDRESS BY MR. HERMAN KENIN

In the mid-nineteen fifties, the Pittsburgh Symphony embarked on a tour of the Pennsylvania steel towns. It was an historic event. For the towns involved, it was the first time they were visited by a major symphony orchestra. For a great orchestra that had traveled to all corners of the world, this was the first time that it had ventured into its own neighborhoods. The concerts were sponsored and promoted by the Steelworkers Union and in most cases the audiences were the union's members and their families. For both the union and its members this was a new experience.

Your president, Mr. McKelvey Martin, planned and organized that tour. It was a tour that took note of a growing revolution and tried to do something about it. Like an approaching band, this revolution appeared small on the horizon but in the past decade—as it has come closer to all of us—its cadence has quickened and its volume has increased so that today even the hard of hearing are marching to its beat . . . this is the revolution of rising expectations.

It comes from the ghettos accompanied by a now strident shout for homes, for jobs, for schools. And it also comes from the new suburbia. There the revolution is not marked by shouts and slogans but by a quiet desperate search by working men and women and their children for beauty, for grace, for involvement, for meaning in their lives. Thoreau, writing of America, once remarked, "The mass of men lead lives of quiet desperation. . . . A stereotyped but unconscious despair is concealed even under what are called the games and amusements of mankind". This, unfortunately, is America today and the situation is not only culturally, but politically dangerous.

Life for too many Americans, has been reduced to what Arthur Schlesinger has called "a series of shared cliches." This situation coming at a time when the average working man is experiencing more free time and increasing expendable income is the dynamite in the smoldering tinder box that is our society. Those who seek to break out to do something new and unique either feel guilty because they are different, or else feel a sense of frustration and despair. This leads to indiscriminate rejection and hippy-type revolt.

Never before has there been a nation such as ours possessed of the wealth necessary to fulfill the promise of a rich, full life for all its citizens. Never before has the gap between the promise and the performance been so nakedly exposed. The revolution of our day . . . in the ghetto and in suburbia . . . is meant to close the gap, use this wealth, and fulfill that promise.

While some in our society still strive to win the basic necessities of existence, others, in growing numbers, grope to satisfy new needs in the arts, humanities, and education. We must satisfy the goals of both people because they are, in truth, interdependent goals.

I believe there will be no end to material poverty until there is an end to spiritual poverty. I believe we will not clear and cleanse our congested filthy slum cities until we have corrected the astigmatism that prevents so many from seeing and understanding the values of color and light and form. I believe we will never remove prejudice and injustice from our lives; we will not write finis to what Churchill calls "this age of clatter and buzz, of gape and gloat" until more minds are opened by the power of the book and the theater, more eyes are filled with the grace of the dance and more ears are attuned to the mysteries of music.

American organized labor has had extensive experience with helping men and women to realize their fondest goals and, after considering all sides, I am confident that history will note that thus far labor in this country has been quite successful. Because organized labor helped many millions achieve a greater share of the wealth they produce in the form not only of money, but leisure time, these many millions have had new opportunities opened to them.

At the turn of the century, Samuel Gompers predicted rather ingenuously, I think, that "Leisure cultivates tastes for art, music, concerts, operas, the theater"; but then he went on to make a most valid observation, "these new opportunities once availed of are no longer luxuries", he said, "the luxuries of the past become the necessities of today and all mankind agrees that in order that the workers may be counted upon to continue their labor, the necessities of life must be assured them. . . . To make the luxuries of today the necessities for tomorrow—to continually raise the standard of life of the worker is in the highest degree sound economy."

This process of unfolding opportunities, only to find new ones, is becoming very well known to the man who holds office in a union today. Each new gain won by his union brings new opportunities for the member and with them new desires. Because of this, the union representative is a man on a treadmill; the faster he goes, the faster he goes.

The evolution of the mass of Americans from opportunity to opportunity, from desire to desire was noted by the AFL–CIO Council of Unions for Scientific, Professional and Cultural Employees in a policy statement announcing the Council's participation in AFL–CIO programs to involve union members in the arts. In part, this is what this Council said:

"We know that today the American worker's historical preoccupation—working for a livelihood—is increasingly involving a diminishing portion of his time and energy.

"Many societies in the past have supported leisure classes of varying sizes possessing varying amounts of time free from the demands of working for a living. Today, leisure is no longer the privilege of the few, but the right of many. Free from the necessity of working for a 'living' the major part of his life, the modern worker is slowly measuring and defining new freedoms which sixty years ago he hardly thought possible. To the worker at the turn of the century, freedom meant freedom *from*—freedom from exploitation, freedom from the irrational authority of a boss or foreman. It came to mean, also, freedom from drudgery, monotony, and the dehumanizing effects of manual work. Today, however, with his new found time, freedom from no longer suffices. Today's worker is increasingly looking upon freedom as freedom *to*—to make his voice heard in the civic life of his community, freedom to travel, to learn, to enter the creative world of the arts and to participate in all the benefits our culture has to offer.

"At one time the limit of a working man's dreams (beyond a decent job at decent pay) was to see his children assured of a basic education. When labor called for universal free public schools it was fighting to help him reach his goals. Today, with free time increasing steadily, the worker wants more than a basic education. He wants those enriching experiences which in other times were available only to the wealthy leisure class. He may want these for himself or, as is mostly the case, for his children, because art, theater, music, good books, travel are part of a continuing educational or 'growth' process, and today they are part of the common man's search for happiness."

The Council did not only describe an historical process, it set forth a challenge to itself, the labor movement and to you. We are all, now, part of this revolution of rising expectations, and it is a good thing, I think, that we attempt to define our roles in it. With regard to the arts, it seems useful to step back and consider both the limits and the potentialities of organized labor's involvement.

The first point for all of us to remember is that the source of all art is the artist. This sounds obvious enough yet there are patrons who in their concern for the arts place the artist at the low end of the scale of priorities and real estate people, foundations, schools, building contractors, and the mass media distributors of art at the top. Along with these others, the labor union cannot create art. But the artists who belong to unions do create and through their unions, they work to achieve some of the recognition and a share of the attention now given the hosts of middle men. Labor cannot and should not be expected to join in misguided and self-defeating efforts to advance the arts while ignoring the artist. McNeill Lowry has deplored such occurrences in the area of financial giving to the arts. "Some of us," he has said, "have long hoped that the sources of money in the United States, private, public, individual or corporate would find a greater share for the professional arts. A greater share is actually becoming visible . . . but a paradoxical development is also emerging. We are beginning to see an enlargement in the funds available to the arts without too much prospect of channeling the new resources into the places where they are most imperatively needed, places which traditionally have been subsidized by the artist himself."

To those who host a pre-concert cocktail party, sit in the audience and then enjoy a fine mid-night dinner, art is an event. To the artist, however, it is a *process* that may have had its beginnings in his childhood. It is, therefore, the artist's needs that must always remain in the forefront of our consideration.

Just as a labor union cannot create art, neither can it be an audience. But its members can. Today, there are more than 14 million members of the AFL–CIO. They are working and retired people. They are young and they are old. They are craftsmen such as carpenters, machinists, and plumbers and they are professionals such as engineers, teachers, social workers, and librarians. They are office workers and retail clerks and, according to statistics, the vast majority of them and their families have no contact with you or the organizations with which you are associated. As their life becomes a bit easier they have been encouraged by their unions to participate in welfare activities and politics and they have responded.

The AFL–CIO has said it will use its resources to encourage them to participate in the arts as well. But, after all, this is *your* job and the job of *your* institutions. The labor union can only assist you. It may distribute some promotional material. It may publicize your concerts in its journals, but you must write the material and you must present something worth reading about.

Union staffs and officers who know their people pretty well may help you if you are willing to listen to them in return. And if you do listen, you may find yourself faced with some challenging questions. You may be asked, for example, why matinees are held on weekday afternoons when it is impossible for working people to attend. You may be asked why events are not scheduled earlier in the evening so that people who must work the next day can get home earlier and relieve an expensive baby sitter. You may be told that receptions for the craftsmen who build a new concert hall or culture center are marvelous but why are they invited to such "open houses" only after the hall is finished and then never again?

The dialogue will grow. Representatives of a large, significant, but to most of you, unknown area of society will begin to know you and what you are doing and you will learn a bit more about them. Then, perhaps you will discover how to reach your "great untapped audience."

And you will be discovering something else—a new constituency for fund raising and for political support.

I have told you that a labor union cannot create art and that it cannot fill a hall; it can only help the artist and assist you in building audiences. There is another thing a labor union cannot do. It cannot disburse large sums of money. It does not have money of its own. As a membership organization it does not produce goods or dispense services for a profit. It has only the money its members give to it in the form of dues. And dues are to a union what taxes are to government. They are the lifeblood of the institution but the bane of those who pay. Before a union can become a patron, its members must want it to be a patron. For this to happen you must enlist the individual member as a ticket buyer, subscriber, and eventually a financial contributor to cultural activities.

Again, the AFL–CIO will help you. But, mark you, this new customer and patron is not an object. He is a person seeking fulfillment. It is not enough that you invite him to purchase your seats and give to a fund raising campaign, he must be given a voice in planning your subscription drives and fund raisers. He must be given a place on the Boards of our concert halls and his wife must be enlisted in the lady's committees.

I truly think we will fail if all we can do is sell more tickets and fill more seats. This is important. I am very much aware of its importance, but there is something far more important and that is giving new elements of the population a chance to participate in a meaningful enterprise. Give these people a stake in your activities and you will be building a growing, lasting relationship.

At times, it seems, the end of technology and the goal of modern management is to so arrange the world that no one need experience it. Your success lies in the other direction. Art must again become a community affair. If you want the help and the support and the commitment of a wider audience then you cannot expect that the care and guidance of the arts can forever remain the province of the few. Open the doors and, believe me, the new breed of union member will be not only your audience but eventually your salesman and fund raiser and lobbyist for city, state and federal attention.

I know this is all easier said than done. I am enthusiastic but I am not naive. It would have been a much more pleasant task for me if I could have come here this morning to tell you the great American labor movement, 14 million strong, is committed to filling your halls and your coffers. But as we learn in the "Three Penny Opera", "Victorious Messenger" does not come riding often . . . if at all.

I have told you all of the things a labor union cannot do for you and for the arts. The AFL–CIO cannot create art. The AFL–CIO cannot sit in your seats. The AFL–CIO cannot provide your institutions with large financial grants. Only AFL–CIO members can do these things. But what we in the AFL–CIO are telling you is that we will help you to reach these many millions and their families. As it has in politics and in welfare, in the plant, and shop and office, the AFL–CIO and its affiliated unions can be the vehicle for involving people in building a better life for themselves and their community. If this is your interest then we will work with you—and I do believe we can make beautiful music together.

As we work, we will meet with many obstacles and numerous frustrations. But the rewards will be well worth it. In this regard, the thoughtful words of actor Robert Morley come to my mind:

". . . What does the public really know of the despair of those who try to paint its pictures, or compose its music or write its books and plays. It seldom hangs the picture or listens to the music or reads the books, it walks out on the plays . . .

"It tells itself that it is mystified, or bored, or affronted, it drags along like a child who has been taken for a walk and cries to turn back.

"And then, suddenly, it catches up and takes the hand of the one who has gone on ahead and these two stand together to glimpse a view or pick a flower or drink at a fountain which one of them knew was there all the time."

ADA'ERS URGE NATIONAL SOCIALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RARICK. Mr. Speaker, the intellectual advisers to the thoroughly repudiated Johnson-Humphrey axis, apparently unable to tolerate anything American, are now urging Congress to nationalize defense industries.

Only recently the same Socialist thinkers—who can find no threat from either Soviet or Chinese communism—were attacking the "military-industrial complex" of our Nation as being the greatest threat to the American people.

The only logical conclusion from their new progressive position must be that the American people need have no fear of this "military-industrial complex" if it were completely nationalized and put under the ironclad rule of their Socialist dictatorship. This is called national socialism—"Nazi" for short. Perhaps some of the brave gossip columnists fighting imaginary "neo-Nazis" might want to look again at their ADA leaders.

Is it probably only another coincidence that the most recent international Communist line sets up a program to create "preconditions" for absorption of countries by the shifting of capital to strengthen state controlled capitalism rather than private ownership. The current Red doctrine is that transformation from state-controlled capitalism—national socialism—to Soviet-style socialism—communism—will then follow as a matter of routine.

Furthermore, the Soviet theory advances that new engineers and technicians trained to run State-owned enterprise will unwittingly prepare their nation for socialism, because they will feel involved with a vested interest in pushing toward a State-managed, rather than a free enterprise economy—capitalism. The anti-capitalism move can mean but one thing—the open advocacy of national socialism—Nazism—by the intellectual socialists of the ADA.

More and more Americans are noticing the ultimate goals of these organizations. I have confidence that they will not be conned into support of Nazism under any name.

I submit a recent news article in the Record:

[From the Washington Post, June 4, 1969]

Galbraith Asks Takeover of Defense Firms by United States

(By Frank C. Porter)

John Kenneth Galbraith suggested yesterday that defense industries be nationalized as he urged Congress and the public to recapture the power over military spending that he said has been lost to the Pentagon and its suppliers.

The Harvard professor and former U.S. Ambassador to India said Defense Secretary Melvin R. Laird uses fear to get the military what it wants and Under Secretary David M. Packard uses the pretext of secrecy to discount criticism.

The danger to American democracy lies not in the Soviet Union or China, Galbraith told a Joint Economic subcommittee: "It is from the starvation of our public services, particularly in our big cities here at home."

Former Budget Director Charles L. Schultze provided a variant on Galbraith's theme when he said, under questioning, that only an aroused public opinion can strengthen the President's hand in curbing military spending.

He differed with Galbraith, however, by absolving the so-called military-industrial complex of major blame for large military budgets. Instead, Schultze attributed them to the permissiveness of an American people "pretty much willing to buy anything carrying the label 'Needed for National Security.' "

However, "in the last six to eight months there has been a major change in the country," he observed.

Schultze offered a "highly tentative" projection of a $20-billion increase in annual non-Vietnam defense spending over the next five years, wiping out almost all the expected saving from a cease-fire in Southeast Asia.

A third of this increase would come in the next fiscal year according to the 1970 defense budget, he said. He pointed out that the projection doesn't take into account a continuation of the present rate of inflation, more than a modest cost increase in defense items, the adoption of large new weapons systems or a further round of strategic arms escalation.

These contingencies could eat further into a new "fiscal dividend" of $35 billion available for new public programs or tax cuts, Schultze said. This figure was derived by subtracting the rise in non-Vietnam military spending and built-in growth in civilian expenditures from a gross increase in annual revenues of $70 billion over the next five years.

In describing big defense contractors such as General Dynamics, Lockheed and North American Rockwell as extensions of the military bureaucracy, Galbraith said, "only the remarkable flexibility of the English language allows us to call it private enterprise," and yet they are largely exempt from the political and other constraints of the bureaucracy, he said.

Hence it would not be an assault on private enterprise to nationalize any firm that does over 75 per cent of its business with the Defense Department over a five-year period, Galbraith said. "Perhaps to press this reform now would direct energies from more needed tasks," he explained. "Let us, however, put it on the agenda."

Galbraith said that "the services and the weapons manufacturers decide what they want or need. Then they instruct the Congress. The Congress, led by the military housecarls (household retainers) and sycophants among its members, hastens to comply. The citizen plays no role except to pay the bill."

He proposed a Military Audit Commission made up of scientists—"and not necessarily including Edward Teller"—to advise the Congress on military needs and "non-needs."

Schultze similarly proposed a committee drawn from both houses that could review the military budget in the context of national priorities.

CONGLOMERATES

HON. JOHN C. WATTS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. WATTS. Mr Speaker, the interest being displayed by the members of the Committee on Ways and Means and of the membership of the House of Representatives, generally, in conglomerates is such that I include in the Extensions of Remarks of the Record the article appearing in the May 15, 1969, edition of Fortune magazine, entitled "Ten Conglomerates and How They Grew":

Ten Conglomerates and How They Grew

(By Arthur M. Louis)

Gulf & Western Industries, which ranks sixty-ninth on this year's list of the 500 largest industrial corporations, is one of the most famous, most acquisitive, and fastest growing of the conglomerates. Not long ago, Gulf & Western ran some remarkable full-page advertisements in the *Wall Street Journal* and several business magazines, defending its management. The company rattled off some of its accomplishments in automotive-traffic control, aerospace, and motion pictures—a mere handful of its more than twenty lines—and closed with a flourish: "You just don't get that kind of growth without good management."

Gulf & Western's earnings per share have grown at an average annual rate of more than 50 percent, compounded, in the past five years. Ordinarily, companies with such records do not feel obliged to defend their management. But just about all the conglomerates are defensive these days; much of the comment about them—in Congress, on Wall Street, and in the news media—has implied that their earnings are being buoyed by financial chicanery and legerdemain. Quite a few Americans seem to believe that growth in earnings per share doesn't mean for conglomerates what it does for other companies. They also believe that the artificial earnings growth has led to absurd and inflated stock prices. And, finally, they believe that the inflated stock prices enable many conglomerates to pick up still more artificial earnings—i.e., through mergers arranged on favorable terms.

Fortune has examined these contentions by looking, as closely as the public record will allow, at the results of ten companies that are well known and widely identified as conglomerates. In general, the record suggests that the public's increasingly dark suspicions about conglomerates' earnings are unwarranted.

Any discussion of the conglomerates' bookkeeping is apt to come down to their use of convertible securities to finance acquisitions. By using convertibles, they can increase earnings while not increasing the number of common shares—at least, not immediately—thus boosting earnings per share. For some reason, the critics of conglomerates do not object when other companies issue convertible securities in efforts to boost their earning power. Most of the airlines, for example, have been using convertibles for years to finance new equipment.

This particular criticism of conglomerates, it happens, has lost much of its sting now that publicly held companies are reporting what their per-share earnings would be if all convertible securities were actually converted into common stock. This practice, recommended by the Accounting Principles Board of the American Institute of Certified Public Accountants, and reinforced by an edict of the Securities and Exchange Commission, was reflected in some 1967 annual reports and became almost universal with the latest reports; in many of them, restated figures show that, even after full dilution, conglomerates have been able to report impressive long-term growth in their earnings per share. Since 1964, for example, Textron's earnings per share have grown by an average of more than 17 percent a year, compounded, Ling-Temco-Vought's about 26 percent a year.

GROWTH AT INTERNATIONAL EVERYTHING

But perhaps the main source of suspicion about conglomerate earnings has to do with the boosts they may receive in mergers—i.e., when they acquire or merge with companies whose price-earnings ratio are lower than their own. It has been explained many times in the press that companies with high p/e's may, in theory, create earnings growth just by merging. Last July the *Wall Street Journal* offered one example of the way this technique could work. It described a hypothetical merger between two fictitious companies, one a conglomerate called "International Everything," the other a one-product company called, appropriately, "One Product." In the *Journal's* example, International Everything has one million shares outstanding and net income of $1 million, or $1 per share. Because it is "a glamorous growth company," it is selling for thirty times earnings—i.e., $30. One Product also has a million shares outstanding and $1 million in earnings, but it isn't growing, so its price-earnings ratio is only ten, giving it a stock price of $10. In the merger, International Everything offers half a share of new common stock for each share of One Product; the package is worth $15 per share of One Product, and adds 500,000 shares to International's capitalization. After the merger, International has 1,500,000 shares outstanding and $2 million in earnings; the deal has boosted its earnings per share from $1 to $1.33. If investors continue to evaluate International at thirty times earnings, the price will immediately rise from $30 to $40. International could inflate its earnings per share indefinitely by acquiring still more companies that have lower price-earnings ratios. And unwary investors, observing only that International's earnings per share are growing at an extremely rapid pace, might even bid the company's multiple well above thirty.

Many people assume that some such scenario is commonplace in the affairs of conglomerates—that they have unusually high price-earnings ratios, and that they do in fact continually pick up "free earnings" by acquiring companies with lower multiples. FORTUNE'S study of conglomerates related these assumptions to ten companies on this year's 500 list. The companies considered were Gulf & Western, International Telephone & Telegraph, Ogden, Indian Head, Walter Kidde, Textron, Litton Industries, Ling-Temco-Vought, Bangor Punta, and City Investing. The definition of "conglomerate" is debatable, but FORTUNE settled upon these companies because they have expanded aggressively through acquisitions, often across industry lines. Eight of the ten conglomerates examined showed exceptional growth in earnings per share during the decade. One of the exceptions was Bangor Punta, which had its properties confiscated by the Castro regime in 1959; its growth rate was less than 2 percent. Among the other companies, the poorest showing was made by Indian Head, which had an annual growth rate of 8.7 percent. By contrast, the median performance for all 500 companies was 8.8 percent.

MULTIPLE HANDICAPS

One immediate and rather surprising finding is that most conglomerates do not have, and indeed have never had, particularly high price-earning ratios (Bangor Punta and City Investing were omitted because earnings data for some quarters in the period covered were unavailable.) That wouldn't matter, of course, if they could always find and acquire companies with price-earnings ratios that were even lower than their own; this would still artificially inflate their per-share earnings. In fact, however—and this finding seems more surprising still—FORTUNE found that the conglomerates often *handicapped* themselves by acquiring companies with higher, sometimes much higher, multiples. Such acquisitions work to reduce earnings per share; and the management must raise those new earnings in a hurry to justify the acquisition.

Unfortunately, not all the acquisitions made by the conglomerates could be thoroughly scrutinized. Under SEC regulations, a buyer does not have to report the terms of an acquisition if the company being bought has either sales or assets amounting to less than 15 percent of the buyer's. And unless the cost of the transaction is known, it is of course impossible to determine what multiple the conglomerate paid for the new earnings. Perhaps a majority of the acquisitions made by the ten conglomerates in the study were of small companies. However, it appears that these companies accounted for only a minority of the new earnings added by the conglomerates over the decade. Details of practically all the big acquisitions during the period were available for study.

Using available figures, FORTUNE attempted to estimate how much of the per-share earnings growth shown by the ten conglomerates during the decade could fairly be attributed to a difference between their multiples and those of the companies they bought. During the 1968 fiscal year, for example, Litton issued 965,000 new shares of common stock, then worth about $96 million, to buy Stouffer Foods; the price was thirty-three times Stouffer's earnings of $2,900,000. Litton's own price-earnings ratio at the time was thirty-eight, which means its earnings per share got an automatic boost from the deal. If Stouffer had been earning $365,000 less per year and the cost of the deal had remained the same, Litton would have been paying about thirty-eight times earnings—i.e., Litton's own multiple. Litton can thus be said to have acquired $365,000 in "free" earnings from the acquisition.

Textron's acquisition of Spencer Kellogg & Sons in 1961 produced a radically different result; Spencer Kellogg's multiple was higher than Textron's. At the time, Textron was selling for thirteen times earnings but the transaction cost the company more than twenty-two times Spencer Kellogg's earnings of $1,165,000. If Spencer Kellogg had been earning another $915,000, the price-earnings ratios would have been even. Textron therefore was handicapped in the deal to the extent of $915,000. That total might be viewed as "negative free earnings."

After determining the amount of free earnings in each transaction, FORTUNE adjusted the figures to reflect the time elapsed since the transactions took place. It was assumed that during these periods the resources of the acquired companies could have been invested more or less risklessly in bonds, and that any earnings growth not exceeding the returns available on AAA corporates should also be considered "free." The free earnings from each acquisition were therefore compounded through 1968 at the AAA rate prevailing when the acquisition was made. Positive free earnings were then offset against negative free earnings, and an overall total was derived for each conglomerate.

UP FROM BUMPERS

Of the ten conglomerates studied, two—Gulf & Western and I.T.T.—actually appear to have handicapped themselves on balance; each had a negative free-earnings total, in Gulf & Western's case a very large one, in I.T.T.'s case a very small one. While the other conglomerates had positive free earnings on balance, in only two cases—Bangor Punta and Indian Head—did the free earnings account for most of the growth in earnings per share over the decade; in no other case did free earnings represent as much as 30 percent of the growth. Taking them one at a time, this is how the ten conglomerates made out in the free-earnings market. First, the two with negative free earnings:

Gulf & Western began the decade as a manufacturer of automobile bumpers, with sales of $8,400,000 and a slight deficit. Last year, after more than eighty acquisitions, the company had sales of $1.3 billion and net income of $69,800,000. Among the bigger acquisitions were New Jersey Zinc Co., Paramount Pictures, South Puerto Rico Sugar, Consolidated Cigar, and Universal American. In the Paramount deal, consummated in 1966, Gulf & Western handicapped itself badly, paying more than seventy times the movie company's earnings (before special credits), which were in a sinking spell at the time; Gulf & Western's own multiple then was less than eight.

The company was also hurt by several other transactions in which it paid more than its own multiple. Gulf & Western's earnings per share increased by more than $4 during the decade, even though it saddled itself, by FORTUNE'S reckoning, with negative free earnings amounting to $1.46 a share.

I.T.T. was already a large company at the start of the decade. In 1958 it had sales of $687 million and net income of $26,600,000, mainly from communications. Since then, it has merged with or acquired more than fifty companies, among them Avis, the car-rental firm, Levitt & Sons, the builder, and Sheraton. In the Sheraton deal, I.T.T. paid well over thirty times earnings, while its own multiple at the time was only twenty-one I.T.T.'s earnings per share grew from 90 cents to $2.79 during the decade. FORTUNE estimates that its free-earnings handicap was only about one cent.

Six others had free earnings representing from 12 to 26 percent of their growth:

Ogden had already begun diversifying through acquisition a decade ago. It was in the scrap-iron, electronics, and pollution-control industries, and had revenues of $299 million and net income of $23,000,000. During the decade it made more than thirty acquisitions, and now is in shipbuilding, food processing and servicing, and shipping. Sales last year were more than $1 billion, and net income was $25 million, or $2.18 per share, up from 51 cents in 1958. Of the $1.67 difference, about 25 cents represent free earnings.

Walter Kidde was a manufacturer of fire alarms, fire extinguishers, and minor defense products in 1958, when sales amounted to $31 million and net was only $110,000. Today, after more than fifty acquisitions, it makes industrial and agricultural equipment, furniture, and lighting equipment. Sales last year were $566 million, and net was $25 million, or $3.39 per share, up from 15 cents in 1958. About 54 cents of that gain was from free earnings.

Textron was already a conglomerate in 1958, but in the ensuing decade it bought or merged with around sixty companies, among them Speidel, W. A. Sheaffer Pen, Fafnir Bearing, and Gorham, the silverware maker. Sales last year reached $1.7 billion, and net was $74 million, or $2.26 per share, up from $10,800,000, or 57 cents per share, in 1958. About 25 cents of that gain could be attributed to free earnings.

Litton had sales of $83 million in 1958, and a net income of $3,700,000. While it had begun to diversify in 1958, its activities were still heavily concentrated in electronics and business machines. Last year, more than sixty acquisitions later, it was building ships, publishing books, and producing paper, among other things; revenues came to $1.9 billion, and net income was $58,500,000, or $1.80 a share, up from 21 cents in 1958. About 27 cents of the gain in earnings per share came from free earnings.

City Investing was a real-estate holding company in 1958, with revenues of $5,400,000 and net income of $1 million. It became an active conglomerate in 1967, and altogether has made about a dozen acquisitions in construction, aerospace, graphic arts, and insurance. Revenues last year came to $207 million, and net income was $12,127,000, or $2.22 a share, up from 34 cents in 1958. About 22 cents of that gain was attributable to free earnings.

Ling-Temco-Vought in 1958 was a small company called Ling Electronics, with sales of $6,900,000 and a net of $227,000. In the decade since, it acquired or merged with Temco Aircraft, Chance Vought, Okonite, Wilson & Co., Greatamerica Corp., and about two dozen other companies. Revenues last year came to $2.8 billion, and net income was $36,300,000, or $8.90 a share. About $2.25 of the $8.76 per-share gain—26 percent—came from free earnings.

EARNING BY MERGING

Finally, there were the two companies for which free earnings represented a substantial part of growth:

Indian Head was confined to the textile business in 1958, when sales were $43 million and net income was $2,300,000. Today it is a major producer of glass products and auto parts and is also engaged in data-processing services. Among its three dozen acquisitions during the decade were Obear-Nester Glass, Northwestern Glass, Detroit Engineering & Machine Co., and Detroit Gasket & Manufacturing. Sales last year were $369,500,000, and net income was $12,100,000, or $2.60 a share, up from $1.13 in 1958. About 85 cents of that gain was attributable to free earnings.

Bangor Punta, in 1958, was a holding company whose subsidiaries ran three sugar mills in Cuba. The company, which was then named Punta Alegre Sugar Corp., had revenues of $18,300,000 and net income of $2 million. The next year the Castro regime confiscated virtually all its property. The company merged in 1964 with Bangor & Aroostook, a railroad holding company, and during the decade also made about twenty acquisitions, including Smith & Wesson, Waukesha Motor, and lesser-known companies in textiles, boatbuilding, and other industries. The Waukesha deal cost Bangor Punta almost twenty times earnings, although the conglomerate itself was selling for just thirteen times earnings. Revenues last year were $257 million, and net was $8,200,000, or $2.80 a share, up from $2.40 in 1958. About 29 cents of the growth in earnings per share could be attributed to free earnings.

SEVENTH VIRGINIA DISTRICT OPINION SAMPLE

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MARSH. Mr. Speaker, in connection with a newsletter distribution in the Seventh Virginia Congressional District, which I have the honor to represent, I invited citizen expressions on a few of the significant policy questions with which we are being required to deal in the Congress and which, of course, are of continuing responsibility in the executive branch.

I contracted for the responses to be tabulated by an independent private organization, Capitol Computer Research.

While a relatively small number of responses still is coming into my office, the computation was based on a sample of 10,416 returns.

As of possible interest to other Members of the House, I include the tabulation of these returns, as follows:

Tabulation of 10,416 responses to a mail questionnaire conducted by Representative John O. Marsh, Jr., of Virginia

[In percent]

1. Despite anticipated budget cuts, Federal financial experts state the operating Federal budget for the next fiscal year will remain dangerously out of balance, unless the present surtax is extended. Assuming a maximum economy effort, do you favor keeping the surtax as an alternate to more Federal borrowing?

Yes	67.1
No	29.4

2. Based on what you have read or heard about it, do you favor the President's proposal for a limited anti-ballistic-missile system (ABM)?

Yes	62.5
No	31.6

3. Federal judges, including Justices of the Supreme Court, are appointed for life. Would you favor limiting their terms, such as 10 or 15 years?

Yes	85.0
No	13.2

4. Do you favor a constitutional amendment which would reduce the voting age to 18 for President, Vice President, and Members of the U.S. House of Representatives and Senate?

Yes	37.1
No	61.2

5. In general, are you satisfied with our present national policy in Vietnam?

Yes	13.5
No	81.5

6. If not, would you favor:

More vigorous military action and economic and diplomatic pressure against Soviet Russia and others supplying North Vietnamese?	38.1
Gradual withdrawal of U.S. military forces as South Vietnamese forces are found ready to replace them—irrespective of Paris talks?	32.4
Early and complete withdrawal of U.S. military forces, without regard to Paris peace talks?	18.0

Tabulation of 10,416 responses to a mail questionnaire conducted by Representative John O. Marsh, Jr., of Virginia—Continued

[In percent]

7. With respect to Federal firearms laws, do you favor:

Stricter Federal controls, with licensing and registration?	28.2
Retention of present laws and regulations?	18.1
Modification of the most recent Federal law and regulations to ease restrictions on sportsmen and other legitimate purchasers of firearms?	50.6

8. In electing the President of the United States, do you favor:

Retention of present electoral college system?	9.3
Election by direct national popular vote?	62.6
Modifying electoral college to divide each State's electoral votes in proportion to majority or plurality received by each presidential candidate in each State and congressional district?	25.9

9. In the selection by political parties of their candidates for President, do you favor:

Retention of present convention system?	20.0
National primary elections to choose party candidates?	48.6
State primaries with results binding on State delegates to party conventions?	26.6

(NOTE.—Where totals do not add to 100 percent, deficiency may be regarded as "no response.")

ISLAND STATE HEARS PLEA FOR INTERNATIONAL WAR ON POVERTY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. MATSUNAGA. Mr. Speaker, in one important sense our recent scientific achievements in space have served only to accentuate the widening gap between the more affluent and impoverished nations of the world. Talks delivered in Honolulu during the last month, including several before the International Rotary Convention held last week, reflected a rising current of opinion "around the world and in the United States that the next world war must be an international war on poverty."

One of the voices heard was that of the Ambassador from Indonesia, who said:

> International stability and security at the subnuclear level will largely depend on . . . a major redirection of world resources toward effectively coping with the problem of international poverty. Manifest in all of the talks delivered in the Island State was more than a broad awareness of the scope of international poverty. Clearly expressed was the feeling that the battle must be undertaken and can be won.

I believe that my colleagues will find it of great interest to read more about the voices recently heard in Hawaii stressing the urgent need for an international war on poverty. For this reason I am pleased to submit for inclusion in the RECORD an excellent account written by A. A. Smyser, the distinguished editor of the Honolulu Star-Bulletin, which appeared in the May 28, 1969, issue of the Star-Bulletin:

URGENT—THE INTERNATIONAL WAR ON POVERTY

(By A. A. Smyser)

The member of the Japanese Diet put it this way: "The political stability of the Pacific area directly affects Japan's security. The economic well-being of this area is an integral part of Japan's prosperity."

Said the Australian editor: "The essence of security lies in an expansion of the economic opportunities for those whose present horizons are bounded by crushing poverty and unremitting despair."

The ambassador from Indonesia saw it in these terms: "International stability and security at the subnuclear level will largely depend on . . . a major redirection of world resources toward effectively coping with the problem of international poverty."

The secretary general of the Organization of American States used these words: "Today Latin America and Asia share what Gunnar Myrdal has called 'a craving for development.' The masses are becoming more and more aware that there is a better life, and they understandably want to enjoy it."

The assistant secretary general of the United Nations, a man from Taiwan, thinks the emerging battle between the developed Northern nations of the world and the undeveloped Southern nations poses a threat that is just as dangerous as the East-West rivalry. Investment to help bridge this gap is in the highest interest of the donor countries, he holds.

All of these quotations come from talks made ir Honolulu in the past month, several of them before the International Rotary convention being held here this week.

The voices are from Japan, Australia, Indonesia, Ecuador and Taiwan.

But they represent a rising unity of belief in leadership circles around the world and in the U.S. that the next world war must be an international war on poverty.

They summon President Nixon of the United States in effect to a two-front war, a war on poverty abroad at the same time he also carries on the war on poverty at home.

In his acceptance speech at Miami last August after he was made the Republican nominee, Mr. Nixon promised to win the poverty war at home by July 4, 1976, the 200th birthday of the nation.

No one is setting any dates for winning the international poverty war but the call to fight it has gained the support of intellectuals around the globe.

Until this century it was simply not possible to think of winning such a war, says Mortimer Adler, the historian-scholar.

But today the only question about winning it is whether we have the spiritual quality and the political processes to use the great technology now available, says Najeeb Halaby, aviator-politician-business leader.

That is, of course, a gigantic question.

Here, in fact, lies the crucial challenge of the 1970's.

The goals are simple enough—to relieve international tensions in an age of rising expectations; to avoid nuclear extinction; to enrich life by avoiding depersonalization and destruction of the environment.

No one thinks attainment will be simple.

The surprising thing is how many enlightened people now think attainment is possible.

There are gloomy people like Gunnar Myrdal who contends that one of the great poverty areas, Southeast Asia, has social and institutional structures that hinder economic development, that won't yield to Western-oriented solutions either socialist or democratic, and that may have to be changed before there can be economic progress.

But even Myrdal doesn't see the task as impossible—only as immensely difficult and requiring much re-study and re-thinking in the target nations.

There is indeed evidence of change throughout Asia. Younger, more pragmatic leaders are moving into power . . . men like Lee Kuan Yew in Singapore and Ferdinand Marcos in the Philippines. India seems likely to choose an untouchable as president.

Against Myrdal, there are people like the economists of Harvard University's Development Advisory Service who are convinced after field research that a system of incentives can be found that will produce growth in almost any environment.

The Harvard group also holds another conviction that is gaining wider acceptance but is against the conventional wisdom of the 1950s. Then it was believed that underdeveloped nations should industrialize at any cost. Today there is more emphasis on agriculture as the economic base to produce the surpluses from which business and industry can then be financed.

As a consensus develops on the need for the international war on poverty and as faith develops that it can be won, the available strategies, weapons and tactics also are coming more into view.

Since many of these will have to lean on dollars and know-how from the world's richest nation, it behooves us as American taxpayers to have at least a general knowledge of them.

It will even be heartening to discover that in many instances the drain on the U.S. need not be excessive—and should be amply repaid in new markets for our goods and in increased security.

The security exhortations at the beginning of this article were all quoted from non-Americans but they come on even stronger from people like Robert McNamara, the former U.S. secretary of defense who now heads the World Bank. McNamara feels he may be doing more to defend the developed world in his present capacity than he did in his former one.

Even more, McNamara is persuaded that the enlightened, self-interested search for security for the developed nations by closing the gap with the underdeveloped can be in many instances sound, profitable business.

Among the strategic goals of the international war on poverty will be these:

Enriched agriculture—Already a green revolution is sweeping lands like the Philippines, India, and Indonesia relieving problems of starvation and currency depletion, putting governments in a better position to cope with other problems.

Education—With the stress at the secondary and technical levels as well as at college levels.

Industrialization.

Population control—One of the most effective, least expensive ways for a country to earn greater economic dividends.

Regionalism—In Southeast Asia in particular nations will be urged to pool their fortunes and plan collectively for more effective development.

Institutional and leadership changes—Myrdal sees these as essential in Southeast Asia, others see them as less elemental.

The weapons in the arsenal are numerous and growing. Perhaps there will be weapons standardization at some later date. For the present there seems to be only proliferation.

Examples:

The World Bank—With 107 member countries, it now loans neary $1 billion a year and showed a 1968 profit of $169 million.

The Asian Development Bank—Less than three years old it is an Asian-run bank handling Asian projects. The U.S. has provided 20 per cent of its $1 billion in paid-in capital, has a 16 per cent vote on its board.

The Private Investment Company for Asia (PICA)—Funded by private businesses in Japan, the U.S. and other free world nations it will pump the know-how and resources of the developed nations into qualified private businesses in developing countries. It will work via equity investment loans, technical and managerial advice.

The Overseas Development Council (ODC)—a new non-profit research group headed by Eugene Black, former World Bank president, to increase the understanding of Americans of the problems of developing countries.

Agency for International Development (AID)—The U.S. government's agency for sending funds abroad.

International Development Association (IDA)—The World Bank's agency for making "soft loans" with easy terms and little or no interest to serve as seed money in countries and for essential projects that can't meet the high interest and terms of conventional hard loans.

The Peace Corps.

The U.S. Executive Corps.

International Rice Research Institute—A private research foundation located in the Philippines and funded by the Rockefeller and Ford Foundations. It developed the miracle rice that has increased production by 400 to 800 per cent.

Committee for the Coordination of Investigations of the Lower Mekong Basin—A United Nations group bringing international know-how and regional cooperation to bear to develop the Mekong River in TVA fashion for the benefit of four nations; Thailand, Cambodia, Laos and South Vietnam.

The Southeast Asian Ministerial Conference on Economic Development—This group was originated by Japan, its only non-regional member. After an April meeting, the New York Times reported that the delegates "surprised themselves by a collective will to set their political differences aside and concentrate on establishing a climate and machinery for economic cooperation."

The Pacific Area Travel Association (PATA)—A group with strong Hawaii backing that seeks to spur Pacific travel and promises Asian nations one of their greatest future sources of outside income.

The Economic Commission for Asia and the Far East (ECAFE)—A United Nations agency which has as subgroups the Mekong project (see above) and the Asian Highway Coordinating Committee which is working on a regional road network. ECAFE also is endorsing a 10,000-mile railroad from Singapore to Istanbul along the rim of Asia—and sponsored the Asian Development Bank (above).

The Pacific Basin Economic Cooperation Committee (PBEC)—A private group of business leaders from the five developed nations of the Pacific, namely the U.S., Japan, Canada, Australia and New Zealand. Annual steering committee meetings are held in Hawaii.

The proliferation of agencies partly reflects a need to work out combinations that can circumvent or minimize national rivalries to achieve particular objectives.

Regional education centers, improved communications, trade expansion projects, travel and education exchanges also rate as weapons in the international poverty war.

Tactics and tactical options again are a varied lot that could come to a better focus with more progress, know-how and unity.

There are, however, a number of discernible trends:

1. Multi-lateral aid is becoming far more popular than bi-lateral aid. Both are used but the political acceptability of the former seems to be rising with both donor and recipient countries.

2. An increasing emphasis on the export of know-how and a diminished emphasis on the export of money.

3. Increasing encouragement of private investment programs.

4. More selectivity about recipients and recipient projects.

5. More authority for the recipient to control use of the aid subject to donor veto.

6. A growing stress on the importance of regional arrangements and regional cooperation.

7. The emphasis mentioned previously on agriculture as the desirable base for launching an industrial take-off. Taiwan is the prime example.

The Asian Development Bank illustrates a number of the above trends. It is an Asian bank to serve Asia. Over 60 per cent of its capital is subscribed by 19 countries within the region. Its president and seven of its 10 directors come from within the region, but it seeks capital and talented staff worldwide.

Its early loans (the largest $10 million) have supported an industrial project in Thailand, factory modernization in Ceylon, an expressway in Korea, a water project in Malaysia and aid to small industries in Pakistan.

Further it is providing technical assistance on banking and air transport in Nepal, on agricultural development in Indonesia, Korea and Laos, on a freeway for Taiwan, on a port project in the Philippines and on industrial finance in South Vietnam.

President Takeshi Watanabe comes from Japan but maintains his principal office in Manila. (His brother is on the faculty of the University of Hawaii.) He wants ADB to start cautiously and establish a record of success that will make capital contributions flow more freely in the future.

Such is the face of the international war on poverty.

The United Nations declared the 1960s as an international development decade but has fallen short of its goals.

Now it has declared the 1970s as a second such decade.

The voices heard in Honolulu in recent weeks are typical of a growing feeling among free world leaders that the battle must be undertaken and can possibly be won.

When and if the Vietnam war is ended, President Nixon will be increasingly urged to see that the world's richest nation plays its full part.

UNICEF TO AID NORTH VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. RARICK. Mr. Speaker, the United Nations Organization, through one of its propaganda agencies recently announced that it will honor V. I. Lenin as the UNESCO international humanist. Now another UNO indoctrinational agency, UNICEF, proposes an aid program for North Vietnamese children and, of course, no opposition is dared because to do so might be construed as being against little children.

American children have trudged around from house to house begging money for UNICEF because they have been told they are helping poverty-stricken and underprivileged children. Any dillusionment at learning that these efforts are really helping the active enemy of our country—releasing Ho Chi Minh's resources to kill Americans—will perhaps be balanced by their happiness in learning that, according to the UNO, there are no poverty-stricken or underprivileged children in this country needing assistance. Who is in error—politicians out to make hunger-hay or the UNO world politicians, out to aid communism?

I include several UN news clippings in the RECORD:

UNICEF AIDE GOING TO HANOI

(By Robert H. Estabrook)

UNITED NATIONS, June 3.—A representative of the United Nations Children's Fund will go to Hanoi this month to discuss a possible aid program for North Vietnamese children, UNICEF announced today.

Dr. Boguslav Kozusznik of Poland will make the trip about June 15 as the representative of UNICEF's executive director, Henry R. Labouisse, following months of confidential negotiations in Paris. Kozusznik, a physician, is second vice president of the UNICEF executive board.

A U.N. spokesman confirmed that this will be the first official contact between North Vietnam and the United Nations. Secretary General U Thant has met several times with North Vietnamese representatives, but always as a private individual.

In its annual meeting at Santiago, Chile, the UNICEF executive board approved an initial allocation of $105,000 from a Dutch contribution to inaugurate a program if North Vietnam accepts the agency's criteria. The board authorized up to $500,000 more from additional sources later.

Sweden is understood to have agreed to staff a UNICEF operation in Hanoi. UNICEF has worked closely with the League of Red Cross Societies, and the league's Swedish president, Henrik Beer, was in North Vietnam last week.

In agreeing to accept a UNICEF representative, North Vietnam did not specify his nationality. The choice of a Pole was made by UNICEF.

The Netherlands contribution is to be used for all children in Vietnam. Part has been used to reconstruct hospital facilities in Danang, South Vietnam.

FUNDS FOR UNICEF

UNITED NATIONS.—Christmas cards, a Halloween trick-or-treat collection and a special appeal for Nigeria-Biafra relief put $7,773,500 into the U.N. Children's Fund last week. The money came in a check from the U.S. Committee for UNICEF.

SENATE—*Thursday, June 5, 1969*

The Senate met at 12 o'clock noon, and was called to order by the Vice President.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, the source of our being, and the guide of our pilgrim days, we would hush our busy thoughts that we might learn in silence the mysteries of our being, and behold beyond the bounds of vision the goal toward which all history moves. We thank Thee for every thought that lifts us to Thyself, for the strength of reason and the inner kingdom of the mind, for beauty, goodness, and truth; for every noble desire and every holy impulse. O God, our life, our hope, our strength, keep us so close to Thee that in daily duties we may see beyond the tangle of human affairs, the pathway of Thy higher kingdom.

Bless our Nation, our leaders, and all the people, and make us a blessing to all mankind.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 2, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969, the Secretary of the Senate, on June 4, 1969, received messages in writing from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations received on June 4, 1969, see the end of proceedings of today, June 5, 1969.)

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969, the Secretary of the Senate, on June 3, 1969, received a message from the President of the United States.

The VICE PRESIDENT. The Chair lays before the Senate a message from the President of the United States on the Radiation Control for Health and Safety Act of 1968. Without objection, the message will be printed in the RECORD, without being read, and appropriately referred.

The message was referred to the Committee on Commerce, as follows:

To the Congress of the United States:

In accordance with Section 360D of the Radiation Control for Health and Safety Act of 1968 (Public Law 90-602), I am herewith transmitting to you the first annual report on the administration of this Act. This report, prepared by the Department of Health, Education and Welfare, describes activities undertaken to carry out the purposes of this Act during the 1968 calendar year as well as plans for further implementation of the Act during the current year.

RICHARD NIXON.

THE WHITE HOUSE, *June 2, 1969.*

EXECUTIVE REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969, the following favorable executive reports of nominations were submitted:

On June 4, 1969:

By Mr. LONG, from the Committee on Commerce:

Peter Thomas Aalberg, and sundry graduates of the Coast Guard Academy to be permanent commissioned officers in the Coast Guard in the grade of ensign;

Frederic J. Grady III, and sundry Reserve officers to be permanent commissioned officers in the Coast Guard in the grade of lieutenant;

Cluese Russell, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–4;

Charles A. Vedder, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–3; and

Gerald T. Victor, and sundry officers of the Coast Guard to be permanent commissioned warrant officers in the grade of chief warrant officer, W–2.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of June 2, 1969,

The Secretary of the Senate, on June 3, 1969, received the following message from the House of Representatives:

That the House had passed, without amendment, the following bill and joint resolutions of the Senate:

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 35. Joint resolution to provide for the appointment of Thomas J. Watson, Jr., as Citizen Regent of the Board of Regents of the Smithsonian Institution.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bill and joint resolution of the Senate:

S. 537. An act for the relief of Noriko Susan Duke (Nakano); and

S.J. Res. 77. Joint resolution to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 692. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes;

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegener;

H.R. 2208. An act for the relief of James Hideaki Buck;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes;

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3006. An act to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948;

H.R. 3044. An act for the relief of Rodric Stewart Pence (Joo, James);

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability;

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4744. An act for the relief of Mrs. Ezra L. Cross;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans' homes;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources;

H.R. 9979. An act for the relief of Choi Sung Joo;

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; and

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions and they were signed by the Vice President:

S. 537. An act for the relief of Noriko Susan Duke (Nakano);

S. 1995. To provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. To provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution;

S.J. Res. 77. Joint resolution authorizing the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America";

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

HOUSE BILLS REFERRED OR ORDERED TO BE PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 2667. An act to revise the pay structure of the police force of the National Zoological Park, and for other purposes; to the Committee on Rules and Administration.

H.R. 1828. An act to confer U.S. citizenship posthumously upon James F. Wegner;

H.R 2208. An act for the relief of James Hideaki Buck;

H.R. 2224. An act for the relief of Franklin Jacinto Antonio;

H.R. 2536. An act for the relief of Francesca Adriana Millonzi;

H.R. 2890. An act for the relief of Rueben Rosen;

H.R. 3044. An act for the relief of Rodric Stewart Pence (Joo, James);

H.R. 3166. An act for the relief of Aleksandar Zambeli;

H.R. 3167. An act for the relief of Ryszard Stanislaw Obacz;

H.R. 3172. An act for the relief of Yolanda Fulgencio Hunter;

H.R. 3376. An act for the relief of Maria da Conceicao Evaristo;

H.R. 4744. An act for the relief of Mrs. Ezra L. Cross;

H.R. 6377. An act for the relief of Lt. Col. Earl Spofford Brown, U.S. Army Reserve (retired);

H.R. 6850. An act for the relief of Maj. Clyde Nichols (retired);

H.R. 9979. An act for the relief of Choi Sung Joo; to the Committee on the Judiciary;

H.R. 692. An act to amend section 620 of title 38, United States Code, to extend the length of time community nursing home care may be provided at the expense of the United States;

H.R. 693. An act to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domicilary care, and for other purposes;

H.R. 2768. An act to amend title 38 of the United States Code in order to eliminate the 6-month limitation on the furnishing of nursing home care in the case of veterans with service-connected disabilities;

H.R. 3130. An act to amend title 38, United States Code, to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disability to any war veteran who has total disability from a service-connected disability;

H.R. 9334. An act to amend title 38, United States Code, to promote the care and treatment of veterans in State veterans homes;

H.R. 9634. An act to amend title 38 of the United States Code in order to improve and make more effective the Veterans' Administration program of sharing specialized medical resources;

H.R. 10946. An act to promote health and safety in the building trades and construction industry in all Federal and federally financed or federally assisted construction projects; and

H.R. 11102. An act to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions; to the Committee on Labor and Public Welfare.

The following bill was read twice by its title and ordered to be placed on the calendar:

H.R. 3006. An act to fix date of citizenship of Alfred Lorman for purposes of War Claims Act of 1948.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

NEW BEDFORD STORAGE WAREHOUSE CO.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the passage by

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the Senate of the bill (S. 868) for the relief of the New Bedford Storage Warehouse Co., on June 2, 1969, be rescinded and that the bill be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 3480, a companion bill to S. 868, and that the Senate proceed to the consideration of H.R. 3480.

The VICE PRESIDENT. Without objection, the committee is discharged, and the bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3480) for the relief of the New Bedford Storage Warehouse Co.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

CORRECTION OF ENROLLMENT OF A JOINT RESOLUTION

Mr. KENNEDY. Mr. President, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The concurrent resolution will be stated.

The legislative clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Junior, as Citizen Regent of the Board of Regents of the Smithsonian Institution, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the resolution with the following change, namely: in line 6 of the enrolled resolution strike out the word "Hunsacker" and insert in lieu thereof "Hunsaker".

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 29) was considered and agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL POLL REVEALS SUPPORT FOR ABM SYSTEM

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a national poll by a citizens' group which shows that 84 percent of Americans back the ABM defense system.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON NATIONAL POLL OF PUBLIC ATTITUDES ON MISSILE DEFENSE AND "SAFEGUARD" SYSTEM

(Conducted by Opinion Research Corp., Princeton, N.J., between April 25, 1969 and May 2, 1969)

Overwhelmingly, the American public believes that the United States should have some sort of ABM defense system.

This point of view is held to the same extent among Democrats, Republicans, and Independents, and among Humphrey voters as well as Nixon voters. As a matter of fact, all subgroups of the population show overwhelming support for this type of national defense.

Almost three fourths of the public also believe that Congress should approve President Nixon's proposed Safeguard system.

Approval for the Safeguard System also shows no difference by party affiliation or vote in the 1968 election. Once again, large proportions of all subgroups of the population register approval of President Nixon's proposal.

Results of these two questions are summarized below for the total public and shown in detail as follows:

Should the United States have some sort of ABM defense system?

[Total public, in percent]

United States should have ABM defense system	84
Should not have	8
No opinion	8

Should Congress approve the Safeguard System?

Congress should approve Safeguard System	73
Should not approve	10
Depends	3
No opinion	14

"AS FAR AS YOU KNOW, DOES RUSSIA ALREADY HAVE SOME ABM'S IN PLACE AND READY TO USE?"

[In percent]

	Yes	No	Not yet, but will	Don't know
Total public	63	3	1	33
Democrat	61	4	1	34
Republican	67	3	2	28
Independent	67	2	1	30
Men	66	5	2	27
Women	60	2	*	38
White	66	3	1	30
Nonwhite	48	2	2	48
21 to 25 years of age	69	3	0	28
26 to 29 years of age	72	3	1	24
30 to 39 years of age	65	3	1	31
40 to 49 years of age	67	3	2	28
50 to 64 years of age	55	3	1	41
65 years and over	57	4	3	36
Under $5,000 income	55	3	2	40
$5,000 to $9,999	64	3	1	32
$10,000 and over	71	4	2	23
High school incomplete or less	54	2	2	42
High school graduate	66	3	1	30
Some college	73	4	2	21
Union households	68	3	1	28
Nonunion households	61	3	2	34
Catholic	64	4	1	31
Protestant	62	2	2	34
East	62	4	1	33
Midwest	66	2	2	30
South	55	3	2	40
West	73	4	1	22
Cities 1,000,000 and over	67	3	1	29
Cities 500,000 to 999,999	66	3	3	28
Cities 25,000 to 499,999	67	2	2	29
Rural and small towns	58	4	1	37
Metro areas, central city	65	3	1	31
Outside central city	64	4	1	31
Outside metro areas	60	3	2	35
Voted Nixon in 1968	67	3	1	29
Voted Humphrey	64	4	2	30
Voted Wallace	69	0	1	30
Rate administration excellent or good	64	3	2	31
Rate administration fair or poor	66	3	2	29

"PRESIDENT NIXON HAS COME OUT FOR A LIMITED ABM SYSTEM—CALLED THE SAFEGUARD SYSTEM—WHICH IS SUPPOSED TO PROTECT OUR ABILITY TO STRIKE BACK AT AN ATTACKER. DO YOU THINK CONGRESS SHOULD APPROVE THIS SYSTEM, OR SHOULD NOT?"

[In percent]

	Yes, should approve	No, should not approve	Depends	No opinion
Total public	73	10	3	14
Democrat	73	12	2	13
Republican	76	8	3	13
Independent	68	16	3	13
Men	73	14	3	10
Women	73	8	2	17
White	72	12	3	13
Nonwhite	75	5	1	19
21 to 25 years of age	80	12	1	7
26 to 29 years of age	73	12	2	13
30 to 39 years of age	75	10	3	12
40 to 49 years of age	78	9	3	10
50 to 64 years of age	70	11	2	17
65 years and over	65	11	3	21
Under $5,000 income	68	9	3	20
$5,000 to $9,999	77	9	2	12
$10,000 and over	73	15	3	9
High school incomplete or less	72	6	2	20
High school graduate	77	9	2	12
Some college	70	19	4	7

"PRESIDENT NIXON HAS COME OUT FOR A LIMITED ABM SYSTEM—CALLED THE SAFE GUARD SYSTEM—WHICH IS SUPPOSED TO PROTECT OUR ABILITY TO STRIKE BACK AT AN ATTACKER. DO YOU THINK CONGRESS SHOULD APPROVE THIS SYSTEM, OR SHOULD NOT?"—Continued

[In percent]

	Yes, should approve	No, should not approve	Depends	No opinion
Union households	76	12	1	11
Nonunion households	72	10	3	15
Catholic	72	14	3	11
Protestant	75	8	2	15
East	72	12	3	13
Midwest	73	11	2	14
South	75	7	2	16
West	71	13	6	10
Cities 1,000,000 and over	75	14	3	8
Cities 500,000 to 999,999	68	9	4	19
Cities 25,000 to 499,999	74	10	2	14
Rural and small towns	72	9	3	16
Metro areas, central city	75	11	2	12
Outside central city	73	12	3	12
Outside metro areas	71	9	3	17
Voted Nixon in 1968	77	8	3	12
Voted Humphrey	72	16	3	9
Voted Wallace	75	10	4	11
Rate administration excellent or good	75	10	3	12
Rate administration fair or poor	73	13	2	12

"DO YOU THINK THE UNITED STATES SHOULD HAVE SOME SORT OF ABM DEFENSE SYSTEM, OR SHOULD NOT?"

[In percent]

	Yes, should	No, should not	No opinion
Total public	84	8	8
Democrat	83	10	7
Republican	84	8	8
Independent	88	6	6
Men	83	11	6
Women	84	6	10
White	83	9	8
Nonwhite	85	4	11
21 to 25 years of age	88	7	5
26 to 29 years of age	83	10	7
30 to 39 years of age	87	6	7
40 to 49 years of age	89	6	5
50 to 64 years of age	80	10	10
65 years and over	77	10	13
Under $5,000 income	82	6	12
$5,000 to $9,999	86	7	7
$10,000 and over	82	14	4
High school incomplete or less	83	5	12
High school graduate	85	8	7
Some college	82	15	3
Union households	86	9	5
Nonunion households	83	8	9
Catholic	83	10	7
Protestant	86	6	8
East	80	10	10
Midwest	84	9	7
South	86	6	8
West	84	11	5
Cities 1,000,000 and over	81	11	8
Cities 500,000 to 999,999	84	4	12
Cities 25,000 to 499,999	87	8	5
Rural and small towns	84	8	8
Metro areas central city	85	7	8
Outside central city	83	10	7
Outside metro areas	83	8	9
Voted Nixon in 1968	86	7	7
Voted Humphrey	82	12	6
Voted Wallace	87	8	5
Rate administration excellent or good	85	8	7
Rate administration fair or poor	84	10	6

TECHNICAL SURVEY DATA

The universe studied

The universe for this survey was defined as all persons 21 years of age or over living in private households in the continental United States.

Selection of sampling areas

Individuals with whom interviews were conducted were selected entirely by area probability sampling procedures. Through a series of sampling steps, a known probability of selection was assigned to each person in the survey universe. Probability procedures predesignated both households to be included in the survey and specific individuals to be interviewed, removing such choices from the hands of interviewers.

a. The entire area of the United States was divided into about 1,700 primary sampling units. With a few minor exceptions, a primary sampling unit consists of a county or a group of contiguous counties.

b. All primary sampling units were allocated to 86 strata. Each stratum consisted of sets of primary sampling units as much alike as possible with respect to such characteristics as geographical region, size of central city, rate of population growth, and economic characteristics.

c. Because of their size, 22 large metropolitan areas were in strata by themselves and were automatically included in the sample as "self-representing" areas. One sample area was selected in a random manner from each of the remaining 64 strata. Within a stratum, the probability of selection of any one primary sampling unit was proportionate to its estimated population.

Sample segments

A total of 160 sample segments, or interviewing locations, was allocated to the 86 sample areas. Sample segments were small land areas that included an estimated minimum of 80 dwelling units. In urban areas, sample segments were defined as blocks or groups of blocks; in rural areas, sample segments were defined by recognizable boundaries such as roads, streams and other distinct landmarks.

Within a sample area, the probability of selection of a sample segment was proportionate to its estimated population. Several sources were used in estimating the size of each segment. These included Bureau of the Census block statistics and mapping materials as well as special field visits to subdivide Census enumeration districts into segments.

Individual respondents

For each sample segment, the interviewer was provided with a detailed map and instructions for following a specific route through the segment. Each interviewer was required to obtain a specific number of interviews with men and women in each sample segment and was provided with rules for the selection of the respondent in each household contacted. No deviation from the specified procedures was permitted.

Distribution of sample

The number of interviews obtained in each population subgroup of the national sample

Total public	1,508
Democratic	744
Republican	557
Independent	143
Men	750
Women	758
White	1,280
Nonwhite	228
21 to 25 years of age	175
26 to 29 years of age	146
30 to 39 years of age	289
40 to 49 years of age	285
50 to 64 years of age	323
65 years and over	281
Under $5,000 income	467
$5,000 to $9,999	581
$10,000 and over	440
High school incomplete or less	599
High school graduate	496
Some college	413
Union households	396
Nonunion households	1,112
Catholic	401
Protestant	944
Jewish	54
East	385
Midwest	437
South	436
West	250
Cities 1,000,000 and over	437
Cities 500,000 to 999,999	120
Cities 25,000 to 499,999	320
Rural and small towns	631
Metro areas—central city	537
Outside central city	400
Outside metro areas	571
Voted Nixon in 1968	589
Voted Humphrey	450
Voted Wallace	80
Other, did not vote	366
Rate administration excellent or good	763
Rate administration fair or poor	587

Sample reliability

Since the findings presented in this report are based on a sample, they are subject to some error. The table below shows approximate sampling tolerances for various percentages at the 95% confidence level. For example, if we consider a result of 50% based on the total sample of 1508 interviews, we can be 95% sure that the true result is contained within the range 47%–53% (three percentage points above or below the sample result). When percentage results for subgroups of the total sample are being considered, the possible error due to sampling is somewhat greater.

Size of sample on which survey result is based	Approximate sampling tolerances for a survey percentage at or near these levels: 10 or 90 percent	20 or 80 percent	30 or 70 percent	40 or 60 percent	50 percent
1,508	2	3	3	3	3
1,300	2	3	3	3	3
1,100	2	3	3	4	4
1,000	2	3	4	4	4
900	2	3	4	4	4
750	3	4	4	4	4
600	3	4	5	5	5
550	3	4	5	5	5
500	3	4	5	5	5
450	3	5	5	6	6
400	4	5	6	6	6
350	4	5	6	7	7
300	4	6	6	7	7
250	5	6	7	8	8
200	5	7	8	8	9
150	6	8	9	10	10
100	7	10	11	12	12

CITIZENS COMMITTEE FOR PEACE WITH SECURITY

Current committee members, committee information:

Alan K. Abner, Robert B. Abplanalp, William M. Acker, Albert B. Aldelman, Carl B. Anderson, Louis R. Aragon, Hoyt Ammidon, Fred E. Auerbach, Mrs. Marie Baker, Murray Baron, Ford Bartlett, Travis Beeson, Karl R. Bendetsen, B. E. Bensinger, John J. Bergen, Gerhard D. Bleichen, Elmer Bobst, Fred Bohen, John W. Bricker, Mackintosh Brown, Peter Campbell Brown, Raymond Brown, Courtney Burton, W. Sherman Burns, D. Bruce Burns.

Doug Cairns, E. N. Calhoun, Roy Campanella, Bill Carter, William J. Casey, George Champion, Owen R. Cheatham, Leo M. Cherne, Lucius duB. Clay, Edward J. Clinton, Jr., Gordon S. Clinton, J. D. Stetson Coleman, John V. Connorton, J. E. Corette, L. David Cudlip, Daniel J. Cullen, Francis L. Dale, Paul Davies, William L. Day, Mrs. Gordon Dean, Russell De Young.

George S. Eccles, Dr. Inez C. Eddings, William Elmer, Christopher Emmet, Thomas B. Evans, Jr., Thomas W. Evans, Bayard Ewing, William Ewing, William Ewing, Jr., Paul F. Feffer, James A. Fitzpatrick, Horace C. Flanigan, Lewis Flinders, J. Simon Flour, Robert Flour, J. Clifford Folger, J. Keith Funston.

Joseph F. Gagliardi, Robert W. Galvin, Edward H. Gauer, Harry D. Gideonse, J. T. Gilbride, Harold V. Gleason, Grady Gore, Barbara (Mrs. Robt. W.) Gunderson.

Leonard W. Hall, Ellison L. Hazard, George L. Hinman, Jack K. Horton, Bryan Houston, Walter Hoving, R. Gordon Hoxie, Arthur Hug, Herbert Humphreys, William H. Hunt, Glen L. Jermstad, Sam H. Jones, Donald M. Kendall, Edward H. Lane, William S. Lasdon, Bernard Lasker, Cy Laughter, Morris I. Leibman, Barry T. Leithead, J. P. Levis, Gustave L. Levy, Lawrence Lewis, Jr., Preston Locher, Carl M. Loeb, Jr., Vince Lombardi, Mrs. Oroswald Lord, Clare Boothe Luce, Edgar F. Luckenbach, Jr.

David Mahoney, David H. Marx, John A. McCone, Neil McElroy, Malcolm A. McIntyre, Martin B. McKneally, B. F. McLaurin, Colin Male, Ralph Marcarelli, Jeremiah Milbank, Jr., Roger Milliken, John Mitchum, Arch Monson, Jr., George G. Montgomery, Mrs. Margaret Moore, Alfred J. Moran, Edwin A. Morris, Clinton Morrison, Robert Moses, John Mosler, Henry T. Mudd, John A. Mulcahy, William Hughes Mulligan, Robert D. Murphy.

Leonard J. Nadasdy, Edward Nicholson, James W. Nugent, William J. O'Hara, Frank A. Plummer, Thomas A. Plummer, Martin Pollner, John J. Powers, H. Irving Pratt, Herman P. Pressler, Edwin J. Putzell, Jr., Walter M. Ringer, John W. Rollins, John A. Roosevelt, Richard M. Scaife, J. Fred Schoellkopf IV, John M. Shaheen, Robert F. Six, Spyros P. Skouras, Robert Snodgrass, Mansfield D. Sprague, Edward J. Stack, W. Clement Stone, Lewis L. Strauss, John A. Sutro.

Charles Thomas, Donna H. Tibbertts, E. Mcl. Tittman, Harry Torizyner, Jacques Torizyner, Frank N. Trager, Holmes Tuttle, David Van Alstyne, Jr., Walter E. Van der Waag, Joseph Virdone, Harry Von Zell, Donald S. Whitehead, Richard E. Wiley, King Wilkin, Walter Williams, Nelson Works.

CRIME AND VIOLENCE ON TELEVISION

Mr. PASTORE. Mr. President, recently, as chairman of the Subcommittee on Communications, I wrote to the Secretary of Health, Education, and Welfare, Robert Finch, and requested him to have the Surgeon General appoint a committee to determine whether the presentation of crime and violence on television affects behavior of the viewing public, and the mental health, emotional and social development of the Nation's children.

President Richard Nixon, in a letter dated March 24, 1969, endorsed this program; and on Tuesday, June 3, 1969, the Surgeon General's committee to conduct this study was appointed, and I ask that the announcement listing the individuals be printed in full at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Eleven nationally prominent scientists have been named to serve on a committee which will, according to Secretary of Health, Education, and Welfare Robert H. Finch, determine whether the presentation of crime and violence on television affects behavior of the viewing public, and the mental health, emotional and social development of the Nation's children.

Appointed by the U.S. Surgeon General William H. Stewart as members of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior are:

Dr. Ira H. Cisin, George Washington University, Washington, D.C.

Dr. Thomas E. Coffin, National Broadcasting Company, New York, New York.

Dr. Irving L. Janis, Yale University, New Haven, Connecticut.

Dr. Joseph T. Klapper, Columbia Broadcasting System, New York, New York.

Dr. Harold Mendelsohn, University of Denver, Denver, Colorado.

Dr. Charles A. Pinderhughes, Tufts University, Boston, Massachusetts.

Dr. Ithiel de Sola Pool, Massachusetts Institute of Technology, Cambridge, Massachusetts.

Dr. Alberta E. Siegel, Stanford University, Stanford, California.

Dr. Anthony F. C. Wallace, University of Pennsylvania, Philadelphia, Pennsylvania.

Dr. Andrew S. Watson, University of Michigan, Ann Arbor, Michigan.

Dr. Gerhart D. Wiebe, Boston University, Boston, Massachusetts.

Dr. Eli Rubinstein, Assistant Director for Extramural Programs and Behavorial Sciences at the National Institute of Mental Health, has been designated to coordinate the work of the Surgeon General's Committee and the studies it will initiate. The Committee's first meeting will be held in mid-June to consider organizational and research plans for the study.

Senator John O. Pastore of Rhode Island and Secretary Finch are expected to attend the initial meeting. Senator Pastore, Chairman of the Senate Subcommittee on Communications, has a keen interest in the development of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior, and has discussed structure and scope of the study with Secretary Finch. Senator Pastore's recommendations have received the explicit endorsement of President Nixon.

As the Secretary noted in announcing the study, the broadcast industry has been invited to consult in development of this research.

The business sessions of the June meeting will be attended only by the Committee members and the full-time staff connected with the project. Richard A. Moore of Pasadena, California, a special assistant to Secretary Finch, will attend and will maintain liaison with the Surgeon General's Committee for the Secretary's office. Mr. Moore, a lawyer, spent 20 years in television broadcasting, including station and network operations.

The Committee will confine its studies solely to scientific findings, and will make no policy recommendations. It will draw on studies already accomplished and on information now available in the field. The emphasis of the work of the Committee will be to arrive at more definitive results in identifying what the relationships are between television content and social behavior.

Additional information on members of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior:

Cisin, Ira H.—Professor of Sociology and Director, Social Research Project, George Washington University, 2400 H Street N.W., Washington, D.C. Ph.D., 1957, American University. Special interests: Development of mathematical models and improvement of measurement technique for social science.

Coffin, Thomas E.—Vice-President, National Broadcasting Company, 30 Rockefeller Plaza, New York, N.Y., Ph.D., 1941, Princeton University. Special Interests: Propaganda and attitude; social-psychological effects of television.

Janis, Irving L.—Professor, Department of Psychology, Yale University, 333 Cedar Street, New Haven, Connecticut. Ph.D., 1948, Columbia University. Special interests: Psychological reactions to objective danger situations; attitude change, decision making.

Klapper, Joseph T.—Director of Social Research, Columbia Broadcasting System, Inc., 51 West 52nd Street, New York, N.Y. Ph.D., 1960, Columbia University. Special interests: Mass communication; attitude change; public opinion; social science methodology.

Mendelsohn, Harold—Professor, Department of Mass Communication and Director, Communication Arts Center, University of Denver, Denver, Colorado. Ph.D., 1956, New School for Social Research. Special interests: Sociology of Mass Comunication; motivation; attitude; public opinion.

Pinderhughes, Chas. A.—Associate Clinical Professor of Psychiatry, Tufts University; and Lecturer in Psychiatry Harvard Medical School. 82 Marlborough Street, Boston, Mass. M.D., 1943, Howard University. Special interests: Effects of ethnic group concentrations on the education process.

Pool, Ithiel de Sola.—Professor and Chairman, Political Science Department, Massachusetts Institute of Technology, Cambridge, Mass. Ph.D., 1952, University of Chicago. Special interests: political opinion and propaganda.

Siegel, Alberta E.—Associate Professor of Psychology, Department of Psychiatry, Standford University Medical School, Standford, California. Ph.D., 1955, Standford University. Special interests: Methodology in child study; social psychology in childhood.

Wallace, Anthony F. C.—Professor and Chairman, Department of Anthropology, University of Pennsylvania, Philadelphia, Pennsylvania. Ph.D., 1950, University of Pennsylvania. Special interests: Human behavior in disasters and other stress situations.

Watson, Andrew S.—Professor of Psychiatry and Professor of Law, University of Michigan. M.D., 1950, Temple University. Special interests: Theory and treatment of family emotional problems.

Wiebe, Gerhart D.—Dean, School of Communications, Boston University, Boston,

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Massachusetts. Ph.D., 1942, Ohio State. Special interests: Mass media, communications research.

ORDER OF BUSINESS

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

DEEP TROUBLE OF OUR RAILROADS

Mr. YOUNG of Ohio. Mr. President, last month marked the 100th anniversary of the joining of the Central Pacific Railroad with the Union Pacific Railroad. This was the first great step in the unification of all the States and territories of the United States. For the first time in our history there was direct and comparatively rapid transportation connecting States along the Atlantic Ocean with sister States and territories in the Far West. That meeting at Promontory Point, Utah, May 10, 1869, when a golden spike was driven in a railroad tie of the Union Pacific Railroad, marked the historic advent not only of unification but ushered in a new era of unparalleled growth and settlement of all States and territories of our Nation.

Unfortunately, but surprisingly, a century after this great historic achievement all the railroad corporations in our country are in trouble—big trouble. Railway stations in cities, towns, and villages throughout the Nation are practically deserted. During the past 10 years more than 1,000 passenger trains have been discontinued. It is a fact that highways, both intrastate and interstate, and turnpikes extending through many States have fast become overcrowded by interurban buslines and nationwide bus companies and with millions of automobiles taking entire families on pleasure trips for the reason that riding on trains is far from a pleasure. Our highways and turnpikes are really becoming crowded with traffic just as quickly as these roads are completed. Also, at the same time, airports and air terminals in practically every city of the United States are very frequently crowded beyond capacity, and air traffic both of passengers and freight has been steadily increasing throughout the past 30 years with more airlines regularly scheduling more intercity passenger planes in operation.

Virtually nothing seems to have been done on the part of railroad officials and members of the Interstate Commerce Commission and the governing officials of our 50 States to reverse this trend and to correct this problem of a lack of passenger coaches on our numerous railroads. An experimental high-speed metroliner has been installed between Washington, D.C., and New York City, but this constitutes only a small beginning toward what must eventually be done to preserve our railway passenger system.

With our population growing by more than a million people every year, our railroads should be expanding each year instead of eliminating or diminishing their services.

Crowded, poorly ventilated, dirty coaches give convincing evidence that railroad officials regard passengers as necessary evils. They make their money carrying freight. Their attitude is, to quote the statement of a pioneer railroad magnate, William H. Vanderbilt, "The public be damned." Many coaches on our passenger lines are candidates for the junk heap. An undue length of time is consumed in traveling from one city to another and schedules are poorly observed. Trains invariably arrive at their destinations behind schedule time.

Recently, three of my constituents, a couple and their grown daughter, whom I know personally, made a trip to California. Although they usually travel by air, they decided that it would be an enjoyable change to take the scenic route advertised by the Great Northern Railway. They anticipated a very leisurely, relaxed, and enjoyable trip. May I relate their actual experience.

The bedrooms assigned to them on the train were so cramped that it was necessary for all three to take sleeping pills in order to have a decent night's sleep. They informed me that the food was not as good as that purchased in any moderately priced restaurant in Cleveland, but that the prices were exorbitant. The coaches were untidy and uncomfortable. As if this were not enough, the train arrived in San Francisco 7 hours late. This is just one example of thousands which I am sure could be related by other railroad passengers. It is no wonder that people shy away from traveling by train whenever possible and utilize more comfortable and reliable modes of transportation.

In contrast, in Italy it is a pleasure to ride on the Rapido, a bullet-shaped train making the long trip from Rome to Milan in 6 hours. This train is beautifully decorated, has new coaches with artistic panels, and passengers are offered expresso coffee and excellent food. The cost of making this 400-mile trip is less than air fare. It is a trifle more than passengers pay on slow trains.

The relatively new railway in Japan linking Tokyo and Osaka is the world's most modern system of rail transportation. The new trains, powered by electricity, travel at a top speed of 125 miles an hour. They have reduced by a third the time it takes to travel the 250 miles between Japan's two greatest cities. It constitutes the ultimate in efficiency and economy in passenger train service. Considering the time required to travel from cities to their airports, this train can transport 978 passengers between these two cities in the same length of time that a Boeing 727 jet can fly 124 passengers. The Tokyo-Osaka line makes most of our railway systems as outdated as flintlock muskets, ladies' bustles, mustache cups and Civil War cannons.

One would think that under our free enterprise system railroad presidents would be ahead of officials of Italian and Japanese railroads. In efficiency and comfort, there is no comparison.

In the State of Ohio, railroads employ more than 55,000 men and women. Their annual payroll exceeds $80 million. An important part of this industry's materials and supplies, totaling a billion and a half dollars annually, are manufactured in Ohio. Their contribution to the welfare and prosperity of the State is important. To Ohioans, and to all Americans, it is of the utmost importance that railroad problems be solved—that railroad officials respond to the demands of the times, offer good and fast service to people, attempt to accommodate prospective passengers, and go all out to keep travel on a reasonably accurate schedule.

Mr. President, evidently our railroad officials, who are as far behind the times as are governing officials and people of underdeveloped countries to which we send Peace Corpsmen, should ask our Government to invite officials of Italy and Japan to send a reverse of the Peace Corps to the United States to teach our backward railway officials and operators how to take proper care of passengers, and thereby earn money for dividends for their stockholders. Why, in a country which sent men into outer space and returned them safely, have we failed to provide comfortable railroad trips from Cleveland to Cincinnati, and from New York to Washington, and from Washington to San Francisco, to cite examples?

Passenger train service is more and more becoming a greater necessity, especially in our large metropolitan areas. Unless railroad executives immediately begin taking action to improve and expand this service, we may soon find ourselves in a transportation crisis of great severity.

Mr. President, in the May 10, 1969, edition of the Akron Beacon Journal, one of the great newspapers of Ohio and the Nation, there appeared an excellent editorial entitled "Meeting of the Rails," deploring the present condition of our railway passenger service and of our vanishing passenger trains. I commend this editorial to my colleagues and ask unanimous consent that it be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MEETING OF THE RAILS

Today at Promontory, Utah, history fans and railroad buffs are reenacting one of the most notable events in American history, the completion of the Pacific railroad on May 10, 1869. At 12:47 p.m. the telegraph was to spell out the same message that electrified the nation a century ago:

"Done! The last rail is laid. The last spike is driven. The Pacific railroad is completed. The point of juncture is 1,086 miles west of the Missouri River and 690 miles east of Sacramento City."

The picture of this historic event is familiar to almost every school child—the Central Pacific diamond-stacked engine on the left and the Union Pacific's on the right, with trainmen sharing drinks on the cowcatchers of each engine. A host of dignitaries were there to drive the golden spike, last of the tons of spikes that held the miles of rail in place. The spike, now in Stanford University's museum, bears these words: "May God continue the unity of our country as this railroad unites the two great oceans of the world."

Actually the spike-driving ceremony was a farce. President Leland Stanford of the Central Pacific tried and failed. Union Pacific's Thomas C. Durand picked up the maul and missed the spike. An unidentified professional gandy dancer finally drove the last iron spike home.

The meeting at Promontory Point ushered in the golden age of American railroading. Passengers in palace cars, and some not so palatial, raced across the nation at 22 miles an hour. Mail, freight, food and livestock moved by rail.

East and West were linked in commerce and in progress.

A century later, American railroads face a crisis. During the last ten years more than 1,000 passenger trains have been discontinued. Railroad stations are practically deserted. Chicago is abandoning its elegant, marble-floored Grand Central station. Highways are jammed. Airports are crowded.

Railroads depend upon freight for 90 pct. of their $10.8 billion operations. There is hope, however, in the high speed metroliners in carefully selected runs. And there are still many persons who, like Mrs. Mamie Eisenhower, prefer train travel to the auto and the jet aircraft. But the number is dwindling.

Americans in a hurry are the losers. For a truly enjoyable transcontinental trip, the remaining passenger trains offer comfort and sometimes a measure of luxury, plus the fact that one can really see the country from a train window. Those who fly far above Raton Pass miss the thrill of the Santa Fe's climb over the Rockies, and the glimpses of Indian life deep in the reservations. Only those who travel by Denver and Rio Grande Western's trains can fully appreciate the glorious, awe-inspiring beauties of the Royal Gorge as it slices through the mountains.

How can one vicariously relive the Wild West of Dodge City, Abilene and Medicine Bow from a jet five miles up? Or watch cowhands working cattle, or a flock of sheep moving to higher grasslands? It can be done by car, of course, with even longer layovers, but train travel is less hazardous and less tiring.

On this anniversary of the meeting at Promontory Point, may we suggest a vacation trip by train? Take it now. In a few years, it could be just a memory.

THE COMMENCEMENT ADDRESS BY WILLIAM AMORY UNDERHILL AT STETSON UNIVERSITY COLLEGE OF LAW, ST. PETERSBURG, FLA.

Mr. HOLLAND. Mr. President, the Honorable William Amory Underhill, a former Assistant Attorney General of the United States and now a prominent Washington attorney, recently delivered at St. Petersburg, Fla., the commencement address at the Stetson University College of Law of which he is a distinguished alumnus. Mr. Underhill's address entitled, "A Point of Order," was so timely and well received that I should like for all Senators to have an opportunity to read it. Accordingly, I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A POINT OF ORDER

(Remarks of William Amory Underhill before the graduating class, commencement exercises, the Stetson University College of Law, St. Petersburg, Fla., May 31, 1969)

Let us assume that, instead of being at this commencement exercise this morning, we are attending a convention of 200,000,000 Americans. The purpose of the convention? To consider ways—means—and procedures to establish justice—to provide for the common defense—to maintain domestic tranquility—and to secure the blessings of liberty to ourselves and our posterity.

Because of the crowds, we have a portable television set to follow the action. Let's tune in to the coverage of this convention. We see a delegate rising to his feet to be heard. The Chairman says, "The Chair recognizes Mr. Militant," Mr. Militant speaks:

"Mr. Chairman, America is a sick society. Every delegate to this convention must get a gun and take part in the revolution. We must free our brothers, who are the prisoners, having been arrested for alleged crimes by 'honky' cops. We must fight against racism and imperialism. The Government of the United States is racist and imperialistic. Therefore, we must take arms and fight against the Government of the United States."

Shouting begins.

The Chairman—raps for order—then recognizes another delegate.

"Mr. Chairman" begins this member. "The other speaker is right. Power is the only solution to our problems. There have been no meaningful social changes without violence and war.

"In addition, no American should be required to serve his country militarily or otherwise unless he voluntarily chooses to do so. Every citizen should have the right—to obey—only those laws which they personally consider just, and totally disregard those with which they disagree."

Hissing begins along with amens.

Another delegate on the floor grabs a microphone—"Mr. Chairman—Mr. Chairman" he begins. "Mr. Chairman what we need are more protections for people charged with a crime, more safeguards for the individual, against the oppressive forces of the State, more lenient treatment of those who commit crimes, and total citizen control of the police and courts so that we can then subject them to the will of each one in the community. Due respect—we'll think about that later."

The convention breaks into noise and confusion—brother against brother—faction against faction—each pressing his point of view—but wait—

The television cameras pick up a man coming to the rostrum—who—it is—Lincoln—no—Roosevelt—no—Mr. America—yes—

He speaks—"Mr. Chairman—I rise to a *point of order*—I represent the overwhelming majority of the delegates to this convention. Keeping in mind the purpose for which this convention was called—how are we going to unite for the common defense when delegates here propose—battle of citizen against citizen—and race against race? How can we establish justice for all, if we, as prior speakers have suggested, take the law into our own hands, obey what we like—oppose all others—so that the criminal is not only protected but is encouraged to continue his career and to recruit others into his well-paid, well-protected, secure profession? How are we to maintain domestic tranquility if each citizen may disregard laws with which he does not agree, even though he violates the rights of others? And, how long will any tranquility endure when delegates advocate armed rebellion and destruction of this republic? How will we secure the blessings of liberty to ourselves and our posterity if proposals of the previous speakers are adopted?

Mr. Chairman, I rose to speak on a point of order, but as some previous delegates have spoken out in attempting to gain control and leadership of this convention—I now ask that *for once* this convention hear the voice of the law-abiding citizens of this country, who though usually silent, possess the power of this nation.

Ladies and gentlemen, I ask you—have we today—reached a point of order—legal or non-legal—in our society? Is each citizen secure, in his home—streets—community? Can he assume that the orderly processes of business, Government, and his private affairs can be reasonably expected to proceed with interruption by violence, or unlawful trespass by others?

I maintain it is clear we are not a house in order.

Professions—Lawyers—Judges—Mr. Average Citizen have made unprecedented progress in the last century of this nation. But, at the same time, there are those among us who oppose with such unbridled force and vigor, the individual freedoms and constitutional guarantees upon which this nation was founded, that it is sounding the alarm—wake up America. You must do something about—campus riots—crime in the streets—shyster lawyers and crooked judges.

Even with the superior accomplishments of the Attorneys General—The F.B.I.—The Secret Service—Sheriffs and local law enforcement agencies—serious crimes have reached the staggering rate of over three and three-quarter million, each year. We now average more than one murder each hour, three burglaries each minute, around the clock, every day. During the time I am speaking to you this morning, thirty automobiles will be stolen. In addition to the soaring crime rate, we are experiencing levels of disrespect for law and legal processes unparalleled in our history. Personal and property rights don't even exist.

One of the things I am referring to that has placed us on the road to anarchy is the doctrine of civil disobedience. There are those, as you have experienced in this convention, who proclaim that the only effective means of making social changes is through violence. They would cite you—The American Revolution and the Boston Tea Party, as examples. Their efforts in this regard are nothing more than an attempt to legitimatize violence by stating it's effectiveness. Those who hold that there have been no meaningful reforms in the world without violence have a tremendously distorted and biased view of history.

The American Revolution and The Boston Tea Party were not concerned with reforming the existing Governmental structure: they were concerned with the total destruction of existing Governmental relationships and total replacement of that Government with the formation of a new, free nation. Those who advocate violence and thereby attempt to legitimatize it by stating its effectiveness are not aiming at adjusting the social inequities in our society, they are aiming at it's total destruction.

Has civil disobedience made a significant contribution to the crime problem? Will it fester and foster criminal activity in the next generation? I would answer, yes, definitely. Statistics are unavailable, but logic confirmed by law enforcement's long experience says simply this: any creed or action which promotes disrespect for law and encourages disobedience to constituted authority produces law breakers.

Those who point out Olde England's Pickpocket on Tyburn Hill lifting purses from the crowds attending public hangings and point to todays repeat offender as the basis for the proposition that punishment is not a deterrent to crime, lose sight of the fact that it is the certainty of punishment, more than the degree of punishment which is the deterrent.

For example, assume 100 burglaries have been committed and reported to the police. Current statistics show—20 will be solved by identification and arrest. Of those 20 only 15 will go to court, the charges on the other 5 will be dropped due to lack of evidence, illegally obtained evidence, lack of a prosecution witness, or other similar circumstances. Of the 15 taken to court, only 8 will be convicted, and, of this 8, 4 will receive leniency in some form—such as probation or a suspended sentence. This leaves 4 out of the original 100 who will actually be confined. The other 96 will join those others on the streets, including those who commit burglary which was not discovered by or reported to the police, and 74 percent of these individuals will repeat their crime within 30 months.

This ladies and gentlemen, is the fabric

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from which the pattern of today's crime rates are cut.

To change this pattern will require a willingness to change it, or, even more, an enthusiastic determination to change our present methods and renew our dedication to law and due process because the institutions which carry out and give life to our basic principles have been neglected for far too long. These principles themselves are under attack today. It is not the principles which are wrong—it is the manner of their application. Our principles and our institutional concepts were sound in 1776—and they are sound in 1969.

There are those who cannot conceive that America could disappear—yet, history records nations have disappeared, that civilizations have died, that nations once strong have faded into oblivion. But—history also tells us that great nations perished not because of overwhelming external forces but because of internal decay, because of the inability of the people and the institutions to preserve their laws and moral standards and to pass them along to each new generation.

We are becoming indifferent to moral law and greedy about financial status. We accept the advantages but do not maintain the standards. Our lives are becoming frustrated and if we do not call a halt and start reaching for attainable ideals like sincerity and integrity, we will certainly lower ourselves into flabiness, boredom and self-destruction. America is very rich, but we are not very happy—we are not having a good time. Our lives may sink into a vacuum—empty of the kind of purpose and effort that gives to life its true meaning and flavor.

If our institutions, our concepts, our principles have all proven sound—what is wrong with the manner of their application? The administration of criminal justice should very naturally be of a deep and abiding concern to you as lawyers, because you are, or should be, the architects of the law. Both our substantive and procedural laws determine when—where—why—how and manner of the application of our basic principles.

The civil disobedients of today are not attempting to reform the criminal law. They are not peacefully violating a single statute in order to satisfy the procedural requirements of having a case or controversy which can be brought before a court of competent jurisdiction to adjudicate the constitutionality of a statute. These few are attemping to enforce their will upon the majority by violence, mob pressure, and hoodlum tactics.

The legal profession, the architects of the law, can stop this rushing tide of violence by insuring that orderly procedures for change are available to the citizenry. For example, perhaps we should explore the possibility of a procedure whereby the constitutionality of a statute can be judicially determined without the statute having to be first violated by a citizen. Perhaps we should consider declaratory judgment criteria in the field of criminal law.

In addition, we should insure that reasonable, effective procedures are available which will greatly increase the certainty of apprehension and punishment should a constitutional criminal statute be violated. There are many avenues to be explored in this area. For instance, many feel that unanimous jury verdicts put the prosecution to a stronger test than the reasonable doubt standard: that the test becomes one of beyond any doubt whatsoever. Also, in most, if not all, States, an officer cannot secure a search warrant for items which the courts call 'mere evidence', of a crime, even though the Supreme Court has said it is constitutionally permissible for the officer to do so. In some States, an officer cannot secure a search warrant for a gun used as the murder weapon even though he positively knows where the gun is located.

To reduce violence between the police and the individuals whom they are attempting to arrest, should we not give consideration to changing the general rule that an individual has the right to resist an unlawful arrest and may use such force as is necessary to effect his escape?

Some prominent individuals and legal scholars, even judges and prosecutors, have said that court decisions have no effect on crime—one has said 'court decisions have about as much effect on the crime rate as an aspirin does on a tumor of the brain'.

I know of no diplomatic way to say those statements are false. Court decisions do affect crime rates. I don't mean that after the decision, criminals sit down and study the opinions to figure out loopholes to commit crimes. Not at all.

What I mean is this: when courts release criminals back to the streets through technicalities and new rules of evidence, we know from experience and recidivism and studies by the F.B.I. and other authorities that over 80 percent of those acquitted or dismissed will commit a new crime and be rearrested within 30 months as will 47 percent of those released on probation.

In addition, when an admitted criminal is turned loose on technicalities, citizen respect for legal processes suffers a tremendous setback. The average citizen, though he may be law abiding himself, sees this as a direct violation of his sense of right and wrong, and he begins to feel contempt for the administration of justice.

There is a great deal of talk today about reforming the police, about manpower and equipment, better training and higher salaries. These are definitely necessary, but Sir Robert Peel, the great founder of Anglo-Saxon police organization and techniques, long ago noted the profound inter-relationship between a reformed criminal law and a reformed police. Asked to consider plans for rationalizing police protection in England he first found it necessary to undertake a major reform of the criminal law itself. As a leading British police historian noted:

"Peel realized what the criminal law reformers had never done, that police reform and criminal law reform were wholly interdependent: that a reformed criminal code required a reformed police to enable it to function beneficially, and that a reformed police could not function effectively until the criminal and other laws which they were to enforce had been made capable of being respected by the public and administered with simplicity and clarity."

There is also a profound relationship between human values and property values and this relationship today is being twisted, rationalized and subverted. The relationship between human and property values manifests itself in many ways in our republic. For example, the right of free speech and free expression under the first amendment is supported by the right to own and publish a newspaper, to own pen and paper, books and materials. The right of free worship is a hollow right unless you are permitted to have a church and a place to worship. The right to assemble and petition is severely curtailed if there is no place for the concerned citizen to gather. All human rights are supported by and find meaning in property rights. A totalitarian government strips the individual of his property right and he cannot, therefore, exercise his human rights. The total disregard by many people in cities across the land for the property rights of others effectively destroys their human rights and therefore effective liberty under the law. This trend toward anarchy must be reversed as we know anarchy is the rule of a thousand tyrants and anarchy welcomes tyranny as a respite."

All of us have a responsibility—but the lawyers of this nation should be held especially accountable to make the delegates to our imaginary convention see the law as a creative power—not as a repressive force. This is particularly true of the criminal law. Our people must understand, and the criminal law must reflect, the proposition that the criminal law creates and secures freedom rather than suppresses individual liberty.

The delegate representing the majority at our hypothetical convention spoke of a point of order. We should also speak of a point of disorder. I am certain there is a point of lawlessness beyond which a free society cannot stand. There is a point where disrespect for law, disobedience to authority, and fear of criminal action will so erode the rule of law that democratic institutions cannot survive. Exactly where that point is, or when, or if it will be reached, no one can say. We now have about 2 victims of serious crimes for each 100 persons in this country. Perhaps the breaking point will be reached when we have 5, 8 or 10 citizens per 100. Again—I warn you—no one knows the exact breaking point. *But it is there.*

Let's again turn our attention to the convention floor. The delegate of the majority is still speaking. Let's listen:

"Mr Chairman, I rose not only to a point of order, but to plead for order. Many of the delegates who have been heard are not representative of the people. They carry fraudulent credentials. They seek their own selfish ends—not humanity's progress. They serve tyranny—not liberty. They advocate anarchy—not justice. Mr. Chairman, we must repudiate these delegates and their positions of lawlessness. We have given them a forum from which to speak and to petition, but in return, they advocate reducing the forum to ashes beneath our feet. They preach not liberty, and justice under law—but—disorder under anarchy.

What is the law for one must be the law for all. Adherence to the law must be the first insistence of a democracy. Law is both the mother and father of freedom and liberty—peaceful order runs interference for progress.

True—there are outdated laws—they should be changed by legislation. There are injustices—they should be corrected by legitimate, lawful dissent. Improvements—are always needed—they should be brought about by rational debate—by casting ballots in a free election—not—by throwing molotov cocktails or student riots.

Mr. Chairman, I ask that we re-state our dedication to the purposes for which this convention was called—namely—to repudiate anarchy—revolution—and civil disobedience as the road to peace and order—to insist that everyone be made certain that he will be held responsible for the natural and probable consequences of his acts. And—to demand that the law be swiftly, effectively and impartially applied in all cases within a modern—logical—system of justice."

If every delegate to this convention were polled and asked to cast a secret ballot—what—would the returns show?

I am firmly convinced that this delegate speaks for the overwhelming majority of our citizens, and I sincerely believe he correctly states the requirements for our society to reach and maintain a point of order. Of course, we will never reach that point without the complete support and dedication of the law-abiding citizens—law enforcement acting alone, the courts acting alone, or the legislatures acting alone, will not bring us to that point. But the lawyers of this nation—the architects of the law—with their deep knowledge of democracy's structure, their pragmatic appreciation of liberty under law, and their deep commitment to due process—have the grave responsibility for, and the capacity for, *leading this nation*—to a point of peace—prosperity—and order.

POSTPONEMENT OF MINERALS HEARINGS

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Interior Committee, I announce that the public hear-

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ings on S. 719, to establish a national mining and minerals policy, have been postponed to July 9. This hearing was originally set for June 11.

This measure is sponsored by the able Senator from Colorado (Mr. ALLOTT), for himself and Senators BELLMON, BENNETT, BIBLE, CANNON, CHURCH, DOMINICK, FANNIN, HANSEN, HRUSKA, JORDAN of Idaho, MCGEE, METCALF, MOSS, STEVENS, and YOUNG of North Dakota.

The hearings will open at 10 o'clock on July 9, in the Interior Committee hearing room, room 3110, New Senate Office Building.

PRESIDENTIAL PANEL REPORT ON THE SANTA BARBARA OIL SPILLAGE

Mr. MOSS. Mr. President, recently, the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee held 2 days of public hearings on S. 1219, a bill sponsored by the very able junior Senator from California, Senator CRANSTON, to terminate all drilling for oil in the Outer Continental Shelf off Santa Barbara.

A number of experts and dedicated persons made vigorous presentations to the subcommittee setting forth diametrically opposed interpretations of the facts—there was even disagreement as to the facts—and sharply conflicting views on the Santa Barbara tragedy. Of primary concern to our subcommittee was what could be and should be done to remedy the present leak, and how to prevent a recurrence. The transcript of the hearings in the process of being printed, and the information and views in them will, I know, be most helpful to the Members of Congress in making decisions as to what course of action should be taken in the public interest.

Shortly after the Santa Barbara tragedy, a special panel to study the situation was appointed by President Nixon to study the leak, or blowout, on the Federal lease operated by the Union Oil Co. and from which the spillage originated.

This panel was under the direction of Dr. Lee A. DuBridge, science adviser to the President.

On Monday, Dr. DuBridge released the panel's report. So pertinent is this report to issues involved in the legislation now pending before the Congress that I ask unanimous consent to have the text of the report, together with Dr. DuBridge's statement and the panel membership printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWS RELEASE FROM EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY, JUNE 2, 1969

Dr. Lee A. DuBridge, Science Adviser to the President, today released a report which calls for the withdrawal of oil as rapidly as possible to reduce pressure and to "forever prevent future spillage" from the Repetto reservoirs off Santa Barbara, California.

The report and a memorandum to President Nixon were released by Dr. DuBridge at a Washington press conference. Dr. DuBridge was joined in the press conference by Dr. William Pecora, Director of the U.S. Geological Survey and Professor Hamilton M. Johnson, Chairman of Tulane University's Department of Geology. Dr. Johnson is a member of the special scientific panel formed to study the future of the Union Oil lease off Santa Barbara.

The study headed by Dr. John C. Calhoun, Vice President of Texas A & M University resulted from the oil blowout on January 29, which caused oil to spread widely over the Santa Barbara Channel and adjacent beaches.

Dr. DuBridge made the following statement:

"On April 7th the President, acting on the request of the Secretary of the Interior, Walter J. Hickel, directed me to assemble a special panel including suitable experts in geology, petroleum engineering and reservoir management to make recommendations to him about future steps that should be taken on the Union Oil lease. The President is deeply concerned over the necessity to preserve our national resources."

A panel of experts representing all phases of the problem was assembled and met in Los Angeles on May 12th and 13th. I instructed the Panel that "In evaluating the various plans highest priority must be given to the absolute need for the prevention of oil spillage resulting from drilling. Any plan must provide safety factors which will minimize hazards of further oil pollution.

"The Panel has completed its report and submitted it to me, copies are available. It is my conclusion that it has carefully considered the problem and I concur with its recommendations. I believe this plan is one which will reduce to the minimum present and future hazards of oil leakage. The report has been transmitted to the President and at his request I have transmitted it to the Secretary of the Interior for his consideration and implementation.

"I am aware that some have urged withdrawal from this oil bearing structure immediately. The Panel concludes that this would be hazardous at the present time, and would not provide a permanent end to the oil leak."

The Panel Report, a letter from Dr. DuBridge to the President forwarding the report and the list of Panel Members was made available at this time.

REPORT OF SPECIAL PANEL ON THE FUTURE OF THE UNION OIL LEASE

The Panel believes that it is less hazardous to proceed with development of the lease than to attempt to seal the structure with its oil content intact. In fact, the Panel is of the opinion that withdrawal of the oil from the Repetto zone is a necessary part of any plan to stop the oil seep and to insure against recurrence of oil seeps on the crest of the structure. The Panel concludes that it would be hazardous to withdraw from this lease at the present time.

It would be inappropriate for this Panel to recommend a detailed program to stop the seepage and reduce the formation pressures. It would be equally inappropriate to attempt to manage such a program from this Panel. Nevertheless, a definite order of priorities should be established. The Panel recommends the following order of priorities:

1. Contain and control oil seepage through the use of underwater receptacles or other suitable methods.
2. Seal off, or reduce as much as possible, the flow from existing seeps through a program of shallow drilling (above the "C" marker), pumping and grouting.
3. Review the possible earthquake hazards and take necessary actions.
4. Attempt, through an oil withdrawal program, to determine the degree of interconnection between levels of the Repetto formation.
5. Reduce pressure throughout the reservoir to hydrostatic or less and maintain pressures with water injection, if needed, to minimize subsidence.
6. Deplete all Repetto reservoirs as efficiently and rapidly as possible consistent with safe practices.

It may be that the first four or five priority items can be pursued simultaneously, but the Panel wishes to emphasize the order of importance. The Panel recommends that the program be carried out under close supervision of the Department of the Interior. The Union Oil Company should be asked to supply additional detailed information as necessary.

To implement the recommendation for close supervision of the lease development the Panel recommends that a smaller group of consultants be made available to the Department of the Interior on a continuing basis to assist and advise as detailed questions arise in the course of the program. We recommend further that the Department of the Interior consider whether additional supervisory personnel from the U.S. Geological Survey may need to be assigned to this particular program.

The Panel notes that this oil structure underlies the adjoining Sun Oil Company lease as well as the Union Oil Company lease. Good conservation practices require that the development of these leases be considered together. The Panel strongly recommends that unitization be practiced. Consideration should be given to pressure reduction from operations at the western end of the Sun Oil lease.

The Panel wishes to thank the staff of the U.S. Geological Survey and the Union Oil Company and their partners for cooperation and for the large amount of data made available to the Panel for consideration.

JOHN C. CALHOUN, Jr.,
Chairman.

MAY 27, 1969.

MEMBERS OF SPECIAL PANEL ON THE FUTURE OF THE UNION OIL LEASE

Chairman: Dr. John C. Calhoun, Jr., Vice President, Texas A&M University.

Mr. Roy Bobo, Roy Bobo Engineering.

Mr. Lloyd S. Cluff, Woodward-Clyde and Associates.

Dr. John Craven, Chief Scientist, Special Projects Office, Navy Department.

Professor Murray F. Hawkins, Jr., Head, Department of Petroleum Engineering, Louisiana State University.

Professor Hamilton M. Johnson, Chairman, Department of Geology, Tulane University.

Mr. William R. Lorman, Naval Civil Engineering Laboratory.

Dr. Gordon MacDonald, Vice Chancellor for Research and Graduate Affairs, University of California, Santa Barbara.

Mr. Ross McClintock, Fluor Corporation.

Dr. Henry W. Menard, Scripps Institution of Oceanography.

Dr. Carl H. Savit, Western Geophysical Company of America.

OST Staff: Dr. John S. Steinhart, Mr. Howard H. Eckles, Dr. David A. Adams (Marine Science Council).

MEMORANDUM FOR THE PRESIDENT, MAY 27, 1969

(By Lee A. DuBridge)

Subject: Santa Barbara Oil Problem.

You will recall that, at the request of Secretary Hickel, you authorized me to establish an expert panel to examine into the current oil drill operations in the Santa Barbara Channel and to recommend such actions, particularly on the part of the Union Oil Company and its associated companies, which would:

(a) reduce the present oil seepage, and

(b) give maximum possibility of avoiding future oil spills.

Our panel consulted at length with petro-

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leum engineers, with members of the U.S. Geological Survey and other experts in the field, and their report is transmitted herewith.

The panel recognized at the outset that there are a variety of different procedures that might be considered ranging from:

(a) immediate suspension of all oil drilling and pumping operations in the vicinity of the Union Oil platform, sealing up if possible existing leaks and abandoning the operation to:

(b) proceeding to pump the oil as rapidly as possible to remove the oil and reduce its pressure and thus forever prevent future spillage.

There are, of course, a variety of intermediate procedures that might be examined.

The panel has concluded that the maximum safety would be attained by proceeding approximately in accordance with alternative b. Specifically, they recommend that suitable structures be placed over existing leakage areas so the oil now leaking can be contained and that removal of the oil from the various layers under the Santa Barbara Channel be expedited in order that pressures be reduced which force the oil upward into the ocean, with the eventual idea of removing the oil from the reservoir.

It is further recommended that all of these procedures be carried out under careful expert supervision by the Department of the Interior and especially the U.S. Geological Survey, together with such additional experts as are needed from nongovernmental sources.

I believe the OST panel has carefully considered the problem, and I concur with their recommendation and believe it is one which will reduce to a minimum current and future hazards of oil leakage.

This report is being transmitted to Secretary Hickel for his approval and implementation. I suggest also that the report be released by the Office of Science and Technology. The attached memorandum is for your approval.

WATER FOR A THIRSTY CONTINENT

Mr. MOSS. Mr. President, I wish to invite attention to an article entitled "Water for a Thirsty Continent" which appeared in the April 1969 issue of Irrigation Age. It is a condensation of the "Western States Water Augmentation Concept" by Lewis G. Smith. The condensation itself was prepared by Joe H. Smith, Jr.

The thesis of the augmentation concept is that the greatest challenge facing the country today, waterwise, is to overcome the scarcity of water in the western part of the United States. Its conclusion is that we must work together to bring water from water-rich areas like Northwestern Canada and Alaska to the United States.

It stresses that since Canada is faced with the same kind of water problems as the United States, we should join hands in intercontinental transfer of water so we can assure ample supplies to the Southern Canadian provinces, where water is short, and to the western half of the United States, particularly the southwestern area, where we will be out of water in a few years if we do not find some way to augment our supply.

As Members of this body well know, I have been advocating intercontinental transfer of water from areas where water is surplus and can be harvested on a sustained-yield basis, to areas which stand on the brink of a water famine through proposals such as the Smith plan or one of the other five or six proposals including one called the North American Water and Power Alliance—NAWAPA. The Irrigation Age article makes many of the same points I have made over and over again.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WATER FOR A THIRSTY CONTINENT

(By Joe H. Smith Jr.)

If many parts of North America are to reach their full potential in supporting future generations, they must obtain more water. It is simple as that. Unless steps are taken and taken fast, to shift existing supplies from wet to dry regions, soon there will not be enough water or food to provide even creature comforts.

Man is responsible for the resources placed in his trust, and he can discharge this responsibility only by conserving what he has now and planning wisely for the future. Not only is he responsible for providing basic food and fiber, but for maintaining the beauty of his land—its mountains, streams, lakes—and valleys. Water is the key to a happy, prosperous future.

Water demands in the future depend upon three factors:

(1) Population;

(2) Average water consumption per person each day; and

(3) Proper management of water, both for primary use and recreation.

Population growth figures for North America and the world are staggering. Where will the people be in 20, 50, or 200 years from now? Why will they be there? Wherever they are, large amounts of water must be provided.

In 1965, 1900 gallons of water were needed each day for each person in the United States. To meet increasing critical demands, water will have to be reused as often as possible. Probably in years to come, water will be used four times on the average.

However, whether more water per person will be needed in the future is only a guess. It could be that inventions, education and research will make it possible for people to get along with less water. Where the centers of population are located in the year 2000, for example, will have an effect on water needs. But for present studies, facts known now will be used as a basis for predicting future water needs and what to do about those needs.

Man has always thought of water first when he planned a move, and water is still the magnet. But in the past, when population was no item, there was plenty of water for man to live in a wider range of choices. To relieve the crowded conditions in cities, however, man may be required to live in places he once passed up for one reason or another, because of climate, lack of building materials or transportation. But wherever he goes, water must be provided. It is reasonable to believe that many of the more thinly settled regions of the western half of the nation will soon become the newly settled parts of the country, if more water is obtained.

Population figures now prove that if people continue to shift from one area to another, as they have since 1950, much of America will be living in the western states—Idaho, California, Arizona, Washington, Oregon, Colorado, Nevada and Utah. And some of these states are not blessed with an abundance of water.

The greatest challenge today, water-wise, is the need to overcome the scarcity of water in the western half of the United States. This half of the country, for the most part, depends upon well water that is dwindling fast. Imported water is the only answer to many rich areas in America. Water cannot be imported unless people reason with one another and forget petty bickering over supplies in western streams and rivers.

Canada is faced with many of the same kinds of water problems as the United States. The rich wheat regions of the prairie provinces have scant rainfall, as compared to other sections of Canada—especially the north and northwest. The prairie provinces have been thought of as the future home for people crowded out of eastern Canadian cities, but these southernmost regions of western Canada will eventually need more water than is now available. Much of this can be solved by the combined efforts of the United States and Canada, if and when they will work together to bring water from the "water rich" regions of northwestern Canada. Part of this water could be channeled into the dry provinces and some of it could be brought into western United States.

Some people are opposed to large water importations because they feel that nature is being disturbed. But nature is disturbed constantly, when a tree is cut, grass is mowed, or a toilet flushed. Large water projects could improve upon nature. Lakes formed by dams, for example, can be beautiful creations and, at the same time, provide recreation, irrigation and power. Probably the time will soon come when the importation of large amounts of water will be as important to our welfare as national defense.

Water problems in any particular area are national problems because people have the freedom in America to move where they please. For this reason, part of water costs may have to be paid by a national financing program.

Not only is there a great challenge to provide water for western America, but the same is true on the midwestern plains—those states north of the Missouri and Ohio Rivers. The more widely these problems are known, the easier it will become to do something about them. All water problems in America are of national concern, not just for those who are running out of water. We are a union of states and in this all important struggle for plenty of water, we must act like a nation, not groups with different interests and personal wishes.

It has been said by some that the United States has enough water for the "forseeble" future, that U.S. consumption of water is only eight percent of that available. If this is to say that only better management is the key to sufficient water, something is wrong. This trend of thinking is that we have the water plus a great complex of pipelines, ditches, dams and rivers awaiting our needs. Unfortunately this is not true. Many of the 17 western states—possibly all except two or three—are now short of water, and people are flocking into them each year by the hundreds of thousands.

With these facts known, the United States and Canada can join hands to help all concerned. Water can be routed from the far north in Canada, down to their dry prairie provinces, with some brought into the United States. Canada could benefit from the U.S. dollars spent along the way, through hauling, materials, manufacturing and road building. Bridges and roads needed for the project could be used in many ways after construction is finished. Roads would lead into areas where new cities could be built. Recreation areas such as the world has never seen could be built at minimum cost after the area has been opened by construction crews.

Statistics show that water requirements for the western states, not counting Washington, Oregon and Idaho, by the year 2000, will be roughly 80 million acre feet annually. But after reuses are considered, only about 40 million acre feet will have to be imported. By the year 2217, approximately 107 million

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acre feet will be needed, or 147 million acre feet more than is now required.

Three things must be done while America is waiting:

(1) Conserve existing supplies of water by any means;

(2) Encourage people to go where sufficient water is now; and

(3) Import water from whatever source possible until a major, final plan guarantees enough water from now on.

The great High Plains are now in desperate need of water. This area generally extends south of Nebraska, east of the Rocky Mountains and runs as far south as the Rio Grande River. This vast sprawling land, once the home of Indians and buffalo, receives generally fewer than 25 inches of rainfall each year. But, with plenty of water, it is the nation's greatest potential source of food and fiber. Not only that, but the possibilities of preplanned communities, built around the farming industry, are unlimited.

The High Plains are supported by layers of loose silt and sand and gravel—some places several hundred feet thick—that encase one of the world's largest underground water tanks. It's a tank capable of holding billions of acre feet of water. This formation, laid layer upon layer through the centuries, is called the Ogallala.

W. D. Johnson, in the 1899–1900 Twenty Second Annual Report of the U.S. Geological Survey, warned against pumping water in great amounts from this gigantic basin, for the simple reason that the tank would eventually go dry.

Irrigation has thrived in this area, especially south of the Canadian River in the Texas Panhandle. About seven million acre feet per year have been pumped from the ground water. Water is replaced in the same area in amounts from 50 to 75 thousand acre feet per year, and this is offset by seepage and springs at the edge of the plains. Many of these springs form the head of Red, Brazos, Colorado and Pecos Rivers.

If a new source of water could be brought onto the High Plains, water seeping downward into the Ogallala would gradually tend to restore the fast disappearing water table. Then water gain could be pumped from underground, and springs along the edge of the region would enliven the rivers and provide more water for down stream users. It has been estimated that at 1967 rates of pumping—seven million acre feet per year on the High Plains—present supplies will last about 30 years.

It will take about 30 years to bring water into the arid regions of North America. Nothing else can save the High Plains and let it continue to be one of the world's dependable food producers. It is especially important that this area be kept at peak production in view of the loss to urban development of some 25 million acres by year 2000.

High Plains people know what is happening to them. No farmer can watch his water production be reduced by several tubes each year without giving the problem a long and earnest look. Not only farmers, but bankers and merchants can read the "handwriting". Steps are being taken to do something about it, such as having Texas included in plans for getting water from the outside, most recently from the mouth of the Mississippi River. Other states are taking similar action.

The matter of fuels for the future are closely connected with water. Research indicates that rich coal deposits in Montana, North and South Dakota, Wyoming, Utah, Colorado, Arizona and New Mexico could be utilized to supply petroleum products that might be desperately needed in our jet expanding civilization. Processing of the coal will require water. Other industries connected with such projects would provide jobs and bring in enormous sums of money to the areas. Suggestions are that 20 such converting plants, within 50 years, would require about one million acre feet of water per year.

Many people in many places have tried to decide where gigantic amounts of water might come from to quench the thirst of America. Some of the areas are:

(1) Parts of British Columbia, the Yukon and Northwest Territories of Canada;

(2) Lower Columbia River;

(3) Northern flowing waters into James Bay in Canada; and

(4) Water from the Lower Mississippi, which might be pushed uphill westward to the high plains of Texas and New Mexico. Other sources are cloud seeding, water desalting and purification of otherwise unfit inland waters.

Since additional water will be needed long before major importations can be realized, all possibilities should be tried to relieve current shortages while awaiting the "main line." The last three possibilities mentioned, however, offer little at the present time. Take desalting for example. Hopes for a fast and economical way to use sea water were shattered when the estimated cost of such a project at Bolsa Island, Calif., rose from an estimated 444 million dollars in 1965 to an estimated 765 million in 1968. Considering that this plant would process only 150 million gallons per day, the cost would be too high. For enough plants to produce 40 million acre feet of water per year estimated needs of the 17 western states—the cost would be 135 billion dollars. And this price would be at shoreline. Transportation costs inland would be added.

Cloud seeding offers little to dry areas. Estimates are that man agitated clouds increase rainfall by approximately 15 percent and that is in the more rainy areas like mountains and humid coastal regions. No amount of cloud seeding is going to do much for the deserts. Atmospheric disturbances by artificial means might help some, but cannot be considered as a means of providing a great deal of water—certainly not in amounts needed.

The Mississippi River is being considered by the Texas Water Plan as a water source, especially for Texas, New Mexico and Oklahoma. But the Mississippi floats large boats and barges almost from end to end, and about the only hope for the dry southwestern states to get water from it would be below New Orleans, just before it empties into the Gulf of Mexico.

One problem facing Mississippi River planners, aside from politics, is silt that will accumulate in storage lakes while awaiting to be pumped westward. Most of the transported water would be taken at times when the silt content would be at its highest. And the water, because of upstream pollution, would have to be cleaned before it could be used for human consumption. Many problems must be solved in considering Mississippi River water—financing, cooperation by states, storage facilities on the plains after water is brought in and many others. But water from the Mississippi is a definite possibility.

Engineers in Canada believe that streams flowing northward into James Bay, a large southern part of Hudson Bay, are a good source of water for Canada and the United States. Proposals are to route the water through the Great Lakes. About 36 million acre feet annually would be available under this plan. Several plans have been advanced to keep proper levels in the Great Lakes. But some authorities point out that because of weather conditions relating to natural rainfall, the Lakes could create flooding problems hard to control. It has also been mentioned that because of the great surface area of the Lakes, combined with the small outlets, it would be unwise to consider adding water to them, unless an equal amount is withdrawn. There would be few problems, though, for water to pass through the Great Lakes to gathering systems outside.

Another tremendous source of water for the arid regions of North America and Canada are the Northwestern Territories, Southern Canadian provinces are in need of water. The Canadians are thinking of the great mass of water flowing into the Arctic Ocean through regions hardly used by man at all. They see the need to bring this water into their own prairies, and at the same time they realize the great benefits of selling their surplus to the United States. Canada could benefit several ways from such a program. A constant supply of money would flow into their treasury and this would go a long way toward paying for their own system. Arctic waters brought down the Rocky Mountain Trench, in eastern Columbia, could create a 960-mile long boating and recreational area that would be among the most beautiful on earth. Large tracts of land in Southern Arizona could be leased to Canadians, allowing them a two season farming operation.

Nations are generally not opposed to sharing with others their minerals, oils or woods, but with water it is a different matter. And water generally is a renewable resource. One reason for this is that electricity, for example, can be stopped immediately, or carriers carrying materials can be halted. But when large land areas begin to use imported water, that source must not be stopped. Too much depends on it. Because of tremendous costs involved with imported water, areas should not be allowed to grow if there is any chance for a "water cut-off". Therefore, any water imports from Canada must be guaranteed.

The richest source of fresh water in the Canadian northwest is the Mackenzie River, virtually a water wall that flows out of Great Slave Lake, runs about 750 miles northwest and empties into Beaufort Sea, flanking the Arctic. Water discharge rate at that point is about 325 million acre feet of water annually, including 60 million acre feet each year emptied into the Mackenzie by the Liard River. This junction is at Fort Simpson, about 150 miles northwest of Great Slave Lake. Probably this river system, so far from civilization, will prove to be one most acceptable to the Canadians for diverting water southward.

A west-wide North American water and collection system is outlined by Lewis G. Smith, water resource engineer, who believes that the project will form the most efficient water system possible with the least amount of money, with new water supplied to all of the areas of impending need. It will serve the areas with the greatest present needs as well as those with potential needs in the future. Smith gives attention to the fading water levels in the Pacific Southwest, the High Plains of Texas, and Oklahoma, Colorado, Kansas and Nebraska.

The guide used in locating the proposed aqueduct lines was a climate-income zone map of all irrigable areas in the west; it was made by the U.S. Bureau of Reclamation. The map indicates those lands suitable for irrigation, if water were obtained. These same lands appear to be the more desirable under several kinds of economic activity. The land is generally level, with no mountains, badlands or deserts.

Recreation, once considered a side issue in water planning, could be an important factor all along the route and could help pay a large part of the bill.

Generally, the aqueducts would be routed to serve the desired areas by the most direct means, which would in some cases, mean enlarging natural stream channels. Overland open canals would be used when advisable, and siphons would cross canyons and river valleys. A series of pumping stations, lifts and drops would be used.

Lakes and reservoirs along the route would provide "water banks" to be drawn upon during peak pumping seasons, or furnish places to empty the line in case of trouble, without causing flooding and loss of water. Underground lines would be used in areas where pollution might be a problem.

"Toward a National Water Plan", prepared by Lewis G. Smith, cites the more abundant Mackenzie River source as the best for bringing water southward for the Canadian prairies and the Western United States. Through a network of natural streams and dams and pumps, the water would move south through the Rocky Mountain Trench. The Trench is a long, distinct narrow valley cut by the upper reaches of Fraser, Peace, Columbia and Kottenay Rivers. The low divides separating these streams could be channeled to allow the continued flow of water for about 960 miles to the United States-Canadian border.

Arctic water tagged for the prairie provinces of Canada would be carried eastward through Peace River, then introduced into an exchange system serving the prairie areas. At the upper end of Columbia River, water would pass through Columbia Lake and cross a low divide at Canal Flats into the Kottenay. After a free fall down the Kottenay into the reservoir behind Libby Dam, water would be lifted to a canal moving south across the Canadian-United States boundary near Roosville in Canada.

Water to be used in western United States would move through Northwestern Montana, cut southeast along the north side of Flathead Lake, move on south through Swan Valley and finally, after a few twists and turns, be stored in Centennial Valley of southern Montana. It is a natural basin at 7000 feet elevation that will hold approximately 50 million acre feet of water. From which the distributing system for western America would take off.

Lewis G. Smith makes this comment regarding his concept. "I believe that works of this type and scope will do more to improve the quality of living for man on this earth than exploration of the moon and other planets. High on the national priority list is the need to improve our large city environments, and even to build new ones. More water will, of course, be basic for such an objective. The future is never made by people of the future: it is always shaped by those who go before. Will this generation fulfill its obligations to mankind wisely?"

ONE HUNDREDTH ANNIVERSARY OF COMPLETION OF TRANSCONTINENTAL RAILROAD

Mr. MOSS. Mr. President, all Americans shared a moment of history at Promontory, Utah, on May 10, 1969. That date commemorated the 100th anniversary of the completion of the transcontinental railroad that joined together this great Nation East and West.

Thousands were present at the reenactment of the driving of the golden spike and in that number were representatives from the 16 Latin American countries participating in the Partners of the Alliance program. They had been especially invited by the Centennial Commission to attend the ceremony at Promontory. The fourth Inter-American Conference of the Partners of the Alliance commenced on May 10, 1969, in Salt Lake City, Utah.

The cochairman of the conference, Dr. Edgar Barbosa Ribas, of Brazil, at the opening plenary session, delivered a moving address which paid tribute to the pioneers who settled in Utah and he drew a vivid parallel to their efforts a century ago and the volunteer pioneering efforts that the citizens of the Americas are making today through the Partners of the Alliance program.

Mr. President, because of the timeliness of building strong relationships within this hemisphere, I ask unanimous consent that the remarks of Dr. Ribas be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

SPEECH DELIVERED BY DR. EDGAR BARBOSA RIBAS

A little more than a century ago, a group of men and women settled down in this region.

They did not come in search of gold, since there was not enough gold in the world to compensate for their suffering. They were only anxious for a place where they could live in peace.

There was not time to recall the weariness of the trip nor to comment on the past.

Only the present and only the future existed.

The pioneers came here to stay and did so. Many of their grand children are present at this assembly.

Having taken possession of the land, they occupied themselves with the planting.

But, not only the soil was generous to the seed which germinated easily into the grain that nourished the body.

The sub-soil was full of riches waiting to be mined.

In addition, the beauty of the mountains and the extensiveness of the blue sky furnished the necessary stimulus for meditation.

But, they lived isolated.

Isolated, although knowing that beyond the horizon lay markets for their products and the promise of articles not produced locally.

It was necessary to conquer the mountain barrier.

It was necessary to avoid the great adventure of the importation of machinery from Chicago, which had to descend the length of the continent, go around Cape Horn and up to California, and from there, be transshipped to Utah.

More practical routes were necessary which would avoid the delays in Nebraska which extended for an entire winter until the frozen roads were re-opened.

The railroad was the big solution. It was helping in the conquest of territories and the establishing of the frontiers, and, above all, it agreed with the motto of the new region: Industry.

The railroad builders working toward the west came from Missouri, and those working eastwardly, came from California.

On May 10, 1869, they met at Promontory Point.

To celebrate the meeting of East and West and the end of isolation, a gold spike was driven into the last tie.

Today, exactly one hundred years later, we are symbolically carrying out a similar deed.

Ambassadors from Latin countries have come here with the object of materializing once and for all the joining of North and South.

We are also pioneers.

We identify with countries the size of continents, regions which until recently were separated by mountains of non-comprehension, by lakes of ignorance, and by valleys of misunderstanding.

Our ideas, until a short time ago, had to go through large distances in time and space, and when they reached their destination, either had lost the opportunity or were badly interpreted.

Today, we have new hope.

In this land of pioneering, we desire to put not a gold spike to mark the end of an era, but a symbolic spike of hope to identify the beginning of a better understanding among us.

And, in order that there may be better understanding, that there may be better comprehension and joint and constructive work, it is necessary to say something more.

We would like, for this reason, to complement here the concept of the four freedoms expounded by Franklin Delano Roosevelt in January, 1941:

Freedom of speech and expression.

Freedom of every person to worship God in his own way.

Freedom from want.

Freedom from fear.

We would do this, adding to the four freedoms, one right:

"The Right to be Heard".

How many times have we forgotten this! It is so common to think that which we judge to be the right thing for others is really the right thing.

It is also common for us to imagine that our solutions are the best way to solve the problems of others.

If we could simply listen to the other side before we make decisions!

Even though we do not agree with what they say, let us let them speak. It is thus better than to suffocate in silence an opinion that could be useful.

If we do this, our work will not be incomplete nor will it provoke disenchantment because of the lack of participation.

If this is common in human relations, why would it not be so among nations?

We all know it has been this way through the times.

Now things are beginning to change.

For the first time, the man of the South is being heard and even consulted.

We are waiting for the visit of an American representative for the first time—Nelson Rockefeller—who does not intend to tell us how to do things, but "how they can be done", as President Richard Nixon said at the Organization of American States.

Beyond any doubt, this is a good beginning.

We, the Partners of the Alliance, are ready to receive the formula already and participating in its elaboration.

And this gives us dignity, makes us feel useful and productive.

We are able to say yes when we really want to say yes, and no, when we really want to say no.

That is the basis of sincerity.

And, whoever is sincere can be a good friend and a good partner.

It is necessary at this time, that on agreeing with this, we assume an attitude in relation to the program of the Partners of the Alliance.

A program like this cannot and should not interest only a few thousand persons in the three Americas.

We do not have the right and cannot have the pretension of being here representing the 277 million North Americans, or the 22 million Central Americans, or the 172 million South Americans.

This program should and has to be amplified.

Amplified in such a way that our mountains and lakes and valleys be crossed by common sense that makes us understand, that basically we are all equal!

The differences that exist among us were not born with us; they were created by us.

They are the product either of ignorance, or of disease, or of misery, acting independently or together.

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It is time to finish with these modern Horsemen of the Apocalypse.

And, to do this, not much is necessary. It is enough for us to converse on equal terms and we will already be beginning to solve our problems.

The Partners can do this.

However, it is necessary to amplify the program.

We can interest the good man; we can interest governments and leaders. By interesting everybody, we will be taking the initial steps toward better understanding.

And, if we do this, we can return to our countries and say, "We were in Salt Lake City, leaving there a seed that signifies a better future for all of us".

Only then will we be able to rest.

Because pioneers only rest when the highways have been opened up, the land cultivated, and the home built!

AEROSPACE RESEARCH AND DEVELOPMENT AND SOCIAL PROGRAMS

Mr. MOSS. Mr. President, on May 15, 1969, Mr. Robert L. Marquardt, group vice president for economic development operations of the Thiokol Chemical Corp., delivered an address before the Aviation/Space Writers Association meeting in Dayton, Ohio. The title of his speech was "Aerospace R. & D. and Social Programs."

Mr. Marquardt is a "graduate" of the aerospace industry. He functioned in this capacity most successfully for Thiokol before he took on the social programs to which this great company has turned its attention. Mr. Marquardt was uncommonly successful both as an aerospace man and now as an administrator in the social programs field. His observations along this line are particularly penetrating. We in Utah have noted the great success with which he is directing the Urban Job Corps Center at Clearfield, Utah. I ask unanimous consent that his most excellent speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

AEROSPACE R. & D. AND SOCIAL PROGRAMS

(An address to Aviation/Space Writers Association, by Robert L. Marquardt)

Thank you, Mr. Chairman. Ladies, gentlemen, and guests. I don't think I will violate any traditions of a luncheon speaker if I start by telling you how pleased I am to be here.

But this is not only because I am gratified by your invitation. Your meeting here this week has afforded me the opportunity for a double reunion. As a veteran of the Aerospace industry—or, if you will allow it, a graduate—I have enjoyed meeting again with some old friends and eavesdropping on industry/government talk. It has been especially pleasant to chat with some of the journalists who keep a sharp and critical watch on the faults and failings of our industry, as well as on our accomplishments.

In addition, any meeting in Dayton is a reunion for me. My first after-college job was right here at Wright-Patterson with R & D. And it was here that I moved over to the industrial side of the famous military industrial complex by joining Thiokol Chemical Corporation.

While I am still associated with Thiokol, for the last three years I have led the company's considerable activities in the socioeconomic field, so I speak to you today from the perspective of an aerospace man who is deeply committed to the solution of pressing social problems.

I cannot, however, accept the increasingly widespread belief that progress in aerospace is necessarily in conflict with progress in the war on poverty or in solving other social ills. We are told more and more often that our industry (by "our industry" I mean aerospace) is distorting national priorities. The accusation has an appealing sound, but I am not sure it has much more than that.

For one thing it is based on the notion that all the money that we spend on defense and space must be subtracted from what we can spend on other needed projects. And vice versa.

These alternatives, however, do not accurately picture the real situation. The main weakness of the argument, in my view, is that it overlooks the creative role that expenditures on both space and social programs play in generating more resources than they consume.

The other day an economist who manages nearly $2 billion worth of investments for a group of mutual funds went on record with a forecast of full employment over the next decade. Why this rosy outlook? Why would he bet a $2 billion portfolio on this cheerful prognosis? Largely, he believes, because our economy will be able to exploit the developments of Aerospace technology and R & D.

But while Aerospace technology—and its fallout—will be creating much of the wealth we need to attack social ills, it does not follow that social programs will simply consume that wealth. Let me take a moment out to give you an example and a few figures.

I mentioned that my company is involved in socioeconomic programs. Among these are an Urban Men's Job Corps Center at Clearfield, Utah; the Para-Professional Institute in Utah; an Employment Training Center for Indian families, at Roswell, New Mexico; start up of new plants in urban ghettos and in rural areas for hiring the hard core unemployed; supporting HUD in home occupancy training and new low cost building materials; managing the Indian Police Academy and numerous other programs.

The role of these projects—to different degrees—is to help men and women who have suffered social, economic, or educational deprivation. We do this by assisting them in making social and personal adjustments, filling in educational and health gaps, providing vocational training, and helping in other ways to equip them for more fruitful and productive lives.

When they come to us, most enrollees are unmotivated as well as undereducated; a majority come from backgrounds of broken homes and welfare support. The prognosis, for most, is a dismal lifetime of the same and the great probability that their offspring will be equally alienated, deprived, and economically unproductive.

In less than three years, Thiokol's learning centers alone have placed more than 6,000 "hard core unemployables" in pretty good jobs. We have reason to believe that most of them—not all, unfortunately—will acquire the habit of working and that this will replace the previous habit of not working.

Now, if you assume the minimum starting wage rate of $1.80 an hour, each working individual will earn over $3,700 a year. If these 6,000 trainees remain at the starting wage level to age 65, their income will be approximately $1 billion.

The alternative? Welfare payments of $60,000 to $100,000 per person to age 65. For these 6,000 people, that would add up to $420 million of welfare.

The figures, of course, are subject to a lot of correction. Some trainees, we know, just won't make it and will drop out again. But on the other side we are currently placing an additional 300 enrollees a month from our various programs and we know that most of our placements will work up to better incomes. Indeed, many are now starting at considerably higher rates, and the least of my problems at the moment is finding good jobs for our graduates.

But even discounting growth of earnings, the Government's investment of some $2,700 in a job placement, for example, is repaid every five years in welfare savings and taxes on incomes.

I therefore can't buy the argument that our society cannot afford this expenditure because of Viet Nam, "distorted priorities," or any other reason. Humanity and social consciousness aside, it would be difficult to think of a more profitable or cost effective investment of public funds.

Perhaps all this sounds like a digression. I prefer to think of it as a slightly roundabout approach to my subject for this afternoon: The R & D Gap.

I use the term R & D Gap to express a concern for some of the things that are not being done today and for what this may mean for tomorrow. But as you may have gathered, my concern is not entirely critical. It is mixed, rather, with a large measure of pride.

I referred to myself a few moments ago as a graduate of the Aerospace industry. I want to assure you right now that I am proud of my alma mater, although, like a few others it has come in for a few knocks lately.

Given the premise that there can be no security in our troubled world unless we have a credible power to survive any attack and retaliate against any attacker, our industry must be credited with a towering contribution to the defense of America and of the free world.

Against this contribution I don't think we have to feel excessively humble about acknowledging that we have made mistakes. Our critics never fail to remind us that we have been wrong in some of our forecasts, timetables, budgets and technical developments. If it is any comfort to them, let me say now that we will make more mistakes in the future.

But, I would suggest that one of the greatest contributions of our technology lies precisely in this: We have given the world a new systems approach that allows meaningful decisions to be made not just for today, nor even for tomorrow, but for ten years or more in the future.

Most people, of course, can be a lot smarter about solving problems of the past than those of the future. Even the best systems approach can only allow for—but cannot eliminate—new circumstances, changes that may or may not occur, unexpected discoveries, or research programs that do not pan out. But even if you make no allowances for these hazards, I think it is fair to say that our technologists have been spectacularly—even unbelievably—right, far more often than they have been wrong.

In 1961 President Kennedy boldly promised that Americans would land on the moon within this decade. This year Aerospace technology will fulfill his promise in spite of the fact that most of the hardware and a good deal of the needed knowledge did not exist when the President spoke.

Our industry has helped to redeem a number of other "impossible" promises under equally "impossible" schedules. Development of the Minuteman was one that I remember with particular pride since I had the privilege of working on it. The Polaris is another industry blue ribbon. And the list could go on and on.

The significance of such tightly scheduled accomplishments has been completely overlooked by our critics and even by some of our friends. I think it may yet turn out that the greatest achievement of Aerospace technology lies *not* in the *conquest of space* but in the *conquest of time.*

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The instrument of that conquest, as I have already indicated, is system technology the unique management approach forecast in the famous Von Neumann report and implemented by General Bernard Schriever in bringing much of our missile arsenal into being. It consists, essentially, of identifying all the elements of a large and complex problem (or as many of them as possible) and then parceling them out for coordinated and concurrent solutions. It makes use of whatever organizations or individuals seem best qualified to yield the necessary answers and to put the right equipment in the right place at the right time.

There are a number of advantages in utilizing a wide range of talents, wherever they may be found—in government, in public and private institutions, or in private industry. Not the least of the advantages is that this technique make it possible to exploit existing knowledge and tradition without being restricted by them. And because each contributor approaches a defined aspect of the problem in conventional and unconventional ways, work can move forward—even on pacing items—in broad and time-compressing waves.

This important fallout of aerospace, the ability to analyze complex missions, line up problems to be solved years in advance, and then to program the solutions, is almost as important as the solutions themselves.

And it is paying off. Industry and Government have been applying these management methods to a wide range of non-aerospace problems. It is not surprising to me that aerospace companies have either taken the lead or made important contributions in medicine and medical technology, in hospital systems, in environmental health and pollution controls, in weather forecasting and in weather modification, in developing new educational concepts and new teaching equipment, in transportation, in housing, and in developing and exploiting new food resources.

In two of the largest challenges that face our society, I confidently expect to see ever-increasing involvement of the systems and technologies that have grown out of the aerospace complex. One of these is that bewildering cluster of unsolvable problems that we call the urban crises, the other is the next great frontier for science and business—the oceans of the world.

Similarities between oceanographic and space research are pretty obvious. At this stage they involve comparable environments and hazards and are even alike in the way vast complexes of systems and people converge and focus dramatically on manned missions. Scott Carpenter, who switched from astronaut to aquanaut symbolizes much of this commonality.

It is in areas like these that we may be short-changing our future by failing to make adequate investments in research and development. For I believe that we now have many of the systems that will enable us to manage massive programs. The question that increasingly confronts us is: Do we understand the problems that need to be solved?

In-the-bank research will be needed to forecast possible problems as well as to solve them. It will be needed to buy the lead time that makes effective systems management possible. And it is needed not only to tell us what we can do, but also to warn us about things we had better not do, or that we should do differently.

Scientists tell us that within a relatively short time we will be able to make accurate long-range forecasts of the weather over large areas of the earth. And not long after that, we may be able to modify the weather. Losses caused by weather in the United States are estimated at 1,200 lives and $11 billion a year, so it would seem obvious that weather research is worth large expenditures. But here, too, I think we need a systems approach that will help us to define—and solve—some of the problems that could arise out of our technology. If this requires more money for research then budget and spend it.

It is possible, of course, that none of us will be around to worry about these future problems. Our environment is increasingly polluted by the by-products of modern life. We don't yet know the answers to air and water pollution or even to the hazards of our increasingly noisy lives. But it is certainly clear that these problems can only be dealt with as part of a complex of social, economic and technological innovations.

At least equally pressing, in terms of our future on this earth, is the prospect of nuclear holocaust. I have already mentioned one premise to which I subscribe, that safety at this time in history lies only in a credible deterrent. But this certainly does not mean that either deterrence or credibility can take only a single form, or that that form is fixed for all time.

Inescapably, armaments are part of the arsenal of diplomacy. The only thing we can be sure of is that diplomacy operates better for the side that has a bank of research knowledge as well as proven hardware in its arsenal. I can think of no greater disservice to the cause of peace than to have our diplomats learn about new weapons systems from the other side, or for them to be faced with new threats which our scientists have not analyzed and countered.

What I am trying to say here is that we need research not only to solve known problems, but also to deal with new problems that arise out of the solutions to old ones. We have been warned that mankind is outgrowing its food supply. But it is little appreciated that most food-short countries actually produce—and even harvest—more food than they consume. They break down, however, in methods of preserving, storing, transporting, and distributing a significant part of their harvests. In some ways progress can actually complicate this imbalance.

Agricultural research has been steadily increasing staple food output in many countries. India, for example now has some 40 million acres planted in new strains of rice that yield ten times as much as older strains. On paper at least, this chronically food-short country could be self-sufficient in staple foods within the next five years.

But there is a difference between sufficiency on paper and in the stomachs of people. Technologies for preserving and distributing food are relatively simple, but they won't just come about. These are jobs for systems management. They call for analysis of a wide range of related problems, the anticipation of developing needs, and arranging to have the necessary solutions available where and when they are wanted.

With so many urgent problems clamoring for attention, action, and money, it is hardly surprising that the partisans of one cause should feel hostile to those who advocate another. The talk we hear today about distortion of priorities is not new. It means now what it has always meant—that someone else's pet project is getting more attention than mine.

How many of us pushed aside the fine lunch we were served here merely because 20 million of our fellow Americans went without lunch today? How deeply do we feel our responsibility for the fact that so many of our fellow citizens are living in poverty where malnutrition is evident and increasing?

Left in untroubled comfort, it might be quite a while before we spontaneously decided to take any major action to change this condition. Yet I'm sure that academically and intellectually we all know that hunger is wrong and intolerable.

In the great capitalist tradition, some of the underprivileged have lately taken to lobbying for their interests. In 1966, and twice in 1967, fire and civil disturbance raged just blocks from this hotel.

I hope I don't have to emphasize to you that I thoroughly disapprove of such lawlessness, that I hold no brief for looting, burning, and the destruction of property. But I am even less sympathetic to the idea that we can deal with the growing malignancy of poverty in this country merely by denying it or by suppressing the protestors.

And while I have been emphasizing here the need for broad research in great clusters of problems, I want to make it clear that this should never be an excuse for sitting on our hands. Even before we have fully defined all the elements that need attention, we can and should address ourselves to those that are immediately visible.

Within the small frame as well as in the large, systems management can yield important benefits while helping to define the broader areas of investigation. It can, in fact, greatly alter our conception of the problems to be solved. Let me give you an example.

At the time we began our Job Corps operations, we naturally studied hard what educators and social scientists knew about the problems we would be facing and the people we would be working with. On the basis of the best available research at that time, Job Corps headquarters in Washington took the position that no more than 5 percent of the Corps population had the social or educational background to attain high school educational certification. We were advised to structure our programs accordingly.

Naturally we listened. But we didn't stop there. One of the lessons we had learned in the aerospace business was to be serious about research, but not solemn or uncritical. We decided to take nothing for granted. In the past, when we went into those remote areas that are most suitable for testing big rocket engines, we had had to recruit propellant technicians out of populations of beet farmers and shrimp fishermen. We had been quite successful in training our employees in new skills; we even thought our experience might have ben as relevant as that of the educational experts since all our training work has been tailored to the needs of adults.

One of the first things we learned in setting up our educational programs for the Job Corps was that Ph. D. instructors were not necessarily the best choice for articulating with fifth-grade dropouts. So in many cases we recruited production workers and trained them to be teachers. We adopted and adapted educational devices and teaching aids, and when we couldn't find suitable ones we invented our own. We concentrated on motivation and the pacing of education to the vocational needs of the individual.

In brief, we followed much of our old rule book: In an R & D project you must first try to identify the problem. You determine what isn't working, and why. You examine the state of the art and relate available technology to the function to be performed. You decide whether new technologies are needed and try to figure out how to develop them. You quantify your answers in explicit detail and plan a program to achieve the defined objectives.

How has this approach worked? Today, 20 percent of the young men who pass through our Clearfield Job Corps Center earn high school diplomas or equivalency certificates. This is *four times* what conventional educational research had told us was possible. The diplomas and certificates, I might add, are issued by Utah county and state educational agencies so we have no opportunity to load the results in our favor. Nor do we have to color another fact: More than 200 of our past dropouts have already entered college on scholarships.

Our brief experience in this field has made us confident that systems approaches can break through conventional educational and motivational barriers. We are betting thousands of dollars on it. Since the first of this year we have been operating the Clearfield Job Corps Center on an incentive contract, the first ever written for the educational program. We guaranteed performance.

Does the term sound familiar? It ought to. Incentive contracts are borrowed directly from the aerospace industry. We think the idea of quantifying educational results has revolutionary implications for the entire knowledge industry. And we know some disinterested educators who feel even stronger about it than we do.

Much of the aerospace industry is active in these new frontiers. Lockheed has applied aerospace management techniques to hospital systems, Avco has applied them to water resources management. LTV to business and vocational schools, General Dynamics to waste disposal, Westinghouse to the training and ground transportation areas and scores of other companies have attempted solutions to scores of other social problems.

Unfortunately the idea seems to be around that expenditures for R & D are just sly ways of dipping into the pork barrel. It is not always easy to disprove this notion, especially when we are working on problems that may not even become visible for five or ten years.

But that, in essence, is what R & D is all about, or at least, a large part of it. If we had not solved those invisible, or barely visible problems years in advance and had research stored, Apollo would not be streaking for the moon this year.

The urban and environmental problems that now face us are greater than any we have encountered in the past in aerospace. Yet in many areas R & D funding is actually diminishing instead of expanding to the new needs and opportunities.

Recognizing all the difficulties created by conflicting pressures and priorities—and by the need to support our commitment in Vietnam until it can be safely reduced—it seems to me that lowered levels of R & D funding could turn into very expensive savings.

Ongoing programs for discovering opportunities, as well as for solving problems will become increasingly essential to our physical well-being as well as to our survival and freedom. And on the record of history, R & D spending is the best investment America can make.

Thank you very much.

FARM PAYMENTS LIMITATION UNWISE

Mr. HRUSKA. Mr. President, last year, when the Senate debated a bill to extend the Food and Agriculture Act of 1965, one issue which received considerable attention was whether a limitation on payments to individual farmers was proper. Two amendments to the bill were introduced, one limiting payments per farm to $25,000, and the other limiting payments per farm to $75,000. After useful debate, both amendments were defeated.

The Congress faces this question again this year. Last week the other body voted by 224 to 142 to impose a $20,000-a-year ceiling on payments to individual farmers under the 1965 act. The limitation was an amendment to the 1970 agriculture appropriations bill, which has also been passed by the House, and has been sent to the Senate.

Mr. President, although I do not believe that the present farm programs are helping the small farmers of America, on the other hand, if this amendment were adopted under the existing programs, the small farmer would be even more adversely affected. I do not believe we should disrupt this program except by enactment of new legislation. A limitation of payments only undermines the existing program without offering any effective substitute.

Our farms have great capacity for overproduction, and producers will have to use that capacity if our ability to pay them to limit production is curtailed. If this ability to pay larger farmers to remove land from production is curtailed, we will have to look to smaller farmers for the needed production adjustment. This could force the small farmers off their farms because they would become uneconomic to operate. Also, the increased production would force the low prices even lower, and make the impact even more severe on small farmers.

Of equal importance is the strong likelihood that new farm legislation will be sent to Congress by the Department of Agriculture in the early fall of 1969. Secretary Hardin has indicated that some kind of a payment limitation that is responsible and constructive can be included in such legislation. It would be far better, in my opinion, to await such legislation permitting an orderly transition from the existing programs. Forcing farmers to endure the ravages of overproduction and increasingly unstable markets by imposing a makeshift payments limitation is a harsh punishment for the farmers when the culprit is the 1965 act.

Mr. President, an editorial in the Lincoln Evening Journal of May 28, 1969, clearly and concisely discussed the disadvantages if a payment limitation is imposed without devising a new and sound farm program in conjunction with it. I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LIMITING FARM PAYMENTS

On the surface, it might seem reasonable to limit the amount of crop control payments that can be made to a single farm owner. At least it seemed so to the House which voted 112–100 to slap a $20,000 a year ceiling on such payments.

Closer examination suggests, however, that it not only is unreasonable but very likely injurious to the national economy, to agriculture and, specifically, to Nebraska and the Midwest.

If it were to have the desired effect, this policy would remove the only real incentive for the largest, and most productive, farming operations to hold part of their land out of production. It would, in other words, almost surely give rise to greatly expanded agricultural production by those operations best equipped with the resources and the capital to expand.

It doesn't take much of an economist to foresee the ruinous impact this would have on farm prices—and thus, undoubtedly, on the total economy.

For Nebraskans, there is a further consideration. The biggest impact of the payment ceiling would be on the large cotton producers in the South. If they were restricted in their compensation for leaving land idle, it is quite likely that they would turn to growing soybeans, feed grains, grass for cattle raising or other crops in direct competition with those that make up Midwestern agriculture.

With its climatic advantages, the South is a big enough threat to Midwest farm producers without providing added stimulus.

Attention has been called to the incongruity of extending large payments to farmers to restrict food production while people go hungry in this country and abroad. But this is a problem of distribution and of financing the care of the poor, and not the fault of present farm programs.

Whenever the leaders and the taxpayers of this country decide to pay the cost of feeding the hungry, the productive capacity is there. But farmers cannot be expected to make this sacrifice themselves, by producing food at giveaway prices.

In the meantime, the U.S. Senate should consider very carefully the risks in wrecking the present farm program which at least has staved off serious problems for the national economy.

FOREIGN GOVERNMENTS DEMAND FURTHER CONCESSIONS FROM INTERNATIONAL OIL COMPANIES

Mr. LONG. Mr. President, in my speech of March 12 of this year, I pointed out that foreign governments in oil producing nations never miss an opportunity to squeeze the profits of international oil companies.

I documented my statement with a memorandum giving a history of nationalizations, expropriations, threats, exorbitant tax and royalty demands, and other nationalistic moves by the so-called host governments.

As further evidence of the foreign nationalism which often makes international oil companies the "whipping boys" for a sheik's or dictator's political ambitions, I ask unanimous consent to have printed in the RECORD several newspaper articles pointing out the problems the international oil companies are facing in Iran, Bolivia, and Colombia.

I would just like to read one paragraph from the article on Bolivia because it is revealing of the "exploitation syndrome" which is catching fire in underdeveloped nations. It states:

> The new President Siles' grip on the presidency is far from secure, and there is always the possibility that he might seize on the time-worn tactic of attacking foreign "exploitation" as a means of diverting attention from his other problems.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, May 5, 1969]

IRAN OIL NEGOTIATIONS COULD AFFECT MARKET

(By A. D. Horne)

The government of Iran and the international consortium that produces 95 per cent of the country's oil have a date in Teheran next Saturday for negotiations that could have critical impact on world petroleum markets.

The last time they met, in March, Shah Mohammed Reza Pahlevi warned the consortium that Iran's need for oil revenue required much greater annual production increases than 1968's 9 per cent.

In fact, the Shah and lesser officials later elaborated, if production did not grow enough to produce $1 billion in government oil reve-

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nues in the current fiscal year (by industry reckoning, an increase of more than 17 per cent), Iran would be forced to take over 50 per cent of the consortium.

Industry sources say the consortium cannot come anywhere near that large an increase. World production is growing at only about 7.5 per cent a year and world prices are declining, they say. Demand is inflexible and drastic shifts of production from one area to another, they insist, are impossible.

Moreover, the continued closing of the Suez Canal has boosted the cost of shipping oil from Iran and other Persian Gulf producers to the West. New areas coming into production have transportation advantages; one of these, Libya, has used the added advantage of low sulphur content to displace Kuwait as the world's fifth-ranking producer, behind the United States, Venezuela, Iran and Saudi Arabia.

To arguments such as this, which add up to "We can't," Iranian officials reply simply, "You must." The $1 billion target has been assigned as the oil consortium's share of the second year of Iran's current $11-billion, five-year development plan. The oil firms, they say, must weigh the importance of maintaining the social and economic progress of a nation of 27 million against the attractions of doing business in tiny sheikdoms. If world production cannot expand, the Iranian officials say, it must be shifted.

On top of this, they warn that if Iran, a pillar of pro-Western stability since the CIA-aided overthrow of the oil-nationalizing Premier Mohammed Mossadeq in 1953, should legislate "participation" (their word for 50 per cent nationalization) of the oil consortium, what would keep the Arab states, many of whom are rabidly anti-Western, from doing the same or worse?

To the budget question, industry sources reply that the 1954 consortium agreement gave the government no right to set oil revenue levels. It did obligate the consortium—British Petroleum (40 per cent), Royal Dutch Shell (14 per cent), Gulf, Mobil, Jersey Standard, California Standard, and Texaco (7 per cent each), the French CFP (6 per cent) and Iricon, a combine of five smaller U.S. firms with a total of 5 per cent—to guarantee that its Iranian production would keep pace with the average growth of other oil producing areas.

To the threat of "participation," the industry's response is a question: Where would Iran find markets for the additional oil it hopes to produce?

The oil revenue issue first came to a head in 1968, first year of the current five-year plan. The Shah asked then for a 12 per cent increase, to meet a budget requirement of $865 million, with a total obligation of $5.9 million in oil revenues over the five years of the $11-billion development plan.

The 1967 increase had been a spectacular 22 per cent, largely because Iranian production filled the void left by Arab states' attempt to shut off the flow of oil to the West after the Arab-Israeli war. The 1968 result was about $850 million, some $15 million short of the government's target but a $100 million increase from 1967.

The Iranian government gets a 12.5 per cent royalty on every barrel of crude oil pumped by the consortium, and also levies a 50 per cent tax on the consortium. Since this tax is figured on 1960 "posted prices" that are far above current world prices, the industry figures it is paying the equivalent of an 80 per cent tax in Iran. U.S. firms, however, are able to deduct their share of all these taxes as a credit against their domestic tax liability.

At present, Iran and the consortium seem to be far apart. But independent observers feel that both sides have too much to lose to allow an open breach.

"Why," one asked, "would they want to kill the goose that lays the golden eggs?"

[From the Washington (D.C.) Post, May 12, 1969]

BOLIVIANS EYE FOREIGN OIL—CONTROVERSY INVOLVING GULF HOLDINGS MAY COME TO A HEAD

(By John M. Goshko)

LA PAZ, May 11.—The sudden death of President Rene Barrientos could bring to a boil the simmering controversy over the Gulf Oil Company's $141 million investment in Bolivia.

Gulf's extensive activities in the exploitation of Bolivian oil and natural gas have long been a source of irritation and resentment to Bolivian nationalists.

In recent months, their sniping against Gulf has increased in tempo because of neighboring Peru's action in expropriating the holdings of another American-owned oil firm, the International Petroleum Company.

Barrientos personally favored Gulf's continued operations, and stated that Gulf could not be touched because it was operating legally under agreements made with previous Bolivian governments.

SILES' VIEWS UNCLEAR

But the new president, Luis Siles, has not yet made clear his views on the matter. He is regarded in some circles as having considerable sympathy for the nationalist argument that all exploitation of natural resources should be under the control of the state.

In addition, Siles' grip on the presidency is far from secure, and there is always the possibility that he might seize on the time-worn tactic of attacking foreign "exploitation" as a means of diverting attention from his other problems.

Finally, presidential and congressional elections are scheduled for May, 1970. As the time approaches, there is certain to be an ample supply of politicians who see Gulf as a good campaign issue.

The controversy goes back to 1956 when the then Bolivian government, finding itself close to bankruptcy, promulgated a liberal petroleum code to lure foreign oil companies into explorations. About a dozen U.S. companies did come in, but Gulf was the only one to have any success, finding both oil and natural gas in eastern and southern Bolivia.

Today, Gulf dominates the Bolivian petroleum industry, producing about 12 million barrels of oil annually. Of this amount, about nine million barrels are exported to U.S. refineries through the northern Chile port of Arica.

SECOND TO TIN

As a result, Gulf's exports, together with those of the smaller Bolivian national monopoly, have put petroleum second only to tin as an earner of foreign exchange for Bolivia. During 1968, Bolivia's earnings from petroleum exports were $32.3 million.

In addition, Gulf and the Bolivian firm have recently concluded a joint-venture agreement for the construction of a 334-mile pipeline from the eastern Bolivia natural gas fields to the Argentine border to distribute natural gas in Argentina which will give Bolivia an estimated $340 million in gross revenues over the 20-year life of the contract.

Nationalists, however claim that Gulf's concessions give it the right to develop oil but not gas and that the company has no warrant to sell gas abroad.

ATTACKS IN PRESS

These arguments are hammered at repeatedly in an accelerating campaign of press attacks on the company. Hardly a day goes by, for example, without the publication of an anti-Gulf article or a cartoon depicting the company as an octopus.

Until now, Gulf has tried to stay on good terms with the government by allowing a whittling away of the liberal privileges that came with its original concessions and last year it voluntarily gave up its oil depletion allowance—a factor that boosted its annual tax payments to the government from about $6 million to $8 million.

But, despite such conciliatory gestures, most neutral observers here feel that public sentiment is running against the continued presence of foreign oil companies like Gulf.

Last year, for example, the government issued a decree forbidding the granting of further concessions for exploration or exploitation under the 1956 code. Moreover, the decree made the point that the government should begin intensive negotiations with foreign firms "to improve the participation of the state."

It is things such as this that convince most observers here that Bolivia is moving toward eventual state control of its oil resources and that Gulf's days here are numbered.

AROUND THE WORLD: OIL ROYALTIES INCREASED FOR COLOMBIA

BOGOTÁ.—A Gulf-Texaco oil consortium has agreed to increase its royalties to Colombia from 3 to 11.5 percent on oil taken from the new Orito oilfield, Colombian President Carlos Lleras announced yesterday.

The field, described as one of the richest in Latin America, went into production a few days ago and is producing 50,000 barrels daily, a volume expected to double within a few months. Experts said reserves have "yet to be measured."

Lleras also said the new agreement stipulates that the U.S. firms will turn over full control to Colombia of the 2.5-million-acre oilfield in the southwest of the country after 40 years instead of the original 70. He said the consortium made the agreement "showing cordiality, understanding and a spirit of justice."

IRANIAN OIL

TEHRAN.—Western oil companies operating in Iran opened talks with the government on Iranian demands to increase oil production and raise Iran's royalties "not less than $1 billion" this year.

The consortium of American, British, French and Dutch companies is reported to have offered a 12 percent increase in oil production plus low-interest credits. The Iranian demand amounts to a 16 percent increase over last year.

PRESIDENT NIXON'S COMMENCEMENT ADDRESS AT THE U.S. AIR FORCE ACADEMY

Mr. BYRD of Virginia. Mr. President, yesterday the President of the United States delivered the commencement address at the Air Force Academy.

His speech, I thought, was timely and well handled. While none of us will agree with every sentence, I feel he said some things which needed to be said.

I want to mention several paragraphs of the President's address, and then I will ask unanimous consent that the entire speech be published at the conclusion of my remarks.

The President rightly, I believe, took issue with those who "assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten."

The Senator from Virginia does not believe that the United States can police the world. I doubt the wisdom of our commitment to the defense of 44 different nations. But I agree with President Nixon that peace never will be attained if the United States weakens its forces.

I know of no evidence, nor apparently does the President, which justifies the opinion that American military strength blocks the road to peace.

In speaking to the members of the graduating class who today begin their careers as professional military officers, the President made this assertion:

> The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

This fits well with my own thinking and my own activity in recent days. I have defended the military from the condemnation it has received for carrying out policies imposed upon it by civilian leaders.

Yet, I have spoken somewhat harshly of the Department of Defense, particularly the Air Force, for what appears to me to be a careless handling, if not mismanagement, of tax dollars, particularly in regard to certain procurement contracts.

So, like the President, I feel the American Defense Establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

Near the conclusion of his speech the President brought out an interesting point when he said that since 1941, "this Nation has paid for 14 years of peace with 14 years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined."

Yes, the United States has been involved in three major wars during the past 25 years—counting World War II. I doubt that any other nation in history has been involved in three major wars in such a short period of time.

Americans yearn for peace; it is, I think, our Nation's foremost desire. I feel it is President Nixon's prime consideration.

I ask unanimous consent that the text of President Nixon's address delivered at the Air Force Academy yesterday be printed at this point in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the President at the Commencement Exercises at the Air Force Academy, June 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world derided as a form of militarism. It is important that you recognize that strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishments, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this area of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gain moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the distinguished Senator from Tennessee.

Mr. GORE. Under the Constitution, what responsibility does the Congress have with respect to the Armed Forces of the United States?

Mr. BYRD of Virginia. I think the Congress has a responsibility in regard to general policy. The President, as Commander in Chief, of course, has control over the Armed Forces.

Mr. GORE. Does not the Constitution provide and place upon the Congress the duty and responsibility for providing for the common defense and raising and supporting an army?

Mr. BYRD of Virginia. It certainly does. I think Congress, in many cases—not in this particular case, of which the Senator from Tennessee is speaking, but in many cases—Congress has surrendered its constitutional prerogatives.

Mr. GORE. Is there any way that the Congress can surrender its prerogative and duty of levying taxes and appropriating public funds?

Mr. BYRD of Virginia. I would certainly hope not.

Mr. GORE. Does the President have any power either to levy taxes or to appropriate public money?

Mr. BYRD of Virginia. The President has no such power.

Mr. GORE. Well, then, what would be the Senator's comment upon this statement in the President's speech:

> The question in defense spending is how much is necessary. The President of the United States is the man charged with making that judgment.

According to the Senator's answer to my interrogation, it is the responsibility of the Congress to make appropriations, to decide how much to appropriate, for what purposes, and to designate how it shall be used.

Mr. BYRD of Virginia. Of course, the Senator from Tennessee is correct in that assertion.

The President of the United States, however, is correct in what I believe he intended in that statement—that he has an obligation and responsibility to submit his views and submit a budget as to what he thinks is necessary to operate the Armed Forces of the United States.

That does not mean Congress will necessarily concur in those views.

I myself voted for substantial reductions in the military budget last year, when President Johnson was President. I expect to vote for cuts in the present budget. But that does not relieve the President of the United States from delivering a budget to the Congress.

Mr. GORE. I would agree with that, but that is not what the President said. The President said:

> The President of the United States is the man charged with making that judgment.

It seems to me that it is a little too fashionable around Washington these days to assume that only the President, or perhaps his Secretary of Defense, has responsibility with respect to the security of the country. I see the distinguished Senator from Mississippi (Mr. STENNIS) on the floor. It seems to me he has some responsibility with respect to a judgment as to the amount of money that should be appropriated for the armed services of the United States.

The security of the country is a matter for which responsibility is shared by Congress and by the President. Anyone who has served in the Congress, anyone who is an astute lawyer and a student of the Constitution, should recognize the responsibility of Congress in this matter.

I know that the President has many responsibilities. When the White House puts out the word that the President is going to make a major address to the Nation and the world on the role of the military and the policy of the United States, his remarks should be prepared with great care.

I read another sentence from the President's address:

> It is open season on the Armed Forces.

Now, in my view, that was an injudicious remark.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of Virginia. I ask unanimous consent that I be permitted to continue an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. "Open season" is a term that refers to a period of time when birds may be shot, when deer may be hunted with rifles. I am sure the President did not intend to say that anyone was trying to attack the military with weapons. It is not an open season; and I know of no Member of this body who regards the present period, or has regarded any period, as an open season on the military.

The distinguished Senator from Virginia has just stated that he expected to vote for reductions in the budget this year. I take it he intends to search out areas to identify what he considers to be waste and extravagance, and he may again call attention to such instances, as I have heard him do many times. When he does that, does the Senator think he is indulging in an open season upon the military?

Mr. BYRD of Virginia. I would say to the distinguished Senator from Tennessee that I do not think that any item in the budget submitted by any President is sacrosanct.

I think it is the responsibility of Congress to review carefully the budget that is submitted by a President, and to exercise its judgment in accordance with the way it views the general situation.

I do not interpret the President's remarks in the quotation the Senator from Tennessee read first in the same way that the Senator interprets his remarks. I interpret those remarks to mean that he has a responsibility—which I do think he has—as Commander in Chief and as Chief Executive of our Nation, to submit a budget.

Most Presidents, in my judgment, submit too large a budget. Certainly President Johnson did.

I might say, in that connection, since we are talking about budgets, that during the 8-year period of the Kennedy-Johnson administrations, Federal spending doubled.

I think that most of those budgets were too high, and I think the present budget can be reduced.

So, while I do not know exactly what the able and distinguished Senator from Tennessee is driving at, as far as I am concerned, as long as I have been in the Senate I have raised my voice whenever I felt it desirable to point out items in the budget that I felt should be reduced, and I expect to continue to do that.

I do not, however, deny to the President, whoever he might be, the right to submit his own budget recommendations. I think that is his responsibility.

Mr. GORE. Mr. President, I did not raise a question about the budget, or about the right of the President to make recommendations. I agree with the Senator that he has acted as he has described, and I fully anticipate that he will continue so to do, and so shall I. But I do not like my actions in that regard to be referred to as "an open season on the military."

I ask the distinguished Senator one thing further: Does he know of anyone who has attacked the cadets of the U.S. Air Force Academy? Does he know of a Senator or Representative who has leveled an attack against the senior class of the Air Force Academy?

Mr. BYRD of Virginia. I am not aware of any attack on the senior class at the Air Force Academy.

Mr. GORE. Nor am I. Yet the President says, in addressing the graduates:

> On the home front, you are under attack from those who question the need for a strong national defense.

Mr. President, I know of no one who has attacked the cadets, and I know of no one in the Senate who has questioned the need for a strong defense. I do not know what the President was talking about.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GORE. Will the Senator from Virginia yield me a moment further?

The President says further:

> Your critics—

Now, who are the critics of the cadets at the Air Force Academy? Members of this body appointed many of them. I have not heard of anyone criticizing them. I am saying that this was an intemperate speech made yesterday by the President of the United States.

He referred to unilateral disarmament. I know of no Member of this body or the other body who now advocates or has ever advocated unilateral disarmament. That is not the question at all.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield to the Senator from Louisiana.

Mr. LONG. Has the Senator ever heard of the Students for a Democratic Society?

The PRESIDING OFFICER. The time of the Senator from Virginia has expired.

Mr. LONG. I ask unanimous consent that the Senator have 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of Virginia. Yes, I have heard of that group.

Mr. LONG. Does he agree with me that they are about the scum of the earth?

Mr. BYRD of Virginia. I do not know whether I would use the same phraseology the Senator uses.

Mr. LONG. They are about the most contemptible people I know of. They are the most overprivileged group in this country. Is the Senator familiar with the fact that the parents of those people have put up the money to pay all their expenses, and buy soap for them, but they refuse to take baths? That they have put up the money to buy them razor blades, but they refuse to shave? That they have put up the money to buy food for those children, and they spend it on marihuana? They are the most sorry, contemptible, overprivileged people in the world, and I say that kind of people are a good element for the Communists to move in on.

Is the Senator familiar with the fact that some Senators have stood on this floor, some of them day after day, making speeches in favor of the SDS in connection with their part in the riots in Chicago last summer?

Mr. BYRD of Virginia. I have some familiarity with what the Senator is speaking of. I would say I am in disagreement with the SDS. I do not know that I would use the same phraseology in describing their activities, but I do not look upon them in favor.

Mr. LONG. I say to the Senator that if I had any influence—and I have very little around here—I would take those people out of college and put them in the penitentiary at hard labor, and I would not encourage them, or say that the way to stop their rioting and tearing down the flag and burning it is to yield to their demands. I would throw them out of school and put them in the Army or put them in jail. I would not give them the opportunity to just lie around in a jail bed all day long. I would put them out there on a rock pile, to do hard work or get shot.

Mr. BYRD of Virginia. Speaking of getting thrown out of school, I thought it rather significant and interesting that at Cornell, the president of the university has been thrown out.

He lost his job because of the way that he permitted the students at Cornell to arm themselves with shotguns and rifles to take over the buildings, and then he made an agreement with them to capitulate to all their demands, even to the extent of agreeing that he would not reprimand them.

So as a result of that action, while the students were not thrown out—and I think they should have been thrown out, when, with shotguns and rifles, they take over an administration building—the president of the university himself has been thrown out by those mature members of the faculty and trustees who realize you can have only chaos when you have administrators of that type.

Mr. LONG. Is the Senator aware of the fact that the SDS was the outfit that waged that riot in Chicago in August, and that we have had Senators on this side of the aisle, one in particular, making speeches encouraging that kind of people in that kind of activities?

Mr. BYRD of Virginia. The Senator from Virginia was not at Chicago.

Mr. LONG. Well, I was there. I knew what it was like. They put enough stink bombs inside the elevators so that any time you came in and went out, you thought you had been to a place to relieve yourself, and you carried a smell with you wherever you went that lasted for hours after you went in and out of your hotel. I survived that. I saw them do those kinds of things, and I saw them assault the police, and then I heard Senators stand on this floor making speeches in favor of that bunch, sometimes day after day. I saw them commit their crimes, and I saw the police; in fact, I went up and shook the hands of the policemen and thanked them for protecting my life.

There are Senators who make speeches giving aid and comfort to those people.

I think that kind of people ought to be in jail.

When the President of the United States chose not to give aid and comfort to that kind of people, he made this speech to those young people who have volunteered to give their lives to their country.

I do not claim to be an astute lawyer. My name is on the school building where I went to school. That is an indication that I was a fairly good student. I was an associate editor of the Law Review.

I know, however, of those who are intellectual perverts. I have seen some of that kind of people go to the Supreme Court. One has resigned.

I applaud the Senator from Virginia for having printed in the Record the speech delivered to those who have volunteered to go beyond the call of duty.

I point out that when one volunteers to go in the first boat to go ashore against the enemy, he had better not tell his crew or he will be shot from the rear.

If one had that kind of experience, he would applaud the kind of speech that the President made. I suppose that I am an outdated war veteran. The sort of old fashioned patriotism that appeals to the Senator from Louisiana seems to appeal also to the Senator from Virginia.

The kind of riots which have been permitted to take place at the eastern colleges have not been permitted to occur at the old war school where I achieved two degrees.

That school was closed when General Sherman was the president of the university at the time the States went to war. He resigned to become general of one of the northern armies. He was a great general, and he would have been President of the United States had he been willing to run for that office.

General Sherman resigned to fight for the Union States and to do his duty as he saw it. The entire cadet corps quit school to go to war for the Confederate States. They then had to close the war school. Every one quit.

As I say, I applaud the President's speech. I do not claim to be an astute lawyer. Although you can find my name inscribed on the law school building, I do claim to have some old-fashioned patriotism.

Mr. BYRD of Virginia. The Senator from Louisiana is both an astute lawyer and an astute Senator.

Mr. LONG. I applaud the distinguished Senator from Virginia for having the speech printed in the Record.

Mr. BYRD of Virginia. Mr. President, I thank the Senator from Louisiana.

I think that what President Nixon is concerned about as reflected in his speech of yesterday, and what many Americans should be concerned about, is the future of our military organization.

Those Senators who have served with me in the last 3½ years are aware that I have been at times very critical of the Defense Department.

I think one of the great tragedies of the many tragedies of the Vietnamese war is the fact that the war was run by civilian leadership from Washington. As a result, the war was prolonged and the casualties increased.

Another result of that action has been that the public has tended to lose confidence in our military leaders. Yet, it was not the military leaders who laid down the policies under which our soldiers and airmen have had to fight.

I frankly feel it was a great error in judgment to become involved in a ground war in Asia.

But this Nation did become involved, and it was the policy of the Government to have the decisions made by the then Secretary of Defense, Mr. Robert S. McNamara. And his policy was to conduct what he called a limited war.

It has been limited in the sense that it has not gone much beyond the boundaries of South Vietnam. It has hardly gone to the boundaries of North Vietnam.

But it has not been limited insofar as the American people are concerned.

It has not been limited so far as those 2,100,000 Americans who have been sent to Vietnam to fight the war; 2,100,000 Americans have done duty in Vietnam since this war was started. It has not been limited for them.

I want to mention again the casualties, as I have been doing almost every week for 3½ years.

This Nation has suffered great casualties in Vietnam.

Since the bombing of North Vietnam was stopped on last April 1—April 1, 1968—by President Johnson, a period of 14 months, the United States has suffered 112,000 casualties.

That is 43 percent of all the casualties that our Nation has suffered during the tragic history of this long war. Of the total casualties, 14,000 were killed and 98,000 wounded.

Mr. GORE. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I yield.

Mr. GORE. Mr. President, I just read on the Associated Press ticker that 261 Americans were killed in Vietnam last week. More than 1,800 were wounded. I would like to suggest to the able Senator from Virginia that the military services are doing a magnificent job in saving the lives of the wounded. Except for the rapid evacuation and the competent medical care that our wounded servicemen are receiving, the ratio between killed and wounded would be much more unfavorable.

I applaud the armed services for providing this rapid evacuation and this efficient medical care.

I have not made any reference to the SDS, and I do not now wish to do so. I am not acquainted with any person, so far as I know, who is now a member of the SDS or who has ever been a member of SDS. I do not know exactly what point that has in the colloquy.

What I rose to suggest to the Senator, in line with the statistics which he is keeping, was that he will find that since January 19, 5,722 American soldiers and servicemen have been killed in Vietnam and approximately 32,000 have been wounded according to the latest reports, as of the end of the previous week.

When the casualties of the present week, assuming they continue, are added, it will bring the total casualties since January 19 to approximately 40,000.

When we are now locked in a tragic war such as this, I think it is regrettable that the President of our country would make an intemperate and injudicious speech, raising questions by innuendo as to the motives and the patriotism of Members of the Senate who have raised critical questions with respect to the military, with respect to its extravagant use of funds, and with respect to the deployment of new but highly questionable missile systems.

I do not wish to impose upon the time of the Senator from Virginia, but I should like to read, if he will be so kind as to permit me to do so, two additional sentences from the President's speech. He refers to some who follow a particular school of thought. I do not know whether he wishes to attribute to me that school of thought or not; he does not say; neither does he fully describe or identify it. But he says:

> They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise.

I know of no Member of the Senate, either serving now or who has ever served in the Senate, who has ever taken such a position or who now takes such a position. Here is the second sentence:

> They—

Who is "they"? No Member of this body. But:

> They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Is there anyone in this body who entertains such a view?

I do not wish to trespass further upon the Senator's time. I wish to suggest to him that I prepared an address with respect to the Midway conference in which I propose to uphold the President's hand as he goes to Midway—as unwise as the decision to go there appears.

The speech about which we have been in colloquy is an ill omen; but I hope it was what I judge it to be—a speech to the preparation of which the President did not give very much personal attention.

I shall not ask the Senator to yield further, but I invite him to listen to my speech later, in which I will make some remarks with respect to Vietnam.

The PRESIDING OFFICER (Mr. Hughes in the chair). The time of the Senator has expired.

Mr. BYRD of Virginia. Mr. President,

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I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BYRD of Virginia. I shall yield in a moment.

I always enjoy listening to the distinguished senior Senator from Tennessee, and I shall listen to him with interest this afternoon, when he delivers his address to the Senate. He always has a contribution to make to the thinking of this body.

I do not interpret President Nixon's address the same way in which the distinguished Senator from Tennessee interprets it. Of course, each individual is privileged to interpret any speech the way he wishes to interpret it.

I do not regard the speech as intemperate or injudicious.

I do not recall the President indicating an intention to refer to Members of the Senate. Perhaps some felt it was directed at them. I do not know anything about that.

The President of the United States was addressing the cadets of the Air Force Academy, and he was expressing his alarm and concern at the fact that our military organization has been brought into some jeopardy, primarily as a result of the Vietnam war.

Although he may not have mentioned it, I would think that the reason for this jeopardy is that the war has been fought in a way that has prolonged it and has increased the casualties. But that has not been the fault, as I see it, of the professional military people; because they were operating under policies and under procedures laid down by a civilian Secretary of Defense in Washington.

I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, might I say to the Senator from Virginia that I heard the speech. It was my good fortune that the distinguished senior Senator from Tennessee was willing to preside at a hearing where I was the chairman, and he did a magnificent job, as he always does. I saw this as an opportunity to slip out and go to the Senate gym and get a little exercise, enjoy a moment's swim, and a massage on my head, because my hair keeps falling out.

While this was going on, the boys in the gym turned on the speech on the radio, and it sounded magnificent. It never occurred to me that the Senator from Tennessee would find it necessary to defend himself against that speech.

I just happened to hear the speech. I did feel that a couple of things in that speech sounded as though the President was talking about folks like me, who volunteered to fight for the country, and proudly did so. That would come as no surprise to a man from Tennessee, which is known as the Volunteer State—I suppose because Andy Jackson came from there.

Mr. GORE. No. I want to educate my friend, the Senator from Louisiana. Tennessee is called the Volunteer State because in one conflict after another in which our country has been involved, a larger percentage of our sons have volunteered than from any other State.

Mr. LONG. The University of Tennessee would have difficulty beating the Louisiana State University, because 100 percent of the latter volunteered. That is hard to beat. We gave the North their most efficient generals, without whom they never would have won the war. Everybody else fought for the Confederacy. So we fought both sides of it courageously and efficiently.

It sounded to me as though the President was talking about the old-fashioned patriotism that seemed to be common to Andy Jackson and the Louisiana Tigers.

I regretfully say that even though we are willing to fight, we have not been able to defeat the Tennessee football team only once in our history. Even when we had the No. 1 team in America, we were not able to beat them, although I must confess that we got some bad calls from the referee that day. [Laughter.]

I do not believe anything in the President's remarks refers to the Senator from Tennessee. He had someone else in mind.

Mr. GORE. Who?

Mr. LONG. I think he had people in mind like the Students for a Democratic Society; the overprivileged group, the people who pay for them to go to college; and they spend their time giving aid to our enemies in Vietnam, rather than trying to get an education, and spend their time hauling down the American flag and burning it in shame, rather than volunteering to fight for the United States.

I admire the boys from Canada who come to fight for this country, rather than those who go to Canada to avoid fighting for this country, or who stay in school forever to avoid putting on a uniform. I think we should repeal the draft exemption which permits these young fellows to avoid their duty.

In my judgment, half the protest movement is an inner reaction of people who do not realize that they are cowards. They have been encouraged by the women in their families and by the girls they go with not to fight for their country. So they drape the white cloth of humanitarianism across their yellow stomachs, and then they proceed to pretend it is an immoral war, a dishonorable war, and so forth.

It is too bad that people have to do that; but I think it is a psychiatric situation, and in my judgment, somebody could straighten them out. The first move should be to put them in the penitentiary, where you can work on them. Even so, those people should not be encouraged to do that kind of thing.

I think the President chose the right audience when he chose men who volunteered to fight for their country. My impression is that that tradition is not uncommon in the State of Virginia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. There have been many, such as Patrick Henry, who said, "Peace, but there is no peace." He seemed to be aware of the fact that somebody was fighting in Boston, and he thought the people in Virginia should take up arms and join their friends in Massachusetts to fight for a common cause. He said, "Give me liberty or give me death."

He was not smoking marihuana when he made that speech. That man was speaking for the kind of patriotism which is common in Virginia. A man named Thomas Jefferson came from that State. The Red Coats almost caught him at Monticello, and he was lucky enough to escape. Mr. President, what do you think they would have done to Thomas Jefferson if they had caught him? They would have hanged him if he was lucky. Otherwise they would have chopped his head off and been on their way.

Virginia has produced men like George Washington, Thomas Jefferson, Patrick Henry, James Madison, and James Monroe. Some of the Byrds have been volunteers. They have not been afraid to fight for their country.

Mr. BYRD of Virginia. I am proud of all those men that the Senator has mentioned who were born in Virginia, but I am equally proud of Louisiana because my wife was born there.

Mr. LONG. I thank the Senator. The Long people migrated through Virginia on the way to Louisiana, and I am proud to represent the State that produced the wife of the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, in conclusion, I am glad that the Senator from Tennessee inserted in the RECORD the casualty figures dating from the early part of January. The figures show casualties totalling roughly 37,000 killed and wounded.

I think it is so vitally important that our Government have a sense of urgency in bringing this war to a conclusion.

I believe in this regard that the Paris peace talks, which have been going on for over a year now, including preliminary talks, have tended to lull the American people into a false sense of security. They are not aware of the tremendous casualties that have occurred in the last 14 months since the talks first began.

During that same period of time, from April 1 of last year to this date, 43 percent of all U.S. casualties have occurred; and that is the same period of time our government was attempting to show good faith by curtailing and eliminating all bombing of North Vietnam.

Therefore, I think our Government, under both President Johnson and President Nixon, has gone a long way in trying to show good faith. But the enemy does not respond to the good intentions, U.S. casualties continue.

It is important that the American people realize this.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF CERTAIN FACILITIES PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), reporting on the location, nature, and estimated cost of certain facilities projects proposed to be undertaken for the Air Force Reserve, to be accomplished within the uncommitted balance of lump sum authorization provided by the Reserve Forces Facilities Acts; to the Committee on Armed Services.

REPORT ON AMOUNT OF EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ISSUED IN APRIL 1969 IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Office of the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in April 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

REPORT ON PRINCIPAL NATURAL GAS PIPELINES IN THE UNITED STATES, 1968

A letter from the Chairman, Federal Power Commission, transmitting, under separate cover, a map of "Principal Natural Gas Pipelines in the United States"; to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on savings by routing cargo through the military port at Subic Bay in the Republic of the Philippines, dated June 2, 1969 (with an accompanying report); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

ADJUSTMENT OF STATUS OF JOSE MORENO AND MARIA MORENO

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a copy of an order relating to the adjustment of the status of Jose Moreno and Maria Moreno (with an accompanying paper); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AUTHORIZE APPROPRIATIONS FOR THE HIGHWAY BEAUTIFICATION PROGRAM FOR FISCAL YEAR ENDING JUNE 30, 1971

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the highway beautification program for the fiscal year ending June 30, 1971 (with accompanying papers); to the Committee on Public Works.

PROPOSED LEGISLATION TO PROVIDE FOR THE CONTINUATION OF PROGRAMS AUTHORIZED UNDER THE ECONOMIC OPPORTUNITY ACT OF 1964

A letter from the Director, Office of Economic Opportunity, transmitting a draft of proposed legislation to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964 (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED LEGISLATION TO PROVIDE A FORMULA FOR APPORTIONMENT OF STATE AND COMMUNITY HIGHWAY SAFETY FUNDS FOR FISCAL YEAR 1970 AND THEREAFTER

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide a formula for apportionment of State and community highway safety funds for fiscal year 1970 and thereafter (with accompanying papers); to the Committee on Public Works.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By Mr. PASTORE (for himself and Mr. PELL):

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Commerce:

"H. 1660

"Resolution memorializing Congress with respect to the adoption of a standard, year round daylight saving time program

"Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to make such amendment to the federal law so as to permit a standard, year round daylight saving time program.

"Resolved, That the secretary of state be and hereby is requested to transmit to the senators and representatives from Rhode Island in the Congress of the United States only, certified copies of this resolution in the hope that each will use every endeavor to influence a favorable action by Congress upon this matter."

"AUGUST P. LA FRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Interior and Insular Affairs:

"H. 1860

"Resolution memorializing Congress to establish a national cemetery in Glocester, R.I.

"Whereas, Rhode Island, one of the most densely populated states in the country, has no national burial facilities; and

"Whereas, Adequate and proper burial facilities for Rhode Island's honored veterans are badly needed and earnestly desired; and

"Whereas, In every other region of the country there are at least four national cemeteries, but in New England there are none; and

"Whereas, It is grossly unfair that the New England area which gave birth to this nation and particularly Rhode Island, the first of the original American colonies to formally renounce allegiance to Great Britain, remains without a national cemetery; and

"Whereas, The historically rich state of Rhode Island, which has contributed so much to the greatness of this nation, should be permitted a national cemetery within its boundaries; now therefore be it

"Resolved, That the general assembly of Rhode Island and Providence Plantations hereby respectfully requests congress to enact such appropriate legislation to establish a national cemetery in Glocester, Rhode Island so that veterans can be properly laid to rest in a cemetery befitting their service to this country; and be it further

"Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in the congress of the United States in the hope that they will give this matter their personal attention.

"AUGUST P. LAFRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on the Judiciary:

"S. 624

"Resolution memorializing Congress to enact H.R. 165, a bill amending the immigration quotas

"Whereas, In 1965 congress enacted an immigration law to resolve some inequities in the immigration system; and

"Whereas, The new law, in attempting to eliminate the discrimination of the old national origins quota law, has now created a new class of unfair immigration policies; and

"Whereas, In order to resolve the inequities of this present discriminatory law congress now has before it for consideration H.R. 165, commonly known as the 'Ryan Bill;' and

"Whereas, The 'Ryan Bill' provides in substance that any country whose immigration has dropped below seventy-five per cent (75%) of its yearly average during the ten years base period from 1956 to 1965 be allocated additional places in excess of the worldwide quota sufficient to bring its total to 75 per cent of the base period average; and

"Whereas, Said Bill also provides that notwithstanding the above states provisions no country shall be alloted more than 10,000 places; and

"Whereas, The aim of this Bill is to resolve a discriminatory practice of the United States government; now therefore be it

"Resolved, That the state of Rhode Island and Providence Plantations through its general assembly, now requests the congress of the United States to enact H.R. 165 to remove the inequities of the immigration laws; and be it further

"Resolved, That the senators and representatives from Rhode Island in said congress be and they are hereby earnestly requested to use concerted effort to enact the so-called "Ryan Bill," to delete discriminatory practices of the immigration system; and the secretary of state is hereby authorized and directed to transmit duly certified copies of this resolution to the senators and representatives from Rhode Island in said congress.

"AUGUST P. LA FRANCE,
"Secretary of State."

A resolution adopted by the General Assembly of the State of Rhode Island; to the Committee on Public Works:

"S. 408

"Resolution memorializing Congress to act upon an amendment of Public Law 89–272 of the 89th Congress entitled 'Solid Waste Disposal Act'

"Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to act favorably on an amendment to Public Law 89–272 providing for the inclusion of construction funds in the appropriation under the 'Solid Waste Disposal Act' and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit to the senators and representatives from Rhode Island in Congress of the United States duly certified copies of this resolution in the hope that each will use every endeavor to have favorable action taken by the Congress on this matter.

"AUGUST P. LA FRANCE,
"Secretary of State."

XUM

By the PRESIDING OFFICER:

Three House joint memorials adopted by the Legislative Assembly of the State of Oregon; to the Committee on Agriculture and Forestry:

"House Joint Memorial 3

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the Fifty-fourth Legislative Assembly of the State of Oregon created an Interim Committee on Public Lands to study, among other subjects, the role of this state in the management of public lands; and

"Whereas the Interim Committee on Public Lands conducted extensive hearings and commissioned a study regarding forest management goals and objectives; and

"Whereas the Interim Committee on Public Lands found that forest yields can be increased dramatically through application of intensive forest management techniques such as fertilization, genetic improvement, and thinning; and

"Whereas the Interim Committee on Public Lands concluded that intensive forest management practices are not now being applied to public forests because current federal laws remove from this state a part of the income from forest operations which should be retained within the state for investment in forest roads and improved forest management; and

"Whereas the Interim Committee on Public Lands determined that achievement of intensive management practices on public forests depends upon retaining within this state sufficient income from timber sales and other forest operations to invest in and fund progressive forestry practices; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to make available to the United States Forest Service a fixed percentage of the revenue from National Forest lands for investment in intensive forest management practices and roads in order to increase the productivity of the National Forests.

"(2) The Chief Clerk of the Oregon House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress, and ot each member of the Oregon Congressional Delegation.

"Adopted by House April 10, 1969.

"Winton L. Hunt,
"Chief Clerk of House.
"Robert F. Smith,
"Speaker of House.

"Adopted by Senate April 25, 1969.

E. D. Potts,
"President of Senate."

"House Joint Memorial 14

"To the Honorable Senate and the House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

"Whereas the federal Wholesome Meat Act and the Wholesome Poultry Products Act prohibit interstate shipment and sale of state inspected meats and poultry even though such meats and poultry are produced under inspection programs which are determined to be equal to federal standards; and

"Whereas foreign produced and inspected meats are permitted to be shipped and sold in interstate commerce if on a par with federal standards; and

"Whereas the adequacy of surveillance over foreign programs and plants approved for importation of meat into this country is subject to question and much more difficult to maintain than is surveillance over state inspection programs; and

"Whereas the law provides a double standard, one for foreign countries and one for the several states of the United States, which is inequitable and does not adequately protect the consuming public, and works to the serious disadvantage of Oregon's valued and important livestock and meat processing industries; now, therefore,

"Be It Resolved by the Legislative Assemby of the State of Oregon:

"(1) The Congress of the United States is memorialized to amend the existing Wholesome Poultry and Wholesome Meat Acts to permit the interstate shipment of Oregon inspected meats and poultry which meet federal inspection standards.

"(2) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of Congress, to each member of the Oregon Congressional Delegation, and to the administrator of the Consumer and Marketing Service of the United States Department of Agriculture.

"Adopted by House February 28, 1969.

"Winton L. Hunt,
"Chief Clerk of House.

"Robert F. Smith,
"Speaker of House.

"Adopted by Senate April 29, 1969.

E. D. Potts,
"President of Senate."

"House Joint Memorial 24

"To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

"We, your memorialists, the Fifty-fifth Legislative Assembly of the State of Oregon, respectfully represent as follows:

"Whereas the estimated inventory of western Oregon alder timber resources is 10 billion board feet; and

"Whereas the 1967 harvest presently is estimated at 42.2 million feet from the federal, state and private timber lands; and

"Whereas the existing milling capacity is estimated at 75.25 million board feet annually and would afford a $3,600,000 annual payroll. All but three of these mills are located in rural areas; and

"Whereas the existing mills are frequently out of production because of a shortage of logs due to lack of available timber to meet their requirements; and

"Whereas approximately 75 percent of the alder timber reaching the market comes from private timber lands in spite of the fact that 50 percent of the total volume grows on public lands of the United States Forest Service, Bureau of Land Management, and State of Oregon lands; and

"Whereas the State of Oregon lands administered by the State Board of Forestry have provided more than their share of available alder timber as compared with their much smaller inventories of alder timber than the federal agencies, Bureau of Land Management and United States Forest Service, and have converted these lands by planting to a higher producing coniferous timber; and

"Whereas the estimated annual growth of alder on all lands of the western Oregon area is approximately 200 million board feet on perpetual sustained yield cutting; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to direct the Secretary of Agriculture and the Secretary of the Interior to direct the United States Forest Service and the Bureau of Land Management, respectively, to establish an annual harvest volume for alder and other hardwood timber on the lands under their jurisdiction.

"(2) A workable hardwood management program should be evaluated and established by the United States Forest Service and the Bureau of Land Management in conjunction with their current conifer management program.

"(3) Immediate action should be taken by the Secretary of Agriculture to add a member of the Northwest hardwood industry to the Pacific Northwest Advisory Committee to the Regional Forester to the end that such a knowledgeable member would assist the Committee in a review of hardwood timber sales procedures through competitive bidding on federal lands.

"(4) The Chief Clerk of the House of Representatives shall send a copy of this memorial to the presiding officer of each house of the Congress and to each member of the Oregon Congressional Delegation.

"Adopted by House April 10, 1969.

"Winton L. Hunt,
"Chief Clerk of House.

"Robert F. Smith,
"Speaker of House.

"Adopted by Senate April 25, 1969.

"E. D. Potts,
"President of Senate."

A House joint memorial adopted by the General Assembly of the State of Colorado; to the Committee on Appropriations:

"House Joint Memorial 1004

"Memorializing the Congress of the United State to appropriate sufficient funds to construct the Mount Carbon Dam

"Whereas, The United States Army Corps of Engineers has recommended the construction of a flood control project at the Mount Carbon site on Bear Creek, east of the Town of Morrison, in the County of Jefferson, and the State of Colorado; and

"Whereas, There have been twenty-two floods on Bear Creek between the Town of Morrison and the South Platte River in the Denver Metropolitan area since 1900, the most recent of which have been in 1957, 1958, and 1965; and

"Whereas, Said floods have caused forty-five deaths and massive destruction to property; and

"Whereas, Due to unusually heavy rainfall in the last two days, Bear Creek is running over its banks, and, as a result thereof, the Denver Metropolitan area is again being threatened with the possibility of being struck by a flood; and

"Whereas, The cost of the construction of the Mount Carbon Dam is far outweighed by the cost of the destruction which is caused by a major flood of the Denver Metropolitan area; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-seventh General Assembly of the State of Colorado, the Senate concurring herein:

"That the Congress of the United States is hereby respectfully, but urgently requested to appropriate sufficient funds to construct the Mount Carbon Dam in Jefferson County, Colorado.

"Be It Further Resolved, That a copy of this Memorial be transmitted to the President and Vice-President of the United States, the Speaker of the House of Representatives of the United States, and the members of Congress from the State of Colorado.

"John D. Vanderhoof,
"Speaker of the House
of Representatives.

"Morraine Lombardi,
"Chief Clerk of the House
of Representatives.

"Fay DeBuard,
"President pro tempore
of the Senate.

"Comfort W. Shaw,
"Secretary of the Senate."

A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on **Appropriations:**

"HOUSE JOINT RESOLUTION 125

"A resolution to memorialize the Congress of the United States to approve the appropriations contained in the Second Supplemental Appropriations bill for the fiscal year 1969, relative to Section 235, Section 236 of the Housing and Urban Development Act of 1968

"Whereas, the Ninetieth Congress of the United States, passed the Housing and Urban Development Act of 1968, which contained appropriations in the sum of Seventy-Five Million Dollars for Section 235, low income home purchase program and Seventy-Five Million Dollars for Section 236, low income rent program; and

"Whereas, of the sums appropriated for the fiscal year 1968, under the Housing and Urban Development Act of 1968, only Twenty-Five Million Dollars has been released for each such program; and

"Whereas, the Twenty-Five Million Dollars released for each such program under the Act was sufficient to establish only a pilot program, the primary programs under the Act being inoperative due to the lack of sufficient funds, and

"Whereas, the primary provisions contained in the Housing and Urban Development Act of 1968, are in need of immediate implementation to relieve the critical shortage of adequate housing for our low income citizens;

"Now, therefore, be it resolved by the House of Representatives of the Eighty-Sixth General Assembly of the State of Tennessee, the Senate concurring, That by this Resolution we memorialize the Congress of the United States to approve the appropriations contained in the Second Supplemental Appropriations bill for the fiscal year 1969, relative to Section 235, Section 236 of the Housing and Urban Development Act of 1968; and

"Be it further resolved, That copies of this Resolution be forwarded to the President of the Senate, Speaker of the House of Representatives, the House Appropriations Committee, the Sub-committee on Independent Offices and Department of Housing and Urban Development of the Congress of the United States, and Home Builders Association of Tennessee, and the National Association of Home Builders in Washington, D.C.

"Adopted: May 9, 1969

"WILLIAM L. ———,
"*Speaker of the House of Representatives.*

"FRANK C. GORRELL,
"*Speaker of the Senate.*

"Approved: May 9, 1969.

"BUFORD ELLINGTON,
"*Governor.*"

A Senate memorial adopted by the Legislature of the State of Florida; to the Committee on Banking and Currency:

"SENATE MEMORIAL No. 504

"A memorial to the Congress of the United States to amend title 12, U.S. Code, section 548, to allow the State of Florida to collect sales and use taxes, documentary stamp taxes, and intangible taxes from national banks

"Whereas, a three-judge United States District Court for the Northern District of Florida, in the case of The First National Bank of Homestead and Okaloosa National Bank at Niceville, v. Fred O. Dickinson, Jr., Comptroller of the State of Florida, and The Florida Revenue Commission and J. Ed Straughn, Director of Revenue, State of Florida, enjoined the above-named Defendants from levying, assessing or collecting (a) sales and use taxes levied on goods, services and rentals purchased by Plaintiffs, (b) intangible personal property taxes on mortgages owned and recorded by Plaintiffs, and (c) documentary stamp taxes on notes, mortgages, or other evidences of debt held by Plaintiffs, and on shares of stock and capital debentures issued by Plaintiffs, and

"Whereas, the Comptroller of the State of Florida requested Honorable Earl Faircloth, Attorney General of the State of Florida, to prosecute an appeal of the decision of the United States District Court, which appeal was filed in the United States Supreme Court, and

"Whereas, the United States Supreme Court, in a memorandum decision on January 20, 1969, affirmed the judgment of the United States District Court for the Northern District of Florida, and

"Whereas, a petition for rehearing was filed by the Attorney General of the State of Florida, at the request of the Comptroller of the State of Florida, which petition was denied by the United States Supreme Court on February 25, 1969, and

"Whereas, the Comptroller of the State of Florida requested an opinion from the Attorney General of the State of Florida as to the applicability of the decision in the case of Dickinson, Comptroller, v. First National Bank of Homestead to state banks and received on March 14, 1969, the Attorney General's opinion to the effect that "by virtue of Section 192.54, Florida Statutes, State of Florida chartered 'banks, trust companies and Morris Plan banks' enjoy this same immunity," and

"Whereas, the effect of the decision of the United States Supreme Court will cost the State of Florida millions of dollars annually in total revenue at a time when Florida is facing record-breaking requests for funds to support public services, and

"Whereas, the Directors of the Florida Banker's Association have urged their congressional representatives to close up a loophole which exempts them from paying state sales taxes, documentary stamp taxes, and intangible property taxes, and

"Whereas, the Cabinet of the State of Florida on February 4, 1969, unanimously adopted a resolution to be delivered by the Comptroller of Florida to the Congressional delegation of Florida, urging Congress to act to amend Title 12, U.S. Code, Section 548, and

"Whereas, a bill entitled H.R. 9794 was offered in Congress on April 1, 1969, by the Florida delegation, to clarify the liability of national banks for certain taxes, as follows: "sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes," and

"Whereas, the Legislature of the State of Florida is acutely aware and concerned with the need for additional revenues necessary to finance the ever increasing responsibilities and needs of a fast growing state, and

"Whereas, the loss of any tax revenue would seriously affect the ability of the state to meet its growing financial requirements and commitments, and

"Whereas, immediate action is urgently needed so as to clearly allow the levy and collection of sales and use taxes, documentary stamp taxes, and intangible taxes from national banks, now, therefore, be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States is hereby requested to adopt the bill introduced by the Florida delegation in the House of Representatives which provides as follows: 'A national bank has no immunity from any sales tax, use tax, personal property taxes, intangible personal property taxes, and documentary stamp taxes which it would be required to pay if it were a bank chartered under the laws of the State or other jurisdiction within which its principal office is located.'

"Be it further resolved that copies of this memorial be dispatched to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

"Filed in Office Secretary of State May 27, 1969.

"TOM ADAMS,
"*Secretary of State.*"

A Senate memorial adopted by the Legislature of the State of Florida; to the Committee on Government Operations:

"SENATE MEMORIAL 1102

"A memorial to the Congress of the United States requesting transfer of certain federal property in Avon Park to the State for continued use as a state correctional institution

"Whereas, the State of Florida, through the Division of Corrections, has been operating the Avon Park Correctional Institution since April, 1957, on lease from agencies of the Federal Government, and

"Whereas, continuous efforts have been made to obtain this property on a permanent basis, and

"Whereas, the State of Florida has expended in excess of seven hundred fifty thousand dollars ($750,000) to maintain this property since April, 1957, and

"Whereas, the maintenance has prevented the institution from deteriorating and rather than depreciating in value its value has actually appreciated, and

"Whereas, the property has been declared surplus by the Federal Government and made available for sale to the State of Florida, and

"Whereas, the General Services Administration of the Federal Government has placed a valuation of six hundred fifty thousand dollars ($650,000) on the property, and

"Whereas, the appraiser contracted by the State of Florida has placed a valuation of three hundred three thousand five hundred dollars ($303,500) on this property, and

"Whereas, the State of Florida vitally needs this property in order to house seven hundred twenty (720) inmates of its correctional system, and

"Whereas, the location of an institution on the Avon Park Bombing Range serves the Air Force and other agencies stationed on this base, now, therefore, be it resolved by the Legislature of the State of Florida:

"That the Congress of the United States be and it is hereby requested to transfer and donate that portion of the Avon Park Bombing Range located in Polk County, Florida, which has been declared surplus to the needs of the Federal Government, to the State of Florida for use by the Florida Division of Corrections as a correctional facility.

"Be it further resolved that copies of this Memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

"Filed in Office Secretary of State May 27, 1969.

"TOM ADAMS,
"*Secretary of State.*"

A resolution adopted by the Council of the City of Pittsburgh, Pa., memorializing the President of the United States to reconsider the anti-ballistic-missile plan; to the Committee on Armed Services.

A resolution adopted by the Retired Officers Club of Long Island, praying for enactment of a bill in favor of pay equalization for retired officers of the armed services; to the Committee on Armed Services.

A resolution adopted by the German-American National Congress, Inc., praying for a just peace and reunification of Germany; to the Committee on Foreign Relations.

A resolution adopted by the New Jersey State Federation of Women's Clubs, dealing with prayer and Bible reading; to the Committee on the Judiciary.

A petition for redress of grievances, submitted by the Universal Exchange for All People, the Peacemaker, praying for enactment of legislation creating the Universal Exchange Corp.; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

H.R. 7206. An act to adjust the salaries of the Vice President of the United States and certain officers of the Congress (Rept. No. 91–226).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1708. A bill to amend title I of the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), and for other purposes (Rept. No. 91–227).

AMENDMENT OF TARIFF SCHEDULES OF THE UNITED STATES SO AS TO PREVENT PAYMENT OF MULTIPLE CUSTOMS DUTIES BY U.S. OWNERS OF RACEHORSES PURCHASED OUTSIDE THE UNITED STATES—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (REPORT NO. 91–225)

Mr. LONG. Mr. President, from the Committee on Finance, I report favorably, with an amendment, the bill (H.R. 4239) to amend item 802.30, Tariff Schedules of the United States, so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside of the United States, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Tennessee (Mr. Gore).

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Louisiana.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (for himself and Mr. Percy):

S. 2305. A bill to extend the time for the initiation and completion of construction of an additional bridge across the Mississippi River by the Rock Island Bridge Commission; to the Committee on Public Works.

By Mr. HRUSKA:

S. 2306. A bill to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes; to the Committee on Finance.

(See the remarks of Mr. Hruska when he introduced the above bill, which appear under a separate heading.)

By Mr. FANNIN:

S. 2307. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; and

S. 2308. A bill to amend title 38, United States Code, in order to provide for the payment of an additional amount of up to $100 for the acquisition of a burial plot for the burial of certain veterans; to the Committee on Finance.

By Mr. TOWER:

S. 2309. A bill to establish the Amistad National Recreation Area in the State of Texas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Tower when he introduced the above bill, which appear under a separate heading.)

By Mr. GURNEY:

S. 2310. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title; to the Committee on Finance.

(See the remarks of Mr. Gurney when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 2311. A bill to amend the act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT (for Mr. Case) (for himself, Mr. Gravel, and Mr. Moss):

S. 2312. A bill to establish a Department of Conservation and the Environment; to the Committee on Government Operations.

(See the remarks of Mr. Scott when he introduced the above bill, which appear under a separate heading.)

By Mr. HATFIELD:

S. 2313. A bill to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964; to the Committee on Finance.

(See the remarks of Mr. Hatfield when he introduced the above bill, which appear under a separate heading.)

By Mr. JACKSON (by request):

S. 2314. A bill to amend section 4 of the Revised Organic Act of the Virgin Islands relating to voting age; to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. Moss, Mr. Church, Mr. Magnuson, and Mr. Bible):

S. 2315. A bill to restore the "Golden Eagle" program to the Land and Water Conservation Fund Act; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Jackson when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 2316. A bill for the relief of Prakong Chotsiri; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 2317. A bill to amend title 10 of the United States Code to provide for the advancement of certain former members of the Armed Forces on the retired lists; to the Committee on Armed Services.

By Mr. EAGLETON:

S. 2318. A bill for the relief of Gertrude Soriano Mauban;

S. 2319. A bill for the relief of Prof. Anthony D'Souza;

S. 2320. A bill for the relief of Abdollah Rahmatian; and

S. 2321. A bill for the relief of Dr. Manuel M. Mendez; to the Committee on the Judiciary.

By Mr. McGEE (for himself and Mr. Hansen):

S. 2322. A bill for the relief of Robert L. Miller and Mildred M. Miller; to the Committee on the Judiciary.

By Mr. McGEE:

S. 2323. A bill to authorize the Secretary of the Interior to consider a petition for reinstatement of an oil and gas lease (Wyoming 079626); to the Committee on Interior and Insular Affairs.

By Mr. McGEE (by request):

S. 2324. A bill to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308, relating to the Government Employees Training Act of 1958;

S. 2325. A bill to amend title 5, United States Code, to provide for additional positions in grades GS–16, 17, and 18; and

S. 2326. A bill to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. McGee when he introduced the above bills, which appear under separate headings.)

By Mr. YARBOROUGH (for himself and Mr. Tower):

S. 2327. A bill to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Yarborough when he introduced the above bill, which appear under a separate heading.)

By Mr. MURPHY:

S. 2328. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; and

S. 2329. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Murphy when he introduced the above bills, which appear under separate headings.)

By Mr. TALMADGE:

S. 2330. A bill for the relief of Dr. Yilmaz Zerbes; to the Committee on the Judiciary.

By Mr. CANNON:

S. 2331. A bill to continue in effect the unified system of annual and user fees for Federal recreation areas; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Cannon when he introduced the above bill, which appear under a separate heading.)

By Mr. THURMOND:

S. 2332. A bill to amend title 28, United States Code, to prohibit the rendition by justices and judges of the United States of certain personal services for compensation; to the Committee on the Judiciary.

(See the remarks of Mr. Thurmond when he introduced the above bill, which appear under a separate heading.)

By Mr. SCOTT:

S. 2333. A bill for the relief of Mamerto C. Comia; to the Committee on the Judiciary.

By Mr. HOLLINGS:

S. 2334. A bill for the relief of Yim Wan Ting; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 2335. A bill to authorize the District of Columbia to enter into the Interstate Compact on Juveniles; to the Committee on the District of Columbia.

(See the remarks of Mr. Tydings when he introduced the above bill, which appear under a separate heading.)

By Mr. TYDINGS (by request):

S. 2336. A bill relating to the parishes and congregations of the Protestant Episcopal Church in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CURTIS (for himself, Mr. Hruska, and Mr. Thurmond):

S.J. Res. 118. A joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

(See the remarks of Mr. Curtis when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. FULBRIGHT (by request):

S.J. Res. 119. A joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship; to the Committee on Foreign Relations.

(See the remarks of Mr. FULBRIGHT when he introduced the above joint resolution, which appear under a separate heading.)

S. 2306—INTRODUCTION OF THE INTERNATIONAL LIVESTOCK QUARANTINE STATION ACT

Mr. HRUSKA. Mr. President, today I introduce a bill entitled the "International Livestock Quarantine Station Act," and ask that it be appropriately referred. It provides authority for the Department of Agriculture to establish and operate an international animal quarantine station within the territory of the United States, and, in connection with the station, permits the movement of animals into the United States which would otherwise be prohibited or restricted under the animal quarantine laws.

Every necessary protection for our livestock is contained in this proposal. First, the quarantine station must be located on an island carefully selected by the Department of Agriculture to permit the maintenance of maximum animal disease and pest security measures. Second, under the act movements of the imported livestock to other parts of the United States must be done in accordance with conditions determined by the Department of Agriculture to be adequate to prevent the introduction or dissemination of livestock or poultry diseases and pests from foreign countries.

The Tariff Act of 1930 contains an absolute prohibition against the importation of all livestock and all fresh, chilled or frozen meats of such animals from countries declared by the department to be infected with foot-and-mouth disease or rinderpest. An exception is made for wild zoo animals, which can be imported under very stringent restrictions.

The prohibition of the Tariff Act would remain in effect for all importations of livestock except those that pass through the international quarantine station under the restrictions imposed by the Department of Agriculture.

The construction and operation of a quarantine station adequate to prevent the introduction of livestock diseases from foreign countries will be difficult, but it certainly can be done. Other countries of the world, notably Canada, have similar quarantine stations which have operated effectively.

The Canadian Government has two animal quarantine stations, one at St. John's and one at Grosse Ile. When animals are imported into Canada from countries with continuous affliction, such as France, the animals must pass through a strict procedure of maximum security. No animal carrying foot-and-mouth disease has ever been released from these centers.

The U.S. Department of Agriculture has been working closely with the Canadian Government in the animal supervision and testing at the Canadian stations. Much has been learned. In order to continue using the Canadian experience to fullest advantage, the International Livestock Quarantine Station Act would permit the Secretary of Agriculture to cooperate, with other North American countries, as well as with individuals, breeders' organizations or similar organizations within the United States, regarding importation of animals.

The Agricultural Research Service of the Department of Agriculture has carefully studied this matter and has determined that an international livestock quarantine station is feasible and desirable.

Among the reasons cited by the ARS to explain why an international livestock quarantine station is needed are the following:

First. Livestock products, particularly beef, are in high demand by consumers.

Second. Consumer desires in meat and milk are changing. There is interest in less fat but high content of other desirable nutrients.

Third. Producers are under stress from high production costs and they need to find ways to reduce costs, and to increase efficiency and returns.

Fourth. The nature of production makes it difficult for producers to adjust quickly and to respond to consumer desires by patterning products to meet those consumer desires.

Fifth. Opportunities to adjust production practices, types of animals, and product characteristics are limited and require time.

Sixth. One important course of action is to breed and develop animals which are more productive and which can efficiently produce more desirable products.

Seventh. The genetic base of some classes of livestock now available in the United States is narrow. It is based on only a few of the many breeds of the world. In some cases our present breeds are based on a relatively few animals introduced from northern Europe 60 to 80 years ago.

Eighth. Science has demonstrated high potential of crossbreeding to increase reproduction, vigor, growth, and efficiency in production. In some cases it can also bring about, more rapidly than any other breeding procedure, changes in the character and composition of the product.

Ninth. Science has further shown that the wider the genetic diversity of the parent stock used in crossing the greater the benefits from hybrid vigor and the greater the possibility for changing production and product characteristics.

Tenth. Exotic germ plasm of plants from all over the world introduced in the United States has been a most important factor in bringing about the phenomenal new varieties of high-yielding crops of numerous kinds that are in everyday use on farms and ranches.

Eleventh. Observations and preliminary investigations suggest that potential benefits are probable in livestock, especially the meat-producing species, in the order of magnitude observed with crops through the importation and organized use of exotic breeds of animals.

Twelfth. The use of certain exotic breeds likely can bring about desirable changes much faster than the same changes could be achieved within present United States breeds through long years of selection.

Thirteenth. The United States needs to provide a safe, orderly way to make the world's livestock population available for use in improving its livestock and livestock products.

The potential benefits in our livestock production, especially of meat-producing animals, from the importation and organized use of exotic breeds of animals can be expected to promote more rapid growth of livestock and enable producers to market them sooner. Some of the improvements in livestock production would include beef cattle—an increase in weaning weight, postweaning growth rates, and muscularity and a decrease in carcass waste fat; and improved fertility and calf survival; dairy cattle—an increase in milk production, fertility, and calf survival; sheep—an increase in lambing rate, lamb growth rate and muscularity and a decrease in carcass waste fat; and swine—an increase in prolificacy and muscularity, and improved efficiency of gain.

While seeking to achieve the benefits that can be derived from new livestock blood lines, the Department of Agriculture's primary responsibility under the act will continue to be the prevention of livestock and poultry diseases and pests gaining entry from foreign countries. The importation of new and different animal breeds from foreign countries must not be done at the risk of introducing diseases and pests not now present in this country. Both objectives can be obtained by this establishment of an international animal quarantine station under the direct control of the Secretary of Agriculture.

The International Livestock Quarantine Station Act would require appropriations of approximately $5.5 million exclusive of any costs which may be involved for land acquisition. Of this total amount, approximately $4.2 million would be on a nonrecurring basis for the construction of facilities, and $1.3 million for initial operating expenses. After the first year, however, it is expected that expenses for operating the quarantine station would be financed largely by the collection of fees from importers.

These costs are very reasonable when compared to the possible benefits. On the basis of available information, the ARS has estimated that the year 1980 and thereafter annual benefits to the livestock producers and the public could amount to from $1 billion to $1.5 billion.

On October 11, 1968, I made a statement on the floor of the Senate entitled, "Quarantine Center for Livestock Imports Into United States." I concluded those remarks by stating:

> Mr. President, in an age when population growth of our Nation and of the world requires a constantly increasing demand on protein sources for healthy people, and when America is so blessed with a livestock industry capable of meeting the needs of our people with the greatest source of high protein meats and dairy products, which are a luxury and unattainable commodity in many lands, we must provide that industry with the necessary new blood lines to improve its livestock, but, on the other hand, we cannot, and we must not expose this great industry to, and must protect it from all risks

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of this smallest of virus which could cause the greatest of tragedies.

A quarantine center owned and operated by the United States for all livestock imports from diseased areas of the world would be an ideal solution.

I stand by that conclusion.

Mr. President, I request unanimous consent that the text of the bill I introduce today be printed at the close of my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2306), to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, introduced by Mr. HRUSKA, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized, in his discretion, to establish and maintain an international animal quarantine station within the territory of the United States. The quarantine station shall be located on an island selected by the Secretary of Agriculture where, in his judgment, maximum animal disease and pest security measures can be maintained. The Secretary of Agriculture is authorized to acquire land or any interest therein, by purchase, donation, exchange or otherwise and construct or lease buildings, improvements, and other facilities as may be necessary for the establishment and maintenance of such quarantine station. Notwithstanding the provisions of any other law to prevent the introduction or dissemination of livestock or poultry disease or pests, animals may be brought into the quarantine station from any country, including but not limited to those countries in which the Secretary of Agriculture determines that rinderpest or foot-and-mouth disease exits, and subsequently moved into other parts of the United States, in accordance with such conditions as the Secretary of Agriculture shall determine are adequate in order to prevent the introduction into and the dissemination within the United States of livestock or poultry diseases or pests. The Secretary of Agriculture is authorized to cooperate in such manner as he deems appropriate, with other North American countries or with breeders' organizations or similar organizations or with individuals within the United States regarding importation of animals into and through the quarantine station and to charge and collect reasonable fees for use of the facilities of such station from importers. Such fees shall be deposited into the Treasury of the United States to the credit of the appropriation charged with the operating expenses of the quarantine station. The Secretary is authorized to issue such regulations as he deems necessary to carry out the provisions of this Act.

SEC. 2. The provisions and penalties of 18 U.S.C. 545 shall apply to the bringing of animals to the quarantine station or the subsequent movement of animals to other parts of the United States contrary to the conditions prescribed by the Secretary in regulations issued hereunder.

SEC. 3. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

S. 2309—INTRODUCTION OF A BILL TO ESTABLISH THE AMISTAD NATIONAL RECREATION AREA,

Mr. TOWER. Mr. President, I introduce today, for the appropriate reference, a measure to establish the Amistad National Recreation Area in the State of Texas along its border with the Republic of Mexico. The establishment of this area will be a fitting monument to the great deeds of the Amistad Treaty with Mexico and will further the purposes for which the treaty was consumated: Amistad—in English "friendship"—is the State motto of Texas and it is fitting that the area along the border with our sister republic should be so named.

Mr. President, during the last session of Congress, a companion to this bill was cleared by the House Committee on Interior and Insular Affairs; unfortunately, however, it was cleared too late for any floor action. The interests of our Nation in furthering its most important relations with the Mexican Republic will be greatly served by approval of this measure. The State of Texas and the Nation will be served by the preservation for recreation, hunting, and camping of some of the most ruggedly beautiful areas remaining. It is certainly my hope that the Senate Committee on the Interior will give quick approval to the measure, and likewise the entire Senate, so that the acquisition of the site may be started and the area preserved.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2309) to establish the Armistad National Recreation Area in the State of Texas, introduced by Mr. TOWER, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2310—INTRODUCTION OF A BILL TO REMOVE THE LIMITATION UPON THE AMOUNT OF OUTSIDE INCOME WHICH AN INDIVIDUAL MAY EARN WHILE RECEIVING BENEFITS UNDER TITLE II, SOCIAL SECURITY ACT

Mr. GURNEY. Mr. President, today I am introducing legislation to completely eliminate the income limitation placed on social security recipients.

Our social security system was never intended to be the sole means of support for all retirees. It was designed to supplement other retirement plans, and to round out the income from savings and whatever other financial preparations a person may have made for his retirement years.

Our older Americans are finding it more and more difficult to make ends meet in view of our present high cost of living and inflation. To meet their financial obligations, many social security recipients find it necessary to hold full-time and part-time jobs to supplement their social security pensions. Of the more than 18 million Americans over the age of 65, over 3 million are productively employed.

Under existing law, these recipients are restricted to $140 a month in earnings. For every $2 earned above $1,680, they lose $1 in benefits. Beyond $2,880 all social security benefits are lost. It is wrong to penalize these people who want to work and keep from them social security benefits toward which they have contributed for years.

These retirees are not asking for a free ride. They merely want a chance to help themselves. By lifting the outside income limits on these recipients, we can give them that chance.

It should be remembered that this $1,680 limit only applies to those who add additional income to their social security benefits through wages. There is no limit on the amount a senior citizen can earn through dividends, investments, and property. This has resulted in the strange paradox of millionaires drawing full social security benefits while many who cannot subsist on the benefits must continue to work and forfeit their social security benefits.

I am hopeful that the 91st Congress will take early action to ease the plight of the beleaguered retiree, and at least allow him to help himself, by enacting this legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2310) to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, introduced by Mr. GURNEY, was received, read twice by its title, and referred to the Committee on Finance.

S. 2311—INTRODUCTION OF A BILL TO PROVIDE FOR A PROGRAM OF FEDERAL FINANCIAL ASSISTANCE TO ESTABLISH HUNTER SAFETY PROGRAMS

Mr. SCOTT. Mr. President, I introduce, for appropriate reference, a bill to provide Federal financial assistance for State hunter safety and wildlife conservation programs.

At the present time, the Federal Government levies two taxes on firearms. The first tax, on arms and ammunition, currently brings in $37 million a year. These funds go directly into the Department of the Interior's wildlife restoration fund. The second tax, on pistols and revolvers, brings in approximately $4.7 million yearly. This money now goes into the General Federal Treasury. My bill would channel this revolver and pistol tax directly into the wildlife restoration fund, thus providing additional revenue for worthwhile projects.

The Department of the Interior's wildlife restoration fund provides money for State wildlife preservation and game management programs. Under my bill, the wildlife restoration fund would distribute the additional pistol and revolver tax revenue to the States. Each State would have the option of using the entire amount for wildlife conservation, or up to half of the new funds in hunter safety programs and the rest in wildlife conservation projects.

Pennsylvania has long been one of the leaders in wildlife conservation programs. Last year, the Commonwealth re-

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ceived $1.2 million from the Department of the Interior's wildlife restoration fund for its food and cover and farm game project. These funds were used in Pennsylvania to build small marshes, improve access to private and public game lands, and arrange for constant game feeding in forest areas. Wildlife restoration fund money also financed studies of the ring necked pheasant, the wild turkey, and the white tail deer. These studies will help insure a continuous supply of game for State outdoorsmen. Other States have used wildlife restoration fund money for land acquisition, wildlife habitat control, and game husbandry research. My bill would provide an additional source of revenue to finance more of these worthy wildlife restoration projects. Sportsmen pay the tax on pistols and revolvers. They deserve to derive the benefit. This is what my bill would accomplish.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2311) to amend the act of September 2, 1937, to provide for a program of Federal financial assistance to establish hunter safety programs in the several States, and for other purposes, introduced by Mr. SCOTT, was received, read twice by its title and referred to the Committee on Commerce.

S. 2312—INTRODUCTION OF A BILL TO CREATE A DEPARTMENT OF CONSERVATION AND THE ENVIRONMENT

Mr. SCOTT. Mr. President, Senator CASE, of New Jersey, is necessarily absent from the Senate today and on his behalf I introduce, for appropriate reference, a bill to create a Department of Conservation and the Environment.

I ask unanimous consent that the text of the bill be printed in the RECORD and that a statement by Senator CASE accompanying the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 2312) to establish a Department of Conservation and the Environment, introduced by Mr. SCOTT (for Mr. CASE, for himself, Mr. GRAVEL, and Mr. MOSS), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2312

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Department of Conservation and the Environment Act".

(b) It is hereby declared to be the policy of the Nation that the safety and general welfare of the people require that the environment of the earth on which we live must be protected; that the people have a right to the preservation of their neighborhoods and communities; to the enjoyment of natural areas and the wildlife indigenous thereto; and to the wise and prudent use of all natural resources for the benefit of existing and future generations.

TITLE I—DEPARTMENT OF CONSERVATION AND THE ENVIRONMENT

ESTABLISHMENT OF DEPARTMENT

SEC. 101. There is hereby established at the seat of government as an executive department of the United States Government, the Department of Conservation and the Environment (hereinafter referred to in this Act as the "Department").

SEC. 102. (a) There is hereby established within the Department a Federal Air and Water Resources Administration; a Federal Land Resources Administration; and a Federal Parks and Recreation Administration. Each of these components shall be headed by an Administrator. The Administrators shall be appointed by the President, by and with the advice and consent of the Senate. In addition to such functions, powers, and duties as are specified in this Act to be carried out by the Administrators, the Administrators shall carry out such additional functions, powers, and duties as the Secretary may prescribe. Each Administrator shall report directly to an Assistant Secretary. The functions, powers, and duties specified in this Act to be carried out by each Administrator shall not be transferred elsewhere in the Department unless specifically provided for by reorganization plan submitted pursuant to statute.

(b)(1) The Federal Air and Water Resources Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to subsection (a) and paragraphs (1), (2), (3), (4), and (5) of subsection (b) of section 104 of this title.

(2) The Federal Land Resources Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to paragraphs (6), (7), (8), and (12) of subsection (b) of section 104 of this title.

(3) The Federal Parks and Recreation Administrator shall carry out the functions, powers, and duties of the Secretary transferred to him pursuant to paragraphs (9), (10), (11), and (13) of subsection (b) of section 104 of this title.

PERSONNEL OF THE DEPARTMENT

SEC. 103. (a) There shall be at the head of the Department a Secretary of Conservation and the Environment (hereafter referred to in this Act as the "Secretary"), who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Conservation and the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary of Conservation and the Environment (or, during the absence or disability of the Under Secretary, or in the event of a vacancy in the office of Under Secretary, an Assistant Secretary of Conservation and the Environment or the General Counsel, determined according to such order as the Secretary shall prescribe) shall act for, and exercise the powers of the Secretary, during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary. The Under Secretary shall have the responsibility of approving all civil work projects of the Corps of Engineers of the Department of the Army, and shall perform such other functions as the Secretary shall prescribe from time to time.

(c) There shall be in the Department four Assistant Secretaries of Conservation and the Environment and a General Counsel, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as the Secretary shall prescribe from time to time.

(d) There shall be in the Department three Administrators, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions as are prescribed by this Act and as may be prescribed by the Secretary.

(e) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the purposes and functions of this Act.

(f) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFER OF FUNCTIONS TO DEPARTMENT

SEC. 104. (a) The functions of the Secretary of Health, Education, and Welfare under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), the Solid Waste Disposal Act (42 U.S.C. 3251), and all other air pollution control functions of such Secretary are transferred to the Secretary of Conservation and the Environment.

(b) There are hereby transferred to the Secretary all functions which were carried out immediately before the effective date of this title—

(1)(A) by the Federal Water Pollution Control Administration, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Administration;

(2)(A) by the Environmental Science Services Administration, Department of Commerce; or

(B) by the Secretary of Commerce, insofar as the functions related to functions transferred under this paragraph from such Administration;

(3)(A) by the Bureau of Reclamation, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions related to functions transferred under this paragraph from such Bureau;

(4)(A) by the Soil Conservation Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service.

(5)(A) by the Office of Noise Abatement, Department of Transportation; or

(B) by the Secretary of Transportation, insofar as the functions relate to functions transferred under this paragraph from such Office.

(6)(A) by the Bureau of Land Management, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(7)(A) by the Bureau of Mines (except with respect to oil and gas), Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(8)(A) by the Geological Survey (except with respect to oil and gas), Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Survey.

(9)(A) by the National Park Service, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Service.

(10)(A) by the Bureau of Outdoor Recreation, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

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(11) (A) by the Bureau of Sports Fisheries and Wildlife, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this paragraph from such Bureau.

(12) (A) by the Forest Service, Department of Agriculture; or

(B) by the Secretary of Agriculture, insofar as the functions relate to functions transferred under this paragraph from such Service.

(13) (A) by the Office of the Highway Beautification Coordinator, Department of Transportation; or

(B) by the Secretary of Transportation, insofar as the functions relate to functions transferred under this paragraph from such Office.

(e) In addition to the functions specifically transferred to the Secretary by this title, there are hereby transferred to the Secretary, except to the extent otherwise specifically provided by this Act, all functions which were carried out immediately before the effective date of this Act by the Secretary of the Interior, including all functions of the Secretary of the Interior being administered by him through an agency, service, bureau, office, board, administration, or other entity of the Department of the Interior.

Sec. 105. (a) There is hereby established within the Department the Council of Environmental Advisers, which shall be composed of nine members, appointed by the President of the United States from individuals in private life who by virtue of their experience or training are specially qualified to serve on the Council.

(b) Members of the Council of Environmental Advisers shall be appointed for terms of three years; except that, of the members first appointed, three shall be appointed for a term of one year, three for a term of two years, and three for a term of three years.

(c) The Council of Environmental Advisers may employ a staff to be headed by an executive director. The executive director, subject to the discretion of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(d) Any vacancy in the Council of Environmental Advisers shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) The President shall designate one of the members of the Council to serve as Chairman and one to serve as Vice Chairman.

(f) The members of the Council of Environmental Advisers shall each receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Council, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Council.

(g) (1) It shall be the duty of the Council of Environmental Advisers—

(A) to receive reports, communications, notices, or petitions from private individuals, organizations, or agencies setting forth complaints to the effect that the construction of any project or facility, issuance of any license or the approval of the expenditure of any Federal funds in connection with the construction of any such project or facilities, or other activity, by any Federal instrumentality may have an adverse effect on the environment; and

(B) to assist and advise the Secretary with respect to matters under his jurisdiction and to make recommendations with respect thereto.

(2) The Council of Environmental Advisers shall investigate and consider any complaints received by it pursuant to paragraph (A) and shall report to the Secretary, in writing, its views and recommendations with respect thereto.

Sec. 106. (a) There is hereby established, in the Office of the Secretary, the Environmental Security Council, which shall be composed of—

(1) the Secretary, who shall be Chairman of the Council;

(2) the Under Secretary of Conservation and the Environment who shall be Vice Chairman;

(3) each of the four Assistant Secretaries;

(4) the Administrator of the Federal Air and Water Resource Administration;

(5) the Administrator of the Federal Land Resources Administration;

(6) the Administrator of the Federal Parks and Recreation Administration;

(7) the Commandant of the Coast Guard or his designee; and

(8) the Secretary of the Army or his designee.

(b) It shall be the function of the Environmental Security Council to advise and assist the Secretary, as he may request, in connection with matters of an emergency nature involving or relating to the environment.

(c) The Council may employ a staff to be headed by an executive director. The executive director, subject to the direction of the Chairman, is authorized to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

ADMINISTRATIVE PROVISIONS

Sec. 107. (a) The Secretary may approve a seal of office for the Department, and judicial notice shall be taken of such seal.

(b) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(c) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research into any aspect of the problems related to the programs of the Department which are authorized by statute.

(d) The Secretary may from time to time disseminate in the form of reports or publications to public or private agencies or organizations, or individuals such information as he deems pertinent on the research carried out pursuant to this subsection.

Sec. 108. (a) Except to the extent otherwise herein provided, no Federal instrumentality shall carry out any construction in connection with any project or facility, issue any license or approve the expenditure of any Federal funds in connection with the construction of any such project or facility, or carry out any program, policy, or activity, if the head of that instrumentality has received written notification from the Secretary that the carrying out of such construction, program, policy, or activity may have an adverse effect on the environment. After being so notified, the head of such instrumentality shall forward to the Secretary a detailed report with respect to such construction, program, policy, or activity, as the case may be. The Secretary, after receiving such report, shall make or cause to be made a review of such construction, program, policy, or activity.

(b) Following any such review referred to in subsection (a) of this section, the Secretary, if he determines that the carrying out of such construction, program, policy, or activity would not adversely affect the environment, shall immediately notify the head of the instigating instrumentality of that fact and such instrumentality, if otherwise authorized, may proceed to carry out such construction, program, policy, or activity (including the issuance of such license or the expenditure of such funds). If, however, the Secretary determines, following such review, that the carrying out of such construction, program, policy, or activity would adversely affect the environment, he shall file a detailed report, in writing, with the President of the United States and the Congress concerning such construction, program, policy, or activity and his views and recommendations with respect thereto. Such report shall be made within 120 days following the receipt by him of the report from the head of such instrumentality as provided in subsection (a) of this section. Upon the expiration of a period of 120 calendar days of continuous session of the Congress following the receipt by it of the report made by the Secretary under this subsection, the head of the instigating instrumentality, may, if otherwise authorized, proceed to carry out such construction, program, policy, or activity (including the issuance of such license or the expenditure of such funds).

(c) For the purpose of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment or more than three days to a day certain are excluded in the computation of the 120-day period.

(d) The provisions of subsections (a) and (b) of this section shall not be applicable in any case in which the President of the United States has certified to the Speaker of the House of Representatives and the President of the Senate that any delay in the carrying out of any such construction, program, policy, or activity would have an immediate and serious effect with respect to the national security.

(e) The Secretary shall, as soon as feasible following the effective date of this Act, review and appraise projects and facilities, existing on such date, which he determines may affect environmental quality. Following such review and appraisal, the Secretary shall file a written report with the President and the Congress setting forth his views and recommendations with respect to such projects and facilities.

(f) As used in this section and section 105(g), the term "construction" includes the remodeling, renovating, or expanding of any existing project or facility, the completion of any project or facility commenced prior to, but not completed on, the effective date of this Act, and the commencing of any project or facility on and after the effective date of this Act.

ANNUAL REPORT

Sec. 109. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

CODIFICATION

SEC. 110. The Secretary is directed to submit to the Congress, within two years from the effective date of this Act, a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

TITLE II—MISCELLANEOUS TRANSFER OF FUNCTIONS TO OTHER DEPARTMENTS

SEC. 201. (a) There are hereby transferred to the Secretary of Agriculture all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Bonneville Power Administration, the Alaska Power Administration, the Southeastern Power Administration, the Southwestern Power Administration, and the Defense Electric Power Administration, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Administrations.

(b) There are hereby transferred to the Secretary of Commerce all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Secretary of the Interior relating to oil and gas, the Office of Oil and Gas, the Geological Survey relating to oil and gas, the Oil Import Administration, the Oil Import Appeals Board, the Office of Minerals and Solid Fuels relating to oil and gas, the Bureau of Mines relating to oil and gas, and the Bureau of Commercial Fisheries, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Office, Administration, Board, or Bureau.

(c) There are hereby transferred to the Secretary of Health, Education, and Welfare all functions which were carried out immediately before the effective date of this Act—

(1) (A) by the Bureau of Indian Affairs, and the Office of Territories, Department of the Interior; or

(B) by the Secretary of the Interior, insofar as the functions relate to functions transferred under this subsection from such Bureau or Office.

TITLE III—SAVINGS PROVISIONS; MATTERS RELATING TO TRANSFER OF AGENCIES AND OFFICES

SEC. 301. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any Federal instrumentality, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the appropriate officer to whom such functions are so transferred, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings, pending at the time this section takes effect before any Federal instrumentality, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before such instrumentality. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the instrumentality before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the appropriate officer to whom such functions are so transferred, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) The provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any Federal instrumentality, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any Federal instrumentality, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of any such instrumentality as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any Federal instrumentality or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such instrumentality is transferred, or

(B) any function of such instrumentality or officer is transferred,

When such suit shall be continued by the appropriate instrumentality (except in the case of a suit not involving functions transferred by this Act, in which case the suit shall be continued by the instrumentality or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any Federal instrumentality or officer so transferred or functions of which are so transferred shall be deemed to mean the instrumentality or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of any Federal instrumentality or officer thereof, in the exercise of functions transferred under this Act, shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the instrumentality or officer, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such functions by any other officer of the United States pursuant to this Act.

(f) In the exercise of the functions transferred under this Act, the appropriate officer of the Federal instrumentality to which such functions were so transferred shall have the same authority as that vested in the officer exercising such functions immediately preceding their transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such functions prior to their transfer pursuant to this Act.

TRANSFER OF AGENCIES AND OFFICES

SEC. 302. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of this Act, are transferred to the appropriate Secretary of the executive department to whom such function is transferred by this Act. Except as provided in subsection (b), personnel engaged in functions transferred under this Act, shall be transferred in accordance with applicable laws and regulations relating to transfer of functions.

(b) In any case where all of the functions of any Federal instrumentality are transferred pursuant to this title, such instrumentality shall lapse.

(c) The transfer of personnel pursuant to subsection (d) shall be without reduction in classification or compensation for one year after such transfer.

TECHNICAL AMENDMENTS

SEC. 303. (a) Section 19(d)(1) of title 3, United States Code, is amended by deleting "Secretary of the Interior" and inserting in lieu thereof "Secretary of Conservation and the Environment".

(b) Section 101 of title 5, United States Code, is amended by deleting "The Department of the Interior" and inserting in lieu thereof "The Department of Conservation and the Environment".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rates), is amended as follows:

(1) Section 5312 is amended by deleting "(6) Secretary of the Interior" and inserting in lieu thereof "(6) Secretary of Conservation and the Environment".

(2) Section 5314 is amended by deleting "(8) Under Secretary of the Interior." and inserting in lieu thereof the following:

"(8) Under Secretary of Conservation and the Environment".

(3) Section 5315 is amended (1) by deleting "(18) Assistant Secretaries of the Interior (5)." and inserting in lieu thereof "(18) Assistant Secretaries of Conservation and the Environment (4)."; and (2) by deleting "(42) Solicitor of the Department of the Interior." and inserting in lieu thereof "(42) General Counsel, Department of Conservation and the Environment.".

(d) The first sentence of section 4(e) of the Federal Power Act (16 U.S.C. 797(e)) is amended by inserting immediately before the period a colon and the following: "*Provided further*, That no license affecting the comprehensive plan of any river basin commission developed pursuant to the Water Resources Planning Act shall be issued until the plans of the dam or other structures affecting any such comprehensive plan have been approved by the Secretary of Conservation and the Environment".

DEFINITION

SEC. 304. As used in this Act, the term—

(1) "function" or "functions" includes powers and duties; and

(2) "Federal instrumentality" means any executive department of the United States or any agency, bureau, office, service, board, administration, or other entity therein.

DELEGATION OF FUNCTIONS

SEC. 305. Except to the extent otherwise provided in this Act, any Secretary of any executive department of the United States to whom functions are transferred pursuant to this Act may delegate such functions, or part thereof, to such of his officers and employees as he may designate, may authorize such successive redelegations of such functions to his officers and employees as he may deem desirable and may make such rules and regulations as he may determine necessary to carry out such functions.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 306. (a) This Act shall take effect ninety days after the date of its enactment.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 103 of title I of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated

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from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their offices shall be paid from funds available for the functions to be transferred pursuant to this Act.

Statement by Senator Clifford P. Case in Introducing His Bill To Create a Department of Conservation and the Environment

Mr. Case. Mr. President, I introduce, for Senator Moss, Senator Gravel, and myself, a bill to create a Department of Conservation and the Environment.

While the Department our bill establishes will include most of the present functions of the Department of the Interior, it does far more than rename this existing agency. Our bill is designed to create within the Federal Government a single, effective instrumentality for the protection of our environment.

Today that environment is in grave danger. With the aid of technological and scientific developments we have accelerated the pollution of the soil, the air, and the waters to a point where irreparable harm to the health and livability of our surroundings is a distinct possibility.

Yet nowhere in the Federal Government is there any one top official or department charged with restoring the quality of the environment as a whole. Rather there is diffusion of responsibility and authority. According to a report issued jointly by the Senate Interior Committee and the House Science and Astronautics Committee, some 90 Federal agencies spread over the spectrum of the Government "contribute a substantial share of their time and operating effort to administration and study of environment-oriented programs."

The disarray can and does cause conflict between and even within agencies, frustrates effective enforcement and results in inconsistency in federal planning and action.

Can anyone forget that while the last administration proclaimed a "new conservation," the Bureau of Reclamation in the Department of the Interior lobbied for the construction of "cash register" hydroelectric dams in the Grand Canyon of the Colorado?

Or witness the decision of Agriculture's Forest Service, charged with protecting our forests, to turn over Mineral King Valley in California to private developers for a monstrous, and probably very profitable, recreational complex.

In the latest horrible example, the Federal Aviation Administration—Department of Transportation—is supporting the construction of an international jetport on the edge of the Florida Everglades while the Under Secretary of the Interior and others warn that the project will have a "disastrous impact on the water ecology of this priceless area.

As though this were not enough, the Bureau of Public Roads and the Office of High Speed Ground Transportation, both in the Transportation Department, may do battle for the right to serve the jetport with an interstate highway or a $100 million high speed rail link, either of which will rip up more of this unique area.

Surely, the creation of a Department of Conservation and the Environment is an idea whose time has come. It is a concept implicit in Senator Moss' bill to create a Department of Natural Resources—a measure I have joined in sponsoring.

While governmental reorganization by itself is no panacea, I believe it is a necessary first step in any concerted attack on environmental pollution.

In recent years, for example, Congress established new departments to deal with mounting crises in urban affairs and transportation. As one of the first to introduce legislation to create a Transportation Department, I well remember the need to pull together the then patchwork of transportation programs, and also to separate promotional from regulatory functions.

Unlike our urban affairs and transportation departments, which were started virtually from scratch, the Interior Department already exists. But Interior started out as, in effect, a Department of the West and never has lost its western orientation. Moreover, its hodge-podge growth has ill-equipped it to do battle against environmental deterioration.

Under our bill the present Interior Department will be abolished and its primary conservation and environmental functions, such as parks, recreation, and water pollution will be absorbed by the Department of the Environment, or DOE, as I call it. Such conservation and environmental activities as air pollution, forest and soil management, noise abatement and highway beautification will be transferred to DOE from other departments.

In addition, the civil works activities of the Army Corps of Engineers would be subject to DOE approval before execution.

Primarily promotional or non-conservation activities carried out by the Interior Department will be moved to departments other than DOE. For example, commercial fisheries and oil and gas functions will be transferred to the Commerce Department; the Bureau of Indian Affairs and the Office of Trust Territories will go to HEW.

Our bill creates a nine-member, presidentially appointed Council of Environmental Advisors to give the Secretary of DOE independent advice on environmental matters. This Council and its staff also would receive and investigate complaints from the public about federal activities that may threaten the environment.

Our bill also creates within the new Department an Environmental Security Council headed by the Secretary and including the Secretary of the Army and Commandant of the Coast Guard. The Council will have responsibility for formulating and carrying out the Department's response to environmental emergencies of more than local consequence.

The Environmental Security Council might, for example, be activated to deal with a major oil spill or air pollution crisis. Through its staff the Council can, in cooperation with state and local governments and our universities, develop an "early warning system" to head off or lessen environmental contamination.

Our bill provides the Secretary with new authority to delay any federal or federally assisted activities which may adversely affect the environment, including neighborhoods or communities. The Secretary's authority would extend to any proposed, planned or on-going projects and programs, as well as to expansion or renovation of construction projects already completed.

Our bill provides exceptions for national security activities, but requires that in those instances the President must certify to Congress that any delay "would have an immediate and serious effect with respect to the national security."

Under the delay provision in our bill the Secretary of DOE would have 120 days to review any potentially "offending" project. During that period he would be required to decide whether to give the project a green light, or make an adverse report to the President and the Congress.

If the Secretary made an adverse report, the project could be delayed an additional 120 days while Congress decided whether further action is required.

This is a strong provision, to be sure. But the environment cannot be protected by halfway measures. I am confident that if this provision is enacted the various agencies of the Federal Government will include environmental protection in planning a project rather than risk costly delays at a later date.

Each day seems to bring news or warning of environmental contamination. Only recently the Federal Food and Drug Administration seized 22,000 pounds of Lake Michigan Coho Salmon because the fish contained dangerous levels of DDT. A few months ago a massive oil leak off Santa Barbara, California, alarmed the nation.

Scientist Barry Commoner of Washington University in St. Louis told a Senate Subcommittee recently: "The new technological man carries strontium-90 in his bones, iodine-131 in his thyroid, DDT in his fat, asbestos in his lungs." At the present rate of contamination, says Mr. Commoner, the environment may be irreparably destroyed in perhaps 50 years.

The choice before our nation is clear: We can reverse the tide of environmental destruction while there still is time, or we can permit apathy, ignorance or downright stupidity to bring on a nightmare that may rival nuclear war in its horrors.

I am certain that most, if not all, Americans will opt for saving our environment while there still is a chance to do it. If this is the course we choose, as I believe we should, then the first step must be a decisive re-organization and strengthening of the federal structure and authority that will carry the burden of salvaging and safeguarding the environment.

S. 2313—INTRODUCTION OF A BILL TO PROVIDE THAT THE AMOUNT OF GROUNDFISH IMPORTED INTO THE UNITED STATES SHALL NOT EXCEED THE AVERAGE ANNUAL AMOUNT THEREOF IMPORTED DURING 1963 AND 1964

Mr. HATFIELD. Mr. President, the offshore fishery industry is of tremendous importance to the State of Oregon, as well as to other coastal States of our country. In recent years the fishing industry of our Nation has suffered heavily because of foreign imports of groundfish or bottom fish.

Pertinent evidence of the growing threat of groundfish and bottom fish imports is considerable. For instance, according to a March 1969 report of the U.S. Department of the Interior, imports of groundfish and ocean perch fillets were 87.6 percent of the supply in 1968. The 1968 imports figure was 390 million pounds, which is 180 million pounds above the 5-year average of 210 million pounds for 1960–64. On the other hand, the U.S. production in 1968 was 55 million pounds, which was the lowest production year of the last 20 years, and represented only 12.4 percent of the supply.

In Oregon the fishing boats are on limits as to what they can bring in because imports are taking over in our marketplace. According to Dr. E. W. Harvey, administrator of the Otter Trail Commission of Oregon, the annual Oregon trawl landings of fish have decreased from 33 million pounds in 1965 to 20 million pounds in 1968.

Thus, there is convincing evidence that the marketing power of our fishery industry faces even further deterioration unless legislative action is taken to prevent unreasonable and disabling competition by foreign competitors, who enjoy lower labor costs and who in many instances are favored by subsidies.

Legislation to assist the groundfish and bottom fish industry has been introduced in the House of Representatives.

I introduce at this time a bill to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964.

I ask unanimous consent that the text of the bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2313) to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964, introduced by Mr. Hatfield, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the Record, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the headnotes to part 3 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by adding at the end thereof the following new headnote:

"(5) Notwithstanding any other provision of the schedules, the aggregate number of pounds of fish which may be entered under item 110.20, 110.47, 110.50, 110.55, or 110.60 in the calendar year 1970 or in any subsequent calendar year shall not exceed the average annual number of pounds of fish described in such item entered during the calendar years 1963 and 1964 (as determined and published by the Secretary of the Interior). Of the aggregate number of pounds of fish permitted by the preceding sentence to be imported into the United States during any calendar year under any item, not over ¼ shall be entered during the first three months, not over ½ during the first six months, and not over ¾ during the first nine months of that year. For the purposes of applying this headnote, item 110.20 shall be treated as not including salmon."

S. 2315—INTRODUCTION OF A BILL TO RESTORE THE "GOLDEN EAGLE" PROGRAM TO THE LAND AND WATER CONSERVATION FUND ACT

Mr. JACKSON. Mr. President, I introduce, for appropriate reference, a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to restore the popular "Golden Eagle" program for admission to Federal outdoor recreation areas.

The Members of the Senate will recall that in the 90th Congress I sponsored S. 1401, which provided new sources of revenue to assist the States in their outdoor recreation programs and for the acquisition of additional Federal areas. The measure also granted the Secretary of the Interior administrative powers with which to meet land escalation costs which threatened growth of State and Federal activity with respect to outdoor recreation.

The 1964 act established a uniform system of entrance and user fees for all Federal outdoor recreation areas as one of the sources of revenue for the fund. An annual fee of not more than $7 was authorized which would admit the payer to all Federal recreation areas during the year. Such areas now number more than 3,000.

This provision for payment of a single annual fee for general admission was designated the Golden Eagle program.

During the course of consideration of S. 1401, the committee had before it proposals to abolish the entrance and user fee system entirely. One such proposal was embodied in S. 2828, 90th Congress, which was sponsored by Senators Harris, McClellan, and Monroney. It would have prohibited the collection or receipt of any entrance or user fees at any of the many Corps of Engineers projects.

However, the committee, after weighing the pros and cons at some length, reached the following decision, as set forth in our unanimous report on S. 1401:

> In view of the disagreements as to the facts and the controversy as to the policy, the committee believes the entire fee system under the act should be the subject of comprehensive legislative review. This bill, which is in the nature of emergency legislation to provide aid to the States and Federal agencies to save their outdoor recreation programs, is not the proper legislative vehicle for such consideration, the committee believes.
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> Therefore, the fee system will be given the full and careful study required in separate legislation.

The present bill is an outgrowth of this commitment.

The Senate in the 90th Congress concurred with the committee, and as we passed S. 1401, the entrance and user fee system, with the Golden Eagle, was left intact. The House, however, abolished the program forthwith. In conference, we were able to get a year's extension for the program, or until March 31, 1970. This is the form in which the 1968 amendment to the Fund Act was enacted. The bill I am introducing today would repeal the provision by which the Golden Eagle program goes out of existence next year. It is, as I have stated, based on the independent study to which the Interior Committee committed itself last year.

Admittedly, the Golden Eagle program did get off to a slow start, because, in part at least, of a prohibition in the law against the use of any of the funds for publicity or public education purposes. Certainly, in the first years of the operation, revenues did not come up to expectations, and at some facilities there may have been some basis for the charge that the costs of collection exceeded the revenues.

However, with more than 3,000 Federal outdoor recreation facilities now available in 47 States in all parts of the country, and with more and more Americans finding physical and spiritual refreshment in them, the popularity and use of the Golden Eagle pass has grown by leaps and bounds. Revenues from it increased from $633,600 in 1965 to $4,846,200 in 1968. The Bureau of Outdoor Recreation estimates that at least $5,200,000 will come into the fund from the program during this year.

The Golden Eagle is particularly popular with retired and elderly persons, and others who have the opportunity to visit extensively a number of the outdoor recreation areas to which the pass provides admission. Clearly the program furthers the use of our magnificent outdoor recreation areas for the benefit of our citizens.

Mr. President, I am convinced that the repeal of the Golden Eagle program was a mistake and I urge prompt, favorable consideration of this measure to restore it to the American people. The cost to the individual is small indeed and the funds aid both State and Federal activities. I hope the Senate will agree with me and with the very large number of concerned citizens who have urged the retention of this worthwhile program.

Mr. President, joining me as cosponsors of this measure are Senators Church, Moss, Magnuson, and Bible. The Senator from Idaho is necessarily absent from the Senate today, and I ask unanimous consent that a statement prepared by Senator Church on this bill be printed at this point in the Record.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The bill (S. 2315) to restore the "Golden Eagle" program to the Land and Water Conservation Fund Act, introduced by Mr. Jackson (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

Mr. CHURCH. Mr. President, I am happy to join with the distinguished Senator from Washington (Mr. Jackson) and others in support of this bill to extend the life of the Golden Eagle Passport.

I have received scores of letters from my constituents urging the extension, Mr. President, and I believe it has been solidly demonstrated that the passport has performed an essential service. In addition, although revenue from the passport in its first year was little more than half a million dollars, its sale has since steadily increased, and last year alone returned almost $5 million to the land and water conservation fund.

Even if the revenue were not significant, Mr. President, it is obvious from the mail received—not only by myself—but by the Bureau of Outdoor Recreation and other Senators, that the Golden Eagle program has been a success. It has been of major benefit, as an example, to thousands of our senior citizens, who in their retired years have found great pleasure in traveling to our many fine national parks and recreation areas. In short, this is a public service which should be continued, a purpose which this bill would accomplish.

This is in line, Mr. President, with the legislative history of Public Law 90-401, which indicates that by extending the life of the Golden Eagle Passport until March 31 of next year, there would be time for the Congress to consider the public attitudes and advantages and disadvantages regarding the Government's outdoor recreation fee system. It is quite apparent that the Passport has wide acceptance and support.

I would also like to comment that much of the mail which I received linked the projected termination of the Golden Passport with the consideration being given by the National Park Service to turning over the operation of major campgrounds to private concessionaires. Most of the passport users vigorously oppose such a changeover, fearing that greatly increased fees will result.

To illustrate this, and the need for continuation of the Golden Passport, Mr. President, I ask unanimous consent that three of the typical letters which I have received on this matter appear at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Coeur d'Alene, Idaho,
March 25, 1969.

Dear Sir: I just want to ask you to help save our *Golden Eagle Pass.*

We bought it every year. It is the only pleasure a lot of poor people can afford with a load of kids, gas & food—Please don't let them take this away too. Money's at the bottom of this. So stop the small camp owners from killing a cheap vacation for Poor People. Thank you.

Sincerely,

Mrs. Harriet J. Erickson.

Pocatello, Idaho,
May 21, 1969.

Senator Frank Church,
Washington, D.C.

Honorable Sir: Through the news media we are informed it is the intention of the Forest Service to do away with the Golden Eagle Pass and contract the care and operation of our National Forests and Parks camping grounds, and recreational facilities, and they in turn charge the users $2.50 and up per day for these accommodations.

We urgently request you do all you can to discourage and prevent this being done and to encourage the continuance of the Golden Eagle pass, as to contract the management of these facilities can only lead to ultimate down grading of the facilities and profiteering on the part of the lessee to the detriment of the facility and the prohibition of use and enjoyment of them by that mass of the public who may not be able to afford the increased charges.

Respectfully,

Joseph C. Kortum,
Abbie C. Kortum.

Emmett, Idaho,
May 12, 1969.

Hon. Frank Church,
U.S. Senator,
Boise, Idaho

Dear Senator Church: It has come to our attention that the Golden Eagle Passport is to be cancelled after this year, and the facilities at the National Parks to be turned over to concessionaires.

We feel that this will soon run into so much extra cost that the lower income families and retired people will not be able to visit the Parks.

When the Golden Eagle was imposed, most people here greatly resented having to pay to get into what they felt was their own tax-maintained, God-given right. Many families have purchased their own picnic tables and chairs to carry along so that they won't have to pay the Camp fee. Now you know what this means: Every car-turn-off place and stream in the entire West will be littered and polluted until it will be impossible to clean up.

Perhaps the Government feels it cannot afford to build and maintain more Parks and camp sites . . . but, can it afford not to, when in these times it is so important for city-stressed people to be able to get out and away for a weekend, or even a Sunday picnic? Does the Government REALLY want its citizens to vacation in their own country?

If those who actually use the Parks must be the ones to help pay for their upkeep, then, surely, the Golden Eagle Passport should be enough payment. Let those who demand more expensive facilities seek privately owned camps.

Let's build more and better camp and picnic areas for the increasing population, and PLEASE, not impose concessionaires, or more costly fees.

Sincerely yours,

Mr. and Mrs. Clark Amos.

Mr. MOSS. Mr. President, I announced some weeks ago that I would introduce a bill to extend the Golden Eagle passport. Since that time I have been working closely with the Senator from Washington (Mr. Jackson) and the Senator from Idaho (Mr. Church) and other members of the Senate Interior Committee in the preparation of such a bill. We have decided that the best approach is legislation which will provide for the continuation of the Golden Eagle passport beyond the date now set for its expiration—March 31, 1970. This is the measure I take pleasure in sponsoring today.

I realize that others have rushed in with Golden Eagle passport bills which make some changes in the program, but it is my opinion that a direct extension of the program as it now exists is the more realistic and comprehensive approach.

There is no doubt in my mind that the American people want to see this particular American Eagle kept alive. Since 1965, the passport has allowed the bearer and everyone riding with him in his private vehicle to enter any federally operated recreation area without paying the fees charged at any of these areas.

Although the passport idea was resisted to some extent when it was first inaugurated, it has more than proved itself in the past 5 years, and its popularity, in my part of the country at least, is substantial It has been an "open sesame" to wider admittance and greater use of our Federal recreation areas for many American families, and I predict its use will soar as more and more people become aware of its low cost and convenience.

The first year the passport was in operation—fiscal year 1965—it brought in only $663,000 in revenue to be deposited in the land and water conservation fund, and apportioned among the National Park Service, the Forest Service, and the Bureau of Sport Fisheries to acquire national outdoor recreation lands and waters, and for matching grants to the States to acquire and develop recreational areas and facilities.

In fiscal 1966, sale of Golden Eagle passports brought $2,819,000; in fiscal 1967, $3,795,000; in fiscal 1968, $4,846,000 and in fiscal 1969, through April 30, $3,294,000, with the heaviest use months yet to come.

It is impossible to know how many people were admitted to our recreation areas under these passports, or how many used the camping grounds or other facilities, because the Golden Eagle is a family-type permit, and a car with one of them could contain as many as six or even more persons when it passed through the entrance gates and often does. We do know that the number of permits issued grew from only 90,000 in the first full year in which the permit was in effect to 692,000 in the last full year, fiscal 1968. In the first half of fiscal 1969, over 400,000 were issued.

I understand there has been some disappointment in the Department of the Interior because the amount of revenue generated from the passport has not lived up to projections. I suggest first that perhaps the projections were too ambitious, and second, that the figures I have just quoted indicate that the use of the passport, and the revenues from it will continue to grow—and grow substantially—if it is not terminated. Also, there are many people who would be more than willing to pay more—even $10 or $15 a year—for the privilege of buying one passport which would admit them to about 3,000 Federal recreational areas.

I have received many letters from people in Utah who explain far better than I am able to do so what the Golden Eagle passport means to them and their families. I ask unanimous consent to place excerpts from several typical letters in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Dear Senator Moss: I have had the pleasure of using the Golden Eagle Passport since it came into existence. In fact I purchase three each year. One for each of our two children and their families and one for ourselves.

It has just come to my attention that Congress has silently, with very little notice and with lack of sufficient information to the majority of people affected, voted the pass discontinued as of April 1, 1970.

It is hard to understand when the program was expanding so rapidly in the direction in which it was originally intended, for the purchase of additional recreational land, having increased from 90,000 in 1965 to 692,000 in 1968, why the Golden Pass was made a scapegoat in such a manner and eliminated. * * * I remember the years before the Golden Pass when one could not even find a place to stop to eat a picnic lunch without being exploited by individuals who had been given concessions or the right to charge a fee just to stop for a short while. I feel there should have been more public notice of the final impending action against the Golden Eagle Pass so that residents who favor it could have brought favorable pressure to bear. * * *

A. E. Garner.

North Ogden, Utah.

Dear Senator. Moss: I have purchased the Golden Eagle Passport each year since its inception and I'm sure that millions of others have done likewise. I think that this in itself indicates that the American people are concerned about their National Park Service and are willing to support its growth and improvement. I believe that the abolishment of this passport is a rebuttal of the faith of the American people.

Let's keep our Forest Service Rangers and other essential personnel in these parks and if we need more, let's get more. I'm sure that most citizens that use the parks would be more than glad to pay an additional one or two dollars for their passports if the increase is justified.

Sincerely yours,

Donald R. Brooks.

Salt Lake City, Utah.

Dean Senator Moss: In regard to the Golden Eagle Program, we feel at this time we would like to express our interest in keeping the Golden Eagle Passport in force, and would appreciate anything you could do. * * * We are a couple of travelling people. We have supported the Golden Eagle from the beginning.

We, and all our friends, would be willing to pay more than $7. In fact, we have heard that it will probably be impossible to go camping, because the costs will be prohibitive if the Government allows private enterprise to take over.

Sincerely yours,
Velma and Earl Johnson.
Salt Lake City, Utah.

Dear Senator Moss: It has come to my attention that the Golden Eagle Pass will go out of existence next year, according to a law passed by our present Congress * * *

We have been a trailering family for six years now and belong to a small trailer club. We use these Federal parks at least once a month during the summer months, and really enjoy them. We also spend a two-week vacation this way each year. And really, I think the Golden Eagle Pass is the thing for this type of vacation. Where otherwise we could not afford two weeks away from home * * *

We wish to thank you for any help you may give us toward the repeal of this recent law passed by Congress which would eliminate the Golden Eagle Pass. Even a raise in price to $10 would not be out of line at this time.

Yours truly,
Leonard L. Ross.
Ogden, Utah.

Dear Senator Moss: Much to my disappointment and surprise I find that "The Golden Eagle Passport" has been silently shot down while our backs were turned. The article that I read indicated that it may be too late to submit a protest, but I am surely going to appeal to you personally to use your influence to discourage this action if at all possible.

This has done more for outdoor people like myself than anything that has ever happened in the past in the way of encouraging people to spend more time in the great outdoors..

The facilities that have been provided for us through this program have been absolutely fabulous. We need more of them and I think that the Golden Eagle Passport will get them for us.

Please don't let them discontinue this program.

Sincerely,
Floyd Yates.
Magna, Utah.

Dear Senator Moss: This letter is written in protest of the manner in which the Golden Eagle Passport was voted out of existence as of 1 April 1970. I am an ardent recreational vehicle enthusiast and outdoorsman and subscribe to numerous hunting and fishing periodicals, trailer and camper magazines and it was not until recently that I became aware that the Golden Eagle Passport was no more. Apparently no one can offer a reasonable explanation except that certain groups silently and "sneakily" pressured their Congressman to vote the passport out. * * *

The Golden Eagle Passport was probably the greatest single piece of assistance the Federal Government ever gave to vacationing families, hunters, fishermen and all those who love the outdoors. No recreational boom in history compares with the current interest in camping. It is estimated that 50 million Americans will indulge during 1969. * * *

It is absolutely essential that a national camping program provide more education to our urban population in the care and use of our wonderful natural environment.

This plan should provide for the enlargement of regional vacation areas, with more surrounding state parks, private campgrounds and resorts to serve the ever rising tide of recreational travelers. Certainly local communities have a great responsibility to relieve the intolerable pressure on national and state parks. * * *

May we respectfully ask that you indicate to us what your feelings are in this regard and advise what you intend to do now and in the future.

Very truly yours,
(Signed by some 80 Utahans).

Mr. MOSS. Among those who would be most seriously hurt if the Golden Eagle passport is not continued are older people who have retired. Many of them have saved for years to buy trailers and camping equipment so they might see as many of America's national parks and monuments and forests and other recreational areas as possible, and if they have to pay separate entrance fees to each one of them, they simply cannot afford to go.

I also ask unanimous consent to place excerpts from several letters in the Record which explain how people already retired—or soon to retire—feel.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Dear Senator Moss: We want to add our voices to the thousands of others who are protesting the cancellation of the Golden Eagle Passport to our National Parks and Recreation Areas. * * *

It makes one lost what little faith there was left in the fairness of our government.

We have paid taxes all of our lives and we think the Golden Eagle is the fairest thing ever, especially for retired people and others of moderate means. We have purchased one every year and with its help we have managed to see a little bit of 45 of the 50 states. By the time of retirement from U.S. Forest Service work, we had managed to acquire a comfortable camper outfit, and hoped to be able to see all we could of our beautiful outdoors. Now with the elimination of the Passport it looks doubtful.

Even if we have to pay more for the Golden Eagle, at least we would know what to expect. * * *

Please, Senator Moss, use whatever influence you have to either renew or replace with a pass equally fair, before the Golden Eagle Passport expires.

Thank you,
Mr. and Mrs. E. L. Brown.
Salt Lake City, Utah.

Dear Senator Moss: Again I am writing you concerning the Golden Eagle Pass. It has come to my attention that the present Congess has voted the pass out of existence and I want to strongly protest this unfair action. * * *

My husband and I plan to retire in three years and have long looked forward to the time when we could travel and see this beloved country of ours, with the convenience of our travel trailer. Being able to spend some time in our National Forests is a cherished dream which we certainly cannot afford on retirement pay if we have to pay unreasonable prices to park our trailer. * * *

Thank you very much,
Mr. and Mrs. Wesley H. Moore.
Clearfield, Utah.

Mr. MOSS. Mr. President, an excellent case can be made for continuing the Golden Eagle passport beyond the expiration date of May 31, 1970, and we are taking the first step here today in the introduction of the bill which is sponsored by the Senator from Washington, the Senator from Idaho, and myself. The next step will be hearings in the Senate Interior and Insular Affairs Committee, and I am confident they will be scheduled at an early date.

S. 2324—INTRODUCTION OF A BILL TO REPEAL THE REPORTING REQUIREMENT CONTAINED IN SUBSECTION (b) OF SECTION 1308, RELATING TO THE GOVERNMENT EMPLOYEES TRAINING ACT OF 1958

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to repeal subsection (b) of section 1308 of title 5, United States Code, which requires that the Civil Service Commission report annually to the President for physical transmittal to Congress a report of those employees who, during a designated fiscal year, participated in training in non-Governmental facilities in courses that were over 120 days in duration and those employees who received awards or contributions incident to training in non-Government facilities.

A summary of the information contained in these forms is also included in the annual report of the Civil Service entitled "Report on Agency Training Activities." The repeal of this subsection will not eliminate the necessity for each agency to report to the Civil Service Commission, but would eliminate the necessity of the preparation of a report transmitting the forms to the President and the Congress.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2324) to amend title 5, United States Code, to repeal the reporting requirement contained in subsection (b) of section 1308, relating to the Government Employees Training Act of 1958, introduced by Mr. McGee (by request), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2325—INTRODUCTION OF A BILL TO PROVIDE FOR ADDITIONAL SUPERGRADES IN THE CLASSIFIED CIVIL SERVICE

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to amend title 5 to provide for additional supergrades in the classified civil service.

This legislation was submitted to the Senate by the chairman of the U.S. Civil Service Commission on behalf of the administration. It provides for additional supergrades to be administered by the Civil Service Commission and for special allotments to the Federal Bureau of Investigation, the General Accounting Office, the Library of Congress, and the National Security Agency.

Earlier this year legislation was introduced to provide a special allotment of supergrades for certain officers of the Smithsonian Institution. I anticipate that early hearings can be scheduled on this legislation.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2325) to amend title 5, United States Code, to provide for additional positions in grades GS–16, 17, and 18, introduced by Mr. McGee (by request), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

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S. 2326—INTRODUCTION OF A BILL RELATING TO CIVIL SERVICE RETIREMENT

Mr. McGEE. Mr. President, I introduce, for appropriate reference, a bill to amend title 5, United States Code, to revise the civil service retirement system.

This legislation is identical to the bill pending on the calendar of the House of Representatives at the present time, and I hope that early hearings can be scheduled so that enactment of significant reforms, particularly in regard to retirement benefits for Federal employees as well as improved financing for the retirement fund can be enacted before Congress adjourns this year.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2326) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, introduced by Mr. McGee (by request), was received, read twice by its title and referred to the Committee on Post Office and Civil Service.

S. 2327—INTRODUCTION OF A BILL TO AUTHORIZE THE CONSTRUCTION OF EXTENSIONS OF THE AMERICAN CANAL AT EL PASO, TEX.

Mr. YARBOROUGH. Mr. President, I introduce a bill for myself and my colleague (Mr. Tower) to authorize construction of extensions of the American Canal at El Paso, Tex. This irrigation canal replacement is requested to complete the series of public facility projects in El Paso contemplated as a part of the boundary relocation involved in the settlement of the Chamizal dispute with Mexico.

Enactment of this bill will allow construction of a new American-Franklin Canal some 13 miles long, of a size to assure U.S. water users their share of the Rio Grande water allocation to them by the United States-Mexican Treaty of 1906. Part of the proposed new canal is being constructed as a necessary part of the Chamizal boundary relocation; this bill authorizes construction of the remaining needed sections.

Of special importance to me is the fact that this new canal will be completely fenced for its entire length. The old canal, now to be replaced, runs through the city of El Paso, and is inadequately equipped to restrain children from attempting to swim in its waters. This lack of protection has been a source of tragedy for many El Paso families over the years. I am assured that the construction plans for this new canal include complete fencing the length of the canal. This desirable improvement alone is enough to justify the project, but the project is well justified in its conservation of scarce water.

U.S. water users have suffered serious shortages of water in the Bureau of Reclamation Rio Grande project above and below El Paso, Tex., during the past 15 years. The shortages have been in part due to the fact that although the entire supply of water originates in the United States, a portion of the supply—up to 60,000 acre-feet per year in years of normal runoff, is allocated to Mexico by the Treaty of 1906. Such reduction in supply to U.S. users for international causes should be repaired to the extent practical.

Estimating the value of waters conservatively at $20 per acre-foot, the total value of the water which could be saved amounts to $420,000 per year. The annual cost of the proposed canal extensions, including amortization over 50 years with interest at 4½ percent and operation and maintenance, amounts to $250,000, or about $12 per acre-foot. The economic justification and practicability is therefore favorable by a benefit-cost ratio of 1.7 to 1.

This bill is a companion to H.R. 4870 introduced by Representative Richard White, of El Paso.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2327) to authorize the construction of extensions of the American Canal at El Paso, Tex., operation and maintenance, and for other purposes, introduced by Mr. Yarborough (for himself and Mr. Tower), was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2328—INTRODUCTION OF A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY INVESTIGATIONS OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. MURPHY. Mr. President, today I introduce a bill to authorize the Secretary of the Interior to engage in feasibility studies of two proposals, the Amargosa project in the Amargosa River Basin in the vicinity of Beatty, Nev., and Death Valley Junction, Calif., and the Santa Barbara Desalination project, in the vicinity of Santa Barbara, Calif.

The first of these undertakings, the Amargosa project, is designed to provide for the drilling of additional wells and the construction of the necessary distribution system to provide a water supply for 21,000 acres of irrigable lands and for anticipated municipal and industrial development.

A recent reconnaissance study indicates there are approximately 93,000 acres of arable land in the Amargosa Valley and that much of it is underlain by a ground-water aquifer that could be developed to serve a substantial part of that land. A limited amount of irrigation has been developed by privately owned wells or springs, but due to the high cost of the wells and conveyance facilities, private development is beyond the financial resources of most of the potential irrigators. As a result, the area is dependent to a high degree on tourism and the local economy is subject to considerable fluctuation. Moreover, the irrigation that has taken place is widely dispersed, the tax base is very limited and, as a result, the roads and other services are entirely inadequate. The existing developments have demonstrated adequately, however, that irrigated farming can be a very successful enterprise and would make a major contribution to the economic growth of the area. The only practical approach to developing the land and water resources is a Federal reclamation development. The next step in accomplishing that objective would be a feasibility study which reconnaissance findings clearly indicate to be fully justified.

The residents of the valley have formed the Amargosa Valley Improvement Association, Inc., for the purpose of dealing with the problems and needs encountered in efforts to improve general conditions within the valley. Residents of the valley have expressed an interest in obtaining Federal assistance in development of the resources of the Amargosa Valley.

The second undertaking, the Santa Barbara desalination project, is in support of the program being carried out by the Office of Saline Water, which involves the evaluation of the feasibility of prototype desalting plants. The feasibility study effort to be authorized by this legislation will be carried out in close cooperation with the Office of Saline Water in order to help that Office evaluate the engineering and economic feasibility of a large-scale prototype dual-purpose sea water desalting plant in the vicinity of Santa Barbara, Calif.

On the basis of preliminary studies completed in December 1967, the proposal is to study the feasibility of locating such a plant on the coast about 15 miles west of Santa Barbara. It would have a production capacity of 100 million gallons per day—approximately 95,000 acre-feet annually—with a power generating capacity of 860 megawatts. The desalted water would be used to meet the rapidly increasing demands for municipal and industrial water in Santa Barbara and Ventura Counties.

An engineering and cost study of the proposed Santa Barbara desalination project was completed in 1967. The study indicated the project could provide water and power at costs that are favorable for the area and that detailed consideration of the proposal is warranted.

The population of Santa Barbara and Ventura Counties has increased rapidly in recent years. A substantial part of this is related directly to the U.S. Navy facilities at Point Mugu and Port Hueneme, Vandenberg Air Force Base and defense-related services and research and development industrial facilities. The 1965 population of 432,600 is expected to increase to 694,400 in 1980 and to 1,450,000 by the year 2000. Surface and ground water resources have been developed extensively by local interests. The Cachuma and Ventura River reclamation projects, which complement local developments, provide about half the surface water utilized in Santa Barbara and Ventura Counties. The presently available dependable annual water supply in the area is estimated at 280,000 acre-feet and consists of 182,300 acre-feet of ground water annually and 97,600 acre-feet of surface water annually—including 18,000 acre-feet imported from metropolitan water district. Present demands exceed the total dependable developed water supplies.

The underground water in the Oxnard Plain and the Lower Santa Ynez River Valley are being overexploited to meet present needs. This has led to ocean water intrusion with resulting degrada-

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tion of ground water quality of the Oxnard Plain. Serious water quality problems also are present in the Lower Santa Ynez River Valley. All sources in the area, often even with treatment, are below desirable quality.

The estimated supplemental needs for the area to meet anticipated growth are 67,000 acre-feet by 1970, 71,000 acre-feet by 1980, 102,000 acre-feet by 1990, and 176,000 acre-feet by 2000. Conventional development of all remaining local water sources could produce approximately 53,000 acre-feet of water to assist in meeting these needs. In addition, Santa Barbara and Ventura Counties are in a position to obtain about 77,700 acre-feet of water annually from the California Aqueduct. The estimated cost of developing the remaining local resources and utilizing California Aqueduct water will be from $75 to $125 per acre-foot. Preliminary 1967 studies indicated that, based on available technology, the water from the Santa Barbara plant would be competitive.

One alternative or complement to the limited conventional water development is an ocean water desalting plant situated on the Santa Barbara channel coast so that the water produced at the plant could be integrated with existing conveyance and distribution facilities of the area.

Fundamental to any consideration of a dual-purpose water desalting-electric powerplant will be the proposed uses of the large quantities of electric power generated. Energy requirements within economical transmission distances from the Santa Barbara channel coast are increasing annually at a phenomenal rate. In southern California alone, projected additional energy needs will require the construction of 950 megawatts each year between 1970–75; 1,200 megawatts each year between 1975–80; and 1,300 megawatts each year between 1980–85.

Time for major water development decisions by the local interests is rapidly approaching. Action will have to be taken within 5 years to meet the area's water needs. To permit an informed decision concerning future plans, a realistic evaluation of the desalted water alternative should be made available to the area as soon as practicable.

The Colorado River Basin Project Act directs the Secretary of the Interior to develop a general plan for meeting the future needs of the Western United States. The Secretary is to take into consideration all possible means of augmenting the water supplies of water-deficient areas, including desalination, re-use of waste water, and other methods. The Santa Barbara study would contribute valuable knowledge regarding the feasibility of large-scale desalination in meeting the water needs of the West.

The **PRESIDING OFFICER**. The bill will be received and appropriately referred.

The bill (S. 2328) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments; introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2329—INTRODUCTION OF A BILL TO AUTHORIZE AND DIRECT THE SECRETARY OF THE INTERIOR TO RELINQUISH ANY TITLE TO LANDS IN SAN BERNARDINO COUNTY, CALIF.

Mr. **MURPHY**. Mr. President, I introduce, for appropriate reference, a bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the County of San Bernardino, State of California, as follows:

Sections 1 to 36, inclusive, township 19 north, range 12 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying south of the San Bernardino County line, township 20 north, range 11 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying south of the San Bernardino County line, township 20 north, range 10 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, and those portions of Sections 25 to 30, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 9 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 8 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, lying southerly of the San Bernardino County line, township 20 north, range 7 east, San Bernardino Base and Meridian, and

Sections 34 to 36, inclusive, and that portion of Sections 33, lying easterly of State Highway No. 127 and southerly of the San Bernardino County line, township 20 north, range 6 east, San Bernardino Base and Meridian, and

Sections 35 and 36, and that portion of Section 34, lying easterly of State Highway No. 127 township 19½ north, range 6 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, township 19½ north, range 7 east, San Bernardino Base and Meridian, and

Sections 31 to 36, inclusive, township 19½ north, range 8 east, San Bernardino and Meridian, and

Sections 1, 12, 13, 24, 25 and 36, township 19 north, range 8½ east, San Bernardino Base and Meridian, and

Sections 7, 17 to 22, inclusive, and 27 to 36, inclusive, township 19 north, range 13 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 19 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1, 2, 12, 13, 24, 25, 36 and those portions of Sections 3, 10, 11, 14, 23, 26 and 35, lying easterly of State Highway No. 127, township 19 north, range 6 east, San Bernardino Base and Meridian, and

Those portions of Sections 1, 2, 12, 13, 24, and 25 lying easterly of State Highway No. 127, township 18 north, range 6 east, San Bernardino Base and Meridian, and

Sections 1 to 28, inclusive, 34, 35 and 36, and those portions of Sections 30, 32 and 33, lying northerly of State Highway No. 127, township 18 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 11 east, San Bernardino Base Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 12 east, San Bernardino Base and Meridian, and

Sections 19 to 36, inclusive, township 18½ north, range 12 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 18 north, range 13 east, San Bernardino Base and Meridian, and

Sections 6, 7, 8, 16 to 22, inclusive, and 26 to 36, inclusive, township 18 north, range 14 east, San Bernardino and Meridian, and

Portions of Sections 6, 17, 18, 19, 30 and 31, lying westerly of State Highway No. 466, township 17 north, range 15 east, San Bernardino Base and Meridian, and

Sections 1 to 35, inclusive, and that portion of Section 36 lying northerly and westerly of State Highway No. 466, township 17 north, range 14 east, San Bernardino Base and Meridian, and

Sections 19 to 36, inclusive, township 17½ north, range 13 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 13 east, San Bernardino Base and Meridian, and

Sections 1, 12, 13, 24, 25, 36, township 18 north, range 12½ east, San Bernardino Base and Meridian, and

Sections 1, 12, 13, 24, 25 and 36, township 17 north, range 12½ east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 12 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 17 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 and 2, 12, 13 and that portion of Sections 3, 4, 10, 11, 14, 24, 25 and 36, lying easterly of State Highway No. 127, township 17 north, range 7 east, San Bernardino Base and Meridian, and

Sections 1 to 5, inclusive, 8 to 17, inclusive, 20 to 29, inclusive, and 33 to 36, inclusive and those portions of Sections 6, 7, 18, 19, 30 and 31 lying easterly of State Highway No. 127, township 16 north, range 8 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 9 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 10 east, San Bernardino Base and Meridian, and

Sections 1 to 36, inclusive, township 16 north, range 11 east, San Bernardino Base and Meridian, and

Sections 1 to 23, inclusive, 29 and 30, and those portions of Sections 24, 25, 26, 27, 28, 31 and 32, lying northerly of State Highway No. 466, township 16 north, range 12 east, San Bernardino Base and Meridian, and

Sections 1, 12, 13 and that portion of Section 24 lying northerly of State Highway No. 466, township 16 north, range 12½ east, San Bernardino Base and Meridian, and

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Sections 1 to 12, inclusive, and those portions of Sections 13, 14, 15, 16, 17, 18 and 19, lying northerly of State Highway No. 466, township 16 north, range 13 east, San Bernardino Base and Meridian, and

Sections 2 to 11, inclusive, 15 to 22, inclusive, 27 to 30, inclusive and those portions of Sections 1, 12, 13, 14, 23, 26, 31, 32, 33 and 34, lying northerly and westerly of State Highway No. 466, township 16 north, range 14 east, San Bernardino Base and Meridian, and

Those portions of Sections 5 and 6, township 15 north, range 12 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 3, 4, 5, 6, 7, 8 and those portions of Sections 1, 2, 10, 9, 17 and 18, township 15 north, range 11 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 1 to 12, inclusive, 14 to 20, inclusive and 30 and those portions of Sections 13, 21, 22, 23, 28, 29, 31 and 32, township 15 north, range 10 east, San Bernardino Base and Meridian, lying northerly of State Highway No. 466, and

Sections 1 to 36, inclusive, township 15 north, range 9 east, San Bernardino Base and Meridian, and

Section 1, 2, 3, 11, 12, 13, 14, 23, 24, 25 and those portions of Sections 4, 10, 15, 22, 26 and 36, lying easterly of State Highway No. 127, township 15 north, range 8 east, San Bernardino Base and Meridian, and

Those portions of Sections 1, 12, 13, 24 and 25, township 14 north, range 8 east, San Bernardino Base and Meridian lying easterly of State Highway No. 127, and

Sections 2 to 6, inclusive, 7, 8, 9, 17, 18, 19 and those portions of Sections 1, 10, 11, 12, 15, 16, 20, 21 and 30 lying northerly and westerly of State Highway No. 466 township 14 north, range 9 east, San Bernardino Base and Meridian, and

That portion of Section 6, township 14 north, range 10 east, San Bernardino Base and Meridian, lying northerly and westerly of State Highway No. 466 and that all said aforementioned land is known as "Valley Wells Ranch" as recorded in the various official records of the county recorder, county of San Bernardino, State of California.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2329) to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2331—INTRODUCTION OF A BILL TO CONTINUE IN EFFECT THE UNIFIED SYSTEM OF ANNUAL AND USER FEES FOR FEDERAL RECREATION AREAS

Mr. CANNON. Mr. President, in 1898, John Muir, the farsighted pioneer of nature preservation, wrote:

> Thousands of nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.

With much the same appreciation of the importance of our magnificent public estate of parks and forests I introduced earlier this year a bill which would eliminate park entrance fees for our older citizens. That bill S. 819 has met with an overwhelmingly favorable response. I have been joined by 27 of my colleagues in cosponsoring the measure. Many of the older citizens of this country have written to say how helpful this gesture would be.

Others have written also, to discuss a related issue—the scheduled demise of the Golden Eagle passport. As you know, the passport enables the bearer to enter any of our national recreational park or forest lands with his family without paying the individual unit entrance fee each time. Rather, his one-time payment of $7 makes available the entire Federal recreational complex for a full year.

The authority for the sale of these Federal recreation area permits is scheduled to expire on March 21, 1970. So that this permit, which has been referred to as "the greatest single recreation bargain available today" does not disappear, I am now introducing legislation which would prolong the authority for the Golden Eagle passport.

I am certain that many of my colleagues have also received mail from interested, concerned constituents who wish to have the present system continued.

Among the reasons given for discontinuing the permit approach is that in some cases the costs of administering the program exceeded the revenues generated. It is my understanding that studies are now being carried out to determine whether this is indeed the case, and if so, just how serious a problem it has been. It is important to point out, I believe that whatever the studies reveal, the purpose of our system of national parks and national forests as well as the remainder of our recreational estate is not to produce profit, but to the pleasure and an understanding of the natural world.

I say that if we have a method which provides an efficient, relatively inexpensive means for the American public to enter and enjoy our recreational lands—and we do have such a method in the Golden Eagle passport—then we should insure that this is maintained.

I now introduce, for appropriate reference, my bill to continue in effect the unified system of annual and user fees for Federal recreation areas.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2331) to continue in effect the unified system of annual and user fees for Federal recreation areas, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

S. 2332—INTRODUCTION OF A BILL TO PROHIBIT THE RENDITION BY JUSTICES AND JUDGES OF THE UNITED STATES OF CERTAIN PERSONAL SERVICES FOR COMPENSATION

Mr. THURMOND. Mr. President, much has been said in the past few weeks about the role of Justice Douglas in the Parvin Foundation, from which he recently resigned as president. Relatively little attention has been given to the Justice's role in the Center for the Study of Democratic Institutions and its parent organization, the Fund for the Republic, Inc. For all practical purposes, the center and the fund are identical. In a brochure published by the center, the following appears as the definition:

> The Center for the Study of Democratic Institutions is an independent educational institution devoted to continuing examination of basic issues confronting a democratic society.
>
> Its corporate entity is conducted by The Fund for the Republic, Inc., a non-profit corporation.

Justice Douglas has been the chairman of the board of directors of the Fund for the Republic since 1961. He has been listed as a consultant to the Center for the Study of Democratic Institutions since 1959.

This is not the sole extent of Justice Douglas' association with the center. According to various newspaper accounts, at least $90,000 has been given to the center between 1965 and 1968 by the Albert J. Parvin Foundation, from which the Justice recently resigned as president. In addition, the board of directors of the Fund for the Republic and the Parvin Foundation both include Justice Douglas, Robert M. Hutchins, and Harry S. Ashmore. Mr. Ashmore and Mr. Hutchins are listed also as "fellows" of the center, and both have been among the most active participants in the center's activities. Mr. Ashmore at one time served as secretary and spokesman for the Parvin Foundation. Obviously, there appears to be a close working relationship between the center and the Parvin Foundation.

In addition, the center has paid Justice Douglas $500 a day for participating in its seminars. In the month of January 1969 this compensation amounted to $4,000 alone, plus $865 in expenses for two seminars.

I question the propriety of an Associate Justice of the U.S. Supreme Court being so deeply committed to the activities of this institution. While it is true that many fine citizens of varying opinions have participated in the activities of the center, the crucial distinction in this case is Justice Douglas' role as the principal officer of the center; namely chairman of the board. As such, he has allowed his prestige as Associate Justice for the Supreme Court to be exploited to support the work of a private institution. The center is not a purely objective and professional academic institution. It is engaged in activities designed to propagandize certain points of view. The results of its work are published not in professional scholarly journals, but in pamphlets and recordings which are distributed throughout the country. It avowedly seeks to disseminate provocative material.

I would like to quote from the center's own definition of its activities:

> Many viewpoints are represented in the output of the Center, but the Center adopts none as its own. Nor does the Center seek consensus or unanimity in its publications and audio tapes. It produces materials which promise to add new dimensions to the general discussion—in statements of conventional wisdom. Each staff member speaks his personal point of view. The Center is responsible for determining that the material it produces should be presented to the public as

> a contribution to the dialogue about a free society.

Despite the disclaimers, I do not think that anyone, even the center itself, really believes that this group is giving a balanced presentation. One has only to look over the list of fellows and consultants officially appointed to the center to recognize its bias. Now, it is perfectly all right for an institution of this sort to have a bias, if it chooses, and to propagandize its views, if it chooses; but what is not all right is for this bias to be propagandized under the auspices of an Associate Justice of the U.S. Supreme Court. A judge is supposed to be a model of objectivity. He must not only be objective but also have the appearance of being objective; and he cannot have this objectivity when he has personal commitments to ideological and political causes and has his name attached as the chairman of an institution which propagandizes for controversial and provocative views. The question here is not the question of free speech but the question of the indulgence which is allowed to a judge or Justice. This continuous vigorous and active participation in the center's activities disqualifies him from many, if not most, of the vital questions which may come before the Court.

However, if it were only a question of controversial topics upon which good citizens may have divergent views, the situation would be bad enough. But Justice Douglas has lent the prestige of the U.S. Supreme Court to some highly dubious enterprises which emanated from the center. Indeed, Justice Douglas, despite his position as chairman, made no public dissent from the use of the center as a vehicle for dubious causes. He cannot hide behind the disclaimer that the views propagated by the center are the views only of the supporters themselves and not his own.

Let me take up just two examples of official publications published by the center. One of these is entitled "A Constitution for the World," published in 1965. This so-called world constitution is the fruit of long and serious discussions at the center concerning a constitution for world government. Many people may say that this so-called constitution for the world is a gauzy and impractical plan which will never be implemented. That, no doubt, is true. The real point is that the publishers of this constitution are seeking to do away with national sovereignty and to put the United States into a structure of world government.

Such a proposal is manifestly a proposal to abolish the U.S. Constitution as the fundamental law of the land; in fact, the principle of the so-called world constitution says:

> The Governments of the nations have decided to order the separate sovereignties in one government of justice, to which they surrender their arms; and to establish, as they do establish, this Constitution as the covenant and fundamental law of the Federal Republic of the World.

This is not the time and place to discuss the merits or demerits of world government or even the value of the constitution proposed by the center. The point is: What may be valid speculation for the ordinary citizen is not valid speculation for a Justice of the Supreme Court who may have to pass on the constitutional questions involved. If the United States should choose to abrogate our sovereignty under the U.S. sovereignty, the U.S. constitutional system puts forward the mechanism for making even that drastic change. It is highly improper for a Supreme Court Justice to lend his prestige to such a center.

The second example which I will give comes from a booklet published by the center in 1967 entitled "Students and Society." This booklet consists of a transcript of a 3-day seminar held in Santa Barbara, Calif., late in August 1967. This conference was described by Tom O'Brien, staff writer for the Santa Barbara News-Press on August 24, 1967, as "a master plan of how best to destroy the American university system as it is today."

I do not know whether this conference was indeed a "master plan." In the 2 years which have followed, many of our universities have exploded in disruption and riot. A conference of this sort is a dangerous game. No doubt many of the young radicals that the center gathered together in August 1967 were already bent on creating havoc and revolution. However, some of the group were listed as "junior fellows" of the center, indicating that they were officially connected with the center.

In December 1967, the center published an edited transcript of the 3-day proceedings, along with some of the working papers. It is important to realize that the quotations which I am giving to you were published after being edited, a process which presumably would involve the removal of objectionable or irrelevant material.

One student spoke as follows:

> I think we agree that the revolution is necessary and that you don't conduct a revolution by attacking the strongest enemy first. You take care of your business at home first, and then you move abroad. Thus, we must make the university the home of the revolution. . . .

There was a great amount of talk about revolution at this conference. Another student summarized it as follows:

> I am going to say loudly and explicitly what I mean by revolution. What I mean by revolution is overthrowing the American Government and American imperialism and installing some sort of decentralized power in this country.

This same student went on to say:

> I'll tell you the steps that I think will be needed. First of all, starting up 50 Vietnams in Third World Countries. This is going to come about by black rebellions in our cities, joined by some white people. People in universities can do a number of things to help it. They have access to money and they can give these people guns, which I think they should do. They can engage in acts of terrorism and sabotage outside the ghetto. Negro people have trouble getting out because they cordon those areas off, but white activists can go outside, and they can blow things up, and I think they should.

Another student wrote as follows:

> We have the power to bring the American Juggernaut to a halt. Let us paralyze the university; let us ball up the economy. One day some Congressmen and the President may petition us, not we them. Let us therefore disrupt. We have nothing to lose.

I suppose that this kind of talk is what the center calls dialog. We must remember that these statements were edited and published in an expensive pamphlet and sent all around the country. These are not quotations from the so-called underground press. These are quotations from an institution which has an Associate Justice of the U.S. Supreme Court as its chairman. There is no notice in the pamphlet that the Associate Justice dissented from these statements. It may be, as the center claims its general policy to be, that they are not responsible for any of the opinions expressed at their seminars. But it seems to me that someone has to take the responsibility for publishing these statements and sending them around the country to fan the flames of revolt. And when we go up the order of hierarchy at the center, we find at the top, as the man ultimately responsible, Justice Douglas, who as president of the Parvin Foundation, I remind you, also donated $90,000 to make the publication of such statements possible.

Such activity is clearly improper for a man who has the double duty, not only of representing the majesty of the law, but who has also taken an oath to uphold the U.S. Constitution. A Supreme Court Justice does not have the same freedom of action and freedom of speech that the ordinary citizen would have. Many citizens would say that the authors of these statements had trampled upon free speech and were calling for an end to free speech. But surely a Supreme Court Justice cannot go so far as providing the vehicle for conveying these statements to the public.

Mr. President, a news item of May 23, 1969, said that Carl F. Stover, president of the National Institute of Public Affairs, based here in Washington, said that he was resigning as a consultant to the Center for the Study of Democratic Institutions. Mr. Stover said he was resigning because the center had accepted money from the Parvin Foundation which received its money in large part from gambling interests. Mr. Stover asserted that these gambling interests consisted both of legal and illegal gambling activities. Mr. Stover said:

> This has been nagging at my conscience ever since. The Justice Douglas situation brought it to a head.

In resigning from the center, Mr. Stover said that Justice Douglas should resign from the center also.

In my opinion, Mr. Stover himself does not go far enough. Justice Douglas' activities as chairman of an institution propagating revolutionary changes are incompatible with the lofty role of a Supreme Court Justice. Justice Douglas should immediately resign from the Court in order to help make some amends for the disgrace which he has brought upon the judicial branch of our Government.

Mr. President, it is the responsibility of the Congress to establish the national policy in many areas and certainly it is our duty and responsibility within the jurisdiction of this body to establish a policy with regard to the interest of members of the Federal bench which

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may be in conflict with their responsibilities as jurists.

No policy has been established by the Congress and yet recent circumstances clearly indicate that there needs to be some delineation of those personal activities and practices which if engaged in by Justices or judges of the Federal bench will be considered improper and shall be deemed grounds for removal from office by the process of impeachment.

Mr. President, I am introducing a bill which if enacted into law will clearly set and establish types of compensation that would and would not be receivable by a Justice or judge of the United States.

This bill would prohibit any member of the Federal bench from practicing a profession, serving as an officer of a business enterprise, serving for compensation as an officer, or acting for any business, trust, foundation or institution, or delivering any speech for compensation.

If a jurist, while acting as a Justice or judge, did any of these enumerated things, then he would be guilty of a high misdemeanor.

The bill makes an exception for acts which a judge is required to perform as one of the duties of his office, and it makes exceptions for compensations received for written matter of a professional literary nature which compensation comes from a publisher and it is not in excess of the amount customarily paid by a publisher to an author; and he may receive compensation which is reasonably incurred directly and incident to his travel subsistence and other expenses actually and reasonably incurred in connection with the delivery of a speech or an address.

Mr. President, I introduce a bill to amend title 28, United States Code, to prohibit the rendition by Justices and judges of the United States of certain personal services for compensation and I ask unanimous consent that the text of the bill be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2332) to amend title 28, United States Code, to prohibit the rendition by Justices and judges of the United States of certain personal services for compensation, introduced by Mr. THURMOND, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 454, title 28, United States Code, is amended to read as follows:

"§ 454. Personal activities of Justices and judges

"(a) Any Justice or judge of the United States who, while serving as such—

"(1) engages in the practice of law or the practice of any other profession;

"(2) serves as an officer, director, agent, or employee of any business corporation, or as a member of a business partnership;

"(3) serves for compensation as an officer, director, agent, or employee of, or otherwise renders personal services for compensation to, any business or other trust, foundation, or institution; or

"(4) delivers for compensation any speech or address to or before an organization, an institution, or a group of individuals,

shall be guilty of a high misdemeanor.

"(b) Nothing contained in this section shall be deemed to prohibit any Justice or judge of the United States from—

"(1) performing any act which is required by law for the performance of the duties of his office; or

"(2) receiving compensation for written matter of a professional or literary nature, from a publisher regularly and primarily engaged in the business of publishing books or one or more periodicals for distribution to the public, in an amount or at a rate not in excess of that customarily paid by such publisher to other authors for similar written matter.

"(c) As used in this section, the term 'compensation' means any money or any other valuable consideration, except that when used in relation to a speech or address such term does not include reimbursement for travel, subsistence, and other expenses actually and reasonably incurred directly incident to the delivery of such speech or address.".

(b) The item relating to section 454, title 28, United States Code, contained in the table of sections of chapter 21 of that title is amended to read as follows:

"454. Personal activities of Justices and judges.".

S. 2335—INTRODUCTION OF A BILL TO AUTHORIZE THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE COMPACT ON JUVENILES

Mr. TYDINGS. Mr. President, nearly 3 decades ago, Congress enacted legislation to give its general consent to all the States to enter the so-called Interstate Compact on Juveniles. Subsequently, all but three States and the District of Columbia have entered the compact, which provides for the extradition of juveniles who have fled their State of residence.

Today I am introducing legislation which would have the effect of putting the Uniform Interstate Compact on Juveniles into effect in the District of Columbia.

District of Columbia adherence to this compact will provide an essential element in the law enforcement procedures of the Washington metropolitan area.

District of Columbia adherence to the compact has been recommended by the Metropolitan Washington Council of Governments' Public Safety Policy Committee, which notes that both Maryland and Virginia have entered the compact, while the District has not.

My attention was drawn to this situation by Prof. William W. Greenhalgh, who testified before the District of Columbia Committee's oversight hearings on crime in the National Capital. I asked him at those hearings what the present procedure was for extraditing juveniles from the District of Columbia. He replied:

> You take the juvenile to the county line and tell him to get over it.

As Professor Greenhalgh also said:

> That is not the right way to handle it.

Enactment of the legislation I am introducing today will cost no money. It simply provides legal procedure now lacking for returning juveniles to their own States when such juveniles have illegally fled their own States and are found in the District.

The interstate compact on juveniles has four major purposes:

First. To provide for the return to their home States of runaways who have not as yet been adjudged delinquent.

Second. To provide for the return of absconders and escapees to the State from which they absconded or escaped.

Third. To permit out-of-State supervision of a delinquent juvenile who should be sent to some State other than the one in which he got into trouble and who is eligible for probation or parole.

Fourth. To authorize agreements for the cooperative institutionalization of special types of juveniles such as psychotics and defective delinquents.

The bill I am introducing today is one of several which have already been introduced as a result of oversight hearings on crime in the National Capital which the Committee on the District of Columbia is pursuing. As our hearings proceed, such additional legislation as is shown to be needed will also be prepared and introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 2335) to authorize the District of Columbia to enter into the interstate compact on juveniles, introduced by Mr. TYDINGS, was received, read twice by its title, and referred to the Committee on the District of Columbia.

SENATE JOINT RESOLUTION 118—INTRODUCTION OF A JOINT RESOLUTION RELATIVE TO THE BALANCING OF THE BUDGET

Mr. CURTIS. Mr. President, on behalf of myself, my senior colleague from Nebraska, Senator HRUSKA, and the Senator from South Carolina (Mr. THURMOND), I introduce a joint resolution proposing an amendment to the Constitution of the United States.

The purpose of this proposed constitutional amendment is to put the Government of the United States on a pay-as-you-go basis and also provide for some payment on the national debt every year.

In case of a declaration of war or a grave national emergency determined by the Congress on a rollcall vote, the provisions of my amendment against deficit financing could be waived for a year at a time. This is sensible and necessary. It would be foolish to write a provision into our Constitution that would make it impossible for the Nation to defend itself in an emergency.

Mr. President, I believe that it would be of great advantage to our country if the word went out that the United States was going to put its financial house in order; that hereafter Government expenditures would not exceed Government receipts, and that some payment would have to be made on the national debt every year.

I firmly believe that we have no right as a people to refuse to pay our grocery bill or our hotel bills, or for the automobiles that we drive, and leave such bills to be paid by future generations. By the same token we have no right to avoid paying the annual costs of running our Government and leave a portion of that cost with its enormous burden of interest charges to future generations. To do so is immoral.

Many people pay lipservice to the pay-as-you-go system. Too often they say it's a good thing but not right now. I think the time is now. To contend that there is always a valid excuse for not paying the costs of government on a current basis is deceptive.

Mr. President, this proposed constitutional amendment would require the President to submit to the Congress a balanced budget within 15 days after the beginning of each regular session of Congress. If a President asks for estimated expenditures beyond estimated receipts, he should include his recommendation for increased taxes.

This proposed constitutional amendment has written into it the necessary provisions to make it self-enforcing. First, it provides that Congress cannot adjourn if it has authorized expenditures in excess of the estimated receipts for any fiscal year until it has taken such action as is necessary to balance the budget and provide for some reduction of the national debt. This action could be in the form of either a reduction in expenditures or an increase in taxes.

Several years ago this formula was suggested. Up to that time Congress usually adjourned by Labor Day. To prohibit an adjournment until the budget was balanced appeared then to be an effective method of enforcement. In recent years, however, Congress has been in session all, or nearly all, of the calendar year. This means that a prohibition against adjournment as an enforcement feature is not effective. Therefore, the proposal submitted today further provides that if estimated expenditures authorized by Congress exceed estimated receipts, neither House of Congress may, after October 15, enact any other legislation, except legislation to balance the budget and provide for a reduction in the debt. After the balanced budget and debt reduction were provided for, the Congress could, of course, resume its other legislative programs. In other words, under this proposal Congress would be without authority to either adjourn or enact any other measures until our financial house was in order. If this were made a part of our Constitution it would effectively bind the Congress and the Executive to the end that our Government would operate on a pay-as-you-go basis.

Mr. President, I urge that this proposal be given committee hearing in the near future and that it be passed by the Congress and ratified by the States.

It will be noted that in this proposed constitutional amendment we deal with expenditures and receipts exclusive of trust funds. This would prevent the intermingling of trust funds with the general fund of the Government and would guarantee that revenues would have to be available for the general fund to meet all of the expenditures from such fund.

Mr. President, I ask unanimous consent that a copy of my proposal be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 118) proposing an amendment to the Constitution of the United States relative to the balancing of the budget, introduced by Mr. CURTIS (for himself and other Senators), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 118

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. On or before the fifteenth day after the beginning of each regular session of the Congress, the President shall transmit to the Congress a budget which shall set forth his estimate of the receipts of the Government, other than trust funds, during the ensuing fiscal year under the laws then existing and his recommendations with respect to expenditures to be made from funds other than trust funds during such ensuing fiscal year, which shall include an amount for a reduction of the public debt and which shall not exceed such estimate of the receipts. The President in transmitting such budget may recommend measures for raising additional revenue and his recommendations for the expenditure of such additional revenue. If the Congress shall authorize expenditures to be made during such ensuing fiscal year in excess of such estimate of the receipts, or if it fails to provide for a reduction of the public debt during such fiscal year, neither the House of Representatives nor the Senate shall—

"(1) adjourn for more than three days at a time; or

"(2) subsequent to October 15, enact any bill or joint resolution other than a bill or joint resolution the purpose or effect of which is to increase revenues, reduce expenditures, or reduce the public debt;

until such action has been taken as may be necessary to balance the budget for such ensuing fiscal year and to provide for a reduction of the public debt during such fiscal year. In case of war or other grave national emergency, if the President shall so recommend, the Congress by a vote of three-fourths of all the Members of each House may suspend the foregoing provisions for balancing the budget and for reduction of the public debt for periods, either successive or otherwise, not exceeding one year each.

"SEC. 2. This article shall take effect on the first day of the calendar year next following the ratification of this article.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

SENATE JOINT RESOLUTION 119—INTRODUCTION OF A JOINT RESOLUTION TO AUTHORIZE APPROPRIATIONS FOR EXPENSES OF THE U.S. SECTION OF THE UNITED STATES-MEXICO COMMISSION FOR BORDER DEVELOPMENT AND FRIENDSHIP

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a joint resolution to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship.

The proposed joint resolution has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated May 21, 1969.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution and the letter will be printed in the RECORD.

The joint resolution (S.J. Res. 119) to authorize appropriations for expenses of the U.S. section of the United States-Mexico Commission for Border Development and Friendship, introduced by Mr. FULBRIGHT (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S.J. RES. 119

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated such sums as may be necessary for the expenses of the United States Section of the United States–Mexico Commission for Border Development and Friendship, which Commission was established by an exchange of notes between the Government of the United States and the Government of Mexico in November and December 1966, pursuant to a meeting between the Presidents of the two countries in April 1966.

The material, presented by Mr. FULBRIGHT, follows:

DEPARTMENT OF STATE,
Washington, May 21, 1969.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for your consideration and appropriate reference is a draft of a proposed Joint Resolution to authorize appropriations for the expenses of the United States Section of the United States-Mexico Commission for Border Development and Friendship.

The Commission was established by an exchange of notes between the United States and Mexico in November and December of 1966 pursuant to a meeting between the Presidents of the two countries in April of

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that year. Their joint statement included the following:

"The two Presidents expressed their determination to improve the relations between the frontier cities of both countries and to elevate the life of those who live in the border region. They agreed to create a Commission which would study the manner in which these objectives could be realized by cooperative action to raise the standards of living of the respective communities from a social and cultural as well as a material point of view."

The United States Section of the Commission consists of representatives of the Departments of State, Agriculture, Commerce, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, and Transportation, the Office of Economic Opportunity, the Office of Emergency Preparedness, and the Inter-Agency Committee on Mexican American Affairs.

Appropriations for the expenses of the United States Section are dependent upon the enactment of the proposed authorizing legislation.

Accordingly, the Department urges early and favorable consideration of the enclosed draft resolution.

The Bureau of the Budget has advised us that this legislative proposal is consistent with the Administration's objectives.

Sincerely yours,

WILLIAM B. MACOMBER, Jr.,
Assistant Secretary for Congressional Relations.

ADDITIONAL COSPONSORS OF BILLS

Mr. SAXBE. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 60) to create a catalog of Federal assistance programs, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. JACKSON) I ask unanimous consent that, at its next printing the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of S. 88, to amend the Public Health Service Act to provide for a comprehensive review of the medical, technical, social, and legal problems and opportunities which the Nation faces as a result of medical progress toward making transplantation of organs, and the use of artificial organs a practical alternative in the treatment of disease; to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of regional and community programs for patients with kidney disease and for the conduct of training related to such programs; and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Wyoming (Mr. MCGEE), the Senator from Iowa (Mr. MILLER), and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of the bill (S. 472), to amend title II of the Social Security Act to increase the annual amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 1277), to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Mr. President, on behalf of the Senator from North Carolina (Mr. ERVIN) and the Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that, at its next printing, the name of the Senator from Massachusetts (Mr. KENNEDY) be added as a cosponsor of the bill (S. 1461), to amend section 3006A of title 18, United States Code, relating to representation of defendants who are financially unable to obtain an adequate defense in criminal cases in the courts of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Indiana (Mr. BAYH), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor of the bill (S. 1952) to establish in the Executive Office of the President an independent agency to be known as the Office of Executive Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. BAYH) be added as a cosponsor of the bill (S. 1933) providing for Federal railroad safety, and the bill (S. 1938) to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Utah (Mr. BENNETT) be added as a cosponsor of the bill (S. 2071) to amend the National Labor Relations Act to prohibit certain secondary boycotts in the construction industry which impede technological progress in such industry and unduly restrict the design professional's freedom in selecting the best and most efficient materials to accomplish construction projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, at the request of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at its next printing, the name of the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2093) to exclude certain property from the Mount Jefferson Wilderness.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, at the request of the Senator from Florida (Mr. GURNEY), I ask unanimous consent that, at its next printing, the name of the Senator from Nebraska (Mr. CURTIS) be added as a cosponsor of the bill (S. 2111) to require the termination of Federal financial assistance to colleges and universities that fail to properly support reserve officer training programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. At the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added to the list of cosponsors of the bill (S. 2146) to encourage the flow of credit to urban and rural poverty areas in order to stimulate the rate of economic growth and employment in those areas, and to provide the residents thereof with greater access to consumer, business, and mortgage credit at reasonable rates.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. BELLMON) be added as cosponsors of the bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, on April 29, 1969, I introduced S. 2004, a bill which would amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses.

Since that time I have been contacted by many Senators urging early hearings on the legislation, and as well as an opportunity to cosponsor the bill.

Hearings on this legislation have been scheduled by the Subcommittee on Communications for July 15 and 16.

I ask unanimous consent that the following Senators be listed as cosponsors of the bill: Senator NORRIS COTTON, Senator GORDON ALLOTT, Senator HUGH SCOTT, Senator VANCE HARTKE, Senator JAMES B. PEARSON, Senator FRANK E. MOSS, Senator ROMAN L. HRUSKA, Senator CARL T. CURTIS, Senator JOHN SPARKMAN, Senator HERMAN TALMADGE, Senator MARLOW W. COOK, Senator HOWARD H. BAKER, JR., Senator HOWARD W. CANNON, Senator MIKE MANSFIELD, Senator JOHN STENNIS, Senator ROBERT J. DOLE, Senator WARREN G. MAGNUSON, and Senator EDWARD W. BROOKE, and that their names appear as cosponsors on the bill at its next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. I ask unanimous consent to have printed in the RECORD a letter that I received from Senator SCOTT outlining his position on this measure.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., May 22, 1969.
Hon. JOHN O. PASTORE,
Chairman, Communications Subcommittee, U.S. Senate Commerce Committee, New Senate Office Building, Washington, D.C.

DEAR JOHN: I am writing to advise you of my wish to co-sponsor and support S. 2004, your bill to establish orderly procedures for the consideration by the Federal Communications Commission of applications for the renewal of television and radio broadcast licenses. I also want to express especially my hope that it will be possible for our Senate Communications Subcommittee to hold hearings on this legislation in the near future.

Like yourself, I am concerned by the problems in the license renewal area which were outlined for the Subcommittee during our hearings earlier this year on matters of FCC procedure. Although perhaps well-intentioned, I am not persuaded that a policy which encourages the filing of a multiplicity of competing applications, often from groups unknown, actually serves the public interest. Such a policy would seem to favor precariously the weight of promise over the weight of past performance. Moreover, it might be effectively argued that the resulting administrative burden on the small number of FCC personnel having license renewal responsibilities could preclude thorough consideration in those relatively few instances where a challenge to the existing licensee is clearly warranted.

It appears to me that S. 2004 is designed to deal fairly and realistically with this situation. In essence, this proposal would give the current license holder the benefit of the doubt warranted by his previous investment and experience. First consideration would be given, by statute, to the existing licensee, but only with the safeguard provided by the bill's repeated mandate to the Commission to consider past performance specifically in the context of "the public interest, convenience, and necessity." I am aware, too, that S. 2004 contains a change from earlier drafts of this proposal to require absolutely that the Federal Communications Commission "shall" deny renewal to those licensees for whom it finds renewal would be contrary to the public interest. I believe this revision further serves to ensure that this legislation would be entirely consistent with the Congressional concern for the public interest embodied in the Federal Communications Act.

S. 2004 has been the object of considerable interest and support in my Commonwealth of Pennsylvania. I am pleased to join in urging its early and favorable consideration.

Sincerely,

HUGH SCOTT,
U.S. Senator.

INTERAGENCY COMMITTEE ON MEXICAN-AMERICAN AFFAIRS—AMENDMENTS

AMENDMENTS NOS. 26 AND 27

Mr. GOLDWATER submitted amendments intended to be proposed by him, to the bill (S. 740) to establish the Interagency Committee on Mexican-American Affairs, and for other purposes; which were referred to the Committee on Government Operations and ordered to be printed.

ANTIOBSCENITY LEGISLATION—AMENDMENTS

AMENDMENTS NOS. 28 THROUGH 35

Mr. GOLDWATER submitted eight amendments intended to be proposed by him, to the bill (S. 2073) to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors, which were referred to the Committee on the Judiciary and ordered to be printed.

(See the remarks of Mr. GOLDWATER when he submitted the above amendments, which appear under a separate heading.)

FEDERAL COAL MINE AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 36 AND 37

Mr. COOPER submitted two amendments, intended to be proposed by him, to the bill (S. 1300) to improve the health and safety conditions of persons working in the coal mining industry of the United States, which were referred to the Committee on Labor and Public Welfare and ordered to be printed.

(See the remarks of Mr. COOPER when he submitted the above amendments, which appear under a separate heading.)

ANTIOBSCENITY LEGISLATION—AMENDMENTS

AMENDMENTS NOS. 28 THROUGH 35

Mr. GOLDWATER. Mr. President, it is with great satisfaction and hope that I take note of the growing willingness of Congress and the administration to come to grips with the problem of protecting children from exposure to the degrading, obscene material which is flooding the mails and channels of commerce.

In March I expressed my strong concern in this Chamber that the present situation had reached the state of a national menace. I further stated that there must be prompt and effective action taken at the highest levels of Government to put a stop to the kind of trash that is invading American homes.

For my part, Mr. President, I was pleased to be a coauthor with Senator ALLEN, and 19 other Senators, of the first bill to be introduced in the Senate that is aimed squarely at the protection of children. Since that time other measures have been introduced along this line—chief among which is the bill proposed by President Nixon in his message of May 2.

Mr. President, as is natural, much of the interest nationwide has been devoted to the bill drafted by the administration. Here in the Senate, the measure has been sponsored by almost 40 Members. In recognition of the prominent role gained by the administration's proposal, I believe there is a good possibility that it is the vehicle which will be used by the Congress for enacting a law in this area. For this reason, I have decided to offer a series of eight amendments that are designed to increase the effectiveness of the bill in the event it should become law. My amendments are presented at an early time so that Members will have an adequate opportunity to study and be familiar with them during all stages of legislative proceedings in this area.

The first amendment I submit today is intended to tighten up the definitions used to describe just what type of matter it is that the bill would restrict. Unfortunately, it appears that certain essential elements that are traditionally required by the courts as a test of obscenity have been left out of the administration bill.

For example, the statute would allow the material under question to be considered standing alone, although the usual court standard is to view the objectionable matter in the setting in which it appears. Obviously, the omission of this element can cause a significant difference in the decision of whether or not an item is obscene. Looked at by itself, one picture in a magazine or one line in a book may appear indecent. But when taken in the context of the article or story to which it belongs, it may seem proper.

For this reason, I am afraid that unless the bill is changed it will be applicable on its face to many legitimate magazines, newspapers, and books that no one wanted to cover. As an example, I mention an article on nudity in the theater which appeared recently in one of the Nation's top weekly magazines. Some of the pictures used were questionable if isolated from the article which they accompanied. But surely it would be a mistake—not to say a violation of the first amendment—to prohibit a social commentary of this nature. Consequently, I have proposed an amendment that would aim the bill directly at the crude, hard-core pornography that clearly impairs the ethical and mental development of youth, but avoid any unfortunate applications which might undermine the constitutional validity of the entire statute.

Mr. President, the second amendment I submit is also designed to keep the impact of the bill on target. For some reason, the bill is not directed specifically at those who would exploit youngsters for gain. In fact, the language is so broad that the literal meaning of the measure is that relatives and friends who communicate with each other by mail could be guilty of committing a serious crime.

For example, the way the law is now drafted, it would bring within its reach the case of a student at college, or a serviceman overseas, who happens to send a questionable slide or photo home to his younger brother. Now this kind of thing may show poor judgment, but I really must wonder about its being included as the subject of a Federal offense.

Mr. President, to close up this loose language, my amendment would clearly direct the law at perversion for profit.

On the other hand, Mr. President, the next amendment I wish to submit would significantly add to the coverage of the bill's criminal provisions. For it appears to me that the only person covered by the law is the one who deposits matter in the mail or transports matter in commerce. The result of this oddity is that any maker of obscene films or printer of pornographic literature who wishes to evade the penalties of the law can do so by hiring an independent distributor to handle the actual mailing or shipping of his product. This situation would be properly corrected, however, if my amendment is adopted.

The fourth amendment which I submit would remove two provisions from the statute that are likely to encumber and impede the successful operation of the law.

These two provisions actually balance each other out anyway. The first is subsection (c) of the new section which purports to raise a presumption that matter is sent for delivery to a minor whenever there is a minor residing at the address shown on the envelope or wrapper. The presumption will arise unless the mail or package is "clearly, specifically, and personally addressed to an adult" and is sent in a completely concealed envelope or wrapper.

Among the questions raised by this provision are the following: How is the sender supposed to keep up the running account of each birth and change in family situations that he must be aware of in order to know at which residences children are residing? And, if a minor does live at a residence, can it fairly be said that the mail is designed for delivery to him if he is only 10 months old? For that matter, what is a "residence"? The term is not defined in the bill. Is it an apartment building with post office boxes situated in the lobby? And, does the presumption take effect if there are children living anywhere in the entire building?

Also, according to the provision, a person who does address a letter or package specifically to an adult will nevertheless be guilty unless the contents are completely concealed. Thus, an open corner on a magazine or package will become the decisive factor in determining the guilt or innocence of a defendant.

And, finally, Mr. President, in connection with this provision, I suggest that the courts may have a difficult time understanding the separate meanings of the requirements that the container be "clearly, specifically, and personally addressed." I assume that an envelope that is "personally addressed" will show the name of the person to whom it is directed. But what difference in construction can the courts give to the other terms? Webster's defines "specific" to mean "precise" or "accurate." Will this result in a person's conviction because of a misspelled name or an erroneous initial? As to "clearly," what could be more clear than the personal name of the addressee? Perhaps the judge looking over this term will decide that Congress meant for all envelopes or wrappers to be free of smudges and marks. Under these conditions, a person can be guilty of the commission of a major Federal offense because of his messiness.

Mr. President, it seems doubtful to me that the courts will allow the lawmakers to pull themselves up by the bootstraps in this manner in an attempt to shortcut the usual elements that must be proven to constitute a crime. Thus, it would appear better to me to remove the provision rather than to open the statute to attacks that might prejudice the entire law.

The second provision that should be removed from the statute is one that may unnecessarily create a giant loophole that the purveyors of filth will leap through to their considerable advantage. The source of my concern is the provision in subsection (d) that creates a complete defense to a charge of violating the crime for any defendant who has received a declaration from the addressee stating that he is an adult. The only condition is that the defendant believes that the declaration was made by the addressee.

Now, to me this means that every smut-maker will be given a ready-made defense whenever a minor fills out a coupon on which he has lied about his age. Why in the world we must make this concession is beyond my understanding. I seriously doubt that the courts would write into the law such a horrendous device for evading the statute, particularly if contrary evidence is supplied by the Government. Consequently, I believe the wisest thing for Congress to do would be to drop this provision fast.

The fifth amendment I submit would expand the meaning of the phrase "interstate commerce" so that Federal jurisdiction will extend to the full bounds of permissible reach. This amendment would include within the scope of the law any transportation that moves between points within the same State but involves travel through any place outside that State.

Likewise, the sixth amendment that I wish to submit will bring into the law a feature that one normally finds in an act establishing a Federal crime. I speak, of course, to the fact that there is no provision to protect State laws whose application may overlap with that of the Federal crime. The question of whether Congress intends to occupy the field to the exclusion of State and local laws should not be left for the courts to interpret. I propose to nail the matter down with specific language that will preserve the validity of State and local jurisdiction.

Seventh, I suggest the insertion of a provision to give a specific immunity to the distribution of matter that is to be used for legitimate scientific or educational purposes, such as for biology instruction or an art display. Again, my reason for recommending such a provision is to try to eliminate any room for challenge that may affect its constitutional validity.

Mr. President, the final amendment which I submit would add a new means whereby this objectionable mail can be kept out of the hands of youngsters. For by the simple technique of requiring a uniform label on the cover of mail which includes material harmful to children, parents who are watchful will be able to pick out this trash at a glance and destroy it without the need to open it. And, very importantly, this device will put a parent in a position where he can notify his post office that all mail with such a marking should be sorted out and not be delivered to his residence under any circumstances. My amendment would establish such a procedure in an orderly, workable fashion by authorizing the Postmaster General to prescribe uniform regulations for the labeling of the material to which the provision applies.

The amendment contains one other feature to protect against the delivery of smut mail to children. This is the requirement that any matter sent through the mails with this kind of marking shall not be delivered unless the postman obtains a receipt signed by an adult. Thereby, provision is made against its being delivered indiscriminately to whomever might open the mail first.

Mr. President, these two procedures are clearly reasonable in light of the interest of Congress in protecting the healthy and normal development of the American youth. Also, they are practices that Congress has used before in other areas.

In summary, Mr. President, I wish to repeat my strong conviction that we must act soon to meet the growing demands of American parents who resent the intrusion into their homes of this unsought and unwelcome trash. There is no question that the Government has both an interest and an obligation to protect the welfare of our children. Many competent medical witnesses have appeared before committees of the Congress in the past to verify the harmful influence of obscene material on juvenile behavior. One of the worst possible relationships was discussed by Dr. Benjamin Karpman, then chief psychotherapist at St. Elizabeths Hospital, who has stated that—

> You can take a perfectly healthy boy or girl and by exposing them to abnormalities you can virtually crystallize and settle their habits for the rest of their lives. If they are not exposed to that, they may develop to perfectly healthy, normal citizens. It is here that objection comes upon pornographic literature.

It is my wish that the amendments which I have submitted today might offer a new thought or a new procedure, which otherwise may be missed, by which the law which we frame will serve as a workable and successful means to assist parents in protecting against this harm to their children.

Mr. President, I ask unanimous consent that the amendments which I have introduced be printed at this point in the Record.

The **PRESIDING OFFICER.** The amendments will be received, printed in the Record, and appropriately referred.

The amendments were referred to the Committee on the Judiciary, as follows:

Amendment No. 28

On page 2, line 11, strike out "is" and insert ", taken as a whole,".

On page 2, line 12, after "(A)" insert "is patently".

On page 2, line 13, after "community" insert "as a whole".

On page 2, line 14, strike out "and".

On page 2, line 15, after "(B)" insert "is".

On page 2, line 16, strike out the period and insert "; and".

On page 2, between lines 16 and 17, insert the following:

"(c) predominantly appeals to the prurient, shameful, or morbid interest of minors.

Amendment No. 29

On page 2, line 17, after "knowingly" insert "and for compensation or any other commercial purpose".

Amendment No. 30

On page 2, line 17, immediately preceding "deposit" insert "(1)".

On page 2, line 21, immediately preceding the period, insert ", or (2) print, publish, create, manufacture, or reproduce any such matter intending or knowing that such matter will be deposited in the mail or transported in interstate or foreign commerce in violation of clause (1)".

Amendment No. 31

On page 2, beginning with line 22, strike out all through line 16, on page 3.

On page 3, line 17, strike out "(e)" and insert "(c)"

Amendment No. 32

On page 2, line 4, strike out "and" and insert the following:

"(iii) 'interstate commerce' means commerce (A) between any State or the District of Columbia and any place outside thereof; or (B) between points within any State or the District of Columbia, but through any place outside thereof; and

On page 2, line 5, strike out "(iii)" and insert "(iv)".

Amendment No. 33

On page 3, line 21, strike out the quotation marks.

On page 3, between lines 21 and 22, insert a new subsection as follows:

"(f) nothing contained in this section shall be construed to indicate an intent on the part of Congress to occupy the field in which any provision of this section operates to the exclusion of any State or local law on the same subject matter; nor shall any provision of this section be construed to invalidate any provision of State or local law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

Amendment No. 34

On page 3, line 21, strike out the quotation marks.

On page 3, between lines 21 and 22, insert a new subsection as follows:

"(f) It shall be an affirmative defense to a charge of violating this section that the delivery was to institutions or individuals having scientific, educational, or other special justification for possession of such material."

Amendment No. 35

On page 2, between lines 21 and 22, insert a new subsection as follows:

"(c) No person shall knowingly deposit or cause to be deposited for mailing or delivery by mail any matter which is harmful to minors, or matter constituting or containing an advertisement or information as to where or how such matter may be obtained which is not labeled as such matter on the envelope or outside cover or wrapper in accordance with regulations prescribed by the Postmaster General under section 4061 of title 39."

On pages 2 and 3, redesignate the succeeding subsections accordingly.

On page 4, after line 3, insert the following new section:

"Sec. 3. (a) Chapter 53 of title 39, United States Code, is amended by adding at the end thereof the following new section:

" '§ 4061. Matter harmful to minors

" '(a) Matter labeled in accordance with section 1466(c) of title 18 shall not be delivered from any post office or by any letter carrier except (1) to an addressee who is age eighteen or over, or (2) to a person age eighteen or over accepting delivery on behalf of an addressee age eighteen or over, and expect upon the signing by such addressee or person of a receipt for such matter which states that the person whose signature appears thereon is age eighteen or over.

" '(b) The Postmaster shall prescribe regulations for the uniform labeling and handling of material to which this section applied. Such regulations may require the payment by the sender of special fees to cover the additional costs of such handling.'

"(b) The analysis at the beginning of Chapter 53 of title 39, United States Code, is amended by adding the following new item:

" '4061. Matter harmful to minors'."

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, June 5, 1969, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 537. An act for the relief of Noriko Susan Duke (Nakano);

S. 1995. An act to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the State of Alabama;

S.J. Res. 13. Joint resolution to provide for the reappointment of Dr. John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 77. Joint resolution authorizing the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

ANNOUNCEMENT OF HEARINGS ON HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969

Mr. YARBOROUGH. Mr. President, for the information of Senators, I wish to announce at this time that on June 12, 17, and 19 the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am the chairman, will hold hearings on the Hospital and Medical Facilities Construction and Modernization Amendments of 1969, which revises, extends and improves the program established by title VI of the Public Health Service Act. The subcommittee will hear witnesses on S. 2182 and other bills relating to hospital and medical facilities construction modernization.

There is presently a health crisis in this Nation, and part of that crisis lies in the urgent national need for increased funds to modernize obsolete health facilities and to construct new health facilities. Innovations which will encourage a better utilization of limited health resources, improve the delivery of health services, and reduce the costs of medical care are also necessary. It is my firm belief that these hearings will constitute an important step toward the goal of better health care for all Americans.

ANNOUNCEMENT OF HEARINGS IN SAN ANTONIO, TEX., ON DRUG ABUSE AND NARCOTIC ADDICTION

Mr. YARBOROUGH. Mr. President, for the information of Senators, I wish to announce at this time that the Subcommittee on Health of the Committee on Labor and Public Welfare, of which I am chairman, will hold a hearing on drug abuse and narcotic addiction in San Antonio, Tex., on June 13. In particular, we will again look into the effects any closing of the Fort Worth Clinical Research Center would have. This facility serves all States west of the Mississippi River and Puerto Rico. It is my opinion, and I am supported by numerous witnesses, that such a closing would be disastrous. This is all the more true for the city of San Antonio. San Antonio has 72 patients at Fort Worth, more than any other city.

The hearings held in April on this subject proved conclusively that the problem is nationwide in scope and is exploding. We need legislation to control and prevent drug abuse and narcotic addiction by funding research, training personnel, expanding facilities and starting a program of public education about drugs.

Yet we find this effort to close down the oldest two Federal facilities in the country, the one in Lexington, Ky., which all States east of the Mississippi River use, and the one at Fort Worth, Tex., for States such as the people in the Dakotas, Oregon, Washington, and California set up in the mid-1930's. With the explosion we have in this country in the use of dangerous drugs by youngsters, often going into the use of hard narcotics, these centers are needed worse than ever before.

Twenty years ago, the average narcotic addict was 30 years of age. Today he is under 21 years of age.

Mr. President, we still need to find out more about this complex situation; therefore, we will go to San Antonio on June 13. Father Brosnan and his Patrician Movement in San Antonio were awarded one of the first Narcotic Addict Rehabilitation Act contracts in 1968. He stated at the Fort Worth hearings that there are approximately 3,000 hard-core addicts in San Antonio. He also said that a conservative estimate of the cost of addiction to the citizens of San Antonio is $87 million. In the last 2 years, 850 of them have gone to Father Brosnan of their own volition, saying, "I am hooked. I need help."

No compilation of statistics or facts, however, can bring home the problem as well as the knowledge of an actual case. Mrs. Dorothy Edge has written an excellent series of case histories for the Fort Worth Press including statements made by a 15-year-old "pusher" who was set up in business by an adult; the 15-year-old "model daughter" who sold drugs, knew about the teenage prostitution ring at school, and "turned on" with overdoses of her mother's reducing pills; and the young Vietnam veteran who stated, "War is hell—drugs are worse."

Mr. President, the Subcommittee on Health wishes to be of assistance to these individuals strong enough to ask for help. We must show concern for all those affected by drug abuse and addiction, and this subcommittee's continued striving both to find possible solutions to our drug problems and our efforts to keep the Fort Worth Clinical Research Center open are means to this end.

Mr. President, I ask unanimous consent to have printed in the Record the article written in the Fort Worth Press by Dorothy Edge of the Scripps-Howard newspapers telling about the problem of the 15-year-old getting into this drug business and what is happening in this explosion of the use of dangerous drugs.

There being no objection, the article was ordered to be printed in the Record, as follows:

Teenage Dope Pusher

(By Dorothy Edge)

The heavy door of the police station opened wide as the buxom woman barged through, her reluctant teen-age daughter lagging in her wake.

Belligerently the attractive matron stomped toward the officer who politely summoned her by telephone less than an hour before.

In a shrill voice which resounded through the station, the protective parent began the defense of her 15-year-old offspring before the complacent officer could explain the reason for his call.

Her daughter was a model child . . . attended church every Sunday morning . . . made good grades in school. Besides, the mother continued, she knew where her daughter was every minute of the night and day.

The patient officer didn't interrupt, but his expression didn't change.

Finally aware that her tirade was having little or no effect on the authorities, the mother demanded a chance to call her lawyer.

But when the telephone was extended without comment, she declined.

Then came the officer's big big question directed to the bespectacled, half-frightened girl before him:

"I think you know why I call you down here, Margie. Now, will you tell me in your own words what you know about dope in the schools and the teen-age prostitution ring?"

There was an urgency in his manner which demanded an answer before the mother could intercede. The studious-looking girl responded quickly.

"I know all about the ring . . . but how else do you think some of the girls could afford to buy the stuff."

The girl's face flushed, and in a lower tone, she asked to talk with her mother alone.

The woman stiffened momentarily, then settled back in the chair.

Her answer was unexpected to everyone. "If you know anything about all this, you'd better go ahead and tell this officer now."

The girl swallowed hard, and unfolded the sordid story.

She had started smoking marijuana two years ago "just for kicks." Her first "reefer" had been given to her at school by a friend. Once she had been questioned by a law enforcement agency after police had raided a teen-age pot party. But she had pleaded innocent, and was released. Her parents had not been notified.

This first warning was easily dismissed. Margie continued to smoke pot regularly and introduce others to the weed which she was able to buy in quantity.

She and her friends liked the grown-up feeling when they got high on pot, she told police. They enjoyed the devil-may-care freedom they experienced after smoking a joint or two, she calmly said.

A few of the kids got a little bolder and asked for something stronger.

Margie made a contact, obtained many kinds of drugs, including LSD, for resale.

She also discovered a convenient source of stimulating drugs in her own home which she used to her advantage. Her mother's reducing regime included an amphetamine (stimulating) drug.

Taken as directed, in controlled doses, this, particular amphetamine, offered pep, a new alertness, and decreased the appetite.

Taken in excessive doses, Margie learned the drug really "turned her on."

Margie was cautious, and thrifty, too. Regularly she took the capsuled drug from her mother's supply, mixed it with a baby talc which closely resembled the amphetamine. Then she stuffed it into empty capsules she purchased at a local drug store. She sold the capsules to her eager friends for $1.50 each.

Margie told of selling "acid" (LSD) to some of the "heads" (drug addicts). But she kept insisting that she had never used LSD herself.

The kids always paid cash for the "stuff" she said. The boys often had to "pop hubcaps" and steal tape decks to get the money to buy what they called "chemical happiness." The girls sometimes had to turn to prostitution.

Margie insisted that she did not know personally how many of the girl drug users "went all the way."

Were any of her customers occasional prostitutes? Margie refused to say.

The conference, for the most part, coincided with previous reports the officer had received from Margie's associates. But he was surprised to hear her say, "I knew you were going to get me one of these days . . . a friend of mine said my name was on your list."

That list became a little longer as the junior high student voluntarily gave a written statement concerning her part in the teen-age dope racket in the schools.

Maybe part of Margie's problem is solved. Her mother's loving arms encircled her as the officer told them they were free to go.

Then, hand in hand, mother and daughter slipped humbly away from the bright lights of the station, into the night.

"War Is Hell—Drugs Are Worse"; GI Hooked on "Pot" While in Vietnam

(By Dorothy Edge)

It started on the battlefields in Vietnam.

It ended in a psychiatric ward of a local hospital.

The marijuana habit made the horrors of daily warfare bearable for a young, frightened GI. Now it makes his re-adjustment as a civilian unbearable.

He couldn't adjust to a normal way of life. So he upped his daily portion just for kicks.

He couldn't concentrate when high on "pot." Yet he couldn't give it up.

His frustrations soon overcame his self-respect and he turned to more potent drugs.

His became a topsy-turvy world, revolving crazily after each bout with drugs.

He couldn't take the pressure of an ever-watchful mother. So he moved away from home.

He couldn't take the pressure of college routine. So he dropped out of school.

His whirlwind existence reached the panic stage six months after his discharge from service. Doctors helped the aches and pains of his drug-tormented body, but couldn't ease his troubled mind.

It was the zero hour . . . and he knew it.

Between convulsions, curled up on a local physician's office floor, he took the first step back to normalcy:

"I've got to get off this stuff," he screamed. "Get Ken Martin over here—I want to talk to him!"

Martin, the Richland Hills police officer credited with the rehabilitations of many youthful drug abusers, came.

"Listen to me, please," the terrified ex-G.I. begged, with tears in his eyes. "I know I'm going to lose my mind if you don't get me straightened out!"

There followed a series of weird, gutteral sounds. A word or two got through. It was the same old story that Martin had heard hundreds of times before. The setting was different, the circumstances changed.

But basically it was just another version of the drug pattern so painfully familiar to law enforcement officers everywhere. Marijuana. Amphetamines. LSD. Mescalene. Psilicybin. Good trips. Bad trips. The bottomless pit.

It wasn't easy convincing this veteran that professional help was what he needed first and foremost.

One minute the drug crazed youth would agree to treatment.

The next instant he shied away from everyone, shouting "You're all trying to put it on me."

Martin took the irrational boy to the hospital in his own car and stayed with him until the initial treatment for drug dependence was administered.

But specialists say the response to the treatment is too slow, that shock therapy may be necessary.

He is emotionally unstable. His moods change quickly without warning and apparently without provocation.

One minute he is raving. The next, he sits quietly away from the others in the crowded ward, absent-mindedly strumming a tune on his guitar.

Martin visits with him often. They talk of many things—flying, baseball, the past, brighter days in the future. And they talk about his favorite subject—the war in Vietnam.

He recalls the waving fields of marijuana growing wild in Vietnam. The drug, legalized for the Vietnamese, is restricted for GI use but many soldiers smoke grass, he claims.

Because it is as accessible as a pack of cigarets, many service men buy it and take it back to their barracks, he added.

For one week he has been locked up in the psychiatric ward. His twisted mind labors to explain.

"War is hell," he says in a rational period. "But these drugs are worse. . . ."

NOTICE OF HEARINGS ON THE SMALL BUSINESS ADMINISTRATION

Mr. BIBLE. Mr. President, for the information of the Members of the Senate and other interested persons, I announce that hearings have been scheduled by the Select Committee on Small Business on the Organization and Operation of the Small Business Administration for June 10, 11, and 12. The hearings will be conducted in room 5302 of the New Senate Office Building at 10 a.m. daily.

The Small Business Committee will be happy to hear from any Member of the Senate or any interested person who wishes to make any observations or comments directed at the operation of the SBA particularly and the American small businessman generally.

NOTICE OF HEARING ON EVERGLADES NATIONAL PARK

Mr. JACKSON. Mr. President, informational hearings on the Everglades National Park are scheduled for Wednesday, June 11, before the Full Committee on Interior and Insular Affairs. The hearing will begin at 10 a m. in room 3110 of the New Senate Office Building.

The June 11 hearing is a continuation of a hearing held on June 3. At the previous hearing, the committee heard witnesses from the Federal Government and the State of Florida. Testimony from public witnesses and representatives of conservation organizations will be taken at the June 11 hearing.

NOTICE OF HEARINGS ON EDUCATION BILLS

Mr. PELL. Mr. President, I announce that the Subcommittee on Education of the Committee on Labor and Public Welfare intends to start its hearings on the 1969 amendments to the Elementary and Secondary Education Act and related bills on June 11. It is expected that our first witness will be Secretary of the Department of Health, Education, and Welfare, Hon. Robert H. Finch, accompanied by the Commissioner of Education, James E. Allen.

All persons who wish to appear before the subcommittee, or who wish to file statements for inclusion in the record, should contact Stephen J. Wexler, Counsel Education Subcommittee, room 4228, New Senate Office Building, Washington, D.C., telephone 225-7666.

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THE LIFE AND SPIRIT OF ROBERT F. KENNEDY

Mr. HARRIS. Mr. President, 1 year after his death we should pause to remember our late colleague, Robert F. Kennedy.

Old men are remembered for the things they have done; young men are usually remembered for the things they might have done. Robert F. Kennedy will be remembered for both.

Yet, perhaps it is those things he left undone, because of his untimely death, which will be his greatest legacy. A year has dulled the shock and sorrow at his death, but has not lessened the challenge of his dreams, his ideas, his goals for this country.

These live because they were for the people of his country. He had the unique capacity to lend people hope who had given up, to give people direction who had no destination, to make people care who were unconcerned.

These countless Americans are a living memorial to the life and spirit of Robert F. Kennedy. The commitment and dedication he passed to them may prove to be the greatest contribution he has made to his country.

CAMPUS VIOLENCE AND DISORDERS MUST STOP

Mr. DODD. Mr. President, on Sunday, June 1, I made an appearance on WHNB–TV in Hartford, Conn., concerning the violence and disorders on the Nation's college and university campuses.

Of nearly 7 million college students in this country, only about 2 percent or roughly 140,000 are regarded by school authorities to be in the activist revolutionary category

This tiny core of power-motivated destroyers behave like criminals. They resort to force against criticism. They use and abuse constitutionality to protect their illegality.

Mr. President, the time for coddling criminals, masked as students, is over. Tolerance by many well-intentioned college officials and laymen, motivated by their concept of liberalism, has eroded.

Look what it has produced. A young vandal is as guilty as an old one. There are laws to protect society from them. Let them be applied.

Dissent, yes. Disorder, no.

I ask unanimous consent to have printed in the Record at this point the text of my remarks, and an editorial on this subject that appeared in the Farmington Valley Herald on Thursday, May 29, 1969.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks of Senator Thomas J. Dodd on WHNB–TV, "Washington Report," June 1, 1969

A disturbing school year, riddled with planned disruption and nasty noise, is coming to an end.

But it is by no means the end of upheavals on college campuses across the country and here in our own state.

Self-styled revolutionaries and arrogant activists, lusting for power through ugly, totalitarian means, threaten to turn academic communities upside-down with their own version of a long, hot summer.

They boast that they are preparing for bigger, uglier scenes and turmoil in the forthcoming autumn semester. This we cannot permit. Nor can we tolerate contrived destruction by a violent minority to dislocate the future of this nation.

For it is our schools of higher education that provide the lifestream and the sinews of the United States.

Stifling the flow of brainpower through an *evolutionary* process is like strangling someone to death.

The time, late as it is, has arrived to see what is happening, what can be done and how we must recognize what the stakes are for all of us.

There are nearly 7 million students at colleges throughout the United States. Of this vast and growing number, only two per cent are regarded by academicians and school authorities to be in the activist revolutionary category.

Just think of it. Two per cent; maybe in round figures, 140,000 of 7 million. Yet they have, by organized disruption, threats to the vast majority of students and indeed, physical violence, created combustible conditions.

In the newspapers, on radio and television, we read, hear and see all the clamor caused by these self-proclaimed destroyers.

Rarely, if at all, do we hear from and about the many millions of students who I call the "Invisible Youth." Quite a few of them want change, too.

They ask for it in reasoned, non-violent terms.

They do not wreck buildings, manhandle professors, and loot school records. So, they are largely ignored. Hard and dedicated work is undramatic.

The violence of conflict and disruption commands a spotlight. It is the nature of melodrama that keeps an audience on the edge of its seat, breathlessly hanging on the outcome.

Just as crime, in all its sordid aspects, attracts spectacular notoriety, so do the self-proclaimed destroyers bent on smashing and crushing all our institutions of higher learning.

Let us be blunt. The tiny core of power-motivated destroyers behave like criminals. They resort to force against criticism. They use and abuse constitutionality to protect their illegality.

For years I have dealt with the problems of juvenile delinquency. I also have been absorbed with the delicate problems of gun control.

Marauding bands that close down classes and create tumult on the campus are juvenile delinquents, many of whom resort to weapons to show they mean grim business to achieve their objectives by hook or crook.

Two principal elements lead these same self-styled revolutionaries. One is the nearly all-white so-called Students for a Democratic Society. They are hardly students since attending class has become abhorrent to them.

And they oppose democracy violently. You are the enemy and should be eliminated if you disagree or criticize. Students for a Democratic Society, indeed!

Then there are the so-called Black Militants. They demand studies for blacks that lead to segregation. Separation from whites, total isolation, is their goal. And they do not shrink from violence or armed threat to achieve what they say they want.

The Federal Government does not cherish the idea of going in where campus violence is committed to impose law and order. Colleges, traditionally, have been determined to maintain their own tranquility.

They should, if they could. The time for coddling criminals, masked as students, however, is over. Tolerance by many well-intentioned academicians and laymen motivated by their concept of liberalism has eroded.

Look what it has produced! A young vandal is as guilty as an old one. There are laws to protect society from them. Let them be applied. Dissent, yes. Disorder, no!

[From the Simsbury (Conn.) Farmington Valley Herald, May 29, 1969]

A Fresh Breath of Air

With the noise, the furore and the confrontations making the news from the nation's college campuses, the record of Central Connecticut State College's new President in handling campus disorders is like a breath of fresh air. F. Don James, in his first year as President, has faced his share of problems, and while they do not appear to be of the magnitude or intensity of other campus disorders, they have been as potentially dangerous as any. And the particularly pertinent fact of the matter is that his handling of a succession of situations has minimized the disruptions, and is testimonial in itself to his wisdom.

It is somewhat of a surprise, therefore, to read an attack on him in the daily press, in spite of the fact that the newspaper account was based on a single instance out of a succession. The criticism came as an aftermath of a threatened demonstration against the decision not to rehire a professor in the Department of Education, and the reports that students "proposed a referendum on using student funds to hire Mr. Mulcahy back."

President James made his position explicit; on the recommendation of the Department Head and the Dean, his decision was not to appoint him to the position open in the Department next year. Presumably, his decision was supported by the Trustees. When the students suggested using student funds and making the professor an employee of the students, James refrained from rejecting their proposal out of hand, suggesting that "we would look into it," asking quietly for an opinion from the Attorney General as to its legality. He did not back from his original position that the authority for making Administrative decisions lies with the Administration, but he did make it clear, as he has done right along, that he would *listen* to student complaints, judge them with wisdom, and correct justifiable complaints.

In this instance, his willingness to "look into it" was interpreted by some as complete agreement or "backing away from their position," and reported as such, when it was a matter of 'not shouting, but listening.'

We think Dr. F. Don James, deserves a lot of credit, for he is one college president who is unafraid to draw the line between legitimate protest or complaint, and violation of the rights of others (as he has done repeatedly), and even more unafraid to participate in meaningful discussions of the issues and problems that concern students. When they are off-base, he is willing and patient enough to point out their error and when they are on-target, he is willing to effect corrective change (as he has done repeatedly).

As such, he has set an uncommonly fair (and successful) example for others to follow. Congratulations, President James. We are proud of you, not only in your position, but also as a Valley resident.

PROFESSOR BRZEZINSKI'S WARNING

Mr. DODD. Mr. President, Prof. Zbigniew Brzezinski is widely recognized as one of this country's foremost scholars of Soviet affairs. To his scholarship, he also brings an impressive personal experience in the practical conduct of foreign policy, which he acquired as a foreign policy adviser to President Johnson.

Recently Professor Brzezinski wrote an article captioned "Peace and Power" for the British monthly, Encounter. I want to call this article to the attention of my colleagues, first, because Encounter has a very limited readership in this country, and, second, because I consider the article a work of outstanding quality.

There are some points on which my own assessment differs somewhat from Professor Brzezinski's. But on the whole, I consider "Peace and Power" one of the most remarkable articles I have come across dealing with political probabilities and dangers over the coming years.

It is not a very cheerful article. Essentially, it is a warning that we are entering into a period of grave crises and difficulties. And this warning carries all the more weight because it comes from a man who has earned a reputation for moderation as well as scholarship.

These are some of the essential points that Professor Brzezinski makes in his article:

First. Instead of detente after the Vietnam war, there will probably be intensified competition.

Second. The Soviets have probably achieved or are at the point of achieving strategic parity.

Third. Until now we have been able, with our overwhelming nuclear superiority, to enforce deterrence. But deterrence may not work as well in a world where the Soviets have nuclear parity.

Fourth. In every previous crisis we have been fortified by the knowledge of our own superiority. We have never yet had to face a crisis with the Soviet Union in the setting of parity.

Fifth. Greater Soviet capacity to become involved in the world's trouble spots will in all probability stimulate greater temptations to become so involved.

Sixth. A domestic crisis in America, and especially a panicky disengagement from world affairs because of frustrations caused by the Vietnam war, would have a catastrophic effect on world stability.

Seventh. Although the chances for arms control are not very bright, we must continue to seek agreements.

Eighth. We must try to persuade the Soviet Union "of the futility of its strategy of conflict in international politics," and we must hold up the goal of a community of developed nations, embracing the Atlantic states, the Soviet Union, Japan and other nations.

Ninth. Until such time as workable arms control arrangements are agreed upon, it will remain necessary for the United States to seek to maintain a qualitative advantage in deliverable weapons, and to develop new weapons systems so that Soviet leaders may not become tempted to take calculated gambles.

Tenth. In seeking to induce Soviet cooperation, there must be a strict insistence on reciprocity.

Mr. President, I ask unanimous consent to have printed in the Record at this point the full text of Professor Brzezinski's article, "Peace and Power." It is a long article but I earnestly hope that my colleagues will find the time to read it.

There being no objection, the article was ordered to be printed in the Record, as follows:

Peace and Power

(By Zbigniew Brzezinski)

(Note.—Professor Brzezinski has recently returned to Columbia University after a period in Washington as a Foreign Policy adviser. In this article he looks towards the 1970s and analyses the problems that surround the construction of a system of international co-operation and a community of the developed nations, East and West.)

Power tempts—not only serves—policy. In the coming decade, the power of the two super-states will begin to overlap globally and, because of this, the competition between the United States and the Soviet Union could become more intense and less stable, especially as conditions in some areas come to offer inviting targets for big-power involvement. Both powers may then be drawn into hostile confrontations, even though they may not actually desire them. The termination of the Vietnam war, far from ushering in a new era of *détente* between Washington and Moscow, might be followed by a more complicated phase in international politics, unless thought is now given how to construct a new framework for peace in the 1970s.

The nature and implications of the new phase are more readily perceived if approached from a historical perspective. The last few years have seen a striking change in the respective attitudes of the two powers towards each other. The United States has come to stress the theme of 'peaceful engagement' and, by and large, the Soviet Union is no longer portrayed as the principal threat or enemy. The Soviet Union, on the other hand (particularly since the fall of Khrushchev), appears to be adopting towards the United States a stance reminiscent of John Foster Dulles' towards Moscow: moral condemnation is combined with emphasis on 'containment' of Washington's allegedly unbridled ambitions.

The change in official American attitudes was initiated in the last days of the Eisenhower Administration by both J. F. Dulles and Christian Herter. To the established notion of containment, the theme of collaboration was added. This additional element was given high priority by the Kennedy Administration, especially after the Cuban confrontation of 1962. The American University speech, with its stress on the need for 'a new start,' was clearly designed to communicate to Moscow the new American interpretation of the relationship. President Johnson continued along the same path and on 7 October 1966, despite the growing acrimony between Washington and Moscow over Vietnam, appealed for broad East-West reconciliation. In so doing, he revised substantially some key U.S. concepts: he stressed that Europe's reunification would have to precede that of Germany and he called for closer relations with both the Soviet Union and Eastern Europe, implicitly moving away from the tactic of separating the East Europeans from Moscow.

Underlying the emerging American posture was not only a simplistic yearning for US-Soviet accommodation. It reflected increasing concern that Moscow must be 'educated' into sharing a sense of nuclear responsibility in a world possessing increasingly numerous and devastating nuclear weapons. Thus the United States continued to seek to expand its tenuous links with Moscow, even as the war in Vietnam intensified; it continued to exercise restraint in language, even in the face of increasingly violent anti-American abuse from Moscow, much of it personally directed at the President, abuse without parallel since the early 1950s; it continued to exonerate the Soviet Union of any desire to prolong the Vietnamese war, even though Soviet arms shipments were increasingly designed to assist the waging of the war in the South and not merely to defend the North; it avoided exploiting the Soviet invasion of Czechoslovakia to fan anti-Soviet sentiments; it continued its policy of cautiously calibrating its defense programmes, lest they precipitate excessive Soviet concern.

Perhaps, more generally, the break-up of the Stalinist monolith and the Sino-Soviet dispute encouraged American hopes of a major evolution in the Soviet outlook, and the US posture was clearly designed to encourage such evolution. Previous fears, tempered by a sense of nuclear security, thus gave way to hopes, only occasionally clouded by Soviet rocket-rattling.

If the change of American attitude can be traced—in a relatively steady line—over a period extending close to a decade, Soviet posture towards the United States has zigzagged more pragmatically. In some ways, the removal of Khrushchev in the fall of 1964 can be considered the most significant recent turning point. Though in the preceding years Khrushchev's policy had been far from consistent, it appeared to put a priority emphasis on the American-Soviet relationship. Having learned at some risk during the Cuban missile crises that there was no short cut in the long road to replacing the USA as the preponderant world power, Khrushchev was apparently willing to settle down to a longer period of US-Soviet quiescence or even accommodation, at least until Soviet arms development had erased the imbalance revealed in 1962.

In the pursuit of the Soviet-American priority he was even willing to sacrifice his relations with the more militant Communist states. On the eve of his fall Khrushchev was obviously preparing the ground for a final split with China, and a few months earlier he almost literally disowned the North Vietnamese, after they had had their first taste of US aerial bombardment.

The new Soviet leaders—as revealed by their speeches and actions—came to power with a rather different set of priorities. Though concerned with keeping American-Soviet relations on an even keel (and they made a major effort to communicate that intent to Washington), they were more preoccupied with repairing international Communist unity and with shoring up the domestic authority of the ruling Communist bureaucracy. Themselves middle-aged bureaucrats of Stalinist vintage (most of them obtained their first major promotions during the painful days of the 'Great Purge'), they were inclined to cultivate the more radical parties of North Vietnam and North Korea; they were disinclined to push the Chinese into a final split; and they saw in the restoration of some ideological unity direct implications for political stability at home.

These priorities interacted with actual developments, and in the course of the next two years the new Soviet attitude toward Washington crystallized. First of all, it continued to rest on an intelligent recognition of the Soviet stake in maintaining a working relationship with Washington. It is noteworthy that, despite the Vietnamese war, more US-Soviet agreements were successfully negotiated during this time than during the preceding decade. It should be noted, however, that these were primarily treaties designed to enhance specific bilateral interests, or common negative ones (such as the Non-Proliferation Treaty), without any broad accommodation on the more conflicting issues—the arms race, Berlin, etc. At the same time the new Soviet leaders, convinced that the United States was about to move out of Vietnam, energetically strove to establish Soviet presence in Hanoi. Evidently they hoped to help shape a settlement that would formalize the American setback, and thus permit Moscow to obtain some 'revolutionary credit', without jeopardizing its relationship with Washington. In a way, Moscow hoped to 'have its cake and eat it too', much as Washington hoped to continue 'improving

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relations with Moscow' while bombing a Communist state.

There also matured in the Kremlin a strong conviction that the United States, particularly under President Johnson's stewardship, was pursuing an increasingly assertive policy, based on its recently acquired long range air- and sea-lift capabilities. The new Soviet leaders were accordingly inclined to dismiss initiatives such as President Johnson's speech of 7 October 1966, as deceptive 'window dressing' for more belligerently anti-Communist policy. That was the official interpretation shared by Moscow with its East European allies, some of whom had been tempted to respond more positively to the American plea for East-West reconciliation.

It would appear that by 1967 the Soviet leaders reached the conclusion (which they then shared with many foreign Communist leaders) that the Communist forces were faced with a new imperialist offensive, led by the United States. The Soviet leaders argued—as Brezhnev did during the fiftieth anniversary celebration, or Suslov to the international Communist meeting in Budapest in March 1968—that events such as the killing of Lumumba, the fall of Goulart, the denigration of Sukarno, the Dominican intervention, the Greek coup, and even the Israeli surprise attack on Egypt, were all part of a very deliberate USA-engineered political offensive. Symptomatically, these views were repeated by Tito after talks with Moscow. They were also systematically developed in the theoretical organ of the Italian Communist party (*Rinasciata*, 4 August 1967), which asserted:

> "For the policy of the *status quo* and the attempts to divide the world into zones of influence between the two super-powers, US imperialism is gradually substituting a revised and corrected re-edition of the old policy of *roll back*, giving birth, within the framework of nuclear coexistence with the USSR (caused by reasons of *force majeure*), to a series of local interventions (economical, political, military) designed to modify the world equilibrium by means of setting up reactionary regimes, or by support given to them, and liquidation of the progressive forces and movements in individual countries."

The Soviet concern was exacerbated by the realization that effective 'containment' of the USA was not possible through reliance purely on the apocalyptic power of the Soviet military establishment. The Soviet leaders recognized that the United States, having developed its long-range conventional capabilities, had ceased to be an apocalyptic nuclear power and was in effect a global power. The Khrushchevian reliance on rocket threats (much like Dulles' 'massive retaliation') was too awesome to be credible in situations requiring moderate but effective military pressure. Hostility, frustration and concern were thus important ingredients of the new analysis, and they reinforced ideological biases that shaped the over-all Soviet perspective on world affairs.

These considerations provided the general framework within which the Soviet leaders reacted to specific dilemmas. Thus, in respect to China, the new Soviet leaders showed a special concern over the possibility of American-Chinese collusion. Russian concern over such a "new encirclement" is historically understandable, but the new Soviet leaders, precisely because they were less inclined to split with China and less concerned with improving US-Soviet relations, were more prone than Khrushchev to fear US-Chinese collaboration. During the last three years, Soviet diplomats in the United States have made repeated probes to establish if any serious thought was being given in official circles to such collaboration. By the same token, they must have been reassured by several very high-level US statements which appeared to go out of their way to present China as "the number-one threat to peace." These statements also had the effect of encouraging the Soviet leaders to be patient in their relations with Peking—in the hope that they might be repaired after Mao's death.

With the passage of time, the war in Vietnam became increasingly the central issue in Soviet-American relations. At first the Soviet concern was that the United States should not escalate the war too rapidly, thereby posing for Moscow some difficult dilemmas. The US did not do so, and the Kremlin was doubtless reassured by the highly measured pattern of US escalation (which also inured the North Vietnamese to its consequences). So reassured, and at the same time concerned with improving its relations with the more radical parties, the Soviet Union gradually increased its own involvement, becoming in time the key factor in supplying the actual war effort in the South.

Soviet commitment grew parallel to the Soviet reassessment of the war's international implications. The Kremlin's initial concern—perhaps it was even an ambivalence—gradually gave way to a growing appreciation of the relative political benefits of the war to the Soviet Union and of its political cost to the US. By 1967, the Soviet leaders must have concluded that the war was straining bonds of amity between the United States and Western Europe; that it was paralysing any progress in the policy of "peaceful engagement" on the East-West front and making it easier for the Soviet Union to maintain its position in Eastern Europe; that it was intensifying domestic and financial strains in the United States; that it was consuming roughly the equivalent of the annual US GNP growth advantage over the Soviet Union; and that it was diverting Chinese hostility away from the Soviet Union.

To be sure, the Soviet leaders were doubtless aware that the war involved some liabilities for them as well. It was embarrassing to see a Communist state bombed day after day, without an effective Soviet response. US military were obtaining the needed experience and testing. The war did cost the Soviet Union economically, and it certainly reduced the chances of increased East-West trade. But on balance, unless a direct US defeat could be attained, a continuation of the war seemed preferable to an American victory. It may be safe to assume that the Soviet leaders, as realists, knew that a true compromise solution was about as feasible as in the Spain of 1938, and that at the present time it could only be a thinly transparent mask for one side's victory and the other's defeat.

Soviet strategy was hence primarily concerned with limiting the risks of the war while politically exploiting its continuation—a point which so far among statesmen only U Thant came close to making in his February 1968 declaration and Lord Avon in his March 1968 Cornell speech. Naturally, the Kremlin could not stop Hanoi from deciding on peace and it would certainly be willing to serve as the diplomatic midwife for a settlement favourable to Hanoi. But short of that, the major thrust of Soviet diplomacy in the last two years has been to contain the risks of the war while exploiting it politically against the United States. (It is noteworthy that the occasional and short-lived bursts of Soviet interest in promoting negotiation have generally corresponded to times of heightened expectations of US escalation.) These considerations should temper any excessive optimism concerning the likely Soviet role in the peace negotiations initiated in late March 1968 by President Johnson.

The official US posture made it easier for the Soviet Union to maintain this attitude. On the one hand, some American spokesmen talked of Vietnam as a 'global crucible'—hence involving Soviet interests as well—while simultaneously exonerating the Soviet Union for the war's continuation and reassuring it about the risks involved. The result was that the Soviets gradually became more deeply involved without having to pause and weigh the consequences of transforming a purely regional problem into a direct US–Soviet confrontation.

Elsewhere in the world, one discerns in the Soviet behaviour (rather in contrast to Khrushchev's) the absence of a grand pattern, though a quick willingness to exploit specific opportunities. Soviet policy in Europe thus seems in abeyance. The Soviet leaders apparently have not decided whether to reverse their standing hostility towards Bonn and to seek to capitalize on growing West German frustrations. A policy of accommodation could contain some grave risks for the Soviet position in Eastern Europe. It appears that a majority in the Soviet leadership counselled a conservative posture, pointing to 'growing German influence' in Rumania and Czechoslovakia, and warning that an about-face on Bonn could have grave repercussions in Warsaw and East Berlin. The Soviet ambivalence and conservatism have been classically shown in the Czechoslovak case. Fearful of democratization, the Soviets acted—but their military operation was not matched by a clear-cut political conception.

In Latin America, current Soviet policy bears a striking resemblance to American policy in Eastern Europe: a region where one must tread lightly, speak softly, carrying not a 'big stick' but only gifts. Hungary in 1956 and the Dominican Republic in 1965 both reasserted for each major power the principle of 'geographic fatalism'—excessive change in an area immediately contiguous to the respective major power provokes an overwhelming response. Hence one must rely on courting the established élites, count on gradual change and avoid encouraging revolutions, while developing closer economic and cultural links with the ruling circles. Pursuit of this policy chilled Soviet relations with Fidel Castro in a manner very much like the frost which Kennedy's Eastern policy caused in his relations with Konrad Adenauer.

Although events in the Middle East in June 1967 initially represented a major setback for the Soviet Union, the Soviet leaders exploited both American and Israeli ambiguity concerning the specific conditions of an eventual settlement and managed to maintain their links with the ruling governments. This has permitted Moscow to advance both the traditional Russian interest in establishing a direct presence in the Mediterranean and its Communist stake in radicalizing the Arab élites and masses. It may be calculated that the basic Soviet tactic is to prevent a new war, which could only lead to another Arab defeat, and a real settlement, which doubtless would require active U.S. diplomatic participation.

The rest of Africa, and also Asia, with the important exception of India, seems to interest the present Soviet leaders less than it did Khrushchev. His policy of undifferentiated political-economic offensive has given way to a much more selective approach, concentrating Soviet resources on only a few targets. Apparently the conclusion has been reached that a longish process of evolution will be first required before most of the new states become "ideologically ripe for socialism". The abortive revolutionary spasm of Indonesian Communism must have been thoroughly examined in Moscow. Though Soviet military assistance programmes are still extended, and they do enable the Soviet Union to exploit such conflicts as that in Nigeria, one gets a sense on the whole of lesser expectations and lowered interest in Third World problems.

The only exception is India. The Soviet stake in Indian stability is, in all likelihood, a function of Sino-Soviet relations. Soviet assistance has accordingly grown, and India represents perhaps the ony major region in the world where tacit U.S.-Soviet cooperation to enhance both political stability and economic development is actually taking place.

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Finally, to conclude this quick overview of the Soviet posture in the context of Soviet assessment of U.S.-Soviet relations, the Soviet leaders have made the first major effort in years to forge anew some Communist unity on an "anti-imperialist" basis. The last such effort was made in 1957. The subsequent 1960 international Communist conference was more ambivalent and dominated by the Sino-Soviet dispute. The Budapest meeting in early 1968 was keynoted by anti-U.S. themes, and though the new "anti-imperialist" front is still more verbal than real, it would be an error to dismiss it as involving mere semantics. Seen in a larger framework, it represents yet another symptom of the current Soviet mood.

CHANGING STRATEGIC BALANCE

The political change is accompanied by a gradual shift in the American-Soviet strategic balance. A mere six years ago (i.e., during the Cuban missile crisis of 1962) the Soviet Union already had the second-strike capacity to inflict on the USA the loss of several tens of millions lives—but at the cost of its national existence. Today, though the US still possesses the capacity to inflict on the Soviet Union the ultimate penalty of national extinction, the Soviet Union can destroy more than a hundred million Americans. Thus, in effect, parity in non-survivability almost exists and, as Soviet missile strength reaches US levels, it will shortly be attained.

This is a major shift. It is misleading to argue that the potential loss half-a-dozen years ago of twenty or thirty million American lives was already then unacceptable to the United States. Naturally so from the American point of view, and from a moral standpoint certainly so. But, looking at the American-Soviet confrontation from Moscow, the then existing asymmetry did have a crucial political import: it lent some credence to US threats and it imposed restraints on Soviet bluffing. The Soviet leaders knew that the cost of miscalculation was still qualitatively different from the Soviet Union than for the United States. The United States would certainly feel most concerned if the situation was reversed.

The deployment of Soviet ICBMs to a level matching that of the United States, the introduction of the FOBS (Fractional Orbit Bombardment System), the possibility that some recent Soviet space experiments are designed to develop a MOBS (Multiple Orbit Bombardment System), the Soviet interest in ABMs and civil defence—and the expected rapid development by the United States of MIRVs (Multiple-Individually-Targeted-Re-entry Vehicles), the implacement of some ABMs, perhaps the development of the spectrum bomb, will all contribute to an increasingly complex posture, defiant of clear-cut calculations and inimical to psychological self-assurance. Whether this condition will lead to greater mutual restraint or, on the contrary, prompt more manoeuvre and bluffing cannot be answered with certainty, but there may be some reason for entertaining some pessimism.

The emerging American-Soviet relationship involves potentially a fateful incompatibility between the emerging balance of forces and the structure of the international system. During the last twenty years, there was a harmony of sorts. Two rather homogeneous blocs were led respectively by a relatively *status quo*-oriented superior nuclear power and by an anti-*status quo*-oriented inferior nuclear power, with the rest of the world by and large quiescent. We are now moving into a setting in which the two blocs are beginning to dissolve, in which during the next decade the inferior and essentially apocalyptic nuclear power will also become militarily (though not yet in other respects) a global power, and in which the Third World threatens to dissolve into sporadic violence and international anarchy.

Until now peace was safeguarded through asymmetrical deterrence. US self-restraint and one-sided deterrence ("we can do fundamentally more damage to you than anything you can do to us") interacted with the Soviet instinct of self-preservation and Moscow's deliberately fostered ambiguity and even exaggeration of its own power. That system worked for twenty years. It is being replaced by a novel state of symmetrical deterrence, in which US instinct of self-preservation and rationally ("we can do to you what you can do to us") interacts with the Soviet instinct of self-preservation and rationality. Perhaps that, too, will suffice to promote restraint, but the fact is that until now deterrence was unbalance, and the United States never had to face a crisis with the Soviet Union in the setting of parity.

In the past, there had been many warnings against becoming obsessed with the allegedly evil character of Soviet intentions, and admonitions to concentrate primarily on Soviet capabilities. Today the tendency is to rely more on the allegedly peaceful character of Soviet intentions and to downgrade the importance of increased Soviet capabilities. Yet the scope of capabilities does make a difference, irrespective of motives. One does not know how the Soviet leaders retroactively interpret the Cuban missile crisis, but might they not now speculate that the U.S. leadership would have acted differently if symmetrical deterrence existed? On reading the record, one might well wonder. And could not one speculate that the Soviets might have responded differently to the US nuclear threat? During the Cuban missile crisis, the US asserted its interests not only in Cuba but in Berlin—where they were tactically inferior but which they protected by their nuclear superiority. In the setting of parity, a counterblockade of Berlin might well have been the Soviet response.

Not having faced a crisis in the setting of nuclear parity, we have not had to think seriously in post-deterrence terms. Subconsciously, we have assumed that deterrence will work because it has to. But this restraining imperative imposed itself more strongly on the weaker party in the nuclear equation. Hence deterrence may just not work as well in the future. To say that is not to predict a comprehensive nuclear war, but it is to note that, added to Third World instability, symmetrical deterrence could have lower effectiveness in avoiding war.

It can be argued that the new situation will have the positive effect of creating in Washington and Moscow a sense of shared destiny. It could reduce the fears of the weaker and the self-assertiveness of the stronger. To some extent, that is true already. But the argument would be more reassuring if in all other respects—attitude, ambition, interests—the two powers were truly similar, and if the international context and the arms race were both relatively stable.

There is still another imponderable to be considered. The 1970s will see for the first time in history the presence of two overlapping global military powers. US and Soviet intercontinental weapons, perhaps space weapons, as well as marines and air-borne intervention forces, will criss-cross, float side by side, and rub shoulders. One does not need to assign aggressive designs to the Soviets and purely pacific intentions to the United States in order to ask whether global peace can be preserved with two overlapping global military powers pursuing conflicting global policies in a dynamic setting of Third World instability. In the past, imperial systems were territorially confined; overlapping fluid (or mobile) imperial power is new. The present international system appears ill-equipped for containing it.

To be sure, for the next few years considerable disparity will continue to exist in relative long-range air- and sea-lift capabilities. But here, too, the Soviet Union appears determined to offset its current weakness. The Antonov-22 troop airships, the three helicopter carriers under construction, and the current expansion of the Soviet marine infantry strength, all provide self-evident clues to the thrust of Soviet military programming and to the kind of role that the Soviet Union envisages itself playing in the world.

It is unlikely that changes in international climate will alter the picture. It can be said with some confidence that the expansion of Soviet military power has a momentum of its own, subject obviously to technological and fiscal restraints but not to oscillations in international atmospherics. The occasional periods of *détente* did not slow down Soviet military development, and some decisions which could perhaps be labelled as involving "aggressive" or "destabilizing" consequences (for example, the Soviet ABM programme), appear in fact to have been made during periods of *détente*. Moreover, given the traditional impetus of international relations, the Soviet leaders are naturally determined to match and perhaps, or even probably surpass what the United States can develop and deploy.

Greater capacity to become involved in the world's trouble spots will, in all probability, stimulate greater temptations to become so involved. The Soviet Union was generally excused for not becoming directly engaged in the Vietnamese conflict because even militant Communists knew that it could not. It would have been much more difficult for the Soviet Union to avoid becoming the prisoner of its power if it demonstrably possessed the means for long-range intervention. There is thus no *a priori* reason to exclude the possibility that in ten years from now Soviet marines could be landing in Nigeria or Ceylon. Accordingly, as Soviet long-range air- and sea-lift capabilities grow, the probabilities of a new type of confrontation—a direct one between U.S. and Soviet intervention forces—will similarly grow. Indeed, apprehension over this possibility could increase the inclination of each of the major powers to move in first, in the hope that by "staking out" a claim it will discourage the other from moving. But the implicit premium on pre-emption would mean a spiral of intervention.

The foregoing discussion takes for granted Soviet staying power in the international rivalry involving the two super-states. It also assumes staying power for the United States. A domestic crisis in America, and especially a panicky disengagement from world affairs because of frustrations spread by the Vietnamese war, would have a catastrophic effect on world stability. It would probably result in a wave of upheavals that could not but stimulate a dangerously erratic sense of optimism in Moscow, conceivably precipitating the Soviet Union into courses of action that so far Moscow has been careful to eschew. A belated, extreme right-wing reaction in the United States would then have the effect of polarizing a world which had become even more unstable and chaotic.

Soviet staying power could also be sapped by growing contradictions, between the Soviet political system and Soviet society. Today that society has the wherewithal for further social development, and it rebels against many of the dogmatic restraints imposed by the ruling élite. Those concerned with rapid economic development call for major economic reforms; others desire more intellectual freedom; still others reach out for greater autonomy for the non-Russian 50 per cent of the Soviet population. It is obvious from recent East European experience that socio-economic reforms cannot be long compartmentalized, and giving in to the economic reforms opens the doors dangerously to reforms in other spheres.

Yet not to open the doors at all also has its dangers. Stagnation in the Soviet economy would impinge ominously on the Soviet relationship with the United States. By 1985,

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assuming a US growth rate of about 3 to 5 per cent, the US GNP will be *circa* 1.5 trillion dollars; even with 5 per cent growth, the Soviet will be only about 800 billion, and thus the gap in absolute figures will have widened. If the Soviet rate of growth should decline, the contrast would be even more startling, with grave implications for the Soviet position in the relative power balance.

The need for reforms does not mean, however, that reforms will follow. Given the political realities in the Soviet Union, one cannot altogether ignore the possibility that instead of evolving towards a more moderate posture the Soviet political system could pass into the hands of a more dogmatic chauvinist leadership, resting on an alliance linking the *Agitprop*, some party *apparatchiki*, and the miltary. This, too, would have a polarizing effect on the world scene.

THE CHINA PROBLEM

An additional factor of uncertainty concerning the future Soviet orientation is injected by China. A complete break in Sino-Soviet relations, not to speak of open hostilities, could compel the Soviet leaders to seek greater accommodation with the West. Similarly, a moderate China, responding to co-operative overtures from Washington, could make the Soviet Union more aware of its stake in better East-West relations. But short of these extremes, China tends to induce a more rigid posture in the Kremlin. Mao's verbally militant China creates pressures on Moscow to prove its own orthodoxy by creating the new 'anti-imperialist front' and giving support to North Vietnam and North Korea. A post-Mao, somewhat more moderate China could increase the Soviet temptation to seek accommodation with Peking, which again would involve further stiffening in the Soviet posture toward the West. Finally, a China disintegrating domestically could prompt both Soviet and American efforts to promote the interests of favoured contenders, thereby creating another new focus of competition.

To be sure, in some areas there may be growing co-operation. India, as already noted, may be the one example. The space race, after the moon has been reached, may become another. The two countries will, in all probability, continue to expand those ties that result in direct benefits for each. It is also possible that Europe, reacting against the two "hegemonies" (a feeling exacerbated by US passivity in the face of the Czech invasion), could opt out of the Cold War and become *de facto* a neutral zone.

All this is a far cry, however, from real and positive international co-operation. It is unlikely that the Soviet Union will soon become a partner of the United States in creating international stability. The Soviet mediation in Tashkent between India and Pakistan had a very specific purpose in mind, given Soviet concerns with China's position; before such cases are generalized to reveal some fundamentally new Soviet attitude toward Third World stability, recent Soviet behaviour in the Middle East ought to be taken into account.

For the time being, the Soviet attitude remains essentially guided by tactical principles that can be labelled 'risk reduction and opportunity exploitation'. It was applied to the Middle East, to Vietnam and even to the *Pueblo* incident. In each instance the Soviet Union attempted to extract the maximum political advantage at US expense, while striving to contain the possible risks. The Soviet concern with reducing risks is in itself a welcome and positive element; but the first factor in the tactic should be assessed before the second is construed as revealing a widespread identity of interests with the United States.

Open conflict in the American-Soviet relationship may become more frequent if some Third World countries degenerate into anarchy because of social fragmentation, bred by failures in economic development and continued inefficiency of political leadership. That dismal prospect appears likely to be the case for at least several of the developing states. Sporadic violence, in the context of a premium on preemption, may have a suction effect on US and Soviet intervention forces, resulting by the '70s in some unprecedented confrontations. At the minimum, at least one "Fashoda"[1] is to be expected. The question is, of course, whether in the context of the new nuclear equation an American-Soviet "Fashoda" will work out as peacefully as the Anglo-French one did in the late 19th century.

The issue is made more urgent because the nuclear equation is likely to remain a highly dynamic one. It is improbable that a system of US–Soviet arms control, or weapons freeze, can be arranged in the foreseeable future. It is sometimes suggested that parity may make it more feasible. The problem, however, is how to define parity, given different felt needs, different commitments, different industrial-population distributions and different historical perspectives. Indeed, it could be argued that an artificially contrived parity arrangement could encourage a false sense of calculable certainty, and thus stimulate rash risk-taking.

Both powers are also likely to continue feeling that there is utility from the standpoint of peace in maintaining the present advantage over other nuclear aspirants, such as China, and this they can only do by matching advances in their own weapons systems. Furthermore, since formally contrived parity appears unlikely, it is to be expected that the Soviet Union will seek to undo what remains of US strategic superiority and, in the process, whatever the Kremlin's actual calculations, will inevitably appear to be seeking superiority. This will exact its price in ideological and psychological terms, making peaceful adjustments of conflicting interests more difficult.

REDUCING HAZARDS

How to construct an international system geared to reducing these new hazards? This will be the central question of the coming decade. Definition of the new goal will require creative vision, capable of mobilizing the minds and spirits of peoples who sense drift but who are unable to define the needed response. Past conflicts and present suspicions will make this task even more complicated than it already is. Nor is it clear what the specific objective ought to be and who can take the lead in seeking it. Europe is in a mood of withdrawal, in spite of the reactions produced by the Soviet occupation of Czechoslovakia. The Soviet Union, more hostile to the USA and preoccupied with its crumbling position in Eastern Europe, may seek solace in its increasing military power. The USA, frustrated in Asia, absorbed by domestic problems, and increasingly unable to say anything attractive to the Europeans, may—out of sheer inertia—simply opt for more of the same in foreign affairs. Yet it should be clear by now that *more of the same simply will no longer do.*

The needed response should involve an effort to forge a community of the developed nations, embracing the Atlantic states, the more advanced European Communist states (including the Soviet Union), and Japan. This need not be—and for a very long time could not be—a homogeneous community, like the EEC or the once-hoped-for "Atlantic community". But deliberately seeking to define certain common objectives in the fields of development, technological assistance and East-West security arrangements could help to stimulate a sense of common involvement and the growth of some rudimentary institutional framework (for example, through formal links in the economic sphere between OECD and CEMA; in the security sphere between NATO and the Warsaw Pact; or the creation of an informal political consultative body).

Progress in that direction would have the important effect of helping to terminate the civil war among the developed nations that has dominated international politics for the last hundred and fifty years. The nationalist and ideological disputes among these nations have less and less relevance to the real problems of mankind, yet their persistence has precluded a constructive response to the human dilemmas that both democratic and Communist states increasingly recognize as being the key issues of our times. The absence of a unifying process of involvement has kept alive old disputes and has clouded the purposes of statesmanship.

To postulate the need for such a community—and to define its creation as the task for the coming decade—is not Utopianism. Mankind is moving steadily toward larger-scale co-operation, under the given economic, scientific and technological pressures. All of human history, despite periodic reverses, clearly indicates progress in that direction. The question is whether a spontaneous movement will suffice to counterbalance the dangers already noted. And since the answer is probably no, it follows that efforts to accelerate the process of international co-operation among the advanced nations are needed and represent a realistic response to the present challenge.

Movement towards the larger community of the developed nations will necessarily have to be piecemeal, and it will not preclude more homogeneous relationships within the larger entity. The Soviet Union and Eastern Europe, or the OECD countries, not to speak of EEC, for a long period will continue to enjoy more intimate relationships among themselves. The Soviet Union is in a conservative mood and is not likely to be initially responsive. The point, however, is to develop a broader structure, linking the foregoing in various regional or functional forms of co-operation. Such a structure would not undo the basic reality of US–Soviet nuclear confrontation, which would remain the axis of world power. But in the broader co-operative setting, the conflicts between the United States and the Soviet Union could become reminiscent of late 19th century Anglo-French colonial competition; 'Fashoda' did not vitiate the emerging European *entente*.

The Soviet Union would be more likely to become involved in such a larger framework because of the inherent attraction of the West for the East Europeans, whom the Soviet Union would have to follow lest it lose them altogether, and because of the Soviet Union's own felt need to collaborate more in the technological and scientific revolution. That the Eastern Europeans will be moving closer to West Europe is certain. Recent events in Czechoslovakia are merely an augury of what will follow; Soviet power can only slow down—but not stop—the process. It is only a matter of time before individual Communist states come knocking at the doors of EEC or OECD, and hence even for Moscow wider East-West arrangements may become a way of maintaining some effective links with the East European capitals. Last but not least, the threat from China could also have the desirable effect of inducing in the Soviet leaders a less doctrinaire outlook.

Very important, too, is the consideration that a broad community of the developed nations, involving a variety of links among the various powers and sub-communities (such as EEC or CEMA), avoid a semblance of a bilateral U.S.-Soviet deal. Such a deal would be resented by most Europeans, both West and East, and they would work against it. Furthermore, it is unlikely that the Soviet Union could be seduced into a direct U.S.-Soviet arrangement as long as it feels itself weaker and poorer than the United States. A Soviet Union that is becoming stronger

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[1] The 1898 Anglo-French colonial expeditionary confrontation, with the French eventually backing down.

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against the United States would be less tempated by such an arrangement, and that United States' attitude could also become more ambivalent.

The definition of the broader goal would also have other beneficial effects. For one thing, it is likely that initially the Soviet Union would be hesitant or even hostile. An approach based on the bilateral concept, favoured by many critics of US policy, could thus quickly prove to be abortive, and the consequence presumably would be increased tension. Efforts to create a larger co-operative community have the advantage that they need not be halted by an initial Soviet reticence nor can they be easily exploited by Moscow to perpetuate a cold war. On the contrary, Soviet reticence would only result in more costly Soviet isolation. By 1985, the combined GNP of the United States, Western Europe, and Japan will be roughly somewhere around 3 trillion dollars or four times that of the Soviet Union (assuming a favourable rate of growth for the Soviets). With some Eastern European states gradually shifting toward greater co-operation with the EEC and the OECD, the Soviet Union could abstain only at great cost to its own development and world position.

AMERICA'S PATH?

Much of the initiative and impetus for an undertaking of so grand a scale will have to come from the United States. Given the old divisions in the advanced world and the weaknesses and parochialism of the developing nations, the absence of a constructive American initiative would mean, at the very best, the perpetuation of the present drift in world affairs. The drift would certainly not be halted if the United States were to follow the paths which nowadays it is so fashionable to advocate, mainly that of disengagement. Even if America could do so—despite the weight and momentum of its power—there is something quaintly old-fashioned in the eloquent denunciations of US global involvement, especially when coming from Europeans, whose record for successful maintenance of world peace is not exactly admirable. Moreover, even the most brilliantly contrived, though one-sided, indictments of US policy, for example Stanley Hoffman's *Gulliver's Troubles* (1968), cannot erase the fact that the United States, despite its allegedly long record of errors and misconceptions, has somehow become the only power that thinks in global terms and actively seeks constructive world-wide arrangements. It is revealing in this connection to note that initiatives such as the Test Ban Treaty or the Non-Proliferation Treaty were opposed by governments that some critics of global involvement usually praise. The fact that the US commitment to international affairs is now on a global scale has been decided by history. It cannot be undone, and the only relevant question that remains is what will be its form and goals.

One of the important functions of the States in the process of shaping the new structure will be to help convince the Soviet Union of the futility of its strategy of conflict in international politics. The Soviet leaders must learn that concentration on either rebuilding an anti-imperialist Communist community (which in any case present East European trends defy) or heavy reliance on military development will not serve the long-term interests of the Soviet Union itself. This means that in the process of striving to create a broader framework from which the Soviet Union could only abstain at a disadvantage to itself, and until such time as workable arms-control arrangements are mutually agreed upon, it will remain necessary for the United States to seek to maintain what might be called asymmetrical ambiguity in the nuclear relationship, i.e., a qualitative advantage in deliverable weapons (though no longer a clearly calculable superiority in survivability), and to develop new weapons systems, so that Soviet leaders may not become tempted to take calculated gambles based on the new equilibrium.

In general, the effort to induce co-operation and to limit hostility will require an intricately nuanced balance between courtship and reciprocity. The latter, it must be said bluntly, is a necessary component, lest a premium be put on unco-operative behaviour, thereby strengthening the case of the more dogmatic elements in the Soviet leadership who argue that a unilateral policy involves few, if any, costs. That reciprocity, to be educational yet not escalatory, must be calibrated very precisely. The most educational form it can take is to duplicate as exactly as possible the action to which it is a response, be it a matter of an arbitrary and one-sided cancellation of previously contracted exchanges or abuse of diplomatic privileges. Even then, such necessary steps should not be taken in the spirit of cold war conflict but as regrettable reactions to unilateral actions.

Finally, persistent efforts will be necessary to 'de-demonize' the US-Soviet relationship. Much progress has been made on both sides since the 1950s but strong suspicions linger. A useful device—both symbolically and practically—would be to initiate the practice of holding annually an informal two-day working-discussion between American and Soviet heads of governments, in addition to regular meetings with friendly or allied governments. The meeting need not always have a formal agenda, and it should not involve official state visits. Indeed, it would be best to hold it in places that minimize public exposure and avoid fanfare: one year in Alaska, another in the Soviet Far East, etc. Its purpose would be to provide the heads of the neighbouring two leading nuclear powers with a regular opportunity for personal exchange of views and for the maintenance of personal contact. If held regularly—even at times when the two powers may be disagreeing over some major issue—it would avoid generating false expectations and wrong impressions (such as conveyed by the appearance of excessive eagerness on President Johnson's part in August 1968), while perhaps stimulating gradually a sense of mutual involvement in world affairs and a new, more mature pattern in the relationship between the world's two principal powers.

We live in a time of an emerging global consciousness. This consciousness, still timid and uncertain, inevitably clashes with perspectives shaped by the last hundred and fifty years of national and ideological conflicts. The national policy of the first global power must be in keeping with this trend toward a universal awareness. It must reflect the decisive need of mankind to terminate conflicts whose historical roots and objectives belong to another era. Thus, irrespective of initial Soviet responses, it behooves the United States to move beyond doctrines shaped by the recent confrontation and to seek broader solutions and more ambitious goals than those that have dominated American foreign policy during the last twenty years. In the short run, it would also be good tactics. Most Europeans (and the Japanese) would welcome a broadly gauged effort to create a new structure and this, in itself, would be a step towards shaping a new core for international policies. For the longer run, it represents the imperative strategy of peace in the age of overlapping total power.

PRESIDENT NIXON'S SPEECH AT THE AIR FORCE ACADEMY

Mr. DODD. Mr. President, I have listened to the statements that my colleagues have made this morning with respect to the President's speech yesterday at the Air Force Academy.

I myself read the President's speech for the first time yesterday evening. I read it with great care, because there was a compelling quality to its logic and clarity. This morning I reread the speech twice. My considered opinion is that it is a truly outstanding speech and one that badly needed to be made.

I cannot understand why anyone should take offense at it.

It was not my impression that the speech was directed toward any Member of the Senate. This is something that I cannot read into the speech and I have gone over it three times.

In underscoring the dangers of neo-isolationism and unilateral disarmament and of downgrading our military, the President was simply pointing up certain things that have been troubling the American people.

If I read the polls correctly, 65 percent of the American people agree with the President. And that is a pretty good rating.

The dangers of which the President spoke are not new.

The President's speech, indeed, reminded me that I was one of the first Members of the Senate to speak on the floor on the dangers of "the new isolationism". This I did in a speech on the floor on February 23, 1965. Perhaps it is worthwhile to quote a few paragraphs from my remarks on that occasion because they will help to illustrate the stubborn persistence of the problem.

I said to the Senate that day:

> There has been developing in this country in recent years a brand of thinking about foreign affairs which, I believe, can aptly be described as "the new isolationism." This internal phenomenon is, in my opinion, potentially more disastrous in terms of its consequence than the major external problems that confront us.
>
> The corollaries of the new isolationism are many. It is contended that we should deemphasize the cold war and reverse our national priorities in favor of domestic improvements; that we should withdraw from South Vietnam; that we should cease involvement in the Congo; that we should relax the so-called rigidity of our Berlin policy; that foreign aid has outlived its usefulness and should be severely cut back; that our Military Establishment and our CIA, organizations that seem particularly suspect because they are symbols of worldwide involvement, should be humbled and "cut down to size" and stripped of their influence in foreign policy questions.
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> The defense of the free world rests on a very delicate balance. The key elements in that balance are American power and American determination. If we lack the power to maintain that balance then certainly all is lost. If we reveal that we lack the determination, if we, for instance, allow ourselves to be pushed out of Vietnam, such a humiliation may indeed be the second shot heard around the world; and a dozen nations might soon throw in the sponge and make whatever accommodation they could with an enemy that would then seem assured of victory.
>
> But I say to you that if our foreign affairs are going badly, no aspect of internal welfare is secure or stable. And if we cope successfully with the great problem, the cold war, no internal problem can long defy solution.

Although the phenomena of which the President spoke are not new, they have unquestionably become far more acute since I spoke in early 1965.

And the President was aware of this and his speech was therefore much more complete and informative than my effort in 1965.

I am very glad that the President made this badly needed speech.

In doing so, he was exercising leadership in the best tradition of the American Presidency. And I am confident that the American people will respond affirmatively to his leadership.

The prayers of the American people go with President Nixon in his new voyage, this time to Midway Island, in his difficult and continuing quest for peace.

RETIREMENT OF WILLIAM J. DRIVER

Mr. LONG. Mr. President, at the end of last month, William J. Driver left the post of Administrator of Veterans' Affairs. I deeply regret the loss of this public servant, for Mr. Driver typifies the very best in the career civil service. He has served his country under arms with great distinction, both in World War II and during the Korean war. He first joined the Veterans' Administration after the Second World War, and with the exception of his military service during the Korean war has served in the Veterans' Administration continually since he started his career there, in positions of increasing responsibility. He served as Chief Benefits Director and as Deputy Administrator before President Johnson submitted his nomination as Administrator in January 1965.

It has been my personal pleasure to have worked closely with Mr. Driver for many years. To cite but one instance, I recall the many times I struggled to reopen the National Service Life Insurance program to veterans. Time after time I obtained the Senate's agreement, but I was never able to convince the House Veterans' Affairs Committee how worthwhile my proposal was. Mr. Driver was instrumental in arranging for the very limited reopening that we were finally able to get the House to accept.

All of us in the Congress who worked with him are well aware of Mr. Driver's competence and thorough knowledge of all aspects of the Veterans' programs. His was a talent that will be sorely missed.

The veterans of the United States have lost the service of one of their greatest friends and most effective spokesmen.

As a Member of this body, and as chairman of the Committee on Finance which handles most of the veterans bills, I wish to salute Bill Driver and wish him the best in his new employment. His new employment will be much more remunerative from a financial point of view, but I am sure he has some disappointment that he will not be able to do as much for his fellow men as he did in his prior capacity.

Mr. TALMADGE. Mr. President, on April 2 Senator ALAN CRANSTON and I wrote a letter to President Nixon urging that he reappoint William J. Driver as Administrator of Veterans' Affairs. I quote from that letter:

> As Chairmen of the Senate subcommittees responsible for almost all legislation affecting veterans, we believe it is urgent at this point that Mr. Driver's excellent leadership of the Veterans' Administration be reconfirmed by you so that the VA will be released from the inevitable period of limbo in which it now finds itself because of uncertainties about Mr. Driver's retention.
>
> Mr. Driver has the support of every national veterans' organization as well as bipartisan support on the House Committee on Veterans' Affairs. Given the broad range of viewpoints which these organizations, Congressmen, and we represent, and given the importance which we attach to the continuation of career leadership for the Veterans' Administration, we strongly believe that Mr. Driver's re-appointment at the earliest possible time is clearly necessary to the basic interests of the administration of veterans' affairs for the country.

Sad to say, the President did not take our advice. At the end of May, Bill Driver left his post after 23 years of service in the Veterans' Administration. He was the first career Federal employee to be named as Administrator, and in my opinion he was the best Administrator we have ever had. A veteran himself, he served with distinction in World War II, and again during the Korean war. He holds the Legion of Merit, the Bronze Star, the Order of the British Empire, and the Croix de Guerre. He served in a number of positions in the Veterans' Administration, taking on increasing responsibilities. In January 1958 he became the Chief Benefits Director, and 3 years later he was named Deputy Administrator, second in command of the Veterans' Administration. From January 1965 until last month, he was Administrator of Veterans' Affairs. No other Administrator has had his combination of knowledge of the veterans' programs and sensitivity to veterans' needs.

It has been a pleasure for me to have worked with Bill Driver in the years I have known him. I recall in 1965, shortly after he became Administrator, I obtained Senate approval of my bill which was to become the legislation authorizing the servicemen's group life insurance program. Bill Driver played an important role in obtaining House approval of this measure in the closing days of the first session of the 90th Congress.

This is just one of the incidents showing Bill Driver's concern for veterans. His achievements will be sorely missed.

I would like to extend to Mr. Driver and his family my best wishes for the future.

MAFIA IN MEDICAID?

Mr. LONG. Mr. President, newspaper stories about the preliminary investigation by the Committee on Finance into the medicare and medicaid programs have generated a large number of letters from citizens concerned about fraud and other abuses of the two programs. Some of these letters describe abuses in general terms while othere contain detailed and often documented allegations. Wherever warranted, we are seeing to it that the allegations are appropriately investigated.

One particularly disturbing letter alleges a multimillion-dollar fraud involving dental services provided under the medicaid program in a large city. The writer names the individuals involved, the precise methods employed, amounts of payoffs and so forth. The tone and description indicate strongly that this letter did not come from any crank. The most serious allegation of all is that the Mafia is involved in this particular operation to the tune of hundreds of thousands of dollars a year. As far as this Senator is concerned one thing we do not need is organized crime infiltration in our Federal health programs. Accordingly, I have requested that the Department of Justice investigate this situation to determine the validity of these shocking allegations.

I want to assure Senators that the Committee on Finance will continue to do all possible to expose fraudulent activity and other costly abuses in medicare and medicaid.

THE NOMINATION OF CARL GILBERT

Mr. LONG. Mr. President, on June 1 there appeared in the Washington Post an article by Mr. Warren Unna, entitled "Senators' Whims Delay Appointments." This article takes on the sheen of a smear campaign against certain Senators who are carrying out their constitutional responsibilities. Among those who were at the receiving end of this smear campaign was the junior Senator from Louisiana and the senior Senator from Connecticut. The title of the article made it appear that it was the whim of the junior Senator from Louisiana that was causing the delay in the nomination of Mr. Carl Gilbert to be special trade representative.

Mr. Unna, the author of the article, did not show me the courtesy of discussing the matter before he wrote his article. Had he done so, I think he would have realized that it was not a personal whim of the junior Senator from Louisiana that was holding up the nomination.

There are some serious reservations over this nomination which are not peculiar to the junior Senator from Louisiana. Many members of the Committee on Finance have expressed their reservations to me. As chairman of the Committee on Finance, I have a responsibility to speak for the committee on occasion and this is one of those occasions.

I would like to take this opportunity to discuss the issues involved and what has transpired in the Senate on the nomination of Mr. Gilbert.

First of all, there is the jurisdictional question. Normally, when the President nominates a person for a position with respect to which the advice and consent of the Senate is required, the nomination is referred to the committee which created the position, particularly if that committee also has legislative responsibility for the program which it is intended the nominee will administer. I have consulted with the Parliamentarian, and he assures me that this is the normal procedure.

Applying this rule to the Office of Special Representative for Trade Negotiations, the nomination of an individual to be that Special Representative should be referred to the Committee on Finance. The position was established by section 241 of the Trade Expansion Act of 1962, which I helped to pass, and which emanated from the Committee on Finance. The program to be administered by the Special Representative was the Kennedy round of tariff-cutting talks authorized by the 1962 act, and "such other nego-

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tiations as in the President's judgment require that the Special Representative be the chief representative of the United States."

With the international trade of the United States in the sad posture in which we find it today, it is particularly important that the committee charged with responsibility for legislating our trade policy should consider the qualifications of the individual who is nominated by the President to recommend a trade policy and to implement it. That is the responsibility of the Committee on Finance.

Unfortunately, the Committee on Finance was bypassed and the most recent nomination to the office of special representative was referred to the Committee on Foreign Relations. Apparently, the reason for this erroneous referral is that the two prior nominations to this post—since it was created by the 1962 act—were referred to the Committee on Foreign Relations and those referrals now seem to have become a precedent of the Senate, even though they are wrong. It is a fact that the earlier nominations were not referred to the Committee on Finance.

As near as I can determine, no effort was made by the Committee on Finance in 1963, when the first Special Representative was named, to assert its jurisdiction over the nomination. If one studies the matter, I believe it will be clear why no jurisdictional question was raised.

First, President Kennedy had made a magnificent choice in his selection of the first Special Representative. He was to be Christian Herter, who had previously served with great distinction as Secretary of State under President Eisenhower. With the credentials he could bring to this position, it was apparent that there would be no controversy over his nomination. He could have been confirmed the day it came in. So it was referred to the Foreign Relations Committee and no one gave it any concern. It was assumed he would be affirmed by acclamation, which he was—no problem.

The great work he had done as Secretary of State in the prior Republican administration earned him the support of every Republican in the Senate. He was the personal selection of President Kennedy, and this carried with it the support of every Democrat in the Senate. It was a foregone conclusion that he would be confirmed for the job, whatever committee considered his nomination. And he was—without even the bother of a record vote in the Senate. No one cared what committee it went to—they could not care less.

What we had at that time was a brandnew trade policy, a brandnew office to administer it, and brandnew and highly regarded former Secretary of State to head up that office. Under the circumstances of his appointment, procedural questions were the last thing on anybody's mind.

In 1967, after Governor Herter had died, William Roth, who had served as Deputy Special Representative, was named to succeed him. It was generally understood that Mr. Roth was going to carry on the work of his old colleague and leader, and that he was not bringing a new look to trade policies in general. We were still negotiating the Kennedy round and he had been at that task from the beginning, serving under Herter. In that situation—a promotion from within to fill a vacancy caused by the death of an incumbent—procedural roadblocks would have been improper and would have unnecessarily disrupted the final crucial stages of the Kennedy round negotiations.

Today, the situation is vastly different. The Kennedy round is over. The negotiating policy fixed in the Trade Expansion Act of 1962 has expired. We are witnessing the deterioration of the huge trade surpluses which influenced our legislative approach to the reciprocal trade program for two decades. We have run deficits in our international balance of payments for 18 years running. Our gold reserves are virtually exhausted. To a considerable extent, I am convinced that our trade policies have contributed to this sad state of affairs.

The multinational business complex, once practically unheard of, is now a fixture in international trade circles. Often what we sell abroad is sold to our own oversea subsidiaries, and in many cases what we buy from abroad comes from U.S.-owned plants over there. This phenomena of the multinational business, which has never been fully analyzed, raises many new questions.

Basic industries such as steel and textiles are besieged with competition from imported goods produced at wage scales only a fraction of what employees must be paid in this country. That gives an impossible advantage to the foreigner. But on top of that advantage, many countries also give business a tax subsidy on their exports. That stimulates exports to this country.

Then they turn right around and impose a special border tax on their imports from us. And if that does not deter U.S. competition, they call on their variable levies, quotas, and a host of nontariff restrictions to give the sort of protection to their industry that we have denied to our own.

Trade must be reciprocal, but today it is definitely not reciprocal. We are at a serious disadvantage, and, in large measure, our policies of the past have contributed to the situation in which we now find ourselves. We have played Santa Claus to the point that now we must play beggar.

Today, when both Congress and the administration are groping for the right path to follow in fixing our trade policy for the future, it is doubly important that the Senate committee responsible for shaping that policy should also review the nomination of the person who is to serve as Special Representative for Trade Negotiations. That is why the Committee on Finance must assert jurisdiction over this nomination at this time if it is to meet its responsibilities to the Senate.

As I have said, the practice of the Senate is to refer nominations to the committee which created the post to which the nomination is made, and this is particularly true when that same committee has legislative jurisdiction over the program the nominee is to administer.

The post of Special Representative was created by the Trade Expansion Act—a Finance Committee matter. The program to be administered by the Special Representative, generally speaking, is the reciprocal trade program and tariffs, import quotas, and related matters. All these areas are specifically within the jurisdiction of the Committee on Finance.

Now, during an executive session of the Committee on Finance, on Friday, April 15, jurisdiction over the nomination of the Special Trade Representative was discussed in the presence of the chairman of the Foreign Relations Committee, who is also a member of the Committee on Finance. It was pointed out to the chairman of the Foreign Relations Committee that the position of Special Trade Representative was established by section 241 of the Trade Expansion Act of 1962, which emanated from the Committee on Finance. The program to be administered by the Special Trade Representative is created by legislation for which the Committee on Finance is constitutionally and historically responsible. In turn, the chairman of the Foreign Relations Committee agreed that the Finance Committee has a responsibility in this area, but noted that the Foreign Relations Committee, having responsibility for foreign affairs matters, wanted to look at the nomination. I had no quarrel with the Foreign Relations Committee sharing jurisdiction over the nomination, and I thought that the chairman of the Foreign Relations Committee had no quarrel with the Finance Committee sharing jurisdiction over the nomination. Other members of the Finance Committee who were present during that executive session thought the two chairmen had reached agreement over sharing the jurisdiction. Subsequently, however, I found out that the interpretation which the distinguished chairman of the Foreign Relations Committee gave to the discussion was far different from what other members of the Finance Committee and myself understood. Evidently, he concluded that the Finance Committee was only interested in a hearing of Mr. Gilbert's nomination, but not in sharing the jurisdiction for the nomination itself. This is not correct. We of course could always invite Mr. Gilbert before our committee without getting any clearance from the chairman of the Foreign Relations Committee. The members of the Finance Committee wanted to share in the jurisdiction. Subsequent to that, I discussed the matter with the chairman of the Foreign Relations Committee, who informed me that he was concerned that the nomination would be held up by the Committee on Finance. I gave him my assurance that we would report the nomination within a month after receiving it.

At that time, I thought this satisfied the chairman of the Foreign Relations Committee. But I am not sure of that. I informed the distinguished majority leader of my conversations with the chairman of the Foreign Relations Committee, and on Monday, June 2, after discussing it with the Democratic leadership, I waited a whole hour on the floor of the Senate for the chairman of

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the Foreign Relations Committee to discuss the matter further, but he never appeared. Therefore, the nomination continues to be held up. However, it is not a personal whim of the Senator from Louisiana that is holding it up. There are important substantive issues involved in this nomination which should be resolved prior to Senate confirmation.

I resent the smear articles that obviously are designed to put pressure on the chairman of the Finance Committee to withdraw his objection to this nomination. I have been around long enough to know that these kinds of smear campaign articles are usually planted by those who have an interest in the matter, and seek to foster that interest by making its opponents look bad. If Mr. Gilbert or any of the free-trade organizations around town feel that newspaper articles aimed at putting pressure on the Finance Committee will help his nomination, he is sorely mistaken. In fact, these activities can only do harm to Mr. Gilbert's prospects, although to this date I have no reason to assume that any member of our committee will object to his confirmation.

It would seem to this Senator that the nominee, who is going to have to work with the Committee on Finance during his term in office—if he ever gets there—could do much to further his own situation by going to those who feel they are protecting him from the Committee on Finance, and advising them that he is not ashamed to discuss his foreign trade philosophy and credentials with the Committee on Finance and that he is perfectly willing to have the Committee on Finance—the proper Senate committee—consider his nomination. It might be that he will find the gulf between his own attitudes and those of the Committee on Finance is not as wide as he might think. Our basic concern is equity and fairness in international trade, and if that is not a concern he shares, then we certainly should know it before the Senate acts on his nomination.

On the other hand, it might work out that after he has matched views with the Committee on Finance, he will not want to serve in the post to which he has been nominated.

Other matters concerning this nomination should be checked into. When Mr. Gilbert was nominated for the Special Trade Representative post, the White House assumed that he needed no Senate confirmation. The White House press release on Gilbert read:

> The President today announced the appointment of Carl J. Gilbert.

Contrast that with another White House press release issued the same day, which said:

> The President today announced his intention to nominate Dr. Thomas K. Cowden.

Thus, it was obvious that the White House aides knew how to draft a press release for a Presidential choice who needed Senate confirmation.

I am not criticizing the President for that. There is nothing new about a new President trying to do the best he can to find his way around, and hiring some persons who are competent and some who are not competent to help him with his job. That is par for the course.

One day after the White House announcement on Gilbert, he was whisked to Europe as part of Secretary Stans' team to discuss trade policies issues with Europeans. Here we have the Government paying the expenses of a private citizen to become privy to highly sensitive international discussions. That is highly irregular and one would have thought that Mr. Gilbert would have pointed this out to the White House, before he undertook to help the Government, at public pay, while he was still a private citizen and not capable of representing the Government. He went along for the ride at public expense. That is illegal, but I am not going to quarrel about that.

I ask unanimous consent to include, after my remarks, a newspaper article by Mr. Robert Barr discussing this and other points and concluding:

> The Senate Finance Committee might have a better claim to the Gilbert confirmation hearing than the Foreign Relations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG. That is true, but I do not want to argue about that. That committee can have all the jurisdiction it wants to, but after it gets through, let the committee who has the appropriate jurisdiction have an opportunity to examine the man.

Mr. President, we have had difficulties with Mr. Gilbert's predecessor in the Office of Special Trade Representative, principally because he entered into negotiations and reached agreements on matters for which he had no legislative authority. Not only did they have no legislative authority, but the Senate told them specifically in Senate Concurrent Resolution 100 that they should not negotiate certain agreements without getting this authority. That resolution passed the Committee on Finance and the full Senate before they negotiated these agreements. The American selling price agreement which was negotiated in the Kennedy round to change domestic law, and in direct repudiation of the Senate, is one case in point.

The Senate has not had an opportunity to express its will on that agreement because it was killed in the House during the last session of Congress.

If the House had not killed it, the Senate would have killed it. The Senate did not have a chance to do it. The House killed it first.

If it is ever introduced again by the administration, and should it by some chance pass the House, I am sure the Senate will tell the President what it thinks of this improvident agreement that this man negotiated without authority.

Another agreement negotiated by the Office of Special Trade Representative in past years was the so-called International Antidumping Code. That was an executive agreement negotiated without prior authority, which had the effect of changing domestic law. Last year, in an amendment to the Renegotiation Act extension bill, the Senate and the Congress told the President that the agreement could not go into effect. We forced him to sign that bill and publicly concede that he had exceeded his authority. These were two very serious matters where the Office of Special Trade Representative exceeded its authority and presented the Congress with fait accomplis.

That is what we are concerned about. We want a man who will abide by the law and respect the constitutional prerogatives of the Congress in this area. We do not want a man who flouts the will of the Congress or trespasses on its authority.

Mr. Gilbert has expressed approval of these highhanded attitudes in the negotiation of these agreements, despite the fact that the Constitution delegates plenary authority to the Congress—not to the President—"to lay and collect taxes, duties, imposts, and excises and to regulate commerce with foreign nations." This man has also expressed himself very clearly on a number of trade policy issues which come under the jurisdiction of the Committee on Finance. For example, Mr. Gilbert has expressed opposition to quotas on steel and textiles. He even took exception to one of the recommendations made by his predecessor concerning the development of a more effective escape clause.

I ask unanimous consent to have printed in the RECORD at the end of my remarks an article entitled "Voluntary Quotas Or," written by David R. Francis and published in the Christian Science Monitor of May 23, 1969, discussing Mr. Gilbert's views.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LONG. The article points out the obvious inconsistency between Mr. Gilbert's views on the textile import problem, for example, and those of Secretary of Commerce, Mr. Maurice Stans.

It is the responsibility of the Committee on Finance to help determine a national policy on trade and tariff matters. It is only fitting therefore that the Committee on Finance should have jurisdiction over the executive position which it created and which must administer the programs and policies established by the Congress through the committees. Therefore, it is not a question of personal whim that has delayed the nomination of Mr. Gilbert, but very serious substantive questions which must be resolved. It is not even a question of whether Mr. Gilbert agrees with my views or those of other members of the Finance Committee. The committee wants to determine whether the man will faithfully carry out the legislative intent of the law he is assigned responsibility to administer, and for which the Committee on Finance has jurisdictional responsibility.

Mr. President, I will say right now that I am aware of the fact that Secretary Stans made the statement that he had discussed these matters with Mr. Gilbert, and that they were in complete accord. There is a history of statements by Mr. Gilbert, however, which would indicate he is strongly opposed to any form of trade restriction, including voluntary agreements on steel and textiles. Mr. Stans is a Cabinet member, which Mr. Gilbert is not, and in the final analysis, Mr. Stans has the ultimate responsibility for trying to balance our international accounts, increase our exports, and save

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our gold. The President's adviser on these matters will be Mr. Stans. It is logical that Mr. Stans should play a major role in trade policy. If Mr. Stans wants to have Mr. Gilbert as an adviser then there will be no argument, as far as I am concerned.

If President Nixon wants to carry out the policy he advocated when he ran for President of the United States, and we are advised that Mr. Gilbert is going to try to help him do that, there is no argument. But there are many things in this man's record that cause one to suspect that this is either a case of one retreating from his pledged word to the American people, or a jurisdictional question, where the advisers of the President would do well to advise him that the nominee to the job which we created—which has expired, in my judgment—might use it to confuse or worsen our very unhappy situation with regard to balance of payments and foreign trade.

EXHIBIT 1

[From the Women's Wear Daily, Apr. 14, 1969]

COMMITTEE FEUD SHAPING IN SENATE OVER GILBERT

(By Robert Barr)

WASHINGTON.—A Senate feud is shaping up over Carl Gilbert, President Nixon's choice for special representative for trade negotiations.

The feud will be over whether the Senate Foreign Relations or Senate Finance Committee should handle the confirmation hearing on Gilbert.

Nixon aides may be shocked to learn Gilbert needs Senate confirmation, and shocked again to realize Gilbert, with no status except private citizen, has been dispatched to Europe on the big trade mission headed by Commerce Secretary Maurice Stans.

The quarrel over the confirmation hearings will stem from the fact that the post involves trade matters, although the man holding the post bears the rank of ambassador.

When Christian Herter was the first man nominated for this post, the Foreign Relations Committee held the confirmation hearing and the subsequent ones for other holders of the post.

Congressional sources noted this was because the previous Finance Committee chairman, the late Harry Byrd, Sr., never made an issue of the matter.

No matter how the feud is resolved—by a backstage compromise or an open Senate fight—it may be embarrassing to Nixon aides.

The announcement of Gilbert's appointment assumed he needed no Senate confirmation. This raised the problem.

That misconception was continued in oral checks with White House press aides when Fairchild News Service questioned that point at the time of the announcement. The answer was that no confirmation was needed.

The White House press release on Gilbert read, "The President today announced his appointment of Carl J. Gilbert . . ."

Contrast that with another White House Press release, issued the same day, which said, "The President today announced his intention to nominate Dr. Thomas K. Cowden . . ." for an assistant secretary post in the Agriculture Department.

Thus it was obvious that White House aides knew how to draft a press release for a Presidential choice who needed Senate confirmation. The "intention to nominate" is standard phrasing for such choices.

But the press release and subsequent verbal comment from a White House press aide made clear there was a misconception, within the White House and someone thought Gilbert could be installed in the trade post without Senate confirmation.

The Senate Finance Committee might have a better claim to the Gilbert confirmation hearing than the Foreign Relations Committee.

EXHIBIT 2

[From the Christian Science Monitor, May 23, 1969]

VOLUNTARY QUOTAS OR

(By David R. Francis)

WASHINGTON.—Commerce Secretary Maurice H. Stans, in trips to Western Europe and the Far East, has been engaged in trade brinkmanship.

He has been trying to persuade nations exporting woolen and man-made textiles to the United States to limit the growth of these exports with voluntary quotas.

There are no international trade rules requiring such quotas. And so far, the textile-exporting nations have shown great reluctance to grant such a favor.

Thus Mr. Stans suggests a threat.

If there isn't voluntary action, he warned Tuesday, "Congress will take the play away from us." In other words, Congress will enact unilateral quotas against imports that will be worse than those offered by the administration on a "voluntary" basis.

As one trade official argued, "It is in their own interest."

Up to now, the Commerce Secretary has used Congress as the threat.

POSITION CRITICIZED

The danger, however, goes beyond unilateral quotas. If Congress does impose quotas, textile-exporting nations would be free to retaliate by restricting United States exports. It could result in a major trade war. That is the brink ahead.

Former acting special representative for trade negotiations, John B. Rehm, terms Mr. Stan's position "an outrageous line. It is so disingenuous."

Now a Washington lawyer, Mr. Rehm holds that with the election over, the congressional drive for relief from imports is not as fierce as it was last year. The Johnson administration, with the help of the powerful chairman of the House Ways and Means Committee, Rep. Wilbur D. Mills (D) of Arkansas, last year successfully blocked an attempt to attach quota legislation to the tax surcharge bill. This would have made a presidential veto unlikely.

The new administration, he argues, could also stop a textile quota bill. Thus Mr. Stans is presenting "false fatalism."

He added: "It is a total abdication of executive responsibility."

However, Mr. Stans maintains there is a "strong movement" in Congress to pass a quota bill.

Furthermore, he said that if there was no progress toward voluntary quotas within 90 days, the administration would have to review the situation. He hinted that the administration might back unilateral quotas, though it favored voluntary quotas reached on a multilateral or bilateral basis.

RESULTS REPORTED

The Commerce Secretary reported Monday to President Nixon on the results of his trip to Japan, Taiwan, and Hong Kong. He said he will present a program of action to the President in two weeks.

Textile-exporting nations now have the problem of deciding whether to go to the brink themselves. They must judge whether Congress really would risk a major trade war to please the industry. They must guess whether the administration will support, stand aside, or veto quota legislation.

Mr. Stans said administration action on a quota bill would depend "on the framework of the bill and all the circumstances at the time."

Just before Secretary Stans left for Japan, Mr. Mills introduced a bill that would roll back textile imports. It also would base quotas on value, rather than by product or fiber. This was regarded as an effort to provide Mr. Stans with a bargaining weapon. However, it did not succeed—at least, not immediately.

Most countries, Mr. Stans admitted, did not even want to discuss textile quotas.

"Most countries hoped the situation would go away, rather than have to deal with us on it. We made it quite clear that it would not go away."

CAMPAIGN PROMISES MADE

During his campaign, Mr. Nixon promised to try to extend international voluntary quotas to textiles made of wool, man-made fibers, and blends. Quotas already apply to cotton textiles through the long-term international cotton-textile arrangement. It permits a gradual increase in imports in line with growth of domestic demand.

This cotton arrangement expires on Sept. 30, 1970. A review of its terms must get under way one year ahead of that date. Possibly this would open the way for consideration of all textile exports at the same time.

Mr. Stans pointed out that no action was likely before September. He had hoped multilateral talks under the General agreement on Tariffs and Trade could start in Geneva in June.

Several observers have charged that Mr. Nixon's campaign pledge was a promise to Sen. Strom Thurmond, the South Carolina Dixiecrat who helped make possible Mr. Nixon's nomination at the Republican convention by rounding up Southern delegates. A large amount of textile manufacturing is located in the South.

In a letter earlier this month to Morton H. Darman, board chairman of the National Association of Wool Manufacturers, Mr. Nixon reaffirmed his preelection commitment.

Again, however, Mr. Nixon spoke of an "international solution." He has not yet proposed mandatory controls by Congress.

David J. Steinberg, economist for the Committee for a National Trade Policy, an organization that backs liberalization of trade, charges that the administration has "badly handled" the textile issue.

Before seeking quotas, he said, the administration should have first ascertained to what extent the textile industry is suffering from imports. Next it should have seen if domestic policy changes could have helped, such as more liberal assistance for textile firms hurt by imports or through tax changes that would benefit the industry.

CONFIRMATION AWAITED

"Then, and only then, do you know the extent to which you have to resort to restriction of trade by quotas," he said.

Curiously, Carl J. Gilbert, former chairman of Mr. Steinberg's group and President Nixon's nominee for special representative for trade negotiations, took a similar position earlier this year.

In the report of the previous special representative, William M. Roth, on future U.S. foreign trade policy, Mr. Gilbert inserted a footnote that international trade-restrictive agreements should be negotiated "only in emergency cases and as temporary measures of last resort." He was a member of an advisory committee on trade policy.

Mr. Gilbert is still awaiting confirmation in his new job by the Senate. As an ambassador, he was cleared by the Committee on Foreign Relations. Now the Finance Committee, with jurisdiction over trade, wants a crack at him. Chairman Russell B. Long (D) of Louisiana is trying to work out a procedure to get his nomination removed from the floor for hearings in his committee. Mr. Gilbert is expected eventually to get Senate clearance.

SYNTHETICS JUMP

In the meantime, however, Mr. Stans' tough position on textiles puts Mr. Gilbert, with his liberal trade viewpoints, in an awkward position for future trade negotiations.

Mr. Steinberg holds that this tough stance is "folly," since it "fuels the fires of protectionism in Congress."

Mr. Roth charges that the administration's position on textile imports is "counterproductive in terms of the best overall interests of our economy." He is currently a fellow at the Kennedy Institute in Cambridge, Mass.

First of all, he says, the textile industry is "doing quite well" and does not need quota protection.

Wool-textile imports provide 25.5 percent of domestic consumption. The figure for cotton is 10.5 percent and for man-made fibers, 4.5 percent. Imports of foreign synthetics, however, went up 54 percent last year and appear to be increasing as rapidly in 1969.

Domestic consumption of man-made textiles, however, is also rising rapidly. Sales on noncellulose fibers were up 6 percent last year. Rayons and acetates gained 11 percent after a 6 percent decline the previous year.

Total dollar sales of the domestic textile industry last year jumped 12 percent. Profits after taxes were up to about $664 million from $540 million in 1967. The 1968 figure represents a profit on stockholder equity of 9.1 percent, compared with the average for the manufacturing industry of around 11.8 percent.

Second, any quotas, even if voluntary, will be purchased at a cost, Mr. Roth says. Japan probably would slow down removal of its restrictive practices against trade and investment. It would be harder to resist European protectionist measures in agriculture.

DUAL ROLE ATTEMPTED

"It is very difficult to talk liberal trade on one hand and seek protectionist measures with the other," the former special representative said.

During his tours, Mr. Stans attempted this schizophrenic role. He urged negotiations to reduce nontariff trade barriers as well as discussing the textile issue. He wants everyone to lay on the table all their nontariff barriers. Japan promised to exchange such a list in 60 days

Then, presumably, there could be negotiations for their reduction.

However, the administration at this point has only limited negotiating power. It has not yet introduced its major trade legislation. And it knows that until the textile question is settled, textile interests would probably seek to block such legislation in order to bring pressure for textile protection.

Mr. DIRKSEN. Mr. President, I wish to congratulate the distinguished chairman of the Finance Committee for his frank and thorough discussion of the Gilbert nomination. It is not the personal whim of any Senator which is holding this nomination up. As the distinguished chairman of the Finance Committee pointed out, that committee has jurisdiction in the Senate over the legislation which would give authority to Mr. Gilbert to act on behalf of the United States in negotiations with foreign governments. The Finance Committee created the job of Special Trade Representative, and it is only fitting that it should have a voice in the confirmation of the man who is to administer the policies established by Congress in this area.

ORDER OF BUSINESS

Mr. GORE. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDWAY MEETING

Mr. GORE. Mr. President, I arise to wish for President Nixon the greatest measure of success toward a negotiated settlement of the Vietnam war.

I have never thought, nor do I now think, it wise for a President of the United States to journey thousands of miles to a point in the Pacific Ocean to meet a President of South Vietnam in order to determine policy or to coordinate strategy or either war or peace.

Such a meeting tends to equate the two Presidents, which we know to be an assumption out of all proportion to reality, and tends to place a premium on a joint communique, thus giving leverage to Mr. Thieu, the current President of South Vietnam, which in reality he does not have and which should not be accorded him. Nevertheless, such a meeting, or confrontation, as the case may be, is to occur on Midway next Sunday.

Were the President meeting with our adversaries in the Vietnam war, I might feel inclined to comply with the injunction of the distinguished senior Senator from Montana (Mr. MANSFIELD) to avoid further speeches until the conference is concluded, but, Mr. President, this is not a meeting with an adversary; rather it is a meeting with Mr. Thieu, who is President of South Vietnam under known U.S. sponsorship. I have no hesitation, therefore, in expressing some views with respect to a conference of our President with him. Moreover, the lives of many are at stake.

The key question at Midway is whether the United States will continue to equate its own security interests with the interests of the current Saigon regime. Midway will be a watershed. The outcome of that conference will in my opinion determine whether the tide of events will flow in the direction of a negotiated peace, or toward "more of the same"; whether President Nixon will pursue the policy stated, however tenuously, to his countrymen on May 14; or whether Mr. Thieu will lead us into a piecemeal withdrawal coupled with a commitment to perpetuation of his Saigon regime.

President Nixon's statement on May 14 is his only statement on Vietnam policy since becoming President. Since January 20 through last week, we have suffered some of the heaviest casualties of the war—5,722 killed and almost 32,000 wounded.

Mr. President, I had occasion last week to visit a U.S. Army hospital. To observe the mangled, the crippled, the blind, and the insensate is enough to make one physically sick. As I said earlier today, the armed services are doing a magnificent job of rapid evacuation and competent medical care of the wounded. They are doing the best job in this regard that has ever been done in our history. I applaud them. Were this not true, the ratio between killed and wounded would be far more unfavorable.

But, Mr. President, many of the wounded are killed so far as their useful life is concerned. Indeed, many of them are killed as far as knowing that they still breathe.

So the President's statement was anxiously awaited by the American people.

After carefully reading and rereading the President's statement, I addressed the Senate on May 20. At that time I said:

> If my view of the speech is correct, President Nixon must have reached a decision to extricate the U.S. from the Vietnam War as quickly as he can, as best as he can, as honorably as he can.

On that date I also said:

> I must acknowledge that as I listened to the President's speech on the radio, I was impressed that there was a very little difference, if any, in what he had said from what he had previously said or from what former President Johnson or his Secretary of State had said.
>
> It was only when I started examining what he had not repeated and what he did not say that it began to occur to me that a decided change had been made, but made very subtly, and that perhaps the President was speaking the Johnson-like hard rhetoric largely for home consumption, while the message to both Hanoi and Saigon was to be found in the omissions from the speech or, in other words, from what he did not say. Perhaps that is an explanation as to why our distinguished Secretary of State, Mr. Rogers, was dispatched to be in Saigon at the time of the President's speech, and perhaps there to explain and, if possible, to placate the Saigon generals. Apparently he was not too successful, because President Thieu has demanded a personal meeting with President Nixon which, according to the announcement today, is soon to occur.
>
> I cite this without criticism, but in the hope to bring public understanding of the developments which are now occurring and for which I wish the greatest good fortune.

Mr. President, specific references in the President's speech, along with certain omissions therefrom, caused me to take heart for a negotiated peace.

I wish it known that I now specifically refer to the President's speech to the American people on last May 14. Earlier today I made reference to an unfortunate speech, in my view, which the President delivered to the Air Force graduating class on yesterday.

This latter speech, if it had any reference whatsoever to the Midway Conference, is certainly an ill-omen. I do not know that it had such reference. Therefore, I shall confine my remarks for the present to the speech specifically on Vietnam policy delivered on May 14.

In the speech, President Nixon said:

> All parties would agree to observe the Geneva Accords of 1954 regarding Vietnam and Cambodia, and the Laos Accords of 1962.

For 5 years I have been suggesting to the Senate and to President Johnson and President Nixon that the Geneva Accords to which the United States gave its consent, and to which other nations with security interests in the area consented, constitute the most reasonable and practical basis for peace.

So, I am pleased that President Nixon now makes this reference.

The President also said:

> We seek no bases in Vietnam.

The President said:

> We insist on no military ties. We are willing to agree to neutrality if that is what the South Vietnamese people freely choose.

The President said:

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> We believe there should be an opportunity for full participation in the political life of South Vietnam by all political elements that are prepared to do so without use of force or intimidation.
>
> We are prepared to accept any government in South Vietnam that results from the free choice of the South Vietnamese people themselves.

Mr. President, I keep quoting from the President's speech in this way because these statements which I quote do not appear seriatim in the President's speech. I am stating it in this way so as not to do prejudice to the President's statement. I found his statement, as I have said, encouraging.

The President said:

> As soon as agreement can be reached all non-South Vietnamese forces would begin withdrawals from South Vietnam.

The President said:

> An international supervisory body, acceptable to both sides, would be created for the purpose of verifying withdrawals, and for any other purposes agreed upon between the two sides.

Also, the President said:

> As soon as possible after the international body was functioning, elections would be held under agreed procedures and under the supervision of the international body.

President Nixon eschewed a military victory, making no reference whatsoever to victory. Indeed, he said:

> We have ruled out attempting to impose a purely military solution on the battlefield.

Mr. President, if a military solution is "ruled out," by the Commander in Chief, for what do U.S. soldiers fight in Vietnam? Wars either end in a military victory or in a political settlement. So, it would appear that, a military victory having been ruled out, only the negotiation of a political settlement remains as a means of ending this bloody conflict.

The President did not rule out a coalition government, as he had done something more than a year ago when he said:

> A coalition with the Communists is like putting a cobra and a mongoose together. They try to eat each other.

For on the contrary, the series of points heretofore quoted add up to an interim arrangement of some sort—call it what one wishes, "agreed upon between the two sides" to hold elections "under agreed procedures under the supervision of the international body."

As I understand the passages from the President's address, they refer to elections to be conducted under the supervision of an international body rather than under the supervision of the current South Vietnamese regime, and not necessarily under the terms of the constitution of South Vietnam. Clearly, President Nixon held open the possibility that the oft-repeated goal of self-determination for the people of Vietnam might mean something other than self-determination by the Saigon generals.

Mr. President, I fully support what appeared to me, and what still appears to me, to be a constructive approach, both stated and implied, in President Nixon's address to the American people on May 14. In eschewing a military victory and in emphasizing the political aspects of the problem, he had, I felt, made the basic decision that would permit negotiation of a termination of this conflict. I believe the American people will support such an approach as being constructive and in the best interest both of ourselves and of those countries associated with us in Vietnam.

Since May 14, the President has not spoken further to clarify his views. But others have been talking.

President Thieu, in an obvious effort to forestall any prospect of a political settlement that would not insure retention of power by his regime, went to South Korea to make common cause with the leader of that United States client state. In militant language, he decreed in Seoul that allied troops—including U.S. troops—should not withdraw until the "aggressor forces withdraw." He instructed the South Koreans that "as long as we have no guaranteed peace, you have to stay with us." When asked about the possibility of a coalition government, he was quoted by the Associated Press as replying "I want to make my answer short for your convenience. Never." He then added, "Are you satisfied?"

Then President Thieu went to Formosa where he both unleashed Chiang Kai-shek and made still other statements in an effort to box President Nixon into an abandonment of the Nixon peace plan finally revealed to the American people on the evening of May 14, 1969.

Meanwhile, in Paris, an apparently harried Ambassador Lodge has been walking a tight rope. On the one hand, he sought to keep open the prospect of further discussion on some of the points about which Hanoi was reported to have been asking probing questions. The New York Times reported on May 30 that Hanoi's negotiators had evidenced interest in President Nixon's statements about withdrawal of troops into enclaves, and had raised questions about who would organize the elections, as contemplated under President Nixon's proposal. Ambassador Lodge was quoted as saying:

> Each significant group in South Vietnam should have a real opportunity to participate in the political life in the nation.

The official U.S. spokesman in Paris, Mr. Harold Kaplan, was asked if he considered the National Liberation Front as a "significant political group" and was quoted as replying:

> There is no question whatsoever that the Front is a going concern, an unfortunate concern in my view for South Vietnam, but a going concern. .

On the other hand, Ambassador Lodge was quoted on the same day as saying:

> A political settlement cannot be arrived at without the full participation and agreement of the legitimate duly-elected government of the Republic of Vietnam.

In his speech, President Nixon said:

> The South Vietnamese Government recognizes, as we do, that a settlement must permit all persons and groups that are prepared to renounce the use of force to participate freely in the political life of South Vietnam. To be effective, such a settlement would require two things: First, a process that would allow the South Vietnamese people to express their choice; and second, a guarantee that this process would be a fair one.

It will be noted, Mr. President, that in the passage just quoted, President Nixon did not specify an election as a means of self-determination, but, rather, indicated that the self-determination process might be reached by other processes. The President said:

> We do not insist on a particular form of guarantee. The important thing is that the guarantees should have the confidence of the South Vietnamese people, and that they should be broad enough and strong enough to protect the interests of all major South Vietnamese groups.
>
> This, then, is the outline of the settlement that we seek to negotiate in Paris.

Promptly after President Nixon's address of May 14, a Saigon spokesman issued statements saying that any election must be of course conducted "in accordance with the constitution" of South Vietnam. Among other things, this constitution, which was promulgated by Thieu-Ky regime with U.S. support, bars neutralists as well as the Vietcong from voting in any election. Under this constitution, any election would be conducted by the Thieu-Ky regime. I can understand, then, why the President did not specify that self-determination of all the people of South Vietnam must be conducted by the Thieu-Ky regime.

To put the matter bluntly, no election conducted by the present Saigon regime could, under its constitution, constitute self-determination by all the South Vietnamese people if the South Vietnam Constitution is observed. And as long as Hanoi and the Vietcong have the power to resist militarily, I doubt that they will consent to a political settlement based upon the outcome of an election to be run by the Thieu-Ky regime in accordance with President Thieu's concept of self-determination, which, incidentally, he asserts has already occurred. So I took some heart, Mr. President, that President Nixon steered clear of this pitfall for a negotiated peace. He advocated, rather, a carefully drawn peace plan in which I took encouragement.

Thus far, U.S. policy has in practical effect supported Saigon's view of self-determination. It was the President's speech of May 14 that diverged from that. Heretofore, U.S. spokesmen have referred to the South Vietnam Constitution as an historic document insuring basic human and political rights. The election of President Thieu was hailed as a showcase election in which the will of the people prevailed, even though he received only a small minority of the votes of that portion of the South Vietnamese people who were permitted to vote. This attempted legitimatization of the Saigon regime, incidentally, was consummated in another mid-Pacific meeting. As a result, peacemaking is even tougher medicine now, a bitter pill to swallow.

Yet, the question which the President must face up to is whether the United States is at long last prepared to utilize the overwhelming presence of the United States in South Vietnam to persuade acceptance of the kind of political settlement that may now be attainable in South Vietnam, thus permitting 540,000 American boys to come home, or to accept the Thieu plan of permitting a piecemeal withdrawal of U.S. troops—50,000 to 60,000 sometime this year has been mentioned in Saigon for months—along with a commitment to keep many, many U.S. soldiers in Vietnam indefinitely to maintain President Thieu in office. The Thieu plan is not a formula for peace but for prolonged war and a long time commitment to a costly, bloody South Korea type client state.

I hope President Nixon will be firm with Mr. Thieu. I hope he will not permit our own ideological preferences, on the one hand, to be confused with our true national interests, on the other. Naturally, we would prefer that the people of South Vietnam adopt economic, political, and social institutions similar to our own—the more nearly in our own image, the better to our preference. But it surely does not follow that our own national security and well-being is tied to Vietnam.

It is time for us to admit that the Thieu-Ky regime does not represent democracy as we understand it. A regime that makes a mockery of the right to free speech and freedom of the press, and which throws into jail political and religious leaders who advocate either neutrality or a coalition government of all the people of South Vietnam, subverts the very principles for which we profess to be fighting.

In February 1966, President Johnson met in Honolulu with General Thieu, then the Chairman of the National Leadership Committee of South Vietnam, to issue a joint pledge "to the goal of free self-government."

In October 1966, a seven nation summit conference was convened in Manila to pledge that we would withdraw after a military victory was won.

Mr. President, according to President Nixon's speech a military victory is now "ruled out."

In March 1967, President Johnson met with Generals Thieu and Ky in Guam to put the U.S. stamp of approval on the new South Vietnam Constitution.

In December 1967, President Johnson met with President Thieu in Canberra, where they pledged joint dedication to the principles of self-determination in accordance with constitutional processes.

In July 1968, President Johnson met with President Thieu in Honolulu to review the progress that had been made and to express high hopes for the future.

And now, on June 8, President Nixon will meet with President Thieu on Midway Island.

A report from Paris published in the New York Times on May 30 stated that "both American and South Vietnamese officials are determined that the June 8 meeting on Midway Island between President Nixon and the South Vietnamese President Nguyen Van Thieu, will be used to demonstrate allied solidarity."

Mr. President, I hope that the June 8 meeting does result in allied solidarity. But if it is President Thieu's brand of solidarity as reflected in his statements in Seoul, there will be scant hope of achieving a political settlement in Paris.

I hope that President Thieu will be told clearly and firmly that he will not be permitted to dictate U.S. foreign policy. This is what he presumes to do. I hope further that the basic shift in U.S. policy, which seemed to me to be implied in President Nixon's address on May 14 will survive the Midway conference. I wish, and I believe most Americans wish the President the greatest success toward a negotiated settlement. The war will not be ended on Midway—this is not a peace conference—but a decision for a negotiated peace should be taken, one that will permit not 50,000 American boys, but 540,000 to come home.

Now that the President has "ruled out" a military victory, the war can only be ended by a political settlement. And the sooner the better. Lives are more precious than political face.

Our people would have but little patience with a war policy which promises neither success nor end.

So, Mr. President, President Nixon can be assured of strong support in a strong policy of peace, and sure, too, that the conference on Midway will be attended with our anxiety and prayers.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Meeting Midway" written by Art Buchwald, which was published in the Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

Meeting Midway—An Exclusive Advance Look at How Peace Was Won

(By Art Buchwald)

The Vietnam war, after a brief absence, is back in the news. President Nixon is going to Midway Island to see if he can get President Thieu to agree to what President Thieu supposedly agreed to before Mr. Nixon made his speech.

President Thieu is going to Midway to get President Nixon to say that what he said on television is not what he really meant. And they'll probably come out of their conference with a joint statement saying they are both resolved to have an honorable and just peace in Vietnam and that their meeting was "very helpful."

Then President Thieu will go back to Saigon and say that President Nixon assured him that he would back the Saigon government and would not support any other form of government. President Nixon will go back to Washington and assure the American people that as soon as Hanoi comes to terms, the South Vietnamese people will be able to choose their own destiny.

This will cause consternation in Saigon and President Thieu will demand to see Ambassador Ellsworth Bunker to have him clarify what President Nixon said when he got back.

Ambassador Bunker will assure President Thieu that President Nixon has the interests of the South Vietnamese government at heart, and nothing President Nixon said changes the desire of the United States to see that the elected government of South Vietnam is protected in any peace settlement.

President Thieu will then tell reporters that he has been assured that he is head of the legal government of South Vietnam, and nothing the United States says will have any effect on what the United States agrees to in Paris.

This will cause some discussion in Paris, and Ambassador Henry Cabot Lodge will ask President Nixon if he can proceed in trying to negotiate the settlement despite Thieu's hard line.

Ambassador Lodge will receive instructions to proceed toward a settlement according to President Nixon's original five-point program.

When Lodge follows his orders, the South Vietnamese delegate to Paris will fly back to Saigon and report to the South Vietnamese that the United States is trying to sell them out in Paris.

President Thieu will call in Ellsworth Bunker and demand to know what the United States is doing in Paris. Bunker will assure Thieu that Ambassador Lodge is only doing what Thieu and President Nixon agreed upon at Midway. Thieu will tell Bunker that he and President Nixon did not agree on anything except to bring the war to a just and honorable finish.

Bunker will then cable President Nixon that he needs help in reassuring Thieu that the Saigon government's interests will be protected.

President Nixon will send out Secretary of State Rogers and Secretary of Defense Laird to mollify Thieu about the United States' intentions.

After their meeting, President Thieu will report to his cabinet that he has the promise of President Nixon that under no condition will the NLF have any role in a future South Vietnamese government.

This story will leak to the press and President Nixon will be asked to explain how President Thieu's views of negotiation differs from his. President Nixon will say that the views of the United States and the South Vietnamese are the same: the United States will continue to stress that the South Vietnamese people must decide their own destiny and that they are the only ones who can say what kind of government they want, whether it be the present one, a neutralist one or even a coalition with the NLF.

Thieu will immediately demand a meeting with Ambassador Bunker.

Meanwhile, back on Hamburger Hill . . .

ROTC MEN IN SPACE

Mr. MURPHY. Mr. President, we have heard considerable debate in recent weeks about the ROTC on our college campuses. Now, Mr. John Chamberlain, King Features' fine columnist, presents us with what he says, insofar as he was able to determine, is information about two of our Apollo 10 astronauts which has not appeared in print.

Both Comdr. John Watts Young and Comdr. Eugene Andrew Cernan received their first military training in ROTC. Should this not give us pause, Mr. President, when we read daily of the demands of the Students for a Democratic Society to eliminate ROTC from our campuses?

I would recommend that the members of the SDS might study and hopefully emulate the achievements of Comdr. John Young and Comdr. Gene Cernan.

I ask unanimous consent that Mr. Chamberlain's column, published in the Los Angeles Herald-Examiner on May 31, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ROTC Men in Space

(By John Chamberlain)

It might be of interest on Memorial Day, when we are supposed to indulge in the anachronistic convention of rendering homage to our patriotic heroes, that two of the Apollo 10 astronauts received their first military training in ROTC. Navy Comdr. John Watts Young, the commander of the ship which remained in a 70-mile-high orbit of the moon while "Snoopy," the lander module, was making its exploratory descent to within 10 miles of the lunar surface, was a member of the Naval Reserve Officers Training Unit at Georgia Tech. And Navy Comdr. Eugene Andrew Cernan, who was in the two-man Snoopy crew, was ROTC at Purdue in Indiana.

As of the moment of writing this column,

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I have looked in vain through our so-called mass media of the written word to find any mention of the fact that ROTC contributed to the training and the discipline of two of the three men chosen to make the most perilous space voyage to date. But practically every issue of the media contains some long account of the fumbling and temporizing and double-talk of college administrations who are bowing to the demands of Students for a Democratic Society to kick the ROTC off campus. Memorial Day, hah! What were the soldiers of the Blue and the Gray in the war between the states but a "bunch of stooges" for the military-industrial complex of Abe Lincoln's and Jeff Davis' day?

You feel like asking what's the matter with our college presidents, deans, faculties and trustees in not facing up to the SDS anti-patriots. But you also wonder about the failure of the services to provide good P.R. work in defending the ROTC institution that helps produce men like Navy Comdr. Young and Navy Comdr. Cernan. Why aren't we told how many men in the moon-shot program are ROTC graduates? There is a positive side to the ROTC question that was never once brought out by the Navy or by NASA (National Aeronautics and Space Administration) when the radicals at Columbia University, for instance, were agitating to throw out the local Naval ROTC program.

The biographies of Cmdr. Young and Cmdr. Cernan ought to be rubbed in the faces of the college faculty members who have bowed to the demands of the SDS. The face-saving argument heard at Harvard and at Yale and at Stanford is that ROTC courses lack "intellectual content." This is a fine thing to be bringing up at this point in the history of American university course substance. You can study hotel management at Cornell (and I'm not against it), you can get credit for a course in fly-casting at some of the Middle Western universities, you can turn innumerable courses in so-called sociology into a year's participation in totally unscientific bull sessions. If this sort of thing gets the blessing of the SDS, there is absolutely no argument against the "intellectual content" of ROTC even when it doesn't give the student any rigorous appreciation of the fine points of Clausewitz on the relations between war and diplomacy.

While some of our faculties and university administrations are busy abolishing academic credit for ROTC, other Paladins of the higher learning are letting students have their way about dispensing with required courses. From the University of South Carolina comes a report that students are allowed to have their choice of courses on love-making, premarital sex, bar-tending and witchcraft. Love-making, so the report says, is the most popular course among the new electives. Says one student, "There won't be any labs though, just theory." One wonders how the "intellectual content" of such a course will shape up in comparison to ROTC.

Congress is so angry that it is cracking down on giving federal money for scholarship grants to campus rioters. At the rate we are going it will be doing any boy or girl a favor if we make it impossible for him (or her) to attend college. The boy or girl of the future will get more "intellectual content" just by avoiding certain of the learned ones of our college faculties who don't seem to know that there is such a thing as the law of trespass, or the law of assault and battery.

THE SAFEGUARD ABM SYSTEM

Mr. MURPHY. Mr. President, as the debate on the President's proposed Safeguard ABM System continues, many confusing facts and figures have been reported in the press. I would like to compliment the Los Angeles Times, which recently carried a lengthy two-part series on this issue, for another objective and instructive presentation as contained in an editorial of June 1, 1969.

I feel that this analysis by the Times does much to dispel some of the misconceptions which have surrounded the entire debate on the ABM. Mr. President, I ask unanimous consent that the editorial from the Times of last Sunday be printed in the RECORD, and I strongly urge my colleagues to take the time to read it.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, June 1, 1969]

ABM DESERVES "YES" VOTE

For weeks a national debate has raged over whether Congress should vote "yes" or "no" on President Nixon's proposal to go ahead with the prototype phase of the so-called "Safeguard" system of antiballistic missile defense.

The Times, after careful weighing of the arguments on both sides, urges Congress to vote "yes."

This recommendation is based on the conviction that such action offers the best hope of preserving the credibility of our strategic deterrent without jeopardizing prospects for an arms limitation agreement with Moscow.

Although the fact has tended to get lost in the confusion and acrimony of debate, Mr. Nixon is in full agreement with the ABM critics on the fundamental importance of a Soviet-American accord on arms limitation.

Such an agreement, negotiations for which are expected to begin in July or August, would enable us to channel more money into education, housing, urban transportation, job training, etc., without any impairment of our national security.

If past experience means anything, however, the talks are likely to drag on for years. Meanwhile, we cannot rationally ignore the potential peril represented by the continuing Soviet buildup in offensive missiles and missile-firing submarines.

The great attraction of the Administration's Safeguard proposal is that it offers the President a relatively inexpensive means of keeping his options open in a period when nobody knows whether the Russians will opt for arms control or an intimidating nuclear capability.

No one, least of all President Nixon, questions that as of now we could absorb a surprise Soviet missile attack and still have enough missiles and bombers left to destroy the Soviet Union in retaliation.

But, as the President has observed, the Russians may be "substantially ahead of us in overall nuclear capability" by 1972 or 1973—if we stabilize our forces at present levels while they continue building ICBMs and Polaris-type submarines at the recent rate.

At best, U.S. acceptance of an inferior power position would leave the world vulnerable to nuclear blackmail on the part of the Soviets.

At worst, it could tempt the Soviet Union into believing that it could make a surprise nuclear attack on the United States without suffering devastation in return. Obviously, the problem is to keep them convinced otherwise—but by means which will not endanger an arms control agreement.

President Nixon's answer is Safeguard—a limited ABM system which admittedly could not protect U.S. cities from a Soviet saturation attack, but which is designed to insure the survivability of enough Minuteman ICBMs to deter the Russians from making the gamble.

Safeguard's total cost is estimated at $8 billion, including warheads, if it proves necessary to build the whole system. But President Nixon has made it amply clear that he hopes it will not be necessary.

In essence, the President is asking congressional approval to go forward on two prototype installations for completion by 1973. Cost of the prototypes is estimated at $2.1 billion—or an average of $400 million annually for five years, which is just about one-half of 1% of our total defense budget.

Whether the rest of the system ever would be built depends upon the progress of arms control talks. Construction even of the prototypes could be halted anytime a workable system of arms limitation is agreed upon.

A number of prominent scientists have expressed skepticism that Safeguard will actually work. But equally prominent scientists are convinced that it will.

The Russians are unlikely to gamble on who is right. As one eminent scientist put it, "They will be deterred by the very fact that it might work"—and deterrence, after all, is the name of the game.

Another charge by the critics is that Safeguard will endanger the arms control talks. But the Kremlin, which already has an ABM of sorts around Moscow, has given no such indication.

Several alternatives to Safeguard have been proposed, but none appear to offer the same combination of protection for our deterrent and consistency with the goal of arms control.

We could, for example, step up deployment of offensive missiles to offset the Russian buildup, but this might indeed look provocative to the Kremlin and impair chances of ending the arms race.

Another alternative, previously favored by The Times, would be to hold off on approval of Safeguard pending a reading on the progress of the arms control talks.

But the negotiations may go on a long time. And the Administration argues persuasively that if Safeguard does not go forward now, costs would go up and it could not be built in time for the potential period of peril beginning in 1973.

In the absence of a "compromise" that will satisfy this objection, Congress should vote "yes" on Safeguard.

ONE-HUNDREDETH ANNIVERSARY OF SETTLEMENT OF JAPANESE IMMIGRANTS IN CALIFORNIA

Mr. MURPHY. Mr. President, June 7 of this year marks a significant historic milestone for Japanese Americans and for all Californians.

On this date, the 100th anniversary of the first settlement of Japanese immigrants in California will be observed. To commemorate this centennial event, a California historical landmark will be dedicated at Gold Hill, in El Dorado County. A bronze plaque will be fitted into a 17-ton granite boulder and will bear the inscription:

> Wakamatsu Tea and Silk Colony. Site of the only tea and silk farm established in California. First agricultural settlement of pioneer Japanese immigrants who arrived at Gold Hill on June 8, 1869. Despite the initial success, it failed to prosper. It marked the beginning of Japanese influence on the agricultural economy of California. California Registered Historical Landmark No. 815. Plaque placed by the State Department of Parks and Recreation in cooperation with the Japanese American Citizens League and the El Dorado County Historical Society. June 7, 1969.

While obviously this centennial celebration is of unusual significance for American citizens of Japanese ancestry, it is also important for all Californians and all Americans, for the contributions of Japanese Americans to our way of life have been great indeed.

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In a recent issue of the Pacific Historian, the publication of the University of the Pacific in Stockton, there appeared a feature article written by Henry Taketa describing this centennial year.

Mr. President, I ask unanimous consent that this article be printed in full in the RECORD, together with a proclamation signed by Governor Reagan to honor this first-recognized settlement of Japanese immigrants to the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CENTENNIAL YEAR—"1969"

(By Henry Taketa)

Refrain of rock-a-bye, heard in far away land,
Okei, just seventeen, why did she cry?
As she quietly sang the Lullaby
Of her native land, why did she cry?
Refrain of rock-a-bye, distant clouds swept by,
In the lonely sunset, her heart searched afar,
Only in her dreams could she return home,
Toward her beloved Aizu, she watched the stars.
The song of rock-a-bye, she sang as she cried,
Gentle Okei, longing and waiting in vain,
As winter fled and spring had arrived,
For glad tidings from home, which never came.

(Interpretation of Okei's Lullaby).

For persons of Japanese ancestry, the year 1969, will bear special significance in that it has all the birthright of a centennial year for those Japanese immigrants of long ago who chose to leave behind their island homes and seek their fortune, gainful employment and a new life in the United States. They had the making of hardy pioneers, which in fact they were. With pride, hope, industry and patience, they not only survived but successfully overcame the many natural obstacles and man's prejudices of their time and made possible a better world of today for themselves, their children and children's children. Many have since gone their parting ways and, for those still among us, most are in their twilight years. In our sober moments, we give thanks for all that they have done and pray for their deserving reward.

If 1969, is to be a true and meaningful centennial for our Issei generation, the pages in the book of time must be turned back a full century. Search and research undertaken must prove without a shadow of any doubt the timely arrival in 1869 of the Japanese people, not by accident or misfortune as would be the case of a shipwrecked sailor or fisherman or on temporary leave from Japan by a student, traveler or trader, but for permanent settlement somewhere in the United States. Over the past forty years, bits of evidence had been gathered and, as pieces from here and there and out of the past were put together, they gradually brought to light the Wakamatsu Tea and Silk Farm Colony of Gold Hill, El Dorado County, California, and its people of a hundred years ago.

This episode of early California is little known because the Colony was ill-fated and short-lived. At best, the records are fragmentary and meager, but everything about the Colony and the colonists miraculously fell into its proper place. Through persistence and industry on the part of a few researchers, the story of the coming of the Wakamatsu colonists; their arrival at Gold Hill in June, 1869, and venture into farming; the abandonment of the farm colony and the exodus of its people; Okei and her grave, Matsunosuke Sakurai, and other people and events of the time can now be unfolded and told with exactitude as it happened. Hereafter, new discoveries will serve to refine what is already known and not to establish the very existence of the Wakamatsu Colony and its people.

On December 9, 1966, an application was submitted by the writer in behalf of several sponsors to have the "Wakamatsu Tea and Silk Farm Colony of Gold Hill" recognized as an episode of historical significance by the Historical Landmark Advisory Committee of the Division of Beaches and Parks. The application was unanimously approved at the conclusion of the hearing on December 16, 1966, with the understanding that the plaque and monument dedication be deferred until sometime in 1969, "the 100th anniversary of the Colony's founding." At this point the biographical portion of the application may adequately serve to bring to the readers the story of the Wakamatsu Colony, its people and their brief but memorable existence:

WAKAMATSU TEA AND SILK FARM COLONY OF GOLD HILL

"The most notable contribution of the pioneer immigrants from Japan to the economy and industry of the State of California and the United States has been in the field of agriculture. With utmost patience, perseverance and industry, they cleaned, leveled and irrigated land and brought crops to bear in soil which had previously remained idle or had been put to limited use for pasturage and grazing.

"Japanese immigration of any consequence to the United States was in the late 1890s and early 1900s, and their influence upon California's farming industry was in direct ratio to the number of new arrivals. However, it is most significant that its humble beginning was with the coming of a small but proud and determined group from Aizu Wakamatsu in Japan to Gold Hill, El Dorado County, on or about June 8, 1869, to establish a farm settlement, although this venture lasted less than two years and ended in tragedy.

"Aizu Wakamatsu, led by its last feudal lord, Katamori Matsudaira, and a number of other ruling clans had the misfortune of supporting Tokugawa Shogunate in its conflict against the followers of Emperor Meiji who favored centralized imperial power and had suffered a crushing defeat. Chaos reigned for a time in Japan, and there was genuine fear for life and property among the losers. Either at the suggestion of Eduard Schnell, a trader of Dutch or German descent and a long-time confidant of the lord of the Aizu Wakamatsu, or to prepare for a possible sanctuary or refuge if it became necessary to flee the homeland. Lord Matsudaira made plans for the first organized emigration to the United States and brought into existence the ill-fated and short-lived Wakamatsu Tea and Silk Farm Colony of Gold Hill.

"Between nine to ten persons under the leadership of Eduard (John Henry Schnell) constituted the first vanguard of several groups of contingents. Sixteen more were soon to follow, and others (including Okei, nursemaid to the Schnell household, Matsu and Kuni) were to arrive at the Colony later. Gold Hill of El Dorado County may have been selected for this colonization for its scenic and topographical similarity to their Japanese homeland or because many early settlers were from Holland or Germany as was Schnell. Many of the colonists were farmers and those in the trades, but several were samurai followers of Lord Matsudaira. Six Japanese women, including Mrs. Schnell, and four young children were with the pioneer colony. Two of the children were the daughters of Mr. and Mrs. Schnell, and the remaining two were daughters of Japanese families. The original party arrived at San Francisco aboard the sidewheeler, "China", of the Pacific Mail Steamship Company on May 27, 1869, proceeded to Sacramento by riverboat, and thence wagoned to Placerville and Gold Hill where Eduard Schnell had arranged to purchase 160 acres for the farm colony. With them came 50,000 three-year old mulberry trees for silk farming, a large quantity of bamboo roots for food and craft industry, tea seeds, wax tree stocks, grape seedlings and other varieties of plants and seeds of their native land. Also, sizeable shipments of cuttings and plants were to be received at Gold Hill after initial preparations had been completed. However restrictive or limited, the Japanese people were now traveling between California and their homeland of Japan in the interest of their agricultural undertaking at Gold Hill, El Dorado County.

"Immediately upon their arrival, the settlers set out to build their homes and clear and plant their crops on the land purchased from Charles M. Graner, and for over a year it appeared that they would be rewarded for their determination and many sacrifices. However, combination of dry climate of the area, scarcity of irrigation water, lack of funds and failure of financial assistance to come from Japan as promised doomed the pioneer project in less than two years. Beset with money problems and other problems, Eduard Schnell left the colony with his Japanese wife and two minor daughters with assurance to the colonists that he would return with much needed funds, but he failed to do this and thus abandoned his Japanese followers to their own fate in a strange and often hostile land.

"As dictated by necessity and self-preservation, the settlers sold most of their valuables and belongings to ward off hunger while patiently waiting for their leader who never returned, and ultimately each was compelled to go his own way. Some were able to return to Japan and others moved elsewhere where employment was more promising. From every indication, only Matsunosuke Sakurai, a samurai, and Okei Ito, nursemaid to the Schnell household, remained behind at Gold Hill where they were befriended and employed by the early pioneer family of Francis Veerkamp. His descendants are to be found in the Gold Hill-Coloma area where they are engaged in farming and business. Okei is said to have died of fever at the age of 19 in the spring of 1871, and was buried at the knoll of a hill which she frequently climbed to watch the setting sun and gaze in the direction of her homeland. Her headstone reads both in English and Japanese, "In Memory of Okei, died 1871, Aged 19 years, a Japanese Girl." Matsunosuke Sakurai faithfully served the Veerkamp family until his death on February 25, 1901, and he now lies at rest in the Vineyard Cemetery at Coloma, the historical site of Marshall's gold discovery and a few miles from Gold Hill.

"With its tragic ending, the colony soon passed into oblivion, and its very existence was lost and forgotten until after World War I. Unquieted rumor persisted that a Japanese girl, who died in the gold-rush period, was buried at Gold Hill near Coloma. A search was undertaken by several Sacramentans, and the first person they interviewed was the 75 year old Henry Veerkamp, son of the pioneer settlers who befriended and gave shelter and employment to Okei Ito and Matsunosuke Sakurai, the last of the colonists to remain at Gold Hill. He was a year older than the Japanese girl he knew as "Okei San" and, in vividly recalling the past, he told the story of the tea and silk farm, its Japanese pioneers and their hopes, industry, disappointments, suffering, hardships and ultimate abandonment of the colony. He pointed out the site of the settlement and the location of Okei's grave, and thus the Wakamatsu Tea and Silk Farm Colony was rediscovered."

Understandably, 1969 will be a climactic year for those who had indulged in time-consuming and painstaking research on the Wakamatsu Colony and for others who have come to love this phase of California's early history. For them it has been one of constant vigil to keep the delicate story of the first immigrant group from Japan of a century ago from again fading away and passing into oblivion. Over the years, not all words were kind or complimentary on the subject of this writing, and it was looked upon as "much ado about nothing." In recent times

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and noticeably within the last several months, more persons concerned with or interested in the heritage of the Japanese people of America have come to the realization that with the dawn of 1969 will come the Centennial Year not only for the early pioneers of the ill-fated Wakamatsu Tea and Silk Farm Colony of Gold Hill, El Dorado County, but for all Japanese who chose to make some place in America their home. The last paragraph of the Historical Landmark application sincerely expressed the minds and hearts of its sponsors and may imbue the readers with the same sense of spiritual tribute for the people of Wakamatsu Colony and their dramatic but short-lived venture and others who took leave of Japan a few years later and made possible, through hope, pride, patience and industry, our world of today:

"Although the Wakamatsu Tea and Silk Farm Colony was short-lived and suffered its tragic ending it signaled the coming of Japanese pioneers to America and the beginning of their notable contribution of the agricultural industry of California. During the past three-quarters of the century, they have left their marks in the teeming valleys throughout the length and breadth of this great State. Many descendants are carrying on the work of their pioneer forebears with the same devotion, determination and skill which helped to make California the most productive farming state in the United States and the greatest agricultural region in the world. Thus it is befitting that the land which was once the Wakamatsu Tea and Silk Farm Colony be historically recognized as the site of (a) the only silk and tea farm in this State and (b) the first venture into agriculture by Japanese immigrants in the United States and (c) where the important participation of the pioneers from Japan to California's agriculture had its beginning."

Two major events are now being scheduled and planned for 1969 on the theme of the "Centennial Year." There undoubtedly will be announcement of others. Coloma-Lotus Boosters Club sponsors of the annual Gold Discovery Celebration at Coloma Gold Discovery State Park, El Dorado County, has dedicated the 1969 celebration in tribute to the Wakamatsu Colonists of Gold Hill and in honor of all Japanese people of America on the occasion of their one-hundredth anniversary. Coinciding as closely as possible to the day John Marshall discovered gold at Sutter's sawmill, 1969 celebration will take place on Saturday and Sunday, January 25 and 26, with emphasis on the latter. Five Japanese American communities, represented by Stockton, Marysville, Placer County, Florin and Sacramento JACL Chapters, will marshal their talents and resources to bring a bit of history of the Japanese people of America, their culture and other subjects of interest. The story of the Wakamatsu Tea and Silk Farm Colony and the hopes and tribulations of its people, girl "Okei" and her lonely grave at Gold Hill, other immigrants from Japan to follow, contribution of the Japanese people to California's agriculture and general growth, the other matters representative of the life of the Japanese people will be told by means of displays and exhibits. Other active participations will be bonsai and flower arrangement demonstration and displays, doll displays and accompanying lecture, kendo and judo exhibitions, Japanese cookery, pamphlets on Japanese culture and values, music and dancing.

The deferred dedication of the Historical Landmark Plaque in recognition of the Wakamatsu Tea and Silk Farm Colony of Gold Hill as an important episode in California's early history will take place on a day yet to be announced in June 1969. Other complementary activities and events are being discussed and planned, and Northern California—Western Nevada District Council will oversee the programing and financing in behalf of all sponsors. Gold Trails Grammar School, which is part of what was once the Wakamatsu Colony Farm, has been tentatively approved and selected for the placement of the Historical Monument. Dedication will have civic and religious overtone and may be followed by appropriate social and festival program and activities.

People of Japan, and in particular the City of Aizu Wakamatsu, have long revered the legendary story of the Japanese pioneers of a century ago to Gold Hill, El Dorado County, and are said to be moving ahead with plans to commemorate 1969 as the Centennial Year in honor of the Japanese people of America. A memorial was dedicated in 1957 to the girl "Okei" and others of her Wakamatsu Colony at a site known as "Gold Hill" located on a plateau of the mountain overlooking the City of Aizu Wakamatsu. The monument is a replica of Okei's gravestone at Gold Hill, El Dorado County.

Aizu Wakamatsu is the home of "Byakkotai," the lengendary boy warriors of the civil war which spawned the Wakamatsu Colony of Gold Hill, and the girl "Okei" now has been given an immortal place in the hearts of its people. Almost total destruction was inflicted upon the community in the civil war, and, therefore, no source material remained to enable its historians to tell the story about the Wakamatsu Colony at a place called Gold Hill in distant America. The history of their own people who ventured forth in 1869 has now been enriched by such records, documents, reprints and other pertinent matters recently contributed by local researchers. History belongs to everyone. Our historians were pleased to share their knowledge with the community of Aizu Wakamatsu.

The history of the Japanese people of America has had its beginning, however humble and of short duration, with the arrival of the Wakamatsu Colonists at Gold Hill in June, 1869. Our heritage goes back to these early pioneers and others who were soon to follow and give so much of themselves to their adopted country. Wise and timely advice has been given by persons in positions of knowledge and authority to the effect that 1969 is about to present a "golden" opportunity of a lifetime, and only fools would permit the year to slip by without doing something both meaningful and deserving. They warn that the next centennial year is a full century away. With a little reminder and ado, every one with a feeling for those people of early California could give remembrance or observance, each in his or her own way, during the same June weekend to be assigned for the Historical Landmark Plaque Dedication at Gold Hill, El Dorado County, California. Thus, by so doing, we shall spiritually help to make the year of 1969 a simple but a memorable Centennial Year in honor of the pioneers of America from Japan of the past one hundred years.

AUTHOR'S NOTE

Although the Wakamatsu Colony and its colonists were the principals in this episode of California's Early West, others were to have vital roles as their neighbors, friends and benefactors and in conserving and perpetuating their history over the last one hundred years. Without these people, the story of the early Japanese settlers could have become forgotten as being just another of many events or incidents of very little significance. However, because the connecting links were provided by them, we are now able to tell the story of the Wakamatsu colonists as to how it happened and when it happened.

Mr. and Mrs. Francis Veerkamp, neighbors to the colony, befriended and gave employment to Okei and Matsu, the only two who stayed behind at Gold Hill after its abandonment, and provided for the burial of the young Japanese girl on a knoll of a hill which was a part of the colony farm. Matsu continued to reside with the pioneer Veerkamps and their descendants until his death in 1901, and the latter arranged his final resting place at Coloma's Vineyard Cemetery. It is said that Mr. and Mrs. Veerkamp had given permission for the burial of an infant child of a Japanese couple, who were returning to Japan, next to Okei. It fell upon Henry Veerkamp, the eldest son, to reveal and tell the story of the colony, its people and the Japanese girl he remembered as "Okei-San" after a lapse of more than fifty years.

With its rediscovery, Okei's grave has become a spiritual memorial to the early pioneers from Japan with their hopes, determination, industry, patience, suffering and frequent tragedies. For more than forty years, first with Henry Veerkamp and more recently with Malcolm L. Veerkamp, uncounted thousands of Japanese people from near and far places have been privileged to make pilgrimage to Okei's grave. Other Veerkamp descendants have shown utmost understanding of the impact which the episode of the Wakamatsu Colony has had on the Japanese people here and abroad. In their own quiet and dignified ways, the Veerkamps of the past were, and those of the present are also, a part of the people and events which have given to us the story of the Japanese pioneers of early California.

As the year of 1969 approaches and with it the Centennial Year for the Japanese people of America, I dedicate my brief article in recognition of the latent but kindly participation by the pioneer Veerkamps and many of their descendents in the history of the Wakamatsu Tea and Silk Farm Colony of Gold Hill of a century ago and the courtesies of many years which they have extended to the Japanese people for visitation and pilgrimage to Okei's grave.

PROCLAMATION

Whereas, in May 1869, the first Japanese in California arrived in San Francisco aboard the sidewheeler "China" and proceeded to Sacramento by riverboat, thence to Placerville by wagon and on to Gold Hill, El Dorado County, a few miles from the site of Coloma, where gold was discovered in 1848; and

Whereas, these early Japanese pioneers set up a colony to grow silk and tea as the Wakamatsu Tea and Silk Farm, which through a series of tragedies, lasted less than two years; and

Whereas, on December 16, 1966, California's Historical Landmarks Advisory Committee, Division of Beaches and Parks, did recognize the Watamatsu Tea and Silk Farm colony of Gold Hill as an episode of historical significance in the history of early California, and will dedicate the historical landmark plaque at the site of the farm colony on June 7, 1969; and

Whereas, the Coloma Gold Discovery Day on January 26, 1969, celebrated the arrival of these first Japanese pioneers by focusing on Japanese arts and crafts; and

Whereas, May, 1969, is the centennial of the first arrival of Japanese in California; and

Whereas, with patience, perseverence and industry, the Japanese have contributed much to California, particularly in agriculture, for the past decades since their arrival in the Golden State, adding to our heritage and history.

Now therefore, I, Ronald Reagan, Governor of California, do hereby proclaim the year 1969 as Japanese Centennial Year, urging all Californians to study the contributions of the Japanese to our California way of life.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed here this 3rd day of February, One Thousand Nine Hundred Sixty Nine.

RONALD REAGAN,
Governor.

FRANK M. JORDAN,
Secretary of State.

By H. P. SULLIVAN,
Deputy Secretary of State.

SOUTHERN CALIFORNIA EDISON CO.

Mr. MURPHY. Mr. President, recently, the people at the Southern California Edison Co., the Nation's fourth largest operating electric company, were portrayed in an article in Barron's business and financial weekly as being "unusually spunky." The reasons for this notable and well-chosen designation were then outlined in the article, and they are so interesting and thought provoking that I feel they should be made available to as many persons as possible.

Therefore, I ask unanimous consent to have portions of the Barron's article printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

MONEY TALKS: TODAY IT COUNSELS RESTRAINT IN CAPITAL SPENDING

Perhaps because everyone west of the Rockies is living dangerously—"day after day/ . . . the whole place's slipping away"—the people at Southern California Edison Co., from the meter readers to top management, strike us as unusually spunky. Thus, during the mud slides and floods that wreaked widespread havoc last winter, company personnel and equipment worked round the clock to maintain and restore service. Field employees received a "Certificate of Appreciation" from the Orange County Sheriff's Department for "assistance in rescuing and evacuating citizens from Silverado Canyon in the recent flood disaster." Unlike some effete Eastern colleagues, moreover, SoCal Edison's chairman of the board, Jack H. Horton, is not afraid to call a spade a spade. At last month's stockholders' meeting, Mr. Horton sharply criticized the so-called Electric Power Reliability Act of 1969.

In an expansionist era, where inflation and the pressure to hedge against rising prices and costs have become a way of life, it also takes guts to retrench. Yet twice within the past year, Southern California Edison Co. has made this hard choice. Last summer, for example, it cancelled plans for a $750 million project on the ground that costs had risen far beyond the original estimates. Ten days ago the company disclosed that it was pulling out of a proposed scheme to build, at a cost of nearly $1 billion, six coal-fired generating stations in Arizona and New Mexico. Said the outspoken Mr. Horton: "The size of this investment at a time when the cost of capital is at its highest level in 40 years" forced the company to conclude that the project "isn't a sound business venture for Edison and its customers."

From the head of one of the top-rated utilities in the country, that's quite a comment. Southern California Edison Co., after all, ranks as the fourth-largest U.S. operating electric company; prior to 1968, earnings had advanced uninterruptedly for a decade, while, over the same span, sales of energy enjoyed a compound annual growth rate of nearly 10%. Yet even this highly successful concern has drawn the line at today's towering interest rates and construction costs. The example strikes us as singularly instructive. For one thing, it tends to indicate that disinflationary policies, pursued long and hard enough, sooner or later start to work. What's bad for Southern California Edison Co. ought to give pause to a good many other concerns. Dollars-and-cents calculations should cut equally deep in the public sector, which no longer can afford to play fast-and-loose with the taxpayer's money. Onward and upward and hang the expense, has been the exuberant watchword. Now sober second thought suggests that return on capital is what really counts.

Non-pecuniary factors, such as corporate pride and prestige, doubtless contributed to the original decision to participate. For by any yardstick these were extraordinary ventures. The first—cancelled last July—called for the construction of two nuclear power plants and a 40-acre man-made island off the California coast, on which would have arisen "flash evaporator" facilities, capable initially of desalting 50 million gallons of sea water per day. Southern California Edison would have shared the commitment, originally put at $444 million (in 1965), with San Diego Gas & Electric and the Los Angeles Department of Water and Power; the U.S. Atomic Energy Commission, moreover, had pledged $72 million for the "demonstration project," which the White House loftily conceived of as the first of a "whole family" of facilities designed to make the desert bloom. The blueprints scrapped the other day were even more ambitious: six coal-fired generating stations (three near Page, Ariz., and three at Four Corners N.M.), with total capacity of five million kilowatts and an estimated cost of $920 million. On this one, the Bureau of Reclamation had promised a $105 million advance in return for future delivery of 475,000 kw.

Federal involvement in both projects may have influenced management's final rejection. As Mr. Horton cryptically remarked, his company concluded that it "would have lacked a satisfactory degree of control over the planning, construction and operating aspects of that portion of the project upon which it would have depended to serve its customers." The basic reasons for bowing out, however, were plainly financial. In particular, the nuclear desalting installation, which originally weighed in at $444 million, wound up on the drawing boards last Spring at an estimated $765 million. By the same token, to finance its share of Four Corners-Page, SoCal Edison, as a double-A-rated utility, could scarcely have sold 20- or 30-year bonds at less than 7½% in today's capital market, terms at which the chairman of the board understandably boggled.

So tight money is having an impact, one that is apt to grow more pronounced. Thus, S. Jay Levy, noted economist, points out in the latest issue of Industry Forecast: "There are several indications that weakness in profits, expectations that the economy will turn sluggish, and the high returns on top-grade corporate bonds are discouraging capital investment." With the effective cost of money for most private borrowers pushing 10%, they certainly ought to. Similar forces should be at work in the bloated public sector, where input-output and return on investment traditionally have carried scant weight. On this score, it's worth noting that the bureaucracy, in computing fixed costs of federal prospects, uses not the going rate of interest but a fictitious one tied to the average yield on outstanding, long-term government bonds. This figure went from an absurdly low 3¼% to 4⅝% on January 1; come July 1, it's slated to inch up to 4⅞%, still far short of what the Treasury is paying on 90-day bills.

Again, whereas most private utilities, use depreciation schedules which, in effect, write off facilities in approximately 30 years, officialdom has fixed the useful life of federal facilities at a century (a nice round figure which former Secretary of the Interior Udall arbitarily chose to replace the former 50-year span). During his long and costly tenure, Interior also opted for capitalizing, in calculating ratios of benefits to costs, such dubious assets as recreation, aid to wildlife and freedom from water pollution. Pork-barrel projects constituted an extravagant use of natural resources in the best of times. Today they are an unbearable waste.

SUCCESS OF TITAN III

Mr. MURPHY. Mr. President, we have heard much of the failures—real or imagined—of the so-called military industrial complex of late. I am old enough to remember that it was once referred to as the industrial-military-scientific complex. Unfortunately, it is not often that the success or accomplishment of great technical aims is reported by the press. Of course, photographs and accounts of the flights of our astronauts are fully reported, but there are many elements that go into the flights which are ignored.

It is, however, with special pride that I direct attention today to the Air Force's highly successful Titan III launch vehicle program. I am proud that many of my constituents have participated in this truly significant project and have had a great deal to do with its success. I, therefore, believe that they should be congratulated publicly.

On April 10, 1969, American Aviation Publication's Aerospace Daily devoted its attention to the Titan III and I ask unanimous consent to have this important article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR FORCE'S HIGHLY SUCCESSFUL TITAN III R. & D. PROGRAM NEARING COMPLETION

The 17th and final launch in the Titan III research and development program is scheduled for May 23 at Cape Kennedy. The payload will be two Vela nuclear detection satellites and three small research vehicles.

Assuming the four-stage launch vehicle continues its outstanding record of success, the R&D process which began with Department of Defense go-ahead on Dec. 1, 1962, will post a record unparalleled in U.S. space and missile development.

Not the least of the Titan III's records will be the fact that the R&D phase will be closed out with total program R&D expenditure only "6% over the cost figures defined seven years earlier," according to Col. Walter R. Taliferro, deputy for launch vehicles, Air Force Space and Missile Systems Organization (SAMSO).

Total program cost will be approximately $1.06 billion against a 1962 target of $850 million—a 30% increase—but all except some $51 million of the increase can be directly traced to two factors beyond the control of SAMSO.

First of these is the cost of the Viet Nam war and its effect on the original Titan III development schedule, which resulted in a DOD-directed stretchout.

SE ASIA COMMITMENTS TAKE TOLL

Secondly, the same Southeast Asia commitment cut heavily into the monies available for the many military space system development and space experiments postulated for the late 1960s. Payloads became few and far between resulting in yet another order to stretch out the launch series.

Indirectly, however, this additional stretchout was due in part because of the Titan III's phenomenal success. Although, until the 17th launch is accomplished the program still is an R&D effort, with the exception of three launches on which ballast was carried, both the Titan III A and C vehicles have carried multi-million dollar research and operational satellites.

In this area also, millions have been saved the American taxpayer in terms of the "free rides" given such systems as the Initial Defense Communications Satellite Program (IDCSP) spacecraft, Vela spacecraft, the huge Taccomsat (world's largest communications satellite), Lincoln Experimental Satellite

(LES), very high and ultra high frequency communications experiments and the Gemini B heat shield qualification test.

With the IDCSP satellites alone some $1 million per satellite was saved using the multiple launch capability of the Titan IIIC as opposed to launching them single with a vehicle like the Thor Delta. Cost of a Titan IIIC including hardware, "typical payload integration costs", launch services and preliminary tracking through orbital injection is $20 million. Authoritative sources put the cost of a Thor Delta at $1.5 million for the Thor, $.9 million for the Delta stage, $.1 million for the injection stage required for synchronous equatorial orbit, and launch costs from $1 to $1.8 million—aproximately $3.5 million to place one IDCSP satellite in orbit as compared with $20 million for eight-at-one time with Titan IIIC.

Taking a closer look at the 6% increase over the 1962 cost estimate of $850 million for a 45-month development effort, the management fortitude and expertise of the Titan III team becomes even more significant. It becomes clear this also includes the costs of the "product improvement program" which has resulted in the production prototype subsystems flown on the last Titan IIIC and included in the eight-vehicle follow-on production order now in force. These included a new universal payload shroud, a new monopropellant attitude control system for the transtage, a lighter transtage and cost-reduction/reliability improvements to the solid rocket motors.

Col. Taliferro, who along with Maj. Gen. Joseph S. Bleymaier (then colonel) and Brig. Gen. David V. Miller (also then a colonel) is a former Titan III System Program Director (SPD), credits the success of the program to "the fact the 'powers that be' gave us enough men of the caliber necessary to adequately monitor the program." Taliferro feels strongly that it is not enough to enunciate to the industrial contractor team what you want to accomplish in terms of defining and then maintaining costs.

"You've got to be right there to see that they do it," he declares.

With the 17th launch out of the way, Titan IIIC looks ahead largely to supporting military programs at Cape Kennedy most of which will be classified to one degree or another. All that Taliferro can say is that continued shortage of R&D dollars in the future can be expected and thus the launch rate for the production vehicles will be correspondingly slow. In the offing, however, is the fact NASA has said it plans to use the Titan IIIC for the Viking program (Mars 1973). Informed sources say NASA probably also will use the Titan IIIC for ATS F & G. In addition Comsat Corp. still is considering the Titan IIIB (unmanned version using Agena upper stage and without strap-on solid motors) for Intelsat.

At Vandenberg AFB, Calif., the Titan IIIB now supports classified military launches and next year the Titan IIID/B version with strap-ons is expected to begin launching "bigger and better" military payloads. A fifth version of the Titan III—the M for the MOL—also is under development and the first unmanned launch now is scheduled for early 1971 from Vandenberg.

LATEST SUPREME COURT DECISION CURBING PRIVATE CLUBS

Mr. THURMOND. Mr. President, the Supreme Court has taken another step toward an end which is most distressing to all Americans who believe in the personal freedom of individual citizens of this country; that is, a grant of power to the Federal Government to regulate the personal activities of private individuals to virtually any extent.

Using as its authority the beleaguered commerce clause, which has now been prostituted beyond belief, the Court has determined that a recreational area in Arkansas which had been operating as a private club can no longer choose its membership because it may have served food which at one time traveled in interstate commerce.

Mr. Justice Black, the lone dissenter, stated:

> This would be stretching the commerce clause so as to give the Federal Government complete control over every little remote country place of recreation in every nook and cranny of every one of the fifty states. This goes too far for me.

Mr. President, it goes too far for me, also.

Every time I read one of these fantastic decisions, I feel that it must be the ultimate, that surely the Court will not attempt to go any further; but then a case such as this is handed down. In taking the reasoning in this decision to its logical conclusion, we can see that there is very little we do which does not "affect commerce" as that term has been defined by the Court.

Mr. President, the Court has used the commerce clause of the Constitution to attempt to cure any and all situations which they feel amount to social injustice. It matters not that some may agree that such an attempt is very laudatory. The fact is that the Court has no right—much less duty—to use a portion of the Constitution as a panacea for any social ills which may beset the country. Authority in this area lies with the legislative branch, and I, for one, am tired of seeing that authority subverted by the Supreme Court.

In yesterday's Evening Star, David Lawrence has an excellent article which clearly demonstrates the far-reaching implications and the inherent dangers of the precedent set forth in this decision.

Mr. President, I ask unanimous consent that the article, "Curbing of Private Club Ominous" by David Lawrence, published in the June 4, 1969, edition of the Evening Star be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CURBING OF PRIVATE CLUB OMINOUS

(By David Lawrence)

The Supreme Court of the United States has just rendered a significant decision which could someday be interpreted as meaning that Congress has an almost unlimited right to regulate the private lives of the American people.

While the objective of the decision—to prevent racial discrimination—is a worthy one, the grounds on which the high court based its ruling are bound to be viewed as an intrusion into the personal relationships of individuals.

The case at issue arose because, in an isolated area of Arkansas, a private recreation center was established, and the owners felt they had a right to select their members or visitors. Under the Civil Rights Act of 1964, Congress prohibited discrimination or segregation at places of public accommodation whose operations "affect commerce." Included in these are "any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment." The question was whether the Lake Nixon Club in Arkansas was a public place of entertainment or a private club exempt under the act.

The majority opinion of the court declared that the power of Congress to "regulate commerce" means that any facility can be regulated if it serves food that comes from other states and if any interstate travelers frequent the premises. In this case, the recreation area consists of a swimming pool, a snack bar, some paddle boats and other recreational facilities.

The fact that the club in Arkansas sold food and leased boats which may have come from outside the state, and that some visitors might have crossed state lines, was enough to bolster the court's contention that the club was actually subject to the congressional power to "regulate" interstate commerce.

Justice Black, in a minority opinion, challenged the reasoning which had been used in invoking the commerce clause. He said:

"It seems clear to me that neither the paddle boats nor the locally leased juke box are sufficient to justify a holding that the operation of Lake Nixon (Club) affects interstate commerce within the meaning of the (Civil Rights) Act. While it is the duty of courts to enforce this important act, we are not called on, nor should we hold subject to that act this country people's recreation center, lying in what may be, so far as we know, a little 'sleepy hollow' between Arkansas Hills miles away from any interstate highway.

"This would be stretching the commerce clause so as to give the federal government complete control over every little remote country place of recreation in every nook and cranny of every precinct and county in every one of the fifty states. This goes too far for me."

Justice Black indicated clearly his belief that the commerce clause cannot be "stretched" to cover everything that happens in "interstate commerce." For if it can be, then Congress can use it to rearrange the whole pattern not only of business life but of individual recreation. It could even be argued that the operations of certain companies, however local in character, affect "interstate commerce" and that they must hire individuals on a quota basis. The mere suspicion that discrimination might have motivated the choice of their employes would appear, according to this latest decision, to be adequate to make such requirements.

If the crusade against discrimination by reason of race, religion or color is to be carried to the point of including every business or home which purchases something from outside the state, then restrictions can be imposed not only to regulate the sale of private property but also to govern all private club or organizations which directly or indirectly use any goods manufactured in other states.

The "stretching" of the Constitution in the latest case can be remedied by Congress, which could clarify its own meaning in the Civil Rights Act of 1964 and state specifically that the rights of the individual shall not be impaired, even though the worthy objective of abolishing discrimination is being sought.

PRESIDENT NIXON'S SPEECH AT AIR FORCE ACADEMY

Mr. THURMOND. Mr. President, yesterday, the President of the United States took the opportunity of addressing the graduates of the U.S. Air Force Academy to lay down his basic vision of the world today. It is vitally important that our international policies be based upon a realistic outlook. We must see the world as it really is. We must not look at the world with the rosy glasses of wishful thinking. The President's message was a message that stirred the sentiments of all men who know that progress must be based upon realism.

In his address, the President launched an attack against the defeatists and the isolationists. He stressed that our policies could be built only on a clear assessment of the enemies' capabilities. He said:

> We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms control as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

Such talk is indeed refreshing. President Nixon, as a candidate, promised this Nation respite from unrealistic foreign policy. Here he has laid down some basic principles. As the weeks go on, we will have an opportunity to see these principles in action. We have major questions before us—the settlement of the Vietnam war, and arms talks with the Soviet Union. We have never before heard such refreshing realism on the eve of such discussions.

But the President went beyond such immediate questions. He touched the issue of a nation's greatness, and what causes the national spirit to expand. He said:

> Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

Mr. President, we have waited a long time to hear such words. It is wonderful to hear something truly inspirational. This address indicates that a new spirit is invigorating our country.

THE CURRENT CONTROVERSY INVOLVING ASSOCIATE JUSTICE DOUGLAS

Mr. CURTIS. Mr. President, there is a growing concern in the country about our courts. It is imperative that all the facts be presented. The vast, vast majority of our judges are men of integrity and the highest character. We owe it to the judges who have conducted themselves properly to pinpoint the wrongdoing and thus avoid blanket criticisms of our entire Federal bench. I wish to speak on the current controversy involving Associate Justice Douglas.

Recent comments in the daily press have indicated that, first, Justice Douglas criticized the investigation by the Internal Revenue Service of the Parvin Foundation as a "manufactured case", and, second, gave advice and counsel on how the Parvin Foundation finances should be handled in the future. These acts and utterances by Justice Douglas are not surprising as he was the paid president and director of the Parvin Foundation at an annual stipend of $12,000.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "What Did Douglas Say?" and published in the Washington Daily News on May 28, 1969.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT DID DOUGLAS SAY?

> Let's look closely at the latest developments in the case of Supreme Court Justice William O. Douglas' involvement with the Parvin Foundation, which until recently owned stock in Las Vegas gambling casinos.
>
> The other day Albert Parvin, millionaire Los Angeles businessman who created the Parvin Foundation in 1960, made many of the foundation's records available to a New York Times reporter.
>
> Mr. Parvin's purpose, according to The Times' report, was to show that "nothing the foundation has done is in any way wrong."
>
> Mr. Parvin may have done well by this strategy for his foundation.
>
> But, the way it looks to us, he certainly delivered a double-whammo to his erstwhile colleague, the Supreme Court Justice, who had been serving as president and director of the foundation at $12,000 per year since its founding. (Justice Douglas' resignation from the foundation was announced last Friday.)
>
> From in the records laid before him, the reporter spotted a letter from Justice Douglas to Mr. Parvin dated May 12 of this year in which the Justice was said to have written that the Internal Revenue Service's investigation of the Parvin Foundation was a "manufactured case" intended to force him to leave the bench.
>
> The reporter also wrote that Justice Douglas insisted in his letter that the allegations of the revenue service must be fought and gave advice on how foundation finances should be handled in the future to unquestionably set them aside from Mr. Parvin's control or the implication of control.
>
> Now if what the reporter said Justice Douglas wrote is true, grave questions of judicial propriety are raised.
>
> How could a judge with such feelings toward the IRS rule on any tax case involving the IRS in the future? And as Rep. H. R. Gross of Iowa has said, there are laws that bar a Supreme Court justice from giving legal advice.
>
> Justice Douglas has insisted thru a spokesman that he "knew very little" about the foundation's tax problems. Well, if not, how was he able to call it a "manufactured case" as he was said to have stated in the letter?
>
> The justice says he has no objection to release of any documents in the foundation's possession but his successor as foundation president says the letter is a personal communication between Justice Douglas and Mr. Parvin.
>
> This letter is most important. It involves the fitness of Justice Douglas to continue on the nation's highest bench.
>
> It should be produced by the individuals involved, or obtained by the Justice Department. And publication should make clear whether another resignation should be speedily forthcoming.

Mr. CURTIS. Mr. President, what is most disturbing, however, is the relationship and connection between Justice Douglas, Albert Parvin, the Parvin Foundation, the Parvin-Dohrmann Corp., and two individuals who appeared as witnesses before the Senate Rules Committee during the Bobby Baker investigation. These witnesses, one of whom took refuge behind the fifth amendment and refused to testify, are Edward Levinson and Edward Torres. What is most disturbing is that both Messrs. Levinson and Torres were on the same payroll with a Justice of the U.S. Supreme Court. Not only have Torres and Levinson been employed by and owned an interest in the Parvin-owned Fremont Hotel and gambling casino in Las Vegas, but Torres also owns 63,000 Parvin shares. This information comes from the Washington Post article of May 22, 1969.

The relationship between these four men, Justice Douglas and Messrs. Parvin, Levinson, and Torres, does not stop at the point where they are all receiving money from gangster-operated Las Vegas gambling casinos.

In a letter dated May 12, 1969, from Douglas to Parvin, the Justice is reported to have said the IRS's investigation of the Parvin Foundation was a "manufactured case" intended to get him—Justice Douglas—off the Supreme Court.

At this point, the tax problems and the records of Justice Douglas' associates, Messrs. Levinson and Torres, should be examined.

Mr. Levinson has a long record linking him with the numbers rackets, bookmakers, and gambling interests. He appeared before the Senate Rules Committee on Monday, March 2, 1964, and acknowledged that he was being investigated by agencies of the executive branch of our Government but declined to testify. Specifically, Mr. Levinson refused to tell our committee, first, whether he knew Bobby Baker—which he did; second, whether he was an officer, director, and stockholder in Bobby Baker's Serv-U-Corporation—which he was; and third, whether he was involved with Fred Black, Jr., and Bobby Baker in business transactions with the Farmers and Merchants Bank of Tulsa, Okla., the District of Columbia National Bank and North American Aviation—which he was—and generally refused to answer all questions propounded to him except that he had an office in the Fremont Hotel in Las Vegas.

Subsequent to his appearance before the Rules Committee, Levinson pleaded "no contest" to a charge of helping file falsified income tax forms and was thereafter fined $5,000. The question is how Mr. Levinson's dispute with the Internal Revenue Service would have fared on appeal to the Supreme Court? Would Justice Douglas, who was on the same Parvin payroll as Levinson, have had the fortitude to disqualify himself?

Additionally, Ed Levinson's problems with the law, and his connection with the Cosa Nostra, have been given wide national publicity. The September 8, 1967, issue of Life magazine carried an article by Sandy Smith entitled, "Mobsters in the Marketplace." That publication alleged:

> The true bonanza the Mob has struck in legitimate business is "skimming"—diverting a portion of cash receipts off the top to avoid taxes. Chiefly for this reason the tycoons of Cosa Nostra tend to flock to any enterprise that has a heavy flow of cash—vending machine companies, jukebox firms, cigarette machine routes, some box offices and ticket agencies (the scalping of sports and theater tickets is a form of skim), and, of course, licensed gambling casinos. Then they proceed to steal large sums before they can be entered on the books and come under the eye of the IRS.

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It follows that the money derived from the skim is ideal for greasing the wheels of organized crime. It pays off politicians, crooked cops and killers. It is also used as tax-free bonuses to persons with no gang connections at all—only greed. One well-known film star, for example, received $4,000 under the table in addition to his one-week contract price of $20,000.

A single jukebox or cigarette machine business may yield thousands in skim. FBI agents in Chicago discovered that Eddie Vogel in a period of a few months skimmed $130,000 from his music and vending machines. He and Momo Giancana actually counted it up amid the linens and tomato paste in a back room of an Italian restaurant, the Armory Lounge.

The biggest skim yet discovered took place in the legalized gambling casinos of Las Vegas from 1960 to 1965; many details of it are being disclosed here for the first time. Its breakup by federal agencies has sent the Mob scurrying all over the world—to places like England, the Caribbean, Latin America and the Middle East—in search of a bonanza to replace its profits. Some $12 million a year was skimmed for gangsters in just six Las Vegas casinos: the Fremont, the Sands, the Flamingo, the Horseshoe, the Desert Inn and the Stardust.

One notable example of a skimming transaction concerned $75,000 owed to the Fremont and Desert Inn by Alexander Guterma, a celebrated swindler. The money was collected, but never reached casino ledgers. It was conveyed as skim through Panama branches of Swiss banks by Eusebio Antonio Morales, at that time Panama's alternate delegate to the United Nations. (Currently Morales is Panamanian ambassador to the United Kingdom.)

Las Vegas is one of the so-called "open" territories agreed upon by the Mob, where all Cosa Nostra families are relatively free to operate and invest. The carving up of the gambling skim among various Cosa Nostra leaders follows a ratio determined by each mobster's secret interests in the casinos. Each hidden share of a casino was priced in underworld markets at $52,500. The dividend on each share was $2,000 a month—or about 45% annual return.

During the lush years of 1960–65, Gerardo (Jerry) Catena's gang in New Jersey split up some $50,000 a month. Meyer Lansky and Vincent Alo, the Cosa Nostra shadow assigned to keep Lansky honest with the brotherhood, picked off some $80,000 a month. The Catena-Alo-Lansky money came from four of the six casinos—the Fremont, Sands, Flamingo, Horseshoe. Momo Giancana's take, from the Desert Inn and the Stardust, exceeded $65,000 a month. From the same two casinos, the Cleveland gang chief, John Scalish, received another $52,000 a month.

Skimming in Las Vegas, from casino counting room to Swiss bank, has always been overseen by Lansky, the Cosa Nostra Commission's most important non-member—always with the Cosa Nostra heavies peering over *his* shoulder. As cashier and den father of delivermen, Lansky has remained the indispensable man.

A recurrent problem for Lansky's Las Vegas front men and accountants has been the reconciliation of the interests of a casino's owners-of-record, who hoped to profit, and its secret gangster owners, hungrily awaiting their skimming dividends. "How can you steal money and pay dividends?" Ed Levinson, chief of the Fremont Casino, once besought one of his partners. "You can't steal $100,000 a month and pay dividends. If you steal $50,000. Well, maybe . . ."

Each month, when the skim was running smoothly, the bagmen shuttled between Las Vegas and Miami with satchels of cash. The couriers also brought the skim from Bahamian casinos to Miami. There Lansky counted it all, took his own cut and then parceled out the rest to the couriers who were to carry it to the designated Cosa Nostra hoods, or to the Swiss banks where they have their accounts.

Lansky's bagmen have been a diverse and colorful lot. Among his all-stars from 1960 to 1965: Benjamin Sigelbaum, 64, business partner of Robert G. (Bobby) Baker when Baker was secretary of the Democratic majority in the U.S. Senate. Sigelbaum is a man with general affinity for political connections.

What makes the allegations in the Life magazine article most disturbing is that Parvin, with Douglas on the payroll of his foundation, bought into the Fremont in 1966, and maintained a business relationship with Levinson and Torres for the continued operation of the Fremont and possibly other gambling casinos. It would seem almost inconceivable that Parvin and even possibly Justice Douglas did not know of the skimming operation taking place at the Fremont, when everyone who reads Life magazine knew what was going on. Justice Douglas might want to comment on his knowledge of Parvin's involvement with these "mobsters," and the public might well wonder how much Mrs. Fortas, Parvin's tax lawyer, knew of his financial connections in the Las Vegas gambling arena.

Justice Douglas may wish to comment on why he continued on the Parvin Foundation payroll 20 months after the Life magazine article appeared. Edward Torres, when appearing before the Rules Committee on Thursday, February 27, 1964, also gave his address as the Fremont Hotel in Las Vegas.

Mr. Torres told the committee he was, first, a friend of Ed Levinson; second, an officer in the Fremont Hotel and Casino in charge of the business operation; third, a stockholder in the Serv-U-Corp., and that he made $50,000 on the sale of that company's stock; and, fourth, that he had heard Ed Levinson say that Bobby Baker and Fred Black, Jr., were good friends of his.

Unfortunately, Mr. Torres did not tell our committee about a possible grand jury investigation of his financial affairs.

It would seem that Mr. Torres could have violated title 18, United States Code, section 1621—the perjury statute—during the course of a civil suit instituted by the Bank of America to recover on a $25,000 note issued by Mr. Torres.

There was information to suggest that the Bank of America became the "holder in due course" of the note, which was merely a sham and a fiction by which Mr. Torres could provide himself with a legitimate and accounted-for source of funds with which he could use to purchase an interest in the Fremont Hotel and Casino. Again, query: How a perjury conviction of Mr. Torres, a Parvin employee and associate, would have fared on appeal to the Supreme Court?

An article entitled "Parvin Foundation Made Huge Profit on Casinos" appeared in the Washington Daily News, June 4, 1969. Mr. President, I ask unanimous consent that that article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Douglas Was Director: Parvin Foundation Made Huge Profit on Casinos

Newly disclosed tax records show that the Albert Parvin Foundation earned a 10-fold profit by selling its interest in Las Vegas gambling casinos while Supreme Court Justice William O. Douglas was its director.

Records made public by the Internal Revenue Service showed the foundation began selling its stock in the Parvin-Dohrmann Co. last November. The first sale was 9,500 shares for $468,533.

The Parvin-Dohrmann Co. owns the Stardust, Freemont and Alladin hotels and gambling casinos in Las Vegas. Foundation spokesmen said they have disposed of the remaining shares in the firm this year for an estimated $2 million.

The $2.5 million total sale price represents a 10-fold increase in the value of the stock over that listed in prior tax returns.

The latest tax return also records that the foundation continued to pay Justice Douglas the $12,000 annual salary for serving as its director during 1968. The foundation also made a $20,000 grant to the Center for the Study of Democratic Institutions, which Justice Douglas also serves as a director.

RESIGNED POST

Justice Douglas resigned from his post with the Parvin Foundation last month.

The stock sale by the foundation does not end its ties with the Parvin-Dohrmann firm or with the casinos, according to the records.

The returns showed the foundation owned a $49,000 "interest in Hotel Flamingo custodian account trust," as well as owing the firm a $700,000 balance on an earlier loan.

Internal Revenue Service spokesmen would neither confirm nor deny that the loan was under investigation as possibly bearing on the foundation's tax-exempt status.

The return also listed nearly $59,000 in fellowships for foreign students at Princeton and the University of California at Los Angeles.

Mr. CURTIS. Mr. President, why was there such a close tie between Justice Douglas and Mr. Ralph Ginsberg, the publisher of a magazine called Agvant Garde? The record seems clear that Mr. Ginsberg has been convicted 28 times for offenses relating to pornography. One of his convictions was reversed by the Supreme Court on a 5-to-4 decision with Justice Douglas voting with the majority.

There seems to be no dispute over the fact that Mr. Ginsberg has paid Justice Douglas for at least one article appearing in this publication. I would like also to call attention of the Senate to a full-page ad which appeared in the New York Times on Saturday, May 24, 1969. This was an advertisement for the Avant Garde. As part of its selling argument it stated that the magazine would carry some engraving called "Picasso's erotic engravings." This full-page ad describes these engravings as "a series of pictures portraying every aspect of sexual pleasure." An interesting factor in this paid ad is that it lists some of the contributors to Avant Garde articles; included in the list is the name "William O. Douglas." The same ad was run in the New York Times as a full-page ad on Sunday, June 1, 1969. In the June 1 ad, the name of "William O. Douglas" is omitted from the list of contributors.

If it was wrong for a Justice of the Supreme Court to lend his name to a pornographic publication on June 1, why was it all right to do it on May 24?

This record before the Senate today raises many questions about Justice William O. Douglas. Moreover, the record demands a thorough disclosure and exposure of all of the facts and circumstances surrounding any and all contacts between Mr. Justice William O. Douglas and Albert Parvin, his foundation and corporations which were connected with organized gambling, and Edward Levinson and Edward Torres. Every American has a right to have confidence in the integrity of our judicial system, and the integrity of the judges who comprise our courts.

Mr. President, an editorial entitled "Deeper and Deeper," concerning Mr. Justice Douglas, was published in the Omaha World-Herald on May 30, 1969. I ask unanimous consent that the editorial may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DEEPER AND DEEPER

Supreme Court Justice William O. Douglas is getting into controversy over his outside activities. It appears that the questions raised by his association with Albert Parvin and the Parvin Foundation have not been answered satisfactorily by his resignation from the presidency of the foundation

The latest development is publication of some of the details in a letter written by Douglas to Parvin May 12.

Douglas is reported to have urged Parvin to fight allegations made by Internal Revenue Service agents investigating the foundation's handling of funds from its investments.

In the view of Iowa Congressman H. R. Gross, this advice appears to amount to practicing law, which Douglas is prohibited by federal statute from doing.

In another section of the letter, Douglas is reported to have written that the IRS probe of the foundation is a "manufactured case" designed to force Douglas to resign from the Supreme Court.

The IRS has countered with the statement that it has been examining the foundation's affairs for "several years."

So far neither Douglas nor Parvin has denied the authenticity of the reporting of the contents of the letter. Fred Warner Neal, who succeeded Douglas as president of the foundation, has acknowledged that Parvin showed a copy of the letter to a New York Times reporter.

Even though Douglas has formally severed his official ties with the foundation, there remains a large question as to the propriety of his having been associated with it in the first place. The direct connection of Albert Parvin and the foundation to Las Vegas gambling interests should have made the whole enterprise off limits to a judge of normal discretion.

There also is the question raised by Rep. Gross as to the propriety and legality of Douglas' advice to Parvin as to how he should conduct himself in the IRS investigation.

There also is a question relating to Douglas' attitude toward the IRS. If he believes that the agency is out to get him, as he indicated in the letter, his impartiality in court cases involving the IRS might be suspect.

Finally, there is the suggestion made this week by Sen. Paul Fannin, R-Ariz., that Douglas may have received outside income from sources other than the Parvin Foundation.

Fannin said he is investigating this new line of inquiry, and described himself as "concerned" about Douglas' other sources of income. The senator said he will decide early next week whether he will ask for a formal investigation by the Senate Judiciary Committee.

An investigation seems to be very much in order. So much has been revealed or suggested about Douglas that a shadow has been cast on his judgment and discretion. No Supreme Court justice can function effectively with such a shadow over him.

THE PROPOSED OIL REFINERY AT MACHIASPORT, MAINE

Mr. KENNEDY. Mr. President, some time ago, an excellent article, dealing with the conflict over the proposed refinery at Machiasport, Maine, and the overall structure of the oil import program and the oil industry, generally, appeared in Business Week magazine. This article is one of the most comprehensive and objective studies of the industry and the privileges it enjoys that has ever appeared in a national magazine.

I recommend it to all Senators who share an interest in the protection of the taxpayers and consumers interests and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE YEAR OIL GETS ITS LUMPS

Eight weeks ago the president of Gulf Oil Corp., the chairman of Humble Oil & Refining Co. and independent operators from Michigan, Ohio, and Pennsylvania—as well as Texas and Oklahoma—flew into Washington for what they trusted would be a ritualistic defense of oil's special position in the Internal Revenue code.

Presidential candidate Richard Nixon had publicly backed the 27½% depletion allowance, mainstay of a system of tax preference worth (depending on who's counting) anything from \$1.6-billion to \$3-billion a year. And taking the oath of office had no discernible effect on his views. Though Treasury officials were hard at work on a tax reform package, the word had quietly gotten around that oil would not be one of their major targets.

Ranged before the House Ways & Means Committee, the oilmen comfortably expected that their traditional arguments would get traditionally friendly reception on Capitol Hill. Never in the 43 years since the depletion provision was first written into the tax code had the Ways & Means Committee made the slightest threatening gesture toward it.

Before long, however, the oilmen were not feeling so comfortable.

Revolt. "I don't think I have ever been so startled," one major company vice-president recalls. "There was Johnny Byrnes acting just like Bill Proxmire." Representative John W. Byrnes of Wisconsin, the ranking Republican member of the tax writing group, long had been considered a tested "friend of oil." Now, like his fellow Wisconsinite, Senator William Proxmire, he was complaining about giant oil companies that paid little or no taxes.

In recent weeks, Ways & Means Chairman Wilbur D. Mills (D.-Ark.) has taken the same line. In public statements and in private talks with oil lobbyists, he has made quite clear that the petroleum industry will figure prominently in any broad move toward tax reform. "Depletion has become a symbol," Mills says, and must get at least a "symbolic reduction."

Nothing safe. The defection of Byrnes and Mills is only the most recent, if perhaps most serious, evidence of oil's ebbing political fortunes. A "taxpayers' revolt" focusing on the industry's privileged tax position; a raucous public fight with New England over a foreign trade zone at Machiasport, Me.; an off-shore drilling accident that spilled thousands of barrels of crude into the Santa Barbara channel; all these have turned the tide against the industry that once had the most formidable position in Washington.

"There has been a sharp change in the political environment facing the oil industry," says Frank Ikard, a former Texas congressman who left a seat on Ways & Means seven years ago for the presidency of the American Petroleum Institute. Another old Washington hand put the matter more succinctly: "This is the year we get our lumps."

Nothing appears to be safe in the boiling controversy that surrounds the politics of oil. The tax incentives that have sustained the industry since 1926, the prorationing system that since 1933 has kept surplus crude off the market, the import quotas that have insulated domestic producers from foreign pressures for the past decade, all suddenly have become very open questions. And how well they stand up in Washington over the next six months or so may determine the shape of the oil business for years to come.

LOOKING AT THE TAB FOR THE QUOTA SYSTEM

More than anything else, it has been the "Battle of Machiasport" that has given critics of oil their rallying ground. But in return no issue in years has so united the often feuding segments of the industry.

It started last May with a complex proposal by Occidental Petroleum Co. to build a 300,000-bbl.-a-day refinery at the tiny fishing village of Machiasport, Me. Stripped to essentials, it was a bold plan to use the device of a foreign trade zone to carve out a special place in the oil import program for New England—and, of course, for Occidental itself. Somehow, it seemed to stretch all of the weak seams in a quota system that had already developed almost intolerable strains.

Cure for surplus: That system—officially, the Mandatory Oil Import Program—was instituted in 1959 to insulate the U.S. domestic industry from the effects of a world-wide oil glut.

By the late 1950s the Middle East had come into its own, with major finds in Kuwait and Saudi Arabia and the rapid buildup of production in Iran and Iraq. The European market had been pretty well saturated; Japan was being taken care of. The next logical move for Arab oil was to the U.S. East Coast.

The prospect appalled the purely domestic producers, who were groaning under surplus capacity themselves.

Disappointed. The quota system provided a breakwater against the expected wave of foreign crude. Imports were restricted to a set proportion of domestic demand—12.2% for the area east of the Rockies, for example. Import licenses, or "tickets," were widely dispersed among refiners so that it was no longer feasible to design a plant to run entirely on foreign crude.

One after another, the majors junked plans to build refineries on the East Coast. Without guaranteed access to foreign crude it was better to build near the oilfields and ship the products.

It was natural for New England to resent the oil import program. It found itself on the tail end of a long, expensive transportation line that began, New Englanders figured, at refineries they had lost to Texas. As the price of home heating oil, the major petroleum product sold in the region, rose from 15.37¢ a gal. in 1964 to 17.57¢ in 1968; New England seethed.

Battle cry. Into this emotional cauldron came Occidental Chairman Hammer, with a promise to build one of the world's largest refineries and to reduce heating oil prices by a healthy 10%. New England welcomed him with open arms—and its politicians agreed to fight for his plan in Washington. A major battle was inevitable.

The oil import "ticket" is a valuable commodity being, in effect, a license to import oil at \$2 a bbl. that is worth about \$3.25 as

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soon as it clears customs (the duty is only 10½¢). With about 1.5-million bbl. a day allowed, this means that domestic refiners—who get tickets in rough proportion to their plant capacity—share a subsidy worth about $600-million a year.

Occidental's Machiasport proposal was widely regarded as a bold raid on this kitty. Under the existing program Occidental could have looked for a quota equal to about 9% of its refinery runs. Now it was asking for tickets equal to about one-third. This could be done by reducing the share of the other companies.

Turnabout.—Almost without exception, oil companies jumped on Machiasport to prevent the oil import program from collapsing in a competitive melee for import tickets. Independent producers were worried about maintaining prices; independent refiners were worried about the subsidy, which for some represents their margin of profit; and the giant international oil companies were as anxious as anyone else to maintain the import wall around the U.S. market.

This somewhat surprising turnabout by the internationals stems from a basic change in the world market—international oil's version of the cost-price squeeze.

STRANGE BEDFELLOWS

The enormous oil reserves of the Middle East, together with major finds in Libya and now Nigeria, have had their inevitable effect on prices. Posted prices have remained steady, largely because of pressure from the Organization of Petroleum Exporting Countries. But the price at which crude actually is traded internationally has dropped to as low as $1.20 a barrel—and product prices have followed in Europe and Japan.

The cost of production from the Middle East fields has remained ridiculously low—no more than 12¢ a bbl., figures MIT economist Morris A. Adelman. But the Arabs have proved demanding hosts: Their take now is about 85¢ a bbl. and due to rise under a recent agreement. According to First National City Bank, the earnings on Middle East oil dropped from 77.1¢ a bbl. in 1957 to 37.5¢ in 1967.

The upshot is obvious. Suddenly, even to the free-trading international oil companies, a protected U.S. market looks good. What they lose by having their excess crude kept out of this country, they gain back by having profits floor under their extensive U.S. operations. Besides, keeping the U.S. nearly self-sufficient in oil enhances their bargaining position with the producing governments.

Upping the ante. So crucial is the U.S. oil import program now to the international majors that some appear ready to give up the $600-million import quota subsidy as the price for maintaining the restrictions intact. It is not one the majors want to embrace publicly for fear of stirring up independent refiners.

Many in the industry also are convinced that it would be politic to do something special for New England—if, as one corporate president puts it privately "we don't have to swallow Armand Hammer." Meanwhile, however, the New Englanders have raised the ante and now seem more interested in knocking out the import program itself than in getting a single refinery built in Maine.

WHO PAYS THE BILL?

The debate over Machiasport has underscored how expensive the oil import program is for consumers. As most economists and anti-oil politicians see it, the restrictions cut the U.S. off from economic forces that might otherwise halve the price of crude oil. In effect, says MIT's Adelman, consumers pay $4-billion a year more for oil than they would in a free market.

"There must be a more efficient and more equitable way to safeguard the national security," says Senator Edward Kennedy (D-Mass.). "This is the only legal purpose the program has."

Confrontation. In hearings before the Senate antitrust subcommittee last March, leading academic experts on the oil industry questioned whether the national security required the current high-cost protection of the domestic oil industry.

"It is not just the consumer who pays the cost," says Walter Adams, professor of economics and acting president of Michigan State University. "The restrictions also hurt those American industries which use oil as a raw material and must then sell their finished products in competitive world markets."

The petrochemical industry has, in fact, begun to take its case against the oil import program to Washington—and this is another reason for oil's political difficulties. Petrochemical people have made a strong pitch to the Nixon Administration that unless they get access to cheap foreign feedstocks in the U.S. they will be forced to build plants abroad.

Next week the oil companies go before the antitrust subcommittee chaired by Michigan Senator Philip Hart, who has no particular love for them. They will be trying to answer the economists on Capitol Hill. But their real target will be Labor Secretary George P. Shultz, former dean of the School of Business at the University of Chicago.

Nixon has given Shultz a broad franchise to take a "fresh look" at the import program—and six months to come up with recommendations. It is a ticklish job, even for a skilled mediator. And, sooner or later, he will have to come to grips with the essential question of whether maintaining the present size and shape of the domestic oil industry is worth the cost to consumers.

This issue—the social cost of government policies that encourage and protect U.S. oil production—is at the root of the political turmoil surrounding the petroleum industry. Washington seems to have rediscovered the basic economic fact that if oil is getting special treatment, it's getting it at the expense of other sectors of the economy.

THE WALLS AROUND DOMESTIC PRODUCERS

Both the import program and the tax incentives that center around the 27½% depletion allowance are designed to foster the domestic oil producing industry. The first involves a transfer of $4-billion from consumers, in the form of higher prices; the second, according to Treasury estimates, involves a transfer of $1.6-billion from other taxpayers. Together, they total close to the net profits for the entire industry.

Yet, despite all the subsidies, direct and indirect, profits in petroleum are not inordinately high. The rate of return on equity for oil companies is about average for manufacturing—13%.

What does the industry do with all that money? Both economists and oil men come up with the same answer—though they draw strikingly different policy conclusions: mostly, it is "drilled up" in the search for excess reserves.

STATE REGULATION

With tax breaks and high prices, people have been encouraged to hunt for oil in less promising areas and to maintain production from marginal wells. The economic results are predictable: Since World War II there has been a persistent surplus of crude production capacity. And the burden of carrying this excess has steadily pushed average costs closer and closer to prices.

Most of the industry argues that this spare capacity is essential to national security—and well worth the public cost.

Still, few deny that the management of surplus reserves in the U.S. has unnecessarily reduced the economic efficiency of the industry. Market demand prorationing, says Alfred E. Kahn of Cornell University, "raises costs as well as prices."

Conservation. Prorationing is just about the only surviving descendent of the New Deal's National Recovery Act, which sponsored industry codes to put a floor under depression era prices. The complex system is run by oil-producing states but enforced nationally through the Connally "hot oil" Act, which makes it illegal to transport across state lines oil produced in excess of state allowables.

There is a conservation purpose behind much of the state regulation. Without some controls, operators tapping the same pool of oil would try to get the jump on each other. They would pump as fast as possible even if it meant decreasing pressures—and reducing eventual recovery. This is exactly what happened in East Texas before 1933.

But the two major oil states, Texas and Louisiana, regulate with one eye on the well pressures and the other on crude prices. They make sure that oil is not produced in excess of actual market demand—meaning that surpluses do not affect prices.

Low efficiency. Ultimately, the consumers pay through higher prices for keeping surplus oil in the ground. But producers also share the burden by not being able to extract oil at the optimum rate. High-cost "stripper wells," those running no more than 10 bbl. per day, are given full rein; low-cost flowing wells are shut in a good part of the time (about 50 percent in Texas). Oilmen say that this arrangement is necessary to prevent the loss of oil from marginal wells. But it also has the effect of raising the average cost of producing a barrel of crude.

Obviously, anything that knocked off the marginal producers would increase the economic efficiency of the industry. And this is just what opponents of the oil import program and percentage depletion are urging, even though many admit it means reducing the effective level of U.S. oil reserves. Ending import restrictions would lower domestic crude prices by as much as $1.25 a bbl. Ending depletion and other special tax incentives would, Treasury economists figure, have the same effect on oil profits as a price drop of 90 cents a bbl.

THE INDEPENDENT MIND

Everyone in the oil industry would be thrown for a loop. But the sector that would really take it in the neck would be the independent producers who have carved out a position in an industry that made the term "vertical integration" a household word only because of high crude prices and special tax privileges.

Most independents are, as Netus A. Steed, president of the Texas Independent Producers and Royalty Owners Assn. told the House Ways & Means Committee, "caretakers of the nation's . . . marginal production operations." By and large, they search for oil in places the integrated majors don't bother to look. (Partly this is because few can swing the huge outlays needed to explore in the most promising areas offshore and in the Arctic.) Already their importance is declining. Anything that disturbs the existing delicate balance will push many of them out.

Interestingly enough, the independents are less wedded to the 27½% depletion allowance than other oilmen. Recently Steed wrote President Nixon that if oil had to be the object of tax reform, "some reduction in the 27½% depletion factor might well be sustained without irreparable injury."

This departure from an industry article of faith is a tipoff that independents, like the majors, think that something may well be done about oil's special tax position. As long as everyone could assume that nothing would happen, the industry could present a united front. Now, as one Washington lobbyist sees it: "Everyone is going into the back room with a deal."

Little hurt. A small cut in the percentage would not hurt independents much because they are high-cost producers.

XUM

As the law reads, operators can deduct 27½% of the gross value of oil at the wellhead, but only up to 50% of the net income of the property. Marginal producers tend to bump up against this ceiling so that the actual depletion rate is less than the formal limit. It is not unusual for owners of secondary recovery wells to realize only a 10% depletion allowance.

The major oil companies, and some of the larger independents, own the "flush" wells where the margin between net and gross income is narrow. For them the 50% of net income limit is not a serious problem, and a cut in the official depletion rate would have an immediate impact.

Intangibles. The majors would like quietly to turn Washington's attention to the second strand in the web of oil tax provisions—the option of deducting intangible drilling costs (such as wages involved in operating a rig) as a business expense rather than depreciating them as capital charges.

To the independents, however, "intangibles" are the best thing they have going for them. They do a disproportionate share of exploratory drilling, and get a bigger chunk of the $300-million a year the industry saves in taxes through intangibles than they do of the $1.3-billion it nets through depletion.

Moreover, the intangible option allows them to write off costs in the first year, when the net income from newly discovered wells is relatively high. This gives them more leeway for the 50% depletion limit in later years when the ratio of net to gross income widens. All of this is in addition to the cash flow effect of fast write-offs, which is important to small businesses with restricted access to external financing.

Loopholes. For similar reasons, the independents are dead against the two reforms that the Nixon Administration is sponsoring—changes in the tax treatment of "carved-out production payments" and "ABC transaction."

According to the Treasury Dept., the oil industry uses production payments to evade the 50% limit on depletion. By selling a claim on future production in a year in which the ceiling is a real limit, an operator can boost his net income and realize more on depletion. The deal is frequently made so that the operator can take a tax loss while the carve-out is being paid.

Treasury figures that it will gain $200-million a year if the carve-out loophole is closed. The independents say that they will lose a valuable source of liquid capital. Similarly, independent producers claim that they would have the most to lose by restrictions on ABC transactions—complex tripartite deals in which wealthy individuals agree to finance the sale of a oilfield in return for access to the depletion allowance.

TIME AND EVENTS WORK AGAINST OIL

There was a time when reformers' discussions of these loopholes would have been academic. Oil had so many powerful "friends in court" that for every Proxmire that questioned the industry's tax status, a dozen congressmen of both political parties would have risen to oil's defense.

Today, oil confronts its political crisis with a power base that is considerably diminished, the result both of the vicissitudes of time and some basic changes in U.S. politics.

Turnover. Historically, the countryside had given the industry its muscle in Washington. With much of the nation's farmland under lease and some 30 states with producing wells, rural congressmen never had far to look to find a constituent interest in oil. And lobbyists carefully cultivated the sense of identity with campaign contributions and support for key committee assignments for the faithful.

Now Capitol Hill is showing the effects of court-ordered redistricting. The one man-one vote doctrine has replaced rural politicians with urban congressmen who just can't afford to be identified with the oil industry.

Turnovers in Congressional leadership also have weakened the industry's position. A decade ago, House Speaker Sam Rayburn, Senate Majority Leader Lyndon Johnson and Senator Robert S. Kerr (D-Okla.) formed a powerful triumvirate for the protection of oil's interests on Capitol Hill. Now about the only committed friend whose position makes him much of a help is Russell B. Long of Louisiana, the mercurial chairman of the Senate Finance Committee.

New group. The shift in Congressional make-up and the change in leadership are both reflected in the oil industry's inhospitable reception at the tax-writing Ways & Means Committee. It was always an open secret in Washington that Rayburn quizzed applicants on depletion before making assignments to Ways & Means—and the committee's vote always showed it. Since Rayburn's death in 1961, however, 11 of 15 Democrats have been replaced and 7 of 10 Republicans.

"It's a new group down there," says one lobbyist, "and they couldn't care less about the oil industry." Congressional insiders are convinced that in deciding to do something "symbolic" about depletion, Mills is reacting more to changes in his committee than to the thousands of letters from irate taxpayers.

The antis. It is not, however, the steady erosion of its friends that spells real political trouble for the oil industry. A much more foreboding development has been growth of a powerful Congressional bloc that is consciously and actively hostile to oil's interests.

Dozens of congressmen and senators seem eager to put their names on any piece of legislation—so long as it chips away at what they consider the structure of oil industry privilege. There are bills floating around Capitol Hill that would reduce the 27½% depletion provision, deny it on foreign operations, end federal cooperation with state prorationing, phase out the import control program. And there have been a stream of round-robin letters asking the Justice Dept. to investigate alleged "monopolistic" practices of the oil industry, with particular emphasis on the recent round of gasoline price increases.

The anti-oil forces include such perennial gadflys as Senator Proxmire and Senator John Williams (R-Del.). But they also include some of the most powerful men in American politics, such as Senators Kennedy of Massachusetts and Muskie of Maine.

Probably no other industry in the U.S. has had to withstand the political heat these men have generated over the past several months. But if current activity on Capitol Hill is any criterion, the oil industry hasn't seen anything yet.

The politics of oil will never again be quite the same.

DEFENDING THE RIGHT TO PRIVACY

Mr. HARTKE. Mr. President, the wise and distinguished junior Senator from Nevada (Mr. CANNON) has written an article of exceptional importance to all Americans. That article, published in the magazine Science & Mechanics for July 1969, is entitled "We Must Stop Snooping Into Our Private Lives." It deals factually, eloquently, and, I must say, frighteningly, with the burgeoning problem of electronic eavesdropping—a problem which is all too likely to constitute a major harassment for large numbers of Americans unless action is taken now to curtail it.

I commend this timely and important article to the attention of all Members of the Congress of the United States, and ask, Mr. President, unanimous consent that it be printed in its entirety at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WE MUST STOP THE SNOOPING INTO OUR PRIVATE LIVES

(By Senator HOWARD W. CANNON)

Freedom is our most precious export, yet today at home we encourage practices that deny the freedoms we profess to prize. A free state, as we all know, is based on the privacy of its individuals; a police state on surveillance. Yet today we allow Federal and local police to tap telephones, bug homes and offices, survey almost every aspect of our citizens' lives—a trend that can lead to an Orwellian society here at home, where neighbor will spy on neighbor, child inform on parents, and a frightening Big Brother government strangle the freedoms of our people.

How can such a menacing situation exist? Crime in our day has multiplied. But in the past we have combatted it with traditional methods, methods commensurate with the climate of a free society. Today we apply a new method, the sophisticated wiretap, the bug. And developed through scientific research, the transistor, and the space industry's micro-miniaturization, we now have devices so subtle, so sophisticated they can go undetected yet "hear" through brick and steel, "hear" conversations thousands of miles away. And they fit into a pocket, a tie, a lapel, even a cuff-link or a martini so the overheard victim is unaware his conversation is recorded.

One is so tiny it could pass for an aspirin tablet. Another for an olive in a martini. Another is as thin as a dime. One the size of a postage stamp. A "fountain pen" can be clipped to a man's pocket and record a conversation; a "package of cigarettes" enclose a microphone and recorder; a watch on the wrist, a listening device. In an apartment or home, a lamp, an ashtray, an oil painting on the wall, a book on the table or in the bookcase can be "listening."

There is one parabolic microphone that will hear conversations blocks away. A spike driven into an apartment wall "hears" conversations throughout the apartment. A two-way mirror, consisting of a thinly-coated piece of plastic with a recording device attached can both "see" and "hear" persons in a room.

Most frightening of all, though, I believe, is the device that can record a conversation held in Los Angeles, three thousand miles away, in New York. As advertised in its manufacturer's catalogue: "Dial. Activate the beeper and you are listening to all conversations being held on the premises where the transmitter was installed. The phone in the room will never ring. Occupants have no way of knowing their every word is being transmitted to wherever you are."

Development of such devices has naturally encouraged their use. And while our Federal courts and most of our State courts have for 25 years resisted wiretapped evidence, by Federal law it is now permitted. And by more recent order, your home, your office, my home, and my office can be bugged if you are suspected of criminal activity. This activity does not need mean we are suspect of activity in organized crime, the purported target of our zealous enforcers. We could be suspect of illegal gambling, bribery, and embezzlement.

To comprehend what this may mean, let's take a look at the records gathered in recent exhaustive Senate Committee hearings. On February 28, 1964, former Senator Edward V. Long, then Chairman of the Senate Subcommittee on Administrative Practices and Procedure submitted a detailed questionnaire on invasion of privacy to all government agencies not dealing with national security. Questions asked concerned purchases and use by civilian agencies of miniature recording devices, miniature transmitters and concealed microphones. The reluctant answers that trickled into the Committee revealed that *sixty Government agencies purchased and used snooping devices.*

Long's Committee discovered one agency, Internal Revenue, even sent its agents to school, taught them in a seven-week course how to pick locks, install hidden microphones, and monitor telephone calls. Upon graduation, some 30 agents a year were given wiretap kits, electronic surveillance devices and sets of burglar tools for breaking and entering. When asked the purpose of the tools, one graduate agent answered for "surreptitious entry." Asked if this didn't mean "breaking and entering" which is against the law, the agent answered he did not know, he was not a lawyer. But if he was "trained to wiretap" he assumed he was "expected to wiretap" as part of his "official duty."

Shocked and appalled, the Committee probed further. Revenue agents, they found, had at times purchased trucks from the Bell Telephone Company, repainted the trucks, equipped and disguised their men as Bell Telephone employees, then sent them out onto the highways to climb poles and tap telephone lines. Granted, some years ago Internal Revenue was instructed by the Justice Department to use all available electronic means to investigate tax affairs of major racketeers, but this zeal to combat crime should not encourage the enforcers themselves to break the law. Nor did this electronic snooping at the time stop at the crime level. As one of my colleagues put it, the victim of the resultant electronic anarchy was not the criminal, but the American citizen.

Revenue became so "observation-oriented" that the call of a taxpayer to an IRS agent was monitored by an IRS supervisor. When a taxpayer talked to an agent in a Government conference room, the conversation was bugged by a permanent concealed "listener." Our Senate Committee discovered it was official policy for "Revenue" to monitor its employees' telephone calls without their knowledge or consent.

Are these the tactics, the practices we expect in a free nation? Practices that utterly disregard the right of privacy so diligently protected by our forefathers? If these practices become flagrant in one agency of Government, certainly they can spread to others. And they have. In 1961 the Attorney General asked Congress for authority to tap telephones in a mammoth effort to combat organized crime. Memorandum IRD-94 was issued, not only authorizing surveillance of criminal cases, but setting up the Organized Crime Division in the Justice Department. Within weeks agents of some 26 agencies swung behind the new Division's efforts, and wiretapping and bugging became everyday duty for thousands of employees of the Federal Government. A field agent would request an OCD number—and few were refused—and the targeted person was immediately subjected to a massive investigation. "Justice" termed it the "saturation investigation." To some of the more zealous agents, a person tagged was guilty before a crime was cited.

This is flagrant reversal of our traditional law enforcement procedures and our citizens' Constitution-protected rights. Traditionally a crime is detected; the police then set out to find the person or persons who committed the crime. OCD spotted the suspect then extended its massive effort to find the crime the "criminal" was guilty of.

Our Pittsburgh Revenue agent told the Senate Committee he would not have thought of the consequences no matter what he was asked to do in this campaign. "Those of us who were in the organized crime drive all felt very proud to be a part of it." But when asked if he didn't think "surveillance," also meant "breaking and entering" and that this was against the law, he admitted he was "overzealous." He excused the fact he had been a party to illegally entering an office with, "We were trying to obtain evidence of this racket association."

Is this our way to fight crime? Do our law enforcement men believe because their intentions are good and their purpose is pure they are above the law themselves? Law enforcement is not a one-way street. This dangerous trend can, and has, seeped to lower local police levels.

One Revenue agent testified that when he had been a Detroit police officer he had set up a number of taps. He had tapped the phone of a gambling syndicate; he had gone into the basement of an apartment house to tap the phone of a house of prostitution. Another time he had climbed a pole in broad daylight to put a tap on a phone—collecting "basic intelligence," he explained to the Committee. His actions were sort of a "know-your-enemy" program. If he knew the weaknesses of the people he would know how to "work the case." In the house of prostitution he wanted to know where the girls came from. In tapping the syndicate office: "I established once and for all there is a national syndicate in this country. I also established in my mind the influence it has. I felt it was worth the effort to find this out . . . Once and for all, to prove it to myself!"

Did these explanations warrant violation of the Constitutional rights of our citizens? Even a suspected criminal is entitled to the protective procedures guaranteed in our Bill of Rights and Constitution. While we must move vigorously and unequivocally to wipe out violence, to meet the challenge of crime and keep our streets safe, the way to achieve these aims is not through breaking the law and trampling upon the rights of the accused.

Former Attorney General Ramsey Clark says enforcement of law is the first duty of government. But he believes our crime problem can be solved by giving our police forces the manpower they need, the training they need, the techniques and the faith they need. As Detroit Police Commissioner Ray Girardin put it, "Wiretapping is an outrageous tactic. It is not necessary and has no place in law enforcement." The only exception to him would be where the security of the nation is involved. "All this bugging flap and most of the time we get nothing," complained another prosecutor, while Attorney General of California, Stanley Mosk, now Justice of the California Supreme Court, says he is not for wiretapping and does not want it.

Ironically, the crimes which affect the lives of all our citizens and which aroused the Congress to the point where it had to consider such far-reaching federal legislation as the Omnibus Crime Control and Safe Streets Act of 1968, are not even touched by electronic surveillance methods. Our citizens are faced every day with the spectre of street crime, robbery, riots and violence; criminal activity which cannot be controlled or stopped by a "bug."

Clearly the case for wiretapping as a means of combatting crime has not been proved. What has been proved is misguided zeal for this method has exposed thousands of our citizens to indecent exposure of their Constitution-guaranteed privacy. In time we could see the confessional booth "invaded," along with the doctor's office, and the hospital. In San Francisco, the Pacific Telephone and Telegraph Company admitted to our Committee they had leased monitoring lines under the pretext of "service observations" to a hospital—a line that overheard conversations between doctors and patients, husbands and wives.

AT&T frankly admits it leases equipment to Federal agencies and private firms for "observation." The president of a bank, a newspaper, an insurance firm, anyone who cares to pay the price and install the system, can simply sit back in his air-conditioned office and listen in on the telephone calls of his employees.

An AT&T official admitted that until the time the Long Committee started probing "invasion of privacy," Bell Telephone Company operators listened in to personal telephone calls up to ten minutes in length. In 1965, their girls listened to over 39 million telephone calls. Here again, the private conversations of husband and wife, daughter and mother, doctor and patient, were all fair game under the guise of service-monitoring.

While AT&T says this practice is stopped now, recent developments have opened wide a Pandora's box of surveillance on our private lives. At least for 25 years there was some attempt to leash this fiendish practice. Wiretap evidence was forbidden in court; the practice officially condemned. Recently, though, this nefarious intrusion into our private lives has been given Federal blessing. Last June, Congress passed the Omnibus Crime Control and Safe Streets Act, finally permitting wiretap evidence in court.

More recently, Attorney General John Mitchell took a more frightening step. Government agents, if they suspect you or me or any person of any crime, not just major, organized crime, but any one of a long list of crimes ranging right down to illegal gambling, can now bug or tap your home and office for 48 hours, on suspicion. To continue after 48 hours they must go to a judge and get a warrant similar to a search warrant. Warrant in hand, they can bug or tap for 30 days. And this warrant can be renewed indefinitely. Our more critical lawyers already dub the preliminary period the "48-hour fishing expedition," and point to the loophole that if one judge refuses a Federal agent, the agent can "tap" another judge until the agent gets the warrant he wants.

While we are now told that this drastic new power to snoop into our private lives will be used judiciously, one critic points up that no one will know at any one time when his office or home is bugged or his conversation overheard, so, like the tax audit, it will keep us all on our toes! Is this the climate we choose to live in? The climate our forefathers fought so hard to establish? We must realize if America is to lose its freedoms, it will not be through war, but through our failure to act in time to stop such obnoxious practices as wiretapping and other forms of snooping which are foreign to the very spirit of the laws of this nation and the preservation of freedom itself.

As my colleague from Hawaii Hiram L. Fong puts it, we may soon, if the trend is not curbed, live in a nation of fear—a police state. We have already taken the "new road."

D-DAY PLUS A QUARTER CENTURY

Mrs. SMITH. Mr. President, tomorrow is the 25th anniversary of D-Day in World War II, when Allied forces under the command of Gen. Dwight D. Eisenhower stormed the beaches of Normandy and southern France to launch the crusade in Europe.

The Maine department commander of the American Legion has drafted a stirring statement commemorating this anniversary. While the statement is not for publication until tomorrow, I ask unanimous consent, since the Senate will not be in session tomorrow, that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

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D-Day Plus a Quarter Century

(By Daniel E. Lambert, department commander, American Legion)

There probably is no more significant single day in the history of modern warfare than June 6, 1944, when Allied forces more than two and three quarter million strong, stormed the beaches of Normandy and Southern France to launch the Crusade in Europe.

As we note the 25th anniversary of this momentous event our thoughts go back to yesteryear, to gallant men whose life's blood was spilled on the soil they struggled to liberate from the grasp of the tyrant, and both very tender and very terrifying experiences crowd the memory.

The veterans of the nation also very sadly note the recent loss of the brilliant Supreme Allied Commander to whom the leadership was entrusted on D-Day, General of the Army, Dwight D. Eisenhower.

All the hell that is warfare was unleashed that day . . . and in the next eleven months it spread all across Europe. In less than a year it was all over, but in that short span of time the door to eternity opened to receive millions of God's children, friend and foe alike. The world was gravely wounded, but when it was over we worked to bind up the wounds, to heal humanity as quickly as possible, to start over as best we could.

The toll was staggering, but the world survived. A tyrannical force was obliterated and men who had labored under its yoke were once more privileged to breathe the sweet air of freedom. Even today, a quarter of a century later, men continue to try to assess the cost and to determine if it was worth it.

When we consider what the condition of mankind and of humanity might be today, had the victory not been ours, there should be little question as to whether or not it was worthwhile.

It is always our fondest hope and our most fervent prayers that man shall never wreak such havoc upon himself and such destruction upon God's earth.

And of those who fought along side of us in the battle for freedom, what shall we say of them? We shall never see their like again in our time . . . nor their courage and conviction. Theirs was the light that did not fail . . . and their courage an example which will live forever.

Let us have the courage to build a greater nation . . . and a better world . . . as a tribute to our gallant comrades in arms.

D-Day plus a quarter-Century . . . and time is running out. Can we do less than build for the future?

PUBLICATIONS EXPLANATORY OF THE TRUTH-IN-LENDING ACT

Mr. McGEE. Mr. President, I invite the attention of Senators to a little book, just 31 pages long, entitled "How Federal Truth in Lending Affects You and Your Business," published by Prentice-Hall and available for sale in Washington by Montag Associates. This book is a very excellent primer for individuals and some businessmen who need to know the meaning of the truth-in-lending statute enacted by Congress last year, Public Law 90–321. A companion to the publication is "What You Should Know When You Borrow Money or Buy on Credit," which is a pocket-sized pamphlet, just 11 pages long. It lays out clearly and very simply some basic rules on borrowing and lending under the provisions of the 1968 act.

I believe this would be of particular benefit to individuals who rely heavily upon credit in their ordinary lives or in their businesses, as a great many of us do, and I recommend it to the public.

DR. YUAN-LI WU, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR POLICY PLANNING AND ARMS CONTROL

Mr. GOLDWATER. Mr. President, this morning it was my pleasure to attend the ceremonies in the Pentagon at which Dr. Yuan-Li Wu was sworn in as Deputy Assistant Secretary of Defense for Policy Planning and Arms Control. I have known Dr. Wu for a number of years. I hold him in high regard as a citizen, a statesman, a scientist and a man. After the swearing-in, Dr. Wu asked that he be heard for a few moments, and he read a statement which he had composed before the ceremonies. That this man, who now occupies the highest position any Chinese-born American has ever held, would ask to express his feelings about his adopted country touched me to the point that I asked permission from him to have the statement placed in the Record, so that more people can know the type of man who is now helping in our defense.

I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement By Mr. Yuan-Li Wu

I know of no other major country in the world that would accord an immigrant citizen the honor the United States has just accorded me this morning. I will do everything I can to deserve it. My obligation to this country and to my fellow citizens goes, however, far beyond this. For my wife and I were twice refugees in our lifetime, from the Nazis in the '30's, from the Communists in the '40's. The United States has given us a haven of liberty and personal security; my fellow Americans, in their generosity of spirit, have accepted us among them. We are not citizens by birth right; we have become citizens by adoption. Believe me, when I say that we know how precious is the gift to be Americans. It is this gift that I must seek to repay over and above the honor granted me today that I must earn to deserve.

Under the leadership of my superiors and in cooperation with my colleagues I shall endeavor to serve our country well. I shall follow the spirit of the few lines which I hope you will permit me to quote, and which are my favorite, from Micah, Chapter Six, Verse Eight:

"It hath been told thee, O man,
  What is good and what the Lord doth require of thee:
Only to do justly, and to love mercy,
  And to walk humbly with thy God."

SHOULD THE GUN CONTROL ACT OF 1968 BE AMENDED?

Mr. CURTIS. Mr. President, when the recent Gun Control Act was passed the intent was repeatedly expressed that the Congress should not burden the law-abiding citizen who wanted to engage in such lawful activities as hunting, trapshooting and the like. The expression was freely made that the acquisition and possession of firearms for such lawful purposes was not to be discouraged.

It appears that the protection anticipated for individuals in small businesses is not a reality under the Gun Control Act. For instance, one manufacturer of ammunition reports that the orders received this year for ammunition are from only one-half of the number of distributors that ordered in 1968. The distributors who have not ordered ammunition are grocery, sundry, automotive parts, and candy and tobacco wholesalers. It is wholesalers such as this who traditionally service the independent rural outlets for merchandise. It is apparent that the stores and gasoline stations selling merchandise in these rural areas have not been applying for licenses under the Gun Control Act.

Some may point out that the license fee for a small ammunition dealer is only $10. This is not the full story. The gun control law placed upon such dealer considerable burdens of recordkeeping such as registering the individual purchases of sporting ammunition by giving in addition to a description of the items purchased their name, address, and date of birth, which must be supported by identification. This becomes cumbersome when we remember that over 4 billion rounds of sporting ammunition are sold annually in units of 20 to 50. Many of these sales are of .22-caliber rimfire ammunition packaged in 60 million retail cartons of 50 each selling for less than $1. In some instances, the cost of the bookkeeping will exceed the cost of the merchandise. Certainly in all instances the cost of the bookkeeping exceeds the profit to be made from the sale of the ammunition.

Mr. President, will such burdensome regulation of law-abiding citizens decrease crime in the United States? Should not the appropriate committees of Congress give consideration to amending the Gun Control Act of 1968 by exempting sporting ammunition from its provisions? Should these burdens be continued on the legitimate sportsman, small operators, and the personnel of the U.S. Treasury without any meaningful benefit to crime prevention or law enforcement?

ADDRESS BY PROF. McKIM MARRIOTT, OF THE UNIVERSITY OF CHICAGO

Mr. McGEE. Mr. President, shortly before leaving his post in New Delhi after 6 years of sterling service as U.S. Ambassador to India, the Honorable Chester Bowles sent me the transcript of a talk delivered in New Delhi by Prof. McKim Marriott, of the University of Chicago.

Mr. Marriott is a social anthropologist. In this talk to the U.S. Embassy staff in New Delhi, he reported on his experiences with one conservative village in the Indian State of Utter Pradesh. Over a period of years, between Professor Marriott's first study of the village in the early 1950's and his recent return there, great changes have occurred. In this transcript he tells of the changes—of people learning to use new seed and fertilizer, of people becoming familiar with technology, of houses being lighted by electricity, and of more young people going to school and attending longer. All in all, he concludes, his story is one of what can work when people take over for themselves, as the people of this Indian village have done. It is a very encouraging report, Mr. President, particularly if we realize that it is but an example of the growth and development in India.

Mr. President, I ask unanimous consent that Professor Marriott's talk be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Changes in an Indian Village

(Transcript of a talk by Prof. McKim Marriott, University of Chicago, in New Delhi, India, December 19, 1968)

I am a social anthropologist. In 1950 I went to Aligarh District in western U.P. to study a conservative village. It is 100 miles from New Delhi. I have now returned to that village for six months of study. I have been there for six weeks so far.

This was and is a very conservative place. I chose it because it was as far as I could get from a paved road, or railway station, or city. It is 14 miles from the nearest town—Aligarh city—14 miles south of Aligarh. It was and still is six miles from any road.

The economy of the village when I first arrived there—spring of 1951—was mostly based on barley, field peas, gram, some oilseed crops and unimproved wheat. The yields were poor. The villagers thought they were doing quite well, however; they thought they had very good land.

They did have a shortage of water. The water was 30 or 40 feet down in the ground. To get the water up to their crops they lowered leather buckets and raised them again by using the labor of several men and bullocks, and very slow work it was to irrigate the average holding.

The average farm was fairly small, around nine or ten acres. And there were about 850 people in the village then. There were 35 to 40 principal tenants in the village. It was a landlord village at the time, and most of the farmers were Brahmins.

The people were not getting very much food and we were always saying they were not getting enough food to eat. They ate twice a day. Mostly they had *roti*, bread, grain food, but in the morning they would eat carrots and have a little buttermilk if they had milk in the house.

About a third of the grain crops were sold outside for cash. Prices were rising at that time, and landlord tenures were being abolished. In the year I was there there was a great deal of official pressure, that is, the administrators of the province, the collectors and assistant collectors, etc., were coming in and demanding that the tenants pay 10 times their annual rent in order to buy out the landlord and become permanent owners with transferable rights. The tenants did not want to pay 10 times their rent. But they were threatened by court proceedings and eventually most of them paid.

People felt very worried about government officials; concerned about what government might do to them. In 1952, after looking at the technology of the village, I wrote a paper in which I said I thought there was a very narrow margin for realizing the changes that were being proposed. There were, of course, some ideas about community development in 1952. The Ford Foundation came in at that time, a power project had been begun, and there were suggestions about improved practices. But it seemed to me that in 1950–52 there was a kind of overdeveloped situation in which there just wasn't any margin.

I say overdeveloped rather than underdeveloped because everything was being used to the utmost. If you went to the village in the hot weather, in the month of May, you would find leaves cut off trees and every blade of grass dug up by the roots and fed to the animals because fodder was so scarce. You would find just a few fodder crops standing at that time, because the farmers were still busy threshing their crops from the winter harvest. It took a long time to do the threshing, and they didn't have the bullocks to raise water for crops that might have grown in the hot weather.

Everything was very scarce. Every last calorie seemed to be extracted from the environment. Manure, of course, was being used in the fields when it could be. I say "of course" because there was a belief that farmers in the Ganges valley generally didn't know about the value of things like manure. The farmers did know about it. It was just that it was necessary to burn a good part of it as fuel, because there was no other source of fuel.

There had been seeds around in government seed stores for some time, but there were objections to using them, because the terms of credit were very difficult. The villagers had to repay in kind on the date required, or else they suffered severe penalties. Also, the seeds that were offered were undesirable. They couldn't grind the grain in their stone grinding mills, they said they didn't like the straw that grew underneath the grain (they had to have something their animals could eat too), they didn't like the taste of the new wheat, etc.

So they were not going to use these seeds and the yields were not really that much better. It seemed to me, however, that they had looked at the possibilities. They were ready for technological improvements if somehow they could be made feasible and if they could trust the supplier to give them necessary flexibility in selling the crop.

I should say a little about the social organization. It was a very traditional village with 24 different castes.

A couple of landlords had large shares in the village produce, collecting taxes and putting a portion of that money in their pockets. But there was an elite then of about 25 per cent of the population that controlled all productive resources of the village. The remainder of the population was entirely dependent on those people and on each other for a living.

Many people in the village were then working as servants for the landowners, ritual servants of many kinds; about 15 different kinds of ritual services were provided in the village. The Hindu *jajmani* system (as it is called by sociologists, at least) was certainly well exemplified in that village. All sorts of little things, little bits of perfume, little bits of massaging and dusting, and obeisances of various kinds offered up; small gifts given to the servants, barbers, potters, and carpenters; several different kinds of religious mendicants, all of them trying to make a living off the farmer.

The farmer really didn't have a great deal of surplus, but he did divide it up according to traditional shares—little bits of food going to each one of the servants. There was then a kind of patronage system which was under strain because the farmers didn't really have enough to support all the hungry people in the village who were traditionally dependent on them.

The village council had very few powers then, though a *panchayat* had been passed in U.P. In the old village council the Brahmins, with the majority of the power in the village because of their land control, were effectively carrying on the village council's business by themselves and putting an official stamp on whatever they chose to do, despite the opposition of other factions.

I might say a little about the religion of the village and other cultural features. Everything was oral then. There were very, very few literate people in the village, perhaps 20 people in the village had gone as far as the fifth grade and there were no literate women. Stories were told on every festival—there were old women telling stories—they never had to look in a book, it was all in their heads. Only a couple of landlords had books, and they only had one or two sacred volumes.

There were about 15 festivals and most of them were very hard to connect with famous Indian festivals. Diwali, for example, had become a tradition. In oral tradition the four or five different characters in village stories don't appear in any of the Hindu sacred books; but they were the reason for celebrating that festival.

The kind of stories people told were dependency stories, like being good and getting along well with the gods, being good to your relatives with virtue accruing to you for doing so, or a woman worshipping her husband and bringing him back to life after death, and so on. And then there was one day in which everything was upset. All nice stories about how the castes behaved and women behaved and the lower people behaved to their masters were turned upside down at Holi, a spring festival, a very intense Saturnalia of about 5 days in which everybody did the opposite. The women beat the men and the low castes threw mud on the high castes and everybody got high on pot.

It was a nice kind of well-balanced social system, and it kind of delighted me as an anthropologist. Others might have said there was a great deal of room for improvement.

Well, I went away from this village for 16½ years. I read the newspapers a little, and I had a few letters from the village in the meantime. I didn't know much about what was going on, but when I read the newspapers I only heard about problems.

Things were terrible. Community projects were very slow in getting started and not adequate; personnel and supplies were very scarce. I didn't think that much would happen in this village of mine under those circumstances, because it was a sort of backwater on the edge of an administrative area and got very little attention from officials. Very few of them ever got there, because six miles was always just a little bit too far to come on a bicycle or walk.

Well, let me tell you a little about the changes that occurred. There had been the Village *Panchayat* Act in 1951 which had set up the village council. Nobody wanted to run for village council while I was there. The officer would come in and say, "Well, now, who do you want," and nobody would hold up his hand, and he would say "Who's got some land here, who are the elders," and he would write down some names and say, "Now you have to buy a one-rupee ticket in order to be a candidate for election," and nobody would want to pay the rupee. They were very reluctant to get into politics at all, and thought it was some kind of a hoax. They would sit around and say, "I have paid two rupees or one rupee and now what—you see, this is all nonsense."

That was 1951–52. Then came the zamindari abolition. I told you how the tenants did not want to have zamindari abolished, at least they didn't want to have it abolished if they had to pay for it. The Government of U.P. was very interested in collecting that 10 times price for development-fund purposes. They were pledged to pay off the landlords. They hoped to get a good deal of return from this money, but the tenants were very reluctant, and it was producing a lot of strain between the officials and the tenants.

In 1958 I learned that the lands had been consolidated. There were about 150 plots, I believe, and they were consolidated into something like half that number. That seemed interesting. I expected there would be a great deal of quarreling over that one, because hardly anybody's happy when he has to trade his land in for some other land.

In 1961 (now, I'm telling you what I learned when I came back to the village) the first government tube-well was put in. It was bored successfully, a lot of water came out of it. I think it was 1962 or 1963 when the first power line came through that would provide power to farmers who wanted to use it for tube-wells. The first private tube-well was built in 1962 using the government tube-well line, and since then eight or ten private tube-wells have been built in the village.

Each one of these represents an investment of something like seven to eleven thousand rupees, with credit from the local land banks, I believe.

In 1962 another important event occurred. A farmer moved into the village who had never lived there before—a relative by marriage to some people who had lived there before. He was an ex-landlord from another part of the district and he bought about 10 acres of land.

He had tried some improved seeds and new fertilizer in 1961 in his own village. In 1962 he tried it in my village and it was quite successful The next year eight or ten other farmers tried it, and they too were successful. By 1964 everybody was falling over himself to get the new seeds and new fertilizers.

The demonstration by one villager who had taken the initiative was extremely convincing. Tube-wells then began being built. Farmers say they can amortize the cost of one of the large tube-wells in as little as three years, so it is obviously a very profitable thing.

Their production has gone up—they say they are getting at least twice what they were getting before—and they are certainly getting more than twice the money because prices have been rising all along. The price is about three times what it was.

With more money the first thing the people did was build five new temples in the village. These were not very big temples but there hadn't been any temples in the village—only one very unimportant little structure.

They then bought some other things. They put a lot of money into new seeds, fertilizers, water, and into whatever it took to get the new crop started. There are a lot of new crops in the village. Barley has gone way down. Wheat has come up accompanied by a lot of corn (maize), a grain which was never used for human feed in 1952, but which is now the principal grain in the village.

This interested me—people were so fussy about exactly how the wheat tasted, and then they switched all the way over to corn. Most everybody eats corn every day. They found out it was cheaper—that was the explanation they gave—and then they got used to it. There is a lot of sugarcane now and there was practically none in 1952. A lot of cotton is being grown, and about 20 vegetable crops. They hardly had any vegetables at all in that village 17 years ago. People used the leaves of the mustard-oil plants, but they didn't grow vegetables except potatoes and carrots, which were used for animal fodder.

People are eating three times a day instead of two, and they are eating a rich diet. They are eating less *ghee,* but more vegetables and more grain. It is apparent when you look at the landless laborers in the village. In 1952 a man could get about 150 days of work on the average. There was a lot of unemployment. Now the laborers are all employed and they are eating as a result. As one crop comes out of the ground they start sowing a new one.

There are no empty fields these days. You see standing crops and people weeding and watering those crops. Labor is now being imported into the village. I met one farmer looking around the city trying to find somebody to bring back. He wanted to start a new tube-well and needed several laborers but couldn't find anybody in the village.

The village has increased in population. It now has about 40 per cent more people than it had 16 years ago. These are partly relatives, partly immigrants. More children have grown up but infant mortality is still extremely high and medical services have not improved.

Animals have gone up in number. I haven't got the exact count, but the lanes are now, in some places, quite crowded with buffaloes giving that good rich milk and manure. They weren't there before. Especially in the poorer section of the village you see quite a lot of them.

They are still thinking of new and better ways to do things. A lot of people are talking about tractors and some are talking about getting machines that will do fancy things like making ice-cream. They have cotton gins and electric mills that grind all the grain in the village. Only special cooking items are now ground by the women in their homes.

The houses are noticeably different and clothing has improved. People are wearing wool sweaters in the winter; before it was all cotton clothing. Earlier only one or two landlords had woolen clothing. There are about 40 new steel and brick and stone houses in the village that there weren't before. Some of these are very beautiful houses and are now lived in. Previously they were mostly houses with a presentation front, with people living in a mud house behind.

Of course, I think mud houses are much better myself. They are cooler in the summer and warmer in the winter than brick houses are, but the villagers have parted company with me. They think brick houses are the thing.

There is now more work for the carrying trade. The potters are doing extremely well. I thought they would be finished because of urban competition, cheaper prices in the bazaar, and so on. In fact, they are very busy.

In houses you see all sorts of interesting things that weren't there before. A little thing which interested me is a *tulsi* tree, the religiously sacred sweet-basil tree which stands for Vishnu in various forms (Krishna in this area). That has turned up in dozens and dozens of houses; there was only one before. And the houses have a lot more elegance about them.

Eighty houses now have hand-pumps. Nobody takes water out of a mud well any more, as most people were doing in 1952. Then they said they preferred mud wells. I can't prove it yet, but it appears that the hand pumps afford protection from waterborne diseases.

The social organization has taken some interesting turns. Those intercaste relations which were solidified by feasting—large feasts given by farmers at the time of weddings or a death in the family—seem to be smaller. Wedding parties, people say, are not so large, and people stay one day or a day and a half, instead of three or four. Perhaps now there is less chance for the caste to express rank order, which they do through feasting.

I am going to be looking into this some more, but it does seem to me that some very strange groups of people are eating together: Brahmins and non-Brahmins eating in the same line and sitting beside each other which they would never have done before. In fact, I was called in and had a ceremonial dinner at a temple festival sitting next to the priest. This couldn't have happened before.

The village headman is a Jat. He is the man who came in and first tried the new seed. The people elected him and he is doing very well. He has a very nice new brick house which he has given me to live in. He has completely, almost single-handedly, abolished the factions in the village, because he has so much largesse to give out. The spoils of his profitable enterprises are such that he put almost everybody in his pocket.

He was elected to the *Panchayat* and when the village common lands were turned over to the *Panchayat* there was a lot of land to sell. He gave them out to people who then became members of his faction. He sold them at low rates to the low castes, to the Muslims, who make a nice alignment against the Brahmins.

He put in quite a few paved streets and built a school. He has pleased people and they are eating out of his hand, but not in a dependent way—he has just got a good political base. The other faction really does not exist anymore. There are a few discontented people, but they are doing quite well with their grinding-mills and machinery. They simply don't have the land base that he has for power.

The village has become very politicized. Everyone votes and an election is a great event. When you go to one of these village *pradhan* elections—I did in the next village and they said it was just like my village—you find that it is a festival. Women come out in large groups and sing songs about the election just as they do in an old-fashioned festival. So far as I have seen, these elections are quite peaceful. A large amount is at stake because there is tax money to collect. Of course, part of a politician's staying power is not collecting taxes. But even though not all taxes are collected, there does seem to be something positive going on.

The main debates are not whether the taxes should be collected but whether money should be spent for a school, improved roads or lighting for the streets. Those are the hot issues which weren't even given priority in the old days.

I mentioned that there are five new temples. There are also about five new festivals in the village. You might expect this to be rather different. You might expect that with secularization and urbanization and technological changes you would lose a lot of the old village culture, but five new festivals have started up and they are quite "village" in style. There are folk tales told about them—women are still telling stories and they have invented a lot of new stories since I was there.

There is more participation and more paintings are being made. Religion is the women's province in this area. They always did paintings on the wall for each festival but now they are doing more elaborate ones. I was looking at some of these paintings and I found that their content has changed. There was one that was about the god Narayan and how he gives food to the earth. It all comes through him. You worshiped him, and then the earth was fruitful. That one has now become a committee of six. I asked whether they are all Narayans. I was told that the other five are the five Pandava Brothers. This is very interesting because in this region the *Mahabharata,* from which the Pandava story comes, was practically unknown. Almost all of the stories in the village were from the *Ramayana*—stories about Krishna. This new element has obviously come out of the schoolbooks.

About 50 per cent are now being educated. This may sound pretty poor, but it is a great improvement from 5 per cent. All the boys and girls of the landed families and some of the lowest caste are in school. Very few girls still are being educated, but there are, I think, something like 25 boys going beyond the fifth grade now.

Quite a few are going to high school—going about six miles in all directions to various high schools. There are about seven or eight in inter-college, using the village as a dormitory and coming back every night. There is one who commutes 14 miles a day to a university.

Every landowning family now has one or two sons in high school. This has become the standard pattern. One son, the eldest, always has to stay on the land because it is so productive. Here we have prosperity working against education, but the brothers are supposed to work together and they do complement each other. There is a perfect willingness on the part of many of these boys to come back and spend time in the village and to use their education on the land.

I have seen high school graduates who are extremely bright and doing very well in their studies say they really prefer not to take urban jobs. They prefer life in the village. They think it is much better now that they have a chance of making a prosperous living there. The village has a kind of pull, you might say. Previously people worried about the village a lot. They were hungry in it and they left. Now they think very hard before leaving.

There is expressive education in every sphere and more literature. There are nine school teachers living in the village, all local boys, and previously there were none. Nine schoolteachers, and more would like to be schoolteachers. They're writing songs about sanitation for their classes, and they're also enthusiastically helping me collect village folklore.

They realize that there is a difference between standard language and village language. They are interested in the old, unwritten village tales. There are also new dramas and new poems. I find that women are willing to tell me stories. It was very, very difficult to do that 16 years ago.

There is an awareness that there is something important in the village, an awareness of how their customs differ from other people, an acceptance of urban standards as different from village standards, and a sense that the two ought to be related and are related. New things are coming in and there is local creativity.

Let me conclude by saying that though I thought very little would have happened to this village, located where it was, with very conservative and proud people, in fact a great deal has happened. It has happened not directly, it seems, because of the agencies that were going to promote it, but by the initiative of the villagers themselves.

They go to the seed store, they run after the village level worker and ask him what number seed has come in, and whether the fertilizers are available at this place or that. They are constantly knocking at the doors of the block development offices trying to get things for themselves. There is a great deal of confidence about this.

People used to come to me and ask me to get things for them. They used to say, "You are our mother and father, you help us;" now they are telling me what to do. They say, "Would you like to get electricity for your house? Well, come along, I know the man who can get it for you." And so they do. He is a man selling bus tickets in the village. He has more power than any gazetted officer because he has given bus tickets to people at the right times. I was officially told, "You won't get an electric connection for 3 weeks," but he got it for me in six hours. The villagers know how to get things they want. There are several "fixers" in the village and they are prosperous.

They have learned so much about technology. I just got a letter from my wife, who bought a little land just outside of Chicago. She was keeping horses on it and wrote that she was cleaning out the barn and burning the horse manure. When they heard that (I was translating my letter), they said, "Oh, no, that is a great mistake." They all want to know about tractors, etc., and she is sending a catalog for them.

A lot of this seems to happen on its own power. The old society seems to have stepped up pretty much on the initiative of its own leadership, with a couple of new ideas here and there. It is a demonstration that it can work when people take over. And that is my story.

SAFEGUARD CRITICS AND SOVIET CAPABILITIES—ADDRESS BY SENATOR THURMOND

Mr. GOLDWATER. Mr. President, on May 12, the senior Senator from South Carolina (Mr. THURMOND), addressed the National Security Seminar of the Industrial War College, at Columbia, S.C. At this gathering of military experts, distinguished Reserve officers, and private businessmen, Senator THURMOND presented an excellent address outlining the need for the Safeguard anti-ballistic-missile system.

He took up one by one the objections presented by the Safeguard critics and knocked them down. He presented the objections and answers in capsule form, and then he contrasted this criticism with an analysis of the Soviet capabilities for war. He laid stress on the fact that the President must base his calculations for national defense on projections of Soviet capabilities, not upon estimates of the Soviet intent. But he also pointed out that, as far as we may judge the Soviets from their history and current pronouncements, their intentions toward us are not reassuring.

Mr. President, I suggest that the address may be of interest to Senators, and I commend it to their attention. I ask unanimous consent that the speech, entitled "Safeguard Critics and Soviet Capabilities," be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD as follows:

SAFEGUARD CRITICS AND SOVIET CAPABILITIES

The great debate in the country today is about the deployment of the Safeguard Anti-Ballistic Missile Defense System. I have been studying the arguments put forward by the opponents of this program and it occurred to me that I had seen them all before. In fact, they are the same arguments that are put forward every time by people of short-sighted vision who basically don't want certain programs for emotional reasons.

A lot of these arguments are the same as the arguments that were first heard at Kitty Hawk when the Wright Brothers were at work. Of course the Wright Brothers weren't the only men experimenting with flight. Samuel Langley was another and only one week before the Wright Brothers flew for the first time, the *New York Times* carried the following editorial, and I quote:

". . . We hope that Professor Langley will not put his substantial greatness as a scientist in further peril by continuing to waste his time, and the money involved, in further airship experiments. Life is short, and he is capable of services to humanity incomparably greater than can be expected to result from trying to fly . . . For students and investigators of the Langley type there are more useful employments."

This was published in the *New York Times* on December 10, 1903.

A year after the flight of the Kitty Hawk, the experts still had all kinds of reasons why the airplane would never be practical. *Popular Science Monthly* in March, 1904 said:

"It is true that when high speeds become safe, it will require fewer square feet of space to carry a man, and that dimensions will actually decrease, but this will not be enough to carry much greater extraneous loads, such as a store of explosives or big guns to shoot them."

In the early days of science, even distinguished scientists could be found to say that new inventions were unreliable. Thomas Edison, for example, was strongly opposed to the use of alternating currents. In the *North American Review* of November, 1889, Edison wrote:

"My personal desire would be to prohibit entirely the use of alternating currents. They are unnecessary as they are dangerous. I can therefore see no justification for the introduction of a system which has no element of permanency and every element of danger to life and property."

Of course, when Edison's work was evaluated by certain legislative committees, he came in for his own knocks. The Committee of the British Parliament in 1878 reported Thomas Edison's ideas of developing an incandescent lamp to be "good enough for our transatlantic friends . . . but unworthy of the attention of practical or scientific men."

This has always been the reaction when new weapon systems are proposed, even when they have been demonstrated to be effective. In 1591, Colonel Sir John Smyth advised the British Privy Council as follows:

"The bow is a simple weapon, firearms are very complicated things which get out of order in many ways. (A firearm is) a very heavy weapon and tires out soldiers on the march. Whereas also a bowman can let off six aimed shots a minute, a musketeer can discharge but one in two minutes."

Robert Goddard, whose name is memorialized in the Goddard Space Center, faced the same kind of opposition, from those who could see no future in rocket research. A *New York Times* editorial in 1921 said:

"That Professor Goddard with his 'chair' in Clark College and the countenancing of the Smithsonian Institution does not know the relation of action to reaction, and of the need to have something better than a vacuum against which to react—to say that would be absurd. Of course he only seems to lack the knowledge ladled out daily in high schools . . ."

During the development of the atomic bomb, Dr. Vannevar Bush was completely convinced that the project was a waste of time. In 1945, a few months before Alamogordo, Dr. Bush told President Truman: "That is the biggest fool thing we have ever done. The bomb will never go off, and I speak as an expert in explosives."

About the ICBM itself, Dr. Bush said a few months later:

"I say, technically, I don't think anyone in the world knows how to do such a thing, and I feel confident that it will not be done for a very long period of time to come. I think we can leave that out of our thinking. I wish the American public would leave that out of their thinking."

So we can see that wishful thinking has played an important part in the opposition to the development of many of our principal weapons systems from the time of the crossbow and the musket to the present day. The President of the United States cannot afford to deal in wishful thinking. He has to be prepared to meet any threat of which our Nation's enemies may be capable. We cannot depend upon an analysis of our enemies' intentions. Their intentions may be good or their intentions may be bad. The President's decisions must be based upon what the enemy will be capable of doing five or six years from the present.

THE PRESIDENT'S DECISION

We cannot deny the President the right to make judgments about our security Congress cannot second-guess his estimates of the potential danger. We have to give the President the capability to keep his options open in dealing with the enemy, and that is what the Safeguard system does.

The President had four options when he reviewed our ABM need:

The first was to defend U.S. cities against Soviet attack by the deployment of a "thick" ABM for complete protection. This would have been a move beyond the capabilities of the Sentinel system authorized by the Johnson Administraton. The Sentinel system was to have been deployed only against the Chinese threat.

His second option was to make no deployment at all, but to continue Research and Development. This course was rejected because it provides no protection at all if the Soviets continue aggression.

His third option was to continue the Sentinel program around the cities. This program was rejected because it provides no protection against the increasing Soviet threat to our offensive ICBM's. The rapid construction program of the Soviet SS 9, and the threat of increased capability through multiple warheads warranted a change in our strategic plans.

That change was provided by the fourth option; namely, the Safeguard system to protect our ICBM's.

WHAT SAFEGUARD DOES

What does the Safeguard deployment do? When fully deployed, it will do the following:

1. The Safeguard protects our ICBM's, thereby guaranteeing to an aggressor that the U.S. would retain the power of retaliation if attacked.

2. The Safeguard posture avoids the suggestion that we may be preparing for a first strike, as might happen if our posture appeared to be that of protecting our cities against retaliation.

3. It provides early warning and area defense of our bomber bases, by protecting against a FOBS strike coming from the south. The FOBS is the Fractional Orbital Bombing System, which the Soviets have tested.

4. It provides an increased protection against Soviet increased deployment of submarine-launched ballistic missiles.

5. It protects against the accidental firing of a few missiles by the Soviets.

6. It will be relatively cheaper in the initial phases, giving time to work out any bugs before full deployment.

7. It gives the President time to see whether the Soviets are serious about negotiations, while not delaying protection.

8. It provides reasonable protection against the capability the Chinese will have by the mid-70's.

9. It gives the U.S. a protection which is similar to the protection which the Soviets have had for six years.

10. It helps to re-establish the symmetry of the strategic balance. The Soviets have increased their offensive capability. They have more ICBM's in being and under construction than we do, and they are beginning a rapid build-up of nuclear submarines.

These reasons alone show that Safeguard is a positive program.

OBJECTIONS TO SAFEGUARD

I would now like to turn to some of the objections which the opponents of this program have been raising.

1. The opponents say it won't work.

Our technology today is a sophisticated technology. The ABM does not make a heavy demand on the state of the art. With the exception of the Perimeter Acquisition Radar (PAR), all the components have been built and tested individually. The *Missile Site Radar* (MSR) has been built and tested at Kwajalein Missile Range, and it works. The *Spartan* missile is a scaled-up version of the ZEUS which has been fired many times and made several successful interceptions of ICBM's fired from the West Coast in 1962 and 1963. The Spartan itself was fired on March 30, 1968. The *Sprint* missile began test firings in 1965 and has been very successful in recent tests. The *Data Processing Subsystem* is well within the present technology. The reason why the PAR component has not been built is that its separate principles and functions are similar to existing functions. The prototype PAR is not necessary. The first installation will actually be a working part of the Safeguard system and it makes more sense to make the tests and checkouts at the site, rather than on an island in the Pacific.

I say that the Safeguard will work, just as the Polaris system works, just as the spacecraft systems have worked. The week-long Apollo trip, for example, came down less than one minute off predictions. I am confident that any bugs in the system can be worked out by intense application.

Dr. Edward Teller is the man who developed the H-Bomb when other scientists—many of the same scientists in the news today—were predicting that the H-Bomb could not be built. Recently he cited the case of the generation of electricity by nuclear power. Four years ago, the techniques were too expensive to be competitive. Nuclear electricity was just so much pie in the sky. Within two years time, the tide turned. It turned by a whole series of small inventions and improvements, a series that no one could have predicted. Today nuclear electricity is the coming thing. Fuel-scarce countries such as Britain, Germany and Japan will be utterly dependent upon it. You can't do something until you try.

2. The opponents say that the Safeguard would cost too much.

I ask, how much is too much? The entire Safeguard system would cost less than we were paying for protection against Soviet bomber systems in the mid-50's. The entire Safeguard appropriation for FY 69–70 is less than 1 percent of our military budget. It is only one-tenth of the current total of Federal-State public-assistance programs. (Incidentally, these welfare programs are presently costing $9.8 billion a year.) There is no point in having domestic programs if we were not prepared to defend them from those who would attack us from without. Moreover, as I have already pointed out, the graduated deployment and review techniques is a prudent fiscal procedure to keep costs down.

3. The opponents say that an ABM will escalate the arms race.

I do not understand how Safeguard will escalate the arms race when the Soviets have had an ABM for six years. They know the purpose of an ABM. Premier Kosygin has said frequently that their ABM is not provocative, and I agree. I don't think that the U.S. feels threatened by their ABM. The Soviets understand fully that the ABM is a purely defensive system.

4. The opponents say that our submarine launched and bomber launched missile systems make it unnecessary to protect our ICBM system.

I say that any defense strategy is best when based upon a "mix" of several systems. If we do not protect our fixed-silo ICBM's, we are, in effect, conceding that system to the enemy. We might as well not have it. Moreover, if we write off our ICBM's, the Soviets will concentrate their inventive efforts on the SLBM's and on our B–52's. I am sure that they will look upon our Polaris system not as 600 missiles, or 6000 warheads, if a multiple warhead system is used. They will look upon Polaris as 41 boats to be countered by some new tactic. Similarly, the B–52's are not 600 planes, but a few airbases to be attacked by FOBS. The numbers game can *de*scend as quickly as it can *a*scend.

5. The opponents say that we should rely upon our ICBM deterrent.

I think it is dangerous to reduce our options to the point where our only choice would be to unleash destruction upon Soviet cities. It would be dangerous to us, because we would have to rely upon a system of attack command meant for retaliation, rather than defense. Moreover, if the threat of such an attack fails to deter the Soviets, then we have no real chance to defend ourselves. Besides, we should get rid of the idea that it is wrong to defend ourselves. It is better to have a defensive system rather than be limited to ICBM's, which might trigger a nuclear exchange if launched.

6. The opponents say that an ABM would delay arms control talks.

The real obstacle to arms control talks is Soviet intransigence over a meaningful on-site inspection program. Besides, the Soviets formally announced their interest in arms control talks on the day after the original deployment of the U.S. Sentinel system was announced.

7. The opponents say that we shouldn't ascribe bad intentions to the Soviets.

I say that we can't plan our defenses solely on the basis of intentions, but rather on the basis of capability. The question is: What are the Soviets doing? We know what their weapons systems are, and how they are deployed. What we don't know is: Who will be in charge of those weapons systems four or five years from now? We can't base our defenses on the spirit of the moment or the hopes of the future. We must look at the whole history of Soviet policy. It may change, but we can't afford to be wrong.

The main point overlooked by the objectors is that the need for an ABM has been evaluated by two different administrations, led by two parties, and found necessary. Both administrations have carefully evaluated it and have judged that it will work. This is not a weapon, but a *weapons system*. No single expert, no matter how competent in his field, can undertake to evaluate whether the *system* is workable. It takes many specialists working in many fields to make a reasonable evaluation. I certainly wouldn't want to be one of the self-appointed critics who take upon their own shoulders the task of evaluating the whole system, and assume the responsibility for saying that we shouldn't proceed.

SOVIET CAPABILITIES

Turning now from the system itself, we must put the need for the ABM in the military-strategic setting. If we ever had any doubt about the Soviet desire for power, the past year or so should have cast those doubts away. The age of U.S. strategic superiority has passed. The age of parity has passed. In the past few months, the Soviets have dramatically stepped up their production and deployment of offensive weapons.

1. At the present time, the Soviets have 1140 ICBM's; we have 1056. Within the time frame of 5 years necessary to get the Safeguard ABM in operation, the Soviets have the capability of deploying 2500 ICBM's. In five years, the U.S. plans to have 1056 ICBM's.

Whether the Soviets will exercise their capability to produce 2500 ICBM's in five years is beside the point. We cannot afford to second-guess about intentions. It is noteworthy that the Soviets did not stop at parity, as many predicted.

Moreover, the Soviets have been concentrating production on the super-size SS–9 offensive missiles, capable of carrying up to a 25-megaton warhead or three warheads of 10 megatons each. One megaton is equivalent to 50 times the explosive power of the bomb dropped on Hiroshima. The Secretary of Defense says that the Soviets now have 200 SS–9s and will have 500 within the timeframe we need to get our ABM deployed.

2. At the present time, the Soviets are building one Polaris-type submarine a month. At this rate, the Soviets have the capability to exceed the 656 U.S. Polaris missiles by the end of Fiscal Year 1971. In addition, the Soviet Navy has a 2 to 1 nuclear advantage over the U.S. Navy in attack submarines. The most effective weapon against a nuclear submarine is the attack submarine. The U.S. position is even worse when we consider that nearly half of our attack submarines are of World War II construction, while almost all the Soviet attack submarines have been built within the past 14 years.

3. At the present time, the Soviets are testing the FOBS, or the Fractional Orbital Bombing System. If the same vehicle with refinements is launched at a different angle, then the FOBS can become a full orbital bomb. The U.S. has rejected the development of such a system.

4. At the present time, the Soviets have 700 medium and intermediate range ballistic missiles deployed against targets in NATO countries. The U.S. has no MRBM's or

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IRBM's deployed against the Soviet Union. Because of our commitments to NATO, any assessment of the strategic balance must take into the equation the MRBM's and IRBM's. The combined total of ICBM's, IRBM's, MRBM's and SLBM's is 2,750 for the Soviet Union as against 1,710 for the United States.

5. At the present time, the Soviets have had an ABM system in operation for 6 years. The Soviet ABM is now in its third generation of improvement. Each time it has been carefully evaluated and tested before the new deployments were authorized. I cannot believe that the Soviets would continue to deploy system after system in their ABM defense if their ABM was, in the words of one critic, "A bunch of junk." I think that the Soviet scientists and military experts who actually had the opportunity to test and evaluate the equipment on the spot would be in a better position to judge the effectiveness of the equipment than those who have only guesses to go by.

6. There are indications that the Soviet Union has gone beyond anti-ballistic missile defenses and are testing anti-space defenses designed to immobilize satellites. Since the function of the U.S. satellites in space is to monitor preparations around the Soviet ICBM sites, it is clear that we would be in a dangerous situation if the Soviets achieve an effective way to counteract our intelligence-carrying satellites.

To sum up the Soviet capabilities, the Soviets are devoting 70 percent of their military budget to strategic forces. Secretary Laird says that they are out-spending the U.S. at the ratio of $3 to every $2 which we spend. In 1968, the Soviets passed the U.S. in expenditures for research and development. In Fiscal 1970, the U.S. will spend about $15 billion for R & D. The consensus of experts on the Soviet economy is that in the same period the U.S.S.R. will spend between $15 and $20 billion for research and development.

We must also look at these expenditures in terms of economic effort. The U.S. economy has a gross national product of more than twice that of the Soviet Union—about $900 billion as against $420 billion for the Soviets. In addition, the U.S. has a much greater technical base to use for weapons development. We are more sophisticated in electronics and technical production. We have more skilled technicians and greater experience in the production of delicate equipment. Nevertheless, the Soviets feel that it is necessary to devote such a large portion of their economy to weapons production and development.

SOVIET GOALS

The question remains, then, as to why the Soviets are putting on such a tremendous push in weapons development. Up to this point, I have said little about Soviet intentions. Our military planners must plan on the basis of their capability. We must plan to meet the Soviet capability not only at the present time, but 5 years from now. Historically, the U.S. has repeatedly underestimated the Soviet intentions and capabilities on critical offensive items such as Soviet development of the A-Bomb, H-Bomb, and advanced jet engines, long-range turbo prop bombers, airborne intercept radar and large-scale production of enriched fissionable material. At the same time, the Soviets have never displayed any serious interest in bilateral arms control agreements which would include effective on-site inspection.

But in the long run, in the light of such developments, it would be folly not to consider them as expressions of the Soviet drive for world domination.

The Soviets have always proclaimed that they would triumph over the West and they continue to prepare for that outcome. As recently as April 21, General Alexei Yepishev, Head of the Main Political Administration of the Soviet Defense Ministry, laid down the party line for all to follow. Yepishev is a close friend of Brezhnev and he wrote in the official journal of the Soviet Communist Party Central Committee. His article clearly expresses the highest policy sanction.

Echoing the speeches of Khrushchev, Yepishev declared that "The imperialists are hypocritically preparing for new world war," and he warned that "A third world war, if imperialism is allowed to start one, would be the decisive class conflict between two antagonistic social systems." He said that such a conflict would "guarantee the construction of socialism and Communism." Finally, he said that such a war "would be a continuation of the criminal reactionary aggressive policies of imperialists . . . From the side of the Soviet Union, it would be a legal and justified counter-action to aggression."

I submit that this is the voice of the Soviet Union that has been preparing for war, that has continued a tough drive to achieve strategic military superiority. In view of such an attitude, it would be folly not to consider the deployment of the Safeguard ABM System to be essential to our Nation's security.

POLLUTION CONCERN

Mr. NELSON. Mr. President, the signs are abundant that the American public is seriously concerned about the growing tide of pollution in our rivers and lakes. One more instance of the public concern is revealed in an excellent article published recently in the Wisconsin State Journal, reporting the attitudes of southern Wisconsin citizens on water pollution problems.

I ask unanimous consent that the article, a part of a full-page layout on the subject, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Water Pollution: It's No Joke—Problem Called a Major Peril

(By Steven E. Hopkins)

The people of Southern Wisconsin are worried about water pollution:

"Something should be done—the Rock River has garbage, even chicken feathers in it."

"Fish from the Wisconsin River taste rotten."

"I wouldn't swim in the Baraboo River anymore."

"The lake in Gov. Dodge State Park is terrible. You kind of hate to let your kids swim in it."

"Lake Mendota isn't very clean—it's a horrible crime to let a lake like that go."

"Even the small rivers like the Sugar River are dirty."

These are quotes from ordinary people talking about pollution in southern Wisconsin.

In an attempt to find out just how concerned people are about water and air pollution, a team of Wisconsin State Journal reporters in recent weeks interviewed residents of Dane, Green, Jefferson, Rock, Iowa, Sauk, Richland, and Columbia Counties.

The reporters talked to businessmen, fishermen, housewives, shoppers, and young people.

They asked questions like:

"How concerned are you about the pollution problem?"

"Is it the most important problem facing the nation today or less important than, for instances, the war in Vietnam, unrest in our colleges and universities, civil rights, taxes, poverty?"

"Is there water or air pollution here in your community and how serious is it?"

"How immediate is the problem?"

"How can the pollution problem best be solved? Can it be done on the community level or will it take a state or federal program?"

"Do you think people would be willing to spend the money to solve the pollution problem?"

They asked about air pollution, too, but most people apparently don't consider that a major problem here in Wisconsin.

Robert Emerson, a small engine mechanic in Sauk City, said, "I've only been here since November and this is great. The air is clean and everything is green. I came from California and the Los Angeles smog and never want to go back."

Tom Skala, a Dodgeville supermarket employe, said, "Air pollution may be more important on the national level, but in the Midwest it's water. When I was in San Francisco I could hardly see myself."

"If you're talking about Wisconsin, water pollution is the problem. In Chicago or New York it's air," said Madeleine Hage, a French teacher at Madison Area Technical College.

It's talking about water pollution that turns most people on. And everybody who lives near a lake or stream is aware that things just aren't like they used to be.

The survey showed that many people see pollution as a major national and local problem, ranking in importance with the Vietnam war, crime, taxes, civil rights, and civil disorder.

It showed that many are concerned about the future of the nation and its natural resources.

And many of those interviewed are the same people who, in April, approved two statewide advisory referenda on the ORAP-200 anti-pollution and recreation land purchase program. The anti-pollution question asked voters if $144 million in bonds should be issued for faster pollution control efforts.

Most people seem to feel that the pollution problem is too big for community control, and that it will take state or federal programs to do an effective job.

Many are concerned, but don't quite know what should or can be done. They realize that eventually pollution control will cost more and more tax money. And the survey indicated that they are, for the most part, willing to spend it.

"In the Midwest, the problem is something fierce," said Henry Edl, a young Ridgeway farmer. "Lake Michigan is pretty bad and Lake Superior is getting there."

Luanne Gould 18, a Richland Center High School senior, rated pollution behind "Vietnam, campus disorders, and traffic deaths. More should be done to bring the pollution problem to public attention," she said, "we don't think about it enough here."

John Hammerly, a Monticello High School senior, rated pollution second—after peace. Sally Marty, also a Monticello senior, rated it fourth, after crime, Vietnam, and poverty.

Many people would like to see the problem controlled at the local level, but see little hope for any solution that does not involve state or federal intervention.

"I hate to see the trend toward federal control," said Samuel Humbel, a Monroe paint dealer. "I'd rather see the state take a crack at it first."

Art Nelson, a Ft. Atkinson shoe store employe, figures it's a problem that can be solved only by hard work at every level—community, state, and federal.

Most people realize that it will cost money to control pollution and say they are willing to pay for it.

"I think people are willing to spend the money to solve the pollution problem," said Nordeen Offerdahl, a Stoughton furniture department manager and Third Ward alderman.

Howard Ehle, owner of an Enco station in Edgertan, said he doesn't own any land on Lake Koshkonong, but would be willing to pay a small tax increase to see it and other lakes clean up.

"I'm willing to spend all the money we

must to stop pollution," said Leland Chitwood Gotham, a teacher in the River Valley School system.

Brandon Rockwell, rural Ft. Atkinson, said, "I'm in favor of spending all the money it takes, but we should get everyone to help pay and get everyone to stop polluting."

Others have their own ideas about the causes of pollution. According to a Gotham woman who didn't want her name used, "Those missiles they are shooting all the time are polluting the air and it filters down and pollutes the water."

Still others feel that the authorities are picking on cheesemakers and other small polluters and are afraid to tackle large industries.

Said a woman bookkeeper from Prairie du Sac: "Small communities can't handle the problem because politics plays too big a part. Politicians are afraid to step on toes, and that's what it takes to clean things up."

"The size of the industry should have no bearing on the problem. Nothing should go into public waters," said Curt Mueller, operator of a Prairie du Sac chemical company.

Ralph Henderson, a Baraboo restaurant operator, said, "We hear about the paper companies polluting the rivers, but all anyone does is talk about it.

"They give the cheesemaker who is dumping a little whey into a creek just so much time to stop, but the big outfits just keep on dumping."

Irving Quam, a Dane County supervisor, owns a Stoughton electrical store and a marina on Lake Kegonsa. He was one of the leaders in a successful battle to get Madison to quit flushing its sewage down the Yahara River into Lakes Waubesa and Kegonsa.

He thinks the pollution fight is extremely important and sums it up this way: "We've got to save our natural resources, or some kids will never see or never know what the outdoors should look like."

TREASURY'S FAILURE TO ENFORCE COUNTERVAILING DUTIES LAW ENDANGERS DAIRY INDUSTRY

Mr. PROXMIRE. Mr. President, the economic health and well-being of our dairy industry are being threatened by, first, the danger of excessive imports from overflowing world production plants; and, second, failure of the U.S. Treasury to enforce protective laws.

Today, world milk production is up, resulting in mounting stockpiles of dairy products. Within the European Economic Community, for example, USDA reports that early 1969 stockpiles totaled more than 450 million pounds of nonfat dry milk and 675 million pounds of butter. And EEC countries are looking hard for a market for these surpluses.

To make the situation especially dangerous competitively, EEC countries heavily subsidize dairy products which are exported—some say "dumped" on the world market. The subsidies reach 60 cents a pound for butter; 9 cents a pound for nonfat dry milk, and 31 cents a pound for cheddar cheese.

Policywise, I fully understand the need for, and support, the expansion of international trade, when such trade is mutually beneficial to participating countries, not destructive, and conducted on a basis of fairness.

The Congress, however, has established some guidelines for such trade through a law for just and fair protection of domestic industry.

Section 1303 of United States Code 19 provides, in effect, that whenever any country subsidizes a product imported into this country, our regular import duty should be increased by the amount of the foreign subsidy.

Failure of the Treasury Department to enforce this statute in relation to dairy products increases the incentive for foreign nations to export products to the United States within the quota limitation established under section 22 of the Agricultural Adjustment Act. It also increases the incentive for foreign exporters to develop devious and ingenious ways to circumvent import quotas by shipping product mixes not covered by quota limitations.

The Treasury's failure to enforce the law results in: First, jeopardizing the domestic dairy industry by taking away markets; second, increasing the cost of our price support program.

I strongly urge other Senators to contact the Secretary of the Treasury, as I have done, to urge enforcement of this law to protect the dairy industry of this country.

SAFETY FACTORS IN THE NATION'S COAL MINES

Mr. SAXBE. Mr. President, strong charges recently were leveled against a proposed bill that I believe will greatly increase safety factors in the Nation's coal mines. I believe those charges were ill founded and I believe further that the bill's principal sponsor, the Senator from West Virginia (Mr. RANDOLPH) unquestionably had the best interests of those employed in coal mines foremost when he introduced the legislation. I asked experts from the coal industry for background information with reference to the charges. This information serves to bulwark my views. I am informed, for example, that one specific criticism of the proposed bill, S. 2118—dealing with greater illumination of the working places in a mine—was far off base. I am informed most safety experts agree that bringing more power to the coal face areas for the purpose of providing greater illumination would present a significant safety hazard. Anyone interested in mine safety constantly strives to minimize the potential sources of ignition at the coal face areas. Introducing additional power sources would be quite contrary to the goals we are seeking to achieve. Moreover, the blinding effects on an individual moving from a highly lighted area into darker areas has, from the experience of experts, proved to be a significant safety hazard. Mr. President, this is but one specific that I want to cite in contending that S. 2118, Senator RANDOLPH's bill, has been the target of much unfair criticism.

CAMPUS UNREST

Mr. SAXBE. Mr. President, we need only to look to our newspapers or television sets to learn that student unrest is considerably more than a springtime malady today. The uprisings and unrest on our college campuses and even in our high schools are part of something much more complex. I have said that a lot of what is happening is a manifestation of a worldwide revolution. Tens of thousands of our young people today believe that a better standard of living is not enough of itself.

They are interested in a better way of life. Toward this end, I believe we should listen to what they are saying. We should also bend our efforts to understanding the reasons why student unrest is so widespread.

We must also remember, in condoning and upholding the rights of young people to dissent, that there is a tremendous difference between activism and violence; between dissent and anarchy. We must remember, too, that there is a difference between the exercise of authority and the exercise of raw power.

In a recent issue of the Washington Post, this subject was treated in an outstanding manner by Mr. Robert A. Nisbet, a professor of sociology at the University of California, Riverside. His remarks on the "why's" of student unrest, and the exercise of power contrasted with authority, were excerpted by the Post from the Montreal Star and the magazine Public Interest. I believe they will be of interest to my colleagues and should like to request at this time that Mr. Nisbet's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHEN AUTHORITY FALTERS, RAW POWER MOVES IN

(By Robert A. Nisbet)

(NOTE.—Nisbet is professor of sociology at the University of California, Riverside. His article is excerpted from the Montreal Star and the magazine Public Interest.)

The most striking fact in the present period of revolutionary change is the quickened erosion of the traditional institutional authorities that for nearly a millennium have been Western man's principal sources of order and liberty. I am referring to the manifest decline of influence of the legal system, the church, family, local community and, most recently and perhaps most ominously, of school and the university.

There are some who see in the accelerating erosion of these authorities the beginning of a new and higher freedom of the individual. The fetters of constraint, it is said, are being struck off, leaving creative imagination free to build a truly legitimate society. Far greater, however, is the number of those persons who see in this erosion the specters of social anarchy and moral chaos.

I would be happy if I could join either of these groups in their perceptions. But I cannot. Nothing in history suggests to me the likelihood of either creative liberty or destructive license for very long in a population witnessing the dissolution of the social and moral authorities it has been accustomed to.

I should say, rather, that what is inevitable in such circumstances is the rise of *power;* power that invades the vacuum left by receding social authority; power that tends to usurp even those areas of traditional authority that have been left inviolate; power that becomes indistinguishable in a short time from organized violent forces, whether of the police, the military or the paramilitary.

The human mind cannot support moral chaos for very long. As more and more of the traditional authorities seem to come crashing down, or to be sapped and subverted, it begins to seek the security of organized pow-

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er. The ordinary dependence on order becomes transformed into a relentless demand for order. And it is power, however ugly its occasional manifestations, that then takes over.

To see the eruption of organized power as the consequence of a diminishing desire for liberty is easy. What requires more knowledge or wisdom is to see such power as the consequence or loss of *authority* in a social order. Authority and power: are these not the same, or but variations of the same thing?

They are not, and no greater mistake could be made than to suppose they are. Throughout human history, when the traditional authorities have been in dissolution, or have seemed to be, it is power—in the sense of naked coercion—that has sprung up.

A TISSUE OF AUTHORITIES

Authority, unlike power, is not rooted in force alone, whether latent or actual. It is built into the very fabric of human association. Civil society is a tissue of authorities. Authority has no reality save in the allegiances of the members of an organization, be this the family, a political association, the church or the university.

Authority, function, membership: these form a seamless web in traditional society. The authority of the family follows from its indispensable function. So does that of the church, the guild, the local community and the school. When the function has become displaced or weakened, when allegiances have been transferred to other entities, there can be no other consequence but a decline of authority.

Culture, too, as Matthew Arnold wrote memorably a century ago, is inseparable from authority. There is the authority of learning and taste; of syntax and grammar in language; of scholarship, of science and of the arts. In traditional culture, there is an authority attaching to the names of Shakespeare, Montaigne, Newton and Pasteur in just as sure a sense of the word as though we were speaking of the law. There is the authority of logic, reason and genius.

Above all, there is the residual authority of the core of values around which Western culture has been formed. This core of values—justice, reason, equity, liberty, charity—was brought into being through the union of the Greek and Judaic traditions 2000 years ago. Until the present age, it has managed to withstand all assaults upon it. In the 18th and 19th centuries, conservatives, liberals and radicals, however passionately they may have fought each other, nevertheless recognized the authority of such values.

The most dangerous intellectual aspect of the contemporary scene is the widespread refusal of thinking men to distinguish between authority and power. They see the one as being as much a threat to liberty as the other. But this way lies madness—and the ultimate sovereignty of power.

There can be no possible freedom in society apart from authority. "Men are qualified for civil liberty," wrote Burke, "in exact proportion to their disposition to put moral chains upon their own appetites." It is out of this disposition toward fruitful self-discipline that authority emerges and its legitimacy is recognized. Abolish the disposition and you equally abolish the capacity for liberty.

There are those, chiefly political romantics and sentimentalists, who think these "moral chains" are a part of man's own nature and that there is consequently no need to worry about their dissolution. But the horrors of our century should have taught us the precariousness of the virtue that romantics think to lie in man's germ plasm. In truth, man's virtue is inseparable from—is as precarious as—his culture.

THE DANGER IN BOREDOM

Boredom is one of the most dangerous accompaniments of the loss of authority in a social order. Between boredom and brute violence there is as close an affinity historically as there is between boredom and inanity, boredom and cruelty, boredom and nihilism. Yet boredom is one of the least understood, least appreciated forces in human history.

Nothing so engenders boredom as the sense of material fulfillment, of goals accomplished, of affluence possessed. It is such a boredom that goes furthest, I think, to explain the peculiar character of the New Left.

I do not deny that youth brings idealism in some degree to this movement; that disenchantment with the more corrupt manifestations of middle-class society plays its part. Youth is beyond question idealistic. But in our present society, youth is also bored. And it is from boredom that so much of the intellectual character of radical political action today is derived.

I should more accurately say nonintellectual character, for it is the consecration of the *act,* the cold contempt for philosophy and program and the increasingly ruthless behavior toward even the most intellectual parts of traditional culture that give to the New Left its most distinctive character.

It is boredom born of natural authority dissolved, of too long exposure to the void; boredom inherited from parents uneasy in their middle-class affluence and who mistake failure of parental nerve for liberality of rearing; boredom acquired from university teachers grown intellectually impotent and contemptuous of calling that explains the mindless, purposeless depredations today by the young on that most precious and distinctive of Western institutions: the university.

We do well to take seriously the university and what happens to its authority in our culture. For among its prime functions traditionally has been that of serving as arbiter to that age group that has, at least temporarily, outgrown the authorities of family, church and neighborhood. Potentially, this age group is the most revolutionary of all groups in society, far more revolutionary than, say, the workers, the unemployed, the impoverished.

High in intelligence, emotionally buoyant, at full physical tide, this is the age group that is channeled by the university into the several areas of the professions, that provides the intellectual leaders of society. In the university is acquired lasting motivations toward learning, toward profession, toward high culture, toward membership in the social order. But, by the same token, it is this age group in the university that has largely furnished the West with its steady supply of revolutionaries.

Who is to say that our society does not require its occasional infusion of revolutionaries? But in the present age, the revolutionaries have turned on the university itself, and this is not only destructive but totally self-destructive.

The university is the institution that is, by its delicate balance of function, authority and liberty and its normal absence of power, the least able of all institutions to withstand the fury of revolutionary violence. Through some kind of perverted historical wisdom the nihilism of the New Left has correctly understood the strategic position of the university in modern culture and also its constitutional fragility.

Normally, there are no walls, no locked gates and doors, no guards to repulse attacks on classroom, office and academic study. Who, before the present age, would have thought it necessary to protect precious manuscripts from the hands of revoltuionary marauders?

The New Left is free to say all that it wishes, but it has nothing to say. Its program is the act of destruction; its philosophy is the obscene word or gesture; its objective, the academic rubble.

FEAR OF THE VOID

It would all be a transitory charade, a tale told by an idiot, were it not for one thing: the fears aroused in a middle-class society that has lost its anchoring in natural authority. Fear of the void is for human beings a terrible fear, one that will not long be contained. And in this state of mind, it is only power that can seem redemptive, however stained with blood it may be.

The entire country watched last summer's confrontation between New Left and police in Chicago. It was violent, ugly, and could only have aroused the chill of fear in those who had chanced to see the rise of Nazism in Germany, the burning of the Reichstag and the beginnings of a police system that was in time to enclothe German society like a straitjacket.

But I know of no national poll or study that has shown other than approval of police actions by a large majority. The size of this majority will grow. Human beings, I repeat, will tolerate almost anything but the threatened loss of authority in the social order: the authority of law, of custom, of convention. The void does not have to be great, or seem, for the fears it arouses to become sweeping, for sanity in politics to disintegrate.

We are told by the polls that a large number of people watching their television screens that night in Chicago found even the berserk actions of police and pseudopolice gratifying, reassuring, healing to the sense of security. Let us not forget that there is a strong upswell of boredom in affluent middle-class society, too. And power, as history tells us, is as often the antidote to boredom in society as to anxiety.

We need, as Max Lerner recently wrote in a thoughtful column, a new social contract in our society, one that will do for our violence-torn social order what the doctrine of the social contract in the 17th century sought to do in that age, fresh as it was from the horrors of the religious wars. But the task will be far more difficult.

The institutions of Western society are less solid and encompassing than they were then. Two centuries of convulsive social change and of remorseless increase in centralized political and economic power have seen to that. We are plagued even by our achievements, for material progress has inevitably taken toll of traditional culture.

Above all, at this moment, we need a liberalism that is able to distinguish between legitimate authority—the authority resident in university, church, local community, family, language and culture—and mere power. Failure to make this distinction between authority and power can only result in the ever-wider replacement of the former by the latter.

If our liberalism can see no profound difference between the authority of an academic dean, however fallible this may sometimes be, and the power of the police riot squad, we shall find ourselves getting ever greater dosages of the latter. The impulse to liberty can survive everything but the destruction of its contexts; and these are contexts of authority—a legitimate authority that is inseparable from institutions.

ADJUSTABLE JUSTIFICATION FOR THE ABM

Mr. KENNEDY. Mr. President, among the many troubling aspects of trying to bring reason and enlightenment to bear on decisions involving major weapons systems is the fluid nature of the rationale for the systems. This has been called the "adjustable justification," by one commentator, the "problem of momentum" by another.

The thinking behind these phrases accurately reflects the problem. When a system is begun, on whatever justification, it acquires a momentum of vested interests. The contractor wants to keep building; the researcher wants to keep researching; and the manager wants to keep managing. And those who made the justification in the first place do not wish to admit their misjudgment.

Consequently, the justification adjusts. In the case of the ABM, a China defense became a deterrent defense; in the case of the Poseidon missile, a defense penetrator became an offense destroyer. On this latter instance of the Poseidon missile, there has recently come to my attention a short paper analyzing the shifting nature of the discussions of Poseidon. Because of its relevance, I ask unanimous consent that it be printed in the RECORD.

There be no objection, the paper was ordered to be printed in the RECORD, as follows:

SOME FACTS ABOUT THE POSEIDON MISSILE

An examination of recent testimony concerning the POSEIDON missile points up a number of interesting aspects of the adjustable basis for deploying various major weapons systems.

In testimony before the Senate Armed Services Committee, Dr. John S. Foster, Jr., Director of Defense Research and Engineering, Department of Defense, made the following statement:

"The POSEIDON program was started mainly because of the uncertainty of the TALLINN threat. But the program is being continued at a rapid pace to provide safety in hedging against the following possible threats:

"1. TALLINN might be converted quickly into a limited missile defense system.

"2. The Moscow defense system might be expanded fairly rapidly to other cities.

"3. A new terminal defense system could be deployed within (deleted) years after we first know of it.

"4. The MINUTEMAN force could be threatened by either rapid deployment of the current Soviet SS–9, or the MIRVing their existing missiles and improving accuracy."[1]

On March 19, 1969, in the same testimony in which he cited the dangers to the safety of the United States from the Soviet SS–9s, Defense Secretary Melvin R. Laird made the following statement:

"The increase of $12.4 million for the development of an improved guidance system for the POSEIDON missile will advance the IOC of that system by about six months. . . . This is an important program since it promises to improve significantly the accuracy of the POSEIDON missile, thus, enhancing its effectiveness against hard targets."[2]

When these two pieces of testimony are taken together, and compared, they suggest a number of implications:

First. The POSEIDON system was begun in response to a threat which never materialized—the TALLINN. The intelligence community now agrees that TALLINN is an anti-aircraft defense, with no capability against missiles, whether POSEIDON, POLARIS or any other.

Second. Although the threat—TALLINN—against which POSEIDON was continued. It was continued, presumably, as a hedge against other threats, including an expansion of the Moscow ABM (GALOSH), a potential Soviet terminal defense system (similar to SPRINT), and an accelerated deployment of the SS–9.

Third. The Safeguard ABM system is justified by Administration spokesmen as a hedge against the SS–9, but we now also have another hedge—a "hard-target" ABM.

Fourth. More ominously, we are designing a "hard-target" capability into POSEIDON. In Soviet eyes, therefore, POSEIDON may no longer be a missile designed to overcome a Soviet *defense* (TALLINN or GALOSH), but instead may be a counter-force of first-strike weapon, similar to the Pentagon's current view of the SS–9. Current plans call for 31 POSEIDON submarines, each with 16 missiles, and each, in turn, carrying 10 warheads, for a total of some 6,000 plus "hard-target" warheads.

The question might be raised as to whether or not we can actually get hard-target capability from the small warheads which the POSEIDON will carry. From the point of view of how the Soviets will be forced to react, it does not matter whether we actually get this kind of capability—for conservative planning purposes, they will have to assume that we can get it and build their forces accordingly. This kind of conservative planning is what we have been doing for many years. The Defense Department has already testified publicly that a large number of small warheads are more effective than a small number of large warheads against military targets. For example:

"Small warheads are even more effective against military targets. Compared to a missile armed with a single 10-megaton warhead, a missile with 10 50-kiloton warheads would, on the average:

"(1) Destroy (deleted) times as many (deleted) missile silos, if each missile were targeted against a single silo;

"(2) Destroy (deleted) times as many (deleted) missile silos, if each missile was targeted against 10 silos; and

"(3) Destroy (deleted) times as many bomber bases.

"If the military targets were defended with ABM's, the relative effectiveness of the small warheads would be even greater."[3] (even though the numbers are deleted for security purposes, the sense of the message comes through).

Another similar statement:

"Recently however as you also know we found ways of improving the accuracy of the MINUTEMAN and POSEIDON so as to be able to get much greater kill capabilities even though the warhead yields were reduced and so in fact we are beginning to get a rather effective damage limiting capability."[4] (Damage limiting capability means the capacity to hit enemy missiles with your own—i.e., hard-target capability.)

This short analysis is a clear example of the internal momentum a particular weapons system develops once it gets underway. POSEIDON was developed in response to TALLINN. Once TALLINN was discounted, a number of other threats emerged to justify its continuation. In its present life, POSEIDON is a weapons system of an entirely different nature than in its previous incarnations. When begun, POSEIDON was to overcome a missile defense system; now, it possesses first-strike capabilities.

This is a graphic illustration of the action-reaction cycle at work.

ADDRESS BY REPRESENTATIVE BARRY M. GOLDWATER, JR.

Mr. GOLDWATER. Mr. President, just before departing for Arizona for my annual series of graduation addresses with high schools and grammar schools around the State, which this year was topped off by an appearance before the Air Force Academy cadets of the class of 1970, my older son, the Representative from the 27th Congressional District of California, gave me a speech which he proposed to use at Oakwood Memorial Park in Chatsworth, Calif. After reading the speech several times I became convinced that its message was a real one, well thought out and well presented, so I presented it myself before the cadets at the Air Force Academy and ended by telling them that the speech was written by a young man who, like themselves, was going to do something in the way of service to his country.

I imagine that there have been times before when a father has asked that a speech of his son be placed in the RECORD, but I would like it to be my honor to insert in the RECORD my son's first speech since becoming a Representative. Therefore, I ask unanimous consent that the remarks prepared by Representative BARRY GOLDWATER, JR., be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICA'S SILENT MAJORITY

(By Congressman BARRY M. GOLDWATER, JR.)

Criticism, said Johnson, is a study by which some men grow important and formidable at very small expense.

I mean Samuel Johnson the English author, of course, not Lyndon Johnson the Texas rancher. Although I'm sure the latter would agree with what his 18th century English namesake had to say on the subject of critics.

Today, criticism of America is a favorite sport for political spokesmen looking for ways to grow important and formidable at small expense.

This is true not only overseas, but here at home. In fact, you can measure the progress of recent years by this standard:

In 1958, the Vice President of the United States was harassed in Caracas, Venezuela. But by 1968, thanks to nearly a decade of liberal leadership, the Vice President of the United States didn't have to travel overseas to be harassed. He could do it just trying to speak to a university audience here at home!

The decade of the sixties have been active years for our country's critics, both foreign and domestic.

Ten years ago, ambitious foreign leaders thought they could grow "important and formidable" simply by attacking America.

Today, there are those here at home who leave no stone unturned—or *unthrown*, in many cases—critizing American foreign policy, American institutions and the American economic system.

What do these critics say?

They tell us, and the world, that America's foreign policy is aggressive, imperialistic and even immoral.

They tell us, and the world, that America's political and social institutions are outmoded, unresponsive and even irrelevant.

They tell us, and the world, that the American economic system is inequitable, inefficient and even inhuman.

And finally, after repeating these charges for the evening television news cameras five times a week, they tell us, and the world, that America is a repressive society that won't tolerate dissent and that silences criticism.

Yet, the exact reverse seems to be true nowadays: in far too many cases the major-

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[1] Dr. John S. Foster, Jr., "Status of U.S. Strategic Power," Hearings Before the Preparedness Investigating Subcommittee of the Committee on Armed Services, U.S. Senate, 90th Congress, Second Session, page 52.

[2] Secretary of Defense Melvin R. Laird, "Defense Report," Statement before the Senate Armed Services Committee, March 19, 1969, DOD mimeograph, page 32.

[3] Dr. Alain C. Enthoven, Assistant Secretary of Defense for Systems Analysis, "Status of U.S. Strategic Power," Hearings, etc., page 122–123.

[4] Dr. John S. Foster, Jr., "Status of U.S. Strategic Power," Hearings, etc., page 60–61.

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ity will is being silenced by the raucous voice of a dissident few.

Today, a Silent Majority exists in our communities and on our campuses:

A Silent Majority of Americans who are far from satisfied with the continuing burden of war and international crisis—but who know that the real enemy of peace and freedom is an aggressive, imperialistic and immoral Communism.

A Silent Majority of Americans who believe their country's political and social institutions are the finest instruments yet devised to achieve individual liberty, orderly change and equal justice for all men.

A Silent Majority of Americans who cherish the freedom that former generations of their countrymen earned by blood, sweat and sacrifice.

A Silent Majority of Americans who have the will and the courage to pay whatever price is needed to pass this heritage on to their children and their children's children.

A Silent Majority of Americans who are proud that our country's economic system is doing more to raise the living standard of more human beings than any economic system since the beginning of recorded history.

A Silent Majority of Americans who know our system isn't perfect—but who agree with Churchill that if the inherent vice of capitalism is the unequal sharing of blessings, the inherent virtue of socialism is the equal sharing of miseries.

This Silent Majority is composed of no single race, class or creed, but includes Americans of all races, classes, religions and origins; white, black and yellow Americans; Catholics, Protestants, Jews; Northerners, Southerners, Easterners, Westerners; the young, the middle-aged, our senior citizens; businessmen, working men—and yes, university administrators, faculty and students; Republicans, Democrats and Independents.

These are the Americans who have faith in our country and its institutions. These are the Americans who continue to believe in the ideal of their nation as "God's crucible, the great Melting Pot" for the races of all mankind.

For whatever the vocal few may claim, the Silent and overwhelming Majority of Americans still looks to a leadership which seeks not to divide, but to bring us together.

Now, I know that the critics would argue that all of this is mere flag-waving. And flag-waving is an unforgivable sin for speakers nowadays.

Of course, flag-burning is defended by the vocal few in the name of freedom of dissent. But they are far less generous regarding the Silent Majority's freedom to assent to the laws of the nation and the rules of the society.

Their word for this, in case you haven't heard, is "hypocrisy."

American society, they claim, is a hypocritical system based on double standards of justice and morality.

But, ask yourself—and ask them, if you can get a word in edgewise:

Who are the real hypocrites if not the vocal few who shout about a democratic society and a peaceful world—yet worship at the shrine of Mao Tse-tung and Fidel Castro?

Who are the real hypocrites if not the vocal few who shout about academic freedom and a "relevant" education—but seek to intimidate university administrators, faculty members and students who still consider the campus a place to learn, not to burn?

Who are the real hypocrites if not the self-indulgent few who talk about social commitment and human dignity—but who translate these terms into the right to smoke pot and scribble obscenities on public buildings?

Who are the real hypocrites if not the violent few who, like the Nazis in Germany four decades ago, seek to use rights themselves in order to deny rights to others?

And they talk about double standards and hypocrisy! Just recently a speaker told a West Coast chapter of the American Civil Liberties Union that he disagreed with that organization's position on free speech because he favored "censorship" of views dangerous to society.

Who was that speaker? None other than Dr. Herbert Marcuse, the ideological father and folk hero of the New Left builders of a "democratic society."

So much, then, for double standards and hypocrisy as defined and interpreted by America's critics of the New Left.

Yet, if the radical few among the nation's young people are disruptive, they are by no means the most influential of America's home front critics, that distinction still rests with the spokesmen of the Old Left—those leaders whose policies led to our current problems overseas and here at home.

During the Thirties, Forties and Fifties, these Liberal spokesmen chipped away at the structure of America's institutions. They claimed then that they alone held the answers to the problems of the 20th century.

The American system, the Old Left said in those days, was failing. The old order, they argued, was in crisis. Only *Liberal* policies, *Liberal* programs, *Liberal* panaceas could assure prosperity at home and world peace.

Finally, in the decade of the Sixties, the Liberals were given the opportunity to put their theories to the test—to lead America, as they phrased it, to a Great Society.

The failure of these programs is now history.

Liberal foreign policy-makers succeeded only in weakening the hand of America and the Free World in the global struggle against Communism.

Permissive Liberalism succeeded only in producing civil disorder and disrespect for law in American communities and on campuses.

Liberal bureaucrats squandered billions of tax dollars in domestic programs that failed to meet the needs of our people.

But far from learning anything from their failures, Liberal leaders today are more vocal than ever in prescribing remedies for the national ills their own policies produced.

Despite the latest repression of freedom in Czechoslovakia, Liberal spokesmen insist that Soviet leaders have mellowed.

Despite all evidence of an increased Soviet missile buildup, they continue to back policies which would weaken America's defense capabilities.

Here at home, despite all evidence that the road to chaos is paved with permissiveness, Liberals continue to urge policies which *handcuff* those charged with *enforcing* the law and *appease* those intent on *breaking* it.

And despite all evidence that centralized Government programs *aggravate* domestic problems instead of *solving* them, they call for even *greater* centralization and *more* spending.

The Bourbon family that once ruled France was said to learn nothing and forget nothing.

The Liberal leaders who governed the United States during the sixties differ only in one respect: *They* learned *nothing*—but would just as soon the *American people forgot everything* about the experience.

But will the American people—you, the Silent Majority—forget?

Having only recently arrived on the Washington scene, I make no pretence at being a political expert. And my jurisdiction as a spokesman extends only to the people of the Congressional District I represent. Yet, there are things I—and you, the members of this audience—might hope for in the days ahead:

We can hope that members of the Silent Majority begin to make their voices heard by those political opportunists who seek to exploit, not remedy, America's problems.

We can hope that members of the Silent Majority begin to assert *their* rights to free speech and assembly under the First Amendment through constructive activities like the recent Rallies for Decency held by young Americans throughout the country.

We can hope that members of the Silent Majority—through channels provided by our free institutions—insist that those who report the news give better balance to the *affirmative* side of what's going on in our country today:

This doesn't mean a Polyanna's view of daily events. But it is naive and unrealistic for the national media not to recognize that in many cases their facilities exaggerate the importance of the vocal few radicals in our communities and on our campuses at the expense of national and community interest.

We can hope, too, that the Silent Majority will continue to make its voice heard at the polls to strengthen the mandate for orderly change and progress.

Finally, we can hope that the Silent Majority will remember that all that is needed to guarantee the ultimate triumph of tyranny is for free men to do nothing.

The time has come—it is long overdue—for the Silent Majority to speak—to speak up, and make their voices heard for America and for the cause of freedom!

UNFORTUNATE IMPLICATIONS OF PRESIDENT NIXON'S AIR FORCE SPEECH

Mr. PROXMIRE. Mr. President, if one reads carefully the speech delivered yesterday by President Nixon at the Air Force Academy, the President, in my judgment, gave explicit recognition to the value of the work of the Subcommittee on Economy in Government of the Joint Economic Committee and others in Congress who in the President's words "reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies" and to those "with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind."

The President's speech, however, has raised some serious questions about the present inquiry of the subcommittee into the military budget and national priorities.

Because of the unfortunately strong language in the beginning of the President's speech, it has been interpreted as an attack on the patriotism of those who are questioning the basic need of this Nation for a military force as large and as burdensome as we now have. This language in the speech seems designed to intimidate those who question whether America's role in the world can be best served by a large and expanding military force instead of a more vigorous dedication of our resources to our domestic programs.

This subcommittee, Democratic and Republican members alike, in its unanimous report last month entitled "The Economics of Military Procurement" found that—

> There is a pressing need to re-examine our national priorities by taking a hard look at the allocation of federal revenues between the military and civilian budgets. Indeed, the inefficiencies described in this report, in addition to being difficult to contend with, raise questions about the very nature and size of the Department of Defense, is place within the framework of the Executive branch of the Government, and its relationship and responsiveness to Congress. The real needs of

the nation, military and civilian, are too important to endanger through bureaucratic arrangements in an agency which in too many instances has been unable to control costs or program results.

The committee is trying to ask the right questions. Do we really need a new nuclear carrier task force at a cost of $1.8 billion when carriers are sitting ducks for missiles or modern submarines, merely because the Navy has always had 15 capital ships?

In an age of sophisticated missiles, do we need a new manned bomber to be delivered a decade from now at a cost of $12 billion or more?

Are we really strengthened when there are 10 supply troops for every man in a combat unit?

Do we really need more than 400 major oversea bases, many of which are kept open because of inertia or by historical accident?

Is this country strengthened when our military aid props up potentates or dictators?

And what about the priorities for houses, schools and jobs? For the extra $2 billion which will be paid for one cargo plane, this country could house 3.3 million poor families or 12 million people for 1 entire year. Which has the higher priority?

We must keep the country free by investing in people—in homes, in jobs, in schools.

Luxury military budgets weaken this country. Freedom is stifled when we ignore human needs. Let us get our priorities straight.

One final word. The current national debate on the size of the military budget, on the justification of a number of expensive weapons systems and force levels, and on the relative merits of other nonmilitary programs, must not be stifled by anyone even by the President of the United States. The false, sacred mantle has been lifted from this subject. The free and open debate occurring now over military needs is healthy—healthy for the military as well as for the taxpayer, healthy for national security needs as well as domestic needs.

The lid is off. It will not easily be replaced. And it should not be.

THE PESTICIDE PERIL—XIII

Mr. NELSON. Mr. President, legislation to ban the use of DDT is currently pending before Congress and several State legislatures. Both Arizona and Michigan have already banned the use of this persistent pesticide.

Now 60 west coast marine scientists have appealed to Gov. Ronald Reagan to ban the use of DDT in California.

According to this morning's New York Times, the 60 scientists, from 16 universities and marine research laboratories in California and Hawaii, expressed their concern at "the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving an environment suitable to man."

Included in the letter to the Governor were copies of eight recent scientific papers on the effects of DDT and copies of 15 recent newspaper and magazine articles. The letter stated:

> DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides are less destructive to man's environment and food supply are now available to take its place.

I ask unanimous consent that the New York Times article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Sixty West Coast Scientists Urge Reagan To Seek a Ban on DDT

(By Gladwin Hill)

Los Angeles, June 4.—Nationwide moves against the pesticide DDT gained impetus today as 60 West Coast marine scientists appealed to Gov. Ronald Reagan to ban the use of the compound in California.

In an open letter, the scientists said: "We are seriously concerned by the prospect of wholesale damage to important world fisheries, and by the possible loss of whole categories of animals which play important roles in preserving an environment suitable to man."

California, a leading agricultural state, uses more DDT than any other state. The principal manufacturer of it is the Montrose Chemical Corporation here, a subsidiary of the Stauffer Chemical Company.

Legislation to ban DDT is before Congress and several state legislatures, including California's. Michigan and Arizona have banned it, and Wisconsin is considering a ban after several months of hearings that ended two weeks ago. The Department of Health, Education and Welfare in April appointed a special commission to make a six-month investigation of DDT and other pesticides.

CALIFORNIA BILL BACKED

The 60 scientists, from 16 universities and marine research laboratories in California and Hawaii, urged in their "open letter to Governor Reagan and the people of California" support of the pending California legislation.

The group is headed by Dr. John H. Phillips, director of Stanford University's Hopkins Marine Station at Pacific Grove, Calif. Other institutions represented in the group include the University of California, the California Institute of Technology and the Scripps Institution of Oceanography.

The scientists sent Governor Reagan copies of eight recent scientific papers on the effects of DDT and copies of 15 recent newspaper and magazine articles.

"The scientific evidence now available shows beyond question that DDT and its residues have caused serious and irreparable damage to populations of beneficial birds and fishes," the letter said.

DDT SAVED MILLIONS

"It is true that since World War II, DDT has saved millions from death and malaria, typhus and other insect-borne diseases, and saved billions of dollars in food crops from insect pests. However, DDT is no longer an essential weapon in the battle for human health and food. It is less effective than it once was, for nearly 150 species of insect pests have developed resistance to it, and many other pesticides are less destructive to man's environment and food supply are now available to take its place."

The chief objection to DDT is that it is persistent and largely insoluble in water. One pound of DDT, one scientist calculated, if spread evenly over the United States, would deposit one billion molecules of the substance per square foot. Production is now about 130 million pounds a year. It costs about 17 cents a pound.

ADDRESS BY PRESIDENT NIXON AT U.S. AIR FORCE ACADEMY

Mr. GOLDWATER. Mr. President, on the afternoon of June the 4th, at graduation exercises held at the U.S. Air Force Academy in Colorado Springs, President Richard Nixon made a speech that I feel all Americans should be acquainted with. In my opinion, he sums up what seems to be a growing prevalence of national mood and what the national mood should be in a few succinct and understandable words. He says so clearly what many of us have been trying to say as we have warned our Nation against the precipitate reentry into isolationism or the use of the quick tongue in unearned criticism against the men who make up our military forces. He warns that it does little good for us to solve all of our domestic problems which we all want to do and then not be around to enjoy our way of life. He points out very clearly what General Eisenhower meant when he used the words, "military industrial complex." I ask unanimous consent that the speech be printed in the Record, so that the people who read the Record and did not hear the speech can enjoy it as I have enjoyed it.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by the President at the Commencement Exercises at the Air Force Academy, June 4, 1969

For each of you, and for your parents and your countrymen, this is a moment of quiet pride.

After years of study and training, you have earned the right to be saluted.

But the members of the graduating class of the Air Force Academy are beginning their careers at a difficult moment in military life.

On a fighting front, you are asked to be ready to make unlimited sacrifice in a limited war.

On the home front, you are under attack from those who question the need for a strong national defense, and indeed see a danger in the power of the defenders.

You are entering the military service of your country when the nation's potential adversaries abroad were never stronger and your critics at home were never more numerous.

It is open season on the armed forces. Military programs are ridiculed as needless if not deliberate waste. The military profession is derided in some of the best circles. Patriotism is considered by some to be a backward, unfashionable fetish of the uneducated and unsophisticated. Nationalism is hailed and applauded as a panacea for the ills of every nation—except the United States.

This paradox of military power is a symptom of something far deeper that is stirring in our body politic. It goes beyond the dissent about the war in Vietnam. It goes behind the fear of the "military industrial complex."

The underlying questions are really these:

What is America's role in the world? What are the responsibilities of a great nation toward protecting freedom beyond its shores? Can we ever be *left* in peace if we do not actively assume the burden of *keeping* the peace?

When great questions are posed, fundamental differences of opinion come into focus. It serves no purpose to gloss over these differences, or to try to pretend they are mere matters of degree.

One school of thought holds that the road to understanding with the Soviet Union and Communist China lies through a downgrading of our own alliances and what amounts

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to a unilateral reduction of our arms—as a demonstration of our "good faith."

They believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise. They believe America will be able to deal with the possibility of peace only when we are unable to cope with the threat of war.

Those who think that way have grown weary of the weight of free world leadership that fell upon us in the wake of World War II, and they argue that we are as much responsible for the tensions in the world as any adversary we face.

They assert that the United States is blocking the road to peace by maintaining its military strength at home and its defense forces abroad. If we would only reduce our forces, they contend, tensions would disappear and the chances for peace brighten.

America's presence on the world scene, they believe makes peace abroad improbable and peace in our society impossible.

We should never underestimate the appeal of the isolationist school of thought. Their slogans are simplistic and powerful: "Charity begins at home." "Let's first solve our own problems and then we can deal with the problems of the world."

This simple formula touches a responsive chord with many an overburdened taxpayer. It would be easy to buy some popularity by going along with the new isolationists. But it would be disastrous for our nation and the world.

I hold a totally different view of the world, and I come to a different conclusion about the direction America must take.

Imagine what would happen to this world if the American presence were swept from the scene. As every world leader knows, and as even the most outspoken of America's critics will admit, the rest of the world would be living in terror.

If America were to turn its back on the world, a deadening form of peace would settle over this planet—the kind of peace that suffocated freedom in Czechoslovakia.

The danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them.

We must rule out unilateral disarmament. In the real world that simply will not work. If we pursue arms controls as an end in itself, we will not achieve our end. The adversaries in the world today are not in conflict because they are armed. They are armed because they are in conflict, and have not yet learned peaceful ways to resolve their conflicting national interests.

The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam.

Programs solving our domestic problems will be meaningless if we are not around to enjoy them. Nor can we conduct a successful policy of peace abroad if our society is at war with itself at home.

There is no advancement for Americans at home in a retreat from the problems of the world. America has a vital national interest in world stability, and no other nation can uphold that interest for us.

We stand at a crossroad in our history. We shall reaffirm our aspiration to greatness or we shall choose instead to withdraw into ourselves. The choice will affect far more than our foreign policy; it will determine the quality of our lives.

A nation needs many qualities, but it needs faith and confidence above all. Skeptics do not build societies; the idealists are the builders. Only societies that believe in themselves can rise to their challenges. Let us not, then, pose a false choice between meeting our responsibilities abroad and meeting the needs of our people at home. We shall meet both or we shall meet neither.

This is why my disagreement with the skeptics and the isolationists is fundamental. They have lost the vision indispensable to great leadership. They observe the problems that confront us; they measure our resources; and they despair. When the first vessels set out from Europe for the New World, these men would have weighed the risks, and stayed behind. When the colonists on the Eastern seaboard started across the Appalachians to the unknown reaches of the Ohio Valley, these men would have calculated the odds, and stayed behind.

Our current exploration of space makes the point vividly: Here is testimony to man's vision and man's courage. The journey of the astronauts is more than a technical achievement; it is a reaching-out of the human spirit. It lifts our sights; it demonstrates that magnificent conceptions can be made real.

They inspire us and at the same time teach us true humility. What could bring home to us more the limitations of the human scale than the hauntingly beautiful picture of our earth seen from the moon?

Every man achieves his own greatness by reaching out beyond himself. So it is with nations. When a nation believes in itself—as Athenians did in their golden age, as Italians did in the Renaissance—that nation can perform miracles. Only when a nation means something to itself can it mean something to others.

That is why I believe a resurgence of American idealism can bring about a modern miracle—a world order of peace and justice.

I know that every member of this graduating class is, in that sense, an idealist.

In the years to come, you may hear your commitment to America's responsibility in the world deride as a form of militarism. It is important that you recognize that strawman issue for what it is: The outward sign of a desire by some to turn America inward—to have America turn away from greatness.

I am not speaking about those responsible critics who reveal waste and inefficiency in our defense establishment, who demand clear answers on procurement policies, who want to make sure a new weapon system will truly add to our defense. On the contrary, you should be in the vanguard of that movement. Nor do I speak of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind. I count myself as one of those.

As your Commander-in-Chief, I want to relay to you as future officers of our armed forces some of my thoughts on these issues of national moment.

I worked closely with President Eisenhower. I know what he meant when he said ". . . we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military industrial complex."

Many people conveniently forget that he followed that warning with another: "We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite."

And in that same Farewell Address, President Eisenhower made quite clear the need for national security. As he put it: "A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction."

The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat.

America's wealth is enormous but it is not limitless. Every dollar available to the Federal Government has been taken from the American people in taxes. A responsible government has a duty to be prudent when it spends the people's money. There is no more justification for wasting money on unnecessary military hardware than there is for wasting it on unwarranted social programs.

There can be no question that we should not spend "unnecessarily" for defense. But we must also not confuse our priorities.

The question in defense spending is "how much is necessary?" The President of the United States is the man charged with making that judgment. After a complete review of our foreign and defense policies I have submitted requests to the Congress for military appropriations—some of them admittedly controversial. These requests represent the minimum I believe essential for the United States to meet its current and long-range obligations to itself and to the free world. I have asked only for those programs and those expenditures that I believe are necessary to guarantee the security of this country and to honor our obligations. I will bear the responsibility for these judgments. I do not consider my recommendations infallible. But if I have made a mistake, I pray that it is on the side of too much and not too little. If we do too much, it will cost us our money; if we do too little, it may cost us our lives.

Mistakes in military policy can be irretrievable. Time lost in this age of science can never be regained. I have no choice in my decisions but to come down on the side of security. History has dealt harshly with those nations who have taken the other course.

In that spirit, let me offer this credo for the defenders of our nation:

I believe that we must balance our need for survival as a nation with our need for survival as a people. Americans, soldiers and civilians, must remember that defense is not an end in itself—it is a way of holding fast to the deepest values known to civilized man.

I believe that our defense establishment will remain the servant of our national policy of bringing about peace in this world, and that those in any way connected with the military must scrupulously avoid even the appearance of becoming the master of that policy.

I believe that every man in uniform is a citizen first and a serviceman second, and that we must resist any attempt to isolate or separate the defenders from the defended. In this regard, those who agitate for the removal of the ROTC from college campuses only contribute to an unwanted militarism.

I believe that the basis for decisions on defense spending must be "what do we need for our security" and not "what will this mean for business and employment." The Defense Department must never be considered a modern-day WPA: There are far better ways for government to help ensure a sound prosperity and high employment.

I believe that moderation has a moral significance only in those who have another choice. The weak can only plead magnanimity and restraint gain moral meaning coming from the strong.

I believe that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, and not on our fervent hopes about their intentions. With Thomas Jefferson, we can prefer "the flatteries of hope" to the gloom of despair, but we cannot survive in the real world if we plan our defense in a dream world.

I believe we must take risks for peace—but calculated risks, not foolish risks. We shall not trade our defenses for a disarming smile or honeyed words. We are prepared for new initiatives in the control of arms, in the context of other specific moves to reduce tensions around the world.

I believe that America is not about to become a Garrison State, or a Welfare State, or a Police State—because we will defend our values from those forces, external or internal, that would challenge or erode them.

And I believe this above all: That this nation shall continue to be a source of world leadership and a source of freedom's strength, in creating a just world order that will bring an end to war.

Let me conclude with a personal word.

A President shares a special bond with the men and women of the nation's armed services. He feels that bond strongly at moments like these, facing all of you who have pledged your lives, your fortunes and your sacred honor to the service of your country. He feels that bond most strongly when he presents a Medal of Honor to an 8-year-old boy who will not see his father again. Because of that bond, let me say this to you now:

In the past generation, since 1941, this nation has paid for fourteen years of peace with fourteen years of war. The American war dead of this generation has been far greater than all of the preceding generations of Americans combined. In terms of human suffering, this has been the costliest generation in the two centuries of our history.

Perhaps this is why my generation is so fiercely determined to pass on a different legacy. We want to redeem that sacrifice. We want to be remembered, not as the generation that suffered, but as the generation that was tempered in its fire for a great purpose: to make the kind of peace that the next generation will be able to keep.

This is a challenge worthy of the idealism which I know motivates every man who will receive his diploma today.

I am proud to have served in America's armed forces in a war which ended before members of this class were born.

It is my deepest hope and my belief that each of you will be able to look back on your career with pride, not because of the wars in which you served but because of the peace and freedom which your service made possible for America and the world.

BEAUTIFUL COLLEGE PARK

Mr. TYDINGS. Mr. President, I wish to commend the municipal government of the city of College Park in Prince Georges County, Md., for doing its fine efforts in bringing together all the groups willing to cooperate within the community-business, government, religious, educational, and the leaders of the civic, fraternal, and community organizations.

As part of their efforts to encourage community action, the Honorable William W. Gullett, mayor of College Park and the city council, established in 1965 a citizens advisory planning board under the chairmanship of Dr. Raymond W. Hoecker, with the assistance of Robert A. Edwards, city administrator of College Park, to advise the mayor and council through the research and studies of the citizens advisory planning board's five subcommittees on community renewal, improvement and beautification, long-range planning, public works, and zoning requests.

In this regard, I am pleased to recognize the efforts and achievements of the beautiful community of College Park which can boast of being the home of the University of Maryland, the cradle of American aviation with the oldest continually operated airport in the world where the earliest aeronautical experiments were conducted in the United States in 1907. This concern, of course, is not with their community alone. They acknowledge the privilege of being a vital part of our National Capital which was founded in beauty and is destined to preserve and expand our traditional concept of beauty in spite of its present vicissitudes.

One recent effort, which I particularly wish to recognize, is the recent campaign led by the beautification and improvement committee of the citizens advisory planning board—the "clean up, paint up, fix up" campaign.

Last year the beautification committee worked for total community involvement and secured the active efforts of the University of Maryland and 35 groups, including: civic clubs and associations, religious organizations, garden clubs, service clubs, fraternities, sororities, Boy Scouts, Girl Scouts, and the two fire departments.

For the second time, the city was able to use, as a courtesy of the Humble Oil Co., the big billboard at Route 1 and Rowalt Drive, to advertise the clean up, paint up, fix up campaign and the Rollins Outdoor Advertising Co. donated a 12-by-20-foot double-faced mobile sign.

The results were outstanding. The city of College Park was nominated by the Maryland Municipal League for an award by Keep America Beautiful, Inc., a public service organization, and subsequently, the city received the 1968 distinguished service citation.

The opportunities for beautification were undertaken by the improvement and beautification committee in such a diligent way that the city was also awarded a certificate of commendation by the Prince Georges County chapter of the Maryland Civic Federation, Inc., in recognition of exceptional service rendered in the field of beautification.

College Park was also a contestant in the national clean up, paint up, fix up contest and won a distinguished achievement award for cities under 25,000 inhabitants.

Again this spring, a beautification program is being conducted in College Park. Residents can feel proud to call this their "hometown," and I congratulate them.

CZECHOSLOVAKIA AND THE BREZHNEV DOCTRINE

Mr. JACKSON. Mr. President, the Conference of the World Communist Parties opened today in Moscow. Yesterday, on the eve of this conference, the Subcommittee on National Security and International Operations published a case study on the Soviet-led invasion of Czechoslovakia and the Brezhnev doctrine of limited sovereignty.

I recommend the entire study to the Senate and ask unanimous consent to have printed in the RECORD the introduction, which presents the principal findings of the study.

There being no objection, the introduction was ordered to be printed in the RECORD, as follows:

CZECHOSLOVAKIA AND THE BREZHNEV DOCTRINE—INTRODUCTION

(By Senator HENRY M. JACKSON)

In our ongoing study of the effectiveness of this country's national security methods, staffing and processes, we thought it would be useful to understand more fully the negotiating methods and *modus operandi* of the Soviet Union.

The importance of such understanding should be evident to all as we observe the tragic plight of Czechoslovakia "negotiating" with Russia the continuing subjugation of her people. However sanguine anyone may have been about Soviet policy, the military assault on Czechoslovakia was a sobering experience. Since the invasion, the Russians have applied pressure to the helpless victim but slowly enough, as one Czech put it, so that no one would hear the bones crack. Czechoslovakia, a rueful Czech observed, is the most neutral country in the world; it does not even intervene in its own affairs.

President Tito has spoken of a new ghost that has appeared; he means the Brezhnev theory of limited sovereignty, which has emerged as the official Russian justification for the invasion and continued occupation of Czechoslovakia. The Brezhnev doctrine, in effect, asserts that among communist countries treaty obligations and pledges will be dismissed as mere legal abstractions whenever the Soviet Union finds them in conflict with the "class" laws of social development, and that it is Russia's right to intervene unilaterally by arms in "any socialist country."

This spectre now haunts the communist movement, and it haunts as well the rest of Europe and the free world. How far does the supposed right of Soviet intervention and suppression stretch? Other communist countries and parties and everyone else must now reckon with the Brezhnev doctrine in their assessments of Soviet intentions. And they must reckon with it at a time when Soviet military power is expanding and when Soviet capacity to exert its power for effective intervention is increasing.

The purpose of this publication is to provide in convenient form a selection of materials on the nature and implications of the Brezhnev doctrine. In preparing this compilation the subcommittee staff was fortunate to have the counsel of Sergius Yakobson, Senior Specialist for Russian Affairs, of the Legislative Reference Service of the Library of Congress.

Clearly, Brezhnev's theory of limited sovereignty is an ominous manifestation of Soviet international legal doctrine—a textbook case on the "heads I win, tails you lose" attitude of the present Soviet leadership. The doctrine is rooted in the assumption that law is a class tool, and international law as an extension of internal law must likewise perform its part in the struggle between classes.

In the 1930's some Soviet legal circles affirmed the existence of a specifically "socialist" international law and a "bourgeois" or "capitalist" international law. National sovereignty was characterized as "an abstract legal concept." By the mid-30's the USSR was assuming new international responsibilities, as a member of the League of Nations, and as the ally of Czechoslovakia and France. At that time foreign critics argued that the assertion of the existence of a "socialist" international law permitted Moscow to do anything, to set its own norms of conduct, and to go to any lengths to violate generally accepted international morality. Both to improve its credentials as a collaborator in international undertakings and to gain for itself the shield of established principles of international law, Moscow began to insist on the concepts of national sovereignty and noninterference with the rights of independent states. In 1934 Maxim Litvinov, then Soviet Foreign Minister, declared that the USSR would associate with other states under conditions that recognized "the extension to

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every State belonging to such an association of the liberty to preserve . . . its State personality and the social economic system chosen by it—in other words, reciprocal noninterference in the domestic affairs of the States therein associated . . ."

Ironically, shortly after the August 1968 invasion, Litvinov's grandson, Pavel Litvinov, was sentenced to five years of exile in Siberia for defending Czechoslovakia's right to "the social economic system chosen by it."

Since the mid-30's the principle of "reciprocal non-intervention in the internal affairs of other states" had been a recurring concept in Soviet doctrine. As the number of countries calling themselves communist increased and divisions among them became more apparent, Soviet treaties, declarations and official writings had more and more tended to emphasize the "complete equality" of all socialist states and the strict observance among them of respect for independence and national sovereignty.

The 1943 Treaty of Friendship between the USSR and the Czechoslovak Republic pledges the two parties "to act in conformity with the principles of mutual respect for their independence and sovereignty as well as of non-intervention in the internal affairs of the other State." The Warsaw Pact of 1955 commits the Soviet Union and the other contracting parties "in accordance with the Charter of the United Nations Organization, to refrain in their international relations from the threat or use of force." The Declaration of 12 Communist Parties in November 1957 asserts: "The socialist countries base their relations on the principles of complete equality, respect for territorial integrity and state independence and sovereignty, and noninterference in one another's affairs." The Declaration of 81 Communist Parties in November 1960 states: "Every country in the socialist camp is ensured genuine equality of rights and independence."

During the early 1960's the idea of "different roads to socialism" had become respectable in discussions between the Soviet Union and its Warsaw Pact allies.

In December 1964, on the occasion of the renewal of the 20 year old Treaty of Friendship with Czechoslovakia, Kosygin declared:

"The Soviet-Czechoslovak treaty was the first wartime international document to set forth the principles of a just, democratic alignment of postwar Europe. The treaty guaranteed the restoration of independence, sovereignty and freedom to the Czechoslovak Republic. . . ."

As late as August 3, 1968, Czechoslovakia and five of its Warsaw Pact allies led by the Soviet Union, joined in a communiqué at Bratislava stating "their firm resolve to do everything in their power for deepening all-around cooperation of their countries on the basis of the principles of equality, respect for sovereignty and national independence, (and) territorial integrity . . ."

Yet, seventeen days later, on August 20, suddenly, during the night, Czechoslovakia was invaded and occupied by the forces of those five Warsaw Pact allies, spearheaded by the Soviet Union.

So, all the treaties and the pledges were but "scraps of paper".

For some weeks there was a flurry of inconsistent Soviet explanations and rationalizations. Then, in a September 25 article, by Sergei Kovalev, *Pravda* said:

"There is no doubt that the peoples of the socialist countries and the Communist Parties have and must have freedom to determine their country's path of development. However, any decision of theirs must damage neither socialism in their own country nor the fundamental interests of the other socialist countries nor the worldwide workers' movement, which is waging a struggle for socialism. This means that every Communist Party is responsible not only to its own people but also to all the socialist countries and to the entire Communist movement. Whoever forgets this in placing sole emphasis on the autonomy and independence of Communist Parties lapses into one-sidedness, shirking his internationalist obligations. . . . The sovereignty of individual socialist countries cannot be counterposed to the interests of world socialism and the world revolutionary movement."

And as if to make certain that this instruction from the biggest communist country is well understood by citizens of smaller communist countries, the writer included this admonition: "V. I. Lenin demanded that all Communists 'struggle *against* petty national narrowness' . . ."

Pravda then asserted that Czechoslovakia's implementation of "self-determination" would "run counter to Czechoslovakia's fundamental interests and would harm the other socialist countries," adding: "Those who speak of the 'illegality' of the allied socialist countries' actions in Czechoslovakia forget that in a class society there is and can be no such thing as nonclass law. Laws and the norms of law are subordinated to the laws of the class struggle and the laws of social development. . . .

"The class approach to the matter cannot be discarded in the name of legalistic considerations. Whoever does so and forfeits the only correct, class-oriented criterion for evaluating legal norms begins to measure events with the yardsticks of bourgeois law."

Does this mean that among all socialist countries the "non-class" laws represented by the United Nations Charter and other treaties are mere abstract principles subordinated to whatever Moscow determines to be the "laws of the class struggle" and the "laws of social development"? So it seems.

Understandably, the *Pravda* thesis provoked widespread criticism in the communist movement and in the world at large. On November 3, in response to the objections, *Pravda's* political analyst, Viktor Mayevskiy, spoke disparagingly of the alarm over "some kind of new Soviet doctrine", and set the Soviet propaganda theme of a "quiet counterrevolution" in Czechoslovakia to restore a "bourgeois system".

A few days later, however, Leonid Brezhnev officially endorsed the *Pravda* thesis that countries ruled by communist parties can have only limited sovereignty, even in their internal affairs. On November 12, 1968, speaking to the Polish Communist Party Congress, Leonid Brezhnev laid it on the line in his capacity as General Secretary of the Soviet Communist Party: ". . . The CPSU [Communist Party of the Soviet Union] has always advocated that each socialist country determine the specific forms of its development along the road to socialism with consideration for its specific national conditions.

"However, it is known, comrades, that there also are common laws governing socialist construction, a deviation from which might lead to a deviation from socialism as such. And when the internal and external forces hostile to socialism seek to revert the development of any socialist country toward the restoration of the capitalist order, when a threat to the cause of socialism in that country, a threat to the security of the socialist community as a whole, emerges, this is no longer only a problem of the people of that country but also a common problem, concern for all socialist states.

"It goes without saying that such an action as military aid to a fraternal country to cut short the threat to the socialist order is an extraordinary enforced step, it can be sparked off only by direct actions of the enemies of socialism inside the country and beyond its boundaries, actions creating a threat to the common interests of the camp of socialism."

No doubt is now left that it is the men in the Kremlin who will determine what constitutes action deviating from the "common laws governing socialist construction" and who will decide when to intervene with arms in "any socialist country".

Moscow in essence is saying to a nation with leanings toward communism: if you think you have the right to independence and self-determination, think again! You haven't and we will make international law confirm it. You can have independence and self-determination if we consider it proper for you; you cannot have it, even in your domestic affairs, if we consider it improper, because we have a doctrine of law that says what is yours is mine and what is mine is mine.

Russia's supposed right of armed intervention in socialist countries obviously applies to all members of the Warsaw Pact—which bodes no good for Rumania with her long common border with the Soviet Union. General Secretary Nicolae Ceausescu got the message. On August 21 he denounced the invasion as a "flagrant violation of the national sovereignty of a fraternal, Socialist, free and independent State," and on August 30 stated: "We never thought that force would be used among Communists, among Socialist countries, to impose a certain point of view." In February 1969, Ceausescu delivered a major speech specifically rejecting the thesis of limited sovereignty.

Does the new thesis apply to Yugoslavia? President Tito, who for twenty years has fought Soviet schemes to control his party and country, warned that if the Soviets invade Yugoslavia they will be mired in a long and bitter guerrilla war. Tito denounced the limited sovereignty doctrine in March 1969:

"In the name of the alleged higher interests of socialism, attempts are made to justify even the open violation of the sovereignty of a socialist country and the adoption of military force as a means of preventing independent socialist development."

Does the Brezhnev doctrine also extend to Albania (a former member of the Warsaw Pact) and all other socialist countries? Even Fidel Castro, on August 23, criticized the Soviet Union for "illegality."

"What are the factors that created the necessity for a step which unquestionably entailed a violation of legal principles? . . . what cannot be denied here is that the sovereignty of the Czechoslovak State was violated. . . . And the violation was, in fact, of a flagrant nature. . . . Not the slightest trace of legality exists. Frankly, none whatever."

It seems to follow logically from the Brezhnev thesis that any country which in the future adopts a communist government, either by revolution or election, automatically becomes a part of the "socialist community" as defined by the Soviet Union, and as such is subject to the Soviet concept of intervention—military or otherwise—even against the will of the communist party in power. Once such an idea enters the minds of Italian, French, or Finnish voters, they have the most convincing argument yet produced for not voting communist!

It is not surprising that the reaction of the West European Communists against the Russian aggression was generally quick and firm. Out of 21 parties, only six took a pro-Soviet stand: the Luxembourg CP, the Greek party (KKE), the Portuguese CP (after initial wavering), the Cypriot AKEL (at the cost of internal dissension), the West German KPD, and the West Berlin SED (the last two are client parties—wholly dependent on the Ulbricht East German regime).

Most West European communist parties saw through Moscow's initial rationalization. The Kremlin could not prove its claim of "requested assistance" from Czech party and state leaders, and it failed conspicuously to produce the "quislings" who were supposed to have invited the foreign troops.

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French, Austrian, Italian and British communist spokesmen have been particularly strong in rejecting Moscow's imperial claims.

One point West European communist parties have made with repeated emphasis: that they oppose the Soviet military intervention and the concept of limited sovereignty as a matter of principle. As communists, they say, they have to condemn the violation of norms accepted by the entire communist movement—the sovereignty of each socialist state, the autonomy and equality of all communist parties, the right of each national communist leadership to decide its own policies. Thus, André Wurmser spoke for the French Communist Party on September 4 in *France Nouvelle:*

"In truth, the tragic decision of this month of August is wrong not only according to our opinion but according to *our law*, the law of the Communist parties of the whole world. . . .

". . *who* took the responsibility for the intervention? Not *the* Communist parties, since the French Communist Party, the Italian Party, the very great majority of the 81 parties that signed the 1960 declaration, were opposed to it, as was that declaration itself, but *some* Communist parties, setting themselves up, on their own authority, as judges without appeal."

Austrian Communist Party Central Committee member Heno Kostmann, writing in *Volksstimme* of October 9, disavowed the new thesis as a danger to the survival of the world communist movement: ". . . no norm exists or has existed anywhere giving a socialist country or a group of such countries the right to intervene in a fraternal socialist country. Incidentally, such a right of intervention is in conflict with all existing norms of relations among fraternal socialist countries and among Communist parties. . . . On any basis other than . . . the basis of autonomy, a world Communist movement is not possible."

The Italian Communist Party General Secretary Luigi Longo, in an interview published September 8 in *L'Unita*, called the sending of the foreign troops into Czechoslovakia, in violation of proclaimed principles, a "tragic error." He insisted that the military intervention in Czechoslovakia was not only unnecessary—because Dubcek could safely have been trusted to remain in control of events inside Czechoslovakia—but that it also was a violation of the principles laid down in the declaration of the Soviet Government about Hungary (in October 1956). That declaration said that foreign military forces from other member states of the Warsaw Pact may be stationed on the territory of another member state only if two conditions are respected. These two conditions, proclaimed by the Soviet Government in 1956, and quoted again by Luigi Longo, are as follows: first that the country receiving the foreign troops must first consent to have them, and invite them; and second, that *all* the members of the Warsaw Pact must agree that the foreign troops should be sent to that country. Both these conditions, said Longo, were violated when the foreign troops entered Czechoslovakia. At the 12th Congress of the Italian Communist Party (February 8 to 15, 1969), Longo forcefully rejected the Brezhnev doctrine in these terms:

"Our position is consistent with the entire attitude of our party, which attaches principled value to full respect for the autonomy and sovereignty of every communist party and every socialist state, to the rejection of any guiding-state or guiding-party theory, and, therefore, to the rejection of any theorization of political struggle unity which is not, always and in every aspect, the result of free debates and free acceptance, without any interference and pressure."

Quite evidently, the challenge which the Soviet aggression and the Brezhnev doctrine pose to the political interests of Western and other communist parties is very direct and damaging. Most West European communist parties are trying to gain power by parliamentary means and they envisage a socialist democracy which would preserve "bourgeois liberties." To retain the credibility of their position a systematic repudiation of the theory and practice of imperialist communism appeared to be needed.

As early as September 15, Franz Muhri, in a report to the Austrian CP Central Committee, said: "We must begin a discussion on the deeper, more extensive problems, causes, lessons and conclusions"; and among the subjects he listed, with detailed commentary, were "the principles of relations between Communist parties and between socialist countries," the "problem of socialist democracy in the socialist countries," and the question of party autonomy and national roads to socialism.

Also the Italian, British, and French communists, among others, called for and are now engaged in discussions of totalitarian communism and in reassessments of the "real situation of the socialist countries."

And how is the Chinese Communist Party responding to Czechoslovakia's fate?

As early as August 23, Premier Chou En-lai described the Czech assault as "the most bare-faced and most typical specimen of Fascist power-politics played by the Soviet revisionist clique of renegades and scabs against their so-called allies." Significantly, Peking has blasted the doctrine of limited sovereignty as fascist and imperialist and linked it to Soviet aggression on China's border. An article by Fan Hsiu-ling in *People's Daily* on March 17, 1969 states:

"'Limited sovereignty' in essence means that Soviet revisionism can encroach upon the sovereignty of other countries and interfere in their domestic affairs at will, and even send its aggressor troops into the territory of these countries to suppress the people there, while the people invaded have no right to resist aggression and safeguard their own sovereignty and independence. This is an out-and-out fascist 'theory'. . .

"The fascist theories of the Soviet revisionist renegade clique are of the same kind as the tsars' imperialist ones created to invade other countries. In exposing tsarist Russia's aggression against China, Lenin pointed out: 'Our government asserts first of all it is not waging war against China, that it is merely suppressing a rebellion, pacifying rebels; that it is helping the lawful government of China to reestablish law and order.' Didn't the Soviet revisionist new tsars behave in just this manner in Czechoslovakia? . . .

"They have also applied these measures to Asia, turning the People's Republic of Mongolia into their colony and making further attempts to encroach upon China's territory. The recent Soviet revisionists' extending of their claws to intrude into China's sacred territory of Chenpao Island is a major revelation of their frenzied aggressive ambitions and social-imperialist nature. . . ."

In apparent response to the continuing criticism, *Pravda*, on April 7, 1969, carried a restatement of the limited sovereignty doctrine, still defined as applicable to the "socialist community". It reads:

"Socialism and sovereignty are indivisible. Marxists-Leninists believe that when a threat arises to the revolutionary achievements of a people in any country, and thereby to its sovereignty as a socialist country, and a threat to the fraternal community, then the socialist states' international duty is to do everything to suppress this threat and to insure the progress of socialism and the strengthening of the sovereignty of all socialist countries."

In a further effort to justify its position in the face of the widespread objections, *Kommunist*, the "theoretical and political" organ of the Central Committee of the Communist Party of the Soviet Union, printed an editorial on April 21, 1969 denying the existence of "some kind of doctrine called the 'limited sovereignty' of socialist countries." Characteristically, however, a few paragraphs later in the same editorial, the doctrine is reaffirmed:

"True to the principles of proletarian internationalism, the Soviet Union and the other socialist countries have undertaken joint actions for the defense of the achievements of socialism in fraternal Czechoslovakia. These actions were directed toward the defense of the national sovereignty of Czechoslovakia and against the encroachments of domestic and foreign enemies on the social and national achievements of that fraternal nation, and toward insuring the conditions for the free development of a sovereign socialist country. . . ."

The international communist movement can get no comfort from this kind of double-talk about defending sovereignty by denying sovereignty. The Brezhnev doctrine is vintage Russian power politics.

The similarities between Moscow's forcible methods and Nazi tactics and deeds are now fully visible to the peoples of the Warsaw Pact countries, and to the West European communist parties whose interests the Soviet leadership has deliberately disregarded.

If anyone had any doubt about the importance of Moscow's modern weaponry in implementing its political purposes the tragedy of Czechoslovakia should dispel the doubt.

In military terms, the Soviet thrust into Czechoslovakia proved what they can do overnight—when unopposed. The Soviet capability that was exercised so impressively in Czechoslovakia—under the protection of the powerful and expanding Russian nuclear-missile forces—is ready for employment on other tasks. And it is now clear that this Soviet military capability is available for use not only against long acknowledged adversaries in the free world, but against communist friends and allies as well.

How the Kremlin will exploit its formidable military position to advance its political ambitions is, of course, hard to foretell. But memories of August 1968 argue against any complacency that good sense will necessarily prevail in the decisions and actions of the Soviet Politburo.

May 22, 1969.

ESSAYS ON RURAL ELECTRIFICATION

Mr. CURTIS. Mr. President, the Nebraska Rural Electric Association has sponsored a youth tour to Washington for a number of years. The group is made up of those boys and girls who have been the winners of essay contests sponsored by their individual Nebraska rural power systems in cooperation with the Nebraska Rural Electric Association.

I ask unanimous consent to have five of these winning essays printed in the Record.

There being no objection, the essays were ordered to be printed in the Record, as follows:

The Value of Rural Electrification in Our Home and Community

(By Shelley Hanson, 17, junior, Wheatland Public School, Madrid, Nebr., father: Max Hanson, Elsie, Nebr.)

(Note.—Contestant sponsored by The Midwest Electric Membership Corporation, Grant,

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Nebr., in cooperation with the Nebraska Rural Electric Association.)

There is a revolution taking place within our society today, have you noticed? People are seeking reform for this rapidly changing world. Electricity plays an important part in our revolutionary society today. Electricity will play an important part in tomorrow's society also. Rural electrification changes to meet the needs of the people.

Atomic power plants will be generating 150 million kilowatts of electricity by 1980. From 1965 through 1968 some 92 atomic plants were ordered including two in our own state of Nebraska. The total capacity of all electric generating plants in the United States in 1902 was 1.2 million kilowatts. By 1955, our capacity had grown to 114.5 million kilowatts. In the following 10 years, the capacity more than doubled. In 1965, about 235.6 million kilowatts were available to Americans. Electricity certainly seems to be meeting our needs.

Electric carpets will be on the market soon for those of you who complain of having cold feet. With the rising concern about air pollution and the fact that we may soon be poisoned by the air we breathe, electricity has come up with another idea—the electric car. At first, the idea was abandoned because it was impractical, but with years of research it has become a reality for the future.

We remodeled our home about five years ago. We replaced all our gas appliances with modern electric ones. Our home remains comfortable the year around with electric heating in the winter and electric air conditioning for hot summer days. Our kitchen is a joy to work in with modern electric appliances. It saves my mother a lot of time and energy and gives me more time to myself and to work on homework. The American housewife controls about 65 horsepower around her home just by turning on her electric switches. Since 22 men equal one horsepower, my mother has the equivalent of 430 men helping her around the house. That's what I call progress!

Not only has electricity revolutionized our home, but it has changed our method of farming entirely. Our main livelihood is the production of wheat. Wheat has to have a low moisture content before it can be stored. While waiting for the wheat to dry out, many years we have been hailed out. Now, with an electric drying bin, we are able to harvest earlier, thus many times saving the crop. Electricity also makes irrigation probable and profitable in rural areas. About 27% of Nebraska's more than 30,000 irrigation wells are powered by electricity and that number is growing constantly.

Rural electric systems are distribution agencies that buy wholesale power and sell it at retail to individual users. Tri-State Generation and Transmission Association of Denver is a wholesale power supplier for western Nebraska. There are 32 rural electric systems with headquarters in Nebraska.

Without the friendly presence of electricity in my home, I'm sure it would be very different. I think nothing of turning on the stereo, radio and television at the same time—to my parents' dismay. Our country is changing in many ways and I am happy that rural electrification has met its changing needs.

The Value of Rural Electrification in Our Home and Community

(By Holly Snyder, 17, junior, Paxton Consolidated School, father: William P. Snyder, Paxton, Nebr.)

(Note.—Contestant sponsored by The Midwest Electric Membership Corporation, Grant, Nebr. in cooperation with the Nebraska Rural Electric Association.)

One Sunday morning, as I sat at the organ playing for church services, the electricity went off. The result was a weird, whinning sound as the organ ran down. The electricity was off for only a few seconds, but it was long enough for me to realize that all over my community people at worship services were depending upon electricity for light, heat and organ music.

This incident also made me wonder just how rural electrification got started. Was it all by accident? Hardly! It came about through the persistent legislative efforts of a few dedicated people. People like Senator George Norris of Nebraska and Representative Sam Rayburn of Texas who presented eloquent speeches in favor of the Rural Electric bill. As a result, Franklin D. Roosevelt signed the Rural Electrification Act in 1936.

Since that time REA has become not only a very important part of our daily lives, but also a dedicated philanthropic organization. Consider REA's donations to 4–H. In the main lodge at the State 4–H Camp at Halsey hangs a plaque which reads, "This lodge is completely heated by electricity. Equipment and installation were contributed by the rural electric systems of Nebraska through the Nebraska Rural Electric Association." REA donated over $7,000 to the camp.

At state fair, REA gives awards to 4–H'ers for posters and booths, and each year provides a plaque for the outstanding electric club. Also REA gives an electric drill to the outstanding 4–H leader and member. REA provides professional help and materials to the local 4–H programs for training young people. This provides additional incentive in the area of 4–H electrical projects.

These examples show that REA is a friend of both youth and the community.

REA benefits our home life in countless ways. This fact was driven home to me during a recent blizzard. Our home and farm were entirely without electricity for a time. We were without electric lights, electric cooking facilities, refrigerator, freezer, water, bathroom facilities, washing machine, dryer, TV and radio. The farm was without feed grinders, yard lights, barn and shed lights, heat lamps for baby calves, air and water pumps, welding equipment and battery chargers. REA workmen did their best to get electricity back to us as soon as possible, but we were without it long enough to realize what a treasure it really is.

What lies ahead for REA? It will continue to meet the numerous challenges of modern society. There will be a steadily increasing demand for power, due to increased population as well as income growth. More rural areas will require electricity for development, and a larger supply of electricity will be needed for larger farms. Soil and water will be treated by electricity, and the development of luxury items such as heated sidewalks and driveways, home elevators and lighting for outdoor sports and decoration is anticipated.

Our community knows the value of REA. It sees us through our daily lives, all the way from our religious services to the delivery of baby calves. May it continue to do so for countless generations.

Development of Rural Electrification In My Area

(By Dale Buescher, 15, sophomore, Lawrence High School, father: Don Buescher, Lawrence, Nebr.)

(Note.—Contestant sponsored by the South Central Public Power District, Nelson, Nebr., in cooperation with the Nebraska Rural Electric Association.)

In the past fifty years the development of electricity has completely changed the life of the rural family. One doesn't fully appreciate the value of electricity until it is shut off for a time and we are without the conveniences and labor-saving devices that electricity produces.

Many of us hear our parents talk of lighting their homes with kerosene lamps and how happy they were to have one room heated by wood or coal heaters. Did you ever stop and think how dangerous and unsanitary these methods were? All one has to do now is flip a switch or turn a thermostat and get the lighting or heat he desires in any room of his home. This is not only safe and sanitary but it is also economical.

Electricity now frees everyone to enjoy modern conveniences and gives him leisure time to take part in community affairs, church activities and to share in Nebraska's expanding recreational opportunities to the extent that our grandparents never did.

Our farms, electricity lights the homes and barns. Electric pumps supply water from wells to any part of the farm. Dairy farmers now can milk hundreds of cows with electric milking machines. Electric fences for our convenience serves as a temporary fence and we have electric fans for drying grain and power tools for little touch up jobs or projects. Irrigation is now changing to electric power as fast as wholesale power supplies permit and will become entirely powered by electricity.

The farmer cannot do without electrical power. The price of electricity has been decreasing while farm supplies have been increasing. So we can't possibly do without this source of power.

Electric heat for home and farm apparatus is nearly universal. With the tremendous demand for electric farm equipment it is absolutely absurd to have anything but electricity.

In case of tornadoes or blackouts the Districts Repair Service is there getting everything cleared up in a matter of hours and one can keep on with his work. These men are on the job twenty-four hours a day keeping the rural areas in tip-top condition for our benefit. We should as a community and state, recognize October as the "Rural Electric Month" because of the great achievements over the last fifty years that men like Morris Cooke and John M. Carmody have made.

The economy of Nebraska benefits greatly from the improved quality of agricultural produce, and the reduced labor needed for its making. Rural electrification has diversified the Nebraska economy by letting business and industry locate anywhere in the state, no longer having to depend on towns for a source of power.

By creating new opportunities in rural America we also help to ease the problems and tensions of our overcrowded urban communities. A better rural America will enable our nation to move closer to a true rural-urban—a balance I believe is essential to the future of our country.

The Development of Rural Electrification in My Area

(By Loraine Benker, 16, junior, Guide Rock High School, father: Reymond Benker, Guide Rock, Nebr.)

(Note.—Contestant sponsored by the South Central Public Power District, Nelson, Nebr., in cooperation with the Nebraska Rural Electric Association.)

How astonished Ben Franklin would be if he could take a look at the far-reaching effects of his discovery. Probably, he would not be more astonished than were the citizens of rural Guide Rock, back in the '40's, when they first glimpsed the poles and wires that were to bring them a new way of life. Of course they knew REA was coming, but reality was something else.

The electric power in our area was first used only for lights, refrigerators, and radios. Then farmers found they could extend the hours in the field and do the chores later because of the electrically lighted barns and farm buildings. The farmer milked his cows

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with milking machines and put the milk in electric coolers.

Before long electric motors replaced expensive gas motors. Windmills disappeared and reliable electric pumps took over. Work savers gave the women more leisure time to spend with their families. Electric stoves turned out perfectly cooked food, providing, of course, that mother was doing the cooking. But even the beginners in the family, including the 4–H club members, cooked better because of the ease of using an electric stove. The clean electric heat was less expensive for heating the entire house than the old coal, oil, or wood burning stoves and furnaces.

Now farm homes use electricity not only to make life easier and use time more efficiently, but because of it farm people are better groomed. Women quickly dry their hair with hair dryers. The whole family has fewer cavities because they brush often, electrically. The use of electric blankets makes cold bedrooms cozy for the sleeper. The men work in electrically equipped farm shops to save money and time in farm repairs.

Farmers can look with confidence to the future since electricity will keep them up with the times in communication, labor saving appliances, comfort, and entertainment.

Development in Rural Electrification is not limited to electricity alone. The friendly, courteous service to customers from linemen to office personnel has grown throughout the years and new free services have been added. One of the most important extensions of the Rural Electrification programs, it seems to me, is the opportunity given high school sophomores and juniors in each area to participate in the annual essay contest.

A Picture of REA and My Community

(By Janalee Omel, 16, junior, Giltner Public School, father: Myron Omel, Aurora, Nebr.)

(Note.—Contestant sponsored by the Southern Nebraska Rural Public Power District, Grand Island, Nebr., in cooperation with the Nebraska Rural Electric Association.)

Picture an old farmhouse nestled among the surrounding fields, dark except for a gas or kerosene lamp shining from the window. The year 1950. Suddenly a brilliance illuminated the whole house. The yellow glow streaming from every window. Magic? Maybe. REA, the Rural Electrification Association, had come to another area of Hamilton County.

This was the scene in 1950, one year after my family moved to this area. Since then REA has continued to assist the farm and the farmer by bringing him new ways to use electricity, and helping to create the farms of today.

Let us look at some of the ways electricity and REA have brought about modern-day farms. First of all consider household electricity. Before REA all light came from gas or kerosene lamps. This led to dreary evenings spent in shadowy darkness around a kitchen table. No television, radio, or study lights. All water had to be carried in by hand. Heat came from gas or wood stoves. Farm life indeed, was as pictured in books—a great contrast from city life. But REA changed all that. Electricity brought city life and conveniences to the spaciousness of the country. Bright lights cutting through the darkness, running water within a finger's reach, and entertainment within your own four walls came into being.

In the ensuing years the benefits of electricity have advanced along with modern technology. Electric stoves cook our food and electric heat warms our homes in winter and cools them in summer. Clothes are washed, then dried as with the sun's own rays.

Let me paint for you a picture of the golden fields of Nebraska. Green is the color I use. As far as the eye can see green sprouts of corn rise from the ground. And as they grow they are nourished and kept green by water flowing from an electrically-powered irrigation well. The summer passes and the bright green turns to a golden brown as nature ripens the crop. Farmers gather the grain, and store it in big silver bins standing against the blue Nebraska skies. Huge dryers force air up through the grain eliminating the moisture. The dryers, backed by the little black wires running from pole to pole, constitute our electric power source.

My picture does not end with the fields and farms. Throughout Nebraska I see spots of differing colors that represent trucks—REA service trucks. It's not often that an REA line breaks or trouble develops, but when it does, as in bad weather, the REA is soon there. In stormy weather they are out as soon as possible. REA stands for dependability.

REA has made country living what it is today. We also have all the advantages of the city plus the beauty of the country. Where farms grow communities spring up—communities supported by REA.

Nebraska was once called "the great American Desert." Irrigation has made it a food source for the nation. And REA has helped provide irrigation.

To describe REA in a few words one might say it is a:

R—eliable
E—conomical
A—ccomplishment

WHEN IS THE U.S.S.R. NOT THE U.S.S.R.?

Mr. FANNIN. Mr. President, many persons have expressed the hope that America will shortly sit down before a negotiating team from the Communist world and attempt to devise some way to end the arms race. In an attempt to help shed some light on those proposed talks, Mr. President, I should like to propose the following question: "When is the U.S.S.R. not the U.S.S.R.?"

The answer: "When it is the Soviet Union."

This paraphrase of a childish riddle is taken from an excellent brief prepared by the American Research Foundation. It has been brought home to me that we are being asked to negotiate agreements with our equals on a governmental level—the U.S.S.R.—when that entity is not the actual supreme repository of power as our Government is. In fact agreements negotiated between our Government and the U.S.S.R. may not be at all binding upon the repository of Soviet power, the Communist Party of the Soviet Union—CPSU.

Mr. President, if we are ever to enter into negotiations with the Soviets in a way that amounts to anything, we must understand and take into account the dimensions of this semantic dilemma.

I ask unanimous consent that a research paper, prepared by the American Research Foundation, along with some additional quotations bearing on this important subject, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

American Research Foundation,
Washington, D.C., May 14, 1969.

Hon. Paul J. Fannin,
U.S. Senate,
Washington, D.C.

Dear Senator Fannin: I wish to acknowledge with thanks your kind interest in ideo-political semantics. Following your gracious suggestion I hereby take the opportunity to forward the attached brief, summarized below, with the hope it may be useful to you.

Summary: In dealing on the international scene, both governmental and public, with the representatives Socialist (communist) and some "neutralist" states, we find ourselves negotiating in the United Nations and other International Organizations with front (mass) organizations such as the Government of the Union Soviet Socialist Republics (USSR), the "Socialist", "People's and "Democratic" states while the decisive power is reserved to the confines of the Communist Party of the Soviet Union (CPSU) and its subordinate "national" Communist and Workers' parties. The dilemma can be removed only if we understand the original full meaning and semantic significance of the verbal terms of such negotiations.

Recommendation: At your discretion, may it be suggested that a study group comprised of persons thoroughly familiar not only with Marxist-Leninist (Communist) theory and practice but also versed in the terminology and usage of Marxist-Leninist ideo-political language (semantics) in international and transnational communications, be established with Legislative and Executive endorsement. The responsibility of this group will be to examine, analyze, interpret and present to the American people and their representatives a sound, unequivocal interpretation of all significant documents in terms of their true idiomatic rather than literal meaning as instruments of the World Socialist (Communist) System's strategy and tactics of deception and subversion.

Yours truly,

Erick J. Vesely.

The Vocabulary of Communism and the Politics of Power

In the long course of history, governments gradually have evolved in order to formalize and interpret the underlying laws which dictate and determine man's behavior in the arena of his social and political existence. Today, governments are distinguishable in two broad categories. Those such as our own derive from and exist for the people; the other category is of governments wherein the people are subordinate and subject. The preponderant bulk of the world's power is found within these two camps. And as between them there is an inevitable and unceasing competition, for the appeal or success of the one is automatically a fundamental systemic threat to the other.

With American attainment of maturity as a world power in this century, an honest appraisal of the realities and responsibility of power has become increasingly essential to the fulfillment of the American Dream. Over the past twenty-five years, we have become also acutely aware of the other significant power centers which have been emerging. With our consciousness has come the realization of the overall limitations of power *per se*. As a result we have come readily to accept the necessity for coming to terms with those states which contain the power-forces capable of bringing the destruction of mankind. Under pressure of this necessity we have come to lay increasing stress on negotiation as the alternative to power confrontation. Consequently we have come to rely on the products of negotiation—treaties, pacts, conventions and agreements—in the international sphere just as we rely on contracts in domestic economic life. Just as a contract is assumed to be binding mutually on all signatories—no contract justly serves one master—so are the instruments of international negotiations between sovereign states instruments of mutual understanding. Only to the extent that such international understanding is mutual, based on mutually accepted assumptions, does the instrument have any significance. That such is the case is an assumption underlying all our international relations.

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Additionally we make a further assumption that the other government-signer(s) representing his nation-state (or states) does in fact represent the *bona fide* repository of decisive responsibility in the administration of such power as lies in its (their) hands. Inherent in this assumption is the concept there is no superior political structure or reservoir of political power within the signing state which can vitiate or render void the *bona fides* of its government as party to a contract. It is taken for granted that the signer government possesses the power and the will to curb those elements within its sovereignty dedicated to the repudiation of the conditions and terms imposed by the agreement.

Today, the United Nations Organization (UNO) is the world's major forum for the generation of agreements between sovereign states in the earnest effort to insure a peaceful world. In that forum state deals with state as peer with peer.

As a government capable of unilateral and bilateral action and as a member-state of the UNO, there is a significant phenomenon with which we are confronted. In dealing with the "Russians", we like all other states have no choice but to deal with the Government of the USSR. As head of one sovereign state, President Johnson met at Glassboro in 1967 with Mr. Kosygin, Chairman of the Council of Ministers of the USSR. In the normal course it would be assumed these two men represent the apex of power responsibility in their respective countries. Yet President Johnson was reported to have said that in his dealings with the "Kremlin" he had come to realize he in fact was not dealing with his peer. Apparently the "real boss" is not the Chairman of the Council of Ministers but the General Secretary of the Communist Party of the Soviet Union.

Immediately relevant is the question: Can a representative of the Government of the USSR enter into a *bona fide* international contract if in fact he does not speak for and actually in the name of the primary source of power and responsibility? Are the Government of the USSR and the official representatives of that government free of superior organized authority and control lying above and beyond the scope of traditional and conventional negotiating bodies?

The Constitution of the USSR (1936) and the Statutes of the Communist Party of the Soviet Union (CPSU) clearly establish organizationally and juridically that the Government of the USSR is *subservient* to the Communist Party of the Soviet Union. Article 126 of the Constitution specifies that the CPSU' is "the leading core of all organizations of the working people, both *government* and non-government." In other words, the Soviet signatory to international compacts, the Government of the USSR, is but a subordinate executive-administrative arm of the CPSU.

In the Statutes of the CPSU the political system operating in the USSR is described as;

(1) Power rests with the people;

(2) The people have delegated their power to the "vanguard of the working people," i.e., the Communist Party;

(3) The Communist Party structures and controls the apparatus of the Government of the USSR which is the legal, executive, and administrative instrument of the Party;

(4) The Government of the USSR is but one of many mass organizations (fronts) of the Party.

Such is the essence of Marxism-Leninism as a system and as a method of organizing, directing and controlling all power, be it social, economic, or political and cultural.

Because of this it is absolutely obligatory that we as a sovereign state recognize in all our dealings with the Government of the USSR—the only body with which our government is able to deal—that we are not dealing with the supreme repository of Soviet power. Rather we are reduced to dealing with an agent, or "front mass organization" of that power. There is in fact a superior political authority and law which lies above the Government of the USSR and beyond its legal and technical control.

It will be noted that to this point there has been no mention of the term "Soviet Union." Technically, legally, there is no country, nation-state, or government which legitimately may be called the "Soviet Union." It does not sign agreements with other governments; it does not issue recognized, conventionally enforceable laws within any boundaries; and yet it does exist conceptually—and powerfully!

Leonid I. Brezhnev, the General Secretary of the Central Committee of the Communist Party of the *Soviet Union*, speaks repeatedly in the name of the *Soviet Union*. He speaks of the "defense of the *Soviet Union*." He speaks of the "foreign policy of the *Soviet Union*." And his words carry real weight both within the USSR and around the world. Yet Mr. Brezhnev holds *no* position in the Government of the USSR. Under no circumstances would he sign a treaty in the name of that government.

Thus in all our dealings with the Soviets, and their Satellites, we must take stock that there is not one but *three* polical power structures with which we and the other nation-states of the world have to cope; (1) The Government of the Union of Socialist Republics (USSR); (2) The Communist Party of the Soviet Union (CPSU); and (3) a borderless entity known as the *Soviet Union*.[1] Yet it is with only one of these that the Government of the United States is enabled to maintain relations, negotiate contracts, and meet on ostensibly equal terms in the forum of the UNO. There is strong and voluminous evidence that this entity, this structure, is inferior to the other two with no capacity to control them. I have no power to enforce that which in the eyes of the rest of the world it has agreed to if the other two forces decree otherwise. The power lies with them, and in the exercise of that power they are immune from responsibility, accountable only to themselves. The contract is not binding on them.

To illustrate, mention may be made of two related items. First, on December 21, 1965, the XXth Session of the General Assembly of the United Nations adopted the first of two resolutions, each entitled "Declaration of the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty." The second of these resolutions (Resolution No. 2225) was adopted in December 1966 by the XXIst Session by a vote of 114 in favor, none against, and two abstentions. The representative of the Government of the USSR and the representative of the United States voted in favor of this resolution. Technically, therefore, both governments are bound by mutual agreement to conform with the spirit and the letter of the resolution.

Close examination of our second illustration, the so-called Havana Conference of January 1966, yields the troubling dichotomy.

The Tri-Continent Conference convened at Havana proved to be a matter of serious concern to many Latin American governments. In the spring of 1966 it was the subject of searching examination and concern to the Organization of American States. After due consideration of the pronouncements of the Conference, charges were made in formal *demarches* to various official representatives of the Government of the USSR that the USSR was guilty of subversive intervention in the internal affairs of other sovereign nation-states and that by so doing the USSR was contravening the UN resolution it had supported. The representatives of the USSR summarily rejected the charges as unfounded and false. And they were correct, technically! As their rebuttals asserted, no USSR governmental representative in an official governmental capacity was present at the Conference; the Government of USSR was not involved.

Nonetheless, a Soviet "Russian" delegation was very much present and active at Havana. It was headed by Sharaf Rashidov, an important functionary of the CPSU. So the CPSU very much was involved.

As to the *Soviet Union*, that entity also was deeply involved by documented Soviet admission. In December 1965 in an address to the Supreme Soviet of the USSR Andrei Gromyko stated:

"Early in January 1966, the first conference of solidarity of peoples of the three continents of Asia, Africa and Latin America will begin in Havana, the capital of heroic Cuba. It will be a wide representative forum of the anti-colonialist and anti-imperialist forces. The *Soviet Union*, which will participate in the Havana Conference, together with its friends will do all in its power to assist in consolidating the front against imperialist aggression and in support of peace, national freedom and independence." (emphasis added.)

By contrast, in reviewing the Non-Intervention Resolution in the Security Council, Mr. Gromyko submitted a formal letter dated 23 September 1966 in which he stated that the Resolution is endorsed: "On the instruction of the Government of the Union Soviet Socialist Republics. . . ." Gromyko signed the letter as "Minister for Foreign Affairs of the USSR." Not once in this official document does the term *Soviet Union* appear.

In December 1966, Ambassador Fedorenko in disclaiming that his government had participated in the Havana Conference stated: ". . . the right of popular organizations to express their attitudes toward the burning problems of our day, such as the struggle of peoples for their national and social freedom from colonialism and neo-colonialism, cannot be gainsaid by anyone. That was stated by the delegation of the *Soviet Union* at the Tricontinental Solidarity Conference held in Havana in January 1966. . . . The activities of popular organizations . . . do not fall within the competence of the United Nations." (UN Document A/C.1/PV. 1481) (emphasis added.)

From the foregoing, it is apparent:

(1) The Government of the USSR affirmed the UN Resolution on Non-intervention. The Government of the USSR is bound thereby.

(2) By USSR interpretation, only nation-states and their governments participate in the UNO, hence only the actions of governments are subject to scrutiny by that body or subject to the jurisdiction of resolutions adopted in the UNO.

(3) According to its representative in the UNO, the Government of the USSR in no way was involved in the Havana Conference; hence in no way is that pronouncements of the Conference.

(4) However, Soviet spokesmen are consistently laudatory of the role of the *Soviet Union* in the Havana Conference.

(5) Hence, the Government of the USSR and all inter-governmental bodies such as the UNO have no jurisdiction or control over the *Soviet Union* or any activities conducted in its name.

Thus, it is, by Soviet documented admission, intervention in the domestic affairs of other *countries* by the CPSU or the *Soviet Union* is not subject to the terms of the UN resolution on non-intervention. Only the actions of the Government of the USSR in this regard are subject to application of the resolution.

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[1] Translating this into Communist terminology drawn from *The Fundamentals of Marxism-Leninism. A Manual*, we have (1) The *Superstructure*, (2) The Infrastructure (the Party) and (3) The Material-Technical *Base*. These three terms thread their way through Communist ideology just as the words of Thomas Jefferson are woven into the fabric of our political history.

The circumstances cited above comprise only a wedge which pries open the gateway to a greater need.

In atempting to chart the course of effective relations with the Soviets we are on the horns of a true dilemma. We have built the entire structure of our international relations on the premise that governments represent the supreme, organized political authority of the nations with which we deal. In so doing we have been pre-disposed to regard and deal with the Soviet World Socialist System as simply another totalitarian nation-state basically at one with the other totalitarian governments and systems we have known. We appear to have taken insufficient cognizance of the problem at hand, and its underlying realities, and have persisted in the effort to deal with the Government of the USSR as if it were, in fact, the ruling body of another nation-state.

The results have been frustrating. At the heart of this frustration lies words and confusion as to their operative meaning. It is almost as if we would paraphrase a riddle from childhood—When is the USSR not the USSR?—When it's the *Soviet Union*.

The genesis of this confusion lies in the artful manipulation of words in the intricate semantic vocabulary of Lenin. Today one cannot speak simply or merely of Marxism. Accuracy demands that one speaks, as the Soviets do, of Marxism-Leninism. It is Leninism with which we are confronted today and it was Lenin, transforming the ideas of Marx and Engels, who created that political reality. Permeating its existence in every facet and a key factor in its international power is a highly specialized vocabulary with meanings very precisely defined. Only to the extent that the thoughtful reader is familiar with these meanings can he evaluate accurately their significance and operative potential. For instance, to cite again the speech of Ambassador Fedorenko in support of the Non-Intervention Resolution, the following terms appear, terms for which Communists have evolved precise, organizational and strategic and tactical meanings, their own "Esperanto": "intervention in the domestic affairs of States", "independent and peaceful development", "armed intervention", "national liberation movement", "aggression", "freedom", "democracy", "revolutionary struggle of peoples", "national liberation wars", "patriotic movement", "social transformations", "imperialism", "peaceful coexistence of States", "neo-colonialism", "non-intervention," "international peace", "rights of independent States".

Taken out of context, many of these terms appear harmless if only because their meanings are taken to be self-evident. Drawn from the scabbard of the Marxist-Leninist lexicon, however, they become swords of energetic subversion.

The great need which these few examples highlight is that this government must have at its disposal a methodical, sound, pragmatic investigation and consistent analysis of Marxist-Leninist transcultural semantics.

It is essential that every document to which the Government of the United States and the Government of the USSR are signatory be subjected to responsible, expert semantic examination and analysis. We as a government and as a people must inform ourselves coolly and dispassionately as to the interpretations which the Soviets place on the documents they sign and thereby assess their purposes or operative reservations in entering such arrangements.

Otherwise, assisted by our own naivete, the successors to Lenin may make good their boast of using the very governmental and parliamentary institutions which we cherish to destroy that which we hold dear. In a fairly recent collection of essays published by the quasi-official Novosti Press Agency Publishing House of Moscow is found the following impressive statement of such intentions: ". . . the Communists stress that . . . the peaceful path does not imply renunciation of the class struggle and shifting the centre of gravity to activity in parliaments, municipalities and other bourgeois representative organs. On the contrary, it presupposes . . . ensuring a preponderance of forces sufficient for winning state power without civil war. However, the possibility of a non-peaceful way is not ruled out." (*Internationalism—National Liberation Movement and our Epoch*, p. 35.)

Even more dramatically, from an official publication of the Soviets' Ministry of Defense, comes the following:

"In its political and social essence a new world war will be a decisive armed clash between two opposed world social systems. This war will naturally end in victory for the progressive Communist social-economic system over the reactionary capitalist social-economic system, which is historically doomed to destruction. The guarantee for such an outcome of the war is the real balance between the political, economic, and military forces of the two systems, which has changed in favor of the socialist camp. However, victory in a future war will not come by itself. *It must be thoroughly prepared for and assured.* (*Military Strategy*, Marshal V. D. Sokolovski, Moscow 1968.) (Emphasis added.)

As the foregoing are illustratively accurate indicators of the plans and intentions of the Communists, so are they accurate indicators of the responsibility with which we are confronted in our effort to understand the system with which we must come to terms, the system which would draw us into conflict—class conflict, not the conventional or traditional conflict of nation-states resolvable by the intelligent application of civilized diplomacy.

ADDITIONAL PERTINENT QUOTATIONS

"Today the imperialists pretend to be brave—but only in words; in reality they tremble before the *Socialist world* which is growing and gaining in strength. And let them tremble! So much the better for us! *A fight is in progress between these two systems, a life and death combat.* (Emphasis added.) (N. S. Khrushchev, Soviet News, 22 July 1963.)

"The *Soviet Union* is a mighty world power and indestructible bulwark of socialism, peace and democracy."

"The main content, the main direction and the main historical development of human society in the contemporary era are determined by the *world Socialist system* and the forces fighting against imperialism and for the *Socialist restructuring of society*." (Emphasis added.) (Handbook For Propagandists and Agitators of the USSR Army and Navy, Moscow, 1968.)

Soviet foreign policy has an active role in the development of class and the acceleration of the world revolutionary process. It facilitates the liberation struggle of oppressed peoples and creates favorable conditions for building socialism and communism in the USSR and the fraternal socialist countries. (Emphasis added.) (M. Bodyul, C.C.CPSU, Radio Kishinev, 1 May 1969.)

CLARK EICHELBERGER AND THE CAUSE OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Mr. Clark M. Eichelberger is a man who has dedicated himself to the service of humanity. By his work he has furthered the cause of cooperation among nations and worked unceasingly to assure all men of their basic human rights. Mr. Eichelberger helped in the founding of the League of Nations and served as the National Director of the League of Nations Association. He was one of the drafters of the Charter of the United Nations. For the past several years he has served as the Chairman of the Commission to Study the Organization of Peace. Mr. Eichelberger has played a major role in the struggle to define, codify, and expound the concept of human rights, and has greatly influenced the statements on human rights in the United Nations Charter. He was one of the main drafters of the Universal Declaration of Human Rights, and was recently awarded the Louis G. Gregory Award for Service to Humanity.

Mr. President, I ask unanimous consent to insert in the RECORD at this point highlights from the remarks Mr. Eichelberger made in accepting this award.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

TO SECURE THESE RIGHTS

(Highlights of address by Clark M. Eichelberger, Chairman, Commission To Study the Organization of Peace, given at National Conference on Human Rights, September 13, 1968, Chicago, Ill.)

. . . As time has gone on the United Nations has thought of the enforcement of human rights and fundamental freedoms in a way that was not contemplated when the Charter was drafted. The United Nations Charter has grown and evolved. It has developed strength. It has taken stands that in the old days would have been thought a violation of matters of domestic concern. . . . With that strength back of it, with the obligations of the Charter back of it, the United Nations set up the Commission on Human Rights which produced first of all the Declaration of Human Rights. But they intended that the Declaration should be reinforced first, they said, by an international bill of human rights. Then they broke that down into a covenant on human rights. . . . But when they went to write the Covenant on Human Rights they found they had to write two. Now the Americans and the British and the French and the people who enjoyed reasonable condition of living thought of human rights and fundamental freedoms in terms of the classic freedoms that are known in the United Kingdom and the United States—trial by jury, the right to vote, all the things which you and I believe make up our civil and political rights. But to the people of the underprivileged countries human rights and fundamental freedoms were something beyond civil rights. They were the right to eat, the right to have a decent condition of life. So they had to develop two convenants—one civil and political rights for which there could be a specific measure of enforcement, and the other a covenant of economic and social rights for which enforcement is more difficult.

. . . But in addition to that, the United Nations produced a number of specific covenants on specific problems, feeling they couldn't wait until the two master documents were ready. One was a convenant against slavery. (There was) another on forced labor, another on political rights for women, a whole series of human rights covenants. And do you know that the General Assembly last year called attention to the fact that there were nine human rights covenants that ought to be ratified by all states before Human Rights Year, and the United States of America had the "proud" distinction of not having ratified one convention,

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and being at the very last of the list with Yemen and a few others. Finally the President of the United States then asked Congress at least to ratify three, one against salvery, the one against forced labor, and the one for political rights of women. Do you know that in the government of the United States finally, with the most tremendous effort, the Senate ratified one—the Covenant against Slavery; but on recommendation, God knows for what reason, of the American Bar Association, they decided not to ratify the Convention on Equal Rights for Women of the Convention against Forced Labor. And so I would say that one of the most important political things we can do practically is to see that our government ratifies the covenants on human rights.

. . . One thing that disappointed so many of us who have been working for human rights through the United Nations was that when the General Assembly commenced to talk about enforcement, commenced to talk about some provisions by which pressures could be brought to bear on people who were opposed to human rights, some of the countries from which you would have expected the quickest response, did not respond. They were afraid to have the authority of the United Nations interfere with their domestic concerns at the same time wishing the authority of the United Nations to take action against these terrible situations in Africa. . . It's a very interesting situation.

. . . I believe that the situation in human rights around the world has some very bright spots. Under the organization of the Western states of Europe there is actually a human rights court and an individual can be summoned before that court for a violation of human rights. I look forward to the time when the world can call a government to account for a violation of human rights. I believe in world government and I believe the time will come when a situation in human rights throughout the world will be as important as strict sovereignty of the individual nation. The road is going to be long.

. . . Now in this country we are undergoing a self examination in the face of violence which I do not need to describe . . . I can remember the time when people were opposed to the United Nations because they said the human rights provisions of the United Nations will lead to a greater degree of human rights in this country, a breaking down of racial restrictions. I can remember friends in the South who worried about what the charter of the United Nations might do for the movement of human rights in this country, and I think we could say that the UN Charter and the Declaration of Human Rights have all added to the ferment throughout the world, the awareness of a violation of human rights and the need to achieve them. It may be that some of the travail through which we are now passing and that the rest of the world, at least part of it, is now passing is the result of an awareness of injustices that we scarcely were aware of before. And a world conscience that I think came about through the realization of the United Nations, its Declaration of Human Rights, and the Covenants that came with it, has played a part in encouraging the struggle for human rights and fundamental freedoms throughout the world.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr. JACKSON. Mr. President, on May 29, at my request and on my behalf, the senior Senator from Montana (Mr. MANSFIELD) submitted a statement for the RECORD and introduced an amendment to S. 1075, my bill to establish a national policy for the environment. Due to a printing error, the amendment was not printed in the RECORD.

Mr. President, I ask unanimous consent that portions of the statement and the text of the amendment be printed in the RECORD.

Mr. President, I also ask unanimous consent that an article from the June 4, 1969, western edition of the Christian Science Monitor, by Mr. Robert Cahn, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Early in this session of the Congress, I introduced legislation in the Senate to establish a national policy for the environment. I introduced this measure because it is my view that our present knowledge, our established policies, and our existing institutions are not adequate to deal with the growing environmental problems and crises the nation faces.

The inadequacy of present knowledge, policies, and institutions is reflected in our nation's history, in our national attitudes, and in our contemporary life. We see this inadequacy all around us: haphazard urban growth, the loss of open spaces, strip-mining, air and water pollution, soil erosion, deforestation, faltering transportation systems, a proliferation of pesticides and chemicals, and a landscape cluttered with billboards, powerlines, and junkyards.

Traditional governmental policies and programs weren't designed to achieve these conditions. But they weren't designed to avoid them either. And, as a result, *they were not avoided*.

As a nation, we have failed to design and implement a national environmental policy which would enable us to weigh alternatives, and to anticipate the undesirable side effects which often result from our ongoing policies, programs and actions.

Today it is clear that we cannot continue to perpetuate the mistakes of the past. We no longer have the margins for error and mistake that we once enjoyed.

It was in view of this background and these considerations that I introduced S. 1075, my bill to establish a national environmental policy.

The purpose of this legislation is threefold: *First*, to establish a national policy on the environment; *Second*, to authorize expanded research and understanding of our natural resources, the environment, and human ecology; and *Third*, to establish in the Office of the President a properly staffed Council of Environmental Quality Advisors.

During the hearing on this measure on April 16, Dr. DuBridge, the President's Science Advisor, and Secretary Hickel of the Department of the Interior, announced that the President is considering the establishment of an interagency environment council composed of selected Cabinet officers. As I stated at the hearings, this indicates to me: "that the President and officials in the executive branch share the belief of many of us in Congress that some reorganization is necessary. The President apparently agrees that the existing administrative establishment is inadequate for the task we face, and that a focal point for the environmental considerations of government should be designated."

It was the initial view of the Administration's representatives that the President's proposed interagency council would make an independent Council of Environmental Advisors as proposed in my bill unnecessary.

For the most part, the members of the Committee and the public witnesses did not agree with their position. There was however, general agreement by all concerned that there is a need to restructure the Federal government to provide a focal point for environmental considerations.

It is my view that what is needed is an impartial, objective; full-time Council of Environmental Advisors in the Executive Office of the President. The interagency Council the President is considering would be useful for implementing action proposals, but the President also needs independent and impartial advice as to what action to take. The Council I have proposed would be properly staffed and equipped to provide this advice.

As a result of the April 16 hearing on S. 1075 and subsequent discussions with the Administration, I believe that there is now general agreement on the need for both an interagency Council as proposed by the President, and a high level independent body as proposed in my bill.

During the April 16 hearing on S. 1075, the Administration agreed that there is an urgent need to enact into law a statement of national policy with respect to environmental management, and that they would support a statutory declaration of national policy. Subsequent to the hearings, I directed the Interior Committee staff to draft an expanded statement of national environmental policy which defined our national environmental management goals, and to grant new authority to Federal agencies which, at the present time, have no mandate or responsibility for the management and protection of the human environment.

This expanded statement of national policy has been prepared as an amendment to S. 1075. It will become Title I of the bill and the other titles will be appropriately redesignated. Mr. President, I ask unanimous consent that this amendment be printed in the RECORD at the conclusion of my remarks.

A statement of environmental policy is more than a statement of what we believe as a people and as a nation. It establishes priorities and gives expression to our national goals and aspirations. It serves a constitutional function in that people may refer to it for guidance in making decisions where environmental values are found to be in conflict with other values.

Many operating agencies do not at present have a mandate within the body of their enabling laws to give substantive attention to environmental values. This is especially true of the older Federal programs.

A properly drafted Congressional statement of national environmental policy, along with a requirement for official statements of environmental findings in Federal decisions and legislative proposals, will effectively make the quality of the environment *everyone's* responsibility. No agency will then be able to maintain that it has no mandate or no requirement to consider the environmental consequences of its actions.

Mr. President, an environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationship to his physical surroundings.

It is my belief that the amendment I am introducing today will go far towards ensuring that the Federal government both sets and abides by standards of excellence; standards which will ensure that our generation fulfills its responsibilities as trustee of the environment for future generations.

S. 1075

On page 1 strike all after the enacting clause and on page 2 strike lines 1 through 6 and insert in lieu thereof the following:

SHORT TITLE

This Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his natural environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings, and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and, coordinate Federal plans, functions programs and resources to the end that the Nation may:

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other unintended, unanticipated, and undesirable consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, diversity and variety;

(5) achieve a balance between population and resources use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations and public laws of the United States be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government:

(1) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision-making which may have an impact on man's environment;

(2) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision-making along with economic and technical considerations;

(3) include in every recommendation or report on proposals for legislation or other significant Federal actions affecting the quality of the human environment, a finding by the responsible official that:

(i) the environmental impact of the proposed action has been studied and considered;

(ii) any adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by stated considerations of national policy;

(iii) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and

(iv) any irreversible and irretrievable commitments of resources are warranted.

(4) study, develop and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of land, water or air.

(5) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment.

(6) review present statutory authority, administrative regulations and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President and to the Congress within one year after the date of enactment such measures as may be necessary to make their authority consistent with this Act;

SEC. 103. The policies and goals set forth in this Act are amendatory and supplementary to, but shall not be considered to repeal the existing mandates and authorizations of Federal agencies.

Renumber remaining Titles and sections accordingly, and

Amend the title so as to read: "To establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisors."

[From the Christian Science Monitor, June 4, 1969]

U.S. CLEANUP: PUBLIC PRESSURE WINS ANTI-POLLUTION PRIORITY

(By Robert Cahn)

WASHINGTON.—The wheels of government are moving, at long last, to catch up with the growing citizen concern over the quality of the environment.

Public-opinion polls, letters to the President, to Congress, and to newspapers, and countless local citizen-action committees reveal the determination to do something about the mounting threats from air, water, and noise pollution; inadequate disposal of solid waste; loss of wilderness and open space to development, industrial, and commercial uglification, and all the effects of technology and "progress" whch have led to deterioration of many environmental values.

Now the President and Congress are showing signs of action on the environmental front.

President Nixon has established by executive order an Environmental Quality Council on the same level as the National Security Council, and the Urban Affairs Council. The council, chaired by the President and composed of the Vice-President and six designated Cabinet members, will be, according to Mr. Nixon, "the focal point for this administration's effort to protect all of our natural resources."

The new group will replace the President's Council on Recreation and Natural Beauty which has been formed by President Johnson and was chaired by Vice-President Hubert H. Humphrey.

AGREEMENT OBTAINED

Henry M. Jackson, Senate Interior Committee chairman, has obtained an agreement from the White House not to oppose (or veto if it is passed) legislation now being pushed in both houses to establish an independent council of environmental quality advisers in the Office of the President. Such a group of experts would conduct studies, issue annual reports, and advise the President in the same way the Council of Economic Advisers now operates.

Senator Jackson has also added to his own bill a suggested policy for the national environment. This policy defines national environmental management goals for all federal agencies. And the proposed law would grant new authority when needed to federal agencies to manage and protect the environment. The administration has promised to support this effort to legislate a national environmental policy.

Rep. John D. Dingell (D) of Michigan, sponsor of a House bill for a council of environmental advisers, similar to the Jackson proposal, plans to seek broad citizen reaction by holding hearings in several cities.

Henry S. Reuss (D) of Wisconsin, chairman of the House operations subcommittee on conservation and natural resources, has been conducting hearings on environmental issues. And Edmund S. Muskie (D) of Maine, chairman of the Senate operations subcommittee on intergovernmental relations, has been holding hearings on his bill to establish a select committee of the Senate on environmental matters.

COMMITTEE ESTABLISHED

As a companion group to the Cabinet-level Environmental Quality Council, President Nixon has established a Citizens Advisory Committee on Environmental Quality, chaired by Laurence S. Rockefeller. This 15-man committee replaces and gives an expanded role to the 12-man Citizens Advisory Committee on Recreation and Natural Beauty (also chaired by Mr. Rockefeller) which had been formed by President Johnson.

Several high-level White House staff members are on the alert to challenge impending departmental or agency actions that may have severe environmental impact and on which all possible alternative solutions may not have been considered. In one recent case, the Army Corps of Engineers was instructed by the President to find another site for a flood-control dam they were about to build in an area that would irreparably damage natural values.

A committee of the Urban Affairs Council composed of four Cabinet members has been set up to examine the problem of land use as it affects the environment.

These actions, however, are only first steps and will require meaningful implementation at both congressional and executive levels.

OBJECTIVE OUTLINED

The congressional statement of environmental goals, if passed, would declare as an overall objective that "each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment."

A key provision in Senator Jackson's suggested policy statement would establish a four point standard to be applied on every legislative proposal or other significant federal action affecting the quality of the environment.

The responsible federal official would be required to furnish a finding that: (1) the impact of the proposed action had been studied and considered; (2) adverse environmental effects which cannot be avoided by following reasonable alternatives are justified by stated considerations of national policy; (3) local short-term uses of man's environment are consistent with maintaining and enhancing long-term productivity; and (4) any irreversible and irretrievable commitments of resources are warranted.

Mr. Nixon's Environmental Quality Council is designed primarily to provide direction and coordination for a federal attack on all problems affecting the environment. It is to review existing policies and programs which affect the environment, project the impact of new technologies on the environment, obtain greater cooperation be-

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tween the United States and other countries on common environmental concerns, between various levels of American government, and between governmental and relevant non-governmental organizations.

PRIORITY DESIGNATED

The President's science adviser, Dr. Lee A. DuBridge, who will direct staff work on the Environmental Quality Council, says that immediate priority will be given in the council to the harmful effects of prolonged use of DDT, methods of solid-waste disposal, and air pollution.

White House sources indicate that the new council will consider all types of major environmental, recreation, natural-resource, and land-use issues. But the council will not be asked to deal with specific projects.

For example, letters to the President from conservationists and newspaper articles have alerted the White House staff to a potential problem over location, of a new expressway in San Antonio, Texas, that would penetrate several public park areas. Ordinarily, a decision approving federal assistance to a state for an expressway would be made by the Secretary of Transportation and his highway administrator without White House guidance.

One of Mr. Nixon's top assistants, however, has asked for a report on the situation "before" the decision is made. This is the type of action that would be considered informally at the White House and might possibly be decided by the President if it were of sufficient national environment significance.

REVIEW OF DECISION?

The new Environmental Quality Council, however, could review whatever decision is made on the San Antonio expressway as part of a general policy for environmental considerations in highway placement.

It was not mere coincidence that on the same day President Nixon announced establishment of the Cabinet-level council, Senator Jackson released the wording of his proposed national policy for the environment.

These actions actually reflected a compromise reached after several weeks of behind-the-scenes negotiations between Senator Jackson and the White House. The presidential executive order also settled a protracted squabble among presidential staff members over how to organize the high-level group on the environment.

A draft of the executive order establishing the new council was first sent to the White House Feb. 24 by Dr. DuBridge. When its contents leaked out, Senator Jackson let his opposition be known.

ARGUMENT ADVANCED

At Senate Interior Committee hearings in April, several senators, leaders of conservation groups, and environmental experts took the position that a Cabinet-level group of environmental advisers would be ineffective. Such a group did not have expertise in environmental matters, and Cabinet members would not be willing to attack programs of other Cabinet members, it was argued.

Opposition was also expressed to the provision that the council would be directed by the President's science adviser and staffed by the Office of Science and Technology. The critics argued that environmental problems needed attention from advisers with expertise in economics, law, business, and social disciplines even more than from the experts in the physical sciences who now dominate the small staff in the Office of Science and Technology.

Dr. DuBridge, Interior Secretary Walter J. Hickel, and other administration witnesses testified against the provision of the Jackson bill that woulld establish in the Office of the President an independent council of environmental quality advisers. Senator Jackson later convinced the White House what the independently staffed council of environmental quality advisers could supplement the President's Cabinet-level environmental council.

While Senator Jackson was negotiating with the White House, some members of the presidential staff were seeking a substitute for the presidential Cabinet-level council. They argued (unsuccessfully) that it would be more feasible for environmental concerns to be handled by a committee of the Urban Affairs Council.

When Mr. Nixon's decision was made last week, the resulting executive order followed closely the Feb. 24 draft prepared by Dr. DuBridge. The Secretary of Commerce has been added to the membership of the Environmental Quality Council which originally included only the Secretaries of Agriculture. Interior, Transportation, Housing and Urban Development, and Health, Education, and Welfare.

Provision has been made for the Budget Bureau director, Council of Economic Advisers chairman, and the Urban Affairs Council executive secretary to participate in meetings, as well as for heads of other departments or agencies to attend meetings when matters affecting their interests are scheduled for discussion.

THE 1100TH ANNIVERSARY OF CONSTANTIN THE PHILOSOPHER

Mr. FULBRIGHT. Mr. President, this is the 1100th anniversary of the death of the creator of the Slav script, the Bulgarian and Slav educator, Constantin the Philosopher, generally known as Cyril. I think it is appropriate that a short statement in commemoration of the work of Constantin Cyril the Philosopher be noted in the RECORD. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LIFEWORK OF CONSTANTIN-CYRIL THE PHILOSOPHER

Bulgaria is commemorating the 1100 anniversary of the death of the creator of the Slav script. The great Bulgarian and Slav educator Constantin the Philosopher, known in the last period of his life as Cyril, has done more than any other scholar for the cultural development of the Slavonic world.

Constantin was born in 826–27 at Salonica, where his father was Assistant-Governor of the city. After finishing school at his hometown, Constantin was accepted at the Magnaour School in Constantinople, which was the highest educational institution of Byzantium in those days.

After graduating from the Magnaour School, he was asked to teach there for some time—a rare acknowledgement of his knowledge, religious and worldly wisdom.

As a gifted orator, he was sent in 851 on a mission to the Saracens in Arabia. His assignment was both diplomatic and missionary. He defended Christianity in official disputes with some of the most eminent Moslem religious leaders. Cyril then joined his brother Methodius at a monastery where they both engaged in scholastic work until the year 860, when they were sent on an official mission to the Khazars.

The fame of the two brothers spread throughout the Slavonic world when they were sent on a mission to Moravia in 862–863, which proved to be of historic importance to the Bulgarian people and to Slavdom as a whole.

Cyril-Constantin the Philosopher died in Rome on February 14th 869, when he was only forty-two, and was buried in the basilica of San Clemente.

The creation of the Slavonic alphabet and a new literature was an extremely difficult task. The very idea of writing books and holding church services in the Slavonic language was an unusually daring venture in those early days. As Cyril himself noted, anyone thinking about it could be branded heretic. Cyril stood against the medieval dogma which recognized only three literary and religious languages: Hebrew, Greek and Latin. He therefore had to struggle for the ideal of giving the Slav peoples a basis of equality with the other enlightened nations in Europe.

The spread of the Slavonic alphabet laid the foundation of a rapidly flourishing culture in a language which the common people could read, speak and understand. While translating most of the books used in church services, Cyril and Methodius also wrote original works. This was another factor establishing old Bulgarian as the written tongue of the Slavonic world in those distant days.

The Bulgarian Academy of Sciences, the Bulgarian people and, by decision of UNESCO, many other countries in the world are now commemorating the 1100th anniversary of the death of Constantin-Cyril the Philosopher. A special Scientific Session has been called to meet in Sofia in conjunction with the Day of Culture on May 24th, which will hear reports by many Bulgarian and foreign scholars.

Meetings have been called all over the country on May 23rd and a collection of scientific works by Constantin the Philosopher has been compiled and sent to the printers as part of the celebrations.

IS JOB PREFERENCE TO NEGROES CONSTITUTIONAL?

Mr. FANNIN. Mr. President, I have often maintained that the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance in their eagerness to prohibit discrimination in employment have instead embarked upon a policy of forced preferential treatment for Negroes, or what I refer to as discrimination in reverse. It is now generally recognized that these two agencies are going about the country forcing employers and labor unions to undertake programs to give actual preference to Negroes over others. No longer is any attempt even made to hide this fact.

Neither Congress nor the executive branch has ever supported such an approach, and it is galling to think that these two agencies can so arrogantly push the American public around. The curious thing to me is the silence on the part of those who complain the loudest about discrimination. Their complaints seem to flow only in one direction.

Mr. Richard Wilson wrote an excellent article published in the Evening Star of June 4, 1969, entitled, "Is Job Preference to Negroes Constitutional?" I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS JOB PREFERENCE TO NEGROES CONSTITUTIONAL?

(By Richard Wilson)

A strong case is being made by business interests that the zeal of federal officials to enforce integration in employment has created a new evil, discrimination against whites. The federal enforcers are accused of arbitrary preferential treatment for blacks in direct contravention of the terms of the laws they are called upon to enforce.

There is just enough to this to warrant investigation and serious study of the operations of the Equal Employment Opportunities Commission and the Office of Federal Contract Compliance. On the face of it these agencies have adopted the sociological doctrine that centuries of bad treatment entitle the black to restitution in the form of preferential treatment.

This case hasn't been conclusively proved. But there is no doubt on the part of businessmen and contractors doing business with the federal government of the effect of executive orders and administrative decisions requiring them to initiate equal employment programs.

The effect, it is argued, is to impose quotas of black employment contrary to the intent of the Civil Rights Act and at the risk of denying to whites their equal opportunity for jobs because they are white. Beyond that the regulations imposed on contractors are so vaguely stated and the EEOC and the OFCC are so hard to satisfy that many companies which actually do not discriminate and are not accused of discriminating have difficulty meeting federal requirements to come up with affirmative job recruiting programs for Negroes.

What this all involves is the unresolved question, present also in the matter of school integration, of enforced integration. All the Supreme Court has said is that there shall be no racial segregation in public schools and public facilities. The court did not declare in the key school case that plans must be undertaken to integrate the schools; it declared that plans must be undertaken to end segregation.

The administrative actions on guidelines for integration, busing of students, Negro job quotas are all extensions of the basic constitutional doctrine and are of questionable validity.

Business interests claim that what the two enforcement agencies are doing is in fact expressly forbidden by Title III, section 703(J) of the Civil Rights Act of 1964. Nothing could read more clearly than the language of this section. It expressly prohibits the granting of preferential treatment to any individual or any group because of race, color, religion, sex or national origin to correct any imbalances on these accounts in the work force.

The enforcers get around this provision by insisting that employers be "creative" and work up "affirmative action programs." Recent hearings conducted by Sen. Edward M. Kennedy with an entirely different purpose in mind demonstrated that employers had to prove to the federal enforcers that they were giving preferential treatment on the basis of race, although the federal agencies denied this.

The enforcers until recently entirely ignored the fact that union practices tie the hands of employers in working out Negro job recruitment. The whole blame was laid on the employer and he was denied contracts even though it was found there was no discrimination on his part.

As the Civil Rights Act is being administered in this respect, it could better be titled the Negro preference act. Now a new bill introduced by Senators Hart, Kennedy, Javits, Brooke, Scott and others would give the enforcement agencies new powers, including the rights of subpoena, cease and desist orders, and the basis for obtaining an injunction as a result of a preliminary investigation.

It can be argued that this is necessary in the case of companies deliberately attempting to frustrate the congressional purpose of ending discrimination in employment. But it goes very hard on those companies which do not discriminate, but cannot fulfill the vague federal requirements of a "creative program" which in effect sets up quotas to correct racial imbalance.

The problem here is one of equal justice for the white as well as the black worker. If Congress desires to give preference to Negroes to correct injustices of the past it should be up to Congress to do it and not left to zealous administrators with their own concepts of racial justice.

The whole area between non-discrimination and enforced integration needs to be more clearly defined by the courts before present practices become entrenched beyond redemption. This applies to the schools as well.

NATIONWIDE AIRPORT-AIRWAYS SYSTEM

Mr. CANNON. Mr. President, on June 17, only a few days from now, the Subcommittee on Aviation of the Committee on Commerce will open hearings on the requirements of a nationwide airport-airways system.

There is no question of the need. Airport traffic, both in the air and on the ground, has outrun our most optimistic estimates.

In 1968 the subcommittee held hearings on this subject, and a bill was reported to the floor by the Commerce Committee. This was S. 3641, introduced by former Senator Mike Monroney. It was entitled "The Airport and Airways Development Act of 1968." The Senate did not act.

On the first of this month the FAA high density airports regulation went into effect. The airports covered are Kennedy, LaGuardia, Newark, O'Hare, and National. Under the regulation, these airports give to the scheduled airlines and scheduled taxi air carriers exclusive and priority use.

The scheduled operators made their schedules comply with the allocations given them by the FAA some time ago, so their reservations are for all practical purposes already made.

All other aviation categories have a more complicated problem. The FAA Airports Reservation Office located in Washington, D.C., has direct lines from the five airports covered by the regulation. A pilot must phone and ask permission to use one of the five airports. FAA will try hard to accommodate him, I am sure; but with the dense traffic at these affected airports, they may not be able to grant the request.

If the pilot is not at one of these five airports, he must contact the nearest flight service station, which puts his request on teletype to the Airports Reservation Office. The answer follows the same route in reverse. This procedure is under instrument flight rules.

If flying under visual flight rules, contact must be made with a flight service station which will either let the pilot go ahead, or give him an alternative airport.

This procedure is labeled "temporary"; but I am afraid it will be permanent at least until we improve the system, which will take both time and money.

Because of the urgency of this problem, the Aviation Subcommittee will start hearings on June 17. There have been rumors in the Aviation Press, and some speeches that hint of proposals to come by various officers in the executive branch of our Government. But there is no word nor plan from the responsible agencies. Each week some official will tell me the suggested bill will be up "this week," but the weeks go by, and nothing happens.

This administration has been in office for more than 4 months. I realize that this is not an excessively long time, but with all of the powers at the disposal of the executive department and with the great amount of study that has already been made on other aviation problems that do not affect the passenger or the pilot, I believe there has been time enough to allow the administration to come to grips with the very obvious—with the general problems of aviation in the United States today. Certainly, the scores of high-salaried officials at the disposal of the executive department should at long last agree on what they believe is best for aviation. I hope that the period of agreement will not be much longer in coming.

The committee will go ahead with its own legislation, but we need the plan that will have the support of the White House, the Bureau of the Budget, and the Department of Transportation.

We may not follow it, but we need to study it, and we must have that opportunity soon.

HEADSTART CHILD DEVELOPMENT ACT OF 1969

Mr. MONDALE. Mr. President, on May 5 I introduced, with the cosponsorship of 23 other Senators, the Headstart Child Development Act of 1969. The bill is designed to bring needed nutritional, educational, and health services to poor children in the early years of life. It seeks to offer an equal start to children of the poor who, because of inadequate nutrition and health care before birth and in the early years and because they often did not receive intellectual stimulation during the first few years of life, enter grade school with lowered IQ's, which may not be correctable in later life.

Programs authorized by the Headstart Child Development Act of 1969 would:

Be offered on a voluntary basis to preschool children from poverty areas, beginning at age 3 or below.

Be available to middle-class children on a tuition basis.

Include health care, nutritional, and educational assistance both in the home and at child development centers.

Reach 1 million children in fiscal 1970; 1.7 in 1971; 3.1 million in 1973; and 4 million in 1974, with authorizations beginning at $1.2 billion in 1970 rising to $5 billion in fiscal 1974.

The initial reactions to the bill have been quite favorable. I was encouraged, for example, to receive a letter recently indicating that the board of directors of the Child Welfare League of America, Inc., has voted to support this piece of legislation. I ask unanimous consent that the letter, from Miss Jean Rubin, consultant on public affairs, Child Welfare League of America, Inc., be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

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CHILD WELFARE LEAGUE
OF AMERICA, INC.,
New York, N.Y., May 22, 1969.

Hon. WALTER F. MONDALE.
U.S. Senate,
Washington, D.C.

DEAR SENATOR MONDALE: We were pleased to learn of your Headstart Child Development Bill, S. 2060. We thought that you might like to know that the Board of Directors of the Child Welfare League of America, at the Spring Board Meeting last week, voted to support this measure. The Board noted the comprehensive nature of the proposed programs and authorization for much needed funds to create the necessary facilities.

The League has long stressed the need for legislation which would provide Federal matching funds for comprehensive child welfare services in the states. Your bill would be a major step toward providing more adequate services for preschool children and their families in low income areas. We hope that more adequate services will also be provided for all children in need of child welfare services regardless of their age or income status, and that you will also support such measures.

We appreciate your past and current concern for children, and hope you will let us know whenever the League may be of assistance to you as you consider programs and services to help children and their families.

Sincerely yours,

JEAN RUBIN,
Consultant on Public Affairs.

U.S. DRAFT TREATY ON NUCLEAR ARMS CONTROL ON THE OCEAN FLOOR

Mr. MATHIAS. Mr. President, it was my privilege to be seated with the U.S. delegation to the Geneva disarmament talks on Thursday, May 22, when Ambassador Adrian S. Fisher presented the U.S. draft treaty on arms control for the seabed.

Ambassador Fisher's statement to the conference that day was a cogent presentation of the American position and included an outline of the draft treaty. Because of the great importance of this topic, I ask unanimous consent to have the text of Ambassador Fisher's address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

STATEMENT MADE BY AMBASSADOR ADRIAN S. FISHER AT THE 414TH PLENARY MEETING, THURSDAY, MAY 22, 1969

The idea of an arms control agreement for the seabed is basically responsive to a technological fact of life: the fact that the environment of the seabed is becoming increasingly accessible to men. At the same time, it may be said that if we succeed in arriving at an arms control agreement for the seabed, we will have added one more important element in the larger picture of international restraints on armaments which has been taking form.

Viewed as one more step in that all-important process, a seabed agreement appears as the logical follow-on to the treaties on Antarctica and Outer Space; and indeed it would be analogous in many ways to those treaties. It would be analogous in many ways, but not in all ways. For the seabed is a unique environment, with its own special characteristics. Foremost among these, for our purposes, is the obvious but important fact that the seabed is contiguous with the sea itself, which has been used for offensive and defensive military action almost since the beginning of history. Hence our belief that, in the circumstances in which we are now living, total demilitarization of the seabed is scarcely practical or attainable.

We have studied intensively the elements which might comprise a successful arms control agreement for the seabed, as we have studied very carefully the views which have been put forth in this Committee. We believe that great progress has already been realized in approaching this complex subject, and that we have now reached the point where it is useful and appropriate to set forth our views in the form of a draft treaty.

From the statements that have been made here, I believe we can agree that there exists a desire on the part of all the members of this Committee to make progress rapidly towards preventing an arms race on the seabed, and to arrive, if possible, at an agreement on this subject before the next session of the General Assembly.

However, there have been several suggestions as to how this goal can best be achieved. Some delegations have proposed complete demilitarization of the seabed. This concept is embodied in the draft treaty submitted by the Soviet Union on March 18 (ENDC/240). Some have suggested a catalogue of the various types of installations which should be prohibited; others have suggested that specific exceptions be written to permit certain defensive installations.

For its part, the United States has attempted to make clear, in its statements of March 25th and May 15th, its belief that the only practical way to prevent an arms race on the seabed would be an agreement banning the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed. Such an agreement would remove the major threat to the peaceful use of the seabed. At the same time, it would reduce the verification problem to manageable proportions and would be consistent with the security interests of coastal states.

Accordingly, on the instructions of the United States Government, we are submitting for the consideration of the Committee a draft treaty which would prohibit the emplacement or fixing of nuclear weapons and other weapons of mass destruction on the seabed and ocean floor. We are of the firm conviction, Mr. Chairman, that by adopting this approach we will accomplish our task of preventing the extension of the arms race to the seabed in the simplest and speediest manner.

I should now like to discuss briefly the individual articles of our draft treaty.

The first paragraph of Article I prohibits any party from emplanting or emplacing fixed nuclear weapons or other weapons of mass destruction on, within, or beneath the seabed and ocean floor beyond a narrow band, as defined in Article II, adjacent to the coast of any state. The prohibition would also apply to fixed launching platforms associated with nuclear weapons and other weapons of mass destruction whether or not a missile or warhead containing a nuclear weapon or other weapon of mass destruction was actually in place. The language of the prohibition goes to the heart of our greatest concern—namely that the seabed might not be used as an area for the emplacement of weapons of mass destruction.

Paragraph 2 of Article I obligates each party to refrain from causing, encouraging, facilitating or in any way participating in the activities prohibited by the first paragraph of Article I.

Article II deals with the limits of the narrow band mentioned in Article I and with the question of territorial sea claims. Paragraph 1 establishes the boundary of the narrow band. In deciding on the width of the band, we have taken into consideration two views expressed by nearly all the members of this Committee. The first is that the prohibition should extend to the maximum practical area of the seabed. The other is that the limits establishing the area in which the prohibition would apply should be separated from such complex issues as territorial sea claims and national jurisdiction, a view that has been given express recognition by paragraph 3 of Article II. We believe that setting the width of the narrow band at three miles, as is done in paragraph 1 of this Article, responds to both of these views. First of all, compared with the twelve-mile width, it would add roughly two million square miles of seabed to the area of prohibition. This is an area, moreover, where the temptation to extend the nuclear arms race might be very great because of its proximity to the shore. Secondly, by placing the outer limit of the narrow band at three miles we have avoided the complex questions associated with the extent of national jurisdiction. Moreover, it takes care of the concerns expressed by several delegations over the status of the maritime zone that would exist between a twelve-mile limit, for example, and the outer limits of territorial waters that were less than twelve miles. Under our draft treaty, no such zone would exist since the three-mile limit represents, I believe, the narrowest claim for a territorial sea.

Paragraph 2, at present blank, would define the baselines from which the outer limit of the three-mile narrow band is measured. We believe such definitions of baselines are necessary in view of existing claims to certain marginal seas as internal waters. In order to establish equitable boundaries and balanced obligations for all parties to the treaty, agreement will need to be worked out on how such marginal seas are to be treated. In this connection, it might be desirable and practical to draw on an existing international agreement dealing with the establishment of baselines. For its part, the United States is prepared to accept baselines drawn in a manner specified in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone if agreement can be reached on the appropriate interpretations.

Article III of the draft treaty deals with verification. As is well known, the United States has consistently supported the principle of adequate verification for all arms control agreements.

The question arises as to what constitutes "adequate" verification of this particular measure in the light of our present and developing capabilities. This is not an easy question to answer, particularly in view of the immense technical problems associated with operating in the hostile seabed environment. However, if we can ensure that the parties to the treaty remain free to observe the activities of other states on the seabed and ocean floor, we are confident that such observation will provide appropriate verification for the purposes of this treaty. One reason for this is our feeling that if a party were to violate this treaty, it would not limit itself to the installation of a single weapon. If it were to violate the treaty, it would doubtless do so on a large scale.

Paragraph 1 of Article III therefore ensures the right of observation of activities on the seabed and ocean floor, to be carried on in a way which does not interfere with the activities of states on the seabed or otherwise infringe on rights recognized under international law including the freedom of the high seas.

Paragraph 1 of Article III also provides that in the event such observation does not in any particular case suffice to eliminate questions regarding fulfillment of the provisions of the treaty, the parties undertake to consult and to cooperate in endeavoring to resolve the questions.

I am aware that the draft treaty, placed before this conference by the delegation of the Soviet Union, ENDC/240, contains the flat provisions that all installations and structures on the seabed shall be open for verification, a provision which is qualified only by the requirement of reciprocity. This, of course, is modeled on the provision in the Outer Space Treaty for verifying that there are no military installations on the moon or other celestial bodies. But an attempt to transplant, so to speak, a provision applicable to the moon, where all claims of national jurisdiction have been renounced, to the seabed, where there are existing claims of national jurisdiction and a growing number of scientific and commercial uses, raises many difficult political and legal questions. In addition, there would be an immense technical problem in living up to such an unqualified provision in the hostile environment of the seabed. For example, the entry of an observer into any installation on the seabed, at great depth or pressure, is both difficult and dangerous. Its solution might require special equipment designed for each particular type of installation. The entry into even one installation, in addition to being hazardous, could take lengthy preparation and be extremely expensive. In order to avoid complicated efforts to establish any such procedure at this time, the United States proposes a simple and straightforward verification system based on observation and consultation to resolve any questions as to compliance with the treaty which the observation might have raised.

The United States believes such a system would be workable. In my intervention on the 15th of this month I set forth the reasons why the emplacing or fixing on the ocean floor of an installation that was capable of serving as part of an effective weapons system involving nuclear weapons or other weapons of mass destruction would be unlikely to escape the attention of other maritime powers. If they suspected a violation of the treaty, they could act under the observation provision of Article III in the U.S. draft. Let us consider the role this observation would play in verifying compliance with the treaty.

If the installation has a configuration which could contain a missile for delivery of a nuclear weapon, and apertures or hatches from which such a missile could be launched, this would be observable. If the installation had the communications facilities for a sophisticated command and control system, this might also be observed. And if the installation contained an airlock, designed to permit entry of personnel, or contained large detachable parts, which could be detached for maintenance, this too could be observed.

All the questions raised by these observations would have to be resolved by the consultation provided for in Article III and the other party would be committed to cooperate to resolve them. I assure you that if the United States were to request consultations under this article, it would not propose to let the consultations drop until its questions were satisfactorily resolved.

This procedure for verification, involving observation and consultation would be available to all parties to the treaty.

In our view, international consultation would thus play an important role in the treaty's provision for verification, without the need for a special international verification organization which we would consider as both premature and wasteful of resources.

The United States believes that the verification procedure set forth in Article III of this draft is consonant with our present and developing capability to verify activities on the seabed. It is also appropriate to protect against the threat that we have reason to be concerned about both now and in the immediate future. But the draft treaty we are presenting today provides that five years after its entry into force, a review conference will be held. If technological and other developments warrant revision of the verification provisions of the treaty, they can be considered at that time. So that there may be no doubt as to our intentions in this regard, paragraph 2 of Article III expressly provides that the review conference shall consider whether any additional rights or procedures of verification should be established.

Article IV provides for amendments to the treaty, and is identical in language to Article XV of the Outer Space Treaty.

Article V provides for the review conference which I have already mentioned. The conference would meet here in Geneva five years after entry into force of the treaty, and review the operation of the treaty with a view to assuring that the purposes of the preamble and the provisions of the treaty are being realized. The provision for the review conference has been included because the United States considers the treaty as an initial undertaking in a complex environment. Accordingly, the United States believes that all parties will have an interest in assuring that there is an opportunity to consider the effect of technological or other changes on the operation of the treaty. Article V also provides that the review conference shall determine, in accordance with the views of a majority of the parties attending, whether and when an additional review conference shall be convened.

The wtihdrawal provision of Article VI is identical to that found in Paragraph 1, Article X of the Non-Proliferation Treaty. This type of clause found its origin in a similar provision in the Limited Test Ban Treaty.

This completes the description of the operational clauses of the treaty. There will, of course, have to be some routine provisions dealing wtih entering into force, accessions, official languages, etc. But if we can agree on the operational clauses, and after all, Mr. Chairman, this is the area where our discussions and differences have centered this session, then these latter provisions should not be difficult, and can be worked out at a later stage of the negotiations, once progress has ben made toward agreement on the substantive treaty articles.

Mr. Chairman, the United States Delegation has repeatedly expressed its hope that this Committee can reach satisfactory agreement which would prevent the nuclear arms race from spreading to the seabed. Likewise, we are convinced that such an agreement must be reached quickly, since it might be much more difficult, and perhaps not possible, to reach agreement once deployments have started. It is for these reasons that the draft treaty which we have submitted today does not attempt to solve all the problems at once. Rather it is designed to be a realistic and important first step toward more comprehensive disarmament. That is why we have included a provision that would subject the treaty to review and to possible amendment in the light of the experience gained in its operation and of technological developments which could bear on such issues as, for example, verification.

In conclusion, Mr. Chairman, I would like to add that I believe the draft treaty we have submitted provides a sound basis for negotiating a realistic and meaningful agreement—one which will add a significant restraint on the nuclear arms race, and, at the same time, help to ensure that the resources of the seabed are used for the benefit of all countries.

THE SAFEGUARD ABM SYSTEM

Mr. KENNEDY. Mr. President, the magazine Industrial Research, with a circulation of 80,000 of our Nation's scientific and engineering specialists, editorialized in its April issue against the Safeguard ABM System. Its reasoning was slightly different than that we normally hear: major technological breakthroughs in the ballistic missile defense problem may come in the not-too-distant future, which would render obsolete the technology on which Safeguard is based.

In its May issue, Industrial Research published the results of a poll of its readers on the ABM, comparing the poll with a similar one conducted 2 years ago. In the latter poll, 77 percent of the respondents favored ABM deployment; now, only 49 percent do. The 11 other questions in the poll are most instructive of the thinking of these professionals whose knowledge of the technological implications of the ABM is vast.

Mr. President, I ask unanimous consent that these two items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OPINION POLL RESULTS: SCIENTIFIC SUPPORT OF ABM HAS DECREASED IN PAST 2 YEARS

The best protection against nuclear missile attack still is superior retaliatory power—not the antiballistic missile (ABM)—according to scientists and engineers answering the February "Opinion Pool" dealing with the current ABM controversy.

As the public becomes more aware of ABM, opposition appears to be growing rapidly. In this poll, with 1,725 scientists and engineers responding, only 49% felt that the U.S. should implement an ABM system. By comparison, a similar "Opinion Poll" conducted more than two years ago found 77% of technical professionals favoring the ABM. However, the majority (73%) continue to believe that superior retaliatory power is the best defense against attack.

The type of plan needed also has changed during the last two years. In the first poll, the majority of respondents favored a full-scale ABM system capable of repelling Soviet ICBM attack, while today, a "thin" system for defending against Red China is considered the most logical plan.

The strongest criticisms against ABM were that the system would be obsolete before it was finished and that it would escalate the arms race.

The effectiveness of Army management of the Sentinel ABM system (and Nike-X before that) was challenged by 53% of the respondents who felt that the antiballistic missile system could be handled better by another branch of the military or a government agency.

While the majority of scientists and engineers supported further study of ABM defense, nearly all (89%) felt that there was not an "ultimate" ABM system capable of complete protection.

Tabular results of the February "Opinion Poll" follow:

Q 1: Do you think the U.S. should implement some kind of ABM system?

	Percent
Yes	49
No	51

Q 2: If a system is deployed, which of the following do you favor?

	Percent
A "thick" ABM system equal to repelling a Soviet ICBM attack	22
A "thin" ABM system suitable for defending against Red China	44
A "moderate" system somewhere between these two extremes	34

Q 3: Do you believe that deployment of an ABM system will result in technical advances in offensive weapons by potential enemies?

	Percent
Yes	83
No	17

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Q 4: Do you believe that "superior retaliatory power" is the best defense against attack?

	Percent
Yes	70
No	30

Q 5: The Sentinel ABM system (and Nike-X before that) has consumed many billions of dollars since 1957. Do you think that this Army project could be handled better by another branch of the military or a government agency?

	Percent
Yes	53
No	47

Q 6: If yes, which would you suggest?

	Percent
An agency created for national defense against nuclear attack	39
The Air Force	24
NASA	22
The Navy	3
Other	12

Q 7: Do you think that ABM bases should be located near heavily populated areas?

	Percent
Yes	10
No	42
Makes no difference	48

Q 8: Opponents of the ABM system claim several points against its deployment. Which one of the following do you feel is most valid?

	Percent
It will be obsolete before it is finished	28
It would escalate the arms race	15
It is extremely expensive	14
It would not save lives in the case of a Russian attack	3
It is not necessary for security against a Red Chinese attack at this time	1
All of these	31
None of these	8

Q 9: Do you believe there is an "ultimate" ABM system capable of complete protection?

	Percent
Yes	11
No	89

Q 10: Do you agree with proponents of the ABM proposals that the system might serve as "the first discernible step toward nuclear disarmament?"

	Percent
Yes	22
No	78

Q 11: Would you be in favor of further study on the Navy's concept of undersea missile bases plus satellite detectors as an ABM defense?

	Percent
Yes	60
No	40

Q 12: Would you be in favor of further study of the Air Force proposal using spacecraft to knock out ballistic missiles?

	Percent
Yes	64
No	36

This month, the "Opinion Poll" questionnaire deals with environmental pollution.

NIXON'S QUESTIONABLE CHOICE

We vigorously oppose the manufacture of ABM missiles as now conceived for the "safeguard" system proposed by President Nixon. We have come to this conclusion because Sentinel, admittedly inadequate for protection of U.S. cities by the President, also is ill-conceived for its new role protecting Minuteman ICBM missile bases.

Rather than waste the $800-million requested to begin design and construction of ABMs around two Minuteman missile sites, we believe this money should be devoted to advance R&D on better ABMs as well as other approaches to the problem. The U.S. actively should seek an ABM treaty with Russia to complement the Nuclear Nonproliferation Treaty.

On the face of it, Nixon's deployment scheme seems logical. But closer examination raises serious doubts about its validity. According to the President, the system is needed to safeguard against:

Any attack by the Chinese Communists in the next 10 years.

Total destruction of the U.S. deterrent force by massive Russian attack that would destroy our second-strike capability.

Any irrational or accidental attack by anyone.

On the first point, even if Communist China took the incredible risk of attacking the U.S. with a primitive force, population centers, not missile bases, would be the likely target. Vulnerability of Minuteman sites to Russian attack is offset by our constantly moving Polaris submarine force. This will be an even more convincing deterrent when equipped with Poseidon missiles with MIRV capability by 1973. Accidental holocaust, the last point, is a product of "balance of terror" politics—such a mishap probably would set off total retaliatory forces on both sides.

Aside from these shaky political reasons for immediate deployment, Sentinel truly is obsolete even before it has been built, although it probably could function in the limited way proposed by Nixon if that were desirable. But to provide realistic defense against ballistic missiles capable of raining penetration aids to confuse ABM radars, Sentinel requires several orders of magnitude improvement in all elements.

We recommend that work continue to develop all elements of the system that would produce a credible ABM by allowing it to discriminate real warheads from thousands of decoy targets. Computers with billion-bit storages and sub-nanosecond execution times must be developed to store a library of "spectrum signatures." These are ionization wakes left by warheads re-entering the atmosphere—needed to discriminate between actual bombs and decoys. Other methods of protecting or augmenting our second-strike capability also should be sought, such as super-hard Minuteman missile silos that could withstand direct nuclear blast.

The Pentagon already is zeroing in on promising new technology and probably will announce upgrading study contracts in May for a new high-resolution high-frequency radar that would be so accurate that Spartan and Sprint interceptors could use non-nuclear armament.

The fact that ABM deployment could jeopardize U.S.-U.S.S.R. disarmament talks, could initiate a new arms race, and could seriously place in question our sincerity in signing the Nuclear Nonproliferation Treaty seem ample reasons for more caution by the President. That the system presently being deployed is obsolete and unnecessary should be a sound reason for Congress to fund only the R&D portion of the ABM budget.

THE SPIRIT OF 1776—REBIRTH OF WASHINGTON

Mr. MATHIAS. Mr. President, 7 years from now our Nation will celebrate its 200th anniversary. Planning for the bicentennial is already underway in many cities and nationally under the leadership of the American Revolution Bicentennial Commission, established under legislation which I originally sponsored in 1966.

The bicentennial celebration should be far more than just a montage of speeches, exhibits, special programs, books, and reenactments. Pageantry, of course, has its place, as do the reexaminations of our national heritage and the important events of 1776. But I believe that we should go beyond commemorations to a real celebration of what America has become by 1976, and what our Nation can be as she enters her third century.

America now is an urban Nation. For all the severe problems which now beset our cities, they still retain the image of hope, progress, and opportunity which they have historically offered to Americans and the world.

It would be most appropriate, therefore, to celebrate our country's 200th birthday by a great physical, social, and spiritual rebirth of our cities. Such an effort requires far more than verbal commitments. It would demand sustained investment and the coordinated use of all our human and material resources. But it can be done.

Recently considerable discussion in Washington has focused on the possibility of making the Nation's Capital the "model city" of the Nation for the bicentennial, the city which would serve as the keystone of our national celebration and as our example for the rest of the world. Many leading Washingtonians, under the general guidance of the Federal City Council, are now developing a detailed presentation to be made to the Bicentennial Commission later this year.

Such a program would of course reach beyond improvements in monumental Washington, to embrace the real renewal of the city's heart. It would require acceleration of the many projects now on the drawing boards or just beginning to be implemented. It would also require the sense of urgency which has unfortunately been so sporadic in the past.

I believe that this concept deserves wide attention and consideration. Toward this end, I ask unanimous consent to have printed in the RECORD an editorial from the Washingtonian magazine and letters of comment from several prominent Washington citizens.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SPIRIT OF 1776—HOW THE NATION CAN CELEBRATE ITS 200TH BIRTHDAY BY MAKING WASHINGTON INTO A MODEL CITY

Presidents through the years have spoken eloquently of making Washington into a model city for the nation. But the rhetoric has a hollow ring. We still have too many problems and too much unfinished business, and we still receive too little Federal support.

In the next seven years, however, with an assist from an up-to-now obscure Government commission, we may be able to fulfill much of Washington's promise in an unparalleled burst of energy, imagination, and money.

The commission—titled the American Revolution Bicentennial Commission—was created in 1966 by Congress to plan and coordinate the nation's 200th birthday celebration in 1976. Because the Johnson Administration showed little interest and provided little money, the commission has not made much progress. Its thirty-four members did, however, ask the Commerce Department for ideas on how the nation might best celebrate its bicentennial.

The Commerce Department report—prepared by its expositions staff and not yet made public—will recommend that the 1976 celebration center around the "rebirth of a city." If the Bicentennial Commission adopts the idea, an entire city would be dramatically improved and displayed to the world.

The report suggests that such a "rebirth of a city" would have a deeper meaning than traditional expositions, such as the recent New York World's Fair. The recommendation, however, will need strong and articulate support. Boston already has unveiled plans for an $800 million "Expo Boston" that would be built on a 690-acre downtown tract. Philadelphia is talking of a $1.2 billion exposition. Both cities, of course, are anxious to get as large a piece of the bicentennial actions as possible.

The Washingtonian applauds and endorses the Commerce Department report. The "rebirth of a city" would be much more meaningful than an expensive, artificial exposition that would leave few permanent benefits behind, and the concept could be combined with expositions in other cities to make the bicentennial a truly magnificent American celebration.

The Washingtonian suggests that the city reborn ought to be Washington, a city whose deteriorating heart makes a mockery of its affluent suburbs and Federal elegance, a city whose well-laid plans for improvement (the subway, for example) are so bogged down in jurisdictional squabbles that the idea of making it into a model city strikes many people as pie in the sky.

If Washington and the new Nixon Administration go forward together in the Spirit of '76, the bicentennial could be the spark we need to go beyond the area's backlog of unfinished business and create a city of which we can all be proud.

Many projects already underway could be part of the 1976 "rebirth of a city" plan, including the subways, Ft. Lincoln New Town, the Pennsylvania Avenue plan, rebuilding of Seventh and Fourteenth streets, Federal City College, development of the mall, and the John F. Kennedy Center for the Performing Arts.

Imaginative new projects could be started and completed by 1976, such as a major overhaul of the Potomac and Anacostia waterfronts for recreational use, the creation of several additional new towns in and around the city (one perhaps on the site of National Airport), the development of a first-rate public-school system for the District of Columbia, and many more.

In the coming issues of the Washingtonian we intend to present challenging new plans for some of these projects. We hope you will send us your ideas on how to make Washington more than just a city of magnificent intentions.

Meanwhile, the Bicentennial Commission flounders in uncertainty. Will President Nixon take an interest in its efforts? Will Congress appropriate the necessary funds? Will the Commerce Department's "rebirth of a city" idea be passed over in favor of the traditional World's Fair kind of celebration?

We ask, therefore, that you help seek a major role for Washington in the bicentennial. This is the city which belongs to all the American people and it should demonstrate our nation's commitment and ability to handle the challenges of this urban society in which we live.

Write to President Nixon, Mayor Washington and the D.C. City Council, your local Congressmen and Senators, members of the House and Senate District Committees, and others you think might help.—The Editors.

WHAT WASHINGTON COULD SHOW THE WORLD IN 1976

Washington is already a showplace, as evidenced by the seventeen million tourists who come here each year to look at Federal buildings, monuments, museums, and embassies. And the city has some splendid new projects in various stages of development, all of which could be pushed to completion as part of the "rebirth of a city." For example:

National Visitors Center—The $16 million conversion of Union Station to a visitors' center should take about three years.

Ft. Lincoln New Town—$300 million in public and private funds will be invested in this 335-acre model community to be built on the former site of the National Training School in Northeast Washington. When completed in 1975, the integrated community will have 15,500 people of various socio-economic levels living in housing ranging from high-rise apartments to town houses.

Two other carefully planned new towns in the Washington metropolitan area are already attracting worldwide attention—Reston, in Fairfax County, Virginia, and Columbia, between Washington and Baltimore. Planners say seven or eight other new towns should be underway by 1976.

Federal City College—This new four-year liberal arts school—the equivalent of a state college for District residents—has temporary headquarters at 425 Second Street, N.W., and in five years could have its permanent campuses in the Mt. Vernon Square area (Seventh Street and New York Avenue, N.W.) and at Ft. Lincoln New Town.

Metro (the subway-rail rapid-transit system)—Work is just beginning on this 97-mile project. Cost is estimated at $2.5 billion, and Congress has been slow to appropriate its share because of rapid transit vs. freeway infighting. The 25-mile District part of the system is supposed to be operating by 1972, with the suburban sections completed by 1980.

Beautification and redevelopment of the Mall—Plans are vague, but someday all of the temporary buildings on the Mall will be removed. Two new buildings are planned—the $13 million Hirshhorn Museum will house a $25 million art and sculpture collection on Independence Avenue between Seventh and Ninth Streets; a new $40 million Smithsonian Air and Space Museum also will be built. Both could be completed by 1976.

John F. Kennedy Center for the Performing Arts—This $60 million cultural center, overlooking the Potomac near the Watergate and the Lincoln Memorial, is scheduled for completion by late 1970.

Redevelopment under the Model Cities Act—Washington received a $300,000 Federal planning grant for redevelopment of five different neighborhoods. The city will submit a statement of goals this spring, and then should receive about $5 million for a five-year program.

The National Aquarium—A $9 million facility on Hains Point. Construction may start next year.

District of Columbia Library—This $17 million main library at Ninth and G Streets, N.W., should be completed late in 1970.

Pollution control of the Potomac and Anacostia rivers—The District has a $52.5 million water pollution control program underway to clean up the Potomac and Anacostia rivers by 1972. The Potomac may also be designated by Congress as a National River, which would qualify this area for additional pollution-control funds.

Washington has other ambitious plans, still on the drawing boards, which could be realized by 1976:

Georgetown Waterfront—The Georgetown Planning Council wants to redevelop the waterfront area south of M Street to include a boat basin, a town square, inns, shops, and small parks. But nothing can be done until the Whitehurst Freeway is torn down and replaced by a tunnel under K Street, and this depends on resolution of the freeway controversy.

Rebuilding of Fourteen Street—No firm plans have been agreed on for rebuilding the Fourteenth Street area that was hard-hit by the 1968 civil disorders but lies outside areas taken in by the Shaw and Downtown plans. The Community Reconstruction and Development Corporation, which has received a $600,000 Ford Foundation grant, is trying to work out a consensus.

Rebuilding of Seventh Street—New business and residential areas, plus a Federal City College campus and other community-service facilities, are planned for Seventh Street under the Downtown and Shaw urban-renewal plans. First year action, with $29.7 million in Federal money and hopefully about $120 million in private investment, will center on the area between K Street and Florida Avenue.

Air pollution control—The District Health Department is now spending $60,000 a year to control air pollution. A comprehensive program would cost about $320,000 a year. Major problems are automobiles, coal burning, and jet airplanes. New standards are being set up under the Federal Government's Air Quality Act of 1967.

Rebirth of the Anacostia—This ambitious plan involves National Park Service land along the Anacostia from the District line to the Potomac River. Part of Lake Kingman would be converted to a swimming area, and a Tivoli-type amusement center would be built near Robert F. Kennedy Memorial Stadium. In addition, the Kenilworth Dump site would be transformed into a picnic and recreation center. No estimate on total cost. The plan will go to Congress for funding this year.

Pennsylvania Avenue Plan—Redevelopment of the area between Fifteenth Street and the Capitol will center on the north side of Pennsylvania Avenue. New public and private buildings, including new headquarters for the FBI and the Labor Department, would conform in height and size to the buildings on the south side of Pennsylvania Avenue. Also included are a Capitol Reflecting Pool, National Gallery Sculpture Garden, Woodrow Wilson Memorial, and National Square.

And there is still time to plan and develop bold new programs. Here are a few to consider. We hope you will send us suggestions for others.

Convert obsolete Federal facilities such as National Airport, Bolling Field, and Andrews Air Force Base into new towns, for residential, commercial, and recreational use.

Build a monorail or other rapid-rail transit to Dulles and Friendship airports.

Redevelop older suburban areas, such as Silver Spring and Mt. Rainier.

Create facilities which will stimulate metropolitan area commerce: a convention center, an industrial and trade exposition center, a sports arena, a regional economic development authority.

Build an official residence for the Vice-President.

Amend zoning laws to permit recreational use of the flat rooftops of downtown office buildings.

Create a truly great national university, building on the resources of the University Consortium, the existing universities, and the Smithsonian Institution.

[From the Washingtonian magazine, April 1969]

THE SPIRIT OF 1776

We have read with interest your article on "The Spirit of '76," [March 1969]. Indeed the proposals you suggest are exciting and should be pursued—but we would presume in an order not indicated by the article. We would hope that the rebuilding of 14th and 7th Streets and the rebirth of Anacostia would have priority in any plan attempted at making Washington a showplace for the world. Indeed the basic needs of people such as housing would surely be met before we pursue the luxuries indicated by the many other programs.

I am sure that this was your intention and only mention this because of the continuing practice on the part of so many who put the cart before the horse. We continue to enjoy your magazine.

Channing E. Phillips,
Minister, Lincoln Temple.

Having introduced the original proposal for a Bicentennial Commission in the 88th Congress, I have been deeply interested in the bicentennial plans, and was particularly pleased to see the interest expressed in this effort by the Washingtonian.

John O. Marsh, Jr.
Member of Congress.

We will certainly join in pressing for the idea of tying the "rebirth" of the city to the bi-centennial. In fact our enthusiasm for some variation on this idea was expressed almost a year ago, in a long article in "Outlook" by Wolf von Eckardt and in an editorial. Together, the von Eckardt piece and the editorial set forth some interesting specific projects and we will undoubtedly be coming back to the subject from time to time.

I await with interest your plan to publish a series of specific proposals on this subject which undoubtedly will need all the support we can possibly give it and more.

Philip L. Geyelin,
Editorial Page Editor, the Washington Post.

I enjoy your magazine and your relevant, thought-provoking material. I certainly do support the purpose and intent of your March "Spirit of '76" editorial and I assure you I am interested in doing all possible to see Washington selected as the city for rebirth. I agree with you that it would do much to make this a Capital city of which the entire nation could be proud.

Joseph P. Yeldell,
D.C. Councilman.

I applaud and endorse the Washingtonian's proposal to commemorate the 1976 American Bicentennial by making Washington a model city. It is our hope to be able to complete the redevelopment of Pennsylvania Avenue by this 1976 target date.

Nathaniel A. Owings,
Chairman, President's Temporary Commission on Pennsylvania Avenue.

You will have my fullest support in developing plans for celebration of the Nation's 200th Birthday by turning Washington into a showcase of what this country can accomplish.

Arthur W. Arundel.

I like the "rebirth of a city" idea very much, and think it is an excellent proposal. I too think that Washington, D.C., can make a great showing.

William S. Thompson,
D.C. Councilman.

I congratulate you for your very imaginative editorial on "The Spirit of '76," which appeared in the March issue of the Washingtonian. Certainly, we will keep the 1976 Bicentennial very much in mind as we proceed with our programming at the Kennedy Center.

William McC. Blair, Jr.,
The General Director, John F. Kennedy Center for the Performing Arts.

President's Temporary Commission on Pennsylvania Avenue,
Washington, D.C., March 28, 1969.

Mr. L. A. Jennings,
Chairman, Federal City Council,
Washington, D.C.

Dear Mr. Jennings: I congratulate the Federal City Council for its proposal to make Washington a model city.

As you know, the Pennsylvania Avenue Commission has long supported the concept of a living exposition, and will certainly assist the Federal City Council in its presentation to the American Bicentennial Commission in every possible way.

Sincerely,
Nathaniel A. Owings,
Chairman.

Greater Washington Central Labor Council, AFL–CIO,
Washington, D.C., March 31, 1969.

Mr. L. A. Jennings,
Chairman, Federal City Council,
Washington, D.C.

Dear Mr. Jennings: I am most happy to inform you that the organization of which I am President agrees that a new form of commemorative event would be more appropriate for 1976 than a world's fair in the traditional sense. In view of the fact that Washington, D.C., is in itself an exposition, we believe that the Spirit of 1976 could best be manifested by making Washington an exemplary urban area in every possible sense. With a proper infusion of imagination and resources, we can show the nation and the world dynamic progress in meeting urban problems that plague the world.

We congratulate the Federal City Council on its decision to make a presentation to this effect to the American Revolution Bicentennial Commission. You have our best wishes and support for this undertaking. If the members of the Bicentennial Commission decide against a world's fair, as we believe they should, our full support in the organization of a non-profit, corporation whose goal would be to coordinate the necessary effort to make Washington a fair city for all the world to see by 1976 is hereby pledged to you.

Very truly yours,
J. C. Turner, *President.*

NUCLEAR STRATEGY DECISIONS

Mr. FULBRIGHT. Mr. President, Marquis Childs, one of our most thoughtful, distinguished, and respected columnists, has recently published three columns which deserve the attention of the administration, Members of the Congress, and the public.

His articles are a thoughtful analysis of the nuclear strategy decisions which face the United States and the Soviet Union.

> As the days slip by—

Writes Mr. Childs—

> the fear grows that a last chance to head off another and perhaps ultimate round in the race will be lost.

He refers to the race that concerns all of humanity—the nuclear arms race of which the ABM controversy is a small but crucial part.

What if the Russians were saying the things about us that our Secretary of Defense is saying about them, asks Mr. Childs. Is it possible that the Russians might charge us with dastardly intentions toward them?

These questions need exploration in depth and without emotion or preconceived answers.

Mr. Childs does this.

I ask unanimous consent that Mr. Childs' columns, printed in the Washington Post on May 23, 26, and 28, 1969, be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record as follows:

[From the Washington Post, May 23, 1969]

Prospects for Arms Talks Seem To Be Losing Ground

(By Marquis Childs)

Not long before he left on his Asian trip, Secretary of State William P. Rogers met with Soviet Ambassador Anatoly F. Dobrynin. Rogers wanted to reaffirm to Dobrynin what he had said publicly—that the United States would be prepared to enter into arms negotiations with the Soviet Union in the late spring or early summer.

Reporting the discussion to colleagues, Rogers stressed Dobrynin's concern over delay in the long-heralded talks. He quoted the Soviet Ambassador as saying with the wry humor that is one of his characteristics: "You are sure you don't mean Indian summer?"

It now appears there will be a delay in the start of the effort to checkmate another sharp upward spiral in the nuclear arms race. What in bureaucratese is called "slippage" has taken place. From White House sources comes word it may be August before the American side bears out this pessimistic estimate.

As the days slip by, the fear grows that a last chance to head off another and perhaps the ultimate round in the race will be lost. Two reasons underscore this fear. One is evidence of a hardening attitude in Moscow. The military appear to have increasing weight in the Kremlin.

The second fear is of an accident that suddenly in flaring headlines puts an end to all hope of talks. The U–2 spy plane shot down in 1960 wrote finish to the attempt of President Eisenhower to abate the cold war and arrive at competitive coexistence with the Soviets. The Russian invasion of Czechoslovakia last August cut across the carefully laid plans of President Johnson to begin arms talks. An accident would all too obviously suit those who in private oppose arms limitation.

If any single factor has damped the prospect for arms talks it is the decision of the Nixon Administration to start deployment of anti-ballistic missiles to safeguard intercontinental missiles. This is not so much because it will mean any significant change in the strategic balance between the two nuclear giants, but because of the loud propaganda coming from Secretary of Defense Melvin R. Laird and other defense officials to convince Congress the Soviets are preparing a first-strike capability to cripple the United States.

No walls of silence, such as can be imposed by an authoritarian system, surround the United States to keep the angry ABM debate within the American family. All of the speeches and statements by Laird, Dr. John S. Foster Jr., director of defense research and engineering, and others carrying the torch for ABM are avidly read in the Kremlin. It is hardly necessary to add that they serve the cause of the hardliners who, it is a safe conjecture, argue that it is useless to try to come to any agreement with the warmongering imperialists in Washington. A recent visitor from the Soviet Union put this question:

"What if Grechko was saying the things Laird is saying?"

Imagine Marshal Andrei A. Grechko, Soviet Defense Minister, writing in Pravda or trumpeting in a speech on Armed Forces Day that the United States was accelerating the build-up in both offensive and defensive nuclear weapons. And what for? Why, to knock out the Soviet's retaliatory capability, with America triumphant in a first strike and the Soviet Union forever crippled, if not destroyed.

The consequences for any future arms talks would be pretty serious. How can we ever deal with people like that who charge us with such dastardly intentions? The argument that the Laird blasts do not matter,

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since there is no public opinion in the Soviet Union, is fallacious. A kind of opinion at the very highest level is subject to the news from everywhere and particularly from the other nuclear giant across the great divide.

The director of the Arms Control and Disarmament Agency, Gerard C. Smith, will be the principal negotiator in the first round when—and at this point caution dictates an if—it begins. Smith is determined that the talks will succeed. While they may not bring a reduction in nuclear arms, at a minimum they should checkmate a new spiral. The disarmament agency is hopefully setting a date between July 15 and August 1 for the start of the talks. Since spring ends on June 20, July 15 would still be within Secretary Rogers' pledged timing.

No one questions Smith's dedication and sincerity. But he faces many handicaps within the Administration. A month ago the word was put out that he would have a strong, capable deputy. An approach was made to William H. Sullivan, former Ambassador to Laos and one of the ablest Foreign Service officers. Subsequently, Sullivan was named Deputy Secretary for the Far East, with emphasis on the Vietnam task force, which may say something about priorities. No deputy has been named.

Why are the forces in the inner council cold, hot and lukewarm on the arms talks? What is the reason for the slippage? This will be examined in a following column.

[From the Washington Post, May 26, 1969]

Obstacle Course Must Be Run Before Any United States-Soviet Talks

(By Marquis Childs)

The Johnson Administration left behind for the incoming President and his foreign policy advisers a vitally important document. Duly initialed after months of effort by both Soviet and American representatives, this paper laid down the agreed principles under which the arms limitation talks, theoretically soon to begin, were to be conducted.

So far as the Soviet side is concerned, nothing more has been heard of that document. In fact, except informally at a level well below the top, no approach has been made to the Russians in the nearly four months since the Johnson Administration downed tools. A great silence has prevailed. The reasons for the silence lie in the obstacle course still to be got over before the United States can meet at Geneva to talk with the Russians about ways to prevent another enormously costly upward turn in the nuclear arms race.

The barriers on that obstacle course are formidable, suggesting it may be well beyond early summer before negotiation can start. The obstacle course runs through the Pentagon, the National Security Council and the final barrier is approval, or at any rate sympathetic understanding, by America's allies. So far there have been only trial runs over this course.

One of the achievements of the Johnson Administration was to get agreement from the Joint Chiefs of Staff on a negotiating position. Whether in light of the anti-ballistic missile controversy this agreement among the military has been eroded is a question. A further doubt is over future tests the military have scheduled for MIRV, the multiple independently targeted re-entry vehicles giving each warhead the capability of direct hits on eight or nine separate targets. Should the United States go ahead with these tests the Soviet Union can be expected to insist on the right to similar tests and a MIRV round in the race would seem assured.

A new and influential presence in the Pentagon raises a further question. A hard-line Goldwater speech writer, G. Warren Nutter, was named to the key post of Assistant Secretary of Defense for International Affairs. While he softened previously expressed views when up for Senate confirmation, Nutter talks about making sure we don't give the Soviets something for nothing. What this means in arms limitation, where supposedly the game is arriving at strictly measured cuts strictly monitored, is not clear.

The American arms limitation proposal, having passed the Pentagon barrier, will come before the National Security Council with two sticking points. First the specific recommendations must be passed on by the Council made up of the President, Vice President, State, Defense, Assistant for National Security Affairs Henry A. Kissinger and CIA Director Richard Helms as an advisory participant. The second and fundamental point the Council will pass on is whether it is in the interest of the United States to enter into such talks at all.

This means time. It means the concentrated attention of the President himself when he is being pulled in a dozen different directions. The trip to Midway to meet with President Nguyen van Thieu of South Vietnam will take five days out of the Nixon schedule.

But the highest barrier is approval of the allies. In theory one reason for President Nixon's trip to Europe in February was to get the sanction of West Europeans for negotiation with Moscow. This was only broad pro forma approval.

Those familiar with the negotiations leading up to the nuclear test ban and the nuclear nonproliferation treaties are convinced that any attempt to get approval for specific negotiating points will mean a long delay. They see it as a kind of trap in which the United States can be bogged down indefinitely while the chances for checking the arms race go glimmering. The West Germans with their complex involvement in Eastern Europe and their deep suspicion of anything Russian can stall for weeks.

The background here is significant. Kissinger is highly critical of past negotiation. He believes the nonproliferation treaty is in limbo today, with key nations withholding their approval, because the allies were not kept current with the various stages of the negotiating process. Germany, Japan, India, Israel and Brazil are among the nations that have not yet signed the treaty.

This is simply not true say those who worked over the years negotiating the two treaties. Every possible effort was made to keep America's allies, and in particular West Germany, up to date at each successive stage. A German observer was always present. Each week the then head of the Arms Control and Disarmament Agency, William C. Foster, gave a report to the North Atlantic Council in Brussels on the exact status of the talks.

With the days slipping by, the great unknown on the American side matches the unknown on the Soviet side. As the attitude in the Kremlin hardens those who have been eager for an opening to try to achieve at least a pause in the race, notably Premier Alexei Kosygin, may have lost out to the hard liners. The delay of five to six months will have erased the last best chance to stop and look at how high the stakes are in this race. The simple formula of the past, guns versus butter, falls far short of conveying the threat of these fantastic weapons and the economic squeeze inherent in their fantastic cost.

[From the Washington (D.C.) Post, May 28, 1969]

Soviet Dissident's Troubles Point Up Arms Control Lag

(By Marquis Childs)

In the literature of free expression smuggled out of post-Stalinist Russia the short book by Andrei D. Sakharov, "Progress, Coexistence and Intellectual Freedom," rates at the top. A forthright plea for freedom of thought, it comes from one of the world's greatest physicists, who more than any single Soviet scientist contributed to the development of the Soviet hydrogen bomb at a far earlier date than the West had thought possible.

Sakharov may feel the same guilt afflicting scientists in the West who created this weapon of incredible mass destruction. But for a revered 48-year-old member of the Academy of Sciences to declare the "essential" need for freedom of thought if the world is to be saved from destruction is indeed remarkable. Today the triple threat to freedom of thought comes, Sakharov wrote, "from the opium of mass culture, from cowardly, egotistic and narrow-minded ideologies and from the ossified dogmatism of a bureaucratic oligarchy and its favorite weapon, ideological censorship."

Convinced that the offensive can always outrun the defensive, Sakharov called for an agreed moratorium on construction of an antiballistic missile system in both countries to save the billions of dollars such a system costs as well as to make a start at checkmating the arms race. In the document circulated from hand to hand he spelled out the 40 square miles of destruction the explosion of one three-megaton (3,000,000 tons of TNT) warhead would do. His case against still another upward spiral in the ABM sounds like the case many leading American scientists are making against deployment of the Safeguard missile in this country.

A current report has it that Sakharov has been humiliated. He has been denied access to the leading nuclear center at Dubna near Moscow. And the hardliners in the Academy of Sciences have brought about his expulsion for writing a book full of "liberal tendencies."

The report cannot be verified. Kremlinologists say that while he may no longer be at Dubna he is working in another nuclear center. They doubt the unprecedented step of expelling him from the Academy. Incidentally, the Sakharov affair has striking parallels with the fate of the late Robert Oppenheimer, who was denied access to top-secret information after a lengthy hearing into his early relationship with Communists or Communist sympathizers.

Whether exaggerated or not, the report of Sakharov's troubles underscores the hardening attitude in the Soviet Union. His book has never appeared in the U.S.S.R. and if he has been disciplined it means that the Kremlin is determiined the Soviet public will not be influenced by any soft line on weapons and negotiation.

It suggests that the eagerness of the Kremlin leaders, notably Premier Alexei Kosygin, in October and November to begin negotiating a pause in the arms race may have decidedly cooled. In the pessimistic view the cooling off since the military carried out the invasion of Czechoslovakia last August has gone to such a point that arms negotiation in any realistic sense may no longer be possible.

But there are hopeful elements evident in two individuals approaching the complex and delicate problem with a realistic understanding of what can come out of prolonged, complex, difficult talks. One is Soviet Ambassador Anatoly Dobrynin. The other is Llewellyn Thompson who, since retiring from the State Department, is serving as a part-time consultant to the Arms Control and Disarmament Agency.

Dobrynin was to have retired as Ambassador to Washington the first of the year. Because he had been so close to the issue of negotiations and because of his rapport with officialdom, he stayed on. With an easy approach and a good sense of humor Dobrynin has won the confidence of many Americans while being careful always to stay within the frame of his own country's position.

In his tour of duty as Ambassador to Moscow from 1957 to 1962 Thompson, in the same quiet and unassuming way, won the confi-

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dence of the men in the Kremlin. Growing up in Las Animas, Colo., there could never be any question of his American origins. Out of a strong sense of duty he agreed after retirement to stay on as consultant to Gerard C. Smith, director of the Arms Control and Disarmament Agency. This meant turning down highly lucrative offers. The importance of his role can hardly be exaggerated in the delicate and uncertain phase that may or may not end with the two sides talking across the table at Geneva.

When all is said and done, the profound differences in the two systems may rule out any agreement. The rivalry for supremacy is great. The secrecy so intensely guarded on the American as well as the Soviet side on weapons capability and intentions—makes a compromise even on an issue with life or death in balance unlikely.

On the other hand, a ban on nuclear testing in the atmosphere was negotiated.

FREEMAN WRITES ON RURAL-URBAN BALANCE

Mr. MONDALE. Mr. President, the former Secretary of Agriculture, the Honorable Orville L. Freeman, of Minnesota, has written an absorbing and highly topical article in the current issue of the Minnesota Law Review.

Titled "Toward a National Policy on Balanced Communities," Mr. Freeman's article advocates:

New planning initiatives at the county and multicounty levels.

Leadership from the Federal Government in the location of its facilities in rural areas.

Establishment of a "Town and Country Development Bank" for rural America, similar to the proposed National Urban Development Bank.

During his 8 years as Secretary under Presidents Kennedy and Johnson, Mr. Freeman became known across the Nation for his leadership and concern for problems affecting all of rural America. This article, which explores in depth the problem of American demography, which has crowded 70 percent of our population into just over 1 percent of the land area, is an example of his continuing concern.

I recommend this article highly and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TOWARD A NATIONAL POLICY ON BALANCED COMMUNITIES

(By Orville L. Freeman)

During my service as Secretary of Agriculture, the need for nationwide action to correct detrimental trends in domestic population distribution (settlement patterns) became dramatically clear. What I call rural-urban balance—an easy relationship of people, land (space) and economic opportunity, with all the social consequences this involves—had been destroyed in much of the nation. Virtually every aspect of the urban crisis—poverty and welfare, employment, crime, housing and health—could be linked to a migration from rural America that resulted in too many people on too little space.

The cities, their municipal hands full with just the natural increase in their indigenous population, had been thrown off balance by this influx from the countryside, and they have never recovered, similarly, renewed focus on the unheralded desperation of rural poverty [1] revealed the grim consequences of ignoring the waste and hardship of unplanned and unattended urban migration. Though the shift might be deemed desirable under some economic theory,[2] the economic pressure which forced people away from the land of their birth and the ultimate negative impact on the rural people who stayed wrote a record of deprivation that was no less cruel than the markings on the wall of the urban ghetto.

At the beginning of the 1960's, no level of government and few Americans in the private sector had shown either understanding or the capacity to anticipate the impact of gross population movements. Historically, this is understandable, since basic to the tensions and frustrations of the latter one-third of the 20th Century has been our failure as a nation, during the first two-thirds of the century, to grasp the implications of the unprecedented technological and productive forces and the resulting change in population patterns that we unleashed. In the short period since World War II, our population has grown by 55 million—37 per cent. The value of goods and services we produce each year has increased from $280 billion to more than $800 billion. Three million farms have disappeared in a technological revolution that is still sweeping through agriculture. More than 20 million persons have abandoned the farms and small towns for the city.[3] One-third of the population has left the city for the suburbs.

We have been aware that our society is changing, of course, but there has never been any national recognition of what this pell-mell change meant in terms of stresses on our communities, schools, governments, homes, churchs, neighborhoods, and on ourselves.[4] Just as untrammeled laissez-faire economics has long since proven inadequate to regulate the national economy, so have do-nothing policies regarding living space proven inadequate to meet 20th Century human needs. We have failed to plan for change—to develop public and private institutions and attitudes that would shape and control the technological revolution to serve the needs of society. The result has been a national crisis of environment—the relationship between the people and the land—and from this crisis others have erupted all around us.

Seventy per cent of our people now are crowded onto less than two per cent of the land; 30 per cent occupy all the rest, many of them in lonely decline while their city cousins live in overcrowded disorder.

In terms of ability and training, the migrants from rural America to the metropolis have been primarily the best and the worst. The departure of the best sapped the strength and dulled the potential of rural America. The arrival of the worst compounded the problems of cities already sorely tried by problems of growth.[5]

This imbalance between land and people is evident in the creeping decay in the countryside where communities have lost the economic base to support good schools, doctors, churches, and social services.[6] It is evident in the congestion, pollution, civic disorder and proliferating ghettos of the metropolis, and in the leap-frog spread of suburbia, paving over the countryside, choking the inner city. It is evident in the unrest and dissatisfaction that spreads across our land like a blight and threatens the very fiber of our nation. Violence has occurred in our colleges and high schools, with young people breaking the law and attacking our national leaders and institutions with vulgar obscenities. Freedom of speech, the most vital requirement of the democratic process itself, is on the defensive. A Presidential Commission [7] reports that this nation faces the serious danger of a segmented society, one segment white and one black, and a year later finds no progress in dissipating that danger.[8] Crime has climbed to epidemic proportions—threatening the personal safety of more Americans than ever before in our history.

These conditions are all related. Each feeds the other, and if the trend to megalopolis continues for the next 30 years, 100 million more Americans will be stacked onto the 140 million already living in our cities and suburbs.[9] The result could be catastrophic. Two editorials from prominent newspapers highlight what is happening. The New York Times, on July 28, 1967, editorialized:

> . . . Any man condemned to spend his days and nights without end on East 103rd Street would be likely to "blow his cool" sooner or later, or give up. Men without education or skills haven't much choice.
>
> It will not be enough to patch up old dwellings or build new ones in the more deteriorated city areas. It will be necessary to reshape the total urban environment to make the cities liveable for all who work and dwell there. This means restoring the purity of air and water, reducing noise, relieving congestion, creating more parks and recreation areas, improving transportation, enriching the artistic and cultural environment.[10]

The Washington Post made the following statement regarding the work of Edward T. Hall, the anthropologist, on the "human space bubble" defined by Hall as a "sacred bit of space, a bit of mobile territoriality which only a few other organisms are allowed to penetrate and then for only short periods of time:" [11]

> What Mr. Hall has done is to relate [stress produced by overcrowding] in a very pointed way to human beings. . . . If the human space bubble is repeatedly subjected to battering by outside forces such as overcrowded housing or freeways, the occupant may be thrown into aggressive realtionships with those he finds around him, for, according to Mr. Hall:
>
> If man's space bubble is crushed, or dented, or pushed out of shape, he suffers virtually as much damage as though his body were crushed, or dented, or pushed out of shape. The only difference is that the effects take longer to make themselves evident.
>
> The fact is, we have been madly building cities in recent decades with virtually no thought of man's vital need for living space. It should now be apparent that this need is no less acute than the requirements of food, shelter, and transportation. . . . The "space bubble" is not merely a frill or amenity. Nor is its importance primarily aesthetic. It . . . is directly related to the survival of our civilization.

Clearly there is cause for alarm. It is understandable that we are perplexed and frustrated as individuals and as a nation by what is going on around us. No nation in history has ever been so productive or so wealthy. Nearly 180 million Americans out of 200 million are living better than any people in history—more jobs at higher wages, climbing profits, unparalleled economic security, more leisure, better health, better education, better homes and food, more automobiles, more T.V. sets, more electrical appliances and telephones than would have been predicted in our wildest dreams at the end of World War II, only 25 years ago. Yet many Americans fear we have lost our way. The fact that 20 million Americans live in poverty stares us in the face. We can no longer ignore it; modern communications media drums it into our senses. Our conscience is agonized by the knowledge that we have the resources to wipe out poverty and discrimination. Millions of Americans cannot enjoy luxury while others suffer extreme privation. The crisis of the environment also burdens our conscience. Everywhere about us we can see first-hand evidence of how we have despoiled our rivers,

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Footnotes at end of article.

lakes, and lands, and polluted the air in our large cities.

Our pangs of conscience as a nation bite deep because we know it need not have happened this way. We could have followed a sensible people-space policy and shaped our society with consideration for resources, people and space, demanding quality as well as quantity. Instead, we have persisted in piling more and more people in less and less space on economic grounds that have been rendered obsolete by modern transportation and communication. We have been slaves to historic forces that are no longer rational. I do not believe, as do some, that the exodus to megalopolis that has taken place in the last 50 years is inevitable for the future. Certainly, a nation that has successfully explored outer space for 10 years and will soon land a man on the moon has the creative energy and technology to create a life on earth that offers opportunity and something of grace for all—a life of quality to match the quantity that this same energy and technology has produced in such abundant measure.

The first step is recognition of the fact that rural-urban balance is a nationwide challenge. It cannot be met by concentrating on city, suburb, or countryside alone, but only by moving on all three at once, and in the context of the whole nation.[12] That means our planning must be based on nationwide physical, economic, social and cultural geography, not just political geography. We have space to spare if we use it. But we cannot use it properly if, in our planning, this space is constrained by the city limits, the county line or the state border. We need a national settlement policy on the geographic distribution of economic opportunity, jobs and people.

Until we have such a national policy the problems of city and countryside will remain insoluble. The interaction between them will continue to compound the problem of each. Only a common national policy with complementary efforts in city, suburb, and countryside can restore balance to America. It is past time that we recognize these facts and create a national plan which will coordinate a total national effort, designed to use the combined resources of government, business and industry—and 200 million-plus people—to erase the undesirable effects of 50 years of unplanned growth, and to create a new land where Americans can live at ease with each other and with their environment.

I repeat: To do this will take a total national effort with participation at every level of government, the private sector of our economy, the professions, and individual men and women and young people everywhere. Only the President of the United States can launch such a national effort. He should do it promptly. Ideally, it would have been done long ago, but public opinion was not ready. Now the people are looking for leadership and action. They recognize intuitively that we cannot continue our unplanned, undirected, helter-skelter course without a national explosion. The American people know we are making grave mistakes, abusing our limited natural resources, and failing to meet the minimum needs of millions of Americans. And they know too, that we have more wealth and know-how than ever before. Growth in the social sciences, management techniques, data retrieval, computer science, automation—all these combined with unprecedented wealth—make it possible to accomplish what was impossible a few years ago.

The average person may not articulate this paradox, but he senses very clearly that as a nation we are falling very far short of our potential. The evidence that he is becoming more frustrated and dissatisfied increases every day. Clearly the time has come for a total national effort. The first goal of that effort should be the participation of every American citizen.

If the President of the United States would launch a total national planning effort, new hope and new spirit would quicken the people and the institutions across the nation. Americans still have confidence in themselves and their institutions. They still believe this is the land of progress, that there is no limit to what we can do as people. Our history justifies that confidence. But lately, characteristic American optimism has been tempered. Increasingly, the question is heard—"have we gotten too big?" "Is it all so complicated that I don't count, that no person really matters anymore?" A total grassroots challenge to develop a national plan to build a new and better quality America which protects and husbands our natural resources and provides opportunity for all Americans will restore hope by setting accomplishment targets, and with hope comes confidence.[13]

To do this will be to mount a revolution—not the violent kind, but one just as far-reaching, comprehensive, and pervasive as that of 1776, or the Jacksonian revolution of the last century, or the social revolution of the Thirties. John Fischer described it when he wrote in *Harper's*:

"It may be a time when we find a new national purpose: to resettle the deserted hinterland, to discover ways of moving people and jobs away from megalopolis before it becomes both uninhabitable and ungovernable. It may be a period when we invent new ways to govern the modern state, as we invented the machinery for settling and governing an empty continent 200 years ago."

Certainly it will be a period of political realignment—possibly more drastic than anything yet imagined either by the despairing youngsters of the New Left or the frightened oldsters of the Extreme Right.[14]

The perimeters of such a national planning effort should be set out by the nation's most able leaders, led by the President of the United States himself. They will want to take into consideration, in developing the "planning plan," what has been done and what has been discussed and proposed to date to restore rural-urban balance to make proper use of the great resource of living space and to rebuild a quality U.S.A.

Considerable machinery has been put in place in the past eight years to restore and create opportunity in town and country America. At the present time, Technical Action Panels serve more than 3,000 rural counties. These panels are made up of government officials—federal, state, and in some cases local—whose primary function is to advise local people on where and how to organize and to plan, and how to get assistance in improving their own communities.

Hundreds of voluntary groups representing multicounty regions are already forming a base for action. At least 30 states have named multicounty regions, many of them primarily rural, with the aim of establishing programs to encourage areawide planning and development. The Housing and Urban Development Act of 1968 provides extensive funds for planning and housing and gives HUD and the Department of Agriculture authority to provide matching funds for comprehensive planning grants in rural areas for multicounty comprehensive planning. Federal support for housing, education, health, and community facilities has been doubled, tripled, and in some cases more than quadrupled in recent years. New and dynamic local leadership is emerging in countless ways all over the nation.

Heartening as these developments are, they are but the first of many steps that must be taken, and taken immediately within the framework of a plan for the nation as a whole. To tie together and implement action of local people, regional institutes—located in connection with existing universities outside core cities—might be created to provide research, training of professional planners, and consultant services, each tailored especially for the region in which it is located.

There is a serious lack of research data on population and resource shifts and their impact on communities and regions. There is also a great shortage of trained planners to guide economic and social adjustments and the development of local and regional plans. These institutes should be funded, initially at least, by the federal government because their benefits will cross state lines. Each regional institute would bring together the cooperative efforts of the several states of the region plus assistance from the federal government in a consortium. Research, teaching and training at the consortium would be coordinated with other university efforts in research, training and consulting on community problems.

Such a cooperative effort would provide a focus for regional development and research that can coordinate and intensify the work now in progress; it will increase and upgrade the quality of research and training; it will increase the number and quality of planners familiar with multicounty planning and planning in areas of low population density; and it will make available to local planning groups the talents of experts who are familiar with problems peculiar to that locale. The result would be to provide both more talent and better information to local people who make the short-term development decisions that eventually become long-term development—or chaos.

These institutes, tuned to both national and local planning, could be the vehicles to make the necessary links between the various levels of planning—national to regional, regional to state, state to county, city, suburban and rural. Through such institutions, it should be possible to break the barriers of political boundaries—local, county and state—that stifle the orderly development of the cities and suburbs and choke off the development of town and country America .

Too often there is confusion between jurisdictions of means and ends which constricts the planning necessary to set the course for people who in reality are joined by the same social and economic circumstances but separated by political boundaries. *We have, as a nation, wasted more political energy arguing about states' rights, local rights, private domains, and federal prerogatives than we can afford. The issue today should be responsibility—not local jurisdictional rights.*

We are today—in the matter of jurisdictional differences in the political structure of the United States—in a position somewhat analogous to that of the men who founded this nation, except that their differences were more profound—differences of heritage, culture and origin. As John Adams wrote in 1755: "The characters of the gentlemen of the four New England Colonies differ from those in the others . . . as much as several distinct nations almost." Then he said this of the difference: "Without the utmost caution on both sides and the most considerate forebearance with one another and prudent condescension on both sides, they certainly will be fatal." That warning, that call to cooperation, is just as timely today—and the consequences of ignoring it will be just as fatal as they would have been during the deliberations of 1775 and 1776.

Under our Constitution, the federal, state and local governments are interrelated parts of a single governmental system. Modern transportation and communication make that much more so today than when the Constitution was written. As our population increases and as our society progresses, the need for government services of increased quantity and quality grows in more than equal proportion. We have reached the point

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where no single level of government can assume the burden. Each level—federal, state, county, city—must do what it can do best, and as a nation we must determine what each can do best. When it costs twice as much to put another person or automobile in a crowded metropolitan area than in the countryside, the simple arithmetic of the cost-benefit ratio makes it vividly clear that everyone would be better off if both person and car could be located accordingly. The regional institutes will help us to do that.

But plans and expertise are worth nothing without action. Action to develop rural America will require money. Therefore, a special financial institution which could, with the help of the federal government, help develop non-urban, town and country districts should be considered. Such a special Town and Country Development Bank for rural America, similar to the National Urban Development Bank that has been suggested by many, could be financed through subscription of private funds. Federal underwriting of the unusual risk elements which will be involved in meeting development challenges would provide such a bank with the borrowing and lending authority to do the job. It will take billions of dollars each year.

An appropriation of federal funds would get the bank started. The balance of the funds would come from bonds guaranteed by the federal government, to be sold by the bank to private investors. It would provide for equity participation in the bank's operations. Town and Country Bank funds would be available to both public and private borrowers for programs that cannot be financed through any other means, but which are essential to community development. These banks could:

a. Fund non-profit community development corporations;

b. Guarantee loans, made through private lenders, for community and district-wide development;

c. Offer loans to small businessmen whose contribution to the economy of their communities is limited by lack of financing;

d. Fund semi-public housing development corporations; and

e. Provide technical management help in local planning and development.

Such banks, with an assured source of funds, would encourage long-range planning for area development—planning which now is discouraged because the resources to carry out the plans are not available. The boards of these banks would include representatives of local, state, and federal government and private citizens of the community, who would be encouraged to invest in the banks. Essentially, this would be a program of federal underwriting of loans. It could turn loose the powerful engine of credit which can stimulate private initiative to exciting and productive levels.

These, then, would be the basic tools for recreating rural America and restoring rural-urban balance—regional population and planning institutes, to help give direction to local initiative and to coordinate nationwide efforts to take the pressure off urban America, and Town and Country Banks to provide the necessary funds. These are some additional specific questions which also need to be examined. What specifically can be done to give people the chance to live and work outside the city—where the polls show more than 50 per cent want to live if they could find a decent job?

There are eight key elements in a total town and country development program. The first is obvious—jobs created by rural industrialization. National tax incentives and other means such as special location subsidies and assistance will help attract industry to the countryside. Clean air, clear water, elbow room and a willing work force, which already are there, can be powerful additional inducements. Increasing numbers of industrialists, weary of fighting urban problems,[15] have moved into town and country America, usually in response to the overtures of local communities—those with dynamic local leaders who know what they have to offer and sell it.

The share of new jobs in America that is created in the countryside is increasing. This is an encouraging trend. It does not hurt the big cities. Rather it helps them as it relieves pressure and the galloping costs of meeting the needs of more and more people in less and less space. Future job growth in the cities should come in the commercial and service sectors of the economy rather than from industry. But our national plan must recognize that haphazard industrialization of rural America, to the point where the countryside is just one string of factories, would be to repeat the mistake that, by inaction, we allowed to happen in our cities and suburbs.

Instead, to achieve our objective of cancelling out our mistakes and building anew, we must insist everywhere on a balanced environment. We cannot afford to pollute the streams which remain, or to deface the beauty of our open spaces, vast as they may seem now. Careful, thoughtful comprehensive local planning on a multicounty basis must be made a national mandate.

The second force for reviving town and country is completely in the hands of the federal government. It lies in the location of Government installations and in the awarding of federal procurement contracts. Federal agencies should take the lead in decentralizing many of their operations to less congested areas. It should be the policy of every department of the federal government, as it has been of the Department of Agriculture since February, 1967:

> [T]o locate facilities, offices, and laboratories in areas of lower density population, in preference to higher density population areas, and in areas of persistent or substantial labor surplus, wherever this can be done without sacrificing essential program objectives and with due consideration being given to the efficient and economical administration of the Department's programs.

In addition, the federal government should use its buying power and its contracting responsibilities to promote the development of nonmetropolitan growth centers as a part of a total national plan of quality development.[16]

The third incentive rural America has is the use of the great outdoors—beautiful scenery and the unfrenetic life of the countryside which will promote growing tourism, thus providing income and generating attractive jobs that will keep its people and attract others.

Fourth, the anchor for the well-being of rural America must remain agriculture, which in truth is not only the anchor for the rural economy but vital to the well being of industrial, metropolitan America as well. The basic concept of our current farm program is sound. They should be strengthened and improved by adding meaningful farm bargaining power, a grain reserve, and more efficient integration of feeding programs for poor people to strengthen demand and maintain adequate farm prices.

The fifth element basic to a revitalized town and country is education. The 1960 census showed that more than 19 million rural people had failed to complete high school; more than three million were classified as functional illiterates. Rural education has improved, but proportionately more rural than city youngsters drop out before completing high school and fewer of those who complete high school go to college.[17]

Schools in rural areas still lag behind those in the cities in facilities, budgets and teacher pay. The percentage of urban teachers holding Masters degrees is about three times that of rural teachers.[18]

This rural educational gap not only handicaps millions of our young people in learning how to live successfully as human beings, but nearly ruins their ability to win the better jobs in a society where skills are at a premium. They are denied a chance to choose where to live and work because they are denied a chance to develop their full potential as human beings. No community can grow in this modern world without well-educated people with marketable skills.

The Elementary and Secondary Education Act and the Teacher Corps were major steps toward equalizing educational opportunity throughout the nation, but we must go further. Existing federal programs, including the manpower development and training activities of the Labor Department, must be fully funded and fully oriented to the problems and needs of rural communities as well as of urban centers. It is necessary to develop capacity in every nonmetropolitan area to provide a permanent, basic education, as well as training and counseling service for all. A number of states have pioneered the concept of community two-year colleges and training institutes where young people can get more education, make up deficiencies or prepare for jobs requiring special skills. The concept has been proven—the program to carry it out must reach all of rural America. A cooperative federal-state program to establish community colleges accessible to all people living outside the large cities should be a basic facet of a program to renew town and country communities and restore rural-urban balance.

But more than an educated, stable work force is required to attract industry to rural America. This is the sixth requisite for rural renewal: an adequate supply of physical facilities and services. It will take government loan assistance to provide rural communities with such things as basic central water and waste disposal systems and recreation areas. Without these no area can hope to attract industries or the people to work in them. Some 33,000 rural areas now lack modern central water systems, and 43,000 lack adequate waste disposal systems.[19] They need financial and technical help to develop the public facilities and services they must have before they can even begin to plan for economic growth. The federal government can help in this area. It can also help extend electric power and efficient telephone service to those areas that would require prohibitive sums of private capital to reach. It can expand its program of helping local people develop and use natural resources wisely through watershed and resource conservation and development projects.

While working with and for existing communities in developing opportunity in rural America, our planners should consider moving ahead on the seventh concept for a new America: that of new towns. Columbia, Maryland, is such a town. Planned from the outset as a completely new city to accommodate some 100,000 people, it was designed for people and to serve people's needs. The natural landscape carefully preserved can be enjoyed by all. The basic public facilities are in place. Provisions have been made for schools, churches, libraries, theaters, hotels, medical services, shopping, and jobs. When completed, Columbia will consist of a series of interrelated neighborhoods and villages, each served by centrally located facilities of its own, and the whole city served by a town center where department stores, a concert hall, college, hospital and other appropriate facilities and institutions will be located.

There is room for many of these new towns in the new America, essentially self-

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contained communities linked to the larger centers by the high speed transit that we have the technology to develop if we will. Our planners might start out by considering where 12 such new towns might be located along the length of Appalachia. The Housing and Urban Development Act of 1968 provides technical assistance and generous federal guarantees for such new towns. They should play a key role in the new plan for America.

These proposals are by no means exclusive. These and other creative ideas should be aimed at the future by our national planners to restore the balance of land and people by putting commerce, industry and agriculture in rural America on a sound footing. If we do that, tens of millions more Americans will be able to find the jobs they need so they can choose where they really want to live.

This is a major part of the battle, but another part remains. I would refer one final point to our national planners. There are hundreds of thousands of men and women in rural America who need help now. Unprepared and untrained, unemployed or underemployed, many hungry, they cannot wait for actions that will help them in a few months or longer. They must have interim help now, immediately. For these people, needs are basic and urgent. This means an all-out effort to provide all Americans in need the basic necessities of food, clothing, shelter and health care. It means giving them access to training that will build their skills and, most important, give them hope, without which no development, community or human, is possible. It means an investment in humanity.

Experience has shown again and again that, beyond simple humanitarianism, rehabilitation of the poor and destitute is an investment with a payoff as high or higher than any other we can make. The recipients go off the relief rolls, onto the tax rolls and into the mainstream of the American economy for a full and productive life. The initial investment in the short run reduces the public burden and adds to the public product in the long run.

What I have set forth is but a rough outline of the course we must take if we are to restore rural-urban balance and cease being pawns of our own progress and slaves of our own technology. There are no simple responses to the problems that beset us, but I believe that the purposeful, planned use of the space and the resources of America, for the people and on a total national basis, holds the solution to the problems of our nation. To provide the jobs, the opportunities, the chance for a choice that the American people are demanding—in the knowledge that we have both the resources and the know-how to meet these demands—we must have balanced community development.

A balanced community, large or small, with an adequate economic base can maintain the requirements needed to keep itself viable. In somewhat simplified terms, this means that adequate education, health care, cultural facilities and community facilities maintain a citizenry capable of working, and working well. In turn, such a work force attracts an economic and tax base that can support education, health, cultural and other community services. A positive cycle is thereby created for the good of the whole people.

Again, most of our problems can be traced in the last analysis to community imbalance and faulty use of resources. At one extreme, we have cities so impacted with population that they cannot catch up on servicing that population. Their costs are climbing so fast that city after city is declaring itself virtually bankrupt. To put another person or another car in the city will cost twice as much as in the countryside. At the other extreme we have rural poverty where the economic base is too weak to support services that will equip the population for anything but menial jobs that continue to disappear in the onrush of technology.

This perpetuates a cycle of increasing depopulation as the rural poor are forced to the cities, increasing impaction as they arrive. This vicious circle can be cut. But it will take a total national effort. Everyone must participate. Only the President of the United States can successfully call this nation to such an effort. I hope he will do it soon.

FOOTNOTES

[1] The People Left Behind. A Report of the President's National Advisory Commission on Rural Poverty (1967).

[2] This is illustrated, for example, by the insistence of some spokesmen that the farm program will be dismantled so that the free play of market forces will drive "uneconomic" farmers out. This position gives little weight to economic hardships, social costs and the secondary consequences of rapid technological change, a modern expression of the human despoliation described in Goldsmith's *Deserted Village*.

[3] U.S. Dep't of Agriculture, Economic Research Service, C. Beale, V. Banks, & G. Bowles, Trends and Outlook for Rural Migration (1966).

[4] W. Cohen, Toward a Social Report: Report to the President (1969) (from Sec'y of HEW). The report contains recommendations with respect to the establishment of an annual "Social Report" similar to the annual "Economic Report" submitted to the President by his Council of Economic Advisers.

[5] The People Left Behind. A Report of the President's National Advisory Commission on Rural Poverty (1967).

[6] U.S. Dep't of Agriculture, Economic Research Service, Rural People in the American Economy, AER 101 (1966).

[7] Report of the National Advisory Commission on Civil Disorders (Mar. 1, 1968) (Kerner Commission Report).

[8] Kerner Commission Report, Follow-up (Feb. 27, 1969).

[9] U.S. Dep't of Agriculture, Economic Research Service, *U.S. Population Shift* (unpublished report). *See also Now 200 Million Americans—How Population Explosion Has Changed*, U.S. News & World Report, Nov. 6, 1967, at 46.

[10] New York Times, July 28, 1967, at 30, col. 2.

[11] Washington Post, Sept. 29, 1967, at A22, col. 2.

[12] Advisory Commission on Intergovernmental Relations, Urban and Rural America: Policies for Future Growth (1968).

[13] This happened in Great Britain after World War II. Much of London was bombed out. The people suffered gravely from the housing shortage. Morale was low. Then a national housing and redevelopment plan was agreed upon. The fact that there was a plan, and with it the assurance that housing was forthcoming, even though the people had to wait a long time, restored confidence and morale at a critical time.

[14] Fisher, *A Shipload of Doomed Men*, Harper's Magazine, Jan., 1968, at 9, 12 (emphasis added).

[15] Mr. L. B. Murphy, President of Campbell Soup Company, spoke on this subject before the Detroit Economic Club in 1966. He urged his fellow business colleagues and industrialists to help establish a "Rural-Urban Balance" in America by locating a greater share of their new plants in rural areas.

[16] *Regional Growth and Development and Rural Areas*, speech by John H. Southern, Economic Research Service, U.S. Dep't of Agriculture, before the 42d Annual Agricultural Outlook Conference, Nov. 17, 1964.

[17] *Education in Rural America—Are We Doing the Job?*, speech by Robert M. Isenberg, Director, Rural Services, Nat'l Educ. Ass'n, before National Outlook Conference on Rural Youth, Oct. 23–26, 1967, Washington, D.C.

[18] *Status of Education & Training of Rural Youth: The Impact of Social-Economic Change*, speech by Dr. M. L. Cushman, Dean of School of Education, Univ. of No. Dak., before National Outlook Conference on Rural Youth, Oct. 23–26, 1967, Washington, D.C.

[19] Status of Water and Sewage Facilities in Communities Without Public Systems, Economic Research Service Report 143 (1968).

NEBRASKA MAKES IT ONE TO GO

Mr. STEVENS. Mr. President, recently the unicameral legislature of the State of Nebraska decisively turned back an effort to repeal the State's call for a constitutional convention issued in 1967. The vote was 27 to 18.

According to those keeping the tally, 33 States, one less than the two-thirds required by the Constitution, have petitioned Congress to call a constitutional convention. The question now is how Congress will respond if that 34th petition is received.

An editorial in the Omaha World-Herald, entitled, "Nebraska Makes It One to Go," states:

> The petitions of 34 states would constitute a command to Congress.
>
> If the Congress were to make a deliberate attempt to flout that command, it would be an act of arrogance amounting to defiance of the will of the people.

Mr. President, the editorial discusses several aspects of calling a constitutional convention. It recognizes the efforts of the distinguished minority leader (Mr. DIRKSEN) and the distinguished senior Senator from Nebraska (Mr. HRUSKA). I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEBRASKA MAKES IT ONE TO GO

In voting to keep Nebraska in the boat as one of the states requesting a constitutional convention, the Legislature has played what may be a key role in a historic chain of events.

Only one more state has to add its petition to those already on file with Congress to make the necessary 34. Nebraska set the stage by remaining on the list of 33.

The 1967 Legislature voted to join the petition effort. A resolution was offered in this session to erase Nebraska's agreement, but the resolution was killed last week by a 27–18 vote.

The United States Constitution clearly provides that a national convention for the proposing of constitutional amendments shall be called by Congress on the receipt of applications by two-thirds of the states.

However, it appears that this explicit provision is not enough to satisfy the congressional opponents of the calling of a convention. They are distressed by the announced purpose of the chief instigator of the petition actions, Sen. Everett Dirksen, who wants an amendment modifying the one-man, one-vote prescription for apportioning state legislatures.

Sen. Joseph Tydings, D-Md., has said the chances are "extremely remote" that Congress would act, even if the required number of states submit petitions.

Tydings and others base their arguments on a contention that some of the 34 states would have malapportioned legislatures, thus making the convention petitions invalid.

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The contention is easily answered. If a state legislature cannot validly petition Congress, then no other action it takes is valid, either. And Tydings and the others have never claimed that the laws and appropriations voted by the "questionable" legislatures are invalid.

Sen. Hruska of Nebraska has offered another refutation of this argument. If the state legislatures are malapportioned, he reasoned, then laws passed by Congress are no good, either, "because every state with more than one representative in Congress would have had its congressional districts determined by an invalid legislature."

Among other arguments against holding a constitutional convention:

Is it wise to undertake such a tricky job as rewriting even a portion of the Constitution in the atmosphere of social crisis that now exists in this country?

Would the convention membership be so heavily weighted with either conservative or liberal delegates that its recommendations would be out of step with the majority?

It might develop into a runaway convention, going beyond its stated purpose and undertaking major revisions of the Constitution.

There are built-in protections against the consequences of any eventuality.

The most important safeguard is the method of ratifying amendments proposed by a convention. Three-fourths of the states must ratify. That would surely be an adequate check on what delegates might propose.

The petitions of 34 states would constitute a command to Congress.

If the Congress were to make a deliberate attempt to flout that command, it would be an act of arrogance amounting to defiance of the will of the people. The senators and representatives who have talked so breezily of rejecting the legislatures' demands should think hard about the effect their action would have on constitutional principles and confidence in representative government.

WAR CRITICISM

Mrs. SMITH. Mr. President, the Washington Evening Star of June 3, 1969, contains two interesting items. One was the report by Associated Press staff writer Jack Bell that the Senate majority leader had called for a moratorium on war criticism. I think that the significance of this is evident.

The other item was the very penetrating and discerning column of the widely respected national columnist David Lawrence on the subject of war criticism.

Because these items are so timely and so important, I invite the attention of the Members of the Senate to them and ask unanimous consent that they be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Mansfield Calls for Moratorium on War Criticism

(By Jack Bell)

Senate Democratic Leader Mike Mansfield, who only yesterday rapped the Nixon administration war policy, now suggests a moratorium on such criticism until after the President's Monday meeting with South Vietnamese chief of state Nguyen Van Thieu.

Mansfield said in an interview the Senate ought to display as much unity as possible behind Nixon to strengthen his position in the discussions with Thieu on Midway Island.

"The President is in a difficult spot," Mansfield said. "I have some uneasiness about Thieu's position. But I am sure Mr. Nixon will acquit himself well in presenting the majority opinion in this meeting.

"In my view, the majority of the people of this country want a responsible solution of the war and they would not like to see any roadblocks put in the way of * * *.

Mansfield's call for the moratorium came shortly after he himself criticized U.S. battlefield tactics in a Senate exchange with Republican Leader Everett M. Dirksen.

While defending the right of Sen. Edward M. Kennedy to criticize Vietnam war tactics, Mansfield told the Senate American lives are being sacrificed to the policy of continuing pressure on the enemy while the Paris negotiations go on.

Mansfield, in later suggesting war policy criticism be withheld for the rest of the week, conceded he has no means of silencing colleagues who feel the urge to speak out in the meantime.

But he said he thinks most will restrain themselves.

Kennedy, the No. 2 Senate Democratic leader, has been the most outspoken of Senate war critics in recent weeks.

Aides said, however, the Massachusetts Democrat has no plans to reply at this time to charges made Monday by Dirksen. The Illinois Republican accused Kennedy of undermining U.S. troop morale by criticizing military tactics used in Vietnam.

Kennedy, widely regarded as a potential opponent of Nixon in the 1972 presidential contest, has college commencement speeches booked for this weekend. But he feels he has made his point in contending that the Nixon decision to continue military pressure on the enemy is hampering progress in the Paris peace negotiations.

Kennedy also has raised an issue which Mansfield said troubles him—the repeated statements of Thieu in South Korea and Formosa that he will never accept a coalition with the Communist National Liberation Front.

Although Kennedy accused Thieu of lobbying against Nixon's peace plans, the U.S. President is committed only to acceptance of such a coalition if it results from internationally-supervised free elections.

Thieu complained in a farewell speech in Formosa that antiwar critics are giving the allies more difficulty than they are encountering on the battlefield. He did not name Kennedy but it was evident he was one of those Thieu had in mind when he said that criticisms of a vocal minority were leveled "not at Communist aggressions, but at the defense of freedom."

Dirksen took a somewhat similar slant when he told the Senate that Kennedy's criticism of the repeated U.S. assaults on Hamburger Hill were "senseless and irresponsible" and reflected on the judgment and competence of U.S. field commanders. The Republican leader said such statements could only undermine troop confidence in their commanders.

If Kennedy was of that opinion, Dirksen said, he ought to ask Nixon to fire the commanders or go himself to Vietnam to advise the military leaders on tactics and strategy.

Another top Democrat, former Vice President Hubert H. Humphrey, said in a news conference last night in Atlanta that while he is criticizing Nixon's domestic policies, he will not attack his handling of Vietnam policy.

"I think President Nixon wants peace. I'm going to help the President every way I can, word or deed. I owe him an obligation," said Humphrey.

"I tried to be president and I'm not going to play at it. Playing at president and being president is something different."

U.S. Dissenters Encourage Hanoi

The war in Vietnam is being prolonged and peace talks in Paris are not making progress. The North Vietnamese, aided and supported by the Soviet and Chinese Communists, are determined to make no concessions of importance. They insist instead upon the abject withdrawal of American troops from Southeast Asia.

The persons responsible for the weakening of the position of the American government at the negotiating table are here in the United States. Some of them are Communists who help to instigate riots and disturbances in many countries. Some of them are misguided individuals in the colleges who are opposed to the war in Vietnam. Some of them are members of Congress who are attacking their own Government in the midst of war—an unprecedented instance of what would have been regarded as disloyalty during past wars.

Dissension within the United States has been one of the biggest benefits to the Communist cause. An example of how much America is being damaged by internal criticism is to be found in a broadcast made at 8 o'clock yesterday morning over CBS radio by Bernard Kalb from Hong Kong. He said:

"North Vietnam is exploiting Senator Kennedy's recent criticism of President Nixon's policies on Vietnam. Interestingly, the senator's remarks were featured today in several Vietnamese language news broadcasts—that is, broadcasts for domestic consumption—indicating that Hanoi believed that this criticism of Washington's policy would boost or strengthen North Vietnamese morale.

"In its broadcast, Radio Hanoi maintained that—and this is a quote—'Statements by U.S. senate leaders show that progressive Americans resolutely oppose the Nixon policy of supporting the traitor administration of Nguyen Van Thieu.' Thieu is president of South Vietnam.

"The Hanoi broadcast named Senators Kennedy, Mansfield, Javits and Mondale, but they concentrated on the remarks made by Senator Kennedy.

"Radio Hanoi quoted the Massachusetts senator as sharply criticizing the Saigon regime. About two weeks ago, Senator Kennedy spoke out for the first time in the Senate against the Nixon administration's Vietnam policy, charging that military action such as the recent battle for Hamburger Hill were both senseless and irresponsible."

President Thieu of South Vietnam is convinced that, even if the Communists accept some form of peace settlement at Paris, they will be doing so just to obtain the withdrawal of allied forces. He made a speech to that effect on his visit to South Korea a few days ago. He said:

"Afterward, as they have done so often in the past, they can violate again the agreement and reinfiltrate their troops to renew and reactivate the war while the machinery for allied troops to intervene again will be much more cumbersome."

Secretary of State William P. Rogers, who has been traveling throughout Southeast Asia, has talked frankly with friendly governments who have expressed privately their fears about our policy. The belief is growing that the dissenters inside America will influence future decisions and that a bigger war in Asia may come within a few years if the United States pulls out now and there is no firm guarantee that Communist aggression will cease.

The prospect of obtaining national unity has recently been dimmed by speeches in Congress criticizing military strategy and otherwise belittling the military command. This is something that encourages our adversaries to believe that the disunity in America must inevitably result in the equivalent of surrender.

There has been some quibbling about the fact that no actual declaration of war has ever been made with respect to Vietnam. But the truth is that Congress not only has by joint resolution authorized the use of

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American military forces in Southeast Asia, but has appropriated funds regularly to carry on the Vietnam war. There was no declaration of war when the United States entered the Korean war under the auspices of the United Nations, and Congress had ample opportunity then, as it has today, to pass a resolution opposing the continuance of the war.

The United States is engaged in a war involving more than a half-million men in the armed services, but is being harmed by the discord at home. In fact, the casualties have increased and the war has been lengthened due to the belief of the enemy that America is full of dissatisfaction and will eventually accept "peace at any price" and order its forces to come home.

U.S. AIR FORCE BASE AT TERCEIRA, THE AZORES

Mr. PELL. Mr. President, Mr. Walter Hackett, of Newport, R.I., has recently gone to the Azores, where he has written a very telling and interesting article concerning our base at Terceira.

I believe this article will interest Senators, particularly in light of the work the Special Subcommittee on U.S. Security Commitments and Agreements Abroad is engaged upon at this time. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AZORES ISLAND U.S. DEFENSE BASTION

(By Walter Hackett)

They call it the Rock. Sometimes they call it Alcatraz. It is the mid-Atlantic home of the 1605th Air Base Wing of the U.S. Air Force. Its official name is Lajes Field. It sits high on a hill on the northwest side of the island of Terceira, the Azores, overseas province of Portugal. It is 2,107 miles east of Providence.

Truly, it is a highly overstaffed operation that is costing the American taxpayers a lot of money. On the other hand, it is a necessary operation when you take a logical and long range view of Portuguese-American relations. Over the years, Lajes may yield heavy political dividends for the United States.

At this time there are 1,795 American military personnel, 500 American civilian employes and 2,500 dependents.

"And we're here as guests of Portugal," recited terse-spoken, grim-faced USAF Brig. Gen. John H. Buckner, a Texan. "This is not an American base. It's Portuguese. We share it with the Portuguese Air Force."

Quite the opposite is true. This is an American base. This country is footing the bill to run Lajes. This country needs the Rock. This country needs the friendship of Portugal, and Portugal needs this country to back her up.

The basic mission of the USAF in the Azores, a nine-island archipelago, as represented by the 1605th Air Base Wing and supporting squadrons, is to maintain Lajes as a bastion of defense in case of global war. The mission also calls for the United States to assist Portugal in local defense, to maintain a Navy air-sea rescue operation and a center of operations for antisubmarine warfare and to run a weather station operation. The Military Airlift Command also uses Lajes as a shuttle point for mail, supplies and personnel to our forces in Europe.

At present it is an almost inactive operation. In three days of looking around this base, at no time did this writer see more than 11 U.S. planes in the hangars or on the aprons.

Being in the Azores is nothing new for the United States. We have been there since the latter part of World War II, when Santa Maria, 30 minutes away by plane, was a mid-Atlantic refueling stop for our Air Transport Command. Because of our base on Santa Maria, our transports were able to reduce flying time from the United States to Africa from 70 to 40 hours.

In 1943 Britain's Royal Air Force was using Lajes. The next year the United States was using Lajes as an alternative base.

By 1946, under an agreement with Portugal, all ATC operations shifted to Lajes. After several changes in name, the 1605th Air Base Wing, Military Air Transport Service, was formerly established at Lajes. In 1966 MATS changed its name to Military Airlift Command. The same year the U.S. Forces command was established as a subordinate command under the Commander-in-chief Atlantic (Cinclant).

Our agreement covering use of the base expired in 1962. A new agreement has never been signed. (Portugal remembers only too well our adamant stand, censorious in nature, when the United Nations reprimanded Portugal on her manner of governing her two wealthiest "overseas provinces," Angola and Mozambique.) Whether a new agreement will be signed depends upon Portuguese-American relations. There seems little chance that Portugal will boot us out of the Azores. There is too much at stake for both countries.

Lajes is a boon to the local economy. Until recently, 3,000 Portuguese were employed. Currently there are 2,000. Between wages and official buying in the local economy, each year the United States pours $6,000,000 into the local economy. This has been going on since 1946. In addition, U.S. personnel at Lajes spend hundreds of thousands of dollars in these islands. Conversely, Portuguese military and civilian personnel spend $450,000 a year at our base exchange.

When you measure our spending against the strategic importance of the Rock, this is "small potatoes" spending.

This country is about to lose its Polaris submarine base at Rota, Spain. The operation is going to be transferred to this island, specifically to Vila da Prai Da Vitoria, a few miles from Lajes Field. There we have deepened the harbor, put in a breakwater and a dock.

In case of war, this air-sea operation would be our backup base. It would be a supply depot, a rendezvous point for our Navy and Air Force, a logistical base for antisubmarine warfare. (Our navy's reconnaissance planes recently have photographed Russian subs off local waters.)

So the Pentagon does not make mistakes all the time. Undoubtedly it is looking well ahead to the day when the war in South Vietnam ends. After that, our top brass knows the action will shift.

When war in Vietnam stops, the Communists will try to take over completely the new African countries, now in a state of political flux. Red targets will include the overseas province of Angola in Portuguese West Africa and Mozambique in Portuguese East Africa, two tremendously rich provinces.

Angola and Mozambique have been the scenes of heavy fighting for more than six years, although fighting in Mozambique has tapered off since March. However, fighting in Portuguese Guinea, on the west coast of Africa between Senegal and Guinea, is blazing away. Communist guerrillas hold one-third of this island of half a million people. The Communist force is well-trained and well equipped with Russian and Red Chinese weapons.

The war in these three areas is eating up 60 per cent of Portugal's national budget.

Should the Communists chop off these three overseas provinces, Portugal would lose her economy and her standing as the world's largest colonial power. She would also lose her pride, a valuable thing to any Portuguese.

Portugal's Prime Minister, Marcello Caetano, knows this. Progressive, more liberal than former Prime Minister Antonio de Oliveira Salazar, he moved very fast to get to Gen. Dwight D. Eisenhower's funeral. When in Washington, he had a short private meeting with President Nixon.

Should Portugal have to face the entire complex of new African countries, she feels the United States would have to step in. This would mean setting up bases in Angola, Mozambique, Guinea and possibly the Cape Verde Islands.

And so this African area could well turn into another South Vietnam.

To complicate matters, for the last two years France has been building on the Azorean Island of Flores, northwest of Terceira, a guided-missile tracking base. No one of the American military at Lajes will speak about this new base. The same holds true for the Portuguese in the Azores, including officials. The French officials will not allow any newsmen on their base.

SOME AMERICANS FIND LIFE AT BASE BORING

It was a gloomy Saturday at The Rock. A thin rain came slanting in, covering the northern wedge of the island of Terceira in the Azores.

An American officer stood on the bluff that overlooks the runway at Lajes Field.

"Bad day on gray rock," he said. "What do you do on a day like this? Get bombed, maybe."

Boredom, ennui, lassitude, like the weather, often close in on the 4,800 Americans living in their Gilt Ghetto at Lajes, mid-Atlantic home of the 1605th Air Base Wing, U.S. Air Force.

Perhaps it is worse here than at other American overseas bases. In continental Europe American military personnel are surrounded by cities and resorts that offer everything from culture to good looking B-girls.

In Terceira this is not true. The best the island has to offer is scenery, small serene villages, fine beaches, startling views from headlands and kind and courteous people.

Take the wife of a senior officer lecturing to the young wife of a just-arrived junior officer. She said:

Advice to new arrivals

"This is your first weekend here. Now, you and your husband take yourselves a little old trip to Angra do Herismo—that's the city—and look around. That'll take care of this morning. Then come back and do your shopping. Late this afternoon there's the Happy Hour club. And tonight—well, I guess you could go to the movie at the base theater."

"But aren't there local people I could meet?" the young wife asked.

"There are the wives of the Portuguese Air Force officers, but most of them don't speak English too good. Course I've been here two years and I don't speak any Portuguese. No need to. Everything I have is right here on the base.

"So you'll soon find out there's no need to move away from here."

So the base wives herd together. There are clubs for the officers' wives, NCO wives, airmen's wives, Navy wives. There are other clubs such as the Terceira Twirlers Square Dance Club and there is a motorized skate board one. There is the Terceira Island Ladies Golf Association, whose members play on the nearby 18-hole course built with American funds on land donated by the Portuguese government.

In short, here is a complete enclave, a parochial compound built to keep Americans happy and by themselves. Privately, some officers and NCOs tell you the place drives them up the wall. "It's like being in prison," one said.

Do not want to go home

There are at this base some American civilian workers and families who have been here for 20 years. They are well paid and housed and have servants. They don't want to go home. There they are protected and not overworked.

One evening there was a western hoe-down dance. Everyone was supposed to come in frontier clothes. Brig. Gen. John Buchner wore a modified TV type cowboy outfit. His wife was similarly clad. They greeted their guests, two-star Brigadeiro Ruy Braz De Olivera and his wife. He is in command of the Portuguese Air Force wing at Lajes. He was conservatively dressed in gray flannels and a tweed jacket. His wife was also quietly dressed.

Mrs. Buckner said to Senhora De Oliviera, "Honey, you and your hubby sure are going to have a mighty good time tonight."

From the expressions on their faces, the Portuguese general and his wife did not seem to share the Buckners' enthusiasm.

It is not true to say this boredom engulfs all Americans at Lajes. There is a small core of officers and enlisted men who do move around. They do make an effort to mix socially with the Terceirans. They do visit this island and the others in the nine-island archipelago. They do learn Portuguese. Unfortunately, they are a minority.

STATEMENT BY MAX M. KAMPELMAN ON WITHDRAWAL OF HIS NOMINATION TO BE CHAIRMAN OF DISTRICT OF COLUMBIA COUNCIL

Mr. TYDINGS. Mr. President, nearly 2 years ago President Johnson reorganized the District of Columbia government to provide the present mayor and council system. His nominee for the first President of the City Council was Mr. Max M. Kampelman, of the Washington law firm of Strasser, Spiegelberg, Fried, Frank & Kampelman. That nomination was subsequently withdrawn at Mr. Kampelman's own request, because the Council chairmanship's vast area of public interest activities, particularly as they related to the District of Columbia, posed such serious inhibitions on Mr. Kampelman's other civic activities and the practice of his law firm that it was impractical for him to accept the position.

Mr. Kampelman concluded, after an examination of the statutes relevant to the practice of law by those associated with the Federal Government, was that it would have been necessary for him either to resign as a partner in his law firm or require his firm to cease practicing before any agency of the Federal Government. This he was unable to do.

Unfortunately, during the pendency of Mr. Kampelman's nomination, assertions were made regarding his qualifications for the position which his withdrawal from the nomination prevented him from ever being able to answer on the record. This was a double misfortune, since Mr. Kampelman was never able to defend his own record publicly, nor was the public itself ever able to learn the facts.

Recently, I learned that Mr. Kampelman had in fact prepared a statement for the Senate District Committee which he would have delivered had he not requested his nomination be withdrawn. That statement presents in great detail his answer to his critics.

Since the pages of the CONGRESSIONAL RECORD carried the original assertions against Mr. Kampelman's qualifications, but never reflected his response, I thought it a matter of simple justice to him that his remarks be printed now. Therefore, I ask that the statement of Mr. Max Kampelman, which he would have presented at the hearing on his nomination, plus a copy of the letter he submitted to the President asking that his nomination be withdrawn, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STRASSER, SPIEGELBERG, FRIED,
FRANK & KAMPELMAN,
Washington, D.C., October 11, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: Thirteen days ago you were kind enough to offer to appoint me Chairman of the District of Columbia City Council, a position which I had not sought, but in which I was then prepared to serve. My family and I are deeply moved and honored by the opportunity which you have given me to become a part of your Administration, by your expressed confidence in me, and by the generosity of your comments when you announced your intention to appoint me to the position. You stated to me privately that you were "drafting" me for this assignment because of your conviction that I could help this city and its new Mayor realize the aspirations worthy of our Nation's Capital.

As soon as the announcement was made, I had to concern myself with the question of what my service on the Council might mean to me and to the twenty-six men who are my law partners—partners of a firm with which I have been connected for twelve years and to which I owe a deep personal loyalty.

It appeared at the outset, on the basis of preliminary consultations, that the problems under the Federal conflict of interest laws would not be serious. On further study and after consultation with the Department of Justice we believe that the conflict of interest laws have special application to a member of the Council who in private life is a partner practicing in a law firm such as my firm. For that reason we have given special study to the matter for the past several days. The Department of Justice informs me that not only will a member of the Council be barred from representing anyone in a matter pending before any part of the District Government, but all of his law partners and associates will be precluded from appearing in almost any matter within the broad scope of his "official responsibility." The restrictions are aggravated in the case of the Chairman by reason of the fact that he must also serve as a member of the District's Zoning Commission under the Reorganization Plan. Moreover, after consultation with Mayor Washington, it appears to me that the particular responsibilities of acting as Chairman of the Council will, in my judgment, ultimately involve more than the maximum 130 days per year allowed by statute for a special government employee, with the result that the considerably more onerous restrictions applicable to full-time officials would then be applicable.

In the circumstances, I have reluctantly concluded that the only practical alternatives open to me are to resign from my law firm or to ask you to withdraw my name from consideration as Chairman of the Council. After careful reflection, and considering my special obligations to members of my firm, I have concluded that as senior partner in the Washington office, it would not be consistent with my responsibilities to my partners and associates for me to withdraw from the firm at this time. Nor could I discharge my responsibilities toward my family if I resigned from my firm to take a part-time position, even as vital and significant a position as you have offered me. I, therefore, respectfully request that you not submit my name to the Senate.

I have lived longer in Washington than any other place in my adult life, and it is second to none in my affection. Thus, while I am unable to accept the formal position which you so honored me by offering, I will give all the aid and support I possibly can to the new government.

Sincerely yours,
MAX M. KAMPELMAN.

STATEMENT OF MAX M. KAMPELMAN BEFORE THE U.S. SENATE COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. Chairman, it is a privilege to appear before your Committee.

More than 18 years ago I moved to Washington, D.C., in service to a former member of this Body, the Vice President of the United States. For me, the Senate is the most remarkable and productive deliberative council the world has ever known. I carry in my heart a profound respect for this institution and the warmest memories of my association with it.

To return as the nominee to be Chairman of the newly created District of Columbia Council is a most satisfying experience. I consider it an honor to have been nominated for this challenging position by the President of the United States. It is now up to the Senate to judge whether whatever experience or talents I may possess are adequate.

My professional life has been primarily that of a lawyer and a teacher. My practice, like that of many Washington lawyers, has involved a great deal of work before agencies of the Government and on Capitol Hill. It has given me some insight and understanding not only of how government functions, but also of the impact of government policies and decisions on the people affected. Anyone who has had this kind of exposure is bound to be impressed by the enormous power of government to influence the lives of our citizens and be somewhat humbled by the importance and complexity of the problems confronting our society.

Before coming to Washington almost twenty years ago, I was a student and later a teacher of political science. I received my Master's degree in political science from the University of Minnesota in 1946 and my Doctor's degree in 1951. I have taught this subject at a number of colleges and universities, including Howard University in our own Capital city, Bennington College in Vermont, Claremont College in California, and the University of Minnesota. It is often said that the teacher learns more than any of his students in the course of teaching. Certainly I learned a great deal from this experience about the outlook of the young people of America—their attitudes and concerns. I have the greatest confidence and hope in our Nation's future citizens.

I have been fortunate in being able to contribute some of my time and energy to public causes and organizations. One of my interests has been the field of educational television because of its great potential for enhancing the level of community life. It is my privilege to serve now as Chairman of the Board of Trustees of the Greater Washington Educational Television Association. My academic life has also led to a long-time active affiliation with the American Political Science Association. In the past I have been President of the District of Columbia political Science Association and now serve as Counsel and Treasurer of the national Association.

Since I am also a father of five children, you will understand my interest in the National Zoo, one of the Capital's most magnificent attractions. In 1958 I helped to organize a group of like-minded people into

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an organization called the Friends of the National Zoo. I served as its founding President for two years. This is my adopted home and I trust it will be the place where my children will grow into responsible and active citizens. In a limited way, I have tried to do what I could as a private citizen to make our city a wholesome, pleasant and stimulating place for its inhabitants. This has led to my service as a member of the Board of Directors of the Washington Home Rule Committee and a Trustee of the Federal City Council.

Another recent highlight of my life has been my appointment in 1966 to be Senior Advisor to the United States Delegation to the United Nations. This experience added a new dimension to my existence. I will be forever grateful for the opportunity it gave me to evaluate first hand the problems we face in the international community and the people on whom the world must rely not only in determining the shape of the future, but in making certain that there will be a future.

In brief, this is the background in the law, in the academic world, in civic and in public service which I will bring to the tasks facing the chairman of the District of Columbia Council, if I am confirmed.

I am aware that a few Members of the Congress have already concluded that I am not qualified for this position. I have refrained from making any comment about the charges which have been made against me because I felt from the beginning that the appropriate forum for answering these charges was this Committee, not the newspapers. Now I do want to answer fully the criticisms which have been levelled against my nomination.

Let me first comment on certain charges reflecting on my patriotism and my activities in my early twenties as a conscientious objector.

In October, 1942, I applied, under the law, to my local draft board for classification by reasons of "religious training and belief" as a conscientious objector to perform "work of national importance under civilian direction". At that time, I stated my beliefs as follows in a statement to my draft board:

"I believe that war, which involves the mass destruction of human lives and values, is evil and negates all the concepts of justice, righteousness and human brotherhood which my religious training has taught me. . . . I appreciate and share the high ideals which motivate most of my friends and fellow citizens as they participate in the war effort . . . I am convinced that the use of evil means can never successfully achieve desirable ends.

"I am anxious to express my devotion to my country and the democratic principle it expounds by devoting my activities and my life's work, if that need be, toward the alleviation of human suffering and the establishment of a society based on the sanctity of human life, the Brotherhood of Man and the Fatherhood of God."

My first assignment in June, 1943, was to engage in soil conservation work in Big Flats, New York. After a number of months in that activity, I volunteered to serve as an attendant at a school for feeble-minded children at Pownal, Maine. After approximately a year, in response to a circular requesting volunteers, I applied for service as a guinea pig subject in a semi-starvation and rehabilitation project at the University of Minnesota. The circular describing the project was headed: "Will You Starve That They Be Better Fed?" and included the following summary:

"Starvation is a tragic reality of war and will be a vital problem of rehabilitation. At present there is very little concrete information as to the consequences of semi-starvation and the efficiency of various nutritional rehabilitation regimens with human beings. Such knowledge is greatly needed for planning and operation of relief feeding. The acquisition of detailed information on these points will be a major contribution to the problem of relief feeding not only as related to the present war, but for the future in all parts of the world."

Although the study itself lasted for a year, I was involved personally for approximately eighteen months. Scientific reports on the study have been extensively published, cataloging at great length the "profound physical deterioration and psychological changes" associated with the starvation. I am proud of my service during the war and of the Certificate of Service which I received from our Government: "In acknowledgment and appreciation of his contribution to the War Effort," dated May 20, 1946.

It is impossible for me to be precise as to when my thinking changed to the point where I was no longer a conscientious objector. The process of growth leads to change. The development of atomic and hydrogen bombs led me to doubt my earlier faith in the power of non-violence to overcome evil in international relations.

Furthermore, as I began to teach science and later to observe the political process at close range in Washington, I could not honestly tell myself that, were I in the position of responsibility, I would do otherwise in international relations than was done by President Truman in Greece, Turkey and Korea, and in the bold carrying out of the Marshall Plan, and by President Eisenhower in further resisting the spread of international Communism.

By early 1955 I felt the need to give public evidence of my change of position. Although I was beyond draft age, I applied for and was granted entry into the Marine Corps Reserve. The career of a great Senator whom I deeply admired, who moved from Quaker pacifism to the Marine Corps, influenced my decision.

I was in the Reserve for more than 7 years, resigned after I reached 42 years of age, with 4 children, and on November 29, 1962, received an honorable discharge.

There have been two other major charges, reflecting not on my patriotism, but on my integrity and character. I will attempt to refute both charges with facts rather than with words which reflect the depth of my resentment.

It was said on the floor of the Senate that I am a "former Bobby Baker crony". The implications of this charge are false.

I first met Mr. Baker in January, 1949, when I began serving as an employee of the Senate. During my six and a half years of service in the Senate I had the occasion—as did almost every Member of the Senate, Republican and Democrat alike—to work with him on Senate business. We worked together harmoniously in legislative matters, but we did not become close social friends.

Following my departure from the Senate in late 1955, my contacts with Mr. Baker were very slight and I seldom had the reason or the occasion to meet with him. In the more than 18 years that my wife and I have lived in the Washington area, we recall visiting the home of Mr. and Mrs. Baker on only one occasion, an occasion with more than 100 guests. We do not, furthermore; believe that the Bakers ever visited our home, although we recall inviting them to one farewell party for a mutual friend during this 18 year period.

A question has been raised as to whether in early 1962 Mr. Baker in any way influenced the granting of the charter by the Comptroller of the Currency to the organizers of the District of Columbia National Bank. Mr. Baker played absolutely no role in the granting of the charter or in the decisions and activities of the organizing committee of the Bank which our firm served as counsel.

The Comptroller of the Currency, testifying before the Senate Committee on Rules and Administration, said:

"Shortly after I entered office, November 16, 1961, the second application was filed for a bank in the District of Columbia. The bank had totally local organizers and principals. There are 1,286 shareholders predominantly from this metropolitan area. No new bank had been chartered in the District of Columbia in more than 29 years. In the meantime there had been many mergers which had reduced the effective number of banks quite substantially. This case, too, was highly controversial. There was strong and virulent opposition on three grounds: anti-Semitism, one; two, grounds of entry of a new competitive force in the banking system in the District of Columbia; and three, it subsequently developed, political grounds. There was no pressure at any time exerted on my Office in connection with this case except against the case, nearly all of the banks in the District of Columbia having taken very strong positions."

The granting of the Bank charter was justified and fully consistent with the Comptroller's philosophy. There had been no new national banks in the District of Columbia in 29 years, a period during which the number of insured banks here was reduced through mergers from 21 on January 1, 1934 to 11 on January 1, 1962. The year that the District of Columbia National Bank charter was granted, the Comptroller granted 65 new bank charters and 67 applications for conversion of state banks to national banks. Only 17 applications were rejected, a 90 percent approval rate. As a matter of fact, 4 new banks were chartered by the Comptroller in the District of Columbia proper. Furthermore, in the Metropolitan Washington area, four new banks had been chartered during the period 1959 to 1962, prior to the issuance of a charter to the District of Columbia National Bank.

The District of Columbia National Bank was capitalized at $3 million, with 200,000 shares sold at $15 a share. Mr. Baker was among hundreds of Washingtonians who wrote in, subscribing for shares. He was allocated and paid cash for 1500 shares, less than 1 percent of the outstanding stock.

Sometime in February or March, 1963, Mr. Baker telephoned me to say he would like to borrow $125,000 from the Bank in order to finance the purchase of a new home. At that time my firm was General Counsel to the Bank and I was a member of its Board of Directors and Chairman of its Executive Committee. I advised him, as I advised scores of people who telephoned me with similar requests, that I did not receive loan applications or make loans, but that he should discuss his needs with the Bank's officers. He did so. Subsequently, the Bank's officers reported their favorable recommendation to the Board of Directors that the loan was justified by Mr. Baker's financial statement, but that the Bank should seek added collateral by obtaining a deed to the new home. The loan was to be of a short-term, two year duration since the Bank did not want a long-term mortgage. I, as a member of the Board, voted to approve the recomendations of the Bank's officers and grant the loan on the basis recommended. The loan has since been repaid in full with interest and on time.

These, Mr. Chairman, are the relevant facts as I know them with respect to my relations with Mr. Baker.

The last charge relates to the activities of one of my clients, NAPCO Industries, Inc., a publicly-held company on whose Board I have served for approximately one year. Our firm has represented the company as Washington counsel since late 1955, 12 years.

The charge relates to an AID loan of $2,300,000 obtained by NAPCO and a group of Indian business associates. The purpose of the loan was to finance the sale and transfer from Detroit to India of an existing gear manufacturing facility owned by NAPCO, the Detroit Bevel Gear Company. By U.S. tech-

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nological standards, this facility was outmoded, but by the standards of an underdeveloped country, it could fulfill a valuable economic function. The loan application was filed in January, 1961; the loan was approved eighteen months later in June, 1962 and the loan agreement was finally signed in July, 1962. During this 18 month period, AID officials thoroughly analyzed extensive market surveys, economic analyses, independent appraisals and certified financial statements submitted by NAPCO. It is also my understanding that AID made independent studies of its own. The final loan agreement was signed by me for the borrowers in Washington as attorney under specific authorization from NAPCO and was ratified by the Indian company after its formal organization.

The Indian corporation, NAPCO Bevel Gear of India, Ltd., was legally formed in March, 1963 to fulfill its obligations under the AID loan agreement and to own and operate the gear facility. NAPCO-U.S. had a minority interest in the Indian corporation and I was designated to serve as one of the nominees of NAPCO-U.S. on the Board of Directors of the Indian firm.

I made two trips to India. My first trip was in October, 1961 prior to AID's decision to grant the loan. I accompanied my client to help resolve a serious dispute between the Indian associates which caused a bitter and acrimonious split among the Indians themselves, and later proved to be an important ingredient in the failure of the Indian company to realize the expectations of its organizers. My second trip to India was in August, 1962, soon after the AID loan agreement was signed. I went to India as attorney for NAPCO to meet with Indian counsel and Indian Government officials to discuss the steps necessary to bring the Indian corporation into being, as required by the Agreement.

I was unable to make any additional trips to India and resigned as a director of the Indian company in April, 1965.

The Indian company was faced with serious difficulties—personal, financial, technical and cultural from the inception of the venture. Two separate Cooley fund loans of Indian rupees, made in July, 1963 and August, 1964, each for the rupee equivalent of approximately $840,000, were made by AID to supply added working capital to save the Indian company. NAPCO–U.S. agreed to guarantee 25% of each loan. The Indian company did begin to operate, manufacture and sell gears but was unable to begin repaying its AID obligations and was forced to close its doors early in 1966.

As is frequently the case with failure, charges and counter-charges as to fault and blame are plentiful. My client has been charged with not fulfilling its responsibilities under the AID loan agreement. My client has denied these charges and has indicated its continued desire to revive the factory and make it work profitably. The legal issues are not simple, but are extremely complicated. The issues are, indeed, before the courts in India and may become the subject of legal action in the United States.

My role in this venture was that of a lawyer, not a principal. However, I have no hesitation in stating my confidence that my client acted in good faith when it applied in January, 1961 for the AID loan, and in fulfilling its obligations under the AID loan agreement.

The late Mr. Max E. Rappaport, who served as President of NAPCO during the loan period, and Mr. Gary Rappaport, his son, who now serves as President, are among the finest people that I have had the privilege of working with, and I am proud of my relationship with them.

Our law firm is an active and a successful one with offices in New York and Washington. We represent many hundreds of clients and I have personally participated in many negotiations. Of course, I represent my clients to the best of my ability. Time may prove some of my clients' causes to have been wrong. But no one has ever doubted that even clients with wrong causes have a right to be represented by counsel in our adversary system of justice.

I think it only proper that I now be permitted a few words with respect to this city which I was asked to serve.

Millions of Americans pour into Washington each year. The immediate and most apparent image they receive of their capital city is indeed a glowing one. They visit the public buildings. They marvel at the magnificent monuments which comprise, in symbol and substance, the history of our nation and the making of history each day. They comment upon the airiness of our boulevards, the tree-lined streets; they look with awe down the mall and a sunny radiance envelopes them. They leave Washington with an impression it is the most beautiful capital city in the world.

We do live and work in a beautiful city. Yet beneath that sparkling surface, in our neighborhoods where the pulse of our city beats, where our people live and raise their children, all is far from well.

Our city is afflicted with the same ills that beset so many of our urban centers today—the terrible blight which has bent, and sometimes crushed, the spirit of so many of our fellow Americans.

We struggle against inadequate schools. We are short of recreational facilities. Traffic congestion mounts.

We are too often reminded of the bleak barrier in communications that separates those with the heavy responsibility to enforce the law from those for whom the law is supposed to be enforced.

No major violence broke out in our city this summer. For this we can be thankful, but we cannot be complacent. We can count whatever progress has been made as a credit to all our citizens and their respect for the orderly channels of change basic to a successful free society.

But change we must. It would be a dangerous exercise in self-delusion to mistake the maturity and decency of our local citizenry as a sign they are satisfied with things as they are. They are not satisfied, and they should not be satisfied.

When President Johnson recommended the new city government structure, endorsed by the Congress, he said:

"This city and its government must be, for its residents and the entire world, a living expression of the highest ideals of democratic government. It should be a city of beauty and inspiration, of equal justice and opportunity. It should be a model for every American city, large and small . . ."

Great nations have historically drawn their vitality and strength from great cities. When a nation thrives, it is because its cities thrive and its people throb with the excitement and joy of life.

In Mayor Walter Washington and his able deputy, Thomas Fletcher, we have an experienced executive team to take hold of an awesome task.

I want our city to be in the forefront of a great resurgence throughout America. I want our city to become a showcase of opportunity, of brotherly understanding, of compassion and concern. I want all of our citizens to share in the political ferment and democratic debate that will accompany Washington's ultimate realization of home rule. The great challenge the District Government faces is to make certain that the city fulfills its tremendous potential. I will consider it a privilege to be able to contribute whatever talent and experience I may have to this vital task.

FREEDOM—A CONDITION AND A PROCESS

Mr. MUNDT. Mr. President, on June 3, on the campus of General Beadle State College, in my hometown of Madison, S. Dak., President Richard M. Nixon delivered a dedicatory speech for a new library building. In his dedicatory address, President Nixon devoted major attention to the manifestations of dissent and unrest on many college and university campuses across the country and warned America against permissive attitudes and complacent indifference which fail to face up to the responsibilities of good citizenship in these trying times.

Mr. President, the Nixon address was warmly received by more than 10,000 people attending these outdoor ceremonies and has been hailed in press comments around the country as a major challenge to all of us to measure up to the challenges of today. I ask unanimous consent that the text of his prepared address be printed at this point in the RECORD. The President's address was widely covered by radio and TV networks and by the news media, but I feel it important for historic purposes that the text of this significant speech be included in the permanent pages of the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FREEDOM: A CONDITION, AND A PROCESS

As we dedicate this beautiful new Library, I think this is the time and the place to speak of some basic things in American life. It is the time, because we find our fundamental values under bitter and even violent attack; it is the place, because so much that is basic is represented here.

Opportunity for all is represented here.

This is a small college: not rich and famous, like Harvard or Yale; not a vast state university like Berkeley or Michigan. But for almost ninety years is has served the people of South Dakota, opening doors of opportunity for thousands of deserving young men and women. Like hundreds of other fine small colleges across the nation, General Beadle State College—or as it will soon be called, Dakota State College—has offered a chance to people who might not otherwise have had a chance.

The pioneer spirit is represented here, and the progress that has shaped our heritage.

In South Dakota we still can sense the daring that converted a raw frontier into part of the vast heartland of America.

The vitality of thought is represented here.

A college library is a place of living ideas: a place where timeless truths are collected, to become the raw materials of discovery. In addition, the Karl E. Mundt library will house the papers of a wise and dedicated man who for thirty years has been at the center of public events. Thus, more than most, this is a library of both thought and action, combining the wisdom of past ages with a uniquely personal record of the present time.

As we dedicate this place of ideas, therefore, let us reflect on some of the values we have inherited, which are now under challenge.

We live in a deeply troubled and profoundly unsettled time. Drugs, crime, campus revolts, racial discord, draft resistance—on every hand we find old standards violated, old values discarded, old precepts ignored. A vocal minority of the young are opting out of the process by which a civilization maintains its continuity: the passing on of values from one generation to the next. Old and young shout across a chasm of misunderstanding—and the more loudly they shout, the wider the chasm grows.

As a result, our institutions are undergoing what may be their severest challenge yet. I speak not of the physical challenge: the force and threats of force that have wracked our cities, and now our colleges. Force can be contained. We have the power to strike back if need be, and to prevail. The nation has survived other attempts at insurrection. We can survive this. It has not been a lack of civil power, but the reluctance of a free people to employ it, that so often has stayed the hand of authorities faced with confrontation.

The challenge I speak of is deeper: the challenge to our values, and to the *moral* base of the authority that sustains those values.

At the outset, let me draw one clear distinction.

A great deal of today's debate about "values," or about "morality," centers on what essentially are private values and personal codes: patterns of dress and appearance; sexual mores; religious practices; the uses to which a person intends to put his own life.

These are immensely important, but they are not the values I mean to discuss here.

My concern today is not with the length of a person's hair, but with his conduct in relation to his community; not with what he wears, but with his impact on the process by which a free society governs itself.

I speak not of private morality, but of public morality—and of "morality" in its broadest sense, as a set of standards by which the community chooses to judge itself.

Some critics call ours an "immoral" society because they disagree with its policies, or they refuse to obey its laws because they claim that those laws have no moral basis. Yet the structure of our laws has rested from the beginning on a foundation of moral purpose. That moral purpose embodies what is, above all, a deeply humane set of values—rooted in a profound respect for the individual, for the integrity of his person and the dignity of his humanity.

At first glance, there is something homely and unexciting about basic values we have long believed in. We feel apologetic about espousing them; even the profoundest truths become cliches with repetition. But they can be like sleeping giants: slow to rouse, but magnificent in their strength.

Let us look at some of those values—so familiar now, and yet once so revolutionary:

Liberty: recognizing that liberties can only exist in balance, with the liberty of each stopping at that point at which it would infringe the liberty of another.

Freedom of conscience: Meaning that each person has the freedom of his own conscience, and therefore none has the right to dictate the conscience of his neighbor.

Justice: recognizing that true justice is impartial, and that no man can be judge in his own cause.

Human dignity: a dignity that inspires pride, is rooted in self reliance, and provides the satisfaction of being a useful and respected member of the community.

Concern for the disadvantaged and dispossessed: but a concern that neither panders nor patronizes.

The right to participate in public decisions: which carries with it the duty to abide by those decisions when reached, recognizing that no one can have his own way all the time.

Human fulfillment: in the sense not of unlimited license, but of maximum opportunity.

The right to grow, to reach upward, to be all that we can become, in a system that rewards enterprise, encourages innovation and honors excellence.

In essence, these all are aspects of freedom. They inhere in the concept of freedom; they aim at extending freedom; they celebrate the uses of freedom. They are not new. But they are as timeless and as timely as the human spirit, because they are rooted in the human spirit.

Our basic values concern not only what we seek, but how we seek it.

Freedom is a condition; it also is a process. And the process is essential to the freedom itself.

We have a Constitution that sets certain limits on what government can do, but that allows wide discretion within those limits. We have a system of divided powers, of checks and balances, of periodic elections, all of which are designed to ensure that the majority has a chance to work its will—but not to override the rights of the minority, or to infringe the rights of the individual.

What this adds up to is a democratic process, carefully constructed and stringently guarded. It is not perfect. No system could be. But it has served the nation well—and nearly two centuries of growth and change testify to its strength and adaptability.

They testify, also, to the fact that avenues of peaceful change do exist. Those who can make a persuasive case for changes they want can achieve them through this orderly process.

To challenge a particular policy is one thing; to challenge the government's right to set it is another—for this denies the process of freedom.

Lately, however, a great many people have become impatient with the democratic process. Some of the more extreme even argue, with curious logic, that there is no majority, because the majority has no right to hold opinion that they disagree with. Scorning persuasion, they prefer coercion. Awarding themselves what they call a higher morality, they try to bully authorities into yielding to their "demands." On college campuses, they draw support from faculty members who should know better; in the larger community, they find the usual apologists ready to excuse any tactic in the name of "progress."

It should be self-evident that this sort of self-righteous moral arrogance has no place in a free community. It denies the most fundamental of all the values we hold: respect for the rights of others. This principle of mutual respect is the keystone of the entire structure of ordered liberty that makes freedom possible.

The student who invades an administration building, roughs up the dean, rifles the files and issues "non-negotiable demands" may have some of his demands met by a permissive university administration. But the greater his "victory," the more he will have undermined the security of his own rights. In a free society, the rights of none are secure unless the rights of all are respected. It is precisely the structure of law and custom that he has chosen to violate—the *process* of freedom—by which the rights of all are protected.

We have long considered our colleges and universities citadels of freedom, where the rule of reason prevails. Now both the process of freedom and the rule of reason are under attack. At the same time, our colleges are under pressure to collapse their educational standards, in the misguided belief that this would promote "opportunity."

Instead of seeking to raise lagging students up to meet the college standards, the cry now is to lower the standards to meet the students. This is the old, familiar, self-indulgent cry for the easy way. It debases the integrity of the educational process. There is no easy way to excellence, no short-cut to the truth, no magic wand that can produce a trained and disciplined mind without the hard discipline of learning. To yield to these demands would weaken the institution; more importantly, it would cheat the student of what he comes to a college for: his education.

No group, as a group, should be more zealous defenders of the integrity of academic standards and the rule of reason in academic life than the faculties of our great institutions. If they simply follow the loudest voices, parrot the latest slogan, yield to unreasonable demands, they will have won not the respect but the contempt of their students. Students have a right to guidance, to leadership, to direction; they have a right to expect their teachers to listen, and to be reasonable, but also to stand for something—and most especially, to stand for the rule of reason against the rule of force.

Our colleges have their weaknesses. Some have become too impersonal, or too ingrown, and curricula have lagged. But with all its faults, the fact remains that the American system of higher education is the best in this whole imperfect world—and it provides, in the United States today, a better education for more students of all economic levels than ever before, anywhere, in the history of the world.

This is no small achievement.

Often, the worst mischief is done in the name of the best cause. In our zeal for instant reform, we should be careful not to destroy our educational standards, and our educational system along with them; and not to undermine the process of freedom, on which all else rests.

The process of freedom will be less threatened in America, however, if we pay more heed to one of the great cries of the young today. I speak now of their demand for honesty: intellectual honesty, personal honesty, public honesty. Much of what seems to be revolt is really little more than this: An attempt to strip away sham and pretense, to puncture illusion, to get down to the basic nub of truth.

We should welcome this. We have seen too many patterns of deception:

In political life, impossible promises.

In advertising, extravagant claims.

In business, shady deals.

In personal life, we all have witnessed deceits that ranged from the "little white lie" to moral hypocrisy; from cheating on income taxes to bilking insurance companies.

In public life, we have seen reputations destroyed by smear, and gimmicks paraded as panaceas. We have heard shrill voices of hate, shouting lies, and sly voices of malice, twisting facts.

Even in intellectual life, we too often have seen logical gymnastics performed to justify a pet theory, and refusal to accept facts that fail to support it.

Absolute honesty would be ungenerous. Courtesy compels us to welcome the unwanted visitor; kindness leads us to compliment the homely girl on how pretty she looks. But in our public discussions, we sorely need a kind of honesty that has too often been lacking: the honesty of straight talk; a doing away with hyperbole; a careful concern with the gradations of truth, and a frank recognition of the limits of our knowledge about the problems we have to deal with. We have long demanded financial integrity in public life; we now need the most rigorous kind of intellectual integrity in public debate.

Unless we can find a way to speak plainly, truly, unselfconsciously, about the facts of public life, we may find that our grip on the forces of history is too loose to control our own destiny.

The honesty of straight talk leads us to the conclusion that some of our recent social experiments have worked, and some have failed, and that most have achieved something—but less than their advance billing promised. This same honesty is concerned not

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with assigning blame, but with discovering what lessons can be drawn from that experience in order to design better programs next time. Perhaps the goals were unattainable; perhaps the means were inadequate; perhaps the program was based on an unrealistic assessment of human nature.

We can learn these lessons only to the extent that we can be candid with one another. We face enormously complex choices. In approaching these confrontation is no substitute for consultation; passionate concern gets us nowhere without dispassionate analysis. More fundamentally, our structure of values depends on mutual faith, and faith depends on truth.

The values we cherish are sustained by a fabric of mutual self-restraint, woven of ordinary civil decency, respect for the rights of others, respect for the laws of the community, and respect for the democratic process of orderly change. The purpose of these restraints is not to protect an "establishment," but to establish the protection of liberty; not to prevent change, but to ensure that change reflects the public will and respects the rights of all.

This process is our most precious resource as a nation. But it depends on public acceptance, public understanding and public faith.

Whether our values are maintained depends ultimately not on the government, but on the people.

A nation can be only as great as its people want it to be.

A nation can be only as free as its people insist that it be.

A nation's laws are only as strong as its people's will to see them enforced.

A nation's freedoms are only as secure as its people's determination to see them maintained.

A nation's values are only as lasting as the ability of each generation to pass them on to the next.

We often have a tendency to turn away from the familiar because it is familiar, and to seek the new because it is new.

To those intoxicated with the romance of violent revolution, the continuing revolution of democracy may seem unexciting. But no system has ever liberated the spirits of so many so fully. Nothing has ever "turned on" man's energies, his imagination, his unfettered creativity, the way the ideal of freedom has.

Some see America's vast wealth, and protest that this has made us "materialistic." But we should not be apologetic about our abundance. We should not fall into the easy trap of confusing the production of things with the worship of things. We produce abundantly; but our *values* turn not on what we have, but on what we believe.

We believe in liberty, and decency, and the process of freedom. On these beliefs we rest our pride as a nation; in these beliefs, we rest our hopes for the future; and by our fidelity to the process of freedom, we can assure to ourselves and our posterity the blessings of freedom.

DANGER OF ACCIDENT FROM NUCLEAR WEAPONS

Mr. PELL. Mr. President, in the current debate regarding the Safeguard system, one point that has not received sufficient attention, in my opinion, is the additional danger of accident when additional nuclear weapons of any sort are deployed. Several years ago, a B–52 bomber on a training mission jettisoned two nuclear bombs before crashing. It was later admitted by the Air Force that on one of the bombs, four of the six safety mechanisms with which the bomb was fitted had been released.

Much has been made of the alleged ability of the Safeguard system to protect against a missile launched against us accidentally by another nuclear power. But there has been little discussion of the question of the increased possibility of an accident involving a nuclear defensive missile.

Prof. Joel Larus, of New York University, has addressed himself to this question in an article in the May 31 issue of the Saturday Review entitled "Nuclear Accidents and the ABM." Professor Larus reviews the nuclear mishaps involving U.S. nuclear weapons since these weapons were first developed. He concludes by arguing against the deployment of an ABM system on the ground that—

> The deployment of more nuclear weapons than is uncontrovertibly necessary to maintain America's deterrent posture is unwise because it invites future accidents.

I ask unanimous consent that the text of the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR ACCIDENTS AND THE ABM

(By Joel Larus)

(NOTE.—Joel Larus is professor of politics at New York University and the author of *Nuclear Weapons Safety and the Common Defense* (1967).)

The current debate about the utility of deploying an anti-missile system to protect this country's deterrent capability has again raised a number of basic questions about the possibility and consequences of an American-caused nuclear weapons accident. Because the safety of our atomic and hydrogen arsenal relates so closely to top-secret command and control procedures, reliable information about U.S. anti-accident techniques and experiences is most difficult to obtain and even more ticklish to evaluate sagaciously. Yet the public fears the possibility of such incidents, and their anxiety is not assuaged by the events of recent years. Last fall for example, when Washington announced that the Sentinel system was going to be located in Chicago, Detroit, Seattle, Boston, and New York, local residents determinedly challenged the wisdom of installing missiles close to urban centers when an inadvertent detonation of a nuclear warhead could not be discounted. One Congressman reports that this fear dominated all other considerations in the hundreds of letters he received from constituents protesting the Pentagon's decision.

The more recent announcement of the Nixon Administration that it planned to deploy a limited ABM system, Safeguard, in the remote areas around the Minuteman silos, primarily in Montana and North Dakota, has lessened the general public's concern about nuclear weapons safety, but there is no reason for indifference or complacency. Even though the Safeguard system may be located in thinly populated states and not near leading industrialized centers, it does not necessarily follow that a mishap at such a site could not affect the lives and well-being of Americans residing in cities far from Montana and North Dakota. If an ABM accident should take place, the site of greatest probability is the area near the Safeguard system, but a computer running amuck or an unfavorable wind pattern could mean plutonium poisoning for many people hundreds of miles from the missile location.

One way to estimate the chance for an ABM failure and also to have some background information about the safety features of this country's nuclear arsenal is to review our successes and failures in twenty-four years of watching over atomic and nuclear bombs (in military parlance, "safing the nukes"). When America's record of nuclear mishaps—"Broken Arrows"—is examined, one conclusion is inescapable: the human mind has been unable to construct a safety system for nuclear weapons that is accident-free, no matter how much time, money, and technological genius are assigned to the project. (According to military terminology, a Broken Arrow is any unplanned occurrence involving the loss of, destruction of, or major damage to a nuclear weapon or its components that results in an actual or potential hazard to life or property.) It is well to remember that mechanical and human failures are as much a part of the age of nuclear technology as mushroom clouds and fireballs.

There are two types of nuclear mishaps that could bring about accidental radioactivity. Most serious is the unauthorized, unintentional, or inadvertent nuclear explosion that results in a full-scale chain reaction. This type of detonation might be the result of a mechanical error, a human failure, or a combination of both, but no matter what the source of the accident there would be a Hiroshima-type explosion replete with the multifold problems of toxic radiation.

It is generally agreed that an American-sponsored accidental chain reaction detonation has a very low probability. In the years since the first atomic bomb was dropped, this country has produced thousands of nuclear weapons of all shapes, sizes, and yields. They have been transported about the entire world, and in the process they have been assembled, disassembled, inspected, loaded onto delivery vehicles, unloaded, checked and rechecked to maintain their efficiency. Squadrons of Americans of various temperaments and emotional characteristics have been trained to detonate both strategic and tactical systems under a variety of conditions and circumstances, many of which have not been especially conducive to the good mental health of the personnel involved. In spite of the innumerable opportunities for an accidental Hiroshima to have taken place, America's safety record insofar as this first category of possible failures is concerned has been perfect. The technicians who designed our safety controls (essentially a complex interacting arrangement of locks and switches that must be triggered in sequence) have established a safety record unequaled in the history of military technology.

Were it not for two Broken Arrow incidents that took place in 1960 and 1961 it would be possible to be even more sanguine about our future record of no-yield incidents. These accidents dramatically illustrate why there is always a possibility that as a result of extraordinarily bizarre circumstances there could be an accidental chain reaction.

In the Goldsboro, North Carolina, failure, which took place in January 1961, a SAC B–52 bomber on a training mission was carrying two 24-megaton bombs. The pilot, realizing that his plane was going to crash, had sufficient time to jettison one bomb. It was parachuted and landed in a field completely intact. There was no explosion of any type. A terse and uninformative Air Force press release stated that one of the unarmed nuclear devices the plane carried had been dropped safety by parachute and had been recovered undamaged. The second bomb was found in the plane's wreckage.

For the last eight years physicist Dr. Ralph Lapp has maintained that the Pentagon's investigation of the Goldsboro incident had revealed a frightening situation. He alleged that in falling to the earth five of the six interlocks built into the bomb had been set off and that only a single switch prevented the 24-megaton weapon from producing a yield detonation. Washington adamantly refused to offer any more particulars concerning the post-accident condition of the safety system. Recently the Air Force was forced to come clean and reveal just how unpredictable mechanical safeguards on nuclear weapons can be, even those designed with infinite care and tested meticulously. Goaded by Congressman Sydney R. Yates of Illinois, who was determined to prevent the installation of the Sentinel system near Chicago, the House Appropriations Committee recently asked for an authoritative answer to the Goldsboro bomb mystery. In reply, the Air Force admitted that their inspecting teams in 1961 had found that four of the six safety mechanisms during the accident had moved to the "go" position. In other words, only two safety systems remained in a locked position, and the remaining group of four had acted in a completely unscheduled and potentially dangerous fashion. Pentagon and AEC officials prefer to call attention to the two devices that remained uncompromised, but a more relevant issue is to determine why there were so many failures and whether it can happen again.

An earlier Broken Arrow incident took place at McGuire Air Force Base (New Jersey) in June 1960. This accident is especially noteworthy in view of the extended debate about the reliability of the computer-programed Safeguard system and its hair-trigger reaction time. If information available from nongovernmental sources concerning the McGuire mishap is authentic—and in my opinion the source of the account is highly reliable—the incident highlights the problem of protecting an incredibly complex weapons system from being triggered by totally unexpected sources.

Some of the facts about McGuire are not in dispute. At 2:51 p.m. smoke and fire began to emerge from one of fifty-six Bomarc missile shelters. Two minutes later local fire crews arrived, and by 3:05 the entire missile complex was evacuated. For the next several hours, officers and enlisted personnel, reinforced by firemen from adjacent communities, fought heavy flames and smoke. According to *The New York Times*' account, the missile's propellant fuel ignited, its atomic warhead fell into the molten pool of fire, split open, and released radioactive material into the environment. The Air Force admits that radioactivity was present during the incident, but maintains that the fire started when a high-pressure bottle of helium exploded from unknown causes.

The uncorroborated version of the origin of the fire is considerably more alarming. This source alleges that while the Bomarc's crewmen were at dinner, they noticed that their unattended missile was preparing itself for an unauthorized launch. Rushing frantically to their station the men succeeded in aborting the erection. The account continues:

"Even after detailed investigation there is no real understanding what series of factors caused the electronic brain controlling Bomarc firing . . . to issue the fire order to that nuclear weapon. The hypothesis is that a combination of the radio signals from passing police cars plus the tunes being played by a local disc jockey happened, in one of those occurrences of statistical probability, to combine into a signal that fed itself into the electronic brain as a fire order."

To date, the Defense Department declines to comment on this version of the McGuire accident.

As mentioned earlier, there is a second category of nuclear mishaps that can cause accidental radioactivity. In my opinion it has a much higher probability factor than the full-scale yield detonation accidents and consequently is the greater menace. It involves the nuclear bomb or missile that becomes ruptured when unusual energy inputs or physical stresses react unfavorably with the TNT component of the weapon. The heat or shock causes the TNT girdle enclosing the plutonium to explode, and the entire weapon blows apart. As soon as the integrity of the outer metal casing is destroyed, fissionable (not fissioned) material is strewn about the situs of the accident. Radioactive plutonium dust contaminates everything it contacts, and all human and animal life is endangered in this "hot" area.

Since 1945 the United States has caused an indeterminate number of this type of accident. If the Pentagon's figure of thirteen nuclear weapons accidents is complete and accurate, this country has been responsible for one Broken Arrow incident every two years on the average since Hiroshima. If the tally is closer to twenty or twenty-two mishaps, as some non-governmental sources believe, this country has had approximately one potentially catastrophic emergency every year since the end of World War II. Whatever the exact number, there is no disputing the fact that American bombs or missiles that have been accidentally blown apart (but not detonated), have jeopardized the lives of residents of at least three countries, injured an unknown number of homes and factories, and contaminated the natural resources of at least three parts of the globe. No one has died or experienced lasting injury as a result of these Broken Arrows (at least not according to the unclassified information), but each failure exemplifies the radioactivity crisis that arises when a nuclear weapon scatters undetonated plutonium.

In January 1966, for example, four hydrogen bombs fell on Palomares, Spain, an isolated farming hamlet on the Mediterranean coast. Before this incident was over, the Defense Department and the Atomic Engery Commission, assisted by a small army of civilian experts, had staged the most expensive, intensive, harrowing, and feverish land and sea search for a man-made object in world history.

The accident took place when a B–52 on a training mission and a KC–135 tanker collided about 30,000 feet above the Mediterranean. Either a fire broke out in the tanker during the refueling mission and spread to the bomber, or the planes failed to rendezvous properly. In any event, both planes plummeted to earth, scattering wings, fuselages, engine sections, wheel assemblies, and jet fuel over a wide area.

The four hydrogen bombs are believed to have been either the 20 or 25-megaton variety, and all were being transported in the customery unarmed condition. Each bomb landed in a different impact area in or about Palomares. One embedded itself in a dry river bed east of the village. It was found within hours after the crash and was undamaged except for some severe dents. It caused no radiation contamination problems. The second and third bombs slammed to the earth with such impact that the TNT exploded. Within seconds millions of particles of plutonium dust blanketed wide areas of Palomares.

Because plutonium is one of the most toxic substances known to man, American and Spanish authorities lost no time in beginning emergency clean-up operations. Plutonium has a half-life of 24,000 years, and the maximum permissible burden that the human system can tolerate is a speck-like amount described as two-billionths of a gram. Persons who inhale or ingest as little as 2/10,000ths of an ounce of plutonium dust can become deathly ill. As an added complication, alpha radiation from the plutonium is considerably more difficult to detect than any other type of radiation. An Air Force publication advised search teams to hold detection instruments within one-eighth inch of the surface to be tested in order to obtain a reliable Geiger counter reading. The booklet adds that it is nearly impossible to secure an accurate count when surfaces such as plowed earth, wheat stubble, and gravel roads have to be checked for radiation exposure.

For the next three months the 234 families of Palomares became internationally famous as the soldiers, airmen, and civilians scoured the countryside for evidence of radiation contamination. The economy of the village all but collapsed because hundreds of pounds of tomatoes, which normally would have been sold throughout Spain, were thrown away or left rotting on the plants because the Geiger crews could not work quickly enough. Local farmers within a 640-acre zone were barred from entering their fields. Teams of medical specialists examined each man, woman, and child, testing in a variety of ways for traces of plutonium poisoning. Only a few of the local peasants could understand the situation; for the rest it was simply *el desastre*.

Before the land was returned to the owners, the United States had packed 1,750 tons of radioactive Palomares soil and vegetation into 5,000 sealed metal drums. The contaminated pieces of the two planes were similarly encased. This debris—the dung of the nuclear age—ultimately was brought back to the United States and buried in a nuclear graveyard in South Carolina.

The fourth hydrogen bomb that fell at Palomares caused even greater complications. This weapon came to rest about five miles offshore on a ledge 2,500 feet below the surface of the Mediterranean. A force of sixteen ships was assembled and included several midget submarines, scuba teams, underwater specialists, sonar experts, and oceanic photographers. For about eighty days the 3,000 men carried out this aspect of the recovery assignment. It was imperative that the fourth weapon be returned to American custody not only because of security considerations, but also because we needed to know if the bomb had ruptured and plutonium had contaminated the sea and its marine life. When brought to the surface on April 7, the bomb's outer casing was deeply dented but, miraculously, without a rupture. It is alleged that the underwater operation alone cost this country $6 million.

The Palomares incident does not end with the recovery of all the bombs. In the succeeding three years press reports occasionally have told how the accident has changed life in the area. A battery of four Geiger counters still runs continuously to monitor the region for signs of plutonium radiation. Each villager continues to receive $66 per month if he permits Spain's Nuclear Energy Committee to check his body daily for evidence of overexposure to radiation. Up to now the farmers have received $700,000 on various claims they presented to the United States, and eleven cases are still pending. What cannot be altered with American bounty is the attitude that the Spanish people now have about the village and its farm products. All that grows in Palomares is suspected of being radioactive, and so there is no market for its fruits and vegetables. Fifty per cent of the people are reported to have been forced to migrate to more attractive farm areas. According to one resident, life has gone from the town and within a few years it will be quite empty.

The most recent Broken Arrow to be reported took place in January 1968 near a runway at the Thule Air Force Base in northern Greenland. A B–52 crashed and exploded while attempting to make an emergency landing. The plane admittedly was carrying four 1.1-magaton hydrogen bombs. On impact all broken into fragments and scattered plutonium over the frozen surface of North Star Bay. Winds up to 27 miles per hour, temperatures in the 20–30 degree-below-zero range, daylight for only three or four hours at a spell, and continual swirling snows and Arctic storms added to the general emergency situation. In fact, this recovery operation was carried out on the most inhospitable site yet encountered by a Broken Arrow task force. The impact area was about a mile long and half-a-mile wide. Within this region

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were found thousands of pieces of the plane, all highly radioactive and dangerous to the body.

Immediately following news of the crash there was considerable concern that plutonium might have entered the ice and waters of the bay. The Danish government placed a prohibition on all fishing in the seas near the accident site, and this restriction lasted for three months. In addition, it banned local fox hunters from any trapping whatsoever in the Thule area, and this order remained in force for nine months. Available sources do not mention what steps were taken to protect the Eskimos from eating the meat of seals, walruses, and polar bears, but presumably such procedures were necessary because these animals might have been contaminated from eating radioactive marine life.

As in all Broken Arrow mishaps, the most complex and costly problem is cleaning the ground area so that it is no longer "hot." At Thule, tons of radioactive snow and ice were an immediate hazard and had to be removed and secured. Teams of men were assigned the task of gathering the snow, ice, and the remains of the B–52 for shipment to the United States.

The main reasons why Congress should not authorize the Safeguard system have been explained at length elsewhere and need only be reviewed here. They are (1) that the ABM deployment could escalate the arms race at a time when there may be a real opportunity to achieve a nuclear détente with the Russians; (2) that the system is predicated on invalid assumptions concerning the strategic options open to the Chinese and Russians in the coming decade; and (3) that the estimated $6-to-$7-billion cost of the system ought to be used to help remedy our domestic problems. A fourth reason against the ABMs has been offered here: Nuclear weapons have a propensity to become involved in human and mechanical error situations, and when these Broken Arrow mishaps take place, the impact area and its environs are contaminated with toxic plutonium. The deployment of more nuclear weapons than is uncontrovertibly necessary to maintain America's deterrent posture is unwise because it invites future accidents.

TELEVISION PROGRAM "D-DAY REVISITED"

Mr. MURPHY. Mr. President, I am always reluctant to disagree with my colleagues in the Senate or the House. But there are times when wrong impressions and misunderstandings should be cleared up.

On June 2, 1969, in the Congressional Record, Representative Frank Horton, of New York, criticized one the country's most noted and honored filmmakers, Mr. Darryl F. Zanuck.

The Representative objected to what he thought was the commercialization of one of the great historical feats of bravery in the history of our Nation. Representative Horton alleged that Mr. Zanuck's television program, "D-Day Revisited" was capitalizing on the 25th anniversary of D-Day. I am informed that this program was made in the same spirit that Mr. Zanuck made his film, "The Longest Day," to remember and honor the hundreds of thousands of men who fought on the beaches of Normandy to liberate Europe.

It is most ironic that on the same day, June 2, Mr. Zanuck was honored by the 52 Association, an organization dedicated to the cause of helping wounded servicemen. For that occasion, President Nixon sent a congratulatory wire to Mr. Zanuck, noting:

> The presentation to you of the coveted 52 Medal of Honor gives fitting recognition to your untiring patriotic spirit so amply brought out in your successful efforts to capture a celebrated moment in world history, and to memorialize the courage and daring of one of the proudest chapters of American history.

On that occasion also, General Omar Bradley said:

> He has done the world a lot of good by giving us some idea of what our obligation towards freedom is via his depiction of World War II and what happened at Normandy on "The Longest Day."

In the New York Daily News Review of the "D-Day Revisited" program, Mr. Ben Gross noted that Mr. Zanuck served as an illuminating guide and narrator during a journey to the Normandy beaches. This TV visit to hallowed grounds brought to all of us living at that time memories of a never-to-be-forgotten day, D-Day, 1944.

With eloquent praise such as this coming from the President, from the only living five star general, and from one of the Nation's greatest newspapers, there is little I can add. Knowing personally Mr. Zanuck for years, I am certain that he was only trying to help this Nation remember D-Day. I hope this will help to set the record straight.

TRIBUTE TO SENATOR ALLEN J. ELLENDER

Mr. GRAVEL. Mr. President, I should like to commend the distinguished senior Senator from Louisiana for the depth and cogency of his observations on U.S. foreign policy. Senator Ellender's report embodied in Senate Document No. 91–13 is particularly valuable for its insight into our policy with respect to the Soviet Union and the NATO Alliance.

Quite clearly the time has come for us to take a second look at the possibility of a genuine detente with Soviet Russia in the context of a more tough-minded appraisal of both the political and military realities governing our relationship with Western Europe as well as Western Europe's relationship with the Soviets and the Warsaw Pact nations. Clearly the threat of a Soviet land invasion or occupation of Western Europe is no longer as palpable as it was at the close of World War II. The movement of Soviet troops into Czechoslovakia last year, while a cruel and brutal act which I, of course, deplore, should not necessarily be viewed as a reversion to a Stalinist policy or as a threat to Western Europe. The invasion of Czechoslovakia should rather be viewed as an abortive attempt to keep Warsaw Pact countries under the thumb of the Kremlin, and the attempt was made precisely because the Soviets had and still have an almost paranoid fear of German "irredentism" and the NATO troop deployment which seems to them an emblem or symbol of that "irredentism." From a Russian strategic point of view, Czechoslovakia represents a vital country in the so-called Northern Tier defense against neighboring Germany with its West Berlin enclave—both ostensibly protected by the 300,000 American troops deployed in Western Europe.

A reexamination of our NATO commitment which, as Senator Ellender points out, has already lost much of its meaning on account of a French withdrawal not likely to be reversed even in this post-De Gaulle era, may go a long way toward taking pressure off the Soviet Union, thus facilitating a solution to the problem of German reunification, and affording us much needed additional moneys for handling of our domestic priorities.

I am again in complete agreement with the distinguished Senator from Louisiana in his assessment of our need to be more honest and open in our dealings with the Soviet Union. Both he and I recognize that military might alone is not the answer for the preservation of our American, anti-Communist way of life. Obviously a military confrontation with the Soviet Union, in all likelihood on a nuclear level, would be utter folly and would prove nothing but our ability to destroy each other completely and the rest of the world as well. I hope that the proposed talks on nuclear disarmament will fulfill the promise shown in the Nuclear Test Ban and Nuclear Nonproliferation Treaties.

Once we have agreed in our mutual self-interest to refrain together from destroying the world, perhaps we can then move on in our mutual self-interest toward a more genuine cooperation with each other and with the underdeveloped countries who so desperately require that the technological and economic know-how of the two great superpowers be shared with them in order that they may overcome the problems of hunger, joblessness, illiteracy, and disease.

We must also go on to reinstitute an intensive program of cultural exchange with the Soviets so that their citizens may travel freely within our country and vice versa. People-to-people contact through travel, through language, through culture and the arts is perhaps the most important dimension of a potential rapprochement between the United States and the Soviet Union. We must not be deterred by Russian attempts to enforce "discipline" in those areas within her "sphere of influence" any more than the Russians should be deterred by our relapses into the same "disciplinary" procedures. We must always keep before us our higher interest, our vision of a peaceful world order which can be achieved if and only if the two superpowers want it to be that way.

I should again like to commend Senator Ellender for the substance of his remarks based as they are upon long experience and painstakingly close observation, but I am almost more impressed by the astounding political courage to which his willingness to publicize these controversial views so handsomely and unmistakably attests. It is never easy for an elected public official to speak his mind frankly and openly on issues which he knows may prove to be highly controversial in his constituency.

WHAT ARE WE LEARNING ABOUT METROPOLITAN PLANNING?

Mr. KENNEDY. Mr. President, a distinguished expert from my State in the field of metropolitan development, Charles M. Haar, formerly Assistant Secretary in the Department of Housing and Urban Development, and now once again professor of law at Harvard, recently delivered the Pomeroy memorial lecture before the annual meeting of the American Society of Planning Officials in Cincinnati, Ohio.

In his address, Mr. Haar pinpointed problems that are critical to the future welfare of our cities. More importantly, he proposed a metropolitan strategy on the Federal level. It is one of the most perceptive analyses I have read. We should. as a nation, have a program to influence and guide the inevitable metropolitan growth and expansion that will take place in our country. For, as Professor Haar points out:

> If urban man cannot recognize a community of interests beyond single jurisdictions, American cities can indeed be rendered desolate.

I commend this address to the attention of the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHAT ARE WE LEARNING ABOUT METROPOLITAN PLANNING?

(By Charles M. Haar)

For the past three years, as Assistant Secretary for Metropolitan Development, I was given the opportunity to carry out Federal programs designed to stimulate the development of metropolitan institutions.

Of the various creations spawned by problems spilling over jurisdictional lines, few provided more interesting experiences and reflections than your own discipline of metropolitan planning. While serving as a policy maker and implementer, I found that I had to unlearn a number of the things I thought we all knew about metropolitan planning. More important—and more relevant—new forces pressed for absorption. Currently, on the reentry to civilian life, there is compulsion both to explain what it is I learned as a problem solver (or solution attempter), and to delineate what we ought to be learning now. So it is within this context that my working propositions about metropolitanism need to be set. This paper today will address three themes. First, I shall try to characterize the future of metropolitan planning and development by categorizing what I believe we have learned, and unlearned, in the last three years. Second, I shall immediately qualify these propositions by emphasizing what I think we should be learning more about today. Last, I shall suggest future programs and policies to improve the conduct of metropolitan affairs.

A. LEARNING AND UNLEARNING: SOME PROPOSITIONS ABOUT METROPOLITAN PLANNING

My basic premise is an old one. I remain convinced that the most effective, and perhaps only, way to handle area problems adequately is to assure that there is a forum within the metropolitan area to which the major problems are brought for consideration of their areawide implications. And I also remain convinced that there is merit in a federal role in promoting negotiation and compromise among units within socially and economically interdependent metropolitan areas.

Little is to be gained from rehashing the old issues raised by federal efforts to promote such a process. There are just too many examples of significant savings accruing to both federal and local governments through achieving economies in urban public expenditures, through the prevention of federal and local duplication, and through the avoidance of inconsistent and short sighted developments. A review of the first year of experience under Section 204 of the Demonstration Cities and Metropolitan Development Act confirms this hypothesis: help in assuring compatibility of proximate land uses and in the harmonious programming of interrelated public investments.

Nevertheless, I come away equally convinced that to support metropolitan cooperation as a goal and to view federal programs as the means capable of solving metropolitan problems are separate matters. The tension between means and ends has to pervade any thinking about the future of metropolitan planning and development.

1. Metropolitanism within a Federal structure

In the first place, I have become impressed during the past three years with the very real limits on what national policies can accomplish. Essential, yes, but they cannot be the exclusive mechanism for achieving rationalized metropolitan development.

One reason is that metropolitan areas are impressively individual creatures. Over and over again, they defy the application of generalized rules, policies and programs.

Differences in the way metropolitan areas act stem in part from their differing socioeconomic characteristics, geography and density. Boston is obviously different from Los Angeles in these respects, as Atlanta differs from both. Blacks are usually concentrated in the central cities, but in some regions are predominant in the suburbs. Demographic variables are a function of differences in size or scale. A metropolitan problem in Utica can be a local problem in the Greater New York area. A program like Section 204 seems to work well in cities of the size of Minneapolis-St. Paul, while at the same time proving cumbersome and irrelevant when used in Chicago.

However, the fact that big cities are likely to act differently than small ones should not take our attention away from the importance of differences in governmental arrangements. I would guess that in terms of relative importance, differences in the numbers and kinds of governmental institutions in metropolitan areas are an even more significant cause of policy differences than demography. Indeed, it may be that the size or scale of an area has been associated with variations largely because size is a factor in determining the number of centers of power in a metropolis.

Second, much of the constitutional and legal power over housing and urban developments resides with the states. In appealing from rurally dominated and indifferent state legislatures directly to Washington, the coalition for urban affairs at the national level is that of nation and city. This two-tier arrangement works fairly well for the immediate developmental programs—urban renewal, public housing, and model cities. But for land-use incentives and controls as well as for public facility expenditures, the presence of state powers and resources becomes far more essential. We have utilized the 701 program to develop state planning; we have encouraged state participation in the formulation and administration of local planning efforts by moving from a project-by-project grant allocation to an annual contract basis. The Colorado experiment—a most notable success in introducing the state—achieved the surprising benefit of cutting red tape and reducing the number of applications and the processing time. The state interest in metropolitan affairs hinges on many factors: traditional rural-urban conflicts or indifferences, historical patterns, and the like. But over and above these and all the social and functional reasons we professional planners can marshal for a metropolitan approach, is the wonderful world of politics and individual ambition. When even two confirmed and dedicated urbanists—maybe they have even reached that highest pinnacle toward which we all strive, 'urbanologist'—of the same party, like Rockefeller and Lindsay, must view areawide problems with sharply divergent perspectives of state and local office, who can expect a Romney and a Cavanaugh to lie down together for any period of time?

These differences among metropolitan areas and among states argue for localized, individualized planning and implementation strategies. Moreover, the destiny of a metropolitan area should be its own choice; and it probably will be that, regardless of outside efforts to direct the course of its development. Coordinating policies and programs, particularly, is a local problem. While there is urgent need for more consistency between procedures and policies governing federal programs, conflicts and cross purposes are seen best "on the ground," close to the area needing coordination—and also close to the people whose capital grant or choice of location of a particular facility is being lost in the shuffle of conflicting bureaucracies.

Of course, we must also avoid going too far in declaring everything *sui generis*. After all, the number of permutations and combinations that even the American genius is capable of producing is finite.

This proposition should not be misinterpreted as justifying "original" research by every metropolitan planning agency: in regard to the metropolitan planning process, there may even be that rarity in social science—some "universal truths." For example, the technical problems and solutions for air pollution and, to a lesser extent, transportation, do have many common elements whatever the metropolitan area, and whatever the political strategy needed to achieve results. Under the guidance of HUD, there is increasingly a national market in residential financing and in mortgage instruments. Also, we must not forget that, while the Federal Government's role is secondary to that of local units, still, it has a responsibility to assure "minimum standards." These are national goals which have to be achieved on a total urban area basis. There is increasingly a national interdependent system of metropolitan development, so that policies in the New York metropolitan area have pulls and tugs on Mississippians and a profound effect on stated national objectives. Furthermore, National policies should not, and in fact cannot, be deterministic. Non-local governments cannot stand idly by if a metropolitan area does not make reasonable choices—especially if there be a drain on limited Federal resources and other metropolitan areas are making determined efforts for self-improvement. The very inadequacy of funds lends a sense of urgency to the search for new and better ways of accomplishing our objectives.

For lesson drawing, this means that the 701 comprehensive planning program, as well as those grants in aid imposing planning requirements, need to be justified (and financed) on the grounds of experiment, innovation, catalytic effect, and not—as is the powerful pull of a national legislature with district constituencies—on the basis of being a general support program.

2. The political acceptability of metropolitan planning

A second area of learning and unlearning is the political feasibility of mechanisms for greater metropolitan integration.

In a report for Senator Muskie's Intergovernmental Relations Committee in 1965, I argued for the effectiveness of metropolitan planning. The hypothesis of that argument was that where there are many centers of power (as is the characteristic of most metropolitan areas), their mutual interaction will be in direct proportion to the probability that a collective decision will be developed and successfully implemented. On the one hand, the groups most concerned with, and most likely to favor, some new program to resolve a given problem could be activated and

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brought into coalition. A metropolitan planning agency seemed to be a good issue arena, an opportunity for obtaining mutual knowledge and continuing contact, and a device for activating potentially areawide interests. On the other hand, it also seemed to me that more numerous the centers of power, the less likely any one of them would be to dominate metropolitan decision making all the time. Thus, the different centers of power in the metropolitan areas would be most likely to know which other centers were potential opponents and would be most likely to avoid them, or artfully coopt them.

However, experience has taught me that, by and large, things do not work this way in metropolitan areas at the present stage of development. One reason is that there simply is no generalized metropolitan constituency which desires an increase in the potential for interaction among competing centers of power. Take away the planners, a couple of academicians, several senators, some local government officials and what is left but the happy few?—even the League of Women Voters does not put metropolitan issuses high on its agenda. People live in houses, neighborhoods and communities, and their continuing interests and willingness to become involved pretty much stop there. Metropolitan plans just fail to create a feeling either of crisis or of relevance.

Perhaps where for special reasons the establishment of strong, metropolitan institutions has already taken place, as a Miami or Toronto, an areawide constituency then comes into being. But even here the evidence from academic halls is very mixed, and that from the Congressional chambers is clearly to the contrary. The interesting question is, again, a chicken-and-egg one. Without the metropolitan *vox populii*, where is the metropolitan political creature?

Perhaps a further reason why the interaction theory also does not work for metropolitan areas because the time-span over which "contact" has been occurring in the United States is simply too short to develop expectations and mutual knowledge. Section 204, for example, while passed in 1966, has been in operation only since July 1967—and under stringent appropriation restrictions. Among its major problems has been the very lack of any areawide agency in many SMSA's and the unfamiliarity of a metropolitan review process to other agencies. Perhaps the theory has not worked because the historical contacts of centers of power in the metropolitan community with each other have produced a set of norms and definitions of the legitimacy of certain issues, and the illegitimacy of others, which hampers mobilization in a metropolitan area. I think we should ask first whether the substantive and procedural norms which constitute the content of a metropolitan political culture can be reshaped by something like a metropolitan planning agency, rather than worrying about institutional arrangements needed to provide an arena for interaction. But, again, this is subject to change over time and happier experience, with individual areawide projects.

What does clearly emerge is that metropolitan coordination arrangements must appeal directly to self-interests if they are to be effective. A striking recent example of this was the substantial margin of votes for the Washington transit bond issues. Even the commuter wedded to his car was convinced by arguments that the transit system would unclog the highways for him. I would speculate that proposals for rapid transit in Los Angeles would have succeeded also, had the argument been made in these terms. Instead, a fight among the experts over the technically best type of transit system obscured the self-interest issue to the point where even those favoring rapid transit voted against this particular plan for it. If we are to have stronger metropolitan planning, we will have it because the country is convinced that it wants it. Whatever our superior professional skills and insights, we are elements of a larger society which reserves the powers of final choice.

Potentially the greatest force for integration of our metropolitan areas is found in those service activities which are recognized both as essential to the well being of the area and more economically provided via joint undertakings than through separate systems. This has two implications for action. First, it indicates that in dealing with areawide issues, a problem oriented strategy is likely to be far more successful than any "grant plan" approach. Transit can be used again as an illustration. A Year 2,000 plan is very hard to sell; it is nebulous, impersonal and 30 years away. Bonds for a transit system, however, can be sold in a way that offers tangible benefits, relates to a widely experienced problem, and provides solutions visible on the horizon of a few years. The common reluctance of mankind to cope with problems before the necessity is acute is neatly summed up in the judicial concept of "case or controversy," and the administrative concept of "ripeness," both of which are really fancy elaborations of the people's old saying: "I'll cross that bridge when I come to it." A Year 2,000 plan is indeed a very distant bridge.

Of course, this is not really an either/or proposition. Short range programs and long range plans are not mutually exclusive. A five year transit program may actually be much more beneficial if it carries out a 25 year plan. But, the most feasible political solution is to sell the short term plan and let the planner sketch out the long run comprehensive plan and keep it as a policy framework, in his top drawer—or in the vault of his chief executive.

Per contre, we must recognize also that for many urban services and regulatory functions the economies of sharing facilities, considering inter-functional impacts, and inter-level programs, have already been sought through special purpose districts or agencies. While joint planning could provide the same benefits, the pre-existence of bureaucracies associated with problem areas can also stand in the way of transfers to areawide jurisdiction. Thus, by isolating separate service needs, which seems to be the easiest way to meet them, we have simultaneously siphoned off the most important functional incentive for areawide cooperation.

What else can be done to invigorate the planning process? Planning needs to change other of its sights. Its emphasis should be shifted from the general to the specific, from the abstract to the concrete, as well as from the long term to the here and now. And I say today as I have said in the past: capital programming and quantitative objectives should be included in every plan. Money may not be the stuff of spiritual reform or salvation; but it has been the key to practical results since it was invented. It is the means for translating plans into action. It is also the means of anchoring the plan fast to realities.

3. The availability of metropolitan land

My third area of learning and unlearning concerns the physical or geographic factors which affect metropolitan development. Perhaps the most important limit on planned metropolitan growth is land. Its location, ownership, accessibility, development process and cost—all may pose problems. The results are visible in the central city, which urgently needs more and cheaper housing, but is unable to provide cheap land for the inexpensive homes of the sort the mobile housing industry already knows how to construct. This may be the chief obstacle to attaining housing objectives. The problems generated by the scarcity of land are also visible in the timing and guiding of growth under the private system of land development now operating in the suburbs.

I feel strongly that existing programs, which attempt to regulate land development by means of zoning and, codes are not merely imperfect but inadequate. We need to develop new land policies. They should be based upon an examination of the degree to which metropolitan programs can work within the present market system. And they should indicate how heavily new efforts should be made to provide public direction for the process. We have already devised at least one major tool to shape a new life style in suburbia by shoring up the efforts of those who also earn money doing it. I refer of course to Title IV of the Housing Act of 1968, the New Communities Act. This provides Federal guarantees of cash flow debentures for up to 75% of the cost of land and site development in new, planned communities. By gearing itself to the cash flow requirements of such large scale undertakings, it makes them feasible; and with this Federal *quid* can come a *quo* in requiring accordance with the metropolitan development strategy.

A second tool could be the creation of a land banking process—perhaps by giving federal loans to national, state or metropolitan agencies so that they can purchase land to be held, used or sold to private enterprise as areawide priorities dictate. This could be responsive to the need for extensive public participation in those metropolitan areas where land fragmentation prevents a new community or satellite strategy. There may be an opportunity to initiate such a program on a carefully selected national basis.

Both these mechanisms have the merit of working affirmatively, rather than using the law as a negative constraint.

B. NEW LEARNING: THINGS WHICH REMAIN TO BE EXPLORED

If I look quizzically at the future of metropolitan development, it is because several important questions remain to be considered, which as yet I find tangled and unsolved.

The first issue has to do with what constitutes the proper elements of metropolitan planning. How do we measure the quality of a plan? We talk of metropolitan planning as if it had some agreed connotation. But in fact, there is lttle agreement. Nor can there be, as long as the "facts" remain inadequate to decide what precisely a "good" or "effective" metropolitan plan is.

In the circumstances, the difficulty of establishing minimum Federal standards for metropolitan planning is understandable. HUD published, in May of 1968, a set of guidelines for the *Conduct of Metropolitan Planning,* which discussed planning agency organization, activities, responsibilities, staff, financial support and relationships with other area agencies. The guidelines went as far as current knowledge of the art. They were meant to indicate two things: first, an awareness that the scope of planning, the functional and financial commitments of participants and the structure of interaction among agencies in the areas as well as plan content, delimit "effectiveness;" second, that federal financing is appropriately used to change local direction in such fields.

But what index do we use to measure "independent financing" or "coordination" or "state involvement?" Some of the most obvious measures turn out, in the troublous case, to be the least reliable. We might expect, for instance, that amounts of non-federal funding obligated in advance to a planning agency would demonstrate to some extent that agency's ability to secure financial backing; it often turns out that what an areawide agency can get to spend depends very much on the nature of member and state economies and on the benefit levels in other kinds of programs that are being sought by these units. Dollars are nice measures, but it is not always clear what they are measuring.

Furthermore, consider the problem of evaluating progress toward program goals. It seems more likely than not that favorable combinations of expenditures, staffing, facilities and coordinating arrangements will add to the outputs of a metropolitan planning or service producing agency. But there is no assurance that this is the case. We probably need, therefore, to measure outputs independently of the quality of plans and process, and test the assumed relationships between them.

Things get worse when metropolitan planning gets involved with some of the currently controversial urban issues, particularly social issues. How do we measure the achievement of areawide social, rather than physical, goals? Social concerns are moving to the center of the planning profession, as they have emerged as the drive of its clients and of the various levels of government. If we look at outputs as the amount of savings or services provided per client, do we adjudge some client groups as needing more than others? Do we include, for example the incidence of beneficiaries among people who are "potential" clients but haven't chosen to use particular services? And how do we make sensible informed assessments whether outputs—plans, agreements and the like—have an impact on the problem they are supposed to solve? The current dispute over how one measures accomplishments in the field of education when culturally deprived students are the clients is all too typical of the difficulties involved.

A good deal of research is currently underway into the general problem of measuring governmental performance. Until we can arrive at some consensus, however, on what good metropolitan planning is, all of our grand assumptions about how to get it should be taken lightly. I have been more involved with discussing the second issue than the first, but my inability to make a full blown case for evaluating what should come out of all my metropolitan strategies is a terribly important qualifier.

The second mystifying issue involves the utility of citizen participation as an element of successful metropolitan planning. Once again let me refer to what HUD policies have been and the ambiguities they contain. Under the HUD administration of Secretary Robert Weaver, a move was begun to provide greater representativeness in urban programs by encouraging regional offices to take greater initiative. Legislation establishing the Model Cities program also made "widespread citizen participation" the basis of model neighborhood planning efforts. The experience with these mechanisms was mixed. The regional decentralization proposals were coldly received, for different reasons, by city interests and by the Congress. The commitment to neighborhood participation turned out to be largely ritualistic in several cities. Advisory groups proliferated madly. We created a segment of the poor whose life is a whirlwind of club meetings. In addition, it seemed that in some cities participation merely tended to clog the works of already inadequate administrative machinery: Where there was participation there were few programs. The experience in the poverty program with similar provisions is said to be parallel.

In most areas of urban affairs, I submit we do not yet know what functions are served by citizen participation, how crucial it is to "success" or what aspects of it should be stressed for what purposes. In metropolitan affairs, the question is even further clouded. For here the experience is truly limited.

Whether or not citizen participation is a contributor to "effective" metropolitan planning, it is a value widely sought at present. And in the technological post-industrial society, any format that encourages the individual control over his own destiny must be welcomed as a contribution to human sanity. As the battle lines have hardened in the fight for and against areawide perspectives, metropolitan government and metropolitan planning have come to be regarded as essentially anti-participatory. As has been true with other "reformist" mechanisms (including manager government, non-partisanship and at-large elections), recent research tends to support the contention that areawide arrangements produce less mass involvement, especially for the lower income groups, than non-reform institutions. If this is so, then metropolitan planning, even with its own participation, may be disfunctional in that it does not serve the crucial end of reducing the sense of alienation and frustration felt by many citizens toward their communities today. If this is so, then clearly the participation and control by the people must be nurtured and advanced in the shaping of metropolitan plans. The future of urban America hinges on our sensitivity to the human personality. And we can best learn the social aspects of planning through the broad participation of affected groups in the planning process.

Feelings of impotence, frustration and alienation extend to local governments as well as to the colossus on the Potomac. Disenchanted groups are not likely to welcome a greater centralization of local government, but rather to oppose it as further diminishing their already inadequate voice. Nor are demonstrations of the benefits of size, economies of scale, administrative sense likely to win a change of attitude. At any rate, the steps taken in October 1968 (as embodied in Section 9 of the circular of that date), by the Office of Metropolitan Development are surely a rational minimum for recognizing citizen participation. But the scope of organization, the size of the unit of participation, the types of issues and how they can be molecularalized into understandable proportions, the ports of entry for individual control—all are subject, at this stage of our knowledge, to experiment, to feedback, to relaunching.

I do not presume to venture here any adequate summary of the problems of evaluating "effective" metropolitan planning, nor of determining the functions of and necessity for citizen participation, still less any new theory on how these gaps can be filled. I cite these two questions only to illustrate what slender reeds our propositions on metropolitan planning and development still are, and to indicate the direction in which future research—primarily of an empiric nature—ought to go. What we do *not* want to study is fairly clear: we do not want to spend our time defending and attacking schemes for unitary metropolitan government. Beyond this, the gaps in our knowledge are awesome and the possible catalogue of research needs grows daily.

And with it all a gnawing question from an administrator: how truly researchable are many of these issues? Will we not need, far more readily than any scientist would accept, ready to resort to judgment and intuition, or, if you prefer, to logic tested by experience, in struggling through thickets? My role as a policy maker has made me unsure that some of the conclusions I reached as a legal scholar were right. Yet I am convinced that the harassed administrator desperately needs dispassionate social research as a basis for understanding and solving the important contemporary problems of the cities he is called upon to face.

C. PRESCRIBING: FUTURE STRATEGIES FOR METROPOLITAN DEVELOPMENT

Having said all this, I want now to turn to the more specific question of future policy. It is out of a sensitivity to the ambiguities of the metropolitan planning situation that my currently preferred policy alternatives are formed. And, it is because of these complexities that they are perhaps less orderly than they used to be.

1. A metropolitan strategy on the Federal level

First of all, one fairly tempting alternative is to conclude that little is to be gained to be made from continued federal policies to promote metropolitan planning because the political basis for plan implementation is so weak. I think this view is mistaken. The Federal Government has a keen interest in making Federalism work. The Federal Government, therefore, needs to continue programs that encourage coordinated efforts to deal with urban development and to advance administrative organizations that weld these operations into complementary approaches.

And I believe that over the past 3 years the true elements of a sound metropolitan strategy have been put together.

The areawide planning requirements for water and sewer, open space, and mass transportation grants have given metropolitan planning agencies new powers and prestige.

Section 204, of the Demonstration Cities and Metropolitan Act of 1966, under which local government applications for federal aid in some 30 grant and loan programs are submitted to an areawide agency for review and comment, has shown the capability of the grant incentive as a creator of metropolitan planning.

Section 205, which authorizes incentives through supplementary 20% grants for selected metropolitan development projects which conform to a regional plan, is a logical extension of the 204 appeals.

The Housing Act of 1968 extended eligibility for 701 planning assistant grants to multi-county district agencies and multi-state regional commissions, and to cover planning and social aspects as well as the physical.

Advances were also made in securing federal level coordination of programs affecting metropolitan areas.

In 1966, the Bureau of the Budget received coordinating responsibility to review programs from federal agencies in order to promote comprehensive areawide planning; in 1968, the Congress passed the Intergovernmental Cooperation Act, which attempts to assure federal program coordination on a metropolitan area basis by giving preference in grant making to non-special purpose units and which requires federal projects to be consisistent with areawide planning.

Without being too much a Pangloss, one can point to these signs of emergent Federal strategy. It provides a specific opportunity for metropolitan planning agencies to help solve the urban crisis.

But these painfully hewed out measures require constant attention. They need, first, to be adequately funded, and, second, to be strongly administered. Here lies a basic challenge and opportunity for the new Administration and one by which its actions can be evaluated.

The next step is one that several regions are now ready for on a demonstration basis: when a metropolitan area can demonstrate its ability to produce comprehensive results as a unit, the Federal government could be prepared to move entirely out of the categorical project grant system; grants could then be unrestricted except by the program which the metropolitan area has established for itself.

2. An urban development bank

Provision of capital facilities is straining our metropolitan areas. "It is," as we are reminded by the first message dealing with the cities, of a President of the United States, "as if we had 40 years to rebuild the entire urban United States." Too often the picture of change people get from the metropolitan plan is highly abstract, and remote from the way events happen. Proposals demand carry-through.

To open up new and larger sources of private and public capital for public investments, an Urban Development Bank was recommended by the President's Task Force on

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Suburban Problems. And, with the cooperation of the Treasury Department, HUD, and the Bureau of the Budget, legislation to that effect was introduced on January 18 of this year. We have no time here for the details of the undertaking, except to stress its significance for metropolitan planning and development. By promoting sound economic and social development in urban communities and in rural areas becoming urbanized, the bank would view the needs of the metropolitan area as one unit, and could help turn regional planning into an exercise in reality. Not only would the metropolitan plan benefit from the insights of financial experts, but it would become a document tied to and with the backing of financial means. Passage of this bill is crucial to the economic health of our urban system.

3. Planning alternatives

"You can't beat something with nothing." And too often metropolitan plans become what Hugh Pomeroy sardonically, albeit gently, called "a letter from Santa Claus." Were I to single out the two most frequently encountered—and quickly skirted—issues in metropolitan plans, they would be the interstate highway system and the helter-skelter of suburban growth. And this is all too understandable when no living alternative can be cited. Here, too, we have made some progress: new Federal aids are now available, and, if administered intelligently can provide a focus for metropolitan planning strategy.

One such new source of aid is the new communities program. The pressures for suburban sprawl can be swung into other patterns of land uses through the harnessing of the profit motive. Metropolitan alternatives for the location of facilities, the preservation of open spaces, the interrelation of jobs and residence become practicable. Title IV provides a tool for fostering orderly spatial and functional differentiation in the suburbs. Hopefully, cooperation between the private and public sectors can create new and better places for people to live and work.

The second mechanism in the system for review and cooperation between HUD and the Department of Transportation, wrapped up in Reorganization Plan No. 2. This, taken with the new systems of transportation, which utilizes modern technology to afford a realistic alternative to the concrete highway (and summed up in what I predict will become a classic in the field, *Tomorrow's Transportation*), and can help make the metropolitan planner into someone more than a ratifier of market and existing public forces.

Other activity areas which provide supplements and alternatives to present private or public courses of development—the highway-community facility joint venture comes to mind as one example—need to be explored and programmed. Fresh insights must be demanded from those working in the field.

4. Housing as an element of metropolitan planning

At the same time that I therefore continue in my commitment to federal promotion of metropolitan planning, I share the current outrage against the indignities of the *status quo* so apparent in central cities and poorer suburbs. I find myself monumentally aggrieved at the fact that despite the commitments of both the Kennedy and Johnson Administrations to provide housing for the poorest, low income families, approximately 10% of our existing housing stock is still classifiable as "substandard" and our goals for housing production still represent nearly twice the per annum production rate of the 1960's.

Aside from the imposing problems of technology, industrial organization, construction and labor to be solved, land costs are increasingly the barrier to low and moderate income housing. Further, since there is little free land in central cities, large scale replacement of poor housing cannot be undertaken without massive relocation—especially if we bear in mind the consumer rejection of high-rise apartments. Thus, as we replace ghetto housing, we must see that a commitment is made to regard the housing market on a metropolitan basis. Already implicit in the term "comprehensive" planning, and 1968 Housing Act codifies this requirement. There are now resources and regional institutional machinery available to play a major role in metropolitan housing.

As is always the case, results require more than a metropolitan planning process. It may be a necessary but certainly is not a sufficient condition. Where class and racial cleavages exist, joint planning cannot guarantee action in concert. Metropolitan planning agencies simply do not have enough muscle to produce areawide relocation schemes—they are unacceptable to most suburban areas, as indicated by Congress' unwillingness to provide needed funds even for rent supplements. What we can ask for, indeed insist on, is that the agencies bring their interjurisdictional and interprogrammatic perspective and data to bear on the problem. To address housing on the metropolitan level is to address the problems of black and white, welfare and income levels, costs and codes, equal access and discrimination, taxation and exclusionary zoning.

One possible solution is a program that would tie profits available to large corporations coming into the business of housing construction to their provision of suitable relocation facilities. Such corporations could bring into play resources of power not now available to low income families, and hence, face relocation problems more effectively than central city governments or areawide planners now do. Another possibility is a proposal which plays on suburban self-interest. Litanies do not invoke action; if the federal government offered to eliminate the fiscal impact of low cost housing on suburban communities by picking up the tab for added services required, low income housing for the elderly would begin to be feasible. There is an additional opportunity under the new 701 housing element: metropolitan planning agencies can be given the means to serve as "packagers" of housing projects for nonprofit sponsors.

The metropolitan dimension of housing has now come to the fore—and has been memorialized by Congress. Aspects of zoning and subdivision controls, as well as of fiscal disparities, that need to be handled on a metropolitan basis now press for attention.

Increasingly the adjustment of areawide inequities must be regarded as a legitimate responsibility of metropolitan planning agencies. This cannot be swept under the rug, but must be faced forthrightly. Planning operations that ignore the dramatic problems the society faces can earn the confidence of but few. Work programs which avoid recognizing our high national priorities can make only a dubious claim on national funds.

5. Training of staff

Staff needs in the public sector are treated too much like the weather—there is continuous discussion but almost all the current manpower programs neglect this important sector of the economy.

The basic determinant of what a metropolitan agency can do, the capacity to stay relevant, hinges on the capability of professional staff. For lack of knowledge the people perish. And I wish to emphasize here (although adding to the calls of attention for greater Federal and state funds in this area) just one aspect of the training of future planners—that of moving more of the minority groups into the profession. Of all professions in this country, the one that so influences the quality of urban life—one that is so confronted with the need to shift into innovative roles for meeting new and unstructured problems—as does metropolitan planning that one should be open to persons of ability from all backgrounds. Yet a survey HUD took last year revealed that little more than 1% of planners come from minority groups. All indications are that the record in consulting firms is worse.

To this end, the newly created Urban Management Assistance Administration of HUD launched, on October 30, 1968, a national program in cooperation with universities, public agencies and professional societies. The program will include work-study assignments with metropolitan councils of government and planning agencies at local and regional levels, plus intensive university training, leading in some cases to a master's degree. Approximately 150 graduate students, 200 undergraduates, and 200 high school students will take part in the program during the 1968–1970 fiscal year.

Work-study assignments will deal, at least in part, with the needs of the ghetto community. High school seniors and minority group undergraduates will work with graduate students as research assistants. Universities involved will work with local schools to create new courses and provide special teacher training.

This means the development of wholly new curricula and courses. It requires effective links between local agencies and the universities. It means the use of private sector and voluntary agencies in recruitment—actively and sympathetically. It means developing ancillary sub-professional courses.

I regard the immersion of minority group members into the planning process and the feedback upon the agencies and the faculties as the single most doable improvement we can make today in developing an institutional strategy for metropolitan planning. Continued introduction of men with a sense of cause, with a special perception of the needs of their own groups, and with unique insights into the socio-economic phenomena of the metropolitan region will have profound impacts on metropolitan planning philosophy and action.

6. Elected officials

In the same vein of pursuing what works first, I would also encourage the formation of metropolitan planning agencies made up of elected officials rather than of appointed citizens. Given the variability of metropolitan areas and the general weakness of multi-purpose metropolitan agencies, it is difficult to mount *any* evidence that one type of areawide general purpose arrangement is better than others.

The logical basis, however, is simple. The problems to which metropolitan planning is addressed are public problems. By that I mean no more and no less than that public action is required for their solution. For they are problems which are not and cannot be dealt with adequately through the private sector of the economy.

The more difficult element to justify is the stated preference for elected over appointed members. Theoretically, there seems no real reason why an appointed body could not issue directives that would be binding on operating departments. But, where public action is desired, public money is required. And our political credo since the days of the Stuart kings has been that gathering and spending public money is the duty and responsibility of elected officials and of those nearest the electorate at that. However, it has come about, historically, that appointed planning agencies have had the power to make recommendations and not much else. Again for traditional, rather than intrinsic, reasons, elected officials have tended to look beyond the fairly circumscribed interests of professional planners. The necessity of returning to their constituency makes officials

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more responsive to public needs. It makes them more inclined to seek practical means of meeting those needs.

On the whole, I think it is probably valid to assume that Councils of Governments tend to be more realistic than citizen planning agencies. They do not tackle many of the grand issues that professionalized metropolitan units have faced. But they get more done, albeit by sticking to more limited and perhaps more feasible issue areas. This is not a matter of securing trivial objectives. The COGS, by looking at different kinds of problems than do citizen planning units, have accomplished a good deal in areas of great current interest which traditional planners would probably never have entered. Centralized police training is the most prominent current example.

Metropolitan Strategies and Race

Underlying what I have been suggesting here, both in terms of resource and of programs, is a plea to make things happen. My thesis can be put starkly: metropolitan planning must be merged into metropolitan development, take its cues from the needs of metropolitan decision makers, and be willing to be evaluated in terms of its performance in achieving metropolitan goals. If there be ambivalence in my reading of the results of metropolitan planning thus far—for no one concerned with planning can remain unaware of numerous failures of performance—the forging of new tools becomes the appropriate response. Much of what most needs doing will be the task of local governments, but there is need for a strong, continuous Federal role in the evolution of a metropolitan strategy for this nation.

We have made much progress from our joint learning experience. But this requires constant tending. In addition to the leap of imagination, there are time lags (varying from one metropolitan area to the next) in learning to use new approaches effectively.

Thus, it was a considerable disappointment to many people in HUD that metropolitan planners do not wield those tools that are available to them with greater zeal and imagination. Section 204, for example, affords considerable leverage. There were instances where it was used positively—one that comes to mind is a recommendation that a proposed highway interchange project be shelved in favor of a mass transit program. But more often planning officials have limited their review to the issue of consistency between the proposed project and the comprehensive plan for development of the area. Of course, in some areas Section 204 was too unwieldy to be used more ambitiously. But this is at best a partial explanation. Obviously, an activist agency can, if it chooses, exert considerable influence over metropolitan policies and development.

It is one thing, surely, to reject the present mechanisms and rhetoric of metropolitan integrationists on what are, essentially, strategic grounds, and it is quite another thing to reject as a principle the idea that greater metropolitan cooperation would advance social, economic, and political goals of the good society. My point is simply that I have come away from the post of Assistant Secretary for Metropolitan Development dubious about the practical value of several of the activities—especally the long-range and the generalized ones—of metropolitan planning agencies. Yet my conception in the matter of goals, of ends and principles, and of the tactics necessary to achieve them, has not been so vastly altered.

I stress this point again because in recent months the very goal of metropolitan cooperation has been attacked, this time on a new ground: that metropolitan planning programs stand in the way of control of their destinies by minority groups. The argument is that by promoting metropolitan administrative apparatuses empowered to see that localities comply with comprehensive plans, the federal government is giving hegemony over the area to a majority coalition of suburban and inner city whites. These groups have the resources and foresight to spot their interests in the planning process; they possess the know-how to make their way through bureaucratic labyrinths. These same skills are not now available to blacks. But as their absolute and relative number in the central city rises, blacks can reasonably expect their political power to grow proportionately; if black control were allowed to advance, blacks could make local populism work to their advantage. This leverage would be lost in a consolidation. Hence metropolitanism is viewed as the white counter-revolution. This attack is even narrowed to one national party. It is said that the Democrats fear this, because black majorities mean the alienation of urban and suburban whites. Thus metropolitan planning is seen as a strategy through which the national Democratic Party placates the suburbs while still holding together the city vote.

So runs the argument. It seems defective to me on at least two counts. For one practical matter, it ascribes far too much clout to metropolitan institutions. Metropolitan planners are increasingly aware of powers and abilities which they do not possess. Modesty comes naturally to them.

Again, no matter how strong the appeal to the emotions, metropolitan separatism will not advance goals sought by the black community; indeed the version of areawide segregation that is being urged gives support to conservative, even reactionary, elements, who hope to destroy service programs for central cities by exacerbating schisms between core and suburb.

The partisan argument is the least relevant. It is simply incorrect to think about suburbs as increasingly Republican.

More important are the strategic implications of separation for policy. Cutting up the metropolitan area supports institutionalized segregation, continues the likelihood of reduplication of effort in contiguous areas and the waste of obviously scarce resources, and allows middle income suburbs to maintain their existing unfair advantage in terms of service standards and resources. The polarization of poverty and affluence, the physical and temporal separation of central city black and suburban white, the misses between local economies and regional opportunity can be solved only on the metropolitan stage and through a regional systems approach. Those who embrace non-cooperative versions of metropolis thus seem to be the unwitting agents of a shortsighted scheme which can only delay the point where the benefits of an urban society are not only expanded, but more equitably distributed.

Metropolitan planning is by its nature instrumental; it stands in need of guidance and vindication through the ends it pursues. But by its nature and very definition it is cast in the direction and toward the values of a regional citizenry. The reason for its existence is the wider perspective on the relations of the components of the metropolitan area, their shared problems, resources, interdependencies, and latent solution. As the President's Task Force on Suburban Problems stated:

"We are increasingly aware that one cannot divorce the problems—nor the solutions— of suburbia from those of the central city. . . . Help to the troubled central city and the suburbs must move in parallel. Without the improvement of both, all will suffer. Pollution, crime and decay are no respecters of municipal boundaries; the economic productivity of the urban region will be crippled; and the quality and diversity of life for all will corrode. . . . The suburbs need help, but only that help which is part of a wise and comprehensive program for the metropolitan area as a whole. We are struck again by the wisdom of Learned Hand, who reminded us of "a satisfaction in the sense that we are all engaged in a common venture." To continue to deal with cities on a piecemeal basis will be only to worsen the effects of the present crazy quilt of overlapping and inefficient jurisdictions.

A primer for metropolitan government officials need not be given the highest priority. But metropolitan development, as opposed to government, is here—now; nothing anyone can do will reverse it and it will expand inexorably. We can use our hard-won learning to influence and guide that expansion. The future of urban America will hinge on our capacity to cope with the growing number of issues that can only be solved at the metropolitan level.

In one way or another, what intrudes itself into my current thinking about policy is what William James described as the "tiny, invisible, molecular" forces. Metropolitan planning will be effective planning only if its purveyors fuse action with imagination in facing up to the need to appeal to self-interests, to pursue problem oriented strategies, to use federal fiscal incentives to untie the toughest knots, and to work within the constraints of localism and of land. The existing job, it seems to me, consists of being truly imaginative in considering the ways in which the self-interest system might be made to serve long range and areawide goals, and yet remain a system that is essentially short range and self serving.

To say that metropolitan agencies are promising is also necessarily to say that they have had to offer promise rather than performance. Metropolitan agencies and plans can be justified, as of now, on grounds that they have been of rather modest cost, have collected and evaluated significant data and provided a different, more rational frame for reviewing the externalities of urban issues. But these activities do not as yet justify too much confidence. If the new responsibilities, the beginnings of a constituency, the efforts toward self-evaluation, and the federal strategies for programs do not produce action, metropolitan agencies, will, quite justifiably, be in financial and political trouble. If metropolitan planning agencies do not produce measurable results, they will be listed among the other casualties of the war against the loss of urban community.

The Housing Act of 1968 does set the stage for achievement—and also for the accountability of getting things done. It is not enough that the machinery of Section 204 be put into full play; we need the funding of Section 205 to turn promises into realities. To move from being merely debating societies, metropolitan agencies must work toward curing the fiscal disparities within the metropolitan areas. The continued polarization among what are interdependent urban jurisdictions is a cause of the present urban crisis. As clear and symbolic as the physical divisions of our urban form are, so the metropolitan need is truly political: will the central city and the blacks be isolated, or will a coalition emerge in which the leverage of suburban energy and suburban power will be directed to the common problems of an area? This relates to the program of governors and of state legislators, and even more importantly to the use of Federal resources and monies, as directed by the President and the Congress.

The planners of the metropolitan areas will be judged, as we all are, by deeds. By pushing actively on the federal strategy that is already emerging, by insisting that planning begin to produce measurable results, by dealing with problems that are of deep concern to the urban citizenry, and by coming up with courses of action, the metropolitan agencies can, as I know they will, prove themselves. For if urban man cannot recognize a community of interests beyond single jurisdictions, American cities can indeed be rendered desolate.

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PROCUREMENT PRACTICES OF THE AIR FORCE

Mr. GOLDWATER. Mr. President, so much has been said in the local and national press and by Members of this body concerning the procurement practices of the Air Force that I took it upon myself to obtain the procedures used in obtaining major weapon systems. I believe that Members of the Congress will find this paper and the accompanying "Source Selection Procedures" to be very interesting and enlightening.

In placing this study in the Record I invite attention to the statement in the first paragraph:

> It also emphasizes that the authority and responsibility for procurement decisions concerning major weapon systems rests completely with the Secretary of Defense and the Secretary of the Air Force. Military people evaluate technical material, selection data, and procurement approaches and make recommendations pertaining thereto; however, the final decision clearly and completely rests with the civilian appointees within the Department of Defense.

I bring this to the attention of Congress because from reading the press or listening to radio or television one gets the impression that the man in uniform is responsible for the sometimes seemingly large losses suffered in the Pentagon moneywise, when exactly the opposite is true. If there are losses or mistakes in procurement, the blame falls on the civilian shoulders.

I ask unanimous consent this paper be printed in the Record, to be followed by "Source Selection Procedures," January 22, 1968, through page 31. I ask further unanimous consent that an Air Force "Proposal Evaluation and Source Selection Procedures" be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

PROCUREMENT OF MAJOR WEAPON SYSTEMS IN THE DEPARTMENT OF THE AIR FORCE

INTRODUCTION

This paper presents a step-by-step procedure of how major weapon systems are procured within the Department of the Air Force. It also emphasizes that the authority and responsibility for procurement decisions concerning major weapon systems rests completely with the Secretary of Defense and the Secretary of the Air Force. Military people evaluate technical material, selection data, and procurement approaches and make recommendations pertaining thereto; however, the final decision clearly and completely rests with the statutory (civilian) appointees within the Department of Defense.

THE FLOW OF PROCUREMENT AUTHORITY

Statutory procurement authority for executing contracts for the government flows from the Secretary of the Air Force to the Deputy Chief of Staff (Systems and Logistics) and to the Director of Procurement Policy in Air Force Headquarters, and thence out to the major Commands. Under this authority, the Deputy Chief of Staff, Systems and Logistics, and the Director of Procurement Policy are responsible for providing the major Commands with broad policy and procedural guidance, for resolving issues which go beyond major Command jurisdiction, for assessing Command compliance with established policy and procedural guidance, and for supporting the Secretary in connection with his statutory and administrative responsibilities to Congress. The Office of the Secretary of Defense implements statutory authority through publication of the Armed Services Procurement Regulation.

THE WEAPON SYSTEM ACQUISITION PROCESS

The weapon system acquisition process within the Air Force starts with a statement of an operational deficiency and/or need normally through submission by a major Command of a Required Operational Capability (ROC). These requirements are based upon intelligence estimates and long-range planning. The ROC is submitted to the Deputy Chief of Staff (Research and Development) in the Air Staff for review and evaluation.

If the ROC is found to be valid, a suitable plan of action is developed. This plan of action is implemented by the Deputy Chief of Staff (Research and Development) by issuance of a Requirements Action Directive (RAD) to the Air Force Systems Command (AFSC) which is responsible for procurement of major weapon systems. This document calls for actions preliminary to concept formulation. If these actions prove feasible normally as a result of various study contracts, a Concept Formulation Package, including a Technical Development Plan (CFP/TDP) and an Advanced Procurement Plan is prepared by AFSC and submitted to the Deputy Chief of Staff (Research and Development). That office functions as the office of primary responsibility within the Air Staff for review of the CFP/TDP. This review embraces the major elements of operational requirements, development, and procurement approach (including type or types of contracts) and fiscal requirements.

The CFP/TDP must include evidence which demonstrates compliance with six important prerequisites as laid down by the Department of Defense:

Primarily engineering rather than experimental effort is required, and the technology needed is sufficiently in hand.

The mission and performance envelope are defined.

The best technical approaches have been selected.

A thorough trade-off analysis has been made.

The cost effectiveness of the proposed item has been determined to be favorable in relationship to the cost effectiveness of competing items on a DOD-wide basis.

Cost and schedule estimates are credible and acceptable.

The CFP/TDP is submitted to the Chief of Staff and the Secretary of the Air Force for their review and transmittal to the Secretary of Defense for his approval for engineering development and to enter the Contract Definition (CD) phase. This is a conditional decision insofar as engineering development is concerned and must be ratified at a later date after CD is completed; however, it represents a major decision point in the acquisition cycle.

The method used to obtain approval from the Secretary of Defense to enter CD is by a document called a Development Concept Paper (DCP). This paper, which is normally prepared by the Office of the Director of Defense, Research and Engineering, is a recapitulation of the important aspects of the CFP/TDP. It provides alternative courses of action and contains recommendations for each.

Approval of the DCP is authorization to include funds for CD in the Five-Year Defense Program (FYDP). It also authorizes the Air Staff to issue a System Management Directive (SMD) to AFSC to initiate CD. In addition, it authorizes the establishment of a Systems Program Office within AFSC to monitor the CD effort and procure and manage the system if approval is later granted to proceed with engineering development and acquisition.

An important decision that must be reached during this time period concerns the type or types of contracts contemplated for development and acquisition of the weapon system. The procurement approach is outlined in the Advanced Procurement Plan. It is the responsibility of the Air Staff to reach agreement on the procurement approach before submittal to the Secretary of the Air Force. If the Secretary approves the procurement approach, it must receive final approval by the Secretary of Defense. Of course, these approval authorities may disapprove or modify the procurement approach if they deem necessary.

It is often practical to change the procurement approach during CD to take advantage of more up-to-date information. However any substantive change, not in accordance with the previously approved procurement approach, requires approval by the same authorities discussed above.

At about the same time as the CFP/TDP is submitted, a Source Selection Plan is also prepared by AFSC. This plan outlines the procedures to be followed in evaluating, validating and selecting the winning contractor. The plan also provides recommendations as to which individual should be the source selection authority. For large weapon systems undergoing CD, that individual is normally the Secretary of the Air Force; however, this authority may be retained by the Secretary of Defense. The Secretary of the Air Force may delegate his selection authority to the Commander AFSC who may, in turn, delegate this responsibility to the Commander of one of the AFSC product divisions. However, this redelegation usually occurs on smaller programs.

All actions up to this point in the acquisition cycle have taken place in what is commonly called the Concept Formulation Phase, the objective of which is to validate the technical, economic and military basis for the decision to proceed with CD.

The objective of CD, on the other hand, is to establish achievable performance specifications backed by firm proposals for engineering development and production.

Contract Definition is normally utilized for new system developments with an estimated cost of $25 million in research and development, or $100 million in production effort. It is also normally used for programs involving major modifications in excess of $100 million. Programs below these thresholds may be designated for CD by either the Secretary of a military department or the Director of Defense, Research and Engineering.

Contract Definition comprises three subphases. The first involves selection of the contractors who will participate on a competitive basis in contract definition. The second involves the contractors' efforts in preparing proposals for system acquisition including specifications for the acquisition process. The third is devoted to selection of the acquisition contractor, who normally will perform both engineering development and production. In some cases other methods of further definition are used in lieu of CD, e.g., prototype development, further test and hardware demonstration.

Air Force source selection procedures are designed to insure comprehensive, equitable and impartial evaluation of contractors' proposals developed under contract definition. Source selection procedures are required for programs meetings the same thresholds as required for CD. Source selection procedures for programs below these thresholds may be directed by the Secretary of the Air Force or Headquarters USAF.

The organization for source selection includes a Source Selection Authority (normally the Secretary of the Air Force or the Secretary of Defense on the largest programs), a Source Selection Advisory Council and a Source Selection Evaluation Board.

The Source Selection Authority is responsible for conducting the source selection, designating the chairman and members of the Source Selection Advisory Council, and for making the final source selection decision.

The Source Selection Advisory Council in turn is responsible for designating the chairman and members of the Source Selection Evaluation Board, establishing evaluation criteria and weights, approving requests for proposals, reviewing the work of the Source Selection Evaluation Board, providing briefings to the Air Force Council, and preparing a proposal analysis report. The Chairman of the Council normally is a General officer or a civilian of comparable grade. The membership of the Council comprises senior military or government civilian personnel who are competent and experienced in the various functional disciplines necessary to consider all aspects of the system in question. All functional areas concerned with the procurement are represented on the Council—the using Command, research and development, logistic support, and other Defense Department components and other government agencies as pertinent. In addition to designation of a General officer or a civilian of comparable grade as Chairman of the Council, the senior member from each Air Force Command represented is a General officer in all cases when the Source Selection Authority is the Secretary of the Air Force or the Secretary of Defense.

The Source Selection Evaluation Board, comprising professional technical and management officers and civilians, is responsible for the initial review and evaluation of the contractors' proposal, utilizing the criteria and standards developed by the Source selection Advisory Council and for preparing the initial evaluation report. In carrying out its responsibilities, the Board is supported by working groups consisting of highly qualified people experienced in the areas of management, negotiation, and technical and cost evaluation. The Chairman of the Board normally is the System Program Director, either a General Officer or a Colonel.

The foregoing organizational structure thus provides, through successive review by separate groups of experts up the chain of Command, the checks and balances essential for the SSA to finally select the contractor whose proposal is deemed to be in the best interest of the government, price and all other factors considered.

Source selection decisions occur at two distinct points in time during CD. The first decision is made during phase 1A to select those contractors who will participate in the CD effort during phase 1B. The second decision is made during phase 1C at the completion of CD (as a result of the source selection process) to select the winning contractor for engineering development and acquisition of the weapon system.

The Source Selection Advisory Council prepares a Proposal Analysis Report which is submitted to the Source Selection Authority. It is based on the contents of this report and any other source of information which the Source Selection Authority deems necessary, that the final selection decision is made. This selection decision provides authority to the Contracting Officer to execute the contract with the winning contractor.

Before selecting a contractor, however, a decision must be made by the Secretary of the Air Force as to whether to recommend to the Secretary of Defense ratification of the original conditional decision to proceed with engineering development and acquisition. The Secretary of the Air Force can make one of the following recommendations.

a. To contract for the Engineering Development based upon the proposals received.

b. To contract for the Engineering Development by an alternative source, provided that source has met all the objectives of the program and, further, provided that selection of the alternative source is in the best interests of the government.

c. To continue further Contract Definition effort.

d. To defer or abandon the Engineering Development effort, or

e. To undertake further Exploratory or Advanced Development of key components and/or system studies.

If approval is granted by the Secretary of Defense to proceed, then and only then, can the Source Selection Authority select the winning contractor. This represents the second major decision point in the cycle and signals entry into the Acquisition Phase.

There are, however, other points in time when these approval authorities are required to make key decisions. One of these is during or at the completion of engineering development and involves the decision to enter limited or full scale production.

Other decisions are required during regularly scheduled program, reviews, Program Change Requests (PCR's), or when a program significantly varies from the cost, schedule or performance requirements of the contract. Here decisions often involve whether to continue or discontinue a program or to modify it in some manner. Again these decisions are made by the Secretary of the Air Force or the Secretary of Defense.

When the weapon system acquisition is essentially complete, the executive management formally transitions from the Air Force Systems Command to the Air Force Logistics Command. That Command becomes fully responsible for logistics support and the Systems Program Office is phased out. This phase is referred to as the Operational Phase and continues until the system is no longer required for mission support or is phased out of the operational inventory.

SUMMARY

The systems acquisition cycle for major weapon systems is comprised of four phases: (1) Concept Formulation, (2) Contract Definition, (3) Acquisition, and (4) Operational. Elaborate procedures and detailed program documentation have been devised to conceive a system, define it, select a contractor to develop and produce it, manage it, and sustain it during its operational life.

There are distinct points during the acquisition cycle where key procurement decisions are made. The ultimate responsibility and authority for these decisions must, by virtue of their positions, rest with statutory (civilian) appointees and not with military or career civilian personnel as is often thought to be the case. These individuals are the Secretary of Defense and the Secretary of the Air Force. The procurement decisions are, however, made based on advice from key members of their respective staffs as well as on the advice of key members from the Air Staff.

[From Air Force Manual No. 70-10, Jan. 22, 1968]

PROCUREMENT: SOURCE SELECTION PROCEDURES

(NOTE.—This manual prescribes the procedures for forming and conducting a source selection for negotiated competitive procurement. It guides personnel in selecting procurement sources for the Air Force. The principles and disciplines apply to all negotiated competitive procurements. Source-selection procedures may be modified for each program or project but must conform to AFR 70-15. It implements DOD Directive 4105.62, 6 April 1965, and AFR 70-15.)

CHAPTER 1.—GENERAL INFORMATION

1. Applicability: The procedures in this manual are to be used primarily for procurements prescribed by paragraph 2, AFR 70-15, 20 September 1965. They may be used for other procurements. The organization, formality, and extent of actions necessary to obtain the ultimate objective may be adapted, when appropriate, provided that the adaptations are described in the source selection plan for each specific procurement.

2. Organization: Only a minimum of highly qualified people will be selected to obtain the source selection objectives. The actual number selected for the Source Selection Advisory Council (SSAC) and the Source Selection Evaluation Board (SSEB) must be specifically tailored to the conditions and complexity of the item or project involved. The organization, functions, tasks, and responsibilities must be clearly defined and separated to insure that the maximum objectivity and an effective check and balance are maintained throughout the source selection process. Any representation in the source selection organization must be based on the requirements of the tasks to be performed; *not* because an office or organization wishes it. Appointment and duties of the Source-Selection Authority (SSA), SSAC, and the SSEB will be according to AFR 70-15.

a. *Source Selection Authority* (*SSA*). The SSA is responsible for:

(1) Insuring the proper conduct of, and making the final selection, in the entire source selection procedure.

(2) Appointing the chairman and members of the SSAC, based on the recommendations in the Selection Plan, and the requirements of paragraph 4e, AFR 70-15.

(3) Providing the SSAC and SSEB with necessary guidance and special instructions.

(4) Insuring that an adequate but manageable number of competitive proposals are obtained and evaluated, consistent with the Armed Services Procurement Regulation (ASPR 3-101).

(5) Insuring compliance with special instructions issued by the official who designated him as the SSA.

(6) Preventing a premature disclosure of information.

(7) Informing higher authority of his progress and, when appropriate, any problems.

b. *Source Selection Advisory Council SSAC*):

(1) The SSAC is the executive staff of the SSA. It furnishes assistance, consultation, advice and any other support that the SSA may require. SSAC members must have the background and experience commensurate with the contemplated procurement. When the Chief of Staff or higher is the SSA, the ranking representative from each major command represented on the SSAC will be a general officer, per AFR 70-15. The members of each SSAC will be from an organizational level that is high enough to consider all matters affecting the procurement, and to represent the major functional areas and activities involved.

(2) As the executive staff for the SSA, the SSAC will:

(a) Establish screening criteria and apply them to all companies that qualify for a request for proposal (RFP).

(b) Establish the evaluation criteria, using the recommendations of the approved Selection Plan, and determine their relative importance in the form to be used in the RFP, and weight them for use in the Proposal Analysis.

(c) Review and approve the RFP.

(d) Designate the chairman, team chiefs, and team members of the SSEB, using the recommendations of the Selection Plan.

(e) Review and analyze contractors' past performance, cost effectiveness studies, tradeoffs of performance versus cost units, the total acquisition and operational costs, the negotiation results, and the effects of proposal deficiencies; and determine the level of confidence that may be placed in each contractor's proposal.

(f) To the extent necessary, obtain an oral briefing from contractors, and inspect their facilities to insure a total understanding

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of the matters involved in the source selection.

(g) Review the SSEB findings, and apply the established weights to the evaluation results.

(h) Prepare the Proposal Analysis Report.

(i) Provide briefings and consultations to the SSA, and when the SSA is the Chief of Staff or higher, to the Air Force Council, with the commanders of Air Force Systems Command (AFSC) and Air Force Logistics Command (AFLC), and the commanders of the using commands present, unless otherwise directed by the SSA or the Chief of Staff. For other source selections, briefings will be provided as required by the SSA.

(3) The SSAC may need working groups to do many of the above tasks. Normally, these working groups should include System Program Office (SPO) and potential SSEB members since the work to be done will involve past results or offect future efforts. The chairman of the SSAC should staff the required working groups for maximum objectivity. For example, working groups can best:

(a) Establish contractor screening criteria, (b) Screen sources, (c) Prepare evaluation criteria, and (d) Expand the schedule of events.

c. *Source Selection Evaluation Board (SSEB)*. The SSEB should be composed of the smallest number of highly qualified persons necessary to attain the objective. The SSEB evaluates proposals. It will narrate and score proposals received from each offeror. The evaluation report, with briefings as desirable, will be provided to the SSAC for its analysis. Deficiency reports will be submitted to the SPO. The SSEB will normally be chaired by the System Program Director (SPD). Teams, with team chiefs, will be assigned for each area to be evaluated. Each team will include experts in the particular items and factors to be evaluated. The SSEB will be formed before proposals are received, early enough to permit the members to become fully familiar with the RFP, the evaluation criteria shredout, and standards.

d. *Advisers*. Only Government personnel will be advisers. They will be used by the SSA, SSAC or SSEB, when necessary, to advise on preparing the evaluation and proposal analysis reports, establishing criteria, preparing briefings, etc. They may be asked to review the RFPs and proposals. Each adviser will be designated by the chairman of the SSAC (in writing) by name, and will be assigned to the SSEB or SSA—not to a specific team or working group. Advisers must comply with all requirements of paragraphs 3 and 4.

e. *Consultants*. Consultants will provide expert advice on specific technical questions to the SSA, SSAC, or SSEB. They will be given access to only the portions of proposal data and discussions that are necessary to enable them to give specific technical advice. The release of proposal information to consultants will require the approval of the SSA or SSAC chairman. Consultants will be cleared for conflict-of-interest restrictions before being given any proposal information.

f. *System Program Office*. The SPO and the SPD perform much the same functions and operations regardless of the use of a source-selection procedure. They prepare the preliminary technical development plans (PTDP), RFPs, and the contracts, and negotiate with the contractors (see AFR 375 series). The preparation of the procurement plan, the distribution of the RFP, the establishment of the pre-proposal conference, the receipt of proposals, and the award of contracts are handled through the SPO. Only the procuring contracting officer (PCO) has the authority to sign contracts for the Government.

g. *Source Selection Officer*. The source selection officer is a staff officer who prepares and advises the organization commander on source-selection policies and procedures. He also advises SPOs, SSEBs, SSACs and SSAs how to properly conduct a source selection. This position may be established at division or (comparable organization) staff level to provide a high quality and consistency of procedures when the frequency and quantity of source selection actions warrant.

3. Security of Source Selection Information:

a. Information concerning the evaluation or any other part of the source selection procedure will not be revealed to anyone who is not also participating in the same evaluation proceedings and, even then, only to the extent that the information is required in connection with the evaluation, analysis, review or negotiation effort. This prohibition includes giving information by nonprofit company personnel to other members of their companies. The right to source selection information does not automatically extend to the nonsource selection chain of supervision of individual SSAC, SSEB, adviser, consultant or other members.

b. The SSA is the releasing authority for any and all information pertaining to the source selection procedure, unless reserved to or limited by higher authority. Thus, the findings, results, conclusions, and recommendations that led to the selection of a source will not be discussed by former SSAC or SSEB members or other persons except as may be specifically authorized by the SSA. There is no expiration period for this requirement.

c. Nothing in this manual is intended to preclude reasonable status reports through and by the SSA to persons having a need to know. Until the source selection decision is made, any release of information will be by referring to companies A, B, C, etc.,—company names will not be used. This is particularly necessary in briefings when persons are present who are not directly involved in the source selection.

d. During the source selection process, it will be necessary to negotiate contracts concurrently with reviews of proposals, contract provisions, and audits of proposal data. The persons concerned will comply with all security disclosure restrictions of this manual, and AFRs 70–15; 30–30, and 205–1.

e. The SSAC will control the handling and security of all source selection information, documents, files, and space to be used regardless of the security classification of the material. Written instructions are normally not necessary if relatively small procurements are involved, but will probably be needed if a large number of persons is required for the SSEB and SSAC.

4. Conflicts of Interests: The SSAC chairman will require all SSAC/SSEB members to comply with AFR 30–30. All persons involved in the source selection will be instructed to inform the chairman of the SSAC whether their participation in SSAC/SSEB activities might embarrass the Government because of a real, apparent, or possible conflict of interests. When other than Air Force (Government or non-Government) personnel are used as advisers and consultants, the chairman of the SSAC will also require them to be familiar with AFR 30–30. He will instruct them to inform him if a conflict of interest question exists or arises in connection with participation in source-selection activities. The SSAC chairman will disqualify any person, when there is reason, from participating in the source selection process.

5. Briefings and Debriefings:

a. The Chairman of the SSAC is responsible for informing all appropriate Air Force commands that a source selection action is in progress, and that briefings to them by participating proposers are inappropriate. The message will include the system, subsystem, or project involved; the known contractors; all known significant subcontractors and associates, and the period for which the moratorium is to be in effect.

b. The PCO will issue the required notification (see ASPR 3–508). Any information, in addition to that permitted by ASPR 3–508, may be provided only at the discretion of the SSA. No information will be released to a proposer as to the specific weights or scoring used or assigned to him or other contractors. One contractor's proposal will not be compared to that of another. All debriefings will be informal, with only one contractor at any one time. "Informal" means that the debriefing need not follow a prescribed procedure or format. The debriefing must be confined to a general discussion of the contractor's proposal, and its weak and strong points, in relation to the Government's requirement. The basic purpose of debriefing is to furnish information that should permit the contractor to submit better proposals in the future.

6. Plant Visits: Plant visits, properly timed, by the SSAC and SSEB may benefit the source selection for contract definition or acquisition. Conversely, the net result can seriously damage the objectives unless visits are made for a specific predetermined purpose, are properly disciplined, and are made impartially to all competitors. All personnel must remember that only the contracting officer can commit the Government and they must avoid any situation or contact with a competing contractor that is not essential, or would give rise to a question of impropriety. Plant visits by source selection personnel *must* be for a specific, clearly understood, and predetermined purpose, and be approved by the SSA or SSAC chairman before the visit. Some examples of potentially beneficial plant visits are:

a. Presolicitation visits, as a preliminary step to the selection of prospective sources.

b. Key SSEB members' visits during contract definition to develop knowledge for judging the correction potential of deficiencies. Caution—visits can be harmful to the ultimate objectives unless there is strict discipline in prohibiting the giving of guidance (either positive or negative) to any competing contractor.

c. SSAC visits before contracting for contract definition to help in the evaluation of the contractors' management capabilities.

d. SSAC visits immediately before assembling all facts pertaining to the selection of the acquisition contractor.

7. Documentation and Files:

a. Original copies of documents required by ASPR 1–308 will be included in the official contract file. It may be necessary in some cases to include duplicates of these documents in the source selection file to complete the source selection story. The source-selection file will be kept separate from the contract file but will be cross-referenced with the official contract files. It will not be destroyed earlier than the official contract files.

b. The source-selection file will contain:

(1) Copies of all designation and appointment orders.

(2) The Selection Plan (SP).

(3) Source-list screening criteria and their results, in addition to the justification for not issuing the FRP to specific companies, when appropriate.

(4) Evaluation criteria, evaluation criteria weights and standards.

(5) Evaluation reports.

(6) Proposal analysis reports.

(7) Copies of briefing charts.

(8) SSA's source selection decision.

c. The source selection decision document, signed by the SSA per paragraph 5e(11), AFR 70–15, is the authority for the PCO to award the contract(s) to the specified source(s). (See attachment 6.) The original copy will be furnished to the PCO for inclusion in the official contract file. It will contain:

(1) A reference to the authority for conducting the source selection.

(2) A brief justification for the source(s) selected.

(3) The SSA determination that the contractor is responsible.

(4) Instructions to the PCO to award the contract(s).

CHAPTER 2.—PROCEDURES

8. Concept Formulation Activities: A source selection is affected by acts and decisions that occur before the issuance of the authority to procure, or the authority to proceed with Contract Definition (CD). The process ideally begins when a using command submits a Required Operational Capability (ROC). This document leads to appropriate actions that are directed and guided by HQ USAF with one or more Requirements Action Directives (RADs). At an appropriate point in a system life cycle the RAD provides more specific guidance on the ROC, and directs the preparation of appropriate documentation, as a Concept Formulation Package or a Preliminary Technical Development Plan (PTDP). A PTDP, for example, is based on conceptual studies, and translates broad requirements guidance into system performance specifications. It compares alternative approaches, and recommends the optimum structure and configuration of the system, and the requirements for production, logistic support, training and operational concepts. The PTDP is submitted through channels and, when approved, constitutes the proposed technical program requirements baseline. This plan, along with the Advance Procurement Plan (APP), the Selection Plan, and other required documentation, is transmitted to higher headquarters in support of a request for approval to initiate the CD, including the appropriate procurement action. When approved, HQ USAF issues a System Management Directive (SMD). The SMD may be used to designate or delegate the Source Selection Authority (SSA). Among other things, the SMD authorizes the establishment of a SPO sufficiently manned to fulfill immediate management responsibilities. After the CD contracts are completed, a Proposed System Package Plan (PSPP) is prepared and submitted for approval to enter into the Acquisition Phase. This approval is received by the SPO as a revised System Management Directive from HQ USAF.

9. Selection Plan (SP): The SP is prepared by the SPO per AFR 70–15. The SP must be completely staffed within AFSC, and include final inputs from AFLC and other major commands that will have SSAC representation. This plan, including major changes, will be forwarded to the SSA for approval. Since the decisions that must be made and disclosed in the SP dictate the course of subsequent source-selection activities, the SP must be prepared carefully, and be consistent with the PTDP and APP documents. The SP should be prepared and submitted to the SSA early enough in Concept Formulation to permit SSA approval before the SSAC is established. The major issues must be clear and specific. As a minimum, the SP includes the items listed in paragraph 4b, AFR 70–15, as discussed in the following subparagraphs. The content may be modified to the extent appropriate for the particular procurement.

a. *Introduction*. Briefly describe the system and its intended operational mission.

b. *Criteria*. Outline and relate the important performance characteristics to operational effectiveness. State whether performance specifications can be sufficiently specific to attain a predetermined effectiveness level, or whether possible increased performance, above a minimum acceptable level, may obtain desirable effectiveness increments. Show the technique for assessing performance and cost comparisons for maximizing the effectiveness-to-cost ratio, and stipulate the performance characteristics when further cost effectiveness trades may be advantageous: Include proposed trade-off techniques and decisions in the plan, with approval and/or changes required to provide direction for subsequent source selection activity.

(1) *Source List Screening Criteria*. Indicate the method to be used in selecting prospective sources to insure that adequate competition is obtained while limiting the number of requested proposals to an economical and manageable quantity. The recommended source list screening criteria will normally consist of general and specific criteria. Together, they will be used to determine the contractors to whom the Government will issue RFPs.

(2) *Evaluation Criteria*. State the recommended general and specific criteria to be used in evaluating proposals. It will give the SSA and SSAC a summary of items to be evaluated by the SSEB in each area, and the degree of emphasis to be accorded to each.

c. *Source Selection Organization*. Show the SSA, SSAC, and SSEB organizations, recommend key members by name, if known, by position title or by functional area. The plan will specify other Government organizations, departments, commands, and functions that should be represented on the SSAC and SSEB. Special communication channels, if required, will be specified.

d. *Evaluation Technique*. Describe the SSEB evaluation method and scoring, and the SSAC evaluation and analysis technique. Describe in detail the techniques that the SSAC will use in analyzing the SSEB evaluation, and any other factors it will consider in the Source Selection Plan.

e. *Schedule of Events*. Narratively state the source-selection activities within a time framework, in sufficient detail to allow the reviewing authorities to determine the practicality of the planned source selection. AFR 70–15 establishes a target of no more than 18 weeks for the evaluation cycle; that is, from the receipt of proposals to the approval of a definitive contract. Include phasing of:

(1) Dates of RFP review and release dates.

(2) Date proposals will be received.

(3) Date of preproposal conferences (if required).

(4) Date the evaluation will be completed.

(5) Date the SSAC will review the work of the SSEB.

(6) Dates for major SSAC activity—when the SSAC will present its findings to the Air Force commanders concerned, other reviewing organizations, the Air Force Council, and finally to the SSA (see attachment 1 for sample).

f. *Procurement Plan Summary*. Make a direct correlation between the Advanced Procurement Planning documents required by ASPR and the SP. Include in the procurement plan summary a brief but comprehensive schedule of the significant procurement actions concerned in reaching definitive contracts. Indicate in the accompanying narrative the type of contract proposed, the incentives contemplated, and other procurement considerations—for instance, the application of Total Package Procurement (TPP), the breakout structure, synopsis intentions, special clauses, etc.

10. Procedural Modifications: Source selection begins with the preparation of the Selection Plan. The SSA is then designated, the SSAC members are appointed, working groups are formed, the SSEB is organized and all begin their assigned duties. Some of the steps formally taken in a large CD procurement may be combined in a non-CD procurement or a procurement below the thresholds specified in AFR 70–15. The SP, the RFP, the criteria, and the evaluation and analysis will be structured to recognize and adopt the most suitable activities to reach the source selection objectives of the specific program. Attachment 7 shows the steps in a major source selection.

11. Selection of Prospective Sources:

a. It is Air Force policy to obtain maximum competition consistent with the nature of the procurement. Conversely, requesting contractors who are obviously incapable of fulfilling the requirement to prepare proposals, waste dollars and resources, and run up costs that, in most instances, will eventually be borne by the Government. Too many proposals or expensive brochures add little to the process, complicate the evaluation and distract attention from central issues. Thus, selecting prospective sources from whom the Government will request proposals becomes a significant step.

b. ASPR 1–1003 requires a synopsis of procurement far enough in advance of the issuance of RFPs to permit interested firms to respond. Every available means will be used in making up the list of capable prospective contractors. The Air Force Systems Command random access list, advertisements in the Commerce Business Daily, and recommendations from the SPO and functional staffs will be used. All contractors who have the minimum qualifications must be considered.

c. Compiling the source-list screening criteria should be an early order of business for the SSAC. The source-list screening criteria should include past and present experience, performance capability, resources, financial status, and other factors that are necessary elements essential to program performance. Care must be exercised in establishing the criteria to restrict them to the essentials for successfully completing the contract work. These are usually "go/no-go" criteria that will reflect the minimum requirements. The list of prospective contractors will be screened for qualification against SSAC's criteria. The final list will be approved by the SSAC and furnished to the PCO for the issuance of RFPs.

d. If, when the RFP is distributed to the contractors approved by the SSAC, one of the disqualified contractors insists upon receiving an RFP, the SSAC chairman (or someone he may designate) will advise him of the reasons why he was not selected to receive an RFP. If the contractor insists upon receiving an RFP, and has the necessary security clearance, he will be furnished a copy of the RFP. If he submits a proposal, the proposal will be evaluated without prejudice.

12. Request for Proposal: The quality of source selection actions depends largely on the quality of the RFP. In addition to the normal staff reviews, the SSAC must review and approve the RFP before issuance. The preparatory work will be updated to insure that it is compatible with program approval decisions; that all data necessary for source selection, including that for Total Package Procurement (TPP), are included, and unnecessary data eliminated. Since the completed RFP includes data from many sources, the SSAC must review the completed RFP to determine that it is properly integrated and cohesive. ASPR 3–501, 1–330, AFR 80–20, and attachment 2 to this manual cover items to be included in RFPs.

13. Preparation of Detailed Evaluation Criteria:

a. The RFP content and evaluation criteria must be compatible. The evaluation criteria are organized into areas, and further divided into items and factors to reduce such evaluation task to manageable size. The SSAC is responsible for determining the areas and items that will be evaluated. The recommendations in the approved SP will be used for structuring the detailed evaluation criteria. Each evaluation criterion will be explained by a narrative definition that serves at least four purposes:

(1) It identifies areas of overlap and omission.

(2) It tells the SSA what is to be evaluated under each specific criterion.

(3) It guides the evaluators and improves understanding of the specified elements of the proposals.

(4) It assists the proposer in the preparation of his proposal, when listed in the RFP, by directing his attention to matters of major significance to the Air Force.

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b. A basic requirement of the source-selection procedure is to evaluate proposals against stipulated, objectively established standards rather than against one another. It is necessary, therefore, to define the standards in quantitative terms or in specific qualitative terms understandable by the evaluators. The standards must be discriminative; that is, directed at all important matters affecting performance and effectiveness, yet they must not force attention to peripheral detail. The standards derived from the criteria must give significance and credence to the SSEB evaluation and the narration and scores.

c. In preparing the criteria, the SSAC must remember that the SSEB in Phase A will be evaluating two proposals: the first, for conducting the Contract Definition Phase B and the second, a planning proposal for the Acquisition (Phase II). Both proposals should be evaluated jointly under a compatible set of criteria. The Phase A evaluation criteria will be established and approved before the Phase B proposals are received. Concurrently, the preliminary Phase C evaluation criteria will be identified to the item level. They should be similar to the criteria of Phase A except that less attention is needed on the evaluation of the contractor's management and general capability areas, and more attention on the system performance, design approach, implementation plan, and costs. Proper weighting of the areas and items will accomplish most of the needed shift from Phase A to Phase C (see paragraph 26e).

14. Receipt of Proposals: The SSAC and SSEB will set up procedures early in the source selection process to insure that the information in the contractors' proposals is safeguarded against disclosure to unauthorized persons. The RFP will contain specific instructions as to when, where, and how proposals are to be submitted. Each member of the SSEB and SSAC should review the proposals and determine whether oral presentations are required of the contractors. This preliminary review should be conducted at the outset to determine the over-all adequacy of the content, and to obtain an early indication of the merits of completing proposals. This review should be thorough enough to disclose matters requiring clarification at the contractor's oral briefing or, conversely, if the proposals as submitted are sufficiently clear, disclose that oral presentations by contractors are unnecessary. If oral presentations are permitted at all, they will be made by each competitor.

15. SSEB Evaluation of Proposals:

a. The primary objective of a specific source selection is to select the contractor(s) whose negotiated commitment(s) provides the greatest likelihood of meeting the Government requirements established by the RFP. A longer range objective is to encourage good proposals. While the evaluation should be primarily the product of the individual area evaluators, coordination within and between areas is encouraged through the team leaders and SSEB chairman. This is especially true in matters of strong and weak points affecting or affected by other interrelated parts of a proposal. While the evaluation is based primarily on the proposals, the evaluators are expected to use other information (e.g., expert knowledge and background) in reaching their evaluation conclusions. The data in contractors' proposals should not be blindly accepted by the evaluators. Technical areas should be evaluated initially without reference to associated costs. However, high risk areas or technical devices, designs, configurations, or methods identified in the technical evaluation as being costly relative to alternatives available in the state of the art and any features leading to high production or operation and maintenance costs must be made known to the appropriate teams so the associated cost impact can be properly evaluated.

b. The SSEB chairman will furnish to team captains, and they will furnish to their team members (evaluators), instructions as to the team's responsibilities. Individual teams will:

(1) Examine each proposal in detail to measure predetermined elements of the proposal against standards derived from the evaluation criterion. Validation is essential to evaluation. Narratives will be prepared and then scored according to the approved scoring system (see paragraph 28);

(2) Submit their reports of the evaluation.

Reports will be summarized with the member's evaluation narrative as backup detail. Scores for the several areas of a proposal will represent the collective judgments of the evaluators assigned to rate the specific items. The team captain will review the scores and reconcile or document areas where discrepancies exist in scoring.

c. Costs are not scored by the SSEB. Total cost to the Government (acquisition and operating costs) is of fundamental importance in the source selection decision making process, and will be duly considered by the SSAC and SSA. Costs acceptable to the offeror and the Government are evidenced by target price, ceiling price, incentives, and other provisions of the contract. Thus, cost evaluation serves the program office for contract negotiations and the SSA as a basic consideration for source selection. The SSEB will:

(1) Insure the comparability of costs—that is, the impact of Government-furnished materials and property, the use of Government facilities and tooling, etc., that benefit any particular contractor must be considered, and necessary adjustments made so that contract end item cost and price data furnished to the SSAC are comparable.

(2) Insure that costs relate to the proposed item or work. This may include the insurance, through Defense Contract Audit Agency (DCAA), that the accounting and estimating system are satisfactory; that they are implemented; and for the present proposal have produced accurate results.

(3) Assess cost risk. This concerns the probability of experiencing future cost variances from those proposed. A proposal with a high technical risk, including associated costs that can only be attained if the risk is resolved with no additional cost, should be evaluated and a narrative prepared to amplify the evaluation.

(4) Assist the SSAC in the analyses of the total cost to the Government.

d. Evaluation results are the cost basis for SPO negotiation. Total cost, results of cost effectiveness studies, and other cost matters outside the scope of proposals are analyzed and reported, as appropriate, by the SSAC to form the total price facts the SSA needs for his source selection decision.

e. When the teams have completed their evaluation, the SSEB chairman will usually compile and present the SSEB's over-all evaluation results to the SSAC in two forms: (1) A written evaluation report (see paragraph 28c), and (2) An oral presentation. The SSEB chairman will normally brief the SSAC on the results and significant points of the SSEB evaluations. The SSAC will have an opportunity to question any portion of the evaluation report. These briefings and the evaluation report must fully convey the collective opinions of the evaluators. Brevity is desirable but clarity is essential, since the quality of the evaluation will be no better than what is communicated. The written report presented to the SSAC should include a summary of the evaluation and a detailed narrative of the scored items. There should be separate sections covering cost matters and deficiency reports. Narrative assessments by evaluators are included for all areas, items, and factors, with summaries provided for each area or item to be weighted. Each assessment must be precise and highlight the strengths, weaknesses, and risks of the elements of the proposal. When the SSAC is completely satisfied with the SSEB report, it accepts the report for analysis.

16. SSAC Analysis of Proposals:

a. Under AFR 70–15, the SSAC is required to submit an analysis of each proposal to the SSA which highlights the important findings of the evaluation for the contractor's proposal. The SSAC applies weights to the areas and items scored in the evaluation report. This report includes only source selection considerations presented in the contractor's proposals. Other areas of consideration not obtainable from proposals must be included in the SSAC over-all analysis. The SSAC Proposal Analysis Report will incorporate all price and other matters and considerations that may affect on the source-selection decision.

b. The SSAC Proposal Analysis Report will normally consist of three parts: First, a letter of transmittal that describes briefly the authority for the source selection action, the composition of the council, the procedures used to conduct the evaluation, and the most significant conclusions. (See attachment 5 for a sample of the transmittal letter.) Second, attachments to the letter that summarize each contractor's proposal and highlight the major strengths, weaknesses, and risks to the Government. This part of the report is prepared primarily from a summary of the evaluation report. Third, the SSAC analysis and advice that includes facts considered, and the judgments of the SSAC reflecting its experience and knowledge in military operations, procurement, technology, logistics, etc. The SSAC briefing and report to the SSA must clearly communicate the SSAC's collective judgment. Thus, the facts, matters considered, experience, and judgments relating to contractor's offer and capability to meet the Government's requirements need to be clear and concisely documented. This is particularly important in situations when numerically rated proposals appear to be comparatively close. The reference to judgments is not intended to preclude quantification, when possible, and logically explaining or citing specific, relevant experiences that form the basis for such judgments.

17. Deficiency Reports: The proposals will be evaluated by the SSEB as submitted. During this evaluation, certain deficiencies may be found in the proposals—*e.g.*, elements of the proposals that do not meet stated requirements, or exceed stated requirements but do not yield a desirable product, or failure to respond to the RFP in some respect. Proposal deficiencies will be given special consideration by the evaluators. Evaluation report narratives will include, and the scores will reflect, whether the evaluator considers the deficiency as an overlooked detail, easily correctible, or whether the required correction involves lengthened schedules high risks, or cost changes. Deficiency reports will be prepared as separate documents and in sufficient detail for the SPO negotiation team to use in fact finding with the contractors, and subsequently for debriefing (see attachment 4). The SSAC will have both the summarized deficiencies and the SPO's negotiation results to consider in its analysis of the contractor's receptiveness and capability to make desirable corrections to the proposal.

18. Negotiations: Negotiated contract commitments rather than proposal "promises" are very important prerequisites to the SSA's final source selection decision. Negotiations may be started as soon as the SSEB Deficiency Reports and other prenegotiation data become available. According to ASPR 3–805, written or oral discussions will be conducted with all responsible offerors who submit proposals within a competitive range—price and other factors (including technical quality) considered. The SSAC will

need negotiation results for its analysis; thus negotiations must be substantially complete before the SSAC goes into its final analysis conferences. The negotiation results for each of the competing contractors are to be evidenced by definitive contracts. The complete, signed contracts (lacking only the contracting officer's signature) will be available to the SSA before he makes his final selection decision.

19. Technical Transfusion:

a. By technical transfusion, the Government uses data from at least one of the competing contractors, or data available elsewhere within the Government, to increase the effectiveness of a proposed system. Some of the points of concern when considering technical transfusion are:

(1) Rights to data procured under Phase B contracts, and limited or unlimited rights to other data.

(2) The need to be completely impartial, and to insure that competing contractors will be confident of equitable treatment.

(3) The need to encourage innovation.

b. To the extent provided by ASPR and Air Force Procurement Instruction (AFPI), the correction of proposal deficiencies during negotiation (no matter what degree of technical transfusion is involved) is permitted and expected. Any large change in requirements should be resolved in the functional channels of responsibility, and not as a specific duty of the source selection organization. Even though it is exposed during the source selection activity, a matter of major technical importance should be given staff and command attention, and resolved through program management channels. This may require careful coordination and timing to fit the source selection process. If the impact is sufficiently severe, source selection and contract negotiation may have to be suspended pending the resolution.

20. Reviews: Reviews by higher authority and appropriately constituted bodies are normal and expected. The most significant reason for review is to detect soft spots that may cause less than optimum attainment of the source selection objectives.

21. Special Procedures: The following procedures will apply when the SSA is the Chief of Staff or higher. It is necessary that those advisory elements that have the opportunity to review the source selection presentation *do not* reach any conclusions until all of the questions that will be asked, including those of the SSA, have been answered, and that all available information has been presented to the SSA.

a. The SP will be submitted by AFSC to the HQ USAF office of primary responsibility (OPR) (usually the program element monitor in Deputy Chief of Staff, Research & Development). The OPR will coordinate the SP with the Air Staff offices concerned with source selections (e.g., Director of Production; Assistant for R&D Programming; Director of Procurement Policy; Director of Maintenance Engineering; and Director of Supply and Services) before processing the plan to the SSA for approval. The OPR will forward the approved plan to the major command.

b. The final briefing by the SSAC on the source selection results will be given to the commanders of AFSC, AFLC, and the using command(s) concurrently with the briefing to the Air Force Council. These commanders will submit their advice on the source selection to the Director, the Secretariat, HQ USAF, subsequent to the final briefing.

c. The SSAC will brief the Air Force Council according to the procedure in paragraph 22.

22. Presentations to the Air Force Council: Presentations that are to be made to the Air Force Council must be coordinated through the Director, the Secretariat. The Secretariat will set the precise time and date for the presentation and the need for copies of the charts and the schedule to be used. (See attachment 1.) This presentation includes a list of the major subcontract areas proposed according to the "make or buy" requirements of ASPR section III, part 9.

a. *Time Allotted*. There will be no time limit for presentations to the Council. Ample time will be allotted to allow sufficient information for an informed consideration.

b. *Content*. Too much time spent in complex detail demonstrating technical ease or technical risks is unnecessary unless they are major questions. However, enough backup material should be onhand in the detail to respond to technical questions. The presentation should include a careful discussion of the elements used to judge the contractor's proposal, and the system used in weighting these areas to arrive at individual recommendations.

c. *Formal Notification Action and Review*. Recommendations of the Council may modify the action to be taken by the SSAC. If so, the Director, the Secretariat will notify the SSAC chairman accordingly.

23. Selection and Contract Award:

a. The SSA is given complete information on which to base the selection decision through a properly conducted source-selection process. To the SSEB evaluation report, SSAC proposal analysis report, cost data, contract provisions, HQ USAF, and commanders' advice, the SSA may add advice from any source he deems appropriate. He will prepare a source selection decision (see attachment 6 for a sample). His signature will be the authority for the PCO to execute and distribute the contract(s) to the selected contractor(s).

b. The contract award directs effort into a new phase of the acquisition activity. Contracts with unsuccessful proposers will be closed out. Debriefing (see paragraph 5) will be completed. All informal working papers will be reviewed and disposed of, as appropriate. When record documents have been properly filed the cleanup activity is completed. Finally, any helpful lessons learned should be documented for experience-retention and dissemination.

24. Release of Information: When the SSA is the Chief of Staff or higher, see paragraph 7, AFR 70-15 for the procedures on releasing source selection information. For other source selections, the SSA will comply with the requirements of AFPI section LVII, Part 20.

CHAPTER 3.—EVALUATION AND ANALYSIS

25. General:

a. In previous chapters the processes have been defined, organized, and chronologically described. This chapter includes some of the subjects and expands on them—particularly, how to establish evaluation criteria, determine the shredout of areas, items, and factors, and rate and analyze proposals.

b. The primary criteria of a source selection should be the optimum combination of system performance with economy (cost effectiveness). The RFP should specify the performance desired of the system and encourage proposals based on such optimum combination. Proposed improvements in performance above the desired performance, or degradations therefrom, will be separately priced, so the Government can make a judgment as to their effectiveness in relation to their cost. The judgment here must be rendered in the context of total system effectiveness, and not on the specific feature under consideration.

26. Evaluation Criteria:

a. The evaluation criteria are derived from performance characteristics stated in the RAD and the program management planning in the PTDP. The criteria must cover the performance characteristics which: (1) Will best meet military performance requirements, and (2) provide discriminative capability during evaluation. In establishing the criteria, those performance characteristics, whose incremental variations enhance or degrade the system effectiveness, and thus are susceptible to meaningful evaluations and scores, must be distinguished from those performance characteristics that are critical and thus are fundamental determinants that can be rated only on a qualified or unqualified (go/no-go) basis. For example, a specific size of special-purpose equipment may be required, and neither a larger nor smaller carrier would improve effectiveness. Conversely, with weight, speed, and specific fuel consumption, better than minimum acceptable performance could improve effectiveness and use. The criteria and cost trade techniques disclosed in the selection plan should reflect these considerations. The RFP should be structured to encourage a proposal that would be of the greatest over-all value to the Government.

b. Evaluation criteria must be limited to controlling items that can be clearly identified and measured. The number and duplication of elements in these criteria must be kept to a minimum to effectively manage the evaluation of proposals, and reduce contractors' source-selection information to meaningful data that can be analyzed and compared.

c. Some of the guidelines for selecting evaluation criteria are that they:

(1) Must be determined from stipulated performance characteristics.

(2) Must be defined and understood.

(3) Should have discriminating characteristics.

(4) Peripheral issues should be downgraded or avoided.

(5) Only criteria should be used that can be:

(a) Measured with a high degree of confidence.

(b) Clearly segregated to eliminate overlapping evaluation.

d. From the evaluation criteria, standards are prepared for the lowest order element in each shredout that indicates the performance or compliance needed for desired performance. Thus, the standard is the guide for measuring how well the contractor's approach meets the desired performance and, conversely, shows the difference between desired performance and what his study and design offer. During the subsequent evaluation, each proposal is measured under the evaluation criteria according to the established standard to determine how well the proposed system, subsystem, or project will meet requirements. In addition, the evaluation will assess the probability of success of each proposal.

e. For CD, the evaluation criteria determinants for source selection shift as we progress from Phase A to Phase C, since items of importance to one phase may change in relative importance in the next phase. In Phase A, the most important evaluation areas are the undefined technical approach, and the capability of the firm to define, develop, and ultimately produce. Therefore, the evaluation criteria for logistics, operational and cost areas, etc., should have only general and minimal emphasis unless they importantly affect technical considerations. At this point, operational implications can best be assessed as part of the technical consideration. Greater stress must be placed on matters relating to capability—technical—scientific and management—production areas. In Phase C, since the contractors' capability has already been evaluated before award of a Phase B contract and the management/production area would need little specific evaluation; other areas would receive a more complete and precise evaluation as a greater definition of program requirements is achieved.

27. Areas, items, and factors:

a. The evaluation of a complicated proposal for a system, subsystem, or project is a significant undertaking. It can be made easier by dividing the evaluation criteria into

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manageable parts. The terms "areas," "items," and "factors," have been established as orderly divisions of the evaluation criteria. While a continuous interrelationship may exist among the various evaluation criteria, they must be written with clear lines of demarcation to eliminate duplication and overlap in the evaluation process. This is also true when the evaluation criteria are divided into areas, items, and factors. The divisions need to be consistent with the criteria from which they were derived. It is necessary to insure that a singular item or feature of the proposal does not become a major influence, unintentionally, in each area.

b. The Air Force has traditionally structured its system source selection divisions into five major areas: Technical/scientific, operational, logistics, management/production, and cost. This structuring is not mandatory in all procurement situations. Based on the requirements of the program, the SSEB may be organized into teams for each area to be evaluated. When this structuring is appropriate, the operational team may be predominatly from the using command, the logistics team from the AFLC, and the remaining teams from AFSC. It must be recognized that structuring into teams may tend to inhibit the integration and coordination between areas to be evaluated. This tendency must be guarded against by the SSEB chairman and individual team chiefs. It is particularly essential that evaluation data is exchanged when the same features of the proposals are evaluated in more than one area.

28. Rating:

a. The contractor's proposal is to be evaluated by comparing specific parts of the submitted data against standards, not by comparing the elements in the contractors' submissions. To facilitate this task, the evaluation criteria should be segmented into factors, and a description and standard prepared for each.

(1) The description is a guide to the evaluator in determining what specific facets of the data will be evaluated.

(2) The standard that is prepared for the lowest order element in each shredout under the item, indicates the desired performance.

b. Under normal circumstances the evaluation is made by reading the contractor's proposal, analyzing it to determine what is offered, then comparing the offer to the standard. The evaluator must remember that he need not accept, without question, data presented in the proposal. He is expected to use his expert knowledge and background to determine the feasibility, the logic, and the reasonableness of the contractor's commitment. In some instances, he may want to verify certain aspects of the data that are outside his technical skill field. He may do this by discussion with advisers, consultants, or other SSEB members. When the evaluator feels he has an adequate understanding of the proposal, he is ready to proceed.

3. The next major step, the preparation of the evaluator's findings in narrative form, is basic to the total selection action. In preparing the narrative that communicates his findings to the SSAC and SSA, the evaluator must consider that this is the most direct (and sometimes the only) means available to the SSAC and SSA in determining what a contractor offered, and how well it met the established standard. It is not sufficient that the evaluation report states that something is good or bad; the evaluator must show what was offered; how it met the standard; and, in instances where it failed to meet a critical requirement, what, in the evaluator's expert opinion, must be done to remedy the deficiency, and the impact of the correction on the over-all acceptability of the contractor's submission. Clarity is the "touchstone" of all narratives.

d. Generally, some method is needed to portray graphically how well each factor meets the standard. If the 10 points normally assigned to the item are prorated among the factors, the impact of each factor on the item as a whole will depend largely on the number of factors involved. The failure of one of these factors to meet the standard may be overlooked when the proposal meets or slightly exceeds all of the other factors of the item. The number that would be mathematically derived for the total item therefore would not truly reflect a contractor's ability to exceed, meet, or not meet the standard. To avoid this, a symbol is used as a quick device for reference in summarizing the evaluator's findings. If the proposal exceeds the standard for the factor, rate it "+". If the proposal equals the standard, rate it "√". If the proposal fails to meet the standard, rate it "−". These symbols supplement the narrative and are to be used only as quick reference indicators of evaluators' findings. To determine the numerical score to be assigned to the item, prepare a summary indicating the effect each of the factors has on the item. Having recorded this assessment of the element by a narrative, the evaluator must now develop a quantitative designation that reflects his narrative evaluation. This numerical designator is known as a "score." A scale has been devised for the scoring task, as follows: Exceptional: 10, 9; exceeds standards: 8, 7, 6; meets standard: 5; below standard: 4, 3, 2, 1; unacceptable: 0. This scale is applied as follows:

(1) If the contractor's submittal for a particular element meets all standard but does not exceed them from either a performance or approach standpoint, the submittal is to be rated "meets standard: 5."

(2) If the contractor's submittal offers some unique process or approach that, for example, saves time, cost, material, reduces risk, etc. while still offering an excellent solution to a problem the evaluator may rate the contractor's submittal for that element as "exceeds standards," and use a 6, 7 or 8 to show the degree of acceptability as better than standard.

(3) If the contractor offers a rare solution which, in the evaluator's judgment, is exceptional in all aspects, the element should be rated "exceptional," using "9" or "10" to denote the level of the exceptional quality.

(4) If his submittal fails to meet the standard, the element must be rated "4", "3", "2" or "1." To determine which below-standard rating should be assigned, the evaluator must determine what the impact of the deficiency is, what must be done to correct it, and what impact the correction will have. If his deficiency is slight and easily correctible with minimum effort and effect on other elements, the evaluator may rate him a "4". On the other hand, if the deficiency is severe, the impact widespread, and the deficiency correction difficult, the evaluator may judge the contractor to rate "3", "2" or "1," depending on the appraised impact.

(5) If the element being evaluated is presented in such a manner that the approach is unacceptable and requires major reorientation for correction, that element should be rated "Unacceptable: 0."

(6) The numbering system referred to above is to be used only at the item level. Since most items are complex, factoring must be done to effectively evaluate the whole.

e. While the contractor's data pertaining to an element of the proposal are being evaluated, the evaluator must perform another essential task. The evaluator must record, separately, and in addition to the narrative findings, the deficiencies found in each contractor's proposal. For purposes of source selection actions, a "deficiency" is an element of a contractor's proposal that, fails to meet the standard, or is an omission of data needed to compare the proposal with the standard. There must be a quick, accurate way of determining what corrective actions are necessary to insure that known deficiencies can and will be corrected. The deficiency report (see attachment 4) serves this purpose. In addition to its prime use for fact finding leading to the definitive contract, the deficiency report serves as a debriefing guide. Experience in source selection actions has shown that deficiency reports must be prepared at the time an evaluator discovers that a deficiency exists. When evaluators have returned to deficiency reporting after completing other evaluation tasks, many omissions occurred and poorly substantiated reports resulted.

29. SSAC Analysis:

a. The basic policy underlying all Government procurement, and therefore fundamental to the source selection dicision, is to procure what is most advantageous to the United States—price and other factors considered. The selection plan establishes the relative importance of the proposal elements to be evaluated for a particular procurement. The SSAC assigns weights to the items to be used in the evaluation to show this relative importance. Proposals are evaluated, and the items are presented in the evaluation report with unweighted or raw scores. SSAC application of the predetermined weights creates basic source selection decision data. From the procedural standpoint, the SSEB has evaluated proposals submitted by the offerors; however, matters of importance to the objective of best satisfying the Government's requirements lie outside the proposal. The objective of SSAC consideration of these matters is to disclose all facts that the members determine have a bearing on the selection decision; consciously disregarding the ones that are irrelevant; and emphasizing the ones that should affect the decision. Some important considerations in the decision process do not stem from the SSEB's evaluation, yet they are significant to the final results. For example, the following considerations are not usually included in the proposal, yet are significant to the final decision.

(1) *Total Cost*. The environment in which proposals are developed is competitive and prompts offerors to bid the lowest practical price for the end item they expect to deliver. The lowest end item price may not necessarily be the lowest total cost to the Government. For example, a proposal that involves very expensive maintenance and/or spare support may be considerably more expensive to the Government over a period of years than another that may have a higher initial cost but relatively inexpensive maintenance and/or spare support requirements.

(2) *Over-all Effectiveness*. The dividing of a source selection into discrete areas for evaluation produces a functionally aligned report. While every effort must be made to insure intra and interarea coordination, segmentation of the SSEB with homogeneous skilled groups yields a functionally oriented report. The SSAC's task is to determine the cohesiveness of the interfaces presented by these functionally oriented areas so the over-all effectiveness of the proposal to meet the stated objectives of the RFP may be determined.

(3) *Contractors' Capability*. One prime concern is a contractor's capability to deliver to the Government according to the terms of his proposal. To consummate a contract for development that exceeds a contractor's available or obtainable skills, or a production rate that exceeds the contractor's ability to meet, is not in the best interests of the program or the Government. The Department of Defense Contractor Performance Evaluation (CPE) Program maintains a data bank of experience on many contractors. Past performance experience is correlated to expected future performance. While the bank is useful as a tool for screening contractors before issuing RFPs, it also forms a part of the body of data for con-

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sideration of contractor capability in final contractor selection.

(4) *Negotiation Results.* Deficiencies in contractor's proposals will have been exposed by the SSEB in its evaluation, and reported to the SPO for fact finding discussions with the contractors concerned. In addition, ratings and scores reflect the SSEB's judgment of how deficiencies can be corrected. The negotiation results and their incorporation into the final contract, as reported by the SPO, may shed significant light on the contractor's responsiveness, and his capability to correct deficiencies. These matters may be significant. The facts, in any case, should be disclosed in the SSAC report.

(5) *Cost Effectiveness.* In its evaluation, the SSEB has rated and scored high the particular items that exceeded standards of performance. Performance increases do not necessarily enhance effectiveness, so ratings should be examined sufficiently to determine that they reflect performance considerations that tend to be economical.

(6) *Other.* For any particular source selection, a number of matters outside the scope of the contractor's proposals, and yet pertinent to the SSA's selection decision, are possible. To the extent that these do exist, they should be included and narrated for SSA consideration.

b. *Communication.* The intended result of SSEB evaluation and SSAC analysis is a total body of facts bearing on the final source selection decision. However, to be useful for their intended purpose, they must be communicated to the SSA clearly and understandably. Written narrations, supplemented with oral briefings, usually accomplish the communication objective.

By order of the Secretary of the Air Force.
Official:

J. P. McCONNELL,
General, U.S. Air Force, Chief of Staff.

R. J. PUGH,
Director of Administrative Services.

ATTACHMENT 1

ILLUSTRATIVE SCHEDULE OF EVENTS FOR SELECTION PLAN

PHASE A

D−120. Selection plan submitted.

D−30. Department of Commerce synopsis and Small Business Administration clearances.

D−30. Data call completed.

D−20. Draft RFP and work statement completed by SPO or program office.

D−6. Staff review of RFP and work statement.

D+0. Receipt of authority.

D+0. Receipt of approved selection plan.

D+1. SSAC formed.

D+3. SSEB cadre formed.

D+7. Screening of sources completed.

D+8. Evaluation criteria weights established.

D+10. RFP reviewed and approved by SSAC.

D+14. RFP to industry.

D+21. Bidders briefing (if required).

D+24. SSAC, SSEB meeting (orientation of members, security matters, etc.)

D+30. SSEB, standards and rating procedures established.

D+44. Technical and management proposals received, evaluation commences.

D+54. Cost proposal received (for smaller procurements, a single submission with 30 days' proposal time may suffice).

D+60. Competing companies' oral presentations (if required).

D+74. Evaluations completed.

D+85. Briefing of SSAC and submission of evaluation report.

D+85. Contract negotiations completed with all in competitive range.

D+90. SSAC analysis of proposal completed.

D+102. Briefing of Air Force Council and Air Force commanders concerned (unless directed otherwise by the SSA or the Chief of Staff, USAF).

D+103. Briefing and presentation of proposal analysis reports to Secretary of Air Force.

D+107. Final Phase B contract execution and reviews completed.

D+107. AF–N23 report submitted.

D+110. Phase B sources announced.

D+115. Phase B contracts distributed.

PHASE B

D+0. Receipt of technical and cost proposals.

D+2. Evaluation begins.

D+7. Acceptance of Phase B contract completion by SPO.

D+10. Presentations by competing contractors.

D+35. SSEB evaluation completed.

D+45. Evaluation report completed.

D+57. Briefing of SSAC and submission of evaluation reports.

D+60. Contract negotiations completed.

D+90. SSAC proposal analysis completed.

D+100. Briefing of Air Force Council and Air Force commanders concerned (unless directed otherwise by the SSA or the Chief of Staff, USAF).

B+107. Briefing and presentation of the proposal analysis report to Secretary of Air Force.

B+114. Final acquisition contract execution and review completed.

B+116. AFN–23 report submitted.

D+119. Phase C contractor announced.

D+125. Contract distributed.

ATTACHMENT 2

ITEMS TO BE INCLUDED IN REQUEST FOR PROPOSAL (RFP)

The SSAC reviews and approves the RFP because of its impact on source selection; it is prepared by the SPO or project officer and is substantially complete by the time the authority to proceed with the procurement is received. ASPR 3–501 and AFR 80–20 list items to be considered for all RFPs. Several items of particular importance to source selections and CD procurements are mentioned here to emphasize their importance.

a. The RFP should:

(1) Include all requirements contained in the approved program guidance.

(2) Include the results of previous studies on feasibility, effectiveness, major tradeoffs, operational analysis, logistics analysis, etc.

(3) State the general basis for contract award and the evaluation criteria, listed in order of importance, to inform bidders of the relative importance of the areas to be evaluated. Mission models, covering primary and secondary missions and spelling out the critical performance requirements for each system and subsystem, can focus attention on critical requirements. Include a listing of areas and items, where possible, to provide a format for proposals. This may assist in the evaluation and analysis.

(4) Provide for competing contractors to submit separate prices and supporting cost data for any deviations in performance from that specified in the RFP as being the desired system performance requirements.

(5) Contain an outline of the plan for systems management, including the identification of pertinent Air Force and contractor reporting and control relationships.

(6) Include documentation requirements defined on DD Form 1423, "Contractor Data Requirements List," and in a data matrix. This is required so documents needed for contractual purposes can be written in proper contractual language to firmly commit the contractor. The data required to be evaluated must have a direct relationship to the evaluation criteria. Unnecessary data must not be requested. Data that can be delayed until after the contract award will be so listed and phased for later delivery. Only significant data that can be evaluated should be requested. Care must be taken to insure that the proposer is not misled as to the importance of items for which data are not requested at the proposal stage. This can happen, for example, in areas of maintenance and spares cost for a system. Though these costs may be difficult to evaluate, failure to request them could cause a proposer to submit a low cost for proposed end items which, in the long run, could be very costly to maintain or replace.

(7) Include Government-furnished property and the identification of any subsystems that must be broken out for subcontracting.

(8) Require that all proprietary items be identified in the proposal.

(9) Eliminate superfluous technical provisions. Specifications incorporated by reference frequently include third and fourth tier specifications that are unwanted, and must be screened out.

(10) Provide for competing contractors to submit separate prices on incremental production quantities; items for which there is a contingency requirement; and, where applicable, option quantities, in a TPP situation.

(11) Require that the competing contractors identify the impact of introducing their proposed system into the Government's operational inventory, on operational facility requirements of the Government, timing of construction, and future Military Construction Programs. However, adequate information on Air Force facilities should be provided in the RFP package to each contractor; thus he need not compile his own data.

(12) State any limit on the number of pages for proposals, in terms of the total proposal or for a specific area or item (*e.g.*, management volume). Care must be exercised in setting any limits to insure that the evaluators have sufficient, but not too much, information to make the evaluation.

b. The minimum proposal time will normally be at least 30 days. To give the proposer more time and not delay the source selection actions, a two-phase submission may be used (*i.e.*, the technical proposal due in 30 days, followed by the cost proposal 7 to 10 days later).

c. The number of copies required for evaluation purposes must be stated, in addition to those required for normal contractual processing.

d. When practicable, model contracts—a very highly recommended technique for the early resolution of contract terms and conditions, should be used.

ATTACHMENT 3

SAMPLE: SOURCE SELECTION EVALUATION CRITERIA—PHASE II

I. INTRODUCTION

The Source Selection process has three related activities—Proposal Evaluation, Validation, and Contract Negotiation. These three activities are interdependent, and all three must be completed before the announcement of the source selected. The evaluation criteria are associated with proposal evaluation. They identify areas and items of concern to the Government in selecting a source for the development and production of the XYZ System. The criteria areas and items, with their descriptions, are intended to show the scope of the evaluation of proposals submitted by the competitions involved in the source selection. Proposals will be evaluated by comparing proposal elements against standards that will be developed by the Government within the framework of the criteria. The standards,

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prepared before proposals are received, are consistent with the requirements in the request for proposal or the statement of work (SOW). The standards are divulged only to Government personnel directly involved in the evaluation and source-selection process.

II. GENERAL CONSIDERATIONS

A. *Contractual Considerations.* Validation and contract negotiation will be concurrent with the evaluation of proposals. Validation is a review of all contractual documentation to insure that (1) The SOW includes all elements necessary to comply with established program requirements, (2) Contractors' proposals are consistent with contract and specification requirements, and (3) the contracts are acceptable for fixed-price definitive contracting. In addition, management planning as evidenced by the proposed Program Planning and Control System, Management Controls and Displays, Configuration Management, Data Management, and reporting will be reviewed for program and contractual acceptability. Although this validation does not result in scoring or have an independent impact on the evaluation part of the source selection process, the adequacy of contract terms—terms and conditions, SOW, delivery schedules and price—will be considered in the final selection. Contract Negotiations follow and overlap the final actions in validation, and resolve differences about contract requirements between the Government and the contractors. A minimum of negotiation should be required, since each contractor's proposal, together with the terms and conditions of the model contract should be the basis of a definitive contract. The selected source will not be announced before negotiations are completed and satisfactory definitive contracts are executed by all competitors.

b. *Correction Potential.* Where a proposal element is found to be deficient in the evaluation process, the rating for that element will depend on the effect it has on the over-all proposal—*i.e.,* the extent of revision necessary to correct the deficiency, and the effect of the correction on other elements of the proposal, affecting performance, schedules, or over-all costs to the Government.

III. GENERAL CRITERIA

A. The selection of a source for the award of the Phase II development and acquisition contract will be made by an integrated assessment of the merits of each contractor's proposal in the areas listed below, with appropriate consideration of the contractual provisions of each proposed contract. (1) The capability of the proposed system to satisfy mission requirements in the Request for Proposal, (2) the acceptability of contractual arrangements, including terms and conditions, SOW, delivery schedules, and price, and (3) the cost to the Government to develop and acquire the system, and to operate it during its expected life.

B. The following areas will be evaluated: (1) Design, (2) operational capability, (3) supportability, (4) management/production, and (5) cost to the Government. The first three areas will be scored and considered cumulatively. A separate cost effectiveness calculation will be made.

IV. SPECIFIC CRITERIA

A. Specific criteria are divided into the five basic areas listed under General Criteria (paragraph III B). Each area, except Cost to the Government, is subdivided into items that define the scope or the nature of a particular area. In addition, each item may, in turn, be subdivided into factors or subfactors, as necessary for proper evaluation.

B. In many instances, these areas and items are interdependent, and the results of the evaluation of each area and associated items must be recognized and taken into account in evaluating other areas and associated items.

C. In all evaluations, when performance or cost estimates are used as input information, evaluators will use the performance requirements in the proposed System and Contract End Item Specifications, and contractor-furnished cost estimates as validated or modified by Government engineering, operational, logistics, and cost specialists.

D. *Design.* The technical soundness of the proposed system design and the proposed development plan will be evaluated. In addition to the following specific considerations, the evaluation of each design element will include an assessment of (1) The validity of estimates of the proposed system performance characteristics, (2) the adequacy and validity of evidence furnished the Government, justifying design selections or approaches, and (3) the identification of problem or high risk areas and approaches to solutions. The influence of design choices on reliability, maintainability, safety, vulnerability/survivability, and service life will be considered.

a. *Item D–1, System Design.* The design of each major subsystem will be evaluated separately by performance requirements and design criteria, and the soundness of the proposed design or design approach to satisfy them. The complete system will be evaluated in terms of (1) The soundness of design compromises, and the integration of subsystems and components to provide the complete system design, and (2) the over-all capability of that design to satisfy requirements.

b. *Item D–2, Interface With Other Systems.* Evaluation of the over-all system will include consideration of its interface with other systems, the extent of modifications required, the operational and support limitations imposed by system design features, and the requirements for aerospace ground equipment and training equipment.

c. *Item D–3, Development Planning.* The adequacy of the contractor's plans for engineering development of the system will be evaluated. This evaluation will include the consideration of the plans for systems engineering management and effectiveness analyses that weigh and optimize the total systems engineering development activities. This evaluation will also include consideration of the engineering plans for system safety, maintainability, and reliability, Category I and Category II Test Plans, and the quality assurance portions of specification and design sheets. Consideration will be given to test objectives, test methods, success and failure criteria, number of test items, schedules, instrumentation, Government/contractor participants, data reduction, analyses, and reporting procedures. Consideration of the over-all plan for the engineering development of the system will include examining the adequacy and completeness of the interface analyses of related systems.

E. *Operational Capabilities:*

a. *Item O–1, Effectiveness.* Consideration will be given to the influence on the operational effectiveness of system characteristics such as accuracy, stability and control, reliability, maintainability, and vulnerability/survivability launch envelopes. System characteristics such as loading capabilities, crew procedures, and workloads, will also be considered.

b. *Item O–2, Flexibility.* The impact on flexibility of the operating command in deploying and employing the system will be evaluated. The introduction of a new type of weapon system may impose changes in current concepts; thus, the impact on capabilities to carry and employ other systems, limitations on or degradation of performance envelopes of the related systems, extent of changes or additions to support equipment, requirements for special procedures, equipment or facilities, requirements for specially trained or additional personnel, and influence on vulnerability/survivability and tactics for attack will be considered.

F. *Supportability:*

a. *Item S–1, Logistics.* The proposed logistic considerations will be evaluated for the maintenance, supply and modification support requirements. The evaluation of maintenance requirements will include an assessment of the interplay that system design and component reliability have on maintenance actions. This aspect will be evaluated as to time, manpower, skills, technical data, AGE, and facilities required for necessary actions. The contractor's optimized repair level analysis will be evaluated, as well the proposed initial repair level posture based on operational requirements and economic trade-offs. The supply requirements evaluation will include an assessment of the contractor's logistic analysis for supply support of the operational program. The modification support requirements evaluation will include a review of the workload, facilities, and scheduling necessary to integrate the system with the other systems. The evaluation of transportation and packaging plans will assess the adequacy of proposed plans to meet worldwide environmental extremes, the requirements for shipment by all modes of transportation, and for specialized containers and packaging designs. Emphasis will be given to the dangerous article characteristics of the propulsion units.

b. *Item S–2, Personnel and Training.* The proposed personnel subsystem will be evaluated for manpower quantities and skills required to use the system and perform the logistic support functions. The evaluation of the proposed training program will consider the crew training to be conducted by the contractor and operational readiness training, training locations, schedules, course structures, equipment, facilities, the relationship of anticipated training to existing programs, and the total time-phased training requirements for the system.

G. *Management/Production:*

a. *Item M–1, Management/Production.* The contractor's program planning and scheduling of all program elements will be reviewed for completeness, adequacy, realism, and the correlation of time span with the function to be performed. Proposed Master Schedule, Production Plan, Manufacturing Plan, Tooling Plan, Industrial Facilities Plan, Make-or-Buy Structure, related System Integration and Responsibility Plan will be considered. Consideration will also be given to the contractor's identification of required and available resources, and their proposed methods for obtaining or providing resources that may be required in addition to those already available.

H. *Cost to the Government Area.* This area involves (1) The acquisition price negotiated with each contractor in the competition, and (2) other costs that the Government will incur in acquiring, operating, maintaining, and supporting the system through its estimated useful life. Evaluation standards and scoring will not be used in this area. As to the acquisition price, the evaluation will include an analysis of whether the contractor's proposal reasonably reflects all contract costs that may be anticipated, to permit an assessment of the credibility of the contractor's proposed target cost. Proposed prices, with and without adjustments made by the Government, will become factors in the cost effectiveness analysis. A separate Government cost estimate will be made of each contractor's proposed work.

However, in light of the competitive nature of this program, coupled with the plan to use a fully structured fixed-price incentive contract with long term commitments, it is intended to use price analysis as defined by the Armed Services Procurement Regulation to evaluate this item. If it proves more advantageous to the Government, however, cost analysis may be used and prices negotiated with each contractor, after the proposals have been received.

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As to other costs to the Government, the estimated useful life of the system will be assumed to be five years for purposes of evaluation. (This period is selected, even though a much longer life is anticipated, because cost estimates for a longer period would not be sufficiently reliable for evaluation purposes.)

V. COST EFFECTIVENESS

The separate cost effectiveness calculation will be based on the model used by the Air Force for the RAD Prerequisite Studies, modified as necessary to update for realism, and will yield information in the form of resources expended per function accomplished. Costs will include development and acquisition costs for the system, costs of modification of related systems, if any, and estimates of operating and maintenance costs over the system's anticipated life.

Cost effectiveness will not be evaluated or scored. Results of the analysis will be furnished to the Chairman of the Source Selection Evaluation Board and to the Source Selection Advisory Council for their consideration in assessing contractors' proposals over-all.

ATTACHMENT 4

SAMPLE: FORM FOR PREPARATION OF DEFICIENCY REPORTS

The Deficiency Report informs the SSAC and SPO negotiation team of matters disclosed during the evaluation of proposals which were considered to be less than satisfactory. In addition, it serves as a debriefing document, if required. This document is important to the source-selection action, and the data must be accurate and adequate.

DEFICIENCY REPORT

Area: (Scientific & Technical).

Item: (System performance).

Company: (Bravo Aviation).

Nature of Deficiency: (State the nature of the deficiency. Be concise. Include a reference, by company's document, paragraph and page that will quickly identify the company's submission.)

Summary of Effect of Deficiency: (State how the uncorrected deficiency would affect the program, if it were accepted "as is.")

Recommended Correction: (Briefly indicate the action the contractor must take to correct the deficiency.)

Reference: (Indicate what substantiates that the data evaluated are deficient. These may be statements in the request for proposal, statement of work, specifications, etc.)

Area Captain——.

Evaluator——.

Area and Item: (Include # Designator).

ATTACHMENT 5

SAMPLE

Subject: Letter of Transmittal—Proposal Analyses for XYZ Source-Selection Evaluation.

To: (The Source Selection Authority).

1. Under authority set forth in HQ USAF message ——— a Source Selection Advisory Council (SSAC) was established for the XYZ Program. This letter transmits the SSAC Proposal Analyses Reports.

2. The system was approved for contract definition by Systems Management Directive, XYZ. The requirements for the XYZ system are specified in the SMD. This source selection action, identified as the Phase A evaluation, is concerned with the selection of two or more sources to be awarded fixed-price definition contracts.

3. The SSAC was composed of members of the Tactical Air Command, the Air Force Systems Command and the Air Force Logistics Command (see attachment 1). The SSAC mission was to solicit competitive proposals from Industry against formally approved requirements for the XYZ system to insure an impartial, equitable, and comprehensive evaluation of competitive proposals received, and to give the Source Selection Authority weighted considerations, findings, judgments, and advise on strengths and weaknesses of each contractor's proposal. Contractor proposals were evaluated by Source Selection Evaluation Board (SSEB) members, which included engineers, production specialists, procurement specialists, logisticians, cost analysts, auditors, systems management personnel, and operations and training personnel.

4. The SSAC and the SSEB performed this mission according to the policies and procedures prescribed in AFR 70-15 and AFM 70-10. For the evaluation criteria, see attachment 2.

5. The Request for Proposal (RFP) was approved by the SSAC, and reviewed by the SSEB before it was sent to Industry. Two proposals were requested from each competitor. Proposal A covers the contractors' proposed plan for conducting contract definition, and a cost quotation for this work. Proposal B describes the contractors' preliminary system design approach, including management, logistics, and operational aspects. A cost quotation for Proposal B was (not) required.

6. The list of potential sources was compiled from the Air Force Systems Command Random Access Source List, and from the responses received from the synopsis in the Commerce Business Daily on ——————. A Small Business Clearance was received. Eight sources were found qualified, and solicited for proposals. Four sources responded, as follows:

The Alfa Aircraft Company, Kokomo, Indiana.

Bravo Aviation, Inc., Las Vegas, Nevada.

The Cocoa Corporation, Green Bay, Wisconsin.

Delta Aircraft Corporation, Portland, Maine.

7. Proposal analyses of the evaluation of each contractor's proposal are in attachment 4. Highlights of the analyses of each contractor's proposal are as follows:

a. Alfa Aircraft

b. Bravo Aviation

c. Cocoa Corporation

d. Delta Aircraft

(NOTE.—On a very selective basis, choose the most significant strengths, weaknesses and risks for the proposal analyses, and include them in a brief summary in the above subparagraphs.)

8. The weighted scores achieved by each contractor's proposal are summarized below:

WEIGHTED SCORES

Area	Maximum score attainable	Contractors			
		Alfa	Bravo	Cocoa	Delta
Technical design	500	460	410	225	255
Contractor experience and resources	300	270	210	195	218
Implementation plan	200	175	200	170	184
Total	1,000	905	820	590	657

9. In the cost area, proposals covered only the cost for contract definition. These cost proposals have been negotiated with each contractor, to finalize definitive contracts for contract definition. Total amounts proposed by, and negotiated with, each contractor are:

	Proposed	Negotiated
(a) Alfa Aircraft	$900,000	$900,000
(b) Bravo Aviation	910,000	900,000
(c) Cocoa Corp	1,200,000	910,000
(d) Delta Aircraft	970,000	920,000

10. The evaluation criteria for the areas to be considered, when selecting contractors for award of contract-definition contracts, are (in order of importance):

a. The soundness and adequacy of the system preliminary technical design to satisfy the requirements contained in the RFP/SOW.

b. Management's ability to insure that the program can be performed satisfactorily.

c. The reasonableness of the contractor's proposal for conducting contract definition.

11. Under this criteria SSAC summary conclusions are presented below:

a. *Alfa Aircraft*—This contratcor's proposed preliminary system design is acceptable for contract definition. The few weaknesses found can be corrected during contract definition. The plan of action for conducting contract definition is satisfactory. The contract definition cost proposal is reasonable and realistic.

b. *Bravo Aviation.*—This contractor's proposed preliminary system design approach is acceptable for contract definition. The system design is well founded in current technology, and is attractive in strong growth potential. Several weaknesses were noted, but all can be corrected during contract definition. A very good plan was proposed for conducting contract definition. The contract definition cost proposal is reasonable and realistic.

c. *Cocoa Corporation*—This contractor's approach to preliminary system design has serious deficiencies. Major deficiencies existed in (identify appropriate deficiencies in very brief form). Thus, to be suitable for contract definition, the proposal would require extensive changes. The contractor's plan for conducting contract definition is satisfactory. The contract definition cost proposal is reasonable and realistic.

d. *Delta Aircraft*—This contractor's approach to preliminary system design is acceptable. It should be noted, however, that this design approach covers many high risk areas. These high risks are (identify nature of risks). Thus, extensive changes will be required in the contractor's approach to the system design, to reduce these risk areas to acceptable levels. The contractor's plan for conducting contract definition is very good. The contract definition cost proposal is reasonable and realistic.

12. The above findings represent the unanimous conclusions of the SSAC, and we therefore advise that contracts for the contract definition be awarded to Alfa Aircraft Company, and Bravo Aviation, Inc.

SPECIAL NOTES

1. Copies of the SSAC Analysis Report will be provided to the Air Force Council and commanders of each command concerned; AFSC, AFLC, using command, the Air Training Command, and heads of other Government agencies and services, as and when appropriate. The report will normally be delivered with the source selection briefing.

2. Letter of transmittal: Attachments: (1) SSAC/SSEB composition. (2) Evaluation criteria, standard and rationale for established weights. (3) The evaluation report. (4) The analysis report.

PROPOSAL EVALUATION AND SOURCE SELECTION PROCEDURES

This regulation establishes Air Force policy, assigns responsibilities, and prescribes procedures for evaluating proposals and se-

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lecting systems, subsystems, and project sources. It implements DOD Directive 4105.62, 6 April 1965.

1. Objectives and Policy. The prime objective of the source selection process is the impartial, equitable, and comprehensive evaluation of competitors and their proposals to insure selection of that source which will provide optimum satisfaction of the Government's basic objectives including the required performance and schedule at the best cost. Other objectives are to:

a. Provide that an individual serving in a major executive position of the OSD or the Air Force is fully responsible for the source selection decision in a major procurement action.

b. Insure a balanced appraisal of all factors in the source selection process by deliberately constituting an advisory group of senior military and/or civilian personnel possessing experience in matters concerning systems development and acquisition, systems engineering, military requirements and operations, and logistics and procurement.

c. Apply and to utilize fully the professional skills and knowledge of competent personnel in the evaluation and assessment of competitive proposals.

d. Establish consistent procedures thereby improving the effectiveness of review and approval of proposal evaluation and source selection and to increase Government and industry understanding and acceptance of these procedures.

2. Applicability of Source Selection Procedures (SSP):

a. Use SSP prescribed by this regulation and AFM 70-10 to select sources for:

(1) Each new development contract estimated to exceed $25 million. For those systems and projects requiring a Contract Definition (CD) in accordance with AFR 80-20, use SSP to select source(s) for both the CD and Acquisition.

(2) Each new production, modification or maintenance, or other hardware or service contract estimated to exceed $25 million, except where the contract is to be awarded solely on the basis of price competition.

(3) Other contracts as the Office of the Secretary of the Air Force or HQ USAF may designate.

b. If SSP are not required or designated pursuant to paragraph a, above, select the source(s) for systems, subsystems and projects by procedures established by the procuring agency within its delegated authority.

c. The Secretary of Defense may retain Source Selection Authority (SSA) on those procurements meeting the criteria of paragraph 2a(1) above and on new production contracts estimated to exceed $100 million, except where such production contracts will be awarded solely on the basis of price competition. Normally, the Secretary of Defense delegates SSA to the Secretary of the Air Force, for systems/projects to be acquired by the Air Force.

d. The Secretary of the Air Force may redelegate SSA with power of redelegation not below the level of a systems division commander or an official in an equivalent position. Normally, the security of the Air Force is the SSA on those contracts meeting the criteria of paragraph 2a above.

3. Scope of Regulation:

a. Use the SSP prescribed in this regulation and AFM 70-10 to select sources for proposed contracts meeting the criteria of paragraph 2a above.

b. Follow the procedures set forth under paragraph 5c and 7 for proposed contracts exceeding $25 million whether or not awarded solely on the basis of price competition.

4. Explanation of Terms:

a. *Advisers*—Government personnel officially assigned as participants to the Source Selection Advisory Council (SSAC) or Source Selection Evaluation Board (SSEB), but not to a specific evaluation task or team, who assist SSAC and SSEB members during the source selection process by furnishing advice pertaining to specific matters.

b. *Selection Plan*—A proposed plan for conducting proposal evaluation, contract negotiations and source selection. Specific recommendations on the following shall be included in each plan:

(1) The source list screening criteria.

(2) The evaluation criteria.

(3) The functional areas which should be represented on the SSAC and the functional and technical representation for the SSEB.

(4) The chairman and composition of the SSEB.

(5) The scoring and evaluation techniques to be used.

(6) The schedule of all required actions between receipt of proposals and award of a definitive contract or contracts. The schedule will provide for such actions to be completed in 18 calendar weeks, unless the completion of all actions within this period is initially considered to be unrealistic. A full explanation will be furnished for a planned schedule in excess of the 18 week period, including the considerations given to the conduct of parallel rather than sequential actions where feasible.

c. *Evaluation Report*—A comprehensive report prepared by the SSEB which contains evaluation criteria, detailed narrative assessments of each proposal against these criteria, numerical scores, and summary appraisals of significant strengths, weaknesses and risks of each area of each proposal.

d. *Proposal Analysis Report*—A formal report prepared by the SSAC which contains:

(1) An objective appraisal of each proposal's merits, shortcomings and risks.

(2) The conclusions reached after an over-all analysis of the SSEB evaluation, total costs, over-all effectiveness, cost effectiveness, contractor's capabilities, negotiation results, and other aspects of the source selection.

(3) Advice to the SSA with respect to a selection decision.

e. *Source Selection Advisory Council (SSAC)*—A group of senior military and/or Government civilian personnel appointed by the SSA to act as his staff and advisors in source selection. The members of the SSAC will be selected from organizational levels sufficiently high to insure necessary visibility of all considerations affecting the system, subsystem or project. All concerned functional areas involved in the procurement will be represented on the SSAC (e.g., the user, R&D, logistics, other DOD components and other Government agencies). The senior member from each Air Force command represented is a general officer if the SSA is the Secretary of the Air Force or the Secretary of Defense. The SSA for other source selections determines the level of membership of the SSAC.

f. *Source Selection*—The process wherein the requirements, facts, recommendations and Government policy relevant to an award decision in a competitive negotiated procurement of a system, subsystem, or project are examined and the decision made.

g. *Source Selection Authority (SSA)*—The official designated to direct the source selection, approve the selection plan, and to select the source(s).

h. *Consultants.*—Government or non-Government personnel called upon by the SSAC, SSEB or SSA to furnish expert advice on highly specialized matters and on the solution of particular problems.

i. *Source Selection Evaluation Board (SSEB)*—A group of military and/or Government civilian personnel appointed by the SSAC to direct, control, and evaluate proposals responsive to requirements, and to produce summary facts and findings required in the source selection process. All necessary functional and technical areas involved in the procurement are represented on the SSEB. The chairman of the SSEB normally is the System Program Director (SPD) or official in an equivalent position.

j. *System/Project*—Equipment and/or skills, together with any related facilities, services, information and techniques, that for a complex or an entity capable of performing specific operational tasks in support of an identifiable Defense objective. The term "system" as used herein encompasses weapon systems, support systems, and command and control systems.

k. *Subsystem*—See AFM 11-1.

5. Responsibilities for Source Selection:

a. At the time the system/project is initially approved in the Five Year Defense Program, or, for a CD procurement, at the time CD initiation is approved, the Secretary of Defense decides to retain or delegate SSA for those procurements meeting the criteria of paragraph 2a(1) above and for new production contracts estimated to exceed $100 million, except where such production contracts will be awarded solely on the basis of price competition. If the document which approves the initiation of Contract Definition is silent as to the SSA, the Secretary of the Air Force is assumed to be the SSA. Recommendation for the choice of SSA is included in Program Change Requests, in the memorandum requesting the initiation of CD, or in a separate memorandum, as appropriate.

b. Designations or redelegations of SSA by the Secretary of the Air Force normally are included in System Management Directives or other appropriate documents. Redelegation of SSA is made in time to insure that all actions required of the SSAC, SSEB, SPD, procurement personnel and other officials involved in procurement review and approval may be taken in a timely manner. If the SSA for a procurement, meeting the criteria of paragraph 2 above, is not designated or redelegated in a timely manner, the Secretary of the Air Force is assumed to be the SSA and the selection plan is processed for his approval.

c. For *all* development, production, modification, or other hardware or service contracts estimated to exceed $25 million (*including* contracts to be awarded solely on the basis of price competition) for which selection authority is delegated to, or vests in, AFSC or AFLC, the HQ USAF OPR for the system or project insures that the Office of the Secretary of the Air Force is advised not later than 30 days nor earlier than 60 days before the selection decision is scheduled to be made.

d. The SSA is responsible for properly and effectively conducting the evaluation and source selection. The SSA:

(1) Designates the chairman and membership of the SSAC using the selection plan and the criteria set forth under paragraph 4e.

(2) Is responsive to the guidance and special instructions or review requirements of the official who designated the SSA.

(3) Provides the SSAC and SSEB with appropriate guidance and special instructions as necessary for the conduct of SSP.

(4) Insures equitable and effective actions are taken, consistent with the Armed Services Procurement Regulation (ASPR), to obtain a manageable but competitive number of final proposals for the selection process.

(5) Reviews and approves the selection plan and revisions thereto.

(6) Performs an in-depth review of all information and data furnished by the SSAC and the SSEB and, after consideration thereof, selects the source(s).

e. *The SSAC:*

(1) Establishes the evaluation criteria using the selection plan.

(2) Establishes the evaluation criteria weights in the order of their relative importance.

(3) Establishes the relative importance of the evaluation criteria in a form to be used in the Request for Proposals (RFP).

(4) Establishes screening criteria for the development of a source list.

(5) Approves the RFP and the source list.

(6) Designates the chairman and membership of the SSEB using the selection plan and the criteria set forth under paragraph 4i.

(7) Reviews the contractor performance evaluation program histories and other pertinent records of contractor performance for the contractors involved; and when required, obtains oral briefings from the contractors and inspects their facilities.

(8) Reviews the findings of the SSEB and applies the established weights to the evaluation results.

(9) Prepares the Proposal Analysis Report.

(10) Provides briefings and consultation as directed by the SSA.

(11) After the selection is made by the SSA, documents for his signature the justification for the source selection.

(12) Forms such ad hoc working groups as may be necessary to assist in the administration of the SSAC functions.

f. *The SSEB:*

(1) Reviews and conducts in-depth discussions of the relative merits of each proposal against the requirements in the REP and the evaluation criteria, established by the SSAC. An element in the evaluation of proposals is the proposer's system for planning and controlling contract performance.

(2) Prepares the evaluation report.

(3) Provides briefings and consultation concerning the evaluation as may be required by the SSA or SSAC.

g. *The System Program director (SPD) or the official in an equivalent position:*

(1) Develops and prepares work statements, specifications, schedules, plans, procedures, etc., necessary for a complete and adequate RFP.

(2) Develops and prepares the RFP.

(3) Prepares a source list consistent with the ASPR policies, the SSA's instructions, and the SSAC's source list screening criteria.

(4) Develops and prepares the selection plan according to paragraph 4*b*.

6. Procedures Applicable to Processing Source Selection Data to the SSA:

a. When SSA has been retained by the Secretary of Defense the following will apply:

(1) The Secretary of the Air Force submits comments and views on the results of the evaluation and selection effort to the Secretary of Defense.

(2) HQ USAF:

(a) Reviews the evaluation data and all supporting documentation.

(b) After the Secretary of the Air Force has reviewed the results of the evaluation, prepares his comments and views, in accordance with his instructions, for his signature and submission to the Secretary of Defense.

(3) The SSAC provides briefings and consultations to HQ USAF, the commanders of AFSC and AFLC, and the commanders of the using commands.

(4) To provide the Secretary of the Air Force with sufficient information for a meaningful review, it may be necessary for the Secretary of the Air Force or HQ USAF to request the SSAC, SSEB, or the SPD to accomplish additional tasks related to the source selection.

(5) Each commander concerned submits comments and views on the results of evaluation and selection effort to HQ USAF.

b. When the Secretary of the Air Force is the SSA, advice from the SSAC, the concerned commanders, and from such other agencies and persons as he deems appropriate will normally be requested. In such instances and when the SSA is an official of HQ USAF:

(1) The SSAC submits advice with respect to the sources to be selected to HQ USAF.

(2) Each concerned commander submits his advice as to the source selection to HQ USAF.

(3) HQ USAF reviews the evaluation data and all supporting documentation and submits advice to the SSA.

(4) The SSAC, SSEB and the SPD (or official in an equivalent position) accomplishes such additional tasks as HQ USAF directs. The SSAC provides briefings and consultations to HQ USAF, the commanders of AFSC and AFLC, and other commanders concerned.

7. Release of Information on Source Selections:

a. No information will be released to the public or to Congressional interests on decisions or recommendations about source selections until released by the Secretray of the Air Force.

b. The chairman of the SSAC notifies the Director, The Secretariat, HQ USAF, of the pending source selection in sufficient time for the Director to initiate preparatory action with the Office of Legislative Liaison and the Office of Information, OSAF.

c. The Director, The Secretariat, HQ USAF, in conjunction with the appropriate staff offices, HQ USAF:

(1) Initiates preparatory action with the Office of Legislative Liaison and the Office of Information, OSAF, as necessary.

(2) When the selection decision is released by the Secretary of the Air Force, insures that a memorandum is prepared for the Office of Legislative Liaison and the Office of Information, OSAF, to include as appropriate;

(a) The designation of the system/project or subsystem being considered and the scope of work to be accomplished by the source.

(b) The name of the source selected and the location where the work is to be performed (if development and production will be performed at separate locations, specifies both locations).

(c) The major subcontractors involved and their location.

(d) The estimated dollar value of any contracts to be awarded citing current year's appropriations.

(3) Upon notification by the Office of Legislative Liaison, arranges with the appropriate staff offices, HQ USAF, to notify the selected source at a mutually agreed time.

(4) Announces a Chief of Staff Decision for Air Staff guidance.

d. The Office of Legislative Liaison and the Office of Information prepare the releases which are coordinated with appropriate Defense agencies for approval. After the Department of Defense approves the releases, the Office of Legislative Liaison establishes the exact timing of the Congressional notification, based upon the SSA's guidance, and notifies the Director, The Secretariat, the Office of Information and the Deputy Chief of Staff who is OPR for the source selection of this timing and any other pertinent details concerning the Congressional announcement.

8. Security and Protection of Sensitive Data:

a. All unclassified documents concerning selection of sources under the procedures prescribed by this regulation are designated as "For Official Use Only" under AFR 11–30. Protection of data submitted or developed during the source selection proceedings is of paramount importance.

b. Information submitted by contractors and information developed during the SSP is of an extremely sensitive nature. Accordingly, under no circumstances will any consultant, adviser, or member of the SSAC, the SSEB or of any ad hoc working group discuss the proceedings with any individual who is not a member of the organizations named, except as authorized under this regulation.

c. Any unauthorized disclosure or release of either classified information or source selection information designated as "For Official Use Only" under AFR 11–30 will be investigated and, as appropriate, will be treated under disciplinary procedures authorized by law or administrative regulations.

d. Data, exclusive of procurement documentation, received and/or developed during and subsequent to the source selection action by the SSAC and the SSEB pertaining to the selection process is maintained separate from normal, everyday files. Release of this data to persons other than the SSAC membership is by specific permission of the SSA for that specific source selection action.

9. Debriefing Procedures. In those cases where the SSA determines that detailed debriefings beyond that required by the ASPR would be of value, unsuccessful offerors may be provided debriefings upon request.

10. Waivers to this Regulation. Waiver of the application of any of the requirements of this regulation, to a proposed contract meeting the criteria of paragraphs 2a(1) and c may be granted only by the Secretary of Defense. Requests for waiver from organizational components subordinate to HQ USAF are submitted in writing to HQ USAF, with substantiating reasons therefor, for appropriate processing.

By order of the Secretary of the Air Force.

Gen. J. P. McConnell,
U.S. Air Force, Chief of Staff.

Col. John F. Rash,
U.S. Air Force,
Director of Administrative Services.

THE MILITARY BUDGET AND NATIONAL ECONOMIC PRIORITIES

Mr. PROXMIRE. Mr. President, on Tuesday, June 3, 1969, the Subcommittee on Economy in Government began a major set of hearings entitled "The Military Budget and National Economic Priorities."

The hearings represent a logical continuation of the work of the Joint Economic Committee and the Subcommittee on Economy in Government. No issue is of greater importance today than the level of defense spending and the relative importance of other nondefense priorities.

The question that our subcommittee is attempting to explore is: How can military and civilian needs be balanced?

On Tuesday, we heard from two distinguished scholars and statesmen, John Kenneth Galbraith, former Ambassador to India, and Charles Schultze, the former Director of the Bureau of the Budget.

On Wednesday, we heard from the distinguished and eminent Senator from Arkansas (Mr. Fulbright), chairman of the Committee on Foreign Relations.

Each of the statements delivered by the first three witnesses presented well defined and fully thought out facts and viewpoints to the subcommittee. In my opinion, the testimony of these three men constitutes important reference points in the current dialog of the national budget.

I therefore ask unanimous consent that they be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

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TESTIMONY OF JOHN KENNETH GALBRAITH, PAUL M. WARBURG, PROFESSOR OF ECONOMICS, HARVARD UNIVERSITY, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT JOINT ECONOMIC COMMITTEE, JUNE 3, 1969

Mr. Chairman: I am much pleased to be here this morning to help open this important series of hearings. We are all greatly in your debt, Mr. Chairman, for your effort in winning public attention for the role of the military power in our economic and political life—although perhaps the expressions of gratitude from the Pentagon will be less fervent than one might wish. You can't please everyone. Those of us who have been concerned with this issue over the years have. I believe, a special reason to appreciate your achievement. It is an issue which concerned citizens, including most liberals, have been sweeping under the rug for years. "Ah, yes—something should be done about it, by someone else." Now, thanks to you, it is on the national agenda.

In my brief time this morning, I would like to try to define the problem. Then I will make a few suggestions to guide your search for solutions. Now that concern has been aroused we must be certain that it leads to useful accomplishment. I take the liberty of appending to my remarks the text of a small paper I wrote some months ago on the subject.

It is in the current issue of *Harper's* and about to be published in pamphlet form.[1]

The importance of military spending in the economy—half the Federal budget, about one-tenth of the total economic product, I need not stress. Though much attention is focussed upon it, this bloodless economic side is not, I venture to think, the important feature. The important feature is the peculiar constitutional and bureaucratic arrangements which govern this economic activity.

In our ordinary economic arrangements we think of the individual as instructing the market by his purchases, the market, in turn, instructing the producing firm. Thus economic life is controlled. This the textbooks celebrate. And where public expenditures are concerned, the young are still taught that the legislature reflects the will of the citizen to the Executive. The Executive, in turn, effects that will.

I have argued[2] that with industrial development—with advanced technology, high organization, large and rigid commitments of capital—power *tends* to pass to the producing organization—to the modern large corporation. Not the customer but General Motors tends to be the source of the original decision on the modern automobile. If the consumer is reluctant he is persuaded—to a point at least.

This part of my case has not escaped argument. Dissent raises its head everywhere these days. But where military goods are concerned one encounters little or no argument. Here, it is agreed, the historic economic and constitutional sequence *is* reversed. The citizen does not instruct the legislature and the legislature the Pentagon and its associated industries. No one wants to be that naive. Vanity becomes the ally of truth. It is agreed that the Services and the weapons manufacturers decide what they want or need. They then instruct the Congress. The Congress, led by the military housecarls and sycophants among its members, hastens to comply. The citizen plays no role except to pay the bill. As I say, these matters are not subject to serious dispute, those with a special capacity to believe in fairy tales apart.

The power that has brought about this remarkable reversal—has assumed this authority—has, of course, been well identified. It is the military services acting individually or in association through the Department of Defense and the large military contractors. The latter, an important point, are few in number and highly specialized in their service to the military. In 1968, a hundred large firms had more than two-thirds (67.4 per cent) of all defense business. Of these, General Dynamics and Lockheed had more than the smallest fifty. A dozen firms specializing more or less completely on military business—McDonnell Douglas, General Dynamics, Lockheed, United Aircraft—together with General Electric and A.T. & T. had a third of all business. For most business firms defense business is inconsequential except as it affects prices, labor and material supply—and taxes. The common belief that all business benefits from weapons orders is quite wrong. For a few it is a rewarding source of business. The great multitude of business firms pay. The regional concentration, I might add, is equally high; in 1967 a third of all contracts went to California, New York and Texas. Ten states received two thirds. And no one should be misled by the argument that this picture is substantially altered by the distribution of subcontracts.

One must not think of the military power—the association of the military and the defense firms—in conspiratorial terms. It reflects an intimate but largely open association based on a solid community of bureaucratic and pecuniary interests. The Services seek the weapons; the suppliers find it profitable to supply them. The factors which accord plenary power of decision to the military and the defense plants, and which exclude effective interference by the Congress and the public, are quite commonplace. Nothing devious or wicked is involved. The following are the factors which sustain the military power.

First: There is the use of fear. This, of course, is most important. Anything which relates to war, and equally to nuclear weapons and nuclear conflict, touches a deeply sensitive public nerve. This is easily played on. The technique is to say, in effect, "Give us what we ask, do as we propose, or you will be in mortal danger of nuclear annihilation." In this respect one must pause to pay tribute to Secretary of Defense Laird. He has shown himself, on this matter, to have a very high learning skill.

Second: There is the monopoly, or near monopoly, of technical and intelligence information by the Services, their suppliers and the intelligence community. This monopoly, in turn, is protected by classification. This allows the military power to exclude the lay critic, including the legislator, as uninformed. But even the best scientist can be excluded on the grounds that he is not fully informed on the latest secret technology—or does not have the latest knowledge on what the Soviets or the Chinese are up to. Here too the new Administration has been very apt. If Secretary Laird deserves a special word of commendation on the way he has learned to use fear, Under Secretary Packard must be congratulated on the speed with which he has learned to discount criticism as inadequately informed of the latest secrets.

Third: There is the role of the single-firm supplier and the negotiated contract. These are largely inevitable with high technology. One cannot let out the MIRV to competitive bidding in the manner of mules and muskets. In Fiscal 1968, as the work of this Committee has revealed, sixty per cent of defense contracts were with firms that were the sole source of supply. Most of the remainder were awarded by negotiated bidding. Competitive bidding—11.5 per cent of the total—was nearly negligible. With single-firm supply, and in lesser degree with negotiated supply, opposition of interest between buyer and seller disappears. The buyer is as interested in the survival and well-being of the seller as is the seller himself. No one will enter this Elysium to cut prices, offer better work, earlier deliveries or cry favoritism. That is because there is no other seller. The situation, if I may be permitted the word, is cozy.

Fourth: There is the fiction that the specialized arms contractor is separate from the Services. The one is in the public sector. The other is private enterprise. As Professor Murray Weidenbaum (the notable authority on these matters), as well as others, have pointed out, the dividing line between the Services and their specialized suppliers exists mostly in the imagination. Where a corporation does all (or nearly all) of its business with the Department of Defense; uses much plant owned by the Government; gets its working capital in the form of progress payments from the Government; does not need to worry about competitors for it is the sole source of supply; accepts extensive guidance from the Pentagon on its management; is subject to detailed rules as to its accounting; and is extensively staffed by former Service personnel, only the remarkable flexibility of the English language allows us to call it private enterprise. Yet this is not an exceptional case, but a common one. General Dynamics, Lockheed, North American-Rockwell and such are public extensions of the bureaucracy. Yet the myth that they are private allows a good deal of freedom in pressing the case for weapons, encouraging unions and politicians to do so, supporting organizations as the Air Force Association which do so, allowing executives to do so, and otherwise protecting the military power. We have an amiable arrangement by which the defense firms, though part of the public bureaucracy, are largely exempt from its political and other constraints.

Fifth: This is a more subtle point. For a long period during the fifties and sixties during which the military power was consolidating its position, military expenditures had a highly functional role in the economy. They sustained employment; they also supported, as no other expenditures do, a high technical dynamic. And there was no wholly satisfactory substitute. More specifically, a high federal budget, supported by the corporate and progressive personal income tax, both of which increased more than proportionally with increasing income and reduced themselves more than proportionally if income faltered, built a high element of stability into the system. And the scientific and technical character of this outlay encouraged the expansion of the educational and research plant and employed its graduates. It was long a commonplace of Keynesian economics that civilian spending, similarly supported by a progressive tax system, would serve just as well as military spending. This argument which, alas, I have used myself on occasion was, I am now persuaded, wrong—an exercise in apologetics. Civilian spending does not evoke the same support on a large scale. (Even in these enlightened days I am told that Representative Rivers prefers naval ships to the Job Corps.) And although it is now hard to remember, the civilian pressures on the Federal budget until recent times were not extreme. Taxes were reduced in 1964 because the pressures to spend were not sufficient to offset tax collections at a high level of output—to neutralize the so-called fiscal drag. And civilian welfare spending does not support the same range of scientific and technical activities, or the related institutions, as does military spending. On a wide range of matters—electronics, air transport, computer systems, atomic energy—military appropriations paid for development costs too great or too risky to be undertaken by private firms. They served as a kind of honorary non-socialism.

Sixth and finally: There is the capacity—a notable phenomenon of our time—for organization, bureaucracy, to create its own truth—the truth that serves its prupose. The most remarkable example in recent times, of course, has been Vietnam. The

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[1] By Doubleday and New American Library.

[2] In *The New Industrial State*. Boston: Houghton Mifflin, 1967.

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achievements of bureaucratic truth here have been breathtaking. An essentially civilian conflict between the Vietnamese has been converted into an international conflict with a rich ideological portent for all mankind. South Vietnamese dictators of flagrantly regressive instincts have been converted into incipient Jeffersonians holding aloft the banners of an Asian democracy. Wholesale larceny in Saigon has become an indispensable aspect of free institutions. One of the world's most desultory and impermanent armies—with desertion rates running around 100,000 a year—was made, always potentially, into a paragon of martial vigor. Airplanes episodically bombing open acreage or dense jungle became an impenetrable barrier to men walking along the ground. An infinity of reverses, losses and defeats became victories deeply in disguise. There was nothing, or not much, that was cynical in this effort. For, for those who accept bureaucratic truth, it is the unbelievers who look confused, perverse and very wrong. Throughout the course of the war there was bitter anger in Saigon and here in Washington over the inability of numerous people—journalists, professors and others—to see military operations, the Saigon government, the pacification program, the South Vietnam army in the same rosy light as did the bureaucracy. Why couldn't all sensible people be the indignant instruments of the official belief—like Joe Alsop? (If I may pay tribute to the Edward Gibbon of the Vietcong.)

An equally spectacular set of bureaucratic truths has been created to serve the military power—and its weapons procurement. There is the military doctrine that whatever the dangers of a continued weapons race with the Soviet Union, these are less than any agreement that offers any perceptible opening for violation. Since no agreement can be watertight this largely protects the weapons industry from any effort at control. There is the belief that the conflict with communism is man's ultimate battle. Accordingly, no one would hesitate to destroy all life if communism seems seriously a threat. This belief allows acceptance of the arms race and the production of the requisite weapons no matter how dangerous. The present ideological differences between industrial systems will almost certainly look very different and possibly rather trivial from a perspective of fifty or a hundred years hence if we survive. Such thoughts are eccentric. There is also the belief that national interest is total, that of man inconsequential. So even the prospect of total death and destruction does not deter us from developing new weapons systems if some thread of national interest can be identified in the outcome. We can accept 75 million casualties if it forces the opposition to accept 150 million. We can agree with Senator Richard Russell that, if only one man and one woman are to be left on earth, they should be Americans. (Not from any particular part of the country, just Americans.) We can make it part of the case for the Manned Orbiting Laboratory (MOL) that it would maintain the American position up in space in the event of total devastation from Maine to California. Such is the power of bureaucratic truth that these things are widely accepted. And being accepted they sustain the military power.

What now should be our response? How do we get the power under control?

Our response must be in relation to the sources of power. Again for purposes of compressing this discussion, let me list specific points:

1. Everyone must know that fear is deployed as a weapon. So we must resist it. I am not a supporter of unilateral disarmament. I assume that the Soviets also have their military power sustained by its bureaucratic beliefs. But we must look at the problem calmly. We must never again be stampeded into blind voting for military budgets. These, as a practical matter, are as likely to serve the bureaucratic goals of the military power and the pecuniary goals of the contractors as they do the balance of terror with the Soviets. And we must ascertain which.

2. That part of the military budget that serves the the balance of terror can be reduced only with negotiations with the Soviets. As Charles Schultze and others have pointed out, however, this is a relatively small part of the military budget. The rest serves the goals of the military power and the interests of the suppliers. This can be curtailed. But it can only be curtailed if there is a vigorous reassertion of Congressional power. Obviously this will not happen if sycophants of the military remain the final word on military appropriations. The Congress has the choice of serving the people in accordance with constitutional design or serving Senator Russell and Representative Rivers in accordance with past habit.

3. Informed technical and scientific judgment must be brought to bear on the foregoing questions. This means that the Congress must equip itself with the very best of independent scientific judgment. And the men so mobilized must not be denied access to scientific and intelligence information. I believe that on military matters there should be a panel of scientists, a Military Audit Commission, responsible only to the Congress—and not necessarily including Edward Teller—to be a source of continuing and informed advice on military needs—and equally on military non-needs.

4. We must, as grown-up people, abandon now the myth that the big defense contractors are something separate from the public bureaucracy. They must be recognized for what they are—a part of the public establishment. Perhaps one day soon a further step should be taken. Perhaps any firm which, over a five-year period, has done more than 75% of its business with the Defense Department, should be made a full public corporation with all stock in public hands. No one will make the case that this is an assault on private enterprise. These firms are private only in the imagination. The action would ensure that such firms are held to strict standards of public responsibility in their political and other activities and expenditures. It would exclude the kind of conspiracy to protect capital gains that was recently uncovered in the Lockheed case. It would help prevent private enrichment at public expense. In light of the recent performance of the big defense contractors, no one would wish to argue that it would detract from efficiency. And the 75% rule would encourage firms that wish to avoid nationalization to diversify into civilian production. Needless to say, the 75% rule should be applicable to the defense units of the conglomerates. Perhaps to press this reform now would direct energies from more needed tasks. Let us, however, put it on the agenda.

5. Finally, it must be recognized that the big defense budgets of the fifties were a unique response to the conditions of that time. Then there were the deep fears generated by the Cold War, the seeming unity of the Communist world, and, at least in comparison with present circumstances, the seeming lack of urgency of domestic requirements. All this has now changed. We have a wide range of tacit understandings with the Soviets; we have come to understand that the average Soviet citizen—in this respect like the average American voter—is unresponsive to the idea of nuclear annihilation. The communist world has split into quarrelling factions. I am enchanted to reflect on the Soviet staff studies of the military potential of the Czech army in case of war. Perhaps, as I have said elsewhere, we have here the explanation of their odd passion for the Egyptians. And as all philosophers of the commonplace concede, we have the terrible urgency of civilian needs—of the cities, the environment, transportation, education, housing, indeed wherever we look. It is now even agreed as to where the danger to American democracy lies. It is not from the Soviet Union, China. It is from the starvation of our public services, particularly in our big cities, here at home.

Mr. Chairman, let me make one final point. Our concern here is not with inefficiency in military procurement. Nor is it with graft. These divert attention from the main point. And this is not a crusade against military men—against our fellow citizens in uniform. Soldiers were never meant to be commercial accessories of General Dynamics. It would horrify the great captains of American arms of past generations to discover that their successors are by way of becoming commercial accessories of Lockheed Aircraft Corporation.

The matter for concern is with the military power—a power that has passed from the public and the Congress to the Pentagon and its suppliers. And our concern is with the consequences—with the bloated budgets and bizarre bureaucratic truths that result. The point is important for it suggests that the restoration of power to the Congress is not a sectarian political task. It is one for all who respect traditional political and constitutional processes.

Statement of Charles L. Schultz, Professor of Economics, University of Maryland, Before the Subcommittee on Economy in Government, Joint Economic Committee, Hearings on "The Military Budget and National Economic Priorities"

Mr. Chairman, members of the Committee: The Committee's decision to hold hearings on the military budget and national economic priorities is not only welcome but timely. Over the next several years, the Executive and the Congress will be faced with a series of basic decisions on military programs and weapons systems, whose outcome will largely determine not only the nation's security and its military posture, but also the resources available to meet urgent domestic needs. It would be most unfortunate if those decisions were made piecemeal, without reference to their effect on non-military goals and priorities. Moreover, any one year's decisions on military programs—and, in fact, on many elements of the civilian budget—cast long, and usually wedge-shaped shadows into the future. Their cost in the initial budget year are often only a small fraction of the costs incurrent in succeeding years.

For these reasons there are two major prerequisites to inform discussion and decision about military budgets:

First, the benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities, which, in the context of limited resources, their adoption must necessarily sacrifice.

Second, the analysis of priorities must be placed in a longer-term context than the annual budget, since annual decisions—particularly with respect to large military forces or weapons systems—usually involve the use of scarce national resources, and therefore affect other national priorities, well into the future.

I might also add, parenthetically, that a review of military budgets in the context of a long-run evaluation of national priorities can directly serve the interests of national security itself. In the past year there has sprung up a widespread skepticism about the need, effectiveness, and efficiency of many components of the defense budget. This is a healthy development. But it must be harnessed and focused. In particular it must not be allowed to become a "knee-jerk" reaction, such that any proposed new military program is automatically attacked as unneeded or ineffective. We still live in a dangerous world. Effective and efficient provisions for the national security should rightfully be given

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a high priority. I believe that a proper balancing of military and civilian programs can best be achieved by a careful and *explicit* public discussion and evaluation of relative priorities in a long-term budgetary context. Neither the extreme which automatically stamps approval on anything carrying the national security label, nor its opposite which views any and all military spending as an unwarranted waste of national resources, has much to recommend it as a responsible attitude.

In this context I should like to discuss with the Committee three major aspects of the problem of national priorities:

A five-year summary projection of federal budgetary resources and the major claims on those resources.

A more detailed examination of the basic factors which are likely to determine the military component of those budget claims.

Finally, some tentative suggestions for improving the process by which defense budget decisions are made, designed particularly to bring into play an explicit consideration and balancing of national priorities, both military and civilian.

I. THE BUDGETARY FRAMEWORK

By definition, the concept of "priorities" involves the problem of choice. If, as a nation, we could have everything we wanted, if there were no constraints on achieving our goals, the problem of priorities would not arise. But once we recognize that we face limits or constraints, that we cannot simultaneously satisfy all the legitimate objectives which we might set for ourselves, then the necessity for *choice* arises.

There are various kinds of constraints. There is probably some limit to the public "energy" of a nation. Psychologically, the nation and its leaders cannot enthusiastically pursue a very large number of energy-consuming goals at the same time. The psychic cost is too high. Sometimes we face limits imposed by the scarcity of very specific resources. What we can do quickly, for example, to improve the availability of high quality medical care is limited in the short run by the scarcity of trained medical personnel. But the most pervasive limit to the achievement of our goals, even in a wealthy country like the United States, is the general availability of productive resources. If the economy is producing at full employment, additions to public spending require subtractions from private spending—and vice-versa.

From the point of view of public spending, the practical constraints we face are even tighter than this. I think it is a safe political prediction that during the next five years or so, and particularly once a settlement in Vietnam is reached, federal tax rates are unlikely to be raised. Reforms may, and should, occur. But the overall yield of the system is unlikely to be increased. If this judgment is correct, then the limits of budgetary resources available are given by the revenue yield of the existing tax system—a yield which will, of course, grow as the economy grows. And even those who believe that the needs of the public sector are so urgent as to warrant an increase in federal tax rates are likely to agree that an examination of long-term budgetary prospects should at least start with a projection of revenue yields under current tax laws.

Assuming for purposes of projection an initial constraint imposed by existing tax laws, it is then possible to determine roughly how large the budgetary resources available to the nation will be over the next five years, for expanding existing high-priority public programs, for creating new ones, for sharing revenues with the states or for reducing federal taxes. The magnitude of the budgetary resources available for these purposes—the "fiscal dividend"—will depend on *four basic factors:*

1. The growth in federal revenues yielded by a *growing economy;*

2. The budgetary savings which could be realized from a *ceasefire and troop withdrawal in Vietnam.* (These two factors, of course, *add* to fiscal dividend available for the purposes listed above. The next two *reduce* the fiscal dividend.)

3. The "built-in" and "automatic" increase in *civilian expenditures* which accompanies growing population and income. (This expenditure growth must be deducted before arriving at the net budgetary resources available for discretionary use.)

4. The probable increase in *non-Vietnam military expenditures* implicit in currently approved military programs and postures. (This increase must also be deducted in reaching the net fiscal dividend which can be devoted to domestic needs. Needless to say, of course, changes in military programs, policies, and force levels can affect this total.)

The net result of these four factors—the revenue yield from economic growth, the savings from a Vietnam ceasefire, the built-in growth of civilian expenditures, and the probable growth of the non-Vietnam military budget—measures the fiscal dividend available for meeting domestic needs.

Let me summarize the likely magnitude of each of these four budgetary elements five years from now. More precisely, I will attempt to project them from fiscal 1969 to fiscal 1974.

If we assume that economic growth continues at a healthy but not excessive pace, and that—optimistically perhaps—the annual rate of inflation is gradually scaled down from the current 4½ percent to a more tolerable 2 percent, *federal revenues should grow each year by $15 to $18 billion.* This is, of course, a cumulative growth, so that by the end of five years federal revenues should be about $85 billion higher than they are now. It is highly likely, however, that once the war in Vietnam is over, or substantially scaled down, the present 10 per cent surcharge will be allowed to expire. The yield of the surcharge five years from now would be some $15 billion. This must therefore be subtracted from the $85 billion revenue increase, leaving a net $70 billion growth in federal revenue between now and fiscal 1974.

A second potential addition to budgetary resources is the expenditure saving which could be realized upon a *Vietnam ceasefire and troop withdrawal* and a return to the pre-Vietnam level of armed forces. The current budget estimates the cost of U.S. military operations in Vietnam at about $26 billion. As I have pointed out elsewhere, however, this figure overstates somewhat the *additional* costs we are incurring in Vietnam. Even if our naval task forces were not deployed in the Gulf of Tonkin, they would be steaming on practice missions somewhere else. Hence some of the costs of those forces would be incurred even in the absence of fighting in Vietnam. Similarly, our B–52 squadrons, if not engaged in bombing missions, would be operating on training exercises. And the same is true for other activities. As best I can judge, the truly incremental, or additional, costs of Vietnam—which would disappear if a ceasefire and a return to pre-Vietnam force levels occurred—amount to about $20 billion. These savings would not, of course, be available the day after a ceasefire occurred, but would gradually be realized as withdrawal and demobilization occurred.

Within perhaps 18 months to two years after a ceasefire, this $20 billion in budgetary savings would be available to add to the $70 billion net growth in budget revenues—a total gross addition of $90 billion to resources available for other public purposes.

From this $90 billion, we must, however, make several deductions before arriving at a net fiscal dividend freely available for domestic use.

We can expect a fairly significant built-in growth in federal civilian expenditures over the next five years. As the GI's come home from Vietnam, educational expenditures under the GI bill of rights will naturally increase. Even if interest rates rise no further, the roll-over of older debt into new issues will increase interest payments. Expenditures under the Medicaid program will rise, although at a slower pace than in the last few years. A larger population and income almost automatically lead to higher public expenditures in many areas: more people visit national parks and the Park Service's outlays grow; more tax returns are filed and the Internal Revenue Service must expand to handle them; as airplane travel increases, federal expenditures on air traffic safety and control rise; and so on down the list. Social security benefits will almost certainly rise sharply if past practice is followed under which the Congress tends to raise benefit levels more or less in line with payroll revenues. For all of these reasons, I believe one must allow for a "built-in" growth of federal expenditures by some $35 billion over the next five years. Subtracting this $35 billion from the $90 billion additional resources calculated above leaves $55 billion for the fiscal dividend.

But yet another deduction must be made. Barring major changes in defense policies, military spending for *non-Vietnam* purposes will surely rise significantly over the next five years. There are *five* major factors working towards an increase in military expenditures.

1. *Military and civilian pay increases.* There are now 3½ million men in the Armed Forces. In addition some 1.3 million civilian employees, about 45 percent of the federal total, work for the Department of Defense. As wages and salaries in the private sector of the economy rise, the pay scales of these military and civilian employees of the Defense Department must also be raised. The military and civilian pay raise scheduled for this coming July 1 will add some $2.3 billion to the Defense budget. If we assume, conservatively, that in succeeding years private wage and salary increases average 4 to 4½ percent per year, the payroll costs of the Pentagon will rise by about $1½ billion each year.

2. *The future expenditure consequences of already approved weapons systems.* A large number of new and complex weapons systems have been approved as part of our defense posture; the bulk of the spending on which has not yet occurred.[1] Some major examples are:

The Minutemen III missile, with MIRV's; cost, $4½ billion

The Poseidon missile, with MIRV's; cost, including conversion of 31 Polaris subs, $5½–$6½ billion.

The Safeguard ABM system, with a currently estimated cost, including nuclear warheads, of some $8 billion, plus hundreds of millions per year in operating costs.

The F–14 Navy fighter plane in three versions; the 1970 posture statement indicates that the entire F–4 force of the Navy and Marine Corps may be replaced by the F–14. If so, the total investment and operations cost of this system over a 10-year period should be well in excess of $20 billion.

A new F–15 air-to-air combat fighter for the Air Force.

Three nuclear attack carriers at a currently estimated cost of $525–$540 million each

62 new naval escort vessels, at an investment cost of nearly $5 billion.

A number of new amphibious assault ships.

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[1] For most of the systems listed below, the decision to procure the item has already been made. In a few cases, such as the Navy's VSX antisubmarine plane, procurement has not yet been approved, but development is well along, and official statements of Defense Department officials have already indicated that the system is most likely to be approved.

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A new Navy anti-submarine plane, the VSX, at a cost of $2–$2½ billion.

A new continental air-defense system, including a complex "look-down" radar and an extensive modification program for the current F–106 interceptor.

These do not exhaust the list of new weapon systems already a part of the approved defense posture. But they do give some idea of the magnitude of the expenditures involved.

3. *Cost escalation*. The weapons systems costs given for each of the systems listed above represent current estimates. But, as this Committee is well aware, past experience indicates that final costs of complex military hardware systems almost always exceed original estimates.

A study of missile systems in the 1950's and early 1960's revealed that the average unit cost of missiles was 3.2 times the original estimates.

The nuclear carrier *Nimitz*, now under construction, was estimated in 1967 to cost $440 million. One year later the estimate was raised to $536 million. No new estimates have been released, but given the rapidly rising cost of shipbuilding, it is almost certain that this latter figure will be exceeded.

In January 1968 the Defense Department proposed a plan for building 68 naval escort vessels at a total cost of $3 billion. In January 1969 the estimated costs of that program has risen to $5 billion.

The cost of modernizing the carrier Midway was originally given as $88 million, and the work was scheduled to be completed in 24 months. In January 1969 the cost estimate was doubled, to $178 million, and the time estimate also doubled, to 48 months.

The Air Force's manned orbiting laboratory (the MOL) was originally announced by President Johnson at a cost of $1.5 billion. The latest estimate was $3 billion.

In many cases the rising unit costs of these systems forces reevaluation of the program and a reduction in the number purcased. The F–111 program is a classic case in point. Consequently the *aggregate* costs of the procurement budget do not rise by the same percentage as the inflation in *unit* costs. Nevertheless, cost escalation does tend to drive the total military budget upward.

4. *Weapons systems under development, advocated by the Joint Chiefs of Staff, but not yet approved for deployment*. In addition to weapons systems already approved, there are a large number of systems, currently under development, which are being advocated for deployment by the Joint Chiefs. Among these items are:

The AMSA—advanced manned strategic aircraft—a supersonic intercontinental bomber designed as a follow-on to the B–52. President Johnson's proposed 1970 budget requested $77 million for advanced development. Secretary Laird proposed an additional $23 million to shorten design time and start full-scale engineering development. This $10 million will be supplemented by $35 million of carryover funds. The investment cost of the AMSA, if procurement decision is made, are difficult to estimate, but it is hard to see how they could be less than $10 billion.

The new main battle tank is now in production engineering. Depending on the number purchased, a procurement decision will involve investment costs of $1 to $1½ billion.

A new advanced strategic missile in superhard silos is being advocated by the Air Force.

A new attack aircraft, the AX, is under development for the Air Force.

The Navy is proposing a major shipbuilding and reconversion program to replace or modernize large numbers of its older vessels.

A new continental air defense interceptor, the F–12, is being advocated by the Air Force.

A new underwater strategic missile system (the ULMS) is under development for the Navy.

In the normal course of events, not all of these new systems will be adopted in the next five years. But, in the normal course of events, some will be.

5. *Mutual escalation of the strategic arms race*. The United States is currently planning to equip its Minuteman III and Poseidon missiles with multiple independently targeted reentry vehicles (MIRV's). MIRV testing has been underway for some time. The original purpose of MIRV's was as a hedge against the development of a large-scale Soviet ABM system, in order to preserve our second-strike retaliatory capability in the face of such Soviet development. Recently, however, Pentagon officials have indicated that we are designing into our MIRV's the accuracy needed to destroy enemy missile sites—an accuracy much greater than needed to preserve the city-destroying capability of a retaliatory force. Secretary of Defense Laird, in recent testimony before the Armed Services Committee, for example, asked for additional funds to "improve significantly the accuracy of the Poseidon missile, thus enhancing its effectiveness against hard targets."

Putting MIRV's with hard-target killing capabilities on Poseidon alone will equip the U.S. strategic forces with 4000–5000 missile-destroying warheads. Viewed from Soviet eyes the United States appears to be acquiring the capability of knocking out Soviet land-based missile force in a first strike. It might be argued that the difficulties of attaining a hard-target killing capability on our MIRV's are so great that the objective will not be realized for many years, if ever. But without attempting to evaluate this observation, let me point out that what counts in the arms race is the Soviet reactions to our announcement. And, like our own conservative planners, the Soviets must assume that we will attain our objectives.

The United States has announced that in answer to the 200-Soviet SS–9's—which may be expanded and MIRV'd into 800 to 1000 hard-target warheads—it will build an ABM system. What must the Soviet reaction be when faced with the potential of 4000–5000 hard-target killers on Poseidon alone? As they respond—perhaps with an even larger submarine missile force than now planned, or by developing mobile land-based missiles—we may be forced into still another round of strategic arms building. This may not occur. But its likelihood should not be completely discounted.

I have seen several arguments as to why a new round in the strategic arms race will not be touched off by current U.S. policy. I think they are dubious at best. One argument notes that the U.S. development of MIRV's and ABM is being made against *a "greater-than-expected" threat*—i.e., a Soviet threat larger than current intelligence estimates project. Hence, runs the argument, should the Soviets respond to our new developments, this response has already been taken into account in the "greater-than-expected" threat against which we are currently building. Consequently, we would not have to respond ourselves with a still further strategic arms buildup. But this misses the very nature of "greater-than-expected" threat planning. Once the Soviets proceed to deploy a force which approaches the *current* "greater-than-expected" threat, then by definition a *new* "greater-than-expected" threat is generated, and additional strategic arms expenditures are undertaken to meet it. This is the heart of the dynamics of a strategic arms race.

Another argument is often used to discount the mutual escalation threat posed by MIRV's. Multiple warheads, it is argued, make an effective large area ABM practically impossible to attain. Hence, deployment of MIRV's destroys the rationale for a large-scale, city defense, ABM. So long as MIRV's do not have the accuracy to destroy enemy missiles on the ground, this argument might indeed have some validity. But once they acquire hard-target killing capability—or the Soviets think they have such capability—they are no longer simply a means of penetrating ABM's and preserving a second-strike retaliatory force; they provide, in the eyes of the enemy, a first-strike capability, against which he must respond.

Given these various factors tending to drive up the cost of the non-Vietnam components of the military budget, by how much are annual defense expenditures, outside of Vietnam, likely to rise over the next five years? Obviously, there is no pat answer to this question. Any projection must be highly tentative. But assuming the increase in civilian and military pay mentioned earlier, calculating the annual costs of the approved weapons systems listed above, and allowing for only modest cost escalation in individual systems, it seems likely that on these three grounds alone *non-Vietnam military expenditures by 1974 will be almost $20 billion higher than they are in fiscal 1969*. They will, in other words, almost fully absorb the savings realizable from a cessation of hostilities in Vietnam. And this calculation leaves *out* of account the possibility of more than modest cost escalation, the adoption of large new systems like the AMSA, and a further round of strategic arms escalation.

I might note that the 1970 defense budget—even after the reductions announced by Secretary Laird—already incorporates the first round of this increase. From fiscal 1969 to fiscal 1970, the *non-Vietnam* part of the defense budget will rise by $5½ to $6 billion, after allocating to it the Pentagon's share of the forthcoming military and civilian pay raise. In one year, almost 30 percent of this $20 billion rise will apparently take place.

Starting out with an additional $70 billion in federal revenues over the next five years, plus a $20 billion saving from a cease-fire in Vietnam, we earlier calculated a $90 billion gross increase in federal budgetary resources. From this we subtracted the $35 billion growth of "built-in" civilian expenditures and now we must further subtract a $20 billion rise in non-Vietnam military outlays, leaving a net fiscal dividend in fiscal 1974 of something in the order of $35 billion, available for discretionary use in meeting high priority public needs or additional tax cuts. That $35 billion, in turn, is itself subject to further reduction should major new weapons systems be approved, or should another round in the strategic arms race take place.

Let me make it clear, of course, that there is nothing inevitable about this projection of military expenditures. Some of the weapons systems I listed are in early stages of procurement. Other areas in the military budget can be analyzed, reviewed, and if warranted, reduced as a budgetary offset to the new systems. Hopefully, disarmament negotiations if held quickly, may prevent mutual strategic escalation. My projection assumes that no changes in basic policies, postures, and force levels occur. It is obviously the whole purpose of these hearings to examine that assumption, in the context of other national priorities.

II. THE BASIC FACTORS BEHIND RISING MILITARY BUDGETS

While the budget projection summarized above discusses some of the specific weapons systems which are likely to cause the defense budget to expand sharply in the next

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five years, it does not address itself to the underlying forces which threaten to produce this outcome. In the first half of the 1960's the military budget ran at about $50 billion per year. With those funds not only were U.S. strategic and conventional forces maintained, they were sharply improved in both quantity and quality. Both land- and sea-based missile forces were rapidly increased. Similarly dramatic increases in the general purpose forces were undertaken. Fourteen Army divisions, undermanned, trained primarily for tactical nuclear war, and short of combat consumables were expanded to over 16⅓ divisions, most of them fully manned. Equipment and logistic supply lines were sharply increased. The 16 tactical air wings were expanded to 21. Sea-lift and air-lift capability were radically improved.

In short, on $50 billion per year in the early 1960's, it appeared to be possible to buy not only the maintenance of a given military capability, but a sharp increase in that capability. By the early 1970's, taking into account general price inflation in the economy plus military and civilian pay increases, it would take $63–$65 billion to maintain the same purchasing power as $50 billion in 1965. Yet, as I have indicated earlier, even on conservative assumptions the non-Vietnam military budget is likely to approach $80 billion by fiscal 1974—$15 to $17 billion more than the amount needed to duplicate the general purchasing power the pre-Vietnam budget had—a budget which already was providing significant increases in military strength. Why this escalation? What forces are at work?

While there are a number of reasons for this increase, I would suggest that four are particularly important.

First, the impact of modern technology on the strategic nuclear forces. During most of the 1960's the primary goal of our strategic nuclear forces was the preservation of an "assured destruction capacity"—the ability to absorb an enemy's first strike and retaliate devastatingly on his homeland. In turn this capability provided nuclear deterrence against a potential aggressor. In general this could be described as a stable situation, in part because of the technology involved. To mount a first strike, an aggressor would have to be assured that he could knock out all—or substantially all—of his opponent's missiles. Since missiles did not have 100 percent reliability and accuracy for this task, more than one attacking missile would have to be targeted on the enemy missile force. For every missile added by the "defender," the attacker would have to add more than one. Hence, it was easy to show that first-strike capability could not be attained, since the opposing side could counter and maintain his second-strike capability as a less-than-equal cost. And, of course, the existence of mobile submarine launched missiles made the stability of the system even greater.

But the development of MIRV's, and more critically the development of guidance systems which are designed to make them accurate enough to "kill" enemy missiles on the ground, changes this balance. Now a single attacking missile, with multiple warheads, can theoretically take out several enemy missiles. The advantage to the first attacker rises sharply. Strategic planners on both sides, projecting these developments into the future, react sharply in terms of the danger they perceive their own forces to be facing. Add to this the development of ABM, which—however initially deployed—raises fears in the minds of enemy planners that it can be extended to protect cities against his submarine launched missiles, and escalation of the strategic arms race becomes increasingly likely.

The impact of changing technology on strategic arms budgets, therefore, is one of the driving forces which changes the prospects of post-Vietnam military expenditures from what they might have seemed several years ago.

The second major factor in driving arms budgets up is the propensity of military planners to prepare against almost every conceivable contingency or risk. And this applies both to force level planning and to the design of individual weapons systems. Forces are built to cover possible, but very remote, contingencies. Individual weapons systems are crowded with electronic equipment and built with capabilities for dealing with a very wide range of possible situations, including some highly unlikely ones.

If military technology were standing still, this propensity to cover remote contingencies might lead to a large military budget, but not to a rapidly expanding one. As technology continually advances, however, two developments occur: (1) As we learn about new technology, we project it forward into the Soviet arsenal, thereby creating new potential contingencies to be covered by our own forces; (2) The new technology raises the possibility of designing weapons systems to guard against contingencies which it had not been possible to protect against previously.

Continually advancing technology and the risk aversion of military planners, therefore, combine to produce ever more complex and expensive weapons systems and ever more contingencies to guard against.

Let me give some examples.

According to Dr. John S. Foster Jr., Deputy Director of Defense Research and Engineering in testimony before the Senate Armed Service Committee last year, the Poseidon missile system was originally designed to penetrate the Soviet TALLINN system—a system originally thought to be a widespread ABM defense. When this system turned out to be an anti-aircraft system, the deployment decision on the Poseidon was not revised. Rather it was continued as a hedge against a number of other possible Soviet developments, including in Dr. Foster's words the possibility that "the Minuteman force could be threatened by either rapid deployment of the current Soviet SS–9 or by MIRV'ing their existing missiles and improving accuracy."

Once the Soviets began to deploy the SS–9 in apparently larger number than earlier estimated, however, this gave rise to the decision to deploy a "Safeguard" ABM defense of Minuteman sites.

In short the sequence went like this: (1) The Poseidon deployment decision was made against a threat which never materialized; (2) despite the disappearance of the threat against which it was designed, the Poseidon was continued, presumably as a hedge against other potential threats, including faster-than expected Soviet deployment of the SS–9; (3) but now a decision has been made to hedge against the SS–9 by building a "hard-point" ABM—so we are presumably building the Poseidon as hedge against a number of possible Soviet threats, including the SS–9, and then building a hedge on top of that; (4) finally, new technology has made it possible to design a hard target killing accuracy into the Poseidon—an accuracy not needed to preserve our second strike capability against either the SS–9 or a Soviet ABM. The technology is available—why not use it! Yet the existence of that capability may well force a major Soviet response.

Another example of hedging against remote threats is the currently planned program of improvements in our continental air defense system. The existing SAGE system cost $18 billion to install but is apparently not very effective against low-altitude bomber attack. Although the Soviets have no sizable intercontinental bomber threat, the decision has been made to go ahead with major investments in a new air defense system. The major reasons given for this decision are these: to deter the Soviets from deciding to reverse their long-standing policy and develop a new bomber; to guard against one-way Kamikaze-type attacks by Soviet medium-range bombers; and to protect those of our missiles which would be withheld in a retaliatory strike. There is admittedly no direct threat to be covered. But a number of more remote threats are covered. And since we cannot defend our cities against Soviet missiles, it gives small comfort to have them protected against as yet non-existing bombers or Kamikaze attacks.

Another case in point is the new F–14 Navy aircraft. Both the F–111B and its successor, the initial version of the F–14, were designed to stand off from the carrier fleet and, with the complex Phoenix air-to-air missile, defend the fleet from a Soviet supersonic bomber plus missile threat, in the context of a major Soviet attack against our carrier forces. But as the Senate Defense Preparedness Subcommittee noted last year, this threat is "either limited or does not exist." Or as Chairman Mahon of the House Appropriations Committee noted, "The bomber threat against the fleet, as you know, has been predicted by Navy officials for some time. It has not, of course, developed to date."

The problem of what contingencies and risks are to be guarded against goes to the very heart of priority analysis. Primarily what we buy in the military budget is an attempt to protect the nation and its vital interests abroad from the danger and risks posed by hostile forces. We seek either to deter the hostile force from ever undertaking the particular action or if worst comes to worst, to ward off the action when it does occur. Similarly, in designing particular weapons systems, the degree of complexity and the performance requirements built into the systems depends in part on an evaluation of the various kinds of contingencies which the weapon is expected to face. Now there are almost an unlimited number of "threats" which can be conceived. The likelihood of their occurrence, however, ranges from a significant possibility to a very remote contingency. Moreover, the size of the forces and complexity of the weapons systems needed to guard against a particular set of threats depends upon whether the threats materialize simultaneously or not. If they do not occur simultaneously then very often forces developed to meet one contingency can be deployed against another. But the probability of two or more remote contingencies occurring simultaneously is obviously even lower than either taken separately.

Clearly we cannot prepare against every conceivable contingency. Even with a defense budget twice the present $80 billion, we could not do that. The real question of priorities involves the balance to be struck between attempting to buy protection against the more remote contingencies and using those funds for domestic purposes. In any given case, this is not a judgment which can be assisted by drawing up dogmatic rules in advance. And, since it is a question of balancing priorities, it is not a question which can be answered solely on military grounds or with military expertise alone—although such expertise must form an essential component of the decision process.

For what it is worth, it is my own judgment that we generally have tended in the postwar period to tip the balance too strongly in favor of spending large sums in attempting to cover a wide range of remote contingencies. And, as I have pointed out, this tendency—combined with the relentless ability of modern technology to create new contingencies and new systems to combat them—threatens to produce sizable increases in the defense budget.

A third important factor which is responsible for driving up the size of defense budg-

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ets is "modernization inflation."[2] The weapons system we now buy are vastly more costly than those we bought 10 or 20 years ago. The F-111A and the F-14A, for example, will cost 10 to 20 times what a tactical aircraft cost at the time of Korea. A small part of this increase is due to general inflation. But by far the largest part is due to the growing complexity and advanced performance of the weapons. In the case of tactical aircraft, speed, range, bombload, accuracy of fire, loiter time, ability to locate targets, and other characteristics are many times greater than models one or two decades older. The same kinds of performance comparison can be drawn between modern missile destroyers and their older counterparts, and between modern carriers and their predecessors. We pay sharply increased costs to obtain sharply increased performance. Yet seldom if ever is this advance in "quality" used to justify a reduction in the number of planes or carriers or destroyers or tanks. If bomb carrying capacity and lethal effectiveness is doubled or tripled, then presumably a smaller number of new planes can do the same job as a larger number of old planes. But the numbers generally stay the same or increase. As a consequence, modernization inflation primarily causes a net increase in military budgets rather than providing—at least partially—a reasoned basis for maintaining military effectiveness while reducing the level of forces.

In some cases, of course—for example, Soviet fighter aircraft—rising enemy capabilities may reduce the possibility of substituting quality for quantity. But the same kind of argument is hard to adduce for such weapons as carriers or attack bombers.

The fourth, and perhaps most important, reason for increasing military budgets is the fact that some of the most fundamental decisions which determine the size of these budgets are seldom subjected to outside review and only occasionally discussed and debated in the public arena. This problem is most acute in the case of the budget for the nation's general purpose forces. The fundamental assumptions and objectives of the strategic nuclear forces are more generally known and debated. But the assumptions, objectives and concepts underlying the general purpose forces—which even in peacetime take up 60 percent of the defense budget—are scarcely known and discussed by the Congress and the public. Congress does examine and debate the wisdom and effectiveness of particular weapons systems—the TFX, the C-5A, etc. But choices of weapons systems form only a part of the complex of decisions which determine the budget for our general purpose forces.

Those decisions can conveniently be classified into four types:

1. What are the nation's *commitments* around the world? While our strategic nuclear forces are primarily designed to deter a direct attack on the United States, our general purpose forces have their primary justification in terms of protecting U.S. interests in other parts of the world. At the present time, we have commitments of one kind or another, to help defend some 40-odd nations around the world—19 of them on the periphery of the Soviet-Eastern European bloc and Communist China. Almost all of these commitments were made quite some time ago, but they are still in force. Unless we wish to rely solely on "massive retaliation" as a means of fulfilling our commitments, they do pose a fundamental "raison d'etre" for general purpose forces of some size.

2. Granted the existence of these commitments, against what sort of *contingencies* or *threats* do we build our peacetime forces? A number of examples will help illustrate this aspect of decision making:

Pre-Vietnam (and, barring changes in policy, presumably *post-Vietnam*), our general purpose forces were built to fight *simultaneously* a NATO war, a Red Chinese attack in S.E. Asia, and to handle a minor problem in the Western Hemisphere, a' la' the Dominican Republic. Obviously the forces-in-being would not be sufficient, without further mobilization, to complete each of these tasks. But they were planned to handle simultaneously all of the three threats long enough to enable mobilization to take place if that should prove necessary.

The Navy is designed, among other tasks, to be capable of handling an all-out, non-nuclear, protracted war at sea with the Soviet Union.

The incremental costs of maintaining in-being a force to meet the Chinese attack contingency, probably amounts to about $5 billion per year. When in 1965 the nation decided to begin Federal aid to elementary and secondary education—which has subsequently been budgeted at less than $2 billion a year—a major national debate took place. To the best of my knowledge, there was no public comment or debate about the "Chinese contingency" decision. Yet the decision was not classified—it was publicly stated in the unclassified version of the Secretary of Defense's annual posture statement several years running. This is not to say that the decision was necessarily wrong. Rather, I want to stress that it has a very major impact on the defense budget, yet was not, so far as I know, debated or discussed by the Congress. This lack of debate cannot be laid at the door of the Pentagon, since the information was made available in the defense posture statement.

3. Granted the commitments and contingencies, what *force levels* are needed to meet those contingencies, and how are they to be based and deployed?

The Navy, for example, has 15 attack carrier task forces. The carrier forces are designed not merely to provide quick response, surge capability for air power, but to remain continually on station during a conflict. As a consequence, because of rotation, overhaul, crew-leave, and other considerations, one carrier on station generally requires two off-station as back-up. Thus for *five* carriers on station, we have *ten* back-up carriers. (The "on-station" to "back-up" ratio depends on the distance of the station from the carriers' base. The 2/1 is an average ratio.)

The pre-Vietnam Army comprised 16⅓ active divisions with eight ready reserve divisions. The 16⅓ division force is supported by a planned 23 tactical air wing (only 21 were in-being pre-Vietnam).

The Navy has eight anti-submarine carrier task forces.

Defense plans call for a fast amphibious assault capability, sufficient to land one division/air wing in the Pacific and ⅔ division/air wing in the Atlantic.

The force levels needed to meet our contingencies are, of course, significantly affected by the military decisions and capabilities of our allies. The U.S. situation in NATO, for example, is strongly affected by whether or not the divisions of our NATO allies are equipped with the combat consumables and rapid fire-power weapons enabling them to conduct a prolonged conventional war.

4. With what *weapons systems* should the forces be equipped? Such questions as nuclear versus conventional power for carrier and carrier escorts, the F-111B versus the F-14, the extent to which the F-14 replaces all the Navy's F-4's, must, of course, be decided.

Let me hasten to point out that there is no *inexorable logic* tying one set of decisions in this litany to another. Do not think that once a decision has been made on commitments that the appropriate contingencies we must prepare against are obvious and need no outside review; or that once we have stipulated the contingencies that the necessary force levels are automatically determined and can be left solely to the military for decision; or that once force levels are given, decisions about appropriate weapons systems can be dismissed as self-evident. There is a great deal of slippage and room for judgment and priority debate in the connection between any two steps in the process.

Some examples might help:

There is no magic relationship between the decision to build for a "2½ war" contingency (NATO war, Red Chinese attack, and Western Hemisphere trouble) and the fact that the Navy has 15 attack carrier task forces. In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy was allotted 15 capital ships. All during the nineteen twenties and thirties, the Navy had 15 battleships. Since 1951 (with temporary exception of a few years during the Korean war) it has had 15 attack carriers, the "modern" capital ship.[3] Missions and "contingencies" have changed sharply over the last 45 years. But this particular force level has not.

If one assumed, for example, that the Navy's carrier force should provide "surge" support to achieve quick air cover and tactical bombardment during an engagement, and then turned the job over to the tactical Air Force, the two-to-one ratio of back-up carriers to on-station carriers would not have to be maintained and the total force level could be reduced, even with the same contingencies. The wisdom or lack of wisdom in such a change would depend both upon a host of technical factors and upon a priority decision—does the additional "continuation" capability as opposed to "surge" capability buy advantages worth the resources devoted to it, on the order of $300–$400 million per year in operating and replacement costs per carrier task force.

Similar questions arise in other areas. Does the 16⅓ division Army peacetime force need 23 tactical air wings for support, or could it operate with the Marines' one-to-one ratio between air wings and divisions? Granted the 15 carrier task forces, must all of their F-4's be replaced by F-14's, as the Navy is apparently planning.

In short there is a logical order of decisions—commitments to contingencies to force levels to weapons systems—but the links between them are by no means inflexible, and require continuing review and oversight.

As I mentioned earlier, I am impressed by the fact that the Congress tends to concentrate primarily upon debate about weapons systems to the exclusion of the other important elements of the general purpose component of the defense budget. Many of the elements involved in military budget decision making cannot, of course, be made subject to specific legislation—I find it hard to see how the Congress could, or should, legislate the particular contingencies against which the peacetime forces should be built. But the Congress is the nation's principal forum in which public debate can be focused on the basic priorities and choices facing the country. It can, if the proper information is available and the proper institutional framework created, critically but responsibly examine and debate *all* of the basic assumptions and concepts which underlie the military budget. And it can do so in the content of comparing priorities. The Congress can explicitly discuss whether the particular risks which a billion dollar force level or weapons systems proposal is designed to cover are serious enough in comparison with a billion dollars worth of re-

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[2] This is the term used by Malcolm Hoag.

[3] This observation is reported by Desmond P. Wilson, *Evolution of the Attack Aircraft Carrier: A Case Study in Technology and Strategy*, Ph.D. Dissertation, M.I.T., February 1956.

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sources devoted to domestic needs to warrant going ahead. By so doing, the Congress as a whole can create the kind of understanding and political climate in which its own Armed Services and Appropriations Committees, the President, his Budget Bureau, and his Secretary of Defense can effectively review and control the military budget.

This brings me to my next point. The size and rapid increase in the defense budget is often blamed on the military-industrial complex. Sometimes it is also blamed on the fact that the Budget Bureau uses different procedures in reviewing the military budget than it does in the case of other agencies.

The uniformed Armed Services and large defense contractors clearly exist. Of necessity, and in fact quite rightly, they have views about and interests in military budget decisions. Yet I do not believe that the "problem" of military budgets is primarily attributable to the so-called military-industrial "complex." If defense contractors were all as disinterested in enlarging sales as local transit magnates, if retired military officers all went into selling soap and TV sets instead of missiles, if the Washington offices of defense contractors all were moved to the West Coast, if all this happened and nothing else, then I do not believe the military budget would be sharply lower than it now is. Primarily we have large military budgets because the American people, in the cold war environment of the nineteen fifties and sixties, have pretty much been willing to buy anything carrying the label "Needed for National Security." The political climate has, until recently, been such that, on fundamental matters, it was exceedingly difficult to challenge military judgments, and still avoid the stigma of playing fast and loose with the national security.

This is not a reflection on military officers as such. As a group they are well above average in competence and dedication. But in the interests of a balanced view of national priorities we need to get ourselves into a position where political leaders can view the expert recommendations of the military with the same independent judgment, decent respect, and healthy skepticism that they view the budgetary recommendations of such other experts as the Commissioner of Education, Surgeon General, and the Federal Manpower Administration.

I think the same approach can be taken with respect to the procedures used by the Budget Bureau to review the Budget of the Defense Department. In all other cases, agency budget requests are submitted to the Bureau, which reviews the budgets and then makes its own recommendations to the President subject to appeal by the agency head to the President. In the case of the Defense budget, the staff of the Budget Bureau and the staff of the Secretary of Defense jointly review the budget requests of the individual armed services. The staff make recommendations to their respective superiors. The Secretary of Defense and the Budget Director then meet to iron out differences of view. The Secretary of Defense then submits his budget request to the President, and the Budget Director has the right of carrying to the President any remaining areas of disagreement he thinks warrant Presidential review.

Given the complexity of the Defense budget and a Secretary of Defense with a genuine interest in economy, efficiency, and effectiveness, this procedure has many advantages. It probably tends to provide the Budget Director with better information on the program issues than he gets from other Departments. I think the procedure might perhaps be strengthened if the practice were instituted of having the Budget Director and the Secretary of Defense *jointly* submit the budget recommendation to the President, noting any differences of view.

But essentially, this procedural matter is of relatively modest importance. The Budget Bureau can effectively dig into and review what the President wants it to review under this procedure or many others. It can raise questions of budgetary priorities—questioning, for example, the worth of building forces against a particular set of contingencies on grounds of higher priority domestic needs—when and only when the President feels that he can effectively question military judgments on those grounds.

In my view therefore, the issues of the military-industrial complex, and of budget review procedures are important. But they are far less important than the basic issue of public attitudes, public understanding, and the need to generate an informed discussion about the fundamentals of the military budget in the context of national priorities.

With this in mind, let me suggest a few tentative proposals for improving public understanding and putting the military budget in a priorities framework.

III. TENTATIVE PROPOSALS FOR IMPROVING MILITARY BUDGET DECISIONS

The proposals I have in mind are addressed primarily to the Congress. As I noted earlier, many of the basic assumptions and concepts which determine the size of the military budget do not lend themselves, in the first instance, to direct legislative actions. But the Congress has another historic function—focusing public understanding and debate on important national concerns as a means of creating the framework within which both the Congress and the President can take the necessary specific actions. It is to this second function that my proposals are addressed.

As you know, each year for the last eight years the Secretary of Defense has submitted to the Congress an annual *posture statement*. This statement contains a wealth of information and analysis, and lays out most of the basic assumptions and concepts on which the military budget request is based. But, as I pointed out earlier, one of the most fundamental determinants of the military budget, particularly the general purpose forces, is the set of overseas commitments in which we have undertaken to defend other nations. Yet the Secretary of State submits no annual posture statement covering his area of responsibility and concern. Because of this lack of a State Department posture statement, the Defense posture statement each year has devoted its lengthy opening sections to a review of the foreign policy situation.

Recommendation 1. The Secretary of State should submit to the Congress each year a posture statement. This statement should, at a minimum, outline the overseas commitments of the United States, review their contribution or lack of contribution to the nation's vital interests, indicate how these commitments are being affected and are likely to be affected by developments in the international situation, and relate these commitments and interests to the military posture of the United States.

The Defense posture statement itself could be much more useful to the Congress and the nation if two important sets of additional information were supplied.

Recommendation 2. The Defense posture statement should incorporate a five-year projection of the future expenditure consequences of current and proposed military force levels, weapons procurement, etc. This need not, and should not, be an attempt to forecast *future* decisions. But it should contain, in effect, the five-year budgetary consequences of past decisions and of those proposed in the current budget request. And not only should this sum be given in total, but it should be broken into meaningful components.

One of the major problems in priority analysis is the fact that the first year's expenditures on the procurement of new weapons systems is very small. Hence it is quite possible in any one year for the Congress to authorize and appropriate, in sum, a relatively small amount for several new systems which, two to five years in the future, use up a very large amount of budgetary resources.

All sorts of technical details need to be worked out if this proposal is to be useful. What is a "decision" about a weapons system? The Defense Department plans, for example, call for three nuclear carriers to be built. Procurement funds have been requested for only two so far. Should the cost of the third be included in the projection? But with a little goodwill on both sides, these questions could be ironed out. Let me also note, that I am aware that the Congress—relying on past experience with cost escalation—may want to increase the official projections of many weapons systems costs in order to get a more accurate idea of the overall total.

Recommendation 3. The Defense posture statement should include more cost data on relevant components of forces and weapons systems. What is the annual cost of the forces we maintain in peacetime against the contingency of a Chinese attack on South East Asia? What is the systems cost of constructing and operating a naval attack carrier task force? What is the cost of buying and maintaining one tactical air-wing? What is the annual cost of operating each of the Navy's eight anti-submarine warfare carriers? These are precisely the kinds of information needed to make possible a rational and responsible debate about the military budget in the context of national priorities.

Given this information, it seems to me that the Congress could organize itself to use it effectively. To that end, very tentatively I would suggest the following recommendations:

Recommendation 4. An appropriate institution should be created within the Congress to review and analyze the two posture statements in the context of broad national priorities, and an annual report on the two statements should be issued by the Congress.

I use the peculiar terms "an appropriate institution" because I am not familiar enough with either Congressional practices or Congressional politics to specify its title more closely. Whether this institution should be a new Joint Committee, an existing Joint Committee, a Select Committee, an *ad hoc* merging of several Committees, or some other form, I do not know. But I can specify what I believe should be the characteristics of such an institution:

It should review the basic factors on which the military budget is based, in the context of a long-term projection of budgetary resources and national priorities.

It should have, as one part of its membership, Senators and Congressmen chiefly concerned with domestic affairs, to assert the claims of domestic needs.

It should not concern itself primarily with the technical details of weapons systems, procurement practices and the like; while these are very important, they are the province of other Committees. It is the "national priorities" of the military budget which should be the essence of the new institution's charter.

Above all, it should have a top flight, highly qualified staff. The matters involved do require final solution by the judgment of political leaders, but in the complex areas with which the new institution would deal, its deliberations must be supported by outstanding, full-time, professional staff work.

The institution I have described would have no legislative responsibilities. But I do not believe that makes it any less important. After all, the Joint Economic Committee has no legislative mandate. Yet in the past twenty-two years, its activities have immeasurably increased the quality and sophistication of public debate and of Congressional actions on matters of economic affairs and fiscal policy. Should an institution such as

I have described be created, I would only hope that twenty-two years from now it could look back on an equally productive life.

Statement by Senator J. W. Fulbright Before the Subcommittee on Economy in Government of the Joint Economic Committee on "The Military Budget and National Economic Priorities," June 4, 1969

Mr. Chairman, I appreciate being given an opportunity to testify at these hearings.

The subject you are considering goes to the heart of what government and our responsibilities as Senators, are all about. Our principal duty, as representatives of the people, is to use our best judgment in charting the nation's course for the future. The principal instrument for charting that course is the Federal budget, which represents the collective wisdom of the two of the three branches of government. The budget reflects the sense of values of the political leaders under whose direction the budget is prepared just as the final appropriation bills reflect the values of the dominant elements of the Congress.

The magnitude and the complexity of the military budget of our country, and the fragmented organizational structure of the Congress, make it difficult for any one Committee to review military spending from the perspective of national priorities, as your Committee is doing. I hope that these hearings will focus attention on the structural problem as well as the basic issue of national priorities. The military budget should be subjected to the same detailed scrutiny of Congress that other Federal programs receive. There should be no special privileges or exemptions from accounting in the expenditure of the people's taxes.

Your hearings focus on the question all Senators and Congressmen should have uppermost in their minds in approaching their responsibilities—what do we want our nation to be? Do we want it to be a Sparta, or an Athens? Do we want a world of diversity where security is founded on international cooperation, or do we want a Pax Americana? Do we as a people place a greater value on trying to mold foreign societies than we do on eliminating the inequities of our own society? I believe that, contrary to the traditions which have guided our nation since the days of the Founding Fathers, we are in grave danger of becoming a Sparta bent upon policing the world. The budget tells the story.

In the next fiscal year, it is proposed that about $81 billion be spent on a defense force of 3,500,000 men in uniform (plus reserves), 895 ships, 35,000 aircraft, and many thousands of long-range nuclear missiles. If past experience is a guide supplemental requests will push the total far higher. And with $8 billion budgeted for research and development on new and more sophisticated weapons next year, the budget demands for the military, if met, will easily more than consume any savings that may come from an end to the war in Vietnam.

With a military strategy based on fighting two and a half wars at once, and preparation geared to meet a "greater than expected threat" the sky is the limit to meet needs, as seen by military planners. In a recent statement of his defense philosophy, Secretary Laird said that his decisions would be based, not on enemy intentions, but on their capability. If the Soviets adopt the same philosophy, both countries will surely spend themselves into bankruptcy.

What does the budget for defense mean in terms of dividing up the pie?

It means that, outside of trust fund spending, about 55 cents out of every dollar the Federal Government spends goes to the military.

It means that 70 cents of every dollar from general revenue will go for paying for the cost of wars—past, present, and future.

It means that over $400 per capita will be spent on the military—an increase of 60 percent in each citizen's bill for the military over the last five years.

It is not until we look at what is left to take care of domestic needs that the full impact of military spending becomes apparent. Members of this Committee, with long experience in studying our nation's economic and social problems, are acutely aware of the many unmet needs of our society.

Education is an example of such a need. Schools from kindergarten to graduate school are overcrowded and underfinanced. Nine billion dollars is *authorized* for the various programs of the Office of Education in the next fiscal year. Only about one-third the amount authorized, $3.2 billion, is included in the budget.

Less is proposed for *elementary and secondary education* than it costs to assemble an attack carrier task force; we have fifteen such carriers.

More is budgeted for chemical and biological weapons than is to be spent for *vocational education*.

More will be spent on the ABM, taking the military estimate at face value, than will be invested in *higher* education.

Five times as much will be spent on a nuclear carrier as will be provided for libraries and other community services.

Six times as much is budgeted for the Air Force's Manned Orbiting Laboratory as is slated for education of the handicapped.

This all adds up to the fact that less than $39 per capita is being invested by the Federal Government in the education and training of our citizens, about one-tenth the amount going to the military. I do not believe this is an accurate reflection of the real desires of the American people, but it does reflect the present distribution of power among the bureaucracies of Washington.

In the midst of our great affluence, poverty is still a way of life for 23 million Americans.

Our cities are going downhill rapidly. There has been much talk, but little action, about how to make cities fit places in which to live again. The Kerner Commission recommendations, so widely hailed a year ago, are still no more than that. The Model Cities program is budgeted for an amount comparable to that allotted for foreign military aid. *Thirteen dollars* per capita is the total for all community development and housing programs, about *3* percent of the per capita bill for military activities. If this nation can afford to pour out $23 billion on missile systems in the last 16 years, and then abandon them, as revealed by Senator Symington earlier this year, surely it can afford to do far more to make the cities liveable.

This list could go on. But it would be but a repetition of the same theme. Our system of priorities is cockeyed.

By the end of the coming fiscal year we will have spent about one thousand, two hundred and fifty billion on the military since the end of World War II. It has been said that the United States and the Soviets between them possess the equivalent of 15 tons of high explosives for every human being on earth. Yet security eludes us abroad—and at home. The greatest threat to peace and domestic tranquillity is not in Hanoi, Moscow, or Peking, but in our colleges and in ghettoes of cities throughout our land. The state of our real security is evidenced by the fact that it is no longer an extraordinary event for the National Guard or the Army to be called out to control our own people. The Army now boasts that 680,000 men in the Armed Forces have been trained for riot duty. Largely due to the Congress' failure to put first things first in the budget, this training will most likely be put to use in the long, hot summer ahead.

I believe that the turmoil on the campuses, the unrest in the cities, and the signs of a taxpayer revolt are not unrelated to the distortion in our [national values that seeks world peace and tranquility through the force of arms.] Professor George Wald of Harvard, in speaking of the causes of student unrest put it this way:

"Just after World War II, a series of new and abnormal procedures came into American life. We regarded them at the time as temporary aberrations. We thought we would get back to normal American life someday.

"But those procedures have stayed with us now for more than twenty years, and those students of mine have never known anything else. They think those things are normal. They think that we've always had a Pentagon, that we have always had a big Army, and that we have always had a draft. But those are all new things in American life, and I think that they are incompatible with what America meant before."

He summed the problem up by saying:

"I think I know what is bothering the students. I think that what we are up against is a generation that is by no means sure that it has a future."

Congress has it within its power to give assurance to our nation's youth that they do have a future; a future in which their government puts the happiness and well-being of its citizens above Pax Americana and foreign adventures. I believe there would be far less unrest and divisiveness in our society today if the Congress were as willing to vote $85 billion for rebuilding our cities, and creating a better life here, as it was to finance the disastrous war in Vietnam.

There are signs of a growing public awareness of the problem of runaway military spending and that this awareness is at last being reflected in the Congress. Perhaps this questioning of military programs is the natural result of four years of warfare that brought only a stalemate. If the war serves no purpose other than to make the Congress treat the military budget as any other call on the public treasury, it will not have been a total loss. Congress has been following a double standard when it comes to the military. It would never tolerate, in any other agency, performances such as those by the Defense officials and private contractors that have been revealed in the C–5A and other weapons programs. There should be only one standard, applicable to all government agencies and personnel, when it comes to spending the taxpayers' money. I hope that this year will mark the beginning of an independent review by Congress of the military budget and a re-establishing of national priorities which will give America's young people hope for the future.

Again, I congratulate your Committee for bringing attention to the issue of national priorities. I know that your hearings will make a significant contribution to the public dialogue on this most important subject.

Thank you for allowing me this opportunity to testify. I ask permission to have several tables and articles printed at an appropriate point in the record.

Statement of Hon. J. William Fulbright, a U.S. Senator From the State of Arkansas

Senator Fulbright. Mr. Chairman, I appreciate being given an opportunity to testify at these hearings.

I think the subject you are considering goes to the heart of what government, and our responsibilities as Senators, are all about. I feel that our principal duty, as representatives of the people, is to use our best judgment in charting the nation's course for the future. The principal instrument for charting that course is the Federal budget, which

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represents the collective wisdom of two of the three branches of government. The budget reflects the sense of values of the political leaders under whose direction the budget is prepared, just as the final appropriation bills reflect the value of the dominant elements of the Congress.

The magnitude and the complexity of the military budget of our country, and the fragmented organizational structure of the Congress, make it difficult for any one committee to review military spending from the perspective of national priorities, as your committee is doing. I hope that these hearings will focus attention on the structural problem as well as the basic issue of national priorities. The military budget should be subjected to the same detailed scrutiny of Congress that other Federal programs receive. There should be no special privileges or exemptions from accounting in the expenditures of the peoples' taxes. Even though it be for military goods.

Mr. Chairman, I have prepared some further comments primarily consisting of data which has been published with regard to the budget, which I ask the committee to include as a part of my statement, and allow me to make some additional remarks.

Senator PROXMIRE. Without objection, the full statement will be printed.

Senator FULBRIGHT. There are a great many statistics in there, and perhaps the committee and the fine staff have these, but in order to make this a complete statement I brought it together for this purpose.

Mr. Chairman, the point of reference in considering a budget, it seems to me, is what kind of country we wish America to be. It has been well said that "the question if whether America seeks to be a great military empire or a humanistic example to the world."

That quote, it seems to me, is the very center of the discussion which is going on today and has been going on. It went along for four years of the last administration, and among the members of the Foreign Relations Committee in the previous administration. And I predict it will be the very center of discussion which will continue through this administration.

The previous administration's efforts to achieve both, that is, a great military empire and a humanistic example to the world, or as it has been said, to build Sparta on top of Athens, resulted in a confused society and the ultimate predominance of the military, over domestic and civilian needs.

That our society is confused and distracted is daily attested by the violence and turmoil among our youth in the colleges and the poor and neglected in the cities. And now there are even signs of a taxpayers' revolt.

A taxpayer from a large and wealthy northern state recently sent me a copy of the statement he filed along with his tax return. Following some very perceptive comments about the government's policies, he ended with these words:

"Now the government comes to me, the taxpayer, and demands more money in the form of a surtax on my income. But it has so wantonly and shamefully used the money I have already paid it. Shall I provide it more money to continue this outrageous war?"

"In good conscience, I cannot willingly do this. I am, therefore, withholding at this time part of the surtax due to show my deep concern about the tragic Vietnam policy of this government."

Next to the taxpayers, the students are perhaps the most important of our citizens. It is no secret that a great many students are disillusioned with our society. Many adults are puzzled by the attitude of the students, and all of us, deplore the violence of the extremists on the campuses who confuse and obstruct real and serious purposes of the majority of students.

Recently I received a letter, from a young man in one of our fine colleges, with some profound thoughts about why so many students are unhappy and dissatisfied. And I think an excerpt from the letter expresses it far better than I can. And I quote from the student's letter: ". . . these students were educated to value truth"—I may say by way of background he was discussing some of the students who were so dissatisfied that they had emigrated to other countries. And this was not one of them. This man is simply giving me his views: ". . . these students were educated to value truth and justice; and their educators succeeded. Nuremburg taught them that good men do not cooperate with injustice; and they understood and agreed. Now they see their own country is practicing injustice. Now their own country, try as it will, cannot force them to cooperate. They understand that the war is as much the result of folly as of evil, but that is no consolation. They love the nation which taught them the value of truth and justice, and now they feel compelled to turn against their own parent. It is a bitter choice.

"Johnson promised peace and we got war. Nixon promised peace and the generals say, 'at least two more years of war'. When will we have peace? When we are all dead?"

Mr. Chairman, I cite these two examples simply to emphasize, if I possibly can, the seriousness of the questions you are raising in these hearings. Students and taxpayers are puzzled and distressed by the policies of their government.

Discussions of budgetary matters, the enormous sums, so large as to be beyond the comprehension of mortal man, tend to become abstractions and seem to have no relevance to our personal lives. This is one of the reasons why the military budget in particular has never been subjected to the same scrutiny applicable to the civilian activities of our government.

But the way we allocate our resources is the fundamental barometer of our values as a civilized society, over the long run. Our values and our budget have been grossly distorted in recent years by several different influences—some of them inadvertent and others by design.

Personally, I am convinced the great majority of the American people would like for their country to be a humane example to the world, and by the force of its example lead others, as well as our own people, to a better life.

Mr. Chairman, the plans of our military leaders, as revealed in their posture statements and actual operations make it clear that the policy of our government is not—and I repeat, not—to move this country in the direction of becoming an example of an effective society of superior excellence deserving the approval and emulation of others. On the contrary, the objective of the policy planners as revealed by their programs is precisely what so many of our leaders deny—the creation of the greatest military power and the maintenance of a Pax Americana. In short that means the imposition of peace by force of arms, supplied, manned and paid for primarily by the taxpayers of the United States.

It is a well known psychological phenomenon that men and governments often deny categorically the impulses or unconscious purposes to which they are subject. The striking differences between subjective perception and objective reality is one of the most interesting of psychological phenomena. Big and powerful nations are especially susceptible to this kind of aberration.

It is a subject which I hope my committee will look into further in the near future.

When one contemplates the enormous, fantastic outlay of funds to build and maintain the nuclear aircraft carrier task forces—and as you know, we now have 15 of them and the Russians have none—and wonders why, there is one obvious explanation—we are organizing the peace of the world based upon our own military force—we are, in effect, policing and preparing to police the world.

For further confirmation of this view, one may recall the request in last year's budget for fast logistic supply ships to be stationed around the world ready for intervention in nearly any area of the world on a moment's notice.

You will recall, it was deferred, but it reappeared this year. But the notorious C5A airplane is likewise designed to transport troops quickly to any place on the globe. That is the main purpose, so that we can intervene anywhere in support of the fast logistic ships.

Now, Mr. Chairman, I return once more to my original thought, that the point of reference for a discussion of the budget is what kind of country do we want America to be. Until we settle this in our own minds, how can we make wise choices among the many different programs presented to us? In order not to be misunderstood, I wish to add that to be a humanistic example to the world does not require unilateral disarmament, it does not in the foreseeable future mean disarmament, but it does mean a halt to the absurd, wildly extravagant arms race presently being pursued by our government.

And from which presently there is no indication we will even negotiate or talk with other super powers.

To halt this race does not require that we alter the present balance of terror provided by the ICBMs, the bombers and the submarines. It merely means not to proceed with the enormously costly new programs now being considered and proposed by the planners. At the very least, we should not proceed with the MIRV and ABM until we have, in good faith, opened negotiations with the Russians on arms control in accordance with Article 6 of the Non-Proliferation Treaty.

In addition to these measures, we should end the enormous arms sales programs and begin to dismantle many of the surplus and obsolete military installations scattered around the world which are extremely costly and serve no useful purpose.

I think you have already had testimony there. There are estimated to be over 400 of what they call bases, and some 2,000 installations. These distinctions, I may say, are very difficult to be precise about.

Mr. Chairman, I have several tables giving the figures comparing how very little relatively we spend as a community upon such activities as education in all its phases, health, the relief of hunger and abject poverty, the prevention of pollution of our environment. I will not take the time of the committee to read the figures. I will sum up this aspect of the case by simply pointing out that since World War II we have spent roughly ten times as much on warfare and its attendant requirements as we have on the welfare of our people.

The misguided urgencies and unwise priorities revealed in this budget, threaten the essential fabric of our self-governing society.

The essence of a democratic society, in my view, is the voluntary allegiance and devotion of its citizens to the basic values and purposes of the community. If the allegiance is not voluntary, it may be a nation but it will not be a democratic society.

It is in this respect that I am apprehensive about the future of our country unless we change the present objectives and the policies upon which the budget apparently is based.

I am apprehensive about the future of our country because not only are the students and the taxpayers among us disillusioned by our performance, but many of the sensitive and intelligent parents also are questioning the values and purposes of our government.

In conclusion I wish to read a few excerpts from a letter from a concerned and

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thoughtful and passionate father, which illustrates this point.

I received it only a few days ago. The letter is dated May 26, 1969. Part of it is as follows—it is a long letter, I won't read it all, but it is available if the Chairman would like to read it all:

"Dear Senator Fulbright: My son David, age 19, died in Vietnam the 20th of May 1969 while serving in the Marine Corps. The funeral will be in Davenport, Iowa, when his body returns home, and burial will be in Rock Island National Cemetery in Illinois.

"I send this to you not advertising my personal love for my son and grief at his loss. Although these things are personal and are not ordinarily expressed, we are not in ordinary times. I send you this, rather, as the only personal contribution I can make, my grief and my anger, in hope that soon no more Davids need occur.

"I send it to a member of the one organization who can control whether this nation goes to war."

I may say I do not know this gentleman, he sent it to me incidentally simply as Chairman of the Committee.

"I sent it as a physician who has spent his adult life, and five years of it in the service, in the world of salvaging lives, and to whom, therefore, killing is a special anathema.

"As a man of integrity, I trust you will use this in the national rather than a narrow political interest. You may extract whatever part, read whatever part you choose, and again I trust you not to subvert its meaning. I am a lifelong Republican and I have no embarrassing connections.

"David will never have sons of his own. He has died before he had a chance to form a family and before he could vote.

"David, and all the Davids, leave a legacy, just the same. But, it is a silent legacy unless we take the trouble to listen to it.

"Are we going to take cynical refuge in the time honored escape clause that war is inevitable, and therefore acceptable, and because it is acceptable, by definition, then, bound to be sane and normal? If this is so, then what lies in my son's coffin is an obscenity, a ghastly joke on dedicated men and their families.

"I submit to you that aggressive warfare, not in direct defense of our nation is not inevitable, not acceptable, and neither sane nor normal behavior. I submit that the good men who have given the ultimate a human being can give will not rest until we stop all such wars we are involved in. And more, that we take the technology we have now and the brains and heart of the good men that are left and devote these to the careful scrutiny of what war is, where it comes from, and how we can substitute other modes of action for it. We already know where war leads. History is largely a chronicle of systematic inhumanity by one man to another. The devastating effect of this on the fabric of nations is commonplace knowledge. All lose. None win.

"If this nation does not act responsibly in this area, it does not deserve the life of my son nor any other man. Nor will the nation itself have long life. It is doomed if it does not devote total first effort to ceasing this horror.

"I believe that the stored combined rage and grief of the parents of all the Davids, and the clear sense of betrayal and anger of the young led away from home like cattle are right now enough to tear this nation asunder if they find concerted expression."

Signed "DCD, M.D."

That paragraph describes more eloquently than anything I can say the anguish of the student, the parent, the taxpayers, yes of all Americans who genuinely love the traditional America of Jefferson and Lincoln, America which has sought truth and justice and the respect of mankind.

And it is to resurrect, to revive, to give renewed life to that America that the members of the Senate today are devoting their efforts. The examination of our priorities by this committee is in my opinion a significant contribution to those efforts.

Thank you, Mr. Chairman.

Senator Proxmire. Thank you Senator Fulbright, for a very moving and eloquent statement, and for helping put this whole problem into perspective.

Senator Fulbright, there are those in the country, including some in very high office, who charge that criticism of military spending or reconsideration of the absolute priority given to the military budget somehow constitutes rejection of the military, constitutes an unpatriotic act which can only weaken this country and its ability to meet its obligations.

THE JUDICIAL REFORM ACT—HISTORY AND CONSTITUTIONALITY

Mr. TYDINGS. Mr. President, on October 15, 1965, shortly after I became chairman of the Subcommittee on Improvements in Judicial Machinery, I stated on the floor of the Senate that, although on the whole the general caliber of the Federal judiciary has been extremely high, "the problem of the unfit judge is a serious challenge to our judicial system." I announced, at that time, that the subcommittee was going to undertake an extensive study of the problems caused by disabled judges and by judges whose conduct fails to meet the standard of "good behavior" required by the Constitution.

On February 15, 1966, the subcommittee held its first exploratory hearing on the vital but sensitive problems of judicial fitness. The testimony at that hearing clearly documented not only that there have been sick and corrupt judges on the Federal bench, but also the great harm that such judges do and the inadequacy of the present machinery for dealing with them.

Subsequently, in 1966, the subcommittee held a series of hearings to inquire into the manner in which the States deal with the unfit judge. These hearings concentrated on the New York Court of the Judiciary and the California Commission on Judicial Qualifications, both of which have had success in dealing with these sensitive problems.

The next year was spent in discussion, research, and analysis, all of which culminated in the introduction of the Judicial Reform Act on February 28, 1968. This legislation deals with a wide range of judicial administration issues, including liberalized retirement, selection of chief judges, the composition of judicial councils and judicial survivorship benefits. The primary feature of the act, however, is the establishment of a permanent Commission on Judicial Disabilities and Tenure, composed of five judges assigned to Commission service by the Chief Justice. This Commission would be empowered to effect the retirement of disabled judges or recommend the removal of Federal judges who violate the constitutional standard of "good behavior." Closely related to the removal provisions of the act are provisions dealing with judicial conflicts of interest and provisions requiring each judge of the United States to disclose his financial interests. During the spring and summer of 1968, the subcommittee heard 6 days of testimony on the specific provisions of S. 3055.

The hearings, correspondence, and conferences arising out of the introduction of the Judicial Reform Act in 1968 served to illuminate the problems that the legislation was designed to meet and also to produce important suggestions for the improvement of the legislation. On the basis of those suggestions, a number of revisions were made in the act. On March 12, 1969, I, with a bipartisan group of ten distinguished Senators, reintroduced the Judicial Reform Act as S. 1506. The cosponsors are Senators Eagleton, Goodell, Hatfield, Kennedy, Magnuson, Mondale, Muskie, Scott, Stevens, and Yarborough. I invite the other Members of the Senate to add their names as cosponsors.

The Judicial Reform Act has had a long history, but the events of the past few weeks have made its provisions seem particularly relevant. Today, the Federal judiciary is facing a crisis of confidence, a crisis that threatens to gravely impair its strength and its effectiveness.

To a large extent, the present crisis of confidence stems not only from the absence of effective machinery to investigate accusations of judicial unfitness but also from the judiciary's failure to keep its house in order. Aside from the totally inadequate impeachment process, no machinery now exists for a fair and expeditious evaluation of charges of judicial misconduct. Even when using powers of persuasion and the remedies available under section 372 of the Judicial Code, the judiciary has been slow to encourage the retirement of a disabled or senile judge. An exaggerated view of judicial independence and the customary inertia of the judiciary has deterred the judiciary from meaningful attempts to codify standards of judicial conduct or to require the disclosure of extra-judicial activity and compensation. The one instance of Judicial Conference action—a resolution forbidding judges to be directors. officers or employees of commercial corporations—came only after a series of prize winning press articles on corporate and bank directorships held by various judges, and after the introduction of legislation in the Congress to penalize such extrajudicial activity. Even that resolution can be violated with impunity for there are no effective means of enforcement.

As an independent branch of the Federal Government holding all Federal judicial power under the Constitution, the judiciary has inherent power to police itself. The Judicial Reform Act does no more than create machinery that will assist the judicial branch to exercise effectively its power. In my mind, it represents an idea whose time has come.

I request that the following two memorandums be printed in the Record at this point:

First. The History of the Judicial Reform Act.

Second. Constitutionality of a Statutory Alternative to Impeachment.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE HISTORY OF THE JUDICIAL REFORM ACT

OCTOBER 15, 1965

(The Subcommittee on Improvements in Judicial Machinery began its study of the problems of unfit Federal judges)

The Judicial Reform Act which I introduced in 1968 and again this year would require all Federal judges and justices to disclose their financial interests including the sources of their income. It would also create machinery within the judiciary to deal with judges who, through their actions, have failed to meet the standard of "good behavior" required by Article III of the Constitution, or who are unable to perform their judicial duties because of some disabling mental or physical infirmities.

The Act is an extension of the work done over the past three decades by Hatton Sumners, Estes Kefauver, John Biggs, Joseph Borkin, and many other men of conscience and distinction. It is the culmination of over three and one-half years of effort on my part and on the part of the Subcommittee on Improvements in Judiciary Machinery of which I am Chairman.

On *October 15, 1965*, shortly after I became Chairman of the Subcommittee, I stated on the floor of the Senate that although on the whole the general caliber of the Federal judiciary has been extremely high, ". . . the problem of the unfit judge is a serious challenge to our judicial system." I announced at that time that the Subcommittee was going to undertake an extensive study of he problem of the unfit judge with the hope that we would be able to provide helpful legislation. In an initial effort to stimulate discussion, reprints of my *October 15* speech were mailed to the entire Federal bench and to all United States Attorneys.

FEBRUARY 15, 1966

(An exploratory hearing was held on the problems of judicial fitness)

On *February 15, 1966*, the Subcommittee held its first exploratory hearings on the vital, but sensitive problems of judicial fitness. At that time the Subcommittee heard testimony from John Biggs, Jr., the distinguished senior judge from the Third Circuit; Bernard G. Segal, Esquire, now President-elect of the American Bar Association; and Joseph Borkin, Esquire, author of The Corrupt Judge.

The three witnesses graphically described instances of disability and misconduct on the Federal bench. Consider, for example, the startling saga of Judge Davis and Judge Buffington. At the age of 86, Judge Buffington was still on the bench. He was deaf, blind, and senile, and refused to hire a law clerk. Yet, he continued to turn out written opinions in case after case—Judge Davis was writing, selling, and concurring in the decisions that Judge Buffington was signing. Having no other effective remedy available, Judge Biggs and the other judges of the Third Circuit finally directed and insisted that Judge Davis and Judge Buffington should not sit together. Finally, after some years of effort, Judge Davis was indicted and tried, but not convicted.

Bernard G. Segal related the following story:

"One day, the Deputy Attorney General called me in my capacity as Chairman of the ABA Committee on Federal Judiciary and asked for an investigation and report on a prospective candidate for a U.S. district court. . . . we . . . urged that the President not consider the appointment because the lawyer had suffered a drastic heart attack and apparently . . . would not fully recover. Nevertheless, the appointment was made. Within weeks after he got on the bench, . . . the judge suffered a drastic stroke and . . . began to deteriorate.

"It got to a point where I tried to get the lawyers in his district to give statements to me so that we could urge the chief judge of the Circuit to do there what Judge Biggs had done in the Third Circuit in the case to which he referred, but we could not get a lawyer, even anonymously, and on a blank piece of paper, to give us what we needed. Then one day, I received a call from a lawyer at a considerable distance from that state, who said 'Bernie, look at our dilemma. The attention span of this judge is 1 hour per day. Here we are, a large number of counsel from various parts of the country, coming to try an anti trust case before him. Before a judge would sit five days and a sixth morning perhaps a few evenings a week, this case will take four to six months. None of us will live to see the end of the case before that judge.'

"We endeavored to get the chief judge to apply the kind of pressure that Judge Biggs had applied. But for a long time without success. Eventually the pressure of 372(b) was applied and the judge did retire but not until vast discredit had been cast upon the whole judicial system in that community. I shall not burden you with the instances, but his conduct became quite infamous, and entirely as a matter not of bad faith but of bad health."

The testimony at the *February 15, 1966*, hearing clearly documented not only that there have been sick and corrupt judges on the Federal bench, but also the great harm which such judges do and the inadequacy of the present machinery for dealing with them.

Mr. Segal summed it up as follows: "[H]owever high the quality of the vast majority of judges, a few judges, a few bad judges, a few corrupt judges, a few incompetent judges, a few judges physically and mentally unable to carry on their job, can undo the beneficial efforts of the others."

I asked Judge Biggs whether it would be fair to infer from his testimony that he felt that the present machinery for the removal of unfit judges is inadequate. He replied, "In my view there is not the slightest doubt of it." In the same vein, Mr. Borkin, after describing three of the most lurid cases of Federal judicial malfeasance concluded, "[T]he three cases, Manton, Davis, and Johnson, indicate one very serious defect in our judicial fabric; that is, there is no place to go to complain. There was not anywhere to go, not anything to do, not anyone to see, not any device other than the impeachment device that could have been put into operation."

The testimony at the hearing of *February 15, 1966*, convinced me that the subject of unfit judges is one of the most significant issues with which the Subcommittee could concern itself. It also convinced me of the need to bring about a spirited and rigorous dialogue on the problems of judicial fitness and on the possible solutions to the problems. I, therefore, instituted a policy of obtaining the widest possible dissemination of my thoughts on the subject and of the product of the Subcommittee's inquiries.

MARCH 24, 1966

(A letter was sent to all Federal judges requesting their suggestions and comments on the need for legislation to deal with the problem of judicial unfitness. With this letter, the subcommittee instituted the policy of encouraging a rigorous dialogue about the problems of judicial fitness and about possible solutions)

On March 24, 1966, I wrote a letter to all Federal judges setting forth my desire to increase the capacity of the judiciary to police itself and asking for their suggestions and comments on the need for legislation to deal with the problem of judicial unfitness.

Thus began the correspondence and accumulation of relevant material which now fills more than a complete file cabinet in the office of the Subcommittee. Speeches, reprints of hearings and copies of the bills which were eventually introduced flowed constantly to Federal judges, United States Attorneys, law schools, bar associations, members of the bar, court administrators, students, and interested citizens. The recipients responded in depth. I discussed the problems in periodicals, including, among others, the ABA Journal, the American Criminal Law Quarterly, the Journal of the Missouri Bar, and the Tennessee Bar Journal. I spoke to bar associations across the country. [Jacksonville Bar Association, Kansas City Bar Association, Arkansas State Bar Association, Nevada State Bar Association, Utah State Bar Association, and the Virginia State Bar Association.] I also spoke at the Judicial Conferences of the Fourth, Fifth, Sixth, Eighth and Ninth Circuits and at numerous other places. [National Conference of States Bar Presidents, The American College of Trial Lawyers, University of Pennsylvania Law Review Annual Banquet, New York University School of Law Annual Banquet, University of Washington Law School, Maryland Law School Alumni, and Villanova Law School.] In these and other speeches I discussed the problems caused by unfit judges and set forth possible solutions to these problems.

Of course, correspondence and discussions can only supplement the information to be gathered from hearings. Following our exploratory inquiries *February 15, 1966*, the Subcommittee held a series of hearings to study the manner in which the states deal with the pertinant problems.

MAY 9, 1966

(Hearings in New York City to study the New York State Court of the Judiciary)

This series of hearings was designed to concentrate on the two states, New York and California, which have set the pattern in this field. On *May 9, 1966*, the Subcommittee went to New York City and heard testimony on the ad hoc Court of The Judiciary established in New York in 1947. Testimony was received from New York State judges, attorneys, and court administrators, including among others, Bruce Bromley, Esquire, of the New York State Bar Association, and the Honorable Bernard Botein, presiding justice of the First Judicial Department.

JUNE 17 AND JUNE 20, 1966

(Hearings in San Francisco and Los Angeles to study the California Commission on Judicial Qualifications)

On *June 17, 1966*, in San Francisco and on *June 20, 1966*, in Los Angeles the Subcommittee heard members of the California bench and bar, as well as laymen, discuss the California Commission on Judicial Qualifications.

The California Commission is a continuing body, consisting of nine members, five of whom are judges appointed to Commission service by the Supreme Court of California, two of whom are members of the bar appointed by the Board of Governors of the State Bar, and two of whom are laymen appointed by the governor with the consent of the State Senate. The Commission employs an executive secretary and a secretarial employee. It is empowered to examine and investigate complaints against members of the state's judiciary. After an initial investigation, the Commission may, if the case warrants it, proceed to a formal hearing. Following the hearing the Commission either dismisses or recommends removal or retirement to the Supreme Court of California. The case is reviewed by the Supreme Court which enters the final order. The Commission was established in 1960 and has been an unqualified success. The testimony which the Subcommittee heard amply supported the following statement by the Honorable William B. Neeley, at that time Chairman of the Commission:

"Since its inception, the Commission and every member has been motivated by the philosophy that within the limits of its jurisdiction its function is to avert, as promptly and quietly as possible, derelictions by judges. . . . [T]he very existence of the Commission has had a salutary effect on the judge who is inclined to be lax in keeping court hours; the judge who is intemperate with litigants, lawyers or witnesses; the judge who permits his personal activities to interfere with his judicial duties; the judge who delays unduly in disposing of court business. *Conversely, it serves to protect the judges from irresponsible charges.*

"The existence of an agency to which the public may address its criticisms of the judiciary and receive an answer constitutes a substantial contribution to the judicial process.

"In January 1964, Governor Brown of California, in reply to a letter from the Dean of the University of Colorado School of Law, inquiring about the Commission, gave this evaluation:

"'The law has been in effect for slightly over three years now, and I am convinced that it is a tremendous success. It is beyond argument that the operations of the Commission have had a marked effect in raising the already high level of our California judiciary, and I feel that as the Commission continues to operate this effect will be multiplied.

"'In my opinion, the major thrust of the Commission's effect has been not simply in the fact that a small number of judges have resigned after the Commission has investigated their activities and found them wanting in quality. Rather, I note with pleasure the salutary effect which the Commission has had on the vast majority of our hardworking judges.'

"These same favorable conclusions are true today, and would receive the approval of the bench and bar of California." [Emphasis supplied]

JULY 15, 1966

(Hearings in Washington, D.C., to study the removal and retirement provisions of Oklahoma, Michigan, and other States)

Subsequently, on *July 15, 1966,* the Subcommittee took testimony on the removal and retirement mechanisms in Oklahoma and in a number of other states.

The next year and a half were spent in discussion, research, and analysis. Close attention was given to the question of the constitutionality of removing or involuntarily retiring Federal judges in a manner other than impeachment.

FEBRUARY 28, 1968

(Introduction of the Judicial Reform Act, S. 3055)

APRIL 23 AND 24, MAY 1 AND 15, JUNE 6, AND JULY 26, 1968

(Hearings on S. 3055)

Finally, on *February 28, 1968,* I introduced S. 3055, the Judicial Reform Act. The Judicial Reform Act dealt with a wide range of judicial administration issues, including liberalized retirement, selection of chief judges, the composition of judicial councils and judicial survivorship benefits. The primary feature of the Act, however, was the establishment of a continuing Commission on Judicial Disabilities and Tenure composed of five Federal judges assigned to Commission service by the Chief Justice with the power to effect the retirement or recommend the removal of unfit Federal judges. Closely related to the Commission provisions of the Judicial Reform Act were provisions dealing with judicial conflicts of interest and provisions requiring each judge of United States to file an annual financial statement.

In accordance with the policy established two years earlier, the Judicial Reform Act was circulated to interested laymen, to lawyers, federal judges, law professors and court administrators. During the spring and summer of 1968 the Subcommittee held six days of hearings addressed to the specific provisions of S. 3055 and received testimony from, among others, the Honorable J. Edward Lumbard, Chief Judge of the Second Circuit, the Honorable Albert Branson Maris, senior judge of the Third Circuit, and the Honorable Richard A. Chambers, Chief Judge of the Ninth Circuit.

The testimony the Subcommittee received was extremely enlightening. In the following testimony Glenn Winters, Executive Director of the American Judicature Society, succinctly summarized the role that is anticipated for the Commission:

"In conclusion, I believe it is fair to say that the chief purpose and effect of S. 3055 will not be its negative operation in a once-in-a-blue-moon disrobing of a judge who is guilty of reprehensible conduct, and thus sparing a succession of future litigants from finding themselves at his mercy, important though that undoubtedly is. Its greatest value will lie in the constant assurance which it will offer to the profession and the public that there will never again be room on the Federal bench for that kind of person; that the judges as a group are assuming responsibility for their conduct and public image, both individually and as a group; and that they are willing to give an ear to anybody who thinks he knows of a judicial wrong that can be remedied."

Judge Maris, among others, persuasively disputed the complaint that the Commission would interfere with the independence of the judiciary:

Senator TYDINGS. Judge Maris, there are judges across the United States who feel that, once appointed to the Federal bench, they have a "lifetime" position, and that they should not be subject to removal by any group, even a group of their fellow judges as in the case at the commission we have proposed, because it might destroy the independence of the judiciary. They say that a commission might inhibit judges from carrying out their responsibilities in a free and independent way, and that a commission would upset the balance of power between and among the executive, judicial, and legislative branches. Do you have any comments on that?

X-45-14S, Record, June 5

Judge MARIS. All I can say is that I do not share that view to any degree whatever. I think judges, like everybody else, ought to maintain a standard of behavior, and if they do not maintain it, they ought to be removed.

Senator TYDINGS. But do you not think that, if you had a national commission of judges, the members might try to pressure or influence or dominate other judges, and thus weaken the independence of the Federal judiciary as a whole?

Judge MARIS. Well, it is very difficult for me to envisage any such situation as that existing or coming about, when you have a group of five judges appointed by the Chief Justice, rotating in turn, and with definite standards as to matters that they may consider as to what constitutes a lack of good behavior. I think the greater danger is that they would not act, rather than that they would act. The whole problem is to get action in these cases, human nature being what it is and having regard for elderly men, who may have had great powers at one time.

The case that you cite from the District of Maryland is a prime example. I am not afraid of action, I am afraid of inaction.

Senator TYDINGS. But is it not essential that the Federal judiciary be absolutely independent and that the judges be accountable to no one? If this commission were created, even if its members were all judges and even if they operated under the precise standards we have prescribed, is it not possible that some judge might be inhibited in performing his duties to some extent and that the independence and integrity of the Federal judiciary might be therefore upset?

Judge MARIS. Theoretically, it may be possible, but it is not a thing that I fear. I agree completely with you that the judiciary should be independent of the executive and legislative branches of the Government, that the whole basis of our Constitution and the only sure guarantee of our liberties and the rule of law is that the judiciary be so independent. And I would not want to do a thing that would in any way, in any actual way, impair that independence. But I do not believe it. I do not believe it is necessary to have the right to misbehave in order to be independent.

Mr. TYDINGS. Mr. President, Joseph Borkin stated the case for disclosure as follows:

Mr. BORKIN. You see, I think one of the problems that arises here, a man becomes a Federal judge after he has attained a certain eminence and success in his private life. He is not a young man any more, and he has acquired in some cases considerable assets.

Now, when he becomes a member of the judiciary, there is no requirement that he dispose of these assets, and I do not think there should be. But having those assets from time to time may very well raise problems in the cases that come before him or the cases that he may be in some way involved in. I think the solution is light, not prohibition on his freedom of activity, but light, the avoidance of darkness.

Senator TYDINGS. Light; disclosure. What about public or private disclosure?

Mr. BORKIN. As for me, I would like public disclosure. But I see some difficulties with cranks and pests. I know this from my personal experience. When my book "The Corrupt Judge" appeared, phone calls, visits by every kind of known disturbed personality suddenly became involved in my life.

Senator TYDINGS. We have the same problem.

Mr. BORKIN. I think if judges had to disclose their assets and income they might be subject to the same kind of foolishness, let us say.

I would be satisfied with a private disclosure. Actually, the most important thing about disclosure is the fact that a judge has to take pen to paper. He must write it down, and this would be on his mind every time he engages in any possible activity which might be a conflict of interest.

May I give one example?

Senator TYDINGS. Yes; certainly.

Mr. BORKIN. Every one of the judges I investigated, not only those involved in my book, had a very careful understanding of, and respect for, the Bureau of Internal Revenue's income tax requirements, and frequently a portion of the bribe was set aside, to be sure that income tax was paid on it. This was true of the judge and even truer of the corrupter.

The Honorable Richard Chambers, Chief Judge of the Ninth Circuit, was the most outspoken opponent of the Judicial Reform Act. His solution to the problem of the disabled judge who refuses to retire was set forth in the following testimony:

Senator TYDINGS. Let me ask you, yes or no; do you feel that once a man becomes a Federal judge, he should be accountable to no one for his conduct, except the Congress in an impeachment proceeding?

Judge CHAMBERS. My answer to that is really no because I think the judicial council can and ordinarily does the job.

Senator TYDINGS. How? How can a judicial council do the job? What have the councils done? Take the Ohio situation of some time ago. Complaints from Ohio Congressmen and Ohio Senators, bills introduced, newspaper stories—4 or 5 years of charges ranging from intemperance to corrupt dealings with criminals, to sheer nonfeasance. The judicial council had no way to remove him or to chastise him or to admonish him. Nothing was done until finally, after several years, they succeeded in forcing him to retire. What a spectacle.

What can a judicial council do when, because of intemperance, alcohol, or mental attitude a judge does not meet the minimum standards of conduct the public feels Federal judges should meet? What do you do? What does the judicial council do?

Judge Chambers. But to tell you the first way to have begun on that thing was to have gone out and got a second courtroom right there in the same building and there is nothing that gets a new judge like an empty courtroom yawning for a man's successor or who is eligible to retire.

Senator Tydings. You mean as chief judge you would have assigned him to a courtroom and then ordered the clerk to assign him no cases?

Judge Chambers. Oh, no. I would have gotten very long—well, before the problem arose, soon after he was eligible to retire, would have established two courtrooms in the building so that when that man retired he would have no fear of where he would sit down.

Senator Tydings. And you think that by providing another courtroom in the building that then he would automatically retire and the problem would be taken care of?

Judge Chambers. Well, you are getting me in terrible trouble across the country, Mr. Chairman, but it has been done more than once.

Senator Tydings. Well, I think that technique might have a lot to commend it in certain circumstances.

But suppose the judge refused to retire. I think you know the situation in the 10th Circuit.

Judge Chambers. Well, if I may, let me talk about a situation in the Ninth Circuit, I am in a terrible position here, but I want to be forthright. We had a judge in Arizona District Court who wasn't showing the disposition that he should retire. I had not actually become chief judge, but I knew I was going to be. They were building a new courthouse, Federal courthouse there. We knew we were getting a second Phoenix judge right away. Under the covers, I mean, we knew, and so this district judge had put two courtrooms in the plans in there. We took a hold of the thing, we put in three courtrooms and four sets of chambers and he opposed this. After he got into the new building with two courtrooms there yawning for occupants, he retired, and the price, of course, that I paid was a newspaper editorial about the San Francisco judge that was drunk on Federal money. Our mistake was not putting eight courtrooms in a rapidly growing Phoenix instead of four.

MARCH 12, 1969

(Reintroduction of the Judicial Reform Act, S. 1506)

The hearings, correspondence, and conferences arising out of the introduction of the Judicial Reform Act in 1968 served not only to illuminate the problems that the legislation was designed to meet, but also to produce important suggestions for the improvement of the legislation. On the basis of those suggestions, a number of changes were made in the Act. The revised Act was circulated to every member of the Senate, and when reintroduced as S. 1506 on *March 12, 1969,* was cosponsored by a bipartisan group of ten distinguished Senators. The cosponsors are Senators Eagleton, Goodell, Hatfield, Kennedy, Magnuson, Mondale, Muskie, Scott, Stevens, and Yarborough.

The provisions of S. 1506 creating the Commission are basically the same as those in S. 3055, 90th Congress, second session. The disclosure provisions, however, have been significantly strengthened. During 1968 the Senate passed S. Res. 266 and the House passed H. Res. 1099. Judges can no longer complain that they were being "singled" out for special reporting requirements.[*]

The disclosure provisions of S. 1506 apply to justices as well as judges of the United States. They are patterned after S. Res. 266. They are, however, broader, and these broader provisions are justified because, unlike Senators and Congressmen, Federal judges are not responsible to any constituency. The disclosure provisions of S. 1506 leave the question of confidentiality in the hands of the Judicial Conference by authorizing, but not requiring, the Conference to regulate the filing of reports so as to ensure confidentiality.

In sum, the Judicial Reform Act has had a long history. It is the product of a great deal of work and thought on the part of many people. It represents an idea whose time has come. The Judicial Reform Act must pass. It must pass this year.

REPORTS OF FINANCIAL STATUS

"The Conference was informed that the Senate Judiciary Committee had requested the views of the Conference on S. 1613, 88th Congress. The bill would establish an office of reports in each judicial circuit and require judges to submit regularly to a registrar complete financial reports which would be open for inspection by any member of the judicial council of the circuit. It was the view of the Committee that regardless of the merits of the proposal, federal judges should not be singled out from other officials of the United States Government to make such reports. Upon recommendation of the Committee, the Conference voted to disapprove the bill."

Constitutionality of a Statutory Alternative to Impeachment

There are nearly 500 Federal judges in the United States. It is inevitable that among their number there will be some whose conduct, or physical or mental disability precludes effective performance.[1] These cases are relatively rare, but when they do occur, not only is justice denied, but the esteem of the judiciary is undermined.[2] From time to time, Congress has been requested to establish machinery to deal with these instances of unfitness. Such legislative proposals frequently include machinery by which the judiciary itself may remove corrupt and lazy judges, as well as involuntarily retire those who are disabled.[3] This memorandum examines the constitutionality of these procedures.

Constitutional doubts are raised because impeachment is the only method the Constitution expressly provides for the removal of unfit judges.[4] Some conclude, therefore, that impeachment is the exclusive procedure our society may constitutionally employ.[5] The exclusivist argument is based in part on their interpretation of the language of the Constitution.[6] It also claims support from the Federalist papers[7] and from the well-established principle of the "independence of the judiciary."[8] Moreover, impeachment, in fact, has been the only formal mechanism for removing unfit judges. Hence, the argument is advanced that history implies some settled view that any other mechanism would be unconstitutional.[9]

I. THE LANGUAGE OF THE CONSTITUTION

The relevant provisions of the Constitution are:

1. Article III, section 1 provides that: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior. . . ."
2. Article II, section 4 provides for impeachment: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."
3. Article I, section 3 defines the consequences of impeachment: "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."
4. Article I also outlines congressional impeachment procedure. Section 2 provides that "The House of Representatives . . . shall have the sole Power of Impeachment." Section 3 provides that "The Senate shall have the sole Power to try all Impeachments."

It is important to note that no language in the Constitution explicitly provides that impeachment is to be an "exclusive" device. But according to the exclusivist argument, the language used implicitly commands that conclusion.

First, the exclusivists rely upon the principle *expressio unius, exclusio est alterius,* to wit, that the Constitution created "good behavior" as a condition of tenure and established the impeachment machinery for its enforcement.[10] Thus such machinery is exclusive. But Article II, section 4, provides that "The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." There are a number of cases holding that impeachment is not the sole mode of removal of civil officers.[11] These cases indicate that "civil officers"

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[*] 1963 Report of the Director of the Administrative Office of the United States Courts at 63.

[1] *See* Fairman, *The Retirement of Federal Judges,* 51 HARV. L. REV. 397, 405 (1963); Frankel, *The Case for Judicial Disciplinary Measures,* 49 J. AM. JUD. SOC'Y. 218 (1966); Niles, *Some Bad Judges,* 22 TEXAS B. J. 455 (1959).

[2] The most recently publicized example in which the esteem of the judiciary has suffered is the case of Stephen S. Chandler; Chief Judge of the Western District of Oklahoma. The case has not yet been finally decided. *See* Chandler v. Judicial Council, 382 U.S. 1003 (1966).

[3] H.R. 7423, 81st Cong., 2d Sess. (1950); H.R. 17, 81st Cong., 1st Sess. (1949); H.R. 3639, 80th Cong., 1st Sess. (1947); H.R. 1201, 79th Cong., 1st Sess. (1945); H.R. 1197, 78th Cong., 1st Sess. (1943); H.R. 146, 77th Cong., 1st Sess. (1941); H.R. 9160, 76th Cong., 3d Sess. (1940); H.R. 111, H.R. 5939, 76th Cong., 1st Sess. (1939), S. 476, H.R. 2271, 75th Cong., 1st Sess. (1937); S. 4527, 74th Cong., 2d Sess. (1936).

[4] U.S. CONST. art. II, § 4.

[5] Kramer & Barron, *The Constitutionality of Removal and Mandatory Retirement Procedures for the Federal Judiciary: The Meaning of "During Good Behaviour,"* 35 GEO. WASH. L. REV. 455 (1967); Otis, A proposed *Tribunal: Is It Constitutional?*, 7 U. KAN. CITY L. REV. 3 (1938); Note, *The Exclusiveness of the Impeachment Power Under the Constitution,* 51 HARV. L. REV. 330 (1937).

[6] Otis, *supra* note 5, at 21.

[7] *Id.* at 4.

[8] *See* Otis, *supra,* note 5, at 6.

[9] *Id.* at 20.

[10] *Hearing on H.R. 146 Before a Subcommittee of the Senate Committee on the Judiciary,* 77th Cong., 1st Sess. 7 (1941) (minority report); *Hearings on H.R. 2271 Before Subcommittee IV of the House Committee on the Judiciary,* 75th Cong., 1st Sess. 16 (1937) (remarks of Representative Gwynne); 81 CONG. REC. 6169, 6173 (1937) (remarks of Representative Gwynne and Celler).

[11] *See* Humphrey's Executors v. United States, 295 U.S. 602 (1935); Myers v. United States, 272 U.S. 52 (1926); Shurtleff v. United States 189 U.S. 311 (1903); Parsons v. United States, 167 U.S. 324 (1897); Morgan v. TVA,

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appointed by the President, with the advice and consent of the Senate are removable by the President. The exclusivists respond, however, that the grant of good behavior tenure to judges differentiates them from other civil officers.[12] That is to say, although other officers may be removed by means other than impeachment, the impeachment forum is the only one in which "good behavior" can be tried.[13] The "good behavior" argument, however, would appear to be directed more to the prerequisites for removal than to the means by which it can be effected. In other words while purely executive officers may be removed *at will* [14] a judge can be removed only upon a *breach of "good behavior."* [15] But that difference in no way requires the conclusion that when judges can be validly removed, the impeachment machinery is the only constitutional means for doing so.[16]

As a second argument based upon the language of the Constitution alone, exclusivists point to the wording of article I, section 2, and article I, section 3 which provide that: the House of Representatives "shall have the sole Power of Impeachment" and that the "Senate shall have the sole Power to try all Impeachments." [17] They contend that the word "sole" defines two sets of exclusive relationships. The first establishes a separation of powers within the Congress.[18] The second excludes from the removal process all other branches of the government.[19] That is to say the House's "sole" power of "impeachment" together with the Senate's "sole" power to try these cases, comprise an exclusive Congressional power to remove Federal judges.

But the Constitution does not say that the House of Representatives and Senate together shall have the sole power to remove.[20] The Constitution provides only that they shall have the sole power to impeach and convict [21] and there is good reason to conclude that removal is not synonymous with the consequences of impeachment and conviction.[22] Article II, section 4 indicates that ". . . all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery or other high Crimes and Misdemeanors." The Framers did not provide for removal "by", but "on" impeachment and conviction. Thus, removal is a result of impeachment and conviction, but it does not follow that it may be effected only through that process.[23] Indeed, Congress has not regarded the impeachment and removal process as coextensive. Civil officers of the United States have been impeached even after leaving office.[24]

The exclusivist argument based upon the language of the Constitution also faces another difficulty—sometimes described in terms of a "gap" between the kind of conduct for which impeachment will lie and the kind of conduct that would seem to be less than "good behavior." [25] The theory that such a gap exists and that therefore some removal machinery, other than the impeachment process, must have been contemplated can be stated as follows: The Framers, cognizant of the broad scope of impeachment in England, limited the grounds for legislative removal to relatively serious offenses.[26] Thus, article II, section 4 provides for removal "from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." [27] The phrase "high Crimes and Misdemeanors" refers to offenses similar in magnitude to treason and bribery.[28] But the "good behavior" conditions of tenure, article III, section 1, may surely be breached by conduct of a lesser magnitude. No one would contend, for example, that a judge who was persistently lazy exhibits "good behavior." [29] Yet nothing in the language of the clause specifying grounds for impeachment suggests that a lazy judge may be impeached, and consequently removed from office.

The only available argument to the contrary is that the phrase, "high Crimes and Misdemeanors" is comprehensive in its scope.[30] Specifically, it is argued that the term "misdemeanors" includes non-legal misdemeanor such as laziness. It seems unlikely, however, that the Framers would specify "Treason" and "Bribery" and then add "other high Crimes and Misdemeanors" if they intended to cover virtually every form of misconduct.[31] In all fairness, however, there is some support for such an interpretation in Story's *Commentaries on the Constitution.*[32] He indicates that Parliamentary history includes impeachment for many kinds of conduct that could not be called crimes of magnitude. For example, Lord Chancellors and judges were impeached not only for acting grossly contrary to the duties of their office, but for misleading their sovereign by "unconstitutional" opinions. Moreover, others were impeached for giving bad counsel to the King and giving medicine to the King without the advice of physicians.[33]

It would seem likely, however, that since the Framers were primarily concerned with securing an independent judiciary,[34] they intended a narrower definition of the grounds for impeachment in order to curb legislative intrusion.[35] On that theory, "misdemeanors" refers only to serious misdemeanors and a "gap" exists between the impeachment clause and the "good behavior" clause.[36]

A fair appraisal of these arguments surely reveals that they do not lead inevitably to the conclusion that all forms of conduct less than "good behavior" are covered in the stated grounds for impeachment. It is at

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115 F. 2d 990 (6th Cir. 1940), *cert. denied,* 312 U.S. 701 (1941).

[12] Otis, *supra* note 5, at 48.

[13] Lawrence, *The Law of Impeachment,* 15 AM. L. REG. 641, 653 (1867).

[14] Myers v. United States, 272 U.S. 52 (1925), indicates that the power of removal of executive officers is incident to the power of appointment and the Senate does not have the power to limit executive removal. *But cf.* Humphrey's Executors v. United States, 295 U.S. 602 (1935).

[15] U.S. CONST. art. III, § 1.

[16] Moreover, there was no basis for distinguishing "Officers" and "Judges" at common law. All officers were impeachable at common law, and they all were also removable by means other than impeachment. Those holding at will could be removed by the appointing agency; those holding during good behavior, by a judicial proceeding to try misbehavior. Shartel, *Judicial Removal of Unfit District and Circuit Judges,* 28 MICH. L. REV. 870, 896 & n. 72 (1930).

[17] Otis, *supra* note 5, at 21.

[18] *Id.* at 21–22.

[19] *Id.*

[20] Simpson, *Federal Impeachments,* 64 U. OF PA. L. REV. 803, 82 (1916).

[21] U.S. CONST. art. I, §§ 2, 3.

[22] Shartel, *supra* note 16 at 892–93; Comment, *Removal of Federal Judges—New Alternatives to an Old Problem: Chandler v. Judicial Council of the Tenth Circuit,* 13 U.C.L.A. L. REV. 1385, 1393 (1966).

[23] Simpson, *supra* note 20, at 827; Note, *Removal of Federal Judges: A Proposed Plan,* 31 ILL. L. REV. 631, 638 (1937).

[24] William Belknap was impeached after his resignation from the Cabinet as Secretary of War. 3 A. HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES § 2006 (1907).

[25] *Hearing on H.R. 146, supra* note 10, at 20–21 (remarks of Senator Danaher); *Hearings on H.R. 2271, supra* note 10, at 12, 18, (remarks of Representatives Michener and Sumners); 48 *Cong. Rec.* 7999–8000 (1912) (remarks of Senator Cummins); *see* Shartel, *supra* note 16, at 899 n. 79.

[26] *See* Dwight, *Trial by Impeachment.* 15 AM. L. REV. 257, 263–69 (1867); Thomson *Genesis and Growth of the Federal Judiciary Impeachment Clause,* 40 LAW NOTES 24–45 (1936); *cf.* Pergler, *Trial of Good Behavior of Federal Judges,* 29 VA. L. REV. 876–77 (1943).

[27] Article III, section 3, defines "Treason," and the First Congress gave statutory content to "Bribery." Act of April 30, 1790, ch. 9, § 21, 1 *Stat.* 117. This statute provides "That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the United States, in any suit, controversy, matter or cause depending [sic] before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise [sic] accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honour, trust or profit under the United States." Notably, the statute does not require an impeachment proceeding. Thus it is arguable that this statute reflects a nonexclusive view of the impeachment clause by the First Congress, and is a precedent for judicial removal. *See* Note, *Removal of Federal Judges,* 31 ILL. L. REV. 631, 639 (1937).

[28] Cf. Simpson, *supra* note 20, at 804.

[29] Indeed there is evidence that "good behavior" at common law had a well-defined meaning, and that laziness was a breach of the requisite "good behavior."

"The grant of an office during good behaviour creates an office for life determinable upon breach of the condition, and behaviour means behaviour in matters concerning the office except in the case of a conviction upon an indictment for any infamous offence of such a nature as to render the person unfit to exercise the office, which amounts legally to misbehaviour though not committed in connection with the office."

"Misbehaviour as to the office itself means improper exercise of the functions appertaining to the office, or non-attendance, or neglect of or refusal to perform the duties of the office." 7 E. HALSBURY, LAWS OF ENGLAND 22–23 (1909), *accord,* 2 A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 857 (2d ed. 1887).

[30] *See* Simpson, *Federal Impeachments,* 64 U. OF PA. L. REV. 651, 676 (1916); Estrich, *The Law of Impeachment,* 20 CASE & COM. 454, 456 (1913).

[31] *See* Simpson, *supra* note 20, at 804.

[32] I J. STORY, COMMENTARIES ON THE CONSTITUTION § 800 (4th ed. 1873).

[33] *Id;* Lawrence, *The Law of Impeachment,* 15 AM. L. REG. 641, 648 n. 1 (1867).

[34] *See* THE FEDERALIST NOS. 78, 79 (A Hamilton).

[35] *Compare* Dwight, *supra* note 26, at 263, *with* Shartel, *supra* note 16, at 893–94.

[36] Other arguments based on linguistic niceties are also possible. For example, "high" may modify both "crimes" and "misdemeanors." In that case, it may be that the Framers intended to include as grounds for impeachment, "high crimes" and forms of non-criminal high misconduct, and intended to exclude minor crimes and minor forms of non-criminal misconduct. That construction would obliterate the alleged "gap," but again the most that can be said for it is that the connection is not wholly implausible. Such a construction, however, does violence to the ordinary meaning of "misdemeanor." Again the only fair conclusion seems to be that the meaning of the constitutional language is by no means settled. *See generally* Simpson, *supra* note 20; Simpson, *supra* note 30.

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least a reasonable constitutional theory that a "gap" exists, and it is also reasonable to believe that the need for removal machinery other than the impeachment process was anticipated and that the necessary power to provide it is implicit in the Constitution. It certainly cannot be said, as the exclusivists have argued, that the constitutional question is settled.

Moreover, the theory that the constitutional language does not preclude judicial removal machinery is supported by the doctrine of "separation of powers."[37] Although not specifically mentioned in the document, separation of powers is a fundamental principle of constitutional interpretation.[38] At the very least, it creates an interpretive presumption that each of the three branches of the Federal government is separate and has plenary power to implement its own functions. That presumption is overcome only where the Constitution denies plenary power or establishes shared power in the form of cross-checks between two branches.[39] Accordingly, the doctrine of separation of powers implies inherent power within each of the branches to remove its own members, unless there is an express constitutional provision to the contrary.[40] Indeed, that doctrine, and the presumption that follows from it, may well have given rise to the need for a special provision granting the impeachment power to Congress.[41] In the absence of such a provision, it would have been reasonable to conclude that legislative interference with the Judiciary's inherent removal power was prohibited.[42]

The exclusivists point, however, to the constitutional clause permitting the Congress to expel misbehaving members; to wit, article I, section 5: "Each House may . . . punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member." This clause, it is argued, leads to the conclusion that if the Framers contemplated similar power in the Judiciary to police its own ranks, they would have so provided.

The rebuttal to this argument lies in the concept of Federalism. The Framers established a Federal form of government[43] and carefully delineated the powers of the national and state governments.[44] Article I, section 4 of the Constitution establishes state authority over elections of Senators and Representatives. "The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators." Had the Framers failed to provide for congressional punishment and expulsion of its own members, the States may have exercised such powers incident to their "election" powers. Since judges are, however, appointed by the President with the advice and consent of the Senate,[45] there is no similar threat of State removal. The absence of a judicial removal provision in article III then, is not conclusive of an intent that the judiciary should have no power to punish misbehaving judges.[46]

II. THE ENGLISH BACKGROUND

The Constitution was written in light of the English legal experience. Accordingly, it may be helpful to examine English removal devices to ascertain the Framers' intent as to the constitutionally permissible means of removing judges. Prior to the Act of Settlement in 1700, judges were appointed by the Crown *durant bene placito*—at the pleasure of the Crown.[47] The judiciary was therefore subject to the will of the King, and judges were readily removed for such acts as rendering decisions adverse to the Crown. Although there were instances where judges were appointed by the King *quamdiu se bene gesserint*—during good behavior[48]—it was not until the Act of Settlement that a King was required to grant judicial commissions with good behavior tenure.[49]

There is some evidence in English legal history that several removal methods existed at the time of the drafting of the Constitution.[50] The case most clearly enumerating the available procedures was that of Sir Jonah Barrington, a Judge of His Majesty's High Court of Admiralty in Ireland.[51] Sir Jonah Barrington was subjected to removal proocedings in the form of an address.[52] because of alleged appropriation of money lodged in the hands of the registrar of that court. The petitioner's counsel, Mr. Denman, later Lord Chief Justice, examined the historical porcedures for removing judges holding office during good behavior:[53]

". . . first, in Cases of Misconduct not extending to a legal Misdemeanor, the appropriate Course appears to be by *Scire facias* to repeal his Patent, 'Good Behavior' being the Condition precedent of the Judges Tenure; secondly, when the Conduct amounts to what a Court might consider a Misdemeanor, then by Information; thirdly, if it amounts to actual Crime, then by Impeachment; fourthly, and in all Cases, by the joint Exercise of the inquisitorial and judicial Jurisdiction of the House of Lords . . ."

This case indicates that the English knew certain judicial proceedings for the forfeiture of office. A trial for breach of the requisite behavior would lie not only in the impeachment forum, but also on *scire facias* in the King's Bench.[54]

There are, moreover, at least two cases in the seventeenth century that indicate the existence of removal on *scire facias*.[55] One involves a baron of the exchequer, appointed with good behavior tenure, and the other, a judge in the Court of Common Pleas. They were judges on a par with those of the two Benches.[56] In each, removal by the King was

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[37] *See* Shartel, *supra* note 16, at 892.

[38] *See*, THE FEDERALIST NO. 47 (J. Madison); I J. STORY, *supra* note 32, § § 518–544.

[39] *See generally* I J. STORY, *supra* note 32, §§ 540–44; THE FEDERALIST NO. 48 (J. Madison).

[40] *E.g.*, it has been explicity decided that most classes of civil officers appointed by the President with the advice and consent of the Senate are removable by the President. *See* cases cited note 11 *supra;* Shartel, *supra* note 16, at 892.

[41] *See* Shartel, *supra* note 16, at 893; *cf.* T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 184 (2d ed. 1936).

[42] Shartel, *supra* note 16, at 881, 893; *see* 13 U.C.L.A. L. REV., *supra* note 16, at 1394.

[43] I J. STORY, *supra* note 32, § 311.

[44] *See generally*, THE FEDERALIST NOS. 41–44 (J. Madison).

[45] U.S. CONST. art. 2, § 2.

[46] Indeed there is some evidence that territorial judges with good behavior tenure could be removed by means other than impeachment. In 1796, Judge George Turner of the Northwest Territory was accused of holding court at a remote and inconvenient place; that he imposed heavy fines and forfeitures; that he denied the rights of the people regarding descent and conveyance of property, and the use of the French language; and that he managed the affairs of intestate persons to the damage of the heirs and creditors. The Attorney General, in response to a query of the House of Representatives, indicated that the charges against Judge Turner were of such a nature as to "require that a regular and fair examination into the truth of them should be made, in some judicial course of proceeding; and if he be convicted thereof, a removal from office may and ought to be a part of the punishment. His official tenure is during good behavior; and, consequently, he cannot be removed until he be lawfully convicted of some malversation in office. A judge may be prosecuted in three modes for official misdemeanors or crimes: by information, or by indictment before an ordinary court, or by impeachment before the Senate of the United States. The last mode, being the most solemn, seems, in general cases, to be best suited to the trial of so high and important an officer; but, in the present instance, it will be found very inconvenient, if not entirely impracticable, on account of the immense distance of the residence of the witnesses from this city [Philadelphia] . . . :" "However, the Attorney-General is of the opinion that it will be more advisable, on account of the expense, the delay, the certain difficulty, if not impossibility, of obtaining the attendance here of the witnesses who reside in the Territory northwest of Ohio, . . . , that the prosecution should not be carried on by impeachment, but by information on indictment before the supreme court of that Territory. . . ."

The House of Representatives declined to impeach, leaving the case to be disposed of by the proper agencies of the Northwest Territory. 3 A. HINDS, PRECEDENTS OF THE HOUSE OF REPRESENTATIVES §2486 (1907). Of course, a reply to this case might be that article I and not article III judges were involved. But this judge had "good behavior" tenure.

[47] *See* 2 A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 855 (2d ed. 1887).

[48] There is some evidence that judges were frequently appointed with good behavior tenure until the reigns of Charles II and James II. T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 221–22 (2d ed. 1936); *but see* McIlwain, *The Tenure of English Judges*, 7 AM. POL. SCI. REV. 217 (1913).

[49] The Act of Settlement provided that "judges commissions be made *quamdiu se bene gesserint* . . . but upon the address of both houses of parliament it may be lawful to remove them." 12 & 13 Will. 3, c. 2. (1700). Though judges were thereby protected from removal at pleasure, judicial commissions continued to lapse upon the death of the appointing monarch. This was corrected in 1760 by a statute providing for continuation in office at the death of the King. I Geo. 3, c. 23; 2 A. TODD, *supra* note 47, at 856.

[50] *See* 7 E. HALSBURY, LAWS OF ENGLAND 22 & n. (g) (1909).

[51] 62 LORDS JOUR. 599–602, 716–720 (1830). Although this case was heard in 1830, the date appears to be immaterial since Mr. Denman was examining the historical removal procedures in England.

[52] The Act of Settlement provided for removal by address of Parliament—a form of joint resolution of both Houses of Parliament directed to the Crown. 12 & 13 Will. 3, c. 2. (1700); 2 A. TODD, *supra* note 47, at 855, 860. Other methods of removal remained in effect after passage of the Act. *See generally* 2 A. TODD, *supra* note 47, ch. VI.

[53] 62 LORDS JOUR. 602 (1830).

[54] The writ of *scire facias* was employed to revoke a grant of office created by letters patent from the Crown, upon a determination that the grantee had forfeited his office. Blackstone states that "where the patentee hath done an act that amounts to a forfeiture of the grant, the remedy to repeal the patent is by writ of *scire facias* in chancery." 3 W. BLACKSTONE, COMMENTARIES 256 (Christian & Archbold ed. 1825). Todd indicates that some believed that, in order to preserve the independence of the judiciary, Parliament should abstain from all interference with the judiciary except in cases of gross perversion of the law. I A. TODD, PARLIAMENTARY GOVERNMENT IN ENGLAND 574 (2d ed. 1887).

[55] 6 E. FOSS, JUDGES OF ENGLAND 372 (1857); 7 E. FOSS, JUDGES OF ENGLAND 52 (1864); McIlwain, *supra* note 48, at 221, 223.

[56] By 1579, the barons of the exchequer had acquired an equal status with the judges of the other common law courts and shared

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successfully resisted by a demand for a *scire facias* proceeding. In each, the judges were relieved of duties, but they retained office and continued to receive fees.[57]

In 1628, Sir John Walter received his patent as Chief Baron of the Exchequer with good behavior tenure. King Charles was later dissatisfied with one of Walter's opinions and ordered him to surrender his patent.[58] Walter refused on the ground that his grant was during good behavior, and that he ought not to be removed without a proceeding on a *scire facias* to determine whether he had failed to maintain the requisite good behavior. Although the King did not remove Walter from office, he forbade him to sit in court.[59]

In 1672, King Charles tried to remove Sir John Archer from the common pleas, but Archer had good behavior tenure and refused to surrender his patent without a *scire facias*. Charles then ordered Archer to forbear from exercising the office of a judge and appointed another judge to fill his place. Archer, however, continued to retain his position and receive his share of the fees.[60]

The exclusivists argue, however, that removal on *scire facias* was such an obscure procedure that the Framers were unaware of it.[61] In the English system, there were three methods of legislative removal.[62] Parliament could remove a judge by Bill of Attainder, by impeachment, or by address to the King.[63] Our Constitution expressly prohibits the Bill of Attainder; [64] impeachment was adopted,[65] and address to the King is obviously inapplicable to our system. Moreover, the Framers, at the Constitutional Convention, opposed a proposal for address to the President.[66] Hence, since the Framers were aware of a wide variety of removal procedures in England, it is at least plausible that they also knew of judicial removal proceedings.

III. THE INDEPENDENCE OF THE JUDICIARY

The exclusivists suggest that the principle of the independence of the judiciary precludes Congressional power to establish judicial machinery for the removal of "unfit" judges.[67] The principle is alleged to be both a corporate and an individual concept.[68] That is to say, not only is the judicial branch independent of the legislative and executive branches, but each individual judge is "independent" within the judiciary, and the creation of additional removal machinery would diminish his independence by increasing the pressure upon him.[69]

The exclusivists additionally point to *Federalist No. 79* for support.[70] Hamilton, therein, wrote: [71]

> The precautions for their [judges'] responsibility are comprised in the article respecting impeachments. They are liable to be impeached for malconduct by the House of Representatives and tried by the Senate; and, if convicted, may be dismissed from office and disqualified for holding any other. This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution in respect to our own judges.
>
> The want of a provision for removing the judges on account of inability has been a subject of complaint. But all considerate men will be sensible that such a provision would either not be practiced upon or would be more liable to abuse than calculated to answer any good purpose. The mensuration of the faculties of the mind has, I believe, no place in the catalogue of known arts. An attempt to fix the boundary between the regions of ability and inability would much oftener give scope to personal and party attachments and enmities than advance the interests of justice or the public good. The result, except in the case of insanity, must for the most part be arbitrary; and insanity, without any formal or express provision, may be safely pronounced to be a virtual disqualification.

Federalist No. 78, however, suggests that the Framers were primarily concerned with the corporate aspects of the judiciary. They feared legislative and executive interference and, therefore, concluded that the machinery of impeachment was the only legislative or executive intrusion consistent with the necessary corporate independence of the judiciary. *Federalist No. 78* states: [72]

> The standard of good behavior for the continuance in office of the judicial magistracy is certainly one of the most valuable of the modern improvements in the practice of government. In a monarchy it is an excellent barrier to the despotism of the prince; in a republic it is a no less excellent barrier to the encroachments and oppressions of the representative body. And it is the best expedient which can be devised in any government to secure a steady, upright, and impartial administration of the laws. [In view of] the natural feebleness of the judiciary, it is in continual jeopardy of being overpowered, awed, or influenced by its co-ordinate branches; and . . . nothing can contribute so much to its firmness and independence as permanency in office . . . .
>
> If, then, the courts of justice are to be considered as the bulwarks of a limited Constitution against legislative encroachments, this consideration will afford a strong argument for the permanent tenure of judicial offices, since nothing will contribute so much as this to that independent spirit in the judges which must be essential to the faithful performance of so arduous a duty. . . . But it is easy to see that it would require an uncommon portion of fortitude in the judges to do their duty as faithful guardians of the Constitution, where *legislative invasions of it had been instigated by the major voice of the community.*
>
> Upon the whole, there can be no room to doubt that the convention acted wisely in copying from the models of those constitutions which have established *good behavior* as the tenure of their judicial offices, in point of duration; and that so far from being blamable on this account, their plan would have been inexcusably defective if it had wanted this important feature of good government. The experience of Great Britain affords an illustrious comment on the excellence of the institution.

There is, therefore, a strong argument that, in the minds of the Framers, the concept of an independent judiciary was designed to do service against legislative and executive encroachments. [73]

IV. HISTORICAL INACTION

Another argument frequently leveled against alternatives to impeachment is historical in nature. Since impeachment has been from the start the only formal mechanism for removing unfit judges, it is contended that history implies some settled view that any other mechanism would be unconstitutional. Because this argument proceeds from the premise that inaction over the years binds us today, it is surely initially suspect.

But there are strong grounds to reject it in any event. Given the difficulty of amending the Constitution, the Supreme Court has repeatedly taken the position that it will reverse its previous decisions on constitutional questions more readily than decisions on statutory matters.[74] Of course, the Court will

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with the justices of the King's Bench and the Common Pleas the duties of going on circuit. T. PLUCKNETT, A CONCISE HISTORY OF THE COMMON LAW 154 (2d ed. 1936); Ross, *Good Behavior of Federal Judges*, 12 U. KAN. CITY L. REV. 119, 121 (1944).

[57] McIlwain, *supra* note 48, at 221, 223.

[58] *Id.* at 221.

[59] *Id.*; 6 E. Foss, *supra* note 55, at 372.

[60] McIlwain, *supra* note 48 at 223; 7 E. FOSS, *supra* note 55, at 52–53. Although there are only a few cases involving an inherent judicial power of removal, there is no contrary authority. Nothing in the Supreme Court of Judicature Act of 1873, nor the 1875 amendment explicitly affects any common law techniques that existed. 36 & 37 Vict., c. 66; 38 & 39 Vict., c. 77.

There is, moreover, an interesting continuity in the literature supporting the existence of judicial power of removal. *See, e.g.*, the *Barrington* case, *supra* note 51; 2 A. TODD, *supra* note 47, ch. VI; 7 E. HALSBURY, LAWS OF ENGLAND 22 & n. (g) (1909); R. JACKSON, THE MACHINERY OF JUSTICE IN ENGLAND 289 & n. 1 (1967).

There are, furthermore, a number of cases that support the existence of judicial removal of lower judicial officers some of whom clearly had good behavior tenure. Rex v. Corporation of Wells, 98 Eng. Rep. 41 (1767) (office of recorder) (specific mention of good behavior tenure); Rex v. Richardson, 97 Eng. Rep. 426 (1758) (involved the portman in the town or burrough of Ipswich for neglect of duty); Lord Bruce's Case, 93 Eng. Rep. 870 (1729) (office of recorder); Rex v. Bailiffs of Ipswich, 91 Eng. Rep. 378 (1706) (nonattendance considered a misdemeanor and grounds for forfeiture of the office of recorder); Harcourt v. Fox, 89 Eng. Rep. 680 (1692) (a clerk of the peace) (specific mention of good behavior tenure); Earl of Shrewsbury's Case, 77 Eng. Rep. 798 (1610) (office of steward); Sir Robert Chester's Case, 73 Eng. Rep. 465 (1562) (an office of receiver); Rex v. Eston, 73 Eng. Rep. 437 (1561), (a sergeant at arms); Rex v. Blage, 73 Eng. Rep. 436 (1561) (a king's remembrancer in the exchequer) (specific mention of good behavior tenure); Rex v. Toly, 73 Eng. Rep. 436 (1561) (an auditor of Warwicke Spencers & Salisbury); Vaux v. Jefferen, 73 Eng. Rep. 251 (1556) (a filacer). There is some evidence that the judicial power to remove these lower officers applied equally to judges where the office was conferred by letters patent. 7 E. HALSBURY, *supra*.

[61] Otis, *A Proposed Tribunal: Is It Constitutional?*, 7 U. KAN. CITY L. REV. 3, 48 (1938).

[62] Shartel, *Judicial Removal of Unfit District and Circuit Judges*, 28 MICH. L. REV. 870, 881 (1930).

[63] *Id.*

[64] U.S. CONST. art. I, § 9.

[65] U.S. CONST. art II, § 4.

[66] M. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 428–29 (1911).

[67] *See* Otis, *supra* note 61, at 42.

[68] *Contra*, Kramer & Barron, *The Constitutionality of Removal and Mandatory Retirement Procedures for the Federal Judiciary: The Meaning of "During Good Behavior"*, 35 GEO. WASH. L. REV. 455, 467 (1967).

[69] *Cf.* Kramer & Barron, *supra* note 68.

[70] Kramer & Barron, *supra* note 68, at 467–68.

[71] THE FEDERALIST NO., 79, at 474 (Arlington House ed. 1966) (A. Hamilton).

[72] The Federalist No. 78, at 465–66, 469–70, 472 (Arlington House ed. 1966) (A. Hamilton). Hamilton, moreover, states that "insanity, without any formal or express provision may be safely pronounced to be a virtual disqualification." THE FEDERALIST NO. 79, at 474 (Arlington House ed. 1966). This may suggest removal other than on impeachment and conviction.

[73] *See* Comment, *Removal of Federal Judges—New Alternatives to an Old Problem: Chandler* v. *Judicial Council of the Tenth Circuit*, 13 *U.C.L.A.L.* Rev. 1385, 1397–98 (1966); Note, *Removal of Federal Judges: A Proposed Plan*, 31 *Ill. L. Rev.* 631, 640, (1937).

[74] *See, e.g.*, Smith v. Allwright, 321 U.S. 649, 665 (1944); N. Small and L. Jayson, *The Constitution of the United States of America*, 634 (1964).

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do so only when convinced that a previous constitutional view was erroneous. But if the Court feels relatively free to disregard the effect of *stare decisis* in cases where it has previously announced a constitutional provision, it seems absurd to suggest that it would feel bound by the peculiar form of historical "precedent," based upon total inaction, that is said to support the exclusivist argument.

V. CONGRESSIONAL POWER

Some contend that even if the judiciary has inherent power to remove or discipline misbehaving judges, Congress is precluded from establishing machinery to implement this power.[75] The "necessary and proper" clause, however, authorizes Congress "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Office thereof." [76]

The judicial power of the United States is "vested" by the Constitution in the Supreme Court and the inferior courts,[77] and it seems clear that Congressional action to implement that power would be "necessary and proper." Chief Justice Marshall established the classic formula as to the reach of Congressional powers conferred by the "necessary and proper" clause.[78]

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The removal of judges who breach the "good behavior" condition of tenure is surely a legitimate end "within the scope of the Constitution." Congressional establishment of judicial machinery to try cases in which a breach is alleged is a means "plainly adapted to that end," and no constitutional clause prohibits such congressional action.

It may be argued, however, that such congressional involvement in the removal process is inconsistent with the "spirit" of the Constitution in that it threatens to promote legislative interference with the courts.[79] But if congressional action is limited to the establishment of machinery otherwise wholly within the control of judges, it is difficult to imagine what interference is threatened. Indeed, even if Congress were subsequently to repeal the Act setting up the machinery, the inherent power of the Judiciary to establish its own removal machinery would remain no less effective than it is today. Legislation and appropriations to implement that inherent power, then, can justifiably be regarded as no more than a "necessary and proper" step to insure that the judicial power can be used effectively.

A question may be raised, however, as to one step in the process by which Congress would enact removal machinery. It would quite likely be desirable, and perhaps constitutionally required [80] for Congress to give statutory content to the "good behavior" clause in order to specify the grounds for removal. Is such statutory definition of a constitutional clause permissible? There is ample precedent for it.[81] Moreover, such definition would always be subject to review in the courts if it were charged that Congress had defined the scope of the "good behavior" clause either too narrowly or too broadly.[82]

VI. CONCLUSION

The arguments that support Congressional enactment of machinery by which judges may police their own ranks are strong. The explicit language of the Constitution presents no barrier. To the extent that English history is clear, it leads to the conclusion that judicial powers of removal existed at common law, and that the Framers were aware of them and assumed their existence in drafting our fundamental document. Neither the constitutional debates nor the Federalist papers affirmatively point to another conclusion.[83] Moreover, the doctrine of separation of powers strongly suggests that inherent judicial power should be assumed in the absence of an explicit Constitutional prohibition. The "necessary and proper" clause then provides an ample basis for Congressional action to implement the inherent power of the courts.

To be sure, arguments exist as well for the opposite conclusion. But constitutional support for congressional action is so substantial that, at the very least, any remaining doubts should be left to the process of judicial review.

COMMENDATION OF SPEECH BY SENATOR PEARSON OF KANSAS ON THE ABM ISSUE

Mr. COOPER. Mr. President, the distinguished senior Senator from Kansas delivered an important speech in Wichita on June 2 concerning the use of the ABM. It is one of the clearest summaries of the ABM issue that I have seen. Senator Pearson's speech is distinguished by its perspective and judiciousness. Senator Pearson said:

> This is an issue upon which reasonable men may differ. If we are to have a rational debate on the merits of this issue, one must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not war-mongers or "tools" of the industrial-military complex.

Senator Pearson goes into the important questions of reliability, necessity, cost, and effect deployment would have on existing nuclear arms balances. An example of the crucial nature of the ABM issue is contained in the following observation by Senator Pearson:

> To put in perspective a recital of force levels and references to a measurement of strength, we should consider the results of an all-out thermo-nuclear exchange. So many of us continue to think of nuclear warfare as a single mushroom cloud over a single city. Nothing could be further from the actual case. In a nuclear war, either side can sustain an all-out nuclear strike and respond. Within a time frame of one hour to one day (considering a Soviet Union population of 250 million and a United States population of 210 million, with greater urban concentration in this country) each side can inflict upon the other 150 million fatalities and destroy 75 per cent of the industrial capacity of the other side. Fire, storms, fallout and the disruption of distribution systems creating starvation and disease would run the fatality figures much higher. Now the really astounding fact is not the total destruction just described, but that this destruction can result from the delivery of 400 one megaton warheads by the Soviet Union and the delivery of approximately 500 one megaton warheads by the United States. Again considering the number of warheads we have on hand, we find the United States has an overkill ratio of 8½ to one while the Soviet Union has an overkill ratio of 2½ to one.
>
> The meaning of all of this is that during the 1960's we can accurately describe the strategic balance of terms of "assured destruction," "mutual deterrent," or "balance of terror." As frightening as these terms may be, they have given the world an element of stability, not only in preventing nuclear conflicts but in keeping the level of conventional warfare from growing into nuclear exchanges.
>
> Furthermore, one can easily understand that terms such as "superiority" and "parity" have lost all meaning. If the forces of the United States and the Soviet Union were doubled or halved, such action would not actually affect the mutual deterrent which now exists. The power of total destruction would remain. Only the overkill capacity would be multiplied or reduced.

I ask unanimous consent that Senator Pearson's speech be included in the Record at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Statement by Senator James B. Pearson

The decision on the construction and deployment of the anti-ballistic missile system is important because it is a focal point of several of the great issues that face the nation today. It will determine the allocation of our resources not only between military programs but between military and other programs. It will determine our overall nuclear strategy through the 1970's. It will have a decisive influence on the possibilities of disarmament negotiations with the Soviet Union.

Moreover, the issue is important at this point in time because of the long lead time requirements for modern weapons systems. It normally takes ten years for a system to move from conception to operational deployment. Within this period policy makers are cemented into position and find it difficult, if not impossible, to halt the action-reaction effect of a developing system on the strategic arms race.

We should also recognize that at this point in time there is an opportunity for a national debate free of the election year political pressure which gave rise to the misleading bomber-gap discussions of 1952, the missile-gap claims of 1960 and the denunciation of "parity" and the promotion of "superiority" which was part of the verbal confetti of the 1968 campaign.

We are then at a crossroads of a vital decision.

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[75] *See generally* Otis, *supra* note 61, at 33–35.

[76] U.S. CONST. art. I, § 8.

[77] U.S. CONST. art. III, § 1.

[78] McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316, 420–21 (1819).

[79] *See* Otis, *supra* note 61, at 42.

[80] The Fifth Amendment requires that no person shall "be deprived of life, liberty, or property, without due process of law." It may, therefore, be necessary to define what constitutes a breach of the "good behavior" condition in order to satisfy the requirements of due process.

[81] Within the judicial fitness area, Congress has already given some statutory content to the word "Bribery." *See* note 27 *supra*.

Congress has given some meaning to "high Misdemeanors," as a statute provides that "any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor." 28 U.S.C. § 454 (1964).

In the area of eminent domain, for example, the Fifth Amendment provides: ". . . nor shall private property be taken for public use, without just compensation." The courts have frequently upheld Congressional power, subject to judicial review, to decide what type of taking is for a "public use." United States ex rel. TVA v. Welch, 327 U.S. 546 (1946); Shoemaker v. United States, 147 U.S. 282 (1893).

[82] *See* Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176–80 (1803).

[83] Pergler, *Trial of Good Behavior of Federal Judges*, 29 VA. L. REV. 876, 878 (1943).

Let me make my position clear: I favor continued research and development, and I oppose construction and deployment of the ABM system at this time.

I would also make two further points of introduction. This is an issue upon which reasonable men may differ. If we are to have a rational debate on the merits of this issue, one must begin by understanding that those who oppose the system are not insensitive to the needs of national security and that those who support the system are not warmongers or "tools" of the industrial-military complex.

One further point needs to be made clear. The anti-ballistic missile has had many faces. While its components have remained essentially the same over the past twelve years, its purposes and deployment plans have been constantly shifting. The purposes of ABM has changed from protecting our cities to safeguarding our Minuteman missiles, from service as a thin defense against the Chinese, to guarding against the Soviet threat. These differing purposes and plans for deployment each give rise to varying arguments, but I want to direct my remarks here to the most recent proposal, the Safeguard system which the President has recommended.

The following background information seems to me to be most helpful in discussing the ABM issue.

First let me review the strategic force levels as of this date. By strategic force levels I refer to those weapons systems which may be employed in an intercontinental war.

	United States	U.S.S.R.
ICBM's	1,054	1,000
Polaris missiles	[1] 656	[2] 77
Total	1,710	1,077
Intercontinental bombers	646	150
Deliverable warheads	4,206	1,200

[1] 41 submarines.

[2] 5 submarines.

Our ICBM force is made of 1,000 Minutemen using solid fuel and 54 Titans using liquid fuel. All are in hardened silos. In contrast some of the USSR's ICBM's are in "soft" silos. The United States' ICBM and warhead force levels have been constant since 1967. Within the last few years the Soviet Union has shown an accelerated increase in both of these categories.

A recital of these statistics requires some further explanation of how stategic strength is actually measured. For a long time the strength measurement was made by counting the number of delivery vehicles, that is to say the number of missiles or bombers that we have. By this ratio, the United States has a two to one advantage over the Soviet Union (2,356 to 1,227). But this measurement really is invalid in that it does not consider the quality of the systems or the size of the warheads and is opened to further doubt with the advent of MIRV.

One might measure strategic strength by counting the number of warheads. By this measurement the United States would have a three and one half to one superiority (4,206 to 1,200). One might measure strategic strength by considering the total megatonnage of each side. But the best and most accurate test of strength is the number of warheads that can be delivered on target. It is this consideration that brings to bear the important points of our systems' vulnerability and the ability of our forces to reach enemy targets.

To put in perspective a recital of force levels and references to a measurement of strength, we should consider the results of an all-out thermo-nuclear exchange. So many of us continue to think of nuclear warfare as a single mushroom cloud over a single city. Nothing could be further from the actual case. In a nuclear war, either side can sustain an all-out nuclear strike and respond. Within a time frame of one hour to one day (considering a Soviet Union population of 250 million and a United States population of 210 million, with greater urban concentration in this country) each side can inflict upon the other 150 million fatalities and destroy 75 percent of the industrial capacity of the other side. Firestorms, fallout and the disruption of distribution systems creating starvation and disease would run the fatality figures much higher.

Now the really astounding fact is not the total destruction just described, but that this destruction can result from the delivery of 400 one megaton warheads by the Soviet Union and the delivery of approximately 500 one megaton warheads by the United States. Again considering the number of warheads we have on hand, we find the United States has an overkill ratio of 8½ to one while the Soviet Union has an overkill ratio of 2½ to one.

The meaning of all of this is that during the 1960's we can accurately describe the strategic balance of terms of "assured destruction," "mutual deterrent," or "balance of terror." As frightening as these terms may be, they have given the world an element of stability, not only in preventing nuclear conflicts but in keeping the level of conventional warfare from growing into nuclear exchanges.

Furthermore, one can easily understand that terms such as "superiority" and "parity" have lost all meaning. If the forces of the United States and the Soviet Union were doubled or halved, such action would not actually affect the mutual deterrent which now exists. The power of total destruction would remain. Only the overkill capacity would be multiplied or reduced.

It is important also to understand some of the rules for strategic planning, some of the concepts that the war planners on each side must utilize. It is within these rules—necessary as they may be—that one finds a built-in pressure for escalation of force levels. The first rule is that war planners always plan on a "greater than expected risk." Moreover, they assume that the enemy's system will always perform better than anticipated and that our systems will perform at a lower level of efficiency than anticipated. Planning is thus made on the basis of the "worst plausible case." These rules or concepts together with the long lead time (our work on the ABM system has extended over 12 years and $5 billion) required for any system, give rise to an action-reaction cycle leading each side to act to gain some superiority, to alleviate some vulnerability, or to anticipate what the other side may be doing.

Let me offer an illustration of the action-reaction cycle. Several years ago we began the research and development of the B-70 bomber. In anticipation of our deployment of this new bomber, the Soviets reacted by constructing the so-called Tallinn line. When this Soviet action was made known to us through satellite surveillance, our intelligence community believed that the Tallinn defense was an ABM system. We then reacted to this anticipated ABM system by authorizing research and development on the MIRV (multiple warheads, independently targeted) system which would counter, in our view, what we thought was an ABM system. In fact we later scrapped the B-70 program and the Tallinn line turned out not to be an ABM after all but a highly sophisticated anti-aircraft defense. Nevertheless the action-reaction cycle was initiated by each side's anticipation and misjudgment of what the other was doing.

Some explanation of how the anti-ballistic missile operates is in order.

The three main components—radar, computers, and missiles—have always been the principle parts of our ABM development, whether that system was known as Nike X, Nike Zeus, Sentinel or Safeguard.

There are two radar systems, two missiles systems and a computer component. The first radar system is the perimeter acquisition radar (PAR). This radar has a considerable range and will pick up an approaching missile at a range of over 1,000 miles. It incorporates new technology in that it no longer turns around mechanically but electrically scans the sky in a fraction of a second.

The PAR first picks up the incoming missile, which is travelling at a speed of over 15,000 miles per hour, tracks it and determines its course. Upon PAR's acquisition of the enemy's re-entry vehicle, the system has ten minutes in which to defend. PAR's tracking information is fed into a computer which determines the missile's target.

This information is then transferred to the missile site radar (MSR). This radar is located on the missile farm and also tracks the incoming re-entry vehicle and electronically guides the first missile launched. This missile, Spartan, has a range of about 400 miles and is detonated outside of the atmosphere at a range of about 150 to 200 miles. The Spartan's detonation is in the one-to-two megaton range and the X-rays produced should destroy the heat shield of the enemy's re-entry vehicle.

If the re-entry vehicle continues through the Spartan's detonation, a second missile called the Sprint, with a range of about 25 miles, is launched and detonation occurs at a range of 10 to 15 miles, within the atmosphere. The Sprint warhead is of smaller force but creates a shock wave and emits neutrons which heat the nuclear mass of the enemy's re-entry vehicle and destroys its capacity to detonate.

On March 14, 1969, President Nixon announced his decision to deploy the Safeguard system which involved several changes in location and purpose as compared with Sentinel. The location of the missile farms under Safeguard would be remote from the major cities except for Washington, D.C. The objectives would be first to protect our Minuteman ICBM's against the Soviet Union; second to provide an area defense against a future possible Chinese attack; and third, to protect against an accidental launch. The first two sites would be located at Air Force Bases in Montana and North Dakota and would theoretically protect one-third of our Minuteman force. The total system would incorporate 10 additional sites and offer a thin area protection over the entire United States.

All that has been said is meant to provide a background for the arguments I now offer against the construction and deployment of an ABM. Those arguments relate to five principal considerations: Reliability, Necessity, Cost, The Arms Race, and Arms Control.

RELIABILITY

Will the system work?

The proposed Safeguard system is the most complex electronics system ever devised. It has not and cannot be tested. Moreover all components of the system have not yet been built or tested as separate units.

The proposed ABM system or any ABM system would be subject to penetration aids. Twelve years ago when we began development of an ABM we sought not only to construct a defensive system but to understand how any defensive system could be penetrated.

Today several penetration aids are available. Balloons, light in weight, may be released from an attacking missile and by virtue of their thin metallic covering appear to any radar as a re-entry vehicle. In fact, a re-entry vehicle may be enclosed in such balloons.

The use of chaff is most effective. This device involves the release of some 100 million

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thin pieces of wire which can create a cloud hundreds of miles long and distorts all radar detection. Even if our radars now or in the future are able to "read" the trajectory of a re-entry vehicle, waves of decoys and fake warheads can easily confuse its findings so as to render them useless.

Our radars are also subject to the very serious problem of blackout. A nuclear detonation creates not only a fireball but the resulting electron cloud can create an area 100 miles in diameter which is "blacked out" from radar for several minutes. This radar blackout may be produced by our own Spartan or Sprint missiles or may be the result of an enemy detonation made for blackout purposes.

The radars are also subject to the effects of electronic jamming equipment that could be carried by missiles or re-entry vehicles. While the radars are the eyes of the system and its most critical component, they are also its most vulnerable component. The missile site radar cannot be hardened and is itself a "soft" target for nuclear attack.

Any defensive system may be subject to mere saturation. If a missile farm contains a total of 40 Spartan and Sprint missiles, given a perfect defense on our part the enemy would need to send in only 41 offensive missiles. With the deployment of MRV (multiple re-entry vehicles) or MIRV the number of offensive warheads can be greatly increased, making quite feasible the saturation of any ABM system presently conceived.

The arithmetic of the nuclear age is quite different from that which we knew and understood during World War II. Then if a bomber force was subject to a 10 percent attrition rate on each raid, the result was a gradual decrease in destructive power of the attacker. In the nuclear age, however, if 100 missiles are launched and we are successful in knocking down 90 percent of them, we have gained little or nothing because the 10 percent that still get through could result in the loss of 10 cities. Thus even a 10 percent failure represents a catastrophe.

NECESSITY

Secretary Melvin Laird testified that the ABM was essential to protect our ICBM's because the Soviet Union was seeking a first strike capability. In arguing that we must protect our deterrent, he made reference to the Soviet's SS–9 missiles which carry a heavy or 25 megaton payload. Other authorities have indicated there may be several other reasons for the large warhead on the SS–9, including the missile's inaccuracy, its possible use against large cities and as a radar blackout weapon. But aside from the purpose of the SS–9, we must consider whether or not the ABM is essential to protect our deterrent against it.

Our Minuteman forces can survive a megaton explosion within a one-half mile range. Several scientists and military authorities therefore have estimated that at the present time it would take two offensive Soviet missiles to be sure of destroying a single Minuteman installation. The Soviets have no such capability. Moreover, it is conceivable that we could launch our Minuteman before Soviet warheads could detonate on their designated targets. Beyond this, the Safeguard system, in the period through 1974, would protect only one-third of our Minuteman forces even if it were fully effective.

Let us assume for purposes of argument that the Minuteman force was destroyed. We still have our Polaris fleet with 656 missiles and a capability of destroying the Soviet Union. Moreover, the Director of Navy Strategic Programs has stated that our Polaris fleet is an invulnerable weapon for the next few years, and he has pointed out that antisubmarine warfare developments lag far behind our ability to keep our submarines hidden from attack.

But assume again for purposes of argument that our Minuteman force was destroyed and that our entire Polaris Submarine fleet was simultaneously put out of acton. We would still have our intercontinental bomber force which can take off with proper alert from our radar and early warning systems.

But for the purposes of further argument assume that our Minuteman force has been destroyed, all Polaris Submarines sunk and our intercontinental bombers destroyed on the ground by the FOBS system or destroyed in flight. And further assume that all of these forces have been destroyed simultaneously. We *still* have our medium range missiles stationed throughout Europe with sufficient power and range to act as a deterrent against the Soviet Union.

COST

Our strength as a nation rests not only on our military power but also on the stability of our economy. Our huge defense budget seriously affects the stability of the economy today, and Secretary Laird has recently confirmed that this budget will continue at its present level even after the end of the war in Vietnam.

While the Safeguard system is estimated to cost $7.8 billion most agree that its initial deployment is only a foot in the door for a thicker system which is to be constructed in the years ahead. No one can really estimate what the cost would actually be. Past performance indicates it would be very high. In the case of the F111, the electrical gear alone now costs as much as the original estimate of the entire airplane. The cost overrun of the C5 transport plane is near $2 billion. The Cheyenne helicopter, after an expenditure of some $875 million, has been cancelled. A new series of Naval transport ships is suffering from a $1.8 billion cost overrun. The Army has poured approximately $1 billion into the development of a new tank which still has serious technical problems.

My concern about the great cost of the Safeguard system is not based on the proposition that I think these sums must be diverted to social or welfare programs. In the years ahead, it will be essential that we maintain strong conventional forces. We desperately need a new fighter bomber and a new Navy fighter, submarines, ships, field tanks, and other systems. If we are to have the complex of forces which will enable us to meet every threat at the appropriate level, allowing us to defend our interest with no greater danger than is necessary, we must maintain adequate conventional as well as nuclear forces. If we fail to do so we shall return to the days of "massive retaliation" and to the days where our power was so unmanageable that it was useless and gave us only the options of nuclear war or surrender.

THE ABM AND THE ARMS RACE

It is essential that the ABM be studied and understood not only as a defensive weapons system but also with regard to the effect it will have on the strategic balance in the world and the related effect on our national security.

Between 1950 and 1960 there was between the United States and the Soviet Union repeated and rival deployment of weapons systems on both sides. Both super powers were constantly seeking a temporary advantage, attempting to repair their vulnerability or acting in anticipation of some move on the other side. By 1960 the power of each nation in terms of numbers and diversity of weapons had reached a plateau which provided mutual deterrence.

Indeed both the United States and the Soviet Union rejected new systems. On three previous occasions the United States has rejected an ABM system. We cancelled a manned bomber program and the Skybolt missile project. The Soviet Union lagged behind in missiles and in other weapons systems without great fear. They gave up mobile launching plans. Thus for the last decade there has been a period of certainty and stability. Today there are disturbing developments on both sides which can create uncertainty and insure instability. The continuing growth of the Soviet ICBM system is alarming. The installation of an ABM system particularly as it relates to the deployment of MIRV's is likewise a factor which can set both powers off on another spiralling arms race. The action-reaction cycle can start again and a defensive versus offensive race will accelerate the arms competition to an even greater pace.

Some mention must be made of the Soviet ABM system. Recognized military and scientific authorities indicate that the Golosh system around Moscow is the equivalent of our early Nike Zeus system. Construction has been halted. The total number of missiles deployed is approximately 70 and constitutes only an experimental or applied research undertaking. But we have reacted to this system by pushing ahead with MIRV research, and so will the Soviets react with more offensive missiles and in turn the United States will be required to undertake the ABM and to provide shelters.

It is essential to our national defense that we not be misled by our defense officials or by ourselves. There is a real danger that the ABM will become an electronic maginot line that will be dangerous in that it will provide an illusion of defense against ballistic missiles which of course does not exist.

ABM'S AND ARMS CONTROL

One last point. The Administration contends it is essential that we proceed with the ABM so they will have a bargaining tool when arms limitation talks begin with the Soviet Union. This concept rests on the theory that "since they have one we must have one too." Yet it is impossible to understand how we could consider ourselves in a weak position during negotiations merely because we do not possess an ABM system. We are superior in every other measurement of military strength.

In considering negotiations of arms limitations we must accept the fact that both sides are going to insist upon maintaining a mutual deterrent. Any agreement therefore will actually be at a very high level of nuclear might. But if ABM's are deployed then the negotiated agreement will have to include a limit on them. How do you limit an ABM? Do you limit the number of defensive missiles? Do you limit the capacity of the computers of the capability of the radar? How can any nation tell whether an ABM system is a thick or a thin system? If such limitations are to be imposed then inspections are mandatory and this simply isn't likely with the Soviet Union.

An ABM system necessitates the development and deployment of MIRV's. This multiple warhead again cannot be limited without inspection. Moreover, if we proceed with the ABM we give the Soviet Union grounds to argue for higher levels of ICBM's, bombers and missile submarines. The ABM will not only accelerate the arms race but push it past the level at which some agreement involving mutual deterrence may be possible.

Someone has written that "the road from the ax to the ICBM seems to run in a single direction and is irreversible." I think that direction is reversible, and I think the time to try is now.

FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 36 AND 37

Mr. COOPER. Mr. President on May 26, 1969, I submitted an amendment to the administration's Federal Coal Mine

Health and Safety Act of 1969 (S. 1300). I am a cosponsor of the original bill. The purpose of the amendment which I submitted at that time was to provide greater protection for all miners working in underground coal mines from the hazards of roof, face, and rib falls. The need for the amendment is supported by records of the Bureau of Mines.

These records show that roof falls are responsible annually for more coal mine fatalities than all other causes combined.

Mr. President, today I offer two other amendments to the administration's Coal Mine Health and Safety bill. I do so because of the interest in coal mining and in mine safety in my State of Kentucky. Kentucky today is the second largest producer of bituminous coal in the United States, surpassed only by West Virginia.

When I served as a member of the Committee on Labor and Public Welfare, I was a member of the subcommittee which considered legislation dealing with the problems of coal mine safety. In those years, I helped to develop the only amendments to the Federal Coal Mine Safety Act adopted by the Congress in recent years.

Today I introduce a second amendment to S. 1300 which would retain the classification between gassy and nongassy mines as provided in the present law with respect to the use of permissible equipment. My amendment would not change other provisions of the administration's bill—provisions which I support—which require a greater number of mine inspections and more comprehensive standards for carrying out tests for gas in all underground coal mines than are required under the present law.

My amendment is limited in application to the proposed requirement of S. 1300 that certain types of equipment termed "permissible equipment" must be used in nongassy mines. The law presently provides that this type equipment; that is, permissible equipment, must be used in gassy mines.

To provide some general idea of the character of permissible equipment that is required in gassy mines, I now make the following comments.

All joints must be grounded metal to metal; no gaskets can be used with metal joints, and joints must be at least 1-inch in width; bolts and screws must be within a 4-inch space; all joints have a tolerance of four-thousandths of an inch; starting boxes, switches, and control panels must be designed so as not to ignite gas by electric arcs; openings through which electric wiring enters the machinery shall be so designed that no arc will ignite gas in surrounding atmosphere; cutting bits for continuous mining or cutting machines are designed to make less spark when contacting mineral substances in the coal or sand rock in the roof or floor, or other minerals.

If, as I argue, this specialized equipment is not needed, the effect of this provision of the bill to require permissible machinery in nongassy mines and to require all operators to replace the equipment they now use with new permissible equipment, would be very uneconomical and very expensive for the nongassy mines in my State and throughout the Nation.

Estimates of the cost have been given and I have been informed that the cost of equipping one section of a mine would be more than $260,000; the cost of a cutting machine would be about $80,000; the cost of a 14 B.U. loader is about $54,000, a shuttle, $39,000, a coal drill is $24,000, and a roof drill is about the same.

It has been estimated that the cost of equipping a mine with permissible equipment would be at least double the cost of the equipment now being used in nongassy mines.

It has been estimated by the Bureau of Mines officials in the State of Kentucky that to reequip the mines in one county, Harlan County, which is one of our great coal-producing counties, would be in the range of $10 million.

Mr. President, I do not base my argument today purely on the grounds of economy, nor the fact that it would be costly to the operators of nongassy mines to refit and reequip their mines with permissible machinery. If the danger of gas in these mines, which are now termed nongassy, is so great to require that these mines be reequipped with permissible machinery, then it should be done. However, when one makes this argument he is usually met with the statement that he is more concerned with economics and the economic side of the issue rather than human life and injury.

Under the proposed bill, all nonpermissible equipment would have to be scrapped or reworked to make it permissible. The results of this changeover would not increase production. Without increased production it would be very uneconomical for the operators of nongassy mines in my State and throughout the country.

I wish to compare the incidence of fatalities and injuries which have occurred in gassy and nongassy mines and their causes. As I said, the argument is made that all coal mines are potentially gassy and, therefore, to insure safety in mine operations, the law should make it mandatory for all coal mines, whether gassy or nongassy, to be worked by permissible equipment.

This argument is based on certain statistics gathered and presented by the Bureau of Mines which have been repeatedly referred to in the course of the subcommittee's hearings. On closer examination, however, they do not support this thesis. I would point out that while the statements can be submitted again and again and made a part of the RECORD, no examination has been made for the record to determine what proportion of injuries and fatalities have occurred in gassy mines, and in those mines which are presently classed nongassy.

The Bureau of Mines has cataloged all underground coal mine ignitions and explosions in the United States for the period running from July 1, 1952 to November 20, 1968—over 16 years; identifying the type of mine, the cause of the ignition or the explosion, and the number of fatalities and injuries. The nongassy mines are identified by number in the left-hand column for ready reference.

Mr. President, I ask unanimous consent to have this report printed in the RECORD, as exhibit A.

There being no objection, exhibit A was ordered to be printed in the RECORD, as follows:

EXHIBIT A—U.S. BUREAU OF MINES

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries: Fatal	Injuries: Nonfatal	Cause
July 1, 1952		Pennsylvania	Gassy	Unknown	0	3	An accumulation of gas near the face of an airway slant was ignited by an unknown source. Possibly sparks from a pick.
924; Sept. 15, 1952		do	do	Locomotive	0	1	Gas in a roof cavity was ignited by an arc between the trolley wire and the trolley pole shoe of a locomotive.
992; Oct. 7, 1952		do	do	Cable reel locomotive	0	2	An electric arc on the cable reel locomotive ignited gas when a short circuit occurred in the trailing cable on the reel of a loading machine.
1361; Oct. 21, 1952		do	do	Explosives	0	4	Explosion occurred when an accumulation of gas was ignited by firing an unconfined charge of permissible explosives.
1970; Oct. 23, 1952		do	do	Unknown	0	2	Inadequate face ventilation permitted accumulation of gas. The means of igniting the gas resulting in the explosion was undetermined.
1752; Nov. 12, 1952		West Virginia	do	Locomotive	0	1	The explosion occurred when methane was ignited in roof cavity by an arc from the nip of a cable-reel locomotive.
2081; Dec. 9, 1952		Pennsylvania	do	Flame safety lamp or smoking	0	2	Accumulation of methane in a rock hole was ignited by a permissible flame safety lamp or by smoking.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries Fatal	Injuries Nonfatal	Cause
4612; Jan. 3, 1953	1	Pennsylvania	Nongassy	Open flame	0	1	Methane ignited by match while worker attempting to ignite a blasting fuse.
2397; Jan. 16, 1953		do	Gassy	Flame safety lamp	1	2	Lamp raised into explosive mixture of methane and air while a jet of compressed air was striking the lamp, thus forcing flame through the lamp gauzes.
738; Jan. 29, 1953		do	do	Explosives	0	3	Either an underburdened shot or burning explosives ignited gas released by previous shots.
Feb. 20, 1953	2	do	Nongassy	Open flame lamp	0	1	Presumably an ignition of gasoline fumes from a leaky surface pipeline ignited by a carbide lamp.
3612; Feb. 25, 1953	3	do	do	Electric arc	0	2	Presumably gasoline vapors which entered the mine from a leaky surface pipeline was ignited by arcs from the wheels of a cutting machine being trammed along the haulageway.
12334; Mar. 6, 1953		West Virginia	Gassy	Electric light socket	3	0	Arc from short circuit at light socket in shaft being sunk ignited methane.
10169; Mar. 12, 1953		do	do	Cutting machine bits	0	0	Arc from grounded machine bits touching a roof bolt ignited methane at face.
3563; Mar. 30, 1953	4	Iowa	Nongassy	Black powder	5	0	2 blown-out shots of black blasting powder ignited coal dust.
12902; Mar. 30, 1953	5	Kentucky	do	Explosives	0	0	Blown out shots ignited coal dust.
134; Apr. 28, 1953		Pennsylvania	Gassy	Continuous miner bits	0	2	Sparks emitted when miner bits struck sandstone roof ignited methane from face feeder.
615; May 1, 1953		do	do	Explosives	0	0	Blown out shot ignited gas in the kerf.
11595; May 5, 1953	6	Kentucky	Nongassy	Open flame	0	0	Methane in roof cavity ignited by open-flame (carbide) lamp.
2338; May 9, 1953		West Virginia	Gassy	Matches	0	0	Presumably boys playing near an abandoned shaft ignited gas escaping from mine.
4251; May 12, 1953		Pennsylvania	do	Explosives	2	0	Presumably gas was ignited by underburdened shots.
527; May 29, 1953		do	do	do	2	2	Methane ignited by blasting.
1723; June 3, 1953		West Virginia	do	Locomotive	1	0	Arc or spark from locomotive being used by fire boss ignited methane in roof cavity.
June 4, 1953		Pennsylvania	do	Electric drill	0	4	Methane at face ignited by an arc from handheld electric coal drill.
1361; June 12, 1953		do	do	Explosives	0	2	An unconfined charge of explosives used to start coal inside battery ignited methane.
169; June 22, 1953		West Virginia	do	Loading machine	0	3	Arc from "blown" trailing cable ignited gas at face.
4187; Aug. 12, 1953		Pennsylvania	do	Match	0	1	Methane ignited by workman when attempting to light a cigarette with a match.
11845; Aug. 14, 1953		do	do	Explosives	0	7	Presumably an underburdened blast shot through into methane and ignited it.
Aug. 26, 1953		do	do	Match	0	1	Methane liberated by a blast ignited when miner attempted to light cigarette with match.
Sept. 9, 1953	7	do	Nongassy	Open-flame lamp	0	2	Methane accumulated while mine was idle and not ventilated; ignited by open flame lamp during inspection by operators.
647; Oct. 3, 1953		Indiana	Gassy	Electric arc or smoking	0	0	Inadequate ventilation permitted methane to accumulate at face of slope and the gas was ignited by arc from locomotive controller or smoking.
918; Oct. 30, 1953		Illinois	do	Trolley locomotive	0	2	Arc from trolley wheel of locomotive ignited gas along haulageway.
169; Nov. 4, 1953		West Virginia	do	Power feeder cable	0	1	Methane in a high spot in roof ignited by arc at defective splice in feeder cable.
11; Nov. 20, 1953		Pennsylvania	do	Power tap	0	0	Arc created when power tap was removed from trolley wire ignited methane.
1666; Dec. 13, 1953		West Virginia	do	Trolley locomotive	0	2	Methane in a large roof cavity was ignited by an arc created when trolley pole contact was removed from the trolley wire.
3954; Jan. 7, 1954		Kentucky	do	Unknown	0	1	A small accumulation of gas was ignited near the face of a developing entry, but the exact cause was unknown; possibly smoking.
832; Jan. 13, 1954		West Virginia	do	Cutting machine bits	0	0	Cutting bits struck rock and sparks ignited gas in the kerf.
12339; Feb. 9, 1954		Colorado	do	Nonpermissible electric drill	0	2	Methane under pressure was tapped by a drill auger and ignited by a nonpermissible electric drill.
325; Feb. 17, 1954		West Virginia	do	Explosives	0	1	Explosion in a shear when gas or coal dust or both were ignited by improperly confined permissible explosives fired in a borehole.
672; Feb. 18, 1954		do	do	Roof-bolt machine	0	0	Gas feeders at the face were ignited while a roof-bolt hole was being drilled. Frame-ground fault, permissible drill.
1363; Apr. 6, 1954		do	do	Loading machine	0	3	A ventilation change left one section inadequately ventilated and methane from bleeders entered a haulageway and was ignited by an arc from "nipping" a loading a loading machine.
0; Apr. 9, 1954		Pennsylvania	Nongassy	Open-flame carbide lamp	0	1	Accumulation of methane in a chute face was ignited by an open-flame carbide light.
2430; Apr. 14, 1954		do	Gassy	Explosives	0	2	Explosion resulted from firing an unconfined charge of permissible explosives to break a large peice of coal that blocked a battery.
2249; Apr. 17, 1954		Colorado	do	Old fire area	0	0	A damaged seal permitted rekindling of an old fire area. Delay in repairing the damaged seal permitted an accumulation of gases which ignited causing an explosion.
745; April 27, 1954		Pennsylvania	do	Locomotive	0	0	Arc between trolley pole slide contactor and trolley wire ignited gas in a roof cavity.
4187; April 28, 1954		do	do	Match or open-type electric drill	0	4	Explosion occurred when an accumulation of methane was ignited when an attempt was made to smoke at the face or by an arc from an open-type electric drill.
1152; May 4, 1954		Indiana	do	Continuous miner bits	0	4	Sparks from continuous miner bits striking roof rock ignited gas.
1152; May 6, 1954		do	do	do	0	1	Do.
2158; May 10, 1954		Tennessee	Nongassy	Matches	0	0	Gas issuing from face boreholes was ignited with matches by members of the face crew.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries: Fatal	Injuries: Nonfatal	Cause
1689; May 12, 1954	9	West Virginia	Gassy	Locomotive	1	6	Explosion resulted from gas forced from old workings being ignited by a locomotive.
9439; May 17, 1954	10	Kentucky	Nongassy	Open-flame carbide lamp	0	0	A miner using a carbide lamp for portable illumination ignited gas issuing from a shot hole he was tamping.
3796; May 24, 1954		Washington	Gassy	Nonpermissible electric drill	0	2	Nonpermissible electric drill ignited gas accumulation at a face.
14076; May 28, 1954	11	Pennsylvania	Nongassy	Smoking or arc from signal station.	0	3	The explosion resulted from an attempt to light a cigarette or by an arc produced at a slope signaling station.
2423; June 8, 1954		Oklahoma	do	Cutting machine	0	0	A short-circuit in the cutting machine cable ignited gas issuing under the cut.
7403; July 16, 1954		Kentucky	do	Cutting machine bits	0	0	Gas was ignited when cutting machine bits created sparks when they encountered sulfur streaks in a shear cut.
2336; Aug. 24, 1954		Pennsylvania	do	Explosives	1	0	Explosion resulted when an accumulation of gas was ignited by the firing of an unconfined charge of permissible explosives to break rock in a draw hole.
4; Aug. 27, 1954		do	do	Trolley locomotive	1	0	Trolley locomotive operated by a fire boss ignited gas during a preshift examination.
2101; Sept. 28, 1954		do	do	Explosives	0	8	Explosives were fired in the presence of methane.
1367; Nov. 3, 1954		do	do	Loading machine	0	0	Methane was ignited at the face of a room when the conductors of a trailing cable of a loading machine short-circuited at the point where the cable entered the machine
78; Nov. 13, 1954		West Virginia	do	Explosives	16	0	Major explosion occurred when permissible explosives were fired in a nonpermissible manner to blast pillar stamp in an explosive mixture of air and methane.
535; Nov 17, 1954		Pennsylvania	do	do	0	0	Gas was ignited at the face of an entry by underburdened permissible explosives charge. Four previous shots had dislodged the coal and released gas.
13941; Nov. 30, 1954	12	Kentucky	Nongassy	do	0	2	When blasting with permissible explosives from the 250-volt circuit gas was ignited by an arc at a bare place in the blasting cable.
Dec. 13, 1954		Pennsylvania	Gassy	Match	0	3	Gas at a working face was ignited when one of the workmen attempted to light a cigarette with a match.
2985; Jan. 18 1955		do	do	Drill bit	0	0	Sparks from drill bit striking draw slate ignited methane in a roof cavity.
931; Jan. 28 1955		West Virginia	do	Loading machine or shuttle car	2	5	Arc from short circuit in either the loading machine or a shuttle car, neither maintained in permissible condition ignited methane.
1303; Feb. 14 1955		Utah	do	Mine car	0	0	Arc from grounded car wheel sitting on sand ignited coal dust in suspension.
61; Feb. 25 1955		West Virginia	do	Explosives	0	0	Underburdened shot ignited small accumulation of methane at face of a cross cut.
2397; Mar. 14 1955		Pennsylvania	do	Cutting machine bits	0	0	Sparks emitted when bits struck pyrites ignited methane in the kerf.
615; Mar. 18, 1955		do	do	Explosives	0	0	An underburden shot ignited methane at the face.
...... Apr. 25, 1955		do	do	Smoking	1	1	Presumably a worker attempted to light a cigar and ignited methane.
12350; Apr. 25, 1955		do	do	Explosives	0	2	Shots were fired in the presence of methane.
12343; Apr. 25, 1955		Kentucky	do	Cigarette lighter	0	2	Worker attempted to light a cigarette and ignited methane.
1896; June 9, 1955		Pennsylvania	do	Explosives	0	0	Improper blasting practices permitted flame to ignite methane.
615; June 17, 1955		do	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in the kerf.
1896; June 18, 1955		do	do	Explosives	0	0	Faulty blasting practices caused methane to be ignited at face.
14431; June 18, 1955	13	do	Nongassy	Electric drill	0	1	Arc from open-type coal drill ignited methane at face.
14535; July 23, 1955	14	do	do	do	0	2	Arc from open-type electric coal drill ignited methane at face.
11538; Aug. 23, 1955		West Virginia	Gassy	Cutting machine bits	0	0	Spark from bits striking steel roof bolt ignited methane at face.
7925; Aug. 29, 1955		Ohio	do	Trolley wire	0	2	Arc created when trolley shoe made contact with wire ignited methane at roof.
4219; Oct. 22, 1955		Pennsylvania	do	Electric drill	0	2	Arc from open-type electric coal drill ignited methane at face.
495; Nov. 8, 1955		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in kerf.
169; Nov. 30, 1955		West Virginia	do	Continuous miner	0	5	Arc from short circuit owing to defective insulation on headlight cable ignited methane at face.
2635; Dec. 9, 1955		Pennsylvania	do	Explosives	1	1	Mudcap shot subsequent to blasting ignited methane at face.
12569; Dec. 19, 1955	15	Maryland	Nongassy	Smoking	0	1	Miner lighting cigarette ignited gas issuing from clay vein 40 feet out by the face.
0; Jan. 4, 1956		Pennsylvania	Gassy	Hand-held electric drill	0	2	Methane accumulation accumulated in a chute and was ignited by an open-type electric hand-held drill resulted in an explosion.
2350; Feb. 3, 1956		Oklahoma	do	Old mine fire	0	0	Methane was ignited by rekindled mine fire. (Mine fire occurred Nov. 17, 1955.)
4761; Feb. 14, 1956	16	Ohio	Nongassy	Carbide gas	0	2	Carbide and black powder stored together in metal container. Open carbide light ignited carbide gas and black powder.
1832; Feb. 20, 1956	17	Colorado	do	Combustible gases of mine fire	0	0	Combustible gases of rekindled mine fire were ignited.
965; Feb. 24, 1956		Pennsylvania	Gassy	Explosives	0	0	Permissible explosives charge in draw slate ignited accumulation of gas in roof cavity at back of the cut.
9412; Feb. 28, 1956	18	Alabama	Nongassy	Open-flame lamp	0	0	Accumulation of gas ignited with open flame (carbide) lamp.
615; Mar. 2, 1956		Pennsylvania	Gassy	Cutting machine bits	0	0	Friction spark from cutting machine bits ignited gas in kerf.
11482; Mar. 14, 1956		Pennsylvania	do	Open-type drill, match or cigarette.	0	2	Gas accumulation ignited by arc from open-type drill, match, or cigarette.

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UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries Fatal	Injuries Nonfatal	Cause
615; Mar. 20, 1956		Pennsylvania	Gassy	Cutting machine bits	0	0	Friction sparks from cutting machine bits ignited gas in the kerf.
11010; Mar. 21, 1956	19	Colorado	Nongassy	Open-type hand-held drill	0	2	Accumulation of methane in the face area ignited by an arc from an open-type hand-held drill.
296; Mar. 22, 1956		West Virginia	Gassy	Continuous miner bits	0	0	Cutter bits on a continuous miner struck a sulfur streak, and sparks ignited an accumlation of gas.
3455–A; Apr. 3–4, 1956		Indiana	do	Cutting machine bits	0	0	Six gas ignitions in kerfs from friction sparks or from ground-fault current arcs from cutting chains.
11538; Apr. 6, 1956		West Virginia	do	Loading machine	0	0	Trailing cable of the loading machine shorted and ignited gas feeders along the coal rib.
697; Apr. 12, 1956		Pennsylvania	do	Shuttle car	0	0	Two gas ignitions occurred when gas feeders in the floor were ignited when a shuttle car ran over its trailing cable and pulled it apart.
133; Apr. 13, 1956		West Virginia	do	Flame safety lamp	0	1	Methane ignited in an undetermined manner while testing with a flame safety lamp.
11538; Apr. 24, 1956		do	do	Cutting machine bits	0	0	Gas ignition occurred in the kerf of a topcut being made in the coal face when the carbide-tipped bits of the cutting machine struck a sulfur streak.
615; May 21, 1956		Pennsylvania	do	Locomotive	0	1	Arc from the trolley nip of a cable-reel locomotive ignited an accumulation of gas in a roof cavity in an airlock.
564; May 31, 1956		Alabama	do	Trolley locomotive	2	0	Explosion resulted from a gas accumulation in an inactive area which was ignited by a trolley locomotive operated by a fire boss.
527; June 9, 1956		Pennsylvania	do	Explosives	0	5	The direct cause of the explosion was the ignition of methane by the detonation of an unconfined charge of explosives used to start a flow of material at a battery.
649; July 12, 1956		Kentucky	do	Trolley wire	1	1	Mine personnel carrier being operated by nipping ignited an accumulation of gas which resulted in the explosion.
19050; July 17, 1956	20	do	Nongassy	Open flame bits	0	0	Open-flame carbide lamp ignited gas as mine car was pushed into the face area to be loaded.
133; July 19, 1956		West Virginia	Gassy	Cutting machine bits	0	0	Ignition occurred in a shear cut when the bits of a cutting machine struck a hard substance.
11182; Aug. 31, 1956		Colorado	do	Explosives	0	0	Gas ignited by improperly burdened shot of permissible explosives.
325; Sept. 18, 1956		West Virginia	do	Loading machine	0	0	Gas was ignited by an arc from the nip of a loading machine trailing cable.
11538; Oct. 8, 1956		do	do	Roof-bolt machine	0	0	Ground-fault arc ignited gas when bolting machine contacted a roof bolt.
134; Oct. 20, 1956		Pennsylvania	do	Locomotive	0	1	Methane in a roof cavity was ignited by a trolley-pole locomotive operated by an official on an idle day.
17358; Oct. 23, 1956	21	Kentucky	Nongassy	Explosives	0	0	Small dust explosion was initiated when shooting off an overhanging rib with nonpermissible explosives.
3455–A; Oct. 25, 1956		Indiana	Gassy	Blasting cable	0	0	Arc was caused by moving blasting cable that touched the "nipping" station and ignited gas at the face.
1618; Nov. 2, 1956		Pennsylvania	do	Dust in conveyor belt drive motor.	0	3	Coal dust was thrown into suspension by blowing out a conveyor belt drive motor with oxygen and ignited by dormant fire in the motor casing.
325; Nov. 2, 1956		West Virginia	do	Explosives	0	1	The explosion occurred when unconfined shots were fixed in crevices of fallen roof material in the presence of explosive gas.
245; Nov. 7, 1956		Pennsylvania	do	Acetylene torch	4	0	The explosion was caused by a body of gas that had accumulated beneath a false shaft bottom being ignited with hot metal falling down the shaft or the flame of an acetylene torch which was used to burn holes in a beam.
6342; Nov. 28, 1956	22	do	Nongassy	Open-flame carbide lamp	0	0	Methane was ignited by an open-flame carbide lamp.
20159; Nov. 29, 1956		Tennessee		Open-flame lamp	0	1	Acetylene explosion from carbide stored in a can with blasting caps was ignited by an open-flame carbide lamp which in turn ignited the blasting caps.
366; Dec. 5, 1956		Pennsylvania	Gassy	Explosives	0	0	Underburdened permissible explosives charge ignited gas at the back of a cut.
573; Dec. 14, 1956		do	do	Shuttle car	0	0	Sparks created by shuttle-car trailing cable rubbing against a roof-bolt assembly probably ignited gas in a roof cavity at the shuttle-car ramp.
716; Dec. 20, 1956		do	do	Open-type signal	0	2	Arc from an open-type signal button ignited gas near the face of a chamber resulted in an explosion.
3198; Dec. 20, 1956		West Virginia	do	Trolley locomotive	1	0	Explosion resulted from methane accumulation in a large roof cavity which was ignited by a trolley locomotive operated by a foreman.
15477; Dec. 21, 1956		Colorado	do	Electric drill	0	2	A nonpermissible hand-held electric drill ignited gas issuing from freshly drilled boreholes in the coal face.
20121; Dec. 26, 1956		Utah	Nongassy	Explosives	1	0	Explosion was caused by improperly placed and charged permissible explosives in boreholes igniting excessive coal dust suspended in the air. 2 unemployed boys visiting in the mine also killed—not charged to industry.
12334; Jan. 3, 1957		West Virginia	Gassy	Power wire	0	0	Power wires enclosed in a casing within the shaft became bare through vibration possibly, and an arc occurred which ignited methane in the shaft.
10419; Jan. 11, 1957		Kentucky	do	Smoking	0	1	Presumably, the shot firer was smoking during the preparation of a blast and ignited gas at face.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
3936; Jan. 17, 1957	24	Pennsylvania	Nongassy	Open-flame cap lamp	0	0	Officials making inspection with open-flame lights ignited methane entering mine from old gas well.
Jan. 17, 1957		do	Gassy	Match	0	1	Miner inspecting face after blasting lighted match and ignited methane.
2587; Jan. 18, 1957		Alaska	do	Explosives	5	0	An underburdened shot ignited methane and coal dust.
18003; Jan. 23, 1957		Pennsylvania	Gassy	Electric drill	0	2	Arc from nonpermissible hand-held electric drill ignited methane at face.
1752; Feb. 4, 1957		West Virginia	do	Electric arc	37	0	An arc from any one of four electrically operated machines or their power cables or the "nipping" station could have ignited methane accumulated as a result of a ventilation disruption.
3936; Feb. 5, 1957	25	Pennsylvania	Nongassy	Open-flame cap lamp	0	0	Methane escaping from an old gas well was ignited by an open-flame cap lamp.
535; Feb. 19, 1957		do	Gassy	Shuttle car	0	4	Arc from grounded shuttle car touching frame of continuous miner ignited methane.
2621; Feb. 26, 1957	26	Kentucky	Nongassy	Match	0	0	Miner lighted a match after drilling blast hole and ignited gas issuing from hole.
866; Mar. 10, 1957		West Virginia	Gassy	Mine jitney	0	2	When foreman removed trolley pole from wire the arc ignited methane issuing from feeder in roof cavity.
19840; May 1, 1957	27	Pennsylvania	Nongassy	Open flame cap lamp	0	2	Miner attempting to ignite blasting fuse with carbide lamp ignited methane.
965; May 1, 1957		do	Gassy	Explosives	0	0	Explosive charge ignited methane in kerf owing to crevice in coal extending to the blast hole.
615; May 10, 1957		do	do	Loading machine	0	0	Arc from "blown out" trailing cable ignited methane at face.
17358; May 27, 1957		Kentucky	do	Continuous miner bits	0	0	Sparks created when bits struck boulders in coalbed ignited methane.
8008; June 6, 1957		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck pyrite in the kerf and ignited methane.
2397; June 14, 1957		Pennsylvania	do	Flame safety lamp	3	2	Directed stream of compressed air against safety lamp to clear lamp of methane and forced flame through lamp gauze which ignited methane in the working place.
20015; July 29, 1957		Colorado	do	Loading machine	0	2	Arc created when boom of loading machine broke contact with frame of shuttle car and ignited coal dust in suspension.
8008; Aug. 2, 1957		Ohio	do	Cutting machine bits	0	0	Sparks created when bits struck pyrites ignited methane in kerf.
866; Aug. 6, 1957		West Virginia	do	do	0	0	Sparks emitted when bits struck sandstone ignited methane in kerf.
366; Sept. 23, 1957		Pennsylvania	do	Trolley locomotive	6	5	Fan breakdown permitted methane to accumulate and the gas was ignited by arc from trolley locomotive.
2766; Sept. 25, 1957	28	Illinois	Nongassy	Continuous miner bits	0	3	Sparks created when bits struck rock in the coal bed ignited methane.
2336; Oct. 9, 1957		Pennsylvania	Gassy	Trolley locomotive	0	2	Trolley pole leaving wire caused an arc which ignited methane.
16000; Nov. 16, 1957	29	do	Nongassy	Blower fan or match	0	3	Methane ignited by nonpermissible blower fan motor or a match.
3768; Nov. 20, 1957		do	Gassy	Spark from steel bar	0	1	Presumably the methane was ignited by spark emitted when rock was struck with a steel bar.
2906; Dec. 11, 1957		Arkansas	do	Open flame	4	0	Methane accumulation resulting from disrupted ventilation ignited by open flame. (match or cigarette lighter).
1939; Dec. 27, 1957		West Virginia	do	Electric arc	11	0	Arc or spark from electric equipment or cable ignited the gas.
20058; Jan. 10, 1958	30	Virginia	Nongassy	Open-flame cap lamp	0	0	Methane ignited by open-flame (carbide) lamp used by a miner.
404; Jan. 17, 1958		Ohio	Gassy	Mine jitney	0	1	Arc from trolley of mine jitney ignited gas while official was examining mine.
13296; Jan. 31, 1958	31	Tennessee	Nongassy	Open flame cap lamp	0	0	Methane ignited by open flame (carbide) lamp used by miner.
1885; Feb. 6, 1958		West Virginia	Gassy	Continuous miner bits	0	2	Sparks created by bits striking sulfur balls or iron pyrites ignited methane at face.
14893; Apr. 8, 1958		Virginia	do	Undertermined	2	4	An accumulation of methane in pillared area as a result of discontinuance of the bleeder system was ignited by some means during a heavy roof fall possibly sparks from rock striking rock.
166; May 1, 1958		Pennsylvania	do	Explosives	0	3	Unconfined charge of explosives ignited methane at clogged battery.
551; June 11, 1958		do	do	Cutting machine cable nip	0	4	Methane entrapped between airlock doors was ignited by arc from "stinger" used to move the cutting machine.
2635; June 19, 1958		do	do	Explosives	1	4	Methane liberated by a blast ignited by subsesequent unconfined charge of explosives.
296; June 27, 1958		West Virginia	do	Trolley wire	0	1	Operation of taking down rock forced energized trolley wire against locomotive frame and resulting arc ignited methane in a roof cavity.
2930; July 9, 1958		do	do	Pump motor	3	0	Methane was ignited by an arc when the pump motor was energized.
1579; Aug. 22, 1958		do	do	Flame safety lamp	0	2	Methane ignited when making test for gas with a defective lamp.
1555; Sept. 6, 1958		Pennsylvania	do	Trolley locomotive	0	1	Arc from trolley of locomotive ignited methane.
213; Sept. 18–19, 1958		do	do	Continuous miner bits	0	3	Sparks emitted when bits struck pyritic material ignited methane at face.
1752; Sept. 26, 1958		West Virginia	do	Cutting machine bits	0	0	Sparks created when bits struck sandstone ignited methane in kerf.
832; Sept. 29, 1958		do	do	Explosives	0	0	Underburdened shots in rock ignited methane in area of blasts.
9713; Oct. 2, 1958	32	Tennessee	Nongassy	Open-flame cap lamp	0	1	Coal dust blown from drill hole by compressed air was ignited by open flame (carbide) lamp.
13296; Oct. 17, 1958		do	Gassy	Open-flame cap lamp	0	0	Methane intentionally ignited by open flame (carbide) lamps to get rid of the gas.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
1361; Oct. 27, 1958		Pennsylvania	Gassy	Flame safety lamp	0	1	Attempting to relight a flame safety lamp in jet of compressed air—possibly gas in lamp caused flame to penetrate gauze and ignite gas outside the lamp.
1752; Oct. 27, 1958		West Virginia	do	Blasting	22	0	Shots blasted through into an adjacent place and ignited gas.
2806; Oct. 28, 1958		do	do	Power wires	14	3	Fall of roof forced power wires against return wires or frame of belt and resulting arc ignited methane.
2261; Dec. 5, 1958		Pennsylvania	do	Explosives	0	1	An unconfined charge of permissible explosives employed to take down roof rock ignited gas at face.
25818; Dec. 11, 1958	33	do	Nongassy	Electric drill	0	3	Sparks or arcs created when drill cable was connected to power line ignited methane at face.
1565; Dec. 19, 1958		Washington	Gassy	do	0	2	Arc from a nonpermissible hand-held electric drill ignited methane at face.
12334; Jan. 29, 1959		West Virginia	do	Flame safety lamp	1	0	Methane ignited when miner attempted to relight his flame safety lamp in a canted position about 20 feet from the face. Lamp not defective when examined but had been opened and reassembled previously.
12334; Feb. 5, 1959		do	do	Continuous miner bits	0	0	Sparks emitted when bits struck pyritic inclusions in coal bed ignited at face.
14605; Feb. 6, 1959		do	do	Cutting machine bits	0	0	Arc at bit tips from grounded resistance in machine ignited methane at face.
14411; Mar. 2, 1959	34	do	Nongassy	Explosives	0	1	Improperly confined charge of permissible explosives ignited coal dust in a shear kerf.
495; Mar. 18, 1959		Ohio	Gassy	Loading machine	0	0	Arc from short circuit in trailing cable coiled on top of loading machine ignited methane at face.
6866; Mar. 23, 1959	35	Tennessee	Nongassy	Locomotive or smoking	9	0	An accumulation of methane resulting from intermittent fan operation was forced to a locomotive when fan was started and ignited either by the locomotive or smoking.
157–A; Apr. 16, 1959		Pennsylvania	Gassy	Cutting machine bits	0	1	Sparks emitted when the bits struck hard material ignited methane in shear cut.
17353; Apr. 22, 1959		do	do	Flame safety lamp	0	1	Methane ignited when testing for gas with a defective improperly assembled lamp.
6342; May 5, 1959		do	do	Blower fan	0	2	An arc or spark from the open-type blower fan ignited methane accumulated as a result of disrupted ventilation.
318; June 1, 1959		West Virginia	do	Mine jitney	0	0	Arc created when trolley pole was suddenly displaced from the wire ignited methane.
697; June 4, 1959		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when bits struck a pyritic inclusion in coal bed ignited methane at face.
1080; June 11, 1959		West Virginia	do	Electric pump	0	1	When using a bolt as a pry bar the pressure against an electric contact box caused a short circuit and methane issuing from a roof bolthole was ignited by the ensuing arc.
10169; June 22, 1959		do	do	Cutting machine bits	0	0	Sparks emitted when the carbide tipped bits struck pyrite streaks ignited methane in kerf.
17594; June 23, 1959		Virginia	do	Flame safety lamp	0	0	Methane was ignited when testing for gas with an improperly assembled lamp.
20115; Aug. 15, 1959		Colorado	do	Oxy-acetylene torch	0	3	Cutting during repair of fan motor coupling in fanhouse on surface ignited methane and explosion spread throughout the mine.
134; Aug. 20, 1959		Pennsylvania	do	Continuous miner bits	0	1	Sparks emitted when bits struck pyritic streaks ignited methane in pillar split.
10169; Aug. 31, 1959		West Virginia	do	Cutting machine bits	0	0	Sparks created by bits striking pyritic material ignited methane in kerf.
20918; Oct. 8, 1959	36	Pennsylvania	Nongassy	Flame safety lamp	0	2	Restarting a fan caused methane to move over an improperly assembled flame lamp which ignited the gas.
495; Oct. 9, 1959		Ohio	do	Cutting machine bits	0	0	Sparks emitted when bits struck hard material ignited methane in kerf.
2541; Oct 20, 1959		Illinois	do	Continuous miner	0	3	Arc in control panel of continuous miner ignited methane.
17639; Nov. 4, 1959	37	Virginia	Nongassy	Cigarette lighter	0	2	Methane at face ignited by flame of cigarette lighter.
573; Dec. 11, 1959		Pennsylvania	Gassy	Continuous miner bits	0	0	Sparks emitted when bits struck sulfur ball ignited methane at face.
551; Dec. 21, 1959		do	do	Roof bolt drill	0	0	Sparks emitted by a drill bit striking hard roof material ignited gas feeders in roof.
697; Jan. 3, 1960		do	do	Electric arc	0	0	Methane from abandoned area seeped into haulage entry and was ignited by an electric arc from a trolley shoe.
495; Feb. 22, 1960		Ohio	Gassy	do	0	0	Short circuit in the switch case of drill ignited methane from kerf.
8008; Mar. 1, 1960		do	do	Cutting machine bits	0	0	Cutting machine bits struck pyrite band and ignited methane in kerf.
366; May 17, 1960		Pennsylvania	do	do	0	0	Sparks from cutting machine bits ignited gas in the kerf.
14818; July 1, 1960		do	do	Electric arc	0	2	Methane was ignited by an arc or spark from an open-type electric motor on a blower fan.
17651; July 12, 1960		Ohio	do	Continuous miner bits	0	0	Cutter bits of continuous miner struck pyrite in the roof coal and the frictional sparks ignited methane.
256; July 20, 1960		Alabama	do	Flame safety lamp	0	2	Methane at face ignited by flame safety lamp.
10347; Aug. 16, 1960	38	Virginia	Nongassy	Carbide lamp	0	0	Methane at the face was ignited by an open flame (carbide) lamp.
19195; Aug. 23, 1960	39	Kentucky	do	do	0	0	Methane was ignited in a shothole when an attempt was made to light a fuse with a carbide lamp.
10169; Aug. 26, 1960		West Virginia	Gassy	Acetylene torch	0	0	Flame from acetylene torch ignited methane in a top sealed borehole casing as a hole was being burned in portion of pipe extending above ground.
874; Sept. 11, 1960		do	do	Electric arc	1	0	Arc at trolley shoe of portal bus ignited methane that had accumulated during fan shutdown
20115; Oct. 27, 1960		Colorado	do	do	0	0	Arc in open contactor compartment of continuous miner ignited methane.

U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
25040; Nov. 1, 1960	40	Virginia	Nongassy	Electric arc	0	1	Arc produced when a bare portion of a storage battery cable contacted the metal battery case ignited hydrogen gas trapped in battery case during charging.
1152; Nov. 4, 1960		Indiana	Gassy	Continuous miner bits	0	1	Methane at face ignited by sparks created when continuous miner bits struck pyrite.
9674; Nov. 1960		Pennsylvania	do.	Electric drill	0	2	Methane at face ignited by arc or spark from an open-type electric drill.
4; Nov. 8, 1960		do.	do.	Electric arc or continuous miner bits.	0	0	Methane was ignited by frictional sparks from the bits of the continuous miner or atomized hydraulic oil from a leaking high pressure fitting was ignited by an electric arc.
15888; Dec. 7, 1960	41	do.	Nongassy	Electric arc	0	1	Methane ignited by an arc or spark from a nonpermissible electric blower fan.
17,695; Dec. 22, 1960	42	West Virginia	do.	Frictional spark	0	6	Arc or spark created when air compressor reservoir ruptured ignited oil vapors.
25,052; Dec. 28, 1960	43	do.	do.	Lighted match	2	0	Methane was ignited when an attempt was made to light a cigarette with a match.
12359; Jan. 4, 1961		Pennsylvania	Gassy	Electric drill	0	1	Arc or spark from open-type hand-held electric drill ignited methane accumulation resulting from disrupted ventilation.
20115; Jan. 13, 1961		Colorado	do.	Continuous miner	0	0	Arc caused when broken shaft severed energized cable ignited methane issuing from floor.
1152; Jan. 16, 1961		Indiana	do.	Continuous miner bits	0	3	Sparks emitted when bits struck pyritic boulder in coal bed ignited methane at face.
17491; Jan. 17, 1961		West Virginia	do.	Cutting machine	0	0	Sparks emitted when cutter-bar sprocket struck roof bolt ignited methane at face.
2221; Jan. 21, 1961		Pennsylvania	do.	Flame safety lamp	0	3	Methane ignited by improper use of a flame safety lamp.
366; Feb. 16, 1961		do.	do.	Continuous miner bits	0	0	Sparks emitted by bits striking hard draw slate ignited methane at face.
4061; Mar. 2, 1961		Indiana	do.	Electric arc or open flame	22	0	Methane accumulated as result of deranged ventilation and was ignited by arc from electric equipment or an open flame.
25484; Apr. 13, 1961		Colorado	Nongassy	Smoking	0	1	Presumably methane was ignited when a miner attempted to light a cigarette.
7836; Apr. 17, 1961		West Virginia	Gassy	Continuous miner bits	0	2	Sparks emitted when the bits struck sandstone roof ignited methane at face.
296; Apr. 18, 1961		do.	do.	do.	1	5	Sparks created by the bits striking sandstone and streaks of pyrite ignited methane at face.
5811; May 8, 1961	45	Indiana	Nongassy	Match	1	1	Gasoline vapor escaping from a gasoline powered pump used to dewater a slope ignited by a match.
20057; May 9, 1961	46	Virginia	do.	Open flame cap lamp	0	0	Methane ignited at face by an open-flame (carbide) lamp.
14893; May 16, 1961		do.	Gassy	Electric welding machine	0	1	Arc produced by an electric welding machine used to cut off an extended roof bolt ignited methane at a loading point.
132; May 29, 1961		West Virginia	do.	Locomotive	2	1	Arc produced by trolley slide moving along wire ignited methane.
28918; May 30, 1961	47	do.	Nongassy	Smoking	0	1	Presumably gas was ignited when a workman attempted to ignite smoking material.
22112; July 29, 1961		Virginia	Gassy	Open flame cap lamp	1	2	Coal being loaded from beneath a roof cavity and an exchange of lamps by miners ignited methane collected in cavity.
26555; Aug. 3, 1961	48	do.	Nongassy	do.	0	0	Methane at face was ignited by an open flame (carbide) lamp.
29631; Aug. 28, 1961	49	Pennsylvania	do.	Electric arc	0	3	Arc from nonpermissible electric motor driving blower fan ignited methane at chute entrance.
23453; Oct. 7, 1961	50	do.	do.	Electric drill	0	1	Arc or spark from an open-type electric drill ignited methane at face.
495; Oct. 20, 1961		Ohio	Gassy	Cutting machine bits	0	0	Sparks emitted when machine bits struck a pyrite band ignited methane in kerf.
134; Oct. 26, 1961		Pennsylvania	do.	Continuous miner bits	0	4	Sparks emitted when bits or cutting arm of miner struck pyrites in the roof ignited methane and coal dust.
366; Nov. 24, 1961		do.	do.	do.	0	0	Sparks emitted when bits struck pyritic material ignited methane near the face.
25498; Nov. 28, 1961	51	Virginia	Nongassy	Open flame lamp	0	0	Methane released from loose coal was ignited by a miners' open flame (carbide) lamp.
1395; Dec. 12, 1961		West Virginia	Gassy	Continuous miner bits	0	4	Sparks created when continuous miner bits struck pyritic material ignited methane at face.
15433; Dec, 14, 1961		Pennsylvania	do.	Electric coal drill	0	1	Arc from open-type, hand-held drill ignited methane at face.
17849; Jan. 10, 1962	52	Illinois	Nongassy	Electric arc	11	0	Methane ignited at the face by an electric arc from an open panel on a shuttle car.
32873; Jan. 11, 1962	53	Virginia	do.	Blown-out shot	0	0	A blown out shot or shots ignited coal dust in suspension.
17651; Feb. 2, 1962		Ohio	Gassy	Continuous miner bits	0	2	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
92; Feb. 5, 1962		Pennsylvania	do.	Blown-out shot	0	1	Blown-out shot ignited methane.
92; Feb. 7, 1962		do.	do.	Unconfined open blast	0	2	An open unconfined charge of explosive ignited methane.
30386; Apr. 9, 1962	54	do.	Nongassy	Lighting match	0	1	Methane was ignited by a lighted match.
573; May 24, 1962		do.	Gassy	Undetermined	0	0	Methane emitting from around a roof bolt and fissure in the roof was ignited by an undetermined source.
5257; June 6, 1962		do.	do.	Electric arc	0	5	Methane was ignited by arcs or flame from defective electrical face equipment.
17609; June 12, 1962		West Virginia	do.	do.	1	0	Electric arc from an open-type battery powered mine tractor ignited an accumulation of methane.
10707; June 12, 1962		Pennsylvania	do.	do.	0	0	Arcing from an open type electric pump motor ignited an accumulation of methane.
22719; Aug. 9, 1962		Virginia	do.	Match flame	0	1	Methane was ignited in the face area by the flame of a match.
1150; Sept. 7, 1962	55	Utah	Nongassy	Cutting machine bits	0	0	A spark or sparks resulting from cutting machine bits striking a rock split or an Airdox shell ignited coal dust in suspension.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries Fatal	Injuries Nonfatal	Cause
17592; Sept. 28, 1962		Virginia	Gassy	Electrical arc	0	1	Methane that had collected under the shuttle car was ignited by an electrical arc caused by frame of the car breaking contact with the belt frame.
157-A; Oct. 2, 1962		Pennsylvania	do	Frictional sparks	2	2	Frictional sparks resulting from a pillar fall ignited an accumulation of methane.
17358; Oct. 23, 1962		Kentucky	do	Electric arc	1	0	Electric arc or spark from the controller of a nonpermissible storage-battery, tire-mounted, mine jitney ignited an accumulation of methane.
1303; Oct. 25, 1962		Utah	do	Continuous miner bits	0	0	Sparks resulting from the cutting bits on the continuous miner striking the sandstone roof ignited methane.
25666; Nov. 12, 1962	56	Pennsylvania	Nongassy	Electric drill	0	1	An electric arc or spark from an open-type electric drill ignited an accumulation of methane.
366; Nov. 15, 1962		do	Gassy	Continuous miner bits	0	0	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
24171; Nov. 21, 1962	57	Virginia	Nongassy	Match flame	0	4	Methane was ignited by the flame of a match while attempting to light a disassembled flame safety lamp.
6367; Nov, 29, 1962		Pennsylvania	Gassy	Electric arc	0	2	Methane was ignited by a short circuit along the firing lines which were to a 100-volt alternating current power circuit.
157-A; Dec. 6, 1962		do	do	Electric arc or friction sparks	37	0	An electric arc or friction sparks from the bits of a continuous mining machine ignited an accumulation of methane.
134; Dec. 14, 1962		do	do	Frictional sparks	0	0	Frictional sparks from a fall of sandstone roof ignited methane in a pillared area.
747; Dec. 24, 3962		do	do	do	0	0	Sparks resulting from the carbide-tipped bits of a continuous miner striking a pyrite streak ignited methane.
17641; Jan. 4, 1963		do	do	Cutting machine bits	0	1	Sparks emitted when bits struck hard rock ignited methane accumulated in kerf.
747; Jan. 4, 1963		do	do	Continuous miner bits	0	0	Sparks created when bits struck pyrites in coalbed ignited methane at face.
14893; Jan. 8, 1963		Virginia	do	do	0	0	Sparks emitted when bits struck sandrock ignited methane at face.
32165; Jan. 14, 1963		Pennsylvania	do	Match	0	2	Spent matches found after the ignition seemed the most likely source of ignition.
92; Jan. 29, 1963		do	do	Explosives	1	3	A blast at end of long hole ignited methane in a large void.
14893; Jan. 29, 1963		Virginia	do	Mine jitney	0	0	Arc from trolley slide of mine jitney ignited methane in roof cavity.
33099; Feb. 4, 1963	58	Pennsylvania	Nongassy	Flame safety lamp	0	2	Methane ignited by defective lamp.
17743; March 1963		West Virginia	Gassy	Undetermined	0	0	No one interrogated had any idea what caused the ignition or exactly when it occurred.
448; Mar. 13, 1963		do	do	Air compressor	0	1	Failure of relief and unloader valves permitted excessive pressure buildup and relief valve ruptured throwing fine coal dust into commutator of open-type motor where it was ignited by an arc.
535; Mar. 20, 1963		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when bits struck pyritic material or sandstone ignited methane at face.
15176; Apr. 8, 1963		Alabama	do	Cutting machine	0	2	Arc from controller of machine ignited methane.
17592; Apr. 12, 1963		Virginia	do	Loading machine	0	0	Sparks emitted when digging arm struck hard sandy shale ignited methane.
17627; Apr. 16, 1963		Pennsylvania	do	Scraper hoist motor	4	8	Arcs or sparks from an open-type hoist motor ignited methane which entered the air when a place "holed through" to old work.
535; Apr. 17, 1963		do	do	Continuous miner bits	0	2	Methane ignited by sparks produced by carbide-tipped bits of a continuous miner striking the sandstone roof.
10169; Apr. 25, 1963		West Virginia	do	Loading machine	22	0	Arcs or sparks from loading machine ignited methane accumulation resulting from prolonged ventilation interruption.
17592; May 14, 1963		Virginia	do	Shuttle car	0	1	Arc created when energized car frame touched belt feeder ignited methane at belt loading point.
1733; May 27, 1963	59	Utah	Nongassy	Explosives	0	0	Overloaded underburdened shots ignited small amount of coal dust but no damage occurred.
31472; July 17, 1963	60	Kentucky	do	Open flame (carbide) lamp	0	0	Methane ignited by open flame carbide lamp Mine had been classed nongassy prior to ignition.
2985; July 18, 1963		Pennsylvannia	Gassy	Loading machine	0	0	Gas liberated from face area ignited when trailing cable on the loading machine short circuited while the machine was being operated.
17651; July 23, 1963		Ohio	do	Continuous miner bits	0	0	Methane was ignited when frictional sparks from cutter bits of a continuous mining machine struck a pyrite streak at the top of the coal bed.
14843; Aug. 17, 1963		Virginia	do	Cutting machine bits	0	0	Methane was ignited when the cutting machine bits struck the sandstone roof during shearing.
14843; Aug. 8, 1963		do	do	Personnel jitney	0	0	Methane in a roof cavity ignited by an arc from the trolley pole slide of a mine jitney or personnel carrier.
1303; Aug. 13, 1963		Utah	do	Arc-welding	0	0	Arc from welding machine ignited methane emitted from fissures in mine floor.
17743; Aug. 17, 1963		West Virginia	do	Continuous miner	0	2	Explosion resulted from methane being ignited by an electric arc from the energized metal frame of a continuous miner or by friction sparks from the bits striking the roof.
17641; Aug. 21, 1963		Pennsylvania	do	Cutting machine bits	0	0	Gas ignited in top cut of kerf when cutting machine bits struck unforeseen clay vein.
134; Aug. 26, 1963		do	do	Continuous miner bits	0	1	Explosion occurred when an accumulation of methane was ignited by sparks from carbide-tipped bits or broken bit arm of a miner struck pyritic material near the roof.

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UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
2985; Sept. 16, 1963		Pennsylvania	Gassy	Loading machine	0	0	Gas was ignited on the floor when the loading machine trailing cable short-circuited about 20 feet out by a solid coal face.
2015; Sept. 27, 1963		do	do	Flame safety lamp	0	2	Evidence indicated that the explosion occurred when methane was ignited by a permissible-type flame safety lamp in nonpermissible condition or from steel bar striking sandstone roof.
14893; Oct. 12, 1963		Virginia	do	Continuous miner	0	0	Methane was ignited from sparks produced when the end of continuous miner trailing cable was touched to a trolley wire. Gas issued from partings in the coal bed.
10169; Oct. 14, 1963		West Virginia	do	Continuous miner bits	0	1	Ignition when continuous miner bits hit a sandstone roll in the roof or because of excess opening in breaker compartment emitted arcs.
157; Oct. 15, 1963		Pennsylvania	do	do	0	0	Carbide bits of continuous miner struck sulphur ball and ignited gas at face.
157; Oct. 24, 1963		do	do	do	0	0	Carbide bits of continuous miner struck sulphur ball and ignited gas at face.
1555; Oct. 31 1963		do	do	Explosives	0	0	Part of a charge of permissible explosives failed to detonate and smouldered slowly then ignited gas being liberated in the freshly shot coal.
747; Nov. 14, 1963		do	do	Cutting machine bits	0	0	Gas was ignited in the kerf of a top cut by frictional sparks from the bits of a cutting machine.
747; Nov. 6, 1963		do	do	Continuous miner bits	0	0	Frictional sparks created when bits of continuous miner struck sulfur intrusions and ignited gas being liberated in the vicinity of clay veins.
20115; Nov. 11, 1963		Colorado	do	do	0	9	Explosion occurred when methane was ignited by sparks from carbide-tipped bits of a continuous miner striking rock.
14644; Dec. 16, 1963		Utah	do	do	9	1	Methane and coal dust ignited by sparks from the bits of a continuous miner cutting in top rock, or by arcs or sparks from electrical equipment that was not in permissible condition. Propagated by float coal dust in the return airway.
33525; Jan. 15, 1964	61	Pennsylvania	Nongassy	Frictional sparks	0	1	Explosion probably resulted from frictional sparks created by steal pick striking sandstone roof.
20115; Feb. 3, 1964		Colorado	Gassy	Loading machine	0	0	Splice in trailing cable on mobile loading machine short-circuited and flash ignited small feeder of gas and air mixture emanating from floor.
9346; Feb. 3, 1964		Pennsylvania	do	Explosives	3	1	Inadequate stemming or insufficient burden caused blown-out shot and resultant open flame ignited methane.
14893; Feb. 24, 1964		Virginia	do	Cutting machine bits	0	0	Cutting machine bits struck sandstone roof and frictional sparks ignited methane in the shear.
17435; Feb. 26, 1964		West Virginia	do	Continuous miner bits	0	0	Methane or coal dust or both ignited by frictional sparks caused by cutter bits of the continuous mining machine striking pyritic streaks in the draw rock.
17435; Feb. 28, 1964		do	do	do	0	0	Do.
3074; Feb. 28, 1964		Kentucky	do	Cutting machine bits	0	0	Frictional sparks created by bits of cutting machine chain ignited gas in kerf.
36384; Mar. 1, 1964		Pennsylvania	do	Acetylene torch	0	0	Gas from bottom feeder was ignited by a spark dropped while continuous miner digging arm was being heated with an acetylene torch during repair work.
4197; Mar. 11, 1964		Alabama	do	Cutting machine bits	0	0	Methane ignited by frictional sparks when cutter bits of cutting machine contacted pyrite band in kerf.
36679; Mar. 19, 1964	62	Kentucky	Nongassy	Continuous miner bits	0	0	Frictional sparks from bits of continuous miner struck sandstone roof and ignited coal dust in suspension.
535; May 7, 1964		Pennsylvania	Gassy	do	0	2	Gas ignited by carbide-tipped bits of a continuous miner striking sandstone in mine floor.
14893; May 8, 1964		Virginia	do	do	0	0	Sparks created by bits of continuous miner striking sandstone roof ignited small methane accumulation.
20115; May 26, 1964		Colorado	do	Continuous miner	0	0	Arc resulting from damaged cable on continuous miner ignited small gas feeder emanating from floor near gathering head.
20970; June 11, 1964	63	Pennsylvania	Nongassy	Propane torch or burning fuse	0	3	Explosion occurred when methane accumulation was ignited by flame of a propane torch and/or by burning fuse. Both were existent sources of ignition.
11538; June 16, 1964		West Virginia	Gassy	Roof-bolting machine	0	0	Carbide-tipped bit of roof-bolt machine encountered sulfur streak and spark ignited gas. Flame burned about 20 seconds.
1885; June 24, 1964		do	do	Continuous miner bits	0	4	Methane ignited by sparks from carbide-tipped bits of continuous mining machine when bits contacted pyritic lenses. Flame of explosion extended 95 feet and forces 225 feet.
14893; June 24, 1964		Virginia	do	Cutting machine bits	0	0	Carbide-tipped bits of cutting machine struck sandstone roof and caused sparks that ignited material while cutting top coal. Whether it was a gas or dust ignition was not determined.
2333; July 15, 1964		Pennsylvania	do	Match flame	0	2	Evidence indicated that a workman struck a match while an accumulation of methane was being moved from a face area with line brattice and compressed air.
35858; July 17, 1964	64	do	Nongassy	do	0	2	Methane accumulated because of inadequate ventilation was ignited by the flame of a match.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries Fatal	Injuries Nonfatal	Cause
157; July 20, 1964		Pennsylvania	Gassy	Continuous miner bits	0	0	Gas emitting from a small feeder was ignited by frictional sparks or rock heating created by carbide-tipped bits of the continuous miner striking a pyrite intrusion in the coal bed.
4197; July 27, 1964		Alabama	do	Cutting machine bits	0	0	Frictional sparks from cutting machine bits ignited methane in the kerf of the undercut coal face.
4652; July 30, 1964		do	do	Cutting machine	0	2	Ventilation inadequate and open-type cutting machine ignited accumulation of methane in a cross cut.
57; Aug. 5, 1964		Pennsylvania	do	Continuous miner bits	0	0	Gas being liberated at the face was ignited by frictional sparks when the carbide-tipped bits of the continuous miner struck pyrite intrusions in the coal bed.
14893; Aug. 18, 1964		Virginia	do	do	0	0	Methane or coal dust ignited by frictional sparks created by continuous miner bits striking sandstone roof.
12530; Aug. 19, 1964		Pennsylvania	do	Explosives	0	2	Detonation of unconfined nonpermissible explosives ignited methane being moved from mined-out area.
35405; Sept. 3, 1964		Kentucky	do	Continuous miner bits	0	1	Frictional sparks caused by steel-alloy bits of a continuous-miner striking hard draw rock.
747; Sept. 15, 1964		Pennsylvania	do	do	0	0	Gas ignited by frictional sparks from bits of a continuous-miner when a clay vein was encountered.
1579; Sept. 28, 1964		West Virginia	do	Energized trolley wire	3	0	Explosion resulted from methane being ignited by electric arc from energized trolley wire and "nip" of "nip scooter" operated by one of the men killed.
17651; Oct. 3, 1964		Ohio	do	Continuous miner bits	0	2	Ignition was caused by frictional sparks created when carbide-tipped bits of the continuous-miner struck a pyrite streak near the top of the coal bed.
20115; Oct. 5, 1964		Colorado	do	Loading machine	0	0	Arcing between two power conductors at damaged section of trailing cable of the loading machine ignited gas feeders in mine floor.
4195; Oct. 7, 1964		West Virginia	do	Battery-powered utility truck	0	3	Explosion resulted from removal of check curtain and/or temporary stoppings which resulted in methane accumulation that was ignited by utility truck in nonpermissible condition being operated by a fireboss.
28112; Oct. 14, 1964		Virginia	Nongassy	Open-flame cap lamp	0	0	Methane at face was ignited by an open-flame lamp. (Mine nongassy prior to ignition).
450; Oct. 17, 1964		Pennsylvania	Gassy	Trolley pole collector	0	0	Methane accumulation in roof cavity ignited by arc from trolley-pole collector shoe of man-trip bus moved over cut-out switch.
134; Nov. 2, 1964		do	do	Continuous miner bits	0	2	Methane and probably coal dust ignited by frictional sparks created by carbide-tipped bits of a continuous-miner striking pyritic material in the coal near the roof.
697: Nov. 7, 1964		do	do	Locomotive	0	0	Gas feeder in floor was ignited by sparks from the wheels of a locomotive.
36712; Nov. 9, 1964		Virginia	do	Continuous miner bits	0	0	Gas emitting from the coal face and several feeders in the bottom, ignited by frictional sparks created by cutter bits of continuous mining machine striking bottom rock.
17743; Nov. 20, 1964		West Virginia	do	do	0	1	Methane ignited by frictional sparks created by carbide-tipped bits of continuous miner striking sandstone roof.
4197; Dec. 3, 1964		Alabama	do	Cutting machine bits	0	0	Frictional sparks created by cutter chain bits of cutting machine ignited gas in the undercut kerf.
2221; Dec. 7, 1964		Pennsylvania	do	Explosives	0	5	Charge of permissible explosives partially confined in a piece of rock was detonated in the presence of methane resulting in an explosion.
747; Dec. 11, 1964		do	do	Continuous miner bits	0	0	Methane at coal face ignited by frictional sparks when the cutting bits of a continuous mining machine struck rock intrusions in the coal bed.
32829; Dec. 16, 1964	66	do	Nongassy	Electric drill	0	1	Methane ignited by an open-type hand-held electric drill.
11719; Jan. 7, 1965		Utah	Gassy	Acetylene torch	0	0	Methane released by a bump was ignited by an acetylene torch used to cut roof bolts.
15075; Jan. 25, 1965	67	Pennsylvania	Nongassy	Electric coal drill	0	3	An arc or spark from an open-type hand-held electric drill ignited methane.
535; Jan. 26, 1965		do	Gassy	Continuous miner bits	0	1	Sparks emitted when carbide-tipped bits struck sandstone in mine floor ignited methane.
35405; Feb. 3, 1965		Kentucky	do	do	0	1	Sparks created by the bits striking hard roof rock ignited methane at face.
28112; Feb. 11, 1965		Virginia	do	Smoking	0	2	Methane at face ignited when a workman attempted to light cigarette with match.
965; Feb. 18, 1965		Pennsylvania	do	Continuous miner bits	0	0	Sparks emitted when the carbide-tipped bits struck hard pyrite streaks, in a clay vein ignited methane.
34896; Feb. 18, 1965		do	do	Flame safety lamp	0	1	The damaged fount of the lamp prevented lower gauze ring from seating and provided a flame path out of the lamp.
17656; Feb. 26, 1965		do	do	Continuous miner bits	0	2	Sparks emitted when carbide-tipped bits struck sandstone roof ignited methane.
14893; Mar. 3, 1965		Virginia	do	do	0	0	Sparks created by the bits striking sandstone ignited methane.
7056; Mar. 3, 1965		Kentucky	do	Loading machine	0	0	Overheated bearing in gathering area of loader ignited methane near face.
14644; Mar. 16, 1965		Utah	do	Continuous miner bits	0	2	Sparks emitted when carbide-tipped bits struck sandstone roof ignited methane at face.
296; Mar. 25, 1965		West Virginia	do	do	0	0	Sparks created by carbide-tipped bits striking pyrites near the roof ignited methane.

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UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
36712; Mar. 31, 1965		Virginia	Gassy	Continuous miner bits	0	0	Sparks created when bits of miner struck sandstone floor ignited methane.
165; Apr. 13, 1965		West Virginia	do.	do.	0	4	Arc from defective splice in the power circuit in the connection box touched the frame of the box and ignited.
14893; Apr. 28, 1965		Virginia	do.	do.	0	0	Sparks emitted when bits struck sandy floor rock ignited methane at face.
78; Apr. 30, 1965		West Virginia	do.	Light bulb	4	1	Presumably a falling object broke a burning light bulb suspended near shaft bottom and resulting arc ignited methane.
27335; May 24, 1965	68	Tennessee	Nongassy	Cigarette lighter	5	0	Presumably methane ignited by cigarette lighter found near the origin of the explosions.
157; June 3, 1965		Pennsylvania	Gassy	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits of miner struck pyrite ignited methane at face.
17181; June 8, 1965		do.	do.	Blower fan	0	0	Methane accumulation caused by stoppage of main fan ignited by arcing when nonpermissible underground blower fan was started by remote surface switch.
134; June 24, 1965		Pennsylvania	do.	Continuous miner bits	0	4	Sparks emitted when the carbide-tipped bits struck pyritic material in roof ignited methane at face.
12334; June 24, 1965		West Virginia	do.	Continuous miner bits or conveyor chain.	0	1	Sparks created by bits striking pyrite or chain sprocket rubbing chain ignited methane at face.
25344; July 6, 1965		Pennsylvania	do.	Flame safety lamp	0	2	Attempting to relight a flame safety lamp in an explosive mixture of methane and air.
762; July 6, 1965		Indiana	do.	Electric arc	0	0	Presumably a roof fall had short circuited two bare power wires which were energized from a remote switch and the resulting arc ignited methane.
35405; July 16, 1965		Kentucky	do.	Continuous miner bits	0	2	Sparks emitted when bits struck hard rock intrusion in coal bed ignited methane at face.
36458; Aug. 6, 1965	69	Virginia	Nongassy	Smoking	0	1	Workman ignited methane while attempting to light a cigarette with a match.
1315; Aug. 15, 1965		Utah	Gassy	Locomotive	0	1	Methane ignited by arc between trolley shoe and trolley wire.
14893; Sept. 27, 1965		Virginia	do.	Continuous miner bits	0	1	Sparks emitted when bits struck sandstone roof ignited methane at face.
11538; Oct. 20, 1965		West Virginia	do.	do.	0	1	Sparks created when the bits struck pyrite streaks ignited methane at face.
124; Nov. 8, 1965		Alabama	do.	Trolley locomotive	0	1	Arc from contact of trolley wheel with trolley wire ignited methane out by face area.
38143; Nov. 19, 1965		Illinois	do.	Continuous miner bits	0	0	Sparks emitted when bits struck a pyritic lens ignited methane at face.
165; Nov. 29, 1965		West Virginia	do.	do.	0	1	Sparks emitted when bits struck bony coal ignited methane at face .
17221; Nov. 29, 1965	70	Virginia	Nongassy	Cable and trolley locomotive	0	2	Arc from transfer switch on cable reel locomotive ignited methane at face.
165; Dec. 15, 1965		West Virginia	Gassy	Continuous miner bits	0	1	Sparks emitted when bits struck rock ignited methane at face.
1719; Dec. 16, 1965		do.	do.	Trolley locomotive	1	1	Arc from trolley locomotive ignited methane in an abandoned, poorly ventilated area of mine.
1752; Dec. 21 and 23, 1965		do.	do.	Continuous miner bits	0	2	Sparks emitted when bits struck rock partings in each case ignited methane at face (2 ignitions similar).
20115; Dec. 28, 1965		Colorado	do.	Loading machine or shuttle car	9	0	Arc from defective splice in trailing cable of either loading machine or shuttle car ignited methane being liberated from face, ribs, and floor. Coal dust was ignited subsequently and propagated the explosion.
35405; Jan. 24, 1966		Kentucky	do.	Explosives	0	0	Presumably methane issuing from the kerf was ignited by a blast as no other ignition source was present.
2221; Jan. 25, 1966		Pennsylvania	do.	Electric arc or explosives	0	4	Methane ignited by arc from short-circuited shuttlecar cable or burning explosives.
573; Jan. 28, 1966		do.	do.	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck sandstone roll in coal bed ignited methane.
573; Jan. 29, 1966		do.	do.	do.	0	5	Sparks created by the carbide-tipped bits striking pyritic material in coal bed ignited methane.
33124; Feb. 11, 1966		do.	do.	Shot-firing line	0	1	Arc created when the ends of the wires comprising the shot-firing cable energized by 110-volt a.c. current were touched together
747; Feb. 12, 1966		do.	do.	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck roof rock ignited methane.
35484; Mar. 2, 1966		Colorado	do.	Electric arc or smoking	3	0	Methane ignited by arc from controller of battery locomotive, bare spot in battery cable or from smoking.
35405; Mar. 11, 1966		Kentucky	do.	Blown-out shot	0	1	Methane ignited by blown-out shot from an overcharged and possibly improperly stemmed borehole—gas tests had not been made.
2; Mar. 28, 1966		West Virginia	do.	Continuous miner bits	0	4	A charged oxygen cylinder abandoned during previous mining was ruptured by machine bits and an ignition occurred.
14893; Apr. 19, 1966		Virginia	do.	do.	0	1	Sparks emitted when bits struck sandstone roof ignited methane.
36712; June 1, 1966		do.	do.	do.	0	3	Sparks created when the bits struck the sandy shale roof ignited methane from freshly exposed feeder at face.
573; June 13, 1966		Pennsylvania	do.	do.	0	0	Sparks emitted when bits struck pyritic inclusions in coal bed ignited methane from feeder at face.
38800; June 20, 1966	71	West Virginia	Nongassy	Smoking	0	2	Accumulation of methane ignited by cigarette.
157; June 23, 1966		Pennsylvania	Gassy	Falling rock	0	4	Sparks caused by rocks rubbing together during caving in job area ignited methane.
38729; July 20. 1966		Colorado	do.	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck sandstone ignited methane at face.
17983; July 23, 1966		West Virginia	do.	Shuttle car	7	2	Methane ignited by an electric arc or spark possibly from shuttle car.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
4197; Aug. 4, 1966		Alabama	Gassy	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck hard shale in bottom coal ignited methane.
3216; Aug. 12, 1966		Pennsylvania	do	"Jumper" power cable	0	0	Nip was touched to feeder cable and methane issuing from roof cracks was ignited.
2333; Aug. 31, 1966		do	do	Lighted match	0	2	Since matches were found on a pile of coal after blasting and no other ignition source was evident, it is presumed that methane was ignited by a match.
318; Sept. 1, 1966		West Virginia	do	Locomotive	0	2	An arc created when trolley shoe contacted trolley wire ignited methane near roof.
17435; Oct. 6, 1966		do	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck pyrite in roof rock ignited methane at face.
4955; Oct. 27, 1966		do	do	Flame safety lamp	0	1	Although the lamp was the only source of ignition in the area, subsequent tests failed to disclose defects in the lamp.
4197; Nov. 4, 1966		Alabama	do	Continuous miner bits	0	0	Sparks emitted when carbide-tipped bits struck the shale bottom rock ignited methane from feeders.
39378; Nov. 7, 1966	72	Virginia	Nongassy	Electric coal drill	0	1	Arcing from a nonpermissible hand-held electric drill ignited methane at face.
36712; Nov. 30, 1966		do	Gassy	Continuous miner cable	0	0	Arc resulting from short circuit in a previously damaged cable on the miner ignited methane feeders.
14893; Dec. 2, 1966		do	do	Continuous miner bits	0	1	Sparks created when bits struck sandstone roof ignited methane at face.
4197; Dec. 14, 1966		Alabama	do	Cutting machine bits	0	0	Sparks emitted by machine bits striking shale in the bottom coal ignited methane feeders.
20115; Dec. 14, 1966		Colorado	do	Continuous miner bits	0	3	Acetylene ignited when bits ruptured an acetylene cylinder left in the place and covered by the sloughing coal ribs.
40360; Dec. 26, 1966		Pennsylvania	do	Trolley wire	0	0	Roof fall dislodged trolley wire which touched track rail and resulting arc ignited methane accumulated in roof void.
2985; Jan. 10, 1967		do	do	Electric arc	0	0	Insulation failure in drill cable energized drill frame and an arc resulting from energized drill steel touching draw slate ignited gas feeder at face.
42248; Jan. 24, 1967		Virginia	do	do	3	4	Presumably the operation of a feeder-line switch ignited an accumulation of methane.
672; Jan. 30, 1967		West Virginia	do	Continuous miner bits	2	4	Sparks resulting from the carbide-tipped bits of the continuous miner cutting pyrites ignited methane.
17651; Feb. 2, 1967		Ohio	do	do	0	0	Spark caused by the carbide-tipped bits of continuous miner hitting pyrite near roof ignited methane.
1339; Feb. 7, 1967		Pennsylvania	do	do	0	6	Sparks caused by the carbide-tipped continuous miner bits striking sandstone roof ignited methane at face.
36712; Mar. 6, 1967		Virginia	do	do	0	3	Sparks caused by the carbide-tipped continuous miner bits striking the sandy shale roof ignited methane.
4197; Mar. 10, 1967		Alabama	do	do	0	0	Sparks created by carbide-tipped bits striking hard bottom material ignited methane.
11538; Mar. 30, 1967		West Virginia	do	do	0	1	Sparks emitted by carbide tipped bits contacting hard material in roof or coal bed ignited methane.
14893; Apr. 3, 1967		Virginia	do	Roof fall	0	0	Sparks emitted by friction of rocks during roof fall ignited methane in an abandoned area.
1367; April 19, 1967		Pennsylvania	do	Acetylene torch	0	0	Mechanic preparing to use torch to remove broken part of conveyor at long wall face ignited methane accumulated under belt conveyor.
747; May 12, 1967		do	do	Continuous miner bits	0	0	Sparks emitted when cutting bits of continuous miner struck hard floor material ignited methane at face.
747; June 1, 1967		do	do	do	0	0	Sparks created when cutting bits of continuous miner struck hard floor material ignited methane at face.
35405; June 14, 1967		Kentucky	do	Cutting machine bits	0	0	Sparks emitted when bits of cutting machine struck hard material in coal bed ignited methane.
43803; June 20, 1967		Ohio	do	Unknown	0	1	Mechanic attempted to start pump and methane accumulated in pump room was ignited.
432; June 22, 1967		West Virginia	do	Undetermined	0	2	Shaft at an abandoned mine was being sealed when a succession of explosions occurred. Source of ignition not known.
296; June 29, 1967		do	do	Continuous miner bits	0	3	Sparks emitted when bits of continuous miner struck hard material in coal bed ignited methane.
17344; July 6, 1967		do	do	do	0	0	Sparks created by bits of continuous miner striking pyretic material in clay vein ignited methane.
389; July 28, 1967		Kentucky	do	Electric arc or smoking	4	0	Crew recovering material was "nipping" a hoist into area by touching negative conductor to rail. Either an arc created by "nipping" or flame from cigarette lighter ignited methane.
14893; Aug. 10, 1967		Virginia	do	Friction sparks (pillar fall)	0	0	Sparks created by sandstone rubbing sandstone during caving in pillar area ignited methane.
17627; Aug. 17, 1967		Pennsylvania	do	Friction sparks or smoking	0	2	Sparks emitted by friction between large pieces of rock during massive roof fall, or smoking ignited methane.
157; Aug. 18, 1967		do	do	Continuous miner bits	0	0	Sparks emitted by bits of continuous miner striking roof rock ignited methane or coal dust.
40969; Sept. 6, 1967		Virginia	do	Battery tractor	0	0	Arc in the control box of battery powered tractor ignited methane at face of entry.
134; Sept. 27, 1967		Pennsylvania	do	Continuous miner bits	0	4	Sparks emitted when bits of continuous miner struck roof ignited methane.

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U.S. BUREAU OF MINES—Continued

UNDERGROUND COAL MINE IGNITIONS AND EXPLOSIONS, 1952—Continued

BOM file No. and date	Number of nongassy	State	Classification	Source of ignition	Injuries		Cause
					Fatal	Nonfatal	
17435; Oct. 10, 1967		West Virginia	Gassy	Continuous miner bits	0	0	Sparks created by continuous miner bits striking pyrite in roof ignited methane.
10169; Oct. 17, 1967		do.	do.	do.	0	3	Sparks emitted when bits on continuous miner struck pyrite in roof ignited methane.
32300; Oct. 17, 1967		Pennsylvania	do.	Possibly smoking	0	1	Presumably miner ignited methane when attempting to light a cigarette.
1367; Oct. 17, 1967		do.	do.	Circuit breaker	0	0	Arc from a short circuit in trailing cable connector at circuit-breaker box ignited methane accumulated on nearby roof fall.
35405; Nov. 17, 1967		Kentucky	do.	Acetylene torch	3	1	The flame of an acetylene torch used to remove (burn) tramp iron and detonator leg wires from the rotary drum of the coal breaker ignited methane in roof cavity above belt feeder.
747; Nov. 27, 1967		Pennsylvania	do.	Continuous miner bits	0	0	Sparks emitted when bits of continuous miner was cutting pyretic material ignited pyrite dust.
11538; Nov. 28, 1967		West Virginia	do.	do.	0	3	Sparks created by bits of continuous miner cutting pyrites in the coal ignited methane.
747; Jan. 13, 1968		Pennsylvania	do.	do.	0	0	Gas liberated from feeder at coal face was ignited by frictional sparks created when the cutting bits of the continuous mining machine struck hard pyrite intrusion in the coalbed.
76; Jan. 22, 1968		West Virginia	do.	Electric arc or trolley wire	1	1	Methane accumulated in high place because of insufficient ventilation and was ignited by an electric arc or sparks between energized trolley wire and trolley slide of locomotive.
965; Feb. 8, 1968		Pennsylvania	do.	Continuous miner bits	0	0	Methane ignited by frictional sparks created by the cutter bits of the continuous-mining machine striking roof rock.
1315; Feb. 22, 1968		Utah	do.	Power cables	0	0	Methane issuing from the roof through a roof-bolt hole was ignited by arcs and/or sparks from short circuits in power cables of two portable submersible water pumps and resulted in fire in the coal rib.
615; Apr. 9, 1968		Pennsylvania	do.	Continuous miner bits	0	0	Methane ignited by frictional sparks created by cutter bits of continuous-mining machine striking hard pyritic material which overlayed draw rock.
42248; May 8, 1968		Virginia	do.	do.	0	2	Inadequate controls permitted methane to accumulate. Methane-air mixture was ignited by frictional sparks, by continuous-miner bits striking hard pyritic material in the coalbed.
Ndw shaft; June 23, 1968		Oklahoma		Cutting torch	0	0	Cutting torch being used at top of shaft ignited methane in the shaft. (New shaft and not classified as a mine.)
New shaft; June 19, 1968		do.		Lightning	0	0	Lightning ignited methane coming out of new shaft. (New shaft and not classified as a mine.)
43832; July 5, 1968		do.	Gassy	Continuous miner bits	0	0	Explosive mixture of methane was ignited by frictional sparks resulting from continuous miner bits striking hard sandstone roof.
4197; July 10, 1968		Alabama	do.	Explosives	0	0	Incomplete detonation of explosives ignited methane liberated from a fresh blasted fall of coal. Ignition occurred about 5 minutes after.
33582; July 15, 1968		West Virginia	do.	Flame safety lamp	0	3	Defective permissible-type flame safety lamp ignited methane accumulation when section foreman was testing for gas on top of roof fall.
43832; July 19, 1968		Oklahoma	do.	Continuous miner bits	0	0	Inadequate face ventilation allowed methane to accumulate and then was ignited by sparks created when the bits of the continuous miner struck the sandstone roof.
2929; July 24, 1968		West Virginia	do.	do.	0	8	Explosion occurred when methane was ignited by frictional sparks from carbide-tipped bits of a continuous miner striking roof rock. Flame extended 620 feet out by the face.
43832; July 26, 1968		Oklahoma	do.	do.	0	0	Inadequate face ventilation allowed methane to accumulate which was ignited by sparks created when the bits of the continuous miner struck the sandstone roof.
43832; July 30, 1968		do.	do.	do.	0	0	Explosive mixture of methane was ignited by frictional sparks created when continuous miner bits struck the hard sandstone roof.
38613; Aug. 2, 1968	73	Kentucky	Nongassy	Match	0	3	An explosive mixture of methane and air was ignited when an employee attempted to light a cigarette with a match.
42562; Aug. 7, 1968	74	do.	do.	Explosives	9	2	Explosives on a drill truck were ignited when coal face was blasted, resulting in extensive exlposion.
17435; Aug. 27, 1968		West Virginia	Gassy	Continuous miner bits	0	0	Ignition occurred when continuous miner bits struck pyrite streaks under the draw rock.
14893; Aug. 30, 1968		Virginia	do.	do.	0	2	Accumulation of methane ignited when continuous miner bits struck mine roof.
17651; Sept. 12, 1968		Ohio	do.	do.	0	0	Ignition occurred when continuous miner bits struck pyrite streaks in the coal beds.
3778; Oct. 21, 1968		Pennsylvania	do.	Undetermined, probably smoking.	0	1	Methane in a roof cavity near the face of a working place was probably ignited by smoking or smokers' articles.
43832; Oct. 31, 1968		Oklahoma	do.	Continuous miner bits	0	2	Accumulation of methane ignited when continuous miner bits struck mine roof.
42089; Nov. 13, 1968		Virginia	do.	Explosives	0	3	Coal dust was ignited when heavily charged improperly confined boreholes were blasted in a thin pillar of coal. Some of the explosives did not pass the tests for permissibility.
78; Nov. 20, 1968		West Virginia	Gassy	Undetermined	78	0	Mine sealed Nov. 30, 1968.
40540; Nov. 22, 1968		Virginia	do.	Continuous miner bits	0	0	Accumulation of methane ignited when continuous miner bits struck mine roof.
40540; Dec. 23, 1968		do.	do.	do.	0	1	Ignition occurred when continuous miner bits struck sandstone roof.
4197; Dec. 23, 1968		Alabama	do.	Cutting machine bits	0	0	Gas from feeder ignited by frictional sparks created by carbide-tipped bits of Joy 10 RU mining machine striking fossiliferous shale in the bottom coal.

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Mr. COOPER. Mr. President, the report records that during this 16-year period, 74 ignitions and explosions occurred in nongassy mines. Of the 74, the Bureau of Mines has determined and concluded that some 52 ignitions and explosions were caused by gas—52 ignitions or explosions in 16 years in nongassy mines. The Bureau then implies that the 52 accidents could have been prevented had the mines been classed gassy and used with permissible equipment.

I ask unanimous consent to have printed in the RECORD a list of the 52 ignitions and gas explosions in nongassy mines, as reported by the Bureau of Mines, as exhibit B.

There being no objection, exhibit B was ordered to be printed in the RECORD, as follows:

EXHIBIT B

TABLE B.—NUMBER OF GAS IGNITIONS OR EXPLOSIONS IN NONGASSY COAL MINES AND NUMBER OF PERSONS KILLED OR INJURED, JULY 1, 1952, THROUGH NOV. 30, 1968

Year	Number of ignitions or explosions	Killed	Injured
1952 (6 months)	0	0	0
1953	3	0	3
1954	5	0	6
1955	3	0	4
1956	4	0	2
1957	5	0	5
1958	3	0	3
1959	3	[1] 9	2
1960	4	2	0
1961	7	0	7
1962	4	[2] 11	6
1963	1	0	0
1964	4	0	6
1965	3	[3] 5	4
1966	2	0	3
1967	0	0	0
1968	1	0	3
Total	52	27	54

[1] No. 1 mine, Philips & West Coal Co., Robbins, Tenn., Mar. 23, 1959, 9 killed, 0 injured.

[2] Mine No. 2, Blue Blaze Coal Co., Herrin, Ill., Jan. 10, 1962, 11 killed, 0 injured.

[3] No. 2–A mine, C. L. Kline Coal Co., Robbins, Tenn., 5 killed, 0 injured.

Mr. COOPER. Mr. President, the record shows that of the 52 ignitions and gas explosions, 27 fatalities and 54 injuries resulted. Examination of the facts and circumstances of each of these 52 ignitions and gas explosions in mines classed as nongassy does not support the argument that they would have been avoided if permissible equipment standards required for gassy mines had been required for these nongassy mines, and if permissible equipment had been in use when these explosions and ignitions occurred.

I now ask unanimous consent to have printed in the RECORD a table, marked as exhibit C, identifying the 52 ignitions and gas explosions and listing the number of fatalities and injuries.

There being no objection, exhibit C was ordered to be printed in the RECORD, as follows:

EXHIBIT C—IGNITIONS IN MINES CLASSED NONGASSY AT THE TIME THE IGNITION OCCURRED

Date of ignition	State	Source of ignition	Number	Fatalities	Injuries
Jan. 3, 1953	Pennsylvania	Match	1	0	0
May 5, 1953	Kentucky	Open flame lamp	2	0	0
Oct. 9, 1953	Pennsylvania	do	3	0	2
Apr. 9, 1954	do	do	4	0	1
May 10, 1954	Tennessee	Match	5	0	0
May 17, 1954	Kentucky	Open flame (lamp)	6	0	0
May 28, 1954	Pennsylvania	Smoking or electric arc at signal station	7	0	3
Nov. 30, 1954	Kentucky	Arc from 250-volt circuit used to blast	8	0	2
June 18, 1955	Pennsylvania (anthracite)	Nonpermissible electric coal drill	9	0	1
July 23, 1955	do	do	10	0	2
Dec. 19, 1955	Maryland	Smoking	11	0	1
Feb. 28, 1956	Alabama	Open flame (lamp)	12	0	0
Mar. 21, 1956	Colorado	Nonpermissible electric coal drill	13	0	2
July 17, 1956	Kentucky	Open flame (lamp)	14	0	0
Nov. 28, 1956	Pennsylvania	do	15	0	0
Jan. 17, 1957	do	do	16	0	0
Feb. 5, 1957	do	do	17	0	0
Feb. 26, 1957	Kentucky	Match	18	0	0
May 1, 1957	Pennsylvania	Open flame (lamp)	19	0	2
Nov. 16, 1957	do	Nonpermissible blower fan or match	20	0	3
Jan. 10, 1958	Virginia	Open flame (lamp)	21	0	0
Jan. 31, 1958	Tennessee	do	22	0	0
Dec. 11, 1958	Pennsylvania	Nonpermissible electric coal drill	23	0	3
Mar. 23, 1959	Tennessee	Electric locomotive or smoking	24	9	0
Oct. 8, 1959	Pennsylvania	Improperly assembled flame safety lamp	25	0	2
Nov. 4, 1959	Virginia	Cigarette lighter	26	0	2
Aug. 16, 1960	do	Open flame (lamp)	27	0	0
Aug. 23, 1960	Kentucky	do	28	0	0
Dec. 7, 1960	Pennsylvania	Nonpermissible blower fan	29	0	1
Dec. 28, 1960	West Virginia	Match	30	2	0
Apr. 13, 1961	Colorado	Smoking	31	0	1
May 9, 1961	Virginia	Open flame (lamp)	32	0	0
May 30, 1961	West Virginia	Smoking	33	0	1
Aug. 3, 1961	Virginia	Open flame (lamp)	34	0	0
Aug. 28, 1961	Pennsylvania	Nonpermissible blower fan	35	0	3
Oct. 7, 1961	do	Nonpermissible electric coal drill	36	0	1
Nov. 28, 1961	Virginia	Open flame (lamp)	37	0	0
Jan. 10, 1962	Illinois	Permissible type shuttle car being repaired where ignition occurred.	38	11	0
Apr. 9, 1962	Pennsylvania (anthri.)	Match	39	0	1
Nov. 12, 1962	do	Nonpermissible electric coal drill	40	0	1
Nov. 21, 1962	Virginia	Match	41	0	4
July 17, 1963	Kentucky	Open flame (lamp)	42	0	0
June 11, 1964	Pennsylvania	Propane torch or burning blasting fuse	43	0	3
July 17, 1964	do	Match	44	0	2
Oct. 14, 1964	Virginia	Open flame (lamp)	45	0	0
Dec. 16, 1964	Pennsylvania	Nonpermissible electric coal drill	46	0	1
Jan. 25, 1965	do	do	47	0	3
May 24, 1965	Tennessee	Cigarette lighter	48	5	0
Aug. 6, 1965	Virginia	Smoking	49	0	1
June 20, 1966	West Virginia	do	50	0	2
Nov. 7, 1966	Virginia	Nonpermissible electric coal drill	51	0	1
Aug. 2, 1968	Kentucky	Match	52	0	3
Total			52	27	56

Mr. COOPER. Mr. President, this exhibit describes the actual causes of the explosions and ignitions and is taken from the Bureau of Mines' records.

Mr. President, let us examine the causes of the 27 fatalities.

The disaster at the Tennessee mine classed nongassy on March 23, 1959, resulted in nine fatalities. The cause is reported by the Bureau of Mines as follows:

> An accumulation of methane resulting from intermittent fan operation was forced to a locomotive when the fan was started and ignited either by the locomotive or smoking.

I raise the question whether the requirement of "permissible equipment" would have averted this disaster.

On December 28, 1960, two miners were killed in an explosion in a West Virginia mine classed as nongassy. The Bureau of Mines lists the cause as follows:

> Methane was ignited when an attempt was made to light a cigarette with a match.

The presence or absence of permissible equipment could have no bearing on the tragic result.

On January 10, 1962, 11 miners were killed in a nongassy mine in Illinois. The cause of the accident is given as follows:

> Methane ignited at the face by an electric arc from an open panel on a shuttle car.

A "permissible" type of shuttle car was being improperly repaired when the ignition occurred.

The use of permissible equipment did not avert this disaster.

On May 24, 1965, an ignition in a Tennessee nongassy mine killed five miners. The cause was reported to be "presumably methane ignited by a cigarette lighter found near the origin of the explosions." Reclassification of this mine as gassy under the terms of S. 1300 could not have prevented these fatalities.

Mr. President, the above table indicates that of the 52 ignitions and explosions attributed by the Bureau of Mines to methane, 19 of the ignitions and explosions were caused by an open-flame lamp. In the State of Kentucky, four of the seven reported ignitions were caused by an open-flame lamp.

The amendment which I introduce today would prohibit use of any open-flame lamp in all mines.

The table reveals that some 16 of these ignitions were caused by matches, smoking, or a cigarette lighter. During the same 1952 to 1968 period, the Bureau of Mines reported some 17 ignitions occurred in gassy mines from the same cause; that is, smoking, matches, or cigarette lighters.

From the same chart, nine ignitions were found to be caused by an arc or a spark from nonpermissible electric equipment. Here I must acknowledge that, depending upon individual circumstances, the use of permissible eqipment might have prevented the 11 ignitions. However, there were no fatalities and the number of accidents resulting from these ignitions is small, considering that they cover over 3,000 nongassy mines over a 16-year period.

Mr. President, I will compare the safety record of the gassy mines over this same 1952–1968 period. The Bureau of Mines has reported the number of ignitions, explosions, fatalities, and injuries in gassy mines.

Now I ask unanimous consent to have printed in the Record this report as exhibit D.

There being no objection, exhibit D was ordered to be printed in the Record, as follows:

EXHIBIT D

GASSY MINES—IGNITIONS OR EXPLOSIONS, JULY 1, 1952–DECEMBER 1968

	Number of ignitions or explosions	Killed	Injured
Year:			
1952	7	0	15
1953	21	9	32
1954	23	19	37
1955	18	4	20
1956	29	8	18
1957	20	66	20
1958	19	42	32
1959	19	1	12
1960	13	1	7
1961	17	26	27
1962	17	41	16
1963	33	36	35
1964	35	6	27
1965	32	14	32
1966	26	10	31
1967	30	12	44
1968	22	79	22
Total	381	374	427

Mr. COOPER. Mr. President, I make this comparison between the number of explosions and ignitions in gassy mines and those in nongassy mines, and the fatalities and injuries which have occurred in these two classes of mines, to emphasize my continuing belief that this bill, of which I am a cosponsor, and most of its provisions which I support, and other bills before the Senate do not go really to the heart of the question of safety in gassy and nongassy mines.

Comparing the accident record for gassy mines with the accident record for nongassy mines during this period, we find that a total of 381 ignitions and explosions occurred in gassy mines resulted in 374 fatalities and 427 injuries, while during this same period in the 3,000 nongassy mines approximately 10 times the number of gassy mines—the record shows 27 fatalities and 54 injured.

This comparison points up my contention that the phrase "gassy mine" and the phrase "nongassy mine" speak for themselves. "Gassy" means the mine is gassy; and year after year, week after week, we have the occurrence of ignitions and explosions in mines that are really gassy, and always the danger of fatalities and injuries.

In the same period of 1952 to 1968, in over 3,000 nongassy mines in the United States, there have been a relatively small number of explosions and ignitions, and a relatively small number, sad as it is, of fatalities and injuries, compared to the number in the gassy mines.

There were seven times as many gas explosions and ignitions in gassy mines as compared with nongassy mines, and 14 times more fatalities.

Rather than reclassify mines now classed nongassy, it seems to me we should examine ways to improve and promote safety in gassy mines—actually gassy—where the danger, based on past experience, is great.

I have had an opportunity to study the official map of consol No. 9 near Farmington, W. Va., where the 78 men were trapped by the November 20 explosion and fire. It appears at pages 6 and 7 in the December 1, 1968, issue of the United Mine Workers Journal. The map indicates numerous abandoned gas wells and the caption states that gas wells abandoned before the year 1900 are not identified on the map.

In his testimony before the Senate Labor Subcommittee, Mr. Cloyd D. McDowell, president of the Harlan County Kentucky Coal Operators Association stated that it was his opinion that there were active gas wells driven through the seam of coal being mined at the time and that anyone of these wells—either active or abandoned—could have caused the initial explosion that killed 78 miners. He further testified that this mine had experienced a similar gas explosion on November 13, 1954, in which 16 men were killed.

The opening and operating of coal mines in the vicinity of producing or abandoned gas wells creates a far greater danger to the men working these mines than mines operating without this added hazard, even though they are gassy mines employing permissible equipment.

My review of State statutes regulating the exploration and production of gas and coal indicates that such laws are designed primarily to regulate the operations of coal and gas producers so that their responsibilities to each other for safety and to the public would be clearly defined, and to establish appropriate administrative procedures for enforcing these obligations.

Mr. President, I ask unanimous consent that the applicable provisions of the Kentucky, Pennsylvania, West Virginia, and Virginia statutes relating to coal and gas exploration be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Kentucky

KENTUCKY REVISED STATUTES

352.510 [3766b–14] Mining near oil or gas wells; hearing. (1) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any coal mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use of drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearings the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing, shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in KRS 351.040. The department shall keep a complete record of all such hearings.

(2) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section, or file new maps and plans complete to date.

Pennsylvania

PENNSYLVANIA DEPARTMENT OF MINES AND MINERAL INDUSTRIES—OIL AND GAS DIVISION, 1962 EDITION

The operator shall not remove any coal or cut any passageway within 150 feet [radius] of any such well or approved well location until a permit has been issued as hereinafter provided.

Virginia

45.1–127 OF TITLE 45 OF THE MINING LAWS OF VIRGINIA

45.1–127. *Mining operations near wells.*—"Before removing any coal or other mineral, or extending any mine workings, or mining operations within five hundred feet of any well, or under any tract of land in visible possession of a well operator for the purpose of drilling for oil or gas, the mine operator shall give notice by registered mail to the well operator and to the Chief and forward therewith an accurate map or maps on a scale, to be stated thereon, of one hundred to four hundred feet to the inch showing its mine workings and projected mine workings beneath such tract of land or within five hundred feet of such well. Following the giving of such notice and the furnishing of such map or maps, the mine operator may proceed with mining operations as projected on such map or maps, but shall not remove any coal or other mineral or conduct any mining operations nearer than two hundred feet to any completed well or well that is being drilled, or for the purpose of which drilling a derrick is being constructed, without the consent of the Chief.

Application may be made at any time to

XUM

the Chief by the mine operator for leave to conduct mining operations within two hundred feet of any such well or projected well on forms furnished by the Chief and containing such information as the Chief may require. Such application shall be accompanied by a map or maps as above specified showing all mining operations or workings projected within two hundred feet of the well or projected well. Notice of such application shall be sent by registered mail to the well operator. The Chief may, prior to considering the application, make or cause to be made any inspections or surveys which he deems necessary, and may, if no objection is filed by the well operator, grant the request of the mine operator to conduct the mining operations as projected, or with such modifications as he may deem necessary.

The operator of the well or projected well affected may, within ten days of the filing of such application by the mine operator, file with the Chief his objections to such projected mining operations, in which event the Chief shall, not less than twenty days nor more than forty days after the filing of the application, set a time and place for a hearing at which he will consider such application, and the objections thereto, of which at lease five days' notice shall be given to the mine operator and the well operator. The Chief shall, after a full hearing, at which the well operator and mine operator shall be permitted to offer any competent and relevant evidence, grant the request of the mine operator or refuse to grant the same, or make such other decision with respect to such proposed further operations in the vicinity of any such well or projected well as in his judgment is just and reasonable under all the circumstances. The Chief shall keep a record of all such proceedings.

From any such final decision or order of the Chief either the well operator or mine operator, or both, may, within ten days, appeal to the circuit court of the county in which the well about which approval of such further operations is involved is located. The procedure in the circuit court shall be substantially as provided in Section 45.1–121. From any final order or decree of the circuit court, an appeal may be taken to the Supreme Court of Appeals as heretofore provided."

West Virginia

§ 11. When Coal Operator to File Maps and Plans As Prerequisite to Extension of Coal Operations; Petition for Leave to Conduct Operations Within Two Hundred Feet of Well; Proceedings Thereon.—Before hereafter removing any coal or other material, or driving any entry or passageway within less than five hundred feet of any well, and also before hereafter extending the workings in any coal mine beneath any tract of land on which wells are already drilled, or within five hundred feet of any well, or under any tract of land in visible possession by a well operator for the purpose of drilling for oil or gas, the coal operator shall forward, by registered mail to, or file a copy of the parts of its maps and plans which it is required by law to prepare and file and bring to date, from time to time, showing its mine workings and projected mine workings beneath such tract of land and within five hundred feet of the outer boundaries thereof, simultaneously, with the well operator and the department of mines, accompanying each of said copies with a notice (form of which shall be furnished on request by the department of mines), addressed to the well operator and to the department of mines at their respective addresses, informing them that such plans or maps and notice are being mailed by registered mail to them, or are being filed and served upon them, respectively, pursuant to the requirements of section eleven of this article. Following the filing of such parts of said plans or maps as aforesaid, the coal operator may proceed with its mining operations in the manner and as projected on such plans or maps, but shall not remove any coal or other material or cut any passageway nearer than two hundred feet of any completed well, or well that is being drilled, or for the purpose of drilling which, a derrick is being constructed, without the consent of the department of mines, and the coal operator shall, at least every six months, bring such plans or maps so filed with the department to date, or file new plans and maps complete to date.

Application may be made at any time to the department of mines by the coal operator for leave to mine or remove coal or conduct its mining operations within two hundred feet of any well, by petition, duly verified, showing the location of the well, the workings adjacent to the well and any other material facts, and what further mining operations within two hundred feet of the well are contemplated, and praying the approval of the same by the department, and naming the well operator as a respondent. The coal operator shall file such petition with, or mail the same by registered mail to, the department and shall at the same time serve upon or mail by registered mail a true copy to the well operator. The department of mines shall, forthwith upon receipt of such copy, notify the well operator that it may answer the petition within five days, and that in default of an answer the department may approve the proposed operations as requested, if it be shown by the petitioner or otherwise to the satisfaction of the department that such operations are in accordance with law and with the provisions of this article. At the expiration of such five-day period, the department, whether an answer be filed or not filed, shall fix a time and place of hearing within ten days, of which it shall give the coal operator and the well operator five days' written notice by registered mail, and after a full hearing, at which the well operator and coal operator, as well as the department of mines, shall be permitted to offer any competent and relevant evidence, the department shall grant the request of the coal operator or refuse to grant the same or make such other decision with respect to such proposed further operations in the vicinity of any such well as in its judgment is just and reasonable under all the circumstances and in accordance with law and the provisions of this article. The department of mines shall docket and keep a record of all such proceedings substantially as required in the last paragraph of section three of this article, and from any such final decision or order of the department of mines, either the well operator or coal operator, or both, may, within ten days, appeal to the circuit court of the county in which the well about which approval of such further operations is involved is located. The procedure in the circuit court shall be substantially as provided in section four, the department being named as a respondent. From any final order or decree of the circuit court, an appeal may be taken to the supreme court of appeals as heretofore provided.

§ 12. Supervision by Department of Mines Over Drilling and Mining Operations; Complaints; Hearings; Appeals.—The department shall exercise supervision over the drilling, casing, plugging and filling of all wells and of all mining operations in close proximity to any well and shall have such access to the plans, maps and other records and to the properties of the well operators and coal operators as may be necessary or proper for this purpose, and, either as the result of its own investigations or pursuant to charges made by any well operator or coal operator, the department may itself enter, or shall permit any aggrieved person to file before it, a formal complaint charging any well operator with not drilling or casing, or not plugging or filling, any well in accordance with the provisions of this article, or charging any coal operator with conducting mining operations in proximity to any well contrary to the provisions of this article, or to the order of the department. True copies of any such complaints shall be served upon or mailed by registered mail to any person so charged, with notice of the time and place of hearing, of which the operator or operators so charged shall be given at least five days' notice. At the time and place fixed for hearing, full opportunity shall be given any person so charged or complained to be heard and to offer such evidence as desired, and after a full hearing, at which the department may offer in evidence the results of such investigations as it may have made, the department shall make its findings of fact and enter such order as in its judgment is just and right and necessary to secure the proper administration of this article, and, if it deems necessary, restraining the well operator from continuing to drill or case any well or from further plugging or filling the same except under such conditions as the department may impose in order to insure a strict compliance with the provisions of this article relating to such matters, or restraining further mining operations in proximity to any well, except under such conditions as the department may impose. From any such order an appeal, naming the department as a respondent, may be taken by the operator or operators so restrained, within ten days of notice of entry of the same, to the circuit court of the county in which the well involved is located, and the department or complainant or complainants, or both, may, in case such order is disobeyed, apply at any time to such circuit court for a decree enforcing the same.

Mr. COOPER. A provision common to these statutes is the requirement that the coal operator make application and obtain permission from the appropriate State agency, before mining coal within a prescribed distance of an active gas well. As a general rule, these statutory requirements contain no prohibitions on the mining of coal in the proximity of gas wells but are for the benefit of gas and coal producers in the conduct of their operations. They do not furnish protection to the coal miners nor advance his safety.

To provide greater protection to these men and to promote their safety I send to the desk an amendment which would prohibit the operation of all coal mines in any coal seam within 500 feet of a known gas or oil well whether producing or abandoned. The amendment places the burden on the mine operator to ascertain the location of the gas or oil well. Further, the Secretary of Interior is authorized to promulgate rules and regulations in his administration of this provision.

Mr. President, I offer this amendment to point up the fallacy of the so-called economic and materialistic argument that is made when one objects to almost any provision of a coal mine safety bill presented to the Senate. If it is said, as I have said here, opposition to the requirement that permissible machinery be required in nongassy mines as well as gassy mines is characterized as materialistic and based on economics, then, on the other hand, we are yielding to the materialistic and economic side to permit the continued operation of coal mines in gassy areas where there is known gas and where there are gas wells, both producing and abandoned, which can cause or bring about an ignition or explosion, such as occurred in West Virginia, almost at any time and which might bring a similar explosion in the same mine?

I would like to detail some of the tests that are made to determine whether a mine is gassy or nongassy.

I know this from my own experience. I am not a coal operator, but I live in eastern Kentucky. I have been in gassy mines, and I know how tests are made to determine whether a mine shall be classed as gassy or nongassy. A test must be made which will, in various ways, determine the presence of gas. One way is the old-fashioned use of an open flame lamp, which in itself has caused ignition and explosions. The test is still in use in some areas of the country.

One amendment I am offering is that use of open flame lamps shall be prohibited in all mines in the United States.

The second way, which is safe, is the use of a safety mine lamp, which is used near the face of the coal or wherever the test must be made, which can indicate the presence of gas.

If it is found in any of those tests that gas is present in the atmosphere in a volume greater than 0.25 percent, the mine must be classified as gassy. And once classified gassy, it may never again be reclassified nongassy.

So the operator of a mine, and the miners themselves, because they have their safety rules, find it important to make these tests and to be certain that the gas does not exceed one-quarter of 1 percent. If gas is found, then, under the present Federal Coal Mine Safety Act and under all State acts, the operators must make adjustments in ventilation to provide better ventilation. I recall that the present law requires that 6,000 cubic feet of air a minute be provided at the face of the coal where the miners are working.

I close with the simplest explanation which I think any person with commonsense can make concerning the difference between a gassy mine and a nongassy mine.

In the first place, there is usually a great difference in topography and geology between these two types of mines. Anyone who has been through a coal area knows the difference between what is called a drift mine and a shaft mine. A shaft mine resembles a well that goes down into the earth. It goes below the water table, and, if gas is present, it is very difficult for that gas to escape or to be released. So there is a constant danger, in drilling down into the shafts and then going off into passageways and entries, that you will encounter gas. Gas is usually found there in large quantities, and greater care has to be taken in the use of permissible machinery, to avoid ignitions and explosions and the release of pockets of gas.

The nongassy mines are usually drift mines, which have an entry driven into the side of a mountain or hill, above the water table, and as they go higher up toward the top of the hill, there is less acreage, less area. The entries are not as deep, and so they are easier to ventilate; but chiefly because they are above the water table, the gas seeps out and is released in the atmosphere. So, over a long period of years, these mines have come to be called nongassy mines, because there is in fact no gas in them.

I have discussed these tables covering a 16-year period to show the difference between the fatalities and injuries from the two types of mines, and to point out that these injuries and fatalities are attributed to other causes, some of them to personal negligence, which could not be averted by the requirement of permissible machinery.

Mr. President, I support the purposes of the bill, of which I am a cosponsor, to provide for greater safety in our coal mines. It would provide greater safety in many respects. I have, prior to today, offered an amendment to provide measures to protect against roof falls, rib falls, and face falls, which cause more than 50 percent of the fatalities and injuries in our mines.

I remember in 1959 I proposed amendments to secure better protection from roof and rib falls. The amendment I submit today is to prohibit the use of open flame lamps in any mine, thus reducing the dangers of ignition or explosion.

But I do ask that the difference in classification as between gassy and nongassy mines remains, because it is based upon sound premises, upon differences in characteristics, topography, and geological considerations, and chiefly because there is no gas in a nongassy mine.

The PRESIDING OFFICER. The amendments will be received, printed, and appropriately referred.

The amendments were referred to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session, for action on the nominations placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. COAST GUARD

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

On request of Mr. KENNEDY, and by unanimous consent, the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. MONDAY, JUNE 9, 1969

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjourment until 11 o'clock a.m. on Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered.

Mr. KENNEDY. Mr. President, when the Senate convenes next Monday at 11 a.m., we will consider the nomination of Warren E. Burger, of Virginia, to be Chief Justice of the United States.

I also want to indicate that it is my intention to ask for the yeas and nays on confirmation.

ADJOURNMENT UNTIL MONDAY, JUNE 9, 1969, AT 11 O'CLOCK A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 49 minutes p.m.) the Senate adjourned until Monday, June 9, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 4, 1969, under authority of the order of the Senate of June 2, 1969:

IN THE NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

John D. Chase
David M. Rubel
Robert S. Salzer
Narvin O. Wittmann
Robert C. Gooding
Paul E. Pugh
John L. Butts, Jr.
Charles N. Payne, Jr.
John L. Marocchi
William M. Pugh, II
Ward S. Miller
Roger E. Spreen
James Ferris
John H. Dick
William H. Livingston
Howard E. Greer
Jon L. Boyes
Donald C. Davis
Donald V. Cox
Herbert S. Ainsworth
Earl P. Yates
Donald D. Engen
Oliver H. Perry, Jr.
Edward K. Snyder
Spencer Matthews, Jr.
Dean L. Axene
Clarence R. Bryan
Patrick J. Hannifin
James W. Nance
Rembrandt C. Robinson
Worthy H. Bagley

IN THE ARMY

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Fragala, James J., O40583.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

To be lieutenant colonel

Freeman, Arthur L., O63597.
Murnane, James J., O62144.
Nelson, Loyal E., O65714.
Wasco, Joseph, Jr., OF114800.

To be lieutenant colonel, chaplain

Glynn, John P., OF117998.

To be major

Abell, Julian L., O73588.
Abraham, Albert, III, O73016.
Abramowitz, Benjamim L., O73286.
Ackiss, Ernest L., Jr., O72433.
Adair, Billy R., O96941.
Adamkewicz, Edward S., Jr., O94784.
Adams, Richard E., O73589.
Adams, Robert B., O72565.
Adams, Tom, Jr., O72669.
Adsit, John M., O81570.
Agnew, Jack S., O74041.
Akin, Havis D., O72808.
Albright, John E., O72567.
Aldrup, Earl W., Jr., O73542.
Allaire, Christopher J., O73590.
Allen, James B., Jr., O78204.
Alston, Charles A., O99288.
Ameel, Joseph B., O72810.
Ament, Richard G., O82260.
Amlicke, John G., O84937.
Anderson, James L., O73593.
Anderson, Lee E., O77252.
Andre, Peter C., O72436.
Andree, Robert G., O73594.
Andrews, Thomas T., O99645.
Antkowiak, Robert S., O88554.
Arnecke, Charles O., O74055.
Ashby, Charles C., O99480.
Ashby, Mason K., O83109.
Ashey, Clarence D., O73017.
Atkins, Roy A., OF100235.
Austin, Richard S., O97278.
Ayotte, Ronald J., O73122.
Backus, Richard J., O87999.
Bacon, Robert C., O73595.
Bagnal, Charles W., O73596.
Bahnsen, John C., Jr., O73597.
Bailey, George A., O77260.
Baker, A. J., O74060.
Baker, Richard D., OF116549.
Bannister, Barry B., O94271.
Bannister, Edwin J., O74064.
Barber, Harry K., O84071.
Barge, Beverly L., O77265.
Barlow, Keith A., O73599.
Barney, Charles D., O78217.
Barnum, James E., O78218.
Barrett, Reid A., O73600.
Barrow, Carrell M., O85480.
Bartell, Harold T., O73087.
Barton, Hubert K., O99788.
Basten, Lawrence E., O72438.
Bates, Donald E., O73124.
Batts, John H., OF106493.
Baty, Roy S., Jr., O72574.
Bauchspies, James S., O73601.
Baxter, Arthur S., Jr., O74067.
Baxter, William P., O73602.
Bayless, Robert E., O78223.
Bear, Ben H., II, O73543.
Bearden, Thomas E., O91551.
Beauchamp, Edward W., OF117135.
Bechtold, John G., OF105613.
Beck, Edmund S., O74069.
Beckhoff, Otto F., O81581.
Bell, Charles H., O72677.
Bell, James C., Jr., O90096.
Bell, Lawrence A., O74071.
Bell, Leroy C., O78227.
Bell, Walter C., O73286.
Benacquista, John J., O72575.
Bender, Richard C., O82309.
Bening, Robert G., O89318.
Bennett, Donald G., O81584.
Bennett, Donald P., O74964.
Benoski, Joseph Jr., O72440.
Benson, Theodore D., O85723.
Berrey, Thomas G., O82262.
Berry, David T., O73607.
Berry, Fred C., Jr., O72323.
Bessler, Lawrence H., O85887.
Bihler, John O., Jr., O72820.
Binney, Charles W., 97496.
Birkenholz, Richard M., O74079.
Bissell, Keith Jr., O75095.
Blackham, Daryl K., O73128.
Blackwell, Jesse E., O73609.
Blagg, Thomas E., O74080.
Bland, Bigelow B., Jr., OF116552.
Blewster, James C., O73610.
Bligh, Thomas F., Jr., O90382.
Bliss, Laurence T., O73492.
Blunt, Roger R., O73611.
Boatwright, Charles, OF103608.
Boehme, James A., O97885.
Boerner, Dennis H., O74084.
Bolam, Paul F., OF106504.
Bolin, James P., O73612.
Bond, Robert E., O73129.
Bonnett, William B., O74089.
Bonoan, Raymond, O73292.
Boozer, Harold E., O84473.
Born, Edward G., O94274.
Bortolutti, Angelo, O73614.
Boswell, John R., O84952.
Botts, Robert H., O74091.
Bowdoin, William R., O77275.
Bowes, Thomas M., O73616.
Boyd, William A., Jr., O81588.
Boyer, Henry, Jr., O73022.
Boylan, Steven V., O73617.
Boyle, Rodger W., OF117323.
Bradby, Harold N., Jr., O73989.
Bradford, Zeb B., Jr., O73618.
Bradshaw, Harold D., O85488.
Brady, Harlan, J., O84474.
Bramlet, James W., O78573.
Bramlett, Mead R., O74096.
Branch, John H., Jr., O89754.
Brashears, Bobby F., O74097.
Brassert, Charles A., O81590.
Brickwell, Wilbur D., O88590.
Brien, John H., OF108124.
Brier, James R., O87481.
Bright, Fred Jr., O97887.
Brink, Donald W., O78241.
Brinkley, Charles B., O73621.
Britten, Samuel L., O72680.
Broadaway, Thomas F., O73493.
Brofer, Duane R., Jr., OF102304.
Brogi, David M., O96948.
Bronson, Russell A., O74101.
Brooks, George W., O72681.
Brooks, Herman L., OF102420.
Brown, Bernard B., O85130.
Brown, Don E., O85732.
Brown, Frederic J., O73622.
Brown, Loy D., O73549.
Brown, Marion L., O87483.
Brown, William W., O87485.
Bruce, William A., O84073.
Bryan, Charles D., OF100243.
Bryant, Lloyd D., O81597.
Bryant, Richard L., O90479.
Buchanan, Paul J., O77289.
Bullock, Victor T., O73623.
Bunevich, Peter C., O85493.
Burbules, John G., OF108129.
Burcham, Jerry J., O73624.
Burgoon, Kenneth L., O83641.
Burkett, Seth W., O72685.
Burnette, Charles D., O72832.
Burns, Thornton A., O73625.
Bush, Robert C., O72447.
Butler, Frank C., Jr., O72834.
Bynell, Harlan B., O73626.
Byrne, John M., O73136.
Byrnes, Graham F., O72451.
Cabral, Walter K., O72835.
Cage, Willie R., Jr., O91783.
Cahill, William J., O78254.
Calderwood, Earl H., O74115.
Caldwell, Richard D., O89429.
Callahan, James J, O78255.
Callaway, Charles P., O77299.
Calvert, Jack F., O74117.
Cambell, Chester F., O85406.
Campbell, Frank D., O89432.
Campbell, Robert J., O77303.
Carey, Calvin C., O81598.
Carlisle, Alan R., O72686.
Carnes, Julian H., Jr., O72687.
Carr, Eldon D., O73630.
Carraway, Joseph R., O73631.
Carrington, Hugh C., O72582.
Carroll, George F. J., O77309.
Carter, Robert H., O74124.
Carter, Thomas D., Jr., O85978.
Carver, Charley A., O87700.
Cashman, James D., O88610.
Cashwell, James E., O73137.
Casipit, Felix L., O91788.
Casto, Philip C., O72690.
Caudill, James E., OF106542.
Chamberlain, Charles M., O72583.
Champlin, William A., O84074.
Chapman, Donald G., O84075.
Chapman, Joseph M., O88615.
Chick, Robert L., O77314.
Chilcote, Don L., OF106547.
Chillcott, Dewey A., O77315.
Chisolm, Patrick D., O77316.
Christensen, George F., O88620.
Christopher, Harry G., O73638.
Clark, James W., OF114559.
Clark, John J., O73639.
Clark, Richard W., Jr., O98234.
Clayberg, Richard P., O88630.
Clements, Philip J., O72584.
Cluxton, Donald E., O72453.
Coast, Albert F., O77326.
Coats, Whit L., O73640.
Cobbs, Richard C., OF102435.
Cocke, Eugene R., O73495.
Cockrell, Elroy M., O95004.
Cody, William F., O73641.
Coffman, Ronald L., O74131.
Coker, Walter R., O77327.
Coleman, Jerry L., O87492.
Coleman, Willie A., O85137.
Collier, Gary D., O72847.
Collins, Billy C., O77329.
Collison, John M., O81606.
Colson, John T., O74133.
Comer, Winston L., O77331.
Comeskey, Harry A., O73642.
Conley, Samuel G., O99629.
Conneely, Martin F., O84077.
Connolly, John J., Jr., O94919.
Conrad, Michael J., O73644.
Cook, John H., O81607.
Cook, Richard A., O74135.
Cook, Walter C., O94451.
Cooksey, David O, O72585.
Cooley, Andrew L., Jr., O75166.
Coran, Johnny P., OF105408.
Corless, Robert L., O84968.
Cormany, Cecil D., O96922.
Cornwell, Michael C., O96958.
Cosby, Lyoyd N., O77337.
Costello, Charles J., O72848.
Cotton, Thomas B., OF114385.
Council, Ciciero, Jr., O73647.
Count, Elmer E., O72849.
Covert, James L., O98281.
Cowan, Donnely G., OF109105.
Cowles, Richard W., O78268.
Cox, Elbredge R., O78269.
Coyne, Robert A., O91421.
Crain, Wallace S., O73648.
Cralle, Maury S., Jr., O73649.
Crandall, Harry W., O73650.
Craver, Douglas M., O74139.
Crawford, Theodore A., O72694.
Cremer, Robert D., Jr., O73651.
Crews, Roy A., O85741.
Crews, Willam F., O73652.
Crites, William R., O75653.
Crompton, William B., O94283.
Crosby, James C., O74143.
Cross, Ernest E., O73655.
Cross, Gerald K., OF110219.
Crouch, Curtis S., Jr., O80222.
Crouter, Edgerton T., O73656.
Crowder, Thomas M., O85149.
Crowley, Leonard G., O91200.
Cullen, James F., O78273.
Cunningham, Clarance E., O74147.
Curl, Richard L., O73657.
Curran, Gordon A., O86032.
Cuthbertson, Roebrt J., O73091.
Dall, Robert B., O77346.
Dambergs, Ilmars H., OF110223.
Dambrauskas, Vincent, O72459.
Daniel, Bartow D., O78275.
Daniels, John M., Jr., O89454.
Dantos, Evangelos, O73660.
Dareds, Pete J., O77349.
Daub, Alfred V., Jr., 92315.
Daves, Phillip E., O72852.
Davis, Dale E., O94852.

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Davis, James S., OF109892.
Davis, Sidney, O85153.
Day, Edward A., O72461.
Day, Frank L., O73661.
Day, Raymond, O85313.
Day, Thomas E., O78277.
DeCamp, William S., O74155.
DeFrance, Rudolph B., O73663.
De Leuil, Wood R., O73664.
De Lorimier, Alfred J., O63183.
De Thorne, Raymond J., O74160.
DeVilbiss, Donald R., OF102335.
Deacon, Reynolds J., O82314.
Del Colliand, John F., O78279.
Delahunty, Thomas C., O72853.
Demers, Gerald Z., O73665.
Demick, Harold B., O72586.
Denny, Davis M., Jr., O73997.
Dettmar, Richard P., O87502.
Devers, John P., O77357.
Dewey, Arthur E., O73667.
Dews, Henry L., Jr., OF100255.
Diez, Everett S., O73669.
Digennaro, William L., O73668.
Dilday, Colbert L., O88658.
Dillingham, William B., OF105676.
Diorio, Gene L., OF110654.
Dismukes, James R., O77362.
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Divis, Ernest W., O86067.
Dixon, Bryan D., O73142.
Dixon, Malcolm R., O81623.
Dobbs, Herbert H., O77365.
Dodd, Calvin G., O72856.
Dodd, William H., O87503.
Doiron, Nicholas H., O81624.
Donatucci, Gerald A., OF102855.
Donner, William O., O73998.
Dorand, Edwin J., O78282.
Dorough, Philip E., O 72700.
Dottle, James C., O86079.
Downey, Robert H., Jr., O81626.
Dozier, James L., O73670.
Draper, Edwin L., O72858.
Dreybus, George N., O78284.
Drury, Dan L., O74174.
Dubois, Ronald W., O78286.
Dugan, John E., O82267.
Duggan, Daniel E., O72704.
Dull, Harry L., Jr., O77372.
Dunagan, Clarence M., OF114576.
Dunfield, Edward P., OF108159.
Dunn, Jack A., O73672.
Dunn, James T., O78288.
Durant, John J., O78289.
Durkin, Michael J., O72467.
Eastburn, Charles E., O73673.
Easton, Robert H., O73674.
Ebbole, Robert, O79573.
Ebert, Vernon E., O73675.
Eckert, William N., O74183.
Eddy, Burton A., O84080.
Edmiston, Charles H., O81629.
Edmondson, James P., O99638.
Edwards, Charles A., O85158.
Edwards, Donald M., O77374.
Einseln, Aleksander, O74681.
Eitel, James W., O78291.
Eliot, Phillips G. P., O73677.
Elliott, Harlen O., O78292.
Ellis, James N., O73678.
Ely, Arch H., Jr., O85160.
Enloe, James A., O74187.
Eshelman, John E., O91936.
Etzler, Roy T., O85530.
Fambrough, John A., O89204.
Fargason, Le Roy H., OF100861.
Farmer, William P., O73680.
Farrell, Joseph G., OF110673.
Farris, Robert I., O72706.
Featherstone, Stephen E., O95019.
Feeley, Robert F., O72867.
Felker, Dale R., O77383.
Ferguson, Charles H., O77384.
Filbert, Frederic J., O97410.
Fisch, Donald A., O73682.
Fitzgerald, James F., OF103503.
Fitzgerald, John M., O82269.
Fitzgerald, Thomas E., O78303.
Fitzmorris, Lawrence B., O74198.
Fletcher, Edward N., O78304.
Flitcraft, Anthony D., O82324.
Flory, Robert A., O73684.
Floyd, Ralph H., Jr., O73685.
Flynn, James J., O89207.
Folkerson, Donald A., O109915.
Foradori, Harry L., O83682.
Forrell, William J., O87517.
Forsyth, Robert F., O86152.
Foss, John W., II, O73687.
Fossett, John L., OF102463.
Foster, Robert G., Jr., O82270.
Fox, Eugene, O73688.
Fox, Eugene A., O73689.
Fox, Frederick W., O72870.
Fraker, William W., OF117169.
Fraley, Harold J., O74203.
Fraley, Robert R., O82271.
Frank, Winfield C., O73690.
Franklin, John R., Jr., O78307.
Fratzke, Walter E., O94297.
Frederick, William R., 3d, O73692.
Freeman, Clinton A., O94926.
Fry, Clifford F., OF103946.
Fry, Llayll A., O97304.
Frye, Ray E., Jr., O81637.
Fucella, Edward D., O72874.
Fuller, Thomas W., OF102466.
Furney, Robert M., O88690.
Gallier, Gary L., O72473.
Gange, William B., O72875.
Gannon, Edwin W., O84062.
Gantt, Gerald D., O78313.
Garner, James E., O77399.
Garner, James G., O94750.
Garrison, Edgar C., O94460.
Garvey, Charles J., O73694.
Gates, Norman B., O73554.
Geddes, Garth L., O80223.
George, Ellsworth P., O94323.
Gibbons, Gerald G., O81639.
Gibbons, James H., O74212.
Gibson, Mack L., Jr., O91246.
Giese, William O97907.
Gilbertson, James S., O89985.
Gillie, Gerald R., O74214.
Gingrass, Robert J., O73336.
Glasson, Robert P., O73033.
Gleason, Joseph E., O73696.
Gleave, Paul R., O73149.
Glenn, Charles A., O73697.
Glock, Howard G., O73698.
Goad, Robert E., O82273.
Gochnaur, Thomas L., O91842.
Godding, Donald R., 74220.
Goetcheus, James R., OF102884.
Gomes, Lloyd E., O72713.
Gonsalves, Robert F., O90089.
Goodman, Roland A., O78320.
Goodyear, Clyde E., O81642.
Gordon, John V., O74224.
Gorlinski, Charles C., O73702.
Gotte, Jack E., O81644.
Gould, Frank O., O72717.
Gourley, William H., O78322.
Grace, Paul M., O78323.
Graesser, Donald C., O73703.
Graham, Hanzel C., OF110261.
Graham, Robert L., O77413.
Grann, Richard A., O84083.
Grant, Gordon E., O77414.
Grant, Theodore, O73704.
Grasmeder, John M., OF113641.
Gray, Donald A., O77416.
Gray, Robert R., OF101090.
Gregg, Dale P., 088709.
Grey, Harold M., II, O78324.
Grier, William C., O74994.
Griffith, James E., OF114091.
Griminger, Charles O., O74230.
Grinstead, John B., O73706.
Groscom, Ralph M., O73707.
Grossheim, Paul W., O78326.
Grover, Dwight L., O82330.
Groves, Billie R., O74233.
Gudger, Robert M., O72885.
Guffey, Connie S., O99654.
Gugel, Donald N., O77419.
Gunn, Ernest R., O87769.
Gunning, Edward G., O72721.
Gunsell, Richard M., O77420.
Gunter, Charles R., O99856.
Gunter, Gurnie C., O72477.
Gwaltney, Robert L., O73956.
Haack, John K., OF102892.
Hagee, Robert D., OF104436.
Haley, John P., O73708.
Haley, Robert H., OF113650.
Hall, Claude V., O94860.
Hall, Gary C., O73709.
Hall, Harry T., O72887.
Halleran, Kenneth E., OF105416.
Hallmark, Robert C., O89066.
Halsey, Milton B., Jr., O72722.
Hamlin, Donald A., O79580.
Hammel, Donald A., O73710.
Hammill, William C., O73227.
Hanmer, Stephen R., O77427.
Hannon, James D., OF109565.
Hannum, Alden G., OF102900.
Hansen, Charles M., O73154.
Haponski, William C., O73713.
Harbor, Frank B., O73341.
Hardy, Eugene A., Jr., O87528.
Hargett, Paul D., O78338.
Hargis, Glenn F., OF105691.
Harmon, Marsden A., O74238.
Harms, Norman D., O77429.
Harnish, Albert G., O81652.
Harper, Henry H., O78339.
Harrell, Wilford R., O77858.
Harris, Arthur M., O73715.
Harris, James A., O73716.
Harris, James W., O73035.
Harris, Loston, O73071.
Hart, Rufus R., O73717.
Hartsock, Frank, Sr., O90043.
Harvey, Richard W., O72599.
Hatcher, Walter L., O81653.
Hatchett, Monte J., O78344.
Hattersley, James G., O91509.
Hay, James R., O78345.
Haydon, Joseph J., O73719.
Hayne, Paul, III, O73720.
Haynes, Jesse L., Jr., O74243.
Hazelip, Albert C., O72726.
Hearn, Jerry L., O74244.
Hedges, Oliver W., O85763.
Hehle, Joseph P., O85560.
Heikkinen, Kenneth L., O88729.
Heller, John M., O99064.
Helmick, Glelma O., O97130.
Hendricks, Thomas E., O89221.
Hensley, William R., O74007.
Herb, Charles D., O81657.
Hering, Robert R., O99865.
Herlihy, Francis P., O97835.
Herlik, Querin E., O84084.
Hermes, George A., O90061.
Herrmann, Carl G., O73721.
Herzog, David E., O72482.
Hess. John P., O72898.
Heverly, Charles I., O89714.
Hewitt, Robert A., Jr., O73722.
Hightower, Loyal G., O89741.
Hill, Donald L., O75064.
Hill, James R., O72483.
Hill, Vernon B., Jr., O72731.
Hix, Preston D., OF105703.
Hodgson, William E., O72484.
Hoffman, Glenn F., O72899.
Hoffman, John F., O82276.
Hoglan, Curtis F., O77453.
Holder, Floyd D., Jr., O73346.
Holland, Billy C., O78352.
Holland, Harold B., O74259.
Hollowell, Emmett P., O72735.
Holmes, Frederick S., O73725.
Holmes, Justin A., O78353.
Holt, Robert B., O78354.
Holt, Roscoe L., O77456.
Hooker, Richard D., O74263.
Hooker, William M., O73726.
Hookway, William A., O78355.
Hopkins, Woodard B., O74264.
Horan, Michael J., O88103.
Horn, Will H., O74266.
Horner, Roger H., O73213.
Horta-Merly, Juan, O95438.
Hosmer, Calvin, III, 077459.
Hottel, David T., O99877.
Howard, Matthew A., O85575.
Howell, Leamon E., O73158.

Howell, Thomas R., O72736.
Howell, William H., O77463.
Hudman, George D., O72737.
Hudson, Samuel R., O77464.
Huff, Jerry H., O73728.
Huff, Richard A., O77466.
Hull, Robert L., O73729.
Hunt, James W., OF102922.
Hunter, Joseph L., O90106.
Huskey, James E., O72494.
Hussey, Donald P., O97923.
Husted, Frank R., O93435.
Hutchinson, Hugh F., O72738.
Hutchison, Jarold L., O73730.
Hutson, Leonard E., O74277.
Hutter, James L., O77471.
Hutton, John D., O74278.
Ingram, Duane C., O74280.
Ippolito, Charles P., O74281.
Irving, Conrad J., O77474.
Islin, John A., O77475.
Jackson, Alan T., O89341.
Jacobson, Jon A., Jr., O75215.
James, George O., O91882.
Jarrett, George H., O92429.
Jarvis, William H., OF106663.
Jasper, Theodore C., O73731.
Jeffries, Charles O., O73039.
Jensen, Kenneth G., O78368.
Jerrett, Lyle E., O78369.
Jessup, Morris M., O73506.
Jezior, Anthony M., O73732.
Jhung, Bryson, O 88758.
Johansen, William R., O73733.
Johnsen, John L., O73734.
Johnson, David S., O77483.
Johnson, Harold L., O91888.
Johnson, Harry W., O73735.
Johnson, James M., O84923.
Johnson, James R., OF113695.
Johnson, John C., O73736.
Johnson, William M., O88761.
Johnson, William V., O77487.
Johnston, David J., O73737.
Johnston, James W., OF102510.
Jones, Alan F., OF113215.
Jones, Carleton H., O74292.
Jones, Herbert L., O77490.
Jones, Isaac R., OF105185.
Jones, John L., Jr., OF113700.
Jones, Maury D., O84525.
Jones, Robert A., O82279.
Jones, Robert E., O77491.
Jones, Warren A., O73508.
Jordan, Herbert A., O73352.
Joyce, Robert M., O78181.
Kakazu, Yoshiaki, O84087.
Kammerdiener, James E., O91894.
Kattar, Richard J., O82343.
Keating, Richard J., 073742.
Keener, Eugene F., O81676.
Keese, Carl C., O91617.
Keipp, Martin W., O87816.
Keliher, John G., O74299.
Kelley, Horace S., Jr. O84088.
Kelley, Norman D., O78381.
Kelly, Emmett L., Jr., O75380.
Kelly, Thomas L., O77500.
Kem, Richard S., O73745.
Kemp, Freddie L., O78384.
Kennedy, Billie J., O77502.
Kennedy, Ralph P., Jr., O77504.
Kenyon, Peter B., O85341.
Kepler, Roger T., O72611.
Keutmann, John A., O73746.
Keyes, Terrence E., O97145.
Kicklighter, Claude M., O73162.
Kiefer, Paul E., O77507.
Kilgore, James A., OF108222.
Killette, James L., OF101970.
Kimmel, Rex M., O73510.
Kincheloe, Carl E., O90170.
Kinder, Norman W., O74307.
King, Gregory N., O89234.
Kirk, John M., O73749.
Kiser, Billy J., O72615.
Klein, Rudolph F., O74311.
Klinedinst, William, OF113222.
Kneibert, Richard G., O78390.
Knowles, Kenneth J., O73750.
Knudsen, Walter H., O73751.
Kohler, Glenn, O71096.
Kolditz, Walter, O77512.
Kottich, Charles R., O73752.
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Kramer, Gordon L., O99896.
Krashes, Harold D., O96996.
Kreilick, Elvin A., O85594.
La Combe, William F., O92212.
LaBonge, Carl A., Jr., O73163.
Lally, Michael J., Jr., O90254.
Lamons, Robert E., O72502.
Lampe, William J. R., O77517.
Landry, Stephen D., OF108229.
Lane, James F., O73753.
Lane, Robert L., O74325.
Large, Ulysses S., Jr., O77520.
Lascola, Harry R., O72914.
Lash, Peter W., O73755.
Lasley, Paul A., O73756.
Lauthers, David E., O88782.
Law, Laurence J., O74329.
Lawhorn, Douglas A., O74330.
Lawley, Fred W., O87833.
Lawson, Warren G., O72503.
Laychak, Robert, O97319.
Layfield, Marvin C., O95059.
Le Hardy, Ward M., O73757.
Lea, W. J., Jr., O75230.
Leaf, George E., OF103264.
Leakey, Robert J., O99903.
Lee, Curtis D., O90191.
Lee, Ray H., O74334.
Leister, Glenn A., O94315.
Leonard, John D., O73104.
Lester, Robert J., O74337.
Levine, Seymour E., O72750.
Levy, Norman, O73761.
Lewis, Henry J., O72619.
Lewis, Warfield M., O73762.
Libassi, Jerome J., O77529.
Lilje, Donald H., O72918.
Lilley, Walter G., O88790.
Lillich, Edward R., O72919.
Lindquist, Gary E., O73165.
Lindquist, Roy E., Jr., O73764.
Lindsey, Robert H., O73765.
Lins-Morstadt, Juan J., O81686.
Little, Donald C., Jr., O73769.
Livingston, Allen C., OF108233.
Liwski, John L., O73770.
Lockridge, Robert W., O74341.
Loeffler, John F., O77536.
Loffert, George U., O73771.
Logerquist, Benjamin A., O85609.
Longacre, David H., O72753.
Longbottom, Dean A., O72126.
Longino, Robert B., OF100238.
Longuet, Charles, Jr., O73166.
Looney, Robert C., O88796.
Lorix, Richard E., O81689.
Love, James R., O72754.
Lueders, Dirk H., O73772.
Lutz, Joseph C., O72506.
Lyles, Jesse D., O77545.
Lyman, Myron E., Sr., O87551.
Lynch, Francis D., O73105.
Lyon, William E., O73774.
MacDonald, John, O77546.
MacKnight, Allen B., O85028.
MacPhail, William, Jr., O72756.
Maccini, Francis L., O72621.
Macedonia, Raymond M., O72925.
Mack, William H., OF102224.
Mackin, Richard E., O73775.
MacNair, Douglas G., O73258.
Mah, Joe, O85030.
Mahaffey, Fred K., O72926.
Maher, Kevin L., O73167.
Mahlberg, Donald S., O78413.
Mait, Martin B., O77553.
Major, Dorrance D., O81693.
Manhan, Robert D., O77554.
Manning, Robert L., O72509.
Manzo, John M., O77555.
Marino, Andrew S., O72930.
Marlow, James W., O72510.
Marr, Giffen A., OF105749.
Marshall, Richard H., O81697.
Martin, George J., O73778.
Martin, Humphrey J., O88283.
Martin, Richard C., O81698.
Martin, Thurman O., O72758.
Martucci, Carmen C., O94617.
Marvin, Harold A., O73779.
Mastropasqua, Domenic, OF87554.
Matheson, Robert G., O75073.
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Matthews, James E., O71834.
Maupin, Joe S., O81699.
May, Robert M., O77558.
Mayhew, William B., OF109597.
Maynes, George E., OF100195.
Mayson, Elford M., O73783.
Mazur, Michell E., O73217.
McAniff, Thomas J., O73784.
McCann, John R., O77561.
McCarthy, James F., O99350.
McCartt, James M., OF100698.
McCarty, Douglas W., O74368.
McConnel, Mervin G., O73786.
McCormick, James C., O90261.
McCracken, Julian W., O84713.
McCue, Robert B., O85211.
McCuistion, Alan L., O75393.
McCurdy, Neal B., O82285.
McDermott, William L., O76408.
McDonald, Merle A., O78422.
McDonald, Vincent P., O77564.
McFadden, Louis P., O99919.
McFadden, Willie J., OF102971.
McGar, Robert D., O78424.
McGee, Lester E., Jr., O77566.
McGinn, John J., O73788.
McGoff, Leo F., Jr., O83659.
McGowan, Garrett E., O72515.
McGruder, Beverly L., O77569.
McKalip, Homer D., O77571.
McKay, Gerald E., O72938.
McKay, William H., OF101844.
McKee, Robert W., O77572.
McKee, William S., O74382.
McKinley, David J., O71392.
McKnight, Robert W., O99084.
McManus, Booker T., O72623.
McMillan, Druery C., O84924.
McMillan, Thad C., O78426.
McNall, Jack G., O77575.
McNamee, Alfred A., OF105482.
McNatt, Orville W., O94487.
McNealy, Richard K., OF102979.
McNulty, Francis, O97162.
McNulty, James W., O73791.
McNutt, George R., O78429.
McPheeters, Leande B., Jr., O74018.
Meara, John J., O77576.
Mears, Charles D., Jr., O73229.
Medina, Efrain, O90483.
Medley, George W., O72518.
Mehler, Paul P., O97592.
Meisel, Karl H., Jr., O81701.
Mendel, Thomas E., O78431.
Mendoza, Charles J., OF110362.
Mericle, Russell A., O73793.
Merola, Paul A., O73794.
Meserve, Edward N., O84527.
Messer, Hollis D., O78433.
Messer, Louis A., O97648.
Metcalf, Jack A., O74019.
Meyer, Clyde E., O85214.
Meyer, Raleigh R., Jr., O86519.
Miles, Henry B., Jr., O73795.
Miller, Charles H., O73108.
Miller, Clemith J., O77900.
Miller, Duane D., O73172.
Miller, Leonard L., O88835.
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Miller, Robert A., O72524.
Miller, Thomas L., O73796.
Miluszusky, Raymond J., O77580.
Minton, Paul B., Jr., OF103477.
Missildine, William E., O97014.
Mitchell, Glenn W., O72946.
Mitchell, Gregory W., O73797.
Mixan, Edgar J., O73218.
Monteith, Gerald E., O77585.
Montgomery, Budd V., O82288.
Moody, Gordon N., O78439.
Moody, John F., O77586.
Moore, Herbert W., O72765.
Moore, Jimmy N., O78442.
Moore, William A., O84094.

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Moreau, Thaddee F., O77586.
Morelli, Donald R., O73799.
Morgan, Robert D., O90515.
Morley, Thomas L., O97169.
Morrell, Richard S., O90316.
Morris, Glenn S., O72766.
Morris, Richard A., O72628.
Morrison, William W., O78445.
Moser, John W., O96783.
Moses, George W., O73576.
Moss, Franklin A., O78446.
Mossellem, John J., O97335.
Moulton, Rodney F., O88849.
Munro, Robert D., O74406.
Munsey, Jack T., O73802.
Munson, Hugh W., Jr., O73803.
Munster, Conrad H., O84095.
Muntz, David C., O73804.
Murdock, Thomas E., O88451.
Murphy, Clyde L., O81496.
Murphy, George E., O78105.
Murphy, Jerry C., O72527.
Murphy, John J., Jr., O73050.
Murray, Gary B., OF105774.
Muth, Arnold J., O74788.
Myers, Clair G., O91470.
Myers, Read E., O87865.
Myrah, John M., O92494.
Myrick, Howard A., O78452.
Naclerio, Nicholas, OF108256.
Naddef, Wilfred J., O79609.
Narus, William E., Jr., O73805.
Nash, Charles W., OF110833.
Nauman, Alan A., O82290.
Neely, Joe E., O84097.
Neighbors, James D., O80225.
Neil, Arthur G., Jr., O88858.
Neilson, Peter G., OF110383.
Nelson Andrew M., O73177.
Nelson, Ronald A., O77596.
Nelson, Thomas C., O82291.
Nestler, Carl M., O88297.
Newbill, James P., O84098.
Newman, Charles D., O85632.
Newman, Frank R., O72629.
Nezvesky, Israel, O95368.
Nichols, Elwood B., O91477.
Nicholson, Allison L., OF117418.
Nicholson, John W., O73807.
Nicholson, Robert K., O73808.
Nolan, John W., O77599.
Norton, Albert L., O89117.
Nugent, Edward J., O77601.
Oakes, John H., O73811.
Oakes, Norman L., O77604.
Oberg, Robert E., OF110016.
Oberst, Guenter G., O94627.
O'Bryan, William P., O81712.
O'Connell, Maurice P., O84099.
O'Connor, William H., O89567.
Ogren, Charles T., O73812.
Ohlemueller, William A., O84100.
Okane, Robert F., O72631.
Olchovik, Stanley, O74023.
Oliver, Mahatha M., O77610.
Olson, Eugene S., O99941.
Ondarza, Fred, Jr., OF108263.
O'Neil, Henry R., O93066.
Ono, Allen K., O93067.
Oram, Charles J., OF116585.
Orkand, Robert E., O77612.
Orr, James M., O72531.
Ortner, Anthony J., O73813.
O'Shaughnessy, James P., O72633.
O'Shea, Cornelius J., OF103043.
Oshei, Donald M., O73810.
Otsuka, Yukio, O91966.
Owen, David T., O72770.
Owens, Fobert C., O78459.
Pace, Donald L., O92234.
Pace, Linwood A., Jr., O94328.
Painter, Brookman E., O77617.
Palmer, Dave R., O73814.
Paquin, Wilfred J., O85231.
Paradise, James, Jr., O73815.
Parker, Charles R., O73816.
Parker, Franklin S., O94630.
Parker, John R., O73817.
Parker, Julius, Jr., OF105501.
Parks, Hugh W., 088872.
Parry, Raphael P., 071584.
Parson, Joe W., O72961.
Parsons, Walter H., O74435.
Partin, David W., OF110020.
Patrick, Farrell G., O73818.
Patton, David W., 072191.
Patton, Milton R., OF110398.
Payne, Robert W., O72535.
Pearson, Stanley R., O74438.
Pease, Charles T., O94779.
Pellegrinon, Ronald G., O74439.
Perkins, George R., O90530.
Perry, Earl E., O72536.
Peterson, Alfred L., OF102594.
Pettit, Ernest G., OF109622.
Petty, Robert E., IV, O99949.
Phillips, Fred E., Jr., O97784.
Phillips, Gary R., O73822.
Phillips, Herbert C., OF106771.
Phillips, Robert A., O78464.
Pierce, John A., O72538.
Pierce, Richard B., O73823.
Pierce, Wilbur R., Jr., O71950.
Pitman, Kenneth M., O74443.
Pitre, George L., Jr.,O74444.
Plant, Robert A., O78466.
Plott, Thomas J., OF102245.
Plugge, Donald W., O72540.
Pohly, Glenn W., O72639.
Polak, Alexander P., O72966.
Polhemus, Richard E., O74445.
Polickoski, John S., O73824.
Poole, Charles E., Jr., O73825.
Porter, Jon E., O73826.
Posz, Joseph D., O78469.
Potter, Allen R., O78470.
Powell, Frank M., OF105507.
Powell, Ralph J., OF105799.
Pretti, John R., O88182.
Price, Oscar G., Jr., O88882.
Price, Theodore W., O97735.
Priore, Fortunato R., O72971.
Propes, Norman C., O73581.
Pugh, George M., O77632.
Pugmire, Robert M., O74449.
Pulliam, Nathan M., O77633.
Purvis, John W. G., O78471.
Putnam, Earl L., O85239.
Pybus, Fred R., III, O77634.
Quackenbush, Robert E., Jr., O73827.
Quest, Joseph W., O77635.
Quigg, Stuart M., O78473.
Quinlan, Harry L., O73516.
Quinn, Joseph G., O97743.
Quirk, Edward T., O82292.
Raab, Kenneth E., O78188.
Rabdau, James L., O84102.
Radford, James T., O73113.
Radosh, Burnett H., O90402.
Radspinner, Frank H., O87591.
Ragovis, George, O88890.
Rajala, Paul W., O73828.
Rall, Frederick A., O73829.
Ralls, Randall D., O87892.
Ramey, Hubert D., O74453.
Ramsey, John D., O72778.
Ramsey, Roger R., O72541.
Ranger, David W., O74454.
Ratcliff, Robert H., O88304.
Raudebaugh, James D., O74455.
Ray, Gerald C., OF114200.
Ray, James R., O97350.
Raymond, Henry J., O88891.
Redd, Gail R., O72542.
Redhair, Roger R., O73832.
Redline, Edward H., O73833.
Reed, James R., OF103605.
Reed, Paul R., O72973.
Reid, Robert L., Jr., O77643.
Repp, Edgar F., O87594.
Rhode, Michael Jr., O86678.
Rhodes, Edward F., O73834.
Rhodes, Lonnie D., O77647.
Rice, Richard C., O73185.
Richards, Edward T., O73835.
Richards, John H., Jr., O78477.
Richards, Therman L., O99717.
Richardson, George A., Jr., O72974.
Richardson, Gerald A., O73837.
Rigrish, Ernest E., O81725.
Riley, Leonard J., O79615.
Rinker, Richard, O73838.
Riordan, William T., O72543.
Rizzo, Donald R., OF110043.
Robbins, Edwin E., O72781.
Roberts, Rodney K., O97025.
Robinson, Raymond H., OF102260.
Robinson, Richard T., O97351.
Roby, Robert L., O72783.
Rockey, James O., O73519.
Roddy, Patrick M., O72979.
Rodina, Stanley L., O73186.
Rodriguez, Raymond, O99975.
Rogers, John E., O73188.
Rohland, Robert G., O87599.
Roll, William C., O73840.
Ropp, Richard F., O77657.
Ross Robert E., O78483.
Rosen, Donald E., O99719.
Rosenberg, Theodore R., O84105.
Rosie, Gerald J., O72980.
Ross, Joseph L., Jr., O77659.
Ross, Morrill, Jr., O73842.
Ross, Robert A., O73843.
Ross, Robert E., O78483.
Rosser, John C., Jr., O71716.
Rostine, George W., O73844.
Roth, William R., OF103898.
Rowe, Alvin G., O77661.
Ruhlin, James R., Jr., O95094.
Rundgren, Ivar W., Jr., O73846.
Rush, Karl C., O74479.
Russell, Charles R., O73847.
Russell, James F., O74481.
Ruttman, Lloyd J., O90447.
Ryan, William J., O91490.
Ryder, Freddie O., O91997.
Saferstein, Thorton S., O73848.
Saffold, Albert T., O84918.
Sage, Robert S., O72546.
Sagramoso, Daniel E., O73189.
Saint, Charles P., O73849.
Salamone, Luciano C., O73850.
Sanders, Burnett R., O73190.
Sanders, Mac D., O77667.
Sanders, William C., O78488.
Sandlin, Malcom R., O78490.
Sandstrum, Allan W., O74834.
Sanford, David G., O87605.
Sanford, William F., O73115.
Santulli, John F., O94499.
Sarkiss, Charles D., O73851.
Saunders, Lemroy L., O88912.
Sawey, James W., O74486.
Saxton, Benjamin P., O73852.
Schelhorn, Carlton L., O72983.
Scherer, Franklin J., O84718.
Schmid, Robert M., O75083.
Schmitz, Ralph, O93078.
Schmitz, Robert P., O77673.
Schneider, William H., O73247.
Scholz, John C., O73854.
Schoonmaker, Marshall, OD73855.
Schrage, William K., O73856.
Schuler, Bob D., O73857.
Schull, Dunell V., O77677.
Schultz, Otto R., O99391.
Schvaneveldt, Noel S., O73976.
Schwarzkopf, H. Norman O73858.
Scott, Charles W., O73399.
Scott, Douglas W., O72548.
Scott, Robert W., O92006.
Scully, Robert C., O73860.
Seago, Pierce T., Jr., O77680.
Secord, John W., O81736.
Seeberg, Richard S., O96798.
Seeley, James L., O75084.
Setser, Frederick, O99393.
Settle, Thomas A., O85375.
Seufert, Edward C., O73191.
Sevilla, Exequiel R., OF108294.
Sewell, James H., Jr., O73861.
Shanahan, John A., OF103033.
Shannon, John W., O72648.
Sharer, Frank E., O73864.
Shattuck, Milton C., O73865.
Shean, Frederick L., O73866.
Sheldon, John D., O97892.
Shelton, Huntly E., O92011.
Shelton, Samuel W., O77685.
Shepardson, John A., O72988.

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Sherzer, Morton P., O78501.
Shirey, James C., O73867.
Shockley, Henry A., O72786.
Short, Kenneth M., O78502.
Short, William L., O87914.
Shriver, William F., O94891.
Shufelt, James W., O77687.
Sidler, Garrett V., O73868.
Sieminski, Edmund J., O72787.
Sikorski, Leo P., O87615.
Simmons, Bobby B., O73192.
Simoni, Richard J., O72989.
Simons, John D., Jr., O77689.
Simpson, Charles E., O74513.
Sinclair, Allen B., O90457.
Sirkis, Michael S., O73870.
Sisinyak, Mark J., O73871.
Sisk, Issac R., O89291.
Skidmore, Herrol J., O73872.
Skidmore, Wilbur M., O73873.
Slingo, James F., O77690.
Sloan. John F., O73874.
Smalls, Moses D., OF117870.
Smart, Ernest A., O95102.
Smiley, Ronald H., O72790.
Smith, Carl D., O85668.
Smith, Carl G., O73520.
Smith, Donald B., Jr., O73875
Smith, Edward P., O72653.
Smith, Frank L., O73876.
Smith, Hubert G., O86781.
Smith, James A., O92251.
Smith, Kenneth W., O88209.
Smith, Lowell G., O73877.
Smith, Patrick O., OF109643.
Smith, Richard L., O73197.
Smith, Scott B., O73878.
Smith, Stainton, O73879.
Smith, Willis B., O78509.
Snavely, Charles C., O73880.
Snodgrass, John C., O73881.
Snow, Don F., O98174.
Snowden, Edgar, IV, O74521.
Soper, Robert L., Jr., O72234.
Sorley, Lewis S., III, O73882.
Sovers, George A., O78513.
Sparks, Donald E., O83666.
Speiser, Robin G., Jr., O73884.
Spence, John D., O90510.
Spencer, Joseph L., O98225.
Spires, James W., O73885.
Sposito, Paul, OF102236.
Springstead, Bertin W., O77700.
St. Amour, Leo R., Jr., O72238.
St. Louis, Robert P., O73886.
Stallings, David W., O85264.
Staples, William B., O73080.
Stapleton, George J., O73888.
Staroes, Edward J., O86807.
Stedron, Charles J., O73200.
Stephens, Richard B., O81535.
Stevens, Edward A., O72655.
Stevens, Floyd M., O94895.
Stevens, Philip J., O74528.
Stevenson, Carl B., OF114654.
Stevenson, Harry K., O81746.
Steves, Roy R., O97359.
Stewart, Charles A., O73409.
Stewart, Frank S., Jr., O77706.
Stewart, Roger A., O87935.
Stillions, Eugene L., O74532.
Stokes, Theodore K., O74534.
Stokes, William M., O74535.
Stone, Joseph L., Jr., O73201.
Stout, Anthony N., O72993.
Stratton, Jerry R., O97045.
Straughan, Robert M., O87631.
Stroup, Glenn A., O77714.
Strozier, James K., O73891.
Stryker, Harm, O98215.
Stubbs, Harold E., O73585.
Studebaker, Robert L., O92262.
Stumpff, George F., O89387.
Stynes, Philip A., O73892.
Suddath, Leroy N., Jr., O73893.
Sullivan, Robert P., O73894.
Sullivan, William M., O73202.
Summers, Richard A., O88312.
Sutton, James L., O72996.
Svirsky, William R., O72997.
Swarts, Calvin, O91400.
Sweetwood, Dale R., O77720.
Swoboda, Edward A., O89298.
Tagge, Robert W., OF106243.
Talley, Robert E., O73521.
Tallman, Richard L., O92022.
Tapp, Richard L., O74553.
Taylor, Emmett K., Jr., O77721.
Taylor, Joseph J., Jr., O81749.
Taylor, Joseph W., O77724.
Taylor, Terry A., O77725.
Taylor, Wesley L., O84533.
Teague, Charles A., OF102281.
Teague, Gwynn A., O85091.
Temperley, Nicholas R., O99112.
Thacker, Goebel R., O74561.
Thaxton, Billy J., O89153.
Thomas, David L., O84534.
Thomas, Hiram J., O85678.
Thompson, Albert G., O77731.
Thompson, Jackson D., O74032.
Thompson, Lonnie E., O72796.
Thompson, Robert S., O77733.
Thompson, Roy M., O97987.
Thorpe, Marvin, Jr., O72797.
Tobiasen, Richard D., O88978.
Tocher, Patrick A., OF104560.
Tokarz, Walter P., O87949.
Toler, William K., O83667.
Tolfa, Edward, Jr., O84536.
Tollefson, Robert G., O85681.
Tomes, Paul J., O92136.
Toner, Richard B., O73568.
Torno, Harry C., O73057.
Torres, Marco, Jr., O74569.
Trankovich, John J., OF106247.
Traver, Thomas G., O99404.
Treadwell, John J., O92586.
Tremper, Edwin O., O87954.
Tripp, Richard L., O73902.
Trouve, Raymond J., O94966.
Truby, Allen G., OF113865.
Turain, George A., O84110.
Turley, James R., O74575.
Turner, Graydon C., O97554.
Turner, William O., OF102285.
Tuszynski, Andrew J., O86879.
Tutwiler, James D., O85685.
Twichell, Heath, Jr., O73905.
Twilley, Leroy G., O73225.
Tyler, Charles S., O81754.
Tyler, Thomas H., O77745.
Urbach, Walter, Jr., O73908.
Utz, John S., O73909.
Vaaler, John G., O87648.
Vail, Nathan C., O94352.
Valence, Edward, Jr., O73910.
Van Dervort, Edmund L., O73911.
Van Dyke, James A., OF110086.
Van Giesen, Robert E., O72557.
Van Horn, Jonathan S., O72799.
Van Wert, John F., Jr., OF108327.
Vanbebber, Herman J., O74577.
Varoz, Roman, Jr., OF103758.
Vaughan, Frederick C., O94900.
Vaught, Ray L., Jr., OF114669.
Vergot, William D., O72559.
Villella, Fred J., Jr., OF100027.
Vines, Ronald C., OF114670.
Vogentanz, Peter G., O85382.
Vydra, Anthony L., O78533.
Vye, George D., O84111.
Wade, Herman L., O92033.
Wadsworth, Frederic J., O88516.
Wagenheim, Herbert M., O73913.
Wages, Jerry S., O84537.
Wagner, John F., O73914.
Wagner, Keith A., O85276.
Wagner, Richard J., O95466.
Waldeck, James J., O73915.
Waldo, Rondel L., O73206.
Walker, Delbert L., OF100031.
Walker, James R., O78536.
Walker, Kenneth S., O73119.
Walker, William C., O74034.
Wall, John F., Jr., O73916.
Wallace, Edwin L., O78537.
Wallace, George C., O85690.
Wallace, James W., O73003.
Wallace, John W., O87654.
Wallington, Edward H., O77758.
Walsh, Gordon P., O81758.
Walter, John S., O77761.
Walton, John C., Jr., O77762.
Wangenheim, Richard M., O85277.
Wappes, George R., O87656.
Ward, Dewitt H., OF110943.
Washburn, Richard B., O73919.
Washington, Samuel, OF110092.
Wasko, Frank J., Jr., O77764.
Waterman, Stephen, 3d, O73006.
Waters, George D., O85461.
Weathers, John T., O94903.
Webster, William L., O97219.
Weden, Gilbert J., O72278.
Wegley, Frederick L., O73008.
Weihl, William L., O73920.
Weiler, Harold E., O87660.
Weinstein, Leslie H., O73921.
Weinstein, Sidney T., O73922.
Wells, Norman S., O87662.
Wemmering, Fred A., O72804.
Werner, Gary L., O85698.
Wesson, Robert E., O78543.
West, Arvid E., Jr., O73923.
Westcott, William C., O73925.
Wheeler, Lester M., O84113.
Whipple, Winthrop, Jr., O77772.
Whitby, Boyd A., OF105868.
White, Jack A., O74593.
White, John W., O94968.
White, William T., Jr., O81760.
Whiting, Jon K., O81761.
Whitley, George R., O99758.
Whitmore, Wesley C., O71625.
Wickware, Argle W., O81762.
Wien, George E., O73926.
Wiles, James M., O77777.
Wilkerson, Arlie J., O74597.
Wilkins, Aaron E., II, O92271.
Willcox, Lester A., O81763.
Williams, Billy G., OF114804.
Williams, Bruce H., O72561.
Williams, Donald G., O74598.
Williams, Gary C., O73928.
Williams, Richard L., O74599.
Williamson, Jerry G., O87669.
Williford, Donald E., O74600.
Willis, Raymond E., O94356.
Wilson, Carl A., Jr., O75093.
Wilson, Charles E., OF103077.
Wilson, Ernest B., O73931.
Wilson, Gary L., O78553.
Wing, Thomas, O91727.
Wingate, Charles S., OF104093.
Winkel, Paul P., Jr., O73932.
Winnicki, Philip W., O81766.
Winship, Edwin C., O77783.
Winter, Thomas C., Jr., O73933.
Withers, George K., O73934.
Wittekind, Wilfred H., O74602.
Wolfgang, Albert E., O92274.
Woliver, Clarence H., O77789.
Womack, Kenneth S., O92275.
Woodard, James O., O89016.
Woodmansee, John W., O73936.
Woods, Eugene R., O77793.
Woods, George J., Jr., O73937.
Woods, Stephen R., Jr., O73938.
Woolworth, Wesley B., O73013.
Works, Bobby, O81769.
Worthen, Freddie, J., O78559.
Wratislaw, Roy E., OF106893.
Wright, Billy J., O99762.
Wright, Edward S., O88235.
Wright, Lloyd R., O84929.
Wurman, James W., O80232.
Yawberg, Harold D., O73208.
Yon Everett M., O73941.
Yopp, Dewey C., OF105886.
Young, Gregor T., III, O78561.
Young, Roger Q., OF110102.
Yuhas, Robert J., O73014.
Zamora, Emilio B., O87674.
Zane, Thomas L., O77798.
Zittrain, Lawrence O., O72806.
Zorn, Jack L., O99766.

To be major, chaplain

Beal, Donald B., O91751.
Blustein, Allan M., O97281.
Brandt, Richard A., O97563.

Dimont, Albert M., OF102451.
Gremmels, Delbert W., O89808.
Hoogland, John J., O97796.
Hosutt, Charles H., OF100286.
Jernigan, Dule R., O91884.
Laubscher, Walter R., O97318.
Lucky, Carl E. L., Jr., O97938.
McCullagh, John P., O97944.
Mills, Charlie S., O92097.
Moore, Jesse W., O99085.
Murphy, James J., O89565.
Oshea, Edward L., O89122.
Ousts, Paul D., O91967.
Saunders, George E., OF105819.
Starnes, William B., OF114507.
Stevens, Ernest L., OF103742.
Straub, Frederick W., O98263.
Tolbert, Carl E., O92135.
Turner, Trevor D., OF117464.
Van Verth, Leroy E., O94657.
Weathers, Clifford, O92143.
Wetherell, Sterling, O92146.

To be major, Women's Army Corps

Bizzelle, Joan Alys, L496.
Capacio, Marguerite, L635.
Eslick, Joyce E., L568.
Hedberg, Mildred, L553.
Pleasants, Katherine, L552.
Wolcott, Jeane M., L651.

To be major, Medical Corps

Aarestad, Norman O., OF106043.
Altekruse, Ernest B., OF105605.
Anderson, Kirby V., O94039.
Angello, Anthony L., O99042.
Anthony, Courtney L., O99041.
Arzola, Ivan F., O99044.
Baden, Melvin, OF100479.
Barnes, Asa, Jr., OF106049.
Benincaso, Frank V., O96732.
Bethlenfalvay, Nicholas, O93025.
Birriel-Carmona, T., OF105326.
Blount, Robert E., Jr., O99047.
Brandel, George P., O73619.
Bruckman, Joseph A., OF114039.
Butkus, Donald E., O94054.
Cole, Edward F., OF117146.
Cordes, Charles K., O92175.
Cove, Laurence A., O99567.
Cranston, John P., O94064.
Derby, James H., O99816.
Diggs, Carter L., OF100257.
Donovan, John A., O97578.
Doolittle, William, O93391.
Dyke, Charles J., O94745.
Edwards, John B., O94073.
Edwards, John W., Jr., OF102457.
Ewald, Roger A., O94296.
Facer, James C., O93399.
Fagarason, Lawrence, OF114076.
Fearnow, Ronald G., OF102045.
Feldman, Edgar A., O94580.
Feltis, James M., Jr., O99056.
Figlock. Thaddeus A., O99057.
Fortini, Glenn E., OF101296.
Freeborn, Robert K., OF102185.
Gemma, Frank E., OF100719.
German, Norton I., O93039.
Graff, Charles K., OF102885.
Gutierrez, Jorge R., OF106015.
Guzman, Eduardo, Jr., OF109934.
Hamaker, William R., O93422.
Hannegan, Michael W., O93044.
Hardin, Virgil M., OF105690.
Harrell, James E., O99250.
Hill, Paul S., OF109947.
Hobbs, Crit, O97955.
Holmes, Keith D., O94761.
Holmes, Robert A., O92203.
Kahler, Victor L., OF103858.
Kehoe, John E., O93049.
Keller, Howard I., O99070.
Khoury, Nicholas F., OF102941.
Killam, Allen P., O96932.
Kimball, Frank B., O99072.
Kirk, Phillip B., OF102516.
Kistler, Henry E., Jr., O96768.
Krank, Daniel F., O93452.
La Noue, Alcide M., O93453.
Lagoc, Andres D., OF110766.
Larson, Alvin L., O93454.
Ledbetter, Rene B., O97934.
Levine, Seymour, O92214.
Lindefjeld, Ole A., OF110779.
Lipp, Edward B., Jr., O99424.
Lodmell, John G., O94104.
Loeser, Louis I., O93459.
Lyon, Charles M., O93460.
Malloy, John P., O99077.
Manson, Richard A., O99078.
McCann, David T., OF116666.
McClure, Hubert L., O94108.
McKendell, Lawrence, OF100864.
McLaughlin, Chester, OFS101847.
McNamara, James V., O93057.
Mears, William W., O93058.
Meril, Allen J., O93059.
Mills, James E., O99926.
Milo, Anton P., O93473.
Moore, William L., Jr., OF102746.
Morales, Herman, OF106740.
Morel, Donald E., O99086.
Morgan, Donald W., O93478.
Morgan, Loren R., O93060.
Muir, Robert W., O93062.
Nemmers, David J., OF101852.
Oglesby, James E., OF104060.
Omer, Lewis M., III, O99089.
Orzano, Randel M., OF100327.
Osborn, James R., 095077.
Parker, Jerry M., O92235.
Pfoertner, George B., O99377.
Pomerantz, George M., OF101855.
Power, Robert C., OF103011.
Raffety, John E., O94334.
Raughtigan, John A., O99384.
Rich, Norman M., O93075.
Riesz, Peter B., O97588.
Riggenbach, Roger D., O99387.
Rivera-Betancourt, Rafael A., O99092.
Roeser, Waldomar M., OF106794.
Sanders, Daniel T., O93501.
Schneider, Robert D., O99097.
Short, Earl D., O97203.
Smith, Roger H., O98009.
Snider, Thomas H., O99397.
Stevenson, Robert S., O94139.
Sube. Janis, O99107.
Sullivan, William G., OF116688.
Swanson, David L., Jr., O99109.
Taylor, Thomas R., O93088.
Thering, Harlan R., O93523.
Thompson, Gale E., O93090.
Twohey, Robert J., OF103056.
Ward, Chester L., O97369.
Ward, George W., Jr., O73918.
Watson, Ralph J., O94799.
Weber, William G., O99412.
Webster, Stephen B., O99118.
Werth, Jude N., O93098.
Whitehead, William, OF102668.
Wilcox, Walter J., O99416.
Winter, Phillip E., O99419.
Witschi, Thomas H., O99535.
Wyers, Robert A., OF100050.
Young, Frank C., Jr., O93545.
Zeigler, Michael G., O73943.

To be major, Dental Corps

Adams, Roy P., OF109844.
Bass, Kenneth D., OF102809.
Bauman, Richard, OF102810.
Bullard, Jesse T., O93030.
Byzewski, Lewis R., O97899.
Chambless, Lewis A., OF102430.
Chinn, Clarence Y. L., O99048.
Connelly, Mark E., O99051.
Cox, Frederick L., OF102838.
Cuba, Phillip J., OF102442.
Dukes, Richard D., OF106580.
Feeney, Gerald F., OF109909.
Feeney, Robert M., II, O97303.
Gary, Ralph R., O95025.
Hallekamp, Josef C., O97310.
Heitman, Kenneth L., OF104342.
Houston, James E., O99066.
Johnson, Bill, OF113318.
Kate, William, Jr., O99889.
Kennemer, Thomas O., O96888.
King, Billie C., O94095.
Konzelman, Joseph L., OF100613.
Krakdwiak, Francis, O98319.
Lauttman, Richard J.. O98301.
Leider, Alan S., OF102525.
Levin, Marvin P., OF102957.
Lewis, Lawrence M., OF109986.
Miklik, Robert A., OF113243.
Mullins, Billy P., OF106193.
Nelson, John F., OF102577.
Nelson, Robert N., O99970.
Port, Arthur C., OF105798.
Rigdon, Walter F., OF114202.
Rubin, Morton, O97654.
Shade, Ned L., OF102627.
Singdahlsen, Donald, O99102.
Smith, Donald E., OF100002.
Snyder, Alvin J., OF106234.
Strock, Richard G., O99106.
Taylor, Peter F., OF110925.
Urick, Howard B., O95523.
Watts, Thomas R., O99117.
Wells, John G., O98179.
White, John C., OF114243.
Zielke, David R., OF105890.

To be major, Veterinary Corps

Anderson, William L., O98136.
Davidson, David E., O93383.
Hildebrandt, Paul K., O95039.
Keel, James E., O96881.
Kinnamon, Kenneth E., O92080.
McNellis, John O., O91643.
Stolz, Hal F., OF100010.
Trevino, Gilberto S., OF114663.
Whitney, Robert A., O99120.

To be major, Medical Service Corps

Allen, Turman E., Jr., O76818.
Bass, Bobbie R., O73019.
Beach, Douglas J., O76819.
Blair, James D., O97857.
Bourland, Gene, O88577.
Bradford, Charles E., O73131.
Brannock, Joseph E., O88244.
Causey, James A., O84136.
Christ, Charles E., OF102740.
Coyle, George B., O99182.
Cuzick, William T., O84760.
Daine, Robert H., O73066.
Dean, John W., O84152.
Decker, Walter J., O85519.
Demaree, Gale E., O85743.
Dettor, Charles M., O72697.
Donato, Joseph J., O85744.
Dowery, Gordon K., O72701.
Erickson, Duane G., O75352.
Green, Bruce E., 076824.
Heinz, Robert F., Jr., O72481.
Hughes, Joe C., O85772.
Jackson, Raymond A., O73240.
Jacobs, Claude G., Jr., O88402.
Johnson, David E., O85422.
Joyce, Brendan E., O85011.
McBride, Dan J., O97326.
McFarland, Joseph, O85435.
Muzzio, Robert J., O74409.
Pfeiffer, William G., 078166.
Pierce, Wilford V., OF117254.
Potin, James B., O83560.
Salmon, Ray W., Jr., O78163.
Samuels, Alan, O97193.
Simon, Thomas J., OF103957.
Ungar, Ralph F., O88315.
Van Meer, James E., O84290.
Weinert, Charles M., O86919.
White, John J., O87988.
Williams, Edwin H., O87970.
Yim, Herbert K., O91434.
Ziebell, Earl L., O86975.

To be major, Army Nurse Corps

Barkley, Velma J., N2879.
Beckman, Ronald J., MN3502.
Bouchard, Jacqueline, N3344.
Capper, Edna L., N2778.
Christopher, Joyce, N3297.
Condit, Mary M., N2864.
Donnelly, Gwendolyn, N3047.
Dubatowski, Doris T., N2786.
Foley, Mary A., N3130.
Galloway, Katherine, N3032.
Gann, Ellen J., N2978.
Gehringer, John, MN3411.
Hensley, Maurice H., MN3414.
Jagiello, Helen D., N3020.
La Rock, Ethel B., N2884.

Learned, Grace, N2972.
Maziarski, Frank P., MN3521.
McKinzie, Daniel G., MN3603.
McLeod, Alva J., N2991.
Metcalf, Barbara E., N3147.
Mizelle, Anne S., N3135.
Nagle, Lillian H., N3115.
Nellis, Virginia M., N2973.
Odell, Margaret L., N3116.
Pelkey, Dwight F., MN3427.
Pennell, Mildred H., N3125.
Phillips, Eugene J., MN3428.
Reed, Della K., N2980.
Riviello, Carmen F., MN3543.
Robinson, John W., MN3544.
Smith, Cassandra M., N3121.
Taylor, Wilma B., N3340.
Thorne, Nevaida T., N3026.
Yoder, Dolores W., N3040.

To be major, Army Medical Specialist Corps

Appleby, Howard A., MM10246.
Davis, Barbara A., N10178.
McGown, Helyn L., M10177.
Pfeiffer, Violet R., M10179.

IN THE ARMY

The following-named persons for appointment in the Regular Army, by transfer in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be captain

Feuerbacher, Charles, OF106594.

To be first lieutenant

Gillett, Michael E., OF113109.

The following-named persons for appointment in the Regular Army of the United States, in the grades specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Rumpel, Donald O., O4029757.

To be captain

Akridge, Jimmie H., O2307342.
Biggio, John E., O5408807.
Bledsoe, James H., O5304178.
Butler, Melvin L., O5325711.
Carey, William R., O2298504.
Cooke, James K., O4006489.
Davis, Michael F., O5307558.
Dean, Nowlan K, O5715860.
Gates, Davis F., O5416135.
Gniazdowski, Francis, O5217836.
Haggett, Edward G., III, O5010585.
Hendricks, Christophe, O5307474.
Hinkson, Betty M., L5800089.
Jenkins, Wilburt L., O5302183.
Koike, Kazuo, O5800801.
Kuchesky, Martin S., O5009162.
Livengood, Sandy E., O5312160.
Lyght, William L. D., Jr., O5204984.
Mills, Jon R., O5312454.
Morgan, George A., O5505369.
Murray, Joseph W., O5312175.
Outlaw, Joe E., O5514108.
Pickett, Donald De G., O5307943.
Powell, Darryl H., O4049590.
Riggs, Duane B., O5700851.
Sandall, Richard R., O5705186.
Schaub, John S., O5712077.
Smith, Robert K., O2316868.
Stiles, Gary N., O5405770.
Tomlinson, Carey G., O5304389.
Villaronga, Raul G., O5403267.
Walts, Charles O., O2309872.
Weedel, Joseph F., O4066438.
Wheatley, James K., Jr., O4070228.
White, Billy C., O5404305.
Wilson, Donald C., O5405794.

To be first lieutenant

Antonoplos, David J., O5406213.
Beard, Otis R., O5418412.
Bergevin, Patrick R., O5542379.
Bryce, Ronald H., O5318463.
Byrkit, Richard D., O2308987.
Cantu, Herman R., Jr., O5421482.
Chole, Hilbert H., O5320436.
Clark, Solomon C., O5326540.
Collins, Roger B., O2332250.
Corn, Vollney B., Jr., O5423918.
Dennis, Kirby E., O5329633.
Estep, James L., O5322246.
Gurney, Peter L., MN2325541.
Hackett, John S., O5329796.
Hamer, Merlin L., O5260925.
Hammond, Jean E., N2336411.
Hayden, Lee L., III, O5406599.
Herrick, James J., O5800369.
Holaday, Howard R., O5513722.
Jewel, James S., O5315503.
Johnson, Billy R., O5421523.
Kappel, Darrel N., O5217527.
Kennedy, William D., O5419709.
Kimzey, Reed T., O2315591.
Lee, Fredrick W., O5530285.
Lucas, James G., O5320492.
Mackenzie, Stuart A., O5228558.
Maize, Roy S., II, MR2325185.
Manning, Charles F., O5218533.
McCarthy, Mary M., N2332868.
McKinney, Raymond E., O5318383.
McPeak, William S., Jr., O5326053.
McSweeney, Dennis D., O5221344.
Metz, Joseph R., O2332455.
Murphy, Gary R., O5330038.
Neilan, Robert J., O5331783.
Patnode, Louis G., MN2325445.
Peel, John L., O5713916.
Petrie, Jon L., O5713634.
Piel, Thomas G., O5322305.
Reinmiller, John P., O5329939.
Rogowski, Kenneth A., O5324173.
Rosenberg, Ralph G., O5710547.
Rovig, La Vern D., O5519824.
Sayers, Larry L., O5532103.
Scharff, Ronald E., O5708300.
Smith, James L., O5327216.
Snipes, Robert T., O5316867.
Sporcic, Vincent L., O5240734.
Stewart, Thomas W., O5532171.
Swearingen, George R., O5322905.
Thomas, Cleveland, Jr., O5327358.
Trevey, John L., Jr., O5229586.
Webber, George R., O2332417.
Whitely, Robert L., O5241288.
Wotkyns, Anthony L., O5255771.
Zdrojewski, Michael J., O5019596.

To be second lieutenant

Blake, Nelson A., MN5251195.
Braun, John E., Jr., O3206393.
Cox, William D., O5244957.
Gibbs, Allen D., O5537846.
Johnson, David O., O5427585.
Kuelbs, John T., O5334268.
Lemonier, Donald J., Jr., O5422831.
Lockwood, Burton G., II, O5344238.
Maksymowicz, Jerald J., O5336525.
Marble, Louis E., O5538973.
Marsh, Julian T., O5253838.
McDonough, James F., O5425324.
Morrill, Kenneth F., MN5264745.
Narrell, James E., Jr., O5240981.
Odom, Charles R., O5248565.
Olsen, Wesley R., O5426745.
Porter, Danny S., O5426644.
Randles, James D., O5714599.
Reedy, Charles J., O5432086.
Scotti, Frank P., O5338716.
Semon, Barry H., O5337976.
Skiles, James K., O5344092.
Speelman, James F., O5340788.
Takao, Victor K., O5714590.
Welch, Thomas A., Jr., O5425167.
White, William J., Jr., O5244931.
Willenborg, David E., O5714616.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Olney, Richard K.
Santella, Angelo J., Jr.

The following-named distinguished military student for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Wolfe, Daniel F.

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 5, 1969:

IN THE COAST GUARD

The nominations beginning Peter Thomas Aalberg, to be ensign, and ending John Vincent Zeigler, to be ensign, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 13, 1969; and

The nominations beginning Frederic J. Grady III, to be lieutenant, and ending Winstead K. Nichols, to be chief warrant officer, W–2, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on May 21, 1969.

HOUSE OF REPRESENTATIVES—*Thursday, June 5, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let the people praise Thee, O God; let all the people praise Thee.—Psalm 67:3

Blessed art Thou, O Lord, our God, who turneth the shadow of night into the light of the morning and giveth to us the glory of another day; we lift our hearts unto Thee in praise and thanksgiving.

Thanks be to Thee for the revelation of Thyself in the light of Thy word, in the beauty of nature, in the orderliness of the universe, and in the splendor of triumphant spirits. Thanks be to Thee for the revelation of Thyself in our own hearts, for moments when Thy presence has been real and we have known Thou art with us and we are with Thee.

Grateful for this day, send us out to do our work as best we can, touching the lives of our fellow men for good. Help us to look at others with the eyes of a brother and endeavor to meet the needs of our people with sympathetic hearts and understanding minds. May we be walking centers of good will in a world of ill will to the glory of Thy name, for the welfare of our Nation, and for the well-being of all mankind. In the name of Him who went about doing good. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 29. Concurrent resolution to correct the enrollment of Senate Joint Resolution 35.

SURTAX SHOULD NOT BE EXTENDED

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VANIK. Mr. Speaker, on Monday morning, the Ways and Means Committee will consider President Nixon's request to extend the surtax until June 30, 1970.

As you know, Mr. Speaker, I have taken a position against any extension of the surtax and will continue to do so. The enactment of the surtax last year failed to halt inflation and served instead to fuel and perpetuate price escalation which has most critically affected the retired and those on fixed income. The average American consumer who is not responsible for this inflation has been clobbered by these clumsy efforts to contain it.

I have found little support for the administration's plans for extension of the surtax. Time is drawing close for decisive action. From what I can determine, there is grave doubt that sufficient support exists to extend the surtax under any terms.

Under these circumstances, it would seem prudent for the Nixon administration to scale down the surtax extension request to a more realistic period of 90 days ending the surtax on September 30. This would provide the administration with a balanced budget according to its own figures.

It is presumptuous to expect this Congress to provide the Nixon administration with a surplus which it denied two previous administrations.

A D-DAY TRIBUTE

(Mr. NICHOLS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. NICHOLS. Mr. Speaker, this week marks a memorable occasion in the hearts and minds of those Americans who were privileged to serve their country in World War II and who participated in the invasion of the European Continent on the beaches of Normandy on June 6, 1944.

Peace has come to a wartorn Normandy; cattle again graze in the placid pastures near Avranches; gentle breezes blow through the many crosses in the cemeteries on the quiet cliffs. Children frolic on Omaha and Utah beaches and the waters of the English Channel have reclaimed the rusting hulks of the old LST's. As Americans we simply do not know how very, very much we owe to so very few.

A quarter century has now elapsed and the brave men who jumped in those early dawn hours with the 82d and 101st Airborne Divisions have long since reverted to civilian status. Many of them now have sons a half world away fighting for these same principles that has built a great America.

No one who was there that day will ever forget the Omaha and Utah beaches nor the small towns of Ste.-Mere Eglise, La Haye du Puits St. Ló and others which caught the brunt of the war in Normandy. They will never forget the apple orchard nor the hedge rows which gave some measure of protection to our allied forces as we moved to liberate the French people, for the second time in this century.

Brave and dedicated American soldiers under the command of Gen. Dwight Eisenhower, supreme commander of the allied forces, fought, bled, and died to defeat a German Army under Adolf Hitler which was thought to be invincible.

So it is fitting and appropriate that on this June 6, we pause and pay respect to these brave men and to reflect on the many blessings we daily enjoy as free Americans, made possible because American airmen, rangers, sailors, and plain ordinary foot soldiers loved this country and were willing to defend it with their very lives against all enemies.

We Americans owe much to our men who have worn the uniform of our Armed Forces whether they wore it at Valley Forge in 1777, or at some lonely outpost in Vietnam in 1969 and I would commend for the reading of my colleagues, a D-Day tribute by Gen. Omar Bradley, "That We May Learn To Live as Bravely as They Died."

THAT WE MAY LEARN TO LIVE AS BRAVELY AS THEY DIED

(A D-Day tribute by Gen. Omar N. Bradley)

(NOTE.—Gen. Omar Bradley was commander in chief of all American ground forces participating in that campaign which began on the beaches of Normandy on June 6, 1944. Today, at 76, Omar N. Bradley is the country's only surviving general of the Armies.)

Twenty-five years ago next Friday the largest amphibious assault in history invaded the continent of Europe, denying the designs of aggressors who would covet and destroy the free world. I was there that day. I can recall that mist-shrouded dawn, the camouflaged LST's, the strong bodies that hurled themselves across the sands and into the battle on the Normandy beaches.

Many of those earnest young men who left their homes to defend them returned to those homes to live, work and worship in freedom. Too many never returned. They lie buried on the quiet cliffs overlooking Omaha Beach, beneath rain-whipped elms in our national cemeteries in England, or in a hero's grave in their home communities. Our allies, England and France, gave us land on which to bury our dead. They gave us courage and friendship when our need was desperate. And they gave us their sons to fight side by side with our own.

We honor on this anniversary not only those brave soldiers who died on D-Day, but the generation after generation of young sons who have had to die in conflicts visited upon them by issues remote from their everyday lives, in bitter struggles that have scarred the progress of all mankind, wasting the youth and resources of all nations.

We pause today to take comfort and strength from those of our dead who have already given this nation so much. We pause to learn—if we can—how men might live as charitably together in peace as they die for each other in war. We pause to ask why it is that men cannot live as bravely as they die.

Our lost young sons are partly the victims of your folly, and mine. They are the victims of all peace-loving peoples who turn their backs on the ills of the world. And if the United States ever stoops to expedients to avoid the difficult decisions that come with defense, we shall once again run the dangers of all half-way measures and waste our strength and conscience as a force for good.

If we cringe from the necessity of meeting issues boldly—with principle, resolution and strength—then we shall simply hurdle along from crisis to crisis, improvising with expedients, seeking inoffensive solutions, drugging the nation with an illusion of security which does not really exist.

The United States has matured to world leadership; we must steer by the stars, not by the lights of each passing ship. If we are to scamper from crisis to crisis, fixing principles and policies to the whim of each day, we shall place ourselves supinely and helplessly at the mercy of any aggressor who might play on our public opinion and decimate our resolution at will.

In this 25th anniversary week of D-Day, we pay homage to the strong, the weak, the leaders, the led, the brave, the fearful—to all who perished where only God could witness their charity to their fellow men.

Proudly—but reverently, sadly—we honor them. We pray they will ever rest in peace.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. NICHOLS. I am pleased to yield to my distinguished colleague, the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, we are at that time of uplifted hearts, bowed heads, and renewed patriotism between Memorial Day and Flag Day, and the distinguished gentleman from Alabama who carries his own scars of Normandy and D-Day, of a bygone day, is to be commended for what he does so beautifully in the remembrance of those who went over the Normandy beaches leading to the conclusion of World War II, and their great and eternal rewards.

It is said that beyond Omaha Beach in the some 9,000 "crosses row on row" of one of the U.S. national cemeteries, there is an inscription left by a parent on the proper cross, simply stating:

> Into the great mosaic of victory this priceless jewel is set.

Let all America stop, as the gentleman has so well suggested today, to honor those jewels who were given so that the entire world might be free and that we might have individual liberty still here and around the world.

Mr. Speaker, I thank the gentleman for yielding and commend him for calling this day to our attention.

RED TIDES IN SAN FRANCISCO BAY

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of California. Mr. Speaker, reports of red tides sweeping San Francisco Bay have become more frequent.

These tides, a strange phenomenon, not easily explained, include discoloration of the bay waters and odors, both spreading over many square miles.

The return of these tides is another distasteful reminder of the crisis now facing San Francisco Bay, and all of this Nation's waterways.

Fred Dierker, executive officer of the San Francisco Regional Water Quality Control Board, has outlined what is known about the red tides, and what is not known.

Apparently these tides are caused by minute forms of marine life, and the algae they eat. Mr. Dierker added it is believed the marine life feeds on nutrients, and when nutrients are present in the water in great quantities, the marine life breeds to the point the red tides appear.

These smelly tides have appeared in recent years throughout the bay. They are now surging around the shores of Berkeley, but they more often have been reported in the extremities of the bay in shallow water there, including the South San Francisco Bay.

The tides are a relatively new threat to the bay and their appearance comes at a time when, for at least a short period, the quality of bay waters has been improved. It is clear, however, the improvement of that quality will not last long unless more is done.

In one respect I welcome the appearance of the tides for they give clear warning of the dangers of water pollution at a time when the bay is being endangered by false optimism.

As I speak, the present administration is considering an inadequate scheme to finance water pollution projects.

The scheme would throw an even heavier burden on the already overburdened taxpayers of my district and on taxpayers throughout the Nation.

Simply, the proposal calls for the Federal Government to promise to pay off a portion of the bonds used to finance water pollution projects. At present the Federal Government makes direct grants to the communities involved.

Thus, the taxpayers of my district would have to pay the interest on those bonds, reducing the worth of the Federal money by 50 percent, and through that reduction increasing the cost to the taxpayers with no real savings of Federal dollars.

A representative of the National League of Cities is quoted as saying of this scheme:

> We think it stinks.

Even under this scheme the present administration plans to provide an inadequate amount of money for water pollution control projects. Only $750 million per year would be provided to support—not direct payment—the needs of all communities of the Nation.

Experts have estimated the needed direct funding at $2 billion a year for the next 4 years.

The administration plan sidesteps the basic problems of water pollution.

But this crisis, the red tides reminds us of, is even closer to San Francisco Bay.

Legislation authorizing the continuation of the San Francisco Bay Commission is still in danger in the State legislature. One of the bills pending would actually demand approval of fill of the salt ponds around the bay, thousands of acres, after 3 years unless the landowner and the State reach an agreement. It is my view such a provision could only lead to further fill.

I hope the bay will be protected by the legislature. If not, then we here in Congress must do what we can to save this great national resource.

Finally, the red tides point out the danger of the increasing flow of nutrients into the bay. I am requesting the Federal Water Pollution Control Agency to begin immediate studies of the cause of the red tides and to report on possible solutions to the problem.

Only through united and increased efforts can we save the bay and the waters of the entire Nation.

NOT FORTRESS-CHICAGO ISOLATIONISM, NOT MEDDLESOME INTERVENTION, BUT RESPONSIBLE INTERNATIONALISM

(Mr. REUSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REUSS. Mr. Speaker, I am pleased that yesterday President Nixon, in an address to the graduating class at the Air Force Academy, paid tribute to "responsible critics" who, in his words, "reveal waste and inefficiency in our Defense Establishment, who demand clear answers on procurement policies, who want to make sure a new weapons system will truly add to our defense." And I was greatly encouraged by his further endorsement, in his words, "of those with sharp eyes and sharp pencils who are examining our post-Vietnam planning with other pressing national priorities in mind."

This unequivocal statement of support for the position of an increasing number of us in Congress is welcome. I confess, however, to disappointment with other parts of the President's address. The President appears to reduce the great policy alternatives of this Nation to two: a past that very few would return to, and a present that the great majority wish to move away from.

Certainly, the first of these alternatives—isolationism and unilateral disarmament—as the President quite properly points out, would be a dangerous one for this Nation to take. The fortress-Chicago concept is pretty dead nowadays, even in the President's own party.

But the alternative vision the President offers us is surely the status quo—the meddlesome interventionism which has been our besetting sin in recent years. In setting out his belief "that this Nation shall continue to be a source of world leadership and a source of freedom's strength," the President is reaffirming the course of military adventurism which he advocated in Vietnam as far back as 1954, and which has dogged us in Lebanon, in the Bay of Pigs, in the Dominican Republic, and in the tragic stalemate in Vietnam.

Are we now uncritically to accept the many costly foreign commitments undertaken in past years as vital to our security for the indefinite future? Shall we endlessly prepare for arms talks with the Soviet Union and never begin them, endlessly arm ourselves but never parley?

The President has exhorted us to pride in nation and a "resurgence of American idealism," and has cited the achievements of fifth-century Athens and of Renaissance Italy. It may be worth recalling that the glory of ancient Athens was eclipsed by struggles with its neighbors, and that the splendor of Renaissance Italy was shadowed by internecine warfare between city-states.

In truth, the interventionism our Nation has practiced on a grand scale has become as unacceptable to the vast majority of Americans as isolationism. Fortunately, Americans are not left with a simple either-or choice—between fortress-Chicago isolationism and meddlesome interventionism.

There is the great middle ground that the President has left unexplored—responsible internationalism. Responsible internationalism believes in military strength, but not in an endless overkill capacity that ends up with no security at all. It believes that if we assign all priority to the unattainable goal of decisive military superiority, we shall leave untackled the great tasks of improving international economic cooperation, of eliminating world hunger, of cleaning up our polluted environment. It believes that if we continue on a course of officious military interventionism in every corner of the globe, we will sacrifice our claim to a respected moral and political voice in the world.

In his next commencement address, I hope the President will explore this third alternative of responsible internationalism. That is a standard to which the great majority of Americans will gladly repair.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE REPORT ON H.R. 6543

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may have until midnight, June 5, to file a report on the bill H.R. 6543, to extend public health protection with respect to cigarette smoking, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FAR EAST AND SOUTHEAST ASIA—ADDRESS OF MRS. ANNA CHENNAULT, VICE PRESIDENT OF INTERNATIONAL AFFAIRS FOR THE FLYING TIGER LINE, INC.

(Mr. McCORMACK (at the request of Mr. ALBERT) was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. McCORMACK. Mr. Speaker, Mrs. Anna Chennault, vice president of international affairs for the Flying Tiger Line, Inc., recently returned from the Far East and Southeast Asia, where she discussed with several Asians their reaction toward contemporary American problems. In two recent speeches, she discussed this matter at length.

These speeches deserve the attention and consideration of Congress and the public. The speeches follow:

REMARKS BY MRS. ANNA CHENNAULT BEFORE THE LOS ANGELES BREAKFAST CLUB, MAY 21, 1969

Good morning, ladies and gentlemen. I am honored to join you this morning to observe

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and celebrate "World Trade Week". I notice your theme is "World Trade is a Two-Way Street". I fully agree. I remember not long ago driving in Rome into a one-way street by mistake and was stopped by a policeman. His remark was, "My dear lady, even as pretty as you are, you know you cannot get away with it".

As vice president of International Affairs of the Flying Tiger Line doing business around the world—this is not a commercial—I just want to be sure our president, Bob Prescott is listening—I can think of no better cause in bringing us together. I have heard and read of your organization and consider each one of you here this morning a goodwill ambassador. As an airline executive and a lecturer I have the good fortune to travel and to meet people from all parts of the world. As a resident of the Nation's capital I have the good fortune to observe the practice of politics and the pursuit of power.

One of the many questions asked by my audience in the orient has been, "what is happening in America?" This question expressed their curiosity as well as their hope of America. I have just recently returned from the Far East and Southeast Asia and I can tell you their predominant reaction to our military industrial complex is that they wish they could have one like ours.

We have moved a long way from the Chinese rickshaws to the jet age—from man taking a slow boat to China to man reaching for the moon. Marco Polo traveled a long way and the only thing he brought back to Rome was noodles—today we are still arguing whether the Chinese invented noodles—or the Italians produced the spaghetti.

In the areas where I have traveled, to the people to whom I have talked, the building of a decent world, and the desire for a better tomorrow has become the hope and the dream of the people in all parts of the world. Most of the people in the orient who have experienced totalitarianism are fully convinced the forces of freedom are stronger than the forces of tyranny. This is being demonstrated in Hong Kong, in Taiwan, in Korea, in Singapore, in Malaysia, Japan, Thailand, Indonesia and even in war-torn Vietnam.

In the Orient there is a new horizon. There are many frontiers to be opened. Young leaders with new ideas, progressive businessmen with new enterprises invite the people in the West to work and to share with them the exciting challenge to improve world trade. For the people in the East as well as in the West, both realize in this nuclear age the big powers not only have to share the responsibilities and obligations to establish collective security, but more important, to keep the balance of trade in order to check the balance of power.

Today the free trade between free people is incompatible with world Communism. This is a truth of Asia as it is of Europe. The Communist leaders fear our friendship with free nations and our communication with their captives more than they fear our military strength. Without any doubt economic wisdom on our part sometimes will help accomplish political success.

I came back from the Pacific and Southeast Asia with hope and encouragement. I am much impressed by the show-cases by South Korea, Japan, Free China, Hong Kong, Thailand, Singapore and many others. These free nations in the Orient with their practical and aggressive leaders are making steady progress in their new destiny. Many new hotels are being built in Seoul—the World Fair opening in Osaka—the free port established in Kaohsiung and the tourists in Hong Kong give us the feeling of movement. They might not have our Wall Street or our Hollywood but their willingness to work and their energy and imagination to move forward make us aware of the increasing importance of their trading position with the United States.

To make the trading arrangement between East and West more meaningful calls for new dimensions, new appreciation as well as practical and realistic appraisal. The new dimensions rest in the areas of more education and cultural exchange, rest in the areas of mutual respect and trust between the United States and her friends who are willing and anxious to trade with us.

We Americans need not be ashamed to profess that one reason for our passion for world peace is to protect the materialistic prosperity we have achieved. As intelligent people we are convinced by history that only those who can keep more than enough for themselves are the ones who see to it that the others also will have enough.

Today, we, as a free people have a real function in national security in creating an economic adequacy to support freedom among peoples who are still struggling to be free. That adequate economy can come only from: (1) sound capital; (2) technical know-how, and (3) purchase of products at a trading profit.

As we enter a new era of trade and end a long period of frustration from "aid stage", we as business people are very much aware of the importance of a two-way street. This two-way traffic will help to build a sound foundation of East and West trading for today and tomorrow, and possibly indirectly will help to form important political decisions for this Nation in the future.

All free and sound civilization must be built on the foundation of reality and common sense. And I believe there is a sound basis of common sense in every section of our society. Today the West and the East are both going through rapid changes. Most of the changes are for the better. However, we all realize successful involvement is not through violence or protest to satisfy the minority few but by creative, positive and peaceful actions which benefit the majority many.

We as free people, have the courage to invite the leaders behind the bamboo curtain, behind the iron curtain to be familiar with the system of free enterprise. We challenge them to open their minds as well as their hearts. We challenge them to tear down their curtains. We challenge them to eliminate their walls. We challenge them to dare to experience the practice of individual liberty and political freedom. We Americans are for world peace and we dare to show them world peace can be established through economic development and cultural exchange.

May I ask you to look at the map of the Pacific? For many centuries the Western world has fought against any totalitarian control of the Atlantic by encouraging the nationalistic impulse of their people wanting to be free from the North Sea to the Mediterranean. Today in Asia, Korea is our Norway, Japan our England, Taiwan our Netherlands, and Southeast Asia our Mediterranean. By upgrading the strength of their economy it will be a sound foundation for stability and security for the other parts of the world.

I am most impressed by the performance of the young leaders in Asia with their progressive ideas, and their political wisdom. They have opened new horizons and an exciting era for world trade.

This morning we gather here to exchange information to talk about our common interests on world trade. Let's not be too critical of some of our failures and our disappointments and at the same time not overconfident of our accomplishments and our successes.

The people in the orient need energetic maturity and the people in the west, political wisdom for this new adventure—world trade. Shall we move forward together?

THE ASIAN MIND AND THE WORLD CRISIS

(Remarks by Mrs. Anna Chennault before the Commonwealth Club, San Francisco, Calif., May 23, 1969)

You honor me today to let me speak before this distinguished organization, before which my late husband, General Chennault spoke some years ago. I appreciate this equal opportunity, but I also remind myself it is perfectly harmless to accept a compliment as long as you don't try to inhale.

I have carefully read the information you have sent to me. I noticed you limit the length of the speech to 27 minutes—you certainly know how to stop people from talking. What do you do with some of my politician friends in Washington who take 5 minutes just to say, "hello". I am impressed with all the distinguished speakers who have appeared before this organization. However—I am sure you have never before had a mini skirt appear before you who is not a candidate for anything—not even for president of an airline. I want the President of our flying Tiger Line, Mr. Prescott, to hear—so he will not be apprehensive.

I come to you this morning to talk about the Asians—from Korea to Singapore. I do not claim to be an expert about this—the experts are those who fly around the world in two weeks, return to Washington—and give you a Best Seller!

In this complicated world we all have to become students of international affairs. Continuous awareness, once a luxury for men and women of yesterday, is now a desperate necessity for our own survival as a free people. To contain new forces that are breaking old shells everywhere, we need many new dimensions.

I have recently returned from Asia with the same contrast of hope and concern with which I suppose all well-informed people regard events in this country. My hope is encouraged by a new energy and a modern outlook of Asia. My concern is the help the United States is giving to the Asian Communist's efforts to isolate America, by creating misunderstanding and credibility gaps between the American people and the people of Asia.

Let us make a comparison between the differences of American and Asian psychology. America is a young nation—enjoying glory—strength—and power in an unravaged land. The Asians are much older and homogenous—with much longer traditions. The Asians have known life much longer. They have a more fatalistic acceptance of its tragedy—which we have so far escaped. They know less about applied science, although they invented much of our basic research. They talk less about individual liberty and political freedom, but they are more practical and thoughtful about the nature of man and the pay off of long-term family and group objectives. They still believe in the accumulation of the benefits of work and effort from generation to generation, while we, in this country, believe in quick fortunes and early retirement. They don't have a Los Angeles Times, a Chicago Tribune, or a Wall Street, a Hollywood, a Pentagon, or a military industrial complex—although I am sure they wish they had. They are hard working people and unfortunately their enterprise often has been interrupted by wars and conflicts such as you cannot dream. In substance, the Continent of Asia has been in a continuous war since the British, for opium profit, turned against the Chinese people by using the Chinese's own invention of gun powder. Because of such tragic experiences, the Oriental people are patient—they are used to long wars and patient rebuilding after destruction. I saw that happen in China during the Second World War when I was a little girl—and I saw it happen again in Korea when I visited President Park and Prime Minister Chung of South Korea—and most recently, I saw the rebuilding of Saigon's

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destruction after the Tet offensive. Their sense of history runs in deeper currents than ours. They have never substituted short-term solutions for long-term objectives. For that reason, as our enemies, they are always willing to wait us out, and as our friends they are always despairing of our restless itch to cut and run with gains as well as losses.

After talking with leaders from Korea, Taiwan, Japan, the Philippines, and Vietnam, I realize it is difficult for all Asians to understand the confusion and the agony we are going through in the constant reappraisal of our central objective in terms of our mutual interest; namely, freedom and peace in Asia, as indivisible with peace in Europe and the Middle East.

Like all intelligent people—the free people in Asia, in particular—worn by tragedies unbelievable to us—are anxious for peace but they are not willing to settle in terms of "peace at any price"—because they know that isn't peace. They look at Hungary, Czechoslovakia, Korea, with a deeper sense of history that warns them. Specifically, they know in their bones the ultimate difference between a "good settlement" and a "bad settlement" of the Vietnam war. They understand better than we do, that the expansionist Communist objective is to talk, to negotiate a breathing spell with us now and then take over Vietnam and Southeast Asia later, when it will be harder for us to go back. A "good settlement" would discourage further Communist aggression to stabilize a situation in Southeast Asia—the Middle East—the Pacific—or in Europe. A "bad settlement" in Vietnam will not only invite Communist takeover in Southeast Asia in the next couple of years, but might tempt the North Koreans to reopen the Korean war in 1970.

The people in the East who have long experience in dealing with the Communistic power which has been trying to take them over since the Russian revolution in the 1920's understand the "name of the game". To them —"Communism tastes the same—raw or cooked—hot or cold". They point out to me that peace and security are established by demonstrating to the aggressors that "aggressions do not pay."

While we, in this country, are concerned and worried about the world problems, our friends in Asia are deeply troubled by our self-doubt and our lack of confidence. They simply cannot understand why we Americans have become so defensive and apologetic for our actions and our demonstrations to preserve peace, security and justice around the world.

A friend pointed out that "each day, the thousands of people from all over the world, seeking entry into the United States, should be an outstanding testimony for the American people—that we who believe in free enterprise surely have something better to offer, that our democratic system is certainly a better one than that being enforced behind the bamboo and iron curtain." And yet—the people in Asia simply cannot understand why the United States, with her wealth and power is so full of self-doubt. Another friend jokingly said to me, "every time the Communists sneeze, the American people catch cold".

In America a psychology of defeat has brought a new growth of isolationism to our people. This is exactly what the Communists want to happen. The Communist's assumption is this—if the American public talk themselves out of supporting freedom in Vietnam—they most certainly will not support freedom anywhere in the Pacific, and therefore, not in Berlin or in the Middle East. They see Asia as a turning point in all our past policy toward supporting freedom.

The Communists in Asia fully realize they cannot compete with us in military strength but they certainly know how to work on so-called "public opinion" and try to outlast our patience. Hanoi and Haiphong realize they cannot capture Saigon by force. They have tried many times and failed. They know the only way to enter Saigon is to "talk their way in". Unfortunately, for many years the Vietnam war effort has been frustrated by technical decisions based more on the political invention of limited war rather than military practicalities. In Asia people still believe in decorating their heroes and shooting their enemies—while we, in a more comforting position are having difficulty finding the definition of "hero" in our dictionaries. Furthermore, we seem to have entered a space age. We are people in a hurry—we are all so used to instant tea—instant coffee—we are inclined to look for "instant solutions" to the extent we sometimes make the mistake of trying to force our kind of system on other peoples.

Without question, power is a lonely business. But for our own survival, this country cannot afford to be isolated. Hitler of Germany, Tojo of Japan, and Stalin of Russia, have taught us this lesson of history. Only until the other powers who are now feeling their muscles, want peace more than they want power of expansion, will this world be secure from conflicts and threats. The United States' position is to keep the "balance of power" in order to avoid conflict. All our spiritual aspirations will come to nothing if we weaken the physical assurance of our national security—for a stronger national security in this nuclear age is the most effective foundation for freedom and for peace.

At this late hour, it is important for the people of good will and good intentions to have some practical common sense and to be realistic about international problems. We simply have to understand that the aggressors with whom we deal only understand one kind of language—that is, active forces and consistent determination.

I am fully convinced, from my own too realistic experience, that the forces of freedom are stronger than the forces of tyranny. The free people in Asia are making steady progress toward their own destiny. Rising young leaders from Singapore to Korea sincerely believe in promoting political stability and economic advancement. There is new confidence among these young leaders: they are better educated and so more aware of the forces of the future. As the era of colonialism and imperialism comes to an end in East Asia, they know that there is a vacuum—that vacuum cannot be replaced by the most dangerous aggressors. That vacuum must be filled by the free and independent people of Asia with the help of those whose help is welcome because they have no ambitions of territorial expansion. Our consistent—not self-doubting willingness to help—is the message people in this Nation must try to convey to our friends in Asia for our own security.

The leaders of the free people, whether in the west, or in the east, have to accept the burden that successful involvement is not through protest by an uninformed minority to satisfy that minority few themselves, but by creative and progressive actions of an informed minority many, like you, which benefit the majority many. The free Asians do recognize their need for energetic maturity and the west must recognize that without strong friends in Asia there will be no peace anywhere.

As I can see it, our foreign policy has one basic analogy. That is—we try to prevent any single power to mobilize the people and resources of the entire continent—whether it is in Europe or in Asia. Because that single power would have to be totalitarian, therefore against our freedom in America. Foster their hope—help to protect their independence—for the free loving people is our way to encourage the other people not to make land or their resources available to a single totalitarian master. To do this—we have to depend on a sound military defense establishment. Our defense system, whatever its faults, is still the envy of the world. Every other nation only wishes it had one too.

The change in Indonesia, the strength in Korea, the land reform in free China, our improved relationships with Saigon, are fruit of our labor.

Today, few young students of history on college campuses appreciate the sense of history. It is fashionable among them to doubt the worth of loyalties and beliefs. They say that they should live merely to express themselves as if the world began today. Because the future is so unpredictable, they would live as if there were no future, and yesterday was already too late. But Nihilism is a noisy luxury of those who have never known the need of self-preservation. There will never be any way for the very young to understand that need until it catches up with them.

I still think the Bible is worth reading for long-term human wisdom and I remember that Gideon said before Armageddon: "By the three hundred men that lapped I shall save thee, O Israel." Which meant he fought his battle for the Lord with the handful of men who knew their business and sent the incompetent and the faint-hearted home.

From Asia I have watched the United States rise from many disasters. Because of the concern of its strong-hearted and competent, the United States will never completely lose the wisdom of a long-term view—or ever fail to be the rallying point of those all over the world who in a famous phrase are "the aristocracy of those who care."

BERKELEY: TROOPS ARE GONE, EFFECTS WILL LINGER

(Mr. BROWN of California asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. BROWN of California. Mr. Speaker, the physical violence in Berkeley may have ended, but it will take quite some time to end the mental and philosophical damage created there.

To say that the "people's park" incident was the sole cause of recent troubles is rather a grandiose simplification. Of all the major universities in this country, perhaps Berkeley best represents the widening polarizations between youth and adult, between establishment and alienated. The park was no more than a catalyst.

Ever since 1964, and the advent of the free speech movement at the University of California, discontent at Berkeley has ebbed onward; never has there been complete quiet, complete confidence on campus.

In many ways, what happens at Berkeley seems to become a harbinger for other schools across the Nation. It was at Berkeley that outside police first invaded a campus to restore order through mass arrests and violent confrontation—a scene repeated last year at Columbia, this year on many campuses. Student strikes, building occupations, these too resulted from turmoil at Berkeley, and these, too, now have become commonplace.

Since last fall, the Berkeley campus and town have been under an extraordinary emergency proclamation—a proclamation giving State and local officials immense powers in times of crisis. And, then, 2 weeks ago, authorities sanctioned use of firearms and tear gas bombings as the means of repressing the latest demonstrations in Berkeley.

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Are these violent reactions also to spread nationwide?

I do not condone irresponsible acts carried out by demonstrators at Berkeley or any other place. But I am also upset by the seemingly thoughtless methods employed by authorities who inflame situations instead of cooling them down.

I am appalled when I hear statements coming from persons such as Governor Reagan and the Alameda County sheriff that not only give countenance to violent reaction but also goad on even further confrontation.

The last troops finally are leaving Berkeley. I pray that the end to this trouble has been reached. But, what about elsewhere? Will Berkeley still be the model for campus unrest? Hopefully, it will not, and the lessons learned at Berkeley—bitter as they are—will not be repeated.

And for another Berkeley not to happen, the onus of responsibility rests heavy upon the alienated youth, upon college administrators, and upon State and local authorities. Violence is no answer, and confrontation should be legal and peaceful. Each side must be willing to hear the other, and both should strive for settlement rather than polarization.

From Berkeley we have also learned that without willingness to completely resolve problems a natural tendency toward escalation follows, with succeeding incidents becoming worse in both instigation and handling.

In the following articles which I am inserting into the RECORD, a vivid picture is painted showing how the latest Berkeley problems arose, and how responses by authorities tended to increase pressures rather than lead to a calm solution. Most of these articles are from the Los Angeles Times, which made a very valuable contribution by its splendid coverage of the Berkeley disturbances.

The articles referred to follow:

[From the Los Angeles (Calif.) Times, May 30, 1969]

THE CONFRONTATION: BERKELEY—BIRTH, GROWTH OF "WAR"

(By John Kendall and William Endicott)

BERKELEY.—"Look out, here comes the jeep!"

That's when Dan E. Porter, 18, was enveloped in the zone of turmoil and violence south of the UC Berkeley campus on the afternoon of May 15.

Porter, recuperating in his home from gunshot wounds in his legs, recalls the warning was shouted by someone who hurried past him and his friend, Fred Campbell. They were on the way to pick up Fred's sister from high school.

"We stopped and turned around and looked," Porter says. "A jeep came toward us, spraying pepper gas. We ran into an alley. I got about half way down the alley when my right leg just came into the air.

"I fell against a wall to my right. I tried to get back to my feet but I couldn't. It was just too painful. Fred came back to help me but by this time the jeep was gone. They just shot and left.

"I didn't see who shot me, but people there said the shotgun was fired by a sheriff's deputy riding in the jeep. I was hit four times in the right leg and once in the left with what I think was double-aught buckshot. The doctor says I may have suffered some nerve damage.

SPRAYING GAS, SHOOTING

"It was really cold. They could have told us to halt but they just pulled up and started spraying gas and shooting."

Young Porter returned home from Albany Hospital last Saturday, 10 days after about a hundred persons were injured, a man was mortally wounded and another probably was blinded in an afternoon of violent confrontation between authorities and Berkeley's radicals, "street people" and students.

Some of the demonstrators who streamed off the UC Berkeley campus toward a "people's park" fenced by the university threw rocks, bottles, and—police say—pieces of steel reinforcing rods.

Helmeted law enforcement officers, wearing flak jackets, heavily armed and looking like a paramilitary unit, responded with shotguns—a new bench mark for violence at the nation's troubled universities and colleges.

For the first time at US Berkeley, cradle of the student movement, and perhaps anywhere in America outside the south, shotguns were used to control student crowds.

For the first time anywhere in the nation, tear gas to control a crowd was delivered, not with grenades or sprays, but from a helicopter.

For the first time, UC Berkeley students went to class watched by national guardsmen carrying gas grenades and rifles with fixed and unsheathed bayonets.

The "people's park" incident is the fifth time since last July that UC Berkeley has been disrupted in one way or another by controversies leading to arrests and—sometimes—to violence.

Next to the campus has grown up a hippie-style youth culture with political activists who talk about "revolution." This, and student differences with the UC administration, produces an atmosphere of simmering controversy.

ALMOST ANYTHING AN ISSUE

Almost anything can be an issue, from the closing of Telegraph Ave. for a dance to the demands for an ethnic studies center by the Third World Liberation Front. The "people's park" seemed tailor-made for the activists.

They believed the "clumsy, inflexible administration" was taking away a spontaneous park built by the "people" for a soccer field. The administration faced the problem of completing plans of a decade and of establishing clear control.

This time, when the predictable demonstrations developed, authorities came down hard with massed police forces, guns, national guardsmen and helicopter techniques more familiar to a war zone than to an American college campus.

The park controversy began April 18 with an announcement in the Berkeley Barb, an underground newspaper.

"Hear ye, hear ye," it said. "A park will be built this Sunday between Dwight and Haste. The land is owned by the university, which tore down a lot of beautiful houses in order to build a swamp . . .

"We want the park to be a cultural, political, freak out and rap center for western world . . .

"The university has no right to create ugliness as a way of life. We will show up on Sunday, and will clear one-third of the lot and do with it whatever our fantasy pleases."

The "people's park" was born at a meeting of Berkeley street activists a few days earlier in a second-floor mod clothing shop just off Telegraph Ave. near the campus. The shop, called the Red Square, is owned by Mike Delacour.

On Sunday, April 20, several hundred of the street people who haunt the fringes of the university campus, aided by many students, turned up dragging trees, plants and rolls of sod.

They produced a rented bulldozer, and a young man in a sporty cowboy hat professionally graded the lot.

By 2 p.m., what had been a rutted eyesore that morning was a shady glen set in a small grove of trees at the northeast corner of the lot. It was an instant "people's park."

All kinds of people were attracted to the park. There were genuine hippies looking for a piece of turf to, as they put it, "do their thing." There were students. There were, in the vernacular of the hippies, "straight people."

There were mothers looking for a place for their children to play.

SCENE FOR CONFRONTATION

And there were radicals seeking a confrontation.

It soon became clear that the park would be the focal point for conflict among a wide range of viewpoints.

The park land unquestionably belonged to the university. It was first designated for university use as long ago as 1956, but there had never been money to acquire and develop it.

In June, 1967, the university finally paid $1.3 million for it with the announced intention of either making it into a soccer field and recreation area or building student apartments and dormitories.

Buildings in the area—most of them older dwellings occupied by students and street people—were demolished last summer, and students began to use the empty lot as a parking area.

On April 30, eleven days after the park came into being, the university issued a statement saying the area would be cleared soon for work on the recreation field.

WAR ON UNIVERSITY

On Thursday, May 8, UC Chancellor Roger Heyns asked his advisory committee on housing and environment, headed by Prof. Sim Van der Ryn, to assist in further modification of the plan and to discuss ideas with students. The following day, a proclamation appeared in the Barb. It promised a "war of retaliation against the university if it begins to move against the park."

Unsigned, it continued, "If the university attempts to reclaim $1.3 million worth of land now claimed by the people, we will destroy $5 million worth of university property."

Art Goldberg, a leader in the park movement and oft-arrested activist in the Free Speech Movement at Berkeley five years ago, called the park effort "the beginning of resistance."

But Van der Ryn maintained that even the hard core activists did not want a confrontation over the park and that with patience everything could be worked out.

NEIGHBORS DEMAND ACTION

Some 48 neighbors had signed a petition, however, demanding that the police and the university put a stop to all-night bongo drumming, shouting, dancing, love-making and alleged dope-peddling at the park.

The university was in a bind.

Heyns had directed Van der Ryn to serve as an intermediary with the park people, primarily to urge them to stop work and produce a representative committee for negotiations.

The committee was not forthcoming, and on Tuesday, May 13, Heyns issued a long, definitive statement that made it clear a showdown was inevitable.

He said discussions with park people had failed because they had refused to organize a responsible committee with which the university could consult.

A fence would be put up, he said, "to re-establish the conveniently forgotten fact that the field is indeed the university's, and to exclude unauthorized persons from the site."

INVOLVEMENT GROWING

A university spokesman said more and more people were becoming involved in the park "and it became clear that eventually, if we waited any longer, the confrontation would become even larger."

Van der Ryn said the park people were reluctant to elect a committee for several reasons:

"First, because their values and philoso-

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phies stress individual participation rather than the forms of representative government; second, because they felt that any such committee would be drawn into the routine of campus planning; third, because the people working on the park suspected that a committee might strengthen the influence of the militant political people among them who were accustomed to committees and bargaining."

He also said the chancellor's demand that the people stop developing the site during discussions was similarly unrealistic.

"It assumed that somebody there was . . . in charge and could order everyone to lay down their hoes and stop planting shrubs," he said. "There was, in fact, nobody with that authority."

GETS NEGOTIATING TEAM

On Wednesday, May 14, Van der Ryn had succeeded in putting together an 11-man negotiating team. However, the chancellor had by then left for the East on business, and Van der Ryn said there was no one for the committee to talk to.

Thursday morning, the 15th, the struggle began.

The university had ordered a San Jose fence company to put up an eight-foot Cyclone fence in one day, and security arrangements had been turned over to the chief of the campus police, William Beall.

Expecting trouble, he asked Alameda County Sheriff Frank Madigan for help to protect the construction crew.

An estimated 250 Berkeley and campus police, sheriff's deputies and California Highway Patrolmen approached the park site at 4:45 a.m.

Lt. Robert Ludden of the Berkeley police advised about 75 people sleeping at the park that they were on university property and would be arrested for trespassing if they did not disperse.

There were three arrests. All the others left peacefully and the fence crews went to work.

OFFICERS TAKE OVER

There was no trouble in the morning. Law enforcement officers occupied the park, lounging on equipment and even swinging in the children's swings. Authorities were ready, but relaxed.

However, trouble developed out of a Committee for a Progressive Middle East rally at noon in front of UC's Sproul Hall. The committee relinquished its time to be devoted to observance of Israel's anniversary of independence for a discussion of the "people's park."

About 2,000 to 2,500 students had gathered when the student body president-elect, Dan Siegal, began to speak at 12:36 p.m. from the Sproul steps.

Later, after he had been charged with inciting a riot, the 24-year-old law student said he had not finished his speech when he invited the crowd to "go down and take the park."

But, finished or not, hundreds in the gathering—as if by signal—surged across Bancroft Way, bordering the southern edge of the campus, and flooded south on Telegraph Ave., walking in the street against the one-way traffic going north.

At 12:42 p.m., the marchers chanted, "We want the park. We want the park." The collection of activists, hippies and students walked toward Haste St., on the north edge of the university's land.

Almost immediately, demonstrators turned on a fire hydrant at Telegraph Ave. and Haste, spraying water across the street.

Police reported rocks, bottles and other missiles were being thrown by the marchers and spectators on tops of buildings along Telegraph.

Police used tear gas at Dwight Way and Telegraph Ave. at 12:48 p.m. to drive demonstrators back up Telegraph Ave. to the campus, four blocks north.

During the next 45 minutes, a highway patrolman, Albert Bradley, suffered a superficial knife wound in the chest, a city car was overturned and set afire at Parker St. and Telegraph Ave., police squads had run out of tear gas and were overrun.

And officers had used their shotguns.

FIRST GUNFIRE

The first report of gunfire came at 1:15 p.m.

Exactly where and under what circumstances a shotgun was first used is still not publicly known.

But the results of the gunfire became evident shortly at nearby Herrick Hospital, the city's emergency treatment center.

Hospital authorities received word at 1:15 p.m. to stand by because there had been trouble on the campus. Forty-five minutes later, they realized the usual emergency procedures would not do. They ordered the hospital's disaster plan into effect.

Staff members moved cars from the parking lot behind the emergency entrance and set up folding tables and sawhorses holding litters. Two doctors and several nurses manned the area.

The injured from the eight-square-block area south of the campus arrived on foot, in ambulances, by taxis and in private automobiles.

During the remainder of the afternoon, Herrick doctors treated more than 50 persons, 24 of them for gunshot wounds, including five who had been hit with double-ought buckshot.

One man had the main bone from his knee to ankle shattered with the double-ought. Another had the bones of a hand shattered. Birdshot penetrated the lungs of at least two persons. One had a pellet in his heart.

FORTY-THREE REPORTED HIT

In all, city officials report, 43 persons were hit by gunfire. Scores of others were treated for tear gas irritation, cuts, bruises and other injuries.

"The area was like a battle zone," said Daryl Lembke, a Times reporter hit by birdshot pellets from the rear as he hurried west on Blake St., away from the embattled Telegraph Ave., at about 2 p.m.

Lembke had seen the smoke of the burning city car on Telegraph Ave. and had gone there. When a crowd gathered near the car, police fired tear gas.

Lembke ran north with the crowd one or two blocks to Blake St. and turned west.

"I had gone about 30 to 35 feet from the corner when something went off at my back," he said. "I turned around and saw a policeman in a jump suit with a shotgun pointed at us.

"I tried to flatten against a nearby building, and then I felt something and looked down at my pants leg. It was bloody."

He said he had the impression the police were frustrated in attempts to control the crowd because wind would blow the tear gas away and the demonstrators would come back.

To Vincent Ferrari, 26, a bearded, long-haired free-lance photographer, the police "just blew their cool."

Ferrari, wounded by birdshot, said he was between the police and marchers taking pictures near Haste St. and Telegraph Ave. when police used tear gas against rock throwers.

"A pepper gas bomb went right over my head, and I suddenly became a demonstrator, jeering and cheering and shouting," he said.

MOVED WITH CROWD

"Then I kind of moved with the crowd down Telegraph Ave. to the corner of Dwight Way. It was there that I saw a car driven by a moronic policeman weaving back and forth on Dwight toward Telegraph.

"They were dodging rocks and firing tear gas from the car. The driver would aim his car at people."

Then, said Ferrari, he moved to Parker St. and Telegraph Ave. to watch the overturned car fire extinguished. He saw a crowd there being chased by police.

"The people were extremely frightened," he said. "Some were yelling, 'Guns, they have guns. Watch out.' I ran up Telegraph Ave. to Blake St. and turned left.

"I was about 25 to 30 feet west of Telegraph Ave. I slowed down and turned around. There was a patrolman down on one knee in a military firing position pointing a gun.

"I saw him aim at me. I turned and was shot. When he fired, there was no crowd. I had 48 birdshot wounds in my head, face, legs and arms. A motorist took me to Herrick."

The most deadly effect of gunfire came around the corner on Telegraph Ave. from where Lembke and Ferrari were shot. James Rector, 25, a San Jose carpenter, was fatally wounded. Rector reportedly was on the top of a two-story wooden building at 513 Telegraph Ave. where he was watching the action.

Four persons were struck with birdshot on the roof of the building immediately south. One of them was Allen Blanchard, 29, an employe of the Telegraph Repertory Theater, six store-fronts down. Blanchard was shot in the face.

DESCRIBE HAPPENINGS

The operator of the theater and Blanchard's employer, George Pauley, 30, stood on the top of the building this week and described what happened.

"About 2 p.m.," Pauley said, "there were about 20 or 30 persons on this roof. We had been on the balcony but moved to the roof to watch. Pretty strong winds were blowing the tear gas away and it didn't seem effective.

"Officers were in the street below us when we saw this red-haired kid with a rock. He was standing on that building. (Pauley pointed to a building immediately south of where he was standing).

"We yelled, 'If you throw that rock, they'll shoot tear gas up here.' He threw the rock anyway. It didn't hit any of the officers in the street, but they fired at least three volleys up here."

EYEBALLS PENETRATED

Blanchard fell, holding his face. Doctors found later that each eyeball had been penetrated by a birdshot pellet. Sight in one eye is gone, and doctors say there is only a slim chance for sight in the other.

Next door, Rector was struck just above the left hip by three double-aught buckshot pellets which lodged in his chest. He died four days later of shock and hemorrhage due to multiple shotgun wounds.

Gov. Reagan told a luncheon in Los Angeles Rector had been shot while on a roof from which steel rods and other dangerous objects had been thrown at officers.

Pauley insists, however, that the only one who threw anything at the police was the red-haired youth. "Except for that," he said, "no one up here threw anything at police."

On the street, law enforcement officers moved against groups of demonstrators who broke up into small groups, scurried down side streets and moved into the downtown area. Twenty-two stores in the area reported windows broken.

Berkeley Mayor Wallace Johnson and City Manager William C. Hanley asked that antiloitering and antistreet rally measures be invoked and agreed with Sheriff Madigan that the National Guard should be called in.

Between Thursday and Friday, more than 2,000 guardsmen from throughout Northern California moved into the city. Helicopters beat the air, blaring news of a 10 p.m. to 6 a.m. curfew ordered by Gov. Reagan.

Reagan had declared a state of emergency in the city Feb. 5 at the height of a crisis over demands by the Third World Liberation Front for an ethnic studies center. He had never lifted it.

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TENSE WEEKEND

The guardsmen and police enforced a tense peace through the weekend. There were minor skirmishes. On Monday, May 19, an estimated 2,000 persons marched on the city's main business district but were routed by guardsmen.

Tear gas was more common than fog. The city was under siege. Movements were restricted. Soldiers with unsheathed beyonets patrolled the streets, as did police, sheriff's deputies and highway patrolmen wearing flak jackets.

Then on Tuesday came the helicopter.

When some 2,500 students and street people attempted to march off campus they were turned back by guardsmen and herded into a tight corral near the Sproul Plaza area.

Finally, an H-19 National Guard helicopter made two passes over the central campus area, spraying white clouds of gas on a screaming crowd.

WAFTS ACROSS CAMPUS

It wafted across the campus, into Cowell Hospital and spread to recreation and residential areas in Strawberry Canyon east of the campus.

Gagging, tearful students sought shelter in university buildings.

The helicopter gassing was ordered by Brig. Gen. Bernard Nurre, 55, commanding general of the National Guard's 49th Brigade, because, he said, guardsmen were being threatened by furniture thrown from windows of campus buildings.

"This was a decision he (the general) felt was necessary because his troops were being hurt and were in danger of being more seriously hurt," said a National Guard spokesman.

"This way people got their eyes burned a little, but no one got seriously injured."

Minor demonstrations and rallies continued through the rest of the week, but there were no further violent confrontations. There was a mass arrest of about 500 people on Thursday, May 22, for failure to disperse and illegal assembly.

Guardsmen, however, remained on duty throughout the downtown area, and streets leading to "people's park" were blocked off.

ISSUE UNSOLVED

By the weekend, the curfew had been lifted, but the issue of the park remained unsolved, despite proposals and numerous public and private meetings by city councilmen, citizens' groups, student groups, street people and university officials.

Although the Berkeley City Council called for removal of the National Guard at a special meeting last Saturday, Gov. Reagan has refused.

Guardsmen will remain on duty in the city through this weekend, he said, in anticipation of a massive Memorial Day demonstration today.

By now, the fencing of the park has become a symbol. To some it represents the legitimate, lawful right of the owner to control his property and for authorities to restore order. To others, it repesents oppression by the "establishment" and the overwhelming force to carry out its will.

INVESTIGATION UNDERWAY

Law enforcement officials have been reluctant to discuss their use of shotguns, except to say they were necessary for crowd control.

An investigation is being conducted under the direction of Lowell Jensen, Alameda County assistant district attorney. The Alameda County Grand Jury also has indicated it will conduct an inquiry.

The order to use the weapons came from Capt. Thomas Houchins, the sheriff's field commander here.

He said Thursday, in his first public statement, that officers had been directed to use birdshot, which is much smaller than a BB, but had resorted to buckshot, a round ball about one-fourth inch in diameter, after the birdshot supply was exhausted.

He added that if there are further disturbances "we might use buckshot," thus indicating that the use of guns will be standard operating procedure in future confrontations.

Two weeks after the initial disturbance over the park, the Berkeley Police Assn., representing 236 Berkeley policemen, also issued a statement Thursday crediting Sheriff Madigan with saving them from the attack of a "vicious mob whose intention was to injure or kill the officers and take possession of property that was not legally theirs."

The officers said the use of shotguns was "totally justified."

The Berkeley officers also said there were 98 law enforcement officers injured in the melee—55 highway patrolmen, 39 Berkeley policemen and four sheriff's deputies. None of the injuries was serious, they said.

Madigan defended the use of guns by saying they, along with the appropriate ammunition, are standard equipment of every deputy sheriff.

The guns reportedly were used by sheriff's deputies, units of the San Francisco police, which were called in along with officers from other cities under a mutual aid agreement, and highway patrolmen.

POLICE ATTACKED

Hanley, the Berkeley city manager, defended their use by saying the law enforcement units were "attacked by hundreds of people hurling rocks, stones, bricks, concrete blocks and bars of reinforcing steel."

He said some officers were down on the street, unconscious from injuries. Sixteen eventually were reported injured, four of them bad enough to require hospital treatment, he said.

The field commander, Houchins, decided the guns were "absolutely essential" to prevent police from being overwhelmed, Hanley said.

Johnson, the mayor, offered another explanation: The demonstrators had become immune to gas or had found ways to offset it.

FLAGS FOR MASKS

For example, one pamphlet handed out on the streets advised that small American flags be used for gas masks. It said to use elastic to hold the flags on and to use cotton inside for a filter.

Although most of the firing of shotguns took place off the campus, at least two buckshot were found near the university library.

Members of the criminology department at the university charged the use of shotguns was indiscriminate and unnecessary as a crowd control tactic.

"It has the undesirable effect of escalating the level of violence in this and possible future confrontations," said a spokesman.

There seemed no doubt among many observers that the threshold of permissible violence by law enforcement agencies had been lowered.

[From the Los Angeles (Calif.) Times, May 30, 1969]

BERKELEY POLARIZED BY USE OF GUNS AND GAS—EVEN THOSE UNSYMPATHETIC TO PROTESTS VIEW IT AS OVERKILL, U.S. OFFICIAL SAYS

BERKELEY.—The effect of violence—particularly the use of guns and the gassing of the UC campus by a helicopter—has had a polarizing effect on the city of Berkeley, as well as the university community.

"It was Vietnam in people's minds," said Ray Colvig, UC public information officer. "People unsympathetic with the events on campus still felt this was overkill."

The Rev. Anthony Nugent, a Presbyterian minister assigned to the Berkeley Free Church, saw this effect:

"People on the right continue to be on the right and take a harder line than before. People mildly conservative, moderate or liberal have been radicalized.

"They may not like the kind of young people that are coming to Berkeley, but they realize this massive show of force isn't going to solve anything," he said.

CROP DUSTING

Even Mayor Wallace Johnson, who has not questioned the use of guns and who initially concurred in the call for the National Guard, said he felt it was a mistake "to use a helicopter to spray gas on the campus like a crop-dusting operation."

He said a friend "had his wife and infant daughter at a swimming pool in Strawberry Canyon and that stuff drifted up there and nearly caused a panic."

The mayor also said there was no doubt the use of guns and the helicopter has had a "very definite polarizing effect" of students and faculty and many residents towards public authorities.

At a special Saturday City Council meeting, an elderly man and a middle aged woman were engaged in a heated conversation in the corridor outside the council chambers.

"You've got to have order before you can have law," he was saying. "The faculty and students up there are the villains."

PALE, SHAKING

The woman responded: "No, no. Men with guns are the first villains."

Mrs. Berenice Decker, a 20-year Berkeley resident and mother of three, returned to work in the planning department at City Hall after lunch last Friday, pale and shaking.

She said she had seen a sheriff's deputy arrest a young Negro girl by grabbing her and twisting her arm behind her back.

"That's brutality," Mrs. Decker said. "I don't know what that girl had done, but she didn't deserve that kind of treatment. It's more than frightening, it's horrible.

"What's going to happen to us? How can you govern a city when this kind of thing goes on?"

Mrs. Decker turned up Sunday at a citywide meeting called by the Citizens Committee to Restore Civic Unity and donated $1 to the bail fund for people who had been arrested during the disturbances.

The atmosphere also has touched children.

Richard Foster, superintendent of Berkeley schools, said "you can see fear" in their faces.

And a substitute teacher in the city schools, Miss Elizabeth Whitaker, said the children at the height of the crisis were in a near state of hysteria.

"Third-graders were wondering when the gas was going to come down on them or if they were going to be shot," she said.

On the university campus, the guns and helicopter have organized students as few issues ever have.

Eighty-five per cent of the 14,969 students who voted in a referendum last week approved of the preservation of the "people's park" which precipitated the current crisis.

Charles Palmer, UC student body president, also scoffs at the theory that students were used by revolutionaries.

"Sure there are a couple of heavies who rub their hands and look for trouble," he said, "but the students are not so naive as to be manipulated."

The 22-year-old Palmer, a political science honors student from Los Angeles, said the long-term effect on the university is "apt to be very bad."

"There's so much distrust. A university should be a community, but in Berkeley people are divided into interest groups. There just isn't a will to solve the problems.

"The park is a symbol of something we built ourselves . . . We were never con-

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sulted about whether we wanted an athletic field there.

"Students want to see a university that is flexible, but we're locked in with a university that isn't flexible. The park is just another indication."

A university spokesman offered this observation:

"The park somehow symbolized something for a lot more students than you would realize. It's part of a trend. A lot of nonradical students just like to thumb their noses at the establishment a little bit, and this was a chance."

The question of legal ownership of land doesn't really touch them, he said. "Maybe in 10 years when they are out of school and buying their own home they will feel differently about it."

William Beall, campus police chief and former chief of the Berkeley police said the radicals, students and street people wanted a cause.

"They don't care about the park," he said. "The park is irrelevant. The city has one near it. It's the cause celebre. We've had five blowups in a year. Each one is getting worse. These people want revolution.

"What really is happening," continued the chief, "is that the street people are trying to induce students to join them because they need bodies."

Most observers agree that while the park has become the issue to the emotionally aroused, it is not that simple.

Both sides in the dispute reluctantly concede that the crisis has raised the basic question: Who will control institutions and property and for what purpose?

[From the Los Angeles (Calif.) Times, May 30, 1969]

Chronology of Violence: What Happened the Afternoon of May 15

12:36–12:40 p.m.: Student Body President-elect Dan Siegal speaks to crowd of about 2,000 to 2,500 gathered before Sproul Hall. When Siegal says "Go down and take the park!" they set off.

12:42 p.m.: Chanting "We want the park! We want the park!" the activists, hippies and students walked toward Haste St., bordering the north edge of the disputed ground.

Rocks, bottles and missiles are being thrown at police.

Fire hydrant turned on at Telegraph Ave. and Haste.

12:45 p.m.: Missiles reported coming from buildings along Telegraph Ave.

12:48 p.m.: Tear gas used at Dwight Way and Telegraph Ave. Officers report they are under missile assault.

12:50 p.m.: California Highway Patrol officer reported knifed and down in street.

12:53 p.m.: Gas being used.

12:55 p.m.: Call for help by citizen.

12:59 p.m.: Police squad overrun. Crowd takes gas equipment.

1:09 p.m.: Officers reported running out of supplies (presumably tear gas).

1:10 p.m.: Nonviolent crowd moving north on Telegraph Ave. toward campus.

1:12 p.m.: "Wild" crowd moving west on Haste St.

1:15 p.m.: Gunfire reported.

Herrick Hospital told to stand by.

1:16 p.m.: Traffic tied up throughout south campus area.

1:17 p.m.: Officers pinned down at Parker and Regent Sts. Assistance on way.

1:26 p.m.: Call for help from officers at Parker St. and Telegraph Ave.

1:27 p.m.: Officer down at Haste St., east of Telegraph.

1:28 p.m.: Car overturned at Parker St. and Telegraph Ave. (city vehicle driven by two reserve policemen, out of auto directing traffic).

1:30 p.m.: Fire in street west of Telegraph Ave. (Presumably the burning car.)

2 p.m.: Herrick Hospital goes on disaster plan. Emergency center set up in parking lot for patients arriving on foot, in taxis, by ambulance and in private cars.

12:40 p.m.–4:40 p.m.: Sixteen officers reported injured, 22 store windows broken, one city vehicle overturned and set afire. All police lines overrun by crowd.

6:30 p.m.: First call goes out for members of 49th Infantry Brigade of National Guard to report.

[From the Los Angeles (Calif.) Times, May 24, 1969]

Reagan Sharply Assails Administrators of University of California

(By Carl Greenberg)

Gov. Reagan unleashed one of his sharpest attacks so far on the University of California administration Friday.

He said there would be no statewide strike on the University of California campuses next Monday and Tuesday, as has been proposed. "If the university administration would spend less time deploring violence and worrying about police on the (Berkeley) campus, which they had to send for . . . and tell the student body the true facts of the situation . . ."

The governor was referring to police and guardsmen called out last week when violence erupted as chanting crowds of youths demanded control of university land near the Berkeley campus for a "people's park."

"Just sickening, just sickening" was Reagan's reaction when he was told that James Meyer, chancellor-designate at UC Davis, had not opposed a two-day strike against "repression" by police and guardsmen.

"This is the very kind of thing that precipitates more trouble," Reagan told newsmen at the Dorothy Chandler Pavilion of The Music Center, where he addressed the Independent Colleges of Southern California.

"When those in charge and those with the responsibility—adults—can, without apparently any knowledge or understanding of the true facts, further incite this kind of activity, I just can't find the words for my contempt for them and for what they're doing."

Reagan said the UC regents and administration must lay down policy lines and conditions that will provide for automatic punishment if the rules are violated.

In his speech, Reagan said the students have some legitimate complaints about lack of communication and defended "legitimate dissent and ferment" as the "yeast of change and improvement."

But, he continued, "let's not be naive—let's look squarely at those others who hide behind legitimate dissent while they plan riots and orgies of destruction."

A "new phase" of trouble making, said Reagan, is going to be "an assault on the very ownership of property, particularly of land." He did not elaborate.

"Today, too many in the academic community are challenging all the timetested standards. They're telling our young people to make their own rules . . . that the discipline of the past no longer binds us.

"Personally, I am sick and tired of those who on our behalf would assume the collective guilt for all of man's inhumanity to man since the beginning of time.

"The breasts they are beating are not theirs—they're ours. It is time to say to the revolutionaries 'one dose of Hitlerian storm-troopery is enough for this century.' "

[From the Los Angeles (Calif.) Times, May 24, 1969]

Autopsy Confirms University of California Protester Was Killed by Buckshot

Berkeley.—The 25-year-old demonstrator who died Monday of shotgun wounds he received in a disturbance here May 15 was shot with double-aught buckshot, an autopsy report confirmed Friday.

The autopsy, prepared by the Alameda County Coroner's office, said the death of James Rector of San Jose was caused by "shock and hemorrhage due to multiple shotgun wounds with perforation of the aorta."

Alameda County Sheriff Frank Madigan said Thursday that the shot that hit Rector was fired by law enforcement personnel.

Rector and about 70 other persons, including five policemen, were wounded in a clash between police and demonstrators, who were occupying the "people's park," a formerly empty plot of land near the Berkeley campus which student radicals and the nonstudent "street people" of the community had taken over and transformed into a small park.

ATTEMPTING TO CLEAR AREA

Police and sheriff's officers were attempting to clear the property, owned by the University of California, when the shots were fired.

After the incident, Madigan said his officers were authorized to fire shotgun shells loaded with light, fine birdshot as a crowd-control measure.

Madigan added that his officers were authorized to carry buckshot, but he did not give an explanation of how his officers were instructed to use the heavier ammunition. He has issued a statement assuming full responsibility for the use of weapons, but he has refused to see newsmen or answer further questions.

Double-aught buckshot, according to a Los Angeles ammunition producer, is a round ball about one-fourth inch in diameter. There are nine in an ordinary shotgun shell.

Double-aught buckshot, the ammunition expert said, "will kill a man—or an animal as big as an elk."

The kind of birdshot used to hunt quail, he continued, is much smaller than a BB. "It would sting the hell out of a man," he said, "but if he had a coat on, he wouldn't even know he was hit."

A spokesman for the Los Angeles Police Department said officers use double-aught buckshot "only when we're playing for keeps."

An investigative team in Berkeley, headed by Asst. Dist. Atty. Lowell Jenson, reportedly is conducting an inquiry into the use of shotguns in the incident.

The autopsy report said three shotgun pellets lodged in Rector's chest. The point of entry was the left side, just above the left hip.

The coroner's files list Rector's occupation as "laborer," but questions have been raised over the dead man's background.

At a luncheon in Los Angeles, Gov. Reagan said "eletronic surveillance equipment" and a rifle that could be broken down and easily concealed had been found in Rector's car.

He said Rector had been shot while on a roof from which steel rods and other dangerous objects were being thrown at officers.

"It's apparent he must have arrived to participate in this thing that was going on," Reagan said.

Berkeley police Friday confirmed Reagan's report, adding that the electronic equipment was a sophisticated telephone bugging device.

[From the Los Angeles (Calif.) Times, May 29, 1969]

Buckshot May Be Used on University of California Demonstrators, Sheriff Warns

Berkeley.—The Alameda County Sheriff's office said Thursday if it is faced with further disturbances at UC Berkeley it will use shotguns and "we might use buckshot."

Capt. Thomas Houchins, the department's field commander here, also said sheriff's officers used heavy buckshot in policing "people's park" demonstrators May 15 after the officers ran out of birdshot.

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One man was killed by the buckshot, which is about one-fourth inch in diameter, and others were wounded.

Houchins' statement was the first from the sheriff's office that buckshot had been used in the disturbances. He said law enforcement officers were dealing with a "full-blown riot."

Sheriff Frank Madigan said, "We either had to use shotguns or retreat and surrender the city to the mob."

The outbreak occurred after the university fenced in land it owned and which had been occupied by both students and nonstudents for a "people's park."

Madigan also said he would produce witnesses who would testify that James Rector, 25, of San Jose, who was fatally shot while on a rooftop, was hurling objects at officers.

In answer to charges that arrested demonstrators were mistreated at a county jail, he said: "We have young deputies back from Vietnam . . . and they think these people should be treated like Viet Cong."

But he said he had ordered an investigation of the charges.

Meanwhile, the Berkeley City Council Thursday night debated a proposed compromise for ending the two-week struggle over the "people's park."

UC Berkeley Chancellor Roger W. Heyns outlined the suggested compromise at a press conference Thursday afternoon. It calls for the university to lease nearly one-half of the property to the city at a nominal fee.

The city would then presumably allow continuation of "do it yourself" development of the park by residents of the Telegraph Ave. area.

The leasing arrangement would require approval by the UC Board of Regents.

Board of Regents Chairman DeWitt A. Higgs and several other regents met throughout the afternoon Thursday with Heyns, University President Charles J. Hitch, Berkeley Mayor Wallace Johnson and other university and city officials in an effort to reach a settlement in advance of a mass march today on the people's park.

The council listened to a lengthy succession of speakers, some of them warning against "appeasement" of demonstrators and others accusing Gov. Reagan, Heyns and law enforcement officers of repressing the urge of citizens to create something beautiful.

Leaders of the march, in which students from throughout California are expected to participate, emphasized Thursday that it will be well-monitored by its organizers to avoid violence.

Spokesmen for the organizers said the plan is to march to the park, located three blocks from the university campus, and ask authorities to remove the fence around the property. They said that if the fence is not removed, the crowd will form its own "fence" of human bodies around national guardsmen and police guarding the property.

The students voted 12,719 to 2,175 recently to endorse "continued use and development" of the property by citizens of Berkeley and students.

Heyns refused, however, to consider removing the 8-foot fence around the property at this time. He said this would be possible later when management, design and control of the proposed park have been worked out.

Preceding Thursday evening's lengthy deliberations by the council, Mayor Johnson reiterated his opposition to overcoming the crisis by city lease of the land. He called instead for the regents to hold a special meeting within the next two weeks to "recognize the validity of student demands for a user-participation" in developing the park.

[From the Los Angeles (Calif.) Times, May 30, 1969]

LAW ENFORCEMENT AT BERKELEY

Issue: How should authorities respond when faced with deliberate provocations, as in the so-called "people's park" situation?

The vicious battle over the so-called "people's park" in Berkeley has demonstrated again a fact of primary importance: the strength and danger of young radicals lies not in their number, which is relatively small, but in their ability to rally popular support by creating situations that arouse the sympathy and backing of moderates.

Overreaction by police and National Guardsmen on and off the Berkeley campus gave rise to the issue the revolutionaries had really sought. The indiscriminate use of buckshot and tear gas, which victimized the innocent more than those who were violating the law, represented a victory for the radicals in their continuing challenge to authority.

The Berkeley radicals, students and nonstudents alike, wanted a confrontation over the park. They wanted one because, in this instance as in others, their goal was not the achievement of a specific objective, but rather the creating of circumstances that hopefully would breed new revolutionary converts.

To this end they were prepared to—and did—escalate violence to any level that would suit their purpose.

This is something the authorities should have understood and been ready to meet, with a cool and measured response. Instead, they played into the hands of the revolutionaries by a use of repressive force beyond any order of magnitude required. As a result those whom the law was supposed to protect were given cause to distrust and fear the law.

The attempt to thwart the university from reclaiming its private property—the "people's park" area—was undeniably a challenge that had to be met. The land had been illegally occupied and, whatever else was done, converted into a nuisance to the surrounding community. Action was needed to reassert primary rights.

But past experience with the tactics and aims of the radicals should have made clear that such action would have to be most carefully considered and applied. This might have been the university's aim. The situation, however, rapidly went out of control. A riot ensued and, as always, the innocent were done the greatest harm.

A fight over the "people's park" probably was inevitable, given the radicals' deliberate efforts to provoke one. But certainly the authorities should have understood just what the militants were up to, and understanding that, been far more selective in the use of necessary force.

We must face up to the fact that dedicated radicals will continue to foment trouble whenever they can, on whatever pretext. We must also face the fact that authorities will have to be far more discriminating in their response than they have been, to avoid harming those who have done no wrong.

Failure in this area makes constituted authority the unwitting ally of violence-prone militants. When that happens, where does it leave the rest of society?

[From the Washington (D.C.) Post, May 29, 1969]

LATEST BERKELEY BATTLE CALLED CRUSHING LOSS FOR MODERATES

(By Joseph Kraft)

BERKELEY, CALIF.—"Welcome to Prague," says one of the signs protesting students have put up here on the campus of the University of California. And while the comparison with the Soviet rape of Czechoslovakia is far-fetched, the sign is not all black humor.

For the latest battle of Berkeley is an event far more grave than generally supposed, particularly back east where it has been grossly under-reported. What is happening here signifies a major intensification in the academic civil war and a crushing loss for the dwindling band of moderate men holding the narrowing strip of ground that is the middle.

The bare bones of the latest conflict are simple. A group of students and local hippies built a "Peoples' Park" on an unused piece of university land. University authorities, to assert their title, fenced off the plot and brought force to bear.

But the amount of force has been absolutely staggering. More than 2500 troops of the National Guard have been bivouacked on and around the campus. They have been carrying naked bayonets, manning machinegun emplacements, and moving around in heavy weapons-carriers.

Police from Alameda County, Oakland, and other Bay area forces have been brought up, tricked out in helmets and flak jackets. Photographs show them firing with pistols and with shotguns loaded with buckshot. One apparently innocent bystander has been killed.

About a thousand students have been arrested and roughly handled. At the Alameda County prison farm in Santa Rida, hundreds were held for several hours facedown on an asphalt pavement before even being booked, among them a reporter for the San Francisco Chronicle.

Helicopter surveillance of the campus has been constant, and because of the damage they might do to the choppers, kites, according to the students, are not allowed to be flown in Berkeley. In the most dramatic episode, heavy tear gas was released over the campus without warning and in a manner so indiscriminate that the gas enveloped the university hospital and a children's wading pool as well as the demonstrating students.

The application of so much force has brought the students together in almost unanimous opposition to the authorities. Last week 15,000 students—as against 10,000 in the best days of last year's Vietnam protests and about Speech Movement of 1964—called for withdrawal of troops and reopening of the park.

Included in that overwhelming majority is every campus organization from the rah-rah boosters to the left-wing hippies. Particularly bitter are the students who in the past have been deliberately moderate in their politics.

Charles Palmer, a senior going on to the Yale Law School and retiring head of the student government who spent most of the past year combatting left-wingers, is a good case in point. "I used to think it was stupid and offensive to call the cops Pigs," he said. "But for the rest of my life, when I see a blue uniform I'm going to feel bitter."

Perhaps saddest of all is the position of the responsible men supposed to run this university. Charles Hitch, president of the whole California university system, and Roger Heyns, chancellor here at Berkeley, are supreme examples of the new breed in college authorities. They are not so much academicians or fund-raisers as experienced and canny politicians, skilled in accommodating a wide range of conflicting interest groups.

Both men understand that coddling left-wingers and hippies could set in motion against the university a wave of right-wing, reaction. Accordingly, they have gone along with Gov. Ronald Reagan and his increasingly conservative Board of Regents in applying disciplinary sanctions to unruly students. In the past, through elaborate procedural maneuvers, Hitch and Heyns were able to isolate the troublemakers. And thus they held faculty support for disciplinary action.

Now the string has run out on that technique. Gov. Reagan and the Regents have the initiative. They, in effect, forced Hitch and Heyns to start the present confrontation by fencing off the park.

As a result, these sensible university authorities find themselves applying overwhelming force, not against a minority of dissidents trying to shut down the university as in the past, but against an overwhelming majority trying to keep open the park. Not surprisingly, the university authorities have,

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for the first time, lost the support of the faculty.

Maybe Hitch and Heyns can still come up with a compromise to avert the new and far more bloody violence that is now shaping up. But their position has been irreparably weakened.

They and all other responsible university officials need a far wider range of alternatives than are presently available. They should not have to surrender to radicals and hippies. But neither should they have to go along—or be willing to go along—with men who have as little sympathy for the life of the mind as the Governor of California.

READING OF NAMES OF AMERICAN DEAD IN VIETNAM ON CAPITOL STEPS

(Mr. BROWN of California asked and was given permission to address the House for 1 minute, and to include extraneous material.)

Mr. BROWN of California. Mr. Speaker, yesterday at 12 noon, I and two of my colleagues joined 12 members of a Quaker action group on the steps of the Capitol in reading the names of the honored American dead in Vietnam from the CONGRESSIONAL RECORD. On Memorial Day, I had the honor of paying similar tribute to these brave men at ceremonies conducted by the American Legion post of my hometown of Monterey Park, Calif.

There was a difference in the two events. In my hometown, before an American Legion honor guard and representatives of every civic organization, I spoke of the ideals these men died to preserve, and the responsibility of the citizens, and their elected representatives, to insure that no American soldier died in a cause that was not just, did not protect freedom, did not promote the welfare of the oppressed people of the earth.

On the steps of the Capitol, speaking only the names of the American dead, I was confronted with a platoon of armed policemen who ordered a halt to the reading of the names, and when this illegal order was not obeyed, arrested the 12 members of the Quaker action group and took them to jail. My request to be arrested with them was refused.

I love my country just as much in Washington, D.C., as I do in Monterey Park, Calif. I honor the American men who have died in Vietnam just as much in Washington, D.C. as I do in Monterey Park. I make the same demands for an immediate end of the war while at home in Monterey Park as I do in these Chambers or on the steps of the Capitol. And I will continue to do so.

But in Washington, D.C., there seems to be more fear that these dead, sent to die by the action or failure to act, of the Members of this body, will return to haunt our dreams.

If we sent these men to die in a mistaken cause, as I believe we did, their deaths will not be absolved by sending even more to die with them. Their deaths will be absolved by rectifying the errors of past policy, by confessing that we sinned, and by choosing the path of righteousness in the future.

I urge this course on my colleagues. I include herewith my own statement issued yesterday in connection with this event:

STATEMENT OF HON. GEORGE E. BROWN, JR., JUNE 4, 1969

I am joining A Quaker Action Group on the Capitol steps today because I share their concern, and I believe that they have an absolute Constitutional right to do what they are doing I have asked the Speaker of the House and the President of the Senate to instruct the Capitol Police not to interfere with the group's efforts to read the roll call of the Vietnam dead from the Congressional Record. I have advised the police that I feel the arrests are unwarranted.

I am in wholehearted agreement with the group's feeling that the Vietnam war is an unnecessary, illegal and immoral war that must be ended. It is a tragic error perpetuated by a stubborn and arrogant bureaucracy.

Over the past five years I have stated many times that I believe there is no chance of a military victory and the 35,000 names of these young Americans who had died bear irrefutable witness to the monstrous cost of this monumental mistake in our foreign policy.

The new Administration is not moving toward peace any faster than the previous Administration. The opportunity to admit past mistakes, with humility, is being lost and the perpetuation of old policies is rapidly making them the new policies, as well—which President Nixon's Administration will be forced to defend.

If we recognize, admit and move to rectify our past mistakes, it would follow that we would have no reason to illegally suppress the efforts of this group. Therefore, I cannot sit idly by and be a party to this suppression by ignoring the arrest and imprisonment of sincere, patriotic and concerned Americans whose only crime is to remind us of the hideous side of the war which we too often tend to forget.

NATIONAL TIMBER SUPPLY ACT OF 1969

(Mr. McMILLAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. McMILLAN. Mr. Speaker, 6 weeks ago, I introduced what I consider to be one of the most urgent measures before Congress—the National Timber Supply Act of 1969. Passage or failure of this measure will in large part determine whether we realize or fail in reaching the national housing goals of 26 million units over the next decade, as established by statute in the National Housing Act of 1968.

Rarely, in my 30 years in this distinguished body, have I seen an agriculture bill which has aroused more fervent and dedicated support among Congressmen representing urban constituencies. In the 6 weeks since I responded to the investigative housing hearings conducted by the gentleman from Texas (Mr. PATMAN) and his Banking and Currency Committee and introduced H.R. 10344 to put our national forests to work to meet the housing goals, 57 other members have cosponsored like legislation. These Members are from the North and the South, the East and the West, the Midwest, and from urban and rural communities alike. They represent both parties and all degrees of attitudes within the parties.

The reason for this cross section of earnest support is obvious. Congress is genuinely concerned with fulfilling its obligations to the people it is designed to serve. Among these obligations is our statutory commitment to meet the need of every American for a decent place to live.

COMMITTEE HEARINGS

The Forest Subcommittee of the Agriculture Committee held 3 days of hearings on H.R. 10034, the Timber Supply Act on May 21, 22, 23. Because so many of the sponsors and cosponsors of the act are members on the Banking and Currency Committee concerned with housing and because these and many other sponsors could not participate in the hearings due to their other obligations, I want to take this opportunity as chairman of the subcommittee to report publicly on my impressions of the hearings.

I think it extremely urgent to report on the many constructive suggestions, to help correct misinterpretations of the intent of this proposal.

I am sure that the many Members of Congress who have publicly expressed endorsement of the Timber Supply Act will be receiving mail expressing the concerns of people that have learned of the hearings. I want to make this report so that a maximum of interested Members and citizens will be fully informed.

I expect that the Forest Subcommittee will hold executive sessions to mark up the bill rather soon and I would like to be sure that there is a maximum of opportunity for accurate understanding of the risks in the alternatives.

It was clearly established in the Banking and Currency Committee hearings in March that the high cost and limited supply of softwood lumber and plywood, which are essential building materials, was the result of limited access to the more than 60 percent of the Nation's total softwood sawtimber which stands on the national forests administered by the Forest Service of the Department of Agriculture. It was further established that failure of these forests to produce their fair share of the Nation's logs to meet present and projected housing and other wood products requirements is due to inadequate funding of timber management and its related activities.

In this instance, correction, of an obstacle to achievement of national housing goals was the responsibility of the Subcommittee on Forests of the House Agriculture Committee. We have undertaken to fulfill this obligation in the most responsible and expeditious way we know how. The Nation requires 2.6 million housing units each year for 10 years. This requirement comes from population growth, from the formulation of new families, from the number of people in dilapidated housing, and from the displacement of families for highways, airports, and other public works. It will not diminish nor go away simply because we might decline to act promptly. To the contrary, delay in providing adequate supplies of raw material for the manufacture of lumber and plywood can only further intensify and prolong the discomfort—and I might add—discontent of our people who are ill-housed or not housed at all.

URGENCY OF HOUSING GOALS

There is no Member of this Body who does not recall the emphasis placed upon lack of housing as a source of civil unrest. People deserve the opportunity to acquire or to occupy a decent dwelling as a renter or even as a public charge. None of us, I trust, will argue with that fact of life.

Nor is this just an urban problem. As a percentage, of all dwellings, there is more substandard housing in rural than in urban communities. Poor housing in rural communities is a major reason for migration to the cities. The urgency of better housing must concern every part of the country.

I might say, therefore, that I was mightily concerned when the Secretary of Agriculture took the position that no legislation influencing the availability of lumber and plywood should be passed until after the President's task force on lumber and plywood price and availability had completed its findings. The earliest date for the completion of that report that I heard was late in the summer and I was also told it could not be prepared before October—5 months away.

Let it be known throughout this House that Republican members of my subcommittee and other Republican Members have contributed as much to the work on this critical legislation as have my Democratic colleagues. There has been unanimity that so far as within our powers we will correct the deficiencies which have plagued management of our national forest commercial timber and thus relieve the building product restraints, affecting accomplishment of our national housing goals.

Any administration must expect to act promptly to carry out a national goal as expressed by statute. I cannot think of any other areas where Congress and the American people are asked to wait 9 months until the administration decides how and whether to meet a national commitment.

Some of us have differed in small ways as to the language of the enabling legislation to put our national forest timber management on a businesslike basis. None of the Members with whom I have discussed the bill, or who have testified in hearings conducted the week before last, have expressed any doubts as to the necessity and wisdom of the concept we have designed to meet the housing goals in terms of timber availability to do the job. It is my considered opinion that we will have a bill reported out promptly and that it will reflect the views of both the Members of the House and and the organizations which testified before our subcommittee so skillfully and so knowledgeably.

NEED FOR NATIONAL FOREST TIMBER

Despite the Administration's preference for delay in the legislative process to accommodate the findings of the task force, I am happy to report that the Department of Agriculture and its principal witness, the Chief of the Forest Service agree with the concept of intensified management of commercial timberlands within the national forests.

They acknowledge the need for more houses, more wood products, and more timber from the national forests. They expressed, however, reservations about certain aspects of H.R. 10344 and submitted a substitute bill. I have examined the bill carefully as I have the testimony before the hearings and have come to the conclusion that the interests of housing for our people might best be served by the introduction of a new bill.

ADMINISTRATION SUGGESTIONS

The Department of Agriculture substitute bill made certain amendatory suggestions while, as I indicated, embracing the worthy purposes of the proposed act. They suggested amendments which would alter the original bill to first, provide that money from the proposed high timber yield fund would be applied nationwide for more efficient development and improved management of national forest commercial forest land; second, add timber management costs, including sales preparation and administration, as a purpose for which the fund may be used; third, we affirm and continue congressional policy emphasis on "multiple use" as the fundamental concept; and, fourth, make permanent the high timber yield fund.

The Department also suggested retitling the bill to "National Forest Timber Supply Act of 1969" since the measure applies only to national forests.

Supporters of the bill in its original form were the vast majority in the testimony heard by the subcommittee. Many Members of Congress either testified personally or submitted supporting statements. The committee is grateful to them all for the tremendous contribution they made to the legislative record since each reflected not only his personal concern for the total national well-being but a complete awareness of the benefits which would be derived either as a consequence of improved timber management or housing availability for his own constituency. These views have been given considerable weight in evaluating the hearings and will have a direct bearing upon the bill which finally emerges from the subcommittee.

While recording the overwhelming support of the bill from the majority of witnesses such as National Association of Home Builders, Home Manufacturers Association, Associated General Contractors, United Brotherhood of Carpenters and Joiners of America, Society of American Foresters, National American Wholesale Lumber Association, National Lumber and Building Material Dealers Association, and American Pulpwood Association, it is important to note the major contributions of two nontimber-related witnesses who also supported the measure.

TESTIMONY OF HOUSING EXPERTS

These were Nathaniel S. Keith, president of the National Housing Conference, and Commissioner Walter Washington of Washington, D.C. Mr. Keith testified that—

> Housing goals set for the next ten years should not be jeopardized because of insufficient management of our national timberlands.

Commissioner Walter A. Washington of the District of Columbia, who appeared as an authority on housing and as chief executive of a major American city with which Congress is intimately familiar, stated:

> I appear not as an expert on the problem of timber yield, but as the Chief Executive of a large urban center whose population desperately needs more housing. This is my urging to this Committee.

Commissioner Washington then ably detailed the residential construction requirements of the District of Columbia over the next 20 years, and indicated that we must not be concerned only with dwelling units to meet rising populations but with the replacement of units removed for other public works purposes. His testimony, based upon his personal experience in housing and in his evaluation of District of Columbia needs over a projected period was most constructive.

With his usual candor, Commissioner Washington interpolated in his prepared testimony:

> I know that there is no doubt but what, if every mayor of every large city had the opportunity, he would be here not only to certify but to speak as I am about the need for wood in relation to the need for added construction of housing.

He added, parenthetically:

> It is possible that many of our poor and needy families that may never be able to get to the scenic beauty of our great trees would be able, rather, to get the exposure by looking at cabinets and walls of wood in a decent home in a decent environment in the cities of America. It appears to me, Mr. Chairman, that this is part of our American dream, and it would seem to join one of our great natural resources with human resources to assure a healthy city and a healthy America.

I was deeply moved by the Commissioner's testimony, Mr. Speaker, because as chairman of the District Committee I am painfully aware of the inadequacy of housing availability in our Nation's Capital City. I was moved as well to know that an essential link exists between the needs of our teeming cities where people must live, and the great forests of our Nation where few people live but where science and technology can convert them to serve the needs of our city dwellers both for houses and for recreation.

National forests, Mr. Chairman, are a rare asset of this great Nation for they can serve so many masters and serve them well. As a renewable crop, forests properly fall within the purview of the Agriculture Committees of Congress; as a national resource to be managed in the interest of all the people they properly fall within the interest and responsibility of all Members of the Congress of the United States dedicated as we are to meeting the national needs. Our national forests afford a means to meet our housing obligations, both present and future. It is our obligation to make certain that they do. It is equally our obligation to make certain that their management will not, for one minute, deny to other citizens, already well housed, or to future generations, the opportunity to use our national forests for their own spiritual and recreational enjoyment.

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As anticipated, there are those who oppose certain aspects of the measure. Most significantly, however, no criticism merit to the objective or even the means to attain that objective. It related to anxieties for their own use of the national forests. Our subcommittee is determined to fulfill the basic objective for all the people and at the same time allay the fears of those who support the need for housing but do not want timber requirements to interfere with orderly management of other forest values.

TESTIMONY OF WILDLIFE AND RECREATION WITNESSES

It was heartening to me and to the subcommittee to hear learned testimony from dedicated wildlife, recreation and preservation enthusiasts endorsing the concept of intensified forest management on commercial timberlands in the national forests so that the Nation can fulfill its housing needs. This is positive citizenship of the highest order.

Mr. J. W. Penfold, conservation director of the Izaak Walton League of America, for instance, testified:

> The League for many years has called for an accelerated program for intensified management of national forest resources including the production of timber. . . . We would be happy to see the Congress enact a method of funding which would assure an on-going program, year in and year out, to bring National Forest production of all renewable resources up to full potential on a sustained yield basis.

He expressed concern, however, that the present measure singles out timber production among the several multiple uses of the national forests and thus might be detrimental to the other uses. The subcommittee offered reassurances on that score and indicated that the intent of the measure was to operate the national forests fully within the provisions of the Multiple Use and Sustained Yield Act of 1960, and the final bill would reaffirm that statutory obligation of the Forest Service.

Mr. Penfold also held that solution of the housing problem should not depend wholly upon increased yields from national forest timberlands but, he said:

> Intensified forest management should be applied to all commercial forest lands—Federal, State and private with particular attention to small private holdings which aggregate a substantial portion of our total forest acreage.

The subcommittee is not insensitive to this aspect of increasing national wood product production. It has examined the "Southen Forest Resource Analysis," a comprehensive study of all timberlands in the South with recommendations as to achieving maximum timber management on the nonindustrial private lands. The analysis, privately and cooperatively funded by responsible organizations at considerable expense, is wholly directed to the evolution of precisely the kind of timber management relationship among public and private owners which Mr. Penfold seeks. Legislation enabling Federal participation in this public-private program will undoubtedly be of future concern of the Forest Subcommittee of the House Agriculture Committee. But the current bill must properly concern itself only with the commercial timberlands on the national forests since they are the only ones under congressional management. We cannot wait upon others to do with their forests what we know should be done with public forests.

Further, Mr. Penfold expressed doubts about the allocations of funds from the high timber yield funds to the forest of origin, pointing out that this would deny funds to forests where neglect over the years has reduced .their yield. As I indicated earlier, the Department of Agriculture substitute bill suggests that flexibility should be provided for application of available dollars, irrespective of the forest that produced the dollars. I think the subcommittee sense is that this is not an unreasonable approach and several members so expressed themselves during the hearings.

Mr. Penfold also expressed some concern that assignment of timber sale receipts to the high timber yield fund would stimulate the Forest Service to harvest areas which might have higher value for other purposes than timber.

But section 7(1) states clearly that the proposed act is intended to apply only to areas which are classified by the Forest Service as commercial timberlands. Lands so designated are already susceptible to timber harvest and form the basis of existing harvesting rates. Passage of this legislation will not in any way alter the present statutory obligations imposed upon the Forest Service to consider multiple use and wilderness values in its timber management planning. No doubt, the subcommittee will want to further specify that intent by including specific language.

Mr. Penfold further tended to misinterpret, I believe, the intention of section 7 of the bill which might be termed the policy section instructing the Secretary of Agriculture in his responsibilities with respect to administration of the act. The section directs the Secretary to revise allowable annual harvesting rates in National Forests to take into account rotation ages that will produce the most efficient tree sizes at the expected time of harvest. Mr. Penfold and some others I fear, misread the directive referring to tree sizes "appropriate for conversion technology and anticipated market requirements" to mean that the Secretary would be obliged to anticipate future markets and adjust cutting rates to accommodate to them. This is not the intention. The bill stipulates that rotation ages for harvest are variable and that as improved methods of conversion and utilization are developed, it may be desirable to revise the plans in regard to age—size—at time of harvest to accommodate to that change.

It is necessary to explain that revision of allowable harvesting rates would continue to be at the discretion of the Secretary and could be downward as well as upward depending on the effectiveness of regenerative measures.

I am most sensitive, however, to the honest misunderstanding which could occur in the language of the bill and will submit new language to eliminate every possible ambiguity to overcome this difficulty of interpretation.

I have dwelt at some length on Mr. Penfold's concerns because, in sum, they have stated well the basis for opposition by some in this recreation community. The same general tenor was contained in the testimony of the National Wildlife Federation, the Wilderness Society, and the American Forestry Association. It would appear that these groups had given careful cooperative consideration to the bill and had generally agreed on the areas requiring clarification before they could endorse the bill.

I have earnestly considered their valid objections and have, where no violence is done to the basic purpose of providing greater timber yield through better forest management practices, accommodated to them in the revised bill I am about to introduce.

OPPOSITION WITNESSES

Both the Sierra Club and Citizens Committee on Natural Resources were wholly opposed to the bill in its present form. They suggest that pressures for production of timber would result in extensive overcutting on National Forests. The Sierra Club further expressed anxiety that the Forest Service would be obliged to harvest on lands now classified as commercial timberlands and would be constrained from reclassifying such lands as wilderness or primitive areas in the future. This is not the fact, as I have said, since the provisions of existing statutes with respect to management of the national forests would in no way be altered by this bill.

Dr. Edward C. Crafts, former Director of the Bureau of Outdoor Recreation of the Department of Interior, represented the Citizens Committee on Natural Resources and afforded the subcommittee the benefit of his long experience. His presentation was thoughtful and thorough. I believe, however, as in the case of other conservation witnesses and organizations he had read into the language of the proposed bill certain hazards to forest use which are not intended nor contemplated, nor provided for in the original bill.

While I have touched upon many of Dr. Crafts' arguments against the bill in my earlier remarks I think it might be beneficial to analyze his objections in detail since they were so well stated and represent the broad views of those concerned with recreation matters. I trust that my analysis of his statement is sound and that my response to his objections will win the support of his group.

Dr. Crafts stipulated five basic objections: First, he said:

> The bill ignores and appears to override the Multiple Use-Sustained Yield Act of 1960.

He argued that a special fund, for timber management only, places timber in a first priority position and objected to the phrase "optimum timber productivity" as implying a priority of timber use.

Comment: The question raised by Dr. Crafts, rather than relating to the Multiple Use-Sustained Yield Act of 1960, appears to be directed toward the effect of the bill on contests for land use priority. As I stated earlier, the bill makes absolutely no alteration in land-use priority relationships as to timber and other national forest uses. This priority was established in the Organic Act of 1897, and the Multiple Use and Sustained Yield Act of June 12, 1960. The current bill would establish policies and provide funds to improve yields on lands the Secretary or Congress determines are available for timber production. The determination of the lands thus available resides where it has always resided and is unchanged by the bill. Changes will be made through an entirely separate decision making prices wholly outside the province of this bill.

PRECEDENT OF LAND AND WATER CONSERVATION FUND

Dr. Crafts appeared to have made an unwarranted assumption that the act of establishing a special fund for timber management would therefore place timber in a first priority position. It was Dr. Crafts who basically originated and obtained passage of the Land and Water Conservation Act which established such a special fund for recreation, part of which is used by the Forest Service. I am sure that he would not have argued against the Land and Water Conservation Act on the grounds that such an act would place recreation in a priority position over other values.

While I totally differ with Dr. Crafts as to the impact of H.R. 10344 on multiple use priorities, I see no objection to specifying within the bill that the Multiple Use-Sustained Yield Act is in no way altered, and that the objective of "optimum timber productiivty" would apply to lands available for timber production subject to such constraints as may be determined by the Secretary of Agriculture.

Second. Dr. Crafts also took exception to the policy section, section 7 on the grounds that it "could be used against the Forest Service to pressure it to do things the bill intends even if the money is not appropriated." His thought is that Congress might not appropriate the moneys necessary to grow trees at rates the Department would be pressured to harvest.

Comment: While upward revision of allowable cuts beyond that supported by sound forest management is not intended in this bill, it is possible to conceive the situation as Dr. Crafts suggests. In corrective language, I have drafted an addition to the end of section 7 which will, I believe completely eliminate that eventuality.

Third. Dr. Crafts also raised the concern that—

> A special fund for timber purposes will make it harder to obtain regular appropriations for other purposes.

Comment: This bill was developed as a positive means to cope with critical lumber and plywood shortages in the face of national housing commitments over the next decade and, in view of population projections, beyond. It does not detract or borrow from any need or justification for other national forest activities. The suggestion that this provision to increase timber supplies will cause Appropriations Committees to curtail amounts which might otherwise be appropriated for other purposes is, I am certain, a misreading of the responsible approach which characterizes these Committees. I think it further underestimates the power of the recreation, wildlife and preservation lobby efforts.

Fourth, Dr. Crafts took issue with the provision which places money in the fund for only 2 years. He stated:

> This means the Forest Service will be under continuous pressure to make the cut as high as possible in order to have money in the Fund for appropriation.

Comment: This method of disposing of unappropriated funds was patterned after the Land and Water Conservation Fund Act and it originated there as an amendment to overcome objections to establishment of a special fund. To my knowledge no difficulties have arisen from it in the administration of that act. It was, frankly, adopted as a means to avoid unnecessary difficulties related to "earmarking." There is no valid reason to expect that this provision will put pressure on the Forest Service.

ALLOTMENT FORMULA

Fifth. Dr. Crafts criticized, as did some other groups as mentioned earlier, and members of the subcommittee as well, the allotment formula for the high timber yield fund. He asserted that it "would interfere with good forest management."

Comment: The provision that allocations from the fund will be made to national forest in amounts substantially proportionate to contributions to the fund from each forest during the preceding 2 fiscal years, as indicated, has been questioned by members, and the department as well as Dr. Crafts. The system in the bill which is criticized is a guide but the critics overlook the fact that a variance is also provided which allows complete discretion in allocation between forests so long as expenditures are in accordance with the purposes of increasing timber growth. A full discussion of why this procedure was specified is contained in Senator SPARKMAN's statement with respect to the bill printed in the CONGRESSIONAL RECORD of April 18. He stated the premise so clearly that I include the appropriate portion of his remarks at this point in my remarks:

EXCERPT FROM STATEMENT OF SENATOR SPARKMAN

> Section 6 of the bill specifies that allocations from the fund will be made by national forests in amounts substantially proportionate to contribution to the fund from each forest during the preceding two fiscal years. This provision will put 65 per cent of timber receipts back for expenditure on the forest where they were earned. (Twenty-five per cent of each forest's receipts are turned over to the counties in which the forest is located and ten per cent are available for forest roads and trails within the State in which the forest is located.)
>
> Timber receipts are the product of the volume of timber cut and its average unit price, subject to minor annual variations due to changes in the level of advance deposits maintained by timber purchasers. The provision for use of a two year average will iron out effects from fluctuations in advance deposit levels.
>
> Volume cut and its average unit price are guides to the areas with better rates of growth and better quality species. Hence timber receipts by forests are a simple and reliable index of opportunities and needs to increase timber yields.
>
> Other simple indices, such as commercial forest area or volume cut, would result in some diversion of funds from areas with better growth potential for preferred quality species to areas where unit timber values are low and where intensive management measures would result in less than average yield increases.
>
> The bill establishes allocations in proportion to receipts as a basic guideline, but recognizes that variations may be necessary in a few isolated cases to justify a larger proportion of funds going into a forest that has outstanding potential for increased yield. Thus, if the allocation by receipts formula should fail to meet the needs and opportunities on any forests, it can be modified without amending the basic act.
>
> There were 50 forests which had receipts of less than $100,000 in fiscal year 1967. Forty of these forests are in eastern Montana, the Rocky Mountain and Intermountain states, in southern Arizona and in New Mexico. All of these forests have a low proportion of commercial forest land and their commercial lands are relatively arid and of low productivity. The opportunities and needs for intensive timber management on these forests is roughly proportionate to the low level of receipts they have attained. In addition to this group of 40 forests there are ten other forests with less than $100,000 annual timber receipts. These are: a) the four southern and one east side Sierra forests in California where timber production is minor and incidental to watershed and recreation management; b) three acquired forests in Missouri, Illinois and Indiana-Ohio. Two of these have the two smallest areas of commercial forest land (except for etremely arid western forests) in the national forest system. The Missouri forest is made up primarily of acquired hard cut lands which because of low growth rates have been slow in recovery to full productivity; and the two forests in Alaska. The Chugach Forest is still close to marginal operability and has very limited opportunities for intensive management in the immediate future.
>
> The Tongass forest in Alaska is a special case because under the Tongass Timber Act of 1946, all timber receipts are deposits into a special fund to be held for disbursal until Indian claims on the Tongass forest are adjudicated. Hence there are no deposits from timber cutting into the national forest receipt fund. While the cut on this forest is now close to 500 million board feet annually, the opportunities and need for intensive management measures are neither large or pressing. It is probable that either a portion of the Tongass timber fund will be released to national forest receipts by special authorization or that the Indian claims will be adjudicated before it becomes urgent to have funds available for intensive management measures on this forest.

Mr. Speaker, it appears to me despite the perfectly adequate justification for this method that an acceptable compromise wording of this allotment formula should be included in the bill submitted for floor action.

Everyone agrees that the high timber yield fund moneys should be allotted where needs and opportunities for increasing timber growth are the greatest. I recognize the desire of the agency to have maximum discretion as to where to use this money but Congress knows that without guidelines it will be doubtful if its use will have highest effectiveness in meeting current timber supply problems. It is evident to the subcommittee and to the majority of foresters who testified that our first responsibility is to recently cut areas. That means prompt and full stocking if we are to have high timber yield, plus spacing control. Forest Service Chief Cliff wisely said:

> We would expect, as a matter of regular prudent expenditure of funds to complete work on highly productive sites before commencing work on sites of less productivity.

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I consider it necessary to include such wording in the act for the guidance of our Appropriation Committee, otherwise I fear the fund in future years there is danger that pressures unrelated to the Nation's wood needs could divert its use to other purposes. I am asking the department to supply the subcommittee with wording that will make clear that the fund will be: first, used only for increasing timber yields; second, used first on cut over areas for quick regeneration and spacing control; third, used on every national forest that sells timber; and, fourth, used on each national forest on the sites that will have the best cost benefit ratio from the standpoint of increasing timber yield.

Actually, the present wording would accomplish the above in my opinion. It has the unique virtue of guaranteeing funds for high yield forestry to each timber selling forest even though it may be less productive than another. Forests are not compelled to compete for funds on the basis of productivity. I don't think critics of the present wording realized its virtues. On the basis of the chief's testimony I have concluded there are no differences in objectives between the timber supply act sponsors and the Department of Agriculture.

Dr. Crafts did the subcommittee the courtesy of suggesting several constructive suggestions for other ways in which to meet the timber supply problem as it influences housing. While these proposals were generally well intentioned the record shows that they were considered in the Banking and Currency Committee hearings. The consensus was that this legislation is the best feasible means to overcome existing restraints on improved management of national forest commercial timber lands.

It is the purpose of this legislation with which I am directly concerned to accomplish this purpose.

REVISED BILL

Therefore, having had the benefit of superior testimony from a number of highly qualified and properly motivated members, private citizens, public officials and other interested parties, it is my intention to within the near future introduce a revised bill entitled "The National Forest Timber Supply Act of 1969." This measure reflects and responds to the many corrective suggestions made by the witnesses including the administration and by the subcommittee members. It adopts the department's new wording for the first five sections and for the title of section 6. It retains the wording of H.R. 10344 for sections 6 and 7 with changes that I have mentioned.

It will, with the concurrence of the subcommittee, be the bill subjected to intensive review and consideration in executive session. As its sponsor, I plan to introduce it within the next few days for myself and for those cosponsors of the original bills who wish to join me on the amended version.

GOVERNMENT ADMITS ILLEGAL WIRETAPPING

(Mr. MIKVA asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I was dismayed to read in this morning's Washington Post a story which indicates that during 1964 and 1965 the U.S. Government, through the instrumentality of the Federal Bureau of Investigation, was engaged in a deliberate, protracted, conscious course of conduct which it now admits was illegal—tapping the telephone of Dr. Martin Luther King, Jr. What are the citizens of this Nation to think—what is the rest of the world to think—when it is revealed that a winner of the Nobel Peace Prize, a leader of the nonviolent civil rights movement in America, who was respected by blacks and whites alike, a man who had become a symbol of hope and racial reconciliation for an entire nation, had his telephone tapped and his privacy invaded by the Nation's foremost law enforcement agency?

Of all the Orwellian possibilities which race through the mind, in light of these revelations, two observations seem particularly appropriate in light of the mood which seems to prevail in our Nation today. First, the King wiretapping revelations point out once again what civil libertarians have known for years—that there can be no such thing as "a little wiretapping." A little wiretapping is like a little pregnancy. It is then too late to start drawing lines and making nice distinctions. This incident, in short, should serve to point out to Congress once again how big a step was taken when the Omnibus Crime Control and Safe Streets Act, and particularly title III of that act, authorized law-enforcement wiretapping on a broad scale.

An anecdote may serve to illustrate how dangerous the single-minded dedication of confirmed wiretappers can be. It is reported that when Gestapo records from Berlin were captured after the fall of the Nazi capital, those records revealed that on the day Berlin fell, Gestapo agents were still tapping the telephones of German housewives and arresting them for antiregime statements. On the day Berlin fell. Truly such dedication to wiretapping qualifies those who participate in it as, in Justice Brandeis' words, "men of zeal, well-meaning but without understanding." In the face of disclosures such as that made yesterday, we can only question whether the men who authorize and participate in such activities really understand the far-reaching implications of what they are doing. There are societies where all social and political leaders must anticipate that their telephones will be tapped; but they are not free societies. America has never been such a society. But can we be certain, in light of yesterday's disclosures, that it is not becoming one.

A second point deserves to be made about the King wiretapping revelations. We have heard much talk recently of the need for law and order in America. Do these words not turn sour in our mouths when we hear that the Nation's chief law-enforcement agency, the agency which for years has been held up to citizens and other police departments as the shining example of integrity and law enforcement probity, has been guilty of activities which it is now admitted are illegal? It is difficult to talk of law and order to the citizens when the FBI engages in illegal wiretapping. It is difficult to talk of having confidence in one's Government when that Government is illegally invading the privacy of its citizens. It is difficult to ask the black people in America to keep faith with our country and its ability to solve their problems when that country subjects America's foremost black leader to the indignity of having his telephone tapped.

Mr. Speaker, one of the FBI operatives associated with the King wiretapping told the Washington Post that the Bureau "did not follow regular policy on this particular—King—surveillance." What are we to make of this disclosure? Does this mean that the Bureau undertakes wiretapping on its own authority? Does it mean that anyone the Director thinks is a troublemaker or a malcontent is subjected to surreptitious electronic surveillance? Director Hoover and Attorney General Mitchel need to reassure the citizens of this Nation. They should state categorically that no wiretapping is being carried on by the Federal Government except in conformity with existing Federal law. They should state publicly that all the judicial warrant procedures written into law last year are now being complied with in every respect.

Finally, Congress ought to review again the sweeping wiretapping authorizations which were enacted into law last year. These broad authorizations, which give the Attorney General virtual carte blanche in any case which is determined to affect "the security of the United States," will be the source of continuing distrust of the Government by citizens of this country. Until these vague and unduly broad authorizations are reduced in reach and scope, everyone who hears this or reads this has reason to fear an encroachment on their liberties. If Dr. King is the first revelation, there will be others, there will be more—unless we act to restrict the presently almost unlimited authority of the Attorney General to tap telephones upon no more than a belief that national security is involved. I hope soon to introduce for myself and such other Members of Congress as are interested a bill to reduce the scope of last year's broad wiretapping law. In the meantime, I ask my colleagues to contemplate the results of the King wiretapping relevations on our citizen's attitudes toward their police and their Government. Such thoughts cannot be reassuring.

The article referred to follows:

CLAY HEARING REVEALS FBI TAPPED KING

(By Nicholas C. Chriss)

HOUSTON, June 4.—A Federal District Court hearing today into an effort by Cassius Clay to overthrow a 1967 draft-evasion conviction turned into a startling disclosure of FBI eavesdropping methods and secret surveillance reports.

The summaries of four "top secret" and illegal FBI wiretapped conversations Clay had with the late Dr. Martin Luther King Jr. and various Black Muslim leaders in 1964 and 1965 were publicly revealed for the first time over Government objections.

It was also the first time it had been spelled out officially that the FBI actually had eavesdropped on Dr. King.

XUM

The revelation of the conversations, the times and places and the introduction of the documents as evidence were made in a six-hour hearing that also produced details on how active the investigative agency was in monitoring the telephone conversations of various Black Muslim leaders.

The former world heavyweight champ's attorneys contend that the wiretap evidence is relevant to the case because it might have been used to prejudice his attempt to declare himself a conscientious objector to the draft. The monitored conversations were not revealed by the Federal Government until the boxer's conviction had reached the U.S. Supreme Court, which ordered the hearing.

Federal lawyers contended the conversations took place in 1964 and 1965 and therefore could not have affected the 1967 draft-dodging conviction against Clay, nor the 1966 ruling exempting him from a conscientious objector status.

Clay's telephone apparently was not tapped in any of the four conversations, but the telephones of those persons who called him or received calls from him were monitored. His lawyers called Clay "the innocent third party."

John S. Martin, an attorney in the U.S. Solicitor General's office and a member of the prosecution team here, said the revelation of Dr. King's conversation was the first time it had been officially revealed that the civil rights leader had been under FBI electronic surveillance. Martin also acknowledged that the four FBI wiretaps were illegal and that the Government did not choose to contest the legality of them.

Most of the information about the FBI wiretapping and surveillance came as Clay's attorney, Charles Morgan Jr. of Atlanta, southern representative of the American Civil Liberties Union, pressed an FBI agent who had once been in charge of monitoring Dr. King's conversation in Atlanta.

Richard Nichols, now based in Valdosta, Ga., testified that the FBI "did not follow regular policy on this particular (King) surveillance." He did not elaborate.

Nichols said two "investigative clerks" recorded the conversations. Then, he said, they either pencilled notes on the contents of the tapes or logged a summary and then destroyed the tape. He said all the King-monitored tapes had been destroyed.

The contents of the four conversation summaries included talks with Dr. King, Elijah Muhammad, head of the Black Muslims; Herbert Muhammad, a Black Muslim and Clay's former fight manager; John Ali, Black Muslim national executive secretary, and Chauncey Eskridge, a Chicago attorney who represents Clay. Eskridge, at the time, also represented Dr. King.

Clay was convicted here June 21, 1967, of refusing induction into the U.S. Army. An all-white jury convicted him after deliberating 20 minutes. Judge Joe Ingraham then sentenced him to the maximum penalty—five years in prison and a $10,000 fine.

The most interesting of the four FBI-monitored conversations included a 45-minute telephone talk Clay had with Dr. King Sept. 4, 1964. The conversation was recorded in Atlanta and on the Miami end of the line were—alternately—Eskridge, Elijah Muhammad and Clay. Although the conversation lasted some 45 minutes, according to Eskridge who testified in the courtroom later, the summarized conversation consisted of little more than 12 lines.

The summary stated:

"Chauncey (Eskridge) to MLK (King), said he is in Miami with Cassius, MLK spoke to Cassius, they exchanged greetings, MLK wished him well on his recent marriage, C (Clay) invited MLK to be his guest at his next championship fight, MLK said he would like to attend. Cassius said that he is keeping up with MLK, that MLK his brother, and with him 100 per cent but can't take any chances, and that MLK should take care of himself, that MLK is known world wide and should watch out for them whities (*sic*), said that people in Nigeria, Egypt and Ghani (*sic*) asked about MLK."

Clay had been a guest and visited in the three African countries earlier in 1964.

Other secret conversation summaries introduced in the court took place on Oct. 22, 1964; March 24, 1964, and April 22, 1965.

MEANING OF THE LIFE OF DR. MARTIN LUTHER KING

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, on May 28 I addressed myself to the remarks made by my colleague from Louisiana which implied that the late Dr. Martin Luther King was an agent of the Communist conspiracy. At that time I strongly disputed those insinuations. In answer to my remarks, the distinguished Congressman from Louisiana inserted numerous articles in the CONGRESSIONAL RECORD supposedly proving King's Communist connections. For the most part, the insertions were hearsay, gossip, and allegations from dubious sources.

I do not dispute the fact that Communists have attempted to use the civil rights movement for their own purposes. The gross discrimination that has previously existed in this country is a breeding ground for discontent. Martin Luther King and his followers dedicated their lives to the removal of this discrimination, and the fight for equal justice under the law. The Communists seized upon this issue to foment destruction and violence. It is the Martin Luther Kings who have tried to keep the disgruntled minorities within the system and achieve progress within the concept of democracy and freedom. In this respect King was a leader in the fight against communism. Martin Luther King did not fight communism with empty words and spurious denunciations. He fought communism with action. Martin Luther King showed his people that progress and racial justice can be achieved within the American system. King rejected the foreign ideologies that would seek to destroy our country.

I now insert a number of commentaries by Members of this body on the meaning of the life of Dr. Martin Luther King, Jr.:

A statement by Hon. HENRY HELSTOLSKI, April 10, 1968;

A statement of Hon. DON EDWARDS, April 11, 1968;

A statement of Hon. WILLIAM D. HATHAWAY, April 11, 1968;

A statement by Hon. THOMAS P. O'NEILL, JR., April 10, 1968;

A statement by Hon. RALPH YARBOROUGH, April 11, 1968;

A statement by Hon. SEYMOUR HALPERN;

A statement by Hon. PHILLIP BURTON;

A statement by Hon. ROBERT N. NIX;

A statement by Hon. PATSY MINK;

A statement by Senator Gruening, April 10, 1968;

A statement by Senator Long of Missouri;

A statement by Senator JAVITS, April 10, 1968;

A statement by Hon. BERTRAM L. PODELL, April 9, 1968;

A statement by Hon. MELVIN PRICE;

A statement by Hon. WILLIAM D. FORD, April 9, 1968;

A statement by Hon. BEN REIFEL, April 8, 1968;

A statement by Hon. LIONEL VAN DEERLIN, April 9, 1968;

A statement by Hon. VANCE HARTKE, April 17, 1968;

A statement by Hon. WILLIAM S. MOORHEAD, April 8, 1968;

A statement by Hon. FRANK ANNUNZIO, April 9, 1968;

A statement by Hon. THADDEUS DULSKI, April 9, 1968;

A statement by Hon. HASTINGS KEITH, April 9, 1968;

A statement by Senator BROOKE;

A statement by Senator WILLIAMS, April 19, 1968; and

A statement by Senator PROXMIRE, April 19, 1968.

The material follows:

DR. MARTIN LUTHER KING, JR.

(By Hon. HENRY HELSTOSKI, of New Jersey, Apr. 10, 1968)

Mr. HELSTOSKI. Mr. Speaker, a span of 5 years is a very short time in the annals of history, yet in that short span we have seen two assassinations of two great leaders, each in his own field of endeavor. John F. Kennedy and Dr. Martin Luther King, Jr., were the unfortunate victims of what surely must have been a demented mind.

These senseless killings were both American tragedies, and devoid of any meaning. The murder of Dr. Martin Luther King, Jr., in Memphis, is an event of horror and shame to America and a shock to the world.

Martin Luther King dreamed of an America without racial prejudice where each man, woman, and child would be judged by their character and not by the color of their skin.

It is sad, indeed, that the death of Martin Luther King, Jr., a leader of nonviolence in the movement to obtain equality for his people, stirred up so much violent reaction in the cities of our country. If Dr. King could speak, he probably would continue to ask his people to stop this lawlessness and terror, and continue their efforts to obtain equality through peaceful and sensible means.

Many have fallen in the same cause as Dr. King. However, it is a great misfortune that this apostle of nonviolence and a winner of the Nobel Peace Prize, himself became a victim of a violent act which need not have happened.

Although Dr. King spoke of nonviolence, violence often attended his actions. And, at the last, he himself met a violent end.

A great man was taken away from us. This terrible tragedy has removed one of the most inspiring leaders that this country has produced.

STATEMENT OF THE CALIFORNIA FARMER-CONSUMER INFORMATION COMMITTEE HONORING THE MEMORY OF REV. MARTIN LUTHER KING, JR.

(By Hon. DON EDWARDS of California, April 11, 1968)

Mr. EDWARDS of California. Mr. Speaker, all of us feel the shame and despair from the terrible murder of Martin Luther King, a man who deeply and sincerely felt the peace and hope for justice to which we all aspire. His life was an inspiration to the socially concerned who have dedicated their efforts to making a decent world a reality and his death, a shocking stimulus to quickened action.

XUM

Such are the sentiments behind the statement I just received from the California Farmer-Consumer Information Committee on the death of Dr. King and I now place this statement in the CONGRESSIONAL RECORD at this point:

"STATEMENT OF THE CALIFORNIA FARMER-CONSUMER INFORMATION COMMITTEE HONORING THE MEMORY OF REV. MARTIN LUTHER KING, JR.

"CALIFORNIA FARMER-CONSUMER
"INFORMATION COMMITTEE,
"Santa Clara, Calif., April 6, 1968.

"Hon. LYNDON B. JOHNSON,
"President of the United States.
"Members of the U.S. Senate and House of Representatives:

"The California Farmer Consumer Information Committee, on the basis of policies which have guided us since our formation in February, 1941,

"Joins all dedicated groups in the United States and throughout the world in honoring the memory of the Rev. Martin Luther King, Jr., *Negro leader of the oppressed of all races.*

"Sacrificed to the unquenched and unrestrained forces of bigotry which betray real 'Americanism', Dr. King's assassination on April 4, 1968, places upon each of us new responsibilities to wipe out forever every form of racial discrimination, north and south, east and west, nationally and internationally.

"This is no time for recrimination nor partisanship. It is time for action: 'a time to lift our nation from the quicksand of racial injustice to the solid rock of brotherhood', as Dr. King stated in Washington, D.C., on August 28, 1963.

"A Nobel Prize Winner, Dr. King moved into the world arena in his quest for *an end to war*, as a means of settling international conflicts, as he stood for *an end to violence* to settle the burning grievances of unshackled slaves, still shackled legally and illegally in this nation their labor unstintingly helped to build.

"Legislation to assure a greater measure of civil rights for all minorities is now before the Congress. It must be vigorously supported and passed at once.

"As our Committee said in June 1944, quoting Justice Robert W. Kenny, then State Attorney General, when he addressed 65,000 San Franciscans on the occasion of the May 21, 1944 'I am an American Day':

" 'The Battle of Americanism is not completely won. It will never be completely won. It is a live thing. It grows. It improves. It wants the children to have a better and fuller life than the parents had.

" 'Like Liberty, Americanism can be had only at the cost of eternal vigilance . . .

" 'The strength of America depends upon conviction. The struggle for Americanism is one of education and example.

" 'The lash, the concentration camp, the book-burning orgies—implements of a Master Race, dare not meet the challenge of thinking men. . . .'

" 'Americanism' today *is at half mast*. During the past quarter century it has deteriorated to a new low.

"Only we, the people, can again raise its banner to its full potential.

"The time is now!

"In the name of the half million members of our Committee's affiliated farm, cooperative, labor, consumer, church, resources, professional and community organizations and individuals, rural and urban.

"Respectfully submitted,
"Mrs. GRACE MCDONALD,
"Executive Secretary."

The King Is Dead

(By Hon. WILLIAM D. HATHAWAY, of Maine, Apr. 11, 1968)

Mr. HATHAWAY. Mr. Speaker, in cities across the country, teams are in the streets to assess the material and physical damage left in the wake of civil disturbances spurred by the tragic death of Dr. Martin Luther King, Jr. In those same cities, teams of distressed, concerned citizens are attempting to make a different, a more difficult assessment—trying to determine the extent of the damages inflicted upon the civil rights movement by the violent death of their nonviolent leader and the violent repercussions.

On April 16, 1963, Martin Luther King wrote from his jail cell in Birmingham:

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly affects all indirectly."

Dr. King's words will echo for years as man searches for ways to express his philosophy of brotherhood. Dr. King's words of 1963 emphasize what we fully realize today—no one in the country escaped the sad, agonizing causes and effects of this senseless tragedy. The killing of Dr. Martin Luther King, Jr., has affected all our destinies. It has affected the destiny of the civil rights movement and the brotherhood for which Dr. King struggled. The shape of that destiny lies resting now—not without anxiety—in the hands and the hearts of all Americans.

Reasons failed humanity when Dr. King fell dead. In lieu of reason, emotion took hold and violence erupted. The sting of tragedy is gone but the solace of tragedy remains. The reality of the death of a great American leader is with us—and reason must return. In the aftermath of violence, in the aftermath of the lack of reason, Americans must pull together, come to grips with some grim realities. Americans must reason.

Prior to the death of Dr. Martin Luther King, Jr., there were no curfews in American cities—but all was not well in America. Citizens went normally about their daily lives—but all was not well in America.

On the day before his death, Dr. King was clinging to his efforts toward a nonviolent revolution to equality for American citizens. He faced a court injunction, a new generation of Negro leadership bent on violent revolution; he faced the possibility that the U.S. Congress would not write justice into the law of the land, he coped with the serious lack of funds for urgently needed domestic programs. Dr. Martin Luther King, Jr., 1 day prior to his death knew—all was not well in America.

But it was hope and not despair that King preached as he prophetically spoke of the top of the mountain, the promised land of harmony, peace, respect, and dignity for all Americans. One day following the death of Martin Luther King, agony echoed the truth he had known—that all was not well, indeed not well, in America.

Not long ago, we were reminded by a great American President of a Chinese proverb, "a journey of a thousand miles must begin with a single step." The Nation watched as that President, John F. Kennedy, joined by Martin Luther King, took those first steps toward the brotherhood of man. The Nation watched as John F. Kennedy and Martin Luther King fell from assassins' bullets. Both great Americans gave this country hope. Americans need not despair but cleave to that legacy of hope as we continue the journey.

Eight years ago—when the late President Kennedy took office, the journey looked long. Prior to the historic march on Washington led by Dr. King in 1963, the journey was long. Prior to the passage of the 1964 Civil Rights Act, the journey looked long. Prior to this week's passage of the fair housing law, the journey looked long. Now, we are on the way to the mountaintop.

When every man who wants to work can receive training and subsequent employment, when no man is refused a job because of color or faith, when every man has an equal chance to a share of this economy—then Americans will be closer to the mountaintop.

When we Americans have insured full educational opportunities to every child in this Nation, when we can point to as well as profess that education is the key to understanding—we will be closer to the mountaintop.

When this Nation of plenty has fed the hungry within its own boundaries, when the shame of starvation in the United States of America no longer dons our visage, then we will be nearer the top.

When Americans insist that no baby in this country will die of ratbite, that rats are not a laughing matter, that slums are not for living but for clearing, then we will have sight of the mountaintop.

When Americans say, "This has gone far enough, something must be done"—and you learn they are referring to the injustice of prejudice and not to the civil rights movement, then we will be on the threshold of the mountaintop.

When the conscience of America demands full funding for programs developed to erase the blight spreading as a result of our negligence, we will have stepped on the mountaintop.

When every American is proud of his manhood, when he enters a community without fear of disgrace or embarrassment, when he is described by his character, integrity, and personality, when Americans join hands and walk through open doors together—then we will be on the top of the mountain.

Out of respect for those who could see that mountaintop from a great distance, surely Americans will commit themselves to finish that long journey. Martin Luther King asked for a commitment which began with laws but which must end with love. If out of his dream and his death, we can salvage the understanding and love necessary to shape the destiny he envisioned for all Americans, then Martin Luther King shall not have died in vain.

A Man for All Seasons and All People

(By Hon. THOMAS P. O'NEILL, JR., of Massachusetts, April 10, 1968)

Mr. O'NEILL of Massachusetts. Mr. Speaker, the Reverend Dr. Martin Luther King, Jr., has been characterized in many ways. He was called a man of God, a man of peace, a man of love, and a man of right. He was all these things and more.

He had a vision of what America could and should be, and he devoted his life to make our Nation fulfill its own promise and its own heritage. His dream for America was a land where freedom, justice, and equality were not words or slogans, but fact, and a way of life.

He was among the most eloquent of men, for his words came from his loving soul and his brilliant mind. And he seemed to have grasped the truth that so often evades us.

His Eminence Richard Cardinal Cushing and the Honorable Kevin White, mayor of Boston, addressed 30,000 mourners on the Boston Common on Monday. They were there to find comfort and courage, and perhaps some of that faith that served Martin Luther King throughout his life.

Cardinal Cushing and Mayor White provided solace, but more importantly, they charged America with a task and a road to follow toward equal opportunity for all.

His Eminence said:

"Dr. King summons us now to a march that has no ending, to a dream from which there is no waking, to a task that will consume all of the hours of all our days."

Mayor White spoke to all of us when he said:

"Let us pledge ourselves in this holy hour, before God and our neighbor, that we will build a new world of dignity and justice, of hope and opportunity, from which no man will be excluded."

Mr. Speaker, I include the complete texts of these statements in the RECORD:

"[From the Boston (Mass.) Herald Traveler, Apr. 9, 1968]

"Address of Cardinal Cushing at Ceremonies on Common

"Our age may not seem to be an age of saints, but, it surely is an age of martyrs. God's mysterious Providence has now summoned from among us one more of our heroes, leaving the memory of a great soul who sought only the love of his own brother.

"Living men will not forget the rousing beauty of his voice, the courage that disdained all danger, the burning charism of his silent heart. We are bruised and saddened by a loss more profound than we can yet realize, we are bewildered by a cruel act of violence that has snatched from our midst a man of peace.

"We know that Dr. Martin Luther King was not afraid of death; he had faced its threat so many times, he knew its features well. He was a man of God, and so too a man of faith, for whom this world held promise of another where among the blessed he lives this day.

"From his faith came the grace and inspiration that gave meaning to his every action, that made bearable the long and lonely nights, the miles of marching, the days in prison cells, the heaped abuses of the law, and all the troubles of a people scorned.

"This faith in God gave wings to his words, summoned to his side strong Christian souls, rallied the conscience of millions, changed the laws of a land, and gave new meaning to human brotherhood.

"This was a faith that, literally, moved mountains, melting the accumulated prejudice of generations, and making the way straight for justice too long delayed.

"It is this faith in whose promise this afternoon Dr. Martin Luther King finds all his longings fulfilled, all his pains soothed, all his struggles resolved, as he rests eternally in the bosom of God.

"But this was another faith, similarly powerful and moving, which was part of the character of this gentle man of God. As he had an unquenchable faith in God, so too he had an unfailing faith in his fellow man. Like any great leader in human history, he summoned to himself kindred spirits, those who shared his ideals and aspirations, and who were willing also to share his anxieties and trials.

"Even those who watched from afar caught something of the confidence and trust he felt in man's ability to see the right to follow the star, to choose the better path. The 'non-violent way,' which he preached and practiced, saw no merit in forcing the human spirit; man could be brought to goodness by example and persuasion, and one day the righteous would overcome.

"Dr. King has left us a legacy that is rich beyond all counting, it is a new expression of the ancient faith that is summed up in the love of God and love of neighbor.

"Let us challenge what men call impossible, endure what seems unbearble, penetrate what appears to be impassable, and create in this very generation what has been man's dream since the dawn of time. It will not be Camelot, it will not be Utopia; it will be real, and it will be ours.

"We have trifled too long, all of us, with words and admonitions; we have done so little when so much was required. In this dark hour, with our whole nation in mourning, we must judge ourselves, and take the measure of our failings. We were all in Memphis, one way or another, on Thursday night and the violence and death there must touch the conscience of every citizen.

"Nothing that we can do will bring back the life that was lost, but what we can do will assure that it was not spent in vain.

"Dr. King summons us now to a march that has no ending, to a dream from which there is no waking, to a task that will consume all of the hours of all our days,

"Let us go forward together, with God's grace, and conscious of his judgment upon us."

"TEXT OF WHITE'S STATEMENT

"We have come together today to honor the life and work and prophecy of the Rev. Martin Luther King Jr.

"The Boston Common is an appropriate place for our purpose. It is deeply involved in the history of freedom.

"Thousands of memorials like this are taking place—today, tomorrow and yesterday—throughout the nation, indeed throughout the world. Millions of words are being said and sung in tribute and in sorrow—and in the hope that words can somehow make us whole again and better than we were before.

"Words can do some of this. They can give us instruction and insight, faith and hope and charity. But they cannot give us all of what we so desperately need to make Dr. King's dream of equality and freedom come true in this city.

"That will take work and patience and understanding. That will take dedication and personal sacrifice.

"Perhaps the most important work of all is commitment. The right things are being said publicly and privately, personally, and in gatherings like these. But the right things must be done, and that will take commitment of the highest order. What must be done cannot be accomplished in a day or two, a month or two, even a year or two. Good works cannot come as immediate and miraculous acts of will. They must come through the long, hard processes of man and his government on earth.

"There is no excuse for delay. There will be days ahead when, weary of the stress and bitter with the struggle, shrill voices will grow prominent again, preaching hate and revenge—attempt once again to kill Dr. King's dream of love and redemption.

"Then as now, we, black and white alike, must ignore those voices. We must keep to our tasks. We must do our work.

"Tomorrow the right thing must be done.

"It is to this work that I pledge this city and our generation in it.

"But he also left us a dream. And now we must make that dream come true. Bought in his own blood, paid for with his own life, it can no longer be denied. Let us pledge ourselves in this holy hour, before God and our neighbor, that we will build a new world of dignity and justice, of hope and opportunity, from which no man will be excluded."

Tribute to Dr. Martin Luther King, Jr.

(By Senator Ralph Yarborough, of Texas)

Mr. Yarborough. Mr. President, when any man dies, all mankind is diminished, but that is especially true of the death of Dr. Martin Luther King, Jr.

The conduct of his life gave an added dignity to this Nation, because he so trusted our maturity and justice that he chose to strive for change through non-violent means. Violence cannot end an injustice; it can only bring scars and harden injustices. Nonviolence not only brings justice to those who patiently endure; it ennobles all those involved in the effort. Dr. King paid our Nation a great compliment by expecting the best of us.

Our people sincerely feel the loss of this American, and tributes have been and are being paid across the land. The flags in my home state, considered by most to be a Southern State, flew in half-mast in unprecedented tribute to a civil rights leader. I have asked the Postmaster General to order issuance of a stamp which would symbolize the fact that Dr. King now occupies the status that has been reserved for our Presidents and philosophers, military leaders, and artists, writers, explorers, and scientists.

Mr. President, on Thursday, April 9, I was in the Ebenezer Baptist Church at Atlanta, Ga., at the funeral services for Dr. Martin Luther King, Jr. It was my privilege to march in the funeral procession from the Ebenezer Baptist Church to Morehouse College in Atlanta, Ga., and there to be a witness to the great outpouring of humanity which paid tribute to Dr. Martin Luther King, Jr.

Though I have been in many cavalcades of Presidents, in great campaigns with hundreds of thousands present, the throng that gathered to pay last respects to Martin Luther King was larger than any other throng that I have ever seen at any other place in my life.

The occupant of the chair [Mr. Muskie] was there and was a living witness as we marched the 4½ miles side by side from Ebenezer Church to Morehouse College, over the rolling hills of the beautiful city of Atlanta. From the top of the hill one could look back at the successive waves of humanity rolling down valleys and up hills, from sidewalk to sidewalk, in a massive movement such as I have never before witnessed, though I have witnessed vast throngs of people and movements of history in America and overseas.

I think any account I have seen of the number of people present wholly underestimates, by hundreds of thousands, the number of people participating, and the many hundreds of thousands who stood on the sidewalks but did not actually engage in the march.

Dr. Martin Luther King died at the age of 39, but before he was 35 he had already written the classic "Letter From the Birmingham Jail" which ranks with Thoreau's and Mahatma Gandhi's expositions on the dignity of nonviolence, of civil disobedience in opposition to discrimination or wrongs to a portion of the population.

Dr. Martin Luther King's beautiful oration, "I Had a Dream," given at the freedom march in Washington in August of 1963 from the steps of the Lincoln Memorial, will rank with the alltime great orations in American history. This oration and this classic essay on the right of man to protest an injustice in the law itself, his winning of the Nobel Prize, all mark him as an American whose reputation will live through the ages.

The civil disobedience expounded by Dr. Martin Luther King did not preach or create anarchy. It is not born of a disrespect for law or a belief that any man is above the law. Dr. King felt that when a law was unjust, one could show his respect for the legal process by disobeying that law in a nonviolent way and then willingly accepting the penalty of that infraction to demonstrate the injustice. He worked within our system of laws. He carefully tried not to injure anyone. And he did not claim he was above the law by refusing to abide by its penalty.

Those who do not understand this concept of justice do not understand the bases of the nonviolence protest. Dr. King once wrote:

"I have almost reached the regrettable conclusion that the Negroes' great stumbling block in his stride toward freedom is not the White Citizen's Council or the Ku Klux Klanmen, but the white moderate, who is more devoted to order than to justice."

At this time of civil disorder, some argue we must delay any further actions until order is completely restored. But continuing delays are what have caused the disorders. Justice delayed becomes justice denied.

Civil disorders cannot be tolerated. Neither can we tolerate indifference to the racial problems that threaten our future as a nation. After the Birmingham march, Dr. King said that the ultimate tragedy was not the brutality of the bad people, but the silence of the good people. We will compound the tragedy of this recent assassination if we do not attack complacency and silence with the truth. As John F. Kennedy put it in 1963:

"We are confronted primarily with a moral issue. It is as old as the Scriptures and is as

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clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities. Those who do nothing are inviting shame as well as violence."

It is time for us to do something—not just by passing legislation on such matters as open housing which is long overdue, but by recognizing the right of every child to an education, and the right of every man to a job.

The finest brief sketch of Martin Luther King, Jr.'s life that I have read was published in this week's National Observer. I ask unanimous consent to have printed in the RECORD the sketch of the life of the late Dr. Martin Luther King, Jr., entitled "My Man, Be Sure To Sing 'Precious Lord' Tonight, and Sing It Well," ably written by Jerrold K. Footlick, and published in the National Observer for Monday, April 8, 1968.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

" 'MY MAN. BE SURE TO SING "PRECIOUS LORD" TONIGHT AND SING IT WELL'

"One spring day in 1965, the Rev. Martin Luther King, Jr., led his group of marchers into the Negro quarter of Montgomery, Ala. He turned a corner to stride down a dirt street past decrepit little shacks. Old women stood on their tiny porches or in their grassless yards, sort of half-smiling, half-crying, holding their hands in front of them, prayer-fashion, clapping like little children. For the first time in their lives, perhaps, they knew pride. And ecstasy shone on their faces.

"No one could have shaken these people from their certain belief that a prophet walked among them.

"A prophet is what Dr. King was often called. Sometimes it was by his friends, who expected to follow him to the promised land. Sometimes it was by his enemies, who mocked his grandiose dreams of a better society and his methods for reaching it.

"Dr. King believed he was a prophet. And it may be true. For he fulfilled the criteria. In the Old Testament sense, he was a man driven by an inner fire, the conscience of his people. He railed against injustice. He held out hope of a better life. He trusted in God to bring this about. He preached that this would happen through love, not hate; through witness, not violence.

"And like other prophets, he was derided for fomenting the evils—violence, for example—that he preached against. Like other prophets, he was not an organizer; his campaign often depended on his mystical presence and faded to nothingness without him. He failed in specific projects as often as he succeeded. He aroused hatred in many.

"Finally, like other prophets, he died a martyr, almost predictably so, when he was felled by a single bullet on April 4, in Memphis, Tenn. He died within an hour.

"Dr. King had won the Nobel Peace Prize and he died while preparing to lead a protest march on behalf of garbage collectors. He already had led one such march and it had degenerated into violence. He was ready to lead another, despite threats to his life and a court prohibition, although nonviolence and law and order were what he preached.

"He looked to a Higher Law. So, probably, did the man who shot him.

"The immediate reaction to Dr. King's death, besides that of shock and horror 'among all Americans of good will,' as President Johnson put it, was violence in some places. In scores of cities, looting, arson, and rioting took place.

"It is a measure of Dr. King's impact on the nation and of our times that the nation was not merely shocked but frightened. It was shocked at the senselessness of it all, at one more illustration of the hatred that seems to lie so near the surface of American society. It was frightened by the reaction, the possibility that his death could set off new violence by Negro militants.

"Here was a hand-delivered weapon for the vicious among them. 'Get the gun, baby,' they chanted. 'King said, "turn the other cheek," and look what it got him.'

"But the Rev. Walter Fauntroy, Dr. King's chief aide in Washington, D.C., and the vice chairman of his city's Council, pleaded with tears in his eyes: 'To use this as an excuse for violence is to dishonor the memory of Dr. King.'

"Not that Dr. King was a stranger to violence. He was arrested dozens of times and spent weeks in various Southern jails. His home in Montgomery had been bombed; a motel in which he was staying in Birmingham had been bombed; he had been stabbed by a Negro woman in a New York department store; he had been struck by a hurled rock in Chicago. And he had seen his followers bitten by police dogs, belted by clubs, drubbed by streams from fire hoses, and pummeled by fists.

"To the cries that violence must be met by violence, he shouted, by firelight, in Yazoo City, Miss.: 'I'm tired of shooting. I'm tired of clubs. I'm tired of killing. I'm tired of war. And I'm not going to use violence, no matter who says so.'

"To the fears for his own safety, he said, in Memphis, with 24 hours to live:

" 'I don't know what will happen now. We have got difficult times ahead, but it doesn't matter with me because I've been to the mountain top. Like anyone else I would like to live a long life. But I'm not concerned with that.

" 'I just want do God's will, and He has allowed me to go up the mountain. I see the promised land. I may not get there with you, but I want you to know tonight that we as a people will get to the promised land. I am happy tonight that I am not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.'

"Those words were spoken by a minister who was the son of a minister and a school teacher, born to relatively comfortable circumstances in Atlanta on Jan. 15, 1929. Skipping three grades, he completed high school at 15 and was graduated from Morehouse College in Atlanta at 19. At Crozer Theological Seminary in Chester, Pa., he was valedictorian of his class and earned his bachelor of divinity degree at 22. At Boston University's Methodist seminary, the nation's largest he earned his Ph.D. at 26. There were always those who smirked at the 'Dr.,' unaware of his brilliant academic record.

"While in Boston, he met Coretta Scott, who had grown up near Selma, Ala., and who was studying for a concert career at the New England Conservatory of Music. They were married in 1953; they had four children, the oldest now 12, the youngest 3.

"Upon graduation, Dr. King was offered three college teaching positions and three pastorates. He accepted a call to the Dexter Avenue Baptist Church, on the main street of Montgomery, Ala., two blocks from the state Capitol where the Confederacy was born. The man who first befriended him there was another Negro Baptist minister, the Rev. Ralph Abernathy. He became Dr. King's closest friend and chief adviser, and has now succeeded him as president of the Southern Christian Leadership Conference.

"Dr. King's pastorate was uneventful until Dec. 1, 1955, when a Negro seamstress named Rosa Parks refused to give up her seat to a white man on a Montgomery bus. ('I don't know why,' she said later. 'I was just tired.') Dr. King called a mass meeting of the complacent Montgomery Negroes. He told them:

" 'If you will protest courageously, and yet with dignity and Christian love, when the history books are written in future generations, the historians will have to pause and say, "There lived a great people—a black people—who injected new meaning and dignity into the veins of civilization." This is our challenge and our overwhelming responsibility.'

"The boycott was called for one day; one day led to another, and it was met by stubborn refusal to compromise, with arrests, firings, and bombings. It ended 382 days later with the U.S. Supreme Court declaring this kind of racial segregation unconstitutional.

"No Negro boycott had ever been so successful, and Dr. King became a national figure. He spoke around the country, all the while searching for some new approach to his cause, without success. He made a pilgrimage to India to visit the grave of his hero, Mahatma Gandhi, the apostle of nonviolence and the victim of an assassin.

"In 1962, he chose as a desegregation target the city of Albany, Ga. His campaign lasted a year; hundreds, including Dr. King, were arrested, but the authorities keep cool, and Dr. King retired with no trace of achievement.

"The contrast with Montgomery was clear. And the pattern in Dr. King's career was outlined, never to change where whites resisted blindly and violently, he succeeded. Where they maintained order without violence or offered a modicum of co-operation, he failed.

"The lesson was not absorbed by Eugene 'Bull' Connor, police commissioner of Birmingham, Ala. His answer to a King demonstration in the spring of 1963 was police dogs, cattle prods, and fire hoses; others unknown bombed a church, killing four Negro children in Sunday school. The nation's answer to Connor and the others was the Civil Rights Act of 1964.

"Between those two events, Dr. King's stature as a spokesman against injustice was sealed in history. On Aug. 28, 1963, the March on Washington drew 200,000 people from all over the nation, 60,000 of them white, who blanketed the Mall from the Lincoln Memorial to the Washington Monument. They, and millions more watching on television, were electrified with his phrase, 'I have a dream,' which is sure to live in Americana. Then he offered another phrase, 'Let freedom ring,' and closed his oration:

" 'And when that happens, and when we allow freedom to ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

" 'Free at last, free at last. Thank God Almighty, we're free at last.'

"The next year, already an international symbol, Dr. King was awarded the Nobel Prize in recognition of his nonviolent efforts to secure human rights. He was the third Negro, the twelfth American, and the youngest man ever so honored.

"Not long afterward, Dr. King moved to Selma, Ala., to begin a voting-rights campaign. Here for the first time—and still far beyond what anyone could expect—divisiveness permeated the Negro movement.

"Already in Selma was the Student Non-Violent Coordinating Committee (Snick) organized by young people in 1961 as an outgrowth of the sit-in movement and with the blessing of Dr. King, who felt that Negro students should take a more active role in civil rights. Snick had struggled for months in Selma with little success. Dr. King's entrance drew national support and considerable money; the militant Snick leaders, James Forman and Stokely Carmichael among them didn't like it. Dr. King spent as much time negotiating with them as he did with white authorities.

"But again Dr. King's success was assured by white authorities. Dallas County Sheriff Jim Clark made hundreds of arrests in two months, and when a protest march was first attempted toward the capital, Alabama state police checked it with flailing clubs, tear gas, and trampling horses.

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"That inspired the historic march from Selma to Montgomery. Thousands of whites and Negroes, many of them prominent Americans, flocked from around the nation to join. Fifty miles in four days, it culminated in the gigantic parade up Dexter Avenue, past the church of Dr. King's first pastorate, to the Capitol. And he shouted again and again, a new phrase: 'We are on the move now.'

"Selma produced the Voting Rights Act of 1965.

"Never again was Martin Luther King to know such a triumph. He was, indisputably, a national leader. But there were no more such victories.

"Dr. King moved his efforts to Chicago in 1965 and 1966. But he discovered, 'Religion does not exercise the same restraining influence in the Northern ghettos as it does in the South.' And in Chicago he was faced with the savvy of Mayor Richard Daley. Every program, from job training to low-income housing, that Dr. King proposed, Chicago already had or suggested it could develop. The campaign died with a whimper.

"In these days, too, the civil-rights movement, if such it still was, took on a new, uglier tone. The ghettos of New York City, Rochester, and Philadelphia exploded in 1964, and in 1965 the Watts section of Los Angeles was in flames.

"The young militants were listening to the different drummers. Dr. King came to Rochester to preach about Jesus, and a young voice at the rear yelled, 'What is this Jesus crap?' He went to Watts to calm the community and they laughed at him.

"In 1966 James Meredith was shot on the second day of his Freedom March through Mississippi, and Dr. King arrived to take over. But his presence was all but forgotten when a handsome young Jamaican named Carmichael stood in the eerie light of a Grenada bonfire and screamed, over and over and over again: 'Black power! Black power!' Here was an addition to the lexicon that Dr. King could not eradicate.

"Dr. King and other Negro leaders of his persuasion openly disavowed the calls to violence, but they were aware that their diminishing influence could be wiped out if they spoke too harshly. Not only was this a dilemma that endured to his death, but the very fact of his death added fuel to the militant fires.

"What is often overlooked is that this man, Martin Luther King, civil-rights leader and Nobel Peace Prize winner, was also a learned and devout Christian minister. Out of his studies of Christian doctrine emerged many of the principles that guided him in the civil-rights movement.

"It has been said that Dr. King perverted the Christian message for his own purposes. It has been said, too, that he captured the very essence of the teachings. He always insisted that his actions were based on Christian convictions.

" 'The essence of the Christian gospel is love,' he once told Lee Dirks, a news editor of The National Observer. And that word, love, flowed freely in his conversations. For him the traditional issues of theology—sin and salvation, the divinity of Christ, His virgin birth, His bodily resurrection—were peripheral. Love was central.

"By love, Dr. King meant neither romantic love nor love for friends, but good will and understanding for all men. The Greek New Testament, he once noted, uses three words for love: *eros*, romantic or esthetic love; *phila*, affection between friends; and *agape*, a redeeming good will that 'cleanses' both the person who is loved and the one who loves.

"*Agape* is the highest form of love, Dr. King maintained. 'It's completely unselfish; it seeks nothing in return.' To illustrate, Dr. King would cite the experience of Christ on the cross. 'Father, forgive them, for they know not what they do.' This was real redemptive love, Dr. King would explain. 'Here was a symbol of crime, the cross. Yet redemptive love transformed it into a symbol of salvation.'

"Dr. King shied from some other beliefs of the fundamentalist Baptist tradition in which he was reared. He rejected, for example, the idea that men are innately sinners. He insisted that men have potentialities for both bad and good.

"Many of Dr. King's religious ideas were not original. He wasn't a creative theologian but a clergyman, not an originator of ideas but a messenger of them.

"Dr. King conceded that the ideal of Christian love might never be completely fulfilled. 'Men have a tragic inclination to yield to selfish impulses,' he said. 'But one always has the capacity to strive for love. It remains the regulating ideal.'

"He took this ideal from Christ's words on love. 'This is my commandment,' John reports Christ as saying. 'That ye love one another, as I have loved you.' Luke quotes Jesus: 'Love your enemies, do good to them which hate you.' In Matthew's account of the Sermon on the Mount, Jesus tells His disciples: 'Resist not evil: But whosoever shall smite thee on thy right cheek, turn to him the other also.'

"These words Dr. King took quite literally. In doing so, he made what many clergymen consider a singular contribution to modern religious thought. Using the words of Christ and the example of Gandhi, he was the first to really articulate the concept of nonviolent resistance for Christianity in America.

"With such convictions, it was not surprising last year that Dr. King voiced strong opposition to the Vietnam War. What was surprising, even to his colleagues and friends, was the vehemence of his criticism. In unfriendly circles, it was suggested that Dr. King latched onto the Vietnam issue to steal the thunder from the fast-rising advocates of black power in the civil-rights movement. But his colleagues, rejecting the notion of opportunism, had their own worries. They feared that Dr. King's activity on the Vietnam issue would divert his attention from the main cause and that it would alienate many friends of the civil-rights movement, which it did.

"Dr. King's most recent efforts were directed toward his projected Poor People's March on Washington this spring. He planned to bring thousands to the capital, where they would live in a shantytown and would remain indefinitely to lobby in Congress for job help, better low-cost housing, open-housing legislation, and improved welfare plans.

"Whatever the burdens on his time, however, Martin Luther King was not too busy to answer a call from desperate friends in Memphis, who feared that without a gentle word the bitterness engendered by the long garbage strike would erupt into violence. In preparation for his next march, as was his style, Dr. King planned a rally for last Thursday evening to inspire his followers. As he prepared to go to dinner, he stepped onto the balcony of his motel for fresh air. He turned to his music director:

" 'My man be sure to sing *Precious Lord* tonight and sing it well.'

"They were his last words; seconds later a bullet crashed into his neck.

"This is the hymn the Rev. Martin Luther King, Jr., who was 39 years old, who wanted to live but who feared no man, would have heard:

" 'Precious Lord, take my hand, Lead me on, help me stand;
I am tired, I am weak, I am worn;
Through the storm, through the night, Lead me on to the light;
Take my hand, precious Lord, lead me home.
When my way grows drear, precious Lord, linger near;
When my life is almost gone;
Hear my cry, hear my call, Hold my hand lest I fall;
Take my hand, precious Lord, lead me home.

" '—JERROLD K. FOOTLICK.' "

A TRIBUTE TO DR. MARTIN LUTHER KING, JR.

(By Hon. SEYMOUR HALPERN, of New York)

Mr. HALPERN. Mr. Speaker, during the past few days, from one end of this earth to the other, Dr. Martin Luther King has been memorialized in a manner befitting the life he led and the cause for which he strove. The senseless act of murder that stilled his voice cannot kill his words nor dim his dream.

Applying his symbolic philosophy of nonviolence to attain goals of equal justice for all, Martin Luther King was a champion of justice, a revered leader whose vision and indomitable spirit gave profound meaning to the cause of human rights.

From the moment he first led the Montgomery bus boycott in 1956—through the Albany, Ga., demonstrations, the renowned 1964 March on Washington, the march from Selma to Montgomery, the jail terms in Birmingham and Albany—through all this Dr. King counseled peace and justice—and in so doing served not only the cause of equality but the American cause as well.

Out of the intensity of Dr. King's crusade sprang the civil rights bill of 1957, 1960, 1964, and 1965, proclaiming the equality of opportunity as it affected voting rights, public accommodations, employment, and education.

In tribute to his work for justice, coupled with his appeals for peace, in 1964 Dr. King was awarded the Nobel Peace Prize. The tribute was well deserved, for if ever a man had fought for reform, in defiance of those favoring oppression on the one hand, and those favoring revolution on the other, it was Dr. Martin Luther King.

It is ironic, tragically ironic, that the memory of a man who lived and died dedicated to achieving reform by nonviolent means, should be used as a mask for the violence that has swept the country these past 6 days. Let those who have defiled and who would defile the greatness of Dr. King, know that they act in their own name and not in his.

Yesterday, I was among those who journeyed to Atlanta to pay our last respects to Dr. King. It was one of the most moving experiences of my life, one I shall never forget. From every walk of life, every color, every religion, came people to do homage as much to a single principle as to the man who so eloquently gave voice to it—the principle of justice.

Let it be our hope that true brotherhood among all men will be the most lasting memorial to Martin Luther King.

TRIBUTE TO DR. MARTIN LUTHER KING, JR.

(By Hon. PHILLIP BURTON of California)

Mr. BURTON of California. Mr. Speaker, I, too, would like to add my word of commendation to our distinguished colleague, my friend, the gentleman from Michigan (Mr. CONYERS). His efforts made it possible for the congressional delegation, some 70 or so members, to attend the most moving and impressive services for Dr. King in Atlanta yesterday.

I was happy to join with him and my colleagues in this personal expression of sympathy to Dr. King's family and of respect for all that this heroic man stood.

Dr. Martin Luther King, Jr., a man of peace, a man of God, a leader of his people and of this Nation is dead. He was taken from among us cruelly and stealthily by an assassin's bullet. Yesterday, I was in Atlanta, Ga., where he was laid to rest "free at last."

Our Nation mourns him but we do not despair because his words of hope still ring in our ears.

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Our Nation is touched again by tragedy and loss but his courage binds us together and leads us on.

Our Nation's sight is blurred with tears and sorrow but his vision is clearly before us, summoning us to the cause for which he gave his life.

Our Nation is sleepless in its grief and shame because his dream is still to be accomplished.

Martin Luther King spoke of that dream on the steps of the Lincoln Memorial in 1963. His words rang out then and the echo of those words can be heard even now.

"Let us not wallow in the valley of despair.

"I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident that all men are created equal.'"

Martin Luther King would not have us mourn, "as those who have no hope." He would have us carry on the quest for peace, for human dignity, the quest to fulfill his dream. The first step toward fulfillment of that dream must come now with the speedy enactment of the Civil Rights Act of 1968, but more must follow. Jobs, education, training, better housing, expanded public assistance, and health services administered with concern for human dignity must follow.

More than that, the quickened conscience of the Nation must harken to the words of Dr. King and understand the motivation of this heroic figure. He said:

"More than ever before, my friends, men of all races and nations are today challenged to be neighborly. The call for a worldwide good-neighbor policy is more than an ephemeral shibboleth; it is a call to a way of life which will transform our imminent cosmic elegy into a psalm of creative fulfillment. No longer can we afford the luxury of passing by on the other side. Such folly was once called moral failure; today it will lead to universal suicide. We cannot long survive spiritually separated in a world that is geographically together. In the final analysis, I must not ignore the wounded man on life's Jericho Road, because he is a part of me and I am a part of him. His agony diminishes me, and his salvation enlarges me."

Dr. Martin Luther King could not ask the Biblical question, "Am I my brother's keeper?" For him, the answer was as obvious as it was forcefully affirmative.

He was involved in mankind. He was concerned and that concern extended from collective bargaining rights for sanitation workers in Memphis where he gave his life to the right of Negro men and women to sit on buses in Montgomery where the cause of human dignity first propelled him into the national spotlight.

His concern for humanity and the dignity of the person made his advocacy of the nonviolent confrontation inevitable. A man of reason, he challenged men to act reasonably. A man of justice, he challenged men to act with justice. A man of God, he saw clearly and challenged others to see the spark of divinity in each man which makes sacred human life and gives dignity to our humanity. This concern caused him to be jailed. It also caused him to be honored with the Nobel Peace Award.

It was natural that this man of peace who sought justice at home should speak out so clearly and eloquently against the injustice and brutality of the war in Vietnam. Dr. King lived the Sermon on the Mount and lived the words, "Blessed are the peacemakers."

Martin Luther King was the apostle of nonviolence and peace, and his life, his words, his deeds and his martyr's death gave witness to his creed. He is no longer with us but in the forefront of every struggle for human dignity, for peace, his spirit will march on.

Men will continue to dream his dreams and in the words of the song of the movement:

"Black and white together,
We shall overcome!"

We shall overcome injustice and enslaving poverty.

We shall overcome bigotry and prejudice.

We shall overcome the vestiges of hatred which have led us to tragedy.

Let Us Walk Together—Tribute to Rev. Dr. Martin Luther King, Jr.

(By Hon Robert N. C. Nix, of Pennsylvania)

Mr. Nix. Mr. Speaker, last week, for the first time in modern history, the world witnessed the extraordinary death of a distinguished American of African descent, Rev. Dr. Martin Luther King, Jr.

As an advocate of one of the basic principles of a society of law and order—nonviolence—he nonetheless died in the advocacy of that creed.

While many may have disagreed with the tenacity of his faith and its uncompromising pursuit, his death did command for 5 full days the undivided attention of one of the most powerful nations in the world. For 1 full day, the smoothly lubricated wheels of government creaked to a halt. The anguish of millions was carried to Atlanta by hundreds of thousands who left a multiplicity of occupations from janitor and sharecropper to Vice President and millionaire to make their pilgrimage of respect.

All were there—U.S. Senators, U.S. Congressmen, Governors, mayors, foreign dignitaries alongside the unnamed, the lowly and the unemployed. Indeed the measure of this slightly built blackman's greatness is calibrated by the thousands of messages of condolences and public expressions of grief from heads of state, His Holiness Pope Paul VI and citizens of the world.

And why did they all pay tribute?

In my judgment, this was the first time in this century or any century when an Afro-American, by what he said, by what he lived for touched the conscience of America. By his advocacy of nonviolence and the quality of his life, he even touched the hearts of his enemies who disagreed with his tactic, but respected his sincerity.

As Members of this highest and most respected legislative body, we are to consider today the 1968 civil rights bill.

I ask no one to vote for this piece of legislation or any piece of legislation solely out of the public notice and affectionate esteem accorded Rev. Dr. Martin Luther King, Jr.

Rather, I would ask my distinguished colleagues to examine their consciences. Can they espouse the same principles by which Reverend King lived? The love of all races, the forgiveness of your enemies and the oneness of the family of man?

Or are they prepared to abandon these principles and instead permit the unreasoned laws of the jungle to engulf us all?

This is not a threat, but an invitation to each man to determine himself what steps we shall take or what steps we shall not take to preserve the United States of America.

Whatever steps we do take must be based upon the law of reason.

For we cannot expect reason to triumph in the streets of this Nation unless reason survives in the Halls of this Congress.

And this particular law is an appeal to reason. As that great jurist, Sir Edward Coke, once wrote:

"Reason is the life of the law; nay, the common law itself is nothing else but reason . . . The law . . . is perfection of reason."

We who would appeal to all Americans to accept the law of reason and forgo the call of the violent—are we prepared to take that first step?

Reverend King took more than that first step. In heeding the injunction of another man of fellowship that "whosoever compel thee to go a mile, go with him twain," Reverend King walked that last mile to give his last breath of life for a country in which he believed, a country which he loved, and a country in which he never lost faith.

Tribute to Dr. Martin Luther King, Jr.

(By Hon. Patsy Mink, of Hawaii)

Mrs. Mink. Mr. Speaker, tribute to a great man like Dr. Martin Luther King, Jr., is difficult to express in mere words. Yesterday I participated in the funeral procession in Atlanta, Ga., to express my esteem and respect for this great religious and spiritual leader and to underscore my own personal determination to make his life's dream of freedom and equality for our fellow Americans a reality.

Our Nation is not likely to see soon the emergence of such a leader among men who by the sheer strength of his teachings and the magnetism of his words could capture the conscience of all men of good will and dramatize the work that we must do in order to make real the American's creed of freedom from oppression.

His words stung deep into the hearts of Americans, and we must now rise to his challenge to create a society where all men may enjoy the blessings of liberty and opportunity.

An eloquent voice for justice has been silenced. Those who will now count among the living will be those who will be willing to transform their regard for him into actions which will achieve the goals to which this Nation has been since its inception dedicated.

The tragedy is that men must still die to win freedom and equality in America. Dr. King is dead; so long as he lived he bore the cross of our conflict, of our conscience and of our guilt. Sad that he should have died before his dream came true. Sad that his dream had to be only that, when America's pride was in its ideals of liberty and justice for all.

The time has come for America to free its soul of hate and begin to rewrite the chapters of our noble history so that human dignity can be the basis of our mode of life and the creed of our country.

Unity: The Legacy of Martin Luther King

(By former Senator Ernest Gruening)

Mr. Gruening. Mr. President, slightly more than 4 years and 7 months ago—on August 28, 1963—it was my privilege to be present at the Lincoln Memorial at ceremonies marking the conclusion of the march by 200,000 Americans for jobs and equality of opportunity. One speaker on that historic occasion was Dr. Martin Luther King.

Those listening—and we numbered millions—remember his description of the America he sought—the America in which the words "free" and "equal" mean the same for every American.

Last Friday, in Alaska, I made a statement I never wanted to make when I commented on the assassination of the Reverend Dr. Martin Luther King. This is the statement. It is very brief.

"This is one of the most tragic events in all of American history. This is a tragedy comparable in scope to the assassination of Abraham Lincoln and John F. Kennedy. The loss is irreparable. We can only hope that the mission of Martin Luther King in life—of seeking to assuage passion and hate with kindness, dignity and principle in pursuit of his great objectives of equality and fairness, regardless of race—will in some way live on stronger in death.

"This tragic event should call for implementation of the recommendation of the President's Commission on Civil Disorders and an application of the recommendation made some time ago by Hubert Humphrey of a Marshall Plan for our cities in order to get rid of civil strife and all the other underlying causes of discrimination, poverty and degradation."

Dr. King, in 1963, spoke of the need to transform the "jangling discords of our Nation" into what he described as "a beautiful symphony of brotherhood."

His words apply not only to our land but to all lands. During his brief 39 years on earth, he communicated, perhaps better than any other individual, the real meaning and the real need for the brotherhood of man—our common goal.

Violence of any kind—a bombing in Birmingham, a murder in Angola, or a napalm burning in the denuded hills of Vietnam—saddened him, because he realized that peace and civil rights are also brothers.

Martin Luther King watched the noble goals of the Great Society eviscerate as our tragic involvement in Vietnam deepened. As he wrote:

"I knew that America would never invest the necessary funds or energies in rehabilitation of its poor so long as Vietnam continued to draw men and skills and money like some demonic, destructive suction tube. So I was increasingly compelled to see the war as an enemy of the poor and to attack it as such."

Part of the tragedy of April 4 in Memphis is that the destructive act by the sniper has prevented Martin Luther King from being here to help the President in his renewed quest for peace.

Martin Luther King marched in the mantle of nonviolence. He led a peaceful attack. If we believe in the brotherhood of men, we must make certain that his peaceful attack continues. To do less is to destroy everything he has built as well as ourselves.

Let us now prove beyond doubt that the peaceful approach is the correct approach. Let us make certain the goals he sought are attained by the utmost speed.

We have made some progress today.

Congress has approved, and sent to the President, amendments to the Civil Rights Act which include a fair-housing section.

Newspapers this morning carried the welcome announcement by Levitt & Sons that it was eliminating segregation "any place it builds, whether it be the United States or any other country in the world," and that its policy was "effective at once." Levitt & Sons made clear that this was its tribute to Dr. King.

And the Senate has indicated its desire to fund such worthwhile programs as Headstart by its vote today on the conference report on supplemental appropriations.

We will, I believe, find new ways during this coming Easter recess which will enable us to build a living memorial to the man who, more than anything else, thought of himself as a drum major for justice, peace, and righteousness.

Throughout the executive and legislative branches of Government, men and women are working right now to put together the ingredients for the peaceful marching band of enlightenment which our fallen drum major sought.

The instruments of that band must include jobs, houses, schools, food, funds, and equality and compassion for our fellow men. That band will exclude bigotry, fear, sorrow, illiteracy, pestilence, and hunger.

That band will create the music Martin Luther King called a beautiful symphony of brotherhood.

These views, Mr. President, I have held for some time. They are likewise expressed in the two leading editorials in today's New York Times. I ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

"THE VISIONS OF DR. KING

"The heart of the city and of the nation stood still for a little while yesterday morning. The normal pace of life visibly slowed; the thinly peopled streets, the shuttered stores, the silent schools of this metropolis gave token to the fact that there was just one place toward which the eyes of the American people were turning: to a simple brick church in Atlanta, Ga.

"To this church had come many of this country's distinguished leaders; to it had come some of its humblest citizens; to it had come a widow, whose poignant dignity masked her sorrow, with her four young children, whose father had just given his life for the American dream. To this church came the thoughts and the prayers of the American people.

"Seldom in its history has this country been so deeply moved, so shamed, so shocked, as it has been by the death of Martin Luther King. Seldom in its history has this country had a leader of such transcendent spirit combined with iron will, of such integrity of purpose combined with a magnetic appeal, of such devotion to a great cause combined with the courage to pursue it.

"Martin Luther King, the man of peace, evoked the very best in Americans of every race and creed; and the tremendous outpouring of silent and spoken grief that centered yesterday in Atlanta gave expression to the overwhelming sentiment of a stunned and united nation. United? It must be united.

"This is the legacy of Martin Luther King, as it was his vision. The people of this country cannot fail him now. The concept of racial inferiority and racial discrimination is intolerable if the United States is to survive. It is the fundamental question, and Dr. King, apostle of brotherhood, understood it as such. In all its power and all its majesty these United States must move to make his vision a reality."

"THE NEEDED COMMITMENT

"What is most needed in this hour of national trial is a program that offers realistic promise of swifter advance toward a society of equal opportunity. The dimensions of that program are clearly set forth in the report of the National Advisory Commission on Civil Disorders; the absent factor is a long-term commitment by the American people to make the sacrifices necessary to assure good schools, housing and jobs for all.

"It is obvious that no full commitment is going to be made while the Vietnam war is raging and higher taxes are required merely to keep the dollar from collapse. But the apparent imminence of talks to seek a beginning to an end of that wasting conflict provides both an opportunity and an obligation to demonstrate to the millions now shut out of any real participation in American society how genuine is this country's resolve to give substance to the guarantees of equality that are their birthright.

"When President Johnson makes his deferred address to Congress what more constructive monument to Martin Luther King could be suggested than a pledge that every dollar released through a scaling down of the Vietnam war will be committed to the monumental tasks of social regeneration in urban and rural slums?

"For the first time there seems a simultaneous disposition in Washington and Hanoi to undertake exploration of ways of halting the conflict, with its staggering cost in blood and money. In any event, military spending is not likely to taper off quickly, and certainly the attack on poverty and the horrors of the ghetto must not languish while the search for disengagement in Vietnam goes forward.

"But a great contribution to restored faith in America's humanitarian tradition can be made by coupling such immediate forward steps with a permanent undertaking to use for human betterment the vast sums currently applied to instruments of destruction, just as quickly as the military situation eases. That is the road to true internal security as well as social justice."

Dr. Martin Luther King

(By former Senator Edward V. Long, of Missouri)

Mr. Long of Missouri. Mr. President, our Nation has lost an important leader. The St. Louis Post-Dispatch, the St. Louis Globe-Democrat, and the Kansas City Times have spoken eloquently of his life and service on their editorial pages. Dr. Martin Luther King will live on as a part of our Nation's history. His devotion to nonviolence should be an inspiration to us all. He made it clear that even if all his supporters advocated violence he would stand alone for nonviolence. Such dedication to peace and justice cannot be forgotten.

Mr. President, I ask unanimous consent that the editorials referred to be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

"[From the St. Louis (Mo.) Post-Dispatch, Apr. 5, 1968]

"A NATIONAL TRAGEDY

"'Martin Luther King had more faith in America than America has in itself,' Whitney Young of the Urban League said sadly after the assassination of his old friend in Memphis.

"It is true. The Rev. Dr. Martin Luther King Jr. spoke for the best in this nation. He spoke for the continuing process of securing liberty and freedom of individuals, and he spoke for this in the context of nonviolence. Those should not be aspirations of Negroes only. They should be the aspirations of the American people.

"The trouble is that America has been too often a violent nation. What a spectacle our form of civilization must seem today to many peoples not blessed with it. The most powerful, the richest nation, steeped in abundance; the nation that early spurred the world to ideals of democracy; the nation in which only too short a time ago was killed a President to whom even other nations looked hopefully; the nation which now has seen the senseless destruction of a man to whom the world looked up as rightful winner of the Nobel peace prize. And a nation which continues to spend far too much of its wealth on a war in a little Asian country, rather than spending anywhere near enough to repair its racial ravages at home.

"Still, it needs to be said that this nation grieves for the Rev. Dr. King, and this is true for whites as well as Negroes. The atmosphere of violence is not one which most individual Americans welcome; it is one which increasingly troubles them.

"They are more troubled now. Troops have been moved into Memphis, too late to protect Martin Luther King. Clearly they are there to protect the city against Negro wrath. What of that righteous wrath? Is it now to take the form of the violence, already indicated in some cities, that the Rev. Dr. King despised and that would undo the great progress he brought to his people and to all Americans?

"What of the eventual reaction of the white majority? Is that majority to heed its prophets of doom and be heedless of the growing despair of the minority? A greater tragedy than the death of the Rev. Dr. King would be the transformation of the United States into a garrison state, sealing off the Negro ghettos, creating apartheid by counter-power and counter-violence.

"The nation faces a choice now, a choice no different from the one it has confronted all along, but heightened by the effects of tragedy. Grief is not enough, and when it passes, what then?

"Then there is only one way for this country to atone, not for the death of one man, but for all the wrongs that have been done for centuries to too many Americans. That is for the President and the Congress and the public to resurrect the report of the

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National Advisory Commission on Civil Disorders and to act on it.

"That means creating millions of new jobs, providing substantial compensatory public assistance to schools for children handicapped by their cultural history, and sweeping out an outmoded and often inhumane welfare system to replace it with one that guarantees every citizen a decent living. That certainly means quick House acceptance of the Senate's civil rights bill, including open housing.

"That means spending billions for social reconstruction instead of for war. So be it. The alternative would be a greater calamity than the one the nation has now suffered. It would signify a more depressing lack of faith in America. If Martin Luther King had faith in his people and their ideals, it is time for the people, white and black, to have faith in themselves."

"[From the St. Louis (Mo.) Globe-Democrat, Apr. 6, 1968]

"LEGACY OF MARTIN LUTHER KING

"The brutality of an assassin has struck down Dr. Martin Luther King, the most effective leader Negroes had in their difficult drive for equal rights, equal citizenship. No man exerted more influence for racial justice during the last dozen years, among his own people and throughout the nation.

"All America is shocked and deeply distraught that such savagery could happen, and to such a man. The act was utterly senseless, an outcropping of violence that has spread its malignancy in a democracy we assume to be civilized.

"Dr. King was a compassionate and dedicated spokesman for the rights he sought. A magnetic personality, he possessed a compelling eloquence, especially in the earlier days of his demonstrations, such as the Montgomery bus boycott which raised him to national prominence.

"Modeling his philosophy and leadership on India's Mahatma Gandhi, he became the apostle of non-violence in the Negro cause. What an ugly irony that violence destroyed him. It was because of his non-violent successes that he received the Nobel Peace Prize.

"The last few years, hectored by young Negro militants who often preached mayhem and shooting, Dr. King became more emotional in his appeals and his demonstrations brought violence. He became an outspoken opponent of the Vietnam war, which alienated other Negro leaders who felt such an attitude harmed the rights movement.

"But his voice never lost magic for his people. Crowds centered wherever he went. He sacrificed all to the cause of his minority's rights—in the end himself.

"His martyrdom must not be lost in a resentment of his people, stirred to blind anger. It would be a great tragedy if the death of Dr. King were to spark extremist uprisings—a repudiation of his life teaching.

"The killing of Dr. King is lamented and mourned by the millions of white folk as well as Negroes. This assassination was certainly not an act of the white community which has been as stricken with revulsion as any of his supporters.

"Just as in the murder of President John F. Kennedy, the shot that killed Dr. King was from the hand of a mad or very sick man. Against such an assassin there is really no protection. Martin Luther King knew this as his public words indicated the night before his death.

"The aftermath of the King tragedy must not be a national rash of new violence, steeped in murder, looting, arson and rioting.

"President Johnson, who has done more than any other White House incumbent for Negro needs and equality, has asked 'every American citizen to reject the blind violence that has struck down Dr. King, who lived by non-violence. We can achieve nothing by lawlessness and divisiveness among the American people.'

"There is no such thing as national guilt for such an act as the slaying of Dr. King. But the fact such bloody things recur must give pause to our people—including minorities—to sift out causes of the violence cancer, then seek remedy.

"Martin Luther King became known worldwide not simply because he was a leader of Negro disadvantaged. He will hold a niche in history because of his philosophy of activist non-violence. That is his legacy to his race and to his country. What a tragic pity were this legacy to be dissipated."

FUNERAL SERVICES FOR DR. MARTIN LUTHER KING

(By Senator JACOB K. JAVITS)

Mr. JAVITS. Mr. President, during the most impressive services yesterday at the Ebenezer Baptist Church in Atlanta, Ga., for Dr. Martin Luther King, and then the long march to Morehouse College, where the afternoon services were held, and the very impressive services which took place there, a number of things were said which would be very worthwhile to have before us.

I ask unanimous consent that a very impressive statement by the mentor of Dr. Martin Luther King, who was Dr. L. Harold DeWolfe, dean of Wesley Theological Seminary, which was made as a tribute, at the Ebenezer Baptist Church, together with the eulogy delivered by Dr. Benjamin Mays, retired president of Morehouse College, be made a part of my remarks.

There being no objection, the eulogies were ordered to be printed in the RECORD, as follows:

"THE TRIBUTE BY DR. L. HAROLD DE WOLFE

"This is our prayer. Grant us thy gracious benediction.

"It was my privilege to teach Martin Luther King, to march with him in Mississippi, agonize and pray with him in the midst of the worst violence at St. Augustine, to spend many hours counseling with him, to go through great volumes of his private papers organizing them, to spend many days and nights in his home. I know the innermost thoughts of this man as deeply as I know that of any man on earth. It has been the highest privilege of my life, this personal friendship.

"Martin Luther King spoke with the tongues of men and of angels. Now those eloquent lips are stilled. His knowledge ranged widely and his prophetic wisdom penetrated deeply into human affairs. Now that knowledge and that wisdom have been transcended as he shares in the divine wisdom of eternity.

"Lighthouse of hope

"The Apostle Paul has told us that when all other experiences and virtues of humanity have been left behind, faith, hope and love remain. But the greatest of these is love.

"Martin exemplified all three in the rarest intensity. Amid the tempestuous seas and treacherous storms of injustice, hate and violence which threatened the very life of mankind, his faith was a solid, immovable rock. He received hundreds of threats upon his life, yet for 13 years he walked among them unafraid. His single commitment was to do God's will for Him; his trust was in God alone.

"On that rock of faith God raised in him a lighthouse of hope. No white backlash nor black backlash nor massive indifference could cause him to despair. He dreamed a dream of world brotherhood and unlike most of us he gave himself absolutely to work for the fulfillment of this inspired hope. In that lighthouse of hope God lighted in Martin a torch of love. He loved all men. Even the hate-filled foe of all he represented he tried sympathetically to understand.

"He sought to relieve the slavery of the oppressors as well as that of the oppressed. While overborne by incredible pressures upon his time and energy he yet had time to bring comfort and counsel to a bereaved boy he had never seen before or to park a car for a confused woman who was a complete stranger.

"What a legacy of love is left to his faithful and gifted wife and these four dear children. They now share his dream, his faith, hope and love. They and the faithful little band of nonviolent crusaders who have been unfailingly with him from Montgomery all the way to Memphis. They are too few, they who have already made such a costly sacrifice.

"It is now for us, all the millions of the living who care, to take up his torch of love. It is for us to finish his work, to end the awful destruction in Vietnam, to root out every trace of race prejudice from our lives, to bring the massive powers of this nation to aid the oppressed and to heal the hate-scared world.

"God rest your soul, dear Martin. You have fought the good fight. You have finished your course. You have kept the faith. Yours is now the triumphant crown of righteousness. Your dream is now ours. May God make us worthy and able to carry your torch of love and march on to brotherhood. Amen."

"THE EULOGY

"Members of the bereaved family, distinguished citizens of the world, ladies and gentlemen.

"To your great delight I'm cutting about five minutes off of this eulogy.

"To be honored by being requested to give the eulogy at the funeral of Dr. Martin Luther King is like asking one to eulogize his deceased son, so close and so precious was he to me.

"Our friendship goes back to his student days here at Morehouse. It is not an easy task. Nevertheless I accepted with a sad heart and with full knowledge of my inadequacy to do justice to this good man.

"It was my desire that if I predeceased Dr. King he would pay tribute to me on my final day. It was his wish that if he predeceased me I would deliver the homily at his funeral. Fate has decreed that I eulogize him. I wish it might have been otherwise for after all I am three score years and 10 and Martin Luther is dead at 39.

"How strange.

"God called the grandson of a slave on his father's side and the grandson of a man born during the Civil War on his mother's side and said to him—Martin Luther—'Speak to America about war and peace. Speak to America about social justice and racial discrimination. Speak to America about its obligation to the poor and speak to America about nonviolence.'

"Let it be thoroughly understood that our deceased brother did not embrace nonviolence out of fear or cowardice. Moral courage was one of his noblest virtues. As Mahatma Gandhi challenged the British empire without a sword and won, Martin Luther King Jr. challenged the interracial injustice of his country without a gun. He had faith to believe that he would win the battle for social justice.

"Courage is hailed

"I make bold to assert that it took more courage for Martin Luther to practice nonviolence than it took his assassin to fire the fatal shot. The assassin is a coward. He committed his dastardly deed and fled. When Martin Luther disobeyed an unjust law, he suffered the consequences of his action. He never ran away and he never begged for mercy.

"He returned to Birmingham jail to serve his time. Perhaps he was more courageous than soldiers who fight and die on the battlefield.

"There is an element of compulsion in their

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dying. But when Martin Luther faced death again and again, and finally embraced it, there was no external pressure. He was acting on an inner urge that drove him on, more courageous than those who advocate violence as a way out, for they carry weapons of destruction for defense. But Martin Luther faced the dogs, the police, jails, heavy criticism, and finally death, and he never carried a gun, not even a pocket knife to defend himself.

"He had only his faith in a just God to rely on and his belief that thrice is he armed who has his quarrels just—the faith that Browning writes about when he says: 'One who never turned his back but marched to press forward never doubted that clouds would break, never dreamed that right, though worsted, wrong would triumph. . . .'

"Belongs to Posterity

"Coupled with moral courage was Martin Luther Jr.'s capacity to love people. Though deeply committed to a program of freedom for Negroes, he had a love and a deep concern for all kinds of people. He drew no distinction between the high and the low, none between the rich and the poor. He believed especially that he was sent to champion the cause of the man farthest down. He would probably have said: 'If death had to come I am sure there was no greater cause to die for than fighting to get a just wage for garbage collectors.'

"This man was suprarace, supranation, supradenomination, supraclass and supraculture. He belonged to the world and to mankind. Now he belongs to posterity.

"But there is a dichotomy in all of this. This man was loved by some and hated by others. If any man knew the meaning of suffering, Martin Luther knew—house bombed, living day-by-day for 13 years under constant threat of death, maliciously accused of being a Communist, falsely accused of being insecure, insincere and seeking the limelight for his own glory, stabbed by a member of his own race, slugged in a hotel lobby, jailed 30 times, occasionally deeply hurt because his friends betrayed him.

"And yet this man had no bitterness in his heart, no rancor in his soul, no revenge in his mind, and he went up and down the length and breadth of this world preaching nonviolence and the receptive power of love.

"He believed with all of his heart, mind and soul that the way to peace and brotherhood is through nonviolence, love and suffering.

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and to the war in Vietnam. It must be said, however, that one could hardly expect a prophet of King's commitment to advocate nonviolence at home and violence in Vietnam.

"Nonviolence to King was total commitment not only in solving the problems of race in the United States but in solving the problems of the world.

"Surely, surely this man was called of God to his work. If Amos and Micah were prophets in the eighth century B.C., Martin Luther King Jr. was a prophet in the twentieth century. If Isaiah was called of God to prophesy in his day, Martin Luther was called of God to prophesy in his day. If Hosea was sent to preach love and forgiveness centuries ago, Martin Luther was sent to expound the doctrine of nonviolence and forgiveness in the third quarter of the twentieth century.

"If Jesus was called to preach the Gospel to the poor, Martin Luther was called to bring dignity to the common man. If a prophet is one who interprets in clear and intelligible language the will of God, Martin Luther Jr. fits that designation. If a prophet is one who does not seek popular causes to espouse but rather the causes which he thinks are right, Martin Luther qualifies on that score.

"Not ahead of time

"No, he was not ahead of his time. No man is ahead of his time. Every man is within his time. Each man must respond to the call of God in his lifetime and not somebody else's time.

"Jesus had to respond to the call of God in the first century A.D. and not in the twentieth century. He had but one life to give. Jesus couldn't wait. How long do you think Jesus would have had to wait for the constituted authorities to accept him—25 years, 100 years, 1,000 years, never? He died at 33. He couldn't wait.

"Paul, Copernicus, Martin Luther, the Protestant reformer, Gandhi and Nehru couldn't wait for another time. They had to act in their lifetimes. No man is ahead of his time.

"Abraham staying with his country in obedience to God's call, Moses leading a rebellious people to the Promised Land, Jesus dying on a cross, Galileo on his knees recanting at 70, Lincoln dying of an assassin's bullet, Woodrow Wilson crusading for a League of Nations, Martin Luther King Jr. fighting for justice for garbage collectors, none of these men were ahead of their time. With them the time is always right to do that which is right and that which needs to be done.

"Too bad, you say, Martin Luther Jr. died so young. I feel that way, too. But as I have said many times before, it isn't how long one lives but how well. Jesus died at 33, Joan of Arc at 19, Byron and Burns at 36, Keats and Marlowe at 29 and Shelley at 30, Dunbar before 35, John Fitzgerald Kennedy at 46, William Rainey Harper at 49 and Martin Luther King Jr. at 39.

"It isn't how long but how well.

"PEOPLE RESPONSIBLE

"We all pray that the assassin will be apprehended and brought to justice but make no mistake, the American people are in part responsible for Martin Luther King's death. The assassin heard enough condemnation of King and Negroes to feel that he had public support. He knew that there were millions of people in the United States who wished that King was dead. He had support. The Memphis officials must bear some of the guilt for Martin Luther King's assassination.

"The strike should have been settled several weeks ago. The lowest paid man in our society should not have to strike to get a decent wage a century after emancipation and after the enactment of the 13th, 14th and 15th Amendments. It should not have been necessary for Martin Luther King Jr. to stage marches in Montgomery, Birmingham, Selma and go to jail 30 times trying to achieve for his people those rights which people of lighter hue get by virtue of the fact that they are born white.

"We, too, are guilty of murder. It is a time for the American people to repent and make democracy equally applicable to all Americans.

"What can we do? We and not the assassin, we and not the President, we and not the apostles of hate, we represent here today America at its best. We have the power to make democracy function so that Martin Luther King and his kind will not have to march.

"Did not die in vain

"What can we do? If we love Martin Luther King and respect him as this crowd surely testifies, let us see to it that he did not die in vain. Let us see to it that we do not dishonor his name by trying to solve our problems through rioting in the streets.

"Violence was foreign to his nature. He warned that continued riots could produce a Fascist state. But let us see to it also that the conditions that cause riots are promptly removed as the President of the United States is trying to get us to do. Let black and white alike search their hearts and if there be any prejudice in our hearts against interracial or ethnic groups let us exterminate it and let us pray, as Martin Luther would pray if he could: 'Father forgive them, for they know not what they do.'

"If we do this, Martin Luther King Jr., will have died a redemptive death for which all mankind will benefit. Morehouse will never be the same because Martin Luther came by here and the nation and the world will be indebted to him for a century to come.

"It is natural, therefore, that we here at Morehouse and Dr. Foster would want to memorialize him to serve as an inspiration to all students who study in this center.

"I close by saying to you what Martin Luther King Jr. believed: 'If physical death was the price he had to pay to rid America of prejudice and injustice nothing could be more redemptive.' And to paraphrase words of the immortal John Fitzgerald Kennedy, permit me to say that Martin Luther King Jr.'s unfinished work on earth must truly be our own."

Mr. Javits. Mr. President, one thing that was said, in a most modest way, by the assistant pastor of Ebenezer Baptist Church, Rev. Ronald English, and when I say modest, I mean it; the capacity of that church is under 250, and it has a relatively small congregation—I shall never forget. Listen to what this very fine young assistant pastor said. I hope I never forget the words, and I hope the Senate never forgets the words.

He said:

"He who would blaspheme the name of Martin Luther King will do violence in the streets."

I repeat:

"He who would blaspheme the name of Martin Luther King will do violence in the streets."

I have hardly in my lifetime ever heard anything so well put, carrying so much meaning, as that. Indeed, this was the whole life of Martin Luther King, and the assistant pastor said it in a way that, it seems to me, all the world can understand. I think it deserves to rank in modern terms with, "Love thy neighbor as thyself," and other short, famous expressions, as, in my faith, "Behold, I have given you a good doctrine. Forsake it not," and many statements of the same kind. I repeat it on the Senate floor so that somewhere it may be preserved, I ask that the full text of Reverend English's prayer be printed in the Record.

There being no objection, the prayer was ordered to be printed in the Record, as follows:

"PRAYER BY ENGLISH

"Let us bow our heads in a moment of solemn utterance.

"Eternal and everlasting God Our Father.

"The height of our aspirations, the depth of our existence, Thou who are the giver and sustainer of life, from Whom all things have come and to Whom all things shall return we beseech Thy comforting presence in this hour of deepest bereavement.

"For our hearts are heavily laden with sorrow and remorse at the removal of one of history's truest representatives of Thy will and purpose for mankind.

"While we pray for comfort we pray for wisdom to guide our thoughts aright at this hour. For we, oh God, in our limited vision cannot begin to comprehend the full significance of this tragic occasion.

"And so we raise the perennial question of Job: 'Why?' as we weep for the moment.

"Yet we are reminded by the best of the Christian tradition that in the total economy of the universe good will ultimately triumph. Though sorrow tarries for the night, joy comes in the morning.

"We know, oh God, that even in this little while of sorrow we need not weep for the deceased, for here was one man truly prepared to die.

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"No fear of death

"In his last hours he testified himself that he had been to the mountaintop, that his eyes had seen the glory of the coming of the Lord. We know he had no fear of death.

"Help us to find consolation in the fact that his life was a gift given to us at this crucial juncture in our history out of the graciousness of Thy being.

"And so we had no real claims upon him. In the fullness of time he came and in the fullness of time he has gone. He knew where he came from and he knew where he was going.

"And so as we abide in this knowledge our gratitude will abate our sorrows.

"We know, oh God, that life is but a moment in eternity and that he who lives for the moment will surely die, yet he who lives for eternity and dedicates his life to those ultimate principles of truth, justice and love as this man has done will never die.

"Inspire us to accept the imperative that his life so fully exemplifies—that we would not judge the worth of our lives by their physical longevity, but by the quality of their service to mankind.

"He has shown how to live, oh God. He has shown us how to love. Yet the manner of his teaching and the manner of his being was so strange and unfamiliar in our world, a world that abounds in war, hatred and racism, a world that exhausts the wicked and crucifies the righteous, a world where a word of condemnation is familiar while a word of kindness is strange.

"So this man was a peculiar man. He taught a peculiar teaching. So he was not of this world. So in the course of human events the forces of time, faith and the hopes of the oppressed converged upon a single man.

"Though once in a century the midwife of oppression snatches from the womb of history a child of destiny, the record of events testifies to fact that history cannot bear the truth.

"We have witnessed the life of the crucified Christ and we have seen the slaying of Martin Luther King. So like a wild carniverous beast that turns upon and devours them, history has turned once more upon its own because it could not bear the truth that he spoke or the judgment that he brought.

"Challenge status quo

"And so, like Jesus, not only did Martin Luther King challenge the status quo, but he challenged our mode of existence. Therefore, like Jesus, he had to die as a martyr for a cause that challenged the world's assumed posture of security.

"The light came into the darkness but the darkness knew it not.

"Oh God, our leader is dead. And so now the question that he posed during his life finds us in all its glaring proportions: 'Where do we go from here? Chaos or community.'

"We pray, oh Merciful Father, that the removal of this man will not nullify the revelation given through him.

"Undergird our feeble efforts with Thy strength and renew our courage to devote the full weight of our being to the ideas that he has thus far so nobly advanced.

"Deepen our commitment to nonviolence so that this country will not be run asunder by a frustrated segment of the black masses who would blaspheme the name of Martin Luther King by commiting violence in that name.

"Grant that the Congress and President of this nation who have been so generous and gracious in their memorial tributes will be guided by the memory of this suffering servant and return to the legislative halls determined to pass without compromise or reservations legislation so vitally needed to preserve domestic tranquility and prevent social disruption.

"Prayer for peace

"Grant, oh lover of peace, that we will effectively negotiate for a peaceful settlement in Vietnam to end the brutal slayings and communal atrocities committed in the name of democracy.

"Turn our hearts, oh God, to hear and respond to the echoes of this undying voice of the ages, a voice of love and reconciliation in the present, a voice of hope and confidence in the future.

"Grant that in response to his sacrificial death we will work toward that day when the long and tragic tune of man's inhumanity to man will resolve into a chorus of peace and brotherhood. Then love will tread out the baleful sighs of anger and in its ashes plant a tree of peace."

A TRIBUTE TO MARTIN LUTHER KING, JR.

(By Hon. BERTRAM L. PODELL, of New York, Apr. 9, 1968)

Mr. PODELL. Mr. Speaker, there is tragic irony in the circumstances that at the very moment when America glorified in its brightest hopes for peace in Vietnam, it was plunged into the depths of despair by alarms of civil disorder.

The insensate violence, arson, and looting, which erupted across the Nation in the wake of the execrable assassination of Dr. Martin Luther King, demonstrate the fragile character of the strands which knit the fabric of a peaceful social order. On the other hand, the death and destruction wrought by wanton riots in our National Capital, in Baltimore, Pittsburgh, Chicago, and in other cities fall far short of justifying descriptions, by many public spokesmen, of America, as a "sick society."

The health of a society cannot be measured by the abberational conduct of those to whom the killing of Dr. King has been an excuse, rather than a cause, for lawlessness. Those who participated in the violence of arson and looting are those who have not been touched by the preaching and teaching of Dr. King. The target areas of these apostles of violence were liquor, clothing, and appliance stores, and the guiding impulse of these looters was burglary of products offered for sale in these establishments, not vengeance for the death of a beloved leader. On the contrary, the toll of death they have caused, the homeless refugees they have created, desecrates the memory of Dr. King and affront his philosophy.

Our social health should, in fact, be measured by the millions of people in America from all walks of life who responded to President Johnson's designation of Sunday as a day of prayer and dedication, by the thousands of black and white people who joined in prayer at the Central Park Mall, by the special services conducted in churches, synagogues, schools, and other institutions throughout the land, by the millions of countless and unsung ways that our people have demonstrated their profound grief and dismay. Indeed, the gentle threnody composed by our flags at half staff waving in the breeze more profoundly expresses the mood of our people than the raucuous violence in the streets. In the critical days ahead, America will be guided by the simple message brought to his congregation by Dr. King's father:

"Don't lose your way, and don't ever let it get so dark that you can't see a star."

Ideas that move men and nations have an organic quality that sustains them beyond the span of life to their creator, and Dr. King's ideal for progress through nonviolence, will inspire those who survive him. His dream of a society of social justice, a society that knows no bigotry and prejudice, a society that knows no hunger, no poverty, no war, is the essence of the Judea-Christian ideal to which civilization has aspired for 2,000 years.

In the critical days ahead, we shall miss his inspiring leadership. Through the sheer force of his personality and dedication, he bridged the chasm between those who envision America as a united people and those who contend for racial separatism; between those who seek progress toward attainable goals through creative protest and those who proclaim violence, rather than liberty, throughout the land. As a student of the Bible, Dr. King spoke in simple, vivid Biblical imagery and through his words touched the finest instincts of people throughout the world.

Dr. Martin Luther King has now taken his place in the history of our Nation and in the history of civilization. There is perhaps no better way to express our loss than in the gentle, moving words of Shelley's elegy to Keats:

"And thou, sad Hour, selected from all the years to mourn our loss, rouse they obscure compeers and teach them thine own sorrow; say: With me died Martin Luther King; till the Future dares forget the Past, his fate and his fame shall be an echo and a light unto eternity.' "

REV. MARTIN LUTHER KING, JR.

(By Hon. MELVIN PRICE of Illinois)

Mr. PRICE of Illinois. Mr. Speaker, an apostle of nonviolence, Dr. Martin Luther King, is the victim of a wanton act of violence. This cruel twist of irony will not be erased from our Nation's history, nor easily forgotten.

As in the tradition of his mentor, Mahatma Gandhi, who fell victim to the venom and hatred he worked so hard to extinguish, Dr. King has been denied seeing the fruition of his efforts. His personal tragedy is a national loss. We deeply mourn his death.

"I have a dream," he once said. That dream of racial harmony in America has been shattered temporarily by a cowardly assassin's bullet. But the vision of which Dr. King spoke will endure and will one day be fact. His legacy to this Nation will sustain its people in these trying times.

We must heed his plea for nonviolence, as we must follow President Johnson's call for national unity. It speaks ill of this Nation that Dr. King has been slain. But his martyred spirit will prevail.

DR. MARTIN LUTHER KING, JR.

(By Hon. WILLIAM D. FORD of Michigan Apr. 9, 1968)

Mr. WILLIAM D. FORD. Mr. Speaker, I join today with my fellow Americans, and with people of good will throughout the world, in mourning the tragic death of the Reverend Dr. Martin Luther King, Jr.

To his family, to his friends and to his associates, I offer my heartfelt sympathy. It is they who bear the brunt of the grief that is shared by so many millions of people.

Columnists and commentators have already pointed out the great irony of his death—that this good and sincere man, who preached love and nonviolence, should be struck down by an act of hatred and violence.

We must go beyond this to appreciate the full tragedy of the assassination. To people of good faith in both races, Dr. King had held out the hope of a peaceful end to the prejudice and intolerance which have shackled this Nation and kept us from achieving the American dream of true freedom for all.

The real tragedy of Dr. King's death will come if Americans of both races use his assassination as an excuse to continue the hatred and violence against which he fought and preached, and because of which he died.

Dr. King would be the first to plead for the better alternative—that his death should hasten the day when all Americans share in the dreams and visions that he saw from the mountain top.

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The assassination of Abraham Lincoln brought a reaction of hatred that racked this Nation for a decade, and cursed the already anguished South with the agonizing period known to history as the Reconstruction.

The assassination of John F. Kennedy, by contrast, ushered in an era of hope. The legislation and social progress for which he fought and died became a reality in part because of his death.

This would be a more fitting memorial for Dr. Martin Luther King.

It is not important or significant that the assassin was a white man. This was an accident of fate. It is more significant that he was an evil man, whose mind had been warped by the very hatred that Dr. King sought to eliminate.

There are both white and black Americans who preach violence as the answer to our Nation's problems. In the first angry reaction to Dr. King's death, these people had their way. Death and destruction, grief and ashes, stand today as eloquent testimony to this senseless venting of hate.

A counterreaction to this violence would only pile tragedy upon tragedy.

Dr. King's death will not have been completely in vain if we let this grievous week launch a new day of hope for the United States and for the world.

Let us pray that all Americans, black and white, will recognize the true wisdom and hope of Dr. King's philosophy. Let us strive together that his dreams may be realized, and that hatred based on the color of skin may be erased from our way of life.

Dr. King's Spirit Can Be Kept Alive

(By Hon. Ben Reifel, of South Dakota, Apr. 8, 1968)

Mr. Reifel. Mr. Speaker, South Dakotans have never been troubled with the type of civil rights agitation and discord that has befallen many States in recent years.

South Dakotans believe that a man should be judged upon his character and integrity rather than on the color of his skin or the church he attends. Were it otherwise, I as a member of a minority group—the American Indian—never would have had the opportunity to serve this body.

Living in such a State, it is difficult for many to comprehend the type of conditions which the Reverend Dr. Martin Luther King was trying to correct. Yet, I believe most South Dakotans held a deep respect for what Dr. King was trying to accomplish and particularly for his insistence upon the principle of nonviolence in moving toward those objectives.

One of the finest newspaper tributes to Dr. King that I have seen came from the contributing editor of the Sioux Falls, S. Dak., Argus-Leader, Mr. Fred C. Christopherson.

The editorial follows:

"DR. KING'S SPIRIT CAN BE KEPT ALIVE

"While Dr. Martin Luther King was alive, he was an articulate and effective spokesman for the Negro. His memory and the nature of his death can be even more instrumental in promoting the welfare of his race if his followers respect his spirit and his attitude.

"But it can be the other way if the occasion of his assassination becomes the spark that ignites riots and destruction. In that case, he will have died in vain.

"As the record clearly demonstrates, Dr. King warrants deep and earnest respect for all who subscribe to the principle of human equality without regard to creed, color or race. His efforts in this field were extensive and productive. He was constantly at work doing what he believed should be done. But always he sought to stay within the framework of dignity and non-violence. That is one reason why he accomplished so much and why he was so widely accepted as a constructive leader in a humanitarian endeavor.

"He was conscious of the risks involved in what he was doing—fully aware that he might be struck down at any moment by an individual with a warped mind, as was President John F. Kennedy. He realized, too, that there was strong organized opposition in some areas to his programs and that this could result in a violent reaction. Such considerations, however, didn't alter his course. He did what he believed should be done and did it very well.

"The finest tribute to his memory will be a continuance of his program in the manner he advanced it. That, one may hope, will be the prevailing response."

Martin Luther King, Jr.

(By Hon. Lionel Van Deerlin, of California, Apr. 9, 1968)

Mr. Van Deerlin. Mr. Speaker, a young San Diego girl has captured, in a short but lovely poem, the essential meaning of the life—and death—of Dr. Martin Luther King, Jr.

Liz Clarke's touching poem was brought to my attention by her classmate, Mary Ruth Jarrell, president of the junior class at Our Lady of Peace Academy in San Diego.

Miss Jarrell has asked me to help disseminate the poem, believing it should be "shared by all men, black and white."

I agree, and I also feel that Miss Clarke's untitled eulogy is an especially appropriate tribute to Dr. King on this, the day of his funeral.

The poem follows:

(By Liz Clarke)

"It was growing;
It was growing so well,
That someone thought it would overrun his garden.
So he cut it down.

"It was a beautiful ebony flower.
Dark as the night and the ground it came from.
But he cut it down.

"It was so hard for it to survive.
So many hated its dark color.
So many tried to stifle it.
Finally he cut it down.

"His garden doesn't need that ebony blossom.
His garden doesn't want that ebony blossom.
His garden is of weeds.
So he cut it down.

"But that blossom hasn't died.
It's sprouting again.
Its beautiful ebony blossom has flowered—again.

"The roots are deep and firmly entrenched.
It has the determination and vigor.
It will grow and destroy the weeds by its love."

A Memorial Sermon in Tribute to Rev. Dr. Martin Luther King, Jr.

(By Senator Vance Hartke, of Indiana, April 17, 1968)

Mr. Hartke. Mr. President, for several years I have known and been associated with a fine young minister who is also employed by the Senate Post Office. He has held that employment during student days, including work at the Wesley Theological Seminary here in Washington. I know that many others here in the Senate know Ron Winters, although perhaps many who know him here are not aware of his dedication to service in the ministry of a small Baptist congregation in Floris, Va.

Mr. Winters, on April 7, preached a memorial sermon in tribute to Dr. Martin Luther King, Jr. I ask unanimous consent that this sermon, entitled "What Price Freedom?" may appear in the Extensions of Remarks.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

"A MEMORIAL SERMON IN TRIBUTE TO REV. DR. MARTIN LUTHER KING, JR.: WHAT PRICE FREEDOM?

"(Delivered by Rev. Ronald Winters, Sunday, April 7, 1968, Mount Pleasant Baptist Church, Floris, Va.)

"In the stirring language of the Declaration of Independence of the United States of America, we are reminded 'that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness'. Next to life itself, man has always listed freedom as a prime motive and goal for living a happy, secure and meaningful existence. In the history of every great nation of the world, and at an appointed time when freedom and social justice were threatened, someone would cry out with a voice that could be heard around the world: 'I'd rather die than lose my freedom.' In the memorable words of that distinguished statesman and orator of our country, Patrick Henry, men still say 'give me liberty or give me death'. In the fight for political, social and economic freedom in India, Mahatma Gandhi demonstrated that freedom was more dear to him than life itself. In the story of America, men like Abraham Lincoln and John Fitzgerald Kennedy gave their lives in the pursuit of freedom. Once more in America and in our time, the voice of another, that of Martin Luther King, Jr., was raised in the struggle for social justice and freedom for all men. Again the supreme price for freedom was required—his life. What is freedom? What price is further required if we are to realize this eternal truth?

"Freedom implies the absence of hindrance, restraint or confinement. Freedom of speech and religion are among our most cherished rights in America. In his book, *Strength to Love*, by Dr. Martin Luther King, Jr., we find these words:

" 'Man is man because he is free to operate within the framework of his destiny. He is free to deliberate, to make decisions, and to choose alternatives. He is distinguished from animals by his freedom to do evil or do good and to walk the high road of beauty or tread the low road of ugly degeneracy.'

"The price of freedom is more than enjoying the right to act and move in one's own way. The price of freedom is not looting, rioting, killing or pitting man against man. We need to go to the inspired teachings of the Bible for the correct meaning of freedom and its price to mankind.

"Psalm 8: 4–5 states: 'What is man, that Thou are mindful of him? And the Son of Man, that Thou visitest him? For Thou has made him a little lower than the Angels, and hast crowned him with glory and honour.'

"Christ as a free agent for God freely came to earth and freely gave so that we might become joint heirs with Him. Nevertheless, Christ was despised and rejected of men, for men love darkness rather than the twinkling of a candle light. Since the time of Christ, the history of mankind will attest to this fact. The world has come to realize that America must take a good long look at her dark blot on the pages of history—her growing cancer—her stigma of assassinating a man of peace, non-violence and freedom. How long can America continue to assassinate great men of history in her attempt to assassinate truth?

"Dr. Martin Luther King, Jr., was the most noted Civil Rights leader this nation has ever known. Winner of the Nobel Peace Prize in 1964, he was the very symbol of peace and non-violence in America and the world. He believed deeply in freedom and justice and in obtaining them through non-violent means, yet he died violently.

"His life was pricked by the modern day

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Judas, an assassin who sold out himself to the anger of an unguarded moment.

"Dr. King stated on last Wednesday night in Memphis, 'Well, I don't know what will happen now. We've got some difficult days ahead. But it really doesn't matter with me now because I have been to the mountain top, and I don't mind.'

"God grant that we may go forth from this day with new hope, new love, new awareness, new understanding and new forgiveness. Let us go forth from this day not with hostility but with holiness in our hearts. May our prayer of petition be to let the spirit of the Living God fall afresh on us. Let these words ring out within our souls today: too long have we, in America, sat on the side lines and watched injustice subdue justice. Too long have we reaped the fruit from the tree after it has fallen simply because we were too unconcerned to nurture and cultivate the seeds of justice, freedom and equality. How long will the seeds of hate and violence continue to erode the principles of human rights and freedom? How long, oh Lord, how long? How long? Too long.

"But one day we shall scale the mountain top and see the glory of a nation fully clothed in love, brotherhood, freedom and righteousness. We know that if we walk not in the counsel of the ungodly, we shall be blessed. Like Dr. Martin Luther King, Jr., we shall be like a tree planted by the rivers of water that bringeth forth his fruit in his season.

"What price, freedom? The price is whatever man is willing to pay—it's whatever *you* can afford to pay. Yes, even if one's very life is required in exchange for freedom. Dr. King once said, 'A man who is afraid of dying doesn't deserve to live.'

"In Proverbs 29:25, these words of wisdom may be found: 'But who so putteth his trust in the Lord shall be safe.'

"Yes, the King is dead—the Rev. Martin Luther King is dead, long live freedom's holy light; protect us by Thy might, Great God, Our King!"

MARTIN LUTHER KING, JR.

(By Hon. WILLIAM S. MOORHEAD, of Pennsylvania, Apr. 8, 1968)

Mr. MOORHEAD. Mr. Speaker, not since November 22, 1963, has our Nation been so shocked by a senseless, a mindless, an insane assassination. Dr. Martin Luther King, Jr., symbol of peace and nonviolence, equality and brotherhood among men has been taken from us by violence.

Martin Luther King had a dream for America and as he said, it was "a dream deeply rooted in the American dream."

America should rededicate itself to Martin Luther King's dream. As a symbol of that rededication, I am today introducing a bill which would direct the striking of a medal honoring this great American, Martin Luther King, Jr. and the presentation of this medal to his courageous widow.

I first met Dr. King and heard his eloquence at a Freedom Now rally at Forbes Field in Pittsburgh. In later years and on many occasions I worked with him and the Southern Christian Leadership Conference on civil rights legislation. He became my friend.

I have often marveled at his eloquence but particularly in August of 1963 at the Lincoln Memorial here in Washington. The March on Washington for Jobs and Freedom will live long in the memory of those who participated in it and those who saw so much of it on television. It was, perhaps, the single greatest demonstration of unity for justice that this Nation has seen.

Unquestionably the outstanding event that day was Dr. King's speech, "I Have a Dream." The text of that stirring and prophetic speech follows:

"I HAVE A DREAM

"(By Martin Luther King, Jr.)

"I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

"Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as the great beacon light of hope for millions of Negro slaves who had been seared in the flames of withering injustice. It came as the joyous daybreak to end the long night of their captivity.

"But one hundred years later the Negro still is not free. One hundred years later, the life of the Negro is still badly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. So we have come here today to dramatize the shameful condition.

"In a sense we've come to our Nation's Capital to cash a check. When the architects of our republic wrote the magnificient words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, balck men as well as white men, should be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

"It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked 'Insufficient Funds.' But we refuse to believe the bank of justice is bankrupt. We refuse to believe that there are insufficent funds in the great vaults of opportunity of this nation. So we have come to cash this check, a check that will give us upon demand, the riches of freedom and the security of justice. We have also come to this hallowed spot to remind America of the fierce urgency of now.

"This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

"It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end but a beginning. Those who hoped that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. There will be neither rest or tranquility in America until the Negro is guaranteed his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.

"But there is something I must say to my people who stand on the warm threshold which leads them to the palace of justice. In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again we must rise to the majestic height of meeting physical force with soul force.

"The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. They have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.

"And as we walk we must make the pledge that we shall always march ahead. We cannot turn back. There are those who are asking the devotees of civil rights: 'When will you be satisfied?' We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. We cannot be satisfied as long as the Negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their self-hood and robbed of their dignity by signs stating: 'For Whites Only.' We cannot be satisfied as long as the Negro in Mississippi cannot vote and the Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied and we will not be satisfied until justice rolls down like the waters and righteousness like a mighty stream.

"I am not unmindful that some of you have come here out of great trials and tribulations, some of you have come fresh from narrow jail cells, some of you have come from areas where your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.

"Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair.

"I say to you today, my friends, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident that all men are created equal.'

"I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit down together at the table of brotherhood.

"I have a dream that one day even the State of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice. I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.

"I have a dream that one day down in Alabama with its vicious racists, with its Governor having his lips dripping with the words of interposition and nullification—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

"I have a dream today.

"I have a dream that one day every valley shall be exalted, every hill and mountain shall be made low, the rough places will be made plain and the crooked places will be made straight, and the glory of the Lord shall be revealed, and all flesh shall see it together.

"This is our hope. This is the faith that I go back to the South with. With this faith we will be able to hew out of the mountain of despair a stone of hope. With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

"This will be the day when all of God's children will be able to sing with new meaning:

" 'My country 'tis of thee,
Sweet land of liberty,
Of thee I sing:
Land where my fathers died,
Land of the pilgrims' pride,
From every mountain-side
Let Freedom ring.'

"And if America is to be a great nation, this must become true. So, let freedom ring from the prodigious hill tops of New Hampshire. Let freedom ring from the mighty mountains of New York. Let freedom ring from the heightening Alleghenies of Pennsylvania. Let freedom ring from the snowcapped Rockies of Colorado. Let freedom ring from the curvaceous slopes of California. But not only that, let freedom ring from Stone Mountain of Georgia.

"Let freedom ring from Lookout Mountain of Tennessee.

"Let freedom ring from every hill and molehill of Mississippi. From every mountainside, let freedom ring. And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: 'Free at last! free at last! Thank God almighty, we are free at last!' "

The apostle of nonviolence has gone. What must we now do? I submit that this Congress must pass the civil rights bill, with the open housing amendment intact, as a memorial to Dr. Martin Luther King. We must not do this, however, because we have been intimidated, cowed, frightened or out of expediency. We must do it because it is the right thing to do; we must do it because it is our responsibility to help make Dr. King's dream come true.

In Bob Dylan's words:

"How many roads must a man walk down before he's called a man?
How many seas must a white dove sail before he sleeps in the sand?
How many times must the cannon balls fly before they're forever banned?
How many years can a mountain exist before it's washed in the sea?
How many years can some people exist before they're allowed to be free?
How many times can a man turn his head and pretend he just doesn't see?
How many times must a man look up before he can see the sky?
How many ears must one man have before he can hear people cry?
How many deaths will it take 'til he knows that too many people have died?"

(By Hon. Frank Annunzio, of Illinois)

Tribute to Dr. Martin Luther King

Mr. Annunzio. Mr. Speaker, the wanton, brutal, and senseless assassination of Dr. Martin Luther King, Jr., is another dark page in the history of America. These meaningless slayings in our free society must be brought to a halt.

Every American, regardless of race, color, or creed has the right to protest, has the right to petition his Government, has the right to equal justice under the law, and the right to be heard when an injustice is being perpetrated against him.

Our Founding Fathers were aware of the need for these inalienable rights and incorporated them in our Bill of Rights in order that our Government should remain free and strong for posterity. We no longer can tolerate mob rule—we no longer can tolerate rule by the gun. We want a government based on law and the orderly process of the ballot box. Either we wholeheartedly believe in and stand behind these fundamental principles, or our Government is doomed to failure.

I represent the Seventh Congressional District of Illinois which is an integrated district where people of all nationalities, all races, all colors, and all religions reside, and I have an understanding of the problems that confront all of them.

Is it asking too much to give them the right to live in decent housing? Is it asking too much to provide a decent education for his children? Is it asking too much from the greatest democracy on earth that human rights be respected before property rights?

I share the grief and shock felt in the hearts of millions of Americans across the Nation over the brutal slaying of Dr. King. This great tragedy denies the very principles which our Founding Fathers espoused in establishing our democratic form of government.

Dr. King's brilliant elocution, his international renown, his great courage on the firing line of civil rights have established him as a powerful force for sanity in race relations. He was universally hailed by almost all men and he had become for a broad mass of Americans the symbol of hope for reconciliation.

Dr. King had become the bridge of communication between whites and blacks alike in the United States, and his tragic assassination has struck grief, shock, numbness, and above all, a great sense of emptiness into the hearts of all of us. Together we mourn the passing of a great man whose life, though short, for he died at 39, has changed for the better the face of our social structure in the United States. Our country is a far different and better place today than when Martin Luther King first began his crusade for equality a little more than a decade ago in Montgomery, Ala. His death shall lead perhaps to even greater change. I am confident that we shall yet win the battle he courageously began for equal rights and equal economic opportunity.

It is expected that the civil rights bill will reach this Chamber for action on Wednesday. This bill would strike down racial barriers in housing. It would provide Federal protection for Negroes and civil rights workers, and it would make countless other improvements in our civil rights laws. By insuring the prompt passage of this landmark legislation, we keep faith with Dr. King's dream of unity, nonviolence, and social justice.

President Johnson has urged this Nation to "move with urgency, resolve, and new energy." Our opportunity to do so will come tomorrow, and I hope my colleagues will vote unanimously for the civil rights bill. Dr. King's death must be the unifying force we need as a Nation, and the best tribute that can be paid to him is for all of us to exert every possible effort toward wiping out discrimination, inequality, and the ravages of poverty.

By international consensus, Nobel Prize winner Martin Luther King was a symbol of racial peace in the world and his passing is a great loss not only to all Americans but to a world that had come to love, honor, and respect him.

On behalf of the residents of the Seventh Congressional District, I express my heartfelt condolences to his widow and to his family. I know that we shall always remember his courageous fight and the great cause for which he has given his life.

Under unanimous consent I insert into the Record the following editorials about Dr. King from the Washington Post and the Chicago Sun-Times.

"[From the Chicago Sun-Times, Apr. 6, 1968]

"HE SAW THE PROMISED LAND

"In his last and eerily premontory speech, Dr. Martin Luther King Jr. envisioned a promised land of equality and social justice for all American Negroes. But, he said, 'I may not get there with you.' He talked of threats from 'some of our sick white brothers.' Within 24 hours the premonition came true; he was dead, the victim of a white assassin.

"There is in this last sermon a message for all Americans and particularly those of both races who reject his credo that Christian brotherhood can and must be achieved in peace.

"The promised land he saw cannot be reached by his people through violence. Nor can violence such as that which struck him down Thursday night prevent America's Negro citizens from inevitably reaching the promised land he now will never see.

"More violence has followed the wanton act of violence that has put the entire world in mourning for this man who believed deeply that his dream of equality could never be achieved through violence. Stokely Carmichael has urged bloodshed in the streets in retaliation for the assassination of Dr. King. This is the road away from Dr. King, away from his promised land. He will have died in vain if sanity does not prevail in our cities.

"A warning against violence has come from the man who has stepped into Dr. King's post as head of the Southern Christian Leadership Conference. The Rev. Ralph Abernathy was with Dr. King when the assassin struck. Dr. Abernathy cradled the fallen leader's bloodied head in his lap.

" 'While he lived,' said the new leader, 'he taught us we should not let violence turn us around. . . . We (have) determined to continue down that road . . . in support of the dream he left with us.'

"Later he told a crowd at the Memphis airport, gathered around a plane in which Mrs. King sat, 'Let us not do anything at this time to discredit Dr. King.'

"President Johnson spoke for all reasonable men when he called on people of all races 'to stand their ground to deny violence its victory.'

"The killer of Dr. King must be found quickly and brought to justice. But neither the ends of justice nor the great goals of Dr. King are served if the hate and sickness the killer personifies rage across America.

"Let all Americans work toward that promised land that Dr. King saw so clearly. Let his death bring that land closer—and not its destruction."

"[From the Washington Post, Apr. 6, 1968]

"MARTIN LUTHER KING, JR.

"To each generation of mankind is given one or two rare spirits, touched by some divinity, who see visions and dream dreams. Committed to something outside themselves and beyond the orbit of ordinary lives, they serve their fellow-men as the movers and leaders of social change. Dr. Martin Luther King Jr. was one of these, a man whose extraordinary gifts were committed to humanity. Perhaps his tragic death was the means requisite to make real the purpose of his life.

"An apostle of nonviolence, Dr. King was, nevertheless, a militant activist. He thought of nonviolence not as mere abstention from strife but as a vital mode of action. 'We need an alternative to riots and to timid supplication,' he once said. 'Nonviolence is our most potent weapon.' There was something at once mystical and pragmatic about his conception of nonviolence. In that great and moving letter he wrote from the Birmingham jail, Dr. King said: 'Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half-truths to the unfettered realm of creative analysis and ob-

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jective appraisal, we must see the need of having nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood.'

He was a pacific man but an impatient one; and his impatience was the mark of his humanity. He burned with indignation at the indignities and humiliations and injustices that were the common lot of Negroes in the South and at the frustrations and inequalities and poverty that were their portion in the North. And he knew that 'we have not made a single gain in civil rights without determined legal and nonviolent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily . . . We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.'

And he added to this a bitter, painful truth—a truth no less opposite today than when he uttered it five years ago: 'For years now I have heard the word 'Wait!' It rings in the ear of every Negro with a piercing familiarity. This 'wait' has almost always meant 'never' '

"Yet, somehow, impatience and indignation were married in this man to gentleness and compassion. Hate was altogether alien to him. The dream he dreamed embraced his white as well as his black brothers. For he recognized that 'the Negro needs the white man to free him from his fears. The white man needs the Negro to free him from his guilt. A doctrine of black supremacy is as evil as a doctrine of white supremacy.'

"His dream, so stirringly recited at the Lincoln Memorial at the time of the great March on Washington of 1963, was the oldest and noblest of man's dreams—the dream of universal brotherhood among the children of God. 'I refuse,' he said then, 'to accept the idea that man is mere flotsam and jetsam in the river of life which surrounds him. I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality.'

"So he has been struck down by the very bigotry he sought to exorcise—and before the dream could become a reality. If the dream embraced both white and black, the grief and bereavement are shared by them as well. It is meet that there should be mourning in the land. The flags belong at half-staff for the loss of a great American. The schools ought to be closed on the day of his funeral in remembrance of one who so loved little children that he gave his life to set them free.

"But the joining of hands in sharing sorrow must be more than ceremonial, more than momentary. The only true tribute to Martin Luther King, lover of life and lover of mankind, is a renewed dedication to his dream. He belongs now to all of us. The rich legacy he leaves can be enjoyed only as it is shared by all men alike. The legacy lies in his faith that 'unconditional love will have the final word in reality.'

" 'The only way we can really achieve freedom is to somehow conquer the fear of death. For if a man has not discovered something that he will die for, he isn't fit to live.

" 'Deep down in our non-violent creed is the conviction that there are some things so dear, some things so precious, some things so eternally true, that they are worth dying for.

" 'And if a man happens to be 36 years old, as I happen to be, and some great truth stands before the door of his life, some great opportunity to stand up for that which is right and that which is just, and he refuses to stand up because he wants to live a little longer and he is afraid his home will get bombed, or he is afraid that he will lose his job, or he is afraid that he will get shot . . . he may go on and live until he's 80, and the cessation of breathing in his life is merely the belated announcement of an earlier death of the spirit.

" 'Man dies when he refuses to stand up for that which is right. A man dies when he refuses to take a stand for that which is true. So we are going to stand up right here . . . letting the world know we are determined to be free.' (Dr. Martin Luther King Jr., in a 1965 speech.)"

Dr. Martin Luther King, Jr.

(By Hon. Thaddeus J. Dulski, of New York)

Mr. **Dulski**. Mr. Speaker, a leader of his people has fallen. Words are inadequate to express the grief of each of us at the assassination of Dr. Martin Luther King.

President Johnson has spoken on behalf of our Nation. Many others, too, have spoken out publicly on this tragedy of our times. Some have elected to express their dismay and sadness privately, often in silent prayer at home or at church.

The common council of my home city of Buffalo, N.Y., is not meeting in regular session this week. But Councilman Horace C. Johnson of the Masten district has filed a formal adjournment resolution to be used at the meeting on April 16.

Following is the text of the resolution which Mr. Johnson has adapted from the prayer of St. Francis of Assisi:

"The Lord made Martin an instrument of his peace.
Where there was hatred, he sowed love.
Where there was injury, pardon.
Where there was doubt, faith.
Where there was despair, hope.
Where there was darkness, light.
Where there was sadness, joy.
He did not so much seek to be consoled as to console.
To be understood as to understand.
To be loved as to love.
For it was in Martin's giving that he received.
It was in his pardoning that he was pardoned.
And, it was in his dying that he was born to eternal life.

"Be it therefore resolved: That when this Council adjourn today, that it adjourn in loving memory of a great man, a loyal American and a true and faithful child of God—Martin Luther King."

Slaying of Dr. King

(By Hon. Hastings Keith, of Massachusetts)

Mr. **Keith**. Mr. Speaker the senseless slaying of Dr. Martin Luther King has deprived America of one of its great leaders. Dr. King preached a philosophy of nonviolence. While it is true that violence often followed this man of peace, he would have been horrified and dismayed by the rioting and looting that broke out upon the news of his assassination. He would have been the first to point out that such violence hurts rather than helps the cause to which he was so devoted. Dr. King taught us all, white and black, the precept of nonviolence in achieving social progress.

We should not tolerate nor condone the criminal lawlessness which is scarring our Nation. It is vicious, destructive, and totally alien to the great traditions of this country and to the teaching of the man in whose name it is being done. There may be reasons for the looting and rioting—but there can be no excuse or justification for them.

On the other hand, Mr. Speaker, there should be no further delay in the passage of legislation designed to achieve social progress through the lawful processes of government. Martin Luther King believed in America and its promise. He knew and taught the power of peaceful change. Prompt passage of this civil rights legislation is another step in realizing Dr. King's "dream" that no one be judged by the color of his skin.

Senate Joint Resolution 159—Introduction of Joint Resolution Designating January 15 of Each Year as Martin Luther King Day

(By Senator Edward W. Brooke)

Mr. **Brooke**. Mr. President, the renewed outbursts of civil disorder in the cities of America are costly and futile counterpoints to the profound sense of grief which has swept across this Nation since last Thursday. The lasting imprint on this country's conscience and behavior will not be made by the misguided and reckless participants in these disturbances, however vividly we may remember the ugly scenes of these few days. The lasting impressions will be those etched in our memory by the good life and good works of the man whose death last week bound the great majority of Americans together in outrage and mourning.

All over the land people are seeking appropriate ways to express their bereavement at the passing of Martin Luther King, Jr. In these first days of our loss proper tribute has been paid to Dr. King, not in the streets, but in the churches and chapels, the schools and homes of the United States. And I am confident that the greater and lingering tribute will come in further action toward the glorious goals of brotherhood and justice so diligently pursued by Martin Luther King, Jr.

As Americans, individually and collectively, rededicate themselves to these ends, it would be fitting to pay our respects to this noble figure by enduring public commemoration of his life and philosophy.

For this purpose I believe the Congress should declare January 15, the birthday of Martin Luther King, Jr., an annual occasion of recognition for this man and his mission. To accomplish this I am today submitting the following joint resolution:

"S.J. Res 159

"Whereas the United States of America is deeply grieved by the vicious and senseless act which ended the life of the Reverend Doctor Martin Luther King, Junior, this country's apostle of nonviolence;

"Whereas the United States of America, and its Senators and Representatives in Congress, recognize and appreciate the immense contribution and sacrifice of this dedicated American;

"Whereas the American people are determined that the life and works of this great man shall not be obscured by violence and anger, but rather that they shall remain a shining symbol of the Nation's nonviolent struggle for social progress;

"Whereas it is incumbent upon us to recognize the violence, hatred, and national division do no honor to the man who has been taken from us;

"Whereas mutual respect and a firm commitment to the ideals of nonviolence for which he labored will be the most lasting memorial to the life of the Reverend Doctor Martin Luther King, Junior;

"Whereas it is fervently hoped that his death may serve to reconcile those among us who have harbored hatred and resentment for their fellow Americans, to the end that our country may at last realize the ideal of equality set forth in our Constitution: Therefore, it is hereby

"Resolved, That, in honor of the Reverend Doctor Martin Luther King, Junior, who was born on January 15, 1929, January 15 of each year is hereby designated as "Martin Luther King Day". The President is authorized and requested to issue a proclamation each year calling upon the people of the United States to commemorate the life and the service to his country and its citizens of the Reverend Doctor Martin Luther King, Junior, and to observe that day with appropriate honors, ceremonies, and prayers."

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This proposal is not one I make lightly, but in the earnest conviction that we need to do all that we can to perpetuate the spirit and example of Martin Luther King, Jr. It is already evident that he occupies a unique place in American history. The values he epitomized are the very values which this country needs to sustain it on the march toward a more humane and equitable society.

I make this suggestion fully mindful of the fact that very few Americans have been so honored. No Negro American has yet been added to that small company of distinguished patriots who have received such tribute. At this time, more than any other, this Nation needs to raise up for itself and its posterity the image of reconciliation encompassed in the person of Martin Luther King. Approval of this resolution would be one measure of our commitment to do so.

Honor is not enough, but it is due. Symbols are not the substance of action, but in the long and complex paths of social evolution, symbols are also necessary. Dedication of a day each year to commemorate Martin Luther King, Jr., and his legacy to our Nation would symbolize in fitting manner our reverence for the man and our devotion to his principles.

Mr. COOPER. Mr. President, I hesitate to speak at all following the eloquent statement of the distinguished Senator from Massachusetts.

I merely rise to say that I believe that, better than anyone else, the Senator from Massachusetts clearly states the situation and the problems which face this country today.

I had the opportunity to listen to him yesterday on a television program. And it seemed to me that if our Government and its leaders and the people of our country follow the counsel and advice he gave on yesterday, our country could move from this growing alienation of the two great groups in our country and could move to that of equality which our Constitution promises, and, into a reconciliation of the two great peoples and fellow citizens of our country.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Kentucky for his very kind and very generous remarks relative to my appearance yesterday on "Face the Nation."

AFTERMATH OF DR. KING'S DEATH

(By Senator HARRISON A. WILLIAMS, JR.)

Mr. WILLIAMS of New Jersey. Mr. President, 2 weeks have passed since the awful act that took Dr. Martin Luther King's life. The violence and destruction that followed in its wake has abated. Once again the Nation has been witness to the spectacle of a majestic mass funeral for a fallen great. As the shock and numbness of those first days wore off, the Nation again turned to its everyday affairs.

But the crisis facing the United States, and the dangers, have not disappeared. We, as a nation, are in the midst of convulsive revolution. Not since the period following the Civil War has the United States faced such a domestic crisis.

Full equality under law, now guaranteed all citizens through legislation, must be met by true equality of opportunity. The United States must decide which course it is to follow: whether it will be one of increased violence, further distrust among whites and blacks, and greater polarization of the races. Or one of progress, reconciliation, and hope for the future.

The ideals of Dr. King will be sorely tested in the months to come.

In a series of editorials published earlier this month in the Bergen County Record, the legacy of Dr. King is eloquently described. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

"[From the Bergen County Record, Apr. 5, 1968]

"A LEGACY IS OURS

"He had a dream, he said, speaking slowly in that rich deep baritone of his, and a quarter of a million people spread on the lawn that day in Washington listened, rapt.

"The vision he had was so simple, so guilelessly uncomplicated, that one wonders now as then: is it really all that impossible?

"He talked of things as human and natural, as Christian, really, as having little black boys and girls play as equals with little white boys and girls. Is this utopian?

"He spoke of the sons of former slaves and the sons of former slave owners breaking the bread of brotherhood together. Is that as inconceivable as it sounds?

"He first came to national attention, did Martin Luther King Jr., as the organizer of a campaign to let the Negroes in a sun-baked little city in Alabama ride in the front of the local buses. Did that constitute a revolution?

"One would scarcely think so, looking back on Montgomery after 12 years of civil rights struggle. And today even Alabama has grown used to the idea.

"Now it is proposed that Congress pass as a memorial to Dr. King a bill to guarantee black men the right to compete on an equal footing with whites in the private housing market.

"Such a law is needed, as a matter of simple justice. This is why it should be enacted—not because the freshly turned grave of a soft-spoken young minister is in need of a monument.

"He was the least vain of men; but he will be remembered long years after our grandchildren have gone their way.

"To say his death is tragic, to say it's shameful is to demonstrate the feebleness of words on such an occasion. Yet, it is tragic, and sorrowful and hurtful too, a cause for the sort of bone-deep grieving we last knew as a nation Nov. 22, 1963.

"Justice requires that his murderer be found, tried, and held to account, of course. We hope the authorities in Memphis will acquit themselves better in their crisis of law enforcement than the police of Dallas did in theirs.

"The punishment of one lunatic blackguard won't bring Martin Luther King back to us. But he left something behind, something important that with a little cherishing could prove imperishable.

"It's this singularly utilitarian idea he had of brotherhood, a concept drawn partly from his Bible studies, partly from his life model, Mohandas Gandhi, the apostle of nonviolent resistance. It's awfully hard to turn the other cheek when provocations are as thickly bunched and inflammatory as they are in American life today, Dr. King would say. It takes strength to endure, but steadfastness can crumble walls that repel direct attacks.

"Martin Luther King Jr. had strength enough for ten. He endured. And he advanced, too, and he took us with him, a farther way than we perhaps recognize in the bitterness of today's sorrow. We shall overcome."

"[From the Berger County Record, Apr. 10, 1968]

"THE BELLS NEXT TIME

"The somber stillness of that Tuesday in Holy Week spoke for a nation more eloquently than could hymns or tears or tolling bells. What the stillness testified was that at last a whole people understands what Dr. Martin Luther King, Jr., lived for and what he died for. The passionate cry of Walt Whitman, prophet of brotherhood, sprang to mind unbidden:

" 'This dust was once the man,
Gentle, plain, just and resolute, under
whose cautious hand,
Against the foulest crime . . .
Was saved the union of these states.'

"It is not untimely now to speak humbly of transfiguration, and it is not naive to suppose the Episcopal bishops of the archdiocese of Newark spoke for all of us, excepting none, when they said, 'Our best memorial to him will be to stand where he stood and to do what he did, to look again at the society for which he died to root out those evils which keep us all in bondage.'

"So be it, but winged words and mute reverence are not an adequate substitute for action.

"In an unescapable way, we are what we do, and the world is what we make it. What remains to be done—and we may as well resign ourselves gladly to the clatter and clamor of it—is to make radical, major, fundamental changes carrying equality beyond the constitutional and statutory guarantees into economic and social certainties: to lift equality out of our books and anchor it in the way we live.

"We know what needs to be done. Next time the bells ring in memory of Dr. King, let them make a joyful sound.

"We have a long way to go. We are on our way."

"[From the Berger County Record]

"DR. KING'S BEQUEST TO EACH MAN

"There are two mankinds. Within the skin of each man, regardless of its color, there live two men. One is the animal, governed by its appetites and glands and nameless glimmering fears and hatreds. The other is he, a little less than angels, who lets himself be governed by his strange God-given mind.

"Between these two stood Martin Luther King, Jr., rejecting the animal Man, appealing to the reason which tells the new man that brotherhood and peace are the way of the future and the only safe way to the future.

"He stands pleading still. It remains to be seen which Man will emerge triumphant from the silent struggle within us, each of us. It remains to be seen how each, black and white alike, resolves the secret inward crisis which in its totality is the outward public crisis of our time.

"It is quite a responsibility Dr. King has bequeathed to us. Have it your way."

AMERICAN TRAGEDY

(By Senator WILLIAM PROXMIRE)

Mr. PROXMIRE. Mr. President, the death of the Reverend Martin Luther King, Jr., as we are all only too sadly aware, has created an enormous void in the ranks of those in this country who symbolize moral leadership and hope. His death is an American tragedy of unfathomable dimensions.

As an editorial in the Milwaukee Journal on April 5 said so eloquently:

"Spiritual leader, orator, man of letters, organizer, national symbol of the civil rights movement, Nobel peace laureate, he helped to poke and pry the nation down the road to greater racial equity—not gently but nonviolently, always within the shadow of the first amendment right to freedom of speech."

There is hope that Dr. King's death, as he himself often predicted, will be a redemptive death; that out of the ruins of his death and our sorrow will come progress toward the goals he so effectively and eloquently articulated.

Quoting again from the Milwaukee Journal's excellent editorial:

"The life of Martin Luther King can be snuffed out, but his ideas cannot; they are immune to jails, cattle prods and snipers' bullets. And ideas are Mr. King's legacy to America."

I ask unanimous consent that the Journal

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editorial be printed in the Record, as follows:

"AMERICAN TRAGEDY

"The obituary of the Rev. Martin Luther King, Jr., was written Thursday by an assassin's bullet. The nation and the world are sickened and saddened by the outrage. His death is an American tragedy and the guilt is shared by us all.

"Spiritual leader, orator, man of letters, organizer, national symbol of the civil rights movement. Nobel peace laureate, he helped poke and pry the nation down the road to greater racial equity—not gently but nonviolently, always within the shadow of the first amendment right to freedom of speech.

"The model of his nonviolence was Mahatma Gandhi, and Mr. King died as the great Indian leader died 20 years ago, cut down by an assassin's bullet.

"Mr. King could speak with the voice of angels or with the fire of evangelism; in the thunder of outrage or the whisper of eloquence. Perhaps his greatest speech was delivered during 1963's historic civil rights march on Washington:

"'I have a dream that one day, on the red hills of Georgia, sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood,' he said. 'I have a dream today that one day every valley shall be exalted, every hill and mountain shall be made low. The rough places will be made plain and the crooked places will be made straight. . . .

"'That dream must come true, or life becomes a living nightmare.'

"He walked often with death, and he knew it. He was reviled, stoned, repeatedly jailed, most recently last year. Yet he could say: 'Again and again, we must rise to the majestic heights of meeting physical force with soul force.'

"The life of a Martin Luther King can be snuffed out, but his ideas cannot; they are immune to jails, cattle prods and snipers' bullets. And ideas are Mr. King's legacy to America.

"Mr. King aimed his message not just at the overt bigot but at the apathetic bystander, black or white. In a remarkable letter from Birmingham jail in 1963 he declared: 'We will have to repent in this generation not merely for the vitriolic words and actions of the bad people but for the appalling silence of the good people. . . . I have almost reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizens councilor or the Ku Klux Klanner but the white moderate who is more devoted to order than to justice.'

"Even as Mr. King was cut down in Memphis, he was repeating this theme in form letters he had mailed to homes across the nation as president of the Southern Christian Leadership conference.

"'We cannot condone either violence or the equivalent evil of passivity,' he wrote. Again he prodded America's white majority to do its duty and help the Negro 'wrest from government fundamental measures to end the long agony of the hard core poor.'

"The letter added: 'A prosperous society can afford it; a moral society cannot afford to do without it.'

"Mr. King's death puts a dual burden on the nation. It cannot, in bitter and frustrated reaction, avenge him 'by drinking from the cup of bitterness and hatred,' as he put it five years ago in Washington.

"It would be the supreme tragic irony if the reaction to the death of this man of nonviolence were to be a new wave of violence; this way lies civil strife and the massive repression of everybody's rights.

"But it would be a like calamity if the meaning of his life, and his cause, were to be ignored and forgotten by the nation. Essential now is a positive and vigorous effort by America's white majority, from the halls of congress to the city halls, to make this country what it proudly proclaims itself to be—a land of equal opportunity, under law, for all men."

FINANCIAL DISCLOSURE

(Mr. TAYLOR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous material.)

Mr. TAYLOR. Mr. Speaker, today I introduced a bill which would require Congressmen, Federal judges, and policymaking officials of the executive branch of the Federal Government to report annually the sources and amounts of their outside income.

Citizens across our country are now questioning the integrity of public officials and are asking for such reports. I believe that public disclosure of sources and amounts of income should increase and restore public confidence. In my opinion, the present legislative requirements concerning income reporting are inadequate and legislation of the type I introduced today should be enacted into law. It is imperative that we take action at once to reestablish the faith of the American people in their national leadership.

In line with this thinking, I desire to make public the sources and amounts of all outside income that I have received while in Congress. When becoming a Member of Congress in 1960, I gave up all law practice in order to devote my full time to congressional duties. I never charge for public speeches.

The property that my wife and I own represents some inheritance and modest savings and investments made during a period of over 35 years. The stocks and bonds were purchased in western North Carolina at market value and most of them represent investments in North Carolina industries. None of my outside income is dependent in any way on my being a Member of Congress. It all comes from property investments, and not from the use of my time, all of which is devoted to congressional responsibilities.

For the calendar year 1968, the total income received by my wife and me, in addition to my salary as a Member of Congress, was as follows:

From a family-owned dairy farm in Leicester Township of Buncombe County, N.C	$1,890.09
From dividends from a variety of stocks and taxable bonds (most belong to me, some are owned by my wife)	2,368.20
From capital gains on installment sale of Black Mountain, N.C., real estate	739.29
From interest on purchase money real estate notes; savings deposits; and Swannanoa, N.C., Baptist Church development bonds	986.66
Total	5,984.24

For the calendar year 1967:

Dairy farm	$2,645.76
Dividends	2,007.75
Capital gains	127.40
Rent	322.71
Interest	1,096.20
Total	6,199.82

For the calendar year 1966:

Dairy farm	$2,175.03
Dividends	1,743.70
Rent	435.05
Interest	655.15
Total	5,008.93

For the calendar year 1965:

Dairy farm	$2,192.54
Dividends	1,283.99
Capital gain	158.59
Rent	538.03
Interest	873.20
Total	5,046.35

For the calendar year 1964:

Dairy farm	$1,966.04
Dividends	1,483.08
Liquidation dividend of interest in Spanish Castle Estates, Inc., a real estate company of Black Mountain, N.C	1,482.81
Rent	317.38
Interest	893.53
Total	6,142.84

For the calendar years 1961, 1962, and 1963, and the portion of 1960 that I was a Member of Congress, outside income came from the same sources mentioned above, that is farm, interest, rent, and dividends, and amounted to less than $4,000 each year.

PRESIDENT NIXON SPEAKS OUT FOR A STRONG AMERICA

(Mr. FISHER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FISHER. Mr. Speaker, in his address at the Air Force Academy yesterday, President Nixon very properly warned the Nation about the mounting criticism that is being heard of everything military. As stated by the President, this practice can, if not abated, endanger the security of our country at a very critical time in our history.

Much of this ill-considered criticism goes beyond expressions of concern about the size of the military budget or doubts about our involvement in Vietnam. Many of these verbal assaults are against our Military Establishment itself and directed at those segments of our industry that fulfill military requirements.

It goes without saying that every right-thinking person hopes for the time when we can safely afford to reduce military expenditures and divert more of such outlays for other uses—or give it back to the people in reduced taxes.

But this is not the time to cut essential defense expenditures to the extent that has been suggested. The fact is that we are not living in a Garden of Eden; we live in a time of grave peril when we cannot afford to lower our guard and risk becoming a second rate power. Yet, policies recommended by some would lead us down that road.

President Nixon is to be commended for his timely and forthright warning. In my judgment he said the right thing, at the right time, in the right place. The American people will, I feel sure, heed this advice and rally behind those policies which will maintain our strength in this great struggle for peace and survival.

CALIFORNIA WATER PROBLEMS ARE NOT SOLVED

(Mr. **SISK** asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. **SISK**. Mr. Speaker, one of the leading conservationist voices in the State of California is the McClatchy Newspapers, which publishes the Fresno Bee, the Modesto Bee, and the Sacramento Bee, in California.

Because of their long-standing record of support for strong conservation policies, it may be assumed that their views would be worthy of some attention on the part of everyone who is interested in preserving our land and water resources.

For this reason, I believe it is pertinent to bring to the attention of the Members an editorial which appeared in the Fresno Bee on May 23. It deals with the proposed Dos Rios Dam in northern California, which is badly needed in order to provide additional water supplies for our State.

I insert in the RECORD the full text of the editorial:

STATE WATER PROBLEMS ARE NOT SOLVED

The setback handed state water planners by Gov. Ronald Reagan's order to give more study to water project alternatives to the proposed Dos Rios Dam in Mendocino County places a serious challenge before the conservationists of the state.

They have hailed the Reagan decision against Dos Rios as a victory. But it will not remain a victory if the future needs for more water in California are not met. Conservationists would suffer in such an event along with those who have been promoters of the Dos Rios Project.

Gov. Reagan, in an apparent attempt to modify the impact of his ruling, declared, "I want to make clear that the state will meet its commitments to furnish water under State Water Project contracts."

This is the crux of the matter. The water planners became convinced, after three decades of detailed study of all potential developments, the Dos Rios plan was the best method of making sure the water contracts would be fulfilled.

John Teerink, deputy director of the State Department of Water Resources, said the effect of the governor's directive is to force water planners to re-evaluate plans which were discarded several years ago in favor of Dos Rios.

This re-study should be undertaken with speed because the need for future water supplies to meet the requirements of the State Water Project will not abate. Water shortages could become critical throughout the state if new sources are not developed soon.

It most often takes 20 to 25 years between study of a project and delivery of water, including time for authorization, financing, engineering and construction.

Thus, if the conservationists have the good of all of California at heart, they should be assisting in any way they can to bring the alternative water project surveys to early completion.

COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1969

(Mr. **ROGERS** of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **ROGERS** of Florida. Mr. Speaker, I am today introducing legislation to amend section 316 of the Public Health Service Act—42 U.S.C. 264—to provide financial assistance to the States to prevent the introduction, transmission, or spread of communicable diseases in the United States from foreign countries and from interstate and intrastate sources.

Grants would be awarded by the Secretary of Health, Education, and Welfare to States and to political subdivisions of States, with the approval of the State health authority, to assist in financing communicable disease control programs.

The grants would finance the purchase of vaccines or other agents for those population groups determined to be epidemiologically important to the control of communicable disease as well as for personnel and program operating expenses needed for epidemiological activities.

There would be $60 million authorized to be appropriated for fiscal year 1970, $75 million for fiscal year 1971, and $90 million for fiscal year 1972.

Mr. Speaker, I am concerned that Congress has, for the past few years, been harboring a false sense of security about communicable diseases.

There seems to be a feeling that we have conquered polio, German measles, and tuberculosis. The diseases which appear to be of more concern today are cancer, and heart disease.

I do not suggest that cancer and heart disease are not serious, but what I do suggest is that we have become too complacent about communicable diseases which are still very much with us, and which will reach epidemic proportions very soon if we do not keep our control programs operating at the necessary levels to realize results.

Each year about 50,000 cases of German measles—rubella—are reported although the actual incidence is estimated to be approximately 2.5 million. This is a disease that brings mild discomfort to children, but when transmitted to pregnant women, it carries with it the risk of death, physical disability, and mental disorder to the unborn child.

It is estimated that approximately 25 percent of the women who have German measles during the first trimester of pregnancy give birth to infants with severe congenital defects.

During the 1964 epidemic, 20,000 children were born with congenital abnormalities. A major German measles epidemic is predicted for 1970–71 and it is estimated that there are now some 50 million children who need protection. This bill would make that protection possible.

Still another communicable disease that can be controlled is tuberculosis. Control has been improving, particularly under project grants under section 314(e) of the partnership for health law—Public Law 89–749.

But, under the administration's proposed budget amendments for fiscal year 1970, $18 million in project grant money would be eliminated and $18 million added to formula grants under section 314(d) of the law.

The problem with this approach is that the project grants for TB control were concentrated in States with the highest incidence of tuberculosis, but the formula grants by law must be allocated on the basis of population and financial need without regard to the extent of the TB problem. Many States with the most severe TB problem will lose substantial sums of money in the shift from project grants to formula grants.

The same problem faces those States with a high incidence of venereal disease, polio or diphtheria.

The bill that I am introducing today would give recognition to the geographical incidence of communicable diseases in the allocation of funds for their eradication. In addition, the project grant would be awarded only after the Secretary has given consideration to the extent of the communicable disease problem and to the levels of performance in preventing and controlling the disease. For example, the Secretary would consider the number of vaccinations performed and the number of cases under control when making the award.

Mr. Speaker, if we fail to act soon to meet the serious problems represented by communicable diseases, we will again have epidemics facing us, and the health gap will have widened, and widened unnecessarily.

PRESIDENT NIXON'S SPEECH BEFORE THE GRADUATING CLASS AT THE AIR FORCE ACADEMY

(Mr. ADAIR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAIR. Mr. Speaker, I rise today to salute the President of the United States for his statesmanlike speech of yesterday before the graduating class at the Air Force Academy.

I salute him for articulating for all to hear the combination of idealism and realism that should guide our country in its role as leader of that portion of the world that still remains free, though threatened by the forces of aggressive international communism.

The President's speech was a clear-cut statement of America's objectives. It was a statement around which all reasonable men can gather. It was a statement of which the late President Dwight David Eisenhower would have been proud, for it called to the attention of those who belabor the general's warning against the military-industrial complex, his further warning that—

> We must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

I am glad that President Nixon emphasized the need to maintain a strong defense force. If we let our guard down, Mr. Speaker, our mistake could be fatal. The men who count in the Kremlin—if their actions in Czechoslovakia and elsewhere are any measure—are not the kind of men who will give us a second chance. As I said on April 21 in a speech on the floor of the house regarding the Soviet takeover of Czechoslovakia, the man in the Kremlin, "respect only force and the willingness to use it, not wishful thinking, no matter how sincere, and unilateral disarmament."

In conclusion, I would like to say a word about Vietnam. Since the Presi-

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dent's speech, a number of eminent politicians have violently criticized the President for not having settled the Vietnam war since he took office on January 20. It is interesting to note that many of them were closely associated with the policies of both President Johnson and President Kennedy which led to our deep involvement in Vietnam for reasons with which they themselves were at least at one time in agreement. Yet, now, they expect President Nixon to settle in 6 months a war that has not been settled in 6 years. If such critics really want peace, a real peace and not a surrender, a peace that is honorable and will serve to prevent future Vietnams, then they should show Hanoi that they support the President of the United States. They should demonstrate a national unity, so that Hanoi will negotiate seriously in Paris, instead of prolonging the war and the killing in the hope that its propaganda battle in the frontlines of America will bring them the victory they could not win against American and South Vietnamese boys in Vietnam.

H.R. 10566—A BILL TO PROTECT CITIZENS' RIGHT OF PRIVACY FROM GOVERNMENT QUESTIONNAIRES

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, modern government today depends on information-gathering technology to formulate and implement public policy and to promote many worthwhile humanistic needs. Much of this information is calculated on data submitted by private citizens on various Government-sponsored questionnaires. The search for information is frequently carried out with best intentions and is conducted in a reasonable prudent fashion. Yet, all too often the American citizenry has become subject to requests for data which appear to be, on closer analysis, of questionable relevancy and of a highly personal nature. Moreover, as Prof. Arthur R. Miller of the University of Michigan Law School has noted, people are losing control over the flow of information about themselves. In his words:

> The value on an individual's informational spigot is now in the custody of an indeterminate and unidentifiable number of administrators and computerniks.

It is becoming increasingly clear that Americans are resenting forms of legal coercion to surrender rights guaranteed in the Bill of Rights.

To cite a case in point, I was recently informed by a constituent that upon the death of her mother she received a questionnaire entitled, "National Mortality Sample Survey," from the Public Health Service of the Department of Health, Education, and Welfare inquiring of her mother's smoking habits. She ignored the questionnaire since her mother did not smoke and because she was disturbed by some of the questions asked. However, soon thereafter she received a second questionnaire by certified mail. Although she did note on this questionnaire that her mother was a nonsmoker, she refused to answer those inquiries she felt were of a personal nature and completely irrelevant to the questions regarding smoking habits. Among those were included:

First. What was the total money income of the deceased's family during 1965?

Second. What would you judge to be the total value of things owned by the deceased person after any debts or mortgages were paid off?

A third letter was soon forthcoming advising her to fill out the remaining questions. At no time was she advised that the questionnaires were voluntary and in fact by the time she received the third letter she felt it best to seek legal advice. I suggest that the case clearly represents an unwarranted invasion of personal privacy and by the very nature which it was conducted implied threats of coercion.

The omnipresence of government at all levels and their insatiable need for statistical data and information should not be used as an excuse to harass and overburden citizens with surveys prompted by some bureaucrat's desire for information that is justifiable only as far as he or his agency is concerned.

Indeed, we must seek to establish a balance between the individual's desire to be left alone and the Government's need for information.

With this concern in mind, I have introduced a bill, along with Messers. MCCULLOCH, WALDIE, MESKILL, and KYL, to protect the constitutional rights of the individual citizen by placing limitations on the executive branch in its quest for personal data. This bill is a companion to S. 1791, which was introduced by Senator SAM J. ERVIN, Jr., on April 14, 1969.

H.R. 10566 provides that the only mandatory questionnaires the Government may distribute to individuals for statistical purposes must be a result of a specific constitutional provision. It also provides that questionnaires distributed on a voluntary basis must be specifically authorized by Congress through statutory law and that such questionnaires advise the individual that disclosure is voluntary.

In April the Senate Judiciary Committee, Subcommittee on Constitutional Rights, under the chairmanship of Senator SAM J. ERVIN, Jr., continued extensive hearings on individual privacy and constitutional rights with respect to Federal questionnaires. This subcommittee has provided a national forum from which concerned citizens of all walks of life have been able to testify regarding their personal experiences in confronting these questionnaires. Also participating have been noted legal scholars who have spoken out against the use of Federal criminal and civil sanctions in order to acquire personal information from individuals. It has been readily apparent that there is little legal precedence in this area and the executive branch has been allowed a free reign to gather information on the personal habits of the American people. This subcommittee is to be commended for its diligent efforts to delve into the complex and relatively untouched subject area of personal privacy and individual rights in supplying information to the Federal Government.

Citizens of this country have a responsibility to disclose reasonable amounts of personal data in the public interest. What I believe the American people are asking this Congress to do is to strengthen the privacy side of this issue and to minimize the burden of questions requested of the public through the multitude of inquiries generated by Government agencies. Must we accept benignly the words of a high official in the Census Bureau, the largest collector of data in the United States, who stated recently that—

> We must lose some privacy as we (the country) grow.

Acknowledging today's trend toward information collection, Dr. Conrad F. Taeuber, the Associate Director of the Census Bureau, made this comment:

> We've got to limit the freedom that American pioneers had . . . and a nation has to adjust to differences that exist in a country with 4 million people or 200 million.

Dr. Taeuber's statements are cause for serious concern and are particularly disturbing in light of a letter I received from a Census Bureau employee who resigned "for reasons of conscience" because of the intrusive nature of a program he was associated with. The letter, a résumé of this person's experience with the Bureau of the Census, is intended to shed light on the scope of the Bureau's activities. It accomplishes more than this; it sounds an eloquent warning that should strike responsive chords of disquietude in all of us. Let me provide actual extracts from this statement:

> Few realize that the Census Bureau no longer works on a 10 year population survey basis. Instead, they have *continuous* inquiries into every phase of America's homes and businesses.
>
> A plan has been set up dividing the entire nation into theoretical areas of 1,000 addresses. Ten addresses are selected in a given group of homes to be interviewed repeatedly for eight months in a 12 month period. Then 10 more addresses are selected in that same area. It was pointed out to us, that with this schedule, in ten years' time, every family and individual in the U.S.A. will be thoroughly surveyed and investigated. Actually, the family is interviewed for 4 consecutive months, is allowed to rest for 4 months, then interviewed again for 4 more months. In this way, a family's fortunes, misfortunes, and activities are covered for a full year.
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> As I got further into the program, I saw that this invasion of privacy was reaching appalling proportions. Though the number of questions asked each month was essentially the same, they varied slightly and became more searching until they seemed designed to break down the individual's sense of dignity and a family's normal right to the protection of its privacy.
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> We told the people that the interviews were entirely confidential, that their identity was of no importance, and that their answers were for statistical purposes only. However, the respondent's name and social security number and those of each member of his household—relative or otherwise—were entered on a large control card with his address and other identifying information while all of the other interviewing forms carried his same control card number so that all of these papers could be kept together in government files, discrepancies checked out, etc. Interviewers were asked to return to homes where answers to questions were in disagreement

> with answers in previous months. *This type of recording cannot be merely statistical.* (The records are kept at Jeffersonville, Indiana.) The printed questions, tho prying, may seem innocuous at first reading, but after eight months of repeated questioning, we would ultimately find out everything concerning the family for five years back. To explain a period of unemployment, particularly if employment had not been actively sought, we would learn if a husband, a son, or daughter had spent time in a mental institution, a prison, or reformatory, or if the family had had marital problems or some deep trouble which made it advisable for them to move from one state to another. We didn't ask such questions per se, but with the oft repeated question, "What were you doing?", "What was he doing?", "Why?" brought to light many things that people have a right to conceal or forget.
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> Some people looked at me aghast and said "Good Lord! Is this Russia?" One woman requested a set of forms to turn over to her attorney. Some women wept because their husbands had stormed at them for having revealed family finances and personal activities in answer to questioning by an interviewer. One male interviewer was pushed down the stairs by an irate householder. For the most part, however, in probably 98% of the cases, people answered all questions resignedly though unwillingly knowing they couldn't fight Big Government. It seems to me that this is the most tragic aspect of the program. People are gradually submitting to all sorts of surveys and investigations if the questioner carries a government identification card.
>
> I could cite pitiful cases where I found elderly, crippled people making out as best they could on small pensions. One was even caring for a deaf mute girl that had been abandoned. But the schedule required that I return month after month to ask if they had sought employment ("Don't you want to work?" "Wouldn't you like more of an income than you have now?") or if they had exhausted all avenues of reeducating themselves to make them more employable, etc., etc. This sort of harassment practiced by an agency of the American government is really shameful.

Mr. Speaker, an individual's right of privacy transcends the rapid growth of technological sophistication in our country and is forever connected with our basic right of liberty. It must never be compromised in favor of well-meaning but nonetheless impersonal intentions of convenience, value, and efficiency.

FEDERAL GOVERNMENT ASSISTANCE TO AMERICAN INDIANS

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Arizona. Mr. Speaker, in a recent speech on the Navaho Reservation, the junior Member from Massachusetts, of the other body, made the flat statement that the Indians would get no more money from the Federal Government until the Vietnam war was over. His total disregard for the facts is genuinely shocking. In fiscal 1969 the approximately 300,000 American Indians will receive $498 million from the Federal Government, and they are budgeted for $525 million for fiscal year 1970. These programs involve nine agencies of the Federal Government, and probably some have been overlooked by me. One must draw the parallel of the undermining of the morale of the Indians and the obvious weakening of the morale of our U.N. fighting forces by the same man for what appears to be raw political profit.

That the statement with regard to the Indians is completely without validity, is also paralleled by the lack of validity of the gentlemen's "Hamburger Hill" statement. The complete lack of accuracy in the passionate pursuit of political profit is not limited to the gentleman from Massachusetts, but he certainly is one of its more obvious proponents. Hopefully, the American people will not be deceived.

PERSONAL EXPLANATION

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, on June 2, 1969, while I was unavoidably detained at an important meeting with constituents in my district, and personally moving my family from Kansas to Washington, the House took two rollcall votes on H.R. 763 to provide for a study of State laws concerning the governing operations of youth camps, and on H.R. 693 to provide that veterans 72 years of age shall be deemed unable to defray hospital expenses.

I request that it be made a matter of record that had I been present, I would have voted in opposition of H.R. 763 and voted in the affirmative on H.R. 693.

TAX REFORM MEANS RELIEF FROM TAXES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, tax reform is not a dead issue. The public is deeply concerned about the proposals that have been made by the administration and the Ways and Means Committee. I share that concern, for it appears to me that there has been a psychological letdown since April 15, and now one hears more about the problems connected with a meaningful tax reform than about the subject of tax reform itself.

Such a letdown is natural—we have experienced it in past years but I submit that this year is different and the public is expecting the Congress to act rather than just promise. The issue of a taxpayers' revolt is very much alive as the people of Philadelphia can tell you. In the recent election, a school bond issue was defeated and the reason, according to the Inquirer, should be of great interest to Members of Congress. In an editorial following the election, the paper noted:

> We believe the overriding factor in the bond issue's defeat was the growing wave of revulsion by hard-working, law-abiding people against high taxes and big spending that have become a way of life for government bureaucrats who provide generous pay and pensions for themselves, who dole out money left and right to pressure groups, but show precious little concern for the ordinary wage earner trying to pay his bills, live within his budget and keep his head above the ever-rising waters of the inflationary tide. That was the big message in the "No" vote on the school bond issue, and it reflects a feeling widespread not only in Philadelphia but throughout America. Public officials who refuse to believe it do not want to see the handwriting on the wall.

At the national level the handwriting spells out a loud and clear demand from the overburdened middle-income taxpayer: provide tax reform, reduce tax rates.

I am heartened by outward appearances indicating a major tax reform bill will be brought before us this year. However, I have been in this House long enough to know that the tax reform tune has been sung before without the middle-income taxpayer benefiting from the music. I do not believe that the American taxpayer is in the mood to suffer a disappointment on tax reform this year. The handwriting on the wall reads "revolt," and no one in this House can view with equanimity the prospect of a massive demonstration against the Government by those now carrying the heaviest burden of taxation.

We are talking about the plight and patience of the middle-income taxpayer. Based on projected statistics for 1969, that is the group that will report between $7,000 and $20,000 in income. They will file 33 million of the projected 78 million returns in 1969, and after you exclude the untaxable returns, the middle-income group will end up filing 50 percent of the returns with taxable income. In terms of numbers of returns filed, and in terms of the total amount of dollars reported, it boils down to this: the middle-income group which will report adjusted gross income in the amount of $351 billion, will carry the low-income group and the high-income group.

Chairman MILLS of the Ways and Means Committee said that he "very definitely" believed the middle-income people were taxed too heavily, but rather than hold out any hope for the burden on this group, he said:

> Frankly, I doubt that we will be able to develop sufficient revenues by removing preferences to lower their (middle-income group) tax rates. My recommendation to people who feel they are being taxed too heavily is to insist that some curb be placed upon expenditures of the Government. Not until we do that can we expect significant tax relief for middle-income taxpayers.

Mr. Speaker, it is a statement like that, coming as it does from the powerful chairman of the Ways and Means Committee, that prompts my concern about the fate of the plans for tax reform. Whatever the term "tax reform" means to the economists and bureaucrats, it means "relief from taxes" to the middle-income taxpayer. A tax reform that does not grant significant relief to the middle-income taxpayer is not tax reform in my opinion. And I believe I am speaking for the vast majority of America's middle-income taxpayers.

Tax reform should mean many changes in our tax system. Recently a "trial balloon" was sent up stating that our tax system should be changed to the extent that all exemptions, deductions, and preferences were disallowed, while the tax rates were substantially reduced.

I have long believed that such a revolutionary change is feasible and I am again heartened that a study is underway to gather the statistical and other data necessary to determine if such a change in our tax laws is practical. My own guess is that under such a revolutionary concept more money would flow into the Federal Treasury rather than less. Until recently there has been a reluctance on the part of many to fully explore the possibilities of such a major revision of our tax system. Because of this we have lacked the facts upon which a decision could be made on whether or not to proceed with such changes. My hope, and I am sure it is the hope of all Members, is that the results of the study will be made available to us in the very near future in order that we may consider even more substantial tax reforms than those presently under discussion.

Another change that I believe must be in any tax reform package that comes out of the Ways and Means Committee is our recognition that the middle-income group is made up of more than just married American taxpaying families. The results of a Brookings Institution study made last year revealed that the present law discriminates heavily against single persons. It is long past time for this inequity to be rectified and the easiest and simplest way would be to extend head-of-household benefits to other than married persons who maintain their own homes.

Mr. Speaker, for the past several years I have introduced a bill to rectify this deplorable situation and again in this session I introduced H.R. 2507 which attacks the problem of tax discrimination against the single person.

An excellent article on the subject of the single taxpayer recently appeared in the Washington Star, written by the syndicated financial columnist, Sylvia Porter. Her article, "Single Taxpayer Needs Help," is a very powerful argument in behalf of the kind of change in the law that my bill would bring about, and I am including the article in my remarks because of its timeliness:

Single Taxpayer Needs Help

(By Sylvia Porter)

Single taxpayers have almost no chance of relief from discrimination in the initial installment of the tax reform bill. The administration did not offer any such proposal in its reform package. And there is no sign that the House Ways & Means Committee is considering this aspect.

In the second installment, there is reason for single taxpayers to expect adjustments in the rates and personnel exemption rules which so heavily discriminate against the never-married, the widow and the widower. A Treasury spokesman says, "The need for this reform is very much recognized." A powerful congressman adds that "heavy pressures" from representatives of the single taxpayer "are being felt."

In fact, it could be that if the tax package is delayed until 1970–71, this reform might be part of it. Here, therefore is a progress report.

The discrimination against the single taxpayer is obvious, harsh—and apparent not only in the tax rate structure but also in the system for personal exemptions. To be specific:

1. Rates. The married couple has the enormous advantage of being able to split income for tax purposes. If you are married, you pay taxes at substantially lower rates than if you are single. There is no logic to this and it is unfair.

2. Personal exemptions. The single taxpayer has one personal exemption of $600. The married couple has a minimum of two, or $1,200. Again, the logic is questionable; it is nonsense to assume that it costs twice as much for the married couple to live as it does for the single person—and the more children, the more exemptions and the bigger the inequity.

3. Dollar totals. The $600 exemption was voted in 1948. Relentlessly rising living costs since then have reduced it in effect to under $400. That is pitifully outmoded—and especially for the single person with few other deductions to claim.

When you get to the details, the injustice is even clearer. To illustrate, an unmarried woman supporting an elderly aunt who raised her in a separate household is taxed at a much heavier rate than an unmarried woman supporting her elderly mother in a separate household.

To illustrate further, the personal exemption system was created to protect very low income people and couples with many children; it ignores the middle-income single person. Income splitting was adopted in 1948 to equalize the situation between community property and non-community property states; it also ignores the single person.

The most popular proposals to erase the inequity would broaden the head of household status, with particular reference to the single individual 35 years of age and older.

But a more intelligent approach might be through the system of personal exemptions. By varying personal exemptions according to marital status and income level, the discrimination might be automatically wiped out.

What should a single taxpayer do? Join a group which already has organized to lobby for this reform or organize one on your own. Sign petitions if you prefer this approach. Mail your protests to your congressmen and senators—and keep mailing. Send copies of your protests and/or petitions to the House Ways and Means Committee and the Senate Finance Committee. Make your voice heard!

This is what other groups lobbying for tax laws do, and their success may be measured by the extent to which the tax laws favor them. You deserve to win this relief—and if you fight, you will.

You will note that Miss Porter quotes a Treasury Department official as agreeing that such a reform is very much recognized by the Department, but not just yet—maybe later. And with a similar approach, Chairman Mills has said:

> The loss of tax revenues probably rules out such relief for now.

Frankly, Mr. Speaker, I do not see how Congress can afford to rule out tax relief to over 22 million Americans of whom over 16 million are women.

A further relief reform which is a "must" for this year is our recognition that it takes more than $600 per year for any one person to live on, and thus the personal exemption deduction must be raised. I do want to point out, in light of my previous statements that I am in favor with doing away with all deductions, that we are now talking about those reforms that must be initiated this year. Several of our colleagues have suggested that the personal exemption be doubled or more, but to be realistic, I have proposed a bill this year that would raise the personal exemption to $750. This amount, in my opinion, is attainable in this year's tax reform considerations and is one of those items with which the public is most concerned—and rightly so.

Another thing that should be done at once is to bring the standard deduction up to date. It is now set at 10 percent of adjusted gross income and it should be made to conform to the itemized deductions claimed by the average taxpayer. Fifty-seven percent of the taxpayers use the standard deduction; our goal should be 90 percent.

Mr. Speaker, before April 15, comment on tax reform was generally based on the necessity for such reform; the "taxpayers' revolt" it was called.

There is a momentum for change and it is urgent for us to move while this momentum exists and not after the taxpayer has forgotten what he paid last April 15.

Since that date, comment on tax reform has revolved around the issue of where the money is to come from to make up for the estimated losses to the Treasury from such reforms. I believe the taxpayer is going to remember his tax bill this year. I also believe that all the talk in the world about the amount of money it takes to run the Government is not going to mollify the taxpayers' demand for a substantial tax reform. The calls for reform have centered on numerous tax loopholes, or preferences that have been built into the system for one reason or another. There is no single source that I can find that can with certainty predict the exact amount of revenue to be gained or lost by the various combinations of reforms versus preference eliminations.

However, there is general agreement that the investment tax credit is one of those preferences that should and could be taken out of the system now, with a substantial gain to the Treasury. The investment tax credit was intended to induce industry to make investments; there is no question that it did the job, but the tax credit was not intended to be a permanent subsidy and it is time it was repealed. I am very happy to note in this regard the results of a poll of businessmen taken at the recent 57th annual meeting of the U.S. Chamber of Commerce wherein 43 percent of the respondents favored repeal of the investment credit while 26 percent were opposed to its repeal—13 percent opted for repeal of the tax credit with liberalized depreciation provisions, 12 percent called for a reduction of the tax credit, and 6 percent had other suggestions.

Naturally, there are many other potential sources of revenue that would be gained if longstanding preferences were closed. I have seen estimates on potential revenue ranging from a low of $3 billion to a high of $20 billion. It seems apparent to almost anyone that there are enough sources of taxable income, presently untaxed, that could offset any or most of the tax reform proposals that are of most interest to the middle-income taxpayer.

Mr. Speaker, I want to conclude these remarks with a comment on what I feel was the single issue which created the atmosphere for a taxpayer's revolt, and thus the flurry of activity by the administration and the Ways and Means Committee on tax reforms. That was the previous administration's 10-percent income tax surcharge. That extra burden, coming as it did on top of generally higher taxes paid to local and State governments last year, was the straw that broke the camel's back. And after the camel's back was broken, Members of this House added insult to injury by allowing the unconscionable 42-percent congressional pay raise to go into effect. Moneywise, the latter action of this House was not as costly to the taxpayer as the surcharge, but the flagrancy of the pay raise rightly added fuel to the tax reform fire lit by the income tax surcharge.

I voted against the surcharge last year and I will vote against any extension of the tax this year. We cannot, in good conscience ask the taxpayer to shoulder more burdens when we have not made every effort to eliminate the need for Federal spending which raises the national budget. Last month, the vote on the spending ceiling told the American public that we intend to hold the line on Federal spending. If that is what it takes to get a substantial tax reform measure passed this year, then we should take another look at the remaining budget to see where more Federal spending can be trimmed.

It is beyond my comprehension how we can talk about tax reform in one breath and discuss the size of the income tax surcharge in the next breath. We should face the fact that the surcharge must be repealed. Going back to that chamber of commerce poll I mentioned before, I am sure you will be happy to note that 56 percent of the businessmen polled agreed that the surtax should be repealed.

There is talk of extending the 10-percent charge for 9 months, or a 7-percent extension for 6 months, and any number of other combinations. What this must look like to the middle-income taxpayer who is the one that shoulders the burden, is that Congress is trying to figure out a way to get back the money it estimates the Government would lose from a tax reform ostensibly designed to benefit him. Such hypocrisy will not wash with the American taxpayer this year—nor should it.

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

(Mr. HOSMER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOSMER. Mr. Speaker, I shall be happy when the great ABM debate of 1969 is finally over. Then we can look forward to hearing similarly profound and knowledgeable views from many who are engaging in it about other subjects in which they become instantly expert.

For instance, they can second-guess the brain surgeons about how their work should be done and the instruments they should have to do it. They can fill the rest of us in on all the mistakes the computer people are making and tell us why computers will never work. We can be made aware of the threat to the country from the surgery-computer complex.

Having explained why we do not need the ABM, they can turn to telling us why we do not need Minutemen or Polaris, either. Then we will be able to sell the Minutemen for scrap and lay up all the Polaris submarines. After that we can get down to talking disarmament effectively with the Soviets, because we shall be such experienced practitioners of the art.

Meanwhile, one of the world's foremost noninstant experts in nuclear strategy has some views about the ABM which possibly should not go unnoticed. He is Vice Adm. H. G. Rickover, U.S. Navy. A recently syndicated column by James J. Kilpatrick discusses his views:

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

(By James J. Kilpatrick)

Several weeks ago, Sen. John O. Pastore wrote to Adm. H. G. Rickover. The senator asked for the admiral's views on where the nation is going and what needs to be done in a military way at a time of national debate on preparedness.

Rickover responded with a letter that merits the widest possible reading. Let me give him the floor:

"The first point I would like to make," Rickover wrote, "is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forego recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

"I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us to win World War II. The war itself was prolonged because the Congress—heeding the 'merchants of death' argument—in 1939 prohibited shipment of war materials to Britain and France.

"Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants, charged with the awesome responsibility to secure our country against foreign conquest? Or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer?

"Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

"As for the high cost of preparedness, it is in fact no greater proportionally to total U.S. output than 10 years ago—8.8 percent of total U.S. goods and services. Omitting the costs of the Vietnam war, and allowing for inflation, our armed forces have less buying power today than a decade ago.

"In the Soviet Union, on the other hand—according to the annual report of the congressional subcommittee on foreign economic policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. . . .

"If history teaches anything, it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. . . .

"As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second 'absolute right inherent in every Englishman.' Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. . . .

"There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability, recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily."

PAYDAY FOR POSTAL EMPLOYEES WILL DEPEND ON PASSAGE OF THE SUPPLEMENTAL APPROPRIATION BILL

(Mr. STEED asked and was given permission to address the House for 1 minute.)

Mr. STEED. Mr. Speaker, 14 days from today, on June 19 to be exact, the Post Office Department has a payday for 730,000 employees, and has no funds to meet it. It will not have funds to meet it unless the supplemental appropriation bill becomes law before that time.

I just wanted to remind our colleagues that although the supplemental appropriation bill has passed the House it still must pass the other body and go through conference and be signed by the President. We must hope that this can be accomplished in the next 14 days, else we are going to have chaos in at least the Post Office Department and probably in other Government agencies.

If nothing happens by that time, I think the Postmaster General may be faced with the necessity of shutting down the American postal system.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I join my chairman Mr. Speaker, in urging the other body to act promptly on this proposal so that we will not have a chaotic situation in the Post Office Department. The passage of the supplemental bill is warranted, and I believe prompt action is very neccessary.

NIXON AND MUSKIE WARN AGAINST ISOLATIONISM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, yesterday, President Nixon delivered an excellent address at the U.S. Air Force

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Academy in which he quite properly denounced those who would force America into a return to isolationism.

Mr. Nixon's courageous warning to those who would have America put its head in the sand and remain oblivious to the problems of the world was most timely.

It is the tragedy of our time that prominent voices in this country have refused consistently to see the uninterrupted danger of Soviet colonial expansion.

I congratulate President Nixon and hasten to add that another impressive voice in this Nation who has demonstrated the same good judgment of understanding the drift toward isolationism in this country is Senator EDMUND MUSKIE of Maine.

It is a most interesting coincidence that a day before President Nixon spoke out so eloquently against the dangers of isolationism, Senator MUSKIE delivered a similar speech in Providence, R.I., but one that got substantially less coverage from the national press.

Senator MUSKIE told the graduating class at Providence College that the real challenge of our time is "how can we absorb the painful lessons of Vietnam without an excessive swing of the pendulum back to isolationism."

Senator MUSKIE told the graduating class and, in effect, all of America that—

> This question will tax your imagination for the remaining third of this century.

It should be a source of great satisfaction to all Americans regardless of their political affiliation that there are at least two strong voices here in Washington warning against the drift toward isolation—the same kind of drift that we saw in the middle 1930's in America and which ultimately plunged this Nation and the world into the costly and brutal World War II.

I feel a great deal more confident about the future when I see on the Republican side the impressive voice of President Nixon warning against isolation and, on the Democratic side, the highly respected voice of Senator MUSKIE cautioning likewise against isolation. This could be the beginning of a real bipartisan foreign policy which could restore to America true leadership in foreign affairs.

I include in the RECORD the Associated Press report of Senator MUSKIE's speech:

> PROVIDENCE, R.I.—Sen. Edmund Muskie, D-Maine, said today the war in Vietnam marks the end of an era in which the United States sought to maintain international stability by supporting Regional Military Alliances.
>
> "In this sense, the Vietnam war is a watershed in American history," Muskie said in a commencement address at Providence college.
>
> "It marks the end of the post-war era in which we sought to maintain international stability through regional defense alliances support primarily by American military strength," Muskie said.
>
> He said the success of that program in Europe led to its application in Asia.
>
> "There, however, we have learned to our increasing sorrow that the conditions which led to our success in Europe no longer exist," he said.
>
> He said this has led to deep division in America.
>
> "How can we absorb the painful lessons of Vietnam without an excessive swing of the pendulum back to isolationism?" He asked. "That question will tax your imagination for the remaining third of this century."

LEGISLATIVE PROGRAM

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time to ask the distinguished majority leader to advise us on the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker in response to the question asked by the distinguished minority whip the program for next week is as follows:

Monday is District day, but there are no District bills.

On Tuesday we have H.R. 11271, authorizing appropriations to the National Aeronautics and Space Administration, under an open rule with 2 hours of debate.

For Wednesday and the balance of the week, H.R. 6543, Public Health Cigarette Smoking Act of 1969, which is subject to a rule being granted.

Thursday is Flag Day. Pursuant to a previous order of the House, appropriate ceremonies will be conducted in the Hall of the House of Representatives.

This announcement is made subject to the usual reservations that conference reports may be brought up at any time and that any further program may be announced later. We may have a further program to announce later depending on the disposition of the bills on the program.

ADJOURNMENT OVER TO MONDAY, JUNE 9

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next, June 9, 1969.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

TRIBUTE TO ROBERT F. KENNEDY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, 1 year ago today Senator Robert F. Kennedy was struck down by an assassin's bullet in the midst of his campaign for the Democratic nomination for the Presidency. The loss suffered on that tragic day—by his family, by his friends, and by the fragmented and confused Nation which he sought to lead—is incalculable. Not only did it deprive us of the leadership of an extraordinarily compassionate and farsighted man, but it laid bare the violence that has become such a prominent feature of our society.

As I said 1 year ago in commenting upon the consequences of his assassination on our political processes:

> **What is to become of our democratic form of government if candidates for office, civil rights leaders, and Presidents of the United States continue to risk assasination when they seek a dialogue with the people? What is to become of our democratic form of government if those who dare to dissent risk physical annihilation?**

The loss of Robert F. Kennedy is no less diminished today. He was a man deeply stirred by the injustices and inequities in our society; and he was in deep dissent with the ruinous policies in Vietnam which have resulted in over 35,000 American deaths and the division and disintegration of our own society. Had he lived, Senator Kennedy might well have been our President today. Were that the case, we would certainly be on the road to ending our ill-advised involvement in Vietnam and toward righting the injustices which minorities in this country have so long endured. We would also be on the road toward reallocating national resources to that sector of our society most in need of immediate Federal assistance; namely, our large metropolitan cities.

Robert F. Kennedy understood that the real threat to national security comes within our own borders. Pollution of our environment, dilapidated housing, outmoded and overcrowded transportation systems, inadequate educational opportunities, penurious social security benefits, an inadequate and dehumanizing welfare system, racial discrimination—all were issues to which he addressed himself and for which he was ready to offer solutions. All were issues which, if allowed to fester and grow to still larger proportions, he knew, would continue to breed discontentment and resentment. Senator Kennedy offered leadership that promised to turn the resources of this Nation toward reinvigorating our cities and securing the equal opportunity that all our citizens—black and white—deserve.

Perhaps the full weight of his loss will only be measured over the next few years. For today, one year after his death, we are more sorely in need fo the leadership he promised than ever before. The war in Vietnam, which was throughly repudiated at the polls last year, continues to rage on with undiminished fury, daily increasing its awful toll of death and destruction. The crisis in our cities to which Senator Kennedy addressed himself continues to fester as still more money is allocated to the military. Arms limitation and disarmament, which Robert Kennedy espoused, continue to take a back seat to the development and deployment of a counterproductive anti-ballistic-missile system.

In short, 1 year after Senator Kennedy's death nothing has changed.

I supported Robert F. Kennedy's candidacy in New York when he won a seat in the Senate in 1964, and I was the first public official to publically urge him to seek the Presidency in 1968. As his friend, I was deeply grieved of his death. As one who shared his determination to reorder our national priorities to secure peace in Southeast Asia and justice at home, I mourn the loss of his leadership.

As great as the loss of Robert Kennedy is, the cause he represented and the issues he articulated must not die with him. As he assumed responsibility for leadership upon the death of his brother, President John F. Kennedy, so we must assume responsibility for leadership. If the administration will not act to reorient the priorities of this Nation toward the growing domestic crisis, then it is up to Congress on its own to effect that reorientation. Until we face up to that crisis, no amount of weapons and no amount of rhetoric will heal the divisions and hatreds which are tearing the fabric of our society asunder.

As we praise Robert F. Kennedy today, let us not forget what the man stood for, for that is no doubt what he himself would have wanted most to have remembered. Let us not forget that he believed that the crisis of poverty and racism, of inadequate housing and employment opportunities was the real threat to America and that he believed that we must abandon the antiquated assumptions underlying our foreign policy to obtain a lasting and just peace in the world. Congress could no nothing greater to honor his memory than by turning the resources of this Nation toward securing a prompt end to the war in Vietnam and toward resolving the domestic problems which Robert F. Kennedy was so committed to solving.

Mr. LOWENSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RYAN. I shall be delighted to yield to my distinguished colleague from Long Island.

Mr. LOWENSTEIN. Mr. Speaker, I appreciate the generosity of the gentleman from New York (Mr. RYAN) in yielding to me on this very difficult day for us all, and for our country.

This is one of those times when it is particularly gratifying to be here, to be able to say a few words that will reflect the feeling of so vast a number of people for whom the wound at the heart, inflicted a year ago today, has not eased with the passage of time. I think Senator Kennedy would in fact be surprised if he could know I am here to say these words. He died before he could help in my campaign or I in his, so I speak independent of political ties. But it is impossible to sit here as if this were just another sad day on the long calendar of sad days in recent American experience. Like so many others who were touched by his prophetic life I wonder every day what he would think I should do, wonder how best to push on toward his goals—goals that are the hopes of all Americans of good will, goals that came to be personified for millions of Americans in this man as in few others in our history.

The horror of his absence grows worse as the national crisis deepens. The loneliness of his absence deepens as we see each day how inadequate we are to console and inspire as he consoled and inspired, to lead as he led, to pull together and get things done as he pulled things together and got them done.

I will speak more about these things and about Robert Kennedy on Monday, when this House will sit for the first time after the anniversary of his death.

Meanwhile, a stricken nation will mark another weekend in grief, still seeking its bearings and mourning its loss.

We think especially at this moment of two of the most gallant women of our land, Mrs. Rose Kennedy and Mrs. Ethel Kennedy, of Senator Kennedy's father, of his children, of his brother and sisters. We glimpse how total is their loss, because we know it is incalculably greater than ours, and ours seems total to us. We pray for them, for ourselves, for our country, and for this tormented planet.

Mr. RYAN. Mr. Speaker, I want to thank the gentleman from New York for his contribution, and to commend the gentleman for his keen insight into the many problems to which Senator Robert F. Kennedy addressed himself during his life.

Mr. BIAGGI. Mr. Speaker, we mark with great sadness today the anniversary of the loss of Senator Robert F. Kennedy, who loved his Nation so well that he consciously risked his life, day after day, in order to work for her improvement.

Robert Kennedy stood for brotherhood and for love. He stood for an America free of the plight of poverty, free of hate, free of violence. He stood for world peace. He combined an ambition to set things right in America with a full heart, tolerance, and compassion.

Today, as we remember Robert Kennedy—as Attorney General, mourner for his slain brother, loving husband and father, dedicated Senator from the State of New York, and idealistic candidate for his party's nomination for President—our pain and sadness are magnified by the fact that those things which he wanted to correct in American society have not yet been rectified.

The sincere and concerned Americans who loved him, and who met his death with shocked sorrow and feelings of personal loss must recognize that, 1 year later, we have not come much closer to Robert Kennedy's hopes for his country. On this first anniversary of his murder, we can best honor his memory by pledging that a year from today we will have at least taken a few steps toward the realization of that dream, as he might have expected of us.

GENERAL LEAVE TO EXTEND

Mr. RYAN. Mr. Speaker, I ask unanimous consent that all Members may have 10 legislative days in which to extend their remarks in the RECORD on the subject of my special order.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AGRICULTURAL WORKERS

(Mrs. MINK was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, today I introduce legislation to give agricultural workers the right to organize and bargain collectively with their employers. It is scandalous that these workers are still denied rights given to other workers in nearly all aspects of commerce and industry.

The continued denial of collective bargaining rights to agricultural workers explains in large part why they are among the lowest paid groups of workers in our Nation. While workers in such fields as manufacturing and building trades have fought for and won reasonable increases in their wages, farmworkers continue to exist at the bottom of the economic ladder. Moreover, they have been prevented from effectively demanding rights accorded other workers in such matters as work hours, medical treatment, retirement, and other employment benefits. The shocking treatment of migrant workers shows how far employers will go in exploiting unorganized workers.

Agricultural workers are excluded from participation in the standard of living enjoyed by other Americans because of a clause in the National Labor Relations Act of 1935 which specifically denies coverage to persons employed as agricultural laborers. Thus, the act deliberately makes these worthy Americans second-class citizens by barring them from the ranks of those who can unite to demand improved pay or working conditions from their employers.

As agriculture has evolved to an industrial-type operation dominated by large corporations, the need for removing this exclusion has become obvious. Just as an individual factory worker is powerless to apply pressure on management without joining collectively with his peers, so is an agricultural laborer prevented from bettering his low financial state—unless he can organize with other workers. Not only should he be able to join a union, but employers should be required to cooperate with unions in hiring and dues collections.

We have given the factory worker these rights to take collective action; now we must do the same thing for the agricultural laborer. My bill would amend the National Labor Relations Act to include agricultural employees among those empowered to bargain collectively with employers.

There has been considerable sentiment in this session of Congress for the adoption of national legislation giving farm laborers rights they now enjoy in Hawaii. The relatively high standard of living and other favorable farmworking conditions in Hawaii are evidence of what could happen in other States if this legislation is enacted.

Because of the pressing need for action

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in this area, I join my colleagues who have already introduced similar bills and ask that the House give swift and favorable consideration to this legislation.

YOUTH CAMP SAFETY ACT

(Mrs. MINK was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I regret that on Monday, June 2, 1969, the House failed to pass H.R. 763, the Youth Camp Safety Survey Act, under suspension of the rules. The vote was 151 to 152.

From the debate on this measure, it appeared that the basic reasons for its failure to obtain the necessary two-thirds vote were the cost and a belief that the matter is more properly the subject of State and local action.

Mr. Speaker, all that this bill does is to provide for a study of all State and local laws and regulations governing the operation of youth camps. It does not provide for Federal intrusion into this field, but rather for the gathering of nationwide information which can be the basis for State action. Thus, to a large degree, it would eliminate what could otherwise become a need for direct Federal regulation of camps.

The hearings on this bill provided ample evidence of the need for a comprehensive survey of the adequacy of safety standards. They showed that substantial shortcomings exist in the operation of at least some camps, and that States have hitherto done little to correct the deficiencies.

Children have been killed or seriously injured through the inept management of inexperienced or untrained camp personnel. Defects in equipment or facilities have also caused accidents. Disease is a common problem, and many camp staffs lack adequate knowledge or training to effectively combat it.

A few States have attempted to correct the conditions which can permit such hazards. We know that 26 States have regulated sanitation of youth camps, and 15 States have some safety legislation. But only three or four States even make reference to camp personnel. Other States have absolutely no legislation covering these camps. On the whole, it is obvious that much more should be done.

We could simply assume Federal control over camps in the absence of effective State regulation, but I feel that it would be much wiser to allow local levels full opportunity to act before considering such a step. The bill does not attempt to set standards, but seeks to gather the information so that States can be better advised on the steps that need to be taken.

One reason for the lack of State action is that not enough information exists on the conditions in summer camps. Many States simply do not know enough about the deficiencies to legislate knowledgeably in this field. After all, the proliferation of summer camps is a fairly recent thing. Until now, the extent of participation was not so sizable as to create a demand for new camps whose operators lack the experience and knowledge of long-time camp owners.

Our hearings brought out that some 7½ million children are attending approximately 11,500 camps this summer. This large, nationwide industry will continue to grow as more families become affluent and are able to send their children to such facilities.

Now that the industry has grown to such an extent, there is a greater need for closer scrutiny of the conditions at the camps. I wish that we had a "Ralph Nader" overseeing this important activity, for, as the "consumers" in this case, parents need to know more about these camps to which they send their children. Lacking such protection, however, Congress should at least act to gather full information on this subject.

The Youth Camp Safety Survey Act would provide for a study of all State and local laws and regulations governing the operation of youth camps to determine the extent of such laws, and the effectiveness of their enforcement. The purpose of the bill is to stimulate State action on youth camp safety so as to protect the health and lives of millions of children.

In view of the serious nature of this problem, I strongly recommend House approval of this much needed legislation.

ATLANTIC UNION RESOLUTION

The SPEAKER pro tempore (Mr. EDMONDSON). Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, the Atlantic Union delegation resolution, which calls for the exploration of federation as the answer to the mounting problems confronting free world nations, has been introduced today in the House of Representatives by a bipartisan group of 70 Members.

Four identical bills were introduced with DONALD M. FRASER, Democrat of Minnesota; MORRIS K. UDALL, Democrat, of Arizona; F. BRADFORD MORSE, Republican of Massachusetts, and myself as chief sponsors.

It makes the same proposal embodied in a resolution on which extensive hearings were held in the 89th Congress, and which was favorably reported by the Committee on Foreign Affairs in the last days of the 90th Congress.

Hearings included statements of strong endorsement by Richard M. Nixon, former President Eisenhower, and many other prominent citizens. One of the group of bipartisan House sponsors at that time was Robert F. Ellsworth, since selected by President Nixon as U.S. Ambassador to NATO.

Because the man now President of the United States so recently indicated his support, and because intervening events have strengthened the case he made, sponsors of the new resolution are hopeful of early and favorable action.

Cosponsors of Atlantic Union resolution are: JOSEPH P. ADDABBO, Democrat of New York; GLENN M. ANDERSON, Democrat of California; THOMAS L. ASHLEY, Democrat of Ohio; MARIO BIAGGI, Democrat of New York; JOHN A. BLATNIK, Democrat of Minnesota; EDWARD P. BOLAND, Democrat of Massachusetts; RICHARD BOLLING, Democrat of Missouri; GARRY BROWN, Republican of Michigan; GEORGE E. BROWN, JR., Democrat of California; DANIEL E. BUTTON, Republican of New York.

SILVIO O. CONTE, Republican of Massachusetts; EMILIO Q. DADDARIO, Democrat of Connecticut; CHARLES C. DIGGS, JR., Democrat of Michigan; THADDEUS J. DULSKI, Democrat of New York; DON EDWARDS, Democrat of California; JOSHUA EILBERG, Democrat of Pennsylvania; MARVIN ESCH, Republican of Michigan; LEONARD FARBSTEIN, Democrat of New York; PAUL FINDLEY, Republican of Illinois; DONALD M. FRASER, Democrat of Minnesota.

RICHARD FULTON, Democrat of Tennessee; BARRY GOLDWATER, JR., Republican of California; GILBERT GUDE, Republican of Maryland; SEYMOUR HALPERN, Republican of New York; RICHARD T. HANNA, Democrat of California; JULIA BUTLER HANSEN, Democrat of Washington; KEN HECHLER, Democrat of West Virginia; MARGARET M. HECKLER, Republican of Massachusetts; HENRY HELSTOSKI, Democrat of New Jersey; FRANK HORTON, Republican of New York; JOSEPH E. KARTH, Democrat of Minnesota; HASTINGS KEITH, Republican of Massachusetts; EDWARD I. KOCH, Democrat of New York; ROBERT L. LEGGETT, Democrat of California.

DONALD E. LUKENS, Republican of Ohio; RICHARD D. MCCARTHY, Democrat of New York; CATHERINE MAY, Republican of Washington; ABNER J. MIKVA, Democrat of Illinois; WILLIAM S. MOORHEAD, Democrat of Pennsylvania; F. BRADFORD MORSE, Republican of Massachusetts; JOHN E. MOSS, Democrat of California; JAMES G. O'HARA, Democrat of Michigan; ARNOLD OLSEN, Democrat of Montana; RICHARD L. OTTINGER, Democrat of New York; BERTRAM L. PODELL, Democrat of New York; ADAM C. POWELL, Democrat of New York.

MELVIN PRICE, Democrat of Illinois; GRAHAM PURCELL, Democrat of Texas; ALBERT H. QUIE, Republican of Minnesota; THOMAS M. REES, Democrat of California; OGDEN R. REID, Republican of New York; HENRY S. REUSS, Democrat of Wisconsin; HOWARD W. ROBISON, Republican of New York; PETER W. RODINO, Democrat of New Jersey; EDWARD R. ROYBAL, Democrat of California; WILLIAM L. ST. ONGE, Democrat of Connecticut; JAMES H. SCHEUER, Democrat of New York.

HERMAN T. SCHNEEBELI, Republican of Pennsylvania; FRED SCHWENGEL, Republican of Iowa; B. F. SISK, Democrat of California; HENRY P. SMITH, Republican of New York; ROBERT T. STAFFORD, Republican of Vermont; J. WILLIAM STANTON, Republican of Ohio; WILLIAM A. STEIGER, Republican of Wisconsin; SAMUEL S. STRATTON, Democrat of New York; CHARLES M. TEAGUE, Republican of California; FRANK THOMPSON, Jr., Democrat of New Jersey; MORRIS K. UDALL, Democrat of Arizona; JIM WRIGHT, Democrat of Texas; and JOHN W. WYDLER, Republican of New York.

Text of the Atlantic Union resolution follows:

Whereas, the interdependence of the nations of the Atlantic Community has steadily grown with the increased mobility of capital and goods, while the revolutionizing speed of scientific, technological advance has outstripped the North Atlantic Treaty and made it necessary to forge new bonds to maintain the unity of these nations, so essential to international prosperity, peace and freedom;

Whereas, the defense of the nations of the Atlantic Community against not only war but monetary crash and depression continues to be a mutual concern;

Whereas, the citizens of these free nations are already united also by a common devotion to democratic traditions and the rule of law;

Whereas, this common heritage enables and requires them, when facing such challenges as those now confronting them, to meet and explore together how best to enlarge and extend the rule of law to provide for effective democratic government and regulation of their common concerns;

Whereas, our Original States, when beset by divisive dangers under their Articles of Confederation, sent delegates to the 1787 Convention, who traced the trouble to the confederal structure and to replace it invented the federal system, which has effectively safeguarded member States from domination by one another, equitably apportioned among their sovereign citizens voting power on common concerns, assured each State of independent government of State affairs, met other challenges like those now facing the Atlantic allies and not merely worked but proved that free people can thus work marvels;

Whereas, a joining together for such purposes of the democratic nations of the Atlantic Community to create an Atlantic Union within the framework of the United Nations would reduce the cost of the common defense, provide a stable currency for world trade, facilitate commerce of all kinds, enhance the welfare of the people of the member nations, and increase their capacity to aid the people of developing nations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (1) The Congress hereby creates an Atlantic Union delegation, composed of eighteen eminent citizens, and authorized to organize and participate in a convention made up of similar delegations from such North Atlantic Treaty allies as desire to join in this enterprise, to explore the possibility of agreement on:

(a) A declaration that the goal of their peoples is to transform their present alliance into a federal union;

(b) A timetable for the transition to this goal; and

(c) Democratic institutions to expedite the necessary stages and achieve the objective in time to save their citizens from another war or depression, and let them enjoy, as soon as possible, the greater freedom and higher moral and material blessings which federation has brought free people in the past;

(2) The convention's recommendations shall be submitted to the Congress for action by constitutional procedure;

(3) Not more than half of the delegation's members shall be from one political party, and all shall be citizens of high stature and wide influence, representing together a broad range of experience in the various major challenges facing this undertaking, and so conscious of its importance and urgency as to be willing to give it personally the necessary priority and time;

(4) (a) Six of the delegates shall be appointed by the Speaker of the House of Representatives, after consultation with the House Committee on Foreign Affairs, six by the President of the Senate, after consultation with the Senate Committee on Foreign Relations, and six by the President of the United States.

(b) Vacancies shall not affect its powers and shall be filled in the same manner as the original selection.

(c) The Delegation shall elect a chairman and vice-chairman from among its members.

(d) All members of the Delegation, like the drafters of the United States Constitution, shall be free from official instructions, and free to speak and vote individually in the Convention.

(5) The Delegation shall cease to exist at the expiration of the three-year period beginning on the date of the approval of this Resolution.

This resolution, almost identical with the one eloquently endorsed 3 years ago by the man who is now President of the United States, would establish an 18-member U.S. delegation of eminent citizens.

This group would be authorized to meet in convention with similar groups from other NATO nations for these purposes. First, to seek agreement on federation as the goal of the alliance; second, to fix a target date for achievement of the goal; third, to establish interim institutions needed to keep the developments on schedule.

This resolution contemplates a massive advance in political institutions, one that indeed would be historic. At the same time it is no more massive than the advances in scientific technology we witness almost daily on our television screens.

Conceivably, the convention would explore the possibility of applying the genius of our own U.S. federal system to the broader Atlantic community. A federation of these major nations of western civilization would be formidable indeed. It would result in a political institution large enough to deal successfully with the supra-national problems that now confound us.

Brought together effectively and permanently by means of federation, the people of this broad community would then be enabled to speak and act as one—and share burdens equitably—in all external matters, like aid to underdeveloped nations, filling the requirements of international law and order, halting safely the arms race.

At the same time, this development—by effectively unifying the total strength of these nations—would make possible the safe reduction of internal militaristic influence in our society.

If, as seems to me logical, it would also lead to a unified monetary system and the elimination of internal barriers to trade, it would spur economic progress and reduce to a minimum the danger of economic depression and monetary crash.

During the years since World War II our Government has spent nearly a trillion dollars seeking national military solutions to problems which are fundamentally supranational. We have spent only a pittance of energy and money seeking solutions on an appropriately supranational scale, searching for peaceful nonmilitary means through which our free institutions can be protected, strengthened and advanced to the benefit of ourselves and others.

For years we have known that nationalism in its traditional form is as obsolete as the muzzle-loading rifle, but we do nothing about it. We invest billions in weapons that quickly lose value, but next to nothing in federation, an investment which our own national experience has shown to increase steadily in value.

If only to assure that America will have the high respect and devotion of its rising generation, it is high time we explore nonmilitaristic ways to deal with mounting problems like world policing and nuclear proliferation. Federation is such a way. It is time-tested. It is practical.

The resolution makes the same proposal—and in practically the same text on all essential points—as the one I and others introduced on October 18, 1965, and again on February 23, 1967.

In the interval, this resolution had gained in 1966 the strong endorsement of the statesman who is now our President, Richard M. Nixon. At about the same time in the spring of 1966, I also received letters endorsing it from former President Eisenhower—who wrote me:

> I strongly favor your undertaking; let there be no mistake about this.

And endorsements from BARRY GOLDWATER, Nelson A. Rockefeller, George Romney, and William W. Scranton.

The same resolution was introduced in the Senate in both 1965 and 1967 by Senators EUGENE McCARTHY and Frank Carlson as chief cosponsors. In 1968 it gained the support of the late Senator Robert F. Kennedy who wrote on April 8 to Freedom & Union magazine:

> The Atlantic Union Resolution affords us the opportunity to study this intriguing concept (a federal union of the Atlantic nations). I urge the proposal's adoption. * * * To fail to study this concept . . . would be to turn our back on the lessons of history.

Vice President Hubert H. Humphrey, soon after he announced his candidacy for the Democratic nomination for President, gave the resolution his support in a statement on May 7, from which I quote:

> While a Senator, I was among the sponsors, from 1949 on, of all the resolutions for an Atlantic Convention to explore with N.A.T.O. allies a federal union answer to the challenge of how to unite effectively and democratically the great moral and material strength of these free peoples. And so I heartily welcome the impressive support the pending resolutions to do this have gained.

One of the many powerful reasons for the Atlantic Union delegation resolution is the dangerously increasing gap between the amount we have spent since 1949 on strengthening the defense of freedom by national armed force plus "domino" wars, as contrasted with the pittance spent to assemble strength through federal union. To quote Mr. Humphrey, it is high time to explore the "federal union answer to the challenge of how to unite effectively and democratically the great moral and material strength of these free peoples."

Both armed power and federation of free peoples are obviously necessary for the defense of freedom—but consider the gap between the efforts we have thus far made to defend it in these two ways.

In the 21-year period from 1949 through 1969 we have appropriated for armed power a total of $959 billions. In the same period, we have appropriated nothing at all, as yet, to explore the federal union way to unite the free effectively.

In other words, we have spent, since 1949, almost $1 trillion more on the strength that comes from arms than on exploring Atlantic federal union. Yet we all know that the immense productive, financial, scientific, and armed power of the United States came from federal union. Our Founding Fathers had the foresight, when the alliance of the 13 States under the Articles of Confederation proved weak and unreliable, as NATO is today, to call the kind of exploratory convention in 1787 we urge today. That convention resulted in the discovery that a federal union was the way to unite the free effectively and democratically, a way which has brought us our great strength.

Think of only one of the consequences of this appalling gap. We are justly concerned by the unrest among our youth, the tumult on campus and in high school, the rising rebellion of students against ROTC and all forms of strength through arms, their growing tendency to echo the communist charge that our country is "imperialistic."

We overlook the fact, that throughout the entire lifetime of all Americans under voting age, the U.S. Government has increasingly sought to defend liberty by spending lavishly on armed power—far more than on education or anything else—to the neglect of idea power, moral power.

We have overlooked this stark contrast so long that, when we try to explain to our youth that armed power and drafting the young to fight far away are needed to maintain our free way of life, we are bewildered to see them brush this off as the "hypocrisy" of older people. Yet, to understand them, their parents and grandparents must remember that no previous generation has ever seen, through their entire lifetime, the overwhelming U.S. accent on armed power that has been the lifelong experience of all Americans under 21. Our youth have seen this gap grow—from a defense budget of $10 billion in 1949 to one of $76 billion in 1969—grow seven times greater while the outlook for peace has certainly not grown apace, if at all.

Freedom needs both armed power and the power that comes from federation, as I said earlier—but between the two, federation deserves the higher priority.

We know from experience that rapid technological advance renders modern weapons rapidly obsolete—sometimes obsolete even before the model on which millions were spent can go into production. That's the major reason why armed power is so increasingly costly.

But the passage of time, which quickly scraps our most sophisticated and expensive weapons, strengthens no less quickly the power free people gain from federation. This power grows stronger, instead of weaker, every year, decade, century. Our own history as a federation shows that to be true. And the passage of time makes union grow stronger, not only the total effect of its armed power but in every field—financial, monetary, productive, scientific—and in moral power, too. We know this also from experience. We know how weak our own Federal Union was when it began, and how its power has grown in many ways for 180 years now.

To meet the danger from inflation, the challenges from the campus and the city and others I shall not mention, we should cease depending so exclusively on the kind of strength that costs most, only to turn quickly obsolescent, and seek instead the kind of power that costs virtually nothing, never becomes obsolete, grows only stronger as time goes on. It is this marvelous, priceless, ever-growing, everlasting, many-faceted strength which the Atlantic Union resolution would have us explore now with the other free people of NATO.

Let me now turn to some other reasons that add urgency to the Atlantic Union resolution and make the outlook for it better.

To begin with, there is the departure from power of General de Gaulle. This has removed what to many Americans was so great an obstacle to the proposed convention's success as to make convoking it impractical. At the same time, however, his resignation opens a period of uncertainty in this key country, and the risk of its reverting in a few years to the political instability it suffered through the period preceding the Presidency of General de Gaulle. To avoid this and other risks we need to seize the present opportunity this very year.

The return to the front pages of the chronic threat of a world monetary crash is another urgent reason to explore the Federal answer. A crash could trigger a world depression as did the one of 1929—and this time advance Communist dictatorship as it then brought Hitler to power in less than a year and a half.

There are also other ominous signs: The rising power of the marshals in Moscow, the brutal invasion and stifling of Czechoslovakia, the resulting threat to the German Federal Republic, the expansion of Soviet naval power in the Mediterranean, Moscow's re-arming of the Arab States and the lurking danger of a nuclear confrontation in the Mideast.

I wish I had time to develop these reasons for convoking the proposed convention to explore Atlantic Union. But I must delay no longer to recall in full the statement which President Nixon sent to the House Committee on Foreign Affairs on September 1, 1966, urging it to approve the resolution. It merits recall not only because he is now President, but because of the unanswerable case he made for the resolution, and the prophetic insight he showed. Here is what President Nixon said:

> It is fitting that the United States, the world's first truly federal government, should be a main force behind the effort to find a basis for a broad federation of free Atlantic nations.
>
> Although the accomplishment of the ultimate goal of the Resolution may well be impossible to attain for many years, recent events of history and numerous scientific and technological advances of the past 20 years point the way in this direction. It would be foolish for us to ignore the fact that science and history are even now fatefully combining to accomplish the same goal. Perhaps, by anticipating the further shrinking of the world, the dialogue which this Resolution contemplates will provide a resourceful tool for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred since World War II.
>
> I have been deeply disturbed of late by the trend of events in Europe. The renewed nationalism of France has for the moment halted the pace at which the nations of Western Europe were moving toward becoming a unified and federated community. By adopting a measure such as the Atlantic Union Resolution we could give new impetus to the spirit of federalism in Western Europe.
>
> To be sure the concept of an "Atlantica" is at present only a dream, but in the age of the rocket, dreams become reality with a speed which is difficult to imagine. The Atlantic Union Resolution is a forward-looking proposal which acknowledges the depth and breadth of incredible change which is going on in the world around us. I urge its adoption.

Consider the accelerating speed at which "incredible change" has continued since 1966 when President Nixon made that statement. He recalled in it how events of history and technological-scientific advances in "the past 20 years" have pointed the way toward Atlantic Union. He stressed the need of not delaying further to use the "resourceful tool" which the proposed convention provides "for coping with the problems of a world which in 20 years will have undergone even more drastic changes than have occurred" in the previous 20 years.

It is not 20, it is less than 3 years since that forecast was made. In that brief period the nuclear power of Red China raised the call for the production of the Sentinel missile system. Before it could be started, the multiple nuclear warhead produced by the Soviet Union has brought the need for the Safeguard missile system—and the current ABM controversy.

As for the advance in space, consider the highlights of only last month: Americans circled the moon repeatedly in Apollo 10, and we saw on TV in our homes the photographs they took of the earth rising over the bleak horizon of the moon—a most impressive proof of the "shrinking of our world."

Truly—to quote the prophetic Nixon statement again:

> In the age of the rocket dreams become reality with a speed which is difficult to imagine.

And no less truly, this applies also to the dream of a federation of the Atlantic community—a federal union of the free—of bridging the Atlantic Ocean by the principles with which our fathers boldly began spanning this continent before there were steamboats, trains, telegraph, when the steam-electric period was only dawning, and its marvels were beyond the dreams of even Benjamin Franklin.

Earlier I said we all know that our own federal union has grown immensely in strength since its weak beginning. Let me conclude by citing a timely example of how dark the outlook for it was in this period in 1787. In February of that year the convention to explore how to transform the moribund Articles of Confederation into an effective, democratic government had been summoned to open in Phildelphia on May 14. That was 182 years ago.

George Washington feared the convention was doomed to fail. Nonetheless he had traveled more than 4 days by horseback and carriage to be present when the Convention began. He reached Philadelphia on the 13th, and the next day he went with Madison and the majority of Virginia's eight delegates to Independence Hall for the opening session. Only one other delegation met them there. It was Pennsylvania's—and only some of the Philadelphia members of its eight delegates. There was no delegation from the four States nearest Philadelphia: New York—only half as far away as Mount Vernon; New Jersey, just across the river; Delaware, 20 miles down the river; and just beyond it, Maryland, another State Washington had traversed in those 4 days.

A lesser man than the Father of our Country might well have gone home, concluding that such apathy—or opposition—proved that his fears were well founded. Moreover, on March 10, just after receiving word that the Convention was summoned for May 14, he had sent the Foreign Secretary of Congress a letter in which he agreed that the Confederation was ready to fall, unless drastically changed, and then added:

> But, is the public mind matured for such an important change? . . . My opinion is that the country must yet feel and see more, before it can be accomplished. A thirst for power and the . . . monster . . . sovereignty, which have taken such fast hold of the States individually will . . . form a strong phalanx against it . . . The opposition will be altogether irresistible till the mass, as well as the more discerning part of the Community, shall see the necessity . . . Yet I would fain try what the wisdom of the proposed convention will suggest. It may be the last Peaceable mode.

Despite his misgivings, Washington had made the arduous trip—only to find abundant cause to say, "I told you so" and return home. Had he done so, it is all too certain that the Convention would never have got the quorum of seven States it needed, and no Federal Union would have been constituted. The "fast hold" of the monster sovereignty on each of the 13 States would have scourged them all as it has the nations of Europe. The 13 would have been sucked into the alliances and wars of the 25-year maelstrom which began with the opening of the French Revolution in May 1789—some on one side, some on the other. The New World would have gone the way of the Old.

But Washington did not take apathy or "No" for an answer. Rather, he cooled his heels not merely 1 day, but day after day, hoping for a quorum. On the 18th, Alexander Hamilton and a majority of the New York delegation arrived; on the 21st, the Deleware delegation was on hand—but the Convention was still three States short of a quorum. It did not attain that quorum and open until May 25, when the New Jersey delegation finally crossed the Delaware.

Such was the outlook for effective union of the 13 States 182 years ago this day. During that 11-day period various delegates grew so discouraged that they urged that the Convention, if it ever opened, content itself with half measures. These, they held, were the only changes that would be accepted by the people of the 13 States—and the Articles of Confederation stipulated that any change in it required ratification by all 13.

In these gloomy circumstances Washington did much more than hope and pray for seven States to come. When defeatism grew rife on one of those discouraging 11 days, he intervened and turned the tide from despair to determination with these solemn words to the other delegates:

> It is too probable that no plan we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and the honest can repair; the event is in the hand of God.

Such was the prospect at this time in 1787 for the first convention in world history called to explore whether allied democracies could agree to constitute an effective, democratic government for their common affairs. Such was the little acorn of courage and wisdom from which our mighty tree of liberty grew. With that spirit we can now arm freedom with decisive moral and material power for peace, by deciding to explore the inspiring possibilities offered by Atlantic Federal Union.

Mr. WRIGHT. Mr. Speaker, the time clearly has come in the affairs of men for the North Atlantic democracies—those of us who share so much in common tradition, common governmental form, common respect for individual rights—to explore the possibilities of forming more effective common solutions to our most pressing common problems.

The sponsorship of this resolution calling for a convention of these free world nations demonstrates the broad and growing recognition of this need. When I examined the list of sponsors earlier today, I discovered that there were 69. How appropriate Sixty-nine in 1969. It is in every sense a bipartisan group. The list includes Democrats and Republicans, liberals and conservatives, hawks and doves—and perhaps a few owls. But it should not be surprising that so broad a spectrum of the politically aware have joined hands in supporting this resolution.

The history of mankind can be seen politically, in the gradual expansion of the unit of government. First, there were families; then nomadic tribes; then small settled communities; ultimately the Greek city-states, and finally under Philip II of Macedonia the first nation. Since then, nations have merged into larger nations for the common well-being of their citizens, and formal groupings and alliances of nations have culminated in formal international organizations.

In each step along this upward civilizing road, people have submerged differences to seek common ends. The merging of the destinies of those with common aspirations has given greater strength to all who share the same dreams. And, in one of history's paradoxes, the voluntary forgoing of unrestrained local autonomy has resulted in greater individual liberty and broader individual opportunity.

Almost 200 years ago, 13 weak and independent little republics banded themselves together on this continent and agreed to survive as one strong nation. There were among our forefathers different cultures, different languages, different religious backgrounds. Yet the things that united them were greater than the things that divided them. They had a common enemy and a common purpose. Thirteen years under the loose alliance of the Articles of Confederation demonstrated the need for stronger ties of unity. When the Articles of Confederation blundered and broke apart on the rock of reality, our American ancestors drew the bonds of union tighter about themselves by means of the Constitution. Thus banded together in a federation, their progeny have known the blessings of a viable government and the ability to come to grips with common problems.

The twin catalysts which drew our forebears together originally were a common enemy and a common purpose. Today the members of the North Atlantic Community—with equally as much in common as the inhabitants of the 13 Colonies—face common external enemies, tyranny, and the threat of nuclear war. They certainly face common purposes in the survival and triumph of humanity itself and of the human values which we cherish in common.

The fantastic compression of time has shrunk our planet. For purposes of transportation or communication, the average citizen in my city of Fort Worth today is much closer to London or Paris—or Moscow or Saigon—than his ancestor was 100 years ago to our State Capitol in Austin. We can travel to any major city of the world or communicate with anyone in any such city with greater ease, speed, and facility than our ancestors could have traveled to Austin or communicated with a resident of that city.

Our human arts of governing our relationships and coming to grips with the common problems that beset us in a civilized and effective way have not kept pace with the movement of events. The explosion of scientific knowledge has far outstripped the development of our social and governmental institutions.

So it seems only plausible and natural that intelligent men and women, sharing aspirations and values in common, should perfect their mutual capacity to assault and conquer the problems of this age in quite the same way that forward looking statesmen of past times have done. Does someone suggest that such an approach is too visionary? I would remind him only of Solomon's warning that "Where there is no vision, the people perish."

It is to be hoped that hearings can be held at an early moment by the House Committee on Foreign Affairs and that the membership of Congress may have an opportunity to express the readiness of our people to sit down in a civilized way with our friends and kinsmen of the other western democracies and explore the avenues by which together we may work to build a more secure and hopeful future for our posterity.

ATLANTIC UNION RESOLUTION

Mr. FRASER. Mr. Speaker, today I have joined more than 70 other Members in introducing a resolution calling for an Atlantic Union convention. In addition to the names already listed by the

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gentleman from Illinois (Mr. Findley), two more should be added: Congressmen Frank E. Evans, of Colorado, and Robert O. Tiernan, of Rhode Island.

I am proud to be associated with this resolution because I have supported the concept of Atlantic Union for more than 20 years. Events occurring through this period have reinforced my conviction.

The rule of law is embraced by nations on both sides of the Atlantic. The people of these nations share a common heritage in their commitment to the dignity of man and in their belief that government must always be the servant and never the master of the people. Sovereignty resides in the people themselves. They confer upon various levels of government the power to regulate and order certain aspects of community life.

Thus the people have it within their power to create a new level of government when this will best serve their interests.

A union of Atlantic nations would be a move toward regulating the international affairs of mankind by substituting the rule of law for traditional diplomacy. We need to regulate trade and commerce including the money supply, to provide for the common defense, and to create relationships with the rest of the world which will be conducive to the pursuits of peace and development.

Passage by the Congress of this resolution does not guarantee that other Atlantic nations will reciprocate. We may find that other nations will be reluctant to engage in this effort with the United States at this time. Nevertheless the mere passage of this resolution will be a clear signal to our friends in the Atlantic community that the United States desires to explore the creation of political and governmental relationships which assure parity with all other peoples who choose to join.

The overwhelming power of the United States is a cause of concern to some in Europe. They question the wisdom with which this power has been used. By joining with us to legislate on common concerns, they will be assured that people rather than economic power or military strength will count in the formulation of common policies.

The risks of nuclear war are growing steadily. While proliferation of nuclear weapons may have been slowed for the moment, experience teaches that nations may too quickly move away from agreements which they find chafing or confining in the protection of their national interests.

The consequences of nuclear war are so enormous that mankind must do all those rational things which are within reach to lessen or eliminate this threat.

The creation of an Atlantic Union is in no way in derogation of the United Nations of which I am a fervent supporter. In fact, it will strengthen the United Nations by insuring that the rule of law prevails over a wider area of the planet. It will enhance the capacity of the developed nations to aid the developing nations.

In short, we have nothing to lose and everything to gain by applying the lessons of history and the fruits of civilization to a wider area of human affairs.

FRAUD IN AMERICA—IV

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the CBS broadcast "Hunger in America" was as remarkable for what it did not say as for what it did say.

I have already noted that CBS neglected to say that it had failed to check facts, had broadcast flat untruths, neglected to report that it had staged scenes, prompted and paid persons who appeared on the show, and edited out of recognition statements made by others—all to make the "facts" conform to the script that had been written.

CBS also neglected to say a few other things in its broadcast. It failed to say what programs the Federal Government does have, and how they have been improved in recent years, to help assure that everyone can obtain an adequate diet. They neglected to show the very real concern of governments, local and national, about the problems of those who are poor. They neglected to attempt any measurement of what is being done against what needs to be done. Had they done this, the show might have been more devastating than it was—or perhaps it would not; but in any case it would have been a completed story, one that would have enabled the viewers to know the several aspects of a complex and crucial problem, one that would have enabled people to form some kind of rational judgment.

But CBS was not interested in informing people, as much as it was in inflaming them. They wanted shock and sensation, not hard and honest news. It is easier to write a story in the yellow manner than in the honest manner. Besides, the single eye of the lens does better when fed color than when it is fed monochrome; one need not worry about truth so long as one can get it in living color, so seems to run the journalistic credo of the networks. It is not so important to them whether the picture is true so much as whether it sells.

But Mr. Speaker, people can form opinions only on the basis of what they know. Few people are inclined to question what they see in print or on television. Fewer still have the time or resources to perform individual research. And since in the case of television only the networks have access to the broadcast facilities, there is only one view—and that is their view. If it be truthful, then well and good. But if it be untruthful, then all is not so well and good. If we are to permit the networks to have a monopoly on the content of news broadcast, then we are bound by conscience and by good sense—as well as public responsibility—to see that they exercise some responsibility.

If the networks can plunder the air with junk, and can abuse the basic responsibilities of truthful journalism—which they do and repeatedly have done—then it is time that Congress devised some method of bringing accountability to the barons of broadcasting. There must be some way that the public can know that their interests are protected from minds that have a conscience only for high ratings and high profits, and none for good sense, good taste, or even plain old fashioned honest truth.

Mr. Speaker, I believe that Congress must act, must explore this problem, and must solve it. No one wants censorship. But at the same time we cannot afford to have wildly incompetent journalism fed into 96 percent of the homes of this country. We are confronted with a dilemma. Does the first amendment cover deception? It did not when the quiz show scandals erupted. It should not when a far more serious issue is at stake. What guarantee have we that future news programs will not take great liberties with the truth, all in the name of ratings and sales, all in the name of poetic license, but all flying in the face of honest broadcasting? We have none. I do not believe that the barons of Manhattan should sell the public trinkets in the place of truths. "Hunger in America" glittered, but it was not the truth that made it glitter, but the false glass of a vidicon tube. When that tube shows blatant disregard for truth, it is time that we acted. It has, and we should.

Mr. Speaker, I have said that "Hunger in America" left many things unsaid, among them what has been done to date to assure that massive hunger is not accepted as a fact of life. I offer to my colleagues an article from the Dallas regional office of the Federal Reserve System, in their monthly bulletin for May 1969:

Federally Assisted Family Food Programs

For many years, the U.S. Department of Agriculture has been cooperating with state and local authorities in providing low-income families with supplemental food. Such assistance currently is being furnished through two basic types of programs—the Commodity Distribution Program and the Food Stamp Program. The Commodity Distribution Program is the older of the two types of programs and, until recently, has been the more important. Commodity distribution programs originated in the early 1930's, when surplus foods were given directly to the poor and unemployed.

A food stamp program was in operation between 1939 and 1943 but was discontinued when wartime demands increased incomes and reduced unemployment. This stamp program was directly related to surplus commodities. In 1961, a new food stamp plan was initiated on a pilot basis, and the plan was given more permanent status by the passage of the Food Stamp Act of 1964. The program was established to remedy some of the weaknesses of the Commodity Distribution Program.

Both the Commodity Distribution and the Food Stamp Programs are in operation in parts of the Southwest. The purpose of this article is to highlight the background and growth of these two programs in the United States and in the five states of the Eleventh

Federal Reserve District. One section of the article will discuss how successful each program seems to be in achieving the goals outlined by the framers of the enabling legislation.

COMMODITY DISTRIBUTION PROGRAM

As mentioned earlier, the Commodity Distribution Program is the oldest governmental family food-assistance program operating at this time. Under this program, food commodities declared to be in surplus supply, as well as other purchased foods, are shipped by the U.S. Department of Agriculture to various distribution centers throughout the Nation for redistribution to low-income families and to institutions. Presently, the USDA carries out its surplus food donation program to the needy under two authorities: section 32 of Public Law 320, approved in 1935, and section 416 of Public Law 439, approved in 1949. The USDA also distributes food to participants in the school lunch programs under section 6 of the National School Lunch Act, passed in 1946. Sections 32 and 416 are intended to provide food assistance to families and institutions, and section 6 is a part of child nutrition programs. The following article will focus on the family food-assistance programs.

Under section 32, an annual appropriation is provided to the USDA for the general purpose of expanding the demand for agricultural commodities. Specifically, the legislation was to give assistance to agricultural products in excess supply and to producers suffering from low prices. Section 32 legislation permits the USDA to make surplus-removal purchases of commodities, usually those that are in excess supply at the time of peak marketing. The commodities acquired under section 32 generally do not move into Government inventory but are shipped to centers throughout the country for redistribution to eligible recipients.

Section 416 of Public Law 439 provides authorization for the distribution of agricultural commodities that have been acquired by the Commodity Credit Corporation under price-support programs. Under section 416, commodities held by the CCC that cannot be sold or bartered are made available to school lunch programs and to needy families and institutions in the United States. Any quantities in excess of domestic requirements are eligible for use by needy persons abroad.

The cost of Federal assistance to needy persons and institutions under the Commodity Distribution Program has varied significantly. Federal assistance was at the extremely low level of less than $2 million in fiscal 1945 but subsequently rose to a record of about $257 million in fiscal 1965. With the introduction of the Food Stamp Program, the cost of Federal assistance to the commodity program declined sharply in 1966 and 1967, but such cost increased again in fiscal 1968. The slight increase in cost in 1968 reflected the greater variety of foods made available in the program, since the number of participants continued to move downward.

FOOD STAMP PROGRAM

The Food Stamp Program authorized by Congress in 1964 has dual objectives: (1) to improve diets by increasing the ability of needy persons or families to puchase more and better foods and (2) to expand the domestic markets for agricultural products.

Through the stamp plan, participants are able to increase their food-purchasing power by exchanging the amount of money they would normally spend for food for an allotment of coupons of a higher monetary value. These coupons are used by needy persons and families to purchase domestically produced foods from retail food outlets at prevailing prices. Authorized merchants redeem the food coupons for cash at commercial banks, which present the coupons to a Federal Reserve bank for payment through appropriate collection channels. Food stamps are liabilities of the U.S. Treasury Department, and Federal Reserve banks serve as fiscal agents of the Treasury.

After Congress authorized the permanent Food Stamp Program in 1964, the number of counties and cities participating grew to 324 by 1966, to 838 in 1967, and to approximately 1,550 local governmental units by the first of the current year. The average monthly participation in the program in fiscal 1968 was slightly more than 2.2 million people, up sharply from 1.4 million in fiscal 1967 and from 0.9 million in fiscal 1966. The total value of food coupons issued in fiscal 1968 amounted to $455 million; $282 million of this was paid for by participants, and $173 million was the cost to the Federal Government.

With the authorization of the stamp plan in 1964, the USDA proposed to make the Food Stamp Program the first-line food delivery system in the war on poverty. Consequently, the cost of Federal assistance under sections 32 and 416 declined; and in fiscal 1968, the Federal subsidy under the Food Stamp Program surpassed Federal assistance to institutions and needy persons under the Commodity Distribution Program.

GEOGRAPHICAL PARTICIPATION

By January 1, 1969, one or the other of the two family food-asisstance programs was in operation or planned in approximately 2,640 counties throughout the Nation. About 83 percent of the population of the United States resides in these counties. The number of participants in both programs had reached nearly 6.5 million persons, and the USDA estimates that this number will likely increase to 7.0 million participants by the end of fiscal 1969. Most of the increase probably will occur in the Food Stamp Program if present trends continue. At the beginning of this year, there were only about 480 counties and cities which did not operate under the programs.

The map on the following page shows the participation in both the Commodity Distribution Program and the Food Stamp Program. At the beginning of 1969, only six states had a family food-assistance program in all of their counties and cities. (Under present regulations, the programs cannot operate simultaneously in the same area.) Program participation is heaviest in the Mississippi River Basin and in Mountain and Far Western States.

In the southwestern states of Arizona, Louisiana, New Mexico, Oklahoma, and Texas, some counties in each state participate in the Commodity Distribution Program. In fact, all counties in Arizona and all but three counties in Oklahoma participate in the commodity program. Counties in Arizona and Oklahoma have not participated in the Food Stamp Program, although a majority of the counties in Louisiana and New Mexico and a few counties in Texas are participants. The greatest concentration of participants in the stamp program in the Southwest are in Louisiana and New Mexico.

Less than 5 percent of the total population in the five southwestern states participated in the family food-assistance programs at the first of this year, with the proportions for the individual states ranging from slightly over 9 percent in Oklahoma to below 3 percent in Texas. In the Nation, less than 4 percent of the population participated in the programs.

PROGRAM PROCEDURES

Under current legislation, both the Food Stamp Program and the Commodity Distribution Program are operated as joint Federal-state-local efforts. Generally, counties, parishes, or townships desiring to participate in one of the two programs work through the state's welfare office. Once a program is approved, the eligibility of participants is determined according to standards used by the state in its own welfare programs.

Under the Commodity Distribution Program, participants are usually given punch cards to show proof of their eligibility to receive food monthly at distribution centers. Under the Food Stamp Program, coupons are usually issued by local welfare departments or commercial banks. Recently, some states were given authority to deliver stamps to individual recipients by mail without being held liable for loss (Texas has been authorized to use mail delivery).

The dollar amount of food coupons received monthly by eligible individuals or families is based upon the amount of purchasing power necessary to provide an adequate diet as defined by local authorities, assisted by the USDA. Cost of the coupons to the participant is based upon the family's income and the number of dependents. The difference between the value of coupons received by a participant and the cost paid by the receiver is referred to as bonus power; mathematically, the cost of the stamps and their bonus value are inversely correlated. Food coupons are issued in books of 50-cent and $2 denominations, and families use the coupons to buy domestically produced food at retail stores authorized to accept them by the USDA's Consumer and Marketing Service. Authorized retailers agree to abide by the rules governing the use of such food coupons.

PROGRAM GOALS

The relative effectiveness of the two family food-assistance programs probably could be evaluated in the light of three variables. First, and possibly most important, is the influence the programs have on increasing the dietary standards of low-income families. Second, the programs should be evaluated as to their influence on increasing the aggregate demand for farm products, thereby raising farm income. Finally, the relative cost of the two food distribution methods should be evaluated.

IMPROVING DIETARY STANDARDS

The potential for substantially improving the diets of low-income families under the Commodity Distribution Program was quite low up to 1961 because the foods distributed were basically limited to five commodities. Since 1961, a greater variety of commodities has been available; and by the beginning of 1969, a maximum of about 22 commodities, valued at $12.75 per person monthly, could be distributed under the program. However, not all participating areas were distributing the maximum number of commodities.

Despite the fact that the number of commodities available under the Commodity Distribution Program has increased, the Food Stamp Program has the potential of providing a superior nutritional diet. Food stamp coupons can be used to purchase any basic foods at retail food stores at existing prices (no imported foods may be purchased). Since the choice of foods under the Commodity Distribution Program is dependent, in most cases, upon which commodities are in excess supply or have been acquired by the Commodity Credit Corporation, the Food Stamp Program—with no such restrictions—would seem to offer the housewife a better opportunity to prepare a wider range of nutritious meals.

The success of either type of program in increasing the dietary standards of participants is, however, limited by substitution. If any food acquired under either of the two programs is substituted for purchases that would have been made otherwise, the net increase in total food consumption would be smaller than anticipated. Both programs are intended to supplement food consump-

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tion; they are not intended to replace usual or previous levels of consumption.

The Food Stamp Program may be more effective than the Commodity Distribution Program in limiting the ability of participants to substitute the new purchasing power for previous purchasing ability. Participants are required to pay for food coupons, and the amount necessary to purchase stamps is based, in part, on the income of the recipient. Under the Commodity Distribution Program, recipients pick up their free commodities at central distributing points and may do as they wish with the income that would have been spent for food if the free commodities were not available.

INCREASING FARM INCOME

The influence of family food-assistance programs upon farm income naturally depends upon the extent to which the programs add to aggregate demand. Whether or not aggregate demand for farm products has been increased is difficult to determine because some assumption must be made as to what aggregate demand would have been without the family food programs. For simplicity, it is assumed that all food consumed by recipients under the two programs is an addition to aggregate demand; this assumption, in essence, implies that the substitution effects of the programs are zero.

The food distributed under the Commodity Distribution Program to institutions and needy persons in fiscal 1968 amounted to approximately 860 million pounds. At average market values, this quantity of food probably represented no more than one-half of 1 percent of total U.S. gross farm income. Federal subsidy to the Food Stamp Program in fiscal 1968 amounted to around $173 million, which represented about one-third of 1 percent of farm income. The effect of both programs on gross farm income was, therefore, less than 1 percent. In addition, since the Food Stamp Program is not directly tied in with surplus commodities, as is the case for the Commodity Distribution Program, it is likely that the increased consumption induced by the food coupons had little effect on the demand for most surplus commodities, such as the basic food grains.

COST OF PROGRAMS

The direct costs of purchases and the amount of subsidies paid by the Federal Government for both programs reached a total of about $321 million in fiscal 1968. However, the data available on this assistance are not adequate to permit a definitive analysis of all of the costs of each program on a common basis since the figures do not include state and local cost. Some analysts have taken the position that the Food Stamp Program may be the more efficient of the two programs. The reason given is that the Food Stamp Program utilizes the usual channels of distribution in the marketplace, while the Commodity Distribution Program requires a special distribution network. The USDA admits that the Commodity Distribution Program is a difficult program to administer.

Furthermore, the two programs may have different impacts on the local economy and may, therefore, involve some social cost. If the substitution rate under the Commodity Distribution Program is greater than zero, the program would have an adverse effect on retail food sales in the local community. By operating within the free market system, the Food Stamp Program stimulates retail food sales, and the amount of additional spending for food would equal the value of the bonus coupons minus any substitution.

Surveys by the USDA on the impact of the pilot food stamp plan on retail food store sales showed that the dollar volume of food sales in the pilot areas rose around 8 percent over the year immediately preceding the initiation of the Food Stamp Program. The largest percentage sales gain recorded by the survey stores was for fresh produce, a food category for which an increase in consumption is generally indicative of higher nutrition levels. Because of their perishability, fresh fruits and vegetables are usually not available to participants in the Commodity Distribution Program. The value of food stamps redeemed by all stores in the survey also averaged 8 percent of total sales volume.

The concept of providing food assistance for low-income families has moved into a new dimension with the introduction of the Food Stamp Program. Emphasis has changed from a means of distributing surplus food to a method of increasing the food-purchasing power of low-income families so that these families can obtain a nutritious diet through the efficient food distribution system available to other U.S. families. There is also a growing interest in furnishing information and education on the proper selection and care of food in order to create a change in attitudes toward the kinds of foods to purchase for family health.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Ryan, today, for 10 minutes; to revise and extend his remarks and to include extraneous material.

Mr. Findley, for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. Gonzalez (at the request of Mr. Lowenstein), for 10 minutes, today; to revise and extend his remarks and include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Wright to follow special order by Mr. Findley today.

Mr. Fraser to follow special order by Mr. Findley and remarks of Mr. Wright today.

Mr. Edmondson in three instances and to include extraneous matter.

(The following Members (at the request of Mr. Dennis) and to include extraneous matter:)

Mr. Pettis.
Mr. Keith.
Mr. Burton of Utah in 10 instances.
Mr. Derwinski.
Mr. Fish.
Mr. Cleveland in two instances.
Mr. Hosmer in three instances.
Mr. Brotzman.
Mr. Don H. Clausen.
Mr. Halpern in two instances.
Mr. Miller of Ohio in two instances.
Mr. Saylor in two instances.
Mr. Berry.
Mr. Utt.
Mr. Gross.

(The following Members (at the request of Mr. Lowenstein) and to include extraneous matter:)

Mr. Biaggi in two instances.
Mr. St Germain.
Mr. Teague of Texas.
Mr. Rarick in three instances.
Mr. Ryan in three instances.
Mr. Nichols.
Mr. Bingham in two instances.
Mrs. Mink in two instances.
Mr. Jacobs.
Mr. Gonzalez in two instances.
Mr. Anderson of California in three instances.
Mr. Byrne of Pennsylvania.
Mr. Hungate.
Mr. Satterfield.
Mr. Tiernan.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 537. An act for the relief of Noriko Susan Duke (Nakano); and

S.J. Res. 77. Joint resolution authorizing the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

ADJOURNMENT

Mr. LOWENSTEIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p.m.), under its previous order, the House adjourned until Monday, June 9, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

836. Under clause 2 of rule XXIV, a letter from the acting Secretary of Transportation, transmitting a draft of proposed legislation to provide a formula for apportionment of State and community highway safety funds for fiscal year 1970 and thereafter, was taken from the Speaker's table, and referred to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DADDARIO: Committee on Science and Astronautics. H.R. 4284. A bill to authorize appropriations to carry out the Standard Reference Data Act; with amendment (Rept. No. 91–284). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 11235. A bill to amend the Older Americans Act of 1965, and for other purposes; with amendment (Rept. No. 91–285). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 4314. A bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit employer contributions to trust funds to provide employees, their families, and dependents with scholarships for study at educational institutions or the establishment of child care centers for preschool and school age dependents of employees (Rept. No. 91–286). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. S. 742. An act to amend the act of June 12, 1948 (62 Stat. 382), in order to provide for the construction, operation, and maintenance of the

Kennewick division extension, Yakima project, Washington, and for other purposes; with amendment (Rept. No. 91–287). Referred to the Committee of the Whole House on the State of the Union.

Mr. DADDARIO: Committee on Science and Astronautics. H.R. 10878. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes (Rept. No. 91–288). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6543. A bill to extend public health protection with respect to cigarette smoking, and for other purposes; with amendment (Rept. No. 91–289). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11900. A bill to provide for special programs for children with learning disabilities; to the Committee on Education and Labor.

By Mr. ANDERSON of California:

H.R. 11901. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. BUSH (for himself, Mr. Bell of California, Mr. Brown of Michigan, Mr. Dulski, Mr. Gubser, Mr. Harvey, Mr. Long of Maryland, Mr. McCarthy, Mr. Pelly, Mr. Pike, Mr. Preyer of North Carolina, Mr. Quie, Mr. Reid of New York, Mr. Robison, Mr. Van Deerlin, Mr. Whitehurst, Mr. Charles H. Wilson, and Mr. Yates):

H.R. 11902. A bill to promote public health and welfare by expanding, improving, and better coordinating the family planning services and population research activities of the Federal Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK:

H.R. 11903. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 11904. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

By Mr. CUNNINGHAM (for himself, Mr. Robison, Mr. Lloyd, Mr. Edwards of Alabama, Mr. Andrews of Alabama, Mr. Weicker, Mr. Mailliard, Mr. Collier, Mr. Michel, and Mr. Morton):

H.R. 11905. A bill to revise the laws relating to post offices and post roads, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EDMONDSON:

H.R. 11906. A bill to amend section 1682 of title 38 of the United States Code to increase the rates of educational assistance allowance paid to veterans under such section; to the Committee on Veterans' Affairs.

By Mr. FARBSTEIN:

H.R. 11907. A bill to impose an excess profits tax on the income of corporations during the present emergency; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 11908. A bill for the relief of certain civilian personnel employed by the Navy Department, for expenses incurred incident to temporary duty performed at the Navy Yard, Philadelphia, Pa., in 1942; to the Committee on the Judiciary.

By Mr. HUNT:

H.R. 11909. A bill to provide for the redistribution of unused quota numbers; to the Committee on the Judiciary.

By Mr. MESKILL:

H.R. 11910. A bill to provide for orderly trade in antifriction ball and roller bearings and parts thereof; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 11911. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. POLLOCK:

H.R. 11912. A bill to amend the act of August 27, 1954 (commonly known as the Fishermen's Protective Act), to strengthen the provisions therein relating to the protection of U.S. vessels on the high seas; to the Committee on Merchant Marine and Fisheries.

By Mr. ROGERS of Florida:

H.R. 11913. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; to the Committee on Interstate and Foreign Commerce.

By Mr. ST GERMAIN:

H.R. 11914. A bill to amend section 312 of the Housing Act of 1964 to eliminate the provision which presently limits eligibility for residential rehabilitation loans thereunder to persons whose income is within the limits prescribed for below-market interest rate mortgages insured under section 221(d)(3) of the National Housing Act; to the Committee on Banking and Currency.

By Mr. SNYDER:

H.R. 11915. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any individual who is blind and has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. TAYLOR:

H.R. 11916. A bill to require annual disclosure to the Comptroller General of the United States of the source and amount of all outside income received by any person serving as a Federal judge, a Member of Congress, or a policymaking official in the executive branch of the Government, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself, Mr. Biester, Mr. Byrne of Pennsylvania, Mr. Cahill, Mr. Coughlin, Mr. Eilberg, Mr. Green of Pennsylvania, Mr. Hunt, Mr. Nix, Mr. Watkins, and Mr. Wyman):

H.R. 11917. A bill to amend title 5, United States Code, to provide a pay differential of 10 percent for nightwork performed by employees subject to prevailing rate pay systems, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ZWACH:

H.R. 11918. A bill to amend the Communications Act of 1934 so as to prohibit the granting of authority to broadcast pay television programs; to the Committee on Interstate and Foreign Commerce.

By Mr. WATSON:

H.J. Res. 768. Joint resolution proposing an amendment to the Constitution of the United States to provide a method for nominating and electing Judges of the Supreme Court; to the Committee on the Judiciary.

By Mr. FINDLEY (for himself, Mr. Farbstein, Mr. Fulton of Tennessee, Mr. Goldwater, Mr. Gude, Mr. Halpern, Mr. Hanna, Mrs. Hansen of Washington, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mr. Horton, Mr. Karth, Mr. Keith, Mr. Koch, Mr. Leggett, and Mr. Lukens):

H. Con. Res. 283. Concurrent resolution, Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Addabbo, Mr. Anderson of California, Mr. Ashley, Mr. Biaggi, Mr. Blatnik, Mr. Boland, Mr. Bolling, Mr. Brown of Michigan, Mr. Brown of California, Mr. Button, Mr. Conte, Mr. Daddario, Mr. Diggs, Mr. Dulski, Mr. Edwards of California, Mr. Eilberg, and Mr. Esch):

H. Con. Res. 284. Concurrent resolution, Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. MORSE (for himself, Mr. McCarthy, Mrs. May, Mr. Mikva, Mr. Moorhead, Mr. Moss, Mr. O'Hara, Mr. Olsen, Mr. Ottinger, Mr. Podell, Mr. Powell, Mr. Price of Illinois, Mr. Purcell, Mr. Quie, Mr. Rees, Mr. Reid of New York, Mr. Reuss, and Mr. Robison):

H. Con. Res. 285. Concurrent resolution, Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. UDALL (for himself, Mr. Rodino, Mr. Roybal, Mr. St. Onge, Mr. Scheuer, Mr. Schneebeli, Mr. Sisk, Mr. Smith of New York, Mr. Stafford, Mr. Stanton, Mr. Steiger of Wisconsin, Mr. Stratton, Mr. Teague of California, Mr. Thompson of New Jersey, Mr. Wright, and Mr. Wydler):

H. Con. Res. 286. Concurrent resolution, Atlantic Union delegation; to the Committee on Foreign Affairs.

By Mr. TEAGUE of California (for himself, Mr. Horton, Mr. Mikva, Mr. Cahill, Mr. Blackburn, Mr. Pike, Mr. Mollohan, Mr. McCloskey, Mr. Lujan, Mr. Lloyd, Mr. Halpern, Mr. Mann, and Mr. Steiger of Arizona):

H. Res. 433. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

204. By the Speaker: Memorial of the Legislature of the State of Colorado, relative to funds for the construction of Mount Carbon Dam; to the Committee on Appropriations.

205. Also, memorial of the Legislature of the State of Alaska, relative to the definition of ammunition in the Federal Gun Control Act; to the Committee on the Judiciary.

206. Also, memorial of the Legislature of the State of Alaska, relative to the establishment of the Continental Shelf as the exclusive fisheries zone for the United States; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EDWARDS of Louisiana:

H.R. 11919. A bill for the relief of Fred J. King; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 11920. A bill for the relief of Carmelo Privitera; to the Committee on the Judiciary.

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EXTENSIONS OF REMARKS

FARM PAYMENTS—SHOULD A CHANGE BE MADE NOW?

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. DOLE. Mr. President, last week there was nationwide publicity concerning an amendment adopted by the House of Representatives to the bill making appropriations for the Department of Agriculture which would limit farm program payments to not more than $20,000 to any one farm operator.

It was evident from debate on the bill that there is widespread misunderstanding concerning the purposes of the farm program. There is a belief widely held that farmers receiving payments must be on easy street. The deplorable condition of the agricultural economy belies this notion. Thousands of farm families continue to abandon farming as a way of life only because they are unable to make an existence. Lagging farm income forces those able to farm to acquire more land to operate only as a matter of survival.

An illuminating and timely editorial entitled "Farm Payment Change Should Await a Whole New Program," published in the June 2, 1969, issue of the Kansas City Times, does much to place in proper perspective the question of farm program payments. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FARM PAYMENT CHANGE SHOULD AWAIT A WHOLE NEW PROGRAM

The proposal to limit the amount of dollars paid to any one farmer under government farm programs is one of those emotional issues that reaches far beyond the immediate factors.

To suggest that large payments going to "rich" farmers could be better utilized by poor people is a dramatic presentation. If that were all there is to the proposal, the answer would be simple.

The fact is, programs for the poor are not dependent on appropriations for farm programs. Actually, the programs are designed to sustain a prosperous agriculture and certainly one avowed purpose is to decrease poverty. A depressed agriculture not only would contribute to poverty on the farm but in cities as well.

It can be properly asked, however, whether the current farm program is the best that can be devised. Most farmers would contend that their incomes should be higher. Statistical evidence, comparing them with other segments of the economy, suggests they are right, despite criticism of government payments.

The current program has two primary goals: To "buy" a reduction in acreage and thereby curtail the production of surpluses and to increase farm income. To get payments, farmers sign a contract with the government to cut their planted acreages. If the idea is valid that an acreage reduction is good for farmers and the economy of the nation, then it is valid for big farmers as well as small farmers. If big farmers are pushed out of the programs and plant from fence to fence, their increased production would tend to reduce prices for the products from the small farms. These are among just a few of the reasons why the payments are necessary if the present program is to function.

The proposal to limit the payments is for one year—1970. The contracts for this year cannot be changed. The present farm program expires in 1970.

The proper place to eliminate payments to large farmers would be in the new program that must be developed for 1970 and beyond. Undoubtedly this would require many basic changes in the farm laws. New concepts necessarily would have to apply.

Clifford M. Hardin, secretary of agriculture, has told Congress he believes such a program can be developed for consideration in this session of Congress or early in the next. The payment limitation idea should await that time.

VOTER REGISTRATION EFFORTS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. FISH. Mr. Speaker, the Judiciary Committee is presently conducting hearings on the extension of the Voting Rights Act of 1965. This bill, which I am cosponsoring, falls squarely within the American tradition of free expression and the political process combining to produce rational decisions. It is in the tradition that reason and persuasion rather than assault are the ways to bring about change.

The importance of the extension of this act to the vitality of our system is explored in a column by Don Oberdorfer in today's Washington Post. The analysis of the contributions of charitable foundations to enlarged voter registration is timely also in that it reminds us of the interplay and effect of otherwise separate considerations by the Congress. For the information of my colleagues I am including Mr. Oberdorfer's column at this point in my remarks:

ATLANTA, GA.—In the immediate aftermath of the sit-ins and freedom rides which ushered in this decade of racial protest, leaders of the U.S. Government, private foundations and civil rights groups met to chart a way to redress the black man's grievances in the South without tearing the society apart. The course they chose was as old as the Constitution—not white power or black power but political power through the ballot box on a free and equal basis, one man, one vote.

This effort has achieved dramatic strides, though far from complete success. Today it is threatened by Congress and the Nixon Administration. Decisions to be made in the next several months will determine whether the Nation will scrap this drive to update the Constitution in the case of the Southern Negro.

The concept of political and social change through the ballot box is, as they say, as American as apple pie, but its application to the black man in many areas of the South was long denied. In 1962, according to the best available data, less than 30 per cent of the voting age Negroes in the 11 southern states were on the registration rolls.

This was the starting point for the Voter Education Project put together by the Southern Regional Council with the cooperation of major civil rights groups notably the NAACP, SCLC, SNCC and CORE—and with funds from private foundations and encouragement from the Federal Government. From its headquarters in Atlanta, VEP has funnelled more than $1.2 million from a dozen major foundations and other givers to local voter registration drives throughout the South. The campaign was strengthened immeasurably by the Voting Rights Act of 1965, which suspended much-abused literacy tests and authorized Federal examiners in areas where Negroes were denied the vote.

By last summer, according to the latest statistics, some 62 per cent of southern blacks were registered—roughly double the percentage of six years before. Though this falls short of the 78 per cent registration ascribed to southern whites, and though the power of the black man at the ballot box is still limited by many circumstances and contrivances, the rise of the Negro voter has had a substantial and generally healthy influence on southern politics. Some 461 Negroes are now serving in elective posts throughout the South, more than six times as many as in 1965.

At this point, one might expect that the southern voting campaign would be receiving widespread and even perhaps exaggerated accolades as an example of the vitality of the embattled American political system. Instead, it is facing the possibility that Washington officialdom is about to wring its neck.

One line of attack is on the foundation money which has supported the drive. As part of the Nixon administration's tax reform program earlier this year, the Treasury Department recommended to Congress that private foundations be prohibited from financing any activity "intended to affect a political campaign" specifically including voter registration drives.

The recommendation arose from the Ford Foundation's grant of $175,000 to the Cleveland, Ohio, chapter of CORE a few months before the 1967 election there. Much of this money went to CORE's registration drive in the inner city which helped nominate and elect Mayor Carl Stokes over white opponents.

A few weeks ago, executives of four major foundations—Ford, Carnegie, Taconic, and Field—met with presidential assistant Daniel P. Moynihan to plead that the voter registration campaign in the South should not be sacrificed because of the incident in the North. On May 9, the Treasury issued an almost indecipherable press release intended to show—as Treasury officials later explained—that the Government did not mean to interfere with "publicly-supported" registration drives such as that of the Southern Regional Council.

Last week the House Ways and Means Committee announced a tentative ban on "direct or indirect" foundation sponsorship of any activities intended to influence an election, including voter registration drives. While the text of this proposal has not been made public, the indications are that it would stop the funds to the southern campaign.

At the same time, the Nixon administration has shown signs of hesitation about the extension of the Voting Rights Act, which expires next year. The civil rights groups engaged in the voting drive—probably the healthiest surviving remnants of the civil rights movement—have appealed for the Act

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to be strengthened to eliminate abuses. Now they fear that it will be weakened instead or even junked.

It is true, that Mr. Nixon and the Republican Party have won the support of very few of the 1.6 million southern Negroes who are reported to have registered since 1962. However, the broad principles and object lessons involved clearly outweigh any political advantage or disadvantage in this region of 18 million registered voters.

The Nixon Administration, like the Kennedy and Johnson administrations before it, has appealed to protesters to channel their energies within the system. Mr. Nixon has argued that violence and disorder are unjustifiable because legitimate means are available to deal with the problems at hand.

At the moment, the evolutionary process which Mr. Nixon extolls is being threatened in Washington. If he means what he says about the merit and vitality of the American system, he will not let the voting rights campaign go down the drain.

SENATOR YARBOROUGH MAKES STRONG PLEA FOR OCCUPATIONAL HEALTH AND SAFETY LEGISLATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. RANDOLPH. Mr. President, accidents and illness in American industry are costing the Nation's economy billions of dollars every year. Many more people are injured, it is indicated, while at work than are wounded while fighting in the Vietnam war.

Last night the Senator from Texas (Mr. YARBOROUGH), the distinguished and able chairman of the Committee on Labor and Public Welfare, discussed this serious national problem in an address before the Occupational Safety and Health Conference conducted by the Industrial Union Department of the AFL–CIO. I was present as he carefully delineated the scope of the problem and urged the passage of the Occupational Safety Act of 1969, which is now being considered by his committee.

I ask unanimous consent that Senator YARBOROUGH's knowledgeable and thought-provoking remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN INDUSTRIAL SAFETY LAW IS NEEDED NOW

Over the Memorial Day weekend, it was difficult to turn on the radio without hearing a plea to drive safely. There is constant emphasis on the ever increasing toll of injury and death due to highway accidents. Three years ago Congress made a start toward reducing these needless injuries, when it passed the National Traffic and Motor Vehicle Safety Act of 1966. Under this law the Secretary of Transportation has established safety standards for automobiles, and everyone is aware of the headrests, seat belts, dual braking systems and other improvements which are on the new model cars.

Yet, according to the National Safety Council there were more disabling injuries and deaths in the work situation than were due to motor vehicle accidents in the first six months of 1967. Specifically, there were 850,000 motor vehicle injuries and 23,600 deaths—and 1 million work injuries resulting in temporary or permanent disablement and 6,900 deaths.

During the same period in Vietnam there were 4,899 deaths and 31,913 military personnel wounded or a total of 36,812 injuries and deaths; that is, there were roughly 30 times as many people injured at work in the United States as were injured fighting in Vietnam during the same six months of 1967.

In 1967, work accidents and illnesses cost the American economy $7.3 billion. Ten times more man-days were lost due to injury than were lost because of strikes in 1966. Obviously, industrial safety and health problems merit our most careful consideration.

Yet last year when Congressman O'Hara and I, with the help of Secretary Wirtz, Asst. Secretary Esther Peterson and Senators such as Jennings Randolph who is with me tonight, introduced into the House and Senate the first comprehensive occupational heatlh and safety bill, we drew the critical fire of several organizations who claim that legislation of this type is too expensive.

One may well ask too expensive for whom? Is it too expensive for the company who for lack of proper safety equipment loses the service of its skilled employees? Is it too expensive for the employee who loses his hand or leg or eyesight? Is it too expensive for the widow trying to raise her children on meager allowances under workman's compensation and social security? And what about that man—a good hardworking man—tied to a wheel chair or hospital bed for the rest of his life? That's what we're dealing with when we talk about industrial safety.

We're talking about people's lives, not the indifference of some employers. We're talking about assuring the men and women who work in our plants and factories that they will go home after a day's work with their bodies intact. We're talking about assuring our American workers who work with lethal chemicals that when they've accumulated a few years seniority they will *not* have accumulated lung congestion and poison in their bodies.

Must we always have disasters in order to pass safety legislation? As a nation, we have simply not faced up to the real issue, and that is that our workers are being killed needlessly, that they are being injured and disabled and infected on the job by largely preventable accidents and disease.

It is true that many large industrial establishments have excellent employee health and safety records. They are to be highly commended, and they would not be affected by the basic standards that would be set under the proposed legislation now before Congress.

The real need for safety and health standards is to be found in plants that do not have adequate safety regulations. Most plants, as a rule, offer little or no protection for their workers. And these plants constitute 98 percent of all working establishments in the United States.

Today, job safety laws and regulations are scattered pretty thinly between local, county and state governments.

Many of these laws are not laws at all. They call for "voluntary" compliance—and you know how anxious management can be to spend money on its employees!

Four states still have no safety inspection staff of any kind—and no safety regulations. My own state of Texas has one of the poorest industrial safety laws in the nation.

In fact, there are only about 1,600 safety inspectors working for all state governments in the Union and 87 in the federal service. Of the state inspectors, about half are general safety inspectors and half are specialists who examine boilers, elevators and the like. That is about 17 general safety inspectors per state in the United States.

I should note that inspectors are useful not only for what they do, but more importantly for what they represent—a commitment of the government to ensure proper working conditions for its citizens. Most companies don't violate the laws of the United States, but the laws must exist for the companies to know that it is the public policy of the United States to protect its citizens from industrial accidents and disease.

We know worker accidents can be prevented. The National Safety Council has 10,000 member companies who—over the past ten years—have maintained an excellent low-accident rate. These companies lost only one-fourth as many man-hours during the past ten years as the national average.

We know that our workers' lives can be protected. It's good business to protect your workers. And yet in 1966, there were 14,500 industrial deaths—2.2 million injured permanently—and another 7 million who sustained less serious injuries.

That's why I introduced my occupational safety bill last year, and why I was happy to defer as the principal sponsor of S. 2193 to Senator Williams, the new Chairman of the Labor Subcommittee. Needless to say, I am co-sponsor, and as Chairman of the full Committee on Labor and Public Welfare, I intend to make every effort to help better the working conditions of our citizens by improving occupational health and safety.

The Occupational Safety and Health Act of 1969 will give the Secretary of Labor new powers to set and enforce safety and health standards. It provides for research, training and special safety education campaigns. And it encourages the states to set up their own strong safety programs and to enforce them.

For too long we have watched our fathers and our brothers and our sons and daughters suffer needlessly on the job. We have seen lives lost—limbs torn—wages and work-hours missed—and we have seen human grief.

The time for change is today. I need your help and your support to help pass the Occupational Safety Act of 1969.

TAXES, TAXES, TAXES

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. MILLER of Ohio. Mr. Speaker, grassroots concern about rising taxes imposed at all levels of Government continues to grow. A very incisive editorial on the topic of taxes appeared recently in the Wellston Telegram, one of the leading newspapers published in the State of Ohio. Mr. Lawrence Townsend is editor of the newspaper and authored the editorial. I offer it for inclusion in the RECORD at this point:

TAXES—TAXES—TAXES

Taxes at all levels of government have now risen to the point where authorities appear to genuinely fear a taxpayers revolt. Exhorbitant property taxes, it is predicted, will force some people out of their homes. Refusal of voters to approve bond issues are compelling cutbacks in education frills and even the closure of some schools for limited periods. Taxpayer pressure is also felt at the federal level.

As a consequence of the rising concern over taxes, we may see in the coming months a new political approach to the whole subject of spending and taxation. For one thing, it is likely that the carefully cultivated illusion that people can get something for nothing from the government will go down

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the drain, as public officials are faced with the ever-increasing necessity of balancing each new spending program with additional tax revenue or new bond issues.

For another thing, there will very likely be redoubled efforts to make tax systems more palatable—and more equitable. Indicative of the trend is a new Treasury Department study that has been submitted to Congress proposing sweeping tax reform for the federal government. The study is a 960-page 8.5 pound document, compiled by treasury experts over a two-year period.

According to experts, the highly detailed technical document is probably the most comprehensive tax reform ever put together by the Treasury Department. As such, it will be the standard for judging all other tax reform bills offered in Congress and the basis for whatever legislation is eventually written on the subject.

The proposals in the study are directed to making the tax laws more fair and not at raising money. In the main, they would reduce the federal tax burden of low income families, the elderly and the middle income group. To balance the tax loss from these groups, the study proposes closure of "loopholes" used by millionaires and corporations.

Other proposals in the study deal with simplifying and changing many of the rules on deductions for charitable contributions, state gasoline taxes, etc. The study passes over some of the controversial targets of the more extreme school of tax reform. These include mineral depletion allowances, rapid real estate depreciation provisions, the capital gains tax and tax-free municipal bonds. Instead, the treasury experts suggest a minimum tax on gross income of the wealthy who reportedly use present laws to escape their fair share of taxes.

Press reports on the treasury study may easily lead people to believe that proposed tax reforms would shift much of the tax burden to higher income groups. Common sense should tell us this is not possible. The cost of government has become so great there is no one to bear the burden other than the majority of citizens of modest means.

As the pressure grows for tax relief, we should not lose sight of the main truth. Real tax relief must await a realignment of government spending in relation to the taxpaying ability of the people. Moreover, in the search for ways to ease the tax burden on those least able to pay, we should remember that a tax system must not only seek to be fair, but must also preserve the incentive of workers and producers. The fable of killing the goose that lays the golden egg is as valid today as ever.

SEMANTIC WARFARE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. FANNIN. Mr. President, a few days ago I placed in the RECORD a highly interesting research paper on the semantic differences in the language of negotiations between the United States and Russia. That research brief was most enlightening to me and I hope it proved beneficial to my colleagues and others in the Government of this Nation called upon to deal with the Soviets in international negotiations.

Since the Senate is called upon to advise the President and give its consent for the ratification of international agreements, it is most important that we understand the nature of the semantic battle we are in with the forces of communism, or perhaps more properly with the forces of Marxist-Leninism.

Because of our open society, Mr. President, we are accustomed to the free interchange of ideas and often find that a new word or phrase more accurately expresses the things we have to say; so we often interchange words that in their essence means the same thing. We use U.S.A. to mean the Federal Government. We say United States when we mean Congress, the executive branch, the judiciary, the comparable governments on a State and local level, and all the people.

Behind the Iron Curtain the same semantic rules do not prevail. Because of the nature of an authoritarian society, the saying of a character from "Alice in Wonderland" is the rule of semantics:

> When I use a word, it means just what I choose it to mean—neither more nor less.

So it is with those authoritarian governments that seek to subvert the whole world to their particular system; when they use a word, it means what they say it means, neither more nor less.

How then are we to prepare ourselves to properly negotiate when we are at this obvious semantic disadvantage? It becomes necessary for us to understand the nature of this conflict—this systemic warfare in which we are engaged. By understanding we can greatly reduce the effectiveness of the semantic trickery that has so often plagued our international agreements in the past.

Mr. President, to contribute to this understanding I ask unanimous consent that several pertinent quotations and an article entitled "Systems in Conflict," prepared by the American Research Foundation, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

N. S. Khrushchev, November 23, 1955; Speech, Bombay, India: "You know that the heads of Government of the Four Powers met in Geneva and that the Foreign Ministers of the Four Powers met there later. Great efforts were made to achieve agreement but the results were very small so far. This happens because we understand the same words differently".

John F. Kennedy, Report on European Talks, Washington, June 6, 1961: "And just as our judicial system relies on processes appearing in court and on cross-examination, instead of hearsay testimony of affidavits on paper, so, too, was this give and take of immeasurable value in making it clear and precise what we consider to be vital, for the facts of the matter are that the Soviets and ourselves give wholly different meanings to the same words—war, peace, democracy and popular will".

Weekly Journal, Warsaw, July 1958: "In our public, political and intellectual life, in our organizations and newspapers, there exists a special figurative language. It consists of the usage of certain terms of phrase. All that is needed is a clue. These who have guessed that clue are able to read public utterances as if they were an open book and thus learn a lot of things. It goes without saying that one has to read between the lines to follow hidden ideas, and this reading between the lines is not illegitimate. On the contrary, the texts are construed in such a way that reading between the lines is the only way to grasp their meaning. To be able to follow this figurative language one has to possess many years training in reading it."

Evgeni Yevtushenko, Shosse Entusiyastov, Page 18, Moscow, 1956: "Comrades, you have to give words back their original meanings."

SYSTEMS IN CONFLICT

For years the Communists have plainly told us—and are still telling us—what they will do and how they plan to do it. They tell us, of course, in a language all their own. Sometimes this language is so esoteric that it is difficult even for people who are fully acquainted with the ideology and the organizational and operational methodology of the Marxist-Leninist camp to apprehend. This is by design, for language manipulation is one of their strategic methods of conquest.

Since the conflict between the World Capitalist System and the World Socialist System is being waged mainly in the realm of ideas, it is essential to be constantly aware of the strategy and tactics employed in the struggle. This awareness is possible only after careful and continuous analysis of statements issuing from the Communist sources, subjecting the words used in those statements to almost microscopic scrutiny in search of their meaning within the context in which they are used. Only when the Communist meaning is understood can it then be challenged.

As President Kennedy said, the two camps "give wholly different meanings to the same words". It is perilous, therefore, to assume that their meaning can be construed as equivalent to ours. Furthermore, the whole context of communication must be taken into consideration—the source and the object, the writer and the reader, the speaker and the hearer.

It is intended here to show the way to the understanding, meaningful comprehension, by pointing out a process of semantic analysis aimed at cutting through the superficial layers which can encrust the words and uncovering the significant core of their actual meaning. A reader of contemporary news finds himself confronted with numerous words, terms, and phrases which sound familiar but, to the Marxist-Leninist faithful these words more often than not, have a different meaning. Some of the terms are entirely new and strange. Many of them can be found in the Communist classics, but for the most part, they are the products of the last two decades. They tend to express relevant intentions and opportunities to advance Communist designs on the free world.

Marxist-Leninist programs, policy and action have always moved along dual channels the conventional machinery of the Union of Soviet Socialist Republics (USSR) as a nation-state, and the World Revolutionary Movement which is headed by the Communist Party of the Soviet Union (CPSU). This latter operates under the name of the World Socialist System and its multipurpose subsystems; the Commonwealth of Socialist Countries, the World Marxist-Leninist and Workers' Movement, the class liberation movement which is labelled, the National Liberation Movement, and myriads of internal and world-wide fronts and infiltrated nonparty organizations.

There is another dualism with which we are concerned here, namely, the linguistic duality of communist terminology and usage. The language of Communism can itself constitute a deadly weapon to be used in the Marxist-Leninist assault on the free world. When that language is understood correctly, its effectiveness as a weapon is weakened considerably. It is essential, therefore, to focus sharply on the semantics of Communism, casting aside conventional, traditional meanings, and searching for the exact meaning attached to even the most commonplace words in the political vocabulary of today's struggle. The tendency to equate verbally what cannot be equated conceptually provides the Communists with semantic ammunition for assault on all levels of life in the free world. In this, warlike intentions are attributed to the community of so-called "Peace-Loving" countries and states.

The study of semantics is a dynamic, vital craft. It can never be static. It is subject to constant change, particularly in regard to the shifting dual vocabulary of Communism. For in the free world, this is precisely where one of the major problems lies in efforts to determine the true meaning of the language of Marxism-Leninism. The behavior of the USSR/Soviet Union and the "Russian" complex is described by different terms at different times. There is an almost total absence of delineation and precisely defined words and terms. The Party Line and its symbols are ambiguous; occasionally, however, one may be able to detect at least three "standardized" terms of reference: Right, Left, and Correct. These three "standardized" usages change with the nuances of the Party Line.

Words are symbols for ideas and images without which we could not communicate with each other except by gestures and inarticulate noises. We take words for granted and find it difficult to imagine that ancient time when our primitive ancestors did not have them. In speech we often use words and terms loosely, knowing that we can rely on the tone of voice, inflection, facial expressions and gestures to get the meaning across. In writing, however, the word stands alone. It must in itself carry the full import of its meaning.

Effective communication through the use of language depends upon whether or not understanding is present. If words have different *intentional* meanings for different parties, mutual understanding is impossible. In trying to comprehend the true meaning of the language used, semantics, or the study of meanings, is important.

In any study of ideological or other *transnational semantics* it is necessary to examine doctrines, key words and terms, slogans and phrases from the point of view of how they are understood as well as what they mean. The style of language is very informative; it varies according to particular situations, but certain characteristics can always be observed as being indicative of its true source in a democratic culture or in an autocratic culture. To the skillful interpreter, style of language is also useful as a barometer to measure significant political and other trends. A correct interpretation will depend largely on the accuracy of that measurement.

Today, in a world where the expression of diverse ideas affects daily world events, whether the expression conveys meaning or not depends upon the writer/speaker and the reader/hearer. The words and phrases of common usage throughout the world, however, have been ideologically redefined and molded by the Communists and imbued with a new class meaning which is exclusively designed to serve their purpose. Thus Marxist-Leninist leaders may communicate with their followers and adherents anywhere on the face of the globe. Communists and their ideopartisans use terms of established conventional usage which we unconsciously understand and interpret in our accepted English connotation. These expressions have definite values for us. They do not have the same values and significance for the Communists who use them malevolently.

The most important and striking feature of the Communist dual use of language is the deliberate effort to convert it into a powerful instrument for the Marxist-Leninist hegemony to wield over the human intellect. The effort to transform the substance of language while maintaining its outward and visible or audible forms, to deliberately destroy the significance of words whose conventional meaning is inimical to Marxist-Leninist purposes and to attach a new specific meaning that makes words allies of Communist ideology is *semantic subversion and deception.*

On the surface, their meaning appears to be innocuous; but when read or heard by persons who know the Communist dual-value semantic inference, their true significance as conveyors of the Party's ideological and instructional directions can be perceived. Their true meaning is hidden from the uninitiated or casual reader. Hence by the use of ostensible, legal jargon, resorting to words of unquestioned virtue in another context, the Communist leadership is able to provide ideological guidance as well as organizational and operational directives from the Communist Party of the Soviet Union without having to resort to illegal or clandestine methods and activities.

The Marxist-Leninist ideological, organizational and action image as conveyed by their words and terms is shaped according to their New Scientific World Outlook or the New Historical Perspective based on concepts of Class Systems in Conflict. In order to perceive, therefore, what the Communists are really saying, we must study their writings in the light of their own ideological, indoctrinational and organizational conditioning as well as in the light of their practical action experience in the implementation of the Communist tenets. This conjunction of conventional words and terms and their implied Marxist-Leninist meaning can best be made clear through *semantic analysis* and subsequent interpretation. Consequently, in order to fully understand Communist *semantic warfare*, one cardinal rule must be rigidly observed when reading Communist and fellow-traveled writing; *note the origin of the writings and read them as they understand them.* Only thus can the real, the substantive meaning of these key words, terms and phrases with their variables be correctly understood. A regular perusal, study and analysis of Communist and Soviet Russian and non-Russian publications will disclose to the trained reader a great deal of information. To arrive at a correct semantic interpretation, however, not only literal translation (i.e., form), but also idiomatic interpretation (i.e., substance) must be applied.

When a key word like "peace" is used by the Communists, one must be cautious which clarifying variable or adjective should be mentally added to the term: Marxist-Leninist, ideological, or conventional geographic, tactical; or whether the word applies to the situation within the Communist Bloc or the situation within the Free World.

For instance, the Communists in their propaganda and agitation efforts would have the noncommunized world believe that peace in its fullest sense is universally enjoyed within that part of the world which the Communists control. On the other hand, the capitalist/imperialist world (as they would characterize it) is distinguished by aggression, exploitation, slavery, misery, hunger, tyranny, brutality, etc. It goes without saying here, that people of the free world believe identical conditions obtain within the communist world. Obviously both opinions cannot be correct. Both are extremely divergent conclusions based on the same set of inferences.

Facts which we can vertify determine the correctness of opinion in the free world. On the other side, however, facts are irrelevant in the Communist controlled world if the facts conflict with the CPSU Party Line. Under communism facts are usable only if they aid or abet the Communist objectives. From the point of view of Marxist-Leninist ideology, conclusions are drawn *prior* to the formation of facts. Thus, peace may be lasting and universal only as a result of total annihilation of the World Capitalist/Imperialist System with all of its social, political and economic foundations based on private ownership and free enterprise. To the Communist this will occur only when victorious Communist revolutions sweep through the world.

This *semantic distinction* must consistently be made regarding a great number of other key words such as justice, law, democracy, disarmament, sovereignty, self-determination, free elections, etc. Only by careful and painstaking scrutiny of these and other words of similar ilk can semantic confusion be eliminated. Otherwise, a meeting of minds is impossible. However, having arrived at a meeting of the minds or agreement on definitions of words used in a given set of circumstances or negotiations, there is no assurance that the ostensibly agreed to results or programs will be carried out by the Soviets and their Satellites. The Politburo of the Central Committee of the Communist Party of the Soviet Union *alone* will determine what action will or should be taken, what obligations honored, what obligations ignored or repudiated. The only criterion exercised is: Does compliance further the cause of the Communist Party of the Soviet Union? If the Communist cause is not furthered, by restorting to semantic subterfuge, the leadership of the Party can announce to its followers throughout the world that the ostensible agreements are not binding and are to be honored only in the breach.

Meanwhile, if semantically unenlightened, the Free World will formulate its plans on the erroneous assumption that agreement in fact has been reached and that the negotiators or treaty signatories are of one mind. All too often, as history unfolds it becomes obvious that such is in fact *not* the case.

Between the base, the superstructure and the infrastructure of the Marxist-Leninist system, there is an intricate framework of communications which is the prime exponent of Communist theory and practice.

The following sketch of the power framework within the USSR and satellite territories is found in the Marxist-Leninist concept of base and superstructure.

(1) The Communist Party of the Soviet Union is the leading ideological and organizational peace force, the vanguard of the World Marxist-Leninist/Communist/and Workers' Parties throughout the world. They are in power or are seeking power under their true colors or under such guises as, for one, the Socialist Unity Party in East Germany. They may be legal, semi-legal or illegal. In all cases their "official" organs are *Pravda*, the daily paper, and *Kommunist*, the monthly publication. There are innumerable other publications prepared and edited by the AGITPROP of the Central Committee on the CPSU. These, too, carry the officially approved action line.

(2) The constitutionally nonexistent international and nation-state entity called the Soviet Union according to the Communists is the real ideological, organizational, strategic force and material-technical base of the World Socialist System, which embodies:

(a) the Commonwealth of Socialist Countries or the national (*not* nation-state) government superstructures of the USSR; the Socialist, People's, Democratic, and National-Democratic Republics and other international governmental fronts such as the Warsaw Pact, CEMA, and others.

(b) the World Marxist-Leninist (i.e., Communist) and Workers' Movement in developing countries.

(c) The World National and/or People's Liberation Movement in newly independent states and other developing countries and dependencies;

(3) The world-wide superstructures or subsystems of national, provincial, local, regional, international mass or front and infiltrated organizations which are directly or indirectly under the control or direction of corresponding party fractions.

This entire World Socialist System is cemented by the principles of unity of will and action, democratic centralism and proletarian internationalism.

For the most part, in an informal situation, the terms "USSR" and "Soviet Union" are used interchangeably as are the terms

"USA" and "America". It must be pointed out here that this casual attitude is not shared by USSR Government officials, members of the CPSU, and all other Communists throughout the world. To them, there is not only a formal, verbal difference; there is a very real ideological distinction between the two terms. The Soviet Union can be defined as the base, while the USSR is defined as the superstructure of the World Socialist System. The governments of other socialist states are also built upon this base and are, therefore, also superstructures of the World Socialist System and its components, the Commonwealth of Socialist Countries. In speaking and writing, USSR officials and Communists are very precise in their use of these two fundamental key terms.

The distinction between the two can be demonstrated by the fact that while the bases of Capitalist and Socialist Systems are in a class war with each other, their superstructure (i.e., the USA and the USSR) are living together in a climate of peaceful co-existence as nation-states. This co-existence is based on a nonviolent class and political struggle and a kind of peaceful competition. The peaceful co-existence of the superstructures such as the one held at Glassboro in 1967. Furthermore, the United Nations Organization, being an organizaion of superstructures, provides a forum for peaceful debate between the member superstructures.

With the base, however, it is a different matter. Since the October Revolution of 1917 the two bases have been in a class struggle. This class war between socioeconomic systems, according to the Marxist-Leninist, will continue until one or the other is destroyed.

Upon realizing the distinction between the terms Soviet Union and USSR, it is a simple matter to see why the Soviet Union as the base openly supports wars of National Liberation throughout the world while the USSR, on the other hand, can support such war only within the limitations imposed by conventional International Law and such recognized codes as the U.N. Charter.

Between the base and the superstructure lies the complex infrastructure of the Marxist-Leninist system, namely the party fractions. These fractions are in effect the tentacles of the Communist Party of the Soviet Union. They infiltrate and penetrate non-Party mass organizations and guide them along the path determined by the CPSU. Accordingly, the USSR, as well as the governments of socialist, peoples' and democratic states are nothing more than non-Party mass organizations or fronts which are penetrated and controlled by Party Fractions.

With this in mind, it is easy to reach the conclusion that governments which are infiltrated by Communist fractions must reflect a degree of ideological and other control by the CPSU. In the United Nations Organization, which incidentally is in itself a Superstructure according to Communist organizational concepts, this control and direction of the Superstructures by the base is evident directly and indirectly in the pattern of voting by the various member nation-states. The vote of nation-states with controlling overt fractions within the Communist bloc will indicate the Soviet Union's interlocking fraction leadership. These nation-states with overt fractions tend to vote according to the *indirect* guidance of the Communist Party of the Soviet Union: the voting pattern of these states is less obvious.

To understand the semantic warfare waged by the Marxist-Leninists in their ideological class struggle, one must be able to project the concept of base and superstructure into socio-economic, political and diplomatic realities. By following this semantic analysis, one may conclude that the USSR and its allied Socialist States—those within the Warsaw, CEMA, and other fraternal pacts—are nothing more than fronts, mass organizations or superstructures of the base, organized, controlled, guided and disciplined by the CPSU whose party program is actually the constitution of the USSR and the Satellite States.

By adding to this semantic analysis a semenatic interpretation one may then conclude that any negotiations, treaties, agreements, etc., within and without the United Nations Organization, with the USA and other *bona-fide* nation-states of the free world are agreements between superstructures only. Such being the case, they can be readily broken whenever they endanger the base, the Communist Party of the Soviet Union. Furthermore, alliances between nations of the free world such as NATO, SEATO, etc., are viewed with alarm as posing a physical threat to the base and consequently these alliances become targets for attack. Within the Bloc, ideological threats are viewed with equal concern. Such is the case with current developments in the Czechoslovak Socialist Republic.

Incorrect understanding of the Marxist-Leninist concept of base and superstructure leads towards almost complete and irremediable break in effective communications between the two mutually antagonistic world systems, Capitalist and Socialist. Furthermore, the misunderstanding of the substantive language of such international documents as the Yalta Agreement led later to the "legal" seizure of power in Poland by the Communists. The misinterpretation of the international court decisions at Nuremburg led to the "legal" charge that U.S. pilots downed in North Vietnam are war criminals. The tragedy of Korea in 1950, Hungary in 1956, Cuba in 1959, and aspects of the strife in the Middle East stem from the failure of the free world to understand the language of Marxism-Leninism.

The introduction of Marxist-Leninist language and phraseology into the proceedings and resolutions of the United Nations Organization and its agencies—Disarmament, Human Rights, Colonialism, Non-Interference in Internal Affairs of States, Nuclear Weapons, Space and other international legal statements—provides the USSR/Soviet Union, that is to say the Communist Party of the Soviet Union with legality and approved semantic license in conventional international relations.

This legality is necessary to the imperative to maintain relations with capitalist and other non-aligned nation-states pending the national liberation of the free world's class oppressed peoples who are to be inspired ideologically, organized and supplied by the world revolutionary base, the Communist Party of the Soviet Union. In order to exploit the concept of a Western parliamentary form of government, the superstructure, i.e., the USSR and the Socialist States as these latter exist as nation-states, were set up. The base considers these to be but temporary expedients, however, for the Communist Party of the Soviet Union rejects the concept doctrinally.

Peaceful co-existence between states has been devised as a convenient, long-range means or tactic for entering into formal intern-nation-states relations with noncommunist states without endangering the existence and security of the Communist Party of the Soviet Union whose ultimate goal is the establishment of the classless society throughout the world. Or, in other words, whose ultimate goal is world domination.

Before World War II, the communist party of the Soviet Union's world political party line was to take over the capitalist society and its governments by violent means or armed struggle. This policy did not produce the expected results, i.e., world revolution, so it was expediently changed to cold war, or political, diplomatic and economic struggle, or class war by other means such as semantic deception and subversion with an eventual, nonviolent takeover of capitalist society and its governments. This, then, is the period of semantic warfare.

The Agitation and Propaganda Department (AGITROP) of the Central Committee of the Communist Party of the Soviet Union has the major responsibility for the conduct of semantic warfare. This Department has a vast scope of responsibilities, namely:

(1) The Program of the Party, General Party Line, and other basic Party resolutions and decisions,

(2) to designate specific courses of action, i.e., tactics, in all matters affecting government and other mass organizations or fronts on all levels,

(3) to mold and mobilize public opinion within and without the Communist Bloc so that it will most effectively support and facilitate the implementation of short and long term aims defined by the Politburo of the Central Committee of the CPSU,

(4) to establish and implement guide lines for all communications media both governmental and public, both within the Communist Bloc and in the components which lie outside the Bloc,

(5) to control all societal life, including press, publishing arts, scientific, technological and academic work. This control is exercised by ideological censorship,

(6) to assist in economic, labor, education and other Party activities,

(7) to serve as the internal and external security guardian,

(8) to prepare all material and guidance for delegates and participants in international organizations,

(9) to prepare and assist in all cultural, academic and other exchanges between nation-states, public organizations, societies, etc.

This broad spectrum of responsibility is carried out by fractions which the AGITPROP guides and controls ideologically through the cadre department of the central committee of the CPSU. It is the cadre department which is charged with the responsibility, the cadre department relies on the united fronts.

The formation of united fronts is an essential part of Communist technique for the seizure of power. It is a tactical weapon employed by Marxist-Leninists to broaden both the real and the apparent basis of support where they strive to attain power. Through the united fronts the Marxist-Leninist party seeks to form alliances or coalitions with non-Communist elements and organizations on mutually acceptable programs which embrace popular themes such as "Peace" "anti-imperialism', "neo-colonialism", "genuine democracy", "sovereignty", "anti-corruption", etc., which are popularly acceptable and at the same time consonant with the tactical approach of the Party. Being tactical, Communist objectives for the United Fronts vary with the country concerned. These objectives range from *minimum goals* to *maximum goals*. The following general objectives, however may be said to be universal:

(1) to give the Communist Party respectability and to broaden its base of support,

(2) to attack, discredit and denounce major ideological enemies of the Communist Party in order to eliminate class enemies under the guise of popular support,

(3) to enable the Communist Party to make converts from membership of allied parties, and then build up fractions in those parties,

(4) to capture, if possible, entire parties and organizations,

(5) to prepare as large a proportion of the masses as possible for a sudden switch to the offensive when the *revolutionary situation* warrants and, ideally, to establish a

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United Front, National Unity or a National Democratic Government.

The Communists usually establish two basic types of United Fronts,

(1) the United Front from below whose objective is the neutralization of the noncommunist leadership, gaining thereby access to the rank and file of the masses. Leaders are to be isolated by exposing them before the people in general. The ranks are to be won by appeals for unity in the struggle against exploitation by capitalism/imperialism.

(2) The United Front from above which is known as the Popular, or Peoples' front. This transcends a purely working class arrangement and seeks to compose an "alliance" with petit-bourgeois, peasant, and bourgeois parties for immediate aims of a specific nature. Into this category such organizations as the World Peace Council fall.

Our major concern here is, of course, with the language of international diplomacy and government. This is an area for the specialist, the expert. But an informed public is also an essential segment of the socio-political structure of our time. A correctly informed public can be a great force for stability in the free world. An incorrectly informed public can be said to be the Achilles' heel of government. In informing itself, the serious public is confronted with a problem of the first magnitude. The journalese which we rely on so heavily can be so misleading as to sacrifice truth in the interests of brevity. For example the words "Russia", "Moscow", or "Kremlin" are almost universally used as a broad symbol for the hub of the Communist world. In actuality, they are by no means synonymous, for as a political nation-state "Russia" died with the last Czar. In the world of hard political realities, "Russia" is an utterly meaningless word, except for its historical meaning.

Furthermore, even a literate public is inclined to project its own corpus of background, facts, inferences and value judgments into their interpretation of key words and phrases. For instance, take the word "Peace". There is no more pregnant word in the Communist vocabulary. To assume that they use the word with the same body of reference as does a spokesman for the free world is to lay one's self open for frontal attack. The assumption that everyone wants Peace in the same sense that we use that word is erroneous and can lead only to disaster.

The semantic barrier can be significantly reduced if wishful thinking is avoided and the problems are recognized in a realistic *substantive* manner rather than simply on the basis of the *form*. It must not be assumed that the Communist substantive meaning can be construed as being equivalent to ours.

Some people feel that there has indeed been a change of Communist policy for the better. As evidence of this they cite "Peaceful Coexistence". It must be cautioned here that that phrase itself is nothing more than a tactical formula designed to throw the free world off guard.

The factor of constant change served to complicate any semantic analysis of the language of Communism and emphasizes the need for intelligent, sophisticated and constant reevaluation. There are, however, some aspects of Marxism-Leninism which are fundamental and which need to be understood specifically in discussing Communist semantics. In spite of the seemingly overt appearance of change in the USSR/Soviet Union actions and verbal enunciations, the fundamental concepts of Marxist-Leninist theory and practices have remained intact since their inception.

There are many key words and phrases concealed in protective methods of expression or open codes known only to the indoctrinated communist cadres and their ideopartisans who master Marxist-Leninist ideology and methodology. Through one key word, term, combination of words, or phrases which originate in Marxist-Leninist, Maoist and other classics and in history, an open code to an entire orientation or policy line can be presented.

Most prominent among these key terms is Marxism-Leninism itself. This term appears so frequently in written and spoken communications of the CPSU and its affiliates that it is the most important key to the identification of documents as expressions of the party line regardless of the ostensible source of the actual document itself.

Stalin himself posed the question, "What, then, is Leninism in the last analysis?" He also answered it: "Leninism is Marxism in the epoch of imperialism and the proletarian revolution, or to be more exact, Leninism is the theory and tactics of the dictatorship of the proletariat in particular."

In short, Marxism-Leninism means a commitment to the class doctrine of complete destruction of the existing social class system based on private ownership of property by the use of nonviolent (political) and/or violent (armed) struggle and combinations of tactics essential to the establishment of a classless social order, the World Socialist System, throughout the entire world.

Manuilski further defined Marxism-Leninism as "The teachings of Marx, Engels, and Lenin as developed and supplemented by Comrade Stalin in the scientific world outlook of the international working class, the class which has won an historic victory on one-sixth of the globe. It is destined to overthrow capitalism and build a new communist society. Marxism-Leninism is the most revolutionary theory and practice that has ever existed in the history of mankind."

In conclusion, if it were not harmful to national security and to our survival as a free society and democratic government, this linguistic duality of Communism could be ignored. However, if this dual-value Communist language is not understood properly and checked, the Communists not only can infiltrate, penetrate, subvert and disintegrate the Free World's social order, but more ironic, they can and will do it with semantic license employing the United Nations and other forums of the Free World to do it *legally*.

LEGION CITES DRIVER

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. TEAGUE of Texas. Mr. Speaker, over the past several weeks a great number of organizations and Members of Congress have issued statements commending former VA Administrator Bill Driver for the magnificent job he performed as a career employee in several key positions within the Veterans' Administration, and more importantly, its top position as Administrator of Veterans' Affairs. Last week at a special reception the Legion's National Commander William C. Doyle honored Bill Driver by the presentation of a special citation setting forth his and that organization's appreciation for the excellent service Bill Driver performed for war veterans and their dependents. I am pleased to insert in the Record the wording of the American Legion Citation to Mr. Driver:

Born in Rochester, New York, May 9, 1918, and educated in the public schools and universities of this country, William J. (Bill) Driver decided to utilize his seemingly limitless talents and desire to serve his fellow veterans, community, and Nation.

This dedicated public official served with distinction as a Lieutenant Colonel, AUS, from 1941 to 1945, and in the U.S. Army from 1951–53, as evidenced by his military decorations, which include the Legion of Merit, Bronze Star Medal, Order of the British Empire, and Croix de Guerre.

Mr. Driver continued his outstanding service to his country as a career employee of the Veterans Administration subsequent to his military assignments, having received the Veterans Administration's two highest awards: the Meritorious Service Medal in 1951, and the Exceptional Service Award in 1960.

His exceptional administrative abilities in serving the sick and disabled veterans of our Nation brought him national prominence when, in 1964, he was awarded the Career Service Award of the National Civil Service League.

President Lyndon B. Johnson recognized Mr. Driver's extraordinary talents by appointing him Administrator of Veterans Affairs in January 1965, the first career Federal employee to hold this post.

As Administrator, Mr. Driver's scholarship in veterans affairs, his seriousness of purpose, and his sincere dedication in perpetuating the commitments this Nation has made to its veteran population, have brought unparalleled prestige to the Veterans Administration program. A gentleman of irreproachable moral and ethical principles, and one with a deep compassion for his fellow man, Mr. Driver initiated and brought to fruition several innovations within the program designed to improve the economic and social status of veterans, their widows and orphans.

The American Legion wishes to take this opportunity to express its heartfelt and sincere gratitude to William J. Driver for the excellent manner in which he administered the United States veterans affairs program during his tenure as Administrator of Veterans Affairs.

William C. Doyle,
National Commander.

APOLLO, PA., HONORS APOLLO 10

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. SCOTT. Mr. President, Apollo, Pa., the only city in the Nation with the name Apollo, has honored the astronauts who manned each of the historic Apollo space flights by making them honorary citizens of that city. The men of the Apollo 10 have been similarly honored.

I ask unanimous consent that a telegram from the mayor of Apollo to the crew of Apollo 10 be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

May 27, 1969.

Congratulations on your historical Apollo 10 flight. Whereas on the 18th day of May 1969 the "men of Apollo" set forth from this earth via Apollo 10.

Whereas Apollo 10 did orbit the moon to further man's cognizance of the universe with the aid of one "Charlie Brown" and his capable companion "Snoopy" and

Whereas astronauts Thomas P. Stafford, John W. Young, Eugene A. Cernan did fur-

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> ther evolutionize the Apollo program with precise efficiency.
>
> Whereas at 12:52 p.m. on this 26th day of May 1969 Apollo 10 returned from this fantastic mission to the moon therefore I, Duane S. Guthrie, mayor of Apollo, do hereby declare the "men of Apollo", Colonel Thomas P. Stafford, Commander John W. Young, and Commander Eugene A. Cernan, to be honorary citizens of Apollo, Pa.
>
> DUANE S. GUTHRIE,
> *Mayor, Apollo, Pa.*

A TRIBUTE TO CHIEF JUSTICE EARL WARREN

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. ANDERSON of California. Mr. Speaker, today I rise to pay tribute to one of the outstanding men of this century, our Chief Justice Earl Warren.

I feel privileged to be able to regard him as a close friend as well as a leader. During my tenure in the California Legislature, he was Governor of our State. Actually, I took office the same day he was sworn in, and I am convinced he will go down in history as one of the great Governors of California.

History will also regard him as one of our great Chief Justices. I choose to repeat the recent words of former President Harry Truman on the occasion of the Chief Justice's appointment as Chairman of the International Order for the Advancement of Peace:

> Earl Warren's reputation in the world community symbolizes justice, understanding and compassion for all peoples of all Nations.

These words aptly sum up that for which Earl Warren has stood throughout his public life, including his service in California as a district attorney, State attorney general and three-term Governor, as well as for the last 15 years during which he has served as Chief Justice of the Supreme Court of the United States.

These words also suggest what in the best and most meaningful sense is so often called the "Warren Court." As Chief Justice, Earl Warren has headed the Supreme Court during a time of unprecedented turmoil and change in the world and the Nation. It has been a time when the Court has been called upon to decide some of the most significant and controversial issues ever to come before it.

The decisions of the Court under Chief Justice Warren's leadership, as many others have pointed out, have had a revolutionary impact on our legal, social, and political structures. It no doubt is unfair both to the Chief Justice and to the Court to label it and the decisions it has made during his tenure with the name of one man. The Court's responsibility is a collective one, while at the same time each Justice is responsible in the Court's collective judgments for his own decisions. Yet there is no doubt that Earl Warren has been particularly suited by his experience, character, and abilities to head the Supreme Court during a period marked by "judicial activism" and, as has been said by Justice Schaefer of the Illinois Supreme Court, by its intentions to put "flesh and blood" on our constitutional ideals. One does not have to agree with all or each of the specific decisions of the Court in the Warren era. But history will not fail to recognize the tone and quality of the leadership Earl Warren has provided as the Court has sought to fulfill the substantive meaning of our constitutional rights, concepts and ideals.

In a recent statement on the work of the Court over the past 15 years, the Chief Justice mentioned those decisions which he thought were the most important rendered by the Court in this period. These were *Brown* v. *the Board of Education*, 347 U.S. 483 (1954), the first of the school desegregation cases, which spurred and dramatized a national awakening to the problem of racial justice in our society; *Baker* v. *Carr*, 369 U.S. 186 (1962), which required a reapportionment of the State legislatures in accord with precepts of justice in political representation during a time when the Nation's population has shifted massively to great metropolitan areas; and *Gideon* v. *Wainwright*, 372 U.S. 355 (1963), which symbolizes the Court's concern with civil liberties in the field of criminal procedure.

This summary by the Chief Justice of the Court's work during his tenure reflects Earl Warren's passionate concern for justice under the law that has distinguished his leadership of the Supreme Court, and the judicial philosophy which has guided his and the Court's decisions during this period in its history. This concern and philosophy were given eloquent expression by the Chief Justice himself in an address made in 1968 after he announced his impending retirement from the bench. The following excerpt from this speech deserves to be repeated as a testimony to his long record of public service to the Nation:

> Justice in individual cases is the basis of justice for everyone. A failure to protect and further anyone's individual rights leads to justice for no one . . . Justice will be universal in the country when the processes as well as the courthouse are open to everyone. This can occur only as the institutions of justice, the courts and their processes are kept responsive to the needs of justice in the modern world. Such a goal will be accomplished only as all elements of the legal system, the law-makers, practicing attorneys, legal scholars and judges, recognize the ever-changing effects of the law on society and adapt to them within the principles which are fundamental to freedom.

OIC EDITORIAL

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. BOGGS. Mr. President, on May 23, a Philadelphia television station, WCAU–TV, broadcast an editorial urging its listeners to "give meaningful support to a very meaningful program," the Opportunities Industrialization Centers. OIC was started several years ago by the Reverend Leon H. Sullivan in an effort to create a workable training program for the hard-core unemployed of Philadelphia. It has since flourished under the imaginative leadership of Dr. Sullivan, and now operates in more than 75 cities.

In an effort to expand and encourage this private effort, three of my colleagues joined me recently to introduce S. 1362, a bill to provide Federal financial assistance to the OICs. For a further understanding of the OIC concept, Mr. President, I ask unanimous consent that the WCAU–TV editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OIC EDITORIAL

> It started in an old abandoned jailhouse in Philadelphia. Now it has been visited by Presidents and international leaders to see what makes it go.
>
> We're talking about Leon Sullivan's O.I.C. (Opportunities Industrialization Center) and it's not only going on here in Philadelphia but also in almost 80 cities in this country and in several foreign cities.
>
> Even with the success of O.I.C., it has one basic flaw that you can help to alleviate. O.I.C. programs just cannot expand fast enough to meet the needs here in Philadelphia.
>
> A financial donation to O.I.C. by a business or an individual is not a handout, it's an investment which helps all of us. Here's how it works. It costs on the average of about $1,000 to take an individual into O.I.C., train him and get him into a job. (Film.) There are over 30 specific courses at O.I.C. involving anywhere from a couple of months to a year for training. The electronics training course, for example, takes one year.
>
> Many of the applicants to O.I.C. are recipients of welfare money. You and I are contributing to that welfare money through our taxes. Now, through O.I.C. the man is trained, he's on the job, and he begins (perhaps for the first time in his life) to earn money. No longer is he a welfare recipient. so some of our tax money is saved. But even more important, that man becomes a taxpayer. He also becomes a consumer with money in his pocket. And, according to Dr. Sullivan, by 1980, O.I.C. graduates will be adding some $150 million to the city's purchasing power. (Film out.)
>
> Through a well-rounded training program, we see men and women come from the fringes into the mainstream of society. The one thousand dollar investment is paid back in no time at all.
>
> But there just isn't enough expansion of O.I.C. programs because of the limited funds. There are over 10,000 people on the waiting list at O.I.C. in Philadelphia—over 10,000 who want to be trained, who want to work; many who want to get off welfare.
>
> In its current campaign, the O.I.C. headquarters at 1225 North Broad Street in Philadelphia is hoping to receive, in addition to federal money, one million dollars from businesses and private citizens from around the Delaware Valley. WCAU–TV hopes that you will give meaningful support to a very meaningful program.
>
> With individual participation by Philadelphians, the O.I.C. campaign will be a success. With increased funds, O.I.C. programs can be expanded.
>
> Here's your chance to get involved.

WILLIAM J. DRIVER

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. SAYLOR. Mr. Speaker, I wish to add my name to those of my colleagues who have expressed this Nation's sincere thanks to William J. Driver, who is retiring as head of the Veterans' Administration.

Bill Driver has been a respected leader and devoted servant to veterans for nearly a quarter of a century and in the past 4 years he has administered this huge sprawling agency with efficiency, integrity, and compassion.

He can take much credit for the vast changes we have seen in the past few years that have increased, improved, and expanded benefits to this country's 26 million veterans.

I express my appreciation to Bill Driver for a job "well done" and wish him the best in all his future endeavors.

ADDRESS BY PRESIDENT NIXON AT U.S. AIR FORCE ACADEMY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Confrontation With Reality," published in the Washington Daily News of today, June 5, 1969. The editorial relates to President Nixon's address yesterday at the Air Force Academy.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CONFRONTATION WITH REALITY

President Nixon is overloaded with problems, many of them tough and delicate. But none is tougher or more delicate and none involves more gambles, more misunderstanding or bigger stakes than the military-defense-peace situation.

This situation is a whole complex of problems, and it was this complex Mr. Nixon faced in his speech yesterday at the Air Force Academy. We think the public, Congress, our allies and our foes should have a better insight into the Administration position than they had before.

The President, it seemed to us, laid it on the line: What we have to do, why we have to do it, what the alternatives are.

"I have no choice in my decisions," he said, "but to come down on the side of security."

To fail in this would be to risk failure in survival.

Without security we could do nothing. We could not promote peace, we could not solve our domestic problems. The weak can only hope and beg. Only the strong can deter adversaries, or bargain with them.

Moreover, if the United States does not stay strong, does not keep geared to the danger that "has changed but . . . not vanished," does not lead in striving for peace—then, as Mr. Nixon says, "the rest of the world would be living in terror."

This, then, is the national policy—as it has to be.

But standing up for a policy is one thing; putting it to work another. Here too, tho, Mr. Nixon faced the problems. And one of them is the rising torrent of anti-military oratory in Congress.

Mr. Nixon made plain his fundamental disagreement with "skeptics and isolationists" and effectively rebutted them. And he met head-on the new clique in the Senate which suddenly has loosed a blanket attack on "militarism" with all the generalities that connotes.

But even more reassuring was the President's statement that he was not disagreeing with those who reveal waste and inefficiency in defense operations, or who demand clear explanations of military buying policies, or who "want to make sure a new weapons system will truly add to our defense."

Such challenges are responsible and essential.

The military establishment invites much of the political assault it endures by its own shortcomings—by wasting money, by goofing on purchases, by going astray with its planning.

It is just as important for the President to recognize these things as it is for him to defend his Administration against the insinuations of ambitious political fault-finders.

The Defense Department should never be anybody's scapegoat, as Mr. Nixon said, but neither should it be everybody's sacred cow. It is not all virtue any more than it is all sinister.

The President, it seemed to us, was eminently sound in the perspective he applied to that issue

We are in the midst of another hot debate—whether it turns out to be a "great debate" is uncertain. But the moral and social aspects of our defense posture, as well as the tactical phases, are being aggressively challenged—sometimes wisely and sometimes frivolously.

This is, by and large, healthy and necessary. Our strength is illusory if our policies are not resolute, if the enforcement of policy is confused, if our military system is not sharp and prudent, if our money is frittered away on the impractical or the wasteful.

What is cheering about Mr. Nixon's extraordinary speech at Colorado Springs is that it leads us to believe we have a President who clearly understands all these things, and is prepared to deal with them, who is keeping his cool and holding to his course.

And if this is so, then we can take heart that we may yet plod our way out of the babble of confusion and raucous dissonance which lately seems to have clouded our national purpose and dimmed our common aspirations.

PHILADELPHIA CITY COUNCIL RESOLUTION AGAINST SHIPPING OF MUSTARD GAS

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BYRNE of Pennsylvania. Mr. Speaker, the Honorable Paul D'Ortona, president of the city council of Philadelphia, has brought to my attention Resolution 140, which was adopted by the council at a meeting on May 15, 1969. I am unalterably opposed to the planned shipment of mustard gas through Philadelphia sometime this summer as I feel there is a possibility an accident could occur—through mechanical failure, human failure, or subversion—which would be catastrophic for the citizens of Philadelphia. Therefore, I am interested that my colleagues have the benefit of the views of the Philadelphia City Council, as follows:

RESOLUTION 140

Resolution prohibiting the shipment of 2,975 tons of surplus mustard gas, and 30 tons of tear gas by rail or any other carrier through the City of Philadelphia

WHEREAS, The Department of Defense of the Army is planning to ship 2,975 tons of surplus mustard gas and 30 tons of tear gas by rail through Philadelphia this spring or summer for burial in the Atlantic Ocean at a point 250 miles east of Atlantic City; and

WHEREAS, The Department of Defense of the Army also states that 30 tons of tear gas are stored in 55 gallon drums; and

WHEREAS, The reason for this disposal is that the containers that these gases are stored in are either corroded or have become ineffective so that they leak gas; and

WHEREAS, The Department of Defense of the Army has failed to take into consideration the density of population that exists in the City of Philadelphia; and

WHEREAS, The Department of Defense of the Army has failed to take into consideration the possiblity of a derailment or other kind of accident if another carrier is used; and

WHEREAS, If such accident takes place the results could prove fatal to many residents in the City of Philadelphia who either live or work adjacent to the routes used by the carrier; therefore

Resolved, That this Council immediately instruct the City Solicitor of the City of Philadelphia to take immediate and appropriate court action that would block any movement of these gases through the City of Philadelphia; be it further

Resolved, That copies of this Resolution be forwarded to Senators Hugh Scott and Richard Schweiker and all Congressional Representatives from Philadelphia enlisting their aid at the Congressional level.

PAUL D'ORTONA,
President of City Council.

Attest.

CHARLES H. SAWYER, Jr.,
Chief Clerk of the Council.

TRANSPORTATION PROBLEMS RESULTING IN PART FROM STRIKES POSE SERIOUS THREAT

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. RANDOLPH. Mr. President, I have an interest and concern in the problems of collective bargaining as they relate to the transportation industry. I have endeavored to work with labor and industry representatives, as well as with Government officials in order to achieve a greater stability of labor-management relationships.

Recently, the activities of the Transportation Association of America in this same direction have been called to my attention. The TAA is a nonprofit educational organization with a broad spectrum of membership. It includes many types of transportation users, investors, and the six transport modes—air, freight forwarder, highway, oil pipeline, rail, and water. TAA's basic objective is to maintain and foster a sound national transportation system under private ownership and operation.

During the past 18 months, at the direction of the TAA Board of Directors, a transport labor-management study has been underway under the guidance of a TAA Transport Labor Committee. The committee is headed by Director Henry E. Seyfarth, of Seyfarth, Shaw, Fairweather & Geraldson, Chicago, Ill. In the words of Mr. Seyfarth:

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The essential purpose of TAA's labor study is to get into the best possible position to make a worthwhile contribution to the solution of the labor problems of the transportation industry.

At a recent meeting of the TAA committee, one of the members presented a scholarly and provocative paper containing his own views on the settlement of labor disputes. The paper, entitled "Transportation Labor Legislation: From Peine Forte Et Dure to the 20th Century," was authored by Arthur M. Wisehart, corporate secretary and assistant general counsel of American Airlines, Inc.

Without expressing any comment or reaction to the document, I think it represents a statement worthy of wider circulation. Accordingly, I ask unanimous consent that the document be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

TRANSPORTATION LABOR LEGISLATION: FROM PEINE FORTE ET DURE TO THE 20TH CENTURY [1]

(By Arthur M. Wisehart) [2]

This is a revised version of a paper presented recently at a symposium in Dallas sponsored by the Journal of Air Law and Commerce at Southern Methodist University.

Those of you who are students of Law French know that the phrase "peine forte et dure" in the title means "pain strong and hard". Having emerged recently out of a three-week strike with the type of settlement that is customary these days, the phrase seems an apt description of the game we euphemistically call collective bargaining.

"Peine forte et dure" was an English legal procedure which evolved in the middle ages as a substitute for trial by battle. It was invoked when an accused felon refused to accept a trial by jury, preferring trial by battle, and involved piling heavy weights on his chest until he either "confessed" or expired.[3] One of its purposes was to encourage "voluntary" acceptance of the rule of reason, in the form of a trial by jury, in lieu of the rule of force. Unfortunately, in collective bargaining today, we have not yet progressed beyond trial by battle, and Professor Arthur Goodhart, the eminent Anglo-American legal scholar, has singled out this problem as one of the greatest challenges facing our legal system today.[4]

As a technique, peine forte et dure bears an interesting resemblance to suggestions for the use of "non-stoppage" strikes or seizure in which the consequences are so painful that one party either "settles" or, as the formerly private New York City bus system, expires. One high corporate official has suggested that perhaps if a carrier and union would agree to propitiate the god of collective bargaining by ritualistically offering up and burning in a huge bonfire $20,000,000 in one dollar bills, in lieu of the revenues and wages which otherwise would be lost as a result of a strike, and then settle their agreement, at least the traveling public could be spared the inconvenience.

I. IS THERE A NEED TO CONTROL TRANSPORTATION STRIKES?

A recent law review article sets forth my proposal for amending the Railway Labor Act to control transportation strikes.[5] Copies are available for those who are interested in reading it.

Under the proposal, the responsibility for determining whether an airline labor dispute—or any part of it—should be submitted to arbitration would be transferred from Congress to the emergency boards. In deciding whether a dispute should be arbitrated, the emergency board would be guided by two important criteria: the effect of the threatened strike on the public and the prospect for settlement by collective bargaining. If an emergency board were to determine that a dispute should be arbitrated, the parties would be given a reasonable period of time to agree upon acceptable arbitrators and procedures. If the parties should fail to do so, the emergency board itself would prescribe the terms of arbitration. Thus, it should be possible (i) to restore emergency boards to the effectiveness originally contemplated, (ii) to eliminate what has been described as one-sided compulsory arbitration in which the carriers, regulated by the government, are virtually compelled to accept emergency board recommendations which the unions can ignore with impunity, (iii) to give collective bargaining a better chance to work by strengthening mediation, (iv) to relieve Congress from the necessity of reviewing the merits of labor disputes on an ad hoc basis, and (v) to place in the hands of disinterested experts—who would function somewhat as a specialized ombudsman or blue ribbon jury—the delicate question of whether the nature of the dispute and the public interest are such as to require third-party determination.

While I will be glad to discuss any questions about the proposal, my plan is to use the time available to analyze the *need* for limiting strikes in transportation. Once the need is generally recognized, then I think the means to satisfy the need will suddenly not seem so elusive. The first step in solving an intractable problem is the seemingly simple but often most difficult matter of recognizing that the problem exists. This fact is reflected in Step One of the Alcoholics Anonymous program, which is an admission that ". . . our lives had become unmanageable." So let's look at the question, "Have transportation strikes become an unmanageable disease—is there a need to curtail them?"

II. DO TRANSPORTATION STRIKES CREATE AN EMERGENCY?

The argument is frequently heard that transportation strikes create no true emergency, and that limiting them therefore is unwarranted. Whether such strikes create an emergency, of course, depends entirely on how "emergency" is defined. What may be an emergency to one is a tea party to another. I remember hearing some who had been personally affected by the five-airline strike in 1966 bravely insist that it was not an emergency so far as *they* were concerned. On the other hand, there were others who believed that the grounding of 6,450,000 passengers and the elimination of 70 percent or more trunkline service for 43 days from over 300 cities in the United States, in the midst of Viet Nam, if not an emergency, was a luxury that we could ill afford. It is estimated that a strike of the same five carriers in 1970 would inconvenience 10,000,000 passengers and 15,000,000 passengers in 1975.[6]

In Sweden the problem of defining what is an emergency was solved in an interesting way. To forestall the enactment of restrictive legislation against strikes, the two confederations of management and labor entered into a basic agreement for the control of disputes, and the framework established by that basic agreement remains in effect today.[7] In drafting the basic agreement, one of the most serious problems was in defining what constituted an emergency strike. After much fruitless debate, those responsible did a very practical thing. They concluded that no definition could be made which would both be objective and win general acceptance. They said that the need for restricting strikes in the public interest is directly dependent upon the circumstances of each case, a concept not foreign to the common law, so they established a Labor Market Board to assess the facts of each case as it comes up. If the Labor Market Board concludes that a given dispute threatens the public interest, then the confederations of management and labor cooperate in defusing the threat.

The lesson the Swedish experience teaches is that we need not throw up our hands in hopeless dismay simply because of lack of agreement in defining what constitutes an emergency. A reasonably adequate procedure for making such determinations as each situation arises can be established, and I think that the proposal in my Michigan Law Review article does that.

III. WHAT ARE THE COSTS OF A TRANSPORTATION STRIKE?

It may be that there will not be repetition of the 1966 airline strike. The IAM has gone back to the strategy of whipsawing one carrier at a time, the strategy which led to the demise of Capital Airlines in 1958. And the rail unions, faced with ad hoc arbitration legislation whenever a national rail strike is threatened, are also adopting the whipsaw tactic of carrier-by-carrier strikes. But a strike against a single airline such as American, United, or TWA today is the equivalent of a strike against the whole industry in 1954. And the New York transit strike in 1966 demonstrates that a transportation strike need not be national in scope to have consequences which are a serious matter for the entire nation. That strike, in a transit system in which advances in productivity have been virtually negative, brought the City of New York to its knees and extorted a settlement which at that time was unprecedented—three 5 percent wage increments over a period of 18 months.

The New York transit strike by the Transport Workers Union established a pattern which a rival union, the IAM, could not ignore when the time arrived for settling the open mechanics' contracts on five airlines later in the year. The IAM later took full credit for shattering the Presidential guidelines in the aftermath of its 43-day strike—and was criticized for having done so:

"The settlement, which has just been ratified by the International Association of Machinists, will raise the compensation of its members by an average of 4.9 percent a year, not by the 6 or 8 percent a year which some reports have inaccurately claimed. In addition, there is a provision for limited cost of living escalation, effective during the last 12 months of the three-year contract.

"The Council [of Economic Advisers] greatly regrets that its settlement so substantially exceeds its guideposts of non-inflationary wage behavior. It regrets the unwillingness of the Machinists' Union to accept the reasonable and responsible settlement of this dispute recommended by the President's emergency board, or even the somewhat higher settlement which the union's representatives negotiated on July 29."[8]

The strategy of the 1966 IAM strike was aptly summarized by C.A.B. Examiner Arthur S. Present in the Initial Decision approving, for the third time, the Mutual Aid Agreement. He said (*Mutual Aid Agreement* (*Renewal*), Docket 9977, Initial Decision, March 7, 1969, p. 36):

"The real goal of IAM in this controversy appears to have superseded immediate objectives peculiar to the airline industry. Thus, IAM, with a total membership of approximately 1,025,000, only 68,000 of whom are employed in the air transport industry, strove to demolish the President's Wage-Price Guidelines and succeeded in doing so."

But in fact, the guidelines had already been demolished by the TWU's transit settlement. And, as a practical matter, with the TWU representing mechanics of two other airlines, American and Pan American, the IAM could do little but follow suit. The IAM settlement approximated the increase in the

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Footnotes at end of article.

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New York transit settlement, as did the subsequent American and Pan American settlements.

The pattern thus established was carried over into the railroad shopcraft negotiations, which ended with a like settlement, and the virus spread to other parts of the economy as well.

Thus the public interest involved is not to be weighed only in terms of the effect of the transit strike on the City of New York, or the effect of the five-airline strike in grounding millions of passengers and tons of airfreight, or the harm which would have resulted from a national rail strike.[9] Far more serious was the disabling effect of inflation on the economy.

This spiral of cost-push inflation was felt by the employees no less acutely than by others. Workers winning a collective bargaining "victory" in 1966 of a 5% increase for 1968 (at a loss in earnings of about $900 for each employee participating in the 43-day strike) might well wonder whether it was not Pyrrhic victory when considering that the net differential between their increase and the ensuing 4.7% increase in the Consumer Price Index for 1968 was only .3 of 1%. As Mr. Gardner Ackley prophetically said while Chairman of the Council of Economic Advisors:

> "Efforts by the Government to curb inflationary pressures and maintain steady economic growth cannot achieve their objectives if business and labor continue to agree on wage and benefit increases that far outrun our ability to produce the additional goods and services on which higher incomes can be spent.
>
> "Other unions that are in the process of formulating bargaining demands and other employers who are entering labor negotiations or setting prices must remember that higher wages and profits beyond those justified by productivity trends can only be collected by reducing the real incomes of all Americans. *The efforts of others to protect themselves from such reductions by excessive increases in their own wages and prices will in the end destroy the initial gains of those who started the process.*" (Emphasis added.)

As the forces set in motion by these inflationary settlements have yet to be contained, it remains to be seen how disagreeable the hangover will be. The Committee for Economic Development recently released a study which is hopeful that fiscal and monetary "fine tuning" will stem inflation. However, their conclusions presuppose (i) the subsidence of Viet Nam, (ii) no similar conflict arising to take its place, (iii) an end to inflationary wage increases, and (iv) the acceptability of high interest rates and taxes. Inflation can be mitigated by increased unemployment, but unemployment entails its own problems. The nation loses the productive labor which could be contributed by the unemployed, and the damaging effect on problems of minority employment and urban turmoil is self-evident. An increase of unemployment from last year's rate of 3.6% to 4.7% would mean almost a million more people out of work (Wall Street Journal, March 26, 1969, p. 1).

It has been reported that many of the 1969 settlements exceed the 6.6% average wage-and-fringe gains in 1968 settlements.[10] In transportation, the Philadelphia transit agreement embodies a 17.1% package increase, 9.2% of which is for the first year; the New York longshore settlement is 29.6% over three years; and mechanics on Flying Tiger Line received a three-year package worth 28%.[11] The recent settlements by American, Eastern, Northeast, and Pan American, naturally, are in the same ball park. With settlements such as these, a great deal of "fine tuning" indeed will be needed to prevent inflationary consequences.[12]

Further, we are still far from able to assess all of the effects of fiscal and monetary fine tuning. What has happened to date is that real growth in our economy declined from $10.9 billion for the first quarter of 1968 to $5.2 billion for the first quarter of 1969, while inflation has increased from $9.3 billion to $10.8 billion.[13]

Meanwhile, the proposed repeal of the investment tax credit, which inevitably will weaken the chief tool available for combating rising labor costs, technological improvement admittedly "did not arise within the Administration in the context of considering whether existing policy was adequate to cool off the inflation."[14] With respect to the regulated industries having relatively inelastic demand curves, subject principally to cost-push rather than demand-pull inflation, and already making an inadequate return on investment, the effect of repeal can only be inflationary.

IV. DO TRANSPORTATION STRIKES CONTRIBUTE ANYTHING OF VALUE TO COLLECTIVE BARGAINING?

I have often wondered what positive contributions transportation strikes could be said to make to collective bargaining that would justify their tremendous economic and social costs. The more I think about that question the more convinced I become that the disadvantages far outweigh any possible advantages.

1. Strikes are not needed to bring about organization of employees. Most transportation is highly organized already.

2. Strikes are not needed to enforce collective bargaining. Collective bargaining in transportation is a legally enforceable right of relatively ancient vintage, being the product of statutes which go back to 1888, far antedating labor laws in other fields.

3. Strikes are not attributable to grievances. The Railway Labor Act mandates adjustment Boards for grievances, and the grievance procedures are highly developed.

4. Strikes are not needed because transportation employees are underprivileged. The rates of pay and fringe benefits received by transportation employees compare favorably with comparable employees in any other industry. I could digress here about such facts as the rates for the 747 aircraft going into service this year—which, under a TWA Agreement, will produce $58,000 a year plus about 20% more in pension and annuity contributions, or a total of over $70,000 for airline pilots who have a monthly maximum of 75 hours flight time—or the fact that airline mechanics will be making $12,000 a year—but it would take too much time to go into these details, and most of you are familiar with them anyway. Meanwhile, the airlines themselves are earning less than half the rate of return the Civil Aeronautics Board found to be reasonable.[15]

5. Strikes are not needed to make collective bargaining function properly. Management and labor, in agreeing originally to the terms of the Railway Labor Act, apparently regarded strikes as unnecessary to collective bargaining because it was their understanding that the Act would virtually eliminate strikes. It did so, and collective bargaining on the railroads functioned acceptably for about fifteen years without significant strikes. It was only after World War II that the original understanding was forgotten and strikes began to afflict the railroads and airlines. The National Mediation Board has described the situation as follows:

> "Until the wage movements of 1941, the recommendations of emergency boards were commonly accepted by both sides. After the experiences of that year, the pattern changed, and it has become customary to reject rather than accept, the recommendations of emergency boards set up to handle national wage and rules movements . . . since 1941, emergency board recommendations have served only as a base to be used for securing further wage and rule concessions in a final settlement, usually made under Executive auspices."[16]

6. Strikes do not contribute toward a sensible solution of problems.

Perhaps it would be easier to defend transportation strikes if one were assured that settlements produced through the strike process were worth waiting and suffering for because they are somehow better. But the opposite would seem to be true. Strike settlements are not the products of a rational, objective process as much as they are the result of lack of sleep, emotionalism, irrationality, and expediency.

Further, strikes are indicative of sickness, not health, in collective bargaining. When they impose more injury on bystanders than on the combatants themselves, why are they permitted? Perhaps it is because of some mystique wrongly attributed to them.

Trial by battle—personal combat—was an accepted method of settling disputes in Norman England. Superficially this system would seem, like strikes, to be based on the morally indefensible premise that "might makes right." However, in the 12th Century, it had a loftier source—i.e., the medieval faith that God would quash the unjust.[17]

As piously entoned by the King in Shakespeare's Henry VI, Part II:

"What stronger breastplate than a heart untainted!
Thrice is he arm'd that hath his quarrel just,
And he but naked, though lock'd up in steel,
Whose conscience with unjustice is corrupted."
(Act III, Scene ii.)

Over the centuries, those with practical experience in the affairs of men inevitably began to develop doubts about the soundness of this proposition. If God would indeed quash the unjust, it must have seemed a curious coincidence that the unjust was also always the weaker of the antagonists. A waning enthusiasm for trial by battle led Richard II to banish both antagonists—

"For that our Kingdom's earth should not be soil'd
With that dear blood which it hath fostered. . . ."
(Shakespeare, Richard II, Act I, Scene iii).

The usual cultural lag existed, however, and it was several centuries before perception became settled in practice.

It was not until 1819 that England was able to do away with trial by battle entirely.[18] This came about as a result of a lawyer's ingenius, and successful, assertion of the right as a defense in a celebrated civil case decided by the King's Bench the year before.[19] In an action for damages for the alleged murder of a near relative, when the King's Bench upheld the defendant's right to trial by battle, the plaintiff, "having been further advised" that he faced something far more rigorous that the pleasantries of a trial by jury, stated that he "prayed no further judgment", and the suit was discharged.[20] Legislation followed.

Today we leave many collective bargaining disputes to the modern equivalent of trial by battle. And, with God not in the picture, I'm afraid that the rationale has to be that "might makes right."

Thus transportation strikes as a procedure for resolving collective bargaining disputes are the antithesis of due process. They are not the embodiment of the force of reason, but the exaltation of force over reason. We tend to forget that strikes are not a natural right, a part of the social contract. God did not give to the late Michael Quill a stone tablet that said, "I grant you and your union the right to strike," nor did the founding fathers mention this right in the Constitution.[21]

Footnotes at end of article.

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Because the law at present fails to establish an equal balance of power between labor and management, those unions which strike to settle disputes are so rewarded, at the public's expense, that no aspiring union leader or competing union dares ignore the example. Thus our law not only tolerates strikes but, contrary to its stated purposes, actively encourages them.

It is romantic to suppose that what we have for settling labor disputes in transportation is a system of collective bargaining. What we have instead is a system of strikes. Like the natives organizing a corporation as a form of government in Gilbert and Sullivan's "Utopia, Limited," the unions go through the ritual of bargaining, but not the substance, waiting only until the power to strike becomes available as the determinant.

When one considers what actual usefulness those marathon talkathons may have, one is reminded of the following bit of dialog between father William and his son:

> "You are old," said the youth, "and your jaws are too weak
> For anything tougher than suet;
> Yet you finished the goose, with the bones and the beak—
> Pray, how did you manage to do it?
> "In my youth" said his father, "I took to the law,
> And argued each case with my wife;
> And the muscular strength, which it gave to my jaw,
> Has lasted the rest of my life."
> —Lewis Carroll, *Alice's Adventures in Wonderland,* ch. V, p. 65.

There may be some among you who think that this exaggerates the case. To make the point clearer, I could refer to statements made frankly by union representatives in the privileged vicinity of the bargaining table. But it is not necessary to do this. The bankruptcy of collective bargaining in transportation, the futility of pretending it exists, the complete absence of the balance of power which is supposed to nurture it, are all reflected in the brief filed in the *Mutual Aid Renewal* case before the Civil Aeronautics Board on behalf of six unions including the IAM and TWU.[22] The brief very persuasively argues that the five airlines struck in 1966, instead of attempting to comply with the government's urgent requests for a noninflationary settlement, would have been better off not to have bothered with bargaining at all, and should have merely accepted the IAM's original demands. Whether this is an implied threat that, if the carriers insist on wasting time by bargaining, the unions will have their revenge, I do not know, but here is what the brief says: [23]

"Reference to Carrier Exhibit No. 31 shows that more than two-thirds of the claimed past losses of the Mutual Aid carriers from strikes resulted from the disputes on Eastern, National, Northwest, Trans World and United with the IAM in the summer of 1966. It is perfectly clear that the decision to undergo this strike cost the carriers involved substantially a greater sum of money than if they had accepted the original union demands without any strike *or indeed without* any negotiations of any kind. Six Unions Joint Rebuttal Exhibit No. 13, a Board study, states that the total loss of net income during the strike for the five struck carriers is estimated at $103 million. To this figure must be added the cost of the settlement which Carrier Exhibit No. 26 (page 16) estimates at $85,700,000. Thus, the total cost to the carriers of the strike and the settlement was $188,700,000. On the other hand, the carriers value the original union demands prior to any negotiations thereon at $114 million (Carrier Exhibit No. 26, page 4). Thus, the carriers involved would have been better off in the amount of $74,700,000 if they had accepted the original union proposal without a strike *or indeed without any negotiations at all.*" (Emphasis added; footnote omitted.)

The lesson from the foregoing is clear: The airlines are foolish to give greater weight to government requests than to union demands. They should simply capitulate, regardless of the public interest. This position of the unions may be short sighted however. As Edmund Burke said:

"Men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites. . . . Society cannot exist unless a controlling power upon will and appetite be placed somewhere and the less of it there is within, the more there must be without." It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters." [24]

The Fifth Amendment of the Constitution guarantees that no person ". . . shall be . . . deprived of . . . property, without due process of law". Yet I can think of no procedure sanctioned by law that results in a more direct taking of property from the public, and with such an obvious lack of due process, than transportation strikes. When such a strike occurs, the public loses, first, the use of common carriage facilities, the cost of which to a significant extent may have been contributed by the public, second, the confirmed reservations and contracts of carriage which have been made, and, third, the increased fares the public inevitably has to pay. Who can doubt that the practice of the blockading a public highway to enforce the demands of a minority group could not be sustained. Yet we now have a collective bargaining practice which encourages a union, which is also an interest group, to deprive the public of its common carriage facilities to enforce union demands. One wonders why the public may not be deprived of the use of its facilities and property in one case, but may be deprived of them in the other.

V. WHAT ARE THE CHANCES FOR TRANSPORTATION STRIKE CONTROL LEGISLATION?

In coming to the question of what chances there might be for transportation strike control legislation, I must immediately disclaim any political expertise. Speaking as one nurtured in the democratic tradition, however, my conviction is that, in the long run, the public will not be denied a correction in a system which adversely affects so many of its members. The increasing public sentiment in favor of such legislation is indicated by recent polls.[25] And that there is a need for a correction is one fact which seems indisputable. As long ago as 1952, the National Mediation Board said:

"The present situation, if it continues, can result only in a complete breakdown of the machinery for the settlement of wage and rules disputes which was so carefully and hopefully constructed by the legislators and sponsors of the Railway Labor Act in 1926." [26]

In 1961, W. Willard Wirtz said in a speech:

"There is reason to suspect that the same thing may be happening to the concept of force in the labor relations fields as in the international arena, that the destructive power of the available force has become too great for it to be used freely and fully. The strike and the lockout, like the force of arms in international relations, may continue to be regarded as effective in comparatively small, limited disputes. But the big strike, the big lockout, covering a whole vital industry, may well be moving into much the same position as the atom bomb." [27]

In his State of the Union Message on January 12, 1966, President Johnson made the following statement in connection with the New York City transit strike:

"I also intend to ask the Congress to consider measures which, without improperly invading state and local authority, will enable us to effectively deal with strikes which threaten irreparable damage to the national interest." [28]

Shortly thereafter Plato E. Papps, the General Counsel of the IAM, made this statement in a speech before the American Management Association:

"One final topic upon which I'll touch is 'national emergency' disputes and the collective bargaining process. Such obvious things as transportation—air, rail and truck—I'll leave to your imagination because I don't believe that the Congress will again tolerate what recently transpired in New York. In fact, there are already several billls in the hopper which will try to meet this problem." [29]

One of the original architects of the New Deal, Samuel I. Rosenman, recently came out in favor of such legislation. He said:

"I urge that the time has now come, at least in those industries where a strike would cause an emergency, to adopt a bill along the lines of S. 176, and to substitute the reason and considered judgment of the courtroom for a verdict based only on comparative strength and resources. Giving up rights like the right to strike—and even more ancient rights—for the general good and welfare of the community—is nothing new in civilized countries." [30]

On January 16, 1969, Secretary of Labor Shultz told the Senate Labor Committee that, although he would be "very careful about recommending any legislation" which might have the effect of "destroying collective bargaining in areas where it's working well and most collective bargaining in this country is working well", he also said that "I'd like to see the situation under the Railway Labor Act improve." [31] And subsequently President Nixon said, responding to a question about the dock strike:

"Now, long range, I believe that the Taft-Hartley Act's provisions for national emergency strikes, which I helped to write along with other members of the Labor Committee 20 years ago, that those provisions are now outmoded. I do not believe we have enough options in dealing with these kinds of disputes and breakdowns. I have, therefore, asked the Department of Labor to develop some new approaches in this field, and we will submit them by legislation to this Congress." [32]

To me it seems only a question of time until the foregoing sentiments are expressed in the form of legislation and the Twentieth Century at last arrives in transportation labor relations.

Footnotes at end of article.

FOOTNOTES

[1] A paper presented on May 5, 1969, at a meeting of the Labor Committee of the Transportation Association of America.

[2] Member of the New York Bar. B.A. 1950, Miami University; M.P.A. 1953, Wayne University; J.D. 1954, University of Michigan. Mr. Wisehart is Corporate Secretary & Assistant General Counsel of American Airlines, Inc. The views stated in this paper are those of the author and are not attributable to American Airlines.

[3] Knappen, Constitutional and Legal History of England 51 (1942).

[4] Professor Goodhart recently retired as Master of University College, Oxford. An American citizen (nephew of former Senator Lehman of New York) and educated here (Yale), Professor Goodhart was made Knight Commander of the Order of the British Empire in 1948.

[5] Wisehart, "Transportation Strike Control Legislation: A Congressional Challenge," 66 Mich. L. Rev. 1967 (1968).

[6] Statement of Everett M. Goulard, Vice President-Industrial Relations, Pan American World Airways, Before the Special Committee on National Strikes in the Transpor-

tation Industries of the American Bar Association, May 5, 1967, p. 10.

[7] See Schmidt, the Law of Labour Relations in Sweden 263 (1962).

[8] Statement of August 22, 1966, by Gardner Ackley, Chairman of the President's Council of Economic Advisers.

[9] Ad hoc arbitration legislation was enacted to end the threat of a national rail strike. 81 Stat. 122 (1967).

[10] Curiously, S. I. Nakagama of Argus Research Corporation has noted that non-union workers received higher increases in 1967 and 1968 than those represented by unions. The increases negotiated by major unions in those years were 5.6% and 6.6%, respectively, while the increase for *all* workers (including non-union) were 6.0% and 7.2%. Kraus, "Wage-Price Specter," New York Times, February 12, 1969, p. 53.

[11] Wall Street Journal, February 18, 1969, p. 1.

[12] In separate comments in the report by the Committee for Economic Development, M. C. Turner, Jr., a member of the Research and Policy Committee, stated (p. 34):

"I am sure that the Committee gave consideration to the strong inflationary effect of excessive wage and benefit increases, but the statement does not appear to give adequate recognition to this factor. There have been many union agreements in major industry which are far beyond any productivity improvement and, therefore, they are truly inflationary . . . This situation is just as important to recognize as monetary and fiscal measures which are controllable by government and business . . . While nobody would like it, it appears that we must consider the proposal of labor courts and final and binding arbitration." (fn. cont. on next page)

[13] New York Times, April 30, 1969, p. 67, col. 3.

John Kenneth Galbraith has said:

"The American economy, whatever wishful analysis there may be to the contrary, is not stable at or near full employment. Wages will always shove up prices, and prices will always pull up wages, and this spiral will revolve for Republicans and Democrats alike. Moreover, it has been the experience of virtually every other major industrial country that some machinery for wage and price restraint is the only alternative to inflation or heavy unemployment." Quoted in Kraus, "Wage-Price Specter," New York Times, Feb. 12, 1969, p. 53.

[14] Herbert Stein, member of the President's Council of Economic Advisers, as quoted in the New York Times, April 30, 1969, pp. 61–63.

[15] The rate of return for the domestic trunk carriers is estimated at 5.3% for 1968; the figure set by the Civil Aeronautics Board as "fair and reasonable" is 10.5%. *General Passenger Fare Investigation*, C.A.B. Order No. E–16068, Dkt. 8008, 32 C.A.B. 291, 308–309, 331 (1960)

[16] 17 NMB Ann. Rep. at 33.

[17] 52 Knappen, *Constitutional and Legal History of England* 197 (1942): "It was commonly considered unjust to punish men after a verdict obtained by human means when a divine tribunal was available."

[18] Ibid.

[19] For a fascinating if rambling discussion, see Kendall, Trial by Battle (3d ed. 1818).

[20] *Ashford* v. *Thornton*, [1818 K.B.] 1 Barn. & Ald. 405, 19 Rev. Rep. 349 (1818).

[21] I have borrowed here from my colleague, Kenneth L. Meinen, who used a similar figure in an excellent speech, "Aviation and the Public Interest: The Dynamic New Dimensions," at the Connecticut General Flight Forum, December 8, 1966.

[22] Brief on Behalf of Six Union Parties to Examiner Arthur S. Present, C.A.B. Dkt. No. 9977 (Renewal) (Dec. 20, 1968).

[23] Id. at 31–32.

[24] As quoted in an editorial by James Reston, New York Times,, Jan. 15, 1969, p. 46.

[25] See Wisehart, op. cit., at 1698, fn. 6.

[26] 17 NMB Ann. Rep. at 33.

[27] From a speech in Chicago by W. Willard Wirtz on August 3, 1961.

[28] *New York Times*, Jan. 13, 1966, p. 13.

[29] *American Management Association News*, Feb. 11, 1966, p. 6.

[30] Statement in Favor of S. 176, 90th Cong., 1st Sess., Oct. 17, 1967, published in 23 Record of Assn. of the Bar of the City of New York 33 at 64–65 (1968).

[31] Wall Street Journal, Jan. 17, 1969, p. 6.

[32] Legislative Status Report, Feb. 7–14, 1969 (President's News Conference of Feb. 6, 1969, in Weekly Compilation of Presidential Documents, Monday, Feb. 10, 1969, p. 229).

DECLINE OF U.S. NAVAL STRENGTH

HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. GOLDWATER. Mr. President, the Governor of Arizona, Hon. Jack Williams, has during the course of his life spent many years as a columnist both in the newspapers and on the air, and he has, during this period, developed a keen sense of history and an ability to read into the present, lessons and mistakes of the past. Very recently he spoke on the air expressing his great concern about the decline of our naval strength and the incline of the naval strength of the Soviets. I ask unanimous consent that the remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Thank you and hello again . . . it is not my practice to pontificate on international politics. I've frequently described myself as a parochial governor . . . interested in the state I've lived in all of my early years and adult life. But when I read something such as a report released by the House Armed Services Subcommittee on seapower that reports the U.S. Navy has deteriorated into an aging collection of worn out ships . . . that the ships inherited today are rotting so badly that some crewmen work as much as 80 hours a week to fight rust and corrosion, I feel impelled to comment. In 1934 Churchill deplored the fact that the defenses of England were being allowed to deteriorate. His remarks then in the House of Commons could be paraphrased by any United States Senator or Congressman today. Said Churchill then:

"I am not to be understood to mean that the possibilities of a gigantic war are nearer, but the actual position of Great Britain is much less satisfactory than it was this time twenty years ago, for then at least we had a supreme fleet; nobody could get at us in this island; and we had powerful friends on the continent of Europe, who were likely to be involved in any quarrel before we were; but today, with our aviation in its present condition, we are in a far worse position."

Then Churchill continued: "There is no greater danger than equal forces. If you wish to bring about war, you bring about such an equipoise that both sides think they have a chance of winning. If you want to stop war, you gather such an aggregation of force on the side of peace that the aggressor, whoever he may be, will not dare to challenge."

Three years later Churchill said: "When the situation was manageable it was neglected, and now that it is thoroughly out of hand, we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It falls into that long, dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind."

Two months later Churchill warned: "It would be folly for us to act as if we were swimming in a halcyon sea, as if nothing but balmy breezes and calm weather were to be expected and everything working in the most agreeable fashion. By all means follow your lines of hope and your paths of peace, but do not close your eyes to the fact that we are entering a corridor of deepening and darkening danger, and that we shall have to move along it for many months and possibly for years to come."

These were words spoken only shortly before Hitler began to move. But much earlier in 1931 Churchill warned: "The great liner is sinking in a calm sea. One bulkhead after another gives way; one compartment after another is bilged, the list increases; she is sinking, but the captains and the officers and the crew are all in the saloon dancing to the jazz band. But wait until the passengers find out what is their position!"

Then in 1937 on April 14th Churchill warned: "We seem to be moving, drifting steadily, against our will, against the will of every race and every people and every class towards some hideous catastrophe. Everybody wishes to stop, but they do not know how!"

Again and again, his voice cried out in commons. "Historians a thousand years hence will still be baffled by the mystery of our affairs. They will never understand how it was that a victorious nation with everything at hand suffered themselves to be brought low and to cast away all that they had gained by measureless sacrifice and absolute victory—gone with the wind."

All of this was inspired by a friend, Holmes Alexander, who opened his column recently with: "The awful truth about America's sickening plunge into military inferiority is politically untellable." So, I thought you might be interested that the story is not new. Churchill told it 30 years or so ago, and Cassandra long before that.

FOREIGN AID PROGRAM

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 28, 1969

Mr. BUSH. Mr. Speaker, although I have been in favor of lean foreign aid programs during my brief tenure in the House, I do want to point out to my colleagues the priority given family planning in President Nixon's aid message.

Too often we get so immersed in the immediate problem of hunger that we fail to see the important link between it and family planning. With the present estimate of the world population doubling itself in 35 years, this link cannot be overlooked.

I have long felt that we needed to totally revamp our foreign aid program to give primary emphasis to population control and agricultural improvement. I have felt that we have made a huge mistake in concentrating our foreign aid on building technology rather than on helping to bring these countries up to a level where they can feed their own population. If we really want to help people with our aid, then, cannot we do it better by increasing agricultural pro-

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duction. Nothing could be more humanitarian than to dent the grim list of 10,000 who die each day of malnutrition and starvation.

In the aid message the President said:

> At least another decade of sustained hard work will be needed if we are to win the battle between economic development and population. But our assistance to voluntary family planning programs and support for the work of the United Nations and other international organizations in this field must continue to have high priority, as will our support of efforts to increase food production.

This is exactly the kind of action that has been needed and I find it most heartening.

A BILL TO AMEND SECTION 312 OF THE HOUSING ACT OF 1964—THE REHABILITATION LOAN PROGRAM

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. ST GERMAIN. Mr. Speaker, in the Housing Act of 1964 we established the section 312 rehabilitation loan program which provided for 3-percent rehabilitation loans to owners or tenants of properties in urban renewal and concentrated code enforcement areas, to enable them to bring the structures up to local code requirements and make the many existing structures in our cities more decent and livable homes. In a sense, this was a new concept in our urban renewal program which would make use of the existing housing stock in a renewal area by rehabilitating them through low cost loans rather than bulldozing them down.

The 312 rehabilitation loan program has been generally a successful operation. It is designed to encourage renewal of housing and buildings by repairing, remodeling, and restoring rather than demolition and clearance. An applicant for a 312 loan must be an acceptable risk, although the nature of the loans involve certain risks that make them marginal by most lending institution standards.

In the Housing and Urban Development Act of 1968 we amended this program to authorize loans for owner-occupied residential properties in areas outside renewal areas but in an area definitely planned for rehabilitation or code enforcement within a reasonable time. We also provided that 312 loans may be made to owners and tenants whose properties have been deemed reinsurable by statewide property insurance plans—State FAIR plans—in order to bring the property up to insurable standards.

An amendment was added to this program which restricted loans for residential properties to persons with incomes within prescribed income ceilings of the section 221(d)(3) below-market interest rate program. This amendment has severely restricted the application of this program in most of our large cities. In some cities the 312 rehabilitation loan program is dead. In my own congressional district, the city of Pawtucket Redevelopment Authority has told me that the program with this income ceiling of $8,500 gross family income is inoperable.

Mr. Speaker, I am today introducing a bill which strikes the income limitation placed on theh 312 rehabilitation loan program. In recent hearings held by the Housing Subcommittee, I have asked numerous witnesses whether they would favor this removal of the income ceiling. In every case the answer has been "Yes." Support for such a removal has been endorsed by the National Association of Home Builders, the National Housing Conference, the National Association of Housing and Redevelopment Officials, and the Conference of Mayors-League of Cities. Mayor Tate of Philadelphia stated in strong terms that if the cities were to use existing housing stock then the 312 loan program is absolutely vital, but with the existing income ceilings the program is unusable. Sherman Maisel of the Federal Reserve Board stated to the subcommittee that Congress should place greater stress on rehabilitation than it has in the past if we are to meet our national housing goals. My bill, then, will enable us to use this rehabilitation program effectively, and make it one of the strong programs that we need to make decent and sanitary housing available to our citizens in our cities.

TRUMAN WARD

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. TAYLOR. Mr. Speaker, I wish to join with my colleagues in paying tribute to one of our closest friends, Truman Ward.

He was, in every sense, a Christian gentleman. I had no more than arrived in Washington before he was working to persuade me to attend services at his church. As the years passed, it was not uncommon to find a sermon or church bulletin he wanted me to read attached to printing being delivered from his shop.

There is much evidence that he had real concern for humanity and a compassion for others. It reflected itself in whatever he did. I think people who knew him sensed this.

As a printer, he was an innovator with whom complacency never caught up. He was forever looking for a better way to help his congressional customers capture attention back home. As I look over the programs and projects of my own office, I can see Truman Ward's ideas everywhere. He had technical skills and the ability to translate them into useful political tools.

As a businessman, he made everyone feel as if he were his only customer. Probably, he was too generous. I am thinking of all the favors and small printing jobs he did for me and for Mrs. Taylor when she was president of the Congressional Club for which he refused to accept payment. "That's okay," he would say with a grin, "come back and see me when you have a big job."

We will miss this man and the example he set for us in our daily lives.

INTELSAT—A BLUEPRINT FOR MODERN COMMUNICATIONS

HON. JOHN O. PASTORE

OF RHODE ISLAND

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. PASTORE. Mr. President, Leonard Marks, former head of the U.S. Information Agency and more recently Chairman of the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium (Intelsat), and Chairman of the U.S. delegation, recently delivered an address to the Electronic Industries Association meeting at Los Angeles, Calif., entitled, "Intelsat—A Blueprint for Modern Communications."

In view of the fact that the conference on definitive arrangements for the International Telecommunications Satellite Consortium will reconvene in the near future, I feel that the impressions and opinions of this dedicated American and public servant will be of inestimable assistance to all those interested and concerned in this very vital area.

I ask unanimous consent that the speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY HON. LEONARD H. MARKS,[*] MAY 12, 1969

INTELSAT—A BLUEPRINT FOR MODERN COMMUNICATIONS

Progress in the field of communications satellites has been so rapid and dramatic that few realize that only seven years have elapsed since the experimental Telstar was launched by the American Telephone and Telegraph Company; and only four years since the first commercial communications satellite, Early Bird, was put into orbit. A review of what has happened during these exciting years would make an interesting book; but I intend, today, not to outline that volume, but merely to report on the most recent chapter—the INTELSAT conference of 98 countries which has just been held in Washington, D.C.

After Telstar was launched, it was apparent to Congress and to our communications industry leaders that a new era had arrived, and that communications satellites were no longer fiction conceived by Arthur Clarke.

In the Communications Satellite Act of 1962, Congress had declared U.S. support for a single global communications satellite system, and had charged COMSAT, as the U.S. chosen instrument, with the responsibility of creating it. When Comsat was organized, I was appointed by President Kennedy as an original incorporator, and later elected by the stockholders as a director. Our Board of Directors recognized the importance of the single global concept, and as soon as it was possible, we arranged for an organizational conference with any and all countries who wished to join in this venture. After 8 months of negotiation, 10 countries arrived at the agreement creating an *Interim Consortium* to build, launch and operate the satellites. Thus, in 1964, Intelsat was born. At the inception it was agreed that five years later, its creators and adherents would again meet to discuss permanent arrangements.

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[*] Formerly Chairman of the Plenipotentiary Conference on Definitive Arrangements for the International Telecommunications Satellite Consortium (Intelsat) and Chairman of the U.S. Delegation.

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From this humble beginning Intelsat has had an exciting growth. Let's review some of the progress:

The original ten countries have grown to a present membership of 68 nations, who collectively are responsible for 90 to 95 per cent of the world's international communications traffic.

The first commercial satellite, Early Bird, had only 240 circuits . . . today the Intelsat III series carries 1200 circuits.

The next generation of satellites, Intelsat IV, will be capable of carrying from 6000 to 10,000 circuits.

In 1964, satellite service was available *only* between the U.S. and Europe, with an Atlantic satellite. Today, there are two satellites positioned over the Atlantic, two over the Pacific, and one about to be launched over the Indian Ocean.

In five years, earth stations have been developed in all continents. There are now 24 in existence, and another 30 being constructed or in advanced stages of planning.

In five years, the nations of the world have moved from the "idea" phase to the operation of a truly international communicational satellite system.

These accomplishments are not only impressive, but unique, for the INTELSAT venture is the first truly international partnership of independent nations in a commercial venture. The three Scandanavian countries, Sweden, Norway and Denmark, operate an airline; there have been various bridge and tunnel joint ventures between neighboring nations. There has been economic and banking cooperation, ranging from the World Bank to the European common market, but never before have as many countries worked together in operating a "business" embracing traditional commercial concepts. The success of Intelsat hopefully will furnish a precedent for similar efforts in the future.

Before we examine the recent Intelsat conference, it is essential that you understand the basic structure created in 1964, and how Intelsat operates its business:

1. *Ownership Interests.*—From the outset, it was agreed that shares in the Consortium should be allocated according to use of the system. Obviously the U.S., with its large international traffic to all parts of the world, would become the single largest user, followed by Canada, Japan and the European nations. Initially, the U.S. was allocated a 60% share; the next largest was the United Kingdom with 8%, France and Germany with approximately 6%, and others receiving lesser amounts down to a minimum of 0.5%.

2. *Expansion of Membership.*—To achieve international character, the Interim Agreement provided that any of the 135 nations belonging to the ITU (International Telecommunications Union) could join at any time that they desired by accepting the terms of the agreement. When they did so, a share would be assigned to them, thereby reducing the holding of the founders. Accordingly, as membership grew to the present 68 nations, the U.S. share declined to 53%.

3. *Capital Contributions.*—Currently, Intelsat has an invested capital of approximately $100 million contributed by the members in the proportions outlined above. As additional funds are needed, assessments will be made, up to a limit of $300 million, established by the 1964 agreement.

4. *Policy Control.*—Following the pattern of business corporations, the interim agreement provided for a committee—the Interim Communications Satellite Committee—which would function essentially as a Board of Directors is planning for the system, procuring equipment, launching and operating the satellites, establishing rates of return, and determining other aspects of the service.

Each country which had a 1.5% or greater share would be entitled to a seat on the Board. Smaller countries could group their holdings to make up 1.5% and choose a common representative. Under this arrangement, the ICSC now consists of 18 members representing 48 countries.

Since the U.S. had more than 50%, it was decided that, as a protection to minority owners, an action would not be approved unless it was supported by 12.5% of the remaining members.

5. *Management.*—When Intelsat was organized, the U.S. was the only member country having the technical capability to manage this unique and complex venture. Accordingly, Article VIII of the Interim Agreement specified that the newly organized Comsat was to act as manager "in the design, development, construction, establishment, operation and maintenance of the space "segment" pursuant to general policies of the ICSC.

6. *Procurement.*—Although the founding nations acknowledged that the United States had developed the concept of the communications satellite, and that our space industry was the most advanced in the communications field, the organizers of Intelsat wanted to have alternative or competitive suppliers for the space hardware. Therefore, Article X of the Interim Agreement provided that the manager should "develop and procure the best equipment and services at the best price for the most efficient conduct and operation of the space segment," but specified that contracts and subcontracts be distributed "in the States whose Governments are Parties to this agreement in approximate proportion to the respective quotas of their corresponding signatories . . ."

On this point it is significant to note that all of the technical know-how developed by our space contractors through NASA contracts has been made available to Intelsat, and that the launch facilities at Cape Kennedy are provided at out-of-pocket costs.

7. *Duration.*—The Interim Agreement signed on August 20, 1964, by nineteen countries specified that within one year after the initial global system became operational and in any event not later than January 1, 1969, a report on the changes proposed for the permanent Consortium was to be sent to all members and a meeting called within 90 days. Until the permanent agreement was reached, the Interim arrangements are to continue in effect.

These are the principal characteristics of the Interim Agreement under which the Consortium has operated and which were reviewed at the Conference on Permanent Arrangements from February 23 to March 21, 1969.

Now, let me give you some background on how the Conference was organized and the problems that we considered during our four weeks of deliberations:

At the outset, the United States, as the host government, was required to send out invitations to attend. Of course, all members were invited to participate, but we had to consider who else would be invited or permitted to attend. When we reviewed the Congressional intent in adopting the Communications Satellite Act in 1962, and the avowed purpose of creating a single global system, we concluded that all ITU member countries should again be reminded of their eligibility to participate. Accordingly, notifications of the meeting were sent to all nations in this group. Some did not have diplomatic relations with the United States, or other members; some had governments which had openly declared their hostility to other members of the Intelsat Consortium; many had primitive means of communicating within their borders, and at most makeshift links to the outer world. The group invited included the Soviet Union and the Socialist countries of Eastern Europe who had recently announced their intention to create Intersputnik, a network of satellite communications which might rival Intelsat.

The response was most gratifying for those who believe in the importance of international cooperation. U.S.S.R. and all of the Eastern European Socialist countries were included in the 28 countries who responded and sent representatives to observe the conference. In addition, the UN and the ITU were seated as observers.

I want to point out a significant condition of the invitation to these observers. An invitation was extended to those who had a "serious interest in the possibility of becoming an Intelsat member at a future time." No commitment to join was required, but a serious interest was clearly specified. Those who attended demonstrated by their presence at the meetings that they took this condition literally. Their delegates were able men, versed in diplomatic matters and specialists in the field of communications. Their participation was meaningful, their questions were searching, and their observations were most helpful in the deliberations. During the conference one nation announced its intention to join, others indicated that they would recommend joining to their Cabinets or Parliaments.

The agenda for our meeting was based on a review of the Interim Agreements of 1964. For nearly a year prior to the Conference, the ICSC had met and carefully considered their four years of experience. All viewpoints were canvassed and a report prepared containing recommendations for change and observations on the existing agreement.

When the meeting was organized on February 23, 1969, rules of procedure were adopted creating four substantive committees. I was elected as Conference Chairman and the heads of the delegations from Argentina, Italy, Japan and Australia as Committee Chairmen. Formalities were omitted and on the second day we settled down to a discussion of the agenda items referred to each of these four groups.

I want to compliment my colleagues for the very business-like atmosphere that pervaded throughout our deliberations. There was little waste motion. Sessions began on time and lasted after the announced closing hour. Delegates refrained from polemics, and spoke to the point at issue. As a result, in three and one-half weeks, the entire agenda was reviewed and reports were delivered on 75% of the items. There were differences of opinion, but in the discussion many were eliminated and compromises reached. Where differences remained, they were clearly identified in the committee reports. As a result, when we concluded our deliberations on March 21, we had heard in plenary session from all committees, subcommittees and working groups with alternative recommendations or the agreed text.

Let me stress that the Conference was not called for the purpose of considering a new or fundamentally different form of Intelsat, but rather to consider *changes* in the existing Intelsat organization to *improve* its operation.

Many members of the Consortium have expressed their satisfaction with the basic structure, the efficiency with which it has functioned, and the remarkable success of the program. Some pointed out the need for changes to accommodate the large group of members as compared to the original founders, and to adapt procedures for *operating* an existing world-wide system as compared to *planning* for such an enterprise.

With this in mind, let me identify the principal issues of the agenda:

1. *Scope of Intelsat Operations*

Should Intelsat be authorized to provide facilities for other than point-by-point and broadcast use, such as services for aeronautical and maritime use? If so, should this be on an exclusive or non-exclusive basis?

2. *Legal Status of Intelsat*

Should the Consortium continue to operate as a joint venture or have a legal personality such as a corporation?

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3. Organization

What changes are needed to give a voice to the small countries not represented on the ICSC? Should the role of the U.S. as a majority "shareholder" be altered?

4. Management

Should Comsat continue as Manager as heretofore? Or should changes be made in its authority?

5. Procurement

Was the procurement to be on a "best price, best quality" basis or should this be waived to subsidize suppliers in other countries?

Should patents developed by Intelsat contractors be made available for others? . . . On what basis?

At the end of the four week session, the Conference recessed until November, 1969. During the interim, a Preparatory Committee will give further consideration to the unresolved questions on the agenda and draft the text of language for the Permanent Agreement.

Although no final decisions were made in the March conference sessions, the outline of an agreement became apparent. In my judgment the following will be included:

1. *Creation of an Assembly in which all member nations will be represented.*

This group would meet periodically to discuss issues of general policy in the same fashion as an annual stockholders meeting. This concept introduced by the U.S. Delegation, received wide support. Some members suggested two assemblies—one consisting of countries, and the other, of telecommunication entities. In my opinion, one of these alternatives will appear in the Permanent Arrangements.

2. *Enlargement of the ICSC to a maximum of 22 members to permit the smaller countries to have a greater voice in the consideration of policy on operating problems of Intelsat.*

3. *Authorizing Intelsat to furnish a communications service for the aviation and maritime services on a non-exclusive basis.*

The technology is at hand, and the industry is anxious for the new service. Some countries prefer that it be rendered by regional groupings rather than Intelsat, but I sense that the prevailing opinion is contrary to that view. This service offers opportunities for greater safety in international travel, cutting down the congestion in airports at takeoff and landings and expediting customs and immigration clearances. With satellites offering abundant circuits at relatively inexpensive rates, airlines can send to the authorities at a passenger's destination photocopies of all passports and any other information required on arrival. While passengers are in flight this material can be checked and clearances issued before arrival. Air carriers using the satellite for traffic control should be able to schedule arrivals so that landing delays are eliminated. In fact, this service should be able to expedite everything except the delivery of baggage and getting a taxi to take the passengers into town.

4. *Retention of the present method of procurement, with greater emphasis on best price, best products.*

5. *Retention of Comsat as the general manager of the Intelsat system, with the inclusion of more non-Americans on the management team.*

During the conference, Comsat was repeatedly praised for its excellent performance in planning, executing and operating the world-wide network of satellites. It has earned the respect of its co-venturers for having performed with great efficiency and skill. There is no other comparable organization in any member country that could undertake the complex responsibilities which Comsat now performs.

Some representatives wanted greater "internationalization" of the management, and the creation of a Secretariat with a Director-General to operate the system. Others urged the transfer to a secreariat of some functions, such as financial, administrative, legal and public relations. I do not believe that any basic changes in management will be made at the next meeting.

6. *Permission for all countries to launch and operate domestic satellite systems outside of the Intelsat framework and for regional groupings within the Intelsat structure.*

In considering this subject, member nations stressed their sovereign rights to operate their own communications networks, and no one seriously questioned that philosophy. Intelsat is prepared to make facilities available for those who seek such, but if a nation wants to launch its own satellite for domestic services, it is free to do so if it coordinates its planning on frequencies and other engineering aspects with Intelsat.

Within the past month, Canada announced plans for such a domestic satellite, and other countries are studying the possibilities. Those who have completed their studies have found that satellites will not be economical unless the country has large land areas to cover, for which cable and microwave would not be feasible. Few countries can justify domestic satellites and most will rely on Intelsat for such circuits as they need for domestic use.

In this connection, I want to stress that the time has come for the United States to arrive at a determination on how we shall use satellites for our domestic communications links. For more than two years the problem has been under study. Suggestions have been made by the common carriers, the broadcasters, the specialized users, the principal hardware manufacturers, the Ford Foundation, and others interested in the improvement of communications. Some have proposed a pilot program; others regular operation.

In my judgment we do not need further experimentation. The technology is clear, the need is substantial and the time has come for action.

Communications satellites offer the United States great opportunities for an abundance of circuits and a dramatic reduction in costs of some services. I doubt that the price of a long distance call will be greatly affected, but hopefully the additional circuits made possible by satellites will harness the computers of this nation into a "network of knowledge":

Doctors in remote towns and villages should be able to immediately tap the resources of our great medical libraries and medical research centers.

Diagnostic clinics in central locations should be able to read electrocardiagrams and X-Rays instantly and respond with analysis and advice for the patient.

Reference libraries should similarly be used by colleges, universities and industries in the smallest towns.

Factories can have immediate access to home offices and laboratories with closed-circuit television, facsimile and any other form of communication, written or oral.

We may be able to develop national daily newspapers with editions being printed in principal cities simultaneously.

Rates for educational television may be drastically reduced from the present tariffs for coaxial and microwave connections.

All of this awaits us in the United States in the next few years, but it will not be possible until we announce a national policy on how the satellites will be launched and by whom. The time is overdue for a decision and I hope that this plea will be heard by the FCC, Congress, and other Government agencies involved.

7. *Finally, a reaffirmation of the need for INTELSAT.*

Few would dispute the wisdom of having a single global system. I told a story to my colleagues which illustrated this point very dramatically. When I was a youngster living in Pittsburgh, Pennsylvania, my parents had a telephone connected with the Bell System. My grandparents, who lived just two miles away, were subscribers to the Keystone System. As a result, although we both had phones, we could not talk with each other. This situation does not exist any longer in the United States, and must not exist in relationships between countries. If it does we will have wasted the miracle of the satellite.

Unless we have a single global system, in which all countries participate either as owners or users, we will have created artificial obstacles to international trade and commerce; but more significantly, we will have stifled opportunities for a better understanding between peoples everywhere.

We must use the satellite to exchange ideas between countries with different ideologies, and with different languages. Satellites can bridge oceans, cross impenetrable mountain ranges and jungles, and seek out the otherwise inaccessible.

Communications is the lifeline of civilzation, and we must not sever the cord which can unite us. When we communicate with each other, we find that all men have common aspirations, regardless of language, race, color, religion, or place on the map. We all yearn for a chance to live in peace; to have enough to eat, a roof over our heads, a chance to perform work that satisfies, and an opportunity to leave the world a better place for our children to live.

I can think of no more important first step we can take toward reducing world tensions than that of broadening the communications links between powerful nations representing different political systems.

We should not rely just on a few hot lines. We will all be better off when we have thousands of cool lines linking us—the big and the small, the rich and the poor, the powerful and the weak.

Today our satellites look down on earth from a distance of 22,000 miles. They see the earth as it truly is—the green-blue globe that is the home of us all. They see a world where no national boundaries are visible, no divisive lines between men of differing race, or economic circumstances, or ideologies. The map may show lines dividing neighboring countries, but the satellite erases all of these artificial boundaries and sees no oceans, mountains or man-made barriers. By rising above both geographical and man-made divisions, they can serve us all in building the works of peace.

COLORADO SECOND CONGRESSIONAL DISTRICT 1969 OPINION POLL

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BROTZMAN. Mr. Speaker, in 1964 I initiated an opinion poll in my district to give my constituents an opportunity to express consensuses on the broad issues which we, in the Congress, must debate.

Since that time, the poll has become one of the largest samplings of public opinion in the Nation. In 1967, for example, I received—by actual count—the opinions of more than 50,000 Coloradans.

I know of no poll of its kind which has been more successful, both in terms of total response and the usefulness of the resultant data.

This week I am mailing to every post office patron in my district the 1969 edition. Since my district is one of the most populous in the Nation, 207,000 individual ballots will be required.

For the information of the Members, I would like to present the format which I utilize:

(If married, both husband and wife may participate)

	Men's opinions			Women's opinions		
	Yes	No	Undecided	Yes	No	Undecided
1. Do you favor proposals which have been made to utilize a "lottery" selection system for the draft?	☐	☐	☐	☐	☐	☐
2. Do you favor legislation limiting the number and type of questions to be asked in the census?	☐	☐	☐	☐	☐	☐
3. Should Federal grants and loans be denied students who participate in campus disturbances?	☐	☐	☐	☐	☐	☐
4. Should the Federal Government share a fixed percentage of income tax revenues with schools, local and State governments for use as they see fit?	☐	☐	☐	☐	☐	☐
5. Should more of our Federal, State, and local resources be channeled into law enforcement?	☐	☐	☐	☐	☐	☐
6. Do you feel that the proposed 6-month extension of the 10-percent income tax surcharge is justified?	☐	☐	☐	☐	☐	☐
7. Do you favor continued U.S. efforts to achieve a negotiated settlement in Vietnam, regardless of the outcome of the Paris talks?	☐	☐	☐	☐	☐	☐
8. Should Communist China be admitted to the United Nations?	☐	☐	☐	☐	☐	☐
Your age group: A. 20 to 35; B. 36 to 49; C. 50 and over	A ☐	B ☐	C ☐	A ☐	B ☐	C ☐
Political affiliation: A. Republican; B. Democrat; C. Independent	A ☐	B ☐	C ☐	A ☐	B ☐	C ☐
Occupation, head of household: A. Business or professional; B. Industrial worker; C. Government; D. Farmer; E. Educator; F. Retired.	A ☐	B ☐	C ☐	D ☐	E ☐	F ☐

The results will be tabulated by modern business machines. So that my colleagues may be informed on how the people of my district stand on these issues I will reproduce the tabulation in the RECORD.

NEBRASKA RURAL ELECTRIFICATION ESSAY CONTEST WINNERS

HON. ROMAN L. HRUSKA

OF NEBRASKA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. HRUSKA. Mr. President, it was one of Nebraska's most distinguished sons, Senator George Norris, who led the fight for rural electrification in the Congress some 35 years ago. In the subsequent period the Rural Electrification Adminisrtation has made available loans to provide for 116,000 electricity consumers and 26,000 subscribers in Nebraska.

The first REA-financed line in the State was energized December 2, 1936. At that time only 7.1 percent of Nebraska farms were receiving electric service. Today, more than 98 percent of our farms and ranches are receiving central station electric service.

The ever-increasing importance of electrical energy to the rural citizens of Nebraska is easily measured by the use they make of it on their farms, and in their homes and businesses. In 1956, the average monthly consumption per consumer was 429 kilowatt-hours. By 1967, that figure had risen to 988, substantially above the national average of 751 kilowatt-hours per month. More than simply indicating growth, these figures demonstrate the vital role that electricity—and the REA—plays in contemporary rural life. Today's farmer is as dependent on kilowatt power as his grandfather was on horsepower.

As of January 1, 1968, the REA had advanced more than $185 million to borrowers for electric system in the State. The funds have been invested by the borrowers in local electric facilities, including 62,211 miles of line, serving 107,335 farm and other rural consumers.

From the time of the first REA telephone loan in January 1954 to January 1, 1968, the REA had approved over $15 million in loans to telephone borrowers in Nebraska.

Mr. President, it has become an annual practice for the Nebraska Rural Electrification Association to sponsor, as an educational endeavor, an essay-writing contest on the subject of the REA.

This year the topic was "The Value of Rural Electrification in Our Home and Community." Hundreds of essays were submitted and a few were selected. As part of the prize these youngsters are sent to Washington, courtesy of the NREA.

A highlight of the trip is the Nebraska congressional breakfast at which these young people are presented with copies of the CONGRESSIONAL RECORD containing their essays.

Mr. President, I have here some of the winning entries from this year's competition, and, I ask unanimous consent to have printed in the Extensions of Remarks essays written by the following:

Joe Reynolds, 16, a junior at Wood River High School; the son of Mr. and Mrs. A. F. Reynolds of Wood River, Nebr. Sponsor: Southern Nebraska Rural Public Power District, Grand Island, Nebr.

Bruce Carse, 17, a junior at Palisade High School; the son of Mr. and Mrs. Leon Carse of Palisade, Nebr. Sponsor: Southwest Public Power District, Palisade, Nebr.

Barbara Gottschalk, 16, a junior at McDonald High School; the daughter of Mr. and Mrs. B. E. Gottschalk of Benkelman, Nebr. Sponsor: Southwest Public Power District, Palisade, Nebr.

Dotty Jo Beeler, 18, a senior at Oxford Community School; the daughter of Mr. and Mrs. Earl M. Beeler of Oxford, Nebr. Sponsor: Twin Valleys Public Power District, Cambridge, Nebr.

Tom Haffey, 17, a senior at Oxford Community School; the son of Mr. and Mrs. Leo Haffey of Oxford, Nebr. Sponsor: Twin Valleys Public Power District, Cambridge, Nebr.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

RURAL ELECTRIFICATION, AN EXERCISE IN COOPERATION

(By Joe Reynolds, 16, junior, Wood River High School; father: A. F. Reynolds, R.R. No. 1, Wood River, Nebr.)

(Contestant sponsored by the Southern Nebraska Rural Public Power District, Grand Island, Nebraska, in cooperation with the Nebraska Rural Electric Association.)

Rural electrification is of great importance in my life even though electricity was in this area long before I was born. Electricity has given me and my neighbors a sense of responsibility and cooperation, a fact that has been, and is being, proved countless times each year.

As I sit here writing this essay, I look out the window and see the bluish haze of reflections from yard lights on farms nearby. I acquire a feeling of satisfaction and joy from this sight, because its wonderous sight tells me that everything is just the way it should be in the world tonight. Yet, I also realize that without the cooperation of many, many people in the miracle of creating light, I could be looking out into bleak, dark, ebony blackness. I could also be writing this paper by candlelight or gaslight, but I'm not, and thankful to be able to work under illumination that is bright, steady, and gained by simply pushing a button.

Perhaps my appreciation is greater because of the experience of having had no electric lights one night during this past winter. The snow was falling, and the wind was blowing, creating a real blizzard. Already the lights had flickered off and on a couple of times since darkness set in. I was working on homework that night when the lights went off and didn't come back on. I rummaged through drawers, found candles and went back to work, but with considerable difficulty—candlelight flickers at the slightest air movement. About an hour later, I saw a car go by outside. What I saw was something I will never forget! An REA truck was traveling slowly down the road, shining a spotlight on the wires and poles. I hadn't expected the electricity would be fixed until sometime the following day. But there they were, freezing at the peak of the storm, trying to fix the trouble for the people in this area and me. Two hours after the power failure, electricity was back on. Ever since then, I've wanted to thank the REA, and now's my chance to express my deep gratitude to those men who performed that night, far above and beyond the call of duty! That is real cooperation and genuine service!

This event, together with the acts of my friends and neighbors, have shown me that people do care for people and are willing to help out and become involved whenever the need arises. These deeds have also taught me the pleasures and joys there are in reciprocating the sacrifices of others who have rendered their aid by my own sacrifices. In so doing, these sincere gestures of others have helped me to become a better citizen and have also given me guideposts to follow and have been gigantic steps in growing up.

Yes, rural power users really do have more than electricity; they do have cooperative spirit—a spirit that will never die and will never fade away—a spirit that will last as long as there are civilized men—a spirit started by electrification of rural areas.

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These are moments I will always remember when I look out the window and see the bluish haze of yard lights, conquering the ebony blackness.

Rural Electrification and the Value of Electricity in the Home and on the Farm

(By Bruce Carse, 17, junior, Palisade High School, father: Leon Carse, Palisade, Nebr.)

(Contestant sponsored by Southwest Public Power District, Palisade, Nebraska, in cooperation with the Nebraska Rural Electric Association.)

Electricity is the cheapest servant you could ever wish to have. And, it's the most powerful! Pharaoh, in building his pyramids had thousands of slaves, but he couldn't compare to what you have at your command in your electrical switch.

Where was this servant born? In 1936, Senator George Norris of Nebraska and Representative Sam Rayburn of Texas sponsored the Rural Electrification Act of 1936. The act provided that the Administration is authorized to make loans for rural electrification for the purpose of financing construction of generating plants, electric transmission and distribution lines for the furnishing of electric service to persons in rural areas. At the time the Act was passed, only 10% of America's rural areas had central station electric power; today, that figure is 98%.

Nebraska rural electric systems operate about 59,307 miles of line and serve about 102,315 customers. Each rural electric system sets its own rates, hires its own employees, pays its own salaries and makes its own policies.

Yes, rural electrics are great! . . . Great because they provide a necessary service, and provide it continuously, economically and dependably—but with very little fanfare.

On the farm alone there are more than four hundred uses of electricity; at least two hundred and fifty of them increase production or make farming more profitable. An important result of this program is the increased business it brings into rural communities. The rural market for appliances and equipment is estimated at more than a billion dollars a year.

Electricity's greatest convenience on the farm is in the form of power. At the touch of a switch electricity will pump water, dry, grind, load, or convey grain, or power many different shop tools.

One of the most pleasant uses is the excellent lighting it provides. Good lighting means more efficient and safe work. It makes more comfortable the specific tasks such as reading, sewing, cooking, and also makes our recreation more enjoyable.

Electricity in the house has made it a home. The homemaker uses many appliances to make her work easier, more efficient and enjoyable. Water pumps and heaters mean instant hot water for all household needs. Electric dishwashers, washers and dryers, mixers, vacuum cleaners, skillets, coffee makers, toasters, and many other appliances allow the housewife freedom to do other things. Radios and television provide news, weather, and entertainment for the whole family. Electricity provides a controlled room temperature summer or winter with heaters or air conditioners.

It is predicted that by 1980 our electric power needs will be nearly three times greater than what we now use. Experts predict that by 2000 the average use of electricity per person will be more than twenty times the present consumption!

Think what a precious gift my generation is inheriting. One that will provide better health, wealth, and happiness to its people.

All in all, rural electrification has been the means of lightening the heavy loads of work rural America has to carry and I believe it will be an even greater servant in the future.

Rural Electrification and the Value of Electricity in the Home and on the Farm

(By Barbara Gottschalk, 16, junior, McDonald High School, McDonald, Kans., father: B. E. Gottschalk, Benkelman, Nebr.)

(Contestant sponsored by the Southwest Public Power District, Palisade, Nebraska, in cooperation with the Nebraska Rural Electric Association.)

What is the cheapest most powerful servant that you could ever wish to have? No, it's not a brawny housemaid or a powerful butler, but electricity! Today, when you flick an electric switch, you are in command of more power than any of the ancient kings or conquerors could ever have dreamed of possessing. Rural families were still living in the "Dark Ages" for over 50 years while their city cousins reigned over electric power, but thanks to modern rural electrification, city and farm dwellers are now equals.

Yes, today rural farms are just as "turned on" as the younger generation and they are as much a part of the American scene as the cities! Farming technology is advancing by leaps and bounds every day and electricity is playing a big part in this. Specialized operations such as dairy farms, irrigation projects, livestock feeding yards, and the like are becoming almost wholly dependent on electric power. Electric augers, grain dryers and welders are examples of farming equipment which provide extra help that a farm 50 years ago would have had to do without.

The housewife appreciates electricity perhaps better than any of the other members of a farm family. Radio and television give her contacts with the rest of the world, and household drudgery is nearing extinction, thanks to electric washers, dryers, stoves and countless other appliances.

Today's younger generation can't imagine life without electricity. Children watch television and listen to the radio without giving the electric power that operates them a second thought. One part of the home can be just as comfortable for them to play in as another part because of central electric heating or cooling.

Electric power may be a willing servant, but it should be appreciated. Perhaps today we don't have to think of electricity every time we use it, but since the creation of REA in 1935, countless scores of dedicated people have made it their business to continually improve, and lower the cost of REA service. We owe a lot of gratitude to these public servants who have helped to bring us electric power that makes our lives more enjoyable every day.

REA benefited greatly from enthusiastic open-minded people at the start of rural electrification cooperatives and it is still searching for people who will open the doors to greater advancement in future generations. Even though a farm youth might not choose a particular career in the REA program, his life will be more satisfying and productive because of rural electrification, no matter what his career may be.

The story of electrification in rural America is by no means over. Every year electric power enters the homes of 140.000 new rural consumers, bring higher living standards with it, and consequently changing their lives. Moreover, increasing amounts of electricity are being sold each year to existing consumers.

The whole American way of life is symbolized by the REA program. Only in a free democratic country could citizens work together for their own common good. In the past 30 years that REA has served rural America, electricity has increased farm living standards at an astonishing rate. What will happen in the next 30 years? It is beyond the imagination of anyone, but as REA continues to expand in the future, we can be assured of seeing a rural America that will be a stronger and an even more dependable part of our free country, the United States of America.

How Rural Electrification Helps Me and My Community

(By Dotty Jo Beeler, 18, senior, Oxford Community School, father: Earl M. Beeler, Oxford, Nebr.)

(Contestant sponsored by the Twin Valleys Public Power District, Cambridge, Nebr., in cooperation with the Nebraska Rural Electric Association.)

When I think of the myriad of ways Rural Electrification has helped me—a girl born and raised on a farm—literally hundreds of ideas pop into my head. It is really amazing that such small wires can carry so much comfort! In the winter our electric furnace keeps my family and me warm; in the summer our air conditioner keeps us cool. Electricity has greatly expanded family entertainment from the time my mother was a girl. I can watch television, listen to the radio, or read late at night and not have to worry about batteries, candles, or kerosene lamps. As in the rest of the house, when I work in the kitchen, my servant, electricity, is always at my side furnishing power for the electric stove, refrigerator-freezer, dishwasher, washer and dryer.

Not all of my work is in the house because as a livestock producing 4–H girl, I work outside a lot. When I go about my chores, I realize just how much electricity is needed on our farm. I would hate to carry all the water for the cattle that our electric pump furnishes. We used to run a seventy-five cow dairy. The few times the power failed brought to our attention how much we really needed electricity for our dairy. Another silent helper is our vapor light which not only discourages prowlers, but also provides a reassuring atmosphere for our livestock. Dad often discusses how much easier it is to wean calves in a lighted pen.

In my community I see excellent examples of what Rural Electricity has done for the small town. Many factories are moving from the cities to smaller communities. One such factory is Dyna-Forge which located near Oxford. The executives of Dyna-Forge wanted a small community that would provide a place to build an airport adjacent to the plant. Without REA our community would not have been able to furnish the electricity needed for both the factory and the airport. Another rural located factory, which is just beginning to provide employment in my community, is a church pew factory. Many of the workers for these factories could not find rental property in town and now live in farm houses with electricity furnished by REA.

While driving down the highway in the evening, I see the rows of lights from turkey houses where, again, our Rural Electrical servant has lighted the way. For a generation turkeys have been my community's largest industry. If it were not for Rural Electrification, we would not have this large industry and many Americans would miss the turkey for holiday dinners.

REA is the All American Power for all Rural Americans. I shudder when I try to imagine what it would be like if we suddenly lost our electricity and rural America returned to the "Dark Ages."

What Rural Electrification Means to Me and My Community

(By Tom Haffey, 17, senior, Oxford Community School; father: Leo Haffey, Oxford, Nebr.)

(Contestant sponsored by the Twin Valleys Public Power Districts, Cambridge, Nebraska, in cooperation with the Nebraska Rural Electric Association.)

The water surges endlessly up from the earth giving life to the land that had before been barren except for dry grass and cactus.

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The steady hum of a power line and the drone of an electric pump laboring under unseen weight can be heard pushing the water through rows of pipes. This is a modern day miracle, making land which had previously been useless for raising crops, because of the lack of water, green and furtile.

This modern day miracle had been made possible, in part, by rural electrification bringing electricity to farm areas throughout the nation. With the aid of rural electrification the farmer, or rancher can now enjoy many of the benefits of electricity. It makes irrigation away from streams, rivers and all open water sources possible with the aid of a reliable electric pumping system. By using electricity to power a mechanical feeding operation, the feeder can increase production and thus increase his profit.

As a member of a farming community I can realize the importance of electricity in a rural area. Rural electricity makes it possible to gain more from the land and raise livestock more quickly and efficiently.

There are many applications of electricity on the farm today. Many of these uses increase both the speed and the quality of production. An example of this is the air-conditioned housing unit for the raising of swine. Electricity to heat and cool the building results in year round production of swine and a decrease in the number of animals lost during farrowing. Electric lighting of the farmyard makes it possible for the farmer to have longer working hours or more leisure time to spend with his family after the working day is over. Farmyard lighting also discourages would-be thieves from trespassing.

Rural electrification plays an important part in the success of a rural community, also. A community with an inexpensive and efficient power supply has a greater chance of promoting new businesses. By using electricity to light its streets a community may become a safer and better place to live; electricity also makes possible many different ways of entertainment, such as theaters and lighted recreation facilities, to keep the younger people busy.

Electricity is an important part of a rural area. Without it the United States would not be what it is today; a world power exporting products to all parts of the world. Electricity may well be one of the mainstays of rural America.

QUESTIONNAIRE

HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BLACKBURN. Mr. Speaker, each year I attempt to ascertain the thinking of my constituents on matters of importance to our country by sending questionnaires to them.

Since many of my colleagues would like to know the nature of the questions I am asking, I am inserting the questionnaire at this point in the RECORD. Also, when all responses have been received and tabulated, I will share the results with my colleagues.

The questionnaire follows:

1. Should the Federal Government develop laws to help prevent strikes by public employees?	Yes ☐	No ☐
2. Do you favor legislation which would return to the States a percentage of the money now collected in Federal income taxes?	Yes ☐	No ☐
3. Do you believe the Federal Government should guarantee an annual income to heads of families, whether or not they are working?	Yes ☐	No ☐
4. Do you support the proposal to convert the Post Office into a Government-owned corporation to operate on a self-supporting basis?	Yes ☐	No ☐
5. Red China—do you favor U.S. support for admission of Peking to the United Nations?	Yes ☐	No ☐
6. The President's economic advisers recommend extension of the 10-percent surtax, along with other Federal actions, as essential to control inflation. Do you agree?	Yes ☐	No ☐
7. With regard to Vietnam, do you favor— (a) Continuing present military operations while negotiating for an indefinite period time, or (b) Setting a time limit on the peace talks?	a ☐	b ☐
8. In the absence of meaningful agreements at the peace talks would you favor that we— (a) Announce the beginning of systematic withdrawal of U.S. forces, or (b) Exert all military and diplomatic pressures necessary for victory?	a ☐	b ☐
9. For future presidential elections, do you favor— (a) Continuing the present method (b) Apportioning the electoral votes from each State so as to reflect the popular vote cast	a ☐	b ☐
(c) Casting one electoral vote for the successful nominee in each congressional district (with the two statewide electoral votes reflecting the successful nominee statewide) (d) Electing the President by direct, popular vote?	c ☐	d ☐
10. Would you rate President Nixon's overall performance since he took office as— (a) Excellent (b) Good	a ☐	b ☐
(c) Fair (d) Poor	c ☐	d ☐

DEATH OF R. G. LeTOURNEAU

HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. TOWER. Mr. President, it was with deep regret that I learned of the recent death of Mr. R. G. LeTourneau of Longview, Tex.

Mr. LeTourneau led an active and productive life. He personally made a significant contribution to his country's military effort in World War II as the developer and manufacturer of the world's largest earth-moving equipment.

All through his life, he never lost sight of his own need for divine assistance and the role of the Lord in the lives of all men.

His 80 years of life constituted a unique linkage of personal resourcefulness, creativity and ability with dependence upon God. This linkage has been an inspiration to many of those who knew Mr. LeTourneau and to those who worked for him.

His motto was, "God is my partner." His life was a symbol of success of the free enterprise system.

His three uncles and two sisters were missionaries, and he himself traveled many hundreds of thousands of miles preaching.

A native of Vermont, Mr. LeTourneau took correspondence courses in engineering and geometry and went to work at the age of 14, first as an iron molder, then as a garage mechanic in California.

During World War I he served in the Navy and he learned the electric machinist's trade. After the war, he went into business repairing tractors. Soon his creative genius with machines resulted in an improved method of building earth scrappers and this in turn resulted in his becoming an industrialist.

He opened his first plant in 1920 and within a decade was manufacturing heavy-grading equipment.

During World War II, the LeTourneau Co. produced 70 percent of all the earth-moving equipment used by our Armed Forces. LeTourneau machines leveled jungles and revolutionized roadbuilding techniques.

In 1946, Mr. LeTourneau introduced a machine which could lay the concrete required to build a four-room house in a single day.

Later, he turned his attentions to producing other types of machinery including a jungle tree crusher and an ocean-going drilling barge.

During all of this industrial success, he continued his evangelistic work. He sponsored religious activities at all of his industrial plants. He once said:

> A factory can be dedicated to God as well as a church.

And added—

> It may be used as a means of saving many souls.

In 1935, Mr. LeTourneau established a foundation which distributed 90 percent of the dividends from the stock he held in his own company to Christian and charitable causes.

In 1946, Mr. LeTourneau purchased a surplus Army hospital facility in Longview and converted it into a technical institute, now known as LeTourneau College, a 4-year liberal arts and engineering college having more than 750 students.

Mr. President, this great man contributed much to his Nation, to the people he met, and to Christianity. He is sorely missed.

THE SOUTH DAKOTA STOCKGROWERS ASSOCIATION

HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BERRY. Mr. Speaker, the South Dakota Stockgrowers Association is holding its annual meeting this weekend in Sioux Falls, S. Dak. The keynote speaker at the 3-day convention will be Secretary of Agriculture Clifford M. Hardin.

I would like to commend the stockgrowers association as a vital cog in providing South Dakota with a sound agricultural economic base.

Beef provides the largest source of agricultural income to South Dakota farmers, and the State ranks sixth nationally in the number of beef cows.

It is interesting to note that beef cows have more than doubled since 1950 and beef income in South Dakota represented 47 percent of all the total cash farm income from crops and livestock last year.

The future of beef production in South Dakota will be even more promising with the development of the Oahe irrigation project, which will assure a guaranteed feed supply to feed out cattle on South Dakota feedlots which are presently being prepared for market in neighboring States.

TAX-FINANCED PROPAGANDA MACHINE

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. FANNIN. Mr. President, 2 or 3 years ago, Congress debated quite hotly on the issue of financing some sort of public broadcasting corporation. With a full public airing, a carefully limited program was authorized. The main fear stemmed from the possibility that once Government gets into the propaganda business, it is hard to know when to stop.

Now it appears that what Congress would not permit to be done directly is being done indirectly. I call attention to an excellent article appearing in Barron's magazine which gives documentation to the degree of growth Government propaganda has experienced over the past 3 or 4 years.

It seems that several departments have audiovisual departments and production capabilities that rival Hollywood and New York. In addition, these productions—prepared with tax money—often seem to be in direct contradiction with stated policies of the executive branch of the Government.

In a time when we are seeking ways to cut the Federal budget, I would suggest this as a prime area for consideration. It makes little sense to me to have an audiovisual publicity department churning out commercials on how to get Government to do more things for you, when we are trying to get people to be more self-reliant.

In addition to all this, I would suggest it is not proper for one Federal agency, the Federal Communications Commission, to be insisting that broadcasters devote a certain portion of their air time to "public service," and at the same time to be providing a great bulk of material to be used in that same "public service" time. It is not hard to imagine a broadcaster being under some degree of intimidation in such a situation. I can well believe that a station manager may schedule some of the releases of HUD, OEO, HEW, or Agriculture just to "cover" himself in case his next license renewal is questioned. Thus, in such a situation, we find Government, tax-financed radio-TV material competing for a limited amount of air time with such organizations as the Red Cross, United Givers Fund, March of Dimes, and other private or voluntary "public service" announcements.

Mr. President, I suggest that each department examine the budget it is now preparing to cut back or eliminate a great deal of this kind of activity. I have no objection to departments providing assistance to news media in their pursuit of any important programs being carried on by those departments and agencies—however, even those activities can be overdone. What I do object to, and I think most of the American people will agree on this point, is the building of great propaganda empires to turn out reams and reels of material trying to turn the populace's desire toward more Federal intervention into their lives rather than less. That was not the basis upon which the Nation was built, that was not the basis upon which the Nation became great, and it is not the direction in which I believe the majority of the American people wish to proceed. I think that was clearly indicated in the reluctance and care exercised in the discussion over public broadcasting.

I further suggest that members of the various appropriations subcommittees charged with the financial oversight of these activities may wish to inquire into these activities so as to satisfy themselves that the money requested in the budget for fiscal 1970 is really essential to carrying out and implementation of the department's work.

Mr. President, I ask unanimous consent that an article written by Mrs. Shirley Scheibla, published in the May 19 issue of Barron's magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YOUR MASTER'S VOICE: "PUBLIC SERVICE" BROADCASTING HAS BECOME A PROPAGANDA MACHINE

(By Shirley Scheibla)

WASHINGTON.—In carrying out plans to close 59 Job Corps centers, President Nixon may find his task made harder by radio and color television spot announcements which the Office of Economic Opportunity recently sent to stations throughout the country. In a staff memorandum dated February 14, OEO said: "Three new Job Corps TV spots, with the theme of 'Give Yourself a Chance,' have been distributed to all TV stations and will be shown in addition to those currently used. Additional radio spots have also been distributed." (While the Labor Department, slated to take over the Job Corps, persuaded OEO to withdraw plans to advertise the Job Corps on the side panels of every mail truck in the country, it failed to talk OEO into killing the radio-TV spots.)

HIGHLY CONTROVERSIAL

A few years ago, federal production of TV and radio material to propagandize highly controversial programs was most unusual. Today it's the rule rather than the exception for most government agencies engaged in social endeavors, nor are their efforts confined to spots. On the contrary, today they turn out vast quantities of long and short TV films, video tape and radio productions and scripts. They're doing it on their own; through donated professional services; and under contract with private companies and non-profit institutions like universities. Some agencies even have a "Spotmaster" which enables stations to broadcast recordings directly from a phone after dialing the right number.

Nobody knows how much money the government spends on such activities, or even the approximate value of the gratis services. Nobody even knows how much Uncle Sam spends for public relations; most agencies take such disbursements out of their administrative budgets. However, one independent producer of TV films for the government estimates that expenditures for that item alone run into hundreds of millions of dollars. (He likes the work because it doesn't involve competitive bidding.)

Nobody at the top in government studies the radio and TV messages being disseminated. Herbert Klein, communications director for President Nixon, doesn't have the time. Small wonder. The Agriculture Department alone has 300 different films available for television, not counting about 350 spots, plus radio material.

The uncontrolled avalanche of federal propaganda gets a great reception from radio and television. Broadcasters apparently are delighted to receive free material of commercial quality. Moreover, it is one way to comply with the requirement of the Federal Communications Commission to devote some of their time to "public service"; all federal productions for the airwaves are lumped into the "public service" category. But they're beginning to look less like a public service and more like a propaganda monster.

OTHER REALMS, TOO

President Nixon may find himself in opposition to federal radio-TV material in other realms as well. As he tries to "bring us together" and still the voices of racial turmoil, he will be running into a TV spot distributed by the Department of Housing and Urban Development (HUD), which says, in part, "If you're black, you've got to be famous to live where you want. You call up; the agent has a house. Show your face; it vanishes."

While Mr. Nixon is trying to bring OEO's community action under control, a HUD radio spot is urging listeners to "organize community action groups." (A 14-minute Interior Department TV movie suggests community action to remedy a water shortage.) Although, the Chief Executive's advisors are pondering the problem of too many requests for HUD money, the agency's TV and radio spots tell people to send for a booklet, "Better Communities," which urges readers to apply for nine different kinds of grants from HUD.

Communications Director Klein says he would like to inspire a new pride in America. But here's what the booklet says: "Today America's urban communities are at a juncture. Their sidewalks are unsafe, streets jammed with traffic and air polluted. Their office and apartment buildings are all too often uniformly drab and unoriginal in design. Their cores are ridden with slums, junkyards and neon forests. Their splayed amorphous suburbs are rapidly becoming unsightly and unlivable. Whether they will continue to deteriorate or will be revitalized and rebuilt is in question." The answer, says the booklet, is that everyone "must be made aware of the abundant opportunities available to them for bettering their communities," i.e. money from HUD. Proudly HUD reports it has had 1,500 requests for the booklet directly attributable to the spots.

SOLICITING BUSINESS

The Equal Employment Opportunity Commission is another agency which appears to be using spots to solicit more business than it can handle. Despite its admitted inability to deal with the huge volume of complaints it has on hand, EEOC has a radio spot which says, in part, "Do you need a job? If so, go to your United States Employment Service or visit a private employment agency. If you hear of a job that you can do and you would like to have, go today and apply for it . . . If you are turned down because somebody thinks you are the wrong color or the wrong race or the wrong sex or religion or national origin, that somebody is breaking the law—and the Equal Employment Opportunity Commission wants to hear about it."

The Agriculture Department's huge roster of TV movies and radio material promotes virtually every controversial activity within its jurisdiction, including farm and electric cooperatives. A film now in preparation will tout the federal meat and poultry inspection service which recently has been criticized for

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issuing biased reports on conditions in the meat-packing industry (Barron's, April 7).

HOLLOWS AND RUTS

Back in 1965, when President Johnson was struggling to win support for the War on Poverty, the Department produced a 28½-minute film titled, "Poverty in Rural America." It remains in circulation for TV use. According to the Department's catalog: "This film takes you where the 'Hidden Americans' live—into the mountain hollows, to the end of the rutted dirt roads, and into the bypassed communities."

This a long way, of course, from Smoky the Bear, who now is revered as the grandfather of the mushrooming federal broadcasting ventures. The Department still is promoting its fire-fighting bear and features him on about 95 commercially produced TV spots. They are the only films which the agency doesn't turn out in its own studio in its sprawling South Building. During fiscal 1968, the studio made 87 TV films for the Department, compared with 94 in 1967. "But owing to a sharp increase in the requirement for longer films," it explains, "the level of activity in terms of finished screen minutes held essentially constant."

Here is what the Department reports on its growing radio activities: "'Agri-Tape,' a weekly tape recorded program, went to 427 radio stations, exceeding what was thought a year earlier was near production capacity (400) for regular handling with existing facilities. 'Agriculture USA,' another weekly taped program, grew from 220 regularly using stations to 236. The daily radio featurettes, 'Consumer Time,' issued on a weekly reel of six programs (three and a half minutes), continues serving 325 to 350 radio stations."

The Department of Health, Education and Welfare (HEW) is so deep in dramatic productions for the airwaves that it employs a former theatrical agent—Harry C. Bell—as its radio-TV officer. Among the Department's recent TV films are two running a half-hour each, called "Beware the Wind" and "Battle Below the Clouds." Dealing with air pollution, both are distributed under the auspices of HEW's Consumer Protection and Environmental Health Service.

A 15-minute weekly show by HEW's Social Security Administration is carried by 743 TV stations and 3,698 radio stations. A five-minute weekly show, recorded for Social Security by singer Eddy Arnold, is aired by 2,000 radio stations a week. In addition, Social Security reports that during the final quarter of last year, 185 TV stations used its live programs; 91, its long films and 703, spots.

"Three years ago," says Mr. Bell, "we were producing virtually no TV spots; now we have them out on anti-smoking, air pollution, drug abuse, rehabilitation, the Teacher Corps, financial aid to students and Social Security."

With over 1,000 community action centers scattered all over the country, OEO is in a unique position to exploit radio and TV as a propaganda tool. It is urging every center to literally get into the act. Volume II of an OEO Public Affairs Handbook called "Sound and Sight" tells how to do it.

"Under terms of their licensing by the Federal Communications Commission, TV and radio stations must devote a certain amount of broadcast time to public service" and "your Community Action Program fits the definition of a public interest program," the booklet advises.

SCRATCHING THE SURFACE

But wangling free spot announcements and guest appearances on existing programs is "only scratching the surface," according to the booklet. Send news releases about CAA activities to TV and radio stations and develop with them a public affairs series telling "what the poverty program can do for the community and what the community can do for the poverty program," it urges.

"Know the special prejudices of your audience. . . . In a rural area . . . emphasize the 'individuality' or 'self-help.' . . . In an urban area, where group cooperation is more of a way of life, your program might portray those efforts in which the community joins together toward a special goal," declares the booklet.

With a $100,000 grant from OEO, the Community Action Training Institute of Trenton, N.J., produced a TV show series which recently was nominated for a special citation by the National Academy of Arts and Sciences. Called "Ya Es Tiempo" (It's About Time), the five Spanish language shows were aired over UHF channel 47 in Newark last August and September. The theme was that it's about time to do something about poverty and that the answers lie in community action.

ACTION-TYPE CLUBS

CATI reports that over 50 buyers' clubs, block clubs and "other action type" clubs were formed as a direct result of the Spanish-language showings.

On each of the five evenings when the TV programs were shown, 224 Spanish-speaking CATI group leaders conducted training sessions in their homes for 2,300 people in connection with viewing the programs.

Here, in essence, is how CATI describes the show on employment problems: A man who has worked at a factory for seven years is fired without being told the reason. His union will not help him. When he tells his friends, they are afraid that if they help him, they will be fired. But finally they meet with an employment specialist at a CAA. "He suggests they form a group so they can learn what to do; e.g. how to participate in the union so it's working for their benefit." The specialist also helps the fired worker "get into a training program that will prepare him for a new career."

This is what CATI reported about advance promotions: "The group leader and actor network of local people, assisted by many CAAs, local organizations and churches in New York City and northern New Jersey, distributed more than 3,000 posters and 50,000 throwaway announcements. This neighborhood promotional effort reached 36 Spanish barrios. . . . Channel 47 gave free air time for short promotional spot announcements. . . . An advertisement was placed in The New York Times the day of the first telecast."

Currently being aired in Newark—over radio station WNJR—is the Newark Report, produced by the United Community Corp., the top CAA in that city. Started last October, it is a panel discussion show of the programs of the UCC, and WNJR says it is very popular.

DYNAMIC PLATFORM

According to The Crusader, a newspaper published by the UCC, television "can provide a dynamic platform to bring the basic problems of the ghettos more clearly into focus. . . . The poor have come to recognize that their demand for a free and equal access to the mass media is an intrinsic part of their being able to succeed in the struggle for freedom from hunger, from privation, from exclusion."

Down in Williamston, N.C., Martin County Community Action, Inc., puts on a 15-minute radio program twice daily. "An antipoverty agency is not the easiest thing to sell the public on, but we have been rather successful in our efforts with the affluent as well as the poor," says Harmon St. Clair of MCCA.

OEO itself sends out radio-TV material in addition to that on the Job Corps and urges its local community action groups to help persuade local stations to use it. For instance, OEO recently sent all TV stations half-a-dozen new color spots lauding VISTA.

"The Owl Who Gave a Hoot" is described as an OEO cartoon film which "alerts low-income groups to their rights as consumers, rights being denied them because of malpractice, fraud or their own lack of knowledge."

Mention of the future prospects for the role TV and radio will play in government public relations brings a sparkle to the eyes of many information officers of the aforementioned agencies. They talk of only beginning to exploit the possibilities.

Obviously those who are battling creation of a Public Broadcasting Corp. to forestall federal broadcast propaganda are unaware of what is now going on.

LOS ANGELES COUNTY AID DIRECTOR ENDORSES ROYBAL BILL, H.R. 11044, FOR NATIONAL WELFARE STANDARDS, WITH 90-PERCENT FEDERAL FUNDING

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. ROYBAL. Mr. Speaker, one of the most important issues facing the country today is the urgent need for reform and revisions in our public assistance programs.

For that reason, I was particularly happy to receive a letter from Mr. Ellis P. Murphy, director of the Los Angeles County Department of Public Social Services, and a nationally recognized authority in the welfare field, in which he offered his enthusiastic support for my bill, H.R. 11044, to establish minimum standards for welfare benefits to apply across the board in all 50 States, with provision for 90-percent Federal cost reimbursement.

H.R. 11044 would also repeal the arbitrary child welfare "freeze" in the program for aid to families with dependent children.

Because this issue is of vital concern to millions of citizens throughout the country, I include Mr. Murphy's letter in the CONGRESSIONAL RECORD at this point:

COUNTY OF LOS ANGELES,
DEPARTMENT OF PUBLIC SOCIAL SERVICES,
Commerce, Calif., May 28, 1969.

HON. EDWARD R. ROYBAL,
Cannon House Office Building,
Washington, D.C.

DEAR ED: I want to thank you for introducing your bill, H.R. 11044, establishing national welfare standards with 90 per cent federal funding. In view of the recent Supreme Court decision eliminating durational residence requirements for welfare, national standards become imperative.

Ninety per cent federal funding would mean a saving to Los Angeles County property taxpayers of $84,553,656, equal to a 46 cent decrease in the tax rate. At a time when increasing taxes place more and more of a burden on the property owner, this reduction is especially welcome.

Your bill also benefits recipients of public assistance by encouraging a uniform standard of need for aged, blind, and disabled individuals, removing the "AFDC freeze," as well as increasing the amount of aid being provided. As you know, we have long advocated uniform standards for aged, blind, and disabled recipients since we feel it removes certain unnecessary inequities in the programs. The removal of the "AFDC freeze" will let us

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extend help to all families in need without an arbitrary quota being imposed. Any attempt to help recipients keep up with the generally rising cost of living is, of course, very much appreciated.

I have written to our Los Angeles County Board of Supervisors urging them to give their full support to H.R. 11044.

Again, thank you for your bill on behalf of both recipients and administrators of public welfare. I certainly hope it becomes law.

Sincerely,

ELLIS P. MURPHY,
Director.

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. SCOTT. Mr. President, it has long been commonplace that every American could succeed in whatever pursuit he chose, so long as he had the ability and desire to work for it. The falseness of this cliche has for an equally long time been apparent to members of minority groups, particularly black Americans. It is an unfortunate fact of life that many of our citizens are the victims of racial discrimination, barred from aspirations that most of us consider normal.

It was to wipe out this disease that the Equal Employment Opportunity Commission was created. The Commission has endeavored to carry out its statutory mandate of implementing the employment provisions of the Civil Rights Act of 1964, but has been slowed in its efforts by its own lack of enforcement power.

Hopefully, this administration will demonstrate real and sincere leadership in pursuing the goal that is so critically important to the attainment of the American ideal—equal opportunity for all. The President has already moved in this direction by naming William H. Brown III to be Chairman of the EEOC. Mr. Brown's experience covers the whole spectrum of civil rights, and his legal activities have been of international significance. Prior to passage of the public accomodations law, it was he who assured black African diplomats traveling between New York and Washington of the common courtesy of being served in a restaurant. I am confident that William Brown will not "walk soft" where there are injustices to be remedied. His personal history gives the lie to any such supposition. As a distinguished member of the Philadelphia bar he has many times lent his services to civil rights causes aimed at obtaining better jobs and housing for black people. Success has not sapped his drive to improve the lives of the less fortunate. But if he is to succeed in his new mission, he must have the wholehearted backing of every organ and instrumentality of this Government. Any other course will not maintain the confidence of a people in its institutions.

I ask unanimous consent to have printed in the Extensions of Remarks President Nixon's remarks at the swearing in of William H. Brown III as member, and announcement of his designation as Chairman of the Equal Employment Opportunity Commission.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(The President's Remarks at the Swearing In of William H. Brown III as Member and Announcement of His Designation as Chairman of the Commission. May 6, 1969)

We are here today for the swearing in of the member of the Commission and then I will make an announcement after that about Mr. Brown's appointment.

He will be sworn in by an old friend, Judge Hyde.

Mrs. Brown, would you hold the Bible and stand here?

[At this point, Judge DeWitt S. Hyde of the District of Columbia Court of General Sessions administered the oath of office.]

Now, if the Senator and others would come here, all of you who would like to congratulate Mr. Brown, then I will say a word and leave him to the press.

In making the appointment of Mr. Brown to this Commission, I did so with the full knowledge that he was a man who was uniquely qualified for it. He comes from Philadelphia. I suppose we could describe him as a Philadelphia lawyer, because he is a lawyer. But he is a Philadelphia lawyer in a much broader sense than we usually think of that term.

He knows the law. He is an expert in the law. But he also has what I would call a spirit of brotherly love which the city of Philadelphia has been so long associated with.

Combining that legal expertise with a deep dedication to the principle of equality of opportunity for all people in this country, an equal chance for all people, I think these are the unique attributes that we need, not only as a member of the Commission, but as Chairman of the Commission.

I am delighted to be able to appoint a man so well qualified, so full of dedication, to this very important position.

We wish him and the members of the Commission well. I know that, having had a chance to talk to him, he will provide the leadership that this administration wants in this vitally important field.

Now, I will leave you for your first press conference as Chairman of the Commission here in this very pleasant place.

(NOTE.—The President spoke at 4:15 p.m. in the Rose Garden at the White House.)

D-DAY

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. TIERNAN. Mr. Speaker, tomorrow marks a very special day for every American—D-Day, the day in World War II when our valiant fighting men began the liberation of Western Europe.

To commemorate the 25th anniversary of this occasion, some 350 veterans of the 4th Infantry Division and their families are retracing the route they followed in 1944.

The 4th Division, which spearheaded the invasion of Normandy and the liberation of France, was flown to Europe on two charters by Pan American World Airways on May 31. The dedication tomorrow of the 4th Infantry Division monument at Utah Beach will highlight the trip.

First stop on the itinerary was London where 2 days were spent before visiting former training sites near Exeter. From Britain, the veterans will sail tomorrow to Normandy, revisiting the invasion beaches, to take part in the D-day ceremonies. The group will then continue to Mont-Saint-Michel, Paris, Luxembourg, and Cologne with stops at famous battlefields en route.

The movie "The Longest Day" was released to Pan Am by Twentieth Century-Fox for a special showing on the New York-London flights.

I can think of no more appropriate way to commemorate this occasion—lest we forget.

WELFARE NEEDS OVERHAULING

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. PUCINSKI. Mr. Speaker, the Chicago Daily News carried an excellent editorial on the need for overhauling the Nation's welfare program.

I am pleased the Daily News noted my own concern with existing programs.

The Chicago Daily News quite properly points out that action on this entire subject is necessary and with the influential voice of the Daily News calling for needed reforms, I am sure the goal is so much closer of achievement.

The Chicago Daily News editorial follows:

WELFARE NEEDS OVERHAULING

The cost of providing the necessities for the poor bears heavily upon state and local budgets also strained by other needs. The welfare program tends to perpetuate itself—the poor stay poor and their children succeed them on the welfare rolls. It often contains little or no incentive for independence. It is debasing to its clients. It tends to fragment families. Wide differences in welfare payments among the states encourage massive movements to the high-paying states.

Obviously, something's got to be done, and mayors, governors, congressmen and the President are all working on it. A week ago Sen. Charles Percy (R-Ill.) introduced three bills to equalize welfare payments, assist the states in meeting their obligations, and ease the rule applied in some states prohibiting child-aid payments to families with "a man in the house." On the same day Mayor John Lindsay told the President's Urban Affairs Council that the present approach to welfare should be scrapped and replaced by one that would include job incentives, encourage families to stay together, increase federal government financing, and would be flexible, Rep Roman Pucinski (D-Ill.) has already introduced a bill that would standardize welfare payments, create work incentives, and provide full federal funding of the welfare program.

President Nixon is considering two revisions. One—the "Family Security Plan"—would provide income maintenance, by the federal government, of families with employed fathers. The alternative revision would establish a minimum national welfare standard, probably at about $40 a month per

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person, and give federal aid to the poorer states.

At the moment these are only beginnings, but they are trending in the right direction—toward increased federal financing of welfare programs, toward incentives to encourage employment and help break the poverty cycle, toward better treatment of human beings and families. It is encouraging that many official minds are at work on the problems and are concerned for the cost of poverty and for the consequences if that cost is not met.

THE 100TH ANNIVERSARY OF JOHN WESLEY POWELL'S FIRST EXPLORATION OF THE GREEN AND COLORADO RIVERS

HON. GALE W. McGEE

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. McGEE. Mr. President, a few days ago, on the banks of the Green River in Wyoming, I participated in the commemoration of the 100th anniversary of John Wesley Powell's first exploration of the Green and Colorado Rivers. We gathered on the banks of the Green at Green River, Wyo., the jumping-off place for Powell's excursions and a likely starting place for any modern travelers who would like to see a large swath of the West, including the mighty rivers Powell mapped.

Jack Goodman, in an article published in last Sunday's New York Times, outlined the trip for motorists with a week or two to spend on such an excursion, from Green River, where the road takes one along the rising cliffs of the Flaming Gorge National Recreation Area, to the south rim of the Grand Canyon in Arizona, where a plaque will be dedicated in another centennial ceremony in August. Mr. President, I ask unanimous consent that Mr. Goodman's article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 1, 1969]

FOLLOWING POWELL'S RIVERS IN AN AIR-CONDITIONED SEDAN

(By Jack Goodman)

GREEN RIVER, WYO.—This anniversary year of Maj. John Wesley Powell's exploratory rides down the waters of the Colorado River system is being widely marked by ceremonies, dedications and re-enactments of his thrilling boat trips. While the re-enactments attract the adventurous, any sedentary tourist who wants to get close to the Green and Colorado Rivers without getting his feet wet or getting near a rubber boat, can do so from the comparative comfort of his own or a rented and air-conditioned automobile.

The motorist may have to make an occasional judicious choice of route, but anyone with a week or two to spend in this part of the West can see a great deal of Major Powell's rivers.

The major's exploratory mission in 1869, and a more thorough mapping project two years later, were detailed in his journal published in 1875. In it, he gave the nation its first practical program for Western reclamation and Great Basin agriculture. Powell went on to help establish the United States Geological Survey, of which he served as director for 12 years, beginning in 1881.

THROUGH A MAZE OF CANYONS

The major had planned to run the Green River through Utah Territory, departing from the town of Green River, Wyo., and continuing to the river's junction with the Grand River (now the Colorado) in a maze of canyons south of Moab, Utah. Beyond the rivers' confluence, the streams joined to form the "Colorado River of the West," which somehow ambled, cut and roared its way into Arizona Territory, on to California and then to the Gulf of California.

This year, boatmen will navigate the Green and Colorado Rivers, portaging around Flaming Gorge and Glen Canyon Dams, the twin concrete monoliths built by the same Bureau of Reclamation that Powell helped father. Wyoming and Federal officials launched one trip here in Green River last week, when a National Park Service historic site on nearby Expedition Island was dedicated to the major and his men.

On June 26, at Split Mountain Gorge in Dinosaur National Monument, Utah and Federal officials will dedicate a new highway, campground and monument to Powell. At this ceremony, Ute Indians will dance and rivermen will set off downstream for Lake Powell and the Grand Canyon.

Still another ceremony will take place at Glen Canyon Dam in Page, Ariz., on June 19, when a museum saluting Powell will be dedicated. And on Aug. 15, an observance at Bright Angel Point in Grand Canyon National Park will mark the date, 100 years ago, when Powell's two battered boats were beached beneath the canyon walls.

In making this north-south highway junket paralleling and crisscrossing the Green and Colorado Rivers, motorists can follow paved and/or hard-surfaced roads for all but about 175 miles of the 1,000-mile route. Large cities are still few and far between in this part of the West. but there are adequate motels and eating places.

DRESS FOR VARIED ELEVATIONS

The country hereabout ranges in riverside elevation from 6,000 feet above sea level in Green River to barely 1,000 feet above sea level near Lake Mead, and the roads cross high mountain passes and hot desert country. This means that a variety of garb should be carried. There are service stations along the entire route, but in one sector they are 130 miles apart.

The trip can be made in three days, but the region is so rich in scenery and history, Indian cultures, natural wonders, opportunities for side jaunts and camping that even two weeks may prove inadequate. If you choose to boat and fish, take side trails, use a camera or go rock-hounding along the way, allow a full month for the trek. The area covered is larger than most European nations.

WHERE TO BEGIN

Jumping-off place for the highway tour downriver is Green River, Wyo., on Interstate 80; the town is on the main line of the Union Pacific Railroad and the historic Mormon and Pony Express trails. The nearest scheduled airline stop is Rock Springs, Wyo., 15 miles to the east, while the closest metropolis is Salt Lake City, 175 miles westward. If Green River motels are crowded because of the Powell centennial, which is unlikely, seek out the highly modern, very sizable motel in Little America, 24 miles west of Green River.

South of Green River itself, the best road paralleling Powell's river run is State Route 530, even though the motorist unfortunately loses sight of the Green River as the stream moves toward the depths of Firehole Canyon. The road crosses dry, rolling hills in which you may see a few pronghorn antelope, and then enters increasingly scenic country south of Blacks Fork, a tributary of the Green River.

For much of the 48-mile drive between Green River and Manila, Utah, the pavement skirts a series of rising cliffs and the boundaries of the newly established Flaming Gorge National Recreation Area. There are pleasant camp, picnic and boat-launching sites on the western shores of 90-mile-long Flaming Gorge Lake, man-made, placid, open water formed by 502-foot-high Flaming Gorge Dam.

South of Manila and the Utah state line, the Uinta Mountains forced the Green to cut deep gorges for its passage. As a result, portions of the 48-mile route between Manila and the towering Flaming Gorge Dam—it is near Dutch John, Utah—are unpaved or eroded by occasional floods.

RED CANYON OVERLOOK

The road veers in all directions as it swings toward Red Canyon overlook, Flaming Gorge Dam and lodge and a half-dozen campgrounds. At this point, the road paralleling both lake and river is Utah State Route 44.

The lodge and campgrounds at Flaming Gorge, roughly 100 miles south of Green River, can provide pleasant quarters for the night, especially if you wish to try fishing in the clear, rapid-running waters of the Green below the towering power dam. There, the river is easily traveled by portable boat or rubber raft; it has a reputation as being one of the finest trout streams in the West.

Below Flaming Gorge Dam, State Route 44 runs south through scenic, rugged country within the borders of Ashley National Forest. However, Powell's river route swings off to the east, as the Green River carves its series of white-water gorges through Red Canyon, crosses the Colorado state line at Browns Park and enters strikingly scenic Lodore Canyon.

GATES OF LODORE

There is a graveled road to the river at this point—it is accessible from Maybell, Colo., to the east—but those wishing to view the Gates of Lodore should plan to spend an additional day in the area.

At Vernal, one of the better food-and-lodging centers on the trek, a brief stopover at the Utah State Natural History Museum is worthwhile. From there, motorists head to Jensen, 12 miles east on U.S. 40, for a swing into Dinosaur National Monument.

State Route 149, entering the monument just above Jensen, follows the now placid Green River across meadowland and ranch pastures. After a stopover at the visitor center and the Dinosaur Quarry, there to watch scientists chip away at ancient skeletons, the motorist should drive on to Split Mountain Campground.

At this spot on June 26, Utah and Park Service officials plan to hold afternoon and campfire ceremonies commemorating the Powell voyage. One reason for the celebration is completion of pavement to the riverbank.

The monument's only other paved road to the river enters from U.S. 40 just east of the Colorado state line and extends to a 7,500-foot-high viewpoint at Harpers Corner There, motorists can peer across to Steamboat Rock, the junction of the Yampa and Green Rivers, and the site of the proposed Echo Park Dam.

Below Jensen and Dinosaur National Monument, the Green flows untrammeled and unreachable by any major road as it cuts through the Uintah and Ouray Indian Reservation. A 20-mile spur road does cut into the reservation. meeting the Green at Ouray, where the White River flows into the mainstream. However, the road deadends abruptly at riverside.

The best and most scenic way south is to proceed on U.S. 40 to Duchesne, Utah, and there onto State Route 33, a road that is reasonably well paved for more than half of its 45-mile length. There are no service stations along the route which tops a 9,000-foot-high pass near Gray Head Peak.

DESOLATION CANYON

Beyond Castlegate, Helper and Price (a good motel and dining town) on U.S. 6–50,

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the motorist heads southeast across some 60 miles of desert in the lee of the Roan Cliffs. At Green River, Utah, the road finally meets the river, which has chewed its way through countryside that Powell aptly named Desolation Canyon.

Situated there is Green River State Park, at 4,080 feet above the sea. This means that Powell dropped 2,000 feet in elevation coming down the upstream rapids of the Green.

An annual "cruise" set forth from the state park launching ramp this weekend. It traversed 117 miles of the Green to its confluence with the Colorado, and then swung 65 miles up the latter river to Moab.

Those vacationists who welcome the challenge of rough country, and do not fear a lack of pavement, should proceed south from Green River, Utah, on State Route 24, newly paved for its scenic 53-mile length to Hanksville (last place for gasoline, so fill up there).

OFFERING MOUNTAIN VIEWS

From Hanksville, State Route 95 also has been freshly paved to Trachyte Junction, a 68-mile journey offering fine views of the 11,000-foot-high Henry Mountains. From pavement's end near the new Hite Bridge across the Colorado, Route 95 is graded, bladed, dusty and bumpy for nearly 100 miles to Blanding.

Before reaching Blanding, State Route 95 passes Natural Bridges National Monument, with its three memorable sandstone spans; the road also provides the motorist with views of one of the most spectacular Colorado River gorges in this vast sector of mesas and cliffs.

The monument has no lodge, but does have pleasant campgrounds, well-marked trails and viewing points and a cool, shady visitor center. At Blanding, good motels are plentiful.

The alternate route from Green River, Utah, leads east to Crescent Junction and then south on U.S. 160 to Moab. Just north of Moab, a newly paved road takes one to Dead Horse Point State Park, with its striking views straight down on the Colorado.

A connecting road, unpaved but easily traversed, goes into the upper section of Canyonlands National Park. A terrace at Grand View Point enables the visitor to peer down to the confluence of the Green River and the subsequently renamed Grand, which come together some 3,000 feet below to form the Colorado.

ARCHES NATIONAL MONUMENT

While near Moab, the traveler should explore Arches National Monument. Motorists also can drive 18 miles downstream along the Colorado to a point almost directly below Dead Horse Point, and they likewise can drive north and east up a paved sector of State Route 128, a trip that takes them through the cliff-girt gorge. Also while in Moab, the vacationist with time to spare can make a boat trip of an hour or two either upstream or down.

Nearly 60 miles south of Moab, a well-maintained road leads west into Canyonlands National Park, which is bisected by the Colorado River below its confluence with the Green. This section of river can be reached only by four-wheel-drive vehicles.

Guided tours into this portion of Canyonlands, with visits to the confluence, Angel Arch and the Needles, can be arranged in Moab or Monticello. The latter lies southeast of the park entrance and, like Moab, is equipped with good motels.

NO ROAD TOUCHES THE RIVER

Utah State Route 47 should be followed south from Monticello to Blanding and on to Bluff, where St. Christopher's Mission to the Navajos is situated. From this point south and west across the Navajo Indian Reservation, no road touches the Colorado or its successor, 180-mile long Lake Powell.

The only available cross-reservation road is the Navajo Trail, U.S. 164. The Navajo Visitor Center at Monument Valley, on the reservation grounds, is a good stopover point.

At Tuba City, Ariz., also on the reservation, vacationists have another choice of routes. A 43-mile drive north on U.S. 89 leads to Alternate U.S. 89, the Marble Canyon Bridge across the Colorado and a patch of placid, riverside road at old Lees Ferry. The newer road, U.S. 89, goes to Glen Canyon Dam and the Waheap Marina. Lake tours extend to Rainbow Bridge and up shimmering Lake Powell.

South of Page, Ariz., and Lake Powell lies Grand Canyon National Park. A 150-mile trip along U.S. 89 and State Route 64 brings one to the canyon's South Rim, where a plaque will be dedicated to the explorer on Aug. 15.

CHURCH COUNCIL ADOPTS ANTI-ABM RESOLUTION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BROWN of California. Mr. Speaker, last month the general board of the National Council of Churches adopted a resolution opposing deployment of President Nixon's proposed Safeguard ABM system. I now place that resolution in the RECORD:

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE UNITED STATES OF AMERICA: RESOLUTION ON THE ANTI-BALLISTIC MISSILE, ADOPTED BY THE GENERAL BOARD ON MAY 2, 1969

The General Board of the National Council of Churches

1. Recognizing wide diversity of opinion and controversy in our churches and the country concerning construction and deployment of a United States antiballistic missile (ABM) system, the most recent version of which was announced by President Nixon on March 14, 1969, as the "Safeguard" ABM system; noting that this debate has become a *primary focal point* for the broader national debate on the meaning of national security and the reordering of national priorities;

2. Reaffirming the Policy Statement of September 12, 1968, "Defense and Disarmament: New Requirements for Security," which addressed itself to the issues of national defense and security in Christian perspective and attempted to set forth a *framework for a new concept* of security;

3. Recalling that one of the next steps toward a national reorientation on defense and security matters suggested in that Policy Statement was "a *mutual halt* in the further production and deployment of strategic *offensive and defensive* missile systems, including the anti-ballistic missile system";

4. Believing that the ABM debate has raised *questions of fundamental importance* for the future *direction* of United States foreign policy, for the real *security* interests of the nation, for the use of our *national resources,* and for the *quality of our society;*

5. Understanding that among the *serious questions* calling for clarification are those concerning the basic justification for the ABM, its effectiveness, its eventual cost, its effect on the arms race, its relation to the spirit and intent of the Nonproliferation Treaty, its use of resources needed for other national and international needs, and its contribution to the real security of the nation;

6. Believing further that these questions, raised frequently by *knowledgeable* persons including many of the nation's *leading scientists, experts on Soviet and Chinese affairs,* many members of the Congress, and former high government officials, have not been given satisfactory answers;

Does therefore

1. Oppose deployment of the ABM on the basis of the case now made as to its necessity for national security, its effectiveness, its effect on the arms race and disarmament negotiations generally, its implication for the Nonproliferation Treaty,[1] its cost, and its drain upon national resources;

2. Request churchmen, and all concerned citizens, because of the potential consequences of this watershed decision for international peace and the quality of our own society, to consider these grave matters and to exercise their rights and responsibilities as citizens and to state their conclusions to appropriate decision-makers.

WATER POLLUTION—ADDRESS BY MAURICE B. TOBIN

HON. HENRY M. JACKSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. JACKSON. Mr. President, Maurice B. Tobin, former counsel to the House Committee on Public Works, recently addressed a luncheon of the National Water Pollution Convention in Houston, Tex., on the subject of the pollution question as we move into the seventies. Because of his experience as a staff member on the legislative team that helped to write the water pollution laws, I believe his remarks are of interest to all of us. I ask unanimous consent that his speech be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

GEARING UP FOR THE SEVENTIES—THE POLLUTION QUESTION

One of the truly critical areas on the domestic front as we reach to open the door of the seventies is the whole problem of pollution. We can't do much about holding back the nineteen seventies, but surely when that door is opened some light must be shed on our efforts towards pollution control.

Behind the door to the seventies is an ever-mounting backlog of work to be done to fulfill the nineteen sixties legislative mandate for action. Congress started the sixties by passing strengthening legislation to the pollution act only to have it cut down by a presidential veto. Congress came back the next year (1961) and by a 3–1 margin amended and strengthened the Water Pollution Control Act. More teeth were put in the Act by the unanimous passage of the 1965 Water Quality Act; the next year, 1966, saw financial promise with the unanimous passage of the Clean Waters Restoration Act; 1968 saw the passage of the Water Quality Improvement Act, though adjournment prevented a conference and, finally in 1969, a similar improvement act passed the House by over 390 votes and is now pending before the Senate—so the legislative pace of the sixties pushed, pulled, and passed on amendments that bolstered the outcry for clean water.

ONLY 21 PERCENT FUNDING

Now a decade of legislative gains is brought to a near halt by the gut issue of no money. The inventory of pollution needs were paraded from one end of the country to the other—but, the no money problem halted the march to action. Of the billion dollars Congress unanimously authorized for water pollution control for FY 1970, the Federal budget allows only 21% or $214 million. So only 21% of the waste treatment plants sorely needed to treat sewage across the country will be built. Keep in mind this $214 million is for the whole nation. It must reach into the nation's over 4,494 cities and towns.

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[1] The relevant part of the Nonproliferation Treaty is Article 6: "Pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. . . ."

ROCKEFELLER TAKES LEAD

To spread this meager $214 million out across the nation's cities and towns requires a minor miracle. One state—New York—could devour this entire amount in one easy gulp as the Federal Government now owes New York over $267 million in reimbursements for sewage treatment plants already constructed. Like many states, New York could not wait. Under the constant push of Governor Rockefeller, the citizens of New York voted four-to-one to tax themselves on a billion-dollar bond issue to raise their share of the necessary pollution control dollars. Then they had to get extra money to take care of the Federal share until such time as the Federal share can be paid. Other states with less dynamic leadership find it next to impossible to raise not only their own share, which is nearly three times that of the Federal Government, but also raise the Federal share with the understanding that some day they will be repaid.

CITIES OUT FRONT

Following the Rockefeller lead, cities have voted bond issues to help raise sorely needed pollution control dollars. To get on with expansions, additions, and modernization, St. Louis voted by a five-to-one margin on a $95 million bond issue to stop the discharge of untreated sewage into the nation's water system. Education, urban renewal, welfare and crime control, etc., all vie for the municipal tax dollar too, but progressive and far-sighted cities are moving ahead with pollution control programs. Among these cities taking the lead in getting the money to do what we are all talking about are Kansas City, Cleveland and Chicago. Some New England cities voted bond issues—their industries had the money in hand—yet, the Federal share for a joint treatment plant was not forthcoming and well planned programs faltered or dissolved.

OTHER PROGRAMS

Other programs of national concern like space or highways gallop into the seventies with little or no cutbacks. Both the highway and the water pollution control programs were brought into existence by Congress about the same time. Yet, since their birth in 1956, the highway program has spent over $50 billion while the pollution control program limps along with a little over one billion dollars since 1956. The highway dollar is on a 90 Federal to 10 state ratio where Federal construction funds for sewage treatment when available contribute 30% compared to 70% raised by state-municipal. Our highways with their vast expressways and clover leaves are truly the engineering marvel of the world—while our underground sewers have changed little from the ancient aqueducts of Rome. When there is a proposed cutback in our highway program, appropriate interests are marshalled and its priority to the Federal dollar is quickly reestablished. President Johnson's three different multi-million dollar highway cutbacks were all ultimately restored. One proposed highway cutback was greeted by a deluge of 41 wires of protest from governors the next morning; the other nine wires arrived by lunch time. Needless to say shortly thereafter the budget was restored. Yet, going into FY 1970, we are 79% short of the authorized money for construction of sewage treatment plants and there is no immediate outcry. Isn't it time for a green light on clean water plans? Or at least some sort of searchlight to find the formula to finance our way to clean water in the seventies?

THE BACKSIDE OF THE MOON

As we pass through the doorway into the seventies, the fantastic brilliance of our space effort will put man on the moon. Our own nation's singular success in this race in the sky is a justified source of national pride. But, if we can marshall men of every scientific discipline to get us to another planet, surely we can finally master a problem as old as civilization itself—namely the disposition of her wastes. Can we in clear conscience take a trip to the moon, and leave our own earth slowly poisoning herself with her own wastes?

SOLVED BY OTHER COUNTRIES

Other countries anticipated the seventies and met their pollution problems head-on. The Ruhr River Basin is a prime example. It contains nearly one half of West Germany's industrial capacity—yet the Ruhr River is clean enough to swim in. The stream flow in the Ruhr River is much less than the lowest ever recorded on our historic Potomac River in the nation's Capital. Even with the country's heavy industry, the Ruhr River finances a system to keep its streams clean.

INDUSTRIES TO THE RESCUE

Industry is gearing up to face the seventies realistically by launching costly anti-pollution programs. Long accused of being slow to answer in the call for clean water with solid financial support, industry is now at the front ranks in this national effort. A pacesetting announcement in this massive move is U.S. Steel's declaration that it will "end all water pollution from its Great Lakes installations by 1972."

Leadership in the fight to retain the 7% investment tax credit for pollution control expenditures is also evidenced by industrial leaders such as President Verity of Armco Steel. In telegraphing President Nixon, Mr. Verity stated, "In the case of Armco Steel and many other companies, the investment 7% tax credit is crucial to our efforts to control air and water pollution." Other industries across the country are coming to the front with new and expanded ideas in pollution control.

For the first time, industry may participate in the Federal Water Pollution Control Administration's grant program. These grants to industry are to develop and demonstrate new, novel, or modified waste treatment processes that have industry-wide application. Though the 1966 Act authorizes 70% grants, the Federal Government has found but 45% funding of this vital program. Industry has come up with the remaining 55% so that the program doesn't collapse due to lack of funding. There are roughly 275 grants actively in the mill at this time. Industry has come up with over $51 million, but due to lack of funds, the Federal Government has committed only $23 million for this vital program that could provide solutions to the major standard industrial classifications of waste in this country.

GOVERNORS GO AHEAD

As the governors across the country prepare their attack on pollution in the seventies the basic problem is highlighted by Maine's popular Governor Ken Curtis. In his report to the 104th Legislature, the Governor states: "The most basic problem in our slow fight against water pollution is the continuing unavailability of Federal funds to meet the Federal share (up to 55%) of the total cost of any project. Despite Maine's total needs of $250 to $320 million, the Federal money available is $1.8 million for this current year." The Governor went on to ask his state to go ahead even though the Federal Government backed down on producing its share. Said the Governor: "The time is now approaching when we cannot wait for authorized Federal funds to be appropriated. There are many situations where state and local governments are ready to move, industries have made their commitment and the only input lacking is the Federal one."

The Governor went on to urge Maine to act "now to authorize the advancing of state funds to cover the authorized Federal share because inaction costs money. The cost of not dealing with the problem becomes greater than the costs of dealing with it. The cost of Maine in interest payments while we wait for eventual Federal reimbursement will, in all likelihood, be offset by the lower costs of construction now as compared to construction three, four, or five years from now."

SOLUTIONS ARE BEING REACHED

Governors, mayors, presidents of companies are all faced with the money shortage; yet, success is being realized in the continuing battle for clean water. Faced with the shortage of clean water, Bethlehem Steel takes the entire sewage of Baltimore and after complete treatment uses it for industrial purposes. The small town of Santee in water scarce California came up with a solution by completely treating, filtering and restoring its sewage to provide a million gallons of drinking water a day. In Los Angeles County, one purification plant reclaims 10,000 acre feet of water a year out of a trunk sewer. Western Research Company of Dallas is working on a solution to prevent tank oil spills such as the Torrey Canyon incident.

The nation will look to research such as Western's to find solutions to the growing pollution problems of the seventies. Western's prescribed solution is a technique that prevents spillage by rapidly gelling oil in the ruptured compartment of a tankship. The gel forms and blocks the outflow of oil and the inflow of water. Hopefully, we can enter the seventies with confidence that oil spills can be quickly mitigated because of this research.

SEMINARS ON THE INCREASE

Since pollution is on all our lips going into the seventies, it is encouraging to see the number of conferences or seminars geared to find solutions to our pollution problems. Public awareness of pollution has forced to the front even international conferences on water pollution. Recently, an international pure water conference (PURAQUA) in Rome, Italy, attracted some 37 countries. Encouraged by the tremendous response to this conference and exhibition, the United Nations is sponsoring an International Conference on Water Pollution in Sweden in 1972. Numerous panels, papers, meetings, studies across the nation indicate the wide interest and concern for solutions in the pollution dilemma.

THE POLLUTION SCARE

It is indeed encouraging to see the number of conferences and willingness of men to set their minds to reaching for solutions to the centuries-old problem of human waste. Red flags on the horizon concerning pollution range from the helpless housewife in Prince Georges County, Maryland, who can't risk a barbecue in the backyard of her $55,000 home because of the summer stench of septic tanks to Chairman Glenn T. Seaborg of the nation's Atomic Energy Commission who says: "All 22 river systems in the United States will be 'biologically dead' by the end of this century if pollution continues at present rates." U.S. Geological Survey's Dr. Raymond Nace warns us that "our world population is expected to double to nearly seven billion by 2000." He further warns "out of its total potentially controllable liquid assets, the United States uses 95% chiefly as a conveyor belt on which to send waste products out to sea." Since the world depends on the sea for over 70% of its oxygen, it is little wonder that Cornell University's Dr. L. C. Cole admonishes us for reckless pollution

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habits by saying, "Mankind seems bent upon his own extinction since the sea is at once the chief supplier of fresh water to the land and of oxygen to the air."

WHY LIMP INTO 1970?

It seems obvious then that in gearing up for the seventies all systems must go if we are to realistically meet the demands made on the air we breathe and the water we drink. It is encouraging to see the quick pace with which industry, cities, and the world is responding to the call of the seventies. But it is most disheartening to see the Federal Government limp into 1970 a full 79% away from the billion dollars that Congress unanimously authorized to meet the pollution problem going into the seventies. How can the promise of partnership in the battle for clean water be won if the Federal Government continues to falter on its share of the money? Even with the extreme demands of the Federal dollar today, surely there must be money somewhere to bolster the war on pollution. The State Department's Water for Peace Program initiated in 1967 is concerned with a host of programs ranging in scope from provisions of drinkable water on a local scale to large river basin development programs. As part of this project, the United States is spending about $400 million a year in many countries to build waterworks designed to supply household and industrial needs. Although this is a most laudable program, why can't we find more than $214 million per year for our own country's crying need for construction of waste treatment plants. The cities and states have somehow found the money for the majority of the cost of these plants but somehow the Federal Government is woefully behind in its commitment. At a time like this when the cadence is loud and clear in support of antipollution, how soon can we expect the Federal Government to get in step?

THE 6-DAY WAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BIAGGI. Mr. Speaker, it has been 2 years since the 6-day war in the Middle East, while the Arab States have pursued their twin policies of diplomatic intransigence and military terrorism against the peaceful nation of Israel. It has been 2 years since the end of the war in the Middle East when the valiant army of the beleaguered nation of Israel defeated the massed forces of the Arab countries, but there have been no steps toward a permanent peace. It has been 2 years since the guns were silenced, but the echo continues to ring in the ears of the Israeli people, who wait each night for the next incursion of the guerrilla armies sent from the Arab land to maim and kill. It has been 2 years since the Israelis began their patient vigil at the conference table of peace, but the Arab leaders, with the encouragement of their Russian conspirators, have wasted those 2 years in a torrent of meaningless propaganda.

For the past 23 years, Israel has tried unsuccessfully to find a way to reach a peaceful settlement with the Arabs. The United Nations has appointed commissions, mediators, and committees, it has sent representatives to the region, it has passed resolutions, and it has provided the forum and the good offices where both sides could meet and discuss their mutual problems, but to no avail. The U.S. efforts in the search for peace in the Middle East have met with similar faillure, but the rebuffs of the past must not diminish this Nation's attempts to seek and find a peaceful solution to the Arab-Israeli problem: In fact it is incumbent upon the United States to do all that it possibly can to help speed negotiations and to facilitate the pacific settlement of this most tragic dispute. We must not let another anniversary of the June war of 1967 pass without achieving peace in the Middle East, a peace that will guarantee the continued life of the State of Israel.

FBI TAPS ON KING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. RARICK. Mr. Speaker, public acknowledgement that Martin Luther King was under FBI surveillance can be accepted in only one manner—that is, that King's activities, confidants, and financiers were felt by top intelligence people to be questionable in relation to our national security. How many other conversations of King's were monitored—who were these people?

On Monday, June 2, on page 14427 of the RECORD, I urged the present administration to authorize J. Edgar Hoover and the Justice Department to make public their records on King's activities so that our people may know who this man really was.

Deceit and slanted information have blurred his true character to the disservice of some well-meaning Americans. We owe it to contemporary understanding and history itself to refocus the picture from distortion to clarity. The present concern of many Americans is that the intelligence dossiers could be destroyed or misplaced and that information beyond retrieve for honest inquirers.

I insert a news article on the King surveillance, as follows:

FBI TAPS ON KING, BLACK MUSLIMS ARE DISCLOSED AT HEARING FOR CLAY

(By Nicholas C. Chriss)

HOUSTON, June 4.—A Federal District Court hearing today into an effort by Cassius Clay to overthrow a 1967 draft-evasion conviction turned into a startling disclosure of FBI eavesdropping methods and secret surveillance reports.

The summaries of four "top secret" and illegal FBI wire-tapped conversation Clay had with the late Dr. Martin Luther King Jr. and various Black Muslim leaders in 1964 and 1965 were publicly revealed for the first time over Government objections.

The revelation of the conversations, the times and places and the introduction of the documents as evidence in the six-hour hearing spelled out officially for the first time that the FBI actually had eavesdropped on Dr. King. It also detailed how active the investigative agency was in monitoring the telephone conversations of various Black Muslim leaders.

The former world heavyweight champ's attorneys contend that the wiretap evidence is relevant to the case because it might have been used to prejudice his attempt to declare himself a conscientious objector to the draft. The monitored conversations were not revealed by the Federal Government until the boxer's conviction had reached the U.S. Supreme Court, which ordered the hearing.

Federal lawyers contended the conversations took place in 1964 and 1965 and therefore could not have affected the 1967 draft-dodging conviction against Clay, nor the 1966 ruling exempting him from a conscientious objector status.

Clay's telephone apparently was not tapped in any of the four conversations, but the telephones of those persons who called him or received calls from him were monitored. His lawyers called Clay "the innocent third party."

John S. Martin, an attorney in the U.S. Solicitor General's office and a member of the prosecution team here, said the revelation of Dr. King's conversation was the first time it had been officially revealed that the civil rights leader had been under FBI electronic surveillance. Martin also acknowledged that the four FBI wiretaps were illegal and that the Government did not choose to contest the legality of them.

Most of the information about the FBI wiretapping and surveillance came as Clay's attorney, Charles Morgan Jr. of Atlanta, southern representative of the American Civil Liberties Union, pressed an FBI agent who had once been in charge of monitoring Dr. King's conversation in Atlanta.

Richard Nichols, now based in Valdosta, Ga., testified that the FBI "did not follow regular policy on this particular (King) surveillance." He did not elaborate.

Nichols said two "investigative clerks" recorded the conversations. Then, he said, they either penciled notes on the contents of the tapes or logged a summary and then destroyed the tape. He said all the King-monitored tapes had been destroyed.

The contents of the four conversation summaries included talks with Dr. King, Elijah Muhammad, head of the Black Muslims; Herbert Muhammad, a Black Muslim and Clay's former fight manager; John Ali, Black Muslim national executive secretary, and Chauncey Eskridge, a Chicago attorney who represents Clay. Eskridge, at the time, also represented Dr. King.

Clay was convicted here June 21, 1967, of refusing induction into the U.S. Army. An all-white jury convicted him after deliberating 20 minutes. Judge Joe Ingraham then sentenced him to the maximum penalty—five years in prison and a $10,000 fine.

The most interesting of the four FBI-monitored conversations included a 45-minute telephone talk Clay had with Dr. King Sept. 4, 1964. The conversation was recorded in Atlanta and on the Miami end of the line were—alternately—Eskridge, Elijah Muhammad and Clay. Although the conversation lasted some 45 minutes, according to Eskridge who testified in the courtroom later, the summarized conversation consisted of little more than 12 lines.

A RATIONAL APPROACH TO THE ABM

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. DOLE. Mr. President, as the time nears for the Senate to vote on the question of deploying the Safeguard system, it is obvious that millions of Americans are resolving their doubts on this controversial issue on the side of what appears to be the best interests of our Nation's security.

These citizens, though deploring the

expenditure of large sums on armaments, want all the protection our scientific know-how can provide. They are willing when our national security is involved to pay the price to insure freedom.

The Wichita Eagle-Beacon, one of the leading daily newspapers of the Nation, noted for moderation in its editorial policies has endorsed President Nixon's proposal to deploy the ABM. In its editorial of Sunday, June 1, 1969, entitled "Weighing the Evidence Pro and Con on Safeguard," the Eagle has, in my opinion, performed an invaluable public service by helping readers to resolve their doubts. Iask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wichita Eagle-Beacon, June 1, 1969]

WEIGHING THE EVIDENCE PRO AND CON ON SAFEGUARD

Certainly the most confusing public debate to arise in America in a long time is that over the proposed Safeguard system of antiballistic missiles.

Perhaps only one thing may be said of it with absolute certainty: Virtually every American wishes it were possible to spend the money involved on various humanitarian purposes instead of on the ABM.

Most of us would rather feed the hungry. heal the sick, repair urban blight, increase the space program, solve the nation's transportation problems, improve opportunities for the disadvantaged, and otherwise address our multitudinous domestic problems—if we thought we had a choice.

President Nixon, after getting the best advice available to him, came to the same conclusion as former President Johnson: That an ABM system is vital to the defense of the nation. Congress is far from being in agreement about it, and there are scientific and military experts on both sides who make the most persuasive arguments.

In an effort to help our readers to formulate their own opinions on this controversial subject, we present today on the right-hand side of this page capsule arguments both pro and con from the best sources we have been able to find—the so-called Kennedy Report presenting the argument against Safeguard, and the National Security Council arguing for it.

As for us, we are reluctantly persuaded that the United States cannot afford to be without at least the beginning of an ABM system.

As former Secretary of State Dean Acheson pointed out to the American Society of Newspaper Editors in April, if you have a program in being you can adjust it as necessary—speed it up, slow it down, abandon it. But if you have no program at all and find you need one you are starting far behind the enemy.

The Administration has answered the objections of the opponents of ABM Defense Secretary Laird assures the public that components of Safeguard have been tested in the Pacific and that he knows it will work. He has further said that the Soviet Union's SS-9 missile is equipped with warheads obviously designed to destroy not our major population centers, as was once believed, but our Minuteman ICBM system. Without protection against these Russian missiles, we could be left without this striking power.

Against the argument that Safeguard is useless because it couldn't destroy all incoming missiles, the Security Council answers that the existence of Safeguard would require an enormously multiplied arsenal with more sophisticated missiles before the enemy would dare attack, and that this in itself would be a deterrent.

Costly as Safeguard would be, it is less costly than being without proper defenses. Surely it is debatable whether for us to have an antiballistic missile system would stimulate or deter the arms race, and there is as much logic on the side that says it will deter as there is on the other.

There are those who would have us delay while we try to negotiate an arms agreement with the Soviets, but this seems to us to be largely wishful thinking. An agreement without surveillance would be meaningless, and Russia has never shown any signs of submitting to that. There is, indeed, one school of thought that holds an ABM system would provide insurance against cheating under an arms agreement, if one were worked out.

Perhaps the most convincing argument for Safeguard is that two Presidents of different political faiths, each using his own advisers and making use of the detailed knowledge available only to Presidents, have concluded that America is not safe without Safeguard.

We believe that they are correct.

THEY, THOSE WHO, AND SOME

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BINGHAM. Mr. Speaker, as a member, I assume, of the group now known as They, Those Who, and Some. I would like to direct my colleagues' attention to the Washington Post's analysis of how we fared yesterday at the hands of President Nixon. The editorial, entitled "The President's Commencement Address," follows:

[From the Washington Post, June 5, 1969]

THE PRESIDENT'S COMMENCEMENT ADDRESS

It was a big day out in Denver yesterday for *They* and *Those Who* and *Some*—the nameless, numberless enemies of everything right and honorable and strong, who would make fun of our armaments programs, pillory our servicemen, turn their backs on the world and disarm America unilaterally at the first disarming smile or honeyed word from our adversaries. They are plainly a shabby lot, unworthy of the men who settled our frontiers and the men who would set the first foot on the moon and President Nixon paraded them before the graduating class of the Air Force Academy in terms sufficiently grim to make an impressionable cadet turn in his wings.

"It is open season on the armed forces," the President cried, as he warned the new air officers that "on the home front you are under attack . . your critics at home were never more numerous . . . the military profession is derided in some of the best circles. Patriotism is considered by *some* to be a backward, unfashionable fetish . . . *they* believe that we can be conciliatory and accommodating only if we do not have the strength to be otherwise . . . *those who* think that way have grown weary of the weight of free world leadership . . ."

It was strong stuff, but the President didn't blink. "It would be easy to buy some popularity by going along with the new isolationists," he declared, but he holds "a totally different view of the world . . . the danger to us has changed, but it has not vanished. We must revitalize our alliances, not abandon them. We must rule out unilateral disarmament . . . The aggressors of this world are not going to give the United States a period of grace in which to put our domestic house in order—just as the crises within our society cannot be put on a back burner until we resolve the problem of Vietnam."

There was more, of course, but not much more that mattered, and nothing in the President's presentation of his own thinking that a quite comfortable majority of Americans would argue with. So, you could say, it was fine, as Commencement addresses go, suitably cliche-ridden, appropriately devoid of content, quite in keeping with the traditions governing such affairs—except, of course, for the fact that the speaker was the President of the United States and the White House had promised a major address on "the role of a great Nation in the world and the role of defense in our society."

And this, it cannot be said too emphatically, the President's speech was not; it was not major, just to begin with, because it offered absolutely nothing new in the way of answers to questions that are genuinely troubling reasonable, rational men. It did not mention the war in Vietnam, or where we are headed there, except to talk about the post-Vietnam scene. It did not mention the ABM or the plans for testing MIRV or the prospects for the arms control talks that were supposed to begin in late spring or early summer. It set up any number of straw men and knocked them askew, conjured up spectres and demolished them; it spoke of a "crossroad in our history" and neglected to point the way; "revitalizing" alliances is a nice idea, but how? It conceded the evils of waste in defense spending but said nothing about how you deal with it. It said things as fatuous as: "The American defense establishment should never be a sacred cow, nor should the American military be anybody's scapegoat." So?

It is understandable, of course, that the President should lash back at his critics; there are plenty of them, and some of them are saying some of the things Mr. Nixon said they were saying. There has been a lot of loose talk about military men and military programs and the military mind, when the heart of that problem goes far deeper—to the efficacy of the natural checks and balances on the civilian side of government. The question is whether the President adds much to sanity and common-sense solutions by assailing the extreme minority among the critics while paying only passing attention to the deep disquiet of a more moderate majority about the war and the growth of military spending and the momentum of the arms race and the future role of this country in the world.

We cannot "conduct a successful policy of peace abroad if our society is at war with itself at home," the President said, in passing, as he declared his "total," "fundamental" disagreement with *Those Who* do not see things his way. It was good, strong stuff, as Commencement addresses go, but it is not easy to see just what it contributed to the problem of a society at war with itself.

PUBLIC OFFENDER PROGRAM IS SUCCESS AT ARIZONA STATE PRISON

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. FANNIN. Mr. President, often a great deal of criticism is mounted in Congress over the ineffectiveness of Government-sponsored training programs. I invite the Senate's attention to one that has worked and is continuing to prove an excellent means of returning rehabilitated individuals to society.

The Arizona State prison vocational rehabilitation program is accomplishing its aim of helping to rehabilitate inmates

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so they may find gainful employment once they are paroled. As evidence, I cite this paragraph from a report prepared for me on the program:

> One of the most important factors and results of the Public Offender Program is that of those clients placed in training and on jobs, not one has become a recidivist. Also, two inmates at Arizona State Prison refused parole until completion of their vocational training.

Mr. President, the fact that some prisoners think so highly of the training they are getting in prison to refuse parole until they have completed the training seems to me to bear effective testimony to the worth of this effort.

I wish to commend all those associated with this success story and ask unanimous consent that a report prepared for my use be printed in the RECORD together with a newspaper article written by Mr. Vince Taylor.

There being no objection, the report and article were ordered to be printed in the RECORD, as follows:

REPORT FOR SENATOR FANNIN

Since its inception in January, 1968 the Public Offender Program for the State of Arizona has developed into an outstanding example of cooperation and effort between various agencies.

The agencies involved, namely: Department of Corrections, Vocational Education, Vocational Rehabilitation, Central Arizona College and Eastern Arizona College have combined their resources to provide vocational training for the inmates of Arizona State Prison and for the boys at Fort Grant Industrial School. Training is provided in the fields of welding, auto mechanics, drafting, sheet metal, diesel mechanics, printing, body and fender repair and business receptionist for the women inmates.

There are four schools presently functioning at the Arizona State Prison and seven schools at Fort Grant Industrial School. Space limitations have restricted the number of trainees at the prison to a total of forty-eight. The vocational schools at Fort Grant are presently training a total of thirty-seven boys.

Future plans call for an expansion to a minimum of six schools at the prison and perhaps ten at the Industrial School.

A new building to be used exclusively for vocational training will be constructed during the year of 1969 at Arizona State Prison. The cost of construction will be shared by Vocational Rehabilitation and the Department of Corrections. By pooling state funds of the two departments additional federal monies become available for construction for the purpose intended.

The Department of Corrections is actively investigating the possibility of using the Job Corps camps, which are to be closed in Arizona, for the purpose of vocational training, education and conservation.

The Public Offender Program of the Division of Vocational Rehabilitation also accepts referrals from other law enforcement agencies and the State Board of Pardons and Paroles. The number of clients in the caseload by month will indicate the magnitude and scope of the program.

NUMBER OF CASES BY MONTH—1968

January	84	July	261
February	122	August	280
March	171	September	294
April	206	October	308
May	229	November	336
June	243	December	351

NUMBER OF CASES BY MONTH—1969

January	363	March	396
February	379	April	418

One of the most important factors and results of the Public Offender Program is that, of those clients placed in training and on jobs, not one has become a recidivist. Also, two inmates at Arizona State Prison refused parole until completion of their vocational training.

Another aspect of the Public Offender Program is development of a plan whereby the courts will refer an individual to Vocational Rehabilitation, and upon successful completion of a training program and job placement, the felony conviction will be stricken from the client's record. This is patterned after the Federal Youth Authority Act.

Also, the Division of Vocational Rehabilitation is deeply involved in the Drug Addicted Release Program using local hospitals and the Federal Health Centers at Lexington and Fort Worth.

PRISONERS LEARN NEW INTERESTS

(By Vince Taylor)

FLORENCE.—Emphasis upon rehabilitation of inmates at Arizona State Prison here has provided some overtones familiar in civilian life.

"Get involved," urge members of the prison's Outside Trusty Junior Chamber of Commerce (ASPOT Jaycees), one of a dozen or more voluntary activities which have pushed back the walls of prison routine and widened the horizons of inmates.

Between 75 and 80 per cent of the 1,600 inmates at the institution do get involved, in some way, in social, educational, vocational and recreational programs, prison authorities reported.

All such activities are on a voluntary basis. They are available, if the inmates want to participate.

Some, like the "Knowledge Seekers," were started by the inmates themselves. Approximately 60 are in this group which meets weekly to hear talks by people in all walks of life.

"It's an escape into the outside world," a prison official remarked, and then, realizing the implications, added, "figuratively speaking."

Communication with local and world affairs has become increasingly more meaningful for inmates through television, newspapers, magazines, radio and films, said Warden Frank Eyman.

"Why, these guys know more about baseball batting averages or football league standings than the average citizen," he declared.

"The more contact they have with free world people, the better chance they'll have to make it," Eyman said.

Outside contacts are maintained by approximately 100 members of the prison's two Gavel Clubs, both affiliates of Toastmasters International. There are 50 participants in Alcoholics Anonymous, and 25 narcotic addicts are seeking help through Nar-Conon, an organization similar to AA.

Officials said about 25 inmates are interested in chess and they regularly invite statewide participation in tournament play at the prison.

At present, 112 inmates who will shortly terminate their life in prison are qualified for the comparatively new 7th Step Foundation program, administered by former prison inmates who have succeeded on the outside.

The ex-cons, plus interested businessmen known as "Square Johns," provide the link with today's social problems which confront a man as he walks through the prison gates into the free world. Basically, they point out, the seven steps idea is to remotivate a man, to change his thinking so he can better accept the responsibilities and self-discipline he will need after years behind prison walls.

Gratified with the results of such activities, prison authorities admit they were totally unprepared for the response which greeted the start last October of vocational job training classes in auto mechanics, welding and drafting. For the Women's Division, an office receptionist school was set up.

"We were flooded with inmate applications," a prison official declared.

Combining federal and state funds totaling about $125,000, the pilot program represented the cooperative efforts of Mrs. Sarah Folsom, superintendent of public instruction; M. W. Holdship, director of vocational rehabilitation; J. R. Cullison, director of vocational education; Allen Cook, director of the department of corrections, and Dr. Don Pence, president of Central Arizona College.

Under the supervision of Warden Eyman and his staff, an old horse stable was converted into a garage for the auto mechanics course, a former dining hall became a welding shop, and an idle classroom was set up for the drafting course.

Each course, for a period of nine months, is limited to 12 students during the initial stages of the program. Officials say its potential is limited only by facilities and funds available.

Jack Dillard, director of education at the prison, calls it a program to develop "salable" skills.

Two students, intent upon completing their course, even requested that their paroles be delayed until they finish. Six others already have jobs waiting when they are released. No less than 150 employers have expressed an interest in the program, parole officials said.

"We could have placed 20 draftsmen this week if they were available," remarked Dale Gibson, in charge of vocational education at Central Arizona College, contractual agent for the program.

Gibson said he had noted "an entirely different attitude" among inmates at the prison in the few months the program has been in effect.

"They want to learn," he said. "Most of them had no work skill when they came here. This represents an opportunity."

Another recent innovation at the prison is a course in computer programming, involving eight inmates who work on assignments from the Arizona Highway Patrol, the Industrial Commission, the Arizona Fish and Game Commission and Maricopa County Technical College. Tapes prepared by the inmates are dispatched to Phoenix to be fed into the agency computers.

Closely allied with vocational rehabilitation is the prison's Institute of Educational Rehabilitation, or IER, where 300 inmates take part each year in classes from first grade through high school.

"Eighty per cent of all inmates are dropouts or have never had any educational opportunities," according to Jerry Thompson, assistant director of education.

Once they enroll in IER, they are given an achievement test to determine their grade placement or level. Then they progress at their own speed, many completing three or four grades within a year.

"When they reach the 10.5 plateau, equivalent to 10th grade, fifth month, they are eligible to work for their General Educational Development of GED certificate," Thompson explained.

In addition to the supervised academic program, the prison furnishes books to some inmates for spare time study in their cells. Even some of the 13 men now on death row are taking correspondence courses "to keep their minds occupied." Three or four of the condemned men are involved in handicraft hobbies.

Hobby craft work and recreation are a big part of prison rehabilitation, according to officials.

"We feel if you keep the inmate busy you're accomplishing a great deal," Eyman said, adding:

"If a man is idle, he presents a problem. That's why we encourage inmates to participate in the various activities available to them, to become a part of things. Those who do have a better chance to become involved in the better things of life when they are released."

HIGHWAY SAFETY—COMMENTARY NO. 1

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. CLEVELAND. Mr. Speaker, the Public Works Subcommittee on Roads, of which I am a member, is presently holding hearings on highway safety. Although, plagued by public apathy, this problem ranks among the highest causes of death in our Nation today. Traffic accidents rank as the No. 1 killer of persons 37 years old and under. Fifty-five thousand people lost their lives last year in traffic accidents. This figure does not even take into consideration the vast numbers who are injured, either physically or mentally with the loss of sight and limbs each year. Traffic accidents are causing more than 1,000 deaths of men, women, and children every week—36,000 injuries, and $200 million worth of economic waste. Since 1900, more citizens of this Nation have died from motor vehicle accidents than in all the wars we have fought, including the American Revolution.

Three years ago, in 1966, this body passed the National Highway Safety Act. The intentions of that act were to provide means by which State and local authorities could deal with problems affecting highway safety. The act also called for the creation of research, testing, and development programs in an attempt to develop new scientific data needed to place the entire field on a thoroughly modern basis.

It is with this last category in mind, that of research, that I direct my attention today.

I feel that it is an accepted fact that through creative and effective research, lives can be saved on our Nation's public roads. Dr. Robert Brenner, Acting Director of the National Highway Safety Bureau, in testimony before the Subcommittee on Roads this morning, stated that presently there is a backlog of more than $100 million in requests for constructive and important research projects. The sad fact is that only $12 million was appropriated for highway safety research in fiscal 1969 and only $15.9 million has been asked for 1970.

I am inserting at the end of this statement a table showing the wide gap between our authorizations since 1967 and the amount of money actually appropriated.

It is clear that our good intentions have not been matched by our performance.

It is my considered opinion that we should appropriate at least as much money as we have authorized for the conquest of this national menace and very likely the authorizations themselves should be higher than they are. I have labeled these remarks "Commentary No. 1" because I shall be speaking further on this subject.

The table follows:

HIGHWAY SAFETY RESEARCH

[In millions of dollars]

	Authorized	Appropriated	Obligated
Fiscal year:			
1967	10.0	4.3	4.3
1968	20.0	7.3	7.3
1969	25.0	12.0	[1] 12.0
1970	30.0	[2] 15.9	[1] 15.9
1971	37.5		

[1] Estimated.

[2] Administration request.

OIL DRILLING IN LAKE ERIE MAY ADD TO POLLUTION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. DULSKI. Mr. Speaker, both the Lackawanna, N.Y., City Council and the Erie County, N.Y., Legislature have passed resolutions opposing permission for oil and gas drilling in Lake Erie.

With the pollution problem we already are facing on this great body of water, our people are not at all interested in taking any chance on further complicating the situation.

Following is the text of an editorial broadcast recently by WGR–TV in Buffalo, N.Y., on this matter:

OIL WELL DRILLING—POLLUTION IN THE LAKE

It seems to us just plain unreasonable to assume that drilling for oil in Lake Erie isn't going to contribute to the already serious pollution problem of our lake.

The State of New York is willing to sell drilling rights for a small fee . . . a pittance compared to the cost of rehabilitating the lake, if we ever get around to it.

How can the state on one hand say it's trying to clean up the mess, and then turn around and possibly add to it? Modern technology no doubt would control pollution . . . hold it down, but it doesn't seem feasible to assume that a number of drilling rigs aren't going to contribute to the problem.

Our stand is not one of anti-drilling, it's the same position we've had for years, we're anti-pollution. We haven't even begun to deal with our existing problem, how can we possibly contend with its expansion?

COLUMBIA LAW SCHOOL ALUMNI ASSOCIATION'S MEDAL FOR EXCELLENCE AWARDED TO DEAN WILLIAM C. WARREN

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. RYAN. Mr. Speaker, on April 22 the Columbia Law School Alumni Association presented its Medal for Excellence to Dean William C. Warren. As both alumni, students, and faculty will attest, this honor was well deserved recognition of the dedicated service as both professor and dean which Dean Warren has rendered to the Columbia Law School.

An expert on taxation, Dean Warren has served as special consultant to the Secretary of the Treasury and also as a member of the U.S. Tax Mission which drafted a complete tax program for Japan after World War II. During World War II he helped to administer and coordinate aid to the lend-lease nations.

As educator and law school dean, Dean Warren has stressed excellence in education while augmenting student aid funds in order to make it possible for every qualified applicant to have an opportunity for a law school education.

He has constantly worked to improve and modernize the law school, expanding the curriculum and increasing the size of the faculty. Perhaps the most conspicuous improvement that he has brought about is the new Law Building. He worked tirelessly to raise the money necessary for its construction, and his influence can be seen in the architectural design.

I am delighted to add my own congratulations to Dean Warren on the occasion of this honor and include in the CONGRESSIONAL RECORD today the text of the accompanying citation:

CITATION TO WILLIAM C. WARREN

In the year when William Clements Warren was born, Congress submitted to the States what became the Sixteenth Amendment to the Constitution, authorizing an income tax. Before Warren reached manhood, the body of statutes, rules and decisions under this amendment was so large as to make it the chief source of contentious problems between the government and the governed. As such, the subject was bound to engage the interest of a lively student majoring in government which young Warren became at the University of Texas in the years 1926 to 1930.

After a year of graduate study leading to the M.A., Warren entered the Harvard Law School. His vigor and appetite for the law were notable, since in addition to his regular work he put himself in peonage to not one but two professors of law as research assistant in taxation. It was then that the virus of pedagogy entered his blood stream, for after graduating *cum laude* and practicing for a short while in New York, he moved to Cleveland where he combined office routine with part-time teaching at Western Reserve University Law School. And on top of teaching he was writing and publishing the first of his many papers on tax and corporate law. They made his scholarly reputation.

At this point, events in the big world took a hand in Warren's career, and did it in a fashion probably not congenial to a mind hitherto bent upon the conservation of assets; war is spendthrift and wasteful. Commissioned a Captain not long after this country's entry into the war, Warren was assigned to the International Aid Division of the Army Service Forces, where he was concerned with the administration and coordination of the needs of forty-seven Lend-Lease Nations. This task brought Captain (later Lt.-Colonel) Warren to the European, North African, Middle Eastern and Mediterranean theatres of operations and called into play the superior

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talents for negotiation with which Dean Warren is so richly endowed. With his surplus energies he also assumed the editorship of the War Department's treatise on Lend-Lease. For these outstanding military services, Warren was awarded the Legion of Merit by the United States and the Order of the Crown by the Italian government. And as by-product and bonus of these war years, Warren acquired a firm grasp of international affairs, a continuing interest which was soon to express itself in the expansion of international studies at Columbia.

After leaving the Army, William Warren resumed the practice of law in New York City, but in a few months the teacher in him once again got the upper hand. In September 1946, he came to Columbia Law School as Associate Professor of Law, and the next year was promoted to full professor. His students of those years remember the brilliant analyses of cases and the hard lessons in statutory-construction.

At the same time, the legal expert and mentor followed the Columbia tradition which says that teaching is enriched by things done in the public service. The record of Professor Warren's services to government attests to the confidence in which his knowledge and judgment were held as early as 1942. From that year to 1949, he served as special consultant to the Secretary of the Treasury on fiscal matters. In 1949, and again in 1950, he was a member of the United States Tax Mission that drafted a complete tax program for Japan. In 1954, he was a member of the Van Fleet Mission to the Far East. For years he was Associate Chief Reporter on the income tax project of the American Law Institute. His services to the organized bar are too well known to require more than mention here.

In November 1952, Professor Warren was named Acting Dean of the Faculty of Law; four months later he was appointed Dean. To the Columbia community, the most conspicuous achievements of his deanship is doubtless the new Law Building, to the making of which he brought to bear all his great powers of persuasion—first to raise the money, then to insure its architectural merits. Mere housing was not enough for one with a never-dormant interest in the arts. Dean Warren helped produce the first modern building at Columbia, then conceived and carried to completion the imaginative Revson Plaza with its Henry Moore and Lipchitz sculptures.

Even before the building was under way, more subtle, less visible, things were being achieved. In constant pursuit of excellence, Dean Warren promoted a policy of raising the standards of admission to the Law School and of augmenting student aid funds so that no gifted applicant need be kept away for the lack of money. Under his leadership, too, the Law School curriculum has been expanded to keep abreast of the times; the Law School Faculty has been enlarged and strengthened and its instructional work regularized and facilitated; the number and scope of research activities for both public and private service increased. Almost non-existent when he shouldered the responsibilities of the Dean's Office, the endowment of the various activities of the School has grown through his efforts to impressive proportions. It is hardly necessary to add, for all here present know this, Dean Warren has by the warmth of his personality fostered and multiplied the School's ties with the alumni who, when all is said and done, are the living hallmark of a sterling institution.

By his devoted service to the Law School and to our Association, Dean Warren has become one of us. For years, his effort to advance the cause of learning at Columbia has been our inspiration as well; we have all benefited by his success. It is accordingly our pleasure and our pride to bestow on him our Medal for Excellence.

PRESIDENT NIXON'S ADDRESS AT THE AIR FORCE ACADEMY

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. HOSMER. Mr. Speaker, today's Washington Daily News contains an editorial highly complimentary to the President and his courageous effort to make certain this country is defended. The editorial follows:

CONFRONTATION WITH REALITY

President Nixon is overloaded with problems, many of them tough and delicate. But none is tougher or more delicate and none involves more gambles, more misunderstanding or bigger stakes than the military-defense-peace situation.

This situation is a whole complex of problems, and it was this complex Mr. Nixon faced in his speech yesterday at the Air Force Academy. We think the public, Congress, our allies and our foes should have a better insight into the Administration position than they had before.

The President, it seemed to us, laid it on the line: What we have to do, why we have to do it, what the alternatives are.

"I have no choice in my decisions," he said, "but to come down on the side of security."

To fail in this would be to risk failure in survival.

Without security we could do nothing. We could not promote peace, we could not solve our domestic problems. The weak can only hope and beg. Only the strong can deter adversaries, or bargain with them.

Moreover, if the United States does not stay strong, does not keep geared to the danger that "has changed but . . . not vanished," does not lead in striving for peace—then, as Mr. Nixon says, "the rest of the world would be living in terror."

This, then, is the national policy—as it has to be.

But standing up for a policy is one thing; putting it to work another. Here too, though, Mr. Nixon faced the problems. And one of them is the rising torrent of anti-military oratory in Congress.

Mr. Nixon made plain his fundamental disagreement with "skeptics and isolationists" and effectively rebutted them. And he met head-on the new clique in the Senate which suddenly has loosed a blanket attack on "militarism" with all the generalities that connotes.

But even more reassuring was the President's statement that he was not disagreeing with those who reveal waste and inefficiency in defense operations, or who demand clear explanations of military buying policies, or who "want to make sure a new weapons system will truly add to our defense."

Such challenges are responsible and essential.

The military establishment invites much of the political assault it endures by its own shortcomings—by wasting money, by goofing on purchases, by going astray with its planning.

It is just as important for the President to recognize these things as it is for him to defend his Administration against the insinuations of ambitious political fault-finders.

The Defense Department should never be anybody's scapegoat, as Mr. Nixon said, but neither should it be everybody's sacred cow. It is not all virtue any more than it is all sinister.

The President, it seemed to us, was eminently sound in the perspective he applied to that issue.

We are in the midst of another hot debate—whether it turns out to be a "great debate" is uncertain. But the moral and social aspects of our defense posture, as well as the tactical phases, are being aggressively challenged—sometimes wisely and sometimes frivolously.

This is, by and large, healthy and necessary. Our strength is illusory if our policies are not resolute, if the enforcement of policy is confused, if our military system is not sharp and prudent, if our money is frittered away on the impractical or the wasteful.

What is cheering about Mr. Nixon's extraordinary speech at Colorado Springs is that it leads us to believe we have a President who clearly understands all these things, and is prepared to deal with them, who is keeping his cool and holding to his course.

And if this is so, then we can take heart that we may yet plod our way out of the babble of confusion and raucous dissonance which lately seems to have clouded our national purpose and dimmed our common aspirations.

BLOOD FOR HEMOPHILIA WEEK

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, June 5, 1969

Mr. FANNIN. Mr. President, a terrible affliction, hemophilia, often requires as many as 3,000 pints of blood per patient. In many families this condition afflicts two and sometimes three members. The resultant financial strain, not to mention the physical suffering, is terrific and becomes a very great burden. I ask unanimous consent to have printed in the RECORD a proclamation by the Governor of Arizona, Hon. Jack Williams, which designated the week of May 19 to 23 as Blood for Hemophilia Week 1969.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION—BLOOD FOR HEMOPHILIA WEEK/1969

Whereas, in a number of communities around our state, fellow Arizonans are victims of hemophilia—more than 70, as an example, in the Phoenix metropolitan area, alone; and

Whereas, any one of these victims can have need for as many as 3,000 pints of blood, as the result of a single episode—with a punishing financial burden accompanying the physical burden; and

Whereas, in some families there are two victims of this disease—and, in one case, three—thus compounding an already serious financial problem; and

Whereas, Arizonans always respond, in a spirit of community participation, to the needs of their neighbors and friends; and

Whereas, by becoming donors to the "Blood for Hemophilia": bloodmobile at its visits to five key locations around the Valley of the Sun, May 19–23, Arizonans can display that spirit, and fulfill a serious and continuing need;

Now, therefore, I, Jack Williams, Governor of the State of Arizona do hereby proclaim the period from May 19 through May 23 to be Blood for Hemophilia Week/1969, and do urge and encourage all Arizonans to support the good objectives of this observance by serving as blood donors for victims of hemophilia.

In witness whereof, I have hereunto set

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my hand and caused to be affixed the Great Seal of the State of Arizona.

Done at the Capitol in Phoenix this 2nd day of May in the year of Our Lord One Thousand Nine Hundred and Sixty Nine and of the Independence of the United States the One Hundred and Ninety-third.

[SEAL] JACK WILLIAMS,
Governor.

Attest.

WESLEY BOLIN,
Secretary of State.

A CONVICTION THAT COMES FROM THE HEART

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. SATTERFIELD. Mr. Speaker, we read and hear a great deal about whether this Nation should be involved in Vietnam. I have been impressed by the fact that our fighting men there have reflected strong convictions in support of that involvement. One such expression came to my attention recently in the form of a letter written to the student newspaper of the Bladensburg High School in Bladensburg, Md. The letter was written by a former student of the school L/Cpl. Bennet W. Dixon, who is now serving with the Marines in Vietnam. By way of further introduction, Corporal Dixon is the son of William J. Dixon, a member of the professional staff of the House Interstate and Foreign Commerce Committee.

At this point I would like to insert this letter in the RECORD since it is an observation that comes from the scene, and a conviction that comes from the heart:

LETTER FROM CPL. BENNET W. DIXON

First of all, I'd like to commend the editor and all personnel involved in putting out the Scroll. While I've been here in Viet Nam, I have found the Scroll a very informative paper expressing "the latest" at Bladensburg High. Being a student at BHS for a short time prior to my enlistment in the Marine Corps, I felt compelled to write in regards to the article, "Teachers Speak Out on Viet Nam" (Scroll, February).

Realizing that the statements published were personal convictions and opinions, to which everyone is entitled, I still felt the need to comment on one statement which particularly stood out in my mind. This statement was under the heading, "Doves of a Feather"—"We shouldn't be in there now. The people don't want us there. The principle is fine, but I don't think the people are worth saving." As a person and Marine I feel we are definitely needed here. And as far as I can tell, the only people who "don't want us here" are the Viet Cong and NVA. And as for "the people aren't worth saving", well, I think that statement is absurd. Any human being is worth saving. Everyone has the right to live and work for his own benefit without the fear of someone coming with hostility and aggression.

I have seen a few of my friends killed over here and heard of many others. They died for a very noble cause. Everyone of us who is over here is willing to make the same sacrifice if the cause arises. The people here appreciate it and thank us for it in their own special way. A smile from the elders of the village, a wave or thumbs up from a five year old as you ride past, all give the American servicemen a feeling of warmth knowing that we are wanted and appreciated.

I could go on for pages relating my experiences of the past 6 months but time does not permit. One again I thank you for the excellent work you do on the Scroll. As one baby-san might put it—NUMBAH ONE, Scroll. Thank you.

Sincerely yours,

L/Cpl. BENNET W. DIXON,
U.S. Marine Corps.

NINE RESOLUTIONS

HON. JAMES B. UTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. UTT. Mr. Speaker, I would like to include in the Extensions of Remarks in the RECORD for today the nine resolutions which were adopted by the National Association of Pro America at their national board meeting in Tacoma, Wash., on May 2, 1969. I believe that these resolutions deserve wide attention.

RELIGIOUS FREEDOM IN THE UNITED STATES

Whereas for over a century and a half of our existence as a nation, it was recognized that the first ten amendments to the Constitution known as the Bill of Rights prevented Congress from ever interfering with rights of individual citizens of the United States; and

Whereas contrary to the expressed intention of the framers and ratifiers of the Fourteenth Amendment the Supreme Court of the United States has recently misinterpreted the Fourteenth Amendment to limit the provisions of the First Amendment; and

Whereas in pursuance of this unconstitutional assumption, the Supreme Court in 1962 handed down a decision which ignored the first article of the Bill of Rights which guarantees religious freedom, in banning the "Regents' Prayer" from the public schools of New York State; and

Whereas correction of this situation by constitutional amendment is both unnecessary and dangerous since it falsely implies that the Federal Court was acting constitutionally, and will inevitably result in placing federal government in the field of religion contrary to the intention of our founding fathers in the first amendment; therefore

Resolved that the members of the National Association of Pro America, acting as individuals urge their congressmen to exercise their constitutional authority under Article III, Section 2 of the United States Constitution to remove from the Supreme Court all jurisdiction over cases involving the issue of religion.

THE U.S. FLAG

Whereas the United States Flag Code is frequently violated because of lack of appreciation of the symbolic meaning of our Flag; and

Whereas certain persons have violated the Code and shown disrespect for the Flag by flagrant abuses on the ground that it is their sacred right to misuse the Flag as an expression of protest, and this is sometimes done by desecration or by caricature; therefore

Resolved that the National Association of Pro America urge the Congress to enact the necessary legislation to make any desecration of the Flag as described in the present Flag Code a criminal offense, and

Be it further resolved that maximum penalties be prescribed for any violation of such legislation.

COLLEGE AND UNIVERSITY DISTURBANCES

Whereas pro America prizes the individual's right to reasoned dissent but deplores the abuse of this constitutional freedom; and

Whereas the education of vast numbers of college and university students is being frequently interrupted and curtailed by the fomentation of "sit-ins", "study-ins" and serious riots on campuses,

Resolved that the National Association of Pro America commend the 1968 Congress for its legislative action, requiring the withholding of student loans, tuition grants and scholarship funds from colleges which retain faculty members and/or students who participate in acts of campus violence or destruction of college or university property, and

Be it further resolved that the National Association of Pro America commend the Department of Justice for its decision to prosecute agitators who travel from state to state to promote violence on campuses of educational institutions, and

Be it further resolved that Pro America urge the Congress to use every available means to combat the current situation in educational institutions which does violence to the very nature of education in the United States.

HOUSE COMMITTEE ON INTERNAL SECURITY

Be it resolved That the National Association of Pro America commend the House of Representatives for voting on February 14, 1969 to retain the functions of the House Committee on Un-American Activities under its new title House Committee on Internal Security, and urge the continuation of a constructive and vigilant study of subversive activities affecting our nation.

THE ELECTORAL COLLEGE

NOTE.—The National Association of Pro America endorses the following resolution which was adopted April 16, 1969 by the National Society, Daughters of the American Revolution at their Continental Congress in Washington, D.C.

Whereas in providing the Electoral College it was the intent of the Constitution of the United States of America to give American voters the same numerical representation in selecting a president as they enjoy in their representation in Congress, but this objective has long been thwarted by application of the unit rule or "winner take all" of the electoral votes to which a given State is entitled; and

Whereas the State of Maine by its recent action has demonstrated that it is within the power of the States, without Constitutional amendment or federal legislation to eliminate the unit rule, and Maine has now substituted a district plan of selecting electors, under which electors will be chosen by Congressional Districts and will vote for the candidate with the winning margin in the district, with two electors chosen at-large who will vote for the candidate with the popular majority in the State; and

Whereas the District Plan, by giving each voter one vote in his district together with the two votes of the electors chosen at-large to represent the vote of the State would be consonant with the provisions of the Constitution of the United States of America, in that it would retain the Electoral College and would require electors to represent the will of voters by Congressional Districts as well as the State; and

Whereas the method of direct election would mean abandonment of the federal system of representation, would risk federal control of elections, and would deprive the small or less populous states of the protection now provided by the two electoral votes representing their senators;

Resolved that the National Association of Pro America commend the State of Maine for

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adopting the District Plan of representation and voting in the Electoral College;

Resolved that the National Association of Pro America urge the several States to exercise their Constitutional powers; abolish the present bloc system of voting in the Electoral College; and adopt the District Plan, under which the body of electors comprising the Electoral College would represent the votes of each Congressional District and the two at-large votes to which each State is entitled, thereby giving the American voters equal representation in a presidential election.

Changes in the Voting Age

Whereas due to the post World War II population increase and the progressive lowering of the age balance, there is a concerted pressure to lower the present legal voting age; and

Whereas the lower age group is for the large part still in the sheltered sanctuary of their parents, economically dependent, without practical experience in the business world, with little training beyond technology and theory in economics learned from teachers versed only from textbooks; and

Whereas high school and college campuses would not be the ideal area for political campaigning from the viewpoint of the academic purposes of educational institutions and the gravity of the issues involved in an election; and

Whereas the argument that a man old enough to fight for his country is old enough to vote does apply in some cases, but out of eleven million in this age group, less than one million are in the military service and these are trained for the most part to obey orders; and

Whereas politicians taking advantage of the emotionalism and idealism of this proposed new bloc of voters could easily appeal to their special interests detrimental to the nation as a whole; therefore

Resolved that the National Association of Pro America urge all states which have not lowered the voting age to retain the present legal age of twenty-one years, and that the voting procedure be left in the control of the sovereign states, thus limiting further federal centralization.

Red China

Whereas Red China has consistently demonstrated her animosity toward the United States; and

Whereas Red China has refused to conduct her international relations in accordance with accepted diplomatic policies; and

Whereas Red China having seized control of mainland China through an international Communist conspiracy, is dedicated to spreading Marxism throughout the world,

Therefore, resolved that the National Association of Pro America urge the Administration and the Congress to resist all pressure to grant diplomatic recognition to Red China.

Sex Education

Whereas organized sexologists operating on grants from tax-exempt foundations and funds from the federal government are promoting courses in sex education in public and private schools from the kindergarten through the twelfth grade; and

Whereas some of the officers and directors are connected with pornographic publications; and

Whereas the goal of these organizations appears to be carrying out the declared intention of the International Communist Conspiracy with regard to breaking down the morals of the American children and youth; and

Whereas their programs present premature sex awareness in graphic forms using audio-visual aids, models, pictures, and charts which may result in irreparable psychological harm, especially since emphasis is placed on divorcing the subject from morality and stressing "situation ethics"; and

Whereas sex perversion, premarital sexual intercourse, and extra-marital intercourse are being presented as permissible in this so-called modern progressive society; and

Whereas the example of Sweden after twenty-three years of this type of education shows increases on a vast scale in illegitimacy, venereal disease, alcoholism, and suicide; therefore

Resolved that the National Association of Pro America oppose sex education in the schools of the nation.

Agricultural Workers

Whereas pro America believes it is the right of an individual to join or not to join a Union; and

Whereas proposed legislation calls for an amendment to the National Labor Relations Act, extending the collective bargaining rights of agricultural employees, which would destroy Section 14b of the Taft-Hartley Act, therefore

Resolved that the National Association of pro America reaffirm its several resolutions supporting the Taft-Hartley Act, and urge Congress to resist all attempts to repeal or modify that part of Section 14b which leaves the authority to the States to decide right-to-work laws.

COUNCILMAN BOB LEAVITT—A GREAT AMERICAN

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, a loyal and devoted American, and a longtime close personal friend—the late Robert R. Leavitt, of Crescent City, Calif.

Bob Leavitt's untimely passing at the early age of 41 years once again reminds us of something that he believed in so fervently—"that there is so much to be done and so little time to do it in."

Here was a man who was both active and deeply involved in service to his fellow men, to his community, to his friends and neighbors, and to the country that he loved so greatly.

Bob was born in Klamath Falls, Oreg., but grew up and attended public schools in nearby Medford. He served in the Armed Forces with honor in both World War II and the Korean conflict and, although interrupted by subsequent military service, was employed by the Pacific Power & Light Co. since 1945.

Bob Leavitt was never satisfied with merely "talking about problems." He was best known as an energetic and probing public servant who gave so much of his limited time and boundless energy to the business of "problem solving."

He was a member of the city council in Crescent City, Calif., at the time of his passing last month. Prior to this, he served on the Crescent City Planning Commission for 7 years, with part of this service being as chairman of this commission. He also served as a city council representative on a triagency committee for the development of harbor and waterfront facilities for the county of Del Norte.

Beginning early in life, Bob was active in local civic activities including the Jaycees, boys club, and athletics. In addition, he was a past exalted ruler of BPOE, Elks Lodge No. 1689, in Crescent City, and at the time of his death, was the secretary of his lodge.

Typical of his desire to be active and involved, Bob could not resist the call and the challenge of politics, and it was in this context, that I became personally and intimately associated with him.

Bob first became active in politics through the Young Republicans in our home county of Del Norte. In addition, he served on the county Republican central committee, and in my own campaign for reelection in 1964 I was deeply privileged to have Bob working in my behalf as my first county chairman.

Certainly, I have lost a close personal friend and I feel that loss deeply. In an age when human life is constantly being extended, it is difficult to fully comprehend the tragic and sudden departure of one that you have known so intimately, admired so greatly, and shared with so completely, as I have with Bob Leavitt.

It has been said, and rightfully so, that "a person does not find life worth living; he makes it worth living."

Bob Leavitt made life worth living, both for himself and for those around him—he made it meaningful and exciting. He had intense compassion for people; especially for those who had problems and were in need of help.

It was not unusual then, that he should find interest in and devote himself to public service and community action. His was a life filled with the challenges of our time—personified by the highest qualities of honesty, integrity, and dedication to purpose.

I will always remember Bob as the "can do" guy. To him, no request was too large, no challenge too great, no task too big, no person too "small."

As a city councilman, Bob served the community of Crescent City with distinction. He could always be depended upon to render decisions on the issues and proposals before him, only after careful analysis based on fairness and merit. That was the kind of a man Bob was, and this is the way in which he will be remembered.

I am proud to have known Bob Leavitt, and privileged to have called him my friend. Our lives, our goals, and our dreams were so closely intertwined that at times, I can honestly say that we literally thought and functioned as one person.

I know how deeply and how much this tragedy means to Bob's lovely, faithful, devoted wife, Doris, and their four children. To them, I extend my sincere and heartfelt sympathy in this, their darkest hour.

While all of us who knew and admired Bob Leavitt will miss him greatly, his memory and the contribution he made to his community and the country will live on forever. Bob, your Del Norte friends, including your Congressman, will never forget you.

In mourning Bob Leavitt's untimely passing, I can think of no more appro-

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priate closing verse than the words of Dandemis:

> No man knows but that today's setting of the sun may be his last here on earth. Tomorrow, when he stands in the presence of his Creator, when in a flash, he sees the purpose of life, when he is asked what progress he has made, happy will he be who has exercised the principles of virtue, for he will reap the seeds he has sown during the fruitful years of his visit to earth.

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. NICHOLS. Mr. Speaker, there is much controversy today over the expenditure of funds for defense of our country. Personally, I find it difficult to place any dollar value on the defense of the freedoms we enjoy in America. I was particularly interested in the comments of Adm. H. G. Rickover which were contained in James J. Kilpatrick's column this week. Under unanimous consent I submit this column for inclusion in the CONGRESSIONAL RECORD, and I further urge my colleagues to give close attention to Admiral Rickover's message:

RICKOVER VIEWS ON ARMS DEBATE MERIT ATTENTION

(By James J. Kilpatrick)

Several weeks ago, Sen. John O. Pastore wrote to Adm. H. G. Rickover. The senator asked for the admiral's views on where the nation is going and what needs to be done in a military way at a time of national debate on preparedness.

Rickover responded with a letter that merits the widest possible reading. Let me give him the floor:

"The first point I would like to make," Rickover wrote, "is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forgo recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

"I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us to win World War II. The war itself was prolonged because the Congress—heeding the 'merchants of death' argument—in 1939 prohibited shipment of war materials to Britain and France.

"Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants, charged with the awesome responsibility to secure our country against foreign conquest? Or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer?

"Would the majority of the electorate accept their argument that, given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

"As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8 percent of total U.S. goods and services. Omitting the costs of the Vietnam war, and allowing for inflation, our armed forces have less buying power today than a decade ago.

"In the Soviet Union, on the other hand—according to the annual report of the congressional subcommittee on foreign economic policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. . . .

"If history teaches anything, it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. . . .

"As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second 'absolute right inherent in every Englishman.' Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. . . .

"There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our defense capability recognizing full well that there will then be no one left to prevent the takeover by Communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily."

UNITED STATES HOPES TO SAVE BANKS FISHING

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. KEITH. Mr. Speaker, unquestionably the most pressing problem facing the New England fishing industry today is the haddock crisis. Due to substantial overfishing caused by an influx of foreign fishing fleets into the Georges Banks area off Cape Cod, this traditionally rich fishery has been depleted to such an extent that its very survival is in question.

The international convention of the Northwest Atlantic Fisheries has convened to determine what action is necessary to save this historic fishery. The U.S. representatives are prepared to ask for a voluntary moratorium on fishing on Georges Banks by other nations, and to limit the amount our own fishermen can take.

One of the more perceptive analyses of this critical situation was recently published by the Cape Cod Standard-Times. I commend this article to the attention of all Members and citizens concerned with the fishing industry, and with the larger issue of proper utilization of our natural resources. For fish, as much as forests or water, are a vital national resource—and the consequences of heedlessly exploiting these resources are grave.

The article follows:

UNITED STATES HOPES TO SAVE BANKS FISHING

Hopes that the Cape Cod fishing industry can survive depend mainly on the success of U.S. efforts to obtain a moratorium from other nations on fishing the Georges Banks for haddock and cod.

The United States plans to ask Russia, Canada and all other fishing nations to "cease and desist" from taking the haddock and cod while New England fishermen take a reduced catch.

This is the only way the New England fishing industry can survive, and save the Georges Banks fishing from extinction, Ambassador Donald L. McKernan, special assistant for Fisheries and Wildlife under Secretary of State Rogers, says.

McKernan is preparing his case to be put before the International Convention of the Northwest Atlantic Fisheries meeting in Warsaw next month.

This fishing industry faces a most critical situation. The Georges Banks fishing ground has shown a great decline in haddock the last few years. Much of this is due to the great sweeps by the foreign fishing industry.

American biologists have suggested that the Banks be closed to all fishing. But fishermen in the area object because they say they would not be able to re-establish themselves without substantial federal aid if and when the haddock became plentiful again.

By reducing their catch during the time the Banks would be closed to foreign fishermen, they could stay in business and wait out the return of haddock to former strength.

The United States not only wants the ban on haddock but on cod too. While experts say cod is plentiful now, they want it included in the ban since cod are taken in hauling in haddock.

The United States is optimistic about obtaining the cooperation of the 14 nations in the International Convention.

The Georges Banks fishing ground is an important source of supply for these nations as well as our own fishermen. All have a vital stake in preserving these historic fishing grounds.

The situation has reached the critical point where everyone must cooperate to save the Georges Banks fishing or it will simply be ruined beyond salvage.

EAST-WEST TRADE AS A WEAPON

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. DERWINSKI. Mr. Speaker, the debate over the practical value of East-West trade continues to wage here in Washington.

A view which I believe to be extremely objective is carried in the Monday, June 2 Chicago Tribune. This editorial also refers to the very timely and constructive article by Senator EVERETT DIRKSEN in the June issue of Reader's Digest.

It is obvious that the senior Senator of Illinois understands the issue thoroughly and is not suffering from the illusions which beset some of his colleagues.

The editorial follows:

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East-West Trade as a Weapon

The Nixon administration has wisely decided not to relax controls on trade with the communist countries. The administration's position is that trade concessions should be linked with political reciprocity by the Soviet Union in areas where its influence is in conflict with the interests of the United States, such as Viet Nam, Cuba, Berlin, and the middle east.

This position was disclosed in testimony by state and commerce department officials before the Senate banking and currency committee in favor of extending the 20-year-old export control act, which expires June 30. The same officials opposed a bill by Sen. Edmund S. Muskie [D., Me.] to relax restrictions on controls, which is strongly supported by the Senate "liberals," both Republicans and Democrats.

Sen. Everett Dirksen and Sen. Charles H. Percy of Illinois, both Republicans, are on opposite sides of the question of trade with the communist countries, and the Nixon administration has adopted Dirksen's position. In an article in the June issue of Reader's Digest, Dirksen notes that the Johnson administration, "at a time when the Soviet Union and its satellites were keeping the Viet Nam war going," unilaterally removed from the commodity control list more than 500 items for which special licenses had been required for sale to the communist countries. Altho these items were called "nonstrategic," they included rifle-cleaning compounds, propellers, industrial chemicals, crude rubber, and aluminum and magnesium scrap.

The Johnson administration also authorized the export of 35 million dollars' worth of machine tools for an automobile factory which the Fiat company of Italy is constructing in the Soviet Union. Dirksen and other senators protested in vain that the Russians can use the machine tools for the production of armored cars, trucks, and other military vehicles.

Altho the Kennedy and Johnson administrations were obsessed by notions of relaxing tensions by "building bridges" of trade and friendship to the communist countries, the Russians themselves use trade as a cold war weapon. "Trade is an integral part of our foreign policy," says P. A. Chervyakov, a leading soviet economist. Russian oil has been dumped in western markets to expand soviet influence and obtain foreign exchange. While Czechoslovakia is forced to pay 18 rubles a ton, Italy pays less than 8 rubles.

The east-west trade potential is insignificant from the standpoint of the American economy and business profits. In 1968 exports to the soviet bloc were only 216.8 million dollars and imports from the same countries were only 198.4 million. Trade between our European allies and the soviet bloc is more substantial, but the United States should try to persuade them to limit the export of strategic items instead of competing with them for illusory profits.

Actually almost anything the Russians buy in the west is strategically important, because of the backwardness of their economy and their desperate need for western technological assistance. They are abreast or ahead of the United States in weapons technology only because they have devoted a disproportionate part of their resources to it. In a paper privately circulated in the Soviet Union and published abroad, Abel G. Aganbegian, a brilliant young soviet economist, says: "We have the worst and the most backward productive structure among all the industrially developed countries. . . . We employ more workers to do repair work than to produce new machines." Industrial output per worker is one-fourth and agricultural output is one-twelfth of United States production per worker, according to Aganbegian.

It would be a betrayal of our national interest, if not suicidal, to help the Russians catch up with us in technology while they are striving for strategic superiority.

CAUTION DUE ON HOME REPAIRS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. HUNGATE. Mr. Speaker, at a time when we are all concerned with consumer protection I am sure my colleagues will be interested in a comprehensive article containing helpful advice to avoid being swindled, which recently appeared in the Christian Science Monitor.

Caution Due on Home Repairs

(By Richard C. Halverson)

As sure as lilacs bloom in the spring, the favorite home-improvement swindles are again blossoming forth.

No amount of publicity seems able to nip in the bud these hardy, perennial home-improvement frauds:

Bait-and-switch, best-selling method of the gyp artist. A sharp salesman signs up a customer for, say, aluminum siding, at a bargain advertised that is too good to pass up.

Then he stuns his customer by confiding that the quality of siding just sold is no good. It will blow away in the first storm, he confesses. But he will kindly let the homeowner switch his order to a good grade of siding that will last. Relieved to get out of a bad deal, the hapless custmer buys the line—and may pay $3,000 for a job worth $2,000 from a reputable concern.

MODEL SCHEME

Model-home pitch, an easy way to pay $4,400 for a $400 roofing job. Follow closely. A salesman got a homeowner to sign a contract for $2,800 for the job actually worth $400 by promising to use his home as a model for other customers. For each prospect sold, the homeowner would get a $100 rebate—guaranteed to total $2,400.

When the payment book from the finance company arrived, the homeowner was hooked for payments totaling $4,400, including interest.

Needless to say, the Federal Housing Administration has banned such phony promises—which never pan out—on FHA-financed home improvements.

Gypsy driveway sealer. He just happens to be in the neighborhood with material left over from another job. He offers to coat and seal driveways for $20 or $30. But what he spreads may be just used motor oil that gets tracked all over the house. A nationally known gang, the "terrible Williamson family," among others has been working this hoary swindle for decades.

Wandering woodsman, offering low-priced tree trimming. Prized shade trees will take years to recover from his butchering.

Phony termite inspector. After getting into a house, he plants termites to convince the homeowner to pay for expensive spraying.

Roofing gyp. He shows the homeowner a handful of shingles, supposedly blown off his roof. The roofer offers cut-rate "repairs."

$12 BILLION TAB IN 1968

Homeowners fall for these medicine-man pitches because they "want something for nothing," says Leonard L. Sanders, president of Boston's Better Business Bureau (BBB).

Moreover, "people want to believe other people"—even total strangers—cautions Dermot P. Shea, head of Massachusetts's Consumer's Council. "They turn their backs on people they've dealt with all their lives and buy from wandering peddlers," Mr. Shea laments.

Homeowners spent a record $12 billion in 1968 for home repairs and improvements. How many hundreds of millions swindlers suck in each year never can be accurately tallied.

But it's clear they prey on the elderly and women. In one notorious case, a fraudulent contractor scared one elderly woman into spending $40,000 for bogus repairs to keep her $6,600 house from "falling down." In just 19 months, for example, her home was painted twice.

In another incredible case, different salesmen high-pressured a woman into signing for two reroofing jobs on the same house.

Despite consumer protection laws, says Mr. Sanders of the BBB, the homeowner still must look after himself. For instance, the federal truth-in-lending law, effective July 1 will give the homeowner three days to cancel a home-improvement contract that takes a second mortgage on his home. But, warns Mr. Sanders, the homeowner often finds out he has been taken only when the finance company payment book arrives 30 days later.

"Investigate before you invest"—a pet BBB slogan—sums up how a homeowner can guard against fraud. In a national survey, the Association of Better Business Bureaus found that an unbelievable 86 percent of homeowners fail to read and understand the home-improvement contracts they sign. And 71 percent could not even be bothered to get competitive bids for a job before signing on the dotted line.

HOW TO LICK 'EM

BBBs give away a checklist on how to deal with a home-improvement concern. It's called "27 Questions for Homeowners." See also the new BBB "Consumer's Buying Guide" ($1), which contains a chapter on home-improvement tips.

Those rackets would dry up and blow away if homeowners would:

Check the reliability of any contractor with the local BBB, the Federal Housing Administration, and other customers. The FHA blacklist of shady contractors contains more than 6,000 names.

Get several competitive bids.

Make sure the contract spells out the type and extent of work to be done and the quality of materials. Make sure the contract gets in writing any verbal promises by a salesman—especially guarantees.

Consult their bank about financing before signing a contract.

Never pay a salesman or contractor in advance for a job.

Never sign a completion certificate until the work is satisfactorily completed.

SUMMER "'WORK-IN" PROGRAM

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. COLLINS. Mr. Speaker, it has come to my attention during the past week that the Texas-Oklahoma leadership of the Students for a Democratic Society—SDS—has established a definite "battle plan" to shift their major thrust of activities from the college campuses to the factories this summer. I have in my possession, a complete list of defense-oriented plants in a five-State area, Texas, Oklahoma, Arkansas, Louisiana, and New Mexico, that the SDS has targeted for student violence this summer.

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By State, the list of plants selected are:

SDS Summer Plans Exposed

TEXAS

Dallas-Fort Worth area

Baifield Industries (Dallas)—Manufactures brakes for snake eye bombs.

Jet Research (Arlington)—Manufactures explosive detonators.

Space Corporation (Garland)—Bomb hauling and ground support equipments.

LTV (Grand Prairie)—A variety of defense related contracts.

Texas Instruments (Richardson)—A variety of defense related contracts.

General Dynamics (Fort Worth)—A variety of defense related contracts.

Bell Helicopter (Fort Worth)—A variety of defense related contracts.

Houston

Texas Instruments—Sensing equipment and bomb detection devices.

Austin

Tracor—Chaff dispension equipment to jam radar.

Waco

A. O. Smith—Bomb production.

McGregor

Rocketdyne—Explosives.

Longview

R. G. Letourneau, Inc.—Bombs, bomb fins, and warheads.

Pampa

Cabot Corporation—155 mm howitzers.

El Paso

Braddock, Dunn, and McDonald—Weapons systems evaluation.

San Antonio

The Porter Co., Inc.—Brace bomb dispenser.

OKLAHOMA

Quality Machine Works (Oklahoma City)—Bomb door releases.

Leeds-Northrup (Tulsa)—Hardware for missiles (slide wire).

Quality Machine Works (Oklahoma City)—Bomb door release.

LOUISIANA

Baifield Industries (Shreveport)—Bomb fin containers.

Explosive Devices, Inc. (Metairie)—Bomb cartridges.

ARKANSAS

Batesville Manufacturing Co. (Batesville)—Bomb installation equipment.

Camden Manufacturing Co. (Camden)—Ordnance items.

Ouachita Marine and Industrial Corp. (Arkadelphia)—Bombs.

NEW MEXICO

Hewlett Packard (Los Cruces)—Instrumentation.

Mr. Speaker, SDS leadership formulated plans for their national work-in program in Chicago in late April. In attendance at this convention was Roy Bartee Haile of Texas and his wife, Margie Bolton Haile. Haile, former SDS regional traveler for the Texas-Oklahoma region, currently serves as one of eight members of the powerful National Interim Committee of SDS—the top policymaking body of this student group. Haile also played a prominent role in the national SDS meeting in Austin in late March and has been assigned the top planning role in the work-in program both nationally and in our five-State region. Haile recently indicated that he is personally a Communist, and that many of the top leaders of the national SDS organization share his feelings.

Mr. Speaker, the work-in has as its stated objectives to transfer SDS activities from the classroom to the industrial plants of America. A secret instruction sheet outlining SDS objectives has been distributed nationally indicating "that closing down our schools is not enough. Workers produce and move the goods that are used in war and it is they who are primarily forced to fight the war. They can stop it."

Based on a number of personal conversations with the rank and file members of labor unions who staff the majority of the plants targeted on the five-State SDS work-in plan. I feel that the workers have little patience or respect for those who are trying to destroy America. It is quite probable that violence will erupt as SDS members try to forceably clog our machinery. It is for this reason that I am making this information, received in strictest confidence, public. I hope that it will serve to alert industrial executives to a real danger that they face this summer—a danger that can be averted only by prompt and careful scrutiny of prospective summer employees.

I and members of my staff have conferred with key members of the Justice Department, House Committee on Internal Security, and the intelligence division of the Dallas Police Department. My initial concern was to verify the confidential information received. I am now convinced that Bartee and Margie Haile and other top SDS leaders, have formulated a most ingenious plan to transfer chaos from the college campus to the industrial assembly lines. It is imperative that local police officials, industrial executives, union employees, and the general public be prepared to respond if, and when this devious plan is launched in our five-State area.

DEAF, BLIND CHILDREN TAUGHT IN VANCOUVER

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mrs. HANSEN of Washington. Mr. Speaker, there are often individual tragedies in life which are greater than the capacity of the victims to withstand. In these cases, a sensitive and benevolent Government has a responsibility to ease the burden.

This was the case during 1964 and 1965 when some expectant mothers were stricken with rubella. Many of their babies were then born handicapped—some both deaf and blind. In reaction to these tragedies, Congress provided meaningful legislation to ease the impact on the affected families and to help these handicapped children toward more meaningful lives.

Elisabet Van Nostrand, a reporter for the Vancouver, Wash., Columbian, has written an exceptional story about this problem which was carried by the Associated Press and printed in many newspapers, including the Longview, Wash., Daily News. Mr. Speaker, I insert her article in the Record, as follows:

Meeting With Debbie—Deaf, Blind Children Taught in Vancouver

(By Elisabet van Nostrand)

Vancouver, Wash.—I met Debbie before Debbie met me.

I watched her and heard her talking to her teachers before she even became aware of my presence at her side in the Washington State School for the Blind in Vancouver. Then we were introduced.

She ran her hands over my face and arms and said, "What's your name?"

She had troubles with "Elisabet." There are too many syllables, and my lips and throat moved too many times for her to quite catch it. She never really did, but she does understand and can repeat an amazing number of rather difficult words.

Debbie is 18 years old. She has never seen nor heard. She used to be one of the very few children in the United States who were born both deaf and blind. Now there are many like her.

The reason is rubella, or German measles, in the form of a virus epidemic that swept the country in 1964 and 1965. A mild disease that usually passes in a few days, rubella often has a tragic effect on children before birth.

Many are born with multiple handicaps, the most common ones rendering them both deaf and blind or causing deficiencies in the heart or mental capacity.

An estimated 20,000 pregnant women contracted rubella in 1964 and 1965. One of the results was up to 2,000 babies born both deaf and blind. About 500 of them are expected to benefit from some kind of education.

These children now are approaching school age, and that's where the Washington State School for the Blind enters the picture.

The institution is one of only seven schools in the country that have departments for children who are both deaf and blind. Most of them are in blind schools, partly because the equipment for the blind is more suitable for the deaf-blind than is equipment for the deaf, and partly because the deaf-blind socialize better with the blind than with the deaf.

While most of the school's present eight deaf-blind children are of high school age, the school now expects an influx of very young children. Washington and Oregon alone have 30 known deaf-blind children mostly 4–6 years old.

But not only Washington and Oregon deaf-blind children will come to the Vancouver school. The state blind school was recently designated one of eight regional centers for such children and will also serve Alaska, Idaho, Montana, North and South Dakota and Wyoming.

In addition, says Supt. Byron Berhow, children from other parts of the country will be accepted, especially if they have relatives in the area.

Only one of the school's present eight deaf-blind children. Debbie, was born with this multiple handicap. "Up until now, there have never been more than about 100 deaf-blind children in school in the whole country," Berhow said.

"Now the push will begin with all these small children," he said. "It's a terrible thing and there are few teachers available. Still, the United States wasn't caught totally unprepared like England was a few years ago."

In anticipation of the many deaf-blind children caused by the rubella epidemic, Congress passed Part C of Title I of the Elementary and Secondary Education Act, authorized the creation of the regional centers.

The Washington state school received a federal grant of $156,926 recently to establish one such special regional center for deaf-blind children.

"Federal aid is needed because the problem is simply too great for the individual states to handle," said Berhow, who was a member of a special committee called to Wash-

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ington, D.C., to help form the legislation and draw up the guidelines. This work has been in progress for about two years.

By September, the Washington school expects to have about 15 children. A new cottage for 20 boys and girls who are multi-handicapped will be ready then.

"This will be an entirely different project than our present one, because the children will be young," the superintendent said. "We will develop the training program in conjunction with Portland State University. All teachers must have training."

At the present, Mrs. Ruth Richardson is supervisor of the school's deaf-blind department. Two teachers help her. Two more teachers will be added next year, along with teachers' aides and houseparents. The school will also employ a coordinator for the entire program.

Because so many parents are totally baffled by the magnitude of their child's handicap, the children often come to the school as little savages with no knowledge of the world around them. Many have been kept in cribs for years, and the teachers must begin by creating some kind of awareness in them.

Like with all other children, some are smarter than others. Debbie is considered quite intelligent, and she manages extremely well despite her handicaps.

TRIBUTE TO DWIGHT DAVID EISENHOWER

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. HALPERN. Mr. Speaker, June 6 marks the anniversary of D-Day, that historic moment in history when the eyes of the world were focused upon the invasion forces of the Allied army and the activities of its Commander in Chief, Dwight David Eisenhower. It is fitting that at this anniversary of that landing we again pay tribute to the man who left his mark on history not only as a military leader but as a political leader as well.

But it is perhaps the mark of a man that we remember him more for his human qualities than for the imprint that he leaves on mankind. Dwight David Eisenhower certainly engraved his name in the history of the 20th century—commander of the greatest invasion force ever assembled in the history of man, university president, author, and President of the United States—yet he is best remembered in the hearts of Americans as a man loved by the people.

He was of the very essence of America. Born to a poor hard-working family in Texas, his warm, outgoing personality engendered the friendship, admiration, and trust of those who came to know him. Upon graduation from West Point, he began in 1915 one of the most successful military careers in the history of the United States. To have led the legions of democracy against the armed might of tyranny would have been reward enough for most men but for General Eisenhower a life of public service could not be so easily ended no mater how richly deserved. After a short term as president of Columbia University, he again returned to the service of the United States in the capacity of commander of the newly formed North Atlantic Treaty Organization. As he had done during the Second World War, he succeeded in welding into a single fighting force the many diverse armies that are part of the common European defense.

Recognizing his talents, the American people called upon him to give yet more of himself to public service. Rising to the call, he spent 8 years providing the American people with that determined, studied leadership ever mixed with a depth and breadth of human understanding that he had so amply displayed in the past. As President of the United States, he placed principle above expediency both at Little Rock and Suez. He sought to maintain democracy wherever it was threatened, whether Lebanon or Berlin. He strove constantly for peaceful coexistence with the Soviet Union while maintaining security for the free world. As new nations emerged from old empires, he remembered that America, too, had fought for its independence against empire and consequently he devoted considerable effort on behalf of these nations struggling with the manifold problems that attend newly won freedom.

At home he provided Americans with great leadership amidst crisis. After the Soviet technological successes of 1957, he pressed for and succeeded in obtaining significant Government assistance to education. So that all of our citizens would be equal under the law, he sought and obtained far-reaching civil rights legislation.

It is possible that other men of similar devotion to duty and general excellence might have accomplished some or even possibly all that President Eisenhower did. But in such a case, one would only be recounting deeds rather than telling of a man and above all things, Dwight David Eisenhower was a man that America knew it could look to for leadership, honor, respect, and, from the very depths of his heart, love of everything America has ever stood for.

DOUGLAS SHOULD GO

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. GROSS. Mr. Speaker, the case against Associate Justice William O. Douglas, of the U.S. Supreme Court, into which new elements of involvement and association beyond the Court are coming to light almost every day, can be boiled down to these specific counts:

First. Justice Douglas violated the American Bar Association canons of ethics and may have violated the Federal criminal law in a letter of May 14, 1969, to Albert Parvin giving advice on legal matters involving the Parvin Foundation and a controversy with the Internal Revenue Service.

Second. Justice Douglas accepted a fee of at least $350 for an article published in Ralph Ginzburg's Avante Garde that consisted of the worst in hard-core pornography. A full-page picture of Justice Douglas and his article on folk singing were featured in the advertising and general promotion of this magazine with its sordid contents of pictures, poetry, and articles that can only be described as filth. Justice Douglas voted against a 5-to-4 Supreme Court decision in 1966 that upheld conviction of Ginzburg for selling hard-core pornography. There are several other suits involving Ginzburg that are in the appeal process and could come before the Supreme Court.

Third. Justice Douglas has continued his association with the Parvin Foundation despite knowledge as early as 1966 that its funds came from Las Vegas gambling casinos that were well publicized as fronts for notorious syndicate gambling and "skimming" operations. The fronts for the syndicate mobsters would appear to include Albert Parvin, Edward Levinson, Edward Torres, and others according to information obtained through Federal law enforcement sources.

Place these facts against the canons of ethics of the American Bar Association that demand our Federal judges be models of propriety in their private as well as their public lives. It is my opinion that Justice Douglas has violated the same canons that were violated by former Justice Abe Fortas in his relations with Louis E. Wolfson. I believe these facts are accurate, and that the opinions on these conflict of interests and other improprieties are within the context of those facts and reasonable interpretation.

If there are those in the House of Representatives, or if there are friends and supporters of Justice Douglas, who have other facts that are relevant to these problems I would welcome that information if it would change or modify this situation in the slightest. If Justice Douglas, or friends of Justice Douglas in the Congress, have any facts to produce or opinions to express, this is the time to do it.

On the basis of the information now in the public domain this is a grave matter, and I have reason to believe that other information will emerge shortly. If Justice Douglas does not see fit to resign, then the time has arrived for him to give a detailed accounting of all his actions involving financial transactions, and the associations that were the beneficiaries of his legal advice beyond the Supreme Court.

Failing to do this within a reasonable period of time, Justice Douglas should know that he will very likely be confronted with impeachment.

I submit for printing in the Record, at this point, the following article from the June 4 issue of the Des Moines Register:

U.S. Reports Link Parvin to Mobsters

(By Clark Mollenhoff)

Washington, D.C.—Albert Parvin's alleged connections with several notorious syndicate mobsters have become the focal point of the government investigations of the activities of Associate Justice William O. Douglas.

The investigation centers around the fact that Douglas received $12,000 a year as president of the Albert Parvin Foundation from

1962 until he resigned recently. The Parvin Foundation received the bulk of its income from holdings in a number of Las Vegas gambling casinos, including the Fremont Hotel.

Within the last few days, at least four government agencies have submitted information to several key figures in Congress dealing with the background of Parvin, the operations of the Parvin-Dohrmann Co. and the Parvin Foundation. The Treasury Department, the Justice Department, the Securities and Exchange Commission and the FBI have all compiled reports dealing with Douglas and the financing of the foundation.

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At least one of these reports reportedly relayed information identifying Parvin, a former Chicago, Ill., man now operating in Los Angeles, Calif., as a frequent associate of such important syndicate hoodlums as Meyer Lansky, Frank Costello and the late Benjamin (Bugsy) Siegel.

Key congressional figures who have been pressing for the Douglas investigation by the Nixon administration said Tuesday that Douglas has become aware of the extent of the government investigations of Parvin's background, and has indicated that he will resign within a few weeks.

It is expected that Senator Paul Fannin (Rep., Ariz.), Senator Carl Curtis (Rep., Neb.) and Senator James Eastland (Dem., Miss.) will speak on the Senate floor before the week is out, stressing the connections between Parvin and gambling figures that go back at least to 1940.

Senator John J. Williams (Rep., Del.) has asked the American Bar Association for an opinion on whether Douglas has violated the A.B.A. canons of ethics in receiving $12,000 a year from a foundation financed partly by money from Las Vegas gambling casinos.

The reports by government agencies to the Congress stress that Parvin was arrested in the mid-1920s on charges of receiving stolen property. The charges were dropped when Parvin made restitution.

The reports state that Parvin's relationship with Bugsy Siegel, former operator of the Flamingo Casino in Las Vegas, started in the early 1940s. Siegel was slain in a dispute of the management of the Flamingo, and later it was taken over by Gus Greenbaum who, it was reported, had been designated to run the casino by those who had originally backed Siegel.

At some point before 1960, Parvin obtained a large interest in the Flamingo.

In 1960 and 1961 when he established the Foundation and named Justice Douglas the president, the major asset was listed as a $1.2 million interest in the Flamingo.

Parvin was reported to have become wealthy in operating a firm that sold equipment and supplies to restaurants and hotels.

In 1966, the Parvin-Dohrmann firm purchased the Fremont Hotel from a group of stockholders that included Edward Levinson, Edward Torres and others who were under investigation by the Internal Revenue Service and the Justice Department for alleged "skimming" of millions of dollars in cash from the Fremont casino gambling profits.

The indictment of Levinson and Torres in May, 1967, on charges of filing false tax returns was returned only a few months after Parvin-Dohrmann purchased their interests in the Fremont in a deal that included agreement to pay several million dollars in cash plus $100,000 a year each for five years to Levinson and Torres.

Levinson and Torres were to continue to run the Fremont for the Parvin-Dohrmann firm, and to have a role in the management of two other Las Vegas casinos—the Stardust and the Aladdin—that were being purchased by Parvin-Dohrmann.

Records filed in the United States Tax Court show that in the last few weeks the Nixon administration has initiated action to collect more than $4 million in back federal taxes from the Fremont Hotel Corp. It was only one of several Las Vegas casinos involved in what has been described as a Mafia-directed "skimming" operation.

In the case of the Fremont alone, the tax investigators contend in the period from 1962–64 the Fremont "understatement of gross income from craps (a dice game)" was $5,324,213, and the casino owes $4,228,794 in delinquent taxes and civil fraud penalties.

Government agencies have informed key congressional figures that at least $12 million a year was taken from the Las Vegas gambling casinos in cash. It did not go through the casino books, and no federal or local taxes were paid on it.

Levinson and Torres have been identified as a part of the active "skimming operation," and government sources say they took an active part in sending the millions in cash to Miami, Fla., where Meyer Lansky, identified by various committees as the Mafia's chief financier, arranged for delivery to numbered bank accounts in Switzerland.

The Securities and Exchange Commission is involved in the current investigaton of the Parvin-Dohrmann firm through its effort to determine the real purchasers of Parvin-Dohrmann stock from the Parvin Foundation. The purchases were made through the Bahamas and through international money that appeared to have originated in Swiss banks.

NEW AMERICAN POLITICS: ENABLING THOSE WHO CHANGE THEIR RESIDENCES TO VOTE IN PRESIDENTIAL ELECTIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following comments recently made by Hubert Humphrey urging that our registration laws be structured to encourage every American citizen to register and vote for presidential candidates on election day simply by going to the polls and properly identifying himself or herself as to name and residence.

To enable 5 million citizens who were disenfranchised by our residency laws from voting in 1968 to vote in subsequent presidential elections, 62 Members to date have joined Congressman Brademas and myself in cosponsoring introduction of the Residency Voting Act of 1969. It is also encouraging to note that 25 colleagues of Senator Kennedy joined him on May 14 in cosponsoring introduction of a similar measure, the Voting Rights Amendments of 1969.

I urge my colleagues to consider the former Vice President's remarks with a view toward achieving early enactment of legislation to allow every voting age citizen to cast a ballot for the President and Vice President on election day.

Mr. Humphrey's comments, appearing in the June 2 edition of the Washington Daily News follow:

LET'S ALLOW AND ENCOURAGE EVERY AMERICAN CITIZEN TO VOTE

(By Hubert Humphrey)

Americans take great pride in our nation's democratic traditions, but I couldn't help wondering during the 1968 presidential campaign why we make it so difficult for our citizens to vote.

The United States is, after all, the best educated and most technologically advanced country in the world. Almost every American has a radio and television set and is kept informed on important issues.

Why shouldn't we let every voting age citizen cast a ballot on election day? I think we should.

But look at the results from 1968.

Of 120 million voting age Americans, only 72 million cast a ballot for president. That means 48 million were left out.

President Nixon, who received 42 per cent of the votes cast, actually won the support of only one in every four voting age Americans.

Does this mean Americans are lazy or indifferent about electing their president? I don't think so. But, as a nation, we can certainly do better.

One problem is that we still have a paper curtain of old-fashioned registration and voting laws which keep people away from the polls. The right to vote is a privilege, but why make it so difficult?

Take residency requirements, for example. Every year 20 million Americans move to another state. Many of these citizens are prevented from voting for president until they have lived in their new state for one or even two years. In 1968, five million citizens were disenfranchised by the residency laws.

But these are American citizens, wanting to vote for a national leader. Why should anyone have to live in a state for a year before he or she can vote for president? It may have made sense in the horse and buggy days, but it doesn't today.

We also have a crazy quilt of absentee voter laws. In 1968, six million Americans didn't vote because they couldn't leave work or because they were away from home. Another seven million didn't vote because they were sick or disabled and couldn't get to the polls.

We ought to help these people to vote. Yet, in many areas, citizens have to penetrate a bureaucratic maze in order to cast an absentee ballot.

We also keep many of our citizens from voting by just plain making it hard for them to register to vote. Our political parties expend a tremendous amount of time and energy just telling people how and when and where to register.

In many communities there is only one place to register to vote. It is often an office, tucked away in some county or city government building, with hours of operation that make it difficult for the working man or woman. Is it any wonder that many a citizen grows cynical of government?

In this electronic age, when we are able to keep accurate and up-to-date census and tax lists on computers, we ought to take the burden of registration off the individual and put it on the government.

We ought to do away with the 45 and 60 and 90-day registration cutoffs. We ought to do away with the one and two year residency laws.

Every American citizen ought to be able to register and vote on election day by going to the polls and properly identifying himself or herself as to name and residence.

In some ways, we have done well in expanding suffrage in this country. Since the passage of the voting rights act of 1965, the registration of blacks in the South has doubled. The old barriers of property ownership and sex and race have been struck down.

The next goal should be the lowering of the voting age. Our young people today are the best informed, best educated, most idealistic generation in our nation's history. They want to participate. We ought to let them. I have long supported lowering the voting

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age to 18, and it is time we moved in this direction.

Then too, the president and vice-president should be elected by direct popular vote. The out of date electoral college should be scrapped.

Before 1972, let's go to work to get state legislatures to bring registration and voting laws into the 20th century. Let's tear down that paper curtain. Let's live up to our democratic heritage by allowing and encouraging every American citizen to vote.

A BOLD NEW APPROACH TO CURE THE ILLS OF AMERICA'S POSTAL SYSTEM

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. PUCINSKI. Mr. Speaker, earlier today Cook County Commissioner Harry H. Semrow, who was postmaster in Chicago from 1961 to 1966, proposed a bold new approach to the delay and problems of our Nation's postal system.

Few men in this country are as well qualified to discuss the problems of our postal system as Harry Semrow. As postmaster in the biggest post office in America for 5 years, Harry Semrow had a chance to observe first hand the herculean problems faced by our postal system.

Mr. Semrow, besides being the commissioner of the Cook County Board, is in his own right a very successful businessman who knows well the value of a good postal system.

Mr. Semrow has, today, proposed that we separate the first-class mail from bulk mail. Under his proposal we would have the Federal Government continue providing mail service for first-class mail and a quasipublic agency, as suggested by President Nixon, to handle all of the bulk mail including parcel post and third-class mail.

In Mr. Semrow's proposal newspapers would be treated as first-class mail.

I believe that this merits full discussion, and have asked the legislative council to prepare for me proper legislation to implement Mr. Semrow's proposal.

Mr. Speaker, our Nation is heading for a trillion-dollar economy. First-class mail takes on additional significance and importance when we consider that the advent of credit cards and other billings constitute the very lifeline of our economy.

We must start treating first-class mail on an entirely special basis from all the other material sent into the average home in America if we are to avoid a complete breakdown of our own commerce.

I believe that Mr. Semrow is to be congratulated, and it would be my hope that President Nixon would invite Mr. Semrow to an advisory board to help draw up an appropriate postal system for America.

Mr. Semrow's statement issued in Chicago, Ill., today, follows:

STATEMENT BY COMMISSIONER HARRY H. SEMROW

I take this opportunity to commend President Nixon on his concern over the growing mail service delay in America. What's more, I warmly second his sentiment that in finding the solution—and I quote him—"There is no Democratic or Republic way . . . there is only the right way."

As Postmaster of the Chicago Post Office for five years, one of the biggest and most vital of all post offices in the postal system, I had the opportunity to direct 27-thousand employees to handle 7-billion pieces of mail a year, and in general, to get more than a first-hand view of postal operations. In making an analysis of what the problem is in the postal system, there can only be one conclusion—and that is industry with its heavy outpouring of parcels, advertising gimmicks, magazines, catalogs, and so forth, has crushed the United States postal system and has virtually broken the letter carrier's back! The letter carrier has become a walking general store, delivering soap, cereal, tooth paste, razor blades, and God knows what else! In fact, I recall vividly the time some live alligators were shipped and received at the Chicago Post Office.

The original postal concept was designed for the purpose of delivering what is known as first-class mail . . . letters, business correspondence, and so forth. But over the years the second, third, and fourth class areas have grown to such volumes and extremes that they have stifled off the original intent of good preferential mail service.

In addition, the tax payer has been subsidizing the second, third, and fourth class mails over the years, and as an example, I point to an interesting facet of the mail service, and that's first class mail. First class mail has shown a profit since 1926 with the exception of only one year, and while I hesitate to cite figures, I'll just make a few comparisons to point out what is happening to mail costs:

In 1926—1st Class Mail gained $73,768,786; 2nd Class lost $83,498,229; 3rd Class lost $1,763,768; 4th Class lost $2,959,733.

In 1946—1st Class Mail gained $143,353,028; 2nd Class lost $148,128,993; 3rd Class lost $52,070,453; 4th Class lost $41,512,248.

In 1967—1st Class Mail gained $35,023,133; 2nd Class lost $421,859,903; 3rd Class lost $441,570,984; 4th Class lost $190,487,499.

Obviously, we private citizens are subsidizing the mailing costs of big business. If large corporations want to advertise and deliver their wares through the mails, let them pay their fair share.

These figures make it obvious as to where the problem of postal deficit rests. But to even show the inequities in mail, let's cite an example of a typical one-pound magazine that's delivered weekly, millions at a time, at a cost of 6-cents postage, while they use the taxpayer to pay 6-cents an ounce for first class mail, when they virtually both get the same treatment. Let's take a further example: A 4-pound catalog is delivered for 30-cents as compared to the taxpayer's 6-cents per ounce; and if we projected the 4-pound catalog cost on an equal basis, it would amount to $3.84—and again, they virtually receive about the same delivery service. But enough of the examples. I'm sure the few instances that I have cited give the general idea as to where the true cost of the postal deficit lies.

Again, I congratulate President Nixon on his vital interest in doing something about the postal system, and I totally agree with him that if something isn't done soon, the whole system will collapse—only because as industry grows, so will the crush on the post office, making it more and more difficult for first class mail to get through the big bind. Actually, the post office has become the shipping department of industry and unless the system is changed, and not just the operating head, we will be in for the same type of service—only worse!

In the spirit of trying to help a very difficult problem (the hopeless snarl that has become our national mail delivery system), I would propose the following:

(A) The formation of two separate mail handling agencies in the United States, one being the existing United States Postal Service, but it would only handle preferential mail and would thereby restore first class service to the first class mail system. This service could continue to be administered by a cabinet member, the Postmaster General, but would limit its service to the following items:

1. First Class Mail.
2. Air Mail.
3. Special Delivery (and really making it *special*).
4. Registered Mail.
5. Daily Metropolitan Newspapers.
6. Western Union Telegrams (which letter carriers would deliver on a fee basis for Western Union.)

In this proposal for fast and prompt first class preferential mail service, I would propose the elimination of two costly and onerous services performed by the letter carrier:

(1) the elimination of certified mail to be incorporated instead with Registered Mail;

(2) the elimination of COD mail which places the letter carrier in the role of bill collector.

(B) The second agency could be called the United States Shipping Corporation or some similar designated name, and it would only handle bulk mail. This new corporation could be administered by the nine-man board proposed by President Nixon, it could establish rates by a 3-man commission proposed by President Nixon, and its assignment would be to deliver the following classes of mail: 2nd class, which includes magazines, newspapers and periodicals; 3rd class which is primarily circulars, advertising matter, and sample products; 4th class mail which, of course, is parcel post.

This new corporation could be given the bonding power to raise whatever money it deems necessary in revenue bonds to set up the system, and if new facilities would be needed, they would be in a position to build them—or the present facilities could be divided to accommodate this new United States Shipping Corporation. The work force, equipment and vehicles as well, could be divided to make the new system almost immediately operable.

Needless to say, the postal planning department would have to exercise great care and judgment to work out the myriad of details in establishing the two separate systems. However, I think the facts are clear. The crush by private industry on our postal system will be impossible to relieve in my opinion under the present archaic system; and if America is to have the type of postal service that it's entitled to, I see no other alternative but to form the two separate divisions.

Mail service in the United States is at a crossroads. It's costing us money and not performing the services we have a right to demand for that money. In addition, it's inequitable, and the mail user then should not be in the position of subsidizing big business. Let them both stand on their own—the individual supporting first class mail and its traditional letter carrier, and business supporting a United States Shipping Corporation. When this is accomplished, we then will have a letter carrier walking with dignity with first class, air mail, and so forth, on time, at a profit, with no possibility of a logjam or a breakdown in the postal system. First class mail never did and never will clog a post office.

And so I ask President Nixon to consider two separate mail handling agencies such as I have proposed with the view to accomplishing what America has not had for a long time—a fool-proof mail system. I have also discussed this proposal with my Congressman, Mr. Roman Pucinski, who endorses it whole-heartedly and has indicated to me that he will have it placed in legislative form.

ANOTHER GIVEAWAY?

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. RYAN. Mr. Speaker, an article in the Washington Post of May 4, 1969, by M. B. Schnapper, editor of Public Affairs Press, raises significant questions concerning the application of copyright protection to publications prepared at Government expense either by civil service personnel or contractors. I urge my colleagues to read the following article and to consider the points it makes when the question of the Copyright Act is again before the House:

TWISTING OUR COPYRIGHT LAW

Although the Copyright Act expressly prohibits copyright restrictions on the contents of government documents, federal agencies and officials are increasingly circumventing the law through the simple device of authorizing its contractors to do that which the government has no power to do.

Take, for example, the long-awaited report on unidentified flying objects commissioned by the Air Force at an expense of $525,905. On page IV of the only publicly available copies of the report (*Scientific Study of Unidentified Flying Objects*) is the following statement:

Copyright 1968 by the Board of Regents of the University of Colorado. All rights reserved. No part of this book may be reproduced in any form, by photostat, microfilm, xerography, or any other means, without the written permission of the copyright owner.

In short, you can read the report aloud to yourself but you had better not quote it in a letter or reproduce any portion of it through any known or yet to be devised means of communication—unless, of course, the Board of Regents of the University of Colorado (B.R.U.C., for short) has given you its permission to do so.

It sounds sort of preposterous for a public institution to be discouraging the dissemination of knowledge, especially since schools and scholars are the chief complainants against tight copyright restrictions, but it's perfectly proper if B.R.U.C. is a genuinely legal proprietor. The facts don't seem to bear this out.

If, as statements in the report itself show, it's an official document in every essential sense, it's non-copyrightable and hence belongs in the public domain. It was officially designed to "strengthen the public position of the Air Force on UFO's" (p. 815), officially justified on the ground of being "of great importance in securing public understanding . . . as a further aid to public understanding on the scientific appreciation taken by the Air Force in attacking the UFO problem" (p. 816), officially commissioned (Pentagon press release No. 847–66), officially released (January 8, 1969), and officially funded (Air Force Contract No. F44620–67–C–0035).

How come, then, that B.R.U.C. has—or, rather, seems to have—the right to decide who may or may not quote or "reproduce in any form" any portion of the contents of a work being privately merchandised by Bantam Books as "The Complete Report Commissioned by the U.S. Air Force"? That has yet to be fully explained by the Air Force or B.R.U.C., but Eugene Wilson, Colorado's vice president for business affairs, has made the following interesting point:

"One of the conditions established by the Department of the Air Force was: 'The University will assure that all editions of the report are protected by a copyright in its name. This includes both the official and the Bantam editions.' The University was glad to accept this condition as we wished to protect the scientific integrity of the complete report against wholesale and indiscriminate excerpting."

In short, B.R.U.C. played ball with the Air Force in order to assure "scientific integrity" via censorship control over the contents of the report. (General C. G. Dodge put the matter more bluntly when he justified the Army's copyright restrictions on its official military histories on the ground that it was considered necessary "to prevent quoting of material out of context" and "sensationalizing.")

What actually occurred remains somewhat unclear, but here's a reasonably close approximation of what happened:

When the University of Colorado team headed by Dr. Edward U. Condon finished the report there was some uncertainty in Boulder and Washington as to how it should be published.

Initially the Air Force made arrangements for publication of the report by the Government Printing Office and dissemination by the Superintendent of Documents. That's the normal way those things are done.

But the Pentagon's public relations people didn't cotton to the idea. Dr. Condon didn't like it either.

A press aide to Secretary of the Air Force Harold Brown complained that the Superintendent of Documents isn't very enterprising in promoting Government Printing Office publications. Dr. Condon could see that; it jibed with his experience when he was the head of the National Bureau of Standards.

What bothered Dr. Condon somewhat more was his aversion to a government imprimatur that might suggest the report wasn't an independent work. Besides he was eager to get the report released before Richard M. Nixon assumed the Presidency. Back in the 1950s Nixon had been associated with attempts to challenge Condon's security clearance. Condon hadn't forgotten that; neither had the Air Force. The Government Printing Office might not get the report out fast enough to avoid the possibility of embarrassment.

Bantam was ready, willing and eager to issue the report on a crash basis provided it was given exclusive publishing rights. A Pentagon lawyer had some doubts about that. The Copyright Act forbids the copyrighting of government works. Section 8 says that "No copyright shall subsist in any publication of the United States Government, or any reprint, in whole or in part thereof." If the government didn't have the right to copyright, it didn't have the right to give Bantam exclusive publishing rights.

An impasse ensued for a week. Back came the same Pentagon lawyer with a solution. Since the law doesn't specifically forbid copyrighting of government works by government contractors, the University of Colorado could copyright the report and turn over the publishing rights to Bantam.

Other problems that arose were easy to resolve. Both the Air Force and Dr. Condon wanted to be sure that Bantam's book and advertising matter didn't say anything that might be inconsistent with the dignity of the report. The assurances Bantam gave were satisfactory. The only substantive material it added to the report was a favorable introduction by Walter Sullivan, a *New York Times* writer, seen in advance by both the Air Force and Dr. Condon. No Pentagon public relations aid could have written more tasteful copy about the book than Bantam's man.

(Although Bantam and *The New York Times* clearly had an inside track on the report which merits close scrutiny, *Times* attorney Edward L. Smith insists that "All negotiations were completely open and above board and there was no 'sort of deal' with the Air Force or the University or anyone else involving either the *Times*, Bantam, or Walter Sullivan.")

Some questions arose as to royalties and the book's sale price. Since royalties are normally payable to the authors, it was felt that they should go to Dr. Condon and his team. By way of justification it was pointed out that the $529,905 paid out by the Air Force didn't really cover all their overtime work, but Dr. Condon preferred to avoid any wrangling as to who should share in royalties on a document prepared for the U.S. government. He proposed that the royalties be turned over to the University of Colorado, although the terms of its contract with the Air Force were supposed to have covered all of the institution's expenses.

What is serious here is that a highly improper, legally dubious and potentially dangerous precedent has been set. If it goes unchallenged we can expect other government agencies to follow suit.

THE STORY OF A PROUD PEOPLE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. JACOBS. Mr. Speaker, I would like to commend the fine work being done by a group of Indianapolis citizens, who because of their civic mindedness, have joined together to form an organization called the United Southside Community Organization. What they have accomplished in just a few short months is worth noting here.

I include the following article:

THE STORY OF A PROUD PEOPLE

(By Betty E. Sexson)

You can not keep a good man down, so states the old adage and so too, say the people of the near Southside of Indianapolis.

Once a show place sought out by visitors to Indianapolis, the square, known to all as Fountain Square, formed by the intersections of Virginia Avenue, Shelby Street and Prospect Street shall once again claim its inalienable right to live a proud life surrounded by beauty—not decay.

It all began in 1889 when, to quote "The Legend of Fountain Square's Vanishing Lady", the old mule car turntable was abandoned . . . a man named William Mohs contributed $500.00 for the construction of a fountain. Merchants of the square matched the initial amount and the fountain was placed on the turntable site.

Some thirty years later, one of the merchants strung a rope from his store and attached the other end indignantly to the statue of the lady. The rope supported a large banner advertising a sale.

As the legend goes, a strong wind blew up that morning and the weight of the banner with the wind caused the statue to topple to the ground. The fallen lady remained at the base of the fountain that afternoon and on into the evening.

Some people say it was a weary night

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traveler from out of town who paused for a drink at the fountain and carried the lady far away into the darkness of the night. So it was, that the lady vanished and has never been seen since.

Although the Lady had gone, the fountain remained the center of a thriving business and proud residential neighborhood. In 1924 a new and more appropriate statue replaced the once proud Lady. The pioneer family depicted in the new statue stood proudly above the fountain. Once again Indianapolis had a spot of rare beauty to visit. Granted, it was a bit difficult to drive through Fountain Square, since by then the mules and horses had been replaced by automobiles that couldn't negotiate the intersection quite as easily as their 4-legged predecessors. None-the-less no one seemed to mind slowing down to admire the beauty that stood as a symbol of a proud people in the center of the intersection.

The community continued to grow. Beautiful homes were built by people who wanted to be a part of this community. Churches continued to build, not only buildings dedicated to God, but large congregations dedicated to carrying out God's work. Business establishments continued to expand until Fountain Square became what now would be known as a shopping center.

The stores stayed open until 9:00 on Friday night and Fountain Square was the Great White Way of South Indianapolis. The streets were crowded with shoppers, the drug store soda fountains were the young people's gathering places, and always around the base of the Pioneer Family stood groups of friends just enjoying the beautiful confusion of people. Any trip to Fountain Square was incomplete unless you stopped to toss a coin in the Fountain and make a wish.

By the 1940's there were three theaters at Fountain Square. Any one of which would have rivaled the beauty of a "downtown" theater. There wasn't a vacant store building any place in the business district.

World War II came to Fountain Square as it did everywhere else. The boys left to fight for their country and suddenly the happy Friday night crowds at Fountain Square became a bit more solemn. The gaity at the soda fountain was replaced by lost and lonely young people. Never, though, did it occur to anyone not to continue to live as nearly a normal life as possible. Perhaps the residents worked even harder at keeping their homes and their yards beautiful, there was so little beauty in their world.

By 1950 the world had settled back into some semblance of a normal life and so, thought the near Southside, they too could look forward to the normal routine of their lives. As progress was changing the profile of the nation its sharp chisel was at work in Fountain Square too.

More people had more cars and could get more places more quickly than ever before. Business began to suffer from lack of customers, it was more fun to visit the new, out-lying shopping centers. Crime began to increase and businessmen suddenly found themselves installing safes and burglar alarms they had never before needed. Older residents passed away and young people began the great migration to the suburbs. Homes formerly lived in and loved by owners became rental property, and the former pride of home and yards began to disappear. One by one the theaters and businesses closed their doors. The final blow to the pride of the near Southside came in 1954 when the transportation authorities deemed it necessary to redesign the Square. The dark day arrived and once again a proud lady, her pioneer husband and two children were placed on the sacrificial altar of progress and vanished from Fountain Square. This time it was not done in the shadowy darkness of night and there was no mystery surrounding it's disappearance. It was loaded onto a truck and taken a little farther south to enhance the beauty of another public place. The Pioneer Family now stood in the Conservatory at Garfield Park.

Neighborhood decay is kin to the decay of the human body, very often it is neglected until the pain becomes so severe you must seek help. The 1950's faded into the 1960's and the sickness of neglect ate away at the one time proud and beautiful Fountain Square area. The streets and alley were neglected and became almost impassable the homes cried out for repair, the yards became rubble heaps and the people became helpless, hopeless, forgotten. The State began buying property for the proposed inter-state highway, and added to the already almost insurmountable problems were abandoned houses that became festering places for ever more heinous crimes and a haven for drunks and arsenists. Gradually small voices became loud enough to be heard as neighborhood groups began to form. From Washington Street to Pleasant Run Parkway, from White River to Sherman Drive people stood up to speak. They were heard, but they just weren't listened to! Always it was the same answer, "We'll fix the streets and alley, we'll tear down the houses, we'll help you on the Southside when we get the money, when we get the manpower, when we can work it into the schedule."

In late 1968 a united voice quietly began to form. By March 1969 that united voice became loud and the United Southside Community Organization was officially organized as the help the near Southside so desperately needed.

Neighborhood civic leagues became a part of U.S.C.O. and together help has come to the Fountain Square area. People are once again repairing their homes, cleaning up their yards, the streets and alleys are being repaired, the abandoned houses are being torn down, business establishments are coming to life, parks are being repaired and reopened, the pride of the near Southside is blooming again. Like flowers that lay dormant all winter and suddenly burst forth proudly with the first warm days of spring, so these people too, once again raise their heads proudly as they begin to look around their neighborhood.

The rebuilding of an entire section of a large city cannot be accomplished in a few short months. It took nearly two decades to make a slum-ghetto area out of a once proud and thriving neighborhood. It may well take a decade for Fountain Square and its surrounding areas to recapture a part of their former beauty but a start has been made.

A symbolic milestone will be reached with a two day celebration June 13th and 14th. As once again the proud Lady and her family will be returned to their rightful place and the Square will once again become Fountain Square. On June 13th the Pioneer Family returns to the intersection of Virginia Avenue, Shelby Street and Prospect Street.

This is the story of a proud people and their struggle back to their inalienable right to live in a decent home, in a decent neighborhood, surrounded by beauty—not decay, hope—not dispair. It can be done, it will be done, for the story of Fountain Square proves it.

RHONDA FREY THANKFUL FOR ELECTRICITY

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. CUNNINGHAM. Mr. Speaker, we live in an era when going to the moon is a subject of casual and sometimes nonchalant conversation among our young people. We have progressed so far and so fast technologically in recent years that we are inclined to take for granted many things we have not always had which are so vital to our very existence.

My young constituent Rhonda Frey, of Lyons, Nebr., took occasion to stop and think about the importance of electricity in our lives. Her conclusion—"Electricity is an invaluable blessing" Her essay on this subject won for her a trip to Washington under sponsorship of the Nebraska Rural Electric Association which annually conducts a youth tour to Washington.

Rhonda's essay, "The Value of Rural Electrification in Our Home and Community," will help all of us to gain a better appreciation of the value of electricity in our daily lives and to this great Nation of ours, and I recommend it to my colleagues, as follows:

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

The day is in its infancy. The sun has not yet shown itself but there is a stir about the house. Dad rises and stumbles in the darkness to the kitchen. On a shelf he gropes for a candle and matches. Upon lighting the candle, he takes it to Mom. In the dim light and cold air they dress.

Back in the kitchen, Mom lights other chimney lamps to supply light until the sun shows its face. Dad dresses warmly to go out and do the chores.

In the blowing snow, Dad trudges to the new bin. He opens the door to the bin, scoops by hand the grain into a wagon, and drives to the bunks to feed the cattle. He finds an ax to break the ice in the cattle tank. After he carries feed and water to the ducks, Dad returns to the house.

Meanwhile, Mom has awakened the children and begun breakfast. As she searches for a can opener, she cuts her finger on a knife. After taking time out to doctor her finger, she opens a jar of fruit. She places the jar with a platter of cold meat, butter, and bread on the table. Because the milk must last indefinitely, it will be rationed carefully throughout the day. All the while she shivers as she moves through the cold air; if only there were fuel to heat the house!

John and Billy come downstairs slowly so their candle won't go out. They put on their coats and sit down at the table. By now, Dad is in from doing chores and the family eats a cold breakfast together.

The day goes slowly. Mom can't do the dishes because she must save the water; she does the mending by hand; she can't bake because there is no fuel; she sweeps to keep warm. Dad busies himself by catching up on his reading. The boys spend their time arguing until Mom makes them sit down to read a book but sitting so still chills them. The snowstorm lets up, so she sends the boys outside to let off some steam.

Never had a day gone so slowly. The minutes seem like hours, especially since the clocks had stopped. Finally the sky darkens again. Sighing with boredom, everyone is glad to have the day over.

Nobody changes into his night clothes, since it's so cold. In the quiet depression and cold of the house, the blankets are dug from the storage room. Just as Mom spreads on the last blanket, the lights suddenly go on.

Dad hurries to inspect the furnace and turn on the heat. Silently, Mom and Dad are thankful the electricity blackout didn't last any longer than it did.

This imaginary situation can and often will happen, even in the year 1969. Electricity, often taken for granted, can't fully be appreciated until one has had to spend even a few hours without it.

Electricity, whether rural or not, is an invaluable blessing!

THE PRESIDENT OF ZAMBIA SPEAKS ON THE PROBLEMS OF SOUTHERN AFRICA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. CONYERS. Mr. Speaker, the situation which exists today in southern Africa is a tense one. Black Africans of this particular region are truly beginning to assert their just demands for the right to rule themselves and determine their own national directions.

The first years of independence are never easy for any developing nation, but the Republic of Zambia is faced with all those problems unique to emerging African nations, in addition to bordering on areas governed by hostile colonial and white supremacist governments.

Dr. Kenneth Kaunda, the President of Zambia, has been instrumental in the steady economic and political progress which has been made by Zambia, and his leadership has helped Zambia to remain relatively stable, despite a potentially rich, but as yet underdeveloped economy, and hostile neighbors. His performance as President has not only benefited his own country, but has been an outstanding example to all black people of this troubled region.

I believe that President Kaunda is eminently qualified to speak on the problems of the area, not only by virtue of his position, but also because he is able to relate the desires and aspirations of the people to the problems of leadership and examine them in a practical manner.

His Excellency, Rupiah Banda, Zambian Ambassador to the United States, is another articulate voice for the black peoples of southern Africa. His representation of his country in the United States has furthered American understanding of his nation's problems, and has helped the representatives of many nations to grasp the importance and urgency of the crises which confront Zambia and other young African States. It was Mr. Banda who first brought this interview with Dr. Kaunda to my attention. I have asked that this article be placed in the RECORD with the hope that it will help bolster my colleagues' understanding of the situation which faces the people of Zambia, as well as all the black peoples of southern Africa.

EMBASSY OF THE REPUBLIC OF ZAMBIA,
Washington, D.C., April 8, 1969.

Dear Friend: I trust that you will find the attached copy of an interview by *U.S. News & World Report* with Dr. Kenneth D. Kaunda, President of Zambia, both interesting and informative. It contains clear outlines and clarifications of our Government's policies relative to Zambia's neighbours and to the protection and encouragement of foreign investments.

Best wishes.
Sincerely,

R. B. BANDA,
Ambassador.

[From U.S. News & World Report]

RACE WAR COMING IN AFRICA?—INTERVIEW WITH ZAMBIA'S PRESIDENT

LUSAKA.—Q. Your Excellency, what matters do you consider most urgent for a new and developing country such as yours?

A. I would say, first and foremost, that, in a country like Zambia, you need political stability, because only if you have this would you really have the opportunity to implement your other plans, which involve mainly the fight against mankind's enemies—poverty, ignorance, disease and hunger.

Q. Do you have any problems with respect to political stability in Zambia?

A. Well, we have had our spate of strong tribal fractions. Then, last year we had general elections within our political party, and these created a number of ill feelings. Interprovincial feelings were greatly aroused. But I'm glad to say that we are definitely getting over these, and I think as time goes on we will be able to surmount them.

Apart from that, we have serious problems with the minority regimes all around us. We have the Portuguese in Angola and Mozambique, east and west of us, and we have the Rhodesians and the South Africans. These people do not accept our approach to life—which is a nonracial approach, nontribal—and this is a source of concern within our community, because these people do not like the apparent stability here. These are our major problems at the moment.

Q. With respect to the racial situation in southern Africa, what is the situation that Zambia faces geographically, since you have a landlocked country?

A. This is a problem to which I have been trying to draw the attention of the Western world at various meetings. I feel that perhaps I have not succeeded in this direction, but not because I have not explained it. My colleagues in the party and the Government have tried to do the same, but they are not succeeding either.

This is how I see the problem:

Here we have South Africa proper, South-West Africa, Rhodesia; we have Angola and Mozambique. Now we must see this in the context of developments in other parts of the world. To expect Africans in Angola, Mozambique, South Africa, South-West Africa and Rhodesia to continue to remain docile under minority rule is not being realistic at all. History the world over shows that, no matter how long it takes the time does come when people refuse to be subjected to that type of rule.

The latest example is the one in Czechoslovakia, where we have had this uprising against great odds; even against these odds, the people have still spoken out. You had the Yugoslavs in 1948, the Hungarians in 1956, and now the Czechs in 1968. It's a long time in between, but they have spoken out.

Now, I have no reason to believe the people in Czechoslovakia are different from Rhodesians. They may have experienced this type of rule for a longer period, but still the feelings are the same.

Q. What meaning does this have for southern Africa?

A. We see in Mozambique now an uprising against the Portuguese after four centuries of Portuguese rule. In Angola, it is the same thing. Three years ago, no one would have convinced me that the people in Rhodesia would be doing what they are doing now, and yet, here they are, the people in Rhodesia are fighting it out. Unlike Czechoslovakia, we have here a potentially explosive situation racially. And not only does it have this racial setting, but it also has the potential of being an ideological confrontation.

Now, the people of the West have refused to help freedom fighters; they have refused to equip them to fight their own battles. I know from experience that the freedom fighters have gone to them and the Western nations have said, "No, we can't"—naturally, because of their capital investments in southern Africa. This leaves these young men and women with no choice at all but to go the only area where they will be supplied, namely, the East.

So, as they go there to train in the use of these various weapons. as they go there to solicit help to get these weapons, you can rest assured that out of a hundred, 4, 5, or 6 will come out convinced Communists, and so here is the beginning of ideological conflict. And yet the minority groups in southern Africa proclaim from the rooftops that they are defending Christian values, Western values, Western civilization; that they are combating Communism. And yet, by their own behavior, they are inviting Communism.

Zambia has more than a moral interest in this because we know only too well that, geographically, we have 290,000 square miles, with a population of 4 million scattered over the country. We know there are freedom fighters who pass through Zambia. There's nothing we can do about that. I wish we could help them, but we are not capable of helping them. So they go out to train. They go out to get these various weapons, and this alone is for Zambia a danger to her security, but there is nothing we can do about it.

Q. Do these guerrillas pass through Zambia on their way down to Rhodesia and South Africa?

A. Certainly. Going out and coming back to their own country, they pass through Zambia, and this is a problem because it means that the Portuguese in Mozambique, the Portuguese in Angola raid us, kill our people, take some away, and all on the pretext that we were harboring freedom fighters. They know only too well that this is not true, but they've got to use some excuse to satisfy their own minority regimes, so this is a danger to Zambia.

Apart from the moral involvement, we, of course, have a very selfish interest in this. If we could solve this problem peacefully, it is the only thing we would like to do. But is it possible?

Q. How long do you think the Africans in these countries will remain docile? How long will it be before real trouble breaks out?

A. The Portuguese troops in Mozambique have been pushed aside from a good area, which is now in the hands of the freedom fighters, the nationalists, and it is the same in Angola. It is just the beginning—it started seven years ago, in 1961, and the nationalists now are in full control of some areas.

Q. You have been quoted as saying there is a serious danger of racial wars breaking out along the line of the Zambezi River. Specifically, how do you see such a thing coming about?

A. Well, let's look at it now. I'll give you some examples of where the Portuguese have bombed our villages. Surely, the only thing that stopped us from retaliating was that we were unable to at the time, and it is only a matter of time before we can retaliate heavily. And this is when the Portuguese will call upon the South Africans to come and help them, and there you are—a very dangerous situation.

Q. What are you asking the outside world, the big powers, to do about all this?

A. The big powers have an obligation to us and the rest of humanity.

First of all, you must realize that when we speak of the big powers we speak of the West because, as it is now, Russia has no more right to condemn the West as imperialist. They must condemn themselves now as imperialists, too, because if they feel strongly about the people in Rhodesia—the black people—I feel the same way about the people in Hungary, the people in Czechoslovakia, and Russia is just another imperialist power to me. It will take a long time to recover from this shock—and a shock it was.

XUM

I never believed that a country that called itself a socialist country could do that.

To come back to the subject: The Western countries must really influence South Africa, and Rhodesia so that they can develop a system there which involves what all of us regard as the cardinal point, that is, participation in their own government by all the people all over the country.

Q. Are you talking about majority rule?

A. Yes, and if this could come about it would be the answer to the problem. I know of no African leader who has said, either before or after independence, that he wanted to drive away all the white people. But the white must accept the will of the majority of the people.

Q. In connection with Zambia's building up its defenses, there has been talk that you are going to buy missiles from the British. If this is so, would you have the personnel to operate them?

A. We are still approaching a number of governments, both in the West and in the East. Before we make our purchases, we obviously must get the best deal, so as soon as we are ready we will make the purchases, but I can't say definitely where we will get them.

Q. Will you need foreign technicians to operate them?

A. This will be one of the provisions in making these purchases—a training program for Zambians. This is obviously something Zambians themselves must handle.

Q. With respect to Rhodesia, do you feel that situation will be resolved peacefully and, if so, in what manner?

A. I would say first of all that Rhodesia has been and still is a British colony, and therefore is primarily a British problem. If the British Government had wanted to settle that problem, the world today would not be suffering from it; it is because of the refusal of the British Government to do so that the whole of southern Africa is now on fire.

Now, when you ask me what should be done, I would say that much depends on the willingness of Mr. Wilson [British Prime Minister Harold Wilson] to do the right thing, and to me this means only the use of force. If Mr. Wilson doesn't use force now, force is going to be employed anyway, with wide repercussions.

WHY SANCTIONS FAIL

Q. Do you think, then, that the Rhodesian situation cannot be solved peacefully?

A. I can't see how. Economic sanctions, for example, are coming too late, as is usual when big powers are involved. If the measures that are being taken now had been taken earlier, there might have been some hope.

Let us understand that the aim and objective of the sanctions exercise is not just to make sanctions bite economically. It is to bring down a rebellion—a rebellion against the Queen of England, a rebellion against the British people, their Government and, indeed, a rebellion against humanity as a whole. I would say it's a very sad thing. I really feel that mankind has been betrayed by the British Government's inaction.

Q. Since the British seem extremely reluctant to use force against the Rhodesians, then what happens?

A. The thing I fear—racial war. It's inevitable unless, of course [Rhodesian Prime Minister Ian] Smith himself has a change of heart.

We are not saying that majority rule should come tomorrow. We are saying they should lay down the foundation for majority rule. Indeed, we ourselves would discuss this with our nationalist friends in Rhodesia and say, "Look, chaps, you've got to take time over this one." But, as long as Smith categorically states that there is no question of majority rule in his lifetime, then, of course, he's inviting trouble. Then the African people will say, "All right, if this is the case, then we are prepared to die for our independence."

Q. When you say you would not expect majority rule for Rhodesia tomorrow, would you apply that to South Africa as well?

A. Yes, certainly. It can't come tomorrow. That's not being realistic.

Q. And the Portuguese territories as well?

A. For the Portuguese territories, if they were willing to accept Africans in government, I would say that even tomorrow it would be settled and, in fact, the Portuguese would gain a lot more from their giving way to African majority rule. The same for Rhodesia, of course.

South Africa is the only exception here. It is a much more complicated situation where you have 3 million whites and 15 million in other racial groups. It is a much more serious problem there.

Q. In view of the situation along the Zambezi River as it stands now, are you optimistic or pessimistic about future developments?

A. Short term, I'm pretty pessimistic. It's a very gloomy picture, indeed. But I emphasize only short-term.

Q. What do you mean by short term?

A. I mean peace in southern Africa in 3, 4, or 5 years' time. I can't see that coming at all. I think the time will come eventually when Rhodesia will no longer be ruled by a minority group. The same for Angola and Mozambique. South Africa is a most difficult problem, but these others, I think, are going to be solved. There will be a big change in this part of the world 3 to 6 years from now.

Q. Will there be a lot of bloodshed in the meantime?

A. I'm afraid so. I fear that very much indeed.

Q. Why does Zambia seem to have fewer tribal problems than many other countries in Africa?

A. I think it's because we had a long time of struggle against so many forces—first of all, against the colonial government; then we had to fight against the federal government [Federation of Rhodesia and Nyasaland]. All these things managed to really bring us together and, of course, we have always been conscious of the fact that we had to make a united nation.

Q. What is your country's relationship with the United States? Do you feel that the U.S. has some understanding of the problems that Zambia is facing?

A. If I may begin with the last part of your question:

Well-informed circles in the U.S.—Government circles—understand very sympathetically, but perhaps the majority of the people would not understand our problems, and one cannot blame them. To them, Zambia is a faraway country with very little importance apart from the fact that it produces copper, like the Americans do.

I think I can also say that there has been a very strong lobby among "right-wing" groups in the U.S., as in Europe, which are trying to fortify the minority groups in southern Africa. This they have worked at very effectively. All the same, generally speaking, I would say we have had a great deal of sympathy from the U.S. Government.

Q. Does the current racial situation in the U.S. have any impact on American relations with Zambia?

A. While it does affect us adversely in the sense that we feel strongly against racialism anywhere in the world, at the same time we are conscious of the fact that, unlike the minority regimes here in southern Africa, the U.S. has certainly declared policies which it is trying to implement, trying to build up multiracial society. So we do make a distinction. We realize that you are going through certain strains and stresses of a racial nature, but at the same time we realize that, in principle at least, you have set yourself certain goals which are noble.

HOW UNITED STATES HELPS ZAMBIA

Q. Is the United States doing much to help Zambia's development?

A. There are two or three forms of help. First is direct U.S. Government aid, and this is being done mainly at the regional level in Africa, which we would like to encourage. We have our own region here—east and central Africa.

Then there is participation by private enterprise in various development schemes, participation by the business world.

And then there is the World Bank, which is still considered a predominantly American institution, guided by the U.S.

Q. To go back to the question of race relations: How would you describe such relations within Zambia, where you have a substantial minority of whites and other non-Africans?

A. We follow here a multiracial approach to our problems. We have these minority groups: I would say between 65,000 and 75,000 white people here now, 22,000 of Asian origin, and a number of what we call "Eurafricans"—the offspring of black and white or Asian and white or brown and black parents. These are our major racial groups who have come from outside.

In terms of whether they are wanted here, basically we say we accept all human beings who want to make a home in Zambia and who will make a useful contribution to the growth of the country at the social, political or economic levels.

Q. Must they become Zambian citizens?

A. Either way, we have no objection, but we say first of all that because of our employment problems we cannot just open our door wide; otherwise we just create more problems. Because of this, we cannot ultimately allow to enter everyone who wants to come here, but if it is a person with a clean record, someone who has something to contribute, he is welcome.

I am not just speaking in terms of technical know-how and things of that nature, but of anyone who can contribute, in his attitude toward life, toward the growth of the nation, possibly without having any skills at all.

Today we have a good number of miners in the copper belt, very good people—white people—but at the same time, there are a number of them whose orientation is toward South Africa and Rhodesia, and these are the people who create problems; these are the people who cause the racial conflicts which arise from time to time.

So, I would say that, in general, we accept our fellow men not only because of their technical know-how, but because they are human beings like us.

At the same time, we are conscious of unemployment problems in our country.

Q. In view of the controversy over Rhodesian independence do these white people whom you speak of here in Zambia constitute any real danger to the country?

A. Certainly. We have had a number of arrests since 1965, so I had to produce for the country and for overseas consumption a White Paper on these people. First, when we arrested them we used to deport them, but we realized we were just giving ourselves a bad name by doing that, because they would go out proclaiming themselves heroes who were being discriminated against on a racial basis.

Q. What did they do to be arrested?

A. They were spying for Rhodesia and South Africa. When we rounded up one lot, I decided to issue a White Paper which outlined precisely what their activities had been, and this helped a great deal and put the minds of certain people at rest, people who thought we were just being racial.

Q. Is that situation under control now?

A. It's under control, but, as you know, spies are very difficult people to deal with the world over, and we are only a young country and our facilities are limited.

Q. Can you do without the skills of these people? Can you replace them, or are they indispensable?

XUM

A. Most of them, unfortunately, are indispensable. I don't know whether this is common knowledge or not, but at the time of our independence in 1964 we had only about 1,200 boys and girls who had gone through secondary school, and only about 100 university graduates. Among these, we had one engineer and a handful of doctors.

When I recall this, it pains me greatly because this was the richest British protectorate, or colony, and yet educationwise we were the least catered for by the British, and this makes it very difficult for us to do away with the services of people who otherwise are racialist. We can't. We must run the mines, and our lack of technical education means that we have to depend on expatriates in the technical field.

We are trying now to establish technical-education facilities for our own people, but it obviously is going to take a long time before we can get desired results.

Q. Does this current lack of local skills apply outside the copper industry—in other fields and in Government?

A. It certainly does. It's true in private enterprise, in small business, in industry, the public sector.

Q. How long will it be before you are able to educate enough Zambians to do these jobs?

A. It's difficult to speak in terms of time, really, for Zambia with its copper industry is highly industrialized. All of our industries need many people, and Government itself needs plenty of manpower, so it will take much time.

Q. Is Zambia basically a rich country?

A. Potentially, yes, but not in terms of exploited wealth, which is a long time ahead. Very often, when people look at the figures of copper production, they think we are doing very well indeed, but in fact when we look at the rural areas, which concern me a great deal because they were neglected in the colonial days, we realize that we cannot improve them as quickly and effectively as we would like to.

Q. Do you have any substantial resources apart from copper?

A. The agricultural potential has not been exploited. We are just beginning.

Q. Do you have lots of good land?

A. Certainly—good cattle land—and I think we could also do a lot of work in terms of groundnut [peanut] production, cotton, tobacco, maize [corn] and various other food lines. Which means we would be able to diversify from complete dependence upon copper.

Q. How great is your need for development capital, and in what fields is it needed?

A. We have been doing quite well, I would say, up to this year. But unless outside help comes, we are bound to run into difficulties between 1971 and 1973, before the breakthrough comes. We will need help principally in the agricultural industry. This is not to say we don't value the copper industry and other industry. We do, and we are trying to find more deposits of various minerals. But, in the main, we must concentrate on agricultural development.

PROTECTION FOR INVESTORS

Q. Are you taking steps to encourage private investment in Zambia?

A. Yes. We're about to go through with our Foreign Investment Act, which will safeguard foreign investment from being nationalized without due compensation. As soon as this is done, I think we will have to advertise the fact overseas, so that people will have no need to fear Government intervention in industries here.

Q. Do you have a problem common to new countries of making sure that impressive increases in national growth rates, which Zambia has been recording each year, are spread more evenly among the people?

A. We have, really, two countries in one—the urban areas and the rural areas. The urban areas have been doing quite well, comparatively speaking, because of the copper industry, which has made it possible for other industries to grow up.

But the rural areas are a great worry. In most cases, our people are still where the colonialists left them. So we need to get the support of these rural people in order to aid their development. I'm all for a welfare state, but with the people's own participation. The people must build it, not the Government for the people.

Q. Do you have any plans for Government participation in the copper industry?

A. None whatsoever. We'll leave that one in private hands. We can't afford it. We can't manage it.

The copper companies, in fairness to them, asked us when we took over the Government whether we would like to have something like 30 per cent interest, but we said "No," we'd let them continue as they were.

NUCLEAR POWER IN PERSPECTIVE

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. HOSMER. Mr. Speaker, for the past 15 years, the Congress has wisely financed and encouraged the development of atomic power for peaceful uses, particularly the development of civilian atomic powerplants. Many years ago, this body decided that such a program was in the national interest. Our reasons, among others, were that a new. competitive energy source would benefit all people of the Nation, particularly in the high-energy cost regions, it would help conserve the remaining fossil fuels and it would help us meet our enormous demand for more and more electricity.

However, for the past few years, a small band of people has been parading around the country charging that the Congress and the AEC are threatening the life and limb of every man, woman, and child in the Nation by permitting construction of nuclear powerplants. I imagine that many Members of this body have received letters from constituents who are concerned about the information they receive from this antinuclear group.

For the information of those Members, I am inserting in the RECORD a report on a conference in New Hampshire recently, which focused on the topic "Nuclear Power—Benefits and Risks." This conference was significant in that it marked one of the few times when the antinuclear people have appeared on a program with the technical experts on atomic energy whose opinions they so readily dispute.

The article is from the June issue of Nuclear News magazine, which does not profess to be impartial but which is at least informed and intelligent on the subject. The article follows:

IN PURSUIT OF PUBLIC AWARENESS

(NOTE.—Conservationist conference presents "both sides" on nuclear power; debate fizzles as Novick walks out after his speech is called "grossly incompetent and irresponsible" by Wright.)

The New Hampshire Governor's Conference on Natural Resources has become an important annual event in New England, and the 1969 program had so much of the makings of a real donnybrook that all previous attendance records were shattered. These conferences are sponsored by conservationist agencies and groups,[1] and the current program planners decided it would be a very good year to talk about nuclear power. When they carried their idea to Governor Peterson, he reasoned it was a suitable topic, but he insisted that "both sides" be presented. The outcome: "Nuclear Power—Benefits and Risks," Concord, N.H., April 23, 24.

WORTHY OPPONENTS

The program committee apparently had little or no trouble in lining up the debaters for the negative team. They were familiar with the Stratton Mountain Conference held last fall in Vermont, and they knew that their neighbors had turned to an organization called S.I.P.I., which had provided ample ammunition for the symposium. The New Hampshire group made contact with S.I.P.I. through its Field Director, Walter Bogan, who booked Sheldon Novick (author of "The Careless Atom" and associate editor of the S.I.P.I. magazine *Environment*) for the luncheon speaker and Dean Abrahamson (College of Medical Sciences, University of Minnesota, and recent opponent to the Monticello nuclear plant—*Science*, Mar. 7, '69, p. 1043) and Clarence Carlson (Conservation Department, Cornell University and member of The Citizens Committee to Save Cayuga Lake—*NN*, Mar. '69) to give papers on the risks of nuclear power plants.

Those who were to debate the affirmative were selected later (about two weeks before the conference), and they were chosen by the Public Services Company of New Hampshire—owner-operator of the Newington nuclear plant to be built near Seabrook, N.H. Reportedly, the utility officials were critical of the programming and particularly of Novick's position as luncheon speaker. A move was made to replace him with Rep. Craig Hosmer (R., Calif.), but this threatened to topple the whole conference so it was set aside. The nuclear people also balked over the conference technique employed at Stratton Mountain, where Theos J. Thompson, carrying the ball for nuclear, was first on the program and was followed by the antinuclear (S.I.P.I.) speakers. No opportunity was afforded Thompson to rebut publicly or to refute any of the arguments subsequently presented. To overcome this objection, the New Hampshire committee planned the first day's program for formal presentations and set aside the second day for three separate group discussions, each to allow debate among panel members and questioning from the floor.

The nuclear organizers, whetted by the opportunity for a free and open debate before a very interested and concerned public and for a confrontation with Novick, were able to find an unusually strong and competent debating team—even on short notice and in the face of conflicting conferences. For the affirmative: Jim Wright (manager of the Westinghouse Advanced Reactor System—disarmingly mild mannered, but a tough and incisive debater); Morton Goldman (vice president and manager of Environmental Safeguards, NUS—possessor of extraordinary credentials and experience directly related to public health and safety and a straightforward manner of presenting detailed facts

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[1] Trout Unlimited; Society for the Protection of New Hampshire Forests; New Hampshire Committee for Better Water; New Hampshire Rural Areas Development Committee; Cooperative Extension Service; New Hampshire Department of Resources and Economic Development; and New Hampshire Fish and Game Department.

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and figures); containment and construction expert, William Patterson (vice president EBASCO Services); and finally AEC lawyer, Howard Shapar (assistant general counsel for Licensing and Regulation).

DANIELS OR DAVIDS

At the beginning of the conference, the nuclear debating team may have felt a bit like martyrs before the lions: A table in the entranceway to the conference room was well-stocked with the classical anti-nuclear literature—some of the articles even had the most frightening passages underscored. (Missing from the collection: Theos J. Thompson's scholarly review of "The Careless Atom," published by the Atomic Industrial Forum in its special March issue of *INFO.*) The auditorium was filled to capacity, and the name tags identified the attendees as state officials and legislators, housewives, businessmen, and representatives of such organizations as League of Women Voters, Audubon Society, New England Wild Flower Preservation Society, and Trout Unlimited. A large contingency, apparently from the Park Service, wore uniforms and side arms.

But the Daniels at the beginning may have had some cause to feel more like Davids at the end—a point in time at which they stood fast as dedicated professionals ready and willing to talk on any facet of nuclear power and to answer any question—including those from a very calm, petite, and low-voiced lady judge from Brattelboro, Vt., who was concerned about a strange set of leukemia cases and was worried about radioactive materials becoming lost along the roads; a worry enhanced, no doubt, by some of the literature handouts.

On the other hand, Abrahamson and Novick left before the second day's debate, and the embarrassed program planners were forced to announce to a packed room, "Due to circumstances beyond our control . . ." Abrahamson had informed his hosts on the first day of a legitimate conflict at his hospital, but with Novick it was another story. Already peeved about arriving in Concord at 2:00 a.m. in a rainstorm and finding no room in the hotel (see Editor's Memorandum) and cross with the planners for first not informing him fully on the program—the debate, in particular—and second because they simply gave him an airline schedule (and didn't book his return flight). The local organizers said Novick was accompanied by his press agent, Bogan, and they had relayed everything to him expecting that he would take care of the details. As a consequence, Novick chose to book a noon flight out of Boston on the second day, which necessitated a 9:00 a.m. departure from Concord—the debate was scheduled to start at 9:30.

CONFRONTATION

Novick announced his imminent departure at a press-conference breakfast, which prompted Jim Wright, seeing he was going to miss the opportunity for an open debate, to maneuver for a direct confrontation. He told the press that many of Novick's statements made in his luncheon address and in his book are "totally erroneous," and he proceeded to question the objectivity and responsibility of Novick's publishers and sponsoring institute

But there was no confrontation—Novick did not respond.

RADIOLOGY

Although thermal effects came in for some legalistic discussions, particularly by New Hampshire lawyer Peter Shapiro, who was rehearsing his arguments for presentation before the U.S. Supreme Court, the primary focus of the conference was on potential radiological hazards from the floor on the second day, this is a real area of concern among the New Hampshire citizens. This seems to be a shift in emphasis on the part of the conservationists (if not by the public), and it has been suggested that the opponents of nuclear power have homed in on radiological safety because the AEC cannot exclude these arguments from its public hearings as it has been legally able to do with thermal effects.[2]

Both Wright and Goldman gave impressive arguments and detailed statistics on the minute amounts (less than 1% of permissible limits established by international radiological standards) of radioactivity discharged from a nuclear power plant and told of the rigorous monitoring programs and control measures in effect to protect the public health and safety, but Abrahamson and Carlson countered that the minute quantities are additives and that the total future effects cannot be accurately calculated at this time. Both antagonists came out strongly in favor of nuclear power, but they argued that the technology is now available to preclude any radioactive or thermal discharge into the environment—both points were challenged by the protagonists. Concluded Abrahamson and Carlson: the price in dollars must be paid now for preventive measures.

NOVICK

By a strange coincidence, Merril Eisenbud, professor of environmental medicine, NYU, and director of The New York City Environmental Protection Administration, appeared on the Today Show on the morning of the conference's first day, and, among other things, reported that more radioactivity goes up the stack of a coal burner than from a nuclear plant. This became a keynote item to which several conference speakers returned on numerous occasions, but none more dramatically than Novick during his luncheon address.

"Talking about quantities of radioactivity coming from a coal stack is missing the point," said Novick. "Man may be in worse shape standing in the plume of a coal plant than he is in the plume of a nuclear plant, but, if you blanketed the earth with soot, the background radiation would not change from a coal plant. You are just moving material. With nuclear plants the problem is different because you are creating radioactivity and increasing the background."

Novick's address centered generally on two themes: The "incestuous" relationship between the AEC and the JCAE (Ellen Thro, *NN*, May '69); and the maximum credible nuclear accident—a condition under which he postulates his favorite horror-thriller, the "China Problem."

Using the Atomic Energy Act as his take-off point, Novick spoke of the unique federal agency it created with a monopoly to develop, promote, and regulate the nuclear industry and of the JCAE—"Senior men with a unique influence in Congress." Across the years, he said, "strange and disturbing things" have happened: "The AEC and the JCAE have begun to merge and blend and to change their identity; for example, JCAE staff members seem to come from the AEC, and AEC Commissioners from the JCAE staff." With a relationship such as this, he said, one cannot expect the government to re-evaluate itself, and he cited as an example the current budgetary manipulations to cut back on government spending in which "peaceful uses of nuclear energy came off with more money than it started with." He concluded that this is what happens "when the government controls its own activities."

Novick stressed that he is in complete agreement with his opponents that a nuclear reactor "cannot explode," which is contrary to what his own magazine publishes (see box) and, as Goldman later pointed out, to what his publishers say in their book promotion campaigns. Explosion or no explosion, Novick postulates a nuclear accident called the "China Problem," which happens with loss of coolant: "Within 5 seconds the fuel rods will burst and some will shatter; within a few minutes the entire mass will melt into the bottom of the reactor, where the radioactive decay from the residue continues to put out heat. Pouring water on the dense lump won't do any good, and you get the 'China Problem,' where the molten lump will melt through the bottom of the reactor and on down to China."

He said that reactors are operated by people and that people make mistakes, and he asked the question: "Do we have confidence that every contingency has been foreseen and every consequence forestalled?" He concluded that we do not, and he turned again to the AEC-JCAE, which, he said, are insulated from outside pressure. As an example of this last claim, he said the New Hampshire conference was the first time the AEC has appeared on a panel with its critics. As a parting admonition, he warned his audience: "It is imperative that we do not abandon decision making to those charged with promoting the program."

REBUTTAL

Some of Novick's statements were to be challenged later: Howard Shapar referred to the numerous public hearing rooms in which the AEC has faced its critics and under conditions permitting cross examination—"the best known method for getting out the truth." An AEC representative has calculated that the current AEC budget, cut by some $78.6 million, can be compared with the previous budget as follows: In Johnson's last budget, the AEC's defense portion was 52%; in Nixon's budget, the AEC defense portion is 53%. Stated another way: "Peaceful uses of nuclear energy came out with *less* money than it started with."

But the dynamics were provided by Wright, who had trouble containing himself as a head-table guest during Novick's address, and after the luncheon he was swarmed upon by the press seeking a rebuttal. Calling much of the talk "grossly incompetent and irresponsible" and warning that Novick should be read and heard with "extreme caution." Wright reiterated nuclear safety records, criteria, and implementations, and, on the matter of environmental effects, he returned to the main theme of his formal paper to say that the economic advantages are not nuclear power's most important attribute—the main benefit is that nuclear power is "least damaging" to the natural environment. Nuclear power, he said, is the *first* major exception to "man's lack of foresight in his long series of progressive steps toward a better world," because matters of environmental effects and safety standards were anticipated before commercial nuclear power came into being.

RATIONAL PLANNING

After all was said and done, it was really the home folks who scored the major points (with perhaps the exception of a young man from the coal industry who stood up and told the people from New Hampshire that they were going to need every kilowatt they could come by, be it from nuclear, coal, or whale oil, which, panelist Goldman quipped, "would also have some effect on the ecology!")

In a formal paper during the first day, William Tallman, president of Public Service Company of New Hampshire, warned that if there are any more delays on the Seabrook plant schedule there will be a serious shortage of electricity in New Hampshire around 1974. He said his utility is not pioneering in nuclear (Yankee-Rowe, Connecticut Yankee, and the nuclear submarines were cited as

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[2] Indeed, radioactive discharge has not always been thought of as a problem. In the early days during the Ravenswood hearings, when asked how much radioactivity would be discharged into the East River the classic answer was "not enough."

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proven precedents), and he stressed "we too live in New Hampshire, and we want things to be right." Perhaps the biggest boost for both Tallman and nuclear came in his introduction by Mrs. Jean L. Hennessey, housewife and member of the New Hampshire Committee for Better Water, who chaired one session. As a conservationist, she said, she had always been led to believe that utility executives are all some kind of devil dead-set on destroying the wonders of nature. Then she ticked off the conservation programs on which she has served with Tallman, and she admitted that she was forced to introduce him as a leading citizen with an established record of concern for the conservation of natural resources.

Finally, it was anchorman R. Frank Gregg, chairman, New England River Basins Commission, in the final paper of the day, who brought things into the most rational framework. Without fuss or fanfare and citing such documents as "Considerations Affecting Steam Power Plant Site Selection" by the U.S. Office of Science and Technology (NN, Feb. '69) and the Statement on Thermal Power Plant Siting prepared by his own commission, he called for deliberate and rational planning on power requirements and commitments. In conclusion, he urged the conferees to rely on the knowledge of distinguished professional people and to be careful lest they be deprived of nuclear power because of some emotional and questionable claims that are being put forth.

EPILOGUE

Two weeks later, Paul Bofinger, forester for the Society for the Protection of New Hampshire Forests and head of the conference planning committee, told *Nuclear News* that he considered the conference a real success. "Many people," he said, "have told me that they sure know a lot more now about nuclear power than they did before."

He also admitted that he had heard quite a few critical remarks about Novick's failure to appear before the public discussion.

LOUIS BACHRACH OF THE BRONX

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. BINGHAM. Mr. Speaker, 6 months ago this Saturday, one of the most beloved men in my home community passed away. Louis Bachrach was a stanch and active support of the Bronx Boys Club, and it was in that capacity that I came to know him, but the boys club was only one of many organizations to which he devoted his great energies and talents. Probably the one organization that was closest to his heart was the Hebrew Home for the Aged in Riverdale, N.Y. Louis Bachrach was chairman of the home's Bronx division, and among other activities organized a remarkably successful dinner and journal each year. His breezy and affectionately humorous way of presiding at the dinner was unforgettable.

By unanimous consent I include herewith two brief remembrances of Louis Bachrach with which I wholeheartedly and warmly concur. The first was prepared by his lifetime associate in business and in innumerable good causes, Abraham Gurevich, and the second by the officers and board of directors of the Hebrew Home for the Aged:

On December 7, 1968 Bronx County lost a distinguished citizen, Mr. Louis Bachrach. He was a resident of the Bronx for fifty years, and for almost forty of those years he served as Treasurer of Security Mutual Insurance Company of New York, the only insurance company with a Bronx Home Office, and one of the outstanding business organizations in Bronx County.

Louis Bachrach was known throughout the Bronx as a man of personal wit and charm, and was an ardent worker and contributor for all worthy charities and causes such as the Bronx Boys Club, the United Jewish Appeal, the National Conference of Christians and Jews, the Federation of Jewish Philanthropies, the Akiba Hebrew Academy, the Jewish Theological Seminary, the American Jewish Congress, and in particular, the Hebrew Home for the Aged at Riverdale, which was his pet charity.

He had lived in the Kingsbridge community of the Bronx for many years, and was one of the founders and builders of the Kingsbridge Heights Jewish Center.

This short man with a big cigar, flavorful accent and kindly wit, could enliven any fundraising gathering by his unique capacity for public speaking. Largely a self-educated man, he had the practical knowledge and keen ability to get things done. His was a rare talent for all forms of opinion and a genuine acceptance of people, as well as a deep sense of social respect for his own family and extending to every member of his community.

Mr. Louis Bachrach will indeed be missed by everyone in Bronx County.

Louis Bachrach came from Russia as a boy of 12 and settled with his parents in Harlem. He was soon working at odd trades to earn a livelihood for himself and his family.

In 1929 he was one of the principal organizers of the Security Mutual Insurance Company of New York. He was associated with the Company as its Treasurer for 40 years.

Largely self educated, Mr. Bachrach devoted 65 years of his life in this country and until the day of his death to a host of civic, religious, educational and charitable causes and agencies. He had a full appreciation of the importance of serving the community as a serious dedicated worker.

He was wise in the ways of this world. He was kind and considerate, fully aware of his responsibilities to his fellow man. He acted out these responsibilities in a way that resulted in productive projects benefitting the community and all the people in it.

It was characteristic of him to walk in the ways of his sainted parents. His mother of blessed memory was one of the founders in 1917 and an early supporter of The Hebrew Home for the Aged of Harlem.

Louis Bachrach was a loyal son, devoted to the ideals of his mother. From the time that she helped found the Home, until the day of his own passing, Mr. Bachrach helped to build and maintain the institution. It now shelters and cares for 560 elderly residents in beautiful modern facilities set in an 18¾ acre private park overlooking the Hudson River.

He served as a member of the Board of Directors of the Home. He was a Vice Chairman of its New Building "Foundation Fund", and an Honorary President of its Bronx Division. For seven years, he led the Bronx Division as its President. In this high office, he established new fund raising records, producing large sums of money for its New Building "Foundation Fund".

He was a prominent member of the Building Industry League of the Bronx. He was to have been the Guest of Honor of their Annual Dinner, the evening of the day he passed away.

Among his other communal activities was his leadership of the fund raising campaigns of the Federation of Jewish Philanthropies, the United Jewish Appeal and the Israel Bond Drives. He was actively identified with the National Conference of Christians and Jews, the Boys Club of the Bronx, the YMCA, Akiba Hebrew Academy, the Jewish Theological Seminary and the American Jewish Congress. He was a founder, builder and former Officer of the Kingsbridge Heights Jewish Center.

For all his good works, Louis Bachrach will be long remembered. His devotion to the welfare of his fellow man will forever remain a blessing. He is missed in the councils of all the organizations and causes he served so well. His sense of humor and most of all his loyalty and devotion to his friends and associates and to the things that he held dear were an inspiration.

UNITED STATES-LATIN AMERICAN FRIENDSHIP: KEY TO HEMISPHERIC SOLIDARITY IN TODAY'S FAST-CHANGING WORLD

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. ROYBAL. Mr. Speaker, one of the most important elements in America's foreign policy has always been our close relationship and spirit of cooperation with our sister republics to the south.

As a member of the House Foreign Affairs Committee, I am practicularly aware of the vital necessity to maintain an attitude of mutual cooperation between ourselves and our good neighbors in Latin America.

So, I was especially pleased to read two outstanding statements recently on the subject of hemispheric solidarity and its meaning in today's world of rapid change and often turbulent conditions.

These statements were made by Dr. Misael Pastrana-Borrero, Ambassador of Colombia to the United States, and contain a most thoughtful discussion of the problems and opportunities we face as we strive together for a true partnership for progress.

Mr. Speaker, under unanimous consent I include the Ambassador's remarks in the Record at this point:

Remarks by Dr. Misael Pastrana Borrero at a Luncheon Given in His Honor by the Pan American Society of the United States and the Colombian-American Chamber of Commerce, March 14, 1969, at New York, N.Y.

If I am not mistaken, it was Benjamin Franklin who, justifying his shyness when speaking in a foreign language, stated that in so doing "he could only express half of what he was thinking, and people only understood half of what he said." I have always tried to bear this in mind, or, I should say more sincerely, that my lack of knowledge of English forces me to do so. Today I have taken this risk, considering that for many of those who generously honor me with their presence, it is better to understand half of my thoughts than to miss them altogether.

The subject of international cooperation through economic aid, notwithstanding the fact that since the end of World War II it has been the central point of the dialogue between industrialized and developing countries, continues to maintain equal if not greater urgency. Because it is true that, after these past twenty years of trial and error, there is so much confusion, ambiguity and misunderstanding about this noble

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policy, that it is worthwhile to analyze and seek out the real causes, in order to be able to measure more precisely the extent of its effects.

The truth is that the cold war has ceased to be the neuralgic point in the confrontation between the two sides that struggle for world power and responsibility. Now the predominant fact is the presence and insurgence of two thirds of mankind, that lives in the anguish of misery and that being conscious that its poverty is not inevitable, searches for the transition of a backward society to participate in some degree in the prosperity of the wealthy nations. These aspirations cause special tensions in underdeveloped areas such as Southeast Asia, or the Middle East, or in the process of liberating the colonies in Africa, or in the frequent internal turmoil of Latin America, and it is just in those areas where the crisis explode more violently and where peace is in danger. And this great gap that divides the nations cannot be maintained without compromising the destiny of the world community.

It is also impossible to form an authentic policy of sincere international cooperation, without establishing reciprocal trust and understanding. The problem of development certainly has a worldwide perspective, but specific proposals for help must be adapted to the peculiar conditions of similar regions, and sometimes each country has to be dealt with individually. For example, in the experience of the Marshall Plan, perhaps the determining factors in the rapid recovery of the Western European economy were the vast human resources and knowledge available there, that obviously do not have equivalents in the developing countries. For the different underdeveloped areas, despite the common denominator of economic backwardness, ignorance and poverty, the confrontation of the problems is different if you look at the huge Asiatic masses, or if you study the process of the African nations that are beginning their journey as free and autonomous states, or if you appraise the group of Latin American nations commonly identified by tradition, language, race and religion.

But, still in the wide range of latitudes between lower California and Tierra del Fuego, where 20 republics exist side by side in an area of 20 million square kilometers, with more than 220 million inhabitants, you will also find clear differences in their social and economic manifestations which also demand special solutions. Next to countries like Brazil, almost a subcontinent with 90 million people, there are others that barely have one or two million human beings. While Venezuela, for instance, has a per capita income of nearly 1,000 dollars, there are many countries with a personal income not greater than 200 dollars. There are countries with ample financial resources due to their international trade and others that hardly have an income of 19 dollars per capita from that source. Other countries have definite lines of contrast in degrees of development, with highly industrialized areas, large modern cities contrasting with sectors submerged in the deepest poverty. Thus, without underestimating universal criteria for foreign aid, it is necessary to consider its indvidual characteristics to avoid generalization that may lead to irreparable errors.

I have always believed that the controversy created by international aid is due less to its need and justice, than to the instruments used and the conflicts that occasionally occur between the aid giving and the aid receiving nations. Knowing as I do the idiosyncrasy of the North American people, I could never think that there would be a citizen in this country who knowing how two thirds of the world live, without access to minimum conditions of existence, could remain calm or indifferent. In this interplanetary era, with the world tightly knit together by communications, the distances between people participating in a civilization of abundance and people handicapped by the struggle for survival is unacceptable; and it is a situation which demands immediate action because it is a problem for today and not for future generations.

Fortunately, in Latin America we are becoming aware that progress depends primarily on ourselves, that development is a national effort produced by the internal dynamics of a society, and that whatever the sacrifices in economic fields or social areas, it is necessary to set. our clocks ahead to make up for lost time without blaming anyone for what is happening to us. Regardless of the difficulties and setbacks suffered by our countries in recent years, there have been improvements that show positive signs of acceleration in our development, and a greater popular participation in our process of modernization. The rate of economic growth from 1950 up to now has been an average of 4.7% per year, approximately equal to the average rate of growth of the majority of the developed countries. A large majority of the Latin American governments, in the same period, have placed special emphasis on education, health, housing, distribution of land tenure, and an increase of economic opportunities searching for greater social mobility. Also, the experience of these years teaches us that if social development is impossible without vigorous economic growth, political stability is unattainable if this growth does not include the improvement of living conditions and a wider participation of the people in the essential national goals. The advances obtained by Latin America in this period have been gained with such a great effort in savings and self-help, that in the seven years of the Alliance for Progress domestic investment in the Hemisphere has been estimated at 150 billion dollars, of which only 6.7% represents contributions from public and private assistance from the United States.

But if there is agreement that development should be sought primarily by the underdeveloped, and that structural reforms cannot be postponed, it is also true that because of our weakness in trade and our accumulated indebtedness, it is not possible to hasten an orderly transformation, avoiding anarchic or violent trends, without continuous assistance from foreign capital. Unfortunately, the tendency in both foreign trade and aid has declined in the last few years. Latin America's share of world commerce has decreased, causing, therefore, an additional burden to our economies. These events indicate that international trade has been used more for the benefit of the wealthy countries than to the advantage of the poor nations.

The Latin American balance of trade has increased its deficit from 1.000 million in 1966 to 1.700 million dollars in 1967, indicating that for predominantly rigid economies, which most of the Latin American countries have, the protectionism of advanced countries contributes to further deterioration. This has happened with the restrictive measures adopted by the United States to improve its own balance of payments, and other steps taken by European countries because of the devaluation of their currencies.

It has been said that the crisis of industrialized countries is immediately reflected in higher poverty in underdeveloped areas and, paradoxically, the prosperity of wealthy countries is not always projected on the poor communities.

It is quite difficult to evaluate correctly the amount of additional capital that underdeveloped countries need to maintain a minimum rate of growth. The Conference of Punta del Este estimated this additional capital need for the Latin American Republics at 20 billion dollars over a 10-year period. The Conference held at Geneva in 1964—stressing the responsibilities of rich nations more than the need of less favored ones—merely advised the former to devote 1% of their gross national product to help poorer countries. None of these proposals have been carried out. Nor did Ambassador Stevenson's proposal in 1961—ratified by the United Nations General Assembly—to make the sixties a decade of development, attain significant momentum.

It is worthwhile to remember that at the time of the Marshall Plan, foreign aid given by the United States came to 2.1% of its gross national product and barely reaches .7% today. With the highest individual income in the world, the United States actually ranks 8th in foreign aid per capita.

Any partial approximation in the study of International cooperation can prove to be erroneous, emphasizing only one of these alternatives: trade or loans; public or private investment, technical or financial assistance. Foreign aid policy has to be considered as a whole. As far as international trade is concerned, there has to be a revision of the barriers that disturb the exchange of basic products and prevent the entrance of manufactured goods from Latin America to the world markets by means of quotas and other restrictions, as in the case of textiles. Considering the critical period that the emerging countries are going through, with progressively unfavorable terms of trade, it is in the interest of elementary justice to study formulas of preferential treatment, or at least cancel certain discriminations that some regional tariff agreements place against our exports.

As far as financing is concerned, it is obvious that credits which tend to favor a country's own balance of payments, or constitute instruments to open new markets, are not the best for the development of the third world. Economic aid needs not only to be increased in volume, but its condition should be modified to make it more efficient, introducing lower or no interest rates and such terms as to allow reimbursement only after the effort of development begins to produce the desired results. Also foreign aid should not be regarded by developing countries as a means to postpone urgent political and social changes, nor should it be regarded with a mentality of charity or a missionary spirit.

One of the reasons for disappointment and fatigue in foreign aid policies is the way in which lending countries explain it to their own public opinion. The amount of private investment in Latin America is often mentioned—482 millions in 1965 and 461 millions in 1966—but this figure should be complemented by the amount of earnings obtained by American investment in the area, which totalled 1.160 and 1.261 millions in said years. In the overall statistical analysis of aid, military assistance is included, as well as transactions also favorable to capital exporters, such as loans called "credit for suppliers". Usually when someone mentions loans given, little is said about reimbursement.

Since the beginning of the Alliance for Progress, total disbursements in loans from the Government of the United States to Latin America amount to 5.853.8 million dollars, while repayments reached 2.141.1 millions in principal, plus 734.4 millions of accrued interest. In other words, 50% of the total amount of those loans were repaid in the same period.

Apart from these figures which sufficiently demonstrate the trend of the aid for both sides, it must be taken into consideration that by contributing to the economic development of the poor nations, profitable markets are being opened for United States commerce, additional traffic is generated for its own transportation system and new activities are offered to commercial banks, thus creating stability that contributes to a better climate for private investment abroad and consequently, easier remittance of royalties and profits. It can be said that every dollar that goes into the economy of a less developed country returns to its lender in the form of purchases of goods and services. In the specific case of Colombia, every dollar received through United States foreign aid is directed towards trade with this country. But in addition to funds from these loans, 42% of our exports revenue is used in the United States regardless of a chronically unfavorable balance of payments. Thus, foreign aid funds are represented overseas more in the form of industrial machinery, agricultural equipment, fertilizers, construction materials, and other consumer goods and services, than in dollars.

Accordingly, the unfavorable balance of payments that some industrialized countries have registered in the last years is far from being caused by foreign assistance.

It is also important to mention that in the midst of a debate in the Committee on Foreign Relations of the United States Senate, former Secretary of State Dean Rusk affirmed that about 700,000 persons in the United States were engaged in activities originating from foreign aid programs. Whereas in the Marshall Plan donations amounted to 90% of the available funds, the exact opposite has happened with the flow of loans to Latin America.

Of course, it is also necessary to convey the significance of foreign aid to less developed countries, because it represents an essential means of strengthening the basis of the economic, social and political life of the new nations. Assistance from the Agency for International Development to Colombia's multiple programs has been extremely useful to maintain an appropriate level of imports and by virtue of the counterpart funds in local currency, it has been possible to make higher investments in roads, electrification, housing and agricultural credit and finance projects from the private sector. On behalf of my Government I am pleased to recognize the benefits of this assistance to the success of our programs.

At the end of this century, Latin America will have at least 500 million people. For the United States to be an island of prosperity next to 20 nations in the throes of underdevelopment could be a very serious situation. War against poverty is a difficult strife, because it is not only the fight against it, but the determination not to live with it. It is true that no country has a mandate to protect the world from poverty, but when countries assume responsibilities in a historical moment, such responsibilities cannot be avoided. Isolationism in the face of the problems of Latin America would mean a retreat from the policy of Hemispheric solidarity in defense of our security, our dignity and our common destiny. A policy that the fifth President of this country stated a century and a half ago has bound the friendship of the New World ever since.

This policy requires a great amount of understanding and good-will, of stimulus and impulse. This is the role being fulfilled by the Pan American Society of the United States and the Colombian-American Chamber of Commerce. Among their members I have friends I have known for many years who are well aware of my enthusiasm for the Inter-American friendship. My deep gratitude to them for giving me the opportunity to speak to you with great sincerity that is in ultimate terms the best way to build optimism and hope.

Remarks of Dr. Misael Pastrana-Borrero, at the Banquet Given by the Rotary District Conference in Akron, Ohio, on March 27, 1969

The Rotary Club of "El Chicó" in Bogotá, the capital of Colombia, interpreting the sentiments of human solidarity which are the basis of the Rotary movement throughout the world, in November, 1967 called the attention of all the other Rotary Clubs to the serious social, economic and cultural conditions existing in the countries of the so-called Third World. This appeal evoked an immediate and surprising response from Rotary Clubs in all Continents; from people of all races, religions and ideologies. This worldwide answer showed clearly that the problems of the underdeveloped countries lie deep in the conscience of mankind and are in urgent need of solution. These are also the reasons for this symposium, to which Rotarians from this section of the United States have invited fellow citizens of Colombia—a country beginning its development—for a frank and open discussion across the table to evaluate the instruments of international cooperation before the poverty and backwardness of the neighbor nations of Latin America.

It is impossible at the present time to ignore the facts of underdevelopment which determine the very existence of most of the people of the world, which threatens world stability and peace, because it will be unwise to assume that time alone can bring about changes that can no longer be postponed. One of the explanations for a less vigorous friendship between the United States and the Latin American countries, that perhaps has delayed the total integration of the Hemisphere in all its aspects, is the circumstance that too often our relations in the past have been conducted almost at government level, while industrial groups, labor organizations and civic associations have not fully participated in consolidating this friendship.

It is a fact that in today's interplanetary era the great causes of humanity loom larger than persons or nations, and problems which only a few years ago were confined to a city or a country, today have international perspective. As Archibald MacLeish wrote of the adventure which permitted the earth to be seen for the first time from the depth of space, it is a new concept which must change the minds of men and make them think in terms of "brothers who know they are truly brothers".

One of the fundamental features in the present era is the emergence of the Third World of revolution, underdevelopment and poverty. It is not that poverty is new, for it has been a part of the peoples' heritage from the beginning of history. What is new is the phenomenon which appeared after the Second World War, better described in the words of the Indian Prime Minister Nehru, "the people's awareness of misery and their impatience to be free from it". Of every three men in the world today, two live in poverty and hunger, and the demographic explosion will determine that in the next 25 years the population of the underdeveloped countries will increase more than in the last century. Advanced nations such as the United States, Russia, Europe, Japan and Oceania have 1,050 million inhabitants and the countries in the process of development 2,500 millions. At the present rate of growth, the population of the first group of nations at the end of this century will be only 1,200 millions, while that of the poor countries will be 4,500 millions. And in the same period Latin America, which today has 220 million inhabitants, will reach more than 500 millions, that is to say, two and a half times the present population of the United States.

But in addition to this population explosion of the underprivileged masses, the advances in communications resulting from aviation and electronic technology which have brought people closer together, have awakened at the same time new aspirations and demands. In Latin America we often speak of the "transistor revolution," because our isolated farmers, besides their working tools, have begun to rely on the company of the transistor, which has broken their loneliness and drawn them nearer to civilization, while at the same time it has made them aware of the great gap between their unlimited poverty and the wealth of other nations. The conscience of this situation thus nourishes the conflicts which frequently give rise to violence and hatred in these regions.

Another disturbing problem is revealed by the statistics relating to food production. Differences in productivity are great: while a North American farmer produces enough food for 44 persons and a European for 12, a farmer in the emerging countries rarely produces sufficient for more than two, and frequently only enough for himself. In the majority of our countries production growth is far below population growth, and it will certainly lead in the course of a few years to a situation which is intolerable in human terms and politically explosive.

Latin America is a unity based upon diversity and in many respects presents conditions different from those of the other underdeveloped regions. Per capita income, which on the average is ten or fifteen times less than that of the United States, is nonetheless higher than the average in most of the African and Asian nations. And although our countries have the highest rate of population growth, they still have fertile areas of uncultivated land, estimated in three and half times more per person than in the rest of the world. We are rich in mineral resources, with the exception of coal, and we have attained a higher percentage of literacy than other underdeveloped areas. Our population is young: 60% of the Colombian people are under 18 years of age. This makes Colombia a dynamic nation, but also gives rise to problems because this large proportion of young people constitutes a source of tension in its urgent demands for decisive and immediate solutions.

That is why underdevelopment is not only the most important social and economic issue of our times, but also the most important political problem of all times. I believe that notwithstanding the great volume of literature written on the subject, underdevelopment has not been contemplated by the leading citizens of the industrialized countries with the necessary attention to the simple statistical data mentioned, that in 25 years, that is to say, in a generation, 4,500 million people will live in misery, in a world in the midst of conquering the space, in a community of nations which conventional language is that of equality and justice, in which men participate more closely of the knowledge of technical progress and in which old religious and political fanaticisms, that justified the subordination to the more privileged ones, have been broken. This is the most important revolution known to humanity because if it is true that the one in 1789 searched for liberty, in this one men search for economic independence and for the improvement of their existence, even though it might not be for themselves but for their children. They expect to change the frustration of the past into the hope of the future.

Erroneously many political sectors consider that facing underdevelopment is a matter which does not concern the wealthy countries. Most certainly this requires, first of all, a great self effort and the commitment to undertake prompt social, economic and mental transformations, but it also needs a sincere international cooperation. It implies a new war concept (the Third World War, as it has been called), for which it is indispensable to move the forces of all the world community, and specially those of the nations which form the nucleus of the Western Hemisphere, since their values are principally the ones in danger. It is a policy that requires courage, intelligence and passion.

Undoubtedly world trade is one of the spheres in which international solidarity can be more clearly demonstrated, particularly inter-American solidarity. Per capita value of the Latin American exports has greatly decreased since 1950, precisely at a

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time when it required a larger volume of income in order to acquire the necessary capital goods to accomplish industrialization plans and the technification of agriculture. 90% of Latin American imports are paid with proceeds from exports, thus the importance given by our Governments to foreign trade, since the improvements in this area make us less dependent on foreign aid.

Therefore, after the Trade Conference held in Geneva in 1964, the main concern of the underdeveloped countries has been to find adequate mechanisms to increase their resources through foreign trade. The deficit of Latin America's balance of payments amounted to 1,000 million dollars in 1966 and 1,700 millions in 1967. For example, the value of Colombia's coffee exports in 1953 and 1954, totalled 490 and 550 millions respectively, while last year this value barely reached 350 million dollars. This means that in the same 15-year period we accounted for a lower income from external trade, while our population grew from 12 to 20 millions. The truth is that our deficit in exports is far greater than the amount of loans we have received; loans, of course, in the greater proportion reimbursable.

Latin America has insisted in ending discriminations against their products, especially the preferential systems of the Commonwealth and the European Common Market; but it also hopes for the elimination of trade barriers affecting its commerce with the United States. It must be borne in mind that 50% of the export-import trade of the Latin American countries is with the United States, since their purchases in this country exceed 4,500 million dollars annually. The elimination of artificial barriers is a way to help our economies to become self-sustaining, at the same time offering the United States the expansion of its own markets. Latin America needs to diversitfy its exports, since the majority of these countries depend to a great extent on two or three products and some times only one. This diversification must be achieved preferably with those manufactured products utilizing raw materials and a high volume of employment. Such products represent today only a small percentage of the total exports of the zone. A commercial policy of this nature cannot be carried out without preferential treatment.

In the same manner, Latin America has been endeavoring to obtain agreements to stabilize, at fair levels, the prices of certain traditional basic products, without stimulating anti-economic production. The success of the Coffee Pact, to which the United States have efficiently contributed and which determines the economic conditions of 14 of the 21 Latin American countries, constitutes a clear demonstration of the soundness of a producer and consumer joint policy designed to prevent the cyclical prices of an article. It is sufficient to say that for every cent dropped in the price of a pound of coffee, Colombia loses 8 million dollars yearly.

Latin America is perhaps the area of the world with closer cultural, religious and language bonds, and with a very similar development process. Notwithstanding these circumstances, the interregional commerce is almost nil, since it only reached 10% of the total volume. This is due to the fact that the exports of the Latin American countries are more competitive than complementary, for lack of currency conversion and a great deficiency in transports and communications. In 1961, the Latin American Free Trade Association (LAFTA) and the Central American Market were formed. This has brought about a 30% increase in trade, in comparison with previous years. At the Conference of Chiefs of State of Punta del Este in 1967, decisions were taken to accelerate the integration of the 20 American Republics beginning in 1970, to be completed in 1985. Should this effort prove successful, it will benefit not only our 20 countries, but also the United States of America.

Notwithstanding the importance of trade, as we have already stated, it alone is not sufficient to help the poor countries to meet their minimum development goals. A coordinated action in trade, aid, private investment and sound economic development is demanded, with the effort of the countries themselves as the central point. Against the belief of many, Latin America has not been the most favored area in the United States aid programs, regardless of its geographic and political proximity. During the Marshall Plan, per capita aid in the recipient countries was 20 dollars, while presently in Latin America it reaches only 2.78 dollars. 90% of the assistance given to Western Europe for its reconstruction were grants. As for Latin America, 90% of this aid represents loans, given under similar conditions to commercial credits, both as to terms of payment and interest rates, with the result that today more than 50% of what is received in aid must be used for capital and interest reimbursement. While in 1946 the United States assigned 2.1% of its gross national product to foreign aid, 0.7% of this product is assigned today.

But the balance of payments crisis of the lending countries has determined that the assistance be a "tied aid"; in other words, it must be invested in the purchase of goods from the same country, which makes it more burdensome, since estimates have shown that the cost of such aid is 15 to 20% higher than the one given without such obligation.

I do not want to enter into an academic discussion as to the real value of aid for the recipient countries, and the real value of the burden for the giving countries. Aid is motivated by humanitarian goals, economic interests and the desire to avoid tensions and world disorder. In the last few years such aid has represented not more than 7% of Latin America's public investment; but this percentage is essential to maintain an adequate rate of growth and the necessary imports. On the other hand, it cannot be denied that for the industrialized powers the future expansion of their markets is closely related to an increase in the consuming capacity of 1,800 million human beings, living in the underdeveloped world.

In 1823 the then President of the United States called upon Latin America for a collective defense of this Hemisphere against the threat of imperialism from abroad. This policy of solidarity against possible extraterritorial aggression has sometimes encountered difficulties which have caused conflicts and unfriendliness due to erroneous interpretations. Latin America has always shown its loyalty in circumstances of real danger for this Continent. Such was the case during World War II in our fight against totalitarianism. We also did it during the Korean War, when Colombia, responding to the United Nations mandate, sent many of our young men to fight and die there. And we did it again during the missile crisis, when the world was on the brink of destruction. Robert Kennedy in his posthumous book "The Thirteen Days" comments on this event: "During the Cuban missile crisis, however, when it was an issue of great importance, when the United States was being sorely tried, those countries came unanimously to our support, and that support was essential". "It was the vote of the Organization of American States that gave a legal basis for the quarantine. Their willingness to follow the leadership of the United States was a heavy and unexpected blow to Khrushchev. It had a major psychological and practical effect on the Russians and changed our position from that of an outlaw acting in violation of international law, into a country acting in accordance with twenty allies legally protecting their position".

Between Latin America and the United States the factors that unite us are far greater than those that separate us, because we are not only a part of the same portion of the world, but we have been inspired by the same tradition of love and respect for human liberty and dignity.

President Madison, upon designating the first representative before the recent liberated world from Spain, outlined to him his principal objectives as follows: "To promote the most friendly relations between the inhabitants of this Hemisphere as having all a common interest, and as lying under a common obligation to maintain that system of peace, justice and goodwill which is the only source of happiness for Nations".

After 160 years these orientations should be maintained, if we want to strengthen the ties of friendship between our peoples. Identical purposes also inspire the thought and actions of the Rotary Clubs before these contemporary problems. This common obligation for peace, justice and goodwill is what has really moved our friends from Akron to convene this splendid Conference and offer us their known and traditional hospitality.

On behalf of Colombia, I thank you.

PROFESSOR CAMPBELL OF DARTMOUTH UNIVERSITY COMPARES UNIVERSITY AND CORPORATION

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. CLEVELAND. Mr. Speaker, my constituent, Prof. Colin Campbell, of Dartmouth, recently published a fascinating article in the Wall Street Journal. In this he compares the modern university structure with the organization of the modern business corporation. He shows how active student participation as demanded by some of the radicals is simply impractical.

In the course of making this demonstration he probes very knowingly into the fundamental structure of the universities. Overdiversification—conglomeration is the current fad-word to describe what I mean—is often a great problem. He reports, most disturbingly, that "Only about half of some university budgets are now used for instructional purposes." The rest is for research and, in some cases, I have noted, which he does not mention, to maintain large staffs whose sole purpose is to seek Federal funds.

I offer Dr. Campbell's excellent analysis at this point in the Record and recommend it highly to all readers of the Record:

Comparing University and Corporation

(By Colin D. Campbell)

Two distinguished authors have recently criticized the organization of our universities. Jacques Barzun, a former dean of the faculties and provost of Columbia University, has written that our universities are suffering from "bankruptcy, paralysis, and futility." Irving Kristol has said that "no one any longer has a clear notion of what a 'university' is supposed to be, or do, or mean."

Like most large business enterprises, universities are corporations. They have charters, and trustees who are similar to corporate directors. The trustees select the president—the chief executive of the organization. Can universities' organizational problems be attacked in the same way that business corporations typically solve theirs?

To some persons the selection of the board of trustees is, a basic source of difficulty. Suggestions for change usually include selecting trustees either from the faculty or the student body. In a business corporation, this would be analogous to selecting directors from representatives of either its employes or its customers.

A TRUSTEE'S RESPONSIBILITIES

Selecting trustees from the faculty could result in even more attention to research and less to the instruction of students. Also, trustees, as their title indicates, are responsible for the proper use of the bequests received from donors, just as corporate directors represent the interests of the stockholders. Since a university's resources may be used for current expenses or saved to provide further income in the future, a conflict of interest could arise: Faculty members would usually benefit most by expanding current expenditures. In addition, those faculty members, elected to the board could presumably benefit their departments at the expense of others. The struggles for representation might be intense and bitter. Such arrangements would probably factionalize the faculty and involve them in time-consuming activities other than teaching and research. Decisions on how to distribute the institution's resources among its various activities are probably best made by an executive who is responsible to an outside group of trustees, rather than to the faculty.

Some of the problems with student trustees would be similar. Consider the question of raising the tuition. Students might prefer to have increases in operating costs paid for by consuming the university's endowment—but this would not be in the interest of future students.

Students' concerns are usually matters decided by faculty committees rather than trustees. Also, students lack experience for the kind of financial and legal decisions that trustees make. Trustees, like corporate directors, usually meet only once a month. They do not, and probably should not, take part in setting up the curriculum, selecting the faculty or administering student discipline, just as corporate directors do not plan production processes or hire employes.

University trustees and corporate directors are usually selected in quite similar manner. Some university charters provide that trustees be self-perpetuating. In the "modern corporation" with its large number of stockholders and no one stockholder having a controlling interest, directors are also self-perpetuating even though stockholders go through the motions of voting. In other universities, an alumni committee nominates candidates for trustees, and those receiving the most alumni votes are selected.

Professor Barzun believes that excessive diversification is the source of much of the disorganization in higher education. Universities have become research centers, with an assortment of institutes financed by both the Federal Government and private foundations. They also organize technical assistance teams for foreign countries, participate in faculty exchange programs with foreign universities and administer programs to assist underprivileged urban groups.

Some universities have ceilings on student enrollment to avoid excessive size and disorganization, yet many new non-teaching activities have been added, and in these universities the shift away from strictly educational functions has been most rapid. Only about half of some university budgets are now used for instructional purposes.

Diversification has some advantages, but it undoubtedly creates strains on management. The "multiversity" loses the economic advantages of specialization. In business organizations, competition and the profit motive prevent carrying diversification too far: Inefficiencies would lower profit and induce owners and managers to simplify the organization. In non-profit institutions, checks on excessive diversification are undoubtedly weaker. Current attitudes of most educators favor expansion and growth. As Dr. Barzun has emphasized, universities are expected to participate in the solution of social problems. Nevertheless, decisions to expand into new areas must be approved by the trustees, and where errors have been made the fault is theirs.

THE LIMITS OF POWER

Professor Barzun also believes university administrators are ineffective because of their limited power over the faculty. This is blamed partly on "tenure," under which a faculty member cannot be discharged except for misconduct or failure to perform his duties. Both government agencies and business organizations face similar, but less rigid, limitations. Lack of control over the faculty is also blamed on the highly competitive market for professors. Most administrators are unwilling to try to influence their better faculty members because they fear that this might cause them to move elsewhere. Business firms have similar problems. Wherever labor markets are competitive and persons are free to choose where they wish to work, an employer is under pressure to provide pay and working conditions similar to those found elsewhere. However, the market protects universities also in their role as employers. Faculty members need not be paid any more than they can get elsewhere.

Both universities and business corporations still retain their most important technique of controlling employe performance—determining salary increases. A dean can reward those who support his policies and penalize those who do not. The resulting power of deans and department chairmen is substantial—despite the claims about the preponderant power of the faculty.

To the leaders of the student power movement, the principal reform needed is student participation in the organization. This proposal is neither realistic nor practical. Taken seriously, it would mean including students in the deliberations and voting of at least a dozen committees. In most universities, the important decisions concerning selection of faculty, courses offered, degree requirements, requirements for the major, student discipline and student admission are made by its faculty committees. Serving on these committees takes time and is difficult. Much of the work is routine and unexciting. That students would be willing to take on such duties is hard to believe. Many full-time students would not be able to do committee work.

Student committee members would not be subject to the same kind of organizational discipline that faculty members are. If student representatives did not perform their tasks conscientiously, the administration could do little about it. In contrast, the overall evaluation of a faculty member's performance is based in part on his contribution to such committees.

Of course, students are the persons served by universities and they should be given the best kind of education possible. But to improve education, student participation is probably no more necessary than consumer participation would be in the management of a business firm. Consumers typically get the kinds of goods and services they want even though they have no voice in the management. This is because firms that produce those goods most desired are most successful.

ATTRACTING STUDENTS

To survive, a university must attract a sufficient number of students. Unfortunately, the competition between private universities that must charge tuition and state universities where the tuition is nominal does not operate effectively. Even if state universities had less to offer, they would probably attract some students away from the private universities.

Significant competition also exists among the various academic departments. Faculty committees may formally decide what courses are to be put in the catalog, but unless students are willing to enroll in them their decisions will not mean much. There are few institutions that can afford courses or professors who cannot attract a reasonable number of students. If a department becomes unattractive, enrollment drops, students shift to other majors, and the department will be required to reduce its staff. The typical department will almost always react by improving its offerings.

The principal way to improve the quality of education is to induce students to want better education. This is not an easy task, but it is one of the purposes of Mr. Kristol's suggestion that all students pay the cost of their education either from their own funds or by loans from the Government. If students were required to pay the cost, one would expect them to be more discriminating about the kind of education they got.

EXPRESSION OF TRIBUTE TO CHINESE COMMUNITY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. ANDERSON of California. Mr. Speaker, I would like to call to the attention of my colleagues a resolution which was recently adopted by the Council for Civic Unity in San Francisco with regard to the Golden Spike Centennial Celebration.

The resolution, with which I am in agreement, accuses Secretary of Transportation Volpe of failing to recognize the contribution of the Chinese in the building of the transcontinental railroad during remarks at the Golden Spike Centennial Celebration on May 10 in Promontory, Utah.

Mr. Speaker, it is vital that we recognize the historical achievements of the many races, religions, and cultures which make up our great Nation. For too long now we have been negligent in giving credit to Americans of various nationalities and in acknowledging their efforts in bulding this land of ours.

It was sad indeed to learn that Secretary Volpe carelessly omitted to mention the work of the Chinese-Americans in the laying of the transcontinental railroad. It is this type of insensitivity which leads to discrimination and bigotry instead of understanding and brotherhood. I certainly hope that in the future, President Nixon's appointees as well as all public officials will respect the cultural enrichments that minority groups have provided to our society.

The resolution follows:

COUNCIL FOR CIVIC UNITY, SAN FRANCISCO, CALIF.

RESOLUTION

Whereas the lack of recognition of the contributions of the various ethnic, religious and racial minorities that have built this country has been a contributing factor in bringing us to our present state of civic disunity, mistrust and polarization, and

Whereas we feel that the omission of mention by Secretary of Transportation John A. Volpe of the contribution of Chinese immigrants to the building of the Transcontinental Railway at the recent Golden Spike Centennial Ceremony is another example of this lack of recognition and of the subtle racism that cripples our nation, and

Whereas the President's Commission on Civil Disorder prophetically warned in March of 1968, "To pursue our present course will involve the continuing polarization of the American community, and, ultimately, the destruction of basic democratic values", Therefore be it

Resolved that the Board of Directors of the Council for Civic Unity express our gratitude to the Chinese community for its contributions to the building of the West and for its continuing contributions to the enrichment of our Society, and be it further

Resolved that we express to the Chinese community our sorrow at the lack of recognition given to them in relation to the whole Railway Centennial Celebration and specifically the Volpe speech, and be it further

Resolved that the staff of the Council of Civic Unity be instructed to express to Secretary Volpe our disfavor at his harmful, if inadvertent, lack of respect shown to our Chinese community.

REA ESSAY WINNERS IN NEBRASKA

HON. ROBERT V. DENNEY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. DENNEY. Mr. Speaker, annually a statewide essay contest is sponsored by the Nebraska Rural Electric Association on "What Rural Electrification Means to Me and My Community." It is my privilege today to insert in the RECORD, the winning essays of six of the State winners who reside in my congressional district. Later on this month these winners, along with others from Nebraska, will travel to Washington to see their Government in operation as part of their prize for submitting winning essays. The REA, through "lighting the farm," has contributed greatly to the progress of the American farmer.

The essays follow:

Information

(By Rebecca Reeker, 15, Sophomore, Battle Creek High School. Father, Gene Reek, R. R. 2, Meadow Grove, Nebr.)

(Contestant sponsored by the Elkhorn Rural Public Power District, Battle Creek, Nebr., in cooperation with the Nebraska Rural Electric Association.)

The Value of Rural Electrification to Our Home and Community

Time changes many things. In the space of less than thirty-five years, the Rural Electrification System has progressed from an idea in the minds of few, to the advantages for the convenience of many. Long range thinking of our Congressional leaders has now been made to benefit all Americans, and that is especially true of our rural populations.

When Senator Norris introduced a bill into Congress for the birth of the Rural Electrification Administration, did he foresee the future possibilities that all rural residents of his State of Nebraska would someday profit from his actions? Could anyone at that time look ahead to the day when all rural families would live as well, or better, than do their city neighbors?

The progress and growth of Rural Electrification over the years has been tremendous. The first consumers in our district could be counted in the hundreds, and now the number is slightly less than four thousand. Many of these first consumers used only the minimum amount of fifty kilowatts, and now many of these same consumers are using thousands of kilowatts every month. These families are now enjoying the total benefits of "Electric Living."

The value of electrification in our homes is now hundred-fold. Adequate lighting is indeed a blessing for all. The work saving and time saving conveniences to the housewife are numerous. Washing, ironing, cleaning, and cooking were once tedious and time consuming chores. Now, automatic washers, dryers, ironers, refrigerators, vacuum cleaners, and timed and automatic burners and ovens make these tasks pleasant completed easily and quickly, therefore adding more leisure time for family enjoyment. Radios, television, stereo sets, and electric organs are now common forms of entertainment for farm families. Electric heat, air conditioners, humidifiers, and dehumidifiers help to make our homes more comfortable. Small appliances add to our daily easy living, such as: razors, tooth-brushes, can openers, knives and knife sharpeners. Our Mothers will indeed praise these gadgets.

The agricultural workers surely appreciate all the advantages of Rural Electrification. From the smallest drills, saws, solder irons; to the massive grain driers, grinders, and mixers, welders, and many assorted motors, the farmers benefit every day from electricity. The water pumps, milkers, and bulk cooling systems make easier the work of the dairy men. Heat units, automatic feeders and waters aid all livestock producers. Electricity makes possible irrigation systems that are automatically timed and regulated.

Rural Electrification has not only benefited our rural residents but our urban residents as well. The job opportunities it has created for manufacturers, wholesalers, retailers, and storage facilities are many. Today, as never before, do we understand the statement, "Live Better Electrically."

The Value of Rural Electrification in Our Home and Community

(By Lynn Kober, 16, Junior Emerson Sacred Heart School, Father: Don C. Kober, Wakefield, Nebr.)

(NOTE.—Contestant sponsored by the Northeast Nebraska Rural Public Power District, Emerson, Nebr., in cooperation with the Nebraska Rural Electric Association.)

A recent survey boasts that more than two million American homes now have electric heat. Approximately one-fourth are served by rural electrification. Statistics show that we, the farmers of America, especially are using more electricity in the Midwest than ever before. Farmers all over the United States are taking advantage of rural electrification more now than in any other time in the history of electricity. What really accounts for this rapid growth of popularity of the REA system?

I often pause a moment to take into consideration the immense benefits we obtain by this system of electrification. I somehow feel that rural electrification means much more than having all the power we need to run our television sets and radios. It means, in my opinion, to have electricity for heating, lighting, water, and other electrical appliances needed to operate the household and farm.

In my own community, the REA is providing the residents with dependable, high-quality service—power vital to the growth of each and every rural community. I've often wondered what our home and community would be like without this ever-improving system of electricity. The great benefits we now take for granted would no longer exist. Farm life would be ever so much more difficult without electricity. We now rely on electricity for everything from electric toasters to complex milking machines.

If you take a good look at a home, be it on the farm or in town, that is electrically served by REA, you would witness a multitude of household appliances such as toasters, stoves, T.V. sets, irons and refrigerators, which provide ease and entertainment for all of the members of the family. And on a farm, you are likely to perceive many electrical advantages utilized prodigiously by the farmer. Poultry farmers have electrically-powered equipment to feed and water hens and to take proper care of the eggs. The dairy farmer utilizes electricity for his milking machines and other electrical devices. Whereas the rancher has only to flick a switch and get the power needed to feed his cattle, on which his livelihood depends. And the rural electric system supplies all the power needed for farmers to bring in and take good care of his crops. What would these people do without this great necessity of electricity?

The future holds many challenges and opportunities for rural electrification. As the REA advances in technical changes, it will mean more man-power and job opportunities for many people. Industrial development will be getting more attention in the years ahead as rural electric systems help Nebraska move from an agriculture-dominated state into a diversified agricultural-industrial state.

The rural power systems are doing much more for our community. Their leaders are working to help insure improved rural community facilities such as water systems, better schools, more and better housing, improved medical facilities, and orderly community developments.

And so, the REA has become a vital factor in the life of all America. By its benefits, both in our homes and communities, it has hoped to make a better America by starting with the heart of America itself, the rural areas.

What Rural Electrification Means to Me and My Community

(By Donna Lynn Walford, 16, Junior, Gresham Public Schools, Father: Wayne Walford, Gresham, Nebr.)

(Contestant sponsored by the Polk County Rural Public Power District, Stromsburg, Nebraska, in cooperation with the Nebraska Rural Electric Association.)

This is the age in which we hear much about the generation gap. I was amazed when I learned that one short generation ago when my parents were small the Rural Public Power District was just coming into existence in Polk County. One generation ago rural residents were the people who squinted at their newspapers or homework by gas lamps. Wives stood for long hours over the family ironing using either "sad irons" heated over the wood range or gas heated irons. Ice was carried from the ice house to cool foods. Heat for cooking and warming the home was produced by wood and cobs carried in by the basketfulls. Wind-powered mills pumped water which had to be carried in pailfull after pailfull.

Almost as if by magic, electricity has raised the standard of living of the rural people of my community. Hundreds of electric powered appliances make our lives safer, more comfortable and luxurious. Use of these appliances actually adds hours to our day by freeing us of tedious, drudge-type jobs. We now enjoy all the comforts and conveniences that our urban neighbors enjoy, in addition to the pleasure of rural living.

Our generation has a hired hand who helps with the work around our farm home. This faithful servant powers our washing machine and drier, heats our iron automatically. He heats our range neatly and comfortably, refrigerates our food safely and freezes the leftovers to use another time. In the winter our home is heated and humidified comfortably and safely by this hired hand who can also cool and dehumidify on summer

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days. He lights our way indoors and out. He powers my electric shears and runs my sewing machine. Why he even dries my hair, brushes my teeth, shines my shoes and dries my nail polish. Our friend pumps water for the livestock, water for the crops and water for my bath. He brings beauty to our lives by lighting our patio, watering our lawns and mowing the grass. He provides us culture and education each time I turn on the radio, television set or stereo. He works for us twenty-four hours a day, seven days a week. He never asks for a coffee break and refuses to take a vacation. We have never paid him more than $38 a month. You can hardly find that kind of hired hands any more. His name is Rural Electric.

You think our neighbors might be jealous? Not at all!!! They too enjoy the services of Rural Electric.

The Value of Rural Electrification in Our Home and Community

(By Susan Fosler, 17, Junior, Seward Public High School; Father: Dale Fosler, Milford, Nebr.)

(Contestant sponsored by the Seward County Rural Public Power District, Seward, Nebr., in cooperation with the Nebraska Rural Electric Association.)

Somehow the Rural Electrification Administration never had much meaning to me as a teenager living in a rural area. However, with this essay I found some stimulating accomplishments of the Administration as well as some benefits rural people receive daily from this agency.

A slight review in the history of REA shows that it was established in 1935 by the President of the United States. A few years later Congress made it a permanent agency. The REA is defined as an agency of the Department of Agriculture which finances the extension of electric power to people in rural areas of the United States. This agency does not construct, own, or operate the electric facilities it finances but merely lends the money that enables various companies and associations to manage them.

We now have the background that set up the REA, but just how does the Public Power District of Seward County benefit me? In 1935, only one farm in every ten in the United States had commercial electric service. In the late 1950's, about 95 of every 100 farms had such service. Of these, more than half were served by REA-financed electric systems. I have grown up accustomed to the luxuries electricity provides. I naturally expect to always be able to have a hot bath. An electric tooth brush is now a common implement in any farm bathroom. I'd be lost if I couldn't dry my hair in twenty minutes, and the newest trend—electric rollers is another provision made possible by REA.

I'd hate to have to begin to prepare meals in a rural farmhouse of the 1900's. We have so many conveniences made possible by electrification that we seldom have time to appreciate them all. Fry pans, bun warmers, electric mixers, dishwashers, refrigerators, and freezers make every family completely dependent upon this modern convenience.

When a farm family has daughters no rural home is complete without a sewing machine to help keep up with the newest fashions. A steam iron helps to press professionally, to say nothing of the automatic washers and dryers that help in the process of clothing.

During the past winter months a vaporizer, heating pad, and electric blanket aided even the farmer through the last flu epidemic.

Our family, living in a rural area, several miles from any city can enjoy all the comforts and conveniences of living in a town and yet be free to make our living farming and carry on the type of farm life we enjoy.

A modern farm has more than 400 different uses for electricity. I have named only a few, perhaps the conveniences that are most important to me. Nevertheless, I have discovered just how much the REA has done to help raise the level of living in rural areas. This agency has enabled farm families to run their own farms more economically and efficiently and has given us the many conveniences that had previously been restricted to city dwellers.

I guess all that I can say is thank-you Rural Electrification Administration—for everything you have done to make the farmer's life just a little easier.

The Value of Rural Electrification in Our Home and Community

(By Ed Havlovic, 16, Sophomore, Aquinas High School, David City, Nebr., Father: Joseph V. Havlovic, Brainard, Nebr.)

(Note.—Contestant sponsored by the Butler County Rural Public Power District, David City, Nebr., in cooperation with the Nebraska Rural Electric Association.)

Come with me on an imaginary airplane flight and I will show you the value of rural electrification in our homes and community. Fasten your seat belt—we're off!

If you look down to your left you will be able to see endless acres of tall, dark, green corn and ripe wheat fields carpeting the hills below with a mellow gold. Such abundant harvests are the result of electric irrigation systems.

On your right you will notice a modern farm. Electricity plays an important vital role in the maintenance of the farm as well as in the work and responsibilities of the farmer. Electric heating, electric watering, electric air conditioning, and electric lighting systems are necessities to the farmer in raising and caring for chickens and other farm animals. The dairy farmer finds electric milking machines not only economical, but also efficient. Electric milk coolers, separators, and other dairy equipment also aids the dairy farmer in producing top grade A milk and cream. The farmer also finds that electric fences provide the protection of his dairy herd while electric well pumps constantly supply fresh water for all farm animals.

The average farmer also discovers many "do-it-yourself" jobs much easier thanks to electric saws, drills, welders, sanders, lawn mowers, and many other useful power tools.

As you can see most every rural home is served by rural electrification. Electric heating, electric lighting, and electric air conditioning provide the farmer and his family with comfortable living all year long. The housewife finds her housework considerably easier, thanks to electric irons, dishwashers, garbage disposals, washing machines, driers, vacuum cleaners, sewing machines, and food mixers. Housewives are able to prepare meals quickly and easily with electric stoves, toasters, and grills. Housewives are also capable of preserving and storing food for long periods of time due to electric food freezers and refrigerators.

As we continue our "airplane flight" over the many rural farms one notices the many electric power lines and telephone wires that lead to and from the farms. Electricity, as you may have guessed, plays an important role in communications as well! The radio and television are not only entertaining and pleasurable but are also a source in information and communications. The radio and television provide the farmer with informative news, weather forecasts, as well as storm warnings. The farmer finds the telephone most useful in carrying out "business terms" or just a friendly conversation.

Although one may see the importance of rural electrification one seldom realizes the importance of electrification in the community. As we continue our flight, observe in the city, which we are approaching, the businesses and industries. Such modern businesses and industries could not exist without eletcricity. Electric signs advertise products and business. Electric adding machines, computers, and typewriters greatly aid office workers in doing their jobs quickly and efficiently. If you look below, you can notice the traffic that is constantly weaving throughout the city streets. Electric street lights insure traffic safey as well as city lights during the night.

That concludes our flight; prepare for landing! Made it! Ground at last! I hope by this imaginary flight that you will realize the importance and have a better understanding of rural electrification in our home and community as well. Electricity plays an important and vital role in the work and daily living of all people and this role is ever steadily increasing. As modern inventions progress forward, electrification is ever present serving man in countless ways as it has in the past and will continue to do so in the future. *Electrification* is here to serve *you!*

What Rural Electrification Means to Me and My Community

(By Richard Herink, 15, Sophomore, Leigh Community School, Father: Eugene F. Herink, R. R. #2, Box 43, Clarkson, Nebr.)

(Note.—Contestant sponsored by the Cornhusker Public Power District, Columbus, Nebr., in cooperation with the Nebraska Rural Electric Association.)

Just what does rural electrification mean to me and my community? I believe that it means fewer people starving in the world today. It also means that I, as a Future Farmer of America, my father, and all the farmers in my community, have the opportunity of becoming more prosperous.

There are many people in the world starving each day, and if the world's population keeps increasing at the present rate it will be doubled by the year 2,000. Stop and think what this will mean. In only 30 years from now there will be twice as many people to feed each day. Thirty years may seem like a long period of time, but by then the farm youth of today, like myself, will be at the peak of their earning capacity.

To realize how important electricity will be to a farmer in 30 years, we must look back 30 years, and see the great increase in the use of electricity in rural communities. Thirty years ago it was estimated that about eleven out of every 100 farms in the United States had electric service. Today more than 97 out of every 100 farms in the United States is served by electricity. Electrification has improved the living conditions of rural people. Farm families today can enjoy all the modern household conveniences that the people in the city have and enjoy. This was not true when my parents were my age. Because of electricity today, the farmers are realizing a higher standard of living then ever before.

Electricity has increased farm production and has raised the economic development of not only my community but all rural communities served by Public Power Districts.

In the past 30 years inflation has raised the cost of every commodity the farmers use today. The lone exception to this is electricity. In recent years as everything else has risen in cost, electricity has decreased in cost. Electricity has been a leader in revolutionizing farming, at the lowest possible cost. This is one major reason why electricity has helped almost every farm and rural community.

Agriculture is America's largest and basic industry. With more people on this earth than ever before, we need more food than ever before. The farmers in my community and all over the United States are depending upon electricity to meet this demanding need for increasing food production.

Electricity can fulfill this task in many ways. Two of the most important ways electricity fulfills this job in my community is through improved feeding practices and irrigation. These two alone can help the forever rising need of raising more food.

As I evaluate my home and the community in which I live, I realize that electricity has meant progress, convenience, and safety at a very nominal cost.

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IT IS FAR BETTER, IN THE NATIONAL INTEREST, FOR THE DEFENSE AUTHORITIES TO "PUT OUT" THE FACTS ABOUT MILITARY SPENDING THAN TO HAVE THEM "FOUND OUT"

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. DONOHUE. Mr. Speaker, I am pleased to include, at this point, a very timely and constructive editorial that appeared in the Worcester (Mass.) Telegram newspaper issue of June 3, 1969, pointing up the essential need for Defense officials to release all the facts about Defense spending.

The article follows:

[From the Worcester Telegram, June 3, 1969]

LEASHING THE PENTAGON'S SPENDERS

The days are over when the military could have any amount of money for the asking. Defense Secretary Melvin Laird and Deputy Secretary David Packard are clamping down on the sloppiness and waste in defense contracts.

Under new directives, defense contractors will no longer be allowed to submit ridiculously low bids in order to "buy into" a long term military project. And both the contractors and the military services have been warned that unlimited "cost overruns" stemming from costly changes in design will not be tolerated.

If Laird can make his directives stick, there will be no more C5A, F111, nuclear bomber, and defense missile scandals of the sort that have cost this country an estimated $30 billion in sheer waste over the past 20 years.

The new guidelines are long overdue. So scandalous has been the waste in the Defense Department that it has led to a dangerous crisis in confidence in the American military planning establishment. A group of 45 congressmen has recently signed a report stating that the "military-industrial complex" has become an independent empire practically free of congressional control and threatens to turn the United States into a garrison state. It gobbles up 80 per cent of the national budget, sets foreign policy, starves domestic programs and keeps the world in fear of nuclear war, they say.

That is scary talk. Even though the congressmen are mostly liberals who are opposed to the Vietnam war and the antiballistic-missile system, their warning falls on many receptive ears.

But the situation as it has developed is partly the fault of Congress. Congress should have insisted on taking a closer look at the various major military projects. Instead, both armed services committees have allowed the military to grossly overuse the "national secrecy" argument in regard to defense proposals. By thus withholding information—or concealing their lack of hard information—the military planners more than once got themselves mired in projects that should never have been started without intensive research and discussion.

The Pentagon and the nation are paying dearly for the lack of candor shown by the military. The country today is profoundly suspicious of all Defense Department proposals, to the point where the military security of the nation may be affected, if confidence is not restored.

Like it or not, the Defense Department is essential to the continued survival of America as a free nation. It is not some evil conspiracy of contractors, generals and politicians. But the Pentagon has been far too reluctant to ride herd on its contractors, and it has even tried to cover up blunders of colossal size.

If Laird can clean out the Pentagon, he will be topping Hercules and the Augean stables bit.

PROUD DAY FOR ITALY

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. PUCINSKI. Mr. Speaker, the whole world joined on Monday in paying tribute to the 23d anniversary of the founding of the Italian Republic, for indeed this rebirth of Italy is one of the great achievements of our time.

The Italian people have demonstrated their great spirit of achievement when in 23 short years they were able to rebuild Italy from the ruins of World War II to one of the great nations of the world today.

I have in my district many Americans of Italian descent who are a living monument to the impressive contributions that Italians have made to the progress of the world since the very beginning of civilization.

Both the Chicago Sun Times and the Chicago Daily News carried impressive editorials marking the 23d anniversary of the founding of the Italian Republic, and I should like today to include these editorials in the Record.

These editorials reflect the high respect and the high regard that Americans of all ethnic backgrounds have for their Italian-American neighbors and for the people of Italy themselves.

The huge contributions of the Italians toward the world's progress in science, in drama, in literature, in medicine, and in philosophy itself are an inspiration to all of us.

The two editorials follow:

[From the Chicago Sun Times]

PROUD DAY FOR ITALY

This is a proud day for Italy and for all of Chicago's Italian-Americans. It is the 23d anniversary of the founding of the Italian Republic.

The end of World War II left Italy in a shambles. There was immense war damage, hunger and misery. But the Italians, a proud and hardy people, were determined to build a future.

Their first and proudest structure was a new government. In April 1945, the first representative body was given the job of putting together the regulations for the election of a Constituent Assembly. On June 2, 1946, the Italian voters cast their votes for a republic.

Italy's recovery from World War II, its welcome into the Atlantic Alliance by the nations it had fought against, its entry into the United Nations in 1955, are benchmarks of its comeback from the immense damage done by the war. We salute our friends of Italian extraction in Chicago and the people of Italy on this anniversary.

[From the Chicago Daily News]

ITALY: 23 YEARS A REPUBLIC

By a comfortable, though not overwhelming, margin of 12,717,923 votes to 10,719,284, the people of Italy exactly 23 years ago elected to become a republic instead of a monarchy. From the vantage point of this 23d anniversary, the choice was clearly a good one.

Modern Italy—good neighbor and strong ally—has come a very long way since the dark days of World War II—and since the dark years just after the war, when the Communists tried powerfully but vainly to draw the nation behind the Iron Curtain.

Chicago and Italy serve one another in many ways. Our city's cultural debt to the Italian people is great and growing. Modern Italy leans heavily upon Chicago for manufactured goods of many kinds.

But a more personal link is Chicago's people of Italian descent—a proud and sensitive and productive people whose inherited gifts add richness and flavor to this capital of the American heartland.

In their behalf, and in behalf of all Chicagoans, *I migliori auguri alla Repubblica Italiana.*

SOVIET NEGOTIATIONS A TACTIC

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. RARICK. Mr. Speaker, keeping the American people accurately informed is the greatest challenge to free speech.

Mr. N. Henry Josephs, 40 Wall Street, New York City, former special consultant to the Undersecretary of War, has prepared a treatise, "President Dwight David Eisenhower—Fruitless Efforts for Peace in Negotiations With Communist Russia."

Mr. Josephs' article covers numerous unsuccessful negotiations by President Eisenhower with the Russians—which the author realizes were tactics used by the Russians to gain precious time.

He points out that our leaders were lulled into a sense of false security—while the Soviets were utilizing the time to escalate their armament buildup.

He says:

> This tactic has been successfully employed by every head of the Soviet Union ever since.

I insert Mr. Joseph's article in the Record, as follows:

PRESIDENT DWIGHT DAVID EISENHOWER—HIS FRUITLESS EFFORTS FOR PEACE IN NEGOTIATIONS WITH COMMUNIST RUSSIA

(By N. Henry Josephs)

I am not affiliated with any organization, I am not sponsored and all expenses are borne by myself.—N. HENRY JOSEPHS.

NEW YORK, *May 1969.*

"Abroad, in every major sector, we confront a formidable foe, an expansionist tyranny which respects only toughness and strength and still displays little interest in traveling the pathways to peace, with honor and justice. Today, the Communists reach ruthlessly for domination over Southeast Asia and are trying to break our will to foil the attempt. In the Middle East, month by month they move closer to testing our resolution. The same is true in Korea. Constantly they stir new troubles in every area of weakness they can ferret out in Eastern Europe, in Africa and Latin America. It is one thing to call for a peaceful settlement of this struggle. It is quite another to call for retreat by America. The latter is the best way I know to stockpile tragedy for our children." (August 5, 1968)—Dwight David Eisenhower, Late President of the United States.

GENEVA—1955

In June of 1955 representatives from sixty countries gathered in San Francisco for a week-long celebration commemorating the Tenth Anniversary of the signing of the Charter of the United Nations with Dr. E. N. van Kleffens, of the Netherlands, presiding, Dr. van Kleffens made it clear that this was to be a commemorative meeting and invited the representatives assembled in the San Francisco Opera House to limit their speeches to commemorative purposes. This procedure was adopted in order to stay clear of any issues of substance that might offend the Russians.

Molotov, who headed the Russian delegation, was smiling and was most friendly. He went sightseeing and for the first time the Russians mixed at cocktail parties with members of the delegations of the other Nations. Through an intensive charm campaign, they left no stone unturned to win friends and influence people and moved in wherever there was a fertile field which could be exploited to their advantage.

This "charm campaign" encouraged us to agree to a Summit Meeting with the Russians in Geneva. This Summit Meeting was received throughout the world with great optimism and with a sense of hope that peaceful means for co-existence could be found and that wars in the future could, at last, be averted. The meeting in Geneva by the Big Four, United States, the Soviet Union, Great Britain and France, was held in an atmosphere of friendship. This, the Russians quickly propagandized as the new spirit, the "Geneva Spirit".

At the conclusion of the meeting, President Eisenhower cautiously announced that at the Geneva Summit "a beginning was made and * * * it is just possible that something to the great benefit of mankind may eventuate".

Khrushchev, in his usual bombastic manner, said that "The Geneva conference was of historical significance * * * its distinctive feature was the spirit of cooperation and mutual trust".

After Geneva, the Russians continued to beat the drums of the "Geneva Spirit" and, during the four months following, gave garden parties, exchanged special visitors with the United States, invited the French cabinet ministers to Moscow and Khrushchev and Bulganin accepted an invitation to visit Great Britain in the Spring of 1956. They skillfully lulled the world into a sense of peace and security. The French started to talk about reducing military service and the British introduced bills in Parliament recommending reductions in defense costs.

But when October came and the Foreign Ministers of the Big Four met again in Geneva to formalize the earlier agreements, the Russians, in their not unusual fashion, made an about-face and Mr. Molotov, the smiling, the amiable one, angrily hammered out a fresh Russian get tough policy.

The New York Times, commenting in its lead editorial (Dec. 4, 1955), melancholically said:

"One of the evidences of totalitarianism in government is the haste and precision with which policies can be changed. When Stalin died, Russia seemed to smile. When Lavrenti Beria, head of the secret police, was shot in December, 1953, some of the terror seemed to go out of Russia. When Premier Bulganin and party secretary Khrushchev or their representative, Mr. Molotov, smiled at San Francisco in June, or in Geneva in August, a sort of warmth spread around the world. But now these men smile no longer. We look around the world with a sense of dismay since the end of the foreign ministers' conference in Geneva, from which so much was hoped and in which so little was realized."

GENEVA—1959

Man is a chronic wisher for peace and meetings at the summit always revive his hopes that talks can avert war. This is why, four years after the first Geneva Summit, we agreed to meet again at the summit. However, this time we let be known that we would hold another summit meeting only if an agenda was agreed upon in advance. For this purpose, an East-West Foreign Minister's Conference was arranged to be held early in May, 1959, in Geneva.

This East-West Foreign Ministers' Conference opened in Geneva on May 11, 1959. After forty-one days and thirty sessions, fifty-four speeches (totaling 800,000 words, half of which were uttered by Russia's Gromyko alone) the meeting ended in a stalemate. President Eisenhower, in a secret letter to Khrushchev and as a last ditch effort to break the stalemate, warned Khrushchev that unless some progress was made at Geneva, the United States would turn down an East-West Summit Meeting. In a speech in Moscow, Khrushchev boasted that there *will be* a summit talk, regardless of what happened in Geneva "since the existing situation urgently requires it", a situation he himself created. (Time, June 29, 1959.)

Khrushchev was right, for in spite of all the Russian intransigence, we invited him to the United States. Thus, once again, we encouraged Communist Russia to continue in its belief that setting up obstacles, not removing them, was the way to accomplish their ends.

CAMP DAVID—1959

On September 15, 1959, at Andrews Air Force Base, Maryland, we officially received, as our guest, Nikita S. Khrushchev, the Chairman of the Council of Ministers of the U.S.S.R.

Except for pleasantries usually exchanged on such occasions, nothing significant was said by President Eisenhower or by Khrushchev. Whatever serious talk there was during the brief periods when they were alone, it was labeled as "exploratory". Later, President Eisenhower and Khrushchev after a two hours' talk, issued a joint statement phrased as follows:

"The President and the Chairman (Khrushchev) reviewed the relationship between the two countries and exchanged views in general terms on international problems. They agreed on the general line of their further discussion, which will take place on all these subjects following the Chairman's return from his visit throughout the country. They plan to meet for this purpose at Camp David from Friday evening, September 25, until noon on September 27. The atmosphere of the talk was friendly and frank, with agreement that the discussions should continue in this spirit to seek ways to achieve a better understanding."

At a state dinner given at the White House, President Eisenhower raised his glass to Khrushchev and proposed this toast:

"Now, today, it seems to me that our two countries have a very special obligation to the entire world. Because of our strength, because of our importance in the world, it is vital that we understand each other better. The Soviet Union and the United States must have a common purpose in developing the maximum of fact and truth, so that we may better lead this world, between us, into a better opportunity for peace and prosperity."

Khrushchev answered:

"The United States and the Soviet Union are too powerful to permit quarreling among themselves, * * * Russians believe their Communist system to be superior," he went on, "Americans may believe the same of their system. But surely we should not bring the quarrel out into the arena of open struggle. It is better to let history judge which system is right."

After his sight-seeing, hand shaking tour of the United States, Khrushchev arrived at Catoctin Mountains where he spent three days with President Eisenhower at Camp David. The communist propaganda machine blared out to the World the great "accomplishments" reached at this latest summit meeting, to which they gave the label of the "Spirit of Camp David". In truth, nothing in particular had been accomplished except that it was agreed that a Big Four meeting be held in Paris in the spring of 1960. The communique that was issued said:

"The Chairman of the Council of Ministers of the U.S.S.R. and the President of the United States agreed that the question of general disarmament is the most important one facing the world today. Both Governments will make every effort to achieve a constructive solution of this problem * * * With respect to the specific Berlin question, an understanding was reached, subject to the approval of the other parties directly concerned, that negotiations would be reopened with a view to achieving a solution which would be in accordance with the interests of all concerned and in the interest of the maintenance of peace * * * The Chairman of the Council of Ministers of the U.S.S.R. and the President of the United States agreed that all outstanding international questions should be settled not by the application of force but by peaceful means through negotiations * * *"

An editorial in the magazine America (December 12, 1959) evaluated the Camp David meeting, as follows:

"The spirit of Camp David, as we see it, is simply that cozy sense of well-being that has been lulling us to sleep since the end of September (1959). When this euphoria sweeps over the ordinary citizen, he says to himself: 'Relax. There's a rainbow 'round the corner. The Cold War was a bad dream—nothing but a misunderstanding between good buys who should have been pals all along.' When the spirit grips the columnist, he enlivens his prose with bright illusions: Khrushchev visits Red China, but puts a leash on Mao; Moscow permits a few cultural exchanges, and lo, there are rents in the Iron Curtain; the Kremlin approves a few washing machines, and the columnist sees consumer pressures dictating the course of Soviet policy. Sometimes, too, the spirit of Camp David seems to bewitch governmental officials at home and abroad. Then we hear that it is time to build bridges of understanding instead of walls of containment. We learn that the relaxing of tensions is a harbinger of disarmament and that soon we can trim defense costs. We even hear it whispered that accommodation is not appeasement; that we must give a little and that the time is ripe to seek a changed status for Berlin and East Germany * * * what are the facts, two months and a half, after the chummy palaver in the Catoctin Mountains? Moscow stands astride Berlin in the same threatening pose that created the desperate crisis of a year ago. The threat of unilateral action had been deferred but in no sense withdrawn * * *"

PARIS—1960

The Paris meeting and President Eisenhower's visit to Russia in June of 1960 were agreed upon at Camp David. They were un-

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derstood to form together a much desired objective to reduce world tensions and make the Spirit of Camp David a reality.

Consultations were held (April 12, 13 and 14, 1960), in Washington, with our Allies, the Western powers. These consultations and conferences were attended by United States Secretary of State Christian A. Herter and Foreign Ministers Selwyn Lloyd of Great Britain and Maurice Couvre de Murville of France. The talks were joined by Foreign Minister Heinrich van Brentano of West Germany, Howard C. Green, Canadian Foreign Minister and Antonio Segni, the Foreign Minister of Italy.

In the meantime, Mr. Haggerty, presidential press secretary, flew to Moscow and there, with Russion officials, was working out the details of the President's visit. White House Secret Service men went to Moscow to consult with Russian security police to insure the safety of the President's tour. It was agreed that the President would appear on television and radio and would speak to the Russian people, the same as Khrushchev did when he toured the United States. However, the President's tremendous personal success during his historic journey, which took him to eleven nations and three continents, and the warm reception given him on his goodwill tour of Latin America in February and March of 1960, worried Khrushchev and some of the other Russian leaders. They began to show outward signs that they felt that they made a terrible mistake in inviting the President to visit the Soviet Union. The Central Intelligence Agency reported to Washington an item which puzzled our top officials. To commemorate President Eisenhower's visit, Russia was printing materials for magazines containing flattering and friendly pictures of our President and of our country. The Central Intelligence Agency had found out that this advance press run had been ordered stopped.

About the same time, efforts were being made by the Russians to compromise members of the White House Staff who were then in Moscow attending to the details for the President's trip.

"Unbeknown to the West, Khrushchev (or the thinkers around him) was seeking ways and means of avoiding, if possible, * * * the Eisenhower visit to the U.S.S.R. * * * One night, after a hard day's work preparing for President Eisenhower's visit to the U.S.S.R., members of Hagerty's staff had dinner and sought their uncomfortable beds in their Moscow hotel. They had hardly been settled in same, in monastic bleakness, when their phones began to ring. At the end of every line was an English-speaking Russian girl, friendly to the point of wanting to come up and make each man's night more comfortable. Hagerty stayed that night at Spaso House with Ambassador Thompson. When he was informed of the phone calls to his people, he confronted a Russian official at a ceremonial luncheon the following day and boldly accused him of the attempt to compromise members of the White House staff. The official looked blank." (William Randolph Hearst, Jr., Bob Considine and Frank Coniff in "Khrushchev And The Russian Challenge", page 234).

On May 5, 1960, Khrushchev announced that an American U-2 reconnaissance plane had invaded Soviet territory on May 1, in "an aggressive provocation aimed at wrecking the summit conference" and that it had been shot down and its pilot, Francis Gary Powers, arrested for spying. On May 11, Khrushchev, speaking at a display of the alleged wreckage of Powers' plane and equipment, expressed doubt that President Eisenhower would now be welcomed in Moscow.

George E. Sokolsky (New York Journal American—May 13, 1960) in an article entitled "Why Does Mr. K. Fear Ike's Visit?" discussing Khrushchev's efforts to stop the President from visiting Russia, said:

"It is beginning to appear that Nikita Khrushchev wants to call off the Summit Conference or President Eisenhower's visit to Soviet Russia or both. * * * The visit of President Eisenhower to Russia in June would bring cheer and good-will to the Russian people. * * * Khrushchev is doing everything conceivable to break down the will of the Russian people to receive Eisenhower with enthusiasm. * * * Khrushchev's present conduct is making it increasingly difficult for President Eisenhower to go to Russia and the efforts are so persistent and so irritating that they are becoming unmistakable and sharply antagonistic. Khrushchev's game apparently is to get Eisenhower to decline to go. Then the Russian will enter upon a world-wide denunciation of Eisenhower and the United States. If President Eisenhower sits tight, moves according to schedule, Khrushchev may find himself in the embarrassing position of being forced to tell Eisenhower that he does not want him to come."

Khrushchev, although delighted over the U-2 incident, was not yet certain whether it was good or bad to withdraw outright the invitation to Eisenhower to visit Russia. Instead, he mapped out a better plan. He announced that he would go on with the proposed Paris meeting and, on his arrival in Paris, he pledged to "exert all effort to make the conference a success, to enable it to result in the further lessening of international tension, in the consolidation of peace and security of nations."

But, on May 15, in separate private meetings with British Prime Minister Harold Macmillan and French President Charles de Gaulle, Khrushchev said he would not participate in the summit talks unless the United States terminated all flights over the Soviet Union, apologized for its past "aggressions" and punished those responsible for the flights. Informed by Macmillan and de Gaulle of Khrushchev's stand, President Eisenhower told the Allied leaders that the flights had been halted and would not be resumed, but he rejected the other demands.

On May 16, the four heads-of-government met in the Elysee Palace. At this meeting, Khrushchev asked to be heard and for one hour he subjected President Eisenhower to one of the bitterest attacks ever heard. Hitler, in his most despicable moments, could not have used more foul language than Khrushchev did on this occasion. At the end of his speech, he brusquely withdrew his invitation to President Eisenhower to visit the U.S.S.R. Macmillan and de Gaulle pleaded with Khrushchev to withhold publication of the speech and later Macmillan visited Khrushchev and urged him not to wreck the conference. De Gaulle tried to save the Summit Meeting and, after one afternoon and night of harried conferences, he asked that all meet the following morning, May 17, "to ascertain whether it is possible for the summit conference to begin the study of the questions which we agreed should be taken up." De Gaulle, Eisenhower and Macmillan showed up, but Khrushchev went for a ride in the country. The three Western leaders were forced to announce that because of Khrushchev's absence the "planned discussions could not take place".

On May 18, in a hectic two and a half hour press conference attended by nearly 3,000 persons, Khrushchev denounced United States' actions as "thief-like", "piratical" and "cowardly" and called President Eisenhower a "fishy" friend. Most of the newsmen present interrupted Khrushchev repeatedly with boos. Khrushchev booed back at them.

ONE MORE SUMMIT?

The declared policy of the new Administration in our relations with the Soviet Union was clearly stated by President Richard M. Nixon when he said that "We are in an era of negotiation and we hope the era of confrontation has passed". I am in favor and I support the President's plans to enter upon direct negotiations with the Soviet Union, in the hope that a system of limitations and control of armaments could be developed by mutual agreement.

However, it is one thing to continue our efforts for peace through renewed negotiations with Communist Russia and quite another thing unilaterally to withhold the development of minimum safeguard systems of our own while giving the Soviet Union further additional time in which to develop and build, which they will undoubtedly do, the kind of weapons that would give them an effective and deadly first strike capability against the United States. It can only be suicidal for us to allow another period of negotiations to further strengthen Russia and weaken ourselves.

Recently, in the Senate it was said, in a derisive manner, that some of us discovered that "Suddenly, the Russians are eight feet tall". Let us be honest and recognize the fact that the present strength of the Russians in missile sophistication and missile inventory did not come about "suddenly". The tactic of negotiations has always been employed by the Russians for the purpose of accumulating military strength. They have, during these past fifteen years, bent all their efforts and spent most of their national wealth to build up and, indeed, did build up the missiles which we now have to reckon with.

Two examples should suffice as a sober reminder of Communist Russia's tactic of employing negotiations to cover up eventual deceit.

During the time period consumed by the Geneva and Camp David talks, the Russians developed and built ballistic missiles which they tested (1960) by shooting some of them in the Pacific, right in our back yard, from a firing pad in Russia, more than 7,700 miles away. In June, 1961, Khrushchev solemnly declared that "the Soviets would resume nuclear weapon tests (only) if the United States resumed such tests." Three months later the Soviet Union, with less than twenty-four hours' notice, broke a thirty-four month moratorium and exploded in rapid succession (September 2, 1961) fifteen nuclear tests, all in the air, and by November 30, 1961, detonated more than thirty bombs, one of them the largest ever detonated by man, a bomb of more than fifty megatons.

The Russians did not "suddenly" become eight feet tall then any more than now. The explosions of the nuclear tests in the air on one day's notice and the detonation of more than thirty bombs of high megaton content took a lot of time in developing, building and preparing for the actual firing. The Russians gained this precious time by keeping us busy in fruitless negotiations.

Stalin said (as early as the Fourteenth Communist Congress—Dec. 18, 1925) that periods of negotiations between the world of the bourgeoise and the world of the proletariat are necessary to international communism and ultimate world conquest. Such periods offer "periods of accumulation of strength which have great significance for further revolutionary initiatives." This tactic has been successfully employed by every head of the Soviet Union ever since.

Negotiations, yes! But not at the expense of our own security. Not without strengthening our own built-in physical safeguards against deceit or surprise attack. Not without an antiballistic missile system (ABM) of such second strike capability that Communist Russia will not misjudge. For, another summit meeting with Communist Russia may be *our last summit*.

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COMMISSION ON OBSCENITY AND PORNOGRAPHY

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 4, 1969

Mr. SAYLOR. Mr. Speaker, my district has been flooded with obnoxious pornographic literature. The colloquy in the House initiated by our distinguished colleague from Ohio (Mr. WYLIE) is extremely timely because I have been informed that the Commission on Obscenity and Pornography is due to release an interim report within the next week on the results of its investigations to date.

The Congress made a small error in writing the legislation which created the Commission, because we did not call for a report before January 1970. I will take my share of the blame for that oversight in that I was one of the original sponsors and should have insisted on a cutoff date.

If my information is correct, the Congress is indeed fortunate to have persons serve on the Commission who recognize the gravity of the situation confronting us with respect to the flood of pornographic literature. The Commission is to be commended for its proposed action to publish a report on its activities to date.

In fact, Mr. Speaker, the 18-member Commission is meeting this very day to decide on the final contents of the interim report to Congress. My colleagues will be pleased to learn as I was that the Commission is also contemplating the publication of a model Federal statute dealing with the subject of pornography; however, there is some question whether it will be released at this time. I want to go on record as saying that I believe it extremely important that this House have the benefit of the Commission's investigations in the form of that model statute.

Perhaps the Commission is hesitant to make a specific recommendation to the Congress before the deadline. I am sure they feel that more study, time, and exhaustive deliberation is needed before a model statute is proposed. I can sympathize with this feeling—the Commission and the Congress want the right law, an enforceable one that will solve the problem. I submit that the Congress desperately needs the guidance it can receive from the experts on the Commission, and now is the time to obtain that guidance. The Commission's job is not done with the publication of an interim report; the response of the Congress to the model statute may provide new avenues of approach to the problem, but we will continue to need the assistance of the Commission which we created.

It is my hope, Mr. Speaker, that the Commission will give us the benefit of their investigations and help us find a way to put a stop to this filthy junk which is being sent unsolicited through the mails and which permeates the Nation's movie houses. I am one of those 158 sponsors of legislation which calls a halt to this traffic.

I admit to not being an expert on pornography, and I admit that the deliberations of the Commission on Obscenity and Pornography could influence my own approach to the problem of writing an enforceable law. I would like the guidance of the Commission now—not 7 months hence. I am sure that other Members of the House feel as I do.

TRUMAN WARD

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 2, 1969

Mr. RYAN. Mr. Speaker, we returned to Washington on Monday to find that Truman Ward, who has been a friend of many of us for many years, had suddenly and unexpectedly passed away. It seems difficult to imagine that his gruff but friendly voice, usually spiced with some quip or cheerful comment, will not be at the other end of the phone when we call his office in the future. Mr. Ward was a familiar face to all Members and their staffs ever since he first arrived in Washington in 1921 and became the Democratic printer. All will attest to his affability and easygoing manner, and everyone will agree that his dedicated and unselfish service will be difficult to replace.

Besides serving as clerk of the majority room, he also served unofficially as a placement officer for newcomers to Capitol Hill and politically displaced staff members. As the majority printer, he worked hard and often under trying circumstances for the Members. He had the singular capacity to work with several hundred Members of the House, each one of whom invariably thinks his own requests are more important than anyone else's, each one of whom invariably expects immediate service. Yet Truman Ward managed to keep all appeased, and all of the printing requirements served.

Mr. Ward belonged to the Capitol Hill Metropolitan Baptist Church where he served diligently as a member of the board of deacons since 1943. He was as devoted to his religion as he was to the House of Representatives. Both the Members of the House and the congregation of the Capitol Hill Metropolitan Baptist Church will miss his presence, his outgoing nature, and his scrupulous integrity.

Mr. Speaker, I would like to extend to Truman Ward's family and his staff my deepest sympathy.

WHAT IS RELEVANT EDUCATION?

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. SAYLOR. Mr. Speaker, out of the confusion and crisis-like atmosphere which surrounds today's universities, it is refreshing to read an article by an educator who has not been stampeded into mouthing the jargon of the radicals and militants and who is able to take a long look at the kind of education afforded today's students in terms of its "relevance." All too often we have heard only about the complaints of the militant students in terms of "educational relevance." I am pleased to bring to my colleagues' attention the other side of the story.

Dr. William W. Hassler, president of Indiana University of Pennsylvania which is located in my district, has spoken out on the subject of educational relevance in the pages of the Johnstown Tribune-Democrat. I believe his comments will be of particular interest to those seeking a calm and reasoned response to the cries of the campus radicals about today's education. The article follows:

IN MY OPINION—EDUCATIONAL RELEVANCE: NOW AND LATER

One of the problems of great concern to both high schools and college students today is the question: Is my education relevant?

Much discontent arises when the answer is "no"; when students cannot relate what they are learning to the world about them.

A great deal of the controversy over the role of relevance in education arises from a failure to distinguish between what is immediately relevant from what has long-term relevance. From the standpoint of short-term relevance, there is no dispute about the desirability of including relevant material in the curriculum.

For example, it is inconceivable that today's student should not become acquainted with computers and modern scientific instruments, as well as know the significance of RNA and DNA, air pollution, the population explosion, space exploration, ghetto problems and the world's political situation.

This type of relevant subject matter will make learning more interesting and at the same time help the student make a better contribution to society.

However, near-term relevance involves knowledge and skills which will in general tend to improve present-day society but not radically change it. The lesson of history is that knowledge and learning which have long-term relevance are the types which creatively mold a new society. This means that much of the learning and research that has long-term future implications may be totally useless and irrelevant to today's society.

This principle can be illustrated with numerous examples, but let us consider just a few. Over 100 years ago an Austrian peasant named Gregor Mendel entered a monastery at Brunn. His interest in farming led him to study the hereditary characteristics of ordinary garden peas. For eight years he devoted himself to this study, which resulted in the discovery that he could predict the characteristics of successive generations of "mated" peas. Mendel published his laws of heredity in a local scientific journal which collected dust until 35 years after his death. Then in 1900 Hugo deBries discovered Mendel's article and realized its significance. He and other eminent biologists used Mendel's work as a basis for the development of the remarkable field of genetics which has made possible the marvelous breeding of desirable characteristics in plants and animals.

What had been "useless" research and knowledge by Mendel later constituted the foundation for a biological revolution with immensely practical applications.

Another example of the importance of long-term relevance in education is illustrated by the nuclear studies of Drs. Hahn

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and Stresseman prior to World War II at the Kaiser-Wilhelm Institute in Berlin. These two eminent scientists were bombarding uranium with subatomic particles when they suddenly obtained a strange reaction. At the time they were not clear as to its significance, let alone realizing that it had any practical value. However, their mathematical assistant, Lisa Meitner, deduced the fact that Hahn and Stresseman actually had split the atom, formed radioactive degradation products and released tremendous energy.

Being a Jewess, Miss Meitner was exiled by the Nazis, whereupon she fled to Denmark. Here she excitely told her story to Dr. N. Bohr, the famed Danish atomic scientist who immediately flew to America to alert Albert Einstein at Princeton to the fact that German scientists were on the track of atomic energy. Dr. Einstein in turn sold President Roosevelt on the necessity of initiating a crash program in atomic energy for this country.

Again, it is important to realize that the initial experiments involved in splitting the atom were done as a matter of theoretical interest with no thought of practical applications. But what development could be more relevant to the nuclear generation that succeeded this discovery?

The point I wish to make is that both near-term and long-term relevance are important; the former to the improvement of contemporary society, the latter for the creation of a new way of life.

MILITANT WELFARE—A HARD LESSON IN NONCHARITY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 5, 1969

Mr. RARICK. Mr. Speaker, it is said to be more blessed to give than to receive—and so aspires the militant National Welfare Rights Organization, who not only want to receive, but also to give—give orders—that is, to the professional welfare workers.

And the sad commentary on this welfare burlesque is that those who are truly in need will be hurt by it all.

I insert a news article as follows:

[From the Washington Post, June 1, 1969]

RADICALS' DEMANDS STUN AND POLARIZE WELFARE LEADERS

(By Eve Edstrom)

". . . or get off the pot." The full, obscene demand was shouted over a seized microphone last Sunday night as more than 5000 of the Nation's social welfare leaders convened to hear an opening address by their president.

In stunned silence, those who had devoted decades to helping the poor heard themselves called "racist pigs," and "fat cats," and members of the "white imperialistic oppressive society."

"Are we going to have too much self-respect to allow a minority in this world to . . . on the rest of humanity?" another speaker shouted.

The platform had been taken over by dissident students, new organizations of militant social workers, and welfare mothers. Two deep, they lined the vast stage in the grand ballroom in the New York Hilton.

When one of the captive audience attempted to lead a mass walk-out, a human chain blocked the exits. Welfare mothers, under the direction of the dashiki-clad Dr. George A. Wiley, said nobody was going to leave until thousands of dollars were anteed up for more of the poor to attend conference conventions. With that, plastic ice buckets were passed around for contributions.

The temporary ballroom dividing wall had to be removed to free the delegates before the 96th annual forum of the National Conference on Social Welfare could begin. Some three hours late, outgoing president Arthur S. Flemming began his opening address: "An Action Platform for Human Welfare."

But the chaos was not over. Wiley and his welfare mothers had set the stage for others to do their thing during the remaining days of the conference—black social workers, Spanish-speaking people, militant students, an Indian who inveighed against the raping of squaws, and a young girl who shrilled that she was a former mental patient and an ex-drug addict.

After four days of confrontations and conciliations, a delegate sat outside the ballroom where the Conference was coming to a close.

"I said to myself this couldn't be happening to US!" he said.

"What am I going to do? Just say a tired liberal is going home."

There were many like him, people who had come prepared to adopt a platform for bringing economic and social gains to the poor.

They had scheduled workshops to "tell it like it is" and to stimulate a "live" confrontation. Indeed, they were going to discuss the "challenge to the professional—can you train the nonprofessional?"

The nonprofessionals are still laughing. The time for well-meaning words is over, they said. The time for action is now.

The failure to silence the militants was a conscious strategy of Flemming, who also is president of the National Council of Churches and president of Macalester College in St. Paul, Minn., where former Vice President Hubert H. Humphrey is teaching.

Despite contrary advice from some of his board members, Flemming wanted to keep the avenues of communication wide open and, by not stopping anyone from speaking, prevent the possibility of violence.

And so it was with some pride that at the end of the conference, Flemming turned over the gavel to the new president, Wilbur J. Cohen, with the words: "I did not use this gavel once this week—I didn't think it appropriate."

Yet the conference that began with threats being made in public ended with one made in private.

Three representatives of the National Association of Black Social Workers cornered Cohen and one said: "We are going to make trouble for you in Chicago," the site of next year's meeting.

The three were angry with Cohen for giving what they characterized as a "law and order" speech. Cohen never said "law and order" but he declared he opposed violence and threats under any guise.

Nor were Cohen's credentials as a former HEW Secretary and long-time battler for liberal causes sufficient.

Ron Lewis, a Negro faculty member at Berkeley's School of Social Welfare, scoffed: "Did you say that guy was a former Secretary of Health or Welfare of something? No wonder the country is in the shape it is in. He's a negative force. He has no vision. He wants to take us backwards, undo everything we've accomplished this week."

In truth, Cohen's speech was an attempt to temporize some of the decisions that had been made during the week by the polite and patient Flemming.

Wiley, for example, had demanded that the Conference contribute $35,000 to pay the way for 250 poor people to attend next year's conference. And the conference had agreed.

But that vote must be ratified by a mail ballot which will call for an increase in member agency dues. There already is talk that many members would prefer to desert the conference than "pay blackmail" to Wiley's National Welfare Rights Organization.

However, Wiley's initial success caused others to become bolder.

By Tuesday night, the National Association of Black Social Workers had captured all microphones and listed numerous demands, in their representation on policy-making boards.

The conference again was halted until one of the dissidents cockily announced: "This assembly may now proceed with business due to the fact that the board of directors has pretty much accepted the demands made upon them."

By the time the conference had ended, a radical shift in power to give minorities a far greater voice than their numbers actually warranted was underway.

Of all professions, the social welfare workers should have been prepared for the confrontations that took place. But, as one observer said, they thought they were immune from attack because their lives have been spent helping the helpless.

HOUSE OF REPRESENTATIVES—*Monday, June 9, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let not mercy and truth forsake thee; bind them about thy neck; write them upon the table of thine heart.—Proverbs 3:3

O God, almighty and eternal, Supreme Ruler of men, without whom no nation can be great, no people can be good, make us mindful of Thy presence, eager to do Thy will, and willing to walk in Thy way.

May the light of Thy spirit enlighten our spirits that we may see the truth clearly, follow it courageously, and live with it confidently, knowing that it is the truth which makes and keeps men free.

Guide Thou our President and all who confer with him that out of conferences may come plans for the ending of war and procedures for ushering in peace. So may it be for Thy glory and for the good of all mankind. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, June 5, 1969, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3480. An act for the relief of the New Bedford Storage Warehouse Co.

THE LATE HONORABLE SENATOR GUY CORDON

(Mr. WYATT asked and was given permission to address the House for 1 minute.)

Mr. WYATT. Mr. Speaker and my colleagues, it is my sad duty for me to announce to the Chamber the death yesterday in Washington of former Senator Guy Cordon of the State of Oregon. Senator Cordon served with great distinction in the U.S. Senate representing our State from 1944 until January 3, 1955. Since that time he has made his home here in Washington and has shown his interest in the work of Congress on many, many occasions. He was a very close personal friend of mine and had the really great distinction, as far as my part of the country was concerned, in serving as chairman of the Senate Interior Committee and simultaneously as chairman of the Interior Appropriations Subcommittee which has happened very, very few times in the history of the Republic.

My heartfelt sympathy goes to Mrs. Cordon and members of his family.

Guy Cordon was an outstanding Senator from Oregon. He was highly esteemed by his colleagues in the Senate for his tremendous ability, his impeccable integrity, and his contribution to the Senate in legislating in the areas of conservation, and water and land resources. He was recognized as the expert in the Senate in these areas. His unswerving honesty and integrity were his hallmarks. He had the complete trust of his Senate colleagues regardless of political persuasion.

During his lifetime Senator Cordon diligently followed the tenets laid down in the Sermon on the Mount. It was my privilege to know him and I count him as one of the finest men it has been my good fortune to know. He represented the State of Oregon, and served the Nation well, and with dedication and loyalty. With all his great ability and knowledge he was a very kindly man, who was quick to help others, regardless of their station in life.

Senator Cordon had a tremendous capacity for understanding and tolerance of men. Any unkindness, or any suggestion of pettiness, were completely alien to his great character. As we pass through life we meet and are associated with many wonderful people. Those of us who were fortunate enough to have known Guy Cordon counted him as a truly great person. We shall sorely miss Guy Cordon—but our memories of him as a great, good man will endure.

GENERAL LEAVE TO EXTEND

Mr. WYATT. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may include their remarks at this point in the Record within 5 legislative days.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

CONCENTRATION CAMPS: AMERICAN STYLE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, a number of colleagues and myself have introduced H.R. 11373 which would repeal that section of legislation commonly referred to as the McCarran Act which permits the establishment of emergency detention camps. The passage of that legislation with this section was, in my judgment, one of the low points in the history of this country, and we should immediately move to correct that blot on our democratic process.

Citizen groups all over the country are marshaling support for those measures which would repeal the legislation authorizing emergency detention camps. I am proud to state the Commission on Human Rights of the city of New York unanimously adopted a resolution on this subject calling for the repeal of this heinous legislation. For the information of my colleagues, the resolution follows:

Statement by the City Commission on Human Rights Regarding the Emergency Detention Act

The City Commission on Human Rights views with grave concern the danger to civil liberties inherent in the continued existence of the federal Emergency Detention Act of 1950 and calls for its repeal.

Subtitle II of the act provides that in the case of an "internal security emergency," any person who *probably* will engage in, or *probably* will conspire with others to "engage in acts of espionage" can be incarcerated in detention camps.

Further, persons detained will not be brought to trial, but instead will be judged by a Preliminary Hearing Officer and a Detention Review Board, wherein the person detained will be required to prove his innocence while government is not required to disclose evidence or produce witnesses to justify the detention.

Such procedures, in our judgment, directly violate constitutional guarantees including due process of law, and run counter to the entire tradition of justice and fair play in our American democracy.

The Commission regards other existing laws and procedures as entirely adequate to safeguard our internal security.

The Commission recalls the experience of Japanese-American citizens during the Second World War who were jailed solely because they were Japanese. This and the European tragedy during the same period and the excesses of the "McCarthy era" are dangerous examples of what can happen when due process of law is circumvented.

Detention camps are not the answer to the social ills which threaten the fabric of our society. In the present context, a revival of the idea of preventive detention would clearly be aimed at those who exercise their right to open protest against minority groups and against the poor. Guilt by association could become the guilt of common dress, of collective rhetoric, of a dark skin, or a Spanish accent, or of being poor. The law then approaches justice in group, rather than individual terms in direct contravention of American democratic traditions.

The Commission unequivocally opposes any revival of such measures and calls on President Nixon and Attorney General Mitchell for their suppport in achieving the quick repeal of the Emergency Detention Act.

It also calls upon the Congress of the United States and all municipal, state and Federal authorities to exert their influence to bring about the repeal of this abhorent statute.

Unanimously adopted by the Commission.

A FIRST STEP

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, on May 15 of this year, I criticized the President for his failure in not having broken new ground when he made his major speech on Vietnam. On that date, I introduced a resolution in this House to the effect that it was the sense of Congress that the President should call for an immediate cease-fire and should direct an immediate unconditional withdrawal of 100,000 U.S. troops from Vietnam.

I am heartened by the fact that the President by his announcement authorizing the immediate withdrawal of 25,000 U.S. soldiers from Vietnam has taken a cautious but new step and I want to praise him for that. His statement indicates that he intends to escalate that withdrawal and I will support such action on his part. I hope that he will now call for an immediate cease-fire and end thereby the American casualties which continue to occur each and every day that the fighting continues. I urge my colleagues to indicate their support of House Concurrent Resolution 256 which reads as follows:

Resolved by the House of Representatives (*the Senate concurring*), That it is the sense of Congress that the President should call for an immediate cease-fire and should direct an immediate unconditional withdrawal of one hundred thousand United States troops from Vietnam.

Let us, by supporting this resolution, inform the President that his first step has received our support and that we call upon him now to take the further steps necessary to end our tragic involvement in this war.

TROOP WITHDRAWAL FROM SOUTH VIETNAM

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MONTGOMERY. Mr. Speaker, I would like to commend President Nixon on his decision to withdraw some 25,000 American troops from South Vietnam.

Following my tour of Vietnam this past Christmas, I reported to this body on February 4 that the South Vietnamese were capable of assuming more responsibility in fighting the war. At that time I recommended to Secretary of Defense Melvin Laird that some American troops could be brought home without affecting the overall fighting efficiency of our men.

To me the most important reason for beginning a partial troop withdrawal is we will be forcing the South Vietnamese to accept more responsibility in defense of their country. I still feel they are fully capable of shouldering a larger share of the burden and feel strongly the time has arrived for them to do so. I am hopeful the situation will permit us to bring additional troops home later this year.

AUDITING BREACHED CONTRACTS

(Mr. PODELL asked and was given permission to address the House for 1 minute.)

Mr. PODELL. Mr. Speaker, every Member of this House has asked how we can restore fiscal responsibility to all forms of Government procurement of goods and services. I believe we have found a reasonable answer in the form of H.R. 11493, which has commanded a significant bipartisan, national response here in Congress. As of this morning 128 Members of this House have cosponsored this bill, including senior and junior Members of both parties and from all parts of the Nation. I wish to thank the Members of the House for their response.

This legislation, in essence, calls for the automatic auditing by the General Accounting Office and report to the Congress on all Government contracts that are late in delivery or with cost overruns in excess of 10 percent of the agreed-upon contract price. This is merely a full disclosure measure, particularly needed in light of the major governmental expenditures coming up in the future. I think it is essential that we have an agency responsible to the legislative branch of Government, publicly revealing any abuses perpetrated with money that we appropriate.

Additionally, it is a fact that the legislative power has been steadily seeping away from our branch of Government to the executive branch. It is essential that we restore the present imbalance which to a major extent this measure will do.

May I emphasize that I am not criticizing any Members of Congress or the military. This is not an antimilitary bill, nor is it an antibusiness bill. It is merely to redress the Government balance on behalf of fiscal responsibility. We are placing with this measure any agency and contractor on notice that sloppy accounting, nonenforcement of contracts, and nonperformance by civil servants will not be tolerated. This bill will put an end to this kind of practice.

The General Accounting Office has done a marvelous job in the past on given contracts. My faith is based on its previous performance. Any sums we would have to spend to make it able to perform such expanded functions would pale beside what the Nation will lose if we continue down the same fiscal road. I emphasize again that this is not an antimilitary, antibusiness, or partisan measure. It is above partisanship and regionalism. My office is holding it open for further sponsorship, and I welcome further support from the Members of this House.

ANTI-BALLISTIC-MISSILE SYSTEM

(Mr. BURLESON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURLESON of Texas. Mr. Speaker, prominent in the news media are the voices of those in opposition to the development of an anti-ballistic-missile system. In recent days some of the critics have expanded their attack to include military preparedness.

I question no man's motive or his convictions. I do question judgments as to the kind of world in which we live. I question the appraisal of the nature of our adversaries and a willingness to trust their intent.

With the impression that the preponderance of expressed opinion is on the side of opposition to the ABM, and because of stories on waste and extravagance in some military purchases, which seemingly serves as a catalyst for broad criticism of our entire Defense Establishment, I have requested a special order for tomorrow to discuss this matter. It seems to me the time has come to take a stand on this vital issue and I invite you, regardless of your position, to participate in a discussion on this matter.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BURLESON of Texas. I yield to the gentleman from Illinois.

Mr. ARENDS. I appreciate the remarks that the gentleman has just made. Like yourself, I think it is high time that those of us who are in support of the ABM get on the offensive. I will listen with real interest to your speech tomorrow, and hope that many of us may cooperate in your endeavor.

Mr. BURLESON of Texas. I thank the gentleman very much.

PRESIDENT NIXON'S ANNOUNCEMENT OF IMPENDING WITHDRAWAL OF TROOPS

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, I was pleased at President Nixon's announcement of the impending withdrawal of 25,000 American troops. I hope that this proves to be but the first of several steps on the road to peace in Southeast Asia. I feel that this will help to create a more independent South Vietnamese Government and I think it will serve as an inducement to both the North Vietnamese and the Vietcong to negotiate more seriously at the Paris peace talks.

It is important, however, that President Nixon be urged to continue in this direction. We all realize that there are many problems that were not dealt with at the Midway Conference; problems of great controversy and of wide significance. I am hopeful that the Nixon administration will soon be discussing these problems and others in an attempt to continue what I consider to be the beginnings of a more constructive U.S. policy for South Vietnam.

THE PLATFORM OF JOSEPH A. YABLONSKI

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, only a little over a week has passed since the electrifying news that Joseph A. Yablonski will run for president of the United Mine Workers of America. It is not only the fact that a great personality with experience and know-how has announced his candidacy; it is highly significant that Mr. Yablonski has drafted a platform which is a vertiable Magna Carta for the coal miners of America.

In the brief period of days since Mr. Yablonski announced his candidacy, coal miners in many States have rallied to his banner. He has provided, and he will provide, a great beacon of hope for thousands of miners who have worked, sweated, bled, and suffered while the top leadership of their own union has corrupted the trust placed in that leadership. The supine and callous attitude of the top dogs in the UMW hierarchy has written a sad and sorry chapter in the labor movement. But a new day is dawning for the United Mine Workers of America, Mr. Speaker.

In an address to several hundred coal miners and their families on Sunday, June 8, at Lowell Phipps Park in Gilbert, Mingo County, W. Va., I stated:

> I predict that 1969 is the year when the United Mine Workers of America will return to its former days of glory under John L. Lewis, and will once again be a clean union, an aggressive union, a union which doesn't get in bed with and call the coal operator 'sweetheart', a union which stands up and protects the coal miners when their greivances come up the chain of command, a union which takes care of the rank and file first, and doesn't think first of the salaries and pensions of the top brass.

Mr. Speaker, because Mr. Yablonski's platform so well represents the type of leadership which is urgently required in the United Mine Workers of America, under unanimous consent I include the text of the announcement of his candidacy and his personal biography:

STATEMENT BY JOSEPH A. YABLONSKI ANNOUNCING CANDIDACY

Today I am announcing my candidacy for the Presidency of the United Mine Workers of America.

I do so out of a deep awareness of the insufferable gap between the Union leadership and the working miners that has bred neglect of miners' needs and aspirations and generated a climate of fear and inhibition. For thirty-five years I have been associated with the Union. I have seen this organization stand as the only bulwark against the oppression and greed of the coal operators and the insensitivity and corruption of government in the coal mining areas. I have seen the courage and determination of coal miners and union organizers under the leadership of John L. Lewis against the combined power of industry and government who were determined to break the Union's will and return the miners to their subterranean serfdom. Years later we participated in the establishment of the pioneering Welfare & Retirement Fund and built an unprecedented chain of hospital and health care facilities throughout many coal mining regions.

In an otherwise harsh and hostile environment, the miners relied on their Union, trusted their Union and gave the Union their undivided loyalty. But in recent years, the present leadership has not responded to its men, has not fought for their health and safety, has not improved grievance procedures, has not rooted itself in the felt needs of its membership and has rejected democratic procedures, freedom to dissent and the right of rank and file participation in the small and large issues that affect the Union.

In recent months the shocking ineptitude and passivity of the Union's leadership on black lung disease—not to mention its ignoring this massive disability of its men for years—became apparent to the nation, not just to those inside the Union. The leadership's inaction toward obtaining workmen's compensation laws, outside of Pennsylvania, to include payments for black lung disability became apparent to the nation. The abject follow-the-leader posture of the leadership toward the coal industry became apparent to the nation. I have been part of this leadership. I participated in and tolerated the deteriorating performance of this leadership—but with increasingly troubled conscience. I will no longer be beholden to the past. I can no longer tolerate the low state to which our Union has fallen. My duty to coal miners, as I see it, is not to withdraw but to strive for leadership of this Union, to reinvigorate its activity with its idealism and to make it truly a Union of 110,000 working miners rather than a Union of inaccessible bureaucrats.

I know the coal industry. I have worked in the mines and know the agony of it. Like most coal miners, I have lost dear friends, and beloved relatives in the mines. When my father died in the mines, I took his place as did so many sons of fallen miners. I know from involvement the experience of organizing miners and administering their affairs within the Union and with industry and government. And I know that the coal industry is booming, with record production and profits—a state of affairs that dramatically changes the economic environment for miners from one of decline to one of growth. Thus, the miners have an even greater claim on safer working conditions, broader economic benefits and considerations from managements. Coal is the most inexhaustible and promising multiple energy source for the remainder of the century. Men make this possible by working in inhumane conditions in the dark and under the ground. These men must never be subjugated by King Coal.

At this point, I want to state clearly the program that I will run on for the nomination and election to the Presidency of the UMWA. This program embraces the most fundamental issues confronting our Union and, as such, I welcome discussion and debate with any other candidates.

1. The occupational violence to life and limb in the mines requires engineering, legal and individual safeguards, not profuse mouthfuls of fatalism. Coal mining is this nation's most dangerous occupation; traumatic accidents take the lives of one out of 300 coal miners every year, at a rate fourteen times as high as the national average for all workers, and thousands of other miners are injured annually; "black lung" disease seriously attacks the lungs of half the miners literally to strangulate their ability to breathe. If elected, I will initiate a series of immediate and longer term improvements along these lines:

a. Expand the Safety Division of the UMW to guarantee a response to safety complaints of miners and to protect miners who make reports. The Division will support effective mine safety committees whose sole purpose is safety and not the perpetuation of incumbent Union leaders in office.

b. Vastly expand Union and publicly supported research in health and safety. The government spends billions in subsidies for various industries. I pledge that the government will receive the strongest persuasions to pay attention to miners' lives over industry profits.

c. Undertake independent investigation of all coal miner complaints in order to monitor the work of Federal and State mine inspectors. No matter how well the pending mine health and safety law is written, it will not be adequately enforced without an adequate Union fighting for its men's health and safety.

d. Push for continual Federal and State legislative and administrative improvements in response to new facts and innovations for health and safety. Included here are workmen's compensation payments for black lung, greater payments for other injuries, and the establishment of a worker's legal right to sue the coal operator for negligence resulting in the worker's injury.

e. Assure that every labor-management contract from now on contains all possible safety and health protections and a special coal operator safety fund for advanced safety improvements beyond the law.

f. Push for adoption by management of the principle that miners are to be paid during the period when a mine is temporarily closed because of the negligence or lack of care by a mine operator.

g. Provide information, assistance and protection to all mine safety committees for dissemination to the men.

h. Work to eliminate the present Federal Coal Mine Safety Board of Review. Appeals from inspectors' orders or closures should be made directly to an expert commission of mine inspectors selected by the Director of the U.S. Bureau of Mines. These inspectors will investigate and reverse or sustain the finding of the original inspector. Appeals from this decision would go directly to a court.

2. I will immediately call for a special convention of delegates (*democratically elected by secret ballot by all local unions*) in order to establish procedures under which every member in each district can determine by secret vote the selection of District Officers and the rules which govern his District.

3. In order to give greater opportunities to younger men for leadership positions in the Union, I will recommend (*and work for*) mandatory retirement of all Union officials at age 65—without special compensation or plus retirement plans. An organization without the nourishment of youth is destined for decay. I will work to obtain the brightest young minds from our Universities and from the grass roots of coal producing states for staffing and leading our Union to meeting the pressing problems of today and tomorrow.

4. I will modernize present antiquated grievance procedures in order to create stability in the Union. This will restore confidence of the membership in the Union and eliminate the unjustified discharges of large numbers of miners and the prolonged work stoppages which result therefrom.

5. I will strengthen and improve the financial structures of the local unions so that they can generate local initiative to meet local challenges. Improved financial structures used for local union purposes are essential to a strong horizontal and vertical Union organization.

6. I will impress upon the Trustees of the Welfare and Retirement Fund the need to liberalize eligibility rules and Fund benefits and make needed reforms. At the next contract negotiations with the coal industry, I shall demand a substantial increase in the 40¢ per ton royalty (unchanged since 1952) that goes into the Fund for pensions to retired miners. The rising cost of living and the spectacular profit registered by coal corporations demand this increase.

7. I will use the financial and political resources of our Union to advance the betterment of members and their families. For example, my Administration will establish credit unions and other financial services to all members with the help of the expertise and assistance of the National Bank of Washington which our Union owns. We will also address ourselves to the grossly inadequate level of taxation of coal companies in the various states and communities which deprives these communities of needed educational and social services. Better schooling for miners' children and the creation of a scholarship fund in all coal mining areas will receive our closest attention. The coal industry has a broad responsibility to the community that provides it with such massive profits and we intend to see that that responsibility is observed. No longer will this Union tolerate the coal industry's control over state and local government to the detriment of the coal miner. I will not tolerate this Union being subservient to the coal industry in Washington.

8. A Union must retain an arms length relationship with management. All the dealings of Union leadership must be open and observable by the membership—including Union reports. Union relationships with other organizations and Union expenditures. Openness in Union activities includes making it easy for a member to obtain information. I pledge an open Administration that encourages, even demands, active participation by the membership collectively and individually. I pledge an end to demeaning and unproductive ties to the coal industry including the severance of the Union's membership in the National Coal Policy Conference. This Conference has as its purpose the opposition to air pollution controls and the promotion of coal. Whatever stands we take on these issues, we should arrive at and take alone. We must no longer compromise our stands in an industry-dominated organization that cares little about the working man. The Union's annual contribution of $75,000 to $100,000 to the NCPC will be devoted instead to the UMWA's Safety Division.

9. There are thousands of miners who are still not members of our Union. These men work for wages ranging from $12 to $16 a day; these men are often sick and old and therefore can be exploited by inhumane managers in inhumane working conditions because they have no other employment opportunities. Who cares for these men? The Union must care for these men and develop an organizing drive that is substance, not form or rhetoric. If elected, I will never allow this Union to forget our poorer brethren.

10. Merit, not kinship, shall be the basis for advancement in administrative positions under my Administration. Moreover, if elected, I shall make it a policy that no relatives of mine, no matter how meritorious, shall be added to the Union payroll. I make this one exception to the merit criterion to emphasize that there will be no crew of my relatives coming on the Union payrolls.

11. To encourage the practice that every miner shall have a hearing, I shall establish a special grievance and complaint office at the Washington headquarters to which miners can write. The officer in charge shall report directly to me. This grievance officer shall have powers to inquire into the grievance and to make strong recommendations for its resolution to the proper Union authorities. At the end of each year, he shall prepare a report on grievances and how they were handled and make it available without cost to any Union member requesting a copy. To increase the diversity of expression, I shall thoroughly change the now rigid, hero-worship-ridden, *United Mine Workers Journal*. Guest editorials and letters to the editor will be encouraged. Dissenting views will be published. There will be far fewer pictures of the Union President and other high officers and more space devoted to the problems and dreams of interest to coal miners. There will be reports of new developments and new findings of our expanded technical staff of engineers, lawyers, physicians, economists and other skills to serve the members with unremitting dedication.

I want to begin now to listen to the miners and to their suggestions as to how our Union can be improved. To that end, I am today opening a Clarksville, Pennsylvania office at my home and I ask any miner who wants to help to write to me today at my home in Pennsylvania (412) 377-2616.

The above program is phrased in positive terms. Quite obviously the fact that these points have to be stated as desired objectives instead of attained realities reflects seriously on the present leadership of the UMWA. Suffice it to say that there is the deepest urgency for competency, hard work, and alertness. These qualities are not now being bestowed on our membership and our miners know it. They are disturbed, disaffected, alienated, at times, even hostile to the Union's leadership and present administra-

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tion. There is no use hiding this fact; there is only use in recognizing it as a basis for rebuilding the organization and defining anew its mission.

Every Union should have a vision of the future. Our Union must realize that its responsibilities include adequate payment for work done, adequate compensation for injuries, adequate corporate investment in healthful and safe working environments, and adequate retirement benefits. But the Union's responsibility goes beyond this level of achievement. Unions represent men and women who are part of communities, are citizens of states and a naiton. The public environment affects the well-being of miners and their families. What good is a Union which reduces coal dust in the mines only to have the miners and their families breathe pollutants in the air, drink pollutants in the water and eat contaminated commodities? What good is a Union that achieves an acceptable wage rate and then condones the reduction of that wage by frauds and abuses in the marketplace and waste or corruption in government? If the coal miners of this nation elect me as their President, I pledge them this broader vision of a Union's responsibility.

I look forward to a fair nomination and election contest—one that will illuminate the issues and surround them with rational debate and the fullest participation of every miner. I look forward to visiting miners throughout the coal regions, who are my old friends, and making new friends with miners and their families. The election process is a test of any organization's incumbent leaders to tolerate the prospects of change. It is my hope that the present leadership of the UMWA will pass this test honorably, and encourage honest, democratic procedures. That is all I ask of them. For the rest, I shall rely upon my program and my energies to win this election and forge a truly United Mine Workers of America.

BIOGRAPHY OF JOSEPH "JOCK" YABLONSKI

Mr. Yablonski was born on March 3, 1910, in Pittsburgh, Pa. He attended public schools in California, Pa., until he undertook his first job at the age of 15 at a coal mine owned by Jones & Laughlin Steel Company. As the oldest son in his family, his earnings went for family support.

Mr. Yablonski worked in the coal fields in various capacities throughout the Depression and was actively engaged in the labor strife of the 1920's and 1930's, serving as a picket, worker, and as a labor organizer.

His father was killed in a coal mine accident in May of 1933.

Mr. Yablonski participated in organizing Vesta # 6 in 1933 for the United Mine Workers of America.

One week after transferring to the Cresent #1 mine in 1934, which had over 1200 members, he was unanimously elected President of Local Union 1787 of the UMWA and Chairman of the Mine Committee.

He was elected to represent 15,000 members of District 5 as the Executive Board Member of District 5, for eight years from 1934–1942. The Executive Board represented these men in the International UMWA and also conducted negotiations on wages, hours, and working conditions with the coal industry.

In 1942 he was elected to represent approximately 35,000 coal miners on the International Executive Board of the UMWA. Mr. Yablonski then served as a trouble shooter for John L. Lewis on Union problems of all varieties, traveling throughout the United States and Canada. He has served continuously in this capacity for 27 years and has been re-elected by the UMWA membership of District 5 seven times during this period.

Mr. Yablonski has also served as the United States representative, Coal Division, at the International Labor Organization Conference in Istanbul, Turkey—1956.

He was appointed as a member of Governor Lawrence's Bituminous Mine Law Study Commission in 1960. This work served as the basis for the revision of the Pennsylvania mining law.

In 1965 Mr. Yablonski personally intervened with Governor Scranton to successfully demand an amendment of the Pennsylvania law to grant compensation for coal dust disease (coal workers pneumoconiosis).

He was elected and served as both President of District 5 and as a member of the International Executive Board, from 1958 to 1966.

In 1954 he organized the Centerville Clinic, Inc., a non profit corporation designed for group medical practice for coal miners. The clinic has a budget of over $1 million. Since 1954 he has served, without compensation, as Chairman of the Board of Directors.

He resigned as President of District 5 in 1966.

In 1965 he was appointed by the President of the UMWA as a member of the UMWA Organizing Committee with responsibilities throughout the country.

In March 1969, Mr. Yablonski was elected by the Board of Directors of the Brownsville General Hospital as the Chairman of the Board to serve without compensation.

In May of 1969, Mr. Yablonski was named Acting Director of Labor's Non Partisan League—the legislative arm of the UMWA.

Mr. Yablonski has been married to the former Margaret Wasicek for over 33 years. Mrs. Yablonski is a successful playwright and she has worked with Mr. Yablonski on several plays. They have raised two sons and one daughter. The two sons are now attorneys. Their daughter has a masters degree in social work from the University of West Virginia.

SUMMARY OF POSITIONS HELD

Member of the International Executive Board of the United Mine Workers of America and former President of District Five, United Mine Workers of America;

Represented the United Mine Workers of America at the Coal Mines Committee Meeting of the International Labor Organization held in Istanbul, Turkey;

Member of the Bituminous Mine Law Study Commission of the Commonwealth of Pennsylvania;

Member of the Governor's Advisory Committee to study revisions of the Pennsylvania Clean Stream Laws;

Member of the Allegheny County Air Pollution Control Advisory Committee;

Elected as a voting delegate to the Democratic National Conventions of 1956, 1960, 1964, and 1968;

Member of the Pittsburgh Public Schools Vocational Educational Survey Community Resource and Advisory Committee;

Member of the Citizens' Assembly of the Health and Welfare Association of Allegheny County;

Member of the Governor's Coalworkers' Pneumoconiosis Advisory Committee;

Chairman of the Board of Directors of the Centerville Clinic, Incorporated; and

Chairman of the Board of Directors of the Brownsville General Hospital.

GUERRILLA WARFARE—U.S.A.

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, a composite analysis of the crime and violence in our cities is presented in an article entitled "Sabotage" from the June 1969 American Opinion magazine by David Emerson Gumaer. I include this report following my remarks at this point in the RECORD:

SABOTAGE—THE GUERRILLA WARFARE HAS BEGUN

(By David Emerson)

(David Emerson Gumaer spent two years as an undercover operative for the Intelligence Division of a major metropolitan police department. His assignment was to infiltrate and report on Communist and New Left activities—specifically inside the Communist W.E.B. DuBois Clubs. Accepted as a fellow revolutionary, operative Gumaer was soon working in the National Office of the DuBois Clubs, and rose to key positions inside the New Left. Mr. Gumaer is now a Contributing Editor to The Review Of The News, an outstanding new national newsweekly.)

In the early morning hours of September 29, 1968, a team of saboteurs attacked a United States Navy and Marine reserve training center in Eugene, Oregon, dynamiting a huge crane and burning four dump trucks, a trailer, a personnel carrier, and causing fire damage amounting to $106,000. As the center's commanding officer, Lt. Commander John Gobel, put it: "This was no amateur job."

Two days after Christmas in 1967, a devastating explosion ripped through the Atlantic Research Corporation munitions plant in Hanover, Massachusetts, killing one man and severely injuring fourteen others. The plant, engaged in vital, high-priority defense work, was a key preparations facility for supplying anti-personnel mines for the War in Vietnam. State fire marshals, plant security personnel, and the F.B.I. began a probing inquiry into the blast, which had peppered the area with critical particles of explosives, some no larger than the head of a match. Again, sabotage.

No less than nine days later, another of these "unexplained" explosions destroyed a munition's production line at the Army's Rocky Mountain Arsenal northeast of Denver, killing one man and injurying ten others. The highly secret plant had been engaged in the production of weapons for chemical warfare and other ultra-secret projects.

At a Strategic Air Command base near Charlevoix, Michigan, yet another highly suspicious fire destroyed seventeen mobile trailers containing electronic equipment vital in determining the accuracy of bombing missions. As reported in "Secret Sabotage War Raging Across America," a recent article in *Saga* magazine, another military trailer loaded with ammunition was hauled away from the flaming area "before it ignited and started a chain reaction that probably would have blown up the entire base."

In the pre-dawn hours of September 10, 1968, a team of saboteurs slipped into a barbed-wire enclosed National Guard Armory at Van Nuys, California, dynamiting one military truck and damaging four others. The Army vehicles belonged to a military unit *whose records had been altered by the saboteurs to show readiness for combat in Vietnam.*

In Tampa, Florida, after saboteurs had repeatedly cut telephone cables and destroyed telephone poles (disrupting service to some thirty thousand telephones in the area), they removed the manhole covers over main telephone lines and "severed three cables used by the Strategic Air Command to connect the SAGE (semi-automatic ground environment) defense system that is responsible for detecting hostile missiles approaching the United States, and the base deploying high-altitude Bomarc missiles designed to intercept and destroy them."

Sabotage. Perhaps the most colorful form of subversive warfare, and quite probably one of the most important single problems now facing our nation's defense security. *Sabo-*

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tage. A subject almost entirely ignored by our "Liberal" news media.

WHAT IS SABOTAGE?

Sabotage is far from a new concept. The term is derived from the French word *sabot*, a type of wooden shoe worn by peasants and workers in some of the European countries. During the bloody French Revolution, and in its aftermath, the *sabot* came to be regarded as the revolutionary symbol of rebellious workers and agitators who threw their wooden shoes into factory machines and trampled the properties of the middle class and the wealthy.

Although sabotage was used effectively during World War I, it was employed in epic proportions during World War II. Hitler's National Socialists (Nazis) regarded it as an especially potent weapon and prepared for it long in advance of the War, as did Stalin's Communist cadres—which became absolute masters in its execution. When the Communists were attempting to take Greece in 1948, in the month of August *alone*, Red saboteurs wrecked or destroyed 91 trains, 153 railroad stations, and 21 factories.

Sabotage is a complex operation even where just one agent is involved. Like Intelligence, it is an exact science demanding exceptional technical, military, economic, and psychological preparation. As Ladislas Farago notes in his authoritative *War Of Wits*, sabotage "requires large standing organizations both at headquarters and in the field, both at home and abroad. . . ."

"When employed on a nation-wide scale," relates Farago, "in an armed conflict or in a cold war, sabotage organizations cannot subsist in the field as totally independent and self-contained units. Even though composed entirely of citizens of the country being attacked, organizations cannot survive when left to themselves. In order to be effective, they have to be organized, directed, and supplied from abroad."

Sabotage can be carried out in a variety of ways and on many scales. It may be aimed at major targets, such as missile bases, factories, or munitions plants, or even entire regions of strategic importance. To merely list the *known* cases of direct, indirect, psychological, and maritime sabotage which the Communists have performed within the United States would take the pages of a good-sized telephone directory.

WHAT THE EXPERTS SAY

In 1948, former top Communist leader Benjamin Gitlow, who defected from the side of the enemy, wrote a major expose of Communist operations in the United States. In his revealing book, *The Whole Of Their Lives*, Mr. Gitlow noted:

"In Leningrad the O.G.P.U. runs a mysterious school . . . [where] the fine art of sabotage is taught to those who have passed an exacting screening to determine whether they are fitted for the kind of work in which they will be trained. The Communist students learn how to dynamite a bridge, derail a train, set fire to a warehouse, seize and make use of existing telegraphic and radio communications. They learn how to fight police during demonstrations, and how to develop the militancy and courage of the demonstrations. Methods of gangsterism are improved on, lessons given on how they are applied . . . a brew of crime and violence mixed together in a sadistic hall of horrors in order to produce the strong-arm men of the blackjack, dynamite, and automatic. The German Communist Party had thousands of these desperadoes who spearheaded street brawls, riots, and armed uprisings in Germany in the early thirties.

"In the Spanish Civil War, the Communists put their Russian-trained saboteurs into a special battalion to eliminate the forces who opposed Communist domination of the Republican cause. Many American Communists who went over to Spain with the Abraham Lincoln Brigade served in this battalion of terror and murder. These Russian-trained Communist commandoes form the iron core of resistance movements of Europe. They are kept in readiness in every European country. Given the signal, they will set Europe to the torch . . . the opportunity to put the whole continent under the hammer and sickle."

Now, thanks to "Liberalized" immigration, these same Communist shock troops are moving among us with impunity and training revolutionaries for paramilitary activity in the streets of America. The Supreme Court has helped by voiding virtually every anti-subversive law protecting the United States (as well as every individual state) by a series of decisions favoring the Communists at the expense of our nation's defense.

As early as 1951 the House Committee on Un-American Activities presented the testimony of F.B.I. Director J. Edgar Hoover, who declared that "The Communist Party of the United States is a fifth column if there ever was one." Mr. Hoover said that at that time there were 74,000 members of the Communist Party in the United States; but, more importantly, that "for every Party member there are ten others ready, willing, and able to do the Party's work." Which means that in a time of national crisis this country "would have nearly 825,000 persons who are either spies, traitors, or saboteurs working against us from within."

And that was *eighteen years ago*. Today, with the Supreme Court decisions which have freed the Communists to work within our nation's defense plants and strategic installations, that figure takes on even more startling significance. In fact, on May 24, 1967, Lt. General Arthur G. Trudeau, former Chief of Army Intelligence, warned Congress that radical student organizations, pacifist groups, and nearly all "Civil Rights" groups are now "honeycombed" with Communists taking orders from Moscow. Appearing before the Senate Internal Security Subcommittee, General Trudeau urged passage of anti-Communist legislation to fill the gaps in present security laws.

Former Intelligence Chief Trudeau quoted Boris N. Ponomarev, head of the foreign section of the central committee of the Russian Communist Party (C.P.S.U.), as having boasted that "the revolution in the United States has begun." Comrade Ponomarev, said General Trudeau, is using anti-war organizations in America to pursue Communist aims. He also revealed that Yuri Andropov, the Number Four man in the Soviet hierarchy, had been named head of the terrorist K.G.B., the Russian secret police. "A high policy official in charge of the K.G.B. can only mean trouble for our country," Trudeau said. "We can expect more espionage, more sabotage, more demonstrations, and bolder actions by Communist agents, directed centrally from Moscow and aimed primarily at Washington."

And General Arthur Trudeau's prophetic warning has proved to be unerringly accurate, as witnessed by these dramatic events in the two years since his testimony:

A ninety-nine-car ammunition train carrying 750-pound bombs, 3.5-inch rockets, 105-millimeter howitzer shells, and mortar shells, was "mysteriously" derailed by persons unknown while passing through Chadbourn, North Carolina. If the ammunition had exploded, said the train engineer, it would have blown up everything within twenty miles.

Another train carrying fifteen freight cars of ammunition and bombs was similarly derailed while en route through a heavily populated section of Milwaukee. Again, miraculously, the ammunition failed to explode on impact.

A boxcar loaded with tons of 175-millimeter shells was blown up by persons unknown on a railroad siding in Corning, Arkansas.

Saboteurs nearly succeeded in destroying sixty-one multi-million-dollar T–38 jets at Williams Air Force Base in Arizona by infiltrating the base and sabotaging the landing gear of each plane. The damage was discovered shortly before takeoff.

Marksmen firing .22-caliber bullets destroyed Illinois Bell Telephone cables servicing a Nike missile base near Arlington Heights, Illinois, and the Glenview Naval Air Station. Several months later the sabotage was repeated in the same manner at the same spot, again cutting off vital service. Earlier, on January 18, 1967, Rear Admiral Richard Fowler, Chief of United States Naval Air Reserve Training, was killed in an unexplained fire in his home at Glenview Naval Air Station. *Less than two months later*, a similar fire killed Rear Admiral Howard A. Yeager, commandant of the Ninth Naval District, and two others staying in his home at the Great Lakes Naval Training Center. Admiral Yeager's home in Great Lakes was but twenty miles from Glenview Naval Air Station where Admiral Fowler was burned to death.

For over three months last year, beginning on May eighth, the Illinois Bell Telephone Company experienced a wave of sabotage to its lines in Waukegan, Wadsworth, and between Grayslake and Libertyville, when over three thousand telephone cables were severed and switching boxes stolen. A hacksaw blade was found embedded in one of the cables—eleven feet above the ground.

During the past two years, oil wells, pipelines, and service stations in the area between Baton Rouge and Lake Charles, Louisiana, have been destroyed by saboteurs using dynamite—causing in excess of one million dollars in damages.

A "mysterious" fire at the U.S. Navy's Submarine Base in Groton, Connecticut, disrupted a major phase of submarine training on the entire East Coast and caused half a million dollars in damage to a special facility used for the training of sailors in submarine escape maneuvers. The only other facility of its kind is located at Pearl Harbor, Hawaii.

Just seventy-five miles southwest of Hawaii last January fourteenth, the world's largest aircraft carrier, *U.S.S. Enterprise*, was ripped by a dozen explosions and a devastating fire that killed some forty sailors and injured eighty-five others. The nuclear-powered, 90,000 ton carrier, with a crew of 5,400, was engaged in war exercises off Kahoolawe Island when a bomb "broke loose"[1] from one of the airplanes on deck, destroying fifteen aircraft and charring the ship to the waterline. The *Enterprise* was preparing to return for a fourth tour of duty in Vietnamese waters.

Oddly enough, the usually gloating Communist *Daily World* carried the *Enterprise* disaster quite prominently as a straight news item with little editorial propaganda. The Red publication reported that "U.S. carrier accidents have killed more than 200 seamen since 1966. A fire aboard the *Forrestal* (July 29, 1967) took 134 lives, and a similar accident aboard the *U.S.S. Oriskany* killed 43 sailors in 1966. Both ships were cruising off Vietnam." Another carrier cruising those

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[1] Last January, during the Communists' "counter-inaugural" demonstrations in Washington, D.C., military intelligence uncovered an incriminating letter written to Roger D. Blacklow, a member of the staff of the subversive New Party. The letter was from his brother, William Blacklow, a sailor aboard the *U.S.S. Glennon*. In that letter William Blacklow told of a fellow sailor named "Bas," whose mother has been very active in the programs of the Far Left. Blacklow revealed that his friend "became a boss torpedos' mate—ironic or what? —; he feels no regrets. Who else, he points out *is in a better position to not push the button?* He wears his peace medal in place of his dog tags to personnel inspection. *Get the picture?*"

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waters in 1966, the *Franklin D. Roosevelt,* was also mysteriously gutted by an "accidental" fire. In fact, that *Forrestal* disaster occurred *just seven minutes before the ship's planes were to take off on a bombing run over North Vietnam*. Mighty convenient "accidents"—for the Communists.

Four men were killed and three critically injured by a "mysterious" explosion at the Army Ordnance munitions plant ten miles west of Burlington, Iowa, on June 22, 1967.

Near Minden, Louisiana, an Army munitions plant was almost destroyed by a series of "mysterious" explosions in the bomb-loading section of the military plant furnishing war material for Vietnam.

At the Crane Naval Ammunition Depot in Indiana, three defense workers were killed when munitions destined for Vietnam exploded "mysteriously." Another similar explosion occurred at the same depot *two weeks later,* killing three more workers and injuring another four.

On May 26, 1968, somewhere between Norfolk and the Azores, the U.S. nuclear submarine *Scorpion* disappeared with ninety-seven men aboard. Exactly four months earlier the Israeli sub *Dakar* disappeared with sixty-nine aboard off the coast of Cyprus, and on the same day the French sub *Minerva* disappeared in the Mediterranean with a crew of fifty-two. Five years earlier on April 10, 1963, another U.S. Navy atomic submarine, *Thresher,* sank under equally mysterious circumstances in the North Atlantic.

Retired Admiral Daniel V. Gallery, taking all those strange disappearances into consideration, suggests in his recently published book, *The Brink,* that the *Scorpion* and others "might have been bombed to the bottom of the Atlantic by the Russians." Admiral Gallery reveals that the Reds have discovered "how to track nuclear submarines . . . not through the use of comparatively short-range sonar, but by means of homing in on the sub's atomic reactor from ranges as great as twenty miles."

Interviewing a former member of Air Force Security, who had been part of a sabotage alert team while stationed in Germany, this reporter was informed of a number of shocking acts of sabotage against our military bases, apparently by enemy agents within our own armed forces. My informant related the following incidents from his own experience:

After the tragic crash of an F102 interceptor on one of the Tactical Air Command bases in Germany, during an "operational readiness inspection," authorities became suspicious that something might have been placed inside the jet engine scoop of the fallen craft. A quick check of all other jets on the base revealed a wrench placed inside the engine of a plane that had been on the ground just a short while and was preparing to take off within minutes. It was definitely sabotage.

Hydraulic fluid was frequently drained out of the brake systems of multi-million-dollar jet bombers of the Strategic Air Command, and emergency warning lights on the control panels rendered inoperable by removal of bulbs.

Vital telephone lines were repeatedly cut in strategic locations inside air base buildings, disrupting communications of the Air Defense Command. Similar sabotage was reportedly widespread on bases in the United States.

Electrical wiring on sensitive Air Defense Command radar-scope tracking dishes was repeatedly reversed in such a manner that advance warning of an enemy missile attack would be impossible. Other radar installations were simply blown up by saboteurs.

Now, there will be those who feel that the examples given here are not sufficient to prove that we are in the midst of an all-out attack of Communist sabotage. And rightly so. Some of the incidents, to be sure, might well have been the result of human error or carelessness. And since we have only barely scratched the surface in this random sampling of incidents, we shall return in a moment with another series of unusual "accidents," which in our estimation point to something very wrong somewhere. First, however, a few other matters should be weighed and considered.

WHAT INVESTIGATION REVEALED

As far back as 1949, Communist plans for revolution were being uncovered in sworn testimony before Congressional investigating committees. At that time Herbert A. Philbrick "surfaced" after nine years within the Communist Party for the Federal Bureau of Investigation, exposing in detail a major part of the Red program. Testifying before Judge Harold Medina in New York, Philbrick explained how sabotage had been one of the main courses at the Boston School of Marxist Studies. In his famous book, *I Led Three Lives,* the former counterspy revealed that the Communists, who are planning for revolution in America, had no intention of taking over a totally decimated nation. He explained that:

"Instead the plan was to incapacitate temporarily entire plants and their crucial machinery by knocking out power supplies, wrecking transmission lines, conduits, cables, generators, transformers—any facility which would render productive machinery useless to the governing authorities, but leave it essentially intact to be restored immediately by the revolutionary forces. In concrete terms, they would not destroy rail locomotives and rolling stock, but would merely deny their use by ripping out the track. The saboteurs would strive for complete paralysis of the critical points—bridges, dams, water-supply lines, communications.[2]

During that same period, it was learned by Intelligence agencies that a highly secret revolutionary blueprint had been delivered to Communist leaders across the country. In precise military fashion, the chilling strategy was laid out step by step in the following manner:

Strategic objectives were carefully mapped out in hundreds of cities, with "Operation Center" established at the Communist headquarters in New York and "Relay Centers" in cities like Los Angeles. When the hour strikes for action, perhaps in the dead of the night, riots and fires will be started in industrial cities to dissipate the police and fire departments.

While the police are busy trying to quell the riots and cover the fires, picked bands of guerrillas will seize radio and telephone stations to control communications. Bridges will be blocked or bombed to bring transportation in the cities to a standstill. Power will be shut off, as well as gas supplies. The entire pattern is to create immediate panic.

Special squads will capture the police department and will scan records to find out who has firearms. These people will be forced to give up these weapons, while guerrilla units will break into all stores selling guns and ammunition, seizing everything which might be used to quell the insurrection. Terror will be spread all through the night by the "liquidation" of opposing units so that complete panic will reign by morning.

One year after Philbrick's testimony had helped convict eleven top Communist leaders who had advocated the violent overthrow of the U.S. Government, a newspaper in Denver, Colorado, carried this bold headline: "Colorado Reports Sabotage Plot." This startling expose of September 16, 1950, less than three months after the Communists invaded the Republic of Korea, should have made front-page news. It didn't. Instead, the tiny article was buried in the back of the paper. In its entirety the article revealed that:

"Attorney General John W. Metzger claimed tonight the Communist Party had completed plans to sabotage Colorado's radio stations, utilities, and state and city governments on orders from party headquarters. Metzger said he had 'unimpeachable' information that 75 party members met here [Denver] last night to perfect the master sabotage plan for the state.

" 'Each one of the 75 persons at the meeting was given a specific job, such as bombing a radio station, or the telephone company, or the public service company. This was not the first report, nor the first such meeting,' he said."

And that's *really* just the beginning.

In 1953, Mrs. Karl Mundt, wife of the U.S. Senator from South Dakota, was on a tour of Hoover Dam, one of the largest hydroelectric generating plants in the United States. In the newsletter of the National Federation of Republican Women's Clubs she described how the control room operator had pointed out that "If I push *this* button I can turn off all the lights in San Bernardino; and if I push *this* one I can turn off the water in Los Angeles," When asked, "What would happen if the wrong person should get in here some time and start pushing buttons?," the operator shook his head and replied: *"The wrong person pushing buttons in here could play havoc with the entire West Coast area."*

Mrs. Mundt then recalled a meeting of the Communist Party which she and her husband had infiltrated in Denver some nineteen years earlier; a meeting presided over by a professor from the University of Colorado:

"He was presenting a Communist plan for seizing control of the government of the United States. Several times during the evening he repeated the phrase: "An invasion of this country may not be necessary. If we play our cards right—it can be taken from within."

On the wall was a large map of the United States, but it looked strangely unfamiliar. All the boundary lines of the States had been erased, and the country was divided into nine sections controlled by river authorities similar to the Tennessee Valley Authority (T.V.A.).

He turned to the map: "Here we have a picture of this country controlled by nine river authorities all of which are dominated by the central government. The T.V.A. is now a reality and I'm happy to tell you that we have some of our Party members planted there. We must have more Valley authorities. There must be an M.V.A. and a C.V.A. and so on until the nation's light and power is controlled from a central source.

"We are not interested in cheaper power for the people. What we want is to get our members planted in vital spots where at a given signal by merely pushing a button or pulling a lever they can plunge the country into darkness and disaster."

After considering the above quotation, the famous Northeast Blackout of November 9, 1965, takes on an even more sinister connotation. What many are unaware of, however, is the fact that hundreds of other equally mysterious power failures have occurred from coast to coast both before and after that event. After the Northeast Blackout plunged 30 million people over an area of eighty thousand square miles into darkness, investigators for the House Commerce Subcommittee expressed fear that "foreign saboteurs could duplicate the blackout that paralyzed New York City. . . ." According to Subcommittee Chairman Walter Rogers (D.-Texas), "Saboteurs could purposely maladjust the equipment, particularly if Canada fell into the hands of a foreign power."

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[2] Several years ago a former U.S. Army Sergeant was sentenced to thirty years imprisonment after the F.B.I. had arrested him on espionage charges. He later admitted that, during the last year before his arrest, his assignment from the Soviets was to supply them with "blueprints, drawings, and plans of the sewer lines, water supply systems, telephone and electric power systems" in the Greater New York area and Long Island.

On December 2, 1965, three weeks after the Northeast Blackout, while Congressional probers were still in the dark as to what had really caused the power failure, another massive electrical failure struck the Southwest, affecting an area of twenty thousand square miles. This time, power was cut off from four strategic military installations: Fort Bliss Army Base (which maintains an Air Defense missile school) and Biggs Air Force Base (a key Strategic Air Command installation)—both located in El Paso, Texas; and Holloman Air Force Base and the White Sands Missile Range in Alamogordo, New Mexico. Over a million residents were affected.

Just five days later, on the anniversary of Pearl Harbor, a large section of Staten Island, New York, was hit by a similar power failure. The following month, on January twenty-eighth after the National Power survey report had pushed the creation of a national grid controlled by a central source—exactly as was called for at that Communist meeting attended by the Mundts in Denver—the lights went out simultaneously in parts of Iowa, Minnesota, Nebraska, South Dakota, and Illinois.

There are, alas, many more such examples.

On June 5, 1967, a massive power failure hit four states. Two weeks later in another section of the country, the *Evening Journal* in Wilmington, Delaware, reported that "The power failure which struck northern Delaware early this month might have been averted except for sabotage of a 500,000 volt power line in western Pennsylvania. . . ." Wilmer S. Kleinbach, manager of the area's power pool system, said that someone deliberately damaged three towers on the line by driving a crane into the wires. The following year a lone saboteur crashed a tractor into one of the electrical towers of the Pacific Gas and Electric Company in California, cutting off power in five communities near San Francisco.

Last September twenty-ninth, a massive power failure hit the Orange and Rockland Utilities Company in New York City, New York, cutting off all electricity in two New York counties and parts of New Jersey and Pennsylvania. Cause of the blackout—"unknown." As recently as January of this year an unexplained series of blackouts in the Boston area has affected 250,000 people in thirty communities. As this article is being written, in fact, it has been reported that a large section of Fairfield County in Connecticut is having its share of similar disturbances.

Are these incidents merely warming up maneuvers? Do the Comrades have more of the same in store for America? There are those in positions to know who think that what we have experienced thus far is but a small sample of what we can expect in the near future.

For instance, the *Allen-Scott Report* of February 16, 1968, revealed that "battle plans" of militant Black Nationalists were being studied by government investigative agencies which considered them to be "as foreboding as those captured from the Vietcong in advance of their 'terror attacks' in South Vietnam." The syndicated report told of revolutionary documents circulated in Negro communities written by such violent Communist terrorists as Stokely Carmichael (currently a leader of the Communist Black Panther Party), and Robert Franklin Williams (leader of the Communist Revolutionary Action Movement).

In a follow-up article that April twenty-third, Allen and Scott told of a veritable army of Communist-directed militants descending on Washington, some of whom were "experts in making fire-bombs" and known to have "served as 'paymaster' for fires set" during the previous summer's riots. The report also unveiled a Red plot which included the sending of a gasoline-filled truck into the underground parking area of one of the Congressional office buildings. The rolling fire bomb was to explode and create a diversionary maneuver to draw police and federal troops away from the Capitol building—from which teams of hard-core Black Nationalists were to rush from several directions. Thanks to an undercover informant for the F.B.I., the plot failed.

In a special Report of the House Committee on Un-American Activities issued on May 6, 1968, the Committee's Chairman stated: "There can be no question about the fact that there are mixed Communist and black nationalist elements in this country which are planning and organizing guerrilla-type operations against the United States." The document, entitled, "Guerrilla Warfare Advocates in the United States", went on to relate that "Communist elements in the United States . . . are actually recruiting and training . . . for guerrilla warfare . . . the sabotage of public facilities . . . hit-and-run attacks with guns, bombs, *and poison darts.*"

Speaking at the Industrial Management Club at Lockport, New York, last January, former F.B.I. undercover agent O. W. Nelson Jr. told a shocked audience that there is *already* a trained, Communist-sponsored guerrilla army in the United States. Now news editor of the *Lockport Union-Sun & Journal*, Nelson revealed that the most worrisome Communist operatives in this country are the "sleepers"—Communists who pose as ordinary American citizens, although "dedicated Reds who, when *they* are called, will do their jobs and do them well." He said that no one but a few top Communists in Russia and China knows exactly how many "sleepers" are moving among us, and that many of them have been trained by Comrades who had fought on the side of the Communists in Spain during the Thirties; trained in "how to blow bridges, wreck trains and radio stations, wreck communications."

According to the House Committee on Un-American Activities, a number of Americans have actually been trained in this sort of guerrilla warfare in Red Cuba by agents of the Vietcong. Traveling to Havana by way of Mexico City, a steady stream of young revolutionaries is sent to a Communist training camp called *Ciudad Escuela Cumilo Cienfuegos*, not far from Minas de Frio in Oriente Province, the mountain stronghold from which Castro waged his guerrilla war against the Batista government. As reported in *Saga* magazine, that is where the "trainees are taught how to form *guerrillero* bands of ten to twenty men (the most effective size), how to select leaders and spies, and how to establish operations and sabotage sections. They are tutored in weapons, propaganda, night maneuvers and other tactics. Detailed instructions are given on how to make and use homemade explosives, such as grenades from condensed milk cans packed with dynamite and steel scraps. The American college kids also learn how to make bombs and incendiaries—little gems composed of acid, potassium chlorate and common table sugar."

For those young Americans not quite hardened enough for the more demanding guerrilla training, the Cuban Communists have provided a milder course in political agitation, propaganda, and civil turmoil—this one at *El Cortizo* training camp, in Pinar del Rio Province. There, they learn how to advance the Red cause by sabotage of official or public vehicles; slowing down public communications services; rumor-spreading and propaganda; political indoctrination of school children; and, countless other Red tactics to further the revolution.

In the *Saga* expose, "U.S.-Cuba Underground," we learn that:

"Really tough militants who are bright and fanatically dedicated are sent to Prague, Czechoslovakia, and even to Moscow for super courses in espionage, sabotage and propaganda. With nobody able to check on their whereabouts these elite are whisked to Europe. They can be gone for as long as six months, traveling on Cuban papers, without arousing the official curiosity of our State Department. That's time enough for the most thorough training in a score of fields."

These Communist-trained revolutionaries have apparently learned their lessons well, as evidenced by the rash of arson and bombings that has swept the nation. In fact, this past March thirteenth, the F.B.I. Chief of Internal Security, Charles D. Brennan, told more than three hundred prosecutors attending the convention of the National District Attorneys Association at Las Vegas that "There will be a continuation of arson and bombings. . . . As I see it, it will get worse before it gets better." Naming the Communist-controlled Students for a Democratic Society (S.D.S.) as the chief firebrand in the current blaze of sabotage, Chief Brennan also cited the Communist Black Panthers as having joined in the campus revolution and "reaching down into the high schools where they are teaching this reverse racism."

Earlier, in the year-end report of the Federal Bureau of Investigation, issued on December thirty-first, Director J. Edgar Hoover stated that the S.D.S. "advocates what many of its leaders and members call revolutionary communism," and that two of its national officers "publicly identified themselves as communist, 'with a small c,' as many New Left adherents do to signify that while they are communists they are a brand apart from those in the old-line communist movement." Mr. Hoover told of an S.D.S. national convention held during June of 1968 on the campus of Michigan State University, at which time "a workshop was held dealing in sabotage and explosives."

What was *not* mentioned, however, was that last October during a similar convention in Boulder, Colorado, members of S.D.S. were given a detailed, twenty-page sabotage manual which contained diagrams and directions on how to prepare Molotov cocktails, incendiary time bombs, bangalore torpedoes, mines ("to blow up autos, trucks, and light tanks"), train mines ("explodes when the train passes over the contacts which close the electric circuit"), pocket incendiary bombs ("place these in movies, cars, files, mailboxes, next to inflammables . . ."), booby traps, and other frightening deadly devices. Members of S.D.S. were shown diagramatically how to build tank traps; how to use sabotage on the highways by placing a "greased steel cable which does not reflect the light" diagonally across a road to cause auto accidents; how to sabotage motors, dynamos, electric installations, generators, and machinery; and how to destroy iron and steel beams of buildings and bridges. According to F.B.I. Director Hoover: "The aim of the S.D.S. attack is to smash first our educational structure, then our economic system, then, finally, our government itself." And they are *openly* pursuing just that course.

A wave of terror such as swept Cuba shortly before that country was taken over from within is beginning to take shape here. Yet, oddly enough, the Establishment media conveniently ignore all Communist complicity. Consider, if you will, *these* incidents:

During the second day of a student strike at San Francisco State College last November seventh, Communist-directed militants running the strike exploded a bomb and set several fires in restrooms and faculty offices. Shortly afterwards, campus police arrested Paul Okpokam, a bearded drama student from Nigeria, who was carrying a package of explosives.

A month later arsonists at the same college caused a $100,000 fire on the fifth floor of the school's administration building, where some weeks earlier militant black students had held thirty-four college employees hostage for four hours.

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On December fourth, last year, a small explosive device blew out windows in the Andrew Jackson High School in New York City during a wild student demonstration. It was reported that "Bomb squad detectives described the device as a 'military simulator,' a pyrotechnic device used in military maneuvers."

As San Francisco State College prepared to reopen for the spring semester last February sixteenth, the second bomb in four days exploded, shattering windows and injuring a campus security officer. Inspector Daniel Mahoney said that saboteurs used a seven-inch pipe packed with explosives. Less than three weeks later a freshman from East Palo Alto, California, was found screaming in a hallway of that college—his hands charred, three fingers blown away, and his face a bloody mess—after a homemade bomb exploded as he attempted to hide it in a locker room. Two more powerful bombs were found nearby, along with six sticks of dynamite. Detectives said that "a steel pipe filled with blasting powder and connected to a battery and a clock blew up while it was being attached to a bank of lockers."

Two bomb disposal men from Westover Air Force Base removed a time bomb from a restroom at Amherst College in Massachusetts last March eighth, while student protesters marched around the building picketing Colt Firearms recruiters on campus. Colt has the exclusive contract for the M16 rifles used in Vietnam.

On March twenty-first, several hours after a $600,000 fire swept the science building at Lane College in Jackson, Tennessee, a black militant group reimposed their boycott of classes. Firemen trying to put out the blaze were hampered and harassed by the students.

On April eleventh, a homemade bomb exploded at the University of California at Santa Barbara, critically injuring a caretaker.

Perhaps the most bizarre incident of all was one that happened last January nineteenth at a high school in Brooklyn, New York. As school teacher Frank Siracusa was leaving a classroom that morning he was attacked by three militants and kicked and punched to the floor. "One of the youths then squirted his clothing with lighter fluid from a water pistol and set fire to him with a cigarette lighter."

The work of deranged individuals? Or a carefully directed scenario prepared by traitors intent upon destroying our nation piece by piece. Actually, both descriptions are accurate.

But, that's not all. This business has been escalating for a decade.

On May 28, 1961, demolition experts destroyed three electronic relay stations along the Utah-Nevada border—stations of strategic importance which carried the greater part of our transcontinental communications. The following month, on June thirteenth, both San Francisco and New York experienced simultaneous power failures of "mysterious" origin. This was followed two days later by the burning of a large pier in the Hudson River, temporarily closing one of the two principal traffic lanes heading north out of Manhattan.

And that was eight years ago. Sabotage of that nature has increased tenfold in the meantime, and very few of the saboteurs have been captured.

On the afternoon of August 9, 1965, Air Force personnel began hauling the charred bodies of some fifty-three men out of the blackened launch tube of a Titan II missile silo northeast of Little Rock Air Base near Searcy, Arkansas. A "mysterious" explosion had ripped through a diesel engine located in one of the rooms ringing the launch site, trapping the men fifty feet below the surface behind a seventy-five-ton electrically controlled door that had been short-circuited. An escape tunnel normally open to let constuction workers pass in and out had been closed when the blast occurred. Air Force officials were "not able to explain why."

In late October 1966, a building used to dry gunpowder at the Olin Mathieson Chemical Corporation in East Alton, Illinois, was destroyed by an unexplained explosion which ruined a quantity of material destined for Vietnam. Shortly before that mysterious "accident," this reporter had been attending a key Communist gathering in Chicago (for Police Intelligence) at the home of an I.I.T. professor. During the course of the evening I happened to overhear a young black militant tell several Trotskyite Comrades that "it sure would be a shame if someone dropped some nitro and blew the damn place up." *As an employee of the East Alton plant*, he admitted that he was in a good position to "raise a little Hell there."

On March twentieth of last year saboteurs dynamited a sixty-five-foot electrical tower furnishing power to the Lawrence Radiation Laboratory at Livermore, and its multi-million dollar cyclotron on "the hill," at the University of California at Berkeley. The powerful blast, which occurred in a remote, hilly section of Tilden Regional Park, toppled the tower, severing the 115,000-volt power lines and causing periodic blackouts throughout Alameda and Contra Costa counties. Lawrence Radiation Laboratory, which designs and tests both atomic and hydrogen weapons vital to our nation's defense, is one of the major research and development plants for America's nuclear weapons systems.[3]

Less than three months later, on June 4, 1968, the *Chicago Tribune* reported that saboteurs in Oakland, California, "apparently trained in demolition techniques, used plastic explosives to topple three seventy-foot electrical transmission towers today. The explosions knocked out six 115,000-volt transmission lines and several 12,000-volt lines strung on nearby towers. Service to 30,000 customers was interrupted.

"The Federal Bureau of Investigation immediately sealed off the area high in the hills above Oakland and launched an investigation into the attack—the ninth in the area since February 1."

On October third, the second explosion within twenty-four hours shattered more than 260 windows in the Alameda County Courthouse in Oakland, California, shortly after Communist Black Panther leader Huey Newton had been sentenced to prison for murdering a policeman. A search of the area produced another explosive package jammed under a gas main next to the courthouse, about seventy-five feet from a ladies room at the Oakland Hall of Justice where one had exploded the day before. The unexploded bomb had been attached to an alarm clock and triggered to blow up at three o'clock that afternoon.

In mid-November 1968, F.B.I. agents charged Army deserter Daniel Carroll Guirkins, age twenty-two, with the bombings of the Alameda County Courthouse in Oakland and the R.O.T.C. headquarters at the University of California. Shortly after his arrest a month earlier, the F.B.I. discovered that his apartment contained a large quantity of "dynamite, detonators, timers, plastic explosives, 'How-to' books on dynamiting," and other interesting material. Guirkins' accomplices included a thirty-year-old Iranian national and "peace" advocate, Anthony Richard Tankersley, and his wife Susan.

A brief search of the Tankersley's home yielded a "rich treasury" of explosives, dynamite, blasting caps, an electronic detonating device, detailed area maps, and a list of potential targets which included *industrial areas, microwave stations, and defense plants*. Also seized were U.S. Army manuals on booby traps and mines, and numerous Communist tracts on guerrilla warfare. By the time authorities issued an all points bulletin for the Tankersleys, the two were reportedly en route to that special conference of the Marxist Students for a Democratic Society at Boulder, Colorado. Also arrested for sabotage was Joseph Cowan, who like the others was found to have ties with radical Leftists across the nation. As one top federal official said in reference to this wave of sabotage attacks in San Francisco: "There is nationwide coordination. There's no doubt about it." All of the sabotage suspects had been students at the University of California.[4]

Early this spring it was reported that finally, *after twenty-five years*, the Justice Department has begun to crack down on Communist saboteurs by enforcing the national defense sections of the sabotage statutes (Section 2155, Title 18, U.S. Code). As reported in the *Chicago Tribune* of February 22, 1969, the first indictment was brought against S.D.S. leader Michael Siskind on December 19, 1968, after he had pleaded guilty in the firebombing of an R.O.T.C. building at Washington University in St. Louis. Judge Roy W. Harper, in sentencing him to five years in prison, told Siskind that as a judge he had earlier presided over the trial of Communists charged with violation of the Smith Act, and that "The group you belong to is committed to the very thing they were."

The second indictment, detailed in *Combat* newsletter, was brought against S.D.S. member Cameron David Bishop, a former student at Colorado State University, who is currently being sought by the F.B.I. Bishop was charged with a dynamiting last January twentieth at Golden, Colorado, which interrupted power to Coors Porcelain Company, manufacturers of nose cones for sidewinder missiles and armor plate for military helicopters used in Vietnam. The four-count indictment also accused the S.D.S. activist of dynamiting another power-line tower on January twenty-fifth, and two more on the twenty-eighth.

Although the *top flight* Red saboteurs never seem to get caught, a number of lower echelon New Left bombers have been less careful than their professional mentors. Three years ago this May, police in Fort Lauderdale, Florida, rounded up a gang of youths who had stolen materials to manufacture plastic bombs, nerve gas, and the dangerous mind-altering LSD. Seized in the raid was an elaborate blueprint for a "full-scale assault on one of Fort Lauderdale's

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[3] Actually, that minor bit of pyrotechnics wasn't really necessary to sabotage this strategic research center. The enemy has already gained access to its inner sanctum. As recently as three years ago the laboratories employed such subversives as electronics technician William A. F. Maertens, a member of the Berkeley campus W. E. B. DuBois Clubs, youth arm of the Communist Party. More recently, the research center has been giving "Q" clearances to such individuals as Garrett Boer and Sam Mendocino, local leaders of the subversive Women's International League for Peace and Freedom and other like-minded organizations.

[4] The "Weekly Intelligence Summary" of Military Intelligence has revealed that "The New Free University (NFU), composed of a group of University of California, Santa Barbara (UCSB) students . . . announced that classes on tactics and practices of guerrilla warfare taught by guest lecturers would be conducted regularly on Monday, Wednesday and Friday beginning 7 March in Building 2292, UCSB [which] authorizes NFU activities to be conducted in campus facilities. Classes will be conducted in: How To 1) Hold a building against police attack, 2) Conduct hit and run missions, 3) Defend yourself against police harassment, 4) Sabotage military, industrial and police functions, and 5) Get community involved through terrorism."

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largest banks," 131 sticks of dynamite, and numerous chemicals. Of the ten youths arrested, one was carrying a vial of deadly curare poison strung around his neck, and another was armed with a straight-razor.

Last summer, during the Democratic National Convention in Chicago, police and F.B.I. undercover agents discovered and prevented a Communist plot to create wholesale sabotage during the "Yippee" demonstrations. The Red plans included the burning of five major loop hotels, the dynamiting of sewer systems to destroy telephone cables, the firebombing of the Grant Park underground parking lot, the assassination of leading Democratic contenders, the murder of some sixty policemen assigned to guard the International Amphitheater, and the throwing of grenades into various police stations in the city.

On September 27, 1968, the month following the Democrat Convention, Chicago police intelligence uncovered *another* Red plot which called for the firebombing of two loop department stores during a "Peace" march down State Street the following day. When police arrested three hippy-type members of the Heavenly Blue Lights, a militant group working with the Communist Chicago Peace Council, they found a secret laboratory in their basement apartment which was being used to make bombs of all kinds. In one room the police discovered two quarts of sulphuric acid and an equal amount of nitric acid, as well as four-dozen bottles stuffed with cotton and rags to be used as Molotov cocktails. It was revealed that some of the bottles were "designed to be filled with the acids and used as weapons against police officers during the planned havoc during the demonstration."

The *New York Times* of November 12, 1968 carried an equally disturbing story about the arrest of nine young men and two girls who had been apprehended in raids in Detroit—after the F.B.I. uncovered a major sabotage plot by the "anti-Establishment hippie types." The group had taken part in the bombing of a C.I.A. recruiting office in Ann Arbor, a suburban draft board office in Roosevelt, the St. Clair Shores school administration building, and a policeman's private car. The young saboteurs also dynamited an Army recruiter's automobile and the University of Michigan's Institute of Science and Technology—*which had been working on classified Government radar research.*

And just this past April twelfth, the F.B.I. uncovered a plot by college students to dynamite national shrines in Boston and Philadelphia. Lieutenant George Fencl, chief of the Philadelphia police civil disobedience squad, reported that members of the S.D.S. "had gone into the community near the Temple (University) campus and attempted to solicit residents to make explosive devices." He said that some S.D.S. members had distributed sabotage manuals detailing how to place homemade bombs against the shrines. Similar sabotage tracts had been issued to some 327 anti-war groups across the nation in February of last year after preparation in Toronto, Canada.

The twelve-page Canadian sabotage documents described how to construct incendiary time bombs, explaining at length why sabotage is the necessary and proper next step in the Red movement. The Communist directives suggested that the young anti-warriors carry out an act of sabotage against a draft board, an induction center, or some government installation, *perhaps once every three or four months*. A final bit of advice to the would-be saboteurs was that: ". . . they must not be arrested. They must not make mistakes. They must remain out of jail in order to be able to strike again and again and again."

For several years now, various Leftist groups have been distributing pamphlets using guerrilla warfare in the United States. One of the most widely read, published by the Students for a Democratic Society, is entitled: "Revolutionary Warfare," by Eqbal Ahmad. In it, we find the statement: "The use of terror by guerrillas is highly selective. . . . It is employed partly as an instrument of subversion . . . it aims at maximum psychological effects." Another Red pamphlet currently making the rounds is one titled, "Sabotage: Its History, Philosophy and Function," by Walker C. Smith.

Also being given wide distribution are copies of *The Crusader*, publication of the Communist Revolutionary Action Movement. Written by Communist Robert Franklin Williams and Red Chinese experts on guerrilla warfare, the inflammatory pamphlets detail instructions on how the so-called Afro-American freedom fighters intend to take this country using such quaint methods as sabotage, assassination, and wholesale strategic arson. Echoing the R.A.M. directives is *The Black Panther*, publication of the Communist Black Panther Party, which has been running a series of helpful hints on sabotage. The issue for November 16, 1968, in fact, devoted a full page to describe the construction of "Grenades and Bombs: Anti-Property and Anti-Personnel."

Perhaps the most flagrant publications of the Left are those of the subversive Underground Press Syndicate, which consistently promote three main themes: narcotics. homosexuality, and Marxist propaganda. In the March 17, 1968 issue of *Open City*, published in Los Angeles, contributing editor Robert Igriega writes of the "New Peace Tactic—Sabotage."

Open City reporter Igriega describes in his article a very detailed "backyard sabotage manual," supposedly distributed by the C.I.A. among Black Nationalist groups—"re produced outside official channels," of course. The C.I.A. manual "went into an infinite variety of ways to make napalm (mixing gasoline and egg-white, for instance), and describing how to devise your own detonator (without breaking the filament, fill a lightbulb with black powder: when the light's turned on—boom)." Accompanying the article were diagrams showing the reader how to make a "chemical fire bottle." The caption read: "This incendiary bottle is self-igniting on target impact."

In a later issue of *Open City*, contributing editor Alex Apostolides, a member of the Communist W.E.B. DuBois Clubs, related his interview with several members of the so-called Peace Movement. In his article, "Will Pacifists Resort to Sabotage?," Comrade Alex tells us that "well-conducted sabotage raids against key facilities would hobble the war effort." Quoting from another U.P.S. publication, the *Los Angeles Free Press*, he revealed that members of the Port Chicago Vigil, a Red group in Northern California, "had sought unsuccessfully to put sugar in the gas tanks of munitions trucks." Pursuing that subject, Apostolides wrote:

"Ninety per cent of the napalm for Vietnam goes out through Port Chicago. Inside the fence there are stacks of napalm bombs 50 feet high and half-a-block square—hundreds of stacks like this. If one went. They'd all go. I asked one of the guys in the Vigil if he'd ever thought of throwing a grenade in the middle of one of those stacks. He says he thinks about it all the time."

Interviewing other Movement "pacifists," Comrade Apostolides said that "spontaneously and simultaneously *all of them, with no exceptions, were thinking about sabotage*—as was he. Apostolides speculated that "people in the Movement might be willing to engage in sabotage against property . . . blowing power lines in the desert, for instance. But . . . once this was started, *other groups would shortly afterwards carry out actions that would result in deaths. . . . One intriguing terrorist-guerrilla action has been suggested that is well within possibility under today's conditions. This would be the systematic assassination of Southern whites.*"

As a final example of what this nation is up against, we quote from a chilling expose by Conservative columnist Ed Montgomery, which appeared on March twenty-third in the *San Francisco Examiner and Chronicle*. Reporting on the formation of a terrorist organization known as the Revolutionary Party, Mr. Montgomery revealed that the militant underground group making up the top echelon was the Maoist Red Guard, comprised of members of the subversive Resistance, the Communist-oriented Students for a Democratic Society, and the paramilitary Communist Black Panther Party.

Headquartered in Menlo Park, California, the weird revolutionary cabal has set a target date of 1973 for a nationwide Communist takeover, preceded by assassinations and bombings. According to "inside" information revealed to Mr. Montgomery by a former Red Guard member of S.D.S., another leading Red Guard terrorist (an instructor at the subversive Midpeninsula Free University) has prepared an assassination list of community leaders and has revealed that "young revolutionaries, including scores of black militants, are being trained in a camp near Havana" to to the job.

Revolutionaries attending a strategy meeting in the home of the Red Guard instructor were counseled to do the following:

Create as many police confrontations as possible. Scream "police brutality" and discredit the "pigs" to win public sympathy.

All police and members of their families must be killed and law enforcement demoralized.

All jails and prisons must be opened and inmates liberated.

All counter-revolutionaries, or imperialists, who would fight "liberation" must be cut down.

Terror is a necessary weapon and must be used "to get the cooperation of the masses."

Don't fight the draft. Go to Vietnam and shoot your commanding officer in the back.

Become an airplane mechanic and learn to sabotage planes.

The Army can be won over from within. The police and the leaders of the establishment are our prime objectives.

The revolution has already begun, in the ghettos and in Berkeley. When the time comes weapons and explosives will be available.

And the time *has* come. The revolution has already begun. By the enemy's own admission. And *sabotage* has been, and will continue to be, one of the Communists' most formidable weapons—unless drastic measures are taken at once. Now is the time to act to pull down the curtain of silence about all of this—so that the people of a thoroughly informed America can know their enemy and destroy him. *Now*, while there is still time.

USE OF AIRCRAFT CARRIER "YORKTOWN" IMPROPER

(Mr. WEICKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WEICKER. Mr. Speaker, I am requesting from the Secretary of the Navy an explanation as to why a U.S. aircraft carrier, Navy personnel, and Navy equipment, paid for by taxpayers of the United States, were allowed to be used to make a motion picture glamorizing the sneak attack on Pearl Harbor on December 7, 1941.

I also ask how such a film promoted the best interests of the U.S. Navy?

I think that we should have answers

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to these questions, especially since the Defense Department has had a policy of restricting the use of Government equipment or military personnel in any picture produced for private profit.

I would call to the attention of my colleagues, the column in the New York Daily News of May 14, written by Mr. Ted Lewis on this subject, which I am simultaneously inserting in the RECORD.

Mr. Lewis points out that permission for the Navy to cooperate in the production of this film was given in the closing days of the previous administration with hints of wheeling, dealing, and cronyism.

I do not feel that it is fitting or proper that the aircraft carrier *Yorktown* should be used as a prop for the movie "Tora, Tora, Tora," which portrays the Japanese version of the sneak attack on Pearl Harbor that took so many American lives.

I feel it is bitter irony that while in a watery shrine of the hulk of the battleship *Arizona* are entombed the bodies of 1,100 U.S. sailors, the U.S. aircraft carrier *Yorktown*, flying the colors of wartime Japan, was being used to film a motion picture glorifying the sneak attack that killed these men.

The use of our military by private entrepreneurs to produce for profit Hollywood versions of tragic moments in our history when we were right in the midst of a very real present tragedy is a national disgrace.

It seems to me that the whole area is a proper one for congressional factfinding, and I have requested such of the chairman of the House Committee on Government Operations.

The article referred to follows:

SOME PICTURE, SOME SUBJECT, SOME GALL!

(By Ted Lewis)

WASHINGTON, May 14.—In the last few weeks of the Johnson administration the Navy, it now turns out, was given a go-ahead to cooperate in a Hollywood motion picture production glamorizing, if not glorifying, the Japanese sneak attack on Pearl Harbor.

Some picture. Some subject—all about this country's most horrible naval disaster as seen through Japanese eyes. What FDR called "the day of infamy" getting the specialized Hollywood extravaganza treatment, on a slant-eyed basis, with the assistance of the United States Navy.

Oh sure, we now love the Japanese whom we used to hate. We also now love the Germans. And who knows, looking far ahead, whether some day we might even love the Communist Vietnamese whom we now hate.

So, what! Only this: that the American flag still flies over the sunken hulk of the battleship *Arizona* in Pearl Harbor and in that watery shrine are the bodies of 1,100 young sailors drowned on Dec. 7, 1941.

Is it then fitting and proper for the aircraft carrier *Yorktown* to be a stage prop in the Darryl Zanuck-20th Century Fox movie "Tora, Tora, Tora"? What a role for the *Yorktown* to play, that of a Japanese aircraft carrier on the sneaky Pearl Harbor mission, with Japanese flags run up, Japanese vintage-1941 planes on deck, and even Yankee enlisted men decked out in Japanese naval uniforms.

HOW THE BIG DEAL WAS SWUNG

All these details concerning how willingly the Navy was suckered into helping Zanuck make a picture for private profit have to be credited to the CBS Tuesday night television show "60 Minutes With Harry Reasoner." The whole indecent exposure job was factually solid, based on brilliant reporting, and a checkup today at our end only added to, rather than subtracted from, the disgusting revelation of the Pentagon's idea that the Navy could improve its public image by assisting in a film keyed on the theme of Pearl Harbor from the Japanese perspective.

The cast of characters in and around the Johnson administration responsible for the nauseating use by Hollywood of Navy equipment and personnel is pretty well determined. Darryl Zanuck has admitted he put the arm on Jack Valenti, head of the Motion Picture Association, to get through red tape in the way of Navy cooperation. Valenti has said he first wrote a letter to, and then phoned, Defense Secretary Clark Clifford, and that Clifford passed the buck to Paul Nitze, deputy defense secretary.

Nitze says he brought up the matter at a sort of routine staff meeting and public relations deputy Phil Goulding was strongly opposed, but Navy Secretary Paul R. Ignatius was for, like Nitze. All this happened last January, which just goes to show how long it takes for a controversial decision with a political odor to it to leak out if the principals don't want to point with pride in public.

A LAMEDUCK WAY OF DOING THINGS

The Nitze-Ignatius go-ahead-with-Hollywood decision as we get it, took into consideration the close ties that Clifford and Valenti had with LBJ. If so, it reflected the way judgments are often made in the last days of a lameduck administration.

Otherwise, Zanuck would have been told that the Navy wanted no part of his film project. This would have been in line with a Defense Department directive issued years before which prohibited use of government equipment or military personnel in any motion picture produced for private profit.

That directive was drawn up after Zanuck, back in the fall of 1961, had used 700 combat troops from American forces in Germany as extras in his effort to recreate on film D-Day in the picture "The Longest Day."

Those troops were assigned to Zanuck's command by his friend Gen. Lauris Norstad, then supreme Allied commander in Europe.

What upset the Pentagon about the Norstad-Zanuck deal was that at the very time troops were moving out of Germany for the filmmaking in France, President Kennedy had called up thousands of reservists and national guardsmen back home because of the serious Berlin crisis.

BUT D-DAY WAS SOMETHING TO BE PROUD OF

Otherwise, no one could quarrel too much with military cooperation in connection with a movie production recreating D-Day, a moment in history all Americans have pride in recalling. Pearl Harbor is different. We got hit in a sneaky, dirty way. It was a disaster, and if Zanuck doesn't complete his "Tora, Tora, Tora" by Dec. 7 this year for box office receipt purposes, it will be a victory for all solid, sane Americans fed up already with Hollywood distortions of sex and history.

Even the title of Zanuck's production recalls a phase of the Pearl Harbor "day of infamy" that will always disturb many Americans. Tora means tiger in Japanese. "Tora, Tora, Tora" was the code word passed by Japanese aircraft to the Nipponese carriers that the attack on Pearl Harbor had begun.

In our book every ethical patriotic standard of decent conduct has been besmirched by this Navy-Zanuck tieup aimed at making a smash hit out of a Japanese-slanted Pearl Harbor film production. There is a war on in Vietnam, and out of San Diego sails the aircraft carrier Yorktown, bound for Honolulu, with 40 Japanese planes on deck, the type used in 1941. Yes, the Navy carrying Zanuck's cargo to him, above board!

WITHDRAWAL OF AMERICAN TROOPS FROM VIETNAM IS COMMITTAL TO DE-AMERICANIZE THE WAR

(Mr. RIEGLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RIEGLE. Mr. Speaker every American can be thankful for President Nixon's decision to begin the staged withdrawal of American troops from Vietnam. With 25,000 U.S. troops scheduled to come home within the next few weeks, clearly other troop withdrawals will follow on a scheduled basis.

While the size of the initial reduction is modest, its meaning for the future is monumental. The real significance of this first troop withdrawal is that it finally commits us to de-Americanizing the Vietnam war—by shifting the combat responsibility back to the South Vietnamese where it belongs. The implementation of this combat transfer should have the effect of reducing the American loss of life.

As one who has long fought for this new policy, I am convinced the President is on the right track.

Further, every citizen should recognize that this initial reduction almost certainly means that the United States will not later turn around and send additional U.S. troops to Vietnam. Now other free Asians must recognize that future military manpower needs in Southeast Asia must come from their ranks, not from the United States. After 8 long years, this is the beginning of the end of the war.

Now we must continue to make every reasonable effort to negotiate a political settlement—while we carefully scale down the excessive U.S. commitment.

Staged de-Americanization offers the South Vietnamese a fair, fighting chance to reassume the burdens of their war. This leaves the enemy the choice of either negotiating a political settlement in Paris—or fighting an interminable war pitting Vietnamese against Vietnamese.

Thus the answer to this conflict now can be found in Paris—and the interests of both sides suggest that this answer be found and found quickly.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Mr. Speaker, did I understand the President had a commitment not to send additional troops to South Vietnam as he withdraws these troops?

Mr. RIEGLE. It is my opinion that it is not his intent to send additional troops. I would not suggest that there is a formal commitment with respect to this point. This is why I used the words "almost certainly" in my earlier statement.

Mr. ROGERS of Colorado. Is there any evidence that that is true—and I have had several telephone calls—suppose a mother calls and says her son is scheduled now to go to Vietnam. Does this mean the son will not have to go as the result of this peace effort?

Mr. RIEGLE. I would say to the gentleman, the thrust of my remarks is to suggest I do not think additional troops will be sent which would increase the aggregate manpower levels. I would not suggest we would not be sending replacement troops to relieve men presently in the field. I speak only of aggregate combat levels.

JAPANESE FISHING FLEET VIOLATING ALASKA'S CONTIGUOUS FISHING ZONE

(Mr. POLLOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLLOCK. Mr. Speaker, on June 4, the Bureau of Commercial Fisheries reported a Japanese fishing fleet was violating Alaska's contiguous fishing zone in Norton Sound. Patrol aircraft sighted the fleet of two mother ships and 31 gillnetters. Thirteen of the Japanese gillnetters were within 12 miles of shore; four were less than 4 miles offshore.

The Coast Guard cutter *Storis* was dispatched to the scene and seized two Japanese gillnetters within the 12-mile zone. The *Storis* was required to fire three warning shots across the bow of one of the two fishing vessels when all other attempts to halt her failed. Boarding parties were placed aboard the two Japanese boats and they were brought into Nome this morning.

The *Storis* also located 38 Japanese nets out within the 12-mile line.

Since 1965, three Russian and five Japanese fishing vessels have been seized for illegally fishing within Alaskan territorial waters. We can only guess at the number of similar violations which have gone undetected.

Mr. Speaker, I regard this illegal harvest of Alaska's valuable fisheries a serious transgression and call upon the Justice Department for stern measures to halt this continuing violation. Again I commend the efforts of the U.S. Coast Guard in this most difficult situation, for theirs is the responsibility to patrol these transgressions of foreign fishermen over many thousands of miles of Alaskan coastline, which comprises 54 percent of the total coastline of the United States.

J. EDGAR HOOVER REPORTS ON SDS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the greatest authority in America on intelligence matters, J. Edgar Hoover, Director of the Federal Bureau of Investigation, in the June 1969 FBI Law Enforcement Bulletin, reports on the new left, SDS and related outfits. All Members of Congress should weigh and digest this authentic material:

MESSAGE FROM THE DIRECTOR

(By J. Edgar Hoover)

As the current academic year draws to a close, it should be readily apparent that the students in the New Left revolutionary movement are not on college campuses to seek education. Rather, this conglomerate of malcontents is engineering a drive to destroy our educational system.

More and more, the New Left is being controlled by the followers of Karl Marx through the Old Left organizations of the Communist Party, USA (pro-Moscow), the Progressive Labor Party (pro-Peking), and the Socialist Workers Party (Trotskyites). Not since the New Left came into being has the influence of Marxism-Leninism been so strong.

The Students for a Democratic Society (SDS), largest of the New Left groups, is rapidly gaining a definite Marxist-Leninist coloration. At the SDS National Council meeting in Austin, Tex., in March, one of the organization's top leaders was quoted as stating, "Our primary task is to build a Marxist-Leninist revolutionary movement."

While the New Left movement may or may not make the dean's list this year, it rates an A plus in revolutionary exploits. The SDS and its adherents have rocked campuses from coast to coast with violence, riots, and sabotage. At the SDS National Convention last summer a workshop on violence and explosives was held. Literature explaining how explosive devices can be manufactured and used against Selective Service installations, ROTC buildings, and university facilities has been distributed. The results are a disgrace to a society which owes its very existence to democratic processes under the rule of law.

Many of the criminal acts of the New Left were, and are, committed as expressions of rights under the first amendment. Corruption of the first amendment will be a better term for such antics. Certainly, free speech and dissent are not synonymous with despotic obstruction and force. The wild and insatiable demands of the New Left for unlawful power and its blind determination to silence and destroy all who stand in its way are tyrannical acts of the first order.

Under the first amendment, a person may hire a hall and speak on any subject to as many people as he can persuade to listen. However, he has no right to disrupt classes and assemblies and prevent other persons from hearing a speaker of their choice. Neither the New Left nor any other group should be allowed to plunder, riot, and terrorize our educational institutions and impose its will upon a majority of students who do not share its views. Crime under the ivy-covered arches of a college campus is no more excusable than crime in our city streets.

SDS leaders know that if a revolution is to be brought about, they must inject more discipline and organization into the movement; the antidiscipline, freewheeling, individualistic, anarchistic mood of the New Left must be controlled and molded into a strong, centralized, Marxist-Leninist revolutionary force. The Old Left groups, of course, are working hard to capture at least a part of the movement.

The pro-Peking Progressive Labor Party (PLP) already has a strong beachhead inside the national SDS. On some key issues, the PLP comes close to having enough strength to swing votes in national meetings. While considerable factionalism now exists within SDS ranks on "how to bring about a revolution," the pro-Peking, the pro-Moscow, and the Trotskyites all agree on one major point—students alone cannot bring about a revolution. One well-known communist youth leader wrote, "We must view the worker-student alliance as a mutual necessity and do everything in our power to insure its growth and endurance." The PLP and the Trotskyites also supported similar linkage of the students and "workers."

Not all SDS members accept the Old Left organizations. Many feel that SDS can promote a viable revolutionary youth program without stringent controls and free of parental tutelage from a foreign or internal Marxist party. Whether this is possible or not remains to be seen, and the answer may be decided at the SDS National Convention this summer, where this issue will be bitterly and hotly contested.

Meanwhile, as basic fact looms. Never before in this country has there been such a strong revolutionary Marxist movement of young people which is so eager to destroy established authority. Furthermore, the New Left movement has made it emphatically clear that mere change and revision are not its objectives. Armed with a long list of "nonnegotiable" demands, its immediate goal is the complete overthrow and control of our educational systems. We all know what its ultimate goal is.

Concessions and appeasements will not satisfy those bent on anarchy and nihilism. America should take note before it is too late.

COVINGTON, IND., HONORS AUTHOR WHEELER McMILLEN

(Mr. MYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MYERS. Mr. Speaker, a good friend of mine and longtime friend of my family has just had his most recent book published. Wheeler McMillen has written a number of books, but this newest release is about his experiences early in his life as the owner and editor of a small weekly newspaper in a county seat town along the Wabash River in western Indiana. Wheeler McMillen, or "Mac," as his close friends know him, selected as the title of his new book, "Weekly on the Wabash."

This book is a most revealing and humorous description of the community's political, economic, and social structure. He presents a most interesting view of the town as he saw it as a young stranger arriving in the town of 2,000 on a snowy day in 1914. He describes many of the town's citizens of that time using actual names and events. He also relates in a most interesting style the vital issues of the period and the role of the county weekly newspaper in handling them.

Wheeler McMillen, besides being an editor and author, has had a distinguished career in the field of agriculture. He has served as president of the American Association of Agricultural Editors; editor in chief of the Farm Journal, 1939–55; and vice president of Farm Journal, Inc., 1955–63.

Last Saturday, this town, the setting and inspiration for "Weekly on the Wabash," Covington, Ind., demonstrated its gratitude and pride by welcoming its native son back home on Wheeler McMillen Day. It was a great day for Covington and its citizens. "Mac" personally autographed hundreds of his books and visited with his many friends.

Wheeler McMillen joins the list of many well-remembered persons in history who have called Covington, Ind., their home. Some of these names are Daniel W. Voorhees, known as the Tall Sycamore of the Wabash, serving both in the House of Representatives and the Senate; Edward W. Hannegan, whose slogan "Fifty-Four Forty or Fight" was a famous chant when he served in the Senate; Lew Wallace, statesman, soldier, and author of "Ben Hur," whose statue stands in Statuary Hall in the Capitol; Enos H. Nebecker, who served as Treasurer of the United States; Cecil Harden, who served in the House of Representatives for 10 years; and David M. Shoup, former Commandant of the U.S. Marine Corps.

The citizens of Covington, where I was born and call my home today, are proud to add the name of Wheeler McMillen to this list of sons and daughters who have been recognized nationally for their major contributions to the development of this Nation.

SUPERSONIC AIRCRAFT

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I have recently had the opportunity to examine the British-French Concorde, the mockups, and the Bristol plant wherein 002 was assembled.

There is a great debate in progress today whether or not this aircraft, along with the Russian supersonic, will capture from the American aircraft industry a large share of the international aircraft market.

In order for a supersonic transport to attract numerous orders from the various airlines throughout the world, the aircraft must be economical for airline use and must be able to operate at a profit as well as having widespread public interest.

There is no denying the fact that the British-French Concorde is a pioneering effort and encompasses many new and novel approaches to aircraft construction as well as passenger air transport. I do not have any doubt that this aircraft will be able to fly at supersonic speeds though at this point neither of the two prototypes have.

However, I am inclined to believe that because of the useful load limitations of the Concorde it may well be necessary for the Concorde to make an intermediate stop on many runs to take on additional fuel if they are to carry a full passenger load. Further, it appears that an almost full passenger load will be demanded by economics. Taking into consideration such factors as the inability to operate profitably with the incomplete payloads, limited range, and so forth, it may well turn out that the Boeing 747 or new Lockheed 1011 will have greater public acceptance and moneymaking potential for the airlines than the Concorde.

Everyone recognizes the fact that the British pioneered with their Comet jets the use of pure jet passenger transport. However, they rushed into the production of these aircraft without having adequately tested all aspects.

It is my hope that such will not prove to be with the Concorde and I am of the opinion that it is better for the American airframe manufacturers to delay for an additional year the decision as to whether to produce an American SST until more information can be learned from the British-French Concorde and Russian SST's. With this information, we will be in a position to produce, should it be demanded, an aircraft superior to that of any foreign country.

Mr. Speaker, as important, however, as speed is becoming, comfort and spaciousness are also important. In fact, with the new 747, Lockheed 1011's and DC-10's, the traveling public will become so spoiled to the spaciousness of these aircraft that the small tubelike confinement of the SST will prove to be unattractive after having been exposed to the luxury of the 747 and Lockheed 1011 aircraft. This is true even though several hours may be cut off the transatlantic flight with the smaller, confined SST. An additional point to consider is that the 747 does not need intermediate stops for taking on additional fuel as does the Concorde when traveling great distances.

Mr. Speaker, I am of the opinion that a year's delay in making the final decision on producing an American supersonic transport will in no way cost the American aircraft manufacturers any appreciable amount of the foreign market, but, in fact, may enable ourselves, by having this additional time for engineering, to produce a much superior airplane.

However, under no circumstances should the United States allow its airframe manufacturers to be placed in the position whereby they would lose the share of the international aircraft air market which they now hold, but this should in no way be advanced as a reason to promote competition for a foreign proposal, the Concorde or the Russian SST, which may well be uneconomical and not feasible for profitable international airline operations.

It will be my purpose to vote to continue research and planning and to advance aircraft designs and study in the SST as well as the hypersonic field.

I will shortly advocate to the chairman of the Interstate and Foreign Commerce Committee, Congressman HARLEY STAGGERS, that a study be conducted as to whether the United States should not consider skipping the mach 2.5 type aircraft and proceed toward a mach 4 or 5 aircraft which could be marketed and produced in the last quarter of the 1970's. We must bear in mind that technical research is progressing at such a rapid rate that it may be feasible to skip producing the first stage SST and produce a better and more advanced model. The sonic boom of the current SST at the altitudes at which these aircraft operate, will limit their use to overwater flights, whereas an advanced hypersonic aircraft may well operate at such extreme altitudes so as to render a flight from San Francisco to London feasible without having the unacceptable sonic booms now produced by the current generation of SST's.

We must all keep sight of our primary objective which is to provide the best means of transportation which will enable the airlines to profitably function and which will continue the predominance of the United States in the aircraft manufacturing field. To such an end, we must continue funding for research and development but not be prompted into premature production of an aircraft which may be technically surpassed in a very short time unless it is determined that the production of this aircraft will be of an economic benefit and maintain the predominant position of American aircraft manufacturers in the world market.

PERSPECTIVE ON DEFENSE

(Mr. EDWARDS of Alabama asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. EDWARDS of Alabama. Mr. Speaker, the military services are being criticized today in Washington as seldom before in the history of our country. It seems to be open season for shooting at the Pentagon.

Certainly some of the criticism is justified. There is no reason why waste in military spending is any more tolerable than waste in any other Government program.

The critics have revealed some serious cost overruns in military contracts, and these should be corrected. I have helped in uncovering some of the excessive spending.

Furthermore, somebody has made mistakes of judgment in tragedies like the capture of the *Pueblo* ship. The military people, at least as much as others in Government, must be accountable to the American public for their actions and for their use of the taxpayer's money.

But it is essential that we make a distinction here between the responsible critics and those who jump to criticize anything connected with the services, thereby undermining public confidence in the forces upon which we depend for our national security.

Some of these people fight the military because they feel that if we voluntarily reduce our military strength the Communist world powers will do likewise.

They think world tension would be reduced and peace be attained if we only prove to the Russians we want peace. And to achieve that goal they oppose any military projects which seem most easily criticized.

Last week President Nixon discussed this matter in his speech at the Air Force Academy in Colorado. And in my opinion he did an excellent job of setting forth the real issues.

He said he could not go along with the idea that if we reduce our forces the chances for peace would improve.

He rightly emphasized that America has a vital interest in world stability and that we must meet our responsibilities both at home and abroad to serve that interest. We cannot retreat into a shell and play like the problems do not exist.

Decisions in military policy can be very difficult to make. They involve scientific conclusions when often the scientists themselves disagree sharply.

They involve expenditures of money in great amounts when the pressures for spending in other ways are also very great. And they involve human life.

The President said last week that as Commander in Chief, if any mistakes in military policy have to be made he would rather provide for too much security rather than too little.

He understands that the Defense Establishment must remain in the hands of civilian control, and that there are proper limits to the total spending and the impact of the Defense Department in the overall structure of our country.

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But in what I felt was the real heart of the speech, he said that defense decisions must be made on the hard realities of the offensive capabilities of our adversaries, not on what we hope are their intentions.

In other words, we cannot sit by and watch the Communist powers build their military potential greater day by day and assume that they are doing it just for the fun of it or because they are only trying to keep pace with us.

We have traveled that road too long already.

Soviet Russia has built up its strength on the seas to a very great extent, has advanced in the military use of space at least as far as we have, and has maintained enormous conventional army strength as last summer's invasion of Czechoslovakia testifies.

No. We cannot watch all this and believe that tension will be reduced if only we cut back on our own strength. The contrary is closer to the truth.

All the lessons of recent history show that we cannot rely on what we are told about the good intentions of Soviet Russia, or the logical thinking of the Communist Chinese.

President Nixon said we have to make defense decisions based on what our adversaries can do, not on what we hope they might do. I think most Americans will agree.

THE PRESIDENT'S EFFORT TO BRING ABOUT AN HONORABLE AND LASTING PEACE IN VIETNAM

(Mr. ADAIR asked and was given permission to address the House for 1 minute.)

Mr. ADAIR. Mr. Speaker, President Nixon's meeting on Midway with President Thieu of South Vietnam was an important step in Mr. Nixon's efforts to bring about an honorable and lasting peace in that area. The two Presidents demonstrated their unity of purpose. Through the announcement of the withdrawal of 25,000 American troops, they also demonstrated that South Vietnam's Armed Forces are acquiring the strength to carry more of the burden of deterring aggression.

These actions by Presidents Nixon and Thieu should signal Hanoi that it is in their own interest to begin serious negotiations. The withdrawal of American troop should be a signal to the world of our desire to get on with the business of settling this war on an honorable basis. It should also be a signal that the time has come for some reciprocal action by Hanoi . . . some sign that Hanoi desires peace and is willing to take steps to stop the killing and bloodshed that its subversion and aggression have brought to that troubled land.

TROOP REDUCTION IN VIETNAM

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINDLEY. Mr. Speaker, the President's announcement of a 25,000 troop reduction in Vietnam is a historic milestone. The first combat forces went to Vietnam in 1963 on the orders of President Kennedy. There has not been a reduction in total forces there since that occurred. It is interesting to recall that periodically in the intervening years numerous spokesmen of previous administrations have spoken hopefully about the day when the troops would come home. Actions speak louder than words. The President's decision to bring home 25,000 troops is indeed an action which will cause rejoicing throughout the country. For the first time since this war began, the United States is taking clear and unmistakable steps to lessen the level of U.S. participation.

Moreover, the meeting on Midway Island reminds us of the battle which, in the words of President Nixon, was "one of the major turning points in World War II." Today it also gives us confidence that we have now reached the turning point in our military involvement in Vietnam. Following as it does just 3 weeks after the President's May 14 speech, it reaffirms the desire of the American people and their leaders, for peace. It demonstrates that the President has set as his goal the immediate deescalation of the Vietnam war.

I for one am greatly relieved to see that this first step has been taken. It is clear that this is the only way to measurably reduce our involvement in Southeast Asia and the consequent loss of life. I applaud the President for his decision.

CHANGES IN WELFARE PROGRAM

(Mr. COHELAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I have today introduced a bill designed to make very modest but essential changes in our public assistance programs. To be effected through amendment of the Social Security Act, they would help to correct very serious inequities in local welfare systems and in the financial burdens of State and local governments. These are the changes proposed in my bill:

First, an increase in the Federal share of public assistance expenditures. I suggest that the Federal Government pay 90 percent of local welfare program and administration costs. This formula would apply to payments to the aged, blind, disabled, and families with dependent children, to medicaid programs, and to emergency assistance and administrative expenses. Local and State governments are sorely pressed to meet their sharply rising costs, and one of the most tragic shortcomings is their inability to meet the welfare needs of their communities.

I am sympathetic to the fiscal crisis local governments face, but I feel that we cannot let the poor and the needy suffer the full brunt of problems brought on by the eroding of local tax bases. An increased and uniform contribution from the Federal Government for one of the major local costs will do much to correct this situation.

Second, to provide a national standard for minimum welfare benefits and a national eligibility standard in all 50 States. The disparity of welfare payments is not a reflection of the disparity of need, but of the disparity of concern and ability to pay. Public assistance is a national problem, and we must legislate arrangements to cope with it on a national basis.

The Supreme Court's recent decision ruling against State residency requirements as a prerequisite for welfare assistance makes even more urgent the need for assuring consistency in these standards.

Third, remove the restrictions on the number of children eligible for payments under the aid-to-dependent-children program. The effect of this restriction, authorized in the 1967 amendments to the Social Security Act, was postponed 1 year, but unless the controversial child-welfare "freeze" is repealed, it will go into effect on July 1, 1969. Intended as a deterrent to providing welfare assistance for illegitimate children, its actual effect is to impose an even greater hardship on America's dependent children, who are not responsible for their poverty nor able to help themselves in any way.

Mr. Speaker, I have no illusions about the ability of these proposals to solve fully the problems of poor people, unable to work or unable to find jobs. But they are measures which will first permit a strong, wealthy nation more easily to help its poorest citizens; second, assist, State and local governments to cope with their growing and nagging welfare programs; third, introduce more fairness, consistency and administrative efficiency into the public assistance programs; and fourth, remove the invidious restrictions now placed on Federal payments for aid to families with dependent children.

The President's Commission on Income Maintenance has been studying the problems of public assistance programs in an effort to devise more effective and efficient methods of coping with these problems. It may well be that their ultimate solution, both for those who are the unfortunate victims of poverty and for the society which must care for them responsibly, lies in Federal income maintenance and job assurance programs. The Commission will present its recommendations at the end of this year, but in the meantime it is our responsibility to help meet the financial crisis of our cities and ameliorate the problems of our poorest citizens.

CONFRONTATION AT BERKELEY, A REASONED RESPONSE

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as a citizen and a legislator I am truly grieved at the escalation of vituperation and violence at the University of California at Berkeley. As the press, both underground and conventional, continues to report stories of anarchistic provocations on the one hand, and violent responses on behalf of the bodies charged with maintaining order on the other, shock wave after shock wave is felt by those of us who are dedicated to the maintenance of a free society.

XUM

Angry and disillusioned young people are confronting an "establishment" which they believe to be totally the antithesis of their interests and ideals while another hostile group seeks to reestablish order in ways which only feed the appetite for confrontation.

The careless use of gas distributed by helicopters represents "equal treatment under the law" only in that all, rich and poor, black and white, young and old are gassed alike. This type of know-nothingism pushes the radicals further toward anarchy and serves to convince moderate and neutral students and those who sympathize with them that it is impossible to work within the system as we know it.

Personally, I condemn those groups and individuals who provoke confrontation by the physical seizure of property. I reject the assertion that demands are "nonnegotiable" and that total capitulation by university officials is the only road to stabilization. On the contrary, I believe that such folding under pressure can only maintain violence.

It is unfortunate that this domestic anguish has descended upon us while we are fighting an unpopular war and expending our riches for it. Problems must be solved as they appear, however, and within a practical framework.

As H. Chapman Roe remarked in a recent address before the Cleveland Bar Association:

> But if we yield to the demand of any generation or group for speed at the cost of fairness, speed at the cost of trampling on the hard-won equal rights of others, in short, at the cost of law, then on the brink of success in the age old struggle of mankind with poverty and hunger, we could see our progress brought to a grinding halt.

In this context I would like to call the attention of my colleagues to the remarks of Chancellor Roger Heyns of the University of California at Berkeley. His remarks were addressed to the Academic Senate on May 23, 1969.

Chancellor Heyns has taken a reasoned approach to the problems at Berkeley and I think that the solutions which he outlines could be used throughout the country as other academic institutions find that they are under siege.

I call upon the Governor, the faculty, the regents, the students, and the citizens of California to support Chancellor Heyns as he attempts to move the university into a meaningful and mutually satisfying relationship with all persons of good will in the community.

It must also be remembered that Chancellor Heyns and his colleagues are charged with the continuing responsibility for educating thousands of students even as tumultuous changes are occurring.

Chancellor Heyns' remarks and the remarks of Charles Hitch, the president of the University of California follow. I have also included an article from the publication Outcry, which in my judgment is representative of an utterly unreasonable approach to the issue of "the people's park."

The Dr. Milton Eisenhower Commission on Violence should certainly be called into action by the President and Justice Department to review this tragic situation.

The material follows:

REMARKS OF CHANCELLOR ROGER W. HEYNS TO BERKELEY DIVISION, ACADEMIC SENATE, MAY 23, 1969

We are meeting today in tragedy and outrage. One man is dead, many have been injured by shots, nightsticks, rocks and lead pipes, many have been tear gassed, and many more have been severely inconvenienced. I deeply regret these injuries and am appalled by the violence. Not only are these events tragic, but their effect on the morale and educational functions of the University gives us additional cause to grieve. The very reason for this meeting is the violence in our midst and the evils it works. We would not be here today if the issue were solely the decisions about the design and use of University property.

The authority to use force is normally given exclusively to law enforcement agencies in order to prevent men from doing private violence to each other and in order to minimize the amount of violence in society. The grant of this awesome power imposes obligations to employ it with restraint. When officials use force excessively, the very authority to use force is undermined. Implicit in the grant of this authority is our right to expect that officers will use force only within the law. But we also have the duty to correct any excessive use of official force if it does occur. In the past few days, I have done everything in my power to prevent any excessive use of force. As you know, I have no authority over law enforcement, but I have expressly requested that tear gas not be used on the campus, that the National Guard not be assigned to patrol on campus, that if the Guard must be assigned to campus duty that their bayonets be sheathed, and that the use of helicopters over the campus be stopped. We had no reason to believe that firearms would be used. As you probably know, all police officers are restricted in the use of firearms by state law. In addition, our Campus Police Department has the policy that firearms shall not be used except when necessary for the preservation of life. I have instructed Chief Beall to investigate the facts of every reported use of firearms. I have also urged—and here I have encountered no disagreement from anyone—that all non-University forces be removed as soon as order is assured.

There are two immediate aspects to this situation. When will we be able to conduct our classes and work normally? And when will outside police and the National Guard be removed from the campus?

Consistent with my responsibility for the safety and orderly operation of the campus, I will continue to do everything possible to have these forces withdrawn as soon as the risk of disruption and vandalism permits.

In the past two days we have been able to reduce the number of non-University law enforcement officers as a step in the direction of reducing conflict. Hopefully, we can continue to do so.

In our concern about the abuse of force, we should remember that the obligations of self-restraint apply to everyone. The original appropriation of University property by people with no claim to it was an unjustified aggression, and, obviously, it was an unjustified use of force for hundreds of people to attempt to retake the land last Thursday. These acts did not minimize violence—they provoked it.

The use of violence and the threat of violence also have political implications. They undermine good University government to decide difficult questions in the haste and panic of responding to confrontation. It also undermines good University government to permit the users of violence and coercion to dictate the timing and procedures for the review of University decisions and to frame the alternatives open to us. It is just as wrong for us in the Senate to make educational decisions off the top of our heads as we deal with an emergency as it is for the Regents to do so. I hope we will not make the same mistakes we accuse others of making. You have asked for the facts. Let me give them to you.

Soon after I arrived in Berkeley, I learned that many residents held the University responsible for the deterioration of housing and other property in the south campus area. That charge was made in the urban renewal hearings held in the spring of 1966, and with good reason. Ten years earlier the University had said it was going to acquire certain lots in the south campus area but had not done so. In 1956 the University designated the land it intended to acquire, had an understanding with the City of Berkeley about the boundaries of its program, and declared that all the land would be acquired by 1961. The Haste, Dwight, Bowditch lot was part of that land program. Property owners, aware that the University would acquire their land, had no incentive to maintain and improve it. Strict building code enforcement was not warranted and the buildings began to deteriorate. Although other factors also contributed to the deterioration, the University shares some of the responsibility.

I reviewed this situation and decided the matter should be brought before the Regents. I spoke to Acting President Harry Wellman, and he concurred that the Board should either complete the land acquisition program or make clear that it did not intend to do so. Early in 1967, I sent a proposal to acquire the land to the Building and Campus Development Committee for its review and comment. BCD discussed the program on June 1, 1967, including the proposal that the Haste, Dwight, Bowditch lot be used as a site for playing fields. The President of the student body was and is a member of BCD; in this role he is able to inform students, and bring their views to bear on building projects, priorities and plans. The student body President was invited to attend the June 1st meeting. The minutes of that meeting indicate he did not attend. At that meeting BCD passed a resolution urging the completion of the Berkeley campus land acquisition program. I then presented the proposal to the Regents at their June meeting in Santa Cruz. I emphasized the University's partial responsibility for the deterioration of housing. I also called attention to the high crime rate in the area. I told the Regents that the campus had a pressing need for land and that the Haste, Dwight, Bowditch land would be used for playing field space.

The campus had just lost Union Field when Zellerbach Hall was built, and this area was a suitable replacement. The intramural staff reported that at current levels of demand for recreational and playing field space, the new area would be scheduled for full-time use. The long-range development plan calls for the building of at least one playing field in addition to the Haste, Dwight, Bowditch field, and even that would leave Berkeley behind other campuses of comparable size.

The Regents agreed to acquire most of the land in the south campus land acquisition program and Regents funds were used for the purpose because state funds were unavailable. We immediately began acquiring the property in order to clear it and build a playing field. It took about one year to clear the site. We had hoped immediately thereafter to begin the preliminary work and build the playing field. Unfortunately, we were turned down at that time when we applied for necessary funds to begin work and therefore were delayed until this year. By March of this year we had tentatively determined that with gifts and other funds the project could start soon. On April 4th the Capital Outlay Review Board committee met at Berkeley, and we learned that the playing field had high priority for funding. Therefore, we knew the field could finally be built as planned. Some two weeks later, on Friday, April 18th, the *Berkeley Barb* carried an announcement that "a park will be built this Sunday . . . on land owned by the University," describing plans for the park, urging readers to bring shovels, and the like, and declaring that they would not be moved out by police.

In retrospect one inevitably speculates, and people do, that if we had begun grading and fencing immediately, the problem might have been smaller. Under normal procedures we would begin work at the end of the spring quarter and have as much of the area as possible ready for student use this fall. On April 20th, the "people," unrestricted by bureaucratic requirements, began their work. We considered the fact that there might be trouble in that area, and decided that it would be best to treat the matter gently, to indicate in our acts and statements that we intended to proceed with development of the playing field and recreational space but that we would not immediately ask people using the area to leave. After all, we had permitted parking there, and saw no reason why the land could not be enjoyed until our work would begin.

Within a week, we were besieged with complaints and inquiries about the land. The neighbors were concerned and disturbed. The city was beginning to have health, safety and police problems and was becoming apprehensive about the development; and indeed, after reading some of the public statements made by people working there, we were becoming increasingly apprehensive. Therefore, on April 30th we issued a statement to the campus indicating some of the history I have summarized here and setting forth our willingness to approach the problem in a reasonable manner. We indicated that, although we intended to proceed with the use for which the property was acquired, we would seek the views of concerned persons on three aspects of the site: (1) a design which would assure the park-like character of the area; (2) possible uses of the area by the community; and (3) possible alternative sites on which the University, the community, and the city might jointly create a park facility. We recently redesigned a road and a bridge to preserve a redwood grove on this campus, and I believe I am fully sensitive to the need for park areas. For the next week we solicited views and advice. On the basis of these talks we became convinced that many students, faculty, staff and others were interested in a recreational area of greater diversity than the playing field we originally planned. There was interest in a children's playing area, other kinds of recreation such as volleyball and basketball, places to eat lunch, and a park area that people could enjoy, and ,if possible, work in. Planting things is not a new concept to the University. Students who live in Albany Village have been planting their own gardens in Gill Tract with University permission.

On the same day, members of my staff met with the Telegraph Avenue Concerns Committee. Although both sides were in good faith, the results of the meeting turned out to be inconclusive, largely because of legal problems of University liability on the proposals discussed.

My main concern at this point was not that we would be unable to design the site with diversified recreational possibilities. In fact, we promptly asked the campus architect to prepare designs which would provide opportunities for diversified recreation. My concern was that we would not have the freedom to do so. The attitude of people working in the park was becoming increasingly belligerent, and the development was proceeding on a scale which heightened the danger that if the University did not assert its ownership soon, a massive confrontation might result. The area was becoming an increasing police problem, and a growing disturbance to many neighbors. There were various structures, tools, and activities on the site which presented a serious hazard of injury to children or others and for which the University might be liable. At this time, it was probably a mistake on my part not to inform the campus community that we were facing this serious problem. I suppose I assumed that most of you were aware of the threats of violence already being directed at the University if it should seek to develop its own land. On May 9th leaflets were circulated over the south campus area, pledging "to wage a war of retaliation against the University if it begins to move against the park. . . . If the University attempts to seize $1.3 million land now claimed by the people, we will destroy $5 million worth of University property."

At that point my dilemma was how to be responsive to the creativity and genuine interest shown by some persons associated with the park without being further maneuvered into a situation that might result in a street fight. I know there are some among you who believed that at this point it was already too late. We have been told by newsmen and others familiar with the development of the property that after the first couple of days any move by the University to develop its land would have resulted in a street fight. We were reluctant to be that cynical. We still believed that it was worthwhile to try to develop a plan which would incorporate the interests of those who had worked on the park into the University's own development.

On May 8th I asked the Chairman of the Committee on Student Housing and Environment to help me develop a procedure—he called it a plan for planning—that would enable us to find a constructive solution. I established the broad conditions that would have to prevail: The functions of the area would have to relate to University needs for recreational space; the area would have to remain under the control of the University; and that it must not present police or other control problems; and that it must not be used as a public meeting area. I told the Chairman of the Committee I would be willing to set aside three weeks to devise a plan for the area. But I stated that I could proceed on this basis only if a responsible group could be found among the park developers who could assure that further development of the park be stopped. I did *not* say that *use* of the existing area stop, but that no new work would be undertaken. The Chairman of the committee reported back to me on May 12th that he was unable to find a responsible group who would agree to this condition. The anonymous developers could not form a responsible group with whom we could deal. I think you should know the basic reason for this failure. The representatives of the people refused to participate because they refused to accept the basic premise: that the design and use of the area was finally the responsibility of the University, no matter how flexible the design or liberal the use. As a result, the Committee's work fell into abeyance and we had to recognize that our efforts to secure joint planning and rational discussion had failed and we had to act quickly. We reviewed the entire situation again with city officials, whose familiarity with the south campus area and the people involved goes back to last year's violent struggle over a city street and who have the responsibility for policing the site. After much deliberation, I reluctantly concluded that in this choice among evils I had no feasible alternative except to fence the area. I sent a statement to the campus and the community on Tuesday, May 13th, saying that we were going to put up a fence in order to give us time and opportunity to plan and consult. As I said in the statement, this was regretfully the only way the entire site could be surveyed, soil tested, and planned for development. We had tried all other alternatives and failed. The fencing *in no way precluded or was it intended to preclude* the use of the area for a park after the entire site was planned and developed. Nor did it preclude participation by students and the community in the planning.

The area was posted the next day and on the following day the fence was erected.

Did we take into account that there was a risk of a confrontation? Of course we did. We had been told that there would be one. Our decision as to the timing of the fence was a product of the desire to talk as long as possible in the hope of avoiding a confrontation, and then, when these efforts failed, to act quickly, again in order to avoid a larger confrontation. Furthermore, we had reason to hope that a confrontation could be avoided because I thought I had made clear in my statement of May 13th that the purpose of the fence was *not* to destroy the park, but to formulate plans that might accommodate it. We had hoped that our obvious efforts to respond to some of the aspirations of the people working in the park would limit the confrontation to those who wanted it in the first place.

In fact there may well not have been a confrontation if that unfortunate Sproul-steps rally had not sent a crowd to take the park.

We would have been derelict in our duties had we not also planned against the possibility that there might be conflict. Unfortunately, avoidance of confrontations cannot be the ultimate value, regardless of other social costs and compromised principles. The fact that other people are going to use unjustifiable force is no excuse for one's not doing the right thing. If provocation of irrational violence and coercion were to veto decisions, no southern school would ever be desegregated. Avoidance of confrontation is an important value, but it is not an absolute. I have not given the public or Regental hostility a veto over my best judgment, and I cannot give a veto to those in the streets.

Why didn't we get an injunction first? We concluded, on advice of counsel, that an injunction would be ineffective under the circumstances and would not avoid the kind of trouble we sought to prevent.

Were students aware and consulted about the plan to build a playing field? The plan was announced to the press as early as 1967. Members of my staff met and discussed it with the Committee on Student Housing and Environment as the site was being cleared. The Committee had expressed concern about the clearing of the site. As I indicated earlier, when the matter was referred to the BCD, we relied on the student body president to comment and to call it to the attention of the students. Students participating in the intramural program supported the plan. We did not make an extraordinary effort to subject the plan to student debate, but at no time in the basic planning process was there reason to believe that the proposed use of this land did not meet an important student need or would encounter student opposition.

Another question concerns the long range development plan. Isn't the site supposed to be used for student housing? Yes. And the site across the street is ultimately intended for a playing field. However, for us to complete that aspect of the plan, funds must be found to relocate some facilities and build a social science complex. A realistic assessment is that we will not be able to do this for some 10 years. Therefore, the Haste, Dwight, Bowditch site will, as we told the Regents, fill a need for playing field space during that time.

I believe my summary to this point has answered many of the questions posed in the call to this meeting. Others have been answered in the press and in other statements.

XUM

The Policy Committee has informed me that the faculty member who drafted the 15 questions prefers that I not report a response to all of them at this time. I have therefore prepared a written response to each of the questions and have given a copy to the Secretary of the Division. If later in the meeting the body wishes a further response to any of those questions, I will be happy to read the responses if the chair so advises.

What are we doing to resolve the controversy? We are moving in two directions. The first proceeds on the assumption that the land remains under University control, and would be designed to meet the various recreational interests I have referred to. Let me be more specific.

Most of the people we have talked to agree that some of the present site should be used for some playing field space. The issue seems to be how much of the area should be devoted to playing fields and how much to other purposes. The campus architect has prepared a preliminary design which limits the playing field dimension to that which would be used for softball and thus leave park space in the same area now developed by the persons who worked on the land. That design also includes an area for a children's play lot in the northeast corner and the volleyball and basketball area in the southeast corner. It includes trees, benches and places to sit, eat lunch, etc. I believe it important that work on the noncontroversial west portion of the site begin promptly. As to the remainder of the site, we will try to bring these design questions to a conclusion very soon.

I have made clear that I cannot turn University land over to community control. However, based on the reports submitted to me by the campus architect, I am hopeful that the design he has proposed could gain acceptance as the best use for the entire site. I do not want to prejudge that matter. I have no objection to reserving some of the site for spontaneous designing if the Chief Campus Architect and others can work out the details satisfactorily.

The second alternative appears at the moment to be more promising. It follows from suggestions that the University lease a portion of the land to some other agency. The possibility is being discussed that the City might lease an area to be used as a park subject to conditions which are satisfactory to all parties. While it has not been given any official status and many problems exist, this is a viable alternative and is being actively pursued. It is being discussed with the President and City officials. It will undoubtedly be discussed at the next meeting of a group of City officials, students and interested parties from the park, a meeting which will take place later this afternoon and will probably require my leaving before this meeting adjourns. Everyone recognizes the urgency and everyone is working to arrive at a prompt solution. Much as you would like to have me do so, I cannot state a time at which these deliberations will conclude successfully. I hope very soon.

One immediate question is what happens to the fence. As long as the issue remains that of possession and control, the fence must be left up. If the fence were to come down before a plan was adopted, then the chances of ever in fact being able to devote the property to the proposed use without even greater physical conflict are very small. After all, our crisis did not start because reasonable people from the street came in to discuss possible uses of University land. Rather, they occupied it, declared their contempt for its legal ownership, and announced their intention to resist any effort of the University to possess it. We must recognize that for some this attitude has not changed. I was just informed that this morning two persons prominent in the park issue made a public appeal for thousands of persons to converge on Berkeley and take down the fence. Until this kind of call for confrontation is clearly and publicly repudiated, our attempts to eliminate the presence of law enforcement personnel would be simply irresponsible.

What happens after the issue of possession is clear is a function of what plan is adopted. If we follow the plan that is feasible of the University retaining control, it is clear that the playing fields and the children's area will require appropriate fences. The area proposed for the park as individual recreational area would not require a fence after a plan is agreed upon and necessary work completed. If the alternative of a City lease is followed, the decision about the fence would be the City's. The City's decision would be based on the agreements it reaches with the people concerning the conditions surrounding the development and use of the park. These considerations indicated that the future of the fence depends on the outcome of sensitive discussions now going on.

The phenomenon of the People's Park illustrates the complexities of University administration these days. It replicates almost exactly the situation which Buell Gallagher described in the announcement of his resignation.

In its simplest terms, the satisfactory solution to a complex problem such as this requires freedom to choose among a large number of alternatives. It is a fact of our life that the range of alternatives available to us is progressively narrowing as a result of two factors: The intransigent determination of radicals to make extreme demands and to provoke confrontation. This means that the number of alternatives they will consider is very narrow. The other set of forces is more complex; it consists of public opinion, informally stated, and manifested in the position of their representatives. The range of solutions they can accept is more and more limited, as public anxiety grows and as the obvious need for the protection of the community grows.

This is not the occasion to elaborate on this analysis, but I believe that Berkeley faculty members are sophisticated enough to realize that the continued existence and health of the University of California at Berkeley cannot be guaranteed unless we work within the options available to us. Which one of you can honestly say that he, in my position, would set aside all the University's development plans and instead allow University land to be used by anonymous and leaderless people to do with what they wished. While the analogy is not perfect, it may make the point: a conservative landlord was confronted with an unauthorized tenant whose original announced intention was to create a "cultural, political, freakout and rap center of the western world," and I was the business manager.

Both conservative and radical forces limit our choices. Each can and does respond in ways that disrupt the University or interfere further in our autonomy. Neither of these groups has the best interests of the University at heart. One can legitimately question administrative decisions but criticism oblivious to this conflict of forces is irresponsible. Every segment of the community has the right and responsibility to make its views known. I recognize their desire to be sure that the administration is not unduly influenced by only one segment, by providing counterpressure. But there is a point, at which the decision must be made and then it is the responsibility of all members interested in the unity of the institution if not to support that decision, at the very least to oppose the use of force to get the decision changed.

University faculties all over this country have had occasion to evaluate the performance of all types of men in threading their way through these strong opposing forces that threaten to reduce autonomy. This faculty has had several opportunities of this sort.

By and large, the solution at many universities, including this one, has been to look for someone else, or suggest some self-initiative on the part of the administrator himself. As a contribution to institutional theory, it might be a good idea for some faculty somewhere, at a time of acute crisis, to try the idea of giving an administrator some support, some running room and some protection from coercion.

Mr. Chairman, that completes my report.

To the University of California Community:

All of us are saddened and disturbed by what has occurred in Berkeley this past week, and I have thought very carefully what I might say to you to help ease the situation. One of the things that we all can do is to make sure we have the facts; on many campuses rumor has outstripped reality.

There have been rumors that Chancellor Heyns called in police forces from outside Berkeley and the National Guard. This is not true. The outside forces were called by civil authorities.

There have been rumors that students have been killed during the demonstrations. This is not true. I am profoundly sorry that a young man visiting Berkeley did die from injuries incurred on Thursday last, and that some students, law enforcement officers, and others have been injured, but no students have lost their lives.

There have been rumors that Chancellor Heyns is responsible for determining the tactics used by the police and National Guard forces in controlling disruptive behavior. This is not true. I deeply regret that those in authority decided that certain tactics were necessary to protect persons and property, but these and other tactics are not the responsibility of University authorities. The outside forces are under the direction of the Sheriff of Alameda County.

I have utmost confidence in Chancellor Heyns. He is pursuing the solution to this terribly complex problem in all good faith, but he cannot do this job alone. The University's ability to survive and learn from this crisis will depend on all of us: students, faculty, staff, and community. We will need goodwill and sympathy and constructive ideas and actions—from all sides. We will need to be self-critical and understanding of all views. We must have a lowering of the scale of violence, and it is the responsibility of each of us as individuals to refrain from inflaming the situation at Berkeley or at any other campus.

CHARLES J. HITCH,
President of the University.

MAY 22, 1969.

[From Outcry in Berkeley]

WHO OWNS THE PARK?

Someday a petty official will appear with a piece of paper, called a land title, which states the the University of California owns the land of the People's Park. Where did that piece of paper come from? What is it worth?

A long time ago the Costanoan Indians lived in the area now called Berkeley. They had no concept of land ownership. They believed that the land was under the care and guardianship of the people who used it and lived on it.

Catholic missionaries took the land away from the Indians. No agreements were made. No papers were signed. They ripped it off in the name of God.

The Mexican Government took the land away from the Church. The Mexican Government had guns and an army. God's word was not as strong.

The Mexican Government wanted to pretend that it was not the army that guaranteed them the land. They drew up some papers which said they legally owned it. No Indians signed those papers.

The Americans were not fooled by the papers. They had a stronger army than the

Mexicans. They beat them in a war and took the land. Then they wrote some papers of their own and forced the Mexicans to sign them.

The American Government sold the land to some white settlers. The Government gave the settlers a piece of paper called a land title in exchange for some money. All this time there were still some Indians around who claimed the land. The American army killed most of them.

The piece of paper saying who owned the land was passed around among rich white men. Sometimes the white men were interested in taking care of the land. Usually they were just interested in making money. Finally some very rich men, who run the University of California, bought the land.

Immediately these men destroyed the houses that had been built on the land. The land went the way of so much other land in America—it became a parking lot.

We are building a park on the land. We will take care of it and guard it, in the spirit of the Costanoan Indians. When the University comes with its land title we will tell them: "Your land title is covered with blood. We won't touch it. Your people ripped off the land from the Indians a long time ago. If you want it back now, you will have to fight for it again."

APPOINTMENT OF ASSISTANT SECRETARY FOR HEALTH

(Mr. **ROGERS** of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **ROGERS** of Florida. Mr. Speaker, I am today calling upon the President to put aside any political considerations and proceed to name an Assistant Secretary for Health.

Congress is almost at the midpoint of the session, yet we have not had the counsel and department coordinations in the health area which an Assistant Secretary should provide.

There are more than a dozen pieces of legislation which must be considered for extension in the health area this year, yet we have no word on these very important programs, mainly because of the lack of an Assistant Secretary for Health.

There are more than 100 bills dealing with health introduced thus far in the session, indicating the high priority which members have placed on health.

The budget for health research and services is estimated at $13 billion. We have a tremendous shortage of manpower in the health field, yet we see cuts made in various areas such as manpower training without the benefit of comment on these cuts from an Assistant Secretary for Health.

On March 5, Secretary of Health, Education, and Welfare Robert Finch said it would be a few days or a week before we could expect the nomination of an Assistant Secretary for Health.

That was 96 days ago.

I think this inaction indicates to many people that our health problems may be held in lower priority than other areas, and I think this impression should be corrected immediately.

We have waited patiently. And I would not presume to suggest one candidate over another, but hopefully the qualifications of the candidates have been studied carefully.

I have every confidence that the man who will be nominated for this very important post will be eminently qualified.

But today, I urgently request that the President give this nomination his most immediate consideration. I think this is the only way to dispel the ideas of those who now feel the administration does not consider the Nation's health problems in proper priority.

INTEREST RATES

(Mr. **VANIK** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **VANIK**. Mr. Speaker, today's announcement of the increase in the prime interest rates by New York banks provides clear and convincing evidence that the surtax has completely failed as a useful tool to stem the tide of inflation and spiralling interest charges.

It also appears completely obvious that private institutions are dictating the course of monetary affairs in America at the expense of the American consumer. The man who needs to buy a home or an automobile is the one who is made to pay.

How much longer will the American public countenance the assignment of critical economic decisions in this irresponsible manner?

SHOE IMPORT PETITION

(Mr. **BURKE** of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. **BURKE** of Massachusetts. Mr. Speaker, I am pleased to report that more than 235 Members of the House have thus far signed the petition to President Nixon seeking voluntary limitations by foreign nations on the volume of shoes they export to the United States.

Although the cochairman of the Special Footwear Committee, my distinguished colleague, the gentleman from Massachusetts (Mr. Bates), regrettably still is not well enough to be with us on the Hill, I have had fine cooperation of many other colleagues in obtaining signatures. There are more among the House membership who, I am sure, will want to have their names on this petition because of shoe and leather factories in their congressional districts. We are, therefore, delaying for a few more days sending our letter to the White House.

In case anyone is not now familiar with our objective, I respectfully urge the reading of the excellent report which Lloyd M. "Mike" Hampton published in the May 31 issue of Leather and Shoes magazine. Further emphasis on the plight of the American footwear industry is given by the "obituary" of a shoe firm appearing at the end of "Mike's" article and which was presented prominently in the newspapers of Lynn and Haverhill, Mass., the two largest shoe manufacturing cities in Bill Bates' district.

I wish, therefore, to quote the following from the aforementioned magazine:

[From Leather and Shoes, May 31, 1969]

House Petition Underway: President Nixon's Help Sought To Dampen U.S. Shoe Imports

(By Lloyd M. Hampton)

Washington.—In response to an invitation by two long-time Congressional imports foes, more than a score of U.S. lawmakers met here May 21 in order to work out footwear anti-imports strategy.

The meeting, called by Representatives William H. Bates, Republican, and James A. Burke, Democrat, both of Massachusetts, included members of the special House Committee on Footwear plus a number of other Congressmen deeply concerned about the growing imports problem.

The legislators, who were joined in their Capitol Hill discussion by domestic footwear and tanning industry representatives, moved to ask the White House for its help in curbing imports.

In initiating their latest campaign against the unrestricted flow of footgear to this country, the Congressmen launched a drive for signatures on a petition to President Nixon to negotiate with foreign nations for establishment of voluntary limitations on shoe imports.

At the same time the bipartisan gathering agreed to press for favorable action by the House Ways and Means Committee on the proposed Orderly Footwear Marketing Act of 1969, which was introduced earlier in this session of Congress by Bates and Burke who are co-chairmen of the special 15-member footwear committee.

HOPE FOR SUPPORT OF 200

According to lawmakers who took part in the initial meeting, it is hoped that more than 200 Congressmen—in whose districts shoe factories are located—will enroll in the fight against low wage-produced imports.

When the largest possible number have signed the petition, it will be presented to the President with a request for a conference. It is expected that it will be three or four weeks before the plea reaches Mr. Nixon's desk.

A draft of the petition to be sent to the Chief Executive points out that the full magnitude of the shoe imports problem and the threat which it presents "is apparent and becoming increasingly severe."

During the first six months of this year, the petition continues, "seven New England shoe factories closed, with imports an important factor in each case. Evidence indicates that there will be more."

Also, "Total imports of foreign leather shoes (non-rubber) which entered the United States in 1968 were over 36 percent greater than in 1967. Since 1960 shoe imports have increased by 600 percent. Imports equalled almost 28 percent of the total domestic production in 1968."

The formal request to be sent to the President notes that the petitioning Congressmen "have every reason to believe that, if unchecked, this rate of increase in shoe imports will continue to absorb the industry's growth in domestic footwear production and will continue to cause a loss of job opportunities for American shoe workers."

URGENCY OF SITUATION STRESSED

Further, once the petition is received at the White House, Mr. Nixon will read that "This (shoe imports) problem is of immediate and critical proportions," and he will be asked to "take steps to enter into negotiations with principal foreign supplying nations directed toward the establishment of voluntary import limitations so that now and in the future the shoe manufacturing industry of the United States may continue as a healthy and viable segment of our economy."

The petition makes it clear that no attempt is made to close our market to foreign competitors. Rather, it is observed, there is

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sought some order in our marketing process that will enable supplier—both here and overseas—to share equitably in the growing demand.

Merrill A. Watson, economist for the National Footwear Manufacturers Association in New York, briefed the meeting on the current footwear imports situation and cited both Reps. Bates and Burke for their long fight to provide relief for import-beset U.S. shoe manufacturers.

STANS SEEN MORE SYMPATHETIC

During the meeting the belief was expressed that Commerce Secretary Maurice Stans appeared to be more sympathetic to the plight of the U.S. shoe worker than other top government officials in the past.

It was also emphasized that Stans already has made an attempt to convince our trading partners in both West Europe and Far East to adopt voluntary quotas in the case of textiles. This is the same approach being proposed for footwear by the special House committee.

Also attending the Washington meeting was Irving R. Glass, executive vice president of the Tanners' Council of America, Inc., who underlined the grave effects foreign shoe deliveries here are having on the domestic leather sector.

He illustrated his point by indicating that one of the largest tanning firms in the U.S.—Trostel of Milwaukee—is closing down due in large part to imports.

In pleading their case for orderly marketing, U.S. footwear manufacturers argue that industries with much greater growth, equal or better profits, and with less import penetration than footwear have received help.

For instance, the industry says, cotton and steel have voluntary bilateral quotas. Wool apparel and manmades have been promised voluntary quotas by Mr. Nixon. Dairy products, meat and oil have quota programs.

IMPORTS HAVE STOPPED EXPANSION

In the industry's view, growth of U.S. footwear manufacturing has been virtually halted by imports. Domestic footwear production for the first four months of this year is off 9.5 percent. Output for 1969 is now estimated 595 million pairs, or only 10 million pairs over 1955.

Footwear shipments to the U.S. for 1975 have been projected to reach 468 million pairs. This, it is predicted by the industry, would be 48 percent of an estimated consumption of 97 million pairs of footwear in 1975. This would come to 90 percent of an estimated domestic production of 519 million pairs of footwear in 1975.

Attending the meeting were the following members of the special House Footwear Committee: Louis C. Wyman, R-N.H.; Edwin D. Eshleman, R-Pa.; Peter N. Kyros, D-Me.; Alexander Pirnie, R-N.Y.; Richard Fulton, D-Tenn.; Leonor K. Sullivan, D-Mo.; Melvin Price, D-Ill.; William Steiger, R-Wis.; William D. Hathaway, D-Me.; Phil M. Landrum, D.-Ga.; Herman T. Schneebeli, R.-Pa.; Albert N. Quie, R-Minn.; Clement J. Zablocki, D-Wis.

Other Members of Congress on hand included Edward P. Boland (D), Silvio Conte (R), Harold D. Donohue (D), Margaret M. Heckler (R), Hastings Keith (R), and Thomas P. O'Neill, Jr. (D), all of Massachusetts; Joseph M. McDade, R-Pa.; Martin B. McKneally, R-N.Y.

OBITUARY; DAVID SHOE CO., INC.

Born in Lynn, Mass., June, 1944.

Died in Lynn., Mass., May, 1969. Cause of death—Shoe Imports: foreign shoes made in factories with low wage labor, resulting in landed prices far below local manufacturing costs.

Reason for death—lack of action and apathy on the part of federal officials.

David Shoe will be missed by the 200 loyal employees who gave it their all for many years, and by many in the local community where the $1 million of annual salaries were spent.

Conceived by the dreams and hard work of an immigrant who still believed in America, land of opportunity, and nurtured to full maturity by the healthy competitive system of free enterprise which has made this country great.

Destroyed by those who make our laws because they still believe that free enterprise should include unhindered competition from those countries where a worker earns twenty dollars for the month.

Perhaps in time our wages and theirs will be equal. The only question is, "will it be at our wage rate—*or theirs?*".

Expressions of sympathy should be made to the Congressmen of your choice.

TO CORRECT THE ENROLLMENT OF SENATE JOINT RESOLUTION 35

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 29) to correct the enrollment of Senate Joint Resolution 35.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives in signing the enrolled resolution (S.J. Res. 35) to provide for the appointment of Thomas J. Watson, Junior, as Citizen Regent of the Board of Regents of the Smithsonian Institution, be rescinded, and that the Secretary of the Senate be, and he is hereby, authorized and directed to reenroll the resolution with the following change, namely, in line 6 of the enrolled resolution strike out the word "Hunsacker" and insert in lieu thereof "Hunsaker."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. GROSS. Mr. Speaker, reserving the right to object, is this simply a correction of the spelling of a name?

Mr. FRIEDEL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. FRIEDEL. That is all it is; the correction of the spelling of a name. As it is currently spelled it contains a "c" and if this concurrent resolution is adopted the "c" will be deleted.

Mr. GROSS. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING THE PRINTING OF THE BOOK "OUR AMERICAN GOVERNMENT" AS A HOUSE DOCUMENT

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 162, authorizing the printing of the book "Our American Government" as a House document, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendments, as follows:

On page 1, line 10, strike out "one million eighty-four thousand" and insert "nine hundred twenty-nine thousand five hundred".

On page 1, lines 11 and 12, strike out "two hundred and six thousand" and insert "fifty-one thousand five hundred".

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HANSEN of Idaho. Mr. Speaker, reserving the right to object—and I shall not object—I should like to ask the distinguished chairman of the House Administration Committee to explain the Senate amendments.

Mr. FRIEDEL. Mr. Speaker, if the gentleman will yield, House Concurrent Resolution 162, which passed the House on April 29, 1969, provides for the printing of the pamphlet entitled "Our American Government. What is it? How does it Function?" The pamphlet is to be printed as a House document with 1,084,000 additional copies, of which 206,000 shall be for the use of the Senate—2,000 per Senator—and 878,000 for the use of the House—2,000 per Member.

The Senate amendments would, first, reduce the total number of copies to be printed from 1,084,000 to 929,500; and second, reduce the Senate allotment from 206,000—2,000 copies per Senator—to 51,500—500 copies per Senator.

Mr. HANSEN of Idaho. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

TO REPRINT BROCHURE ENTITLED "HOW OUR LAWS ARE MADE"

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk House Concurrent Resolution 192, to reprint brochure entitled "How Our Laws Are Made," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

On page 1, after line 12, insert:

"SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution for the use of the Senate."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HANSEN of Idaho. Mr. Speaker, reserving the right to object—and I shall not object—I would again like to ask the distinguished chairman of the House

Committee on House Administration to explain to the House the effect of the Senate amendment.

Mr. FRIEDEL. Mr. Speaker, if the gentleman will yield, House Concurrent Resolution 192, which passed the House on April 29, 1969, provides for the reprinting of the brochure entitled "How Our Laws Are Made." The resolution provides for printing the brochure as a House Document with 239,500 additional copies, of which 20,000 will go to the House Judiciary Committee, and the remainder shall be for the use of the House—500 copies per Member.

The Senate amendment adds 51,500 copies for the use of the Senate—500 copies per Senator.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HANSEN of Idaho. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that this is a pamphlet on "How Our Laws Are Made"?

Mr. FRIEDEL. The gentleman is correct.

Mr. GROSS. And this is for an increase in the number of pamphlets?

Mr. FRIEDEL. In reply to the gentleman, I would state that it is the same amount for the House as when we passed the bill on April 29. However, we did not provide any for the Senate.

Mr. GROSS. If the gentleman will yield further, I would suggest that there are not many laws being made these days.

Mr. HANSEN of Idaho. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

COMMISSIONER DECLINES TO DISCIPLINE JULIUS HOBSON FOR ADVOCATING THE VIOLENT OVERTHROW OF THE GOVERNMENT

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, last month, an employee of the Social Security Administration, one Julius Hobson, publicly advocated the overthrow of the Federal Government in an address before a gathering of university students here in Washington. He did so in the presence of newsmen who reported his statements word for word. The next day, I brought his speech to the attention of the Congress.

Immediately thereafter, I wrote Commissioner Robert M. Ball of the Social Security Administration and urged that he dismiss this man from the Federal service. I also wrote the Department of Justice and urged that action be taken to charge him with sedition and/or treason.

I am not so naive, Mr. Speaker, as to have expected the Department of Justice to actually undertake such action, but my thought was that someone had the duty to put them on notice that it should be done. As I expected, the Department declined to initiate any action against Hobson, which is in keeping with their longstanding position that criminals, seditionists, and anarchists do not and cannot exist.

I can appreciate the difficulty in this day and age of getting a conviction against anyone to stand up through Supreme Court appeals no matter what the charge. My faint hope was that, since this was the first time in my memory that a Federal Government employee ever advocated the violent overthrow of the Government with assistance from Communist China and Communist Cuba, perhaps the novelty of such a proposal might strike a responsive chord at Justice. But, as I said, I am not surprised that it did not.

I had expected better, however, from the Social Security Administration. I had honestly believed that the Commissioner would not want a man who confessed to his audience that he was "a Socialist and believes in the social-economic theories of Karl Marx" on the payroll. But I was wrong. Commissioner Ball, apparently sees nothing wrong with it.

Just to keep the record straight that I, at least, tried to get this confessed Socialist off the Federal payrolls, I would like to insert here in the RECORD the correspondence between myself and the two Departments.

Somebody owes an apology to the American people for all this and, though I am not to blame, I will extend that apology on behalf of all other Federal employees who share my view that Hobson is a disgrace to this Nation and should, properly, be allowed to remain here only if he does so in a jail cell.

My correspondence follows:

APRIL 16, 1969.

Hon. JOHN MITCHELL,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am attaching a copy of a news item which appeared in the Wednesday, 16 April issue of the Washington *Post*.

This story alleges that Julius Hobson, employed by the Social Security Administration in the position of economist, stated before a gathering at Georgetown University on 15 April that he was "a socialist and believes in the social-economic theories of Karl Marx." He is quoted also as saying that he believes the American free-enterprise system "must be overthrown by force and violence" and, further, that assistance in this "struggle" should be obtained from Communist China and Communist Cuba.

Upon my duty as a Member of the United States House of Representatives sworn to protect and defend the United States against all enemies, foreign and domestic, I demand that this man be charged with sedition and/or treason.

I will appreciate and expect an immediate reply as to what action you cause to be taken.

Sincerely,

JOE D. WAGGONER, Jr.

DEPARTMENT OF JUSTICE,
Washington, D.C., April 24, 1969.

Hon. JOE D. WAGGONNER,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: The Attorney General has asked me to reply to your letter of April 16, 1969, concerning a recent speech by Mr. Julius Hobson as reported in the Washington Post. In your letter you requested that Mr. Hobson be charged with sedition or treason.

Information coming to this Division concerning alleged statements advocating force and violence are of course reviewed in the light of applicable Supreme Court decisions for possible violation of federal statutes. However, in view of the First Amendment guarantee of freedom of speech, I am sure you appreciate that in the area of speech the evidence requirements necessary to establish a violation of such statutes as the Smith Act, for example, which prohibits the advocacy of overthrow of the government by force and violence, are very stringent indeed. In addition, the advocacy must be of such a nature and accompanied by circumstances such as to establish a clear and present danger within the judicial interpretation of that concept.

Although we understand that Mr. Hobson just this week began a one year leave of absence from his employment with the Social Security Administration, he is of course still on the rolls as a government employee. Section 7311 of Title 5, of the U.S. Code states in part that, "an individual may not accept or hold a position in the government of the United States or the government of the District of Columbia if he (1) advocates the overthrow of our constitutional form of government. . . ." I understand that the newspaper article in question has been brought to the attention of the Department of Health, Education, and Welfare and that that Department will consider the applicability of Section 7311 in light of all the available information.

If I can be of any further assistance to you please let me know.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

MAY 1, 1969.

Mr. J. WALTER YEAGLEY,
Assistant Attorney General,
Department of Justice, Washington, D.C.

DEAR MR. YEAGLEY: I have your letter of 24 April in response to my letter of the 16th relative to the remarks made by Julius Hobson in a recent speech.

Am I right in understanding your letter to say that the Department does not intend to investigate Mr. Hobson's remarks and does not plan to initiate any action against him?

With my thanks in advance for this clarification,

JOE D. WAGGONNER, Jr.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 9, 1969.

Hon. JOE D. WAGGONNER,
House of Representatives,
Washington, D.C.

DEAR MR. CONGRESSMAN: This is in reply to your letter of May 1, 1969, requesting additional information concerning the remarks attributed to Mr. Julius Hobson in a recent speech at Georgetown University.

In response to your specific request, investigation is being conducted in an effort to secure as accurate report as possible of Mr. Hobson's statements at Georgetown University. In this connection I call your attention to a letter which Mr. Hobson wrote concerning the Washington Post article, which letter is printed in the Post of May 6 and in which Mr. Hobson takes issue with the accuracy of the earlier news article.

The Department of Health, Education, and Welfare is also reviewing the available information since Mr. Hobson is on the rolls of that Department as an employee, although he is currently on a one year leave of absence.

It is hoped that this matter can be clarified in the near future.

A copy of Mr. Hobson's letter to the Washington Post is attached for your information.

If I can be of any further assistance to you please let me know.

Sincerely,

J. WALTER YEAGLEY,
Assistant Attorney General.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, SOCIAL SECURITY ADMINISTRATION,
Washington, D.C., May 27, 1969.

Hon. JOE D. WAGGONNER, JR.,
House of Representatives,
Washington, D.C.

DEAR MR. WAGGONNER: This is in further response to your letter of April 16 concerning statements attributed to one of our employees, Mr. Julius Hobson.

The Department of Health, Education, and Welfare, in conjunction with the Department of Justice and the Civil Service Commission, has made a thorough inquiry in connection with the statements attributed to Mr. Hobson. Based upon results of this inquiry, including an evaluation of admissible evidence available to us, the Secretary of Health, Education, and Welfare has concluded that the evidence is insufficient to support a disciplinary proceeding. The Secretary and I would like you to know, however, that the statutes and regulations defining the qualifications and suitability of Federal employees will be enforced against Mr. Hobson and any other employee of the Department of Health, Education, and Welfare where there is competent evidence to support such action.

Sincerely yours,

ROBERT M. BALL,
Commissioner of Social Security.

PROPOSED POSTAL SERVICE ACT OF 1969

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 60 minutes.

Mr. SCOTT. Mr. Speaker, I take this time to discuss with the House the proposed Postal Service Act of 1969 now being considered by the House Committee on Post Office and Civil Service. We have before us recommendations of the present Postmaster General which are very similar to the recommendations originating with former Postmaster General O'Brien, and the Commission appointed by President Johnson on postal reform headed by Frederick Kappel.

This is not a partisan matter, but one very close to the people of the country. Most of us would agree as to the need to improve the postal service; that partisan politics should be removed from the appointment of rural carriers and postmasters, and that postal facilities and equipment should be modernized.

Of course, I am in favor of postal reform, and agree with portions of several of the bills now pending before us. However, our country has developed a civil service merit system which well may be jeopardized by the adoption of the proposals now before us.

As the Members will recall, after the assassination of President Garfield in 1881 by a disgruntled political job seeker, an effort was made to limit the spoils system insofar as possible, and so a civil service system was developed which has progressed through the years to one in which 85 percent of all Federal employees, or roughly some 2.5 million persons, are included.

This current competitive civil service merit system has been copied by many State and local governments and, while I realize it is not a perfect system, it is alarming to learn that the current proposal would eliminate more than 700,000 employees from the protection and guarantees of the present merit system.

If personnel changes are necessary or incompetent employees need to be removed, the machinery exists under present law.

This bill would substitute a body corporate known as the U.S. Postal Service for the Post Office Department. It would be headed by a nine-man Board of Directors, seven of whom would be appointed by the President for a 7-year term and who would serve part time at a salary of $5,000 per annum plus $300 for each meeting attended, and the necessary travel and subsistence expenses.

The seven appointed part-time members would select two additional members—one of whom would be the chief executive officer and the second would be the chief operational officer. I assume that these latter two would hold positions comparable to the present Postmaster General and Deputy Postmaster General and they might well be the two incumbents, although they would be selected by the seven part-time Directors.

We must determine whether removing the Postmaster General from the Cabinet will improve postal efficiency and how responsive a Corporation will be to the people of the country.

Section 209 of the proposed bill provides that laws dealing with Federal contracts, property, works, officers, employees, or foundations shall not apply to the exercise of powers of the Postal Service except insofar as set forth in the bill.

The same section thereafter enumerates the various applicable laws, most of which relate to private corporations dealing with the Federal Government. This is complemented by section 801 which states:

> Except as otherwise provided in this title such appointments and promotions shall be without regard to the provisions of the civil service laws applicable to officers and employees of the United States.

And further on states:

> The board at its discretion and at any time may remove any appointee of the board.

The same section provides for dual compensation by stating that notwithstanding any provisions of law—

> An officer, agent or employee of the United States Government is eligible to serve and receive compensation both as such officer, agent or employee and as officer, agent or employee of the postal service.

We have given a lot of consideration over the years to the problems of dual compensation and I would submit that we should look very closely to any contemplated law which would permit an employee to work both as a Government employee and as an employee of a Government corporation.

In section 803 it is provided that sick and annual leave shall be retained "until changed by the Postal Service," and any employee of the present Post Office Department will have 1 year to transfer to any open position in the Government for which he is qualified.

Of course, there is no assurance that the postal service will not change existing annual and sick leave provisions of the present law. In fact, there is no job protection of any kind provided in this bill except through the process of collective bargaining.

Section 806 indicates that—

> Compensation benefits and other terms and conditions of employment shall be determined by the Board of Directors.

Although there is the declaration of policy that compensation and benefits shall be comparable to the non-Federal sectors of the economy.

It is also interesting to note that no one can draw a salary above level 1 of the executive scale which I understand is $60,000 per year. I find nothing in the act to limit the number of persons in the supergrades or even for that matter the number who might be paid $60,000 per year.

I would certainly hope and expect that no one but the chief executive officer would receive a level 1 salary, but the act does not prevent the same pay being provided for other employees.

Congress has been hesitant about granting the power to appoint an unlimited number of people to supergrade positions, and we might consider whether we want to give unlimited power over salaries to a corporation without any right of congressional review. Is this fair to other Government employees and to the people of this country? This proposal specifically provides that the Postal Service shall have the right to hire, promote, transfer, assign, suspend, demote, discharge, or take other disciplinary action, and also to relieve employees from duties because of lack of work or for any other legitimate reason.

In my opinion, it completely destroys the civil service rights of more than 700,000 Federal employees.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I am glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding. I want to say to the gentleman from Virginia that I commend him most highly for taking this time this afternoon to speak on this subject. Hearings have started before the House Committee on Post Office and Civil Service, on this corporate idea of so-called reform in the Post Office Department. The gentleman from Virginia (Mr. SCOTT) has asked many questions concerning this, in the hearings as has the gentleman from Iowa. I will say to the Members of the House that they should take a long, hard look at the proposal as it stands before the committee before they become committed to the idea of corporate reform in the Post Office Department.

We will all admit, as I am sure the gentleman from Virginia will agree, that many things can be done in the Post

Office Department to improve the service, to improve the policymaking, the general deportment of the Department; but it is not necessary to go to a corporate idea of operation with the literally scores of unanswered questions that go along with it, such as, How is the Department going to issue $8 or $10 billion worth of bonds without the full faith and credit of the United States pledged to the backing of the bonds, and so on and so forth, up and down the line? There are scores and scores of unanswered questions, and, speaking for myself, they must be answered before I can support the corporate idea of reform in the Post Office.

I thank the gentleman for yielding.

Mr. SCOTT. Mr. Speaker, I appreciate the comments of the gentleman from Iowa. I am sure we would agree that there is a need for postal reform, but there may be disagreement as to the method by which it should be accomplished. I would agree that we should look very carefully to each portion of this bill.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I am glad to yield to the distinguished gentleman from Alabama.

Mr. EDWARDS of Alabama. I am quite sure the gentleman in the well, as well as the gentleman from Iowa, would certainly be in the forefront of seeing that these questions are answered. I would join with both the gentlemen in the hope that the Post Office Department has the answers. I know that both gentlemen are fairminded men who have open minds, and if the answers come in, as certainly the Post Office says they will come in, that then the gentlemen will join in this proposal or some similar proposal to see that the problems of the Post Office Department are taken care of.

Mr. SCOTT. I thank the gentleman. Of course, we are interested in what is best for the people of the country as well as the present Post Office Department.

The proposal now before the committee indicates that it is the intention of the Congress that the postal service shall obtain collective bargaining agreements or settle disputes by arbitration. The arbitrators are nine in number, each of whom shall receive level 5 salaries, three to be appointed by the Federal Mediation and Conciliation Director, and three by the American Arbitration Association, and the six named shall appoint the remaining three. These arbitrators would have the right to appoint experts and assistants, subject to the civil service laws.

Frankly, I do not see why they would obtain civil service employees to assist them, when all other personnel would be non-civil-service employees. It seems to me that we can remove politics from the Post Office Service without destroying the civil service merit system. Collective bargaining may be a very fine way for the private sector of our economy to settle its differences, but labor always retains the right to strike as its ultimate weapon.

In fact, the president of the United Federation of Postal Clerks insists that, without the right to strike, postal clerks would ultimately be at the mercy of the Postal Corporation. As it is, Congress has spent more than half a century building up a merit system for Government employees in the interest of the public. I would hope that we will not, in one swoop, remove all of these rights for one-fourth of all Federal Government employees.

Chapter 10 of the proposal provides that the postal service may borrow an amount not exceeding $10 billion, pledging the full faith and credit of the Government. And, large as this is, it may well be the least controversial portion of the entire bill, because certainly we do need to have modern facilities and equipment if we are to operate an efficient postal service. In fact, I am willing to vote in favor of funds to construct modern facilities under our present leasing procedures.

Chapter 12 of the act provides for postal service at reasonable and equitable rates and fees and expresses the Congressional intent that rates and appropriations shall meet current and projected costs of the service.

We should remember that an old established agency like the Post Office provides a great number of public services at little or no cost, including alien address reporting, miscellaneous services for agencies occupying post office buildings, sale of savings bonds and stamps for the Treasury Department, sale of migratory bird hunting stamps for the Department of the Interior, civil service information for Federal jobs, and sale of documentary stamps, and numerous other matters which do not appear to be recognized in this proposal.

We might also realize that rural mail service, which serves a major portion of our citizens, never has paid its way, and under a strict profit-and-loss management, delivery of the rural mail service could be curtailed or eliminated.

Provision is made for rate commissioners with salaries at level 5 of the executive schedule, serving for a term of 6 years, with their decisions reversible by the board.

The act also provides that proposed changes in rates shall be submitted to the Congress but would be final in 60 days unless both Houses of Congress adopted a concurrent resolution disapproving a change. Frankly, I doubt that Congress would act expeditiously enough with a period of 60 days to adopt a concurrent resolution of disapproval.

In fact, if the postal service has full power to fix the wages of employees and operate the postal service, Congress would have little practical choice if higher rates were necessary to pay the cost of operating the service and the indebtedness for facilities.

There seems to be no other provision for congressional oversight.

The postal service is close to the people of the country. We are their elected representatives. In the event that mail is not delivered in an efficient manner or the rates are not to the liking of the people, they will be very prompt to let us know. I believe we have a responsibility in this field, and in the event this corporation does come into being we will have little or no control over it. If we eliminate civil service career status, give up our authority to fix salaries and postal rates, we may well have more public clamor than presently exists about postal operations.

Let us take a long look at each paragraph of this bill before any commitment is made, because certainly we do not want to kill the patient to cure the disease. Let us ask ourselves several questions. Will we be able to provide more efficient postal service to the country under the provisions of this bill? What effect will it have on postal rates and upon the welfare of the postal workers? How responsive will a corporation be to the people of the country or to their elected representatives? Will removing the Postmaster General from the Cabinet improve postal efficiency? Is this the best postal reform bill that Congress can produce?

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I am glad to yield to the distinguished gentleman from Alabama.

Mr. EDWARDS of Alabama. First, I wish to commend the gentleman for bringing this subject to the floor and for his scholarly approach to the bill which is being considered.

I certainly join with the gentleman in the view that the bill is not necessarily perfect. It needs much study and it needs much consideration by the gentleman's committee, and quite likely needs amendment.

Yet I am sure, as I said earlier, that the gentleman has an open mind about this bill. If he finds proper answers to his questions, he will give consideration to reporting the bill.

I am one of those who has joined in introducing the bill. As I have said many times, I am not wedded to every word in the bill that has been proposed, but I do feel it is something that needs consideration promptly if we are going to do something about the situation in the Post Office Department.

Why is there a need for any bill at all? I believe the answer is that the Post Office Department in many respects has just fallen apart. This is not the fault of the employees. I do not think it is necessarily the fault of the management of the Post Office Department. It is, in my opinion, the fault of the present system under which the Post Office Department operates.

The gentleman very properly suggested there can be considerable improvement with or without a Postal Corporation, such as we are talking about today. But I believe we have a duty to inquire as to whether the Postal Corporation will be a better answer than any other. We should make a searching inquiry and not write it off out of hand.

I have some considerable concern as to just what is the duty of a Congressman to his constituents. When it comes to the question of the Post Office, what is our responsibility? I am sure the gentleman would agree that our initial responsibility is to see that the citizens

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of this country have a first-class postal system, that they get their mail delivered promptly and get their mail delivered in good condition.

Mr. SCOTT. Let me say to the gentleman at this point it is something like a serviceman talking with a chaplain. If the people are not satisfied with the mail delivery they are receiving they write to their Congressman.

One of my concerns is, what control will Congress have over this Postal Corporation? It appears that we would give almost unlimited power. This is a very genuine concern of mine. Of course, we can repeal the law, but we know it is easier to pass a law than it is to repeal one.

Mr. EDWARDS of Alabama. Certainly I agree with the gentleman. This is one of the things which concerns me when I look to my duty to my people back in my own district. Yet, am I not exercising my duty if I find there is a better system, perhaps a Postal Corporation, and give my people the benefit of that service?

As the gentleman has suggested, the law could be repealed the day after it is passed, or any section could be amended, yet I agree with the gentleman once a bill is passed it is hard to repeal it. It is not quite as hard to amend it, but even that presents some difficulties.

One of the things which troubles the Post Office Department, in my opinion, is the lack of continuity that we see in the Post Office Department.

I think in the last 8 years, if I am not mistaken, we have had five Postmasters General for various reasons which we shall not even argue about here. The point is that if you are going to take a Federal department which, as the Postmaster General has said, is as near to a business as any Federal department, and operate it for the benefit of the people, you need better continuity than we have seen over the last number of years.

Again I agree with the gentleman that this is not a partisan issue. The Post Office Department has gotten worse and worse and worse no matter who happened to be in the White House or who had control of Congress.

Mr. SCOTT. I agree with the gentleman on this question of continuity. I saw the Postmaster General on television yesterday. He expressed concern about this particular provision, saying very much as the gentleman has just now said. There are a number of bills which are pending before our committee that would give the Postmaster General a longer status than the present administration may be in power, in fact up to 12 years. As I understand the present bill which is being proposed, the Postmaster General is appointed and serves at the will of the seven part-time directors. There are a number of approaches that can be used which will accomplish the same thing without having what I consider to be the bad features of this present proposal.

Mr. EDWARDS of Alabama. One of the bad features of the present system, I might say, of course, is the political nature of the system which permeates the entire thing. The gentleman from Virginia made a point earlier about the spoils system, which I believe came about under President Garfield. Yet do we not find in many respects today some of that same problem existing with the Post Office? The postal employee gets his job in many cases because he happens to know one of us. This has not been my good fortune since I have been here, I might say, because he has had to know somebody on the other side of the aisle in order to be appointed.

Mr. SCOTT. I am sure that the gentleman would agree and commend the present administration for removing partisan politics from the appointment of rural mail carriers by administrative action. I hope that Congress by law will do the same thing. My only regret is that we did it so early in the new administration. If we had appointed a few Republicans and not left all of the Democrats in before we went on a nonpartisan basis, I believe it would have been better.

Mr. EDWARDS of Alabama. I agree. I have several county chairmen in my district who waited for 8 years in order to be able to name somebody to a rural route only to find at the last minute that they would not be able to get to do it. Yet, if the administration's approach to taking the Post Office out of politics is to have any credibility at all, it has to be done as we have done it, in my opinion. For example, if we went along for a year or two and put in all Republicans and then came up with a scheme to take the Post Office out of politics, I would suggest to the gentleman that the press and the party on the other side of the aisle would very rightly, I think, have a legitimate complaint that perhaps what we did was not credible. So I believe it had to be done in this way. I regret it, because I had some great people that I was going to move into the Post Office. For the good of the country, though, and perhaps for the good of the long-range political effect on our own party, this may be the thing to do. As the gentleman has suggested, much of this proposal did not necessarily originate with this administration. I do commend this administration, however, for its willingness to move forward early and forthrightly in this area.

Now, if I can draw the gentleman back to some of the problems that I see which prompted this Postal Corporation proposal.

I would like to read, if I may, just a short paragraph from the President's statement to the House of Representatives when he sent his message over here on the Postal Corporation. This is a quote from President Nixon:

> Encumbered by obsolete facilities, inadequate capital, and outdated operating practices, the Post Office Department is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment. It is time for a change.

Well, now, it is my good fortune to serve on the Post Office Subcommittee of the Committee on Appropriations. This is my first year and I admit that I have a lot to learn about what takes place in the Post Office Department. Yet one thing that struck me right between the eyes early is that because of our budgetary problems in the Government, the facilities that are so desperately needed for the Post Office Department to come into the 20th century, are not going to be made available, cannot be made available through the funding process through which we have to go.

If my recollection is right, we came up with $170 million for new facilities in the Post Office Department bill this year. That is just not sufficient to even stay even and much less get the jump on the problems in the Post Office Department.

So, one of the aspects—and as the gentleman suggested, perhaps one of the least controversial aspects of the Postal Corporation—is the proposal to give the Corporation bonding authority up to $10 billion so that they can finance the new facilities that are needed. As the gentleman knows, serving on the committee on which he serves, the Post Office Department is developing new equipment and modern techniques and is trying to put them into practice. Yet they cannot get some of this equipment into a building because the ceiling is too low, because the doors are not large enough, or the rooms are not large enough, or the post office is downtown and you cannot get all of your employees into the area. Yet there is so much that needs to be done to make the working conditions of the employees better and to make the facilities adequate in order that they may use this modern equipment—the computerized equipment if you will—and all of the other technical developments that have come about.

One of the things that disturbs me and one of the things that has drawn me closer to the Postal Corporation is the question of how do you finance all these facilities that are needed if we are going to have an adequate modern post office system to serve the people?

Mr. SCOTT. Let me say to the gentleman at this point that there are bills pending before the committee that would set up a postal financing authority but would not provide for a corporation which would manage the entire department. The authority would have jurisdiction over the construction of new facilities and equipment for the Post Office Department, but it would remain a department within the executive branch of the Government.

Now, in my opinion this is something that our committee must consider item by item. I am not prepared at this time to say that I would favor any one bill. But the thing that is contained in this proposal which I find repulsive is the removal of the employees from civil service protection. I may be prejudiced on this because I have been a civil service employee for more than 26 years. On occasion people say that you cannot remove an incompetent employee. I do not believe that. I think you can. You can bring charges and have a hearing and you can remove anyone. Certainly I would favor removing any incompetent employee, but I do not want to take away the protection of Civil Service from one-fourth of all Government employees as this particular bill would do.

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Mr. EDWARDS of Alabama. Mr. Speaker, if the gentleman will yield further, the gentleman has a very valid concern there. As I think the gentleman pointed out in his initial remarks, however, the civil service retirement provisions would still apply under the new proposal.

The post office worker would not lose ground, if you will, in his pay level or his working conditions by the proposal of the Postmaster General. The employee would then be able to sit down and bargain collectively. One of the changes that the letter carriers and the clerks and others have been pushing this year is the right to union recognition by the workers as opposed to the Executive order of the President of some years ago. This would give the employee that right, but it would go a step further—and I have had some discussion with some of my employees in my district about this—they state they want the right to bargain, but they still want to come to Congress for their pay.

What this proposal would do would very simply say that you bargain for your working conditions, your pay, and all the other questions that are properly before the bargaining process. The only place, as I see it, that it falls short of what perhaps unions generally get or like is the right to strike.

As the gentleman knows, binding arbitration is provided for. I am convinced that the procedure to settle disputes far surpasses the present procedure that the average employee in the Post Office has.

I find from talking to management, as well as the carriers and the clerks, that the procedure they presently have is not acceptable to either side. These things go on and on forever, and if one party or the other does not really want to settle it, or does not know how to come up with an answer, it hardly ever does get settled.

So this would set up a definite procedure outside of the Post Office, as I understand it, so that you can have binding arbitration and settle disputes at an earlier occasion, and let the parties go on about their job of serving the public.

Mr. SCOTT. Let me say to the gentleman from Alabama that I would favor union recognition rather than have its rights depend upon an Executive order because certainly an Executive order can be revoked at any time. But this proposal goes much further than that. Incidentally, it does say that the Board may at its discretion at any time remove any appointee of the Board. So that the Board has this power under the proposed bill, and the civil service protection would be entirely removed. But an employee would have the right to have any dispute arbitrated.

Frankly, I have some concern about a board of arbitration having the power to make a final decision. If we are talking about Government employees, in my opinion the Government should make the final decision, and not an outside group.

So while I would give them the right to be recognized by law, I would still want to preserve the final decision as to working conditions, and so forth, in the Government.

Mr. EDWARDS of Alabama. Where would the gentleman have it remain, if I may ask? Within Congress, or within a branch of the Government? What does the gentleman have in mind?

Mr. SCOTT. Frankly, I would preserve the present system insofar as the civil service laws and regulations are concerned. We have over more than half a century developed these rules. I would have Congress continue to fix the pay of employees.

Now, let me say to the gentleman that during this dialog I do not want to prejudice myself, because I am on this committee, and frankly I would prefer to hear all alternative proposals. I would hope that the committee, after hearing all sides, would work its will and make a presentation to both bodies of Congress.

This is something that we should decide after a full hearing rather than in the little discussion that we are having on the floor today. My entire purpose in bringing this up was so that the Members of the House would realize that there are some pitfalls in this bill, and would give close scrutiny to the entire proposal before pledging to support the present bill that we are discussing.

Mr. EDWARDS of Alabama. May I say to the gentleman that I will likewise reserve my option, and I would not have it understood that the discussion we are having here is an attempt to put either one of us in concrete, because I believe this is too important a subject. Yet I am sure the gentleman will agree with me that it is so important that it merits debate.

It should be debated. It should be discussed at length. The people of this country, Government officials and Members of Congress ought to have it debated and they ought to know what all the sides are, and having come to a reasonable conclusion based on what is brought out in debate, then perhaps we will come up with the best answer, whatever the best answer is.

I certainly join with the gentleman in that view and I would not want anything that has been said here today to indicate particularly that any of us are set in our position to the point where we cannot move one way or another.

Mr. SCOTT. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to my distinguished friend, the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman yielding.

Mr. Speaker, I certainly want to commend the gentleman for taking this time, and with such erudition bringing this problem to the Members in advance of what may come out in the form of a final report of the committee. Because, in this way we have the opportunity to carry on a dialog and to think and to debate on both sides of the problem, before the fact.

Therefore I have listened with interest, and I want to commend all the gentlemen who have participated in this preview, so to speak, of the postal reform bill, regardless of what may come out of the committee.

The gentleman knows that I serve on the Committee on Armed Services, and I think I take my hat off to no one in trying to protect the serviceman or veteran, and I know the gentleman in the well, the distinguished gentleman from Virginia, feels exactly the same way as does the gentleman from Alabama. We apply this equally to our dedicated and serving postal personnel.

But I do wonder, if in consideration of a new proposed bill, for postal reform, whether it will be taken into consideration in regard to the currently possible two retirement programs of the two careers, in the services, as it affects the taxpayers by double jeopardy, perhaps?

I have in mind a veteran who has served over 20 years and who retires under the current regulations, from the armed services, and he may be service connected physically disabled and therefore is tax exempt, insofar as his retirement income is concerned. Then he applies to the Post Office Department and is almost vamped into the postal service and starts another career which ends with civil service retirement in this capacity. Because of the veterans' preference he cannot be fired or reassigned, and he has certain rights over and above what management would ordinarily control.

It is a question, as the gentleman obviously realizes and we do not want to be locked in on this plan. I appreciate, having been formerly a personnel chief in the civil service as well as in the military, as to rights and tenure and so forth, but it does seem as though in allowing that extra and assured position, is bad for management and it is bad for the taxpayers in that the man has two careers, one almost automatically following the other, and he draws protected disabiliy retirement. Incentive is often poor. Then they add to that the civil service retirement in addition to that of the armed services.

I just wonder if in consideration of the new bill there would be any opportunity to review and to equate and/or justify this pressure on the Treasury, and good management.

Mr. SCOTT. Mr. Speaker, let me in response to the gentleman read a small paragraph which is in section 801 of the proposal.

It says:

> Those provisions of title 5 which were formerly known as the Veterans' Preference Act shall apply to the postal service. The provisions of section 459 of title 50, appendix (concerning reemployment rights of former military personnel), shall apply to the postal service in the same manner and to the same extent as to private employers.

Insofar as cost to the Government is concerned, as I read this proposal, we are giving complete authority to a corporation. I am not in a position to know how responsive this corporation will be. It is not accountable to Congress except that we may veto the rates. I would hope that we would have a good corporation, a corporation that would do a good job. But I am very concerned about this Congress, which is close to the people, giving carte blanche authority to a public corporation that we have no real control over.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I think his answer to my stipulated case is exactly correct, and I full well understand that he is more concerned with the powers and the exclusions of the proposed new Corporation, the quasi-governmental Corporation, than otherwise. But would he not agree with me that perhaps, in the name of good management, whether it be in a Cabinet branch or a corporate branch, as far as handling the mail is concerned, there still must be some latitude for management to hire, to fire, to grant tenure or not grant tenure, which may be overdone in the name of a veteran's prior service and prior physical disability? It seems unaccountable to me, insofar as Congress' relation to the taxpayer is concerned, that we should insist that management hire 40-percent or the full 90-percent physically disabled veteran, take him on with all preference rights and everything else, and not be able to fire him or promote over him, and so forth, and then pass this on to a corporation, and then let him end up with two incomes, one taxable after so many additional years of Federal service, after maybe age 38 to 40 in the postal service, and continuing to treat the one that he got prior to that age, or 21 plus his service, including disability in the military service as nontaxable. One would question physical ability to perform in the severe cases.

Mr. SCOTT. I might say to the gentleman that in addition to the concern that he is expressing, this bill expressly provides that a person can be at the same time an employee of the Federal Government and an employee of the Postal Corporation, so he might well be holding two jobs and have the retirement that the gentleman is speaking about. He could be drawing retirement from the military while at the same time holding two jobs.

Mr. HALL. As the gentleman said, I do not want to be locked in on this position. I do appreciate the value of tenure, as far as getting good employees is concerned, but when there is one who is bad in management, whether it be in a Cabinet-level department of the Government, providing individual service, or whether it be a quasi-governmental organization, it cannot help the operation.

Mr. SCOTT. That would be a matter to be determined by the Congress rather than an independent corporation.

Mr. HALL. I agree with the gentleman wholeheartedly.

Mr. Speaker, I hope we will write this into the bill.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. The gentleman has made a statement that I do not necessarily question, but it worries me still. The gentleman says that under the bill an employee could be an employee of the Federal Government as well as the Postal Corporation at the same time.

Mr. SCOTT. May I read this to the gentleman. It appears on page 59 of the Postal Service Act of 1969, and it reads this way:

> Notwithstanding Sections 5532, 5533, 5535, and 5536 of Title V, and any other provision of law, an officer, agent or employee of the United States Government is eligible to serve and receive compensation both as such officer, agent or employees and as officer, agent or employee of the Postal Service, other than as a member of the Board.

That language appears in section 801, the concluding paragraph.

Mr. EDWARDS of Alabama. May I ask the gentleman if that has come up in the hearings yet?

Mr. SCOTT. I have not heard it mentioned in the hearings.

Mr. EDWARDS of Alabama. I am not in a position to argue the point pro or con here, but I hope the gentleman will explore that to a great extent when the time comes to talk about that particular section.

Mr. SCOTT. I would hope we would explore each paragraph.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I might shed some light on that particular section, because there is a provision in the bill as drafted which does repeal the prohibition against dual compensation now in the statute. This has not to my knowledge been covered in the hearings up to this point, but certainly it would be my intention to try to ascertain the reasons for the repeal of the present provisions against dual compensation.

Mr. EDWARDS of Alabama. Mr Speaker, will the gentleman yield further? I have a few more thoughts I would like to explore.

Mr. SCOTT. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, one point has to do with the panel of rate commissioners. As the gentleman has described them in his initial comments, the panel is answerable to what I suppose we might call public directors, sometimes called outside directors. This panel of rate commissioners, as I see it, gives to the Post Office an opportunity to provide a rate system to do away with subsidies as we know them in the postal system. It would not do away with the Congress appropriating money to cover such things as franking privileges and perhaps agricultural bulletins, and things that are sent out by the Federal Government. For these, money would be appropriated, and that money would be paid over to the Post Office Department, and that money plus the postal rates should in 5 years, if all goes well, keep the Post Office Department on a pay-as-you-go basis, more or less.

Mr. SCOTT. This is my understanding. For any portion of the mail that the Congress feels should be subsidized, that should not pay its own way, which we feel is a public service, whether it is the franking privilege, educational material or newspapers, or anything of this nature, as I understand the bill, the Congress can make such appropriations as it considers proper and this would reduce the cost of the mailing of anything that the Congress feels should be subsidized.

Mr. EDWARDS of Alabama. One of the big complaints over the years has been very simply that the Congress is subsidizing too much, that we have spent approximately $8 billion in the last 10 years, and it is suggested that over the next 10 years we may spend $15 to $16 billion. These are figures that have come from the Post Office Department. We have spent that in subsidizing the mails.

The argument is that the mail user should pay for his own service and the person who does not use the mails to any great extent should not have to pay the bill through taxes.

Now, assuming that this proposal goes in, we then have the rate commissioners who report to the outside directors, whose work is subject to veto by the Congress under the present proposal. Yet, does not this give a little more responsiveness to the need for setting rates? The gentleman knows very well the problems of getting a penny increase on stamps through Congress, or getting a percentage raise on rates for second- and third-class mail.

The thing that troubles me throughout all this, I suppose, is that the postal management is really not the management. They more or less administer what Congress doles out to them. They do not control their rates or their wages, and they have little or no control over the transportation.

The gentleman has heard all these arguments before. They are not original with me. But these are things that concern me as we weigh the Corporation as opposed to what we presently have.

Mr. SCOTT. Let me say that I agree with the statements the gentleman makes, and I share his concern. There are a number of measures before the committee at this time which would revise postal rates.

But there is another side of the picture. If this Corporation does come into being it will have the power to fix the rates at any level it cares to, subject only to the right of both Houses of Congress, by joint resolution within a period of 60 days, to disapprove. I have some doubt that Congress can act within 60 days, unless we would get cooperation on both sides of the aisle, from the chairmen of both the House and Senate committees and from the leadership of both the House and the Senate.

At least I would propose, and I believe others would also, that this provision be changed so that either body might veto a proposed rate increase.

It seems entirely impractical to me, if the new Corporation, as an example, should propose a 15-cent first-class mail stamp—I do not know that the time would come when it would, but suppose it did—to say we would have to get the resolution through both Houses of Con-

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gress within 60 days in order to disapprove it. The people would be up in arms, and they would blame you and me and the other Members of Congress if the price of a stamp were raised to something beyond what they felt it should be.

I believe this is a provision which needs to be revised before the bill comes to the floor of the House for consideration.

Since our time is drawing close to an end, let me commend the gentleman from Alabama for his participation in this dialog. I would hope that the Members who have participated may give the other Members of the House something to contemplate before making a decision on this matter.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield to the gentleman from Idaho.

Mr. McCLURE. I thank the gentleman for yielding.

I just want to call the attention of the Members of the House to the great contribution the gentleman from Virginia has made in taking this special order to discuss what should be one of the most vital issues before Congress at the present time, one which will affect every man, woman, and child in this country for years to come. There is no Member on either side of the aisle in Congress or in the committee more concerned about the welfare of the employees of the Post Office Department and civil servants generally than the gentleman from Virginia, which I am sure his constituents realize. Certainly he should be highly commended for his effort in the committee and again on the floor of the House today.

Mr. SCOTT. I thank the gentleman for his kindness.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield further?

Mr. SCOTT. I am glad to yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. I want to join my colleague in paying respect to the gentleman in the well, because there is no one in the House more genuinely dedicated to those he represents and to finding the best he can for the Federal workers. Certainly I join him in that concern. I am sure it is that concern which prompts the gentleman to come here and to enter into debate freely with others of the House on this particular subject.

I wonder if I might finish off my remarks on the gentleman's time—and I will say to the gentleman, I have more time, if we need it—by quoting again from the President's message to the House concerning the postal corporation. The President said:

> Traditions die hard and traditional institutions are difficult to abandon. But tradition is no substitute for performance, and if our postal system is to meet the expanding needs of the 1970's, we must act now.

I believe the President is right. I believe we have to act now. We have to act promptly. We have to quit this business of trying to tie up the Post Office Department with baling wire hoping to get through another year or another administration. We must get on about the business, whatever the right answer is, of rebuilding the Post Office Department, rebuilding the confidence of the people in it, giving the workers in the Post Office Department a system through which they can operate for the benefit of the entire populace of this country. Partial reform is not enough. We must have a complete overhaul.

Again I commend the gentleman for taking this time so that we can discuss in some detail the problems confronted by the Post Office Department.

Mr. SCOTT. I thank the gentleman.

Mr. HALL. Mr. Speaker, will the gentleman yield again?

Mr. SCOTT. I yield to the gentleman from Missouri.

Mr. HALL. I want to join my colleagues from Idaho and Alabama in praise and commendation of the gentleman from Virginia for all of the work that he does. Indeed, his actions speak more loudly than words can tell.

Mr. Speaker, I wish to go back to the observation that the gentleman just made about what I have often referred to during the last 3 years, in the study of the reorganization of the Congress, as a member of the joint House-Senate committee thereon. This we refer to as the "veto in reverse." If there is a rates commission to be established in the new Postal Reform Act which requires both bodies to act and veto a rate increase, it will suffer the same fate as the Members' pay raise suffered, and there will seldom be a vote on it. In addition to that, it does harm and damage to the representative system of government in a republic under a constitution, which is the kind of government that we truly are, and therefore we should never delegate to such a commission our authority to establish such rates. I hope that the committee and the distinguished gentleman and all of those who have spoken here would look into this reverse veto. The veto prerogative, of course, is established constitutionally for the executive branch of the Government over the legislative, giving the latter the right of overriding the veto. It was never intended, even for the purposes of reorganizing the executive, the legislative, or the judicial branch of the Government that the principle of the veto in reverse should apply. I think this requires a careful looking into, as it applies to postal rate reform but especially as it applies to representative government as a whole. One need but recall that in the Reorganization Act of 1949 a 90-day period was given in which either body of the Congress could vote against executive branch reorganization. Through the years that has been respectively peeled down to 60 days in which to act, and finally to 30 days in the notorious Valentine Day massacre of the taxpayers on the Members' pay increase. Now we are requiring both bodies to act in 60 days.

I agree wholeheartedly with the gentleman from Virginia that this particular portion of the proposed bill needs to be studied assiduously and changed with perception, succinctness, and firmly before it comes to the floor of the House. I appreciate his bringing it up.

Mr. SCOTT. I thank the gentleman.

I hope that the comments of the various Members of the House will be examined by the entire House before any action is taken in this field.

THE PRESIDENT'S PROPOSALS WITH RESPECT TO THE POST OFFICE DEPARTMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 60 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the purpose of my 60-minute special order today was to carry on, if necessary, the debate which we have presently entered into under the special order of the gentleman from Virginia. There is at least one other gentleman who would like to comment further, and I am happy to yield at this time to the gentleman from Idaho.

Mr. McCLURE. Mr. Speaker, I thank the gentleman for yielding.

I have only these further comments prompted by the exchange which has taken place, which I think has been very helpful and I hope constructive in dealing with the problems confronted by this House.

It was pointed out in a statement to our committee members the other day in the committee hearings that about three-fourths of the time of the committee is taken up by a consideration of relatively minor points concerning labor and management decisions involved in the operation of the Post Office Department whereas the committee ought to be spending a great proportion of its time in dealing with the large overall problems that affect all civil servants and not just those that affect the Post Office Department. Certainly I agree with the discussion that has taken place on the application of the congressional veto in the ratemaking prerogative. I think that the intention of the administration as stated by the Postmaster General was to draw a parallel between the veto power in this bill and the veto power in the Executive Reorganization Act.

As was pointed out in the committee and again here on the floor of the House, there is a difference between the language in the bill and that in the Executive Reorganization Act in that the Executive Reorganization Act requires a veto by either House rather than the concurrent resolution required by affirmative action on the part of both Houses of Congress.

Mr. Speaker, it would be my intention at the proper time in the committee to propose an amendment, if it is not proposed before that, to conform the language of the Postal Reorganization Act to that of the Executive Reorganization Act.

Members of the union have indicated to me and some of the union leaders have

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indicated to me the fact that they do not desire and are not asking for the right to strike. I think this should be noted for the record. As far as I am personally concerned, I do not favor the use of binding arbitration. If we do not believe in collective bargaining, and I do, I think the parties to the dispute should have the authority and the right to utilize the tools of collective bargaining, including the right to strike in the solution of their problems.

But in view of the stated intentions and desires of the unions and in view of the fact that this is a massive organization dealing nationwide, and in view of the fact that the public interest is paramount and in view of the fact that the Corporation would be essentially if not technically a branch of the Government, I think the binding arbitration provision is a wise provision.

I further think it might be pointed out that the bill does not really in all instances require binding arbitration for either management or labor—to obtain binding arbitration as a matter of right.

I am sure that the committee will look at that provision very closely and may, indeed, before final action in the committee strengthen that provision.

I would point out that insofar as Civil Service benefits are concerned and the rights of tenure are concerned, the Kappel Commission and again the Post Office Department has been very solicitous of the rights of the employees, and in the one instance in which they deem it likely that benefits of civil service employment will exceed the benefits that might have come by collective bargaining, they have recommended that the civil service benefits be retained, and I refer to the retirement system. The civil service retirement system is probably more liberal with respect to the rights of the employees than would be the case in private collective bargaining in a private collective bargaining agreement and would, therefore, be retained.

Mr. Speaker, I question one other section of the bill which would permit the Government to negotiate for transportation contracts. The Government in its wisdom over a long period of time as have nearly all governments in all States found it necessary to regulate the transportation industry, by way of regulatory commissions through the ratemaking mechanism, the rates which should be charged and collected by those who transport as common carriers. I see no reason why the Federal Government should be exempted from the provisions of this kind of law. If it is necessary to maintain a good system of common carriers in this country that ratemaking be established, then I think the Government should be just as subject to those rates as any citizen of this country.

With respect to the cost of a particular service, let me simply state that there are a lot of different ways of trying to determine what the costs actually are. A great deal of difference can be made. As has been pointed out, in recent years the Post Office Department has been using as a test the incremental cost allocation system. This was substituted by action of Congress for the revenue foregone basis which had been used in the past.

The Post Office Department now proposes to go back to the system which was in use several years ago which would cut, in effect, more than half the deficit now attributable to second- and third-class mail.

This, I believe, is something that Congress will want to look at very closely prior to the time any enactment is made. But let me just simply underline what the gentleman from Alabama has said, and that is that the size, the scope, the magnitude, the sheer impossibility of dealing with the problem by changing minor aspects of the present organization underscore the vital necessity of massive reorganization of the Post Office Department. I believe that postal reform, to be meaningful in terms of actually dealing with the problems, can be best expressed in legislative form by the proposal of the President and the Postmaster General. It has been charged on the floor of this House and elsewhere that our present Postmaster General is politically naive, and perhaps his very naivete, if that is an accurate statement, led to his ignoring the political consequences or the political dangers of a massive reorganization of this kind. But certainly that could not be said of the President of the United States. I am certain that he is aware of the political implications of a proposal of this kind.

Mr. Speaker, I commend both the Postmaster General and the President of the United States for having the courage to assert the very positive leadership that will be necessary to get this proposal off dead center. I am hopeful the Congress will act and act expeditiously on this very important legislation.

Mr. Speaker, let me thank the gentleman from Alabama for yielding this time to me. I appreciate it. I believe the contribution the gentleman from Alabama made in the exchange with the gentleman from Virginia should be very helpful to the Members of the House.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for his remarks. I know that the gentleman is a very able member of the Committee on Post Office and Civil Service, and that the gentleman will be giving careful attention to the proposal that is presently pending there for the postal corporation. I am sure that out of that great committee will come a wise decision.

Mr. ANDREWS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I am happy to yield to my distinguished friend from Alabama.

Mr. ANDREWS of Alabama. Mr. Speaker, I, too, want to join in and concur with the remarks that have been made about the proposals submitted by the Postmaster General to the Congress. I have known the general all of his life. He is from my home town in Alabama. I have been very close to him. He has had a phenomenal success in the business world. He started from scratch and wound up with one of the biggest and most outstanding companies of this Nation. He has given long, hard hours of work to the drafting of the bill that has been submitted to this Congress for the reorganization of the Post Office Department. He is a courageous man, and an able man, and he has only one thought in mind, and that is to give the American people better postal service.

Mr. Speaker, I doubt that in the history of this country any man has ever recommended that he be put out of the President's Cabinet, and that is exactly what Postmaster General Blount has done. Certainly there are no politics in it as far as he is concerned. He is trying to help, and I am for him 100 percent.

Mr. Speaker, I want to say that in my opinion there never has been a finer man serving in any capacity in the Government of the United States than Winton M. Blount, Postmaster General.

Mr. SCOTT. Mr. Speaker, will the gentleman yield.

Mr. EDWARDS of Alabama. I am happy to yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding, and I would reassure the gentleman, as I believe the Members of the House are well aware, that I have great respect for the present incumbent Attorney General.

Mr. ANDREWS of Alabama. The gentleman means Postmaster General.

Mr. SCOTT. I am sorry. Of course, I mean Postmaster General.

Mr. ANDREWS of Alabama. Mr. Speaker, I tried to get him to study law years ago, when he was hanging around my office, but he just wanted to be a good businessman rather than a lawyer.

Mr. SCOTT. Certainly, the present incumbent is a very able and a very fine gentleman. I am sure that nothing that has been said on the floor of the House today would indicate otherwise. I would think, however, that this is a government of laws and not of men and this is a matter that we should consider very carefully on its merits without regard to who made the proposal and ultimately determine what is in the best interest of the people of the country and in the best interest of the postal service. I am sure the distinguished gentleman would agree with these remarks.

Mr. ANDREWS of Alabama. I am sure the Congress will work its will.

I am just so sold on the ability and the integrity and courage of the Postmaster General, I know that he has at heart the best interests of the American people when he submits his proposal to the Congress. I thank the gentleman for yielding.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. SCOTT. I would emphasize that nothing that has been said here is of a personal nature. If it was of a personal nature, I would join with the gentlemen from Alabama, the two of them, in the accolades to the present Postmaster General. But it is not to determine whether we have a fine, outstanding man serving as Postmaster General. I would concede that. I have doubts as to the wisdom of these proposals. Since I have been priv-

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ileged to serve in the House, I have felt free to express my opinions on proposed legislation, and I will continue to express by own views and those of the people I represent.

Mr. EDWARDS of Alabama. Of course, the gentleman is correct. This is a government of laws rather than of men and the question is, How does this Government carry out its responsibility under the law.

I would suggest to the gentleman that there is more than one way to do it. If Congress does an adequate job in setting up a postal corporation for example with adequate safeguards, then it will have carried out its function under the law. I think that is good.

If Congress cannot come up with an adequate postal corporation that gives and has adequate protections, then it should not pass a Postal Corporation bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. HALL. I have also listened to the colloquy in this special order with a great deal of interest, particularly to the two gentlemen from Alabama.

I think time will tell that we are discussing legislation here and not personalties.

I also think the gentlemen would agree with me that there is such a thing as being apolitical or nonpartisan. There should be such a thing as having a corporation as proposed, with no politics in it. But good heaven above knows that there is also such a thing as inverse politics. Would the gentleman not agree with that last phrase?

Mr. EDWARDS of Alabama. I certainly agree with the gentleman and that is why I put great faith in the Post Office and Civil Service Committee to see that we do not end up with a deplorable situation.

Mr. McCLURE. Mr. Speaker, will the gentlemen yield?

Mr. EDWARDS of Alabama. I yield to the gentleman.

Mr. McCLURE. I thank the gentleman for yielding. I think the thing that we should look at closely is the fact that postal rates have doubled in recent years, and yet the quality of the service has declined under the existing structure and under existing law. I certainly agree with the gentleman that this situation certainly indicates and the public is demanding a change in the law which will permit improvements in the service.

Mr. EDWARDS of Alabama. Mr. Speaker, if I may close with this one comment.

I urge the Members of this body and I urge the carriers and the clerks and other postal employees, and I urge the interested citizens of this country to keep an open mind on what has been proposed by the Post Office Department in this bill.

This is a departure from what we normally consider in this Congress. We do not usually propose to do away with a department of the Government. Historically, as my colleagues know, we usually add on to the superstructure of the Government. This is a radical departure.

So I urge my colleagues not to get set in concrete on this issue. I urge the Post Office employees not to get set in concrete on this issue.

And I urge the people of this country to bear with the Congress while it tries to work out an adequate solution to the problems with which the Post Office Department is faced; and hopefully, in the wisdom of these Representatives, we will be able to come up with a system that will give the public adequate postal service.

CANADA SETS A GOOD EXAMPLE IN TRADE POLICY

The SPEAKER pro tempore (Mr. HUNGATE). Under previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, many of us have from time to time risen to complain of barriers to our exports imposed by other nations. It is, therefore, all the greater pleasure to note that Canada—our major trading partner, taking over $8 billion of our exports—is lowering its trade barriers, rather than raising them.

Specifically, Canada's Finance Minister, the Honorable Edgar J. Benson, has announced that his Government has put all of Canada's Kennedy round tariff concessions—with one very minor exception—into full effect. Under the original Kennedy round agreement, Canada was to have made these tariff cuts in annual installments. The final installment would not have been due until January 1, 1972, some 2½ years from now.

Mr. Benson estimated that these accelerated tariff cuts will affect some $2 billion of Canada's imports. And the United States, which accounts for about three-quarters of Canada's imports, is bound to be the principal beneficiary.

Moreover, this kind of anti-inflationary measure sets a good example for the world. The reduction of trade barriers allows other countries to join in the beneficial effects of that nation's economic measures. It would be a great step forward in international cooperation and an improvement of the world payments system if other countries, particularly those with a balance-of-payments surplus, could emulate such actions.

I am also pleased to note that Mr. Benson also announced his Government's intention to liberalize tariff exemptions for Canadian residents returning from trips abroad and to remove the inequities in the present system.

FRAUD IN AMERICA—V

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, judging the means by the end is easy; one can justify any action so long as he can claim that he intended to do the right thing, or to achieve some good. But unfortunately it is not always possible to justify the means by the end.

The facile reaction, the facile defense to the "Hunger in America" show is that CBS meant to do a public good; namely, to arouse the public to a bad, possibly shameful situation, and create attitudes that would lead to action. Thus, defenders of the "Hunger in America" show say, "if they staged some parts of the show, and if they showed some things that were not so, then that is no reason to condemn them, because CBS intended to do good, and besides babies do die of hunger."

The problem with this reasoning is that it reserves moral judgment to the producers of television news, and not to the viewing public. That is, defenders of the show who use this reasoning are saying that if a television news producer intends to do good, then he need not worry about how accurate his actual broadcast is.

But moral judgments cannot be reserved only to the managers of the media, any more than they can be reserved to any other despot, benign, paternalistic or tyrannical. If it is wrong for a government to "manage" the news, then it is also wrong for the media to "manage" it. It is the business of a news media to report facts, and leave the moral judgment to the public, or to the editorial page. If this principle is not followed, then any news producer can fake, distort or falsify a broadcast in any way he sees fit, solely on grounds that he is doing the right thing.

The other problem with this reasoning is that it assumes that the news producer will in fact have the public interest at heart. There is no guarantee that any man has the interest of the public at heart. He may think that he does, but that does not make it so. And indeed he may not care at all about the public interest. Anyone who is willing to trust his fate to the moral judgments of persons unknown and unaccountable in the dark recesses of CBS headquarters is not willing to realize the dangers of so doing. There is no guarantee that slanted news is going to be slanted in the interest of the public, and no guarantee that moral judgments rendered by news directors are in fact sound.

Goebbels probably thought that he was acting in the behalf of the public. He made moral judgments for the people of Germany, and proved his cases with doctored and fake news. But history shows that he was a monster. Would the people of Germany have fallen into the trap had they possessed the truth, plain and undistorted, so that they could have made their own moral judgments? No one can ever know.

If we are willing to assume that the moral judgment of CBS News is always going to be sound, then we can say that "Hunger in America" was justifiable fraud. But the fact is that fraud is never justifiable.

Mr. Speaker, the business of a news director is to present facts, and to present them truthfully. It is then the business of the public to cast whatever moral judgments the fact may warrant. If we give up that public right then we have also given up the first principle of a free press and a free people—the right to know the truth. It is no accident of history that one of the ancient maxims that has come down through the centuries so that "ye shall know the truth, and the truth shall make you free," or in another way, "knowledge is the guardian of the state." CBS has no right to assume that good intentions will wash away fraud. Only truth serves the public interest, and there is no substitute for it. You cannot make the truth more dramatic, less dramatic, more colorful, or less colorful than it is. CBS has tried, and they have done themselves and their viewers a grave injustice. Worse, they have set a precedent for destructive and corrosive malpractice, a precedent that cannot be condoned and ought not to be repeated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CUNNINGHAM (at the request of Mr. ARENDS), indefinitely, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BURLESON of Texas, tomorrow, for 30 minutes; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. BRINKLEY) to revise and extend their remarks and to include extraneous matter to:)

Mr. REUSS, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JOELSON.

Mr. MADDEN in two instances.

Mr. WYATT immediately following the reading of the Journal.

(The following Members (at the request of Mr. LUJAN) and to include extraneous matter:)

Mr. PETTIS.

Mr. CLEVELAND in two instances.

Mr. POLLOCK.

Mr. MARTIN.

Mr. MCKNEALLY in two instances.

Mr. ZWACH.

Mr. HALL.

Mr. GROSS.

Mr. TAFT.

Mr. SCHWENGEL.

Mr. BROTZMAN.

Mr. STEIGER of Wisconsin.

Mr. RHODES.

Mr. MACGREGOR.

Mr. MICHEL in two instances.

Mr. BEALL of Maryland.

(The following Members (at the request of Mr. BRINKLEY) and to include extraneous matter:)

Mr. OTTINGER in two instances.

Mr. BOLLING in two instances.

Mr. ANNUNZIO in five instances.

Mr. BOLAND in two instances.

Mr. LONG of Maryland.

Mr. ANDERSON of California in two instances.

Mr. ECKHARDT.

Mr. ANDREWS of Alabama in two instances.

Mr. RARICK in three instances.

Mr. TIERNAN.

Mr. HOWARD.

Mr. LEGGETT.

Mr. HAGAN in three instances.

Mr. HUNGATE in two instances.

Mr. ST. ONGE in two instances.

Mr. BARING.

Mr. GONZALEZ in two instances.

Mr. PICKLE in two instances.

Mr. FASCELL in two instances.

Mr. OLSEN in two instances.

ENROLLED BILL SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3480. An act for the relief of the New Bedford Storage Warehouse Co.

BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on June 5, 1969, present to the President, for his approval, bills of the House of the following titles:

H.R. 684. An act to amend title 38 of the United States Code in order to make certain technical corrections therein, and for other purposes;

H.R. 2718. An act to extend for an additional temporary period the existing suspension of duties on certain classifications of yarn of silk;

H.R. 2940. An act for the relief of Henry E. Dooley;

H.R. 10015. An act to extend through December 31, 1970, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 10016. An act to continue until the close of June 30, 1971, the existing suspension of duties for metal scrap.

ADJOURNMENT

Mr. BRINKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 10, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

837. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1964, as amended; to the Committee on Agriculture.

838. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for improving internal audit of civilian payroll operations in the Department of Defense; to the Committee on Government Operations.

839. A letter from the Comptroller General of the United States, transmitting a report on Federal disaster assistance to State and local governments, Office of Emergency Preparedness; to the Committee on Government Operations.

840. A letter from the Comptroller General of the United States, transmitting a report on the need for the Veterans' Administration to acquire hospital sites before developing working drawings and specifications for construction of hospitals; to the Committee on Government Operations.

841. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed extension of two concession contracts for the provision of accommodations, facilities, and services for the public in Grand Canyon National Park (north rim), Ariz., Bryce Canyon and Zion National Parks, Utah, for a 1-year term from January 1 through December 31, 1969, pursuant to the provisions of the act of July 31, 1953 (67 Stat. 271), as amended by the act of July 14, 1956 (70 Stat. 543); to the Committee on Interior and Insular Affairs.

842. A. letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Federal Communications Commission as of April 30, 1969, pursuant to the provisions of section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

843. A letter from the Chairman, Federal Power Commission, transmitting a copy of a map entitled "Major Natural Gas Pipelines, as of December 31, 1968"; to the Committee on Interstate and Foreign Commerce.

844. A letter from the Chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting the sixth annual report for 1968 of the Foundation, pursuant to the provisions of Public Law 88–11; to the Committee on the Judiciary.

845. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax, and for other purposes; to the Committee on Ways and Means.

846. A letter from the Acting Chairman, U.S. Tariff Commission, transmitting the 19th annual report of the Commission on the operation of the trade agreements program, pursuant to the provisions of section 402(b) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PATMAN: Committee on Banking and Currency. H.R. 7491. A bill to clarify the liability of national banks for certain taxes; with amendment (Rept. No. 91–290). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 1453. A bill for the relief of Capt. Melvin A. Kaye; with amendment (Rept. No. 91–291). Referred to the Committee of the Whole House.

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Mr. FLOWERS: Committee on the Judiciary. H.R. 1698. A bill for the relief of Joeck Kuncek; with amendment (Rept. No. 91–292). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 2037. A bill for the relief of Robert W. Barrie and Marguerite J. Barrie; with amendment (Rept. No. 91–293). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 2209. A bill for the relief of Carlo DeMarco; with amendment (Rept. No. 91–294). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3723. A bill for the relief of Robert G. Smith; with amendment (Rept. No. 91–295). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 3920. A bill for the relief of Beverly Medlock and Ruth Lee Medlock (Rept. No. 91–296). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4105. A bill for the relief of Dr. Emil Bruno; with amendment (Rept. No. 91–297). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 4658. A bill for the relief of Bernard L. Coulter; with amendment (Rept. No. 91–298). Referred to the Committee of the Whole House.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5337. A bill for the relief of the late Albert E. Jameson, Jr. (Rept. No. 91–299). Referred to the Committee of the Whole House.

Mr. RAILSBACK: Committee on the Judiciary. H.R. 9488. A bill for the relief of Mrs. Ruth Brunner; with amendment (Rept. No. 91–300). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 11921. A bill to adjust agricultural production, to provide a transitional program for farmers, and for other purposes; to the Committee on Agriculture.

By Mr. BROTZMAN:

H.R. 11922. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors; to the Committee on the Judiciary.

H.R. 11923. A bill to prohibit the use of interstate facilities, including the mails, for the transportation of salacious advertising; to the Committee on the Judiciary.

H.R. 11924. A bill to adjust the postal revenues and to afford protection to the public from offensive intrusion into their homes through the postal service of sexually oriented mail matter, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California:

H.R. 11925. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid for eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. BURTON of California:

H.R. 11926. A bill to provide for the more efficient development and improved management of national forest commercial timberlands, to establish a high-timber-yield fund, and for other purposes; to the Committee on Agriculture.

By Mr. CELLER:

H.R. 11927. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mrs. CHISHOLM:

H.R. 11928. A bill to amend the act of September 5, 1962 (76 Stat. 435), providing for the establishment of the Frederick Douglass home as a part of the park system in the National Capital; to the Committee on Interior and Insular Affairs.

H.R. 11929. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. COHELAN:

H.R. 11930. A bill to amend title III of part I of the Foreign Assistance Act of 1961 to provide for a program of investment guarantees in Latin American countries to encourage local participation in self-help community development projects; to the Committee on Foreign Affairs.

H.R. 11931. A bill to amend the Immigration and Nationality Act to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 11932. A bill to amend the public assistance provisions of the Social Security Act to increase the Federal share of a State's expenditures under the public assistance programs (including administrative expenses) to 90 percent, to provide for the establishment of nationally uniform minimum standards for aid or assistance thereunder, and to repeal the freeze on the number of children with respect to whom Federal payments may be made under the aid to families with dependent children program; to the Committee on Ways and Means.

By Mr. CORMAN:

H.R. 11933. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. ECKHARDT (for himself, Mr. Bingham, Mr. Brademas, Mr. Brown, of California, Mr. Burton of California, Mr. Conyers, Mr. Friedel, Mr. Fulton of Pennsylvania, Mr. Halpern, Mrs. Hansen of Washington, Mr. Hungate, Mr. Leggett, Mr. McDonald of Michigan, Mr. Matsunaga, Mr. Mikva, Mr. Moss, Mr. Patten, Mr. Powell, Mr. Rees, Mr. St Germain, Mr. Scheuer, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Waldie, and Mr. Wolff):

H.R. 11934. A bill to extend to every person classified or processed under the Selective Service Act the right to legal counsel to the end that the rights and privileges afforded under law may be known and secured; to the Committee on Armed Services.

By Mr. ECKHARDT (for himself, Mr. Addabbo, Mr. Button, Mr. Corbett, Mr. Farbstein, Mr. Hastings, Mr. Koch, Mr. Lowenstein, Mr. Moorhead, Mr. Roybal, and Mr. Yatron):

H.R. 11935. A bill to extend to every person classified or processed under the Selective Service Act the right to legal counsel to the end that the rights and privileges afforded under law may be known and secured; to the Committee on Armed Services.

By Mr. EDWARDS of Alabama:

H.R. 11936. A bill to restore to persons having claims against the United States their right to be represented by legal counsel of their own choosing; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 11937. A bill to establish a national policy for the environment; to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers; to the Committee on Interior and Insular Affairs.

H.R. 11938. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GALLAGHER:

H.R. 11939. A bill to amend the Internal Revenue Code of 1954 to extend the head-of-household benefits to unremarried widows and widowers, and individuals who have attained age 35 and who have never been married or who have been separated or divorced for 3 years or more, who maintain their own households; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 11940. A bill to provide full Federal financing of payments made under the public assistance provisions of the Social Security Act to recipients who do not meet the duration-of-residence requirements of the applicable State plan, where such payments must nonetheless be made because of court determinations that such requirements are unconstitutional; to the Committee on Ways and Means.

By Mrs. GREEN of Oregon (for herself, Mr. Erlenborn, Mr. Dent, Mr. Ayres, Mr. Pucinski, Mr. Quie, Mr. Bell of California, Mr. Scherle, Mr. Dellenback, Mr. Esch, Mr. Eshleman, Mr. Steiger of Wisconsin, Mr. Collins, Mr. Landgrebe, Mr. Hansen of Idaho, and Mr. Ruth):

H.R. 11941. A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mrs. GRIFFITHS:

H.R. 11942. A bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE:

H.R. 11943. A bill to establish the Potomac National River in the States of Maryland, Virginia, West Virginia, and the District of Columbia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 11944. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities concerning the use of drugs, and for other related educational purposes; to the Committee on Education and Labor.

By Mr. HOWARD:

H.R. 11945. A bill to establish an urban mass transportation trust fund, and for other purposes; to the Committee on Banking and Currency.

By Mr. MORTON (for himself, Mr. Garmatz, Mr. Gude, Mr. Long of Maryland, Mr. Hogan, and Mr. Beall of Maryland):

H.R. 11946. A bill to amend the River and Harbor Act of 1965 to increase the authorization for the Chesapeake Bay Basin study, the construction of a hydraulic model of the Chesapeake Bay Basin and associated technical center; to the Committee on Public Works.

By Mr. OLSEN:

H.R. 11947. A bill to repeal section 372–1 of title 25, United States Code, relating to the

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appointment of hearing examiners for Indian probate work, to provide tenure and status for hearing examiners performing such work, and for other purposes; to the Committee on the Judiciary.

H.R. 11948. A bill to provide that certain payments made to Indians on the Flathead Reservation in Montana by their tribal governing body shall not be treated as income or resources for purposes of any of the Federal-State public assistance programs under the Social Security Act; to the Committee on Ways and Means.

By Mr. PHILBIN:

H.R. 11949. A bill to provide relief for the clothing industry by making special immigrant visas available to certain skilled tailors; to the Committee on the Judiciary.

By Mr. PODELL (for himself, Mr. Vanik, Mr. Dulski, Mr. Byrne of Pennsylvania, Mr. Shipley, Mr. Rupp, Mr. Derwinski, Mr. Collier, Mr. Murphy of New York, Mr. Pollock, Mr. Pucinski, Mr. Moss, Mr. Hungate, Mr. St Germain, Mr. St. Onge, Mr. McDade, Mrs. Reid of Illinois, Mr. McDonald of Michigan, Mr. McCloskey, Mr. Beall of Maryland, Mr. Hansen of Idaho, Mr. Evins of Tennessee, Mr. Donohue, Mr. Burton of Utah, and Mr. Roybal):

H.R. 11950. A bill to amend the Legislative Reorganization Act of 1946 to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government operations.

By Mr. REUSS:

H.R. 11951. A bill to amend title II of the Social Security Act to increase the amount of a widow's or widower's benefit from 82½ to 100 percent of the insured individual's primary insurance amount; to the Committee on Ways and Means.

By Mr. REUSS (for himself, Mr. Blatnik, Mr. Gude, Mr. Hicks, Mr. McCloskey, Mr. Moss, Mr. Vander Jagt, and Mr. Wright):

H.R. 11952. A bill to reorganize the executive branch of the Government by transferring functions of various agencies relating to evaluation of the effect of certain activities upon the environment to the Environmental Quality Council, and for other purposes; to the Committee on Government Operations.

By Mr. RHODES (for himself, Mr. Teague of California and Mr. Kyl):

H.R. 11953. A bill to amend section 205 of the act of September 21, 1944 (58 Stat. 736), as amended; to the Committee on Agriculture.

By Mr. RUPPE:

H.R. 11954. A bill to amend title II of the Social Security Act to provide a minimum primary benefit of $100 a month (with corresponding increases in the benefits payable to certain uninsured or insufficiently insured individuals); to the Committee on Ways and Means.

By Mr. SCHWENGEL:

H.R. 11955. A bill to authorize the hiring of employees of detective agencies for other than investigative services; to the Committee on Post Office and Civil Service.

By Mr. SCOTT:

H.R. 11956. A bill to make certain changes in the control of the institutions of the District of Columbia located in Fairfax County, Va.; to the Committee on the District of Columbia.

By Mr. TEAGUE of Texas (by request):

H.R. 11957. A bill to amend chapter 17 of title 38 of the United States Code to provide that the Administrator of Veterans' Affairs may furnish medical services for non-service-connected disabilities to veterans having service-connected disabilities; to the Committee on Veterans' Affairs.

H.R. 11958. A bill to amend title 38 of the United States Code to provide that pensioners may be furnished necessary medical services in Veterans' Administration facilities; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself and Mr. Brown of California):

H.R. 11959. A bill to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 11960. A bill to amend the Legislative Reorganization Act of 1946 to provide for the inclusion of certain cost estimates of certain measures reported by the standing committees of the House of Representatives; to the Committee on Rules.

By Mr. WEICKER:

H.R. 11961. A bill to amend title II of the Social Security Act to permit an individual to file application for disability insurance benefits after the expiration of the regularly prescribed period for filing such application where the failure to file within such period was due to good cause; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 11962. A bill to authorize feasibility study on the Willamette River projects South Yamhill division, on the South Yamhill and Willamette Rivers; to the Committee on Interior and Insular Affairs.

By Mr. ZWACH:

H.R. 11963. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. BURTON of Utah:

H. Res. 434. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

By Mr. FISH:

H. Res. 435. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

207. By the SPEAKER: Memorial of the Legislature of the State of Louisiana, relative to ending U.S. aid to Communist countries; to the Committee on Foreign Affairs.

208. Also, memorial of the Legislature of the State of Illinois, relative to the establishment of the Lincoln Homestead National Recreation Area; to the Committee on Interior and Insular Affairs.

209. Also, memorial of the Legislature of the State of Florida, relative to a constitutional amendment relating to prayer and Bible reading in public schools and institutions; to the Committee on the Judiciary.

210. Also, memorial of the House of Representatives of the State of Delaware, relative to the 1970 census; to the Committee on Post Office and Civil Service.

211. Also, memorial of the Senate of the State of Hawaii, relative to a guaranteed annual income; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 11964. A bill for the relief of Walter Matukic; to the Committee on the Judiciary.

By Mr. BURTON of California:

H.R. 11965. A bill for the relief of Peter Yu-Ju Huang; to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

H.R. 11966. A bill for the relief of Giovanni De Felice; to the Committee on the Judiciary.

By Mr. HALEY:

H.R. 11967. A bill to authorize the vessel *Orion* to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. HATHAWAY:

H.R. 11968. A bill for the relief of Maj. Louis A. Deering, U.S. Army; to the Committee on the Judiciary.

By Mr. KEITH:

H.R. 11969. A bill for the relief of Frank Travers; to the Committee on the Judiciary.

By Mr. MINSHALL:

H.R. 11970. A bill for relieving a patent applicant from forfeiture of his patent rights induced by fraud on the part of his patent lawyer; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 11971. A bill to authorize and direct the District of Columbia to convey certain real property to the Washington International School, Inc.; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

136. By Mr. OLSEN: Resolution requesting the initiation of legislation to cause payments by the tribal governing body to its membership to be excluded from consideration in determining eligibility for assistance in any social welfare program where Federal moneys are used; to the Committee on Ways and Means.

137. By the SPEAKER: Petition of Henry Stoner, Albany, Oreg., relative to peace; to the Committee on Foreign Affairs.

138. Also, petition of the City Council, New Orleans, La., relative to the taxation of interest on State and local governmnt bonds; to the Committee on Ways and Means.

139. Also, petition of the City Council, Trinidad, Colo., relative to the taxation of local government bonds; to the Committee on Ways and Means.

SENATE—*Monday, June 9, 1969*

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Reverend Dr. Martin H. Scharlemann, graduate professor of exegetical theology, Concordia Lutheran Seminary, St. Louis, Mo., and chaplain—brigadier general—U.S. Air Force Reserve, offered the following prayer:

Almighty God, You hold in Your hands the destinies of every nation, kindred and tongue, assigning to each its proper task. To us You have apportioned the burden of upholding human values against those destructive forces in our world which threaten to shrink men into being less than Your creation.

To this our solemn task we dedicate our individual energies and our mutual resources. Grant us wisdom and courage, so that we may neither be misled nor disheartened by the complexities of our public life and the enormity of our common commitments.

Guide us to make such choices as will help to keep far from us both the night of anarchy and the terror of oppression.

We confess that, left to ourselves, we could not discover those paths which lead to healing and understanding, firmness and patience in the resolution of our perplexities.

We, therefore, take heart from Your continuing presence among us and find assurance in the certainty of Your promise, *"Blessed is the nation whose God is the Lord, and the people whom He has chosen as His heritage."*—Psalm 33: 12.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 5, 1969, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States by Mr. Geisler, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On May 28, 1969:

S. 256. An act to confer U.S. citizenship posthumously upon L. Cpl. Theodore Daniel Van Staveren;

S.J. Res. 99. Joint resolution to authorize the President to issue a proclamation designating the first week in June of 1969 as "Helen Keller Memorial Week"; and

S.J. Res. 104. Joint resolution to authorize the President to reappoint as Chairman of the Joint Chiefs of Staff, for an additional term of 1 year, the officer serving in that position on April 1, 1969.

On June 3, 1969:

S. 278. An act to consent to the New Hampshire-Vermont Interstate School Compact.

On June 6, 1969:

S. 408. An act to liberalize the eligibility requirements governing the grant of assistance in acquiring specially adapted housing for certain service-connected disabled veterans, to increase the amount of such grant, to raise the limit on the amount of direct housing loans made by the Veterans' Administration, and for other purposes.

On June 7, 1969:

S.J. Res. 77. Joint resolution to authorize the President to designate the period beginning June 8, 1969, and ending June 14, 1969, as "Professional Photography Week in America."

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate sundry messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

WAIVER OF CALL OF THE CALENDAR

Mr. KENNEDY. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

DO NOT SELL THE AMERICAN SYSTEM SHORT

Mr. SCOTT. Mr. President, the Secretary of Commerce, the Honorable Maurice H. Stans, addressed the 1969 graduating class at Grove City College, Grove City, Pa., on Saturday and received an honorary doctor of laws degree.

In his address, the Secretary gave the graduates words of advice that he summed in three short paragraphs. They were, first:

> Don't downgrade the future. You can play any part you want in an unbelievably better world.

Second:

> Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

Third:

> Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

I ask unanimous consent that the address by the Secretary be printed at this point in the Record, and I commend its reading to my colleagues.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Hon. Maurice H. Stans, U.S. Secretary of Commerce

Mr. Pew, Dr. Harker, members of the Faculty, the Graduates of 1969, ladies and gentlemen: I am doubly honored here today.

First, I have the honor to bring to you the greetings of the President of the United States. When I last saw President Nixon, he asked me to convey his high regard to Mr. Pew and Dr. Harker, and to extend his congratulations and best wishes to all the graduates of 1969.

Second, I have the high honor which this distinguished college has bestowed upon me. I shall always cherish and value your recognition and your degree—and already I find it extremely pleasant to consider myself a member of the Class of 1969.

WILL BE BRIEF

When I accepted the very welcome invitation to be here with you today, I mentioned to Dr. Harker that commencement speakers really have an unusually difficult task in this year of campus unrest.

He replied that if I thought my job was tough, I should try his. "At least you can speak and run," he said.

Dr. Harker, as a member of the Class of '69, I know that is an exaggeration! I congratulate you and the students at Grove City for their common sense in ignoring the upsets that have recently befallen some of the great educational institutions of this country.

But I do assure my classmates that I intend to speak briefly. You have been sitting on a school bench for 16 years, perhaps more, and I know you don't want to be kept sitting there much longer.

As a matter of fact one of the greatest men of our time, the late President Eisenhower, once told me something on this subject. "The only virtue that can be presented in a commencement speech" he said, "is brevity."

So with his admonition in mind, I would like to make a deal with today's graduates of Grove City College. I will talk for just about fifteen more minutes, if you will settle back from the takeoff blocks at the edge of your seats into a comfortable position and really listen for that long. In that time, there are just three things I want to say. They are a distillation of all the advice I could conceivably give you.

Don't downgrade the future. You can play any part you want in an unbelievably better world.

Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

If you will just remember and believe those three short messages, this will be the most successful commencement address ever made.

Because they are contrary to some of the things you read and hear today from the dissatisfied and the radical and the violent, I'm going to tell you now why I hope you will remember these three points.

THE FUTURE

First, of these three subjects, perhaps it is most difficult for you and me to see the future in the same perspective. You have more of it ahead of you than I, but I have seen more of the past than you.

Your vision today may be sharply honed by the imperfections of our time, but mine is enriched by the knowledge that the world does indeed get better with time. It always has, through history!

We all know that a virus has been spreading across our land and even throughout the world in recent years—the virus of pessimism.

Those afflicted with it see everything as being wrong, and nothing as being right. They call for change and even revolution. They would sweep aside knowledge and order and decency. They would destroy, they say, in order to rebuild.

There are some things they don't say, as they loose riot and violence through the streets of our cities and across our college campuses.

The fact is that they offer nothing in place of the world we have today. Instead of improvements, they would create a void. They propose a future going back to the primitive past—a political vacuum, economic destruction and social chaos. The pages of history are strewn with the wreckage of nations where this has happened.

GREAT PROMISE AHEAD

This will not happen here if those of you who have the future seize it with the optimism it deserves.

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The next time you hear someone say conditions in the world are bad, ask him just one question: Compared to what? Compared to sixty years ago, when I was born? Compared to the world of a hundred years ago? Compared to the Dark Ages of the past?

More progress already has been made in my lifetime than in all of mankind's history before us, but we have seen only the beginning of the possible.

For a thousand years and more, men have worked and died to evolve the base that you have today just as a starting point. Every challenge that lies ahead of us now has been distilled out of challenges that once were a thousand times greater than those facing us today. Every opportunity within our grasp is infinitely greater than most men could have dreamed of even at the start of my lifetime.

Never before has so much human fulfillment been possible. On every side of us there is a burgeoning awareness of the humanities and a concern for our fellow human beings.

Incredible worlds of scientific achievement have only begun to be discovered.

And the economic abundance which most of us already have now is coming within the reach of us all.

With remarkable determination and unimaginable speed, this Nation is tearing down the walls which once imprisoned men and their opportunities in the ghettos of ignorance and poverty.

With remarkable success, we are giving ever-greater life to the American system which rewards initiative, inventiveness, vision and imagination.

In such a country and in such a time, the future is limited only by the horizon each man creates for himself. However quaint it may sound in these days of the 20th Century, opportunity is unlimited. For the young the formula is as plain and simple as it always has been: fix a goal . . . aim high . . . set out to achieve it . . . and you will!

Let me state my first point again: Don't downgrade the future. You can play any part you want in an unbelievably better world.

THE AMERICAN SYSTEM

And now a few words about the American system.

In its broadest definition, this system by which we live is woven from three principal strands—political democracy, a free private economy, and universal opportunity.

Those changes which are now taking place in our way of life—those improvements which are now taking place in our Nation—are the natural evolutions of this system.

It has always been and it is now amenable to its own improvement. For two centuries this system has assured the United States of growth and greatness, far beyond any country.

By whatever yardstick may be used to measure it against any in the world, it has proved far superior to any other way of life contrived or devised by man at any time in human history.

Ask any critic of our society for a better workable system, and his answer can only be the silence of admission or irresponsible demagoguery.

These cynics have brought political democracy and our private economy under attack, in one way or another. If we are not fully committed to the preservation of these elements of our society, we will be encouraging for ourselves the fate of other nations that have slipped into intolerance, despotism and decay.

AMERICAN STRENGTH

The fact is that our system succeeds because it is based on fundamental human instincts. It is predicated on the basic human urges—to compete and to acquire—and as long as we permit the free, orderly exercise of those instincts nothing will ever surpass it.

There is only one significant competing system in the world today, and it cannot begin to match us. Our standard of living is incredibly higher. Our freedom of thought is infinitely greater. Our spiritual strength is unshackled. We reach to the moon ready to share our discoveries with the world, we are committed to serve and protect the less fortunate, and we live with a personal freedom of movement undreamed of by the rest of mankind.

The firebrands light their torches, and they try to make us believe our country and our system are sick. America has imperfections, yes—but the mainstream you enter today is robust, and this land through which it flows is healthy.

We know we are far from perfect. It is because we are beneficiaries of the best system ever devised that we are more aware of our internal imperfections than any other people at any other time. Imbedded in our national conscience there is a deep desire to right the wrongs—to correct the inequities—to make the whole system work better.

Let us address ourselves to those problems—but in the process let's not destroy the system from which our strength flows.

Again, I'll quote my second point: Don't sell the American system short. Before you let anyone attack it, ask him to show you something better.

COMPETITIVE ENTERPRISE

And now I am at the last item I want to discuss.

One of the keystones of our incredible success as a nation is our competitive free enterprise system. The backbone of that system is the American business community.

I suggest to you that here you may find your greatest surprise and your greatest satisfaction. Recently a Gallup Poll showed that only 6 percent of today's college students expected to go into business or management. Yet American Business today is on the threshold of a new age of growth and service, and in honesty it can reach out to the bright young men and women of our time and invite them to participate.

If the goal of our times is a better world, our system of industry and commerce will build it. If the goal we seeek is comfort and security for all people, in a condition of mutual friendship and respect, free competition, with its own rewards to the able, will set the pace for progress and prosperity.

The great comforts and facilities that surround us today are the products of American enterprise. More important, the highest aspiration of people throughout the world is to achieve the standard of living that we have from the superior productive capability of the competitive American system.

PRODUCTIVITY RECORDS

Putting aside all considerations of money, politics, and ideology—reducing our judgment to the simplest common denominator—we can see the evidence of what this system means:

To buy a comparable suit of clothes in Soviet Russia takes 183 hours of work. In France it takes 75 hours; in Great Britain 40 hours; and in the United States only 24 hours of work is needed for the same item.

Or if you prefer to judge by another standard, in the United States one worker on a farm now produces enough to feed 42 people. In France, one worker can feed only approximately 6. The figure is about 5 in Italy, and it is one farm worker for only one other person in China.

These are not boastful figures. They are simple illustrations that what we have works better than what anyone else has. They show that our way delivers more for mankind than that of any other country.

Putting a man on the moon depends on industrial technology; so does providing your clothing, the facilities of this college, the transportation you'll use to go home, the communications with friends, and every object that contributes to your comfort and convenience.

Here again there are imperfections. But these can be dealt with constructively. The Nation is armed with anti-trust laws and other legal safeguards against abuses in the competitive enterprise system.

Our need today is not nearly so great for new laws as it is for new people who will see in the world of business a full potential for citizenship and service.

American business today is eager to work with the young people of the Nation, and to develop constructive change and progress out of your idealism and intellectualism.

Let me assure you that freedom will be kept alive and meaningful as long as young people like you are willing to seize these opportunities that freedom offers, and to make our competitive system work.

So this is my third point of advice to you: Don't belittle our competitive society of industry and commerce. It has given us everything we have and it can give us everything we want.

PURSUIT OF FREEDOM

Some generations before us had to risk death to achieve freedom for America.

Two generations in my time have had to fight to preserve it—for us as a nation and for each of us as an individual.

Your generation, rich in the security of freedom won, has committed itself to the next goal, the perfection of individual liberty.

You demand universal justice. You plead for equality. You curse the darkness of intolerance and dishonesty. And you seek comfort and peace.

Men have sought these goals throughout history—but never with the advantage you have today. You are strong materially. You are secure in our system of law. You have a workable society.

You have set the highest challenges for yourself. Our society encourages you to seek your goals. But we also urge you not to do anything to kill the system which makes it possible. Do not be misled by the firebrands of your own generation who would destroy the future for you.

If there is one common denominator throughout the history of mankind, it is this: Extremists are always overwhelmed in time by the common sense of those who know there is no future in destruction.

The destroyers of today will not survive any more than the witch burners of colonial New England or the book burners of Hitler's Germany. The flag burners of the 1960's will be held in history's contempt with the cross-burners of the Ku Klux Klan.

If you will deny the extremists—if you will have faith in yourself and in America's institutions—if you will work to build yourself and improve those institutions—then in the days ahead you will get the greatest possible reward from the education you have now completed and from the great opportunities which await you.

Congratulations—and my very best wishes.

THE MEETING AT MIDWAY ISLAND

Mr. YOUNG of Ohio. Mr. President, I rise to express my own feelings—and I am sure I express the feelings of many millions of Americans—in stating that I am profoundly disappointed by the news that came from Midway Island yesterday.

Late in the fall of 1968—I believe it was in New Hampshire—Richard Nixon, who at that time was a candidate for the office of President of the United States, said:

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> I have a plan to end the fighting in Vietnam. I have a plan to end the war in Vietnam and to bring the boys home.

In recent months, particularly in recent weeks, we have been led to expect a momentous decision from the conference at Midway Island, where our President went to meet with President Thieu of the Saigon militarist regime. Now we have a report from that meeting, and it appears that the mountain labored and brought forth a mouse. We learn that 25,000 men of our Armed Forces in Vietnam will be brought home sometime this year, according to a report made by our President to the people of the United States.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 5 additional minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. YOUNG of Ohio. From 1961 to January 20, 1969, the day President Nixon entered the White House—a period of 96 months—we suffered 30,991 Americans killed in action in Vietnam and 195,601 Americans wounded in combat—a total of 226,592 Americans killed or wounded in combat during a period of 96 months.

Now, what are the facts with respect to the 4-month period from January 20, 1969, to May 31, 1969? There have been 4,800 Americans killed in combat in Vietnam, and 33,782 Americans have been wounded in combat in Vietnam. In other words, during a period of 4 months, we have suffered the loss of 14.3 percent of the total killed and wounded from 1961 to this good hour.

It seems that during that 4-month period, 4 percent of that total period from 1961 to the present, 13 percent of our combat deaths occurred. We must bear in mind, Mr. President, that of our wounded in combat, as a rule, 3 percent die of wounds.

In other words, there has been no abatement of the fighting. In fact, in the last 4 months it has been accelerated, and the loss of the finest young men in America has greatly exceeded, percentagewise, what happened in the previous 8-year period.

These brave young Americans are fighting, not for glory, not for booty, not because their own land is directly threatened, not out of passion, but because this administration refuses to admit—as did the Johnson administration—our mistake in the attempt to make South Vietnam a pro-American and an anti-Chinese Communist buffer state in Southeast Asia. More than anything else, we are fighting to avoid admitting failure. As Walter Lippmann bluntly put it, "We are fighting to save face." These GI's continue to fight in this immoral undeclared war while most of their countrymen including most of their youthful peers live the best life they have ever lived.

We had high hopes that perhaps 100,000 or 200,000 men would be brought home from Vietnam this year. Instead, we learn that 25,000 men will be brought home, a mere token number of the 545,000 American servicemen fighting in South Vietnam.

Mr. President, it is well known that of the 545,000 men over there at the present time, approximately 400,000 are in support work and are not engaged in combat activities. It might be that most of the 25,000 men would come from those doing clerical work or attending the post exchanges; or it might be that they will be 25,000 men whose terms of duty in Vietnam would expire in the next 2 or 3 months in any event.

So, unfortunately, this is a complete letdown to the American people who believed Richard Nixon during the campaign, when he said he had a plan to end the fighting. The people believed him; they elected him President of the United States.

Our losses percentagewise have been greater in the last 4 months than in the previous long period. It is evident to all that we are still supporting a militarist regime in Saigon which is not truly representative of the people of South Vietnam but, in effect, probably represents at most 20 percent of the entire population of South Vietnam.

I say that yesterday when that announcement was made and today when it was published in the newspapers of our Nation, Americans had a feeling of sadness instead of enthusiasm over the outcome of that much ballyhooed conference in Midway. The net result was stated many, many years ago by the Roman poet, Horace, who wrote: "The mountain labors and a ridiculous mouse is born."

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 5 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

REDUCTION OF U.S. FORCES IN VIETNAM

Mr. SCOTT. Mr. President, nobody, but nobody, in any responsible position has made any suggestion about removal immediately or in the immediate future of 200,000 troops or 100,000 troops. We in this Chamber are sometimes tempted to erect fragile strawmen and then nobly knock them down with sword, armor, and mail at full gallop.

Actually to withdraw 200,000 men from Vietnam now would leave the remainder to the mercy of the enemy and subject to immense and unacceptable slaughter. Let that blood be on somebody else's hands. I would not be one to advocate it.

On May 3, in a speech at Pittsburgh, Pa., I said:

> Now I suggest a bold move to flush out the intentions of the other side.
>
> I urge the withdrawal of a substantial number of American troops from Vietnam.
>
> I hope that the White House will announce such a move in the near future.
>
> I make this recommendation because I believe the situation is ripe for progress. The Nixon Administration seems to have reached a new understanding with the South Vietnamese Government whose representatives now present a less rigid stance. We have gained from the leaders in Saigon considerable assurances that they are ready to assume more of the burden of the fighting.
>
> Now we need to prod the North Vietnamese out of the sea of propaganda and onto the high ground of real bargaining sessions.
>
> If North Vietnam responds with comparable actions of its own, we could then consider additional withdrawals.

Mr. President, I think that was a responsible statement.

I note that the critics of the President can hardly wait to draw statistical comparisons, having abided, for the most part, with some patience and some degree of good will the passage of an 8-year period during most of which time this war continued without any end in sight or without any evidence of a cessation of its ferocity.

At the beginning of this year the Communists, of course, being desirous of reinstituting the talk-fight technique they used in Korea after the armistice—and which I suspect they will not be indefinitely allowed to get away with—sought to create as much damage as they could on the allied forces in South Vietnam for the purpose of securing the best settlement they could. That was expected and anticipated, and it is part of the Communist approach at a time when they are seeking the best terms they can get during peace talks.

The President's critics have tried to shoot two arrows from a single bow at the same time. They have rushed into the media to assert they had predicted and urged all along—for a year and a half I believe one of them said—the withdrawal of some American forces, and the international supervision of elections, which now appears to be more of an actuality than ever before. They have urged in the past, they say, numerous approaches which this administration is actually putting into effect. Then, they go on to say that, having urged the withdrawal, it really does not amount to much.

I submit that even distinguished orators should not be allowed to have it both ways. If they predicted the beginning of the withdrawal of forces, they should be delighted it is beginning; and if it does not amount to much, why did they predict, urge, and advocate it in the first place?

For 27 years I have been in one or the other of these bodies and I have heard some specious reasoning here and elsewhere, but this takes the cake.

Mr. President, I submit that at a delicate time in our negotiations it serves no cause of our own for any of us to be making any more difficult the path of the President and the Commander in Chief of the United States in his effort to follow after the Biblical injunction that is, to follow after the ways that lead to peace. This is not to say that I derogate from any person's right to criticize or dissent. On the contrary, I welcome it; but I ask that it be done in a spirit which cannot be quoted in other capitals of the world

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to indicate that we are a divided Nation, or to indicate that this Nation is not geared up to its fullest moral commitment to bring about the earliest possible termination of a dreadful war.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of an address which I delivered in Pittsburgh on May 3, 1969.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SENATOR SCOTT URGES SUBSTANTIAL REDUCTION OF U.S. FORCES IN VIETNAM

PITTSBURGH.—U.S. Senator Hugh Scott (R.-Pa.) last night urged "the withdrawal of a substantial number of American troops from Vietnam."

Senator Scott, Assistant Republican Leader of the Senate, said he hoped the White House would announce the move in the near future.

In a speech before the University of Pittsburgh Alumni Association at the South Hills Sheraton Motor Inn, Senator Scott said:

"The war in Vietnam has achieved all kinds of tragic superlatives. However good our motivations, however just our reaction to evil aggression, the hard facts are that this is the longest war in American history and one of the most expensive.

"We have suffered more than 34,000 dead and more than 216,000 wounded in the past eight years. Those casualties surpass our Korean War losses.

"President Nixon's number one priority is to end the war in Vietnam. He wants to end the killing to save lives. But he also wants to give us an opportunity to redirect this Nation's mighty resources toward the many domestic problems that are crying for solution.

"But a war which has been escalating for nearly a decade cannot be ended overnight. Nor can American forces be left at the mercy of an enemy without adequate protection for U.S. forces remaining committed.

"Two actions on the part of the United States have brought responses by the enemy. I am going to suggest a third.

"On March 31, 1968, President Johnson announced a partial halt in the bombing of North Vietnam. Within days the North Vietnamese agreed to send representatives to talk peace with the United States and shortly thereafter both countries agreed to meet in Paris.

"On October, 31, 1968, President Johnson announced that the bombing halt would apply to all of North Vietnam north of the Demilitarized Zone. Three months later—after some wrangling about the shape of the negotiating tables, and after the election of President Nixon—the talks were expanded to include the South Vietnamese and the Viet Cong.

"Now I suggest a bold move to flush out the intentions of the other side.

"I urge the withdrawal of a substantial number of American troops from Vietnam.

"I hope that the White House will announce such a move in the near future.

"I make this recommendation because I believe the situation is ripe for progress. The Nixon Administration seems to have reached a new understanding with the South Vietnamese Government whose representatives now present a less rigid stance. We have gained from the leaders in Saigon considerable assurances that they are ready to assume more of the burden of the fighting.

"Now we need to prod the North Vietnamese out of the sea of propaganda and onto the high ground of real bargaining sessions.

"If North Vietnam responds with comparable actions of its own, we could then consider additional withdrawals.

"Hanoi has already anticipated the possibility of a measured withdrawal of American troops and has tried to degrade our motives by saying ahead of time that we would only pull out support troops and 'ice cream vendors.'

"This indicates how little the North Vietnamese understand American character. If they knew us better, they would realize that support troops may be the last to go.

"The last American leaving Vietnam may very well be driving a beer truck. But who cares what the order of withdrawal should be, as long as it is in good faith?

"Diplomatic maneuvering is part of the necessary preliminaries, but at some point there has to be the test of action which points the way to further progress, or spells rebuff. A measured withdrawal would provide that kind of test."

ORDER OF BUSINESS

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Illinois is recognized.

MIDWAY RESULTS

Mr. DIRKSEN. Mr. President, President Nixon has been in office less than 5 months. He has patiently pursued his own convictions on Vietnam. He returns from the Midway Island conference with the first tangible, specific immediate step to de-Americanize that struggle.

It was carefully done. His proposal has the approval of General Abrams as safe. It has the concurrence of President Thieu.

What President Nixon brings back is the first solid hope for the American people since this conflict began 6 years ago.

He deserves the thanks of all people and especially the young men who are called upon to fight this war.

DEATH OF FORMER SENATOR GUY CORDON OF OREGON

Mr. HATFIELD. Mr. President, it grieves me today to bring to this Chamber word of the death of one of our former and most distinguished colleagues, Senator Guy Cordon, of Oregon. Senator Cordon died Sunday, June 8, at Doctors Hospital, of a brain tumor, after a relatively short illness.

Guy Cordon was a tireless and hard worker for the best interests of Oregon and the best interests of the Nation.

He enjoyed the trust and the respect of his peers in the Senate and was regarded by many of his colleagues as a man whose counsel was of special value. He was a kindly man who generally shunned publicity but made his opinions and his judgments felt. He enjoyed the respect of his peers, and he also enjoyed their friendship.

Senator Guy Cordon came to this Chamber in 1944 when he was appointed to fill the unexpired term of Senator Charles McNary, who had died in office. In 1948, Senator Cordon was elected in his own right and served a full 6-year term until the end of 1954. He was a champion of many good and worthy causes but the one Oregon project which shall forever be associated with his name is the Oregon and California revested railroad lands. Senator Cordon was, in fact, the legal counsel for the Oregon and California lands for many years and spent many months in Washington representing these counties before his appointment to the Senate. Senator Cordon struggled to make sure that the Oregon and California lands formula would continue unimpaired. Funds from the sale of timber on these lands have supported public schools and other county services such as roads and parks in the 18 Oregon and California counties.

Senator Cordon sponsored and secured legislation to provide for the exchange of alternate blocks of land by the Oregon and California counties with the Interior Department and the Forest Service to make sure that the Oregon and California lands would be secure and would produce timber on a sustained yield basis. Senator Cordon also continued as legal counsel for the Oregon and California counties from 1955 until 1960.

Senator Cordon served as chairman of the Interior and Insular Affairs Committee and also as chairman of the Interior Subcommittee of the Appropriations Committee. These two posts gave him an opportunity to serve Oregon's interests especially well. He helped to formulate many Pacific Northwest public works projects which now serve the people of Oregon, Washington, Idaho, and Montana.

Senator Cordon had a fine career in Oregon behind him when he came to the Senate; he was a distinguished lawyer; he was an excellent prosecutor as district attorney of Douglas County; he was, all in all, a very highly regarded man who also possessed a fine sense of humor. He was my friend.

We shall miss Senator Cordon.

I convey prayers and most heartfelt condolences to all of the members of his family.

Mr. JORDAN of Idaho. Mr. President, I share with Senators a sense of personal loss and sorrow at the passing of former Senator Guy Cordon, of Oregon. As a man who devoted much of his lifetime to public service, Senator Cordon rightfully earned the respect and admiration of those whom he so conscientiously represented. He has left a record of which his family and his many friends can be justifiably proud.

Mrs. Jordan and I are saddened by Senator Cordon's passing and extend to his wife and son our deepest sympathy.

Guy Cordon was a faithful public servant during most of his long and successful career. After attending the public schools of his home town of Roseburg, Oreg., he went to work in the Douglas County assessor's office, advancing to the office of county assessor. He was admitted to the bar in 1920, after service in the field artillery during World War I. Three years later he was elected district attorney of Douglas County.

Appointed to fill the vacancy created by the death of Charles L. McNary, another Oregon stalwart in the Senate, Guy Cordon was appointed and later elected to represent his State in the Senate, serving from 1944 to January 3,

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1955. During this time, he was a prominent member and chairman of the Committee on Interior and Insular Affairs. Here he stamped himself as a highly effective committee member and chairman, and as one who championed sound national policies of resource conservation and utilization.

Even after he left the Senate and engaged in the practice of law in Washington, D.C., Guy Cordon kept himself informed on resource problems in Oregon and the Pacific Northwest, and devoted much personal time to furthering programs of regional and national interest.

In addition to his stature as a public servant and legislator, Guy Cordon was a warm, personable man, who made friends easily and maintained friendships over the years. Some of my fond memories are of fishing trips and an occasional game of golf. He was a great leader, a fine sportsman, and a friend one could always depend on.

Guy Cordon's death is a loss to the State of Oregon, to the Senate, and to the Nation. We will miss this high-principled, well-informed, warmhearted Westerner.

WITHDRAWAL OF U.S. TROOPS FROM VIETNAM

Mr. COOPER. Mr. President, the action of the President of the United States in announcing the withdrawal of 25,000 troops from South Vietnam is a step forward and a hopeful sign. Its consequences may be very important.

I say this for several reasons. First, it is proof of the President's statement he made on May 14, that the United States is prepared to enter into a mutual withdrawal of troops. In fact, the United States will now withdraw troops before a North Vietnamese withdrawal.

Second, I believe the withdrawal of U.S. troops should serve to impress upon the Government of South Vietnam that the policy announced by the President on May 14 must be recognized by that Government—that it must increasingly bear a greater part of the burden, and the Government of South Vietnam must agree on the means for a truly free election as was proposed by the President.

There is another reason which I hope will gain acceptance if negotiations at Paris are unsuccessful. Senators will remember, that in March 1965, I urged against the commencement of the bombing of North Vietnam and then year after year urged cessation of the bombing of North Vietnam to determine if there was a possibility of entering into negotiations with North Vietnam. No one knew, of course, whether negotiations would be successful. So far, they have not been fruitful, at least that we can perceive.

I hope that the current negotiations will succeed, but in the event that they do not, perhaps this first step of withdrawing troops will be the precursor of a policy that we can undertake. It is, that, as we arm the forces of South Vietnam more effectively, we can continue a step-by-step withdrawal of all our troops, and let South Vietnam, which we have helped for almost 20 years carry on its own fight for its own country. We have done enough.

THE LUSAKA MANIFESTO AND THE PROPOSED NEW CONSTITUTION OF RHODESIA—"WHO SPEAKS FOR WESTERN MAN IN AFRICA?"

Mr. KENNEDY. Mr. President, by a curious coincidence of history, within the brief period of a few weeks in April and May of this year, two events of major significance occurred that are likely to have a strong influence on the future course of the racial crisis in southern Africa. One of these events looks toward a new day of peace and racial harmony on the continent, in which the majority and minority races in all African nations will be able to live in concord, equality, and dignity with one another. The other event looks backward to a cruel era of slavery and oppression, and carries one of Africa's most highly developed nations further into the night of racial strife that threatens to engulf it.

The event that is bright with hope occurred in April in Lusaka, Zambia, where representatives of a number of forward-looking nations met in conference. The product of that conference is a remarkable document entitled "Manifesto on Southern Africa," signed by 13 nations of East and Central Africa—Burundi, the Central African Republic, Chad, the Republic of the Congo, the Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, Somalia, Sudan, Tanzania, Uganda, and the host nation Zambia.

In their manifesto, the 13 nations have joined together in a passionately reasoned condemnation of all aspects of racism and racial segregation. They call on all African nations to govern themselves in accord with the basic principles of human dignity, equality, and national self-determination, regardless of race or other discriminatory classifications.

In clear terms, the manifesto denounces the colonialist and racist doctrines now being promulgated by governments in six separate territories of southern Africa—Mozambique, Angola, Portuguese Guinea, Rhodesia, Southwest Africa, and the Republic of South Africa. The policies of segregation and apartheid, relentlessly applied in these territories, are the antithesis of the fundamental principles of humanity. They stand universally condemned not only by the African nations who signed the manifesto, but by the United Nations and the overwhelming majority of all free nations throughout the world.

Perhaps the greatest importance of the Lusaka document is its tone as a manifesto for peaceful revolution, not violent revolution in southern Africa. Today in Africa, the ancient repressions and denials of majority rule have begun to spawn increased levels of terrorism and guerrilla violence, not only in the Portuguese colonies but in Rhodesia as well. Not even the fortress which is South Africa feels secure, and wise men fear a spark that may ignite the continent. At times such as these, a document like the Lusaka manifesto is especially significant because its emphasis throughout is on peaceful and nonviolent change as the method to improve the plight of the oppressed black majorities. It gives us hope that reason and compassion may yet prevail over the violence that now sweeps so much of the world.

In contrast to the eloquent Lusaka manifesto, there stands the new Constitution proposed in May by the Government of Rhodesia. As published, the new constitution is designed to entrench the doctrine of apartheid in Rhodesia and thereby to guarantee white domination of the country for all time. Later this month, the new Constitution will be submitted to a national referendum, in which the electorate will be overwhelmingly white. Most experts agree that the constitution is almost certain to be approved in the referendum, although there are some who hold out the bare possibility that it may yet be rejected by liberal Rhodesians.

Under the existing Constitution of Rhodesia, a number of seats in the legislature are reserved for persons of European descent and a separate number for those of African descent. In addition, there is a "common voter roll," for which members of both races become eligible when they attain certain economic and educational levels. As a result, the existing constitution holds out at least the bare prospect of initial African rule in Rhodesia.

Under the proposed new Constitution, the common voter roll would be eliminated, and a voter would be permitted to cast ballots only for members of his own race. The nation's Parliament would consist of a 23-member Senate and a 66-member House of Assembly. In the Senate, 10 seats would be allotted to whites, 10 to African chiefs, and 3 to members of any race appointed by the head of state. In the House of Assembly, 16 seats would be allotted initially to blacks and 50 to whites—in spite of the fact that the composition of the Rhodesian population as a whole is 4,300,000 blacks and 230,000 whites, or approximately 20 blacks for each white.

Eventually, in accord with special provisions of the Constitution, blacks could conceivably achieve parity of representation in the House with whites—but not majority rule. Under these provisions, black representation will be increased in proportion to the amount of income taxes paid by blacks. Thus, blacks will be entitled to 50 seats in the House when their tax payments equal half the national total. At the present time, however, payments by Africans represent less than 1 percent of the national total, and the promise of parity is little more than ephemeral.

In addition, in other sets of provisions, the new Constitution and related proposals would divide almost all of the 100 million acres of land in Rhodesia about equally into separate areas for blacks and whites. Other proposals would prohibit the holding of seats in the legislature by many of the African nationalist leaders in Rhodesia, would authorize preventive detention in the interest of public order, and would impose sweeping new controls on newspapers and other publications.

If the new Rhodesian Constitution is approved in the coming referendum, there will be little possibility of a negotiated settlement between Rhodesia and Great Britain with respect to the basic issues raised by Rhodesia's unilateral declaration of independence in November 1965. The ruling regime in Rhodesia will no longer have any pretense whatever for the claim that it intends to move toward eventual majority rule, which is the fundamental condition laid down by Britain for settlement. Instead, under its new Constitution, Rhodesia will have moved inexorably into the South Africa mold of an apartheid republic, a nation bitterly divided between whites and blacks, controlled by a dominant white minority, and ruled by the racist principles of apartheid.

The striking juxtaposition between the proposed constitution of Rhodesia and the Lusaka Manifesto on Southern Africa raises a profound question as to who speaks for Western man in Africa today. The Lusaka Manifesto, issued by African nations governed by African majorities, is a convincing plea for the basic principles of human dignity and equality, principles long associated with the liberal tradition of the West and the noblest aspirations of man. By some cruel irony, it is South Africa and Rhodesia who today reject these honored principles of humanity, even though these two white-dominated nations are far and away the most advanced states of modern Africa, and consider themselves as the only truly civilized nations of Africa, the outposts of Western civilization on an alien continent.

Mr. President, for too long we as Americans have failed to recognize the crucial issues at stake in African development. It is entirely appropriate that we should state our position and demonstrate our sympathies on these basic issues of freedom and human dignity. The universal principles enunciated in the Lusaka Manifesto are precisely those that Americans have long accepted as the guiding principles for the evolution of our own society. However imperfect our application of these principles in practice, we remain committed to them as the fixed star of our constitutional development.

I believe, therefore, that the United States should make clear to the nations that signed the Lusaka Manifesto that we support their position and that we oppose racial discrimination in South Africa and Rhodesia and the rest of Southern Africa, just as we oppose it in the United States and wherever else it is found. We must stand firmly behind these principles and take positive action wherever it is appropriate.

Although our power may be limited, it is not negligible. To mention but two examples of immediate relevance to the recent developments I have discussed:

We should urge Great Britain, as the authority still legally responsible for the affairs of Rhodesia, to do whatever lies within its power to assure the well-being of all the people of that land.

We should renew our pledge of wholehearted support to the United Nations sanction program against Rhodesia, thereby halting the pressures now building up on the United States to agree to loopholes in the sanctions for the benefit of particular interest groups.

To be sure, as David Smock has perceptively stated in his recent article in the journal Foreign Affairs, the likelihood that we or others can affect the racist course of Rhodesia is very small. Perhaps the most unfortunate fact of the current situation is that the nations most directly involved—Britain, South Africa, Portugal, and Zambia—are either not sufficiently concerned with the plight of the black Rhodesians, or are not powerful enough to force a favorable solution.

Nevertheless, through modest steps such as those I have suggested, the United States can help to fill the existing vacuum by providing strong moral leadership for other nations, and can begin to bring significant economic pressure to bear on this repressive regime. At the very least, we can offer fresh encouragement for the aspirations of the oppressed majorities of Southern Africa and other parts of the world.

Mr. President, I believe that the Lusaka manifesto and the proposed new Rhodesian Constitution will be of interest to all of us in Congress, and I therefore ask unanimous consent that these documents be printed in the Record. In addition, I also ask unanimous consent that the inaugural address delivered by President Kenneth Kaunda of Zambia at the Conference of East and Central African States in Lusaka be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

MANIFESTO ON SOUTHERN AFRICA

1. When the purpose and the basis of States' international policies are misunderstood, there is introduced into the world a new and unnecessary disharmony, disagreements, conflicts of interest, or different assessments of human priorities, which provoke an excess of tension in the world, and disastrously divide mankind, at a time when united action is necessary to control modern technology and put it to the service of man. It is for this reason that, discovering widespread misapprehension of our attitudes and purposes in relation to Southern Africa, we the leaders of East and Central African States meeting in Lusaka, 16th April, 1969, have agreed to issue this Manifesto.

2. By this Manifesto we wish to make clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, religion, or sex. We believe that all men have the right and the duty to participate, as equal members of society, in their own government. We do not accept that any individual or group has any right to govern any group of sane adults, without their consent, and we affirm that only the people of a society, acting together as equals, can determine what is, for them, a good society and a good social, economic, or political organisation.

3. On the basis of these beliefs we do not accept that any one group within a society has the right to rule any society without the continuing consent of all the citizens. We recognise that at any one time there will be, within every society, failures in the implementation of these ideals. We recognise that for the sake of order in human affairs, there may be transitional arrangements while a transformation from group inequalities to individual equality is being effected. But we affirm that without an acceptance of these ideals—without a commitment to these principles of human equality and self-determination—there can be no basis for peace and justice in the world.

4. None of us would claim that within our own States we have achieved that perfect social, economic and political organization which would ensure a reasonable standard of living for all our people and establish individual security against avoidable hardship or miscarriage of justice. On the contrary, we acknowledge that within our own States the struggle towards human brotherhood and unchallenged human dignity is only beginning. It is on the basis of our commitment to human equality and human dignity not on the basis of achieved perfection, that we take our stand of hostility towards the colonialism and racial discrimination which is being practised in Southern Africa. It is on the basis of their commitment to these universal principles that we appeal to other members of the human race for support.

5. If the commitment to these principles existed among the States holding power in Southern Africa, any disagreements we might have about the rate of implementation, or about isolated acts of policy, would be matters affecting only our individual relationships with the States concerned. If these commitments existed, our States would not be justified in the expressed and active hostility towards the regimes of Southern Africa such as we have proclaimed and continue to propagate.

6. The truth is, however, that in Mozambique, Angola, Rhodesia, South-West Africa, and the Union of South Africa, there is an open and continued denial of the principles of human equality and national self-determination. This is not a matter of failure in the implementation of accepted human principles. The effective Administration in all these territories are not struggling toward these difficult goals. They are fighting the principles; they are deliberately organising their societies so as to try to destroy the hold of these principles in the minds of men. It is for this reason that we believe the rest of the world must be interested. For the principle of human equality, and all that flows from it, is either universal or it does not exist. The dignity of all men is destroyed when the manhood of any human being is denied.

7. Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the Administrations in these States because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of, doctrines of human inequality. What we are working for is the right of self-determination for the people of those territories. We are working for a rule in those countries which is based on the will of all the people, and an acceptance of the equality of every citizen.

8. Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds

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of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these States, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

9. As an aftermath of the present policies it is likely that different groups within these societies will be self-conscious and fearful. The initial political and economic organisations may well take account of these fears, and this group self-consciousness. But how this is to be done must be a matter exclusively for the peoples of the country concerned, working together. No other nation will have a right to interfere in such affairs. All that the rest of the world has a right to demand is just what we are now asserting—that the arrangements within any State which wishes to be accepted into the community of nations must be based on an acceptance of the principles of human dignity and equality.

10. To talk of the liberation of Africa is thus to say two things. First, that the peoples in the territories still under colonial rule shall be free to determine for themselves their own institutions of self-government. Secondly, that the individuals in Southern Africa shall be freed from an environment poisoned by the propaganda of racialism, and given an opportunity to be men—not white men, brown men, yellow men, or black men.

11. Thus the liberation of Africa for which we are struggling does not mean a reverse racialism. Nor is it an aspect of African Imperialism. As far as we are concerned the present boundaries of the States of Southern Africa are the boundaries of what will be free and independent African States. There is no question of our seeking or accepting any alterations to our own boundaries at the expense of these future free African nations.

12. On the objective of liberation as thus defined, we can neither surrender nor compromise. We have always preferred, and we still prefer, to achieve it without physical violence. We would prefer to negotiate rather than destroy, to talk rather than kill. We do not advocate violence; we advocate an end to the violence against human dignity which is now being perpetrated by the oppressors of Africa. If peaceful progress to emancipation were possible, or if changed circumstances were to make it possible in the future, we would urge our brothers in the resistance movements to use peaceful methods of struggle even at the cost of some compromise on the timing of change. But while peaceful progress is blocked by actions of those at present in power in the States of Southern Africa, we have no choice but to give to the peoples of those territories all the support of which we are capable in their struggle against their oppressors. This is why the signatory states participate in the movement for the liberation of Africa under the aegis of the Organization of African Unity. However, the obstacle to change is not the same in all the countries of Southern Africa, and it follows therefore, that the possibility of continuing the struggle through peaceful means varies from one country to another.

13. In *Mozambique* and *Angola*, and in the so-called *Portuguese Guinea*, the basic problem is not racialism but a pretence that Portugal exist in Africa. Portugal is situated in Europe, the fact that it is a dictatorship is a matter for the Portuguese to settle. But no decree of the Portuguese dictator, nor legislation passed by any Parliament in Portugal, can make Africa part of Europe. The only thing which could convert a part of Africa into a constituent unit in a union which also includes a European State would be the freely expressed will of the people of that part of Africa. There is no such popular will in the Portuguese colonies. On the contrary, in the absence of any opportunity to negotiate a road to freedom, the peoples of all three territories have taken up arms against the colonial power. They have done this despite the heavy odds against them, and despite the great suffering they know to be involved.

14. Portugal, as a European State, has naturally its own allies in the context of the ideological conflict between West and East. However, in our context, the effect of this is that Portugal is enabled to use her resources to pursue the most heinous war and degradation of man in Africa. The present Manifesto must, therefore, lay bare the fact that the inhuman commitment of Portugal in Africa and her ruthless subjugation of the people of Mozambique, Angola and the so-called Portuguese Guinea, is not only irrelevant to the ideological conflict of power-politics, but it is also diametrically opposed to the policies, the philosophies and the doctrines practised by her Allies in the conduct of their own affairs at home. The peoples of Mozambique, Angola and Portuguese Guinea are not interested in Communism or Capitalism; they are interested in their freedom. They are demanding an acceptance of the principles of independence on the basis of majority rule, and for many years they called for discussions on this issue. Only when their demand for talks was continually ignored did they begin to fight. Even now, if Portugal should change her policy and accept the principle of self-determination, we would urge the Liberation Movements to desist from their armed struggle and to co-operate in the mechanics of a peaceful transfer of power from Portugal to the peoples of the African territories.

15. The fact that many Portuguese citizens have immigrated to these African countries does not affect this issue. Future immigration policy will be a matter for the independent Governments when these are established. In the meantime, we would urge the Liberation Movements to reiterate their statements that all those Portuguese people who have made their homes in Mozambique, Angola or Portuguese Guinea, and who are willing to give their future loyalty to those states, will be accepted as citizens. And an independent Mozambique, Angola or Portuguese Guinea may choose to be as friendly with Portugal as Brazil is. That would be the free choice of a free people.

16. *In Rhodesia* the situation is different insofar as the metropolitan power has acknowledged the colonial status of the territory. Unfortunately, however, it has failed to take adequate measures to reassert its authority against the minority which has seized power with the declared intention of maintaining white domination. The matter cannot rest there. Rhodesia, like the rest of Africa, must be free, and its independence must be on the basis of majority rule. If the colonial power is unwilling or unable to effect such a transfer of power to the people, then the people themselves will have no alternative but to capture it as and when they can. And Africa has no alternative but to support them. The question which remains in Rhodesia is therefore whether Britain will re-assert her authority in Rhodesia and then negotiate the peaceful progress to majority rule before independence. Insofar as Britain is willing to make this second commitment, Africa will co-operate in her attempts to re-assert her authority. This is the method of progress which we would prefer; it could involve less suffering for all the peoples of Rhodesia; both black and white. But until there is some firm evidence that Britain accepts the principles of independence on the basis of majority rule, and is prepared to take whatever steps are necessary to make it a reality, then Africa has no choice but to support the struggle for the people's freedom by whatever means are open to her.

17. Just as a settlement of the Rhodesian problem with a minimum of violence is a British responsibility, so a settlement in *South West Africa* with a minimum of violence is a United Nations responsibility. By every canon of international law, and by every precedent, South West Africa should by now have been a sovereign, independent State with a Government based on majority rule. South West Africa was a German colony until 1919, just as Tanganyika, Rwanda and Burundi, Togoland and Cameroon were German colonies. It was a matter of European politics that when the Mandatory System was established after Germany had been defeated, the administration of South West Africa was given to the white minority government of South Africa, while the other ex-German colonies in Africa were put into the hands of the British, Belgian, or French Governments. After the Second World War every mandated territory except South West Africa was converted into a Trusteeship Territory and has subsequently gained independence. South Africa, on the other hand has persistently refused to honour even the international obligation it accepted in 1919, and has increasingly applied to South West Africa the inhuman doctrines and organisation of apartheid.

18. The United Nations General Assembly has ruled against this action and in 1966 terminated the Mandate under which South Africa had a legal basis for its occupation and domination of South West Africa. The General Assembly declared that the territory is now the direct responsibility of the United Nations and set up an ad hoc Committee to recommend practical means by which South West Africa would be administered, and the people enabled to exercise self-determination and to achieve independence.

19. Nothing could be clearer than this decision—which no permanent member of the Security Council voted against. Yet, since that time no effective measures have been taken to enforce it. South West Africa remains in the clutches of the most ruthless minority Government in Africa. Its people continue to be oppressed and those who advocate even peaceful progress to independence continue to be persecuted. The world has an obligation to use its strength to enforce the decision which all the countries co-operated in making. If they do this there is hope that the change can be effected without great violence. If they fail, then sooner or later the people of South West Africa will take the law into their own hands. The people have been patient beyond belief, but one day their patience will be exhausted. Africa, at least, will then be unable to deny their call for help.

20. *The Union of South Africa* is itself an independent sovereign State and a Member of the United Nations. It is more highly developed and richer than any other nation in Africa. On every legal basis its internal affairs are a matter exclusively for the people of South Africa. Yet the purpose of law is people and we assert that the actions of the South African Government are such that the rest of the world has a responsibility to take some action in defence of humanity.

21. There is one thing about South African oppression which distinguishes it from other oppressive regimes. The apartheid policy adopted by its Government, and supported to a greater or lesser extent by

almost all its white citizens, is based on a rejection of man's humanity. A position of privilege or the experience of oppression in South African society depends on the one thing which it is beyond the power of man to change. It depends upon a man's colour, his parentage, and his ancestors. If you are black you cannot escape this categorisation; nor can you escape it if you are white. If you are a black millionaire and a brilliant political scientist, you are still subject to the pass laws and still excluded from political activity. If you are white, even protests against the system and an attempt to reject segregation will lead you only to the segregated and the comparative comfort of a white jail. Beliefs, abilities and behaviour are all irrelevant to a man's status; everything depends upon race. Manhood is irrelevant. The whole system of government and society in South Africa is based on the denial of human equality. And the system is maintained by a ruthless denial of the human rights of the majority of the population—and thus, inevitably of all.

22. These things are known and are regularly condemned in the Councils of the United Nations and elsewhere. But it appears that to many countries international law takes precedence over humanity; therefore no action follows the words. Yet even if international law is held to exclude active assistance to the South African opponents of apartheid, it does not demand that the comfort and support of human and commercial intercourse should be given to a government which rejects the manhood of most of humanity. South Africa should be excluded from the United Nations Agencies, and even from the United Nations itself. It should be ostracised by the world community until it accepts the implications of man's common humanity. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity, and to benefit by the strength given through friendly international relations. And certainly Africa cannot acquiesce in the maintenance of the present policies against people of African descent.

23. The signatories of this Manifesto assert that the validity of the principles of human equality and dignity extend to the Union of South Africa just as they extend to the colonial territories of Southern Africa. Before a basis for peaceful development can be established in this continent, these principles must be acknowledged by every nation, and in every State there must be a deliberate attempt to implement them.

24. We re-affirm our commitment to these principles of human equality and human dignity, and to the doctrines of self-determination and non-racialism. We shall work for their extension within our own nations and throughout the continent of Africa.

Inaugural Address by His Excellency the President, Dr. Kenneth Kaunda

Your Imperial Majesty, Your Excellencies, Let me first of all express my great pleasure and that of the Government and the people of Zambia at having such a distinguished gathering of African leaders and Statesmen in our Republic. It is for us a historic event. We feel deeply honoured to have you with us. We very happily and sincerely welcome you all and wish you a very happy and enjoyable stay in our country.

I must hasten to add that Zambia is probably the least endowed among Eastern and Central African countries with facilities for relaxation after a hard day's work; however, I can still ask you to feel free and very much at home.

We last met in Dar es Salaam eleven months ago. These months have been very eventful.

On the debit side the tragic war between Nigeria and Biafra continues with unabated fury, unequalled in severity to anything this Continent has ever known ever since slave trade. Wars of liberation in Southern Africa continue with no sign of hope that forces of freedom will break through the high dykes of racialism and minority rule.

Still on the debit side the Middle East crisis which envelopes part of Africa still remains unresolved. It is a threat to the peace of Africa, first, because it affects part of this Continent, secondly, because it is a matter of international peace and security for which we in Africa share concern and responsibility through the United Nations and, in general, as members of the international community.

There are many problems which have plagued the world in its various regions such as the war of attrition in Vietnam for which Africa feels genuine and deep concern. I do not need to stress that here.

Finally, Mother Africa has gone through another period of painful growth full of stresses and strains in her various constituent parts.

However, on the credit side of this balance sheet we find that the story is one of progress:

—progress towards greater understanding and co-operation among neighbours—a phenomenon which we gathered here represent,

—progress towards unity for which African States have continued to work untiringly.

—progress towards building a strong economic and social base, a sound infrastructure for the attainment of African Unity, a unity of interests, a feeling of community and a common destiny.

The meetings in Nairobi, Kinshasa, Kampala, Dar es Salaam and now Lusaka form one unfolding success story. Consequently, our presence in Lusaka during these few days creates the hope that our efforts to seek unity, peace, security and development for and in Africa will continue. For the creation of greater understanding and co-operation among Eastern and Central African neighbours guarantees the successful growth of common interests and a spirit of unity among these neighbours.

The Sudan and Uganda, Kenya and Somalia, Ethiopia and Somalia, Sudan and Ethiopia, Uganda and Congo (Kinshasa), Rwanda and Burundi, among others all represent real progress in their various efforts and successes to create a better framework for understanding and co-operation in the solution of their outstanding problems on the road to unity.

I think we have made impressive efforts to inspire confidence in the future of this region and Africa as a whole. The contribution of His Imperial Majesty to the peace, security and unity of Africa requires special mention and we pay tribute to him.

We cannot pretend that there are no problems. Problems there are and they will continue to be with us but I regard these as pitfalls within a wider story of success. They are pitfalls in a continuing drama of progress which is a familiar phenomenon in any life which is growing. We are a life which is growing and we shall have our brightest days and darkest hours.

The most important thing now is that for three years the East and Central African region has engaged in genuine and concentrated efforts to create better conditions and better framework for understanding, co-operation and co-ordination for unity and progress among the Eastern and Central African countries represented here as well as in the whole Continent. There can be no better road at the moment than that which has good neighbourliness and co-operation as a starting point and foundation.

To this extent the progress we have made is plausible. Communications between member States of this region are improving. Telephone and telegraph communications are either under way, or nearing completion if not completed. International air line communications are better than they ever were; road and rail connections are being forged; shipping lines ply the coastal areas of member States with access to the sea.

With all this multi-dimensional development the 1970s should see the establishment of a network of new arteries of communications and the improvement of the present ones which together must nourish the growth of greater co-operation and co-ordination in development. This is a challenge for us all. This is the one ambition which we all share and must devote our energies to give effect to our determination.

Now, we have before us the recommendations made by our Foreign Ministers at their meeting in Dar es Salaam in February last. They cover political and economic fields. They are aimed at furthering the aims and objectives of all of us here. I am sure the Conference would wish me to pay our tribute to the Foreign Ministers for their efforts.

In the past meetings we have developed the procedure of having no formal agenda, no restrictions in our discussions. Informality and frankness have marked our deliberations. This approach has paid off very well and I would not wish to depart from it.

However, in the light of the wide field covered by discussions and recommendations made in Lusaka by Foreign Ministers in 1967 and by the Kampala and Dar es Salaam Summits in December 1967 and May 1968 respectively and the recommendations before us at this fifth Summit I think that sufficient ground has been opened for this Conference to consider.

I would only add by way of emphasis that the real problem is one of effective implementation of the recommendations so far considered where feasibility studies have been completed with satisfaction. I cannot avoid feeling a sense of urgency in the implementation of the proposals affecting economic development and social improvement in our area as this is a vital factor for the progress which we so desire in East and Central Africa.

I wish to make a brief reference to the UNCTAD Conference held in 1968 in India. The results of the Conference do not hold as much hope as we, the developing countries, had expected. We are not belittling the efforts which were made but we are underlining one key factor, i.e. the importance of self-reliance within our own individual States as well as in the region as a whole. Indeed, the purpose of this Conference would be well served if we are able to implement the various recommendations on telecommunications, on transportation, trade, economic planning and so forth. This would in a way meet one of the points already made by the Pearson Commission on International Development Aid, namely, that while finances may be made available to us we must remember that we are the primary force behind our own development and we must be responsible for giving effective direction to this development. We are aware of this responsibility and hence our emphasis on economic and technical cooperation among ourselves.

In this connection we welcome the organisation among West African countries in their effort to stimulate economic and technical co-operation to harmonise development in their own region.

The Conference will, no doubt, consider political problems in Africa. Most urgent among them is the fratricidal war which has plagued Nigeria and Biafra for the last two years. We all deeply regret this tragedy as a set-back to Africa's development.

At this time I know the Conference would wish me to express the hope that the O.A.U. Consultative Committee due to meet in Monrovia later this week will bring an end to

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this war and restore peace and a spirit of brotherhood. We wish the Chairman of the Committee, His Imperial Majesty, success and God's guidance in this noble task. We pray that wisdom and love for mankind and peace may shed a beam of brightness upon the leaders of the warring parties so that hope for peace and security may filter through to the victims of war and starvation.

The Southern African situation remains critical. It is a time bomb. The developments which have occurred, have only added to our anxiety.

In Rhodesia, Mr. Wilson has moved since November, 1965 from the 1967 Constitution to the Tiger from the Tiger to the Fearless, each worse than the previous one—and still calling the result "honourable settlement."

It must be said that history has recorded not the British Government's inability to solve the problem but their utter refusal, despite the consequences, to discharge their obligations toward the four million people in Rhodesia. These millions were not a party to the Tiger or the Fearless.

To entrust the so-called six principles to diehard minority racists is to place confidence in a people who by their repeated repressive acts against the majority have shown utter disregard for fair play and justice.

On the question of Angola, Mozambique and so-called Portuguese Guinea there can be no excuse for the Portuguese Government not to grant independence. We in Africa have amply displayed the dynamic forces of development unleashed after independence. Independence had paid not only the colonised but also the colonisers in trade and investment.

Behind the thinking of the Portuguese Government may be the fear for the security and future welfare of their nationals whose lives have become so wedded to life in colonial territories. We do not need to give assurances to the Portuguese Government about security and future of their nationals in Angola, Mozambique and Portuguese Guinea.

However, if any assurance is needed we will only refer to the lessons drawn from the excellent conduct of the African independent countries towards their minorities, once their rulers. Nowhere in independent Africa has a nationalist Government taken vengeance and victimized its minority groups. Nowhere in Africa has an African Government driven or even threatened to drive a racial minority into the sea. On the contrary, African Governments, despite a history replete with hardship and oppression by these racial minorities, have, after their accession to power displayed the most humane qualities; they have immediately striven to create conditions which ensure full and equal justice, equal opportunities for all without distinction.

The Portuguese Government should also find assurance from the stories which we hear of the conduct of freedom fighters towards the Portuguese nationals who have fallen under their control.

So far as we know, Portuguese nationals in areas under the control of freedom fighters have been treated as humans. This is an indication of the human and humanist outlook even under the most difficult and tempting conditions for freedom fighters. It is an indication of the preparedness of the freedom fighters to assume full responsibility for the future of these Portuguese nationals.

Nothing demonstrates the humaneness of the African people, their patience and consideration for other human beings than their treatment of minorities after independence. This must be regarded as a proud record and a source of our strength. It is also a demonstration of the determination of independent Africa to work for a non-racial world society. For international co-operation will remain an academic exercise unless both the minorities and the majorities realize that the co-operation of each group with the other is vital to the success of the whole international society.

We welcome the recent Security Council resolution on NAMIBIA and would appeal most earnestly particularly to France and Britain to join hands with the rest of the members of the Security Council to help build an effective moral force on world scale against the defiance of South Africa. Unless we are united against the forces of injustice and oppression, I am afraid we will only allow these forces to be united against the efforts of men of goodwill to the detriment of peace and security which we seek to protect and further.

As for South Africa herself, her future is not in apartheid but in helping to foster a world community of free peoples co-operating in their endeavours to develop what nature has provided for them and sharing equitably in responsibility and in the fruits of their labour.

Apartheid is a concept whose origin is founded in fear of the unknown; whose methods are outrageous, oppressive and self-contradictory and whose end is self destruction.

Our meetings are always practical. That we are able to meet in adjacent to hostile minority regimes is a mark of progress. It is a milestone on the road to complete liberation of this Continent.

Your Imperial Majesty, Your Excellencies, Distinguished Delegates, among the problems which this Conference will wish to consider are these which I have outlined. It is my sincere hope that our deliberations will add yet to our capacity individually as nations and collectively as members of this region to contribute more effectively to economic development and social improvement and above all to the movement for African Unity.

Thank you.

Proposals for a New Constitution for Rhodesia

INTRODUCTION

The Government of Rhodesia believe that the present Constitution is no longer acceptable to the people of Rhodesia because it contains a number of objectionable features, the principal ones being that it provides for eventual African rule and, inevitably, the domination of one race by another and that it does not guarantee that government will be retained in responsible hands.

Therefore it is proposed that there should be a new Constitution which, while reproducing some of the provisions of the existing Constitution, will make certain major changes in order to remove these objectionable features.

The proposed new Constitution will ensure that government will be retained in responsible hands and will provide Africans with the right to play an increasing part in the government of Rhodesia as they earn it by increasing contributions to the national exchequer. Moreover, the new Constitution will recognize the right of the African chiefs, as the leaders of their people, to take part in the counsels of the nation.

The existing inequality in the treatment of the land rights of the races will be remedied. Provision will be made for the same protection to be given to the European Area as that given to the African Area. New Bills governing land tenure, which will replace the Land Apportionment Act [*Chapter 257*] and the provisions relating to Tribal Trust Land in the present Constitution, will be introduced into Parliament at the same time as the new Constitution. The provisions of the new Bills which are designed to protect land rights of Europeans and Africans will be entrenched in the Constitution.

Power will be vested in the Legislature to delegate to provincial or regional councils or other bodies certain functions of government as and when such delegation is considered to be appropriate.

The new Declaration of Rights will not be enforceable by the courts. The rights enshrined in the Declaration will be entrenched and will be safeguarded by the creation of a Senate and the vesting in it of power to delay legislation. In this important function the Senate will be advised by a special committee. As the Senate will be entrusted with the duty of upholding the Declaration of Rights no provision will be made for a Constitutional Council. In addition, the proposed procedure for constitutional amendments will ensure that the Senate will play a significant part in protecting the Constitution and the rights conferred by it.

This paper sets out the constitutional proposals. Part I deals with the matters which will be contained in the Constitution, Part II with the matters which will be contained in an Electoral Act and Part III with the matters which will be contained in new legislation relating to land tenure.

Any reference in this paper to a European means a person who is not an African.

PART I—PROVISIONS OF THE NEW CONSTITUTION

Chapter I. Head of State

Appointment and Term of Office

1. If a republican form of government is adopted the Head of State will be chosen by the Executive Council. Whatever form of government is adopted the Head of State will hold office for a period of five years and, at the termination of his period of office, he will be eligible for re-election for one further period of five years.

Removal of Head of State

2. If a republican form of government is adopted the Head of State will be removable from office only on a resolution passed by two-thirds of the total membership of the House of Assembly after a committee of that House has recommended his removal on the grounds of misconduct or inability to perform efficiently the duties of his office.

Powers and Functions

3. The Head of State will have such powers and duties as are conferred or imposed upon him by the Constitution or any other law. Subject to the provisions of the Constitution, he will have the same powers by way of prerogative as are now possessed by the Officer Administering the Government. These powers will include the prerogative of mercy.

Remuneration of Head of State

4. The salary of the Head of State will be fixed by a law of the Legislature and may not be reduced during his continuance in office.

Acting and Deputy Head of State

5. The Constitution will provide for an Acting Head of State or Deputy Head of State whenever the office of the Head of State is vacant or the Head of State is absent or is unable to perform the functions of his office.

Chapter II. The Legislature

Legislature

6. The Legislature will consist of the Head of State and a Parliament comprising a Senate and a House of Assembly.

Senate

7. The Senate will consist of twenty-three senators of whom—(a) ten will be European members elected for the whole of Rhodesia by an electoral college consisting of the European members of the House of Assembly from candidates nominated by voters on the European voters roll;

(b) ten will be African chiefs elected by the Council of Chiefs, five of whom will be from Matabeleland and five from Mashonaland;

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(c) three will be persons of any race appointed by the Head of State who, in making these appointments, will take into account the requirements of the Senate Legal Committee.

Senate Legal Committee

8. The Senate will elect a committee to be known as the Senate Legal Committee consisting of not less than three members. A majority of members of this committee will be senators with legal qualifications. It will be the function of the committee to examine all Bills, except Money Bills and constitutional Bills, and all statutory instruments published in the *Gazette* and to report to the Senate whether in its opinion any provisions are inconsistent with the Declaration of Rights.

House of Assembly

9. Initially there will be sixty-six members of the House of Assembly of whom—

(a) fifty will be European members elected by the Europeans registered on the rolls of voters for fifty constituencies; and

(b) sixteen will be African members—

(i) eight being elected by the Africans registered on the rolls of voters for four constituencies in Matabeleland and four constituencies in Mashonaland; and

(ii) eight being elected by four tribal electoral colleges in Matabeleland and four tribal electoral colleges in Mashonaland comprising chiefs, headmen and elected councillors of African councils in the Tribal Trust Lands.

Increase in Number of African Members

10. In principle the number of African members in the House of Assembly will be in the same proportion to the total number of members as the contribution by way of assessed income tax on income of Africans is to the total contribution by way of assessed income tax on income of Europeans and Africans until the contribution by Africans amounts to one-half of the total contribution.

Until the contribution of Africans amounts to sixteen sixty-sixths of the total contribution of Europeans and Africans the principle will not be applied and the number of African members will remain at sixteen. When the contribution of Africans exceeds sixteen sixty-sixths of the total contribution of Europeans and Africans the following procedure for increasing the number of African members will come into effect.

The number of African members will be increased two at a time being one additional member for Matabeleland and one additional member for Mashonaland, until the number of African members is equal to the number of European members.

The first increase of two African members will be allocated to the African members elected by tribal electoral colleges and the number of colleges will be increased accordingly. The second increase of two African members will be allocated to the members elected by the voters on the African rolls and the number of African constituencies will be increased accordingly. Subsequent increases will be made in a similar manner.

Every increase of two African members will be made in direct proportion to the increase in the contribution of Africans compared with the total contribution of Europeans and Africans in such a manner that when the contribution of Africans amounts to half of the total contributions of Europeans and Africans at that time the number of African members will be equal to the number of European members.

The Delimitation Commission will be charged with the duty of calculating, from evidence supplied by the Commissioner of Taxes, whether there has been an increase in the contribution of Africans as compared with the total contribution of Europeans and Africans sufficient to warrant an increase in the number of African members.

In calculating the contribution of Europeans and of Africans, income tax will be deemed to include supertax. Taxation on companies will not be taken into account.

Electoral Provisions

11. The following will be prescribed in the Electoral Act and are dealt with in Part II of this paper—

(a) the composition and functions of the Delimitation Commission;

(b) qualifications and disqualifications for enrolment on the voters rolls;

(c) qualifications and disqualifications of candidates for election or appointment as members of the Senate or for election as members of the House of Assembly;

(d) the composition and procedure of the tribal electoral colleges and the Council of Chiefs when sitting as an electoral college.

Election of Presiding Officers

12. At the beginning of each new Parliament after a general election, a President of the Senate and a Speaker of the House of Assembly will be elected from members of the Senate or the House of Assembly who are neither Ministers nor Deputy Ministers or from persons who are not members of either House. A person who is not a member of the House concerned will not be eligible for election unless he possesses the qualifications and none of the disqualifications for election as a member of the Senate or the House of Assembly, as the case may be. A member of the Senate or the House of Assembly who is elected as President of the Senate or Speaker will vacate his seat as a member of the House concerned.

Removal of Presiding Officers

13. The President of the Senate and the Speaker of the House of Assembly may be removed from office only by resolution of the House concerned passed by a two-thirds majority of its total membership.

Remuneration of Presiding Officers

14. The salaries of the President of the Senate and the Speaker of the House of Assembly will be fixed by a law of the Legislature and may not be reduced during their continuance in office.

Ministerial Right To Sit in Both Houses

15. A Minister or Deputy Minister who is a member of the Senate or the House of Assembly will have the right to sit and speak in both the Senate and the House of Assembly, but may vote only in the House of which he is a member.

Voting in Parliament

16. Except where otherwise provided in the Constitution all questions before the Senate or the House of Assembly will be determined by a majority of the votes of the members present and voting.

Language in Parliament

17. Proceedings in the House of Assembly will be conducted in the English language. Proceedings in the Senate will be conducted in English but, for the convenience of the Chiefs for an interim period, debates may be in Chishona and Sindebele as well as in English and provision will be made for the translation of any language used into the other two languages.

Power To Make Laws

18. The Legislature will be the sovereign legislative power in and over Rhodesia. It will have power to make laws for the peace, order and good government of Rhodesia and this power will include—

(a) the making of laws having extra-territorial operation; and

(b) the making of laws to create provinces and other regional divisions, to establish provincial councils and other regional bodies and to allocate functions and powers to such councils and bodies for the purpose of the administration of such provinces or regional divisions.

Initiation of Legislation

19. Any Bill may originate in either the Senate or the House of Assembly except a Money Bill or a private Bill, which may originate only in the House of Assembly.

Procedure in Regard to Bills

20. After a Bill originating in one of the Houses of Parliament has been passed by that House, it will be sent to the other House for consideration. That other House may pass the Bill with or without amendment or may reject it, provided that the Senate will not be able to amend or reject a Money Bill. If the Bill is passed without amendment, it will be presented to the Head of State for assent. If the Bill is amended, it will be returned to the House in which it originated, which House may accept or amend or reject any amendment made by the other House. After the Bill has been returned to the House in which it originated either House may by message to the other House, pursuant to a resolution, agree to any amendment or withdraw any amendment which has been made to the Bill.

Delaying Powers of Senate

21. The Senate will have the power to delay for a period of one hundred and eighty days the enactment of a Bill which has originated in the House of Assembly. After that period has expired the House of Assembly may resolve that the Bill be presented to the Head of State for assent.

Where a Bill originating in the Senate has been rejected by the Senate or has lapsed and an identical Bill is introduced into and passed by the House of Assembly, if the Senate has not passed that latter Bill within a period expiring one hundred and eighty days after the original Bill was introduced into the Senate or, if this period has expired, within eight sitting days, the House of Assembly may resolve that the Bill be presented to the Head of State for assent.

Functions of Senate Legal Committee in Regard to Bills

22. Every Bill introduced into the Senate, other than a Money Bill or a constitutional Bill, will be referred immediately to the Senate Legal Committee for examination and report as to whether any of the provisions of the Bill are inconsistent with the Declaration of Rights. The Senate Legal Committee will have a prescribed period in which to make its report during which period no further proceedings on the Bill will be taken by the Senate. When the report is tabled the Senate may accept or reject the findings of the Senate Legal Committee. If the Senate resolves that any provision of the Bill is inconsistent with the Declaration of Rights it may—

(a) amend the provision to remove the inconsistency; or

(b) reject the Bill; or

(c) pass the Bill notwithstanding the inconsistency if it is satisfied that the provision is necessary in the national interest.

If the Senate resolves that a provision of a Bill is inconsistent with the Declaration of Rights and that such provision is not necessarily in the national interest, the Bill will be returned to the House of Assembly which may remove the inconsistency or, after a period of one hundred and eighty days has elapsed from the date on which the Bill was introduced into the Senate, resolve that the Bill be sent to the Head of State for assent notwithstanding such inconsistency.

Functions of Senate Legal Committee in Regard to Subsidiary Legislation

23. Every statutory instrument published in the *Gazette* will be referred to the Senate Legal Committee for consideration and report as to whether any of the provisions of the statutory instrument are inconsistent with the Declaration of Rights. The report will be tabled in the Senate which may accept or re-

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ject the findings of the Senate Legal Committee. If the Senate resolves that the provision reported upon is inconsistent with the Declaration of Rights and is not necessary in the national interest, that provision will be annulled unless—

(a) it is revoked or amended by the issuing authority; or

(b) the House of Assembly passes a resolution confirming the provision, in which case it will remain in force.

Where a provision has been annulled the House of Assembly may, after the expiry of one hundred and eighty days, resolve that the provision shall be reintroduced, in which case the provision after publication in the *Gazette* will be of full force and effect and will not be referred to the Sentate Legal Committee.

Certificate of Urgency

24. A Bill, other than a constitutional Bill, which has originated in and been passed by the House of Assembly may be given a certificate of urgency by the Prime Minister on the ground that it is so urgent that it is not in the public interest to delay its enactment. Where the Senate has not passed an urgent Bill within eight sitting days after its introduction into the Senate, the House of Assembly may at any time thereafter resolve that the Bill be sent to the Head of State for assent. If the Senate thereafter resolves that any provision of that Bill is inconsistent with the Declaration of Rights and is not necessary in the national interest, that provision will be annulled after the expiry of eight sitting days unless the House of Assembly within that period resolves that the provision should remain in force. If the resolution of the House of Assembly is passed—

(a) by a two-thirds majority of the total membership of the House, the provision will continue in force until repealed;

(b) by more than one-half but less than two-thirds of the total membership of the House, the provision will continue in force for a period of two hundred and seventy days from the date on which that provision became law.

Money Bills

25. If a Money Bill which has been passed by the House of Assembly has not been dealt with by the Senate within a period of eight sitting days, the House of Assembly may at any time thereafter resolve that such Bill be sent to the Head of State for assent. The Senate will have no power to amend or reject a Money Bill but may recommend amendments.

Summoning, Prorogation and Dissolution of Parliament

26. The Head of State may at any time summon or prorogue Parliament save that a session of Parliament will begin in every calendar year and not more than twelve months will intervene between the last sitting of Parliament in one session and the first sitting of Parliament in the next.

The Head of State will be required at the expiry of five years to issue a proclamation dissolving Parliament and he may at any time by proclamation dissolve Parliament on the advice of the Prime Minister or, in certain special circumstances governed by convention, in his discretion, in which case he will act in accordance with convention. The proclamation dissolving Parliament will fix a date for a general election within a period of four months of the date of the issue of the proclamation. Parliament will be dissolved on the day preceding the date fixed in that proclamation for the holding of a general election.

Chapter III. The executive

Executive Powers

27. The executive government of Rhodesia will be vested in the Head of State. He will act on the advice of the Executive Council or the Prime Minister or a Minister, as the case may require, except where the Constitution or any other law otherwise requires.

Appointment of Prime Minister

28. The Head of State will appoint the Prime Minister and in doing so will appoint the person whom, in his discretion, he considers to be best able to command the support of the majority of the members of the House of Assembly.

Appointment and Tenure of Office of Ministers

29. The Head of State, acting on the advice of the Prime Minister, will appoint Ministers and Deputy Ministers who will hold office during the pleasure of the Head of State and may be removed from office by the Head of State acting on the advice of the Prime Minister. A Minister or Deputy Minister who is not a member of the Senate or of the House of Assembly may hold office for not longer than four months unless he becomes a member of either House.

Executive Council

30. There will be an Executive Council to advise the Head of State. It will consist of the Prime Minister and such other Ministers as the Head of State, acting on the advice of the Prime Minister, may appoint.

State of Emergency

31. The Head of State may at any time declare that a state of public emergency exists. Unless such a declaration is approved by a resolution passed by the House of Assembly it will cease to have effect—

(a) if Parliament is sitting, at the expiry of seven days after the declaration;

(b) if Parliament is not sitting, at the expiry of thirty days after the declaration.

A declaration if so approved will continue in force for not longer than twelve months and may be renewed from time to time by resolution of the House of Assembly. The House of Assembly may authorize a declaration for a shorter period and may at any time resolve that a declaration should be revoked.

Chapter IV. The judicature

High Court of Rhodesia

32. The judicial authority of Rhodesia will be vested in a High Court consisting of such divisions and having such jurisdiction as will be prescribed by law.

Appointment of Chief Justice and Other Judges

33. The Chief Justice and other judges of the High Court will be appointed by the Head of State on the advice of the Prime Minister who will be required to consult with the Chief Justice in the case of any appointment other than to the office of Chief Justice.

Qualification of Judges

34. A person will not be qualified for appointment as a judge unless he is or has been a judge in a country in which the common law is Roman-Dutch and English is an official language or he has been qualified to practise as an advocate for not less than ten years in Rhodesia or in a country in which the common law is Roman-Dutch and English is an official language.

Removal of Judges

35. A judge may be removed from office by the Head of State only for inability to discharge the functions of his office or for misbehavior and may not be so removed unless an independent tribunal has recommended that the judge be removed on one of these grounds. In considering whether a tribunal should be appointed to inquire into such inability or misbehaviour of a judge, the Head of State will, in the case of the Chief Justice, act in his discretion and will, in the case of any other judge, act on the advice of the Chief Justice.

The tribunal will consist of not less than three members selected by the Head of State from the following—

(a) the Speaker of the House of Assembly;

(b) retired judges of the High Court;

(c) judges or retired judges of a country, other than Rhodesia, in which the common law is Roman-Dutch and English is an official language;

(d) an advocate of not less than ten years' standing from a panel nominated by the association representing advocates;

(e) an attorney of not less than ten years' standing from a panel nominated by the association representing attorneys.

Remuneration of Judges

36. The salary of a judge of the High Court will be fixed by a law of the Legislature and may not be reduced during his continuance in office.

Law To Be Administered

37. The law to be administered by the courts in Rhodesia will be the law in force in the Colony of the Cape of Good Hope on the 10th of June, 1891, as modified by subsequent legislation having in Rhodesia the force of law.

Chapter V. Declaration of rights

Declaration of Rights To Be Non-justiciable

38. No court will have the right to inquire into or pronounce upon the validity of any law on the ground that it is inconsistent with the Declaration of Rights.

Content of Declaration of Rights

39. The new Declaration of Rights will follow the general pattern of the existing Declaration. It will be in a form which is more appropriate to a non-justiciable Declaration. The more important changes which are proposed are as follows:—

Preamble

(1) The preamble will state that it is desirable to ensure that every person in Rhodesia enjoys fundamental rights and freedoms but will point out that there are responsibilities and duties expected of an individual who receives the protection of the State. The duty to respect the rights and freedoms of others and the public interest and to abide by the Constitution and the law and, in the case of citizens, to be loyal to Rhodesia will be included.

Right to Life

(2) The existing exceptions to this right will be extended to permit the use of force where it is reasonably justifiable in the circumstances for the purpose of suppressing terrorism.

Right to Personal Liberty

(3) In order to cure an omission in the existing Declaration the exceptions to this right will be extended to cover arrests ordered by statutory tribunals, quasi-judicial authorities and commissions of inquiry in appropriate circumstances.

Preventive detention and restriction will be authorized in the interests of national defence, public safety or public order. An impartial tribunal will be established with at least one member who holds or has held judicial office or who has been entitled to practise as an advocate for at least ten years. This tribunal will review the case of a detainee within a period of three months of his detention, if he so requests, and in any case at intervals of not less than twelve months. The responsible Minister will be obliged to act in accordance with a recommendation by the tribunal that the detainee should be released unless the Head of State directs otherwise.

An accused person will not be entitled as of right to be released on bail before and during his trial.

Protection From Slavery and Forced Labour

(4) This right will be retained.

Protection From Inhuman Treatment

(5) The existing provision will be retained.

Protection From Deprivation of Property

(6) The existing provisions will be redrafted to provide that no person shall be deprived of his property unless such deprivation is authorized by law. As at present compulsory acquisition of property by the Government in circumstances where no compensation is payable will be restricted, but provision will be made for the compulsory acquisition of property by the Government in any circumstances so long as adequate compensation is paid.

Protection From Search and Entry

(7) The existing provisions will be retained save that it will be specifically provided that a law may authorize the search of a person or the entry into or search of a dwelling-house in circumstances where there are reasonable grounds for believing that the entry or search is necessary for the prevention or detection of a criminal offence or for the lawful arrest of a person.

Protection of Law

(8) The existing provision will be retained except that the requirement that a person shall not be compelled to give evidence at his trial will be omitted. This requirement is, in any case, contained in the criminal law and should be subject to regulation by ordinary legislation to reflect current trends in criminal procedure.

Freedom of Conscience

(9) This freedom will be retained.

Freedom of Expression and of Assembly and Association

(10) For convenience these two freedoms which are set out separately in the existing Declaration will be combined. The existing provision permitting laws made for the purpose of regulating telephony, telegraphy, posts, wireless broadcasting and other matters will be extended to permit laws for the regulation of newspapers and other publications.

Freedom From Discrimination

(11) The existing provisions relating to freedom from discrimination will be revised. Every person will be entitled to the enjoyment of the rights and freedoms in the new Declaration of Rights without unjust discrimination on the grounds of race, tribe, political opinion, colour or creed. Specific provision will be made permitting laws relating to African customary law, jurisdiction of tribal courts and restrictions on the ownership, occupation or use of land.

The existing provisions relating to freedom from discriminatory executive or administrative acts will be omitted from the new Declaration. The Senate and its legal committee will be concerned only with laws.

Savings for Periods of Public Emergencies and Disciplinary Laws

(12) As in the existing Declaration provision will be made that laws authorizing the taking of justifiable measures during a period of public emergency and disciplinary laws may contain provisions which are inconsistent with certain rights in the Declaration.

Chapter VI. Miscellaneous matters

Official Language

40. The English language will be the only official language of Rhodesia.

Oath of Loyalty

41. If a republican form of government is adopted persons required under the Constitution to take an oath of loyalty will take an oath to be faithful and bear true allegiance to Rhodesia.

Chapter VII. Amendment of the constitution and entrenchment of certain provisions of electoral and land tenure laws

Amendment of Ordinary Provisions of the Constitution

42. A Bill to amend the Constitution will require to be passed by the affirmative votes of two-thirds of the total membership of the House of Assembly and two-thirds of the total membership of the Senate:

Provided that, if such a Bill does not receive the required majority in the Senate, it may be reintroduced into the Senate after a period of one hundred and eighty days, whereupon it may be sent to the Head of State for assent if it has received the affirmative votes of more than one-half of the total membership of the Senate.

Amendments of Specially Entrenched Provisions of the Constitution

43. The procedure to amend the ordinary provisions of the Constitution will be followed in the case of specially entrenched provisions, save that, if the Bill does not receive the affirmative votes of two-thirds of the total membership of the Senate, the Bill will lapse.

Provisions of the Constitution To Be Specially Entrenched

44. The following will be specially entrenched under the Constitution—

(a) the composition of the Senate and the House of Assembly;

(b) the judicature;

(c) the official language;

(d) the Declaration of Rights;

(e) the procedure for amending the Constitution and the provisions of the laws referred to in section 45 of this paper.

However, in the case of a Bill to amend the Constitution so as to increase the number of members of the Senate or the House of Assembly, the procedure to amend the ordinary provisions of the Constitution may be followed if the proportion of African members to European members in the Senate or the House of Assembly, as the case may be, immediately before the increase is maintained.

Certain Provisions of Electoral and Land Tenure Laws To Be Entrenched

45. Provision will be made that those parts of the Electoral Act referred to in section 74 of Part III of this paper can only be amended by following the procedure for amending the ordinary provisions of the Constitution. Provision will also be made that those parts of the law relating to land tenure referred to in section 87 of Part III of this paper can only be amended by following the procedure for amending the specially entrenched provisions of the Constitution.

PART II—ELECTORAL PROVISIONS

Chapter I. Delimitation Commission

Appointment of Delimitation Commission

46. Provisions relating to the appointment and composition of the Delimitation Commission similar to those contained in the present Constitution will be reproduced.

Functions of Delimitation Commission

47. The functions of the Delimitation Commission will be—

(a) to divide Rhodesia into fifty European roll constituencies;

(b) to divide each of Matabeleland and Mashonaland into four African roll constituencies or, if the number of Africal roll members has been increased in accordance with section 10 of Part I of this paper, into the appropriate number of African roll constituencies;

(c) to calculate in accordance with section 10 of Part I of this paper whether any increase in the number of African roll members is justified;

(d) to determine the adjustments to the boundaries of areas of the tribal electoral colleges when the number of such colleges is increased in accordance with section 10 of Part I of this paper.

In dividing Rhodesia into European roll constituencies and Matabeleland and Mashonaland into African roll constituencies the Delimitation Commission will observe the same directions and give due consideration to the same factors as are specfied in the present Constitution say that, in the case of the African roll constituencies, a minimum number of rural constituencies will not be required.

Chapter II. Voters rolls and qualifications of voters for House of Assembly

Voters Rolls

48. The Registrar-General of Voters will maintain a European roll of all European voters in each European constituency and an African roll of all African voters in each African constituency. Suitably qualified persons will be entitled to enrollment on their respective rolls.

General Qualifications of Voters

49. The qualifications as to citizenship, residence, knowledge of English and ability to complete the prescribed application form for enrollment as a voter on any roll will remain as at present. An applicant must be twenty-one years of age or over.

Disqualification of Voters

50. The existing grounds for disqualification as a voter will remain. In addition, a person who is restricted or detained for more than six months will be disqualified for the period of his restriction or detention and for five years after his release.

Means and Educational Qualifications for European Voters

51. A European who poses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) has an income of not less than £900 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,800; or

(b) has an income of not less than £600 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £1,200 and, in addition to the income or property qualifications, has completed four years' secondary education of a prescribed standard.

Means and Educational Qualifications for African Voters

52. An African who possesses the general qualifications and is not disqualified will be entitled to enrolment as a voter if he—

(a) has an income of not less than £300 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £600; or

(b) has an income of not less than £200 during each of the two years preceding the claim for enrolment or owns immovable property in Rhodesia valued at not less than £400 and, in addition to the income or property qualifications, has completed two years' secondary education of a prescribed standard.

Value of Immovable Property

53. For the purpose of calculating the value of immovable property to qualify for enrolment the value will be the market value of the property less any capital charges in respect of, and amounts secured by mortgage on, that property.

Means Qualifications of Married Women

54. The existing provisions relating to the means qualifications of married women will remain.

Means Qualifications of Ministers and Members of Religious Orders

55. A minister of a prescribed religious order or a member of a prescribed religious order under vows of poverty will be deemed to possess the necessary means qualifications for enrolment on the European roll or the African roll.

Variation of Means and Educational Qualifications for African Voters

56. The Head of State, acting on the recommendation of a commission appointed for

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the purpose, will be empowered to vary by proclamation from time to time the means and educational qualifications for the African roll in order that the differences between the qualifications for the European roll and the qualifications for the African roll are progressively reduced and eventually eliminated when the number of African seats equals the number of European seats in the House of Assembly.

Transfer of Voters to the European Roll or the African Roll

57. Voters on the existing "A" or "B" rolls will be automatically transferred, in the case of Europeans, to the European roll and, in the case of Africans, to the African roll.

Chapter III. Elections for European roll and African roll seats in the House of Assembly

Nomination of Candidates

58. The existing procedure will be retained save that a European will not be eligible for nomination for an African roll seat and an African will not be eligible for nomination for a European roll seat.

Qualifications of Candidates

59. A candidate will be qualified for nomination if he—

(a) is enrolled as a voter; and

(b) has resided in Rhodesia for five years during the seven years immediately preceding his nomination; and

(c) is not disqualified.

Disqualification of Candidates

60. The existing grounds for disqualification from nomination will be retained. In addition, a candidate will be disqualified if he has been restricted or detained for a period of more than six months, for the period of his restriction or detention and for a further period of five years after his release.

Chapter IV. Tribal electoral colleges

Establishment of Tribal Electoral Colleges

61. Initially four tribal electoral colleges will be established for Matabeleland and four will be established for Mashonaland. Each college will be required to elect one African member to the House of Assembly.

The areas of tribal electoral colleges will be fixed in such a manner that the boundaries coincide with the boundaries of administrative districts and so far as is possible—

(a) representation is based on tribal interests; and

(b) a reasonably even distribution of tribal population between the tribal electoral college areas in Matabeleland and between those areas in Mashonaland, respectively, is achieved.

Composition of Tribal Electoral Colleges

62. A tribal electoral college will consist of chiefs and headmen residing in the area of the tribal electoral college and elected councillors of African councils situated in that area.

Procedure of Tribal Electoral Colleges

63. Candidates may address the college and members of the college may put questions to candidates. Each member of the college will have one vote and the voting will be by secret ballot. If at the first count the candidate with the most votes does not obtain more than half of the votes cast, the candidate who has the fewest votes will be eliminated and a fresh vote taken. If necessary this procedure will be repeated until one candidate has an over-all majority of votes.

Nomination of Candidates

64. The nomination paper of a candidate for election must be signed by at least one chief, two kraal heads and seven tribesmen resident in the area of the college.

Qualifications of Candidates

65. A person will be qualified for nomination as a candidate if he—

(a) is a citizen of Rhodesia; and

(b) is a tribesman of twenty-one years of age or over; and

(c) has resided continuously in the area of the college for a period of five years during the seven years immediately preceding his nomination; and

(d) possesses a prescribed qualification sufficient to enable him, if elected, to contribute to and understand proceedings in the House of Assembly.

Disqualification of Candidates

66. A person will be disqualified from nomination as a candidate on any of the grounds of disqualification relating to candidates for the European or African roll seats in the House of Assembly.

Chapter V. Election and appointment of Members of the Senate

Nomination of European Senators

67. The procedure for the nomination of European senators will be similar to that for the nomination of candidates for election to the European seats in the House of Assembly save that a candidate will have to be nominated by not more than fifty or less than thirty persons enrolled on the European voters roll.

Qualifications of Europeans for Election to Senate

68. A candidate for election as a European senator must possess the qualifications and none of the disqualifications for nomination as a candidate for a European roll seat in the House of Assembly save that he shall—

(a) be not less than forty years of age; and

(b) have resided in Rhodesia for ten years during the fifteen years immediately preceding his nomination.

Procedure for Election of European Senators

69. The electoral college will be composed of the European members of the House of Assembly. Each member of the electoral college will be entitled to one vote for every vacant seat of a European senator and may not cast more than one vote for any one candidate. The ballot will be secret.

Nomination of Chiefs for Election to Senate

70. The Council of Chiefs will sit as an electoral college for the purpose of nominating and electing chiefs to the Senate. Candidates for election to the five seats reserved for Matabeleland chiefs will be nominated by members of the Council from Matabeleland and candidates for election to the five seats reserved for Mashonaland chiefs will be nominated by members of the Council from Mashonaland.

Qualifications of Chiefs for Election to Senate

71. A candidate for election must—

(a) be a duly appointed chief; and

(b) reside in Matabeleland, in the case of a seat reserved for chiefs from Matabeleland, or in Mashonaland, in the case of a seat reserved for chiefs from Mashonaland; and

(c) not possess any of the disqualifications applicable to candidates for European or African roll seats in the House of Assembly.

Procedure for Election of Chiefs

72. The electoral college will be composed of the members of the Council of Chiefs. Each member of the electoral college will be entitled to one vote for every vacant seat of a chief for Matabeleland or Mashonaland, as the case may be, and may not cast more than one vote for any one candidate. The ballot will be secret.

Appointment of Senators

73. The three senators appointed by the Head of State shall—

(a) be not less than forty years of age; and

(b) have resided in Rhodesia for ten years during the fifteen years immediately preceding their appointment; and

(c) be enrolled as voters on the European roll or African roll; and

(d) possess none of the disqualifications applicable to candidates for European or African roll seats in the House of Assembly.

Chapter VI. Entrenchment of certain provisions of the Electoral Act

Procedure for Amendment

74. The procedure for amending the ordinary provisions of the Constitution will be followed for any amendment of the Electoral Act which would vary—

(a) the qualifications and disqualifications for the franchise;

(b) the procedure for varying the means and educational qualifications for the African roll described in section 56 of this paper;

(c) the qualifications and disqualifications of candidates for the Senate or House of Assembly.

PART III—LAND TENURE PROVISIONS

Chapter I. Classification of land

Categories of Land

75. All land in Rhodesia will be classified as—

(a) the European Area; or

(b) the African Area; or

(c) National Land.

The total area of all the land in the European Area and the total area of all the land in the African Area will at all times be equal, save that in each Area a variation of two *per centum* from half of the acreage of these two combined Areas will be permissible to facilitate the initial classification of, and future exchanges and transfers between, the three categories. The area of National Land will be fixed subject to a two *per centum* variation from its initial acreage to enable these exchanges to be made.

In order to achieve this equality the existing European and African Areas will be adjusted by the addition of all the existing Unreserved Land, which will cease to be a separate category, and some areas of National Land. In addition, various small "islands" of land owned by persons of one race within the Area of the other race will be eliminated but the rights of present owners will be safeguarded. It has been calculated that this adjustment will result in the following acreages being allocated to the three categories of land—

(a) 44.9 million acres in the European Area;

(b) 45.2 million acres in the African Area;

(c) 6.4 million acres of National Land.

As some areas of Rhodesia have not been accurately surveyed, slight adjustment of the acreages of these areas may become necessary when such surveys are carried out.

Exchanges of Land

76. A board of trustees for each of the European Area and the African Area will be established and entrusted with the functions of determining such transfers and exchanges of land between the land categories as may be desirable to meet changing circumstances and of ensuring that the permitted variations in the area of the respective categories are not exceeded.

Chapter II. European and African areas

Fundamental Principles

77. The European Area shall be deemed to be an area in which European interests are paramount and the African Area shall be deemed to be an area in which African interests are paramount. The rights of Europeans and the restrictions on Africans in the European Area will be on a reciprocal basis to the rights of Africans and the restrictions on Europeans in the African Area.

Composition of European and African Areas

78. The European Area and the African Area will consist of the following land—

(a) privately owned land;

(b) State land which may include—

(i) forest areas;

(ii) national parks;

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(iii) wild life areas;
and will include, in the case of the African Area, Tribal Trust Land.

Ownership of Land

79. (1) Land in the European Area may not be privately owned by an African and land in the African Area may not be privately owned by a European, save for the exceptions referred to in this Part and for the case of property which has been acquired in terms of a mortgage bond thereon and which will be subject to the restriction that it may not be so owned for more than five years.

(2) State land will vest in the Head of State.

(3) Since Tribal Trust Land will vest in the Head of State the present Board of Trustees will be abolished. The principal responsibilities at present cast on that Board will be transferred to the Head of State.

Nonracial Residential Areas

80. The responsible Minister will have the power to declare any area of land zoned for residential purposes to be a non-racial residential area where persons of either race may own and occupy land for residential purposes. If the proposed non-racial residential area is within a local authority area the Minister can act only after an application by or consultation with the local authority.

European and African Townships

81. The responsible Minister will have the power to declare any portion of land in the European Area to be an African township and any portion of land in the African Area to be a European township. If the proposed township is within a local authority area the Minister can act only after an application by or consultation with the local authority. Persons of the race for which a township is provided may own, lease or occupy land within that township. If a township ceases to be a declared township the rights of ownership by Africans in African townships and Europeans in European townships will cease, subject to the payment of such compensation as may be agreed or fixed by arbitration.

Mining Rights

82. Any person may occupy land in the Area of the other race if he is granted a right under the mining laws and such occupation is for the purpose of exercising that right.

Special Provisions Relating to Occupation by Africans of Certain Mission Lands

83. Certain rights acquired by Africans in respect of the occupation of mission land in the European Area which have been in existence for many years will be subject to registration and review and will lapse on the death of the holders.

Participation in Local Government

84. Ownership or occupation of land by persons of one race in the Area of the other race will confer no voting rights on such owners or occupiers for the purposes of participation in local authority elections in that Area, but residents of townships set aside for a particular race and of non-racial residential areas may take part in elections in respect of local bodies established to administer local services for such townships or residential areas.

Chapter III. National land

Ownership

85. National Land will vest in the Head of State and will be inalientable but leasehold rights for periods not exceeding ninety-nine years may be granted to persons of either race.

Occupation

86. National Land may be occupied by persons of all races but the use of such facilities as may be provided may be regulated according to the race of the user.

Chapter IV. Entrenchment of certain provisions relating to land tenure

Entrenched Provisions Relating to Land Tenure

87. A Bill to amend any of the following will be subject to the same procedure as that for amending a specially entrenched provision of the Constitution—

(a) the classification of land into European Area, African Area and National Land and the acreages thereof, subject to the permitted variation of two *per centum;*

(b) the procedure for exchanging land and the establishment and functions of the boards of trustees;

(c) the basic rights of, and restrictions on, persons of either race in relation to the three categories of land;

(d) the principle that rights of ownership or occupation by a person of one race in the Area of the other race will not confer voting rights in local authority elections;

(e) the area of Tribal Trust Land and the rights of tribesmen.

GRADUATION APOLOGY

Mr. McCLELLAN. Mr. President, an editorial written in a somewhat facetious vein, but packed with commonsense advice to the 1969 graduates, was published in the Arkansas Democrat on May 30. It carries a message that is worthy of emphasis.

The editorial, "Graduation Apology," presents the idea that the older generation should be sorry because the youngsters were given everything except discipline. At a time when students are rioting and creating disorders on the campus, this editorial suggests that parents have not been faultless in rearing the young people.

It is obvious that the graduates soon will come face to face with problems, the solution to which requires self-discipline and responsibility—qualities which have not yet made any notable impact on a number of the group. Graduates also will begin to recognize the value of conforming to rules of conduct which society has ordered for the benefit of all.

Although the older generation may indeed have cause to apologize, the younger set is still confronted with the task of becoming established in the community as responsible adults. It is this serious but exciting challenge which is the main issue for the graduates. The manner in which they meet this challenge will be judged not only by the older generation but by their contemporaries as well.

Mr. President, I request that the editorial "Graduation Apology," be inserted in the RECORD at this point:

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

GRADUATION APOLOGY

It occurs to us that what you 1969 graduates deserve is more of an apology than an address.

If we were going to do the speaking as a representative of the older generation we would say we were sorry because most of us reared you by giving you everything we could except discipline. And now you need it if you are going to be able to make a living on your own.

The majority of you are about to discover abruptly that in the outside world a certain amount of discipline is not only expected but demanded. For example, most places of business frown on weird clothes, or long hair. You won't be forced to conform, of course—only if you want to eat. In every office there are almost always some rules, and it's wise to follow all of them—including the ones you don't like—even though you didn't have a hand in making them. The company will be pleased if you can improve its methods of doing things or devise shortcuts—but only after you have mastered the old systems. As a rule of thumb, it is best not to interrupt the boss with your ideas while he is giving you his, even if you think he is square, reactionary, or as dumb as your father. You might feel like telling him to get up against the wall, but you better not do it unless you want to go out the front door. Unlike what you might have experienced around your house, you will find that your boss and your colleagues will expect you to do your share of the work. You'll get more money in the outside world not by asking for it, or demanding it, or doing just what's expected of you, but by doing more than your share, or doing it better. Sometimes you'll even have to work when you don't feel like it, or when you have something better to do. That no one else is being made to do it won't matter with your boss; in fact, he won't even be interested in a debate on the subject.

Making these adjustments will be tough. We adults realize—or we are beginning to—how much we have short-changed you youngsters these past 20 years or so. We are now a bit abashed that we have created a society that blames the large number of auto thefts on people who leave their keys in their cars rather than the people who steal them. Somehow it doesn't seem right that our schools are about to eliminate final exams and grades because students are upset by them when they do badly. We are a bit sorry that we made some of you go to college; the front page of any newspaper tells us that many of you don't like it, and, in fact, are trying to destroy it. And we are surprised at the pride expressed by school maintenance people in Detroit, Atlanta, Columbus, Syracuse and Denver in their solution of the multi-million dollar problems of kids breaking out school windows: Install plastic windows.

So if we were speaking at commencement we would apologize and then ask you to discipline yourself at this late date since we have failed to do it. This is really good advice. After all, most of you will be starting a family soon, and you wouldn't want your kids to one day get the shock that most of you are about to get.

ORGANIZED CRIME EVIDENCE

Mr. McCLELLAN. Mr. President, on May 29 I introduced S. 2292, a bill designed to prevent unnecessary delay and dangerous disclosure of Government files in connection with litigation of claims that evidence is fruit of the poisonous tree, by placing a statute of limitations on such claims and by requiring judges to screen the files for likely relevancy. I spoke then at some length on the U.S. Supreme Court case of Alderman against United States, decided March 10, 1969, which prompted the introduction of that bill. The Alderman case had laid down a flat, fantastic requirement that the Government open its files to any criminal who had ever been subjected to unlawful electronic surveillance, to help him argue that the evidence in any case against him was derived from the surveillance, no matter how clear it was to the judge in a given case that the product of the surveillance was entirely irrelevant.

That ruling created and aggravated several problems now faced by law-enforcement agencies. One of the principal problems, which I discussed in my May 29 remarks, is the harm which such unnecessary disclosure to the defendant and his attorney can do. Life magazine, on pages 45 through 47 of its May 30 issue, has now published an article consisting primarily of excerpts from verbatim transcripts of conversations overheard in 1961 and 1962 through FBI electronic bugs installed in Cosa Nostra meeting places in the Chicago and Miami areas. In my view that article demonstrates, beyond the power of skepticism or naïveté to deny, the terrible and unjustified threat posed by the disclosure requirement.

Assistant Attorney General Will Wilson, Chief of the Justice Department's Criminal Division, had warned me in a letter of April 11, which was printed in the RECORD at the conclusion of my May 29 remarks, that the Alderman disclosure requirement might "result in the revelation of overheard conversations which unjustly reflect upon the integrity of persons discussed therein." Mr. Wilson's prediction is regrettably fulfilled in the Life article. Frank Sinatra and another singer called "Dean," two named Chicago city aldermen, and three judges—it is not clear if they are Federal, State, or local, trial or appellate—are referred to in overheard conversations reported verbatim to the public, and the references are far from flattering. Life omitted the names of the judges, protecting their personal reputations and the concept of orderly procedure for reviewing judicial conduct, but we can take small comfort from that: Some journals might act less responsibly than Life did in this regard. Yet, as it is, four prominent individuals and a segment of the judiciary have suffered serious harm to their reputations—harm which does not discriminate between guilty and innocent, or between factual statement and false, bragging hearsay. Not one of the individuals so harmed was overheard by the bug, at least in the excerpts published. They could have been protected by the judiciary; they ought to be protected by effective legislation; their reputations should not be at the mercy of irresponsible hoodlums or rest in the discretion of Life magazine—or any other publisher.

Mr. Wilson's April 11 letter also noted that, in the past, hearings relating to alleged "fruit of the poisonous tree" have led to "disclosure of facts which have been pieced together by defendants in such a way as to enable them to identify sensitively placed and extremely valuable Government informants, with resultant danger to the informants' lives." It is chilling indeed to realize that Felix Alderisio, a codefendant in the Alderman case itself, was given these transcripts although he neither participated nor was mentioned in any of the conversations. Life describes Alderisio as "a gangster's gangster," and I pointed out when I introduced S. 2292 that he has been identified as a Cosa Nostra "enforcer" and in 1962 was arrested in a car specially equipped for murder. Obviously, to give him this new information, and to let the parties to the overheard conversations learn exactly what law enf·rcement agencies know about them, was very dangerous. In the published conversations, the gangsters planned an ax murder and reminisced about three murders one or another of them had committed previously. We must find ways to avoid giving sensitive Government files to men who utter such inhuman words as these:

> We'll hit him with an [obscenity] ax or something. He won't get away from us. . . .
>
> Well, we got that knife and he's got to move with us jabbing him with that knife. . . .
>
> We can't let any blood show. We got to keep the guy alive untill we're in a good, safe spot. . . .
>
> * * * * *
>
> Joe [Accardo] says: "Is the guy dead?" And I said: "Sure, because when I nailed him, his head went like that, you know?". . . .
>
> I remember we had to hit him in the belly, then we had to burn him. . . .

The Solicitor General of the United States has explained that under the Alderman decision the alternative to giving our files to such people is to give them "immunity from prosecution for all crimes past, present, or future." I submit that where people like Alderisio and those other butchers are involved, those are not viable alternatives; our only course is to enact effective legislation to improve our courts' handling of this problem.

Protective court orders forbidding defendants to disclose the files they see simply are not the answer. The Life article, purportedly based on information obtained despite such an order, appears to confirm Assistant Attorney General Wilson's report:

> Our experience has shown that protective orders have not been effective.

I cannot assume that Life obtained the transcripts from the defendant or his attorney, Edward Bennett Williams. Indeed, one reason protective orders are inadequate is that all criminal defense lawyers do not share Mr. Williams' reputation for high professional and ethical standards. Nor can I assume the transcripts were obtained from the Government. No, the central problem is not the source of the leak, but the fact that the leak did occur. Since at least 1962 these transcripts had been, as Life remarked, "restricted to use as background intelligence only and had remained deep in Government files, with access to them tightly controlled." Yet not until May 5, 1969, when by U.S. Supreme Court decision the transcripts were "delivered to Williams," were they "shaken loose as a result of his tactic" into the hands of Life magazine. As on the occasion when wiretap information about Bobby Baker, likewise represented by Attorney Williams, appeared in Drew Pearson's column despite a protective order, the source and motivation for the leak are obscure. Baker was on trial here in the district court. Logs of electornic surveillance were disclosed, under protective order, on November 11, 1966. On December 2, 1966, Pearson revealed that national security surveillance had been conducted on the Dominican Embassy and that Baker was overheard. In the Baker case the disclosures placed the Government in a bad light by indicating electronic surveillance of an embassy, while the published Alderisio excerpts impugn only the gangsters, so we cannot even assume that the two leaks had a single source, in the Government, the court, or the defense. But the essential point is not to assess blame. It is to realize that the very difficulty of tracing a leak makes one very likely to occur, that leaks will occur, and that each one can do untold damage. To enforce a protective order, it is necessary to learn who violated it, and this may be as difficult as obtaining evidence in any organized crime or security case. Note, too, that we cannot expect deterrence—fear of the penalty to be applied for a violation of the order—to have much effect. Those involved within the Government can hide behind anonymity and numbers, while those outside, apart from the lawyers involved, who are not always reputable, have, in all likelihood, already demonstrated their lack of fear by committing the crime at issue in the trial.

Let me make here, too, another vital point. Ostensibly, the purpose of seeking disclosure is to prepare a defense on the merits. Nevertheless, is not this defense purpose equally realized if the Government refuses disclosure and dismisses the case? What I am suggesting is that it is in the defendant's best interest to breach the protective order, so that the Government will find such disclosures so distasteful that they will dismiss cases rather than make disclosures in the future. We must not forget that these defendants are not in isolated litigation in a single case with the Government. By definition, in organized crime and security cases, there is an interrelationship from case to case.

What is worse, moreover, the Life article shows the senseless futility of requiring the Government to make automatic disclosure. Just as the trial judge had found in Alderisio's case, concerning extortion committed in Colorado 2 to 3 years before the Life conversations were overheard, the transcripts neither mention Alderisio nor have any possible relevance to that prosecution. Disclosure in this case has done a great deal of harm and no good whatsoever, and that will be the usual result under the Alderman decision.

The Life article is a tragic but compelling demonstration that organized criminals no less than foreign spies are a mortal threat to our lives and values, and that the Alderman rule is empty and unrealistic as a means of providing fair trials while preventing invasions of privacy, assassinations of personal reputation, and murders of witnesses. Where the need for legislation such as S. 2292 has been made so painfully clear and immediate, let us join together to enact it. By every other proper means at our disposal, let us enter combat with these depraved bosses and their hired killers, and

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prove again that the American people resist and overcome tyranny in whatever form, from without or from within our Nation.

I ask unanimous consent to have the full text of the Life magazine article and the column of Drew Pearson appear in the Record at this point.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From Life Magazine, May 3, 1969]

The Mob

For sheer candor, a hidden microphone can't be beat. Law breakers and law enforcers know this better than anyone else. At one time or another during a six-year period beginning in 1959, federal agents had a microphone planted somewhere amid the tomato paste and olive oil cans in a back room of the Armory Lounge restaurant in Forest Park, Ill., headquarters of Momo (also known as Moe, Sam, Mooney) Giancana, Boss of the Chicago Mob. They had another bug at a Michigan Avenue tailor shop which served as a meeting place for major Chicago hoodlums. There were two more bugs in a mortgage firm and a merchantile company, where a Giancana lieutenant named Felix (Philly) Alderisio had a piece of the action.

Logs of conversations picked up by these microphones were restricted to use as background intelligence only and have remained deep in government files, with access to them tightly controlled. They performed a highly useful function. In 1959, for example, four years before Joe Valachi turned government informant, the tailor shop bug recorded Moe Giancana and his Mob Boss predecessor, Tony Accardo, reciting a roll call of the Mafia's High Commission, a lineup which until that time had been purely a matter of speculation among enforcement officers. To the anguish of the gangsters, other information contained in the logs is now beginning to bubble to the surface, as an ironic result of the efforts of one of their own to stay out of prison.

Philly Alderisio—at least until recently—has always been known as a gangster's gangster—a swaggerer, but an organization man. In 1965, however, he was sentenced to 4½ years in prison for trying to shake down the Denver oil promoter. (He had approached the man with this introduction: "I'm Phil Alderisio. I'm here to kill you.") Philly isn't one of the major intellects of the Chicago Mob, but he was smart enough and rich enough to hire a topnotch defense attorney, Edward Bennett Williams.

To date, Williams has done well by Alderisio. The mobster has served no time on the extortion conviction, as a result of appeals based on Williams' effort to show that the government's evidence was tainted by illegal electronic surveillance. The U.S. Supreme Court ruled that Alderisio and his counsel are entitled to examine the government's eavesdropping files where Alderisio was a participant, and on May 5, the Justice Department delivered to Williams partial transcripts of conversations logged on four FBI bugs in Philly's Chicago haunts. This makes a lot of people, by no means all of them gangsters, very nervous about the possibility of disclosure in open court of what the government overheard in the Armory and other places. (Among the other places, it is known for example that a federal bug was located for a considerable stretch of time smack across the street from City Hall in the First Ward Democratic Headquarters, which functions as a link between the Mob and Mayor Daley's political machine and police force.)

Philly Alderisio may not have thought up this maneuver for staying out of prison, and in the end he may be no happier with it than some of his rough-riding buddies are. In any event, the contents of the government logs which have been shaken loose as a result of his tactic present as direct and startling a picture of Mob life as has yet been seen—gamey, gossipy, authentic, and in some cases terrifying. Excerpts appear on the following pages.

(Note: In the following conversations, * * * indicates that an obscenity has been omitted.)

Time: Oct. 10, 1961.

Place: Armory Lounge.

Cast: Moe Giancana; John Formosa, Giancana's Nevada courier.

Subject: A Nevada gambling casino and its principal owner at the time, Frank Sinatra.

Formosa—Sam, I think you gotta start . . . giving them orders: "This is it, Frank," and that's how you got to start. Aren't you going to be tied up with Cal-Neva?

Giancana—Who gives a * * * about Cal-Neva? * * * him. Don't worry about it. And I'm gonna wind up with half of the joint with no money.

Formosa— . . . He was real nice to me. . . . I had a chance to quiz him. I said: "Frankie, can I ask one question?" He says: "Johnny, I took Sam's [Giancana's] name, and wrote it down, and told Bobby Kennedy: 'This is my buddy, this is what I want you to know, Bob.'" Between you and I, Frank saw Joe Kennedy three different times—Joe Kennedy, the father.

What, if anything, Frank told the late Robert F. Kennedy, then U.S. Attorney General, bore little fruit for Giancana. Kennedy put his name on the top of the list of Justice Department targets in Chicago.

Giancana—In other words . . . if I even get a speeding ticket, none of those * * * would know me.

Formosa—You told that right, buddy. And I'm for you 100%, for that. * * * He [Frank] says he's got an idea that you're mad at him. I says: "That, I wouldn't know."

Giancana—He must have a guilty conscience. I never said nothing. . . .

Formosa—He [Frank] says he wrote your name down.

Giancana—Well, one minute he tells me this and then he tells me that. * * * One minute he says he talked to Robert and the next minute he says he hasn't talked to him. So, he never did talk to him. It's a lot of * * *. Why lie to me? I haven't got that coming.

Formosa—I can imagine . . . tsk, tsk, tsk . . . **** . . . if he can't deliver, I want him to tell me: "John, the load's too heavy."

Giancana—That's all right, at least then you know how to work. You won't let your guard down then, know what I mean?

Formosa—Why don't you talk to him?

Giancana—When he says he's gonna do a guy a little favor, I don't give a * * * how long it takes. He's got to give you a little favor.

A long silence, then the talk turned briefly to Giancana's exasperation over the intensive government surveillance on him.

Giancana—I got more **** on my **** than any other **** in the country! Believe me when I tell you.

Formosa—I know it, Sam.

Giancana—I was on the road with that broad. There must have been, up there, at least 20 guys. They were next door, upstairs, downstairs, surrounded, all the way around. Get in a car somebody picks you up. I lose that tail, boom, I get picked up someplace else. Four or five cars, with intercoms, back and forth, back and forth.

Formosa—This was in Europe, right?

Giancana—Right here, in Russia—Chicago, New York, Phoenix.

The talk wanders to other areas, then returns to the affairs of the two entertainers, and the difficulties in booking one of them into a Giancana-favored nightclub.

Formosa—Dean and Frank, they made a deal, you know. It's a club now, or something.

Giancana—Yeah, I know. Them ****. . . . You see Dean, you tell him I want ten days out of him.

Formosa—Ten days?

Giancana—In other words, you get two weekends in.

Formosa—What if he says he's booked?

Giancana—Find out when he ain't booked.

Formosa—I'll tell him this is a must, right? Tell him you said it. Tell him: "Hey, Dean, this is a must. Sam wants you for ten days."

Giancana—Don't make a special trip. Call him.

Formosa—That **** prima donna. You can't call him. I gotta go there and lay the law down to him. So he knows I mean business.

Giancana—It seems like they don't believe us. Well, we'll give them a little headache, you know? . . . All I do is send two guys there and just tell them what they're workin' at. . . . Bang, you crack them and that's it. Just lay them up. If he ever hit the guy, you'll break his jaw. Then he can't sing.

Time: Oct. 11, 1961.

Place: Armory Lounge.

Cast: Giancana and a man named Pete.

Subject: Tony Accardo's court troubles. He had been convicted in federal court on Nov. 11, 1960 of income tax fraud. On Jan. 5, 1962 a U.S. Circuit Court of Appeals would grant him a new trial, and he would be acquitted Chicago's First Ward contains Giancana's political machinery. Here he can pull levers in both the Democratic and Republican parties. The Republican ward committeeman is Peter J. Granata. The Democratic committeeman is John D'Arco. Until Giancana ordered him to get out of the city, D'Arco was the First Ward alderman. Vito Marzullo is an alderman from the West Side 25th Ward.

Pete—I got a call the other night, last night . . . Joe B's [Joe Batters, nickname of Tony Accardo] . . .

Giancana—Don't worry about Joe B's . . .

Pete—One of the judges said: "Heavy water coming from the north. . . ." There's only one Republican out of this three. . . . I've got three. . . . I think we ought to get a hold of D'Arco, Marzullo, and we'll talk to ---- [a judge].

Giancana—I'll tell you, Pete, you call me and I'll work on it personal. I'll come down to D'Arco.

Pete—Let D'Arco get a hold of Judge ----, he's a Democrat.

Giancana—And then what? What do you expect him to do?

Pete—Tell him, what the hell. See, we got these guys [naming two other judges] . . . they said all right. But who the hell gets it, see? I'll get a report on it in a day or two.

Giancana—It'll take a couple of weeks. Tell D'Arco to get a hold of a judge -----.

Pete—Yeah, and I got another guy talking to----[the judge].

Time: Evening of Dec. 7, 1961.

Place: Armory Lounge.

Cast: Giancana; Bernie Glickman, boxing manager.

Subject: The management of Charles (Sonny) Liston, the boxer, which involves Tony Accardo (here referred to by his nickname "Joe Batters").

Glickman—Yesterday, you were very, very nice and everything.

Giancana—Yeah?

Glickman—I asked you if I should say anything to Joe and you said "No." I must tell him [Accardo] . . . I must say something.

Giancana—Well, if he asks you, you can tell him, that's all. If he don't ask you, forget about it.

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Glickman.—That I will do. I just wanted your permission. So, I want you to know. I won't say a word. Liston knows what he has to do. . . . [Liston] has assured me that no matter what happens when he's champion, I'll be with him. He doesn't trust a human being, except me. He needs somebody with him. . . . If this fight [with Floyd Patterson] comes off, it's gonna be in excess of a million dollars. That's gonna be his purse. . . . Liston . . . was mine from the can [prison] on. . . . Do you think I should go through with our thing? Or drop it? I don't want to start anything that's gonna be a reflection on you. I don't want no troubles.

Giancana—You don't be in no trouble. Come on, don't worry about it.

Glickman—O.K.

Time: Oct. 11, 1961.

Place: Armory Lounge.

Cast: Giancana; Lou Brady, a Florida hustler.

Subject: The cancellation of a murder contract the gang issued for Brady. To avoid the killers, Brady had fled to Texas. Now he has emerged from hiding and is trying to convince Giancana that he had not made off with that $90,000 from the sale of the Florida home of another Chicago gangster, Paul DeLucia. Brady hopes to return to Florida without being killed if Giancana can be induced to put in a good word for him with the Florida branch of Cosa Nostra.

Brady—I took and went to Texas . . . like a **** hermit, like the middle of Siberia, where you got to send away to get a **** pound of macaroni. Sam, all you got to do is make a phone call. Just make one call and say: "You know that fella [Brady], he's with me."

Giancana—I don't make telephone calls.

Brady—All right, write a note, put it in an envelope, seal it and give it to me. I'll deliver it.

Giancana—That's all right. I'm going down there [to Miami] in a month anyway.

Brady—What's the matter, Sam? You wouldn't write a note for me to carry?

Giancana—What the hell. All I have to do is go there.

No word has been heard from Brady in recent years. He was last reported seen headed out to sea on a boat with Florida Cosa Nostra Boss Santo Trafficante.

Time: Feb. 11, 1962.

Place: A Miami cottage rented by John (Jackie) Cerone, a sidekick of Accardo and an Alderisio associate.

Cast: Jackie Cerone; Davie Yaras, Miami chargé d'affaires for the Chicago gang; Fiore (Fifi) Buccieri, leader of Giancana's assassination squads; and Jimmy Torello, one of Buccieri's killers.

Subject: The proposed kidnaping and killing of Chicago Union boss Frank Esposito. He is being stalked but has been inconveniently spending most of his time basking with John D'Arco. The killers have no love for D'Arco but he presents logistic problems.

Cerone—They . . . lay there and watch, but that **** [Esposito] never left his **** porch. All he would do all day long is walk to the * * * front and then walk to the back. He walked three or four miles every day, but that * * * * never left his porch.

Yaras—I wish **** we were hitting him [Esposito] now, right now. We could have hit him the other night. We want to prowl the house . . . there was just Philly and he.

Cerone—Yeah, that would have been a perfect spot to rub him out.

. . . Well, if we don't score by the end of the week . . . then we got to take a broad and invite him here.

Yaras—Leave it to us. As soon as he walks in the **** door, boom! We'll hit him with an **** ax or something. He won't get away from us.

Buccieri— . . . Now if he [Esposito] comes with D'Arco . . . we do everybody a favor. We would do everybody a favor if this **** D'Arco went [was killed] with him [Esposito].

Cerone—The only thing, he [D'Arco] weighs 300 **** pounds.

(Later, same conversation)

Cerone—Get the boat tomorrow.

Yaras—I'll get the boat and everything else.

Cerone—We'll get him on the boat if he takes a walk—then it's nothing for me to call him.

Yaras—Yeah, then you can say: "Hey, Frank, what are you doing here?" You know what I figured we could do? Early in the morning we could go there in bathing suits. When we got him in the car, we don't have to do nothing to him in the car.

Cerone—All right. Here's what we do. Monday, we work. We start. Skippie (Frank Cerone, a kinsman of Jackie's) and Davie (Yaras) will work on it. Next morning we go out there and we do it all over again. Even I can go out there one morning. We can take turns. The guy must take a ride. Maybe he won't do it in a week, maybe the 10th or 11th day, he might take a ride alone. We can pull our car right alongside . . . we can all step in . . . even if it's daytime. One guy grabs the wheel, throws him in, let him holler.

Buccieri—Well, we got that knife and he's got to move, with us jabbing him with that knife.

Cerone—We'll put him on the floor and away we go. We can ride around with him. Before we do it.

Buccieri—Well, we got him * * * after we get him in. We'll drive slow.

Cerone—Yeah, we can drive around and then we can find a prairie. We can have everything with us, the ax and everything.

Buccieri—We can't let any blood show. We got to keep the guy alive until we're in a good, safe spot.

Cerone—Oh, no, you can't touch the guy until we get to the car.

Buccieri—Yeah, we keep him alive until we're ready.

Cerone—Yeah, you can't afford to have a man dead on your hands. I got the contract (the murder assignment). Did you know that?

Buccieri—Yeah.

Esposito's life was spared when the FBI notified Florida authorities of the murder plan. As they sat around Cerone's living room, planning to chop up Esposito, the gangsters talked of other jobs in other times, chatty and giggly as schoolgirls. Cerone recalled his attempt to murder Jim (Big Jim) Martin, a policy betting king, a job botched because Cerone was using outdated ammunition.

Cerone—So when I banged the guy, I called him with a full load . . . but it had to go through a Cadillac. I blasted him twice. Joe (Accardo) says: "Is the guy dead?" And I said: "Sure, because when I nailed him, his head went like that, you know?" The next morning, the headlines are in the paper. The guy is still living . . . this double o (double-o buckshort, a shotgun load) was 10 years old . . . it wasn't fresh, so the guy lived.

Yaras—That's one thing, when I use that double o, I got to use fresh ones (shells).

Cerone—The guy [Martin] was a big nigger. He left the country and went to Mexico. That's what we wanted anyway. We wound up with all his policy [lottery] games. The next day, I'm on the corner [where Martin was shot]. I went to the place all dressed up. The squads [police] and the cars are all around. I'm right there. And everybody is talking and I say: "Oh, that's terrible. But them * * * niggers, they're always fighting one another, you know."

Cerone always boasted that few people outside The Mob knew he was a triggerman.

Cerone—I wasn't known for a long time. I kept away. I wasn't seen with nobody, never mixed. I was always hidden, for many years.

Cerone chuckled about that. Then another killing crossed his mind.

Cerone—I remember one time we was on this guy for a week. You know, you get close and you blow it and then you try again. So this one night, we pull up on the guy and he's with his wife. So he [Cerone's partner in the crime] said: "What the * * *, I'll get him." So I grabbed the wheel and he jumped out and chased the * * * a half a block, but he nailed him. Remember that time you popped that guy and you rolled him over a couple of times and he lived?

Yaras—I didn't do that. * * * Oh, yeah, now I remember. I did that with Johnny. I'm gonna tell you a funny story. You know, I think that * * * tried to hit me the same time I hit him. I swear. Because he put a shot right through the windshield.

It was Buccieri's turn, then, to reminisce about a victim he called Polecat.

Buccieri. I remember we had to hit him in the belly, then we had to burn him. We couldn't even get the handcuffs on him.

Cerone put a question to Yaras.

Cerone—All these * * * years, Davie, why didn't you move in on some of these * * * guys down here [in Miami]?

Yaras—First of all, down here they got the lights on [law enforcement pressure and publicity]. You hate to be connected. But these New York * * * in Miami * * * I'll tell you something. You think we got some bad guys? These [New York] guys are real * * *. They want to knock their heads around. You don't like to be with them.

Cerone—If I was down here all these years, Davie, I would have moved into those guys.

Yaras—Yeah, but with some of these guys, you couldn't do nothing with them. You should see some of these guys. They won't even let nobody else on the track. You'd have to hit them.

Cerone—Have to hit them all.

[From the Washington Post, Dec. 2, 1966]

FBI EMBASSY "BUG" EMBARRASSES UNITED STATES

(By Drew Pearson and Jack Anderson)

The Federal Bureau of Investigation, it has now been revealed, has been tapping the wires of the Dominican Embassy.

A foreign embassy in the United States is extraterritorial ground with privileges reserved to that country only. The United States may not intrude on embassy territory, even if murder is committed inside. This is international law which the United States has insisted upon abroad and which we adhere to in this country.

The State Department therefore is very red-faced to find that the FBI placed taps on the wires of the Dominican Embassy in 1961 shortly after the assassination of Dictator Trujillo.

This was disclosed as a result of the Justice Department's prosecution of Bobby Baker, the former Senate Secretary, some of whose conversations were bugged and wiretapped. As a result of this FBI eavesdropping it may be that the Baker indictments will be thrown out of court. The matter is now being heard before U.S. Judge Oliver Gasch in pre-trial motions.

The Justice Department, in admitting that some of Baker's conversation had been bugged, submitted conversations he had had with the Dominican Embassy. He had placed several phone calls to the Embassy around May 1961, usually speaking to the financial counselor Oscar Ginebra, about the prospects of Joaquin Balaguer then provisional president, becoming permanent president.

RUSK ASKS SUPPRESSION

Balaguer resumed the presidency this year after defeating leftwing candidate Juan Bosch in the post-revolution election. It won't help Dominican-American relations for Balaguer now to discover that his embassy phones were tapped the last time he headed the Dominican government.

Secretary of State Dean Rusk was so alarmed over the eavesdropping that he sent an anguished appeal to the courts to suppress the evidence, and directed Baker and his attorneys not to mention the embassy wire taps.

Oscar Ginebra, reached by this column at the Inter-American Development Bank where he is now a section chief, recalls receiving a number of phone calls from Baker in the late spring of 1961. However, he claimed he couldn't remember what was discussed.

It isn't known how long the FBI continued to monitor the Embassy's phones. However, FBI agents were listening in on the conversations of prominent Dominicans as late as this year.

The FBI tapped the phones of another Bobby Baker intimate, Jose Benitez, in Puerto Rico, while Juan Bosch lived in Benitez's apartment. The FBI wanted to know what Bosch was saying during the civil strife in the Dominican Republic. On one occasion he received a phone call from Santo Domingo reporting that one of the rebel leaders had been shot.

"See that he is shot in the back and then announce to the press that the Americans shot him," Bosch ordered over the phone.

Meanwhile, the story of FBI wire tapping continues to deepen.

HEROES WITHOUT HEADLINES

Congratulations to the Madera Tribune for exposing the law fees received by California State Sen. James M. Cobey from two irrigation districts at the same time Cobey was chairman of the California Senate's Water Resources Committee. It was this conflict of interest which chiefly contributed to Cobey's defeat . . . Congratulations to Sherwood Ross of radio station WOL for taking on Washington, D.C., landlords in the "war on slums" in the Nation's Capital. Despite tenants' fear of eviction, they reported housing violations to Ross, who, working with D.C. inspectors has reported 3000 violations. An estimated 900 dwelling units have been cleaned up in Washington . . . Congratulations to Marvin Sosna, editor of the Thousand Oaks News-Chronicle in California, for exposing shoddy building practices in the San Francisco Bay area. County inspectors have been wobbly and real estate interests have tried to boycott the News-Chronicle, but editor Sosna is putting up a courageous battle against them.

Congratulations to the Teamsters Union for launching a massive $2 million project to train 1800 people, in Southern California, in truck driving, auto mechanics and passenger-car driving. The Teamsters are working with UCLA's Institute of Industrial Relations and are trying to help school dropouts.

Armistead L. Boothe, Alexandria, Va.—Thanks for calling our attention to the fact that the 1924 lawsuit against Rep. Howard Smith of Virginia and William P. Woolls was dismissed by the Supreme Court of Appeals in Virginia. The main point of our column was to refute Rep. Smith's statement that his integrity had never been questioned prior to our earlier column. It had been questioned in this lawsuit, even though in the end he won.

WHAT INDIAN ELECTRIC COOPERATIVE MEANS TO OUR COMMUNITY—ESSAY BY SHEILA BOWEN, MANNFORD, OKLA.

Mr. HARRIS. Mr. President, this morning I had the privilege of breakfasting with an outstanding group of young people who were members of the sixth annual youth tour sponsored by the Oklahoma Association of Electric Cooperatives.

As usual, this was a most enjoyable occasion for me and for the members of the Oklahoma congressional delegation. As I told the group, they represent at least three things I like very much: The spirit of optimism and progress of Oklahoma; the principle of cooperation and what people can do by banding together to help themselves; and the youth of America—the most dedicated, the best prepared, and best educated generation of young people this country has ever produced.

Sheila Bowen of Mannford, Okla., represented all 63 Oklahoma young people present when she read to the group her essay entitled "What Indian Electric Cooperative Means to Our Community." She was an excellent spokesman for the group. Her essay was excellent and it was delivered with unusual ability and charm. I ask unanimous consent that the essay may be printed in full at this point in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

WHAT INDIAN ELECTRIC COOPERATIVE MEANS TO OUR COMMUNITY

(By Sheila Bowen, Mannford, Okla.)

What Indian Electric Cooperative means to our community is probably somewhat different than in the communities served, directly by Indian Electric. However, I would like to tell you the many ways our community has benefited, both directly and indirectly.

As a teenager, I have always lived in the Golden Age of electricity and have pretty much taken it for granted. I do realize, however, that if our forefathers had not met the challenge of electrifying rural communities our nation would not be what it is today.

I am sure that the small group of farmers and oil men that met in the Scrappin' Ridge School house back in 1939 did not realize just how much their action on rural electrification would mean to so many communities—both rural and urban. If it had not been for some farsighted and civic minded people at the Cleveland Chamber of Commerce, rural electrification in this area might not have been possible. These good people stepped in to aid in obtaining a loan from the REA in Washington, D.C. The Chamber of Commerce realized that rural electricity would give birth to new local enterprises, expand existing ones and in general increase the economic welfare of the entire community.

The loan was obtained and work was started in 1940. The first 189 miles of line was completed and energized on May 7, 1941. This was just the beginning of a continually growing and expanding cooperative.

The first home of Indian Electric Cooperative was the former Fidelity State Bank in Cleveland. The cooperative soon outgrew this building and in 1949 moved to the present location at Broadway and Delaware. This location is now giving way to progress and in the very near future the Indian Electric Cooperative family of employees will be moving into their new offices and warehouse at the southeast edge of Cleveland.

Since that humble start in 1941 with 189 miles of line and 227 members, the Indian Electric Cooperative has grown steadily. Each year it has added approximately 84 miles of line and 291 new members. The cooperative now has 2,459 miles of line and 8,093 members.

Indian Electric Cooperative is not concerned only with keeping electrical power running through its lines and giving members the best possible service. I also see a very warm human factor—concern for the people of these communities, especially the youth. Realizing that the youth of today will be the leaders of tomorrow, Indian Electric Cooperative is helping by supporting and sponsoring many worthwhile projects like the FFA, FHA, and 4-H clubs. These organizations are all built on a foundation of leadership, character, development, sportsmanship, scholarship, community service, citizenship, and patriotism. If these qualities are instilled in the youth of today, it will be of great value in the years to come. Some of these young people of today will probably grow up to be employees or even members of the Board of Directors of this same Cooperative.

Indian Electric Cooperative has contributed many civic and church leaders to Cleveland and the surrounding communities. Of the various employees and board members I am acquainted with, several are very active leaders in churches and civic clubs such as Rotary, Kiwanis, Chamber of Commerce and Lions Club. One of the past Indian Electric Cooperative board members, and a valued friend of my family, the late I. C. (Billy) Rayborn, was a good example. Even though he didn't live in our town, he served as the President of our local Lions Club. He was a great leader in every way and I am sure Indian Electric Cooperative was proud to have him as a board member.

Our school has benefited in several ways from the cooperative. In 1968 alone, Indian Electric paid over $44,000.00 in school taxes with my school getting its share according to the amount of line in our district. However, I feel the leadership and scholarships offered to the students by Indian Electric are equally important. We at Mannford High School felt very fortunate last year that two of our top students were awarded these scholarships. They are now at Oklahoma universities doing very well. The winner, enrolled at Oklahoma State University, is maintaining a 4.0 grade average. I also think contests such as the tour to Washington are very good for youth. It has been a challenge to me to really think about one of our most valuable commodities—electricity—and what the people behind it has done for us.

It would be hard to estimate how much the Indian Electric Cooperative means to the lake area. If it were not for rural electrification, I'm sure the area surrounding Keystone Lake would be sparsely settled. People will just not do without electricity and all the conveniences and necessities it makes possible. With the Indian Electric Cooperative already in the area, any new resident just by filling out an application and paying a small membership fee, can have all the electrical advantages of the cities plus the beauty and serenity of living in the country.

Ever since Lake Keystone has been built, sub-divisions have popped up all over the shorelines. There are now approximately 80 sub-divisions in the Lake area; all being served by Indian Electric Cooperative. Just driving around at night seeing all the mercury vapor night lights twinkling over the countryside is quite a sight. There are 19 public use areas on the Lake and all but one are served by Indian Electric Cooperative. We have four marinas and nine special use areas such as two Boy Scouts of America Councils, Camp Fire Girls, Oklahoma State University Park, several town parks and church groups that are served by Indian Electric Cooperative. When you think about how important these facilities are, you begin to realize the many ways Indian Electric Cooperative helps our community.

The town in which I live is not served directly by Indian Electric, but works very closely with it. Indian Electric serves the area surrounding the City of Manford and in some cases inside the city limits. In one area within the city, directly across the arm of Salt Creek, the city requested that Indian Electric serve this area since it already had power lines in the area, and also the cost to the city to expand its lines into this territory wasn't economically feasible. This area would have possibly been without electricity for some time had it not been for Indian Electric.

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In another case the city was met with the task of getting power to our new water treatment plant located about one mile south of town. Again we called on Indian Electric Cooperative which had power lines nearby and once more it came through to help. This has saved our community money by not having to duplicate power facilities in the same area. This water plant serves the City of Mannford and Creek County Water District #5 which serves about 200 rural customers in the surrounding area.

Our small city, like many other cities of today, is faced with many problems, but we find our problems multiplied by the accelerated growth of our new town now located on a large lake and within 20 miles of a large metropolitan city. The financial problems are difficult for a small new community to cope with, but through careful planning and some excellent advice from our friends at Indian Electric, the city has recently secured a loan from REA to upgrade its present facilities and expand its electric distribution facilities into newly developed sub-divisions within the city limits. I was informed by my father, a member of the Mannford Board of Trustees, that this will be the first time that REA has financed a loan of this type to a municipality. Without the low interest rates and long term financing that is provided by REA, the present system would be in danger of being overloaded and the rate of growth of our town slowed down considerably.

Without readily available electricity, small towns such as ours would deteriorate or fade away into larger cities. A small town cannot exist without the people in the surrounding areas, and they would not live there without rural electricity.

I think it is a great challenge to the young people of today to be able to contribute something very worthwhile to the people of the next generations and perhaps help them as much as Indian Electric Cooperative has helped us. I am thankful to live in an age when we can enjoy one of the greatest discoveries in history—electricity—and even more thankful for rural electricity as provided by Indian Electric Cooperative. I am grateful to Indian for what it has done for our community, and for the things it has done for me. The Indian Electric Cooperative has brought a wealth of conveniences and opportunities to the members of our community.

DEPLOYMENT OF THE SAFEGUARD ABM SYSTEM

Mr. BAKER. Mr. President, on June 1, in the course of a nationally broadcast television panel discussion, a respected Member of the Senate challenged the Department of Defense to declassify a single chart that had been shown in executive session to the members of the Committee on Armed Services. Declassification of this chart, according to our distinguished colleague, would in his judgment end the argument over deployment of the Safeguard ABM system once and for all.

Mr. President, it would be a welcome relief to this Senator, and I expect to others in this Chamber, if any single chart or document, or series of documents, could put an end to the controversy over the deployment of the highly complex Safeguard ABM system.

I was impressed with the urgency of examining such a secret document, and I took it upon myself to ask the Department of Defense to produce that document so that I could examine it, classified though it was, to determine in my own judgment whether it would end the controversy over the deployment of the ABM system.

I can report that I have seen the chart. I have examined it in detail. I find that, contrary to ending the argument over the deployment of the ABM system, or in any way acting in derogation of the logic which supports the deployment of the Safeguard ABM system, it conversely is entirely in keeping with and supports the proposal made by President Nixon for the deployment of the Safeguard system.

Mr. DOMINICK. Mr. President, will the Senator yield for one comment?

Mr. BAKER. I have only 3 minutes.

Mr. DOMINICK. I merely want to congratulate the Senator on his initiative. I have seen the same chart, and I totally agree with him.

Mr. BAKER. I thank the Senator.

I must say, having examined the chart, that I firmly believe that it should not be declassified. It is not classified because it either supports or does not support the Safeguard proposal. It does give us statistical evaluation on how many Russian missiles it would take to overwhelm the defenses of the United States, the Minuteman system and the Safeguard system, or any other system.

Very frankly, Mr. President, I am not inclined to give that information to the Russians, nor do I believe any member of this Government should be so accommodating to the Russians.

I rise to make this point simply because there is at least an implication that the Department of Defense, or this administration, is selectively declassifying information, and that, as implied by the senior Senator from Missouri, declassifying this single chart would have destroyed the arguments in favor of the ABM system.

I have examined it, and I say once again, it does not in any way detract from the validity or the attractiveness of converting the posture of this Nation to defense instead of offense. I believe, Mr. President, that it is incumbent upon me to give this body the benefit of my appraisal of that classified document, which I believe should remain classified.

NOMINATION OF CARL J. GILBERT, OF MASSACHUSETTS, TO BE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Mr. LONG. Mr. President, there is on the Executive Calendar today the nomination of Carl J. Gilbert, of Massachusetts, to be Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary.

I explained last Friday, as shown at pages 14823 through 14827 of the RECORD, together with a number of articles that I put in the RECORD explaining my position, why that name is being objected to and held on the calendar, the principal fact being that the committee that reported the nomination does not have primary jurisdiction over it, and that this is a very serious matter, and should be considered by the committee that does have primary jurisdiction.

I have no objection to the Committee on Foreign Relations, though less directly concerned about that nominee, taking jurisdiction of a job created by the Committee on Finance, with regard to which the nominee would have to work with the Finance Committee, a job involving powers that have expired under legislation enacted at the behest of the Committee on Finance. And such legislation would have to be renewed under legislation that would have to emanate from the Committee on Finance if the nominee is to do much.

I repeat, I made it clear on Friday last week that while I did not object to the Committee on Foreign Relations having jurisdiction over this nominee, and proceeding to exercise it, I felt that in due course the nomination should be referred to the committee that created the job and has the problem; and that that Committee on Finance should have the opportunity to consider the nomination.

The chairman of the Committee on Foreign Relations, I thought, with a quorum present in the Finance Committee room, agreed that the Finance Committee should share jurisdiction of this nomination. Subsequently, he did not seem to think that that was quite the commitment he had made, and felt that there should be some assurance that we would report the nomination.

I stated to the distinguished chairman that I would be willing to agree to that. The matter remains in limbo. I have communicated to the leadership, at least to the majority leader, what my attitude was about the matter, and so far as I know, it has not been resolved. But it seems to me someone should contact the chairman of the Committee on Foreign Relations, and see if he is still satisfied that this matter should be referred to the Committee on Finance; or, if not, why not, and that before we take up the nomination, we resolve the jurisdictional question as to which committee should have had the nomination before it.

As I say, it is all right with me for some other committee to conduct hearings on a nominee for a job our committee created. Our committee is willing to go along with that; but we do think, in view of the serious problems involved, that eventually we ought to have a look at the man who is to occupy the job, his predecessor in which created a great number of problems during his term.

The matter could perhaps have been resolved by coming to some understanding at the beginning. I simply want to make it clear that I am not the Senator who is holding the matter up. The nomination should be referred to the Committee on Finance, and that committee should have a look at it. When we complete communications, to find out if there is any objection to the name going to the committee, we will then know whether the committee that created the job will have an opportunity to have the name before it or not. If the committee is not to be afforded that opportunity, then we will find some other way to obtain the information we need.

LAKE SUPERIOR CONFERENCE

Mr. MUSKIE. Mr. President, Lake Superior is one of the most valuable and scenic bodies of water in the world. It is

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blessed with 2,976 miles of shoreline shared by three States and Canada and exceptionally high water quality.

Left to its own devices, this immense lake would remain pure for thousands of years; but there are already ominous signs that Lake Superior could become seriously polluted, as have Lake Michigan, Lake Erie, and hundreds of other large and small lakes in the United States.

Fortunately, if warnings are heeded now and appropriate preventive action taken, Lake Superior could be protected in its unpolluted state for future generations.

The Senator from Wisconsin (Mr. Nelson) has for several years been urging a Federal-State enforcement conference to plan and enforce such a program to protect this lake. Last January, a conference was called by former Secretary of the Interior Stewart Udall. Its first session was held May 13, in Duluth, Minn.

Senator Nelson's speech for that first session is a forthright statement of how Lake Superior is threatened and what he believes must be done to protect it. Moreover, Senator Nelson also cites important principles in meeting the challenge of long-range environmental management which apply to many situations across the country.

I commend Senator Nelson's excellent speech and ask unanimous consent that it be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Statement by Senator Gaylord Nelson to Lake Superior Conference, Duluth, Minn., Wednesday, May 14, 1969

One of the most serious and pervasive "by-products" of American progress has been the pollution of almost every major body of water in this country by wastes of all kinds, colors, shapes, and smells.

We have polluted rivers in our urban areas so badly that in some cases they are fire traps. But we have also polluted waters in the most remote areas of the country—this is exactly what is threatening now in some portions of the Boundary Waters Canoe Area.

For decades, we have hidden our eyes and hoped the growing pollution problem would go away. But in recent years, it has become too obvious and too gross to ignore. In fact, water pollution has generated a national concern that with each succeeding year is more insistent on immediate and effective action.

In our own region, we've seen the voters of both Wisconsin and Michigan support bonding issues in the hundreds of millions of dollars to fund pollution cleanup. And we have all see the intense citizen interest in Minnesota, Wisconsin and Michigan over the fate of Lake Superior. Since its formation in February, 780 people have joined the Save Lake Superior Association.

It has been gratifying to see the results when the people really speak out, as they have on the pollution issue. Under precedent-setting federal acts, water quality standards have been set and federal-state enforcement conferences have been held all over the country, in a national effort to stem the tide of pollution.

Already, 45 federal-state conferences have been held to abate the pollution of interstate waters, from Boston Harbor, the Potomac River and Lake Erie in the east, to Lake Michigan and part of the Upper Mississippi River in our region, to Puget Sound and the Snake River in the west.

But perhaps the most important enforcement conference yet is the one we are undertaking here this week to abate and prevent pollution of Lake Superior. The conference was called by former Secretary of the Interior Stewart Udall after I had for several years been urging such action either by the governors or by the Secretary.

It is no small question, no minor concern. The dimensions and the values of this natural resource are almost without parallel.

Let me describe Lake Superior in terms of what it means not only to us, but to this country, and to the world.

By volume, it is the third largest body of fresh water on earth—almost 3,000 cubic miles. Only Lake Baikal of Russia and Lake Tanganyka of Africa are larger.

The shoreline of the lake stretches 2,976 miles, and is perhaps Lake Superior's most precious asset. The three states share 1,427 miles of the shore; Ontario, Canada, has 1,549 miles, making it truly an international lake.

The Federal report does a good job of describing the sweep of the shoreline: "The wide sand beaches of Whitefish Bay—the great parched dunes near Grand Marais—the sheer cliffs of the Pictured Rocks—the remoteness of the Huron Mountains—the Apostle Islands—Split Rock Lighthouse—Isle Royale National Park—and all the many miles of primeval wilderness constitute a most valuable recreation and aesthetic resource."

But words aren't adequate for the feeling one has standing on that ancient shore, sensing the whole history of the earth unreel in the rocks, the cold waters, the fog of even a summer morning. One gains an impression then, rather humbly, of the forces that created man—the same forces that can just as easily sweep him away.

Lake Superior is pure as well. So pure, one can see a trout at depths of up to five fathoms. So pure, the National Water Quality Laboratory was located near Duluth in good part because this is one of the few places where they would not have to import water clean enough for their baseline work.

I should add parenthetically that the North Shore is an especially fitting location for this national fresh water laboratory for another reason: It is in the district of Congressman John Blatnik, who has been one of the most ardent and effective advocates for clean water in this country. No one in the Congress has been more dedicated and effective in the cause of protecting the quality of our public waters than John Blatnik, and we owe a great deal to him for the very federal statutes which authorize conferences such as these.

On the North American continent, there is simply no body of water to compare with this lake—in volume—in purity—in value.

And left to its own devices, with its small drainage basin and infertile rock, Lake Superior would remain pure for thousands of years—unchanged—almost ageless.

Yet experience has shown us that there is little reason for comfort about the future of any resource in the world, especially in this age of expanding population—cities—industry—and technology.

Lake Baikal, almost twice the volume of Superior, has pollution problems, primarily from the wastes of several big industries.

We are even on the way now to polluting the oceans. Our progress is marked by the newspaper reports about oil spills, red tides, poisoned shellfish, and Antarctic penguins with DDT in their bodies.

Call the roll of lesser but still impressive bodies of water: Switzerland's Lake Zurich, Wisconsin's Lake Mendota and Lake Menona, New York's Lake Cayuga and Lake George, Florida's Lake Okeechobee—

Or of the hundreds of inland lakes in the Upper Midwest and nationwide that are often so thick with algae they're like pea soup. They're severely polluted, and it will take decades and millions of dollars to restore them—

Or the Great Lakes. Less than two centuries ago, explorers and settlers of this region found the lakes remarkably crystal clear and pure. In effect, five Lake Superiors.

But gross pollution is winding its way rapidly up the chain.

Lake Erie is a dying lake. Game fish are on the way out. Municipal and industrial wastes have closed bathing beaches from Detroit to Cleveland. The stench from rotting algae can be smelled for miles around.

Lake Michigan is on the way. Severe pollution is occurring in the southern end, in the Green Bay area, and along the shoreline. The lake's fishery has suffered the scourge of the lamprey and the alewife, both introduced form the sea by man's action. Now the pesticides DDT and Dieldrin have concentrated in the lake to such high levels that they threaten sports and commercial fishing.

Lake Ontario is suffering the same destruction as Lake Erie, where it gets 85 percent of its water.

Trouble spots have shown up on Lake Huron, especially near heavily populated areas.

These Great Lakes, once a magnificent example of the works of nature, are now a sad monument to the follies of man.

And it can happen on Lake Superior.

The Federal report points out the delicacy of this body of water: Its clarity is extremely susceptible to being reduced by pollutants—Addition of a few parts per billion of heavy metals will have lasting deleterious effects on the lake—Sedimentation will damage fish spawning areas, which are already limited by the nature of the lake—The deep blue color, valuable aesthetically and for tourists, can be changed by tiny particles in suspension.

"The quality of Lake Superior is so high compared to other lakes that the early signs of damage may go undetected or may be excused as being insignificant," the report says.

Small changes wrought by man will set off a chain of events that could change this lake beyond present recognition. In more ways than one, it is clear that this giant of a lake has an Achilles Heel. It is a Goliath that can be slain by a David, though I doubt the event would be remembered as one of our heroic feats.

Maybe it would qualify, though, for Ripley's "Believe it or not."

Or maybe we could say: "We've finally moved this region into the mainstream of progress. We've polluted Lake Superior." Not too long ago in America, that was the attitude, and it was once tolerated.

We haven't by any means polluted this lake yet. But the danger flags are up:

—Municipal wastes are being discharged directly into the lake or into the drainage basin from 93 cities, towns and districts. In many cases, treatment is at the outmoded primary level, or is nonexistent, although pollution control programs of the three states are underway and, if followed, will improve treatment.

Industrial wastes are being discharged from 61 industries. In many cases, control is nonexistent or completely inadequate, and for some sources, abatement schedules have not yet been set by the states. I urge that such schedules be set as quickly as possible, so pollution from these sources can be eliminated.

Wastes are also being discharged from federal installations and facilities. Here again, controls are in instances completely inadequate, and it is critical to the integrity of the federal program that the pollution be stopped.

Erosion in northwestern Wisconsin's red clay area has damaged valuable trout and recreational streams, discolored Lake Superior waters off the south shore of the lake, and is damaging the lake's aquatic life. I

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urge state and federal officials to initiate a major program of soil conservation and streambank stabilization on south shore streams and watersheds, based on recommendations of the Red Clay Committee. I will reintroduce legislation shortly which would aid in this effort.

Hundreds of commercial, sports, and federal vessels are dumping untreated wastes directly into the lake.

The U.S. Army Corps of Engineers continues to contribute to pollution by dumping its harbor dredgings into the lake. Last year, the Corps dredged one million cubic yards from harbors in Lake Superior and dumped most of it in open water. It is urgent that current Corps studies and hearings produce results shortly.

As in any other major shipping or industrial area, Lake Superior faces the continued danger of disastrous oil leaks and spills, the effects of which we saw recently at Santa Barbara.

On the Canadian side, there are indications that both American owned and Canadian paper mills are discharging untreated effluent directly into the lake. Effective protection of Lake Superior will require international cooperation, and perhaps international agreements, which I hope this conference will study and recommend.

For pollution sources on the American side, the Federal report makes 20 recommendations. Most are excellent, and some are precedent-setting in their acknowledgement that Lake Superior is a priceless national heritage not only for us, but for future generations.

For instance, the report recommends some of the strictest interstate water quality standards in the history of the national program.

With two exceptions, I concur wholeheartedly with this and the other recommendations of the report, and urge their adoption and immediate implementation by the conferees.

The exceptions are important ones.

First, I urge that upgraded standards as strict as those proposed by the report for Lake Superior itself eventually be set throughout the entire drainage basin. The conferees should adopt long-range timetables to accomplish this.

I don't believe any other course will assure long-term protection of the unique water quality of the lake.

In some instances, lower quality standards, such as "limited body contact," are being set for portions of rivers entering the lake. Examples of this are sections of the Montreal and St. Louis rivers. This means that improved, but still lower quality waters will continue to be fed into the open lake, possibly setting off the kind of chain reaction which could seriously alter the ecology of Lake Superior.

The upgraded standards should require that in time, wastes discharged anywhere in the basin must be first treated to the highest degree technology will reasonably permit, or be disposed of elsewhere.

Further, such standards should as a general rule prohibit the discharge of significant new volumes or kinds of wastes into the basin.

Only in this way can we assure that the new industries and the new or expanded communities which are legitimate parties in the sharing of this resource will not, with existing users, damage it beyond use for all.

If we hesitate on such standards, it is inevitable that as the population of this region increases, we will be faced over the years ahead not with a trickle of pollutants, but with a deluge.

A sample is the gaseous diffusion plant which has been discussed for a location 20 miles from here near the Lake Superior shore. In producing fuel for nuclear power reactors, this massive plant reportedly would use more than two billion gallons of Lake Superior water a day, and return it heated to the lake.

Thermal pollution has become a national issue, as we learn more about the serious effects of heating our lakes and streams.

Nowhere is there greater cause for concern than in this region. On Lake Michigan alone, six nuclear power generating plants will be in operation by 1973. If power industry growth continues at its present rate, the result will be an increase by several degrees in the temperature of the entire lake. Not one of the plants is installing systems to cool the water before it is discharged back into the lake, or is planning to ship away all liquid radioactive wastes.

No nuclear power facility of any sort, including the gaseous diffusion plant, should be allowed to operate on Lake Superior or in the drainage basin unless it eliminates all heat and radioactive discharges that technology will permit. A nuclear power generating plant in Sacramento, California, is being designed to discharge no heat and no radioactivity into the water.

Standards such as these are not without precedent. The state of New Jersey has set similar ones on several of its valuable fresh water lakes. And there is a total prohibition against discharge of any wastes into Lake Tahoe.

Second, it is a matter of serious concern that the Federal report does not make firm recommendations for action now regarding Reserve Mining Company's discharge of taconite tailings at Silver Bay.

I think there is ample evidence that action in this matter is justified and necessary for protection of Lake Superior.

Since 1956, more than 190 million tons—or 380 billion pounds—of taconite wastes have been put into the lake.

One year of Reserve's tailings discharge nearly equals 30 years of natural discharge of sediments by all United States tributaries to Lake Superior.

If as scheduled, the plant operates at current levels for the next 40 years, it will put into the lake 1 trillion, 881 billion, 600 million pounds.

If as is possible with Reserve's ore body, the plant operates for the next 90 years, the total tailings going into Lake Superior from Silver Bay would reach 4 trillion, 233 billion, 600 million pounds.

In northern Wisconsin, we have taconite ore reserves on the Gogebic Range which a gross estimate shows reach 1,000 million tons for the first 100 feet. This means we could discharge one or two trillion more pounds of taconite tailings into Lake Superior from the Wisconsin side, if a similar plant were built there.

Where would it end?

I believe this artificial discharge of massive amounts of material into the lake is a pollutant, and is bound to have serious and possibly catastrophic long-range consequences.

For instance, one of the specific conclusions of the Federal report is that the tailings are already damaging the ecology of a portion of the lake.

The report also accepts conclusions of an earlier Interior Department task force report which found that the tailings are affecting critical lake values, such as the low mineral content, extreme clarity, limited fish spawning grounds, and the deep blue color of the water.

Furthermore, the report contains evidence found just last month that tailings are now present in the drinking water supplies of Beaver Bay and Two Harbors, and in Duluth, some 50 miles downshore from the Silver Bay plant.

Not only does this raise public health questions, but it makes it almost inevitable that the tailings have moved to the Wisconsin side.

If there isn't adequate authority for action to properly control this massive tailings discharge, I will ask that Congress amend the pollution control laws.

However, there are a number of authorities already available to the conferees, and with the full support of the governors of all three states, there appears to be little question that appropriate state and federal action could be taken where necessary.

First, the Minnesota permit for the Reserve operation states that tailings outside a nine square mile zone in front of the plant should not cloud or discolor the water, affect fish life or public water supplies, interfere with navigation, or cause any public nuisance. I believe the discharge has exceeded terms of this permit.

Second, the Lake Superior water quality standards of both Minnesota and Wisconsin prohibit artificial discharges which will cause nuisance conditions. The standards also cover toxic and other damaging materials, and involve both state and federal authorities.

Third, by interdepartmental agreement, the Army Corps of Engineers' permit for the Reserve operation must consider pollution, and the permit is now under review pending the recommendations of this conference.

It would be unfortunate if, with the evidence, and with the authorities available, the conferees were to accept a recommendation calling only for continued surveillance.

Alternative means for disposal of the tailings must be extensively explored, and an early report must be made back to the conferees for their consideration and decision in the near future.

The same technological ingenuity which produced the marvel of the taconite process must be put to work to prevent pollution by the taconite wastes.

Substantial costs will be involved.

But to cite just one example, United States Steel Corporation has spent $235 million since 1950 for air and water pollution control at its facilities around the country, including its Iron Range plant. U.S. Steel currently is spending $50 million a year on these problems, and just two weeks ago announced major new control steps.

When costs are considered, the conferees should also look at what society will pay in damages to the recreational asset Lake Superior offers for the entire nation, and in damages to the commercial fishing industry.

The damages will also be charged against Lake Superior's great potential as a source of clean water for the mid-United States, which faces some water shortages for all uses in the next few decades.

But even more than this, American society would be losing a natural resource that is a treasure and a heritage for all time. The quality of life for all Americans would be diminished by it. The difficulty in putting a price tag on this loss does not diminish its importance at all.

I believe it is time this nation established a policy that says pollution control must be a part of doing business.

This is an ethic which I believe the American people strongly support, and which business must accept, and in fact, is accepting.

It is time we said: No one has a right to pollute the air, the water, the land. It belongs to us all, and must not be used for the special benefit of any community, or company, or individual. There is no better place to start than on this lake, which is uniquely well qualified for the very best protection we can give it.

THE UNIVERSITIES OF BRAZIL

Mr. FULBRIGHT. Mr. President, I recently received a letter from a distinguished professor at the University of Indiana enclosing a clipping from Scientific

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Research relative to the situation in the universities of Brazil. My informant states that he believes that many of the principal universities have been completely closed, although the article does not specifically state that. It is a most serious development in the great country of Brazil, and I extend my deepest sympathy to the people of that country in view of these developments. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

K.O. BLOW HITS BRAZILIAN SCIENCE

Brazilian science was dealt a crushing blow in the last week in April from which it may take many years to recover. Some 70 professors at the Federal University in Rio de Janeiro and at the University of Sao Paulo were summarily "retired" by order of the Brazilian military dictator, President Arthur Costa e Silva.

Among the professors—many of whom had taught in the U.S.—are the president of the University of Sao Paulo and several heads of departments at both universities. Two of the professors also directed research foundations. The 70 men, who were all dedicated to university reform, received no warning, and learned of their fate over the radio. They have not been charged with any offense, and no arrests have been made.

Worst hit at the universities are physics and sociology, but biochemistry has also suffered. One scientist predicts it will take 20 years to rebuild the shattered Brazilian research capability.

The reasons for the sudden compulsory retirement are confusing and even ironic. Brazilian university organization is based on the European model of several years ago. Each professor rules his roost with an iron hand and holds his chair for life.

For the last five years, several Brazilian academics—among them the 70 recently forced out—have been trying to reform the universities. They seemed to have been presented an opportunity to do this when Costa e Silva swept into power last year and ordered a reform of the universities.

The man who has carried out the "reform," however, and was a target of the reformers himself, appears to have turned the tables on them. He is Minister of Justice Gama e Silva, on leave of absence from his job as president of Sao Paulo University. He drew up the order retiring the 70.

Among those purged was Helio Louvenco de Oliveira, Gama e Silva's replacement at Sao Paulo.

PROPOSED EXPANSION OF U.S. ROUTE 219 IN PENNSYLVANIA

Mr. SCOTT. Mr. President, on June 2, 1969, my colleague from Pennsylvania (Mr. SCHWEIKER) and I submitted Senate Concurrent Resolution 28, urging the Department of Transportation to provide funds for the expansion of U.S. Route 219. This scenic highway crosses the beautiful west-central Pennsylvania counties of Somerset, Cambria, Clearfield, Jefferson, Elk, and McKean.

A modern four-lane expressway would provide additional commercial and tourist access for the 700,000 people already served by Route 219 and thousands of interstate travelers. I am pleased to sponsor this concurrent resolution that would provide so much benefit for the Commonwealth of Pennsylvania.

AMERICAN FREEDOM AND THE NEW ISOLATIONISM

Mr. DODD. Mr. President, last Friday, June 6, it was my privilege to address a gathering in New London, Conn., marking the 50th anniversary of the establishment of the John Coleman Prince Post of the American Legion. This year also marks the 50th anniversary of the founding of the American Legion; and, by a remarkable coincidence, the date of the anniversary also marked the 25th anniversary of the Normandy invasion.

An enthusiastic crowd of more than 500 turned out for the observance, including some of New London's most distinguished citizens.

For the theme of the address I was asked to make, I chose "American Freedom and the New Isolationism," because it seemed to me that the spread of the new isolationism has become one of the most critical problems confronting our country. I ask unanimous consent that the text of my address be printed in the RECORD at the conclusion of my remarks.

I pay tribute to Mr. David Carlson, Mr. Harvey Mallove, and the other directors of the John Coleman Prince Post for the exemplary manner in which they organized the observance of the 50th anniversary of the founding of the post.

I also express my gratitude to the members of the post for a truly inspiring evening. It was the kind of audience and the kind of evening that encourages one to believe again that the heart of America is still solid.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AMERICAN FREEDOM AND THE NEW ISOLATIONISM

(Speech by Senator THOMAS J. DODD, before the John Coleman Prince Post of the American Legion, New London, Conn., June 6, 1969)

Friends and fellow citizens, it is always a pleasure to address an American Legion audience because of what the American Legion stands for.

Over the fifty years that have elapsed since its establishment, your organization has encouraged citizen concern with our major problems of foreign policy and has given its uncompromising support to those policies which advance our national security and protect the peace.

That this is so is not surprising, because there are no more passionate advocates of peace than those who, like the members of the American Legion, know the meaning of war.

The members of the American Legion know well that peace cannot be protected by appeasement and that aggression cannot simply be wished away. You know that peace can only be protected through strength, and that freedom can only be protected if we are willing to pledge to its defense "our lives, our fortunes, and our sacred honor."

You know that isolationism is a fool's paradise, that all the talk about retreating into a "fortress America" is a prescription for certain disaster, that the ramparts of our own freedom lie in Europe and Vietnam and wherever free men are threatened by the forces of communist aggression.

You stand for honor, for decency, for patriotism, for service to country, and for enlightened internationalism.

This is to me what the American Legion stands for. And this is why I consider it a very special privilege to be able to address this gathering, which marks the 50th anniversary of the establishment of your Post, the 50th anniversary of the founding of the American Legion, and the 25th anniversary of the Normandy invasion.

The John Coleman Prince Post of the American Legion was named after the first New London veteran killed in World War I. The world has changed in many dramatic ways since John Coleman Prince gave his life for freedom.

In World War I, the most remarkable technological innovations were the tank and chlorine gas, while the airplane was still a slow and flimsy canvas-covered craft with a hand-operated machine gun.

But today the technological revolution has piled miracle on miracle.

Today we have jet craft capable of flying 2,000 miles per hour; missiles that can fly for 5,000 miles and drop with pinpoint accuracy on their intended targets; nuclear warheads capable of wiping out at a single blow the greatest cities in the world; space satellites capable of photographing trucks on the ground at any point in the world; nuclear submarines that can travel around the world without surfacing and which can, from submerged positions, fire nuclear missiles, each equal to one million tons of TNT, at distant targets.

Today our astronauts have already circled the moon at close quarters; and, in little more than a month, if all goes well, the Apollo 11 will land the first mortals on the surface of the moon.

It is a far, far cry from the miraculous technology of today to the primitive military technology of World War I. But despite the technological revolution, the world of international politics has changed remarkably little over the course of the century.

Today, as in World War I and World War II and the Korean War, we have aggressive powers that seek to subjugate other countries and to bend the rest of the world to their will.

Today, as in World War I, America finds itself fighting on distant ramparts in defense of its freedom and the freedom of other nations.

Today, as in our previous wars, our commitments are assailed by pacifists and isolationists, by the disappointed and by the frustrated.

In his speech last Wednesday before the Air Force Academy, President Nixon warned against the dangers of "the new isolationism" and unilateral disarmament. He also warned against the unrestrained anti-militarism which has become fashionable in so many quarters, saying that the situation has degenerated into an "open season on the armed forces".

The President is right and I am glad he is telling the American people the facts.

"The new isolationism" has become much more rampant and more reckless in recent years. But the development of this phenomenon really goes back to the mid-sixties. It is a matter which has greatly concerned me because, in my opinion, "the new isolationism" is potentially more dangerous than the major external problems that confront us.

If, for example, we should lose the Vietnam war, it will not be because our soldiers have failed in the battlefield; it will only be because our neo-isolationists have so succeeded in eroding the morale of the home front.

What is the essential nature of the "new isolationism"?

The basic premise of the new isolationism is that the United States is overextended in its attempt to resist communist aggression around the world, overcommitted to the defense of distant outposts, and overinvolved in the murky and unintelligible affairs of remote areas.

The corollaries of the new isolationism are many.

It is contended that we should de-emphasize the cold war and reverse our national priorities in favor of domestic improvements; that we should withdraw from South Vietnam; that our military establishment and our CIA, organizations that seem particularly suspect because they are symbols of worldwide involvement; should be humbled and "cut down to size" and stripped of their influence in foreign policy questions; that the ROTC should be abolished; that the tremendous research facilities of our universities should be barred from participating in research related to national defense; that we should ignore the menacing build-up of Soviet arms and devote our resources, instead, to the improvement of our own society.

We would all, of course, prefer to live in a world in which it were possible for us to have no commitments, a world in which we could devote all of our energies to the task of perfecting our society at home and enriching the lives of our people.

But we must face the world as it is. And the basic fact of our world is that Western civilization, itself terribly rent and divided, both politically and philosophically, has been forced into a twilight war of survival by a relentless and remorseless enemy.

We must face the fact, too, that the Soviet Union has been expanding its military forces, its nuclear forces in particular, at a dizzying rate, and that it has a military research and development program far bigger and more costly than our own. According to the best estimates, it has already reached, or almost reached the point of nuclear parity with the United States.

In 1966, the United States had 1,054 ICBM's and the Soviet Union had 250.

Today, the United States still has 1,054 ICBM's because that is the level at which we arbitrarily froze our force. But, according to a statement which Secretary of Defense Laird made on April 25, the Soviet ICBM force over the past three years has grown to a total of 1,140 ICBM's, in place or under construction. Assuming that the Soviet ICBM's will continue to roll off the assembly line at the rate of the past three years, Secretary Laird predicted that by the early 70's the Soviets might have a force of 2,500 ICBM's.

These are the official estimates of our intelligence community. They are estimates, moreover, based on "hard" intelligence provided by countless aerial photographs taken by our reconnaissance satellites.

There are some people, I know, who are disposed to question any such estimates put out by the intelligence community, pointing out that there was a serious overestimate of Soviet missile strength in the mid-fifties. What they do not understand is that until the era of reconnaissance satellites we had to rely entirely on what the experts call "soft" intelligence, that is, on fragmentary reports by observers and informers in various parts of the Soviet Union. This kind of intelligence is notoriously unreliable, as the members of the intelligence community are the first to admit.

I am told by experts for whom I have respect, that the current estimates, if anything, are probably underestimates because they count only those missiles revealed by satellite reconnaissance, and we cannot exclude the possibility that there are still more missiles in hidden sites that have not yet been discovered by our satellite cameras.

Confronted with the incontestable figures of Soviet superiority in ICBM's, there are those who will tell us that we still have nothing to worry about because of our marked superiority in Polaris submarines and long-range bombers.

What these Pollyanna estimates ignore is that the Soviets already have some 550 submarine launched missiles which are not of the Polaris type; and they have been building a Polaris submarine fleet on a crash basis. According to Deputy Defense Secretary Packard, they may exceed us in Polaris capabilities by 1971.

They also ignore the fact that the Soviet Union has far more medium-range missiles than the United States, and far more medium-range bombers than the United States, capable, with mid-air refueling, of making the trip to the United States, and that, in terms of total megotonnage, the Soviet Union is already far far ahead of the United States.

Finally, they ignore the heavy and ominous emphasis which all Soviet military experts place on "winning" and on surprise attack in their doctrinal writing.

We are now heading into the most perilous period in the history of our Republic.

Clearly, we must do everything in our power to prevent the ultimate disaster of nuclear war.

We must use all of our diplomatic resources to persuade the Soviet Union and the other Communist states to desist from their policy of subversion and aggression in the interest of common survival.

We must also do everything we can to de-escalate the arms race by seeking limited and verifiable agreements on arms control with the Soviets.

But the growing Soviet military strength, combined with the proliferation of crisis situations in the Far East and Africa and elsewhere in the undeveloped world, suggests that we are in for a difficult and stormy period, despite the best our diplomats will be able to do.

If we do all those things that must be done, if we maintain our military strength, and if we remain faithful to our alliances and our commitments, I am confident that we shall survive the coming stormy period, and that freedom will in the long run prevail over tyranny.

But if we succumb to the neo-isolationism and anti-militarism that have become so prevalent in our society, if we appear to lack the will to defend ourselves or our allies, then I truly fear for the future.

More effort, more sacrifice, not less, is the need of our time. And I speak as one who does not disparage the need or the importance of domestic improvements. My record in this area is too well known to need defending.

But I say to you that if our foreign affairs are going badly, no aspect of internal welfare is secure or stable. And if we cope successfully with the great problem of terminating the cold war, no internal problem will long defy solution.

Our first national priority is and must be the survival of our country and our freedom. And if the 20th century has taught men anything, it is that survival and freedom cannot be purchased on the cheap, in a discount store or a bargain basement.

Twenty-five years ago today the mightiest invasion armada in history set out under cover of dark for the coast of Normandy with the assignment of liberating Europe from the merciless rule of Adolf Hitler.

The young men who secured Omaha Beach in Normandy, yard by bloody yard, did not question the fact that each man was doing his simple duty for his country. Nor were they bitter because they fought and suffered. They understood that the security of their own nation and the hopes and aspirations of all mankind rode on their shoulders. And they accepted their historic responsibility with a sense of pride.

Their story is one that deserves to be told and retold. And I wish that some bard of modern time would appear who could tell this story with such power and eloquence that the confused would again begin to understand the meaning of freedom and of patriotism, and the falterers would be inspired to raise their heads and carry on.

In closing, I want to congratulate the members of your Post and the citizens of this historic community on their initiative on organizing this observance.

It is not just that it is appropriate to commemorate the sacrifices which countless thousands of Americans have made for their country in previous wars. The act of commemoration also has a profound significance for the future because it inspires every one of us to shoulder the burdens and accept the sacrifices that the continuing defense of freedom places on our own generation.

DOT OFFICIAL NOTES VITAL ROLE OF TRANSPORTATION IN RURAL DEVELOPMENT

Mr. PEARSON. Mr. President, on May 21 and 22 the Committee on Finance held hearings on the use of tax incentives to encourage new job-creating industries to locate in rural areas, with a particular emphasis on the Rural Job Development Act (S. 15) which I, the Senator from Oklahoma (Mr. Harris), and 36 other Senators introduced earlier this year. The hearings were most useful and established an extremely valuable and important record.

One of the principal values of the hearings was that they helped to focus further attention on the question of rural development. For example, Walter L. Mazan, Assistant Secretary for Public Affairs, Department of Transportation, devoted considerable attention to S. 15 and the committee hearings in his remarks before the National Seminar on Human Habitation at the University of Tennessee on May 22.

Mr. Mazan has demonstrated a keen awareness of the national importance of rural development and a solid understanding of the vital relationship between rural development goals and transportation policies. I think Mr. Mazan's statement is most significant and worthwhile, and I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Remarks Prepared for Delivery by Assistant Secretary for Public Affairs, Walter L. Mazan, Before the University of Tennessee National Seminar on Human Habitation, on Thursday, May 22, 1969, in Tulahoma, Tenn.

Gentlemen, I am more than happy today to be representing the Department of Transportation at your excellent Seminar on Human Habitation. It was with a deep sense of pride and satisfaction that I accepted your kind invitation to meet with you on the Department's role in rural development.

As Artemus Ward always used to say, it's easy to have a winner, especially if there are no other entries in the race. Although we hope to develop winners in our efforts to recast transportation systems in this nation, we nevertheless must have other entries in the race if we ever expect to be successful and achieve what Secretary Volpe has charged us to do. John Volpe, as you know, is the former three-term Governor of Massachusetts and definitely is a doer and a winner. With his remarkable background of success in Massachusetts he has given us our direction in the Department and has told us to proceed with "responsible audacity."

We have assigned priorities within the Department as well as within the Nixon admin-

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istration. Because of the tremendous strain being placed on transportation systems in the urban areas, our studies are concentrating on the larger cities. Our plans call for upgrading and restoring a depreciating transportation system.

Don't misunderstand our motives. . . .

Even though urban transportation and the safety of the airways have been given the publicity and green light by the Department and the administration, there is no less demand for good, reliable transportation in rural areas. The Department at this time has several projects underway in the different administrations where we are working on ways to aid and abet the rural areas.

Since the time of the American Revolution, this nation has done a complete 180 degree turn in the makeup of population. At the time of the revolution, 90 percent of the Nation's population were farmers, today, 90 percent of the Nation earns its living by other means.

It is because of this complete reversal in economics that some of our emphasis must be redirected today.

There is nevertheless, much activity in Congress to bolster the status of rural areas by promoting rural industrial development. This week, hearings are being held in the Senate on a new proposal called the Rural Job Development Act of 1969. The Bill was introduced by Senator James B. Pearson of Kansas. This Bill, although much like some predecessors, has the future of the rural areas prominently in view.

The Pearson proposal would provide a series of tax incentives for industrial enterprises. This inclusion was injected primarily to overcome factors such as higher transportation costs and limited public services which often discourage industrial investment in smaller towns and cities.

The transportation factor looms large in this bill. The Department feels that much can be done about transportation crises in rural areas. Some of our planners are suggesting that abandoned railroad trackage be studied for possible use by the new articulated buses for which we recently released experimental contracts to individual contractors.

These articulated buses have the capability for rail travel as well as highway travel and could speed up the delivery of freight into an area as well as commodities out of an area. Their usefulness in bringing people from remote rural regions to new centers of industrial activity outside of heavily populated and industrial urban centers could reap incalculable benefits for rural regions.

This Bill to add new stimulation into rural areas I think, has considerable bearing on what your seminar is discussing today. If the trend continues to the larger cities, the depopulation of rural areas will have reached a point where only ghost towns remain in places that today have some population but who are in desperate need for job advantages.

I submit gentlemen, that the refurbishing and rejuvenating of the rural areas is every bit as important as finding jobs for all the unemployed partially skilled workers in major urban areas. I would not for a moment be accused of disregarding the plight of the unemployed city dweller, but I think if we do not work on a double-pronged attack on poverty in both rural as well as urban areas, we are simply opening ourselves up to a chaotic rural situation within a short number of years.

A significant but sometimes overlooked barometer of business in the heavily populated areas of the country is the help wanted advertising sections of major newspapers. The National Industrial Conference Board periodically checks the help wanted advertising section of 52 major newspapers across the country. The most recent survey showed that help wanted advertising set a record for the month of March when more lines of help wanted advertising were run in these 52 test newspapers than any equivalent March since 1957.

Meanwhile, the Bureau of Labor Statistics unemployment rate for the Nation was 3.4 percent of the labor force in March, down from 3.7 percent in the comparable month of 1968.

President Nixon's promise to the Nation that he would maintain progress and at the same time control the Nation's accelerating inflation is being borne out by such important employment figures as these.

As a matter of fact, the latest figures on the flight from the farm show a slight drop from previous rates.

During the decade between 1950 and 1960 a million people a year left the farm but from 1960 to 1968, the figure amounted to 750,000. These are the latest figures from the Bureau of Labor Statistics released last week in Atlanta.

Although some slowing may be noted in the eight year period just past, the decline is taking place and albeit slowed, it still is fast paced enough to be considered critical.

Within the Department of Transportation, studies are underway which we expect will indicate what direction will be best for the Department to take in suggesting alternatives to declining availability of transportation in rural areas.

The Bureau of Public Roads at the present time is cooperating with the Office of Economic Opportunity in a survey in Raleigh County, West Virginia. OEO is conducting their survey to determine the possible usefulness of small bus transportation in rural areas. The project chose Raleigh County because it was more closely identified with rural poor than any other area of similar size and population. The Bureau of Public Roads' Office of Research and Development is interested in this study because we hope it will tell us some of the social and economic impacts of highways in rural areas. If the highways are being used only for buses and not primarily for automobiles, then is the highway producing maximum benefit for the community. These are things we want to know. And these are things upon which we are working and studying.

The Department of Transportation has long recognized that transportation is an important factor in the process of economic development and in the effective utilization of national resources.

The Urban Mass Transportation Administration is one of the key administrations within the Department of Transportation charged with developing new transportation systems and possibilities. Their task is to work not only in urban centers but also in rural areas.

I have already mentioned the articulated bus as a possible element to aid in rural areas where there are abandoned rail lines. The Urban Mass Transportation people, however, are also working in other areas where they feel some of the urban developed systems may apply to the rural areas.

One such development, which incidentally now is under study for eventual prototype experimentation is the "dial-a-bus" program. UMTA originally developed this for sections of urban centers that had no nearby mass transportation system nor any taxi service of any value.

The "dial-a-bus" program could be used in the sparsely populated areas of rural America and give rural dwellers an opportunity to commute to their jobs or factories with almost the same as door to door cab service.

This project in many ways resembles a mini-bus with radio controlled units being dispatched to pick up passengers in remote areas. The passengers can call and make telephone appointments for the bus. The minibus then would either take the passengers to a main bus route, or in the case of rural use, carry them directly to their factory or whatever job they might have within the proximity of their home.

The possibility is there and we hope to apply the idea to rural areas during our study this year.

The reasons for introducing the Rural Development Bill for 1969 gives us some idea of the startling and critical things existing in our rural areas today. Its emphasis on giving tax incentives to industry to locate in rural areas because of the ancillary transportation problems is a clear-cut warning that we must consider rural transportation in context with tincreased industrial activity in the future. If not, the rural areas will become ghost towns and paved deserts.

As you gentlemen know, the Department of Transportation is the nerve center of the Federal government for all programs involving transportation in this country. The Department is responsible for the development of policies and programs conducive of the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent with the National objectives.

This is our charge and our challenge and we intend to carry it out for all sectors of the American economy.

President Nixon has assigned the Department of Transportation the task of developing a national transportation policy within the next six months. Secretary Volpe has said that what has not been done in the past fifty years must be done in the next six months. I am confident we will produce the policy and submit it to the President this year because we feel this is one of the areas in which we can effectively attack the present patchwork system that is not integrated and is far from being well balanced.

President Nixon is moving fast in his new administration. He has given transportation the go-ahead for more planning and more expansion. But more importantly, in the first 118 days of his administration he has chalked up accomplishments which mark him as a man who knows how to face the challenges of today and keep the Nation's economy viable. President Nixon has re-oriented the Federal government apparatus to make it more responsive to the popular will. He is fighting inflation with a huge four billion dollar cut in Federal spending. He has proposed new ways to fight the heinous power of criminal syndicates. He is taking the Post Office out of politics, and I might add, not without some loud explosions in sensitive areas. Above all, he is patiently seeking an honorable peace in Vietnam.

The President is being tough in his approach to the problems of the Nation. This is giving us our leadership. As John Volpe said last week in Baltimore, we certainly intend to be tough and practical on the great policy questions in transportation which must be answered during the next few months.

Gentlemen, I want to assure you that the Department of Transportation does not intend to overlook rural America and its attendant problems in transportation.

It has truly been a distinct pleasure being with you today and although I have indulged in a little prophesying about the future of rural transportation with certain approaches that are under study at this time, I might close with that famous quote from Josh Billings who said: "Don't ever prophesy; for if you prophesy wrong, nobody will forget it; and if you prophesy right, nobody will remember it."

Thank you.

CONFLICT OF INTEREST

Mr. YOUNG of Ohio. Mr. President, recently the newspaper Newsday published an informative article written by Clayton Fritchey, one of the Nation's outstanding columnists. In his article Mr.

Fritchey detailed the facts regarding a possible conflict of interests in a case involving the former law firm of the Assistant Attorney General in charge of the Antitrust Division of the Justice Department. Since the case concerns the effort to gain control of one of the Nation's largest manufacturing firms, the B. F. Goodrich Co., I believe these facts should be brought to the attention of all Members of Congress. Therefore, I ask unanimous consent that Mr. Fritchey's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Washington.—While one branch of the Justice Department was investigating conflict of interest charges against Supreme Court Justice Abe Fortas, another branch (Anti-Trust) was already enmeshing itself in a conflict of interest situation of its own.

The case centers on Richard McLaren, President Nixon's Assistant Attorney General in charge of the Government's antitrust operations. McLaren has officially intervened in a multi-million dollar merger fight in a way that has decisively benefitted a large corporation represented by the law firm from which he only recently resigned.

The struggle revolves around the efforts of Northwest Industries (one of the nation's largest conglomerate holding companies, with sales of $700 million a year) to gain control of another business giant, B. F. Goodrich, the billion-dollar tire company.

The essential facts are these:

On Jan. 21, the day after President Nixon's inauguration, McLaren was chosen to head up the Anti-Trust Division. He then resigned as a partner in the Chicago law firm of Chadwell, Keck, Kayser, Ruggles and McLaren. On Feb. 1 he was sworn in as Assistant Attorney General. A few days later Goodrich, which is strenuously opposing the efforts of Northwest to take it over, signed up McLaren's old firm to help it in its fight with Northwest.

John Chadwell, the senior partner of McLaren's former firm, then came to Washington to confer with his old colleague and enlist his help. The end result was the intervention of the Government against Northwest Industries. On May 21, the Justice Department petitioned the Federal District Court in Chicago for a temporary injunction (on antitrust grounds) to restrain Northwest from proceeding with its plan to buy out the stockholders of Goodrich.

The court issued a temporary restraining order, and is presently taking testimony to determine whether to grant the injunction requested by McLaren. Because of the magnitude of the proposed deal, and even more because it is regarded as an effort to broaden the Government's anti-trust powers, the outcome is being watched with close interest throughout the business community.

Several ethical questions have been raised by the chain of events, notably the propriety of McLaren handling the case personally, instead of disqualifying himself because of his past associations.

His failure to remove himself is in sharp contrast with the standard set by his superior, Attorney General John Mitchell, in another recent anti-trust case involving International Telephone and Telegraph and Automatic Canteen. Because Mitchell's old law firm, in which he and President Nixon were partners, had represented an IT&T subsidiary, the new Attorney General personally disqualified himself when the Justice Department filed a law suit against the merger of IT&T and Automatic Canteen.

Before McLaren became Assistant Attorney General, Goodrich's regular counsel was (and still is) the New York law firm of White and Case, one of whose partners is Edgar Barton, who has been Vice Chairman of the American Bar Association's anti-trust section.

Barton has continued to act for Goodrich, along with John Chadwell. Barton, in fact, was with Chadwell when they conferred jointly with McLaren at the Justice Department on Feb. 26, a few weeks after McLaren was sworn in.

Subsequently, McLaren met with lawyers for Northwest Industries, and it now transpires that the Assistant Attorney General kept his old friends informed of developments by sending them carbon copies of his correspondence with Northwest.

On April 18, McLaren under his own signature wrote Northwest a letter saying it would be advised in advance of a Northwest shareholders' meeting scheduled for May 13 as to whether Justice would bring an antitrust suit to block the proposed take-over bid for Goodrich. Copies of the letter were received by both Chadwell and Barton.

McLaren declines to comment on the case, but a Justice Department spokesman says that Chadwell and Barton were classmates at the University of Illinois, and have previously worked together on lawsuits. The spokesman further says that when lawyers for Northwest met with McLaren they did not raise any questions about his connection with his old firm.

Finally, the spokesman, in commenting on Attorney General Mitchell's action in disqualifying himself in the IT&T case, and McLaren's failure to do so in the Goodrich case, thought it should be noted that IT&T was already a client of Mitchell's firm at the time he jointed the Government, whereas Goodrich hired McLaren's former firm after he went to Washington.

POLICIES OF POSTMASTER GENERAL BLOUNT

Mr. BAKER. Mr. President, on June 4 the Memphis Commercial Appeal published an editorial in strong support of the new policies of Postmaster General Blount. The views expressed in the editorial closely parallel my own. I therefore ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Blount Speaks Bluntly

Postmaster General Winton M. Blount has started at the front end of his administration in plugging away for removal of the Post Office Department from political patronage. It's high time that this approach was used. President Johnson's postmaster general, Lawrence O'Brien, promoted the same idea—but only in the waning months of the LBJ administration.

Mr. Blount has not won much popularity among members of Congress, especially those representing essentially rural or small-town areas. But two Tennessee Republicans, Senator Howard Baker and Representative Dan Kuykendall, are conspicuous in their support of Blount and the Nixon administration plan to convert the postal service into a TVA-like operation.

The postmaster general came to Memphis Monday to receive an honorary doctorate from Southwestern. However, he used the opportunity to speak out strongly on a plan to make the Post Office self-sufficient. The billion dollars a year that adds to the federal deficit, he noted, represents money which could be used to solve poverty problems. And any move to decrease federal debt service is commendable.

Archaic patronage practices have led to a creaking, squeaking, broken-down postal service which costs the mail users more every year, and still can't pay its own way. Taxpayers, in fact, bear a burden which should rest only on the shoulders of persons and business firms who fill the mailboxes.

Mr. Blount pointed out while in Memphis that fights over congressional patronage had led to indecision and breakdowns in morale. For instance, he said, as of January there were 2,000 post offices trying to conduct their work with temporary postmasters.

While citizens give growing support to the premise of a corporation-type postal service, it is Congress which resists, clinging to patronage.

But, as The National Observer puts it so succinctly this week, "members of Congress may find it difficult, indeed, to explain, in franked (free) mailings to their angry constituents, why the United States postal service continues to deteriorate in an age of travel to the moon."

TRIBUTE TO PAUL CARDINAL YU-PIN

Mr. DODD. Mr. President, recently an article about the newly elevated Paul Cardinal Yu-pin, exiled archbishop of Nanking, was distributed by Religious News Service and published in many religious newspapers throughout the country. Because I consider Cardinal Yu-pin one of the most remarkable men it has been my privilege to know, I ask unanimous consent that the text of this article be printed in the Record at the conclusion of my remarks.

Over the years I have met and talked with Cardinal Yu-pin on some half-dozen occasions, both in the Far East and in Washington.

Cardinal Yu-pin is a giant of a man, physically, intellectually, and spiritually. I have, in my time, met a limited number of churchmen whom I would be prepared to qualify as saintly. But I have met no one who conveys a greater or more immediate impression of intractable strength and spiritual serenity.

When Cardinal Yu-pin was asked by the correspondent who interviewed him whether he hopes to return to Nanking, he replied:

> There is absolutely no secret about it. I have every intention of returning, and I think that the day of Communism's downfall is drawing nearer and nearer.

Because Cardinal Yu-pin is the kind of man who inspires faith and confidence, I, for one, have no doubts about the ultimate fulfillment of the Cardinal's prediction.

There being no objection, the article was ordered to be printed in the Record, as follows:

Exiled Chinese Cardinal Hopes for Return

New York.—(RNS)—The newly-elevated Paul Cardinal Yu-pin, the exiled Archbishop of Nanking who now resides in Keelung, Taiwan, is 68 years young and fighting.

His concern for Christianity finds him preparing the young generation for responsibility and leadership on the mainland in line with Chinese tradition and virtues. He sees this task complementary to his priestly functions because he is convinced that Christian morals and traditional Chinese virtues are identical or at least similar.

Cardinal Yu-pin is returning via the United States to Taiwan from the Vatican where he was spokesman for the 33 cardinals named by Pope Paul. He will make brief stops in Chicago and San Francisco to see old friends and to seek $2.5 million in donations for his newest project—the Ocean-

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ography College at the Catholic Fu-jen University in Taipei of which he is rector.

The interview was conducted in English. The Cardinal also speaks fluently Chinese, Latin, French, Italian and Spanish. He reads German, Portuguese and Esperanto.

His preoccupation with events on mainland China dominated the interview, and his credentials are both ecclesiastic and secular.

He is both chairman of the Conference of Chinese Bishops and vice-chairman of the Planning Committee for the Recovery of the Mainland of China, as well as a Presidium member of the National Assembly of the Republic of China under President Chiang Kai-shek.

When asked whether he entertains hopes to return to Nanking, he replied: "There is absolutely no secret about it. I have every intention of returning, and I think that the day of Communism's downfall is drawing nearer and nearer."

Cardinal Yu-pin characterized Catholics on the mainland as The Church of Silence—the Church of Catacombs. He did not discuss the available ways and means of the surviving clergy on the mainland and their ministry. "Their work is secret and to talk about it here would defeat their purpose."

But he admitted most Chinese clergy have been reduced to laborers. "Over one thousand priests have perished or are in jail," he said. Most churches have been converted into Communist youth clubs or used as workshops.

A few churches are open "for propaganda purposes" in major cities where foreigners are expected to see them as evidence of Mao's religious tolerance, he said.

"But even these churches we understand have recently been closed and even the regime-sponsored 'patriotic priests' have been attacked by the rampaging Red Guards, he added.

In recent years, the Cardinal said, "one hears very little of the so-called National Church of China which in the 1950's served to create a schism and separation of the Chinese Catholics from the Vatican." He said the "Cultural Revolution" had the same adverse effect on non-Christian institutions, including Moslems and Buddhists.

The interview then focused on political issues involving Peking.

The Cardinal did not draw much comfort from the recent Sino-Soviet border clashes. "We feel this is a Communist domestic affair. We should not hope to make any profit out of it. The Communists are likely to patch up their differences. Once a Communist, always a Communist. They still are not with us, although they are killing one another," he said.

COMMENCEMENT ADDRESSES BY SENATOR SCOTT

Mr. BOGGS. Mr. President, the distinguished minority whip, the Senator from Pennsylvania (Mr. Scott), made two commencement addresses in Indiana over the past weekend.

The addresses were given to the graduating classes at the University of Evansville, at Evansville, and at Hanover College, in Hanover. At Hanover College, the Senator received an honorary degree of doctor of laws.

I ask unanimous consent that press statements relative to the addresses be printed in the Record.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Address by Senator Scott at the University of Evansville, Ind.

President Nixon is meeting today with South Vietnamese President Thieu on Midway Island. This is another step on the road to peace. Peace will not break out overnight, and maybe not even this year, but I believe we are closer today than ever before to a settlement in Vietnam.

When peace does come, what will the Nation do with the money it is now spending on the war?

The Vietnam war is currently costing us about $30 billion a year. It is a drain on our economy which has pinched many urgent domestic programs, as well as the American taxpayer. Some people believe that when the war ends, there finally will be enough money to solve all our problems, fund every project, and contribute to everyone's favorite charity. Obviously, that is impossible. We will have to establish some priorities.

The money we are now spending on the war will not all become available for other uses. The armed services will use part of it to phase out Vietnam operations. Obviously we will need to continue spending some money to protect the national security. Automatic increases in some on-going programs will cut into those funds, and inflation may take its toll. But there will be a substantial "peace dividend" to bank on in the years following a Vietnam settlement.

The first recipients of that dividend must be the hard-pressed taxpayer, who has borne the cost of the Vietnam war by paying taxes and taxes on top of taxes. His pocket has been picked by every level of government, until he is ready to fight back.

In Pennsylvania, public outcry has blocked proposed state tax increases. Voters in Philadelphia just rejected bond issues for badly needed school funds. Here in Indiana, many of you have seen property taxes rise 300 percent during the past twelve years.

Some people are staging their own Boston tea parties. I have received a number of letters containing tea bags. The angriest protesters are sending used tea bags. They make the letters more difficult to read, but the message comes through even clearer.

I cannot conceive of any Administration in Washington being able to maintain Federal taxes at the present level once the war in Vietnam is ended. Then we must reform our entire tax structure to plug the loopholes which favor the wealthy, and to remove the unfair burdens on the great majority of middle-class taxpayers.

A tax reduction will help stimulate the natural momentum of our already robust economy and will create new jobs which will be needed by hundreds of thousands of returning GI's. This will help take some of the economic jolt out of the transition from war to peace. It will also broaden the tax base.

It is estimated that the current rate of expansion of our economy will automatically bring in several billion dollars more in Federal revenues each year, even after a tax reduction. If a new war does not come along to eat them up, these new revenues also can validly be included in the peace dividend, since they will be available for domestic expenditures.

But then how do we carve up the remaining peace dividend?

When peace comes, we must not return to the same old problems with the same old thinking. We must set new priorities to bring about imaginative and long-term solutions to the conditions which are breeding frustration and discontent.

Some programs don't need increasing; they need cutting. The space budget, for example, should be reduced. Next month American astronauts are scheduled to walk on the moon, an event we will all witness with pride. But then we must concentrate on getting our feet out of the mud here at home.

The great new technologies which take us to outer space must be applied with equal vigor to the problems which beset the inner cities. Programs such as Model Cities and Urban Mass Transit must be expanded to renew our cities, which crumble at the core as they spread outward.

We must stop fouling our own nest with the pollution we dump into our waters and pump into the air. We must work harder at conservation to hold back the concrete which devours the natural beauty of our lands, and to provide more green oases in the middle of our stifling cities. We have been gaining new footholds in space while sacrificing space for our feet to explore in needed urban open areas.

We must revitalize our rural areas and small towns, which lie fallow while our population jams itself into congested metropolitan areas.

We must use our money and our know-how to see that no one goes hungry in the midst of plenty. The school lunch program should be expanded to reach every needy child, and food stamps should be available wherever families are in need.

We must expand and update the various job training programs, so that those who want to work can acquire the skills to match jobs available and jobs which new consumers will make available.

In short, the peace dividend must be used to see that everyone shares in our continuing economic growth and prosperity. It must be used to help erase the inequities which exist in our society, and to improve the quality of our life, so that we may also find peace among ourselves.

These are just and proper goals.

To aspire to less would be unworthy of a great Nation.

To achieve these things will realize a better aspiration: to be a good Nation.

Address by Senator Scott at Hanover College, Indiana

One of the advantages a U.S. Senator enjoys is the tremendous amount of free advice which the mailman brings to his office. The subject of student disorders has brought a particularly wide range of opinions from my constituents. Some demand that "the troublemakers be locked up." Others warn that the Federal Government has no business getting involved in local campus disputes. Everyone seems to know where to place the blame. The accusing finger is pointed either at a younger generation which has "lost respect for traditional values" or at an older generation which is "materialistic and hypocritical."

I find the situation on the campuses too complex to indict any one group. The problem is rooted in the evolution of American society through a period which has seen economic depression and unprecedented prosperity, hot and cold wars, and fundamental changes in the relationship between individual and government. In short, it is the circumstances of each generation's environment which account for that generation's particular concerns.

I don't know what made your uncles want to swallow goldfish or your grandfathers wear coonskin coats but the current turmoil in our universities would appear to be grounded in deeper, more serious roots than boredom or the rites of sping.

Those of you graduating today matured into a world quite unlike that which your parents knew at your age. They grew up in the Depression. Few of them went to college. Jobs were scarce and often very dirty. Television was unknown. So was penicillin and plasma. The "War to End Wars" had been fought and won.

Your youth has been entirely different. Steadily-rising prosperity has been a mixed blessing. Many more of you have gone to college, putting severe strains on the educational system not to mention the educators. Finding a job is easy. But finding meaningful work is a challenge. You have seen the ugly sides of society at an earlier age. Mass communications have exposed you to new ideas—

and to a world filled with corruption, poverty, inequality, war and disease. It is not surprising that you are more sophisticated—and more cynical. You have seen inspiring political leaders assassinated in their prime. You have endured prolonged uncertainty about your military status. Some of your generation's leaders have been irresponsible. Some of my generation's leaders have been insensitive.

Every generation rebels against the older establishment and its way of doing things. But the accelerated pace of social change in this century has created two generations almost foreign to one another. The result has been an unprecedented degree of misunderstanding, impatience and intolerance between the elders of our society and its youth.

This is why it is vitally important for you to remember that revolt is nothing new, that man has been "thrusting against the barriers of his condition" in every age, and that your generation, like each which has gone before it, will get its crack at solving man's ageless problems. While Aristotle noted that "youth is easily deceived because it is quick to hope," it is upon that hope you must build a world.

You start with a unique opportunity, standing on the shoulders of giants who have given you an astounding technology. You are not just another generation—you are a new era. It is your task to employ the tools which you inherit in the improvement of the human condition. If you succeed, you will translate the dreams of philosophers into living reality.

It is not surprising, therefore, that the universities are in ferment. No situation is more unstable than one which is improving. That is the "fallout of goodness." This is the ferment from which is baked the bread of life.

There are some aspects of the fallout, however, which I find particularly disturbing. First, some young leaders have become absolutists who do not recognize that the only non-negotiable demands are self-respect and freedom. I cannot respect them because I cannot argue with them. Second, some youthful dissidents have espoused an anti-intellectualism which strikes at the very heart of the liberal academic tradition. And, finally, there is the deplorable violence.

I am not pessimistic about your generation. I recognize that its disturbing aspects are only a small minority's irresponsible and extreme expression of what is essentially a sincere concern on your part for the failings of our society.

I respect and share your idealism. It is a noble quality, a healthy spirit which pulls society forward. The idealist must learn to live with his frustration at the slow pace of social progress, knowing his duty to speed that pace. Idealism which is not tempered by experience can be exploited by those who would destroy our basic institutions. These are the absolutists, the anti-intellectuals and the demagogues who see our frustrations and would fan them into irresponsible action. They come from both extremes of the political spectrum. Their common objective is to tear down the system which is our heritage. That would bring change—but not progress.

I do not question your right to dissent. Much of what your generation is saying is right—but not all of it. And some of what my generation has done is wrong—but not all of it. Demonstrating for what you believe in is your inalienable right. But demonstrating alone is not enough. Before you take over the reins of power you are going to have to do something positive. You will be held accountable to your children for the society you build just as we are accountable to you. Building that society requires hard and sometimes dull work—and you will have to work even when the television cameras are not on you.

So I suggest that you be not too cynical about the political system which is your heritage. It has its faults but it is amazingly adaptable and it just might be the most effective means of fulfilling the potential of your generation. With your energy, intelligence and social concern you can be a potent force for social change by working within the system.

INTERNATIONAL DECADE FOR OCEAN EXPLORATION

Mr. MAGNUSON. Mr. President, on May 8 I submitted Senate Concurrent Resolution 23, to express the sense of Congress that the United States participate in an International Decade of Ocean Exploration during the 1970's, which would include: First, an expanded national program of exploration in waters close to the shores of the United States; second, intensified exploration activities in waters more distant from the United States; and third, accelerated development of the capabilities of the United States to explore the oceans and particularly the training and education of needed scientists, engineers, and technicians.

The Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Rhode Island (Mr. Pell) are cosponsors of the concurrent resolution.

During the 90th Congress an identical concurrent resolution was submitted and approved by the Senate but was not acted on by the House of Representatives.

When in March 1968 the International Decade of Ocean Exploration was first proposed, the National Council on Marine Resources and Engineering Development contracted for the National Academy of Sciences and National Academy of Engineering to conduct a study of the scientific and engineering aspect of United States participation in the proposed decade. This was done. A joint steering committee was formed by the two academies.

Dr. Warren S. Wooster, of the Scripps Institution of Oceanography, and president of the Scientific Committee on Oceanic Research of the International Council of Scientific Unions, was appointed chairman, and William E. Shoupp, vice president of the Westinghouse Electric Corp., Pittsburgh, Pa., vice chairman.

A number of distinguished scientists and marine engineers were named to the committee, and many others participated in working groups or panels assigned to different phases of program planning.

The study has now been completed and is being jointly issued by the National Academy of Sciences and National Academy of Engineering under the title: "An Oceanic Quest."

The 115-page report includes chapters on geology, geophysics, and nonliving resources; biology and living resources; physics and environmental prediction; geochemistry and environmental change; a summary with major recommendations, and a prolog.

Mr. President, I ask unanimous consent that excerpts from this prolog, which outline the views of the two academies on the objectives of the decade, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

International Decade of Ocean Exploration

An International Decade of Ocean Exploration has been proposed for the 1970's to give new impetus to those studies that will enable man to realize more effectively the promise of the sea. This report examines the possible scientific and engineering content of such a Decade, particularly with regard to U.S. participation, and considers the potential benefits resulting therefrom. At the same time, some thought has been given to the capabilities required and the constraints to be overcome in order to achieve the desired goals.

A broad statement of the basic objectives of the Decade was developed, as follows:

To achieve more comprehensive knowledge of ocean characteristics and their changes and more profound understanding of oceanic processes for the purpose of more effective utilization of the ocean and its resources.

The emphasis on utilization was considered of primary importance. In contrast to the total spectrum of oceanography and ocean engineering, the principal focus of Decade activities would be on exploration effort in support of such objectives as (a) increased net yield from ocean resources, (b) prediction and enhanced control of natural phenomena, and (c) improved quality of the marine environment. Thus Decade investigations should be identifiably relevant to some aspect of ocean utilization.

The word "exploration" has a number of meanings, extending from broad reconnaissance to detailed prospecting. Exploration effort of the IDOE should include the scientific and engineering research and development required to improve the description of the ocean, its boundaries, and its contents, and to understand the processes that have led to the observed conditions and that may cause further changes in those conditions.

Of all the ocean investigations that will contribute in some way to enhanced utilization, we believe that those involving cooperation among investigators in this country and abroad are particularly appropriate for the Decade. Decade programs would often be of long-term and continuing nature, would require the facilities of several groups, and would be directed toward objectives of widespread, rather than local or special, interest. It is anticipated that these programs within the United States may be cooperatively implemented both by government agencies (federal and state) and by private facilities (academic and industrial).

USES OF THE OCEAN

Among the ways in which man uses the ocean, the following activities should be included:

Use of living resources; use of mineral resources (including production of oil, gas,[1] and freshwater); shipping and navigation; establishment and protection of coastal works; siting and maintenance of cables, pipelines, and tunnels; disposal of wastes; forecasting of oceanic and atmospheric conditions; warnings and forecasting of storm surges and tsunamis; extraction of tidal and thermal energy; recreation; and national and collective security.

Each of these activities can benefit, to a greater or lesser extent from the results of appropriate investigations envisioned for the Decade. In the long run, standards of living should rise with the greater availability of protein foodstuffs at lower costs throughout the world. The aggregate supply of energy-producing resources will be greater as a re-

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[1] For simplicity we include oil and gas among the "mineral" resources though strict use of this term includes only the inorganic materials.

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sult of offshore production. Other resources, both mineral and organic, presumably lie on the continental shelves and in the deep ocean; geological and geophysical reconnaissance is necessary for the development of orderly programs of detailed exploration and exploitation. A basis of scientific and engineering information is required for conservation and management and for international agreements dealing with the ocean and its resources.

Increased use of the ocean and its resources may tend to exacerbate the already existing potential for conflict among maritime nations. Such conflicts usually cannot be resolved exclusively on technical grounds. Yet there is a significant component of a technical nature. For example, fishing disputes frequently arise from lack of biological knowledge of the resource being exploited. Jurisdictional disputes over the resources of the sea floor may be due in part to inadequate scientific and engineering information. It is hoped that Decade programs will make an important contribution to the diminution of international tensions as they relate to ocean problems.

With regard to both the extractive and the nonextractive uses of the ocean. Decade investigations should result in improved prediction of environmental conditions and may lead toward eventual modification or at least limited control of these conditions. Better forecasts can reduce losses of life and property, permit more effective planning, and increase the efficiency and convenience of operations at sea. An understanding of the consequences of intervention in the marine environment should reduce deleterious effects or facilitate exploitation of potentially beneficial effects.

Despite their focus on utilization, the objectives of the Decade are related to exploration and knowledge rather than to the development of techniques for the large-scale exploitation of ocean resources. From an economic point of view, application of this knowledge should provide a basis for greater output, lower costs, and improvement in the organization of production and use. Anticipated benefits are long-term in nature, and justification of the Decade goes beyond immediate economic returns.

It should be recognized that there are legal, economic, and social aspects to enhanced utilization of the ocean and that these aspects must also be investigated if the benefits of the Decade are to be attained. Therefore, appropriate proposals of this sort are included in this report.

OBJECTIVES OF NATIONAL PARTICIPATION IN THE DECADE

The objectives of any nation participating in the Decade could be summarized as follows:

1. To benefit directly the growth of the national economy
2. To obtain information required for management and conservation of resources, for improving the effectiveness of nonextractive uses; for prediction, control, and improvement of the marine environment; and for the making of sound political, legal, and socioeconomic decisions related thereto
3. To provide the technical basis for the reduction of international conflicts in the ocean
4. To benefit directly the economies and populations of developing countries
5. To increase knowledge and understanding of the ocean
6. To expand the technical resource base (manpower, facilities, and technology) for future ocean research and utilization

The United States is already extensively engaged in the development of ocean resources, both in local waters and in many other parts of the world ocean. U.S. private interests are investing large sums in exploration and drilling for oil, in capital and labor in the fisheries, in coastal development, in marine transportation, and in other uses of the ocean. The government is also incurring large expenses in connection with utilization of the ocean and its resources. At the same time, significant revenues are accruing as a result of these activities. Over the past 20 years, income to the U.S. Treasury collected as bonuses, rentals, and royalties on offshore oil and gas leases exceeded $3 billion. Royalties alone in 1968 were nearly $200 million. Large amounts were also paid to several coastal states. Investigations such as those proposed for the Decade are necessary for the rationalization, protection, and extension of investment opportunities for capital both off our own coasts and elsewhere in the world.

MV "WICKERSHAM"

Mr. STEVENS. Mr. President, the Southeastern Alaska Conference, an organization whose membership is composed of all the cities and chambers of commerce in southeastern Alaska, has recently passed a resolution in support of H.R. 7504.

This resolution was passed unanimously by the conference and can be said to have the full support of the people of southeastern Alaska.

H.R. 7504 relates to the Alaskan ferry, MV *Wickersham*, which is presently restricted in its operation because of some provisions of the Jones Act. I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION BY SOUTHEASTERN CONFERENCE, JUNEAU, ALASKA

Whereas, Southeastern Conference is an association of all municipal corporations and Chambers of Commerce in Southeastern Alaska; and

Whereas, in this area of over 45,000 square miles and 44,700 inhabitants, no community is connected by road to any other community, except that Juneau and Douglas are so connected; and

Whereas, the communities are separated by inland channels of the sea, bordered by rugged mountains, precluding the construction of an integrated road system; and

Whereas, with the exception of ferry vessels operated by the State of Alaska, there are no passenger vessels operating between Alaska and any other state and the only passenger vessels operating between British Columbia ports and Alaska operate from Vancouver, B.C., during only the summer tourist season carrying tourists, and have no space for interport passengers; and

Whereas, the State of Alaska has provided a fleet of modern ferry vessels transporting passengers, vehicles and trucks between ports in three separate areas of Alaska and principally in Southeastern Alaska; and

Whereas, the Marine Highway System provides almost daily service between the Skagway and Haines rail and highway termini at the northern end of Southeastern Alaska and the rail and highway port of Prince Rupert, British Columbia, with interport service to five other communities; and the system provides weekly service between ports in Southeastern Alaska, and Seattle; and

Whereas, the proceeds from the sale in 1967 of $15,500,000 of general obligation bonds of the State could not be used to purchase vessels constructed in the United States in time to relieve the traffic jams at the rail and highway terminals which were experienced in prior years and were expected to worsen in 1968 as a result of a rapidly increasing tourist traffic; and

Whereas, the only solution was to purchase a foreign built vessel which could make fast runs through the Inside Passage from Prince Rupert to Skagway, as a result of which the M/V Wickersham was purchased on completion of her construction in Norway in 1967; and

Whereas, the M/V Wickersham with a passenger capacity of 1300, berths for 382 and inside storage for 100 automobiles, trailers and campers is an ideal vessel for the summer tourist trade but is unable because of the provisions of 46 U.S. Code 289,883, to handle traffic between Alaska ports or between a port in the State of Washington and ports in Alaska, either direct or through a Canadian port; and

Whereas, the State of Alaska furnishes an operating subsidy to the Marine Highway System to maintain the service on a year-round basis because it has been a great economic advantage to the areas of operation as well as a popular convenience; and

Whereas, the State has found a rich source of off-season revenue operating one of its smaller vessels between Seattle and Alaska and needs to have the M/V Wickersham on the Seattle run eight months of the year and permitted to carry inter-port passengers in order to (1) handle the volume of traffic with Seattle, (2) reduce the subsidy, and (3) release the smaller vessels for maintaining adequate winter service on the regular Alaska-Prince Rupert runs, and for winter overhaul; and

Whereas, the enactment of HR 7504 by the Congress of the United States is what is needed to put the Marine Highway System on a sound economic basis and allow it to provide the service neded for the convenience of the public and the postal service at this time, as well as the military services in case of emergency; and

Whereas, said vessel will not be in competition with any other United States vessel; and

Whereas, Canadian vessels now have a waiver for Alaska interport traffic;

Now, therefore be it resolved by the representatives of the Southeastern Conference assembled at Juneau on the 27th day of March, 1969, that the Congress of the United States be urged to enact HR 7504 of the 91st Congress.

GREAT LAKES REPORT

Mr. NELSON. Mr. President, one of the great resources of this continent and the world is the Great Lakes. These unique American resources have already provided immeasurable benefits in the development of the Nation, and hold the potential for even greater returns for the future.

Yet, incredible as it may seem, this gigantic marvel is slipping rapidly away from us. The lakes are dying, one by one. Lake Erie waters are grossly polluted, and Lake Ontario is suffering similar destruction. Lake Michigan is on the way. Trouble spots are showing up on Lake Ontario, especially in heavily populated areas. And now, the greatest lake of them all, Lake Superior, is threatened.

Perhaps the greatest challenge the Nation faces at this point in the growing effort to assure environmental quality for all Americans is the protection of the Great Lakes from further degradation, and taking the necessary next step of actually restoring their quality.

The job will not be one of dealing with water quality alone. As a recent special report in the American Institute of Architects AIA Journal points out:

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The pangs of death are not confined to the water's edge.

The conflicts among the myriad users of the lakes' resources are many and intense, and the results are often disastrous for the shoreline, the waters, and for the most important resource of all, the millions of people who live and work in the Great Lakes region.

In its special 32-page report on the Great Lakes in the June issue, the AIA Journal includes articles by five distinguished authors on the problems and potentials of this resource. The report is an important contribution to the public dialog which is so important to making the wise decisions that are necessary if the Great Lakes are not, in fact, to become a permanent environmental quality disaster area.

All five authors, though they are writing from different specialties, point out the dangers, but as well suggest some of the answers.

The authors are Dr. Harold M. Mayer, a Kent State University professor of geography; Dr. Philip H. Lewis, Jr., a University of Wisconsin professor of landscape architecture; Mr. Paul W. Beers, an economist with Economic Research Associates; and Congressman John A. Blatnik, of Minnesota, who has devoted a great deal of effort to assuring a sound, productive future for the Great Lakes.

This is an excellent special report. I ask unanimous consent that it be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the AIA Journal, June 1969]

The Great Lakes: The Tie That Binds

(By Robert E. Koehler)

A map of the Great Lakes suggests the separateness of the two friendly nations which are in reality contiguous neighbors for so large a part of their mutual border. John F. Kennedy with a very few words emphasized not our separateness but our closeness when he said: "Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

With this pertinent quotation—called to mind by Matthew L. Rockwell, FAIA, and Robert J. Piper, AIA, advisers to this special section—President Kennedy, with typical preciseness even if for a different day, hinted at the vital meaning of the Great Lakes to both nations. In these 32 pages a geographer, an ecologist, an economist, an architectural historian and a US congressman each draws from his respective discipline to put the world's greatest body of fresh water in its proper perspective. Special attention is given to Chicago's contribution in shaping the basin's development, particularly as to its position as a portage point between transportation systems and as a point of transition between cultures. Finally, the AIA JOURNAL editors attempt to translate the five points of view into realistic guidelines and criteria for the immediate future. For the Lakes are dying, and the pangs of death are not confined to the water's edge.

More than most professionals, the architect is able to discuss the enormity of breakdown if our man-made polluters are not controlled, reduced and, we may even hope, eliminated. Perhaps the messages conveyed here will spark the architect and his design colleagues to do more than merely deplore the unhappy situation. There is still hope, but time has almost run out.

An Overview: The Issues at Stake

(By Harold M. Mayer)

(Note.—Dr. Mayer is University Professor of Geography, Kent State University, and Senior Research Fellow of the Center for Urban Regionalism.)

The Great Lakes constitute a major set of elements in the geographic structure and economic base of the North American continent. They have been, and continue to be, important attractions for industry, commerce and population growth in the core region of America.

Five of the 25 most populous metropolitan areas of the United States—Chicago, Detroit, Cleveland, Milwaukee and Buffalo—are located directly on the shores of the Great Lakes system, while four others of the 25 are within the immediate hinterland of that system. In Canada, the Great Lakes-St. Lawrence system is, relatively, even more important; five of the 15 largest Canadian metropolitan concentrations, including Montreal and Toronto, the two largest, are directly on that waterway system.

As an artery of commerce, the system carries well over 200 million tons of cargo each year and ranks among the most important inland waterways in the world. It supplies water for the many millions who live along or near its shores, as important commercial fisheries and is a priceless recreational asset. Much of the basic industry of the U.S. and Canada is directly dependent upon the waterway system for movement of bulk commodities and, indirectly, for its major markets in the concentrations of population and industrial activity along and near the shores. During the past decade, the enlargement of the St. Lawrence Seaway has opened the Lakes to medium-sized ocean-going vessels and has thus made the salt-water ports of the world directly accessible.

Iron ore is by far the most important cargo tonnage handled on the Great Lakes, accounting, in 1967, for nearly 81 million of the 192 million tons of bulk cargo carried within the Lakes. The great steel industry of the Chicago, Indiana Harbor, Gary, Detroit, Lorain, Cleveland and Buffalo districts depends on direct access to Lakeborne iron ores and limestone shipped by lake boat from the northern part of Michigan's southern peninsula. The steel industry of inland districts, notably Youngstown and Pittsburgh, is also heavily dependent on Great Lakes ores.

The railroads surrounding Lake Superior and leading to the lake ports carry principally iron ore; south of Lake Erie, iron ore constitutes the major cargo of the main north-south lines to Pittsburgh, Wheeling, Youngstown, Ironton and other inland steel-producing centers, while coal for the electric plants and industries of the Great Lakes region is their major northbound traffic. Toledo has been, and still is, the largest coal-shipping port in the world; substantial tonnages of coal are transferred from rail to lake boats at Cleveland, Sandusky, Chicago and other ports along the southern shores of the Lakes. Coal, accounting for over 52 million tons of Great Lakes cargoes in 1967, is, in tonnage, the second most important commodity handled in internal Lakes trade. Substantial movements occur between Lake Erie and Canadian Great Lakes ports.

The stone trade, related principally to the steel and the cement industries of the southern lakes, ranks third in internal Lakes traffic. The basic industry complexes along the shores of Lakes Michigan and Erie depend heavily on lake shipping for their inputs.

Grain is the fourth most important group of commodities in Great Lakes trade. The flour milling industry at Buffalo grew up largely as a result of the location of that city, prior to 1932, as the head of navigation for the large "upper lakers" en route east. Movements of grain at that time were handled mainly with trans-shipment at Buffalo by rail to eastern markets and through eastern seaboard ports, principally Baltimore, for export. At that time, the small size of the locks in the old Welland Canal, circumventing the Niagara escarpment, limited the size of vessels to specifically built small canallers of not over 3,000 tons, as compared with the upper lake vessels, some of which reached 20,000 tons.

But the new Welland Canal—which is now part of the St. Lawrence Seaway—opened Lake Ontario to the larger lake boats in 1932. The easterly heads of navigation then became Prescott, Ontario and Ogdensburg, New York, where cargoes were transferred to canallers for shipment to the lower St. Lawrence.

This was the pattern until the opening of the enlarged St. Lawrence Seaway in 1959, after which the largest lakers could reach the lower St. Lawrence with eastbound grain, returning with loads of iron ore from the newly opened deposits along the Quebec-Labrador border beyond the North Shore of the Gulf of St. Lawrence. Thus, since 1959, Lake Superior ores and those from eastern Canada are in competition at the iron- and steel-producing centers along and beyond the southern shores of the Great Lakes.

A REGION IN GROWTH

To handle these vast tonnages of bulk commodities, special types of vessels have been developed. The lake bulk carriers are long and narrow, with capacious hold, engines aft and high superstructures far forward. The largest of them just fit inside the locks of the St. Lawrence Seaway, the Welland and Soo Canals (the new locks opened in 1968 are larger). The vessels are now built to standard dimensions: The maximum lakers are 730 feet long, have a beam of 75 feet and a draft at full load of 25 feet 9 inches. This allows 15 inches under the keel at the shoalest points in the Seaway-Lakes connecting channels, which have a controlling depth of 27 feet. Such boats (no matter how large, they are boats within the Lakes rather than ships) can carry up to about 28,000 tons on maximum draft.

Three recent developments in the architecture of lakers are of great interest: The bow-thruster, a device in the bow which creates a jet of water permitting the vessel to turn in short radius, reducing the need for tugs; the conversion of older vessels and construction of new ones as "self-unloaders," independent of shore-based machinery; and new vessels far exceeding the standard maximum lakers in size and capacity.

Self-unloaders have long been used in the coal and stone trades, but the advent of ore concentrates in recent years, notably taconite, has stimulated their development. The direct-shipping ores, notably hematite, have been unsuited to handling in self-unloaders, but two-thirds of all ore tonnage is now shipped as concentrate and the proportion is increasing rapidly.

It is quite probable that, in the next few years, two standard-sized lake vessels will be used as older and smaller ones retire. One will be the present maximum laker, the other a much larger one, two of which are now under construction. A sign of the future is a self-unloader to be placed in operation in 1970 by Bethlehem Steel Company: 1,000 feet long and with a beam of 105 feet, designed to operate on the standard Great Lakes draft of 25 feet 9 inches. On that draft the boat will be able to handle nearly 60,000 tons, about double the capacity of the present maximum lakers, at very little, if any, additional cost per vessel mile. The United States Steel Corporation has a similar vessel under construction, only slightly smaller.

These two boats are made possible by the completion last year of a new lock at the Soo, considerably larger than the other locks. The boats will be landlocked, however, since they will not be able to proceed east of Lake Erie into the Welland or St. Lawrence Canals.

Most of the Great Lakes vessels under U.S. registry are old and inefficient. It is therefore believed that many more of the larger size will be placed under construction in the

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next few years. New and expanded shipyards are now in operation at Erie, Pennsylvania, Lorain, Ohio, and elsewhere around the Lakes to construct and repair such large craft. Since the enlargement of the Seaway, these yards can also build moderate sized ocean-going merchant and naval ships.

The steel industry, dependent upon Great Lakes transportation, is in the midst of rapid expansion. Bethlehem Steel is building a huge complex at Burns Harbor east of Gary, where a new harbor is to be completed in 1970. The new plant may eventually develop into one of the largest in the world. Across the new harbor, Midwest Steel is expanding its relatively new plant. In South Chicago, Indiana Harbor and Gary, several large expansions of steel plants are underway, while between the Detroit and Niagara Rivers similar expansions are taking place or are in prospect.

On the Canadian shore of Lake Erie, at Nanticoke, another large steel plant is under construction, to utilize the ores of both Lake Superior and eastern Canada as well as the coal of Pennsylvania and West Virginia shipped across the lake without transiting the Welland Canal.

The catalytic effect of these developments in attracting industries and in creating employment and hence population, can be tremendous. Although the Great Lakes region, in common with other "mature" areas, has witnessed a slowing up in the rate of population growth in recent years compared to newly developing parts of the Pacific and Gulf coasts, the actual population growth is still great, with prospects for continued rapid growth with the largest expansion within, but on the fringes of, the existing large metropolitan areas. The spreading tentacles of urbanization are coalescing along the shores of the Lakes and connecting rivers. Eventually the Great Lakes Megalopolis will be continuous from west of Lake Michigan to the lower St. Lawrence.

A LINK WITH THE WORLD

Complementing the internal shipping is the direct Great Lakes-overseas trade, carried on in "salties" or ocean-going ships. A few small vessels occasionally traversed the small canals that Canada had built in the 19th century around the St. Lawrence rapids and over the Niagara escarpment, and during World War I a few ships, limited in dimensions by the early canals, were built within the Lakes for ocean service. An occasional tramp would enter the Lakes during the summer.

In 1933, scheduled cargo service with very small vessels began between Great Lakes and European ports. After World War II a number of the world's leading ship operators pioneered in direct Great Lakes-overseas trade. In 1958, the last year prior to the opening of the enlarged Seaway, 502 trips were made directly between the Great Lakes and overseas ports by vessels able to transit the obsolete canals.

With the Seaway, the overseas trade expanded greatly. In recent years it has reached 6 million tons annually. The total Seaway traffic is just under 50 million tons, the balance consisting of domestic US and Canadian traffic between the Great Lakes and lower St. Lawrence ports. The principal outbound cargoes consist of grains and other agricultural produce; inbound, the major single item in recent years has been steel. In spite of the tremendous capacity for steel production in the region, over 3 million tons of steel were imported last year. Producers in the US and Canada, in spite of benefitting from the ores available from eastern Canada, do not regard the Seaway as an unmixed blessing!

The Seaway and the connecting channels of the Great Lakes represent the modifications of a route provided by nature. The Great Lakes owe their origin to the great pleistocene continental glaciation when, more than 10,000 years ago, a sheet of ice covered the Great Lakes basin, much as Greenland and Antarctica are covered today. The advancing glaciers scoured out the basins which later became the Great Lakes, and as they retreated, the meltwaters filled the basins to levels higher than now. The drainage through the St. Lawrence was blocked for thousands of years by the ice sheet. Outlets for the excess waters were the Mississippi Valley, the Maumee and Miami Rivers and the Chicago, Des Plaines and Illinois Rivers.

Paralleling the shores of Lake Erie and Michigan today can be seen a series of terraces or beach ridges which marked the lake levels 20, 40 and 60 feet, respectively, above the present levels, when temporary halts in the retreat of the ice impounded the Lakes at relatively stable levels for a few hundred years at a time. Many of the present roads follow these ridges in the vicinities of Chicago and Cleveland, an inheritance from the Indian trails and early wagon roads which followed the elevated, and hence relatively well drained, ridges marking the postglacial beaches.

THE MANY GROWING PAINS

At present, the drainage basin of the Great Lakes is surprisingly small considering the extent of these inland seas, the largest bodies of fresh water in the world. Although the surface of the Lakes covers 95,000 square miles, the total land area of the drainage basin is only about 200,000 square miles. Most of the rivers entering the Lakes are therefore short, but in spite of that many of them are bordered by intensive urban and industrial development producing waste, a high proportion of which is untreated. Consequently pollution has become a major problem, especially in the southern portions of all the Lakes except Superior.

Most of the Lakes are relatively shallow. The average depth ranges from 487 feet in Lake Superior to 58 feet in Lake Erie. Maximum depths in the five Great Lakes range from 1,333 feet in Superior to 210 feet in Erie. These shallow depths make the lakes treacherous. Frequent storms can produce turbulence very quickly; many are the vessels which have left port never to arrive at their destinations. The turbulence also produces shore erosion problems. Along the south shore of Lake Erie, for example, houses have been undermined and fallen into the lake as recently as this year. The preservation of beaches is a major challenge, particularly in and near the large metropolitan centers where recreational demands are greatest.

The many conflicts among the potential uses of the lakeshores constitute challenges throughout the region. Urbanization and industrialization have increased the pressures to alienate much of the lake shoreline from public access, particularly from southeastern Wisconsin to northwestern New York. The recent creation of a National Lakeshore in the Indiana Dunes area, to forestall further industrial development as typified by the Bethlehem and Midwest steel plants at Burns Harbor, represents only a partial cease fire in the continuing battle to preserve some of the recreational amenities of one of the few remaining untouched areas within easy reach of a metropolitan population.

Appropriations for land acquisition are small and slow in coming from year to year; there is, on the other hand, continuing pressure for encroachments by industry, railroads and residential developments upon the lands designated for inclusion within the National Lakeshore. The Sleeping Bear National Lakeshore on the north-eastern shore of Lake Michigan, similarly, has not yet been fully won and the pressures there are somewhat the same, if less intensive, as those in Indiana.

Even within the cities, constant battles must be fought by the advocates of public recreational and conservational uses of the lakeshores. In Chicago, such public uses of the lakefront as a water filtration plant and an exhibition hall met with violent and protracted—but unsuccessful—objections and litigation. The proposed island airport in Lake Michigan faces the same kind of battle, although a somewhat similar proposal for an offshore island airport in Lake Erie opposite downtown Cleveland has, so far, met with less vigorous opposition.

It is interesting, and perhaps significant, to note the difference among Great Lakes cities in their attitudes toward lakeshore development. Chicago has held the lakeshore traditionally for public recreational and park uses; this was affirmed by the Montgomery Ward decision, which saved the downtown lakefront as Grant Park, and the Burnham Plan of 1909, which proposed a nearly continuous park development for 20 miles, most of which was subsequently carried out. In Chicago, however, even the Burnham Plan did not preclude industrial and port development in the vicinities of the Chicago and Calumet River entrances.

Milwaukee, unlike Chicago, has primarily industrial development, including a major port, near the downtown area, but it has noteworthy lakefront parks to the north and south of the shores immediately contiguous to downtown. Detroit has proceeded with a massive urban renewal program to reclaim its downtown river-front as a civic asset although most of its river-front is devoted to industry. Nevertheless, Belle Isle Park is a fine spot for recreational use. Cleveland has very little lakefront park or recreational development; its lakeshore is largely occupied by port terminals, private residences and an easy to reach but space-taking downtown airport.

In each city and metropolitan area the conflicts are eternal among the potential users of that scarce commodity, lakefront land. They should be solved in the light of local attitudes and traditions. The demands, of course, are for recreational, industrial and residential uses, sometimes with conflicts within the user groups, as for instance between advocates of active recreation service dense populations and those who want passive low density recreation and conservation.

There are many other unresolved issues involving the Great Lakes. Although an uneasy truce has been reached on the amount of water to be diverted from Lake Michigan over the drainage divide into the Mississippi Basin in order to flush out the sewage of metropolitan Chicago, there is no way of knowing when that issue may come up again; it is more a political than a hydrological matter. The Great Lakes cities and shipping interests want maximum depths in the harbors and connecting channels for most economic use of the shipping capacity; the City of Chicago and the inland waterway barge industry want maximum flow in the diversion canals through Chicago and across the divide.

At present the diversion is limited to 1,500 cubic feet per second on an annual average, plus an approximately equal volume for local use. With this diversion, the levels of Lake Michigan and Lake Huron, which are the same, are lowered 2½ inches at most over roughly an 11-year period, as contrasted to an irregular cyclical fluctuation of more than 6 feet. Actually, the diversion of two rivers north of Lake Superior into that lake supplies the Great Lakes system with considerably more water than is diverted out at Chicago.

Another pending issue is the future of the St. Lawrence Seaway: Should tolls be continued, increased or eliminated? At present, the Canadian and U.S. Seaway authorities, the latter responsible for only 28 percent of the benefits and receiving 28 percent of the tolls, are increasing the rates gradually.

The Welland Canal, entirely within Canada and a part of the Seaway system, has similarly increasing tolls, much to the consternation of the shippers on the short coal run between Lake Erie and Lake Ontario ports,

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for whom the canal transit represents a disproportionately high part of the voyage cost. The Seaway proper, although traffic is now approaching the optimistic preopening projections, is barely paying its current operating expenses and is not meeting its long-term obligations.

THE THREATS FROM OTHER QUARTERS

Many quarters in both Canada and the US favor complete refinancing and elimination of toll charges in line with the traditional tollfree policy for domestic waterways within the US. They point out that use of the connecting channels between the Great Lakes is free of charge, even though the US has hundreds of millions of dollars invested in those improvements.

The Seaway itself requires improvement if it is to remain important. Its 27-foot channel depth was inadequate from the beginning: An ever decreasing proportion of the world's fleet can navigate it as the average size of vessels increases. Now, most ocean ships cannot enter the Great Lakes, or, if they do, cannot carry full cargoes. Already, the US and Canada have authorized studies of possible parallel waterways, both at the Niagara escarpment and along the St. Lawrence. Technological and economic developments, both in maritime and in land transportation, demand that decisions relative to the Seaway, the connecting channels and the Great Lakes ports cannot long be deferred if this waterways system is to keep its importance.

The bulk commodity traffic is seriously threatened by unit trains, which offer rates competitive with those for water transportation. Already, unit trains compete with lake/rail shipments between the coal fields of West Virginia and the utility plants and industries of the Great Lakes, bypassing the lake shipping and threatening the coal traffic through the ports of Cleveland, Sandusky and especially Toledo. Similarly, all-rail unit train rates between Illinois and Kentucky coal fields and destinations on the shores of Lake Michigan challenge the coal traffic through the Port of Chicago. Grain traffic from the Great Lakes' hinterland to both eastern and overseas destinations is also vulnerable to the competition of unit train export rates by all-rail routes.

In the long run, the coal traffic itself will meet competition from solids pipeline movements, now technically available, and from increased adoption of atomic fuels instead of coal. The iron ore traffic is challenged by new technologies, including more efficient use of plant inputs and concentration of the ores, such as taconite, at or near the sources. The significant increase of iron content per ton of ore shipped on the Lakes may proportionately reduce the tonnage to be transported—though this may possibly be overcome by a general expansion of the iron and steel production in the region. The Great Lakes grain traffic is influenced by changes in foreign aid policies and by increasing demands in the domestic markets, particularly in the West.

The general cargo overseas traffic of the Great Lakes-St. Lawrence route may also suffer from technological and economic changes. A good part of this traffic is imported steel, which is subject to competition from increasing US production and also is in increasing demand overseas, closer to the producing areas. Changes in tariffs could conceivably greatly reduce or even terminate this traffic. Manufactured goods, moving in both directions face changes in international trade policies and also in transport technology and rates. Already, containerization looms as a major threat.

The high-speed container ships seek the fastest possible turnaround and their operators are unwilling to place them on the much slower runs in the Lakes. Most such vessels, in fact, are too large, and ships small enough to enter the Lakes would lose some of the essential efficiency. Some of the few major lake ports with substantial general cargo traffic—among them Chicago, Milwaukee, Cleveland and Toronto—are beginning to make vigorous efforts to supplement the container traffic on general cargo vessels with provision for more efficient handling of containers at the ports, but there is considerable doubt that full-container vessels will ever be significant in the St. Lawrence Seaway trade.

THE CHALLENGE TO WINTER

Winter imposes limitations on the use of the waterways. The Lakes rarely freeze over but the rivers, connecting channels and ports are closed for about four months each year. All interlake movements terminate; only a few services are maintained, such as the Lake Michigan car ferry services connecting the west shore ports in Wisconsin with the eastern railroad network, thereby enabling rail shipments to bypass the congested Chicago terminal area. Also, during some winters, coal continues to be transported between Toledo and the ports along the Detroit and St. Clair Rivers.

But for the most part winter is a period of inactivity: a time for vacations for the crews and for maintenance and repairs of the vessels, which keeps the Great Lakes shipyards busy. The bulk fleet lays up in the Culahoga, Calumet, Kinickinnic and other rivers around the Lakes. Some boats are used for winter storage of grain, thus getting an early start in the spring and augmenting the many elevators which are distinctive features of many of the Great Lakes ports. Huge stockpiles of ore, coal and limestone characterize the landscape of the lower Lakes' industrial areas in early winter; by spring they are consumed.

Interlake shipping has adapted well to the seasonality, but for the salties the situation is different. These can operate elsewhere during the winter. Many of the cargo liners are assigned to other routes, others are chartered out for worldwide tramping. The same freighters that in late summer and fall load wheat at Duluth, Fort William or Port Arthur may be seen some months later loading in the River Plate in South America or the Spencer Gulf in Australia. Since the opening of the enlarged Seaway, marine architects have developed the "hermaphrodite," which combines some of the features of Great Lakes bulk carriers and ocean vessels, making them efficient within the Lakes and on the oceans as well.

There is currently great interest in extending the season on the Lakes. The Port of Montreal, until a few years ago closed during the winter, now has all-year service by ocean-going ships. This is made possible by a combination of vessels especially strengthened for ice navigation and improved methods of reporting ice conditions in the lower river and Gulf, including the use of pictures from orbiting satellites. More efficient icebreakers may help prolong the season; the Coast Guard has been bringing in some each spring and fall which normally operate in the Polar regions. In the future, artificially created turbulence to prevent formation of ice at critical places may be possible.

Already, the season has been extended by as much as 10 days at each end; in the early years of the Seaway it was open between April 15 and December 1; now it opens at least a week earlier and closes as late as December 15 in some years. Transatlantic freighters thus can often get an additional round trip during the season. But above Montreal, the locks are still drained for repairs during the winter.

THERE ARE PROBLEMS; THERE ARE PROSPECTS

The enlargement of the St. Lawrence Seaway, having more or less effectively converted the Great Lakes from a continental to an international waterway, has also created a number of international issues and intensified existing ones. Following the War of 1812, international agreements relative to the Great Lakes were entered into. One such normally prohibits armed naval craft within the Lakes excepts for Lake Michigan, the only one entirely within the U.S.; others relate to the location of the international boundary (there is a Boundary Commission), fishing rights and navigation practices.

Between U.S. Great Lakes ports, as between our coastal ports, revenue traffic is limited to vessels of U.S. registry. Between Canadian ports, on the other hand, traffic is open to vessels registered anywhere in the British Commonwealth. Since low cost operation by crews based overseas can compete with higher cost Canadian vessels, there has long been controversy within Canada as to whether internal traffic should be limited to vessels of Canadian registry. Between U.S. and Canadian ports, trade is international, hence legally open to vessels registered anywhere. Each season, a few salties enter the Lakes in spring, trade internationally across the Lakes and leave in the fall.

Bills have been introduced in Congress and in Parliament from time to time to limit U.S. and Canadian internal Lakes trade to vessels registered in these two countries only. Such enactment would, at least in the short run, be of greater benefit to Canadian than to U.S. craft, for the overwhelming proportion of this internal traffic is carried in Candian vessels. The reason for this is the somewhat lower costs of construction and operation in Canada and also because of the more generous policy of the Canadian government in subsidizing the building of lake boats. U.S. shipping and steel companies in the area have built and registered many vessels in Canada in order to get a share of the relatively lucrative ore and grain trades, but of course, their vessels are barred from carrying cargo btween U.S. ports. The largest and newest Great Lakes bulk carriers ae almost all Canadian registered, while most of the U.S. boats are obsolete.

Commercial fisheries on the Great Lakes, long threatened by the decline of desirable species due both to pollution and the inroads of the lamprey, which entered the Lakes from salt water through the former St. Lawrence and Welland Canal system, has a somewhat brighter future today than it did a few years ago. The current interest and activity in pollution control promise some results, and new species of fish have recently been introduced with at least short-run success. Most spectacular of these is the coho salmon which seems to be thriving in the Lakes and has, among other things, stimulated sports fishing, especially in Lake Michigan. The commercial catch of other species has ceased to decline in recent years and is even increasing in some instances.

The problems of the Great Lakes are many, but there is growing interest in and support of research, hopefully leading toward solution of at least some of them. Several major universities on both sides of the border have established centers or institutes for study of these problems, among them Michigan State University, the University of Toronto and the University of Wisconsin-Milwaukee. The Great Lakes Commission, an interstate organization based at Ann Arbor, issues newsletters and bibliographies relative to Great Lakes activities and research; a new periodical, *Limnos*, is devoted to the subject of research on Great Lakes problems.

The Great Lakes continue to form the main axis of the nodal region of the northeastern U.S. and southeastern Canada: the belt containing the greatest concentration of population and commercial/industrial activity in each of the two countries. Furthermore, the U.S. and Canada are each other's best customers, with tremendous movements of iron ore, coal, paper and manufactured goods of great variety across and around the Lakes. The Seaway, together with improved overland transportation by high-

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way, rail and both in combination, offers rapid access to world markets; the Illinois Lakes-to-Gulf waterway, connecting with the Lakes at Chicago, offers low cost barge transportation, thereby lowering the overland transport costs between the Lakes and the continental interior.

The prospects for growth and for an improved environment in the Lakes region are great, but so are the problems. Their solutions are urgently necessary if the potentials of the region are to be realized.

ECOLOGY: THE INLAND WATER TREE

(By Philip H. Lewis, Jr.)

(NOTE.—Professor Lewis, chairman of the Department of Landscape Architecture and director of the Environmental Awareness Center. School of Natural Resources, University of Wisconsin, presently is a member of the American Right of Way Association Committee. A panelist on the White House Conference on Natural Beauty, he also served as co-chairman of the Wisconsin Governor's Conference on Natural Beauty.)

The inland sea now serving as an international boundary between the United States and Canada forms the largest group of lakes in the world.

Although once crystal clear, this Great Lakes canopy has recently shown signs of severe illness brought about by such pollutants as acids, oils, cyanides, phenols, farm insecticides, fertilizers and weed killers, not to mention human sewage. While major programs to reverse this in-lake water quality trend have been initiated, little has been done by the design professions to create new three-dimensional guidelines for shoreline development.

Therefore, we may restore the water surface quality and at the same time allow the three-dimensional quality of the 7,870 shoreline miles to be destroyed.

Looking beneath the Great Lake canopy, it is apparent that the elements and glacial action through the ages have etched a tree-like design pattern on the face of the landscape. The flat prairie farmlands, driftless hills and expansive northern forests have their share of beauty, but it is the stream valleys, bluffs, ridges, roaring and quiet waters, mellow wetlands and sandy soils combined in elongated patterns that provide outstanding diversity, tying the landscape together in regional and statewide corridors.

In my statewide studies I have called these patterns "environmental corridors" which, on a regional scale, are the branches of the mid-America water tree and offer rich opportunities: Once inventoried and mapped, they suggest a framework for total environmental design. If protected and enhanced, the system provides a source of strength, spiritual and physical health and wisdom for the individual, in addition to open space for recreation and enjoyment.

By mapping the water tree over the past 15 years and identifying many of its precise values, the first goal has been to make the people of mid-America clearly aware that such a pattern does exist and that, if protected, it can and must serve as a regional form-giver for all future land uses.

In my regional studies, 200 additional natural and cultural features have been inventoried and mapped with the help of farm agents and soil conservation agents. In turn, these local, state and federal representatives have worked closely with the local inhabitants, the voting public whose awareness of regional design values are critical to design implementation.

Perhaps the most rewarding result of these regional resource inventories has been not so much the success of working with local people (the mere fact of involving them develops a greater appreciation of landscape values); rather, by plotting water, wetlands and slopes on a county-by-county basis, we have discovered that more than 90 percent of all the individual resources held in high esteem by the local population also lie within the corridor patterns.

Concentrated patterns of such diversity have been called resource nodes, which offer the greatest flexibility in assuring options for the future for both environmental desires and needs of the midwesterner. Protected and developed wisely, these nodes, like fruit on the water tree, offer an environmental system as a basis for a variety of human experiences.

As critical as is the task of preserving the water tree and its resource nodes as major form determinants, the studies have identified numerous other landscape patterns that can be placed in the category of where not to build. These are outlined on the following pages.

Quite simply stated, certain resource patterns, even if developed by man, offer potential threats to his life and well being, while others, protected and enhanced, can continue to provide many valuable experiences for living, working and playing in both our rural-regional and urban environment.

For most of the U.S.-Canadian landscape, these patterns, contrary to public opinion, have not been inventoried. A second look at our national record in providing developers with such comprehensive resource data is very much in order today. If we are to fit human development in harmony with these landscape patterns, we must have certain resource data at our fingertips. The past failure of state and federal agencies to develop the support and the programs to provide this critical information for planning is just short of an international disgrace.

In an age of explosive population, a second look must consider these form determinants if we are to protect and create a balanced natural and human habitat for tomorrow. As a nation we have been too prone to develop without an adequate understanding of the landscape. Detailed topographic and soil mapping, to mention but two critical planning resources, are still not available for major sections of the continent.

Through our regional studies I believe we can protect these major patterns and still have ample areas for development. Areas outside these critical environmental patterns have been found to be less favored by accidents of nature and already are reflecting a heavier impact by man, thus making them more conducive to alterations for economic and commercial exploitation, transportation, urban development, farming and similar activities.

I would at least say that once the form determinants are known, we are in a much better position to make wise compromises if we are forced to build within their boundaries. Entirely too much human impact is occurring with little or no understanding of the carrying capacity of the given site.

If we are to preserve the inland water tree and the landscape values between its branches, we must go even further in developing new two- and three-dimensional guidelines for directing human impact within their fringe area. It is one thing to identify the outstanding water systems and to develop water pollution programs for their protection, and quite another to guide three dimensional design on the shoreline that refrains from being visual-functional pollution.

As designers we must convince the growing body of citizens interested in stiff water pollution laws that it is going to take a greater task than merely preserving water quality; that one cannot separate the water surface from shoreline uses and expect to have a three-dimensional water corridor reflecting environmental quality.

This then becomes a major challenge to all designers, form-giving environmentalists or whatever we choose to call ourselves.

How can you design an environmental system that permits a cow to drink from the stream without creating serious shoreline impact and erosion that destroys water quality? How can we as form givers review the full range of land uses from wilderness, recreational, historical, farming, industrial, commercial, residential, institutional and civic to movement systems such as highways, hiking trails, utility lines, etc.?

At a conference that I attended in London entitled "Countryside 1970," it was discovered that, although the English have not inventoried their natural and cultural values as one would expect, they have classified their human impacts on the rural scene. Dr. E. M. Nicholson and A. W. Colling in an earlier meeting suggested that while many discussions and analyses have been made of various parts of the problem of human impacts on the countryside, it appeared that no really comprehensive list and description were available. Then they proceeded to create a chart identifying all activities and operations having impact on the landscape, area or land type affected, nature of effects arising, incidence time, space, degree, parties interested and examples of problems and possible solutions.

In conclusion, the two men pointed out that the chart was a tool for overall survey, for tracing relationships and for putting particular impacts or other factors in perspective. One of the broad points which seemed to emerge from all this was the heterogeneous nature of the activities and operations responsible for impacts on the countryside and the apparent lack of awareness among those concerned.

To seek an optimum environment through awareness programs, then, requires not only a better understanding of the diverse landscape patterns and the nature of human impacts but also a much better understanding of man's environmental needs. Our Environmental Awareness Center at the University of Wisconsin stresses that research findings have identified relationships between the physical environmental and human performance; that physiological health and psychological well being are affected by environmental variables; and that social behavior is influenced by enabling elements of the physical environment. Much still remains to be done in giving design interpretation to these many physiological and psychological factors.

Recognizing that the time, talent and funds needed to obtain such comprehensive environmental data by traditional means is inconsistent with practical situations demanding integrated development at various scales and that there is the added problem of keeping current such project inventories, it is time we seriously consider solutions to these critical problems.

Aerial photography has been investigated sufficiently to indicate that, although far from ideal, it clearly offers one of the best hopes for efficient data collection. It promises results in a realistic time span at a cost that is in proper proportion to each inventory phase. An even more promising inventory tool is the nonconventional airborne sensor. Such a system placed in a stationary satellite might provide not only current data but, linked to a regional computer graphic system, offers new and changing patterns as they evolve.

Identifying in any manner the most outstanding natural and human values does not, of course, assure their protection and wise development. Techniques must be developed for presenting these environmental studies to the general public in conceptual and pictorial form.

Until clear pictures and concepts about man and his environment, the problems, potentials and casual relationships are disseminated and become part of the common stock of knowledge, there can be little progress in guiding human impact in harmony with identified natural and cultural value patterns.

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Recent advances in audio-visual presentation have developed a more direct relationship between the subject and educational materials. Nothing short of exploring these new dioramas, three-dimensional movies, computer-programmed slides and think tanks will do if we are to develop environmental awareness.

By integrating a broad scientific and perceptual understanding of our midwestern landscapes, human impacts and needs, new inventory tools and imaginative regional awareness centers with social, economic, political and legal planning concepts, much can be done to create a new design form. The form which will evolve from this deeper understanding will not likely be arbitrary or perceived; rather, it will be a functional expression consistent with the inherent needs of man and his environment.

ECONOMICS: THE SPUR TOWARD GROWTH

(By Paul W. Beers)

(NOTE.—Mr. Beers is director of urban studies of Economic Research Associates, has just completed six years as a planner-economist in the Chicago area, and is past director of the Metropolitan Chicago Section, American Institute of Planners.)

The motivations behind, and the nature of, the multifaceted development of the Great Lakes region have shifted extensively with time and space. The emphasis was alternately on exploration, religion, militarization, politics (including geopolitics), colonization, commerce, exploitation, settlement and combinations thereof. Each of these phases was accompanied by varying degrees of economic development of the area and its resource base.

Little of the region's resources was used from the time of the wanderings of Marquette and Joliet through the mid-continent colonial maneuverings of France and England and well on into the 19th century. The chief assets of the colonial times seemed to be its waterway transportation system, with the continuing hope for a northwest passage, and just the sheer amount of land belonging to a far-off throne.

The resources of the region went virtually untapped until full-scale settlement began and farming became more than a scattered subsistance operation on the frontier. In some cases mining preceded other types of development such as in the copper areas of Upper Michigan and the lead and zinc mines of northwest Illinois and southwest Wisconsin. However, they were the exceptions, and the scale of even these activities was minor when compared with what was to come as the region became America's agricultural-industrial heartland, with a rail transportation system complementing the natural waterways of the Great Lakes and regional rivers.

The early settlers going beyond the hills and valleys of New York, Pennsylvania and Virginia imposed the Jeffersonian geometrics on the plains of the Middle West and began cultivating the staple wheat. Neither the form nor the function was ideal, but each provided a base on which the region could develop rapidly in intensity and extent.

Farms producing more than could be consumed within the family spurred the development of railroads, bulk transfer points, Great Lakes shipping and an agricultural implement industry. All of these served as a basis for the integrated economic specialization that characterized the early prosperity and continuing viability of the region.

Minneapolis-St. Paul, Chicago and Buffalo grew as urban centers serving their agricultural hinterlands through the shipment and trans-shipment of farm produce on the Great Lakes and its waterways. Chicago not only served its hinterland but the region and the world through its early start in the agricultural machinery manufacture. While the Windy City was a leader in the field, it was the talents developed in area blacksmith shops, combined with the skills from Europe, that also brought about the early manufacturing pre-eminence of Milwaukee, Gary, Detroit, Pittsburgh, among others.

Fortunately, nature had provided the ores and fuels within the region to permit the basic industrial growth, and the Great Lakes the means of bringing these bulky products together. Duluth is a prime, unencumbered example of an urban community which was established and grew through the shipment of the agricultural (grain) and industrial raw materials (iron ore) which so typify the region.

The economic base of the region today is a creature of its past but not of the past. Agriculture remains fundamental, although wheat has long since departed to the west. Heavy industry still builds its power-generating equipment here; earthmovers are assembled in quantities and with skills unmatched elsewhere; and automobiles and Detroit remain synonymous.

Other regions have now arrived at economic specialization that is intraregional as well as interregional. Thus Green Bay paper and Toledo glass are seen everywhere, but they may be manufactured, packaged and/or assembled into units in Georgia. Modern processing and transportation have wiped out some of the early economic advantages of resources location and access which the Great Lakes had previously enjoyed.

Economic projections for the region are optimistic. Nevertheless, future growth is not likely to happen in the proportions attainable in the newly developing economic frontiers of this country, especially in many of the types of manufacturing previously unique to the Great Lakes. Sales and service industries and occupations continue to increase in relative importance in the region as elsewhere in the nation. Continuing growth remains the likely prospect; however, dramatic upturns would seem to be dependent on regional reassessment and reallocation of resources.

With its pioneer beginnings, beautiful—but not spectacular—surroundings and a wide-open frontier available to the west, the people of the Great Lakes region were not conditioned early to the conservation of their natural environment. This heritage, plus the area's function as the nation's agricultural and industrial backbone through two World Wars and continuing conflicts since, have introduced practices that have depleted and exhausted resources, increased costs and threatened the health and welfare of its population.

This is not a new phenomenon for the region. The cutover of the northern Great Lakes forests had been completed by 1910. Enlightened self-interest has restored these forests for paper and pulp usage; however, the extensive hardwoods stands and related furniture industries have not been restored. The original rich ores of the Mesabi Iron Range have been exhausted, necessitating the use of a more expensive taconite beneficiation process or the import of ores from Labrador and Venezuela.

These are well-known examples of resource depletion, renewal and relatively reasonable substitution. Yet resource depletion for short-run economic gain continues.

Abuses of air, land and water resources abound throughout the region. The air pollution of northeastern Illinois-northwestern Indiana is all too typical also of such cities as Detroit, Cleveland and Pittsburgh. The strip mines and quarries without restorative requirements cannot be justified in light of present and projected public and private land needs. Pollution exists in most of the area's water bodies. Lake Erie and the Fox and Maumee Rivers are among the most obvious of this short-sighted approach to resource use. Industries and municipalities which require a supply of fresh water often are the most blatant polluters of the lakes and streams.

Not all such relations are as obvious. The accompanying sketches show how over time the ecology and availability of a Great Lakes dunes area can be destroyed. The message reads loud and clear: Industrial, residential, recreational and commercial fishing usages and the environment all suffer in such an unplanned situation.

Nevertheless, the alternative to abuse and misuse is not "no use." The growth and the prosperity of the Great Lakes region did not, and will not, occur in a vacuum. The alternative to abuse and misuse is "better use."

The key to a "new" economic base for the Great Lakes region is not that the components must be new but the approach must be. For example, the dunes sketches illustrate the all-too-typical orientation that views recreational sites as land which is waiting for some kind of economic development. Recreation and related transportation facilities serving the region and the nation are big business. And anyone who doesn't believe that these components are part of our new economic base is 20 years behind the times.

How does a region take advantage of its assets? The preceding article describing an environmental inventory is an example of a beginning in one area. We will need professional efforts of this sort in many other disciplines.

After inventory, timed implementation must follow. In this case priority establishment, acquisition (or other control devices), development (or nondevelopment) and management are the follow-through steps. The State of Wisconsin has made such an inventory and formulated a follow-through program. The benefits, short and long range, are accruing to private entrepreneurs and the present and future residents of that state. Such resource inventory and management principles have equal application in other areas of the physical, economic and social spectrum.

These inventories are the primary responsibilities of the public sector. But there are no multistate or multicounty governments—the levels at which inventories of the various resources should most frequently be conducted. New levels of government are not necessary, but new levels of governmental cooperation are.

Involvement of the private sector is essential to achieve this in at least the inventory and priority establishment phases. Such involvement is in keeping with current national policy and provides the representation needed to resolve the long-existing economic and resource base conflicts.

The new economic base for the Great Lakes region must go beyond the agricultural and mineral orientation of the past. The area contains a budding megalopolis stretching from Buffalo across Lake Erie's south shore and Michigan to Green Bay and possibly the Twin Cities. The inhabitants must be served with jobs, housing and recreation—all elements going beyond the basic heavy industrial concept of the past.

New land allocations with enforceable controls will be necessary to successfully operate such a megalopolis. These land allocations will have to be based on land suitability, location relationships and regional determination of functions. Regionwide determination will necessarily be based on inventories and an analysis of what the region can do best internally and what products and services should be imported. Within the region, further analysis will determine logical specialization by subregion.

All this is nothing more than the recommendation of a proper allocation of resources. However, little has been done—much less implemented—within a regional scope. Again, the stress must be on a multidiscipline professional approach to employ such inventories and allocations.

Developing a new economic base to spur the future growth of the Great Lakes region can start with the better resource understanding furnished by the previously mentioned inventories, conducted by the best professional talent available. We have inventoried in the past, and this may be a substitute for action. However, we have not performed regional inventories well since the "make-work" projects of the 1930s when we lacked the analytical methodologies we possess today.

These new inventories should create regional balance (or disbalance) sheets considering the costs and benefits of existing and proposed economic, social and physical elements and serve as the basis for planning and implementation.

The new inventories followed by analysis, priority establishment and presentation of alternative futures based on costs and benefits must also emphasize the social values now so important to our mid-continental megalopolis and its related rural hinterland. People can no longer be left out of the equation, nor can environmental preservation and improvement. But the key variables of such an equation are frequently not quantifiable or assessible. Still, there is no need to tolerate the dehumanization and technical moribundity that result from lengthy debates over the precise definition of levels of poverty, substandard housing units and the eligibility requirements of a welfare recipient. Flexibility is needed to attain action and response.

Human needs should not only be considered in inventorying and planning phases; more citizens should be concerned with the planning process itself. Again, this concept is old, but we have generally performed the process badly. Only recently have we begun to truly involve the private business sector and representatives of minorities and/or poor people. We have made weak efforts of presenting alternative plans to the public at large for their consideration.

The facts behind alternative plans are usually gross quantifications. The plans ignore the presentation of basic costs and benefits, especially those including unresolved, unquantifiable but nevertheless comparative social values. In other words, the rational emotion needed for continuing interest and logical decision making by the public has been excluded from the planning process, too often leaving the disinterested and the irrational extremist.

Lastly, these alternative plans have typically been presented to appointed commissions who are unresponsive to the wishes of the electorate—sometimes further complicated by the fact that there is no government at the level at which the commission operates.

The answer to this nationwide problem does not seem to be in asking our scientists and technicians for new technology to cope with our current difficulties. The ever-widening knowledge gap between scientific and social values is a significant part of the root problem.

Rather, what is needed is a complete exposure of all the regional assets and liabilities presented in living and understandable forms which will evoke rational emotion from the ctilzenry and give elected officials meaningful mandates for action. Informed officials are the only ones who can be made responsible to properly weigh all the costs and benefits, to decide what is "good."

We have elected officials now, and they are not fulfilling these needs. First, these officials are victims of poor and incomplete information, simplified and quantified too soon by their advisers before the public can build a rational reaction to guide them. Second, we are only beginning to explore the council of governments idea wherein elected officials are meeting together at metropolitan and multicounty levels. We need more of this type of council, including the multistate level with legislation that permits commitment of resources by these officials, subject to ratification.

In a representative democracy only these officials can provide the "how" in response to the public's need to pursue the "good" in our society. The real burden of helping them over the present impasse lies with the professionals and their ability to communicate their ideas.

Joint participation by elected officials interacting at new levels, armed with better implementing powers, better informed citizens and newly responsible professionals can be a new generative force. Quantum leaps are not made by projectors of current trends. We do not need more canned alternatives, nor should budding pockets of anarchy be encouraged by continuing inaction.

At the end of a wish-list, the inevitable "who pays?" must be considered. Obviously, we all do through our governments and the products we buy. However, the improved allocation of resources and priorities derived from a better understanding of the regional assets and liabilities can eliminate some diseconomies.

In fact, cost-benefit analysis can be performed on the planning process itself. Exposure of alternative priorities and systems suggests not only how much should be paid but who must pay, thereby establishing a secondary level of priorities. By fostering more participation and response, the climate for joint ventures of public and private capital is encouraged.

The realization of a new economic base for the Great Lakes region cannot be conceived as only an improved cattle feeder or a new smoke stack or, better, an industry without a smokestack. The new economic base must be derived from a supply and demand study on the fulfillment of all of society's needs. From this market analysis and its recommendations will come new products, new methods, a new environment—and a new spur to growth.

People: A City's Portage Power

(By William Marlin)

(Note.—Mr. Marlin, who is associated with the Perkins & Will Partnership in its public relations program, is also a freelance writer with a particular interest in architectural preservation and urban planning of Chicago neighborhoods.)

As a portage linking the people, places and problems of the Great Lakes, Chicago is a focus of men's use and abuse of nature and each other. While man is the only creature capable of contemplating its own origin and destiny, his cities suggest he has contemplated neither.

What's wrong? says new-towner James Rouse, "I don't really believe that many of us expect the cities will ever be livable. We have revealed our disbelief by failing to calculate what victory would mean. We can solve any problem we define, but we have never really tried to define the problem of the city."

Chicago is an arrogant town built by arrogant men: speculators—some seeking, most evading that definition: "Make no little plans," "Form follows function," "Less is more," these are noble slogans. But in a city where open space, green trees, clean water and fresh air are dispensable commodities, such slogans have been used to justify, and to sell, much that is bold and bad in the city.

Lake Shore Drive has been "developed" as a "big plan," with its share of "less is more," "form following financier," walling off Burnham's sacred lake from the people and city which desperately need it. Are men, materials and money still passing through this portage so fast that we would purchase the survival of our city and society—a common fate—so cheaply and expediently? What's wrong here?

One group finding out is the advocacy planners like Rod Wright of Chicago's Uptown. "First of all," Wright explains, "it helps to take off your tie. Things loosen up when people understand that I want to plan *with* them, not just for them."

For self-trained Wright, this team includes migrants from the Kentucky mountains, Puerto Ricans, Mexican Americans, nisei, Indians, blacks and WASPS. It also includes politicians, professors, corporations. A neighborhood meeting usually ends with one interest telling another interest off. But the goal is common: "How do we make this home of ours work?"

Desolate and dispassionate, on the Model Cities agenda, Uptown has been a port of entry for rootless ruralites who arrive uncertain of their place, purpose or options. But the rootless ones have decided to become certain and to rebuild this half-way house of a community, where the remnants of a rural nation cold-turkey their way into the urban mainstream.

Chicago has always been a take-off-your tie kind of town. Built at a portage where the old Illinois-Michigan Canal, begun in 1836, linked the south branch of the Chicago River with the upper reaches of the Illinois, settlers passed through on their way to farm new land.

Canal surveyors laid out the first streets; canal commissioners sold the first plats of land; canal workers built the first houses on them. Chicago and the canal happened together—and the rural Midwest happened because of them.

Long before incorporation in 1837, a federal commission (yes, they had them then too) reported, "The realization of a ship canal from Lake Michigan to the Mississippi is the great work of the age. In effect, commercially, it turns the Mississippi into Lake Michigan, makes an outlet for the Great Lakes at New Orleans, and for the Mississippi at New York. It brings together the two great water systems of water communication of our country: the Great Lakes, the St. Lawrence and the canals connecting the Lakes with the oceans of the east; and the Mississippi and the Missouri with their tributaries on the west and south."

The promise of such a regional system spawned heavy immigration and wild speculation, not unlike that of today. Men came in wagons, up the Mississippi in river boats, through the Erie Canal, sailing steamers from Buffalo, for this "great work of the age."

Chicago flourished as a refitting station where provisions could be had at 29 drygood stores, 5 hardware stores and 45 grocers; refreshments from 10 or so taverns; and subsequent assistance from 19 lawyers.

Cargo on incoming ships was snatched up in exchange for provisions. Those moving on to farm could buy Asahel Pierce's "Prairie Plows" and later sell their grain back to the city, where shipments of it to Erie County, New York, by the late 1830s were already fulfilling the promise of the Chicago-based markets.

The newcomers found work easily, but there was never enough room for them. These pioneers needed houses fast and had no time to work with wood in the old way. Without a thought for architectural tradition, they pioneered the balloon frame house. With the advent of the steam-powered sawmill and the mass-produced nail, schooners arrived regularly laden with Michigan pine: 30,000 board feet in 1833, over 10 million 10 years later. By 1840, 10 lumberyards lined the river. Built in a few days by a few men, these balloon frame houses were so dependable that Irish

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canal workers just knotted them to trees so they wouldn't float away when the river flooded!

John Wellborn Root remarked, "This early type of dwelling made the growth of the West possible. No expert carpenter was needed. No mortise nor tenon or other mystery of carpentry interfered. A keg of nails, some 2x4 studs, a few cedar posts for foundations and lots of clapboards, with two strong arms to wield the hammer and saw—these were always to be had."

The balloon was a simple, spontaneous, almost self-evident solution for men who had neither the time nor the disposition to notice, as Sigfried Giedion later did, that the balloon frame marked the point at which industrialization penetrated housing. As modest as the 2x4 stud and nail must have seemed, seldom have improved resources been more efficiently applied to meet necessity; then, as now, the need for lots of housing—fast.

Chicago was not only a portage point for people and goods. With the advent of the railroad in the early 1850s, another dimension was added to the industrialization of housing. *Great Industries of the US* recorded in 1872, "With the application of machinery, the labor of house building has been greatly lessened, and the western prairies are dotted all over with houses which have been shipped there all made and the various pieces numbered." All these old "new towns" needed was a nearby railroad spur and some wagons.

This application of machinery, which we call prefabrication, began in Chicago with Lyman Bridges in the 1850s. His work and advertising dominated the field until the Great Fire of 1871, when the tinderbox neighborhoods ignited, ending Chicago as an exclusively "wooden affair."

Bridges wrote, "I have noted the value of some agency by which comfortable, cheap and easily constructed houses can be procurred (sic) at short notice." (The Douglas Commission talking?) "Having in Chicago the best and largest market for all kinds of building material, and the most complete of railroad connections, we several years since commenced shipping ready-made houses."

These were ordered from Bridges' brochure and included one-room houses at $175–250; one-story houses at $300–1,000; two-story houses at $825–900; and two-story multiple-bedroom houses at $1,000–4,000. A one-story, one-room store sold for $400–800. Schools, churches and railroad depots also were available. For the customer's convenience, a breakdown of the number of railroad cars required for shipment was given too. For instance, two of the smaller houses could be shipped on one car; the bigger houses and the school each required three cars; and the church five cars.

The nail, the mill and the railroad thus consolidated the conquest of the wilderness where, as Thomas Tallmadge put it, "the forests died in giving birth to the cities." This is a portage power of special importance to the architectural profession as legislators, minority leaders, the aerospace industry—where is the architect?—grapple with consciences and contracts to build 26 million housing units in the coming decade.

When Chicago fed the settlers and shipped the produce of the rural Midwest, it broke ground for a regional pattern of settlement, that "nowhere yet everywhere" kind of city Frank Lloyd Wright dreamed about. Today, we are facing "nowhere yet everywhere" kind of problems. And the test of this old portage—Chicago—will be how well it facilitates solving these problems. This does not mean replacing the social insulation of the old slum with the social insulation of public housing. This does not mean giving children who grow up in interim housing a split-shift education in an interim school. It means giving people stability in a time whose forces defy stability. It means giving people roots in a time when social thinkers are seriously asking, "Can you have roots in the 20th century?"

We must understand two basic, seemingly opposed, forces. One, the dispersal of our population and the overkill of our open space by suburban sprawl. The other, the dramatization of this by convulsions in the inner city where the Harlems, Newarks, Watts and Uptowns take revenge on the society that left them behind.

As our list of urban pathologies grows longer, partially because the incoming ruralites bring their own problems with them, what portage power does Chicago have up its sinewy sleeve to equip these new passers-through or stayers-on? In fact, what does it mean anymore to say, "I'm from Chicago"?

The one thing Americans seek is roots, notwithstanding the sage social thinkers. On the go in more automobiles and high-speed trains, using O'Hare Field (looking more like a crop dusters' free-for-all than the world's busiest airport) as casually as the telephone, we are all nomads in search of some place to go home to. And we seem uncertain about which direction to follow.

The city is still suspect, presumed guilty of manifold crimes against humanity until proved, or made, innocent. With sentinel fires burning as fiercely in Chicago and Washington, D.C. last year as in Vietnam, Americans attach little romanticism to the struggle to make our cities work. They prefer the memory of Scott Fitzgerald's "wheat or prairie or lost Swedish towns" and those "thrilling, returning trains" to places "where dwellings are still called through the decades by a family's name."

But, like it or not, America cannot go home again—at least not that way. Though our trains will be faster and our cities where the "lost Swedish towns" once were, our people must reorient themselves to new scales of time and distance. Working, playing, learning in one area, improved communication and transportation will let people belong to and use many other areas.

Our mobility enables both the city and the country to aspire to the advantages one has to offer. The ruralite whose soil gave out comes to the city for a job. The educated professional aspires to his suburban "strawberry fields forever." Though the former may be an act of desperation and the latter an act of escape, both the farmer and the professional want a way of life with all the advantages of the city and country without the disadvantages of either.

This utopia doesn't seem so unrealistic when the alternative is what the Douglas Commission called the crude and ugly jungle of our cities.

Urbane life has nothing to do with its location. The Bauhaus-bred city planner, Ludwig Hilberseimer, once said, "If I had to name a truly urbane place, it would be Wright's Taliesin," located 40 miles west of Madison on the Wisconsin River. One Italian student was moved to say recently, "It's the only place I've seen in your country which shows you have developed a culture as well as a civilization."

As the forces of technology tear down the urban vortex, they make our society and settlements more colloidal. The Ernie Pyles of the coming century will still have a "home country" to report about, but the "folks" will use their city, their whole region, as America once used its back fences—for communication. The city will survive as a receiving and sending station, a synapse in a giant switchboard. We have come a long way from the time, 70 years ago, when the majority of Americans farmed; and a long way since 1940, when the majority was industrial workers. By the late 1979's, the US Census Bureau reports, the majority will be doing "professional, managerial and technical" work. This revolution in how people earn their money and spend their time has been chiefly responsible for the urbanization of your landscape. We find it hard to even think of a rural problem.

Only when the ruralities move in from the farm do their problems surface. Then we see them and study them as part of the larger urban problem, which shows the direction in which we are moving. For the fact is that urban people are not confined to the city limits, and rural people are not confined to the hills.

The left-behinders, be they rural or urban people, are the ones who cluster in our dense metropolitan centers, where physical confinement compounds the anguish of economic confinement; where rehabilitation of old housing most benefits those who can already afford to live well in the city; and where well-intentioned urban renewal projects renew the wrong things.

Although clustering makes it easier for the urban pathologist to study this surplus of scars and sensitivity which is the inner city, the left-behinders are tired of being studied. As one Kentucky man confided—and he says "I'm from Kentucky" and not "I'm from Chicago"—"I'm tired of being chewed up and spit out."

No wonder Rod Wright is taking off his tie to work with these people for housing, in communities where they can care where they come from and go to. These city-billies could tell you what's wrong with their city; crime, the car (too many), poverty (of the spirit), drug misuse, mental illness, broken families, plumbing (none), pollution (of the senses as well as water supply) and, that US Senate "laughing matter," rats. They could also tell you about the pathologies afflicting the other, i.e., affluent America—pathologies like apathy, self-interest, suspicion and, just maybe, a little too much do-goodering.

It would be more meaningful to talk about the self-help projects underway in American communities. The dispossessed are taking possession in Jessie Jackson's "Operation Breadbasket," in Chicago's Black Architects' Collaborative, the Watts Workshop, the pioneer advocacy architects, New York City's ARCH and offsprings of the "black capitalism" concept.

The take-off-your-tie, pitch-in approach must necessarily affect our institutions as well as our sentiments. Improved communication and transportation have quickened the distribution of material benefits. They also have quickened the distribution of social burdens: supplying housing that alleviates the pressure of people from poverty areas, eliminating pollution. These problems know no city limits or county seat. And, like it or not, America must regear its institutions, taxation, zoning laws, building codes and systems of authority so scattered interest in scattered communities can do their proportionate share.

For now, we must concentrate on the shared problems of cities and states. The frightening scope of those problems suggests that the city as a political unit may be phased out as our major urban settlements demand a reconstitution of our representative bodies to give more equitable political identity to such regions and their interdependent people and problems. How many senators, say, for a settlement reaching from Detroit to Chicago?

In this "interurbia," as economist Richardson Wood calls it, "Chicago's portage power will be as a communications break, just as it was once a transportation break. The difference is that we are going to be consciously transporting concepts as well as commodities. Our greatest industry will be the gathering, interpreting, exchange and application of knowledge.

Already, teachers make up the largest single work force. "Professional students" are becoming high-level consultants to corporations and governments. Their universities are becoming whole towns. As Daniel Bell noted, "Perhaps it is not too much to

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say that if the business firm were the key institution of the last 100 years because of its role in organizing production for the mass creation of products, the university will become the central institution of the next 100 years because of its role as the new source of innovation and knowledge."

The old city wall is being scaled by such change and by the computer-quick exchanges of a COMSAT and SST world.

The single-family dwelling, historically the locus of social life, will be revitalized as it becomes a man's castle and his cultural center as well. With computerized programming of education, improved television and the inexpensive video-taped concerts and plays just now being developed, the urban man will be digging ever deeper roots with his ever longer antenna.

Already, preserving old streets and buildings is becoming a popular investment. Old houses are being bought, scraped, painted.

Unfortunately, whether a good old building is saved or replaced by a good new one depends more on property values than human ones and whether a developer (what a euphemism!) thinks that good architecture is profitable. It also depends on architects. And it will be interesting to note which ones after bemoaning the imminent loss of Adler and Sullivan's caisson-anchored Chicago Stock Exchange built in 1894 will rush in for the new job.

It may be, after all, the nature of a portage to be slightly tentative about everything, whether it passes men, materials or messages from one place (and time?) to another. As Chicago spreads itself all over the prairie grass, Nelson Algren observed, "the caissons below the towers somehow never secure a strong natural grip."

And what of the people in this old portage, coming, staying, going, spreading themselves all over the prairie grass?

If we fail to give them—hell, ourselves—the strong natural grip we need in society, it will not be a failure of means. As ARCH founder C. Richard Hatch has said, "it will be a failure of moral imagination."

The national will to make our cities work must be mobilized as deliberately as our resources and technology. After only 10 years, we are poised for a lunar landing. Within the next 10, we must create guidance systems for this earthbound effort. The readiness is all. The readings of our success on earth will not come from the indifferent stars but the back streets of our cities. The readiness is there.

Chicago wheezingly inhales the last breath of a rural national and exhales an urban spirit. This is its portage power—more than big planes, fast cars and the ganglia of freeways and telephone wires. For the newcomer, this old refitting station may be a place to stock up, as it always was for newcomers. But for America, it is a place to take stock—of what we have been, of what we can be and of the gap in-between.

For now, it means working a day here or there, and a man's wife making more than he does on her short-order restaurant route to retirement. It means being refitted for jobs that require specialization. It means social adaption in neighborhoods synonymous with social regression. It means the mobility—the rusting old car leaning against the Uptown curb—which got them here but which has too often impaled them in a dubious kind of martyrdom. They, too, find that once here, they can't go home again. In this jet and computer-set society, where doors are still shut, it's tough to know that the old car is the only hinge on which your life turns.

The Appalachian white, whose mines petered out; the 14-year-old black who moved from being some white man's "boy" in Arkansas to a Black Disciple in Chicago; an Indian girl helping earn the bread and butter by drafting in Rod Wright's office—these are people seeking roots in a tentative time.

Salvation may be too high-sounding a word for what they're after. But it's not too high-sounding a word for what we as a society can give them, if we care enough to work, and build, *with* them to get it.

Perhaps, as Algren wrote of this old portage, "there is no true season for salvation here." Yet, not long ago, the rural refugees wanted to lose these accents, get trained and get back out. And they have been doing so in great numbers since World War II. Today, they are a little less tentative in their desire to make a go of it—here. If only by way of television, they know that their wretched city is not just a place to be, but a *way* to be—*their* way.

ACTION: A GRAND DESIGN CONCEPT

(By JOHN A. BLATNIK)

(NOTE.—The author: The Honorable Mr. Blatnik, a Democrat, has served Minnesota as a US congressman since 1946. He is chairman of two subcommittees of the House Committee on Public Works: Rivers and Harbors, which has jurisdiction over the Federal Water Pollution Control Administration, and Federal-Aid Highway Programs. In addition, he is chairman of the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations.)

Two hundred years ago, two towns, Chicago and Grand Portage, epitomized the height of an era—the fur trading industry of the Great Lakes. The existence of these two towns, and of the industry that supported them, sprung from the unique trade potential of the contiguous bodies of water offering direct access to the heart of the country.

One of those towns, Chicago, has prospered and grown: from a population of 4,500 in 1840 to some 3½ million in 1969; from a town based on a single industry to a multimillion dollar industrial and business complex. The other town, Grand Portage, declined as the fur trade declined, and remains now an historical site at the western tip of Lake Superior.

The fate of these two portages symbolizes the divergent trends in the development of the upper and lower regions of the Great Lakes. The lower region, lying at the door to the great midwest has prospered in such cities as Toronto, Cleveland, Detroit-Windsor, Milwaukee and Chicago. The upper region, however, experienced over a century of decline as a center of trade because customs duties imposed on pelts passing through American territories and the introduction of steamboats and railroads rendered fur trade by the "voyageurs" in their birch-bark canoes uneconomical. Yet it is ironical that the very same steamboats and railroads which put the fur trade to rest should, in the late 19th century, account for the economic resurgence of the upper region by providing low cost transportation for the area's vast reserves of natural resources.

Despite the apparent divergence between the two areas—economic, physical, political—there is great potential for economic and social unity between them. The Great Lakes offer unique possibilities for a unified system of transportation, taking advantage of the scenic routes already in use around the Canadian and US shores, as well as of the Lakes themselves for water and air transportation; for all kinds of outdoor recreation, for tourism, for a plentiful supply of fresh, clean water for industrial and domestic use and for mutual use of power.

Nearly 35 million people now live in the Great Lakes Basin. By the end of this century, there will be 80 million, with nearly 17 million in Ontario alone, composing a megalopolis extending from Toronto and southern Ontario to Chicago.

In short, the Great Lakes challenges both countries contingent to them to create a "grand design" for mutual economic progress—and in a few years that challenge will demand an answer.

So far, joint planning has been limited to spasmodic responses to common problems as they arise. The Great Lakes Fishery Commission, the International Joint Commission, the Great Lakes Study Group and the Quetico-Superior Committee, to name four, have been created within rather narrow limits of jurisdiction to deal with specific problems.

The International Joint Commission, for example, was created by the Boundary Waters Treaty of 1909 to deal with problems having to do with the Great Lakes referred to the commission by government or private citizens. Such problems as water and air pollution in the boundary waters area and the preservation of water levels fall within its jurisdiction, although it was given no authority to enforce its recommendations. Since establishment of this commission, it has distinguished itself for the care and thoroughness of its investigations—if not for speed. The IJC has not been, nor was it meant to be, an executive commission, although clearly its international structure would lend itself to such a function. Just as clearly, a commission with such a function is needed today, and will be needed even more in the coming years.

The US Government, too, has attempted to solve some of the problems associated with the Great Lakes unilaterally, by the creation of federal, rather than international, commissions. An example of this kind of agency is the Upper Great Lakes Regional Commission, created under the 1965 Public Works and Economic Development Act and directed to the preparation of long-range economic development programs, consisting of public investments, demonstration projects and legislative recommendations to accelerate economic growth in northern Minnesota, Wisconsin and Michigan. So far, the commission has funded a research and demonstration project to establish economic marketing processes and develop new uses for low grade timber not now being harvested in the three-state area.

Again, the Inland Lake Renewal and Management Demonstration project has shown ways and means to renew and to assure the continued attractiveness of the region's greatest assets—its inland lakes, many of which are being overgrown with vegetation and becoming polluted.

Plans for 1970 include construction of access highways to the scenic spots inland; restoration of depleted fisheries resources, a lake renewal program and a business and industrial development program.

We can see, from this cursory outline, that the elements for coordinated planning exist and that the areas where planning is needed are already recognized. They are coordinated transportation systems, recreation areas, tourism, water pollution abatement and coordinated electric power. All that remains, really, is the will to get together, to implement the plans already developed and move ahead with additional planning necessary for our mutual benefit.

Most east-west travel in the northern United States now goes through Ohio, Indiana and the Chicago area. These are acknowledged routes of congestion, and, as the the population grows and touring travel increases, congestion will grow too. The Congress is aware of the inevitable demands to be made on future highways, and I was privileged in 1956 to co-author the 41,000 mile Interstate Highway Program, 77 percent of which is now under construction or open to traffic. Legislation proposed in 1959 to increase gasoline taxes to offset deficits in the Highway Trust Fund brought demands for greater Congressional oversight on the uses to which these funds were being put. As a result, the Special Subcommittee on the Federal-aid Highway Program, of which I am chairman, was formed to inquire into the policies, practices and procedures involved in the administration of the program.

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One of the byproducts of the subcommittee's investigations has been my increasing awareness of the possibilities for cooperation between this country and Canada, to link our federal interstate highways with the Canadian highway network and to ensure on these Canadian roads the safety and architectural features that have been built into US highways.

A further thought convinces me that a cooperative effort with the Canadians would be to both countries' advantages: the additional tourism which would be generated by an alternate scenic route through Ontario and along the north and south shores of Lake Superior. The connections with eastern feeders for routes traversing the upper Great Lakes area are already in use. These are the east-west I–90 and other roads crossing New England and the north-south I–81 and I–95 extending the length of the Appalachians. Norther connections across the Great Lakes and southern Ontario would offer the traveler a welcome choice of scenery and, in the future, the necessary communications link between the east and the developing industrial centers in the Great Lakes region. These highway interconnectors between countries offer a second area for cooperation between countries—architectural design of these highways, so that the traveler has an unbroken experience of good highway and safe conditions.

The alternate east-west routes which would be designed by both nations' architectural talent would receive the eastern flow of travelers at the St. Lawrence, north of Ontario and at Niagara Falls. From those points the motorist could drive north of the Georgian Bay, electing at the Soo Canal to follow the Great Circle Route either along the northern shore of Lake Superior through Canada or along the southern shore through Duluth. These alternate routes would be longer in distance but shorter in time.

For example, the New York City tourist planning a trip to Yellowstone faces a 2,275 mile, 48-hour drive over the congested Pennsylvania, Ohio and Indiana turnpikes. With appropriate highway improvements between Fargo and the Soo, and on Queens Highway 17 between Montreal and Fort Arthur, travel time could be cut to 45 hours though adding 100 miles.

Providing safe highways and beautiful vistas, however, is only one domain where international planning is essential to success. In this country and in Canada we are faced with a problem that with lack of coordinated planning can only grow more serious: pollution of the Lakes. The Great Lakes constitute the world's largest reservoir, containing about 20 percent of the fresh water on the face of the earth, and are the principal source of water for the entire Great Lakes basin. Industrial and municipal water-use in 1960 totaled over 4,000 billion gallons and is expected to triple in 50 years. Water from the Great Lakes now serves 15 million people—in less than 50 years the population of the area is expected to exceed 50 million, with consequent increased demands on the water supply.

Nevertheless, in spite of these figures, the International Joint Commission estimates that the flow of industrial pollutants from Lake Superior to Lake Hurton is in hundreds of millions of gallons a year, and the contamination grows rapidly worse as one moves eastward from Lake Michigan to Lake Erie. Even Lake Ontario is now endangered. What is alarming about these figures is that water supply is a constant, yet our population and use of water continue to soar almost inexorably. In the next two decades we will be using as much water as is now available, and the questions is. How can we assure that water supply will keep pace with user demand?

In the Chicago area, six major polluters at Lake Michigan's southern end pour 7 billion gallons of waste a day into the lake; at Detroit, 20 million pounds of contaminant materials are dumped into Lake Erie every day; around the US shore of Lake Erie, around 200 municipal treatment plants discharge 1,470 million gallons of partially treated wastes into lake waters every day; further, 360 industries discharge oxygen consuming waste into the Lake, less than 50 percent of them have adequate treatment facilities.

Such astronomical figures are a source of grave concern for both Canada and the US, and we have undertaken to control this appalling flow of filth into our nation's chief water resource. The Federal Water Pollution Control Act of 1956 created the Federal Water Pollution Control Administration. The basic act, as amended in 1961, authorized certain water pollution control activities, including development of comprehensive water pollution control programs, research, technical assistance, training grants for state programs and the construction of sewage treatment facilities and pollution control from federal installations.

Two recent amendments, in 1961 and 1965, established a new FWPCA, removed dollar ceilings on sewage treatment construction grants, provided for increased federal participation if states enacted grant programs and adopted water quality standards, and authorized an additional 10 percent for any grant conforming with metropolitan or regional master development plans. The new provisions of the act were also designed to strengthen and expand the collective effort in attaining adequate pollution control throughout the country. However, as one wearied expert put it, "You can't clean up half of a lake."

Unilateral efforts are simply not enough. The Lake Erie Report, published in August 1968, indicates that the IJC is presently conducting a study of Lake Erie pollution, to be completed sometime in 1969. It may be hoped that the conditions in Lake Erie will give notice to the commission that the other lakes stand in danger of these same troubles and that unless a program of international cooperation is undertaken to halt the flow of wastes into all the Great Lakes, both countries will suffer the loss of their chief source of industrial and recreational benefit.

Among the industries based on the water resources of the Lakes, the hydro-, thermal-, and nuclear-electric industries offer one more area for Canadian-US cooperation. *Public Utilities Fortnightly* stated recently that power imports from Canada could add 7 million kilowatts to the United States power pool, and that 4 million may be acquired by 1980. The objectives of the Canadian policy are to encourage the development of Canadian low cost power sources, and to encourage power exports to the US through grid interties with American utilities. In line with this, efforts are being made in this country to establish regional power pools, thereby providing reliable and plentiful electric power to large areas of both countries at the lowest possible cost.

An example of coordinated planning is Mid-Continent Area Power Planners (MAPP), which numbers 54 member utilities in 10 states and the Canadian province of Manitoba. MAPP states its objectives: "to provide a framework in which electric power suppliers can work together in meeting the tremendous power needs of the future with maximum effectiveness and the best use of human, financial and natural resources." Ultimately, MAPP hopes that this program of coordinated power supply will open opportunities for industrial development by making large quantities of low priced reliable electric power available virtually anywhere in the region.

MAPP's objectives have already proved attainable. In five years, MAPP's membership has grown from 22 power suppliers to 54, who serve the 3,750,000 consumers a combined demand of 12.5 million kilowatts. By 1980 the maximum demand is expected to reach 30 million kilowatts. Manitoba, a hydro-electric power source, is now being integrated into the thermal-electric systems to the south. Manitoba Hydro, the principal power supplier in Manitoba, and three US power suppliers in MAPP have announced plans for building a 140-mile, 23,000-kilowatt transmission line from Winnipeg to Grand Forks, North Dakota, as the first stage in US-Manitoba power systems in integration.

Investor-owned cooperatives have proved successful throughout the U.S. since MAPP's first pilot project. There is every indication that with the development of the Great Lakes area as an industrial and tourist center, similar cooperation between states around the Great Lakes and Canadian provinces bordering on the Lakes could provide the increased power needs for the doubled population and the tripled consumption forecast for the Great Lakes basin of the 21st century.

The names Chicago and Grand Portage were once synonymous with commerce and with a seemingly inexhaustible supply of wealth. The source of that wealth has changed and new sources grew as the flow of beaver pelts ebbed away. In another 50 years, the Great Lakes area will be a vast megalopolis supplying a large number of the demands of civilized America.

But in return the area also demands from us—now. If it is to fulfill its promise, we must see that the Great Lakes are connected to the rest of the continent by an adequate transportation network, not only for commercial use but for the growing number of tourists who will want—indeed need—to get away from the cities, to relax and to return to America's past. It must have water, clean, cool, free from contaminants. Finally, the area will continually demand more electric power, both for the increasing industrial uses that the Great Lakes will attract and for the expanding population which comes with increased industry.

None of these needs can be provided for the megalopolis of the future of this country alone. I can foresee that in the not-too-distant future a body similar in structure to the IJC will function as a planning unit to coordinate programs in this country and in Canada for the mutual economic benefit of both. When that day comes in, the "grand design" I have outlined here, will begin to emerge into reality.

GOALS: A PROPOSAL FOR PROGRESS

(By the AIA Journal editors)

The Great Lakes, one of the world's outstanding resources, are in grave danger by man's misuse of their waters and shorelines. Indeed, they are endangered to the extent that some authorities admit that the Lakes may be lost forever unless we assess our obligations—right now—to the preservation and enhancement of this resource shared by the United States and Canada.

Perhaps Cleveland's Mayor Carl B. Stokes recited more truth than poetry when he said that Lake Erie, considered to be the most contaminated of the five, "deservedly has the reputation of being the only body of water in the world that constitutes a fire hazard." Speaking to the issue of Erie's cleanup, the Federal Water Pollution Control Administration last fall reported that "it is less a problem of engineering than it is a problem of diverse, inadequate and unwieldly changing governmental policies, funding and management. The technical engineering methods of waste control are known or close at hand, with the main requirement being only their coordinated application."

As our authors have pointed out, the concern here is much more than the pollution problem. There has been plenty said on the subject in all kinds of media; it is our sincere hope that this presentation, rather than simply adding to the verbiage, has focused on a new dimension to the overall picture.

It is time that the words be translated into deeds, and so the big question arises: How is this to be done? No one has all the answers, of course, but certain guidelines and criteria seem to emerge that could serve as the basis for a program of implementation.

1. Design professionals are among those who share the responsibility of educating the public to an awareness of the resource values of the Great Lakes region.

2. Once aroused, the citizenry can demand action of its elected officials, especially members of Congress, to get a cleanup campaign underway.

3. A concerted effort should be made at all levels of authority to attack, first of all, the problems of the Lakes themselves.

4. The "councils of governments" concept should be utilized more extensively in the region.

5. Any cleanup campaign should involve an international commitment for which some workable machinery must be established. (To repeat one author: "You can't clean up half of a lake.")

6. The water itself and shoreline usage have to be dealt with as a total package if environmental quality is to be achieved.

7. An inventory of resources is a valuable tool for every region, similar to the one undertaken in Wisconsin.

8. All disciplines involved have an obligation to pool their knowledge and experience if the growing human impact is to be kept in harmony with existing resources.

DEDICATION OF BOSTON UNIVERSITY SCHOOL OF MEDICINE

Mr. BROOKE. Mr. President, we all know how important it is that proper medical care be provided for all Americans.

The Boston University School of Medicine has long been a pioneer in this vital field, and it is with great pride that I note the dedication of a new facility, which occurred on May 10, 1969.

I ask unanimous consent that the most appropriate remarks delivered on this occasion by Dr. Frank W. McKee, of the Division of Physician Manpower, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A GOLDEN SPIKE

(Presented by Frank Wray McKee, M.D., Director, Division of Physicians Manpower, Bureau of Health Professions Education and Manpower Training, at the dedication of the Instructional Building at Boston University Medical School on May 10, 1969)

It is a great privilege for me to share this historic event with you today. Every person views the events of his life in the light of his past experiences and present knowledge. As I considered and anticipated the event that is taking place today, I found myself looking at it from several perspectives, both official and personal, and in varying depths.

First, my family physician and close personal friend and advisor until his untimely death in 1946, was a graduate of this school. His name was Harold E. Andrews of the class of 1925 and his professional accomplishments as a general physician in a small central New York town are a tribute to him, and to this School of Medicine.

I have also looked forward to this day as a doctor who has spent many years as a teacher and head of a medical school, and I know the excitement that new brick, mortar, and glass bring. I understand the dreams and effort they represent and the talent they will develop.

Far more important than the buildings are the professional lives of the young men and women which will be guided and enriched here . . . lives that will go from here to practice medicine of quality and of compassion to the Nation. The new Instructional Building will enlarge the number of first-year places by one-third—from 72 students to 96.

I come today as your government's representative of the several agencies which have contributed to this building, and so I also view this event in the light of what is being done in the field of medical education all over the country. The Division of Physician Manpower, which I am privileged to head, is the Federal focus for programs concerned with physician manpower.

The Division is devoted to an ultimate concern for service to patients. And, to meet this responsibility, our attention is directed to three obligations—to increase the *numbers*, the *quality*, and the *availability* of the physicians who are the recognized leaders in providing this vital care. In pursuing our objective, the Division works closely with physicians, educational institutions, and others to stimulate interest and effort in augmenting both the supply of physicians, and the improvement of their effectiveness by attention to patterns of practice and programs of continuing education. Our responsibility is to generate ideas and encourage established institutions to implement them, along with supporting the formation of new institutions, and inviting other new ideas and programs that these educational resources may wish to devise in the light of their own particular situations.

Since 1965, over 300 million dollars has been awarded for building and enlarging medical schools all over the country. This includes 12 new medical schools. Through Improvement Grants, another 84 million has been supplied to schools of medicine and osteopathy to provide financial support for the salaries of teachers and ancillary personnel, and to provide basic teaching equipment.

Another interesting perspective on this day has come to me because of an avocation of mine. For some years I have been collecting model railroad trains and in the process have become an amateur railroad enthusiast. The history of transportation and the history of education in this country are perhaps the best guides to the events that have shaped our country's characteristics and its destiny.

It was exactly 100 years ago today that an event took place that profoundly affected the affairs of our country. When the "Jupiter" of the Central Pacific and the "119" of the Union Pacific Railroad met at Promontory Point, Utah, on May 10, 1869, the Atlantic and Pacific Oceans were joined. A golden railroad spike was driven into the ties to mark the event. Boston University had just been founded, and the Medical School of that name was to be founded four years later.

Those who used the railroads to weave a web across the country, to bring the benefits of civilization to many, and to open up new regions achieved the highest purpose for which transportation is intended.

In similar fashion we might consider the highest purpose of medical education today to be one of building a network of health care, carrying the latest medical knowledge to everyone who needs it. We must reach into areas where, as yet, medical care, if existent, is sporadic and on a crisis basis. So, in a real sense this building represents an important "spike" in the network of medical schools all over the country, and it will bestow a special blessing on the Boston community.

Historic events have often been the results of tremendous cooperative efforts. The driving of the "Golden Spike" represented the culmination of such an effort as do our more modern heroic efforts in space.

This building reflects the devotion and untiring efforts of the Trustees, the Administration, the Faculty, the Students, the Alumni and Friends of Boston University. Your Government is proud to be joined with you in your efforts.

SPONSORSHIP OF CONCERTS BY MISS LILY PETER, MARVELL, ARK.

Mr. FULBRIGHT. Mr. President, a very unusual woman in my State, Miss Lily Peter of Marvell, Ark., recently sponsored two concerts by the Philadelphia Orchestra in Little Rock.

Miss Peter mortgaged her 4,000-acre farm to bring the orchestra to Arkansas. The receipts from the concerts will be devoted to the establishment of music scholarships at the University of Arkansas and Arkansas State University. Miss Peter is indeed a most unusual citizen of this great country.

I ask unanimous consent to have printed in the RECORD articles about the occasion which were published in the Arkansas Gazette and Washington Post.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Arkansas Gazette, June 2, 1969]

(By Bill Lewis)

"I don't know of anything like this happening since the days of Count Esterhazy."

Boris Sokoloff, manager of the prestigious Philadelphia Orchestra, had to reach back to Imperial Austria to find a parallel in the art patronage feat of Miss Lily Peter of Marvell, who is spending $45,000 of her own money to bring the Philadelphia to Little Rock for two performances at 8:30 p.m. Tuesday and Wednesday at the Auditorium—and another $8,000 for a commissioned commemorative work from the American composer, Normal Della Joio.

Sokoloff, who handles such mundane affairs of the Orchestra as travel, housing arrangements and finances, seemed greatly impressed with Miss Peter's grand gesture. It was obvious he had dealt with no one quite as direct as she.

"She wrote Mr. Ormandy a letter," Sokoloff said from Philadelphia last week. "He gave it to me to reply to, and I wrote Miss Peter, mentioning the fee. I wasn't trying to scare her off, but I thought the amount of the fee would end it. The next thing I knew, here came a check in the mail."

The Marvell planter and businesswoman, a poet and photographer of competence and a philanthropist to the arts, has reaped a fortune in unsought personal publicity for her generosity to her state. Her act has been widely reported in national news media and on at least one network television program, as well as the major news services.

It was Miss Peter's idea alone. As a member of the Arkansas Centennial Commission, which is sponsoring the year-long celebration of the Arkansas territory sesquicentennial, Miss Peter had been designated the person in charge of musical events of the celebration. Without a word, she sat down and wrote personal letters to both Ormandy and Della Joio.

[From the Arkansas Gazette, June 3, 1969]

"A NEW EXPERIENCE," ORMANDY DECLARES AS HE MEETS ANGEL

(By Carrick Patterson)

"It's wonderful. We've never experienced anything like it," said Eugene Ormandy, musical director and conductor of the Philadelphia Orchestra, as he and the Orchestra arrived Monday at Little Rock for two concerts sponsored by Miss Lily Peter of Marvell.

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Miss Peter, a planter, businesswoman, poet, and photographer, is spending $45,000 of her own money to bring the orchestra to Arkansas for performances at 8:30 p.m. today and Wednesday at the Auditorium in honor of the state sesquicentennial. She also commissioned for $8,000—an orchestral work by the American composer, Norman Dello Joio, which will receive its world premiere at tonight's concert.

Ormandy said that it was the first time since he has been conductor of the Philadelphia that anyone had sponsored such a trip and concert series, paying the full bill instead of just underwriting the deficits. Boris Sokoloff, the orchestra manager, said the experience was "unique."

The Orchestra and conductor arrived by chartered jet Monday afternoon and were met at Adams Field by Mayor Boyd, Chamber of Commerce officials and Miss Peter. Ormandy accepted an honorary citizenship certificate and the key to the city from Mayor Boyd, but seemed most excited at meeting Miss Peter for the first time. "I thought you would be taller," he commented. Miss Peter is about 5 feet, 4 inches tall, and Ormandy is slightly shorter.

MISS PETER ALREADY CLOSE TO MY HEART

"Miss Peter is a new lady in my life, but very close to my heart already," Ormandy said. "The letter she wrote us was the most modest letter ever written, on plain stationery, asking us to come to Little Rock for a concert. When I got the letter I couldn't believe it, couldn't believe that she realized the cost involved." Only after Sokoloff had gotten in touch with Miss Peter did the realization dawn that she was serious and could raise the necessary money.

[From the Washington Post, June 5, 1969]

It Was Worth Every Penny

Little Rock, Ark., June 4.—The Philadelphia Orchestra played Miss Lily Peter's concert last night and tonight, and she figures it was worth the $60,000 she paid for it.

"It was worth every penny," Miss Lily, as her friends know her, said after the performance in Robinson Auditorium attended by 3000.

"I know a good many adjectives, but none would fulfill this occasion."

The orchestra, which played tonight to a second sellout, premiered Pultizer prize-winning Norman Dello Joio's "Homage to Haydn," a three-movement suite commissioned for $8000 by Miss Lily.

Miss Lily mortgaged 4000 acres of her plantation in the rich Delta plain of eastern Arkansas to commission the work and to bring the orchestra here as part of the observance of Arkansas's 150th anniversary as a territory.

She will receive none of the money from the ticket sales. It is to go for music scholarships at Arkansas State University and the University of Arkansas.

Miss Lily, who admits to being past 70 "but not quite 100 yet," shared the spotlight with works from Wagner, Debussy and Brahms.

At intermission, she received a standing ovation when Mayor Haco Boyd called her to the stage to present her a bouquet of roses. Lt. Gov. Maurice Britt then told her that Gov. Winthrop Rockefeller had designated Tuesday as "a day to honor Miss Lily."

Miss Lily, a sometime poet and photographer and fulltime farmer who sometimes clambers aboard one of her tractors, says she wanted the people of Arkansas to be exposed to good music.

"Miss Peter is a new lady in my life, but very close to my heart already," said conductor Eugene Ormandy.

Before the concert, the Sesquicentennial Committee honored Miss Peter with a formal dinner, including Catawba wine and quail on rice with almonds.

DEPARTURE OF AMERICAN TROOPS FROM VIETNAM

Mr. DOLE. Mr. President, within 30 days American troops will be leaving the battlegrounds of Vietnam for the first time since the tragic war was undertaken.

The President is confident that the training and equipping of South Vietnamese soldiers has been so successful that 25,000 American soldiers can prepare to leave the fields of that Southeast Asian country to be replaced by that country's own forces.

Few would disagree that this is a most significant step toward peace—a step the American people have awaited for a number of years.

I would hope that those who automatically criticize every move toward peace made by President Nixon will withhold further criticism. This is a time for national unity and cooperation; not division and disharmony.

THE PESTICIDE PERIL: XIV

Mr. NELSON. Mr. President, another species has been added to the list of endangered animals in the United States—the peregrin falcon—a probable victim of pesticides.

This disturbing news, released last week by the Department of the Interior, is a warning to the public that unless special protection is given to the peregrin falcon, it will not survive.

The population of this predatory bird, which is found from northern Alaska to Argentina, has been declining so rapidly that it has almost vanished as a breeding species east of the Mississippi. It is feared that the decline will continue until the bird disappears from the scene altogether.

Researchers fear that the falcon is yet another victim of pesticides. Already, evidence has shown that pesticides are seriously threatening the survival of the American bald eagle, our national bird.

Convincing data is accumulating rapidly from every corner of the world that dangerous environmental contamination is resulting from the ever-increasing use of persistent pesticides. DDT and other chlorinated hydrocarbons are particularly harmful because their concentrations increase progressively along the food chains until they reach a serious and often lethal level.

Growing concern about the threat to our environment and the potential hazard to our health from the use of persistent pesticides is reflected in the recent actions of Sweden and Hungary, which have become the first countries to ban the use of DDT. In the United States, both Arizona and Michigan have banned the use of DDT, and many other States, including Wisconsin, are in the process of developing improved sanctions on its use.

I ask unanimous consent that the Department of the Interior press release be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Nature's Expert Hunter May Become Extinct

The Department of the Interior's recent decision to include the peregrine falcon on the latest list of endangered animals in the United States reflects increasing public concern for this bird.

The population of this predatory bird (also known as "duck hawk"), which ranges from northern Alaska to Argentina, has been declining until today it has almost vanished as a breeding species east of the Mississippi. Conservationists fear the decline will continue until the bird disappears from the scene.

Researchers at the Bureau of Sport Fisheries and Wildlife are not sure of the precise cause of the decline, but, like the bald eagle, this falcon is probably a victim of pesticides, growth of urban areas, disturbance at nesting sites, noise, and air pollution.

Placing the bird on the endangered list notifies the public that the bird requires special protection if it is to survive.

In America, as in other parts of the world, the peregrine has been used in falconry because of its ability to catch small prey. It readily yields to training under expert hands and is considered less temperamental than other hawks used for falconry.

Adults are a dark bluish-slate barred with black on the back, and creamy buff barred with black below. The cheeks are also black.

Its scientific name is *Falco peregrinus* which translates as the wandering falcon, a tribute to its far-ranging travels. It has slender, pointed wings, and sickle-shaped sharp talons for snatching its prey. The bill is hooked and sharply pointed, a highly lethal weapon.

The peregrine's sharp wings enable it to dive swiftly from great heights where keen eyes spot its prey. Any small bird in flight is preferred, such as small ducks and pigeons, but peregrines occasionally take larger victims.

Nesting is usually in cliffs or bluffs; where these are absent, hollow tops of dead trees are favorite sites. No one knows whether peregrines mate for life but they have a dramatic courtship that includes diving flights and harsh shrill calls to entice mates.

Up to six maroon eggs are laid in spring. The young mature within two years, but it is not known how long they live in the wild.

In autumn some of the disappearing falcons migrate in distinct routes southward, stopping occasionally to rest and feed.

Sport Fisheries and Wildlife's Director John S. Gottschalk has no favorites when it comes to animals, but he admits to a special fondness for the peregrine because: "It's one of nature's better hunters, beautifully colored, and can fly with the best. Once it was common even in the hearts of our cities, including Washington, D.C., but now it has declined dangerously.

"Surely the peregrine belongs in our future. We hope it can succeed in reestablishing itself all over our nation."

THE GOLD PARADOX

Mr. STEVENS. Mr. President, William G. Bradford, a Foreign Service Officer in the Department of State, recently visited my State and conducted a case study of gold production. His conclusion is that Government intervention is necessary to end the paradox of this, the wealthiest, most technologically advanced Nation in the world, fretting about its dwindling supply of gold bullion, while we have the great unmined gold deposits.

His proposals are directed not only to Alaska, but to increased gold production throughout the United States. I do not endorse each statement and recommendation Mr. Bradford has made, but his comments are worthy of serious consideration. If we fail to recognize the necessity to encourage the rebirth of the gold-

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mining industry, the Nation will pay the consequences in the future.

I ask unanimous consent that Mr. Bradford's study be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

A GOLDEN PARADOX

In the words of Gilbert and Sullivan "a paradox, a paradox, a most ingenious paradox." The wealthiest, most technologically advanced nation in the world, and the site of Sutter's Mill, the Yukon, and Fort Knox is fretting about the outflow of its gold while it sits on huge untapped reserves of the metal. It subsidizes its agriculture, which is overproducing, and doesn't subsidize its gold mining which is underproducing. With a GNP of over $900 billion, it worries about an annual outflow of a few billion in gold. The nation spends tremendous amounts on research in space and the ocean bottom, but little in research on the production of an ore which at present is vital to its economic well being. Hard headed business men consume six million troy ounces (14.5 Troy ounces= one avoirdupois pound) of gold each year in industry, and produce only one and a half million, without seeming to realize that this imbalance can and should be corrected.

The United States, which once led the world in gold production, has sagged to an unimpressive fourth. This is not just a relative shifting of position, but represents an absolute decline in production, which has fallen from 6 million ounces in 1940 to 1½ million in 1967.

APPROXIMATE WORLD GOLD PRODUCTION

[Millions of troy ounces]

	South Africa	United States	Canada	U.S.S.R.	Others	Total
1900	3	5.0	1	1.0	6.0	16
1910	7	5.0	1	2.0	8.0	23
1920	8	2.0	1	1.0	5.0	17
1930	12	2.0	2	1.5	4.5	22
1940	14	6.0	6	4.0	12.0	42
1950	14	2.0	4	7.0	6.0	33
1960	23	2.0	5	11.0	6.0	47
1967	28	1.5	5	15.0	5.5	55

In the period from 1950 to 1968, the United States mined 32 million ounces of gold and salvaged 18 million ounces of scrap gold, but its industry consumed 58 million ounces and 356 million ounces were withdrawn from its reserves for balance of payments uses. As is well known, this has resulted in a decline in U.S. Government Gold Reserves to a dangerously low level, and under present conditions there is no prospect of increased gold production helping to stem this downward trend.

In a strict laissez faire environment, this declining production and increased use could be shrugged off as one of those things that the market would correct bye-and-bye. However, for a modern industrial nation to take this attitude towards a matter of such importance seems short sighted at best.

DESCENDING THE GOLDEN LADDER

A close look at Alaskan gold mining may help clarify the phenomena of decreased production, the present moribund state of the industry, and the bleak future prospects for revival without assistance. The problems of other gold-producing states are similar to those of Alaska.

Ever since the gold rush days, the words Alaska and gold have been synonimous in the public mind. Up until recent times this linkage was both natural and proper. Indeed from 1880 until 1960 gold made up half of Alaska's total $1.5 billion mineral production, and Alaska was one of the leading states in gold mining. However, since World War II there has been a constant decline in Alaska's gold production, and unless there is a drastic change in the financial environment surrounding it this slide can be expected to continue.

APPROXIMATE UNITED STATES AND ALASKAN GOLD PRODUCTION

[Millions of troy ounces]

	Alaska	Total United States
1900	0.5	5
1910	.5	5
1920	.25	2
1930	.3	2
1940	.8	6
1950	.3	2
1960	.16	2
1967	.026	1.5

Gold production in Alaska is at a modern all-time low, and while this situation can be blamed largely on the maintenance of the $35 an ounce official price during a period in which inflation has pushed up production costs, other factors are also involved. New industries and mineral finds have usurped gold's once predominate position. For instance, US Government military construction during and after World War II was on a massive scale, and new petroleum finds have already dwarfed gold's highest years. Endeavors like these draw on the same labor force and capital market that in earlier time would have mined gold. In addition to this diversion of resources, the known and easily worked gold fields have been picked over and the long pause in production caused by the war has left the machinery of most mines badly outdated. As the industry was unprofitable with a dim future, there has been comparatively little research work done. The severe winter weather conditions in Alaska have not depressed production, but they have hindered any increases. For example, frozen water limits placer mining to a maximum of six months a year, permafrost makes placer mining difficult at all times, and environmental conditions are extremely hard on labor.

Methods of mining gold vary considerably from one mine to another and are based principally on such factors as size and shape of the ore bodies, physical and minerological character of the ore and surrounding rock, and depth of mining. However, in the most general laymen's terms gold recovery methods can be divided into three groups: 1) gold lode mining; 2) gold placer mining; and 3) recovery as a by-product of mining for other minerals (silver, copper, lead or zinc).

Lode mining can be conducted either underground or on the surface wherever gold is found in the place of its original formation. In either case, the ore after recovery must be treated to disassociate the gold from other metals and minerals. Placer mining on the other hand is directed towards recovering gold which has been freed from association with other metals or minerals by weathering or erosion. This freed gold can occur as either grains, flakes or nuggets. Placer mining runs from the individual miner's pan to huge mechanized dredges, and is performed both on the surface and underground. Near Nome research is being conducted on drilling, submersible dredges, and other projects to promote exploitation of undersea placers.

Recovery as a by-product of other mining and lode mining are of minimal importance today in Alaska. The little gold mining that is still being carried on is mainly by the placer method. The areas of principle concentration are around Fairbanks and Nome. The large lode mines at Juneau, once the richest in the world, have been closed for a number of years.

Contrary to wide spread public belief the output of US gold mines is not all sold to the US Government. Unprocessed gold goes directly on the open market. This is significant in that even the recent increase in price on the open market from $35 to $45 per ounce did not increase production. A similar increase in 1934 (devaluation of the dollar) brought about a 300% increase in US production within a few years. The failure of production to respond to the price impetus clearly shows how far out-of-line the $35 price has become.

Estimates of unmined gold in Alaska vary all over the field and eventually get lost in an argument over known "reserves" vs. known "resources." However, there seems to be common agreement that at most only 5–10% of the land has been adequately surveyed and that there is at least as much gold left in the ground as the amount that has been mined. Gold itself is not difficult for an experienced prospector to find in Alaska (660 claims were staked in 1966), but gold in quantities that can be mined economically in the present environment is a different question (there were no significant new starts in 1966 or 67).

Under present conditions, gold mining in Alaska is not labor intensive. The largest single operating crew listed in the state's 1967 mining report was 15 men and the average crew runs to only 2 or 3 men. However, as already noted these men are interchangeable with other mining or construction work. Those that have left gold mining will not return therefore until the economic incentive is at least equal to these other fields. In the heyday of gold production, crews were much larger, and Nome now a city of 3,000 had 30,000 inhabitants. In later years, large native crews were recruited for the mining season from the villages around Nome.

Capital for gold mining is as fluid as the labor force and has moved away from gold toward more profitable ventures. As a result of this and difficulties in incorporating a high-risk venture like gold mining, the small operators, who desire to mine gold (and oddly enough there still are some), find great difficulty in attracting adequate capital. This not only prevents some new starts, but often brings about attempts to work new mines with insufficient or outdated machinery, either of which can make the difference between success and failure.

A CALF OF GOLD IS EXPENSIVE

If the provision of the Bretton Woods Agreement which prohibited signatories from paying more than $35 per ounce for gold was intended to prevent subsidization of gold mining, it has failed. Every major gold producing nation in the world, except the United States, engages in large direct or indirect subsidization of its gold production.

The most graphic example of the effectiveness of such programs in relation to Alaska and its problems is the Canadian Emergency Gold Mining Assistance Act. This program includes:

1. a three year tax holiday on new mines;
2. a direct subsidy based on production costs above the national average;
3. access assistance in regard to roads, air strips, and power lines;
4. importation of qualified labor under immigration laws;
5. various provincial incentive tax programs.

As a result of these measures Canadian production is about triple that of the United States.

In the United States, there are some small marginal programs in effect which assist the gold industry, but they in no way represent a significant effort to encourage gold mining. These most meaningful of these programs in Alaska are:

1. Geological Survey (Interior)—to complete geological mapping of the state with particular emphasis on heavy metals.

2. Bureau of Mines (Interior)—to help evaluate and develop mineral potential through surveys, research, and statistical publications. In this connection, the Office of Mineral Exploration will provide loans up to 50% in certain cases to explore gold areas.

3. Gold Depletion Allowance (Treasury)—to grant tax deductions at a 15% depletion rate.

4. Prospectors' Assistance Program (Alaska Dept. of Natural Resources)—to provide 75% of prospecting costs up to $2,000 per man.

While all of these programs are of a limited nature and to date have had little success in stemming the decline of gold production, the Geological Survey and the Bureau of Mines were highly instrumental in opening the new "invisible gold" fields near Carlin, Nevada. These fields employing a new type processing mill are the first financially successful gold operations in the United States in recent years. The Survey and Bureau are also playing an active role in the off-shore gold activities near Nome.

Several bills have been put before Congress in recent years involving gold mining incentives. However, they have all died aborning, and in general have suffered from two common shortcomings. First, they have been put forward solely by representatives of states containing significant gold-mining interests; and second they have each attack only one facet of the overall problem. If a proposal is to be successful and effective, it should tie together prospecting, exploration, research, support and incentives, and it must be aimed at the welfare of the United States in general not that of one group of people or states.

SHAKING THE GOLDEN BOUGH

A gold production program patterned on the Canadian model but stressing research could dramatically increase US gold production. Such a program would have the following general features:

As there are a multitude of problems concerned, overlapping the responsibilities of several Departments of the Government, a gold production authority would be set up to supervise and coordinate the entire program.

Certain of the problems underlying rejuvenation of the gold industry are similar to those faced by the AAA, the TVA, and NASA, and the new authority would adopt some of the features of these agencies. The gold industry as a whole is in the same type of sickening slump faced by agriculture in the 1930's and it needs the kind of sympathetic assistance and advice given to agriculture by the AAA. Vast new areas of the country, particularly in Alaska, are going to have to be opened up, and mining by its very nature is often destructive. The TVA-type function would see to it that the new areas were developed intelligently and that adequate conservation measures were undertaken without strangling gold production. Extensive NASA-like research would be required to develop new sources and processes for producing gold. For instance, although gold is present in sea water in only minute quantities, analytic experiments indicate one cubic mile of sea water contains 130–260 tons of gold. This means that a desalinization plant equipped with some sort of process to extract the gold from the water it handles could produce from one to three million dollars worth of gold from every three million gallons of water it pumped. Needless to say, no such process exists as yet.

The excellent work of the Geological Survey would be expanded as rapidly as trained men could be recruited. However, even with such an expansion it would take years to cover Alaska. To supplement the Survey, the activities of individual prospectors would be encouraged through financial assistance and bounties for significant new finds.

In addition, the research and development functions of the Bureau of Mines in relation to gold would be greatly increased. They would cover not only the extraction process, milling function, and safety measures, but new sources, machinery, and environmental problems as well.

To promote new mining starts and to be sure small miners have adequate equipment, low-cost government-sponsored financing would be available to qualified operators. As gold mining is by nature a high risk venture and as bureaucracy is by nature afraid of making mistakes, this financing should be administered outside the government.

As a direct inducement, Tax incentives in the form of several years tax holiday on new mines would be granted. The period would be kept short to invite the most rapid exploitation possible. In addition, to keep up and encourage present production the depletion allowance of 15% would be raised to 27½%—it hardly seems logical to grant greater benefits to a resource which the US has in good supply than to a critical resource in short supply.

While it is impractical for a US gold incentive program to match the liberal transportation, communication and power access program of Canada's northern development program, such assistance to gold-rich isolated areas would be granted. The Nome area is an excellent example of the need for such help. With the largest known gold potential in Alaska, Nome is without roads or railroads to the rest of the state. All freight is carried by air or in the summer by ships to an ancorage off the shore from where it is lightered in (this lightering costs 50% as much as the transportation from Seattle to the anchorage). These large transportation costs reflect directly and adversely on the cost of producing gold. A better harbor in Nome would in itself bring on the resumption of some gold activity in the area. Besides the direct benefits of such a program, it would have the side benefits of opening mineral-rich areas and of creating employment for the native Alaskan population. The unemployment among these Indians, Eskimos and Aleuts is a major problem.

There is little question that the foregoing program would stir up a great deal of activity in the gold mining industry. However, there is a legitimate doubt if the resulting production would be great enough to overcome the gap between gold production and industrial use. If after an appropriate period of time production remains below consumption, a program of direct subsidies sufficient to close the gap would be adopted.

A LAST GOLDEN WORD

While there is no doubt that a meaningful Government program could greatly increase gold production in the United States, one word of caution is in order. Barring a major technological breakthrough such as the extraction of gold from sea water, domestic production will not "solve" the gold flow problem. An incentive scheme could produce enough gold to meet the nation's industrial needs, but it would not add significantly to the US Government's Gold Reserves. However, even this relatively small gain could be dramatized so as to have a great psychological effect on foreign confidence in the dollar. This assistance in the defense of the soundness of the dollar, even if it were only for a short time until fiscal and monetary measures aimed at stemming the gold flow and creating an alternative to gold, plus the many side benefits such a program would entail (opening new mineral areas, stepped-up mineral research, and increased employment) would justify large annual federal expenditures. If the United States is serious about its frequently repeated statements pledging the full resources of the nation to maintaining the gold value of the dollar, it seems some such gold producing program is in order.

THE SANTA BARBARA SOLUTION

Mr. MUSKIE. Mr. President, an editorial entitled "Oil Pollution Dilemma," published in the Washington Post of June 7, discussed the recent report of the Special Panel on the Future of the Union Oil Lease. The editors noted:

> There is not much point in rendering snap judgments until all the facts plus informed opinions are available.

There could be no greater indication that the recommendation of the Panel that Union Oil drill more wells on its lease and pump out the remaining oil in the reservoir is a "snap judgment" than the Panel's issuance of a two-page "report." Charged with a public responsibility to examine all the evidence and alternative solutions to the problem, the Panel gave no indication in its report that it had made the thorough study which the public has a right to expect.

There was no discussion of alternative solutions in the Panel's report, no reference to its methods of procedures, no mention of its sources of evidence or ideas other than its thanks to the Union Oil Co. and the Geological Survey, and no reference to the possible negative consequences of its recommendations.

I do not dispute the possibility that the recommendation of the Panel may be the only feasible solution. But I do dispute the assumption that a cursory list of recommendations, unsubstantiated by a public record of any kind, deserves the confidence of the public or provides adequate information on which to base public policy decisions.

In the absence of information on the alternative proposals considered by the Panel it is almost impossible to tell whether they have rendered a judgment or confirmed a prejudice.

Mr. President, I ask unanimous consent that the editorial and the report of the Panel be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, June 7, 1969]

OIL-POLLUTION DILEMMA

The report of the Special Panel on the Future of the Union Oil Lease seems to mean that there is no satisfactory solution of the oil seeps that continue to pollute the Santa Barbara Channel. The experts assembled by the President's Science Adviser, Dr. Lee A. DuBridge, believe that pumping the oil out of the "Repetto Zone" would entail the least danger. This is an understandable disappointment to the distressed people of Santa Barbara, but no other feasible solution has been offered to date.

The experts were not impressed by the proposal to "pave" up to 20 acres of the ocean floor in an effort to cut off the seepage of oil to the surface. Such a shield might be broken by earthquakes or shifting of the ocean floor, and the leaks might continue at the edges. Some remedial measures can be taken, and

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Interior Secretary Hickel has already approved the Panel's recommendations that "plastic tents" and similar devices be used to capture escaping oil, that precast concrete domes be lowered over identifiable leaks, and that additional precautions be taken against earthquake breakage of oil lines.

When these expedients have been taken, additional drilling and pumping to empty the leaking dome may be the only feasible long-range remedy. The proposal is complicated by the lack of information as to whether additional reservoirs of oil at greater depths beneath the ocean floor are connected with the reservoir recently tapped. If so, many years of pumping might be necessary to drain the interconnected pools. But the problem will not be solved by mere emotional reaction against the pumping-out idea because it would enable the company and the Government to profit from the operation. Unless some other feasible solution can be found, there seems to be no acceptable alternative.

Whether the Government should cancel all its off-shore oil leases to prevent other blowouts comparable to the one in the Santa Barbara Channel is another question. No automatic answer can be given on the ground that only one of the 71 leases in the Channel has created a pollution problem. Fortunately, another presidential panel is at work on this broader question. There is not much point in rendering snap judgments until all the facts plus informed opinions are available.

REPORT OF SPECIAL PANEL ON THE FUTURE OF THE UNION OIL LEASE

The Panel believes that it is less hazardous to proceed with development of the lease than to attempt to seal the structure with its oil content intact. In fact, the Panel is of the opinion that withdrawal of the oil from the Repetto zone is a necessary part of any plan to stop the oil seep and to insure against recurrence of oil seeps on the crest of the structure. The Panel concludes that it would be hazardous to withdraw from this lease at the present time.

It would be inappropriate for this Panel to recommend a detailed program to stop the seepage and reduce the formation pressures. It would be equally inappropriate to attempt to manage such a program from this Panel. Nevertheless, a definite order of priorities should be established. The Panel recommends the following order of priorities:

1. Contain and control present oil seepage through the use of underwater receptacles or other suitable methods.
2. Seal off, or reduce as much as possible, the flow from existing seeps through a program of shallow drilling (above the "C" marker), pumping and grouting.
3. Review the possible earthquake hazards and take necessary actions.
4. Attempt, through an oil withdrawal program, to determine the degree of interconnection between levels of the Repetto formation.
5. Reduce pressures throughout the reservoir to hydrostatic or less and maintain pressures with water injection, if needed, to minimize subsidence.
6. Deplete all Repetto reservoirs as efficiently and rapidly as possible consistent with safe practices.

It may be that the first four or five priority items can be pursued simultaneously, but the Panel wishes to emphasize the order of importance. The Panel recommends that the program be carried out under close supervision of the Department of the Interior. The Union Oil Company should be asked to supply additional detailed information as necessary.

To implement the recommendation for close supervision of the lease development the Panel recommends that a smaller group of consultants be made available to the Department of the Interior on a continuing basis to assist and advise as detailed questions arise in the course of the program. We recommend further that the Department of the Interior consider whether additional supervisory personnel from the U.S. Geological Survey may need to be assigned to this particular program.

The Panel notes that this oil structure underlies the adjoining Sun Oil Company lease as well as the Union Oil Company lease. Good conservation practices require that the development of these leases be considered together. The Panel strongly recommends that unitization be practiced. Consideration should be given to pressure reduction from operations at the western end of the Sun Oil lease.

The Panel wishes to thank the staff of the U.S. Geological Survey and the Union Oil Company and their partners for cooperation and for the large amount of data made available to the Panel for consideration.

JOHN C. CALHOUN, Jr.,
Chairman.

HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, 1968 was officially declared International Human Rights Year. The United States, recognizing this, passed the treaties on the abolition of slavery and a protocol on the status of refugees that were originally submitted in 1948 when the United Nations drew them up. There may be some people who will claim that passage of legislation with a gestation lag of 20 years is an extremely fine record, but most others will assert that much more should be done.

We are not only one of the two most powerful nations in the world, but one dedicated to the principles of civil liberties and human rights. Nevertheless, our failure to ratify the Conventions on Genocide, Racial and Religious Discrimination in Employment, Education, and Occupation, Forced Labor, and Political Rights of Women certainly does not correlate highly with our stated principles.

To insure our claim as the champion of the oppressed and the persecuted, we must not fail to recognize these inalienable rights. We have said, "Give me your tired, your poor, your hungry, and your oppressed" and so we must continue to work for the abolition of injustice in any form. We constantly criticize tyranny and suppression, but by our failure to ratify these conventions, we open ourselves for our foes to say that either we clandestinely and furtively support intolerance or else are lax in defense of our principles.

Mr. President, I strongly suggest that the Senate acknowledge again that human rights are universal ones, to be enjoyed by everyone at all times, not to be controlled and enjoyed by a handful and parcelled out when they feel condescending or benevolent. If we realize this, then one of the major obligations of this 91st Congress is to ratify these conventions now.

THE 1969 NATIONAL CONFERENCE ON PUBLIC ADMINISTRATION

Mr. MUSKIE. Mr. President, throughout the country increasing attention is being given to the role which State governments should play as the Nation endeavors to cope with the deepening crisis in our great cities. This question is much discussed, but all too often is glossed over with generalities. It was refreshing, therefore, to read two candid statements on this issue from two men uniquely qualified to discuss it.

These papers were presented at the 1969 National Conference on Public Administration of the American Society for Public Administration, Miami Beach, Fla., on May 21, 1969. Philip H. Hoff, who served with distinction as a three-term Governor of Vermont, took the position that the States can and must move in this area. He believes they are beginning to do so in encouraging numbers. On the other hand, John J. Gunther, who has served for the last several years as an articulate and knowledgeable executive director of the U.S. conference of mayors, held that State performance is still discouraging.

As a part of this discussion at the ASPA meeting, Mr. Nicholas Thomas, Acting Director of the Division of Planning Assistance of the Department of Housing and Urban Development, pointed out that the real problem here is one of commitment by all levels of government and by the Nation as a whole to help stem the tide of economic and social deterioration that characterizes so many of our large central cities. Hill Healan, the director of the Association of County Commissioners of Georgia, pointed out that county government can play an increasing part in many sections of the country.

Mr. President, I think that the American Society for Public Administration is to be commended for its examination of this issue. I ask unanimous consent to have printed in the RECORD the texts of the papers by Governor Hoff and Mr. Gunther.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

DARWIN OR DEBACLE: THE STATES AND THE URBAN CRISIS

(Speech by Philip H. Hoff)

Two traditions with deep roots in our Anglo-American heritage bear close scrutiny in the complex society we live in. The first of these is the adversary process; the second is the Darwinian concept of the survival of the fittest. The adversary process may still have considerable validity in our judicial system, but its usefulness in the society as a whole is increasingly open to question. The degree to which it already figures in our lives—the extent to which we tend to regard the majority of our important social problems as disputes between opponents—can be criticized, and sharply.

By the same token, the concept of the survival of the fittest is no longer an appropriate one. It is particularly questionable when we apply it to our cities, for it is becoming clearer and clearer that if the cities fail to survive, our whole society will fall. In fact, one of the most serious mistakes we can make is to treat our urban crisis as though it were strictly an urban problem, when, realistically speaking, it is very definitely an American problem: one of our own creation, and thus the responsibilty of us all.

At the outset, then, I think that when dealing with the cities we must reject the artificiality of the adversary process and of the theory that the fittest will survive. There are no "fittests" in this day and age; in the final analysis no "side" can win. All of us stand to lose if the grave problems of our cities go unsolved. And in order to solve these problems it will be necessary to mobilize on their behalf all the forces available in our society. When I say all, I mean all the government forces—federal, state, and local—and private resources as well. The public sector and the private sector are not opponents:

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we must face the fact that unless they work together in the crisis of the cities neither will remain viable entities for very long. Fortunately, the private sector is beginning to wake up to this fact. States and cities are not opponents either. They are mutually dependent. And unless this is recognized, we will be categorically unable to find the solutions that the crisis demands.

It must also be recognized, of course, that the cities are the vital core of the nation today. One has only to look at the routes of the major airlines to realize that the greatest economic and social activity of our nation takes place in and between the country's largest cities. In short, this is where the people are, this is where the action is, and inevitably, this is where the greater part of all political activity will take place.

In honesty, I think we have to acknowledge that in the past the states have not done all they could or should have about the urban problems in our country. It is clear beyond dispute that, prior to reappointment, the cities got the short end of the stick. State Legislatures were dominated by the rural areas and tended, more often than not, to ignore the problems of the cities entirely. In addition, until relatively recently state government went through a period of doldrums; consequently, it failed to meet not only the needs of the urban areas but other pressing needs within its boundaries. This, of course, brought about increasing involvement of the Federal government. Where states were either unable or unwilling to act, they created a vacuum into which the Federal government necessarily had to move. Thus, new federal programs directly affecting the cities came into being, and this, in turn, built a power base for Senators and Congressmen in Washington.

So it would be naive at this point to think that from now on all federal programs will be channelled through the states. To the extent that the state governments continue to be unable or unwilling to help in the problems of our cities, I think there will be no choice but for the Federal government to bypass them. I would like to make it clear, however, that to the extent that they do take meaningful action with respect to the cities, there are good arguments for channelling a number of programs through the state governments.

For one important aspect of federal involvement has become abundantly clear in recent years. Simply from a bureaucratic or organizational standpoint it is impossible to run most of the federal aid programs from Washington or purely through federal agencies. Each city has its own idiosyncracies as does each particular region; and a federal program administered solely from Washington with criteria that apply nation-wide very soon becomes inelastic, overbureaucratic, and unworkable. It is on this premise that I firmly believe that the states have a major role to play in urban affairs, working not separately from but rather in conjunction with the Federal government and with the urban areas themselves.

Municipal or local governments, of course, are the creatures of the state; and it is in this area that the states presumably could make the greatest contribution. And yet, it is interesting to note that it is here that the states have done the least. One sees this most strikingly when one looks at suburbia. The people living in the suburbs owe their very existence and being to the cities. They get up in the morning, cross an artificial political barrier, earn their living in the city and then retreat beyond that artificial barrier to their suburb at night, leaving the cities to deal alone with their problems of housing, jobs, minorities and all the rest. In short, the suburbs are really a part of the cities but they do not make the kind of contributions that are required for our cities to meet their challenges. In addition, again as a result of artificial political barriers, the cities today are often not viable economic entities. In fact, they are not total communities any more than Scarsdale, New York, is a total community.

Conceivably, the states could re-draw municipal boundaries to include suburbia as part of the cities. I think most of us here would recognize that that is a political impossibility. There are, however, actions the states can take which fall short of this step, and which would be extremely effective nonetheless.

The first of these is in the area of planning. It makes little sense for planning to take place for a city alone, without taking its suburbs into account.

I personally believe that states today should insist that planning be done on a regional basis. There are federal funds available for this purpose, funds which pay two-thirds of the cost. Some states have moved forward in this area by paying the balance and then making sure that the planning is regional in nature. In the end, planning seems to me to be the most important ingredient in any potential solution of our urban problems. In addition to city and regional planning, there should be comprehensive planning at the state level as well.

The second practicable course of action for the states could be—and should be—for them to make individual contributions in the areas where the cities are so sorely beleaguered: education, housing, job-training and so forth. These contributions could take the form of money or of other resources, but they must be substantial—few people would quarrel with that.

By using their taxing powers, the states can make still another contribution to the urban dilemma: they can attempt to bring about a reallocation of resources so that the cities will be in a better position to meet the financial burdens placed upon them. If one assumes, for example, that the problem of educating the youngsters is the problem of everyone, then it seems to me that one thing all states could do would be to impose a statewide tax for school purposes, funneling the revenues into a central fund, and then disbursing them locally according to the number—and the particular needs—of the students involved in each case. Additional amounts should certainly be made available to the city areas where the educational problems are so acute. This kind of approach would not necessarily be limited to property taxes, but could be extended to other tax monies—primarily sales- and income-tax monies—with equal impact. And while the schools would be the easiest area to take on, it is my judgment that the device could be applied to areas such as housing, transportation, and various community services.

The states could be of further help in the area of long-term financing. Most cities today are faced with very high interest rates on their bonds; the states, on the other hand, are able to sell their bonds at generally favorable rates. Thus if the states, through a variety of approaches, were willing to lend their credit ratings to the cities, it would improve enormously the financial capacity of the cities to handle the problem of housing construction, roads, and other physical improvements.

But at this particular point in time, perhaps the greatest need in terms of the problems of the cities is for the establishment of a nation-wide urbanization policy within which the states can formulate policies of their own. If I am right in saying that the urban crisis is an American problem rather than simply a problem of the cities, then it seems to me terribly important that such a federal policy be devised. In fact, I find it difficult to believe that we can be truly effective until it exists. This is not to say that the states should not already be attempting to make independent progress in this area; without a national framework, however, it becomes very difficult, and could well be an exercise in futility. So much of what the states can and should do is necessarily on a partnership basis with the Federal government.

Of course, new techniques for independent state involvement are springing up rapidly, and many of these have the potential for use in a joint federal-state effort to combat the problems of the cities. Many states today have offices of local affairs or community development. In other states responsibility for local government problems lies with members of the governor's staff, planning agencies or state offices of economic opportunity. It is increasingly clear that every state should have such a department, whatever its structure.

There is much talk these days about the Federal government taking over the welfare system for the entire country, and there is little question that this would be tremendously beneficial. Pending change in this area, some of the states have in the interval already assumed from the cities the crushing financial burden imposed by welfare programs, freeing city funds for other uses.

Still another promising area of state activity is the possibility of establishing state land development agencies, both for reconstruction of the urban cores and for the creation of new communities outside them, designed to relieve some of the pressures on the central cities. The New York State Urban Development Corporation is the first example of such an institution. It is generally conceded that the strictly private development of new communities like Columbia, Maryland will occur less and less frequently, because of the difficulty of acquiring sufficiently large tracts of land and because the dynamics of growth required to afford a timely return on private investment occur in only a few places in the country.

Here the land condemnation powers of the state governments would be extremely helpful. These land development agencies in time would recover their original investment and in this way would provide a vehicle for the Federal government to make advances in terms either of long-term loans with postponement or forgiveness of interest, or of outright incentive grants.

The foregoing, then, constitute a catalogue of avenues by which the states can gain entry to the urban problem. All of these approaches have been tried in one or more states, and it seems likely that there will be further movement by the states in these areas.

But they beg the overriding question that the states must answer as they consider their role in urban affairs: should the states seek means of directly intruding into urban affairs, becoming important actors on their own or, conversely, should they seek roles in which they are, for the most part, supportive of local government? The example of the New York State Urban Development Corporation illustrates the direct role. For here the state has created an agency which can override the powers already granted by the states to its political subdivisions. The emerging departments of community affairs represent the supporting role: the states have chosen to provide financial and technical assistance to local governments but without asserting a separate, substantive state position. The direct role, in effect, amounts to the pursuit of state objectives which may or may not coincide with those of local governments; the supportive role puts the states in the position of accepting the goals of local government.

In keeping with my opening remarks concerning the essential indivisibility of the urban problems we are dealing with, I don't really come down on one side or the other. Moreover, I think it is in the best American tradition to fashion an instrument which can combine the various factors in the best possible way. But I do favor an expansion of the direct state role based on the following principle: that states should develop mechanisms and institutions to deal with those

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local situations that individual cities themselves can not be empowered to deal with through enabling legislation.

Essentially, this all comes down to the dilemma of contemporary democracy: on the one hand we sense a strong desire on the part of people everywhere to participate in the operation of their governments so they can feel that they have some influence over the things those governments do and the ways in which they operate. And on the other hand, there is a sense of urgency about the nature of these problems, a feeling that they demand a scale of operation and efficiency of conduct which is gained by centralized power and strong initial commitment. I honestly don't know how the issue will be resolved in America, but it must be carefully considered by those who have some ability to influence the course which state government chooses to pursue in the immediate future.

One final note. Though I, for one, obviously feel strongly that in matters of intelligent planning, coordination and other areas it is important for all states to be heavily involved, I also believe that if they fail to act or to come up with meaningful programs, it should be possible for the cities and regions to circumvent them altogether, setting up their own operations to deal with a constellation of problems which can no longer be deferred."

The Role of the States in the Urban Crisis

(Statement of John J. Gunther, executive director, U.S. Conference of Mayors)

Three years and one month ago I appeared before the American Society of Planning Officials in Philadelphia to argue the negative of the proposition that: All Federal aid to local communities should be channeled through the state. Arguing the affirmative at that time was the distinguished Missouri State Senator Albert M. Spradling, who was then serving as Chairman of the Board of Governors of the Council of State Governments.

When I accepted the assignment here this afternoon I thought I might simply change the date on my 1966 speech and substitute the name of Governor Hoff for that of Senator Spradling as the banner carrier for the states. After all there has been very little movement toward constructive involvement by the states in helping cities meet the challenges of the urban crisis. However, I resisted the easy way out. First, because Phil Hoff is not Al Spradling and second, we are here today not to decry the past and indeed the present condition of state government inadequacy but to seek out a constructive role for state action.

To this end let me state what seems to be the uncontroverted givens in the present state of intergovernmental relations:

Cities are the creatures of the states and as such they can do no more and can be no stronger than permitted by the states;

States have a revenue base and taxing power lesser than the Federal Government but far superior to those of their cities;

Historically, the conventional wisdom, prior to the 1950's dictated a three-level structure—Federal-state-local—with relationships between levels one and three passing through or being blocked by level two; and

I believe that we agree that all states and all Governors are not alike.

Based on these givens, then I would suggest that if we had fully creative federalism, devoted to all the needs of all the people, we would have strong and responsive Federal Government, strong and responsive State government, and strong and responsive local government.

There would be full understanding, full responsibility, full collaboration, full cooperation at all levels in common undertakings for the common good.

But we don't have all of these things yet. And until we do, cities and the Mayors elected to serve the more than 70 percent of the nation's population in urban centers cannot afford to depend on the weakest element in the federal system for sympathy and support in programs they must have to survive.

It is a virtually universal judgment that the weakest element is the state governments which have not been responsive to the demands of the 20th Century.

This brings me to what seems to be other conditions which are facts even though they are disputed by the National Governors' Conference and the Council of State Governments:

The states have not dealt equitably with their larger cities and their residents;

The states lack the technical competence to assist their larger cities in meeting modern urban problems; and

Individual state politics dictate a state level posture of antagonism toward their largest cities.

It is these conditions, particularly the facts-of-life of state politics which were seemingly ignored by the Advisory Commission on Intergovernmental Relations in its recommendation that federal grants-in-aid for urban development should be channeled through the States.

Some argued that one-man-one-vote reapportionment would change things at the state level. But I suggest that change has not come about as yet and that when it does come it will shift the control of states to the suburbs which are often even more hostile to the central city than rural areas. Even here the states, or two-thirds of them are still calling for the Dirksen Amendment to the Constitution to put an "effective check upon a rampant majority."

Clearly it is still good state politics to run outstate against the city "slicker." Florida *vs.* Miami, New York *vs.* New York City, Illinois *vs.* Chicago, Ohio *vs.* Cleveland and Columbus, Indiana *vs.* Indianapolis; Missouri *vs.* St. Louis and Kansas City.

There is at least one major new element in the discussion of intergovernmental relations. That is the new examination of decentralization and citizen participation. This indicates, not an attempt to abandon national goals, state goals, city goals, or even neighborhood goals, but rather an attempt to focus on the role of the individual. We are asking the individual to participate and this invitation requires a redesign for our governmental system to make such participation possible. The possibility of participation is very closely linked to the involvement of local government and revitalized local leadership. Citizen responsibility comes more readily when one can see the consequences of his own actions and that happens through participation in a vital local community. States should look to state actions to encourage the vitality of local communities.

But what have the Governors and the states proposed? First off they have increased their presence in Washington—even before the arrival of the Nixon Cabinet. The National Governors' Conference has a competently staffed Washington office. The Vice President of the United States is a Governor and there are Governors in charge of HUD, HEW, DOT, Interior, and the Office of Intergovernmental Relations.

But what constructive proposals do we hear from the states? What are they asking of their friends in high places? There is the continuing call for the Federal Government to vacate certain areas of taxation so that the states might move in. This is based on the supposition that the reason for the low level of state activity is that the Federal Government has claimed all the tax sources. But let me tell you that the states did not move in to claim the revenues when the Tax Act of 1964 produced the greatest reduction in history!

The states have also called for "Block Grants"—seemingly defined as replacing Federal-City program grants with funds to the states for distribution according to a state plan. We in the cities have watched these state plan operations. Highway, water pollution control, anti-crime and health funds from the Federal Government are distributed by the states according to a state plan. Urban transportation is neglected, city sewage treatment plants are underfinanced, safe streets funds go to improve the abilities of state police outside cities, and there have been no noticeable efforts to improve the delivery of health services in the inner city.

Even worse than "block grants" from the point of view of the city is the proposal of some Governors for federal revenue sharing with the states. A system which mis-directs block funds cannot be relied on to properly direct general purpose funds.

Earlier this month a majority of the nation's governors met in Lexington, Kentucky, and issued another proposal: That the Federal Government "establish a regular policy of notification and consultation with the governors prior to and in conjunction with all policy meetings with officials of our major cities of the states." From press reports this resolution resulted from some discussions that some Nixon Cabinet members have had with Mayors on city problems.

I think it is noteworthy that the resolution expresses concern about direct Federal relationships, not with all the local governments in a state, but those relationships between the Federal Government and major city administrations.

One other proposal presented by a majority of the governors is that all federally-financed anti-poverty programs within a state be channeled through a state agency and that the Federal Government consider abolishing its regional offices and rely on the states for the services and functions now performed by Federal regional offices.

The States do have a role if they would just perform it. It is the role suggested several years ago by the Advisory Commission on Intergovernmental Relations that the States demonstrate their willingness to assist in solving city problems (which they haven't) and that the States assume their proper responsibility for financing solutions to these problems (which they haven't).

The States could and should offer broad-based revenue sharing to the cities, particularly, those cities which provide the homes and the education to those at the lower end of the economic scale.

The States could and should provide technical assistance, expert help, to the smaller towns which need assistance in planning and program development. Instead we find the States insisting on a "meddling" role in the large cities.

Yes, the States do have a role in urban affairs. We would welcome the support of the States and the Governors in our efforts in Washington to re-direct this Nation's resources, to claim a higher priority on the scale of values for the problems which beset our urban centers.

Instead what do we get? We get a powerful negative force dedicated to a rule or ruin philosophy of running every Federal-aid program through the States or killing the program.

The role of the States ill serves local government and the people.

MAURICE MITCHELL, CHANCELLOR OF THE UNIVERSITY OF DENVER

Mr. ALLOTT. Mr. President, on May 15 the Colorado delegation held a reception honoring Chancellor Maurice Mitchell, who has headed the University of Denver since September of 1967. This function was attended by the entire congressional delegation from Colorado and by various distinguished alumni. Also in attendance were the members of the Education Committee of the Senate and the House; the Commissioner of Education, Dr. James Allen; Associate Justice of the Supreme Court, Byron White; Under Secretary of Defense, David Packard; Dr. Barnaby Keeney, Chairman of the Council for the Endowment for the Humanities; and members of the council and various officials from the educational community. As a symbol of the friendly rivalry between Canada and the Univerisity of Denver in the field of sports, the Canadian Ambassador, A. Edgar Ritchie stopped by to greet his many friends from the University.

Chancellor Mitchell does, I believe, express a unique insight into the problems of today's campus. His record at Denver University has shown him to be both enlightened and forthright, providing exemplary leadership in dealing with the unprecedented problems facing American education today. I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks an interview of Chancellor Mitchell by the Scripps-Howard papers, conducted on the occasion of the reception in Washington. In the interview, Chancellor Mitchell expressed some cogent insights into the causes of student discontent. His approach to the problem of student unrest is both tough minded and sympathetic.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HE'S A HARD MAN ON CAMPUS

(By Richard Starnes)

Student violence is a virus that has proved deadly to so many university administrations that those who survive it are automatically installed as practicing oracles.

One ordained campus wise man, in the nation's capital on business with the U.S. Commission on Civil Rights, of which he is a member, is Maurice B. Mitchell, chancellor of the University of Denver.

Mr. Mitchell, a maverick educator without a degree to his name, was a highly successful communications entrepreneur before going to Denver, and this, coupled with his success in dealing with campus activists, has made him a much sought after soothsayer. His sooth runs to such hardheaded sayings as:

"The purpose of a sit-in is to get other people to join in. You have to move quickly to prevent that. If you wait three or four hours before you call the cops, a crowd has assembled and there are sticks and rocks waiting to be used. It's unfair to the police."

Mr. Mitchell whose previous careers have included presidency of Encyclopedia Britannica Corp., is a tightly coiled, chain-smoking 54-year-old who was a Great Depression dropout from New York University. He may be the only university chief executive in the land who can't claim even one set of academic initials after his name. This may be somewhat of a handicap ("Occasionally some academician asks me what a guy with my background knows about running a university") but the toughening he earned in the school of hard knocks seems to more than balance his lack of formal credentials.

He has had two notable head-bumpings with campus radicals, and in both cases he emerged the victor. In the first, a sit-in, two score sitters were first warned, swiftly arrested when they ignored the warning, and dismissed from the university. The courts supported the chancellor, who became somewhat of an academic folk hero on the basis of a one-paragraph statement he issued to explain dismissal of the students:

"I make myself fully responsible for these decisions. In the simplest language in which I can put it, the time has come for society to take back control of its functions and its destiny. If we condone the abandonment of rule of law in the university, we have no right to expect those who attend it and later move on to outside society to conduct themselves in any other manner."

Dismissal was later softened to a year's suspension, but indications are that the lesson stuck anyway. Last month, in what first appeared to be a signal for renewed warfare on the Denver campus, Mr. Mitchell received an unsigned "declaration of student demands." The demands were a by-now-familiar melange of black and Students for a Democratic Society (SDS) issues that have cropped up on almost every troubled campus.

Within 24 hours Mr. Mitchell published a withering reply, rejecting the demands, scoring the ultimatum and caustically asserting that the nameless petitioners did not represent "the students of the University of Denver . . . the community of Denver . . . the people of Colorado."

In another 72 hours representatives of a dozen campus organizations had signed a manifesto backing Chancellor Mitchell and joining him in rejecting the claim that the unknown radical activists represented the student body.

But success in dealing with campus troublemakers has not led Mr. Mitchell to underestimate them.

"They start out by trying to force you to be a brute, or to intimidate you into dredging around inside yourself until you find some rationale for doing nothing."

Mr. Mitchell has spent a lot of time trying to figure out why the current hatch of college students is so rich in radical dissidents, and he has come up with some interesting ideas.

"I think a lot of these young men have a great deal of insecurity about their masculinity," he says. "They are deferred from the draft, and they are looking for a substitute way of proving their courage. Beyond that, they conduct themselves in a way calculated to encourage people to dislike them, to disapprove of them. They are scruffy and dirty, they deliberately use obscene language. They invite hate, almost as if they are seeking punishment out of some sense of guilt."

Dispassionately Mr. Mitchell repeats a particularly ugly stream of billingsgate directed at him by one campus turmoil-monger. And he concludes: "This job requires more restraint than any other job on earth. Sure, I wanted to belt him, but I didn't. I grew up on the sidewalks of New York: I'd been there before. I didn't blow my cool."

SENATOR YARBOROUGH SPEAKS ON EDUCATION

Mr. NELSON. Mr. President, one of the most urgent problems facing our Nation today is the crisis in education; a crisis composed not only of a search for quality and methodology, but one compounded by a desperate need for money.

The education budgets proposed by Presidents Johnson and Nixon are an accurate index of the priority position which is to be accorded education by the administration—and that priority is indeed a low one. Unless the Congress seizes the initiative and assumes the responsibility for funding the education programs passed into law, the children of this Nation will very soon be shortchanged in their opportunity for self-improvement.

On Wednesday evening, May 7, 1969, the senior Senator from Texas (Mr. YARBOROUGH) delivered the keynote address before the joint meeting of the American Book Publishers Council and the American Educational Publishers Institute in Miami, Fla. His remarks, in addition to being a thoughtful overview of the importance of books and of libraries to our society, provide a penetrating analysis of the implications of President Nixon's education budget.

I ask unanimous consent that the text of Senator YARBOROUGH's address, entitled "Can We Afford To Shortchange Education?" be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CAN WE AFFORD TO SHORTCHANGE EDUCATION?

Thomas Mann said that "the invention of printing and the Reformation are and remain the two outstanding services of Central Europe to the cause of humanity."

I agree. Johan Gutenberg's discovery amounts to one of the most momentous events of history. It marked the crowning climax to a process of events beginning with the use of Cuneiform tablets by Sumerians and the Chaldeans as far back at 668 B.C.

So important are printing and books in fact that if we altered our calendars with each great epoch in history that has meant a new direction for the human race, we would have changed the calendar with the invention of printing. We would write the dates B.P. (before printing) and A.P. (after printing).

An able historian has recently pointed out that had Columbus' voyage to America been about 40 years before printing in Europe, instead of 40 years after, then his voyage, too, would probably have gone unnoticed, as did many of the great voyages before printing. Many historians also believe that if printing had been discovered 2000 years earlier, history might well have recorded the possible discovery of America by the Phoenicians or the Norsemen. It is frustrating to contemplate what has been lost to posterity before the 15th Century because we did not have printing.

Printing has changed the course of human development more than hundreds of wars. The great Shakespeare acknowledged, though in a somewhat critical context, the far-reaching effect of printing when he noted in Henry VI that, "whereas before, our forefathers had no other books but the score and the tally, thou hast caused printing to be used; and, contrary to the king, his crown, and dignity, thou hast built a paper-mill."

We are talking today about one of the greatest forces in the world—the preservation and widespread dissemination of knowledge. Within the past few decades we have heard much in this country and Europe about "guns or butter." That statement overlooks a third great force in our civilization—the printed word. The phrase should be amended now to be "bullets or butter or books."

We should consider the fate of printed and transmitted knowledge in determining national priorities. But books and printed messages have been practically discarded in the recent national budget in the allocation of the monies of the federal government to meet national goals.

Books must be counted as a necessity in our determination of the national goals of America, and in the location of monies to reach them.

ROLE OF THE FEDERAL GOVERNMENT IN EDUCATION

In the last 12 years—in the exact space of my service in the United States Senate—there has been a dramatic change in the role of the federal government in education.

Passage of the National Defense Education Act in 1958 provided assistance to elementary and secondary education in fields of science and modern foreign languages.

A loan program for students was also started in this Act. I shall always be proud that in my first year in the Senate, I was able to play a major role in writing and passing the National Defense Education Act, because the great body of legislation that followed was built upon it.

In 1963, we enacted the Higher Education Facilities Act, authorizing varied programs in aid of higher education, including student financial aid, assistance to college libraries, and help for developing institutions.

The same year, we adopted the Elementary and Secondary Education Act. It was a broad measure, putting money into the neglected areas of education in communities where children come from poor families, and including significant benefits for private school children.

In 1963 and 1968, amendments to Vocational Education extended and modernized that program by bringing into it many new vocations.

These education laws of the last 12 years have dealt with every level of education—elementary, secondary, college, vocational, and adult education. They are designed to upgrade all components of the education process—research; training of teachers and librarians; aid for student expenses, construction of buildings, and purchase of materials and equipment. Each measure was designed to fill a specific need, as pointed out and documented in extensive hearings.

This network of carefully constructed support for education built up authorization for appropriations to $7.5 billion in fiscal year 1969 and to $9 billion in fiscal year 1970.

BUDGET OUTLOOK FOR FISCAL YEAR 1970

Instead of going up in proportion to authorizations, the appropriations for all education programs have declined since 1968, when $4.1 billion was spent. In fiscal year 1969, the figure dropped to $3.7 billion, just 50% of what Congress estimated would be needed.

With the budget amendments submitted by the Nixon administration, only $3.2 billion will be requested for programs administered by Office of Education. That is down to 35% of what Congress estimated was needed when it passed the authorizing legislation.

Hit harder than most programs are those for the purchase of books for school and public libraries. The library program for elementary and secondary schools would be eliminated entirely in the new budget by striking out the $42 million recommended in the Johnson budget. This title received $50 million in 1969 and $99 million in 1968.

College library materials under Title II of the Higher Education Act would receive only $12.5 million, or 16% of the amount authorized.

Public library services, including purchase of books—would be slashed to $17.5 million of the $75 million authorized, and public library construction funds would be totally eliminated. The law authorizes $80 million.

So would the Nixon budget also eliminate all funds for purchase of materials and equipment under the National Defense Education Act, for elementary, secondary and higher education.

The statement accompanying the budget amendments referred to library services under Title II of ESEA as having a "lower priority" than other types of support. This is in spite of the wide participation in Title II since its first year of operation, evidenced by purchase of over 70 million books and other items, and creation of 3600 entirely new school libraries. Eighty-seven per cent of eligible public schools participated in the first year of operation, and 89% of private schools.

Nearly all of these programs operate on the basis of state plans. The state plans represent long-term planning and retention of trained people. Turning off the federal funding will terminate these activities in most schools as surely as if the laws were repealed.

The most important challenge to educational organizations, including publishers and manufacturers is to restore these appropriations. To do it, you must do much more than make representations in the halls of Congress. You must acquaint the American public at the grass roots with what is at stake. Both the Congress and the Administration hear well what is said at the grass roots.

Education has been called the capacity to learn from the experience of others. But the experience must be well recorded if it is to be learned by others, and books are still the leading means of making that record.

We should also know from the experience of others that neglect of education is one of the worst mistakes any society can make. The American nation must not in 1969 turn its back on 12 years of progress toward enlarging the intellectual capacities of all our people.

I cannot accept the low priority given by this Administration, or any other, to the educational needs of our people. It is all the more unacceptable because of the thing that forces our government into a position of indifference toward libraries, books, and education, and I am speaking of the Vietnam war.

Too long we have sought a military solution there, expending over 100 billion in money and our 250,000 American casualties. When will we ever learn with Milton that:

"Who overcomes by force
Hath overcome but half his foe."

We need a drastic change in direction in this country. We need to accept the proposition that military solutions alone will not solve all the complex problems of today. We need to adjust our federal budget to reflect that we are truly giving to education, health, and the welfare of our people the priority they must have.

The younger generation is not unaware that we have tragically transposed our values when our federal government spends ten times more on war than on education.

An old proverb tells us that:

"As the twig is bent, the tree is inclined."

And we, by example, subtly bend the minds of our young people toward Machiavellian concepts, we must, with foreboding, prepare to reap a dreadful harvest.

Our salvation requires no metaphysical audit; it is clear: abandon a military solution concept as the only way to solve problems as policy of our government, and commence a crash program to create the kind of climate in this country where our children will be thirsty for greatness. For we know that we need only make the books and means available to them to thereby prove the truth of those words once said by my friend and fellow Texan—J. Frank Dobie:

"Reading great books whets but never slacks the thirst for greatness."

PETROLEUM INDUSTRY VITAL TO KANSAS ECONOMY

Mr. PEARSON. Mr. President, over most of the past century oil has played a vital role in the industrial growth and economic development of Kansas. And today the petroleum industry constitutes one of the cornerstones of the State's economy. The critical importance of the petroleum is effectively demonstrated in a recent study by Ronald G. Hardy, chief of mineral resources section, State Geological Survey of Kansas. This study utilizes an input-output model to show the impact of petroleum throughout almost all sectors of the economy. This is dramatically illustrated by using the input-output data to show the economic loss that the State would incur if there were a cessation of the petroleum industry.

This study makes clear that the adoption of restrictive trade and tax policies, which would be detrimental to the Kansas petroleum industry, would be harmful to the entire economy of the State. Mr. President, I ask unanimous consent that the study by Mr. Hardy, entitled "An Assessment of Potential Economic Loss That Could be Incurred Due to Cessation of the Kansas Petroleum Industry," be printed in the Record.

There being no objection, the study was ordered to be printed in the Record, as follows:

An Assessment of Potential Economic Loss That Could Be Incurred Due to Cessation of the Kansas Petroleum Industry

(By Ronald G. Hardy)

THE KANSAS PETROLEUM INDUSTRY—AN OVERVIEW

The Kansas petroleum industry has been extremely important in the state's general industrial growth and directly associated with its periods of "boom" development. The year 1960 marked a century of oil exploration in Kansas. The birth of the industry in the state was discovery of oil near Paola in Miami County in 1860. At that time the industry consisted of one well that produced one barrel of oil or less per day. As of 1966 the Kansas petroleum industry had more than 45,000 producing oil wells and 7,000 gas wells widely distributed geographically. Crude oil reached peak production in 1956; natural gas production has shown modest gains up to 1968 when there was a slight decline. The 1965–1966 petroleum industry production is summarized in Table 1. While primary crude oil production has been declining, secondary recovery has increased and accounts for a little over 20 percent of current production.

Although it might be considered slightly academic there is merit in assessing the effect of the decline and even possible virtual disappearance of the Kansas petroleum industry. What are the plausible impacts of such a situation?

Such a state of affairs can probably be most realistically visualized in terms of the estimated current dollar values generated by the Kansas petroleum industry. Suppose for sake of emphasis, the entire oil industry were to cease; what would this mean in direct side effects, measured in dollars?

XUM

TABLE 1.—QUANTITY PRODUCED AND VALUE OF CRUDE OIL, NATURAL GAS, NATURAL GASOLINE AND LIQUEFIED PETROLEUM GAS, AND HELIUM, 1965 FINAL FIGURES AND 1966 ESTIMATES FOR KANSAS

[Dollars in thousands]

	1965 final				1966 estimates							
			Percent of total				Percent of total		Production change, 1965–66		Value change, 1965–66	
	Quantity	Value	Petroleum value	Kansas mineral value	Quantity	Value	Petroleum value	Kansas mineral value	Quantity	Percent	Amount	Percent
Crude oil, 1,000 42-gallon barrels	104,658.3	$303,509	64.5	53.5	104,595.0	$305,415	63.0	52.3	−63	−0.06	+$1,906	+0.63
Natural gas, million cubic feet, at 14.65 p.s.i.a.[1]	808,788.9	97,055	20.7	17.1	829,715.0	103,715	21.4	17.8	+20,926	+2.6	+6,660	+6.85
Natural gasoline and liquefied petroleum gas 1,000 gallons	826,873.0	39,375	8.4	6.9	907,200.0	43,200	8.9	7.4	+80,327	+9.7	+3,825	+9.70
Total B.t.u. equivalent		439,939				452,330						
Helium, million cubic feet, at 14.7 p.s.i.a., extracted at all plants	2,571.0	30,422	6.5	5.4	2,689.7	32,635	6.7	5.6	+113.7	+4.6	+2,213	+7.27
Total petroleum production values		470,361	100.1	82.9		484,965	100.0	83.1				
Total State mineral value		568,033				584,190						

[1] Pounds per square inch absolute.

MEASUREMENT METHOD OF POTENTIAL LOSSES

In order to do this we turn to the system of social accounting known as input-output (I–O) analysis. Because the petroleum industry is a major one in the economy of many regions in Kansas, the impact of changes is significant. Instability in this industry will effect numerous parameters in the private as well as public sectors of the region's economy; in particular it will affect personal incomes and sales and employment in other industries. The demand for land and for local government services and the magnitude for tax receipts will be affected.

The (I–O) analysis simulates these relationships and is therefore a valuable tool with which to measure the impact that changes in any economic activity will have on all other activities, not only after the fact but also for assessing proposed changes.

The data of I–O analysis are the flows of goods and services inside the economy that underlie summary statistics by which economic activity is conventionally measured. This technique is essentially a system of double-entry bookkeeping which shows for each sector of the economy purchases from and sales to each of the other sectors during a given period.

TABLE 2.—HYPOTHETICAL TRANSACTIONS TABLE

	Industry purchasing—Outputs[1]											
	Processing sector						Final demand					
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Industry producing—Inputs[2]	Industry A	Industry B	Industry C	Industry D	Industry E	Industry F	Inventory change (+)	Exports to foreign countries	Government purchases	Gross private capital formation	Households	Total gross output
Processing sector:												
(1) Industry A	10	15	1	2	5	6	2	5	1	3	14	64
(2) Industry B	5	4	7	1	3	8	1	6	3	4	17	56
(3) Industry C	7	2	8	1	5	3	2	3	1	3	5	40
(4) Industry D	11	1	2	8	6	4	0	0	1	2	4	39
(5) Industry E	4	0	1	14	3	2	1	2	1	3	9	40
(6) Industry F	2	6	7	6	2	6	2	4	2	1	8	46
Payments sector:												
(7) Inventory change (−)	1	2	1	0	2	1	0	1	0	0	0	8
(8) Imports	2	1	3	0	3	2	0	0	0	0	2	13
(9) Payments to Government	2	3	2	2	1	2	3	2	1	2	12	31
(10) Depreciation allowances	1	2	1	0	1	0	0	0	0	0	0	5
(11) Households	19	23	7	5	9	12	1	0	8	0	1	85
(12) Total gross outlays	64	59	40	39	40	46	12	23	18	18	72	431

[1] Sales to industries and sectors along the top of the table from the industry listed in each row at the left of the table.

[2] Purchases from industries and sectors at the left of the table by the industry listed at the top of each column.

This interindustry study begins with the construction of a table which traces the flow of goods and services in a region during some specified time (see Table 2). Each entry in the table represents a sale from the industry listed at the left of the row and also a purchase from the industry listed at the top of the column. To an accountant, each industry row shows receipts and each industry column shows expenditures.

The total income generated within an industry is equal to total receipts from the value of the products of that industry. This income eventually results in payments equal to that income. The payments go in the following four ways: (1) purchases of raw materials and resources from other industries in the economy as required to produce the product of the industry; (2) payments for labor services; (3) payments for use of capital; and (4) payments to government (local, state and federal) in the form of taxation.

POTENTIAL LOSS ESTIMATES

In the light of the foregoing, the Kansas 1965 I–O analysis shows the following interindustry effects, assuming the Kansas petroleum industry was removed from the economy.

(1) The effect on all other Kansas industry outlays.

(a) The crude oil and natural gas production industry has an output of $441 million. If this were to cease it would result in a loss of $660 million in the output of the remainder of the state's industry.

(b) Oil field services now has an output of $46 million; removal of this industry would be reflected in a $68 million loss in the remaining state's industries refining output.

(c) The present Kansas petroleum refining industry has an output valued at $580 million. If this were to cease it would create a $1 billion loss in the remaining state's industry sectors output.

(2) The effect on wages and salaries.

(a) The crude oil and natural gas production industry now pays wages and salaries of $87 million. If this industry were to disappear it would create a loss of wages and salaries in all of the remaining industries of $169 million.

(b) Salaries and wages in the oil field services industry now total $25 million. Loss of this industry would cause a loss of $45 million in all of the remaining state's industries.

(c) The refining industry now has a wage and salary payroll of $38 million. Should this be eliminated, there would be a loss of $191 million created in the remainder of the state's industries.

(3) State and local taxes.

(a) The impact on taxes of the removal of the Kansas petroleum industry would be a loss amounting to $43 million. About half of this, or $20 million, represents income taxes and since total state income taxes generated by the petroleum industry alone is currently about $10 million this is a loss of 20%.

Summing all of the losses that could occur with the cessation of a Kansas petroleum industry amounts to approximately $3⅓ billion. Total Kansas output for 1965 was close to 25⅓ billion dollars, thus this is very close to 13% of this total. The impact of this would result in very serious dislocations in many Kansas regions for a long period of time. The foregoing social cost loss would seem to be a heavy one that in the long run would be less costly to prevent.

SUMMARY

What are the impacts to be expected if the petroleum industry of Kansas were to disappear?

(1) Effect on all other industries' output:

(a) The present output of the crude oil and natural gas production industry is $441 million. If this industry closed not only would there be the $440 million loss but there would also be a loss of $660 million throughout the remaining state's industries.

(b) Oil field services industry generates an output of $46 million and if this industry were removed would cause a loss of $68 million in the remaining state's industries.

(c) A $580 million output is derived from the petroleum refining industry and should this industry decline there would be a loss of $1,076 million created in the other state's industries.

(2) Effect on wages and salaries:

(a) The direct loss in wages and salaries due to a closing down of crude oil and natural gas production would be $37 million. However, the losses created in all other industries by this would be $169 million.

(b) Salaries and wages paid out in oil field services amounted to $25 million. If this industry should be eliminated the impact throughout the other state industries is a loss of $45 million in wages and salaries.

(c) The refining industry pays $38 million in salaries and wages, but with the loss of this industry there is a loss in all other industries in wages and salaries of $191 million.

(3) State and local taxes:

(a) The overall loss in tax revenues to the State of Kansas would be $43 million at least half of which is income taxes and one half remaining property and miscellaneous taxes.

TABLE 3.—SUMMARY OF IMPACTS THAT WOULD OCCUR IF THE KANSAS PETROLEUM INDUSTRY WERE TO CLOSE

Industry	Present output	Loss created in remaining industry by loss of petroleum industry
(1) Industry outputs:		
Crude oil and natural gas production	$441, 000, 000	$660, 000, 000
Oilfield services	46, 000, 000	68, 000, 000
Petroleum refining	580, 000, 000	1, 076, 000, 000
Total	1, 067, 000, 000	1, 804, 000, 000
(2) Wages and salaries:		
Crude oil and natural gas production	37, 000, 000	169, 000, 000
Oilfield services	25, 000, 000	45, 000, 000
Petroleum refining	38, 000, 000	191, 000, 000
Total	100, 000, 000	405, 000, 000
(3) Total tax loss, State and local taxes, all sectors of petroleum industry (multiplier ratio, 4.0)		43, 000, 000

ROBERT F. KENNEDY—1 YEAR AFTER

Mr. YARBOROUGH. Mr. President, I pay tribute today to a distinguished colleague who walked among us little more than a year ago—Robert Francis Kennedy.

Some public figures leave a legacy made primarily of the concrete and the visible things—bills made into law, programs which bear their names, and so forth. These records are admirable and deserve the respect of all who look upon and are affected by them.

But laws become obsolete or are repealed and programs cease to function properly and are changed or forgotten and the record which seemed permanent fades into history.

It is the fate of some men, however, to leave legacies not only of laws, but also of ideals and inspiration. Robert F. Kennedy was such a man. Though his concrete contributions were great, both as a Member of this body and as Attorney General, his prime contribution to life in this Nation was qualitative. He sought to lift the level of our public discussion. He sought to challenge our intellect. He sought to touch our conscience. Each day we feel more deeply the loss which his death has been to all of us. Each day the void which has been left in our lives by his absence becomes more apparent.

Robert F. Kennedy, perhaps more than any public figure of his day, seemed to understand that the most important role of the public figure is to lead. It is not sufficient merely to follow the people's wishes. It is not sufficient to do only as much as the public demands. For if a man in public life cannot lead, if he cannot do more than respond to popular sentiment, if he cannot challenge a people to realize their full potential for greatness, then in the final analysis he fails as a public figure.

Robert F. Kennedy also knew that this Nation must be wealthy in spirit as well as in goods; that it must be resolute in purpose as well as strong in arms; and that if it is to to lead other nations, this leadership must come from the inspiration of its ideals and its moral purpose rather than from fear of its might.

It was to these ends that Robert F. Kennedy gave all of his efforts, and ultimately his life. And when the history of the 20th century is written, it will be said that all Americans and men everywhere will have been better for having lived in the age of Robert F. Kennedy.

ASSISTANCE OF VOLUNTARY SECTOR TO MEET SOCIAL AND ECONOMIC PROBLEMS

Mr. CASE. Mr. President, President Nixon has repeatedly called for the use of the voluntary sector in helping to meet the Nation's broad social and economic problems. Among those quickest to respond to the President's challenge have been businessmen and volunteer health and welfare agencies.

In the human services field, United Funds and Community Health and Welfare Councils represent the Nation's most comprehensive aggregation of voluntary manpower, agencies, and money, comprising 2,250 United Funds and Community Chests, with 31,500 participating agencies, 500 Community Councils in the urban centers, and 18 million volunteers. Last year, the funds and chests raised $755 million, from which 27.5 million American families benefited through United Way agency services.

In accordance with the President's desire to make use of our voluntary resources, he has addressed the following statement of April 15 to Mr. Walter H. Wheeler, Jr., chairman of Pitney-Bowes, Inc., and national volunteer president of United Community Funds and Councils of America:

> It cannot be said too often that a large measure of the strength of this nation lies in the spirit of its people working in common purpose for a common cause. It is a spirit that has never failed us, but that is always being put to test.
>
> Now it is to be tested again. A common cause to which we have traditionally responded is the annual campaign of the United Community Funds and Councils of America. This year, the Funds and Councils have substantially augmented the goal of their local campaigns throughout the country.
>
> I am pleased to endorse that goal. For I have confidence in our capacity to meet the challenge of human service, and in the success of our voluntary way of getting things done. The American volunteer has long been a keeper of our national spirit. And the United Community Funds and Councils of America provide an inspiring example of the volunteer's role in our daily lives.
>
> I urge all Americans to join this worthy effort by generously supporting its local campaigns. We are a nation of barn-raisers in spirit. The campaign of the United Community Funds and Councils is our opportunity to raise a sturdy barn."
>
> /s/ RICHARD NIXON.

Mr. Gavin MacBain, chairman of the board of Bristol-Myers Co., has assumed the national chairmanship of United Community Campaigns of America for 1969. Under his volunteer leadership, support is being mobilized in the national community in business, Government, labor, communications, the professions, minority groups, and other forces to augment the efforts of each of the 2,250 United Way campaigns.

The total of all local United Fund goals which are currently being determined in each community is expected to be substantially increased over last year's $755 million to meet the critical needs for new and stronger services.

The united way is the epitome of the democratic, voluntary approach of helping to satisfy some of our Nation's domestic demands. It truly is a refreshing and encouraging situation when in these times, millions of people from every nook and corner of this country are willing to work together voluntarily without pay to support and extend programs to alleviate our Nation's human problems. Mr. MacBain and Mr. Wheeler and all of the 18 million volunteers are to be greatly commended, and deserve the support of every American.

CHANGE AND THE COMMUNITY COLLEGE

Mr. WILLIAMS of New Jersey. Mr. President, there is a new magazine on the market which is changing attitudes about higher education, questioning many of the assumptions too many of us have regarded as immutable, and bringing an exciting literary form to the field of education. I am speaking about Change, a bimonthly publication by science and university affairs.

In a remarkably short period of time, Change magazine, which is supported under a grant from the Esso Education Foundation, has managed to gather a professional staff which is sensitive to the problems of education. It includes Peter Schrag—whom we all know from his contribution to Saturday Review—as editor, and Leonard B. Stevens, as executive editor. A partial listing of other social innovators and educators associated in some capacity with Change is Samuel Baskin, Winfred Godwin, Edmund Gleazer, Jr., Fred Hechinger, David Riesman, and Milton Schwebel.

In its first couple of issues, Change has provided us with an insight into the "Uses of Failure," "The Anatomy of Academic Discontent," "College That Students Help Plan," "Miami-Dade's Encounter With Technology," "Playing It Black."

In its latest issue, I was particularly interested in an editorial comment on the "Upstarts"—the growing phenomenon of community colleges in America. The comment concentrates on the Comprehensive Community College Act of 1969, which I introduced on February 17, and makes this observation:

> Sounding much like a radical student demanding relevance, (Senator) Williams says the four-year college too often displays more interest in "Victorian literature, Athenian art forms or the military exploits of the Cossacks" than in slum housing, poverty and pollution.
>
> If overstated, (Senator) Williams' case is unmistakably to the point. For despite whatever efforts urban colleges and universities have made recently to open their doors to the cities and the have-nots in them, the strides have not nearly approached the magnitude of the problems. Nor can the gap be explained solely by lack of money, people or expertise. There is also the question of desire—of institutional attitude and the institutional tradition, which is really what Senator Williams is talking about.

This comment is followed by a brief description of the Staten Island Community College, the kind of institution and change our bill is designed to foster.

Mr. President, change is what it is all about. I ask unanimous consent that the article entitled "Upstarts" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Upstarts

No segment of higher education is growing faster than the public junior college. Each of the fifty states now has at least one, and total enrollment has grown at an average rate of fifteen percent a year since 1960. Of all students entering institutions of higher education, nearly one-third enroll in junior colleges. Last year alone, sixty new junior colleges opened for the first time, and no sudden slowdown in the expansion is indicated.

There are, nevertheless, many places without community colleges. New Jersey Senator Harrison A. Williams, Jr., says there are thirteen major cities, including Atlanta, Houston and Detroit, with none, plus twenty-five others, from Philadelphia to San Francisco, with just one each. If Williams has his way, the community colleges will expand even more, and with far greater federal assistance. Williams is co-sponsor of a Senate bill (there's companion legislation in the House) that would provide block grants to community colleges, starting next year. Despite Williams' hopes, passage of his measure this year seems questionable, in view of the tight budget instinct of both the Nixon administration and the Congress, and the continuing political battle over categorical versus block-grant government aid. But the bill nonetheless points up the apparently widespread public, and political, interest in the future of the community college—and it raises anew the question of that institution's fundamental shape and role.

The bill's sponsors, Williams says, do not wish to take anything away from the four-year colleges and universities. But, he says, "Nowhere in the scheme of things is there an educational system designed simply to serve people who want to learn—and not simply on the basis of birthday, accumulated grade-point average or prep school lineage. . . . We want to strengthen the community college because, without it, the other forms of education will continue, in hapless cycles of frustration, to educate by drawing perimeters around the chosen few."

For Williams—and surely he is not alone—the public junior college now represents the educational institution which stands to contribute most to the alleviation of such pressing and related urban problems as poverty, occupational training and community restoration. In his words, the community college—and not the four-year institution—is "tailor-made for the job of extending and expanding opportunities for education beyond high school." Its curriculum "grows out of the needs of society and the community." It is, moreover, "designed to fulfill personnel requirements in fragmenting professional fields, provide a new thrust in urban education, and provide the key to open doors to new careers. . . . By way of contrast, the four-year college that exists in big cities . . . has seldom been an instrument for change in its urban environment. . . . Traditionally it has been too busy being urbane to be urban." Sounding much like a radical student demanding relevance, Williams says the four-year college too often displays more interest in "Victorian literature, Athenian art forms or the military exploits of the Cossacks" than in slum housing, poverty and pollution.

If overstated, Williams' case is unmistakably to the point. For despite whatever efforts urban colleges and universities have made recently to open their doors to the cities and the have-nots in them, the strides have not nearly approached the magnitude of the problems. Nor can the gap be explained solely by lack of money, people or expertise. There is also the question of desire—of institutional attitude and institutional tradition, which is really what Senator Williams is talking about.

That is also, in part, what William M. Birenbaum, the president of Staten Island (N.Y.) Community College, was talking about when he told an audience at the March convention of the American Association of Junior College in Atlanta that, in essence, those who possess power in the university have a great deal to lose by drastic reform. Thus, he said, "Those who cry out most loudly now against the politicalization of the university are really making a last-ditch defense of the present political rigging of academic privilege and vested interest." Birenbaum is a staunch advocate of intimate university involvement in urban affairs. [For one Birenbaum plan for urban education, see *A College in the City: An Alternative*, Educational Facilities Laboratories, 477 Madison Avenue, New York, N.Y. 10022.] And he complained with his usual passion of the "modern knights in new academic armor" who, from "embattled parapets overlooking the plains of Harlem or the Southside neighborhoods of Chicago . . . cry out in behalf of their traditional rights and privileges, besieged by the motley hordes wanting in. . . ."

Enrolling "the motley hordes," especially in the cities, is, of course, community service of the first order. The question is, what institution will accommodate itself to large numbers of students who need higher education but don't measure up to traditional standards, have little money, or possess aspirations that are more occupational than academic? Ralph Nader, the consumers' ombudsman, told the same convention addressed by Birenbaum that the community college, by definition, cannot escape its links to relevant education and to its locality by escaping up the abstraction ladder; it is, he said, uniquely shaped and positioned to attack "local tyrannies—the most vicious tyrannies of all"—and to produce thinking citizens (auto mechanics who can, for example, not only repair what the system produces but also analyze the faults of what is produced). Should the community college, the stepchild in the scholarly community despite its impressive size and growth-rate, assume such functions, it might well turn out as the most socially responsive institution of all.

COMMENDATION FOR MARTIN-MARIETTA, DENVER DIVISION, ON THEIR SPACE ACCOMPLISHMENTS

Mr. ALLOTT. Mr. President, at a time when more and more Government programs are being brought to light which have, in effect, turned out to be gigantic fiascos which have wasted the taxpayer's money, it is indeed refreshing to take note of the Defense Department's Titan T–3C missile program.

This space program, which was executed by the Martin-Marietta Corp., Denver Division, has proved to be an overwhelming success.

Not only did it fall within reasonable bounds of projected costs, but its benefits to our space and defense programs have been enormous.

The people of Colorado and Denver, and, indeed, the whole Nation, can be proud that firms such as Martin-Marietta, Denver Division, possess the engineering capability and skill to develop a project of the magnitude of the Titan 3C and to carry it to such a successful conclusion.

It is little wonder, then, that NASA has just selected Martin-Marietta, Denver Division, to execute a $280 million contract which is known as "Project Viking" or the Mars landing project.

This work will begin as Martin-Marietta is continuing vital work on the Apollo applications program. In fact, within days of being selected as the contractor for Viking, the Denver Division was also awarded a contract to develop a device to make the greater maneuverability of our astronauts possible in their spacecraft.

This is the quality of work that various agencies of Government have come to expect from Martin-Marietta, Denver Division.

In that connection, I ask unanimous consent that an article written by Reporter Dan Partner on the Titan 3C project, and published in the Denver Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Denver Post, May 18, 1969]

"WELL MANAGED": TITAN LAUNCH TO END PROJECT

(By Dan Partner)

CAPE KENNEDY, FLA.—The Defense Department's best-managed space program, developed by the Air Force and executed by the Martin Marietta Corp.'s Denver Division, will end a seven-year research and development series Friday with the 17th and final launch of the Titan 3C booster rocket.

The launch will be the 99th Denver-made Titan to lift off the pad and soar down the Eastern Test Range since the corporation, based near Littleton, Colo., began making weapons systems and space-oriented vehicles.

Friday's mission will carry two Vela nuclear detection satellites and three smaller research vehicles into orbit to complete a research and development record unparalleled in U.S. space and missile development.

During an era when contract over-runs assumed shocking proportions, the Titan 3C program closes with a total program expenditure of only 6 per cent over the cost figures defined years earlier, according to Air Force spokesmen.

Total program cost will be approximately $1.06 billion against a 1962 target of $850 million. This is a 30 per cent increase but it is pointed out that all except about $51 million of the increase can be charged to two factors beyond the control of the Air Force's Space and Missile Systems Organization (SAMSO).

WAR STRETCHOUT

The Air Force says the war in Vietnam contributed to an extended stretch-out of the Titan 3 development program, as directed by the Defense Department. In addition, the war also reduced the amount of funding available for payloads acceptable for the Titan booster.

In addition to staying within shouting distance of the proposed cost, the Titans have carried multimillion-dollar research and operational satellites during the research and development phase, the Air Force said.

It is emphasized that millions have been saved for U.S. taxpayers in terms of free rides given such systems as the initial defense communications satellite program (IDCSP) spacecraft; Vela vehicles; the Hughes Aircraft Corp.'s huge Taccomsat the world's largest communications satellite; Lincoln experimental satellites (LES); very high and ultra high frequency communications experiments, and the Gemini B heatshield qualification test.

Cost of a Titan 3C including hardware, typical payload integration costs, launch services and preliminary tracking through orbital injection, is estimated at $20 million. This price tag is considered a bargain in relation to launch costs at the current level.

GOOD WORK

While the Air Force is taking bows for the outstanding example of program management, it isn't being overlooked that Martin Marietta's Denver Division personnel have done a remarkable job in carrying out the contract. It was in 1965 that Defense Secretary Robert S. McNamara called the Titan 3 program "probably the best managed large program in the department."

He also noted that the program was ahead of schedule, at that juncture, and had accomplished in four launches what "we planned to accomplish in five."

If Friday's launch follows the set pattern of successes, it appears that the Air Force—and Martin Marietta's Denver division—would be in line for congratulations from the current Defense Secretary, Melvin R. Laird. He is well aware of the tremendous over-runs in military contracts, such as those haunting the C5A jet transport.

FUTURE UNCERTAIN

Aside from praising the Titan 3 management program, the Air Force isn't talking about where the booster goes from here. The National Aeronautics and Space Administration (NASA) has said it plans to use the booster for the Viking program in 1973 that will send vehicles on flybys—and possible landings—on Mars. There also are several other nonmilitary missions that the Titan could perform, if selected for the tasks.

Meanwhile, Titans continue to be launched from the Western Test Range based at Vandenberg Air Force Base, Calif. These are supersecret missions that send highly sophisticated reconnaissance vehicles on polar orbits to photograph and monitor activities of friends and foes throughout the world.

The newest model of the Titan family of boosters, the M version, will be used by the Air Force to launch its Manned Orbiting Laboratory (MOL). The lack of funds, again due to the tremendous expenditures of the war in Southeast Asia, has forced the Air Force to postpone the first unmanned MOL launch until at least next year. The first manned reconnaissance flight would follow two years later.

The MOL program was initiated in early 1965 by President Johnson with the first unmanned launch scheduled for late 1967 or early 1968. The initial cost estimate of the MOL project was estimated at an unrealistic $1.5 billion. The current cost is at least double that amount.

Friday's final Titan 3C launch, scheduled at 1:30 a.m. (MDT), will send two Vela satellites into 69,000-mile-high orbits. Built by TRW Inc., the 725-pound Velas will conduct experiments for obtaining data on radiation backgrounds in deep space; for defining an operational nuclear detection system according to the Air Force, and for detecting clandestine nuclear tests in deep space.

PROPOSED ALTERNATIVE TO SAFEGUARD SYSTEM

Mr. MUSKIE. Mr. President, the Senator from New Hampshire (Mr. MCINTYRE) had planned to be present today to present a statement dealing with a proposed alternative to the Safeguard system.

Senator MCINTYRE is unable to be present today, so at his request I ask unanimous consent that his statement and articles relating thereto be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MCINTYRE

Last week I presented what I hope will be accepted as a balanced and constructive alternative to the present Safeguard system proposal now before the Congress.

I do not believe that a yea-and-nay vote against the present proposal meets what I think are the present needs for national security and understanding nor faces up to the existing priorities which our Nation confronts.

I propose that:

There be no deployment of ABM's at this time and no future deployment unless the Congress authorizes and provides funds.

That research and testing continue on the radars, computers and other electronic gear needed for the Safeguard system so that if at some time in the future it is decided to deploy the system that we can move ahead rapidly without material delay.

Such an alternative, it seems to me, will:

Not contribute to any overt way to an intensification of the arms race, because no weapons would be deployed;

Could help in reducing frictions as we enter arms negotiations with the Soviets;

Give us a chance to thoroughly test all parts of the Safeguard's electronic equipment so that we can be sure it works before we might count on it in some future deployment. Nearly every pro or con witness before the Armed Services Committee has testified to the need for further testing of the Safeguard components;

Save money which can be used for priority needs here at home.

The distinguished Majority Leader, the Senator from Montana (Mr. MANSFIELD), placed a copy of my proposal in the CONGRESSIONAL RECORD on June 2, 1969, at Page 14489, for those who wish to review the proposal in detail.

I have been particularly pleased with the public's reaction to my proposal in the few days since I presented it. Two of the outstanding papers of New Hampshire have already commented editorially.

The Portsmouth, N.H., Herald, appeared on June 2, and read as follows:

"[From the Portsmouth (N.H.) Herald, June 2, 1969]

"SENATOR M'INTYRE DESERVES PRAISE FOR MODERATE APPROACH TO SAFEGUARD

"From the Old Man of the Mountains to the Old Man of Seabrook, the state should be echoing the praises of Sen. Tom McIntyre, but we're afraid that it isn't.

"Which simply goes to prove that people are inconsistent, a fact that was established as early as Adam and Eve and reestablished today.

"McIntyre apparently has let the other shoe drop and has come out in opposition to the war lord's newest military toy, the Safeguard missile scheme. This is the gadgetry you'll remember which started out as a defense against Chinese aggression and wound up as a much modified protection for our Minuteman missiles.

"No one can even verify that it will work, but it will cost a lot of money and does make the hate-Russia element in Congress and the nation happy; therefore, it must be worthwhile.

"In New Hampshire Safeguard appeals to the same crew that has spent the last five months trying to wreck the state's budget, block any attempt at straightening out a messy, century-old tax structure.

"So you'd think that McIntyre's opposition to a costly toy like Safeguard would immediately endear him to these thrifty souls. But not so. If there's one thing that some of them enjoy more than crippling the state economically, it's looking under their beds every night to make sure that the Politburo isn't hiding there.

"This 'Ax-the-Tax' crowd in New Hampshire would rather see billions blown on military hardware than a few billions spent in making this an even better nation in which to live.

"McIntyre, and the other senators who are trying to withstand the raid by the military on the public treasury to finance Safeguard deserve our thanks. Whether or not they'll prevail against Nixon's profligate militarists is a question but the effort is based on good sense.

"Safeguard has all the earmarks of another of the multi-billion-dollar weapons systems which can't even be credited as workable, simply because no one knows.

"McIntyre, although he won't get any credit for this, is not burying his head in the sand. He does have a viable alternative to the all-out Safeguard scheme.

"What the senator wants is further research, no immediate deployment of Safeguard, but development of the ability to put into effect without delay should need arise.

"McIntyre believes that the very fact that the United States could deploy a Safeguard would serve as notice to Russians that we're far from defenseless and wrong moves by them will prove expensive.

"This isn't what the warhawks want, but it is a prudent approach."

Also on June 2, the Monitor, of Concord, N.H., contained the following editorial:

"[From the Concord Monitor, June 2, 1969]

"M'INTYRE PROPOSAL IS REASONABLE

"Sen. Thomas J. McIntyre, D-N.H., has proposed a compromise in the development of the so-called Safeguard anti-ballistic-missile system that is sure to satisfy neither the proponents nor the opponents.

"Facts and mature considerations in the heated ABM controversy fast are becoming irrelevant. It has become a symbol of conflict between the liberal and conservative elements in our society.

"Generally speaking, the liberals are opposed to deployment of the system President Nixon has proposed, which would cost somewhere between $8 billion and $13 billion, while the conservatives favor it.

"Deeply tangled in this controversy is the question of exploding government spending and subsequent increased taxation, and growing public concern and suspicion over the unholy alliance between the nation's military establishment and the industries that furnish its hardware.

"What Sen. McIntyre proposed was a delay in deployment of the missiles themselves, while research and development is pushed on the complicated radar and computer systems that would control the ABM.

"One of the most telling arguments against the Nixon administration ABM proposal is that there is no assurance it will work. The McIntyre proposal says, simply, that we won't put the missiles in place until we know the other components will work.

"The Senator estimates first-year spending on his plan would be less than $2 billion, but it's not clear how much this would be less than.

"He told the New Hampshire Council on World Affairs last week that his alternative 'could save us billions in misspent funds.'

"Sen. McIntyre, chairman of the Research and Development Subcommittee of the House Armed Services Committee, was under intense pressure to leap into one camp or the other.

"His committee, heavily laced with and under the control of conservative southerners and right-wing Republicans, sought to get him to join the pro-ABM faction.

"But liberal Democrats in New Hampshire, from whom he derives his support in the Granite State, threatened to turn against him and even turn off campaign money if he backed President Nixon's ABM proposal.

"Thus from a political standpoint, the McIntyre alternative was a neat dance down the middle. Speculation still is rife on which side he would join if called upon to vote tomorrow "yes" or "no" on the Safeguard system.

"Our view is that the McIntyre suggestion deserves concentrated study under congressional control. The military won't like it, so can't be trusted to give it a fair reading. Industries concerned will view it as a cutback in fat contract possibilities, so they can be expected to object.

"We think slamming headlong into the ABM system now, with low-level certainty of success, would be foolhardy.

"The cost is exorbitant; domestic crises too pressing; and we are not convinced the threat of Soviet attack at this time is all that imminent.

"In addition, neither are we convinced that every avenue of an arms reduction agreement with the Soviets has been explored fully.

"It is clear that we cannot dismantle our nuclear strike retaliation capability, nor allow ourselves to fall behind in the terrible reality of an escalating arms race.

"But our government's crash program should be directed at the cause of the arms race, and not solely at reducing its possible effect."

Comments have also been coming from many other public media sources. On the night I made my proposal WDCR, one of the important radio stations in New England, stated the following views on my proposal:

"WDCR COMMENTS

"Senator Thomas McIntyre tonight in Laconia proposed what he called a constructive alternative to the present yes or no thinking about President Nixon's ABM proposal. The junior senator from New Hampshire has been for some time one of the Senate's principal undecided votes on the issue . . . he is also a member of the Senate Armed Services Committee and Chairman of that Committee's look into military research and development. In tonight's speech . . . McIntyre called for no deployment of the ABM this year . . . asking for more time to consider what setting up that system might involve. Said McIntyre in effect, we must protect the nation . . . but we must be certain we are doing that in the proper way . . .

"We have the feeling the Senator's proposal may find more than a little popularity in the Senate. Too many Senators who have announced one way or another are really hung up on this one. They face pressure . . . big pressure . . . from home on both sides. They feel strongly that they cannot undermine the nation's security . . and at the same time they are sick and tired of being told by the Pentagon that every military request for money is essential.

"What the Senator has suggested is a little breathing spell to think this one over in a rational manner. ABM doesn't have to be deployed this year . . . we can afford at least a one year delay. On the other hand . . it really would not be wise to directly slap President Nixon in the face, thereby reducing his effectiveness in the bargaining in Paris and with the Soviet Union over nuclear arms reduction. Senator McIntyre . . . increasingly known around the Senate these days as a man who thinks for himself . . . has avoided the sterile yes or no . . . and he has an alternative. The Senate would be will advised to take Mr. McIntyre's suggestion to heart."

Many, many letters are already beginning to arrive in my office from throughout the country expressing support for this alternative. I will not burden the Record with transcripts of each letter since many of them discuss matters other than my proposal. However, I wanted to place in the Record excerpts from a number of the letters to indicate the support for this plan and to give a flavor of the widespread interest it has aroused.

From Concord, N.H.: "Your recent address giving your views and proposals concerning the ABM system has merit. . . . By all means work for further testing of radar and computer systems for missile defense."

From Weston, Mass.: "We are most encouraged by your speech to the World Affairs Council and your wish to see a delay in ABM deployment until we at least try to work out some lessening of the Arms race with Russia."

From Boston, Mass.: "As a member of Citizens for Participation Politics, I am taking the liberty of writing to you to express my approval of your recent statement on the ABM system. I also feel that a system as complex and with so many ramifications as ABM deserves more research and investigation."

From Brighton, Mass.: "I am convinced that you are correct that more research is required. Safeguard depends on radar for eyes. And, every electronic engineer knows that radar can be jammed, spoofed and blinded with comparative ease. Thus an ABM that works fine in peacetime tests would be blind when we needed it in war."

From Kingsville, Tex.: "Congratulations on your stand on the ABM. As one of those Americans who pays a great deal of income tax, I could not agree more that the ABM should not be deployed now."

From a scientist at Austin, Tex.: "The proposed Safeguard system, really just a slightly modified Sentinel, is not an optimum system for hard point defense. More research and development is necessary to develop hardened radars and better computer programs to separate warheads from decoys. Deployment of the Safeguard system would be a serious mistake as it would tie us to a bad system which is already obsolete."

From Weare, N.H.: "I congratulate you on your ABM stand in supporting R & D at the present. I think we should technologically keep alert, but I cannot in good conscience approve of the ABM deployment."

From Palo Alto, Cal.: "Hurray for your approach to the proposed ABM system—in opposition, but suggesting a compromise. Instead of being negative, you have presented an alternative."

MORE FUNDS FOR HANDICAPPED CHILDREN

Mr. GOODELL. Mr. President, under title VI of the Elementary and Secondary Education Act, grants are made to States for the very important purpose of initiating, expanding, and improving educational programs for handicapped children. A small percentage of the congressional authorization for this program has been requested for fiscal year 1970, when the States are to move from the planning stage into the development of major programs. In an editorial published on May 18, the Niagara Falls Gazette has incisively discussed this situation and the continuing efforts which have been made by my colleague, the senior Senator from New York (Mr. JAVITS), to restore funds for this program.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MORE U.S. FUNDS NEEDED BY HANDICAPPED CHILDREN

In the last decade, Congress has established 11 new programs for education of handicapped children and increased appropriations from less than $1 million to more than $79 million.

However, all this program is tempered by the realization that more than 3,300,000 handicapped children—or fully two-thirds of our nation's 5 million handicapped children—are still without special education services.

Two years ago, this newspaper criticized the Johnson Administration's watered down budget request for Title VI of the Elementary and Secondary Education Act. In that year, Congress authorized $150 million for Title VI. The Department of Health, Education and Welfare and the White House cut it to $15 million.

U.S. Senator Jacob K. Javits, at that time serving on the Appropriations Committee, read the Gazette editorial into the Congressional Record, and on Aug. 10, 1967, fought a losing battle with the House of Representatives to raise the appropriation to $20 million.

Again today, we are faced with the same situation. Congress has authorized an appro-

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priation of $200 million for this long overdue domestic program. The Administration budget request, however, is the same as it was in 1968—$29¼ million. This amounts to less than 15 percent of the Congressional authorization, or only $5.85 for each handicapped child.

Is it possible to significantly improve the lot of an unfortunate handicapped child with $5.85? The larger question is, where can we go with this kind of tokenism?

Title VI is a grant-in-aid program to the states to help them initiate and expand special education services. It was passed by Congress in 1966 as the major support program to assist states in attacking the problems of the handicapped. The failure of the budget proposals for fiscal year 1970 to significantly increase funds for these programs severely threatens their growth.

One of President Nixon's most publicized actions has been review of federal spending with an eye to priorities. We submit that the needs of 5 million handicapped children are of much higher priority than the many pork-barrel programs that can be found in any federal budget.

The first two years of Title VI were devoted primarily to planning. Major programs are ready to be developed. Now, with inadequate funds, many of these excellent programs will wither away like untended roses.

Congress needs more outspoken champions of the handicapped like Sen. Javits. We urge all senators and representatives, especially those with committee assignments related to education and child care, to give special attention to the financing of approved programs.

SENATOR HARRIS APPEARS ON ISSUES AND ANSWERS

Mr. BAYH. Mr. President, on Sunday, June 1, the senior Senator from Oklahoma (Mr. HARRIS) participated in the national radio and television program, ABC's "Issues and Answers." Senator HARRIS was interviewed in this appearance by two veteran Capitol Hill news correspondents, Bob Clark and Bill Lawrence, both of ABC.

As chairman of the Democratic National Committee and as former member of the National Advisory Commission on Civil Disorders, Senator HARRIS was called upon to voice his opinion on a number of basic problems and matters confronting not only his political party but the Nation as a whole. In order that those who were not able to see or listen to this program may have the opportunity to review the significant comments made by Senator HARRIS, I ask unanimous consent that the transcript of the broadcast be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

ISSUES AND ANSWERS, SUNDAY, JUNE 1, 1969

Guests: Senator FRED R. HARRIS, Democrat of Oklahoma, Chairman, Democratic National Committee.

Interviewed by: Bob Clark, ABC News Capitol Hill Correspondent; Bill Lawrence, ABC News National Affairs Editor.

Mr. LAWRENCE. Senator Harris, it has been a little over four months now since the Nixon Administration took office. From your vantage point as Chairman of the Democratic National Committee, do you think maybe it is doing a little better than you anticipated?

Senator HARRIS. Well, it depends on what you anticipated.

Mr. LAWRENCE. Well, I am asking you.

Senator HARRIS. I think he has done about as I would have expected. I think really there is more style there than substance, yet. I am really surprised that he hasn't moved along, and in two ways I would say he has not done as well as I expected.

Mr. LAWRENCE. What are those?

Senator HARRIS. One is in the appointment of second and third echelon people. Still many of these jobs are unfilled, or people are staying on in them, knowing they are going to go, and I am rather surprised at that, because Mr. Nixon isn't new around this town, he has been here a good while, he knows something about the government and what needs to be done, and I am rather surprised that he didn't move faster on personnel.

I am also rather surprised he didn't move a little faster on some of these issues which we are only now beginning to get messages on.

Mr. LAWRENCE. Do you ever get the sense that maybe he thought he wasn't going to win, that he hadn't made a policy?

Senator HARRIS. No, I wouldn't think so. I would think that most of these things should have been thought out in advance. I just think that perhaps he wants to build his political strength in the country before beginning to launch out on some of these tougher issues. But they won't wait forever. He has got to move on them, I think.

Mr. CLARK. I would take it you are in some disagreement with Mike Mansfield, the Democratic leader of the Senate, who said recently that, on the basis of the record so far, all in all, he would say that President Nixon has done a good job?

Senator HARRIS. I think, again, I would say it is more style than substance. For example I don't think he has done a good job on civil rights, because I don't think he has spoken with a very clear voice on that. You know we have had, it seems, disagreement within the Administration. You have got the Administration saying that it wants to, you know, be an Administration that believes in human rights and so forth. Yet here is the Attorney General, Mr. Mitchell, who has been two or three times now cancelling out on going down to the Hill to testify on the voting rights act, which is coming up again, after he has been scheduled to testify. We had the Defense Department letting contracts to people who had not complied with the Civil Rights requirements. There is Clifford Alexander who resigned as head of the Equal Employment Opportunity Commission under very tough circumstances, it seems to me.

So I think at some point Mr. Nixon has to speak out on that issue with a clear voice. He has got to say, "Here is the Administration policy." He hasn't done so yet.

Mr. CLARK. Well, wouldn't you agree, though, on the basis of his record so far and his high standing in the public opinion polls, that if another election were held today he would be a very hard man to beat?

Senator HARRIS. Oh, no question about it. You know, I think, as I said, it is more style than substance, and it may be good politics. It may be good politics to believe that to the degree you can just get people to quit worrying about some of these issues, to that degree, you know, they feel better about you politically. You can't do that for long, though, because in my judgment these issues have become uncompromisable, many of them. Issues of war and peace, and the issue of growing militarization, issue of civil rights, poverty, hunger, a tax reform. Many of these things have become uncompromisable. I think they are moral issues, and you have to speak out on them, taking one side or another. I don't think you can fuzz it up.

Now, for the moment, you might be able to get people to feel a little better about them by just getting the issues off the front page. But that won't solve the questions.

Mr. CLARK. You mentioned the issue of war and peace. If the President does succeed in bringing peace in Vietnam, isn't he going to be almost unbeatable in 1972?

Senator HARRIS. Well, it is so far away, but first of all, I wouldn't want to be all that cynical about it. I don't think we ought to worry about political advantage or disadvantage in getting the war in Vietnam over. We ought to get the war in Vietnam over, because it is right, and that is the thing to do. Now, what the political advantage is shouldn't make that much difference. And furthermore, I don't think any of us can guess, now, what it might be in 1972.

Mr. LAWRENCE. You brought up the question of civil rights a moment ago, Senator. You were a member of that famous Kerner Commission on Civil Rights that finished its work more than a year ago. Do you feel that any real progress was made by either the Johnson Administration or the Nixon Administration since that report came in?

Senator HARRIS. Not in the kind of massive national action and commitment that is required. I think we see very little of that in the way of governmental action. I think there is a great deal happening out in the Country. There is a great deal happening as a result of the Kerner Commission report in private and local action, and in the use of that report by the police and by others, by communities, by organizations. but that hasn't sifted up yet for the kind of national federal action that has to be taken, in my judgment.

Mr. LAWRENCE. I mentioned President Johnson a moment ago. What do you hear from the ranch these days? All peace and quiet, or does he want to move out and start banging these people a little bit?

Senator HARRIS. Well, you know, the only business I have had with the President has been very informal and casual. I find him very relaxed.

Mr. LAWRENCE. We are talking about President Johnson, now?

Senator HARRIS. Yes, President Johnson. I find him very relaxed, and I don't find him, you know, as much at this point wanting to be involved in the details of the Democratic Party and so forth. I hope that by next year when we have the 1970 Congressional races going that he would be willing to be helpful to us in those campaigns, and my judgment is he will be.

Mr. LAWRENCE. What about helping you raise some money for this year? You know, you are so far in debt that I don't know how you keep your head above water.

Senator HARRIS. We have begun to make some real headway on that, and I think, as I said, again, that would be one of the things I would hope President Johnson might help us do when we get nearer to the 1970 Congressional campaign, and I believe he will.

We are making headway in the Democratic Party on our debts and on our operating expenses, through primarily two kinds of fund raising activity. One is through a new national participating membership campaign to broaden the base of this party. If we are really going to be a party of the people, then we oughn't to rely solely upon a few large contributors. Try to broaden our base with a greater number of people in smaller amounts, and that is going extremely well.

And, secondly, through a revival of the old President's Club which we are now calling the National Democratic Sponsors Club, with particular reliance on what we are calling a Young Leadership Council, where we are asking young men around the country who have a social conscience to agree to $1,000 a year plus a willingness on their part to go out and find four more like themselves who will contribute to the party because they believe that something has to be done about these issues and the party can help do that. We are having good success with that as well.

Mr. LAWRENCE. Well, considering his low state when he left office, do you think Pres-

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ident Johnson is a political asset at this point?

Senator Harris. Yes, no question about it in my mind. I think he is a political asset, will be, and I think in 1970 can be very helpful to us in the Congressional campaigns. And I think he will want to, because many of his close friends and associates of the past will be involved. I hope he will want to.

Mr. Clark. Senator, there is a widespread view among many Democrats and a lot of Republicans that Ted Kennedy has almost a hammerlock, as columnist Roscoe Drummond put it this week, on the 1972 Presidential nomination. Does he?

Senator Harris. I don't know. That is a good thing about my office, as Chairman of the Democratic National Committee. It imposes neutrality on me. And furthermore, it would be my judgment, and I see Ted Kennedy almost daily in the Senate, it would be my judgment that he himself has not yet made a final decision on whether or not he will be a candidate in 1972. He doesn't need to make that decision now. I certainly don't need to make that decision now, and what I want to do, is concentrate on the campaigns of 1969 right now. We have, for example, a campaign coming up in Montana, now, a Congressional race, as we have had others this year; but particularly looking toward the 1970 Congressional and gubernatorial campaigns. That is our major interest right now, and what happens in 1970 may well determine what happens in 1972.

Mr. Lawrence. Senator, you just said you didn't have to make that decision now. I have heard that Fred Harris is angling for the '72 nomination. Is that right?

Senator Harris. You are not talking about me, myself?

Mr. Lawrence. I am, yes.

Senator Harris. I thank you for the question, but the answer is absolutely not.

Mr. Lawrence. What did you mean, then, when you said, "I don't have to make that decision"?

Senator Harris. I don't have to make the decision about Ted Kennedy.

Mr. Lawrence. Senator, is it politically wise or otherwise for Senator Kennedy to do as he did, to criticize specifically a military operation like Hamburger Hill in Vietnam?

Senator Harris. I think it is always wise for a senator to speak out on an issue which he considers to be a moral issue, and I might just say that while I, you know, don't want to get into the tactical questions involved, I think the thrust of what Senator Kennedy said is correct. I think that Mr. Nixon was quite right in putting on the record his own views about what our negotiated position is and should be in Paris, and what he would be willing to do to arrive at a political settlement in that war. While I didn't see anything new, really, in that, I think it will be helpful and put it in the right direction to lay it out.

I wish he had gone further, however. I wish he had made clear that we intend to lower the level of violence in Vietnam, lower the level of killing there, and bring home at least 50,000 American troops in 1969. I think that is the direction where we can find a peaceful settlement.

Mr. Lawrence. Which we would do unilaterally, without regard to what they do in Paris?

Senator Harris. Yes. I might say this, that back in November the North Vietnamese had withdrawn a substantial number of their people out of the Northern I-Corps area. If Saigon had been willing at that time to come to Paris to the peace table, I think we might have avoided a winter offensive, the violence of the winter offensive, and we might be further along in the talks there. We didn't do that, and I just think if we are going to continue to up the military pressure, then the other side is—first of all, the other side is going to wonder about whether we are really sincere in trying to arrive at a peaceful political settlement; and secondly, I think that our own people, Mr. Thieu in particular will not be convinced that they have to take over more of the military responsibility and that the political, social and economic reforms which will allow popular support for a government in the South must be made. They will not be convinced of that until, I think, we lower the level of violence, take the steps to do that, and I think we can bring 50,000 American troops home as soon as we can get transport for them. And then thereafter we could begin, I would hope, a phased mutual withdrawal of troops.

Mr. Clark. Senator, if we can get back to politics for a moment, some of Eugene McCarthy's friends think he is going to have another go with the Democratic nomination by entering some primaries in 1972, and if he doesn't make it, he will head up a third-party ticket. Does that thought worry you?

Senator Harris. Well, there is no use worrying about something you can't do anything about, and I think every American and every senator and every Democrat has a right to do whatever he pleases. I see Senator McCarthy quite a little. I serve on two committees with him, the Finance Committee and the Government Operations Committee. Before I appointed the last couple of commissions I appointed, I talked with Senator McCarthy and notified him in advance. I have been appointing to various positions in the party, people who supported him prior to the convention last year. So if the decision is made that he will go outside the party, then that will be a decision that he makes. We certainly will not make that decision.

Mr. Clark. But if you had a situation where there is another right wing candidate, whether George Wallace or somebody else runs again, and Senator McCarthy heading up what would amount to a fourth party ticket, couldn't this spell doom for the Democrats and just automatically re-elect Richard Nixon to a second term?

Senator Harris. Wouldn't it be just as tough for the Republicans? It seem to me it would be.

Mr. Clark. It seems to me it is the Democrats who are going to be fractionated by McCarthy.

Senator Harris. You also mentioned a right wing party.

Mr. Clark. If you add McCarthy to that equation, isn't it going to be the Democrats that are going to be cut up?

Senator Harris. I haven't any crystal ball to tell you what may happen to the former McCarthy movement, or what may happen to the former Wallace movement. That is something it seems to me that is outside my control. I can only say as Chairman of the Democratic National Committee it will be my purpose to try to carry out the platform of 1968 and to speak for this party in line with that platform on the critical issues of our day, and to help organize in such a way that our party will be responsive, that it will be a legitimate Democratic, open party, and that it will have constructive alternatives on the issues.

My judgment is that will entitle us to leadership and will bring us back into leadership in the country. If it doesn't, we will be sustained by the thought that at least we moved in the right direction.

Mr. Clark. So you are not at all worried about Senator McCarthy or whether or not he heads a third party? Is that the consensus here?

Senator Harris. I would go back again to the first answer. I don't know of anything I can do about it except do my duty as Chairman of the Democratic National Committee and hope for the best.

Mr. Lawrence. Let's talk about the meaning nationally, Senator, the re-election of Mayor Yorty in Los Angeles. You made it something of a national issue by endorsing and getting into a local race for mayor, which was basically non-partisan. Now that you have been beaten out there, what does this do? What does it mean?

Senator Harris. It was not a local election, you know, in the normal sense. It was a widely heralded—a race of national importance. It was not a non-partisan race, because Mr. Bradley in the primary had the endorsement of the County Democratic Central Committee, which my own actions followed. I was very hopeful that Tom Bradley could be elected, because in my judgment, without question he was the best man. I think what has happened here is not so much a loss of position from where we were, because we were about where we were, before. What is lost is what we could have done with this win—I don't mean the Democratic Party. I believe the election of Tom Bradley would have been a great boost of spirits for the country, and we could have all felt better about ourselves had he been elected. I don't think we have fallen back so much as we have failed to go forward, as I had hoped we would.

Mr. Lawrence. You are talking now about the joys of positive thinking, but what about the joys of negative thinking? What about the right-wingers who now exult in the Yorty victory? They win a big city when they win Los Angeles.

Senator Harris. The point is, they had Yorty before.

Mr. Lawrence. I know, but it looked like he was gone.

Senator Harris. I would say this, Bill. You will recall that when Tom Bradley filed, nobody—and I underline "nobody" twice—thought Tom had a chance to be elected. Tom is a man that I have known for some time. I think he is eminently qualified, maybe the best qualified man to be a mayor in the country, who hasn't already held that post.

But you start out with this: Within the framework of student disorders, you have got a man running for office who is black, in a city where the black population is about 16 percent. Now, nobody thought Tom could be elected when he filed. He surprised everybody by getting 42 percent of the vote as against Yorty's 26 percent in the primaries. And then we all became convinced that he could win. In the last few days the polls began to show some other things, but I think we are, you know, we didn't do so very badly. We just didn't make the great leap forward I think we could have in this country. And again I say, not a great leap forward for the Democratic Party so much as a great leap forward for the kind of progress that this country ought to believe in and stand for. In my judgment it does, and we didn't make it in this instance, but we will.

Mr. Clark. Well, Senator, law and order was certainly a significant issue in that California campaign.

Senator Harris. Yes.

Mr. Clark. And it is an issue that a lot of people think put Mr. Nixon in the White House. When you combine what is happening in the way of further shifts in public sentiment and the President's appointment of Judge Burger as Chief Justice, which would certainly enhance his law-and-order image, don't you think it also probably has enhanced his chances of a second term in the White House?

Senator Harris. I would just say this about the law and order issue. To the degree that this issue was used against Tom Bradley it was spuriously used against him, because as a 20 year veteran of the Los Angeles police force, I think he was extremely well qualified on that issue. So, you know, I think you can't use it against him as it was done, and do it properly. But I would just say this: I think that for the long pull, for the good

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of this country, we are not going to be best served by those who demagogue on the issue of law and order. We have got to have people who think and talk soundly, and sometimes courageously on the law and order issue. Otherwise, we are not going to have law and order.

For example, there are those who think that Ronald Reagan is Governor of California and extremely popular in the polls primarily because of the law and order issue, and that I would say is generally indicated. But look what has happened in California, what is happening. Though he speaks out toughly, though his rhetoric is very tough, where is law and order? Is it improving in California? I mean, can you do it just by statements? Can you do it by very strong demagogic appeals to the people? My judgment is you can't. You have got to have better police salaries, you have got to have better training, and you have got to get at a lot of underlying causes.

Mr. LAWRENCE. Senator Harris, can you confirm now that you are going to name former Vice President Humphrey as the head of this new Democratic Policy Committee, and if so, do you foresee the possibility of conflict with the Democratic leadership of the Senate and perhaps of the House?

Senator HARRIS. I will appoint the Democratic Policy Committee within this coming week, and I do intend to appoint Vice President Humphrey, the titular head of our party, as head of the Democratic Policy Council. I do not see any conflict between that committee, or that council, and the Policy Committee in the Senate, or with the leadership of the House. I have discussed this with them, and will be discussing it with them further before I actually make the announcements. But Senator Mansfield has made clear also that he doesn't see any conflict in there.

Mr. LAWRENCE. Will this committee include all of the '72 possibilities: Muskie, McCarthy, Kennedy, McGovern, Harris?

Senator HARRIS. I don't intend to do it on that basis. I have to enter another disclaimer about myself in '72. But I don't intend to do it on the basis of who is going to run for President, because goodness knows—but I do intend to try to follow the resolution; that is, choose leaders within the party, within the Congress, within the National Committee around the country, so there will be some governors, some mayors, some of our bright young stars, some of the leaders of Congress, with the National Committee itself to be represented. But primarily I intend to limit this committee, the council itself, to those who have been elected to party, or public office, and then we will have task forces under that council which will be made up of a great many other Democrats, some academic people, some of our brightest and coming young stars, and some people not yet stars, but whom we hope will be.

Mr. CLARK. Senator, back to the Vietnam War for a moment. Do you think that President Nixon's performance has lived up to candidate Nixon's promises that he had a plan to end the war in Vietnam?

Senator HARRIS. Well, I don't really want to get into that, because I think that gets tougher once you are in office than when you are a candidate. But I thought his statement was helpful. Now he is going out to see. Mr. Thieu—I am very worried about that. I think President Nixon has taken a commitment to the people of South Vietnam by his statements, not to any particular government, that we won't impose a government, and neither should Hanoi. So I think he ought to make that clear in his conversations with Mr. Thieu, that the commitment of the United States is to the people of South Vietnam and their free choice of their government. I was very concerned about President Thieu going to see President Park in South Korea and then traveling to Taipei just prior to this trip. I wonder what he intended to do by that, and whether by statements he intended to put further pressure on President Nixon to relax somewhat the commitment that President Nixon made to the people of South Vietnam. We mustn't do that.

Mr. CLARK. Well, Senator, the dispute seems to be over a coalition government and the extent to which Mr. Nixon is going to support the idea of a coalition government. Once again you seem to be in some dispute with Senator Mansfield, who has said that he feels we are moving relentlessly toward a coalition government.

Senator HARRIS. Well, I think that President Nixon made clear that all groups within the South, including the NLF, to the degree that any group will forego violence as the means of getting themselves to power, that they can take part in the government. Now, that means that we are moving, as Senator Mansfield has said, in that direction. My concern is that President Nixon not relax that in his talks with President Thieu. President Thieu has been making some other kind of statements lately and that concerns me very much, and as I say my question is: Does President Thieu intend by those trips and by that statement to put a greater pressure on President Nixon to relax in any of the talks with President Thieu what he has said, and that has amounted to a commitment, not to a government in the South, but to a commitment to the people of South Vietnam, a commitment which I think is in the right direction, and that we must keep.

Mr. LAWRENCE. Well, now, hasn't President Thieu, though, just about flatly said that he will not stand for a coalition government? How do you get agreement between these two men?

Senator HARRIS. Well, I think the President, you know—we have, we have spent over $100 billion out there, and we have spent more than 35,000 American lives, and I just think that President Nixon must make clear, as I thought he had begun to do the other night in his statement, that the people—what we are involved in, we are not going to escalate the limited objectives—and he made clear that we have limited objectives out there, and I think it is very good he should say that, because that is true. Now, we should not escalate those limited objectives. And that I just hope in his private talks with President Thieu, and in the communique which comes out of those private talks, that he will make clear that he is staying with what amounts, in my judgment, to a personal commitment, to a national commitment on his part to the people of South Vietnam, to choose their own government.

Mr. CLARK. Senator, I am sorry, but we are just about out of time. We could go on for some length, talking about the Vietnam war.

It has been a great pleasure having you with us on Issues and Answers.

Senator HARRIS. Thank you.

THE NATIONAL COMMITMENTS RESOLUTION

Mr. McGEE. Mr. President, the Senate will, before many days have passed, be considering the so-called national commitments resolution. The press has taken note of this fact, and lately has produced a number of editorials and columns which question whether this is the right approach for the Senate to take in reasserting its foreign policy role. As one who dissented when the resolution was reported to the Senate, I agree with the Christian Science Monitor, for instance, which has said the resolution does "seem to have dangerous possibilities." And I agree with columnist Charles Bartlett, who wrote on June 5:

> The Senate obviously has a role to play in a transitional period of American foreign policy. But it will assume that role by dealing with the crucial questions instead of with peripheral issues like Senate Resolution 85.

Mr. President, I ask unanimous consent that the Monitor editorial and the Bartlett column be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 20, 1969]

A RESTRICTIVE RESOLUTION

By the time Secretary of State Rogers returns from his two-week Asian tour, the Senate may have begun debate on Senate Resolution 85. The Senate had better be very certain that it knows what it's getting into.

This "National Commitments" resolution was developed by Sen. William Fulbright and his Foreign Relations Committee. It would declare it to be the "sense of the Senate" that the President shall make no commitment to any foreign nation unless that commitment be approved by Congress. A committee report further avers that the resolution's primary purpose is to assert congressional responsibility in any decision "to commit the armed forces of the United States to hostilities abroad, be those hostilities immediate, prospective or hypothetical. . . ."

Obviously the senators were thinking of Vietnam. Some committee members praise the resolution as reestablishing a necessary degree of congressional authority in foreign policy. The aim, they say, is to assure that a president won't again embark on some Vietnam-type of hostilities, with the Senate uncommitted and unconsulted. (Congress of course did give the president wide authority on Vietnam, in the Tonkin Bay resolution—and now wishes it hadn't).

Critics say the proposed resolution would be almost as dangerous a limitation on presidential authority as was the proposed Bricker amendment—that it represents senatorial pique and carries a strong whiff of isolationism.

Despite good senatorial intentions, the resolution does seem to have dangerous possibilities. (Resolutions don't have to be heeded by the White House, but they are influential.) In a time when swift response is needed, this resolution would mean that the White House would have to await the pleasure of the Senate. An atomic-age crisis might depend on a Senate quorum. Would President Kennedy have been able to move quickly and quietly in the Cuba missile crisis, if such a resolution had been on the books? Would President Roosevelt have been able to consummate his destroyer-bases swap with Britain?

It is of course essential that the Senate increase its influence and responsibility in foreign affairs. There has been overmuch presidential free-wheeling, particularly in the Johnson years. But the Senate can best boost its influence by convening competent committee hearings eliciting able testimony by holding influential debates on the floor, and by showing its own ability to respond to crises with clarity and dispatch. Congress will not improve matters by curtailing the freedom of the executive—by restricting the President's preeminence in foreign policy and his ability to act speedily in tune with fastmoving events.

[From the Washington (D.C.) Evening Star, June 5, 1969]

SENATE SEEKS PIECE OF THE ACTION

(By Charles Bartlett)

Still lacking a bite to match it barks of frustration at Congress' impotence in foreign affairs, the Senate has embarked on a complex nibbling operation.

The perennial mood to circumscribe executive power is being fanned by disappointment with President Nixon's stand against liberalizing East-West trade, by impatience with the Paris negotiations, and by the surge of popular sentiment against the military, focussed for the moment on the issue of the ABM.

One imminent reaction will be the Senate's consideration and probable passage of Senate Resolution 85, and assertion that a national commitment to a foreign power can only be executed through a treaty or convention that is approved by legislative action.

The resolution is designed to be a turning point in the erosion of Congressional power over foreign policy but it is conceded to be a small step, a splattering of balm which the State Department views with far less apprehension than it nursed toward the Bricker amendment in the 1950s.

The hard fact is that the disinclination of the executive branch to take Congress into partnership in foreign affairs is the growing legacy of a series of presidents whose earlier service as senators taught them that it is a mistake for any president to consult with Congress in a crisis until he knows exactly what he wants to do. As Harry Truman put it, "There can be only one voice . . ."

Congress is too hydraheaded an animal to be a comfortable partner in close deliberations on a taut situation. The President knows that he will bear the responsibility for the steps that are taken and he suspects that no member of Congress is as deeply immersed in the problem, from the standpoint of having read the cables and intelligence, as he and his staff. Presidents find it expedient to consult key legislators but difficult to take their advice.

Congress is spurred, on the other hand, by constitutional authorities who maintain it has been cowardly in deferring to executive wisdom. The quality of that wisdom is increasingly challenged by the disillusionment in Vietnam and by apprehensions of the entanglements that may arise from other commitments.

Senate Resolution 85 will not go far to balance the uneven tug-of-war. Congress has the constitutional power to declare war but the President holds the options in defending the national security. He is the Commander-in-Chief, empowered to meet the threats which he perceives.

More to the point is the suggestion by Sen. Gale McGee, D-Wyo., that the Senate concentrate on re-examining the assumptions and commitments which guide the President's conduct of foreign policy. The hypotheses on which treaties were ratified and bases were established in the 1950's should be restudied in the light of the new skepticism.

The SEATO Treaty, ratified 16 years ago with one dissenting vote, is a case in point. Few knowledgeable officials believe the end of the war in Vietnam will mark the end of guerrilla incursions against neighboring nations like Thailand and Cambodia. The threat of Communist takeover may be strong and the commitments are firm. How will the United States, fatigued and disillusioned with Southeast Asia react?

The key argument for the SEATO Treaty was derived from the NATO experience. "The pact is inspired," said Chairman Walter George of the Foreign Relations Committee, "by the conviction that a potential aggressor may be deterred from reckless conduct by a clearcut declaration of our intentions." While this premise had worked in Europe, it has proven inapplicable in Asia and the time is ripe for re-examination.

Senate dissent from the course of foreign policy is a valuable contribution when it bears on a situation in which options remain open. The weakness of much of the dissent on Vietnam has been its failure to provide alternatives. The senatorial pressure to reduce the troop commitment in Europe and the current scrutiny of the value of the base agreements in Spain, Greece and Turkey are far more useful.

The Senate obviously has a role to play in a transitional period of American foreign policy. But it will assume that role by dealing with the crucial questions instead of with peripheral issues like Senate Resolution 85.

PRISONERS OF WAR IN NORTH VIETNAM

Mr. FULBRIGHT. Mr. President, while the peace talks proceed in Paris without visible progress, North Vietnam has a significant opportunity to improve the negotiating atmosphere by performing a humanitarian service relating to prisoners of war. The bombing of North Vietnam, which resulted in so many Americans captured or missing in action—300 confirmed alive out of 1,400 missing—was halted more than 6 months ago. Still, according to the State Department, it has been impossible to obtain a list of the names of surviving American prisoners of war.

The North Vietnamese Government could perform a humanitarian service to the prisoners and their families, and also help to create a more favorable negotiating atmosphere by providing the names of the American prisoners of war; releasing sick and wounded prisoners on a reciprocal basis; permitting the regular delivery of mail; and allowing visits to the remaining prisoners by neutral representatives.

It is my sincere hope, as I know it is that of other critics of the war. that the North Vietnamese Government will see fit to take the steps suggested.

NEW JERSEY EDUCATORS ARE MEETING THE CHALLENGE OF EDUCATION

Mr. WILLIAMS of New Jersey. Mr. President, on Thursday, April 17, I had the honor of attending the Essex County Education Association's annual legislative dinner in Newark, N.J. It was a most impressive event. The more than 1,000 educators who attended were there to demonstrate their concern for quality education.

At the dinner, Alan Davenport, of Irvington, N.J., president of the association, delivered an address entitled "The Challenge of Crises." He eloquently and succinctly described many of the problems facing the education profession. His comments showed that our Nation's teachers want to provide the best possible education for young people. However, as Mr. Davenport also stated, educators must receive more help from government on all levels if relevant education is to be provided. I think it our duty as legislators to provide that assistance so that it will be commensurate with the dedication shown by Mr. Davenport and his fellow educators.

Because of the importance and relevancy of Mr. Davenport's comments, I ask unanimous consent that his speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Challenge of Crises

The theme of our dinner tonight is a pertinent one. There are crises and there are challenges around and among us in increasing amount. Because of our existence in Essex County as concerned educators, officials and parents, we must seek ways to resolve crisis by thoughtful and foresighted planning rather than by abrupt and destructive confrontations.

Last April many of you were in attendance when our Annual Dinner was brought to a sudden and shocking close by the news of the assassination of Dr. Martin Luther King. The major address of an excellent speaker, Braulio Alonzo, then NEA President, was not heard that night. It was to have been concerned with problems of inter-group relationships throughout the country as he had observed and discussed said problems. The fact that we cut a program short was a minor crisis. The fact that Dr. King had been assassinated was a major crisis. The fact that we did not know what was happening in the streets outside our meeting was a major crisis, for in many cities around the country the assassination was a trigger for violence and strife.

Tonight we have no single keynote speaker. We feel privileged to present a number of distinguished speakers who are working daily to meet the needs of our area in terms of planning and legislation. Before we move to these sections of the program, I have been requested to present the concerns of the leaders of our local education associations in Essex County. My remarks will be primarily based upon the points brought out in a most stimulating discussion held at a local presidents' Roundtable last month.

First let me state that most of the concerns of educators throughout the county are based upon factors over which we have had little control. This is a county of vast disparities, containing the largest school district in the state and also several with under 50 staff members. It contains areas of economically and culturally deprived blacks and areas of whites with exceptionally high average incomes. Today, wherever such disparities exist the seeds of polarization and conflict also exist.

Many of our concerns have statewide origins. We are concerned about proper teacher preparation. The facilities for higher education in New Jersey are historically, presently, and as planned for the future, in no way adequate for our needs; and yet we live in one of the most highly urbanized and wealthiest states in the nation. We are concerned that our state institutions may be trying to expand the top of the plant by trimming the roots; that we may be trying to develop more placement for liberal arts students in higher education at the expense of teacher training. We simply lack proper facilities and financing to do both.

Some of our specific concerns with teacher training are the following questions:

Where are we preparing the teachers to be capable of starting their service with successful experiences in inner city schools?

Are we developing programs which prepare teachers to lead their pupils in the growth of proper values concerning respect for all others in our society and the ethical values which go with this concern?

Are our teacher preparation courses sufficiently realistic in subject matter, innovative in procedures, adequate in student teaching experience and small enough in class size and teacher load to develop the kinds of starting teachers we so desperately need?

Many of the items of concern over higher education have been caused by the same basic problem which has caused concerns in the K to 12 public schools; the problem of school finance. Our public schools are financed in far too great a proportion by the

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local property tax. Their progress is retarded by the fact that this is the closest tax area and citizens who are upset by rising costs of local, county, state and federal government often find they can be effective only in defeating local school budgets. Their protests against spiralling costs in all areas result in local school budget cuts. We, who feel so strongly concerning the importance of education that we have chosen this field for our major life's endeavor, feel wounded when a budget is cut, for it means expansion of some programs are also cut.

Perhaps we need a state income tax so that more citizens will pay a share of state aid to education. Perhaps we need expansion of the sales tax. Perhaps we need more excise or inheritance taxes. Certainly what we don't need is a continuation of the patchwork system which has grown up in this state. Probably we need a state tax convention or some other method of development of a master plan for equitable state taxation. Certainly we need greater state aid to educational expenses at all levels and a more equitable aid program in terms of the needs of the areas involved.

Some specifics on needs: In the Newark schools, where there is the greatest need for small group instruction, some 600 additional teachers would have to be hired to limit class sizes to 30. In all our inner city areas there is a problem brought about by our transient population. Some schools are running out of space on their registers because so many families move about within a district. We also have problems caused by the transient teachers. Turnover of staff is at a very high level throughout much of the county. A planned program for development can only be carried out where a large majority of the staff are going to remain within a school for a long enough period to see it implemented.

The final great concern of educators in this county is in terms of communications. The two major areas of the problem are the communication in terms of staff and school board and the communciation between staff and pupils.

Perhaps some chaos is necessary to realize the needs for orderly systems. The present situation in terms of negotiations and so called teacher militancy is a peaceful evolution in some systems and rather chaotic in others. We are finally coming down to a point of developing some specific ground rules. Hopefully the role of the teacher, the administrator, the board of education member and the parent will be accurately defined when we have finished. The negotiation of a comprehensive contract within a district is a new way of stating the rights and responsibilities of all those directly involved in the educational system. Let us hope that no one person or group becomes so excited about any one particular prerogative that they lose sight of the goal of setting a smooth pattern for the entire process of educating our children.

Communication between educators and their pupils is a far more complicated problem. We're all concerned with the so-called "generation gap" and are beginning to realize some of the causes, which is a first step in planning solutions. Our standards are so different from those of many of the pupils we teach, and it is small wonder. Most of us were not brought up in an age when television was the center of most of our pre-school education or the competing factor for most of our interest during our school days. Do children expect every teacher to have the polish, knowledge, talent and poise of the entertainers they observe daily on their television screens? None of us were raised in today's "anything goes" attitude towards the presentations on screen, stage and in books of much which would have been (or was) labelled obscene a few years ago. Legal rights of those thought guilty of crimes against society have been redefined, and naturally the rights of pupils in our schools have also been redefined. It is hard for many educators to adjust to changes in standards. Whenever an educator is having a hard time adjusting to a situation, there are always some of his charges present who will find a way to use this factor in terms of a trying-out or challenge to his authority.

One interesting sidelight concerns dress codes. This is far more a problem in the more affluent, suburban communities than in the inner city where low incomes are a problem. The feeling at our president's roundtable was that the suburban kids protested that they had the right to dress as sloppily as they pleased, because they had fewer really important issues to protest (and the right to protest is important to youth today). In the inner city schools the pupils dress as well as they can because they have a feeling of pride in dress and wish to show that they are important in this world.

Because all people have value to society simply by being themselves with their own contributions to make, it is a shame we can't do more to foster this feeling of presenting the best of each of us to the world around us. It is so important to those who are growing up. It is also important for those of us who are planning the way in which they grow. Let us have more planning to solve problems, more challenge for a better world and fewer crises in our country.

MEANINGFUL REHABILITATION FOR PRISON INMATES

Mr. GOODELL. Mr. President, on March 28 I attended a rather unusual graduation ceremony. Prison inmates do not ordinarily receive diplomas, but at Sing Sing Prison, in Ossining, N.Y., 16 men recently completed a pioneering in-prison computer programing training course conducted for the New York State Department of Corrections by the Electronic Computer Programing Institute—ECPI. Nine of the graduates are currently inmates, and seven who were recently paroled returned for the awarding of their diplomas.

This program is a breakthrough in our efforts to provide meaningful rehabilitation as a part of our penal system. What we need and seldom have had are men returned to public life, fully rehabilitated, from our correctional institutions. Vocational and educational programs must be a part of their preparation to rejoin society. Because this program is designed for the principle purpose of trying to reshape, redeem, and reclaim men's lives, it is a living example of hope and a model for future advances in this area.

Mr. President, I ask unanimous consent that the text of my speech at the Sing Sing graduation, a statement by Sidney Davis, president of ECPI, and an editorial from the New York Times on this event be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Goodell Urges Emotional as Well as Physical Release From Prison Chains

(Remarks made by Senator Charles E. Goodell on the occasion of a graduation ceremony at Sing Sing Prison for inmates completing a computer training course)

Of all of the degrading cycles of man, one of the most self-defeating is that of crime, prosecution, and imprisonment.

"The degree of civilization in a society," Dostoevski wrote in the 'House of Dead' "can be judged by entering its prisons."

If we accept Dostoevski's dictum, our society is less civilized than we pretend.

Now in this last great wilderness of social reform, a new symbol of hope has emerged. What we find in the Electronics Computer Programming Institute is infinitely more than just a symbol. It is a program designed for the principal purpose of trying to reshape, redeem, and reclaim men's lives.

The Computer Programming's innovative approach offers, a much needed, serious attempt at freeing those individuals so bound by that unholy troika, which kills the spirit and souls of men.

What society requires, and so seldom has had, is men returned to public life fully rehabilitated; or in the words of Webster, "restored to health."

For too long our correctional system has been shielded from public view and too slow to change. The consequences have been depressive, not just for a society on the outside which is free, but even more depressing for the imprisoned one.

Change, therefore, is imperative.

What is occurring here in Sing Sing is a momentous step forward. It is heartening that man can make use of coldly calculating computers to bring warmth, hope and understanding to other men; men who but for this search for solution, would be doomed to the hopelessness of the self-defeating cycle.

Nor should this be mistaken for a so-called "soft" attitude; on the contrary it is a "hard" attitude; hard in the sense that it is unafraid to grapple with facts, unafraid to admit error and unremitting in its search for light, where darkness now exists.

This approach, as any sound corrective program should, seeks to make certain that the newly entering inmate doesn't become infected with the psychological virus—"Abandon hope, all ye who enter here."

There must be more than opportunity for rehabilitation—rehabilitation must be made a part of the general theme of prison life.

Certainly the more heinous the crime the more harsh and lengthy should be the punishment. However, no one has been able to provide for us a definitive answer to the question as to how much time it takes to rehabilitate a man.

Chronology is not the yardstick by which to measure man's inner sense of search for social fulfillment.

Too often lengthy prison experience, rather than better preparing a man to exist harmoniously in the streets, often winds up drawing him further away.

The prisons of tomorrow must offer greater opportunity for the imprisoned to know and to better understand the other massive part of society so that he might be able to return to a rightful place there with a sense of dignity.

Presently, prisoners spend most of their time with other inmates consoling with one another and thereby accumulating unbalanced viewpoints of mankind's aspirations and potential.

In re-evaluating our approach to the prisoner, we must consider the utilization of untapped manpower. The successfully rehabilitated ex-convict has been shut off from many of our prisons.

Yet, this model is a living example of hope, a condition which many have abandoned.

The ex-offender knows the language, can recognize the feelings and can identify with the problems of the inmate. If former inmates can be used to work with the imprisoned, we can establish a realistic bridge to the offender. We have learned how the former alcoholic has dealt with the drunk, how the ex-addict deals with the narcotics user.

Thus, our prisons should not be afraid to open their doors to former residents. We must utilize the knowledge of those who have successfully returned to society. They

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can help the man in the yard, who has no one to listen to but the already hardened convict talking out of the side of his mouth about what he'll do and to whom when he hits the street.

Man's spirit cannot be lifted if he is made to feel that he is forever consigned to halls of hopelessness.

We must help men to find meaningful alternatives.

There *must* be . . . there *has* to be a constant research for better ways to fight crime. Given the frailty of the human being obviously a total abstinence from sin is a Utopian dream. Man, therefore, uses punishment to prevent the breaking of his laws. And make no mistake; punishment is often an important factor in deterring crime; those who raise children are well aware of this fact. The question is when does the deterrent force go beyond its preventive point and become an emotional act of vengeance on the part of an irate community conscience.

Too often there are those among us who see punishment as a form of revenge for the transgression of the weak; an exacerbated Calvinistic attitude that breeds added resentment in the heart of the transgressor.

We demand of this offender that he spend some number of years in a social environment completely antipathetic to the social system he has just left and to which he will return upon his release.

This in itself is madness.

Can we expect a human being who comes into a penal institution already having shown a lack of understanding of his proper role in society to then magically absorb this understanding through constant exposure to a prison society inimical to that one outside the walls?

The obvious answer is that greater thought and greater effort must be given to preparing the inmate for the day of his release.

It is fine and wonderful that he be prepared academically and vocationally; employment will be a basic need; but an even greater need is the need to fully comprehend his role as a human being among other human beings.

We must help to mend broken lives so that thinking and aspirations become realistic.

A man released from prison can either make it or he can return to his former life of crime. This is our challenge.

As Oscar Wilde wrote in the Ballad of Reading Gaol:

"This too I know—and wise it were
If each could know the same—
That every prison that men build
Is built with bricks of shame,
And bound with bars lest Christ should see
How men their brothers maim."

STATEMENT BY SIDNEY DAVIS, PRESIDENT, ELECTRONIC COMPUTER PROGRAMING INSTITUTE, SING SING PRISON, MARCH 28, 1969

We at ECPI first came to the New York State Department of Correction and Sing Sing Prison 16 months ago with an idea. An idea to train prison inmates in computer programming. It was an idea that we were pretty sure would work—and today, only a year and a half later—a short time really, to originate and implement such a program—and get results—we have the evidence that it does work.

It works because it meets a need.

More and more we hear the words, rehabilitation, training, opportunity. These words signify a new awareness of the fact that as a society we must provide greater opportunity to more of our citizens—to all of our citizens.

In working through our schools, with tens of thousands of men and women from all backgrounds, young high school graduates, men in their thirty's and forty's with families to support, who find themselves in dead-end jobs, people on the welfare rolls referred to us by government agencies, aggressive people seeking a firmer grasp on a rising career—I have come to recognize a common current of desire—a desire for opportunity. These people seek an opportunity to prove themselves—and to improve themselves.

Because our society puts an ever greater demand on skills, on special training and experience, on ability—the people without an opportunity are left out. And they react accordingly.

I would pose the question: Where would these men graduating today be now if we could have offered them the same opportunity for education and training earlier in their lives?

We must extend the borders of opportunity. We must provide meaningful rehabilitation in human terms. Rehabilitation and training that has meaning. That offers people a genuine opportunity to prove their worth. Programs such as we are witnessing today, are not limited in application to prisons. They can be adopted by other institutions, by other Federal and state agencies, concerned with the basic problem of opportunity. You can call it poverty programs, rehabilitation programs, wider employment programs—but it comes down to opening the door to opportunity.

And that is what he had in mind when we first proposed this computer training program to Commissioner McGinnis and Warden Deegan.

We had confidence in the idea because we knew there was a need for computer programmers. Industry and business were crying for trained men. We had confidence, because we knew what was needed to make a computer programmer, and we had the knowledge, techniques and ability to train these men.

We knew we weren't working in a vacuum. The skills that these men learned here, would enable us to place them in responsible jobs when they left prison.

We can claim success because these men here today displayed a dedicated interest in learning a profession—and they had the motivation. That's the key word, *Motivation*. These men hoped that with the proper training in computer programming that a meaningful new career would be open to them—a career that offers dignity and respect. Members of our original pilot class had the same hopes and expectations. Ten members of that first class have been released and are working in the data processing field. Some of these men are sitting in our audience today. They now find that their hopes have become reality.

We are proud of these special students of ours—they have proved that they are willing to work, to study and learn. And in completing this course they have displayed a high level of ability. It's not an easy course; it's the same one we use in our 100 schools across the country. It's up-to-date with modern data processing procedures and language, and to complete it the student must show he has mastered programming language and techniques.

The computer training program here in Sing Sing has brought a special satisfaction to us at ECPI. The ceremony here today signifies more than the completion of one manpower training program. It is to us, a forerunner of many similar graduation ceremonies in institutions across the country. With our success here we have been able to introduce similar programs in two other prisons—the Lebanon Correctional Institution in Ohio, and the Luzerne Prison in Pennsylvania. Prisons in several other States are currently looking into computer programming training with extreme interest.

Rehabilitation and training programs such as this offer great hope to many, many men in our society. If we can reach more young men and women, before they get into trouble—if we can offer them an opportunity for training—a chance for a meaningful career—maybe then the need for programs such as this will lessen.

Maybe, someday, if we can reach these people in time, we can rebuild this institution into a great training and educational facility dedicated to hope and to the future—and not to the principle of imprisonment—I am sure that Commissioner McGinnis and Warden Deegan would join me in looking forward to such a day.

[From the New York Times]

SING SING'S GRADUATION

It was an unusual ceremony that told something about the graduates, something about the institution and something about society. The Sing Sing band, strong in the brass section, filled the wedge-shaped auditorium with a rousing rendition of "The Star-Spangled Banner," and the graduation speakers included Godfrey Cambridge, the comedian, and James Earl Jones, star of "The Great White Hope." Senator Charles E. Goodell told the graduating class, sitting erect and attentive, that it was probably the most law-abiding graduating class of the year.

The sixteen graduates had completed a pioneering in-prison course which qualified them as computer programing trainees, a classification that can mean up to $10,000 a year, with prospects for rapid advancement. Nine of the graduates were prisoners, scheduled for release soon. Seven had been inmates until recently and returned for the ceremony.

Not all prison inmates can be trained as computer programers, of course, but the initial success at Sing Sing illustrates that inmates can be trained for a far wider and more rewarding range of jobs than they have been in the past. There is little market outside of prisons for automobile license plate makers.

Job training as well as individual rehabilitation efforts have been too generally ignored in penal institutions that tend, even now, to consider themselves only holding operations in the war against crime. Correctional institutions are not correcting. Of all the men now in prison, about 40 per cent will be back after their release. This is an unacceptable figure which society has accepted for too long. Sing Sing itself has to graduate into the role of rehabilitation center, as do other prisons elsewhere. Last week's ceremony was welcome evidence that it is going to try.

FULL FUNDING OF EDUCATIONAL PROGRAMS

Mr. MUSKIE. Mr. President, throughout the Nation there is an urgent demand that Congress face honestly and forthrightly the funding problems of educational programs and agencies.

Each level of education from kindergarten through graduate school is interrelated and depends upon the work done by the other. We in Congress have recognized the interlocking nature of educational programs, and we have enacted legislation covering education from Headstart through graduate school.

But what has happened to these educational programs? Why is there growing concern over the future of Federal aid to education in this country?

Let us look at the budget estimates which will shortly be considered before the Subcommittee on Appropriations presided over by the able senior Senator from Washington (Mr. MAGNUSON).

We find in the requests for student aid funds—loans under title II of the National Defense Education Act, the edu-

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cational opportunity grant program and the college work-study program—that only $461 million will be available for these three major financial assistance programs to college students, although colleges and universities asked for $814 million.

For NDEA title II loans, the President is asking for only $155 million. Last year the Congress provided $190 million. That did not meet the need. We ought to do better, for the need is greater.

Under the category of academic facilities construction, we find another example of a disparity between promise and performance. According to projections made by the spokesmen for higher education institutions before the Subcommittee on Education there is an annual need in the United States for about $4 billion for college academic facilities construction. Under the construction statute as amended, up to 50 percent of the cost could be met as a Federal share.

Congress authorized $1,074,750,000 for construction for fiscal year 1970 for 2- and 4-year colleges and graduate facilities. The amount contained in the revised budget is $65,850,000—less than 5 percent of the authorization. No construction funds are provided for 4-year undergraduate facilities. No construction funds are provided for graduate facilities.

In my own State of Maine, if this budget is accepted, our smaller schools, which have proceeded in good faith with their construction plans, will be in very serious difficulty. I have spoken to the administrative heads of some of these schools and I know their situation. Their problem is duplicated in State after State, school after school, throughout the Nation.

But this is not the only area of concern. Title II of the Elementary and Secondary Education Act, which pertains to school library resources for public and private elementary and secondary schools, was entirely eliminated from further funding in the revised budget. Last year, for this purpose, $253,111 was appropriated for the State of Maine, and that was not the full authorization. The Maine Bureau of Secondary Education estimates that approximately 257,000 school pupils will have fewer library books and other resources next year if the appropriation for title II, ESEA, is eliminated; 425 schools in Maine which are without libraries will be unable to to establish these vital instructional centers.

Mr. President, I ask unanimous consent that at this point in my remarks there be printed material which was made available to me by the American Library Association containing information on the effect of the proposed fiscal year 1970 library budget cuts in the State of Maine.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIBRARY SERVICES AND CONSTRUCTION ACT

The reduction in Title I appropriations, public library services, recommended by the Administration and the elimination of any funds for Title II, public library construction, will have a serious effect on development in the State of Maine, as shown by the following figures.

State	Title I—Services		Title II—Construction	
	Fiscal year 1969 allotments	Fiscal year 1970 budget (estimated allotment)	Fiscal year 1969 allotments	Fiscal year 1970 budget (estimated allotment)
Maine	258,291	165,022	106,355	0

ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE II—SCHOOL LIBRARY RESOURCES*

According to the Maine Bureau of Secondary Education, approximately 257,500 school pupils will have fewer library books and other resources next year if the appropriation for ESEA II is drastically reduced or eliminated. All children will be affected, but Indian children will be especially hurt.

A reduction in federal funds under this title will mean that 425 schools in Maine which are without libraries, will still be unable to establish these information centers. Maine schools need the stimulus of federal support in order to improve the quality of school libraries in the State, most of which still do not meet either nationally accepted standards or the standards set by the State.

HIGHER EDUCATION ACT—TITLE II-A—COLLEGE LIBRARY RESOURCES*

William C. Ahrens, Librarian of the University of Maine, reports that his institution needs supplemental grants under HEA II in order to support new curricular programs with back files of journals, and extensive purchase of out-of-print and original material. Federal support is also needed for the filming of old Maine newspaper files and other historical records of the State and New England.

Kenneth P. Blake, Jr., Librarian of Colby College, reports that new courses in minority group history and culture has increased the demand for library materials. The Colby College Library is in need of federal grants for the purchase of both printed and audiovisual materials, and audio-visual and television equipment.

Mr. MUSKIE. Mr. President, in addition, from the same source, I ask unanimous consent to have printed in the RECORD a program summary for fiscal year 1968 covering the operation in Maine of the Library Services and Construction Act as amended.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

MAINE LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED

PROGRAM SUMMARY OF FISCAL YEAR 1968

In fiscal 1968, Maine participated in all five programs of the Library Services and Construction Act. Titles I and II were continued from previous years; Titles III, IV–A, and IV–B were initiated as operational programs under the plans which had been developed in fiscal 1967. No matching funds were required for Titles III and IV in fiscal 1968.

PROGRAM FUNDS FISCAL 1968

Title	Total	Federal obligation
I, public library services	$431,760	[1] $255,257
II, public library construction	571,263	321,311
III, interlibrary cooperation	5,127	[2] 5,127
IV–A, State institutional library services	33,377	[2] 33,377
IV–B, services to the handicapped	20,099	[2] 20,099
Total	1,061,626	635,171

[1] Full allotment of $258,291 was not earned.
[2] Did not use full Federal allotments

Title I. Public library services

Seven projects were carried on under this title, four of which were new in fiscal 1968. The largest, and oldest, project is the bookmobile service which brings service to 133,000 residents of Maine, still with little or no public library service. Eight bookmobile areas cover sixteen counties. Two Indian Reservations are served in Washington county.

Two other on-going projects are the publication of the *North Country Libraries*, and the maintenance of the *North Country Library Film Cooperative*. These are jointly funded with Vermont and New Hampshire. *North Country Libraries* is sent to all 253 public libraries in the State, and to all 1,600 trustees. The Film Cooperative reports continued increase in use:

Films borrowed		*Audience*	
1967	934	1967	41,021
1968	1,603	1968	50,033

Incentives to inservice training for librarians in towns of 10,000 population or less were offered through new scholarships to the Public Library Techniques course at the summer session, University of New Hampshire. Four librarians took the course. Two hundred and four (204) town libraries in Maine serve populations less than 10,000, so the training problem is great.

In an effort to encourage public libraries to attain Maine's minimum standards adopted in the Maine State Plan for Service, a new incentive project of periodical grants was carried out in 1968. (Companion project in 1967 was a reference book grant.) With emphasis on meeting the standard for library hours open, the project provided to such eligible libraries the opportunity to select one-year subscriptions to their choice of certain periodicals and periodical indexes. The purpose of the grants was to demonstrate the need for extensive periodical use in study and research. Sixty-eight (68) libraries participated.

Two more new projects in fiscal 1968 address themselves to the great problem in Maine of better understanding of the library programs in order to show the need for an increase in State and local support. A consultant to trustees was retained on a part-time basis to provide advice, education in library trusteeships, and program development. Only two other States have such a position. Response to this consultant's work has been good. The project is being continued as a long-range necessity.

Similarly, another new effort is being made with a public relations firm to attain better knowledge and acceptance of the library as a public service institution. Publicity in all media, publications, and special program design, such as for National Library Week, has been included in the 1968 project.

Title II. Public library construction

The one construction project on-going in 1968 is the Maine State Library and Cultural Building. Construction is under way, with completion anticipated in 1970.

Title III. Interlibrary cooperation

Establishment of the teletype-telephone network did not take place until March 1968, due to late funding. Four teletype machines in public libraries, Auburn, Bangor, Portland, and Waterville; four in colleges, Bates, Bowdoin, Colby, and University of Maine, are linked with the teletype in the State Library. Thirty-six (36) other public libraries and eleven (11) other colleges are furnished with a WATS telephone line, providing ex-

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*Information compiled from replies to questionnaires sent out by ALA Washington Office at the time of the January 1969 budget recommendations.

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tensive coverage for interlibrary loan and reference question service.

A second project which is being supported under Title III is the development of area library councils. These councils consist of members from all types of libraries within a given area or community and have as their purpose the local development of cooperative activities.

Title IV–A. State institutional library services

The eight State-supported institutions in Maine have cooperated heartily in developing plans for improved library services to inmates of the correctional institutions, mental hospitals, and the School for the Deaf. Title IV–A funds were used to provide books and audiovisual materials, to improve quarters, and to organize existing collections. The State Library position of consultant to institutional libraries still remains vacant, so full implementation of the program has not yet been effected.

Title IV–B. Library services to the physically handicapped

The Maine Division of Eye Care and Special Service is being reimbursed from Title IV–B funds for additional library services to handicapped individuals. Talking book machines and mechanical aids, such as page turners, are being placed in public libraries for demonstration and publicity. Sixty-nine (69) libraries received collections of large-print books, totalling 2,123 copies. A series of regional meetings has been held to publicize and encourage use of these materials and pieces of equipment.

The officer responsible for administering the State Plan is Miss Ruth A. Hazelton, State Librarian, Maine State Library, Augusta, Maine.

Mr. MUSKIE. Mr. President, not only have funds for library resources in the Elementary and Secondary Education Act been eliminated. Library services have been reduced by one-half, and funds for construction of new public libraries have been entirely eliminated.

It is hard for me to understand why this service, open to all Americans, which has had unquestioned public acceptance for decades, merits the cold lines contained in the explanation of the 1970 budget:

> In line with general policy to defer new construction starts in a tight budget, this reduction will eliminate funds for about 90 library construction projects from the 1970 budget.

I submit that the explanation given is susceptible only to the interpretation that education and the library, a component of education, are considered to be of "low priority." I hope and trust that Congress will show that it does not share this estimate of the value and utility of the services of the dedicated members of the teaching and librarian professions.

In the field of special education aids to elementary and secondary schools, the administration proposes to reduce ESEA title III from an authorization of $566,500,000 to $116,393,000. NDEA title V-A, guidance, counseling and testing, is eliminated, as well as NDEA title II for equipment and remodeling.

Congress has authorized $8,896,418,925 for education programs in fiscal year 1970. In the professional judgment of the U.S. Office of Education, $4,579,178,455 is needed to carry out the agency's responsibility for these programs. Yet the administration has proposed an education budget of $3,221,745,455. This is $5,576,673,470 less than authorized, and $1,357,433,000 less than requested by the professional staff at the U.S. Office of Education. These figures are a matter which should be given careful scrutiny by all of my Senate colleagues as in the months to come we are asked to exercise responsibility through our approval of the appropriation bills and conference reports which will come before the Senate.

Mr. President, I ask unanimous consent that there appear at this point in my remarks the full history of the 1970 budget of the U.S. Office of Education.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization [1]	Appropriation [2,3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
Elementary and secondary education	$3,249,059,274	$1,475,993,000	$3,612,054,470	$1,553,855,000	$1,558,327,000	$1,525,876,000	$1,415,393,000
School assistance in federally affected areas	640,112,000	521,253,000	701,593,000	458,502,000	315,167,000	315,167,000	202,167,000
Education professions development	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000
Teacher Corps	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000
Higher education	1,689,428,706	815,444,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000
Vocational education	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000
Libraries and community services	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709.000
Education for the handicapped	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000
Research and training	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000
Education in foreign languages and world affairs	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000
Research and training (special foreign currency)	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Salaries and expenses	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000
Civil rights education	(4)	10,797,000	(4)	16,500,000	13,800,000	13,750,000	20,000,000
College for agriculture and the mechanic arts	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund	(4)	0	(4)	10,826,000	10,826,000	10,826 000	10,826,000
Higher education facilities loan fund	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000
Total	7,479,682,435	3,676,599,967	8,895,358,925	4,579,178,455	3,987,694,455	3,591,314,455	3,221,745,455
Elementary and secondary education:							
Educationally deprived children (ESEA–I)	2,184,436,274	1,123,127,000	2,359,554,470	1,171,500,000	1,226,127,000	1,226,000,000	1,226,000,000
Local educational agencies (ESEA–I)	(2,072,075,264)	(1,020,438,980)	(2,238,402,205)	(1,061,414,905)	(1,115,347,932)	(1,115,222,202)	(1,115,222,202)
Handicapped children (ESEA–I)	(29,781,258)	(29,781,258)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)	(32,128,027)
Juvenile delinquents in institutions (ESEA–I)	(12,459,014)	(12,459,014)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)	(13,518,269)
Dependent and neglected children in institutions (ESEA–I)	(1,487,086)	(1,487,086)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)	(1,564,245)
Migratory children (ESEA–I)	(45,556,074)	(45,556,074)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)	(49,214,654)
State administration (ESEA–I)	(23,077,578)	(13,404,588)	(24,727,070)	(13,659,900)	(14,353,873)	(14,352,603)	(14,352,603)
Dropout prevention (ESEA–VIII)	30,000,000	5,000,000	30,000,000	27,000,000	27,000,000	24,000,000	24,000,000
Bilingual education (ESEA–VII)	30,000,000	7,500,000	40,000,000	15,000,000	10,000,000	10,000,000	10,000,000
Supplementary educational centers (ECSA–III)	527,875,000	164,876,000	566,500,000	214,000,000	172,000,000	172,876,000	116,393,000
Library resources (ESEA–II)	167,375,000	50,000,000	206,000,000	41,400,000	46,000,000	42,000,000	0
Guidance, counseling, and testing (NDEA V–A)	25,000,000	17,000,000	40,000,000	19,800,000	18,000,000	12,000,000	0
Equipment and minor remodeling (NDEA–III)	204,373,000	78,740,000	290,000,000	16,155,000	17,950,000	0	0
Grants to States	(96,800,000)	(75,740,000)	(105,600,000)	(13,155,000)	0	0	0
Loans to nonprofit private schools	(13,200,000)	(1,000,000)	(14,400,000)	(1,000,000)	0	0	0
Equipment and minor remodeling (NDEA–III):							
State administration	[5] (10,000,000)	(2,000,000)	[5] (10,000,000)	(2,000,000)	0	0	0
Grants to local educational agencies	(84,373,000)	0	(160,000,000)	0	(17,950,000	0	0
Strengthening State departments of education (ESEA–V)	80,000,000	29,750,000	80,000,000	35,000,000	32,000,000	29,750,000	29,750,000
Grants to States	(76,000,000)	(28,262,500)	(76,000,000)	(33,250,000)	(30,400,000)	(28,262,500)	(28,262,500)
Grants for special projects	(4,000,000)	(1,487,500)	(4,000,000)	(1,750,000)	(1,600,000)	(1,487,500)	(1,487,500)
Planning and evaluation (ESEA Amendments of 1967, IV)	(4)	0	(4)	14,000,000	9,250,000	9,250,000	9,250,000
Total	3,249,059,274	1,475,993,000	3,612,054,470	1,553,855,000	1,558,327,000	1,525,876,000	1,415,393,000
School assistance in federally affected areas:							
Maintenance and operation (Public Law 874)	560,950,000	505,900,000	622,246,000	434,929,000	300,000,000	(300,000,000)	187,000,000
Payments to local educational agencies	(530,950,000)	(475,900,000)	(588,796,000)	(401,479,000)	(266,550,000)	(226,550,000)	(153,550,000)
Payments to other Federal agencies	(30,000,000)	(30,000,000)	(33,450,000)	(33,450,000)	(33,450,000)	(33,450,000)	(33,450,000)
Construction (Public Law 815)	79,162,000	15,153,000	79,347,000	23,573,000	15,167,000	15,167,000	15,167,000
Assistance to local educational agencies	(66,162,000)	(1,107,000)	(68,240,000)	(12,513,000)	(3,000,000)	(3,000,000)	(3,000,000)
Assistance for school construction on Federal properties	(13,000,000)	(13,000,000)	(11,107,000)	(10,000,000)	(11,107,000)	(11,107,000)	(11,107,000)
Technical services	(4)	(1,046,000)	(4)	(1,060,000)	(1,060,000)	(1,060,000)	(1,060,000)

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization [1]	Appropriation [2] [3]	Authorization [1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
School assistance in federally affected areas—Continued							
Evaluation	(4)	$2	(4)	0	0	0	0
Total	$640,112,000	521,253,000	$701,593,000	$458,502,000	$315,167,000	$315,167,000	$202,167,000
Education professions development:							
Preschool elementary and secondary	350,000,000	95,000,000	440,000,000	145,000,000	115,000,000	104,500,000	95,000,000
Grants to States (EPDA pt. B-2)	(50,000,000)	(15,000,000)	(65,000,000)	(20,000,000)	(20,000,000)	(15,000,000)	(15,000,000)
Training programs (EPDA pts. C, D, & E)	(300,000,000)	(80,000,000)	(375,000,000)	(125,000,000)	(95,000,000)	(89,500,000)	(80,000,000)
Encouragement of educational careers (EPDA sec. 504)	2,500,000	0	5,000,000	1,500,000	1,500,000	500,000	0
Total	352,500,000	95,000,000	445,000,000	146,500,000	116,500,000	105,000,000	95,000,000
Teacher Corps: Operations and training (EPDA pt. B-1)	46,000,000	20,900,000	56,000,000	31,100,000	31,100,000	31,100,000	31,100,000
Higher education:							
Program assistance	69,541,706	63,691,000	161,120,000	70,772,000	74,772,000	48,620,000	42,120,000
Strengthening developing institutions (HEA III)	(35,000,000)	(30,000,000)	(70,000,000)	(35,000,000)	(40,000,000)	(35,000,000)	(30,000,000)
Colleges of agriculture and mechanic arts (Bankhead-Jones Act)	(12,120,000)	(11,950,000)	(12,120,000)	(12,272,000)	(12,272,000)	(12,120,000)	(12,120,000)
Proposed supplemental	(7,241,706)	(7,241,000)	0	0	0	0	0
Undergraduate instructional equipment and other resources:							
Television equipment (HEA VI-A)	(1,500,000)	(1,500,000)	(10,000,000)	(1,500,000)	(1,500,000)	0	0
Other equipment (HEA VI-A)	(13,000,000)	(13,000,000)	(60,000,000)	(13,000,000)	(13,000,000)	0	0
Institutional sharing of resources (HEA VIII)	(340,000)	0	(4,000,000)	(4,000,000)	(3,000,000)	(750,000)	0
Improvement of graduate schools (HEA X)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(750,000)	0
Construction	1,068,000,000	106,753,000	1,074,750,000	292,100,000	240,816,000	171,770,000	65,850,000
Public community colleges and technical institutes (HEFA I)	(224,640,000)	(50,000,000)	(224,640,000)	(83,700,000)	(67,000,000)	(43,000,000)	(43,000,000)
Other undergraduate facilities (HEFA I)	(711,360,000)	(33,000,000)	(711,360,000)	(166,300,000)	(133,464,000)	(87,000,000)	0
Graduate facilities (HEFA II)	(120,000,000)	(8,000,000)	(120,000,000)	(30,000,000)	(25,577,000	(20,000,000)	0
Construction:							
Interest subsidization (HEFA III)	(5,000,000)	0	(11,750,000)	0	(2,675,000)	(10,670,000)	(11,750,000)
Proposed supplemental		(3,920,000)	0	0	0	0	0
State administration and planning (HEFA I):							
State administration	(7,000,000)	(3,000,000)	(7,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
State planning		(4,000,000)		(4,000,000)	(4,000,000)	(3,000,000)	(3,000,000)
Administration	(4)	(4,833,000)	(4)	(5,100,000)	(5,100,000)	(5,100,000)	(5,000,000)
Student aid	528,590,000	568,100,000	695,430,000	720,500,000	662,600,000	601,400,000	600,400,000
Educational opportunity grants (HEA IV-A)	[6] (70,000,000)	(124,600,000)	[6] (100,000,000)	(179,600,000)	(175,600,000)	(175,600,000)	(175,600,000)
Direct loans (NDEA II):							
Contributions to loan funds	(210,000,000)	(190,000,000)	(275,000,000)	(211,200,000)	(194,000,000)	(155,000,000)	(155,000,000)
Loans to institutions	(7)	(2,000,000)	(7)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Teacher cancellations	(4)	(1,400,000)	(4)	(4,900,000)	(4,900,000)	(4,900,000)	(4,900,000)
Insured loans (HEA IV-B):							
Advances for reserve funds	(12,500,000)	(12,500,000)	0		0	0	0
Interest payments	(4)	(62,400,000)	(4)	(81,400,000)	(62,400,000)	(62,400,000)	(62,400,000)
Computer services		(1,500,000)		(1,500,000)	(1,500,000)	(1,500,000)	(1,500,000)
Work-study programs (HEVA IV-C)	(225,000,000)	(139,900,000)	(225,000,000)	(175,500,000)	(165,000,000)	(154,000,000)	(154,000,000)
Student Aid:							
Cooperative education (HEA IV-D):							
Program support	(340,000)	0	(8,000,000)	(5,000,000)	(5,000,000)	(1,000,000)	0
Research and training	(750,000)	0	(750,000)	(500,000)	(500,000)	0	0
Special programs for disadvantaged students (HEA sec. 408):							
Talent search	(10,000,000)	(4,000,000)	(56,680,000)	(8,500,000)	(5,000,000)	(5,000,000)	(5,000,000)
Upward Bound		(29,800,000)		(31,700,000)	(31,700,000)	(30,000,000)	(30,000,000)
Special services in college				(18,700,000)	(15,000,000)	(10,000,000)	(10,000,000)
Personnel development	22,180,000	76,900,000	48,500,000	120,000,000	92,000,000	74,469,000	71,469,000
College teacher fellowships (NDEA TV)	(8)	(70,000,000)	(4)	(96,600,000)	(75,000,000)	(61,469,000)	(61,469,000)
Training programs (EPDA pt. E)	(21,500,000)	(6,900,000)	(36,000,000)	(16,400,000)	(10,000,000)	(10,000,000)	(10,000,000)
Public service education (HEA IX)	(340,000)	0	(5,000,000)	(5,000,000)	(5,000,000)	(3,000,000)	0
Clinical experience for law students (HEA XI)	(340,000)	0	(7,500,000)	(2,000,000)	(2,000,000)	0	0
Planning and evaluation	1,117,000	0	1,900,000	1,000,000	1,000,000	1,000,000	1,000,000
Total	1,689,428,706	815,444,000	1,981,700,000	1,204,372,000	1,071,188,000	897,259,000	780,839,000
Vocational education:							
Basic grants (VE Act of 1963, pt. B)	315,000,000	234,216,000	504,000,000	321,070,000	228,716,000	230,336,000	230,336,000
Transfer to Department of Labor	5,000,000	0	5,000,000	2,500,000	2,500,000	2,000,000	2,000,000
State advisory councils	(4)	0	Indefinite	3,850,000	1,850,000	1,680,000	1,680,000
National Advisory Council	[8] 100,000	0	150,000	150,000	150,000	200,000	200,000
Homemaking education (VE Act of 1963, pt. F)	(9)	14,000,000	25,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Programs for students with special needs (VE Act of 1963 pt. B)	40,000,000	0	40,000,000	15,000,000	15,000,000	0	0
Work-study (VE Act of 1963, pt. H)	35,000,000	0	35,000,000	28,000,000	28,000,000	0	0
Cooperative education (VE Act of 1963, pt. G)	20,000,000	0	35,000,000	17,500,000	17,500,000	14,000,000	14,000,000
Innovation (VE Act of 1963, pt. D)	15,000,000	0	57,500,000	30,000,000	30,000,000	13,000,000	13,000,000
Curriculum development (VE Act of 1963, pt. I)	7,000,000	0	10,000,000	5,000,000	5,000,000	2,000,000	2,000,000
Residential vocational schools (VE Act of 1963, pt. E)	45,000,000	0	55,000,000	5,000,000	5,000,000	0	0
Planning and evaluation	(4)	0	(4)	1,500,000	1,500,000	1,000,000	1,000,000
Total	482,100,000	248,216,000	766,650,000	444,570,000	350,216,000	279,216,000	279,216,000
Libraries and community services:							
Library services	80,000,000	40,709,000	96,000,000	44,000,000	42,000,000	40,709,000	23,209,000
Grants for public libraries (LSCA I)	(55,000,000)	(35,000,000)	(65,000,000)	(35,000,000)	(35,000,000)	(35,000,000)	(17,500,000)
Interlibrary cooperation (LSCA III)	(10,000,000)	(2,281,000)	(12,500,000)	(3,500,000)	(2,500,000)	(2,281,000)	(2,281,000)
State institutional library services (LSCA IV-A)	(10,000,000)	(2,094,000)	(12,500,000)	(3,000,000)	(3,000,000)	(2,094,000)	(2,094,000)
Library services to physically handicapped (LSCA IV-B)	(5,000,000)	(1,334,000)	(6,000,000)	(2,500,000)	(1,500,000)	(1,334,000)	(1,334,000)
Construction of public libraries (LSCA II)	60,000,000	9,185,000	70,000,000	15,800,000	15,800,000	9,185,000	
College library resources (HEA II-A)	25,000,000	25,000,000	75,000,000	25,000,000	25,000,000	25,000,000	12,500,000
Acquisition and cataloging by Library of Congress (HEA II-C)	6,000,000	5,500,000	11,100,000	5,500,000	8,500,000	7,356,000	4,500,000
Librarian training (HEA II-B)	[10] 11,800,000	8,250,000	[10] 28,000,000	8,250,000	8,250,000	8,250,000	4,000,000
University community services (HEA I)	10,000,000	9,500,000	50,000,000	14,000,000	10,000,000	9,500,000	9,500,000
Adult basic education	70,000,000	45,000,000	80,000,000	53,500,000	50,200,000	50,000,000	50,000,000
Grants to States (Adult Education Act)		(36,000,000)		(42,800,000)	(40,160,000)	(40,000,000)	(40,000,000)
Special projects (Adult Education Act)		(7,000,000)		(8,200,000)	(8,040,000)	(8,000,000)	(8,000,000)
Teacher education (Adult Education Act)		(2,000,000)		(2,500,000)	(2,000,000)	(2,000,000)	(2,000,000)
Educational broadcasting facilities, grants for facilities (title III, Communications Act of 1934)	12,500,000	4,000,000	15,000,000	13,625,000	8,625,000	5,625,000	4,000,000
Total	275,300,000	147,144,000	425,100,000	179,675,000	168,375,000	155,625,000	107,709,000

Footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION, SUMMARY OF FISCAL YEAR 1970 HISTORY—Continued

Appropriation and activity	Fiscal year 1969		Fiscal year 1970				
	Authorization[1]	Appropriation[2,3]	Authorization[1]	Estimate to Department	Department estimate to Budget Bureau	Johnson budget	Nixon amendments
Education for the handicapped:							
Preschool and school programs (ESEA VI–A)	$167,375,000	$29,250,000	$206,000,000	$34,000,000	$34,000,000	$29,250,000	$29,205,000
Early childhood programs (Public Law 90–538)	1,000,000	945,000	10,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Teacher education and recruitment	40,500,000	30,250,000	59,000,000	41,000,000	36,000,000	30,500,000	30,500,000
Teacher education (Public Law 85–926)	(37,500,000)	(29,700,000)	(55,000,000)	(38,000,000)	(34,000,000)	(29,700,000)	(29,700,000)
Physical education and recreation (Public Law 88–164)	(2,000,000)	(300,000	(3,000,000)	(2,000,000)	(1,000,000)	(300,000)	(300,000)
Recruitment and information (ESEA VI–D)	(1,000,000)	(250,000)	(1,000,000)	(1,000,000)	(1,000,000)	(500,000)	(500,000)
Research and innovation	26,250,000	14,600,000	36,500,000	27,500,000	21,500,000	18,350,000	18,350,000
Research and demonstrations (Public Law 88–164, sec. 302)	(14,000,000)	(12,800,000)	(18,000,000)	(18,000,000)	(15,000,000)	(14,050,000)	(14,050,000)
Physical education and recreation (Public Law 88–164)	(1,500,000)	(300,000)	(1,500,000)	(1,500,000)	(1,000,000)	(300,000)	(300,000)
Regional resource centers (ESEA VI–B)	(7,750,000)	(500,000)	(10,000,000)	(4,000,000)	(2,500,000)	(2,000,000)	(2,000,000)
Innovative programs (deaf-blind centers) (ESEA VI–C)	(3,000,000)	(1,000,000)	(7,000,000)	(4,000,000)	(3,000,000)	(2,000,000)	(2,000,000)
Media services and captioned films (Public Law 85–905)	8,000,000	4,750,000	10,000,000	6,000,000	5,500,000	4,750,000	4,750,000
Total	243,125,000	79,795,000	321,500,000	111,500,000	100,000,000	85,850,000	85,850,000
Research and training:							
Research and development		74,976,000		116,800,000	86,800,000	68,800,000	68,800,000
Educational laboratories (Coop. Res. Act)	(4)	(23,600,000)		(37,200,000)	(33,600,000)	(25,750,000)	(25,750,000)
Research and developments centers (Coop. Res. Act)	(4)	(10,800,000)		(10,800,000)	(10,800,000)	(10,000,000)	(10,000,000)
General education (Coop. Res. Act)[11]	(4)	(26,951,000)		(45,200,000)	(26,025,000)	(26,950,000)	(26,950,000)
Vocational education (VE Act of 1963)	35,000,000	(11,375,000)	56,000,000	(16,600,000)	(11,375,000)	(1,100,000)	(1,100,000)
Evaluations (Coop. Res. Act)	(4)	(1,250,000)		(5,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
National achievement study (Coop. Res. Act)	(4)	(1,000,000)		(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Major demonstrations (Coop. Res. Act)	(4)	1,000,000		24,300,000	10,250,000	5,250,000	5,250,000
Experimental schools		0		0	0	0	25,000,000
Dissemination (Coop. Res. Act, sec. 1206 HEA and sec. 303 VE amendments)	(4)	4,226,000		7,200,000	7,200,000	7,200,000	7,200,000
Training (Coop. Res. Act)	(4)	6,750,000		11,000,000	6,750,000	6,750,000	6,750,000
Construction (Coop. Res. Act)	(3)	0		(3)			0
Educational statistical surveys (Coop. Res. Act)	(4)	500,000		2,455,000	2,200,000	2,000,000	2,000,000
Total	35,000,000	87,452,000	56,000,000	161,755,000	113,200,000	90,000,000	115,000,000
Education in foreign languages and world affairs:							
Centers, fellowships, and research (NDEA VI)	16,050,000	15,165,000	30,000,000	21,000,000	15,500,000	15,000,000	15,000,000
Fulbright-Hays training grants (Fulbright-Hays Act)	(4)	3,000,000	(4)	3,500,000	3,500,000	3,000,000	3,000,000
International Education Act	40,000,000		90,000,000	5,000,000	5,000,000	2,000,000	2,000,000
Total	56,050,000	18,165,000	120,000,000	29,500,000	24,000,000	20,000,000	20,000,000
Research and training (special foreign currency program):							
Institutional development grants for training, research, and study	(4)	800,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Research in foreign education	(4)	200,000	(4)	0	0	0	0
Total	(4)	1,000,000	(4)	7,500,000	4,000,000	4,000,000	1,000,000
Salaries and expenses: Program administration	(4)	40,804,512	(4)	58,412,000	46,725,000	43,375,000	43,375,000
Civil rights education:							
Training for school personnel and grants to school boards (Civil Rights Act IV)	(4)	9,250,000	(4)	14,533,000	11,833,000	11,900,000	17,150,000
Technical services and administration (Civil Rights Act IV)	(4)	1,547,000	(4)	1,967,000	1,967,000	1,850,000	2,850,000
Total	(4)	10,797,000	(4)	15,500,000	13,800,000	13,750,000	20,000,000
Colleges for agriculture and the mechanic arts: Grants to States (2d Morrill Act)	2,600,000	2,600,000	2,600,000	2,650,000	2,600,000	2,600,000	2,600,000
Promotion of Vocational Education Act, Feb. 23, 1917: Grants to States (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455	7,161,455
Student loan insurance fund: Higher education and vocational student loans: Loans purchased upon default by student borrowers (HEA IV–B)	(4)	0	(4)	10,826,000	10,826,000	10,826,000	10,826,000
Higher education facilities loan fund:							
Operating costs (HEFA III):							
Commission on sales of participation certificates	(4)	0	(4)	0	0	0	0
Interest expense on participation certificates	(4)	4,875,000	(4)	4,800,000	4,509,000	4,509,000	4,509,000
Administrative expenses	(4)	0	(4)	0	0	0	0
Loans to higher education institutions (HEFA III)	400,000,000	100,000,000	400,000,000	150,000,000	50,000,000	0	0
Total	400,000,000	104,875,000	400,000,000	154,800,000	54,509,000	4,509,000	4,509,000
Total, Office of Education	7,479,682,435	3,676,599,967	8,896,418,925	4,579,178,455	3,987,694,455	3,591,314,455	3,220,745,455

[1] Includes indefinite authorizations.
[2] 1969 appropriation adjusted for comparability with 1970 appropriation structure.
[3] Includes proposed supplementals.
[4] Indefinite.
[5] Includes supervision which is funded under title V, ESEA.
[6] For new awards plus continuation cost.
[7] $25,000,000 authorized from fiscal year 1959 through duration of act.
[8] Specific authorization represents amounts only for technical assistance to carry out functions of National Advisory Council.
[9] Authorization included under grants to States, pt. B. Vocational Education Act of 1963.
[10] Includes library research which is shown under research and training.
[11] "General education" combines these prior year activities: General education research, demonstration and development, library improvement research, and educational media research.
[12] $100,000,000 authorized over 2 5-year periods through fiscal year 1970.

Mr. MUSKIE. Mr. President, Public Law 874, funds for schools in federally impacted or major disaster areas, one of the most respected Federal aid to education programs ever to be enacted, a program which has been extended and expanded by congressional initiative every 2 years since its enactment in 1950, is under budgetary attack once more.

If this program were fully funded, the estimated authorization would be approximately $650 million. But the budget estimates allow only $187 million, or 30 percent of the authorization, for the entire program. This is $318.9 million less than appropriated for fiscal year 1969.

I submit that a cutback of this magnitude cannot be sustained on the President's remarks that—

> This reduction reflects a conclusion that within a budget that must be constructed in the fight against inflation, this program is of lower priority within the total program of federal support for education.

I do not believe that any American President would say to the people of this country that financing the operation and maintenance of an elementary or secondary school is inflationary. Support of education is a capital investment in the future of this country which will repay social and economic dividends many times the investment.

Mr. President, each and every program delineated in the 1970 budget for education has an impact upon the young people of our country. The educational assistance and services provided by our education programs strengthen their ability to contribute to the life and economy of our Nation. What we do now fixes the future of these young people. We have an awesome responsibility. It is one we cannot evade.

I intend—and it is my hope that my colleagues will support me—to do everything within my power to insure that the appropriations for education in this session of the 91st Congress will be equitable and will be, to the best of our ability to do so, adequate.

Mr. President, I have but lightly sketched the dimensions of the subject. From the limited overview I have given, I hope I have made it clear why each of us should take a hard look, and an informed look, at the proposals being made by the administration to cut Federal aid to education.

TRIBUTE TO WEST BEND, WIS.

Mr. PROXMIRE. Mr. President, on Memorial Day it was my privilege to be in West Bend, Wis.—a beautiful town just north of Milwaukee—to participate in the ceremonies there in honor of America's war dead.

I have attended many, many such ceremonies, as have all other Members of the Senate, but I have never witnessed a more impressive turnout of townspeople nor a more sincere and eloquent expression of homage to the thousands of brave Americans who have given their lives for their country.

Patriotism is not just a word in West Bend—as Memorial Day in this lovely town made plain. Indeed, love of country is being taught in West Bend to hundreds of children and adults by a genuine community participation in this day of dedication to our war dead.

I pay tribute today to the fine Americans of this lovely Wisconsin community and the superlative citywide effort they made on Memorial Day, 1969.

LIMITATION OF LAMB IMPORTS

Mr. McGEE. Mr. President, the Senate will shortly be considering an amendment that would provide for a limitation of lamb imports into the United States. As one vitally concerned with both the area of meat imports as a whole and the well-being of the domestic lamb and sheep industry in particular, I wish to state my strong support for this amendment approved by the Committee on Finance.

The amendment is certainly reasonable because it provides an annual ceiling approximately 8 million pounds above the average annual imports for the last 15 years—a ceiling that will certainly permit countries shipping lamb here to enjoy a fair share of our market without damaging domestic production. Under the formula in this amendment, a growth of lamb imports would also be permitted.

The American lamb producer provides for domestic consumption the highest grade and quality of lamb in the world. Unlike the frozen imported product, domestic lamb is fresh, chilled meat, graded, inspected, and processed under exacting regulations.

It is true that our sheep numbers have gone down over the past few years, not because of lessening consumer demand but because of low lamb prices commencing in the early 1960's as well as rapid and continuing increases in production costs; namely, taxes, increased grazing fees, and higher labor costs. These costs alone now take about 70 percent of the sales dollar before any charges are made for equipment, replacement, and management. In fact, a recent study by the University of Wyoming showed that in 1968 many Wyoming sheep producers were making a return on their equity of only 1 to 1½ percent while some were operating at a loss.

At the present levels of wholesale prices for lamb, the producers now has an opportunity for improving the return on his investment, the opportunity to make a reasonable profit, to expand his operations, increase his flock and recover the losses in numbers that started in the early 1960's. Let us not deny the domestic producer this opportunity by permitting a flooding of our market with imports, only to cause a price drop that will again discourage domestic producers.

The sheep industry is a vital segment of agriculture in our semiarid West and Southwest. It provides a tax base vitally needed to support local and State governments.

Wool is also an important product of the sheep industry and any further decline in domestic wool production places this country in a vulnerable position. The United States needs domestic wool production.

Mr. President, the American producer must have a reasonable opportunity to sell his product based on his costs of production. Competing with lower labor costs and lower production costs in foreign countries is impossible without reasonable control of imports. This amendment will still permit foreign countries a fair share of our market.

For these reasons, I strongly support the amendment and urge its adoption.

MANIFESTO ON SOUTHERN AFRICA

Mr. BROOKE. Mr. President, on April 16, 1969, a most important document was issued at the Fifth Summit Conference of East and Central African States, meeting in Lusaka, Zambia.

Just a little over a year ago I had the privilege of visiting most of the nations represented at this conference, and enjoyed long and productive talks with many of their leaders. Consequently I was pleased, but not surprised, when the most moderate and reasonable statement to date on the situation in Southern Africa emerged from their summit meeting.

This "Manifesto on Southern Africa" is no less than a reaffirmation of faith in the dignity and worth of the individual. It is a statement of principle, stressing the right of all men to participate in making the laws by which they are governed. And it is an admission, which we would do well to accept for our own country as well, that in each of the signatory states "the struggle toward human brotherhood and unchallenged human dignity is only beginning."

In particular, I invite attention to the assertion that "all peoples who have made their homes in the countries of Southern Africa are Africans, regardless of the color of their skins." The signers of the manifesto are not seeking to substitute domination by a majority for rule by a minority; they want only an environment freed from racism.

Each of the territories of Southern Africa is dealt with individually in the manifesto. In particular, the emphasis on negotiation of differences should be of great interest to Americans.

Mr. President, I commend this vital and constructive document to the attention of Senators and to all other Americans. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the manifesto was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 1969]

MANIFESTO ON SOUTHERN AFRICA

(Issued at the Fifth Summit Conference of East and Central African States, April 14–16, 1969, Lusaka, Zambia)

1. When the purpose and the basis of States' international policies are misunderstood, there is introduced into the world a new and unnecessary disharmony, disagreements, conflicts of interest, or different assessments of human priorities, which provoke an excess of tension in the world, and disastrously divide mankind, at a time when united action is necessary to control modern technology and put it to the service of man. It is for this reason that, discovering widespread misapprehension of our attitudes and purposes in relation to Southern Africa, we the leaders of East and Central African States meeting in Lusaka, 16th April, 1969, have agreed to issue this Manifesto.

2. By this Manifesto we wish to make clear, beyond all shadow of doubt, our acceptance of the belief that all men are equal, and have equal rights to human dignity and respect, regardless of colour, race, religion, or sex. We believe that all men have the right and the duty to participate, as equal members of the society, in their own government. We do not accept that any individual or group has any right to govern any other group of sane adults, without their consent, and we affirm that only the people of a society, acting together as equals, can determine what is, for them, a good society and a good social, economic, or political organisation.

3. On the basis of these beliefs we do not accept that any one group within a society has the right to rule any society without the continuing consent of all the citizens. We recognise that at any one time there will be, within every society, failures in the implementation of these ideals. We recognise that for the sake of order in human affairs, there may be transitional arrangements while a transformation from group inequalities to individual equality is being effected. But we affirm that without an acceptance of these ideals—without a commitment to these principles of human equality and self-determination—there can be no basis for peace and justice in the world.

4. None of us would claim that within our own States we have achieved that perfect social, economic and political organisation which would ensure a reasonable standard of living for all our people and establish individual security against avoidable hardship or miscarriage of justice. On the contrary, we acknowledge that within our own States the struggle towards human brotherhood and unchallenged human dignity is only beginning. It is on the basis of our commitment to human equality and human dignity, not on the basis of achieved perfection, that we take our stand of hostility towards the colonialism and racial discrimination which is being practiced in Southern Africa. It is on the basis of their commitment to these universal principles that we appeal to other members of the human race for support.

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5. If the commitment to these principles existed among the States holding power in Southern Africa, any disagreements we might have about the rate of implementation, or about isolated acts of policy, would be matters affecting only our individual relationships with the States concerned. If these commitments existed, our States would not be justified in the expressed and active hostility towards the regimes of Southern Africa such as we have proclaimed and continue to propagate.

6. The truth is, however, that in Mozambique, Angola, Rhodesia, South-West Africa, and the Union of South Africa, there is an open and continued denial of the principles of human equality and national self-determination. This is not a matter of failure in the implementation of accepted human principles. The effective Administrations in all these territories are not struggling towards these difficult goals. They are fighting the principles; they are deliberately organizing their societies so as to try to destroy the hold of these principles in the minds of men. It is for this reason that we believe the rest of the world must be interested. For the principle of human equality, and all that flows from it, is either universal or it does not exist. The dignity of all men is destroyed when the manhood of any human being is denied.

7. Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the Administrations in these States because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of, doctrines of human inequality. What we are working for is the right of self-determination for the people of those territories. We are working for a rule in these countries which is based on the will of all the people, and in acceptance of the equality of every citizen.

8. Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of colour of their skins; and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds of racial origin. We are not talking racialism when we reject the colonialism and apartheid policies now operating in those areas; we are demanding an opportunity for all the people of these States, working together as equal individual citizens, to work out for themselves the institutions and the system of government under which they will, by general consent, live together and work together to build a harmonious society.

9. As an aftermath of the present policies it is likely that different groups within these societies will be self-conscious and fearful. The initial political and economic organizations may well take account of these fears, and this group self-consciousness. But how this is to be done must be a matter exclusively for the peoples of the country concerned, working together. No other nation will have a right to interfere in such affairs. All that the rest of the world has a right to demand is just what we are now asserting—that the arrangements within any State which wishes to be accepted into the community of nations must be based on an acceptance of the principles of human dignity and equality.

10. To talk of the liberation of Africa is thus to say two things. First, that the peoples in the territories still under colonial rule shall be free to determine for themselves their own institutions of self-government. Secondly, that the individuals in Southern Africa shall be freed from an environment poisoned by the propaganda of racialism, and given an opportunity to be men—not white men, brown men, yellow men, or black men.

11. Thus the liberation of Africa for which we are struggling does not mean a reverse racialism. Nor is it an aspect of African Imperialism. As far as we are concerned the present boundaries of the States of Southern Africa are the boundaries of what will be free and independent African States. There is no question of our seeking or accepting any alterations to our own boundaries at the expense of these future free African nations.

12. On the objective of liberation as thus defined, we can neither surrender nor compromise. We have always preferred, and we still prefer, to achieve it without physical violence. We would prefer to negotiate rather than destroy, to talk rather than kill. We do not advocate violence; we advocate an end to the violence against human dignity which is now being perpetrated by the oppressors of Africa. If peaceful progress to emancipation were possible, or if changed circumstances were to make it possible in the future, we would urge our brothers in the resistance movements to use peaceful methods of struggle even at the cost of some compromise on the timing of change. But while peaceful progress is blocked by actions of those at present in power in the States of Southern Africa, we have no choice but to give to the peoples of those territories all the support of which we are capable in their struggle against their oppressors. This is why the signatory states participate in the movement for the liberation of Africa under the aegis of the Organization of African Unity. However, the obstacle to change is not the same in all the countries of Southern Africa, and it follows therefore, that the possibility of continuing the struggle through peaceful means varies from one country to another.

13. In Mozambique and Angola, and in the so-called Portuguese Guinea, the basic problem is not racialism but a pretence that Portugal exists in Africa. Portugal is situated in Europe. In fact that it is a dictatorship is a matter for the Portuguese to settle. But no decree of the Portuguese dictator, nor legislation passed by any Parliament in Portugal, can make Africa part of Europe. The only thing which could convert a part of Africa into a constituent unit in a union which also includes a European State would be the freely expressed will of the people of that part of Africa. There is no such popular will in the Portuguese colonies. On the contrary, in the absence of any opportunity to negotiate a road to freedom, the peoples of all three territories have taken up arms against the colonial power. They have done this despite the heavy odds against them, and despite the great suffering they know to be involved.

14. Portugal, as a European State, has naturally its own allies in the context of the ideological conflict between West and East. However, in our context, the effect of this is that Portugal is enabled to use her resources to pursue the most heinous war and degradation of man in Africa. The present Manifesto must, therefore, lay bare the fact that the inhuman commitment of Portugal in Africa and her ruthless subjugation of the people of Mozambique, Angola and the so-called Portuguese Guinea, is not only irrelevant to the ideological conflict of power-politics, but it is also diametrically opposed to the policies, the philosophies and the doctrines practised by her Allies in the conduct of their own affairs at home. The people of Mozambique, Angola, and Portuguese Guinea are not interested in Communism or Capitalism; they are interested in their freedom. They are demanding an acceptance of the principles of independence on the basis of majority rule, and for many years they called for discussions on this issue. Only when their demand for talks was continually ignored did they begin to fight. Even now, if Portugal should change her policy and accept the principle of self-determination, we would urge the Liberation Movements to desist from their armed struggle and to co-operate in the mechanics of a peaceful transfer of power from Portugal to the peoples of the African territories.

15. The fact that many Portuguese citizens have immigrated to these African countries does not affect this issue. Future immigration policy will be a matter for the independent Governments when these are established. In the meantime, we would urge the Liberation Movements to reiterate their statements that all those Portuguese people who have made their homes in Mozambique, Angola or Portuguese Guinea, and who are willing to give their future loyalty to those states, will be accepted as citizens. And an independent Mozambique, Angola or Portuguese Guinea may choose to be as friendly with Portugal as Brazil is. That would be the free choice of a free people.

16. In Rhodesia the situation is different insofar as the metropolitan power has acknowledged the colonial status of the territory. Unfortunately, however, it has failed to take adequate measures to re-assert its authority against the minority which has seized power with the declared intention of maintaining white domination. The matter cannot rest there. Rhodesia, like the rest of Africa, must be free, and its independence must be on the basis of majority rule. If the colonial power is unwilling or unable to effect such a transfer of power to the people, then the people themselves will have no alternative but to capture it as and when they can. And Africa has no alternative but to support them. The question which remains in Rhodesia is therefore whether Britain will re-assert her authority in Rhodesia and then negotiate the peaceful progress to majority rule before independence. Insofar as Britain is willing to make this second commitment. Africa will co-operate in her attempts to re-assert her authority. This is the method of progress which we would prefer; it could involve less suffering for all the peoples of Rhodesia; both black and white. But until there is some firm evidence that Britain accepts the principles of independence on the basis of majority rule, and is prepared to take whatever steps are necessary to make it a reality, then Africa has no choice but to support the struggle for the people's freedom by whatever means are open to her.

17. Just as a settlement of the Rhodesian problem with a minimum of violence is a British responsibility, so a settlement in South West Africa with a minimum of violence is a United Nations responsibility. By every canon of international law, and by every precedent, South West Africa should by now have been a sovereign, independent State with a Government based on majority rule. South West Africa was a German colony until 1919, just as Tanganyika, Rwanda and Burundi, Togoland, and Cameroon were German colonies. It was a matter of European politics that when the Mandatory System was established after Germany had been defeated, the administration of South West Africa was given to the white minority Government of South Africa while the other ex-German colonies in Africa were put into the hands of the British, Belgian, or French Governments. After the Second World War every mandated territory except South West Africa was converted into a Trusteeship Territory and has subsequently gained independence. South Africa, on the other hand has persistently refused to honour even the international obligation it accepted in 1919, and has increasingly applied to South West Africa the inhuman doctrines and organization of apartheid.

18. The United Nations General Assembly has ruled against this action and in 1966

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terminated the Mandate under which South Africa had a legal basis for its occupation and domination of South West Africa. The General Assembly declared that the territory is now the direct responsibility of the United Nations and set up an ad hoc Committee to recommend practical means by which South West Africa would be administered, and the people enabled to exercise self-determination and to achieve independence.

19. Nothing could be clearer than this decision—which no permanent member of the Security Council voted against. Yet, since that time no effective measures have been taken to enforce it. South West Africa remains in the clutches of the most ruthless minority Government in Africa. Its people continue to be oppressed and those who advocate even peaceful progress to independence continue to be persecuted. The world has an obligation to use its strength to enforce the decision which all the countries cooperated in making. If they do this there is hope that the change can be effected without great violence. If they fail, then sooner or later the people of South West Africa will take the law into their own hands. The people have been patient beyond belief, but one day their patience will be exhausted. Africa, at least, will then be unable to deny their call for help.

20. The Union of South Africa is itself an independent sovereign State and a Member of the United Nations. It is more highly developed and richer than any other nation in Africa. On every legal basis its internal affairs are a matter exclusively for the people of South Africa. Yet the purpose of law is people and we assert that the actions of the South African Government are such that the rest of the world has a responsibility to take some action in defense of humanity.

21. There is one thing about South African oppression which distinguishes it from other oppressive regimes. The apartheid policy adopted by its Government, and supported to a greater or lesser extent by almost all its white citizens, is based on a rejection of man's humanity. A position of privilege or the experience of oppression in the South African society depends on the one thing which it is beyond the power of any man to change. It depends upon a man's colour, his parentage, and his ancestors. If you are black you cannot escape this categorisation; nor can you escape it if you are white. If you are a black millionaire and a brilliant political scientist, you are still subject to the pass laws and still excluded from political activity. If you are white, even protests against the system and an attempt to reject segregation will lead you only to the segregation, and the comparative comfort of a white jail. Beliefs, abilities, and behaviour are all irrelevant to a man's status; everything depends upon race. Manhood is irrelevant. The whole system of government and society in South Africa is based on the denial of human equality. And the system is maintained by a ruthless denial of the human rights of the majority of the population—and thus, inevitably of all.

22. These things are known and are regularly condemned in the Councils of the United Nations and elsewhere. But it appears that to many countries, international law takes precedence over humanity; therefore no action follows the words. Yet even if international law is held to exclude active assistance to the South African opponents of apartheid, it does not demand that the comfort and support of human and commercial intercourse should be given to a government which rejects the manhood of most of humanity. South Africa should be excluded from the United Nations Agencies, and even from the United Nations itself. It should be ostracized by the world community until it accepts the implications of man's common humanity. It should be isolated from world trade patterns and left to be self-sufficient if it can. The South African Government cannot be allowed both to reject the very concept of mankind's unity and to benefit by the strength given through friendly international relations. And certainly Africa cannot acquiesce in the maintenance of the present policies against people of African descent.

23. The signatories of this Manifesto assert that the validity of the principles of human equality and dignity extend to the Union of South Africa just as they extend to the colonial territories of Southern Africa. Before a basis for peaceful development can be established in this continent, these principles must be acknowledged by every nation, and in every State there must be a deliberate attempt to implement them.

24. We re-affirm our commitment to these principles of human equality and human dignity, and to the doctrines of self-determination and non-racialism. We shall work for their expansion within our nations and throughout the continent of Africa.

Sponsored by: Vernon J. Mwaanga, Permanent Representative of the Republic of Zambia to the United Nations.

SERIOUS PESTICIDE POLLUTION FOUND IN NATION'S RIVERS AND LAKES

Mr. NELSON. Mr. President, today I am releasing the results of a 2-year national pesticide study which found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

This study, conducted by the U.S. Bureau of Sport Fisheries and Wildlife, confirms that there is accelerating pollution of the environment by hard pesticides and is further evidence to confirm Rachel Carson's assertion in 1963 that there will be an environmental disaster unless this is quickly brought under control.

The study results show DDT ranging up to 45.27 parts per million—p.p.m.—in whole fish, a count more than twice as high as that found in Lake Michigan Coho salmon seized recently by the U.S. Food and Drug Administration as being unfit for human consumption, and nine times higher than the FDA interim tolerance level for fish.

These accumulations are a threat to the future of our fish and wildlife, and have ominous implications for the health of man. Pesticide poisoning has already put the pereguine falcon, the bald eagle, and certain marine life on the verge of extinction.

I have sponsored legislation since 1966 to ban the interstate sale and shipment of DDT and have recently proposed a permanent National Commission on Pesticides to review, monitor and research pesticides. Sweden, and the States of Michigan and Arizona have already banned DDT.

The Bureau of Sport Fisheries findings are quite consistent with the State-by-State pesticide survey conducted by my office. At least a dozen States have reported pesticide residues in fish above the Government's recommended safe level of five parts per million.

The Bureau study found that in 12 of the 44 lakes and rivers, DDT in some or all of the fish samples reached levels higher than the 5 parts per million guideline limit set recently by the FDA for fish. Mean DDT levels for the latest samples exceeded this limit in fish taken from eight of the rivers and lakes.

The highest DDT counts were found in white perch taken from the Delaware River in the heavily populated northeastern United States.

The study also found dieldrin, a pesticide even more toxic to humans than DDT, in fish from 15 of the rivers and lakes reaching levels higher than the 0.3 part per million FDA guideline limit for this pesticide in fish.

Dieldrin was highest in yellow perch taken from the Connecticut River, and high in Delaware River fish. However, this pesticide was also at high levels in a number of rivers throughout the South, as was DDT, although high counts were in other rivers in the East, Midwest, and West as well.

I obtained a copy of the study after a recent formal written request to the Bureau and after I learned the report's basic findings from independent sources. It had not as yet been made public, although plans had been made for its release later.

The data for the study were obtained from fish taken at 50 monitoring stations across the country in the spring and fall of 1967 and 1968. The fish were analyzed by five commercial laboratories and the samples for the fall of 1967 and the spring of 1968 were cross-checked.

The major conclusions of the report were first that "there are a number of widely scattered waters in which fish show consistently high residues of DDT, dieldrin and other organochlorine insecticides." The report said some of the waters are in agricultural drainage areas and others are in highly industrialized areas.

Second, the report said that because of considerable variation in residue levels in different samples, "caution should be applied in using and intrepreting these data." The report urged special studies to track down the sources of the pesticide contamination and resolve differences such as variations in fish samples and laboratory results, and a continuation of the monitoring program.

The fish were analyzed for the presence of 11 commonly used pesticides. The 11 all are toxic, persistent chlorinated hydrocarbon compounds.

In addition to the near 100-percent presence of DDT, dieldrin was found in 75 percent of the samples, with values ranging upward to nearly 2 p.p.m. Heptachlor and/or heptachlor epoxide were found in 32 percent of the samples, in levels ranging to more than 0.1 p.p.m.

Chlordane residues were in 22 percent of the samples, with similar levels. Although the concentrations were lower for dieldrin, the heptachlors, chlordane, they are significant because these pesticides are even more toxic than DDT.

The rivers or lakes where DDT counts reached levels in fish higher than the 5 p.p.m. FDA level are: the Hudson in New York, the Delaware, the Cooper in South Carolina, St. Lucio Canal and the Apa-

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lachicola in Florida, the Tombigbee in Alabama, the Rio Grande in Texas, Lake Ontario, Lake Michigan, the Arkansas and the White in Arkansas, and the Sacramento in California.

Rivers or lakes where dieldrin counts reached levels in fish above the 0.3 ppm FDA level for this pesticide are: the Connecticut, the Hudson, the Delaware, the Savannah in Georgia, the Apalachicola, the Tombigbee, the Rio Grande, Lake Ontario, Lake Huron, the Illinois in Illinois, the Arkansas and the White, the Red River in Minnesota, the San Joaquin in California, and the Rogue in Oregon.

The study showed that fish in Lake Ontario have pesticide levels nearly as high as those in Lake Michigan. Lake Erie and Lake Superior findings were lowest of the Great Lakes, and Lake Huron findings were in the middle.

Species frequently used for the samplings were carp, buffalo, black bass, channel catfish, sunfish, yellow perch, and trout. The list includes several fish which are taken for sport or commercially and are popular table fish. Overall, 62 species were involved.

I ask unanimous consent that a summary of the Bureau's findings compiled by my office and the Bureau's report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

Summary of high DDT and dieldrin counts from tables in Bureau of Sport Fisheries and Wildlife report*:

1. High levels for DDT and its metabolites (above the 5 part per million—ppm—interim guideline limit for whole fish set recently by the U.S. Food and Drug Administration):

Hudson River: Up to 11.49 ppm in Largemouth bass; up to 14.40 ppm in Goldfish.

Delaware River: Up to 9.87 ppm in White sucker; up to 6.59 ppm in Brown bullhead (catfish); up to 45.27 ppm in White perch.

Cooper River in South Carolina: Up to 6.37 ppm in Largemouth bass.

St. Lucio Canal in Florida: Up to 7.26 ppm in Channel catfish.

Apalachicola River in Florida: Up to 6.04 ppm in Channel catfish.

Tombigbee River in Alabama: Up to 15.63 ppm in Carp; up to 6.35 ppm in Carp sucker; up to 15.60 ppm in Striped mullet; up to 13.33 ppm in Largemouth bass.

Rio Grande River in Texas: Up to 13.17 ppm in Blue catfish.

Lake Ontario: Up to 7.89 ppm in Yellow perch; up to 11.79 ppm in White perch; up to 7.25 ppm in Rock bass.

Lake Michigan: Up to 7.45 ppm in Bloaters. (Concentrations of up to 19 ppm were found in Lake Michigan Coho salmon seized recently by the FDA as unfit for human consumption.)

Arkansas River in Arkansas: Up to 9.09 ppm in Carp; up to 5.81 ppm in Smallmouth Buffalo (sucker).

White River in Arkansas: Up to 6.72 ppm in Bigmouth buffalo (sucker); up to 7.75 ppm in Channel catfish.

Sacramento River in California: Up to 7.23 ppm in Carp; up to 9.11 ppm in Largemouth bass.

2. High levels for dieldrin (above the .3 ppm guideline limit for safety set by the FDA for this more toxic pesticide):

Connecticut River: Up to 1.58 ppm in White catfish; up to 1.94 ppm in Yellow perch; up to 1.21 in White perch.

Hudson River: Up to .35 ppm in Goldfish.

Delaware River: Up to .35 ppm in White sucker; up to .39 ppm in Brown bullhead (catfish); up to 1.24 ppm in White perch.

Savannah River in Georgia: Up to .62 ppm in Carp; up to 1.37 ppm in Striped mullet.

Apalachicola River in Florida: Up to .45 ppm in Large mouth bass.

Tombigbee River in Alabama: Up to .48 ppm in Carp sucker; up to 1.26 ppm in Striped mullet.

Rio Grande River in Texas: Up to .48 ppm in Channel catfish.

Lake Ontario: Up to .50 ppm in White perch.

Lake Huron: Up to .50 ppm in Channel catfish.

Illinois River in Illinois: Up to .30 ppm in Carp; up to .52 ppm in Bigmouth buffalo (sucker); up to .38 ppm in Channel catfish; up to .30 ppm in Black bullhead (catfish).

Arkansas River in Arkansas: Up to .40 ppm in Flathead catfish.

White River in Arkansas: Up to .34 ppm in Carp.

Red River in Minnesota: Up to .37 ppm in Channel catfish.

San Joaquin River in California: Up to .31 ppm in Channel catfish; up to .29 in Black crappie (just short of the tolerance limit).

Rogue River in Oregon: Up to .52 ppm in Carp; up to .44 ppm in Largescale sucker.

NATIONAL PESTICIDE MONITORING PROGRAM: ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH

(By Croswell Henderson,[1] Wendell L. Johnson,[2] and Anthony Inglis [2])

ABSTRACT

As a part of the National Pesticide Monitoring Program, fish were collected from 50 sampling stations located in the Great Lakes and in major river basins throughout the United States. Three composite samples, consisting of five adult fish of each of three species, were collected at all stations during the spring and fall of 1967 and 1968. The composite whole fish samples were analyzed by commercial laboratories for residues of eleven organochlorine insecticides. DDT and/or metabolites were found in 584 of the 590 composite samples, with values ranging to 45 ppm (mg/kg wet weight, whole fish). Dieldrin was found in 75% of the samples, with values ranging upward to nearly 2 ppm. Other organochlorine insecticide residues were found in fewer samples, but some had fairly high residue levels. Relatively high residues of DDT and metabolities, dieldrin, heptachlor, epoxide and chlordane were found consistently during all sampling periods at some stations.

INTRODUCTION

In the President's Science Advisory Committee report, "Use of Pesticides," (19) one of the recommendations was that various Government agencies "Cooperate . . . to develop a continuing network to monitor pesticide residues in air, water, soil, man, wildlife and fish." To implement this recommendation, the Federal Committee on Pest Control established a subcommittee to develop and carry out monitoring programs and objectives.

"The objectives of the National Pesticide Monitoring Program are: (1) a continuing nationwide assessment of the general levels of pesticide residues in the environment, and (2) the location of possible problem areas within specific segments of the environment.

"These objectives are to be attained by sampling all elements of the environment on a nationwide basis. Sampling systems will be designed to represent the national picture as well as the major categories of environment within the United States. Data will be collected so that for each category, both the mean levels and the range of variation can be determined. Sampling will be repeated at appropriate intervals so that real trends in levels of pesticide residues can be detected.

"Possible problem areas will be located where the survey data indicate the concentration of a pesticide has developed above the general level or where there is an increasing concentration over a period of time."[3]

The fish monitoring program was initiated by the Bureau of Sport Fisheries and Wildlife in the spring of 1967. The procedures described in some detail by Johnson *et al.* (12) were followed as closely as possible.

This report contains data on organochlorine insecticide residues in fish at 50 nationwide sampling stations during the spring (April, May) and fall (October, November) of 1967 and 1968.

METHODS

Location of Sampling Stations: Fish sampling stations were located as nearly as possible to coincide with those described by Johnson *et al.* (12). These stations, numbered 1 to 50 corresponding in consecutive order to numbers 100045 to 100094 listed in the FCPC Catalog of Federal Pesticide Monitoring Activities (7). Stations were located in the Great Lakes and in major river systems throughout the United States (Figure 1), all near locations where water is monitored by other participants in the National Monitoring Program (4, 9, 22). Specific locations are listed in Table 4. Many stations were located near Bureau of Sport Fisheries and Wildlife facilities where assistance could be obtained in collecting fish.

Fish Collections: It was realized initially that the same fish species could not be sampled at all stations. Instructions were issued to field personnel to collect composite samples of each of three species at each station, preferably from a list of indicator species near the top of the food chain—carp, buffalo, black bass, channel catfish, green sunfish, yellow perch, rainbow trout and squawfish. Because of some difficulty in obtaining preferred species, the list was expanded to include suckers, other catfish, other trout, etc. Species were to be selected that could more than likely be obtained during each successive sampling period (e.g., spring and fall). Each composite would consist of five uniform size adult fish of the same species. Three composites, preferably the same three species, would be collected each spring (April, May) and fall (October, November) at each of the 50 stations.

Fish were collected by various means, including seines, gill nets, traps, hook and line, electrofishing, etc., and some were purchased from commercial fishermen. The only method not permitted was the use of fish toxicants or other chemicals to avoid possible interference with the residue analyses.

Collection were made by a large number of

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* The counts often vary between group samplings of fish at a station. Thus, the levels do not necessarily represent consistent findings for a number of samplings at a location.

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[3] Adopted by the Pesticide Monitoring Subcommittee at its 52nd meeting on November 21, 1968.

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individuals, without whose help this program would have been impossible. While the program was spearheaded in the various Bureau of Sport Fisheries and Wildlife regions by the Division of Fishery Services, other divisions also participated in the field collecting. State fish and game personnel also assisted greatly in making many collections.

Each composite sample (five whole fish) was wrapped separately in aluminum foil, frozen, packed in dry ice and the three composites from each station shipped immediately by air express to commercial laboratories for organochlorine insecticide analysis.[4] Accompanying the shipment was a legend showing location, date collected, name of collector, method of collecting, species of fish and the length, weight and estimated age of each fish in each composite sample. Laboratories were notified by telephone or telegraph approximately when the shipment would arrive.

Laboratory Analysis: Five commercial laboratories in various sections of the United States participated in the residue analyses during one or more of the four sampling periods. These laboratories are designated by letter code A, B, C, D, and E throughout this report. Initially, it was believed that the use of sectionally located laboratories would expedite delivery and analysis of samples. Laboratories selected had been used previously for pesticide residue analyses by other Bureau of Sport Fisheries and Wildlife divisions with apparently satisfactory results. It was believed that cross-checks of samples between laboratories would show up any major differences or discrepancies and possibly corrections could be made, if necessary.

When arrangements were made with laboratories for residue analyses, they were notified as to the approximate number of samples and approximate dates they would be received. They were requested to analyze each composite sample (usually five whole fish) for eleven organochlorine insecticides—DDE, TDE, DDT, dieldrin, aldrin, endrine, lindane, heptachlor, heptachlor epoxide, chlordane and toxaphene. It was believed that these were the most significant pesticides with regard to residues in fish. Results were to be reported as ppm (mg/kg) wet weight, whole fish. No particular method of analysis was specified.

All laboratories used similar preparation techniques which consisted of grinding, homogenizing and using standard quartering techniques to obtain representative samples for analysis. Extraction, partitioning, cleanup, columns used, instruments used, and operating conditions varied somewhat between laboratories.

Complete details of methodology were not available from all of the laboratories and thus are not presented here. Laboratories A and B stated that they were using the method published by the U.S. Public Health Service "Guide to the Analysis of Pesticide Residues" (21) with minor modifications. Laboratories C, D and E stated that they were using methods adapted from the FDA analytical manual, Barry *et al.* (3).

Laboratories A, B and C conducted the analyses on the spring and fall 1967 samples; Laboratories C, D and E on the spring 1968 samples; and Laboratory C analyzed all of the fall 1968 samples.

Laboratory cross-checks were conducted on the fall of 1967 and spring 1968 samples. One laboratory prepared ten regular composite samples and sent subsamples of the fish homogenate to each of the other participating laboratories for residue analyses. Laboratories A, B, C, D, and E participated in the fall 1967 cross-checks and Laboratories C, D, E, F, and G in the spring 1968 cross-checks. Laboratories F and G were Bureau of Sport Fisheries and Wildlife laboratories which did not participate in the regular monitoring program but only in the laboratory cross-checks.

RESULTS

Fish Collections: More difficulty was encountered than had been anticipated in collecting the same species of fish at a particular station during all sampling periods. Only at 9 stations were the same three species collected during all four sampling periods. Two of the same species were collected at an additional 11 stations and one at an additional 21 stations. Thus 41 of the 50 stations had at least one species collected during all periods.

Also, more species were collected than had been anticipated. There were 62 species in the 590 composite samples. However, of these, 21 species were collected at only one station, 12 at two stations and an additional 6 at only three of the 50 stations. On the other hand, some species or genera were represented at many stations. A total of 97 samples of carp was collected at 34 stations, 105 samples of catfish at 31 stations, 111 samples of suckers at 35 stations and 61 samples of black bass at 22 stations. A list of species collected is shown in Table 1. Common and scientific names are those specified by the American Fisheries Society (1). Code letters are included in this table in order to identify the species in Table 4.

Much of the variation in species collected and the number of fish in a composite sample was in the first (spring 1967) collection. Apparently, initial instructions to the field collectors were not adequate, as much more uniformity was obtained in later collections. In the future, it is believed that at least two and possibly three species can be collected consistently at a station, and collection of the same species would be expedited if samples were taken only in the fall.

Laboratory Cross-checks: The results of the fall, 1967 laboratory cross-checks are shown in Table 2. It is apparent that there are inconsistencies in the results reported by different laboratories on subsamples of the same homogenate. One laboratory (A) found relatively low levels of DDT and its metabolites, and little or no residues of other pesticides. Laboratory B reported somewhat higher values, but the abnormal DDT/DDE+DDT+TDE) ratios in many samples make some of their results open to question. DDT results for Laboratories C, D, and E were in fair agreement in most samples; however, Laboratory D did not differentiate among members of the DDT complex. Some high aldrin values reported by Laboratories D and E, and the high toxaphene values by Laboratory D might also be questioned.

Actually only Laboratories A, B, and C participated in the regular sampling program during the spring and fall of 1967. The data on the cross-check samples were not adequate to attempt any corrections in the regular sampling data. However, as the data for Laboratories C, D, and E appeared more comparable, these laboratories were selected to conduct analyses on the regular spring 1968 collections.

The spring 1968 cross-checks (Table 3) appear more consistent than was found in the previous cross-checks; however, some inconsistencies remained. Laboratory E reported lower and Laboratory F higher results for the DDT complex than the other laboratories. Laboratory D reported higher dieldrin results and Laboratories D and E higher aldrin results on some samples. Laboratory F did not find residues other than DDT in any samples. Only Laboratories C, D, and E participated in the regular spring 1968 sampling program. The data from the cross-check samples still did not justify a correction factor for the regular samples; however, it did point out possible places to look for inconsistencies. As there were still uncertainties regarding the data, only one laboratory was used for analysis of the fall 1968 samples.

Residue Levels in Fish: Results of residue analyses for 11 organochlorine insecticides at the 50 sampling stations are shown in Table 4. Results are reported as ppm (milligrams per kilogram) wet weight, whole fish. Also shown are station locations, date collected, species of fish (see code—Table 1), the number of fish, and the average length and weight of all fish in the composite. When interpreting these data, consideration must be given to laboratory differences as shown in cross-check samples, and to possible variations in species and size of fish, seasonal variation, etc.

It is interesting to note that regardless of the laboratory conducting the analyses or the species collected, some stations were consistently high or low in residues compared with other stations during all sampling periods.

DDT and metabolites were found in all but 6 of the 590 composite samples examined. Five of those without DDT were at Station 50 in Alaska. Total DDT residue levels ranged up to 45 ppm and were consistently above 1.0 ppm (mean levels 1.0–16.0 ppm) at Stations 3, 4, 18, 20, 21, and 39 during all sampling periods and also above this level at Stations 2, 24, 28, 44, and 48 during three of the four sampling periods. The latest data (October 1968) show DDT residues at three other stations at comparatively high levels. Values reported from Stations 14, 16, and 30 exceeded 5 ppm.

Dieldrin residues were reported in approximately 75% of all samples analyzed. Values of individual composite samples ranged upward to a maximum of 1.94 ppm. Mean values above 0.1 ppm were reported from four sampling stations (Sta. 2, 4, 26, 31) during three of the four sampling periods. Values exceeding 0.1 ppm were also reported in the spring and fall 1968 from Stations 10, 14, 34, and 40.

Aldrin residues were not reported consistently from any station during all sampling periods. A few scattered values greater than 0.1 ppm were reported in the spring, 1968 samples. However, practically all of these were reported from one laboratory which had also reported relatively high values in the laboratory cross-checks.

Endrin was reported consistently in samples from only three stations (Sta. 15, 28, and 30) and then at relatively low levels (<0.1 ppm). A few scattered higher values were reported from several other stations but usually represented only one or two composite samples.

Some lindane residues were found in 16% of the total samples; however, levels were usually less than 0.1 ppm. While reported from a fairly large number of samples, lindane was not found consistently at any stations during all sampling periods.

Next to DDT and dieldrin, heptachlor and/or heptachlor epoxide were found in the largest number of samples, 32% of the 590 samples examined. Residues were found consistently during different sampling periods at a number of stations and at levels greater than 0.1 at Stations 2, 3, 18, and 24.

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[4] During the spring and fall, 1967 and the spring 1968 collections, the brain was dissected from each fish, packaged in a separate vial, frozen, and shipped in dry ice to laboratories for brain cholinesterase determination. The cholinesterase data are not included in this report, but may be reported separately at a later date.

Chlordane residues were also reported from a fairly large number of samples, 22% of the total, with some samples containing relatively high levels. While lower levels were reported consistently during all sampling periods from several stations, levels greater than 0.1 ppm were reported from Station 26 during three of the four sampling periods.

DISCUSSION

While there are variations in results from different laboratories, possible differences in residue levels in various species of fish, and in individuals within a species, these data (Table 4) show some waters with fish consistently high in DDT, dieldrin and some other organochlorine insecticides. Recently, the Food and Drug Administration has announced an interim guideline of 5 ppm total DDT (including derivatives) residues in fish shipped in interstate commerce, pending review by an appointed commission (20). The latest data reported by this monitoring study in fall 1968 (Table 4) show that mean DDT levels in whole fish exceed this level at 8 of the 50 monitoring stations. Also some of the DDT, dieldrin and other organochlorine insecticide residues are considerably higher than those established by the FDA for milk, meat, fruits, vegetables and other food and feed crops (18). FDA tolerances for meat are on a fat basis while the results reported here are on a whole fish basis. If these results were reported as residues in fat, the levels shown would be roughly tenfold higher. Much accumulation of these residues may be in portions of the fish not normally consumed by humans, but which are consumed by and might be hazardous to fish-eating birds and other animals.

The data (Table 4) are presented in a manner that can be interpreted while taking into consideration the above variations. A major value of the data may be to point out possible problem areas where special studies are needed and to serve as a base for such studies. Some of its utility might be lost if summaries only were presented.

Variation Among Laboratories: It is obvious from the cross-checks (Tables 2 and 3) that there are differences in residue results reported by different laboratories. However, an examination of the overall data (Table 4) does not reveal differences as extensive as those shown in the laboratory cross-checks. The reasons for this are not definitely known. Some differences might be accounted for by incomplete homogenization of samples of whole fish, so that fat, stomach contents, etc., were not equally divided in subsamples distributed to different laboratories. However, consistently high or low results from the same laboratory would indicate other reasons. These could include incomplete extraction, partitioning, cleanup, instrument performance and interpretation.

It appears that each laboratory uses a referenced procedure but with its own modifications. Each usually considers its method the best and its results accurate. Who is to say which of the laboratory results presented here most nearly represents the actual picture? It is certainly necessary to use different laboratories for various Federal and State monitoring programs. Standardization of procedures for a particular substrate is mandatory if results are to be comparable (see Editorial by Yobs, 23). In a study such as this, it may be necessary to use only one laboratory, especially to determine yearly trends, until such standardization is affected.

Variation in Residue Levels in Fish: Following the large scale use of DDT and other organochlorine insecticides and the development of suitable analytical methods and tools in the late 1950's and early 1960's, many studies were initiated by various groups to determine residue levels in fish. Most early studies were concerned with the use of DDT or DDD in specific watersheds. Such studies may be illustrated by those in Clear Lake, California, by Hunt and Bishoff (10); in the Yellowstone River by Cope (6); in New York lakes by Burdick *et al.* (5); and in Sebago Lake, Maine, by Anderson and Everhardt (2). These studies usually consisted of the analysis of a relatively small number of fish and in some cases different species. Among conclusions reached were that DDT residues were present in practically all samples, that levels were far above those found in the water, and that individual fish varied greatly in residue levels. Differences in residue levels in individuals were attributed to fish movement, size, food habits and fat content. Some indication was given that there may be differences in levels concentrated by different species. In the above studies, the large variation in residues in individual fish somewhat overshadowed the differences in species. A summary of these and many other field and laboratory studies showing vast differences in residue levels in fish is reported by Johnson (11). Some more recent studies in Tule Lake by Godsil and Johnson (8), and in a Wisconsin stream by Moubry *et al.* (16), tend to support the above conclusions.

Some more extensive monitoring studies involving numerous bodies of water and larger numbers of different species of fish have been reported from New York by Mack *et al.* (15), from Massachusetts by Lyman *et al.* (14) and from Wisconsin by Kleinert *et al.* (13). These studies, the latter including dieldrin as well as DDT, show even wider variations in residue levels in different samples than had previous studies. In the Wisconsin study (13), no differences in residue levels were observed in different species but in the other two studies (14), (15), species differences were indicated. Differences in residue levels in different sizes of fish of two species were not apparent in the Massachusetts study (14).

A more detailed fish monitoring study is that conducted by the Bureau of Commercial Fisheries in Lake Michigan, Reinert (personal communication), Mount (17). In that study, where large numbers of fish from the same body of water were analyzed for DDT and dieldrin residue, there were obvious differences in residue levels in different species of fish. Also, larger fish of the same species were shown to have the highest residue levels. A relationship was shown between residues in fat and the whole fish and also between edible and nonedible portions of fish.

In the present study (Table 4), it is somewhat difficult to make a comparison between residue levels in species because of the small number of samples collected from the same location. An examination of the data reveal obvious differences at some stations (Sta. 4, 21, 22, and 24) but little, if any, at others. On the basis of total samples, regardless of the magnitude of DDT levels at particular stations, some species such as carp, channel catfish, white perch and lake trout appear in the high category more often than other species such as bullheads nad bluegills, which are most often low. Other species appear in the high, medium, or low categories about equally. No differences in residue levels are obvious from these data with regard to fish size. However, all these samples were adult fish with most in the 2- to 5-year age groups.

Overall, the residue levels of DDT and dieldrin reported in this study are of similar magnitude and variation as those reported from other studies (13, 14) at comparable locations. No comparable information was available on residue of other organochlorine insecticides.

Seasonal Levels and Trends: On the basis of present data (Table 4), no definite conclusions can be reached regarding differences in residue levels between samples collected in different seasons or in different years. A direct examination of the data indicates that levels of total DDT and heptachlor were higher in the fall than in the spring and that levels in 1968 were higher than in 1967. On the other hand, dieldrin values appear higher in the spring than in the fall, but an increase is also shown for 1968. However, when variation in laboratory crosscheck samples is considered, the picture is not clear. If only the data in which one laboratory analyzed all of the samples from a station during all sampling periods are considered, there are no major differences in seasonal or annual levels, with the possible exception of heptachlor epoxide. Other studies reported somewhat different observations regarding trends. The Massachusetts study (14) states that generally DDT levels showed an increase during the 3-year study (1965, 1966, and 1967). The Wisconsin study (13) concludes that their 3-year survey (1965, 1966, and 1967) did not indicate the rate at which DDT and dieldren levels were building up or diminishing and that resurveys will be necessary to establish trends.

CONCLUSIONS

The major conclusions that can be drawn from this study to date are: (a) there are a number of widely scattered waters in which fish show consistently high residues of DDT, dieldrin and other organochlorine insectides (some of these waters are in agricultural drainages and others in highly industrialized areas); and (b) there is considerable variation in residue levels in different samples, which could be caused by variation in laboratory analyses, or variation in fish from movement, food habits, species, size, age, fat content, etc. Because of these variations, caution should be applied in using and interpreting these data.

A nationwide fish monitoring program of the present modest magnitude could not be expected to resolve all of the differences. The major functions should be to provide a continuing assay which would indicate the magnitude of pesticide residues in this substrate of the environment, to determine trends in residue levels, and to locate possible problem areas where significantly high levels may indicate the need for special studies.

Special studies could be made by Federal or State agencies, universities, industries, conservation or other groups to trace down sources of insecticide contamination and to resolve other differences such as variation in laboratories, fish samples, etc., as mentioned previously.

Until these differences are resolved, the present monitoring program should continue with the use of the same indicator species at each station during each sampling period, and the use of a single laboratory for residue determinations. The data might be more useful if lipid content were determined for each sample. The addition of a few more sampling stations would provide more uniform nationwide coverage.

In the future it may be possible to correlate the fish data with residue data in other substrates, such as water, soils or wildlife (especially waterfowl), which are being obtained by other participants in the National Pesticide Monitoring Program.

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Table 1.—CODE FOR FISH SPECIES

Family	Common name	Scientific name	Code
Amiidae, bowfin:	Bowfin	*Amia calva* Linnaeus	BF
Clupeidae, herring	American shad	*Alosa sapidissima* (Wilson)	ASh
	Gizzard shad	*Dorosoma cepedianum*	GSh
Amiidae, bowfin	Bowfin	*Amia calva* Linnaen	BF
Clupeidae, herring	American shad	*Alosa sapidissima* (Wilson	ASh
	Gizzard shad	*Dorosoma cepedianum* (LeSueur).	GSh
Salmonidae, trout, whitefish, and graylings	Lake whitefish	*Coregonus clupeaformis* (Mitchill).	LWh
	Bloater	*Coregonus hoyi* (Gill)	Blo
	Round whitefish	*Prosopium cylindreceum* (Pallas).	RWh
	Mountain whitefish	*Prosopium williamsoni* (Girard).	MWh
	Coho salmon	*Oncorhynchus ''''isutch* (Walbaum).	CSa
	Sockeye slamon	*Oncorhynchus nerka* (Walbaum).	SSa
	Cutthroat trout	*Salmo clarki* Richardson (Walbaum).	CTT
	Rainbow trout	*Salmo gairdneri* Richardson.	RBT
	Lake trout	*Salvelinus namaycush* (Walbaum).	LKT
	Arctic grayling	*Thymallus arcticus* (Pallas)	AGr
Hiodontidae, mooneye	Goldeye	*Hiodon alosoides* (Rafinesque).	GE
	Mooneye	*Hiodon tergisus* LeSueur	ME
Esocidae, pike	Chain pickerel	*Esox niger* LeSueur	ChPi
	Northern pike	*Esox lucius* Linnaeus	NPi
Cyprinidae, minnows and carp	Chiselmouth	*Acrocheilus alutaceus* Agassiz.	CM
	Goldfish	*Carassius auratus* (Linnaeus).	GF
	Carp	*Cyprinus carpio* Linnaeus	C
	Golden shiner	*Notemigonus crysoleucas* (Mitchill).	GSn
	Northern squawfish	*Ptychocheilus oregonensis* (Richardson).	NSq
	Tui chub	*Siphateles bicolor* (Girard)	TCh
Catostomidae, suckers	Carpsucker	*Carpiodes sp*	CpSu
	Longnose sucker	*Catostomus catostomus* (Forster).	LNSu
	Bridgelip sucker	*Catostomus columbianus* (Eigenmann).	BLSu
	White sucker	*Catostomus commersoni* (Lacépède).	WhSu
	Flannelmouth sucker	*Catostomus latipinnis* Baird.	FMSu
	Largescale sucker	*Catostomus macrocheilus* Girard.	LSSu
	Klamath sucker	*Catostomus rimiculus* Gilbert.	KSSu
	Tahoe sucker	*Catostomus tahoensis* Gill	TaSu
	Lake chubsucker	*Erimyzon sucetta* (Lacépède).	LCSu
	Smallmouth buffalo	*Ictiobus bubalus* (Rafinesque).	SMBu
	Bigmouth buffalo	*Ictiobus cyprinellus* (Valenciennes).	BMBu
	Spotted sucker	*Minytrema melanops* (Rafinesque).	SpSu
	Redhorse (sucker)	*Moxostoma sp*	RSu
	Humpback sucker	*Xyrauchen texanus* (Abott).	HBSu
Ictaluridae, freshwater catfish	White catfish	*Ictalurus catus* (Linnaeus)	WhC
	Blue catfish	*Ictalurus furcatus* (LeSueur).	BlC
	Black bullhead	*Ictalurus melas* (Rafinesque).	BkBH
	Brown bullhead	*Ictalurus nebulosus* (LeSueur).	BrBH
	Channel catfish	*Ictalurus punctatus* (Rafinesque).	ChC
	Flathead catfish	*Pylodictis olivaris* (Rafinesque).	FHC
Gadidae, codfish and hake	Burbot	*Lota lota* (Linnaeus)	Bot
Serranidae, sea bass	White perch	*Roccus americanus* (Gmelin).	WhP
	White bass	*Roccus chrysops* (Rafinesque)	WhB
	Striped bass	*Roccus saxatilis* (Walbaum)	StB
Centrarchidae, sunfish	Rock bass	*Ambloplites rupestris* (Rafinesque).	RkB
	Sacramento perch	*Archoplites interruptus* (Girard).	SaP
	Redbreast sunfish	*Lepomis auritus* (Linnaeus)	RBS
	Green sunfish	*Lepomis cyanellus* Rafinesque.	GrS
	Pumpkinseed	*Lepomis gibbosus* (Linnaeus)	Pks
	Bluegill	*Lepomis macrochirus* Rafinesque.	BGS
	Smallmouth bass	*Micropterus dolomieui* Lacépède.	SMB
	Largemouth bass	*Micropterus salmoides* (Lacépède).	LMB
	White crappi	*Pomoxis annularis* Rafinesque.	WhCp
	Black crappi	*Pomoxis nigromaculatus* (LeSueur).	BkCp
Percidae, perch	Yellow perch	*Perca flavescens* (Mitchill)	YeP
	Sauger	*Stizostedion canadense* (Smith).	Sag
	Walleye	*Stizostedion vitreum*	WE
Sciaenidae, drums	Freshwater drum	*Aplodinotus grunniens* Rafinesque.	FWD
Mugilidae, mullet	Striped mullet	*Mugil cephalus* Linnaeus	StMu

XUM

TABLE 2.—LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, FALL, 1967

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by—		Organochlorine insecticides (p.p.m.) mg./kg.											
					Laboratory	Date of report	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
F-5-1-OF; Stillwater River, Old Town, Maine	Chain pickerel	5	5.3	Nov. 6	A	Feb. 17	0.01	0.01	0.01	0.03					0.01			
					B	Mar. 18	.21	.01	.44	.66	0.02	0.02	0.08		0.01		0.02	
					C	Jan. 26	.06	.04	.03	.13	.01			0.10				
					D	Dec. 22	.20			.20	.06					0.04		0.36
					E	Jan. 29	.08	.02	.04	.14								
F-5-3-LMB; Hudson River, Poughkeepsie, N.Y.	Largemouth bass	5	5.4	Oct. 4	A	Feb. 17	.01	.02	.03	.06								
					B	Dec. 1	.03	.07	.05	.15	.01	.04		.03	.01	.29	.07	
					C	Jan. 29	.95	1.31	.92	3.18	.18					1.18		
					D	Dec. 22	2.31			2.31						3.00		
					E	Jan. 29	1.40	.52	.89	2.81	.19	2.30				1.70		
F-5-4-Su; Delaware River, Burlington, N.J.	White sucker	4	4.4	Oct. 5	A	Feb. 17	.01	.02	.03	.06								
					B	Mar. 18	.08	.07	.27	.42	.01		.01		.01	.01	.01	
					C	Jan. 25	2.08	1.92	.58	4.58	.35			.04				
					D	Dec. 22	.37			.37	.19	.09				.10		1.06
					E	Jan. 29	2.60	2.30	.60	5.50	.35	.03				.09		
F-5-18-OF; Lake Ontario, Port Ontario, N.Y.	White perch	5	4.4	Oct. 24	A	Feb. 17	.02	.02	.03	.07					.01			
					B	Mar. 18	.07	.02	.54	.63	.02		.09	.01	.02	.07	.01	
					C	Jan. 26	.55	.31	.47	1.33	.04			.06				
					D	Dec. 22	.36			.36	.25	.19				.17		1.25
					E	Jan. 29	1.40	.49	.56	2.45		.21				.33		
F-3-32-C; Missouri River; Garrison Reservation, N. Dak.	Carp	5	8.7	Sept. 26	A	Feb. 17	.01			.01								
					B	Mar. 18	.03	.06	.04	.13			.07	.02	.01	.03	.03	
					C	Jan. 25	.03	.02	.01	.06	.01							
					D	Dec. 22	.15			.15						.10		
					E	Jan. 29	.06	.02	.03	.11						.02		
F-3-34-Su; Red River, Noyes, Minn.	White sucker	4	8.0	Oct. 3	A	Feb. 17	.06	.08	.13	.27								
					B	Mar. 18	.02	.10	.08	.20	.01			.06	.01	.04	.03	
					C	Jan. 25	.61	.95	1.79	3.35	.08			.05				
					D	Dec. 22	3.45			3.45								
					E	Jan. 29	.75	1.80	.33	2.88	.08					.02		
F-3-26-B; Illinois River, Beardstown, Ill.	Bigmouth, buffalo	5	9.1	Oct. 11	A	Feb. 17	.02	.02	.01	.05								
					B	Mar. 18	.06	.02	.45	.54	.02		.04		.02			
					C	Jan. 24	.04	.08	.04	.16	.52			.02		.01	.24	
					D	Dec. 22	.16			.16								
					E	Jan. 29	.08	.07	.04	.19	.32	.04				.04	.11	
F-3-27-B; Mississippi River, Gutenberg, Iowa	do	4	16.0	Oct. 14	A	Feb. 17	.01	.02	.02	.05								
					B	Dec. 1	.01	.07	.05	.13				.04	.02	.03	.05	
					C	Jan. 25	.05	.09	.07	.22	.04			.02				
					D	Dec. 22	.23			.23	.12							
					E	Jan. 29	.09	.05	.11	.25	.04	.03			.01	.05	.06	
F-5-19-OF; Lake Erie, Erie, Pa.	Freshwater drum	5	3.0	Oct. 11	A	Feb. 17	.01	.02	.03	.06								
					B	Mar. 18	.11	.03	.28	.42	.02		.06	.01	.02	.01		.01
					C	Jan. 25	.09	.10	.13	.32	.03							
					D	Dec. 22	.22			.22	.11	.08				.12		.24
					E	Jan. 29	.18	.06	.21	.45	.04	.01				.03		
F-3-20-C; Lake Huron, Bayport, Mich.	Carp	5	7.9	Oct. 4	A	Feb. 17	.01	.01	.01	.03								
					B	Dec. 1	.03	.09	.04	.16		.04		.04	.01	.09	.10	
					C	Jan. 29	.21	.28	.09	.58	.01			.01		.17		
					D	Dec. 22	.74			.74	.13	.03				1.10		
					E	Jan. 29	.33	.23	.11	.67		.15				.33		

TABLE 3.—LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, SPRING, 1968

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by—		Organochlorine insecticides (p.p.m.) mg./kg.											
					Laboratory	Date of report	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
S-3-20-C; Lake Huron, Bayport, Mich.	Carp	5	17.9	Apr. 16	C	Aug. 16	0.44	0.39	0.10	0.93	0.02							
					D	May 18	.35	.30	.10	.75	.26							
					E	July 22	.18	.04	.14	.36		0.17			0.10	0.07		
					F	July 17	.29	.09	.06	.44								
					G	July 26	.5	.5	.2	1.2								
S-3-20-CC; Lake Huron, Bayport, Mich.	Channel catfish	5	8.4	do	C	Aug. 16	1.09	.81	.62	2.52	.04							
					D	May 18	3.50	.83	.25	4.58	2.58	.10						
					E	July 22	.52		.35	.87		.31			.11	.17		
					F	July 17	7.56	.03	3.90	11.49								
					G	July 26	1.4	1	.8	3.2								

TABLE 3.— LABORATORY CROSS-CHECK SAMPLES ORGANOCHLORINE INSECTICIDES, SPRING, 1968 —Continued

Sample, number and location	Species	Number of fish	Total weight (pounds)	Date collected	Analysis by— Laboratory	Analysis by— Date of report	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
							Organochlorine insecticides (p.p.m.) mg./kg.											
S-3-21-LC; Lake Michigan, Sheboygan, Wis	Bloater	5	6.7	May 10	C	Aug. 16	4.79		2.10	6.89	.02			0.04		.18	0.07	
					D	May 18	6.25	2.70	2.40	11.35	2.04	.82						
					E	July 22	2.87	.10	1.30	4.27		.02				.12		
					F	July 17	11.40		5.86	17.26								
					G	July 26	2.9	.6	4.0	7.5	.2							
S-3-22-W; Lake Superior, Bayfield, Wis	Lake whitefish	5	11.9	May 8	C	Aug. 16	.33	.08	.27	.68	.02				.08			
					D	May 18	.49	.25	.34	1.08	.20	.02				.02		
					E	July 22	.23	.04	.28	.55		.01				.01		
					F	July 17	1.44	.36	1.30	3.10								
					G	July 26	.5	.5	.6	1.6	.1							
S-3-22-LT; Lake Superior, Bayfield, Wis	Lake trout	5	14.8	do	C	Aug. 16	.81	.08	.34	1.23	.02			.04				
					D	May 18	.40	.25	.27	.92	.19	.02				.01		
					E	July 22	.46	.01	.20	.67					.01	.01		
					F	July 17	.24		.14	.48								
					G	July 26	.4	.1	.4	.8								
S-3-26-OC; Illinois River, Beardstown, Ill	Brown bullhead	5	2.0	Apr. 24	C	Aug. 16	.19	.04	.06	.29	.10							
					D	May 18	.40	.10	.10	.60	.26							
					E	July 22	.05	.06	.08	.19	.09	.02				.01		
					F	July 17	.26	.12	.21	.59								
					G	July 26	.3	.3	.1	.7	.2							
S-3-26-OS; Illinois River, Beardstown, Ill	White crappie	5	3.2	do	C	Aug. 16	.31	.10	.27	.68	.24							
					D	May 18	.36	.10	.12	.58	.28							
					E	July 22	.11	.15	.14	.40	.11	.04			.03	.03		
					F	July 17	.29	.10	.07	.46								
					G	July 26	.5	.4	.2	1.1	.3							
S-3-32-OF; Missouri River, Garrison Dam, N. Dak	Goldeye	5	2.2	May 14	C	Aug. 16	.15	.37	.24	.76	.01	.13				.23		
					D	May 18	.36	.10	.20	.76	.12	.05						
					E	July 22	.07	.03	.12	.22	.01	.01			.01	.01		
					F	July 17	.26	.15	.21	.62								
					G	July 26	.2	.2	.2	.6								
S-1-44-C; Yakima River, Granger, Wash	Carp	4	4.5	Apr. 10	C	Aug. 16	2.43	.45	.16	3.04	.06			.02				
					D	May 18	3.35	.96	.05	4.36	.26							
					E	July 22	1.53	.28	.20	2.01	.02					.07		
					F	July 17	1.70	.34	.19	2.23								
					G	July 26	1.4	.8	.2	2.4								
S-1-46-Su; Columbia River, Bonneville, Dam Oreg	Largescale sucker	5	8.1	Apr. 12	C	Aug. 16	.45	.58	.27	1.30	.02							
					D	May 18	.35	.30	.05	.70	.11							
					E	July 22	.14	.14	.09	.37	.01	.01			.01	.01		
					F	July 17	.12	.02	.04	.18								
					G	July 26	1.1	.3	.1	1.5								

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
			Average															
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal. lab. code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
ATLANTIC COAST STREAMS																		
Stillwater River, Old Town, Maine (1)	WhSu	7	15.0	1.6	C	S-67	0.06	0.05	0.08	0.19	0.01							
	WhSu	5	16.7	1.8	C	F-67	.09	.07	.06	.22	.03			0.36				
	WhSu	5	16.3	1.6	E	S-68	.16	.14	.19	.49	.22				0.01	0.01		
	WhSu	5	14.4	1.2	C	F-68	.04	.05	.06	.14								
	YeP	5	9.0	.3	C	F-67	.09	.06	.07	.22	.02			.27				
	YeP	5	10.7	.5	E	S-68	.08	.03	.08	.19								
	YeP	5	7.3	.2	C	F-68	.05	.04	.05	.14								
	WhP	9	9.7	.5	C	S-67	.19	.15	.09	.43	.01							
	ChPl	7	13.3	.7	C	S-67	.12	.06	.05	.23								
	ChPl	5	16.9	1.1	C	F-67	.06	.04	.03	.12	.01			.10				
	ChPl	5	16.4	.8	E	S-68	.10	.04	.08	.22		.01				.01		
	ChPl	5	15.8	.8	C	F-68	.06	.03	.05	.14								

Connecticut River, Windsor Locks, Conn. (2)	WhC	6	11.5	.8	C	S-67	.91	1.06	.91	2.88	.23						
	WhC	4	10.0	.5	C	F-67	.53	.68	.50	1.71	1.58						
	WhC	5	11.3	.7	C	F-68	1.29	1.37	1.16	3.82	.37					.52	
	BrBH	5	10.9	.7	E	S-68	.04	.09	.12	.25	.16	.03			.04	.04	
	YeP	5	8.9	.4	C	S-67	1.41	1.09	.91	3.41	.31						
	YeP	5	8.9	.4	C	F-67	.34	.47	.41	1.22	1.94						
	YeP	4	8.3	.3	E	S-68	.33	.25	.53	1.11	.24	.14			.19	.19	
	WhP	12	9.2	.4	C	S-67	.72	1.25	1.84	3.81	.53						
	WhP	5	8.5	.4	C	F-67	.24	.42	.46	1.12	1.21						
	WhP	5	8.8	.4	E	S-68	.35	.28	.54	1.17	.19	.13			.13	.17	
	WhP	1	8.4	.3	C	F-68	1.17	.76	.78	2.71	.30					.65	.38
Hudson River, Poughkeepsie, N.Y. (3)	C	3	20.0	4.0	C	S-67	.59	1.31	.56	2.46	.02						
	WhSu	5	15.8	1.6	C	S-67	.47	.37	.37	1.21	.06						
	GF	5	9.1	.7	C	F-67	.82	1.21	.52	2.55	.35						
	GF	5	10.4	.9	E	S-68	.94	.63	.82	2.39	.17	1.25			.83	.83	
	GF	5	11.0	1.1	C	F-68	5.02	5.89	3.49	14.40	.22					8.46	7.29
	GSn	20	8.2	.2	C	S-67	.56	.47	.28	1.31	.04						
	PkS	5	6.0	.2	C	F-67	.15	.29	.18	.62	.10						
	PkS	5	6.2	.2	C	F-68	1.54	1.72	1.15	4.41	.09					2.40	2.24
	WhP	5	6.9	.2	E	S-68	1.00	.39	.85	2.24	2.4	.14		.01	.10	.23	
	LMB	5	12.1	1.1	C	F-67	.95	1.31	.92	3.18	.18					1.18	
	LMB	5	8.8	.4	E	S-68	.86	.63	.88	2.37	.19	2.43			2.58	1.79	
	LMB	5	12.6	1.3	C	F-68	3.70	4.61	3.18	11.49	.14					6.93	4.22
Delaware River, Camden, N.J. (4)	WhSu	9	13.2	.9	C	S-67	4.22	5.15	.50	9.87	.22						
	WhSu	4	13.9	1.1	C	F-67	2.08	1.92	.58	4.58	.35			.04			
	WhSu	5	14.2	1.0	E	S-68	.94	.46	.18	1.58	.04	.02			.01	.04	
	WhSu	5	13.0	.9	C	F-68	2.76	2.03	.66	5.45	.10					.20	
	BrBH	6	11.1	.8	C	S-67	2.46	3.85	.28	6.59	.16						.14
	BrBH	4	11.2	.8	C	F-67	2.89	3.15	.31	6.35	.39			.08			
	BrBH	3	11.1	.5	E	S-68	1.71	1.67	.31	3.69	.03	.02			.02	.02	
	BrBH	5	10.6	.5	C	F-68	2.68	2.89	.52	6.09	.17					.18	.41
	WhP	8	10.3	.6	C	S-67	14.40	15.60	3.72	31.72	.81						
	WhP	5	10.7	.8	C	F-67	18.40	16.60	1.73	36.73	1.24			.05			
	WhP	5	11.4	.7	E	S-68	17.80	20.80	6.67	45.27	.22	.29			.07	.09	
	WhP	5	9.9	.5	C	F-68	18.20	13.00	2.92	34.12	.25					.68	
Susquehanna River, Conowingo, Md.	C	5	12.0	1.9	C	S-67	2.11	.73	.08	2.92	.02						
	C	3	20.9	5.7	B	F-67	.03	.02	1.51	1.56	.05		1.50		.01	.02	.11
	C	3	21.0	4.6	E	S-68	.44	.23	.11	.78	.02	.01			.01	.01	
	C	2	23.2	6.3	C	F-68	.41	.40	.30	1.11	.08					.07	
	ChC	10	12.7	.7	C	S-67	1.11	.68	.65	2.43	.04						
	ChC	5	15.1	1.2	B	F-67	.01	.09	.01	.10							.01
	ChC	5	14.7	.8	E	S-68	.60	.56	.53	1.69	.03	.01			.01	.02	
	ChC	5	14.2	.8	C	F-68	.31	.24	.20	.75	.12					.04	
	YeP	10	8.0	.2	C	S-67	.46	.39	.22	1.07	.13						
	YeP	5	8.9	.4	B	F-67		.05	.01	.06	.01		.01			.01	.01
	YeP	5	8.4	.3	E	S-68	.13	.04	.11	.28	.03	.01			.01	.02	
	YeP	5	8.2	.2	C	F-68	.48	.30	.30	1.08	.10					.09	
Potomac River, Little Falls, Md. (6)	C	5	11.9	1.1	C	S-67	.12	.24	.02	.38	.19						
	C	3	14.9	2.0	B	F-67	.05	.15		.20	.02	.01		.01			.01
	C	3	19.5	3.4	E	S-68	.12	.29	.10	.51	.15	.01			.01	.02	
	C	5	17.5	2.2	C	F-68	.78	.78	.27	1.83	.07					.13	
	WhSu	3	14.2	1.3	B	F-67	.03	.07	.10	.20	.01	.01					
	WhSu	5	14.5	1.2	E	S-68	.07	.09	.13	.29	.03	.01			.02	.02	
	WhSu	5	14.1	1.2	C	F-68	.18	.17	.19	.54	.07					.06	
	BGS	12	5.2	.1	C	S-67	.11	.06	.10	.27	.02						
	SMB	13	8.1	.3	C	S-67	.21	.12	.08	.41	.05						
	SMB	4	10.0	.4	B	F-67	.02	.06	.03	.11	.01		.01				.01
	LMB	5	10.6	.6	E	S-68	.05	.04	.07	.16	.03	.01			.01	.01	
	LMB	5	10.0	.5	C	F-68	.66	.55	.57	1.78	.06					.11	
Roanoke River	C	2	23.0	6.3	B	S-67	.07	.10	.11	.29	.04					.03	.13
Roanoke Rapids, N. C., No. 7	C	3	18.2	2.7	B	F-67	.01	.10		.11			.01	.01			
	SpSu	3	16.3	1.8	B	S-67	.04	.09	.12	.25	.09					.01	.08
	RSu	5	10.4	.7	D	S-68	.49	.17		.66	.13						
	RSu	5	13.4	1.4	C	F-68	.29	.31	.26	.86	.07					.03	
	LCSu	5	10.6	.7	B	F-67	.02		.08	.10				.01	.01		.01
	ChC	5	9.4	.4	D	S-68	.19			.19	.05						
	BrBH	12	9.0	.3	B	S-67	.08	.12	.23	.43	.04				.01		.04
	BrBH	4	9.4	.4	B	F-76	.01	.06		.07			.03		.01		.03
	BrBH	5	8.4	.4	C	F-68	.23	.14	.07	.44	.02						
	LMB	2	13.1	1.2	B	F-67	.07	.16	.09	.32	.01			.01	.01		.02
	LMB	4	7.7	.2	C	F-68	.56	.45	.39	1.40	.06					.03	
	BF	6	14.1	1.2	D	S-68	.34	.08		.42	.14						

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967–68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
			Average															
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Heptachlor	Heptachlor epoxide	Chlordane	Toxaphene
ATLANTIC COAST STREAMS—Continued																		
Cape Fear River, Elizabethtown, N.C. (8)	GSh	5	13.8	1.0	B	S-67	0.14	0.18	0.21	0.54	0.09	0.01		0.02		0.03	0.20	
	GSh	5	12.2	1.0	B	F-67	.02	.69	.35	1.06				.01			.03	
	GSh	5	13.9	.8	D	S-68	.31	.10		.41	.14							
	ASh	5	17.3	1.3	D	S-68	.44	.18		.62	.12							
	RSu	5	14.6	1.6	C	F-68	.49	.71	.58	1.78	.07					.07		
	ChC	4	13.5	1.2	B	S-67	.05	.27	.15	.47	.02	.04		.02		.01	.13	
	ChC	5	10.0	.5	D	S-68	.32	.10		.42	.13							
	BrBH	9	10.8	.6	B	S-67	.02	.03	.06	.11	.02	.01			.02			
	BrBH	5	9.4	.5	B	F-67	.02	.08	.03	.13			.01				.01	
	BrBH	5	10.4	.6	C	F-68	.05	.07	.07	.19	.02							
	LMB	5	9.5	0.6	B	F-67	.02	.19	.21	.43	.05				.01		.01	
	LMB	5	12.0	.7	C	F-68	.52	.73	.48	1.73	.07					.05		
Cooper River, Summerton, S.C. (9)	C	3	18.3	2.4	B	S-67	.05	.15	.19	.39	.02	.01				.01	.04	
	SpSu	2	16.9	2.0	B	S-67	.07	.32	.21	.60	.02	.02	.01	.02	.02	.01	.12	0.03
	SpSu	3	17.2	2.3	B	F-67	.04	.06	.07	.16	.01		.04	.01	.01		.01	
	SpSu	5	11.4	.8	D	S-68	.77	.08		.85	.10							
	SpSu	5	15.4	1.8	C	F-68	.73	.76	.62	2.11	.02					.07		
	BGS	5	6.5	.2	B	F-67	.02	.02	.06	.10			.01	.01	.01		.02	
	BGS	5	7.8	.4	D	S-68	1.31	.21		1.52	.07							
	BGS	5	5.8	.2	C	F-68	.61	.34	.62	1.57						.04		
	LMB	2	16.8	2.1	B	S-67	.02	.12	.12	.25	.09						.01	
	LMB	4	11.4	.9	B	F-67	.09	.17	.16	.42				.01	.01	.03	.05	
	LMB	5	13.8	1.1	D	S-68	5.87	.50		6.37	.27							
	LMB	5	12.4	1.0	C	F-68	1.65	1.02	1.39	4.06			.01					
Savannah R., Savannah, Georgia (10)	C	3	21.2	5.0	B	S-67	.08	.03	.13	.24	.06					.01	.04	
	C	3	21.3	5.2	B	F-67		.06	.01	.07							.02	
	C	4	18.9	3.3	D	S-68	.78	.05		.83	.62							
	C	3	18.6	4.7	C	F-68	.27	.30	.24	.81	.52		.02			.08		
	StMu	3	13.7	1.3	C	F-68	.20	.30	.25	.75	1.37		.03			.08		
	ChC	4	16.3	1.4	B	S-67	.10	.04	.18	.32	.07			.01		.01	.02	
	WhC	5	13.1	1.3	B	S-67	.01	.09	.06	.16	.11			.09		.01	.05	
	BGS	5	6.9	.4	B	F-67		.07		.07							.03	
	BGS	5	6.8	.3	D	S-68	.17	.01		.18	.25							
	LMB	5	13.9	1.2	B	F-67	.02		.08	.10				.03	.02		.05	
	LMB	5	14.0	1.2	D	S-68	.15	.02		.17	.26							
	LMB	2	13.0	1.1	C	F-68	.08	.07	.07	.22	.15					.02		
St. Johns River, Welaka, Fla., (11)	StMu	5	15.0	1.1	B	S-67	.04	.05	.13	.22	.04	.01	.01		.01	.01	.14	
	StMu	3	17.3	2.0	B	F-67	.02		.09	.11			.02				.01	
	StMu	5	13.4	.9	D	S-68	.22	.12		.34								
	StMu	4	13.5	1.1	C	F-68	.14	.16	.15	.45						.02		
	ChC	12	10.5	.5	B	S-67	.02	.02	.06	.10	.03	.01				.01	.02	
	ChC	5	13.1	.7	B	F-67	.01	.04	.06	.11				.01				
	ChC	5	9.7	.3	D	S-68	.11	.02		.13								
	ChC	5	10.4	.4	C	F-68	.05	.08	04	.17						.02		
	RBS	17	7.2	.5	B	S-67	.17	.14	.14	.45	.05			.01			.09	
	RBS	5	8.4	.4	B	F-67	.01	.14	.04	.19	.01			.01	.01		.03	
	RBS	5	7.4	.3	C	F-68	.05	.06	.04	.15						.02		
	LMB	2	17.0	2.4	B	F-67	.02	.09	.04	.15					.01		.07	
	LMB	2	16.7	2.4	D	S-68	.14	.02		.16	.03							
St. Lucie Canal, Indiantown, Fla. (12)	WhC	6	11.5	.8	B	S-67	.15	.16	.20	.51	.09		.01				.09	
	WhC	5	12.2	.9	B	F-67	.03	.06	.03	.12							.01	
	WhC	1	12.0	.9	D	S-68	1.87	1.90	.05	3.82								
	ChC	5	11.4	1.3	C	F-68	3.07	2.50	1.69	7.26							.15	
	BGS	10	8.1	.5	B	S-67	.13	.17	.15	.44	.09						.09	
	BGS	5	6.7	.3	B	F-67		.16	.02	.18			.01				.01	
	BGS	5	6.8	.3	D	S-68	1.46	.20	.10	1.76		.02						
	BGS	5	7.0	.2	C	F-68	.76	.60	.68	2.04	.04					.05		
	LMB	3	17.3	2.7	B	S-67	.09	.16	.21	.45	.04						.07	
	LMB	4	11.5	.8	B	F-67	.01	.18	.06	.25							.04	
	LMB	5	10.2	.4	D	S-68	1.72	.28		2.00								
	LMB	5	11.0	.6	C	F-68	.57	.52	.67	1.76						.03	.04	

XUM

GULF COAST STREAMS																		
Apalachicola River, Jim Wodoruff Dam, Fla. 13	SpSu	3	17.7	2.4	B	S-67	.08	.11	.12	.31	.04	----	----	----	----	.01	.04	----
	SpSu	3	18.2	2.8	B	F-67	.24	.06	3.24	3.54	.02	.02	.27	----	.01	----	.02	----
	SpSu	5	14.5	1.3	D	S-68	.18	.05	----	.23	.06	----	----	----	----	----	----	----
	SpSu	5	18.4	2.5	C	F-68	1.83	.67	.44	2.94	.15	----	----	----	----	.04	.08	----
	ChC	5	17.0	1.7	B	S-67	.22	.18	.30	.70	.04	----	----	.01	----	.01	.27	----
	ChC	3	15.5	1.4	B	F-67	.02	.33	.04	.39	.02	----	----	----	----	----	----	----
	ChC	5	8.8	.2	D	S-68	.31	.08	----	.39	.19	----	----	----	----	----	----	----
	ChC	5	8.2	.2	C	F-68	2.68	1.64	1.72	6.04	----	----	----	----	----	----	.17	----
	LBM	3	15.3	2.4	B	S-67	.18	.46	.46	1.10	.38	----	.02	.02	.01	.01	.66	----
	LMB	5	15.8	2.1	B	F-67	.07	.01	1.03	1.11	.01	----	.06	----	----	----	----	----
	LMB	5	10.9	.8	D	S-68	.38	.02	.08	.48	.24	----	----	----	----	----	----	----
	LMB	5	11.2	.8	C	F-68	1.68	1.32	.80	3.80	.45	----	----	----	----	.09	.14	----
Tombigbee River, McIntosh, Ala. No. (14)	C	5	15.0	1.6	B	F-67	.04	.09	.03	.16	----	----	----	----	----	----	----	----
		5	17.0	2.7	C	F-68	9.48	4.82	1.33	15.63	.01	----	----	.37	----	----	----	----
	CpSu	8	11.8	.8	B	S-67	.10	.24	.10	.44	.05	----	.03	.01	----	----	1.12	----
		5	14.8	2.2	D	S-68	5.15	1.20	----	6.35	.48	----	----	----	----	----	----	----
	StMu	5	14.4	1.3	B	S-67	.49	.40	.72	1.61	.34	----	.02	.02	.01	----	1.65	----
	StMu	5	13.6	.8	B	F-67	.01	.10	.03	.14	----	----	----	----	----	----	.01	----
	StMu	5	16.0	1.7	D	S-68	12.00	3.60	----	15.60	1.26	----	----	----	----	----	----	----
	StMu	5	15.8	1.7	C	F-68	3.28	2.21	1.26	6.75	.04	----	----	----	----	----	----	----
	LMB	4	12.3	1.0	B	F-67	----	.10	.03	.13	----	----	----	----	----	----	----	----
	LMB	5	11.2	0.8	D	S-68	5.15	----	----	5.15	----	----	----	----	----	----	----	----
	LMB	5	13.2	1.2	C	F-68	7.94	3.70	1.69	13.33	0.6	----	----	----	----	----	----	----
	BF	3	22.7	4.4	B	S-67	.04	.10	.10	.24	.12	----	.01	.2	----	.01	.13	----
Mississippi River, Luling, La. (15)	C	3	17.3	2.3	B	S-67	.02	.07	.06	.15	.04	.02	.09	.03	----	.01	.19	.03
	C	5	9.8	.7	B	F-67	.01	.05	.02	.08	.01	.01	.01	----	----	.01	----	----
	C	3	22.0	5.6	D	S-68	.42	.10	----	.52	.08	.58	----	----	----	----	----	----
	C	5	12.6	1.4	C	F-68	.07	.19	.06	.32	.09	----	.10	----	----	.08	.09	----
	StMu	4	13.5	.9	B	F-67	----	.03	.01	.04	----	----	.01	----	.01	----	----	----
	StMu	5	12.2	.7	C	F-68	.29	.44	.78	1.51	.18	----	.14	----	.89	.73	----	----
	FWD	5	9.8	.4	D	S-68	.62	.24	----	.86	.05	----	----	----	----	----	----	----
	ChC	3	13.0	.9	B	S-67	.04	.08	.07	.19	.05	.01	.01	.03	----	.02	.30	----
	ChC	5	11.2	.6	B	F-67	----	.06	----	.06	----	----	----	----	----	----	----	----
	ChC	5	11.9	.6	D	S-68	.16	----	----	.16	----	----	----	----	----	----	----	----
	ChC	5	12.0	.6	C	F-68	.24	.45	.53	1.22	.17	----	.14	----	----	----	.23	----
	LMB	2	14.4	1.9	B	S-67	.02	.05	.09	.16	.03	----	----	.01	----	.01	.08	----
Rio Grande River, Brownsville, Tex. (16)	C	4	16.6	2.3	B	S-67	.02	.04	.27	.33	.10	----	----	----	.02	.01	.06	----
	BMBu	2	17.0	3.1	B	S-67	.08	.08	.11	.27	.11	----	----	----	----	----	.10	----
	GSh	2	11.5	.9	B	F-67	.05	.03	.03	.11	----	----	----	----	----	----	.01	----
	GSh	5	11.7	.7	D	S-68	2.40	.10	----	2.50	.12	----	----	----	----	----	----	----
	GSh	5	12.2	.6	C	F-68	2.34	.16	.13	2.63	----	----	----	.02	----	----	----	----
	ChC	5	15.5	1.1	B	S-67	.11	.31	.22	.64	.03	----	.01	----	----	.01	.46	----
	ChC	5	12.6	.6	B	F-67	.03	.01	.02	.06	----	----	----	----	----	----	.01	----
	ChC	3	12.5	.6	D	S-68	2.69	.30	----	2.99	.48	.02	----	----	----	----	----	----
	ChC	4	16.6	1.5	C	F-68	.61	.01	.02	.64	----	----	----	----	----	----	----	----
	FHC	1	21.1	4.1	B	F-67	.08	.07	.05	.20	.01	----	----	----	----	----	----	----
	BIC	4	10.5	.3	D	S-68	2.84	.05	----	2.89	.11	.07	----	----	----	----	----	----
	BIC	2	10.4	.3	C	F-68	10.70	1.30	1.17	13.17	.01	----	.02	.02	----	----	----	----
GREAT LAKES DRAINAGE																		
Genesee River	WhSu	5	13.1	.8	C	F-67	.06	.06	.08	.20	.02	----	----	.01	----	.01	----	----
Scottsville, N.Y., No. 17	WhSu	5	13.6	.7	E	S-68	.01	----	.07	.08	----	----	----	----	----	.01	----	----
	WhSu	5	12.7	.7	C	F-68	.10	.08	.10	.28	.02	----	----	----	----	.02	----	----
	RSu	7	14.0	1.0	C	S-67	.35	.23	.12	.70	.04	----	----	----	----	----	----	----
	RkB	9	7.2	.9	C	S-67	.08	.06	.06	.20	.01	----	----	----	----	----	----	----
	RkB	5	7.9	.3	E	S-68	.16	1.42	.24	1.82	.03	.04	----	----	.03	.04	----	----
	RkB	5	8.4	.4	C	F-68	.15	.15	.13	.43	.03	----	----	----	----	.08	----	----
	WE	4	14.8	1.0	C	S-67	.11	.15	----	.26	.01	----	----	----	----	----	----	----
	WE	1	25.2	4.0	C	F-67	1.27	1.57	1.39	4.23	.11	----	----	.01	----	.71	----	----
	WE	2	16.6	1.5	E	S-68	.06	.03	.10	.19	.01	.03	----	----	.02	.03	----	----
	WE	3	16.0	1.3	C	F-68	.76	.81	.44	2.01	.10	----	----	----	----	.65	.39	----
Lake Ontario, Port Ontario, N.Y.	YeP	8	11.4	.7	C	S-67	1.15	.58	.73	2.46	.02	----	----	----	.42	----	----	----
	YeP	5	11.8	1.0	C	F-67	1.60	.90	1.23	3.73	.01	----	----	.36	----	.47	----	----
	YeP	5	9.8	.6	E	S-68	.25	.05	.20	.49	.02	.01	----	.01	.02	.02	----	----
	YeP	5	11.0	.7	C	F-68	2.81	2.55	2.53	7.89	.05	----	.02	----	----	1.64	----	----
	WhP	10	10.1	.7	C	S-67	1.43	.75	.93	3.11	.01	----	----	----	----	----	----	----
	WhP	5	10.7	.9	C	F-67	.55	.31	.47	1.33	.04	----	----	.06	----	----	----	----
	WhP	5	9.9	.6	E	S-68	1.67	2.54	3.25	7.46	.50	7.50	----	----	8.33	3.54	----	----
	WhP	5	11.0	.8	C	F-68	4.84	3.36	3.59	11.79	.09	----	.02	----	----	1.74	----	----
	RkB	10	8.6	.5	C	S-67	.69	.34	.41	1.44	.04	----	----	----	----	----	----	----
	RkB	5	8.8	.6	C	F-67	.43	.27	.28	.98	.03	----	----	.09	----	.12	----	----
	RkB	5	6.9	.3	E	S-68	.07	.11	.31	.49	.01	.01	----	----	.01	.02	----	----
	RkB	5	8.3	.5	C	F-68	2.97	2.14	2.14	7.25	.03	----	----	----	----	.86	----	----

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967–68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
			Average															
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Hepta-chlor	Hepta-chlor epoxide	Chlordane	Toxa-phene
GREAT LAKES DRAINAGE—Continued																		
Lake Erie, Erie, Pa. (19)	WhSu	8	13.2	1.0	C	S-67	0.12	0.18	0.20	0.50	0.02							
	WhSu	5	14.1	1.2	C	F-67	.09	.11	.13	.33	.03			0.01				
	WhSu	5	12.7	.9	E	S-68	.02	.04	.10	.16	.01	0.01				0.01		
	WhSu	5	13.8	1.0	C	F-68	.23	.27	.43	.93	.02					.03		
	FWD	10	10.2	.5	C	S-67	.28	.40	.30	.98	.03							
	FWD	5	11.0	.6	C	F-67	.09	.10	.13	.32	.03							
	FWD	5	13.8	1.2	E	S-68	.18	.09	.32	.59	.01	.03				.04		
	FWD	5	11.0	.6	C	F-68	.25	.41	.56	1.22	.07					.08		
	YeP	10	9.4	.4	C	S-67	.29	.24	.55	1.08	.03							
	YeP	5	9.1	.4	C	F-67	.23	.17	.26	.66	.04			.01				
	YeP	5	9.7	.5	E	S-68	.05	.04	.13	.22	.01	.01				.01		
	YeP	5	9.0	.2	C	F-68	.11	.30	.58	.99	.05					.05		
Lake Huron, Bayport, Mich. (20)	C	6	15.9	1.9	C	S-67	1.30	2.30	0.49	4.09	0.02							
	C	5	14.8	1.6	C	F-67	.21	.28	.09	.58	.01			0.01		0.17		
	C	5	18.7	3.6	C	S-68	.44	.39	.10	.93	.02							
	C	5	18.0	3.1	C	F-68	.15	.19	.08	.42								
	WhSu	6	16.4	1.5	C	S-67	.60	1.10		1.70	.01							
	ChC	6	16.2	1.5	C	S-67	1.90	1.70		3.60	.50							
	ChC	5	14.7	1.0	C	F-67	1.08	1.13	.30	2.51	.04			.03				
	ChC	5	16.8	1.7	C	S-68	1.09	.81	.62	2.52	.04							
	ChC	3	19.8	3.2	C	F-68	1.63	1.80	1.29	4.72	.04			.29				
	YeP	11	11.2	.8	C	S-67	1.10	.60		1.70	.03							
	YeP	5	11.6	.7	C	F-67	.59	.57	.43	1.59	.04			.01				
	YeP	5	11.4	.9	C	S-68	.40	.46	.26	1.12	.01			.02		.28		
	YeP	5	9.3	.4	C	F-68	.25	.32	.16	.73								
Lake Michigan, Sheboygan Wis. (21)	Blo	18	12.1	.8	C	S-67[2]	4.40	.84	1.50	6.74	.14							
	Blo	11	11.5	.6	C	S-67	4.40	.94	1.30	6.64	.14							
	Blo	5	11.4	.6	C	F-67	3.55	.35	1.97	5.87	.22							
	Blo	5	14.0	1.3	C	S-68	4.79		2.10	6.89	.02			.01		.18	0.07	
	Blo	5	11.7	.8	C	F-68	3.26	.59	2.58	6.43	.16							
	Blo	5	11.3	.7	C	F-68[3]	3.91	.55	2.99	7.45	.15							
	YeP	5	10.0	.4	C	S-68	1.18	.36	1.23	2.77	.08							
	YeP	5	8.3	.3	C	F-68[4]	.45	.24	.48	1.17	.07							
Lake Superior, Bayfield, Wis. (22)	LWh	9	17.3	1.8	C	S-67	.45	.06	.36	.87	.06							
	LWh	5	18.8	2.4	C	S-68	.33	.08	.27	.68	.04				.08		.05	
	RWh	5	13.8	0.7	C	F-67	.44	.04	.15	.63	.01			.01				
	RWh	6	10.2	0.4	C	F-68	.29	.04	.12	.45								
	LkT	11	17.4	1.5	C	S-67	.61	.15	.12	.88	.02							
	LkT	4	13.7	0.8	C	F-67	.51	.04	.25	.80	.03			.01				
	LkT	5	20.7	3.0	C	S-68	.81	.08	.34	1.23	.02			.04				
	LkT	5	22.5	3.3	C	F-68	.78	.14	.46	1.38	.03							
MISSISSIPPI RIVER SYSTEM																		
Kanawha River, Winfield Va. (23)	C	4	15.0	1.7	C	S-67	.11	.30	.06	.47	.02							
	C	5	12.9	1.1	C	F-67	.03	.06	.02	.11	.02					.01		
	C	5	8.3	.4	E	S-68	.02	.07	.05	.14	.01	.08				.02		
	C	5	12.5	1.1	C	F-68	.34	.57	.46	1.37	.03			.48	.72	.42		
	ChC	5	14.1	.9	C	F-67	.07	.13	.11	.31	.05					.02		
	BrBH	6	11.5	1.0	C	S-67	.06	.23	.07	.36	.04							
	BrBH	5	12.0	.9	C	F-67	.05	.10	.05	.20	.04					.01		
	BrBH	5	10.0	.5	E	S-68	.02	.11	.08	.21	.01	.08				.04		
	BrBH	5	12.0	1.0	C	F-68	.47	.66	.31	1.44	.03			.36	.64	.35		
	LMB	10	8.9	.5	C	S-67	.15	.25	.13	.53	.04							
	WhCp	5	9.2	.4	E	S-68	.17	.10	.19	.46	.01	.28				.04		
	WhCp	5	6.0	.1	C	F-68	.36	.46	.34	1.16	.03			.32	.65	.38		
Ohio River, Marietta, Ohio (24)	C	5	12.8	1.1	C	S-67	.50	.56	.34	1.40	.04							
	C	5	15.0	2.3	C	F-67	.06	.12	.08	.26	.02			.10		.05		
	C	5	16.7	2.5	C	S-68	.19	.35	.20	.74	.02							
	C	5	15.5	2.0	C	F-68	.77	.38	.37	1.52	.03					.89	.56	
	Rsu	4	14.1	1.1	C	S-67	.23	.44	.20	.87	.01							
	RSu	5	13.0	1.0	C	F-67	.12	.25	.07	.44	.02			.16		.09		
	RSu	5	13.8	1.1	C	S-68	.21	.31	.20	.72	.02			.02				
	RSu	5	14.5	1.4	C	F-68	.20	.35	.22	.77	.03					.46	.31	
	ChC	6	14.5	1.0	C	S-67	.86	1.10	.47	2.43	.05							
	ChC	5	14.3	.9	C	F-67	.64	.89	.73	2.26	.05			.27		.23		
	ChC	5	14.9	1.0	C	S-68	.65	1.05	.36	2.06	.04							
	ChC	5	14.5	.8	C	F-68	1.29	1.24	.78	3.31	.03					.93	.66	

Cumberland River, Clarksville, Tenn., (25)	C	7	12.0	.8	B	S-67	.01	.03	.01	.05	.03					.01	.02	
	C	5	9.8	.4	B	F-67	.02	.04	.05	.11			.01	.01			.01	
	C	5	13.4	1.2	D	S-68	.83	.07		.90	.17	.11						
	C	5	11.2	.7	C	F-68	.30	.38	.18	.86	.02					.12		
	BGS	13	7.3	.3	B	S-67	.05	.03	.42	.50	.03					.02	.05	
	BGS	4	6.6	.02	B	F-67	.04		.13	.17			.01	.02			.02	
	BGS	5	6.7	.2	D	S-68	.16	.05		.21	.04							
	BGS	5	6.6	.2	C	F-68	.31	.26	.16	.73	.03					.09		
	LMB	8	10.8	.6	B	S-67	.08	.07	.18	.33	.06	.01			.01	.02	.03	
	LMB	5	10.3	.4	B	F-67	.01	.03	.01	.05			.02	.01			.03	
	LMB	5	14.5	1.7	D	S-68	.16	.05		.21	.05							
	LMB	5	10.6	.8	C	F-68	.67	.85	.56	2.08	.04		.01			.29		
Illinois River, Beardstown, Ill., (26)	C	4	16.3	2.5	C	S-67	.28	.30	.09	.67	.30						.50	
	BMBu	5	14.7	1.8	C	F-67	.04	.08	.04	.16	.52			.02		.01	.24	
	BMBu	5	14.8	2.1	C	F-68	.17	.22	.21	.60	.35			.07		.11	.17	
	CpSu	5	12.7	.9	C	S-68	.16	.11	.16	.43	.20							
	ChC	8	12.6	.8	C	S-67	.35	.45	.15	.95	.38						.65	
	BkBH	5	10.3	.6	C	F-67	.06	.13	.06	.25	.18						.18	
	BkBH	3	9.2	.4	C	S-68	.19	.04	.06	.29	.10							
	BkBH	5	10.6	.5	C	F-68	.30	.45	.40	1.15	.30			.05		.11	.24	
	WhCp	5	9.3	.4	C	F-67	.06	.09	.04	.19	.23						.13	
	WhCp	5	10.4	.6	C	S-68	.31	.10	.27	.68	.24							
	WhCp	5	8.7	.4	C	F-68	.19	.25	.28	.72	.27			.04		.08	.15	
Mississippi River, Gutenberg, Iowa (27)	C	4	17.8	2.5	C	S-67	.13	.16	.06	.35	.02							
	C	4	13.7	1.9	C	S-68	.27	.29	.15	.71	.02							
	C	4	19.5	3.3	C	F-68	.30	.38	.27	.95	.04					.12		
	BMBu	4	61.1	2.7	C	S-67	.17	.24	.13	.54	.05							
	BMBu	4	18.0	4.0	C	F-67	.05	.09	.07	.21	.04			.02				
	SpSu	5	15.9	2.0	C	S-67	.20	.27	.21	.68	.04							
	RSu	5	16.2	1.4	C	F-68	.26	.36	.35	.97	.05					.10		
	BGS	5	7.6	.4	C	F-67	.08	.12	.10	.30	.03							
	BGS	5	4.2	.2	C	S-68	.06	.03	.04	.13	.01							
	BGS	5	8.6	.3	C	F-68	.10	.14	.17	.41	.02				.01	.03		
	LMB	5	12.5	1.7	C	S-67	.08	.10	.07	.25	.01							
	LMB	5	12.6	1.0	C	F-67	.04	.03	.03	.10	.02							
	LMB	4	10.5	0.8	C	S-68	.15	.18	.14	.47	.01					.04		
	LMB	5	12.6	1.0	C	F-68	.14	.21	.22	.57	.02					.03		
Arkansas River, Pine Bluff, Ark. (28)	C	3	22.0	4.6	B	S-67	0.01	0.13	0.04	0.18	0.08	0.01	0.01			0.05	0.05	
	C	5	17.7	2.9	B	F-67	.01	.01	1.57	1.59	.03		.04		0.01			
	C	4	18.1	3.2	D	S-68	.65	.16		.81	.06							
	C	3	19.3	3.9	C	F-68	5.63	2.79	.67	9.09	.02							
	SMBu	3	17.0	3.1	B	S-67	.11	.15	.24	.50	.10	.01	.02	0.02		.01	.11	0.01
	SMBu	5	16.2	2.4	B	F-67	.08	.64	.39	1.11	.02	.01	.11	.02	.04	.01	.02	.02
	SMBu	3	18.1	3.2	D	S-68	1.39	.47		1.86	.17							
	SMBu	3	17.0	2.6	C	F-68	1.83	2.03	1.95	5.81	.05					.20		
	ChC	2	15.0	1.0	C	F-68	.89	.78	1.02	2.69	.02					.12		
	FHC	3	23.0	5.4	B	S-67	.16	.34	.77	1.27	.08	.01	.03	.07	.01	.05	.54	
	FHC	4	21.3	3.8	B	F-67	.05	.03	1.16	1.24	.02		.11	.01	.01	.01	.01	
	FHC	3	19.6	3.5	D	S-68	2.28	1.03		3.31	.40							
Arkansas River, Keystone Reservoir, Okla. (29)	C	4	13.8	1.4	B	S-67	.05	.03	.14	.22	.01	.01				.01	.03	
	C	5	12.7	1.0	B	F-67	.01	.06	.02	.08								
	C	5	11.8	.8	D	S-68	.13	.03		.16	.01	.01						
	C	5	12.2	.8	C	F-68	.15	.13	.10	.38	.01				.02	.04	.09	
	SMBu	9	10.7	.7	B	S-67	.07	.02	.15	.23	.02				.03	.01	.03	
	BGS	5	5.9	.1	B	F-67		.01	.02	.02							.02	
	BGS	5	5.8	.1	D	S-68	.13	.02		.15	.02	.05						
	BGS	5	5.8	.1	C	F-68	.17	.10	.10	.37					.02	.12	.06	
	LMB	4	14.0	1.7	B	S-67	.05	.05	.06	.15	.04					.01	.04	.01
	LMB	5	13.6	1.7	B	F-67		.17	.02	.19	.01		.01		.01		.01	
	LMB	5	14.5	2.3	D	S-68	.19	.02		.21	.10	.07						
	LMB	5	13.8	1.6	C	F-68	.15	.14	.11	.40	.03					.08	.72	
White R., DeValls Bluff, Ark. (30)	C	3	20.0	4.1	B	S-67	.01	.09	.04	.14	.07					.01	.10	
	C	4	20.8	4.5	B	F-67	.01	.01	1.73	1.75	.01		.01					
	C	3	20.0	3.5	D	S-68	2.76	1.35		4.11	.34							
	C	2	21.0	4.9	C	F-68	1.56	1.30	.32	3.18	.04		.06					
	BMBu	3	17.3	2.7	B	S-67	.07	.13	.13	.33	.10		.01				.07	
	BMBU	5	15.8	2.3	B	F-67	.05	.02	.42	.49			.01		.01	.01		
	BMBU	4	16.6	2.5	D	S-68	1.30			1.30	.17							
	BMBU	3	18.0	3.5	C	F-68	2.19	2.21	2.32	6.72	.04		.06					
	ChC	3	19.0	1.7	B	S-67	.10	.08	.19	.37	.09					.01	.04	
	ChC	4	13.4	0.7	B	F-67		.09	.02	.10							.01	
	ChC	4	15.2	1.3	D	S-68	.91	.59		1.50								
	ChC	1	18.0	3.0	C	F-68	2.81	2.21	2.73	7.75	.06		.02			.19	.04	

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967-68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
			Average															
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Hepta-chlor	Hepta-chlor epoxide	Chlordane	Toxa-phene
MISSISSIPPI RIVER SYSTEM—Continued																		
Missouri River, Nebraska City, Nebr. (31)	C	9	14.2	1.6	C	S-67	0.22	0.26	0.15	0.63	0.09						0.28	
	C	5	16.3	2.5	C	F-67	.14	.16	.11	.41	.11			0.01		0.03	.22	
	C	5	15.7	2.1	C	S-68	.03	.05	.03	.11	.05					.01		
	C	5	16.8	2.9	C	F-68	.27	.28	.24	.81	.09							
	BMBu	2	16.5	3.1	C	S-67	.11	.21	.28	.60	.22						.30	
	ME	5	12.8	.7	C	S-68	.72	.14	.15	1.01	.22	.04						
	ChC	5	14.5	1.1	C	F-67	.43	.73	.87	2.03	.12			.02		.01	.24	
	ChC	5	17.2	1.9	C	S-68	.04	.09	.08	.21	.18	.01						
	ChC	5	15.3	1.1	C	F-68	.15	.22	.26	.63	.04					.05		
	BkBH	1	8.7	.4	C	S-67	.01	.02	.02	.07	.02							
	WhCp	5	9.0	.3	C	F-67	.09	.06	.06	.21	.06			.01				
	WE	3	11.0	.3	C	F-68	.02	.20	.22	.44	.24					.06		
Missouri River, Garrison Dam, N. Dak. (32)	C	5	16.2	2.3	C	S-67	.05	.03	.01	.08	.01					.01		
	C	5	15.6	1.7	C	F-67	.03	.02	.01	.06	.01							
	C	2	18.3	3.6	C	F-68	.08	.06	.07	.21	.04		0.03			.01		
	WhSu	15	12.1	0.8	C	S-67	.02	.02	.02	.06	.01					.01		
	WhSu	5	12.7	1.0	C	F-67	.02	.02	.01	.05	.01							
	WhSu	5	13.3	0.9	C	S-68												
	GE	20	11.5	0.5	C	S-67	.08	.07	.05	.20	.02							
	GE	5	11.4	0.6	C	F-67	.03	.02	.03	.08	.02							
	GE	5	10.8	0.4	C	S-68	.15	.37	.24	.76	.01					.23		
	GE	5	12.2	0.5	C	F-68	.05	.04	.05	.14	.01					.01		
	NPi	3	27.1	4.0	C	S-67	.06	.05	.08	.18	.01					.01		
	WE	5	19.4	2.7	C	S-67	.12	.06	.20	.38	.03					.01		
	WE	4	17.1	1.9	C	F-68	.06	.09	.08	.23	.02							
	Sag	4	16.0	1.2	C	S-67	.06	.04	.13	.23	.01							
	Sag	3	16.8	1.0	C	S-68	.06	.03	.10	.19	.02							
Missouri River, Great Falls, Mont. (33)	C	1	15.5	1.7	A	S-67	.04	.02	.03	.09	.02							
	LSSu	5	10.4	.5	A	F-67				.01								
	LNSu	5	15.7	1.4	C	S-68	.14	.24	.13	.51	.01					.02		
	RSu	1	18.0	1.9	A	S-67	.05	.05	.07	.17	.01							
	RSu	5	16.6	1.6	C	F-68	.75	.67	.96	2.38	.04					.11		
	BLSu	2	16.9	1.6	A	S-67	.07	.04	.09	.20	.02							
	GE	6	13.0	.7	A	S-67	.01		.01	.03	.01							
	GE	5	12.9	.8	C	S-68	.07	.03	.06	.16	.01					.01		
	GE	5	12.7	.5	C	F-68	.09	.08	.16	.33								
	FWD	1	15.5	1.7	A	S-67	.01		.01	.02	.01							
	ChC	1	18.0	2.0	C	F-68	.74	.50	.57	1.81	.04					.05		
	BkBH	1	11.0	.5	A	S-67	.01		.01	.02								
	YeP	5	6.1	.1	A	F-67	.03	.03	.02	.08								
	Sag	5	14.8	.8	C	S-68	.04	.03	.04	.11								
	RBT	4	8.5	.3	A	F-67	.01	.01		.01								
HUDSON BAY DRAINAGE																		
Red River, Noyes, Minn. (34)	C	7	10.9	.9	C	S-67	.29	.16		.45	.07					.01		
	C	2	12.5	1.0	C	S-68	.12	.04	.01	.17	.05							
	WhSu	4	10.4	.8	C	S-67	.10	.12		.22	.09					.01		
	WhSu	4	16.0	2.0	C	F-67	.61	.95	1.79	3.35	.08			.03				
	WhSu	1	11.5	.8	C	F-68	.17	.09	.37	.63	.03							
	GE	5	10.5	.7	C	F-67	1.04	.52	.69	2.25	.25			.03				
	GE	1	10.1	.5	C	F-68	1.90	.25	.21	2.36	.03							
	ChC	11	9.1	.5	C	S-67	.55	.57	.53	1.65	.12					.02		
	ChC	2	10.2	.4	C	S-68	.75	.09	.24	1.08	.37							
	Sag	5	12.5	.8	C	F-67	1.16	.75	1.87	3.78	.23			.06				
	Sag	1	12.0	.5	C	S-68	.10	.18	.07	.35	.19							
	Sag	3	11.5	.5	C	F-68	.39	.30	.37	1.06	.06			.06	.04	.07	.06	
	Bot	5	13.8	.9	C	S-67	.14	.14		.28	.04					.01		

COLORADO RIVER SYSTEM																		
Green River, Vernal, Utah (35)	C	10	15.6	1.8	B	S-67	.01		.03	.03								
	C	5	14 4	1.4	B	F-67	.01	.02	.02	.05							.01	
	C	5	15.7	1.9	D	S-68	.16	.01		.17	.01	.01						
	C	5	9.0	.3	C	F-68	.04	.03	.03	.10							.02	
	HBSu	4	19.6	2.8	B	S-67	.01	.01	.08	.10	.01						.01	
	FMSu	5	17.8	2.4	D	S-68	.53	.03		.56	.05	.05						
	ChC	1	15.5	1.1	B	F-67		.05	.01	.06			.01				.02	
	BkBH	7	6.7	.2	B	S-67	.02	.06	.16	.24	.10						.06	
	BkBH	5	8.1	.3	B	F-67	.01	.39	.10	.50	.01						.01	
	BkBH	2	7.1	.3	D	S-68	.10			.10		.05						
	BkBH	5	5.2	.1	C	F-68	.02	.02	.02	.06								
	GrS	5	4.0	.1	C	F-68	.03	.02	.02	.07								
Colorado River, Imperial Res., Ariz. (36)	C	6	15.2	1.6	B	S-67	.04	.01	.13	1.7	.02				.02		.01	.01
	C	4	17.2	2.1	B	F-67	.04	.01	2.71	2.76	.01		.02	.01	.01			
	C	5	16.8	1.9	D	S-68	.25	.06		.31	.01	.08						
	C	3	19.4	3.1	D	F-68	.18			.18								
	ChC	6	15.0	1.3	B	S-67	.07	.03	.22	.31	.05		.01		.02	.01	.02	
	ChC	3	18.5	1.9	B	F-67	.03		4.75	4.79	.04	.01	.71	.01				
	ChC	3	12.3	.8	D	S-68	.21	.01		.22	.03	.09						
	BGS	3	6.6	.2	D	F-68	.06			.06		.01						
	LMB	8	11.6	.9	B	S-67	.02	.03	.08	.12	.06				.02			
	LMB	4	13.3	1.2	B	F-67	.02	.01	.01	.04							.01	
	LMB	5	12.0	1.0	D	S-68	.19	.01		.20	.02	.11						
	LMB	3	10.3	.4	D	F-68	.09			.09								
INTERIOR BASINS																		
Truckee River, Fernley, Nev. (37)	C	1	27.5	11.5	A	S-67	01	.01		.02								
	C	3	12.1	1.1	A	F-67	.02	.01	.01	.03								
	C	5	18.8	3.2	C	F-68	.25	.17	.06	.48	.01							
	LSSu	5	10.5	.6	A	F-67	.02	.01		.02								
	TaSu	5	10.6	.5	C	S-68	.16	.10	.07	.33	.01							
	TCh	3	12.1	.9	A	S-67	.05	.01	.01	.06								
	ChC	5	10.1	.3	A	S-67	.02	.02	.02	.06	.01							
	BrBH	5	11.2	1.0	A	S-67	.03	.01	.01	.06								
	BrBH	5	10.4	.7	C	S-68	.22	.16	.06	.44	.02							
	BrBH	5	9.5	.4	C	F-68	.09	.08	.05	.22	.02							
	SaP	4	7.8	.3	A	S-67	.04	.01	.01	.06								
	LMB	5	12.0	1.0	C	S-68	.74	.43	.20	1.37	.03							
	LMB	5	13.1	1.4	C	F-68	.42	.35	.35	1.12	.06							
Utah Lake, Provo, Utah (38)	C	7	18.6	2.8	B	S-67		.03	.19	.22	.02						.02	
	C	5	16.3	2.2	B	F-67		.07	.01	.08			.01				.01	
	C	5	15.0	1.6	D	S-68	.26	.03		.29	.04	.01						
	C	5	13.0	1.1	C	F-68	.06	.06	.02	.14	.02							
	ChC	9	17.7	2.0	B	S-67	.02	.04	.08	.14	.04						.03	.01
	BrBh	5	9.9	.5	B	F-67		.05	.01	.06							.02	
	BrBH	5	8.6	.4	D	S-68	.16	.04		.20	.04	.01						
	BrBH	5	9.2	.5	C	F-68	.02	.03	.02	.07								
	WhB	6	12.3	.8	B	S-67	.01		.03	.04								
	WhB	5	11.9	.8	B	F-67	.01	.13	.06	.20				.01			.03	
	WhB	5	10.1	.4	D	S-68	.19	.01		.20	.02	.05						
	WhB	2	10.6	.5	C	F-68	.08	.09	.06	.23								
CALIFORNIA STREAMS																		
Sacramento River, Sacramento, Calif. (39)	C	5	15.8	1.9	A	S-67	.06	.43	.32	.81	.10		.01	.02		.01		
	C	5	14.1	1.4	A	F-67	.86	.57	.07	1.50								
	C	5	15.9	1.5	C	S-68	4.84	1.56	.83	7.23	.15							
	C	5	11.7	.7	C	F-68	.81	.28	.28	1.37								
	ChC	2	13.0	.8	C	S-68	1.87	1.04	.47	3.38	.06			.01		.04		
	CHC	3	13.3	1.1	C	F-68	1.19	.81	.53	2.53	.02			.13			.04	
	BrBH	5	9.4	.6	A	F-67	1.36	1.01	.31	2.68								
	LMB	4	13.0	1.5	A	S-67	2.53	3.44	3.14	9.11	.14							
	LMB	1	16.0	2.3	C	S-68	4.48	1.95	.87	7.30	.06			.01				
	LMB	3	17.2	3.2	C	F-68	1.17	1.03	1.26	3.46	.05		.02			.04		
	NSq	4	16.7	1.9	A	F-67	.24	.12	.05	.40								
San Joaquin River, Los Banos, Calif. (40)	C	5	11.5	0,9	A	S-67	.07	.03	.02	.11	.01							
	C	3	15.3	1.4	A	F-67	.09	.04		.13								
	C	5	14.7	1.5	C	S-68	.49	.21	.04	.74								
	C	4	15.2	1.6	C	F-68	.19	.18	.07	.44	.04					.02		
	ChC	4	16.3	1.3	A	F-67	1.29	.51	.01	1.80	.01							
	ChC	4	15.7	1.6	C	S-68	.72	.82	.29	1.83	.14							
	ChC	5	15.6	1.4	C	F-68	1.15	1.33	.30	2.78	.31					.10		
	WhC	4	10.7	.7	A	S-67	.22	.08	.09	.39	.03		.01					
	GrS	1	8.0	.7	A	S-67	.05	.02	.02	.09								
	BkCp	5	8.4	.4	A	F-67	.02	.02	.01	.05								
	BkCp	2	11.3	.9	C	S-68	.56	.62	.20	1.38	.15							
	BkCp	5	12.0	1.2	C	F-68	.48	.65	.37	1.50	.29					.04		
	StB	1	25.0	5.1	A	S-67	.76	.28	.54	1.58	.03		.01					

Footnotes at end of table.

TABLE 4.—ORGANOCHLORINE INSECTICIDE RESIDUES IN FISH, 1967–68—Continued

[Note: See table 1 for explanation of species column]

Collection data							Organochlorine insecticides (p.p.m.)[1]											
			Average															
Location and station No.	Species	Number of fish	Length (inches)	Weight (pounds)	Anal lab code	Date	DDE	TDE	DDT	DDT and met.	Dieldrin	Aldrin	Endrin	Lindane	Hepta-chlor	Hepta-chlor epoxide	Chlordane	Toxa-phene
COLUMBIA RIVER SYSTEM																		
Snake River, Hagerman, Idaho (41)	C	3	22.5	5.8	A	S-67	0.17	0.07	0.03	0.27	0.01							
	LSSu	5	18.2	2.5	A	S-67	.09	.02	.03	.14	.01							
	LSSu	5	16.1	1.5	A	F-67	.08	.02	.02	.12								
	LSSu	5	18.7	2.2	C	S-68	1.46	.20	.05	1.71	.02							
	LSSu	5	17.1	1.9	C	F-68	.60	.23	.18	1.01	.04							
	MWh	5	11.5	.6	A	F-67	.01			.02								
	BkBll	1	12.5	.9	C	S-68	.05	.02	.01	.08								
	RBT	3	13.7	1.3	A	S-67	.04	.01	.01	.06	.01							
	RBT	1	10.8	.6	A	F-67	.07		.01	.08								
	NSq	3	12.0	.5	A	F-67	.60	.05		.66								
	NSq	5	15.4	1.4	C	S-68	.86	.12	.04	1.02	.01							
	NSq	5	16.6	1.5	C	F-68	1.43	.16	.08	1.67	.02							
Snake River, Lewiston, Idaho (42)	C	1	16.3	2.0	A	F-67	.09	.02	.01	.11								
	LSSu	4	17.4	2.1	A	S-67	.05	.03	.04	.11	.01							
	LSSu	5	19.0	2.1	A	F-67	.05	.03	.05	.13								
	LSSu	5	18.0	2.0	C	S-68	.22	.07	.13	.42	.02							
	LSSu	5	17.4	2.0	C	F-68	.31	.17	.26	.74	.05							
	CM	2	12.6	1.1	A	S-67	.05	.02	.01	.08	.01							
	ChC	1	23.5	5.2	A	F-67	.39	.07	.10	.56								
	SMB	5	13.3	1.2	C	S-68	.55	.15	.07	.77	.03							
	SMB	4	8.3	0.3	C	F-68	.30	.11	.14	.55	.07							
	NSq	5	13.7	1.0	A	F-67	.22	.04	.02	.28								
	NSq	5	14.9	1.2	C	S-68	.83	.17	.05	1.05	.02							
	NSq	5	11.2	0.5	C	F-68	.44	.12	.14	.70	.06							
Salmon River, Riggins, Idaho (43)	LSSu	5	18.5	2.3	A	S-67	.05	.01	.02	.08								
	LSSu	5	17.2	1.8	A	F-67	.03		.01	.04								
	LSSu	5	18.0	2.1	C	S-68	.15	.04	.04	.23								
	LSSu	3	16.9	1.8	C	F-68	.19	.08	.11	.38								
	MWh	5	13.8	.9	C	S-68	.13	.02	.03	.18								
	SMB	1	17.0	2.8	A	S-67	.12	.01	.05	.18								
	SMB	2	10.2	.7	A	F-67	.08		.04	.12								
	NSq	3	12.3	.7	A	S-67	.05	.01	.01	.07								
	NSq	2	12.8	.8	A	F-67	.10	.02		.12								
	NSq	4	11.1	.5	C	S-68	.31	.04	.01	.36								
Yakima River, Grainger, Wash. Number (44)	C	3	12.5	1.3	A	S-67	.18	.10	.03	.31	.05							
	C	5	9.7	0.7	A	F-67	1.36	.50	.22	2.08		0.02						
	C	4	13.5	1.1	C	S-68	2.43	.45	.16	3.04	.06			0.02				
	C	5	13.4	1.2	C	F-68	2.73	.89	.33	3.95	.08							
	LSSu	5	17.3	2.2	A	S-67	.23	.25	.31	.78	.06				0.01			
	LSSu	3	18.0	1.8	A	F-67	.23	.03	.08	.33								
	LSSu	5	15.5	1.1	C	S-68	.91	.31	.48	1.70	.05							
	CM	5	12.8	.8	C	F-68	1.09	.25	.32	1.66	.03							
	SMB	3	10.2	.9	C	S-68	.73	.20	.09	1.02	.01							
	BkCp	5	6.8	.2	C	F-68	.99	.50	.09	1.58	.10							
	NSq	1	15.0	1.0	A	F-67	1.01	.33	.04	1.38								
Willamette River, Oregon City, Oreg. (45)	C	1	19.5	4.1	A	F-67	.12	.12	.03	.27				.02				
	LSSu	5	18.0	2.2	A	S-67	.12	.15	.14	.42	.03		.01	.01		0.01		
	LSSu	5	14.7	1.3	A	F-67	1.85	.28	.52	2.65				.02				
	LSSu	5	15.1	1.5	C	S-68	.28	.21	.17	.66	.01			.11		.03		
	LSSu	5	18.0	2.5	C	F-68	.31	.39	.40	1.10	.03					.05		
	WhCp	5	8.0	.3	A	S-67	.13	.11	.05	.29	.01							
	CSa	3	12.9	.9	A	F-67	.34	.01		.35								
	NSq	3	11.8	.7	A	F-67	.14	.10		.25								
	NSq	5	16.2	1.7	C	S-68	.78	.28	.10	1.16	.03			.09				
	NSq	5	16.5	2.2	C	F-68	.62	.29	.41	1.32	.03					.05		
Columbia Reservoir, Bonneville Dam, Oreg. (46)	C	2	19.5	3.6	C	F-68	3.41	.39	.23	4.03	.04						0.17	
	LSSu	5	14.2	1.1	A	S-67	.13	.20	.17	.50	.07	.01		.01	.02	.01		
	LSSu	2	17.4	2.0	A	F-67		.02	.02	.04								
	LSSu	5	15.6	1.6	C	S-68	.45	.58	.27	1.30	.02							
	BrBH	5	10.3	.6	A	S-67	.12	.13	.05	.30	.01		.01					
	RBT	1	15.3	1.4	A	F-67	.09	.01		.10								
	NSq	4	16.0	1.4	A	S-67	.14	.30	.07	.51	.05		.01	.01	.01	.01		
	NSq	3	8.7	2.2	A	F-67	.01	.45	.04	.50		.01						
	NSq	5	15.0	1.2	C	F-68	1.93	.99	.32	3.24								

XUM

PACIFIC COAST STREAMS																
Klamath River, Holbrook, Calif. (47)	KSSu	5	13.5	1.0	C	F-68	.03	.02	.01	.06						
	BrBH	4	8.7	.4	A	S-67	.18	.09	.10	.37	.09					
	PkS	3	5.1	.1	C	F-68	.02	.02	.01	.04						
	YeP	5	8.5	.3	A	S-67	.27	.33	.20	.80	.09				.01	
	YeP	5	9.5	.4	A	F-67	.18	.10	.05	.33						
	YeP	5	9.4	.4	C	S-68	.03	.02	.02	.07						
	YeP	5	10.1	.5	C	F-68	.02	.02	.02	.06						
	RBT	2	19.1	2.9	A	F-67	.03		.02	.04						
	RBT	5	14.6	1.1	C	S-68	.34	.27	.09	.70				.02	.02	.02
Rogue River, Gold Rey Dam, Oreg. (48)	C	2	21.1	4.7	A	S-67	1.20	.70	.20	2.10	.52		.01			
	LSSu	4	16.4	1.8	A	S-67	.47	.48	.60	1.55	.44	.01	.01	.04	.01	
	BLSu	5	11.1	.6	A	F-67	.07	.04	.07	.18						
	BLSu	5	14.9	1.4	C	S-68	.51	.41	.54	1.46						
	BLSu	5	12.6	.8	C	F-68	.39	.50	.62	1.51	.02				.04	
	BrBH	5	9.8	.5	A	F-67	.02			.02						
	BrBH	5	10.5	.6	C	S-68	.33	.24	.10	.67	.01					
	LMB	2	12.7	1.4	A	F-67	.15	.10	.22	.46					.01	
	SMB	4	6.9	.2	C	F-68	.34	.47	.44	1.25					.04	
	RBT	5	11.2	.5	C	F-68	1.33	.75	.77	2.85	.01				.03	
	CTT	2	14.8	1.1	C	S-68	.68	.61	.48	1.77	.02					
ALASKAN STREAMS																
Chena River, Fairbanks, Alaska, (49)	LNSu[2]	5	13.4	.9	A	S-67	.14	.01	.02	.16						
	LNSu	4	10.1	.7	A	F-67	.04	.02	.06	.12						
	LNSu	5	13.8	.9	C	S-68	.14	.07	.08	.29						
	LNSu	5	12.3	.7	C	F-68	.24	.21	.45	.90					.04	
	LWh	4	12.4	.9	A	S-67	.04	.02	.05	.10	.01			.02		
	LWh	2	8.3	.5	A	F-67	.09	.06	.10	.24						
	RWh	4	13.5	.8	C	S-68	.09	.05	.08	.22						
	RWh	5	8.6	.2	C	F-68	.19	.22	.53	.94					.03	
	AGr	3	12.5	.8	A	S-67	.04	.01	.06	.11	.01			.03		
	AGr	5	9.9	.4	C	F-68	.33	.34	.94	1.61					.08	
	NPi	4	12.9	.6	C	S-68	.10	.07	.04	.21						
	CSa	5	7.5	.3	A	F-67	.02		.01	.03						
Kenai River, Soldatna, Alaska (50)	LNSu	5	15.9	1.4	A	S-67	.03		.01	.05		.01				
	LNSu	5	14.4	1.4	A	F-67										
	LNSu	5	17.2	1.5	C	S-68			.01	0.01						
	LNSu	5	16.0	1.7	C	F-68										
	LWh	4	12.8	.5	C	S-68										
	RWh	5	11.7	.5	C	F-68		.01	.03	.04						
	RBT	3	16.4	1.6	A	S-67	.01		.01	.02		.01				
	RBT	5	12.9	1.0	A	F-67										
	LKT	3	19.6	3.4	A	S-67	.03		.11	.14		.01				
	LkT	4	15.8	1.0	C	S-68	.05	.03	.02	.01						
	LkT	5	13.8	1.0	C	F-68	.05	.03	.07	.15						
	SSa	5	9.4	.4	A	F-67										

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[1] Milligrams per kilogram wet weight, whole fish.
[2] 2 separate samples analyzed.
[3] Sample collected at St. Joseph, Mich.
[4] Sample collected at Michigan City, Ind.

THE OBSTACLE TO PEACE

Mr. DODD. Mr. President, I want to call to the attention of Senators a remarkable editorial captioned "The Obstacle to Peace" which appeared in the Wall Street Journal for last Friday, June 6.

The central argument of the article is that, while many of the war critics in this country are prone to castigate the Saigon government as the chief obstacle to peace, the real obstacle, in fact, has been the inflexible and intransigent stand of Hanoi.

What do the Communists want? As the article put it:

> The Communists propose a "coalition," by which they mean this: For openers, throw out the Thieu government. Then install a Saigon government from which anti-Communists are excluded. Have this new government negotiate with the Communists about a coalition, an election and the rest. With this conveyer belt to Communist rule the proposal on the table, the American critics of the war now insist that the first order of the day is bludgeoning President Thieu into accepting the notion of "coalition."

I agree with the editorial that the insistence by some of our critics that we yield to Communist demands on the question of a coalition government is a certain prescription for defeat and disaster. I also agree with the editorial that it would be tantamount to writing off the lives of the 35,000 American boys who have died in Vietnam, as well as writing off our commitment to the South Vietnamese people.

Mr. President, I ask unanimous consent that the Wall Street Journal editorial, "The Obstacle to Peace," be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Obstacle to Peace

With President Nixon flying off to Midway, attention falls naturally on our relations with the government of South Vietnam, a subject that also shapes up as the next big battlefield in the war of home-front opinion.

The most outspoken critics of the war would dearly love to believe that the Saigon government is the one great obstacle to peace, and they mount a constant drumbeat of criticism against it. So, when President Thieu speaks his mind, a prominent U.S. Senator criticizes him, for "lobbying against President Nixon's peace plan."

Now another Senator says the war cannot be ended as long as we continue to support President Thieu, and that there's no point in discussing negotiating tactics with him at Midway because his government will only refuse to "liquidate itself."

Certainly there is ample reason to criticize the Saigon government, particularly on the all-important grounds of simple effectiveness. Yet it must also be recognized that President Thieu and his government are the current representatives of a serious cause, for which some 75,000 South Vietnamese have died in combat, for which 860,000 refugees fled North Vietnam during the 1954 division. Even when distinguished from the merely non-Communist, this anti-Communist cause represents a substantial fraction of the South Vietnamese, though it is so factionalized it has done badly against the smaller but disciplined Communist minority.

Despite the United States' vast outpouring of lives and money, it has also done badly by this anti-Communist cause. It encouraged these people to rely on its protection and advice. It then trained their army for a European-style war. It was instrumental in overthrowing their established leadership and "liquidating" Diem, with no thought as to what might come afterward. Until the last year or so, it did not even arm the South Vietnamese as well as the Communists armed the Vietcong. Presidential adviser Henry Kissinger has written, "Whether we are dangerous to our enemies one can argue, but we are murder on our friends."

Even if this history is callously ignored, the fate of South Vietnam's anti-Communist cause would remain the touchstone of whether any resolution of the war is honorable from the U.S. standpoint. The United States fought in Vietnam to uphold the simple principle that communism in its various mutations should not be allowed to expand by force.

If this principle is now utterly written off, some 35,000 American boys have died in vain. And if the successful breach of that principle proves a contagious example, its effect on international stability will endanger the American national interest. At the very minimum, this principle requires that the anti-Communists in South Vietnam be insured the place in a post-war government to which their numbers entitle them.

In paring his position to this bedrock, President Nixon has expressed a readiness to give the Communists whatever they could win in an honest election or any other bona fide expression of self-determination. Doubtless President Thieu and his compatriots, quite pertinently questioning that the Communists will ever abjure the use of force, would prefer to deny them any political life in South Vietnam.

Yet so long as the United States' terms accord with its own honor, we see no reason why it should be impossible to sell them to President Thieu should that occasion actually arise. While he has made hardline statements in Korea and elsewhere, his position has proved flexible in the past on such questions as negotiating with the National Liberation Front. When it comes to intransigence, President Thieu cannot hold a candle to Syngman Rhee; yet the U.S. brought the Rhee government around to its terms for settling the Korean War without any really drastic action, let alone sponsoring a coup.

Getting the Communists to agree to genuine self-determination is quite another matter. James Reston proclaims it "astonishing" that the other side does not snap up President Nixon's latest offer, "which not only gives Hanoi a chance to get rid of the Americans, but to take over the country by legitimate political means."

Unlike the militant doves, Mr. Reston recognizes that the real intransigents are in Hanoi, but this is not one whit astonishing. Hanoi's goal has been and remains a united Communist Vietnam, and if political processes are in fact legitimate they will not produce that outcome. Averell Harriman, scarcely a screaming hawk, estimates that the Communists would poll less than 20% of the vote in an honest election.

Instead the Communists propose a "coalition," by which they mean this: For openers, throw out the Thieu government. Then install a Saigon government from which anti-Communists are excluded. Have this new government negotiate with the Communists about a coalition, an election and the rest. With this conveyer belt to Communist rule the proposal on the table, the American critics of the war now insist that the first order of the day is bludgeoning President Thieu into accepting this notion of "coalition."

The U.S. representations at Midway will be more prudent, we suspect, if they concentrate instead on the eventuality that the Communists never do agree to a settlement the U.S. can accept with honor. This means getting the South Vietnamese government and army into some shape to permit a progressive reduction in the U.S. combat commitment. That is to say, such measures as having the South Vietnamese army fight more of the battles even at some risk of losing a few of them, and of getting its officer promotion and assignment policies more in line with merit.

This approach by no means rules out trying to persuade Saigon to our view in any differences regarding negotiations, but now hardly seems the time for any pressure ploy. Before we drag out the big guns to use on our friends again, we ought to be reasonably sure our enemies are in fact willing to talk about something worthwhile. Barring behind-the-scenes developments of momentous proportions, the Communists' current posture is hardly reason for any precipitous reaction on our part.

Saigon may be an obstacle to peace if you are talking about peace through surrender. But if you are talking about peace through an honest compromise like bona fide self-determination, the true obstacle is still in Hanoi.

THE CLASSIFIED ABM CHART

Mr. SYMINGTON. Mr. President, on the floor of the Senate earlier today, the distinguished junior Senator from Tennessee (Mr. Baker) brought up the fact that a week ago Sunday I observed that, in my judgment, the publication of a certain classified chart presented to the Committee on Armed Services by the Department of Defense would end the discussion as to whether we should only continue with the research and development of the ABM problem, or should deploy the Safeguard system now.

The Senator from Tennessee stated he does not agree that the publication of this chart would be determining, and he has a right to his opinion, as I have to mine.

The Senator then informed the Senate that said chart "does give statistical evaluation on how many Russian missiles it would take to overwhelm the defenses of the United States, the Minuteman system, and the Safeguard system, or any other system."

Mr. President, I do not believe that observation is entirely correct. The chart in question does not cover "any other system." Nevertheless, I am glad the Senator from Tennessee has seen fit to declassify certain aspects of said chart; and would hope now that the entire chart be declassified, because, as the Senator points out, the chart shows how many missiles it is estimated would be necessary to overcome the Safeguard system; and if the chart were declassified it would show the relatively few additional missiles needed to overcome the Safeguard phases.

In this connection, a letter published yesterday in the New York Times, written by one of the foremost experts in this field, Dr. Wolfgang Panofsky, who was also shown this chart by the Defense Department, is pertinent to this subject. I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

XUM

Stanford, Calif.,
May 29, 1969.

Against Deployment of Safeguard

To the Editor:

President Nixon, in his March 14 press conference, stated that he considered ABM for city defense both unwise and infeasible. He therefore decided to reorient the Sentinel to the Safeguard system dedicated to the defense of our retaliatory forces against a Soviet "first strike."

A "first strike" by the Soviets would only be possible if they could plan with confidence simultaneously to destroy not only the Minuteman force with their SS-9 missiles but also our Polaris fleet and our SAC bombers, a substantial fraction of which can be kept in the air at all times. In view of all available information, such a first-strike posture is inconceivable by 1975.

The Safeguard system is a reconfiguration of the components designed for city defense; this compromise, even if working perfectly, would buy very little. There are two reasons for this: (1) the "eyes" of the system are the radar, which is much more vulnerable than the hardened missile sites which it is to defend; the radar can be destroyed not only by a small fraction of the threatening SS-9 force but also by the now copiously deployed smaller Soviet missiles called SS-11 which are not a threat to Minuteman. (2) The number of ABM interceptors is so small that only a tiny fraction of an incoming force which might be a threat to Minuteman can be intercepted. Safeguard costs a great deal more—about $3 billion for the first "pilot operation"—than the value of the few Minutemen it could possibly save.

SECRET COUNT

Anyone can count the number of antimissiles once the holes to house them are dug. Yet Dr. John Foster, Department of Defense Director of Defense Research and Engineering, said on May 13: "The number of interceptors is kept secret for obvious reasons."

What are the reasons? The Defense Department has frightened us by a projected threat but has hidden the extent by which the proposed Safeguard system could possibly decrease that threat.

If the number of Soviet SS-9's grew at the rate forecast by Secretary Laird, and if as a result Minuteman were endangered at some future time without the Safeguard system, then the danger would be exactly the same a few months later, even if Safeguard worked perfectly.

What should be done? President Nixon's basic objective, i.e. defense of Minuteman, may become justifiable in the future, but the Safeguard hardware is inadequate. There is ample time to develop components to match the job. We have no reason to be stampeded by the argument that Safeguard is a "pilot plant." We cannot fire realistic missiles into North Dakota and Montana, and as soon as we deploy military systems we lose flexibility in improving them.

Considering this clearly absured technical situation, why is there support for Safeguard? Most proponents of ABM, including Dr. Edward Teller, have been candid—they really want a "thick" city ABM which the President himself and the Pentagon have declared impractical. For those who really wish to push for the "thick" ABM system later it matters little that Safeguard is unsuited to its announced mission.

Safeguard may or may not work, and can do very little if it does work; yet it generates pressure for expansion. Therefore the conservative Soviets will plan to increase their offensive forces to defeat our ABM; our planners in pressing for expansion of other military systems will insist that they cannot conservatively assume that our ABM will work.

Thus deployment of Safeguard now will further fuel the arms race, and not "insure the future security of this nation," let alone the world.

Wolfgang K. H. Panofsky.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

Proposed Supplemental Appropriation—Communication From the President

A communication from the President of the United States, transmitting proposed supplemental appropriations for fiscal year 1969 in the amount of $1,079,469 to pay claims and judgments rendered against the United States, which with accompanying papers was referred to the Committee on Appropriations, and ordered to be printed.

Proposed Legislation To Amend the Food Stamp Act of 1964

A letter from the Office of the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1964, as amended (with accompanying papers); to the Committee on Agriculture and Forestry.

Report on Major Natural Gas Pipelines, as of December 31, 1968

A letter from the Chairman, Federal Power Commission, transmitting a copy of the map, "Major Natural Gas Pipelines, as of December 31, 1968"; (with an accompanying map); to the Committee on Commerce.

Proposed Legislation To Provide an Extension of the Interest Equalization Tax

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to provide an extension of the interest equalization tax, and for other purposes (with accompanying papers); to the Committee on Finance.

Report on the Operation of the Trade Agreements Program

A letter from the Acting Chairman, U.S. Tariff Commission, transmitting, pursuant to law, the 19th report of the U.S. Tariff Commission on the operation of the trade agreements program, with a special chapter on the Kennedy Round, 1967 (with an accompanying report); to the Committee on Finance.

Reports of the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on Federal disaster assistance to State and local governments, Office of Emergency Preparedness (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the opportunities for improving internal audit of civilian payroll operations in the Department of Defense (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for the Veterans Administration to acquire hospital sites before developing working drawings and specifications for construction of hospitals (with an accompanying report); to the Committee on Government Operations.

Proposed Legislation To Authorize Appropriations for Expenses of the Inter-Agency Committee on Mexican American Affairs

A letter from the Chairman, Inter-Agency Committee on Mexican American Affairs, transmitting a draft of proposed legislation to authorize appropriations for expenses of the Inter-Agency Committee on Mexican American Affairs (with an accompanying paper); to the Committee on Government Operations.

Proposed Extension of Concession Contracts, Grand Canyon National Park (North Rim), Bryce Canyon and Zion National Parks

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, proposed extension of two concession contracts under which the Utah Parks Co. will be authorized to continue to provide accommodations, facilities, and services for the public in Grand Canyon National Park (North Rim), Ariz., Bryce Canyon and Zion National Parks, Utah, for a 1-year term from January 1, 1969, through December 31, 1969, when executed by the Director of the National Park Service (with accompanying papers); to the Committee on Interior and Insular Affairs.

Third Preference and Sixth Preference Classifications for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report on the Eleanor Roosevelt Memorial Foundation

A letter from the Chairman, Executive Committee, Eleanor Roosevelt Memorial Foundation, transmitting, pursuant to law, the sixth annual report for 1968 of the Eleanor Roosevelt Memorial Foundation (with an accompanying report); to the Committee on the Judiciary.

Report of the Work and Operations of the Equal Employment Opportunity Commission

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, the third annual report of the work and operations of the Equal Employment Opportunity Commission covering the fiscal year ended June 30, 1968 (with accompanying papers and a report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A Senate joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"Senate Joint Resolution 15

"Joint resolution relating to the establishment of the Continental Shelf as the exclusive fisheries zone for the United States

"Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

"Whereas the United States has slipped to sixth place in world fisheries behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

"Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

"Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

"Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that the Continental Shelf of the United States is this nation's exclusive fisheries zone.

"Copies of this Resolution shall be sent to the Honorable John W. McCormack, Speaker of the House of Representatives; to the Honorable Richard Russell, President Pro Tempore of the Senate; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"Brad Phillips,
"President of the Senate.

"Attest:

"Betty Hanifan,
"Secretary of the Senate.

"Passed by the House April 16, 1969.

"Jalmar M. Kerttula,
"Speaker of the House.

"Attest:

"Constance H. Paddock,
"Chief Clerk of the House.

"[By the Governor.]

"Keith H. Miller,
"Governor of Alaska."

A House joint resolution of the Legislature of the State of Alaska; to the Committee on the Judiciary:

"House Joint Resolution 19

"Joint resolution relating to the definition of ammunition in the Federal Gun Control Act.

"Whereas Alaska is a state where subsistence hunting is the rule and not the exception; and

"Whereas recent federal legislation restricting the mail order of hunting ammunition places an undue burden on the subsistence hunter; and

"Whereas this burden is akin to taking the means of livelihood from the subsistence hunter;

"Be it resolved that the Legislature of the State of Alaska urges the 91st Congress of the United States to pass S. 845 amending the definition of ammunition.

"Copies of this Resolution are to be sent to the Honorable Richard B. Russell, President Pro Tempore of the Senate; the Honorable John W. McCormack, Speaker of the House; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

"Passed by the House March 5, 1969.

"Jalmar M. Kerttula,
"Speaker of the House.

"Attest:

"Constance H. Paddock,
"Chief Clerk of the House.

"Passed by the Senate April 16, 1969

"Brad Phillips,
"President of the Senate.

"Attest:

"Betty Hanifan,
"Secretary of the Senate.

"[By the Governor.]

"Keith H. Miller,
"Governor of Alaska."

A Senate memorial of the Legislature of the State of Florida; to the Committee on the Judiciary:

"Senate Memorial 343

"A memorial to the Congress of the United States, urging Congress to adopt H.J. Res. 15 by Representative William C. Cramer proposing an amendment to the Constitution of the United States relating to prayer and Bible reading

"Whereas, H.J. Res. 15 has been introduced by Representative William C. Cramer and is now pending in the Congress of the United States, and

"Whereas, the adoption of H.J. Res. 15 would allow the several states to ratify a constitutional amendment permitting prayer and Bible reading in public schools and institutions, and

"Whereas, the use of prayers and Bible readings has a lasting influence on the young people of our nation: Now, therefore, be it

"Resolved by the Legislature of the State of Florida, That the Congress of the United States is requested to adopt H.J. Res. 15 so that the several states may be given an opportunity to amend the constitution of the United States to allow the use of prayers and Bible readings in public schools and institutions.

"Be it further resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

"Approved by the Governor May 29, 1969.

"Filed in Office Secretary of State May 29, 1969.

"Attest: Jim Adams,
"Secretary of State."

A Senate memorial of the Legislature of the State of Florida; to the Committee on Finance:

"Senate Memorial 802

"A memorial to the President and the Congress of the United States proposing an amendment of the Federal Social Security Act

"Whereas, the Federal Social Security Act since its enactment in 1935 has permitted the various states to impose reasonable residence requirements for eligibility to the various public assistance programs the costs of which are partly paid from federal funds, and

"Whereas, the Federal Social Security Act so provides at the present time, with Florida having consistently required a reasonable continued residence as an eligibility factor for permanent public assistance payments, and

"Whereas, a federal court in California and other federal courts in other parts of the nation have declared the unconstitutionality of such residence requirements, alleging that they contravene the "equal protection of the laws" guarantee of the Federal Constitution and that they unduly restrict the freedom of Americans to travel at will within the country, and

"Whereas, this new judicial theory has recently been upheld by the United States Supreme Court and will result in state and local costs of public assistance in Florida being tremendously and permanently increased, now, therefore,

"Be It Resolved by the Legislature of the State of Florida, That the President and the Congress of the United States are requested to amend the Federal Social Security Act at once so as to provide for full federal financing of public assistance payments made to recipients who do not meet the residence requirements presently permitted by federal statute and contained in Florida law and the applicable statutes of other states, such federal financing to continue in each case only until the existing length of residence requirements have been met by each recipient.

Be it further resolved, That copies of this resolution be immediately transmitted to the President and Vice-President of the United States, to the Speaker of the House of Representatives, and to each senator and representative from Florida in the Congress of the United States.

"Approved by the Governor May 29, 1969.

"Filed in Office Secretary of State May 29, 1969.

"Attest:

"Jim Adams,
"Secretary of State."

A Senate concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"Senate Concurrent Resolution 60

"A concurrent resolution to urge and request the Congress of the United States to take steps to see that this Nation shall cease giving aid to Communist countries

"Whereas, the government of the United States has been engaged in the Vietnam Conflict over a span of several years; and

"Whereas, many American lives have been lost and many sacrifices made by the citizens of this great Nation in defense of the principles of peace and independence; and

"Whereas, the principles of peace and independence being defended by the citizens of the United States are openly opposed in active warfare by the Communist countries and by communistic influences; and

"Whereas, at least eighty percent of the sinews of the war in Viet Nam are being provided North Viet Nam by Russia and its European satellites; and

"Whereas, the assistance given to North Viet Nam has been made possible almost entirely by the help of the United States to Russia and its Communist satellites.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that the members of the Congress of the United States, collectively and individually, are hereby urged and requested to exert their full authority and influence toward unremitting efforts to cause the United States Government to cease and desist promptly the furnishing of aid and assistance in any form, either directly or indirectly, to any communistic country or to any Communist or group of Communists.

"Be it further resolved that the Secretary of the Senate shall transmit without delay a copy of this Resolution to each member of the House of Representatives and the Senate of the Congress of the United States."

A resolution adopted by the Council of the City of New Orleans, La., petitioning the Congress to reject any attempt to tax, directly or indirectly, State and local government bonds; to the Committee on Finance.

A resolution adopted by the Monrovia Unified School District of California in support of title II of the Elementary and Secondary Education Act; to the Committee on Labor and Public Welfare.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER (for himself and Mr. Hughes):

S. 2337. A bill to authorize the hiring of employees of detective agencies for other than investigative services; to the Committee on the Judiciary; and

S. 2338. A bill to amend the act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.; to the Committee on Public Works.

XUM

(See the remarks of Mr. Miller when he introduced the above bills, which appear under separate titles.)

By Mr. HOLLAND:

S. 2339. A bill for the relief of Dr. Maria Luisa Gorostegui de Dourron; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 2340. A bill to permit video tapes to be mailed at fourth-class postage rates; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Stevens when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 2341. A bill to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies;

S. 2342. A bill to amend the law relating to the citizenship of crewmembers of vessels of the United States in order to remove certain authority to replace U.S. citizens as such members with persons who are not citizens; and

S. 2343. A bill to revise the law relating to the issuance of provisional certificates of registry to vessels abroad; to the Committee on Commerce.

(See the remarks of Mr. Magnuson when he introduced the above last two bills, which appear under separate headings.)

By Mr. BROOKE:

S. 2344. A bill to amend title II of the National Defense Education Act of 1958 in order to authorize cancellation of loans for teaching in Project Headstart programs; to the Committee on Labor and Public Welfare; and

S. 2345. A bill to prohibit departments and agencies of the Federal Government from conducting security clearances in certain cases on personnel of educational institutions; to the Committee on Armed Services.

(See the remarks of Mr. Brooke when he introduced the above bills, which appear under separate headings.)

By Mr. JACKSON (for himself and Mr. Magnuson):

S. 2346. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 2347. A bill to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes; to the Committee on Foreign Relations.

(See the remarks of Mr. Fulbright when he introduced the above bill, which appear under a separate heading.)

By Mr. MUSKIE:

S. 2348. A bill to establish a Federal Broker-Dealer Insurance Corporation; to the Committee on Banking and Currency.

(See the remarks of Mr. Muskie when he introduced the above bill, which appear under a separate heading.)

By Mr. YARBOROUGH:

S. 2349. A bill to provide for the wearing of uniforms by certain postal employees;

S. 2350. A bill to include certain holders of star route and other contracts for the carrying of mail within the provisions of title 5, United States Code, relating to Federal employee life insurance and health insurance benefits and civil service retirement; and

S. 2351. A bill to classify the Post Office Department positions of maintenance mechanics, mail processing equipment, at salary levels 8 and 9; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. Yarborough when he introduced the above bills, which appear under separate headings.)

By Mr. BURDICK:

S. 2352. A bill for the relief of Melita T. Cabanilla; and

S. 2353. A bill for the relief of Dr. Leonardo M. Cabanilla; and

S. 2354. A bill for the relief of Dr. Bernard Weston March; to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. Hughes, Mr. Magnuson, Mr. McGovern, Mr. Mansfield, Mr. Mondale, and Mr. Yarborough):

S. 2355. A bill to establish an advisory commission to make a study and report with respect to freight rates; to the Committee on Commerce.

(See the remarks of Mr. Burdick when he introduced the above bill, which appear under a separate hearing.)

By Mr. MATHIAS (for himself and Mr. Tydings):

S. 2356. A bill to amend the Rivers and Harbors Act of 1965 to increase the authorization for the Chesapeake Bay Basin study, the construction of a hydraulic model of the Chesapeake Bay Basin and associated technical center; to the Committee on Public Works.

(See the remarks of Mr. Mathias when he introduced the above bill, which appear under a separate heading.)

By Mr. HATFIELD:

S. 2357. A bill to provide for the disposition of judgment funds of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 2358. A bill for the relief of Leonard G. Sigurdson; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 2359. A bill for the relief of Dante Lardizabal Lagao; to the Committee on the Judiciary.

S. 2337—INTRODUCTION OF A BILL TO AUTHORIZE HIRING OF EMPLOYEES OF DETECTIVE AGENCIES FOR OTHER THAN INVESTIGATIVE SERVICES

Mr. MILLER. Mr. President, I introduce, with the cosponsorship of my colleague from Iowa (Mr. Hughes), a bill to authorize the hiring of employees of detective agencies for other than investigative services. This is basically the same bill that was passed by the Senate on October 17, 1963, and another which I cosponsored in 1966. I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

My bill would amend section 3108 of title 5, United States Code. This section was originally enacted as part of the act of March 3, 1893, 27 Stat. 591, and, in effect, prohibits the Federal Government or the District of Columbia from employing for any purposes employees of organizations which engage in investigative work.

Section 3108 now reads as follows:

> An individual employed by the Pinkerton Detective Agency, or similar organization, may not be employed by the Government of the United States or the government of the District of Columbia.

Over a period of many years, the Comptroller General has uniformly held that this provision is a prohibition against the employment in Government service of employees of detective agencies and is applicable to contracts with detective agencies as firms or corporations as well as the contracts with, or appointments of, individual employees of such agencies. Thus, whereas firms or organizations which furnish only protective services may be employed by the Government, organizations which do both protective and investigative work may not be employed, even to supply protective services. The statute, therefore, results in discrimination against organizations which provide both types of services and is detrimental to the interest of the Government, since it serves to eliminate from competitive bidding numerous major detective organizations which would otherwise respond to Government invitations to bid on contracts for the furnishing of supplementary guard service. Undoubtedly, this causes an increase in the cost to the Government of contract guard service.

The purpose of my bill is to amend this restrictive legislation, which was originally adopted over 75 years ago, by repealing the prohibition so far as the use of employees of detective agencies to perform other than investigative work is concerned. The original enactment arose out of public and congressional concern resulting from the practice, once prevalent in private industry—especially steel and railroads—of employing certain detective agencies to recruit and furnish armed guards who were allegedly used as labor spies and strikebreakers in labor disputes, giving rise to bloodshed, loss of life, and destruction of property. Labor-management relations today are fully regulated by Federal and State statutes, and there is no longer any justification for the continuance of this discriminatory and costly prohibition.

Mr. President, I want to make it entirely clear that the bill I am introducing today is aimed specifically at a particular problem; that is, the fact that organizations which provide detective services may not provide protective or guard services for the Federal Government. My bill merely changes the so-called anti-Pinkerton provision to provide that no employee of a detective agency shall be employed in any Government service or by any officer of the District of Columbia for the purpose of providing investigative services. Thus while it would permit the Government to hire employees of detective agencies to perform protective services, it would continue the prohibition on the hiring of such employees to perform investigative services. This limits the bill to exactly the situation that needs correcting.

Mr. President, I urge early passage of this bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2337), to authorize the hiring of employees of detective agencies for other than investigative services, introduced by Mr. Miller (for himself and Mr. Hughes), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the Record, as follows:

S. 2337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3108 of title 5, United States Code, is amended to read as follows:

"§ 3108. Employment of detective agencies; restrictions

"An individual employed by a detective agency may not be employed by the Government of the United States or the government of the District of Columbia for the purpose of providing investigative services."

S. 2338—INTRODUCTION OF A BILL TO EXTEND THE TIME FOR CONSTRUCTION OF A BRIDGE AT MUSCATINE, IOWA

Mr. MILLER. Mr. President, I introduce, with the cosponsorship of my colleague from Iowa (Mr. Hughes), a bill to extend the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill.

The bill authorizes an additional 3 years for the Commission to acquire, construct, and operate this bridge. At the present time construction must be started by July 8, 1969 and be completed by July 8, 1971. The bill would add 3 years to each of these dates.

The problem arises as a result of certain legal complications involving the construction of the new bridge. A court action testing the validity of a bridge act passed by the Iowa Legislature has taken longer than anticipated. Construction of the bridge will be delayed until the conclusion of this court action, and it is doubtful that the matter will be resolved by the Iowa Supreme Court prior to the present deadline set in the authorizing legislation for commencing construction. A similar bill has already been introduced in the House of Representatives and I understand that a favorable report from the Department of Transportation has been received concerning the House bill.

Mr. President, I urge early consideration of this bill so that it may be enacted before the July 8 deadline.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2338) to amend the Act of July 26, 1956, to give the Muscatine Bridge Commission additional time to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Ill., introduced by Mr. Miller (for himself and Mr. Hughes), was received, read twice by its title and referred to the Committee on Public Works.

S. 2340—INTRODUCTION OF A BILL TO PERMIT VIDEO TAPES TO BE MAILED AT FOURTH-CLASS POSTAGE RATES

Mr. STEVENS. Mr. President, I have today introduced a bill to permit the shipping of video tapes under fourth-class mail rates.

The present postal regulation places a unique burden on schools and communication media who utilize the 2-inch video tapes. Sixteen-millimeter film, which is of a narrower width, but approximately the same weight, can be shipped under a fourth-class rate. Video tapes cost approximately three times the amount of 16-millimeter films to ship by mail.

The existing law discriminates against video tapes because video tapes were not in common use when the law was enacted. The use of video tapes is becoming increasingly common both by educational and communication media, and the law should be changed to recognize this fact.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2340) to permit video tapes to be mailed at fourth-class postage rates, introduced by Mr. Stevens, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

S. 2342—INTRODUCTION OF A BILL RELATING TO THE CITIZENSHIP OF CREWMEMBERS OF VESSELS OF THE UNTED STATES

Mr. MAGNUSON. Mr. President, I introduce, by request of the National Maritime Union, for appropriate reference, a bill to amend section 672(a) of title 46, United States Code, so as to require that 100 percent of licensed officers and 75 percent of unlicensed crewmembers on U.S.-registered vessels be citizens of the United States.

Present law requires that all licensed officers and pilots of U.S.-registered vessels be citizens. However, only 75 percent of the unlicensed crew must be citizens when the vessel departs a U.S. port unless the Commandant of the Coast Guard ascertains that they are not available. Further, the way the law now reads, the only time a U.S. vessel is required to have 75 percent citizen unlicensed seamen is when the vessel departs a port in the States.

The law additionally provides an overall escape clause to the effect that if a vessel on a foreign voyage is deprived of any member of the crew, the vacancy may be filled by an alien.

The security of U.S.-flag vessels, particularly during time of war or national emergency, is jeopardized by the employment on board of noncitizens that are picked up anywhere in the world without security checks.

The present law endangers the security of the vessel as well as maximum security ports associated with our security and defense efforts by allowing the employment of large numbers of aliens on U.S.-flag vessels. The primary reason for employing aliens is because they can be hired at a lower wage.

This legislation would require that 100 percent of the licensed officers and 75 percent of the unlicensed seamen on board U.S.-registered vessels be U.S. citizens at all times.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2342) to amend the law relating to the citizenship of crewmembers of vessels of the United States in order to remove certain authority to replace United States citizens as such members with persons who are not citizens, introduced by Mr. Magnuson (by request), was received, read twice by its title, and referred to the Committee on Commerce.

S. 2343—INTRODUCTION OF A BILL TO REVISE THE LAW RELATING TO THE ISSUANCE OF PROVISIONAL CERTIFICATES OF REGISTRY TO VESSELS ABROAD

Mr. MAGNUSON. Mr. President, I introduce, by request of the National Maritime Union, for appropriate reference, a bill to amend section 12 of title 46, United States Code, relating to the granting of provisional certificates of registry to vessels abroad.

The purpose of title 46, United States Code, section 12, is to permit the temporary registration under U.S. flag of a vessel purchased overseas to facilitate its return to the States.

The 6-month period presently allowed was enacted in 1915 and was then necessary to allow sufficient time for the vessels to return to the United States. This time period is no longer necessary because of the increased speed of vessels in the past 50 years. The situation that is now developing is that some operators are using the loose wording in the law to flout its intent.

This proposed change would prevent the recurrence of the *Good Eddie* and *Good Willie* situation by reducing the time period for provisional registry from 6 months to 2 months. These two ships, which are some 20 years old, were registered under the Nationalist Chinese flag until it was realized that by having a U.S. provisional certificate of registry, they could employ a predominantly foreign crew and carry Government cargo at U.S.-flag rates.

The only requirement that the owners had to comply with prior to getting a certificate was the citizenship requirement, which they did by setting up a U.S. corporation.

The requirements relating to crew, inspection and measurement do not in the present law apply until the vessel arrives in the United States which furter encourages lack of adherence to the intent of the law. This bill would provide that the citizen crew requirement apply from the date of the certificate.

The condition of the vessels *Good Eddie* and *Good Willie* at the time that the certificates of provisional registry were issued is unbelievable. It is reported that there were no messing facilities, no sanitary facilities, no bunks, and some of the plates were loose. The condition of these vessels should have alerted those in the Government responsible for issuing the provisional certificates to the unlikelihood of the vessels ever returning to the United States—the supposed primary reason for the provisional granting of registry under U.S. flag.

And, of course, the owners of these two vessels have already transferred them to another foreign registry which is further indication that there never was a bona fide intent to bring the vessels back to full U.S. registry.

This bill would tighten up the law to prevent this type of embarrassment to the United States again, but would not interfere with the legitimate transfer of a foreign vessel to U.S. registry.

The VICE PRESIDENT. The bill will be received and appropriately referred.

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The bill (S. 2343) to revise the law relating to the issuance of provisional certificates of registry to vessels abroad, introduced by Mr. Magnuson (by request), was received, read twice by its title, and referred to the Committee on Commerce.

S. 2344—INTRODUCTION OF A BILL TO AUTHORIZE CANCELLATION OF LOANS FOR TEACHING IN PROJECT HEADSTART PROGRAMS

Mr. BROOKE. Mr. President, it has recently come to my attention that the "forgiveness" or cancellation clauses of the National Defense Education Act student loan program do not apply to teachers in the vital and constructive Headstart program.

As the law is presently worded, teachers in State-approved elementary and secondary schools, or in institutions of higher learning, are given a 10-percent forgiveness of their loans from the Federal Government. Teachers in poverty areas are given an even larger cancellation, of 15 percent. Yet teachers in Headstart programs are not covered by either of these provisions.

I feel certain that this situation is due largely to legislative oversight. Surely it was not the intent of the law to penalize persons who chose to dedicate a year or more of service to this important program. The function of a Headstart teacher is just as important and just as useful as the service performed by a teacher in the regular public school system.

To correct this inequity in the present law, I am introducing legislation which would include Headstart within the definition of schools approved by the States as recognized educational institutions. This proposed legislation will have the effect of granting at least a 10-percent cancellation, and in most cases a 15-percent cancellation, to teachers serving in Headstart programs.

I ask unanimous consent that the full text of the bill be printed at this point in the Record, and I urge its prompt and favorable consideration by my colleagues.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2344) to amend title II of the National Defense Education Act of 1958 in order to authorize cancellation of loans for teaching in Project Headstart programs, introduced by Mr. Brooke, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

S. 2344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(a)(3) of the National Defense Education Act of 1958 is amended by striking out "and" before "(C)" and inserting before the semicolon at the end thereof a comma and the following: "and (D) for the purpose of this paragraph the term 'elementary school' includes any Project Headstart program carried out pursuant to section 222 (a) (1) of the Economic Opportunity Act of 1964".

Sec. 2. The amendments made by this Act shall apply with respect to service performed during academic years ending after the date of enactment of this Act, whether the loan was made before or after such date.

S. 2345—INTRODUCTION OF A BILL TO PROHIBIT DEPARTMENTS AND AGENCIES OF THE FEDERAL GOVERNMENT FROM CONDUCTING SECURITY CLEARANCES IN CERTAIN CASES ON PERSONNEL OF EDUCATIONAL INSTITUTIONS

Mr. BROOKE. Mr. President, I am introducing today legislation that would do away with the present requirement that college professors teaching in university extension programs overseas be required to pass a national agency check before their assignment can be approved.

At the present time three universities—Boston University, University of Maryland, and Florida State University—conduct programs leading to a bachelor's or master's degree for Armed Forces personnel, their dependents, and civilian employees stationed throughout Europe and Asia. These schools utilize the teaching services of their regular staffs, and the salaries are paid by the university. The Department of the Army provides only logistical support—transportation and moving costs, housing, and the facilities in which the classes are conducted. The military maintains no control over the curriculum, and the courses are conducted according to the same standards which apply for university instruction in the United States.

During 1968, 43 national agency checks were requested. In each case it was required that the universities allow 6 months for the procedure to be completed, even though such a check generally involves nothing more than running the name through the files of the relevant Government agencies to determine if there is any negative information on the individual in question. Yet in one case a professor was denied clearance to participate in the program. In another instance involving my own State of Massachusetts, the clearance of a professor who once had done highly sensitive work in the field of arms control was delayed to the point where his participation in the program was rendered impossible.

Mr. President, we are not dealing here with the education of young children whose development might be adversely affected by exposure to subversive ideas. We are talking about the education of grown men and women, fully able to think for themselves. Security clearances and agency checks are not required before university professors can teach military personnel who might be sent to an American university for further education; why then should they be required of professors who are assigned to teach those same personnel in locations overseas? In my view, the requirement of a national agency check is not only unnecessary, but basically harmful to the concept of a university education.

Throughout Western history, universities have traditionally been the places in which information could be freely exchanged and ideas openly tested. It is within this marketplace of ideas that each man has been able to survey the choices available to him, and to make informed selections, in terms of philosophy or fact, on the basis of that which has greatest meaning for him. Nothing has ever been gained by limiting the choices. In fact, ideas and concepts gain from being challenged, and those who hold them emerge stronger in their convictions once all the options have been considered and evaluated. The notion of some political or ideological check on scholars engaged in free inquiry and instruction is alien to the entire concept of a university, wherever it functions.

It is this belief in the intrinsic value of academic freedom which impels me to introduce this legislation.

I ask unanimous consent that this proposed legislation, abolishing the agency check requirement for overseas teaching personnel, be printed at this point in the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2345), to prohibit departments and agencies of the Federal Government from conducting security clearances in certain cases on personnel of educational institutions, introduced by Mr. Brooke, was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the Record, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, from and after the date of enactment of this Act no department or agency of the Government may require or provide for any type of security clearance of any personnel or the dependents of any personnel of any college or university providing educational, instructional, or informational services to any department or agency of the Federal Government or to officers or employees of the United States, including members of the Armed Forces, or to the dependents of such officers or employees, including dependents of members of the Armed Forces. The foregoing provision shall not be construed as prohibiting a department or agency from conducting security clearances in the case of persons employed by educational institutions who are to have access to classified information of any department or agency of the Federal Government.

S. 2347—INTRODUCTION OF THE FOREIGN ASSISTANCE ACT OF 1969

Mr. FULBRIGHT. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Foreign Assistance Act of 1961, as amended, and for other purposes.

The proposed bill has been requested by the President and Acting Secretary of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

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I ask unanimous consent that the bill may be printed in the Record at this point, together with the letter from the Acting Secretary of State to the Vice President dated May 28, 1969.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection the bill and letter will be printed in the Record.

The bill (S. 2347) to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world to achieve economic development within a framework of democratic, economic, social, and political institutions, and for other purposes, introduced by Mr. Fulbright (by request), was received, read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the Record, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Foreign Assistance Act of 1969".

PART I—ECONOMIC ASSISTANCE

Section 1. Part I of the Foreign Assistance Act of 1961, as amended, is hereby deleted and the following part I substituted therefor:

"PART I

"Chapter 1—Policy

"Sec. 101. Purpose.—The Congress declares that it is part of our national purpose to help build a world community of economically viable nations devoted to the well-being of all their peoples and to the maintenance of peace. To this end, the United States shall join with other advanced nations in helping those less developed nations which demonstrate the will to help themselves to build the material base, technical skills and economic and social institutions necessary to attain this goal.

"Sec. 102. Principles.—In carrying out the provisions of this Act, the President shall—

"(a) encourage the cooperation of the developed nations in mobilizing the resources and skills necessary to the task of development;

"(b) concentrate our assistance in countries with the greatest development promise and the strongest will to help themselves achieve self-sustaining growth;

"(c) emphasize technical and professional assistance designed to build institutions necessary for long-term national development;

"(d) give high priority to programs which encourage greater production and better distribution of food and enhance the ability of parents to choose the size of their own families;

"(e) encourage the investment of private resources from the United States and from the less developed countries themselves, to supplement other development efforts;

"(f) encourage broad popular participation by the peoples of the less developed nations in the planning, execution and benefits of development progress;

"(g) foster regional cooperative efforts among countries seeking common development goals;

"(h) channel United States assistance through international organizations and under other multilateral auspices whenever the common development effort will be best served thereby;

"(i) assist the less developed nations to safeguard their internal and external security; and

"(j) furnish assistance, wherever practicable, constituted of United States commodities and services furnished in a manner consistent with other efforts of the United States to improve its balance of payments position.

"Chapter 2—Development Assistance

"Sec. 201. Assistance Criteria.—In furnishing development assistance under this chapter the President shall take into account—

"(a) the extent to which the recipient country demonstrates a determination to help itself and a willingness to pay a fair share of the cost of development programs;

"(b) the extent to which the recipient country is responsive to the vital economic, political, and social concerns of its people and to increasing their participation in the development process;

"(c) the extent to which the recipient country is creating a favorable environment for private enterprise and investment;

"(d) the extent to which the activity will contribute to self-sustaining growth, the development of human or material resources and the creation or strengthening of institutions essential to economic and social progress;

"(e) the extent to which the recipient country is concerned with increasing employment and standards of living of all segments of its population;

"(f) the extent to which the activity will contribute to regional cooperation;

"(g) the economic and technical soundness of the activity;

"(h) the consistency of the activity with other development activities being undertaken or planned;

"(i) the possible effects of the assistance involved upon the United State economy, with special reference to areas of substantial labor surplus, and to the export-expansion objectives of the United States;

"(j) whether financing could be obtained from other free-world sources on reasonable terms, including private resources within or without the United States; and

"(k) in the case of loans, reasonable prospects of repayment.

"Sec. 202. Technical Assistance.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas through programs of technical assistance, bilaterally or through regional, multilateral or private entities; and for multilateral organizations and for programs administered by them in accordance with section 401(a)(1). There is hereby authorized to be appropriated to the President for purposes of this section $463,120,000 for the fiscal year 1970 and $530,000,000 for the fiscal year 1971, which amounts shall remain available until expended, distributed as follows:

	1970	1971
(1) Worldwide	$224,500,000	$260,000,000
(2) Alliance for Progress (sec. 204)	116,000,000	130,000,000
(3) Multilateral organizations (sec. 401(a)(1))	122,620,000	140,000,000

"To meet the changing requirements of these areas and programs the agency primarily responsible for administering part I may redistribute up to 10 per centum of the funds made available during any fiscal year for any such area or program to any other such area or program. Bilateral assistance under this section distributed under (1) Worldwide above shall not be furnished in any fiscal year to more than 40 countries.

"Sec. 203. Development Loans.—(a) The President is authorized to make loans payable as to principal and interest in United States dollars, on such terms and conditions as he may determine, in order to promote the development of less developed friendly countries or areas.

"(b) Funds made available under this section and section 204 shall not be loaned or reloaned at rates of interest excessive or unreasonable for the borrower or higher than the applicable legal rate of interest of the country in which the loan is made. Such funds shall not be loaned at a rate of interest of less than 3 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than 2 per centum per annum. The authority of section 614(a) may not be used to waive the requirements of this subsection and the authority of section 610 may not be used to decrease the funds available under this section or under section 204 except to transfer such latter funds to funds made available under this section.

"(c) For the purpose of assisting privately owned United States flag vessels to secure cargoes from loan funds, funds made available under this part may be used to the extent required to make grants to recipients under this part to pay the freight differential between United States and foreign flag vessels on the carriage of cargoes by bulk carriers and liners carrying parcel shipments.

"(d) The President shall establish an interagency Development Loan Committee, consisting of such officers from such agencies of the United States Government as he may determine, which shall, under the direction of the President, establish standards and criteria for lending operations under this section and section 204 in accordance with the foreign and financial policies of the United States.

"(e) There is hereby authorized to be appropriated to the President for the purposes of this section, $675,500,000 for the fiscal year 1970, which amount shall remain available until expended. Bilateral loans pursuant to this section shall not be made in any fiscal year to more than twenty countries.

"(f) Dollar receipts from loans made pursuant to this part or pursuant to predecessor authority contained in provisions repealed by the Foreign Assistance Act of 1969 and from loans made under the Mutual Security Act of 1954, as amended, shall be available beginning in fiscal year 1971 for use for the purposes of this section, section 204(b) and section 322: *Provided, however,* That receipts from loans made pursuant to this part or pursuant to predecessor development loan authority contained in provisions repealed by the Foreign Assistance Act of 1969 shall be available for such use beginning in fiscal year 1970. Such receipts and other funds made available under this section shall remain available until expended.

"Sec. 204. Alliance for Progress.—(a) In order to advance the welfare of the peoples of the Americas and strengthen the relations among the nations joined in the Alliance for Progress under the principles of the Act of Bogotá and the Charter of Punta del Este, and to encourage the countries and areas of Latin America to mobilize their own resources for development and to adopt reform measures to spread the benefits of economic, political, and social progress among their peoples, the President is authorized to furnish assistance under section 202 and this section, on such terms and conditions as he may determine, in order to promote the development of friendly less developed countries and areas of Latin America.

"(b) There is hereby authorized to be appropriated to the President for the purpose of making loans under this section, payable as to principal and interest in United States dollars and subject to the provisions of section 203, in addition to other funds available for such purpose, $437,500,000 for the fiscal year 1970, which amount shall remain available until expended.

"(c) Loans may be made under authority of this section only for social and economic development projects and programs which are consistent with the findings and recommendations of the Inter-American Commit-

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tee for the Alliance for Progress in its annual review of national development activities.

"(d) (1) The President shall assist in the development in the American Republics of self-liquidating pilot housing projects, the development of institutions engaged in Alliance for Progress programs, including cooperatives, free labor unions, savings and loan type institutions, and other private enterprise programs in Latin America engaged directly or indirectly in the financing of home mortgages, the construction of homes for lower income persons and families, the increased mobilization of savings and the improvement of housing conditions in Latin America.

"(2) To carry out the purposes of subsection (d) (1), the President is authorized to issue guaranties, on such terms and conditions as he shall determine, to eligible United States investors, as defined in section 328(c), assuring against loss of loan investment made by such investors in—

"(A) pilot or demonstration private housing projects in Latin America of types similar to those insured by the Department of Housing and Urban Development and suitable for conditions in Latin America;

"(B) credit institutions in Latin America engaged directly or indirectly in the financing of home mortgages, such as savings and loan institutions and other qualified investment enterprises;

"(C) housing projects in Latin America for lower income families and persons, which projects shall be constructed in accordance with maximum unit costs established by the President for families and persons whose incomes meet the limitations prescribed by the President;

"(D) housing projects in Latin America which will promote the development of institutions important to the success of the Alliance for Progress, such as free labor unions, cooperatives, and other private enterprise programs; or

"(E) housing projects in Latin America 25 per centum or more of the aggregate of the mortgage financing for which is made available from sources within Latin America and is not derived from sources outside Latin America, which projects shall, to the maximum extent practicable, have a unit cost of not more than $6,500.

"(3) The total face amount of guaranties issued hereunder or heretofore under Latin American housing guaranty authority repealed by the Foreign Assistance Act of 1969, outstanding at any one time, shall not exceed $550,000,000: *Provided*, That $325,000,000 of guaranties may be used only for the purposes of subsection (d) (2) (A): *Provided*, That no payment may be made under this section for any loss arising out of fraud or misrepresentation for which the party seeking such payment is responsible or of which such party had knowledge at the time he became a holder of such guaranty: *Provided further*, That this authority shall continue until June 30, 1972.

"(4) (A) A fee shall be charged for each guaranty issued hereunder in an amount to be determined by the President. In the event the fee to be charged for such type of guaranty is reduced, fees to be paid under existing contracts for the same type of guaranty may be similiarly reduced.

"(B) The amount of $35,000,000 of fees accumulated under prior investment guaranty provisions repealed by the Foreign Assistance Act of 1969, together with all fees collected in connection with guaranties issued hereunder, shall be available for meeting necessary administrative and operating expenses of carrying out the provisions of this section and of prior housing guaranty provisions repealed by the Foreign Assistance Act of 1969 (including, but not limited to expenses pertaining to personnel, supplies, and printing), subject to such limitations as may be imposed in annual appropriation Acts; for meeting management and custodial costs incurred with respect to currencies or other assets acquired under guaranties made pursuant to this section or heretofore pursuant to prior Latin America and other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, and to pay the cost of investigating and adjusting (including costs of arbitration) claims under such guaranties; and shall be available for expenditure in discharge of liabilities under such guaranties until such time as all such property has been disposed of and all such liabilities have been discharged or have expired, or until all such fees have been expended in accordance with the provisions of subsection (d) (4) (B).

"(C) Any payments made to discharge liabilities under guaranties issued hereunder or heretofore under prior Latin America or other housing guaranty authorities repealed by the Foreign Assistance Act of 1969, shall be paid first out of fees referred to in subsection (d) (4) (B) (excluding amounts required for purposes other than the discharge of liabilities under guaranties) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payment made to discharge liabilities under such guaranties as long as funds are available, and finally out of funds hereafter made available pursuant to subsection (d) (4) (E).

"(D) All guaranties issued hereunder or heretofore under prior Latin America or other housing guaranty authority repealed by the Foreign Assistance Act of 1969 shall constitute obligations, in accordance with the terms of such guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(E) There is hereby authorized to be appropriated to the President such amounts, to remain available until expended, as may be necessary from time to time to carry out the purposes of subsection (d).

"(F) In the case of any loan investment guaranteed under this section, the agency primarily responsible for administering part I shall prescribe the maximum rate of interest allowable to the eligible United States investor, which maximum rate shall not be less than one-half of 1 per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the agency prescribe a maximum allowable rate of interest which exceeds by more than 1 per centum the then current rate of interest applicable to housing mortgages insured by such Department. The maximum allowable rate of interest under this subsection shall be prescribed by the agency as of the date the project covered by the investment is officially authorized and, prior to the execution of the contract, the agency may amend such rate at its discretion, consistent with the provisions of subsection (d) (4) (F).

"(G) Housing guaranties committed, authorized or outstanding under prior housing guaranty authorities repealed by the Foreign Assistance Act of 1969 shall continue subject to provisions of law originally applicable thereto and fees collected hereafter with respect to such guaranties shall be available for the purposes specified in subsection (d) (4) (B).

"Sec. 205. Research and Evaluation.—(a) The President is authorized to use funds made available under section 202 to carry out programs of research into, and evaluation of, technical, economic, social and political problems of development, the factors affecting the relative successes and costs of development activities, the means, techniques and such other aspects of development assistance as he may determine, in order to increase the value and benefit of such assistance. In authorizing research designed to examine political, social and related obstacles to development, emphasis should be given to understanding of the ways in which development assistance can support democratic social and political trends in developing countries.

"(b) In conducting programs under this chapter, the President shall conduct a continuous evaluation of the effectiveness of development programs, both past and current, using modern management techniques and equipment, so that experience gained in the development process may increase the effectiveness of current and future development programs.

"Sec. 206. Self-Help Fund.—Notwithstanding the limitations of section 202 on the number of countries to which technical assistance may be furnished, the President is authorized during each fiscal year to use funds made available under such section to assist friendly less developed countries or areas, through self-help projects, emphasizing the participation of local human and material resources, up to a total amount not to exceed 1 per centum of the funds made available under section 202 for (1) worldwide distribution.

"Sec. 207. Popular Participation.—(a) In furnishing assistance under this part, the President shall place emphasis on assuring maximum participation in the task of economic, social and political development on the part of the people of less developed countries through the encouragement of democratic private and local government institutions.

"(b) In order to carry out the purposes of this section, programs under this part shall—

"(1) recognize the differing needs, desires, and capacities of the people of the respective less developed countries and areas,

"(2) utilize the intellectual resources of such countries and areas in conjunction with assistance provided under this Act so as to encourage the development of indigenous institutions that meet their particular requirements for sustained economic and social progress, and

"(3) support civic education and training in skills required for effective participation in governmental and political processes essential to self-government.

"(c) In order to carry out the purposes of this section, the President shall develop systematic programs in inservice training to familiarize United States Government personnel with the objectives of this section and to increase their knowledge of the political and social aspects of development. In addition to other funds available for such purposes, not to exceed 1 percentum of the funds made available under section 202 may be used for carrying out the objectives of this subsection.

"Sec. 208. Population Programs.—(a) While every nation is and should be free to determine its own policies and procedures with respect to problems of population growth and family planning within its own boundaries, nevertheless, voluntary family planning programs to provide individual couples with the knowledge and medical facilities to plan their family size in accordance with their own moral convictions and the latest medical information can make a substantial contribution to improved health, family stability, greater individual opportunity, economic development, a sufficiency of food, and a higher standard of living.

"(b) The President is authorized to provide assistance for programs relating to population growth in friendly countries and areas, on such terms and conditions as he shall determine, to foreign governments, the United Nations, its specialized agencies, and other international and regional organizations and programs, United States and foreign nonprofit organizations, universities, hospitals, accredited health institutions, and voluntary health or other qualified organizations.

"(c) In carrying out programs authorized in this section, the President shall establish reasonable procedures to ensure, whenever family planning assistance from the United States is involved, that no individual will be coerced to practice methods of family planning inconsistent with his or her moral, philosophical, or religious beliefs.

"(d) As used in this section, the term 'programs relating to population growth', includes, but is not limited to, demographic studies, medical, psychological, and sociological research and voluntary family planning programs, including personnel training, the construction and staffing of clinics and health centers important to effective population programs, specialized training of doctors and paramedical personnel, the manufacture of medical supplies, the dissemination of family planning information, and provision of medical assistance and supplies.

"(e) It is the sense of Congress that the President give priority to devising imaginative efforts to substantially increase assistance programs relating to population growth and to encourage greater expenditures by other donors and recipient countries, to the end that voluntary population programs receive the emphasis necessary to become effective. The President may use funds made available under this part and foreign currencies owned or controlled by the United States to achieve the purposes of this section, and notwithstanding any other provision of this Act, funds used for such purposes may be used on a loan or grant basis.

"CHAPTER 3—PRIVATE DEVELOPMENT ASSISTANCE

"TITLE I—PRIVATE ENTERPRISE ASSISTANCE

"SEC. 301. ROLE OF PRIVATE ENTERPRISE.—The Congress recognizes that vigorous and responsible private enterprise in less developed countries is both an objective and instrument of the economic, political and social development which the United States seeks to encourage. Mobilization of private resources is a key to economic and social growth and serves as a means of participation in such growth by the people of less developed countries and the international community as a whole. Without support and encouragement of private enterprise, cooperative programs for advancing economic and social goals fail to utilize important resources and methods required in the developmental process and the effectiveness of development assistance and cooperation is diminished. Therefore, in administering assistance under this part, priority shall be given to an expanded role in economic and social development for private enterprise; and the President, in determining whether and to what extent the United States shall furnish development assistance under this part to any country or area, shall take into account—

"(a) the extent to which the country is creating a favorable environment for private enterprise and investment, both domestic and foreign, and for employers and free trade unions to work together in developing a healthy economy;

"(b) the effectiveness of policies to strengthen the institutional framework of systems of credit, savings, banking and marketing;

"(c) the adequacy of transportation, water, power and communications systems which undergird commerce and trade;

"(d) the adequacy of policies which provide incentives for private production, and which seek to eliminate uneconomic or discriminatory constraints on such production; and especially the adoption of incentives needed for a healthy agricultural sector; and

"(e) the availability of trained manpower to meet the short- and long-term requirements for human skills in all sectors.

"SEC. 302. CAPITAL AND TECHNICAL ASSISTANCE FOR PRIVATE ENTERPRISE DEVELOPMENT.—In administering assistance under this part, the President shall emphasize programs and projects which support and encourage the expansion of active private enterprise responsive to developmental needs. Such programs and projects may include (a) technical assistance to increase the abilities in less developed countries to manage and operate private entities, and to improve the skills of industrial and agricultural workers, (b) capital projects to increase the capacity of public and other facilities essential for private enterprise, and (c) loans to finance the importation of goods essential for private agricultural and industrial production. Such assistance shall to the extent possible be coordinated with self-help efforts including economic policies which support private enterprise activities and contribute to developmental objectives. The President shall coordinate assistance under this part with, and utilize to the extent he deems desirable, the facilities of the Overseas Private Investment Corporation established under title II of this chapter, and he is authorized to transfer funds made available under chapter 2 of this part to such Corporation for the purposes and subject to the terms and conditions governing the uses of such funds. Upon request by such Corporation and agreement with the agency primarily responsible for administering part I, the overseas missions and staffs of such agency may act on behalf of such Corporation, with or without compensation. In order to further effectuate the purposes of this chapter, not less than 50 per centum of the loan funds made available under sections 203 and 204 shall be available for loans made to encourage economic development through private enterprise.

SEC. 303. UNITED STATES PRIVATE ENTERPRISE PARTICIPATION.—(a) In furnishing assistance under this part the President shall, to the maximum extent practicable, utilize private trade channels and the services of United States private enterprise, including nonprofit organizations, labor unions, cooperatives, savings and loan associations, credit unions, private experts and consultants and educational institutions, and shall encourage continuing relationships between private United States institutions and their counterparts in less-developed countries.

"(b) The President shall take appropriate steps to enable United States private enterprise to respond effectively in providing goods and services for assistance programs and projects authorized under this Act. Insofar as practicable and consistent with the purposes of this Act, the President shall assist American small business to participate equitably in the furnishing of commodities, defense articles, and services (including defense services) financed with funds made available under this Act—

"(1) by causing to be made available to suppliers in the United States, and particularly to small independent enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with such funds;

"(2) by causing to be made available to prospective purchasers in the countries and areas receiving assistance under this Act information as to such commodities, articles, and services produced by small independent enterprises in the United States; and

"(3) by providing for additional services to give small business better opportunities to participate in the furnishing of such commodities, articles, and services financed with such funds.

"(c) The Secretary of Defense shall assure that there is made available to suppliers in the United States, and particularly to small independent enterprises, information with respect to purchases made by the Department of Defense pursuant to part II, such information to be furnished as far in advance as possible.

"SEC. 304. SUPPORT OF VOLUNTARY ASSISTANCE.—(a) The Congress recognizes that United States private citizens and organizations significantly assist less developed countries by creating institutions and engaging in activities relating to development relief and rehabilitation which advance the purposes of this Act.

"(b) The President is authorized (notwithstanding the provisions of the Mutual Defense Assistance Control Act of 1951, as amended, and of section 601 of this Act) to furnish assistance on such terms and conditions as he may determine to schools outside the United States founded or sponsored by United States citizens and serving as study and demonstration centers for ideas and practices of the United States and to hospital centers for medical education and research outside the United States founded or sponsored by United States citizens. For such purposes, there is hereby authorized to be appropriated to the President for the fiscal year 1970 $12,900,000, to remain available until expended.

"(c) The President is authorized to use funds made available under this part to pay transportation charges from United States ports, or in the case of excess or surplus property supplied by the United States, from foreign ports, on shipments by the American Red Cross and United States voluntary nonprofit organizations registered with and approved by the Advisory Committee on Voluntary Foreign Aid in order to further the efficient use of United States voluntary contributions for relief and rehabilitation of friendly peoples. Where practicable, the President shall make arrangements with the receiving country for free entry of such shipments and for the making available by that country of local currencies to defray the transportation cost of such shipments from the port of entry of the receiving country or area to the designated shipping point of the consignee.

"(d) The President shall maintain a system for collecting information concerning private activities and opportunities for participation of individuals and associations in the development process and shall utilize to the extent possible such information in connection with programs carried out under this part.

"SEC. 305. ASSISTANCE TO UNITED STATES EDUCATIONAL AND RESEARCH INSTITUTIONS.—Not to exceed $10,000,000 of the funds made available in any fiscal year under section 202 may be used for assistance, on such terms and conditions as the President may determine, to research and educational institutions in the United States for the purpose of strengthening their capacity to develop and carry out programs concerned with the economic and social develepoment of less-developed countries.

"TITLE II—OVERSEAS PRIVATE INVESTMENT CORPORATION

"SEC. 321. CREATION, PURPOSE, AND POLICY.—To mobilize and facilitate the participation of United States private capital and skills in the economic and social progress of less developed friendly countries and areas, thereby complementing the development assistance objectives of the United States, there is hereby created the Overseas Private Investment Corporation (hereinafter called the Corporation), which shall be an agency of the United States under the policy guidance of the Secretary of State.

"In carrying out its purpose, the Corporation, utilizing broad criteria, shall undertake—

"(a) to conduct its financing operations on a self-sustaining basis, taking into account

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the economic and financial soundness of projects and the availability of financing from other sources on appropriate terms;

"(b) to utilize private credit and investment institutions and the Corporation's guaranty authority as the principal means of mobilizing capital investment funds;

"(c) to broaden private participation and revolve its funds through selling its direct investments to private investors whenever it can appropriately do so on satisfactory terms;

"(d) to conduct its insurance operations with due regard to principles of risk management including, when appropriate, efforts to share its insurance risks;

"(e) to utilize, to the maximum practicable extent consistent with the accomplishment of its objectives, the resources and skills of small business and to provide facilities to encourage its full participation in the programs of the Corporation;

"(f) to encourage and facilitate efforts by private investors to conduct their operations in less developed friendly countries and areas in a manner that is sensitive and responsive to the special needs of those economies and societies;

"(g) to consider in the conduct of its operations the extent to which less developed country governments are receptive to private enterprise, domestic and foreign, and their willingness and ability to maintain conditions which enable private enterprise to make its full contribution to the development process;

"(h) to foster private initiative and competition and discourage monopolistic practices;

"(i) to further to the greatest degree possible, in a manner consistent with its goals, the balance of payments objectives of the United States;

"(j) to conduct its activities in consonance with the activities of the agency primarily responsible for administering part I and the international trade, investment and financial policies of the United States Government; and

"(k) to advise and assist, within its field of competence, interested agencies of the United States and other organizations, both public and private, national and international, with respect to projects and programs relating to the development of private enterprise in less developed countries and areas.

"Sec. 322. Capital of the Corporation.—The capital of the Corporation shall be $100,000,000 which shall be paid in to the Corporation by the President of the United States, who is authorized to use for this purpose funds made available pursuant to section 203(f). Of such total, there shall be paid in $20,000,000 upon the creation of the Corporation and $20,000,000 during each of the fiscal years 1971 through 1974, upon the call, in whole or in part, of the board of directors of the Corporation. Upon each payment of capital by the President, the Corporation shall issue an equivalent amount of capital stock to the Secretary of the Treasury.

"*Organization and management*

"Sec. 323. (a) Structure of the Corporation.—The Corporation shall have a Board of Directors, a President, an Executive Vice President and such other officers and staff as the Board of Directors may determine.

"(b) Board of Directors.—All powers of the Corporation shall vest in and be exercised by or under the authority of its Board of Directors ('the Board') which shall consist of eleven Directors, including the Chairman, with six Directors constituting a quorum for the transaction of business. The Chairman of the Board shall be appointed by the President of the United States from private life, by and with the advice and consent of the Senate and shall serve at the pleasure of the President, Four Directors (other than the Chairman of the Board and the President of the Corporation, appointed pursuant to subsection (c) who shall also serve as a Director) shall also be appointed by the President of the United States from private life, by and with the advice and consent of the Senate. Each such Director, unless appointed Chairman of the Board, shall be appointed for a term of no more than three years. The terms of no more than two such Directors shall expire in any one year. Such Directors shall serve until their successors are appointed and qualified and may be reappointed.

"The other Directors shall be officials of the Government of the United States, designated by and serving at the pleasure of the President of the United States.

"All Directors who are not officers of the Corporation or officials of the Government of the United States shall be compensated at a rate equivalent to that of level IV of the Executive Schedule (5 U.S.C. 5315) when actually engaged in the business of the Corporation and may be paid per diem in lieu of subsistence at the applicable rate prescribed in the standardized Government travel regulations, as amended from time to time, while away from their homes or usual places of business.

"(c) President of the Corporation.—The President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. In making such appointment, the President shall take into account private business experience of the appointee. The President of the Corporation shall be its Chief Executive Officer and responsible for the operations and management of the Corporation, subject to bylaws and policies established by the Board.

"(d) Officers and Staff.—The Executive Vice President of the Corporation shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve at the pleasure of the President. Other officers, attorneys, employees, and agents shall be selected and appointed by the Corporation, and shall be vested with such powers and duties as the Corporation may determine. Of such persons employed by the Corporation, not to exceed thirty-five may be appointed, compensated or removed without regard to the Civil Service laws and regulations, of whom not to exceed fifteen may be compensated at rates and steps of the General Schedule higher than those provided for grade 15 of the General Schedule established by section 5332 of title 5 of the United States Code, but not in excess of the highest rate of grade 18 thereof: *Provided*, That under such regulations as the President of the United States may prescribe, officers and employees of the United States Government who are appointed to any of the above positions may be entitled, upon removal from such position, except for cause, to reinstatement to the position occupied at the time of appointment or to a position of comparable grade and salary. Such positions shall be in addition to those otherwise authorized by law, including those authorized by section 5108 of title 5 of the United States Code.

"Sec. 324. Investment Incentive Programs.—The Corporation is hereby authorized to do the following:

"(a) Investment Insurance.—(1) To issue insurance, upon such terms and conditions as the Corporation may determine, to eligible investors assuring protection in whole or in part against any or all of the following risks with respect to projects which the Corporation has approved—

"(A) inability to convert into United States dollars other currencies, or credits in such currencies, received as earnings or profits from the approved project, as repayment or return of the investment therein, in whole or in part, or as compensation for the sale or disposition of all or any part thereof;

"(B) loss of investment, in whole or in part, in the approved project due to expropriation or confiscation by action of a foreign government; and

"(C) loss due to war, revolution or insurrection.

"(2) Recognizing that major private investments in less developed friendly countries or areas are often made by enterprises in which there is multinational participation, including significant United States private participation, the Corporation may make arrangements with foreign governments (including agencies, instrumentalities or political subdivisions thereof) or with multilateral organizations for sharing liabilities assumed under investment insurance for such investments and may in connection therewith issue insurance to investors not otherwise eligible hereunder: *Provided, however,* That liabilities assumed by the Corporation under the authority of this subsection shall be consistent with the purposes of this title and that the maximum share of liabilities so assumed shall not exceed the proportionate participation by eligible investors in the total project financing.

"(b) Investment Guaranties.—To issue to eligible investors guaranties of loans and other investments made by such investors assuring against loss due to such risks and upon such terms and conditions as the Corporation may determine: *Provided, however,* That such guaranties on other than loan investments shall not exceed 75 per centum of such investment: *Provided, further,* That the Corporation shall assure whenever practicable the participation in any project of unguaranteed private capital by eligible investors to the extent of at least one-third of the guaranteed amount (exclusive of interest and earnings), but in no event shall the aggregate amount of investment (exclusive of interest and earnings) so guaranteed with respect to any project, exceed, at the time of issuance of any such guaranty, 75 per centum of the total investment committed to any such project as determined by the Corporation, which determination shall be conclusive for purposes of the Corporation's authority to issue any such guaranty.

"(c) Direct Investment.—To make loans in United States dollars repayable in dollars or loans in foreign currencies (including, without regard to section 1415 of the Supplemental Appropriation Act, 1953, such foreign currencies which the Secretary of the Treasury may determine to be excess to the normal requirements of the United States and the Bureau of the Budget may allocate) to firms privately owned or of mixed private and public ownership upon such terms and conditions as the Corporation may determine. The Corporation may not purchase or invest in any stock in any other corporation, except that it may (1) accept as evidence of indebtedness debt securities convertible to stock but such debt securities shall not be converted to stock while held by the Corporation, and (2) acquire stock through the enforcement of any lien or pledge or otherwise to satisfy a previously contracted indebedness which would otherwise be in default, or as the result of any payment under any contract of insurance or guaranty. The Corporation shall dispose of any stock it may so acquire as soon as reasonably feasible under the circumstances then pertaining.

"(d) Investment Encouragement.—To initiate and support through financial participation, incentive grant, or otherwise, and on such terms and conditions as the Corporation may determine, the identification, assessment, surveying and promotion of private investment opportunities, utilizing wherever feasible and effective the facilities of private organizations or private investors: *Provided, however,* That the Corporation shall not finance surveys to ascertain the existence, location, extent or quality, or to determine the feasibility of undertaking operations for mining or other extraction, of any deposit of ore, oil, gas or other mineral. In carrying out this authority, the Corporation shall coordi-

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nate with such investment promotion activities as are carried out by the Department of Commerce.

"(e) SPECIAL ACTIVITIES.—To administer and manage special projects and programs, including financial and advisory support for private technical, professional or managerial assistance in the development of human resources, skills, technology, capital savings and intermediate financial and investment institutions, the funds for which may, with the Corporation's concurrence, be transferred to it for such purposes under the authority of section 302 or from other sources, public or private.

"SEC. 325. ISSUING AUTHORITY, DIRECT INVESTMENT FUND AND RESERVES.—(a) (1) The maximum contingent liability outstanding at any one time pursuant to insurance issued under section 324(a) shall not exceed $7,500,000,000;

"(2) The maximum contingent liability outstanding at any one time pursuant to guaranties issued under section 324(b) shall not exceed in the aggregate $750,000,000, of which guaranties of credit union investment shall not exceed $1,250,000: *Provided*, That the Corporation shall not make any commitment to issue any guaranty which would result in a fractional reserve less than 25 per centum of the maximum contingent liability then outstanding against guaranties issued or commitments made pursuant to section 324(b) or similar predecessor guaranty authority.

"(3) The Congress, in considering the budget programs transmitted by the President for the Corporation, pursuant to section 104 of the Government Corporation Control Act, as amended, may limit the obligations and contingent liabilities to be undertaken under section 324 (a) and (b), as well as the use of funds for operating and administrative expenses.

"(4) The authority of section 324 (a) and (b) shall continue until June 30, 1974.

"(b) There shall be established a revolving fund, known as the Direct Investment Fund, to be held by the Corporation. Such fund shall consist initially of amounts made available under section 322, shall be available for the purposes authorized under section 324(c), shall be charged with realized losses and credited with realized gains and shall be credited with such additional sums as may be transferred to it under the provisions of section 326.

"(c) There shall be established in the Treasury of the United States an Insurance and Guaranty Fund, which shall have separate accounts to be known as the Insurance Reserve and the Guaranty Reserve, which reserves shall be available for discharge of liabilities, as provided in section 325(d), until such time as all such liabilities have been discharged or have expired or until all such reserves have been expended in accordance with the provisions of this section. Such reserve shall be funded by: (1) the funds heretofore available to discharge liabilities under predecessor guaranty authority (including housing guaranty authorities), less both the amount made available for housing guaranty programs pursuant to section 204(d) (4) (B) and the amount made available to the Corporation pursuant to section 325(e); and (2) such sums as shall be appropriated pursuant to section 325(f) for such purpose. The allocation of such funds to each such Reserve shall be determined by the board after consultation with the Secretary of Treasury. Additional amounts may thereafter be transferred to such reserves pursuant to section 326.

"(d) Any payments made to discharge liabilities under investment insurance issued under section 324(a) or under similar predecessor guaranty authority shall be paid first out of the insurance reserve, as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f). Any payments made to discharge liabilities under guaranties issued under section 324(b) or under similar predecessor guaranty authority shall be paid first out of the guaranty reserve as long as such reserve remains available, and thereafter out of funds made available pursuant to section 325(f).

"(e) There is hereby authorized to be transferred to the Corporation at its call, for the purposes specified in section 326, all fees and other revenues collected under predecessor guaranty authority from December 31, 1968, available as of the date of such transfer.

"(f) There is hereby authorized to be appropriated to the Corporation, to remain available until expended, such amounts as may be necessary from time to time to replenish or increase the Insurance and Guaranty Fund or to discharge the liabilities under insurance and guaranties issued by the Corporation or issued under predecessor guaranty authority.

"SEC. 326. INCOME AND REVENUES.—In order to carry out the purposes of the Corporation, all revenues and income transferred to or earned by the Corporation, from whatever source derived, shall be held by the Corporation and shall be available to carry out its purposes, including without limitation—

"(a) payment of all expenses of the Corporation, including investment promotion expenses;

"(b) transfers and additions to the insurance or guaranty reserves, the Direct Investment Fund established pursuant to section 325 and such other funds or reserves as the Corporation may establish, at such time and in such amounts as the board may determine; and

"(c) payment of dividends, on capital stock, which shall consist of and be paid from net earnings of the Corporation after payments, transfers and additions under subsections (a) and (b) hereof.

"SEC. 327. GENERAL PROVISIONS RELATING TO INSURANCE AND GUARANTY PROGRAMS.—(a) Insurance and guaranties issued under this title shall cover investments made in connection with projects in any less developed friendly country or area with the government of which the President of the United States has agreed to institute a program for insurance or guaranties.

"(b) The Corporation shall determine that suitable arrangements exist for protecting the interest of the Corporation in connection with any insurance or guaranty issued under this title, including arrangements concerning ownership, use, and disposition of the currency, credits, assets, or investments on account of which payment under such insurance or guaranty is to be made, and any right, title, claim or cause of action existing in connection therewith.

"(c) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, all guaranties heretofore issued pursuant to prior guaranty authorities repealed by the Foreign Assistance Act of 1969, and all insurance and guaranties issued pursuant to this title shall constitute obligations, in accordance with the terms of such insurance or guaranties, of the United States of America and the full faith and credit of the United States of America is hereby pledged for the full payment and performance of such obligations.

"(d) Fees shall be charged for insurance and guaranty coverage in amounts to be determined by the Corporation. In the event fees to be charged for investment insurance or guaranties are reduced, fees to be paid under existing contracts for the same type of guaranties or insurance and for similar guaranties issued under predecessor guaranty authority may be reduced.

"(e) No insurance or guaranty of an equity investment shall extend beyond twenty years from the date of issuance.

"(f) No insurance or guaranty issued under this title shall exceed the dollar value, as of the date of the investment, of the investment made in the project with the approval of the Corporation plus interest, earnings or profits actually accrued on said investment to the extent provided by such insurance or guaranty.

"(g) No payment may be made under any guaranty issued pursuant to this title for any loss arising out of fraud or misrepresentation for which the party seeking such payment is responsible or of which such party had knowledge at the time he became a holder of such guaranty.

"(h) Insurance or guaranties of a loan or equity investment of an eligible investor in a foreign bank, finance company or other credit institution shall extend only to such loan or equity investment and not to any individual loan or equity investment made by such foreign bank, finance company or other credit institution.

"(i) Claims arising as a result of insurance or guaranty operations under this title or under predecessor guaranty authority may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the Corporation may determine. Payment made pursuant to any such settlement, or as a result of an arbitration award, shall be final and conclusive notwithstanding any other provision of law.

"(j) Each guaranty contract properly executed by such officer or officers as may be designated by the board shall be conclusively presumed to be issued in compliance with the requirements of this Act.

"(k) In making a determination to issue insurance or a guaranty under this title, the Corporation shall consider the possible adverse effect of the dollar investment under such insurance or guaranty upon the balance of payments of the United States.

"SEC. 328. DEFINITIONS.—As used in this title—

"(a) the term 'investment' includes any contribution of funds, commodities, services, patents, processes, or techniques in the form of (1) a loan or loans to an approved project, (2) the purchase of a share of ownership in any such project, (3) participation in royalties, earnings, or profits, of any such project, and (4) the furnishing of commodities or services pursuant to a lease or other contract;

"(b) the term 'expropriation' may include but is not limited to, any abrogation, repudiation, or impairment by a foreign government of its own contract with an investor with respect to a project, where such abrogation, repudiation, or impairment is not caused by the investor's own fault or misconduct, and materially adversely affects the continued operation of the project;

"(c) the term 'eligible investor' means: (1) United States citizens; (2) corporations, partnerships, or other associations including nonprofit associations, created under the laws of the United States or any State or territory thereof and substantially beneficially owned by United States citizens; and (3) foreign corporations, partnerships, or other associations wholly owned by one or more such United States citizens, corporations, partnerships, or other associations: *Provided, however*, That the eligibility of such foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by other than the United States owners: *Provided further*, That in the case of any loan investment a final determination of eligibility may be made at the time the insurance or guaranty is issued; in all other cases, the investor must be eligible at the time a claim arises as well as at the time the insurance or guaranty is issued; and

"(d) the term 'predecesor guaranty authority' means prior guaranty authorities (other than housing guaranty authorities) repealed by the Foreign Assistance Act of 1969, sections 202(b) and 413(b) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of authority relating to informational media guaranties).

"Sec. 329. General Provisions and Powers.—(a) The Corporation shall have its principal office in the District of Columbia and shall be deemed, for purposes of venue in civil actions, to be a resident thereof. It may establish offices and staffs in such other place or places and for such periods of time as it may deem necessary or appropriate.

"(b) The President shall transfer to the Corporation, at such time as he may determine, all obligations, assets and related rights and responsibilities arising out of, or related to, predecessor programs and authorities similar to those provided for in section 324(a), (b), and (d). Until such transfer, the agency heretofore responsible for such predecessor programs shall continue to administer such assets and obligations, and such programs and activities authorized under this title as may be determined by the President.

"(c) The Corporation shall be subject to the applicable provisions of the Government Corporation Control Act, except as otherwise provided in this title.

"(d) To carry out the purposes of this title, the Corporaion is authorized: To adopt and use a corporate seal, which shall be judicially noticed; to sue and be sued in its corporate name; to adopt, amend, and repeal bylaws governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law; to acquire, hold or dispose of, upon such terms and conditions as the Corporation may determine, any property, real, personal, or mixed, tangible or intangible, or any interest therein; to invest funds derived from fees and other revenues in obligations of the United States and to use the proceeds therefrom, including earnings and profits, as it shall deem appropriate; to idemnify directors, officers, employees and agents of the Corporation for liabilities and expenses incurred in connection with their Corporation activities; to require bonds of officers, employees, and agents and pay the premiums therefor; notwithstanding any other provision of law, to represent itself or to contract for representation in all legal and arbitral proceedings; to purchase, discount, rediscount, sell, and negotiate, with or without its endorsement or guaranty, and guarantee notes, participation certificates, and other evidence of indebtedness (provided that the Corporation shall not issue its own securities, except participation certificates for the purpose of carrying out section 321(c)); to make and carry out such contracts and agreements as are necessary and advisable in the conduct of its business; to exercise the priority of the Government of the United States in collecting debts from bankrupt, insolvent or decendents' estates; to determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations; to take such actions as may be necessary or appropriate to carry out the powers herein or hereafter specifically conferred upon it.

"Sec. 330. Advisory Council.—In order to further the purposes of the Corporation there shall be established an Advisory Council to be composed of such representatives of the American business community as may be selected by the chairman of the board. The president and the board of the Corporation shall, from time to time, consult with such Council concerning the objectives of the Corporation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 of the United States Code for travel and other expenses incurred by them in the performance of their functions under this section.

"Sec. 331. Reports to the Congress.—(a) The Corporation shall annually submit to the Congress a complete and detailed report of its operations.

"(b) Not later than March 1, 1974, the Corporation shall submit to the Congress an analysis of the possibilities of transferring all or part of its activities to private United States citizens, corporations or other associations.

"Chapter 4—Multilateral and Regional Organizations and Programs

"Sec. 401. General Authority.—(a) Multilateral organizations play an important role in the promotion of development and the maintenance of peace. To support programs of these organizations, the President is authorized, on such terms and conditions as he may determine—

"(1) to use funds made available under this part for voluntary contributions for such organizations and for programs administered by them; and

"(2) to transfer to the International Bank for Reconstruction and Development, the International Finance Corporation, the International Development Association, the Asian Development Bank, the African Development Bank, and the Inter-American Development Bank up to 10 per centum of funds made available for development assistance under chapter 2 of this part, for use pursuant to the laws governing United States participation in such institutions, if any, and the governing statutes thereof and without regard to the requirements of this or any other act.

"(b) In the event that funds made available under this part are used by or under the management of the financial institutions identified in section (a)(2) hereof, such funds may be used in accordance with requirements, standards or procedures established by such institutions concerning completion of plans and cost estimates, contracts and contractors, and determinations of feasibility, rather than with requirements, standards or procedures concerning such matters set forth in this or other acts; and such funds may also be used without regard to the provisions of section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241), whenever the President determines that such provisions cannot be fully satisfied without seriously impeding or preventing accomplishment of the purposes of such programs: *Provided*, That compensating allowances are made in the administration of other programs to the same or other areas to which the requirements of said section 901(b) are applicable.

"(c) Voluntary contributions to the United Nations Development Program may not exceed 40 per centum of the total contributed for such purposes (including assessed and audited local costs) for each calendar year. The President shall seek to assure that no contribution to the United Nations Development Program authorized by this Act shall be used for projects for economic or technical assistance to the Government of Cuba, so long as Cuba is governed by the Castro regime.

"(d) There is hereby authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1970, $7,530,000, which shall remain available until expended. Any unappropriated portion of the amounts heretofore authorized to be appropriated for loans for Indus Basin Development, for use beginning in fiscal year 1969, may be appropriated in any subsequent fiscal year.

"(e) In any case in which a fund established solely by United States contributions under this or any other Act is administered by an international organization under the terms of an agreement between the United States and such international organization, such agreement shall provide that the Comptroller General of the United States shall conduct such audits as are necessary to assure that such fund is administered in accordance with such agreement.

"Sec. 402. Regional Programs.—In furnishing assistance under this part, the President shall encourage the cooperation of less developed countries in regional programs and the promotion of regional development institutions, so that the economic, social, and political development of such regions may be more readily advanced. In so doing, the President may use regional, multilateral and bilateral channels of assistance, as he deems appropriate.

"Sec. 403. Multilateral Coordination of Development Programs.—In furnishing assistance under this part, the President shall encourage the participation in development assistance by other developed countries and shall seek to insure multilateral coordination of development assistance programs. In so doing the President shall take into account the advantages of integrating programs of the United States with programs of multilateral organizations and other donors, and shall participate, where appropriate, in development assistance consortia and other groups which coordinate assistance from various sources for particular recipient countries.

"Chapter 5—Emergency and Supporting Assistance

"Sec. 451. Disaster Assistance.—Notwithstanding the provisions of this or any other Act, the President is authorized to use funds provided to carry out the provisions of this part to furnish assistance abroad on such terms and conditions as he may determine—

"(a) for famine or disaster relief;

"(b) for reconstruction or rehabilitation assistance for victims of famine or disasters; and

"(c) for aid in the preparation for, or prevention of, the effects of threatened famine or disasters.

Assistance under (a) or (b) shall be furnished no later than one year after the disaster or famine has ended.

"Sec. 452. Supporting Assistance.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to or for friendly countries and areas, and to organizations and bodies eligible to receive assistance under this part, in order to support or promote economic or political stability or security.

"(b) There is authorized to be appropriated to the President to carry out the purposes of this section $514,600,000 for the fiscal year 1970, which shall remain available until expended. Bilateral assistance under this section shall not be furnished to more than twelve countries in any fiscal year.

"Sec. 453. Contingency Fund.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1970 not to exceed $40,000,000 for use by the President for assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest.

"(b) The President shall provide quarterly reports to the Congress on the programing and obligation of funds under subsection (a)."

PART II—MILITARY ASSISTANCE

Sec. 2. Part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

(a) Section 503, which relates to general authority, is amended as follows:

(1) insert in subsection (a) the word, ", barter" between the words "loan" and "or grant";

(2) delete subsection (b);

(3) delete subsection (c); and

(4) redesignate subsection (d) as subsection (b).

(b) Section 504, which relates to authorization, is amended as follows:

(1) in the first sentence of subsection (a), delete "1969" and substitute therefor "1970";

(2) in the second proviso of subsection (a) insert after the word "country" the words "other than Greece, Turkey, the Republic of China, the Philippines and Korea"; and

(3) add new subsection "c" as follows:

"(c) The military assistance program for any country in any fiscal year shall not be increased beyond 20 percent of the amount justified to the Congress or $1,000,000, whichever is greater, unless the President determines that such an increase in such program is essential to the national interest of the United States and reports such determination to the Congress within thirty days after each such determination."

(c) Section 506(a), which relates to special authority, is amended by deleting "1969" each place it appears and substituting "1970".

(d) Section 507, which relates to restrictions on military aid to Latin America, is amended by deleting subsection (d).

PART III—GENERAL, ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

CHAPTER 1—GENERAL PROVISIONS

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) Section 601, which relates to private enterprise, is deleted and the following section is substituted therefor:

"SEC. 601. STATE AND LOCAL ORGANIZATIONS.—In furtherance of the purposes of part I the President is encouraged to utilize, whenever he deems appropriate, the services of State and local organizations on contract or other basis to provide technical assistance authorized under part I. The President shall encourage and coordinate technical assistance activities of such State and local organizations, both those financed under part I and those otherwise financed, in order to promote their maximum development effect."

(b) Section 602, which relates to small business, is deleted.

(c) Section 608(a), which relates to advance acquisition of property, is amended by deleting in the second sentence "section 212" and substituting therefor "section 202".

(d) Section 609(a), which relates to the special account, is amended by deleting the words "chapter 4 of part I" and substituting therefor "section 452".

(e) Section 610, which relates to transfers between accounts, is amended as follows:

(1) In paragraph (a) insert after the words "funds made available for any provision of this Act" the first time they appear the words "(except funds made available pursuant to title II of chapter 3 of part I)".

(2) In paragraph (b), delete the words "sections 451" and substitute the words "sections 453" therefor and delete the words "section 402" and substitute the words "section 452" therefor.

(f) Section 611, which relates to plans and cost estimates, is amended by deleting the words "under title I, II, and IV of chapter 2 and chapter 4 of part I" in paragraphs (a) and (e) and substituting therefor the words "under chapter 2 of part I and section 452".

(g) Section 614(b), which relates to special authorities, is amended by deleting the words "chapter 4 of part I" and substituting therefor the words "section 452".

(h) Section 620, which relates to prohibitions against furnishing assistance, is amended as follows:

(1) Subsection (m) is amended by deleting the period at the end thereof, substituting a comma and adding the words "unless the President determines that the furnishing of such assistance is important to the national security of the United States and promptly reports such determination to the Congress, together with his reasons therefor".

(2) Subsection (s) is amended to read as follows:

"(1) In order to restrain arms races and proliferation of sophisticated weapons, and to insure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans or supporting assistance to any country under this Act, and before making sales under the Agricultural Trade Development and Assistance Act of 1954, as amended:

"(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes;

"(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(2) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

(3) Delete subsection (v).

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 4. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Section 621(b), which relates to eligibility of persons to receive funds, is amended by inserting in the first sentence after the words "funds made available under this Act" the following: "(other than funds made available pursuant to title II, chapter 3, of part I)".

(b) Section 625, which relates to employment of personnel, is amended as follows:

(1) in subparagraph (b) insert after the words "employed in the United States" the following: "(other than those employed under authority of title II, chapter 3 of part I)", and delete the words "one hundred and ten" and "fifty-one" and substitute therefor the words "one hundred and twenty" and "sixty", respectively.

(2) add a new subsection (k) as follows:

"(k)(1) In accordance with such regulations as the President may prescribe, the following categories of personnel who serve under unlimited appointments in employment subject to paragraph (d)(2) of this section shall become participants in the Foreign Service Retirement and Disability System:

"(i) Foreign Service Reserve officers;

"(ii) Staff officers and employees who have completed at least ten years of continuous service, exclusive of military service, in employment pursuant to paragraph (d)(2) of this section.

Upon becoming a participant in the Foreign Service Retirement and Disability System, any such officer or employee shall make a special contribution to the Foreign Service Retirement and Disability fund in accordance with the provisions of section 852 of the Foreign Service Act of 1946, as amended. Thereafter, compulsory contributions will be made with respect to each such participating officer or employee in accordance with the provisions of section 811 of the Foreign Service Act of 1946, as amended. The provisions of sections 571, 636, and title VIII of the Foreign Service Act of 1946, as amended, shall apply to participation in the Foreign Service Retirement and Disability System by any such officer or employee. Any officer or employee who is separated for cause while a participant in the Foreign Service Retirement and Disability System pursuant to this subsection, shall be entitled to benefits in accordance with subsections 637 (b) and (d) of the Foreign Service Act of 1946, as amended. The provisions of paragraph (e) of this section shall apply in lieu of the provisions of sections 633 and 634 of the Foreign Service Act of 1946, as amended.

"(2) Any such officer or employee who, under the provisions of paragraph (1) of this subsection, becomes a participant in the Foreign Service Retirement and Disability System, shall be mandatorily retired for age during the third year after the effective date of this subsection if he attains age sixty-four or if he is over age sixty-four; during the fourth year at age sixty-three; during the fifth year at age sixty-two; during the sixth year at age sixty-one, and thereafter at age sixty.

"(3) Any officer or employee who becomes a participant in the System under the provisions of paragraph (1) of this subsection, who is age fifty-seven or over on the effective date of this subsection, may retire voluntarily at any time before mandatory retirement under paragraph (2) of this subsection and receive retirement benefits under section 821 of the Foreign Service Act of 1946, as amended.

"(4) Whenever the President deems it to be in the public interest, he may extend any participant's service for a period not to exceed five years after the mandatory retirement date of such officer or employee.

"(5) This subsection shall become effective on the first day of the first month which begins more than one year after the date of enactment of the Foreign Assistance Act of 1969, except that any Foreign Service Reserve officer or Staff officer or employee, who, before such effective date, meets the requirements for participation in the Foreign Service Retirement and Disability System under paragraph (1) of this subsection may elect to become a participant in the System before the effective date of this subsection. Such officer or employee shall become a participant on the first day of the second month following the date of his application for earlier participation."

(c) Section 626(a), which relates to experts, consultants, and retired officers, is amended by deleting the words "rates not in excess of $100 per diem" and substituting therefor the words "rates not to exceed the per diem equivalent of the rate for grade 18 of the general schedule established by section 5332 of title 5 of the United States Code."

(d) Section 632(a), which relates to allocation or transfer of funds, is amended by inserting after the words "any funds available for carrying out the purposes of this Act" the following: "(other than funds available under title II, chapter 3 of part I)".

(e) Section 632(g), which relates to charging appropriations or accounts, is amended by inserting after the words "part I" the first time they appear, the following: "(other than title II, chapter 3 of part I)".

(f) Section 634, which relates to reports and information, is amended as follows:

(1) In paragraph (a) after the words "concerning operations" insert "(other than those reported pursuant to section 331)", and delete the last sentence.

(2) In paragraph (b), delete from the second sentence the words "from the Development Loan Fund established pursuant to section 201(a)" and substitute "pursuant to section 203" therefor.

(3) In paragraph (d), delete in the first sentence "1969" and substitute "1971" therefor and delete in the last sentence "303" and substitute "401(b)" therefor.

(g) Section 635(a), which relates to general authorities, is amended as follows:

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(1) Insert between the words "of" and "commodities" the words "defense articles and".

(2) Add the following new second sentence: "Defense articles and commodities transferred to the United States Government in exchange for assistance provided under this Act may be used to carry out this Act, or may be transferred without reimbursement to any agency of the United States Government for stockpiling or other purposes."

(h) Section 635(h), which relates to general authorities, is amended by deleting "titles II, V, and VI (except development loans) of chapter 2 of part I" and substituting "sections 202 and 205" therefor.

(i) Section 636, which relates to uses of funds, is amended as follows:

(1) In paragraphs (c), (d) and (e), delete wherever it appears the following "title I of chapter 2 of part I" and substitute "section 203" therefor.

(2) In paragraph (f), delete "212" and substitute "202" therefor and delete "title I of chapter 2 of part I" and substitute "section 203" therefor.

(j) In section 637(a), which authorizes appropriations for administrative expenses, delete "1969, $53,000,000" and substitute "1970, $54,250,000" therefor.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 5. Section 634 of chapter 3 of part III of the Foreign Assistance Act of 1961 as amended, which relates to savings provisions, is amended by inserting after the words "section 642(a)" and "section 642(a)(2)" each time they appear the words "and the Foreign Assistance Act of 1969".

PART IV—AMENDMENTS TO OTHER ACTS

SEC. 6. Chapter 33, subchapter III, and chapter 35, subchapter IV of title 5, United States Code, are amended as follows:

(a) Section 3343(b), which relates to details of personnel to international organizations is amended by deleting "3" and substituting therefor "5" and is further amended by deleting the period at the end thereof, substituting a comma and adding the following: "except that under special circumstances, where the President determines it to be in the national interest, he may extend the 5-year period up to an additional 3 years."

(b) Section 3581(5), which relates to rights of personnel who transfer to international organizations, is amended by deleting the words, "the first 3 consecutive years after entering the employ of the international organization" and substituting therefor the following: "the first 5 consecutive years, or any extension thereof, after entering the employ of the international organization".

(c) Section 3582(b)(1) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extension thereof,".

(d) Section 3582(c) is amended by deleting the words "3 years" and substituting therefor the following: "5 years, or any extension thereof,".

(e) Section 3582(a)(1), which relates to rights of personnel who transfer to international organizations, is amended by deleting the semicolon at the end thereof, substituting a comma, and adding the following: "except that such service shall not be considered creditable service for the purpose of any retirement system for transferring personnel, if such service forms the basis, in whole or in part, for an annuity or pension under the retirement system of the international organization."

(f) Section 3582(a)(2), which relates to rights of personnel who transfer to international organizations, is amended by deleting this subsection in its entirety and substituting therefor the following:

"(2) to retain coverage, rights, and benefits under chapters 87 and 89 of this title, if necessary employee deductions and agency contributions in payment for the coverage, rights and benefits for the period of employment with the international organization are currently deposited in the Employees' Life Insurance Fund and the Employees' Health Benefits Fund, as applicable, and the period during which coverage, rights, and benefits are retained under this paragraph is deemed service as an employee under chapters 87 and 89 of this title." (g) Section 3582(d), which relates to agency contributions to retirement and insurance programs for personnel who transfer to international organizations, is amended to read as follows: During the employee's period of service with the international organization, the agency from which the employee is transferred shall make contributions for retirement and insurance purposes from the appropriations or funds of that agency so long as contributions are made by the employee.

SEC. 7. Section 101 of the Government Corporation Control Act, as amended (31 U.S.C. 846), is amended by deleting "Development Loan Fund;" and substituting therefor "Overseas Private Investment Corporation;".

SEC. 8. Chapter 53, subchapter II of title 5 of the United States Code is amended as follows:

(a) Section 5314, which relates to level III of the Executive Schedule, is amended by adding thereto the following: "(54) President, Overseas Private Investment Corporation."

(b) Section 5315, which relates to level IV of the Executive Schedule, is amended by adding thereto the following: "(92) Executive Vice President, Overseas Private Investment Corporation."

(c) Section 5316, which relates to level V of the Executive Schedule is amended by adding thereto the following: "(128) Auditor—General of the Agency for International Development; (129) Vice Presidents, Overseas Private Investment Corporation (3)."

The letter presented by Mr. FULBRIGHT follows:

DEPARTMENT OF STATE,
May 28, 1969.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit herewith the proposed Foreign Assistance Act of 1969 which implements the recommendations contained in the President's foreign assistance message forwarded to the Congress today.

Respectfully yours,
ELLIOT L. RICHARDSON,
Acting Secretary.

S. 2348—INTRODUCTION OF THE FEDERAL BROKER-DEALER INSURANCE CORPORATION ACT

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, a bill (S. 2348) to establish a Federal broker-dealer insurance corporation.

The Government waited until the events of the 1920's and 1930's deprived millions of Americans of their savings before Congress took action to assure that this kind of disaster would not confront bank depositors again. Since 1933, the Federal Government has provided insurance for deposits in commercial and mutual savings institutions through the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation which were created by Congress during the Nation's severest banking crisis and business depression.

The need for such insurance was demonstrated by a series of financial panics in which suspension of payments by one or a few institutions was followed by "runs" on many sound institutions which were in turn forced to close their doors. The major purpose of deposit insurance then and now is to preserve public confidence in the ability of financial institutions to meet their liabilities.

Another purpose is to protect the savings of families of moderate means, who often lack the financial sophistication to make judgments regarding the relative soundness of the various financial institutions.

The events since 1933 have substantiated the belief that deposit insurance would help restore and maintain confidence in the Nation's banks.

Therefore, I am today proposing a bill which would create the Federal Broker-Dealer Insurance Corporation to protect investors from loss because of the failure of broker-dealer firms through whom they buy and sell securities. The bill would not in any way protect investors against investment losses.

Today, Americans who invest in the securities markets are almost as numerous as bank depositors in the 1920's and 1930's. The vast majority has moderate means. Over 25 million Americans own securities issued by individual corporations. Millions more participate in the securities markets through investment companies, pension funds, trust funds, endowment funds, and other types of institutional investing. The investing public is currently subject to risks, the precise magnitude of which is not known, from their dealings with broker-dealers whose financial resources and stability, in some cases, may be in doubt. There is the further danger that sound brokers may deal with other brokers who fail and thereby start a chain of failures.

Recently the Securities and Exchange Commission has been forced to ask for receivers for four firms which are not members of any stock exchange. While no data are yet available on the amount that the investing public stands to lose because of the current failures, the failure of Ira Haupt & Co. in 1963 would have left customers with losses of $9.5 million if members of the New York Stock Exchange had not voluntarily committed funds to make customers whole. Banks did lose many millions of dollars in that failure. For firms which are members of exchanges, as an outgrowth of the Haupt matter, there are voluntary trust funds which the exchanges can use to help bail out customers in cases of broker or dealer failures. In a major disaster, however, such trusts would not have sufficient assets to make all customers whole.

The back-office, fails, and paperwork problems of the securities industry have caused the present situation which endangers the entire industry. The ability of the securities industry to process transactions has not kept pace with the level of activity which has grown fourfold in 7 years. Firms which are unable to properly handle the prevailing levels of activity experience a number of substantial difficulties. These are manifested by books and records, which do not accurately reflect securities transactions consummated on their own and on their customer's behalf; they do not accurately

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reflect capital position, conceal losses and thefts; and they lead to unprofitable operations and which eventually can cause situations which may deteriorate to the point of failure.

We should apply our lesson from the events of four decades ago, and from 36 years of successful Government operation of a banking insurance system to provide insurance for the Nation's investors in securities. The bill that I am introducing today will provide insurance against loss occasioned by the financial collapse of broker-dealers. All customers of broker-dealers and stock clearing corporations would be afforded protection.

The FBDIC has been designed to be self-sufficient. It would not cost the taxpayers of the Nation $1. In the first years of the program, the Treasury would pledge capital to be used if needed. That obligation would be reduced each year by the Corporation's reserves built up from assessments on broker-dealer members of the Corporation. In less than 20 years, the Treasury obligation would be completely eliminated or repaid, if used. There would be no reduction in assessments until all such commitments were canceled. Both the FDIC and the FSLIC work on this principle and Government commitments in both cases were retired promptly.

No new Federal agency would be created by the legislation. The Board of Directors of the FBDIC would be the Commissioners of the Securities and Exchange Commission. I envision that the staff of the Corporation would, as a practical matter, operate as another division of the Commission. Unlike the banking industry, all governmental regulation of broker dealers is already performed by one agency, the Securities and Exchange Commission. Therefore, new personnel to regulate insured firms would be kept to a minimum. I believe the proposed agency is patterned after the best features of both existing Federal insuring agencies. Again, I would like to emphasize that the insurance system would not be a burden on the taxpayers, but will be completely self-supporting.

The insurance system would do much more than assume that investors will not lose their savings if the broker-dealers with whom they deal fail. It could well prove to be the keystone to the solution of the "fails" problem in the securities industry. Fails are another manifestation of the problem and a danger area. A fail is a security which has been purchased and not delivered within the settlement period. When the market price at which the security has been traded fails, one of the parties is exposed to loss until the fail is cleared up.

Total fails in the industry have been as high as $4 billion at one point during the past year. One of the prime causes of this problem is the lack of a national over-the-counter clearing facility. All transactions taking place on securities exchanges and to an extent some over-the-counter transactions in New York City and on the Pacific coast are cleared. In other words, securities and money are exchanged through a clearing corporation. The clearing corporation matches and pairs off many transactions between a large number of brokers in the same security and balances many differences between their various brokers. When a clearing house is injected into the process, 30 to 70 percent of the movement of securities and money, depending on the system, is netted out by that pairing of buy-and-sell transactions.

In the present system, almost every over-the-counter transaction necessitates a separate delivery of securities and payment of money. One major obstacle to having an effective national over-the-counter clearing system is the lack of guarantee or insurance against the insolvency of those brokers who deal with the clearing corporation. Existing clearing corporations are reluctant to admit those outside their immediate spheres of influence and supervision because of this lack of guarantee. When this is solved, a giant step will be taken toward a final solution to the problems caused by the securities industry's failure to efficiently and adequately process its own paperwork. The FBDIC, in addition to insuring a firm's customer, would afford a measure of protection to clearinghouses and their participating brokers in the event of a member broker's failure.

Thus, the FBDIC will facilitate solutions to the current problems facing the securities industry and the investing public in two very visible areas: First, the industry's inability to process paper in its own back offices and to keep its book and records on an adequate and current basis; and, second, the lack of a national over-the-counter clearing system to aid in the exchange of money and securities between brokers. The first problem may cause the failure of a broker-dealer and the FBDIC will protect the investor from loss because of that failure. Because clearing corporations will not be protected from the financial loss occasioned by failure of their members, they will not be more willing to expand their services and the FBDIC will give financial assurances needed for the establishment of a national over-the-counter clearing system.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2348), to establish a Federal Broker-Dealer Insurance Corporation, introduced by Mr. MUSKIE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "Federal Broker-Dealer Insurance Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act—

(1) The term "broker" means any broker as defined in subsection (a)(4) of section 3 of the Securities Exchange Act of 1934, and the term "registered broker" means any broker who is registered with the Securities and Exchange Commission pursuant to section 15(b) of that Act.

(2) The term "dealer" means any dealer as defined in subsection (a)(5) of section 3 of the Securities Exchange Act of 1934, and the term "registered dealer" means any dealer who is registered with the Securities and Exchange Commission pursuant to section 15(b) of that Act.

(3) The term "insured broker" means any broker whose customer accounts and liabilities are insured in accordance with the provisions of this Act.

(4) The term "insured dealer" means any dealer whose customer accounts and liabilities are insured in accordance with the provisions of this Act.

(5) the term "receiver" includes a receiver, liquidating agent, conservator, commission, person, or other agency charged by law with the duty of winding up the affairs of a broker or dealer.

(6) the term "customer account" means any account maintained for a customer in the normal course of business by any broker or dealer acting as agent or principal with respect to the customer. Such account shall include (i) credit balances of cash or securities, whether held for safekeeping or otherwise; (ii) fully paid securities; (iii) securities which are not fully paid for or which are collateral for a loan; (iv) other assets of the customer which have come to the broker or dealer in the normal course of business for safekeeping or otherwise; (v) debit balances of cash, and (vi) the value of any debit balances of securities. A customer who holds several accounts in separate capacities is deemed to be a different customer in each capacity.

(7) The term "insured customer account" means the net amount due any customer from his account maintained with an insured broker or insured dealer (after deducting offsets of any debit balances of cash and the value of any debit balances of securities) less any part thereof which is in excess of $50,000.

(8) The term "insured liability" means the net amount in cash and/or securities (after deducting offsets) due to any stock clearing corporation or any broker or dealer, which liabilities have occurred in the normal course of business and are not capital, either debt or equity, less, in the case of a stock clearing corporation, any part thereof which is in excess of $250,000, and in the case of a broker or dealer, any part thereof which is in excess of $50,000.

(9) The term "noninsured liability" means any liability of a broker or dealer not incurred in the normal course of business; any capital contributions of debt or equity; any loan for the purpose of financing the purchase or positioning of securities; and any other liability incurred other than in the daily operations of the business.

(10) The term "net capital" means the net worth of a broker or dealer (the excess of the total assets over liabilities), adjusted by—

(i) adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if the broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners; and

(ii) deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent; insurance and expenses; good will; organization expenses; this change will make the assessment base larger and add doubtful assets to the base.

(11) the term "accounts of partners" means accounts of partners who have agreed in writing that the equity in accounts maintained with the partnership shall be included as partnership property.

(12) the term "stock clearing corporation" means any corporation which (i) provides brokers, dealers, banks and other persons for whom it acts with facilities for clearing securities contracts between them,

for delivering cash and securities to, and receiving cash and securities from each other, for procuring the transfer of cash and securities upon the books of the corporations or associations issuing the same, for procuring the exchange of any cash or securities for any other cash or securities, and for receiving or paying any amounts payable to or payable by such brokers, dealers, banks and other persons in connection with any loans made by or to them; (ii) acts as agent for such brokers, dealers, banks and other persons employing it, upon terms and conditions satisfactory to it, in connection with any of the foregoing transactions, or in connection with any loans made by or to them; and (iii) acts in place of such brokers, dealers, banks and other persons in connection with any of the foregoing transactions, or in connection with any loans made by or to them.

(13) The term "exchange" means any exchange as defined in section 3(a)(1) of the Securities and Exchange Act of 1934.

(14) The term "Corporation" means the Federal Broker-Dealer Insurance Corporation, established by this Act.

(15) The term "Board of Directors" means the board of directors of the Corporation.

(16) The term "Commission" means the Securities and Exchange Commission.

ESTABLISHMENT OF THE CORPORATION

SEC. 3. (a) There is hereby created a Federal Broker-Dealer Insurance Corporation which shall insure the customer accounts and liabilities of brokers and dealers to the extent authorized by, and in conformity with, the provisions of this Act.

(b) The Corporation shall be under the direction of a Board of Directors which shall consist of the members of the Securities and Exchange Commission who shall serve, ex officio, as members of the Board without additional compensation. The principal office of the Corporation shall be in the District of Columbia.

(c) Upon the date of enactment of this Act, the Corporation shall become a body corporate and as such shall have power—

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To make contracts.

(4) To sue and be sued, complain and defend, in any court of law or equity, State or Federal. All suits of a civil nature at common law or in equity to which the Corporation shall be a party shall be deemed to arise under the laws of the United States. *Provided,* No attachment or execution shall be issued against the Corporation or its property before final judgment in any suit, action, or proceeding in any State, county, municipal, or United States court. The Board of Directors shall designate an agent upon whom service of process may be made in any State, territory, or jurisdiction in which any insured broker or insured dealer is located.

(5) To appoint by its Board of Directors such officers and employees as are not otherwise provided for in this Act, to define their duties, fix their compensation, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees. Nothing in this Act or any other Act shall be construed to prevent the appointment and compensation as an officer or employee of the Corporation of any officer or employee of the United States in any board, commission, independent establishment, or executive department thereof.

(6) To prescribe, by its Board of Directors, bylaws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

(7) To exercise by its Board of Directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this Act, and such incidental powers as shall be necessary to carry out the powers so granted.

(8) To make examinations of and to require information and reports from brokers and dealers or stock clearing corporations as provided in this Act.

(9) To act as receiver.

(10) To prescribe by its Board of Directors such rules and regulations as it may deem necessary to carry out the provisions of this Act.

(d) The Board of Directors shall administer the affairs of the Corporation fairly and impartially and without discrimination, and shall determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid. The Corporation shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government. The Corporation with the consent of any Federal Reserve bank, or of any board, commission, independent establishment, or executive department of the Government may avail itself of the use of information, services, and facilities thereof in carrying out the provisions of this Act.

INSURED BROKERS AND DEALERS

SEC. 4. Each registered broker and each registered dealer, without application or approval, shall be an insured broker or insured dealer under this Act and be subject to the provisons thereof.

ASSESSMENTS

SEC. 5. (a) Each insured broker and each insured dealer shall be assessed, under rules and regulations of the Corporation, at a rate which shall be one-half of 1 per centum per annum. The annual assessment of any such broker or dealer shall be the assessment rate multiplied by an amount equal to the net capital of such broker or dealer determined annually by audit of independent certified public accountants.

(b) Any insured broker or insured dealer which fails to make any report of condition or to file any certified statement required to be filed by it in connection with determining the amount of any assessment payable by such broker or dealer to the Corporation may be compelled to make such report or file such statement by mandatory injunction or other appropriate remedy in a suit brought for such purpose by the Corporation against the broker or dealer, and any officer or officers thereof, in any court of the United States of competent jurisdiction in the District or territory in which such broker or dealer is located.

(c) The Corporation, in a suit brought at law or in equity in any court of competent jurisdiction, shall be entitled to recover from any insured broker or insured dealer the amount of any unpaid assessment lawfully payable by such insured broker or insured dealer to the Corporation, whether or not such broker or dealer shall have made any such report of condition under subsection (b) of this section, or filed by any such certified statement, and whether or not suit shall have been brought to compel the insured broker or insured dealer to make any such report or file any such statement. No action or proceeding shall be brought for the recovery of any assessment due to the Corporation, or for the recovery of any amount paid to the Corporation in excess of the amount due to it, unless such action or proceeding shall have been brought within five years after the right accrued for which the claim is made, except where the insured broker or insured dealer has made or filed with the Corporation a false or fraudulent certified statement with the intent to evade, in whole or part, the payment of assessment, in which case the claim shall not be deemed to have accrued until the discovery by the Corporation that the certified statement is false or fraudulent.

TRANSFER OF NET ASSESSMENT INCOME OR CORPORATION TO CAPITAL ACCOUNTS; PRO RATA CREDIT TO INSURED BROKERS AND INSURED DEALERS

SEC. 6. (a) After the capital stock subscription of the Treasury Department has been completely retired pursuant to section 11 of this Act, the Corporation shall transfer 50 per centum of its net assessment income to its capital account and the balance of the net assessment income shall be credited pro rata to the insured brokers and insured dealers based upon the assessments of each broker and dealer coming due during such calendar year. Each year such credit shall be applied by the Corporation toward the payment of the total assessment becoming due for the next assessment period; any excess credit to be applied upon the assessment next becoming due. Any excess of this assessment shall be refunded in cash.

(b) As used in this section, the term "net assessment income" means the total assessments which become due during the calendar year, less (1) the operating costs and expenses of the Corporation for the calendar year; (2) additions to reserve to provide for insurance losses during the calendar year, except that any adjustment to reserve which result in a reduction of such reserve shall be added; and (3) the insurance losses sustained in such calendar year plus losses from any preceding years in excess of such reserves. If the above deductions exceed in amount the total assessments which become due during the calendar year, the amount of such excess shall be restored by deduction from total assessments becoming due in subsequent years.

PAYMENT OF INSURANCE BY CORPORATION

SEC. 7. (a) Whenever an insured broker or insured dealer is closed, the Corporation shall make payment, as provided in this section, to holders of insured customer accounts or insured liabilities. For the purposes of this Act, an insured broker or insured dealer shall be deemed "closed" if it (1) is unable to meet the demands of holders of insured customer accounts or insured liabilities, and (2) has been closed for the purpose of liquidation without adequate provision being made for payment of such accounts or liabilities or without evidence of its ability to make such provision.

(b) When an insured broker or insured dealer has been closed, payment of the insured customer accounts and insured liabilities of such broker or dealer shall be made by the Corporation as soon as possible, subject to the provisions of subsection (c) of this section, either by cash or by securities to which the holder of an insured customer account or insured liability may be entitled. The Corporation, in its discretion, may require proof of claims to be filed before paying any insured customer account or insured liability. In any case where the Corporation is not satisfied as to the validity of a claim for an insured customer account or insured liability, it may require the final determination of a court of competent jurisdiction before paying such claim. The holder of an insured customer account or insured liability may demand the securities owed him in lieu of the value thereof, and the Corporation shall deliver to such holder the securities owed him in lieu of cash.

(c) In the case of a closed insured broker or dealer, the Corporation, upon making payment as provided in subsection (b) of this section, shall be subrogated to all rights of the payee against the closed broker or dealer to the extent of such payment, but such payee shall retain his rights with respect to any uninsured portion of his claim against such broker or dealer.

(d) Except as otherwise prescribed by the Board of Directors, the Corporation shall not be required to recognize as the owner of any portion of a customer account or insured liability appearing on the records of a closed

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insured broker or insured dealer under a name other than that of the claimant, any person whose name or interest as such owner is not disclosed on the records of such closed broker or dealer as part owner of said customer account or insured liability, if such recognition would increase the aggregate amount of the insured customer accounts or insured liability in such closed broker or dealer.

(e) If, after the Corporation has given at least three months' notice to the holder of an insured customer account or insured liability by mailing a copy thereof to his last-known address appearing on the records of the closed broker or dealer, such holder fails to claim his insured customer account or insured liability from the Corporation within eighteen months after the appointment of a receiver for the closed broker or dealer, or fails within such period to claim all rights of the holder of an insured customer account or insured liability against the Corporation with respect to the insured customer account or insured liability, such holder shall be barred from making such claim.

(f) Payment of an insured customer account or insured liability to any person by the Corporation shall discharge the Corporation from any further liability with respect thereto.

APPOINTMENT OF CORPORATION AS RECEIVER

Sec. 8. (a) Notwithstanding any other provision of law, the Corporation shall be appointed receiver for any insured broker or insured dealer for which a receiver is required to be appointed under any law. It shall be the duty of the Corporation as such receiver to cause notice to be given, by advertisement in such newspapers as it may direct, to all persons having claims against a closed insured broker or insured dealer to enforce the individual liability, if any, of the stockholders and directors thereof; and to wind up the affairs of such closed insured broker or dealers in conformity with such laws except as herein otherwise provided. The Corporation may demand delivery of specific securities due in lieu of the value thereof; and any debtors of the insured broker or insured dealer may deliver the securities that they owe in lieu of the value thereof.

(b) In the event that the Corporation shall be appointed receiver for any firm, which is an insured broker or insured dealer, it is authorized as such (1) to take over the assets of and operate such firm, (2) to take such action as may be necessary to put it in a sound and solvent condition, (3) to merge it with another insured firm, (4) to organize a new firm to take over its assets, or (5) to proceed to liquidate its assets in an orderly manner, whichever shall appear to be to the best interests of the holders of insured customer accounts or insured liabilities, and in any event the Corporation shall pay the insurance as provided in section 7.

(c) If an insured broker or insured dealer is in danger of closing, the Corporation may ask the United States district court for the district in which the principal office of the broker or dealer is located to order the Corporation appointed as receiver for the broker or dealer. The district court shall make such order if it deems it to be in the public interest and for the protection of insured persons. The Corporation, when so ordered, shall operate such broker or dealer and wind up its affairs, and in doing so, conserve as much of the assets as possible for persons entitled to insurance benefits, and other creditors and interested parties.

(d) Notwithstanding any other provision of law, the Corporation, as receiver of an insured broker or insured dealer shall not be required to furnish bond and shall have the right to appoint an agent or agents to assist it in its duties as such receiver, and all fees, compensation, and expenses of liquidation and administration thereof shall be fixed by the Corporation, and may be paid by it out of funds coming into its possession as such receiver.

(e) A holder of an insured customer account shall have the right to transfer his account to any other insured broker or insured dealer and, upon notification of such transfer, the Corporation shall immediately transfer the assets due such holder to such insured broker or insured dealer.

LOANS OR PURCHASE OF ASSETS BY CORPORATION

Sec. 9. (a) If the Corporation determines that an insured broker or insured dealer is in danger of closing, in order to prevent such closing, the Corporation, in the discretion of its Board of Directors, is authorized to make loans to, or purchase the assets of, such broker or dealer upon such terms and conditions as the Board of Directors may prescribe. Such loans or purchases may be made in subordination of the rights of other creditors.

(b) Whenever in the judgment of the Board of Directors such action will reduce the risk of, or avert a threatened loss to, the Corporation and will facilitate a merger or consolidation of an insured broker or insured dealer with another insured broker or insured dealer, or will facilitate the sale of the assets of an open or closed insured broker or dealer to and the assumption of its liabilities by another insured broker or dealer, the Corporation may, upon such terms and conditions as it may determine, make loans secured, under such terms and conditions as it may determine, or make loans secured in whole or in part by assets of an open or closed insured broker or dealer, which loans may be in subordination to the rights of holders of customer accounts or insured liabilities and other creditors, or the Corporation may purchase any such assets or may guarantee any other insured broker or insured dealer against loss by reason of its assuming the liabilities and purchasing the assets of an open or closed insured broker or dealer. Any insured broker or insured dealer, or the Corporation as receiver thereof, is authorized to contract for such sales or loans and to pledge any assets of the broker or dealer to secure such loans.

(c) No agreement which tends to diminish or defeat the right, title, or interest of the Corporation in any asset acquired by it under this section, either as security for a loan or by purchase, shall be valid against the Corporation unless such agreement (1) is in writing, (2) was executed by the insured broker or insured dealer and the person or persons claiming an adverse interest thereunder, including the obligor, contemporaneously with the acquisition of the asset by such broker or dealer, (3) has been approved by the board of directors of the insured broker or insured dealer, which approval shall be reflected in the minutes of such board of committee, and (4) has been continuously, from the time of its execution, an official record of the insured broker or insured dealer.

APPOINTMENT OF EXAMINERS; HEARINGS; SUBPENAS

Sec. 10 (a) The Board of Directors shall appoint examiners who shall have power, on behalf of the Corporation, to examine any insured broker or insured dealer, and any closed insured broker or closed insured dealer, whenever in the judgment of the Board an examination of the broker or dealer is necessary. In addition to the examination provided for in the preceding sentence, such examiners shall have the power to make special examinations of any broker or dealer registered with the Commission, whenever in the judgment of the Board such special examination is necessary to determine the condition of any such broker or dealer for insurance purposes. Each such examiner shall have power to make a thorough examination of all the affairs of the insured broker or insured dealer and in doing so he shall have power to administer oaths and to examine and take and preserve the testimony of any of the officers or agents thereof, and shall make a full and detailed report of the condition of the insured broker or insured dealer to the Corporation. The Board in like manner shall appoint claim agents who shall have power to investigate and examine all claims for insured customer accounts and insured liabilities. Each claim agent shall have power to administer oaths and to examine under oath and take and preserve the testimony of any persons relating to such claims.

(b) For the purpose of any hearing under this Act, the Board of Directors, or member thereof or any person designated by the Board to conduct any such hearing, is empowered to administer oaths and affirmations, subpena any officer or employee of an insured broker or insured dealer, compel his attendance, take evidence, take depositions and require the production of any books, records, or other papers of the insured broker or insured dealer, which are relevant or material to the inquiry. For purpose of any hearing, examination, or investigation under this section, the Board of Directors may issue a subpena commanding each person to whom it is directed to attend and give testimony or for the taking of his deposition and to produce books, records, or other papers relevant or material to such hearing, examination, or investigation at a time and place and before a person therein specified. Such attendance of witnesses and the production of any such papers may be required from any place in any State, territory, or other place subject to the jurisdiction of the United States at any designated place where such a hearing is being held or such examination or investigation is being made: *Provided, however,* That the production of a person's documents at any place other than his place of business shall not be required in any case in which, prior to the return date specified in the subpena with respect thereto, such person either has furnished as directed a copy of such documents (certified by such person under oath to be a true and correct copy) or has entered into a stipulation with any authorized representative of the Corporation as to the information contained in such documents. Witnesses subpenaed under this section shall be paid the same fees and milage that are paid witnesses in the district courts of the United States.

(c) In cases of refusal to obey a subpena issued to, or contumacy by, any person, the Board of Directors may invoke the aid of any court of the United States within the jurisdiction of which such hearing, examination or investigation is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other papers. And such court may issue an order requiring such person to appear before the Board, or member or person designated by the Board, there to produce records, if so ordered, or to give testimony touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or carries on business or wherever he may be found. No person shall be excused from attending and testifying or from producing books, records, or other papers in obedience to a subpena issued under the authority of this chapter on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(d) The Corporation shall have access to reports of examinations made by, and reports of condition made to, the Commission or any exchange, and may furnish to the Commission and to any exchange, reports of examination made on behalf of, and reports of condition made to, the Corporation.

(e) The Corporation may cause any and all records, papers, or documents kept by it or in its possession or custody to be photographed or microphotographed or otherwise reproduced upon film, which photographic film shall comply with the minimum standards of quality approved for permanent photographic records by the National Bureau of Standards. Such photographs, microphotographs, or photographic film or copies thereof shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies and shall be admissible to prove any act, transaction, occurrence, or event therein recorded. Such photographs, mircophotographs, or reproduction shall be preserved in such manner as the Board of Directors shall prescribe and the original records, papers, or documents may be destroyed or otherwise disposed of as the Board shall direct.

CAPITALIZATION

SEC. 11. (a) The Corporation shall have capital stock of $200,000,000 which shall be divided into shares of $1,000 each. The total amount of such capital stock shall be subscribed for by the Secretary of the Treasury. Payments upon such subscription shall be subject to call by the Board of Directors; except that stock having a total value equal to such amount as the Board of Directors estimates will be the first year's cost of operation of the Corporation shall be purchased by the Secretary of the Corporation shall be purchased by the Secretary of the Treasury at the time of subscription. The remaining subscription shall be subject to call by the Board of Directors only as needed to meet outstanding obligations of the Corporation. For the purpose of making payments for such stock there is hereby authorized to be appropriated to the Secretary of the Treasury such sums, not to exceed $200,000,000, as may from time to time be necessary. Any sums so appropriated shall remain available until expended.

(b) Stock of the Corporation held by the Secretary of the Treasury shall be retired by the Corporation, as rapidly as the Board of Directors deems feasible, from sums carried by the Corporation in its surplus account. The Corporation shall pay out of its capital account to the Secretary of the Treasury an amount equal to 5 per centum simple interest per annum on amounts advanced to the Corporation on stock subscriptions paid by the Secretary of the Treasury from the time of such advances until the amounts thereof are repaid.

BORROWING AUTHORITY

SEC. 12. (a) The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation, on such terms as may be fixed by the Corporation and the Secretary, such sums as in the judgment of the Board of Directors are from time to time required for insurance purposes, not exceeding in the aggregate $3,000,000,000 outstanding at any one time. The rate of interest to be charged in connection with any loan made pursuant to this section shall not be less than the current average rate on outstanding marketable and nonmarketable obligations of the United States as of the last day of the month preceding the making of such loan.

(b) For the purpose of making the loans authorized by this section, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, and the purposes for which securities may be issued under such Act are extended to include such loans. All loans and repayments under this subsection shall be treated as public-debt transactions of the United States.

(c) In order that the Corporation may be supplied with such forms of notes, debentures, bonds, or other such obligations as it may need for issuance under this section, the Secretary of the Treasury is authorized to prepare such forms as shall be suitable and approved by the Corporation, to be held in the Treasury subject to delivery, upon order of the Corporation. The engraved plates, dies, bed pieces, and other material executed in connection therewith shall remain in the custody of the Secretary of the Treasury. The Corporation shall reimburse the Secretary of the Treasury for any expenses incurred in the preparation, custody, and delivery of such notes, debentures, bonds, or other such obligations.

CORPORATION MONEYS

SEC. 13. (a) Money of the Corporation not otherwise employed shall be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. The Corporation shall not sell or purchase any such obligations for its own account and in its own right and interest, at any one time aggregating in excess of $100,000, without the approval of the Secretary of the Treasury: *Provided*, That the Secretary of the Treasury may waive the requirement of his approval with respect to any transaction or classes of transactions subject to the provisions of this subsection for such period of time and under such conditions as he may determine.

(b) The banking or checking accounts of the Corporation shall be kept with the Treasurer of the United States, or, with the approval of the Secretary of the Treasury, with a Federal Reserve bank, or with a bank designated as a depository or fiscal agent of the United States: *Provided*, That the Secretary of the Treasury may waive the foregoing requirement under such conditions as he may determine: *Provided further*, That this subsection shall not apply to the establishment and maintenance in any bank for temporary purposes of banking and checking accounts not in excess of $50,000 in any one bank, or to the establishment and maintenance in any bank of any banking and checking accounts to facilitate the payment of insured claims, or the making of loans to, or the purchase of assets of, insured brokers or dealers.

TAX EXEMPTION

SEC. 14. The Corporation, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.

ANNUAL REPORT BY CORPORATION; AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The Corporation shall make a report of its operations to the Congress as soon as practicable after the 1st day of January in each year.

(b) The financial transactions of the Corporation shall be audited by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in possession and custody of the Corporation.

(c) A report of the audit for each fiscal year shall be made by the Comptroller General to the Congress not later than January 15 following the close of each fiscal year. On or before December 15 following such fiscal year the Comptroller General shall furnish the Corporation a short form report showing the financial position of the Corporation at the close of the fiscal year. The report to the Congress shall set forth the scope of the audit and shall include a statement of surplus or deficit analysis; a statement of income and expenses; a statement of sources and application of funds and such comments and information as may be deemed necessary to inform Congress of the financial operations and conditions of the Corporation, together with such recommendations with respect thereto as the Comptroller General may deem advisable. The report shall also show specifically any program expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without authority of the law. A copy of each report shall be furnished to the President, to the Secretary of the Treasury, and to the Corporation at the time submitted to the Congress.

(d) For the purpose of conducting such audit the Comptroller General is authorized in his discretion to employ by contracts, without regard to section 3709 of the Revised Statutes (5 U.S.C. 41), professional services of firms and organizations of certified public accountants, with the concurrence of the Corporation for temporary periods or for special purposes. The Corporation shall reimburse the General Accounting Office for the cost of any such audit as billed therefor by the Comptroller General, and the General Accounting Office shall deposit the sums so reimbursed into the Treasury as miscellaneous receipts.

PENALTIES

SEC. 16. (a) Each insured broker and insured dealer shall display at each place of business maintained by it a sign or signs, and include in all its advertisements a statement, to the effect that its customer accounts are insured by the Corporation: *Provided*, That the Board of Directors may exempt from this requirement advertisements which do not relate to customer accounts or when it is impractical to include such statement therein. The Board of Directors shall prescribe by regulation the forms of such signs and the manner of display and the substance of such statements and the manner of use. For each day an insured broker or insured dealer continues to violate any provisions of this subsection or any lawful provisions of said regulations, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.

(b) No insured broker or insured dealer shall pay any dividends on its capital stock or interest on its capital notes or debentures (if such interest is required to be paid only out of net profits) or distribute any of its capital assets while it remains in default in the payment of any assessment due to the Corporation. And director or officer of any insured broker or insured dealer who par-

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ticipates in the declaration or payment of any such dividend or interest or in any such distribution shall upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both: *Provided*, That in case any such default is due to a dispute between the insured broker or insured dealer and the Corporation concerning the amount of such assessment, this subsection shall not apply if such broker or dealer shall deposit security satisfactory to the Corporation for payment upon final determination of the issue.

(c) The Corporation may require any insured broker or insured dealer to provide protection and indemnity against burglary, defalcation, and other similar insurable losses. Whenever any insured bank refuses to comply with any such requirement the Corporation may contract for such protection and indemnity and add the cost thereof to the assessment otherwise payable by such an insured broker or insured dealer.

(d) Any insured broker or insured dealer which willfully fails or refuses to file any certified statement, or pay any assessment, required under this Act shall be subject to a penalty of not more than $100 for each day that ~~any~~ such violation continues, which penalty ~~the~~ Corporation may recover for its use: *Provided*, That this subsection shall not be applicable under the circumstances stated in the proviso of subsection (b) of this section.

SEPARABILITY

SEC. 17. The provisions of this Act limiting the amount of insurance available to the holder of any insured customer account or insured liability to a maximum less than the full amount shall be independent and separable from the other provisions of this Act.

S. 2349—INTRODUCTION OF A BILL TO PROVIDE FOR THE WEARING OF UNIFORMS OF CERTAIN POSTAL EMPLOYEES

Mr. YARBOROUGH. Mr. President, it is common knowledge that our postal service has a number of inequities in its rules and regulations as they pertain to the employees of that service. One of these inequities is the current regulation that the maintenance and custodial employees of the Department are not entitled to a uniform allowance unless the employee works in a multioccupied building and is in "public view" a substantial portion of his work day. Letter carriers, clerks, and so forth, are provided uniforms and uniform allowances and my bill would entitle the maintenance-custodial employees to this allowance as well.

Clothing of the maintenance-custodial employees, due to the day-to-day work performed—cleaning and repair work—is subject to undue "wear and tear." At present, of the over 20,000 maintenance-custodial employees in the postal service, less than 2,000 are provided with uniforms. The clothing they wear must be paid for out of their own pocket. Included in this number are employees in PFS–1, the lowest salary level. This places an additional strain on an already meager salary. Based on the present law, a maintenance-custodial employee must work in a multioccupied building and be in public view before he is entitled to have his uniform provided. Certainly an individual's clothing can become soiled or torn working out of public view as readily as in public view. Our mail processing equipment personnel and building equipment personnel are required to perform preventive maintenance and repair on all types of mechanical equipment, from a small tying machine up to and including large bulk conveyor systems, which contain miles of conveyor belting, motors, gear boxes, elevators, air handling units, and so forth. In doing so they come into daily contact with sharp machinery, dirt, grease, battery acid and other elements detrimental to their clothing. Either a clothing allowance of $75 per year—or if the Department would choose to provide uniforms as they now do—would correct this situation. The passage of my proposal, which I now introduce, would mean providing uniforms for approximately 18,000 employees—employees, I might add, who deserve this consideration.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2349) to provide for the wearing of uniforms by certain postal employees, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 3116 of title 39, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Except as provided in subsection (c) of this section, the Postmaster General may not require employees in the Postal Transportation Service to wear any uniform other than cap or badge.

"(c) Any maintenance-custodial employee, including any custodial building maintenance, and mail processing equipment employee, of the Department shall wear a uniform, as prescribed by the Postmaster General, while working for the Department. Such uniform shall be worn without regard to the number of hours spent working in public view."

SEC. 2. The amendment made by the first section of this Act shall become effective 60 days after the date of enactment of this Act.

S. 2350—INTRODUCTION OF A BILL TO PROVIDE LIFE INSURANCE AND HEALTH INSURANCE BENEFITS AND CIVIL SERVICE RETIREMENT TO STAR ROUTE CARRIERS

Mr. YARBOROUGH. Mr. President, there are currently 12,000 star route contracts in existence in our Nation. These star route carriers are an integral part of our postal system; in many of our smaller communities they are the backbone of mail transportation.

There are 812 such contractors in my home State of Texas. I can personally testify to the essential nature of their service to the public in Texas.

Vital as this service is, however, many of these star routes are relatively small operations, providing the contract holder with a minimal living standard. Though providing a "Federal service," these contractors often find it next to impossible to build any sort of retirement cushion for their years as senior citizens.

For the protection of the holders of star route contracts that are of insufficient size to permit an independent accumulation of a retirement fund but who have, nevertheless, served our Nation and the Post Office Department under contract for a significant length of time to qualify for Federal health, welfare, and retirement benefits, I am today introducing this bill.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2350) to include certain holders of star route and other contracts for the carrying of mail within the provisions of title 5, United States Code, relating to Federal employee life insurance and health insurance benefits and civil service retirement, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 87 of title 5, United States Code, is amended by inserting after section 8701 the following new section:

"§ 8701a. Coverage of mail contract holders

"Any individual who—

"(1) on or after the date of enactment of this section, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail;

"(2) has held such contract for not less than one year;

"(3) actually performs the duties of transportation or delivery of mail under such contract; and

"(4) gives notice in writing to the Postmaster General or his designee of his desire to become subject to this chapter; may, under such conditions of eligibility as the Civil Service Commission may prescribe, be insured under the same terms and conditions as apply to employees eligible to be insured under this chapter. The Postmaster General is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of chapter 87 of such title, preceding section 8701, is amended by inserting after item 8701 the following new item:

"8701a. Coverage of mail contract holders."

SEC. 2. (a) Chapter 89 of title 5, United States Code, is amended by inserting after section 8901 the following new section:

"§ 8901. Coverage of mail contract holders

"An individual who—

"(1) on or after the date of enactment of this section, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of the mail;

"(2) has held such contract for not less than one year;

"(3) actually performs the duties of transportation or delivery of mail under such contract; and

"(4) gives notice in writing to the Postmaster General or his designee of his desire to become subject to the provisions of this chapter;

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may, under such conditions of eligibility as the Civil Service Commission may prescribe, become enrolled in an approved health benefits plan described in section 8903 of this title either for self alone or for self and family, under the same terms and conditions as apply to employees eligible to enroll in such plan under this chapter. The Postmaster General is authorized to promulgate such regulations as may be necessary to carry out the provisions of this section."

(b) The analysis of chapter 89 of such title, immediately preceding section 8901, is amended by inserting after item 8901 the following new item:

"8901a. Coverage of mail contract holders."

SEC. 3. (a) Section 8331 of title 5, United States Code, is amended—

(1) by striking out the word "and" at the end of paragraph (1) (H);

(2) by inserting the word "and" at the end of pargaraph (1) (I);

(3) by inserting immediately after paragraph (1) (I) the following new clause:

("(J) a mail contract holder as defined by paragraph 17) of this section;";

(4) by striking out the semicolon at the end of paragraph (3) and inserting in lieu thereof a period and the following: "For a mail contract holder, basic pay means an amount equal to two-thirds of the gross amount payable under such contract or $2,400 a year, whichever is greater, but in no case in excess of $8,000 a year;";

(5) by striking out the word "and" at the end of paragraph (15);

(6) by striking out the period at the end of paragraph (16) and inserting in lieu thereof a semicolon and the word "and"; and

(7) by adding at the end thereof the following new paragraph:

"(17) 'mail contract holder' means an individual who—

"(A) on or after the date of enactment of this paragraph, is the holder of a star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail;

"(B) has held such contract for not less than one year;

"(C) actually performs the duties of transportation or delivery of mail under such contract; and

"(D) gives notice in writing to the Postmaster General or his designee of his desire to become subject to this subchapter."

(b) Section 8332(b) of such title is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and";

(3) by inserting immediately after paragraph (6) the following new paragraph:

"(7) service rendered as a mail contract holder."; and

(4) by adding at the end thereof the following:

"The Commission shall accept the certification of the Postmaster General or his designee concerning service for the purpose of this subchapter of the type performed by a mail contract holder named by paragraph (7) of this subsection."

(c) Notwithstanding the provisions of section 8348(g) of title 5, United States Code, the annuity benefits payable by reason of the enactment of this section shall be payable from the Civil Service Retirement and Disability Fund.

(d) Notwithstanding any other provision of law, the amendments made by this section shall not affect any benefits under the Social Security Act of any holder of any star route, powerboat service, or mail messenger contract with the United States for the transportation or delivery of mail based on service actually performed by him under such contract.

S. 2351—INTRODUCTION OF A BILL TO CLASSIFY POST OFFICE DEPARTMENT POSITIONS OF MAINTENANCE MECHANICS, MAIL PROCESSING EQUIPMENT, AT SALARY LEVELS 8 AND 9

Mr. YARBOROUGH. Mr. President, since 1962, when the positions of maintenance mechanic, PFS–5 and PFS–6, were established, they have received no upgrading, other than the 1967 Pay Act, Public Law 90–206, which upgraded all PFS positions one level. In 1962, their position level was based on the equipment they worked on, the most complicated of which was a parcel or sack sorting machine.

Since 1962, the Post Office Department has installed equipment such as letter sorting machines, Mark II facer-cancelers, optical character readers, and so forth. All of this complicated equipment has increased the mechanical and technical ability required of these people.

Our MPE mechanics are sometimes required to pass a maximum of three examinations before obtaining these positions. This is in contrast with the one entrance exam required by other crafts. They are required to work on both printed and wired circuitry, electronic as well as electrical equipment. They perform all phases of mechanical work, from replacing a missing bolt to overhaul of the Mark II facer-canceler, an electronic monstrosity. In addition to mechanical ability, they must possess a high degree of proficiency in electricity and electronics. They must also have knowledge of welding, brazing, machining of parts and other related skills.

Currently, in many of our postal facilities, located in highly industrialized areas, we are experiencing great difficulty in recruiting people to these positions, due to the pay levels of this craft in private industry. For instance, the carrier technician is a PFS–6, while the MPE mechanic maintaining it is a PFS–6 or PFS–7. Today, many supervisory positions have position levels of PFS–8 and PFS–9, where the level of responsibility is less than that of a maintenance mechanic, PFS–6 or PFS–7.

Enactment of this legislation I introduce today would affect approximately 4,500 employees of the maintenance-custodial craft. It would also provide an inducement for recruitment of skilled and capable personnel to maintain the highly diversified equipment now utilized by the Post Office Department.

If we are to effect a true modernization of the Post Office Department, one of the first realistic steps will be the enactment of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in full in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2351), to classify the Post Office Department positions of maintenance mechanics, mail processing equipment, at salary levels 8 and 9, introduced by Mr. YARBOROUGH, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 2351

Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled, That (a) section 3518 of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) Maintenance Mechanic, Mail Processing Equipment. (KP–22a).

"(1) Basic function.—Performs preventive maintenance and repair work of journeyman level on the mechanical, electrical, electronic pneumatic or hydraulic controls and operating mechanisms of mail processing equipment.

"(2) Duties and responsibilities.—

"(A) Performs a variety of established preventive maintenance routines using preventive maintenance checklists developed for the equipment such as powered conveyors; letter sorting, parcel sorting, sack sorting, facing and canceling machines. Reports needed repairs as conditions indicating the possible need for repairs.

"(B) Performs adjustment, repair and overhaul work, as assigned. For example, locates and corrects malfunctions in conveyors such as those in a bulk, mail-flo or tray transport system; in facer-canceler machines such as the Mark II; in multi-position letter sorters; in sack or parcel sorters such as the carousel, multi-belt, or over-under types, or any equipment of similar nature.

"(C) Assists a foreman, engineer or skilled technician of higher level in the performance of involved trouble shooting; performs designated assignments in connection with such work as the alteration and modification of equipment and circuits, the repair of complex malfunctions in interlocking group control panels.

"(D) Reads schematics, blue prints, wiring diagrams, manufacturers' handbooks, specifications to locate and correct equipment malfunctions and failures, and to request or order parts and materials.

"(E) Uses necessary hand tools, power tools and equipment, gauging devices and test equipment; may use welding equipment if trained or qualified.

"(F) Annotates work orders as to work details, parts and time used, takes readings from meters, gauges, counters and other indicators, and maintains logs or other required records; reports on breakdowns or equipment under test.

"(G) Receives instruction on-the-job, in classroom, at Departmental National Training Center, or in trade schools and manufacturer's plants, as required.

"(H) Observes established safety practices and requirements pertaining to the type of work involved.

"(I) In addition, may perform the following:

"(i) Performs preventive maintenance and repair work on meter machines, tying machines, vending machines, conventional canceling machines and other postal machines and equipment of a similar nature.

"(iii) Performs such other duties as may be assigned.

"(3) Organizational relationships.—Reports to a foreman, engineer, building superintendent, or other designated supervisor. May supervise helpers or other lower level, mechanical employees as required."

(b) Section 3519 of such title is amended by inserting at the end thereof the following new subsection:

"(d) Advanced Maintenance Mechanic, Mail Processing Equipment. (KP—25a).

"(1) Basic function.—Performs involved trouble-shooting and complex maintenance work throughout the system of mail processing equipment; performs preventive mainte-

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nance inspections of mail processing equipment, buildings and building equipment.

"(2) Duties and responsibilities.—

"(A) Performs the more difficult testing, diagnosis, maintenance, adjustment and revision work, requiring a thorough knowledge of the mechanical, electrical and electronic, pneumatic, or hydraulic control and operating mechanisms of the equipment. For example, performs trouble-shooting and repair of complex interlocking and supervisory group control panels, keying circuits, memory storage circuits, readout and feedback circuits, and associated mechanical and electrical components throughout the installation; locates and corrects malfunctions in scanning, triggering and other electromechanical and electronic circuits.

"(B) Observes the various components of the system in operation and applies appropriate testing methods and procedures to insure continued proper functioning.

"(C) Locates the source of and rectifies trouble in involved or questionable cases, or in emergency situations where expert attention is required to locate and correct the defect quickly to avoid or minimize interruptions to mail processing activities.

"(D) Installs or alters equipment and circuits as directed.

"(E) Reports the circumstances surrounding equipment failures, and recommends measures for their correction.

"(F) Performs preventive maintenance inspections for the purpose of discovering incipient mechanical malfunctions and for the purpose of reviewing the standard of maintenance. Initiates work orders requesting corrective actions for below standard conditions; assists in the estimating of time and materials required. Recommends changes in preventive maintenance procedures and practices to provide the proper level of maintenance; assists in the revision of preventive maintenance checklists and the frequency of performing preventive maintenance routes. In instances of serious equipment failures conducts investigation to determine the cause of the breakdown and to recommend remedial action to prevent recurrence.

"(G) Uses necessary hand and power tools, gauging devices, and both electrical and electronic test equipment.

"(H) Reads schematics, blue prints, wiring diagrams and specifications in locating and correcting potential or existing malfunctions and failures.

"(I) Observes established safety practices and requirements pertaining to the type of work involved; recommends additional safety measures as required.

(J) In addition may perform the following:

"(i) Oversees the work of lower level maintenance mechanical personnel, advising and instructing them in proper work methods, and checking for adherence to instructions.

"(ii) Makes in-process and final operational checks and tests of work completed by lower level maintenance mechanical personnel.

"(3) Organizational relationships.—Reports to foreman or other designated supervisor."

SEC. 2. (a) Each maintenance mechanic (mail processing equipment) classified in accordance with the provisions of the first section of this Act shall be assigned the same numerical step of the Postal Field Service Schedule which he had attained immediately prior to the effective date of such section.

(b) The advancement of any such mechanic to a higher salary level of the Postal Field Service Schedule by reason of the enactment of the first section of this Act shall not be deemed to be an equivalent increase within the meaning of section 3552 (a) of title 39, United States Code.

SEC. 3. The amendments made by the first section of this Act shall become effective on the first day of the first pay period beginning on or after the date of enactment of this Act.

S. 2355—INTRODUCTION OF A BILL TO ESTABLISH AN ADVISORY COMMISSION TO MAKE A STUDY AND REPORT WITH RESPECT TO FREIGHT RATES

Mr. BURDICK. Mr. President, I introduce a bill to establish an advisory commission to study the transportation freight pricing situation.

There is a rising tide of interest and concern in the impact of the pricing philosophy and practices of the Nation's second largest industry on the economic development of the several regions of the country. There are a multitude of concepts used to establish foreign rates depending on the nature of the situation, none of which are necessarily based upon the cost of providing the service. Consequently, the industry operates in a freight rate environment which, governed by thousands upon thousands of freight tariffs, are meaningless to nearly everyone involved in their use, including carrier pricing officers. It is not likely that good allocation of resources will ever occur from this kind of hodgepodge.

Accentuating the incomprehensibility of the freight rate system is the structure of the rate systems within a given mode. It is not too difficult to identify rates or commodities which far exceed the cost of providing that service. In a parallel fashion, rates can be identified on other commodities hauled by the same carrier, which are far less than the cost of providing the service. Subsequently, the producers of one commodity subsidize the producers of other commodities through the internal subsidy system of a carrier's freight rate structure. This creates a static situation where significant adjustments in rates are difficult to obtain. In the case of railroads, which are rapidly losing high value hauls to other modes, this becomes the low road to becoming true public utilities or perhaps even public ownership. This simply cannot be allowed as long as we feel strongly about private ownership and management of the Nation's railroads.

Innovations in transport technology do not fully become a part of the economic system until the price of the service responds to these changes. Rate structures must be structured to respond to changes in cost as well as changes in the value of service or the value of the commodity. Where competition is not sufficient to bring about such adjustments, then a regulatory system must exist which does recognize the need for a price system which insists that gains in efficiency be carried through to price structures.

New concepts of ratemaking must be clearly defined and they must be based upon objective analysis by an independent body. It is fast becoming obvious that fragmented government administration of the transportation industry is no longer constructive. An industry which so clearly needs to begin the journey toward functional coordination and cooperation must first be confident in a national transportation policy which facilitates efficient service. The role of Government in this partnership must be thoroughly reviewed before embarking down more untried highways.

At a time when the rural areas of America are struggling for survival, and urban areas face seemingly almost insurmountable problems, a study such as I propose will provide an important base for insight into how to solve many economic and sociological development problems of this Nation of ours.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2355), to establish an advisory commission to make a study and report with respect to freight rates, introduced by Mr. BURDICK (for himself and other Senators), was received, read twice by its title and referred to the Committee on Commerce.

S. 2356—INTRODUCTION OF A BILL TO INCREASE THE AUTHORIZATION FOR THE CHESAPEAKE BAY BASIN STUDY

Mr. MATHIAS. Mr. President, I am today introducing, for myself and the senior Senator from Maryland (Mr. TYDINGS), a bill to amend the Rivers and Harbors Act of 1965 to increase the authorization for the Chesapeake Bay Basin Study, the construction of a hydraulic model of Chesapeake Bay, and an associated technical center.

The Chesapeake Bay is the largest and most productive estuarine area in the United States, and one of our most magnificent resources. Situated in the midst of a rapidly growing urban and industrial area, it is extremely vulnerable to all of the adverse effects of population growth and technological progress. Its problems are almost incredibly complex, and its future health can be secured only through a far-sighted, comprehensive program, based on the most sophisticated methods of resource management.

The Congress has recognized that a specialized study of the bay is made imperative by its great size, the accelerating rate of growth in the bay area, and the inadequacies of our present understanding of the basin's complex physical, chemical and biological parameters. Accordingly, in section 312 of the Rivers and Harbors Act of 1965, the Congress authorized and directed the Corps of Engineers to make a complete study of Chesapeake Bay and to build, for this study, a hydraulic model of the bay.

This is to be a comprehensive estuarine study, multidisciplinary in scope and encompassing engineering as well as the physical, biological, and social sciences. Its specific objectives are:

First, to make a complete investigation and study of water utilization in the Chesapeake Bay Basin.

Second, to formulate a long-term water and land management plan for the development and use of the bay area's resources, with special attention to improving the economic and social well-being of the people of the Chesapeake Bay area.

Third, to define an early action program, setting forth those steps which require prompt execution to meet present needs and prevent further deterioration of the bay's resources and environment, and

Fourth, to recommend ways to carry out these plans and programs, including institutional arrangements, cost sharing and management of various resources.

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Construction of the hydraulic model of the bay, and the associated technical center, is essential in order to obtain the quantitative data now lacking. This effort will be valuable not only to Chesapeake Bay, but to our understanding of estuarine areas generally.

The 1965 legislation authorized up to $6 million for this study and construction of the hydraulic model. At the request of the House Appropriations Committee, a reanalysis of the study was completed during this fiscal year, resulting in a revised cost estimate of about $15 million.

The legislation introduced today would provide authorization for full funding of this vital project. I hope that prompt congressional action on this bill will encourage the Bureau of the Budget to request adequate appropriations to get this important work underway.

Every year of delay permits the bay's resources to deteriorate further. We should act now, before it is too late to save this great national resource.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2356), to amend the River and Harbor Act of 1965 to increase the authorization for the Chesapeake Bay Basin Study, the construction of a hydraulic model of the Chesapeake Bay Basin and associated technical center, introduced by Mr. MATHIAS (for himself and Mr. TYDINGS), was received, read twice by its title, and referred to the Committee on Public Works.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

S. 16

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Michigan (Mr. HART), the Senator from New York (Mr. JAVITS), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Texas (Mr. YARBOROUGH) be added as consponsors of the bill (S. 16), to amend the Public Health Service Act by adding a new title X thereto which will establish a program to protect adult health by providing assistance in the establishment and operation of regional and community health protection centers for the detection of disease, by providing assistance for the training of personnel to operate such centers, and by providing assistance in the conduct of certain research related to such centers and their operation.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 268

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Iowa (Mr. MILLER) be added as a cosponsor of the bill (S. 268), to strengthen and improve the Older Americans Act of 1965.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 870

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Tennessee (Mr. GORE) and the Senator from Oklahoma (Mr. HARRIS) be added as cosponsors of the bill (S. 870), to promote the advancement of biological research in aging through a comprehensive and intensive 5-year program for the systematic study of the basic origins of the aging process in human beings.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1032

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of the bill (S. 1032) to amend the Urban Mass Transportation Act of 1964, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1033

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from California (Mr. CRANSTON) and the Senator from Utah (Mr. MOSS) be added as cosponsors of the bill (S. 1033) to improve and increase postsecondary educational opportunities throughout the Nation by providing assistance to the States for the development and construction of comprehensive community colleges.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1290

Mr. McCLELLAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of the bill (S. 1290) to incorporate College Benefit System of America.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1494

Mr. SPARKMAN. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kansas (Mr. DOLE) be added as a cosponsor of the bill (S. 1494) to amend the Clayton Act by making section 3 of the Robinson-Patman Act, with amendments, a part of the Clayton Act, in order to provide for governmental and private civil proceedings for violations of section 3 of the Robinson-Patman Act.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1801

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Indiana (Mr. HARTKE) be added as a cosponsor of the bill (S. 1801), to establish the Federal Medical Evaluations Board to carry out the functions, powers, and duties of the Secretary of Health, Education, and Welfare relating to the regulation of biological products, medical devices, and drugs, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 1816

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Alaska (Mr. GRAVEL) be added as cosponsors of the bill (S. 1816), to authorize the Secretary of Health, Education, and Welfare to make grants for treatment and rehabilitation centers for drug addicts and drug abusers, and to carry out drug abuse education curriculum programs, and to strengthen the coordination of drug abuse control programs by establishing the National Council on Drug Abuse Control.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2035

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Maine (Mr. MUSKIE), I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of the bill (S. 2035), to amend title 5, United States Code, to authorize consolidation of Federal assistance programs, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2259

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Oklahoma (Mr. BELLMON) be added as a cosponsor of the bill (S. 2259) to amend the Federal Credit Union Act to assist in meeting the savings and credit needs of low-income persons.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2313

Mr. DOLE. Mr. President, at the request of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 2313) to amend the Tariff Schedules of the United States to provide that the amount of groundfish imported into the United States shall not exceed the average annual amount thereof imported during 1963 and 1964.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2315

Mr. NELSON. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I ask unanimous consent that, at its next printing, my name and the name of the Senator from Kansas (Mr. PEARSON) be added as cosponsors of the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

The VICE PRESIDENT. Without objection, it is so ordered.

S.J. RES. 61

Mr. McCARTHY. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. CHURCH), the Senator from

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Kentucky (Mr. Cook), the Senator from New Hampshire (Mr. Cotton), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arizona (Mr. Fannin), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Nebraska (Mr. Hruska), the Senator from New Hampshire (Mr. McIntyre), the Senator from Ohio (Mr. Saxbe), the Senator from Georgia (Mr. Talmadge), and the Senator from South Carolina (Mr. Thurmond) be added as cosponsors of the joint resolution (S.J. Res. 61), proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF RESOLUTION

Mr. WILLIAMS of New Jersey. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Colorado (Mr. Dominick) be added as a cosponsor of the resolution (S. Res. 172), to provide for the emigration of Iraqi Jews.

The VICE PRESIDENT. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 30—SUBMISSION OF RESOLUTION SUPPORTING GERONTOLOGY CENTERS

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of Mr. Moss, Mr. Randolph, and myself, I submit for appropriate reference, a Senate concurrent resolution which proposes that Congress go on record in favor of encouraging and supporting programs of scientific research and training in aging, such as the Ethel Percy Andrus Gerontology Center, located at the University of Southern California. Testimony presented to the Senate Special Committee on Aging, of which I am chairman, has shown to my satisfaction that an additional investment in research and training in aging could produce much benefit to the entire Nation, not only to those who are now elderly.

We need to know much more than we now do about the process of aging, its causes and its control. Increasing our fund of knowledge in this area could enable us to improve the later years not only for those now old, but also for those who are now young but who can expect to be old themselves someday.

Furthermore, in view of our heavy national commitments in medicare, medicaid, and other programs for the health of older Americans, additional investments in scientific research and training in aging makes good sense not only from a humanitarian standpoint but also from the standpoint of the costs of these programs. As we learn more about old age, we can not only save money, but, more important, save lives and prevent human suffering.

My resolution also urges support for training in aging. It is axiomatic that the fruits of research in aging can benefit the Nation only as they are made known to those who can put them to good use.

Mr. President, I pay tribute to the American Association of Retired Persons and the National Retired Teachers Association, which sister organization took the leadership in establishing the Ethel Percy Andrus Gerontology Center at Los Angeles. Mrs. Andrus was the founder of these organizations and served many years as their president. The officers, staff, and members of these organizations deserve great credit for this support of research and training in aging. The resolution which I am submitting cites this center as an example of the type of research and training activity which should be encouraged and supported.

The VICE PRESIDENT. The concurrent resolution will be received, appropriately referred, and printed in the Record.

The concurrent resolution (S. Con. Res. 30) was referred to the Committee on Labor and Public Welfare, as follows:

S. Con. Res. 30

Resolved by the Senate (the House of Representatives concurring), That

Whereas there are over nineteen million older Americans sixty-five and over; and

Whereas the number of older Americans increases by over three hundred thousand per year; and

Whereas the average life span of an American child born today is seventy years as compared with forty-seven years in 1900; and

Whereas gerontology is a relatively new science; and

Whereas Congress is continually concerned with the well-being of older Americans, said concern having been demonstrated by the establishment of the Administration on Aging (Public Law 89–73); therefore,

It is the sense of Congress that programs of scientific research and training in aging, such as the Ethel Percy Andrus Gerontology Center located at the University of Southern California, be encouraged and supported.

PRINTING OF REVIEW OF REPORT ON A MODIFICATION OF THE OAHE DAM AND RESERVOIR, MISSOURI RIVER, N. DAK. (S. DOC. NO. 91–23)

Mr. KENNEDY. Mr. President, on behalf of the Senator from West Virginia (Mr. Randolph) I present a letter from the Secretary of the Army, transmitting a favorable report dated January 23, 1969, from the Chief of Engineers, Department of the Army, together with accompanying papers and an illustration, on a modification of the Oahe Dam and Reservoir, Missouri River, N. Dak., authorized by the Fish and Wildlife Coordination Act, approved August 12, 1958.

I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF HEARINGS ON CRIMINAL JUSTICE ACT OF 1964

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary has scheduled hearings for June 24, 25, and 26 on S. 650 and S. 1461, two bills introduced by the Senator from Nebraska (Mr. Hruska) and myself, proposing amendments to the Criminal Justice Act of 1964.

The hearings will begin at 10:30 a.m. each day in room 2228, New Senate Office Building. Anyone wishing to testify or desiring more information on the hearings may contact the subcommittee office in room 102–B, Old Senate Office Building, telephone extension 5527.

ORDER OF BUSINESS

The VICE PRESIDENT. Is there further morning business?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination of Warren E. Burger, to be Chief Justice of the United States.

The VICE PRESIDENT. Without objection, it is so ordered.

THE SUPREME COURT OF THE UNITED STATES

The assistant legislative clerk read the name of Warren E. Burger, of Virginia, to be Chief Justice of the United States.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. YOUNG of Ohio. Mr. President, I am not a member of the Judiciary Committee. However, I recall distinctly that the majority leader recently stated that on matters of confirmation thorough consideration would be given. I wonder if the action we are proposing to take today does not run counter to the statement of the majority leader.

I find that no report has come from the Judiciary Committee regarding the nomination of Judge Warren E. Burger to be Chief Justice of the United States. However, a printed hearing record has been placed on the desk of every Senator. I am somewhat interested in the matter. My father was a judge of the common pleas court, as we call it, in Ohio. That court is the court of highest trial jurisdiction. I always had an ambition to be a judge. I am sorry to say that it is too late in life now for that ambition to be realized.

I find somewhat to my surprise that approximately 1 hour and 45 minutes were spent in the hearing before the Judiciary Committee. I have talked with the chief clerk of the committee on that subject this morning. According to my information the hearing was held on June 3, 1969, from 10:35 in the morning until 12:20 in the afternoon, approximately 1 hour and 45 minutes. Few questions were asked in the course of the hearing.

I desire to direct some questions to the distinguished chairman of the Judiciary Committee. This morning I was handed, by a distinguished former Senator, a statement containing a number of pages from Randolph Phillips, chairman of the Committee Opposed to the Confirmation of Judge Warren Earl Burger to be Chief Justice of the United States.

My former colleague in the Senate tells me that Randolph Phillips was present in Washington and had filed a request to be heard before the committee.

I do not know Randolph Phillips. I do not know a thing about him. I am told by my former colleague, Ernest Gruening, that he knows him personally and that he is a reputable lawyer in the city of New York, and that Mr. Phillips desired to express his views on this nomination and that he is opposed to the confirmation of Judge Burger.

I wonder if the chairman of the committee knew Mr. Phillips was present and desired to be heard?

Mr. EASTLAND. Mr. President, the Burger nomination was received by the Senate on May 29, 1969, and referred to the Judiciary Committee.

On May 26 a notice was placed in the CONGRESSIONAL RECORD giving public notice of the time and place at which the hearing would be held.

Prior to that date the committee received a call from Diana Kearny Powell requesting to testify. Miss Powell was asked to submit a written statement to the committee incorporating the substance of the testimony she wished to give. Miss Powell subsequently submitted her statement to the committee together with a box of exhibits.

On the morning of June 3, the committee was open for business at 8 a.m. I am informed that a telegram was directed to the attention of John Holloman, committee counsel, from a Mr. Barkin, of New York, requesting that the hearing be postponed for 3 days in order that he might testify on the nomination.

Prior to the hearing Miss Powell came to the committee office and was given a seat at the hearing.

After the hearing had started a Mr. Phillips came into the committee office and complained that he had not been able to get to hear the testimony. He did not request to testify at any time.

At the conclusion of Justice Burger's testimony the committee was informed as to the substance of Miss Powell's statement. It was decided to have Miss Powell submit the statement and the box of exhibits for the committee file. Miss Powell was subsequently informed of this decision and was apparently satisfied with this decision.

On the night of June 3, Mr. Randolph Phillips called Mr. Holloman at his home to complain that he had not been able to gain admission to hear the testimony. At no time did he request to testify on the Burger nomination. He did ask if the committee had received a telegram from Mr. Barkin of New York. He was informed that it had been received and directed to his attention that morning but that the committee had declined to postpone the hearing. Mr. Holloman suggested that Mr. Phillips have Mr. Barkin submit his statement for the RECORD. Mr. Phillips said he would do so.

Mr. Phillips did not then and has not as of this date asked to testify or submit a statement to the committee. The committee has not as of this date received any further communication from Mr. Barkin nor has the committee received any statement for inclusion in the RECORD.

It has always been our experience when we were considering the nomination of a Supreme Court Justice that a number of unstable people wanted to appear and testify. I have always, since I have been chairman, appointed a subcommittee to take their testimony in executive session. Then, if the subcommittee thinks the committee should hear the testimony, it is heard.

I am not saying that Mr. Phillips is in that category. I do not know him. I never heard of him. I inquired if anyone wanted to testify against the nomination.

Mr. YOUNG of Ohio. Mr. President, I certainly go along with the chairman's views regarding this lady who wanted to be a witness. I also recall reading in the newspaper that some man, who certainly would be in the category of being a nut, said that he wanted to appear before the committee to place Judge Burger under arrest. Of course, the chairman of any committee would exclude that gentleman.

Mr. EASTLAND. That gentleman, Mr. Tijerina, announced that he intended to appear at the hearing and place Judge Burger under arrest. The committee never received any communication from him.

Mr. YOUNG of Ohio. Had I been in the chairman's place I would not have wasted any time of the committee on him.

Mr. EASTLAND. The chairman did not do it until he had talked to a number of key members of the committee to learn what their wishes were.

Mr. YOUNG of Ohio. I do not know this gentleman from New York City, Randolph Phillips, but I am told that he is a lawyer and a respected member of the New York bar.

In a typewritten memorandum, which I have, and which I will be glad to hand to the chairman of the committee, he states:

> 3. At 9:30 a.m., June 3, 1969, one-hour before the convening of the scheduled Hearing respecting the Confirmation of Judge Burger, Mr. Phillips appeared on the public waiting line before the Judiciary Committee hearing room's closed front door and from then until the conclusion of the hearing at approximately 12:15 p.m., was at all times either the first or second person in the line that grew to an estimated 150 members of the public.

At no time was he or any other member of the public in that line admitted, according to this memorandum. It is stated that he previously inquired of one of the majority leader's assistants if she would obtain for him admission to the hearing. Of course, obviously, he made a mistake. He should have asked the chairman of the committee.

Mr. EASTLAND. The hearing was first set for the caucus room. I was informed by the proper sources that there might be demonstrations and that it would be much easier if it was held in the regular room, where there were three exits. So it was transferred, at the request of the proper agencies, to the committee room.

I have in my hand a note from Mr. Holloman, the counsel of the committee, which states that Mr. Phillips did not request to testify. I know that I tried to ascertain exactly who wanted to appear in opposition to Judge Burger's nomination.

Mr. YOUNG of Ohio. The typewritten memorandum I have before me states this:

> When he saw on the day of the hearing that he would not be admitted to the Hearing, he went to the adjoining office of Mr. Holloman and asked his secretary to telephone Senator Mansfield's office and obtain directly from it authorization for Mr. Phillips to be admitted. The secretary refused to do so, saying "Mr. Phillips, you are at the head of the line, and you will be admitted as soon as there is a seat."

Mr. EASTLAND. The security people, when the room was filled, did not admit anyone else until there was a vacant seat. I must say that I agree with the security arrangements, which I did not make.

Mr. YOUNG of Ohio. I am not quarreling with that at all.

This morning, my administrative assistant talked to Mr. Holloman. It was reported to me that Mr. Holloman told him that this hearing lasted some 3½ hours—from 10:35 to 2 o'clock.

Since I had contradictory information, I immediately called up Mr. Holloman; and when he told me the hearing had lasted 4 hours, I said, "Don't give me any of that nonsense. I know that the Judiciary Committee was not in session from 10:35 until 2 p.m. You can tell that to someone else, but don't give that garbage to me." Then he admitted that it was from 10:35 to 12:20.

Mr. EASTLAND. If I recall——

Mr. YOUNG of Ohio. I am referring to the public hearing.

Mr. EASTLAND. I know.

It was from 10:35 to approximately 12:20. I recall that because I wanted to have an executive meeting of the committee, and I did not think we could hold a quorum after 12:30. We got through shortly before 12:30. We can adopt 12:20 as the time.

Mr. YOUNG of Ohio. Frankly, I have listened to what the majority leader had to say about giving consideration to hearings on confirmation.

I have this memorandum, and I will hand it to the chairman. I do not know Randolph Phillips. Apparently, he is in a different category from that of the lady and the man who were refused an opportunity to testify.

It appears to me he should be permitted to be heard by the Committee unless there is some immediate urgency about this matter, since this man and a number of other men have signed this petition stating that they want to be heard, including Robert L. Babrick, counsel to the committee—I assume he is a lawyer——

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Mr. EASTLAND. Let me tell the Senator from Ohio that all the man had to do was to request it, like everybody else. Sixty or 70 witnesses were there in favor of confirmation and among them were five or six former presidents of the American Bar Association. We did not hear them, but we would have heard this gentleman if he had made a timely request. One cannot come in just before a committee meeting and expect to be heard. We might have heard him. I do not know. But, under the rules, he would have had no right to testify if somebody had invoked the rule.

Mr. YOUNG of Ohio. I had never heard of him until I received a telephone call yesterday, Sunday afternoon, and this morning this memorandum was placed in my hands.

Mr. EASTLAND. Why did not the man request to testify? Notice was given. It was in all the newspapers.

Mr. YOUNG of Ohio. I am unable to answer that, because I know nothing about it. I simply know what was handed to me this morning.

I would hope not to vote against the confirmation of the nomination; but inasmuch as only 1 hour and 45 minutes was given to a public hearing before the committee, when lawyers wish to testify, who apparently are not publicity seekers, it seems to me that consideration should be given to deferring this matter a few days.

Mr. EASTLAND. I do not think it should be deferred, especially because the committee was unanimous. Judge Burger is certainly highly qualified. He probably will not rule every time as I think he should. He is an outstanding lawyer, an outstanding judge, and he would grace this position.

Mr. YOUNG of Ohio. That may be.

Mr. EASTLAND. These are the times of other hearings: Mr. Justice White, 1 hour and 35 minutes; Mr. Justice Goldberg, 2 hours and 40 minutes; Mr. Justice Brennan, 2 hours and 50 minutes; Mr. Justice Potter Stewart, 6 hours and 30 minutes; Mr. Justice Whittaker, 2 hours and 50 minutes; Mr. Justice Sherman Minton, 1 hour and 45 minutes.

The committee was unanimous. There was no question about it. We are satisfied, and we certainly cannot put off the consideration of a vote for a man who does not avail himself of his rights.

Mr. Phillips had not made any request at any time to testify in opposition. If every committee of the Senate were to hear every person who wants to testify against a nominee, we would never transact any business.

Mr. YOUNG of Ohio. Of course, I have no information as to when this was filed.

Mr. EASTLAND. That was never filed.

Mr. YOUNG of Ohio. It is directed to the Honorable MIKE MANSFIELD, a Senator from Montana, majority leader, and the Honorable EDWARD M. KENNEDY, a Senator from the State of Massachusetts, majority whip. I never saw it until today.

Mr. EASTLAND. The Senator from Massachusetts said he never saw it.

Mr. YOUNG of Ohio. He never saw it until I handed it to him this morning. That is correct.

Mr. KENNEDY. Mr. President, I am not familiar with the document. I am wondering if there is anything in the document which the Senator from Ohio would wish to raise on the floor of the Senate at this time, so that the committee should have an opportunity to respond to.

Mr. YOUNG of Ohio. Frankly, I did not see this document until this morning, and I have not had the opportunity to study it thoroughly. I do not know the gentleman at all. However, I know that those men who signed that document there are distinguished lawyers in addition to Mr. Phillips. I had hoped they would be given an opportunity to be heard. Obviously, that communication should have been directed to the chairman of the Committee on the Judiciary instead of to the majority leader.

Mr. KENNEDY. With reference to the exchange here, and in support of what the chairman has said as far as the understanding of the requests that were made to the chairman and the members of the committee is concerned, I think the members of the committee were aware of the one lady that the chairman of the committee has referred to this morning; and there was a question whether that testimony should have been taken. I supported the feeling of the overwhelming majority that there was little she could add to the qualifications of Judge Burger. At that time, I think in the course of the discussion, we were asked if there was other testimony to be taken. As I remember, at that time there were no other individuals who wished to testify.

Mr. EASTLAND. There were no others except for Mr. Barbick's telegram requesting that the hearing be postponed.

Mr. KENNEDY. I think the chairman of the committee has stated the situation accurately.

Mr. YOUNG of Ohio. I know he has. Apparently this gentleman asked the chief clerk of the committee, but the chief clerk rebuffed him and the chairman never knew about that request.

Mr. EASTLAND. He never requested. Mr. Phillips never requested of the chief counsel to testify. He never made application at all.

Mr. LONG. Mr. President, will the Senator yield?

Mr. EASTLAND. I yield.

Mr. LONG. Mr. President, the thought occurs to me that if there is any problem about what this witness would like to testify, there is a telephone in the cloakroom, and we could find out what he knows about Justice Burger that would justify a reopening of the hearings.

I know that in the Committee on Finance we cannot hear all people who would like to come before us. For instance, when we have a major revenue bill, we could hear 10,000 witnesses who resent the fact that their taxes are being increased. We have to ask them to get together by groups and designate someone to speak for their interest. If someone comes up with a point on which he thinks he should be heard, even though under the groundrules under which the hearings are being conducted we think we would not be in a position to hear him, we will either print what he has to say in the RECORD for him or keep it in the files if anyone wants it, or if he feels unsatisfied he might prevail upon some Senator to get us to hear that witness.

Mr. EASTLAND. But this man never made a request to testify.

Mr. LONG. I understand; and the point of the Senator from Massachusetts is pertinent. If they want to hold this matter up to the last moment it should be known what sort of objection this man has in mind, what is his complaint and the kind of evidence he thinks he could introduce against the nominee, which the committee has not considered. In the absence of that information it seems to me we should go ahead and vote on the matter.

Mr. DIRKSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. EASTLAND. I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, I heard all about Randolph Phillips this morning. I heard about it at 6 o'clock. I read John Andrew Pearson's column. It is all in there. That is beside the point.

When Judge Warren Burger's name was submitted by President Nixon for Chief Justice of the United States, members of the press called me for comment. I had only one thing to say: "He looks like a Chief Justice, he speaks like a Chief Justice, and he acts like a Chief Justice."

The Chief Justice is the constitutional head of the judicial system of this Nation and the head of independent branch of government. It represents the last defense of freedom and our constitutional system. The Congress and the President, symbolizing the legislative and executive departments of government, and being elective and not appointive, can, of course, enact almost anything that they see fit to enact. But if it is repugnant to and contravenes the Constitution, if it is nothing but riding a wave of emotionalism then, of course, the Court has a plain and unmistakable duty. It is then that the Supreme Court becomes important as never before.

I wish to note that Judge Burger looks like a Chief Justice, and I think that very fact will inspire some faith, trust, and confidence on the part of the people.

I said he acts like a Chief Justice. In all his years on the U.S. Circuit Court of Appeals, which in our judicial system is the next echelon below the highest tribunal, he, with his associates, has passed on many cases. He has written many concurring and dissenting opinions. These indicate the temper, the outlook, and the philosophy of the man.

His courage and conviction have been often demonstrated by the fact that he has not been reticent in sharply criticizing his colleagues on the appellate bench and likewise the decisions of the Supreme Court.

He has been long aware of two important considerations. The first is that he knows full well that the judicial power when lodged in the hands of an arrogant judiciary can be a strong force for evil. He believes that the judiciary should stay on its side of the fence in our system of three independent branches of Government. This I deem to be of special significance. It is generally known that I

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have vigorously opposed the intrusion of the Supreme Court in what Justice Frankfurter referred to as the legislative thicket. Only as the Court respects this separation of powers can we hope to have a felicitous, balanced Government and Judge Burger is committed to this principle.

He has another quality which should endear him to the Nation generally. He does not believe that God placed all the wisdom and omniscience in the head of a judge when he has been appointed to the bench. Judge Burger knows full well that in our complex society, cases come before the courts which call for restraint. Today, the whole complicated pattern of civil rights, of integrated school systems, of the impact of social environment, of campus disorders, of the many unsplendored things in the domain of crime, in the functions of police officers, in freedom of speech, the rights of the accused and many other matters are questions that come before the courts, and obviously an appointed judge is not always especially competent in one, two, or in all of these fields. Thus, Judge Burger has counseled that there should be restraint. I like that.

There is another thing I like and that is the nature and the length of his opinions. He has not found it necessary to use all of Webster's Unabridged Dictionary, or all the words in the English language to convey his opinions.

For instance, in the case of Scott against Civil Service Commission, a case in which a Federal job was denied to a homosexual, the majority, of course, went off into the clouds on that one, but Judge Burger stated it quite simply:

> Congress and the Executive make policies in various areas which many reasonable people consider unsound. But policy is not the business of the judges.

Mr. President, I have examined a number of other opinions by Judge Burger and from them I conclude that he talks like a Chief Justice.

Somewhere, I noted that a critic of Judge Burger questioned his capacity for leadership. That has such a hollow and spurious sound. I think back to the days when Peter Finley Dunne's book "Mr. Dooley and Mr. Hinnessey" was so very popular.

Mr. Dooley addresses a statement to Mr. Hinnessey and he says:

> Hinnessey, ye know, the Soopreme Coirt follows the ellection returns.

Mr. President, you know, that is a rather practical observation because at election time the people do express themselves and indicate the direction which the country should take. This is, after all, the people's country. The words of "We the people" still stand out.

I do not expect the new Chief Justice to become an arch-conservative or an arch-liberal. I do not expect him to become left of center, or right of center. I do not expect him to fall into the European appraisal of how a person is to be cataloged. I only expect him to apply commonsense and the wisdom of the law, which has developed from the experience of centuries, to the problems of today which may come before the Court.

This lack-of-leadership criticism intrigues me. I recall the incident of the father who filed an application blank for the admission of his daughter to Wellesley College.

The final question was, "Is she a leader?"

The father puzzled over that for quite a while and then he rather candidly replied that he was not sure that she was a leader but she was an awfully good and excellent follower.

A few weeks later came the reply from the admissions dean:

> DEAR MR. BROWN: We shall be delighted to admit your daughter for the full term. The new class will consist of 99 leaders and one follower.

Judge Burger's leadership will take care of itself. I believe that he meets every test for the Chief Justiceship of the United States and will carry on in the finest traditions of that Court since the days of the first Chief Justice of the United States, John Jay.

Mr. STENNIS. Mr. President, I am for the confirmation of this nomination. An examination of the majority opinions, the dissenting opinions, the legal articles, and other serious statements reflect quite clearly, to me, that the nominee has the qualifications, background, learning, and integrity that will cause him to be what I think is a true judicial officer given the opportunity of the coming years, perhaps one of outstanding stature.

As to the qualifications of the nominee—although at one time I would have accepted them as a matter of course—he seems to have a very clear and definite concept of the separation of powers, which is such a preeminent and necessary part of our form of government. I believe that we have slipped somewhat from that principle in the past 20 or 30 years. If we are to maintain our system of government, we must get back on that line.

I believe that Warren Burger will make an outstanding contribution in that field. It is clear from his record—made when he had no intention or expectation of coming to the office of Chief Justice of the United States—that he considers the legislative branch of the Government to have the responsibility to set certain major policies, guidelines, and systems of legislation; and that that is a matter, under our system, which does not belong to the court; that the courts are vested, under the Constitution, with judicial power to interpret the law as written in the Constitution, or the executive rules in a committee, to interpret the Constitution of the United States.

My impression is that the record proves this is preeminent in Judge Burger's mind; therefore, he will follow that general course, not to my liking, or to the liking of the present occupant of the chair, or to any other Senator or person, necessarily, but along the lines of the basic fundamental principles which, by and large, we have adhered to throughout our history.

I think that Judge Burger has the only concept of criminal law and procedure which will protect a free society.

I am not an expert on anything—as I have emphasized over and over—but this is a field in which I have had some experience during the most active part of my life.

I served 5 years as district prosecuting attorney and for more than 10 years carried the responsibility of a court of unlimited jurisdiction, which heard a great many criminal cases, some of which carried the most severe penalties known to law.

I am satisfied out of all this experience that it is the certainty of punishment—I emphasize, the certainty of punishment—which restrains people to a large degree from committing crimes.

Getting off on an idea now that a person is not to blame, and that because of his background, the community is to blame, or the schoolteacher, or the parents, or the minister, or somebody else, is not the experience of history. Certainly there should be punishment, with a view to the protection of the people as a whole, the protection of the man charged with the crime, and the protection of the victim. There is a balance that has been worked out on the anvil of experience, in the common law of England for centuries and centuries, which has been confirmed by thousands of years of experience. In my opinion, Judge Burger has a very fine understanding of that experience. Moreover, he has a wonderful way of applying it.

I believe there is a growing realization that this is one of the challenges of our time in the field of criminal law and criminal procedure. I believe Judge Burger will make a contribution that will put us back in the right direction. His philosophy and his down-to-earth application of these principles of law, I believe, will be felt and will be effective.

I emphasize what appears to be his integrity. I have never known Justice Burger, except perhaps at a social function or two, but his integrity and his high learning and experience I want to emphasize.

I commend the President of the United States for the fine statement he made about his approach in making this selection. He said it was the most important appointment he would make during his tenure. I believe that. That is why I wanted us to have a real session here and a rollcall vote.

If the Senate votes for his approval, especially by a large vote, it will be approving the nomination of Mr. Justice Burger, but it will be a more emphasized approval of his record and the things he has stood for. I commend the President very highly.

The President said many other things—and I had no idea that the President was going to appoint this gentleman—but I heard him say he considered this appointment and others to vacancies on this Court as a personal responsibility of his; that he took advice in many fields, as we all know so well, to which he could not give much personal attention, but he thought these appointments were his personal responsibility. That is in the statement, and I commend him for it.

I ask unanimous consent that the text of the comments made by President

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Nixon in announcing the appointment of Mr. Burger be inserted in the RECORD at this point, as well as the account in U.S. News & World Report of Mr. Nixon's informal report to newsmen explaining how he chose Warren Burger as his nominee for Chief Justice of the United States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON'S ANNOUNCEMENT OF THE APPOINTMENT OF A NEW CHIEF JUSTICE

Mr. Vice President, members of the Cabinet, ladies and gentlemen.

I have invited you to the White House tonight for an historic announcement—the nomination of the next Chief Justice of the United States.

This announcement is one that I have considered for many months since I knew that I would have the responsibility even before I became President.

And in making this announcement, and I say this with due respect to the great responsibilities held by all the members of the Cabinet here, I believe that the most important nomination that a President of the United States makes during his term of office is that of Chief Justice of the United States.

I say this for several reasons. The Chief Justice is the guardian of the Constitution of the United States. Respect for law in a nation is the most priceless asset a free people can have, and the Chief Justice and his associates are the ultimate custodians and guardians of that priceless asset.

And when we consider what a Chief Justice has in the way of influence on his age and the ages after him, I think it could fairly be said that our history tells us that our Chief Justices have probably had more profound and lasting influence on their times and on the direction of the nation than most Presidents have had. You can see, therefore, why this decision I consider to be so important.

"SUPERBLY QUALIFIED"

I have nominated a man who I think is superbly qualified to serve as Chief Justice. His education is one that he got the hard way. He went to law school at night and worked during the day-time, but he made a brilliant academic record. He was eminently successful in the practice of the law; he was appointed by President Eisenhower as an assistant Attorney General of the United States in 1953 and then, since 1956, has served on the Circuit Court of Appeals for the District of Columbia.

I have known him for 21 years and I would evaluate him as being qualified intellectually qualified from the standpoint of judicial temperament, qualified from the standpoint of his legal philosophy and, above all, qualified because of his unquestioned integrity throughout his private and public life.

Ladies and gentlemen, I'm very proud tonight to nominate as the 15th Chief Justice of the United States—Judge Warren Burger.

(From U.S. News & World Report)

HOW MR. NIXON MADE HIS CHOICE

This is President Nixon's own story of how he chose Warren E. Burger as his nominee to succeed Earl Warren as Chief Justice of the United States.

Mr. Nixon told the story at an informal meeting with newsmen in his White House office on May 22. It was a unique disclosure of the President's thinking in his search for a new Chief Justice and of the course that quest took.

The President gave the reasons for elimination of five men who had been mentioned in speculation.

Charles Rhyne, former head of the American Bar Association, was passed over because he is one of Mr. Nixon's closest friends, and the President said he felt that—particularly at this time—appointment of a personal friend would not be in the best interests of the Court.

Herbert Brownell asked to be removed from consideration. He thought that his appointment might stir controversy because of the role he played as Attorney General in the Eisenhower Administration.

Thomas E. Dewey, the President said, ruled himself out because of his age—67.

Associate Justice Potter Stewart, Mr. Nixon revealed, told the President he felt that a sitting member of the Court should not be appointed Chief Justice.

Attorney General John N. Mitchell—described by Mr. Nixon as superbly qualified—said he did not want to be considered.

The President explained the timing of Judge Burger's appointment by saying that he felt it should be made before the Court term ended, so the new Chief Justice could be indoctrinated by the outgoing Chief Justice.

Mr. Nixon's explanation of the standards he set:

The President said that the Chief Justice must possess, besides other qualifications, a leadership quality—a special quality of commanding the respect of the Court and being able to lead it.

Mr. Nixon added that it was vitally important that the nominee be a man who could be approved by the Senate without sharp controversy—with a strong vote of approval.

The President referred to the Fortas matter—the resignation under fire of Associate Justice Abe Fortas, appointee and close friend of Lyndon Johnson's. Mr. Nixon said that because of the Fortas case, he determined that his appointee should not be a crony or a political friend.

NO CLEARANCES

The Chief Executive said there were no political clearances for Judge Burger, nor would there be for any of his Supreme Court appointments. Also, he revealed that he decided against consultation with the American Bar Association.

Mr. Nixon took occasion to express agreement with a comment by former Justice Arthur Goldberg that religion should not be a factor in a Court appointment. The President said that the Court would not be used for the purpose of racial, religious or geographical balance while he is in the White House.

The kind of Chief Justice he was looking for, Mr. Nixon explained, was one who shared his belief that the Constitution should be strictly interpreted. He said he was not concerned about whether the man was liberal or conservative in his economic or social philosophy. He cited the late Justice Felix Frankfurter as an example of the type of Justice he had in mind, one who felt that it was his responsibility to interpret the Constitution and that it was the right of Congress to write the laws—and to have great leeway to write those laws.

THE FINAL DECISION

As for the choice of Judge Burger—the President said he had long felt that circuit or district-court judges who had proved themselves on the line of battle, on the firing line, should be elevated.

Looking over all the circuit-court judges, in terms of qualifications and appropriate age—61 or 62—Mr. Nixon determined at Camp David on the week-end of May 17–18, he said, that his choice should be Judge Burger.

The Chief Executive said that at no time during the past few months, until three minutes before he made his announcement, did he talk with Judge Burger.

Until a few hours earlier, Mr. Nixon added, the nominee did not know that he was being considered.

The President notified Attorney General Mitchell of his decision on Monday morning May 19. At that time, at Mr. Nixon's request, the necessary routine investigation was begun. This was completed by 12:30 p.m. on Wednesday, May 21. The Attorney General then met with Judge Burger, who said he was prepared to accept the appointment.

No others were informed except Chief Justice Warren, Vice President Agnew, Mr. Dewey and Mr. Brownell.

Mr. Nixon said that, while his study of Judge Burger's opinions and his knowledge of Judge Burger's philosophy indicate that the President and the Chief Justice-designate share many views, it is vitally important that the Chief Justice and all Justices of the Supreme Court know that they are absolutely independent of the executive and legislative branches of the Government.

Mr. Nixon emphasized his strong feeling that the relationship between the President and the Chief Justice and the other Justices must be cordial—but at arm's length.

If the nominee is confirmed by the Senate, Mr. Nixon added, Mr. Burger will be his own man—which, the President said, is the right thing.

Mr. STENNIS. Mr. President, I feel that the President will continue the high course that he has followed in filling other appointments. I believe history will record it was the high mark, if not one of many high marks, coming at a time when it was needed.

If I may add one word, the debate on this matter stirred up a new sense of responsibility, in my mind, on these appointments. I am not referring to any appointment or any President or anything of that nature, but I believe the Senate, to a degree, has neglected its responsibility in connection with the selection of judges of the Supreme Court and courts of appeals. Under our system, the President and the Senate, with its power of veto, are the only ones who have that power. What I say is the very opposite of reference to any individual or any President, but I believe these matters have been taken too much as a matter of course. I believe every Senator here has an obligation to his State to review very carefully, not only the membership of this Court, but every member of the court of appeals, especially the court of appeals that serves his State. I do not mean that a Senator has a chance to appoint them, of course, or be an active party, but he has a responsibility to see that they are men of integrity and ability and that those appointments are not given to men as a reward, but as a position of responsibility. I want to be very careful here about what I say. I believe that responsibility goes with respect to our district judges, to a degree.

Much has been said about the provision of life tenure being destroyed, with another system being installed and the system of life tenure being abandoned. I myself have introduced measures requiring that at least 50 percent of judicial nominees have judicial experience to be appointed to the Supreme Court. In our complicated society with its explosion of population and problems, I believe that unless the Senate and the President give more rigid attention to the selection of members of the Federal judiciary, the provision of life tenure will be destroyed and something else will have to be put in its place. That system

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has many virtues. I would not want to brush it aside lightly at all, but I believe it is being criticized more than it ever has been. The President and the Members of this body are the ones who have the constitutional authority and responsibility to make corrections wherever corrections are needed and to firm up our approach and be more keenly aware of this.

Mr. President, that covers the remarks I had in mind. I wanted to point them out to the Senate and the country. That is just the belief of one Senator, but that is one, and I believe it is shared by others.

Again let me state we are very proud to have a man of this caliber, with his qualifications, background, and experience, elevated to what is in some respects the most important office under our Constitution.

Mr. THURMOND. Mr. President, it is with a great deal of pleasure that I rise to speak in favor of confirming the nomination of Judge Warren Earl Burger to be Chief Justice of the United States. It has been a long time since I have been able to praise a prospective member of the Supreme Court. I have long been critical of the Court's decisions and the influence they are having on our system of government and on the daily lives of the American people.

Mr. President, the recent hearings before the Senate Judiciary Committee confirmed the belief that President Nixon's nominee for Chief Justice of the United States ushers in a new era of constitutional history. Judge Warren Earl Burger was unanimously approved by the committee to be the new Chief Justice.

It is evident that Judge Burger has a record which is one of integrity and character. A judge should be "Mr. Integrity," and Judge Burger satisfied the committee on this score.

Mr. President, Judge Burger also impressed the committee with his grasp of fundamental constitutional questions, as expressed in his opinions on the District of Columbia Court of Appeals. The committee was pleased to find that Judge Burger has been a strict constructionist of the Constitution. He apparently has felt that the Court should interpret the law, but not legislate. His record indicates that he believes in strong enforcement of the law, and in equal treatment—with favoritism toward none.

It has been a long time since such qualities have been evident in a sitting Chief Justice. The President is to be congratulated for the care and prudence with which he sought out a man of judicial temperament. This judicial temperament was clearly illustrated in a statement which Judge Burger made last year indicating the inherent limitations of the Judicial Branch. Judge Burger said:

> That courts encounter some problems for which they can supply no solution is not invariably an occasion for regret or concern; this is an essential limitation in a system of divided power.

This statement shows Judge Burger's respect for fundamental constitutional principles.

Mr. President, Judge Burger's opinions are also firm when basic questions of right and wrong are involved in law. He has rejected the idea that medicine and science can assume the functions of the judicial system. In one opinion he wrote the following:

> The sciences are not the sources of law. The value judgments involved in shaping legal standards must rest on grounds other than those in which science can speak with authority.

Judge Burger has also expressed the feelings of many citizens who become alarmed when confessed criminals are set free on technicalities. The Judge said:

> Guilt or innocence become irrelevant in the criminal trial as we flounder in a morass of artificial rules poorly conceived and often impossible of application.

On another occasion, he said:

> The seeming anxiety of judges to protect every accused person from every consequence of his voluntary utterances is giving rise to myriad rules, sub-rules, variations and exceptions which even the most able and sophisticated lawyers and judges are taxed to follow.

These quotations from some of the past legal opinions of Judge Burger are like a fresh breeze rustling across the courtroom. They indicate an expansive mind of wise and true humanity.

Mr. President, Judge Burger realizes that a society must protect itself from marauders, whether they come from within or from without. Excessive concern for the rights of criminals, including those who have confessed or who have been caught redhanded, has led to disrespect of the law. The proper course of reform is to reform the bench, not to turn criminals free.

As Chief Justice, Judge Burger will have the chance to be the leader in the reform of judicial philosophy. The Chief Justiceship of the United States is the second most powerful position in the world, second only to the Presidency of the United States. By example and by leadership, the Chief Justice can exert a powerful force to restore the reputation of the Court, and to make the Court once again the object of universal respect. President Nixon has done his part. Chief Justice Burger will have as great an opportunity as any man ever had to make the Supreme Court synonymous with evenhanded justice.

Mr. HOLLAND. Mr. President, I feel that the Senate is in a very fortunate situation in considering the matter now pending before it. We are in a fortunate situation because the President has appointed, not one who is regarded highly merely because of his legal knowledge, his high standing as a citizen, or other qualities different from those displayed in the actual handling of controversial matters upon a high judicial bench, but instead one who for 13 years has been subjected to the acid test of having to pass upon highly controversial matters; and I suspect no other circuit court in the Nation has more such matters submitted to it than does the U.S. Court of Appeals for the District of Columbia.

In these 13 years, Judge Burger has proceeded quietly, carefully, in a scholarly fashion, and yet fearlessly; because, during a period when ultra-liberal decisions were highly popular, when the majority of the Supreme Court was handing down so frequently ultra-liberal decisions, and when the general public, or much of it, was reacting most cordially to such decisions, he hewed to a line which seems to me to be characterized as not only thorough, not only careful, not only judicious, not only fearless, but also in the area of the moderate conservatism not popular during most of those 13 years in many quarters in this Nation.

Mr. President, I have known Judge Burger since he was an Assistant Attorney General, in the early fifties. I thought highly of him then, but I would not have known then how to pass upon his nomination for appointment to the Supreme Court, much less to be Chief Justice of the United States. Now we have the information so needed when we pass upon such a nomination, because we can look at those 13 years of decisions, some written by him for the majority—as in the Adam Clayton Powell case—and some in which he agreed with the majority of the court, but a great many of them dissenting opinions, in which, without overstepping the bounds of kindness and decency and personal accommodation which must prevail on such a high court, nevertheless found him speaking out fully and clearly for the high principles of constitutional law or of jurisdictional law in which he believes.

We are most fortunate in having a record of that kind, as we consider such an appointment, carrying with it the enormous responsibility which it does. I have noted that Judge Burger has not hesitated to speak out strongly at times, yet, as I have already said, not offensively, against decisions dominated by the chief judge and by other members of the U.S. Court of Appeals for the District of Columbia. My own strong preference is for the philosophy firmly worded and firmly expressed by Judge Burger on numerous occasions. I think that we, passing now upon his nomination to this position of the very highest responsibility in our judicial system, have a right not only to look at his decisions during these 13 years, but also to express confidence in the fact that his judgment will be consistent in the years that lie ahead in this heavier responsibility with that which he has expressed so firmly on the court where he now serves.

It is my feeling that we can have that confidence, that we should have that confidence, and that we may look ahead to a time when that quality manifested by him so frequently in these 13 years will prove to be helpful to our country, helpful to the restored strength of the meaning of the Constitution as it was meant to be interpreted, helpful to law enforcement officers, helpful to the lower courts, and helpful to our whole people, in that, again, the whole people will have greater confidence in the judicial processes of the Nation.

I believe that Judge Burger will be a great public servant as Chief Justice of the United States. I hope and pray

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that his service in that exalted position will be such as to restore that highest of our courts to a position where it will command the confidence of the vast majority of our people, will restore that court to a position where it can better contribute to sustaining the life and progress of our Nation.

It is a source of happiness to me that I should be privileged to vote for the confirmation of the nomination of Judge Burger to be Chief Justice of the United States. I approve the suggestion made by the distinguished Senator from Mississippi (Mr. STENNIS) a few minutes ago. I think it would be good for the Senate to always have a yea-and-nay vote on a nomination which is of such tremendous importance to all our people. I am glad that we are to have that privilege on this occasion.

I yield the floor.

Mr. ALLOTT. Mr. President, I wholeheartedly join in the statements just expressed by the distinguished senior Senator from Florida.

Not being a member of the Judiciary Committee, I feel that I should leave the major portion of the time to the members of that committee. However, having known Judge Burger for many, many years, even before he was Assistant Attorney General, I would be very remiss, I believe, if I were not to say a few words on this occasion.

Despite the fact that I have criticized some of the decisions of the Supreme Court in the last few years, I do not think this is a question of being a liberal or a conservative. I think it is a question rather of the selection of a man who has been trained in the law and who understands the law and who has been utterly absorbed by the law all of his life.

Of course, such a man is then concerned with interpreting in the light of our Constitution the various cases which come before him for determination.

The position of Chief Justice involves not only this aspect but also administrative duties. In these respects, I have no doubt that Judge Burger will make a great Chief Justice. However, I believe the greatest significance to our country lies in the fact that emphasis is going to be placed upon the interpretations of the Constitution in the light of precedents. And out of this will come better legislation from Congress.

After an interpretation has been made, if it has been made upon the basis of past precedents, Congress will also know what to write into the legislation which it passes here.

As a result of some of the decisions of the past few years, Congress has made great efforts to try to correct the rather foolish, if I may use that word, decisions which have sometimes emanated from that Court.

I have great confidence in Judge Burger. I hope and I pray that Judge Burger as Chief Justice of the United States will be able to return the stability to the Court which it has had for so many great years and will reaffirm the confidence of the people of America in that Court—a confidence which does not now exist.

For that reason, I say these words about my good friend in whom I have the greatest of confidence. I know that he will make a great Chief Justice.

Mr. COOPER. Mr. President, I do not serve on the Judiciary Committee, and I had not intended to make a statement today. I do not know the nominee, who will be confirmed, and for whom I shall vote. I have read a great deal about him. From everything I have read about him, he is a man of unchallenged integrity, of great legal knowledge and judicial background, and one who has made an outstanding judge. The personal integrity of members of the Court must be assured.

I believe it is a good thing at this juncture that the President of the United States has nominated a person to be Chief Justice of the United States whose record as a lawyer and as a judge can be evaluated from objective information, from decisions he has rendered, and from his philosophy illustrated by those decisions. His confirmation will have a stabilizing influence and will be welcomed throughout the United States. I support the nominee, Judge Burger.

The reason I speak is that I cannot agree with all that has been said today in speeches about the decisions of the Supreme Court and the record of the Court. Some speeches, in my view, reflect upon the Court and upon the retiring Chief Justice and I cannot agree.

All of us who have been lawyers—and whether we have been lawyers or not—disagree almost intuitively and spontaneously with certain decisions of the Court. We are rooted in our experience and by the natural impulse to preserve the status quo.

I find myself, as I read the decisions—and I do read them—finding fault with them. However, I am just one person. The opinion of the country must be heard. And whether it is heard or not, the Court as it studies the facts of every case must make its own decision.

I am not going into all of the cases of recent years. I have had thoughts about the Miranda decision. I have reservations about the one-man, one-vote decision which Justice Frankfurter predicted in his dissent in Baker against Carr would lead the courts into political thickets. And although one can say from the literal wording of the first amendment that the prayer decision was correct, yet the decision did offend, I believe, most of the people of the United States.

Nevertheless, the idea of stare decisis—that the opinions of the Court once rendered hold forever—is not correct.

Chief Justice Marshall interpreted the Constitution, although there is nothing at all in the Constitution which gave him literally the authority to do so, in that great case, Marbury against Madison, in which he held that the Supreme Court had the power and authority under the Constitution of the United States to nullify, in effect, the acts of the legislative branch.

Year after year, throughout the history of our country, the courts have overruled the decisions of the past. And it is a good thing that they did. Would we like the Dred Scott decision to have been maintained forever? Would we have preferred to retain the decisions upholding the right of contract and thus to have rejected legislation dealing with child labor laws, the minimum wage, and social security insurance which have helped our young people, women, workers, and elderly? Those decisions were in time rejected and reversed by the Supreme Court of the United States.

Another illustration: In the years after the Civil War, after the famous dissenting opinion of Justice Harlan, the grandfather of the present Supreme Court Justice, a justice from my own State, tried to give effect to the 13th, 14th, and 15th amendments and year after year their effectiveness was denied. At least, the Supreme Court under the leadership of Chief Justice Warren, has held that equal rights for all our people, under the Constitution do exist whatever a person's color, creed, or race. This Court, in the field of human rights and constitutional rights has tried to give effect to the Constitution.

There is controversy in weighing the rights of an individual and the rights of society. The Bill of Rights became a part of the Constitution—to give protection to the individual. We tend to think that we will always be protected, and not be in the position of those less able to secure their rights as individuals. However, the Constitution must protect everyone.

I am happy today to be able to cast my vote for Judge Burger to be Chief Justice of the United States. The Supreme Court like other institutions has made errors in decisions. But I believe that the Court, under the leadership of Chief Justice Warren, has followed the spirit and intent of the Constitution. It has made notable strides to make the promise of the Constitution a living reality.

Mr. LONG. Mr. President, last year I refused to support the confirmation of the nomination of Justice Fortas to be Chief Justice of the United States. The subsequent resignation of Justice Fortas, based on disclosures and perhaps other matters to which I am not privy, was not the kind of thing I had in mind in being opposed to the confirmation of that nomination. What concerned me was that the kind of decisions and the kind of philosophy that Justice Fortas was expressing and putting on the lawbooks were responsible for the enormous increase in crime in this country.

It seemed to me that what was happening, as evidenced by the attitude of five members of the Supreme Court, was making it more and more difficult for society to defend itself against the criminal element, and was making it easier and easier for the criminal element to deny law-abiding citizens their rights. It seemed to me that the duty of government to the law-abiding majority exceeded its duty to those who would destroy government and law.

When justices are promoted because they represent that type of philosophy, it causes others to seek to pursue the same type of philosophy, feeling that in doing so they may themselves be promoted to such a high position as an associate justice or as chief justice. To have confirmed the nomination of Justice Fortas would have indicated that it was to be virtually impossible to convict a criminal of a serious crime because it would express approval of the trend to impose new rules and impediments on the police to be laid down after the fact which could not possibly have been anticipated by the law enforcement officers and the officials who tried to bring the criminal to justice.

The fact that the philosophy which did so much to help the criminals and impede effective law enforcement was not shared by Judge Burger, then a member of the Court of Appeals of the District of Columbia, is indicated by certain statements that have been made by him, which appear in the transcript of the hearing. Some of this has appeared in the Record, but in the hope that it might be some indication for those who seek promotion to the bench or promotion on the bench, as to the kind of philosophy that might help one to be nominated for a position in the Federal judiciary, or to be promoted if he is already a member of that body. I ask unanimous consent to have printed in the Record what appears on pages 39 through page 51 of the hearing record. These are two speeches, delivered by Judge Burger, one to the Ohio Judicial Conference at Columbus, on September 4, 1968, and another to the commencement class at Ripon College, Wis., on May 21, 1967.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

Rulemaking by Judicial Decision: A Critical Review

(By Judge Warren E. Burger, Washington, D.C.)*

The State of Ohio has taken a significant step forward in vesting rule-making power in its judiciary in "partnership" with the Legislature. As our society has become more complex it has spawned an array of new problems and that should not surprise us. History teaches us that progress always reveals new needs to be met and that is how Man worked his way out of the swamps and the jungles and the forests.

This complexity of our society has manifested itself in a very marked way in terms of improvements in law and in judicial administration. In an earlier day legislators had more time it seems, to adjust the machinery of government, including the machinery of the courts, to meet new problems. It is clear that in the Twentieth Century legislative bodies have not found the time to respond to all the needs which are served by judges.

You now have the initiative of important rule-making power, and at the threshold it may be useful to dwell for a short time on the strengths, the weaknesses and the pitfalls which can attend the exercise or failure to exercise this power.

SOME HISTORY

I will direct myself to some history which, in terms of the law, is recent—the events of the use and non-use of rule-making power in the Federal system over the past 30 years with particular emphasis on the past dozen years as it relates to rules of criminal procedure.

You know this history as you know the creed of your church, but it bears repeating for the same reason people remind themselves of their moral guides every Sunday in church.

I believe the points I will make concerning use of rulemaking power are shared by a growing number of judges, lawyers and, I am glad to say, by an increasing number in the academic community. Too many law professors for a long time gave uncritical applause to anything and everything they could identify as an expansion of individual "rights," even when that expansion was at the expense of the rights of other human beings—the innocent citizens—presumably protected by the same Constitution. I see signs of a constructively critical attitude by law teachers toward some of the judicial techniques employed in recent years to make reforms in criminal law procedure and rules of evidence.

As we look back we can see that for about the first 150 years of our history the criminal law and its procedures remained fairly simple and quite stable. For 25 to 30 years after that there was a considerable ferment in criminal procedure and the rules of evidence, and in the last 10 years, more or less, we have witnessed what many scholars describe as a "revolution in criminal law." Today we have the most complicated system of criminal justice and the most difficult system to administer of any country in the world. To a large extent this is a result of judicial decisions which in effect made drastic revisions of the code of criminal procedure and evidence and to a substantial extent imposed these new procedures on the states.

This was indeed a revolution and some of these changes made were long overdue. All lawyers take pride, for example, in a case like *Gideon* v. *Wainwright*, which guarantees a lawyer to every person charged with a serious offense. The holdings of the Supreme Court on right to counsel, on trial by jury instead of trial by press, and on coerced confession will always stand out as landmarks on basic rights. These were appropriate subjects for definitive constitutional holdings rather than for rulemakiing procedure to which I now turn. (In fairness, it must be said that some states had achieved these improvements long before the Supreme Court did so.)

AD HOC OR "BY THE BOOK?"

My central point tonight is, that as we look back, it seems clear now that the Supreme Court should have used the mechanism provided by Congress for making rules of criminal procedure rather than changing the criminal procedure and rules of evidence on a case-by-case basis.

If a large undertaking like framing rules of procedure is performed on an *ad hoc basis*, we may be right some of the time, but if we do it "by the book," we are likely to do it correctly all of the time. Surely it is arguable that the basic concepts of orderly procedure must apply to the enormously complex task of rewriting a code of criminal procedure. Over these past dozen years, however, the Supreme Court has been revising the code of criminal procedure and evidence "piecemeal" on a case-by-case basis, on inadequate records and incomplete factual data rather than by the orderly process of statutory rulemaking.

I suggest to you that a large measure of responsibility for some of the bitterness in American life today over the administration of criminal justice can fairly be laid to the method which the Supreme Court elected to use for this comprehensive—this enormous—task. My thesis assumes the correctness of the objectives the Court sought to reach in all of these controversial holdings. To put this in simple terms, the Supreme Court helped make the problems we now have because it did not "go by the book" and use the tested, although admittedly slow process of rulemaking through use of the Advisory Committee mechanism provided by Congress 30 years ago.

JUDGES AND COURTS NOT "IMMUNE"

If anyone should think it unseemly that a judge should undertake to analyze and comment on the actions of the highest court, let me suggest that no court and no judge should be immune from examination of its functioning. Moreover, the need for such study is in direct proportion to the degree of reviewability of the particular court. A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to include itself and the least likely to engage in dispassionate self-analysis. Presidents, governors and legislators, like most state judges, can be recalled by the people for good reasons—or none, but judges of Federal constitutional courts cannot be recalled.

Chief Justice Warren, and more recently Chief Justice-designate Fortas, have reaffirmed the value of constructive criticism of the courts and of judicial action. Of course, this is as it should be. In a country like ours, no public institution, or the people who operate it, can be above public debate. The important thing is that public discussion of the courts be constructive, objective and calm and not emotional or bitter or personal.

I question tonight not the court or the last decade's holdings of the court but its methodology and the loose ends, confusion and bitterness that methodology has left in its wake. There is no legitimate place in American life for some of the acrimonious, irrational criticism of the Supreme Court and it ought to stop.

THE BASIC FUNCTION OF JUDGES

The basic function of judges is to decide cases and resolve controversies. In performing that function, a court of last resort must, as we all know, construe and interpret constitutions, statutes, rules, contracts, wills and trusts and in so doing it will frequently "make" law. This is inherent in the evolution of common law. But traditionally the making of codes of procedure or evidence, or rule-making, is essentially a legislative function and this, as many noted legal scholars have pointed out, is because courts do not have the fact-gathering machinery or indeed the time needed for this difficult task; it is not because of a lack of competence. No one could seriously challenge the competence of nine justices of the Supreme Court to draft a code of criminal procedure, provided they could take the time and have the staff facilities necessary.

Facts and information are the raw materials of the law whether in deciding a particular case or in framing rules of procedure; nowhere in this more crucial than in the development of procedures. Rarely can one case or even a dozen cases, and no one text or authority nor even a dozen writers, supply an adequate factual foundation for building a structure of rules of procedure. Indeed, raw information and raw facts alone are not enough, for all raw material is useless, and can even be misleading until it is processed. We have techniques in rulemaking for this processing which are tried and tested. They are based on the adversary system itself, drawing on centuries of experience which taught us to defer conclusions until we had

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* Text of an address delivered by Judge Burger to the Ohio Judical Conference in Columbus, Ohio, Sept. 4, 1968.

Judge Burger is a graduate of St. Paul College of Law (LL.B magna cum laude, 1931); was awarded a Doctor of Laws degree in 1966 by Mitchell College of Law; was on the faculty of Mitchell College of Law from 1931 to 1948; practiced law in Minnesota from 1935 to 1953; was assistant U.S. Attorney General from 1953 to 1956, and has been on the bench of the U.S. Court of Appeals, Washington, D.C., since 1956.

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allowed the clash of opposing points of view and the competition of ideas to supply a base or predicate for acting and drafting.

NEED FOR ORDERLY RULEMAKING

It was, as I suggested, more than 30 years ago that the legal profession, the courts and Congress recognized the need for an orderly rule-making procedure for the Federal system. Federal judges, and particularly the Supreme Court, acknowledged that the press of their own daily work and the narrowness of the records of particular cases before them were obstacles to sound rulemaking.

It was also recognized that a legislative body, even with a great number of lawyers in its membership, was not a satisfactory instrument for making detailed rules of civil or criminal procedure. From the premise that neither the courts nor Congress could perform this function alone, a rule-making procedure was established by law to enable the Supreme Court to prescribe rules by use of an Advisory Committee appointed by the Court. This advisory "legislative" body included lawyers, judges and law professors. It in turn was to carry on hearings, seminars and empirical studies and then submit the proposed rules to the Supreme Court. The Court after study was empowered to approve and adopt them. Under the statute they were then to-be sent to Congress and, absent a modification within a stated period, they would become the law. This as we know was the process by which the Federal Rules of Civil Procedure were born. This is what you are now about to do.

The genius of this scheme was that it was a joint enterprise of the Judiciary and Congress and the legal profession as a whole. While there were some critics of the Federal Rules of Civil Procedure so produced, the method of their drafting, preparation and adoption brought about overwhelming acceptance among lawyers, judges, scholars and public. First, there was a broadly based and representative Advisory Committee selected by the Supreme Court and as an official body it had great stature. Second, the Committee consulted every organization which was entitled to be heard. Bar associations and law schools carried on extensive studies and seminars at the request of the Advisory Committee. By the time the rules were drafted, they represented the best thinking of thousands of lawyers, judges and scholars in every state and local bar. This technique came to be recognized as a remarkably effective means of codifying rules of procedure and has been copied by many states. It is one of the significant contributions of modern law. One the Civil Rules were an accomplished fact, the Supreme Court, acting under this same statue, created an Advisory Committee for Criminal Rules. For three years this Committee of eminent and representative members of the profession, including many Federal judges, conducted studies, held hearings, consulted other groups, and prepared a tentative draft of the Federal Rules of Criminal Procedure. This was then circulated to thousands of lawyers and judges for criticism and comment. The Judicial Conferences of the eleven circuits and a great many bar associations held seminars to study and report their views on the proposed rules. The Advisory Committee then revised its tentative rules to take into account the suggestiions received and circulated a second preliminary draft and the grinding processes of study, challenge, debate and criticism were repeated. By this stage, the Department of Justice, state prosecutors, defense lawyer groups and bar associations and law professors had all been given a "day in court."

After being examined and approved, these rules were adopted by the Supreme Court and sent to Congress, whose acquiescence made them law. That was 15 years ago.

THE PAST DOZEN YEARS

The sheer volume of holdings the past dozen years in what have been essentially changes in rules of criminal procedure and evidence has placed the Supreme Court directly in the business of creating on a case-by-case basis important new criminal rules which dwarf the Federal Rules of Criminal Procedure in impact even if not in volume. I suspect that a dozen years ago the Supreme Court did not anticipate the scope of its "revolution" in criminal procedure, for even in retrospect the starting point is not clear.

A substantial number of lawyers, judges and scholars believe that when the Supreme Court found itself traveling down the road of codifying detailed rights and procedures under the Bill of Rights perhaps that was a good time to pause. Such a pause was urged, not only by the Court's dissenters, but by responsible voices, including Judges Lumbard and Friendly of the Second Circuit, Justice Walter Schaefer of the Illinois Supreme Court, and Dean (now Solicitor General) Griswold, among others. I have said for five years or more what I say to you now. In such a pause the Court would have done well to ponder and carefully whether it was time for the entire subject of criminal procedural rules to be submitted to a Supreme Court Advisory Committee so that this remarkably efficient process could be directed to a broad scale re-examination of all the problems which the Supreme Court was concerned with, including the elusive concepts and problems of eyewitness identification at police lineup procedures, to mention but one example on which Judges generally have little or no first hand knowledge or experience.

A DANGEROUS, MISCHIEVOUS WEAKNESS

There is a dangerous and even mischievous weakness in making or revising sweeping general rules of procedure and evidence on a case-by-case basis. The axiom of lawyers that "hard cases make bad law," applies and by the very nature of the review jurisdiction of the Supreme Court the cases it decides to review are usually "hard" cases and not the ordinary or usual kind of case. The Court's limited time often requires that the "easy" cases be left to others. The state cases which come to the Court give them less choice, especially in a period of escalating constitutional concepts, but essentially the Supreme Court is its own "traffic manager."

These "hard" cases usually come to the Court on the narrow record of but one case which frequently presents emotionally appealing situations that I confuse and blur the bedrock consequences of a broad holding. With deference, I suggest that these cases are not always briefed and argued by men qualified by experience to present a case of great magnitude and consequence. Indeed, members of the Court have been heard to complain about the inadequacy of presentation. When the presentation for the accused is inadequate the mechanism of a brief from a friend-of-the-court is used. The Supreme Court cannot impose a friend-of-the-court on the State as an Appellee and this is where the States have been weak.

In short, the narrow record of the particular case, the appealing aspects of the "hard" case, and the presentation by inadequate briefs and arguments from lawyers who never before, and perhaps never again, will see the hallowed chambers of the Supreme Court, all combine to have a large issue decided without the careful, painstaking, deliberative processes of the Supreme Court's Advisory Committees which I have already described.

Justice White, dissenting in *United States v. Wade*, which established new rules for police lineups, said:

"The Court assumes a narrower evil as the basis for its rule—improper police suggestion which contributes to erroneous identifications. The Court apparently believes that improper police procedures are so widespread that a broad prophylactic rule must be laid down, requiring the presence of counsel at all pre-trial identifications, in order to detect recurring instances of police misconduct. I do not share this pervasive distrust of all official investigations. None of the materials the Court relies upon supports it. Certainly, I would bow to solid fact, but the Court quite obviously does not have before it any reliable, comprehensive survey of current police practices on which to base its new rule. Until it does, the Court should avoid excluding relevant evidence from state criminal trials."

Justice Black was even sharper with the five majority Justices; he said in his dissent:

"* * * even if this Court has power to establish such a rule of evidence, I think the rule fashioned by the Court is unsound. The "tainted fruit" determination required by the Court involves more than considerable difficulty. I think it is practically impossible. How is a witness capable of probing the recesses of his mind to draw a sharp line between a courtroom identification due exclusively to an earlier lineup and a courtroom identification due to memory not based on the lineup?"

The careful study processes of an Advisory Committee in rulemaking would have explored all these avenues, sifted out the facts, and worked out a reconciliation and accommodation of the differing points of view. More than that, such a Committee would refuse to act unless it had the "solid fact" basis Justice White and three other Justices referred to instead of the individual speculation of five Justices who may never have witnessed a lineup in a police station.

It is interesting to note that the briefs in the *Miranda case* filed by 29 States and the National District Attorneys' Association strongly urged the Supreme Court not to resolve great issues on a narrow record of a few cases without the broad study which characterized the development of the Federal Rules of Criminal Procedure.

The Supreme Court brushed this off, saying: "Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them."

All of us would agree that the Supreme Court should not let Advisory Committees or Congress "abrogate" any part of the Constitution, but I respectfully point out that four members of the Court disagreed with the five and that for nearly 200 years the "constitutional rights" which emerged from some of these cases were not seen by anyone. I hasten to add that no Court should ever be precluded from recognizing a constitutional right previously overlooked, but the Supreme Court's historic reluctance to "reach" for constitutional issues might well have led to allowing the rule-making process to function first as it has so admirably in the past before resolving a constitutional point.

LEADERSHIP SHOULD COME FROM THE COURT

Leadership in improving the administration of justice should, of course, come from the Supreme Court and under the statutory procedure it is not bound by what the Advisory Committee finally submits any more than it gives advance constitutional approval by adopting a set of rules. But for the life of me, I cannot see why the Supreme Court should assume this enormous task singlehanded and ignore the thousands of lawyers, judges and professors and such helpful groups as the ALI and others.

Members of the Supreme Court have been known to express regret and even annoyance from time to time at the lack of support for the Court's holdings from the legal profession and the Judiciary. But that should not be surprising when valid arguments have been responsibly advanced by four Justices in dissent urging the Court to go slowly and seek more reliable empirical data on the issue at hand and this is met by a lofty comment that on constitutional doctrine the Court

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"does not conduct a poll." With four Justices and a large segment of the legal profession protesting that no constitutional doctrine is involved in the particular case, the five should not expect that their arch comment about polls disposes of the matter. A possible explanation for widespread lack of support for some of the Court's holdings lies in the homely reality that the legal profession would like to be in on the takeoff—perhaps via the statutory rule-making process—if they are to be of help in explaining landing which shake up the passengers.

You will recall that in *United States* v. *Wade*, Justice Black, speaking in dissent, said somewhat acidly:

*"I have never been able to subscribe to the dogma that the Due Process Clause empowers this Court to declare any law, including a rule of evidence, unconstitutional which it believes is contrary to tradition, decency, fundamental justice, or any of the other wide-meaning words used by judges to claim power under the Due Process Clause. * * * I have an abiding idea that if the Framers had wanted to let judges write the Constitution on any such day-to-day beliefs of theirs, they would have said so instead of so carefully defining their grants and prohibitions in a written constitution. With no more authority than the Due Process Clause I am wholly unwilling to tell the state or federal courts that the United States Constitution forbids them to allow courtroom identification without the prosecution's first proving that the identification does not rest in whole or in part on an illegal lineup. Should I do so, I would feel that we are deciding what the Constitution is, not from what it says, but from what we think it would have been wise for the Framers to put in it. That to me would be 'judicial activism' at its worst. I would leave the States and Federal Government free to decide their own rules of evidence. That, I believe, is their constitutional prerogative."*

Justice Black was addressing himself to the merits of what the Court was doing, whereas I am concerned with the procedure. But if his view has validity on the merits, surely it supports my thesis that the statutory rule-making process is better adapted to the Court's objective than trying to embalm a detailed rule in the Constitution under the Sixth Amendment right to counsel clause and without retroactive effect.

Some people think the word "consensus" has become a "bad" word, but I for one do not. It is only by developing a consensus that any of the great issues of the country are resolved and the matter of crime and criminal law is indeed one of the great issues. Granting for the moment the power as distinguished from the wisdom of drafting a detailed codification of rights and rules of evidence via constitutional interpretation, when these rules reach uniformity into every precinct station and sheriff's office in every town and hamlet in a nation of 200 million troubled and anxious people, I respectfully submit that the slower rule-making process would be more likely to produce a consensus and that the course of sound judicial statesmanship would have used that method. Among other things, the "sunburst" doctrine of discovery of constitutional rights which spring into being as of midnight on a stated day could have been avoided.

AN ADVANTAGE

There is, of course, another rather obvious advantage in statutory rule-making processes which is especially relevant in a period when the Federal Judiciary, and the Supreme Court particularly, is under attacks which renders a great many people confused and uncertain. The advantage lies in the support which develops slowly and steadily as the rule-making process unfolds, involving as it does not only the Advisory Committee but subcommittees, seminars and task forces which include hundreds of lawyers, judges, prosecutors and scholars—the entire spectrum of the legal profession and state and local bar associations all over the country. As the process is enriched by the information and experience and ideas which these participants contribute, a massive base of support for the ultimate result builds up. This insures its acceptance and gives those who are affected a "lead" time to make adjustments in their habits and practices.

There is an even more serious flaw in constitutionalizing details of procedure and evidence better left to the more flexible machinery of statutory rule-making. That process, while slow and cumbersome, produces more effective guidelines because rules can be stated more simply and precisely than a judicial opinion. Moreover, rule-making leaves open the door for change and adjustment to the realities of subsequent experience, whereas altering a constitutional ruling or changing a constitutional trend calls for a sharp break with the past. The more recent the rule to be changed, the greater the blow to stability of constitutional doctrine.

Yet we must recognize that the constitutional concepts "tacked on" in these dozen years or so may not be as permanent as they appear when they are consistently arrived at by the margin of one vote with four Justices sharply suggesting that the cake which the Court was baking did not have all the essential ingredients for a good cake and that it has not been in the oven long enough. To paraphrase one of the felicitous lines of Elizabeth Barrett Browning, consequences "so wrought may be unwrought so." Thus, the constitutional result so wrought against the protest of four, may be "unwrought" by so simple a happening as the advent of one of two new Justices. Whatever one's view of the merits of any particular ruling so cast aside, this is a highly unsatisfactory method of improving criminal justice. Even those who do not admire some of these rulings do not want to see constitutional doctrine rise and fall like governments under the Fourth Republic of France.

ANOTHER CHALLENGE TO THE COURT

Another challenge has been made of the Supreme Court's almost undignified haste to clothe detailed rules of evidence and police station procedure in the garb of constitutional doctrine. That mechanism may seem to render the rule beyond the reach of Congressional modification, but it has a melancholy tendency to depreciate the standing of constitutional doctrine even in the eyes of those who fully approve the end result reached. Constitutional doctrine in criminal justice ought to be a steady line on the graph of history, always upward, avoiding peaks and valleys. Looking back over the past dozen years one is left to wonder what has become of the Court's firm policy never to decide a case on a constitutional ground if any other plausible ground was available.

The doctrine of judicial supremacy is firmly established in this country, but we have never accepted a concept of judicial infallibility. Herein lies much that would suggest cogent reasons for a belief that several hundred well-trained and sophisticated legal minds functioning within the rule-making process free from the pressures of an appealing case might well do a more comprehensive job of drafting a workable set of rules than nine extraordinarily busy men with no more than a short time to devote to any one case, and without the fact-finding facilities and staffs of an Advisory Committee appointed by the Supreme Court.

Nowhere is this more in evidence than in the cases dealing with the elusive and difficult problems of eyewitness identifications. The role of the lawyer is ill-defined and pregnant with questions of conflict of interest. The lawyer goes to the lineup in the partisan role of an advocate but may be called upon to be a monitor and hence a potential witness, a role that will require him to abandon his advocate assignment. If he does this, will it not be said that he is somewhat a "tainted" witness because he began as a partisan advocate? One instance has already occurred in which the lawyer hastily called to the police station advised his client to lie face down and refuse to cooperate with the police. The police then had all the persons in the lineup lie in the same posture to be viewed by the witnesses, and one can see the confusion engendered by having the witnesses stepping gingerly among the prostrate bodies in the lineup. Will this become a new legal form—the lie-down lineup! If the witnesses observe all this confusion, and see which person is causing it, as they might, which side has tainted the process of identification with prejudice?

GETTING RULES IN THE STATES

It is correct that the rulemaking procedure under the Federal system provides no automatic means for making the rules applicable to the State. But that is by no means a dispositive objection. We must remember that once the soundness of the Federal Rules of Civil Procedure were seen, many States followed the leadership of the Supreme Court and adopted comparable rules of civil procedure for the States, in some cases almost a "Chinese" copy of the Federal Rules. Laying aside Justice Black's cogent arguments that procedure should be left to the States, the record shows that no real leadership has ever been exerted to persuade the States to adopt more enlightened and efficient criminal rules comparable to the 1944 Federal Rules of Criminal Procedures.

I have already pointed out that in adopting a rule proposed by an Advisory Committee, the Supreme Court does not prejudge its constitutionality. There of course, is always a process of interpretation, but I hardly need to offer evidence that construing and applying detailed rules, carefully worked out gives far fewer problems to trial courts, prosecutors, defense counsel and police than applying nuances of many of the new case-made rules of procedure.

The Supreme Court has tended to feel it could lay down broad objectives in these sensitive areas of interrogation and identification and leave it for others to work out the details. But these are crucial details which should have been worked out in advance as four Justices so sharply pointed out and indeed it is clear to many qualified persons that, had these problems and all their ramifications been thought through, other and different solutions might have been found acceptable to all members of the Court.

For three years, now, the American Bar Association has been engaged in what may be one of the most comprehensive and significant studies made of the administration of criminal justice in America. It is the Project on Minimum Standards of Criminal Justice, which has occupied a vast amount of the time of 80 lawyers, judges and law professors who make up the six Advisory Committees and the Special Committee which guides the whole project. Using methods somewhat like those which evolved the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure and lately the Federal Rules of Appellate Procedure, this Committee has published nine Reports which the House of Delegates of the American Bar Association has approved. Six or seven additional Reports will issue.

Probably no one will agree with everything in all of these Reports, for they cover the entire range of administration of criminal justice from arrest to ultimate confinement, when that occurs. Whether one agrees or not with all that is said, these Reports contain a rich treasure of raw material which can help any court or legislature in making rules or codes of criminal procedure. They will be made available to you. Material such

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as this and the long experience under the Civil and Criminal Federal Rules give the States a vast storehouse of material which has been tested. You will not need to plow hard ground to develop a sound set of rules in Ohio but can draw on all that has gone before.

CLARIFICATION IS IMPERATIVE

The matter of clarifying the whole range of Rules of Criminal Procedure, including the new rules and procedures developed by the Supreme Court in various opinions, is imperative. It seems clear now, with the benefit of hind sight, that many of the problems sought to be solved by the controversial holdings of the Supreme Court on criminal procedure and evidence over the past dozen years, would have better been submitted to an Advisory Committee appointed by the Supreme Court (under Title 18, Section 3771). But that is in the past and it is more important to look ahead. It is ten years since the *Mallory case*, yet the guidelines of that subject are still neither clear nor comprehensive. And the courts have not begun to come to grips with all the problems which will flow from the very recent lineup and identification holdings.

As to the Federal Rules, I submit that either by creation of a new Advisory Committee or by enlarging studies now being carried on, the whole area of criminal procedure and all the problems touched upon in the holdings on interrogation, preliminary hearings, police line-ups, eyewitness identification, for example, be committed to re-examination and re-appraisal. By this procedure we can clear the air, clarify the ground rules, and get in with Society's basic responsibility of protecting an ordered liberty as well as protecting the rights of accused persons. We must do the best we can with the cases which arise under rules already laid down. On these there can, of course, be no moratorium. We should look back only as it contributes to visibility on the problems ahead.

Now as you look ahead I am sure that under the leadership of your great Chief Justice, Kingsley Taft, you will write a bright chapter in the history of Ohio law.

Remarks of Hon. Warren E. Burger, Judge, U.S. Court of Appeals, Washington, D.C., at Ripon College, May 21, 1967

A century ago plus one year, when this college was born, the country was confronted with many agonizing problems. Then as now the nation had recently experienced the great national trauma of the assassination of its President. Then as now the nation was struggling to fulfill to the Negro minority the promises of the Declaration and the Constitution. Then as now war occupied the minds of the people and the leaders, but happily by 1866, the shooting had stopped, and they were trying to bind up the wounds.

The people who lived in that period, the people who launched this institution were hopeful, and optimistic with a characteristic Mid-western confidence in their ability to meet and solve all problems.

Today, a century later, our people are not so optimistic or so confident, but I suspect that you, the members of this class, being young and hopeful, are not apprehensive or shaken by the debris of unsolved problems or the challenge of the new ones. It is good you have this buoyancy and optimism for you will need it in the years ahead.

We could well discuss today War and Peace, Poverty and Affluence, the breakdown of the home, the declining influence of the church, the disintegration of cities, or any one of dozens of similar problems which lie on your doorstep. All of these problems and more will compete for your attention in the final third of this 20th Century.

I will limit myself to one problem, but it is one which, like war, will affect every American and hang over every home and lurk at every dark corner. It is the problem which we might call Crime and Punishment—the problem of those persons who cannot seem to adjust to an orderly life pattern of study, work, family ties, and responsible citizenship, but instead, turn to crime. Perhaps this is not a conventional Commencement subject, but these are not ordinary times and people are not being entirely conventional these days.

Society's problem with those who will not obey law has never loomed so large in our national life as it does today. People murder others in this country at the rate of more than one for every hour of the day. There are more than 140 crimes of theft every hour; assault and violence and rape grow comparably. The murder rate is 10,000 human lives a year, which is higher than the death rate in our current military operations in Viet Nam which inspire such emotional and violent public demonstrations. And the growth rate of crime is now far greater than the growth in our population.

Perhaps the most alarming thing is the large amount of crime committed by persons under age 20, which suggests that homes, parents, schools, churches and communities have somewhere failed. Even worse is the fact that the highest rate of repeaters—recidivists—is in this under 20 age bracket. Nearly 60% of the 20 and under are repeaters.

In 1964, for the first time in our national history, the subject of crime became an issue in a national Presidential campaign. It became an issue because a vast number of people of this country were deeply apprehensive about the security of their homes, their children, their possessions and their personal safety on the streets, especially in large cities. This led President Johnson to create a National Commission on Law Enforcement and Administration of Justice under the Chairmanship of the Attorney General of the United States, with a score of distinguished Americans and a staff of highly qualified experts. The summary of crime statistics I have just given you is drawn from the recent Report of that Commission.

One week ago I attended a Conference in Washington to which the President had called about 100 lawyers, judges and others concerned with law enforcement, to consider ways of implementing the Crime Commission's Report. In spite of the enormous burdens he carries, the President came to the Conference and, among other things, said that next after the war in Viet Nam, the problems of law enforcement ranked highest.

We often hear the claim that the breakdown of law and order is due to this decision or that decision of some court—most often of the Supreme Court. It would be good if things were that simple, for if the overruling of one or two opinions would solve the problems of crime, I suspect the Supreme Court would be willing to reconsider. It is no aid to sensible public discourse to attribute the crime problem to any one decision or any one court.

Unfortunately, the problems and their solutions are far too complex to be resolved so easily. Let's probe into it.

Our whole history as a nation reflects a fear of the power of Government and a great concern for individual liberty, and these feelings led to place many protections around persons accused of crime. This has resulted in the development of a system of criminal justice in which it is often very difficult to convict even those who are plainly guilty. You know that this was a response to the abuses which people had suffered from the absolutist attitudes of rulers in Europe and in England in the 16th and 17th Centuries.

During the middle of this century—that is, from about 1933 to 1966—We have witnessed more profound changes in the law of criminal justice than at any other period in our history. In addition to court decisions, there have been many legislative enactments in both Congress and State Legislatures which have enlarged the protections of a person who is accused of crime. No nation on earth goes to such lengths or takes such pains to provide safeguards as we do once an accused person is called before the bar of justice and until his case is completed.

But governments exist chiefly to foster the rights and interests of its citizens—to protect their homes and property, their persons and their lives. If a government fails in this basic duty it is not redeemed by providing even the most perfect system for the protection of the rights of Defendants in the criminal courts. It is a truism of political philosophy rooted in history that nations and societies often perish from an excess of their own basic principle. In the vernacular of ordinary people, we have expressed this by saying, "Too much of a good thing is not good."

We know that a nation or a community which has no rules and no laws is not a society but an anarchy in which no rights, either individual or collective, can survive. A people who go to the other extreme and place unlimited power in Government find themselves in a police state, where no rights can survive.

Our system of criminal justice, like our entire political structure was based on the idea of striking a fair balance between the needs of society—we tried to establish order while protecting liberty. It is from this we derive the description of the American system as one of ordered liberty. To maintain this ordered liberty we must maintain a reasonable balance between the collective need and the individual right, and this requires periodic examination of the balancing process as an engineer checks the pressure gauges on his boilers.

What are the dominant characteristics of our system of criminal justice today? First, it is a system in which there are many checks and reviews of the acts and decisions of any one person or tribunal. Second it is a system which reduces to a minimum the risk that we will convict an innocent person. Third, it is a system which provides the utmost respect for the dignity of the human personality without regard to the gravity of the crime charged. There are exceptions to these generalities in some States and in some courts, but I think this is a fair appraisal of the plus side of our system of criminal justice.

What are some of the negative aspects of our system?

1. Our criminal trials are delayed longer after arrest than in almost any other system.

2. Our criminal trials extend over a greater number of days or weeks than in almost any other system.

3. Accused persons are afforded more appeals and re-trials than under any other system.

4. We afford the accused more procedural protections, such as the exclusion and suppression of evidence and the dismissal of cases for irregularities in the arrests or searches, than under any other system.

It sometimes happens that a development in the law which is highly desirable, standing alone, interacts with an equally desirable improvement and produces a result which is largely or even totally lacking in social utility. Let me give one example: the bail reforms of recent years were long overdue and helped to give meaning to the constitutional provisions on bail; similarly any decisions and statutes assuring a lawyer to every person charged with serious crime, were long overdue. Now look at the interaction: every person charged has a lawyer supplied to him and at the same time he has enlarged rights to be released without posting a conventional bail bond.

We can now see that in a great many cases, no matter how strong the evidence against him, or how desirable the long range value of a guilty plea and the benefits of

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reduced charges and more moderate sentencing, the two "good" things—bail reform and free defense—interact to discourage a guilty plea because the "jail house grapevine" tells the accused that the thing to do is enter a not guilty plea, demand release without bond, and then use every device of pretrail motions, demands for a new lawyer, and whatnot to delay the moment of truth of the trial day. This means up to two years' freedom during which witnesses might die, or move, or forget details while the case drags on the calendar and consumes untold time of judges, lawyers and court staffs to process motions and continuances. This is one of the large factors in the congestion of the criminal dockets. Here, to repeat, two basically good things combine to produce a result never intended and wholly lacking in social utility or any meaningful relationship to the proper administration of criminal justice, in short an excess of basic principle.

If there is a general impression that the administration of justice is not working, one important result is that the deterrent effect of the law and punishment is impaired or lost. If people generally—law abiding and lawless alike—think the law is ineffective two serious impacts occur: the decent people experience a suppressed rage, frustration and bitterness and the others feel that they can "get by" with anything.

This is not because the people—good people or bad people—read the opinions of appellate courts. Of course they don't. But they *read about* and *hear about* the extraordinary cases, and as I suggested, they read and hear most about the failures of the law as in the Chessman and Willie Lee Stewart type of cases (which ran an agonizing course in the courts for 10, 12 years). Some people, have scornfully said that lawless people never read appellate court opinions. Quite true, but is the real issue whether people read the opinions or is it whether the *actions* of courts which are widely publicized have an effect on public attitudes? The celebrated case which takes 5 to 10 years to complete is common talk in the best clubs and the worst ghettos. If lax police work and lax prosecution will impair the deterrent effect of the law, repeated reversals and multiple trials in the highly publicized cases will likely have a similar effect. The existence of "speed traps" and the knowledge of vigorously enforced traffic laws will make us all more careful drivers. Many people, even though not all, will be deterred from serious crimes if they believe that justice is swift and sure. Today no one thinks that.

Is a society which frequently takes 5 to 10 years to dispose of a single criminal case entitled to call itself an "organized" society? Is a judicial system which consistently finds it necessary to try a criminal case 3, 4, 5 times deserving of the confidence and respect of decent people?

These are the negative factors. But by that I do not mean to say that any one of these is unreasonable or undesirable in and of itself. It is a hard fact, however, that in the present state of law there are more and more cases in which a defendant is tried and re-tried and re-tried again so that the trials and appeals may extend anywhere from 2–3–5 and occasionally as much as 10 years.

Many people tend to think of the administration of justice in terms of the criminal trial alone because this is the part of the process which occurs in the local community, but more than that because it is charged with the human element; it is exciting, colorful and dramatic. This is why the movies and TV have given so much time to criminal trials.

But this is not the whole of the administration of justice. The total process is a deadly serious business that begins with an arrest, proceeds through a trial, and is followed by a judgment and a sentence to a term of confinement in a prison or other institution. The administration of justice in any civilized country must embrace the idea of rehabilitation of the guilty person as well as the protection of society. In recent years, we have been trying to change our thinking in order to de-emphasize punishment and emphasize education and correction.

I have suggested that our system of trials to determine guilt is the most complicated, the most refined, and perhaps the most expensive in the world. We now supply a lawyer for any person who is without means and it is the lawyer's duty to exercise all of his skills to make use of the large number of protective devices available to every defendant. But where do we stand in the second stage of the administration of criminal justice—the treatment and disposition of those who are found guilty? We can gain some light by a comparison of our entire system with the countries of North Europe.

To begin with we find that in Norway, Sweden, Denmark and Holland, for example, there is much less crime generally than in the United States. In Sweden, with a million people, there are about 20 murders each year, and crimes of other kinds are appreciably at a lower rate than in this country. Washington, D.C., with about 800,000 population, has 160–170 murders each year.

I assume that no one will take issue with me when I say that these North Europe countries are as enlightened as the United States in the value they place on the individual and on human dignity. When we look at the two stages of the administration of criminal justice in those countries, we find some interesting contrasts. They have not found it necessary to establish a system of procedure which makes a criminal trial so complex or so difficult or so long drawn out as in this country. They do not employ our system of 12 men and women as jurors. Generally speaking their criminal trials are before 3 professional judges. They do not consider it necessary to use a device like our 5th Amendment under which an accused person may not be required to testify. They go swiftly, efficiently and directly to the question of whether the accused is guilty. By our standards their system of finding the facts concerning guilt or innocence is almost ruthless. In those systems they do not have cases like Chessman's in California or others you have read about where the accused has countless hearings and trials and re-trials and reviews over 10 or 12 years. In these long drawn out cases everyone loses sight of the factor of guilt and even the most guilty convict comes to believe the press releases of his own lawyer.

Here in our comparison we encounter an interesting paradox. The swift and efficient justice in North Europe is followed by a humane and compassionate disposition and treatment of the offender. The whole process from the moment of arrest to the beginning of sentence is free from the kind of prolonged conflict which characterizes our administration of criminal justice in which we have glorified and idealized the adversary system with its clash and contest of advocates.

I recently made comparisons of specific cases in Holland, Denmark and in the United States. A typical case in Denmark, for example, is disposed of in about six weeks and the first offender is almost always placed on probation under close supervision and free to return to a gainful occupation and normal family life. It is not unusual, as I have said, for an American case to have 2 or 3 trials and appeals over a period of from 3 to 6 years. When the American defendant is finally sentenced after this prolonged process, he has been engaged in a bitter warfare with Society for years.

Even after the American is committed to a prison we afford him almost unlimited procedures to attack his conviction or seek reduction of his sentence, and as a result American courts are flooded with petitions from prisoners and the warfare continues. Under our system the "jailhouse lawyer" has become an institution. In short, while the correction system struggles to help the man reconcile his conflict with Society, the statutes and judicial decisions encourage him to continue the warfare.

If the prisoner is like most human beings his battle with authority and in the courts develops a complex of hostilities long before he goes to prison. These hostilities are directed toward the police who caught him, the witnesses who accused him, the District Attorney who prosecuted him, the jurors who judged him, and the judge who sentenced him, and finally, even the free public defender who failed to win his case. I doubt that any defendant can conduct even prolonged warfare with Society and not have his hostilities deepened and his chance of rehabilitation damaged or destroyed. To encourage the continuance of this warfare with society after he reaches the prison hardly seems a sound part of rehabilitation, nor is it likely to contribute to restoring him to good citizenship.

Let me pursue our paradox: when we in America have lavished 3 or 5 or even 10 years of the complex and refined procedural devices of trials, appeals, hearings and reviews on our defendant, our acute concern seems to exhibit itself. Having found the accused guilty—as 80 to 90% of all accused persons are found—we seem to lose our collective interest in him. In all but a few States we imprison this defendant in places where he will be a poorer human being when he comes out than when he went in—a person with little or no concern for law or for his fellow men and very often with a fixed hatred of all authority and order, and he is mindlessly and aggressively determined to live by plundering and looting.

In referring to the North Europe countries, I do not intend to suggest that they have completely solved all these problems, but only that they seem to deal with them more intelligently and less emotionally. They do so by recognizing that for the most part people who commit crimes are out of adjustment with society and that confusion and personality problems have something to do with this. They do not find that any useful social purpose is served by giving him 2 or 3 trials and 2 or 3 appeals and drawing out the warfare with Society. And when they finally make the decision to deprive a guilty person of his liberty, they look ahead to the day when he will be free. They probe deeply for the causes of his behavior and to do this they place behavior scientists in the prisons. We do this, but only in a token sense. In the Federal Prison System, which is far better than most of the States, there is a ratio of approximately 1 psychiatrist or psychologist for each 1,500 inmates. In the State prisons the ratio of psychiatrists to prisoners is far less—as little as 1 psychiatrist for each 5,000 inmates; some States in the United States have none. And remember, we are talking about maladjusted people confined by Society with a purpose of healing them.

Yet in tiny Denmark the ratio is roughly 1 psychiatrist for each 100 prisoners and in the maximum security prisons, where the dangerous and incorrigible prisoners are confined, the ratio is 1 psychiatrist for each 50 prisoners.

The vocational and educational programs available in our best prisons are a help, but the rate of return of prior offenders shows that something is not working. With few exceptions in the more enlightened States the basic attitude of Legislatures is that criminals are bad people who do not deserve more. (Wisconsin happens to be among the most advanced of the States and this is not surprising when we remember that most of those who populate this State derive from the enlightened countries of North Europe.)

In part the terrible price we are paying in crime is because we have tended—once the drama of the trial is over—to regard all criminals as human rubbish. It would make more sense, from a coldly logical viewpoint, to put all this "rubbish" into a vast incinerator than simply to store it in warehouses for a period of time only to have most of the subject come out of prison and return to their old ways. Some of this must be due to our failure to try—in a really significant way—to change these men while they are confined. The experience of Sweden, Denmark and the other countries I mentioned suggests two things: that swift determination of guilt and comprehensive study of each human being involved and extensive rehabilitation, education and training may be the way. This, and programs to identify the young offenders at a stage early enough to change them, offer the best hope anyone has suggested.

In all of these countries there is also a more wholesome attitude toward the prisoner after he is released. The churches and the Government cooperate in maintaining what are called "after-care societies" which have existed for hundreds of years. Through these societies each released prisoner has an experienced and friendly counselor and advisor to assist him with his problems. These people are volunteers who might be compared with citizens in this country who take part in the VISTA program or the Big Brother movement.

Now you will perhaps be asking what does all this have to do with you. Perhaps only a few of you will become lawyers or judges or Congressmen. But that is precisely why I have tried to focus your minds on the problem which President Johnson, only last Saturday placed second to ending the war in Viet Nam.

We lawyers and judges sometimes tend to fall in love with procedures and techniques and formalism. But as war is too important to be left to Generals, justice is far too important to be left exclusively to the technicians of the law.

The imbalance in our system of criminal justice must be corrected so that we give at least as much attention to the Defendant after he is found guilty as before. We must examine into the causes and consequences of the protracted warfare of our sytem of justice fosters. Whether we find it palatable or not, we must proceed, even in the face of bitter contrary experiences in the belief that every human being has a spark somewhere hidden in him that will make it possible for redemption and rehabilitation. If we accept the idea that each human, however bad, is a child of God, we must look for that spark.

Should you come to the conclusion, as you watch our system of justice work, that we lawyers have built up a process that is inadequate or archaic or which is too cumbersome or too complex, or if you think we have carried our basic principle too far, or if for any reason you think the system does not meet the tests of social utility and fair fairness, you have a remedy. You have the right and the ultimate power to change it. Neither the laws nor the Constitution are too sacred to change—we have changed the Constitution many times—and the decisions of judges are not Holy Writ. These things are a means to an end, not an end in themselves. They are tools to serve you, not masters to enslave you.

Some of the elders may wonder whether the next generation, whose activities we see portrayed daily in unflattering settings, will be concerned with these problems. I think you will. I reject the idea that your generation as a whole is the Alienated Generation; on the contrary, there is much more evidence that you are the Involved Generation—one which has shown a unique quality which has too long been missing in American life. It is a quality which leads young people away from getting rich in advertising agencies and banks and brokers' offices, and into work with human beings through agencies like the Peace Corps and in Government service. In this unique quality lies the hope—indeed the best hope—to relieve the dismal picture I have been discussing.

This missionary zeal of your generation may find solutions.

Mr. McCARTHY. Mr. President, I intend to vote against the confirmation of Warren Burger as Chief Justice of the United States. I do not ask my colleagues to join with me in this opposition since the basis for it is somewhat personal and political. It is not directly related to his competence as a lawyer or as a judge. However, in confirming appointees to the Supreme Court considerations other than technical and even professional matters of the law are, I believe, important.

In 1952 Mr. Burger was a most active participant in the campaign against me when I was running for reelection. It is my opinion that the manner in which the issues were presented to the people of my district that year, first of all, misrepresented my position, but more significantly than that, they were designed to elicit an emotional if not prejudiced response. I should note that 1952 was the year in which these techniques were not limited to my campaign, but were rather generally employed.

Mr. NELSON. Mr. President, I should like to make a brief comment on the pending nomination.

First, let me say that I do not know Mr. Burger personally, and I am not familiar with his judicial philosophy.

My office advises me that they secured copies of the hearings this past Saturday afternoon. I did not see the record of the hearing until an hour ago, so I have not had an opportunity to do other than to glance at it for 4 or 5 minutes before coming to the Chamber.

I recognize the right of the President to choose his nominees to be submitted to the Senate, and, of course, the constitutional right of the Senate to evaluate the nomination and give its advice and consent.

My regret about this nomination is that it is for the high office of Chief Justice, and most Members of the Senate have not had the opportunity to explore in any detail the position or credentials of Mr. Burger. I certainly would not, of course, question a President's right to appoint somebody to the Cabinet or the Court who had a political philosophy different from mine. I do not think that is a basis of valid objection unless the position of the person involved is, in my judgment, so outrageous that as a matter of conscience I could not support him. That is not the case here, because I am not familiar with the nominee's background qualifications.

I respect the viewpoint of a number of distinguished Senators and lawyers around the country who strongly endorse Mr. Burger as Chief Justice. He may very well be one of the most qualified people to be Chief Justice. I do not know.

I recognize also, as everybody here does, that the President makes hundreds of appointments each year, including generals, admirals, members of the Cabinet, judges, and so forth. There is no way for an individual Senator to reach an independent, thoughtful conclusion about each of the President's appointments. It never will be possible to do so.

Most Members of the Congress on any single appointment do not know the nominee, have never met him, and have no way to make an independent judgment. Therefore, under our system, which I think is the best system anybody has thought of thus far, we rely upon the judgment and the care of the President in selecting the nominee for an important position. We rely upon the committee system to conduct hearings, reach conclusions, and make recommendations. Overall, I think it is a good system. The judgment of the committee this time might be the same as my judgment would have been if I had had the opportunity to listen to the testimony and evaluate it and see all of the information that was submitted to the committee. I did not have that opportunity. Therefore I had hoped that we would not act until there was time to read the hearing record.

In the case of Chief Justice Warren, he was nominated in September and confirmed in March, so that a period of 5 months elapsed. Recently statements have been made by all and sundry that there would be a very careful process of evaluating the background of all these appointees very carefully because of the tragedy of the last nomination of President Johnson to be Chief Justice.

I might say to the Senate that if I knew then what the public knows now, I would not have supported President Johnson's nomination for Chief Justice. I did not know it and neither did anybody else in the Senate.

I know nothing derogatory of Mr. Burger. I wish to emphasize that. He may very well be the finest appointment that could be made. I have no objection to him based upon any knowledge I have about his viewpoints, philosophically or otherwise. I hope—and it seems certain he is going to be confirmed—that he will be a great Chief Justice. I have considerable respect for those who have spoken on the floor of the Senate and members of the bar who have highly praised him for his qualifications and background.

However, while it is impossible for any Senator to make independent personal evaluations of all the selections for appointment to high office the President makes, it does seem to me that at least in this one position, and perhaps in a half dozen or so other positions, but certainly in the position of Chief Justice, all Members should have enough time to make a very careful personal independent evaluation. That is within the realm of practical possibility for Members of the Senate, whereas it is not practical for all nominations made by the President. Therefore, as I said previously, we find it necessary to rely on a system which has worked very well, the judgment of the President himself and the members of the committee.

As the chairman of the committee mentioned, the recommendation was unanimous. However, in this position I do not wish to rely upon the sole judgment of the President and this committee or any other committee, or of this

President or any other President. I was mistaken the last time the issue was before us.

I do not know anything about the validity of the statement in the Washington Post this morning by Mr. Pearson in which he stated:

> Burger's amazing discussion at the Santa Barbara Center for the Study of Democratic Institutions at which Burger blasted the Fifth Amendment, cast doubt on the jury system, and decried the presumption of innocence until proved guilty.

I know there is nothing here in quotations. I know, too, having participated in conferences in which a transcript is kept, important issues of all kinds are expressed, viewpoints are expressed, doubts raised, to make a challenge, in order to get a debate going. I have done it myself. I have played a part in conferences as the devil's advocate. I would hate to have anyone take one of those quotations, for instance, and say that they must mean what I stand for.

I would not judge anybody's philosophy based solely on challenges and issues one might raise, for instance, at the Center for the Study of Democratic Institutions where everybody is expected to raise all of the tough questions he can think of. However, I have not read the transcript. I would like to read it. I might very well come to the conclusion that everything Mr. Burger said was very thoughtful; that he was not taking a position that would militate against my conscience. I might very well come to that conclusion. However, I have not had a chance to read the transcript. It was only called to my attention this morning.

Therefore, I want to make known that I am voting against confirmation, because of my lack of knowledge and not because of criticism of the committee, the President, or Mr. Burger. But I decided after the last instance, at least, so far as these very top decisions are concerned—the decisionmaking authority so important as in the case of the Supreme Court—that unless I have had time to personally satisfy myself, I would cast a negative vote only on the grounds that I have not personally satisfied myself and on no other grounds. I emphasize again this may be the most distinguish appointment of the century. I do not know.

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield for a question?

The PRESIDING OFFICER (Mr. SPONG in the chair). Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. NELSON. I yield.

Mr. FULBRIGHT. The Senator's remarks bring back to mind the discussion of a resolution in 1964 at which time the Senator from Wisconsin very wisely raised similar questions. I was then in the position of opposing his views, or at least of taking the position that there should be no delay. I did not oppose his views. As a matter of fact, I thought he expressed what the resolution meant. The only reason I mention it is that the Senator's instincts at that time were correct and I have often regretted that I did not take his advice. That is the only reason I mention this, because the Senator was so correct in his judgment at that time. I then did not know the facts. None of us knew the facts. I had not the slightest idea that we had been deceived, that the Committee on Foreign Relations had been given false information and that we were acting on that false information.

Here, I am like the Senator from Wisconsin, in that I know nothing derogatory about Judge Burger. I know very little about him. Like the Senator from Wisconsin, I was just handed a record of the hearings a few minutes ago. There are certain similarities, though, with my slight knowledge, because there has been so much said by Members of this body and others about Justice Douglas' recently, and his having participated or having had something to do with the Center for Democratic Studies. A great deal has been made about that by Members of this body, and others, that he resign because of that, and because of his chairmanship or membership—I do not know whether it is one or both—in the foundation which is a tax-exempt charitable foundation.

I read in the newspapers that Judge Burger is also, or has been, either chairman or a member of a charitable foundation. I make nothing of that in either case, but I do think it is strange that so much is being made of Justice Douglas's participation in two similar activities.

The main point I raise—and I join the Senator from Wisconsin in his views about it—is the urgency to confirm this nomination. His prompt confirmation is being urged upon us, as was done in the case of the Gulf of Tonkin resolution. We were told, then, that there was great urgency, very early in the morning, and we spent an hour and a half being told that it was vital to the security of this country that we had to act immediately, that very day, in order to give full force and effect to the resolution.

I must say that we have got a Chief Justice of the United States who has been Chief Justice for a long time now. He is acting, as I understand it, until he is replaced. I honestly do not see any urgency whatever. There is not even a vacancy in the position. The present term of the Court does not end for 3 or 4 weeks, and then there will be a recess. Thus, I do not see the slightest urgency.

I was told—I say to the Senator from Wisconsin I do not know this to be a fact—but I received on Saturday a communication about a telegram which was sent on June 2, a Monday, at 10:13 a.m., requesting the right to be heard by the Committee on the Judiciary. It was sent at 10:13 eastern daylight time, Monday, June 2. The following telegram was from the Western Union office at Union Terminal, Washington, D.C. It was received prior to 12 a.m. that day by John H. Holloman, chief counsel to the Committee on the Judiciary, U.S. Senate, in the Senate Office Building. The telegram was a request to be heard in opposition to the appointment. I do not know the man who sent it. I know nothing about the facts of his testimony. I do not wish to try to raise any substantive questions at all. All I raise is that the question——

Mr. EASTLAND. If the Senator will yield, that was a telegram sent the day before the hearings requesting that the hearings be put off for 3 days——

Mr. FULBRIGHT. How long?

Mr. EASTLAND. Three days—to decide whether he wanted to testify——

Mr. FULBRIGHT. I thought he wanted to testify. This communication says—I do not vouch for it. I do now know the writer of the telegram. I do not know the man who sent the telegram——

Mr. EASTLAND. The whole thing was from Mr. Barbick's organization.

Mr. FULBRIGHT. Then I was coming to Mr. Phillips before he appeared——

Mr. EASTLAND. Mr. Phillips. He never made a request to testify.

Mr. FULBRIGHT. It may not be. There may not be a word of it true. I do not know that. I cannot verify it. I was just asked to raise the question——

Mr. EASTLAND. I can tell the Senator that he never made a request to testify.

Mr. FULBRIGHT. Mr. Phillips did not?

Mr. EASTLAND. That is correct.

Mr. FULBRIGHT. Then this statement I have is in error, and I regret that it is in error. It is not the first time, I suppose, but in justice to Mr.——

Mr. EASTLAND. Wait a minute—Mr. Phillips called after the hearing and talked to the counsel of the committee and asked about this telegram from Mr. Barbick. I am informed that at that time he made no request. He was told by the counsel to have Mr. Barbick submit a statement, which he never did.

Mr. FULBRIGHT. Well, I certainly have no basis other than this statement which was left in my office by Mr. Phillips. I did not personally see him. I was not in the office. I am not trying to make a brief for Mr. Phillips.

All I am saying is that this would indicate there is a very unusual urgency about it and undue haste in action here, which has reminded me—at least it struck a very strong chord in my heart—because of my experience with the Gulf of Tonkin resolution. The remarks of the Senator from Wisconsin reminded me of that, although, of course, he did not refer to it, but simply by his statements at this time.

I do not see, myself, why there is such urgency, that none of us—at least I have not had the opportunity to read the hearings which were delivered this morning.

I should like the Senator to state for the RECORD, so that it would certainly ease my conscience a bit, as to why it is necessary to vote today on the confirmation of this nomination, in view of the fact that there is a functioning Chief Justice of the United States at this moment.

Mr. EASTLAND. The chairman sets a hearing down when the nomination comes in. We hold hearings. There was only one person who requested to testify against the nominee prior to the hearing. The committee decided not to take the testimony of that person. The request for a postponement by Mr. Barbick was declined and he has not submitted his statement to the committee as requested.

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Mr. FULBRIGHT. Was that Mr. Phillips?

Mr. EASTLAND. No, it was not. Mr. Phillips never made any request. The committee was unanimous. We think this is an outstanding appointment. We think that Judge Burger will be a great Chief Justice. There was no one against him. No one brought up anything against him.

Mr. FULBRIGHT. I have nothing against him. I am only reminding the Senator that in the case of Mr. Justice Fortas, when he was first nominated to the Court, the American Bar Association endorsed him and there was no opposition to him and the committee recommended him. Now nearly everyone—not everyone, but a number have regretted voting that way.

Mr. EASTLAND. We could have taken the testimony at the hearing of former presidents of the American Bar Association, and of judges and outstanding lawyers in this country, to testify in favor of this nominee.

Mr. FULBRIGHT. According to one article in the New York Evening Post, even last year, the American Bar Association—let me read it—"found Fortas highly acceptable, when Johnson nominated him last year to be Chief Justice and the American Bar Association again endorsed him as highly acceptable, although it has since been disclosed that Fortas served as an adviser to the President while he was sitting on the Court."

In other words, that is an endorsement by everyone. But I think the Senator from Mississippi and I both voted the same way with regard to the nomination of Justice Fortas. I believe he did, if my memory serves me correctly; and, in that case, he had been equally well endorsed by the American Bar Association and others.

I just want to associate myself with the Senator from Wisconsin. I am not trying to make a case on the substance. I do make a case on the procedure, that this procedure is not a good procedure. I made the point that the previous Chief Justice was nominated in November and confirmed in March. I would say there is quite a difference in having a hearing on a Tuesday and on the following Monday having the nomination brought up here on the floor of the Senate and being asked to vote on it before anybody had had an opportunity to even read the record that was made in the hearing.

Mr. EASTLAND. He was sitting on the Court under a recess appointment, and refused to attend the hearings, and refused to be questioned.

Mr. FULBRIGHT. Who? Chief Justice Warren?

Mr. EASTLAND. Chief Justice Warren.

Mr. FULBRIGHT. There was plenty of time to evaluate him, in any case.

Mr. EASTLAND. We sat there for weeks and heard people bring every kind of charge that they could against him.

Mr. FULBRIGHT. Against him?

Mr. EASTLAND. Yes.

Mr. FULBRIGHT. The Chief Justice? It is even more different from this case than I had thought. Not only did the committee take the time, but it heard the opposition.

Mr. EASTLAND. As I said earlier, any nomination for Justice of the Supreme Court draws people from all over this country in opposition, for various reasons. So we appoint a subcommittee, of which the Senator's colleague is usually chairman, which subcommittee takes that testimony, and if the committee thinks it is worthwhile, those people can testify publicly before the full committee. But in this case we followed the normal procedure. The matter certainly has not been rushed.

Mr. ERVIN. Mr. President, I would like to ask the Senator from Arkansas to yield to me for an observation concerning the comment he made on the difference in procedure in the appointment of Abe Fortas as Associate Justice and that in the instant case. That observation is that at the time Abe Fortas was originally nominated to be an Associate Justice of the Supreme Court of the United States, he had never served as a judge. He had not written a judicial opinion. He had never made any speeches in which he said the Constitution had no fixed meaning.

On the contrary, Judge Warren Burger has been writing judicial opinions here, almost in the shadow of this Capitol, for approximately 11 years, in some of the most controversial cases that have reached the U.S. Court of Appeals for the District of Columbia in that time.

I would think that a person who follows the decisions of the U.S. Court of Appeals for the District of Columbia, or even reads them in the newspapers, would be pretty well acquainted with Judge Burger's capacity as a judge.

Mr. FULBRIGHT. As a matter of fact, I do not follow the decisions of the Court of Appeals for the District of Columbia to any extent, unless it is something very special. I would feel much better about it if the Senator from North Carolina had asked some questions of Judge Burger, because I remember how many questions he asked of Mr. Fortas last year, and the final outcome of that. Again, he was quite correct. As he remembers very well, I think he did ask a few questions of Mr. Fortas. In this case he did not.

Mr. ERVIN. It was not necessary, because I had read Judge Burger's opinions.

Mr. FULBRIGHT. I mean for my benefit, not for the Senator's. The Senator is not the only one interested. There are 100 Senators who are interested, and 200 million people. Not for the Senator's benefit does he ask questions, nor do I, but for the benefit of all of us, revealing what are the facts. I regret very much that the Senator from North Carolina did not ask Judge Burger questions, no matter how much he knows about him. That is more reason for asking some questions. I did not know anything about him.

Mr. ERVIN. I will say to the Senator from Arkansas that in Judge Burger's case I have followed his decisions on the court of appeals for some years. He has written decisions in some of the most controversial cases. He has also dissented in some of the most controversial cases. When a man has written out in concrete cases what his philosophy of the Constitution is for a period of 11 years, he reveals his attitude toward constitutional government. I am satisfied that he loves the Constitution, I did not need to ask him any questions.

Mr. FULBRIGHT. Does the Senator happen to know whether there is any truth at all to the statement which the Senator from Wisconsin just read, about Judge Burger's having stated—I forget exactly how the Senator stated it—that he did not particularly like certain aspects of the Constitution. The Senator read it a moment ago. I hesitate to characterize it. Would the Senator read it again? I wonder if the Senator from North Carolina knows whether there is anything to it.

Mr. NELSON. Mr. President, again, this is not a quotation.

Mr. FULBRIGHT. What he is alleged to have said at Santa Barbara.

Mr. NELSON. Yes. It is Mr. Pearson's phrasing of what he says was said at Santa Barbara:

> Judge Burger's amazing discussion at the Santa Barbara Center for the Study of Democratic Institutions, at which Burger blasted the fifth amendment, cast doubt on the jury system, and decried the presumption of innocence until proved guilty.

I do not make any judgment from that, because I would want to see the quotations and the context.

The only point I make here is that I would like the opportunity to read the transcript, which is printed and available, I was advised this morning.

Mr. ERVIN. Mr. President, the Senator from North Carolina puts far more credence in the committee transcript than in any column written by any journalistic commentator.

Mr. NELSON. I would only say to the Senator from North Carolina that I have not had a chance to read the transcript. I have not had a chance to read the committee hearings, which we just secured this morning. And I have not seen the committee report. The only point I am making is that I am satisfied that a distinguished Senator such as the Senator from North Carolina and other Senators here on the floor and members of the American bar have satisfied themselves on the nominee's qualifications, and they may be 100 percent right. I just made a decision, at the last instance, that I was not going to rely, in this kind of appointment upon anybody else's judgment, no matter who they may be, because I got stung on that one. That is the very narrow point on which I am objecting today.

Mr. FULBRIGHT. Mr. President, the only point I make is that the Senator aroused in me memories of having been grievously deceived once before, in 1964, by acting hastily. I told the Senator we had a meeting in the morning, at 9 o'clock, and met for an hour and a half, and heard from the greatest officials in the Government, and it was all false. Therefore, I am allergic to voting on these important things so hastily. I do not know what happened at Santa Barbara, but is there anything in this record referring to such a statement as he made

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at that meeting, or is there anything in the record before us which I have not read that has to do with his service on the tax-exempt foundation, how much he received, and what he did for it—very much along the lines of which they are attacking Justice Douglas today? It seemed to me a coincidence which was rather strange. Was that examined in the hearing?

Mr. ERVIN. He made a statement in response to a question posed to him by the distinguished Senator from Maryland (Mr. TYDINGS), in which he stated fully all of the outside activities with which he had been associated, most of which were judicial in nature. Nobody specifically asked him about the receipt of $2,000 from the Mayo Foundation. According to the press he had served for nothing as a member of the board of the Mayo Foundation for some years prior to that time, and I think he had received that payment for 2 years only. He had actually discharged his duties as a member of the board for some years. I do not think there could have been any conflict between that work and any judicial duties he could have been called upon to perform.

Mr. FULBRIGHT. I do not know what the investments of the Mayo Foundation are. I do not know whether it owns any hotels or gambling hotels, or what the foundation owns. I have not the slightest idea what it owns, nor where its money comes from.

I do not know anything about it. I just wondered whether the hearing record has anything about it, or whether we will have a chance to read it before we vote.

Mr. ERVIN. His association with the Mayo Foundation was disclosed by Judge Burger during the executive session. I do not criticize the Senator from Arkansas or the Senator from Wisconsin for not wanting to vote on a nomination for such an important office in what they confess to be—I started to say a state of ignorance, but that is a term I prefer not to use.

Mr. FULBRIGHT. Lack of information is nicer.

Mr. ERVIN. A state of lack of information, and not having had sufficient time to acquaint themselves with the record of the nominee.

Mr. FULBRIGHT. I am sure the Senator will agree there has not been much time to read this record, because it was only made available this morning, as far as my office is concerned.

Mr. ERVIN. I do not know about that. I merely rose to point out the difference between the original nomination of Mr. Fortas and this nomination. I voted for Mr. Fortas the first time he was nominated. At that time, he had made no speeches saying that the Constitution had no fixed meaning, and had participated in no decisions which were absolutely contrary, not only to the words of the Constitution, but the interpretation placed upon those words for more than 175 years.

This man has been writing opinions for some 10 or 11 years. He has written opinions on some of the most controversial cases to come before the court during that time; and, unlike the Senator from Arkansas, I have studied these things, and am satisfied that this man has a complete devotion to the Constitution of the United States, and that he will manifest that devotion in his service upon the Supreme Court, just as he has done during the approximately 11 years that he has been a member of the circuit court of appeals.

I thank the Senator for yielding.

Mr. FULBRIGHT. It is very reassuring to have the Senator's views about it, but I submit that it would be useful for us for the Senator from North Carolina always to develop cases as he did last summer. The thorough way in which he developed that case was most useful.

Mr. President, I do not wish to leave the record in its present state, without putting in this statement left in my office. I do not vouch for its authenticity, but since the record was made rather quickly—I think the total time that hearing lasted was only about 2 hours, that is, the open hearings in which the testimony was taken—I believe it may be useful.

This is a statement Mr. Phillips left in my office, I believe on Saturday:

> 2. On Tuesday, June 3, 1969, after the Committee on the Judiciary had heard and voted unanimously to recommend to the Senate of the United States the confirmation of the Honorable Warren Earl Burger as Chief Justice of the United States, Mr. Randolph Phillips, as Chairman of the Committee on Opposition to said Confirmation and on behalf of its counsel and because Mr. Phillips had formerly been Special Consultant to a Committee of this Senate, telephoned Mr. Holloman at his home in Alexandria, Va. (703—354–9199) shortly after 9 P.M. that evening to inquire why there had been no answer to the above telegram, as requested, and whether the above request to be heard in opposition had been referred to attorney Holloman's clients, that is the 17 United States Senators constituting the Committee on the Judiciary of the United States Senate. Mr. Holloman said it had not been answered nor referred to the Senate Committee Members because in substance he had been too busy.
>
> 3. At 9:20 A.M., June 3, 1969, one-hour before the convening of the scheduled Hearing respecting the Confirmation of Judge Burger, Mr. Phillips appeared on the public waiting line before the Judiciary Committee hearing room's closed front door and from then until the conclusion of the hearing at approximately 12:15 P.M. was at all times either the first or second person in the line that grew to an estimated 150 members of the public. At no time was he or any other member of the public admitted to the Hearing.
>
> 4. Mr. Phillips was informed by security personnel who were more numerous than Senators that, aside from the Committee Members' 17 Chairs, the Witness Table Chairs, and the Chairs reserved for the members of the news media, there were only 65 public seats and that all these seats had been reserved.

Mr. EASTLAND. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. The statement that there were 65 chairs——

The PRESIDING OFFICER. The Senate will be in order.

Mr. EASTLAND. And that they had been reserved, of course, is false on its face.

Mr. FULBRIGHT. That is not my statement. It is in the statement I am reading.

Mr. EASTLAND. I understand; but I would like to say what the fact is.

Mr. FULBRIGHT. Oh, yes.

Mr. EASTLAND. The doors were open to all members of the press and to those persons who had indicated to the committee that they would like to be present in order to testify for or against the nominee, if called upon. When the room was filled up, including standing room, no more were admitted until there were empty seats, and then other people could come in. It was all done on the recommendation of the proper security people. Miss Powell had informed the committee of her intention to be present. She was promptly given a seat when she appeared.

Mr. FULBRIGHT. I appreciate that. I think it is very healthy and proper for the chairman of the committee to clarify this record, because this was given to me, and I assumed it had been given to other people, and it ought to be made clear on the record what the truth of the matter was. I do not dispute the Senator's word.

Mr. EASTLAND. The truth of the matter is that Mr. Phillips never made any request to testify. He did call the counsel the night following the hearing, but did not request to testify at that time. I do not know if Mr. Phillips is associated with the same organization as a Mr. Robert L. Bobrick, who wired the committee on June 2, the day before the hearing, requesting to testify and stating as follows:

> NEW YORK, N.Y.
>
> I am unable to appear tomorrow June 3rd because of an engagement in the United States District Court. I should appreciate at least 3 days notice prior to date of my appearance.
>
> Respectfully yours,
>
> ROBERT L. BORICK.
>
> NEW YORK, N.Y.

He did not give any reason as to what his objection was. He had no grounds for objection to the appointment at all.

Mr. FULBRIGHT. I do not know that he had any, either. But I wish to finish reading this statement. I do not wish to delay this matter unduly, although I still do not see why there is any particular reason for hurry.

Continuing the statement:

> 5. The day prior—

Which would be, I assume, June 2—

> Mr. Phillips inquired of the Majority Leader's Administrative Assistant if she would obtain for him an admission to the Hearing and that lady graciously stated that if he had any difficulty being admitted the next day she would send word up to the guard to admit him. When he saw on the day of the hearing that he would not be admitted to the Hearing, he went to the adjoining office of Mr. Holloman and asked his secretary to telephone Senator Mansfield's office and obtain directly from it authorization for Mr. Phillips to be admitted. The secretary refused to do so, saying "Mr. Phillips, you are at the head of the line, and you will be admitted as soon as there is a seat." Mr. Phillips thus had his choice of going downstairs to the street and over to the Old Senate Office Building where in Room 133 the Majority Leader has his office, thus losing his place in line, or remaining at the head of the line. He chose to re-

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> main at the head of the line. During the course of the Hearing, Mr. Phillips observed a Miss Polly Dement of Mr. Holloman's office escort a gentleman, who had arrived on line after Mr. Phillips and several other members of the public, around the corridor and through the security cordon guarding the corridor to the back door to the Committee Hearing Room.
>
> 6. A courteous white-haired gentleman whom Mr. Phillips believes was named Paul McCardle or a name so sounding had a typewritten list of names of persons to be admitted to the Hearing and only after he had confirmed that such a person was applying for admission did the security officers allow him to enter the Hearing Room. Mr. Phillips could not ascertain whether the typewritten list was made a part of the official record. He was informed that the various proponents of the Confirmation, such as heads of various bar associations, had entered their names into the record as favoring the confirmation and not sought time to state their views but had them placed in the written record.
>
> 7. It appears clear therefor that all of said 65 seats, allegedly available to the public, were exclusively allotted to the proponents of the Confirmation and not one to a representative of The Opposition to the Confirmation.

That is the story of Mr. Phillips as given here, and the chairman of the committee has stated that this is not an accurate reflection of what actually happened.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HARTKE. Mr. President, it occurs to me in view of what has happened that it does not require that a vacancy be filled at this time. The Supreme Court will continue to act. The Chief Justice is still there. I understand that he plans to stay for the rest of this month.

In view of the questions which have been raised, it would appear that we should consider some of the statements made by individuals to the effect that this matter will be looked into thoroughly. And since questions have been raised, I hope that the Judiciary Committee will take it upon itself to give an opportunity to this man to be heard and let him say what he has to say. If it does not amount to anything, a lot of people will feel better, and Senators will feel better. It might clear the air.

Mr. FULBRIGHT. Mr. President, I appreciate what the Senator has had to say. I think it is quite consistent with what the Senator from Wisconsin has said.

I do not know these to be facts. I cannot say that it is not true. I accept the word of the Senator from Mississippi.

I do not see the urgency of this matter. In view of the great embarrassment to the Court, to the Senate, and to some of those who originally voted for members of the Court, it does seem that this is the proper time to take time to consider the matter.

If we had not had the experience we recently had with the Court, I would not think anything about it. I have not only had experience with the Court, but I have also had a very bad traumatic experience with the executive branch with reference to the war in Vietnam. And I am not disposed to be a party to such hasty and, I think, ill-considered action that has absolutely nothing to do with Mr. Burger's qualifications. I do not know enough to presume to give an opinion about the matter at all. I cannot see how it would hurt anything to delay the matter.

On the contrary, it would be extremely helpful to let everyone have the opportunity to read the record. Whether there is anything at all to the statement—and I did not read it all—it certainly leaves a bad taste in the mouth of a number of members of the bar.

The statement gives the names of a number of men. This was not signed only by Mr. Phillips or Mr. Bobrick. It was also signed by other men. I believe that one of them is a professor of law at Yale. Many other people feel that greater time ought to be given to the consideration of the nomination. Some of them have reason to oppose the nomination.

Mr. HARTKE. Mr. President, I notice from the calendar that there is no pressing business.

Since the calendar was last called, on June 2, one item has been added, to adjust the salaries of the Vice President, another to fix the date of citizenship of an individual for the purposes of the War Claims Act of 1948, another to amend title I of the Land and Water Conservation Fund Act of 1965, and another to amend the tariff schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing.

I do not see that the Senate would be deprived of the opportunity to move forward with its necessary business. The calendar is not crowded. Another few days would clear the air for many of us.

Mr. FULBRIGHT. The Senator is quite right. Nothing is pressing. The Senate has been recessing over a few days for weeks now because there is nothing on the calendar to be acted on.

I do not know that I have anything further to say. I think it would be wise if the matter were put over for a few days so that everyone would have the opportunity to read the record and consider the matter a little further.

I must say that I do not understand the constant attacks upon Justice Douglas. I realize that many people do not agree with his views. Many of his decisions have not been in accordance with my views. However, I think to attack him on the grounds of having served on a tax-exempt foundation and having appeared at the Center for Democratic Studies—two of the things he has done—seems to me to be a little odd at this particular time.

Mr. President, I yield the floor temporarily.

Mr. COTTON. Mr. President, not being a member of the Committee on the Judiciary, although it had been my privilege to serve on that committee for some years in the past, I had not intended to take any part in the colloquy today. However, I doubt if there is anyone within the sound of our voices who does not know exactly the significance of what is going on in the Senate Chamber this afternoon.

Mr. President, I have been a Member of the Senate for many years. I have voted to confirm a long string of Justices who were nominated to be members of the Supreme Court of the United States whose philosophy I did not approve and whom I never would have selected to sit on the Supreme Court.

I acted on the basis that I have never understood it to be the duty of a U.S. Senator in voting to confirm a Presidential nominee to follow the test of whether he liked the man or his philosophy, or whether he was a liberal or a conservative.

The test is whether his reputation and character was unquestioned. A Senator is not justified in voting against the confirmation of a nominee simply because of the fact that he would not have selected that particular man if he were President.

Mr. President, on that theory the Senator from New Hampshire in his 15 years in the Senate has voted again and again and again for Supreme Court Justices whose philosophy he suspected, and in almost every case his suspicions were proven justified. The Senator from New Hampshire has voted for them even though he was reluctant to see them elevated to that position. He has voted to confirm Justices that have never served on a court. And some of them had never practiced law to any great extent.

The Senator from New Hampshire, as a younger man, served for 10 years as a county prosecutor. When the Supreme Court of the United States handed down one of its decisions that made it a matter of minutes rather than hours that a proper warrant describing the offense should be drawn in order to hold the accused, the Senator from New Hampshire was then compelled to remark that it did not seem as if any member of the Supreme Court of the United States had ever even been around a police court long enough to realize the necessary procedure that has to be resorted to in the course of the law.

We have watched the Supreme Court throw every kind of safeguard and protection around every kind of criminal in the United States. We have watched the gradual erosion of the opportunity and capacity of enforcement officers to enforce law. We have read decisions that in the name of free speech have justified all kinds of filth and obscenity in this country. We have witnessed the Supreme Court enter into the area of State legislatures, with its long arm reaching into every State in the Union and dictating how many members they should have in their legislature and how they should be selected. We have seen all these things happen.

I have always admired my friends on the other side of the aisle, but I have never admired them so much or regarded them with such great respect as I do this afternoon. When I think how some of us sat through the past administrations and, because we were simple enough to believe that there was just one yardstick to be applied in selecting a Justice of the Supreme Court, and that was, one, that he was the choice and nominee of the President of the United States; two, that he had good character and reputation; three, that, in ability, he at least satisfied the minimum requirements——

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. EASTLAND. Does the Senator agree that Judge Burger is a man of honor, unquestioned integrity, and one of the greatest judges in this country?

Mr. COTTON. Mr. President, I certainly agree with every word the Senator from Mississippi has said; and I will now add that until this afternoon, I wondered in my own mind whether Judge Burger was another liberal or whether he had some regard for the Constitution of the United States and was a conservative. But my doubt has been dispelled, because the moment this performance started this afternoon in the Chamber, I instantly knew that I could have confidence in Judge Burger.

Mr. EASTLAND. I think it is a great appointment, and I think he will make a great Chief Justice when his nomination is confirmed. Not one word has been uttered against him this afternoon. No one can point to one reason why his nomination should not be speedily confirmed.

Mr. COTTON. I thank the Senator.

So far as I am concerned, I do not care whether we vote this afternoon or tomorrow afternoon or a week from now. But I have grave doubts in mind whether the remarks that have been made on the floor this afternoon simply evidence a desire to give full consideration. I think it is a pattern. I think it is quite evident that from now on, Members of this body are likely to drag their feet and filibuster if the nominees for the Supreme Court do not in their judgment fall within the groove and pattern of the type of legal and social philosophy that appeals to them.

Mr. EASTLAND. Judge Burger's philosophy is the law. He has no philosophy except what the Constitution means.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. NELSON. For my own clarification, are any of the remarks I have heard the distinguished Senator make directed toward the reservation that I raised on the floor?

Mr. COTTON. Oh, no. I assure the distinguished Senator that I have the highest confidence in his complete sincerity and objectivity.

Mr. NELSON. Does the Senator know what the reservation is that I raised on the floor?

Mr. COTTON. Yes. I know that it refers to the Drew Pearson story about an alleged speech Judge Burger is supposed to have made in Santa Barbara. I read that article with deep interest, and I noted this: It did not attempt to quote a single word as a direct quotation from what Judge Burger is supposed to have said.

Mr. NELSON. Did the Senator hear——

Mr. COTTON. I heard the distinguished Senator from Wisconsin. He was very fair, and he called attention to that. I have served in the Senate a long time, and I would not for 1 minute question the sincerity of any Member of this body. I certainly do not question that of the Senator from Wisconsin.

Mr. NELSON. I just wanted to make it clear that I have reached no judgment based upon the merits at all. I raised the point that I never saw the committee hearing record until this morning, that there is no committee report, that I wanted to check what was said about the conference in Santa Barbara, and that I might very well conclude that I agree with everything he said. That is the sole, narrow point I make. I would be happy to read that record tonight, which I did not know was available until an hour ago, and vote tomorrow at 2 o'clock, and it is most likely I would vote for him.

I believe I have heard the Senator from New Hampshire at least once or twice, say, "I just got the committee report today, and I do not think we should vote until we have had a chance to read the committee record." Has not the Senator made that objection?

Mr. COTTON. I may well have made that objection.

The Senator from New Hampshire has no quarrel whatever with the Senator from Wisconsin. Not one word that he has said has been directed toward the Senator from Wisconsin or any other Senator individually.

Mr. NELSON. Mr. President, will the Senator yield further?

Mr. COTTON. I yield.

Mr. NELSON. Let me assure the Senator that if any President nominated a distinguished conservative or liberal or middle-of-the-roader to the bench, and his character, as the Senator from New Hampshire has stated, was above reproach, I would have no hesitation voting for the nominee, even though I might have a philosophical difference with him. I wish that to be understood by the Senator.

Mr. COTTON. I thank the Senator from Wisconsin. I am very much gratified by his assurance. My confidence in him, which was already great, is augmented.

I would like to make this point: Down through the years we have had other reports, unanimous reports, come in from the committee on the nominations of Justices of the Supreme Court. We have taken the reports of the committee, we have subordinated our own political prejudices, if we have them, and I guess we do, and our own ideas about the philosophy of the nominee. We have moved ahead and confirmed them.

I am not suggesting this has to be done this afternoon.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ALLEN in the chair). Does the Senator yield?

Mr. COTTON. I yield.

Mr. FULBRIGHT. That is the very point the Senator from Wisconsin and I are making. There is no report. The Senator says he has taken the report. There is no report on the nominee. We have only a very small record of the hearing.

Does the Senator know of any precedent where we rush in before writing the report and ask the Senate to vote?

Mr. COTTON. We have a unanimous report from the committee in favor.

Mr. FULBRIGHT. There is no report from the committee on my desk. There is nothing here but a record of the testimony. There is no report from the committee.

Mr. COTTON. What are the facts?

Mr. FULBRIGHT. I do not know who was there and voted. Usually that is referred to in a report as a point of reference.

All the Senator from Wisconsin and I say is that we have no report.

Mr. COTTON. Mr. President, of course, the distinguished Senator from Alabama and the distinguished Senator from Wisconsin are completely technically justified in their position.

Mr. FULBRIGHT. Mr. President, I think the Senator should apologize to the Senator from Alabama because I am from Arkansas.

Mr. COTTON. I beg the Senator's pardon.

Mr. FULBRIGHT. I do not know whether that was a slip of the tongue or not.

Mr. COTTON. Well, no. It may have been a Freudian slip, but I do mean the Senator from Arkansas and the Senator from Wisconsin.

Of course, they are completely justified in insisting on delay in this matter. I doubt in my own mind, not questioning their sincerity, but I can look across the aisle, and I can see every evidence of a situation that there is something more to this than the question of whether we are going to vote tonight or tomorrow. That is of very little significance.

Mr. FULBRIGHT. What does the Senator mean by that? Is he saying that the Senator from Wisconsin and I are lying to the Senate, or is he saying something else?

Mr. COTTON. I was careful about that, because I knew the Senator would say something like that.

I said that as I look across the aisle and listen to this debate I can detect beneath it something more than the mere question of whether we vote this afternoon or tomorrow, and that remark does not reflect on the sincerity of either the Senator from Arkansas or the Senator from Wisconsin.

Mr. FULBRIGHT. I do not understand the English language, then. Maybe I was thinking of something else. It certainly sounds that way to me and I think to everybody else.

Mr. COTTON. Mr. President, I find in the Daily Digest of the CONGRESSIONAL RECORD at page D459, for Tuesday, June 3, 1969, this report:

> NOMINATION—SUPREME COURT
>
> *Committee on the Judiciary:* Committee, in executive session, unanimously approved for reporting the nomination of Warren E. Burger, to be Chief Justice of the United States, prior to which action, in open session, the nominee was introduced to the committee by Senators Byrd of Virginia and Spong. Judge Burger was present to testify and answer questions in his own behalf.

So much for the question of whether the Senate knows or does not know this was a unanimously favorable report of the Committee on the Judiciary.

I want to take the time to smooth the feathers of the distinguished Senators from Arkansas and Wisconsin.

The distinguished Senator from Arkansas is a man whose leadership, whose tremendous ability I have admired so

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much and who has been here so long and has played such an important part in Senate procedure that I doubt he is so naive that he never senses certain feelings on the part of groups in the Senate until they stand up and make a speech about it. I doubt if he has been here all this time and is incapable of analyzing what is being said in the cloakroom. I doubt if he lacks the perception to feel a distinct wave when something is happening in the Senate.

Anyone is stretching the words of the Senator from New Hampshire a long, long way—because he very carefully expressed them—when they attempt to say that I, for one single, fleeting instant, questioned the sincerity of either the Senator from Arkansas or the Senator from Wisconsin. I never did. I have known them and have admired them too long for that.

All that the Senator from New Hampshire said—and if this be treason, make the most of it—was that I had been here a long time and felt that I could sense an undercurrent when there is an undercurrent, that I had been here a long time and had voted again and again for nominees of the President of the United States to the Supreme Court whom I would never have selected and for whom I have been reluctant to vote.

Today, the first time the nomination comes down from the man who sits in the White House now, suddenly, and in spite of this unanimous report—which I think should be evidence enough that the report was unanimous on the part of the committee—because of two or three lines in a column written this morning and some communication that was pushed around to the offices, two or three lines a columnist wrote that did not even attempt to quote the words of Judge Burger—and, mark my words, that columnist is smart enough and able enough, if he had a direct statement that really questioned the jury system—I have never heard a bunch of lawyers when they got together that did not "crab" about juries—if he had the direct quote to criticize the Constitution of the United States—and if every lawyer were to be disbarred who said that the fifth amendment has been abused, there would be very few lawyers available around today——

Mr. EASTLAND. Mr. President, will the Senator yield right there?

Mr. COTTON. But if there had been—I shall yield after this one sentence—if there had been a direct quote from Judge Burger that suggested we should get rid of the jury system or the fifth amendment to the Constitution, you can bet your sweet life it would have appeared word for word between quotation marks in that column.

Yes, I am glad to yield to the Senator from Mississippi.

Mr. EASTLAND. Nothing like that was said by Judge Burger. There was a seminar at which he and a judge from Illinois discussed a number of questions. There were two other lawyers there, in addition to Judge Burger and the judge from Illinois, and six students. These questions were thrown out for discussion. It was apparent that the questions that were discussed were not the personal opinions of anyone who participated in that seminar.

Now the questions have been made about this democratic thing and about Judge Burger receiving compensation.

I have here what he actually received:

June 24 and 25, transportation by air to Santa Barbara and return to Washington, $330.

Taxicab, to Dulles Airport from residence, $6.50.

Taxicab at Santa Barbara—hotel limousine did not arrive—$7.

Taxi fare from Dulles to residence, $6.50.

Tips at airport and for cabs and hotel, $6.

Now, if that had been me, I would have had a much larger expense account than that. He paid part of his expenses to go out there to this seminar. That is the truth about it. It was realized throughout the whole thing that these questions were made up by Judge Burger and the judge from Illinois. They were thrown out for discussion by the group. It did not mean—none of them meant—that that was the position of any judge. Judge Burger certainly did not take any position on the fifth amendment or anything like that.

Mr. COTTON. Mr. President, I will yield the floor in a minute, but before I do, I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I thank the Senator from New Hampshire for yielding to me. I might be able to throw a little light on this subject about trial by jury.

Reference was made to the fact that in my Commonwealth of Pennsylvania, under the waiver of a trial by jury, about 80 percent of cases are not tried by a jury but by a judge. I should know, because I am the author of that act, when I was the chairman of the Criminal Law Committee of the Pennsylvania Bar Association in the late 1930's. I am very proud of the fact that we in Pennsylvania have the right to the waiver of a trial by jury, if defendant agrees to it.

I would make only one further comment or suggestion and that is that while there has been a good deal of "horsing around" here in this august Chamber today, I have not myself heard any just or competent criticism regarding the competence of Judge Burger.

I do point out that this matter is on the calendar by action of the majority party, a majority list which is made up for our consideration, and we are here as their servants to consider such a list. If there are those who thought it should not have been brought up today, I suggest that they missed their forum. They could have taken it up within their own caucus or their own steering committee.

I thank the Senator from New Hampshire for yielding to me.

Mr. COTTON. The Senator from New Hampshire will conclude by saying this: that——

Mr. EASTLAND. Would the Senator from New Hampshire let me comment one bit further?

Mr. COTTON. Yes, I yield to the Senator from Mississippi.

Mr. EASTLAND. The sense or the meaning of Judge Burger's remarks out there were that the adversary system in this country was not the most efficient system but it was the best system in the world, and he quoted Winston Churchill who said:

> A democracy is not the most efficient government but it is the best government in the world.

That was the sense of what his remarks were.

Mr. COTTON. Mr. President, let the Senator from New Hampshire say this: It was not the purpose of the Senator of New Hampshire to discuss the merits of the nominee.

It was not the purpose of the Senator from New Hampshire to suggest that any Senator is not thoroughly justified, if he wants more time, in asking for it and calling attention to the reasons why he wants more time to consider it. But the Senator from New Hampshire could not resist remembering the years that he had unhesitatingly voted, time after time, for the confirmation of the nominations of good men—I have great respect for the members of the Supreme Court—even though he could not bring himself to be very happy about their appointment because of the philosophy they entertained. It seems to me that what is sauce for the goose is sauce for the gander, and when a man has been nominated, admittedly for nearly the highest office in the land, he should be subjected to the closest scrutiny. But there has not been one single cogent point raised today why we should not vote on this nomination, in the opinion of the Senator from New Hampshire.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. FULBRIGHT. I submit that nothing can convey any question on the merits on that record, which does not reveal anything at all about the candidate. The Senator has said it is the highest office, or next to the highest office, of the land. The committee met, according to the record, at 10:35 a.m. and adjourned at 12:20 p.m., having taken all the testimony and having had an executive session. The Senator said there is a report. Customarily we have a report that is printed. Most times we give a résumé of what happened. I do not see whether there was even a record vote taken on this matter. Does the Senator know whether there was a record vote taken?

Mr. COTTON. I know the report of the committee said it was unanimous.

Mr. FULBRIGHT. The Senator has been around here some time. He knows we get unanimous reports on the floor of this body when there are only three Members here. I do not know; I am just saying I do not know whether there was a record vote on it.

Mr. HRUSKA. Mr. President, if the Senator will yield, I am sure the Senator from Arkansas would like to have positive, affirmative information on the subject. Having sat through the hearing and in the executive session afterward, I am here to state, and I do state, there was a record vote.

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Mr. FULBRIGHT. How many Senators were present to make the vote?

Mr. EASTLAND. Thirteen.

Mr. HRUSKA. Twelve to nothing.

Mr. EASTLAND. Thirteen.

Mr. HRUSKA. Thirteen out of 15, which is a better record than the Senate has.

Mr. FULBRIGHT. The Senator from New Hampshire was saying this is an important position. I submit that 1 hour and 45 minutes' consideration by the committee is not oversolicitous of the importance of that job.

Mr. COTTON. But let me say to the Senator from Arkansas that I have been here in the past and that I have seen other Associate Justices—not Supreme Court Justices, but Associate Justices—have their nominations reported and acted upon and confirmed, without any question, without any longer time than that taken.

Mr. FULBRIGHT. What experience I have had with nominations to the Supreme Court, or the Chief Justice, particularly last year, indicated we should go considerably beyond that.

Mr. COTTON. Mr. President, the distinguished Senator from Mississippi asked me to yield. I yield to him.

Mr. EASTLAND. Before the Senator got the floor, I had said that, on the nomination of Mr. Justice White, the committee took from 10:30 to 12:05, 1 hour and 35 minutes; went into executive session, and approved the nomination. The Senate was in session. The nomination was brought to the Senate, and his nomination was confirmed that afternoon. The hearings were held that day. The committee voted that day. The Senate approved the nomination that day.

On the nomination of Mr. Justice Goldberg, the hearings were 2 hours and 5 minutes.

On Mr. Fortas, 2 hours and 40 minutes.

On Mr. Brennan, 2 hours and 50 minutes.

On Mr. Potter Stewart, 6 hours and 30 minutes.

On Mr. Whittaker, 2 hours and 50 minutes.

On Mr. Minton, 1 hour and 45 minutes.

And I had not heard anybody object at all.

Mr. COTTON. May I inquire from the Senator from Mississippi whether in any of those cases the committee filed a written report summarizing the evidence and giving the committee's reasons?

Mr. EASTLAND. No. In the case of Mr. White, we could not have, because, as I recall, he was approved within 1 hour after the Senate convened that day. Perhaps I am wrong in that statement. It was the same day, anyway.

Mr. FULBRIGHT. Mr. President, I wonder if the Senator will yield to me?

Mr. COTTON. I yield.

Mr. FULBRIGHT. I thought nearly everyone in this body, after the experience of a few months ago, in the very tragic case of Justice Fortas, took a vow that we were not going to continue this practice. The Senator described so accurately that the committee pays no attention to these matters and gives no attention to the nominations. We give that much attention to the nomination of an Ambassador to Mali. Is the Senator suggesting that the Committee on the Judiciary does not consider these nominations sufficiently important to give even 2 hours' or 3 hours' consideration to appointments to the most important Court in the land? I do not see that as a valid reason or excuse for this procedure.

I thought, after the experience of last year, the Judiciary Committee, along with every other Senator, took a kind of vow to do better in the future. Really, the reason why we are all concerned is the experience with Justice Fortas. I do not think there is any doubt about it. I think everybody in this body was embarrassed by what happened in the case of Justice Fortas. I think the Senator from Mississippi was.

Mr. EASTLAND. Mr. President, we could have spent weeks listening to witnesses, prominent judges, former presidents of the American Bar Association, who wanted to testify in favor of this nomination. We had a full committee meeting. Every member of the committee asked the nominee what questions he wanted to ask him. The members of the committee were unanimously satisfied that his nomination should be approved, and a vote was taken. I do not know what else could have been done. We could not manufacture testimony against him. We could not manufacture witnesses against him. We could not manufacture propaganda against him. We had nothing like that. We took the testimony of every person except one, and the committee decided not to do that, informally.

Mr. FULBRIGHT. Nearly all bills that come before this body are accompanied by reports. I confess I have not followed closely the procedure of the Judiciary Committee. Every treaty that is brought to the Senate by our committee to the Senate has a report of the action of the committee. It summarizes what is in the treaty and describes what it is about. But I make no point of that. The point I make is the very narrow point made only after the Senator from Wisconsin rose. Why is there such a hurry? Why do we not have time to read a very short hearing? I admit the testimony covers only about 20 pages in the hearings, including the statement of the Judge. I must say this is a very casual treatment for the Chief Justice of the United States. It seems to me we owe him a little more attention than that, merely in recognition of the importance of the position.

Mr. COTTON. Mr. President, I close by saying this. Incidentally, I did not know that every Senator took some kind of vow at the time of the confirmation of the nomination of Justice Fortas. In fact, at that time I did not learn, until long afterward, that there was anything wrong.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, I meant last fall, not at the time of the nomination, but was not the Senator somewhat embarrassed by the developments of last fall?

Mr. COTTON. I was not embarrassed. I did not appoint him.

Mr. FULBRIGHT. The Senator voted for him.

Mr. COTTON. I surely did. I voted for many others.

Mr. FULBRIGHT. Last summer, when he was appointed and when he was nominated to be Chief Justice, I, along with a few other Senators prevented that from being done. The chairman of the committee was one of them. In view of what has happened, it would have been somewhat tragic if he had been confirmed as Chief Justice. Will the Senator agree to that?

Mr. COTTON. I beg the Senator's pardon.

Mr. FULBRIGHT. Would the Senator agree that it was unfortunate?

Mr. COTTON. Yes, I agree to that, Everyone wants the Senator from New Hampshire to stop talking so we can vote, and I am going to stop.

Mr. FULBRIGHT. I do not care. I am not urging the Senator to stop. I think he is making a record that is at least much more informative than the record we have before us.

Mr. COTTON. In order to accommodate the Senate, I shall, with all respect, decline to yield any further, and proceed to finish my statement.

Mr. FULBRIGHT. I thought the Senator agreed with me.

Mr. COTTON. I do not yield any further; I am sorry.

Mr. President, let the record show that the committee that voted unanimously in approval of the confirmation of Judge Burger consisted of JAMES O. EASTLAND, of Mississippi; JOHN L. MCCLELLAN, of Arkansas; SAM J. ERVIN, JR., of North Carolina; THOMAS J. DODD, of Connecticut; PHILIP A. HART, of Michigan; EDWARD M. KENNEDY, of Massachusetts; BIRCH E. BAYH, of Indiana; QUENTIN BURDICK, of North Dakota; JOSEPH E. TYDINGS, of Maryland; ROBERT C. BYRD, of West Virginia; EVERETT MCKINLEY DIRKSEN, of Illinois; ROMAN L. HRUSKA, of Nebraska; HIRAM L. FONG, of Hawaii; HUGH SCOTT, of Pennsylvania; STROM THURMOND, of South Carolina; MARLOW W. COOK, of Kentucky; and CHARLES MCC. MATHIAS, JR., of Maryland.

Mr. President, I have served on the Committee on the Judiciary. I have confidence in the Committee on the Judiciary. I have followed them before, even when I did so with reluctance. When this committee has considered this matter and unanimously—I do not assert that every one of the members were present, but I understand 13 were—and when these men, a majority of whom were, of course, of the opposite party from the President, considered his nomination and reported unanimously in its favor, I am satisfied to vote. That is what we have done in the past, and I hope we are not going to establish a new system of putting ourselves in the place of a President of the United States, and dragging our feet every time that he sends down an important nomination.

Mr. President, I yield the floor.

Mr. MAGNUSON. Mr. President, I wish to ask the Senator from Mississippi a question.

I know there are times when committees report nominations, and we take them up on the floor. This is true as to many independent agencies. It is usually because there is an emergency due to a vacancy, or some kind of reason for it. Otherwise, a report is handed down. I guess we have done it sometimes before all the evidence has been printed. But that has usually been in cases where

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there is some emergency involved, and there afterward the committee files a report of what it did.

I do not know that the Committee on the Judiciary always follows that rule.

Mr. EASTLAND. No; it does not.

Mr. MAGNUSON. But it seems to me that there ought to be, in all these cases, a report. I know that in this case it would be very brief, because it would simply reflect what the committee did that day, and might contain a little biography of the nominee, and all those things that go with it. I am a great believer——

Mr. EASTLAND. That is all in the hearings.

Mr. MAGNUSON. I know, but this is the point I am coming to: I am a great believer in the committee system, and in many cases, as the Senator from Wisconsin has said, we have to follow the committee's advice on these matters. We cannot run everything down.

But if someone should write me tomorrow and say, "You voted for the new Chief Justice of the United States, or for a very important bill; will you tell me why you voted as you did?" I can answer such letters by sending them the report, but I cannot send them this hearing, because the hearing merely says, at the end, that the committee went into executive session.

What I usually do, for the information of the inquirer, is say, "Here is the committee report, and I have faith in the committee; therefore, I voted to follow the committee report."

My question was that it seems to me that on a matter as important as the confirmation of the Chief Justice of the United States, there ought to be, even though we may vote on Judge Burger today, a committee report stating what the committee did. Otherwise, we have only this hearing report, which would be of no help in showing what the committee formally did.

There have been statements made on the floor that the action of the committee was unanimous. But you would have to cut out a part of the CONGRESSIONAL RECORD to make such an answer complete. It seems to me that, as a matter of procedure, there ought to be reports.

Mr. EASTLAND. Now, the custom is——

Mr. MAGNUSON. I will finish in a moment. Sometimes we have such reports made, because of some emergency, even later, but there ought to be a formal report submitted, as there are in 99 out of 100 nominations.

Mr. EASTLAND. That is not correct.

Mr. MAGNUSON. It is for most other nominations.

Mr. EASTLAND. The Senator has been a member of the Committee on the Judiciary.

Mr. MAGNUSON. Yes.

Mr. EASTLAND. How many years?

Mr. MAGNUSON. About 8 years.

Mr. EASTLAND. Having been a member of the Committee on the Judiciary about 8 years, then, my friend from Washington knows that the only case in which there is a report on nominations is when there is controversy, and then there is a majority report and a minority report.

There is no controversy here. Not one word was said against this nomination.

Mr. MAGNUSON. I merely suggest that there ought to be a formal report made, whether it is before the vote or after the vote, depending on the will of the Senate, so that there would be something to show that the committee made its unanimous report, signed by the committee members, particularly in the case of a position as important as that of Chief Justice of the United States. I do not think that rules out any of the rest of them, but I merely wanted to know whether there would be a formal report on this nomination. The chairman has answered the question that that is not the practice in the Committee on the Judiciary, and therefore the only thing we will have is the testimony.

Mr. EASTLAND. We could file a report sometime, but everyone was in favor of the nomination.

Mr. MAGNUSON. What I am trying to suggest is that if we have a report, we can point to that and say, "Here is what the committee did. This is the way they felt about it." I merely suggest that; I do not remember what we did when I was a member of the Committee on the Judiciary in such cases.

Mr. EASTLAND. We followed the same system then.

Mr. MAGNUSON. But we did file reports on people when they were nominated.

Mr. EASTLAND. No, only in case of contests. I was on the committee before my friend from Washington became a member.

Mr. MAGNUSON. Yes.

Mr. EASTLAND. When there is a contest, of course, there is a report.

Mr. MAGNUSON. Naturally there would be then; individual, minority, and majority views.

Mr. EASTLAND. That is correct.

Mr. MAGNUSON. But it seems to me there ought to be a report filed.

Mr. EASTLAND. This was something unanimous; not a word against the man.

Mr. MAGNUSON. I am not talking about that. I am talking about the procedure again, of filing a report.

Mr. EASTLAND. I know what the Senator is talking about.

Mr. MAGNUSON. I am a little like the Senator from Arkansas. I do not know Judge Burger. I have never met him. I do not even recall reading about him prior to this appointment. That is why I have to rely upon the members of the committee, who were unanimous, and there ought to be something available other than just statements—a written report that the committee action was unanimous, that Judge Burger's name was sent up in nomination, his biography, the fact that the committee found he was a man of integrity and great legal ability, and all that, which is usual in reports. That would give us something to send on.

Otherwise, I am going to have to say, in all honesty, "I do not know the man." I do not know anything against him, I can say that; but if I had a report, there would be something I could fall back on.

Mr. NELSON. Mr. President, I might say to the Senator from Washington, if we had a rollcall response to fit a third category, as "I do not know" category I would vote that way instead of aye or nay. I rose only to explain my vote. I made no criticism of Judge Burger. Like the Senator from Washington, I have never met him and never seen him. I know nothing about him. I respect the judgment of the committee and the people who have spoken in his favor, but I do not know him.

By way of explanation of declining to vote for him, it was not on the merits, but because I received the hearing record this morning. I have not had a chance even to read it, and I wager there are not on this floor right now more than two or three Senators, other than members of the Committee on the Judiciary, who have even read the hearings.

After the late unfortunate affair on the Court, assurances were being given by everyone that there would be a careful review of any of the appointments. I would at least consider it my responsibility to read the record of the hearings before voting for a Chief Justice.

That is all I have to say.

I have explained that I might very well read the hearings and read the transcript at Santa Barbara, which has been made a public matter, not by me, but by someone else, and vote for Mr. Burger. But at least we should have the chance to read the record.

I might very well agree with everything he said or disagree with some of it and that might have nothing to do with whether I determined he is qualified to be the Chief Justice of the United States.

The Senator from New Hampshire responded to statements made by me or by the Senator from Arkansas and made the point that there is something partisan or something concealed in the fact that the Senator from Arkansas and I raised a question about voting now without reading the record.

I assure the Senator that I sat for 10 years in a legislative body, if that is of importance, and voted for every single appointment made by a Republican Governor save one. The Senator is not the only one who has supported the appointments made by another party. Every one does it.

I have not raised any point about the qualifications. However, this is a public matter. I am not going to say to the people of my State, "Yes, I voted for him without having had a chance to read the hearing record."

There are not many Senators in the Chamber who can say, "I got the record at 10 o'clock this morning. I sat down and read the 116 pages and satisfied myself on the basis of that record."

There is not any Senator in the Chamber who will say he has been able to read the transcript of the discussion at Santa Barbara, which I understand is available. It may not be of importance at all.

I am voting against the confirmation solely on the basis that I have not had an opportunity to read the hearings record.

I received a letter from a man in my State at the time one of President Johnson's nomination for Chief Justice was pending in the Senate. The man outlined two reasons why I should not support the nomination.

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I wrote a devastating answer that responded to what he said and proved him to be wrong—except that he turned out to be 100 percent right.

He wrote me a letter 2 or 3 weeks ago and said:

> Are you man enough now to admit that you were wrong?

I wrote him a letter in which I said:

> I am prepared to admit I was wrong. I have been in politics a long time. I have eaten lots of crow. I have never developed a taste for it. I do not want to eat any more. I was mistaken.

I think I could have voted "yea" without any problem. However, as a matter of principle on any appointment to the Supreme Court of the United States or any elevation of a Supreme Court Justice to the office of Chief Justice of the United States, I am not going to vote "yea" until I have read the hearing record.

I have listened time after time to distinguished senior Senators delay the consideration of an issue by saying, "I just got the hearing record this morning."

I have never heard anyone argue with any senior Senator on that. They would say, "Well, would the Senator like to have it delayed until tomorrow or the day after?" Every time I have heard that point raised, there would be a delay.

It strikes me as mighty funny, after all the trouble we have had that in respect to something that raises a very serious question in the minds of the American public, we should not be able to say, "We read the record. We read the facts. We support the nominee."

I am satisfied that 999 out of 1,000 times I would vote for the nominee. Everything I have heard on the floor and elsewhere would make me favor it.

I would not vote against him because I disagreed with him philosophically, whether he was to the right or left of me. I would not want a Supreme Court composed of every one of my philosophical viewpoints anyway. I do not trust my viewpoint that much.

I think it is sound practice to have some people representing various viewpoints. I never would oppose anyone on that ground. I point out that after all of this fuss, Members of the Senate will be voting on this nomination without having read a page of the hearings record.

Mr. DIRKSEN. Mr. President, all of this has a pretty hollow sound.

The congressional summary for June 2 will show that in this session of Congress 2,416 nominations for civilian positions, other than postmasters, have been submitted to this Congress; 1,721 have been confirmed. There were reports on only three. Where were these voices all this time?

It is time to vote.

Mr. NELSON. Mr. President, I do not think the Senator was present when I addressed myself to that exact point.

Mr. DIRKSEN. I was present.

Mr. NELSON. I said the Senate acts on hundreds and hundreds of appointments. There is no conceivable way in which every Senator can make an investigation and judgment on each one of the appointments. However, at least as to the half dozen top positions in the Government, it is feasible for a Senator to make an independent check and to read the record and then to cast his vote.

That applies to only a handful of positions. It would be impossible to do it for all.

Mr. SAXBE. Mr. President, the Senator from Kentucky (Mr. Cook) is necessarily absent today and has asked that I express for him his high regard for Chief Justice-designate Warren E. Burger and his hope that the nomination will be overwhelmingly confirmed by the Senate. Since the Senator from Kentucky is unable to be present to vote for Judge Burger's nomination, he has asked that I place in the Record for him the remarks he would have made had he been able to be here. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY SENATOR COOK

Mr. President, it is with a sense of sincere pride that I support the President's nomination of Judge Warren E. Burger to be Chief Justice of the United States. I had the privilege, as a member of the Committee on the Judiciary, to be present and to participate in the hearing at which Judge Burger was questioned by our committee. Never have I been in the presence of a more articulate and intelligent witness.

Certainly recent events indicate that this is not one of the high points in the history of the Supreme Court. The Nation needs a man of impeccable character, and the Court needs a man with proven judicial experience. Warren Burger certainly possesses these attributes as no other man available for selection. I congratulate the President on his choice and wish for the new Chief Justice many happy and productive years on our highest Court.

Mr. HANSEN. Mr. President, it is with real pleasure that I will cast my vote for the confirmation of Warren E. Burger as this country's next Chief Justice of the U.S. Supreme Court.

He is a distinguished judge and will serve, I am sure, with credit to our country.

Judge Burger brings to the Court a significant background of experience, integrity, and competence.

It is my hope that his service will do much to restore to the U.S. Supreme Court the prestige and respect it so justly deserves. His appointment will, I believe, add strength to the law-abiding forces of American society. It will give encouragement to all people of good will who recognize the first responsibility of society to make it possible for people to live together in peace—without fear.

I am convinced Judge Burger believes in the separation of powers; that he regards it as his duty to rule on cases within the framework of a rather strict interpretation of what the Constitution says. He is willing to let the legislative branch of Government write the law.

Mr. President, I welcome Judge Burger to the Court and wish him Godspeed in his duties.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Judge Warren E. Burger to be Chief Justice of the United States? On this question the yeas and nays have been ordered. Those voting in favor of the confirmation of the nomination will vote "yea"; those opposed will vote "nay."

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT (when his name was called). Mr. President, in view of the circumstances, I ask leave to answer "present."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Arkansas will be so recorded.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. KENNEDY. I announce that the Senator from Idaho (Mr. Church), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), and the Senator from Montana (Mr. Mansfield) are absent on official business.

I also announce that the Senator from Alaska (Mr. Gravel) is absent because of a death in the family.

I further announce that the Senator from California (Mr. Cranston), the Senator from Tennessee (Mr. Gore), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Utah (Mr. Moss), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho (Mr. Church), the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), the Senator from New Hampshire (Mr. McIntyre), the Senator from Utah (Mr. Moss), the Senators from Rhode Island (Mr. Pastore and Mr. Pell), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. Goldwater), the Senator from California (Mr. Murphy), and the Senator from Vermont (Mr. Prouty) are necessarily absent.

The Senator from Hawaii (Mr. Fong), the Senator from New York (Mr. Javits), and the Senator from Illinois (Mr. Percy) are absent on official business.

If present and voting, the Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Javits), the Senator from California (Mr. Murphy), the Senator from Illinois (Mr. Percy), and the Senator from Vermont (Mr. Prouty) would each vote "yea."

The result was announced—yeas 74, nays 3, as follows:

[No. 35 Ex.]

YEAS—74

Aiken
Allen
Allott
Anderson
Baker
Bayh
Bellmon
Bennett
Bible
Boggs
Brooke
Burdick
Byrd, Va.
Byrd, W. Va.
Cannon
Case
Cooper
Cotton
Curtis
Dirksen
Dodd
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Goodell
Griffin

Gurney
Hansen
Harris
Hartke
Hatfield
Holland
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McClellan
McGee
McGovern
Miller
Mondale
Montoya
Mundt
Muskie
Packwood
Pearson
Proxmire
Randolph
Russell
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Symington
Talmadge
Thurmond
Tower
Tydings
Williams, N.J.
Williams, Del.
Yarborough
Young, N. Dak.

NAYS—3

McCarthy
Nelson
Young, Ohio

ANSWERED "PRESENT"—1

Fulbright

NOT VOTING—22

Church
Cook
Cranston
Fong
Goldwater
Gore
Gravel
Hart
Hollings
Hughes
Inouye
Javits
Mansfield
McIntyre
Metcalf
Moss
Murphy
Pastore
Pell
Percy
Prouty
Ribicoff

So the nomination was confirmed.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR ADJOURNMENT UNTIL THURSDAY, JUNE 12, 1969 AT 11 A.M.

Mr. KENNEDY. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DODD

Mr. KENNEDY. Mr. President, I ask unanimous consent that on Thursday, after the completion of the period for the transaction of routine morning business, the Senator from Connecticut (Mr. DODD) be recognized for not more than 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the adjournment of the Senate from the close of business today until 11 a.m. on Thursday next, the Secretary of the Senate be authorized to receive messages from the President of the United States and the House of Representatives, and that they may be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS DURING ADJOURNMENT

Mr. KENNEDY. Mr. President, I ask unanimous consent that during the same period all committees be authorized to file reports, together with individual, minority, or supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR PRESIDENT OF THE SENATE TO SIGN DULY ENROLLED BILLS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the President of the Senate be authorized to sign duly enrolled bills until June 12, 1969.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I wish to ask the distinguished acting majority leader whether or not there will be some business on Thursday.

Mr. KENNEDY. Mr. President, on Thursday, after disposition of routine morning business, and after the address by the Senator from Connecticut, the Senate will proceed to the consideration of S. 1708, the bill to amend title I of the Land and Water Conservation Fund Act of 1965. We expect to have at least one rollcall vote on that legislation. Thereafter the Senate will go over until Monday next.

NOMINATION OF CARL J. GILBERT TO BE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS—REFERRAL OF NOMINATION

Mr. FULBRIGHT. Mr. President, there is a matter on the calendar about which I have just had a discussion with the distinguished chairman of the Committee on Finance. I wish to propound a unanimous-consent request with regard to one of the nominations on the Executive Calendar.

After consulting with the distinguished Senator from Louisiana, I ask unanimous consent that the nomination of Hon. Carl J. Gilbert, of Massachusetts, to be a Special Representative for Trade Negotiations, with the rank of Ambassador Extraordinary and Plenipotentiary, be referred to the Committee on Finance with instructions to report back the nomination within 30 days.

After consultation with the Parliamentarian this referral, or unanimous-consent request, will not affect the original jurisdiction of the Committee on Foreign Relations to appointments of this nature but does constitute a special case which will give the Committee on Finance an opportunity to hear this nomination.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

THE PROPOSED SAFEGUARD ABM SYSTEM

Mr. BAKER. Mr. President, on the subject of the recommended anti-ballistic-missile system, I wish to make two additional points.

First, with respect to the remarks of the distinguished senior Senator from Missouri (Mr. SYMINGTON) today I think it is clear under the circumstances that there is a substantial controversy over the deployment of the Safeguard system or any anti-ballistic-missile system in the defense of the United States.

I think it is unfortunate that in some quarters it has become a highly emotional matter. That has not been the case with the distinguished senior Senator from Missouri. I think he might join with me in stating that is so on some occasions.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. SYMINGTON. I do join with the Senator in that regard.

Mr. BAKER. Mr. President, the only two points I would like to make at this late hour are as follows: One, the distinguished senior Senator from Missouri pointed out in a previous interview, as I said earlier today, that if a certain chart were released by the Defense Department it is possible that the argument over the deployment of the ABM system might be over. Clearly, he has seen that chart, as I have. I think it is clear the argument is not over. I think it is clear that there continues to be a substantial controversy, and it is clear that there is a substantial controversy in philosophy over what is best and proper for the defense of the United States.

I respect those who oppose the system. I personally support deployment of the system.

I make this last point. One of the arguments advanced in opposition to deployment of the ABM system is that the response of the Soviet Union might be to deploy a greater number of offensive missiles so that it might overwhelm the new ABM. As far as I know, no one claims that Safeguard or any ABM system is infallible or that it can entirely protect the United States against attack by an aggressor. On the other hand, I think we are all trying to do the best we can in the defense of this country. It is important to this debate that it now appears, and I have been informed, that the time has come when it is cheaper to build and deploy ABM Sprints than to deploy additional Minutemen. The time is at hand when it will be cheaper for us to build a component of a defensive system, an ABM Sprint, and its proportionate share of the radar cost, than it is for the Russians to build an offensive weapon to try to counter it. We are all concerned with the cost of defense. We are all concerned most with defense as an abstract quality of necessity for this country. I believe those two points, however, are significant in this colloquy.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. SYMINGTON. I appreciate the position of the distinguished Senator

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from Tennessee. It is not with respect to people like him, however, that I am anxious for the chart to be declassified. The able Senator from Tennessee has been on record as being in favor of the deployment of this Sentinel/Safeguard system for some time. The Senator from Missouri is against deployment, although I am for further research and development; therefore, the release of the chart, in my opinion, would not affect his opinion any more than mine. But the people who should decide are the people of the United States, and I am convinced in my own mind that, if this chart were released, it would show those people that such a very small addition of Soviet SS–9's would be necessary to nullify this planned deployment of Safeguard, that the people would be unwilling to pay this high price for this deployment.

If we would have more information released in favor of those opposed to the system as against what is being released by those for the system, I believe it would be more in the democratic process. I say this without the slightest criticism of the distinguished Senator from Tennessee, for whom I have respect and admiration.

Previously I have protested information being declassified in apparent effort to support those who favor deployment of this system.

This morning, we have another illustration of this problem—an article printed on the front page of the New York Times, written by William Beecher, who says:

> The analysis, by intelligence experts in the Pentagon primarily, suggests that multiple warheads now being tested by the Russians may be capable of being guided to three scattered targets and powerful enough to destroy hardened missile silos.

That statement, Mr. President, declares that the Soviets today are testing MIRVS—not MRVS but MIRVS. Mr. Beecher is a responsible newspaper man, therefore, must have been given this information by someone in the Department of Defense. I would add that additional information was declassified in the story by Mr. Beecher.

I do not believe that the thrust of Mr. Beecher's story is correct.

If it is not true, then it should be denied, else the American people will be asked again to agree to further taxes for national security without first being given all the facts.

I thank my colleague for yielding.

Mr. BAKER. I thank my colleague from Missouri for his important and relevant remarks.

I would point out, however, Mr. President, that, as he points out, cost is an important aspect of defense, and in this particular situation, we actually have approached, probably for the first time in history, a situation where it is cheaper to build a defensive system and all of the attendant paraphernalia that goes with it, than it is to build its counterpart in the offensive weapons arsenal, specifically cheaper than to build a Minuteman and put it in its silo, and cheaper than it is for the Russians to build an offensive weapon in an effort to overcome our defensive system.

We are talking about great sums of money, Mr. President, but at the same time we always must think of the cost exchange ratio; that is, the cost to the Russians to build a weapon to overcome our defenses, and the cost of defensive weapons as distinguished from the cost of an offensive deterrent.

I believe that in the case of the chart which the distinguished senior Senator from Missouri and I have both examined, by now virtually every aspect of it is known in this RECORD with one exception, that one exception being the appraisal by the U.S. Military Establishment, by the Department of Defense, of the number of warheads that would have to be delivered by the Russians in order to overwhelm our Minuteman as protected by the Safeguard system.

I believe that that information should not be declassified. It has nothing to do with the argument except in this sense: Is the investment in Safeguard so great and our advantage so slight that we should not undertake it?

My reply to that is: My information is that now Safeguard is cheaper to build than the offensive deterrent, and that Safeguard is cheaper to build than the Russian offensive deployment that would be required to overcome it.

If that is the case, I believe there is abundant demonstration of the desirability of turning this Nation to a defensive strategy instead of exclusively an offensive one.

Mr. SYMINGTON. Well, Mr. President, the one sure way to resolve this discussion is to release the chart. Let the chart speak for itself.

I did not mean to get into a colloquy with respect to the ABM system this afternoon, and am only doing so because my position on this matter was referred to earlier in the day.

But I would leave an additional thought with my colleagues this afternoon: Having spent many years in the defense part of our Government, and many years before that in the electronics industry, in private business, there are three basic aspects I know are pertinent to this ABM system:

First is the missile itself. I put in the RECORD some time back a list of the $23 billion and $50 million in missiles which has been spent on missiles later abandoned for one reason or another. We all know, as was so well illustrated in North Dakota last summer, that even missiles we have been working on for years, end up in test failure.

Next the radar. The radar incident to the Sentinel, Safeguard system is a great deal more complicated than the missile; in fact, the vulnerability of the radar itself could well be the core of the weakness of this entire system.

We have had open testimony that the "psi" of the radar was less than 10 percent of the "psi" of the Minuteman base.

My colleague from Louisiana (Mr. LONG) asked me what "psi" means. That is a "per square inch" measurement—comparable to B.t.u.'s—British thermal unit—for heat. In effect, it refers to the amount of concrete around a base or site. This is a summary.

We have had open testimony before the Armed Services Committee that the "p.s.i." of the radar is less than 10 percent of the "p.s.i." of a Minuteman base. The Spartan missile would never have been designed to defend a missile base site, rather was designed as a thin-area defense against the Chinese attack. Therefore the Sprint is the basic missile incident to the functioning of defense of the Minuteman base by the Safeguard system.

The Sprint is not a rifle. It has to be guided, and the way it is guided is by means of the MSR radar—not the long-range—PAR—radar, but the short-range—MSR—radar. Actually, the Spartan also has to be guided by the MSR.

Therefore, it is fair to say that if a radar with a p.s.i. of less than 10 percent of the Minuteman site is knocked out by, say, the SS–11's, of which the Soviets have hundreds, then any SS–9 extrapolation would not make any difference, because the Sprints themselves would be worthless.

That is the second component part of the Safeguard system.

By all odds, the most complicated aspect of the Safeguard system is the third component, the computer; in fact, two of the world's foremost authorities on computation say this required computer has problems that have not even been worked out in theory. We all know the computer itself has not yet been completed. When you consider the number of hours and months and years expended on a launch to the moon, where each operation is carefully watched by some of our foremost engineers and scientists, as against GI's handling a system all around the United States, if completely deployed by phase 2, a system which would have to operate instantaneously and automatically, in a matter of seconds, you can realize why some of us have grave apprehension about the wisdom of deploying this system at this time.

Mr. President, someone recently said to me, "We thought you were one of us." I thereupon looked up what I have worked for and voted for, in the interest of the security of the United States, this since I came into Government. The total of the defense budgets is $953 billion; and because, for the first time, I oppose a weapons system I consider unadvisable, I am not "one of us." What is the logic in that; especially as I want to do whatever is necessary for the security of my country.

There are varying opinions about whether this cold war is becoming warmer; but I am confident every American would agree that, when Mr. Stalin was alive, the cold war aspect of our foreign relations was far more serious than today. Then there was a monolithic structure behind the Iron Curtain, and a man running things whom we all know was interested in taking over the world. That is far from true today.

In 1950 the total budget for the Military Establishment of the United States—Army, Navy, Air Force, and Marine Corps—was $13.8 billion.

I remember meeting the late great President Eisenhower, in the Pentagon building. He was here to testify before the Appropriations Committee, whose chairman at that time was Senator Mc-

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Kellar. Then he was president of Columbia University. I met him in his office in the Pentagon, where all five-star generals have offices. I pleaded with him to see what he could do to add $500 million to that $13.8 billion figure. But we did not get the extra $500 million.

Although the cold war is far less dangerous to the security of the United States today—and I have reported the $13.8 billion figure which was up 3 years before the death of Marshal Stalin—that figure, year by year, has now risen from $13.8 billion a year to $80 billion a year.

Recently I read that the originally requested amount this year for ammunition in Vietnam alone, is more than double the total Federal appropriation for primary and secondary education—$5.2 billion for ammunition in this sad war, $2.3 billion for primary and secondary education.

The current total annual cost of the Defense Department to the American taxpayer is over $17 billion more than the total Federal individual income tax take of the United States.

It is for reasons such as these that I welcome such discussions as to what we need to do and what we do not need, for our national security.

I opposed this system when it was presented to the Congress by the previous administration although I must say I thought, its design a more logical design for defending cities than for defending missile sites. In any case, all this discussion is constructive.

We have grave problems in this country today, troubles also with our allies and the neutrals, in all parts of the world in addition to the Far East. They appear as important as the strife being waged in South Vietnam. There are troubles here at home, not only in our cities, but also in our suburban and rural areas. An increasing number are worried about the future integrity of the U.S. dollar. Consider the fact that today in America we have over $1 trillion in life insurance. In addition, all people in Government as well as private industry are interested in retirement plans. Most working people are interested in pension plans. Then we have social security and medicare and medicaid. So I believe we must be careful, as Senators to do our best to preserve the integrity of the dollar.

A week ago yesterday there was an article published called "Money, Money, Money—Where?" This article pointed out, as the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee knows so well, that prime rates today in this country are 7½ percent—today that rate went up to 8½ percent—and that short-term commercial loans in the New York market today are running between 9 and 10 percent; and I have heard of loans at considerably higher rates.

At the same time we are also having basic disagreement with our allies with respect to proposed additional credit by means of special drawing rights in the International Monetary Fund. As a result, said this article, we may have the crunch of a double crisis from a fiscal and monetary standpoint; a credit crisis in the United States at the same time there develops a currency crisis in Europe.

Only this morning, Mr. President, I read that the leading countries of Europe, countries wherein today, from the standpoint of their current position, are more prosperous than any others in world history, are in basic disagreement with the United States over the nature and degree of the annual amount of additional greenbacks wherein can be obtained through the SDR programs, designed for additional borrowing on the part of the United States.

It is the development in recent years of this new type and character of problem, Mr. President, that I would hope we all give full consideration to as we vote this on this military budget. We know that militarily, politically, and economically, the policies of the United States in recent years have now given us problems which, if not surmounted, could find us in serious trouble indeed.

Mr. BAKER. I was happy to yield to my distinguished colleague from Missouri.

I have a high and abiding respect for the breadth of his views and his consideration of the balance of equities in terms of the financial realities of the situation as we find it today, as well as in terms of the more pointed question as to whether we should deploy an ABM system, or whether we should resort to some other method for the defense of this country.

All these problems are interrelated, and I appreciate the remarks the Senator has made in this connection.

I would reiterate one single point: The valid question is how we can most cheaply and most effectively accomplish the defense of the United States. I suggest once again, Mr. President, that on the basis of the figures that are supplied to me, it is cheaper to build a defensive system—the Sprint and its associated radar—than it is to put a single Minuteman in its silo, and cheaper than it is for the Russians to build an additional missile to try to overcome that defensive step by the United States.

If that be the case, and I am so advised, then it seems to me that the merits of economy are on the side of missile defense, to say nothing of the moral and the humanitarian considerations. It gives me great pause and concern when I find the alternative proposition urged, that the United States should not build a defensive system, but rather build more and more, and bigger and bigger, offensive weapons, and point them at Moscow. If I lived in Moscow, I would be considerably upset. I have heard no such reactions from the Russians to the proposals by the United States to build a defensive system, which, by the nature of its engineering design, is incapable of rendering any injury to any nation beyond the continental limits of North America.

Mr. President, on the point that the defensive system is vulnerable, of course it is, as is an offensive system, which is just as radar-dependent, let us not fall into the temptation to believe there is a single, massive, whirling radar upon which our defenses are dependent. I believe my colleague from Missouri would agree, with his great background in the electronics industry, that what we are speaking of is a very advanced system of phased—array radar, interspersed at different and distant intervals, which is not nearly as vulnerable as a single point system of microwave transmission.

I believe that the economics, the humanitarian considerations, and the urgency of the world situation today support the deployment of a defensive system.

Mr. SYMINGTON. Mr. President, we are now skirting fairly close to classified information. All I can say is that one of my colleagues whom I respect almost as much as I do the able Senator from Tennessee pointed out to me recently that a scientist, whom he quoted by name, told him these radars in Sentinel/Safeguard could be "interlocked."

That scientist is a good friend of mine, so I asked, "How could you say you can interlock these radars, when you know there is only one radar per site."

He said, You could redesign it with more than one radar.

I said, "If you have to redesign it, why not wait a little while before deployment?"

To that, he had no answer.

Mr. BAKER. Mr. President, I yield the floor.

Mr. LONG. Mr. President, I have listened with great interest to the debate between my distinguished friends, the Senator from Tennessee and the Senator from Missouri, on this issue, on which we shall be required to vote.

The Senator from Louisiana is not going to give anyone any secret information on this subject, because he has none, and therefore he can speak freely and say anything he wishes to say.

I recall that when the Senator from Missouri first came to this body, I was one of the economizers and he was one of the big spenders. The Senator from Missouri was cautioning us that the cutback in military spending being made by the Eisenhower administration was altogether too great. I had been working on trying to find ways to save on the military construction budget. I was contending that the reduction was not nearly enough, that we ought to be saving a lot more than that.

The Senator from Missouri, at that time, was pointing out that much of the Eisenhower defense thinking was based on the theory that if we had a war, it would be a great atomic war, and that we had better position ourselves so that we could also fight a war with less than atomic weapons, because that might be the kind of war we would be forced to fight.

I believe history has proved that that is correct, and that we should have had a Defense Establishment with which we could fight either way, hoping our enemy would not put us in a position where we had to use nuclear weapons, but that if that happened we should be in a position to use them.

Thinking along that line has progressed to the further extent that if we had to use nuclear weapons, we would hope we did not have to use strategic weapons to destroy the enemy's cities, but that we could achieve our purpose by using tactical nuclear weapons on the field of battle, to keep his army, with huge amounts of manpower, from overwhelming ours.

We can find a lot of ways to save money in the military budget. There are things we can do without. I have always been convinced that we did not need all those troops over there in Europe, that we could get by with one division as well as five. I believe the Senator from Missouri shares that view. If we brought them back, I would favor putting them back in civilian life, or putting them on a reserve status, so as to save the large amounts of money they are costing us, and eliminate that tremendous drain on our balance of payments.

But here we have a fundamental question of whether this Nation should ever be in a position that we are confronted with another nuclear power which is building a nuclear defense against our nuclear weapons, and have no defense against their weapons.

Mr. President, I am not familiar with all the technical problems involved in building a nuclear defense. I do recall that when I was debating the space satellite bill some years ago, I was making the point that we ought to realize the magnitude of the grant we were giving this space satellite company, because it would be within the capability of someone, within a few years, to broadcast from those satellites out there programs that could be seen all the way around the world.

The Senator from Missouri at that time made a speech explaining how difficult and complicated it would be, and how there was no way to be sure that at any time in the foreseeable future that would be practicable.

Well, we are seeing the programs from the satellites now. Of course, they are not being beamed independently from up there, but it is demonstrated that we can put the signal up there and relay it back, put power behind what we receive back here, and televise it from coast to coast, thus achieving the same result.

Some companies are working on what they think will be a breakthrough to give an 80-to-1 yield on atomic energy, for the purposes of providing commercial power. If we do that, we will be having batteries, in a few years, that would make it possible to broadcast directly from a satellite a signal strong enough to be seen by half the world at one time.

Things that seemed impossible or unthinkable a few years ago are becoming old hat nowadays. I recently bought the latest version of color television, the one recommended by the salesman in the store.

There are devices in that instrument that cause it to correct itself against various atmospheric and needed adjustments to change from one situation or another. They are built into the set. The picture changes automatically without one knowing why it happens. It just happens.

A person turns on the set and waits a moment and it will adjust itself. How they did it I have no idea. However, if one puts enough good minds to work on it, those things can be done.

We ought to hope that all of the money we spend on the missile defense will be wasted. We ought to hope that it will never be necessary to employ the missile defense to shoot down enemy missiles aimed at our country. However, we should not sit here and say, "It can't be done."

In the past, it has been the other way around. If we were to sit here and say, "Why, it can't succeed. Don't try it," we would find that while we were saying this, the Soviet Union might very well go ahead to develop a missile defense which would put us at their mercy.

It would be a tragedy to sit here while Red China went ahead at a tremendous sacrifice to their people to find the resources with which to develop missiles and a missile defense to confront us with an attack against which we had no defense, while Red China could defend itself.

We cannot risk that. To borrow a phrase that the Senator from Missouri used when he came here in about 1953, "It does not do you much good to be the richest man in the graveyard."

We should have a defense with which to protect ourselves. We should have a defense second to none.

I am not too worried about our ability to afford things. If we take the national debt and the national income and make one single calculation to put them in terms of constant dollars, we find that all of our fears about the national debt and how much the Nation is spending tend to diminish.

We would find in terms of constant dollars, whether in terms of 1968 or 1948 dollars, that if we put it on the basis of what a dollar will buy and project it either forward or backward to see what the comparative situation is, we are as well able to afford a missile defense now as we have been at any time in the past.

It has been pointed out to me that our national debt in relation to our gross national product—and particularly if one looks at it in terms of the part held not by the Federal Government itself, but by the people and companies outside of the Federal Government—it is less than when we entered World War II. And we are much bigger and stronger now. However, we need to make that kind of a correction to understand the relative strength of our Nation and its ability to afford something today compared to its ability to afford something many years ago.

Something has been said about our gold outflow. Our main difficulty with that, in my judgment, has been the fact that we too long continued to follow policies we followed at a time when we wanted the other fellow to build up his gold reserve at our expense. We continued to follow it long after the situation no longer justifies it.

We continue to follow trade and aid policies which were founded on the basic assumption that we need to help the other fellow improve his position whether he cooperates with us or not. Many of those policies are still in effect today although the circumstances have long since changed.

We consider the possibility of building a successful missile defense, we should also keep in mind that many things have been done in the past such as the building of the first atomic bomb and the first hydrogen bomb which others said could not be done. Many things have been done in space which others said could not be done.

Unfortunately, in the space area, because of our failure to pursue our objectives relentlessly, we let the Soviet Union get there first. We are now beginning to overcome the lead of the Soviet Union that existed at one time. Perhaps we will be the first nation to land a man on the moon.

However, if we permit ourselves to be pessimists and say that it cannot be done and that we cannot delploy a successful missile defense system, to the point that we never even try to build one, then assuredly our enemy will have it first.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 29) to correct the enrollment of Senate Joint Resolution 35.

The message also announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 192) to reprint a brochure entitled "How Our Laws Are Made."

The message further announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 162) authorizing the printing of the book, "Our American Government," as a House document.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 3480) for the relief of the New Bedford Storage Warehouse Co.

CAMPUS UNREST—SURFACE IMPRESSIONS AND ROOT CAUSES

Mr. EAGLETON. Mr. President, as the Nation breathes a sigh of relief to mark the close of an academic year marked by disorders and violence—a sigh once reserved for the passing of summer from our tormented and strife-torn cities—it is well to reflect on the events of the last year.

Many questions were raised in our academic communities which will not soon be answered. Why do the students raise such profound hell? How did they get that way? Who are they? What do they represent? What do they want? When will it all end?

I do not have all the answers. I doubt that anyone does. However, the questions cannot be ignored, for while only a few students participate in the burnings, a great many are deeply concerned and highly critical of the American society, its government, its purposes, its goals, and its values. Many of these concerns deserve our attention. All too many people feel that if the campus leaders were rounded up, expelled, and jailed, the trouble would end.

This is a dangerous oversimplification. As Carl Schorske, University of California historian notes:

> In history when you confuse revolution with a few malefactors, you're in trouble.

For, in fact, the activists, idealists, radicals, and the moderates all gather fuel for their indignation in the same place—in the ills of our society, the trauma of the times, the disparity between promised ideals and actual deliveries, between stated goals and shoddy performance, and, always, in the contradictions of the generation gap.

I fully expect, during this session of the Congress, that we will be debating various proposals to restrain campus disorders. I would hope, during this debate, that we would also discuss some of the underlying causes of these disorders as well.

In this regard, Saul Pett, an Associated Press special correspondent, wrote a very penetrating article which was carried yesterday in some of our Nation's leading newspapers, including the St. Louis Post-Dispatch.

One excerpt from this article which I found to be particularly pertinent read as follows:

> A boy of 20 sees the big bomb on the horizon, a cold war that does not end, a hot war that does not end, a draft that does not end, poisonous race conflict that does not end, while the air around him grows dirtier, the streams get more polluted, the countryside gets more cement, traffic grows more congested, bigness gets bigger and less responsive to individual need, government, universities, corporations and unions all grow larger and in the great shapeless flood, a single human being sinks deeper in numbers, a cipher in somebody's computer.
>
> A boy of 20 today sees technology as a runaway ravenous monster providing more and more machines and less and less space and serenity for the individual human. In his lifetime, a boy of 20 finds it difficult to see that his country has solved any major human problems.

Mr. President, I ask unanimous consent that the article by Saul Pett be entered into the RECORD at this time as well as a speech I recently delivered in Kansas City, Mo., on this same subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the St. Louis Post-Dispatch, June 8, 1969]

WHY IS YOUTH IN TURMOIL?

(By Saul Pett)

(NOTE.—For America's colleges, this has been a far from silent spring. Campus after campus stirred with an uneasy life of dissent, demonstration, and violence. Are there voices beyond these that give some meaning and coherence to the year's chaos? An Associated Press reporter who has searched diligently and listened attentively seeks to illuminate the pattern behind the pattern.)

NEW YORK, June 7—"You brought us up to care about our brothers," the boy said to his elders. "You brought us up not to run away from injustice but to recognize it and fight it and destroy it.

"And now you castigate us. You castigate us because we think and we care. You demean our consciences, the consciences for which you are largely responsible. And you insult us by describing protest as our social fun.

"Now I want to get this much clear. To think is to make oneself very uncomfortable. To care is to sacrifice something and to act on that is to risk something. To enjoy that is sick and we don't enjoy it.

"We'd rather live. We'd rather be together and play our music and be in the mountains. This world remains somewhat consumed by insanity. We acknowledge, we do acknowledge with gratitude, you know, the great gifts that you've brought to this earth. But some of these gifts trouble us very deeply, and what troubles us even more deeply is that fact that you would have us ignore that which remains to be done. . . .

"The world seems ready to destroy itself and I ask you not to contribute to that destruction."

The boy's name is Pat Stimer and he is student body president at the University of Colorado, a relatively quiet campus at Boulder. Stimer is a student activist who believes in fighting for change within the system and in this appeal was talking to the Board of Regents of his university.

How do you react? Does he bore you, impress you or irritate you? Do you think he was eloquent and his words illuminating? Or do you find your stomach muscles tightening, your back stiffening and the thought mounting: Just who in the hell does he think he is, this kid who never fought a war or a depression or met a payroll, who is he to lecture his elders—did you almost say, betters?—on the meaning of words and the nature of hypocrisy?

Your answers may tell you much about a subject most people are bored with and a few yet understand—the great student uprising of 1969, the shattering spring of wild discontent now pausing for graduation and summer. It leaves behind more questions than it answered. Why? How? Why do they raise such profound hell? How did they get that way? Who are they? What do they represent? Is it contagion or conspiracy? And, praise God, when will it end?

It will not end soon, according to many experts, even if the Vietnam war ends tomorrow. The war has been the greatest single cause of student unrest or, as one man puts it, "the well in which all the agitators let their buckets down." But it was the war which let students to examine the system and now, to them, Vietnam is but a symptom of society's other sins. Now there are other wells and other buckets.

"We are in for a long haul," say Roger W. Heyns, chancellor of the University of California, Berkeley. "New recruits to protest are coming up all the time along a transmission belt of attitudes which runs stronger between the young and the younger than between children and parents.

"And if you think I'm radical or farout," many college activists have told Kenneth Keniston, the Yale psychologist, "wait until you see my younger brother or sister."

Student activists are a mixed bag of bright, articulate, likeable and obnoxious kids who, the experts tells us, most frequently come from affluent, middle-class liberal homes. They include idealists seeking reforms within the system, on their campus and in Washington. They include radicals vaguely seeking a revolution to replace the system with a vaguely-conceived Marxism, which is unlike Russia's—they are equally critical of Russia and the United States—and is, in fact, unlike any now existing.

Finally, they include outrageous nihilists who come to the barricades loaded with their own psychological baggage, who get their kicks out of breaking windows, goading a cop, tossing a dean out, or saying, as one did recently to Morris Abram, distinguished liberal, former diplomat at the United Nations and now president of Brandeis University:

"Substance? I'm not interested in substance. I'm here probing your moral blubber to see if you have any vertebrae left."

The nihilists, we are told, are a small minority within the activists, who have been attracted to the movement by the increasing publicity. They are, we're told, the 'alienated," the ones who hit the hard drugs or sex as if it were a club with which to beat their elders. They are, according to Dr. Seymour Halleck, University of Wisconsin psychiatrist, the "casualties of devastating combination of affluence, permissiveness and neglect."

All activists together make up a tiny minority within the whole American student body. You may find it reassuring that most collegians are still typically collegiate and unpolitical. They are mightily "concerned" about their dates, their fraternities, whether Yale decapitates Harvard at football. One night during the student revolt at the University of Connecticut, a night of a crucial rally before the barricades, there were at least 700 other students solemnly engaged elsewhere on the campus in an annual rite, a beer-chugging contest in which one demigod drank 19 bottles in 60 minutes.

Surely a generation which can do that can't be all bad.

But in addition to the activists and the casual collegians there is a large group, in fact, a majority on some campuses, of moderates who are deeply concerned and highly critical of the American society, its government and its values. They may disagree with the activists on tactics but are usually sympathetic with their goals. They do not themselves seize buildings but when the cops bust heads it is the moderates who come a running, join the majority and make possible, for example, the closing of a university. It is the moderates at the better universities. Keniston says, who usually supply American society with its leaders.

Without them the college revolt would be deader than the Edsel and, according to Carl Schorske, University of California historian, their elders make a big mistake in thinking the campus uproar would end if the ringleaders were just rounded up.

"In history," Schorske says "when you confuse revolution with a few malefactors, you're in trouble. The British made that mistake about the Boston Tea Party."

Together, the activists, the idealists, the radicals and the moderates all gather fuel for their indignation in the same place—in the ills of modern society, the trauma of the times, the disparity between promised ideals and actual deliveries, and, always, in the contradictions of the generation gap.

"If you wonder," Mayor John V. Lindsay of New York said recently, "why so many students seem to take the radicals seriously, why they seem to listen to clearly unacceptable proposals and tactics, ask yourself what other source in the past has won the confidence of young people.

"Is it the Government telling us that victory in Vietnam was around the corner, or that we fight for a democratic ally that shuts down newspapers and jails the opposition? Is it the military, explaining at Bemtre that 'it became necessary to destroy the town in order to save it'?

"Is it the moralizer, warning of the illegality of marijuana smoking as he remembers fondly the good old days of illegal speakeasies and illegal bathtub gin? Is it the television commercial promising an afternoon of erotic bliss in Eden if you only smoke a cigarette which is a known killer? Is it the university, which calls itself a special institution, divorced from worldly pursuits, while it engages in real estate speculation and helps plan and evaluate projects for the military in Vietnam?"

After talking to students across the country this turbulent spring, one could ask other questions. Whom should they believe?

Is it the veteran of the depression who raised his children in the hope they would never have to worry about money and now is angered that they don't? Is it the middle-aged man who audibly yearns to escape the "rat race" of modern living and is appalled when his son seeks to avoid it in the first place? Is it the "enlightened mother" who hoped her children would not be inhibited by sex and now is horrified that they aren't?

Is it the good union man in Detroit, who took part in violent, illegal sitdown strikes in the 1930s and now is shaken by the spectacle of his daughter taking part in violent, illegal seizures of college buildings? Is it the income-tax cheater lecturing his son about rifling the dean's files? Is the judge, who remembers that it was the Americans who insisted at the Nuremberg war crimes trials that Germans should be held accountable for not disobeying their Nazi leaders, the same judge who now deals sternly with draft card burners?

Is it the white northern "liberal" who cheered when his son went south to fight for black civil rights and now thinks things are moving too fast when they bus Negro kids into his neighborhood? Is it the veteran of World War II, proud of the army he fought with across France, trying now to explain to his son why the United States Army denied, hedged and finally admitted it was its secret nerve gas at its secret installation that killed those 6000 sheep?

Is it the middle-aged mother, the lady working so hard at the League of Women Voters, trying to console her daughter and restore her faith in the democratic process after the trauma of 1968—the rising expectations of the young, the deaths of Robert F. Kennedy and the Rev. Dr. Martin Luther King, the defeat of Eugene J. McCarthy, the bloody, nightmarish chaos at the Chicago Democratic convention, the nomination of a man who had won no primaries?

But from the opposite cliff at the generation gap, the elders are asking many questions of their young. Whom among you shall we take seriously?

Is it the revolutionary who grows impatient when asked what he would replace the system with? Is it the young logician who justifies burning a university building by the "napalming of babies in Vietnam"? Is it the fearless student leader who knowingly breaks the law and immediately demands amnesty as his price for not continuing to break the law? Is it the young critic, whom Harvard taught to be critical and who now says to a Nobel laureate: "We're going to close down Harvard and when we get it the way we want it, we'll give it back?"

Is it the young master of the confrontation, who spits at the cops and then howls, before television cameras, about police brutality? Is it the rationalizer who, as John W. Gardner says, is "vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty?" Is it the boy who was raised on "demand feeding" and now insists on instant gratification and instant reform? Is it the thoughtful rebel who profoundly dishonors his father by burning his country's flag? Is it the astute historian who acts as though history began with his birth and he and his peers are the sole avengers of the oppressed, the sole apostles of the good, the true and the beautiful?

Is it the young sociologist, armed with movie footnotes from "The Graduate," who insists that all adults are money-grubbing, status-seeking, wife-trading, booze-swilling hypocrites whose only advice to the young is to make a killing in plastics? Is it, finally, the radical destroyer who is unaware that a society, any society, once destroyed is difficult to replace, that any organization of human beings is a fragile thing and, as Richard Rovere notes, "it is devilishly hard to get a human society in which decency has any room to function"?

In the human species, generation gaps, of course, are not unique to this era. Children have been shocking and baffling parents probably since the first caveman's son announced he could do his thing only in a treehouse.

There seems, however, little consolation in the fact that generation gaps are old stuff. This is the one we have to deal with. It may be wider now or merely more visible and painful because the parents of today's college students probably tried harder to become for their children "friends" and confidantes instead of wardens. In any case, the gap is wide and deep and each generation seems frozen in an angle of vision imposed by its own time.

A boy of 20 sees the big bomb on the horizon, a cold war that does not end, a hot war that does not end, a draft that does not end, poisonous race conflict that does not end, while the air around him grows dirtier, the streams get more polluted, the countryside gets more cement, traffic grows more congested, bigness gets bigger and less responsive to individual need, government, universities, corporations and unions all grow larger and in the great shapeless flood, a single human being sinks deeper in numbers, a cipher in somebody's computer.

A boy of 20 today sees technology as a runaway ravenous monster providing more and more machines and less and less space and serenity for the individual human. In his lifetime, a boy of 20 finds it difficult to see that his country has solved any major human problems.

Unsettled though he may be by recent events, a man of 50 looks back and finds solace in the progress made in his life. He saw a great and crushing national depression ended and the government of his country begin to assume responsibility for the economic welfare of its people and the power structure reshaped to include labor with capital and a war won that urgently needed to be won, a war in which it was easy to distinguish the good guys from the bad.

He can remember when there were no jet planes or space travel or polio shots or television or two-car families or pensions for the aged and electricity for the farmers. If in recent years, he began to doubt his government, he can remember many years when he didn't. If today's national problems begin to overwhelm him, he still nourishes an old-fashioned faith that somehow America produces the right man at the right time.

In any case, he is 50 and middle-aged and tired and it was a helluva rough day at the office. He has fought his wars, earned his living, raised his children, adjusted his dreams and asks now, perhaps not unreasonably, for a little peace.

One generation takes affluence for granted. The other can't and never will. It is, perhaps, the single most tangible fact that separates them.

When it could, one generation went to college worrying about money, a concern which in retrospect was both an advantage and disadvantage. It limited our choices but it also gave us less room to grope for our "real identity" or find "our thing." We had to be specific. We went to college to learn a profession or a specialty that would get us a job.

This generation today is the first in our history, experts agree, which is not going to college just to earn a living. Freed of money problems, it is free to explore its mind and conscience, to delay the traditional burdens of adulthood, to learn more about more things, to concern itself with the quality of life and the needs of others.

This generation of young middle-class whites results from what is both good and bad in their country. They grew up taking for granted food on the table and a car in the garage and a freedom to move up and down and sideways in the social structure. Fewer Jews today have to worry about making the country club. Fewer Irish Catholics have to worry about getting a job in a Boston bank because they're Irish Catholics. Accustomed to economic security, accustomed to a relative absence of discrimination, they are more shocked than their fathers were to discover that poverty and bigotry still exist.

One generation takes comfort in what has been done. The other is outraged by what remains undone.

For example, Morris Abram, Brandeis University president, and his son.

"I measure the world by what I knew as a boy and what there is today," the father says. "My son never lived in a society where segregation was commonly accepted. I did. I see great progress. He doesn't."

For example, Henry Norr, graduate student, radical and leader of the Students for a Democratic Society at Harvard. He told an older man:

"Your generation had the depression and the war, and for you the system proved itself, especially as it rewarded you. My generation grew up free of that loyalty and deep attachment. We were free to see its faults. When I was 10, I was totally fascinated by cars, read all the catalogues. Later it dawned on me that maybe a system which put that much into tail fins and left a lot of people hungry was all screwed up."

For example, Manuel Delgado, Mexican-American, radical student at the University of California, Berkeley. He said:

"My father still thinks this is a land of equal opportunity because somebody like Thurgood Marshall made it to the Supreme Court. I don't. He thought the way to a better life was when you made money, you'd move out of the Mexican ghetto to a white neighborhood. But then the whites moved out and he was in a ghetto again, having given up much of his culture to get there. I see no reason why we should give up any of our culture. That's why I fight for a college of ethnic studies."

For example, Jim Nabors, black radical student at Berkeley:

"My father thinks the better world will come through the ballot box and people like Adlai Stevenson. I think it can come only through revolution and people like Malcolm X."

This generation of college students was the first born into the atomic age. As children many of them watched those dandy documentaries about what would happen if the bomb fell—who would die, who would live, would a man be morally justified in using a gun to keep radioactive neighbors out of his family fall-out shelter? And all of today's students are old enough to remember when the world wobbled close to the real thing in the missile crisis of 1962.

To what extent the threat of nuclear destruction shadows their thinking is difficult to determine. They talk little about it but most people who study students are convinced it is a huge factor yet to be defined.

"In a way, it's like the Eskimos," Kenneth Keniston says. "They don't talk much about the cold but obviously it affects their lives enormously." The student says little about the bomb in a personal way but he does say, frequently, "Who can plan his life 20 or 30 years ahead?"

In his study of "The Young Radicals," Keniston wrote: "It is now realistic to imagine not only one's own unannounced death and perhaps the death of one's intimates through natural catastrophe but to envision the 'deliberate' destruction of all civilization, all life . . . Technological death has a peculiar quality of impersonality, automacity and

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absurdity to it . . . Paradoxically, malice, anger and hostility are no longer necessary to create a cataclysm beyond the imaginings of the darkest sadist . . .

"Auschwitz, Hiroshima and Nuremberg, the principle that people owe more to world humanity than blind obedience to their own national leaders are the birth pangs of the postwar generation, and their lessons—the bureaucratization of genocide, the clean ease of the unthinkable and the ethic above nationality—have marked youth."

Additionally, there is the immediate violence that surrounds the boy of 20 today. It comes directly into his livingroom on television. It turns public events into private traumas more often than in the boyhood of his father. Until he went to war, his father's exposure to violence usually was more remote. Generally he didn't see it; he read about it. The difference is enormous. The boy of 20 today has, in effect, seen boys of 20 die in war in his own living room, black and white Americans killing each other in his living room, police clubbing students, pickets beating strike-breakers. Most importantly, he has seen the sudden searing deaths of his heroes, John F. Kennedy, the Rev. Dr. Martin Luther King and Robert F. Kennedy, deaths which, one writer noted, "severed America's most vital links between youth and age."

Precisely how this whole litany of shock affected the boy of 20 remains to be measured. One can easily guess, though, that it sharpened his sense of mortality, his own and his heroes', his sense of life's unpredictability, of profound national disarray, sickness, injustice, anarchy even in the most civilized nations. After a diet of violence, does the seizure of a university building seem singular to him? Does the unthinkable become thinkable?

Henry Norr, 23 years old, graduate student, class orator last year at Harvard and this year one of the leaders of its revolt, tries to calculate the effects on him of watching real violence on television as a boy. He says, "When you see it almost as if it's there right behind the TV set, it seems so close you could reach around the box and do something about it."

Among people who study students, there seems little doubt they are more mature than their parents were at the same age. They have traveled more, seen more, experienced more. They frequently experience sex at an earlier age. How important is this in shaping their attitudes?

"Considerably," reasons Huston Smith, professor of philosophy at the Massachusetts Institute of Technology. "To enter the world of sex is to be initiated into the major mystery that separates youth from manhood. It introduces a different sense of self, a sense of being in full measure a man or a woman . . . The times are out of joint because university structures have not changed to take sufficient account of the fact that students are now more like teachers."

Smith includes the factor of drugs. Many students have smoked marijuana. Far less have tried LSD. Both provide escape, both solve nothing.

"They can, however, magnify, mystify, at times clarify, and above all multiply the ways in which a problem or situation is viewed," Smith says. "This leads the users to feel that in some sense that is not totally trivial they have a wider angle of vision than their elders."

More and more, students become an increasing proportion of our population and they want an increasing voice in our destiny. They look at our technology, our resources and talents and they see no reason why anyone should go hungry or be ill-housed.

"We expect youth to be idealistic," Smith says, "but never has idealism had such grounds for impatience, for never has the gulf between the possible and actual been so great. What passed previously for inability to improve the social order has come to look like unwillingness . . ."

And always there is the Vietnam war. "It is foundational, pivotal . . . This most doubted war in our history eats away and festers; it pollutes everything. Students interrupt careers, risk lives, sacrifice lives, forgo prospects of marriage and family for what? In the eyes of myriads of students, for evil, to use our massive might to try to dictate to our self-interest the outcome of a civil war half way 'round the world."

The moral authority of pastor and parent diminishes. The moral authority of government and law diminishes. On all levels, the process of decision is questioned and attacked. What was sacrosanct yesterday is public debate today. Catholic priests oppose their Pope. Blacks oppose whites. Citizens march on Washington. Buildings are set afire within sight of the White House.

"God is dead!" cry the cynics. "Mankind will be!" cry the pessimists.

Prosperity increases. The welfare burden increases. Big cities approach bankruptcy. Taxpayers disrupt school board meetings. Teachers close down schools by strikes. Policemen and firemen threaten to walk off their jobs. American soldiers circulate underground newspapers denouncing the Army. The unthinkable multiplies.

The right-wing blames it all on the Communists, who, they're convinced, are running things behind the scenes. The left-wing blames it all on the military-industrial complex, which, it is convinced, is running things behind the scenes.

Others ask: Is anyone in charge? To the blowing of trumpets, man reaches the moon while the earth wobbles. The world shifts, jolts, changes with no stability or grand plan in sight. Thoughtful Americans search mind and soul for an answer.

"There is," says John W. Gardner, a thoughtful man, "an almost overpowering temptation to believe that somewhere along the line we made one big mistake, forgot one big truth, overlooked the one key to salvation. We want a simple answer. But the pat formula will never appear. Many things are wrong. Many things must be done."

Campus Unrest—Surface Impressions and Root Causes

(Speech by Senator THOMAS F. EAGLETON, Democrat of Missouri, at Metropolitan Junior College Commencement, Kansas City, Mo., June 6, 1969)

The American public received a violent shock in the summer of 1965 when the Watts area of Los Angeles exploded. We were appalled at the arson, the looting, the sniping. The shock was intensified in succeeding summers as rioting mobs ravaged Detroit, Newark, Chicago, Washington and other cities.

Many thoughtful but complacent Americans were equally shocked by the revelations of the Kerner Commission on the causes and origins of the riots. The report spelled out in painstaking, and often painful, detail the hunger, poverty, despair, frustration and isolation that are the everyday lot of the residents of America's urban ghettos. For those who took the time to read it, the Kerner Commission report transformed the understandable, immediate reaction to repress to a recognition of the grave problems underlying the riots and a concern for their solutions.

Today, we are experiencing another phenomenon which is equally as shocking to many Americans as the urban riots, but far less easy to understand. The university riot of 1969 has replaced the ghetto riot of Watts, 1965 and Newark, 1967, as the current subject of public dismay.

While the inner city violence usually sprang from a climate of deprivation, campus violence often springs from a climate of relative opulence, intellectually at least. Environmentally, Watts and Hough are far different from Harvard and Cornell.

Despite the obvious external differences between the nature of urban and campus violence, I think we should recognize a basic ingredient, a factor common to both. In the ghetto and on the campus there is a pervasive feeling of discontent, uneasiness and frustration which can be triggered into unrestrained, even illegal, conduct.

At the time of the various ghetto riots, many suggested, myself included, that two simultaneous approaches were needed.

First, of course, violence and illegal conduct had to be checked. Life and property had to be protected. Law had to be enforced.

Second, and more difficult, the conditions which gave rise to the violence had to be recognized and dealt with. Sadly, I must confess . . . despite massive evidence of need . . . despite the Kerner Commission Report . . . despite squalid, inhumane conditions of human existence which can no longer be ignored, our movement in this second area has been pitifully slow and has been retarded both by a less than decisive national will and by a blood-and-dollar-draining war that drones on endlessly.

I believe today with respect to the campus as I did with respect to the ghetto that we have to cope with the disturbance on two levels simultaneously.

First, our institutions of higher learning must be preserved. They must be permitted to function. The faculty and administration must not be intimidated.

Second, and again more difficult, the root causes of the eruptions must be recognized and treated.

In taking such an approach we must be careful that the tip of the iceberg—the immediate disorder—does not so provoke our passions as to prevent us from attempting to cope with that which is obscure, but massively present below the surface.

The tip of the iceberg in Watts and Hough was violence—unrestrained, often deadly, always unconscionable.

The tip of the iceberg on the campus is sometimes violence and intimidation, often disruption and confrontation.

It is a group of armed Cornell students arrogantly marching in triumph from a seized building.

It is the eviction of deans from their offices and the destruction of college records.

It is the burning of a Student Union building.

It is the curious inconsistency of students loudly proclaiming that the military has too great an influence on our society, but demanding the total expulsion of ROTC from the campus, even though the ROTC program serves as the principal check on the establishment of a professional officer caste in our military.

It is the fulminations of the SDS who are bent on substituting chaos for order, who believes in disruption for disruption's sake.

It is the boisterous catcalls of a student group who would shout down a speaker while at the same time bemoaning the fact that they are not being listened to.

The surface manifestations are numerous. Some are silly. Some are reprehensible. Some are dangerous.

But as in the case of Watts and Hough, these disquieting events reflect some far deeper and darker currents in American life, for on many of our college campuses there is, similarly, a frustration, a hopelessness, a sense of not belonging.

Today's students were born in the era of the Cold War. Most were small youngsters in the era of the Korean War. Now, they are approaching adulthood in the era of the Vietnam War. It is a war which had obscure beginnings, fought for obscure purposes. It is a war in which these students will be

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called upon to fight under a draft system that is inequitable.

Today's students are acutely aware of a society which promises great promises and dreams great dreams . . . and invites great disappointments by leaving so much unfulfilled. The slogans of the recent past—New Deal, New Frontier, Great Society—all seem pretty shallow in a nation riven by the poverty gap, the culture gap, the racial gap and all the other separations that divide us. There is a gnawing frustration in seeing the Kerner Commission Report become, not a summons to action, but just another volume on the sociologists' bookshelf.

Today's students find it difficult to comprehend how the President and the Congress can devote much time and debate to cutting millions of dollars from a Job Corps budget or an educational program and at the same time shrug off with seeming indifference a two-billion-dollar cost over-run on a new airplane.

Today's students find themselves being educated in an environment . . . under a methodology . . . and for purposes which many college administrators themselves find inadequate. HEW Secretary Finch pointed out recently that: "We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based on legitimate grievances."

In a speech which President Nixon describes as "the most significant and perceptive analysis of what is wrong with our approach to higher education," Professor S. J. Tonsor said this:

"Until there is a restoration of genuine educational purpose, there will be no restoration of confidence by society in its institutions of higher education. That educational purpose does not lie in the first place in pure or applied research, in problem solving or in providing revolutionary change or defending traditional values in the society, though all of these may result from the legitimate endeavors of higher education. Higher education has as its chief goals the education of young men and women in such a way as to make them capable participants in our complicated technological civilization, sophisticated and creative members of our common culture and active and concerned citizens."

Professor Tonsor is right, and as much as I would like to consider the current wave of campus disorders as nothing more than a passing adolescent escapade similar to the panty raid of the past, I cannot.

There are fundamental conditions on the campus which must be attended.

All of us—government, the college administrations, the public, the students—have a rightful part to play in the process of curing the conditions and restoring a genuine educational purpose.

Government has the responsibility to negotiate an end to a war, to revise the draft, to be about the business of redressing the inequities that pervade American life. Insofar as college disturbances are concerned, government should be wary of being taunted into a momentary, emotional, vindictive response which, in the words of Attorney General Mitchell, "would certainly play right into the hands of the militants."

University administrators have the obligation to take an in-depth look at their own system and methodology in a world which has changed so enormously in the past two decades, the educational process cannot remain transfixed and immutable.

The public at large has the task of realizing that there is a difference between legitimate student frustration and student chaos. Just as the illegal invasion by several clergymen into a Dow Chemical building does not accurately represent the entire religious community, so too, the rantings of a Mark Rudd do not represent the totality of student thinking.

Finally, and perhaps most importantly, the student has a role to play. He should freely express his concern for change. He must question. But he must also summon a degree of sophistication, and be guided by the processes of reason that befit an inquiring intellect so that he may discern the difference between those who would build and those who would destroy.

Today's college student is intellectually dishonest if he expects others to display a more measured and enlightened response to his actions than the student himself is willing to display in pursuit of his goals. Confrontation does produce attention. But violence will produce repugnance and possibly repression, while reason—not surrender, but reason—can produce action and constructive change.

Students must leave government, the college administration and the citizenry as a wholesome alternative to repression.

In essence what I am asking for is a pledge to be true to your ideals, a pledge to see that change is accomplished, not ignored, and the sophistication to seek reform without ruination.

The campus revolt of 1969 is a test for us all. It constitutes an examination of ourselves and our nation which we dare not flunk.

JUSTICE DOUGLAS AND THE PARVIN FOUNDATION

Mr. THURMOND. Mr. President, on several occasions I have raised objection to the political activities of Mr. Justice Douglas. By associating himself with activist organizations such as the Center for the Study of Democratic Institutions, he lays himself open for conflicts of interest which cast doubt on his judicial objectivity, and bring the Supreme Court into low repute.

Today, I would like to point out how certain of his activities in the past in connection with the Parvin Foundation have led to international repercussions. Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency. These activities of the Inter-American Center culminated in vicious attacks upon the United States, the U.S. President, and U.S. policies. Thus we have an Associate Justice of the Supreme Court acting virtually as a CIA agent, with ludicrous results. Justice Douglas has denied knowledge of the CIA's participation, but he has not denied the essential facts as revealed in the press. The incident points up the danger of active participation in political groups.

The organization to which I refer went out of existence 2 or 3 years ago, but not before its activities at least indirectly had helped to foment the revolutionary situation in the Dominican Republic in 1963, and which necessitated the intervention of the U.S. Marines to save that country from Communist takeover.

Justice Douglas became a board member of the Inter-American Center for Economic and Social Studies because of his office as president of the Parvin Foundation. The history of this Inter-American Center is most curious. It began under the name of the Institute of International Labor Research, whose chairman was the notorious Socialist, Norman Thomas.

The institute originally began in Costa Rica as a training school for leftwing radicals under the tutelage of such leftist Latin politicians as Juan Bosch and Jose Figueres.

Mr. KENNEDY. Mr. President, will the Senator yield, or does he wish to continue? I have some familiarity with the individuals about whom he is talking.

Mr. THURMOND. I will be glad to. One of Mr. Figueres' supporters, are you?

Mr. KENNEDY. No. I am able to pronounce his name correctly, and I would think that when you are using it in making charges about an individual, it is helpful to pronounce his name correctly, with due respect to an individual.

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres."

Mr. KENNEDY. How?

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres." Are you trying to correct my pronunciation in English, or are you holding yourself up as an English teacher? Are you an expert because you went to Harvard? What was your record at Harvard?

Mr. KENNEDY. All I was trying to get——

Mr. THURMOND. I will not show up your record at Harvard; that is all right.

Mr. KENNEDY. I was trying to get the way Mr. Figueres pronounces his name.

Mr. THURMOND. I will not go into your record at Harvard.

The institute was organized by one Sacha Volman, a naturalized U.S. citizen from Rumania, with a long history of radical organizing activities. Shortly after 1960, the CIA began to channel nearly $1 million into this institute under the irrational theory that the best way to fight communism is to support leftwing socialism, a fine distinction which is difficult for an ordinary American to understand. Both varieties of socialism are variants of Marxist doctrine, and differ only in the extent of their commitment to Marxist-Leninist doctrines of violent revolution.

Shortly after this period, the institute moved to the Dominican Republic, when Juan Bosch came into power, and changed its name to the Inter-American Center of Economic and Social Studies.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield.

Mr. KENNEDY. The Senator has talked about the center that existed in Costa Rica. I have some familiarity with the center and what it was trying to do.

Would the Senator tell us a little bit about the center—what kind of students were going to the center?

Mr. THURMOND. The Senator from Massachusetts can tell the Senate what he pleases.

Mr. KENNEDY. I was asking you.

Mr. THURMOND. I am presenting now the record of Justice Douglas, which I think demands that he resign. If the Senator wants to defend Justice Douglas or say anything else on this subject, he has a right to do so when I finish.

Mr. KENNEDY. What has Justice Douglas got to do with the center?

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Mr. THURMOND. If the Senator from Massachusetts will listen and not interrupt so much, he will learn.

Mr. KENNEDY. I have been listening.

Mr. THURMOND. If the Senator from Massachusetts will just keep quiet a few minutes, until I get through, he might learn something.

Mr. KENNEDY. I have been listening to the suggestions and the charges of the Senator from South Carolina in trying to identify Justice Douglas with the center for——

Mr. THURMOND. Mr. President, I will not yield.

The PRESIDING OFFICER. The Senator from South Carolina refuses to yield.

Mr. THURMOND. Mr. President, the Inter-American Center then joined with the Parvin Foundation and the National Association of Broadcasters in a program to fight illiteracy in the Dominican Republic. Justice Douglas became a board member of the Inter-American Center, where he naturally was in a position of oversight on all of the Center's projects. At this time, the major source of income of the Center was the CIA.

Because of Bosch's long association with the Inter-American Center, it is safe to conclude that the school was one of his major resource centers for the planning and operation of his government. In fact, as a well-spring of Marxist thought and activities, the Inter-American Center made major contributions to the general feeling in the Dominican Republic that the country was running headlong toward Communist takeover. Responsible citizens in the Dominican Republic felt that Bosch was unable to discriminate against the general leftist-Marxist clique that always surrounded him and the Marxist-Leninist clique that quickly infiltrated his government. The attitude of those who overthrew the Bosch Government was clearly demonstrated by the fact that Volman had to hide out for several days after the coup until he could leave the country. Thereupon, the Inter-American Center—which still had a press operating in Mexico—published a scathing attack on the U.S. policy of intervention in the Dominican situation. The Inter-American Center has apparently gone out of business since these events.

Nevertheless, the history of these events clearly shows how Justice Douglas laid himself open to increasing involvement in U.S. political affairs. From a supposed attempt to teach literacy in the Dominican Republic, this organization, with an Associate Justice of the U.S. Supreme Court on its board of directors, was inextricably drawn to open attacks upon the policies of the President of the United States, with all the domestic implications of such an attack. It is clear that Justice Douglas scarcely understands the relationship of the three branches of our Government, nor the necessity for a Supreme Court Justice to remain aloof from social and political involvements which frequently sweep the participants into untenable positions. This is another example of Justice Douglas' lack of judgment in pursuing outside activities, and I call upon him again to resign his post as Associate Justice of the U.S. Supreme Court.

Mr. President, many of the details which I have just reviewed are related in an article published in the New York Times of February 22, 1967, and I ask unanimous consent that the article, entitled "Thomas Upholds CIA-aided Work," be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Thomas Upholds C.I.A.-Aided Work—Ex-Socialist Leader Says He Didn't Know Agency Role

(By Steven V. Roberts)

Norman Thomas, the former Socialist Party leader, defended yesterday a program under which Latin-American politicians of the democratic left were trained largely at the expense of the Central Intelligence Agency.

Mr. Thomas was chairman of the Institute of International Labor Research, which ran schools in Costa Rica and the Dominican Republic and a publishing house in Mexico between 1957 and 1965.

J. M. Kaplan, former president of the Welch Grape Juice Company, disclosed last week that the foundation bearing his name had channeled about $1-million in C.I.A. funds to the institute. Neither Mr. Thomas nor anyone else connected with the institute knew the source of the funds, Mr. Kaplan said.

The J. M. Kaplan Fund was identified as a conduit for C.I.A. funds during a Congressional investigation in 1964.

WHAT WE DID WAS GOOD WORK

"I'm not ashamed of what we did," Mr. Thomas, now 82 years old, said in a telephone interview. "What we did was good work, and no one ever tried to tell us what to do. I am ashamed we swallowed this C.I.A. business, though. If I had a choice I would never have accepted C.I.A. support. That would have let them crush the project at any minute or made us persona non grata in the countries we were working with."

Mr. Thomas said he had "heard rumors" that the money came from the C.I.A., but "they were always denied when I asked Mr. Kaplan about them."

"I ought to have been more curious," he said. "I'm not trying to save myself from justified criticism. I ought to have known, but I didn't."

Mr. Thomas said the institute was the "brainchild" of Sacha Volman, a naturalized citizen from Rumania who had once worked for Radio Free Europe and had spent more than seven years in Nazi and Russian concentration camps.

"Volman came to the conclusion that nothing was being done successfully in Latin America to find an alternative to the Communists or the military oligarchies," Mr. Thomas said.

ORGANIZED 17 PARTIES

Mr. Volman then organized 17 left-of-center parties throughout Latin America to oversee a leadership training school in San Jose, Costa Rica, Mr. Thomas said. The institute was formed in 1957 to provide funds, and Mr. Volman became director of the school, which was called the Institute of Political Education.

Funds were scarce in the early years, and Mr. Thomas approached Mr. Kaplan for help in 1960. According to Mr. Kaplan, the first grant of $35,000 was not C.I.A. money. Shortly thereafter, he said, the C.I.A. asked him if it could make "substantial contributions" to the institute through the Kaplan Fund.

The school in Costa Rica ran 10-week sessions with about 50 to 60 Latin American politicians in each group. According to Mr. Thomas' financial adviser, many American Senators, Representatives and educators lectured in Costa Rica and later in the Dominican Republic.

"We were teaching people how to run a country," the adviser said.

The faculty also included Juan Bosch, later president of the Dominican Republic, and Jose Figueres, former president of Costa Rica. The two men have been among the most prominent democratic leftists in Latin America since World War II.

MOVED TO SANTO DOMINGO

The school left Costa Rica in 1963 when the Kaplan Fund said it could not contribute directly to political parties—which controlled the school—and retain its tax-exempt status.

The school was moved to Santo Domingo in the Dominican Republic, where Mr. Bosch had become president. It was reorganized as the Inter-American Center of Economic and Social Studies. In addition to its classes, the center also conducted the first economic survey of the Dominican Republic.

In another enterprise the center, known as C.I.D.E.S., joined with the Parvin Foundation of Santa Barbara, Calif., and the National Association of Broadcasters to produce films to teach literacy to the Dominicans.

Supreme Court Justice William O. Douglas, a board member of the Parvin fund, became a board member of the center, which was to administer the literacy project in the field.

Justice Douglas said yesterday he was unaware that the center had received most of its funds from the C.I.A.

The literacy project and the center's training school were abandoned when Mr. Bosch was overthrown by a military coup late in 1963. "Mr. Volman had to hide out for several days before he escaped from the country," Mr. Thomas said.

"This C.I.A. thing is the strangest thing I've ever heard of," Mr. Thomas said. "When Bosch was overthrown we always thought the C.I.A. was fighting against us."

The publishing company in Mexico was discontinued in 1965, and the institute closed down last year.

"We still had a little money," Mr. Thomas said with a chuckle, "so we used to publish a strong attack on the American Government's intervention in the Dominican Republic. The C.I.A. didn't get much for that money."

Mr. KENNEDY. Mr. President, will the Senator yield? Is the Senator prepared to yield now for some questions?

Mr. THURMOND. I will be glad to yield to the Senator.

Mr. KENNEDY. Mr. President, I have listened to the Senator from South Carolina. I wish the Senator from South Carolina would give us some idea as to the exact participation by Justice Douglas in this center because, as the Senator from South Carolina must know from his study, this center existed for some 2 or 3 years and was involved in bringing the non-Communist left in the Latin American countries to a center to teach them to be able to organize and fight against the radical left in these countries. As we later found out, it was supported by the CIA, and when that became apparent, obviously none of the countries in Latin America or the political parties would send their young people to the center. During the prior period they invited many Americans to come there, to lecture, and to participate in some of the seminars.

I would like to find out if whether the Senator is saying that the Justice came

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down and lectured, as they do in many colleges and universities, or what? What was the association of the Justice with the school? Will the Senator tell me?

Mr. THURMOND. I just explained.

Mr. KENNEDY. I listened.

Mr. THURMOND. Mr. President, Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency.

Therefore, for a Justice of the Supreme Court to become associated with a foundation which is financing an organization in South America, and take an active part in it, can only create controversy, and involve a U.S. Supreme Court Justice in an organization that, in turn, brought about criticism, as I said earlier, of the President of the United States, the foreign policies of the United States, and attack upon the United States.

Mr. KENNEDY. With reference to what the Senator has said—and he read it three or four times—I wish we might be able to get a clearer explanation of whatever the Senator wishes to convey on this matter. Is it that the Parvin Foundation made some contribution to a center in Latin America which the Senator from South Carolina has labeled as a left-leaning socialistic organization?

Mr. THURMOND. Yes, I used those words.

Mr. KENNEDY. That same school was also being supported by the Central Intelligence Agency; and eventually, as we know, when the CIA part became revealed, they withdrew support and the school collapsed.

I have difficulty in following along, other than the general names the Senator mentioned. I am wondering what special discredit it brings to Justice Douglas to mention the person who fled from Communist Romania.

Furthermore, the Senator made charges about the association with the center and then failed on the floor of the Senate to indicate exactly what that association was other than that in a financial way the Parvin Foundation supported it.

Mr. THURMOND. Is the Senator asking a question?

Mr. KENNEDY. I am not sure whether the Senator stated that Justice Douglas went down to lecture.

Mr. THURMOND. Justice Douglas is a U.S. Supreme Court Justice. He is supposed to stay here and decide cases. He is running around all over the country making speeches, and he is making them for fees and other things. He took nearly $85,000 from the Parvin Foundation in 6 years. He took $500 a day from this Center for the Study of Democratic Institutions, which had all kinds of participants.

I had printed in the RECORD last Thursday, if the Senator was here, his record on that point.

Today I am putting Justice Douglas' record in the CONGRESSIONAL RECORD showing that he, as chairman of the Parvin Foundation, was a board member of this Inter-American Center for Economic and Social Studies that I just mentioned.

My opinion is that Justice Douglas should stay out of these things and be completely aloof from any controversial questions. He should not be a member of this foundation or that foundation. He should not be drawing funds and compensation for working with these foundations. Now, he is connected with this Parvin Foundation which contributed to this Inter-American Center for Economic and Social Studies which is causing a lot of repercussion.

Mr. KENNEDY. What was that word?

Mr. THURMOND. And it has culminated in vicious attacks on the United States, the President of the United States, and policies of the United States. If these activities are in line with the duties of a Supreme Court Justice, I misinterpret the duties of a Supreme Court Justicee.

Mr. KENNEDY. Was the Justice criticizing U.S. policies, or was this organization criticizing U.S. policies?

Mr. THURMOND. He was chairman of the Parvin Foundation that furnished money to this organization, the Inter-American Center for Economic and Social Studies, and the activities of this Inter-American Center resulted in vicious attacks on this country and its policies.

Mr. KENNEDY. Does the Senator mean the actions of the center resulted in the attacks?

Mr. THURMOND. The Senator is correct.

Mr. KENNEDY. Down in Costa Rica. Down in that center in Costa Rica they were criticizing the United States.

Mr. THURMOND. This Parvin Foundation contributed money.

Mr. KENNEDY. One would not have had to go to Costa Rica to hear criticism of the Dominican Republic.

Mr. THURMOND. I disagree. Justice Douglas should not have taken any part in this matter. I condemn him for it and I think it is another reason why he should resign from the Supreme Court.

Mr. KENNEDY. The Senator is referring to taking part in any educational and cultural institutions. What about medical institutions? Just this afternoon we confirmed—and I voted for it—the nomination of Justice Burger who received funds from the Mayo Foundation, which is one of the great institutions in the medical field.

Mr. THURMOND. I do not think Supreme Court Justices should take part in any matter that later might come before the Supreme Court.

Mr. KENNEDY. Is the Dominican Republic going to come before the Supreme Court?

Mr. THURMOND. If the Senator will permit me to finish he can have the floor, and I am just about finished with my remarks.

I do not think the Supreme Court should take part in any matter of a political nature which he may later have to pass upon. I think that a Supreme Court Justice must not put himself in a position where he will be embarrassed later by having to act on matters in which he has taken an active part. That is all I have to say.

I yield the floor.

Mr. KENNEDY. I think there has been much talk about the role and responsibility of justices. It is my feeling, looking back over the history of the judiciary, particularly in that our judicial system sprang from the English system, that going back 400 or 500 years the judges throughout that time have been encouraged and expected to have at least some kind of association with the events that are taking place in everyday life.

Now, obviously, as we have seen during the past few weeks and the past few months, there have to be narrowly defined and sharply defined criteria which should be established. But we should not have the Justices of this great Nation completely isolated, completely unaware of any of the kinds of issues or of the dynamics taking place in American life and society. Certainly I think that when a Justice of the Supreme Court, such as Mr. Douglas, who has had such a distinguished career, has participated in educational activities which have been supported by agencies of the Government of the United States, including the Central Intelligence Agency, we should not expect to utilize the opportunity to say that we are going to condemn that Justice just because we disagree with what his views happen to be on many of the important issues of the time.

That is a great disservice to him as an individual and it is also a disservice to the institution. Similarly, I feel that Judge Burger, from his experience and association on the Mayo Foundation, and he has participated in that foundation for many years, is able to relate and gain from his experience with that association. Obviously, we might be able to find extreme cases where there will be medical issues which will come up before the Supreme Court later, which may be related to the Mayo interests in some distant way, and some might come out and say, "Well, this is something improper."

I think it gets to the basic question as to really what we will have on the judiciary. I certainly would not want, in our country, a judiciary completely isolated or completely remote from the great forces which exist in our society today. I think that with all due respect to the Senator from South Carolina, if I use the words "reaching" or "stretching" to describe what it takes to try to make Justice Douglas appear an un-American and unethical individual, I do not think that would be a gross overstatement. Certainly, I could not let those kinds of charges against an individual who had served the judiciary with such distinction and has been such a noble American be aired on the floor of the Senate while I was in the Chamber and let them go unresponded to.

Mr. THURMOND. Mr. President, I shall have other speeches to make on this subject, and if the Senator wants to be in the Chamber at that time, I invite him to be present.

Mr. KENNEDY. Fine.

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Mr. THURMOND. I think it is perfectly ridiculous for an Associate Justice of the Supreme Court, or a Chief Justice of the United States, to serve on a foundation upon which, later, he may have to pass judgment. It is wrong for them to accept outside compensation, as Justice Douglas has done from the Parvin Foundation. He has received about $85,000 from them. It is wrong for a Justice of the Supreme Court to accept compensation, as he did, from the Center for the Study of Democratic Institutions to the extent of $500 a day. I think it is wrong for him to serve as a member of the board of directors on the Inter-American Center—I want to bring out that he sat on this very center as a member of the board of directors.

All these things are calculated to entwine him in controversial matters on which later he may have to pass judgment.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Justice Douglas has placed himself in a controversial position, which I think is untenable and I think more than ever, as I have stated heretofore, his record is such that he should feel ashamed to stay on the Supreme Court.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. KENNEDY. Could the Senator give us the other directors of that center? Does he have the list with him now?

Mr. THURMOND. I do not have the names, although I will be very glad to get them for the RECORD if the Senator would like to have them.

Mr. KENNEDY. I think they should be included in the RECORD.

Mr. THURMOND. I am not discussing others today.

Mr. KENNEDY. I believe they should be included in the RECORD, because I believe there are many distinguished friends of ours from Latin America who have demonstrated time and again their identification and association with the free forces of Latin America, and I think we should have that included so that there is no suggestion, by association, that Justice Douglas is serving with anyone but very distinguished and outstanding individuals.

Mr. THURMOND. The only difference there is that Justice Douglas is on the Supreme Court and they are not. Justice Douglas is supposed to uphold the standards of this country and he is not doing it.

Mr. KENNEDY. Could I ask the Senator what kinds of controversy the Senator is talking about? This seems to come to the Senator offhand. Where has the Justice been involved in matters of controversy which have come before the Supreme Court. Would the Senator answer that?

Mr. THURMOND. Answer what? [Laughter.]

Mr. KENNEDY. Could the Senator give us one example, or half a dozen examples or illustrations, where Justice Douglas has been involved in some kind of controversy which has eventually come to the Supreme Court of the United States and on which he has voted, or because he has been involved, perhaps, he has had to disqualify himself?

Mr. THURMOND. It is perfectly ridiculous—is not the Senator a lawyer?—it is perfectly ridiculous for any lawyer to think that a Supreme Court Justice should be a member of any board or foundation——

Mr. KENNEDY. Could the Senator answer the question?

Mr. THURMOND. Where later he may have to pass upon some legal question concerning them.

Mr. KENNEDY. Well, now, could I ask the Senator for an example of that?

Mr. THURMOND. The tax-exempt situation of the Parvin Foundation may end up in the Supreme Court, I can tell the Senator that. And, if Justice Douglas is on that Court, he may have to act or be called upon to act upon some facet of the case.

Mr. KENNEDY. Will the Senator give us one example of a past controversy? The Senator has been talking about controversies so generously here this afternoon in which Justice Douglas has been involved which have eventually come up to the Supreme Court. Would the Senator give us some examples?

Mr. THURMOND. I have recited instance after instance. The Parvin Foundation is one I have recited, and the——

Mr. KENNEDY. What?

Mr. THURMOND. The Center for the Study of Democratic——

Mr. KENNEDY. That will come up before the Supreme Court?

Mr. THURMOND. It may. It could come up.

Mr. KENNEDY. In what way?

Mr. THURMOND. On some legal question, if they are not entitled to a tax exemption. That point will probably be raised. Then, suppose it does go up to the Supreme Court? What is Justice Douglas going to do then?

Mr. KENNEDY. What are some of the others? That is the tax exemption of a corporation which could apply to any charitable group in which a Justice might be involved. But what are the other kinds of controversies in which the Senator says the Justice has been involved that can come up to the Supreme Court? Where, in any time in the past since Justice Douglas has been on the Supreme Court, has he had to disqualify himself? Will the Senator give me any examples where he has had to disqualify himself?

Mr. THURMOND. With certain personnel involved in one of the organizations which may end up with a case in the Supreme Court.

Mr. KENNEDY. Has there been one in the past on this question?

Mr. THURMOND. That is not the question.

Mr. KENNEDY. That is the question I am asking the Senator from South Carolina.

Mr. THURMOND. He has no business to be involved in a matter which later may come to the Supreme Court and cause him to be biased or prejudiced in any way.

Mr. KENNEDY. How many years has Justice Douglas been on the Supreme Court?

Mr. THURMOND. Many years longer than he should have been. [Laughter.]

Mr. KENNEDY. How many times has Justice Douglas had to disqualify himself because controversies on matters in which he was involved? Would the Senator from South Carolina, who has been so easy with the reputation of a distinguished Justice of the Supreme Court, respond to that question?

Mr. THURMOND. Maybe he should have disqualified himself from consideration of other cases——

Mr. KENNEDY. What consideration?

Mr. THURMOND. The point is, he should not put himself in the position where he would have to disqualify himself; and, furthermore, he should not put himself in the position where what he is doing does not look right. A man in public office has got to appear to be right as well as be right. It does not appear right when a Justice of the Supreme Court puts himself in the position to draw $85,000 from a foundation which later may have a case before the Supreme Court. It does not look right for a Justice of the Supreme Court to draw $500 a day from this center—the Center for the Study of Democratic Institutions. He may have to act on something there. He may have to act on other cases about which I spoke this afternoon, this Inter-American Center, for example.

Why should he put himself in the position to have to disqualify himself? Why should he embarrass this country? Why should he take any part in anything except being a Supreme Court Justice? That is a big enough job in itself.

Mr. KENNEDY. The Senator is not going to get any argument from me about that being a big enough job in itself. That is not the question the Senator has raised. He has raised the question of controversies which Justice Douglas has been involved in while on the Court. Justice Douglas has been on the Supreme Court for 30 years and the Senator from South Carolina has been one of his strongest and most vocal opponents; one would expect that a Judge would have to disqualify himself from at least some cases in that period of time, but the Senator cannot quote one example here on the floor, where he can be challenged, during all the 30 years that Justice Douglas has been on the Supreme Court, where he has had to disqualify himself from a case that came up because of prior kinds of activities. What the Senator is saying is "Sometime in the future"——

Mr. THURMOND. I mentioned——

Mr. KENNEDY. Tax-exempt foundations may be involved.

Mr. THURMOND. I mentioned this afternoon activities in which he should not have participated—activities as a member of boards, activities from which he was drawing compensation while a Supreme Court Justice, and making controversial speeches. I happened to have been at the University of Florida when he made a speech there. I was amazed that he was discussing foreign policy. I was amazed that he was discussing domestic policy.

I was amazed that he was expressing himself on all kinds of policies concerning which he might later have to decide a case.

Mr. KENNEDY. Did he in fact have to?

Mr. THURMOND. Cases may come up in the future.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Cases may come up later.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Mr. President, I yield the floor.

"COLLEGE CAMPUS UNREST—THE GENERATION GAP IN PERSPECTIVE"—ADDRESS BY SENATOR MILLER

Mr. DOLE. Mr. President, last Friday, June 6, the distinguished senior Senator from Iowa (Mr. MILLER) delivered an address at Iowa Wesleyan College in which he set forth a perceptive analysis of the unrest existing on a number of our college campuses and a knowledgeable, realistic prescription for dealing with it.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

COLLEGE CAMPUS UNREST—THE GENERATION GAP IN PERSPECTIVE

(By Senator JACK MILLER)

Having been, at one time, a part of academic life myself, there is always a certain nostalgia that comes over me when I have the privilege of appearing at a function such as this. My feelings run deep, because my wife and I very nearly decided to make our future in what we, at that time, at least, regarded as the peaceful and somewhat detached quietude of a typical campus, given over to research, writing, the stimulating dialog of the classroom, and the not so stimulating correction of examination papers.

Through an occasional lecture and my membership on the Board of Visitors of my Alma Mater, Columbia University Law School, I still manage to hold onto a little of the vocation which remains very close to my heart.

With this background, you can understand why I really care about what is happening to academic life and to the role of the college and university in our society. Moreover, as one who is a part of our government, I am acutely aware of the profound impact these developments will have on the future of our country. You share this concern and awareness, or you would not be here this evening.

One third of our population is under the age of fifteen; and nearly one-half is under the age of 26. This shift in the age balance of our population has been accompanied by popularization of the idea of universal higher education, although there is no agreement over exactly what this means. To some, it means voluntary higher education for everyone, regardless of diligence or aptitude. To others, it implies compulsory higher education. To most, I would hope, it carries the import of higher education for all who can benefit from it and who wish to make the effort, with necessary assistance—grants, loans, tax credits, or some combination—for those who could not otherwise afford it. Two years ago, the Ford Foundation's Director of Education Programs predicted that there would be school for everyone from age three to age twenty as a general pattern by 1980. This would appear a bit overstated, but events are surely moving in this direction.

Educators and public officials who observe these changes and note that one-third of the total college and university enrollment is concentrated in thirty of over one thousand such institutions are concerned over the place of the private college in the future of higher education. Congress clearly shares this concern and believes there is a place—that a balance is needed and a choice should be available. This is why we have enacted legislation providing assistance to private colleges and their students—granted that certain restrictions have been included to satisfy the church-state problem.

I believe there is general recognition that we need both public and private institutions of higher learning. This rests not alone on a realization that it would be impossible for public colleges and universities to accommodate all of the students. If public opinion so dictated, it would only be a matter of years when private schools would be overcome by the forces of economics and have to close their doors. But public opinion is not so inclined—and for the very good reason that freedom of choice of education is a part of our heritage. Public opinion moves the Congress, the state legislatures, the foundations, alumni associations, and friends of these private colleges to provide the funds needed to relieve economic pressures so that freedom of choice will be a reality for a large share of our student population.

Having had the benefit of both private and public higher education, I can affirm that each has something to offer which may not be found in the other. To some students, the pluses afforded by the private college are decisive; and to others, the advantages of public institutions are compelling. It would be a great tragedy if they had no choice.

Although much has been done at the federal level by way of assistance to higher education, no one believes we have done much more than begin to feel our national way to what must be done. Moreover, much of what has been done has been undone by the inflation spawned by mismanagement of our federal government. A student finding that the cost of his education today is $1,000 a year more than it was in 1960 will not be overly impressed by a federally guaranteed loan of $1,000 a year. Certainly inflation must be stopped; but, beyond this, public opinion will demand a better, more realistic, and more carefully integrated program of federal aid to higher education.

As the principle of universal higher education impacts on our campuses along with the changed balance in the age of our population, the role of the college and university in our society will take on even greater importance than it has today. We have, indeed, come a long way from the absence of public acceptance of institutions of higher learning and their faculties into the mainstream of the community. For years, they were regarded with suspicion and skepticism—as places and people far removed from reality; and, no doubt, this image was partially generated by some of the skepticism and aloofness which prevailed on some of the campuses themselves. However, as the general public has become better educated, there has grown a wider acceptance of the dynamic role of the college and university as "one of society's most cherished institutions," to take a phrase from Dr. Grayson Kirk.

The college and university have such a magnificent potential for helping to make ours a good society that no one should be surprised over the human reactions of disappointment, frustration, and antagonism over the violence and crude exhibitionism taking place on many campuses. These reactions are widespread, deep, and bitter. It will not do to try to excuse or explain such incidents by some nebulous phrase such as "generation gap"; or by alluding to the natural idealism of young people not yet tempered by the patience and tolerance of maturity. When supposedly mature faculty members join in such unseemly actions, there is no excuse at all.

It is serious, indeed, when the President of the United States feels compelled to say "it is time for faculties, boards of trustees and school administratiors to have the backbone to stand up against" the violence and disruptions on our campuses.

It is also time to recognize that our freedoms are not absolute. There is no absolute right of free speech. There is no absolute academic freedom, either. There are correlative responsibilities to be observed, and if they aren't, the result will be anarchy.

It would be a sad day if public opinion demanded that Congress pass a law making it a crime to seize a building on a campus, rifle the files of a professor, or desecrate a library. This is a problem for local law enforcement officials, because there are laws and municipal ordinances prohibiting such acts and, to my knowledge, no exception is made in these laws or ordinances for acts that take place on a campus.

Disciplinary problems which do not involve violation of law are for the college administration to handle. Certainly the rules of discipline should be reasonable—taking into account not only the individual student, but the rights of other students and the good name of the college or university. But if anyone believes there can be academic freedom without academic *discipline to see to it that freedom is matched with responsibilities,* he hasn't learned the tragic lesson of the degeneration of higher education in some of the universities in Latin America.

There seem to be four kinds of people involved in these violent disturbances on our campuses: (1) those who aren't even students; and there is nothing in the concept of academic freedom which suggests that they cannot and should not be treated as trespassers; (2) students who have no other motivation except to tear down the college and its reputation; and they should be expelled; (3) students who wish to see constructive change, but have had the poor judgment to use "the end justifies the means" ethic; and they must be disciplined; and (4) faculty members; and they should be fired. And I would repeat: If the actions of any of these people constitute a violation of law, the local law enforcement officers should handle the violation quite apart from, and in addition to, any disciplinary violation to be handled by the college.

It is difficult for an adult, even a parent, to fully appreciate the mental turmoil of many of our young people. However, I believe that adults have to share some of the blame for what s going on—especially some of our political, religious, academic, civic, and professional leaders. Corrupt, unethical, dishonest, or anti-social conduct by one in a position of leadership can, with its attendant publicity, produce the sick skepticism which causes a young life to be wasted. There is a sort of "neo-intellectualism" pervading too many of the speeches and writings of this group, and it is rubbing off on the young, searching, trusting, and, often, gullible mind. It deals in glittering generalitiess and cliches without any real meaning, because they are seldom if ever translated into specifics. It raises false hopes of instant change—instant educational excellence, instant prosperity, instant peace, instant social justice. Because it lacks realism and inevitably results in disappointment and frustration, it appears to be motivated by a synthetic idealism which, perhaps, slightly distinguishes it from demagoguery.

"We can't afford not to afford" to do something. "We have the resources" to do something. Maybe we can; maybe we can't. Per-

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haps there are; perhaps not. Only by dealing in specifics can a real judgment be made.

The "neo-intellectuals" are very adept at begging the question by making use of labels, such as: "liberal," "conservative," "moderate," "McCarthyism," "stone age thinking," "leftist, "radical," "martyr," "militarism," "the establishment," and "civil rights leader."

I recall a few years ago when one of my former colleagues and I debated on television, and he criticized "the establishment" in the Senate. This was an interesting label, but when I found out what he was criticizing, it became evident that he was unhappy because a very substantial majority of the members of the Senate had voted against some of his pet ideas. It would have been a little more intellectually honest, I think, if he had simply talked about the "Senate majority" so that the listeners would have had a true perspective. (Before the debate was over, I am sure they had the true perspective.)

Probably no "neo-intellectual" poses a greater threat to the young mind than one who is a member of a faculty. Whereas the college is a center of learning and research to lead its students in their search for truth, a "neo-intellectual" professor actually hinders that search. Doctor Kirk had this to say during a discussion on academic freedom which, I believe, bears on the point:

"Academic freedom for a professor means that his career may not be jeopardized by the expression of his views to his students or to the public. But however much a professor may assert his rights as a citizen to speak out on any topic, he ought to think twice before he makes a ringing public declaration on a controversial subject, particularly if it is far removed from his own field of scholarly competence. He should hesitate before doing so simply because no matter how loud or sincere his disclaimers, he can never entirely shed his scholar's gown. It may well be that when he seeks to take off his academic gown he will have beneath it only the Emperor's clothes, but he cannot escape a certain popular *presumption* of intellectual authority—and he has the responsibility not to abuse it. A scholar has an implied professional commitment to approach all issues more in the spirit of a judge than in that of an advocate. He has an obligation, in Sir Walter Moberly's words, to be 'doubly watchful and critical of the unconscious operation on his mind of his own pet prejudices and sympathies . . . an obligation more easily acknowledged than observed.' When a scholar fails to keep this admonition in mind, in the long run he puts in danger the public acceptance of the essential integrity of the university."

My guess is that Doctor Kirk had in mind, *particularly,* the attempt by some faculty members in recent years to extend their expertise in the field of science or literature into the field of international law or political science. This is not to say that one who is an expert in physics may not also, through long experience, become an expert in some phase of international relations; but there are very few who have had the opportunity for such experience. When they undertake to assume a position of authority in some field that is not their own, this does not add to either their prestige or to that of the college or university with whose name they are associated. And it certainly is most unhelpful to the student.

No one with his eyes open can dispute the fact that change is taking place in our world and in our society—rapidly. And change, *for the better,* should take place. But if that change is to be for the better—and not for the worse—we must recognize that certain things don't change: truth, moral principles, the nature and integrity of man. No amount of "neo-intellectualism" and no amount of money or material affluence can change them. There should never be a generation gap with respect to them.

You can be proud, as I am, that Iowa Wesleyan College is dedicated to these basic, unchanging spiritual values. They provide the foundation on which true excellence in education is built, through which responsible progress is made to meet the needs of a changing world and a changing society, and by which good citizenship is achieved. What better reason could there be for giving her your support?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M. THURSDAY, JUNE 12, 1969

Mr. KENNEDY. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order, until Thursday, June 12, 1969, at 11 a.m.

The motion was agreed to; and (at 4 o'clock and 35 minutes p.m.) the Senate adjourned until Thursday, June 12, 1969, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 9, 1969:

Veterans' Affairs

Donald E. Johnson, of Iowa, to be Administrator of Veterans' Affairs.

Department of State

John R. Stevenson, of New York, to be Legal Adviser of the Department of State.

U.S. Arms Control and Disarmament Agency

The following-named persons to be Members of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency:

I. W. Abel, of Pennsylvania.
Harold Brown, of California.
William J. Casey, of New York.
Douglas Dillon, of New Jersey.
William C. Foster, of the District of Columbia.
Kermit Gordon, of the District of Columbia.
James R. Killian, Jr., of Massachusetts.
John J. McCloy, of New York.
Lauris Norstad, of Ohio.
Peter G. Peterson, of Illinois.
J. P. Ruina, of Massachusetts.
Dean Rusk, of the District of Columbia.
William W. Scranton, of Pennsylvania.
Cyrus Roberts Vance, of New York.
John Archibald Wheeler, of New Jersey.

U.S. Attorney

Leigh B. Hanes, Jr., of Virginia, to be U.S. Attorney for the western district of Virginia for the term of 4 years, vice Thomas B. Mason, resigned.

Office of Science and Technology

Hubert B. Heffner, of California, to be Deputy Director of the Office of Science and Technology, vice Ivan L. Bennett, Jr., resigned.

California Debris Commission

Col. Charles R. Roberts, Corps of Engineers, to be a member of the California Debris Commission, under the provisions of section 1 of the Act of Congress approved 1 March 1893 (27 Stat. 507) (33 U.S.C. 661), vice Col. Frank C. Boerger, Corps of Engineers, retired.

Diplomatic and Foreign Service

John C. Pritzlaff, Jr., of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malta.

In the Army

The following-named person for appointment in the Regular Army of the United States, in the grade specified under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be captain

Garcia, Amelia, N3690.

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Cottingham, Tracy T., III
Mercer, Wayne D.
Otte, Kenneth L.

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Akerman, David A.
Altersitz, Larry A.
Bandholz, Robert P.
Banning, Robert F.
Barker, Larry C.
Bateman, Charles A.
Bishop, John R.
Bishop, Michael H.
Blumberg, Fred M.
Brenaman, Ronnie Kevin
Brown, David E.
Ecadwallader, Ralph E.
Carlson, Joseph E.
Clark, Garland H.
Clark, William M.
Connolly, William F.
Cox, James R.
Crowley, Robert W.
Damm, James E.
Deverna, Edward W., Jr.
Didonato, Louis M.
Dolge, David M.
Dumais, Marc R.
Glicoes, Laurence A.
Graham, Robert E.
Greenawald, William E.
Hagovsky, John M.
Hale, David C.
Hansen, Kurt
Hatfield, Chester J.
Haywood, Douglas A.
Hodenpel, Edward W. K.
Holly, George J., III
Horton, Thomas A.
Hudson, Douglas B.
Hurt, Charles S.
Jarutowicz, Gary L.
Johnson, Robert H.
Jones, William B.
Kay, James S.
Kirk, Richard T.
Kirner, Paul T.
Knauf, Andrew L.
Koht, Lowell I.
Kruckeberg, Jo P.
Lanzoni, Lynn E.
Lightfoot, Charles L.
Luker, Johnny F.
Magby, George C.
Maher, Thomas J.
Marino, John J., Jr.
McCartney, Jeffrey J.
McGowen, Stanley S.
McKean, William A., Jr.
Minnick, Howard C., Jr.
Montgomery, Seth H.
Morgan, Rodney W.
Mullen, Walter S.
Peek, Timothy M.
Petrashune, Michael J.
Rafferty, Richard M.
Ramirez, John B.
Reilly, Peter J.
Rinker, Michael L.
Roberts, Sherman D.
Rodgers, William H.
Scott, James F.
Sexton, Willie W.
Shelverton, Claude W., III
Sherwood, Roger J.
Simard, Rune E. J.
Spiker, Harold S.
Stachel, John L.
Stowe, John H.
Tallman, Raymond D., II
Weaver, James R., Jr.
Wheeler, John H.
Williams, James D.
Williams, James H.
Woodard, Michael C.
Yerkes, William N.

CONFIRMATION

Executive nominations confirmed by the Senate June 9, 1969:

Supreme Court of the United States

Warren E. Burger, of Virginia, to be Chief Justice of the United States.

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EXTENSIONS OF REMARKS

THE 350TH ANNIVERSARY OF ENFRANCHISEMENT OF JAMESTOWN POLES

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MOORHEAD. Mr. Speaker, no single nationality group has given itself more to the American ideal than the Polish Americans.

The earliest recorded history of America shows that hardworking Polish immigrants were asked to come to the Jamestown colony by Capt. John Smith, who was familiar with the excellent reputation of the Polish workingmen.

These early Polish settlers, who came to Virginia in 1619, diligently plied their trade as indentured workers for the Virgina Co. of London until they tired of their second-class citizenship, much like today's minority groups, and demanded that they be treated as "freemen."

Impressed with their skills and desirous that the colony prosper, the English agreed to enfranchise the Poles and allow them to participate in the running of the Jamestown colony.

This granting of full citizenship to the earliest Polish inhabitants of the New World is regularly celebrated by Poles all over America.

Pittsburgh Poles of American decent will celebrate the 350th anniversary of the enfranchisement of the Jamestown Poles on August 31 of this year.

As a tribute to them and their predecessors, I would like to introduce the following story of the Jamestown Poles which was prepared by Joseph Borkowski, chairman of the Political Historical Commission, Polish Falcons of America, Pittsburgh branch:

THE 350TH ANNIVERSARY OF ENFRANCHISEMENT OF JAMESTOWN POLES

(By Joseph A. Borkowski, chairman, Poilsh Historical Commission)

ARRIVAL OF POLES

It was in the year 1608 that the first group of Poles arrived to the Jamestown Colony upon the invitation of Captain John Smith, following his petition to the London Company, "that they send for carpenters, husbandmen, fishermen and for glass men, pitch and tar makers to Germany and Poland till we will be able to sustain ourselves," and further adding that, "this in preference bringing thousands such as we have now." He further emphasized that, "they (English) did not know what a day's work was except the Poles" (Edward Arber "Works of Captain John Smith," page 94).

Beginning with 1608, a unknown number of Polish workmen were employed by the Virginia Company to "make pitch and tar, glass mills (for glass-mills and soap-ashes," in company with certain Dutchmen. (John Smith's *Map of Virginia*, part 2, p. 42). Later references indicate that the Poles worked more on the pitch and tar, and soap-ashes, while the Dutch (Germans or Swiss?) had more to do with the glass. But the division of labor is *not specifically mentioned anywhere, to the best of my knowledge.*

The first group included at least two but not more than five Poles. How many Poles were in Virginia by 1619 is apparently not recorded. Whoever they were, and whatever specifically they did, they must have gone to Virginia under an indenture or other type of contract with the Virginia Company of London. Such indentures, or contracts, provided transportation and a certain "salary" for a given number of years—in this instance, probably seven. During the life of the contract or indenture, the workmen so employed were "bound" to the company. That is to say, by signing the contract, they agreed to put themselves at the Company's disposition for, say, seven years. The *enfranchisement* referred to in the Records of the Virginia Company *almost certainly* is their release from the contract, or indenture. Englishmen went to work under similar contracts, and the Poles obviously, and justly, claimed the same right to freedom as their English coworkers had. It should be noted that the verb *to enfranchise* did not mean the right to vote until at least a century later. It meant to be free of bondage of any sort. The word must be taken with its meaning in the early seventeenth century—a matter which many have overlooked. It is a grave error to read into the political principles of 1620 or so the ideas which exist today. The same applies to the Virginia Assembly of 1619, generally we should not forget that the government of Virginia still centered in the Company in London, and whatever rights to complain or to demand reform to colonists had were far different from the right to vote as we understand it today.

BASIS OF POLES COMPLAINT

The Poles in Virginia justly complained when the Council in Virginia apparently disregarded the freedom rightly theirs when they had completed their contract with the Company. Their complaint was heard by the Court held on *London in July 21, 1619,* and we have the following record:

"Upon some dispute of the Polonians resident in Virginia, it was now agreed (notwithstanding any former order to the contrary) that they shall be enfranchised and made as free as any inhabitant there whatsoever: And because their skill in making pitch and tar and soap-ashes shall not die with them, it is agreed that some young men shall be put (to work under) them, to learn their skill and knowledge therein for the benefit of the Country hereafter." (*The Records of the Virginia Company of London,* edited by Susan Myra Kingsburg, published by the Library of Congress, Vol. 1; 1906, pp. 251–2.)

It should be noted that this meeting was held at the house of Mr. John Ferrar, in St. Sithes Lane London.

Now, it would have been impossible for the Poles in Virginia to have received word of their enfranchisement in London in time to vote even if there were any votes cast, in Virginia before the end of the Assembly. It was dissolved by Sir George Yeardley on August 4, two weeks to the day after the meeting in London. This did not prevent a Pole from speaking before the assembly.

SUMMARY OF JAMESTOWN POLES AS DOCUMENTED

1608 The first Poles arrived in Jamestown aboard the Mary and Margaret, Christopher Newport, Captain, about the middle of September. Captain John Smith was the President of the Virginia Council. They probably died or were killed during the winter of 1609-1610, "the starving time."

1610 (?)–1619 A small number of Polish artisans arrived in Virginia, at various times, under contract with the Virginia Co. One, named Robert, distinguished himself in 1616 for his knowledge of the Indian language and his ability to trade with the Indians.

Late in 1618 or early in 1619, Poles whose contracts had run out appealed in London for their release from further obligation to the Company, and were enfranchised and made free members of the community as of July 21, 1619. Meanwhile, the Company had determined upon a number of reforms in the administration of the colony, and issued instructions to the new governor, Sir George Yeardley, to put them into effect. This was done by summoning a General Assembly for Jamestown on July 30, 1619. This was the first popular assembly in the western hemisphere, and Robert, the Pole, appeared before it on August 4, and testified that one of the English captains was acting in a manner discreditable to the Governor, in the presence of Indians.

1623 "Molasco," a Pole whose true name is not known, appeared before the London Council for Virginia to testify regarding certain injustices in Virginia, and later in the same year worked in favor of a reorganization of the Company, which was put into effect the following year.

REFERENCES

Captain John Smith. "The True-Travels London 1630. *Polish-American Studies,* "What We Know About Poles in Jamestown" "Vol. XV. No. 1–2, Jan.–June 1958.

Susan Myra Kingsbury," The Records of the Virginia Company; *Edward Arber,* "Works of *Captain John Smith,* "Birmingham, 1884 *Conway Whittle Sams,"* the Conquest of Virginia, London 1612, *"Captain John Smith* "The Oxford Tract—the map of Old Virginia."

Philip L. Barbour, Letter to the writer dated June 11, 1968. Mr. Barbour also had a very interesting article on Jamestown Poles in Mary & William Quarterly January 1964, titled "The Identity of the First Poles in America."

INTERNAL TAX ON SOYBEAN OIL AND MEAL BY THE EUROPEAN ECONOMIC COMMUNITY

HON. J. W. FULBRIGHT

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. FULBRIGHT. Mr. President, earlier this year I expressed my concern about the proposed internal tax on soybean oil and meal by the European Economic Community. I ask unanimous consent that a report prepared by the National Soybean Processors Association be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE PROPOSED EEC TAX ON SOYBEAN OIL AND MEAL

(An economic analysis of the proposed internal tax on soybean oil and meal by the European Economic Community; staff report, Economic Study Committee, National Soybean Processors Association, Washington, D.C.)

THE SOYBEAN PROCESSING INDUSTRY

The United States is the world's largest exporter of fats and oils. America's processing plants annually export millions of dollars worth of oilseeds and oilseed products to key markets all over the world. These markets are prime sources of hard currency to help maintain a healthy U.S. balance of payments.

The members of the European Economic Community (The Common Market) are America's leading buyers of the products of

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soybeans—the U.S. farmers' Number One cash crop. Last year, over $450 million worth of soybean oil and meal—fully one-third of America's total agricultural exports to the EEC—were sold to Common Market members. This was the equivalent of over 200 million bushels of soybeans.

Total 1967–68 Common Market sales were 93 million bushels of raw soybeans for processing, and 2,036,000 million short tons of soybean meal. All of these sales were for hard currency—an important boost to the U.S. economy. In perspective, these Common Market sales accounted for 31 percent of the soybeans exported from the United States, and 70 percent of all soybean meal exported.

Europe's Common Market buys soybeans and soybean products from more than two million U.S. acres. Loss or decline of these important Common Market sales would be disastrous to America's soybean industry, already facing a serious carryover of stocks due to inflexible prices on world markets. Adversely affected would be growers, processors, distributors, and the total U.S. agricultural economy.

In addition, any decline in Common Market outlets for U.S. soybeans would result in a further sharp increase in tax monies spent for government price support payments. Experts foresee an additional expenditure of $150 million without EEC markets. That's in addition to the estimated $700 million already invested by the Commodity Credit Corporation for price support programs.

The harm wouldn't stop there. Reduced processing and transportation needs would sharply curtail labor requirements. Shippers would suffer in reduced cargoes to foreign ports.

But why the air of impending disaster? The reason is . . .

PROPOSED TAX ON SOYBEAN OIL AND MEAL

European Common Market nations are experiencing huge butter surpluses due primarily to artifically high dairy support prices Instead of lowering their inflated supports, members of the EEC propose to place an internal tax on all oilseed products. Their reasoning is that this tax will price oilseed products out of the cooking oil and feed markets, replacing the oil with cut-price butter and the meal with casein.

Another factor in the oilseed tax proposal is the EEC's desire to increase internal markets for its expanding rapeseed production, while at the same time reduce competition with EEC-produced barley and wheat. With a 50 percent subsidy on rapeseed—and production increasing 20 percent annually—the EEC wants to expand internal markets to reduce this economic burden. Coupled with this problem, imported protein-base commodities are selling below EEC-produced barley and wheat. The EEC hopes to alleviate this price differential. An oilseed tax would do just that.

The proposal was made by Dr. Sicco Mansholdt, vice-president of the Commission of European Communities, to the Council of Ministers of the EEC. Dr. Mansholdt proposed that an internal tax of $60 per ton be placed on soybean oil, and a similar tax of $30 per ton be placed on oilcake and protein meal. His proposal is currently under consideration by the EEC's executive body in its original form, and may be acted upon at any time.

Originally designed to stabilize the EEC's edible fats and oils market, the proposed tax is, in fact, designed to discourage EEC use of soybeans and products, while at the same time encouraging the consumption of local agricultural surpluses. In short, the proposed tax is another example of the EEC's efforts to shift the financial burdens of supply adjustment to third countries through intensification of import restrictions and export subsidies.

THREAT TO U.S. SOYBEAN INDUSTRY

Implementation of the proposed tax would have several serious implications:

First, the proposed tax would reduce U.S. farm income and export earnings by inhibiting soybean exports. Soybeans are America's third ranking agricultural crop. In 1968, more than a billion bushels were raised on 40 million acres in 30 states, earning $2.5 billion in gross farm income. Soybeans also are America's third ranking agricultural export commodity. Approximately 40% of total production moves in export trade, generating $1 billion annually in export earnings.

The European Economic Community is the leading export market for soybeans and products, taking $450–500 million annually. The proposed tax would reduce annual export earnings by approximately $175 million, or the equivalent of 60–65 million bushels of soybeans at current export values. This result would contradict the United States' strong interest in export expansion, which is so essential to the balance of payments and international stability of the dollar.

Second, the proposed tax would plug one of the few remaining holes in the Community's highly protective agricultural system through which oilseeds and protein meals enter duty-free. Significantly, soybeans and protein meals are the most important U.S. agricultural export commodities still free from EEC variable levies, their duty-free status having been bound in the Dillon Round. These valuable bindings have been viewed as the principal achievements in agricultural negotiations in the Dillon and Kennedy Rounds. If implemented, the proposed tax would substantially impair the value of the bindings.

Third, the proposed tax would retard one of the most successful cash crops in U.S. agriculture—soybeans. Soybeans were introduced into the United States in the early 1900's but did not attain commercial significance until the 1930's. The industry's most rapid growth has occurred in the past ten years. Since 1957–58, soybean acreage has doubled; total production has more than doubled. This rapid growth has enabled the industry to capitalize on parallel growth in export and domestic product demand.

In fact, the United States, once dependent upon imports, has become the world's largest exporter of fats and oils. Soybean oil exports grew from 679 million pounds in 1957–58 to a peak of 1.4 billion pounds in 1965–66, but have since declined as a result of increased world market competition. Soybean meal exports increased from 300,000 tons in 1957–58 to 2.5 million tons ten years later. During the same period, soybean exports quadrupled. Oilseed and product exports to the Common Market alone rose from $200 million in 1962 to nearly a half billion dollars last year. Oilseeds and products now account for a third of all U.S. agricultural exports to the Common Market.

Fourth, the proposed tax would have serious repercussions in our domestic agricultural economy. Reduction of soybean exports would cause a back-up in domestic supplies, resulting in loss of farm income and increased CCC budget expenditures for price support and inventory management operations under the soybean price support program. These results would aggravate the already troublesome soybean surplus that has developed in the past two crop years and indirectly would favor acreage or other production or marketing controls which heretofore have been neither necessary nor desirable in the soybean industry.

Loss of export volume would be especially serious this year in view of the anticipated increase in carry-over of soybeans at the end of the crop year. Even before the EEC tax was proposed, the soybean carry-over was estimated at 335 million bushels this year, a ten-fold increase over five years ago.

Fifth, the proposed tax would violate important U.S. rights under the General Agreement on Tariffs and Trade (GATT), even though the proposed tax is "internal" and would apply equally to imported and domestic products. The United States Government has protested the proposed tax as a massive impairment of present conditions of access to European oilseed markets. Our government has reiterated that any action of the kind proposed would substantially damage U.S. trade and would trigger swift counteraction, including retaliation, to restore the balance of trade.

U.S. OPPOSITION TO EEC TAX

On December 16, the U.S. Ambassador to the European Common Market presented an "aide memoire" on the proposed tax to Vice President Mansholt expressing grave concern. He warned that, if the tax should be adopted, the U.S. would act swiftly to restore balance of trade concessions. This note was followed by a personal letter from Ambassador William Roth, then the President's Special Trade Representative, to Commission President Jean Rey. The U.S. Ambassador to the Community also met with President Rey and explained the danger of a U.S.-EEC confrontation implicit in the proposed tax. In addition, U.S. embassies in the six member states have explained our position to their host governments.

Shortly before leaving office in January, former Secretary of Agriculture Freeman stated—

"This matter of continued open access to the European Community markets for our soybeans and soybean products is one of the most important trade problems to confront American farmers since I became Secretary of Agriculture. If this proposed action by the Community should take place, I can think of nothing that would do more to turn back the clock on the effort we have made to improve access to foreign markets for our farm products."

Scarcely two weeks later, the new Secretary of Agriculture, Clifford M. Hardin, reaffirmed that view:

"We consider this to be the most important trade problem that has arisen in agriculture between the United States and the European Community . . ."

During the first 100 days of the Nixon Administration, the 91st Congress put forth several resolutions against enactment of the tax. More than a dozen key Members of Congress actively spoke out against the tax in the Halls of Congress. Attached to this special report is a booklet containing Congressional discussion on the matter.

THE SITUATION TODAY

Many students of the Community's Common Agricultural Policy believe that the Council of Ministers will recede from the proposed tax rates in the face of growing opposition, and eventually will agree to substantially reduced rates. It should be emphasized, however, that the mere enactment of the proposed tax, even at lower rates, would constitute a serious trade impediment. This action would, in effect, purport to shift the cost of Common Market agricultural adjustment to the United States and other third country suppliers.

Imposition of the proposed tax at any rate would establish it in principle, and the rates thereafter could be unilaterally increased. Our experience with the Community's common policy for grains—specifically, regular increases in target prices—illustrates our apparent inability to influence changes in Common Market pricing policies once a damaging principle has been established.

Several producer and trade organizations have urged the U.S. Government to continue to press the community for withdrawal of the proposed tax in favor of more fundamental solutions to internal agricultural adjustment problems. These organizations have pledged their active support for whatever actions are undertaken to preserve U.S. access to EEC oilseed and product markets. These same organizations have argued that the European Community ought not be permitted the luxury of rationalizing its highly protectionist agricultural system at the expense of traditional suppliers, including the United States' own balances of trade and payments depend heavily upon its continuing ability to take trade advantage of its more efficient production and marketing systems. Restriction of trade in any form would greatly hamper this effort.

UNITED STATES: EXPORTS OF PRINCIPAL OILSEEDS AND PRODUCTS TO THE EEC, QUANTITY AND VALUE, FISCAL YEARS 1960-61 THROUGH 1967-68

	Units	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67	1967-68
Oilseeds and products:									
Soybeans	1,000 bushels	50,130	58,316	63,520	72,446	70,258	92,883	95,585	92,787
	1,000 dollars	118,498	147,095	163,826	193,934	200,643	260,761	294,419	260,949
Soybean oil	1,000 pounds	20,931	8,113	10,967	78,290	19,808	7,748	1,723	528
	1,000 dollars	2,350	982	959	6,839	2,342	596	234	82
Soybean meal	1,000 short tons	226	493	664	665	1,242	1,535	1,640	1,973
	1,000 dollars	13,595	31,331	49,016	52,644	95,302	122,374	144,872	164,522
Cottonseed	1,000 pounds	40	1,093	7,478	988	979	89	6	234
	1,000 dollars	5	108	288	107	114	12	1	28
Cottonseed oil	1,000 pounds	188,921	108,496	89,371	169,863	213,241	72,929	669	888
	1,000 dollars	21,379	13,994	9,577	17,245	26,136	8,511	94	113
Cottonseed meal	1,000 short tons	3	([1])	7	5	18	27	([1])	([1])
	1,000 dollars	157	12	467	320	1,115	1,896	38	16
Flaxseed	1,000 bushels	6,146	1,393	3,906	3,271	6,059	4,023	6,920	4,149
	1,000 dollars	18,677	4,728	11,986	9,603	17,398	11,779	20,364	12,918
Linseed oil	1,000 pounds	18,861	52	7,316	6,959	16,076	48,936	92,598	42,820
	1,000 dollars	2,395	13	708	572	1,448	4,734	8,854	4,583
Linseed meal	1,000 short tons	38	16	50	32	76	106	75	56
	1,000 dollars	2,372	959	3,762	2,416	4,865	7,429	6,110	4,363
Total (EEC)	1,000 dollars	179,428	199,222	240,589	283,679	349,389	418,493	474,987	447,579

[1] Less than 500 short tons.

Source: Bureau of the Census.

U.S. AGRICULTURAL EXPORTS TO THE EUROPEAN ECONOMIC COMMUNITY, 1960-68

[In millions of dollars]

Year ending June 30	Exports subject to variable levies [1]	Other exports	Total	Year ending June 30	Exports subject to variable levies [1]	Other exports	Total
1960	340	760	1,100	1965	529	842	1,371
1961	384	737	1,121	1966	736	857	1,593
1962	498	686	1,184	1967	545	971	1,516
1963	416	653	1,069	1968	557	845	1,402
1964	506	827	1,333				

[1] The EEC's system of variable levies is designed to bring the cost of certain agricultural imports to the price level of EEC-produced commodities. Grains, poultry, and pork were made subject to variable levies beginning on July 20, 1962; rice on Sept. 1, 1964; and beef and dairy products on Nov. 1, 1964.

Compiled from U.S. Bureau of the Census data.

EEC MEMBER COUNTRY AND AGGREGATE EEC THRESHOLD PRICES WEIGHTED BY INDIVIDUAL COUNTRY UTILIZATION [1]

[In dollars per metric ton]

Grain and year	Germany	France	Italy	Belgium	Netherlands	EEC average [1]	Grain and year	Germany	France	Italy	Belgium	Netherlands	EEC average [2]
Wheat:							Barley:						
1962-63	121.00	95.54	109.60	98.20	92.96	105.60	1962-63	106.75	76.93	62.59	81.60	77.35	87.67
1963-64	119.50	97.75	112.80	99.20	98.48	107.83	1963-64	104.50	80.53	65.89	81.60	79.01	88.70
1964-65	119.50	98.22	112.80	99.40	104.97	107.98	1964-65	104.50	81.00	67.20	83.40	80.66	89.90
1965-66	118.62	99.74	112.80	99.40	104.70	108.39	1965-66	103.87	83.07	67.20	84.00	88.95	92.15
1966-67	118.62	101.25	112.80	99.40	104.56	108.99	1966-67	103.87	85.13	66.62	84.00	88.95	90.55
1967-68	105.30	106.22	108.48	104.37	104.38	116.67	1967-68	89.94	91.38	81.98	88.93	89.00	89.73
1968-69	105.30	106.22	108.48	104.37	104.38	106.67	1968-69	93.13	94.57	85.80	92.12	92.19	93.00
Corn:							Total grain: [3]						
1962-63	108.00	89.57	60.99	77.60	70.44	72.73	1962-63	114.05	89.63	87.95	88.58	80.24	93.90
1963-64	104.50	94.96	60.99	76.60	73.48	74.46	1963-64	111.97	92.57	87.71	88.61	82.94	94.41
1964-65	104.50	96.15	64.29	77.40	75.55	77.42	1964-65	111.47	93.09	89.88	88.97	86.18	95.89
1965-66	105.30	87.76	64.80	78.80	86.05	77.92	1965-66	113.13	93.13	89.54	89.33	92.43	96.28
1966-67	105.25	87.76	71.20	78.80	88.54	74.43	1966-67	110.56	94.09	85.45	88.56	93.30	94.63
1967-68	89.36	89.38	81.65	88.42	88.38	85.72	1967-68	96.38	99.24	95.58	94.92	93.44	96.77
1968-69	93.67	93.69	86.59	92.73	92.69	90.04	1968-69	98.35	100.91	98.27	96.52	95.79	98.83

[1] Prior to unification of the EEC member countries in 1967-68, each country maintained its own threshold prices. Since July 1967, however, th3 Rotterdam threshold prices have been used for determining the common levy that appies to each grain at all EEC entry points. Therefore, the individual country threshold prices for 1967-68 and 1968-69 shown above were computed, except for the Netherlands, on the basis of average differences in c.i.f. import prices that existed between the Netherlands and the other member countries during the 2 years pror to July 1967.

[2] Weighted threshold price.

[3] Wheat, corn, and barley.

TABLE I.—SOYBEAN, SOYBEAN OIL, AND PROTEIN MEAL EXPORTS BY STATE AND TOTAL AGRICULTURAL EXPORTS BY STATE, FISCAL YEAR 1968

[Dollar amounts in millions]

States ranked by order of export	Soybeans	Soybean oil	Protein meal	Subtotal	Total agricultural exports	Percent of soybeans to total	States ranked by order of export	Soybeans	Soybean oil	Protein meal	Subtotal	Total agricultural exports	Percent of soybeans to total
Illinois	$142.6	$28.3	$52.4	$222.3	$585.3	38	Louisiana	$24.0		$1.0	$25.0	$155.2	16
Iowa	112.3	20.5	40.0	173.1	392.3	44	Tennessee	21.0	$8.9	18.4	48.3	101.9	48
Missouri	57.1			57.1	174.1	32	North Carolina	21.0	.4	.8	22.2	366.2	6
Indiana	54.1	11.7	25.3	91.1	251.5	36	Kansas	14.3			14.3	296.0	5
Arkansas	71.3	6.7	13.7	91.7	254.8	36	Nebraska	13.5			13.5	229.5	9
Minnesota	53.3	7.4	15.2	75.9	226.3	34	South Carolina	18.0		1.0	19.0	106.9	18
Ohio	38.3	7.4	14.9	60.6	194.1	31	Alabama	9.8		1.2	11.0	55.6	20
Mississippi	39.0	3.0	9.6	51.6	163.8	32							
							Total, United States	750.7	117.2	253.0	1,120.9	6,315.1	18

TABLE II.—VALUE OF U.S. SOYBEAN AND SOYBEAN PRODUCT EXPORTS TO THE EEC, FISCAL YEARS 1964-68

[Dollar amounts in millions]

Year	Vegetable fats and oils	Oilseeds (principally soybeans)	Oilcake and protein meal	Total	Total U.S. agricultural exports to EEC	Soybean and soybean product exports as percent of U.S. agricultural exports to EEC
1964	$29.6	$204.6	$55.4	$289.7	$1,332.9	22
1965	41.4	219.6	101.9	362.9	1,370.9	26
1966	18.2	278.1	129.5	425.8	1,593.6	27
1967	12.8	318.0	151.4	482.2	1,509.9	32
1968	8.7	278.4	169.7	456.8	1,402.9	33

Source: "Foreign Agricultural Trade of the United States," USDA-ERS (January 1969), table 19.

TABLE 1.—COMMODITIES SELECTED FOR STUDY: THEIR STANDARD INTERNATIONAL TRADE CLASSIFICATION (SITC), REVISED, AND DATE FIRST SUBJECTED TO VARIABLE LEVY BY EEC

Commodity	SITC	Date when variable levy began
Subject to variable levy:		
Wheat and wheat flour [1]	041, 046	July 30, 1962
Other flour	047	Do.
Barley	043	Do.
Corn	044	Do.
Other feed grains	045	Do.
Eggs	025	Do.
Livestock	001	([2])
Meat	011, 012, 013	([2])
Margarine and shortening	091	([3])
Rice	042	Sept. 1, 1964
Milk and cream	022	Nov. 1, 1964
Butter	023	Do.
Cheese	024	Do.
Not subject to variable levy:		
Feedstuffs	081	
Oilseeds	221	
Animal oils and fats	411	
Vegetable oils, unprocessed	[4] 421, 422	
Oils, processed, and waxes	431	

[1] Wheat flour converted to wheat equivalent in subsequent tables.

[2] The variable levy for poultry, live pigs, and pork came into effect July 30, 1962. It came into effect for beef and veal Nov. 1, 1964. Although variety meats and canned poultry are subject to the variable levy, the import duties are bound in GATT.

[3] Lard, included in SITC 091, became subject to the variable levy with pork products (July 30, 1962).

[4] Prior to 1960, SITC 412.

INDEPENDENT PRACTITIONERS UNDER MEDICARE

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BARING. Mr. Speaker, I have received several letters from chiropractors practicing in my congressional district asking that I support addition of chiropractic to the benefits offered in medicare. The Senior Citizens Council has written asking that such care not be included, and many of my senior citizens have indicated concurrence. Organized labor is also opposed to the addition of chiropractic to medicare benefits.

The Department of Health, Education, and Welfare made a report to Congress dated December 28, 1968, entitled "Independent Practitioners Under Medicare" which, beginning at page 146, devoted some 76 pages to describing chiropractic, and I deem it of public interest to make an analysis of this report public.

The analysis follows:

ANALYSIS OF U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REPORT ON STUDY OF CHIROPRACTIC

An agency of the federal government after exhaustive study has concluded that chiropractors, who claim they can cure diseases by spinal adjustments, are so poorly educated that they cannot adequately diagnose or appropriately treat human diseases. The agency also found that chiropractors base their practice on ideas which scientists cannot accept.

On the strength of these conclusions, the Department of Health, Education and Welfare has recommended to Congress that chiropractors continue to be excluded from the nation's Medicare program.

Chiropractors have persistently lobbied Congress seeking federal recognition as professional practitioners qualified to treat aged patients who are Medicare beneficiaries. Congress has rejected their pleas. In 1967, Congress directed the Secretary of HEW to conduct a study to determine whether practitioners not included in Medicare, such as chiropractors, should be included. The report of the study, announced by HEW Secretary Wilbur J. Cohen, said chiropractors and naturopaths, who had also appealed for inclusion, should not.

The HEW report also warned that patronizing chiropractors "is undesirable" because "appropriate treatment could be delayed or prevented entirely; appropriate treatment might be interrupted or stopped completely; the treatment offered could be contraindicated; all treatments have some risk involved with their administration, and inappropriate treatment exposes the patient to this risk unnecessarily."

Chiropractors profess the belief that diseases are caused primarily by dislocation of vertebrae, called subluxation, which interferes with functioning of the nervous system and this in turn impairs the ability of the body to maintain health. HEW said: "There is no valid evidence that subluxation, if it exists, is a significant factor in disease processes. Therefore, the broad application to health care of a diagnostic procedure such as spinal analysis and a treatment procedure such as spinal adjustment is not justified."

"There is a body of scientific knowledge related to health, disease and health care," HEW added. "Chiropractic practitioners ignore or take exception to much of this knowledge despite the fact that they have not undertaken adequate scientific research."

The HEW report also noted that "the inadequacies of chiropractic education, coupled with a theory that de-emphasizes proven causative factors in disease processes, proven methods of treatment, and differential diagnosis, make it unlikely that a chiropractor can make an adequate diagnosis and know the appropriate treatment, and subsequently provide the indicated treatment or refer the patient."

Despite this deficiency in education and the rejection of proven scientific methods in favor of spinal analysis and spinal adjustment, the majority of chiropractors, HEW said, admit they treat such afflictions as chronic heart conditions, high blood pressure, headaches, the common cold, asthma, ulcers, deficiency anemia, tonsillitis, impaired hearing, colitis, hemorrhoids, dermatitis and mental and emotional problems.

A substantial percentage also admit they treat polio, impaired vision, diabetes mellitus, rheumatic fever, pneumonia, hepatitis, mumps, acute heart conditions, appendicitis, pernicious anemia and cerebral hemorrhage. Some even say they treat leukemia and other forms of cancer.

HEW said the study was conducted with the assistance of 48 outside consultants and that every effort was made to insure that the requests for inclusion in Medicare received "unbiased, impartial consideration."

HEW pointed out in its study ". . . data from earlier and current related studies were relied upon for consideration of facts about each profession included. In addition, the professional organizations of the practitioners being studied were asked to submit basic information about their professions . . ." In the chiropractic section of the study, both national chiropractic organizations—the American Chiropractic Association and the International Chiropractors Association—made appearances and presented extensive materials to HEW in support of their arguments.

Five expert review panels, one of which was on chiropractic, were named by HEW. They acted as technical and scientific advisors to an Ad Hoc Consultant Group, which in turn served in an advisory capacity to HEW for the study. HEW explained that the panel members "were selected on the basis of their scientific background and high professional reputations in their respective fields. These panels evaluated data submitted by each of the professional organizations, together with that collected by the staff" of HEW.

The Ad Hoc Consultant Group, according to HEW, "discussed with representatives of each of the professional associations its position on independent practice in the Medicare program. They also reviewed analyses from the expert review panels and staff and reports from the professional associations of the disciplines studied."

"Primary considerations in the study," HEW said, "were to assure that high quality health care is provided to persons 65 and over who are or will be beneficiaries of the Medicare program, and to assure that beneficiaries have adequate access to care."

Chiropractic was started in 1895 by Daniel David Palmer, who described himself as a "magnetic healer" before discovering how to adjust the spine. He claims to have cured a man's deafness by spinal adjustment and developed chiropractic theories from that experience.

Palmer advanced the idea of "Universal Intelligence," "Innate Intelligence," and "Educated Intelligence." Universal Intelligence, he said, was God; Innate Intelligence the "soul, spirit and spark of life—something within the body which controls the healing process, growth and repair" and "is beyond the finite knowledge," and Educated Intelligence was the "conscious" utilization of "the cerebrospinal division of the volitional expression of its function." He claimed that vertebral displacement caused disease by interfering with the planned expression of Innate Intelligence through the nerves and when the displacement was corrected by adjustment, the Innate was allowed to effect the cure. This is still the basic premise of chiropractic.

Palmer asserted that in developing the theories of chiropractic, "I have answered the time-worn question—what is life?"

HEW noted that while some chiropractors do not believe that subluxation is the only cause of disease, spinal analysis the only diagnostic tool or adjustment the only valid treatment, "the concepts of the subluxation and of the spinal analysis and adjustment form the basis of chiropractic thinking and activities" and "they are greatly emphasized over other concepts of diagnosis and treatment and disease causation."

"In the health care field, as in many other fields," said HEW, "the capacity to give good quality service can be correlated with the quality of the education of practitioners, as well as the quality and extent of research upon which practice is based."

The study found these significant shortcomings in chiropractic education: "1. Lack of inpatient hospital training; 2. Lack of adequately qualified faculty; 3. Extremely low admission requirements for students; 4. Lack of a nationally recognized accrediting body; 5. Such dissension within the profession that two separate accreditation programs must be maintained."

The U.S. Office of Education and the National Commission on Accrediting do not recognize the accrediting programs conducted by the two chiropractic groups, the American Chiropractic Association and the International Chiropractors Association.

The HEW also said that "Since the U.S. Supreme Court is the ultimate arbiter of constitutional law in the United States, its decision on chiropractic is a significant measure of the current status of the profession." The case is *England* v. *Louisiana State Board of Medical Examiners*, where the Supreme Court ruled that the Equal Protection Clause of the 14th Amendment of the U.S. Constitution does not bar a state from requiring chiropractors to have medical school degrees.

In its ruling, the Supreme Court upheld a U.S. District Court ruling that said: "If the education obtained in chiropractic schools does not meet the standards of . . . the United States Office of Education, it may well be that the Legislature of Louisiana felt that in the public interest a diploma from an approved medical school should be required of a chiropractor before he is allowed to treat all the human ailments chiropractors contend can be cured by manipulation of the spine."

HEW noted that chiropractors spurn research.

"The lack of research is due to a number of factors. Certainly the lack of funds is one. However, considering the qualifications of the faculties of chiropractic schools, it seems unlikely that most faculty members with the qualifications listed would have the capability to undertake basic research. Another major reason for the lack of research is that the chiropractic philosophy has led to a deemphasis in research since the chiropractor believes he already knows 'basic truths and principles' and since 'Innate' is thought to be beyond finite knowledge."

HEW added: "It is apparent . . . that state licensing laws do not restrict the scope of chiropractic practice since they do not infringe upon chiropractic philosophy or approach to health and disease. A practitioner operating under the chiropractic philosophy has no interest in the use of major surgery or drugs and therefore a prohibition against these treatments does not alter his mode of practice."

Chiropractors are licensed in 48 states, but, as HEW observed, "licensure generally is considered a means of protection for the public, rather than as official recognition of the licensee."

The 12 chiropractic schools require only a high school diploma for admission (and one does not even require that), and four of the schools accept C average students. HEW said that very few chiropractic students have college level degrees but, in contrast, 84 per cent of students entering U.S. medical schools have bachelor degrees or higher and 91 per cent of medical students had a B average or higher in college. The average student-faculty ratio in chiropractic schools was 19 students for each faculty member (1965–68) compared with 1.7 students for each faculty member in medical schools (1966–67).

"Chiropractic theory and practice," HEW concluded, "are not based upon the body of basic knowledge related to health, disease and health care that has been widely accepted by the scientific community. Moreover, irrespective of its theory, the scope and quality of chiropractic education do not prepare the practitioner to make an adequate diagnosis and provide appropriate treatment.

"Therefore, it is recommended that chiropractic service not be covered in the Medicare program."

AD HOC CONSULTANT GROUP FOR HEW STUDY

The following 22 persons served as members of the Ad Hoc Consultant Group, which HEW said it "established to advise on overall aspects of the study . . ." These consultant appointees, reported HEW, "were sought for their lack of bias and their knowledgeability; none served as a representative of any health profession with vested interest in the conclusions to come from the study."

Frank Bane, Chairman, Washington, D.C.

Montague W. Cobb, M.D., Chairman, Department of Anatomy, Howard University College of Medicine, Washington, D.C.

Nelson H. Cruikshank, Member HIBAC, Washington, D.C.

Fred C. Diamond, President, Hillhaven, Inc., Tacoma, Washington.

Howard W. Ennes, Jr., 2nd Vice President, Community Services, Equitable Life Assurance Society of the United States, New York, New York.

Archibald R. Foley, M.D., Chairman, Department of Psychiatry, The Catholic Medical Center of Brooklyn and Queens, Inc., Brooklyn, New York.

James G. Haughton, M.D., First Deputy Administrator, Health Services Administration, City of New York, New York, New York.

Reid T. Holmes, President, Chief Executive Officer, North Carolina Baptist Hospitals, Inc., Winston-Salem, North Carolina.

Jack Kleh, M.D., Medical Consultant, Department of Public Welfare, District of Columbia, Washington, D.C.

Leslie W. Knott, M.D., Los Gatos, California.

Margaret D. Lewis, Director, Denver Visiting Nurse Service, Denver, Colorado.

Darrel J. Mase, Ph. D., Dean, College of Health Related Professions, University of Florida, Gainesville, Florida.

Floyd D. McNaughton, Arlington, Virginia.

Saad Nagi, Ph. D., Professor, Department of Sociology, Ohio State University, Columbus, Ohio.

Senator Maurine B. Neuberger, Chairman, Citizens Advisory Council on the Status of Women, Washington, D.C.

Walter Newburgher, President, Congress of Senior Citizens of Greater New York, New York, New York.

Sam Pollock, President, Meat Cutters District Union 427, AFL–CIO, Cleveland, Ohio.

Ernest W. Saward, M.D., Medical Director, Kaiser Foundation Hospitals, Portland, Oregon.

William K. Selden, LL. D., Princeton, New Jersey.

Sidney I. Silverman, D.D.S., Professor and Chairman, Department of Graduate and Post Graduate Prosthodontics, College of Dentistry, New York University, New York, New York.

William A. Spencer, M.D., Director, Texas Institute for Rehabilitation and Research, Houston, Texas.

William B. Strong, D.O., New York, New York.

EXPERT REVIEW PANEL ON CHIROPRACTIC AND NATUROPATHY FOR HEW STUDY

The expert review panel on chiropractic and naturopathy was one of five similar panels named by HEW to assist with various sections of the study. It consisted of eight members who served as technical and scientific advisors to the Ad Hoc Consultant Group. The panel members, HEW explained, were selected "on the basis of their scientific background and high professional reputations in their respective fields." Also, HEW explained, "They brought to bear on the matters before the Ad Hoc Consultant Group their own knowledge of the education of the health professionals studied and of basic and clinical science." The following are the members of the expert review panel on chiropractic and naturopathy:

Donald Duncan, M.A., Ph.D., Chairman, Professor and Chairman of Department of Anatomy, Universty of Texas Medical Branch, Galveston, Texas.

Jack Edeiken, M.D., Department of Radiology, Jefferson Medical College Hospital, Philadelphia, Pennsylvania.

James J. Feffer, M.D., Associate Dean for Clinical Affairs, George Washington University Medical Center, Washington, D.C.

James D. Hardy, Ph.D., D.Sc., Director, John B. Pierce Foundation of Connecticut, Inc., New Haven, Connecticut.

John McMillan Mennell, M.D., Chief, Physical Medicine and Rehabilitation, Philadelphia General Hospital, Philadelphia, Pennsylvania.

Joseph E. Milgram, M.D., Professor of Clinical Orthopaedic Surgery, Albert Einstein College of Medicine, New York, New York.

Bernard Sandler, M.D., Director, Rehabilitation Medicine, Kingsbrook Jewish Medical Center, Brooklyn, New York.

Walter I. Wardwell, Ph.D., Professor of Sociology, Department of Sociology, University of Connecticut, Storrs, Connecticut.

OPPORTUNITIES INDUSTRIALIZATION CENTER IN PHILADELPHIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. SCOTT. Mr. President, one of the most successful self-help programs in America is the Opportunities Industrialization Center, which was started in Philadelphia by the Rev. Leon Sullivan.

I ask unanimous consent that an editorial concerning the fund-raising efforts of OIC, published in the Philadelphia Inquirer of May 28, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, May 28, 1969]

COMMUNITY SUPPORT FOR THE OIC

The success story of the Opportunities Industrialization Center and its founder, the Rev. Leon Sullivan, has been proved out so often—and copied throughout the nation—that it hardly needs telling again. More than 7000 graduates of the self-help job-training program here have stepped up to satisfying and rewarding work in the local and national economy. 1500 more are in the program now and perhaps another 10,000 are ready and waiting.

But the OIC is a million dollars in debt and will shortly launch a community-wide campaign to raise the money. The deficit has been occasioned by federal cutbacks and red tape and Mr. Sullivan is understandably trying to become more independent of the whims and necessities of Congress and federal agencies. On the books, OIC has about $1.5 million coming from Washington, but, despite sincere well-wishing from the White House and elsewhere in Washington, there is just no telling when the promised funds will be forthcoming.

Mr. Sullivan has told the Philadelphia Advisory Board of OIC that he hopes to raise another $500,000 from the local business community and a matching sum in the pri-

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vate sector of the community. We hope and believe he'll get it.

For the OIC is not demanding "reparations" (to be divided who knows how) or "protection" bribes or any of the other forms of nice or not-so-nice blackmail. This Philadelphia-born organization is doing a meaningful and totally useful job of work for all concerned, including the community at large; every cent thus far invested has paid off in citizenship and money.

We do not think Philadelphia will let its own first-rate effort go down the drain because of the lamentable fogginess and fickleness along the Potomac. When and if the federal money comes along—at last—good use will be found for it.

Meanwhile . . .

AFTER VIETNAM: THE DOLLARS AND CENTS OF PEACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BROWN of California. Mr. Speaker, the May 24 issue of the Saturday Review contains what I consider to be an outstanding presentation of the economic potentials and impacts facing this Nation when the Vietnam war finally draws to a close.

Because of the immediacy and urgency of these problems I stress the need for all my colleagues to read these articles which I now place in the RECORD at this point:

AFTER VIETNAM: THE DOLLARS AND CENTS OF PEACE

Vietnam now is the longest war in U.S. history, and one of the most costly. Billions of dollars have been expended on explosives—a greater tonnage than was loosed on Nazi Germany in World War II—and on gargantuan logistical support networks. Despite peace negotiations, more than 600,000 Americans still are based in Southeast Asia. Meanwhile, our domestic crises have intensified, and hunger, poverty, and disease afflict much of a swiftly multiplying world population.

When peace finally comes to Vietnam—as appears possible soon—what economic challenges and opportunities will we face?

In this week's special issue, prepared with the assistance of former SR feature editor Alfred Balk, four distinguished contributors examine this question. U.S. Senator Edmund S. Muskie of Maine, 1968 Democratic Vice Presidential nominee, emphasizes the urgency and priorities of our internal problems in "What Happens When Peace Breaks Out?" Murray L. Weidenbaum, newly appointed Assistant Secretary of the Treasury and chairman of the Washington University economics department, presents a profile of "Our Vietnamized Economy." The third author in this section is John R. Stark, executive director of Congress's Joint Economic Committee, who examines the disposition of fresh resources and manpower at war's end in "How Much Money for Plowshares?" Finally, Lt. Gen. James M. Gavin (USA, Ret.), former U.S. Army chief of research and development, now chairman of Arthur D. Little, Inc., focuses on the private sector in his article "Can Industry Manufacture Social Solutions?"

No society's reservoir of resiliency is inexhaustible; no pool of economic resources unlimited, If the nation is to achieve essential progress after the war ends, it must be rooted in wise economic decisions now.

—THE EDITORS.

AFTER VIETNAM: WHAT HAPPENS WHEN PEACE BREAKS OUT?

(By Senator EDMUND S. MUSKIE)

When I was a young Naval officer waiting for the end of World War II, I often considered what I would do when the war ended. For the most part my dreams and plans related to picking up where I had left off as an aspiring attorney in a small Maine city. There was excitement and comfort in those dreams and plans. They meant new challenges and a return to something I had known.

My dreams were not very different from those of millions of other Americans, in and out of the service. When we had defeated the Axis we would turn to the normal, happy pursuits of family, job, community life, and recreation. The immense productive capacity of our country would be used for our domestic needs. A number of us had a dream for using part of that capacity to build a better world.

Our dreams in 1944 and 1945 were quite different from those of 1969. The war in Vietnam is not a war against the Axis. It does not give us a sense of accomplishment as we try to end it. We cannot forecast a return to a "normal" life when peace breaks out in Southeast Asia.

The war is different, and our country is different. The bright hopes of those who weathered the Depression and survived World War II have been dimmed by the nagging problems of international rivalries and nuclear threats. Our dreams have been undermined by our apparent inability to use our economic and technological resources to solve the age-old problems of ignorance, disease, hunger, and poverty. Those who did not experience either "The Depression" or "The War" are understandably impatient at the gap between promise and performance. The realities of the intercontinental ballistic missile—tipped with a nuclear warhead (or more)—coupled with the drain of Vietnam, have brought us down from the never, never land of "guns and butter."

What happens when peace breaks out? Not much, if we don't make it happen.

The question of what we need to make it happen is wrapped up in what we call the urban crisis. That crisis has been referred to as the top item on the national agenda of unfinished business, and it has been described as the "most explosive of all domestic issues confronting the American people today." Both statements are true.

Events of a few weeks ago brought with them reminders of the seriousness of our current domestic problems and the urgency of getting about the business of doing something about them. While some were making solemn affirmations about the abolition of poverty and racial injustice, troops were being mobilized in Chicago, and a curfew was once again being imposed in Memphis. Once again we are girding ourselves for another "long, hot summer." If the response is more troops, more curfews, and more piety, this summer we will pass the "crisis" state and begin to appear more and more as a "disaster area."

Since last fall, I have traveled the length and breadth of this nation and visited in many of its cities and towns. I have learned much about our country—enough to know that too many of us are angry and frustrated. We are angry because too many of us are being disinherited from the benefits and advantages of our affluence. We are frustrated because of what we continue to do to our air, our land, our water, and environment in general, knowing we will reap a whirlwind of desolation. We are angry because we still have an estimated 22 million Americans living in poverty, despite 100 months of unprecedented economic growth and expansion. We are frustrated because we managed to produce 8,500,000 new job opportunities over the past five years, but 8,400,000 Americans are on welfare.

There are those who say we can solve these problems, when the war is over. But the end of the war does not mean an automatic end to the military drain on our resources. The best evidence of this is President Nixon's recommendation for deployment of the anti-ballistic-missile system. In a period when the military estimate of defense requirements involves the development, procurement, and deployment of multibillion-dollar weapons systems, we cannot assume a normal reduction in defense spending at the end of an armed conflict. ABM is a critical issue because of its impact on the arms race, and because it is a symbol of the kinds of choices we must make.

The decisions the Administration, the Congress, and the people make on ABM in the next several months are not merely decisions for 1969; they are decisions for the 1970s. Those are not merely decisions about the best kinds of weapons for us to have; they are decisions about the kind of society we want to have. Those are not merely decisions to determine the strength of our deterrence to nuclear attack; they are decisions which will determine the strength of the world's resistance to nuclear destruction. Those decisions will not wait to the end of the Vietnam war; they are being made now. If they are going to reflect any commitment to peace, to a sane defense policy, and to a just life for all Americans, they must reflect new thinking and new priorities.

Our options and our resources are not unlimited; we face enormous demands on our resources if we are to provide food for the hungry, jobs and income for the needy, decent housing for families, educational opportunities for all, health care for young and old, cities of hope and towns of promise, and the domestic tranquility that grows out of justice and effective public protection. Up to now we have not concentrated enough resources in any one place at any one time to demonstrate what can be done to make the system work better for all of us. Our approach to the problems of urban and rural poverty has suffered from fiscal and institutional malnutrition. In too many cases we have whetted appetites without providing bread.

It may be more than coincidence that the wittiest new musical to hit Broadway this season is Promises, Promises.

In 1946, soon after peace broke out, we enacted the Full Employment Act. "Full employment" was adopted as a national objective. Since that date we have launched additional efforts, all aimed at providing greater job opportunities, a better chance for each American to live in decency and dignity and to enjoy the fruits of his labor. Few modern nations have bitten off a more ambitious set of objectives; yet we seem as far removed from their accomplishment today as we appeared to be at the time of their adoption.

Our general prosperity and economic growth have not met the needs of the hard-core poor. An announced national policy to the contrary, job discrimination remains a serious problem, and it continues to reenforce the concentration of minority groups within low-income, low-status jobs. Little progress has been made to open up business opportunity to minority entrepreneurs. The list of items is endless. And yet, each of those items—job discrimination, minority business development, housing, education, economic growth, employment—represents straightforward objectives toward which this nation presumably has been moving for the past twenty years.

We mistook rhetoric for action, demonstration for accomplishment. We made the mistake of assuming that by announcing our

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objectives, they would be achieved. But no such process occurred. Nothing happens unless will, energy, drive, and commitment are made as one. Otherwise, promises made too often become promises unkept.

If we look behind the urban scene—its riots, its protests, its confrontations between individual and authority—we can see demands which are not unreasonable. They are unreasonable only if one accepts a policy of drift, charted by unstated priorities.

We have learned painful lessons about the consequences of grievances left unattended. If we fail to meet those grievances we shall learn even more vividly that a nation without answers for its domestic needs has no security. We shall not have the opportunity to find out what happens when peace breaks out.

The grim chain of urban sprawl and rural decline, of individual poverty and social disorganization, of wasted resources and hostile environments will not be broken by a government which is indifferent, or a private sector which is inactive. The chain can be broken only if we set priorities, if we make a commitment to meet them, and if we organize ourselves to fulfill our commitments.

I have indicated the priorities I would establish. They are not the priorities of a fortress America, placing its reliance on a diversion of more of our resources to ingenious and terrible war machines. The priorities I would set are the priorities of men and women and children who have a right to enjoy for themselves the fruits of this world and to help insure that same right for others. The priorities we must set recognize the interrelationship of jobs, income, education, health care, housing, transportation, public facilities, recreation, and environmental protection in the balanced development of urban and rural communities.

Consider the imbalance between our needs and our priorities.

We lead the world in medical research, but compared with other countries we rank twentieth in longevity and sixteenth in infant mortality. Adequate health care is frequently unavailable to those who need it the most.

We will need 26 million new and rehabilitated housing units in the next ten years—roughly 2,600,000 a year. We are the most prolific builder in history but we are building only 1,600,000 housing units a year and we are tolerating 11 million sub-standard living units. In the last twenty years we have demolished more than 3,100,000 houses and apartments with federally-aided construction projects. We have torn down more housing than we have built with all our federal-aid housing programs.

Our education system has been the most ambitious in history, but in the last fifteen years, 16 per cent of all young men being tested for military service have been found unfit because of educational deficiencies. Today 28 per cent of our young people are not graduating from high school, and in the last twenty years the number of dropouts has increased nearly 100,000 a year to a total of 700,000 a year. Most high school dropouts are from our major cities—seven of which have dropout rates in excess of 30 per cent. New York's rate, for example, is 37 per cent; Detroit's, 38 per cent; Philadelphia's, 47 per cent.

Metropolitan rapid transit facilities have a direct impact on job opportunities for poor people, but the federal government spends fifty times more to build highways connecting our cities than to build rapid transit systems in our metropolitan areas.

Everyone wants clear air. We know that air pollution causes and aggravates respiratory diseases. Emphysema is one of the fastest growing causes of death in the United States; 1,000 workers are forced into early retirement each month because of lung disorders, and the economic losses resulting from dirty air exceed $11 billion a year. In spite of these costs, our federal investment in air pollution abatement is only $78 million a year.

Rising crime rates shock the nation, causing fear among all segments of our population. Crime costs between $20 and $50 billion each year—in lost earnings, property damage, and uncollected public revenue—but we are investing less than $5 billion a year for crime prevention and law enforcement, penal institutions, and rehabilitative services. We spend about the same amount on toiletries.

We have limited the Office of Economic Opportunity budget to about $2 billion a year—or less than two-thirds of what we pay for jewelry and watches, and about one-twelfth of what we spend for alcoholic beverages and tobacco.

We spend more than $2 billion a year on pet food and care, but spend only $338 million out of our national budget on food for the poor. We spend $966 million a year on the movies, but spend only $253 million on federal investments in sewage-treatment plants.

We are an enormously wealthy nation. Our per capita personal income in real purchasing power has quadrupled since 1900 and is $1,000 higher each year than the second most affluent nation in the world, Sweden. Our Gross National Product is approaching $1 trillion a year. We have failed to meet our social and environmental needs because we have not make a commitment to apply our resources to them. Making our commitments stick requires an equitable tax system, a determination to reduce unnecessary investments in arms, a continuing effort to reduce dependence on arms for security, and a willingness to accept the costs of building a better society.

General commitments, however, are not enough. Resources must be applied specifically and effectively where they will do the most good. At present, our institutions of government are not as well organized as they should be to make such an application.

Part of our difficulty stems from the multiplication of crises. Larger and more mobile populations place unexpected strains on existing institutions. Problems of pollution, housing, transportation, recreation, and public services spill across jurisdictional lines. Federal, state, and local programs designed to meet those needs are badly coordinated and sometimes unrelated.

We have been making efforts to overcome our disjointed systems of government, by requiring more regional planning, by broadening categories of grants-in-aid, by encouraging coordination of local efforts in such programs as Model Cities, and by trying to find better ways to pull different agencies together within federal, state, and local government. All of these efforts have taken place against the background of citizens demands—from the ghetto to the suburb—for a greater voice in public policy. Plans for large-scale coordination are being challenged by voices who want to be heard and should be heard. We are learning again the importance of the democratic process in a democratic society, even when the requirements of complicated problems in crowded societies call for more administrative efficiency.

The goals of administrative efficiency and democratic procedures are not inconsistent. The one has to do with how we develop public policy; the other has to do with how we carry it out. To make both possible and compatible, we need to utilize the devices of automatic data processing, of communication, and of management techniques to sort out the volumes of information which threaten to inundate us. Having measured our needs and developed analyses of the alternative solutions available to us, we need to put that information in the hands of public policy-makers whose responsibility is to the electorate. Wherever possible we need to place the decisions on details as close as possible to individual voters, within the context of national goals and regional requirements. Finally, we must be prepared to implement public policy accurately and with dispatch.

We have a variety of techniques available to us to insure closer coordination of public and private institutions: from the Urban Affairs Council to rational federal agency regions; from regional planning agencies to community action agencies; from block grants to revenue sharing; and from public grants to public-private partnerships. We are not lacking in ingenuity to resolve the technical problems of making the system work.

Our greatest needs are the determination to make certain that peace does break out; the sense of purpose to keep our priorities straight; the commitment to devote our energies and our resources to the fulfillment of the promise of our democratic society. We can't return to the dreams of 1944 and 1945, but we can kindle the hope we had—and with better reason—if we have learned our lessons well.

After Vietnam: Our Vietnamized Economy

(By Murray L. Weidenbaum)

Although American troops have been stationed in South Vietnam since 1954, the major buildup occurred between the middle of 1965 and the middle of 1967. This substantial and rapid expansion in U.S. military spending—from $50 billion before the buildup to $80 billion now—has had many important effects. Fundamentally, it has altered the allocation of the nation's resources between the private and the public sectors. At the end of 1964, 20 per cent of the Gross National Product was purchased by government agencies and the remaining 80 per cent was available to the private economy. By early 1968, the government portion had risen to 27 per cent and the private share had fallen to 73 per cent.

The Johnson Administration consistently underestimated military expenditures, particularly during the crucial buildup period in late 1965 and much of 1966. Most economists and government administrators, moreover, failed to appreciate how quickly the military buildup was influencing the national economy—that the economic impact was occurring as soon as the defense orders were placed and, thus, substantially before the work was completed, paid for, and showing up in the federal budget. Furthermore, policy measures to offset inflationary pressures were not taken soon enough or in a substantial enough way. The January 1966 budget message of the President maintained that the United States could afford simultaneously to wage a two-front war without raising taxes: the domestic war against poverty and the war in Vietnam.

But the program choices made were not as simple as the classroom dichotomy of "guns vs. butter." In a sense, we chose both more guns (military spending) and more butter (more consumer purchases). However, we also chose—in part as tight money began to affect specific parts of the private economy—less housing and fewer automobiles. Simultaneously, the nation was voting for more social welfare programs—thus increasing both the military and the civilian portions of the public sector. As a result, 1966 witnessed what was then the most rapid period of price inflation since the Korean War.

Several major economic problems face the United States as a legacy of 1965–66. With the collapse of the stable price and cost situation prevailing prior to Vietnam, inflation is a major concern. Unusually high interest rates have been set in a thus far unsuccessful at-

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tempt to contain the inflation. Income taxes have been raised to reduce unprecedentedly large budget deficits ($25 billion in fiscal 1968.) Despite forecasts to the contrary, a serious balance-of-payments situation continues. More basic than all this, the public's confidence in the ability to "fine tune" domestic economic stabilization policies has been undermined. The basic information and analysis released by the federal government to justify its policies has created more suspicion than trust.

There also have been, of course, positive impacts of governmental economic policy during the war. A fundamental imperative was successfully achieved; a large and rapid shift of resources from civilian uses or idleness to military programs was accomplished. At the same time—unlike either the World War II or Korean experiences—the nation managed to avoid direct controls over prices, wages, and materials generally (although relatively small amounts of copper and a few other metals were set aside for use by defense contractors).

Despite the increases in defense spending and the accompanying inflation, economic growth and real improvements in the living standard of the average American continued. Even after allowing for inflation, the average American has experienced a real growth in income, from $2,123 in 1964 to $2,473 in 1968. Also, expenditures for civilian government programs actually have increased by a larger amount than did the military budget—simultaneously with the $30-billion rise in defense spending due to the Vietnam war, civilian agencies of the Government have increased their expenditures by $35 billion since the war began.

The shift from cold to hot war not only has raised the size of the military budget, but also has changed its composition drastically. The fundamental change was the shift of emphasis from maintaining the potential capability to deal with world-wide or general war situations, in favor of moving toward a military establishment actually waging a difficult but limited war whose dimensions kept evolving.

Three specific shifts in military requirements took place. The amount of funds going for tanks, artillery, rifles, ammunition, and similar conventional battlefield hardware more than doubled from the prewar level. The relative—as well as absolute—importance of missiles was reduced drastically. Meanwhile, the military aircraft budget was reoriented from new long-range bombers to acquiring smaller "tactical" aircraft, particularly helicopters and supersonic fighters. such as the F-4 Phantom.

Once again, the traditional manufacturing industries—automobiles, mechanical equipment, textiles, clothing, tires—have become important suppliers of war material. The most dramatic increases have occurred in ammunition (orders have quadrupled since 1965), artillery and small arms (more than doubled), clothing and textiles (doubled), tanks and vehicles (up 68 per cent), and food (up 66 per cent).

The highly specialized, science-oriented aerospace and electronics firms, although still very significant defense contractors, have found their shares of defense business declining. The ten firms with the largest amount of defense contracts in fiscal 1968—General Dynamics, Lockheed, General Electric, United Aircraft, McDonnell-Douglas, AT&T, Boeing, Ling-Temco-Vought, North American Rockwell, and General Motors—received 29.9 per cent of the total awards. This was down from their pre-Vietnam share of 32.2 per cent. It is interesting to note that nine of these ten giants of the military market are aerospace and electronics firms.

Unlike the period of production of large weapon systems—such as ICBMs, which could be supplied only by a few of the industrial behemoths with especially sophisticated capabilities—the economic demands of Vietnam involve numerous smaller contracts with a variety of medium-sized firms. "Small" firms increased their share of defense contracts from 15.8 per cent in fiscal 1963 to 18.4 per cent in 1968. (Companies that made the Pentagon's list of the top 100 contractors in 1968, but were not in that roster earlier, include Atlas Chemical, Colt Industries, Lykes, McLean Industries, Automatic Sprinkler, Harris-Intertype, and National Presto Industries.) But many branches of the industrial economy—including leather, paint, plastic, paper, and furniture companies—have experienced virtually no increase in defense work in recent years.

Large proportions of the companies working on Vietnam orders are in the upper Midwest and in other relatively older industrial states in the East, all of which have long-standing positions in the industrial and consumer markets. The Far West, which since the Korean War had been receiving a dominant share of defense orders, has experienced absolute as well as relative declines as a military supplier. For example, Washington state firms (mainly Boeing) received $530-million worth of defense contracts in 1968, compared to twice that amount in 1964 ($1.1 billion). Colorado's $263 million of Pentagon orders in 1968 were down substantially from the $390-million level of 1964, reflecting a decline in missile work by the Denver Division of Martin-Marietta. Similarly, in 1964 Utah receved $340 million in military contracts, down to $263 million in 1968, reflecting lower levels of work on the Minuteman ICBM.

Eight states received defense contracts in 1968 at rates at least twice as high as the pre-Vietnam levels. They are Tennessee, Texas, Connecticut, Illinois, Alabama, Mississippi, Minnesota, and Wisconsin. Six other states were awarded defense contracts at least 50 per cent greater than in fiscal 1965, before the military buildup in Southeast Asia—Florida, Indiana, Louisiana, New York, Ohio, and Pennsylvania. Most of these states, such as those in the upper Midwest, are major producers of Army ordnance and other battlefield hardware. The most dramatic expansions have been among helicopter manufacturers, notably Bell Aircraft in the Dallas-Fort Worth area, Sikorsky Division of United Aircraft in the Hartford region, and Boeing-Vertol near Philadelphia. A special case of expanding effort is the TFX (F-111) supersonic aircraft being built by General Dynamics in Fort Worth.

Vietnam also has had important effects on the pattern of civilian employment. Overall, out of more than one million new jobs directly generated by the Vietnam war, the great majority has been in highly skilled and highly paid occupations—238,000 more professional and managerial employees vs. 30,000 more service workers (the latter being among the lowest-paid groups in the nation's labor force). While the war effort has resulted in 245,000 more skilled factory workers being hired, there have been only 65,000 more jobs for laborers, 178,000 more office jobs, and 29,000 more sales positions. Thus, indirectly, the war effort has intensified some of our domestic problems—by increasing jobs for the highly skilled and relatively highly paid, rather than for the lower-income, lower-skilled portions of the population. Only one out of every ten defense jobs bears a laborer's classification, while 22 per cent of civilian jobs do.

Early optimistic appraisals of the economic environment following peace in Vietnam have glowed with visions of tax reduction, negative income taxes, federal tax sharing with the states, and massive increases in nondefense governmental activities. However, decisions already being made are strongly shaping the nature of economic adjustments to peace. A return to the prewar dollar "base" of military spending no longer seems feasible.

One reason for this is inflation. Prices on military procurements, and wages and salaries for the armed forces and civilian employees, have increased. Under existing law, the pay of both military and civilian employees of the Pentagon is scheduled to rise by about $2 billion in mid-1969. Several large weapon systems are in early production stages and the large expenditures will come in the next year or so. They include several nuclear carriers and destroyers (about $4 to $5 billion), the Poseidon and Minuteman III missiles (about $7 billion), and the Safeguard ABM system (estimated from $5 billion to several times that amount).

Moreover, because the non-Vietnam portions of the military budget have been squeezed in recent years, considerable "catching up" is needed especially in deferred maintenance, inventory replenishment, and advanced research and development. In 1968, for example, the Department of Defense spent less money than in 1965 on research and development in army ordnance and combat vehicles (tanks, artillery, etc.) and in military science.

This is all aside from future consequences of any new decisions to bolster the nation's long-term arsenal of weapon systems. Two portents of future Congressional action are recent reports by the influential House and Senate Committee on Armed Services. After a year of detailed study and hearings on strategic forces—those designed for all-out nuclear warfare—the Senate Committee urged, "Prompt decisions should be forthcoming for the deployment of additional and more modern weapon systems and improvements to existing weapon systems." The Committee specifically recommended rapid development of a new long-range strategic bomber, and acclerated research and development on an advanced ICBM—each of which could cost $5 billion or more to develop and produce in quantity.

The House Armed Services Committee issued a similar report on seapower, again recommending new hardware. The committee chairman described as "irrefutable" the conclusion that the Navy's most urgent requirement is new ships (nuclear escort ships currently cost about $125 million each, and nuclear carriers more than $500 million).

In addition, a large civilian space program is being recommended for the 1970s. Simultaneous development of a permanent space station plus continued exploration of the moon—after this year's scheduled manned landing—carries a price tag of $45 billion for the next decade. And development of a commerical supersonic transport, if carried out, will cost more than $1 billion. Over the whole economic structure, meanwhile, hangs the threat of inflationary pressures—which, as of this spring, were substantial.

Hence, because of these built-in momentums, the economic environment is not conducive to easy selection of new or expanded domestic social programs, regardless of urgency. Rather, economic factors tend to indicate the need for hard choices among the many pressures for government spending. A tough-minded sense of priorities and a careful weighing of benefits against costs are very much needed.

After Vietnam: How Much Money for Plowshares?

(By John R. Stark)

Achievement of Peace in Vietnam would provide material resources and manpower that could be directed toward important civilian goals. There is little argument on this issue. What is problematic is the extent to which resources would be made available. There is an unfortunate tendency to exaggerate the possibilities for Vietnam "savings" and application of freed resources to the resolution of our urgent domestic problems.

Our economy is presently producing at a level of more than $900 billion a year in goods and services, including additions to our capital assets. Total military expenditures are now about $80 billion a year—about 9 per cent of the Gross National Product. The Vietnam war portion of the defense budget is approximately $30 billion, or about 3.33 per cent of the GNP. Contrary to Marxist dogma that war is an indispensable stimulus to a capitalist economy, our involvement in Vietnam has been a drain on resources needed for improvement of our standard of living and for mitigating social problems that bedevil us, as well as weaken our prestige throughout the world.

Were we to assume that cessation of hostilities and achievement of some kind of peace in Vietnam suddenly eliminated the need for spending the $30 billion, there would undoubtedly be depressive effects. Despite many proposals for increased federal expenditures in the social sector, we do not have enough of a backlog of programs sufficiently worked out to be put into effect at once. Nor do we have the trained personnel needed to staff undertakings of this dimension.

The dangers of this kind of dislocation are remote, however. At best, there will be a gradual decline in our Vietnam expenditures, and increases in other military expenditures will partly offset the reduction. Thus, we are not likely to face the economic adjustment problems that accompanied demobilization after World War II or the Korean conflict.

The possible economic effects of ending hostilities in Vietnam were assessed in some detail by a special Cabinet committee, first convened by President Johnson in March 1967. Made up of the Secretaries of Treasury, Defense, Commerce, and Labor, the Director of the Bureau of the Budget, and the Chairman of the Council of Economic Advisers, it had the stated objective of developing recommendations for sustaining prosperity during the Vietnam demobilization, and for assuring the best utilization of resources for other high-priority programs. For purposes of analysis, it was assumed that a genuine peace would be secured within six months after cessation of hostilities and that a full withdrawal of troops could then be started. In the opinion of these officials and their expert advisers, the assumptions represent the most rapid demobilization conditions that can realistically be projected. If Paris negotiations offer any criterion, a less rapid wind-down seems more likely.

The demobilization scenario called for a decline in the armed services of about 800,000 people over a twelve-month period beginning six months after the cease-fire. There would be a concomitant decline in Defense Department civilian personnel of some 170,000 between the third and the sixth quarters. These changes would reduce expenditures by $7 billion annually; other military operating expenses might decline by $4 billion, and there would be a drop in expenditures for procurement by some $8 billion at the end of ten quarters. In toto, the annual rate of defense spending would decrease by $8 billion at the end of one year, $16 billion at the end of one-and-a-half years, and $19 billion at the end of two-and-a-half years.

This decline in expenditures, then, would be about $11 billion less than the $30 billion a year we are now expending for Vietnam. This margin allows for the increase in general military expenses that would follow a Vietnam close-out; replenishing equipment; resumption of presently curtailed activities; refilling supply pipelines; and probably some residual surveillance in Southeast Asia. In addition, there would be increases in military pay scales and anticipated increases in the goods and services purchased by the Defense Department—costing another $1 billion each quarter, according to Cabinet committee estimates. Thus, over ten quarters, this would come to $10 or $11 billion solely for what might be called "going concern" increases, excluding any current proposals for new weaponry or improved equipment.

If we accept these assumptions about military increases—relatively modest in view of the current discussion of new weaponry—then public policy must deal with an aggregate decline of about $10 or $11 billion from the existing level of $80 billion in defense expenditures. Because the existing surtax brings in about $10 billion a year, its demise could completely offset this Vietnam reduction. But if the surtax or some substitute were continued, $10 billion would be immediately available for high-priority civilian programs. (A part of that $10 billion could be allowed to increase the public surplus and thus reduce the inflationary pressures, but to the extent that this course would be reflected in higher unemployment, it surely would generate political pressures for increased public expenditures or tax reduction.)

If we make the more probable assumption that the war will stop sometime later, it becomes necessary to take other developments into account—in particular, the performance potential of the whole economy and changes that may be expected in the public sector. For purposes of analysis, an optimistic assumption of high employment and growth is the most useful way to show the full dimensions of our potential.

Many economists believe that our economy is capable of growing at a long-term rate of 4.5 per cent, provided we can follow a wise mixture of economic policies covering taxation and expenditures, monetary management, wage-price increases, and public investment. This is appreciably above the 3.5 per cent rate that prevailed during 1948–1965, but we think that our knowledge of public economic policy has improved enough to make this a more reasonable expectation than it might have been twenty years ago. This brisk annual rise in output would derive mainly from three factors: steady improvement in technology and know-how which permits us to produce more each year, a high rate of investment, and a projected increase in our labor force by a million-and-a-half men and women each year.

Achievement of a 4.5 per cent long-term growth rate unquestionably would be accompanied by some price increase. But let us assume not only that our public policies are able to foster a high growth rate but, even more, that we are able to keep the rate of price increase under 2.5 per cent a year. Combining the two would produce an annual increase of 7 per cent in the money value of the GNP. The increment would be about $63 billion at current levels of the GNP, rising gradually to about $75 billion in 1973.

Under these conditions, our GNP would reach $1,130 billion in 1972—a gain of $270 billion over 1968. This would mean adding the equivalent of the output of England and France together to our economy! By 1975, if the assumed conditions prevail, the GNP would reach $1,360 billion.

If there are no changes in tax rates or provisions, federal revenues tend to parallel GNP, but at a rising proportionality. On the basis of projected federal receipts of approximately $190 billion in calendar 1969, we could expect federal revenues to grow by $14 or $15 billion in calendar 1970, and by gradually rising increments thereafter to $20 million by 1974—raising total federal receipts to $270 billion.

Naturally, these possibilities conjure up a pleasing picture of extensive tax relief for the American public. Unfortunately, like most hopes for tax relief, the picture may prove to be largely illusory. There are first of all, in-built expenditure increases in the federal budgetary future such as rising work loads, catch-up pay increases, price rises, and pre-ordained program growth. These items, budget experts believe, will absorb approximately half of the revenue growth over the years ahead.

On this rule-of-thumb basis, we could expect a "fiscal dividend" of $24 billion by calendar 1972 and about $42 billion by 1974. But this prospect is by no means sure. Working against it is the constant pressure on the public purse. Most obvious of these are demands for expansion of existing programs. If they were increased to the full levels authorized in existing law, it would add $6 billion a year to the budget.

Defense proposals, as noted by Murray L. Weidenbaum in this issue could add many billions to the budget and easily eat more deeply into this surplus. Guaranteed income maintenance for all Americans through a "negative income tax"—which has gained support in the past two years—could cost at least $12 billion a year. A realistic approach to controlling and reducing the effects of environmental pollution could cost many billions more. Most of our cities are in poor financial condition; the states and localities, which now receive about $20 billion a year in federal grants, need more.

A more subtle, but equally serious, problem involves the credit sources available to municipalities and, to some extent, states. Traditionally, federal credit aid has been largely limited to tax exemption, which for years has provided a competitive advantage that permits these jurisdictions to attract sufficient borrowed capital. But public facility needs over the next decades will be massive—according to a study by the Joint Economic Committee covering 1966 through 1975, $500 billion merely to maintain a reasonable level of adequacy. Of this amount, it was estimated, more than $200 billion would have to be borrowed. Under existing conditions, such a sum could be financed only by a massive increase in the loans from commercial banks to municipalities. But in periods of tight money and high interest rates, it is usually the local government or the mortgage borrower who is forced out of the credit market. As a result of this unpromising situation, there are pressures for more government aids for municipal borrowing.

Housing offers a parallel situation. If we are to achieve the goal of building or rehabilitating 26 million housing units over the next ten years, in accordance with objectives of last year's legislation, there must be some increase in federal expenditures, either through interest subsidies or through tax incentives (which can be equated with expenditures in fiscal effects because they decrease revenues). Similarly, social programs now waiting in the wings could add heavily to budget outlays.

It appears, then, that even if we assume that we can get out of Vietnam promptly, avoid other international military involvements, and hold military expenditures to a modest rate of increase over the first half of the next decade, we could commit every dollar of fiscal dividends twice over—quite apart from considering the alternative course of tax reduction, which would mean a relative increase in the private sector's role in the total economy.

In the light of prevailing demands for more federal expenditures—and their magnitude—the eventual saving through cessation of Vietnam hostilities appears to be a relatively small problem in economic policy-making, as does the 10 per cent surtax, which we could choose to drop or could replace with some permanent tax to help meet some of the aforementioned needs. The primary requirement of economic policy will be to avoid a slowdown, by easing monetary restraints and by a gradual absorption of any slack in the economy through modest tax reduction and/or increase in civilian expenditure. Similarly, there must be an effective mix of veterans assistance, retraining programs, and community aids to ease the transition for affected individuals and communities.

The real problem of the Seventies is establishing priorities for the profusion of competing claims for increased public expenditure.

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We have not as yet created any mechanism for setting these priorities on a rational, comprehensive basis. At the same time, we must be in a position to curtail old existing programs that take on a lower priority than emerging needs.

The Congressional Joint Economic Committee emphasized this in its 1969 report to Congress when it said:

"It is clear that there is an imperative need for a systematic review of expenditure programs on the basis of their relative costs and benefits . . . The place of economic development in our agenda of priorities should supersede less essential programs contained in the defense budget, space exploration, the supersonic transport, and certain public works projects."

The great likelihood that public expenditures will increase dictates that we make our tax system more equitable and more effective. Federal tax programs are riddled with loopholes and exemptions—which means, of course, that some taxpayers have to bear a disproportionately large burden. The result is an outburst of taxpayer resentment unparalleled in recent years. More and more, people are realizing that, as the demands on the public sector increase, loopholes and favored treatment have become luxuries that we can no longer afford.

Economic policy in the Seventies will be very much concerned with these two major reforms. We must improve our tax system; we must learn how to evaluate public programs in the light of their contribution to basic public needs.

AFTER VIETNAM: CAN INDUSTRY MANUFACTURE SOCIAL SOLUTIONS?

(By James M. Gavin)

Everyone these days seems to be looking to the private sector for solutions to our social problems, but I view this optimism with some apprehension. Not that businessmen are not willing to work hard on social problems. Indeed, they are; but there is no guarantee of instant success.

It is true, however, that out of the free enterprise system and its intense competition have emerged management skills and techniques—and hardware such as computers to augment both—that enable businessmen to analyze and understand vast complex problems. Businessmen have the ability to amass and apply resources over extensive areas. So, while I feel some concern, I believe that the potential for a real contribution by our business community is there, provided we appraise our skills and resources objectively and apply them wisely.

A significant number of business leaders agree. Indeed, when the National Association of Manufacturers asked managers of 700 manufacturing firms, "Do you feel your company should be involved in the solution of public problems?" 88 per cent answered yes. When the same sources were asked, "Do you feel that you have the resources in your company to make that involvement meaningful?" nearly one-third replied affirmatively. More and more, businessmen realize that, as one executive stated, "When the community sneezes, the corporation gets pneumonia."

Several dozen corporations have initiated recruitment and training programs for the "hard-core" unemployed, on their own or through the JOBS campaign of the National Alliance of Businessmen. Several have operated Job Corps camps under federal government contract. Others have experimented with "instant" rehabilitation of slums by use of prefabricated modules; with reclaiming salable chemicals in the process of purifying factory smoke; with such innovations in rail transportation as the New York-Philadelphia-Washington Metroliner and the Boston-New York Turbotrain. To date, however, the sum effect of these efforts has been modest.

One reason is the complexity and tenacity of our deep-rooted problems. In some instances we have only begun to comprehend the magnitude of the corrective efforts required. Moreover, stockholder-owned corporations, by their nature as institutions that must yield a profit, cannot ignore the negative revenue potential of activities that society as a whole might like them to undertake. For these reasons, business must look to outside sources for the wherewithal to mount major efforts outside its normal orbit. President Nixon, like President Johnson, recognized this when outlining legislative proposals in this field in April. Along with plans to encourage private social service and to substitute block grants (primarily to the states) for direct federal services, he emphasized enlisting the profit motive of private industry in solutions to urban problems.

One potentially powerful device for attracting large-scale private investment into areas of social concern is the use of tax incentives. In 1967, the late Robert Kennedy submitted the most elaborate legislative proposal to date recommending tax incentives to encourage private investors to rehabilitate or build low-rent housing and to locate new industrial capacity in the ghetto. Similar incentives might also be granted to businesses that install air pollution control equipment or hire and train the hard-core unemployed.

The Treasury Department, however, has been a major source of opposition to the Kennedy plan and other tax incentive schemes. Though tax breaks are now available for activities as diverse as grain storage and oil drilling, the Treasury has opposed further "erosion of the tax base," especially for what it considers a narrow social purpose.

Despite much current activity—pilot projects, demonstration grants, and so on—there is a sensation of treading water while the currents of change carry us even farther from solid land. We are aware that all our social programs taken together alter too few lives in significant, constructive ways, and that our environmental programs affect only a small percentage of the homes and acreage developed each year. Notwithstanding some gains for blacks, Puerto Ricans, and other disadvantaged groups, the relative distance between them and the white majority is widening in terms of employment, median incomes, infant mortality, and education. These gaps can be closed only through even greater favoritism. The failure of our institutions to accept the necessity of compensatory action—and I mean accept it wholeheartedly—can only result in an even more divided nation.

Steps now are being taken in the area of "black capitalism." Some ventures are designed to raise seed capital for black enterprises that have in the past run up against prohibitively conservative bank loan criteria. Others provide technical assistance to the funded businesses both in the planning and operational phases. Some organizations serve as clearinghouses for the volunteer counseling efforts of supervisory level employees from corporations. Often there are franchise, licensing, subcontracting, or joint-venture arrangements. In some circumstances, the sponsor may supply the start-up equity under an agreement that allows the local entrepreneur to acquire a controlling equity share by using profits from the first several years of operation.

In many communities, relatively new institutions called Community Development Corporations (CDC) are being created. Under a bill being reintroduced in Congress this spring—the Community Self-Determination Act—CDCs will become more widely established, with community development banks set up as adjunct organizations to provide capital and consumer credit.

In some areas, such as housing, the problem is still too much particularism rather than excessive standardization. The inflated cost of new housing is an example. In many metropolitan areas, new housing is commonly beyond the reach of not only lower-income groups but the middle-income groups as well. Here the need is not simply for more efficient technology, as is so often assumed (construction labor represents only about 15 per cent of the retail value of the typical new home). The difficulty really is one of removing a series of institutional constraints that impede the extension of modern industrial methods and organization to housing production: obsolete building codes, restrictive lending practices, overselective union work rules, land speculation, and the property tax system, to cite just a few impediments.

Businessmen, too, must reappraise relationships with those individuals and groups that corporate decisions so vitally affect; the socially and economically disadvantaged. These people are demanding increased participation in determining their own lot—a demand that will create profound problems—but business should be aware of this and be prepared to cope with the difficulties.

Even in the most familiar markets a true picture of consumer needs often does not emerge from traditional market research. In addition, corporate decision-makers often must make judgments based on information filtered many times over within their own bureaucracies. To overcome this obstacle, a few companies have begun to develop panel techniques that bring together corporate leaders and consumers in face-to-face discussions.

Business also must be prepared to help its clients articulate their needs. In many instances this will necessitate making painstaking explanations of highly technical concepts to people who have been undereducated by the system. We must develop more sensitive detection systems to determine who is truly representative of each client group. Then business must act on what it has learned about the needs of the client to mold its product or service to fit him.

In its growing role as builder of subsidized low-rent housing, private industry is exploring new ways of determining user needs; future tenants are given considerable voice in building design and in site location and arrangement. We can expect these experiments to have wide application to many similar activities.

Business corporations, in constructive partnership with government, can do much to solve social problems. But we must be realistic in our expectations while resolving the many dilemmas that stand in the way.

BEHIND THE INERTIA

Expectations have been high that military-aerospace suppliers might welcome an opportunity to serve domestic social needs. Former Secretary of Defense Clark Clifford, for example, has said: "We now have a military-industrial team with unique resources of experience, engineering talent, management, and problem-solving capacities, a team that must be used to help find the answers to complex domestic problems as it has found the answers to complex weapons systems. These answers can be put to good use by our cities and our states, by our schools, by large and small business alike."

Yet, in two award-winning reports last December, Washington *Post* reporter Bernard D. Nossiter found a distinct disinterest among aerospace management in cultivating any other major market.

"Basically, we're a big systems builder for military weapons," Edward J. LeFevre, vice president of General Dynamics, told Nossiter. "Over 90 per cent of our business is military. We're in that business to stay."

"Our future planning," added James J. Ling, chairman of Ling-Temco-Vought, "is based on visible contracts. One must believe in the long-term threat."

"The disturbing fact, from the standpoint of the aerospace companies," said Nossiter, "is that the economic rewards for solving civil problems appear to be low. As a rule of thumb, the industry figures that if it earns $20 million from research on a device, it will pick up $200 million for developing and testing it and $2 billion in production. That is why everybody says that 'the money is in the hardware'. . . .

"Typically, aerospace companies do not spend their own money to build plants; they lease factories constructed by the Government. . . . Much of the elaborate equipment in aerospace factories is also government-financed. . . . Defense contracts . . . provide liberal allowances if the cost of a weapons system exceeds the estimated price—and it usually does—by a substantial margin. . . . Finally, the Government finances the production line itself."

Concluded Nossiter: "It appears, then, that the major producers of sophisticated weaponry will continue to devote some time and money to tentative forays into nondefense business. But their words and plans make it clear that the bulk of their resources will be spent on the development and production of new arms."

THE LAWYER IN CONGRESS: WHY?

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HUNGATE. Mr. Speaker, the Capitol Hill Chapter of the Federal Bar Association, of which I am privileged to be a member of its executive council, had the great pleasure to welcome last month, the newly elected U.S. Senators and Representatives who are also members of the bar of their respective States. This is always an important occasion, for it serves to emphasize the continuing relationship and involvement of the members of the legal profession with the process of lawmaking in this country.

To mark that fine occasion, I should like to invite the attention of my colleagues in Congress to a very fine essay that had been written on the topic "The Lawyer in Congress: Why?" by Harry M. Shooshan III, a promising young man who is presently on the staff of a Member of the House of Representatives. The paper provides a penetrating examination of the reasons behind the historical influx of lawyers to both Houses of Congress, and places the subject in contemporary focus as well.

Believing this to be of such general interest, I present it to be reprinted in the pages of the Congressional Record. It is as follows:

The Lawyer in Congress: Why?

(By Harry M. Shooshan III)

In his monumental work, *Democracy in America*, Alexis de Tocqueville observed that "Democratic government favors the political power of lawyers. When the rich, the noble and the prince are excluded from the government, the lawyers then step into their full rights, for they are then the only men enlightened and skillful, but not of the people, whom the people can choose." In De Tocqueville's day "but not of the people" came close to signifying that a kind of class distinction was afforded the legal profession. Any modern lawyer would publically disdain the thought of such status, while privately secure in the warmth of his profession and its advantages.

Since De Tocqueville, members of the profession have been known to extoll its vaunted nature. Justice Swayne, in the case of *Baker* v. *Humphrey* (101 U.S. 494), said "The legal profession is found wherever Christian civilization exists. Without it, society could not well go on." That puts it rather succinctly. However, he admonishes that "like all great instrumentalities, it may be potent for evil as well as good. Hence the importance of keeping it on the high plane it ought to occupy." Justice Story, in his *Miscellaneous Writings*, suggested that ". . . no men are so constantly called upon in their practice to exemplify the duties of good faith, incorruptible virtue, and chivalric honor, as lawyers."

Somehow, therefore, the lawyer has always been thrust forward into the mainstream of American life and has, more often than not, ended up serving his country in either the state legislatures or in the Congress of the United States.

The history of this country is replete with the contributions of lawyers as leaders in the development of the Constitution and in the implementation of that document as the basis of our laws. For example, more than half of the delegates to the First Continental Congress in 1774 were lawyers. More than two-thirds of the delegates to the Second Continental Congress in 1775 were lawyers. Of the committee of five who drafted the Declaration of Independence, three were lawyers. Of the fifty-five signers of that Declaration, thirty-two were lawyers. And of the fifty-five members of the Constitutional Convention of 1787, thirty-five were lawyers.

This pattern, established in an era when lawyers made up the elite class in this country, holds true today. In the 90th Congress, 246 of the 435 members were lawyers by profession. Of the forty-two new members who were elected to the 91st Congress, twenty-three were lawyers. The trend is clear, but the question arises out of all this: why lawyers?

There are several factors which combine to render the lawyer unique in American life and, therefore, uniquely qualified for involvement in the political process. The most basic of these factors is the foundation of American society on "the rule of law." This gives the lawyer a decided advantage in the game of social and political one-upmanship.

More important, however, is the fact that the legal profession provides for constant contact with countless persons in every sector of the community. The lawyer engaged in the private practice of law soon finds that his occupation compels, rather than restricts, contact with political leaders, business and social leaders as well as the public at large. The lawyer is quite often called upon to serve as a special adviser or as a member of a special commission, and he discovers that, as a practical matter, these situations often allow his practice and political activities to complement each other.

The lawyer, then, seems to be inexorably trapped into at least some degree of community involvement. Ideally, he will pick up the cudgel and willingly do battle. This seems to be the case and more and more today in the burgeoning urban centers of our country where the lawyer as an active participant in civic affairs is thrown into contact with the pressing problems which are so much in evidence. New York City probably has more of these problems than any other American city, and it has twenty-four Congressmen who must deal with them. Of these twenty-four, twenty are lawyers. Their biographies are literally sprinkled with "Mayor's Task Forces", "City Advisory Boards", and even "National Committees". All this is not to suggest that the lawyer cannot opt out, but rather that he is increasingly less inclined to do so, especially in the large urban areas.

Thus, if there is a "prep school" for Congressmen, it would have to be the legal profession. The education and "on-the-job training" available to a lawyer seem to equip him uniquely for many aspecets of the job of a Congressman. A legal background is most helpful for coping with any of the problems posed by the legislative process, from drafting a bill to handling it in committee or on the House Floor. Committee work, especially, demands meticulous care and study from a conscientious member. The House Judiciary Committee, because of the nature of its jurisdiction, has an unwritten requirement that its members be lawyers by profession. Nine of the twenty-one chairmen of the standing committees in the House are lawyers. In Congress, as in society in general, the lawyers seem to make their way to the top.

An underlying advantage which may help to account for the success of members of the legal profession in politics is the extent to which a lawyer, in private practice, deals with many of the problems with which he will have to cope as a Congressman, albeit on a larger scale. In a real sense, the constituent relies on the Congressman to interpret for him the complicated federal system. It is the Congressman who, like the lawyer, must humanize the average person's view of government which amounts to a vast maze of laws, regulations, restrictions, and penalties. The Congressman may find that he is being asked many of the same type of questions he was asked in private practice. "What about my eligibility under that new law?" "How will my business dealings be affected by this legislation?"

One significant factor marks the transition from the private practice of law to the public office of Congressman. The lawyer as Congressman must be responsive to all his constituents and not merely to one particular interest group. He must make an effort to see that the laws he helps to create do not favor one interest over another. While his success in private practice was based on his ability to find openings in the law through which to steer his clients, as a Congressman he is asked to tighten such loopholes. Here again, he seems uniquely qualified to do the job.

Perhaps, lawyers sit in Congress in such large numbers because lawyers and Congressmen share the same interests. These interests are generously defined by Justice Frankfurter, who wrote ". . . all the interests of man that are comprised under constitutional guarantees given to 'life, liberty and property' are in the professional keeping of lawyers" (*Schware* v. *Bd. of Bar Examiners*. 353 U.S. 232, 247). The lawyer pursues the protection of these interests in some manner throughout his professional life, and often this pursuit leads him to the halls of Congress. For, it stands to reason that where laws are being made, the legal profession will be well represented.

WHAT IS A CLOUD?

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BEALL of Maryland. Mr. Speaker, recently, a young lady who resides in Frederick, Md., was honored by the publication of one of her poems in the June–July issue of Highlights for Children. In recognition of this accomplishment, I would like to place in the Record a copy

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of the poem which occasioned this award and also a copy of the article from the Frederick News-Post which reported it:

STUDENT RECOGNIZED BY HIGHLIGHTS FOR CHILDREN MAGAZINE

Jeannine Green, daughter of Master Sergeant and Mrs. James Green, 306 Logenberry Court, Frederick, has written a poem which appears in the June–July issue of Highlights For Children, a popular monthly children's magazine with over a million readers.

Jean is a sixth grade pupil at South Frederick Elementary School. Her poem, "What Is a Cloud?" was written when Jean was a fifth grade pupil and now appears in Highlights.

Jeannine started writing poems a couple of years ago. During the present school year, she has participated in two class programs. Since Jeannine's father is in the Army, the family is preparing to return to Alaska for another tour of duty.

Highlights for Children, edited by Dr. and Mrs. Garry Cleveland Myers and Dr. Walter B. Barbe, is published in Columbus, Ohio. The publication stresses development in reading, thinking and creating and is described by its editors as "fun with a purpose." Dr. Myers, an authority on child development, is also a widely read syndicated columnist.

WHAT IS A CLOUD?

(By Jeannine R. Green)

A cloud is a poodle,
Eating out of your hand.
A cloud is a child,
Making castles in the sand.

A cloud is a hat,
On a lady's head.
A cloud is a blanket
On top of a bed.

In other words,
For a simple explanation.
A cloud is a sample of
Your imagination.

THE GALLANT 66TH INFANTRY DIVISION

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. JOELSON. Mr. Speaker, it is my pleasure to bring to the attention of the House of Representatives the upcoming 25th anniversary of the 66th Infantry Division of World War II.

This division, which was activated at Camp Blanding, Fla., on April 15, 1945, was notable on many counts. The division freed 180,000 French civilians and liberated 858 square miles of France in the Brittany Peninsula, as well as having accepted the surrender of 50,000 of the enemy, in a period of less than 6 months. This was not done without heavy cost to the division, which suffered 2,250 casualties.

A nationwide reunion is to be held in Atlantic City on June 27–29 of this year, and it will bring together many gallant veterans of the 66th. New Jersey's Governor has signed a proclamation designating Saturday, June 28, as official 66th Infantry Division Day in the State of New Jersey, giving the division a well-deserved tribute.

I know I speak for my colleagues in wishing the members of the 66th Division a completely successful anniversary observance.

CONSUMER CLASS ACTION BILL

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ECKHARDT. Mr. Speaker, today I introduce the Class Action Jurisdiction Act of 1969, legislation designed to make consumer rights more meaningful by providing a judicial forum in which they can be effectively protected.

I am delighted that Congressmen CAHILL, CONYERS, EDWARDS of California, HALPERN, HUNGATE, MIKVA, ROSENTHAL, RYAN, and SCHEUER have joined in cosponsoring this legislation.

It is a commonplace observation that effective consumer remedies have not kept pace with the increasing recognition of consumer rights.

Neither administrative regulations nor individual private law suits adequately protect consumer rights. A classic example of their ineffectiveness is provided by the lengthy career of the Holland Furnace Co. Complaints about high-pressure tactics were made against the company as long ago as the early 1930's.[1] In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims.[2] Although complaints against the company continued—Consumer Bulletin, April 1965, pages 25–26—a second proceeding was not initiated by the Federal Trade Commission until 1954.[3] Four years later a cease and desist order was issued prohibiting Holland "from engaging in a sales scheme whereby its salesmen gain access to homes by misrepresenting themselves as official inspectors and heating engineers and thereafter dismantling furances on the pretext that this is necessary to determine the extent of necessary repairs."[4] Holland Furnace Co. ignored the court decree enforcing the cease and desist order and was heavily fined for contempt of court in 1965.[5]

The 29 years which it took the Federal Trade Commission to bring the Holland Furnace Co. to task demonstrates the danger of overdependence on administrative agencies for consumer protection. Administrative budgets and personnel are limited, and, in some cases, the statutory structure or powers of an agency may inhibit its effectiveness. It is also noteworthy that Holland Furnace Co. continued its depredations notwithstanding a number of instances in which it was successfully sued for common-law fraud by individual homeowners, for example, *Holland Furnace Co.* v. *Robson*, 157 Colo. 378, 402 P. 2d 628 (1965), and a number of other instances in which individual homeowners successfully defended contract actions by Holland Furnace Co. on the ground that their contracts had been induced by fraud.[6]

The Holland Furnace saga illustrates the effect on interstate commerce of widespread consumer frauds. In sustaining the Federal Trade Commission's jurisdiction over Holland, the Seventh Circuit accepted findings that the company did business in some 45 States and had over 15 million customers.[7] In view of the fact that consumer frauds have been estimated to involve several billion dollars worth of purchases annually[8] it is hardly surprising that fraudulent practices materially affect interstate commerce.

This impact on commerce makes it desirable to have effective remedies for widespread consumer abuses. However, in many instances the amounts that individual consumers lose is small and individual litigation is not practicable. A New Jersey lawyer has observed:

> The sad thing is that those people that get cheated often have the legal right to get a judgment against the company. The problem is how to enforce those rights. Since in New Jersey the paperwork for a $150 claim is the same as for a $10,000 claim, I just have to turn people down who have lost small amounts.[9]

Although OEO Neighborhood Legal Services attorneys provide some legal assistance to poor consumers, OEO attorneys are overworked, understaffed, and confined to representing persons below the poverty line.

A consumer class action compensates for individual consumers' inability to litigate small individual losses by enabling one or more representatives of a group of consumers with similar injuries to place the group injury in issue. The aggregate group claim is generally large enough to make it possible to obtain private counsel on reasonable terms. Forward-looking courts have, therefore, acknowledged that the consumer class action is necessary to prevent a denial of justice to consumers. In *Daar* v. *Yellow Cab Co.*, 67 Cal. 2d 695, 433 P. 2d 732, 63 Cal. Rptr. 724 (1967)—en banc—a consumer class action on behalf of all the Los Angeles taxicab users who had been overcharged by the defendant within the period of the statute of limitations, the California Supreme Court declared:

> (A) bsent a class suit, recovery by any of the individual taxicab users is unlikely. The complaint alleges that there is a relatively small loss to each individual class member. In such a case separate actions would be economically infeasible. Joinder of plaintiffs, would be virtually impossible in this case. It is more likely that, absent a class suit, defendant will retain the benefits from its alleged wrongs. A procedure that would permit the allegedly injured parties to recover the amount of their overpayments is to be preferred over the foregoing alternative.[10]

It has also been noted that the deterrent or "therapeutic value" of a class action is far more important than the amount that the class action is likely to return to individual class members.[11]

Consumer class actions are an indispensable technique for enforcing many consumer rights.[12] However, the class ac-

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Footnotes at end of article.

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tion procedure of a number of States is outmoded and archaic. The New York cases, for example, require a unity of interest among the members of a class which approximates the test for compulsory joinder of parties.[13] They also require that class members desire identical remedies.[14] The result of this restrictive view is that consumer class actions are summarily dismissed in New York. Hall against Coburn Corp. is a case in point.

Hall against Coburn Corp. was a consumer class action against a finance company which had allegedly violated the New York retail installment sales act by using contracts printed in less than 8-point type. The NAACP legal defense fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corp. within the period of the statute of limitations. However, the action was dismissed on two grounds; first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.[15]

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interests in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. Hall against Coburn Corp. is bad class action law, but, unfortunately, it is typical of the law of a number of States.

This bill draws heavily from the extensive experience of Philip G. Schrag, an able practicing attorney and graduate of the Yale Law School, and of Richard Dole, Jr., associate professor of law at the University of Iowa, whose drafting work has been indispensable to its preparation. Charles L. Black, Jr., Henry R. Luce, professor of jurisprudence at Yale Law School, was invaluable in discussing both practical and constitutional aspects of the bill.

The bill is designed to counterbalance restrictive state attitudes toward consumer class actions by permitting class actions based on violation of State consumer protection law to be brought in Federal court, regardless of the amount in controversy or the citizenship of the parties. Federal court jurisdiction makes available the refinements of contemporary Federal court practice, including Federal Rule of Civil Procedure 23, the most modern class action procedure in the United States. The Class Action Jurisdiction Act of 1969 also makes clear what was already implicit; namely, that class actions are permissible under Federal consumer protection laws which provide for private remedies, such as the consumer credit protection or Truth-in-Lending Act.

The Class Action Jurisdiction Act of 1969 is based on the Federal commerce power. It is well established that, in the furtherance of national policy, Congress can give the Federal courts jurisdiction to adjudicate State claims which arise in areas subject to Congressional regulation.[16] This policy is reinforced by the Federal adoption of State statutes, a procedure often done and approved on many occasions by the courts.[17] It is also well established that there is a Federal policy in favor of consumer protection.

The Class Action Jurisdiction Act of 1969 furthers this Federal policy by insuring that consumer class actions can be maintained for violations of Federal and State law that is intended for the protection of consumers.

The text of the bill follows:

A bill to improve judicial machinery by providing Federal jurisdiction for certain types of class actions and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Class Action Jurisdiction Act."

Section 2, Title 28 of the United States Code is hereby amended by adding thereto a new section as follows:

"SECTION 1363. CONSUMERS' CLASS ACTIONS:

"(a) Findings and Declarations of Policy:

"The recent increase in the protection of consumers under Federal-State statutes and under the decisions of the courts makes it desirable to establish federal policy and process to keep pace with the consumer rights that are in theory theirs. State class actions are in many instances inadequate to provide redress to consumers. Therefore, Congress declares that it is the policy of the United States to grant protection by adequate process to consumers in order to expedite the free flow of consumer goods in, and affecting, commerce. In this respect, Congress finds that an adequate process for class actions is essential to effective consumer protection, because class actions usually involve sums too small to justify individual litigation. By consolidating numerous claims of consumers injured in substantially the same manner, actions may be economically brought and sound judicial administration is promoted.

"(b) Jurisdiction of District Courts of Class Actions:

"(1) The district courts shall have original jurisdiction, regardless of the amount in controversy or the citizenship of the parties, of civil class actions brought by one or more consumers or potential consumers of goods, services, realty, or intangibles on behalf of themselves and all other consumers similarly situated, where—

"(A) the action involves the violaton of consumers' rights under state or federal statutory or decisional law for the benefit of consumers.

"(B) the action is brought on behalf of numerous consumers or potential consumers of goods, services, realty, or intangibles who were or will be injured by the defendant(s) in substantially the same manner; and

"(C) the alleged violation affects interstate or foreign commerce or occurred with respect to goods, services, realty, or intangibles moving in or affecting interstate or foreign commerce.

"(2) The Federal Rules of Civil Procedure govern the conduct of these actions.

"(3) The district courts may award consumers the relief to which they are entitled under federal law as provided in paragraph (c) of this Section.

"(4) If the court determines that an action brought pursuant to this section may not properly be maintained as a class action under the Federal Rules of Civil Procedure, it shall dismiss the action without prejudice to reinstitution as an individual action in the district courts under other provisions of law or as an individual or a class action in a state court of competent jurisdiction.

"(5) If a class of consumers prevails in a a class action, the court shall award to the attorneys representing the class a reasonable fee based on the value of their services to the class. If the action has resulted in an award of damages or financial penalties to members of the class, the attorney's fee shall equal ten percent of the total judgment, unless the court determines that justice dictates the award of a greater or a lesser amount. Attorney's fees may be awarded from damages or penalties which the defendant owes to members of the class who cannot be located with due diligence.

"(c) Scope of Federal Law. State law applicable to the facts of cases brought under paragraph (b) above is adopted and incorporated into federal law and shall be applied as federal law in actions brought in the district courts under this Section; provided,

"(1) That the same is not inconsistent with existing federal law, and

"(2) That the policy of this Section, giving consumers the right to sue in class actions as provided in paragraph (b) above, shall be engrained upon such state law so that the result shall constitute the substantive law enforced in federal courts under the provisions of this Section.

"(d) This Section shall not be deemed to prohibit a litigant from choosing a state forum and from trying a case solely under state law without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code.

"Sec. 3. The analysis of Chapter 85 of Title 28, United States Code, is amended by adding at the end thereof a new item as follows:

"§1363. Consumers' class actions."

FOOTNOTES

[1] Customer Bulletin, April 1965, p. 25.

[2] 24. F. T. C. 1413–14 (1936).

[3] See 55 F. T. C. 55 (1958).

[4] Id. at 91, aff'd, 295 F.2d 302 (7th Cir. 1961).

[5] In Re Holland Furnace Co., 341 F.2d 548 (7th Cir.), cert. denied, 381 U.S. 924 (1965).

[6] *Holland Furnace Co.* v. *Korth,* 43 Wash. 2d 618, 262 P.2d 772 (1953).

[7] *Holland Furnace Co.* v. *F.T.C.,* 269 F.2d 203, 209 (7th Cir., 1959), cert. denied, 361 U.S. 932 (1960).

[8] See Comment, "Translating Sympathy for Deceived Consumers into Effective Programs for Protection," 114 U. Pa. L. Rev. 395 (1966).

[9] "Translating Sympathy for Deceived Consumers into Effective Programs for Protection," 114 U. Pa. L. Rev. 395, 409 (1966).

[10] 67 Cal. 2d at 715, 433 P.2d at 746, 63 Cal. Rptr. at 738; accord, *Eisen* v. *Carlisle & Jacqueline,* 391 F.2d 555, 563 (2d Cir. 1968).

[11] Dolgow v. Anderson, 43 F.R.D. 472, 485–488 (E.D.N.Y. 1968).

[12] See Starrs, "The Consumer Class Action: Considerations of Equity and Procedure," in National Institute for Education in Law and Poverty, Handbook on Consumer Law (1968); Dole, "Consumer Class Actions Under the Uniform Deceptive Trade Practices Act," 1968 Duke L.J. 1101.

[13] *Society Milion Athena, Inc.* v. *National Bank of Greece,* 281 N.Y. 282, 22 N.E. 2d (1939); *Brenner* v. *Title Guarantee & Trust Co.,* 276 N.Y. 230, 11 N.E. 2d 890 (1937).

[14] *Gaynor* v. *Rockefeller,* 15 N.Y. 2d 120, 204 N.E. 2d 627, 256 N.Y. S.2d 584 (1865).

[15] 160 N.Y.L.J. No. 28, p. 2 (Sup. Ct. Bronx County 1968), aff'd mem. (1st Dept. 1969), appeal pending.

[16] See *Osborn* v. *Bank of the United States,* 22 U.S. (9 Wheat.) 738 (1824); Mishkin, "The Federal 'Question' in the District Courts," 53 Column. L. Rev. 157, 184–96 (1953).

[17] 40 T.L.R. 1050, 1052.

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WALTER FRIEDENBERG NAMED EDITOR OF CINCINNATI POST AND TIMES-STAR

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TAFT. Mr. Speaker, Scripps-Howard newspapers has named Mr. Walter Friedenberg the new editor of the Cincinnati Post and Times-Star. He replaces Dick Thornburg, who has retired after 16 years of outstanding service and leadership as editor of the Post.

Mr. Friedenberg has served with distinction as a foreign correspondent and as an editorial writer here in Washington for Scripps-Howard. We wish him well in his new position.

The following column appeared in the Saturday, June 7, Post, and gives some insight into Mr. Friedenberg's philosophy. I believe the Post has an exciting future under his leadership:

[From the Cincinnati Post and Times-Star, June 7, 1969]

RELAX, IT'S MY FIRST ONE, TOO

(By Walter Friedenberg)

There is the story of the nervous young doctor who was about to perform his first appendectomy.

With fidgety hands and an edgy voice he approached the elderly gentleman on the operating table and confessed, "Sir, this is my first appendectomy."

The old man hesitated, then realized his best move would be to put the young surgeon at ease. "Relax, son," he said, "It's my first one too."

What I mean to say is that if some subscribers and readers of The Post and Times-Star are apprehensive about the new editor and how he will operate—well, it's mutual. But I'd say, "Relax. It's my first time as an editor, too. I'm curious as you are."

And I come to you not only on the youngish side (40) for the editor of a respected paper in an important city, but by an ununusual route, namely, through being a foreign correspondent and editorial writer.

Of the past 16 years I have spent nine overseas, and I have lived in New Delhi and Saigon nearly as long as in Washington.

Wherever a newspaperman goes, however, his work is to report on his fellow-human beings: What they do, what they feel, what they think.

And that, simply—and complicatedly—is what I intend to do, through the staff and employes of The Post and Times-Star, here in Cincinnati.

We want to inform you not only what has happened, in the sense of who was elected, married or knocked off the pitcher's mound in the eighth inning, but also what is happening, meaning the hard-to-photograph, hard-to-get trends, attitudes and problems that are important and interesting too.

In all that we do—in our reporting and our editorials—we want above all to serve the community.

That goes for today, and for that fast-approaching future when there will be more and more of us living in a changing city of expanding knowledge, advancing techniques, greater pleasures and, if history is any guide, more complicated problems.

But lest we be suspected of being too idealistic, let me say we also want to sell newspapers.

To make good on this objective, I know what we must do. Be truthful, responsible, enterprising, impartial and fair.

In this regard I am grateful to be the beneficiary of retiring editor Dick Thornburg's 16 years of service and leadership, and heir to at least a portion of the vast respect and affection, as I have seen in just my first week, that he has won from the people who work at this paper and people in the town.

To sum up: Relax. Let's see what happens. I assure you all that I will try my best. And I am looking forward to my assignment with pleasure.

WHAT IS THE AGE OF MATURITY—18 OR 21?

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TIERNAN. Mr. Speaker, one of the most perceptive pieces on the attitudes and actions of today's college age youth recently appeared in a four-part series in the Boston Globe.

The series, written by the Globe's erudite national correspondent, Martin F. Nolan, investigates and analyzes the depth and feeling of today's student activists. It provides an excellent background, in high literary style, to a problem that many of us do not know enough about.

I urge my colleagues to review this excellent series:

YOUTH AND HOPE: WHAT IS THE AGE OF MATURITY—18 OR 21?

(By Martin F. Nolan)

(NOTE.—Is there any hope for today's college generation? Will all the old values of civility be lost in the depths of a generation gap? To find out, Globe reporter Martin F. Nolan talked to students and their elders nationwide on the experience of growing up in America. This is the first of a four-part series.)

WASHINGTON.—"The age of 18, far more than the age of 21, has been and is the age of maturity in America—and never more than now."

That was what President Lyndon B. Johnson said on June 27, 1968, almost three months after he discovered the truth about youth.

"Reason does not permit us," he said, "to ignore any longer the reality that 18-year-old young Americans are prepared—by education, by experience, by exposure to public affairs of their own land and of all the world—to assume and exercise the privilege of voting."

Mr. Johnson spoke on behalf of a constitutional amendment for the 18-year-old vote similar to that filed earlier by Sens. Mike Mansfield and Everett Dirksen.

Neither amendment got out of committee. There is no lobby for 18-year-olds.

In a speech called "Today's Youth: The Great Generation," Richard M. Nixon supported the 18-year-old vote because "they are smart enough to vote. They are more socially conscious, more politically aware, and much better educated than their parents were at age 18. Youth today is just not as young as it used to be."

The speech, on Oct. 16 last year, professed sympathy and understanding for the plight of the youth: "They feel little or no participation in the decisions that affect their lives. Too often, they feel, government tells them what to do, the school tells them how to do it, and their parents tell them what not to do. No wonder so many feel powerless and frustrated."

STUDENTS ARE GROWING UP IN A WORLD OF TURMOIL

Mr. Nixon's more recent comments on "the Great Generation" have excluded a call for their political enfranchisement. Of the legislative recommendations trickling forth from the White House, a call for the 18-year-old vote is nowhere in sight.

Such a message hardly requires complicated legal work—not so much as, say, the President's proposed overhaul of the Post Office. What seems to be missing is what Mr. Nixon so earnestly recommended for college officials and faculty: A little "backbone."

More than three million Americans reach 18 each year. The men among them are allowed to participate actively in government, through that agency closest to the people, the selective service system. Ten days after his 18th birthday, each young man must register for the draft and decide whether he is willing to fight and die in a war of dubious legality and more dubious morality.

Or he must decide whether he has conscientious objection to such service and thus face a cross-examination severe enough to test a Philadelphia lawyer and a doctor of divinity.

Unlike their fathers and grandfathers, who believed they were saving civilization today's young men march to an uncertain trumpet, whose cacophonous melody had been echoing for most of their lives.

A glance at the history of the past decade suggests that growing up for the current college-age generation has been an arduous experience, psychologically and spiritually.

In America, assassination has become a relatively common method of political discourse. The victims, from Malcom X to John F. Kennedy to Martin Luther King, differed politically but their deaths did violence to traditional notions of authority and reason.

In Europe, the two most striking cultural phenomena have also had their effects in America: the thaw in the cold war, accompanied by economic prosperity and the ferment in the Roman Catholic church begun by Pope John XXIII.

Most youngsters reach political awareness around age 12. Today's college freshmen therefore have witnessed the following events in their adolescence: the death of John F. Kennedy; the nomination and campaign of Barry Goldwater, which so divided the country; the gradual escalation of the war in Vietnam and the bitter and emotional debate which ensued; the black rebellion on American cities, beginning in Watts in 1965 and continuing convulsively; two more assassinations and a mockery of democratic procedure at Chicago in 1968.

"The Sino-Soviet bloc" and "The great depression" are distant historical artifacts. Religion, for so long a symbol of authority and immutability, has been in more profound turmoil than any other institution.

The only institution still barnacled in tradition has been, in fact, the university. Solemn convocations with men in funny hats and costumes are signs of immutability, just as are promotion procedures for professors, labyrinthine rites that make I.B.M. and General Motors look like hippie communes.

Today's generation, too, has been a guinea pig for educational and psychological theories, from John Dewey and Montessori to Freud, Jung, and even Keynes and the "new economics."

During the 1950s, college youth reacted by retreat into existentialism and nihilism. Today's undergraduates, at least, talk very little about a "quest for identity" or "meaningful communication" and all the meaningless metaphors so popular a decade ago.

Adults ask in honest indignation: What do these kids want? The kids may reply: What do the adults want? In the culture of public worry, the main concern 15 years ago was "the silent generation." Five years ago, Dr. Timothy Leary was a pied piper leading glassy-eyed dropouts to psychedelia.

And now, the young are serious, and seriously involved in sacrilege against the American state religion, education. Their alleged profanity has coincided with the rebellion of the blacks, for whom education has been a

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montage of ancient brick buildings, indifferent teachers, a dead-end curriculum and a slum with desks—to wit, a false god.

Like the blacks and the poor, the young have always been with us, and always ignored. Like the blacks, they found meekness and prayerful petition fruitless. As Richard M. Nixon put it in "The Great Generation:" "far too few of us really listen to what young people are saying. We defend their right to speak up and to dissent, we smile self-righteously at our own tolerance, and then we pay no attention to their message."

The black revolt and the youth uprising also share an ability to bewilder white adults. How can they claim that their violence is justified? This question was asked about blacks and is being asked about the students.

The answer is that the violence is not justified, because the roots of reason have withered in the traditional climate of "justice," a justice that has allowed violence to flower, either in the burning of a Vietnamese village with a American cigarette lighter or the bombing of black churches in Birmingham.

The reaction to the student revolt has been paralyzed by fear and guilt. Many college administrators called the cops suddenly and with no forethought, out of fear. Faculty members, on the other hand, have been frozen in guilt.

The guilty feelings of the faculty may be the central point at issue in American universities today. The expiation of that guilt, the faculty's new contribution to the university in the post-riot era, will decide the future.

The faculty, so long out of power, has misused it lately. In nearly every major university explosion, the first demand from students has been amnesty from civil or collegiate prosecution.

This demand has usually been the first one granted by a distracted, guilt-ridden faculty. The action is cheap, easy, refreshing and referred to as "wiping the slate clean."

The grant of amnesty is also the most cruel, degrading punishment the faculty can inflict, because it patronizes the students, babies them and robs them of responsibility, a vital property of adulthood.

Youth and Hope—II: Where the Universities Fail

(Note.—Is there any hope for today's college generations? Will all the old values of civility be lost in the depths of a generation gap? To find out, Globe reporter Martin F. Nolan talked to students and their elders nationwide on the experience of growing up in America. This is the second of a four-part series.)

(By Martin F. Nolan)

Santa Barbara, Calif.—Every movement must have its prophet, every revolution its voice crying in the wilderness.

For the collegiate uprising, it is Robert Maynard Hutchins. Before his 30th birthday he had disrupted the educational thinking of a generation, preaching against the "irrelevance" of most university curricula.

Dean of Yale Law School at 29, president of the University of Chicago at 30, Hutchins is now 70 and president of the Center for the study of Democratic Institutions, a "think tank" for the humanities.

He is still unmellowed and uncompromising, as he indicated in an interview in his Hilltop study here:

"I'm not surprised that college presidents aren't respected these days. So many of them are just public relations men or bureaucratic administrators. The scientific-technological revolution has placed a premium on expertness and knowledge and what do they know?

"This highly opulent, mobile society may be witnessing the end of 'success' and all the Horatio Alger notions of success. If so, the university may restore itself as a center of independent thought."

Hutchins' definition of the university as a center of independent thought is markedly similar to the call for independence from government and business preached by student dissidents.

"The most striking fact about the higher learning in America is the confusion that besets it," Hutchins wrote in 1936, the year he was awarded an honorary degree at Harvard's tercentenary.

The book, "The Higher Learning in America" warned against entangling universities in the aims of government and business.

"It is sad but true," he wrote, "that when an institution determines to do something in order to get money it must lose its soul and frequently does not get the money."

With that in mind, Hutchins dropped big-time football in 1939 at Chicago, a step followed by many universities since that time. He also railed against "the service-station concept" of a university, which would lead to a "knowledge industry . . . turning out those who could help in the formation of 'knowledge workers' in research and development."

Fulfilling Hutchins' warning, Harvard Dean Franklin L. Ford forecast such a development on his first day in office, June 15, 1962. "Changes from the outside will dictate changes in the college," he said. "Business and government are asking questions today that academicians never thought of asking."

After the recent student strike at Harvard, a strike-supporting publication "How Harvard Rules," lashed out at the Harvard curriculum (far less job-oriented than at other universities):

"Courses are not intended to further self-development, to connect with meaningful activity in the world; they become instead part of the students' property, their 'human resources'. Far from setting men free, this type of knowledge—technical or humanistic—makes students into products. Their education, their 'Harvard degree,' transforms them into a commodity."

In similar terms, Hutchins has accused university administrators of trying to emulate Henry Ford. "Is the university to be a servant or critic of society," he asks, "a mirror or a beacon?"

That university life now mirrors the agonies of the outside world has been evident since the turmoil at Berkeley five years ago. The student rebels then put much emphasis on the word "multiversity," popularized by University of California Pres. Clark Kerr, deposed by the riots.

In coining "multiversity" at Harvard's Godkin lectures in 1963, Kerr warned his audience that "analysis should not be confused with approval or description with defense." Few listened.

Hutchins today charts the making of the multiversity:

"When we went to Yale (in the 20s), we didn't go to be educated. We went to become Yale men. College then was a means of taking the sons of the rich and rendering them harmless to society for a few years.

"At the end of World War II, scientists showed that they could blow us all up. (The first controlled chain reaction was conducted at Chicago's Stagg Field in 1942, three years after Hutchins had converted the stadium into a research area.)

"Then Eisenhower, Kennedy and Johnson all told us that the university was the center institution of our age. More and more people could afford to go to college and the places grew, with great burden on this archaic, mismanaged purposeless institution, the university.

"So now there's chaos. Our universities are in desperate condition, even in the American notion of what a university should be, a center for technical and vocational certification.

"Our only hope is in new institutions. Maybe there's a chance. There's plenty of money around."

Hutchins' new institution is something called the liberal arts college, that is, largely non-elective curriculum of four years studying science, literature and history "with every student studying each subject as though he were to take a Ph.D. in it."

The major difference in Hutchins' idea is that college should begin after the sophomore year of high school "because the first two years of college duplicate the last two of high school." Then, after four years of college, students who would normally be college juniors would be ready for post-graduate work. He even suggested later a 6-3-3 school career, with an A.B. degree at age 18.

Over the protests of high school principals who claimed their students were too young, Hutchins experimented at Chicago for two decades constantly juggling traditional notions of class by allowing sophomores to take senior courses and juniors to take graduate courses, innovations that other colleges and universities adopted.

"Many of those who participated in or examined the Chicago experiment regarded it as highly successful," according to Harvard's Christopher Jencks and David Riesman in "The Academic Revolution."

"Whether one looked at the intense student culture or the record of alumini in graduate and professional schools (where most went), the college made a more impressive showing than almost any other undergraduate institution with similar students.

"The achievements of the college's alumni were not, however, usually the sort a development office welcomes. Their verbal sharpness, not uncommon Bohemianism, and frequent pedogagic and political radicalism all alienated parents, the Chicago business community, Chicago alumni of a more staid era, and many graduate school professors."

This achievement of a rigid, classical, "old-fashioned" curriculum would intoxicate today's campus militants and it may be what thery're looking for.

When Hutchins left Chicago in 1951 for the Ford Foundation, he quoted Woodrow Wilson in his farewell address to the students. "The object of a university," Wilson said "is to make young gentlemen as unlike their fathers as possible."

Then Hutchins left the students with his last heresy and testament for change:

"The whole doctrine that we must adjust ourselves to our environment, which I take to be the prevailing doctrine of American education, seems to me radically erroneous. Our mission here on earth is to change our environment, not adjust ourselves to it. If we become maladjusted in the process, so much the worse for the environment. If we have to choose between Sancho Panza and Don Quixote, let us by all means choose Don Quixote."

Youth and Hope—III: Pop Culture: It Binds the New Movement

(By Martin F. Nolan)

Berkeley, Calif.—Adult authorities keep trying to divide youth, which is only fair. They keep failing, which is fair, too.

Every college president seeks to isolate the "moderates" from the "militants." At San Francisco State, acting Pres. S. I. Hayakawa acknowledges that black student demands have merit, calling white radicals posturing troublemakers.

On CBS, Eric Sevareid closed an hour of worrying with a sad vision:

"A very great professor, Alfred North Whitehead, once made a chilling remark. 'Wait for those in the back street,' he said. 'When they move, the intellectuals will be pushed aside.' That would be a pity."

Since the Attorney General of the United States and the outraged ranks of Colonel Blimp alumni do not reside on 'the back

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street', the campus may be awaiting an assault from 19-year-old machinists, wrenches in hand and led, no doubt, by ROTC dropouts.

This prospect is unlikely because of the glue that binds the youth movement, pop culture.

In music, movies and styles of dress, the kids daily celebrate their victories. A walk down Telegraph av. here presents a sartorial scene soon to be duplicated in the most swank boutiques in Manhattan where members of the Establishment purchase their clothes.

Even if youth does not believe that imitation is the sincerest form of flattery, there should be some comfort in being upbraided by congressmen with sideburns hovering righteously near the earlobe or in being clucked over by grandmas with hemlines demurely above the knee.

The cultural revolution may be the only enduring monument of America's current generational anguish. Who can deny, after all, that today's popular songs are more inventive and livelier than those of 20 years ago?

Money fuels this culture. Each year, young Americans spend more than $1.2 billion on records, mostly out of daddy's allowance. Then dad tries to understand his children by seeing "Hair" for $12 an orchestra seat in New York (or $8.50 in Los Angeles).

The two most enduring influences on the lives of today's student generation are the newest forms of civilization: television and suburbia. Both reached a peak in influence a decade ago when today's sophomores were most impressionable.

The revolution in pop music, in dress and in mores, is in part a reaction to both. A decade or so ago anthropologists might well have concluded that America's king and queen were Ozzie and Harriet. Their realm was more placid than Elysium, more pleasant than Camelot.

Sputnik, which so changed American education, also had its cultural impact, as self-doubt affected self-image. Today's TV screen is not ruled by the people next door but by lonely monarchs in a remote fantasyland: either one of the many widowed heroes like Andy Griffith of sleepy antebellum Mayberry in North Carolina or the celibate Cartwrights on the Bonanza ranch in Neveda.

Mon and dad eased the culture shock of the 1960's by quietly bumping off one another. For their children, it was more violent. Perry Como and the gurgling ballroom sounds of Tin Pan Alley were engulfed in the pounding surf of blues-rock-folk-hillbilly. Rocking around the clock wasn't easy.

The frenzy of modern music belies the passivity of the youth movement. Students talk of being "politicized" or "radicalized," not of becoming interested in politics, radical or otherwise.

In student bull sessions, "rap" has become an intransitive verb, as though complaint and despair were permanent conditions. Even if their leaders are stridently self-righteous and confident, most students are still on a darkling plain of confusion. The toughest part of involvement in a youth revolution is what to do after the battle is won.

If the adult world has been swallowed up in the cult of youth, the revolution has spread sideways, including supposedly anti-intellectual middle-class youth. Motorcycle cops, like the Mamas and Papas and the appeal of the Beatles, are not confined to a socio-economic pigeonhole.

Fervent SDS members at Berkeley confess to liking Glen Campbell, who has succeeded in romaticizing reactionary villages like Galveston and Witchita. Janis Joplin, who may never achieve the fame of Joan Baez, is called "the Judy Garland of the New Left" here, but she is really the musical descendant of Judy Canova.

No adult has seriously tried to divide youth according to the formula prescribed by Aristophanes, by persuading coeds to withhold affection from male revolutionaries. The sexual revolution is one of the most vivid victories of the youth movement, almost as if teen-agers had invented The Pill.

The Harvard revolt against "parietal" dormitory rules a few years ago may have presaged the present campus turmoil since sex is more important than society. But even had they not won these concessions, students have perpetrated their own mockery of adult values in "unisex", the fashion phenomenon of boys and girls dressing alike.

"Unisex" may be as important to the future of mankind as Univac was to the future of machines. It also transcends traditional notions of debauchery. Campus sex is undoubtedly widespread and casual and perhaps guiltless. It may also be joyless and presage a cultural counter-revolution of Victorian ferocity.

That Berkeley has already triumphed in this aspect of its revolution can be witnessed at Sacramento: legislators there are so enraged at the repertory of sexual misbehavior in California that many of their 100 proposed laws are clinically specific and therefore, as obscene as what is to be forbidden.

The apothesosis of Berkeley culture, of course, was "the Graduate," the movie in which the Bayshore freeway and Sproul Hall became symbols of freedom and revolt.

Dustin Hoffman's Benjamin was not universally popular here, it should be noted, since he had all the social conscience of a turnip and almost made Berkeley a wide-screen Mayberry.

But he won in the end, so did the movie at the boxoffice, and so did Simon, Garfunkel and Mrs. Robinson on the charts—all important psychological victories.

If all the youth movement had for sustenance were Marxist rhetoric and SDS slogans, it would soon disintegrate. But the phonograph is mightier than the mimeograph.

Or, as Andrew Fletcher, an 18th century English parson put it "Let me make the songs of a nation, and I care not who makes its laws."

Youth and Hope—IV: Is More Faculty Power the Answer to Turmoil?

(By Martin F. Nolan)

The real enemy of revolution is reform. A lesson of history meaning that universities today must democratize to survive.

This process is painful for all—deans, students, trustees, alumni; but as Harvey Cox of Harvard's Divinity School says, "It depends mostly on the guys in the middle: the faculty. God help us."

The most distinguished faculty members in American universities today are also the country's leading free-lance writers, business entrepreneurs, political consultants and part-time government employees. Some of these also teach.

If the current campus turmoil will indeed be settled by the faculty's assumption of more power and more responsibility, the transition must erase centuries of custom.

The American Revolution, in fact, resulted in the first loss of faculty power at Harvard. President Josiah Quincy, surveying the financial setbacks caused by the revolution, concluded in 1779 that the corporation required "men of experience in business, and practically acquainted with public affairs."

Businessmen ruled the Harvard Corporation thereafter, a fierce protest on behalf of the faculty being overruled by the overseers in 1825: "It does not appear to this board that the resident instructors of Harvard University have any exclusive right to be chosen members of the corporation."

Almost a century later, Harvard president A. Lawrence Lowell resisted attempts to even define faculty power:

"Attempts have been made to define and express in written rules, the relation and the faculties and the governing boards, but the best element in that relation is an intangible, an undefinable, influence. If a husband and wife should attempt to define by regulation their respective rights and duties in the household, that marriage could safely be pronounced a failure. The essence of the relation is mutual confidence and mutual regard . . . best learned from the experience and best embodied in tradition. Tradition has great advantages over regulations."

Lowell's statement in 1920 came at a time of social awakening among American intellectuals. This restlessness, however, had been channeled by university trustees into the businesslike endeavor of "research", the key to academic success.

"Learned societies" had proliferated in the late 19th century followed by the establishment of university presses to print the productivity of professors. The "publish or perish" carrousel was so relentlessly entrenched that one of Harvard's most famous English teachers, Charles Townsend Copeland, had to wait 18 years, until 1910, before becoming an assistant professor.

Protest against businesslike promotion procedures was to no avail. Upton Sinclair, a precursor of SDS radicals, addressed downtrodden workers in 1923 with the message:

"Slaves in Boston's great department store, in which Harvard University owns 2500 shares of stock, be reconciled to your long hours and low wages and sentence to die of tuberculosis . . . because upon the wealth which you produce some learned person has prepared for mankind full data on 'the Strong Verb in Chaucer!' "

The larger American universities became, the stronger grew the "tradition" of rule by long-term presidents and deans. Turnover was not rapid because university administration was a serene, prestigious, rewarding life; few deans or presidents itched to get back to teaching or scholarship.

And now, the same conditions changing the happy lot of those running colleges has also transformed the lot of those professors who were primarily researchers, regarding teaching as a nuisance. No more quiet and prestigious havens for research are likely to remain.

Research institutes and "think tanks" are likely to multiply, all more openly identified with their governmental and business bankrollers.

Back on campus, meanwhile, the marriage spoken of by Pres. Lowell will reach divorce court, a trend foreseen last year by McGeorge Bundy, president of the Ford Foundation, former White House assistant and former dean of the Harvard faculty.

"Faculty members who sneer at growing administrative staffs have wholly misconstrued their own true interest," he said. "Faculties have tended to assume that the internal strength and health of their universities were self-sustaining, and their government a matter of little moment. They have thus left the field open both for insensitive administrators and for student agitators."

"It is tempting to speak of this failure of the faculties as an abdication," Bundy wrote in the Atlantic Monthly. "But this harsh word is not wholly fair, because you cannot abdicate from a position you do not formally possess."

Bundy's cure implies more democracy in the university and more power for the faculty: "The best single test for the appointment of a President is still the question whether over the long pull he is the man the faculty would most wish to have."

Presidents and deans are likely to have shorter, more specified terms, both because democracy works that way and because the job is now a chore. Faculty members will have to abandon their contemplative life, their research, even the joys of teaching if duty and their colleagues call.

And will it be worth it? Will the students be more tractable, more grateful?

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That depends on whether change comes to their lives, too. and if "tradition" gives way to more freedom and more responsibility.

Two years ago, when Harvard's current troubles began, Robert S. McNamara stood on a car in Cambridge and told his student tormentors that when he was at Berkeley a generation before, he had been a lot tougher and a lot smarter than they were.

Seldom has the former Defense Secretary's judgment been more in error. Overwhelming biological evidence suggests that today's young people are taller, tougher and smarter than their ancestors.

It is of no small significance that Harvard Prof. George Wald, at 62 a leading hero of youth, is also a biologist.

At the biggest bookstore in Berkeley, one of the better-selling books is "The Phenomenon of Man." Along with Marcuse, Malcolm X and Marshall McLuhan, this book by the late French scientist, Rev. Pierre Teilhard de Chardin, S.J., has attracted student hope and attention.

Teilhard's theory was that man is continually evolving, physically and spiritually. No institution, temporal or religious, could retard this progress of God's plan for a heavenly kingdom on earth, a worldwide community where moral law would equal the majesty of the law of nature.

The path to such a life can only begin in the last redoubt of reason, the community of learning.

That vision remains for many of today's students, no matter how hazily perceived or how clouded by rage and even if it may only be seen with the disappearance of the last court injunction, the last policeman, the last vapid slogan and the last angry word.

STINGY WITH THE ARTS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HUNGATE. Mr. Speaker, I would like to share with my colleagues the following article from the Des Moines Register concerning the Nation's interest in the arts and humanities:

STINGY WITH THE ARTS

It isn't just Iowa where the arts have trouble wrangling a smidgin of seed money from government. It's the nation as well. The National Foundation of the Arts and Humanities hasn't grown as the National Science Foundation did. Congress last year gave the Arts and Humanities Foundation a skimpy $11 million a year instead of the $55 million hoped for. President Kennedy started it. President Johnson signed it into law amid clarion sounds.

The Nixon Administration has not decided what it will ask, and who knows what the present Congress will grant? But the Nixon Administration fired Roger Stevens, the courageous and imaginative chairman of the National Council on the Arts, before it had a replacement for him, and then ran into a series of turn-downs by possible successors.

Michael Straight wrote in the New Republic that the Arts Council's troubles began when Lyndon Johnson ran into hostility from particular artists (on the Vietnam issue) at the time of his White House Festival on the Arts.

"It was a fiasco," said Straight. "It left Mr. Johnson with the searing conviction that artists were his enemies. He made no serious effort from then on to promote the arts." He twisted not an arm, not a finger, when Congress cut the arts part of the program from the $32 million requested to $4 million for the year ending this June 30.

Most civilized countries (and many uncivilized ones) find it necessary to subsidize the arts to keep them flourishing. The United States has done hardly any of that and isn't sure it likes the principle. It seemed to be changing its mind slightly in the early 1960s. Now it seems to be lapsing back into its old lethargy of letting the arts make do with what they can sell or scrounge or beg.

REPRESENTATIVE HOWARD INTRODUCES MASS TRANSIT LEGISLATION TO AID RAIL COMMUTERS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HOWARD. Mr. Speaker, I am today introducing legislation which I believe provides a sensible solution to the mass transit crisis. This bill will create an urban mass transit trust fund to be administered by the Department of Transportation. Patterned after the highly successful highway trust fund which has given America its magnificent system of interstate highways, this new trust fund will help to cure the imbalance in our transportation budget and to provide necessary capital assistance to revitalize old and to build new mass transportation systems.

This bill will not tap the existing highway trust fund, but will set up an entirely new fund based on a different source of income. The bill would continue the excise tax on new automobiles for 4 years, the proceeds going into a mass transit trust fund. It is expected that over its 4-year life, about $10 billion in revenues would be generated for transit purposes. The advantages of this method of financing are twofold. First, there will be adequate mass transit funds, $10 billion as opposed to the present $175 million. Second, as this money cannot be diverted to other uses, Federal, State, and local officials will be able to make sensible long range plans for the efficient use of this money.

The need for good mass transit systems has been clearly proved. The existing Mass Transportation Act, enacted under the leadership of my distinguished colleague from New Jersey (Senator HARRISON A. WILLIAMS), has proved its worth even with limited appropriations. Such exciting new systems as the BART system in San Francisco would never have gotten off the drawing boards without the assistance provided by the mass transportation program. And thousands of New Jersey commuters would be in a difficult predicament without the Federal aid used for the purchase of new equipment on New Jersey commuter lines.

Much more needs to be done. No one knows better than I the importance of good highways—my first task on coming to the Congress was to begin the long and successful fight for the Trenton to the shore expressway. But there are many areas where mass transportation is a necessary partner for the highway and the auto. For example, a resident of my district might find it most convenient to drive to Trenton; but if he were traveling to Newark or New York every day for work, it would be more advantageous to go by train or bus and to avoid the nightmare traffic jams and often futile search for parking space. Certainly a good highway system is needed for our rural areas—where most of the new highway construction is going on—but in overcrowded urban areas mass transportation systems are a much more efficient way of moving thousands of people to and from work quickly and cheaply. In crowded cities, the land gobbling highway frequently disrupts communities, reduces the number of decent housing units, and oppresses the inner city dweller for the benefit of the more prosperous suburbanite.

What I am arguing for is not one means of transportation at the expense of another. But communities should have a choice between the means most suitable to their needs. At present, there is far more money available for highway construction—and it is granted to the States on a 90–10-percent matching basis, while mass transit grants are awarded for only two-thirds of the net project cost. My bill would put mass transit grants on the same basis as highway funds. This will lessen the incentive to build highways solely, because there was more money available for them. It will also eliminate the present 12½-percent restriction on money which can go to any one State. Clearly the mass transit needs of densely populated urban States such as New Jersey are far greater than those of sparsely populated rural areas.

Two other amendments to existing law will improve the mass transportation program. More adequate relocation payments will be made available to homeowners and businessmen forced to move as a result of a mass transit project. And funds will be made available not only for acquisition of land for rights-of-way, but for adjacent land as well. This would allow the community to benefit from the increased value of land caused by the construction of a new or improved transit system. Profits from the development, sale, or lease of this improved land would be used to defray the cost of the overall project.

Mr. Speaker, one failing of our system of government is that we tend to avoid action on a problem by "studying" it. Once one set of studies is completed, then another is begun to see if the first was correct in its conclusions. And so on ad infinitem. No area has been so carefully studied over the past decades as mass transit. I am sure that HUD and DOT have libraries full of engineering studies, feasibility studies, marketing studies, demographic surveys, economic studies, cost-benefit studies, research and development studies, and assorted and sundry studies all proving the need for better, more efficient mass transit studies. I exexpect that the congressional hearings on this subject alone would fill a hearing room in the Rayburn Building. Clearly the time for study is over. The need has been proven. I do not need a study to prove that need; thousands of my constituents are commuters and

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from my meetings and conversations with them, I know that good commuter service is as important to them as light, water, and gas for their houses. Now is the time for action, the time to straighten out our lopsided transportation budget. A $10 billion expenditure for rocket transit trips to the moon is very impressive; but I think we should spend the same amount of money to move thousands of men and women to work in reasonable comfort and efficiency. And at the rate things are going, by 1971, it may be easier to get to the moon than from Asbury Park to Newark or New York. We have the resources and the knowhow to build a modern transit system for every major city that needs one. It is up to the Congress to see that the funds are there to solve one part of the urban crisis—the increasing strangulation of our mass transit system.

THE VALUE OF RURAL ELECTRIFICATION IN OUR HOME AND COMMUNITY

HON. DAVE MARTIN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MARTIN. Mr. Speaker, the Third Congressional District of Nebraska, which I have the privilege to represent, has more REA districts than any other congressional district in the country. Each one of these REA districts annually sponsors an essay contest among teenagers. The winner in each REA district receives an expense-paid trip to Washington to see their Government at work.

The theme of all of the essays this year was "What Rural Electrification Means to Me and My Community." There were six district winners in my congressional district this year, and I congratulate each one of them for the fine essay they have written. I would like to share their essays with the Members of the House, and consequently am inserting them as follows:

The Value of Rural Electrification in Our Home and Community

(By Nancy Kunze, age 16, Palmer, Nebr.)

While on a speaking tour, the traveler stayed overnight at the home of a local minister. The following morning the guest encountered the preacher coming out of his room. Rather routinely the guest asked, "How are you?"

"I feel like a resurrected man," replied the minister with a twinkle. "I dreamed that I had died and gone to my reward—but then I awoke and discovered I had my electric blanket turned too high!"

Although I have never undergone an experience similar to the preacher's, one of the things that electricity means to our rural area is heat. It also means the direct opposite: cold. But electricity cannot be completely described in terms of temperature, for its uses are widely varied.

Often called the "silent servant," electricity has so rapidly changed our rural way of living that once-called luxuries or conveniences have become necessities. Daily we take for granted these electrical comforts which make this way of life possible. It is only when an infrequent outage occurs, causing most of our households and many of the farmers' activities to cease, that we realize how very dependent we are upon this "invisible slave," electricity.

Without electricity, the farmhomes and buildings in this community are without lights, water, and heat in winter. Neither can our stoves cook food, or the toaster toast bread, or the coffee percolate. When our invisible slave is absent, sister can't use the hair dryer, or little brother sail ships in the bathtub. Father can't milk the cows (except tediously by hand), and the milk cooler won't cool. Mother cannot wash and dry clothes and Father can't water the livestock without electricity. We also depend on our silent servant to brood baby chicks and heat lamps are frequently used on sick animals. Dad's shop is equipped with many electrical tools and machines which gave added strength to his hands and provide him with more leisure.

Thus far I have tried to express how our rural living is directly related to, and dependent upon, electricity. And yet I have not covered the subject entirely. My generation has been told about the "dirty 30's" when drought covered this entire land. But we have been raised with the security of irrigation where crops are virtually insured against loss by drought. Of course it is electricity which supplies the power to pump much of this irrigation water.

My generation has also heard about "ice houses" and "outhouses." And we know that only a few years ago the procedure of bathing took place in a washtub in the kitchen. Yet we have grown up pushing buttons, regulating dials, and turning switches. We cannot comprehend life without refrigerators or freezers, or electric blankets and heating pads, or furnaces, or air conditioning. We cannot visualize living without bathrooms, dishwashers, and television.

Undoubtedly ours is a privileged and spoiled generation because we live in the age of electric power. And yet, if all the power lines were to suddenly disappear, I'm sure every generation alive today would consider it a catastrophe comparable only to the preacher's experience. Surely we would all think we had died and "gone to our reward."

The Value of Rural Electrification in Our Home and Community

(By Gary Pedersen, age 16, Franklin, Nebr.)

What is the invisible force which makes my way of life so different from my parents? Is this unseen hired hand a convenience or do we look upon him as a necessity? How has our electric system grown and affected my community and me?

Electricity is a form of energy which we cannot see but is working for us twenty-four hours a day providing instantaneous lighting, handy refrigeration, cleaner and fresher water, easier house cleaning, better communications, more sanitary cooking, warmer houses, better entertainment, and healthier living conditions in the home. This power has also provided the farmer with economical power to irrigate his fields, handle and process his crops, feed and water his livestock and poultry, and warm his pigs and chicks.

My parents looked upon REA as a luxury when they were connected to the local system in 1950. They had never known the conveniences it was to bring them, so were prepared to do their daily work without it. They depended on the wind to supply water for the house and livestock, kerosene lamps were their only source of light, and wood supplied the heat for warmth and cooking. With the coming of electricity these methods were soon obsolete and with each new electric appliance my family's work was made lighter and more enjoyable.

Food, clothing, and shelter are the necessities man cannot live without. Take the electric power from today's modern home and we would realize that it plays the most important role in supplying these necessities.

Thomas Edison built the first three central-station systems for supplying electric energy in 1882. These were located in London, New York City, and Appleton, Wisconsin. Two of these were driven by steam engines and the third by a water turbine. These soon spread across the country providing electric power to cities and factories.

It wasn't until 1935, that the federal government set up the Rural Electrification Association to assist the farm electrification movement through the lending of funds to newly organized REA cooperatives.

Our community has enjoyed over two decades of having REA in Franklin County. Since 1949, the number of consumers being served by our local district has doubled, while the amount of KWH sold is seventeen times greater than twenty years ago. We now have about seven hundred and sixty-five miles of line which would exceed the distance from here to Chicago.

This winter has brought us more snow and ice than any other winter that I can remember, but during all of this we were not without power for our farmstead for even five minutes which truly must be a record.

How to get more profit with less labor: that's the problem facing today's farmer. With farm labor expensive and hard to find, mechanization and automation are the answers to keeping the profit in farm operations. We need enough imagination to find new ways of farm management, not just to earn more income for ourselves, but to enable God's good earth to yield more back to him.

How Rural Electrification Has Improved My Community

(By Betty Foss, age 16, Lexington, Nebr.)

"An investment in knowledge always pays the best interest."

How characteristic of the author of this sentence to draw lightning from the sky! The inventor of many devices, Ben Franklin was among the first to experiment with electricity. His investment in knowledge paid a handsome interest nearly a century later when "The Wizard of Menlo Park," Thomas Edison, invented the incandescent light bulb. It was during Edison's lifetime that the whirl of machines grew louder as the Industrial Revolution swept the nation, confirming the usefulness and indicating the potential of electricity. When Thomas Edison died in 1931, the gigantic wheels of industry were turning too rapidly to be stopped for even a minute in which to pay tribute to the passing of the man who "lighted the world." Progress would halt for no one!

"Webster's New World Dictionary" defines electricity as: a form of energy generated by friction, induction, or chemical change, and having magnetic, chemical, and radiant effects. The facts speak clearly as to what electricty is, but too often we take it for granted. Invaluable services performed daily by electricity for our benefit frequently go unnoticed.

Electricity is our clockwatcher—turning the hand of progress untiringly toward the hour of better homes and comunity life for all. Tiny wires throb with the pulse of electric current as the everyday drudgery of years gone by is eliminated.

Electricity is not free, but we pay unusually low rates for 24 hours of "daylight" the year around. Electrons responsible for the electric current necessary to light our homes can be compared to night watchmen who are constantly on the job protecting our interests.

Each summer our growing crops are saved by irrigation. For an increasing number of our neighbors irrigation is made possible by the use of electric pumps, and each year our harvested crops are saved by the use of electric drying bins. Recently a new high voltage

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line has come through our community to provide more power with which to operate these pumps and drying bins. Our "mooching" cattle are kept out of neighbors' fields with fine electric fences, and many newborn animals are spared winter's cold grasp by the heating of sheds and barns.

At all hours of the day and night familiar lights laugh at us through the windows of our homes. Houses are now warmed by electricity as well as love. Refrigerators keep food cold, stoves heat food, and water is easily obtained from faucets. The results of years of research in the field of electricity can be seen in almost every home today.

Without electricity our lives would be drastically changed. To past generations as well as present, electricity has proven itself the current that carries hope. An investment of time and effort in the better use of electricity is a sound investment, and because REA cares enough about us to invest this time and effort, we have an improved community!

The Value of Rural Electrification to my Home and Community

(By Arlene Mills, age 18, Broken Bow, Nebr.)

The extent to which the Rural Electrification Administration has affected me and my community is astounding! This is exemplified through its history, its contributions to progress, and its opportunities for advancement in the future.

The Rural Electrification Administration which originated in 1935 and resulted in the installation of rural power lines throughout the country, was crucial to our nation's progress. And now, thirty-four years later, it can be described as a gratifying investment. It was in 1947 that electric power lines were erected in my community and sent energy surging into farm homes supplying them with an efficient and economical form of power.

Because of this "instant power," the dim, old kerosene lamp was discarded, replaced by a modern, electric lamp, lighting entire rooms at the flick of a switch. The availability of electric power made possible water pressure systems which replaced the little "old outhouse" with the modern bathroom. The old wood and coal stove which warmed only a corner of a room, has given way to electrically, thermostatically, even-heated homes.

Farming chores have all been eliminated by the presence of electric power for milking machines, electric drills, welders, and countless other shop equipment, enabling farmers to avoid time-consuming trips to town during the busy planting and harvest seasons. Electrically manipulated machinery to grind, mix, and automatically feed livestock is at our convenience. Electric irrigation equipment has revitalized farming, transforming dry, scorched fields into plush, green crops.

The value of rural electrification is also portrayed in our homes. Rural families are healthier than those of a generation ago, with controlled heat, proper humidity, adequate lighting and air conditioning. The modernization of rural life is made easier for the housewife by kitchen appliances and has taken the drudgery out of household chores.

Electricity has brought a new "awareness" to my rural community. Radios and television informs rural residents of news, inclement weather conditions, foreign affairs as well as entertainment and educational programs.

Not only has rural electrification played a vital role in history, but it is becoming a source of *opportunity* for the future. The importance of electricity is clear with manipulating electronic computers to control farming by pushing a button and with electric-automobiles as a counterpart against air pollution.

Rural electrification has been of tremendous value to my home and community. It has influenced our *history*, aided our *progress* and is providing abundant opportunities for the *future*.

The Value of Rural Electrification in Our Home and Community

(By Darwin Holcomb, age 18, Broken Bow, Nebr.)

God said, "Let there be light", and there was light. This image of light was the dream of two great men of our century, Senator George Norris of Nebraska and Representative Sam Rayburn of Texas. They sponsored the Rural Electrification Act of 1935. Nothing in the history of man has made such an impact on rural people and rural communities as the addition of electricity. Until 1935, America had truly been a "dark land". Thirty years ago, ninety per cent of the people living in America were without electric power. These two great men had their eyes on the future. Today, rural America is ninety-eight per cent electrified with the help of Rural Electrification Administration loans.

Farmers and ranchers have accepted the challenge of using electric service to cut labor costs. The flip of a switch, the push of a button, or the turn of a dial will complete chores with less time. Cows are milked, grains are dried, weights are lifted, and crops are irrigated with the help of electricity. Lighted farm yards enable activities to continue more safely and for longer hours resulting in more output and greater efficiency than ever before.

Rural electrification has raised the standard of living in our homes. Rural citizens now buy electric heating systems and air conditioners to keep the home warm in winter and refreshingly cool in summer. They buy freezers, refrigerators, and stoves to protect their food, prepare it sooner, and make it more delicious than ever before. Pure water and greater cleanliness is brought into the home by electric powered wells, washers, dryers, and hundreds of other useful items. Rural people enjoy the best entertainment and keep informed about local, state, and national news, weather, and sports through radio and television. All this means jobs for people in the towns and cities where such products are manufactured. It also means jobs in our area for wholesalers and retailers, as well as service people. The result is more purchasing power and better markets for our farm products in the big population centers. The more we sell, the more we buy, and thus the wheels of our great nation keep turning. This is only one of the many ways in which the rural electrification program benefits everyone and adds to the economy of our country.

Today, the same pioneers of REA, along with their sons and daughters, have their eyes on tomorrow. They are building atomic powered generating plants and they are combining their resources to construct the huge fossil-fueled generating plants necessary to meet the ever increasing demands for electric energy in their service areas.

These activities reflect the spirit of cooperation and vision that has always been the trademark of the rural electrification program which has contributed so greatly to the progress of this great nation. Yes, rural electric people today still have their eyes on the future.

What Rural Electrification Means to Me and My Community

(By Connie Wemhoff, age 16, Humphrey, Nebr.)

In the United States today, rural electricity serves over 20,000,000 Americans in 46 states, Puerto Rico, and the Virgin Islands. The demand for electric power in rural areas is doubling every seven years. To the great majority of rural Americans today, life without electricity is inconceivable. The use of electricity has become a habit, like eating and sleeping. What would happen to the United States and its citizens in the absence of rural electricity?

Let us take a theoretical situation: All of the Rural electric plants in the United States are simultaneously destroyed.

The rural family awakens one morning to find that it has no electricity. There is no heat from the electric furnace, no hot water, and no telephone. Electrical appliances and conveniences situated throughout the house have been transformed from time-savers into space-wasters.

Outside, the farmer finds that he must revert to milking by hand. He has to feed and water the stock manually, rather than let electrical equipment do the bulk of the work. Because his work takes longer, his daily output is minimized. As a result, production and earning power are reduced.

Within a few months this predicament is forcefully felt in the cities. Rural people, who annually purchase more than a billion-and-a-quarter dollars worth of city-produced electrical appliances and equipment, of necessity remove their buying power. The decreased production of raw materials—eggs, milk, grain—on the farm, intensely affects the metropolitan factories which process these goods.

The prices of products go up while the pay rates decline among city employees, thus robbing them of the purchasing power which remains in our country. There is no demand for services supplied by city workers, such as television and appliance repair. Because of these factors, scores of businesses and industries have to drastically cut production or perhaps shut down altogether.

As the national economic level sharply plunges, a financial squeeze affects the entire United States. Defense programs and space ambitions have to be abandoned, due to lack of appropriated funds. Because of reduced importations and exportations, our situation indirectly affects the economies of other nations. Our country is not only lowered in the esteem of foreign nations, but is made vulnerable to enemy attack.

If our rural electric system were not rapidly reestablished, in a few years our country would retrogress to the circumstances which existed 60 years ago, during the Panic of 1907—no electrical conveniences, a low level of economic activity, and a financial depression.

Happily, there is no real probability of this situation ever occurring. But this hypothetical destruction of the rural electric system in our country clearly illustrates the role which rural electrics play in our nation's economy. Like a stone dropped into the center of a pond, its ripples extend far and wide, encompassing the whole world.

This is what rural electrification means to me and my community . . . and my state, nation, and world. It is a basic beam in the framework of United States' economy. It is a growing necessity to luxury and comforts. It assures continuation of life as I have always known it—healthful, comfortable, and convenient.

PARITY PRICES FOR FARMERS FOR MAY 1969

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ZWACH. Mr. Speaker, farm parity spurted up by 2 percentage points during the month of May. This brings it to 75 percent of full parity. Prices received by farmers jumped a full 11 points, while farm costs continued forever upward to a new alltime cost index high of 374 percent of the 1910–14 base.

Higher prices for cattle, hogs, corn, and milk were responsible for the higher price level. Reductions were noted for eggs, flax, cotton, and wheat.

The 11-point raise equaled the monthly increase of a similar jump between February and March of 1958, over 11 years ago.

The following table on selected commodities will provide the comparison with April and May of 1969:

PARITY MAY 1969

[In percent]

Commodity	April	May
Cotton	43	42
Wheat	47	46
Corn	65	69
Butterfat	74	74
Milk	84	86
Wool	44	45
Barley	65	69
Flax	68	65
Sorghum	63	65
Soybeans	69	70
Beef	85	92
Chicken	67	67
Eggs	75	67
Hogs	76	86
Lamb	92	92
Turkey	61	63
Average of all	73	75

TRUMAN WARD, FRIEND OF CONGRESS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1969

Mr. LEGGETT. Mr. Speaker, I think that I can speak for most of my colleagues when I say that we are all going to miss the late Truman Ward. Mr. Ward, who passed away on June 1, was an institution in the House of Representatives. More than being an institution, however, he was a friend and adviser to many of us in Congress.

When I came to Congress in 1963, Truman Ward had already been here for 42 years—coming to the Hill in 1921, well before I was born.

Most of my association with Truman Ward was in his capacity as majority printer. I can remember many times when we sent our copy for newsletters late and incomplete down to his office. Somehow they were always printed on time with our errors corrected and the layout much improved. I do not think it possible that we will again come up to Truman Ward's standards of efficiency and excellence.

More than just being a House employee or House printer, Truman Ward was a source of advice on the many arcane mysteries that confront a young Congressman when he arrives on the Hill.

I have lost a personal friend who was dedicated to every cause which led to the betterment of our way of life.

No words of mine can console those of his family and friends who remain behind, but we can take solace in the knowledge that our Creator bestowed a special privilege upon all whom He allowed to do business with Truman Ward.

We will all miss him.

SMUT MAIL: A NATIONAL DISGRACE

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BROTZMAN. Mr. Speaker, of all of the forces which are working today to erode the dignity and basic morality of our young people, I believe the most disgusting is the use of the U.S. mails to purvey obscenity and perversion.

I am sure that all of our colleagues are familiar with the tactics used by those vicious men who would do absolutely anything to make a few dollars.

Using mailing lists derived from a number of legitimate sources, they flood the Nation with offers of hard-core smut which runs the gamut of photographs and written material which, a decade ago, would have been absolutely unmailable.

Even the promotional material is obscene by practically any standard of human dignity.

I doubt if there is a Member who has not received letters from anguished and angry parents, pleading for a way to keep this filth out of the privacy of their homes. They take the position that they should have the right to expect that at least the U.S. mails should be denied those who would make profits from pandering to the curiosity of the young.

In the 90th Congress we passed a law which provided stop-gap relief to the majority of U.S. citizens who are revolted by this material. By filing a form with the Post Office Department, a citizen could place the purveyor of smut on notice. Repetition of such mailings makes the mailer liable to fine or imprisonment.

Despite the rather cumbersome nature of this law, nearly 200,000 families have availed themselves of this procedure.

However, Mr. Speaker, there is evidence that still stronger laws are needed. I receive an average of two complaints a week, primarily from parents who ask why it is necessary to endure the indignity of the original mailing in order to be protected.

And I agree with their position wholeheartedly.

Accordingly, when President Nixon recently proposed a legislative package of tremendously strengthen the smut mail laws, I was wholeheartedly in accord.

Basically, this three-bill package would:

First. Make it a Federal crime to knowingly mail or transport in interstate commerce matter to persons under 18 years of age material of a nature which is offensive to prevailing community standards, or to offer such material in the form of mailed advertisements.

Second. Make it a Federal crime to knowingly transport in interstate commerce or mail any advertisement or solicitation designed to appeal to a prurient interest in sex.

Third. Set up a procedure in which citizens may, in their own behalf or for their children—file a statement with the Postmaster General that they wish to receive no sexually-oriented advertisements in the mail. It would then be incumbent upon the smut merchants to obtain these names and purge their lists within 30 days.

I am today joining in the introduction of these three bills. I urge their enactment by the 91st Congress.

DISSENT AND CONFLICT IN OUR SOCIETY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLLING. Mr. Speaker, in March one of our most thoughtful citizens and creative national leaders delivered the Godkin Lectures at Harvard University. John W. Gardner's career in private and public life is too well known to require recitation here. I am delighted to report that despite the demands of his present position as chairman of the Urban Coalition, Mr. Gardner is expanding on these lectures for a book to be entitled "The Problem-Solving Society," which is to be published by W. W. Norton & Co., early this fall.

I include herewith an excerpt from the third of Mr. Gardner's Godkin lectures:

LECTURE III

(By John W. Gardner)

In this lecture I want to begin with some comments on dissent and conflict in our society.

Increasingly, here and around the world, the old constraints of tyranny, custom and stratification that keep a lid on human aspirations have been removed.

When the lid is lifted, what people aspire to—the substantive content of their aspirations—is not unreasonable. They want food, housing, jobs, security, dignity—hardly an irresponsible list. But the time scale on which they want these things poses extraordinary difficulties, given the glacial pace at which human institutions respond to new requirements.

So the stage is set for the most familiar confrontation of modern life—between people who demand change and institutions that resist it. The institutions alter, but never fast enough, and those who seek change are bitterly disappointed.

For this and other reasons, one sees a deepening hostility to institutions—any and all institutions, here and around the world. It is partly understandable in terms of a natural anger over administered frustrations. Men can tolerate extraordinary hardship if they think it inevitable—God's will or Fate or the ancient order of things; but their tempers have a short fuse when hardship results from the decision of another human being, presumably no better than themselves. Yet that is the lot of modern man: it is an administered age.

Related—in what ways we can hardly guess—is a breakdown in authority, in just about every dimension and every way: the authority of parents, religion, custom, social class, the law and the State.

Without an awareness of these factors—the expectation-despair syndrome, the hostility to institutions, the erosion of authority—one cannot possibly understand the events of the day. The standard phrase concerning social disorders is, "It's only a small group . . .", but that is a misleading assertion. Beyond the fractious few, beyond even

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the considerable group of sympathizers is the larger number of people who have no fixed views but are running a chronic low fever of antagonism toward their institutions, toward their fellow man and toward life in general. They provide the climate in which disorder spreads.

In that climate, unfortunatelly, our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12 year olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

It is hard for the enlightened American to acknowledge that the tradition of dissent may itself be subject to degenerative diseases. He dreads above all to be classed with the know-nothings who would stifle all dissent. But the fact must be faced.

Among the dissenters today we hear a few with a special message. They say, "We don't need reform, we need revolution. The whole system is rotten and should be destroyed."

I have talked long and seriously with people who make that sort of assertion, and have found that most of them don't really mean it. There is an awesome theatricality about today's radicalism, and the apocalyptic assertion is much in vogue. If one patiently questions everyone who makes such assertions, not attacking them but exploring their views, one uncovers a variety of "conventional" radical positions, most of which have been around for a generation or more and have survived peaceably (not necessarily comfortably) within our traditional political structure.

But, of course, some really mean it. At first, one is puzzled by their failure to understand that when a social system is destroyed, the resulting chaos is supremely antagonistic to *any* organized purposes, including the purposes of those who initiated the destruction. The puzzlement clears up when one sees that they have fallen victim to an old and naive doctrine—that man is naturally good, humane, decent, just and honorable, but that corrupt and wicked institutions have transformed the noble savage into a civilized monster. Destroy the corrupt institutions, they say, and man's native goodness will flower. There isn't anything in history or anthropology to confirm the thesis but it survives down the generations.

Those who would destroy the system also fail to understand that periods of chaos are followed by periods of iron rule. Those who seek to bring societies down always dream that after the blood bath *they* will be calling the tune; and perhaps that makes the blood bath seem a small price to pay. But after the chaos, no one knows what kind of dictator would emerge. The proposal to destroy the system dissolves under examination.

And yet there is no doubt that today's revolutionary is pursuing that goal with all the energy at his command. And in that pursuit he is wholly cynical in his manipulation of others. The rights of the majority are irrelevant to him; the majority must be manipulated for its own good (as he defines it). He has no interest in rational examination of the issues, indeed will deliberately confuse issues or block communication among groups so as to prevent such examination (for example, by preventing opponents from being heard). He will devise traps to demean those in authority, destroying their dignity where possible. He will exploit the mass media, feeding their hunger for excitement and conflict.

He will plan deliberately provocative confrontations designed to lead authorities to "overreact," knowing that if they do it will bring to his side naive sympathizers who know nothing of the issues but hate to see authorities act repressively. If all people in authority were perfectly wise the tactic would never work. But we shall never have such leaders. If the provocateurs are persistent enough and ingenious enough they can sooner or later trap any official into unwise action.

The fact is that the politics of derision and provocation are not only easy, they yield a kind of twisted pleasure. Sad to say, it's fun to get mad and it's fun to hate. Simple-minded people indulge such emotions without dissembling, and are duly criticized. More guileful people discovered long ago that the big psychic payoff comes in finding a noble cause in which to indulge one's rage and hatred. Then one can draw dividends from both sides of the transaction, satisfying both the new morality and the old Adam. And that is today's fashion. Rage and hate in a good cause! Be vicious for virtue, self-indulgent for higher purposes, dishonest in the service of a higher honesty!

It is easier to understand the existence of a small group of destructive extremists, than to understand why a rather large number of presumably enlightened Americans give them aid and comfort. Generous minded citizens so fear the censorious role that they fall into a fatuous permissiveness toward destructive behavior. If there is a grain of justification in the behavior, they magnify it to excuse almost any action. They search the *status quo* for flaws that will make the destructive act seem reasonable. Since there will always be such flaws in an imperfect world, one is left powerless before ruthless opponents. It is hard for the kindly American to recognize that such ruthlessness not only exists in a certain portion of the populace but ripens early. It is hard, too, for him to realize that his very permissiveness may force an escalation of the conflict.

For a long time we have fondly preserved the fiction that the drama of social change is a conflict between dissenters and the top layers of the Establishment. But as the critics fling themselves in Kamikaze-like assaults on sluggish institutions, they eventually come into head-on collision with the people who are most deeply implicated in the sluggishness, namely, the great majority. The stone wall against which many radical reforms shatter is the indifference (or downright hostility) of that majority.

The collision between dissenters and lower middle class opponents is exceedingly dangerous. As long as the dissenters are confronting the top layers of the power structure, they are dealing with people who are reasonably secure, often willing to compromise, able to yield ground without anxiety. But when the dissenters collide with the lower middle class, they confront an insecure opponent, quick to anger and not prepared to yield an inch.

It is at this point that young rebels find great appeal in Herbert Marcuse's ideas. When they think they are attacking the fat cats at the top of the social structure, democratic doctrine seems a serviceable banner to wrap themselves in. But democratic doctrine suddenly becomes a considerable embarrassment when they discover that "the people" they seek to liberate are in fact bitterly opposed to them.

Marcuse deals with that difficulty by saying that democracy and tolerance are themselves barriers to the overthrow of an evil society. He favors a more "directed" society. In doing so, he makes the assumption made by all who fall into authoritarian doctrines—that, in the "directed" society he envisages, people who share his values will be calling the tune. So thought the businessmen who supported Hitler.

The debasement of the critical role makes responsible action for social change increasingly difficult. Those who are engaged in the grueling work of accomplishing institutional change are in desperate need of allies. Responsible social critics can be of enormous help in identifying targets for action, in clarifying and focussing issues, in formulating significant goals ad mobilizing support for those goals. That kind of help is not supplied by irresponsible critics.

The responsible critic comes to understand the complex machinery by which change must be accomplished, finds the key points of leverage, identifies feasible alternatives and measures his work by real results. We have many such critics, and we owe them a great debt.

In contrast, the irresponsible critic never exposes himself to the tough tests of reality. He doesn't limit himself to feasible options. He doesn't subject his view of the world to the cleansing discipline of historical perspective or contemporary relevance. He defines the problem to suit himself. He shrugs off the constraints that limit action in the real world. But the constraints he brushes aside are intrinsic to the problem. Discussions outside that framework are just words.

It's a hard game to lose. If he takes care to stay outside the arena of action and decision, his judgment and integrity will never be tested, never risked, never laid on the line. He can feel a limitless moral superiority to the mere mortals who put their reputation at hazard every day in accountable action. He can spin fantasies of what might be, without the heart-breaking, back-breaking work of building social change into resistant human institutions.

The consequences of such feckless radicalism are predictable. Out of such self-indulgence come few victories. As a result, we are producing a bumper crop of disillusioned and tired ex-radicals.

It will not be possible to prevent all such disillusionment. Some radicals are so easily disillusioned that one wonders whether the experience feeds some secret stream of enjoyment. They have perfected the art of being "betrayed" by the world.

The model of the ineffectual radical is the man or woman who spends a few brief years exploding in indignation, posturing, attitudinizing, oversimplifying, shooting at the wrong targets, unwilling to address himself to the exacting business of understanding the machinery of society, unwilling to undergo the arduous training necessary to master the processes he hopes to change.

So those who have mastered the machinery laugh him off. He holds no terror for them. Soon he grows tired and gives up.

The favored instrument of dissent at the moment is the demonstration. And we have to face the fact that the demonstration is a crude, even misleading indicator of the popular will. The coercive demonstration is a threat to the framework of order that makes civil government possible.

Chief among the defects of the demonstration is its enigmatic quality. Whom do the demonstrators represent? How large is their constituency? What kind of mandate do they have from that constituency? What are the merits of their case? If authorities negotiate with them, what is the standing of the agreements reached? If authorities accede to their demands, will that accomplish a net reduction in prievance and injustice within the community? Of will the reduction of this group's grievances leave other groups even more aggrieved and create new injustices as old ones are corrected? Is the protest a true reflection of community sentiment or is it "rigged"? How can you know?

Those are questions that are hard to answer when a crowd of demonstrators appear out of nowhere to disrupt some public function. Precisely because of its enigmatic character, the demonstration lends itself to manipulation by elements within the community who do not in fact have any significant base of community support.

Nevertheless, the demonstration that remains peaceful is a legitimate instrument of social action. Its function is to bring a grievance or an issue to public view.

It is a limited function. The chief means by which citizens make their influence felt

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must continue to be through the long-tested, well-established procedures of a free socity: the ballot, the lawsuit, the srike, the petition, complaints to the press, action through established grievance procedures, and so on.

One hears a special justification in the case of the recent ghetto riots. The riots were necessary, it is argued, to produce fear in the power structure and thereby to get action on the social front. And those who make that argument now insist that the tactic succeeded, and they advocate its continued use.

It is true that the riots provoked fear. But there were a lot of consequences besides constructive social action. The riots led a lot of Congressmen and a lot of citizens to resist further Federal programs for the cities. The riots led both police and citizens to arm themselves heavily, and led to a heavy vote for right-wing political candidates. The riots strengthened every right-wing extremist group in the country.

To cite only the favorable consequences of the riots and ignore the unfavorable is disastrously near-sighted. The provoking of fear is a dangerous form of brinksmanship. It may bring constructive results or it may unleash emotions that will lead to the suppression of all freedom.

I do not blame the ghetto residents for being angry. I am with them. But they must not let their anger lead them into self-destructive moves. They cannot out-hate the whites or out-do the whites in violence. They must seek—as the college activists must seek, as we all must seek—a world in which man's destructive impulses are brought within a framework of law and rationality.

It is an old failing of the liberal that he has fantasies of a rather genteel revolution in which the revolutionaries stir up just enough turmoil to make comfortable people thoroughly uncomfortable. But you can't have revolution in carefully measured doses. Events will not be kind to those who unleash the furies of human emotion in the service of their own carefully calculated goals. Emotions get out of hand. No one knows what climax they will build toward, nor who will get hurt, nor what the end will be. Anyone who unleashes man's destructive impulses had better stand a long way back.

No society can give itself over to those whose purpose is civic tumult. The anarchist paves the way for the authoritarian. Either we will have a civil order in which discipline is internalized in the breast of each free and responsible citizen or we will see repressive measures designed to re-establish order. Everyone who cares about freedom will pray for the former and seek to avoid courses of action that lead to the latter.

For some years now the conscientious, generous-minded citizen has greeted each new outbreak of disorder with a determination to try even harder to correct the social injustices that seemed to lie behind such disorder. But correcting injustice is slow, and the disorders spread like summer grass fire. The serious citizen will have to learn a simple truth: one must act forcefully to combat injustice and *at the same time* one must oppose disorder and violence.

NORTH DAKOTA FUTURE FARMERS OF AMERICA CONVENTION

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. KLEPPE. Mr. Speaker, this past weekend I attended the 40th anniversary convention of the North Dakota Association of Future Farmers of America. One cannot attend a meeting of this kind without being very impressed.

This organization of Future Farmers fosters the aspects of character and life that are truly representative of America and all she stands for. Among them are leadership, cooperation, character, scholarship, thrift, service, recreation, patriotism, agriculture, and citizenship. Their motto, "Learning To Do, Doing To Learn, Earning To Live, and Living To Serve," spells out qualities that all men could follow.

In North Dakota we have 3,461 young boys, who belong to this organization and to listen to them express themselves on the values of life that bring out the good in people is heartwarming indeed.

I salute the Future Farmers of America and all those who participate in making it such an outstanding program for the development of the whole man.

LT. GEN. DUWARD L. CROW AWARDED THE DISTINGUISHED SERVICE MEDAL

HON. GEORGE W. ANDREWS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ANDREWS of Alabama. Mr. Speaker, on Thursday, June 5, I was privileged to attend an award ceremony for Lt. Gen. Duward L. Crow, Comptroller of the Air Force, at which time he was presented the Distinguished Service Medal. Indeed, this was a most impressive ceremony—focusing on the successful endeavors and dedicated leadership demonstrated by General Crow during his service in the Air Force.

The Honorable Robert C. Seamans, Jr., Secretary of the Air Force, made the announcement of the award, and Gen. John P. McConnell, Air Force Chief of Staff, pinned the Distinguished Service Medal on General Crow.

In these days when our Nation has great need for men of General Crow's caliber, it is well we recognize and commend the service and accomplishments he has exhibited in performing his duties. Mr. Speaker, it gives me pleasure to share the content of this citation with my colleagues in Congress and with people of this Nation which he serves, as follows:

CITATION TO ACCOMPANY THE AWARD OF THE DISTINGUISHED SERVICE MEDAL TO DUWARD L. CROW

The President of the United States of America, authorized by Act of Congress, July 9, 1918, awards the Distinguished Service Medal to Lieutenant General Duward L. Crow, for exceptionally meritorious service in a duty of great responsibility. General Crow distinguished himself as The Director of Budget, Comptroller of the Air Force, Headquarters United States Air Force, from 1 November 1964 to 16 March 1969. In this important position, General Crow's vast experience and comprehensive knowledge of data automation, financial management, and analysis of management problems, resulted in numerous programs to support logistical demands, and played a vital role in maintaining a sound defense posture. His presentation of the Air Force budget to the Air Staff Board, Office of the Secretary of Defense, Bureau of the Budget and the Appropriations Committee of Congress resulted in appropriations that enabled the Air Force to meet its world-wide commitments in a most effective and economical manner. General Crow's managerial ability, executive leadership, and foresight contributed directly to the development of plans to insure equitable distribution of funds for use in Air Force programs. The singularly distinctive accomplishments of General Crow reflect the highest credit upon himself and the United States Air Force.

ANNIVERSARY OF ROBERT F. KENNEDY'S DEATH

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLAND. Mr. Speaker, June 5 is the first anniversary of Senator Robert F. Kennedy's death. Just 1 year ago today—at the very pinnacle of his political career—Senator Kennedy was shot down as he and his aides shouldered their way through a crowd in the serving pantry of a Los Angeles hotel. An entire Nation stood vigil 24 hours before Senator Kennedy finally succumbed to his wounds. And an entire Nation—black field hands in the Deep South, middle-class whites in their trim suburbs, political leaders in Washington's power center—grieved his death. His older brother, John, had fallen victim to another assassin just 5 years earlier. The Kennedy family's remarkable record of sacrifice again touched and sorrowed the American people.

Robert Kennedy's personality was a curious blend of traits—strength coupled with gentleness, a consuming dedication to hard work coupled with a frolicsome playfulness when in the company of friends or children, a romantic idealism tempered—but not diluted—by keen political savvy. Most of all his life represented courage, both physical and intellectual, a willingness to take a kayak down a turbulent mountain stream or to tackle awesome social problems that others considered insuperable. His widow, Ethel, has maintained that tradition. Still merry and energetic, still a wholly devoted mother to her celebrated brood of 11 children, Ethel Kennedy has seldom revealed the depth of her grief. Senator JACOB JAVITS was not exaggerating much when he described her as "the greatest of the Kennedys, male or female."

A newspaper column by Anthony Lewis, published yesterday in the New York Times, discusses Robert Kennedy and his contributions to American life. With permission, Mr. Speaker, I put this column in the RECORD at this point:

[From the New York Times, June 4, 1969]

A YEAR WITHOUT ROBERT KENNEDY

(By Anthony Lewis)

LONDON, June 3.—On Thursday morning it will be a year since Robert Kennedy was shot. Time has not diminished the sense that life without him is incomplete.

The memories are not, in the main, solemn or sentimental, though men ordinarily rated skeptical still use the word love in talking about him. What is missed is the vitality—the force of personality that made him impossible to ignore or take for granted.

There were so many contradictory qualities in him. He could be moodily silent and exuberant, tender and harsh, uproarious in self-mockery and bewildered at the thought that some people hated him.

REALIST AND DREAMER

He was a realist and a dreamer, a man who knew as few did the depth of the difficulties facing society but who insisted they had somehow to be met—the last of the romantics, someone said.

His romanticism, if that is what it was, was not sustained by the elements that nourish most of us liberal optimists. He drew little inspiration from political theory or philosophical abstractions, no deep solace from music or painting. His restoratives were children—really any children—and family and challenge for its own sake.

From all this it follows that he could not be a conventional politician. He was no good at constructing the externals that shield most politicians, the bland or confident facade. His emotions, his doubts, his regrets were all too exposed. And he was so happily irreverent about politics.

The critics said he could never have been a candidate for President if his brother had not preceded him, and they were doubtless correct. But it is not necessarily wrong that, through such an accident, a country should have the chance to choose an unconventional leader.

It is all a year ago now, and far away. But there is still implicit in the American scene the question whether someone representing what Robert Kennedy did is acceptable or necessary in our society now.

One view is that the tide had turned irresistibly against the politics of action.

There certainly was, and is, a national weariness—a revulsion against being driven on toward heroic social goals. Robert Kennedy kept reminding Americans of their country's troubles and inadequacies, of the unfairnesses in life, and it is understandable that many people preferred to be left alone for a while.

Many liberal activists would say now that the United States had come to the right time for a pause. They approve of President Nixon's undramatic tone. They may think that a Republican Secretary of State with no rooted commitments is preferable to a Democrat who is a tireless, dedicated, effective advocate of the policy that brought us to where we are in Vietnam.

EISENHOWER INTERLUDE

We needed the Eisenhower interlude, some have said, with reason, and now we need another. But that view carries its own warning. For whatever else of value the Eisenhower years represented, they were also a time of insufficient action on the racial problem—for which the United States will pay indefinitely.

That is the imponderable in today's politics of calm: What may the eventual cost be? The underlying torments of race and poverty and frustrated youthful idealism are not going to go away.

There, because of his puzzling, unpolitical personality, Robert Kennedy could have made a difference. America's dispossessed and disaffected were somehow able to identify with him. He offered them hope as apparently no one else inside the system could. And life without hope must produce frustration.

It is current wisdom that the political majority in the United States is unblack, unpoor and unyoung. But that does not mean that the majority can afford to become increasingly separated from the minority.

REACTION TO VIOLENCE

That most Americans are fearful and angry at the violence of the internal attacks on our society is understandable. But it cannot be enough, in the long run, for political leaders to make the majority feel righteous by underlining that anger and fear.

Someone, sometime, will have to try again to find a common vision for those inside and outside the society. That could have been the role of Robert Kennedy.

A PLEA TO SAVE THE MAINSTREETER PASSENGER TRAIN

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OLSEN. Mr. Speaker, about a year ago the Interstate Commerce Commission took a good look at a request of the Northern Pacific Railroad to discontinue its Mainstreeter passenger train between Fargo, N. Dak., and Seattle-Takoma, Wash., and denied its request. The railroad is again asking that it be permitted to discontinue this service. I wish to go on record as opposing the discontinuance of the Mainstreeter.

In its decision to deny the request for discontinuance, the Commission pointed out that to allow the carrier to cancel this train would deprive the public of a needed service, and would seriously harm the substantial number of small communities which would be left without rail passenger service. Out of 88 stations now served by the Mainstreeter, only 24 would have alternate rail service. The balance of the 88 would have none.

At the hearings held by the ICC 145 persons testified in opposition to discontinuance of the Mainstreeter, and the Commission stated that 43 additional witnesses would have similarly testified if time had permitted. Included in those asking that the service be retained were representatives of student bodies of several colleges who presented the results of polls indicating the use and need of students of the Mainstreeter. Other students and college staff members also expressed their opposition to elimination of the train.

The Commission's decision reflected that in each of the years 1966 and 1967 a quarter million passengers used the service, although not all of them went the entire length of the route. The average trip in 1966 was shown as 390 miles. Also, the Commission pointed out that the 1966 total was up 8 percent over 1965, while the 1967 preliminary estimate showed a 9-percent increase over 1966. The Commission was forced to conclude at this point that "we consider it clear beyond dispute that the public has not abandoned the Mainstreeter."

Mr. Speaker, in voicing my opposition to the discontinuance of this important rail passenger service, I join with my esteemed colleague in the other Chamber, Senator METCALF, who also comes from my State—Montana—in a request for an investigation by the ICC of a matter related to the discontinuance of the Mainstreeter. The investigation was proposed by the National Association of Railroad Passengers in a letter to the Commission dated May 1, 1969, in which they declare, in part, that—

> Within the past year we have received several reports that the railroad has deliberately removed mail and express formerly handled on the trains and placed such traffic on freight trains. The Commission should thoroughly explore this matter, and if it finds that such action was taken to prepare a foundation for the present discontinuance proposal, it should require continued operation if the record shows any significant public demand for the service.

Mr. Speaker, the situation regarding our Nation's rail passenger service is cause for alarm. It is all the more so because I am certain that the general public, and perhaps even Congress itself, is not fully aware of what is happening.

The ICC has declared that we are in danger of losing significant segments of the remaining long- and medium-distance railroad passenger service within the next few years unless the present trend is reversed. The Mainstreeter is one of these trains in danger. The Commission pointed out in a 1968 report to Congress on intercity rail passenger service that during the last 10 years the service has declined sharply. The number of regular intercity trains fell nearly 60 percent in that time, with 13 of our railroads having abandoning all such service, while seven roads are down to a single pair of trains each.

The Commission emphasized that the movement toward discontinuance had accelerated during the last 2 years. For instance, during the 12-month period ending in early 1968, the number of trains proposed for discontinuance had more than doubled.

And I call attention that the brunt of such curtailment is falling on the West. The Commission said in its report that—

> While it is important to note that the volume of filings under section 13a has been sharply increasing, the most critical problem is presented by the recent receipt of several proposals to discontinue the last remaining rail passenger service between major areas in the country, particularly in the West.

Mr. Speaker, this is what is happening to railroad passenger service, particularly in the West. The ICC has given us clear warning that such service is disappearing faster and faster. This, in part, is why I strongly oppose the removal of the Mainstreeter. I know that it is an important service to the people of my State, and to the other States through which it passes.

Moreover, discontinuance at this time could prove untimely, for several reasons. First, the growing affluence of our society, coupled with increased leisure time and greater mobility, point to sizable increases in intercity travel in the years ahead. Long- and medium-distance rail passenger service could be on the threshhold of a revival, especially if properly promoted.

Second, we are just beginning to probe the techniques and possibilities of intercity high-speed service. While it is true that the immediate application is confined to the Northeast Corridor, is it not entirely possible that some of the knowledge gained, and the developments achieved, will be applicable to other sections of the country? I am confident that it is so.

Third, the railroads themselves recently asked for financial aid for passenger

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service. I presume that a first step would be a determination of the amount of loss involved on which to base such aid. Other studies likely to be needed cover areas such as the essential of particular service, and of alternate means of assistance. Pending a broad survey of all the ramifications involved in the proposal, important rail passenger trains such as the Mainstreeter should be retained.

Let us be forewarned that once trains are gone, they are gone for all time.

PROTESTORS SAY: YOU DO THE JOB

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MICHEL. Mr. Speaker, now that the college year has ended at most schools around the country, it might be a good time to look back and reflect a bit upon the tragic series of violent demonstrations which took place on campuses around the country and determine just what the protestors were trying to say.

An editorial appearing in the Sunday, June 8, edition of the Peoria Journal Star gets right to the heart of the matter without a lot of the fancy verbiage and gobbledygook which has been a feature of so much of the writing on this serious problem.

I include the editorial in the RECORD at this point:

PROTESTORS SAY: YOU DO THE JOB

We've been told over and over again not to be diverted or disgusted by the slogans, the shouts, the obscenities, the vandalism, etc., of "activist" youths—college or slum—white or black.

They are trying to tell us something, and we should concentrate on listening. We should try to find out what they are saying through all the racket!

I've been listening for a few years. Listening in seminars. Listening in long talks at home with visitors from here and yon. Listening in my office to those who came through the open door. And "listening" through long and extensive reading of their effulgencers and apologists.

I think I've finally figured out what they are saying!

And it was hard to grasp because it is so idiotic in one way—and so totally natural in another.

Are they great idealists, or a bunch of slobs?

They are both. It depends on whether they are setting standards for others, or setting standards for themselves. For others they want the highest ideals followed. For themselves, they want the "freedom" to be slobs.

GLIB PHILOSOPHY

Some of them simply want the privilege of "running the college" because in that way they can effectively "drop out" and still technically keep their draft deferments—and they have learned one thing from their glib professors. They have learned how to cover these natural desires with a lovely smokescreen of "philosophy" . . . even good, old-fashioned self-delusion.

But I promised to reveal what they are really saying.

It is this:

"Society should be perfect and infallible. (Translation: that means all of you.) It (you) should provide us plenty of everything without effort on our part, including peace, prosperity, and personal freedom of every sort.

"The standard for 'society' should be one of absolute perfection and total infallibility. It should provide errorless machines, endless and total peace, plentiful production without hazard of either health or safety, without breakdown and without cost.

"The standard for 'people' should be none whatsoever. All should enjoy plenty of necessities, conveniences, and pleasures, without effort and with no limits on sex, pornography, drug use, destruction of property, arson, interference, or mob action—and no unpleasant penalties for robbery, murder, arson, vandalism, or assault. Amnesty for human imperfections!

"YOU WORK, WE PLAY

"We want you to be productive and infallible and demeaned if you fall short! We want us to be nonaccountable for anything, free to do as we please, completely irresponsible for what we do or its real consequences, and cared for all the while!"

No wonder they say it is such complex blizzards of baloney!

They don't want to face up to what they are really saying, themselves!

Above all, these word-juggling activists, young and not-so-young refuse to admit that the standards for "society" and the standards for "people" are the same thing.

The idea that we can increase the demands for perfection on "society" while reducing it altogether on "people" is truly an "impossible dream."

As Einstein once said in response to a clever argument he couldn't refute with rhetoric: "Look at the mathematical equation. It simply won't work."

Or as I once heard a disgusted New Englander say to a fiery southerner: "OK. You win the argument about the Civil War. Now let's see you spend that confederate money!"

It just doesn't "compute."

Thank Heaven there are also a few million college students trying to learn how to better approach perfection in their own efforts—rather than demand it of others . . . and know that baying at the moon is no substitute for self-improvement.

CORRECTION OF STATEMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OTTINGER. Mr. Speaker, on May 21 I called to our colleagues' attention a speech delivered by Mr. Franklin H. Williams, "Race and American Foreign Affairs." In his address, Mr. Williams stated that Africa would not be included in a five-volume Documentary History of American Foreign Affairs, 1945–70, to be issued next spring.

I wish to correct the RECORD and advise our colleagues that a volume on Africa will, in fact, be published. I insert herewith, for inclusion in the RECORD, a letter recently addressed to Mr. Williams by the managing editor of the compilation:

THE CITY COLLEGE OF
THE CITY UNIVERSITY OF NEW YORK,
New York, N.Y., June 3, 1969.

Mr. FRANKLIN H. WILLIAMS,
Director, Urban Center, Columbia University, New York, N.Y.

DEAR MR. WILLIAMS: I noticed that Congressman Richard Ottinger had your speech delivered at Stetson University reprinted in the Congressional Record of May 21, 1969. I am pleased to inform you that the five volume *Documentary History of American Foreign Affairs, 1945–1970*, of which Arthur M. Schlesinger, Jr. is the General Editor and I serve as the Managing Editor, will contain a volume on American relations with Africa. Dr. Jean Herskovits, Professor of African Studies at The City College of New York is the Editor of this volume. She has published several monographs on African History as well as scholarly articles on the subject.

Chelsea House Publishers will be issuing this compilation in the Spring of 1970.

Respectfully yours,
Cordially,

FRED L. ISRAEL,
Associate Professor.

NEED FOR GUIDELINES URGENT FOR CONGRESS REDISTRICTING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, the need is urgent for Congress to set guidelines in law for drawing new congressional district lines after the 1970 decennial census. The harassing court challenges cannot be allowed to continue ad infinitum.

I was joined by a number of New York colleagues in sponsoring appropriate nonpartisan legislation in the House last Tuesday. The response to my bill has been heartening and I hope that the measure will receive early consideration.

The Supreme Court in its several decisions under the one-man one-vote ruling has made no attempt to set guidelines—and I do not think it is the job of the Court to set them.

That job belongs to Congress.

Since the Census Bureau itself acknowledges that its population data was only 97 percent accurate in 1950 and 1960, I believe it is entirely reasonable for Congress to set a leeway of 2½ percent either way from the mean average in setting district lines.

Supporting editorial comment appeared in the Washington, D.C., Post, as follows:

[From the Washington Post, June 7, 1969]

TO EQUALIZE CONGRESSIONAL DISTRICTS

A bill introduced by 17 New York Congressmen affords another chance to lay down a set of rational guidelines for the creation of congressional districts within the states. Last year the House foolishly killed a bill for this purpose because the Senate insisted that districts should not be permitted to vary in population more than 10 per cent. Since then the Supreme Court has upset redistricting laws in both New York and Missouri. The maximum deviation from the average in New York was 6.6 per cent and in Missouri 3.1 per cent.

The most troublesome aspect of these decions was the Court's unwillingness to tolerate any variation in population between districts, "no matter how small." Justice Fortas pointed out that, under the Court's demand for mathematical precision, state legislatures "might have to ignore the boundaries of common sense, running the district line down the middle of the corridor of an apartment house or even dividing the residents of a single-family house between the two districts." Some authorities also fear that, with such exacting demands for population equality without regard for political boundaries, geographic barriers, tradition or economic interests, the door will be opened wider to gerrymandering.

The argument which may spur the House to action, however, is the very practical one of relieving the states of an exercise in futility. Forty-four of the states have districts that are unequal in some degree. But there is no hope whatever of eliminating all these variations, even if it were desirable, before the 1970 census figures are available. Redistricting on the basis of the now obsolete 1960 census might in some instances produce greater disparities, and at best would produce a fictitious equality of representation. Congress could reasonably relieve the states from further costly redistricting until after the 1970 census, except in cases where flagrant inequalities exist.

This is what the new bill is intended to do. It would permit the states to use their present districts for the 1970 election if those districts are within 10 per cent of the average district population. But in the 1972 and subsequent elections variations from the average would be forbidden if they should exceed 2.5 per cent. Perhaps that figure is too low to make reasonable allowance for political boundaries and geographical barriers, but it has the virtue of not authorizing any variation which the Supreme Court has found unconstitutional.

Another aspect of the problem may also spur Congress to action. Under the Court's rulings, New York and Missouri must redistrict before the 1970 election, while various other states with greater disparities between their districts have no such specific obligation. Georgia has two districts with about 15 per cent too many inhabitants and two districts with about 14 per cent too few. Iowa, Minnesota, Pennsylvania and Washington also have much greater variations than the two states which have been ordered to redistrict. No doubt challenges will be pressed in these states, but there is little chance for Supreme Court rulings in time for the 1970 election. This in itself would be a source of inequality in the 1970 election unless remedial legislation is passed.

The question before Congress is not one of challenging the jurisdiction of the Supreme Court in the redistricting field. The Court has been floundering around in this so-called "political thicket" because Congress has failed to meet its own responsibility of laying down guidelines for the states. Congress should now act as promptly as possible to avoid chaos as well as to promote equality in the 1970 congressional election.

PUTTING PRESIDENT EISENHOWER'S WORDS IN CONTEXT

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RHODES. Mr. Speaker, for months now the people who have been carrying on the campaign against American preparedness have been invoking the name of Dwight Eisenhower.

"Ah," they said, "it was General Eisenhower who warned us against the dangers of a military-industrial complex."

What they have been doing is taking that great man's words out of context and distorting them to serve their own purposes.

President Nixon was thrown the sharp light of fact on this distortion in his speech at the Air Force Academy commencement.

The President quoted in full the key sentence of General Eisenhower's comment on this subject and this is it:

> We must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex.

I call your attention to the word "unwarranted."

Then President Nixon pointed out that "in that same farewell address, President Eisenhower made quite clear the need for national security."

This is how President Eisenhower put it:

> A vital element in keeping the peace is our military establishment. Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction.

When General Eisenhower's words are examined carefully, we see how those who would minimize the importance of America's defenses are distorting his position and his words.

Now that the President has announced a well-calculated plan for withdrawal of U.S. troops from Vietnam, I hope that there will be no distortions in comment on his program for peace. There is too much at stake to permit anything but a clear and balanced perspective of this country's policy of strength and willingness to negotiate.

STATISTICIAN STUART A. RICE DIES AT 79

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. BOLLING. Mr. Speaker, on June 4, 1969, Stuart A. Rice, one of the ablest statisticians it has been my pleasure to encounter during my many years on the Joint Economic Committee of the Congress, died here in Washington, D.C. I was sorry to learn of his death. During his appearance before the subcommittees of the Joint Economic Committee, his testimony was informed and highly useful.

I believe an obituary printed in the Washington Post on June 6, 1969, will give a proper indication of Mr. Rice's contributions:

> [From the Washington (D.C.) Post, June 6, 1969]
>
> STATISTICIAN STUART A. RICE DIES AT 79
>
> Dr. Stuart A. Rice, noted statistician and sociologist in this country and abroad, died Wednesday in Doctors Hospital after a long illness. He was 79.
>
> At the time of his death, Dr. Rice was adviser-consultant to the Surveys and Research Corp., which he helped found in 1955 and of which he was president for 10 years.
>
> He was assistant director for statistical standards in the Bureau of the Budget when he retired from Government service in 1955. His work in helping to improve the Federal Statistical System of the United States and in international statistical development spanned many years.
>
> A native of Wadena, Minn., Dr. Rice received his bachelor's and master's degrees from the University of Washington and his doctorate from Columbia University. He taught at Dartmouth College, the University of Chicago and the University of Pennsylvania before coming to Washington.
>
> He was president of the American Statistical Association in 1933, when he was named assistant director of the Bureau of the Census. The Association and the Social Science Research Council, aided by a grant from the Rockefeller Foundation, organized official procedures for welding Federal statistical activities into a system that became the office of statistical standards of the Bureau of the Budget.
>
> Dr. Rice also had served as president of the International Statistical Institute. He was chairman of the organizing committee and first vice president of the Inter-American Statistical Institute.
>
> He has served the United Nations as chairman of the Nuclear Commission on Statistics, had been United States representative on the U.N. Statistical Commission and a member of the U.N. Contributions Committee.
>
> As a consultant to industry, Dr. Rice participated in the preparation of "A Metropolitan Statistical Program for the National Capital Region" for the Joint Committee on Washington-Metropolitan Area Problems, as well as in programs and surveys for Congressional committees, the Defense Department, the President's Commission on Veterans Pensions, the Federal Reserve System, the Department of Health, Education, and Welfare and many other agencies.
>
> He had been on a number of statistical missions to London, The Hague, Japan, Korea and elsewhere.
>
> The author of numerous articles, Dr. Rice had been a vice president to the American Association for the Advancement of Science and a member of the Social Science Research Council, the American Council of Learned Societies, the American Sociological Society, the board of editors of the Journal of American Sociology, the Population Association of America and the Sociological Research Association.
>
> He is survived by his wife, Sarah Alice Mayfield, of the home, 1870 Wyoming ave. nw.; a son, Stuart Arthur Rice, of Santa Barbara and Los Angeles, Calif., and a sister, Anna Louise Gilbert of Washington.

PRESIDENT GEORGE WASHINGTON ON FOREIGN ALLIANCES

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MADDEN. Mr. Speaker, this morning, in examining my office files of 27 years ago, I found the following editorial from the Christian Science Monitor of February 20, 1943.

The editorial reveals some interesting history on President George Washington's advice on our Nation's foreign alliances in 1796.

It contains some good advice for our Congress to read in 1969.

I hereby submit the editorial for information on pioneer international problems to the Congress:

> GEORGE WASHINGTON—1943
>
> Perhaps relatively few holiday orators on February 22, 1943, will dwell on George Washington's aversion to alliances. But wondering what the United States would do today without allies against world tyranny, some Americans may feel confused about those oft-quoted remarks in Washington's Farewell Address.
>
> The confusion arises not from what Washington said but from partial quotation of what he said. It has suited isolationists to picture Washington as one of themselves by repeating those passages in which he warns against the "insidious wiles of foreign in-

fluence," points out that the Europe of 1796 "has a set of primary interests which to us have none, or a very remote, relation," and advises against "permanent alliances with any portion of the foreign world."

Such a limited interpretation of Washington might lead one to conclude that the efforts of the United States to defend itself today in company with allies would be deplored by "the Father of his Country." But Washington also declared that "we may safely trust to temporary alliances for extraordinary emergencies," and advocated "liberal intercourse with all nations."

Moreover, he qualified his advice to steer clear of alliances by adding, "so far, I mean, as we are now at liberty to do it." For even when he spoke, the United States was part of the world, with international responsibilities and definite debts to others for the liberty that Americans had achieved.

To interpret Washington on foreign policy it is necessary to remember not only part of what he said in this famous Farewell Address, but all he said there, and also why he said it. Europe was a long way from America in 1796. George Washington was not a trans-Atlantic commuter-by-air. He might well speak of Europe as "remote."

Then too, the United States was among the weakest, not the most powerful, nations in the world. " . . . Attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter." No nation is seeking to make the United States its satellite today; the world is asking America to become its leader.

What would Washington think of America's position today, and of the course it should follow in the future? We should not presume to say. But we know that in the Farewell Address he advised Americans to "avoid the *necessity* (italics ours) of those overgrown military establishments, which, under any form of government, are inauspicious to liberty." Would he discourage those who today seek to avoid this necessity by co-operating in common efforts for an orderly world? Would he say that world-wide organization to this end is impracticable?

Of the effort to organize order in the New World he said, "Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it." We are faced today with uncertainties in the world sphere as disquieting as those which existed in the new America of 1796. We cannot believe, however, that Washington would ask us to turn back because of them from the hope of securing peace with freedom for mankind everywhere.

A BILL TO AMEND THE FISHERMAN'S PROTECTIVE ACT OF 1954

HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. POLLOCK. Mr. Speaker, Thursday I introduced a bill which would amend the Fisherman's Protective Act of 1954 inasmuch as this legislation will strengthen the provisions which relate to the protection of American vessels operating upon the high seas.

Under the Fisherman's Protection Act, when an American vessel is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, the Secretary of State is directed to take action to collect the unjust fine which has been levied on an American vessel. If the offending country fails or refuses to make payments within 120 days, today the Secretary of State is required to withhold an amount equal to such unpaid claim from any funds programed for that country under the Foreign Assistance Act of 1961. My bill, Mr. Speaker, would require the Secretary of State to take additional measures against the offending country if he determines that country refuses to pay such claim or will not negotiate in good faith. By certifying to the Secretary of the Treasury such facts, the Secretary of the Treasury would then be required to prohibit importation into the United States directly or indirectly any fish or fishery products caught or processed by any person subject to the jurisdiction of the offending country. This bill also provides the mechanisms for enforcement as well as penalties and fines which may be levied against violators.

SENATOR KENNEDY UNDERCUTS POLICY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MICHEL. Mr. Speaker, we have heard a good deal of discussion in the other body in recent weeks on the subject of military tactics in South Vietnam as well as our Vietnam policy in general. The senior Senator from Massachusetts has been one of the most outspoken critics of that policy and I am sure you all noted the response from the minority leader, Senator Dirksen.

An editorial appearing in the June 6 edition of the Peoria Journal Star touches upon this issue and I insert it in the Record at this point:

Senator Kennedy Undercuts Policy

There is a divisive feature in Washington politics today that is unique.

We haven't had anything like it in a generation, because the Democratic congress in Eisenhower's time felt some joint responsibility to see national policy succeed whether it was THEIR policy or not. Likewise, under John F. Kennedy and Lyndon Johnson, the GOP congress under Everett Dirksen's leadership, felt some responsibility to the national policy—even though the President was of the opposite party.

However, since the election of Richard Nixon, and the rise to a formal as well as informal position of leadership of Sen. Ted Kennedy, a young man possessed of two priceless advantages—his father's money and his brother's reputation—this has changed.

Suddenly, after years of silence or support, we discover that everything JFK did was wrong, from the moon program to support of South Vietnam and the welfare program system. Everything Lyndon Johnson did was also wrong. And everything Robert McNamara purchased or had researched for the Defense department was unneeded, turned out not to work anyway, and cost too much money!

And whose fault is the endless series of mis-begotten boners by McNamara, JFK and LBJ?

Why, Richard Nixon, of course!

SEWER POLITICS

What a weird, blind, cut and slash style of politics this is!

It isn't gutter politics. It is sewer politics.

The climax is a campaign of psychological warfare directed against our own youth withstanding the shock of combat, quickly trumpeted by Radio Hanoi, gleefully using Sen. Ted Kennedy's name, slandering battle leaders making the hardest of decisions while under enemy fire, themselves, on the basis of the rankest of amateur opinions made 12,000 miles away without knowing anything about the circumstances in detail!

This beats anything, including the brief team-up of Hitler's and Stalin's psychological war efforts against the French forces on the eve of the moral collapse of the French army in World War II.

ANOTHER AXIS SALLY?

Hitler never had anything nearly this good in Axis Sally and General Tojo never had anything half this good going for him with Tokyo Rose.

Neither had a Roosevelt providing them the roughest and earthiest of propaganda attacks against U.S. troops in the field.

And who would have dreamed that Uncle Ho would have a Kennedy to exploit as he is now so eagerly doing—with such an obvious effect on our efforts in the peace talks!

Have we lost our senses?

You can't win anything this way! Least of all, a peace!

SGT. EARL A. GODMAN

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. LONG of Maryland. Mr. Speaker, Sgt. Earl A. Godman, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the Record:

Sergeant Godman Survives Trap, Is Killed During Viet Patrol

A 21year-old Baltimore soldier who was wounded last February when a booby trap exploded has been killed in combat in Vietnam, the Pentagon said yesterday.

Sgt. Earl A. Godman, who had been in Vietnam since January with the 9th Infantry, was shot while on patrol May 28, the government said.

The three-year Army veteran was awarded a Purple Heart for wounds he received in the February incident, and spent two months in a military hospital recovering from the injuries.

His body is to be returned to Baltimore this weekend for viewing at the Walters funeral establishment at Pratt and Stricker streets, his family said. Burial will be Monday in National Cemetery.

A construction worker before he was drafted in March, 1966, Sergeant Godman was the father of a 5-month-old daughter, Tammy Sue, and a 3-year-old son, Earl, Jr.

"He hoped to make the Army a career," said his wife, Mrs. Sue A. Godman, who has been living with the sergant's parents in the 1700 block Ramsay street.

Sergeant Godman attended Baltimore city public schools through the ninth grade before taking a job with a construction firm in Pennsylvania in 1962. He returned to Baltimore in 1965.

Stationed at Fort Hood, Texas, for his basic training, Sergeant Godman later was assigned to Army headquarters near Frankfurt, Germany, and to infantry units at Fort Lee, Va.

Besides his wife and children, he is survived by his parents, Mr. and Mrs. Arthur A. Godman of the Ramsay street address; a brother, Ray, 19, and a sister, Cynthia, 13.

GOT A LIGHT, McLAREN?

HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OLSEN. Mr. Speaker, a great deal of attention has been focused recently on corporate mergers within the American business community. It has stimulated hearings before Congress, studies by several Government agencies and, more recently, some direct action by the Justice Department.

This once again brings to the forefront the delicate balance between free enterprise and legitimate Government intervention. Therefore, I read with interest the views of the Fortune magazine, one of the leading journals of the business community, as expressed in an editorial in its May 1 edition. I believe it should be of interest to all Members of the House. The editorial follows:

GOT A LIGHT, McLAREN?

Jonathan Swift once boasted that he had prevented an official pardon for a violinist condemned to death on a charge of rape. Although evidence at the trial had been far from conclusive, Swift brushed doubts away saying that the accused "was a fiddler, and consequently a rogue, and deserved hanging for something else."

Conglomerate companies are not in good repute these days with the public or with staider elements of the business community, which regard them much as Swift regarded fiddlers. Applause, therefore, may greet the suit brought by the Antitrust Division of the Justice Department to upset the proposed merger of the Jones & Laughlin Steel Corp. into the capacious maw of Ling-Temco-Vought Inc. But the Antitrust Division's reasoning on this matter is so outrageously Swiftian that, if adopted by the courts, in would further tighten the antitrust straitjacket on legitimate business change.

Any big company might be forbidden to diversify its product lines by merger with another company. The prosecution would not need to prove that the two companies had ever competed in any market. The offense would be the accused company's status (i.e., its bigness), which, in the unverifiable opinion of antitrust enforcers, would make more likely a future impairment of competition.

Richard McLaren, the Nixon Administration's newly appointed chief of the Antitrust Division, has opened his campaign against conglomerate mergers with the L-T-V case. It's important to understand the implications of McLaren's doctrine.

First, the antitrust aspects of conglomerates must be separated from other aspects that have caused anxiety in the recent merger wave. The tax laws contain kinks and gimmicks that load the dice in favor of certain mergers; these distortions should be removed. Sloppy accounting practices and untrue statements by acquiring companies have been factors in some mergers; the SEC ought to have the power to stop such practices. Stockholders have been bemused by hot arithmetic that relates price-earnings ratios in such a way as to indicate that everybody automatically makes noney out of mergers; the stock market has cooled off some of these calorific calculations by a sharp drop in the price of conglomerate shares.

But such abuses are not the business of the Antitrust Division. Its proper field of responsibility is to restrain or punish anticompetitive acts (e.g., price conspiracies, market allocations). Life becomes easier for a prosecutor if, instead of producing evidence of wrongdoing, he can base his case on a prediction that the accused will or might or could or may do something contrary to public policy.

The weird wording of the Clayton Act facilitates prosecution by prophecy. It forbids mergers where "the effect of such acquisition may be substantially to lessen competition, or to tend to create a monopoly." Note the words "may be" and "tend." Is a man who buys a box of arsenic tending toward wife murder or roach extermination? In advance, it's hard to be sure. Suppose a legal fiction is invented: since the arsenic buyer *may be* tending toward wife murder—and is more than six feet tall—he will be treated as if he had committed wife murder. Potential guilt will be equated with actual guilt.

McLaren's doctrine of how antitrust law applies to conglomerates works on the same principle. All he has to do is prove that the two companies are large. In speeches and statements about conglomerates he has set forth three assumptions on which the illegality of acquisitions may rest without proof of any specific anticompetitive act:

1. A conglomerate merger would lessen "potential competition." Applied to the L-T-V case, this assumption might take the form of a question: Who knows that Jones & Laughlin, if left to itself, would not someday go into the sporting-goods business, where L-T-V is already big?

2. Merger would enhance the "reciprocity power" of the two companies. Reciprocity can be an anticompetitive practice by which two or more companies deal with each other on terms that discriminate unfairly against other companies. But any two companies have such power, just as any person has the power to commit arson. Matches, clearly, enhance arson power. Got a light, McLaren?

3. Mergers involving large companies necessarily concentrate control of the nation's assets. A very high proportion of guitar players believe this assumption, but nobody can prove that it's true. It's easy enough to show that the assets in the hands of the 100 or 200 largest companies are increasing. But concentrated control cannot necessarily be inferred from such calculations. Nearly forty years ago it was discovered that stockholder power over corporations was decreasing and control was assumed to be passing to a relatively small group of industrial managers. But gradually all sorts of other—unpredicted—trends appeared. The number of "managers" with a significant voice in decisions multiplied as companies became internally less centralized. Mutual funds provided a new lever of indirect stockholder influence. The recent merger wave, especially the take-over bids, has powerfully revived the influence of stockholders. So after forty years of apparent concentration, U.S. business power today is probably less concentrated than it ever was—although nobody could prove that in court, either.

The main fault of McLaren's doctrine is not that it is anti-business, but that it's anti-law. The standards of proof required from the prosecutor are so modest, the assumptions framing the charge are so unsubstantiated and unrealistic as to leave the decision of whether or not to declare an act illegal almost wholly in the discretion of the prosecutor—and the chief of the Antitrust Division is a political appointee, subject like any other political appointee to pressures.

In the L-T-V case—and as to conglomerates in general—it is well known in Washington that great pressure on the Administration came from businessmen who don't like conglomerates and don't like the merger wave (see Report from Washington, page 43). Some of these, perceiving the merger movement as a menace to the status quo, ask the government to suppress the upstarts, the outsiders—what Swift would call the fiddlers.

The wholesome side of the trend to conglomerates derives from the very fluidity and uncertainty of the American market. Investors and managers, knowing that their products are vulnerable to consumer whim, technological change, and managerial innovation, naturally try a form of company that diversifies the products, spreads the risks, and decentralizes the management. Maybe only a minority of present conglomerates will be successful. But that's no reason to try to freeze the U.S. business scene by McLaren's doctrine, where evidence of future illegality is found in a crystal ball.

Fifty years ago, when a migrant member of the I.W.W. turned up in a western county seat, the sheriff was likely to clap him into the hoosegow before he had "a chance to make trouble." Often the charge was vagrancy, defined as having "no fixed place of abode" or "no visible means of support." Vagrancy isn't an act that the prosecutor has to prove. It's a status, a condition, deemed potentially dangerous by the "respectable" members of the community. For the last few decades, legal theory and practice have increasingly frowned on charges derived from status rather than acts, holding these "status crimes" to be unfair attempts to enforce conformity to the standards of the upper crust.

But antitrust enforcement moves steadily against this liberalizing trend of legal thought. McLaren, more blatantly than any Antitrust chief before him, wants to make the condition of corporate bigness sufficient reason to forbid those mergers he disapproves. Before any businessman cheers that doctrine, let him remember that business perishes when the discretion of officials is substituted for the rule of law.

PRAISE FOR PRESIDENT'S DRAFT PLAN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. SCHWENGEL. Mr. Speaker, one of the most distruptive factors facing the lives of our young people today is that of the draft. In many cases a young man's liability for induction extends over an 8-year period during which he could be called at any time. The problems which this system presents is painfully obvious to us all. President Nixon promised during the campaign that he would move to end the inequities in the Selective Service System, and he has fulfilled this pledge with his recent message to the Congress on draft reforms. The President's proposals are excellent. I concur wholeheartedly in the comments in this respect in a recent editorial on radio station WMT at Cedar Rapids, Iowa:

A GOOD PLAN FOR DRAFT REVISION

Last November we expressed the hope the incoming national administration would give priority to revision of the military draft.

We are gratified that the executive branch has moved decisively to develop a draft revision plan which President Nixon sent to Congress earlier this month. Like everyone else, we would prefer no conscription. But in the present state of world affairs, it simply is not practical to do away with the draft.

As long as military conscription is maintained there will be some inequities and uncertainties. But we think the plan proposed by the President would help minimize the inequities and it would greatly reduce the uncertainty which has been one of the great frustrations of the present system.

This would be accomplished mainly by limiting to one year the period during which a young man is most likely to be called. The draft-vulnerability period now extends over seven years. By switching from an *oldest* to a *youngest-first* order of call, the system would permit the majority of young men by the time they reach their 20th year either to be serving their military obligation or know they were free from it.

The impersonal hand of random selection would determine which it would be. The system is designed to distribute the risk of call equally—by lot—among those who are subject to call during a given year.

The President's stated objective for the revision he has proposed is to limit the disruption caused by selective service and make it as fair as possible.

We think the plan is well-designed to accomplish this and Congress should move promptly to give the President the authority he needs to put it into operation as soon as possible.

CROMWELL, CONN., HONORS A FALLEN HERO

HON. WILLIAM L. ST. ONGE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ST. ONGE. Mr. Speaker, under leave to extend my remarks, I wish to insert into the RECORD the text of an address which I delivered on May 29, 1969, at the Cromwell High School in Cromwell, Conn., on the occasion of the dedication of a memorial drive in honor of the late Capt. James E. Mann. Captain Mann, who had been a teacher at the school, was killed last October in Vietnam when his helicopter was shot down. The address was as follows:

DEDICATION OF CAPT. JAMES E. MANN MEMORIAL DRIVE

(Remarks by Congressman WILLIAM L. ST. ONGE, Cromwell High School, Thursday, May 29, 1969)

Dr. Moore, members of the family of the late Captain James E. Mann, officials of the town of Cromwell, faculty and students of Cromwell High School, ladies and gentlemen:

When your school superintendent and my very dear friend, Dr. Simon H. Moore, recently asked me to participate in today's memorial dedication in honor of a fallen son of Cromwell, I accepted without hesitation. I appreciate this opportunity of paying homage to the memory of one who so well deserved it.

Unfortunately, I was not privileged to know the young man in person, but I do know his father, Edward F. Mann, your first selectman, for a number of years. Dr. Mann was kind enough to send me some background material on James Mann. I can see why Cromwell is so proud of him and why you have decided to dedicate this street running in front of your high school as Captain James E. Mann Memorial Drive. It is a signal honor in memory of a loyal son who has made the supreme sacrifice for his country and for his people.

James Mann was a native of Middletown. He moved to Cromwell with his family at the age of 13, but continued to study at Middletown High School from which he was graduated in 1952. That same year he entered Central Connecticut State College, where he excelled in track and football. He was graduated in 1956 with a bachelor of science degree in education, then served two years in the U.S. Army, and upon his return joined the teaching staff at Nathaniel White School (in Cromwell).

In 1960 James Mann began a very happy association with Cromwell High School which lasted for six years. He began as a teacher of mathematics and history, and later became head track coach and assistant basketball coach. He gained wide recognition for his coaching ability and was considered one of the most promising young coaches in the State. Meanwhile, he continued his education at Central Connecticut and received a master's degree in history.

When James Mann was discharged from active duty in the U.S. Army in 1958, he received a commission as second lieutenant in the active reserves. He was subsequently promoted to the rank of captain. In May 1966, with the intensification of the war in Vietnam, he was recalled to active duty. He attended a special officers school at Fort Benning, Georgia, graduating first in a class of 200 officers. After some additional specialized training he was sent to Vietnam, where he became operations officer of the 3rd Mobile Strike Force.

During his tour of duty in Vietnam, Captain Mann received the bronze star for gallantry in action, three air medal awards, two purple hearts for wounds and three Army commendation medals for bravery. On October 2, 1968, his helicopter was shot down by the enemy while Captain Mann was on a relief mission to help one of our units which was besieged near the Cambodian border. He was killed in the crash of the helicopter.

Such is the history of a gallant young man, who fought for his country and defended it with his very life. Today we are gathered here to dedicate a memorial, a street which from now on will bear his proud name, and which will serve in loving memory of this brave man. We are gathered here to recall his heroic deeds, his unforgettable services to our Nation. He came from our midst, he spent many years in this community, he lived among you as a neighbor, was a friend of many and was loved by all who knew him.

It is therefore fitting on this day, as we dedicate the James E. Mann Memorial Drive, to also rededicate ourselves and reaffirm our beliefs in the solemn purposes and high ideals for which he—and others like him—have fought and died. It is people such as James Mann, who, by their deeds and beliefs, help to preserve our Nation and the most precious heritage of the American people—our freedom, our independence, our way of life.

This dedication occurs during the memorial weekend. Whether this is by coincidence or purposely planned is not important. What is important, however, is that this should not only be a day of remembering and memorializing, but also a day of reflecting on wars, a day of examining the reasons for it. Let us examine the motives and the logic—if there be any logic to it. Let us consider the reasons and the motives for war from the standpoint of history, how they have affected mankind in the past, where they have brought us in our own tragic days, and where they will lead in the future.

I do not propose to do so today. This is neither the place nor the time for it. I merely bring attention to the fact that the time is ripe for such reflection on the motives and logic of war. Could be, if we had done so several years ago, our approach to Vietnam would have been different, its tragic consequences could have been avoided, and the fine young man whose name we are memorializing here today would still be in our midst teaching math and history and coaching track and football.

Now we can only stress his heroic deeds, his loyalty to his country, his spirit of sacrifice. These will never be forgotten in our hearts, especially in the hearts of his loved ones who knew him best, irrespective of the passing of time. James Mann now belongs to eternity and to that long list of immortal heroes who fell on the field of battle in defense of their country. It was of such immortal heroes that Abraham Lincoln spoke when he said:

"Let us take increased devotion to that cause for which they gave the last full measure."

Captain Mann's days of strife and sacrifice are ended. But as we pay homage here today to him, let us remember that the strife is not over, that his comrades in arms are still fighting and dying on the battlefield of Vietnam. The sacrifice of Captain Mann—and all the others—should serve as inspiration to us to redouble our efforts to bring peace, justice and mercy to all mankind.

John Henry Newman, in a poem which sounds more like an evening prayer, said this:

> "May God support us all the day long
> Till the shades lengthen.
> And the evening comes,
> And the busy world is hushed,
> And the fever of life is over,
> And our work is done.
> Then, in His mercy,
> May He give us a safe lodging,
> And a holy rest,
> And peace at the last."

May the memory of Captain James E. Mann, to whom we are paying this tribute today, be blessed and honored for all eternity!

May this street, which will proudly bear his illustrious name from now on, serve as a path toward learning and as a road toward peace and justice.

WILLIAM J. DRIVER

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DORN. Mr. Speaker, many times in the past 4½ years I have praised the retiring Administrator of Veterans' Affairs, Mr. William J. Driver. As a member of the Veterans' Affairs Committee and a stanch supporter of veterans, I maintained close contact with Bill Driver. The passage of time confirmed my belief that he is an exceptionally fine man and was truly a great Administrator. I believe it only fitting to summarize the regime of Administrator Driver by reviewing the record of major accomplishments recorded during his tenure of office. These include:

LEGISLATION

A new, third-generation GI bill.

First-time education and training benefits for certain wives and widows.

Two major increases in disability compensation, including a 60-percent increase for the 100-percent disabled.

Two laws providing $295 million annual increase in VA pensions.

A boost in VA's maximum loan guaranty ceiling from $7,500 to $12,500.

Creation of special educational opportunities for disadvantaged veterans.

Record total appropriations for VA, and uprecedented appropriations for medical care and research.

A reopening of GI insurance.

A $39 billion, VA-supervised insurance program for members of the Armed Forces.

A new, three-pronged program that has provided 8,000,000 patient-days of nursing-home care for veterans.

A program of community sharing of medical training and education and hospital equipment.

ADMINISTRATION

VA representatives sent to battlefields for the first time, where they counseled 600,000 servicemen in Vietnam.

Bedside counseling for the disabled in every military hospital.

VA counseling at all 304 military separation points.

An outreach program, including letters, telephone calls, and personal visits to assist veterans in taking advantage of benefits.

More patients treated and lower waiting lists at VA hospitals than ever before.

Management improvement and cost reduction activities resulting in $192 million in savings during the past 4 years.

Major gains in the improvement of employment opportunities for women, minority groups, and the physically and mentally handicapped.

Establishment of the U.S. Veterans Advisory Commission.

Mr. Speaker, the following editorial appeared in the Stars and Stripes-The National Tribune, on Thursday, June 5, 1969. It expresses the feelings of so many Americans. I commend this excellent editorial to the attention of the Congress and the American people, as follows:

VA Loses a Strong Hand

Leaders of National veterans' groups last week said farewell to a federal servant who over a lot of years had earned their trust and respect. The retiring federal man was William Driver, who resigned as Administrator of the Veterans Administration.

Under his direction many forward steps have been taken in handling veterans' problems. He was not one to have subordinates wave off inquiring veterans with a genial but meaningless letter. He tried to give the veteran an honest answer. Doing so is a difficult job. Some of the laws concerning veterans, their pensions and compensation are confusing, sometimes hard for a man with a fair education to understand. In this field of dealing with millions of veterans he sincerely tried to have the job done rightly and with sympathy and understanding.

Driver had the virtue of being able to get along well with Congressional committees concerned with veterans' legislation. Many of these members of Congress had deep regret over his resignation.

If Driver's place is filled with a man of equal stature, veterans will not suffer in the long run. But it will take a lot of time for a new administrator to get a confident hold on the post.

Vast problems loom ahead in the veterans' field. Their numbers are increasing by great blocks due to the protracted Viet Nam war. More hospitals are certain to be needed.

Older veterans devoid of pensions are in need of more aid than they are receiving. Their voices will not be stilled; nor should they, particularly the men of World War I, and veterans of Mexican border service. Officially, the government has never recognized the border duty as a war. Their number is relatively small, but they are entitled to recognition in the field of veterans' benefits.

A sympathetic, able director in the VA can do much in helping effect logical legislation, not to mention running the vast Veterans Administration.

Whoever takes over the job, The Stars and Stripes wishes him well, and hopes he will show the calibre of "Bill" Driver.

RENAISSANCE CITY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MOORHEAD. Mr. Speaker, my city of Pittsburgh has rightly earned its title of the "Renaissance City." The rehabilitation of downtown Pittsburgh and the development of the famous Golden Triangle, where the Allegheny and Monongahela Rivers meet to form the Ohio, are hallmarks in Pittsburgh's recent history.

Pittsburgh is currently taking on a new form of revitalization in its commendable efforts to develop the marvelous water resources of the three mighty rivers that bisect the city.

TRIAD, the Three Rivers Improvement and Development Corp., has spearheaded the dynamic program to recover 90 percent of Pittsburgh shoreline from its current use—or more precisely, misuse—and turn over this reconstituted property to its citizens for recreational and commercial purposes.

Water activities can be fun for the entire family. Utilization of water area can provide a new playground for an entire city, without the demolition of one building.

New waterfronts and cleaner rivers also attract new businesses, whose worth to a city is incalculable.

Recently, Mr. Arthur Harris, president of TRIAD, delivered a speech in Pittsburgh to the 22d annual parks and recreation conference.

I would like to introduce Mr. Harris' remarks into the Record now as a solid example of how one city and one organization can successfully grapple with the problem of how to make its natural waterways clean and usable again:

Remarks of Mr. A. V. Harris

The past three days have been very busy for everyone who has attended this conference, and it has been reported. I'm happy to say, they've been very interesting and instructive. While I haven't been to all your sessions, I have been able to keep in touch with your program as it has progressed from Sunday. The news media has given excellent coverage, and I see by this morning's *Post Gazette* that beaches are being set up for nude swimming in a California park near Santa Barbara. Perhaps the measure of TRIAD's success will be when our rivers will be clean and attractive enough to promote similar activity. But seriously, TRIAD has had representatives at some of your sessions, and a number of our good friends have commented on the fine program that has been arranged. Certainly, you've had a very interesting assortment of expert speakers, and I understand that some of your workshop sessions have given you ample opportunity to cover the main issues.

With what I know about the success of your conference so far, my attitude as I stand before you now is one of humility, especially as a speaker on matters concerning parks. So I don't want to intrude into the area of your expertise, but I cannot let such an important occasion go by without making some very brief comments about a particular park. That park is Pittsburgh's own Point State Park. It's beautiful, isn't it?

When it comes to making a great park, concept is the basic ingredient. The concept on which John Grove is building Point State Park to greatness is that parks are people and people are parks. The beauty and grace of Point Park provide refreshing relief from the erectly postured aluminum and steel structures of the Gateway complex that is the heart of Pittsburgh's famous Renaissance. Point Park is the epitome of the bright sunshine one finds as he emerges from the forest formed by the sturdy city buildings. But John Grove has made it much more. Under his direction, it has become a place for people.

Some of you have had occasion, during your current stay here, to visit Point Park. There must have been many comments among you on its beauty and value to the City. And those of you who are so inclined may have felt a trace of the gratification John surely feels, knowing that he has successfully developed such an outstanding place of recreation and relaxation for many Pittsburghers, and others who come here from far and wide. Point Park dominates the scene.

This is not to ignore the other fine parks in this area, especially the good system of regional parks that provide a place for a good deal of outdoor recreation for Allegheny County's nearly two million residents. Nevertheless, Point Park is the focal point of the downtown scene.

And Point Park is the focal point of TRIAD's River Renaissance Weekend, the annual river show that was conceived to help Western Pennsylvanians appreciate better the marvelous river resources this area has. It is TRIAD's appreciation of the value and meaning of the aesthetic, historic and functional importance of the park that led us to bring 150,000 persons to the Point last year for our first annual weekend celebration. It's a weekend for people. Our purpose in putting on two days of river activity is to bring the people in this part of the State, as well as parts of West Virginia, Maryland and Ohio, a little closer to their rivers. Our objective is to create an awareness of the rivers and their usefulness, a new awakening that may have been dulled by years of inactivity. It is a little paradoxical that our rivers seem to go unnoticed, for the most part, in the daily routines of the thousands of persons who cross them every day. Many of Allegheny County's 1700 bridges were built to carry people across the rivers and their tributaries. But as you drive across a river, because of proper attention to automotive traffic, you seldom get a chance to look down. And many people never take time to visit the rivers.

Now, with TRIAD's River Renaissance Weekend there is a time each year when going down to the river has become practically an irresistible attraction. There is an undeniable fascination about watching the "Big Company's" tow boats lead the armada of pleasure craft in the annual boat and float parade. The spectacle of day-long activity on the river, on the wharf and out of the sky overhead holds an irrepressible charm for young and old alike. And from it all, thousands of people gain a new awareness of the usefulness of their rivers, not only for the commerce that carries more tonnage past the Point than goes through the Panama Canal, but for their own personal enjoyment, as well.

TRIAD, to me, is the people who make up this Western Pennsylvania community. After all, it is out of the intelligence and common sense of human beings that the appreciation of our natural resources grows. Only man

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has the faculties to really conceptualize the value and function of the natural state. Our well-developed senses are tantalized by the beauty and scent of a flower, by the sound of a ripling stream.

This message was brought home to us ever so forcefully a short time ago. Even though man has been on this earth for millions of years, it was only when the astronauts looked back at us from the threshold of the moon that so many millions of us gained a real appreciation for the first time of the beauty and glory of the earth we live on. From that distance, the polluted air and lakes and streams, the improperly backfilled strip mines and burned out or wasted forests—the sore spots on the earth—did not show. Despite man's long existence here on earth, it has only been in the past one hundred years or so that he has had the capacity to destroy it. And I think it can be said that without some change in our attitude and outlook toward the natural beauty and resources of this planet, we might succeed in destroying it—not so much by wars as by careless and indifferent despoiling of our great assets.

Of course that is not going to happen. Being creatures of intelligence, we already realize what we've been doing and have begun to turn our attention to saving this earth's natural beauty. The very fact that the three hundred or so persons who have registered at this conference are here to talk about the future applications of our natural resources to the useful pursuits of human beings is a strong indication of that fact. There are more indications of the new attitude toward conserving our natural resources, especially those very fundamental and vital necessities: air and water. In fact, I think we are reaching a point at which we are completely reversing the ratio of concern to indifference with regard to conservation matters. Before long, it will be most of the people who are concerned and only a few who are indifferent to our conservation needs.

It is only because that is true that an organization like TRIAD can hope to begin an effective movement to improve, develop and beautify the rivers. Being able to recognize the need to make our rivers more useful for all the people is not enough, if it takes shape only in the pious preachings of a group of do-gooders engaging in committee-style self gratifications. TRIAD, is not that! We certainly don't think of ourselves as do-gooders in that negative sense of the expression.

We do think we're practical people, with some knowledge of how to get important things done. As a result, the corporation is comprised today of persons who represent all levels of public and private life. The support of industry is a vital plus, and so is the effective assistance of government agencies and persons in the public sector at every level. TRIAD began as an organization designed to bring together all the elements of our society. It is our strong belief that it is not enough to improve the recreational uses of the rivers and riverbanks. Nor would it be enough to be over-attentive to the needs of the industry and commerce that are so essential to the continued vitality of the area. Actually, in fact, the vitality of the area might need a little shot in the arm, some stimulation to rejuvenate tired arteries. River Renaissance could be that shot in the arm. Fortunately, for the Greater Pittsburgh area, I think we've got all the basic elements of the needed therapy right here in the rivers.

These admirable objectives, however, cannot be accomplished by any single organization alone. All sectors will have to work together, to grow together, to be able to succeed in accomplishing the improvement, development and beautification of the Allegheny, Monongahela and Ohio Rivers.

We in TRIAD have assigned ourselves the task of getting things done that need to be done, and since our incorporation in March of 1968, we have sought to develop the best, most effective ways to accomplish these desirable ends. That sometimes means staying out of the limelight, rather than the opposite. What is needed in some cases is just a catalyst to fire energies that exist all about us just waiting to be turned loose on the solution of an important problem. At other times, direct action is called for. Frequently, however, TRIAD sees itself as both a coordinator and an innovator.

In the process of our brief development, of course, we have already learned a lot. Perhaps the basic thing we learned is that there is a crying need for some real coordination among the various levels of government, among the myriad of private industries and businesses in this great industrial headquarters area and certainly between the public, the Government and the economic sector. A few months ago we brought together, representatives of the major industries and river enterprises with representatives of the various Government agencies that have responsibilities on our rivers. The Government agencies, both State and Federal, were asked to outline briefly the scope of their responsibilities on the rivers. From that short meeting a new body of knowledge and a new area of communication have begun to be formed. With TRIAD as the coordinating agency, we will move on now to the development of what we are calling an Industry Preparedness Committee. This group will have as its purpose the formation of a sort of protective shield over the rivers to help prevent the occurrence of a pollution catastrophe. The expertise of industry will back up the responsible government agencies in the event of a serious pollution spill. I like to think of it as being like a volunteer fire company, one that answers every major alarm. Actually, we hope that this protective mechanism against chaotic pollution may never be needed. If it is needed, we want everybody in this area to be secure in the knowledge that it is there to respond.

TRIAD feels that in its Industry Preparedness Committee, a new facet of industry-government cooperation has been developed for the benefit of the entire community.

I don't want to give you the impression that TRIAD is an organization to police pollution. There are enough qualified people and agencies doing that job right now, both in government and in industry. One of our basic assumptions, in fact, is that government and industry, working together, can and will produce increasingly cleaner waterways. Only a few short years from now, I expect our rivers to be clean enough for excellent fishing and fine swimming. As a matter of fact, there already is much better game fishing here than most folks believe.

Cleaning these rivers, you know, doesn't really have to be such a difficult thing at all. After all, they're not like Lake Erie, which some people say is becoming a cesspool. But that is a relatively constant body of water. They say it takes about two years for the water in Lake Erie to change. Some bigger lakes take much longer. The water in our rivers is moving constantly. They could purge themselves relatively quickly. The continuing and expanding success of government and industry programs to reduce and finally eliminate the buildup of impurities in the rivers is bringing us closer to that day of clean, pollution-free waters.

What is needed now is the planning for the utilization of our rivers, and especially the improvement and development of the riverbanks. There is no time to waste. The long range plans that bring into account all the elements of future development, especially as they relate to the needs of the total community, cannot be started too soon. Mr. Mott spoke to this point so ably in his remarks of yesterday morning. Planning for river use should be relatively easy. After all, a river is a fixed thing. It's there to stay. We can't change the course of our rivers, or their volume, or any of those natural things. They are pretty much the constants we have to work with as we plan. Accepting them and then utilizing them for the benefit of all, needs planning of a high order. We know that our Pittsburgh economy depends on commerce and that we need to assure that future river plans recognize and enhance the increased use of our rivers for industry and business as well as for recreation. It may be that we have given too much thought to planning around our rivers and not enough to planning from them.

What about the banks of the rivers? They always seem to get such little consideration except from industry and only when they are needed for access to the water. They have suffered greatly from neglect in the Pittsburgh area. The great, world-renowned Renaissance ended at the riverbanks. A majestic plan for the maintenance of the riverbanks is important for the future usefulness of these rivers. High maintenance of riverbanks not only enchances their attractiveness and value, but prevents the kind of despoiling that made possible a series of pictures, depicting them as trash-strewn dumping grounds that appeared last week in a Pittsburgh newspaper. We'd like to see the riverbanks built up, foliated and cared for on a regular basis. These are some of the elements of the kind of long range planning that TRIAD is engaged in at the present time.

TRIAD is planning for maximum use of the rivers and the riverbanks. The riverbanks should be places for picnic areas, horticultural gardens and parks. The banks along these rivers should have appropriate public docking places for pleasure boaters. River recreation, including pleasure boating is an objective of TRIAD, with emphasis on safe boating. In TRIAD's concept there is room and a place on the rivers for everybody—to ski, to swim, to tow a barge. Basically, the rivers are roads for commercial and private use and a plan must be worked out that will satisfy the needs of both. The banks offer great promise as places to build, to work, to learn and play.

Since many of you represent government agencies of one sort or another and must seek your support from revenues provided by taxpayers, you may ask, "Where does TRIAD get its financial support?" TRIAD, being a private, non-profit organization accepts contributions from any source. We look for contributions from industry (on and off the river) from foundations, from boaters, from government agencies, from any person or any organization interested in the betterment of the community. Numerous charitable foundations operate in the Pittsburgh area. Some have given TRIAD financial support in the past, and we are looking to all of them for further and continuing help. As you know, foundations all over the country, from the very biggest to the smallest, are being asked to justify their programs. There is no more valuable community improvement program than the one encompassed in TRIAD's objectives. If there are any foundation people in the audience, any who are looking for something really worthwhile to support, this is it. It is an effort to keep renaissance in the Greater Pittsburgh area on the move, and extend it to the rivers and riverbanks, out into the County, through Western Pennsylvania and even into the other states that enjoy the benefits of these greater rivers.

In Pittsburgh, everybody gains because the rivers are here. That is just at true today as it was 100 years ago, if not more so. The great industries that are headquartered here in more abundance than almost anywhere else in the United States, support TRIAD. They find it easy to see that even if their plants and factories and offices are not located right on the 170 miles of shoreline in Allegheny County, the rivers still are important to them. In a very real sense, everybody is on these rivers.

It is very reasonable to assume that industry wants to help remake the rivers into the attractively useful arteries they once were. There is no law that says that rivers used as much as these are by industry and commerce must be unattractive and worthless for everybody else. There is no law, physical, natural or otherwise, that says that industry cannot put back into the rivers water that is as clean as, or cleaner than, the water it takes out. But TRIAD's approach to industry is more positive. Clean water is more economically useful for industries than dirty water. Rivers that can support the increasingly important recreational needs of employees are important to industry. Attractive riverbanks that can be enjoyed by employees, and can comfortably form the setting for such recreational vehicles as picnic areas, parks, boat launching sites, gardens and walkways will enhance employment recruitment efforts. I want to see the day, when we'll be able to say that many young people would rather work in Pittsburgh than any other part of the country—that we have more recreational opportunities than most.

I'm sure I don't need to tell you the importance of TRIAD activity to the various government agencies. Pennsylvania is actively engaged in a continuing campaign to attract new residents to the State. Allegheny County and the City of Pittsburgh also seek to encourage new people to come and live and work here. They know Pennsylvania, Western Pennsylvania, this county and this city have a lot to offer. The countryside is beautiful, the city is alive. Only the rivers have been neglected. The government response to our efforts reflects that interest. At the same time that TRIAD was receiving its Pennsylvania Commission as a non-profit corporation, the State House and Senate were adopting unanimous resolutions in support of our activities and commending TRIAD's work to their constituents. Similar resolutions followed from the Allegheny County Commissioners, the Pittsburgh City Council and the Mayor of Pittsburgh, Joseph M. Barr, and the Association of Borough Mayors of Allegheny County did likewise. In fact, earlier today I was with Mayor Barr down on the Allegheny River as he proclaimed the week of May 26 to June first as River History Week in Pittsburgh and urged the schools to pay special attention to the history of these great rivers during that period.

In the next couple of weeks, the County Commissioners will once again proclaim Three Rivers Week, the week leading up to the Second Annual River Renaissance Weekend celebration, which, if I haven't said it before, will be held this year on June 14th and 15th, and, of course, you're all invited. The resolution that the Pittsburgh City Council has agreed to adopt in support of TRIAD's work will establish River Clean-Up Week, a time when emphasis is placed on the importance of making and keeping our rivers and their banks clean, not only through organized efforts but by individual and personal care and attention as well.

Even the total support of the industries and the government agencies is not enough to accomplish the all pervasive commitment to the total usefulness of the rivers that TRIAD seeks. Everyone in the community has to participate. The third major stage of TRIAD's program to gain the necessary support goes directly to the people who live, work and play in this area. When you get right down to it, the people who live in this area are the major users of the rivers, regardless of whether they own boats, or fish or swim—or even if they never go near the rivers. For the rivers still supply the great volume of the water we use to drink and bathe. To reach them, TRIAD is mounting a big public support program through the fourth major support element in our society, the communications media, as well as the time-honored communicator—word-of-mouth. That's an important function of our big weekend program, also. But in addition to that TRIAD exhibits appear in such places as the annual boat show and home show, the County Fair and in shopping center malls. There are opportunities to address local civic clubs, boat clubs, garden clubs and other such organizations that have an interest in helping us to get the job done. And while it is true that TRIAD lists on its board of directors executives of major industries and some of our most important government officials, we don't want to overlook the man in the street. We want and need his support.

The rivers, as TRIAD sees them, are great in history—and believe me the people of this area are as intensely proud of their heritage as people anywhere—but they've got a future, too. I can see a day when the banks of our rivers will be busy with commerce, with people picnicking, fishing, perhaps just walking or sitting. There will be trees and flowers along those banks. There won't be trash and rubble to be washed away at high water just to be deposited somewhere else. There will be hotels and motels, marinas and bright new businesses whose own attractiveness will add to the over-all beauty and enjoyment of Western Pennsylvania.

These are just some of the things that TRIAD is doing to bring about the new River Renaissance, and some of the ways we are going about it. There is no one who cannot appreciate the value of trying to improve upon even your greatest asset. The rivers are our greatest asset. As we plan for the future, we are obliged to plan for the rivers, too. TRIAD will take an active part in that planning.

OUR FLAG: RESPECT NOT COERCION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, recently a very well intentioned resolution was offered to our Buffalo, N.Y., Common Council to adopt an ordinance requiring the display of the American flag in any parade or march on the city streets or public parks.

This proposal, as I said, was well intentioned. But there also is the danger of going too far, even to the point of coercion.

When I see our American flag being carried down the street at the head of a parade, I want to know that it is being done voluntarily; that it is being done with due respect for the flag and what it represents.

When the ordinance was proposed to the council, the Buffalo, N.Y., Evening News had editorial comment which is worthy of wider circulation, as follows:

[From the Buffalo, (N.Y.) Evening News, May 28, 1969]

NO FLAG COERCION

While we enjoy as much as any man the sight of Old Glory being carried proudly aloft at the head of a line of march, we believe the Common Council would be well advised to forget Councilman William F. Lyman's proposal to require display of the flag in granting city parade permits.

Aside from strong questions about its constitutionality (and here we respectfully differ with a recent city legal opinion), compulsory flag display smacks all too strongly of an authoritarian practice. The next step, presumably, would be to compel every citizen to wear a small flag in his lapel as a patriotic condition for using the public streets and parks.

Let us by all means protect the flag from acts of desecration, but let us not undertake to dictate the kind of banners which public marchers shall display. We doubt that it would shake the foundations of our free Republic too greatly if the Buffalo Common Council were to forgo coercion and continue to make flag display a voluntary decision of paraders, as it has been safely doing all these years up to now.

DOUGLAS URGED TO RESIGN

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. HALL. Mr. Speaker, the silence of Supreme Court Justice William O. Douglas, in the face of continued revelations of his highly unethical dealings outside the bench, has created another "credibility gap" in our High Court, and reflects poorly on the Federal Government. It is time that Justice Douglas either gives a public accounting of his actions or voluntarily retires himself from the Court, if indeed he, like Fortas, is considerate of the Court.

In the June 8 edition of the Des Moines Register, the distinguished journalist, Clark Mollenhoff, has written an article where he quotes my good friend and our colleague, the gentleman from Iowa, Hon. H. R. GROSS, as ready to instigate impeachment proceedings against the apparently senile and debilitating Justice.

Congressman GROSS has compiled a convincing dossier on Douglas. Apparently Mr. Mollenhoff has also done so, and he presents his facts in a straightforward and dramatic way.

I place the news story in the RECORD at this time to be read by all those concerned with preserving the dignity of our courts, and in preparation for procedures leading to the Congress working its will, when others fail:

JUSTICE IS URGED TO RESIGN

(By Clark Mollenhoff)

WASHINGTON, D.C.—Representative H. R. Gross (Rep., Ia.) will initiate an impeachment action against Associate Justice William O. Douglas charging that the Supreme Court justice permitted syndicate gambling interests and a convicted pornographer to use the prestige of the high court.

Gross said his impeachment resolution probably will be filed within "a week or two."

"On the basis of the information now in the public domain this is a grave matter," Gross said. "And I have reason to believe that other information will emerge shortly."

Representative Gross said he hopes that the investigations by the Internal Revenue Service, the Securities and Exchange Commission and the Justice Department "will cause Justice Douglas to submit his resignation, as he should have some time ago."

If Douglas fails to resign, Gross said, he will file an impeachment action on these specific counts:

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"First, Justice Douglas violated the American Bar Association canon of ethics and may have violated the federal criminal law in a letter of May 14, 1969, to Albert Parvin giving advice on legal matters involving the Parvin Foundation and a controversy with the Internal Revenue Service.

"Second, Justice Douglas accepted a fee of at least $350 for an article published in Ralph Ginzburg's magazine, "Avant Garde." A full-page picture of Justice Douglas and his article on folk singing were featured in the advertising and general promotion of this magazine with its sordid contents of pictures, poetry, and articles that can only be described as filth. Justice Douglas voted against a 5 to 4 Supreme Court decision in 1966 that upheld conviction of Ginzburg for selling hard-core pornography. There are several other suits involving Ginzburg that are in the appeal process and could come before the Supreme Court.

"Third, Justice Douglas has continued his association with the Parvin Foundation despite knowledge as early as 1966 that its funds came from Las Vegas gambling casinos that were well publicized as fronts for notorious syndicate gambling and 'skimming' operations. The fronts of the syndicate mobsters would appear to include Albert Parvin, Edward Levinson, Edward Tores, and others according to information obtained through federal law enforcement sources."

SENATORS ACT

Senator John J. Williams (Rep., Del.), Senator Carl Curtis (Rep., Neb.) and Senator Paul Fannin (Rep., Ariz.) have said they believe the activities of Douglas are as serious as those that caused Justice Abe Fortas to resign on May 14.

Douglas has received $12,000 a year as president of the Parvin Foundation.

Senator Curtis and Senator Williams, both active in pushing the Robert G. (Bobby) Baker investigation have stressed that the gambling figures involved in the Parvin-Dohrman Corp. activities were major characters in the Baker investigation.

KEY FIGURE

The key figure is Levinson, a convicted bookmaker and convicted evader of federal taxes on money "skimmed" from gambling.

Levinson was the owner of record of a large block of stock in the Fremont Hotel and Casino, and he took a large block of stock in the Parvin-Dohrmann Corp., with a value in excess of $250,000.

In 1966, Levinson also obtained a five-year contract at $100,000 a year from the Parvin-Dohrmann Corp. to manage the Fremont Hotel and Casino, but was forced to cut his ties with his plea of nolo contendre on a charge of federal tax evasion in failing to report the winnings of the Fremont Casino on federal tax returns.

FIRM MEMBER

He was fined $5,000, but received no jail term in a much criticized compromise decision engineered by then assistant Attorney General Mitchell Rogovin, now a member of the Arnold and Porter law firm (Fortas?).

The Levinson plea of nolo contendre and the continuing notoriety resulting from his dealings with Baker did result in the Nevada Gaming Control Commission questioning his role in the Fremont and his interest in the Parvin-Dohrmann stock. Levinson got out.

Levinson settled his management contract for the Fremont for $375,000, and last fall sold his 40,000 shares of stock in Parvin-Dohrmann.

STOCKHOLDER SUIT

The manner in which Levinson sold this stock to undisclosed friends for $14 a share, his acquisition cost, rather than to the corporation for the going price that was double the $14 caused concern among some stockholders and one stockholder suit was brought questioning the whole arrangement for letting Levinson out. That suit is pending.

The Securities and Exchange Commission took note of the transactions to move Levinson out, and also took a note a few months later of spectacular jumps in the value of Parvin-Dohrmann stock and the purchase of 80,000 shares of the stock by the mysterious Seiss firm known as the Fund of Funds that deals through numbered Swiss bank accounts.

The SEC probe that is now being conducted of the Parvin-Dohrmann firm centers on the question of trading and control of the Parvin-Dohrmann stock and embraces the question of whether syndicate gambling controls the Parvin-Dohrmann firm through the use of millions of dollars of "skim" money that had been channeled to Swiss bank accounts.

IMPACT ON MARKET

Officials of the Justice Department and the SEC have been greatly concerned over the impact of the $12 million to $24 million a year estimated to have been "skimmed" from various Las Vegas gambling casinos sent to Swiss bank accounts and used through Swiss and other foreign corporations to control legitimate business and to cause unusual fluctuations in the American stock market.

Tax court records indicate there was a "skim" of $2 million a year from the Fremont alone, and that Levinson did not report this on Casino books but delivered it in cash to others.

Senator Curtis has called attention to as early as 1967 magazine reports that identified Levinson, Benjamin Sigelbaum, and Edward Torres, all Las Vegas gambling figures, have been serving as "fronts" for the Cosa Nostra mobsters in Las Vegas, and have been delivering millions of dollars to Meyer Lansky, the man who handles Cosa Nostra financial matters in Miami.

Reports made to Congress in the last week allege that Albert Parvin, the 69-year-old originator of the Parvin Foundation, has been a long-time associate of such syndicate gambling figures as Frank Costello, Meyer Lansky, and the late Benjamin (Bugsy) Siegel.

The hearings and reports of the Baker investigation show that in 1963 Levinson, Sigelbaum, and Torres were working with Robert G. (Bobby) Baker, then the secretary to the Democratic majority in the Senate, to obtain contracts for the operation of gambling casinos in two Caribbean hotels owned by Intercontinental Hotels Corp. at Santo Domingo and at Curacao. International is owned by Pan American Airways.

Baker contacted Samuel Pryor, a vice-president of Pan American, to arrange for Levinson to accompany him to meet with John Gates, president of Intercontinental Hotels, to help Levinson and his Las Vegas group to obtain a contract to operate the casinos in the hotels in Santo Domingo. Dominican Republic, and Curacao, Dutch Antilles.

Pan American and Intercontinental Hotels informed Baker and Levinson that the casinos in the hotels are "treated as a concession" and would be let out to professional gamblers "acceptable to the local government."

VISITED ISLAND

Juan Bosch, the college professor, had just become president of the Dominican Republic in February, 1963, and Baker was in Santo Domingo on at least four occasions in March, April, May and June, sometimes with Levinson and sometimes with American political figures in an effort to convince Bosch and other Dominican Republic officials that they should do business with Levinson and his Las Vegas associates.

The Bosch regime lasted only about seven months before it was ousted by a military junta in September, and it was also in September that the Baker case broke curtailing his political influence in the United States and made him more of a liability than an asset to Levinson, Torres and other members of the Las Vegas gambling community with whom he had been doing business.

Although the Baker-Levinson moves fell apart, it is still important to establish what help they received from other U.S. officials at that time.

NEW YORK STATE COMPTROLLER ARTHUR LEVITT SPEECH AT WEST POINT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. OTTINGER. Mr. Speaker, on June 1, New York State's outstanding comptroller, Arthur Levitt, spoke at the baccalaureate service for Jewish graduates at the U.S. Military Academy at West Point, N.Y.

His theme and his message have profound meaning for all of us, and I am pleased to bring it to the attention of my colleagues in the House to give this fine speech the broad audience it deserves and I present it herewith for inclusion in the RECORD:

SCATTERED FEW AND FAR

(Address by Mr. Arthur Levitt)

My theme this morning was given me—perhaps unwittingly—by your dedicated chaplain, Rabbi Soltes. In his gracious letter inviting me to take part in this Baccalaureate Service he mentioned that each of you will soon become, not only a leader in the service of our nation, but at times a representative of our faith. But let me read the portion of his letter, in which he poses this theme, this challenge, so eloquently:

"The young men who will be graduated from the Academy and those who follow in subsequent years, who will be in attendance at the service, have selected careers of leadership in which they will be called upon not only to make decisions for other men in times of personal and national crisis; they will also, in most instances, be the only or the ranking Jewish officer in the area of their service and called upon, therefore, to be the representatives of their faith at unpredictable times. As a minority we are scattered few and far between and the responsibilities that devolve upon each of us extend beyond the normal limited challenges to a leader who is one of many."

These words by Rabbi Soltes are the more poignant because of the troubled world all about us. A generation ago, a graduate of West Point might have accepted such a challenge as a matter of course—something wrapped up in such words as "duty" and "loyalty" and "conviction". The pattern of life was clear to a young man brought up in the faith, educated in a great military academy, trained in the field, and about to enter active service. There was no cry against the establishment, no skepticism about accepted values, no doubting of our national purpose or destiny. And faith was a constant—unshakable and eternal for the true believers.

Has it all changed? Must we cry out, as did the ancient psalmist: "Help, Lord; for there is no longer any that is godly"? In the quiet of this old chapel, in this one great hour of devotion, surely there is a voice that answers, as did the psalmist, "His steadfast love endures forever, and his faithfulness to all generations." And on this eternal truth must be founded all else.

I do not underestimate the challenge of the dark days in our history. But what we have really learned, or should learn, is as old

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as the wisdom of the ancient prophets. The ills of the world are the ills of man himself, and the only hope for man is a living faith in his higher destiny. This is the one great cure, from which all other remedies are derived. In this sense, there is nothing new in the trauma of the sixties, although it is newly and terribly significant.

Indeed, if I were a college student today, faced with the tensions and injustices of the age, then I too would want to find my own place, my own destiny, my purpose in such a turbulent world. This yearning would not be satisfied by all the ivy on the old walls, all the courses in the catalogue, nor by all the names of illustrious alumni on plaques and monuments scattered around the campus.

There can be no quarrel, then, with the desire of a student to assert his own individuality. There can be no quarrel with the right of any citizen in a democracy to challenge the establishment, provided he presses his cause by regular and legal means. But revolt for the sake of revolt is not a true cause; it is a malignant disorder. And it is this disorder, wherever it exists, which we must root out of the academic and civil world.

Having said these things—having acknowledged the ills of mankind in a strife-torn world, in our disturbed nation, and even in our colleges and universities—just how do we achieve the higher destiny I mentioned earlier? Just how are you to be leaders of men and counselors in their time of trouble? What is demanded of you, beyond military proficiency? The answer is to be found in the three attributes of every truly civilized man: education, respect for law, and faith. And I submit that most Americans—certainly you who are graduating from West Point, your parents, your friends, and your faculty—have these attributes in abundance.

Civilized man must begin, then, with education. It is to the lasting credit of our nation that the United States Military Academy believes in the education of the whole man. In addition to your rigorous military training, you have had a thorough founding in the humanities, science and mathematics. Here there is no undue emphasis on the one-sided military officer, something I learned during my own army career when I met a great many West Pointers. Brilliant officers that they were, they were also men of culture and perception.

The challenge is to make our knowledge productive of a meaningful life, but our tendency is to confuse productivity with utility. We look to graduation, sometimes, as a mere stepping stone to a career, forgetting the greater endowment of a life enriched by philosophy and art if we but pursue them. We want education to amuse us, not discipline us. Cardinal Newman warned of this a century ago: "Recreations are not education," he wrote, "Accomplishments are not education. Do not say, the people must be educated, when after all you only mean amused, refreshed, soothed, put into good spirits and good humor, or kept from vicious excesses. I do not say that such amusement, such occupations of mind, are not a great gain; but they are not education." And there is a more recent precept that "Education consists essentially of preparing man for what he must be." I fear that today we expect education to prepare us, not for what we must be, but for what we must get.

Then there are those who go to the other extreme and worship education as an end in itself, an honorable escape from usefulness, a life dedicated to footnotes and bibliographies. The very name of education becomes sacred, the scholar sacrosanct. Listen to G. K. Chesterton who wrote: "No man who worships education has got the best out of education; no man who sacrifices everything to education is ever educated. . . . What is wrong is a neglect of principle, and the principle is that without a gentle contempt for education, no gentleman's education is complete." Albert Einstein, in a celebrated epigram, said much the same thing when he defined the education of a man as "that which remains, when he has forgotten everything he learned in school."

But your belief in the education of the whole man, the complete training of a man in the total service of his country, is the very reason you have attended West Point. Otherwise your path to a career, whether military or not, could have been much easier, with much less discipline of mind and body. Your studies and your attainments in self-discipline have already prepared you, then, for the next attribute of a leader and counselor: respect for law.

Much as we have talked about a climate of lawlessness in America, there is also a climate of sincere concern; and our colleges share that concern in large measure. So do our religious institutions, our governmental agencies, and our communities throughout the nation, and indeed, our armed forces.

Law is both the guarantor and—to use a phrase one commencement speaker has suggested—the gyrator of freedom. Much of our society has confused freedom with self-determination of the law. The truth is that no man is free if his neighbor is completely uncontrolled. Truely this is the lesson from history—for man himself, for groups of men, for nations, and for the world. Indeed, our military might is involved in internal and external law and order.

The basic concept of our law guarantees each man his freedom to live and act within a democratic society with the same rights and duties as any other man; but, by this very definition, no man's freedom may invade the rights of other citizens. That would be the end of freedom, not its exercise. And that is why the violence we have witnessed is not only criminal, it is treasonable to the very causes the perpetrators so loudly proclaim.

But I do not despair of the law, nor respect for the law. It seems to me that our revulsion for what has happened is now turning into national reappraisal—a reawakening, let us hope, to the basic endowments we have as citizens of the greatest nation on earth. I confess we do not see the way clearly, and I cannot tell you that you are about to emerge in a bright well-ordered world, but I can tell you—as a lawyer and as a public officer—that there is strength, great strength, in the law by which most of our citizens live and live in peace. And let us hope that this concept may some day be true throughout the civilized world.

The third attribute I mentioned—the one on which all other quests in life should depend—is faith, faith in a higher destiny for man than his day-to-day contentions. Today, the expanding frontiers of our knowledge reveal the limitless wonders of creation. But in all the universe the human mind finds no wonder as great as the mind itself, no mystery as deep as the human spirit. Through mind and spirit man reaches out to seek the true purpose, the true meaning of what we know as life. As our minds are enriched, as we are lifted up in spirit, so do we come nearer to a perception, however, dim, of eternal truth. There is no greater knowledge.

Now I know that it is not intellectually fashionable in certain circles these days to speak of the spirit or the soul. The analyst can't measure them, the biologist can't dissect them, the lawyer can't put them on the witness stand. Certainly the tactician can't pin them on the map of a battle plan. But some things will remain forever beyond the scope of the computer, or the laboratory, or the rules of evidence, or of tactics. As the physical limits of the universe are pushed beyond millions of light years, so does the mystery of life, the wonder of creation, deepen. Thinking scientists bear witness to this today as readily as do philosophers.

It may seem strange that a speaker with a background primarily in law and government should be saying these things to you this morning. But intellect, self-discipline and faith should be part of every walk of life. I go further and say to you that never before have we so needed in government, and in our military forces, men of intelligence, of conviction, of vision and culture. A republic is truly representative only when it is responsive to all interests, all the aspirations of a free society. Here is the hope of America and here is your place in this remarkable age of growth and opportunity.

With these three attributes in mind—the education of the whole man, his respect for law and order, and his devotion to his faith—let me return to the theme suggested by your chaplain. I have been speaking rather generally, without particular reference to the fact that you and I are members of a minority religious group within American society. I have done so deliberately, because I think we must first understand that we are a part of the vast majority of Americans who respect the beliefs of each other. And surely there is more that unites us in things spiritual than separates us.

But there are times when you and I must draw upon our ancient religious heritage in the service of our fellows. I have found this happening in a lonely vigil, or in the plight of a distraught family, or in the tortured decision of a public officer who deals with human welfare. At such times we look at life around us and find it meaningless, when measured by ordinary standards. We search for something deeper, something that will give strength and direction to some despairing person. Education is not enough in itself, rules and regulations are not enough, even hope is not enough—unless there be faith.

If I have witnessed these things, how much more so will you when you are scattered few and far between, as Rabbi Soltes has written. In a sense, you will be part of a larger chaplaincy—not one within walls and with orders of worship, but one endowed with the supreme grace of one man serving another. At such a time all the well springs of life converge in one great act of the spirit. There are other names we have given it in our military history—courage, valor, sacrifice—but the basic name is compassion for our fellow men. And without a spiritual insight, there is no real compassion.

We need not fear for our nation, nor for its role in this troubled world, when men as individuals guide their lives with the precepts we have been discussing this morning. Your own preparation for a meaningful life has been superbly moulded by the homes you come from, by your religious training, and by the high quality and discipline of a West Point education. As we leave this Baccalaureate Service this morning, in this Old Cadet Chapel, we can do no better than to remember the words written by Moses of Evreax in the year 1240:

"Busy yourself as much as possible with the study of divine things, not to know them merely, but to do them; and when you close the book, look round you, look within you, to see if your hand can translate into deed something you have learned."

Faith is for action, gentlemen—perhaps heroic action, when you are scattered few and far between.

DR. MATT GAJEWSKI NEW HEAD OF BUFFALO EDUCATION BOARD

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, the city of Buffalo, N.Y., has a new president of the board of education. He is a longtime personal friend and a distinguished citizen of our community, Dr. Matt A. Gajewski.

In these days of considerable attention upon our entire educational system, it takes more time and attention than ever before to serve your neighbors on the public body supervising the local school system.

It is a tribute to Dr. Gajewski and to his colleagues on the board that they are willing to devote their energies to this most important work.

Dr. Gajewski, a physician, already is active in the Army Reserve and is one of the most active members of the American Legion. As a member of the Adam Plewacki Post 799, he has been president for 13 years of a stamp club which has gained national recognition for its activity.

Mr. Speaker, the Am-Pol Eagle in Buffalo has paid high tribute to Dr. Gajewski in a recent article. It follows:

Dr. Matt Gajewski—A Man of Many Interests

An eminent physician, soldier, ardent stamp collector, active in American Legion circles and servicemen's organizations throughout the Western New York area. Dr. Matt A. Gajewski was unanimously elected president of the Buffalo Board of Education last week.

Dr. Gajewski, who holds the rank of a Colonel in the Army Reserves, serves as the Commanding officer in charge of the 338th General Hospital of Buffalo, which has jurisdiction over administration and training of hospital reserves units in Rochester, Syracuse and Binghamton. This unit has a personnel of 510 members, 15 nurses and two non-commissioned women officers.

During World War II he served in Alaska, the Northwest Territories and in Central America. He was graduated from the University of Buffalo Medical school, earning an Army commission through ROTC. For several yrs. he served as the secretary of the Canisius College Alumni association.

He is the Past President of the Mercy Hospital medical staff, also serving as Chief of Staff of the Medical unit, which renders medical and dental assistance to units managed by the Felician Nuns, at Villa Maria Academy, Villa Maria College, Immaculate Heart of Mary Home, Felician Day Nursery, St. Rita's Home for Retarded Children, St. Felix Home for working girls. He is also the Past President of the Medical Arts Society.

He is the Past Commander of Adam Plewacki Post 799, American Legion, the largest Post in New York State and one of the largest nationwide. He is President for the past 13 years of the Plewacki Stamp Club, which has gained renown and recognition throughout the country.

Each year in spring the Plewacki Stamp Club holds an exhibit of variety stamps, which assembles stamp and coin collectors from scores of cities throughout the country. His personal collection is considered by experts as one of the finest and is the envy of many collectors.

He is the founder and charter member of the Cardinal Spellman Philatelic Museum in Newton, Mass.

Of agreeable personality, Dr. Gajewski is faithful to his profession as a physician answering emergency calls at all hours of the night. His heavy schedule includes activities in the ranks of the Polish National Alliance. He and his family are members of Tadeusz Rejtan Branch 259, PNA. His father, Walter, and mother, Helen, have been members of this lodge for a number of years.

He served on the national committee of the Polish Millennium jubilee and was instrumental in the issuance of the Polish Millennium Stamp. He attended the ceremonies during the unveiling of the Polish Millennium Stamp in Washington, D.C.

His address during the banquet was recorded. The transcription was aired over station WMMJ 1300 by Stanley (Stas) Jasinski to a large audience in the Western New York area and parts of Canada. The transcription now is together with other Polish Millennium jubilee exercises held in Buffalo, N.Y., in the Buffalo Diocese chancery records.

For relaxation Dr. Gajewski retreats to a farm in nearby Eden, where planting commands his attention.

CZECH PLOT FOR FREEDOM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, a special news release from Prague, Czechoslovakia, would seek to justify the Soviet invasion because of a sinister plot—the Czechs were seeking to dissolve communism and return to a free government.

If the Soviets interpreted an attempt at self-determination by the Czech people as valid authority to invade, occupy, and by force perpetuate a Communist dictatorship—the concern of most Americans is where and how did the Russians get this aggressor authority? Yalta?

Our administration owes to the American people a duty of full disclosure. Our people are entitled to know the truth about these secret deals and hip-pocket diplomatic arrangements as well as the extent we have compromised our sovereignty as well as the liberty of our Nation.

A Prague dispatch of June 6 follows:

Czechs Linked to Plot Prior to Occupation

(By Dan Morgan)

Prague, June 6.—For the first time since the August invasion, Czechoslovak citizens proportedly have been linked to an alleged foreign plan for "changing the social system" of the country in 1968.

The connection was said to have been made by the country's highest security officer, Interior Minister Jan Pelnar, at a Central Committee meeting last week which approved a return to full orthodox principles. Pelnar has normally been rated as a moderate.

Under present controls on dissemination of information, it was not possible to confirm the accounts with officials.

Western diplomatic observers said that if accurate, the speech marked the closest the party leadership has come to acknowledging that there was good reason for the Soviet August intervention.

These observers said that if the reports, which came from a number of quarters, are spurious, they would still serve conservative purposes by acting as a stern warning to Czechoslovak citizens with contact with Westerners.

SPEECH PUBLISHED

The West German news agency, Deutsche Presse Agentur (DPS), published details of the Pelnar speech yesterday.

According to information received here, Pelnar told the committee members that the "dissolution" of the Communist Party and the eventual changing of the social system of Czechoslovakia was the goal of a plan, with the cover name "Laytey," worked out by foreign espionage agencies.

Czech emigrants and members of the Czechoslovak non-Communist parties in the National Front were said to have been involved.

The core of the effort was said to have been in the Catholic-oriented Peoples Democratic Party, in the Socialist Party and in the since banned Society for Human Rights. The main target of the alleged plan was to the then National Assembly, in which non-Communist parties are represented, and the Czech National Council, which serves as the legislative assembly for Bohemia and Marovia.

The Socialist Party, like the Communist Party, gained quickly in membership early in 1968.

The plan was to have been carried out by creating tensions in the population, organizing mass demonstrations and staging strikes.

Among those said to have been mentioned in connection with the plan were Pavel Tigrid, a Czech-American who edited a Paris-based Czechoslovak exile periodical; Dr. Vaclav Cerny, a philosopher; Prof. Ivan Svitak, a renowned Marxist scholar now a guest lecturer at Columbia University's Russian Institute; Ludek Pachman, Czechoslovakia's leading international chess player; and Janyr Kaven, who was associated with efforts to reinstitute a Social Democratic Party last year.

The Tigrid reference was seen as ominous, because alleged "subversive activities" arising from contracts with him were the basis for a public trial in 1967 against writer Jan Benes, who was sentenced to five years at hard labor. He was released in 1968.

Pelnar was also reported to have singled out three radical student leaders still in Czechoslovakia, Jiri Mueller, Karel Kovanda and Lubos Holcek, for activities which discredited the Communist Party. The three recently signed a letter to the Bertrand Russell Peace Foundation in London which plans an international conference on Czechoslovakia.

Student unrest in the past year, he said, was stirred up by two of the country's best-known progressive journalists, Jiri Hochmann and Jiri Lederer, of Reporter Magazine.

OPPORTUNITIES CITED

The "opportunities" for espionage agencies in Czechoslovakia in the past year were mentioned in a speech following the Central Commmittee meeting by party leader Gustav Husak. Pelnar said that about 183 of the 850,000 Western tourists in Czechoslovakia in 1968 had been apprehended in connection with illegal activities.

Nevertheless, Husak repeated his commitment to socialist legality and specifically ruled out a return to the persecutions and purges of the 1950s. According to the reports, Pelnar at no time urged the need for processes or trials.

However, he was said to have complained that important questions discussed by the Party and state apparatus have been made available to the Western press in exceedingly short time, and announced that stricter surveillance of their activity was necessary. He said that Western journalists continue to have "channels" to upper Party members and warned that sharpest measures would be taken against officials who reveal confidential material.

During the week, Communist officials and miners in Ostrava, where a Party purge was recently carried out, also took a step toward legalizing the Aug. 20 invasion. They demanded that the Prague leadership "reasses" the Presidium's declaration of that night disavowing knowledge, or approval of the invasion then under way.

XUM

HONEST REPAIRMAN—A VANISHING AMERICAN

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PETTIS. Mr. Speaker, American manufacturers and the honest repairmen in the United States are in deep trouble if the problem portrayed by Ken W. Purdy in the June 1, 1969, issue of Parade magazine is not solved. My own personal experiences and those of my colleagues with whom I have discussed this issue have convinced me that this House through a thorough investigation by the appropriate committee could bring about reform and self-policing which is long overdue. The dishonest and unscrupulous repairman cannot long stand the heat and publicity of an aroused citizenry and a responsible business community.

The text of Mr. Purdy's article follows:

HONEST REPAIRMAN—A VANISHING AMERICAN

A few weeks ago I took a Minox camera into a New York shop for repairs. The trouble seemed simple enough: I couldn't load it, the film cassette wouldn't go in. The clerk told me it needed cleaning and lubrication, one week, $6.50. When I came back the camera was taken out of a drawer in an elaborately wrapped stamped, tagged package. I paid the $6.50. It didn't *look* any cleaner than it had been, but I thought the important work had been done on the inside.

I bought a cassette of film. It wouldn't go in. Amazement and bafflement were registered by the clerk. He tried to load it. Another clerk tried. Another. No use, it would have to "go back to the shop." Ten days. Right.

Next time, when the Minox was taken out of its official-looking wrapping, I realized I was being hustled: when I told the clerk I wanted to see if it would take film there was a pregnant pause. I pointed to an open cassette on a nearby shelf. It was "new" and I couldn't use it. . . . I used it anyway. It wouldn't go in, as everybody in the shop had known it would not.

I raised the roof. I made a phone call to a famous New York photographer who knew the president of the Minox importing company. Unpleasantness followed, and by next day I could prove that the camera had been nowhere near the repair shop and that it had not even been dusted off, much less cleaned and lubricated. The store returned my $6.50 without a word of argument or defense. The Minox company cleaned, lubricated and practically rebuilt the camera for me without charge, entirely as a courtesy, since the company itself had been in no way involved. But this happy ending came about only because I knew whom to call. Most customers being deliberately cheated are helpless.

Unless he's lucky the cheated customer may never find out. I took my daughter's expensive watch, made by an internationally known company, to a shop displaying the company's dealership sign. The watch had been running badly. It needed, the man said, a complete cleaning and adjustment, $20. He was an old-world-craftsman-type, with just a trace of accent, probably fake Swiss, and he looked as trustworthy as your grandmother. When I came back for the watch he said he needed "another three days for checking, just to be sure." I returned, gave him the $20 and took the watch. It stopped dead four days later. Even in my rage, I had to admire the subtlety of his technique. Who could suspect a man who wanted three extra days just to be sure he's done a great job?

I went to the U.S. headquarters of the company. A woman clerk in the elaborate and luxurious repair department took the watch away, brought it back and told me it needed a complete cleaning and adjustment, $30, ready in 12 weeks.

INFORMATION GAP

I told her that since the watch had just come from one of its dealerships, I required to know its precise condition.

"We don't give out that information," she said.

I explained the position more fully: somebody, I said, was a liar and a cheat. After a considerable discussion, and one more trip to consult with the technicians in the back room, she was able to say that the work did in fact need to be done, and that, yes, that indicated pretty clearly that it certainly had not been done by the little old watchmaker with the winning ways.

I entered a complaint with an official of the company, but he chose to make no comment.

It used to be that occasionally one would find repair work had been badly done. Now it seems to me that more and more one finds it hasn't been done at all. I suspected that a garage was cheating me. I took a car in for gearbox adjustment, but I sealed the gearbox lid. It could be opened easily enough, but it would show. When the car came back, with a bill for over $30, the seal hadn't been broken. Nobody had even looked into the gear-box, much less adjusted anything. I screamed. I refused to pay. I let it come to suit and settled for 50 percent. So, after a great deal of trouble, I came out only half-cheated.

Legally to prove a case of non-service, Better Business Bureau officials say, the customer must be expert or sophisticated or lucky or all three. Probably for this reason, and also because often the customer doesn't know he's been victimized, non-service complaints are uncommon. What is *not* uncommon are complaints about incompetent or careless service and repair, or fraudulent guarantees, or "hijacking," the technique of enticing a customer with a promise of a low-cost minor job, then hitting him with expensive, unnecessary work—which may or may not be done at all.

"We just don't have enough people to go out and thoroughly investigate non-service complaints," the Metropolitan New York Better Business Bureau says. "Often it's a case of one man's judgment or opinion. And it's very difficult to get people to testify. One mechanic bills a customer $189 for new transmission parts, let's say. A week later another mechanic, one whom the customer knows and trusts, tells him that no such work has been done. But will he make an affidavit, or testify in court? No, he won't. Almost never.

"All we can tell people is to deal with reputable stores and shops, and get written guarantees for work and parts clearly spelled out on the bill. Beware of come-ons, of big bargains. Today it's hard enough to get something for something, you certainly aren't going to get something for nothing."

There is no doubt that the standard of morality has dropped sharply in recent years (shoplifting and cheating by customers is booming, too) and there are probably many repairmen who consider themselves honest because they don't do anything worse than persuade a customer to buy something he dosen't need. After all, if the customer actually gets the part or the service he paid for, that's not stealing, is it?

TV AND RADIO BETTER

The TV and radio field, which used to be rich ground for swindlers, has been notably cleaned up, Most manufacturers now maintain factory service or use authorized service agencies which are tightly checked and supervised. A service agency with a good company is lucrative, it's well worth having, and smart operators won't risk losing it for the sake of a couple of hundred dollars on the side. If a shop does start to cheat, the word soon gets out. The BBB recently took a Bronx repairman to court when he billed a customer $47.50 on a TV "repair." The set was a plant, in perfect order except for a $7 tube. It was taken straight from the crooked shop to a reputable one, where it was established that $40.50 of the bill was overcharge.

A current gold-mine for crooked repairmen is the air-conditioner field. The BBB says that there are no authorized service agencies for air conditioners. A standard ploy begins with a baited offer to recondition your machine for $8.95 or so. The repairman arrives and goes into a well-rehearsed act: your freon is missing, the frattistat valve is completely shot, you could be asphyxiated in your sleep, the conditioner has to go into the shop. The next bulletin is that the bill won't be $8.95, it will be $34.95. You still want the $8.95 special? Well, there's a trucking charge of $7.50 and the conditioner is now all taken apart, it will have to be put together again . . . most people finally authorize the $34.95 overhaul.

Some mechanics find woman customers irresistible targets. Mrs. Anita Lemberg of Brooklyn went to a muffler shop for a while-you-wait replacement. When her car was on the hoist, the mechanic told her a horror story about the condition of her steering system, it was so dangerous she shouldn't drive another foot, and so on. In only two hours, he said, he could "replace all the bushings" and perform other wonders. The bill was $51. Her regular mechanic, doing a lube job a week later, showed her that the grease and grime on her steering system was a year old if it was a minute. She went back to the muffler shop, where she was told that her mechanic was a liar.

THROUGH THE WRINGER

An Ellenville, N.Y., woman, Mrs. Marian Talken, had trouble with her clothes dryer. The repairman told her it needed a new drive-shaft and bearings. The bill was $72, and when the original trouble recurred, he wouldn't come back. Another repairman charged $13 to take the dryer apart and show Mrs. Talken that the same old drive-shaft was still in business at the same old spot. He would not, however, be her witness. "I don't want to get involved," he said. "You'll have to settle it yourself."

Doesn't anything *good* ever happen? Well, yes. A few months ago a friend of mine asked a jeweler how much he would charge to fix an old watch. The man said he didn't like to work on anything but brand-new watches. A second watchmaker said, reluctantly, that he'd do it, for around $150. My friend kept shopping around until he got a better price—$7.20—and a prompt, superb job. How? That part was a little tricky: he asked a friendly airline pilot to take it to a shop in London. But even that is not a guaranteed solution. A London jeweler charged me twice the list price for a wrist-watch crystal three years ago, probably because I had an American accent.

Maybe the answer is to do it yourself, or forget it.

LOW-COST HOUSING

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PICKLE. Mr. Speaker, we are well into a housing shortage in this Nation. It took more than 300 years for this country

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to reach a population of 100 million—and it took less than 50 years to double this figure.

Before this century ends, the next 100 million will be born. Estimates are the population will jump another 100 million 20 years after the turn of the century.

Where will these extra 200 million Americans find adequate housing? Costs of construction and financing are soaring. Production of low-priced homes—those under $12,500—declined 70 percent between 1965 and 1968, according to information released by the U.S. Savings and Loan League. At the higher end of the scale, homes costing more than $30,000 had a production increase of 53 percent in the same period.

The question is, will homeownership become a luxury item available only to the rich?

An obvious sideplay is the dramatic increase in apartment construction starts—up 40 percent of all starts in 1968. There are many factors involved in the shift to apartment living: greater numbers of older and younger people needing less space, the high cost of land, lack of space near suitable transportation, and changes in life styles according to the league.

Tight money, too, is a contributing factor. Three years ago, FHA and VA loans were available at 5¾ percent. The Mortgage Bankers Association presented this chronology of the rise in FHA interest rates over the last 10 years:

	Percent
1969: January	7½
1968: May	6¾
1966:	
October	6
April	5¾
February	5½
1961:	
May	5¼
February	5½
1959:	
September	5¾
July	5¼

VA interest rates have paralleled this increase.

All of this data compounds the problems of low-income Americans seeking homeownership, one of the promises to all Americans.

No quick answer is readily available. The entire economy must be cooled before the housing industry can begin to catch up. I would point out the extent of research into low-cost housing underway at the University of Texas, a longtime leader in experimental housing research. The university is moving to implement a program to aid low-income families in making their own decisions on what they need and what they can afford in a new home.

Ten homes have been built, in what is called Austin Oaks, for low-income families. Grant money from HUD made the project workable.

President and Mrs. Lyndon B. Johnson attended the groundbreaking ceremonies, and fittingly so. President Johnson has done more than any other President, more than any other person, in providing housing for the poor of this Nation. We were proud and honored that he would be present for these ceremonies. This project might have always been a dream and never a reality had it not been for the legislation passed by Congress under the leadership of Lyndon B. Johnson.

Dr. J. Neils Thompson, director of the Balcones Research Center, has kept constant surveillance on this project since its conception. The program is too new to judge accurately, but indications are that it will prove successful.

The 10 houses and the families in them have provided the springboard for related research by the Housing Evaluation Center in Austin.

The center, which opened this month, will become the focal point for collection, evaluation and dissemination of information for anyone interested in low-cost housing. It is the culmination of a project that involves a cross-section of academic departments at the University, including engineering, architecture, sociology and psychology.

Dr. J. Allen Williams, associate professor of sociology, said the objective of the center is to find out what families really want and what kind of housing best fits their individual needs and pocketbooks.

One room of the center will contain models of the 10 occupied homes in Austin Oaks. Visitors can compare those models with slides of the area.

A second room will have floor plans which can be altered by a visitor to suit his family's needs as he sees fit after he has had the opportunity to see what floor plans are available.

Cost estimates will be drawn up on the selected plan, and if the visitor feels the cost is too high he will be able to select less expensive alternatives to some of the items he has chosen for the home he wants.

Dr. Williams said:

> It's possible that this program may be innovative in terms of architecture, because the people, in designing what they consider the best home for what they can afford, may come up with new ideas that may not be immediately evident to architects.

The program also serves an educational function in that individuals learn what is available, costs of available structures, and the means by which they can finance construction of their new homes.

The center counselors will furnish visitors with information about existing State and Federal programs to which they can apply for loans.

After the architects and engineers complete the work on the center's physical plant, the sociologists will continue a cooperative interchange of information with them so the men who design and build the homes will be made aware of the real needs.

Collection of data at the center will continue through September. During that time anyone interested in low-cost housing is invited to go in and express his ideas.

By helping the UT Austin researchers and the Austin citizens working with them, those low-income families who will be affected most by the results will essentially be helping themselves.

HOW RELIABLE IS OUR NEWS?

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, June 9, 1969

Mr. SCOTT. Mr. President, two of America's most influential columnists, Roscoe Drummond and his son, Geoffrey Drummond, have taken a hard look at the role of our mass media in shaping public opinion. They were not totally pleased with what they saw. I ask unanimous consent that the article, entitled "How Reliable Is Our News?" published in the June issue of the American Legion magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW RELIABLE IS OUR NEWS?

(By Roscoe and Geoffrey Drummond)

The peaceful processes of democratic government are in serious jeopardy in the United States today. We'd better look long and carefully at what's happening—and do something about it—before it's too late.

It was about a year ago that Life magazine put this caption on a somber and foreboding editorial: "Wherever We Look, Something's Wrong."

That's fair comment. There's much that's wrong and much that needs to be corrected.

But what is most wrong and most needs to be corrected is a false image of America which is being imposed upon the American people by much of its mass media—the image that wherever you look, nothing's right.

This distorted image is a perilous disservice to the nation.

Have no doubt about it, such a continuously projected image leads to national impotence.

It tends to produce such a sense of helplessness and hopelessness that public support for what needs to be done weakens and wanes.

If we are to succeed in freeing the aggrieved, the frustrated and the impatient from the temptation to yield to violence, they must be able to see that the democratic process in America has worked, is working and can be made to work even better.

But much of the media is undermining confidence in democratic institutions by making government almost always look as bad as it sometimes is.

We are not appealing for a Pollyanna to guide television or radio or the press. We are not appealing for counter distortion. We are not advocating government censorship. We are not proposing to break the mirror of a free press because so much of the image it is presently reflecting is out of focus.

We are appealing for perspective and balance and for a wider awareness by the media that they have a responsibility to do more than sell bad news because it is more exciting. They have a responsibility to use that precious guarantee of the Bill of Rights—freedom of the press—to help democracy work better at a time when it must be near its best to survive. Without it there will be no freedom of the press for anybody.

Ponder these bleak words from John W. Gardner, former Secretary of Health, Education and Welfare and one of the most thoughtful commentators on the state of the nation:

"Our honored tradition of dissent has undergone an unprecedented debasement. Protest has become a disorderly game for 12-year-olds. Reasoned debate has given way to bullhorn obscenities. The loudmouth and the hothead reign unchallenged.

"Among the dissenters today we hear a few with a special message. They say, 'we don't need reform, we need revolution. The whole system is rotten and should be destroyed.' "

They are a minority, a minute minority, and some of them don't really believe what they say. But don't let this be reassuring. There is a deadly peril imbedded in it. The peril is that if any large number of Americans are induced to accept the false image of their nation—the image that wherever you look, virtually nothing is right—then we will be standing at the brink of national impotence, political lethargy and the pervasive conviction that nothing can be put right because so much is wrong.

This is why it is so vital to see how this false image is being spread.

It is being spread by many commentators willing to distort and slyly conceal in order to manipulate our opinions.

It is being spread by much of the mass media which make trouble their favored client. They have so long accepted the premise that bad news produces readers and viewers and good news produces only boredom that they have neglected to examine whether this premise isn't out of date and whether it is adequate to enable today's democracy to function as it must function to survive.

And, finally, these false images in which, wherever you look, nearly every thing is wrong—because what is right is too widely ignored—are promoted by a range of purposeful destructionists who think that the Bill of Rights is for burning for everybody but themselves and whose goal is to tear the nation apart without offering any idea of how they want to put it together again—if it could be put together again.

In watching for distortions in the press, it is a fair question to ask why relevant material was omitted in two recent book reviews of the late Robert F. Kennedy's recently published "Thirteen Days," dealing with the Cuban missile crisis. In each case the same omission permitted conclusions which the full facts could not support.

One review was by David Schoenbrun in the New York Times Book Review. The other was by Prof. John Kenneth Galbraith in Book World. In the first case the late Adlai Stevenson is made to appear to be a martyred dove, wrongly abused in the highest councils of President Kennedy's Administration. In the second case a similar conclusion is implicit, though not so clearly stated.

Read normally, by the normally informed reader, these reviews would seem pretty innocent and persuasive. But when read closely by one whose work brought him in contact with most of the facts, then their tactic emerges.

Here is the subtle paragraph from Mr. Schoenbrun, former CBS radio and TV correspondent in Paris and Washington and now a free-lance newspaper and magazine writer:

". . . Stevenson . . . alone suggested we accept Khrushchev's offer of a trade-withdrawal, our missiles in Turkey against their missiles in Cuba, for which he was soundly chastised . . . Why are the doves always considered less patriotic, less courageous than the hawks?"

Who would say that is not a reasonable question—at least from the facts as Schoenbrun stated them?

To the same point, here is the way Harvard Professor Galbraith, economist and National Chairman of Americans for Democratic Action, wrote it in his Washington Post Book World review:

"In contrast, the man who calls for caution, a close assessment of consequences . . . must have great courage. He is a real hero and rare. . . . In particular, it was Adlai Stevenson who was willing to trade some obsolete nuclear weapons in Turkey . . . for similar action by the Russians in Cuba."

But the facts are not as stated and the facts Schoenbrun and Galbraith should have stated, to be honest with their readers, were explicitly set out in the Kennedy book they were reviewing.

Here they are verbatim, and the italicized words show what was omitted by the two reviewers:

"(Stevenson) at the Saturday meeting strongly advocated . . . that we make it clear to the Soviet Union that if it withdrew its missiles from Cuba, we would be willing to withdraw our missiles from Turkey *and Italy and give up our naval base at Guantanamo Bay.*"

Obviously there is a considerable difference between proposing that "we trade some obsolete nuclear weapons in Turkey" and the actual proposal Stevenson advanced, that we also abandon nuclear weapons in Italy and give up the base at Guantanamo Bay.

President Kennedy rejected this proposal, not with any implication that Stevenson was considered "less patriotic," as Schoenbrun wrote, but on the ground that the United States "could not abandon Guantanamo Bay under threat from the Russians."

Stewart Alsop of Newsweek was the first to spot the revealing omissions in these two reviews and he offered this warning to future unwary readers:

"The reasonably sharp-eyed reader will note how in both reviews the suppression of a vitally important fact makes it possible to suggest a false conclusion. This is symptomatic of a larger phenomenon—the tendency of liberal-intellectuals to transform into nonfacts all facts that do not fit neatly into the current fashionable liberal-intellectual dogma . . . Adlai Stevenson, in the Pavlovian world of the liberal-intellectual, was a certified Good Guy. Therefore it is not necessary to examine what he actually proposed—it must have been good.

"The Pavlovian tendencies of the liberal-intellectuals constitute a serious political-phenomenon. They are politically influential, especially in New York, where most American opinion is manufactured . . . It could turn out to be a very serious matter for President Nixon who is, in the Pavlovian liberal world, a certified Bad Guy."

Take another example of the art of switching facts. Early in his campaign for the 1968 Democratic Presidential nomination, Sen. Eugene McCarthy advocated that the best way to end the Vietnam War was for the United States to pressure the elected South Vietnamese government to accept, without any elections, members of the Viet Cong into a coalition as a pre-condition to peace.

Vice President Hubert Humphrey retorted sharply. He said that's like "putting a fox in the chicken coop"—putting unelected Communists into a coalition government so they could later stand for election as part of the government.

Now, a year later, Senator McCarthy is musing in a conversation with Look Senior Editor Joseph Roddy, and Roddy records it as follows: ". . . (Senator McCarthy) knew he had had some effect on the stand the U.S. took now in Paris. 'I didn't ever ask them to do what I *said* they should do,' he insisted. 'I only asked them to do what they would *have* to do.' He knew the National Liberation Front would have to be represented in peace talks, and he had said so a year back. 'Now, we've agreed to put Humphrey's fox in the chicken coop. But a year ago, we all knew that would have to be done. Why did they wait the year?' "

Sounds pretty farseeing, doesn't it? McCarthy showing how right he was all along and now proved so by events—with Humphrey's phrase thrown back at him with apparently telling effect.

But is it true? Is there something missing, a misplaced fact, which makes McCarthy's words seem devastatingly conclusive because of a crucial omission?

There is a distortion; there is an omission. Probably you have already noticed it. Humphrey did not say that having the National Liberation Front (political arm of the Viet Cong) represented in the Paris peace talks would be like putting a fox in the chicken coop. Humphrey, as did President Johnson, always said the Viet Cong could be represented at the conference table, but what Humphrey opposed was putting unelected VC into the government of South Vietnam as a condition for settling the war.

But, as reported in Look, McCarthy took Humphrey's opposition to an enforced, unelected Communist coalition and applied it to the peace talks and thus sought to show that Johnson (together with Nixon) had wasted a year by not "putting Humphrey's fox in the chicken coop" much earlier.

No reader of Look, a year later, should be required to spot the switch.

Here's another example. At a Congressional hearing before the Joint Economic Committee, a well-known professor of economics was testifying on the annual report of the President's Council of Economic Advisers. He tore it apart. He could find nothing good to say about any of it. He would summarize statements he attributed to the Council and then proceed to show how utterly untenable they were.

When the President's chief economic adviser read this testimony later, he scratched his head in disbelief. He couldn't recall any of the views which this very quotable professor so easily tore apart as ever having been put into the report in the first place. So he wrote the witness a letter asking him if he would cite the passages from which he had so vigorously dissented. He got his answer right back. It said in effect: "My Dear Friend . . . Surely you've been around Washington long enough not to be naive. You know I can't cite the reference which you request. I was only having a little fun."

It may have been fun for the professor. It may not have hurt the standing of the Chairman of the Council of Economic Advisers. But do you think many of the nation's lawmakers knew that their witness was tossing imaginary balls in the air to see how they would bounce? How many TV viewers and newspaper readers, when they got a headline like, "Professor Deprecates Economic Report," realized that he was making things up in order to tear them down—and that it was just fun and games?

It is not amusing. It is evil. One antidote is: Readers, be aware.

The mass media are beginning to examine themselves with more than ordinary critical detachment. Usually the press goes after everything and everybody but itself. There is a new mood, at least a beginning mood, of self-examination and self-questioning. That's good.

Alan L. Otten, one of the knowledgeable and perceptive writers for the Wall Street Journal, put some facts forthrightly in an article on the pervasive public dissatisfaction with much reporting.

"Almost everyone these days," he wrote, "has his favorite story about inaccurate or distorted reporting in newspapers and magazines, on TV and radio."

Then he listed a wide range of complaints. He told of a neighbor who taxed him with the fact that so many reporters showed surprise that President Nixon was handling his job so well. "Why should they be surprised," he asked, "except that they have been wrong about him for years?" Wallace supporters felt most of the press wholly unfair. Humphrey often found his campaign speeches buried at the bottom of the accounts of militant protesters who were heckling him. The critics went on and on.

"Skepticism about news stories is, of course, nothing new," Otten continued. "For

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decades, the far left decried the Capitalist press, and more recently, the far right weighed in with attacks on major newspapers and magazines and broadcasters as corrupt cohorts of 'the Eastern liberal Establishment.'

"Now, however, more and more ordinary middle-of-the-roaders seem to be joining the extremists in proclaiming 'you can't believe a word of it.'"

This is a serious credibility gap, a widening credibility gap between the media and the public. It should give the media concern. This lack of credibility grievously impaired the effectiveness of President Johnson. Since a credible, fair-minded, responsible, fair-reporting press in all its forms is essential to democratic government, any wide and continuing credibility gap between press and public cannot fail to impair the functioning of our free society.

This is why it is vital to look at what's happening.

Something dangerous is happening and no one has put his finger on it more earnestly than W. Willard Wirtz, former Secretary of Labor, who during his years in public life became deeply concerned by the gap between what he saw as reality in American life and the image of America mirrored in the media.

The Overseas Press Club of America, made up mostly of U.S. correspondents who have served abroad, asked Mr. Wirtz to lay it on the line—and he did. Here is the way he sees it:

"First, if the idea of democracy should ever be invalidated, it would be because it came about that more and more people knew less and less that was true about more and more that was important.

"Second, this is the direction of things today.

"Third, the responsibility for this lies significantly, though not by any means entirely, with the mentors of the mass media."

This kind of indictment has been made before and neither the press nor the nation has fallen apart.

Is it any different today than before?

It is. It is so different that the survival of a free press and the survival of democratic government in America is at stake.

Why? Why are the stakes so great today?

Because in the past most of the criticism of the media came from extremist minorities or from those who had a grudge or a special bias of their own. But today, as the Wall Street Journal article pointed out, "more and more ordinary middle-of-the-roaders seem to be joining with the extremists in proclaiming 'you can't believe a word of it.'" What Otten is saying here is that there is developing a mass distrust of the mass media on the part of rank-and-file viewers, readers and listeners. This is why the media must stop, look and listen.

The situation is different today because we are confronted with such very acute and lacerating national problems—racial tension, rising crime, poverty in the midst of plenty, unlivable and almost ungovernable cities—that unless the media reflect a true and balanced picture of the nation, democratic government will falter and we will have neither the unity nor the spirit to do what is needed. When "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it,'" than a confused and distrustful public opinion is the easiest prey to the extremist and the distructionists.

What's wrong? We wonder if too much of the media isn't continuing to practice an outdated and, in today's world, a dangerous and self-defeating journalistic theory—the theory that bad news gets readers and viewers and good news turns them off, that conflict sells and news of things going rather well bores?

At any rate, the mirror which much of the media holds up to the nation has so many built-in distortions that the reflection is almost constantly out of focus, a false image of America in which, wherever you look, nearly everything is wrong.

This isn't telling it like it is; it is telling it like it isn't. The worst is magnified; the best comes into view like what you see through the wrong end of a telescope.

Isn't this what is causing many to wonder if the media aren't greatly overplaying the draft-card burners, the drug addicts and the lovers of four-letter words, and underplaying the generation of students now harder at work than ever before and demonstrating it by manning the Peace Corps to the brim?

Isn't this what is causing many to ask why the media give such alert attention to every incident of isolated indecency and immorality at Job Corps camps. And did it without putting it in the context of tens of thousands of inherently decent but previously dead-end kids—many of whom are being pulled back at these camps from what would otherwise have been lifetime commitments to indecency and immorality?

Isn't this part of what is causing two dangerous trends in the United States—more and more middle-of-the-roaders proclaiming they can't believe a word they read and many others tending to accept as true what is substantially distorted.

These effects, ominous unless checked soon, imperil the media themselves and impair the functioning of democratic government.

Whose side is the press on in the cause of racial justice, Willard Wirtz asked the reporters, and his answer was:

"Any self-righteous answer about neutrality on the side of truth leaves the question of what ethic there is—except selling more papers—for giving daily front-page advertising to any white supremist or non-white racist who coins an ugly phrase—while there is only occasional notice on the inside page of the rest of a nation's throwing off the shackles of centuries' bondage of bigotry.

"This overstates it. But not much.

"Nobody wants the press to play Pollyanna. But why shouldn't the causes of riots be covered as fully as their consequences?"

A Duke University student wrote his parents that he had pleaded with a national TV network to cover a significant, campus-wide student protest which turned out to be highly successful. The network said no. It looked to be too peaceful. It was—and hardly anybody knows about it.

It seems evident that the character of oral and printed journalism is changing and the talent is not equal to the change. The trend is away from old-style, straight reporting and toward much more interpretive and analytical reporting. This can be valuable if there is no other purpose than to bring out the meaning of the news, but it needs great skill and maturity on the part of the reporter and a degree of objectivity which many of today's ideologically oriented reporters disdain.

During the past year it was frequent that a major speech by the Secretary of State or the Secretary of Defense or some other public official, dealing with the complex problems of peace and security, was dominated by an account of a few student militants with pictures of the pickets in an adjoining front-page column and the speaker's main point buried in the "continued" part of the story.

This is coverage which distorts and hurtfully fails to inform.

Recently several hundred editors and correspondents were guests of the Department of State at a wide-ranging, two-day background briefing at which the new top officials of the Department spoke. Toward the end of the first day two or three of the guests, well-known for their opposition to much of U.S. foreign policy, got up during the question period and attacked the speakers as "banal" and "untruthful." This was a minor incident in the proceedings but it dominated news stories the next day.

Following is a shocking case of inaccurate, in absentia, unverified reporting and editorial writing which explains why "more and more middle-of-the-roaders proclaim that 'you can't believe a word of it.'"

Mr. Fred L. Hartley, president of the Union Oil Co., whose firm's drilling produced the oil leak off the Santa Barbara coast, was testifying before a Senate subcommittee.

He was quoted the next day in The New York Times, which reported he had said: "I'm amazed at the publicity for the loss of a few birds." This made Mr. Hartley seem completely calloused.

He didn't say it—either to the Committee or to anyone else. It doesn't appear in the transcript of the testimony. The New York Times reporter wasn't even present during the period of Hartley's testimony when he was supposed to have said it. Another reporter filled him in—on what wasn't said.

The Times reporter didn't check.

The same misquotation—or imagined quotation—appeared later in the Wall Street Journal. It wasn't checked.

It appeared in Time magazine. It wasn't checked.

David Brinkley picked it up—without checking it.

Finally, the Washington Post wrote an editorial using the non-quote as a real quote with a title which read: "The Loss of a Few Birds." [It said, in part, "for sheer insensitivity, blind and arrogant, this seemed unbeatable."]

Hartley wrote quite a few letters to the editors protesting being "maligned by a grossly inaccurate quotation." In the end, Union Oil bought ad space in about 100 papers to tell the truth. Let it be said that the Post, the N.Y. Times, The Wall Street Journal and Mr. Brinkley all publicly apologized after Mr. Hartley and his company started their war of protest.

It certainly seems to many that too much of the media give more than due attention to the militant and violent destructionists, particularly those non-student leaders who go under the deceptive title of "Students for a Democratic Society" who want to demolish our democratic society to see if something else wouldn't be nice to have.

But all responsibility for the out-of-focus image of America does not belong to the media.

There are other causes and they, too, bear upon whether democratic government is going to survive in the United States or be stifled by national confusion and impotence.

Too few people are drawing the necessary line between civil rights and civil wrongs and too few leaders either among the political liberals or the academic community are speaking out against those who want to use freedom of assembly for themselves only and deny it to others.

The Christian Science Monitor said in an editorial more than a year ago:

"To date the forewarners of possible McCarthyism (Joe McCarthyism) have been shown to be largely wrong. Free speech, free disagreement, free protest are strong and open in the United States. This is no small victory in times of such tension and disagreement. Let nothing come along to spoil it."

But something has come along to spoil it. We refer to the mounting instances in which the most extreme anti-Vietnam, anti-draft, anti-university, anti-almost-everything protesters resort to harassment and violence to prevent others from peacefully using the rights of free speech and assembly.

The Bill of Rights is a single garment. It can't be divided. Unless the right of the majority to expound its views and to assemble freely is protected from those who resort to force and disorder to suffocate public debate, we are undermining everybody's right to free speech and assembly—minority and majority alike.

It's happening.

Last year the Vice President of the United States, the Chairman of the Joint Chiefs of

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Staff, the Secretary of State, the Secretary of Defense, the U.S. Ambassador to the U.N. and the Secretary of Agriculture were all targets of violent, anti-free speech demonstrators who either attempted to rough them up, overturn their automobiles, prevent them from entering an auditorium or stir up such jeering that they could hardly be heard.

The worst thing is that the nation has seen so much harassment and disdain for peaceful assembly that we have gotten used to it. Those who understand the Bill of Rights are neglecting to speak out. They even condone its callous violation.

Example: At the University of Wisconsin, two members of the Johnson Cabinet were hooted and heckled so raucously and so violently that the civil right of free assembly was turned into a civil wrong of a free-for-all and they couldn't finish their speeches to students who wanted to listen.

And what was the odd and disheartening response of such a supposedly civil libertarian as Senator McCarthy? Did he condemn this civil wrong? Did he say that now is the time for every man to come to the aid of the Bill of Rights? What he said was that spokesmen for the President of the United States ought to be able to find places other than college campuses to expound their views!

What better place for the exposition of controversial opinion than the college campus? What more appropriate place to practice free speech than the home of free inquiry?

On another occasion, an undergraduate at Columbia University maneuvered his way to a middle-row, front seat in the college hall where the Selective Service Director of New York State was—at the request of the students—to discuss the draft and its application to them. After the introduction and opening remarks, this young man rose to his feet, reared back and hurled a big, fat, mushy pie into the face of the speaker.

Some may have been disposed to laugh. We weep—and we hope others will join in crying, at least when we pause to realize that this act did not just smear the face of one individual; it stained the face of the Bill of Rights.

The heart of the matter is that in a free society, with free speech, peaceful assembly and the secret ballot, anyone who tries to hinder others from using these rights is undermining everyone's freedom, including his own.

If we are going to continue to turn peaceful assembly into a free-for-all, there will be more than pies thrown and the end of that road will be the assassination of the Bill of Rights itself.

Liberal columnist Max Lerner, who gives no comfort to the destructionists, wisely notes:

"The same college instructors who are shocked by the ax-handling minorities blocking Federal marshals from entering school buildings in Georgia and Alabama, will find themselves on the side of the bat-wielding minorities trying to close down a university building in San Francisco."

Now, if the central theme of this article is to be fully proved, it must be demonstrated with evidence that the image of America, which flashes so constantly before the minds of Americans, is, in fact distorted—the image that wherever you look, hardly anything is right—and that what's right with America usually comes out muted and murky.

Has the democratic process in America been working and can it be made to work even better if we don't lose sight of what's right with it?

It can, but only if we get a truer image so that what's right can be seen in perspective.

The evidence of what's right with America is impressive and heartening. Here are salient samples; many more could be cited.

Racial Justice: More wrongs have been righted and more things which are just have been achieved in the past decade and a half than were accomplished over the 90 years from the end of the Civil War to the milestone decision of the Supreme Court in 1954, which laid the legal basis for complete racial justice and equality of opportunity.

Except for hard pockets of delay, public places are open on an equal basis, the right to vote is assured and black and white voters are joining to elect Negroes to posts of high governing authority.

Human Welfare: In the last four years the federal government has invested twice as much in education as it invested in the previous century. It is now investing three times as much in health programs as it invested five years ago. Government and private enterprise jointly accept the proposition that "poverty has become intolerable in this country because it is unnecessary" (from a report by the National Association of Manufacturers), and are beginning to do more about it. Not enough? Of course not, but enough to provide the evidence of things to come.

American Youth: We should reject the idea that most young people and students have lost their way smelling flowers, smoking marijuana and storming around the campus. Alienated over politics? It only seems so. College students used the political process by springing to the aid of Senators Kennedy and McCarthy. Gravely alienated over the Vietnam war? Nobody likes war. Nobody wants to be drafted. But the desertion rate of GI's in South Vietnam is lower than it was in Korea and 50% lower than in WW2. We have, for the most part, a committed and compassionate younger generation. More than 300,000 college students are voluntarily helping the disadvantaged.

State of the Economy: The United States, including the government, has been managing in economic affairs with increasing wisdom. Not one of the bleak predictions that large-scale unemployment would follow the end of WW2 and that another depression would be upon us in the 1940's, in the 1950's, in the 1960's has come true; all have been proven wrong. Today, the U.S. economy is the most productive in the world. Khrushchev's boast that "we'll bury you" is ashes. Nixon is taking the hard decisions necessary to reduce inflation and there is evidence he will stay with them to the benefit of everybody.

Foreign Policy: There is a tendency among many to believe that the United States bungles just about every enterprise to which it puts its hand in foreign policy. False. All is not well in this turbulent world but everything has not gone wrong for this democracy of ours by any means; and we ought not to forget how much has gone right during all the postwar years when we've been acting to protect our own freedom by helping other nations protect theirs. There is no reason for defeatism or apology in a record like this:

(1) saved Greece and Turkey from being dragged behind the Iron Curtain; (2) rescued Western Europe by means of the Marshall Plan from the overhanging threat of Communist take-over; (3) saved West Berlin from the Soviet attempt to starve its two and a half million people into submission; (4) turned back the armed Communist aggression against South Korea; (5) acted to protect the independence of Lebanon and Taiwan; (6) struck from the hands of Nikita Khrushchev the instrument of nuclear blackmail in Cuba.

Every country whose safety from oppression we have helped secure—because our own safety was at stake—is a free and independent nation today. When we ponder these achievements in the cause of human freedom, we have every reason to shed the myth of helplessness and frustration.

All this and much more show that the American system of government by peaceful consent of the governed has been animate, vital and productive. One of the first requirements of making it more productive, more vital, more animate is to proclaim the story of what has been done, not hide the light under a bushel.

The purpose is not to promote smugness, not to slow needed reform with self-satisfaction, but to accelerate it by giving those who are understandably frustrated the evidence of things to come and a determination to use democratic institutions, not erode them through despair.

Consider these words from Washington Star writer Crosby S. Noyes:

"Where is that old fighting spirit that Americans were supposed to ingest with their breakfast cereal? As things are now going, we are well on our way to becoming a race of Pavlovian pessimists in which anyone who tries to sound the faintest note of encouragement is booted out of the hall.

"Somewhere in this large land, there are surely plenty of holdouts who still believe that we are capable of facing up to our problems and who are willing to come up with the resources, the talent and—yes—even the optimism to try."

There surely are—and let's make way for them.

THE PLIGHT OF SOME CHILDREN

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PHILBIN. Mr. Speaker, the plight of thousands and perhaps hundreds of thousands of young children currently in detention in various disciplinary or children's care institutions throughout the country is shocking to the conscience of America. The celebrate of Christian Science Monitor has exposed some of these outrages.

Some retarded, disabled, backward children are not being given adequate care, food or necessary medical treatment, and many normally healthy, young children with nothing wrong with them at all are being confined in various types of institutions without attention, proper food training, or care just as if they were criminals.

This condition is widespread in almost every State of the Union. What is worse, little if anything is being done about these terrible conditions.

Does Congress have a responsibility in this area is a question often asked. Clearly, we must fully discharge our responsibility to these children.

Social service workers and other experts have provided startling evidence of appalling conditions, and have urged immediate sweeping reform backed by the State government and the Federal Government, but up to this time, there has been hesitant, meager, inadequate response, and nothing approaching a properly effective, organized effort to alleviate, let alone eradicate, conditions that are a blot upon this Nation, and upon many of its communities and States.

I think that the Congress must take the leadership in uncovering the scope, character, and terrifying conditions that exist, and more importantly, strike out boldly with new programs to lay down guidelines and provide funds to launch a national cleanup of these deplorable conditions, which have developed as a result of callous, neglectful policies verging on criminal malfeasance or nonfeasance.

The abuse of helpless, young children incarcerated in these institutions, as well as some living in homes under harrowing conditions in the communities, must be vigorously attacked and corrected, so that young children of tender years, and all children, can grow up without being victimized by negligent officials and their underlings, or neglectful, criminal-minded parents or relatives, or anyone else.

The problem of guarding our children against the nightmares of neglect, callous mistreatment, and abuse that plague them in this generation is one that must be vigorously tackled with every resource and organized effort that the Nation and the States can command.

There is no time to lose because starving, imprisoned, abused children must no longer be neglected anywhere in this country.

I am urging appropriate committees of the Congress and administrative agencies of the Government to attack these unspeakable conditions affecting our children at once.

Under unanimous consent I submit several articles from the Monitor setting forth the ghastly evidence of neglect and maltreatment of children which this noted paper describes as a national scandal for inclusion in the Congressional Record, as follows:

[From the Christian Science Monitor, Mar. 29, 1969]

The Unnecessary Scandal

The presence of hundreds of thousands of American young folk in detainment and reform institutions, their often brutal and shameful treatment there, and the public's blindness to these conditions—these facts point to the threefold nature of a major national scandal. A 15-part Monitor series beginning elsewhere in this edition explores this scandal—and the possible lines of solution—in detail.

At the outset it should be said that this scandal is as unnecessary as it is inexcusable. Our society is not inherently callous; it is generous and protective of the defenseless. Its officials are not inept administrators; the startling efficiency of space exploration efforts, which place a high premium on the welfare of our human voyagers, gives the lie to this claim. And the concept of the strong and wholesome family unit, far from being past usefulness in our fast-changing times, is instead being proven all the more needed to stabilize modern life.

The first indictment is of the home. In one juvenile case after another one sees the failure of the home as the cause of the trouble. Surely if intelligence, integrity and, above all, love were shown in greater measure in the home, there would be little need for correctional institutions and juvenile jails.

The second indictment is of the institutions society has set up to compensate for the family's failures. These institutions are often overcrowded. In some of them children are beaten and sexually attacked. Youngsters are often thrown in with hardened criminals—and are almost certain to leave as worse risks than when they entered.

The third indictment is of society itself. Through ignorance or willful neglect it has let the present wretched conditions come to pass. It's a measure of the public's indifference that the number of young folk held in reform or welfare agency centers isn't even accurately known. And the public hasn't even demanded it be told about juvenile home conditions, let alone demand that they be improved.

The evidence shows that youngsters are being capriciously jailed for truancy. Homeless children are being locked up for months because of welfare officials' absentmindedness. Correction of these conditions must begin forthwith.

Admittedly, it will not be an easy task. Police, welfare agency, and educational authority is not clear-cut. Involved, too, are not only delinquents, but the neglected child, the physically handicapped, the mentally disturbed or retarded, the one-parent child or the youngster living in harmful surroundings. Each has his specific needs.

But it is a possible task. The nation has a moral obligation to examine its treatment of young folk in trouble. The need is to understand them better and deal with them more constructively and compassionately. Children in trouble need to be lifted out of their despair, not driven more deeply into unhappiness and crime. This is an urgent demand as well as an opportunity.

[From the Christian Science Monitor, Mar. 31, 1969]

Senate Told of Youth Treatment

(By Robert P. Hey)

Washington.—A Senate subcommittee continues to gather evidence in its probe of conditions in American prisons. Witnesses before the judiciary subcommittee to investigate juvenile delinquency also discuss the causes of juvenile delinquency, and suggest what the federal government might do to help meet the needs of the nation's penal system.

This past week's witnesses included Howard James, chief of the Midwestern Bureau of The Christian Science Monitor; Randolph E. Wise, Commissioner of Welfare, Philadelphia; and Dr. E. Preston Sharp, general secretary, American Correctional Association.

In his appearance Friday, Mr. James described problems juveniles face during detention in many parts of the nation. He is the author of a 15-article series entitled: "Children in trouble: a national scandal," which begins today in this newspaper.

Mr. James detailed for the subcommittee, chaired by Sen. Thomas J. Dodd (D) of Connecticut, brutalities and official callousness uncovered during his investigation of juvenile institutions across the United States.

As one example he told of a training school in South Carolina, in which "I found, among other things, the children were being beaten with rubber hoses, hoe handles, ropes, chains, and fists." The beatings, he said, apparently have since been stopped.

At another point he said: "In state after state I have seen children held under inhuman conditions. And, with one or two exceptions, even the best institutions are cold and unloving—places where children either give up, or fight back, or run."

Mr. James, who in 1967 won a Pulitzer prize in national reporting for an investigative series on deficiencies in American courts, told the subcommittee that "never in my reporting career have I run into so many half-truths, obvious lies, cover-ups, and defensive answers as in juvenile corrections."

This last point struck a particularly responsive chord with the committee. Committee sources say that in their investigations thus far a major obstacle has been defensiveness and opposition from some prison officials and politicians.

PROBE ATTACKS APATHY

The committee is trying to tread a narrow path in its investigative hearings. It wants to reveal sufficient deficiencies in the prison system to overcome public apathy, and create pressure for Congress to finance improvements. At the same time it does not want to stir up so much antagonism that prison administrators, and politicians, defensively refuse to cooperate in making needed changes.

However, Mr. James did testify that since his investigations began the treatment of juveniles in three states had improved, or there had been changes in attitude on the part of penal officials.

He read into the record a portion of a letter he received this month from Charles A. Handley, superintendent of the Reception and Diagnostic Center for Youth at Joliet, Ill. In part it said: "Although some of my 'nerve-ends' continue to tingle more than they should, I acknowledge now that your warranted and appropriate (but never wracking) inflexiblity was unequivocally the most profound, galvanizing and, for lack of a better word, the best event that could have happened to me and R & D. Yes, the degree of inactivity in our program is worthy of considerable and immediate attention . . . so, in this respect, I sincerely say 'thanks' for a much needed visit."

Earlier in the week Dr. Sharp of the correctional association had hit out strongly at the public apathy and poverty that so severely handicaps penology. The hands of penal officials, he said, "are tied by public apathy and misunderstanding. . . .

"I have found time and again that it is a great deal easier to obtain funds to build superhighways than it is to create humane living conditions for delinquent, dependent, and neglected children. In many cities, zoo keepers are paid more than cottage parents or correctional officers.

"Mr. Chairman, it is a question of priorities. How far above the welfare and the very lives of children do we value each additional mile of a new superhighway? What is more important, the supervision of human beings or monkeys?"

He called for appropriation of federal funds to build new prison facilities, and to set up adequate educational and vocational training programs for youthful and adult offenders. He added that "there will be need for federal funds both to establish new correctional programs and facilities and to make an evaluation and assessment of the effectiveness of correctional programs."

YOUTHS KEPT WITH ADULTS

Commissioner Wise told the subcommittee that due to overcrowding in Philadelphia facilities some 170 youths must be housed in an adult house of correction. He said its staff is trained to handle adult rather than juvenile offenders.

Commissioner Wise spoke almost despairingly of public and official apathy which he said greets the housing of juveniles in the same building as adults:

"Annually our prisons are inspected by the Bureau of Corrections of the commonwealth's Attorney General's office. These reports are helpful and reflect a thorough evaluation of our penal operations.

"But it is for us after receipt of their report to bring to their attention the fact that we have juveniles housed in adult penal institutions. We have been unsuccessful in our efforts to disrupt community and official lethargy. Maybe this committee can, among other things, attain this very desirable objective."

[From the Christian Science Monitor, Mar. 31, 1969]

Children in Trouble: A National Scandal—"We Didn't Give Him Any Help"

(By Howard James)

Small, blond, freckle-faced Peter was driving the tractor on a rural Maine road when his brother fell off and was killed by a hay baler.

With reason clouded by grief and anger, the parents openly blamed bright, hardworking, 15-year-old Peter for the accident. Peter panicked and ran, staying away three days. When he returned to school some of the students began calling him "Killer."

His grades dropped. He gave up sports and started smoking. Then he did strange, defiant things in class. Things that upset some of his teachers. Finally he was caught stealing money at school.

It wasn't long before a judge found Peter delinquent and committed him to Maine's reform school for boys.

Peter is just one of the thousands of boys and girls I found locked up. His story, like that of every child, is unique. Some have committed appalling crimes. Many have not. Thousands are sent to reform school by parents under a law that permits them to declare their offspring uncontrollable. Other children simply have no home.

THEY ARE NOT ALL DANGEROUS

This series focuses on children in trouble. Not just dangerous young criminals and tough delinquents, but all children in trouble—the near delinquents, the mentally retarded, the neglected, the abused, the emotionally disturbed. They number in the millions.

To protect the children, their real names are not used in these articles.

This series also looks at what happens to children when they become entangled in the juvenile system of justice. Or when they come in contact with tax-supported agencies that, at least in theory, help children in trouble. Special emphasis will be given to reform schools—places some frustrated professionals cynically call garbage dumps for unwanted children.

In some states these are places where children may be brutally beaten. In many reform schools, as well as jails, boys and girls are forced into homosexual acts. In almost all institutions the child lives a cold unloving life.

WHAT ABOUT PETER?

What will happen to Peter? It is too early to tell. He is better off than many of the nation's children in trouble. While Maine's training school is far from being the nation's best, it is also far from being the worst.

If all goes well, Peter may not be permanently harmed by the experience—as many youths are. Yet the possibility of his graduating from the reform school to an adult prison is high.

If the typical American could visit children's institutions across the country, he would be shocked.

Who could expect, in a Massachusetts reform school, to walk, as I did, through waves of little hands; the hands of boys seven to nine; hands reaching out, pleading; children begging for someone to stop and care.

Who would believe without seeing it, that a tough, ugly member of the Hell's Angels could nearly break down and cry in a California reform school when, in a lengthy interview, his mark of shame was exposed: He could not read.

"WE ACTED AS SERVANTS"

One must meet 17-year-old Sally to understand these young people. She was in the Virginia reform school for girls, committed a week after her mother passed on in 1967 and now serving her second term.

Confused, emotionally disturbed Sally tells you how she was once placed in a foster home with five other girls—a farm "where we had to scrub chicken houses and act as servants." One must see Sally, a girl who finds reform-school life more comfortable than much of what she experienced on the outside since her mother's death, to begin to understand.

It is essential to recognize that only a small percentage of the several million children in trouble have committed serious crimes. Obviously, society must be protected from those who have. But experts ask why the millions of children who are not a threat to society—and may in fact have been neglected by their parents—should be treated like hardened criminals.

These millions of youngsters fall into seven often overlapping classifications: (1) the dependent and neglected—including battered children; (2) those considered mentally retarded; (3) the mentally or emotionally disturbed; (4) children with serious school problems; (5) the one-parent child; (6) youngsters with intact families but fighting to survive in big-city slums and other destructive environments; (7) the physically handicapped, and (8) the outright delinquent.

Of course, not all children in these categories are in trouble. But experts point out that those who are need special help and strong adult support. Specific suggestions will be made at various points throughout this series.

The key to the category a child falls into generally depends upon who first becomes concerned with his behavior. What happens to him depends largely on the interest of his parents, and the interest and tolerance of school officials, neighbors, and others who come in contact with the child daily.

ON THE RECORD

If a child is first noticed by the police, and there is little interest at home, the child probably will end up delinquent. In many police stations, Milwaukee for example, the child's contact with the police is recorded on a card. The contact may be because of a serious crime, or simply because he was out 10 minutes past curfew. The child's record remains in a permanent file until the child reaches age 21, when, in some cities, it may be burned or sealed. In other cities this juvenile police record remains in the files indefinitely.

If the child is first noticed by neighbors, and the behavior is clearly attributed to parental neglect at that time (or the child has broken no laws), then he probably will find his way into the welfare system. This may occur even when the child is as delinquent as those noticed by police. Some also eventually will be classified as delinquent, although the process may take longer.

If the child is first noticed by the school, again he may be classified as a delinquent. The schools are even less prepared than welfare departments to deal with problem children (although more schools are beginning to help physically handicapped children and those classified as retarded).

The child who acts strangely and is routed to a mental-health institution may never become caught up in the delinquency system, although he may end up in an institution for life.

Take the case of Stan, from a small town in northwestern Iowa.

His parents, after a bitter battle, were divorced when he was nine. His mother told the court her hands were full with the smaller children and she didn't want Stan. So he was awarded to his father.

YOUTH BEHAVIOR DETERIORATES

Stan's life was not a happy one. Six years later, both parents remarried, and he was sent back to his mother. She complained that Stan had regular temper tantrums followed by fits.

Again she decided she didn't want him, and in early 1966 Stan was sent to live with his grandparents. They couldn't handle him, and so, in August, 1966, a judge sent him to the states' Annie Wittenmyer Home in Davenport. That institution houses dependent and neglected children, some retarded children, others who are emotionally disturbed, and some delinquents.

There Stan grew more difficult day by day. Finally, on Sept. 5, 1967, he was sent to the Mental Health Institute at Cherokee. In the mental hospital he was placed in quarters with older men. Reports show his behavior grew worse.

Deciding he was not the type of child that should be committed to a mental hospital, authorities sent him to the Woodward State Hospital-School, which handles retarded children and uncontrollable epileptics. (Some doctors believe that Stan has slight brain damage and minor retardation as well as epilepsy because of a skull fracture sustained when he was six months old.)

Woodward officials concluded Stan was "too intelligent" for their program. So he was shipped off to a new institution near Des Moines, the Iowa Methodist Group Home. A few weeks later he ran from there and ended up in court again.

One report in Stan's files states: ". . . none of the services available to children in Iowa are willing or want to deal with this difficult problem."

SOLITARY CONFINEMENT

The judge sent Stan back to the Annie Wittenmyer School (an institution which felt totally unprepared to care for him) on May 10, 1968.

By this time Stan was reacting violently to what was happening to him. He was often out of control. Twice he assaulted staff members. Officials feared for the smaller children—some as young as eight and nine—at the coeducational Wittenmyer Home.

The home locked Stan in solitary confinement for weeks. He at least had an outside window, was given something to read, and saw a qualified social worker regularly.

Among other things it was suggested that Stan be sent to the state reform school at Eldora. The mental hospital at Cherokee refused to take him back. Finally he was shipped off to the mental hospital at Mount Pleasant.

Stan was still there as this was written, but there was some indication that he would soon be sent elsewhere.

"We didn't give him any help, and I don't think any one else has," admits James Holmes, superintendent of the Wittenmyer Home.

I found hundreds of Stans scattered across America.

Not all children locked up are legally held.

In Rhode Island I found less than 10 of the children held in the training school were committed there. Their status was a kind of limbo called "FOC"—further order of the court—for months.

TRUANCY BRINGS DETENTION

Thousands of other children—some as young as seven or eight—spend months, even years behind bars for offenses that would not put an adult in jail for an hour.

Take James, a 13-year-old Negro from near Savannah, Ga. In late January he was sent to a state detention home by a judge to await an opening in a reform school.

James has committed no crime, other than skipping school. He was placed on probation for truancy last spring and was caught skipping again this winter. State officials say none of his eight brothers and sisters has been in trouble, except for frequent absences from school.

The nine children live with their mother and stepfather in an unpainted four-room shack on a farm owned by a doctor. While they have electricity, there is no inside plumbing, and the only heat is provided by a small wood-burning stove in the living room. Total income for the family of 11: the $57 a week earned by the stepfather, a man without any formal education, as a farm laborer. James's mother says she went through 10th grade in a Negro school.

It is clear why the children, despite the acute poverty in the home, have never been in trouble before. James's stepfather is described by a worker for the Georgia State Department of Family and Children Services as "the definite head of the household," a man with "a very warm relationship with his wife and children."

The family regularly attends a Methodist church. And their shack is located in a

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wooded area with a stream to fish in and plenty of room for the children to play.

The state worker who investigated the case explains the truancy this way: There "seems to be lack of understanding on the part of the parents of the necessity of attending school regularly. James's [stepfather] never attended school regularly and yet managed to support his family. Consequently, he felt the boys had enough school education and did not think it necessary that they stay in school regularly."

TROUBLED YOUNGSTER SLAPPED

There is little or no help for children stumbling along the path to delinquency. Action is seldom taken until its too late. Parents, welfare departments, and public schools often speed up the delinquency process.

In a New York City public school for troubled youngsters I watched a male teacher hit a youngster in the face when the child failed to stand properly in a line after a class. The teacher didn't know I was watching.

In Milwaukee one 11-year-old child locked in the detention center—a jail for children—by the welfare department was forgotten for three months. Jailing homeless or mistreated children is, unfortunately, a too-common practice. The judge in Milwaukee echoed the words I have heard in other cities: "Somebody should teach the welfare department a lesson by charging them with neglect."

Like adults, many children are locked up to await their court appearance.

The National Council on Crime and Delinquency estimates that "every year in the United States over 100,000 children from 7 to 17 inclusive are held in jails and jail-like places of detention."

And, the council adds, "the significance of this situation is not merely the large number held, or the fact that most of the jails in which they are detained are rated unfit for adult offenders by the Federal Bureau of Prison's Inspection Service, but rather that many of these youngsters did not need to be detained in a secure facility in the first place."

HE ONLY NEEDS A HOME

Some have no family, or a family so inadequate they cannot be returned home.

At the Lyman (reform) School for Boys in Massachusetts I found David, a very depressed youth, sitting head in hands on some steps. Asked why, the tour guide said David, who had no parents, could have been released more than a year ago if the school could only have found a place for him to go. One staff member suggested he should never have been sent by the judge in the first place.

There are thousands of Davids locked up. In several states, training-school superintendents told me they would send a third, even half, of the children home the day they arrived if they could.

Not all institutions are bad. A number are conscientiously doing the best they can with their inadequate staffs and limited budgets. A handful are doing a great deal of good. Others are horrible beyond belief.

In a South Carolina reform school I found, among other things, boys being beaten with fists, rubber hoses, ropes, broken hoe handles and broom handles, and other weapons. Beatings were administered both by staff members and by large bully-boys appointed to do the job.

When a lawyer and state legislator, T. Travis Medlock, learned of these findings, I was invited by a legislative committee to conduct another investigation. When Mr. Medlock and Jack Shivers, who is in charge of juvenile institutions in South Carolina, found my allegations to be true, beatings at the school were stopped and other changes made.

In a Delaware boys' school I found children being hit in the face. This was the authorized institutional policy for disciplining a child, established by an ex-football star of the '40's, Caleb Van Warrington Jr., who has run the school. He publicly called it a "new way" of handling children. The policy was authorized by the Delaware Youth Services Commission. Mr. Warrington was recently promoted to executive director of that commission. Several youngsters, I learned, had punctured eardrums as a result of this practice.

REPORTER THREATENED

A few days later I was asked to return by the youth commission to discuss what I found. Instead of talking, an effort was made to discredit me at the secret meeting held in a motel room. However, Richard Wier, a member of the Delaware Attorney General's staff, was present. He conducted a new investigation and invited me to take part. When we entered the school Mr. Warington twice threatened—once in the presence of Mr. Wier—to "get" me.

Since then at least one staff member has been suspended and the slapping policy stopped. The Delaware Senate has ordered the Youth Services Commission to hold a "full inquiry" into the operation of all the state's juvenile detention homes and to report its findings to the Senate by June 30.

Until O. J. Keller, new Florida Youth Commission director, put a stop to it last fall, youngsters in the boys' school at Marianna were brutally beaten with a weighted leather flogging strap.

I found children being beaten in several other states, as will be shown in future articles in this series.

It is common for some professionals dealing with children to deny that these practices exist. Some brazenly lie about it. When provided with evidence that their statements are false, some officials try to justify this by complaining of a lack of money. Many go to great lengths to hide brutality and serious shortcomings from me.

MOST OFFENSES ARE MINOR

Who are these children in trouble?

I found the average citizen pictures them as gun-toting hoodlums and their molls.

There is little doubt that juvenile crime is a growing problem in the United States.

But the fact is most children in trouble have either skipped school, run away from home, been in a series of fist fights, stolen small quantities of candy or clothing or toys or jewelry, or been caught drinking on several occasions.

Of those held for more serious offenses, most have either stolen cars for a ride or have burglarized closed stores or homes when the owners were out.

Only a very small percent were armed robbers or children who physically harmed others.

Yet frightened citizens are being furnished incomplete information from such agencies as the Federal Bureau of Investigation—information which is easily distorted by their impact in headlines.

In 1967 Prof. Marvin E. Wolfgang, graduate chairman of the Department of Sociology, University of Pennsylvania, wrote in a little-noticed report published by the U.S. Department of Health, Education, and Welfare:

"There is little more than faulty and inadequate official delinquency statistics to answer basic questions about the current extent and character of youth crime."

He continues: "The public image of a vicious, violent juvenile population producing a seemingly steady increase in violent crime is not substantiated by the evidence available."

The Uniform Crime Reports, published by the FBI, often used to show a soaring juvenile crime rate, really only show that more juveniles than adults are being arrested, Professor Wolfgang points out.

"Most police officers agree that it is easier to effect an arrest in cases involving juveniles than in cases involving adults," he explains.

MISLEADING LABEL CITED

The FBI statistics are based on roughly 30 percent of the serious crimes reported to or uncovered by the police, he adds. That is the percentage solved by arrest. The remaining 70 percent of serious crime reported are never cleared up by police, and so it is impossible to guess how many are committed by adults and how many by juveniles.

"In addition very often crude legal labels attached to many acts committed by juveniles give a false impression of the seriousness of their act," Professor Wolfgang continues.

"For example, a 'highway robbery' may be a $100-theft at the point of a gun and may result in the victim's being hospitalized from severe wounds. But commonly, juvenile acts that carry this label and are used for statistical compilation are more minor.

"Typical in the files of a recent study were cases involving two nine-year-old boys, one of whom twisted the arm of the other in the school yard to obtain 25 cents of the latter's lunch money. This act was recorded and counted as 'highway robbery.'

"In another case, a nine-year-old boy engaged in exploratory sexual activity with an eight-year-old girl on a play lot. The girl's mother later complained to the police who recorded the offense as 'assault with intent to ravish.'

"Nothing now exists in the official published collection of crime statistics to yield better information about qualitative variations of seriousness," Professor Wolfgang concluded.

The yearlong study just completed by this newspaper clearly indicates that what Professor Wolfgang said in 1967 remains true in 1969.

Juvenile delinquency is serious. But the American people too often are being frightened and misled. One theory is that it is part of a growing effort to pressure the Supreme Court of the United States into reversing rulings of recent years in the field of juvenile and criminal justice.

The most reliable statistics are seriously outdated, for they are based on 1960 census reports. And the figures show only a fragment of the total picture, since children are shuffled in and out of institutions daily, and the census is representative of a single day in 1960.

On this representative day in 1960 there were 306,325 Americans under the age of 21 living in various kinds of institutions.

Of these, roughly a third (101,420) were in so-called correctional institutions: 44,366 in reform schools; 28,325 in prisons and reformatories; 17,598 in local jails and workhouses; 9,903 in detention homes (juvenile jails); and 1,228 in centers awaiting placement in reform schools.

NONCORRECTIONAL INSTITUTION

Another 73,393 were in welfare homes for dependent and neglected children; 78,333 in homes and schools for mentally handicapped youngsters; and 21,986 in adult mental hospitals and residential treatment centers.

There were 28,380 children in institutions for the physically disabled, with the largest number, 11,207, in homes and schools for the deaf.

A total of 2,813 girls were in homes for unwed mothers on that day in 1960.

It is especially important to note that this is only a fraction of all children in trouble in any category. Because of constant turnover in some institutions—especially jails and detention homes—the total is many times larger.

Nor are children always as quickly institutionalized as the Maine youth involved in the tractor accident. In fact many who are mentally ill or retarded or are dependent and neglected may wait for months or years for bed space. Meanwhile, others find themselves in reform schools.

XUM

At the reformatory at Cheshire, Conn.—a prison for youthful offenders—I met Jerry, a tall, thin, white boy of 17, who had become involved with a gang of youths who broke into buildings, stole cars, and committed other offenses throughout Connecticut. He was in the reform school in 1966 and 1967.

Jerry began getting into trouble in Hartford at 8, through the encouragement of his then 10-year-old brother. Both have been involved in crime since then. The brother has also been in the reformatory at Cheshire.

"We used to skip church and steal newspapers and doughnuts out of parked cars," Jerry says.

HIS PARENTS DID NOT KNOW

His parents owned a small business that kept both the mother and father busy for long hours, seven days a week. The boys roamed the streets. Because Jerry's older brother fronted for him, the parents didn't suspect. When they finally learned of his criminal behavior and took the time to talk about it, Jerry was beyond their reach. And their approach was always simply to say how bad his behavior made them feel.

By the time he was 13 Jerry "hit it big," finding large amounts of cash in two apartments. Soon he had several other youngsters interested in easy money.

"Then I decided to stop. I had all I wanted. I even bought a horse and kept him at a riding stable. My folks didn't know. The other kids kept goin' until they got caught. They ratted on me, and I got sent to Meriden [the reform school]."

"After I got out of there I was doin' all right for a couple of months. I started workin' at [a drive-in]. Then I met a kid who had a car, and we used to drive around. One day we were both outa money, and I knew how to get some. We broke into a house. The other kid had done it before. I bought a car with the money, and pretty soon we were breakin' in day after day, month after month. He brought in all his relatives and before we knew it there was about 10 of us. Finally about five of us got caught in an apartment."

FAMILY DELINQUENCY

Frequently, entire families are delinquent.

Debbie is an attractive blue-eyed girl of 16 from Lubbock, Texas. I met her in the reform school at Gainesville. It was her third time in—each time for a more serious offense. She has had one illegitimate child.

Her 22-year-old brother was locked up in the boys' school. Her 20-year-old sister, now a divorcee, had been in reform school. So has her 19-year-old sister, who at present is living out of wedlock with a boy. Debbie's 15-year-old brother is skipping school. Only a 10-year-old sister is treading the straight and narrow and "even wants to go to college."

All three of the older girls have had frequent sexual relations with their father. Like her sisters, Debbie was forced to start when she was 12. All have run away from home—as have the brothers.

Her father, often drunk, works as a mechanic in a gas station; her mother clerks in a small store. Debbie's father frequently beats her mother when drunk, and he whips the children severely when they misbehave. This simply drives them out of the home and into more serious troubles.

Although whites comprise the largest single group among delinquents, the problem knows no racial, religious, or even regional boundaries.

The number of middle-class and upper-middle-class children finding their way into public institutions is on the upswing.

Experts attribute this to many things: the mushrooming drug problem; the costliness today of enrolling troubled children in special private institutions; the greater number of middle-income families than before; increasing middle-class divorces; a breakdown of traditional values, plus the high mobility of youngsters in the age of the two-car family. Suburban teen vandalism grows day by day.

Take Carol, a rather plain girl of 16, who, before being locked up, lived with her middle-class parents in Seattle. I found her in one of Washington State's training schools.

TROUBLE TRACED TO FATHER

She has been there five months, after being arrested for pushing dope and for smoking marijuana. She had never been arrested until she became involved with drugs while dating an older boy who had been in a great deal of serious trouble. He was sent to reform school four or five times for car theft, armed robbery, assault, and other offenses, and has graduated to the adult prison system.

When Carol was nine she was sexually assaulted by her father. Her mother found out and sent Carol to live with her grandmother for a while.

"My experience with my father made everything rotten," she told me. "I felt dirty, and I guess I still don't have too high of an opinion of myself."

This is why she became involved with a boy in trouble. She didn't feel she was good enough for better boys.

Beth is a white girl of 15. I met her in the Waxter Children's [detention] Center in Maryland, not far from the nation's capital. Beth, who is a chubby girl, had run away from home. She had been in the detention center for two months when I met her. I asked why she had been there so long and was told her middle-class parents said they didn't want her.

Rural children as well as those from cities have problems.

Bill comes from a small town in Idaho. He was nine when he was first sent to the reform school at St. Anthony. When I met the blond youngster he was 12.

Bill, who is small for his age, has not seen his father, an ex-convict, for several years. His mother, brother, and sister are on welfare as is his grandmother. His family moves frequently, and there is town gossip about his mother—although she is also reported to have serious eye trouble and a heart condition.

When Bill was placed in a foster home in 1965 he "tore it apart."

One Idaho official told me Bill was "learning a good deal of deviant behavior" while in the reform school. And another expects the boy to remain in the institution "until he is old enough to go to the state pen."

In a two-week period before being returned to the reform school, he was accused of enough commotion in his home community to keep the town angry at him for years.

A judge reports that Bill was accused of: "breaking the limb of a neighbor's cherry tree; taking empty popbottles off of a truck; fighting; shoplifting; stealing toys; running through a vegetable garden, pulling up vegetables; entering a dairy and taking small change; stealing a purse from a woman at a laundry; spraying water around a gas station, followed by cussing; getting caught with his hands in a barbershop cash register; getting caught with his hands in a cash register in a laundry; vandalism at a neighbor's; climbing a peach tree, and sassing the woman who told him to stop picking green fruit; and hanging around the railroad station, climbing aboard trains [among other things]."

DELINQUENT, OR JUST NEGLECTED?

Are children like Bill really delinquent? Or are they actually more dependent or neglected?

Experts agree there is a very fine line—often blurred—between the neglected child and one accused of being delinquent. This is also true of those classified as mentally retarded or considered emotionally unstable.

Reform schools are usually poorly equipped to deal with most of those committed because of this. Most courts, police departments, jails, and institutions just muddle along.

In South Carolina I met Peanuts, a tiny Negro youth who tests out at an IQ of 36, and functions at the level of a three-year-old. He was in a reform school with serious delinquents—a brutal school that reminds one of Nazi concentration camps.

In the reform school in New Hampton, N.Y., I met Al, a 15-year-old Negro who was identified as "definitely retarded," and was treated accordingly.

Yet I found Al easy to talk to. And just as our interview ended a staff member entered and gave Al a small trophy. I asked him what it was for and he smiled and handed it to me.

Al was the chess champ of the reform school.

URBAN DECAY

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROGERS of Florida. Mr. Speaker, Americans are concerned about urban decay. We see it all around us, in large city and small. Often it results from a movement of residents and businesses to the suburbs. Shopping centers which are poorly planned or built in areas without sufficient local population to support them.

I was recently sent a copy of remarks made by Robert E. Hood, of Fort Lauderdale, Fla., before the Fort Lauderdale Sales and Marketing Executive Club with the suggestion that it might be of interest to other Members who are concerned about this problem. I therefore include Mr. Hood's remarks at this point in the RECORD:

> The Urban area land use must be guarded with great fervor. Shopping areas seem to deteriorate over night. Devaluation of property values of shopping areas, as well as, the effect to adjacent residential areas, is a fact that need not exist. The inevitable result is an ever increasing mortality rate among small businesses within these complexes. Shopping centers mushroom as populations spread or shift.
>
> Inferior planning in types of clients as well as design, color, lighting, and maintenance contribute heavily to the obvious failure soon after the novelty openings wear off. We may no longer encourage the use of land for new buildings that become eyesores soon after they are in operation.
>
> Financial institutions and marketing people are witness to this misuse of land, degradation of communities and individual failures. The developer, architect, mortgagor, the leasee and operator all share in building up or tearing down. The cause and effect are each aside. There is no way to have one side of anything. You cannot slice so thin that you get just the top. There will be the other side, to try and skim the top by cutting costs or hurrying to save time, by making do, without the inevitable effect cannot be done. The fruit of the decision is built in the seed. Entrepreneurs to leasees, every man shares, none are exempt from responsibility.
>
> Experiences viewed as a quarry guarantees us of untold reserves from which we can draw. Specialists in a dozen fields (financing, advertising, designers, marketing, packaging) have vast amounts of information that go unused only because they're not asked.
>
> The time of apprenticeship has come to a close. Great talent stands in the wings. If you but allow the curtain to be drawn, applause will surely follow. The script calls for a Wal-

XUM

ter Mitty, one that can harness the knowledge of an architect, the techniques of the building trades, the imagination of the interior designer and superimpose a citizen.

The public will accept for a while the ordinary, appreciation for the excellent will open the flood gates of a great golden river. Beauty is a media in itself.

Re-evaluation is a must in the Urban Shopping area of America. Each store must play its part, take its part, take its place, there are few exceptions. No one store can take a neutral position, each will be recorded in one column or the other.

"DUTCH" ZINDLER

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. PICKLE. Mr. Speaker, in the town of Schwertner, county of Williamson, State of Texas, there is a good man who obviously has the inside track on life. I refer to H. J. "Dutch" Zindler, blacksmith, welder, repairman and knifemaker without equal.

He is an honest man living an honest style. In his 78 years, "Dutch" has been many things to many people—and he has turned down many a moneymaking deal, just to be true to his own principles, his own philosophy.

Back in the early days, Henry Ford wanted "Dutch" to work in his plant, a move away from Texas. "Dutch" declined because he felt he had more than enough work to do and did not particularly treasure money as a symbol of wealth. He did, however, take time out to invent several parts and gadgets that went into the earliest of Ford's machines. Perhaps out of nostalgia, or perhaps out of utility, "Dutch" still drives a 1930 model A Ford. He used a model T engine as a powerplant to keep his compressed air tanks filled. Compressed air runs his grinder and buffer that "Dutch" uses to turn out handmade knives that are sought after from such faraway places as Santiago, Chile, from Maine, and even Louisiana.

During World War II, "Dutch" restructured the B-25 bomber to include two more rooms. As he puts it:

> I give instructions how to place two extery rooms in a B-25 boomer, in 1945. To win Worlds War No. 2.

Today, "Dutch" makes knives and dispenses philosophy as keen as his blades. Much of the money from his sales has gone to charitable organizations, such as Boy's Town in Nebraska.

Some of the reflections from "Dutch's" lifetime include—on thinking through problems:

> You've got to study and study until you lose your mind, then you can get the job done.

On people who think there is nothing more to learn:

> The more you know, the more you forget. The more you forget, the less you know. The less you know—the dumber you are.

I am completely taken with this truly fascinating personality. If ever you get down that way, be sure to stop in for a delightful visit. "Dutch" says:

> I'll stop my clock and chat with you a spell.

FACING UP TO SPACE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. TEAGUE of Texas. Mr. Speaker, a recent issue of Baptist Standard carried an article by Lory Hildreth entitled "Facing Up to Space." Mr. Hildreth's discussion of our national space effort is a philosophical and profound statement of our need to remain in the forefront in space exploration and its ultimate utilization. Because of the deep and continuing significance of Mr. Hildreth's statement I commend the reading of this brief article to my colleagues in Congress and to the general public:

FACING UP TO SPACE

(by Lory Hildreth)

A boy of six disillusioned with Santa Claus was heard to remark, "I am going to look into this Jesus Christ business."

Every once in a while there are momentous experiences and occasions which come to man that point up the importance of looking into this "Jesus Christ business." I feel that man's space exploration of going to the moon and coming back to the earth is an occasion where we need to be called back to examine the grounds of our faith.

Few of the church's intelligentsia have ventured very far into any serious study of the moral ramifications of space exploration.

Certain critics are asking whether humanity can justify enormous space expenditures running into billions of dollars while so many earth-bound dwellers suffer from the lack of basic necessities.

One of our leading religious journalists, the editor of *Decision Magazine,* Sherwood Wirt, is very blunt about it. He considers interplanetary travel a waste of time and an activity that is contrary to the will of God.

"It would be criminal to go on to another planet. People aren't made for that. God wants us to live on earth until He gives us another body," he says.

QUESTIONS ARE INEVITABLE

Certain questions are inevitable. If there is so much universe, and 250,000 miles in space is an infinitesimal scratch on the infinite, can this little, wee earth of ours be as supremely significant and unique as we have made it to be?

Is man on the earth the supreme creation or may there be more of us elsewhere? If there are beings elsewhere, has God revealed Himself or will God reveal Himself to them as He has to us?

Do we earth-dwellers alone need and deserve a Christ? How can we widen our spiritual ideas and add the dimension of spiritual depth to match our widening space concepts?

These questions are being raised today, but they are not recent in their origin. The question of the Psalmist in the Eighth Psalm deals with the same subject matter.

"When I look at all this expanse of heavens as you work, how can man be important?" he asked.

We can approach such questions without fear of discovering some truth that is going to destroy our faith. Truth in one field is not at variance with truth in another field. Wherever you will find truth, you will find God at the source of it.

Because of this space exploration and moon probe, we have a greater concept of God. A world of lengthening horizons demands a far greater concept of God than we have had heretofore.

Such accomplishments are forcing us to re-examine, to re-interpret, and re-apply our faith. Man's journey to the moon leads us to face up both to space and to face up to our own faith.

Facing up to space leads us to re-evaluate our concept of God. A minister recently said, "I have been preaching for twenty years assuming that God was merely the God of this earth of ours. Finally it dawned upon me that I was making God a mighty small God."

God is not only the God of this earth. He is the God of this universe. When we face up to space in our thought of God and surmise how far man may go beyond earth's orbit, we need not fear of ever finding a place where God is not.

Two hundred fifty thousand miles from earth, in a Christmas message relayed back to earth, we heard the astronauts reading from the Book of Genesis, "In the beginning God . . ."

An atheistic cosmonaut came back from space saying, "I found no God out there." From this comparison we conclude that the same conditions to see and know God on earth also apply in space.

This earth of ours is a tiny speck of dust in this universe. One of the astronauts looking at this earth one quarter of a million miles removed from it compared it in its size to the end of his thumb.

The sun has a mass 332,000 times that of this earth. The Milky Way is made up of a hundred billion stars, many of them bigger than the sun.

The end of the earth would not necessarily be the end of this world. The beginning of this earth was not the beginning of this world. As the bigness of this universe unfolds, it will but underscore more and more the greatness of the God who is.

As we face up to space, not only will our fears be alleviated concerning our ever finding a place where God is not, but also any fear we have concerning God being so great and so big that He will not care.

There is no place where God is not. There is no time when He does not care. The God who cared for us in our homes on earth Christmas day cared for the astronauts in their space capsule as they were heading for home.

It is so easy for us to get lost in these quantitative standards. It is so easy to get lost in the mass of anything.

But we are not lost in space. God's love leaps out like a leaping spark over thousands, thousands of miles!

Size, space, and time do not obscure, but disclose the grandeur of His action, the fulness of His purpose, and the constancy of His care. The immensities of the universe need not frighten us. This is our Father's world.

Mary, the mother of Jesus, aids us at this point. She had a two-fold conviction about God. God was a mystery. He was so hard to understand. His ways were past finding out. But she believed that behind the God of Mystery was the God of Goodness.

The universe does not tell us this. It may point to a design and may postulate a designer. Science makes us sure that if there be a God, he must be a great God. But the Cross and the empty tomb reveal how much He really cares.

We have seen the need of facing up to space in our concept of God. It is just as important that we face up to space in our concept of man. We live in an age where man is treated like a thing, where man is nothing but a mere tool, the means to somebody's special end.

In the days of World War I, Donald Hankey painted a picture of a young soldier lying wounded in "No Man's land" under the night sky with its twinkling stars. As he looks up, the mystery of the universe and the darkness oppress him. The heavens seem so cold and unbending. Yet, in a way, he is better than they: He can feel; he can suffer.

After the sinking of the Titanic, newspapers all across the land carried a number of cartoons. One day there appeared a pair of cartoons. The first pictured the Titanic as she had been crushed like an eggshell by the invulnerable iceberg. Beneath the cartoon was the inscription, "The strength of nature, the weakness of man."

The adjoining cartoon depicted one remaining lifeboat being launched on the bosom of the deep. Strong men were giving way to women and children and bravely facing the grim spectre of death. Under this cartoon was the inscription: "The weakness of nature, the strength of men."

THE HUMAN SPIRIT

No wonder one has said, "Man has an indomitable spirit which transcends the very nature that would destroy him."

Man as he is superior to the universe is capable of mastering the universe. I cannot agree with anyone who says that it is contrary to the will of God for men to probe into space. Is it contrary to God's will for man to deal with death-dealing disease? Is it contrary to God's will for man to venture out into the unknown anywhere?

Man in his exploration of space is following a divinely ordained dominion (Genesis 1:26). The heavens were not designed by God to be nocturnal decorations for earth-bound and earth-dwelling men.

Browning in keeping with the emphasis of man's mastery of the universe states, "A man's grasp should exceed his reach. Otherwise, what's a heaven for?"

God endowed man with creative capacities and through the centuries as man exerted the same, he has climbed trees and mountains to get a higher view; he has pushed back earth's horizons; he has invented airplanes and balloons; now he has gone to the moon!

Man is self-repairing, self-directing, self-knowing, and self-conscious. The computers cannot know what they are doing; cannot understand what they are doing; cannot enjoy what they are doing. A British electronics engineer calls his computer TOM, "Thoroughly Obedient Moron."

Man with his superiority must be warned at the point of pride and the abuse of this power. Through human presumption he may seek to usurp the prerogatives of God. Man will then become a victim of the forces which he was to control.

This peril underscores the importance of discovering where his true value is. We do not have to look at the universe to find that we count.

The God who has this world in His hand says we are more important than the solar system, more important than the expansive universe.

We do not have to look at a moon shot to discover that we count with God. A trip farther than man has ever gone before does not increase our value.

WE DISCOVER OUR VALUE

We go to a little hill, not very high, not very imposing—it looks like a human skull. It is called Golgotha. There Jesus suffered and died that we might have life. Here we discover our real value.

As we face up to space we discover that God is concerned with worlds beyond this earth. We see God's divine redemption and our witness to the same in an enlarged perspective.

Colossians 1:15 indicates the truth: "He is the image of the invisible God. His is the primacy over all created things. In Him everything in heaven and on earth were created, not only things visible, but the invisible orders, the whole universe has been created through Him and for Him." (New English Bible.)

Note also the emphasis of verse 20: "Through Him God chose to reconcile the whole universe to Himself . . . to reconcile all things, whether on earth or in heaven, through Him alone." (New English Bible.)

These verses remind us that the scope of God's redemption is just as wide as the created order. It is cosmic in its scope.

When Jesus died on the Cross, He died not only to redeem mankind, but died to redeem the entire universe from sin's curse. We look forward "to a new kind of heaven and a new kind of earth in which righteousness dwells."

The most important God for man to know is not to know the God whom the heavens cannot contain, but the God who wishes to dwell in the inner space of our hearts.

We are not a part of a little earth game that consumes our energy and our time here, but a part of something that is all-encompassing as this universe and includes the totality of the individual man, the totality of mankind, and that engaged the best that God had to give.

As we face up to space we serve a bigger God than we have ever dreamed; man has a potential beyond human comprehension; we have a redemptive task that embraces this whole universe.

A NEW PATRIOTISM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROSENTHAL. Mr. Speaker, the Washington Post is the latest major newspaper to respond editorially to the recent report on the Congressional Conference on the Military Budget and National Priorities.

One important issue discussed by the editorial is the nature of patriotism. For too long, the paper notes, Congress has accepted implicitly the judgment that anything requested by the military planners is already stamped with the seal of patriotism. To resist such requests or even to judge them critically with the review given routinely to domestic programs was to jeopardize the conventional view of one's patriotism.

Today, happily, that one-dimensional view of patriotism is changing. To love one's country is to want its domestic life to prosper, its social and economic pains to be eased, its racial harmonies to be enhanced, and its youth to be understood.

We love our country more, not less, by seeking a better understanding of its needs as a society. We express that understanding by retreating somewhat from the view that we can protect ourselves from external threat while postponing our inner growth as a humane and responsive community. When we do this, we seek to become that "more perfect union" which expresses the highest form of patriotism.

The Washington Post editorial, which contributes to that understanding, follows:

[From the Washington (D.C.) Post, June 4, 1969]

A WARFARE STATE?

Even though it comes at a time of increasing fashionableness, the proposal of 45 Congressmen to subject military spending to at least the same intensive scrutiny as, for example, foreign aid should be placed at the top of everyone's It's About Time list.

Questioning the military needs of the country, or more accurately, questioning what the military thinks are its needs, has never been popular with Congressmen. It is not that they are bullied by the generals and colonels—which, for the most part, they aren't—but rather that they often fear being called unpatriotic. In this context, congressional patriotism seems dependent on giving the military every penny of war money it asks for—as if denying the Pentagon is equal to "denying the boys in the trenches." As shallow as that standard is regarding the fervor of one's patriotism, it has kept quiet more than one Congressman.

In proposing a program to control military spending by applying far more rigorous review, the 45 legislators are only saying that Congress ought to do exactly what it is meant to do: review the military budget and seek to establish some more rational sense of priority between domestic and foreign needs. Eighty per cent of the present Federal outlay goes for defense and defense-related costs, with the amount rising annually. This enormous military budget is reviewed, as if it were throwing a few fiscal crumbs to, say, the Interoceanic Canal Study Commission. Except for a few Senators and Representatives who have already put themselves on the line against the folly of military over-spending few criticisms are made and virtually no questions are asked.

At the same time, there is almost no stopping the critics and questioners when poverty and urban programs come up for review. Apparently, Congressmen never fear being called unpatriotic for abandoning, for example, the boys in the Job Corps, or the boys in the trenches of the ghetto.

What the Capitol Hill 45 call for specifically is the creation of new committees and agencies to bring something like democratic control over our national defense policy. This is a sound idea, but it doesn't solve the question of how do you get men of balance and wisdom on those groups. The machinery to check the military has existed all along, but the seniority system and weak congressional spines have made it a party to the military, not a parry.

Whether through paranoid fear of communism, the zeal of bomb-happy generals or the stupidity of civilian leaders, the United States is rapidly acquiring at least some of the characteristics of a warfare state. The 45 Congressmen who chose to speak out in the manner, as well as others who protest in different ways, are trying to change this. They deserve support. If they get it the day should soon be over when the military and arms industry, backed by civilian leadership, can say jump and expect Congress to ask meekly, "How high?"

JUSTICE DOUGLAS—A CLEAR AND PRESENT DANGER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, last week's Supreme Court decision, O'Callahan against Parker, outlawing military authority over servicemen involved in crimes committed off duty, off the post, and service connected, establishes a staggering precedent against discipline and control of servicemen by the military authorities.

Once again the vindictive prejudices of Associate Justice William O. Douglas, author of the 5-to-3 decision, are bared. Douglas' extremist utterances and anti-military activities both off and on the Bench can but lead any reasonable man to the conclusion that he prejudiced the

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case. His demonstrated bias renders him incapable of a fair and impartial ruling involving the Armed Forces.

This represents a clear and present danger which should be considered at once by the appropriate committees of this House.

When the Supreme Court adjourns at the end of this week, there is no power but his own self-restraint which can prevent Justice Douglas from singlehandedly issuing wild restraining orders and stays, as he has done in the past, to interfere with military operations. We must remember that this is the same man who as head of the tax-free Parvin Foundation, employed Soviet economist N. N. Inozemtsev as his consultant. This is also the same man who granted a stay of execution, on the application of a known subversive, to the atom spy Rosenbergs. The Supreme Court had adjourned, the stay was granted to prevent their execution and to coincide with a Communist clemency demonstration in Washington.

Had the Chief Justice not called the Supreme Court into special session to overturn the stay, this abuse would have accomplished its purpose.

Such abuses cannot be tolerated when Americans are engaged in combat.

Mr. Douglas has again demonstrated his intemperance and lack of compassionate understanding of the operation of his Government. His senility and emotion have replaced reason, tradition, and law, to the continued disgrace of the Court and to the detriment of the American people.

Not even a second grade education is needed to conclude that Douglas must resign or be removed from any position of trust from which he can inflict further injury on the Court and the people.

Mr. Speaker, I include several news clippings and the Supreme Court ruling in the O'Callahan case at this point:

[From the Washington Daily News,
June 6, 1969]

Court Tosses Military Justice Into Turmoil

(By Mike Miller)

A Supreme Court decision denying military courts authority to try servicemen for civilian offenses committed off base may throw the services' judicial system into turmoil.

Army officials said some of the 4,000 military prisoners now serving sentences imposed by courts martial probably will have to be freed.

It is also anticipated that thousands of cases could be reopened by defendants or their families. "There will be a vast amount of litigation arising out of this," said Maj. Gen. Kenneth J. Hodson, Army judge advocate general.

The court ruled by five to three Monday that servicemen cannot be court-martialed for non-military crimes committed off military bases in peacetime in the United States.

In the past, common practice has been that military and civilian authorities reach agreement on which should take jurisdiction over such crimes committed in the civilian community.

REVIEW 4,000 CASES

As a result of the decision written by Justice William O. Douglas the services will administratively review the records of the 4,000 men now serving court-martial convictions, Gen. Hodson said. He estimated that perhaps half the convictions could have been based in whole or part on civilian offenses with "no military significance."

Whether the men would then face prosecution by civilian authorities depends on statutes of limitations in the various jurisdictions and whether the local authorities choose to prosecute.

The decision also opens the way for military prisoners to file habeus corpus petitions seeking release.

The military also anticipates that many past convictions might be appealed by the defendants in an attempt to clear their records.

The Supreme Court's ruling is presumed to be retroactive unless the court later should rule that it applies only to future cases, as was done in the Miranda decision concerning the admissibility into evidence of confessions, the general said.

[From the Washington (D.C.) Evening Star,
June 6, 1969]

Thousands of Cases Seen as Military Ruling Result

A vast amount of litigation, including as many as 2,000 releases from prison and possibly half a million corrections in records, will result from a Supreme Court decision that denies military courts jurisdiction over civilian crimes, the Pentagon says.

Maj. Gen. Kenneth J. Hodson, Army judge advocate general, told reporters yesterday that the Army alone since 1951 has conducted approximately 450,000 courts-martial that may be invalid under the high court's ruling.

Hodson estimated the Army, Navy and Air Force together have 4,000 men in prison, and that about half of these may have been sentenced for the kind of crimes over which the military services no longer have jurisdiction.

The Supreme Court ruled 5 to 3 Monday that military courts do not have the power to try servicemen in peacetime for off-duty off-post crimes that are not service-connected.

What is meant by "service-connected" is now the problem the military is grappling with.

Under the military code of justice, a man could be court-martialed for a civilian offense if it brought discredit to his uniform or to the service.

Hodson, said that whether a man wears his uniform when he performs an unlawful act off duty or off base could be a "relevant factor" in the question of jurisdiction. But he said he doubted the uniform alone could provide the basis for military handling of a case.

The court was silent on the issue of retroactivity, but Hodson said, "This opinion is retroactive for 180 years unless the court later on changes it."

Presumably the Supreme Court will clarify this point in subsequent cases.

Hodson said the services will examine the cases of men in prison, and will release those clearly sentenced by procedures now ruled unconstitutional. But there may be many appeals from the administrative judgment.

The correction in records will involve small amounts of back pay, veterans benefits, burial in military cemeteries, and possible claims for damages, he said.

Court-Martial Gets Awkward Jolt

(By Lyle Denniston)

Gen. George Washington's command, encamped at Newburgh, N.Y., in the late winter of 1783, had trouble with soldiers living rather freely off their civilian surroundings.

Men were tried by courts-martial for killing a cow, stealing poultry, or helping themselves to shirts and blankets at the town store. Their trials, recorded in Washington's order book, helped establish an Army tradition: acting as the stern parent watching over the behavior of its own.

This week, the tradition wavered and partially collapsed, under a constitutional assault by a majority of the Supreme Court. Military courts, the justices ruled in a 5–3 decision, may not try servicemen for off-duty crimes that are not "service-connected."

For the services, already under new challenges to their power over misbehavior in the ranks, it was an awkward time to have new and strict limits put on disciplinary authority.

At a time when the military justice system was facing its most severe testing, the Supreme Court had flatly denounced that system as one that is "singularly inept in dealing with the nice subtleties of constitutional law."

To commanders who had come to believe, sincerely, that their system was for the good of their men as well as the good of the military, the court majority had retorted that "the military trial is marked by the age-old manifest destiny of retributive justice."

The courts-martial system, of course, has not been overturned entirely. It still retains power to discipline soldiers, sailors and airmen for any crimes committed on the post or base, and apparently most—if not all—crimes committed on duty or against other servicemen.

But it will be a sizable loss for commanders to have to yield to the local civilian courts for handling of off-duty, off-post crimes. The convenience of local law enforcement officers, the schedules of lawyers, the calendars of courts will have some control over the time and availability of accused servicemen.

Perhaps more importantly, the errant soldiers and sailors may often have to appear before juries of townspeople, and that may raise problems for community-military relations.

Military commanders have always reserved for themselves the right to refuse to let their men come before civilian tribunals, and part of the reason was a suspicion that the local people might be biased against the visiting servicemen.

Government lawyers frankly confessed, in hearings before the high court in January, that the military was worried about the potential of civilian "bias."

In a majority of cases—perhaps 80 percent of the time—servicemen in trouble for off-post misdeeds have been turned over to the local authorities. But that has usually depended upon direct requests from the civilian officials.

A military post or base is, of course, a self-contained community that remains rather inbred no matter how good its relations with the surrounding civilian community. With its own recreation facilities, stores, medical clinics or hospitals, and sometimes its own schools, a military installation is seldom dependent in any significant way upon its surroundings.

That condition, of course, had helped maintain the tradition that the military looked after its own. For a long time, the services had even insisted that they had control, overseas, of the criminal conduct of their men's dependents and of civilian employes. But the high court voided that claim in a series of rulings about a decade ago.

Until just recently, the courts had remained willing to let the services manage the discipline—on or off duty—of officers and enlisted men. The theory, basically, was that the courts-martial system was more a form of internal personnel management than it was a criminal law process.

But as federal courts, led by the Supreme Court, probed more deeply into the procedures of civilian criminal trials, attorneys for servicemen in trouble began bringing test cases on the fairness of military trials. Coincidentally, the chance to raise questions about military justice in civilian courts grew.

It was thus no coincidence that the key constitutional test case on military court

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power over nonmilitary crimes had arisen just now, more than 180 years after the Constitution was put into effect.

When that ruling finally did come, it was in the strongly antimilitary language of the services' hardest critic at the court—Justice William O. Douglas. If the usual customs were followed, Douglas was picked to write the opinion by Chief Justice Earl Warren.

The result, of course, is that the military got not only a lecture on its power over nonmilitary crimes, but also a thorough scolding for the supposed inadequacies of the entire system of military justice.

Doubtlessly, the high court has thus encouraged more challenges to its disciplinary arrangements. Civilian lawyers confronted with the never-easy task of representing servicemen in military courts had been taking on that task with almost no encouragement at all. They are not likely to give up now.

[No. 646.—October Term, 1968, Supreme Court of the United States]

James F. O'Callahan, Petitioner, *v.*
J. J. Parker, Warden

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[June 2, 1969.]

Mr. Justice Douglas delivered the opinion of the Court.

Petitioner, then a sergeant in the United States Army, was stationed in July 1956, at Fort Shafter, Oahu, in the Territory of Hawaii. On the night of July 20, while on leave with an evening pass, petitioner and a friend left the post dressed in civilian clothes and went into Honolulu. After a few beers in the bar of a hotel, petitioner entered the residential part of the hotel where he broke into the room of a young girl, assaulted and attempted to rape her. While fleeing from her room onto Waikiki Beach, he was apprehended by a hotel security officer who delivered him to the Honolulu city police for questioning. After determining that he was a member of the Armed Forces, the city police delivered petitioner to the military police. After extensive interrogation, petitioner confessed and was placed in military confinement.

Petitioner was charged with attempted rape, housebreaking, and assault with attempt to rape, in violation of Articles 80, 130, and 134 of the Uniform Code of Military Justice.[1] He was tried by court-martial, convicted on all counts, and given a sentence of 10 years' imprisonment at hard labor, forfeiture of all pay and allowances, and dishonorable discharge. His conviction was affirmed by the Army Board of Review and, subsequently, by the United States Court of Military Appeals.

Under confinement at the United States Penitentiary at Lewisburg, Pennsylvania, petitioner filed a petition for writ of habeas corpus in the United States District Court for the Middle District of Pennsylvania, alleging, *inter alia,* that the court-martial was without jurisdiction to try him for nonmilitary offenses committed off-post while on leave. The District Court denied relief without considering the issue on the merits, and the Court of Appeals for the Third Circuit affirmed. This Court granted certiorari limited to the question:

"Does a court-martial, held under the Articles of War, Tit. 10 U.S.C. § 801 *et seq.,* have jurisdiction to try a member of the Armed Forces who is charged with commission of a crime cognizable in a civilian court and having no military significance, alleged to have been committed off-post and while on leave, thus depriving him of his constitutional rights to indictment by a grand jury and trial by a petit jury in a civilian court?" 393 U.S., at 822.

The Constitution gives Congress power to "make Rules for the Government and Regulation of the land and naval Forces," Art. I, § 8, cl. 14, and it recognizes that the exigencies of military discipline require the existence of a special system of military courts in which not all of the specific procedural protections deemed essential in Article III trials need apply. The Fifth Amendment specifically exempts "cases arising *in the land and naval forces* or in the militia, when in actual service in time of war or public danger" from the requirement of prosecution by indictment and, inferentially, from the right to trial by jury. See *Ex parte Quirin,* 317 U.S. 1, 40 (1943). The result has been the establishment and development of a system of military justice with fundamental differences from the practices in the civilian courts.

If the case does not arise *"in the land or naval forces,"* then the accused gets *first* the benefit of an indictment by a grand jury and *second,* a trial by jury before a civilian court as guaranteed by the Sixth Amendment and by Art. III, § 2, of the Constitution which provides:

"The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

Those civil rights are the constitutional stakes in the present litigation. What we wrote in *Toth* v. *Quarles,* 350 U.S. 11, 17–18, is worth emphasis:

"We find nothing in the history or constitutional treatment of military tribunals which entitles them to rank along with Article III courts as adjudicators of the guilt or innocence of people charged with offenses for which they can be deprived of their life, liberty or property. Unlike courts, it is the primary business of armies and navies to fight or be ready to fight wars should the occasion arise. But trial of soldiers to maintain discipline is merely incidental to an army's primary fighting function. To the extent that those responsible for performance of this primary function are diverted from it by the necessity of trying cases, the basic fighting purpose of armies is not served. And conceding to military personnel that high degree of honesty and sense of justice which nearly all of them undoubtedly have, it still remains true that military tribunals have not been and probably never can be constituted in such way that they can have the same kind of qualifications that the Constitution has deemed essential to fair trials of civilians in federal courts. For instance, the Constitution does not provide life tenure for those performing judicial functions in military trials. They are appointed by military commanders and may be removed at will. Nor does the Constitution protect their salaries as it does judicial salaries. Strides have been made toward making courts-martial less subject to the will of the executive department which appoints, supervises and ultimately controls them. But from the very nature of things, courts have more independence in passing on the life and liberty of people than do military tribunals.

"Moreover, there is a great difference between trial by jury and trial by selected members of the military forces. It is true that military personnel because of their training and experience may be especially competent to try soldiers for infractions of military rules. Such training is no doubt particularly important where an offense charged against a soldier is purely military, such as disobedience of an order, leaving post, etc. But whether right or wrong, the premise underlying the constitutional method for determining guilt or innocence in federal courts is that laymen are better than specialists to perform this task. This idea is inherent in the institution of trial by jury."

A court-martial is tried, not by a jury of the defendant's peers which must decide unanimously, but by a panel of officers[2] empowered to act by a two-thirds vote. The presiding officer at a court-martial is not a judge whose objectivity and independence are protected by tenure and undiminishable salary and nurtured by the judicial tradition, but by a military law officer.[3] Substantially different rules of evidence and procedure apply in military trials.[4] Apart from those differences, the suggestion of the possibility of influence on the actions of the court-martial by the officer who convenes it, selects its members and the counsel on both sides, and who usually has direct command authority over its members is a pervasive one in military law, despite strenuous efforts to eliminate the danger.[5]

A court-martial is not yet an independent instrument of justice but remains to a significant degree a specialized part of the overall mechanism by which military discipline is preserved.[6]

That a system of specialized military courts, proceeding by practices different from those obtaining in the regular courts and in general less favorable to defendants is necessary to an effective national defense establishment, few would deny. But the justification for such a system rests on the special needs of the military, and history teaches that expansion of military discipline beyond its proper domain carries with it a threat to liberty. This Court, mindful of the genuine need for special military courts, has recognized their propriety in their appropriate sphere, *e.g., Burns* v. *Wilson,* 346 U.S. 137 (1953), but is examining the reach of their jurisdiction, it has recognized that

"There are dangers lurking in military trial which were sought to be avoided by the Bill of Rights and Article III of our Constitution. Free countries of the world have tried to respect military tribunals to the narrowest jurisdiction deemed absolutely essential to maintaining disicipline among troops in active service. . . . Determining the scope of the constitutional power of Congress to authorize trial by court-martial presents another instance calling for limitation to the 'least possible power adequate to the end proposed.'" *Toth* v. *Quarles,* 350 U.S. 11, 22-23 (1955).

While the Court of Military Appeals takes cognizance of some constitutional rights of the accused who are court-martialed, courts-martial as an institution are singularly inept in dealing with the nice subtleties of constitutional law. Article 134, already quoted, punishes as a crime "all disorders and neglects to the prejudice of good order and discipline in the armed forces." Does this satisfy the standards of vagueness as developed by the civil courts? Is it not enough to say that a court-martial may be reversed on appeal. One of the benefits of a civilian trial is that the trap of Article 134 may be avoided by a declaratory judgment proceeding or otherwise. See *Dombrowski* v. *Pfister,* 380 U.S. 479. A civilian trial, in other words, is held in an atmosphere conducive to the protection of individual rights, while the military trial is marked by the age-old manifest destiny of retributive justice.[7]

As recently stated. "None of the travesties of justice perpetuated under the UCMJ is really very surprising, for military law has always been and continues to be primarily an instrument of discipline, not justice." Glasser, Justice and Captain Levy, 12 Columbia Forum 46, 49 (1969).

The mere fact that petitioner was at the time of his offense and of his court-martial on active duty in the Armed Forces does not automatically dispose of this case under our prior decisions.

We have held in a series of decisions that court-martial jurisdiction cannot be extended to reach any person not a member of the Armed Forces at the times of both the

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Footnotes at end of article.

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offense and the trial. Thus discharged soldiers cannot be court-martialed for offenses committed while in service. *Toth* v. *Quarles*, 350 U.S. 11 (1955). Similarly, neither civilian employees of the Armed Forces overseas, *McElroy* v. *Guagliardo*, 361 U.S. 281 (1960); *Grisham* v. *Hagan*, 361 U.S. 278 (1960); nor civilian dependents of military personnel accompanying them overseas, *Kinsella* v. *Singleton*, 361 U.S. 234 (1960); *Reid* v. *Covert*, 354 U.S. 1 (1957), may be tried by court-martial.

These cases decide that courts-martial have no jurisdiction to try those who are not members of the Armed Forces, no matter how intimate the connection between their offense and the concerns of military discipline. From these cases, the Government invites us to draw the conclusion that once it is established that the accused is a member of the Armed Forces, lack of relationship between the offense and identifiable military interests is irrelevant to the jurisdiction of a court-martial.

The fact that courts-martial have no jurisdiction over nonsoldiers, whatever their offense, does not necessarily imply that they have unlimited jurisdiction over soldiers, regardless of the nature of the offenses charged. Nor do the cases of this Court suggest any such interpretation. The Government emphasizes that thse decisions—especially *Kinsella* v. *Singleton*—establish that liability to trial by court-martial is a question of "status"—"whether the accused in the court-martial proceeding is a person who can be regarded as falling within the term 'land and naval forces.'" 361 U.S., at 241. But that is merely the beginning of the inquiry, not its end. "Status" is necessary for jurisdiction; but it does not follow that ascertainment of "status" completes the inquiry, regardless of the nature, time, and place of the offense.

Both in England prior to the American Revolution and in our own national history military trial of soldiers committing civilian offenses has been viewed with suspicion.[8] Abuses of the court-martial power were an important grievance of the parliamentary forces in the English constitutional crises of the 17th century. The resolution of that conflict came with the acceptance by William and Mary of the Bill of Rights in 1689 which established that in the future, Parliament, not the Crown, would have the power to define the jurisdiction of courts-martial. 1 W. & M. c. 2. The 17th century conflict over the proper role of courts-martial in the enforcement of the domestic criminal law was not, however, merely a dispute over what organ of government had jurisdiction. It also involved substantive disapproval of the general use of military courts for trial of ordinary crimes.[9]

Parliament, possessed at last of final power in the manner was quick to authorize, subject to annual renewal maintenance of a standing army and to give authority for trial by court-martial of certain crimes closely related to military discipline. But Parliament's new power over courts-martial was exercised only very sparingly to ordain military jurisdiction over acts which were also offenses at common law. The first of the annual mutiny acts. I. W. & M. c. 5, set the tone. It established the general rule that

"... no man may be forejudged of life or limb, or subjected to any kind of punishment by martial law, or in any other manner than by the judgment of his peers and accordingly to the known and established laws of this realm."

And it proceeded to grant courts-martial jurisdiction only over mutiny, sedition, and desertion. In all other respects, military personnel were to be subject to the "ordinary process of law."

The jurisdiction of British courts-martial over military offenses which were also common-law felonies was from time to time extended,[10] but, with the exception of one year,[11] there was never any general military jurisdiction to try soldiers for ordinary crimes committed in the British Isles. It was, therefore, the rule in Britain at the time of the American Revolution that a soldier could not be tried by court-martial for a civilian offense committed in Britain; instead military officers were required to use their energies and office to insure that the accused soldiers would be tried before a civil court.[12] Evasion and erosion of the principle that crimes committed by soldiers should be tried according to regular judicial procedure in civil, not military courts, if any were available, were among the grievances of protested by the American Colonists.[13]

Early American practice followed the British model.[14] The Continental Congress, in enacting articles of war in 1776, emphasized the importance of military authority cooperating to insure that soldiers who committed crimes were brought to justice. But it is clear from the context of the provision it enacted that it expected the trials would be in civil courts.[15] The "general article," which punished "all crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war," was interpreted to embrace only crimes the commission of which had some direct impact on military discipline. Winthrop, *1123. While practice was not altogether consistent, during the 19th century court-martial convictions for ordinary civil crimes were from time to time set aside by the reviewing authority on the ground that the charges recited only a violation of the general criminal law and failed to state a military offense. *Id.*, *1124, n. 82, 88.[16]

During the Civil War, Congress provided for military trial of certain civil offenses [17] without regard to their effect on order and discipline, but the act applied only "in time of war, insurrection, or rebellion." Act of Mar. 3, 1863, c. 75, § 30; Rev. Stat. § 1342, Art. 58 (1873–1874). In 1916, on the eve of World War I, the Articles of War were revised, 39 Stat. 650, to provide for military trial, even in peacetime, of certain specific civilian crimes committed by persons "subject to military law" and the general article was modified to provide for military trial of "all crimes and offenses not capital." In 1950, the Uniform Code of Military Justice extended military jurisdiction to capital crimes as well.

We have concluded that the crime to be under military jurisdiction must be service-connected, lest "cases arising in the land and naval forces or in the militia, when in actual service in time of war or public danger," [18] as used in the Fifth Amendment, be expanded to deprive every member of the armed services of the benefits of an indictment by a grand jury and a trial by a jury of his peers. The power of Congress to make "rules for the government and regulations of the land and naval forces," Art. I, § 8, cl. 14, need not be sparingly read in order to preserve those two important constitutional guarantees. For it is assumed that an express grant of general power to Congress is to be exercised in harmony with express guarantees of the Bill of Rights. We were advised on oral argument that Art. 134 is construed by the military to give it power to try a member of the armed services for income tax evasion. This article has been called "a catch-all" that "incorporates almost every Federal penal statute into the Uniform Code." Everett, Military Justice in the Armed Forces of the United States, pp. 68–69 (1956). The catalogue of cases put within reach of the military is indeed long; and we see no way of saving to servicemen and women in any case the benefits of indictment and of trial by jury, if we conclude that this petitioner was properly tried by court-martial.

In the present case petitioner was on leave when he committed the crimes with which he is charged. There was no connection—not even the remotest one—between his military duties and the crimes in question. The crimes were not committed on a military post or enclave; nor was the person whom he attacked performing any duties relating to the military. Moreover, Hawaii, the situs of the crime, is not an armed camp under military control, as are some of our far-flung outposts.

Finally, we deal with peacetime offenses, not with authority stemming from the war power. Civil courts were open. The offenses were committed within our territorial limits, not in the occupied zone of a foreign country. The offenses did not involve any question of the flouting of military authority, the security of a military post, or the integrity of military property.[19]

We have accordingly decided that since petitioner's crimes were not service connected, he could not be tried by court-martial but rather was entitled to trial by the civilian courts.

Reversed.

FOOTNOTES

[1] Article 80 of the Articles of War (10 U.S.C. § 880) provides:

"(a) An act, done with specific intent to commit an offense under this chapter, amounting to more than mere preparation and tending, even though failing to effect its commission, is an attempt to commit that offense.

"(b) Any person subject to this chapter who attempts to commit any offense punishable by this chapter shall be punished as a court-martial may direct, unless otherwise specifically prescribed."

Article 130 (10 U.S.C. § 930) provides:

"Any person subject to this chapter who unlawfully enters the building or structure of another with intent to commit a criminal offense therein is guilty of house-breaking and shall be punished as a court-martial may direct."

Article 134 (10 U.S.C. § 934) provides:

"Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offense not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, specific, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court."

[2] Under Art. 25(c) of the Uniform Code of Military Justice, 10 U.S.C. § 825(c), at least one-third of the members of the court-martial trying an enlisted man are required to be enlisted men if the accused requests that enlisted personnel be included in the court-martial. In practice usually only senior enlisted personnel, *i.e.*, noncommissioned officers, are selected. See *United States* v. *Crawford*, 15 U.S.C.M.A. 31 (1964), motion for leave to file petition for certiorari denied, 380 U.S. 970. See generally, Schlesser, Trial by Peers: Enlisted Members on Courts-Martial, 15 Cath. U. L. Rev. 171 (1966).

[3] At the time petitioner was tried, a general court-martial was presided over by a "law officer," who was required to be a member of the bar and certified by the Judge Advocate General for duty as a law officer. U.C.M.J. Art. 26(a). The "law officer" could be a direct subordinate of convening authority. Manual for Courts-Martial, 1951, ¶ 4(g)(1). The Military Justice Act of 1968, Pub. L. 90–632, 82 Stat. 1336, establishes a system of "military judges" intended to insure that where possible the presiding officer of a court-martial will be a professional military judge, not directly subordinate to the convening authority.

[4] For example, in a court-martial, the access of the defense to compulsory process for obtaining evidence and witness is, to a signif-

icant extent, dependent on the approval of the prosecution. *United States* v. *Harvey*, 8 U.S.C.M.A. 538 (1957) approving, Manual for Courts-Martial, 1951, ¶ 115a. See Melnick, The Defendant's Right to Obtain Evidence: An Examination of the Military Viewpoint, 29 Mil. L. Rev. 1 (1965).

[5] See *e.g.*, the cases listed in Hearings on Constitutional Rights of Military Personnel before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary, 87th Cong., 2d Sess. 780–781 (1962), in each of which the Court of Military Appeals reversed court-martial convictions on grounds of excessive command influence.

[6] See *Reid* v. *Covert*, 354 U.S. 1, 36 (1957).

[7] For sobering accounts of the impact of so-called military justice on civil rights of members of the Armed Services see Hearings, Subcommittee on Constitutional Rights, S. Judiciary Committee pursuant to S. Res. No. 260, 87th Cong., 2d Sess., Feb. 20 and 21, March 1, 2, 6, 9, and 12, 1962; Joint Hearings, Subcommittee on Constitutional Rights, S. Judiciary Committee and S. Armed Services Committee, 89th Cong., 2d Sess., on S. 745 et al., Pt. 1, Jan. 18, 19, 25, and 26, March 1, 2, and 3, 1966, and Pt. 2. For a newly enacted Military Justice Act see Pub. L. 90–632, 82 Stat. 1336. And see Constitutional Rights of Military Personnel, Summary—Report of Hearings, S. Res. No. 58, 88th Cong. 1st Sess., 1963.

[8] The record of historical concern over the scope of court-martial jurisdiction is extensively reviewed in Mr. Justice Black's opinion for a plurality of the Court in *Reid* v. *Covert*, 354 U.S. 1, 23–30 (1957). See also, Duke & Vogel, The Constitution and the Standing Army: Another Problem of Court-Martial Jurisdiction, 13 Vand. L. Rev. 435, 441–449 (1960); F. B. Wiener, Civilians Under Military Justice (1967) (hereinafter cited as Wiener).

[9] See *Reid* v. *Covert*, 354 U.S. 1, 23–26.

[10] See Wiener, c. 1.

[11] The Mutiny Act of 1720, 7 Geo. I c. 6, provided that a soldier could be court-martialed for "any Capital Crime or . . . any Violence or Offense against the Person, Estate or Property of any of the Subjects of this Kingdom, which is punishable by the known Laws of the Land" unless the civil authorities within eight days of the offense demanded that the accused soldier be turned over to them for trial. In November 1720, the law officers of the Army relied on this new provision of the Mutiny Act to give an opinion that it was proper to try a soldier in Scotland—where ordinary civil courts were functioning—by court-martial for an offense which would have been murder if prosecuted in the civil courts. See Wiener, 245–246. The very next year—perhaps in response to that ruling, Wiener, at 14—the provision was eliminated and did not reappear. The 1721 Act and its successors provided for military trial of common law crimes only where ordinary civil courts were unavailable. See Prichard, The Army Act and Murder Abroad (1954), Camb. L. J. 232; Wiener, 14, 24–28.

[12] Failure to produce a soldier for civil trial was a military offense by the officer concerned. *E.g.*, British Articles of War of 1765, § 11, Art. 1, reprinted in Winthrop, Military Law and Precedents 1448, 1456 (1895, reprinted 1920). Hereinafter cited as Winthrop.

[13] See *Reid* v. *Covert*, 354 U.S. 1, 27–28 and n. 49.

[14] In its brief the Government lists a large number of courts-martial in the very early days of the Nation which it claims indicate that military trial for civil offenses was common in that period. The facts of the cases, as reflected in the brief summaries which are available to us, suggest no such conclusion. In almost every case summarized, it appears that some special military interest existed. Many are peculiarly military crimes—desertions, assaults on and thefts from other soldiers, stealing government property. While those acts might also be felonies, by the time of the Revolutionary War offenses such as this long had been defined as distinctively military crimes in the Mutiny Acts. Many of the remainder are identifiably prosecutions for abusing military position by plundering the civil population or abusing its women while on duty. Many of the other cases in which the offense is stealing or assault on an individual were perhaps of this sort also, especially where the victim is referred to as "inhabitant." Most of the rest simply recite the offender and the offense and give no basis for judging the relationship of the offense to military discipline. Those few which do appear to involve civilian crimes in clearly civilian settings appear also to have been committed by officers. In the 18th century at least the "honor" of an officer was thought to give a specific military connection to a crime otherwise without military significance. Moreover, all those courts-martial held between 1773 and 1783 were for the trial of acts committed in wartime and, given the pattern of fighting in those days, in the immediate theater of operations.

[15] 1776 Articles of War, § 10, Art. 1, reprinted in Winthrop, at *1494.

[16] Compare *Ex parte Mason*, 105 U.S. 696, 698 (1882), in which the Court, sustaining a court-martial conviction, under the general article, of a military guard who killed a prisoner, said, "shooting with intent to kill is a civil crime, but shooting by a soldier of the army standing guard over a prison with intent to kill a prisoner confined therein is not only a crime against society, but an atrocious breach of military discipline."

[17] Larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with intent to kill, wounding by shooting or stabbing with an intent to commit murder, rape, or assault and battery with an intent to commit rape. Rev. Stat. § 1342, Art. 58 (1873–1874).

[18] It has been suggested, at various times, that the phrase "when in actual service in time of war or public danger" should be read to require a grand jury indictment is required in *all* cases "arising in the land or naval forces or in the Militia," except when the defendant is "in service in time of War or public danger." It was decided at a very early date, however, that the above clause modifies only "Militia." Thus, the generally accepted rule is that indictment by grand jury is *never* necessary "in cases arising in the land or naval forces" but is necessary for members of the militia, except when they have been "called into the actual Service of the United States [Art. II, § 2, U.S. Const.] to execute the Laws of the Union, suppress Insurrections and repel Invasions." Art. I, § 8, U.S. Const.

"The limitation as to 'actual service in time of war or public danger' relates only to the militia." *Ex parte Mason*, 105 U.S. 696, 701. See also *Smith* v. *Whitney*, 116 U.S. 167, 186; *Kurtz* v. *Moffett*, 115 U.S. 487, 500; *Dynes* v. *Hoover*, 20 How. 65.

Johnson v. *Sayre*, 158 U.S. 109, was a case in which a Navy paymaster sought habeas corpus from his court-martial conviction for embezzlement in time of peace by arguing that he was entitled to indictment by grand jury:

"The decision below is based upon the construction that the words 'when in actual service in time of war or public danger' refer, not merely to the last antecedent, 'or in the militia,' but also to the previous clause, 'in the land or naval forces.' That construction is grammatically possible. But it is opposed to the evident meaning of the provision, taken by itself, and still more so, when it is considered together with the other provisions of the Constitution." *Id.*, at 114. And see *Thompson* v. *Willingham*, 217 F. Supp. 901 (D. C. M. D. Pa. 1962), aff'd, 318 F. 2d 657 (C. A. 3d Cir. 1963).

[19] Winthrop in commenting on the phase "to the prejudice of good order and military discipline" in a predecessor article to Article 34 said: ". . . A crime, therefore, to be cognisable by a court-martial under this Article, must have been committed under such circumstances as to have directly offended against the government and discipline of the military state. Thus such crimes as theft from or robbery of an officer, soldier, post trader, or camp-follower; forgery of the name of an officer, and manslaughter, assault with intent to kill, mayhem, or battery, committed upon a military person; inasmuch as they directly affect military relations and prejudice military discipline, may properly be—as they frequently have been—the subject of charges under the present Article. On the other hand, where such crimes are committed upon or against *civilians*, and not at or near a military camp or post, or in breach or violation of a military duty or order, they are not in general to be regarded as within the description of the Article, but are to be treated as civil rather than military offenses." Pp. *1124–*1125.

[No. 646.—October Term, 1968, Supreme Court of the United States]

James F. O'Callahan, Petitioner, v. J. J. Parker, Warden

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[June 2, 1969.]

Mr. Justice Harlan, whom Mr. Justice Stewart and Mr. Justice White join, dissenting.

I consider that the terms of the Constitution and the precedents in this Court point clearly to sustaining court-martial jurisdiction in this instance. The Court's largely one-sided discussion of the competing individual and governmental interests at stake, and its reliance upon what are at best wholly inconclusive historical data, fall far short of supporting the contrary conclusion which the majority has reached. In sum, I think that the Court has grasped for itself the making of a determination which the Constitution has placed in the hands of the Congress, and that in so doing the Court has thrown the law in this realm into a demoralizing state of uncertainty. I must dissent.

I

My starting point is the language of Art. I, § 8, cl. 14 of the Constitution, which empowers the Congress "to make rules for the Government and Regulation of the land and naval Forces," and the Fifth Amendment's correlative exception for "cases arising in the land or naval forces."

Writing for a plurality of the Court in *Reid* v. *Covert*, 354 U.S. 1 (1957), Mr. Justice Black explained that if the "language of Clause 14 is given its natural meaning . . . the term 'land and naval Forces' refers to persons who are members of the armed services . . . ," *id.*, at 19–20, and that accordingly the Fifth Amendment's exception encompasses persons "in the armed services." *Id.*, at 22–23. In *Kinsella* v. *Singleton*, 361 U.S. 234 (1960), again looking to the constitutional language, the Court noted that "military jurisdiction has always been based on the 'status' of the accused, rather than on the nature of the offense," *id.*, at 243; that is, whether the accused "is a person who can be regarded as falling within the term 'land and naval Forces.' " *Id.*, at 240–241.

In these cases and many others, *Ex parte Milligan*, 4 Wall. 2, 123 (1866); *Coleman* v. *Tennessee*, 97 U.S. 509 (1879); *Smith* v. *Whitney*, 116 U.S. 167, 184–185 (1886); *Johnson* v. *Sayre*, 158 U.S. 109, 114 (1895); *Grafton* v. *United States*, 206 U.S. 333, 348 (1907), this Court has consistently asserted that military "status" is a necessary *and sufficient* condition for the exercise of court-martial jurisdiction. The Court has never previously

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questioned what the language of Clause 14 would seem to make plain—that, given the requisite military status, it is for Congress and not the Judiciary to determine the appropriate subject-matter jurisdiction of courts-martial. See *Coleman* v. *Tennessee*, *supra*, at 514.

II

English constitutional history provides scant support for the Court's novel interpretation of Clause 14, and the pertinent American history proves, if anything, quite the contrary.

The English history on which the majority relies reveals a long-standing and multifaceted struggle for power between the military and the Crown on the one hand, and Parliament on the other, which focussed, *inter alia*, on the King's asserted independent prerogative to try soldiers by court-martial in time of peace. See generally, J. R. Turner, English Constitutional Conflicts of the Seventeenth Century (1961). The martial law of the time was, moreover, arbitrary, and alien to established legal principles. See I Blackstone's Commentaries; 413; Hale, history and Analysis of the Common Law in England 42 (6th ed. 1820). Thus, when, with the Glorious Revolution of 1688, Parliament gained exclusive authority to create peacetime court-martial jurisdiction, it exercised that authority sparingly: the early Mutiny Acts permitted trial by court-martial only for the crimes of mutiny, sedition, and desertion. *E.g.*, Mutiny Act of 1688, 1 W. & M., c. 4.

Parliament subsequently expanded the military's peace-time jurisdiction both abroad and at home. See Mutiny Act of 1712, 12 Anne, c. 13; Mutiny Act of 1803, 32 Geo. 3, c. 20. And significantly, § 46 of the Mutiny Act of 1720, 7 Geo. 1, c. 6, authorized trial by court-martial for offenses of a nonmilitary nature, if the injured civilian made no request that the accused be tried in the civil courts. See F. Wiener, Civilians Under Military Justice 13–14, 245–246 (1967).[1]

The burden of English history was not lost on the Framers of our Constitution, who doubtless feared the Executive's assertion of an independent military authority unchecked by the people acting through the Legislature. Article 9, § 4, of the Articles of Confederation—from which Art. I, § 8, cl. 14, of the Constitution was taken[2]—was responsive to this apprehension:

> "The United States in Congress assembled shall . . . have the *sole and exclusive* right and power of . . . making rules for the government and regulation of the land and naval forces, and directing their operations." (Emphasis added.)

But nothing in the debates over our Constitution indicates that the *Congress* was forever to be limited to the precise scope of court-martial jurisdiction existing in 17th century England. To the contrary, Alexander Hamilton stated that Congress' power to prescribe rules for the government of the armed forces "ought to exist without limitation, because it is impossible to foresee or define the extent and variety of national exigencies, or the corresponding extent and variety of the means which may be necessary to satisfy them." The Federalist, No. 23. (Emphasis omitted.)

American exercise of court-martial jurisdiction prior to, and contemporaneous with, adoption of the Constitution lends no support to the Court's position. Military records between the end of the War of Independence and the beginning of the War of 1812 show frequent instances of trials by court-martial, east of the frontier, for offenses against civilians and the civil laws, such as theft, assault, and killing livestock.[3] Military authority to try soldiers for such offenses derived initially from the "general article" of war, first enacted by the Continental Congress in 1775,[4] and incorporated today in Art. 134, 10 U.S.C. § 934. Winthrop's Military Law and Precedents (2d ed. 1896), the leading 19th century treatise on military law, recognized that the general article encompassed crimes "committed upon or against civilians . . . at or *near* a military camp or post," *id.*, at 724 (1920 reprint) (emphasis added) and noted that even this limiting principle was not strictly observed. *Id.*, at 725, 730–732. And in *Grafton* v. *United States*, 206 U.S. 333, 348 (1907), the Court held, with respect to the general article, that:

> "The crimes referred to in that article manifestly embrace those not capital, committed by officers or soldiers in violation of public law as enforced by the civil power. No crimes committed by officers or soldiers of the Army are excepted by the . . . article from the jurisdiction thus conferred upon courts-martial except those that are capital in nature. . . . [T]he jurisdiction of general courts-martial [is] . . . concurrent with that of the civil courts."[5]

Even if the practice of early American courts-martial had been otherwise, this would hardly lead to the conclusion that Congress lacked power to authorize military trials under the present circumstances. It cannot be seriously argued as a general matter that the constitutional limits of congressional power are coterminous with the extent of its exercise in the late 18th and early 19th centuries.[6] And however restrictively the power to define court-martial jurisdiction may be construed, it would be patently wrong so to limit that power. The disciplinary requirements of today's armed force of over 3,000,000 men[7] are manifestly different from those of the 718-man army[8] in existence in 1789. Cf. The Federalist, No. 23, quoted, *supra*, at 4. By the same token, given an otherwise valid exercise of the Article I power, I can perceive no basis for judicial curtailment of court-martial jurisdiction as Congress has enacted it.

III

In the light of the language and history of Art. 1, § 8, cl. 14 of the Constitution, and this Court's hitherto consistent interpretation of this provision, I do not believe that the resolution of the controversy before us calls for any balancing of interests. But if one does engage in a balancing process, one cannot fairly hope to come up with a meaningful answer unless the interests on both sides are fully explored. The Court does not do this. Rather, it chooses to ignore strong and legitimate governmental interests which support the exercise of court-martial jurisdiction even over "nonmilitary" crimes.

The United States has a vital interest in creating and maintaining an armed force of honest, upright, and well-disciplined persons, and in preserving the reputation, morale, and integrity of the military services. Furthermore, because its personnel must, perforce, live and work in close proximity with one another, the military has an obligation to protect each of its members from the misconduct of fellow servicemen.[9] The commission of offenses against the civil order manifests qualities of attitude and character equally destructive of military order and safety. The soldier who acts the part of Mr. Hyde while on leave is, at best, a precarious Dr. Jekyll when back on duty. Thus, as General George Washington recognized:

> "All improper treatment of an inhabitant by any officer or soldier being destructive of good order and discipline as well as subversive of the rights of society is a much a breach of military, as civil law and as punishable by the one as the other." 14 Writings of Washington 140–141 (1936 ed.).

A soldier's misconduct directed against civilians, moreover, brings discredit upon the service of which he is a member:

> "Under every system of military law for the government of either land or naval forces, the jurisdiction of courts-martial extends to the trial and punishment of acts of military or naval officers which tend to bring disgrace and reproach upon the service of which they are members, whether those acts are done in the performance of military duties, or in a civil position . . . ." *Smith* v. *Whitney*, 116 U S. 167, 183–184 (1886).

The Government, thus, has a proper concern in keeping its own house in order, by deterring members of the armed forces from engaging in criminal misconduct on or off the base, and by rehabilitating offenders to return them to useful military service.[10]

The exercise of military jurisdiction is also responsive to other practical needs of the armed forces. A soldier detained by the civil authorities pending trial, or subsequently imprisoned, is to that extent rendered useless to the service. Even if he is released on bail or recognizance, or ultimately placed on probation, the civil authorities may require him to remain within the jurisdiction, thus making him unavailable for transfer with the rest of his unit or as the service otherwise requires.

In contrast, a person awaiting trial by court-martial may simply be restricted to limits, and may "participate in all military duties and activities of his organization while under the restriction." Manual for Courts-Martial, United States (1969), ¶ 20*b*. The trial need not be held in the jurisdiction where the offense was committed. *Id.*, ¶ 8. See, *e. g.*, *United States* v. *Vorhees*, 4 U. S. C. M. A. 509, 515, 16 C. M. R. 83 (1954); cf. *United States* v. *Gravitt*, 5 U. S. C. M. A. 249, 17 C. M. R. 249, 256 (1954). And punishments—such as forfeiture of pay, restriction to limits, and hard labor without confinement—may be imposed, which do not keep the convicted serviceman from performing his military duties. See Manual for Courts-Martial, *supra*, ¶¶ 126 *g*, *h*, *k*.

IV

The Court does not explain the scope of the "service-connected" crimes as to which court-martial jurisdiction is appropriate, but it appears that jurisdiction may extend to "nonmilitary" offenses in appropriate circumstances. Thus, the Court intimates that it is relevant to the jurisdictional issue in this case that petitioner was wearing civilian clothes rather than a uniform when he committed the crimes. *Ante*, at 1. And it also implies that plundering, abusing, and stealing from, civilians may sometimes constitute a punishable abuse of military position, *ante*, at n. 14, and that officers may be court-martialed for purely civilian crimes, because "[i]n the 18th century, the 'honor' of an officer was thought to give a specific military connection to a crime otherwise without military significance."[11] *Ibid.* But if these are illustrative cases, the Court suggests no general standard for determining when the exercise of court-martial jurisdiction is permissible.

Whatever role an *ad hoc* judicial approach may have in some areas of the law, the Congress and the military are at least entitled to know with some certainty the allowable scope of court-martial jurisdiction. Otherwise, the infinite permutations of possibly relevant factors are bound to create confusion and proliferate litigation over the jurisdictional issue in each instance. Absolutely nothing in the language, history, or logic of the Constitution justifies this uneasy state of affairs which the Court has today created.

I would affirm the judgment of the Court of Appeals.

FOOTNOTES

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[1] This proviso was dropped in the Mutiny Act of 1721, 8 Geo. 1, c. 3, and court-martial jurisdiction over such offenses was thereafter limited by the articles of war to, *inter alia*, "Place[s] beyond the Seas . . . where there is no form of Our Civil Judicature in Force." F. Wiener, Civilians Under Military Justice 14 (1967).

[2] See 2 M. Farrand, The Records of the Federal Convention of 1787, 330 (1911); 5 J. Elliott, Debates in the Several State Con-

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ventions on the Adoption of the Federal Constitution as Recommended by the General Convention in Philadelphia in 1787, 443 (1836).

[3] For example: The general orders of George Washington report the trial of soldiers for "killing a Cow . . . . stealing Fowls . . . , and stealing eleven Geese . . . ." 26 Writings of George Washington (1938 ed.) (H. Q., Newburgh, January 28, 1783), and "for stealing a number of Shirts and blanketts out the public store at Newburgh . . . ." *Id.*, at 322 (H. Q. Newburgh, April 15, 1783). The Order Books of the Corps of Artillerists and Engineers report the court-martial of Sergeant Harris for "beating a Mr. Williams an inhabitant living near this garrison," Book 1, pp. 157, 158 (West Point, October 5, 1795), and of Private Kelly for "abusing and using violence on Mrs. Crunkhyte, a citizen of the United States." Book 3, pp. 45, 46 (West Point, July 5, 1796). Numerous other instances of military punishment for nonmilitary crimes during the period 1775–1815 are summarized in the appendix to the Brief for the United States, pp. 35–52.

[4] "All crimes, not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offense, and punished at their discretion." In Winthrop, Military Law and Precedents 957 (2d. ed. 1895, 1920 reprint).

[5] In 1916, Congress for the first time explicitly authorized peacetime court-martial jurisdiction for specific noncapital offenses. Article 93, Articles of War, 39 Stat. 650. It also revised the general article, renumbered Article 96, to read:

"Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court."

Testifying before the Senate Subcommittee on Military Affairs, Brigadier General Crowder, the Judge Advocate General of the Army, explained the revision (compare n. 4, *supra*):

"You will notice some transposition of language. The phrase 'to the prejudice of good order and military discipline' is put in such a way that it qualifies only 'all disorders and neglects.' As the law stands today it was often contended that this phrase qualifies also 'all crimes not capital.' There was some argument about whether it would reach back through that clause, 'all disorders and neglects' to the clause 'all crimes not capital' and qualify the latter clause. . . . [B]ut Justice Harlan, in the decision in the Grafton case, seems to have set the matter at rest, and I am proposing legislation along the lines of Justice Harlan's decision." Hearings before the Senate Subcommittee on Military Affairs, an Appendix to S. Rep. No. 130, 64th Cong., 1st Sess., 25, 91.

The Act of March 3, 1863, c. 75, § 30, 12 Stat. 731, 736, authorized punishment for specific nonmilitary crimes, including capital ones, in time of war, insurrection, or rebellion. Article 92 of the 1916 Articles of War, 39 Stat. 650, made murder and rape punishable by death, but provided that "no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace." This proviso was deleted in the Uniform Code of Military Justice, Articles 118, 120, 10 U.S.C. §§ 918, 920, so that today there is no jurisdictional distinction between capital and noncapital offenses.

[6] On such a theory, for example, Congress could not have permissibly waited, as it did, until 1875, see Act of March 3, 1875, § 1, 18 Stat. 470, to confer general federal question jurisdiction on the district courts; the present-day exercise of this jurisdiction, see 28 U.S.C. § 1331, would be unconstitutional.

[7] Statistical Abstract of The United States 257 (1968).

[8] Weigley, History of the United States Army 566 (1967).

[9] Congress may also assume the responsibility of protecting civilians from harms perpetrated by members of the armed forces. For the military is often responsible for bringing to a locality thousands of its personnel—whose number may be as great as, and sometimes exceed, the neighboring population—thereby imposing on the local law-enforcement agencies a burden which they may be unable to carry.

[10] Thus, at petitioner's presentence hearing Captain Powell testified that "through proper rehabilitation, O'Callahan can make a good soldier," Record Transcript, p. 61, and Major Turner testified: "He has given a superior performance, as far as I know. . . . He has gone through school and the Army does have a lot of money wrapped up in this man. . . . I think at this time, here that a rehabilitation program is in order." *Id.*, p. 64.

[11] It is, to say the least, strange that as a *constitutional* matter the military is without authority to discipline an enlisted man for an offense that it may punish if committed by an officer.

THE BRAVE NEVER DIE

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROGERS of Florida. Mr. Speaker, the veterans of the Spanish-American War met recently in Miami to observe Memorial Day and had as their guest speaker Mr. Manuel J. Reyes, the Latin American news director of television station WTVJ.

During his speech, Mr. Reyes pointed out the similarity between the state of Cuba in 1898 and today. The obvious conclusion is that the people of Cuba are today, as they were then, in bondage to a foreign government.

As a refugee from Cuba, Mr. Reyes knows full well the sad conditions of his fellow Cubans and the hardships they now suffer under Fidel Castro.

Under unanimous consent I submit the comments Mr. Reyes made to the Spanish-American War Veterans on Memorial Day as I feel they have great meaning for all of us.

The comments follow:

THE BRAVE NEVER DIE!

This is why, death will never defeat the Veterans of the Spanish-American War! Those gallant men who in the year 1898, in the prime of their youth, renounced to all of life's wealth and as volunteers, (the first volunteers of the United States' Army) went overseas to defend freedom.

Strong men who, with their fighting, placed the United States in a category of first world power and as a country of hope for the poor and the oppressed. Like I have done year after year, since I came into exile I am here with you again, on this Memorial Day, to honor those who fell in 1898, fighting for the freedom and dignity of the human being.

Cuba was one of the countries where you and your fellow-soldiers went on that noble task. This is why, today, as a Cuban that I am and will be until the day I die, even if I die at the last corner of the world, but as a Cuban, I want to unite my prayers to yours, with the greatest respect and admiration, as true brothers. I want to unite my prayers to yours on behalf of a country and a people who were not born to be slaves, on behalf of the Cuban people in the martyred island and in exile. Because, if my people were not silenced by terror and tyranny imposed over them, I know that if my people could talk, they would be here today, praying for those who fell at San Juan Hill in Oriente Province, so that Cuba could be free. And it is because our brotherhood is sealed with the blood of those who, on your part or ours, joined in a common fighting action to free Cuba.

There was no other alternative at that time. And today, faced with a similar situation, which has already prolonged itself for over ten years, the alternatives have disappeared little by little. There is but one way left for the noble Cuban people in their fight to overthrow the tyranny: A way which you, united to the Cuban Freedom Fighters, bravely took in 1898. A way thru which there is no return and leads to a Spartan climax: Freedom or ashes.

You helped to free Cuba during the past century. But today Cuba is living the worst tyranny of all its history. The tragedy of the Cuban people is so great; the suffering of the Cuban mothers is so great; the despair of its best men is so great. . . . and at the same time, the courage of that same people is so great, that the only way left is freedom, or let Cuba as a whole be burnt to ashes thru the will of its people. So that from the ashes of Communism, a new Cuba, free, sovereign, independent and democratic, will arise. And today, by joining my prayers to yours, two people who were born to be brothers, by praying to God for the eternal rest of those who gave their lives in the Philippines. In Puerto Rico and in Cuba; let's tell them that their sacrifice was not in vain. Let's tell them to rest peacefully in their graves . . . because their heirs, making their glorious history come alive again, have joined to proclaim at this cemetery, before their graves, a cry that will be heard in Cuba, a cry which will shake the island from one end to the other; a cry which will raise the people against the tyrant: Freedom or ashes!

FRAUD IN THE GHETTO

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. ROSENTHAL. Mr. Speaker, despite the growing attention of Congress and the public to the consumer interest, blatant consumer abuses remain entrenched in our society—particularly to the detriment of ghetto dwellers. Installment credit is a persistent hazard for low-income individuals. The credit available to low-income families is sometimes erroneously called "easy credit." In truth it is very costly. An article, written by Craig Karpel, entitled "Ghetto Fraud on the Installment Plan," appearing in the May 26 issue of New York, graphically shows how, as Sociologist David Caplovitz claimed, "the poor pay more."

My own conclusion is that we must increase the credit available to low-income

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families by developing credit sources that would free these individuals from dependence on unscrupulous merchants who offer so-called "easy credit."

The article follows:

Ghetto Fraud on the Installment Plan

(By Craig Karpel)

Warren, a grown man who lives with his mother, walked into the Harlem Consumer Education Council's basement office a few months ago. Director Florence Rice gave him a leaky ball-point pen and he wrote:

"Bought TV from door to door salesman—Philco 19'' lot of trouble with T.V. back cracked notify company to come have fix. Company claimed misplace T.V. sent reposed T.V. 1949 had to stick in hanger to get reception—two weeks after that broke down. Called to fix that removed T.V. still pay bill by garnishment—left job on account of garnishment which effect my marital relation as the garnishee took away from our expenditures food clothing and rent. Which for which my wife was forced to except welfare and I left to establish myself again T.V. paid $500 never received T.V."

Louis-Ferdinand Céline coined the conceit that life was nothing but death on the installment plan. For poor people in New York City, this comes close to being literally true.

Six years ago sociologist David Caplovitz of Columbia's Bureau of Applied Social Research published a book called *The Poor Pay More*. The book is a landmark in the literature of consumer problems, right out there with *The Jungle* and *Unsafe at Any Speed*. As a result, Caplovitz has become witness-in-residence at a host of committees and subcommittees where he talks about the lack of "scope" which keeps poor people from leaving their neighborhoods in search of better prices and terms, about the "deviant subeconomy" which springs up like weeds through the cracks in the cement of tenement courtyards, where nothing flourishes that isn't rank.

The Great White Way of the deviant subeconomy is the L-shaped strip of 54 furniture and appliance stores running from 116th Street and Third Avenue to 125th Street and Lexington. The strip is the home of literal *shlock*. Not figurative *shlock*, as in "that agency has nothing but *shlock* accounts." Literal *shlock:* doll furniture, one good long cut below "borax." "Borax" is junk, but it's better-quality junk. Birch? maple? dowels? glue? fabrics? veneers? Forget it—*shlock* is made of gumwood and flakeboard, knocked together with a few screws, upholstered in plastic "brocade" and varnished like a cheap coffin. The prices, however, are strictly W. & J. Sloane. *Shlock* stores do not talk about percentages of markup, like 50 per cent markup or 75 per cent markup—they talk about how many "numbers" they jack the price up over wholesale, and a "number" is 100 per cent. All *shlock* is marked up at least one number, and on a credit sale the markup can be three or four numbers.

So why buy *shlock?* Because the *shlock* emporia will give terms: "Easy credit." "Easy credit" means that as long as you are working and have wages that can be attached in the likely event that you miss one payment you're okay. "Easy credit" means that if, as Shyleur Barrack, head of the Harlem civil branch of the Legal Aid Society once did, you go into a store and give a reference who says you now have two garnishees against your salary, the salesman will come back from the phone smiling and try to hustle you into $1,114.80 worth of furniture and appliances. "Easy credit" means that there is a store on 125th Street called Future Furniture that has to have a sign in its window: "We Accept Cash."

But all the places on the strip offer "easy credit," and a store can't generate much traffic by telling poor people it's going to take them to the cleaners, so it runs an ad in the *Daily News* in which two credit managers (black and white, take your pick) offer:

Economy apartment, $198: sleeper, matching chair, 2 walnut finish step-tables plus decor, lamps, walnut finish bachelor chest, matching mirror, full size bed, with 1 pc. Firestone comb. mattress, 16 pcs. dishware, 16 pcs. cutlery, 8 towels, 11 pc. salad set, 29 table access.

But once they've spent the money to get you into the store, they can't let you out with only a miserable $198 worth of *shlock*. That is only the bait end of bait-and-switch advertising. By the time the customer leaves, he should have put his Juan Hancock on the dotted line for at least $1,000. To cause this takes more than just an old-fashioned bait-and-switch. It requires nothing less than the balletic extravaganza of salesmanship known to the trade as the "turnover" or "tossover," code name "T.O." The salesman starts by showing the customer a pile of junk for $198. One store keeps its bait furniture piled in a dark corner, lit by a naked lightbulb. It is painted battleship gray, every stick of it, down to what used to be the chrome legs on the dinette table. If you wanted to give a salesman a heart attack, all you'd have to do is say, "Okay, I'll take it." "You don't want this stuff," he says. "It'll fall apart in a couple of months. Besides, a person like you can afford something better. Let me show you something a little bit better." The salesman then takes the stiff upstairs in an elevator, but not before shaking him down for a $50 deposit for the privilege of "seeing the warehouse." The elevator gets "stuck" after the first trip up and doesn't get unstuck until the stiff has been signed up for a bill of goods. The idea of the T.O. is to show the stiff successively more expensive suites of furniture without letting him get discouraged about the price.

When he begins to look green around the gills the first time around, the salesman turns him over to another salesman who is introduced as the "assistant manager." The A.M. immediately "sandbags"—knocks 50 per cent off—whatever the first salesman quoted. The stiff is so taken aback that he lets the A.M. build him up again. Just before he begins to feel weak again, the A.M. turns him over to the "manager," who slashes the A.M.'s prices "as a special favor for you." The manager will try to build him up to, say, $800 or $1,000. If the stiff says he "wants to think about it" and tries to leave, he finds that the elevator is on the fritz. The "owner" now appears, knocks off a hundred bucks or two, and this usually convinces the stiff to sign. At which point the elevator suddenly clicks into action.

Now the fraud starts in earnest. When the furniture arrives, it's almost invariably damaged—delivery men routinely saw off legs on couches to get them in elevators and fit them back together with a special double-ended screw. The furniture turns out to be a junkier variety of *shlock* than what was ordered. The colors bear no relation to what was displayed in the "warehouse." The stereo doesn't work. The television looks used. Two chairs are missing. You were supposed to get a 9-by-12 rug with your order; the "rug" turns out to be a piece of linoleum. When the payment book arrives, the installments listed add up to much more than the amount that was agreed on.

Try to do something about it.

Say, for example, that the glass coffee table is cracked. You bring it back and the salesman tells you he'll be happy to give you your money back. He shows you that the contract simply says "three rooms furniture" for $943.17. It doesn't list the price of the table separately, and now he tells you the price was a dollar. "Would you like your dollar back?" he asks slyly. Or tell him the dinette table keeps collapsing and he says he'll send a man up, but nobody comes. Or say you want to send everything back because it isn't anything like what you ordered. If you're very lucky the salesman agrees and the store picks up your furniture, but when you go back to pick up your $50 deposit, he says the store is keeping it as a "service charge." And you let him bulldoze you because you don't know what else to do.

Some stores rise to printworthy extremes of doublethink when it comes to not returning deposits. Dorothy Mason, a counselor with the MEND consumer education project in East Harlem, tells about a guy who came to her recently because he couldn't get his deposit back:

"He had put down $150 at Eldorado Furniture and Appliances on Third Avenue. A salesman had convinced him to buy a washing machine and a 19-inch portable television for only $649. Two things happened to bring him to my office. First, the washing machine was delivered with a broken timer. He could not get any satisfaction from the store. Second, he found out that he could buy the same washer for $199 instead of the $299 he had paid.

"I went over to Eldorado with this man to discuss the matter with Samuelson, the boss. Samuelson said, 'Your man could have had it for $199 cash.' 'Then why did you ask $299?' I asked him. 'Because the man is a bad risk,' he said. 'How bad a risk could he be,' I asked, 'if you've got 150 of his dollars?' Well, I thought of him charging this man on welfare $649 for merchandise on credit that he could have purchased for $360 with cash, and I smiled, because this was almost a daily experience on Third Avenue with complaints of poor consumers. Samuelson became very upset and threw me out for smiling."

"You wouldn't believe some of these places," says Steve Press, whose New York Institute for Consumer Education is setting up a cooperative furniture store in East Harlem. "They'll stamp No Deposit Returned on the contract. That would never stand up in court, but poor people are impressed and don't even bother asking for their money back."

There is a certain type of used-car dealer in New York that is especially anxious to deal with poor people. Tune in to WWRL:

Friends, have you tried to buy a car lately? Have you been turned down? Well, call Headquarters at 538-4300. . . . You have a garnishee or a judgment against you, and no one will let you forget them? Well, call Headquarters at 538-4300. . . . Your desire to pay plus a small down payment is all you need."

"Used-car dealers really do a job on poor people," says former Commissioner of Consumer Affairs Gerard M. Weisberg, recently appointed a Criminal Court judge. "Some of those lots out on Bruckner Boulevard and Queens Boulevard—they don't deliver the car that was agreed on, they inflate prices to a point you wouldn't believe, they charge a fortune for so-called 'credit investigations.' And they refuse to refund deposits if the customer's credit doesn't check out, though they lure him out there with promises that nobody's refused. Recently we revoked the license of Motorama Wholesalers on Queens Boulevard. Motorama was taking people's money and refusing to deliver the cars. The deposits ranged up to $580.

"The Department is constantly going over these dealers' books, but it's tough to police them. You put one corporation out of business, the next thing you know there's another corporation employing the same salesmen, using the same shady tactics on the same lot."

The Consumer Fraud Unit set up by US Attorney Robert Morgenthau under the direction of Richard A. Givens has been looking into the used-car market.

"Our investigations have disclosed a pattern of sales of certain used cars at many times their original cost," explains Givens, "followed by a cycle of repossession, repurchase of the car at a low price at auction and further resale at many times that price to new customers, who in turn are frequently sued

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by finance agencies and often claim to have received no notice of suit. The inquiry indicated that in certain cases some used-car dealers know in *advance* that there will be a complaint regarding *each and every* automobile sold and that many customers will give up the car and default because they feel it can't be made to work. We're looking into possible violations of federal law by these people."

You don't have to leave the comfort of your home to be bilked. Peddlers making the rounds of slums and projects run the oldest-established permanent floating crap game in town. Encyclopedia salesmen tell welfare mothers they are officials of the Board of Education, that the books they are pushing are required reading for their children. They sell people encyclopedias who already *have* encyclopedias. They sell $379.60 worth of books in English to people who only speak Spanish, to people who can't read at all, to people who are destitute. A peddler tells a woman she can have a set of pots and pans in her home for 10 days; if she doesn't like them, she can return them. When the utensils arrive, she signs a receipt for them. She decides to call the company and tell them to take the stuff back because it's junk. Then she realizes she has no idea what the company's name is or where it's located. The "receipt" she signed was actually a retail installment contract for $83.75. Soon she gets a payment book in the mail with a note saying she'll be sued if she misses one payment.

Richard A. Givens prosecuted a character named Rubin Sterngass recently for running a "chain referral" swindle, a mode of fleecing that is popular in the slums. A salesman would come to the house and offer quartz broilers and color television sets for nothing if the customer would refer acquaintances to Sterngass' company. The customer would sign up for a color TV at a credit price of $1,400; commissions were supposed to be paid to him for each "successful" referral—$50 for the first, $200 for the fourth, $400 for the eighth and $1,200 on the twelfth. Givens demonstrated the scheme had its faults by presenting a table of how many new customers would be necessary at each step if the merchandise were to be paid off by referral commissions:

Step:	*New customers necessary*
1	8
2	64
3	512
4	4, 096
5	32, 768
6	264, 144
7	2, 113, 152
8	16, 905, 216
9	135, 241, 728
10	1, 071, 933, 824

Givens argued successfully that since every last human being on earth, plus everybody who had ever lived, plus a few generations yet unborn, would have to buy quartz broilers and color TVs on the eleventh go-around for the scheme to work, Sterngass ought to go to jail and think about other ways of doing business for a few years. The judge agreed.

At any given moment there is one super-fraud that sets the tone for all the other ghetto frauds in the city. Until last year the super-fraud was the "family food plan." Ray Narral, head of a legal services office of Mobilization for Youth, describes how the plan worked.

"Mr. and Mrs. Hernandez have two infant children and live in a New York City housing project. A salesman knocked on their door and said he was offering a very good food and freezer program. 'If you join,' he told them, 'you will be able to save a great deal of money feeding your children.' All of the sales literature indicated that for $12.50 a week, the family would receive a complete order of food—prime meats, fresh vegetables, everything. The freezer, the salesman announced was theirs to store the food in, completely free of charge. The sales pitch was so inviting that the couple signed up immediately. They later discovered that the papers they signed were a retail installment contract for the food in the amount of $357.00 and a contract for a freezer for $1,020.76. Payments on the food were $93.75 a month for four months and 35 installments of $28.35 for the freezer."

Two years ago, a Nassau County District Court was asked to void one of these freezer contracts. It handed down a decision that, under the "unconscionability" provisions of the Uniform Commercial Code, "the sale of the appliance at the price and terms indicated in this contract is shocking to the conscience." Attorney General Lefkowitz' Bureau of Consumer Frauds and Protection went to court against the "family food plan" operators, seeking orders restraining Serve Best Food Plan, Thrift Pak, and People's Food from "carrying on . . . their business in a persistently fraudulent manner." In 1968, the Bureau curbed the biggest food plan operator of all, Martin Schwartz of Ozone Park, whose five companies were raking in a very neat $10 million a year.

The current super-fraud is a "sweepstakes" craze that started somewhere in the Southwest and recently arrived in New York. It offers sewing machines and stereos "free" to holders of "winning numbers." Regardless of where in the U.S. the shuck is being operated, the "contest" materials are the same. A chain with seven stores in New York is now being investigated by the city's Department of Consumer Affairs. The swindle starts with this letter:

> Here is your opportunity to participate in our "stereo sweepstakes."
>
> It's fun! It's easy! Just remove the gold seal to find your serial number, and compare it with the enclosed list of lucky numbers.
>
> If you have a lucky number, it means extra savings to you!
>
> For example! If you have a number which appears in Group 3 (grand prize) you pay nothing for a beautiful 1969 General Electric Stereo Console.

The number under the seal on this letter is 67487. 67487 is listed on the enclosed list of lucky numbers, not once, but twice, so you won't miss it and be the only person who receives such a letter who doesn't "win." A Consumer Affairs investigator visited one of the stores with this letter. He was shown a G.E. stereo model C121. The salesman explained that the investigator had won this record player worth $150, but that it couldn't be removed unless he signed an installment contract to buy a record a week for 39 weeks at $5 each. The investigator called the Dealer Equipment Section of G.E. and found that the C121 carries a list price of $99.95. The records which must be purchased under the plan are displayed around the store. They are the sort of off-brand, off-band cha-cha albums that one ordinarily finds remaindered for $1.19.

There is cash-and-carry cheating in poor neighborhoods, but most ghetto fraud hinges on the "easy credit" retail installment contract. It invariably has some features designed to protect the consumer, which seldom work, and others designed to nail him, which always work. Under the law there has to be a "Notice to Buyer." The first point must say: "Do not sign this agreement before you read it or if it contains any blank space." In fact, nobody ever reads one of these agreements. They ordinarily run to about 2,300 words in phrases like "time is of the essence hereof." (The Everything Card chit is a retail installment contract—ever read it?) The space for a description of the merchandise is hardly ever filled in completely at the time of the sale—usually only a few words are written in at the top, like "3 Rooms Furniture" or "one 23'' Color TV." What harm in that? Just a second—point number two is: "You are entitled to a completely filled in copy of this agreement," and right above where you sign, it says: "Buyer acknowledges receipt of an executed copy of this Retail Installment Contract." But the moment your pen leaves the paper the salesman whips the contract away—including your copy—and the next time you see it, if your ever do, it says "Damaged Furniture—Accepted As Is" or "Used Television Set—Customer Will Repair" right in the blank space you were warned against. This is all assuming you read the "Notice to Buyer," of course. One reason you might not have read it is that you only read Spanish. The stores have *"muebleria"* and *"credito"* and *"se habla español"* plastered all over the outside, but there is no such thing as a contract printed in Spanish. The finance company's linguists are apparently too busy composing dunning letters to the *campesinos*.

The fine print on the back socks it to the buyer in terms only a lawyer can savor. The kicker is contained in the following hocus-pocus: "The Buyer agrees not to assert against an assignee a claim or defense arising out of the sale under this contract provided that the assignee acquires this contract in good faith and for value and has no written notice of the facts giving rise to the claim or defense within 10 days after such assignee mails to the Buyer at his address shown above notice of the assignment of this contract." What this means in practice is described by Philip G. Schrag, attorney in charge of consumer litigation for the NAACP Legal Defense Fund.

"If Greedy Merchant gets Ernest Black to sign such a contract for a 'new color television' and the set turns out to be an old, battered black-and-white instrument, or *even if Merchant never delivers any set at all,* Merchant can sell Black's contract to Ghetto Finance, Inc., for a lump sum, and Black is out of luck. Ghetto has a right to payment in full from Black, and Black has no right to tell a court that he's been robbed."

The common-law justification for this is that Ghetto Finance supposedly knows nothing about Greedy Merchant's business practices, that it is a "holder in due course" of the installment paper. In practice, finance companies often work hand-in-glove with merchants to soak the poor.

Martin Schwartz' five food freezer companies at 105–32 Cross Bay Boulevard, Ozone Park, were selling their paper to Food Financiers, Inc., Associated Budgeting Corp., and National Budgeting Systems, Inc.—each of 105–32 Cross Bay Boulevard, Ozone Park. Attorney General Lefkowitz' injunction forbids Schwartz' salesmen from stating that Schwartz' finance companies are "unassociated" with Schwartz' freezer companies. Still the finance companies are "holders in due course" of the freezer companies' contracts and are continuing to collect on hundreds of thousands of dollars' worth of paper they "acquired" before the injunction.

Tremont-Webster Furniture Corp. is at 412 East Tremont Avenue in the Bronx. When I visited this *shlock* shop, it was locked. There was a sign on the door that said "Go Next Door." Next door, 410 East Tremont Avenue, behind a more fiduciary storefront than Tremont-Webster's, is Argent Industrial Corp. It turns out that Argent buys Tremont-Webster's paper. No doubt it is a convenience for a holder in due course to have the store about whose affairs it knows nothing right next door. This kind of hanky-panky extends from rinky-dink outfits like Argent right up to the heavyweights. Credit Deaprtment Inc. ("That's right, Madam, no finance companies are involved in this transaction—you just sign a contract with the credit department . . .") has the distinction of suing more people in New York County Civil Court than any other finance company. Erase any image you may have of ghetto shylocks cowering behind boarded windows on burned-out, glass-littered streets. Credit Department is located in the heart of Dry Dock Country at 60th Street and Third Avenue. Credit Department does not know anything about the business practices of the operations it finances. Take Associated Home Foods of 41-01 Bell Boulevard, Bayside, which used to sell freezer plans to poor people at prices equal to those which the courts have found to be unconscionable. That's none of Credit Department's business—they bought Associated's paper, are holders in due course and are suing people for not paying. Besides, Credit Department isn't buying freezer contracts any more—they know it's "garbage paper" and they don't want to get their hands dirty. Credit Department lists a few of its clients on its door—not that it knows anything about their operations, you understand—and one of them is Vigilante Protective Systems. Vigilante is in the business of selling burglar alarm systems door-to-door and is located at—you guessed it—41-01 Bell Boulevard, Bayside.

Lately, the holder-in-due-course ploy has come under attack from consumer forces. Three states have outlawed it. A bill to end it, sponsored by Attorney General Lefkowitz, was killed in the legislature in 1968 but will be re-introduced this year. Witnesses at FTC hearings last November called for federal legislation to do away with the principle that allows finance companies to remain aloof from the dirty business practices of the companies whose paper they buy. The New York State Bar Association Committee on Federal Legislation is considering a report that would recommend that holder in due course be abolished. Richard Givens has a mail fraud indictment pending against a finance company and its officers for claiming that it was a holder in due course when in fact it had an interest in the sale of the merchandise.

Coburn Credit Company first made waves in the ghetto a decade ago when it began to carve out a commanding position in the market for furniture-and-appliance installment paper in the New York area. It rapidly gained a reputation among stores as the outfit that was willing to pay top dollar for "garbage" paper—trade cant for inflated installment contracts for purchases of low-grade goods by poor credit risks.

Today the company is listed on the American Stock Exchange as "Coburn Corporation of America." In addition to its $50 million New York metropolitan area sales finance operation, it now has small loan offices throughout the South, a mortgage operation in Louisiana and a division that runs revolving credit plans for department stores. Coburn has made skillful use of the holder-in-due-course principle to protect itself against possible charges that the merchants it finances engage in fraudulent or unconscionable practices. Under the law, for example, a finance company can't be held liable for fraud in the contract if the customer doesn't complain within 10 days after he receives notice that the contract has been sold. When Coburn buys a contract, it sends three sheets of paper to the customer. One is headed "Certificate of Life Insurance Protection"; another, "American Fidelity Fire Insurance Company Insureds Memorandum of Insurance." These two are of little importance to the consumer. The third sheet, half the size of the others, has no heading. Three-quarters of the way down the page are three sentences. The first of these is 125 words long. It contains an urgent warning that if the consumer does not act quickly, he will forfeit all his rights. The second and third are seven and ten words long respectively. They read, "Enclosed you will find your payment book. Payments are to be made as directed in this book."

Coburn has had brushes with the Bureau of Consumer Frauds, but according to Assistant Attorney General Barnett Levy, it has "cooperated" in giving money back to customers who claimed irregularities in the original contract.

I visited Coburn to discuss the sales finance business with President Irving L. Bernstein. His offices are in the Coburn Building, the largest structure in Rockville Centre, Long Island. One walks toward Bernstein's office past no end of teak, brass, marble, quarry tile, bronze, royal purple couches, van der Rohe chairs and recessed lighting.

The finance company's substantial physical presence would come as a shock to its thousands of poor customers, many of whom tend to personalize institutions they never see: "I got a contract with the Coburn Company, and Mr. Coburn won't wait no longer to get paid."

I tried to get Bernstein to talk about the holder-in-due-course provision. How, I asked did Coburn make sure that the outfits whose paper it was buying were on the up-and-up? Bernstein told me that these were technical matters that I, who was "not an expert in finance," would have difficulty understanding. He preferred to tell what a bunch of deadbeats people were who lived in certain neighborhoods. I asked whether fraudulent and deceptive practices on the part of merchants might not make poor people less than willing to pay their debts.

"Listen," said Bernstein, "I have a social conscience about these things. I grew up in one of these neighborhoods—Brownsville. These people are not exactly truthful when they give credit information. And there are entirely too many of them who have no intention of paying. It was different in my day. My mother used to steal deposit bottles rather than miss weekly payments."

I suppose Bernstein saw me wince because he asked, "Do you have a social conscience?" He talked about a social conscience as if it were painful, like an ulcer. Bernstein said we ought to cut the interview short, since an important announcement was forthcoming from Coburn and he would be in a better position to discuss the sales finance business the following week. On the way out I picked up a copy of the Coburn house organ.

"Early in December," it explained, "Colburn initiated its annual 'Adopt Needy Families' program . . . five of the neediest families were selected. To each of the families chosen, Coburn employees in Rockville Centre have contributed specified sums of money to make an otherwise bleak and destitute Christmas into a happy and hopeful one." Gelusil for the social conscience.

The next day Coburn released the news that it would "discontinue its $50 million retail installment finance business." Coburn had protected its sales finance investment with a dunning staff of 250 who engaged in what are charitably referred to in "easy credit" circles as "hard collection practices"; the staff was being let go, so $5.1 million in contracts was being written off as uncollectible. But at the end of the story it turned out that "about $30 million will be allowed to run off and the borrowers asked to convert their contracts to direct personal loans." "The company will continue to carry about $20 million in installment receivables, but will buy such contracts only on the condition that they be converted to loans."

In the trade, the procedure of converting sales finance contracts into direct personal loans is called "flipping." It is done by offering to lend the customer more than enough cash to pay off his contract. The trick is that the maximum interest for sales finance is about 18 per cent, while the legal rate for direct cash loans is 36 percent. The other advantage of "flipping" was best expressed by Bernstein when I spoke to him later:

"When you have an installment finance operation, you're going to be concerned with the dealers; this way, you only worry about the willingness and the ability of the individual to pay."

If holder in due course is abolished in New York, finance companies will be liable for fraud in the original contract. Even now, if there is fraud "on the face of the contract"—if, for example, the interest rate charged is in excess of the legal rate, or the merchandise being purchased is not described—the finance company is liable. But from now on, Coburn will be lending people cash to *pay off* the original contract, so it won't be liable for anything. If other sales finance companies go Coburn's route, they will have found a way of getting around policing the dealers whose contracts they buy. Until this writing, Coburn didn't know, for example, that at least one link in the chain of stores that the Department of Consumer Affairs is investigating displays a sticker that reads, "Coburn authorized dealer." Now Coburn knows, but with the new policy, it won't have to care.

So whether or not holder in due course bites the dust, the customer is supposed to keep on paying. But what if the couch falls apart in three months, and the store you bought it from has gone out of business and the bills continue to come? What if the color TV explodes and the repairman tells you it was a used set to begin with and the store won't exchange it? You just can't see mailing in that money order $26.96 every month for the next 34 months? What happens if you just *ignore* the bills?

Nothing happens until one day, a year or so after you've forgotten about the whole painful affair, your boss asks you to come into his office. He looks annoyed and shows you a paper and says he's supposed to take $7 out of your paycheck each week and send it to the city marshal and it's a damned lot of paperwork and he'd just as soon fire you if it weren't illegal. Then he hands you the paper and says you better take care of it or he'll find some other reason to get rid of you. So you go to the address on the paper and the marshal tells you to pay him $10 every week or he'll send the paper back to your boss. You do it because you don't want to lose your job. The furniture, the television, were long since put out on the street as junk, but you have a wife and four children. The only problem is, you only make $70 a week and you've got to pay the marshal $10 out of that. The hopeless cycle of consumer abuses goes around and around.

A TRIBUTE TO SENIOR CITIZENS

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. MADDEN. Mr. Speaker, we read in the news media daily about the discontent and general agitation of our American youth in our colleges and universities. Sometimes I think that our younger folks should consult and confide with their parents and elders on some of these problems intead of listening to professional agitators. Some of these malcontenders are trained in the methods of undermining our Government. They are against most of the principles that our forefathers used to make this the greatest land on the face of the earth where personal freedom may be enjoyed.

In the mail this morning I received a news item from Jack Cohn, formerly of Flanagan, Ill., and now retired, living in Florida, commending an article printed in the Flanagan Home Times regarding the Good Samaritan Home's essay and poetry contest held by the Flanagan local junior high school. The topic was "A Tribute to Senior Citizens."

I am hereby submitting for the information of my colleagues, the essay written by Paula Zimmerman, a student of the Flanagan Junior High School, which won first prize. Also a poem written by Mary Ewing, which won first prize in the poetry contest. I only wish the students of all the high schools in America could read the thoughts of these two Flanagan youngsters as both of them set out good American dogma for their junior colleagues througout the Nation.

The following is the news item concerning Senior Citizens Month in the Flanagan, Ill., Home Times:

SENIOR CITIZENS MONTH

May is Senior Citizens Month. In observation of this the Good Samaritan Home recently conducted an essay and poetry contest in our local junior high school. The topic was, "A Tribute to Senior Citizens."

Mary Ewing's poem, and Paula Zimmerman's essay placed first. Mary and Paula will be guests at Sunday dinner at the home in the near future. Kenny Wiechmann's essay and Chuck Roberts' poem received honorable mention.

Twelve other very fine essays and poems were entered in the contests. Mrs. K. C. Zehren, formerly of the high school English department, who judged the entries, said it was difficult to reach a decision. Mrs. Evalyn McDaniels is the language-arts teacher at the junior high school.

TRIBUTE TO SENIOR CITIZENS

(By Paula Zimmerman)

I would like to pay a tribute to senior citizens. Not just the senior citizens of Flanagan, but to all senior citizens. Many people in this very society have forgotten what senior citizens are. Is it the senior citizen fault? No; look what they have done for us. They are the ones who started the towns we live in. If it weren't for these people there might never have been a town named Flanagan. Who do you think built our schools, roads, homes, and many other things? I know it was the senior citizens.

Just think of some of the great senior citizens, and what they have done for you and me. Some of the great senior citizens of our time are: Former Presidents Truman, Johnson and the late President Eisenhower, plus many others.

Someday your mother may ask you to visit your grandparents or another older person. You will probably get angry and say: "Oh, Mom, do I have to?" Then after you have gone you will find out how nice senior citizens really are.

We need to go and visit the senior citizens now that we have the Good Samaritan Home in Flanagan. I would like to thank the senior citizens for what they have done for my country and me.

A TRIBUTE

(By Mary Ewing)

We come to honor the elderly set,
To give them our love we must not forget
It will take time, we must learn to share
A little bit of time and a little care.
Another thing has come to mind,
That you will always seem to find.
With older folks, a smile to them,
Is almost like a sparkling gem.
Senior Citizens should be respected
Instead, though, many are neglected.
Don't you think that we could do
A little more for them and their friends, too?
Senior Citizens built this town.
They even plowed the very first ground.
They built their houses here and there,
And tended them with very great care.
To me Senior Citizens are very great,
Though to some they may seem out of date.
To some people, way down deep in their hearts,
Our Senior Citizens will never part.

POST OFFICE GENERAL COUNSEL IS BUFFALO AREA NATIVE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. DULSKI. Mr. Speaker, a newcomer to Washington with the new administration is a former resident of my home area of Buffalo, N.Y.

He is David A. Nelson, General Counsel of the Post Office Department, a former resident of East Aurora, suburbs of Buffalo.

Mr. Nelson is a capable attorney, with impressive credentials, who served previously in Government in the Office of the Air Force General Counsel.

He had little breaking in period at the Post Office Department, because there just is not time for it in the scheme of things in Government in the change of administrations.

What is more, he immediately was faced with the major chore of putting into technical legislative language the new administration's ideas on reform of the Post Office Department.

The Department and I are going down parallel streets: We both seek major reform of our postal system. We agree on its urgency, but not on its form. The decision will be made after our current committee hearings.

Mr. Nelson was singled out for an excellent feature story in the Buffalo Courier-Express this past weekend. Following is the text:

[From the Buffalo (N.Y.) Courier-Express, June 8, 1969]

EX-EAST AURORAN KEY BLOUNT AIDE

(By Peter C. Andrews)

WASHINGTON.—The man who wrote most of the administration's postal reform bill—which has been called the most important legislative action in the history of the Post Office—is a 36-year-old former resident of East Aurora.

He is David Aldrich Nelson, a soft-spoken lawyer who took over as general counsel of the U.S. Post Office Dept. Feb. 10. He was reared in East Aurora, having lived there from 1941 to 1956.

CALL CAME "OUT OF BLUE"

Prior to coming to Washington he had been with a law firm in Cleveland, Ohio. Last January, he received a call "out of the blue" asking him to go to Alabama to meet Postmaster Gen. Designate Winton M. Blount to be interviewed for his present post. He did not know Blount or President Nixon prior to his accepting the job.

His credentials, however, are impressive. A Phi Beta Kappa graduate of Hamilton College in 1954, he was valedictorian of his class. He then went to Cambridge University in England under a Fulbright Scholarship where he took first class honors.

MET WIFE AT CAMBRIDGE

He also met there Mary Dickson, the girl who became his wife and mother of his three children. She was there on a Fulbright Scholarship too, having taken it after graduating with a degree in mathematics from Vassar in 1954.

She received her Cambridge degree in a subject called econometrics. She is an actuary, in addition to her duties as a wife and mother.

Returning to the United States in 1955, Nelson entered Harvard Law School. He served on the legal bureau, and received his LLB degree cum laude in 1958.

IN AIR FORCE RESERVE

Nelson had a three-year period from 1959 to 1962 in Washington serving as an attorney in the office of the general counsel of the Air Force while he was commissioned a second lieutenant in the Air Force. He is now a captain in the Air Force Ready Reserve.

In 1962 he returned to private law practice in Cleveland, becoming a general partner in his law firm in 1967.

Last week during the testimony of Postmaster Gen. Blount, Nelson was constantly at his side and Blount made frequent use of his service, even having Nelson answer some of the questions from the hearing committee. During the session, several of the committee members, lawyers themselves, complimented Nelson on the fine drafting job he did on the very complicated legislative bill he had prepared. Buffalo's Rep. Thaddeus J. Dulski is chairman of the Postal Committee.

"TOTAL REFORM" HELD NEED

"We are convinced," Nelson said in an interview, "that total reform of the postal service of the United States is essential if the people of this country are to receive, in the years to come, the kind of postal service we think they are entitled to.

"The Post Office is in a real sense a public utility, providing an identified service to identified patrons. The volume of work . . . is constantly growing. Next year we expect to handle something like 84 billion pieces of mail, and in a very short time the volume will be up in excess of 100 billion pieces of mail."

"To do this job effectively and efficiently, we've got to regear and retool the system. We've got to reorganize in a way that will permit the postal employes, a skilled and dedicated group, to perform this increasingly difficult job as well as we know they want to perform it. We have to provide a postal system that gives the postal employes the kind of facilities they ought to have to do this job.

MODERNIZATION PROPOSED

"Our postal plant is not up to snuff. It is not the modern postal plant that the nation really needs. Our legislation is designed to provide a way of modernizing the physical plant which would make it possible for us to take full advantage of the advances of modern technology.

"This wouldn't put anybody out of a job, because the volume is growing at such a rate we will still have to hire additional people."

It has been estimated that without the reforms 300,000 additional workers would have to be hired to handle the mail in the next 10 years. With the reform, this figure can be cut to about 100,000 new employes.

MANY BILLS FILED

The postal reform issue is one of the major pieces of legislation facing the 91st Congress. The details of how this reform will be undertaken and which of the more than 20 bills now under consideration will be enacted, remain to be seen.

What is becoming increasingly obvious, however, is that some measures of reform

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will be passed, and that David A. Nelson, the architect of the administration's bill on postal reform, will have a major hand in it.

WHAT IS THE TRUTH ABOUT MARTIN LUTHER KING?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 9, 1969

Mr. RARICK. Mr. Speaker, Ramsey Clark's denial that he authorized an FBI wiretap on Martin Luther King's phone can only be exceeded in naivete or dishonesty by his panic-button reaction in rejecting the thought that King was a security threat.

In both instances, Clark but bares a deplorable lack of qualifications and competence to fulfill the high office of U.S. Attorney General. If the Attorney General lacked the ability or dedication to duty necessary to run this office, the American people should be thankful that someone apparently knew what was going on and acted in their interest.

J. Edgar Hoover has testified that this wiretap was an internal security measure. Clark is ill-advised to match his credibility against that of J. Edgar Hoover in the eyes of the American people.

Possibly Clark's personal friendship and favoritism toward King has provoked his emotional attempt to disclaim personal involvement of what was going on in his office and about the country.

But there are serious ramifications in Clark's denial. It can be interpreted as a move to label as illegal and force the destruction of damaging FBI files and records on King—his behind the scenes activities—his confidantes and his financiers. If King was not a threat to national security—why then would the FBI for 4 years keep him under surveillance or why should anyone so fear release of these reports?

If it was not King under surveillance—was it a party or parties in contact with him? Parties like Castro—Ho Chi Minh—Soviet agents?

King's associations with both American and foreign Communists was so notorious that even his most rabid apologists no longer try to deny it.

All the more reason that President Nixon must authorize J. Edgar Hoover and the FBI to open their files to the public.

If King was only a religious leader and merely a civil rights activist—what is there to hide from the American people?

I insert a clipping from the June 7 Washington Post and a report from the June 7 Los Angeles Times:

[From the Washington (D.C.) Post, June 7, 1969]

JUSTICE CITES HOOVER ON WIRETAPS

The Justice Department yesterday cited testimony offered four years ago by J. Edgar Hoover to justify its wiretap on the phone of Elijah Muhammad. Hoover said "internal security" was the reason.

It issued a brief statement in response to newsmen's questions arising from the disclosure this week in a Federal court in Houston that the telephone conversations of Muhammad, leader of the Black Muslim sect, the Rev. Dr. Martin Luther King Jr. and Cassius Clay had been tapped.

The testimony was elicited from FBI agents in Clay's attempt to prove in court that his conviction for refusing induction by the draft arose from evidence "tainted" by illegal wiretaps.

The Justice Department statement recalled the testimony of Hoover, FBI director, before a House subcommittee on March 4, 1965. Hoover said:

"In carrying out our investigative responsibilities, we have 44 telephone taps in operations. Their use is highly restricted—that is, only in matters in which the internal security of the country is involved, and in kidnaping and in extortion violations or when human life is in jeopardy. All those now in operation fall in the internal security category."

The Justice Department said, "Mr. Hoover's testimony was accurate in every respect."

[From the Los Angeles (Calif.) Times, June 7, 1969]

DIDN'T OK KING TAP, CLARK SAYS

(By Nicholas C. Chriss)

Former Attorney General Ramsey Clark said yesterday that while he headed the Justice Department, the FBI had no authorization to wiretap or bug the Rev. Dr. Martin Luther King Jr.

In an interview, Clark said: "The implication that people thought Dr. King was a security threat are outrageous."

Clark also denied that he ever had authorized the FBI to bug or wiretap Elijah Muhammad, leader of the Black Muslims.

Clark's statement raises the question of whether the FBI acted without authority in conducting electronic surveillance of the two Negro leaders while Clark was in office. It also suggests that the FBI may have violated the 1965 Executive Order by President Johnson providing that no wire tapping "shall be undertaken or continued without first obtaining the approval of the Attorney General."

The first official acknowledgement that Dr. King and Muhammad had been monitored came last week in Houston during a Federal court hearing on the appeal by former heavyweight champion Cassius Clay of his 1967 draft refusal conviction.

Clay contends that FBI eavesdropping on his conversations with Dr. King and Muhammad tainted his conviction.

Confirmation that Dr. King's home phone was tapped from 1964 until around the time of his assassination, April 4, 1968, came from FBI agent Robert Nichols. Asked if the tap continued until the assassination date, Nichols nodded.

FBI headquarters issued a statement late Friday referring newsmen to Director J. Edgar Hoover's testimony before a House subcommittee on appropriations in the years 1965 through 1968.

Hoover testified then that the taps all were authorized in advance and in writing by the Attorney General then in office. A Justice Department spokesman termed Hoover's testimony "accurate in every respect."

Clark said he required the FBI, over whom he was the nominal superior, to give him every three months a list of individuals under electronic surveillance.

The names of Dr. King and Muhammad never appeared on such a list, he said.

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